

**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:-

Sr. No.	Issues	Department(s) Concerned
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:-

Sr. No.	Detail of the area from where mineral was excavated illegally	Quantity of Mineral in MT
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
	Total	10,66,407

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 show cause notice 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

Director General, Mines and Geology,
Haryana.

ORDER

Subject: - Order of suspension of mining operations in exercise of powers under Rule 74(2)(i) of the Haryana Minor Mineral Concession, Stocking and Transportation of Minerals, and Prevention of Illegal Mining Rules, 2012 and imposing of penalty for disposing of illegally mined mineral from lease hold and adjoining area by M/s Govardhan Mines and Minerals lessee of Dadam Stone Mine of District Bhiwani-regarding.

Whereas M/s Govardhan Mines and Minerals, House No. 51, Urban Estate-2, Hisar offered highest bid of Rs. 92,12,00,000/- per annum in the e- Auction held on 05.01.2018 in order to obtain mining lease of minor mineral mine in village "Dadam", District Bhiwani, for extraction of "Stone along with Associated minor minerals" having area of 48.87 hectares falling in khasra nos. 132 min. The highest bid was accepted and Letter of Intent (LoI) was issued in their favour on 11.10.2018. The mining lease was granted subject to condition that actual mining would be allowed to be undertaken only after prior Environmental Clearance (EC) is obtained by the lease holder from the competent authority as per requirement of EIA Notification dated 14.09.2006 issued by the Ministry of Environment, Forests and Climate Change, Government of India (MoEF&CC, GoI).

2. M/s Govardhan Mines & Minerals after having obtained the LoI submitted an application dated 13.12.2018 to the Department (received on 14.12.2018) stating that mining lease of Dadam Stone Mine earlier granted was prematurely cancelled by the State. The last lease holder operated the mine under EC dated 03.07.2015 obtained from the MoEF&CC, GoI. They sought permission to commence mining as per earlier EC dated 03.07.2015 obtained by the previous leaseholder. Even before the said application/request could have been decided on its merit, they filed a Civil Writ Petition No. 28378 of 2018 before the Hon'ble Punjab and Haryana High Court seeking permission for mining in Dadam stone mine on the basis of EC earlier granted in favour of ex-lease holder on 03.07.2015.

3. Accordingly, on 21.12.2018, they were permitted to undertake mining on the basis of EC already obtained by the former lease holder for Dadam stone mine till they are granted fresh EC for their own project/ lease. The permission granted/ relaxation as per earlier EC, they shall ensure to undertake all environmental safeguards and precautions and paying required dues to the Government before and after commencement of mining without any default. They obtained Consent to Establish

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(CTE) and Consent to Operate (CTO) from the Haryana State Pollution Control Board (HSPCB) on 25.02.2019 and commenced the mining operations in the area on said date itself.

4. Whereas, as per lease deed executed with the State Government read with Rule 56(8) of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 (State Rules, 2012), the mineral concession holder shall erect boundary pillars around the mining area at his own expense as per their Mining Plan duly approved by the competent authority and shall at all times maintain and keep the same in good condition. Each of the boundary pillars had also be numbered along with the GPS readings duly marked thereon. The plan annexed to the concession agreement shall clearly indicate the location of pillars along with their GPS readings.

5. Whereas, as per Rule 72 of the State Rules, 2012, the mining operations shall be undertaken in a scientific and systematic manner i.e. mining operations consistent with the approved Mining Plan/ Scheme of Mining and other clearances/ permissions granted by the related competent authorities for mining. Any un-scientific operation or contravention of the terms of grant or permission to operate by the mineral concession holder shall amount to violation or breach of the grant.

6. Whereas, as per Mining Plan got prepared by the mining lease holder through Registered Qualified Person (RQP) and got approved from the Department and also EC obtained based on said Mining Plan, the maximum depth of mining was 78 meters and they were under obligation to maintain a 7.5-meter barrier all along the lease boundary and also maintain a green belt over the same. As per approved mining Plan the benches of height and width of 10 X 10 meters were to be maintained.

7. Whereas, as per terms of lease deed the lessee shall abide by the provisions of Mines Act, 1952, and the Rules and Regulations framed there under and also the provisions of other labour laws both Central and State as are applicable, to the satisfaction of the competent authorities under the aforesaid Acts, Rules and Regulations and also to the satisfaction of the District Magistrate concerned. In case of non-compliance of any of the provisions of the enactments as aforesaid, Director may

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terminate the mining lease by giving one month's notice with forfeiture of security deposited. Further they shall carry out mining operations in accordance with all other provisions as applicable for undertaking mining including the provisions of Forest (Conservation) Act, 1980 and Environment (Protection) Act, 1986 and the rules made thereunder.

8. Whereas, a team of officers of the Department during its inspection undertaken in 12.02.2020 found serious discrepancies in their lease hold area so a show cause notice dated 26.06.2020 [*received back undelivered on 03.09.2020, so was sent on 05.10.2020 to MO Bhiwani for ensuring delivery*] was issued directing them to explain their position before taking further action. The inspecting team observed that the depth of an old pit in the southern side of the lease area was about 109 meters though at the time of inspection in the bottom of pit no mining/ excavation was noticed but the said part / side was not having any bench formation and area was being used for transportation of mineral. The team also found partial benches in other operational area in the pits numbered as 8, 11 and 12 (as marked by them) on Northern-Western side of the lease area having depth of around 30 meters from surface level. The plantation was also not found satisfactory and the survival rate was reported to be very low.

9. Further, in the meantime, the then Assistant Mining Engineer, Bhiwani, having noted that between pillar no 13 to 19 of the lease hold area where the depth was already about 300 feet, vide letter dated 05.08.2020 directed them to stop further mining apprehending that water table may be exposed and directed to fence the area. He also pointed out that there were benches in said deep part of the pit in the past but same were demolished. They aggrieved by the letter dated 5.08.2020 filed a Civil suit before the Court of Hon'ble ADC (Sr. Div.) Tosham and obtained interim orders dated 14.08.2020 vide which the Mining Department was directed not to interfere in mining activities as provided by lease agreement or authorized by Government and authorities concerned.

10. In response to notice dated 26.06.2020 (stated to be received on 26.10.2020), they vide their letter dated 16.11.2020 submitted that the pit where depth is stated to be 109 meters was only being used for transportation of mineral excavated from the mine through existing road network. They claimed that the position of said deep pit was

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same as was exiting at the time the Dadam mine was allotted to them and at the time of inspection held in Feb, 2020 their operations were only one year old. Regarding partial benches being maintained on other pits, it was claimed that in mining operations the formation and breaking of Benches is regular process and same is being ensured as per regulating authority Director General Mines Safety, Government of India for scientific mining and safety.

11. In the meantime, Sh. Rakesh Dalal filed an OA No. 132 of 2020 before the Hon'ble National Green Tribunal (Hon'ble NGT) on similar issues in Dadam Mine. In the said case the Hon'ble NGT sought separate report through HSPCB. Further a CWP No. 15753 of 2020 was got filed by Smt. Ram Ratti, the area / mine on the issue relating to mining in private land given by the land owner for use of same for making access road. So, the area was again inspected by the Senior Geologist and Senior Surveyor of the Department. They vide report dated 03.11.2020, again found / mentioned that the maximum depth of the mining pit was 109 meters from surface level.

12. Even further another case filed by Sh. Kuldeep Singh - OA No 169 of 2020 related to mining in Dadam mine itself held on lease by M/s Govardhan Mines and Minerals was under consideration before the Hon'ble NGT.

13. The Hon'ble NGT vide orders dated 02.06.2021 disposed of the OA No. 132 of 2020 based on the report submitted by a team of district officers through HSPCB. However, subsequently the Hon'ble NGT while hearing the matter in in OA No. 169/2020 - Kuldeep Singh Versus State of Haryana, in the light of objections raised by the said applicant, vide order dated 20.07.2021 sought fresh report by the Joint Committee constituted under the chairmanship of Justice Mr. Pritam Pal, Retd. High Court Judge and the was directed to furnish report within two months with a copy to the Chief Secretary, Haryana for remedial action in the light of the said report following due process of law. The Chief Secretary, Haryana was also directed to give action taken report in the light of the report of the Committee.

14. The Joint Committee headed by Justice Mr. Pritam Pal, (Retd.) filed its interim report dated 13.10.2021 before the Hon'ble NGT which was taken up on 18.01.2022. It is prudent to point out that during the course of mining on 01.01.2022 in Dadam Mine in an accident 05 persons died and 02 others got injured. The Deputy Commissioner, Bhiwani on 01.01.2021 directed to stop mining till further orders and also ordered an

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enquiry through a committee headed by Additional Deputy Commissioner, Bhiwani along with other officers vide orders dated 02.01.2022. The State Government later on vide orders dated 18.01.2022 re-constituted the said Committee by another Committee headed by Sh. S.S. Prasad, IAS (Retd.).

15. The Hon'ble National Green Tribunal, took Suo-moto notice of the accident held on 01.01.2022 based on news appeared in newspaper, vide orders dated 03.01.2022 treating the news item as OA No 1/ 2022, constituted an eight-member Committee comprising of nominees of Ministry of Environment, Forests and Climate Change, GoI, Central Pollution Control Board, Regional Office, Chandigarh,, National Disaster Management Authority, Government of India , Director General of Mines Safety, Government of India , Principal Chief Conservator of Forests, Haryana, State Environment Impact Assessment Authority, Haryana, Pollution Control Board, Haryana and District Magistrate, Bhiwani. The said Committee (Eight ember Committee) was directed to ascertain the extent of violations, extent of damage to the environment and to the human lives, extent of compensation paid and payable, safety precautions taken and required to be taken, steps to prevent reoccurrence of such happenings in future by the Project Proponent and the statutory regulators.

16. The Joint Committee headed by Justice Pritam Pal (Retd.) in OA No 169 of 2020 Kuldeep Singh v/s State, submitted its interim report dated 13.10.2021 and was examining the matter further for which satellite imageries were being sought further filed another status report dated 10.01.2022 before the Hon'ble NGT mentioning that satellite imagery maps of the Dadam stone mining site of different periods are being procured from the Director General, Science and Technology Park, Pune (Maharashtra) and final report will be submitted after the same. The Hon'ble NGT on 18.01.2022 directed that the Joint Committee headed by Justice Pritam Pal (Retd.) shall give its final report by March 31, 2022 with a copy the Chief Secretary, Haryana. The Chief Secretary Haryana was also directed to file action taken report in pursuance of order of this Tribunal dated 20.07.2021 and report of the joint Committee by March 31, 2022.

17. The Joint Committee headed by Justice Mr. Pritam Pal, Retd. filed its final report through letter dated 25.03,2022 before the Hon'ble NGT. The other Committee constituted in OA no 1/ 2022 also filed its report vide letter dated 01.04.2022 before the

Hon'ble NGT. The above said reports of the two Committees and the Action Taken by all concerned would be examined / considered by the Hon'ble NGT on next dated of hearing fixed for 18.05.2022.

18. The Committee headed by Justice Mr. Pritam Pal, Retd. had given its detailed finding and also recommended that the Department to finalize the action to be taken on the show cause notice dated 26.04.2020 and letter dated 5.08.2020 issued to M/s Govardhan Mines & Minerals.

19. In view of the above, vide notice dated 7.04.2022 M/s Govardhan Mines & Minerals were directed to explain their position within 07 days as to why their mining lease may not be prematurely terminated on account of violations established as per inspection reports of the department officers as per notice dated 26.06.2020, letter dated 05.08.2020 of the then AME, Bhiwani and based on the report of the Joint Committee headed by Justice Pritam Pal (retd.) along with as to why the penalty be not imposed/ recovered as per law on account of illegal mining undertaken from area outside lease hold area and beyond permissible depth from lease hold area. They were directed to submit reply by 12.04.2022 and to appear in person or through authorized representative on 18th April, 2022 at 11.30 AM to explain their position.

20. In the meantime, the 2nd Committee constituted by the Hon'ble NGT in OA No 1 of 2022 (constituted vide orders dated 3.01.2022 after accident held on 01.01.2022) also filed its report before the Hon'ble NGT and was received by the office. So, they were issued another notice dated 18.04.2022 in continuation of earlier notice dated 7.04.2022 directing them to take note of the said report also while responding to the notice and while making submission during hearing to be held on 18.04.2022. The submissions were taken on record. The representative of M/s Govardhan Mines & Minerals appeared on 18.04.2022 and submitted a written argument/representation which were taken on record. Another hearing was accorded on 29.04.2022 when Sh. Wazir Singh Kohar along with his counsel Sh. Karan Singh Kehar, appeared to represent the lessee firm. Sh. Neeraj Kumar, Assistant Mining Engineer was also present on behalf of Department.

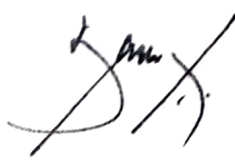
21. Sh. Neeraj Kumar, Assistant Mining Engineer pointed out that the final reports submitted by (a) the Joint Committee headed by Justice Pritam Pal (Retd.) as per as per orders dated 20.07.2021 passed in OA No. 169 of 2020 and (b) the committee

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constituted as per orders dated 03.01.2022 in OA No. 1/2022, clearly establishes that the lease holder company undertook mining in violation of the terms and conditions of the grant. They undertook mining in violation of the approved Mining Plan by not ensuring proper benches and also by undertaking mining below approved depth of 78 meters. They also undertook mining in the adjoining restricted area/area covered under Aravalli Project Plantation (forest land) and also undertook mining within 7.5-meter barrier which was required to be left all around the lease hold boundary to create green belt. They undertook mining in unsafe mining resulting in fatal accident. He pressed that they may be imposed penalty for the quantity of mineral illegally excavated from the forest area as well as for excavating mineral beyond permissible depth.

22. Sh. Karan Singh Kehar, Counsel assisted by Sh. Wazir Singh Kohar at the outset took preliminary objection on the show cause notice dated 07.04.2022 and 12.04.2022 and further proceedings against them on the ground that the reports filed by the two committees are under consideration of the Hon'ble NGT and final outcome/orders are awaited. As the said reports are being contested by them before Hon'ble NGT and the next date of hearing before Hon'ble NGT is fixed for 18.05.2022, the matter may be kept in abeyance till the Hon'ble NGT finally decides. Sh. Neeraj Kumar, AME submitted that as per orders of the Hon'ble NGT all concerned regulating authorities have to take admissible action as per law based on the final reports already submitted by the committees before the Hon'ble NGT. He referred to the orders dated 20.07.2021 read with orders dated 18.01.2022 of the Hon'ble NGT as per which the Chief Secretary, Haryana has to file Action Taken Report on the report of the joint committee headed by Justice Pritam Pal (Retd.). The perusal of the orders of the Hon'ble NGT dated 20.07.2021 and 18.01.2022 makes it ample clear that action based on the report has to be taken/finalized, therefore, the argument submitted by the representative of the lessee firm were not found maintainable and the matter was heard on merit.

23. Sh. Neeraj Kumar, AME submitted that the violations which were pointed out by the department in its show cause notice dated 26.06.2020 relating to mining beyond permissible depth stands established as per report of the joint committee. He pointed out that the committee has examined following issues and given its recommendations. It was felt appropriate to deal the same point by point.



24.1 **Illegal Mining in forest area (non-minable area) in 300 m² area in Dadam mines Hills, in village Dadam, Tehsil Tosham.**

- A. Sh. Neeraj Kumar AME briefed that the Forest Department on 22.12.2019 on the receipt of information about illegal mining in Aravalli Plantation area along with Police inspected the site and having found some illegal mining seized the vehicles and machinery etc. An FIR was also lodged in the police station, Tosham. The fact of the matter as per report of Joint Committee is that the lease holder obtained permission for the diversion of 0.504 hectares of forest land from Ministry of Environment, Forest and Climate Change vide No. 9HRB060/2019 CHA dated 25.9.2019, for making access to mining area. However, they excavated area beyond permissible width of 6 meters. In the said process illegal mining (breaking of Aravalli Plantation area adjoining to area for which diversion under Forest Conservation Act, 1980 was obtained) over about 300 m² area has been established.
- B. The Forest Department would take separate action for violation as per Forest Laws but the illegally mined mineral, the department has to recover penalty as per provisions of State Rules, 2012. He pointed out that a Committee headed by Senior Geologist constituted vide orders dated 26.04.2022 gave report dated 29.04.2022 which was taken on record and the Committee assessed that 5250 MT of stone was excavated from said area of 300 square meter. The lease holder has to pay price and royalty along with penalty as per provisions of Rule 104(1) of the State Rules, 2012.
- C. Sh. Wazir Singh Kohar stated that they obtained forest clearance for a very small area to construct access road for transportation of vehicles from Aravalli Project Plantation area. The forest clearance was obtained only to create access road and not to undertake mining of stone. To prepare the access road they engaged local persons, however, being not technically sound persons, they inadvertently deviated from the actual land/width for which forest clearance was obtained. The persons having enmity with the firm created an impression as if the breaking of the land was being done for the purpose of excavating stone mineral. Sh. Wazir Singh Kohar also claimed that the broken area at the said site was actually left out of the previous lease holder.



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D. Sh. Neeraj Kumar, AME pointed out that submissions of the lessee firm has no substance firstly because on 22.12.2019, when incident took place and vehicle along with machinery were seized M/s Govardhan Mines & Mineral were operating the mine. The forest department filed FIR on 22.12.2019, whereas the mining operations of the previous lessee got closed way back in the November, 2017. Even further the joint committee had prepared the report based on the satellite imageries procured and examined by HARSAC. Sh. Kohar as per written submission stated that keeping in view, the matter is pending before Civil Court on this particular issue it would be appropriate not to take any further action. However, he failed to show any stay order of the Hobbble Civil Court in their favour.

E. After having gone through the details as above it is clear that illegal excavation and removal of **5250 MT** of stone was undertaken by them, so they are liable to pay penalty for same as per Rule 104(1) of the State Rules, 2012.

24.2 Illegal mining in forest area (non-mineable area) in 0.8 hectares area in Dadam mining Hills in village Dadam, Tehsil Tosham.

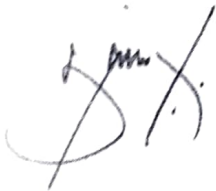
A. Sh. Neeraj Kumar, AME pointed out that the lease area is surrounded by Aravalli plantation area, where mining is not permissible as per orders dated 18.03.2004 of the Hon'ble Supreme Court. However, the Forest Department was reporting from time to time about illegal mining by the mining lease holder in Aravalli plantation area (outside mining lease area) and based on their own assessment illegal mining took place in 0.80-hectare. However, the joint committee for establishing the actual time of period of illegal mining in forest area decided to get the satellite imageries of the area through HARSAC. As per the same HARSAC concluded that "*illegal mining over 1.533 hectares in forest area was done out of which M/s Govardhan Mines & Minerals has done illegal mining in forest area in area of 0.097 hectares*".

B. AME clarified that the Forest Department would take separate action for violation as per Forest Laws but the illegally mined mineral, the department has to recover penalty as per provisions of State Rules, 2012. He pointed out that a committee headed by Senior Geologist has accessed that 2,68,520 MT of stone was excavated from said area of 1.533 hectares. As out of 1.533 hectares they

undertook mining only in 0.097 hectares they will be liable to pay penalty for 16,990 MT of stone. The penalty for remaining quantity will be recovered from other persons who are responsible. The lease holder has to pay price and royalty along with penalty as per provisions of Rule 104(1) of the State Rules, 2012.

24.3 Un-scientific mining in the mining area by the project proponent

- A. Sh. Neeraj Kumar AME pointed out that as per terms & conditions of the grant, mining plan, Environmental Clearance and various provisions of the Mines Act, 1952 and Rules & Regulations framed there under the mining lease holder was under obligation to undertake mining in a systematic and scientific manner.
- B. The Director Mines Safety, Ghaziabad, Ministry of Labour, Government of India is the regulating authority to ensure safety in the mines and as per their report dated 02.03.2022 referred by the joint committee headed by Justice Pritam Pal (Retd.), the mining operations as per Mining Plan were required to be undertaken by maintaining benches of the size 10 X 10 meters. However, the benches as per mining plan were not formed/ maintained.
- C. The mining without proper benches was noted by the inspecting team of the department also based on which notice dated 26.06.2020 was served. Even the benches in the deep pit which were existing in past, however, as was mentioned in the notice dated 05.08.2020 of the then AME, Bhiwani, the said benches were not found during his inspection;
- D. He also pointed out that to ensure the safety of the workers no loose stone or debris should be allowed to remain within a distance of 3 meter from the edge or side of excavation without under cutting of face or sides and all approaches to the bottom of high sides should have been kept secure and effectively fenced for preventing any inadvertent entry of persons. The accident occurred on 01.01.2022 due to fall of loose rock from top resulting in death of 05 persons and injury of 2 itself show that precautions for safety in the mines were not being ensured.




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- E. However, the lease holder having not followed the safety norms and also by undertaking mining beyond approved depth of 78 meters as per their Mining Plan had violated the provisions of the terms of grant and other permissions.
- F. Sh. Neeraj also pointed out that as per one of the conditions of the Environmental Clearance as well as Mining Plan, the lease holder was under obligation to maintain 7.5-meter barrier all along the boundary of the lease and to create green belt. However, as per report of the joint committee the said barrier was not maintained.
- G. Sh. Neeraj pointed out that the lease holder was claiming that mining in deep pit below permissible depth of 78 meter as well as mining in the barrier of 7.5 meters to be maintained was done by the earlier lease holder. The joint committee in order to ascertain as to when same were mined taking the assistance of HARSAC held that mining below 78 meter was done by M/s Govardhan Mines and Mineral.
- H. It was found that 0.37 hectares of area of the said safety zone/ barrier was actually mined and **64,167 MT** of stone was mined from said part and the plantation as per commitment in mining plan was not undertaken.
- I. Sh. Neeraj Kumar clarified that as per orders dated 26.04.2022 the team headed by Sr. Geologist has assessed that quantity of mineral excavated from depth beyond 78 meters. The team assessed that total of **9,80,000 MT** of stone was mined from depth beyond permissible level.
- J. Based on the above, apart from penal action for undertaking un-scientific mining they are also liable to pay penalty for **9,80,000 MT** of stone illegally excavated beyond permissible depth of 78 meters and also for mining in an area of 0.37 hectare of safety zone and taking away **64,167 MT** of Stone.
- K. Sh. Wazir Singh Kohar contested that:
- i. The mining operation in the mine right from the beginning was / is undertaken in scientific and systematic manner. The technical staff is supervising the operations as per provisions of the Mines Act, 1952 and rules and regulations framed thereunder. The officers of the Director Mines Safety had been inspecting the mine from time to time.
 - ii. He stated that height of the benches and slope had been as per rules and regulations, relying on the interim report dated 13.10.2021 of the

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Joint Committee has asserted that no un scientific mining was found by the committee.

- iii. He also stated that a report dated 16.07.2021 filed before the Hon'ble NGT clearly held that mining was as per rules and regulations.
- iv. He stated that due to geological infirmities at times few benches get disturbed but they make all out efforts to get any such defect/s corrected. He pointed out that due to unfortunate accident on **01.01.2022** all their efforts got ignored by the authorities/ teams inspecting the mine and now is being termed as un-scientific.
- v. He pointed out that after the accident on **01.01.2022** the Director Mines Safety Ghaziabad reviewed the whole matter. They submitted a revised plan to undertake rectification works in all areas wherever needed (to make the benches as per rules and regulations) vide their letter dated **25.01.2022** allowed to undertake rectification works. The same is being done in 09 patches and no regular mining is being carried out in them and rectification is in progress.
- vi. As regards mining below permissible depth of 78 meters, he stated that in part area where deep mining has been noted was actually existing even before they commenced mining. The same was an act of previous lease holder and to justify his claims he referred to a **CWP No.9002 of 2018** filed by one Sh. Rakesh Dalal before the Hon'ble Punjab and Haryana High Court wherein allegations of mining beyond 100 meters were alleged.
- vii. Sh. Kohar also raised the issue relating to non -implementation of the Mine closure plan by the earlier lease holder as per orders dated 11.08.2017 of the Hon'ble Supreme Court passed while disposing of SLP(c) no. 19166 of 2017- M/s Sunder Marketing Associate v/s State of Haryana & others.

 L. Sh. Neeraj Kumar, AME stated that no benefit can be taken by citing the interim report dated 13.10.2021 of Joint Committee because the Joint committee has clarified in its final report that observations of no unscientific mining was based on earlier inspection report dated 04.01.2021 based on inspection dated 28.12.2020 of the DMS, Ghaziabad. However, on perusing of

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the Mining Plan supplied by the Mines and Geology Department noted that benches of 10X 10 m were required to be maintained. Even further the committee also noted that DMS, Ghaziabad report dated 2.03.2022 submitted to the HSPCB based on inspection dated 4.02.2022 as per which violations were found. Further the Committee constituted by the Hon'ble NGT as per orders dated 3.01.2022 in OA No 1 of 2022 also held that they have not followed scientific mining and grossly violated the approved mining plan, conditions of EC and CTO.

- M. As regard contentions that deep mining was undertaken by earlier lease holder is nothing but an attempt to create confusion. The joint committee got the satellite imageries procured through HARSAC and examined the matter minutely. The submission about Sh. Rakesh Dalal filed a **CWP No. 9002 of 2018** alleging that earlier lease holder undertook mining beyond 100 meters is also not maintainable as the said CWP was dismissed as withdrawn on 20.09.2018. It is worth pointing out here that said Sh. Rakesh Dalal filed an OA No 132 of 2020 against the present lease holder before the Hon'ble NGT. However, the said case got disposed of on 02.06.2021 as the counsel for said applicant did not contest the case. This was pointed out by the other applicant in OA no 169 of 2020 on 20.07.2021 and submitted that order of the NGT dated 02.06.2021 in OA No. 132/2020 may not be treated as final as the Tribunal did not have the benefit of any assistance from the side of the applicant and thus illegalities which exist in mining by the PP could not be pointed out. The Tribunal has merely directed further action in terms of the report without any discussion in absence of objections thereto. In the light that Sh. Rakesh Dalal filed a CWP which was withdrawn cannot be of any use to justify their claims. Sh. Neeraj Kumar AME stated that on account of gross violations qua un scientific mining penal action be taken as per Rules.

25. With regard to Mine Closure Plan, Sh. Neeraj Kumar clarified that the lease granted to M/S Sunder Marketing was cancelled prematurely on 29.09.2016. The orders were challenged by the ex-lease holder by way of civil writ petition No. 20986 of 2016 before Hon'ble Punjab and Haryana High Court. The Hon'ble Punjab and Haryana High Court vide its order dated 01.06.2017 upheld the orders of the State Government, however, allowed M/s Sunder Marketing Associates to operate the mine till 31.07.2016.

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M/s Sunder Marketing Associate challenged the orders dated 01.06.2017 of Hon'ble High Court by way of a SLP(c) no. 19166 of 2017- M/s Sunder Marketing Associate v/s State of Haryana & others.

26. The Hon'ble Supreme Court on 11.08.2017 has disposed off the said SLP. However, permitted M/s Sunder Marketing Associate to continue its mining operations till 30th November, 2017 in accordance with the Mining Plan and also directed that on or before that date, it shall ensure implementation of the mine closure plan to the satisfaction of the concerned authorities in the State of Haryana. The Hon'ble Supreme Court also directed that all the laws applicable to the petitioner shall be strictly enforced by the State Government and the Chief Secretary of the State of Haryana was made responsible for same.

27. In compliance of the order of Hon'ble Supreme Court, a meeting was held on 18.09.2017 under the Chairmanship of the then Chief Secretary, Haryana to review the action taken report on regular basis. The issue of the Mine closure plan was discussed and it was found that the Mine Closure Plans are implemented when the mining areas reached state of closure i.e., entire mineral deposits are mined out the area. Sh. Neeraj also pointed out that Dadam mine was allocated to M/s Govardhan Mine and Mineral but in their Mining plan they have not given any area fit to be closed even before commencement of mining. Needless to point out here the present lease holder never came up before the department during mining since Feb, 2019 that any part area where as per them mineral deposits depleted and it reached to the stage of closure. Even otherwise same has no link with their act of un scientific mining and mining beyond permissible depth of 78 meters as per their own mining plan.

28. Sh. Neeraj Kumar pointed out that though the same is not relevant for the present lease holder but for sake of clarity it is stated that the joint committee in its recommendations has also observed that the State may decide the notice dated 26.06.2020 and letter dated 5.08.2020 along with other court matter in CWP 26094 of 2017 relating to compensation to the land owners. In this regard he clarified that said case was filed against the ex-lease holder during the period they were operating the mine as per Supreme Court orders dated 11.08.2017, however, alleging that they are operating in violation of the orders of the supreme Court. The said matter was filed by local land owner alleging that their land is being used for transportation of / mining by



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ex-lease holder but compensation was not being paid. The Hon'ble Court vide interim orders dated 22.11.2017 directed all operations to be stopped. The ex-lease holder submitted before the Hon'ble Court, proof of payments made on account of compensation for land of petitioner to be used for transportation of mineral / plying of vehicles. The petitioner was asked to reply and file affidavit, but despite court specific directions the affidavit was not filed to the effect that the compensation was not paid. In the light of above and having considered the same the response of the State, where in it was cleared that mining was being done as per rules, the CWP was dismissed in 07.03.2018.

29. Sh. Kohar stated that mining is ongoing process and the benches are being corrected as per orders dated 25.01.2022 of the DMS, Ghaziabad. They are making their level best to get the area rectified for regular mining. He submitted that any un scientific mining in area was not intentional but was due to conditions beyond their control as the strata is fractured and at times it is not possible to predict the geological formation even beyond few meters. In the case of accident happened on 01.01.2022 the geological fault resulted in slip of a big boulder which can happen at anyplace. He pointed out that they have prepared a detailed plan for correcting the mine to make it safe for regular mining. The Director Mines Safety on 25.01.2022 allowed the rectification works and the same is still in progress. He requested that they may be given some more time for rectification of the same.

Conclusion:

30. The detailed facts of the case discussed above and perusal of the records and submissions made before me clearly show that M/s Govardhan Mines and Mineral lease holder of Dadam Stone mine had not undertaken mining operations as per the applicable rules and regulations particularly relating to safety norms. The facts suggests that they not only undertook illegal mining beyond lease hold area in Forest/ Aravalli plantation area, but also undertook mining illegally in the lease hold area by excavating mineral beyond permissible depth.

31. In the light of above, action on account of following needs to be taken:
- For violation of the terms of grant, permissions / Mining Plan has to be taken as per rules;
 - For illegally mined mineral from area outside lease hold area and mineral excavated beyond permissible depth from lease hold area.

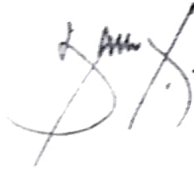
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32. As regards illegally mined mineral, as per provisions of the Rule 104(1) of the State Rules, 2012, read with Section 21(5) of the Mines and Mineral (D&R) Act 1957, the price of the mineral already disposed of and the applicable royalty for the mineral extracted and, in addition, a fine which shall not be less than Ten Thousand rupees. In the instant case details of the quantity of mineral excavated illegally is as under:

Sr. No.	Details of the area from where mineral was excavated illegally	Quantity of Mineral in MT
1	From 300 sq. meter area of forest land	5250
2	Forest area of 0.097 hectares	16,990
3	Excavation from 0.37 hectares 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
	Total	10,66,407

33. For assessing the penalty amount the price of mineral was assessed based on the average sale price of Stone mineral of the Dadam mine itself. It was found that average price during the FY 2021-22 was Rs. 228 per MT. The rate of royalty of the stone in Tosham area is Rs. 50 per MT. So, the amount of royalty and price can be taken as Rs 278 per MT. In case the same is multiplied with 10,66,407 MT (the total quantity of mineral extracted illegally) of stone the amount of price and royalty shall be Rs.29,64,61,146 plus Rs. 10,000 as fine will make the **total penalty amount equal to Rs. 29,64,71,146** (twenty nine crores sixty four lacs seventy one thousand one hundred forty six).

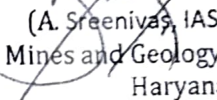
34. The department is having an amount of Rs.23,03,00,00 as security deposit, the same is ordered to be adjusted against the part payment of above penalty. M/s Govardhan Mines and Mineral are directed to deposit the balance amount of Rs.6,61,71,146 within 15 days of the passing of this order.

 35. As regards action for un-scientific mining, time may be given for rectification works. The undersigned in exercise of powers under rule 74(2)(i) of the State Rules,2012 here by order the suspension of the mining operations and dispatch of mineral from the Dadam Stone Mine held on lease by M/s Govardhan Mines and Mineral for a period of one month or till such time mine is rectified and made safe as per terms

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of grant/ mining plan / directions of the Director Mines Safety, Ghaziabad. The lease holder shall submit the status of rectification works after the needful but not later than period of one month. In case the recitation works are not completed within the period of one month the matter will be reviewed and final decision including that for premature termination of lease will be taken.

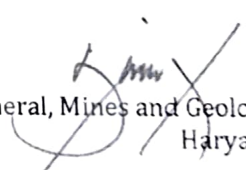
36. It is made clear that during the process of rectification works in case any mineral is excavated same shall not be disposed of and shall be stacked by maintaining the stock register which shall be verified by the Mining Officer, Bhiwani on a daily basis.


(A. Sreenivas, IAS)
Director General, Mines and Geology,
Haryana

Endst. No. DMG/HY/Comp./Rakesh Dalal/Dadam/2989

Dated: 02.05.2022

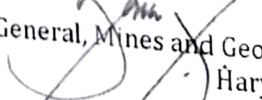
A copy is forwarded to M/s Govardhan Mines and Mineral House No. 51, Urban Estate-2, Hisar for information. They are directed to immediately deposit the outstanding dues at the earliest.


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Haryana.

Endst. No. DMG/HY/ Comp./Rakesh Dalal/Dadam/2990

Dated: 02.05.2022

A copy is forwarded to Mining Officer, Department of Mines and Geology, Bhiwani for information and necessary action. He shall depute officials at Mine to ensure that rectification works are being carried out and mineral extracted incidental to rectification works is stacked at designated site (as may be decided by the lease holder) and no mineral is disposed of from the mine. He shall verify the stock register on daily basis.


Director General, Mines and Geology,
Haryana.

From

Registered/ By Email

The Mining Officer,
Mines and Geology Department,
Bhilwani.

To

M/s Sunder Marketing Associates,
Through Shri Naveen Goel S/o Late Shri Ishwar Dayal Agarwal,
C-1/28, Prashant Vihar, Delhi.
Memo No. 1239

Dated:- 12/7/2022

Subject:-

Show Cause Notice in regards to illegal mining in forest area and to damage the Dadam Distributory due to excavation of minor mineral ie. Ordinary clay and Stone in village Dadam.

In continuation of this office Memo no. 1126 dated 24.06.2022 regarding subject cited above:-

You are aware that a mining lease was granted in favour of M/S KJSL-Sunder (IV), a joint venture between you (M/S Sunder Marketing Associates) with M/s Karamjeet Singh & Co. Ltd for extraction of stone a minor mineral after accepting the highest bid of Rs. 115,00,00,000/- per annum against the reserve price of Rs. 6,25,00,00,000/- for Dadam mine having area 55.50 hectares. The lease was granted subject to condition that the mining operations shall be allowed to be undertaken only after prior environmental clearance is obtained from the competent authority. Further the lease was granted for a period of 10 which was to commence from the date of grant of EC by the competent authority of after expiry of the period of 12 months from the date of issuance of Lol. In the present, case the issued Lol in their favour on 03.01.2014

2. Whereas subsequently M/s Karamjeet Singh & Co. Ltd the lead partner sought to rescind from the lease in exercise of the option given by the Hon'ble High Court vide its orders dated 4.03.2015 in CWP no. 2599 of 2014. However, you [M/s Sunder Marketing Associates] were interested to run the lease of Dadam and the State Government, after examining all factors in the overall interest of the state decided to allow us M/s Sunder Marketing Associates to run the mine allne and the share of M?s Karamjeet Singh & Co. Ltd. was allowed to be transferred in our favour.

3. Whereas you having accepting the terms and conditions of grant and after all other formalities the lead deed with us [M/s Sunder Marketing Associates] was executed on 05.08.2015. As per terms of grant the period of lease commenced from 03.01.2015 as the

required EC was not obtained within the period of 12 months from the date of Lol. Accordingly the lease deed was executed for the period of 10 years w.e.f. 03.01.2015.

4 The MoEF CC Gol granted the Environmental Clearance In favor of the JV on 03.07.2015 which you got transferred from the MoEF, CC, Gol on 28.10.2015 in the name of Sunder Marketing and commenced mining in the Dadam stone mine on 29.10.2015.

5. It is also relevant that the state government after considering the separate facts and litigation decided to withdraw the permission granted in your favor to run mine same declared the lease deed executed on 5.08.2015 as void . However, you challenged the same by way of CWP No. 20986 of 2016. The same was dismissed on 01.06.2017 and them also filed SLP no. 19166 of 2017. In any case you operated the mine under the court orders/ stay till 22.11.2017. As per above during the period lease remained valid for the period from 03.01.2017.

6. Whereas as per terms of grant you were under obligation to undertake mining as per approved Mining Plan and Environment Clearance (EC) obtained from the competent authority.

7. It is intimated that the monitoring committee constituted by the NGT in the O.A. No. 169/2020 Kuldeep Singh vs State of Haryana, the irrigation department is submitted a report to the monitoring committee that the dadam distributory from channel RD 20500 to 23500 is damaged due to illegal mining as well as filling the channel by the overburden and used as a pathway by the Project Proponent.

8. The Irrigation Department is informed to this office vide latter no. 244-46/1W(Dadam) dated 29.04.2022 that a quantum illigally i.e. 545109 Cum Mineral was excavated in the area of Dadam Distributory from channel RD 20500 to 23500 copy of the above the letter dated 29.04.2022 and calculation sheet is attached details given as under :-

Jui Water Services Divison, Bhiwani

Quantities for Rock Excavated from Dadam Distributory at village Dadam Teh Tosham District Bhiwani.

RD	Channel Width	Level	Rock Excavated	
			FT	CFT
21150	55 Ft	(+) 2 Ft	0.00	0.00
21350	55 Ft	(+) 3 Ft	0.00	0.00



21560	55 Ft	(+) 3 Ft (A)	$(21560-21350) \times 55 \times (50-3)/2$	271425
		(-) 50 Ft (P)		
21700	143 Ft	0 Ft	0.00	0.00
22200	143 Ft	(-) 80FT (B) Approx	$(22200-21700) \times 143 \times (80+220)/2$	10725000
		(-) 220FT (Q) Approx		
22400	143 Ft	(-) 170FT (C) Approx	$(22400-22200) \times 143 \times (170+230)/2$	5720000
		(-) 230 FT (R) Approx		
22800	143 Ft	(-) 9FT (D)	$(22800-22400) \times 143 \times (9+80)/2$	2545400
		(-) 80FT (S) Approx		
23000	49'-5"	(+) 16FT	0.00	0.00
23300	49'-5"	0 FT	0.00	0.00
23500	49'-5"	0 FT	0.00	0.00
Tail				
			Total	19261825

Excavated Rock in Khasra No. 132 in Triangle Shape

Khasra No.	Length/Width	Level	Rock Excavated	
			FT	CFT
132	Length 274 Ft	(-) 220 Ft Approx	$(274 \times 99 \times (220+240)/2) \times 2$	12477960

In view of the above, this office inspect the above area of Dadam Distributory alongwith the SDO, Irrigation. It is found that a depth of 10 mtrs from the surface level is a layer of ordinary clay and after a depth of 10 mtrs rocky layer is seen at the area of Dadam Distributory. Therefore, the illegally excavation of Ordinary clay 1,34,145 cum or 1,89,305 MT. and 4,10,964 cum or 10,27,410 MT of stone are done by the Project Proponent.

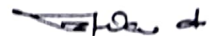
9. In Addition of the above, As per datewise report of satelllte Imagary data for illigal mining in forest area submitted by HARSAC to the joint commitee that you have also done illigal mining in area 0.180 Hect satelllte Imagaries date 16.05.2016 and 1.061 Hect.



satellite imagery date 24.11.2017 total illegal mining carried out by you in area 1.241 Hect. i.e. 217,375 MT. period from 29.10.2015 to 30.11.2017.

For assessing the penalty amount the price of mineral was assessed based on the above sale price of stone mineral of the Dadam mine itself. It was found that average price during the FY 2021-22 was Rs. 228 per MT. The rate of royalty of the stone in Tosham area is Rs. 50 per MT. and as per the average market price of the ordinary clay during the year 2021-22 was Rs. 10 per M.T. and rate of royalty with development charge of the Ordinary Clay is Rs. 4.40. Therefore, the amount of royalty and price can be taken as Rs. 278 per MT. of stone and Rs. 14.40 per M.T. of Ordinary Clay. In case the same is multiplied with 1,89,305 MT (the total quantity of mineral extracted illegally) of Ordinary Clay the amount of price and royalty shall be Rs. 27,25,992 and multiplied with 12,44,785 MT (the total quantity of mineral extracted illegally) of Stone the amount of price and royalty shall be Rs. 34,60,50,230 plus Rs. 10,000 as fine will make the total penalty amount equal to **Rs. 34,87,86,222 (Thirty Four crore Eighty Seven lakh Eighty six thousand two hundred twenty Two only).**

In light of the above facts and considering the Penalty, Royalty and Value of the minor mineral i.e. a quantum of Ordinary Clay is 1,89,305 MT and Stone 12,44,785 MT Amounting Rs. 34,87,86,222 shall be recovered as penalty from you on account of illegally excavation of said mineral. Therefore, you are directed to deposit an amount of **Rs. 34,87,86,222/-** immediately with not later than 15 days. In case of your failure to deposit the above amount within said period the same shall be recovered as arrear of Land revenue.

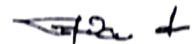


Mining Officer
Mines and Geology Department,
Bhiwani

Endst. No. 1240

Dated: 12/7/2022

A copy is forwarded to Director, Mines and Geology, Haryana, Chandigarh. In continuation of this office memo no. 1126-29 dated 24.06.2022 for information and necessary action.



Mining Officer
Mines and Geology Department,
Bhiwani