

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

Original Application No. 193/2024

In the matter of:-

Chandan Singh & Ors.

...Applicants

Versus

State of Himachal Pradesh & Ors.

...Respondents

INDEX

Sr. No.	Particulars	Pages
1.	Action Taken Report in Compliance to order dated 29-04-2024 passed by Hon'ble National Green Tribunal in OA No. 193 of 2024 titled Chandan Singh & Ors Vs State of Himachal Pradesh & Ors.	1-28

Place: Shimla

Date: 04-07-2024

**HP State Pollution Control Board,
Shimla, Himachal Pradesh**

Action Taken Report in Compliance to order dated 29-04-2024 passed by Hon'ble National Green Tribunal in OA No. 193 of 2024 titled Chandan Singh & Ors Vs State of Himachal Pradesh & Ors.

I. PREFACE

The Hon'ble NGT has registered the OA No. 193/2024 with reference to complaint made by Sh. Chandan Singh, R/o Village Kuner, P.O. Kanti Mashwa. Tehsil Kamrau, District Sirmaur, Himachal Pradesh. That complaint alleges damages caused due to unscientific mining by M/s Giri Lime and Chemical Pvt. Ltd., Village Chowki Mirgwal, P.O. Kanti Mashwa, Tehsil Kamrau, District Sirmaur, H.P., damages caused to drinking water resources due to mining, damages to community structures such as temple, road, pipelines and agricultural lands. Hon'ble NGT vide order dated 29-04-2024 has passed following directions: -

“.....4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Himachal Pradesh Pollution Control Board and District Magistrate, Sirmaur, Himachal Pradesh and direct the same to undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due course of law. The Himachal Pradesh State Pollution Control Board will be the nodal agency for coordination and compliance.

5. Factual and Action taken Report by the Joint Committee be filed by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF at least one week before the date hereby fixed.

6. In case of non-compliance exemplary costs may be imposed on members of the Joint Committee and also on the nodal agency.

7. List for further consideration on 09.07.2024. ...”

In compliance to Hon'ble NGT order dated 29.04.2024, the Member Secretary, HPSPCB, Shimla nominated Regional Officer, HPSPCB Paonta Sahib as the nodal officer for compliance of the aforementioned order vide letter no. HPPCB/LB/OA No. 193/2024, dated 14.05.2024. The Additional District Magistrate as representative of District Magistrate Sirmaur fixed the date of Joint Inspection on 11.06.2024 at 10:00 AM. The Mining Office, District Sirmaur (associated as member of the joint committee), complainant Sh. Chandan Singh and lessee/owner of M/s Giri Lime and Chemical Pvt. Ltd. were intimated regarding joint inspection vide HPSPCB Paonta Sahib letter no. PCB/RO Paonta/O.A. No. 193 of 2024/2024-711-15, dated 10.06.2024. The copies of letters are annexed herewith as **Annexure-1** and **Annexure-2**, respectively.

5

2.0 INSPECTION BY JOINT COMMITTEE ON 11.06.2024

The Joint Committee assembled at the mining site in Vill Chowki Mirgwal, Tehsil Kamrau, Distt. Sirmaur H.P. on 11.06.2024 at 11:00 AM (**Photograph no. 1**). The Sub Divisional Magistrate, Kaffota was also associated during the inspection by the Joint committee. The copy of attendance sheet is annexed herewith as **Annexure-3**.

Sr. No.	Name of Officer/Designation	Department
1.	Sh. Laiq Ram Verma, Additional District Magistrate as representative of District Magistrate, Sirmaur	District Administration, GoH.P.
2.	Sh. Rajesh Verma, Sub-Divisional Magistrate Kaffota, District Sirmaur	District Administration, GoH.P.
3.	Sh. Atul Parmar, Regional Officer	Himachal Pradesh State Pollution Control Board, Regional Office Sirmaur at Paonta Sahib.
4.	Sh. Kulbhushan Sharma, Mining Officer	Department of Industries (Mining Department), State of Himachal Pradesh

The map of area under consideration is shown as below in Figure no. 1:



Figure no. 1- Google Map Image of lime stone mine site and Village Kuner (complainant's village)

6

The details of mine involved in the matter i.e. M/s Giri Lime and Chemical Pvt. Ltd., Village Chowki Mirgwal, P.O Kanti Mashwa, Tehsil Kamrau, Distt. Sirmaur, H.P. is given in **Table No. 1.**

Table No. 1: Status of lime stone mine of M/s Giri Lime and Chemical Pvt. Ltd.

Sr. No.	Name and Address of Limestone Mine	Capacity	Mining Area	Consent Status	Status of Environmental Clearance	Operation Status
1.	M/s Giri Lime and Chemical Pvt. Ltd., Village Chowki Mirgwal, P.O Kanti Mashwa, Tehsil Kamrau, Distt. Sirmaur, H.P.	20,000 M.T/year	4.6 Ha	Valid up to 31.03.2024 (Applied for Renewal of Consent to Operate and same is under process)	Environmental Clearance granted by HPSEIAA, GoH.P. vide letter no. F. No. HPSEIAA/2015/399/M/s Giri Lime and Chemicals/-1014, dated 23.05.2016 and extension of EC granted vide letter no. F. No. HPSEIAA2015/399/M/s. Giri Lime and Chemicals/ 2023-1527-34, dated 24.06.2023 which is valid up to 5 years or till the period of validity of GoHP approved Mining Plan which ever earlier.	Operational

2.1. OBSERVATIONS AND DIRECTIONS MADE BY JOINT COMMITTEE:

1. It was observed during the inspection that the retaining structures erected towards the downhill side on the Kuner Basti are not sufficient (**Photograph no. 3**). The lessee was directed to immediately install at least 3 proper wire crate retaining structures at an interval of 20m to arrest any debris flow in the nallah.
2. The lessee was directed to erect a retaining structure toward the lower end of the mining area and also remove the debris in a proper manner to avoid any spillage toward the nallah.

7

3. Lessee was also directed to restore the village road and remove the debris from the village road within 15 days.
4. Lessee was directed to raise the green belt this monsoon season and also directed to raise few fast-growing shrubs in the nallah for further stabilization of the debris.
5. The lessee was also directed to restore the *bawri* (a drinking water source) nearby the village of complainant.
6. No damage to agricultural land and temple structure nearby village was observed. **(Photograph no. 4)**

2.1.2. INSPECTION PHOTOGRAPHS (11.06.2024):



3.0 COMPLIANCES MADE BY THE LESSEE OF M/S GIRI LIME AND CHEMICAL PVT. LTD.:-

The lessee was also intimated vide HPSPCB Paonta Sahib letter no. PCB/RO Paonta/O.A. No. 193 of 2024/2024-739, dated 14.06.2024 to submit point wise reply with respect to allegations made by the complainant. Copy of letter is annexed as **Annexure-4**. The unit has submitted reply to the allegations made against them. Copy of reply is enclosed as **Annexure-5**.

3.1. Action Taken/Compliance of Directions of the Joint Committee:

1. The lessee has erected new wire crate retaining structures and also increased the width and height i.e. 4*4 ft of existing retaining structures. **(Photograph no. 5,6,7&8)**
2. The lessee has erect a retaining structure toward the lower end of the mining area and has removed the debris. **(Photograph 9)**
3. The lessee has restored *bawri* nearby the village and rejuvenated a defunct water source. **(Photograph 10)**
4. Lessee has agreed to raise the green belt this monsoon season and also directed to raise few fast-growing shrubs in the nallah for further stabilization of the debris.

3.2. Photographs:



Photograph No. 5



Photograph No. 6



Photograph No. 7



Photograph No. 8



Photograph No. 9




Photograph No. 10

4.0. CONCLUSION

The lessee of lime stone mine M/s Giri Lime and Chemical Pvt. Ltd. has complied with the directions issued by the Joint Committee. It is pertinent to mention here that most of the rocks/debris fell due to unprecedented heavy rainfall in the last monsoon. There is no damage to the agricultural land, temple and one drinking water source has been restored by mine owner. Any further directions from the Hon'ble court shall be complied with.

The Action Taken Report is submitted before Hon'ble NGT for consideration please.

The Regional Officer,
HPSPCB, District Sirmaur
at Paonta Sahib, H.P.


Addl. District Magistrate,
District Sirmaur, H.P.

H.P. STATE POLLUTION CONTROL BOARD
Him Parivesh, Phase-III, New Shimla (H.P.) 171009

No. HPPCB/LB/ OA No. 193/2024
To

1415-16

Dated:- 14.5.2024

The Deputy Commissioner, Sirmaur,
at Nahan (H.P.)
District Sirmaur, H.P. 173001

Subject: O.A. No. 193/2024 titled Chandan Singh & others v. State of H.P. & ors. before Hon'ble NGT.
Sir,

Please refer to order dated 29.04.2024 passed by Hon'ble NGT in the above cited matter wherein it is alleged that due to illegal/unscientific mining by a unit named M/s Giri Lime & Chemicals near village Kuner, PO Kanti Mashwa, Tehsil Kamrau Distt. Sirmour, H.P, damage is being caused to the water resources, agricultural land, trees, houses, temples etc. of the applicants/petitioners.

In this matter, the Hon'ble NGT vide order dated 29.04.2024 has constituted a Joint Committee comprising of the representatives of HPSPCB and District Magistrate, Sirmaur, H.P. directing as follows:-

".....4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Himachal Pradesh Pollution Control Board and District Magistrate, Sirmaur, Himachal Pradesh and direct the same to undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action by following due course of law. The Himachal Pradesh State Pollution Control Board will be the nodal agency for coordination and compliance.

5. Factual and Action taken Report by the Joint Committee be filed by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF at least one week before the date hereby fixed.

6. In case of non-compliance exemplary costs may be imposed on members of the Joint Committee and also on the nodal agency.

7. List for further consideration on 09.07.2024..."

In view of the above directions, you are kindly requested to fix an early date for the joint inspection of the area and nominate your representatives for the joint inspection to ascertain the facts & for taking action as per violations found. In this matter, Sh. Atul Parmar,



13

Regional Officer, HPSPCB, Paonta Sahib (Mob. No. +91 9418049333, E-mail pcbropaonta1@gmail.com) shall associate as representative & Nodal Officer on behalf of HPSPCB. The Joint Factual and Action Taken Report by the aforesaid committee may be submitted well within stipulated time.

(Encl: As above)

Sincerely,

Signed by

Anil Joshi

Date: 14-05-2024 08:54:46

o/c
Anil Joshi, (IFS)
Member Secretary,
HPSPCB, Shimla.

Copy to:-

Sh. Atul Parmar, Regional Officer, HPSPCB, Paonta Sahib, HPSPCB: He is directed to associate as representative of HPSPCB and shall be "Nodal Officer" in this matter. The representatives from other concerned departments may also be co-opted as members of the Committee.

-9-

-sd-

o/c
Anil Joshi, (IFS)
Member Secretary,
HPSPCB, Shimla.

(emit/ via mobile)
vquut.
NGT.**H.P. STATE POLLUTION CONTROL BOARD****REGIONAL OFFICE PAONTA SAHIB**

HIMUDA Complex, Plot no. 1-3, Shubhkhera

Teh: Paonta Sahib, Distt: Sirmaur, Pin-173025

01704-225870
<https://hppcb.nic.in/>
pcbropaonta1@gmail.com

No. PCB/RO Paonta/O.A. No. 193 of 2024/2024- 711-15

Dated- 10.6.24

From: The Regional Officer**To****The Mining Officer**
District Sirmaur at Nahan
Tehsil Nahan, Distt. Sirmaur, H.P.**M/s Giri Lime & Chemical Pvt. Ltd.**
Vill. Chowki Mirgwal, P.O. Kamrau, Tehsil Kamrau
Distt. Sirmaur, H.P.**Subject: Compliance of Hon'ble NGT order dated 29.04.2024 in O.A. No. 193/2024 titled as Chandan Singh & Ors. V/s State of Himachal Pradesh & Ors.**

Sir,

This is in reference to the subject matter cited above. In this context, a joint inspection of M/s Giri Lime & Chemicals Pvt. Ltd., Vill. Chowki Mirgwal, Tehsil Kamrau, Distt. Sirmaur, H.P. has been scheduled by Additional District Magistrate, Sirmaur on 11.06.2024 at 10:00 AM. In this regard, you are requested to be present at the aforesaid venue, date & time please.

Submitted for information and further necessary action please.

Yours faithfully,

Atul Parmar
Regional Officer cum
Environmental Engineer
HPSPCB Paonta Sahib

Mission LIFE

Copy to:

1. The **Additional District Magistrate Sirmaur** for favor of kind information please.
2. The **Sub-Divisional Magistrate, Kaffota, Sirmaur** for favor of kind information please.
3. **Sh. Chandan Singh, Vill. Kuner, P.O. Kanti Mashwa, Tehsil Kamrau, Distt. Sirmaur, H.P.** for information and requested to be present at the site during the Joint Inspection please.

Atul Parmar
Regional Officer cum
Environmental Engineer
HPSPCB Paonta Sahib

Through Regd. Post

H.P. STATE POLLUTION CONTROL BOARD**REGIONAL OFFICE PAONTA SAHIB**HIMUDA Complex, Plot no. 1-3, Shubhkhera
Teh: Paonta Sahib, Distt: Sirmaur, Pin-17302501704-225870
https://hppcb.nic.in/
pcbropaonta1@gmail.com

No. PCB/RO Paonta/O.A. No. 193 of 2024/2024-739

Dated- 14.06.2024

From: The Regional Officer

To

M/s Giri Lime & Chemical Pvt. Ltd.
Vill. Chowki Mirgwal, P.O. Kamrau, Tehsil Kamrau
Distt. Sirmaur, H.P.**Subject: Compliance of Hon'ble NGT order dated 29.04.2024 in O.A. No. 193/2024 titled as Chandan Singh & Ors. V/s State of Himachal Pradesh & Ors.**

This is in reference to the subject matter cited above and inspection carried out of your unit by the Joint Committee on 11.06.2024. In this context, you are given an opportunity to make pointwise detailed submission with respect to allegations made by the complainant through complaint submitted to Hon'ble NGT in O.A. No. 193 of 2024 within 07 days positively so that further action in the matter can be taken accordingly.



Mission LIFE

Digitally signed by
ATUL PARMAR
Date: 2024.06.14
17:19:58 +05'30'
Regional Officer cum
Environmental Engineer
HPSPCB Paonta Sahib

M/s GIRI LIME AND CHEMICALS

Regd. Office : #21, Ward No 03, Badri Nagar, Paonta Sahib, Distt. Sirmour H.P.

Mines # Vill. Chowki Mirgwal, Tehsil Paonta Sahib, Distt. Sirmour H.P.

Ref.....

Dated. 29/06/2024..

To

The Regional Officer Cum
Environmental Engineer
H.P. State Pollution Control Board
Paonta Sahib, Distt. Sirmour H.P.

Subject: Compliance of Hon'ble NGT order dt. 29-04-2024 in O.A. No. 193/2024 titled as Chanan Singh & Ors. V/s State of Himachal Pradesh

Respected Sir,

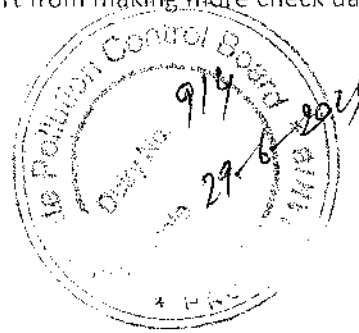
This is in reference to your good self office letter no PCB/RO/O.A.No. 193of 2024/2024-739 dt. 14-06-2024 which was received by us on 25-06-2024 We humbly submits before good self the following facts with respect to above cited subject

1. That on 11-06-2024 when inspection was carried out by the Joint Inspection Committee we were apprised that one Sh Chanan Singh have submitted a complaint to Hon'ble NGT that there was damage to one Local temple and One Local Water body which is situated near small cluster of five-seven houses approximately one kilometer from the boundary of the lease area and as there was some debris near the temple so we were directed to take appropriate measures in this regard . It is submitted that we have been making /constructing Check Dams/ Protection Wall (Wired) to check any debris falling in the past many years. It is pertinent to mention here that due to unprecedented and devastating heavy rains in during the last rainy season (July 2023 – Sept. 2023) in our region some debris and stone have reached near said temple but there was no damage caused to the temple We , on the directions of the Joint Inspection Committee have not only removed the debris but also make / constructed protection wall (Wired) near the said temple apart from making more check dams / protection walls within the

FR
R/O

Plank
29-6-2024

Immediate report
15/6/2024
21



lease area so as to check any debris to cause any damage to the said temple in future. Photographs of the Check Dams / Protection Wall have been enclosed herewith for your kind perusal.

2. That so far as damage to Local Water body is concern it is submitted that this water body was situated near the path of natural water flow of the between the small hills (Khala) and due to heavy rains in the region last year causing heavy flow of water and soil in this particular Khala have buried this water body. We on the directions of the Joint Inspection Committee have also restore the said water body and as it is in the near the path of that Khala we will be doing the restoration work after every rainy season as per the condition of it. And also as remedial steps we with the help and consent of villagers we will try to shift the said water body to a nearby safer place so as to avoid any future possible damage.
3. That we are doing the mining activities by taking in to consideration all the measures to have minimum impact on environment. However we further have made a action plan to make three to four check dams / protection wall in the next six months in this matter and also will be taking all other possible remedial steps also to ensure that no harm /damage could happen in future
4. That It will not be out of place to mention here that a similar complaint was made by the Complainant few months back and in Jan 2024 in the presence Of Ld. SDM Kaffota and Officials of Mining Deptt. the complainant along with his fellow villagers have himself agreed to remove the debris and make protection wall with the help of fellow villagers and all the expenses of this will be borne by us so as to make him do the work to his satisfaction but instead of doing the needful he had submitted this complaint to just to harass us Copy of the relevant document is enclosed herewith for ready reference

It is therefore respectfully prayed that averments stated above may kindly be taken on records and we assure you that all the remedial steps/ action plan as stated above for future will also be implemented on the sites in due course of time with your goodself guidance

Thanking You

Yours Sincerely,

Arun Grover

Mine Owner

आज दिनांक 8/01/2024 को गिरीलार्म बैंगमवल मार्ग में उपस्थित ग्रामपंच कुर्नर ग्रामवासी सर्व श्री चन्दनसिंह पुत्र रामनाथ पूर्व प्रधान ग्रामपंचायत बडवाल, मदनसिंह पुत्र जीतसिंह, रघुवीरसिंह पुत्र चन्दनसिंह, सन्दीप पुत्र कल्याणसिंह, व तृतीय पक्ष गिरीलार्म एड बैंगमवल मार्ग की ओर से मारुतिग एजेंट श्री जगदीप सिंह लोन् व मारुतिग मेट श्री रमेश चन्द पुत्र भीमसिंह के मध्य निर्णय (क विद्युद्यो पर चर्चा उपरान्त सहमति हुई है।

(1) ग्रामवासियों ने गिरीलार्म के दौरान यह बताया कि उनके गांव का रास्ता मलवा आने की वजह से बन्द हो गया है जिससे ग्रामवासी कुर्नर अपने आप ही सुधारना चाहते हैं इसमें जो रचना जो एजेंट उलक पदन रवनन पट्टाधारक करेंगे जिसके लिए उपरोक्त पक्षों ने सहमति दी है।

(2) पानी के प्राकृतिक स्रोत वारे ग्रामवासियों ने बताया कि 2015 से इनके गांव के कुछ प्राकृतिक स्रोत मलवे में बन्द गये हैं जिसमें सुधा भी आवश्यका है इसके लिए ग्रामवासियों से यह अनुरोध किया गया कि उक्त प्राकृतिक जल स्रोतों के लिए डेव्टीमेट तथा उनके पंचायत के माध्यम से खतम मार्गों पर नाहन के ड्रेफिट करे ताकि उनके लिए वजट का प्रावधान किया जा सके।

(3) ग्रामवासियों ने बताया कि बरसात में मलवा आने से मन्दिर के आसपास का क्षेत्र बड़ी बड़ी चट्टानों के आने से भर गया है जिसके लिए खतम पट्टा धारक को निर्देश दिये गये कि मन्दिर स्थल के आस पास जो भी चट्टानें हैं उनके हटाया जाए और मन्दिर में भी कुछ मुरम्त की जरूरत है उसमें भी योगदान करे।

इसके अतिरिक्त पट्टा धारक को यह भी निर्देश दिये गये कि गांव के साथ लगते नाले में चकड़ें म लगाये ताकि भविकष में किसी अप्रिय घटना से बचा जा सके।

अंतः उपरोक्त विद्युद्यो पर दोनों पक्षों में सहमति हुई तथा इन पर

PTD

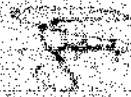
लघुलिपि का पत्राची का आश्वासन दिया।

प्रथम पक्ष
राजस्थान

द्वितीय पक्ष

(1) चयनसिद्ध पुत्र राजस्थान राज्य

(1)



(राजस्थान राज्य का चयन)
 मंत्रालय, जयपुर

(2) H.C. - 1 सिद्ध

मदनसिद्ध स. जयसिद्ध राज्य

(2)



(3) 

सुनीरसिद्ध पुत्र चयनसिद्ध राज्य

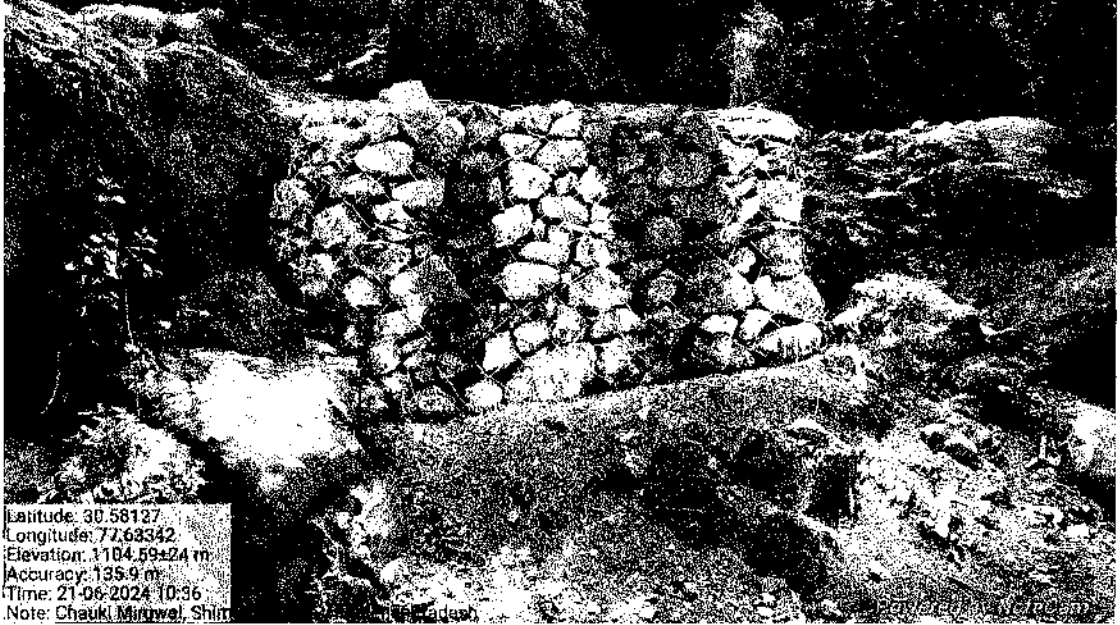
राजस्थान राज्य मंत्रालय, जयपुर

(4) सनीप

सनीप पुत्र चयनसिद्ध राज्य



ASB...
DL...
W...
||...
...



No. 10



No.

101





15/01

21/2





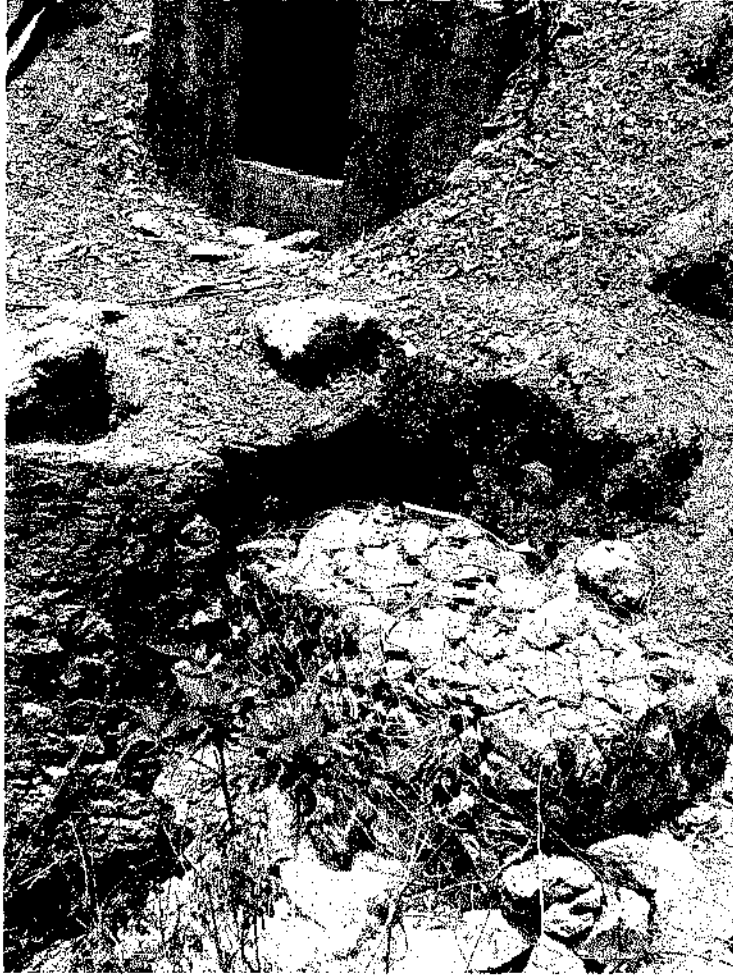


20

21

22





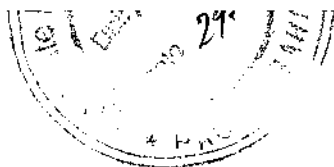
8 of 10

15/11
 10/11
 15/11
 10/11
 15/11



1567 1"

10/10





10 of 10

15691
10





ASB/1

DI

SA

