



HSPCB

Haryana State Pollution Control Board
REGIONAL OFFICE, LALA NEMI CHAND SINGHAL ENCLAVE, SOHNA ROAD
NEAR PUNJAB NATIONAL BANK, DHARUHERA

Tele Fax: 01274-244241

E-Mail: hspcbrodr@gmail.com

HSPCB/DHR/2020/1320

Dated 28/6/2020

To

The Registrar,
National Green Tribunal,
Faridkot House, Copernicus Road,
New Delhi

Sub.- Report in compliance orders of Hon'ble NGT dated 06.03.2020 in the matter of OA No. 63 of 2020 titled as Radheshyam Versus Union of India & Ors.

Ref.- Hon'ble NGT order dated 06.03.2020 in the matter of O.A. 63 of 2020 titled as Radheshyam Versus Union of India & Ors.

Kindly refer to the subject noted above, please find enclosed herewith the action taken report in the above mentioned Hon'ble NGT order dated 06.03.2020 in the matter of O.A. No. 63 of 2020 titled as Radheshyam Versus Union of India & Ors.

It is requested to kindly accept the report and place before the Hon'ble Tribunal.

DA/As above

V/29.6.2020

Regional Officer, HSPCB
Dharuhera Region
Nodal Agency as per Hon'ble
NGT order dated 06.03.2020

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

OA No.63 of 2020

IN THE MATTER OF:

Radhey Shyam ... Applicant

Versus

Union of India & Ors. ... Respondent

**REPORT ON BEHALF OF HARYANA STATE POLLUTION CONTROL BOARD IN
COMPLIANCE OF ORDER DATED 06.03.2020.**

INDEX

Sr. No.	Particular	Page No.
1.	Action Taken Report	1-3
2.	Copy of letter of Deputy Commissioner Mohindergarh at Narnaul for the nomination of representative on behalf of Deputy Commissioner vide letter No. 2391-94/ Vikas dated 16.06.2020 Annexure-A	4
3.	Copy of Joint Inspection report dated 16.06.2020- Annexure-B	5-26

V
29.6.2020
Regional Officer
Dharuhera Region

①

STATUS REPORT IN THE MATTER OF OA NO. 63 OF 2020 TITLED AS RADHESHYAM VERSUS UNION OF INDIA & ORS.

1. BACKGROUND

In the present matter Hon'ble National Green Tribunal passed an order vide order dated 06.03.2020. The operative part of order is as under :-

"Grievance in this application is that while lease for mining is only for Khasra No. 07, Village Garhi, Tehsil Narnaul, District Mahendergarh, M/s. Haryana Mining Company is doing illegal mining at Khasra No. 122 Pahar Garhi in violation of the Indian Forest Act, 1927, the Air (Prevention & Control of Pollution) Act, 1981, the Water (Prevention & Control of Pollution) Act, 1974 and the Environment (Protection) Act, 1986.

Without expressing any opinion on the allegation, we direct a joint committee of the Haryana State PCB, Deputy Commissioner, Narnaul, Divisional Forest Officer, Mahendergarh and the District Mining Officer, Mines and Geology Department, Mahendergarh, Haryana to file a factual and action taken report in the matter before the next date by email at ngt-judicial@gov.in.

The nodal agency will be the Haryana State PCB for coordination and compliance.

A copy of this order be sent to the Haryana State PCB, Deputy Commissioner, Narnaul, Divisional Forest Officer, Mahendergarh and the District Mining Officer, Mines and Geology Department, Mahendergarh, Haryana by email for compliance.

The applicant may furnish a set of papers to the Haryana State PCB, Deputy Commissioner, Narnaul, Divisional Forest Officer, Mahendergarh and the District Mining Officer, Mines and Geology Department, Mahendergarh, Haryana and file an affidavit of service within one week."

In compliance of Hon'ble NGT order dated 06.03.2020 the applicant has not furnished a set of papers to the Haryana State PCB, Deputy Commissioner, Narnaul, Divisional Forest Officer, Mahendergarh and the District Mining Officer, Mines and Geology Department, Mahendergarh, Haryana. Subsequently, Regional Office, Haryana State Pollution Control Board, Dharuhera has requested to the Registrar, National Green Tribunal, New Delhi on 17.03.2020 to supply the copy of complaint filed by Sh. Radhey Shayam as same has not been received.

2. ACTION TAKEN REPORT

The above said order dated 06.03.2020 received from the Member Secretary, Haryana State Pollution Control Board, Panchkula on dated 17.03.2020 vide letter No.

✓

219 dated 17.03.2020. The Deputy Commissioner, Mohindergarh at Narnaul vide his office letter No. 2391-94/ Vikas dated 16.06.2020 has nominated Sh. Narender Kumar, Range Forest Officer, Mohindergarh as representative on behalf of Deputy Commissioner, Mohindergarh at Narnaul. (Annexure- A).

In pursuant of the Hon'ble NGT order dated 06.03.2020 in OA No. 63 of 2020, a team of following officers were inspected the area in question jointly on 16.06.2020 comprising of Sanjay Simberwal, Assistant Mining Engineer, Narender Kumar, RFO Mohindergarh, Forest Department, Kamaljit Singh, Regional Officer, HSPCB, Dharuhera, Mohit Moudgil, Assistant Environmental Engineer, HSPCB along with complainant Sh. Radhey Shyam S/o Sh. Sawant Singh. During inspection it was found that the operation of M/s Haryana Mining Company, Garhi is closed and no mining activity observed currently at site, Mining officer, Narnaul has informed that lease of M/s Haryana Mining Company has been terminated on 10.01.2020 due to illegal mining beyond allotted area of the lease and non-deposition of royalty, hence their security which was deposited at the time of obtaining lease agreement i.e. amounting of Rs. 2,47,65,625/- has been forfeited. The Forest Department has also informed that the said lease holder destroyed 597 plants/trees during execution of illegal mining activities in Khasra no. 122, Village Garhi on 18.06.2016 and a damage report was issued against Sh. Subhash Gupta S/o Murari Lal Gupta resident of House No. 1195, Sec- 28, Faridabad and prosecuted to Special Environment Court Faridabad vide order dated 22.04.2019. Hon'ble court convicted the accused and ordered to pay a sum of Rs. 1,21,788/- as compensation which was paid in court. The copy of joint inspection report alongwith photographs is enclosed as Annexure- B.

3. CONCLUDING REMARKS

1. Mines and Geology Department has terminated the lease agreement on 10.01.2020 and security of the unit of Rs. 2,47,65,625/- has also been forfeited.

3

2. Forest Department has also taken action against the above unit for destroying 597 plants/trees during execution of illegal mining activities in Khasra No. 122, Village Garhi, District Mohindergarh and Hon'ble Special Environment court vide order dated 22.04.2019 convicted the accused and order to pay sum of Rs 1,21,788/- as compensation, which was paid by the unit in Hon'ble Court.

3. Haryana State Pollution Control Board has issued show cause notice for revocation of consent to operate for non compliance with the conditions of Consent to Operate under the provisions of Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981 vide this office letter No. HSPCB/DHR/2020/390 dated 18.06.2020 for 15 days.

Action taken report is being submitted for kind consideration before Hon'ble Tribunal, please.

DA/As above

V/29.6.2020
Regional Officer,
Haryana State Pollution Control Board
Dharuhera Region.

आदेश

राष्ट्रीय हरित अधिकरण के केस राधेश्याम बनाम यूनियन ऑफ इण्डिया में आदेश दिनांक 06.03.2020 (प्रति संलग्न) में जो कमेटी गठित की है उसमें उपायुक्त महोदय नारनौल की तरफ से नरेन्द्र कुमार आरएफओ महेन्द्रगढ़ को प्रतिनिधि नियुक्त किया जा रहा है।

W.
G.
कृत:-उपायुक्त महेन्द्रगढ़,
स्थित नारनौल। ✓

पू० क्रमांक 2391-94 // विकास दिनांक 16-06-2020
इसकी एक प्रति निम्नलिखित की सेवा में सूचनार्थ एवं आवश्यक कार्यवाही हेतु
प्रेषित है:-

1. जिला वन अधिकारी, महेन्द्रगढ़।
2. जिला खनन अधिकारी, महेन्द्रगढ़।
3. क्षेत्रीय अधिकारी हरियाणा राज्य प्रदूषण नियन्त्रण बोर्ड, धारूहेडा।
4. नरेन्द्र कुमार आरएफओ महेन्द्रगढ़।

W.
G.
कृत:-उपायुक्त महेन्द्रगढ़,
स्थित नारनौल। ✓

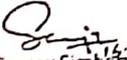
⑤

Joint Inspection Report.

Action Taken Report of the Joint committee in compliance of the directions issued by Hon'ble NGT vide order dated 06-03-2020 in the O.A. No. 63/2020 titled as Radhey Shyam vs. Union of India & Others.

In reference to the grievance filed by Sh. Radhey Shyam Vill-Khudana, Teh. & District Mahendergarh against M/S Haryana Mining Company, Village Garhi, Tehsil & Distt-Mahendergarh before the National Green Tribunal, New Delhi regarding illegal mining at Khasra Number 122, adjacent to their allotted lease at Khasra No.7, pahar Garhi in violation of the Indian Forest Act- 1927 Hon'ble NGT vide their order dated 06-03-2020 directed a joint committee of the Haryana state pollution control board, Dy. Commissioner Narnaul, Divisional Forest Officer Mahendergarh and District Assistant Mining Engineer Narnaul, Mine and Geology department Mahendergarh Haryana to file a factual action taken report in the said matter.

Further, in pursuant of the Hon'ble NGT Order 06-03-2020, in O.A. no 63/2020, a team of following officers were inspected the area in question jointly on 16-06-2020 comprising of Sanjay Simberwal Assistant Mining Engineer, Narender Kumar RFO Mahendergarh Forest Department, Kamaljit Singh, Regional Officer, HSPCB Dharuhera. Mohit Mudgil, Assistant Environmental Engineer, HSPCB along with complainant Sh. Radhy Shayam S/o Sh. Sawant Singh. During inspection it was found that the operation of m/s Haryana Mining Company Ghari is closed and no mining activity observed currently at site. Assistant Mining Engineer, Narnaul has informed that lease of M/s Haryana Mining Company has been terminated on 10-01-2020 due to illegal mining beyond allotted area of the lease and non-deposition of royalty; hence their security which was deposited at the time of obtaining lease agreement i.e. amounting to rupees 2,47,65,625/- has been forfeited. The copy of the lease termination order is attached hereby as annexure-I. The Forest Department has also informed that the said lease holder destroyed 597 plants/trees during execution of illegal mining activities in khasra No- 122 village Garhi on 18-06-2016 and a damage report was issued against Sh. Subhash Gupta S/o Muranil Gupta resident of House No- 1195 Sec-23 Faridabad and prosecuted to Spl. Environment Court Faridabad. vide order dated-22/04/2019. Hon'ble court convicted the accused and ordered to pay a sum of rupees 1,21,789/- as compensation which was paid in court. A copy of said Court judgment is annexed hereby as annexure-II.


16.6.2020
Sanjay Simberwal,
Assistant Mining Engineer.


Kamaljit Singh
Regional Officer, HSPCB


Mohit Mudgil
AEE, HSPCB


Narender Kumar
Range Forest Officer, W.D.M.

Subject: - Demarcation report of Garhi mining lease area of district Mahendergarh being held by M/s Haryana Mining Company- Regarding.

* As per order of the Director Mines and Geology Issued vide letter dated 15.04.2019, the mining lease area of the Garhi stone mine was demarcated by a team of Mining Officer, Sr. Surveyors, Surveyor (HQ), Mining Inspector, Revenue Officials (Madan Lal, Patwari), Forest officials and Local Sarpanch/villagers of Khudana-Garhi were present at the time of demarcation on dated 26.03.2019 & 28.03.2019

2. The team/ technical surveyors, with the help of the patwari, inspected/ located the existing Red stone lying in Agriculture land of Khudana village which are benchmark for any demarcation. Two pillars (Red stone chuck-bandi pillar) were found in Agriculture land of Khudana revenue estate near hill of Khudana-Garhi.

3. One Red stone of Khasra No. 23, Killa number 25, South East corner, and another stone of Khasra No. 51, Killa number 25 South East corner was checked and measured with help of DGPS and the same found correct/satisfactory. After calibrating these reference pillars, team conducted demarcation with help of DGPS and demarcated the boundary line between Garhi-Khudana & Mai kalan & Mai khurd as per the khasra map of the Khudana village.

After demarcating the boundary of Khudana village which is adjoining to village Garhi, the team also checked/demarcated the Khasra number map of Garhi mine, a total 04 pillars of the lease area A to D were established. The coordinates of the boundary pillars established by the surveying team are given below:

Pillar No.	Latitude	Longitude
A	N28°26'39.6"	E76°06'30"
B	N28°26'38.1"	E76°06'36.1"
C	N28°26'24"	E76°06'30.4"
D	N28°26'21.6"	E76°06'25.7"

4. All corner boundary pillar of lease area are the same as per previous demarcation of the lease area. The demarcation of boundary pillars with full satisfaction of every member of the team was successfully completed, upon which it was observed that in case of South eastern boundary line, mining was carried out beyond the boundary line in some part of

7

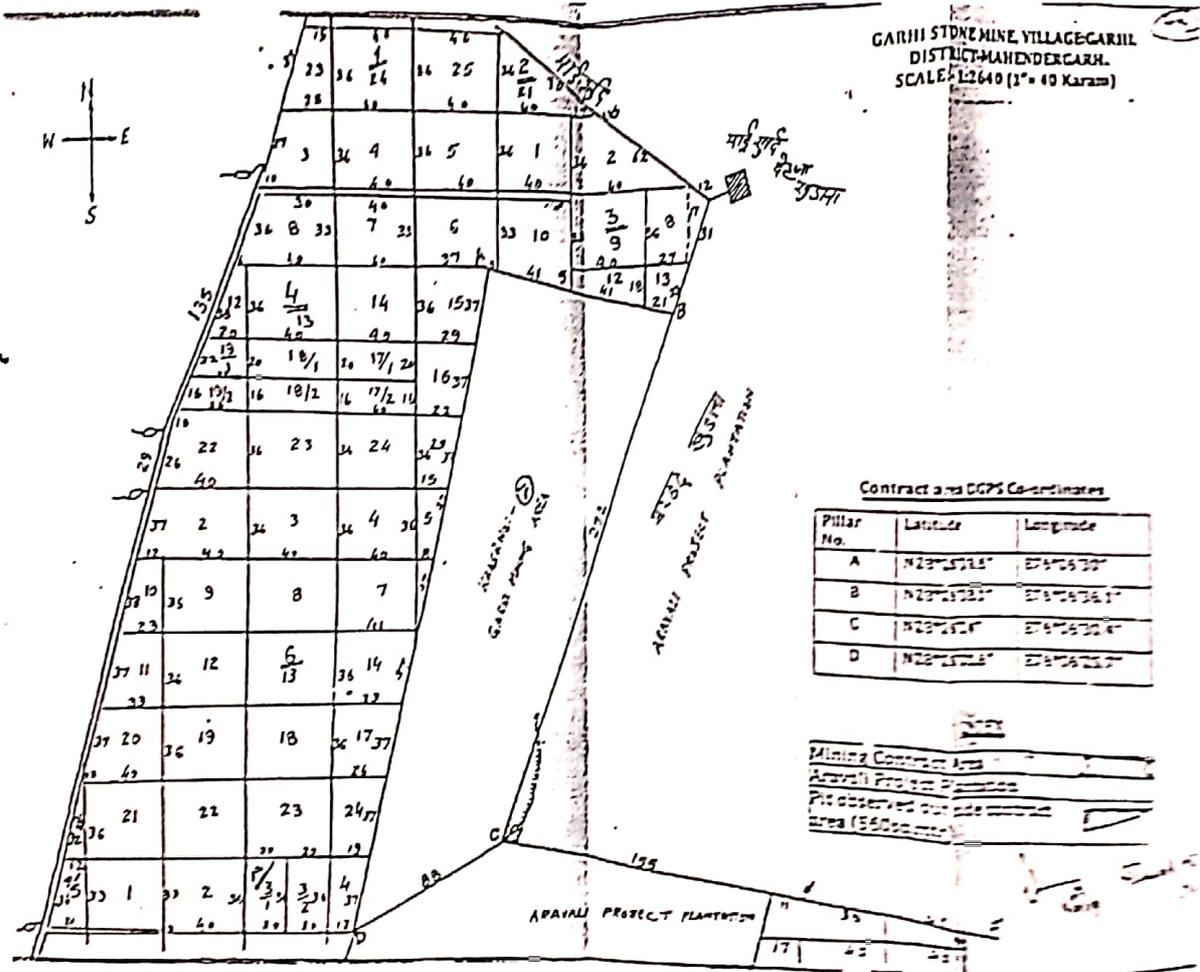
The adjoining hillock of khudana, having average length of 0-40 mtrs, average width of 14 mtrs and average depth of 5 to 8, mtrs. Question was raised by the team members regarding the pit excavated outside lease boundary. Villagers and Contractor of Garhi Mines replied that the pit has been excavated by the past working by some other contractors, not operated during the present tenure. However no fresh mining was found beyond the pillar. The area was marked and calculated with the help of DGPS instrument and was found to be approx. 560 sq. Meters. (0.056 hectares). The map prepared by the surveyors in this behalf is enclosed with this report.

Report submitted please.


Surveyor 4/11/19


Sr. Surveyor 15/11/2019


Mining Officer



Director General, Mines and Geology, Haryana,
1st Floor, 30-Bays Building, Sector-17, Chandigarh.

Termination Order

Whereas M/s Haryana Mining Company, through Shri Subhash Gupta, 9, Lala Plaza, Ankur-Badkhal Road, Faridabad participated in the auction held on 14.07.2015 & 15.07.2015 after accepting the terms and conditions of the auction notice dated 15.05.2015 and Corrigendum dated 08.07.2015. They offered the highest bid of Rs. 07,92,50,000/- (Rupees Seven Crores Ninety Two Lacs Fifty Thousand only) per annum, against the Reserve Price of Rs. 07,90,00,000/- per annum, for obtaining the Mining Lease of Minor Mineral mine namely "Garhi" over an area of 6.70 hectares falling in khasra no. 7 for extraction of "Stone alongwith Associated minor minerals". The leaseholder company obtained Environmental Clearance from the competent authority on 15.03.2016 and thereafter obtained CTO of the HSPCB and commenced mining operations in the area w.e.f. 15.06.2016.

2. Whereas as per provisions of Rule 5 of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals, and Prevention of Illegal Mining Rules, 2012 (State Rules, 2012), no person can undertake mining operation in respect of any mineral in any part of the State except under and in accordance with the mineral concession. The provisions of Rule 5 of the State Rules, 2012 are reproduced below:-

5. Mining operations under a mineral concession.

(1) No person shall undertake any reconnaissance, prospecting or mining operation activity in respect of any mineral(s) in any part of the state, except under and in accordance with the terms and conditions of a reconnaissance permit or a prospecting licence or a mining lease or a mining contract or a permit or a concession in any other form, as the case may be, granted:

Provided that nothing in this sub-rule shall apply to any prospecting operations undertaken by the Geological Survey of India, the Indian Bureau of Mines, the Director Atomic Minerals, Directorate for Exploration and Research of the Central Government, the Department or a Government Company within the meaning of section 617 of the Companies Act, 1956.

(2) The government shall decide the mode and nature of grant of mineral concession under these rules in different areas i.e. lease, contract, permit etc from time to time."

10

Director General, Mines and Geology, Haryana,
1st Floor, 30-Bays Building, Sector-17, Chandigarh.

1 Whereas as per terms of grant and lease deed the lease holder company was not entitled to undertake any mining beyond leasehold area. On the other hand the report of the inspecting team clearly indicated that M/s Haryana Mining Company undertook mining operation beyond/ outside their lease hold area by encroaching the adjoining area.

4 Whereas the Mining Officer, Haryana vide his memo dated 04.02.2019 reported that in the last week of October, 2018, he received a complaint from one Sh. Rakesh Tanwar alleging that the lessee had been doing illegal mining outside their lease area. He immediately vide his letter dated 02.11.2018 requested the Tehsildar Mahendergarh for undertaking joint inspection (with the officials of Forest, Revenue and Mines Department) for demarcation of your lease hold area of Garhi mines held on lease by the lessee. Pursuant to the request of Mining Officer, Haryana the demarcation was held on 17.12.2018 by all the concerned official, however, before the report of the Revenue Department could be received, the Gram Panchayat, Khudana vide resolution dated 08.01.2019 also submitted complaint alleging the same that the mining had been undertaken by you in the area of village Khudana which otherwise is not part of lease granted to M/s Haryana Mining Company. The Mining Officer, Haryana reported that as per demarcation report, it has been found that the lessee has undertaken mining in the adjoining area of khasra no. 366 & 367 of Khudana i.e. outside his lease hold area under the garb of the lease granted over an area of 6.70 hectares in khasra no. 7 of village Garhi, district Mahendergarh. Thus, the lessee has breached terms and conditions of grant of mining lease. The breaches committed by the lessee are to be dealt as per provisions of Rule 75 of the State Rules, 2012. Accordingly, the lessee was called upon to show cause within a period of 15 days positively under Rule 75(1)(i) of the State Rules, 2012 as to why mining lease in village Garhi, district Mahendergarh may not be terminated prematurely failing which action will be initiated without giving any further notice.

5 Whereas this office vide this memo dated 13.03.2019 issued notice to M/s Haryana Mining Company on account of breach of terms and conditions of the grant of mineral concession by them. In the notice, it was observed that as per provisions of Rule 56 (8) of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 (the State Rules, 2012), the lessee is required to erect boundary pillars around the mining area at his own expense as per the plan of mining, duly approved by the authorized officer, and shall at all times maintain

and keep the same in good condition. Each of the boundary pillars shall 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.

6. Whereas in the demarcation report of demarcation carried on 17.12.2018, it was stated that the Surveyor by installing DGPS Machine enquired the distance and line of Red stones which was found in order/ correct. On the basis of the said Red stones the demarcation of khasra no. 7 was carried with the help of DGPS Machine. It was found that the distance of pillars installed with the help of DGPS, is 100 feet which was found correct. The Additional Deputy Commissioner, Narnaul in his report dated 25.02.2019, stated that Sh. Anand Singh Sarpanch, Gram Panchayat, Khudana submitted a resolution dated 05.01.2019 passed by the Gram Panchayat alleging that M/s Haryana Mining Company while carrying mining in their lease hold area in khasra no. 7 of village Garhi, have also encroached an area of 49 kanal 16 marla of village Khudana which is evident from demarcation report carried on 17.12.2018. The ADC Narnaul in his report has stated that on 12.02.2019, the DFO Mahendergarh, MO Narnaul, M/s Haryana Mining Company and former Sarpanch appeared and gave their statements.

7. Whereas the ADC Narnaul stated that the DFO Mahendergarh in his statement has submitted that an information was received that workers of M/s Hari Har Mining Company (lessee of Mai Kalan & Mai Khurd) are carrying illegal mining in Khudana area. The staff deputed by him directed M/s Hari Har Mining Company that in case illegal mining is found strict action will be initiated. Sh. Anand Singh Sarpanch could not associate in the enquiry and deputed former namely Sh. Dhan Singh to associate in the enquiry. The said former Sarpanch gave statement that M/s Haryana Mining Company is carrying mining operations only in their lease hold area and have also demarcated the area twice. But M/s Hari Har Mining Company is carrying mining in the western side of village Khudana. Sh. Rakesh Tanwar, Manager of the company is involved in illegal mining in other hillocks of village Garhi. It was also stated by him that khasra nos. 366 & 367 being adjoining to lease area of M/s Hari Har Mining Company in village Mai Kalan & Mai Khurd, is also carrying mining in these khasras.

8. Whereas the ADC Narnaul concluded that keeping in view of the above statements and report, it is evident that illegal mining has been undertaken in khasra nos. 366 & 367 of village Khudana but it could not be ascertained that who was involved

12

587

...and where

Director General, Mines and Geology, Haryana,
1st Floor, 30-Days Building, Sector-17, Chandigarh.

in said illegal mining, He directed the Mining Officer to ascertain that who has done this illegal mining and take action against him as per rules.

9 Whereas M/s Haryana Mining Company vide letter dated nil received in this office on 27.03.2019 submitted reply to notice issued by this office vide memo dated 13.03.2019 on account of breach of terms and conditions of the grant of mineral concession by them. However, before taking decision on the reply, vide this office memo dated 15.04.2019, the MO Harnaul was asked to send factual report with regard to allegations of illegal mining in village Khudana by the lessee of Garhi mine. The lessee in his reply has submitted para-wise reply as under:-

Para no. 3:- That they had erected the boundary pillars before preparation and approval of Mining Plan. These pillars are being maintained in good condition, dully numbered alongwith GPS reading. Hence, they have not violated provisions of Rule 56(8) of the State Rules, 2012.

Para no. 4:- That the allegation of illegal mining by Sh. Rakesh Tanwar is baseless as Sh. Rakesh Tanwar as well as the Mining Officer, Harnaul did not inform them in this regard. They have attached demarcation report which indicates that no illegal mining was done by them.

Para no. 5:- That it is true that pursuant to the request of the Mining Officer, Harnaul, the demarcation was conducted on 17.12.2018 by all the concerned officials to verify the factual position. In this regard they have attached report of Additional deputy Commissioner, Harnaul in which the DFO Mahendergarh stated that the adjoining lessee M/s Hari har Mining Company is encroaching the revenue estate of village Khudana. This report also confirms that M/s Haryana Mining Company is not involved in any way in the illegal mining.

Para no. 6:- That the allegation of illegal mining is baseless. In this regard they have attached report of Sarpanch of Gram Panchayat, Khudana which clearly stipulates that no illegal mining has been undertaken beyond khasra no. 7 of village Garhi, therefore they did not breach terms and conditions of grant of mining lease.

Para No. 7:- That in view of the above facts, it is very clear that the allegation

made against them are wrong. They have not violated any terms and conditions of the lease deed and never involved in illegal mining.

10. Whereas the Mining Officer, Narnaul vide memo dated 20.11.2019 sent fresh demarcation report. In the fresh report, the Mining Officer, Narnaul in the fresh demarcation report sent on 20.11.2019 stated that the mining lease area of Garhi stone mine was demarcated by a team of Mining Officer, Sr. Surveyor, Surveyor, Mining Inspector, Revenue Official (Patwari), Forest officials and Sarpanch/ villagers of Garhi & Khudana on 26.03.2019 and 28.03.2019. The team/ technical Surveyors with the help of Patwari, inspected/ located the existing Red Stone lying in agriculture land of village Khudana which is benchmark for any demarcation. Two pillars (Red Stones Chuk Bandi pillars) were found in agriculture land of Khudana revenue estate near hillock of Khudana-Garhi.

11. Whereas one Red Stone of Khasra No. 23, kila no. 25, South East corner and another stone of Khasra No. 51, kila no. 25 South East corner was checked and measure with the help DGPS and the same found correct/ satisfactory. After calibrating these reference pillars, the team conducted demarcation with the help of DGPS and demarcated boundary line between Garhi-Khudana and Mai Kalana & Mai Khurd as per khasra map of Khudana village.

12. Whereas after demarcating the boundary of Khudana village which is adjoining to village Garhi, the team also checked/ demarcated Khasra Map of Garhi mine, all 04 pillars of the lease area 'A' to 'D' were established. The coordinates of the boundary pillars established by the Surveying Team are given below:-

Pillar No.	Latitude	Longitude
A	N28°26'39.6"	E76°06'30"
B	N28°26'38.1"	E76°06'36.1"
C	N28°26'24"	E76°06'30.4"
D	N28°26'21.6"	E76°06'23.7"

13. Whereas all corner boundary pillars of the lease area are the same as per previous demarcation of the lease area. The demarcation of boundary pillars with full justification of every member of the team was successfully completed, upon which it was observed that in case of South Eastern boundary line, mining was being carried out

(14) (587)

**Director General, Mines and Geology, Haryana,
1st Floor, 30-Bays Building, Sector-17, Chandigarh.**

beyond the boundary line in some part of the adjoining hillock of Khudana having average length of 0-40 meters, average width of 14 meters and average depth of 5 to 6 meters. Question was raised by the team members regarding the pit excavated outside lease boundary. The villagers and lessee of Garhi mine replied that the pit has been excavated by the past working by some other contractors, not operated during the present tenure. However, no fresh mining was found beyond the pillar. The area was marked and calculated with the help of DGPS Instrument and was found to be approximately 560 meters (0.56 hectare). The map prepared by the Surveyors has also been enclosed with the demarcation report.

14. Whereas M/s Haryana Mining Company in their reply has not only denied the allegations levelled by this office in the show Cause Notice but has also levelled allegation for carrying illegal mining in khasra nos. 366 & 367 of village Khudana by M/s Hari Har Mining Company, the lessee of Mai Kalan & Mai Khurd stone mines, district Charkhi Dadri.

15. Whereas the Assistant Mining Engineer, Narnaul vide order dated 13.12.2019 has suspended mining operations of M/s Haryana Mining Company in Garhi stone mine with immediate effect i.e. w.e.f. 13.12.2019 on account of non payment of government dues. As per details in the suspension order of the Assistant Mining Engineer, Narnaul M/s Haryana Mining Company is in default of the following government dues:-

Sr. No.	Particulars	Amount (in Rs.)
1.	Dead rent on account of monthly instalments from March, 2019 to December, 2019. (part instalment of Rs. 59,95,030/- has been deposited).	834,70,336
2.	Outstanding interest on instalments calculated upto 04.12.2019	1,63,03,124
3.	Outstanding amount on account of R&R Fund (R&R Fund has been deposited upto September, 2017)	2,12,33,984
4.	Outstanding interest on R&R Fund calculated upto 04.12.2019	60,11,998
5.	Total dues for commencement period	12,71,19,440
The lessee is also liable to pay TCS @2%		
Apart from above:		1,98,12,511
Dead rent for uncommenced period		
Interest on dead rent for un-commenced period calculated upto		1,77,25,500

Sr. No.	Particulars	Amount (In Rs.)
	04.12.2019	
	Total for un-commenced period	3,49,38,096

16. Whereas before taking final decision in the matter, it was decided to afford the lessee opportunity of personal hearing on 27.12.2019. Shri Subhash Gupta and Shri Narendra Kumar appeared before the undersigned for personal hearing on behalf of the leaseholder firm

17. Whereas the demarcation report of the demarcation held on 17.12.2019 was shown to the representatives of the lessee firm. They denied the allegation of mining outside the lease. The mining outside the lease area was confirmed by the ADC Narnaul vide report dated 25.02.2019. A fresh survey by the Mining Officer, Narnaul alongwith revenue, Forest and local representatives has also clearly established that the lessee has mined outside the lease hold area. The plotting of GPS Coordinates of the boundary pillars on the Google Pro Application clearly shows mining outside the lease area towards the higher hillocks. Even trucks operating outside legal lease area can be seen in the Google Earth Image. The benches created outside the lease area are also visible. The same was shown to the representatives of the lessee firm during the course of hearing. The lessee, however, claimed that they have mined only within the lease area and that any mining outside the lease area was done prior to the start of their lease. The lessee denied having mined outside the lease area.

18. Whereas the stand of the lessee firm is not tenable. The violation has been reported in three different reports and is clearly visible on Google Pro Application. The mining operations in the mine are already lying suspended on account of non payment of government dues.

19. In view of the above the reply dated 27.03.2019 and submissions made during hearing were not found satisfactory and there is clear evidence of lessee having undertaken mining operations outside the lease hold area as shown in the report of three different inspection reports and the Google Pro Application image under the garb of mining lease granted in favour of M/s Haryana Mining Company over an area of 6.70 hectares of land comprising in Khata no. 7 of village Garhi. Accordingly, in exercise of powers vested under clause 1(a) of the

(16) (591)

Director General, Mines and Geology, Haryana,
1st Floor, 30-Bays Building, Sector-17, Chandigarh.

Part IV of the lease deed the mining lease granted in their favour is hereby prematurely terminated with immediate effect along with forfeiture of full amount of security amounting to Rs. 2,47,65,625/-.

15. M/s Haryana Mining Company is directed to deliver the possession of Garhi stone mine to the Assistant Mining Engineer, Narnaul immediately. They are further directed to deposit the outstanding Government upto date dues till the date of handing over of possession of the area back to Assistant Mining Engineer, Narnaul along with applicable interest failing which the same shall be recovered under Land Revenue Act.

16. Separate action for illegally mined mineral shall be taken as per applicable Rules/ Law.


(Amitabh Singh Dhillon, IPS)
Director General, Mines and Geology,
Haryana

Endst. No. DMG/HY/ML/Garhi/2015/

Dated:

A copy is forwarded to M/s Haryana Mining Company, through Sri Subhash Gupta, 9, Lalit Plaza, Ankhir-Badkhal Road, Faridabad- 121001 with direction to hand over possession of the lease area to the Assistant Mining Engineer, Narnaul immediately and also to deposit the upto date outstanding Government dues till the date of handing over possession of the area back to Assistant Mining Engineer, Narnaul alongwith applicable interest failing which the same shall be recovered under Land Revenue Act.

Sd/-
State Mining Engineer
for Director General, Mines and Geology,
Haryana

Endst. No. DMG/HY/ML/Garhi/2015/

Dated:

A copy is forwarded to the Deputy Commissioner, Narnaul for information and further necessary action.

Sd/-
State Mining Engineer
for Director General, Mines and Geology,
Haryana

(17) (592)

Director General, Mines and Geology, Haryana,
1st Floor, 30-Bays Building, Sector-17, Chandigarh.

Endst. No. DMG/HY/ML/Garhi/2015/ 18^c

Dated: 10-01-2020

A copy is forwarded to the Assistant Mining Engineer, Mines and Geology Department, Narnaul for information and further necessary action. He is directed to deliver a copy of this order to M/s Haryana Mining Company under a proper receipt and also take back possession of the area/ lease. He is also advised to recover outstanding Government dues from the lessee as arrear of land revenue under Land Revenue Act from the leaseholder and/or the sureties. Further action as per rule/Law for illegally mined mineral shall also be initiated without any further delay.

P. M. S.

State Mining Engineer
for Director General, Mines and Geology.
Haryana

IN THE COURT OF VARSHA SHARMA, JM/JC/PRESIDING,
OFFICER, SPECIAL ENVIRONMENT COURT, FARIDABAD,
Haryana

Case No: 54/2017
Date of institution: 16.06.2017
Date of decision: 22.04.2019

Divisional Forest Officer, Mahendergarh.

Versus

Subhash Gupta son of Manoj Lal Gupta resident of H no. 1195, Sector-28,
Faridabad

Complaint U/S 19 of the Punjab Land Preservation Act 1900

Present:- Sh. Rakesh Kumar, APP
Accused Subhash Gupta in person

JUDGMENT:-

1. Complaint was been filed by Range Forest Officer, Mahendergarh under the provisions of the Punjab Land Preservation Act, 1900. Allegations against accused are that on 18.06.2016 in the area of Aravali Khasta no 122, Mahendergarh Range, it was found that Subhash Gupta son of Manoj Lal Gupta resident of H no. 1195, Sector-28, Faridabad (hereinafter referred as accused) has done illegal mining of stones and destroyed pole size 507 trees in the area belonging to Forest Department and caused loss to the department. The damage report was prepared. Notice under Section 68 of the Act was given to accused, calling upon him to pay compensation in lieu of damage done by him. Since accused failed to pay the compensation, the present complaint has been filed.

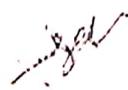
2. After filing of complaint, notice was issued to accused. Accused has failed to attend to court's his guilt. Finding prima facie case for commission of offence punishable under section 19 of the Act.

30 MAY 2019

notice of accusation was served upon the accused. Accused pleaded guilty. I have satisfied myself that accused has admitted his guilt voluntarily and without of any coercion or undue influence.

3. Keeping in view confession made by accused, he is held guilty for commission of offence under Section 19 of the Punjab Land Preservation Act, 1900 and is convicted accordingly. Let the convict be heard on the quantum of sentence.

Announced in open court
22.04.2019


(Varsha Sharma)
JMJC/Presiding Officer
Special Environment Court
Faridabad. UID:HR0370

Present:- Shri Rakshit Kumar, APP.
Accused Subhash Gupta in custody.

Heard on the quantum of sentence. The Ld. Divisional Prosecutor has contended that severe punishment be awarded to the accused as he has caused loss to the environment and Forest Department. On the other hand, accused has requested for taking a lenient view in the matter of sentence and further prayed for probation. Having due consideration to the rival contentions, I do not deem it fit case to grant probation to accused, as he has caused loss to the Environment. However, he is ordered to be released after due admonition and upon his oral apology regarding loss to environment and forest and further commitment of not causing such loss to forest and environment in future. In addition to this, keeping in view the fact that accused is first offender and after considering the facts and circumstances of the present case, he is further ordered to pay compensation of Rs.1,21,788/- under Section 19 of Punjab Land Preservation Act. The convict is further directed to plant 50 trees in


Certified

the Government land of Distt. Mahendergarh and also get the acknowledgement from the concerned official and produce the same before the court within one month i.e. on or before 22.05.2019. The amount of compensation shall be utilized exclusively for the restoration of the environment of the area. Compensation paid. The concerned Range Forest Officer is also directed to furnish his report about the fact whether the convict has planted trees in that concerned area. The convict be released. Copy of this order be also sent to DFO concerned for submitting the compliance report and also to the convict. File be consigned to records after due compliance.

Announced in open court.
22.04.2019

(Varsha Sharma)
JMIC/Presiding Officer
Special Environment Court
Faridabad.UID:HR0370

Certified that this order consist of three pages. All the pages are checked and signed by undersigned.

(Varsha Sharma)
JMIC/Presiding Officer
Special Environment Court
Faridabad.UID:HR0370

April 22, 2019

~~Handwritten scribble~~

816
17-5-19
20-5-19
9
5
14
20-5-19

Certified to be True Copy

Authorised by Sec 76 of the
Environment Act

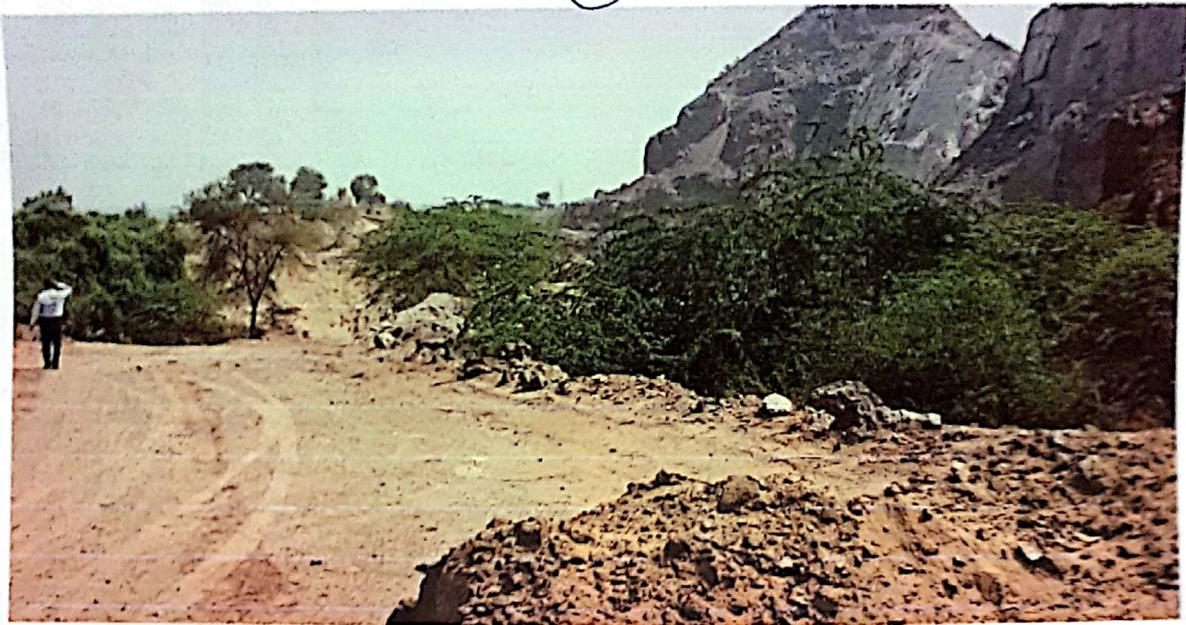
(21)







24



25



26

