



Regional Office, Yamuna Nagar Region
Haryana State Pollution Control Board

S.C.O. No- 131, Sector -17, HUDA, Jagadhari, Yamuna Nagar
Website - www.hspcb.gov.in E-Mail - hspcbroyr@gmail.com
Contact No. 01732-268137, 237840

No. HSPCB/YR/2020/ 10804

Dated: 18/03/2021

To

The Registrar,
National Green Tribunal,
Principal Bench, New Delhi,
E-mail: judicial-ngt@gov.in

Subject: Compliance to the direction issued on 15.07.2020 by Hon'ble National Green Tribunal in O.A. No 87/2020 Kiran Pal Rana Vs Union of India and Others.

Sir,

With reference to the subject mentioned above kindly find enclosed herewith the factual report in compliance of the order issued on 15.07.2020 by Hon'ble National Green Tribunal in OA No. 87/2020 Kiran Pal Rana Vs Union of India and others

DA: As above


(Nirmal Kumar)
Regional Officer
Yamuna Nagar

FACTUAL AND ACTION TAKEN REPORT

PLACED BEFORE HON'BLE NATIONAL GREEN TRIBUNAL (NGT), NEW DELHI

O.A. NO. 87 of 2020

In the matter of Kiran Pal Rana V/s

Union of India and others

01. Introduction

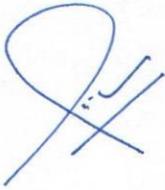
Hon'ble NGT in its order dated 15.07.2020 in OA NO. 87 of 2020 which read as "..... let the joint committees comprising CPCB, Haryana State PCB and District Magistrate, Yamuna Nagar with regard to the area in Haryana and CPCB, UP State PCB and District Magistrate, Shamli with regard to are in Uttar Pradesh furnish a factual and action taken report in the matter within three months....." the order further reads as "That applicant may serve a set to papers on CPCB, Haryana State PCB and District Magistrate, Yamuna nagar and District Magistrate, Shamli within two weeks and file affidavit of service by email.....".

02. Background

In compliance of the referenced order of Hon'ble NGT the papers desired to be furnished by the applicant could not be made available to CPCB, District Magistrate Yamuna Nagar and HSPCB till submission of this report. Following issues are submitted with a view to facilitate better appreciations of the content of this report:

- a. The prayer in the application as per the orders dated 15.07.2020 of Hon'ble NGT "Prayer in this application is to take measures against illegal mechanized in-stream riverbed mining on the bank of river Yamuna near Nangla Rai Village of Kairana Block in Shamli District of Uttar Pradesh and Gumthala North and South Blocks in Yamuna Nagar District of Haryana".
- b. The two no.s mining blocks i.e. Ghumthala North and Ghumthala South of District Yamuna Nagar (Haryana) referred in the application as per orders.
- c. As per record the North Block mining contract is in the name of M/s Jogender Singh in village Ghumthala, Tehsil Radaur North Block / YNR B – 16" having tentative area of 44.60 hectares in District Yamuna Nagar, Haryana
- d. As per record the South Block Mining contract is in the name of M/s Elite Mining Corporation in village Ghumthala, Tehsil Radaur South Block / YNR B – 17 (Minor Mineral) M.L. AREA 49.67 hectares in District Yamuna Nagar, Haryana.


17/03/2021




17/03/2021

1 of 3

e. Status of Environmental Clearance

M/s Jogender Singh (North Block) obtained Environmental Clearance from State Environment Impact Assessment Authority, Haryana vide no. SEIAA / HR / 2016/505 dated 27.06.2016 [Production Capacity : 21,00,000 TPA @ 280 Trips / day (25MT)].

M/s Elite Mining (South Block) obtained Environmental Clearance from State Environment Impact Assessment Authority, Haryana vide no. SEIAA / HR / 2017/108 dated 09.03.2017 [Production Capacity : 21,88,008 TPA @30 Trips /days (912 MT/Trips)].

f. Consent to Establish under Water Act, 1974 & Air Act, 1981

M/s Jogender Singh (North Block) obtained vide no. HSPCB/Consent/ : 320218616YAMCTE3286619 Dated:15/09/2016.

M/s Elite Mining (South Block) obtained vide no. HSPCB/Consent/ : 313100417YAMCTE3968960 Dated:03/04/2017.

g. Consent to operate under Water Act, 1974 & Air Act, 1981

M/s Jogender Singh (North Block) obtained No. HSPCB/Consent/ : 320218618YAMCTO5297147 Dated:14/09/2018 valid from 01.10.2018 to 30.09.2023.

M/s Elite Mining (South Block) obtained vide No. HSPCB/Consent/ : 313100417YAMCTO4074581 Dated:19/04/2017 valid from 19/04/2017 to 18/04/2022.

03. Constitution of the Committee

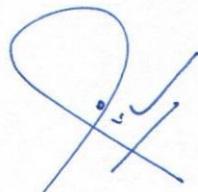
A committee of the three officers as under: -

1. Sh. Suneel Dave, Additional Director, Central Pollution Control Board
2. Sh. Sushil Kumar, SDM, Tehsil Radaur, Yamuna Nagar (Representative of Deputy Commissioner, Yamuna Nagar)
3. Sh. Nirmal Kumar, Regional Officer, Haryana State Pollution Control Board, Yamuna Nagar

04. Observations of the Committee

1. The committee visited the site of both mines i.e. Ms Joginder Singh (North Block) & M/s Elite Mining (south block) on dated 22.01.2021
2. Both the mines obtained Environmental Clearance as per provisions of Environment Impact Assessment Notification, 2006 from State Environment Impact Assessment Authority, Haryana. Both the mines also obtained Consent to Establish (CTE) & Consent to Operate (CTO) as per provisions of Water Act, 1974 & Air Act, 1981 from Haryana State

17/03/2021



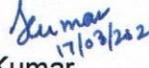
*Kumar
17/03/2021*

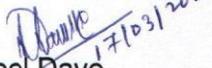
273

Pollution Control Board. Further, both the mines also got Mining plan approved from Department of Mines & Geology, Haryana.

3. As per site observations both Mining were engaged in mechanized River Bed Sand Mining (Minor Mineral)
4. As per site observations, both mines were engaged in mechanized Mining by using JCB and Tipper / Dumpers / Trucks. As per approved Mining plan M/s Joginder Singh (North Block) permitted to use 8 nos. JCB (1.0 m³ capacity) & 70 nos. (25 Tones Capacity) of Tippers / Trucks. As per Mining Plan M/s Elite Mining (South Block) permitted to use 7 nos. Excavators (1.3m³ capacity) & 29 nos. dumpers / Trucks (30 Ton Capacity)
5. The Committee was in opinion to obtain following information from Mining Officer, Yamuna Nagar :-
 - (i) Duly approved Mining plan of the area leased to the contractors.
 - (ii) Identified areas on the approved plan showing 'to go' and 'no go' areas taking the river as an entity.
 - (iii) Map showing central line of River and its braided section within the leased area.
 - (iv) Mining execution plan including opening and closing of mining operations during normal and flood flows.
 - (v) What does mechanical mining permit number and capacity, rating of equipment to be used to ensure no or minimal impact caused on river flow by maintaining its continuity.
 - (vi) What is effective management of mining operation considering the annual replenishment of sand via a vis course of the River. Verification of benches at mined areas for ensuring the river bed is not touched upon due to mining.
6. The Mining Officer, Yamuna Nagar responded to the observations of the committee vide their memo no. 556 dated 03.03.2021, copy enclosed as per Annexure, where in the reference were made of approved mining plan only and no conclusive statement on queries of committee were made by the Mining Officer.


Nirmal Kumar,
Regional Officer,
HSPCB, Yamuna Nagar


Sushil Kumar
SDM, Tehsil Radaur
Yamuna Nagar


Suneel Dave
Additional Director
CPCB, New Delhi

From

Assistant Mining Engineer,
Mines & Geology Department,
Yamunanagar.

To

Regional Officer,
HSPCB, Yamunanagar.

Memo No. MO/YNR/ 556

Dated:-03.03.2021

Subject: - Information desired w.r.t inspection carried out in compliance of Hon'ble NGT Orders in O.A. No. 87 of 2019 titled as Kiran Pal Rana Vs Union of India & Ors.

Kindly refer to your Office Memo No. HSPCB/YR/2021/10203 Dated 12.02.2021 (received on 18.02.2021) on the above noted subject.

2. In this regard it is informed to you that vide above referred letter you have sought to have some information of the two sand mining contracts namely Gumthala North and Gumthala South. Before giving the same, it is important to mention the details of the said mining contracts, hence following:

2.1 Gumthala North Mining Block/ YNR B 16

The mining contract of this mining block has been granted to Sh. Joginder Singh, through e-auction held on 10-11.06.2015. The said contractor gave highest bid of Rs. 07,41,50,000/- against reserve price of 07,30,00,000/- in order to obtained the mining contract of the Gumthala North Block of an tentative 44.62 hectares, for a period of 07 years contract. The State Government after accepting the highest bid offered by the company issued Letter of Intent (LoI) vide dated 19.06.2015. As per the terms and conditions of the grant, the period of the contract was to be commenced from the expiry of the 12 months from the date of issuance of LoI OR from the date of the Environmental Clearance to be granted by the competent authority as per the provisions of the EIA Notification 14.09.2006 (as amended from time to time), which ever is earlier. The Mining contractor after obtaining the EC from the competent Authority on 27.06.2016 and "Consent to Operate" vide dated 20.12.2016 from the HSPCB commenced the mining operations in the area w.e.f 26.12.2016.

2.2 Gumthala South Mining Block/ YNR B 17

The mining contract of this mining block has been granted to M/s Elite Mining Corporation, through e-auction held on 05-06.11.2015. The said contractor gave

F.R.
Regional Officer
Sc 'B' A.E.E.-I, II, III
5/03/2021

highest bid of Rs. 04,59,50,000/- against reserve price of 04,59,00,000/- in order to obtained the mining contract of the Gumthala South Block of an tentative 49.67 hectares, for a period of 09 years contract. The State Government after accepting the highest bid offered by the company issued Letter of Intent (LoI) vide dated 30.11.2015. As per the terms and conditions of the grant, the period of the contract was to be commenced from the expiry of the 12 months from the date of issuance of LoI OR from the date of the Environmental Clearance to be granted by the competent authority as per the provisions of the EIA Notification 14.09.2006 (as amended from time to time), which ever is earlier. The Mining contractor after obtaining the EC from the competent Authority vide dated 09.03.2017 and "Consent to Operate" vide dated 19.04.2017 from the HSPCB commenced the mining operations in the area w.e.f 26.04.2017.

3. The above mining contractor/s after getting the Mining Plan Approved from the Department submitted the application for obtaining the Environmental Clearance. After considering the Mining Plan and other data required as per the Provisions of said EIA Notification, the HSPCB through the Regional Officer, conducted the public hearing (date 04.04.2016 in case of Gumthala North Block) in the area/ village and thereafter after thereafter the SEIAA (State Environment Impact Assessment Authority) granted the Environment Clearance. Subsequent to the grant of the EC, the Regional Officer, HSPCB thereafter granted the Consent to operate to them respectively under the provisions of Environment (Protection) Act 1986.

4. You are aware that as per the terms and condition [Condition No. 06 of General Conditions) of the Environment Clearance granted by the SEIAA, the contractor company is required to submit the six monthly/ Half yearly report on the status of the compliance of the conditions of EC to the MoEF, the respective office of CPCB, HSPCB and SEIAA. On which the concerned respective officers undertake inspection of the said mining areas, to observe the compliance of the conditions.

Further as per the condition no. (x), the above conditions are to be enforced, inter alia, under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and rules made there under. Needless to mention here that the above compliance is apart from the compliance of conditions of the CTO granted by the HSPCB.

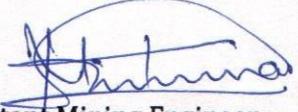
5. Having stated the above facts, it is submitted that the information as desired by you

on some points (out of which some issue/ response needs to be addressed by HSPCB), is as under:

1. The copies of approved mining plan in respect of Gumthla South Block/YNR B-17 held by M/s Elite Mining Corporation and Gumthala North Block/YNRB 16 held by Sh. Joginder Singh is attached please.
2. For the details of areas, Plate no. 3 of YNR/B-16 and plate no. 4 of YNR/B-17 of the approved Mining Plan may please be perused which is incorporated in the Mining Plan.
3. For this point, Plate no. 3 of YNR/B-16 and plate no. 4 of YNR/B-17 of the approved Mining Plan may please be perused.
4. There is no such term namely Mining Execution Plan, however, the entire Mining Plan/s and the Plate no. 4 of YNR/B-16 and plate no. 5 of YNR/B-17 of the approved Mining Plan may be perused in this behalf.
5. The Chapter 6.0 of YNR/B-16 and Chapter 4 (Para no. 4.6) of YNRB-17 of the approved Mining Plan may please be perused. However, as stated above, the environmental impact caused is a part of the Environmental Clearance granted by the Competent Authority (SEIAA) and the contractor company is submitting compliance report half yearly to the SEIAA as well as to HSPCB. The inspections/Observations made by said authorities, in this behalf may be referred as reply to this point.
6. This point is also related to the terms and conditions of the EC. The inspection made by HSPCB in this behalf may be added as reply to in this point also. As regards to the bench formations it is clarified that maximum depth of excavation allowed is only 3 m. Single Bench Excavation has been proposed in the approved Mining Plan.

This is for your Kind information and necessary action please.

DA:As above


Assistant Mining Engineer,
Mines & Geology Department,
@Yamunanagar.

Dispatched
Jaryan State Pollution Control Board
SCO No. 31, Sec. 17
Yamuna Nagar