

BEFORE THE NATIONAL GREEN TRIBUNAL, COPERNICUS MARG, NEW
DELHI

Original Application No. 581/2022

In the matter of

Vikas Kumar

...Applicant

Vs.

State of Haryana

...Respondent

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Dated:

19/11/2022

Place:

sonipat


Regional Officer,
HSPCB, Sonipat

Action taken report in compliance of Hon'ble NGT (Principal Bench) order dated 12.09.2022 in the matter of O.A. No. 581/2022 titled as Vikas Kumar Vs State of Haryana.

Introduction

As per the order of Hon'ble NGT dated 12.09.2022 in the matter of O.A. No. 581/2022 titled as Vikas Kumar Vs. State of Haryana, a Grievance in this application that Mr. Vikas Kumar resident of village and post office Jainpur, District Sonipat, Haryana has sent the present letter petition by post, which is registered and treated as original application, complaining that Mr. Sandeep Ahlawat is indulging in illegal mining in the name of Yodha Mines and Minerals in the river bed of river Yamuna and has thereby diverted course of the river by constructing illegal bridge on river Yamuna.

The Hon'ble NGT has constituted a joint Committee comprising of representative of Ministry of Jal Shakti, State of Haryana, Director, Mines and Geology, State of Haryana, State PCB and Deputy Commissioner, Sonipat and direct the same to meet within two weeks, 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 submit its report within one month. The State PCB will be the nodal agency for coordination and compliance.

A copy of the Hon'ble NGT order dated 12.09.2022 is annexed as **Annexure-I**. In compliance to the aforesaid order of Hon'ble NGT, a joint committee comprising of following members inspected the site alongwith complainant and project proponent on dated 16.11.2022 & 19.11.2022:

1. Sh. Gulshan Kumar, XEN, Sonipat W/S Division, Sonipat
2. Sh. Vikas Chauhan, Mining Inspector, Mines & Geology Department, Sonipat
3. Sh. Shivraj, Nayab Tehsildar, Ganaur, Sonipat
4. Sh. Ravinder Yadav, AEE, Haryana SPCB, Regional Office, Sonipat

Findings /Observations of the Joint Committee:

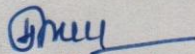
- a) During the site inspection, mining activities were not in operation due to excess flow in river Yamuna.
- b) The erosion of the field area has occurred due to meandering nature of river Yamuna.

- c) The temporary pipe crossing was constructed by M/s Yodha Mines & Minerals, Sand Unit Jainpur-2, Sonipat with permission given by XEN, Sonipat Water Services Division, Sonipat vide letter No. 5544-46/Permission dated 23.11.2021(copy enclosed as **Annexure-II**) and same was removed by M/s Yodha Mines & Minerals on 30.06.2022 as per terms and conditions of permission. Hence, the temporary pipe crossing constructed by M/s Yodha Mines & Minerals was neither illegal and nor diverted the course of river Yamuna. Photographs have been taken during inspection which are enclosed as **Annexure-III**.
- d) Apart from this it is submitted that M/s Yodha Mines & Minerals, accepting the terms and conditions of the auction notice dated 29.01.2015 offered highest bid of Rs. 08.70 Crore per annum against the reserve price of Rs. 07.035 Crore per annum in the auction held on 23.02.2015, in order to obtain the mining contract for extraction of sand from Jainpur-2 Sand Mining Unit district Sonipat having total area of 44.40 hectares (34.40 hectares falling in the riverbed and 10.00 hectares of area falling outside river bed). The highest bid was accepted and LOI was issued in the favour unit on 09.03.2015. The Contract firm executed contract agreement with the state on 07.10.2015. The period of contract is 09 years. The MoEF&CC, Govt. of India after examining the proposal accorded the environmental clearance for mining of sand with the production capacity of 14.40 Lakh MT per annum from 34.40 hectare of river bed area.
- e) The unit has obtained Environmental Clearance (EC) vide no. F. No. J-11015/112/2015-IA-II(M) dated 28.01.2016 from Ministry of Environment, Forest and Climate Change, Government of India. After obtaining Consent to Operate from the Board unit had started mining operation w.e.f. 20.04.2016
- f) The unit was lying non operational from 30.06.2022 to 15.09.2022 as per the condition of environmental clearance granted to the unit. Consent to Operate under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 was obtained by the unit upto 30.09.2022 from Haryana State Pollution Control Board, but Consent to Operate applied by the unit for renewal was refused by the Board due to non submission of complete documents and required Consent to Operate fees under Water Act and Air Act.

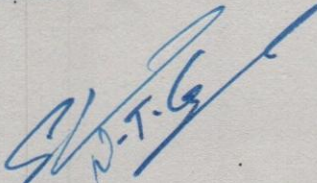
Recommendations of the Joint Committee

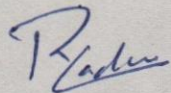
- a) The unit will not start mining activities without obtaining Consent to Operate under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 from Haryana State Pollution Control Board.
- b) The unit will comply the terms and conditions of Environmental Clearance granted to the unit for mining activities.

This report is being filed by the Joint Committee through Haryana SPCB, for the consideration of Hon'ble National Green Tribunal.


(Gulshan Kumar)
XEN, Sonipat W/S
Division, Sonipat


(Vikas Chauhan)
Mining Inspector,
Sonipat


(Shivraj)
Nayab Tehsildar,
Ganaur, Sonipat


(Ravinder Yadav)
AEE, Haryana
SPCB, Regional
Office, Sonipat

Item No.8

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No. 581/2022

Vikas Kumar

...Applicant

Versus

State of Haryana

...Respondent

Date of hearing: 12.09.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Application is registered based on a Letter Petition received by Post.

ORDER

1. Mr. Vikas Kumar resident of village and post office Jainpur, District Sonipat, Haryana has sent the present letter petition by post, which is registered and treated as original application, complaining that Mr. Sandeep Ahlawat is indulging in illegal mining in the name of Yodha Mines and Minerals in the river bed of river Yamuna and has thereby diverted course of the river by constructing illegal bridge on river Yamuna.

2. This Tribunal is empowered to ***suo moto*** take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in First Schedule of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897.**

This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representative of Ministry of Jal Shakti, State of Haryana, Director, Mines and Geology, State of Haryana, State PCB and Deputy Commissioner, Sonipat and direct the same to meet within two weeks, 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 submit its report within one month. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to:-

(i) the Project Proponent to enable it/him to comply with the recommendations the report of the Joint Committee or file objections against the observations/recommendations made in the same and also file its/his response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee; and

(ii) the Director, Mines and Geology, State of Haryana, State PCB and Deputy Commissioner, Sonipat to enable them to take appropriate remedial action by giving notice to/hearing the project proponent and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment and submit their action taken

reports within one month from the date of receipt of a copy of the report of the Joint Committee.

5. Notice of the application be also issued to (i) State of Haryana through Chief Secretary, Government of Haryana, (ii) the Director, Mines and Geology, State of Haryana (iii) State PCB, (iv.) Deputy Commissioner, Sonipat and (v) Project Proponent- Yodha Mines and Minerals requiring them to file their response/ reply to the averments made in the application by email within two months. The Registry is directed to prepare memo of parties accordingly and attach the same with the application.

6. Notice be served on the Project Proponent through Deputy Commissioner, Sonipat and for this purpose notice issued to the Project Proponent be sent to the District Magistrate, Sonipat by E-mail for getting service of the same effected on the Project Proponent and sending his report in this regard.

7. The reports/objections/reply/response be filed within the period as directed above by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. List for further consideration on 21.11.2022.

9. In view of the facts and circumstance of the case, we also consider personal appearance of the Regional Officer, Haryana State PCB and Deputy Commissioner, Sonipat on the next date of hearing through VC to be essential for producing the relevant documents regarding compliance with environmental norms and assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on that date.

O. A. No. 581/2022

Vikas Kumar Vs. State of Haryana

-4-

10. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the Ministry of Jal Shakti, State of Haryana, Director, Mines and Geology, State of Haryana, State PCB and Deputy Commissioner, Sonipat by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

September 12, 2022
AG



सिंचाई एवं जल संसाधन विभाग
हरियाणा

HARYANA IRRIGATION & WATER RESOURCES DEPARTMENT,
OFFICE OF THE EXECUTIVE ENGINEER, SONIPAT WATER SERVICES DIVISION,
SONIPAT CANAL COLONY (BANDEPUR), NARELA ROAD, SONIPAT-131001.

0130-2243481

xen-wssnp.irr@gov.in



7241-43
No...../NGT

Dated...../11/2022

To,

The regional Officer,
Haryana State Pollution Control Board,
Sonipat region,

Sub:-

Order dated 12.09.2022 in OA No. 581/2022 titled as Vikas Kumar Vs State of Haryana.

Ref:-

Your office letter no. HSPCB/SR/2022/SPL-2-3 dt. 10.11.2022

In the context the context of subject cited above a joint inspection is carried out at Yodha Mining Agency Site on dt. 16.11.2022 by following officers:-

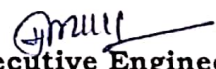
1. XEN, Sonipat W/S Division, Sonipat (under signed)
2. Mining Officer, Sonipat
3. Naib Tehsildar, Ganaur
4. SDO, Haryana State Pollution Control Board, Sonipat Region

During the site inspection, it was observed that the work of mining was found stopped at that time. The erosion of the field areas has occurred due to meandering nature of river Yamuna. The temporary pipe crossing was constructed by Yodha Mining Agency with prior permission given vide XEN, Sonipat Water Services Division, Sonipat letter no. 5544-46 /Permission dt. 23.11.2021(copy attached) and same was removed by the agency on 30.06.2022 as per terms and conditions of permission.

Hence it is submitted that the temporary pipe crossing constructed by Yodha Mining Agency was neither illegal and nor it diverted the course of river Yamuna.

This is for your kind information & further necessary action please.

DA/ As above


Executive Engineer
Sonipat W. S. Division
Sonipat

- CC:-**
1. Deputy Commissioner, Sonipat for information please.
 2. Superintending Engineer, YWS Circle, Sonipat for information please.

हर बूंद संचय, हर खेत पानी







