

OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal in OA
No.916/2018 (earlier OA No.101 of 2014) OA No.606 of 2018
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To

The Registrar,
Hon'ble National Green Tribunal,
Faridkot House, Copernicus Marg,
Near India Gate,
New Delhi- 110001

No.CMC/2021/390

Dated: 13.10.2021

Subject: Interim report of the eight members Joint Committee, constituted by Hon'ble National Green Tribunal, under the Chairmanship of Justice Pritam Pal, former Judge of Punjab and Haryana High Court and now as Chairman of the Monitoring Committee regarding verification of the facts with regard to illegal mining in forest- area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & others.

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It is submitted that the Hon'ble National Green Tribunal vide its order dated 20.7.2021 in OA no. in OA no. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana & Ors has considered the action taken report submitted by Haryana State Pollution Control Board, Regional Office, Bhiwani vide no. 538 dated 16.7.2021 and directed in para no. 1, 3 and 12, which are mentioned as under:

Para1.

Grievance in this application is against illegal mining in forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham, District Bhiwani and also unscientific mining outside forest area in violation of EC conditions. It is stated that there are FIRs, complaints and letters pointing out such illegalities.

Para 3.

Accordingly, the joint Committee has filed its report dated 16.07.2021 inter alia stating that another application on the same subject being OA No. 132/2020, Rakesh Dalal v. State of Haryana, has been dealt with by this Tribunal vide order dated 02.06.2021, therein, 2nd report was similar to the report now furnished that damage was found but the present project proponent (PP) was not responsible but it was the predecessor of this PP who had caused the damage. The report now filed states that inspection was first conducted by the Committee on 06.10.2020 finding violations by the PP.

Based thereon, show cause notice dated 08.10.2020 was issued by the State PCB under Section 5 of the Environment (Protection) Act, 1986 and after considering the reply, the Regional Officer, State PCB recommended closure on 06.11.2020. However, the scenario underwent change after the meeting convened by the Deputy Commissioner, Bhiwani on 01.12.2020. Therein differing stands were presented by the mining, forest and ground water departments at variance with the findings in the site inspection report of the joint Committee. Such differing stands were noted by the Deputy Commissioner, Bhiwani, who directed the stakeholder Departments to examine the presentation of the project proponent for sending a report to the Chairman, State PCB. Accordingly, the Forest Department vide report dated 21.12.2020 and the Mining Department vide report dated 31.12.2020 sent their observations to the Deputy Commissioner, contrary to the findings in the site inspection report dated 6.10.2020. Based on later reports, the present report has been filed to the effect that no illegal mining has been done by the present PP. Illegal mining had been done by the predecessor of the project proponent.

Para 12.

Accordingly, while issuing notice to the PP - M/s. Govardhan Mines and Minerals, Hisar, we direct further inspection by eight-member joint Committee to be headed by Justice Pritam Pal*, former Judge of Punjab and Haryana High Court and comprising Ms. Urvashi Gulati,* 1former Chief Secretary, Haryana, Regional Officer, MoEF&CC, Chandigarh, nominees of CPCB, Indian Institute of Soil and Water Conservation, Research Centre, Chandigarh, Haryana State PCB, SEIAA Haryana and District Magistrate, Bhiwani. The CPCB and State PCB will act as nodal agency for coordination and compliance. The first meeting of the Committee may be convened within two weeks. The Committee may peruse the record, undertake visit to the site (by such of the members as may be decided by the Chairman) and conduct other proceedings online. The Committee may interact with the stakeholders and take assistance from any other individual/institution. The Committee may also study the satellite imagery maps, in coordination with the concerned authorities. The report of the Committee may be furnished within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF with a copy to the Chief Secretary, Haryana for remedial action in the light of the said report following due process of law.

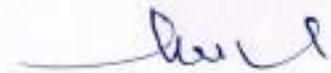
In compliance to order dated 20.7.2021 of Hon'ble National Green Tribunal in OA no. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana & Ors as mentioned in para no. 12 of the said order, eight member joint committee held its 1st meeting on 3.8.2021 through Video conferencing, wherein subcommittee was constituted to visit the stone mining site at Dadam Hill, Tehsil Tosham, District Bhiwani. The subcommittee held its 1st meeting on 16.8.2021 and

thereafter, Dadam mining site, village Dadam, Tehsil Tosham, District Bhiwani was visited by the subcommittee on 20.8.2021. The subcommittee held its 2nd meeting on 4.9.2021. Also, the eight member joint committee held its 2nd meeting on 17.9.2021 and visited the Dadam mining site on 1.10.2021.

Therefore, based on the data, record, reports of various departments viz., Department of Mining and Geology, Department of forest, Jui Water Services and Department of Ground Water Cell, District Bhiwani, detailed discussions held with the officers of concerned departments on 16.8.2021, 4.9.2021, 17.9.2021 by the subcommittee and Joint Committee and field inspection carried out by the subcommittee on 20.8.2021 and Joint Committee on 1.10.2021, eight member joint committee has prepared its an interim report, which is enclosed herewith and is sent through email at judicial-ngt@gov.in for kind consideration of Hon'ble National Green Tribunal.

It is further submitted that the above said report is also being sent through email at judicial-ngt@gov.in.

DA/As above



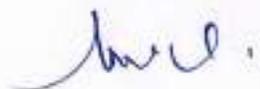
Justice Pritam Pal
Former Judge,
Punjab & Haryana High Court and
now as Chairman of the
Monitoring Committee

Endst. No. CEC/2021/391

Dated: 13.10.2021

A copy of the above is forwarded to the Chief Secretary, Haryana for information and necessary action please.

DA/-as above



Justice Pritam Pal
Former Judge,
Punjab & Haryana High Court and
now as Chairman of the
Monitoring Committee

Interim report

**of the eight member Joint Committee,
constituted by**

**Hon'ble National Green Tribunal,
under the Chairmanship of Justice
Pritam Pal, former Judge of Punjab
and Haryana High Court and now as
Chairman of the Monitoring
Committee**

**regarding verification of the facts with
regard to illegal mining in forest- area
and unscientific mining outside forest
area by M/s Govardhan Mines and
Minerals, Hisar at Dadam Hills, Tosham
District Bhiwani**

**in compliance to order dated
20.07.2021**

**in OA No. 169 of 2020 in the matter
of Kuldeep Singh V/s State of
Haryana & others.**

13th October, 2021

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Interim report of the eight member Joint Committee, constituted by Hon'ble National Green Tribunal, under the Chairmanship of Justice Pritam Pal, former Judge of Punjab and Haryana High Court and now as Chairman of the Monitoring Committee regarding verification of the facts with regard to illegal mining in forest-area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & others.

1.0 Background

Mining area of 55.50 hectares of village Dadam, Tehsil Tosham, District Bhiwani was earlier allotted by the Mining and Geology Department, State of Haryana vide letter No. 161 dated 03.01.2014 to M/s KJSL Sunder (JV) and the Environmental Clearance (EC) was granted by MoEF & CC vide letter dated 3.7.2015 for an area of 55.50 Hectares to the said firm. Further, mining lease was transferred from KJSL Sunder (JV) to M/s Sunder Marketing Associate by Mining & Geology Department, State of Haryana vide letter No. 3864 dated 17.6.2015. Consent to Establish (CTE) under the provisions of Water Act, 1974 and Air Act, 1981 was granted by Haryana State Pollution Control Board (HSPCB) to M/s Sunder Marketing Associate vide letter No. 2811915BHICTE2179882 dated 24.7.2015 and consent to operate (CTO) under the provisions of Water Act, 1974 and Air Act, 1981 was granted to the said firm vide letter No. 313100417 BHI CTO 4578505 & dated 28.11.2017 for the period 01.10.2017 to 30.11.2017.

M/S Sunder Marketing Associates filed a petition before the Hon'ble Supreme Court of India as special leave to appeal (C) No.19166 of 2017 with an appeal to the Hon'ble Apex Court for allowing it to surrender the mining lease at Dadam mine site granted to it. The Hon'ble Supreme Court of India vide order dated 11.8.2017 permitted the petitioner to continue its mining operation till 30.11.2017 and on and before that date, it shall ensure the implementation of mine closure plan to the satisfaction of the concerned authorities in the State of Haryana including clearing of all the dues. Accordingly, the mining activity by M/s Sunder Marketing project had been closed on 1.12.2017 in compliance of order dated 11.8.2017 of the Hon'ble Supreme Court of India.

The Hon'ble Punjab & Haryana High Court vide order dated 4.12.2018 permitted M/s Govardhan Mines and Minerals, 51, Urban Estate-II, Hisar for mining on the same environmental clearance (EC) previously granted to M/s KJSL- Sunder (JV)/ M/s Sunder Marketing Associate subject to final appraisal by the State Environment Impact Assessment Authority (SEIAA) in this regard. Thereafter, in compliance of Hon'ble Punjab and Haryana High Court order dated 4.12.2018, the Director General, Mines & Geology Department, Haryana vide their letter No. 6009 dated 21.12.2018 allowed the said firm (Govardhan Mines and Minerals) to operate mining activity at Dadam mining site having an area of 48.87 hectares falling in khasra No. 132 on the basis of environmental clearance already granted to M/s KJSL Sunder (JV) by MoEF & CC vide letter dated 3.7.2015.

The consent to establish and consent to operate under the provisions of the Water Act, 1974 and Air Act, 1981 was granted to M/s Govardhan Mines & Minerals by HSPCB vide letter No. 313100419BHICTE6267995 dated 10.2.2019 and letter No. 313100419BHICTO6356744 dated 25.2.2019. M/s Govardhan Mines & Minerals started mining operation at Dadam mine hill,

Dadam, Tehsil Tosham on 25.2.2019. The SEIAA, Haryana was constituted by MoEF&CC on 30.1.2019. The public hearing for the said mining project was held on 28.7.2020 and Environment Clearance was granted to the said project by SEIAA vide letter No. 638 dated 21.12.2020.

2.0 Filing application by Sh. Kuldeep Singh, village Dadam, Tehsil Tosham before the Hon'ble National Green Tribunal and taking into record by Hon'ble Tribunal in terms of OA No. 169 of 2020

The application, regarding illegal mining in forest area, unscientific mining in minable area, deep mining done in mining area and withdrawal of ground water in mining area without permission by M/S M/s Govardhan Mines & Minerals, was submitted by Sh. Kuldeep Singh before the Hon'ble National Green Tribunal and the same was taken into record in terms of OA No. 169 of 2020 and the issue was considered by the Hon'ble Tribunal on 20.8.2020 and observed as under.

"The Grievance in this application is against alleged illegal mining in forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham, District Bhiwani. The applicant has relied upon FIR, complaints and letters in support of the allegation. Before considering the matter, we find it necessary to require a factual and action taken report from a joint committee comprising the State PCB, Divisional Forest Officer, Bhiwani and the Additional District Magistrate, Bhiwani within two months by e-mail at judicialngt@gov.in preferable in the form of searchable PDF/OCR support PDF and not in the form of image PDF.

2.1 Compliance of order dated 20.8.2020 of Hon'ble National Green Tribunal

In compliance to order dated 20.8.2020, in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & others, a Joint Committee was constituted by DM, Bhiwani. The Committee was headed by Additional Deputy Commissioner, Bhiwani as representative of District Magistrate, Bhiwani including Mining Officer, Bhiwani, Associate Geologist, Ground Water Cell, Bhiwani, Addl. District Forest Officer, Bhiwani, Regional Office HSPCB, Bhiwani and SDO, Nigana Water Service Sub Div., Bhiwani. The Committee members visited the site of mining project on 6.10.2020 and made the following observations.

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- i) **Ways in the forest area created illegally without having any valid permission. The mining equipment's/machines were found standing in the non-minable area.**

The 'Dadam hills minor' is a projected forest area under IFA, 1927 and same was found illegally mined.

- ii) **The mining is done at the site about 200 feet depth, but actual depth of the mining pits will be assured by the inspection of the mining surveyor from Mining Department, Head Officer, Panchkula.**
- iii) **The concerned Mining Officer stated that an approved mining plan as well as a progressive closure plan of same are already submitted by the said mining project proponent. The mining project is still in progress and closure plan will be implemented after closure of the mining.**

- iv) In the progressive closure plan, the depth is shown to be up to 42 meters.
- v) During the inspection, the concerned Mining Officer stated that the said mining project has given following dimensions of mining pit as per approved mining plan:
- (i) Length: 536 meter (ii) Width : 528 meter (iii) Depth: 78 meter (from the ground level). But no record provided at the site during inspection in this regard.
- vi) The mining is not done in scientific manner.
- vii) The concerned Assistant Geologist, Ground Water Cell reported that no bore well found in the lease mining area. The project is meeting water requirement for plantation, dust suppression & domestic purpose etc. through tankers from outside the mining area and also using the water stored within mining pits and water stored in pits cannot be identified at spot whether it is ground water or rain water and same will be identified within 7 days as assured by the concerned Assistant Geologist, Ground Water Cell.

Due to above non compliances, a show cause notice for the closure under section 5 of EP Act, 1986 was issued by Haryana State Pollution Control Board, Bhiwani to the said unit i.e M/s Govardhan mines & Mineral, village Dadam, Bhiwani vide letter no. 2633 dated 8.10.2020. The said project poponent submitted reply of show cause notice vide letter dated 22.10.2020.

The Regional Officer, Haryana State Pollution Control Board, Bhiwani vide letter no. 5235 dated 6.11.2020 recommended the closure action against the said firm under section 5 of Environment (Protection) Act, 1986 to the Chairman, Haryana State Pollution Control Board, Panchkula.

M/s Govardhan mines & Mineral made representation to the Chairman, Haryana State Pollution Control Board, Panchkula. Accordingly, the Regional Office, Haryana State Pollution Control Board, Bhiwani was asked to get the representation of M/s Govardhan mines & Mineral examined from all the departments who inspected the site and submit comprehensive report.

Mining Department, Forest Department and Assistant Geologist, Ground Water Cell examined the issues concerning to them thoroughly and submit their reports. These reports were considered in meeting dated 1.12.2020 convened by the Deputy Commissioner, Bhiwani with all concerned departments and in the said meeting, the reports submitted by the concerned departments are mentioned as under:

2.1.1 Mining Department

Joint Committee consisting of Sr. Geologist Head Office Panchkula, Mining Officer Bhiwani, Sr. Surveyor and officials of HARSAC inspected the area on date 3.11.2020. The detailed survey of the mine area was carried out with the help of DGPS instrument in the presence of concerned revenue officials i.e Halka Girdaver and Patwari. The detailed survey was carried out with the help of DGPS for confirming the boundary coordinates of the mining lease area. The committee observed as under:

1. Boundary pillars around the mining lease area were found in order with GPS coordinate. Total 32 numbers of pillars were found to be established as per approved mining plan.
2. The maximum depth of the mining pits was found to be 109 meters from surface level at the time of inspection.
3. Some seepage water was seen in this pit during the inspection.
4. Systematic and scientific mining is regulated by the office of Director Mines Safety Ghaziabad and in case any violation is found in method of mining, they take the action accordingly and inform to the office of concerned Mining Officer, District Collector, Director General Mines and Geology, Haryana. But no such type of information is received from the Director Mines Safety Ghaziabad as reported by Mining Officer, Bhiwani.
5. Out of lease area in khatauni No. 67//62min, Khasra no. 16//20/1 min, 21/1 min, 17//1 min, 9min, 10min, 12min, 13min, 14min, 16min, 17min, 18//6min, 7min, 14min haul road is being created and used by the contractor having approximate length 460 meters width 20 mtr and depth 0-15 mtr and DGPS reading of the haul road is N 28° 53' 12.46" E 75° 51' 24.053", N 28° 53' 14.350", E 75° 51' 28.133", N 28° 53' 10.851", E 75° 51' 34.937". But, no stone has been extracted from these Khasra numbers because the said area is consisting of ordinary clay/earth. Rest of the alleged area is found to be virgin area. It was also confirmed by the local revenue department too.
6. During the inspection, it was also found that no illegal mining was noticed in the forest area of Aravali plantation.

2.1.2 Forest Department

Additional Deputy Commissioner, Bhiwani submitted a letter bearing no, 1860 dated 17.11.2020 of DFO, Bhiwani. In the said letter, DFO has clarified that the illegal mining was done in Dadam hills area by M/s Sunder Marketing Associated. Illegal mining noticed on 22.12.20219, an FIR No. 587 dated 23.12.2019 was lodged at Police Station, Tosham against Sandeep etc. In the letter dated 17.11.2020 of DFO, Bhiwani, it has been stated that the said project proponent is now not using any Aravali plantation area for ways and not made any illegal mining and the same is also examined with the help of Google images obtained from HARSAC, Hisar. It appears that the illegal mining and illegal ways are created by previous project proponent and not by present mining project i.e. M/s Govardhan Mines & Minerals, Village Dadam, Bhiwani.

The Deputy Conservator of Forests, Bhiwani vide letter dated 21.12.2020 stated that illegal mining and illegal ways are created by previous project proponent M/s Sunder Marketing, Dadam and not by M/s Govardhan Mines & Minerals, Village Dadam, Bhiwani.

2.1.3 Asstt. Geologist, Ground Water Cell

According to report dated 3.11.2020 of Asstt. Geologist, Ground Water Cell, the water table data of selected wells available in surrounding alluvial formation is varying from 9.41 m to 18.52 m, whereas, the depth of mining pit is approx. 109 mtrs. as measured by the officials of mining department. This shows that presently, the surrounding water

level is having no interconnectivity with mining pits as the water table has not been encountered upto the depth of 109 m. So it is concluded that the water accumulated in mining pits is seepage from the cracks and fissures of the quartzite rock of Aravali system.

2.1.4 Department of Irrigation

The Executive Engineer, Jui Water Services, Bhiwani submitted a report dated 20.11.2020 stating that as per available records in the case of Omparkash & others V/s Raman & others in the Hon'ble Court of Sh. Sunil Kumar Dewan, ACJ (SD) Tosham, the Tehsildar, Tosham was appointed as Local Commissioner who had mentioned in his report dated 6.1.2016 that from RD 21100 to RD 22800 of Dadam distributary in a length of 1700 ft., the channel was damaged/ not existing for the last 10 years. It was further stated that the channel was mostly damaged by earlier mining operations.

2.1.5 Director, Mines Safety, Ghaziabad

The Deputy Commissioner, Bhiwani requested the Director, Mines Safety Ghaziabad to verify whether said project i.e. M/s Govardhan Mines and Minerals, Dadam Stone Mine is doing scientific mining or not. Subsequently, the Mining Officer, Bhiwani vide letter memo no. 1201 dated 18.12.2020 also requested the Director Mines Safety Ghaziabad to verify the facts. The Director Mines Safety Ghaziabad vide its letter dated 28.12.2020 submitted the observations and conclusions as under:

2.1.5.1 Observations

- i) There were 25-30 number of pits dug within the lease hold area. The pit name was locally numbered for identification and convenience. The size of this pit was about 80-200m x 100m-200m.
- ii) The size of pit no. 38 was about 80m x 60m x 18m. The height of benches were 5-9m and width was about 5-7m. A haul road leading to benches was provided. The Aravali forest land was located on the western part of excavation. Men and machinery were deployed by contractor. The size of pit no. 35 was about 60-65m(L)x40-45m(W)x8-9m(D). The height of bench was about 8-9m. Adjoining to this pit, forest land of Aravali was located on western side. The size of pit no. 31 was about 100-110m(L)x80-90m(W)x16-18m(D). The height of bench was about 8-10m. Adjoining to this pit, forest land of Aravali was located on southern side. Loading of stone was being carried on in these pits.
- iii) The size of pits no. 22 was about 200m x 200m x 200m(D). The height of benches were about 9-10m. Drilling of holes were being carried on the bottom bench. The drill machine was provided with wet drilling arrangement. Management informed that the drill machine are provided with wet drilling arrangement. Some of the drill machines whose wet drilling mechanism was out of order were under repair.
- iv) There were three portable fogger machines installed near the pit where loading operation was being carried out to settle the dust being generated during

loading. It was informed that these foggers are moved to different pits where loading operations are carried on two to three dedicated tractor mounted water tanker was available for supplying water to these fogger machine.

- v) Three water tankers with water spraying arrangement on the top (whirling type) were provided for wetting the haul roads and benches. Water spraying was being done on the haul roads and benches.
- (vi) The danger zone was demarcated by means of red flag. The lease boundary was fenced by barbed wire. During inspection, it was observed that all staffs and work persons were found with safely gadgets like helmet and shoes.
- (vii) An order under section 22(3) of the Mines (Development and Regulation) Act, 1952 was imposed in pit No. 12 vide directorate's letter No. 2169 dated 28.6.2019. No work was being carried out at in this pit. Men and machinery were not found deployed in this pit.
- (viii) The records of attendance in form D were kept maintained. The employment register in Form B was kept maintained.
- (ix) The deep hole drilling and blasting was carried out under the personnel supervision of assistant manager and foreman. The blasting time was reported between 1-4 PM. A signage of blasting time was displayed on board at several places. Transport of explosive in licensed van for blasting in the mine was done by the explosive supplier that was in agreement with owner of mine. The records of explosive used and return in RE 13 were being maintained by the explosive supplier and firing or shot were done by statutory persons appointed by the owner of mine.
- (x) An efficient means of signaling by siren within the radius of 300 m from the place of firing was provided and in use.
- (xi) High mast tower consisting of cluster of bulb was found installed in the haul roads around the quarry of the mines for lighting arrangements towards beyond day light hours.
- (xii) There were crushers not belonging to owner of mine within the danger zone in North Eastern and North Western side. However, the crushers were located outside the danger zone from active working face. The fly rocks generated during the blasting was towards free face. It was informed by the management that in the adjoining fields, the leases were acquired by the lessee on rental basis. No signs of fly rocks were seen near the adjoining fields to the lease.

2.1.5.2

Conclusions

It is to be noted that Mining lease for Dadam stone mines, Khasra No. 132, M/s Govardhan Mines & Minerals was granted by department of Mines & Geology, Government of Haryana. Consent to operate, consent to establish and environment clearance was granted by the State Authority.

- (ii) Inspection of Dadam mines, M/s Govardhan Mines & Minerals was carried out in accordance with Mines, Act, 1952.
- (iii) Under constitution of India, safety welfare and health of workers employed in the mines is regulated by the Mines Act, 1952 and subordinate legislations framed under it. The Directorate a subordinate office under Ministry of Labour & Employment, Government of India and oversees the compliance of the provisions of the Mine Act, 1952 & the Rules under certain regulations for specific mining operations like deployment of heavy earth moving machinery & deep hole blasting.
- (iv) Inspections are carried out in accordance with Mines Act, 1952 to oversee compliance.
- (v) Scientific study is not carried out by the Directorate. However, Department of Mines & Geology may engage recognized scientific organization or institutions to carry out scientific study of the mine.

Action taken report based on report of Joint Committee dated 6.10.2020 and further reports submitted by the various departments in the meeting of Deputy Commissioner, Bhiwani in his meeting held on 1.12.2020 as mentioned above, was submitted by HSPCB, Regional Office, Bhiwani to the Hon'ble National Green Tribunal vide No. 538 dated 16.7.2021.

2.2 Consideration of report submitted by HSPCB vide No. 538 dated 16.7.2021 by the Hon'ble National Green Tribunal.

Action Taken Report submitted by HSPCB, Regional Office, Bhiwani vide No. 538 dated 16.7.2021 was considered by the Hon'ble National Green Tribunal vide its order dated 20.7.2021 in OA No. 169/2020 In the matter of Kuldeep Singh v/s State of Haryana and others, wherein, Hon'ble National Green Tribunal in Para nos. 1, 3, 10 and 12 has directed as under.

Para1.

Grievance in this application is against illegal mining in forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham, District Bhiwani and also unscientific mining outside forest area in violation of EC conditions. It is stated that there are FIRs, complaints and letters pointing out such illegalities.

Para 3.

Accordingly, the joint Committee has filed its report dated 16.07.2021 inter alia stating that another application on the same subject being OA No. 132/2020, Rakesh Dalal v. State of Haryana, has been dealt with by this Tribunal vide order dated 02.06.2021, therein, 2nd report was similar to the report now furnished that damage was found but the present project proponent (PP) was not responsible but it was the predecessor of this PP who had caused the damage. The report now filed states that inspection was first conducted by the Committee on 06.10.2020 finding violations by the PP. Based thereon, show cause notice dated 08.10.2020 was issued by the State PCB under Section 5 of the Environment (Protection) Act, 1986 and after considering the reply, the Regional Officer, State PCB recommended closure on 06.11.2020. However, the scenario underwent change after the meeting

convened by the Deputy Commissioner, Bhiwani on 01.12.2020. Therein differing stands were presented by the mining, forest and ground water departments at variance with the findings in the site inspection report of the joint Committee. Such differing stands were noted by the Deputy Commissioner, Bhiwani, who directed the stakeholder Departments to examine the presentation of the project proponent for sending a report to the Chairman, State PCB. Accordingly, the Forest Department vide report dated 21.12.2020 and the Mining Department vide report dated 31.12.2020 sent their observations to the Deputy Commissioner, contrary to the findings in the site inspection report dated 6.10.2020. Based on later reports, the present report has been filed to the effect that no illegal mining has been done by the present PP. Illegal mining had been done by the predecessor of the project proponent.

Para no. 10

After referring to the above, it is pointed out on behalf of the applicant that the conclusion in the report that no illegal mining has been done by the PP is perverse for the following reasons: i. On inspection of the site on 06.01.2020 by a six-member Committee, encroachment of the protected forest area has been found. Further, mining has been found to have been done even beyond depth of 150 meters. Closure plan has not been given by the predecessor of the PP which was the responsibility of the Chief Secretary of the State. If mining closure plan has not been filed, the Chief Secretary of the State must explain or the successor i.e the PP must be held responsible in terms of the EC conditions and as required in terms of order of the Hon'ble Supreme Court in order dated 11.08.2017 in SLP (C) No. 19166/2017, M/s. Sunder Marketing Associates v. State of Haryana & Ors. inter alia directing:

"33. Keeping in view the prayer made:

- (i) We permit the petitioner to continue its mining operations till 30th November, 2017 in accordance with the Mining Plan. On or before that date, it shall ensure implementation of the mining closure plan to the satisfaction of the concerned authorities in the State of Haryana.
XXX.....XXX.....XXX.....
- (iv) All the laws applicable to the petitioner shall be strictly enforced by the State Government regardless of its apparent influence in high places. We make it clear that we will hold the Chief Secretary of the State of Haryana responsible for any lapse in this regard."
- ii. ii. Mining was not being done in scientific manner. Ground water was being illegally extracted. Mining equipments were found in the non-mineable forest area. In IA No. 76/2021, which has been allowed by a

separate order today, the applicant has inter alia filed 12 a copy of order of Mining Department dated 05.08.2020 directing the project proponent to close deep mining pits along the Eastern Boundary of the Mine, which also contradicts the report that the PP is not responsible for the violations. Further, report of the Assistant Geologist, Ground Water Cell, Bhiwani is to the effect that water table data of selected wells available on record in surrounding alluvial formation is from 9.41 mtrs to 18.52 mtrs., whereas the depth of mining pits is approx. 60 mtrs, as told by mining officer at the site. (iii) The report of the investigating officer in the FIR, exonerating the PP is unacceptable as equipments were seized on the spot in the mining area during the currency of the mining operations by the present project proponent.

Para 12.

Accordingly, while issuing notice to the PP - M/s. Govardhan Mines and Minerals, Hisar, we direct further inspection by eight-member joint Committee to be headed by Justice Pritam Pal*, former Judge of Punjab and Haryana High Court and comprising Ms. Urvashi Gulati,* 1former Chief Secretary, Haryana, Regional Officer, MoEF&CC, Chandigarh, nominees of CPCB, Indian Institute of Soil and Water Conservation, Research Centre, Chandigarh, Haryana State PCB, SEIAA Haryana and District Magistrate, Bhiwani. The CPCB and State PCB will act as nodal agency for coordination and compliance. The first meeting of the Committee may be convened within two weeks. The Committee may peruse the record, undertake visit to the site (by such of the members as may be decided by the Chairman) and conduct other proceedings online. The Committee may interact with the stakeholders and take assistance from any other individual/institution. The Committee may also study the satellite imagery maps, in coordination with the concerned authorities. The report of the Committee may be furnished within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF with a copy to the Chief Secretary, Haryana for remedial action in the light of the said report following due process of law.

A copy of the order dated 20.7.2021 of the Hon'ble National Green Tribunal is annexed as per **Annexure-A**

2.3 Compliance of order dated 20.7.2021 of Hon'ble National Green Tribunal as mentioned in para No.12 by the eight member committee.

The eight member Joint Committee under the Chairman of the Justice Pritam Pal, former Judge, Punjab and Haryana High Court and now as Chairman of the Monitoring Committee,, constituted by Hon'ble National Green Tribunal, perused the order dated 20.7.2021 of Hon'ble National Green Tribunal and decided to hold its first meeting on 3.8.2021 through VC.

2.3.1 First meeting of the eight member Joint Committee on 3.8.2021 through VC

In compliance of order dated 20.7.2021 of the Hon'ble National Green Tribunal, as mentioned in Para No. 12, the eight member Joint Committee under the Chairmanship of the Justice Pritam Pal, former Judge, Punjab and Haryana High Court and now as Chairman of the Monitoring Committee, held its first meeting on 3.8.2021, wherein, the Chairman of the Joint Committee directed as under.

- 1. Dr. Babu Ram, who has already been appointed as technical expert, Monitoring Committee by the Hon'ble National Green Tribunal, is taken as technical expert in eight members joint committee. He will also act as Member Secretary of the Joint Committee.**
- 2) A sub-committee, consisting of following officers, is constituted to visit the stone mining site at Dadam Hill, Tosham, District Bhiwani on 20.08.2021.**
 - i) Sh. Bharat Bhushan, IAS, Chairman, SEIAA.**
 - ii) Senior Scientist, Indian Institute of Soil and Water Conservation, Research centre, Chandigarh.**
 - iii) Sh. K.K Garg, Scientist C/Deputy Director, MOEF.**
 - iv) Dr. Narender Sharma, Additional Director, CPCB.**
 - v) Dr. Babu Ram, former Member Secretary, PPCB.**
- 3) The sub-committee may meet within 10 days at Chandigarh to identify all the issues involved in the case, the record in the case may be perused, satellite imagery maps may be studied and strategy to be adopted to resolve the issues in the matter may be chalked out.**
- 4) During the site visit to be made to the stone mining site at Vill. Dadam Hill, Tosham, District Bhiwani on 20.08.2021, the stakeholders and other investigation officers who had jointly inspected the site on 06.10.2020, may also be asked to accompany the sub-Committee during site inspection. HSPCB, Regional Office, Bhiwani shall issue letter to the all the stakeholders to join the Sub-committee for site inspection on 20.08.2021.**
- 5) After the receipt of the report of the sub-committee, eight members joint committee shall decide further course of action to be taken in the matter alongwith planning to visit the site in due course of time.**

The minutes of first meeting of eight member Joint Committee held under the Chairmanship of Justice Pritam Pal, Former Judge, Punjab & Haryana High Court and now as Chairman of the Monitoring Committee on 3.8.2021 is Annexed as per **Annexure-B**

2.3.2 First meeting of subcommittee, constituted by the Chairman of the Joint Committee, held on 16.8.2021.

The subcommittee held its first meeting on 16.8.2021, wherein, it was mutually agreed upon to ask the following departments to submit the record/reports in the matter as under.

1. Department of Forest

- i. Demarcation of Aravalli forest area with coloured google earth images and GPS coordinates of the pillars.**

- ii. Identification of two sites with coloured google earth images having an area of 0.8 hectares and 300 m² in the forest land, where illegal mining was observed.
- iii. Investigation report w.r.t FIR no. 587 dated 23.12.2019.
- iv. Status of action taken on the illegal mining done in above said areas.
- v. Status of damage caused to the plantation area in Dadam distributary.
- vi. Status of illegal mining, if any, done in the Dadam distributary covered under forest department.

2. Department of mining

- i. GPS coordinates of the boundary pillars of old mining site, where the mining was done by the earlier project proponent namely M/S Sundar marketing Associate and existing mining site, where the present project proponent namely M/S Govardhan mines and Minerals is now doing the mining.
- ii. GPS record with coloured google earth images showing the depth of 109 m at mining site.

3. JUI water services, irrigation department, Bhiwani.

- i. Coloured photographs and google earth images of Dadam distributary in the years 2000 to 2007.
- ii. Documents/reports alongwith coloured google earth images showing the damage caused to the Dadam distributary and year in which the damage was caused.
- iii. The status of illegal mining done in the Dadam distributary.
- iv. Action taken by the department of JUI water services against the violators.
- v. Width of the Dadam distributary before and after its damaging.

4. State Environment impact assessment Authority (SEIAA), Haryana

- i. Copies of EIA reports of both the proponents based on which EC were granted.
- ii. Copies of ECs granted to both the proponents (SEIAA).

5. Haryana State Pollution Control Board, Regional Office, Bhiwani

- i. Action taken report filed in the Hon'ble National Green Tribunal in OA no. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana and Ors.
- ii. Action taken report filed in the Hon'ble National Green Tribunal in OA no. 132 of 2020 in the matter of Rakesh Dalal Vs State of Haryana and Ors.

The said documents may be submitted before 20.8.2021.

A copy of minutes of the subcommittee held on 16.8.2021 is annexed as per **Annexure-C**

2.3.4 Visit of the subcommittee to the Dadam mining site, village Dadam, Tehsil Tosham on 20.8.2021.

The subcommittee decided to visit Dadam mining site, village Dadam, Tehsil Tosham on 20.8.2021 and accordingly, the mining site at village Dadam, Tehsil Tosham was visited on 20.8.2021. The report in brief is mentioned as under.

2.3.4.1 Pathway constructed in the forest area and illegal mining of 300 m² of area

The subcommittee visited the pathway, which has been constructed in the forest area with the permission of the department of forest, as informed by District Forest Officer, Bhiwani. The width of pathway as approved by Forest Department as 6m, whereas, the clearing of site, for construction of pathway, has been done beyond the width of 6m for which the present

proponent (M/S Govardhan Mines and Minerals) accepted their fault on the site. Moreover, deep drill holes were found constructed within and beyond 6m width of the path, which apprehends that the present project proponent namely M/s Govardhan Mines and Minerals had intention to conduct illegal mining in the forest area. However, due to catching of the persons on the spot for doing such illegal activity w.r.t mining, filing FIR against the persons and seizure of vehicles, found indulged in illegal mining, the work of mining in forest area was stopped and the pathway in forest area remained unconstructed at the site. However, illegal mining has been done in an area about 300m² as informed and the map shown by the department of forest.

The photographs showing the bore drill holes constructed in forest area within and beyond 6 m wide pathway are mentioned as per **plates 1 and 2**. Also, the photographs, taken by Department of Forest at the time of filing FIR and seizing of vehicles, were shown to the subcommittee, and the same are mentioned as **Plates 3 to 6**.



Plates 1 and 2: The photographs showing the bore drill holes constructed in forest area within and beyond 6 m wide pathway



Plates 3 and 4: Vehicles used for carrying illegal mined material on the day of filing FIR against the person.



Plates 5: Drill machine used for making holes with an intention to conduct illegal mining.

Plate 6: Vehicle found standing with an intention to carry mined material.

2.3.4.2 Illegal mining having an estimated area of 0.8 hectares in the forest area.

The subcommittee has visited the area where illegal mining in forest area was found done in an area of about 0.8 hectares. The pillars installed at site indicating the forest area and non forest area were found intact. It was informed that the area of illegal mining in forest area was measured by using the Google earth images available during Feb, 2019. However, the sub committee was of the view that this area of illegal mining needs to be validated from HARSAC, Hisar.

The Photographs, showing the pillars demarcating the forest and non forest area, illegal mining done at site in an approximate area of 0.8 hectares, are mentioned as per **Plates 7 to 10.**



Plates 7 and 8: Photographs, showing the pillars demarcating the forest and non forest area, where illegal mining has been done in 0.8 hectares in forest area

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R
Kangam
[Signature]
[Signature]



Plate 9: Photograph showing forest area where illegal mining in 0.8 hectares has been done

Plate 10: Photograph showing pillar demarcating forest and non-forest area

After visit to the area, the subcommittee decided as under:

- (i) HARSAC, Hisar shall provide satellite images of the area where illegal mining has been done in forest area in 300 m² and 0.8 hectares for the year 2015 to June, 2021 and specific references of dates of mining leases of three project proponents, for which District Forest Officer, Bhiwani shall provide GPS coordinates of these areas to HARSAC, Hisar within 03 days. District Forest Officer, Bhiwani shall coordinate with the Director, HARSAC, Hisar for getting satellite images of the area for the said period.
- (ii) District Forest Officer shall submit other documents to prove the illegal mining done in the area of about 300 m² and 0.8 hectare in the forest area.
- (iii) Department of mining and Department of Forest shall provide all the documents mentioning illegal mining in non mining area during the period 2015 to 2019.
- (iv) The department of forest shall submit copy of the permission granted to the project proponent (M/S Govardhan Mines and Minerals) for constructing pathway of 6m width within forest area.
- (v) The department of forest shall submit the coloured photographs and Google earth images showing the area where illegal mining in forest area has been done in two stretches having an area of about 300 m² and 0.8 hectares.
- (vi) The department of mining shall measure the dimensions of benches w.r.t their width and depth at various locations within 07 days and whether these have constructed as per the Mining plan approved by department of Mining.
- (vii) Department of Police shall submit the copy of the FIR launched against the persons who were caught doing illegal mining in forest area and investigation report in the matter within 07 days.

2.3.4.3 Site at which mining has been done up to depth of 109m in mining area.

The subcommittee visited the mining site, where the mining has been done up to the depth of 109 m as earlier measured by department of Mines and Geology, Haryana. It

was observed that the project proponent has been permitted to conduct mining up to 78m depth as per the mining plan submitted by it and approved by the department. However, the mining has been done up to the depth of 109 m, which is in violation of conditions of Environment Clearance and mining plan approved by the department.

The subcommittee also observed that water was found stagnated in the form of pond at the bottom of the mining site. The photographs, showing various features at site and water stagnating in the form of pond in deep mined area, where stone mining has been done up to the depth of 109 m, are mentioned as per **Plates 11 and 12.**



Plate 11: Photograph showing water stagnating in the form of pond in deep mined area, where mining has been done up to the depth of 109m



Plate 12: Photograph showing mining done in an area upto the depth of 109 m as measured by department of Mines and Geology, Haryana

The subcommittee has decided as under.

- (i) The department of mining shall submit the reports of the verification of conditions of mining plan done during the 2015 to June, 2021.
- (ii) Ministry of Environment and Forest, Regional Office, Chandigarh shall submit copy of the verification of reports of compliance of conditions of Environment Clearance granted to the project proponents during the year, 2015 to June, 2021, as submitted by the project proponents and verified by MOEF & CC.
- (iii) HSPCB, Regional Office, Bhiwani shall submit the report of the compliance of conditions of consents granted to the project proponents during the year, 2015 to June, 2021, as submitted by the project proponents and verified by HSPCB.
- (iv) The Central Groundwater Authority (CGWA) shall submit the data w.r.t water table in the region and whether the water table of the region can be intersected by mining up to 109 m as per the study conducted by department of Mines and Geology.
- (v) HARSAC, Hisar shall provide satellite imagery of mining area where mining has been done up to the depth of 109 m for the year 2015 to June, 2021 and specific references of dates of mining leases of three project proponents, for which Department of Mining shall supply GPS coordinates of the area to HARSAC, Hisar within 03 days. District Forest Officer, Bhiwani shall coordinate with the Director, HARSAC, Hisar for getting satellite imageries of the area for the said period.

2.3.4.4 Abandoned/damaged Dadam distributary/Minor constructed by department of Irrigation, Haryana.

The subcommittee visited the Dadam distributary/Minor, which has been constructed by the department of irrigation before the Year, 1980. During visit, the following observations were made by the sub committee.

- (i) A Dadam distributary/Minor was constructed to supply the water for irrigation to the agriculture fields of the area. However, the farmers of nearby village, present at site, informed that the water was never seen in the distributary/Minor since its construction.
- (ii) The distributary/Minor is in existence at some places, whereas, it has been either broken or has been eliminated at various locations.
- (iii) The farmers claimed that mining lease holder has damaged the Dadam distributary/Minor and has constructed pathways for movement of vehicles.
- (iv) At some places, overburden extracted from the roads constructed along the distributary/Minor, was found dumped at various places on the bank of distributary/Minor and distributary/Minor has come underneath the overburdened material.

The Photographs showing the Dadam distributary/Minor in existence, damaged and end of the distributary/ Minor are mentioned as per **Plates 13 to 16.**



Plate 13: Photograph showing distributary/ Minor in existence



Plate 14: Photograph showing the damaged distributary/ Minor underneath the overburdened material



Plate 15: Photograph showing distributary/ Minor underneath overburdened material but cleared on the day of visit to show its existence to the committee.



Plate 16: Photograph showing the end of distributary/ Minor.

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After visit to the damaged distributor/Minor, the subcommittee decided to obtain the record w.r.t following points/issues from the concerned departments.

- (i) The department of Irrigation shall provide data w.r.t Year of construction and commissioning of Dadam distributary/Minor, its total length and length passing near mining area, carrying capacity of water and the year of damaging the same.
- (ii) The department of Revenue (Tehsildar of area) shall provide Khasra no. and ownership of the land adjoining to Dadam distributary/Minor and area, if any, captured by mining lease holder and year of capturing of the same.
- (iii) The Department of Mining and Department of Irrigation shall submit the record regarding illegal mining done from Dadam distributary/Minor and its adjoining area.
- (iv) HARSAC, Hisar shall provide satellite imageries of the Dadam distributary /Minor mentioning its status from the year, 2010 to June, 2021 and specific references of dates of mining leases of three project proponents, near the Mining project at village Dadam in Tosham Hills, Bhiwani, for which GPS coordinates shall be provided by the Department of Irrigation to HARSAC, Hisar within 03 days. District Forest Officer, Bhiwani shall coordinate with the Director, HARSAC, Hisar for getting satellite imageries of the area for the said period.

2.3.4.5 Interaction with applicants in OA no. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana and Ors and OA no. 132 of 2020 in the matter of Rakesh Dalal Vs State of Haryana and Ors and mining lease holder (M/s Govardhan Mines and Minerals) by the members of subcommittee in the presence of Deputy Commissioner, Bhiwani.

a) Interaction with applicants in OA no. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana and Ors and OA no. 132 of 2020 in the matter of Rakesh Dalal Vs State of Haryana and Ors.

The subcommittee in the presence of Deputy Commissioner, Bhiwani interacted with the applicants in OA No. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana and Ors and OA No. 132 of 2020 in the matter of Rakesh Dalal Vs State of Haryana and Ors, wherein, the applicant in OA No. 169 of 2020 informed that illegal mining has been done in the area by the present project proponent (M/S Govardhan Mines and Minerals) and illegal mining has also been done in his own land as well as private land of others. Therefore, the application before Hon'ble National Green Tribunal has been submitted by them.

The applicant in OA No. 132 of 2020 informed that illegal mining has been done by both the old and present project proponents. Besides, unscientific mining has been done in mining area, village Dadam. Therefore, they have submitted the application before Hon'ble National Green Tribunal.

After detailed deliberation, the subcommittee decided as under.

- Both the applicants in OA No. 169 of 2020 and OA No. 132 of 2020 shall submit documents in support of their claim made before the subcommittee within 07 days in the Office of HSPCB, Regional Office, Bhiwani.
- b) Interaction of the subcommittee with the representatives of M/s Govardhan Mines and Minerals in the presence of Deputy Commissioner, Bhiwani.

The subcommittee also interacted with the representatives of M/s Govardhan Mines and Minerals in the presence of Deputy Commissioner, Bhiwani. It was claimed that illegal mining was done by the earlier project proponent. It was also informed by the proponent that M/s Govardhan Mines and Minerals has got conducted detailed study of the mining area before taking the said mining area on lease.

After detailed discussion, the subcommittee decided as under.

- (i) M/S Govardhan Mines and Minerals shall submit all the documents in support their claim concerning to the matter in the office HSPCB, Regional Office, Bhiwani within 07 days.
- (ii) All the concerned departments as mentioned above, applicants in OA no. 169 of 2020 and 132 of 2020 and Project Proponent namely M/s Govardhan Mines and Mineral shall submit all the required documents by 27.8.2021 in the office of Environment Engineer, HSPCB, Bhiwani and the said office shall make arrangements to get all the documents delivered in the office of Monitoring Committee, constituted by the Hon'ble National Green Tribunal, situated at Forest complex, Sector-68, SAS Nagar on 30.8.2021.

A copy of the report of the subcommittee containing recommendations w.r.t each action point is annexed as per **Annexure-D**

2.3.5 Second meeting of the subcommittee held on 4.9.2021.

The subcommittee held its next meeting with District level officers of District Bhiwani on 4.9.2021, wherein, the observations/recommendations w.r.t each action point were made and the same have been mentioned in the minutes of the meeting, a copy of which is enclosed as per Annexure-E

2.3.6 Second meeting of Joint Committee, constituted by Hon'ble National Green Tribunal on 17.9.2021

Based on the data/ information/documents submitted by the Department of Mining & Geology, Forest Department and Department of Jui Water Services on 3.11.2020, 17.11.2020 & 20.12.2020, 4.11.2020 and 20.11.2020, respectively, on the various points, as mentioned in OA No.169 of 2020, meetings held with the officers of concerned departments of District Bhiwani on 16.8.2021 and 4.9.2021 and visit to Dadam mining site by the subcommittee on 20.8.2021, the Joint Committee held its 2nd meeting on 17.9.2021 and detailed discussion on each point/data w.r.t. illegal mining in forest area in 300 m² and 0.8 hectares, mining done up to the depth of 200', illegal abstraction of ground water, unscientific mining in the mining area and

using damaged Dadam distributory at village Dadam as pathways for illegal mining. The point wise discussion was held as under.

2.3.6.1 Pathways constructed in forest area and illegal mining in 300 m² area.

The record indicate that District Forest Officer (DFO), Bhiwani vide his officer letter No. 2009 dated 24.12.2019, addressed to Chief Conservator of Forests, Hisar has reported that on the receipt of information about illegal mining in Aravali Plantation area on 22.12.2019 at 9:00 PM, the officers of Forest Department and Police inspected the area and 3 trucks, 01 poclain and 01 drill machine were found engaged in doing illegal mining in Aravali Plantation area.

The truck owner and his other companions ran away from the spot and only 01 person was caught and FIR was lodged in the police station, Tosham. The area, where the illegal mining was found, was near to 06 m wide road for passage of vehicles and the permission for the diversion of 0.504 hectares of forest land in favour of M/s Govardhan Mines and Minerals for access to mining area bearing Khasra No. 132 in village Dadam for use of forest land was granted by Ministry of Environment, Forest and Climate Change vide No.9HRB060/2019 CHA dated 25.9.2019 but illegal mining was found in Aravali plantation area (forest area) between approach road line marked as AB and BC.

Further, the subcommittee during its visit to Dadam mining site on 20.8.2021, visited the pathway, which has been constructed in the forest area with the permission of the department of forest, as informed by District Forest Officer, Bhiwani, the width of pathway, as approved by Forest Department, is 6m, whereas, pathway has been constructed beyond the width of 6 m for which the present proponent (M/S Govardhan Mines and Minerals) accepted their fault on the site. Moreover, deep drill holes were found constructed within and beyond 6 m width of the path, which leads to apprehension that the present project proponent namely M/s Govardhan Mines and Minerals had intention to conduct illegal mining in the forest area. However, due to catching of the persons on the spot for doing such illegal activity w.r.t mining on 22.12.2019, filing FIR against the persons and seizure of vehicles, found indulged in illegal mining, the work of mining in forest area was stopped and the pathway in forest area remained unconstructed at the site. However, illegal mining has been done in an area about 300 m² as informed and the map shown by the department of forest.

The Joint Committee has also perused the record and it was observed that information regarding illegal mining in Aravali plantation area was received by the Department of Forest on 22.12.2019 and the officers of Forest Department and police inspected the area on 22.12.2019 and 03 trucks, 01 Poclain and 01 drill machine were found engaged in doing illegal mining in Aravali plantation area and FIR was lodged vide No. 587 dated 23.12.2019 at Police Station, Tosham.

The area, where the illegal mining was found, was near to 6 m wide road for passage of vehicles and permission for use of 0.504 hectares of forest area has been granted by MOEF & CC vide No. 9HRB060/2019 CHA dated 25.9.2019 but illegal mining was found in plantation area between approach road line marked as AB and BC and a report in this regard was sent by the Dept. of Forest to Deputy Commissioner, Bhiwani, Superintendent of Police, SDO (Civil), Tosham, Mining Officer, Tehsildar Tosham and

SHO, Tosham stating that illegal mining was found in the plantation area between AB and BC and FIR of the same has been lodged vide No.587 dated 23.12.2019 in the police station, Tosham.

The record also indicates that Administrative officer, Thana Tosham has prepared progress/status report dated 19.8.2021 regarding theft of stone mined material from Dadam mining site and the facts mentioned in the report are briefly mentioned as under.

The officials of forest department and police, Tosham visited the mining site at Dadam based on telephonic message received at 9.00 PM on 22.12.2019 and it was observed that 01 truck bearing No. HR061C 4044 loaded with stones and 02 trucks No. HR061D 1411, and HR 061D 6014, 01 poclain and drill machine were found engaged in doing illegal mining in forest area. The persons who were doing illegal mining ran away from the spot and 01 person was caught. FIR No. 587 dated 23.12.2019 u/s 379 IPC and section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 was lodged.

The vehicles No. HR 61C 4044, No. HR 61D 1411 and No. HR 61D 6014, respectively, were released on 6.1.2020, 7.1.2020 and 7.1.2020 on Superdari on the directions of Hon'ble Court of SDJM, Tosham. Poclain machine and drill machines were released on 18.1.2021 and 8.4.2021, respectively, on Superdari on the directions of Hon'ble Court of SDJM, Tosham. The detailed progress report, prepared by Administrative Officer, Police Thana, Tosham on 19.8.2021 is annexed as per **Annexure-F**. The case is still pending in the court of SDJM, Tosham as per order dated 7.9.2021 and case has been adjourned to 1.11.2021.

Based on the record as mentioned above and visit of mining site done by subcommittee on 20.8.2021, it is evident that M/s Govardhan Mines and Minerals has done illegal mining in Aravali plantation area (non-minable area) in 300 m² area.

Therefore, the eight members Joint Committee recommends as under.

- i) **The department of forest shall recover the cost of stones mined illegally in forest area (Aravali Plantation area) as per the methodology mentioned in order dated 26.2.2021 in OA No. 360 of 2015 in the matter of National Green Tribunal Bar Association vs union of India and Ors and order dated 19.2.2020 in MA No.16/2020 in OA No. 44 of 2016.**
- ii) **HSPCB shall impose environmental compensation of suitable amount as a cost of damage caused to the environment by the project proponent for carrying out illegal mining in forest area (Araveli platation area).**

2.3.6.2 Illegal mining having an estimated area of 0.8 hectare in forest area

The Joint Committee has perused the record and it has been observed that that the officials of the Forest department were reporting from time to time about illegal mining by the mining lease holder in Aravali plantation area (outside mining lease area). The reports in this regard were submitted by the officials of forest department on 29.07.2019, 31.07.2019, 14.08.2019, letter dated 23.9.2019, 4.11.2019, 20.11.2019 and report dated 10.9.2019 of Mining Officer of the department, but nothing is clear about illegal mining done in an area (forest area).

As per the record available, District Forest Officer has informed that the matter has been reported to Mining Officer many times that the GPS readings of Pillar I and J are not matching and there is illegal mining in front of pillar B between Pillars A and C, which could not be verified due to mismatching of GPS coordinates.

The Mining Inspector has stated in his report that joint inspection of the mining area was carried out on 10.9.2019 and illegal mining was found between Pillar B and C having an area with length and depth of 20-25 ft.

RFO, Tosham has reported vide letter dated 364 dated 21.12.2020 stating that illegal mining has been done near point B & C in an area of about 0.8 hectares by the then lease holder (M/S KJSL Sunder Marketing Associate) prior to M/S Govardhan Mines and Minerals.

In the meeting, District Forest Officer had shown Google earth images showing 0.8 hectares of forest area illegal mined in the year, 2019, whereas, Dr. Sultan Singh, Principal Scientist, HARSAC was of view that images of Google earth cannot be considered for establishing the actual time period of illegal mining in 0.8 hectares of forest area. There is need to get the satellite imageries of the area.

During the meeting, Dr. Sultan Singh, Principal Scientist, HARSAC also informed that for satellite imageries of the area, where illegal mining has been done in 0.8 hectare of the area, National Remote Sensing Center, Hyderabad has been requested to provide satellite imageries.

Therefore, Joint Committee has decided as under.

i) HARSAC, Hisar shall conduct survey of the area, get the GPS coordinates and satellite imageries for the period December, 2017 to December 2019. Dr. Sultan Singh, Principal Scientist, HARSAC, Hisar shall get the satellite imageries for the said period, interpret the data and prepare report in the matter at the earliest so that the report in this regard may be submitted to the Hon'ble National Green Tribunal.

ii) All the expenditure incurred during survey of Dadam Mine, getting satellite imageries of the area, interpretation of the data and preparation of report in the matter shall be made by Deputy Commissioner, Bhiwani under the District Mining Fund Scheme.

The final report w.r.t illegal mining in 0.8 hectares of forest area in Dadam mining area shall be submitted after the receipt of report from HARSAC, Hisar.

2.3.6.3 Site at which mining has been done upto depth of 200 ft in mining area.

In compliance of order dated 20.8.2020 in OA No. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana, a Joint team headed by Additional Deputy Commissioner, Bhiwani visited the mining site on 6.10.2020 and during the inspection, the concerned mining officer stated that said mining project has dimensions of the mining pit as 536 m x 528 m x 78 m as per the approved mining plan.

Further, on the directions of Director General, Mines and Geology, Haryana, Panchkula, a team consisting of Senior Geologist, Head Office, Panchkula, Mining Officer Bhiwani, Senior Surveyor and officials of HARSAC inspected the mining lease area on 3.11.2020.

The detailed survey of mining area was carried out with the help of DGPS instrument in the presence of concerned Revenue officials and observed that the maximum depth of mining pits was found to be 109 m from the surface level at the time of inspection.

The Department of Mines & Geology vide its letter No. 718 dated 5.8.2020 has stated that the mining in Eastern, Northern and South Eastern area of mine situated along the boundary pillars No. 13 to 19 has gone deep to a depth of 300 ft.

M/s Govardhan Mines and Minerals has submitted a document w.r.t. digital survey of Dadam Stone Mine at village Dadam, Tosham, done by M/s Shivom Engineers Associates Pvt. Ltd. on the request of Sh. Ved Pal Tanwar, Hisar on 16.4.2018 with DGPS instrument along with qualified survey team. The conclusion of the study was as under.

After study of the map prepared, it was observed that the mine depth at places is more than 100 mts, as per contours shown in drawing that is much below the ground water level which is 18.65 mts. The mining operations being undertaken are haphazard, unsystematic and unscientific without following the provisions laid down under the Mines Act 1952 and Rule and Regulations made there under.

The members of the Joint Committee observed that no such study was submitted by the project proponent (M/s Govardhan Mines and Minerals) earlier and it has submitted only after the filing the case by the applicant before the Hon'ble National Green Tribunal. Moreover, the study conducted by the private agency cannot be relied upon as the project proponent has got the study done on its own with its own vested interest.

The above reports indicate that the depth of mining has gone upto 109 m against the permitted depth of 78 m and hence has violated the conditions of the mining plan.

When asking by the Chairman of the Joint Committee to the Mining Department regarding statutory inspections of the mining site by the department, it was informed by the Mining Officer that the consolidated reports in compliance to order dated 11.8.2017 of Hon'ble Supreme Court of India passed in special leave appeal C No. 19166 of 2017 regarding Dadam Stone Mine of Distt. Bhiwani, are prepared after every 15 days and consolidated reports in this regard have been prepared vide number 4412/MB dated 1.9.2017, No. 86 dated 16.9.2017, No. 5900 dated 13.10.2017, No. 6343 dated 3.11.2017, No. 6703 dated 17.11.2017 and No. 7107 dated 30.11.2017. **The perusal of these consolidated reports submitted by the various departments to the Deputy Commissioner, Bhiwani and further to the Director, Mines and Geology Department, Haryana indicates that in these reports nothing has been mentioned about depth of any mining pit in the area up to which the mining has been done. Moreover, the compliance of Environment clearance has not been checked by the concerned regulatory authorities.**

Therefore, there is need to identify the project proponent who has done mining up to the depth of 109 m against the permissible depth of 78 m as mentioned in Mining Plan.

From the above record, reports and visit to the mining site by the subcommittee, it is clear that depth of mining has gone deep to 109 m but there is need to identify the project proponent who has done mining upto the

depth of 109 m against the permissible depth of 78 m. Therefore, the Joint Committee recommends as under.

- i. That HARSAC, Hisar shall get the satellite imageries for the period 2015 to 2020, interpret the data and shall prepare report. The said study report may be completed within 01 month.
- ii. District Mining Officer shall provide order of Hon'ble Punjab and Haryana High Court and Hon'ble Supreme Court of India in the matter of illegal mining within 7 days.

The final report on the said issue i.e fixing the responsibility of the project proponent who has done deep mining up to the depth of 109m (more than the permissible depth of 78 m as per mining plan) shall be submitted after the receipt of report of HARSAC, Hisar

2.3.6.4 Abandoned/damaged Dadam Distributory/ minor constructed by the Department of Irrigation.

From the record, it has been observed that the Executive Engineer, Jui W/S Division has informed to Additional Deputy Commissioner vide letter No. 10191-93 dated 20.11.2020 regarding use of canal land as carriage way, FIR was sent to SHO, Tosham vide letter dated 22.5.2019 and reminders dated 31.10.2019 and 3.1.2020 were issued to SHO, Tosham. As per record available in the case of OM Parkash & others V/s Raman and others in the court of ACJ (SD), Tosham, as directed by Hon'ble Court, Tehsildar, Tosham has reported that 1700 ft of canal has been damaged for the last 10 years.

The Department of Irrigation has further informed that on 06.10.2020, during the joint inspection, SDO, Nigana W/S stated that the said mining project is using the land of Dadam distributory/minor illegally for mining purposes and the land of distributory/minor was being used as carriage way by the vehicles of mining company and the same was also reported by the Executive Engineer Jui W/S, Division, Bhiwani in his report dated 20.11.2020.

The Executive Engineer, Jui W/S Division, Bhiwani has informed that Dadam distributory was constructed in the year 1976-77 from RD 0 to RD 20500. Later, it was extended upto RD 23500 during the year 1987-88. Its total length is 23500' and it passes through the Dadam mining area from RD 20500 to 23500. Its water carrying capacity is 19 cusecs. As per the report dated 06.01.2016 of local Commissioner, Dadam distributory was damaged for the last 10 years.

In the meeting on 17.9.2021, it was informed that demarcation of Dadam distributory has been done by the department of revenue except its small portion having deep area of 200-250 ft. The width of the Dadam distributory has been found 49.5 ft. from RD 20500 to 21300 and RD 22700 to 23500 and 143' from RD 21300 to 22700.

During the last meeting of the subcommittee held on 4.9.2021, the subcommittee has desired that the Department of Irrigation and Department of Mining shall measure the dimensions (length x breadth x depth) of the portion of length 200-250 ft. of Dadam distributory for which no demarcation has been done by the Department of Revenue within 7 days but no such measurements have been made by these two departments so far for which, the Chairman of the Joint Committee took a serious view.

During the discussion, Dr. Sultan Singh, Principal Scientist, HARSAC, Hisar was of the view that over burden along the Dadam distributary was found accumulated at various places and it was also being used as pathway for the vehicles.

The Joint Committee apprehends that the area, where deep digging of 200-250 ft. has been created, possibility of illegal mining done in distributary/minor area may be there.

After detailed discussion of the issue, the Joint Committee decided as under:

- i. HARSAC, Hisar shall get satellite imageries of Dadam distributary for the year 2015 to 2020, interpret the data and prepare report regarding illegal mining and using the damaged distributary as pathway for the movement of the vehicles of the mining lease holder in Dadam Mine Hill area.**
- ii. The Department of Irrigation, Bhiwani shall provide the record regarding existence of Dadam distributary in khasra No. 132 and record mentioning that the Dadam area, in which Dadam distributary passes, is also is a part of Dadam Mine Hill area, within 7 days.**
- iii. The Department of Irrigation and Mining shall jointly measure the dimensions (length x breadth x depth) of the Dadam distributary/mined area where deep pit of depth between 200-250 ft. has been observed, within 3 days.**

The final report on the issue shall be submitted after the receipt of data from the said departments

2.3.6.5 Unscientific mining in the mining area by the project proponent.

It was submitted that Deputy Director of Mines Safety, Ghaziabad vide his report dated 04.01.2021, which was based on the inspection made on 28.12.2020, has submitted his report, which is briefly mentioned as under.

- There were 25-30 no. of mining pits dug within mining lease area.
- The pits have different sizes and height of the benches have been found between 5-9 m, 5-7 m, 9-10 m etc.
- Three portable fogger machines were found installed near the pits which are moved to different pits. Besides, three water tankers, with water spraying arrangements on the top, have been provided for wetting the haul roads and benches.
- The danger zone was found demarcated by means of red flag. The lease boundary wall was fenced with barbed wire. During inspection, it was observed that all the staff and work persons were wearing safety gadgets like helmets and shoes.
- The deep hole drilling and blasting was carried out under the personal supervision of Assistant Manager and Foreman. The blasting time was reported to be between 1-4 PM and a signage of blasting time was displayed on the board at 7 places.
- High mast tower consisting of clusters of bulb was found installed on the haul roads.

- Simplified mining scheme for working the mine in a scientific way by method of opencast mining has been approved by the department of Mines and Geology, Haryana.

However, it has also been mentioned that scientific study is not carried out by the Directorate and Department of Mine and Geology may engage recognized scientific organisation or institution to carry out scientific study of the Mine area.

From the above report, submitted by the Deputy Director of Mines Safety Ghaziabad, the Joint Committee concludes as under.

- (i) No unscientific mining has been done in Dadam Mine area and based on the recommendations/report submitted by the said department, the project proponent shall continue to conduct scientific mining at all the times.**
- (ii) The Joint Committee recommends that the Department of Mines and Geology may engage recognized scientific organization or institutions to carry out scientific study of the mine within 01 month as per the observation of Deputy Director of Mining Safety, Ghaziabad.**

2.3.6.6 No bore well for abstraction of ground water in mining area.

The Assistant Geologist, Ground Water Cell informed that the depth of mine pit is 109 m from ground level as measured by the officials of mining department, which is having hard compact quartzite formation with some cracks and fissures. The ground water occurs in permeable geological formation known as aquifer. The aquifer is the water bearing formation having structure that permits appreciable water to move through it under ordinary field conditions. The ground water existence depends upon porosity, permeability and saturation with in any formation. **During investigation, the water accumulated in mining pit was only seepage of ground water through cracks and fissures.** The cracks and fissures were developed due to paleotectonics activity and blasting during mining. The exact water table could not be established in Dadam hill as no such studies and survey has been conducted by the department in Dadam hill region.

Besides, Central Ground water Board, Chandigarh submitted a report of visit of Dadam hill on 05.02.2021 and **it was mentioned that water accumulated in mining pits is the seepage of ground water from Quarzitic formation. Quartzites are forming low yield aquifer and tubewell constructed in quartzite generally yields 100-150 lpm of water only**, thus, the seepage found in pit is very minor and during rainy season, they may yield good quantity of water resulting in filling of mining pits. As the water table in the alluvial formation in surrounding areas of mines is 9.41 m to 18.52 m, the fracture in quartzite might be hydrologically connected to water tables of alluvial areas.

Based on the reports submitted by Assistant Geologist Ground Water Cell and Central Ground Water Board and literature study conducted by them, the Joint Committee concludes that no ground water abstraction has been done by the mining lease holder and water accumulated in mining pit is only seepage of groundwater through cracks and fissures.

Besides, the Chairman of the Joint committee further directed as under.

- (i) All the expenditure incurred on preparation of satellite imageries, data interpretation and preparation of report on the activities No. 2.3.6.2, 2.3.6.3 and 2.3.6.4 as mentioned above, shall be paid by the Deputy Commissioner, Bhiwani from the District Mining Fund scheme.
- (ii) The Director, Punjab and Haryana GDC, Survey of India, Chandigarh may submit satellite imageries of any of the above activities/action areas as mentioned above along with report on any of the point, if the same is available with them and data required for the same from the concerned departments may be mentioned.
- (iii) The Joint Committee shall visit Dadam mining site at Village Dadam, Tehsil Tosham, District Bhiwani on 1.10.2021 and report may be prepared accordingly.
- (iv) The Joint Committee may submit interim report to the Hon'ble National Green Tribunal, on the points where the Joint Committee is satisfied on the record based reports/data and inspection carried out by the subcommittee on 20.8.2021. Final report in the matter shall be submitted only after the receipt of the report along with recommendations by the HARSAC, Hisar/any other department.

A copy of the minutes of the eight member Joint Committee held under the Chairmanship of Justice Pritam Pal, Former Judge, Punjab & Haryana High Court and now as Chairman of the Monitoring Committee is annexed as per **Annexure-G**

2.3.7 Visit to the mining site at Village Dadam, Tehsil Tosham, Bhiwani by the Joint Committee on 01.10.2021

In compliance to order dated 20.07.2021 as mentioned para No. 12, the eight member Joint Committee under the Chairmanship of Justice Pritam Pal, former Judge, Punjab and Haryana High Court and now as Chairman of the Monitoring Committee, constituted by the Hon'ble National Green Tribunal, along with officers of concerned departments visited the mining site at Village Dadam, Tehsil Tosham on 01.10.2021. The report of the Joint Committee on various issues is submitted as under.

2.3.7.1 Abandoned/damaged Dadam distributary/Minor constructed by department of Irrigation, Haryana and area around it.

The Joint Committee visited the Dadam distributary/Minor, which has been constructed by the Department of Irrigation before for the year 1980. During the visit, the joint committee has made the following observations.

- I. A Dadam distributary/Minor was constructed to supply the water for irrigation of the agriculture fields of the area. However, the farmers of nearby village, present at site, informed that the water was never seen in the distributary/Minor since its construction.
- II. The distributary/Minor is in existence at some places, whereas, it has been either broken or has been eliminated at various locations.
- III. The farmers claimed that mining lease holder has damaged the Dadam distributary/Minor and has constructed pathways for movement of vehicles.

- iv. At some places, overburden extracted from the roads constructed along the distributary/Minor, was found dumped at various places on the bank of distributary/Minor and distributary/Minor has come underneath the overburdened material.
- v. The total length of Dadam distributary is 7.164 km, out of which about 01 km of Dadam distributary is passing through village Dadam and the part of same has been damaged.
- vi. The department of Irrigation informed that during the visit to the Dadam distributary by the department on 06.10.2020, the said mining project was using the land of Dadam distributary/minor illegally or mining purposes and the land of Dadam distributary/minor was being used as pathway by the vehicles of mining company and the same was also reported by the Executive Engineer, Jui Water Services Division, Bhiwani in his report dated 20.11.2020.
- vii. The Executive Engineer, Jui W/S Division, Bhiwani has informed that Dadam distributary was constructed in the year 1976-77 from RD 0 to RD 20500. Later, it was extended upto RD 23500 during the year 1987-88. Its total length is 23500 feet and it passes through the mining area from RD 20500 to 23500. Its water carrying capacity is 19 cusecs. As per the report of local Commissioner on dated 06.01.2016, Dadam distributary was damaged for the last 10 years.

During visit, it was observed that in another area almost parallel to the Dadam distributary and near to previously constructed weigh bridge, which is presently, not in operation, deep area was there which was being filled with earth/over-burden for which, the Joint Committee raised apprehension about digging of the area then filling it with earth/over-burden without any reason.

The photograph showing abandoned Dadam distributary as per Plate 1, which is mentioned as under.



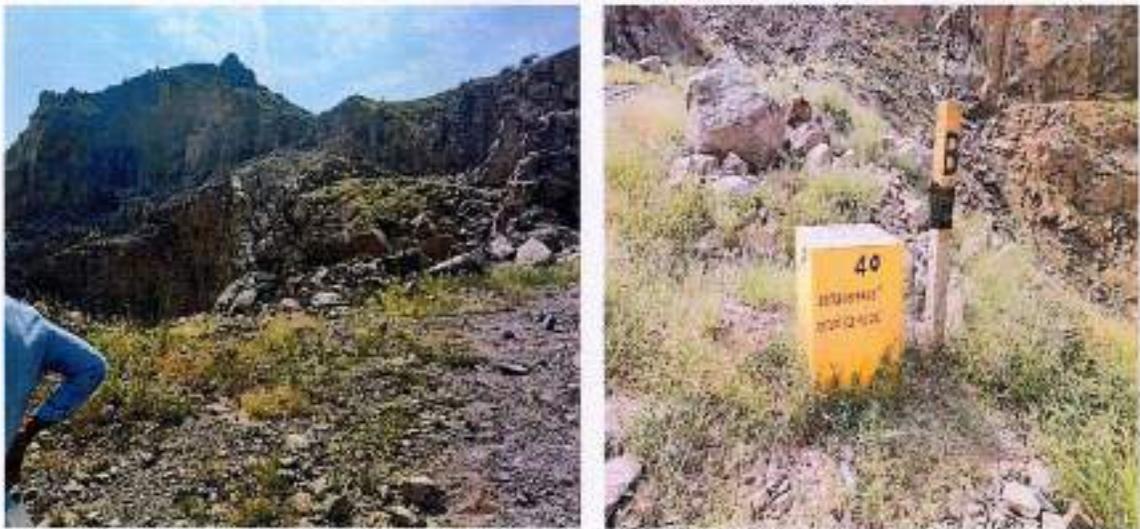
Plate-1 : Photograph showing damaged Dadam, Distributary at its tail end.

After detailed discussion on the issue at the site, the Chairman of the Joint Committee directed that the Department of Mines & Geology shall investigate the issue regarding digging and filling of the area parallel to the Dadam distributary/minor and near weigh bridge, which is presently not in operation, with an objective to check as to whether any illegal mining in that area was done by the project proponent. The said department shall submit the report within 07 days.

2.3.7.2 Illegal mining having an estimated area of 0.8 hectares in the forest area.

The Joint Committee has visited the area where illegal mining in forest area was found done in an area of about 0.8 hectare as reported by the Department of Forest. DFO, Bhiwani, who was present during the visit, informed that the illegal mining in front of pillar B between A and C has been done. The Google earth images show that the illegal mining in an area of 0.8 hectare was done in the year 2019, whereas, Principle Scientist, HARSAC was of the view that the images of Google earth cannot be relied upon for establishing the actual time period of illegal mining in 0.8 hectares of forest area. Therefore, there is need to get the satellite imageries of the area, for which the survey of the area has been started by the scientists of HARSAC, as per the directions issued during the last meeting of the joint committee held on 17.09.2021.

The photographs showing illegal mining done in front of pillar B (0.8 hectares of area) are mentioned as per plates 2 & 3, are mentioned as under.



Plates 2 & 3 : Photographs showing illegal mining done in 0.8 hectares of area

After inspection of the site, the Chairman of the Joint Committee directed that HARSAC, Hisar shall complete the study and submit the report based on satellite imageries so as to sort out the issue with regard to illegal mining in an area of 0.8 hectares at the earliest.

2.3.7.3 Pathway constructed in the forest area and illegal mining of 300 m² of area

During the visit to the site on 1.10.2021, District Forest Officer (DFO), Bhiwani informed that on the receipt of information about illegal mining in Aravali Plantation area on 22.12.2019 at 9:00 PM, the officers of Forest Department and Police inspected the area and 3 trucks, 01 poclain and 01 drill machine were found engaged in doing illegal mining in Aravali Plantation area. The truck owner and his other companions ran away from the spot and only 01 person was caught and FIR was lodged in the police station, Tosham.

The area, where the illegal mining was found, was near to 06 m wide road for passage of vehicles and the permission for the diversion of 0.504 hectares of forest land in favour of M/s Govardhan Mines and Minerals for access to mining area bearing Khasra No. 132 in village Dadam for use of forest land was granted by Ministry of Environment, Forest and Climate Change vide No. 9HRB060/2019 CHA dated 25.9.2019 but illegal

mining was found in Aravali plantation area (forest area) between approach road line marked as AB and BC.

The subcommittee during its last visit to Dadam mining site on 20.8.2021, visited the pathway, which has been constructed in the forest area with the permission of the department of forest, as informed by District Forest Officer, Bhiwani. The width of pathway as approved by Forest Department is 6 m, whereas, pathway has been constructed beyond the width of 6 m for which the present proponent (M/S Govardhan Mines and Minerals) accepted their fault on the site. Moreover, deep drill holes were found constructed within and beyond 6 m width of the path, which lead to apprehension that the present project proponent namely M/s Govardhan Mines and Minerals had intention to conduct illegal mining in the forest area. However, due to catching of the persons on the spot for doing such illegal activity w.r.t mining on 22.12.2019, filing FIR against the persons and seizure of vehicles, found indulged in illegal mining, the work of mining in forest area was stopped and the pathway in forest area remained unconstructed at the site. However, illegal mining has been done in an area about 300 m² as informed and the map shown by the department of forest.

During the last meeting held on 17.9.2021, the Joint Committee has perused the record and it was observed that information regarding illegal mining in Aravali plantation area was received by the Department of Forest on 22.12.2019 and the officers of Forest Department and police inspected the area on 22.12.2019 and 03 trucks, 01 Poclain and 01 drill machine were found engaged in doing illegal mining in Aravali plantation area and FIR was lodged vide No. 587 dated 23.12.2019 at Police Station, Tosham. The area, where the illegal mining was found, was near to 6 m wide road for passage of vehicles and permission for use of 6 m wide road has been granted by MOEF & CC vide No. 9HRB060/2019 CHA dated 25.9.2019 but illegal mining was found in plantation area between approach road line marked as AB & BC (**Annexure-H**) and a report in this regard was sent by the Dept. of Forest to Deputy Commissioner, Bhiwani, Superintendent of Police, SDO (Civil), Tosham, Mining Officer, Tehsildar Tosham and SHO, Tosham stating that illegal mining was found in the plantation area between AB & BC and FIR of the same has been lodged vide No.587 dated 23.12.2019 in the police station, Tosham. The record also indicated that Administrative officer, Thana Tosham has prepared progress report dated 19.8.2021 regarding theft of stone mined material from Dadam mining site and the facts mentioned in the report are given as under:

The officials of forest department and police, Tosham visited the mining site at Dadam based on telephonic message received at 9.00 PM on 22.12.2019 and it was observed that 01 truck bearing No. HR061C 4044 loaded with stones and 02 trucks No. HR061D 1411, and HR 061D 6014, 01 poclain and drill machine were found engaged in doing illegal mining in forest area. The persons who were doing illegal mining ran away from the spot and 01 person was caught. FIR No. 587 dated 23.12.2019 u/s 379 IPC and section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 was lodged. The vehicles No. HR 61C 4044, No. HR 61D 1411 and No. HR 61D 6014, respectively, were released on 6.1.2020, 7.1.2020 and 7.1.2020 on Superdari on the directions of Hon'ble Court of SDJM, Tosham. Poclain machine and drill machines were released on

18.1.2021 and 8.4.2021, respectively, on Superdari on the directions of Hon'ble Court of SDJM, Tosham. The case is still pending in the court of SDJM, Tosham as per order dated 7.9.2021 and case has been adjourned to 1.11.2021.

Now, during the visit on 01.10.2021, it was observed by Joint Committee that illegal mining in Aravali plantation area has been done between the approach road line marked as AB and BC. Moreover, deep drill holes were found constructed within and beyond 06 m width of the path, which indicated that illegal mining has been done in the area. It was further informed that the area, where the illegal mining was found, was near to 6 m wide road for passage of vehicles and permission for the same has been granted by MOEF & CC vide No. 9HRB060/2019 CHA dated 25.9.2019 but illegal mining was found in plantation area between approach road line marked as AB & BC and a report in this regard was sent by the Dept. of Forest to Deputy Commissioner, Bhiwani, Superintendent of Police, SDO (Civil), Tosham, Mining Officer, Tehsildar Tosham and SHO, Tosham stating that illegal mining was found in the plantation area between AB & BC and FIR of the same has been lodged vide No.587 dated 23.12.2019 in the police station, Tosham.

The photographs showing illegal mining in an area of 300 m² are mentioned as per plates 4 & 5, given below.



Plate 4 & 5 : Photographs showing illegal mining in an 300 m² of area

After detailed discussion on the issue on the site and as concluded in the last meeting of the Joint Committee held on 17.9.2021 based on the record/documents, it is evident that M/s Govardhan Mines and Minerals has done illegal mining in Aravali plantation area (non-minable area) in 300 m² area and the Joint Committee decided that it may be mentioned in the interim report to be submitted before the Hon'ble National Green Tribunal.

2.4 Site at which mining has been done up to depth of 109 m in mining area

It was informed by the department of Mining that on the directions of Director General, Mines and Geology, Haryana, Panchkula, a team consisting of Senior Geologist, Head Office, Panchkula, Mining Officer Bhiwani, Senior Surveyor and officials of HARSAC inspected the mining lease area on 3.11.2020. The detailed survey of mining area was carried out with the help of DGPS instrument in the presence of concerned Revenue officials and observed that the maximum depth of mining pits was found to be 109 m from the surface level at the time of inspection.

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The Department of Mines & Geology vide its letter No. 718 dated 5.8.2020 has stated that the mining in Eastern, Northern and South Eastern area of mine situated along the boundary pillars No. 13 to 19 has gone deep to a depth of 300 ft.

The Joint Committee also observed that deep mining upto level of 109 m has been done in the mining area which is more than the permissible depth of 78 m as per Mining Plan submitted by the project proponent .

However, there is need to identify the project proponent and time period during which deep mining up to the depth of 109 m against the permissible depth of 78 m has been done.

The photographs showing deep mining done upto 109 m in the mining area are mentioned as per plates 6 & 7.

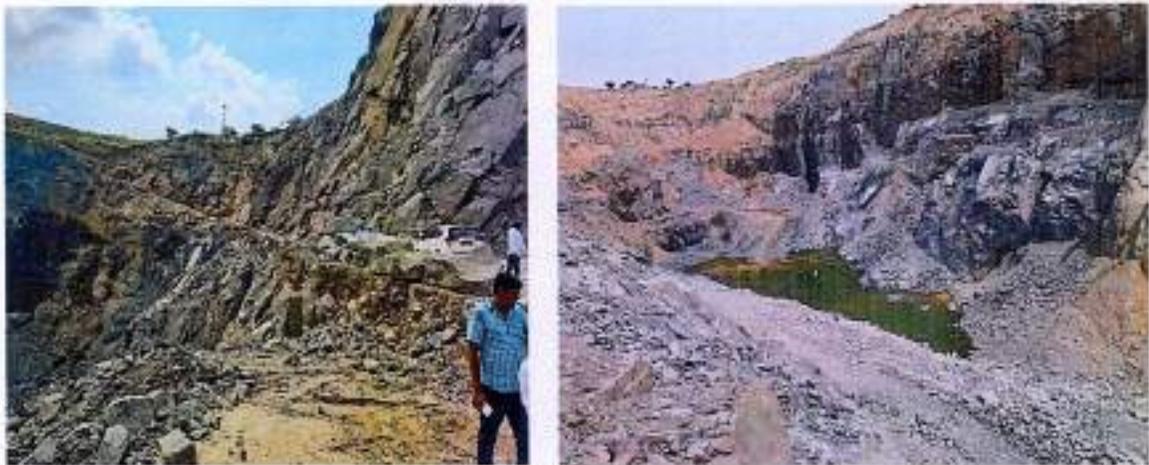


Plate 6 & 7 : Photographs showing deep mining done up to depth of 109 m in the mining area

After detailed discussion and visit to the site, the Chairman of the Joint Committee directed that that HARSAC, Hisar shall complete the study, which has been started by the Scientists of HARSAC, Hisar and based on the study, satellite imageries for the period 2015 to 2020 may be prepared and the data may be interpreted, and report may be submitted at the earliest.

2.5 No bore well for abstraction of ground water in mining area.

The Joint Committee was informed that the depth of mine pit is 109 m from ground level as measured by the officials of mining department and as per the report dated 3.11.2020 of Assistant Geologist, Ground Water Cell and version of CGWA, there is hard compact quartzite formation with some cracks and fissures. The ground water occurs in permeable geological formation known as aquifer. The aquifer is the water bearing formation having structure that permits appreciable water to move through it under ordinary field conditions. The ground water existence depends upon porosity, permeability and saturation with in any formation. **During field investigation, it was concluded that water table data of selected wells available in surrounding alluvial formation is from 9.41 m to 18.52 m, whereas, the depth of mining pit is approximately 109 m as measured by the officials of Mining Department. This shows that presently, the surrounding water level is having no inter connectivity with mining pits, as the water table has not been encountered up to the depth of 109 m and the water accumulated in mining pit is seepage**

from the cracks and fissures of the quartzite rock of Aravali system. The cracks and fissures were developed due to paleotectonics activity and blasting during mining. The exact water table could not be established in Dadam hill as no such studies and survey has been conducted by the department in Dadam hill region.

Besides, Central Ground water Board, Chandigarh submitted a report of visit of Dadam hill on 05.02.2021 and **it was mentioned that water accumulated in mining pits is the seepage of ground water from quartzitic formation. Quartzites are forming low yield aquifer and tubewell constructed in quartzite generally yields 100-150 lpm of water only,** thus, the seepage found in pit is very minor and during rainy season, they may yield good quantity of water resulting in filling of mining pits. As the water table in the alluvial formation in surrounding areas of mines is 9.41 m to 18.52 m, the fracture in quartzite might be hydrologically connected to water tables of alluvial areas.

Also, the literature study conducted by Ground Water Cell and Centre Ground Water Board indicate that the water accumulated in mining pit is due to seepage of ground water through cracks and fissures.

The joint committee noted the observations and decided that the report on the said point may be mentioned in the interim report to be submitted before the Hon'ble National Green Tribunal based on facts mentioned above.

1.0 Other issues.

During visit to the Dadam mining site, members of Baba Mungia Committee met the Chairman of the Joint Committee and gave representation stating that Baba Mungia Mandir, which is thousands years old, has been broken by the management of M/S Goverdhan Mines and Minerals. Baba Mungia Committee has requested that legal action be taken against the said firm.

After hearing the grievances of the members of Baba Mungia Committee, the Chairman of the Joint Committee directed that the representation made by the said committee may be sent to the Deputy Commissioner, Bhiwani to take immediate action on the issue as per the provisions of the law.

A copy of report on visit to Dadam mining site by the eight member Committee under the Chairmanship of Justice Pritam Pal, Former Judge, Punjab & Haryana High Court and now as Chairman of the Monitoring Committee on 1.10.2021 is annexed as per **Annexure-I**

3.0 Conclusions and recommendations.

Based on the data, record, reports of various departments viz., Department of Mining and Geology, Department of forest, Jul Water Services and Department of Ground Water Cell, District Bhiwani, detailed discussions held with the officers of concerned departments on 16.8.2021, 4.9.2021, 17.9.2021 by the subcommittee and Joint Committee and field inspection carried out by the subcommittee on 20.8.2021 and Joint Committee on 1.10.2021, the following conclusions and recommendations are made.

A) Illegal Mining in forest area (non minable area) in 300m² area in Dadam mining Hills in village Dadam, Tehsil Tosham.

Keeping in view the facts mentioned in para No. 2.3.6.1 and 2.3.7.3, the Monitoring Committee concludes the issue regarding illegal mining in forest area in 300 m² in Dadam mines hills as under:

M/s Govardhan Mines and Minerals has done illegal mining in Aravali plantation area (forest area) in 300 m² area between approach line (Pathways) AB and BC.

Therefore, the eight members Joint Committee recommends as under.

- i) The Department of Forest shall recover the cost of stones mined illegally in forest area (Aravali Plantation area) as per the methodology mentioned in order dated 26.2.2021 in OA No. 360 of 2015 in the matter of National Green Tribunal Bar Association vs union of India and Ors and order dated 19.2.2020 in MA No.16/2020 in OA No. 44 of 2016.
- ii) HSPCB shall impose environmental compensation of suitable amount as a cost of damage caused to the environment by the project proponent for by carrying out illegal mining in forest area (Araveli platation area) and damaging ecology and ecosystem.

B) Illegal Mining in forest area (non minable area) in 0.8 hectares area in Dadam mining Hills in village Dadam, Tehsil Tosham.

Regarding illegal mining in forest area (non minable area) in 0.8 hectares area in Dadam mining Hills in village Dadam, Tehsil Tosham, eight members Joint Committee concludes as under.

During the visit of the subcommittee and eight members Joint Committee to the mining site near Araveli Plantation area at village Dadam near pillars A, B and C on 20.8.2021 and 1.10.2021, it was informed that the illegal mining in Araveli Plantation area (forest area) in front of pillar B between A and C has been done. The Google earth images, as produced by District Forest Officers, show that the illegal mining in an area of 0.8 hectare was done in the year 2019, whereas, Principle Scientist, HARSAC was of the view that the images of Google earth cannot be relied upon for establishing the actual time period of illegal mining in 0.8 hectares of forest area. Therefore, there is need to get the satellite imageries of the area, for which the survey of the area has been started by the scientists of HARSAC, Hisar as per the

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directions issued during the last meeting of the joint committee held on 17.09.2021.

Therefore, Joint Committee recommends as under.

Principal Scientist, HARSAC, Hisar shall complete the study, who has been started at the Dadam Mining site and submit the report based on satellite imageries at the earliest so as to sort out the issue with regard to illegal mining in an area of 0.8 hectares at the earliest.

C) Illegal mining in Dadam mining area done up to depth of 109 m.

On the directions of Director General, Mines and Geology, a team consisting of Senior Geologist, Head Office, Panchkula, Mining Officer Bhiwani, Senior Surveyor and officials of HARSAC inspected the mining lease area on 3.11.2020. **The detailed survey of mining area was carried out with the help of DGPS instrument in the presence of concerned Revenue officials and observed that the maximum depth of mining pits was found to be 109 m from the surface level at the time of inspection.**

M/s Govardhan Mines & Minerals, stone mining lease holder in Dadam mine hills, was asked to submit a copy of receipt of Department of Mining & Geology or Department of Forest or any other department in the year, 2018 regarding submission of study report conducted by M/s Shivom Engineers Associates Pvt. Ltd. mentioning the depth of mining at places is more than 100 m in the year, 2018. However, no such receipt has been submitted by M/s Govardhan Mines & Minerals.

Therefore, the identification of the project proponent and time period during which illegal deep mining done up to the depth of 109 m against the permissible depth of 78 m shall be made after the completion of study by the scientists of HARSAC, Hisar at Dadam mining site and submission of report by HARSAC, Hisar.

D) Illegal abstraction of ground water in Dadam mining area.

Depth of mine pit is approximately 109 m from ground level as measured by the officials of mining department and as per the report dated 3.11.2020 of Assistant Geologist, Ground Water Cell and version of CGWA, there is hard compact quartzite formation with some cracks and fissures. The ground water occurs in permeable geological formation known as aquifer. The aquifer is the water bearing formation having structure that permits appreciable water to move through it under ordinary field conditions. The ground water existence depends upon porosity, permeability and saturation with in any formation.

During field investigation by the Ground Water Cell, it was concluded that water table data of selected wells available in surrounding alluvial formation is from 9.41 m to 18.52 m, whereas, the depth of mining pit is approximately 109 m as measured by the officials of Mining Department. This shows that presently, the surrounding water level is having no inter connectivity with mining pits, as the water table has not been encountered up to the depth of 109 m and the water accumulated in

mining pit is seepage from the cracks and fissures of the quartzite rock of Aravali system.

Therefore, the Joint Committee concludes that water accumulated in mining pit having depth of 109 m is seepage from the cracks and fissures of the quartzite rock of Aravali system and no ground water abstraction in mining area has been made.

E) Unscientific mining in the mining area by the project proponent

Deputy Director of Mines Safety, Ghaziabad vide his report dated 04.01.2021, which was based on the inspection made on 28.12.2020, has submitted his report, which is briefly mentioned as under.

- There were 25-30 no. of mining pits dug within mining lease area.
- The pits have different sizes and height of the benches have been found between 5-9 m, 5-7 m, 9-10 m etc.
- Three portable fogger machines were found installed near the pits which are moved to different pits. Besides, three water tankers, with water spraying arrangements on the top, have been provided for wetting the haul roads and benches.
- The danger zone was found demarcated by means of red flag. The lease boundary wall was fenced with barbed wire. During inspection, it was observed that all the staff and work persons were wearing safety gadgets like helmets and shoes.
- The deep hole drilling and blasting was carried out under the personal supervision of Assistant Manager and Foreman. The blasting time was reported to be between 1-4 PM and a signage of blasting time was displayed on the board at 7 places.
- High mast tower consisting of clusters of bulb was found installed on the haul roads.
- Simplified mining scheme for working the mine in a scientific way by method of opencast mining has been approved by the department of Mines and Geology, Haryana.

However, it has also been mentioned that scientific study is not carried out by the Directorate and Department of Mine and Geology may engage recognized scientific organisation or institution to carry out scientific study of the Mine area.

From the above, the eight member Joint Committee concludes that no unscientific mining has been done in Dadam Mine area and the project proponent shall continue to conduct scientific mining at all the times based on the recommendations/report submitted by the Department of Mines Safety, Gaziabad.

The Joint Committee further recommends that the Department of Mines and Geology, Bhiwani may engage recognized scientific organization or institutions to carry out scientific study of the mine within 01 month as per the observation of Deputy Director of Mining Safety, Ghaziabad.

F) Abandoned/damaged Dadam Distributary/ minor constructed by the Department of Irrigation.

Based on the data, record and reports submitted by the Department of JUI Water services as mentioned at para 2.3.6.4, 2.3.7.1 and further report of Sub Divisional Officer, Nigana W/S Division, Bhiwani submitted vide his office letter No.65356 dated 22.9.2021 that joint measurement was carried out by the department of Irrigation and Mining department from RD 20500 to 23500 of Dadam distributary. The width of the damaged portion of Dadam distributary could not be measured due to ups and downs. The depth of pillar No. 15 of mining was found about 50' below the bed level of Dadam distributary in Khasra No. 132.

The eight member Joint Committee is of the view that both of these departments could not measure the dimensions of the damaged portion of Dadam distributary. Therefore, eight member Joint Committee concluded and recommended as under.

- i. **HARSAC, Hisar shall conduct the study of damaged Dadam distributary between RD 20500 to 23500 and shall prepare satellite imageries of the area for the year 2015 to 2021, interpret the data and submit the report regarding illegal mining done in the portion, where the depth of mining pit has gone down to 200-250 ft and the time period during which, the said mining was done. The report may include illegal mining done and using the damaged distributary as pathway for movement of vehicles of mining lease holder in Dadam mine hill. The said study report alongwith the recommendations may be submitted to the eight members Joint Committee within 01 month.**
- ii. **Deputy Commissioner, Bhiwani shall fix the responsibility of the mining lease holder or other persons, who has damaged the Dadam distributary and the cost of the repair of the damaged portion of Dadam distributary may be recovered from the concerned agency and estimate for repairing of damaged portion of Dadam distributary may be prepared by the department of Irrigation within 15 days. The damaged Dadam distributary may be repaired within 03 months.**
- iii. **Department of Mines & Geology shall investigate the issue regarding digging and filling of the area parallel to the Dadam distributary/minor and near weigh bridge, which is presently not in operation, with an objective to check as to whether any illegal mining in that area was done by the project proponent. The said department shall submit the report within 07 days.**

3.1 Other recommendations

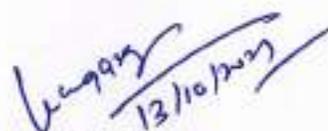
1. **The Mining Officer should be the competent authority to specify the transport route which shall be used by the vehicles used by the mining lease holders so that it may route through atleast one of the mining check posts established by the Department. There should be complete restriction**

on loading & transport of mined material during night hours (7:00 PM to 6:00 AM), since this is the time window which is used for maximum evasion. Lessee should give a list of vehicles to the Mining Officer which should be entered into the portal. The list of permitted vehicles should be shared with the Police Department and with the mining check posts. Any vehicle which is not in the list given by the lessees, should simply be impounded. All these vehicles should be made GPS enabled by the lessee and their movement should be accessible by the Mining Department through a central access login.

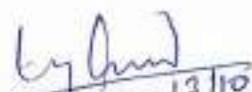
2. Advance Technological Drones may be provided to the Mining department to take prompt action against illegal mining activity.
3. The State of Haryana shall also implement the directions issued in para no.28 of order dated 26.02.2021 in OA No. 360 of 2015 by way of getting conduct visit to the mining lease sites by a five member committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Such inspection must be conducted at least thrice for each lease i.e. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any.
4. The Government of Haryana may issue appropriate notification to implement the Judgment of Hon'ble NGT dated 26.02.2021 in the matter of *National Green Tribunal Bar Association vs. Virender Singh* (OA No. 360/2015) regarding seizure and penalties on vehicles found doing illegal mining, specifically paragraphs 8 and 9 of the judgment and for imposing penalties on violators for releasing of vehicles engaged in illegal mining as per formula approved in para 12 of the said order taking into account the net present value (NPV) of the environmental damage and not merely loss of royalty.
5. As per the provisions of section 22 of the Mines and Minerals (Development & Regulation) Act, 1957 [(MMDR Act, 1957)], there is provision that no court shall take cognizance of any offence punishable under this Act or any rules made thereunder except upon complaint in writing made by a person authorized in this behalf by the Central Govt. or State Govt. As such, the police can not register an FIR against the violator on the complaint of any citizen/individual. There is need to amend the said section of MMDR, Act, 1957 to the extent that police department should have powers to register FIR against the violators.
6. The Mining Department may create an online app which can be used by all officers authorized for compounding so that an alert can be generated for vehicle numbers in case of repeat violations are occurred. In all such cases, FIR should be registered and the case should be sent to Court for trial & conviction.

7. For transporting of stones from mining area, only one or two roads may be fixed and notified by department of Mining and all the mined materials should be routed only through these roads. The check posts may be constructed on these roads. There shall be total restriction on the movement of trucks carrying/transporting mined stones on the other non notified roads.
8. The department of Mining/Geology shall provide Geo fencing on mining lease area in Dadam mining hills within 03 months.
9. Mining lease holder shall provide advance technological GPS on the declared/registered vehicles deployed for transportation of mined material having their connectivity with the office of Deputy Commissioner, Bhiwani, Police department and Mining Department, Bhiwani within 03 months so that their movement can be tracked and can be monitored by the Department of Mining and Police and prompt action may be taken against the illegal mining operator.
10. For monitoring illegal stone mining at Dadam mining site, there should be a provisions of checking transport permits, printing of transport permit on security papers, invisible ink mark, fugitive ink background and unique barcode system. The department of Mining shall provide said documents to the monitoring teams or District Level Special Task Force at District level within 06 months. The Monitoring team deployed for checking of vehicles/trucks carrying mined material should be in a position to check the validity of Transport permit or receipt by scanning them using website, mobile phone application and SMS etc.
11. There should be a mechanism at district level to generate the system which may enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation and total lifting. The system can be used to generate auto mails or SMS.

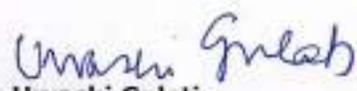

Dr. Narender Sharma,
 Additional Director, CPCB

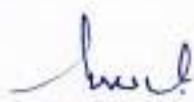

Dr. K.K Garg,
 Scientist-C/Deputy Director,
 MOEF


Dr. Babu Ram
 Technical Expert,
 Monitoring Committee


Dr. O.P.S. Khola,
 ICAR-IISWC, Regional Station,
 Chandigarh


RK Sabra,
 Member, SEAC


Ms. Urvashi Gulati,
 Former Chief Secretary of
 Haryana and now as member of
 the Monitoring Committee


Justice Pritam Pal
 Former Judge, Punjab and Haryana
 High Court, Now as Chairman of
 Monitoring Committee

Item No. 03

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 169/2020

Kuldeep Singh

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 20.07.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Mr. Vikas Goyat, Advocate

Respondent(s): Mr. Anil Grover, Senior AAG with Mr. Rahul Khurana, Advocate
for HSPCB

ORDER

1. Grievance in this application is against illegal mining in forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham, District Bhiwani and also unscientific mining outside forest area in violation of EC conditions. It is stated that there are FIRs, complaints and letters pointing out such illegalities.

2. Vide order dated 20.08.2020, the Tribunal sought a factual and action taken report from a joint Committee comprising the State PCB, Divisional Forest Officer, Bhiwani and the Additional District Magistrate, Bhiwani.

3. Accordingly, the joint Committee has filed its report dated 16.07.2021 inter alia stating that another application on the same subject being OA No. 132/2020, *Rakesh Dalal v. State of Haryana*, has been dealt with by this Tribunal vide order dated 02.06.2021. Therein,

report was similar to the report now furnished that damage was found but the present project proponent (PP) was not responsible but it was the predecessor of this PP who had caused the damage. The report now filed states that inspection was first conducted by the Committee on 06.10.2020 finding violations by the PP. Based thereon, show cause notice dated 08.10.2020 was issued by the State PCB under Section 5 of the Environment (Protection) Act, 1986 and after considering the reply, the Regional Officer, State PCB recommended closure on 06.11.2020. However, the scenario underwent change after the meeting convened by the Deputy Commissioner, Bhiwani on 01.12.2020. Therein differing stands were presented by the mining, forest and ground water departments at variance with the findings in the site inspection report of the joint Committee. Such differing stands were noted by the Deputy Commissioner, Bhiwani, who directed the stakeholder Departments to examine the presentation of the project proponent for sending a report to the Chairman, State PCB. Accordingly, the Forest Department vide report dated 21.12.2020 and the Mining Department vide report dated 31.12.2020 sent their observations to the Deputy Commissioner, contrary to the findings in the site inspection report dated 6.10.2020. Based on later reports, the present report has been filed to the effect that no illegal mining has been done by the present PP. Illegal mining had been done by the predecessor of the project proponent.

4. We have heard learned Counsel for the parties and perused the record.

5. Learned Counsel for the applicant submitted that order of this Tribunal 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 patent 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. Conclusion in the report is patently perverse and against the record. It is pointed out that the inspection reports submitted on 06.10.2020 by the six-member Committee headed by Addl. Deputy Commissioner, Bhiwani and including Mining Officer, Bhiwani, Assistant Geologist, Ground Water Cell, Bhiwani, Addl. District Forest Office, Bhiwani, SDO Nagina, Water Service and Sub Div. Bhiwani could not be deviated from without any factual basis. The reports clearly find the PP responsible for the violations. The PP is successor of the earlier mining lessee and responsible for the continuing violations which are of serious nature. Subsequent reports by the Mining and the Forest Department cannot be held to be reliable in view of earlier reports. The reports are similar but separate for the two OAs filed before the Tribunal. The Tribunal passed two separate orders in the said OAs seeking reports. In OA 132/2020, report is reproduced below:

1. Regarding illegal mining by M/s Govandhan Mines at Dadam, Tosham, Bhiwani Haryana.

Observation – During the inspection it is observed that the sand mining project has **illegally created ways in the forest area without having any valid permission**. At the time of inspection, the mining equipment's/machines are also found standing in the non-minable forest area.

The Dadam Hill Minor is a protected forest area under IFA, 1927 and same is found illegally mined at the time of the inspection.

2. It is alleged that mining is done upto 150 meters which is not permissible.

Observation – During the inspection, the concerned mining officer stated that **the mining is done at the site about 200 feet depth**. But actual depth of the mining pits will be assured by the inspection of the mining surveyor from Mining Dept., Head Office, Panchkula within 7 days as mentioned by concerned mining officer.

3. The Mining Company has not given a closure plan.

Observation – During the inspection the concerned mining officer stated that an approved mining plan as well as a progressive closure plan of same is already submitted by the said mining

project and the mining project is still in progress and **closure plan will be implemented after closure of the mining.**

4. In the progressive closure plan, the depth is shown to be up to 42 meters.

Observation – During the inspection the concerned mining officer stated that the said mining project has given following dimensions of mining pit as per approved mining plan:

(i) Length: 536 meters (ii) Width : 528 meters (iii) Depth : 78 meters (from ground level). But no record provided at the site during inspection in this regard.

5. Mining is not being done in a scientific manner.

Observation —During inspection the concerned mining officer stated that the mining is not done in scientific manner i.e. benches of 9- meters height and 9-meter width are not properly formed.

6. Ground water is also being illegally extracted.

Observation – During the inspection the concerned Assistant Geologist, Ground Water Cell reported that no bore well found in the lease mining area. The project is meeting water requirement for plantation, dust suppression and domestic etc. through tankers from outside the mining area and also using the waters stored within mining pits and water stored in pits cannot be identified at spot whether it is groundwater or rain water and same will be identified within 7 days as assured by the concerned Assistant Geologist, Ground Water Cell.

7. The applicant has annexed a letter addressed to the Additional Chief Secretary, Mines and Geology Department pointing out irregularities in the process of mining.

Observation – During the inspection the concerned officer stated that he is not aware about the said communication because the letter number and date are not mentioned. During the inspection the concerned SDO, Irrigation Department stated that the said mining project is using the land of Dadam distributary illegally for mining purpose.”

Report on same day in OA 169/2020 on the subject of illegal mining in the forest area is as follows:

“Point: Grievance in this application is against alleged illegal mining in forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham. District Bhiwani. The applicant has relied upon FIR, complaints and letters in support of the allegation.

Observation — During the inspection it is observed that the said mining project has illegally created ways in the forest area without having any valid permission. At the time of inspection, the mining equipment's/machines are also found standing in the non-minable forest area.

The Dadam Hill Minor is a protected forest area under IFA, 1927 and same is found illegally mined at the time of the inspection.

At the time of inspection, the team has also reported following observations:

*During the inspection, the concerned mining officer stated that **the mining is done at the site about 200 feet depth.** But actual depth of the mining pits will be assured by the inspection of the mining surveyor from Mining Dept., Head Office, Panchkula within 7 days as mentioned by concerned mining officer. At the time of inspection the concerned mining officer also stated that an approved mining plan as well as a progressive closure plan of same is already submitted by the said mining project and the mining project is still in progress and closure plan will be implemented after closure of the mining.*

During the inspection the concerned mining officer stated that the said mining project has given following dimensions of mining pit as per approved mining plan:

(i) Length: 536 meter (ii) Width: 528 meter (iii) Depth: 78 meter (from ground level).

*At the time of inspection, the concerned mining officer mentioned that **the mining is not done in scientific manner i.e. benches of 9-meter height and 9-meter width are not properly formed.***

*During the inspection the concerned Assistant Geologist, Ground Water Cell reported that no bore well found in the lease mining area. The project is meeting water requirement for plantation, dust suppression & domestic etc., through tankers from outside the mining area and also using the water stored within mining pits and **water stored in pits cannot be identified at spot whether it is groundwater or rain water and same will be identified within 7 days as assured by the concerned Assistant Geologist, Ground Water Cell.***

The concerned SDO, Irrigation Department at time of inspection stated that the said mining project is using the land of Dadam distributary illegally for mining purpose."

6. Show cause notice for closure dated 08.10.2020 issued by the State PCB issued as follows:

"Whereas an NGT order dated 21.07.2020 OA No. 169/2020 titled as Kuldeep Versus State of Haryana and order dated 20.08.2020 OA No. 132/2020 titled as Rakesh Dalai Versus State of Haryana

Whereas a joint team constituted by Worthy Deputy Commissioner, Bhiwani and headed by Addl. Deputy Commissioner, Bhiwani including Mining Officer, Bhiwani, Assistant Geology, Ground Water Cell, Bhiwani, Addl. District Forest Office, Bhiwani, and SDO Nigana, Water Service, Sub Div. Bhiwani visited the site of mining project on 06.10.2020 Whereas during inspection, following deficiencies are observed by the joint team :-

1. **You have created illegal ways in the forest area without having any valid permission.**
2. *The mining equipment's/machines are also found standing in the non-minable forest area.*
3. **The Dada Hill Minor is a protected forest area under IFA, 1927 and same is found illegally mined at the time of inspection.**
4. **During the inspection the concerned mining officer stated that the mining is not done in scientific manner i.e. benches of 9-meter height and 9-meter width are not properly formed.**
5. **During inspection water found standing in mining pits clarify your position whether it is ground water or rain water.**
6. **Your project is found using land of Dadam Distributary illegally for mining purpose.**

Whereas unit will be liable to pay the environmental compensation in the terms of direction of the Board issued by order no. HSPCB/PLG/2019/6043-75 dated 29.04.2019 as assessed by the Board as per methodology defined.

Whereas you are not complying with the conditions of Env. Clearance issued by Competent Authority i.e. MoEF & CC, New Delhi.

In view of the above, you are hereby directed to show cause for 15 days, as to why closure/legal action may not be taken under Section 5 of 15 of EP Act, 1986 taken against your unit besides disconnection of electric supply and captive powers for non-compliance of the provisions of the said Acts and CTO granted previously vide No. 7841923 dated 08.08.2020 for the period 01.10.2020 to 30.09.222 may not be withdrawl.

Section 5 of 1986 notwithstanding anything contained in any other law, But subject to the provision of this Act. The Central Government may, in the exercise of its powers and performance of its function shall be bound to comply with such directions.

Explanations; For the avoidance of doubts, it is hereby declared that the power to Issue directions under this section includes the power to direct:-

- (a) *The Closure, prohibition or regulation of any industry operation or process or*
- (b) *The stoppage or regulation of supply of electricity, water or any other service."*

7. The minutes of the meeting dated 01.12.2020 presided over by Deputy Commissioner, Bhiwani show that the Deputy Commissioner noticed the contradictory stands of the Forest Department - stand in the report dated 06.10.2020 based on the site inspection and contradictory

stand in the report in the letter dated 17.11.2020. The observations are reproduced below:

- *During the meeting Worthy Deputy commissioner, Bhiwani has raised concerned over dismantling of Dadam miner canal and SDO Irrigation, Bhiwani was present during the meeting on 01.12.2020 has stated that the said canal lying dismantled since for long time and Mining project is using land of this canal area without taking any permission from Irrigation department. The Ld. Deputy Commissioner, Bhiwani directed irrigation department to verify the exact time period in the said when the said canal was dismantled & list of officers responsible for not taking appropriate action against the violators during that period. The Deputy Commissioner also directed to irrigation department, Bhiwani to rebuilt the said canal and to ensure the availability of water for irrigation upto the tail.*
- *At the time of meeting Ld. Deputy Commissioner, Bhiwani asked forest department to clarify the exact time period when Illegal mining was carried out and who has done illegal mining & also directed to assess total area & quantity of mineral illegally extracted and approximate cost of the material.*

The worthy Deputy commissioner, Bhiwani also shows concern regarding self contradictory reports submitted by forest department, Bhiwani in last three months which may bring adverse remark against the officers involved in verification of compliance status of Hon'ble NGT orders.

The Deputy commissioner, Bhiwani directed DFO, Bhiwani to submit the clear-cut recommendation/report on the reply submitted by the unit personally.

- *During inspection worthy Deputy commissioner, Bhiwani asked Assistant Geologist groundwater table, Bhiwani to clarify whether the said mining project has intersected the ground water cell. The Ld. Deputy Commissioner, Bhiwani also directed to verify where the water reported by the team on 06.10.2020 disappeared. The assistant Geologist ground water cell told that he will recommend case of the project for further verification from central ground water Board.*
- *At the time of inspection the mining officer, Bhiwani stated that as per recent survey conducted on 03.11.2020 by the team consisting of Senior Geologist Head office, Mining officer, Bhiwani, Senior surveyor, Surveyor and official of HARSAC, the detail survey of the mine area was carried out with the help of DGPS instruments in the presence of concerned revenue official i.e. Halka Girdawar & Patwari, The revenue officials gave the*

reference point as red stone chakbandi for detail survey. But no illegal mining was found. The boundary pillars of the mining lease area were found in the order with GPS coordinates as per approved mining plan.

The mining officer stated that **to verify scientific mining status, the case of this project already recommended to Director General Mines & Safety, Ghaziabad because the matter regarding scientific mining relates to DG mines and safety, Ghaziabad and reminder has also sent in this regard.**

The mining officer, Bhiwani was asked by Ld. Deputy commissioner regarding dues of the M/s Goverdhan Mines & Minerals, Dadam. Mining officer stated that **73.49 Crore are pending on account of royalty/dead rent, R & R and interest against M/s Goverdhan Mines & Minerals, Dadam. Which is already intimate to Director General Mines & Geology, Panchkula for necessary action and Worthy Deputy commissioner, Bhiwani directed to send reminder to higher authority again for necessary compliance immediately.**

- The Ld. Deputy commissioner directed to all the stake holder departments to examine the presentation received from the said project proponent within 15 days from date of meeting i.e. 01.12.2020. So that report can be sent to the Chairman, HSPCB, Panchkula to decide closure case of the unit."

8. Further report of the Forest Department dated 21.12.2020 is as follows:

- "3. As far as the extent of illegal mining area is concerned, RFO, Tosham has reported vide letter no. 364 dated 21.12.2020 that **illegal mining has been done near point B & C in an area of about 0.8 hectare by the then lease holder (KSL Sunder Marketing Associate) prior to M/s Goverdhan Mines and Minerals. Further 300 Sqm area of illegal mining was found for which FIR No.587 dated 23.12.2019 has been registered. Further, it is informed that forest department does not have any technique to estimate the quantity of mineral extracted and its cost. Hence for the extent of illegal mining i.e. 0.8 hectare in area and 300 sqm of area, the quantity of minerals extracted and cost may be sought from the Mining department.**"

9. Report of the Mining Department dated 28.12.2020 is as follows:

"6.0 Observations:

- i. There were 25-30 numbers of pits dug within the lease hold area. The pit name was locally numbered for

- identification and convenience. The size of these pits was about 80-200 m X 100m-200m.
- ii. The size of pit no. 38 was about 80mx60mx18m. The height of benches were 5-9m and width was about 5-7m. A haul road leading to benches was provided. The Aravali forest land was located on the western part of the excavation. Men and machinery were deployed by contractor. The size of pit no. 35 was about 60-65m(L)x40-45m(W)x8m-9m(D). The height of bench was about 8-9m. Adjoining to this pit, forest land of Aravali was located on western side. The size of pit no. 31 was about 100-110 m(L)x80- 90m(W)x 16-18m(D). The height of bench was about 8-10m. Adjoining to this pit, forest land of Aravali was located on southern side. Loading of stone was being carried on in these pits.
 - iii. The size of pit no. 22 was about 200mx200mx20m(D). The height of benches were about 9-10m. Drilling of holes were being carried on the bottom bench. The drill machine was provided with wet drilling arrangement (photograph enclosed) Management informed that the drill machines whose wet drilling mechanism was out of order were under repair.
 - iv. There were three portable foggers machines installed near the pit where loading operation was being carried on to settle the dust being generated during loading. It was informed that these foggers are moved to different pits where loading operations are carried on. Two to three dedicated tractor mounted water wanker was available for supplying water to these fogger machine.
 - v. Three water tankers with water spraying arrangement on the top (whirling type) were provided for wetting the haul roads and benches (photograph enclosed). Water spraying was being done on the haul roads and benches.
 - vi. The danger zone was demarcated by means of red flag (photograph) enclosed). The lease boundary was fenced by barbed wire. During inspection it was observed that a staffs and work persons were wearing safety gadgets like helmet and shoes.
 - vii. An order under section 22(3) of the Mines Act, 1952 was imposed in pit no. 12 vide this Directorate's letter no. 2169 dated 28.05.2019. No work was being carried out at in this pit. Men and machinery were not found deployed in this pit.
 - viii. The records of attendance in form D were kept maintained. The employment register in Form-B was kept maintained (copy enclosed).
 - ix. The deep hole drilling and blasting was carried out under the personnel supervision of assistant manager and foreman. The blasting time was reported to be between 1-4pm. A signage of blasting time was displayed on board at several places (photograph enclosed). Transport of explosive in license van for blasting in the mine was done by the explosive supplier that was in agreement with the owner of mine. The records of explosive used and return in RE-13 were being maintained by the explosive supplier (copy

- enclosed) and firings of shot were done by statutory persons appointed by the owner of mine.
- x. An efficient means of signaling by siren within the radius of 300m from the place of firing was provided and in use (photograph enclosed).
 - xi. High mast tower consisting of clusters of bulb was found installed on the haul roads around the quarry of the mine (photograph enclosed for lighting arrangement to work beyond day light hours).
 - xii. **There were crushers not belonging to owner of mine within the danger zone in north eastern and north western side. However, the crusher were located outside the danger zone from active working face.** The fly rocks generated during the, blasting was towards free face. It was informed by the management that the adjoining field to the lease were acquired by the lessee on rental basis. No signs of fly rocks were seen near the adjoining field to the lease.

7. CONCLUSION

- 1) It is to be noted that, Mining lease for Dadam Stone Mine, Khasra No. 132, Ms. Goverdhan Mires & Minerals was granted by department of Mines & Geology, Government of Haryana. Consent to operate, consent to establish and environment clearance was granted by the state authority simplified Mining Scheme for working the mine in a scientific way by method of opencast mining has been approved by department of Mines & Geology, Haryana.
- 2) Inspection of Dadam stones Mines, Ms. Goverdhan mines & Minerals was carried out in accordance with the Mines Act, 1952.
- 3) Under constitution of India, Safety welfare and health of workers employed in the mines is regulated by the Mines Act, 1952 and subordinate legislations framed under it. This Directorate, a subordinate office under Ministry of Labour & Employment, Government of India administers and oversees the compliance of the provisions of the Mines Act, 1952 & the Rules, Regulations and Bye-laws framed there under. Beside this Directorate grants permission under certain Regulations for specific mining operations like Deployment of Heavy Earth Moving Machinery & deep hole blasting.
- 4) Inspections are carried out in accordance with Mines Act, 1952 to oversee compliance.
- 5) **Scientific study is not carried out by this Directorate. However, Department of Mines & Geology may Engage recognized scientific organization or institutions to carry out scientific study of the mine.**
- 6) This inspection was carried out solely on the request of mining, officer, Bhiwani without prejudice to any other law in place.
- 7) Mining officer, Bhiwani may be addressed. Letter is put up."

10. After referring to the above, it is pointed out on behalf of the applicant that the conclusion in the report that no illegal mining has been done by the PP is perverse for the following reasons:

i. On inspection of the site on 06.01.2020 by a six-member Committee, encroachment of the protected forest area has been found. Further, mining has been found to have been done even beyond depth of 150 meters. Closure plan has not been given by the predecessor of the PP which was the responsibility of the Chief Secretary of the State. If mining closure plan has not been filed, the Chief Secretary of the State must explain or the successor i.e the PP must be held responsible in terms of the EC conditions and as required in terms of order of the Hon'ble Supreme Court in order dated 11.08.2017 in SLP (C) No. 19166/2017, *M/s. Sunder Marketing Associates v. State of Haryana & Ors.* inter alia directing:

"33. *Keeping in view the prayer made:*

(i) *We permit the petitioner to continue its mining operations till 30th November, 2017 in accordance with the Mining Plan. On or before that date, it shall ensure implementation of the mining closure plan to the satisfaction of the concerned authorities in the State of Haryana.*

XXX.....XXX.....XXX.....

(iv) *All the laws applicable to the petitioner shall be strictly enforced by the State Government regardless of its apparent influence in high places. We make it clear that we will hold the Chief Secretary of the State of Haryana responsible for any lapse in this regard."*

(ii) Mining was not being done in scientific manner. Ground water was being illegally extracted. Mining equipments were found in the non-mineable forest area. In IA No. 76/2021, which has been allowed by a separate order today, the applicant has inter alia filed

a copy of order of Mining Department dated 05.08.2020 directing the project proponent to close deep mining pits along the Eastern Boundary of the Mine, which also contradicts the report that the PP is not responsible for the violations. Further, report of the Assistant Geologist, Ground Water Cell, Bhiwani is to the effect that water table data of selected wells available on record in surrounding alluvial formation is from 9.41 mtrs to 18.52 mtrs., whereas the depth of mining pits is approx. 60 mtrs, as told by mining officer at the site.

(iii) The report of the investigating officer in the FIR, exonerating the PP is unacceptable as equipments were seized on the spot in the mining area during the currency of the mining operations by the present project proponent.

11. We have considered the objections of the applicant and find that the same require consideration after due opportunity to the PP and after obtaining a further credible report.

12. Accordingly, while issuing notice to the PP - M/s. Govardhan Mines and Minerals, Hisar, we direct further inspection by eight-member joint Committee to be headed by Justice Pritam Pal*, former Judge of Punjab and Haryana High Court and comprising Ms. Urvashi Gulati,* former Chief Secretary, Haryana, Regional Officer, MoEF&CC, Chandigarh, nominees of CPCB, Indian Institute of Soil and Water Conservation, Research Centre, Chandigarh, Haryana State PCB, SEIAA Haryana and District Magistrate, Bhiwani. The CPCB and State PCB will act as nodal agency for coordination and compliance. The first meeting of the Committee may be convened within two weeks. The Committee may

* They comprise Monitoring Committee for several environmental issues in the State of Haryana

peruse the record, undertake visit to the site (by such of the members as may be decided by the Chairman) and conduct other proceedings online. The Committee may interact with the stakeholders and take assistance from any other individual/institution. The Committee may also study the satellite imagery maps, in coordination with the concerned authorities. The report of the Committee may be furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF with a copy to the Chief Secretary, Haryana for remedial action in the light of the said report following due process of law.

13. 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 Departments 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 6.10.2020 violations were recorded.

List for further consideration on 28.10.2021.

A copy of this order be forwarded to Justice Pritam Pal, former Judge of Punjab and Haryana High Court, Ms. Urvashi Gulati, former Chief Secretary, Haryana, Chief Secretary, Haryana, Regional Officer, MoEF&CC, Chandigarh, CPCB, Indian Institute of Soil and Water Conservation, Research Centre, Chandigarh, Haryana State PCB, SEIAA Haryana and District Magistrate, Bhiwani by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

July 20, 2021
Original Application No. 169/2020
DV

Annexure - B

OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal
in OA No. 360 of 2018 in the matter Shree Nath Sharma Vs Union of India &
Ors and other Environmental issues.

(Official Address: Tower No.5, 4th Floor, Forest Complex,
Sector 68, SAS Nagar) Tel. No. 0172-2298091
Email: cccswm606@gmail.com

To

1. Sh. Bharat Bhushan, IAS
Chairman, State Environment Impact Assessment Authority,
Panchkula
2. The Director,
Indian Institute of Soil and Water Conservation,
Research Center,
Chandigarh
3. Sh. K.K. Garg,
Scientist C/Deputy Director,
Ministry of Environment, Forest and Climate Change, Regional Office,
Chandigarh
4. Dr. Narinder Kumar Sharma,
Additional Director,
Central Pollution Control Board,
Regional Office, Chandigarh.

No. CMC/2021/98-101

Dated: 4.8.2021

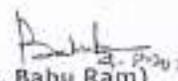
Subject: Minutes of the meeting held with eight members Joint Committee under the Chairmanship of Justice Pritam Pal, former Judge of Punjab and Haryana High Court and now as Chairman of the Monitoring Committee on 03.08.2021 at 11.00 am through video conferencing regarding verification of the facts with regard to illegal mining in forest area and unscientific mining outside forest area by M/s Goverdhan Mines and Minerals, Hisar at Dadam Hills, Tosham District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & others.

Please find enclosed herewith minutes of the meeting held with eight members of Joint Committee under the Chairmanship of Justice Pritam Pal, former Judge of Punjab & Haryana High Court and now as Chairman of the Monitoring Committee on 03.08.2021 at 11.00 am through video conferencing regarding verification of the facts with regard to illegal mining in forest area and unscientific mining outside forest area by M/s Goverdhan Mines and Minerals, Hisar at Dadam Hills, Tosham, District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & others for your kind information and necessary action.

Further, it has been decided that Sub Committee, constituted by the Chairman of eight member's joint committee, shall meet **at Forest Complex, Sector 68, SAS Nagar on 16.8.2021 at 11:00 AM** for discussion on various issues as mentioned in the minutes of the meeting.

After, the receipt of the report of the sub-committee, eight members joint committee shall decide further course of action to be taken in the matter alongwith planning to visit the site in due course of time.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

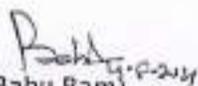
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Endst. No. CMC/2021/ 102

Dated: 4.8.2021

A copy of the above is forwarded to the Deputy Commissioner, Bhiwani for information and necessary action please.

DA/-as above

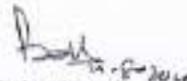

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/ 103

Dated: 4.8.2021

A copy of the above is forwarded to the Member Secretary, Haryana State Pollution Control Board, Panchkula for information and necessary action please.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/ 104

Dated: 4.8.2021

A copy of the above is forwarded to the Environmental Engineer, Haryana State Pollution Control Board, Regional Officer, Bhiwani for information and necessary action please. He is requested to issue letter to all the stake holders to join Sub-committee for site inspection on 20.8.2021. He is also requested to attend the meeting of Sub-committee to be held on 16.8.2021 at 11:00 AM at Forest Complex, Sector 68, SAS Nagar alongwith complete record and various orders of Hon'ble National Green Tribunal in OA No. 169 of 2020 and 132 of 2020.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Minutes of the meeting held with eight members Joint Committee under the Chairmanship of Justice Pritam Pal, former Judge of Punjab and Haryana High Court and now as Chairman of the Monitoring Committee on 03.08.2021 at 11.00 am through video conferencing regarding verification of the facts with regard to illegal mining in forest area and unscientific mining outside forest area by M/s Goverdhan Mines and Minerals, Hisar at Dadam Hills, Tosham District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & others.

a) The following were present in the meeting.

Sr. NO.	Name of the Officers and designation in the department	Designation in the Committee
1.	Justice Pritam Pal, Former judge, Punjab and Haryana High Court, Chandigarh	Chairman
2.	Ms. Urvashi Gulati, Former Chief Secretary, Haryana	Member
3.	Sh. Bharat Bhushan, IAS, Chairman, SEIAA	Member
4.	Dr. Narinder Kumar Sharma, Additional Director, CPCB	Member
5.	Sh. K.K Garg, Scientist C/Deputy Director, MOEF	Member
6.	Dr. Babu Ram, former Member Secretary, PPCB	Technical Expert, Monitoring Committee

b) The list of the officers, present in the meeting, is as per **Annexure-1**.

The Chairman of the Monitoring Committee apprised the members of joint committee and other district level officers of district, Bhiwani about the order dated 20.07.2021 in OA No. 169/2020 in the matter of Kuldeep Singh v/s State of Haryana and others, wherein, Hon'ble National Green Tribunal in para no. 10,11 and 12 has directed as under:-

10. After referring to the above, it is pointed out on behalf of the applicant that the conclusion in the report that no illegal mining has been done by the PP is perverse for the following reasons:

- PK
- i) On inspection of the site on 06.01.2020 by a six-member Committee, encroachment of the protected forest area has been found. Further, mining has been found to have been done even beyond depth of 150 meters. Closure plan has not been given by the predecessor of the PP which was the responsibility of the Chief Secretary of the State. If mining closure plan has not been filed, the Chief Secretary of the State must explain or the successor i.e the PP must be held responsible in terms of the EC conditions and as required in terms of order of the Hon'ble Supreme Court in order dated 11.08.2017 in SLP (C) No. 19166/2017, *M/s. Sunder Marketing Associates v. State of Haryana & Ors.* inter alia directing:

"33. Keeping in view the prayer made:

- (i) *We permit the petitioner to continue its mining operations till 30th November, 2017 in accordance with the Mining Plan. On or before that date, it shall ensure implementation of the*

mining closure plan to the satisfaction of the concerned authorities in the State of Haryana.

xxx.....xxx.....xxx.....

(iv) All the laws applicable to the petitioner shall be strictly enforced by the State Government regardless of its apparent influence in high places. We make it clear that we will hold the Chief Secretary of the State of Haryana responsible for any lapse in this regard."

- (ii) Mining was not being done in scientific manner. Ground water was being illegally extracted. Mining equipments were found in the non-mineable forest area. In IA No. 76/2021, which has been allowed by a separate order today, the applicant has inter alia filed 12 a copy of order of Mining Department dated 05.08.2020 directing the project proponent to close deep mining pits along the Eastern Boundary of the Mine, which also contradicts the report that the PP is not responsible for the violations. Further, report of the Assistant Geologist, Ground Water Cell, Bhiwani is to the effect that water table data of selected wells available on record in surrounding alluvial formation is from 9.41 mtrs to 18.52 mtrs., whereas the depth of mining pits is approx. 60 mtrs, as told by mining officer at the site.
- iii) The report of the investigating officer in the FIR, exonerating the PP is unacceptable as equipments were seized on the spot in the mining area during the currency of the mining operations by the present project proponent.
11. We have considered the objections of the applicant and find that the same require consideration after due opportunity to the PP and after obtaining a further credible report.
12. Accordingly, while issuing notice to the PP - M/s. Govardhan Mines and Minerals, Hisar, we direct further inspection by eight-member joint Committee to be headed by Justice Pritam Pal*, former Judge of Punjab and Haryana High Court and comprising Ms. Urvashi Gulati,*1former Chief Secretary, Haryana, Regional Officer, MoEF&CC, Chandigarh, nominees of CPCB, Indian Institute of Soil and Water Conservation, Research Centre, Chandigarh, Haryana State PCB, SEIAA Haryana and District Magistrate, Bhiwani. The CPCB and State PCB will act as nodal agency for coordination and compliance. The first meeting of the Committee may be convened within two weeks. The Committee may they comprise Monitoring Committee for several environmental issues in the State of Haryana peruse the record, undertake visit to the site (by such of the members as may be decided by the Chairman) and conduct other proceedings online. The Committee may interact with the stakeholders and take assistance from any other individual/institution. The Committee may also study the satellite imagery maps, in coordination with the concerned authorities. The

report of the Committee may be furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF with a copy to the Chief Secretary, Haryana for remedial action in the light of the said report following due process of law.

In compliance to order dated 20.07.2021 as mentioned in para no. 12, Dr. Babu Ram, who has already been appointed as Technical Expert of Monitoring Committee by Hon'ble National Green Tribunal and has vast experience in the field of environment, is taken as Technical Expert in the eight members joint committee. He will also act as Member Secretary of the Joint Committee.

Thereafter, it was informed that while considering the application in OA No. 169 of 2020 in the matter of Kuldeep Singh v/s State of Haryana & ors. by the Hon'ble National Green Tribunal, which is regarding illegal mining in forest area by M/S Goverdhan Mines and Minerals at Dadam hills, Tosham, District, Bhiwani and also unscientific mining outside forest area in violation of environmental clearance conditions, the Hon'ble tribunal has considered the report dated 06.10.2020 In OA No.132 of 2020 of the joint committee of six members stating creation of ways in the forest area illegally without having any valid permission, mining at site about 200ft. depth, not submitting the mining closure plan and providing record with regard to progressive closure plan and unscientific mining in the mining area.

While considering the report dated 06.10.2020 OA 169 of 2020of joint committee of six members, the Hon'ble tribunal observed that project proponents has illegally created ways in the forest area without having any valid permission, mining is done at the site about 200 ft. depth, unscientific mining at site etc.

The Deputy Commissioner, Bhiwani, during his meeting held with the concerned departments on 01.12.2020 has noted that contradictory stand of the forest department in the report dated 06.10.2020 and site inspection and contradictory report of forest department of 21.12.2020 stating there that illegal mining has been done by the previous mining lease holder i.e. KSL Sunder marketing associate, prior to M/s Goverdhan Mines Minerals and further 300sqm. of illegal mining for which FIR no. 587 dated 23.12.2019 has been registered. Also, the mining officer, Bhiwani had stated in the meeting that as per the survey conducted on 03.11.2020 by the team consisting of Senior Geologist, Mining Officer, Senior Surveyer and official of HARSAC, no illegal mining was found.

The Hon'ble National Green Tribunal in para no. 3 of said order, has observed as under:-

The report now filed states that inspection was first conducted by the Committee on 06.10.2020 finding violations by the PP. Based thereon, show cause notice dated 08.10.2020 was issued by the State PCB under Section 5 of the Environment (Protection) Act, 1986 and after considering the reply, the Regional Officer, State PCB recommended closure on 06.11.2020. However, the scenario underwent changed after the meeting convened by the Deputy Commissioner, Bhiwani on 01.12.2020. Therein differing stands were presented by the mining, forest and ground water departments at variance with the findings in the site inspection report of the joint Committee. Such differing stands were noted by the Deputy

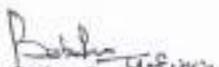
Commissioner, Bhiwani, who directed the stakeholder Departments to examine the presentation of the project proponent for sending a report to the Chairman, State PCB. Accordingly, the Forest Department vide report dated 21.12.2020 and the Mining Department vide report dated 31.12.2020 sent their observations to the Deputy Commissioner, contrary to the findings in the site inspection report dated 6.10.2020. Based on later reports, the present report has been filed to the effect that no illegal mining has been done by the present PP. Illegal mining had been done by the predecessor of the project proponent.

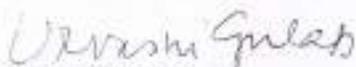
Therefore, the Hon'ble tribunal has directed for further inspection by eight members joint committee headed by the Justice Pritam Pal, former judge of Punjab and Haryana High Court, wherein CPCB and State PCB will act as nodal agency for coordination and compliance and it has directed to convene first meeting of the committee within two weeks and undertake visit to the site by such members as may be decided by the Chairman of the eight member joint committee. Accordingly, the today's meeting has been convened in compliance to the said direction to overview the action points/activities to be carried out by the joint committee to bring the actual facts in the case with regard to the grievances mentioned by the applicant in the application against illegal mining in forest area, unscientific mining outside forest area and other issues.

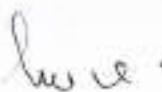
After, detailed discussion on the issues, the Chairman of the Monitoring committee directed as under:-

- 1) Dr. Babu Ram, who has already been appointed as technical expert, Monitoring Committee by the Hon'ble National Green Tribunal, is taken as technical expert in eight members joint committee. He will also act as Member Secretary of the Joint Committee.
- 2) A sub-committee, consisting of following officers, is constituted to visit the stone mining site at Dadam Hill, Tosham, District Bhiwani on 20.03.2021.
 - i) Sh. Bharat Bhushan, IAS, Chairman, SEIAA.
 - ii) Senior Scientist, Indian Institute of Soil and Water Conservation, Research centre, Chandigarh.
 - iii) Sh. K.K Garg, Scientist C/Deputy Director, MOEF.
 - iv) Dr. Narinder Kumar Sharma, Additional Director, CPCB.
 - v) Dr. Babu Ram, former Member Secretary, PPCB.
- 3) The sub-committee may meet within 10 days at Chandigarh to identify all the issues involved in the case, the record in the case may be perused, satellite imagery maps may be studied and strategy to be adopted to resolve the issues in the matter may be chalked out.
- 4) During the site visit to the stone mining site at Vill. Dadam Hill, Tosham, District Bhiwani on 20.08.2021, the stakeholders and other investigation officers who had jointly inspected the site on 06.10.2020, may also be asked to accompany the Sub-Committee during site inspection. HSPCB, Regional Office, Bhiwani shall issue letter to the all the stakeholders to join the Sub-committee for site inspection on 20.08.2021.

- 5) After the receipt of the report of the sub-committee, eight members joint committee shall decide further course of action to be taken in the matter alongwith planning to visit the site in due course of time.


Dr. Babu Ram,


Ms. Urvashi Gulati,


Justice Pritam Pal
Former Judge, Punjab and Haryana High Court,
Now as Chairman of Monitoring Committee

Annexure-1

List of officers who attended VC meeting held on 03.08.2021 under the Chairmanship of Justice Pritam Pal, Former Judge of Punjab & Haryana High Court and now as Chairman of the Monitoring Committee in compliance of orders dated 20.07.21 in OA No.169/2020 in the matter of Kuldeep Singh Vs State of Haryana & others.

Sr. No.	Name of Officer	Designation	District
1.	Sh. Jaivir Singh Arya, IAS	Deputy Commissioner	Bhiwani
2.	Sh. Vipin Kumar Singh	District Forest Officer	Bhiwani
3.	Sh. Niranjana Lal	Mining Officer	Bhiwani
4.	Sh. Rakesh Kumar Bhonsle	Regional officer, HSPCB	Bhiwani
5.	Sh. Aparnesh Kumar	Scientist - 'B'	Bhiwani
6.	Sh. Ajeyander Singh Suhag	XEN, Jui Water Cell Services, Irrigation Department	Bhiwani
7.	Sh. V.D.Yadav	Sr. Geologist Ground Water Cell	Bhiwani

Annexure - C

OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal
in OA No. 360 of 2018 in the matter Shree Nath Sharma Vs Union of India &
Ors and other Environmental issues.

(Official Address: Tower No.5, 4th Floor, Forest Complex,
Sector 68, SAS Nagar) Tel. No. 0172-2298091
Email: ceccswm606@gmail.com

To

1. Sh. R.K Sapra IFS (Retired),
Member, State Expert Appraisal Committee,
601, GH-12, Angels Apartments,
Sector-24, Panchkula,
Haryana
2. Dr. OPS Khola
Director, Indian Institute of Soil & Water Conservation,
Research centre,
Chandigarh
3. DR. K.K Garg,
Deputy Director/ Scientist-C,
Ministry of Environment, Forest & Climate Change,
Regional Office, Chandigarh
4. Sh. Narender Sharma,
Additional Director,
Central Pollution Control Board,
Regional Directorate, Chandigarh
5. Sh. Vipin Kumar Singh IFS,
District Forest Officer,
Bhiwani
6. Sh. Rakesh Kumar Bhonsle,
Environmental Engineer,
Regional Office, Haryana State Pollution Control Board,
Bhiwani
7. Sh. Niranjana Lal,
Mining Officer,
Bhiwani
8. Sh. Rahul Sharma,
Executive Engineer,
Jul Water Services Irrigation Department,
Bhiwani
9. Sh. Chander Parkash,
Assistant Geologist,
Ground water cell,
Bhiwani

No. CMC/2021/126 - 134
Dated: 17.8.2021

Subject: Minutes of the meeting held with members of sub committee, constituted by the Chairman of the Joint Committee (in the meeting held on 3.8.2021), regarding verification of facts with regard to illegal mining in forest area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & others in the meeting held on 16.8.2021 at 11:00 AM.

Please find enclosed herewith minutes of the meeting held with members of sub committee, constituted by the Chairman of the Joint Committee (in the meeting held on 3.8.2021), regarding verification of facts with regard to illegal mining in forest area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of

Kuldeep Singh V/s State of Haryana & others in the meeting held on 16.8.2021 at 11:00 AM for your kind information and necessary action.

It is requested that all the concerned departments, which have been requested by the sub committee to submit the document/reports, the same may be submitted before 20.8.2021 as the same shall also be deliberated during the site inspection of Dadam Mining site at Bhiwani on 20.8.2021.

DA/-as above

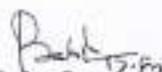

(Dr. Babu Ram) 17.8.2021
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/135

Dated: 17.8.2021

A copy of the above is forwarded to the Deputy Commissioner, Bhiwani for information and necessary action please.

DA/-as above


(Dr. Babu Ram) 17.8.2021
Technical Expert,
Monitoring Committee

Minutes of the meeting held with members of sub committee constituted by the Chairman of the Joint Committee (in the meeting held on 3.8.2021) regarding verification of facts with regard to illegal mining in forest area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & others in the meeting held on 16.8.2021 at 11:00 AM.

The list of the officers, present in the meeting, is as per **Annexure-1**.

It was informed that the grievance in this application is against illegal mining in forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham, District Bhiwani and also unscientific mining outside forest area in violation of EC conditions. It is stated that there are FIRs, complaints and letters pointing out such illegalities.

Accordingly, the Hon'ble National Green Tribunal in its order dated 20.8.2020 required a factual and action taken report from a joint committee comprising State PCB, Divisional Forest Officer, and Additional District Magistrate, Bhiwani within 02 months. Therefore, in compliance to said order, six members committee, made joint inspection of the area on 6.10.2020 in OA no. 132 of 2020 in the matter of Rakesh Dalal Vs State of Haryana and Ors and joint inspection on 6.10.2020 in OA no. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana and submitted separate reports, which are mentioned as under:

A) OA no. 132 of 2020 in the matter of Rakesh Dalal Vs State of Haryana and Ors

i) Regarding illegal mining by M/s Govardhan Mines at Dadam, Tosham, Bhiwani Haryana.

Observation - During the inspection, it is observed that the said mining project has illegally created ways in the forest area without having any valid permission. At the time of inspection, the mining equipment's/machines are also found standing in the non-minable forest area.

The Dadam Hill Minor is a protected forest area under IFA, 1927 and same is found illegally mined at the time of the inspection.

ii) It is alleged that mining is done upto 150 meters which is not permissible.

Observation - During the inspection, the concerned mining officer stated that the mining is done at the site about 200 feet depth. But actual depth of the mining pits will be assured by the inspection of the mining surveyor from Mining Dept., Head Office, Panchkula within 7 days as mentioned by concerned mining officer.

iii) The Mining Company has not given a closure plan.

Observation - During the inspection, the concerned mining officer stated that an approved mining plan as well as a progressive closure plan of same is already submitted by the said mining project and the mining project is still in progress and closure plan will be implemented after closure of the mining.

iv) In the progressive closure plan, the depth is shown to be up to 42 meters.

Observation - During the inspection, the concerned mining officer stated that the said mining project has given following dimensions of mining pit as per approved mining plan:

(i) Length: 5.36 meter (ii) Width: 528 meter (iii) Depth: 78 meter (from ground level).
But no record provided at the site during inspection in this regard.

v) Mining is not being done in a scientific manner.

Observation - During the inspection, the concerned mining officer stated that the mining is not done in scientific manner i.e. benches of 9-meter height and 9-meter width are not properly formed.

vi) Ground water is also being illegally extracted.

Observation - During the inspection, the concerned Assistant Geologist, Ground Water Cell reported that no bore well found in the lease mining area. The project is meeting water requirement for plantation, dust suppression & domestic etc. through tankers from outside the mining area and also using the water stored within mining pits and water stored in pits cannot be identified at spot whether it is groundwater or rain water and same will be identified within 7 days as assured by the concerned Assistant Geologist, Ground Water Cell.

vii) The applicant has annexed a letter addressed to the Additional Chief Secretary, Mines and Geology Department pointing out illegalities in the process of mining.

Observation - During the inspection, the concerned mining officer stated that he is not aware about the said communication because the letter number & date are not mentioned.

During the inspection the concerned SDO, Irrigation Department stated that the said mining project is using the land of Dadam distributary illegally for mining purpose.

B) In OA no. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana

Point: Grievance in this application is against alleged illegal mining in forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham, District Bhiwani, The applicant has relied upon FIR, complaints and letters in support of the allegation.

Observation - During the inspection, it is observed that the said mining project has illegally created ways in the forest area without having any valid permission. At the time of inspection, the mining equipment's/machines are also found standing in the non-minable forest area.

The Dadam Hill Minor is a protected forest area under IFA, 1927 and same is found illegally mined at the time of the inspection.

At the time of inspection, the team has also reported following observations:

During the inspection, the concerned mining officer stated that the mining is done at the site about 200 feet depth. But actual depth of the mining pits will be assured by the inspection of the mining surveyor from Mining Dept., Head Office, Panchkula within 7 days as mentioned by concerned mining officer. At the time of inspection the concerned mining officer also stated that an approved mining plan as well as a progressive closure plan of same is already submitted by the said mining project and the mining project is still in progress and closure plan will be implemented after closure of the mining.

During the inspection, the concerned mining officer stated that the said mining project has given following dimensions of mining pit as per approved mining plan:

- (i) length: 536 meter (ii) Width: 528 meter (iii) Depth: 78 meter (from ground level).

At the time of inspection, the concerned mining officer mentioned that the mining is not done in scientific manner i.e. benches of 9-meter height and 9-meter width are not properly formed.

During the inspection, the concerned Assistant Geologist, Ground Water Cell reported that no bore well found in the lease mining area. The project is meeting water requirement for plantation, dust suppression & domestic etc. through tankers from outside the mining area and also using the water stored within mining pits and water stored in pits cannot be identified at spot whether it is groundwater or rain water and same will be identified within 7 days as assured by the concerned Assistant Geologist, Ground Water Cell.

The concerned SDO, Irrigation Department at time of inspection stated that the said mining project is using the land of Dadam distributary illegally for mining purpose.

Based on the observations of the joint committee, State PCB vide its letter dated 8.10.2020, issued show cause notice for closure of the mining unit namely M/S Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham. The project proponent submitted the reply of the show cause notices vide letter dated 22.10.2020, which was sent to the concerned departments for submitting their reply. Deputy Commissioner, Bhiwani held a meeting with officers of the concerned departments on 1.12.2020 and considered the reply submitted by the various departments which are mentioned as under:

1. Report dated 3.11.2020 of department of Mining

- Fl
- i. Boundary pillars around the mining lease area were found in order with GPS coordinate. Total 32 numbers of pillars were found to be established as per approved Mining plan.
 - ii. The maximum depth of the mining pits was found to be 109 meters from surface level at the time of inspection.
 - iii. Some seepage water was seen in this pit during the inspection.
 - iv. Systematic and scientific mining is regulated by the office of Director Mines Safety Gaziabad. If any violation is found in method of mining, they took the action accordingly and inform to the office of concerned Mining Officer, District Collector, Director General Mines and Geology Haryana. But no such type of information is received from Director Mines Safety, Gaziabad as reported by Mining Officer, Bhiwani.
 - v. Out of lease area in Khatoni No 67//62 min, khasra no. 16//20/1 min, 21/1 min, 17//1 min, 9 min, 10min, 12min, 13min, 14min, 16min, 17min, 18//6min, 7min, 14min, haul road is being created and used by the contractor having approximate length 460 meters, width 20 mtr and depth 0-15 mtr and DGPS reading of the Haul Road is N 28° 53' 12.460" E 75° 52' 24.053", N 28° 53' 14.350" E 75° 51' 28.133", N 28° 53' 10.851" E 75° 51' 34.937". But no stone has been extracted from above khasra numbers because the said area is consisting of ordinary clay / earth. Rest of the alleged area is found to be virgin area. It was also confirmed by the local revenue department too.
 - vi. During the inspection, it was also found that no illegal mining was noticed in the Forest area of Aravalli Plantation.

2. Report of Forest Department

a) Report dated 17.11.2020 of Forest Department

In the report, DFO has clarified that the illegal mining has been done in Dadam hill area by M/S Sunder Marketing Associates. Illegal mining was noticed on 22.12.2019 and an FIR no. 587 dated 23.12.2019 was lodged at police station, Tosham against Sandeep and etc.

The letter dated 17.11.2020 of DFO, Bhiwani stated that the said project proponent is now not using any Aravalli plantation area for ways and not made any illegal and the same is also examined with the help of google images obtained from HARSAC, Hisar. It appears that the illegal mining and illegal ways are created by previous project proponent and not by present mining project i.e M/S Govardhan mines and minerals, village Dadam, Bhiwani.

b) Report dated 21.12.2020 of Department of Forest

As far as the extent of illegal mining area is concerned, RFO, Tosham has reported vide letter no. 364 dated 21.12.2020 that illegal mining has been done near point B & C in an area of about 0.8 hectare by the then lease holder (KSL Sunder Marketing Associate) prior to M/s Goverdhan Mines and Minerals. Further 300 Sqm area of illegal mining was found for which FIR No.587 dated 23.12.2019 has been registered. Further, it is informed that forest department does not have any technique to estimate the quantity of mineral extracted and its cost. Hence for the extent of illegal mining i.e. 0.8 hectare in area and 300 sqm of area, the quantity of minerals extracted and cost may be sought from the Mining department."

3. Report dated 4.11.2020 of Geologist Groundwater cell

According to report dated 4.11.2020 of Assistant Geologist, Groundwater Cell, the water table data of selected wells available in surrounding alluvial formation is from 9.41 m to 18.52 m, whereas the depth of mining is about 109 m as measured by Department of Mining. This shows that presently, the surrounding water level is having no interconnectivity with mining pits as the water table has not encountered after the depth of 109 m. So, it is concluded that the water accumulated in mining pits is seepage from the cracks and fissures of the quartzite rock of Aravalli system.

4. Report dated 20.11.2020 of department of Jui Water Services, Bhiwani

In the report, it has been mentioned that in the case of Omparkash and Ors. Vs Raman and Ors. in the Hon'ble court of Sh. Sunil Kumar Dewan, ACJ (SD), Tosham, the Tehsildar Tosham was appointed as local commissioner, who had mentioned in the report dated 6.1.2016 that from RD 21100 to RD 22800 of Dadam distributary in length of 1700 feet, the channel was damaged/not existing since last 10 years. The channel was mostly damaged by earlier mining operators.

These facts were mentioned in the Action taken report submitted by Regional Officer, HSPCB, Bhiwani vide its report dated 16.7.2021 submitted to Hon'ble National Green Tribunal.

Based on the said reports, the Hon'ble National Green Tribunal in order dated 20.7.2021 in para no.3 has observed that differing stands were presented by the Mining, Forest and Ground Water Departments at variance with the findings in the site inspection report of the joint Committee. Such differing stands were noted by the Deputy Commissioner, Bhiwani, who

directed the stakeholder Departments to examine the presentation of the project proponent for sending a report to the Chairman, State PCB. Accordingly, the Forest Department vide report dated 17.11.2020 & 21.12.2020 and the Mining Department vide report dated 3.11.2020 sent their observations to the Deputy Commissioner, contrary to the findings in the site inspection report dated 6.10.2020. Based on later reports, the present report has been filed to the effect that no illegal mining has been done by the present PP. Illegal mining had been done by the predecessor of the project proponent.

Therefore, the Hon'ble National Green Tribunal at Para no. 12 of the said order has directed to eight members joint committee headed by Justice Pritam Pal, Former Judge, Punjab & Haryana High Court, for further inspection in the matter and submit the report within 02 months.

In compliance to the directions of the Hon'ble National Green Tribunal as mentioned in Para no. 12, the Chairman of the joint committee has constituted sub committee in the meeting held on 3.8.2021.

The sub committee has considered all the documents related to the case and held detailed deliberation on all the issues and mutually agreed upon to ask the following departments to submit the record/report in the matter as under:

1. Department of Forest

- i. Demarcation of Aravalli forest area with coloured google earth images and GPS coordinates of the pillars.
- ii. Identification of two sites with coloured google earth images having an area of 0.8 hectares and 300m² in the forest land, where illegal mining was observed.
- iii. Investigation report w.r.t FIR no. 587 dated 23.12.2019.
- iv. Status of action taken on the illegal mining done in above said areas.
- v. Status of damage caused to the plantation area in Dadam distributary.
- vi. Status of illegal mining, if any, done in the Dadam distributary covered under forest department.

2. Department of mining

- i. GPS coordinates of the boundary pillars of old mining site, where the mining was done by the earlier project proponent namely M/S Sundar marketing Associate and existing mining site, where the present project proponent namely M/S Govardhan mines and Minerals is now doing the mining.
- ii. GPS record with coloured google earth images showing the depth of 109m at mining site.

3. JUI water services, irrigation department, Bhiwani.

- i. Coloured photographs and google earth images of Dadam distributary in the years 2000 to 2007.
- ii. Documents/reports alongwith coloured google earth images showing the damage caused to the Dadam distributary and year in which the damage was caused.
- iii. The status of illegal mining done in the Dadam distributary.
- iv. Action taken by the department of JUI water services against the violators.
- v. Width of the Dadam distributary before and after its damaging.

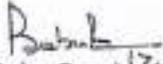
4. State Environment impact assessment Authority (SEIAA), Haryana

- i. Copies of EIA reports of both the proponents based on which EC were granted.
- ii. Copies of ECs granted to both the proponents (SEIAA).

5. Haryana State Pollution Control Board, Regional Office, Bhiwani

- i. Action taken report filed in the Hon'ble National Green Tribunal in OA no. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana and Ors.
- ii. Action taken report filed in the Hon'ble National Green Tribunal in OA no. 132 of 2020 in the matter of Rakesh Dalal Vs State of Haryana and Ors.

The said documents may be submitted before 20.8.2021.


(Dr. Babu Ram) 17.8.2021
Technical Expert,
Monitoring Committee

OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal
in OA No. 360 of 2018 in the matter Shree Nath Sharma Vs Union of India &
Ors and other Environmental issues.
(Official Address: Tower No.5, 4th Floor, Forest Complex,
Sector 68, SAS Nagar) Tel. No. 0172-2298091
Email: ceeswm606@gmail.com

To

The Deputy Commissioner,
Bhiwani

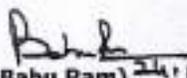
No. CMC/2021/157
Dated: 24.8.2021

Subject: Report on visit to the mining site, Village Dadam, Tosham Hills, Bhiwani by the subcommittee, constituted by the Chairman of the eight members Joint Committee in its meeting held on 3.8.2021, regarding verification of facts w.r.t illegal mining in forest area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals, Hisar at Village Dadam, Tosham Hills, District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & Ors. on 20.8.2021.

.....
Please find enclosed herewith a report on visit to the mining site, Village Dadam, Tosham Hills, Bhiwani by the subcommittee, constituted by the Chairman of the eight members Joint Committee in its meeting held on 3.8.2021, regarding verification of facts w.r.t illegal mining in forest area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals, Hisar at Village Dadam, Tosham Hills, District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & Ors. on 20.8.2021 for your kind information and necessary action.

It is requested that an officer/official of district Administration may be asked to send the report of the subcommittee to all the concerned departments with the request to submit the documents/Information w.r.t various points as mentioned in the report by 27.8.2021 in the office of Environmental Engineer, Haryana State Pollution Control Board, Bhiwani and the said office shall make arrangements to get all the documents delivered in the office of Monitoring Committee, constituted by Hon'ble National Green Tribunal, situated at Forest Complex, Sector-68, SAS Nagar, Punjab on or before 30.8.2021.

DA/-as above

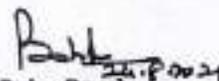

(Dr. Babu Ram) 24.8.2021
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/158

A copy of the above is forwarded to the District Forest Officer, Forest Department, Bhiwani for information and necessary action please.

DA/-as above

Dated: 24.8.2021

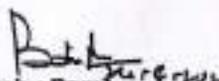

(Dr. Babu Ram) 24.8.2021
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/159

A copy of the above is forwarded to the Mining Officer, Department of Mines and Geology, Bhiwani for information and necessary action please.

DA/-as above

Dated: 24.8.2021

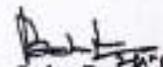

(Dr. Babu Ram) 24.8.2021
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/ 160

Dated: 24.8.2021

A copy of the above is forwarded to the Environmental Engineer, Regional Office, Bhiwani for information and necessary action please.

DA/-as above

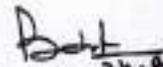

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/ 161

Dated: 24.8.2021

A copy of the above is forwarded to the Executive Engineer, JUI, Irrigation department, Bhiwani for information and necessary action please.

DA/-as above

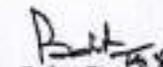

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/ 162

Dated: 24.8.2021

A copy of the above is forwarded to the Assistant Geologist, Ground Water Cell, Bhiwani for information and necessary action please.

DA/-as above

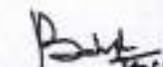

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/ 163

Dated: 24.8.2021

A copy of the above is forwarded to the Director, HARSAC, Hisar for information and necessary action please.

DA/-as above

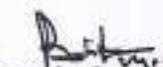

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/ 164

Dated: 24.8.2021

A copy of the above is forwarded to the Dr. Sultan Singh, Principal Scientist, HARSAC, Hisar for information and necessary action please. He is requested to submit the satellite images of the area where illegal mining has been done in forest area in 300 m² and 0.8 hectare as mentioned at point (1) page 8, area where mining has been done upto the depth of 109m as mentioned at point (v) page 9 and Dadam Distributary/minor as mentioned at point (iv) page 11 of the report. For providing GPS coordinates of the areas, the concerned departments have been requested accordingly and District Forest Officer, Bhiwani has been requested to coordinate with HARSAC, Hisar on all these issues.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Report on visit to the mining site, Village Dadam, Tosham Hills, Bhiwani by the subcommittee, constituted by the Chairman of the eight members Joint Committee in its meeting held on 3.8.2021, regarding verification of facts w.r.t illegal mining in forest area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals, Hisar at Village Dadam, Tosham Hills, District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & Ors. on 20.8.2021.

1.0 Background

The grievances in the application, submitted by Sh. Kuldeep Singh before the Hon'ble NGT, vide OA no. 169 of 2020, is against illegal mining in forest area by M/s Govardhan Mines and Minerals, Hisar at village Dadam, Tosham Hills, District Bhiwani and also unscientific mining outside forest area in violation of EC conditions. It is stated that there are FIRs, complaints and letters pointing out such illegalities.

Similar, application has been submitted by Sh. Rakesh Dalal against illegal mining in forest area by M/s Govardhan Mines and Minerals, Hisar at village Dadam, Tosham Hills, District Bhiwani vide OA No.132 of 2020.

Accordingly, the Hon'ble National Green Tribunal in its order dated 20.8.2020 required a factual and action taken report from a joint committee comprising State PCB, Divisional Forest Officer, and Additional District Magistrate, Bhiwani within 02 months.

In compliance to said order, six members committee, made joint inspection of the area on 6.10.2020 in OA no. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana and OA No. 132 of 2020 in the matter of Rakesh Dalal Vs State of Haryana and Ors and submitted separate reports, which are mentioned as under:

2.0 OA no. 132 of 2020 in the matter of Rakesh Dalal Vs State of Haryana and Ors

(i) Regarding illegal mining by M/s Govardhan Mines at Dadam, Tosham, Bhiwani, Haryana.

Observation - During the inspection, it is observed that the said mining project has illegally created ways in the forest area without having any valid permission. At the time of inspection, the mining equipment's/machines are also found standing in the non-minable forest area.

The Dadam Hill Minor is a protected forest area under IFA, 1927 and same is found illegally mined at the time of the inspection.

(ii) It is alleged that mining is done upto 150 meters which is not permissible.

Observation - During the inspection, the concerned mining officer stated that the mining is done at the site about 200 feet depth. But actual depth of the mining pits will be assured by the inspection of the mining surveyor from Mining Dept., Head Office, Panchkula within 7 days as mentioned by concerned mining officer.

(iii) The Mining Company has not given a closure plan.

Observation - During the inspection, the concerned mining officer stated that an approved mining plan as well as a progressive closure plan of same have already submitted by the said mining project and the mining project is still in progress and closure plan will be implemented after closure of the mining.

(iv) In the progressive closure plan, the depth is shown to be up to 42 meters.

Observation - During the inspection, the concerned mining officer stated that the said mining project has given following dimensions of mining pit as per approved mining plan:

(i) Length: 536 m (ii) Width: 528 m (iii) Depth: 78 m (from ground level). But no record was provided at the site during inspection in this regard.

(v) Mining is not being done in a scientific manner.

Observation - During the inspection, the concerned mining officer stated that the mining is not done in scientific manner i.e. benches of 9-meter height and 9-meter width are not properly formed.

(vi) Ground water is also being illegally extracted.

Observation - During the inspection, the concerned Assistant Geologist, Ground Water Cell reported that no bore well found in the mining lease area. The project is meeting water requirement for plantation, dust suppression & domestic etc. through tankers from outside the mining area and also using the water stored within mining pits and water stored in pits cannot be identified at the spot whether it is groundwater or rain water and same will be identified within 7 days as assured by the concerned Assistant Geologist, Ground Water Cell.

(vii) The applicant has annexed a letter addressed to the Additional Chief Secretary, Mines and Geology Department pointing out illegalities in the process of mining.

Observation - During the inspection, the concerned mining officer stated that he is not aware about the said communication because the letter number & date are not mentioned.

During the inspection, the concerned SDO, Irrigation Department stated that the said mining project is using the land of Dadam distributary illegally for mining purpose.

3.0 In OA no. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana.

- i. Point: Grievance in this application is against alleged illegal mining in forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham, District Bhiwani, The applicant has relied upon FIR, complaints and letters in support of the allegation.**

Observation - During the inspection, it is observed that the said mining project has illegally created ways in the forest area without having any valid permission. At the time of inspection, the mining equipment's/machines are also found standing in the non-minable forest area.

The Dadam Hill is a protected forest area under IFA, 1927 and same is found illegally mined at the time of the inspection.

- ii. At the time of inspection, the team has also reported following observations.**

- a)** During the inspection, the concerned mining officer stated that the mining is done at the site about 200 feet depth. But actual depth of the mining pits will be

assured by the inspection of the mining surveyor from Mining Dept., Head Office, Panchkula within 7 days as mentioned by concerned mining officer. At the time of inspection, the concerned mining officer also stated that an approved mining plan as well as a progressive closure plan of same are already submitted by the said mining project and the mining project is still in progress and closure plan will be implemented after closure of the mining.

- b) During the inspection, the concerned mining officer stated that the said mining project has given following dimensions of mining pit as per approved mining plan:
length: 536 m (ii) Width: 528 m (iii) Depth: 78 m (from ground level).
- c) At the time of inspection, the concerned mining officer mentioned that the mining is not done in scientific manner i.e. benches of 9-meter height and 9-meter width are not properly formed.
- d) During the inspection, the concerned Assistant Geologist, Ground Water Cell reported that no bore well found in the lease mining area. The project is meeting water requirement for plantation, dust suppression & domestic etc. through tankers from outside the mining area and also using the water stored within mining pits and water stored in pits cannot be identified at the spot whether it is groundwater or rain water and same will be identified within 7 days as assured by the concerned Assistant Geologist, Ground Water Cell.
- e) The concerned SDO, Irrigation Department at time of inspection stated that the said mining project is using the land of Dadam distributary illegally for mining purpose.

Based on the observations of the joint committee, State PCB vide its letter dated 8.10.2020, issued show cause notice for closure of the mining unit namely M/S Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham. The project proponent submitted the reply of the show cause notices vide letter dated 22.10.2020, which was sent to the concerned departments for submitting their reply. Deputy Commissioner, Bhiwani held a meeting with officers of the concerned departments on 1.12.2020 and considered the reply submitted by the various departments, which are mentioned as under:

3.1 Report dated 3.11.2020 of department of Mining

- (i) Boundary pillars around the mining lease area were found in order with GPS coordinate. Total 32 numbers of pillars were found to be established as per approved Mining plan.
- (ii) The maximum depth of the mining pits was found to be 109 meters from surface level at the time of inspection.
- (iii) Some seepage water was seen in this pit during the inspection.
- (iv) Systematic and scientific mining is regulated by the office of Director Mines Safety Gaziabad. If any violation is found in method of mining, they took the action accordingly and inform to the office of concerned Mining Officer, District Collector, Director General Mines and Geology Haryana. But no such type of information is received from Director Mines Safety, Gaziabad as reported by Mining Officer, Bhiwani.

- (v) Out of lease area in Khatoni No 67//62 min, khasra no. 16//20/1 min, 21/1 min, 17//1 min, 9 min, 10min, 12min, 13min, 14min, 16min, 17min, 18//6min, 7min, 14min, haul road is being created and used by the contractor having approximate length 460 meters, width 20 mtr and depth 0-15 mtr and DGPS reading of the Haul Road is N 28° 53' 12.460" E 75° 52' 24.053, N 28° 53' 14.350" E 75° 51' 28.133", N 28° 53' 10.851" E 75° 51' 34.937". But no stone has been extracted from above khasra numbers because the said area is consisting of ordinary clay / earth. Rest of the alleged area is found to be virgin area. It was also confirmed by the local revenue department too.
- (vi) During the inspection, it was also found that no illegal mining was noticed in the Forest area of Aravalli Plantation.

3.2 Report of Forest Department

a) Report dated 17.11.2020 of Forest Department

- In the report, DFO has clarified that the illegal mining has been done in Dadam hill area by M/S Sunder Marketing Associates. Illegal mining was noticed on 22.12.2019 and an FIR no. 587 dated 23.12.2019 was lodged at police station, Tosham against Sandeep etc.
- The letter dated 17.11.2020 of DFO, Bhiwani stated that the said project proponent is now not using any Aravalli plantation area for ways and not made any illegal and the same is also examined with the help of google images obtained from HARSAC, Hlsar. It appears that the illegal mining and illegal ways are created by previous project proponent and not by present mining project i.e M/S Govardhan mines and minerals, village Dadam, Bhiwani.

b) Report dated 21.12.2020 of Department of Forest.

As far as the extent of illegal mining area is concerned, RFO, Tosham has reported vide letter no. 364 dated 21.12.2020 that illegal mining has been done near point B & C in an area of about 0.8 hectare by the then lease holder (KSL Sunder Marketing Associate) prior to M/s Goverdhan Mines and Minerals. Further 300 Sqm area of illegal mining was found for which FIR No. 587 dated 23.12.2019 has been registered. Further, it is informed that forest department does not have any technique to estimate the quantity of mineral extracted and its cost. Hence for the extent of illegal mining i.e. 0.8 hectare area and 300 m² of area, the quantity of minerals extracted and cost may be sought from the Mining department."

3.3 Report dated 4.11.2020 of Geologist, Groundwater cell.

According to report dated 4.11.2020 of Assistant Geologist, Groundwater Cell, the water table data of selected wells available in surrounding alluvial formation is from 9.41 m to 18.52 m, whereas, the depth of mining is about 109 m as measured by Department of Mining. This shows that presently, the surrounding water level is having no interconnectivity with mining pits as the water table has not encountered upto the depth of 109 m. So, it is concluded that the water accumulated in mining pits is seepage from the cracks and fissures of the quartzite rock of Aravalli system.

3.4 Report dated 20.11.2020 of department of Jui Water Services, Bhiwani

In the report, it has been mentioned that in the case of Om parkash and Ors. Vs Raman and Ors. in the Hon'ble court of Sh. Sunil Kumar Dewan, ACJ (SD), Tosham, Tehsildar Tosham was appointed as local commissioner, who had mentioned in the report dated 6.1.2016 that from RD 21100 to RD 22800 of Dadam distributary in length of 1700 feet, the channel was damaged/not existing since last 10 years. The channel was mostly damaged by earlier mining operators.

These facts were mentioned in the Action taken report submitted by Regional Officer, HSPCB, Bhiwani vide its report dated 16.7.2021 submitted to Hon'ble National Green Tribunal.

Based on the said reports, the Hon'ble National Green Tribunal in order dated 20.7.2021 in para no.3 has observed that differing stands were presented by the Mining, Forest and Ground Water Departments at variance with the findings in the site inspection report of the Joint Committee. Such differing stands were noted by the Deputy Commissioner, Bhiwani, who directed the stakeholder Departments to examine the presentation of the project proponent for sending a report to the Chairman, State PCB. Accordingly, the Forest Department vide report dated 17.11.2020 & 21.12.2020 and the Mining Department vide report dated 3.11.2020 sent their observations to the Deputy Commissioner, contrary to the findings in the site inspection report dated 6.10.2020. Based on later reports, the present report has been filed to the effect that no illegal mining has been done by the present PP. Illegal mining had been done by the predecessor of the project proponent.

Therefore, the Hon'ble National Green Tribunal at Para no. 12 of the said order has directed to eight members joint committee headed by Justice Pritam Pal, Former Judge, Punjab & Haryana High Court, for further inspection in the matter and submit the report within 02 months.

In compliance to the directions of the Hon'ble National Green Tribunal, as mentioned in Para no. 12, the Chairman of the eight members Joint Committee, has constituted subcommittee in the meeting held on 3.8.2021, who has visited the mining site at Village Dadam, Tosham Hills, Bhiwani on 20.8.2021 and the report is submitted as under.

4.0 Visit to the mining site at village Dadam, Tosham Hills, Bhiwani by the sub committee.

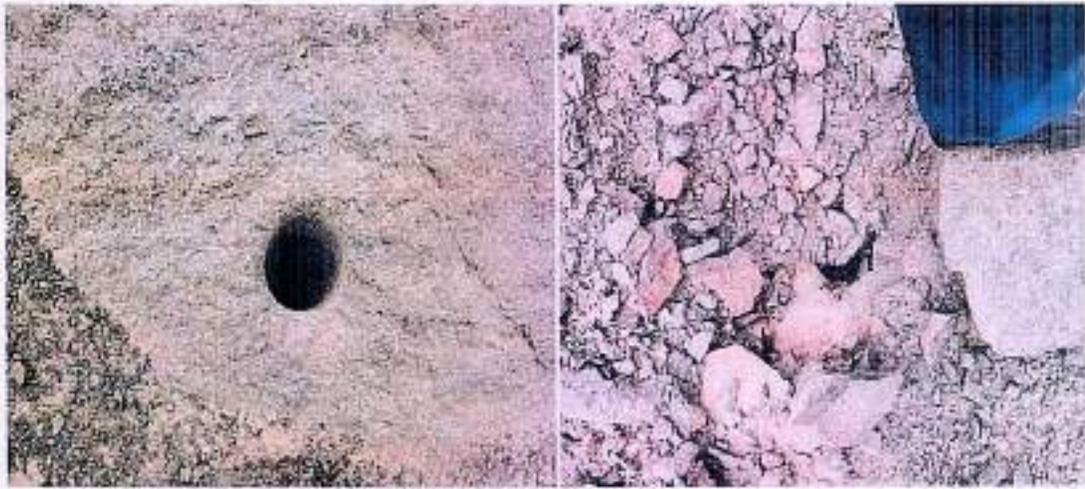
The list of the members of the subcommittee and officers of various departments, who were present during the visit, is annexed as per **Annexure-1**. The observations made by the sub committee are mentioned as under.

4.1 Pathway constructed in the forest area and illegal mining of 300 m² of area

The subcommittee visited the pathway, which has been constructed in the forest area with the permission of the department of forest, as informed by District Forest Officer, Bhiwani. The width of pathway as approved by Forest Department as 6m, whereas, the clearing of site, for construction of pathway, has been done beyond the width of 6m for which the present proponent (M/S Goverdhan Mines and Minerals) accepted their fault on the site. Moreover, deep drill holes were found constructed within and beyond 6m

width of the path, which apprehends that the present project proponent namely M/s Govardhan Mines and Minerals had intention to conduct illegal mining in the forest area. However, due to catching of the persons on the spot for doing such illegal activity w.r.t mining, filing FIR against the persons and seizer of vehicles, found indulged in illegal mining, the work of mining in forest area was stopped and the pathway in forest area remained unconstructed at the site. However, illegal mining has been done in an area about 300m² as informed and the map shown by the department of forest.

The photographs showing the bore drill holes constructed in forest area within and beyond 6 m wide pathway are mentioned as per **plates 1 and 2**. Also, the photographs, taken by Department of Forest at the time of filing FIR and seizing of vehicles, were shown to the sub committee, and the same are mentioned as **Plates 3 and 6**.



Plates 1 and 2: The photographs showing the bore drill holes constructed in forest area within and beyond 6 m wide pathway



Plates 3 and 4: Vehicles used for carrying illegal mined material on the day of filing FIR against the person.



Plates 5: Drill machine used for making holes with an intention to conduct illegal mining.

Plate 6: Vehicle found standing with an intention to carry mined material.

4.2 Illegal mining having an estimated area of 0.8 hectares in the forest area.

The subcommittee has visited the area where illegal mining in forest area was found done in an area of about 0.8 hectares. The pillars installed at site indicating the forest area and non forest area were found intact. It was informed that the area of illegal mining in forest area was measured by using the Google earth images available during Feb, 2019. However, the sub committee was of the view that this area of illegal mining needs to be validated from HARSAC, Hisar.

The Photographs, showing the pillars demarcating the forest and non forest area, illegal mining done at site in an approximate area of 0.8 hectares, are mentioned as per **Plates 7 to 10.**

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Plates 7 and 8: Photographs, showing the pillars demarcating the forest and non forest area, where illegal mining has been done in 0.8 hectares in forest area

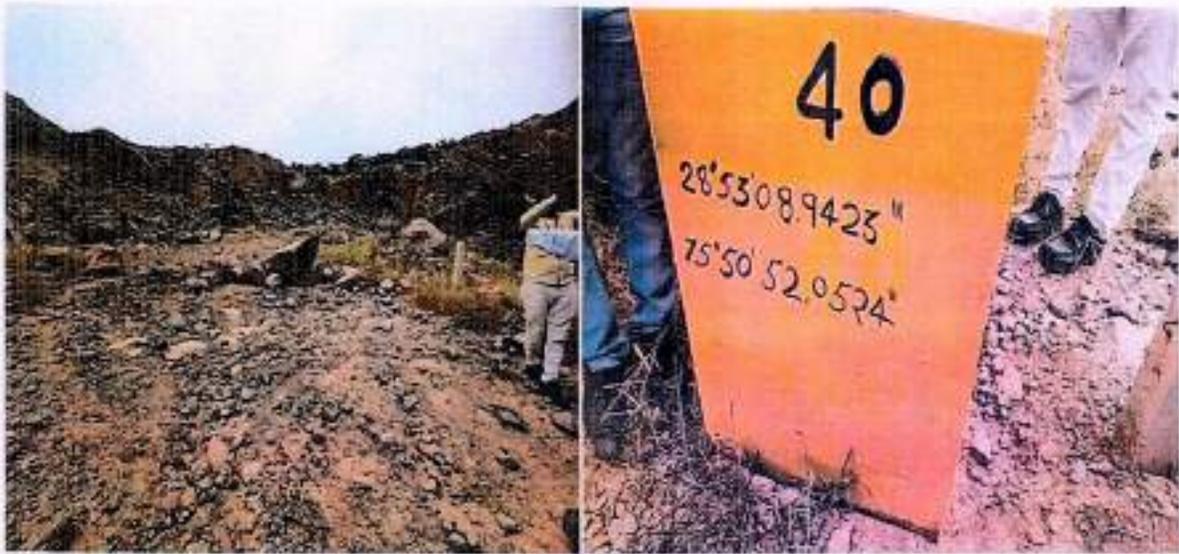


Plate 9: Photograph showing forest area where illegal mining in 0.8 hectares has been done

Plate 10: Photograph showing pillar demarcating forest and non-forest area

After visit to the area, the subcommittee decided as under:

- (i) HARSAC, Hisar shall provide satellite images of the area where illegal mining has been done in forest area in 300 m² and 0.8 hectares for the year 2015 to June, 2021 and specific references of dates of mining leases of three project proponents, for which District Forest Officer, Bhiwani shall provide GPS coordinates of these areas to HARSAC, Hisar within 03 days. District Forest Officer, Bhiwani shall coordinate with the Director, HARSAC, Hisar for getting satellite images of the area for the said period.
- (ii) District Forest Officer shall submit other documents to prove the illegal mining done in the area of about 300 m² and 0.8 hectare in the forest area.
- (iii) Department of mining and Department of Forest shall provide all the documents mentioning illegal mining in non mining area during the period 2015 to 2019.
- (iv) The department of forest shall submit copy of the permission granted to the project proponent (M/S Goverdhan Mines and Minerals) for constructing pathway of 6m width within forest area.
- (v) The department of forest shall submit the coloured photographs and Google earth images showing the area where illegal mining in forest area has been done in two stretches having an area of about 300 m² and 0.8 hectares.
- (vi) The department of mining shall measure the dimensions of benches w.r.t their width and depth at various locations within 07 days and whether these have constructed as per the Mining plan approved by department of Mining.
- (vii) Department of Police shall submit the copy of the FIR launched against the persons who were caught doing illegal mining in forest area and investigation report in the matter within 07 days.

4.3 Site at which mining has been done up to depth of 109m in mining area.

The subcommittee visited the mining site, where the mining has been done up to the depth of 109m as earlier measured by department of Mines and Geology, Haryana. It was observed that the project proponent has been permitted to conduct mining up to

78m depth as per the mining plan submitted by it and approved by the department. However, the mining has been done up to the depth of 109m, which is in violation of conditions of Environment Clearance and mining plan approved by the department.

The sub committee also observed that water was found stagnated in the form of pond at the bottom of the mining site. The photographs, showing various features at site and water stagnating in the form of pond in deep mined area, where stone mining has been done up to the depth of 109 m, are mentioned as per **Plates 11 and 12.**



Plate 11: Photograph showing water stagnating in the form of pond in deep mined area, where mining has been done up to the depth of 109m



Plate 12: Photograph showing mining done in an area upto the depth of 109 m as measured by department of Mines and Geology, Haryana

The subcommittee has decided as under.

- (i) The department of mining shall submit the reports of the verification of conditions of mining plan done during the 2015 to June, 2021.
- (ii) Ministry of Environment and Forest, Regional Office, Chandigarh shall submit copy of the verification of reports of compliance of conditions of Environment Clearance granted to the project proponents during the year, 2015 to June, 2021, as submitted by the project proponents and verified by MOEF & CC.
- (iii) HSPCB, Regional Office, Bhiwani shall submit the report of the compliance of conditions of consents granted to the project proponents during the year, 2015 to June, 2021, as submitted by the project proponents and verified by HSPCB.
- (iv) The Central Groundwater Authority (CGWA) shall submit the data w.r.t water table in the region and whether the water table of the region can be intersected by mining up to 109m as per the study conducted by department of Mines and Geology.
- (v) HARSAC, Hisar shall provide satellite images of mining area where mining has been done up to the depth of 109 m for the year 2015 to June, 2021 and specific references of dates of mining leases of three project proponents, for which Department of Mining shall supply GPS coordinates of the area to HARSAC, Hisar within 03 days. District Forest Officer, Bhiwani shall coordinate with the Director, HARSAC, Hisar for getting satellite images of the area for the said period.

4.4 Abandoned/damaged Dadam distributary/Minor constructed by department of Irrigation, Haryana.

The subcommittee visited the Dadam distributary/Minor, which has been constructed by the department of irrigation before the Year, 1980. During visit, the following observations were made by the sub committee.

- (i) A Dadam distributary/Minor was constructed to supply the water for irrigation to the agriculture fields of the area. However, the farmers of nearby village, present at site, informed that the water was never seen in the distributary/Minor since its construction.
- (ii) The distributary/Minor is in existence at some places, whereas, it has been either broken or has been eliminated at various locations.
- (iii) The farmers claimed that mining lease holder has damaged the Dadam distributary/Minor and has constructed pathways for movement of vehicles.
- (iv) At some places, overburden extracted from the roads constructed along the distributary/Minor, was found dumped at various places on the bank of distributary/Minor and distributary/Minor has come underneath the overburdened material.

The Photographs showing the Dadam distributary/Minor in existence, damaged and end of the distributary/ Minor are mentioned as per **Plates 13 to 16.**



Plate 13: Photograph showing the distributary/ Minor in existence



Plate 14: Photograph showing the damaged distributary/ Minor underneath the overburdened material



Plate 15: Photograph showing distributary/ Minor underneath overburdened material but cleared on the day of visit to show its existence to the committee.



Plate 16: Photograph showing the end of distributary/ Minor.

After visit to the damaged distributory/Minor, the subcommittee decided to obtain the record w.r.t following points/issues from the concerned departments.

- (i) The department of Irrigation shall provide data w.r.t Year of construction and commissioning of Dadam distributory/Minor, its total length and length passing near mining area, carrying capacity of water and the year of damaging the same.
- (ii) The department of Revenue (Tehsildar of area) shall provide Kasra no. and ownership of the land adjoining to Dadam distributory/Minor and area, if any, captured by mining lease holder and year of capturing of the same.
- (iii) The Department of Mining and Department of Irrigation shall submit the record regarding illegal mining done from Dadam distributory/Minor and its adjoining area.
- (iv) HARSAC, Hisar shall provide satellite images of the Dadam distributory/Minor mentioning its status from the year, 2010 to June, 2021 and specific references of dates of mining leases of three project proponents, near the Mining project at village Dadam in Tosham Hills, Bhiwani, for which GPS coordinates shall be provided by the Department of Irrigation to HARSAC, Hisar within 03 days. District Forest Officer, Bhiwani shall coordinate with the Director, HARSAC, Hisar for getting satellite images of the area for the said period.

4.5 Interaction with applicants in OA no. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana and Ors and OA no. 132 of 2020 in the matter of Rakesh Dalal Vs State of Haryana and Ors and mining lease holder (M/s Govardhan Mines and Minerals) by the members of subcommittee in the presence of Deputy Commissioner, Bhiwani.

4.5.1 Interaction with applicants in OA no. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana and Ors and OA no. 132 of 2020 in the matter of Rakesh Dalal Vs State of Haryana and Ors.

The subcommittee in the presence of Deputy Commissioner, Bhiwani interacted with the applicants in OA No. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana and Ors and OA No. 132 of 2020 in the matter of Rakesh Dalal Vs State of Haryana and Ors, wherein, the applicant in OA No. 169 of 2020 informed that illegal mining has been done in the area by the present project proponent (M/S Goverdhan Mines and Minerals) and illegal mining has also been done in his own land as well as private land of others. Therefore, the application before Hon'ble National Green Tribunal has been submitted by them.

The applicant in OA No. 132 of 2020 informed that illegal mining has been done by both the old and present project proponents. Besides, unscientific mining has been done in mining area, village Dadam. Therefore, they have submitted the application before Hon'ble National Green Tribunal.

After detailed deliberation, the subcommittee decided as under.

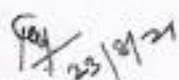
- Both the applicants in OA No. 169 of 2020 and OA No. 132 of 2020 shall submit documents in support of their claim made before the subcommittee within 07 days in the Office of HSPCB, Regional Office, Bhiwani.

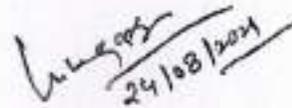
4.5.2 Interaction of the subcommittee with the representatives of M/s Govardhan Mines and Minerals in the presence of Deputy Commissioner, Bhiwani.

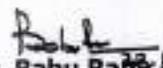
The subcommittee also interacted with the representatives of M/s Govardhan Mines and Minerals in the presence of Deputy Commissioner, Bhiwani. It was claimed that illegal mining was done by the earlier project proponent. It was also informed by the proponent that M/s Govardhan Mines and Minerals has got conducted detailed study of the mining area before taking the said mining area on lease.

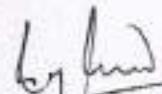
After detailed discussion, the subcommittee decided as under.

- (i) M/S Goverdhan Mines and Minerals shall submit all the documents in support their claim concerning to the matter in the office HSPCB, Regional Office, Bhiwani within 07 days.
- (ii) All the concerned departments as mentioned above, applicants in OA no. 169 of 2020 and 132 of 2020 and Project Proponent namely M/s Govardhan Mines and Mineral shall submit all the required documents by 27.8.2021 in the office of Environment Engineer, HSPCB, Bhiwani and the said office shall make arrangements to get all the documents delivered in the office of Monitoring Committee, constituted by the Hon'ble National Green Tribunal, situated at Forest complex, Sector-68, SAS Nagar on 30.8.2021.


Dr. Narender Sharma,
Additional Director, CPCB


Dr. K.K Garg,
Scientist-C/Deputy Director,
MOEF


Dr. Babu Ram
Technical Expert,
Monitoring Committee


Dr. G.P.S. Khola,
ICAR-IISWC, Regional Station,
Chandigarh


RK Sapra
Member, SEAC

Annexure-E

OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal
in OA No. 360 of 2018 in the matter Shree Nath Sharma Vs Union of India &
Ors and other Environmental issues.

(Official Address: Tower No.5, 4th Floor, Forest Complex,
Sector 68, SAS Nagar) Tel. No. 0172-2298091
Email: cecswm606@gmail.com

To

The Deputy Commissioner,
Bhiwani.

Dated: 6.9.2021 No CMC/2021/202

Subject: Minutes of the meeting held with the members of the Subcommittee, constituted by the Chairman of the Joint Committee, regarding verification of facts regarding illegal mining in forest area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals village Dadam, Tehsil Tosham, Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & Ors. on 04.09.2021 at 10.00 a.m. in the committee room, HSPCB, Panchkula.

Please find enclosed herewith minutes of the meeting held with the members of the Subcommittee, constituted by the Chairman of the Joint Committee, regarding verification of facts regarding illegal mining in forest area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals, village Dadam, Tehsil Tosham, Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & Ors. on 04.09.2021 at 10.00 a.m. in the committee room, HSPCB, Panchkula for your kind information and necessary action.

It is requested that the concerned officer of district administration may be directed to convey the minutes of the meeting to all the concerned departments with the request to take immediate necessary action on the recommendations made by the Subcommittee and submit the required documents by 10.9.2021 so that the same may be examined by the Subcommittee to decide the further course of action in the matter.

DA/-as above

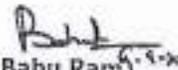

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/203

A copy of the above is forwarded to the District Forest Officer, Forest Department, Bhiwani for information and necessary action please.

DA/-as above

Dated: 6.9.2021

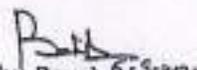

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/204

A copy of the above is forwarded to the Mining Officer, Department of Mines and Geology, Bhiwani for information and necessary action please.

DA/-as above

Dated: 6.9.2021


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/205

A copy of the above is forwarded to the Environmental Engineer, Regional Office, Bhiwani for information and necessary action please.

DA/-as above

Dated: 6.9.2021

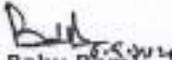

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/206

Dated: 6.9.2021

A copy of the above is forwarded to the Executive Engineer, JUI, Irrigation department, Bhiwani for information and necessary action please.

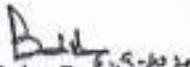
DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee
Dated: 6.9.2021

Endst. No. CMC/2021/207

A copy of the above is forwarded to the Assistant Geologist, Ground Water Cell, Bhiwani for information and necessary action please.

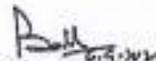
DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee
Dated: 6.9.2021

Endst. No. CMC/2021/208

A copy of the above is forwarded to the Director, HARSAC, Hisar for information and necessary action please.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee
Dated: 6.9.2021

Endst. No. CMC/2021/209

A copy of the above is forwarded to Dr. Sultan Singh, Principal Scientist, HARSAC, Hisar for information and necessary action please. The documents submitted by the Mining Officer vide letter No. 3353 dated 20.8.2021 mentioning the GPS co-ordinates of mining area, where mining has been done by M/s KJSL- Sunder (JV), M/s Govardhan Mines and Minerals, coloured maps of the mined area showing boundaries alongwith co-ordinator are enclosed herewith. Further the documents submitted by the Mining Officer vide his office letter No. 3444 dated 6.9.2021 mentioning the GPS co-ordinates of the mining site operated by M/s Sunder marketing Associates, Dadam and M/s Govardhan Mines and Minerals, Dadam Hills are also enclosed herewith. As informed by the Mining Officer, the working period of M/s Sunder Marketing Associates was from 29.10.2015 to 22.11.2017. It is, therefore, requested that satellite imageries of the required areas/points, as already requested vide this office letter No.CMC/2021/164 dated 24.8.2021, may be provided at the earliest possible.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Minutes of the meeting held with the members of the Subcommittee, constituted by the Chairman of the Joint Committee, regarding verification of facts regarding illegal mining in forest area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals village Dadam, Tehsil Tosham, Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & Ors. on 04.09.2021 at 10.00 a.m. in the committee room, HSPCB, Panchkula.

List of the members of the Subcommittee and officers of concerned departments of District, Bhiwani, present in the meeting, is as per **Annexure-1**.

It was apprised that the grievances of the applicant in OA no. 169 of 2020 are against illegal mining in forest area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals village Dadam, Tehsil Tosham, Bhiwani. It is stated that there are FIRs, complaints and letters pointing out such illegalities.

Similar, application has been submitted by Sh. Rakesh Dalal against illegal mining in forest area by M/s Govardhan Mines and Minerals, village Dadam, Tehsil Tosham, District Bhiwani, which has been registered by Hon'ble National Green Tribunal vide OA No.132 of 2020.

In compliance to order dated 20.07.2021 of Hon'ble National Green Tribunal, as directed in para no. 12, eight members Joint Committee under the chairmanship of Justice Pritam Pal, former judge of Punjab and Haryana High court at now as Chairman of Monitoring Committee held its meeting on 03.08.2021, wherein, a Subcommittee of five members was constituted. The said five members Subcommittee held its meeting on 16.08.2021, wherein, all the issues relating to the case were deliberated and decided to visit the stone mining site at village Dadam, Tosham, Bhiwani on 20.08.2021.

The Subcommittee visited stone mining site at village Dadam, Tosham, Bhiwani on 20.08.2021, wherein, various areas of stone mining site were visited and the concerned departments were requested to submit the required documents to prove the illegalities as mentioned in OA no. 169 of 2020 and decided as under.

Accordingly, all the concerned departments as mentioned above, applicants in OA no. 169 of 2020 and 132 of 2020 and Project Proponent (PP) namely M/s Govardhan Mines and Mineral were asked to submit all the required documents by 27.8.2021 in the office of Environment Engineer, HSPCB, Bhiwani and the said office shall make arrangements to get all the documents delivered in the office of Monitoring Committee, constituted by the Hon'ble National Green Tribunal, situated at Forest complex, Sector-68, SAS Nagar on 30.8.2021.

Now all the concerned departments and M/s Govardhan Mines and Mineral have submitted the documents and the same were placed before the members of the Subcommittee for detailed deliberation in the meeting being held on 4.9.2021 as under.

1. Pathway constructed in forest area and illegal mining in 300 m²

Subcommittee has gone through the documents submitted by Department of Forest and Department of Mining vide no. 1182 dated 27.08.2021 and no. 3424 dated 01.09.2021, respectively and observed as under.

District Forest Officer (DFO), Bhiwani vide his officer letter No. 2009 dated 24.12.2019, addressed to Chief Conservator of Forests, Hisar has reported that on the receipt of information about illegal mining in Aravali Plantation area on 22.12.2019 at 9:00 PM, the officers of Forest

Department and Police Inspected of the area and 3 trucks, 01 poclain and 01 drill machine were found engaged in doing illegal mining on Aravali Plantation area. The truck owner and his other companions ran away from the spot and only 01 person was caught and FIR was launched in the police station, Tosham. The area where the illegal mining was found near to 06 m wide road for passage of vehicles and permission for use of 06 m wide road has been granted by MOEF & CC vide No. 9-HRBO60/2019-CHA dated 25.9.2019 but illegal mining was found in plantation area between approach road line marked as AB and BC.

The machinery/equipment 1RB, 115 crawler drill with generator/compressor bearing machine no. 081769110 MEG2017, compressor PG-500-175 (503223), FAB no. BQED-160212 caught by the mining officials of mining department in the offence of illegal mining in Dadam area and seized the said vehicles under the Mines & Minerals (D & R), Act, 1957 and after the recovery of fine/penalty amounting to Rs. 4,25,000/- from Sh. Surinder singh S/o Sh. Jaikaram as per order dated 19.02.2020 passed in MA no. 16/2020 in OA no. 44/2016 of Hon'ble National Green Tribunal, the said vehicles were released.

The Subcommittee prima facie observed that illegal mining was done in an area of 300 m² outside the pathway constructed in forest area of 6 m width but actual report in this regard shall be ascertained after getting satellite imageries/report of the said area from HARSAC, Hisar.

2. Illegal mining having an estimated area of 0.8 hectares in the forest area.

It was informed that officials of the forest department were reporting from time to time about illegal mining by the mining lease holder outside the leased out area. The reports in this regard were submitted by the officials of forest department on 29.07.2019, 31.07.2019, 14.08.2019, letter dated 23.9.2019, 4.11.2019, 20.11.2019 and report dated 10.9.2019 of Mining Officer of the department, but nowhere, it has been mentioned that the said facts belong to 0.8 hectares of forest area, where illegal mining has been done. The area, where illegal mining has been done is measured as 0.8 hectares and the date of illegal mining and the responsible agency for doing illegal mining in an area of 0.8 hectares can be ascertained only after having satellite imageries of the area, for which HARSAC, Hisar has been requested separately.

The Subcommittee has desired that the Department of Mining and Department of Forest shall submit the required documents in chronological order especially mentioning illegal mining in 0.8 hectare of non mining area so that these documents may be examined by the Subcommittee for assessing the area, where illegal mining in forest area has been done. However, the actual area may be ascertained through satellite imageries, where illegal mining in forest area has been done.

3. Site at which mining has been done up to depth of 109m in mining area.

As per the directions of Director General, Mines and Geology, Haryana, Panchkula, a team consisting of Senior Geologist, Head Office, Panchkula, Mining Officer Bhiwani, Senior Surveyor and officials of HARSAC inspected the mining lease area on 3.11.2020. The detailed survey of mining area was carried out with the help of DGPS Instrument in the presence of concerned Revenue officials and observed that the maximum depth of mining pits was found to be 109 m from the surface level at the time of inspection.

Further, the department of Mines & Geology vide its letter No. 718 dated 5.8.2020 has stated that the mining in Eastern, Northern and South Eastern area of mine situated along the boundary pillars No. 13 to 19 has gone deep to a depth of 300 ft.

Therefore, Subcommittee has observed that prima facie, stone mining has been done upto the depth of 109 m against the permitted depth for mining as 78 m. However, the responsible agency/project proponent, who was indulged into illegal mining beyond 78 m and the year of illegal mining upto the depth of 109 m may be identified after getting satellite imageries from HARSAC, Hisar. Also, the department of mining shall submit required documents in chronological order.

4. Abandoned/damaged Dadam distributary/Minor constructed by department of Irrigation, Haryana.

The Executive Engineer, Jui W/S Division has informed to Additional Deputy Commissioner vide letter No. 10191-93 dated 20.11.2020 that regarding use of canal land as carriage way, FIR was sent to SHO, Tosham vide letter dated 22.5.2019 and reminders dated 31.10.2019 and 3.1.2020 were issued. As per record available in the case of OM Parkash & others V/s Raman and others in the court of ACJ (SD), Tosham, as directed by Hon'ble Court, Tehsildar, Tosham has reported that 1700 ft of canal has been damaged since last 10 years.

The department of irrigation has further informed that on 06.10.2020, during the joint inspection, SDO, Nigana W/S stated that the said mining project is using the land of Dadam distributary/minor illegally for mining purposes and the land of distributary/minor was being used as carriage way by the vehicle of mining company and the same was also reported by the Executive Engineer Jul W/S, Division, Bhiwani in his report dated 20.11.2020 and a complaint in this regard has been filed with Police Station, Tosham.

The Executive Engineer, Jui W/S Division, Bhiwani has informed that Dadam Distributary was constructed in the year 1976-77 from RD 0 to RD 20500. Later, it was extended upto RD 23500 during the year 1987-88. Its total length is 23500 feet and it passes through the mining area from RD 20500 to 23500. Its water carrying capacity is 19 Cusecs. As per the report of local Commissioner on dated 06.01.2016, Dadam Distributary was damaged since last 10 years.

It was further informed that demarcation of Dadam distributary has been done by the department of revenue except its small portion having length of 200-250 ft. having deep pit. The width of the Dadam Distributary has been found 49.5 ft. from RD 20500 to 21300 and RD 22700 to 23500 and 143' from RD 21300 to 22700.

The Subcommittee desired as under:

- **The Department of Irrigation and Department of Mining shall jointly measure the dimension (length x breadth x depth) of the portion of length 200-250 ft. of Dadam distributary for which, no demarcation has been done by the department of revenue within 07 days.**
- **HARSAC, Hisar shall submit the report regarding quantum of illegally mined material in the area based on satellite imageries.**

5. Unscientific mining in the mining area by the project proponent.

It was submitted that Deputy Director of Mines Safety, Ghaziabad vide his report dated 04.01.2021, which was based on the inspection made on 28.12.2020, has informed that there were 25-30 no. of pits dug within mining lease area. The pits have different sizes and height of the benches have been found between 5-9 m, 5-7 m, 9-10 m etc. Three portable fogger

machines were found installed near the pits which are moved to different pits. Besides, three water tankers with water spraying arrangements on the top have been provided. The deep drilling and blasting was carried out under the personal supervision of Assistant Manager and Foreman. High mast tower consisting of clusters of bulb was found installed on the haul roads. It has been concluded that simplified mining scheme for working the mine in a scientific way by method of opencast mining has been approved by the department of Mines and Geology, Haryana. It has also been mentioned that scientific study is not carried out by the Directorate and Department of Mine and Geology may engage recognized scientific organisation or Institution to carry out scientific study of the Mine area.

The Subcommittee observed that though the Department of Mines Safety, Ghazibad has informed that mining scheme is working in scientific way but the department of mining shall confirm as to whether benches of size 5-7 m, 5-9m and 9-10m are allowable for mining of stone as in the mining plan, the sizes of the benches to be maintained, have been mentioned as 10mx 10m. Department of Mining may get scientific study of Mining area as suggested by Department of Mines Safety, Ghaziabad.

6. Water available in mining pit at depth of 109m.

- Assistant Geologist, Ground Water Cell informed that the depth of mine pit is 109 m from Ground level as measured by the officials of mining department having hard compact Quartzite formation with some cracks and fissures. The Ground water occurs in permeable geological formation known as aquifer. The aquifer is the water bearing formation having structure that permits appreciable water to move through it under ordinary field conditions. The ground water existence depends upon porosity, permeability and saturation with in any formation. **During investigation, the water accumulated in mining pits was only seepage of ground water through cracks and fissures.** The cracks and fissures were developed due to paleotectonics activity and blasting during mining. The exact water table could not be established in Dadam hill as no such studies and survey has been conducted by the department in Dadam hill region.
- Besides, Sh. Saquib, STA -HG, Central Ground water Board, Chandigarh submitted a report of visit of Dadam hill on 05.02.2021 and it was mentioned that water accumulated in mining pits is the seepage of ground water from Quarzitic formation. Quartzites are forming low yield aquifer and tubewell constructed in quartzite generally yields 100-150 lpm of water only, thus, the seepage found in pit is very minor and during rainy season, they may yield good quantity of water resulting in filling of mining pits. As the water table in the alluvial formation in surrounding areas of mines is 9.41 m to 18.52 m, the fracture in quartzite might be hydrologically connected to water tables of alluvial areas.
- Further, a report of the Ground Water Resource Estimation Committee prepared by Ministry of Water Resources, Govt. of India, indicates that in areas underlain by hard crystalline and metasedimentaries such as quartzite, occurrence of ground water in the fracture system has been identified down to depth of 100m and even upto 200m locally.

It has been noted that fracture systems are generally hydraulically connected with the overlying weathered saturated residuum.

- **The Subcommittee has noted the observations and it may be taken into report to be submitted to Hon'ble National Green Tribunal.**

7. Submission made by the representative of M/s Govardhan Mines & Minerals.

7.1 Mining was not done beyond 150 m.

The representative of M/s Govardhan Mines & Minerals informed as under:

The mining in pit No. 18 is not beyond 109 m till date. The project proponent has not done any mining in bottom of the pit where it has been alleged that depth is beyond 150 m. As per the report of Mining Department, the maximum depth was found to be 109 m. The project proponent has started mining operation on 25.2.2019 and before that the mining was done by M/s Sunder marketing Associates. It has been further claimed that as per photographs of area taken before the start of mining, the depth of pit in mining area prior to 25.2.2019 was estimated closed to 110 m.

7.2 Mining is not done in Scientific manner

The representatives of M/s Govardhan Mines and Minerals in their reply have given the reference of report of Director General of Mines, wherein, it has been stated as under:

The Deputy Director of Mines Safety, Ghaziabad vide his report dated 04.01.2021, which was based on the inspection made on 28.12.2020, has informed that there were 25-30 no. of pits dug within mining lease area. The pits have different sizes and height of the benches have been found between 5-9 m , 5-7 m, 9-10 m etc. Three portable fogger machines were found installed near the pits which are moved to different pits. Besides, three water tankers with water spraying arrangements on the top have been provided. The deep drilling and blasting was carried out under the personal supervision of Assistant Manager and Foreman. High mast tower consisting of clusters of bulb was found installed on the haul roads.

It has been concluded that simplified mining scheme for working the mine in a scientific way by method of opencast mining has been approved by the department of Mines and Geology, Haryana.

7.3 Ground Water illegally obstructed

The representatives of project proponent (PP) in their claim have given the reference of the report of Assistant Geologist, wherein, it has been reported as under:

As reported by Assistant Geologist, no bore well has been found in the lease area, clarifying the fact that there is no illegal extraction of ground water. Entire water requirement of said project is being met by purchasing water from private agency. The leaseholder has made agreements with different persons for supply of drinking water as well as water required for sprinkling in lease area roads, other roads and plantation. The report further clarifies that minor seepages are observed which shall have no major impact.

7.4 Illegal Mining in 0.8 hectares and 300 m² of non minable forest area

7.4.1 Illegal Mining in 0.8 hectare in non minable forest area

It was informed as under:

As regards finding of machine in non-mineable forest area is concerned, mining was being done in their mining area by contractor and due to some fault, the machine was not operational. The operator unknowingly parked the machine in forest area which was just adjacent to their mining

lease area. On being pointed out, the machine was removed immediately. No illegal mining was done by this machine in the forest area by the present PP. Furthermore, the PP has never done mining in the forest area, as the mining area leased to the PP have better quality of stone and the said forest area is untouched till date.

7.4.2 Illegal mining in 300 m² in non minable forest area

The project proponent submitted as under:

M/s Govardhan Mines & Minerals have received permission of diversion of 0.504 hectares of forest land vide proposal FP/GR/Approach/39072/2019 received on 25-10-2019. MOEF sought clarification on approach road & shape of approved Road, as the road was non-linear. It was clarified that the approach road is for entry into mining area. The road is non-linear due to the fact that lease area is also irregular and there are ups and downs in the area required. The land is not plane land. Approval for the same has been received on 25.09.2019.

The road was to be used for transportation of material through trucks from mining lease area. Till date, the road has not been constructed and thus not used for transportation. To make the route feasible for smooth transportation of material, it was necessary to level the given area by cutting and filling. By keeping this fact in mind and to bring approved route/road on ground, PP started this work during day time as there were pits existing on the side of the route/road prior to 25.2.2019. Leveling of route was required with the help of Machines and wherever required cutting and filling to maintain the width of 6m following the alignment of given coordinates but as coordinates were not provided in close proximity delineating the exact range(from left to right) and width between B& C pillars were unknowingly deviated a little bit from the alignment by the workers being not technically aware in the matter.

However, after the start of construction of approved route, unknown persons were caught with machines & trucks at night time intending illegal mining as reported in FIR. Since that time to till date M/S Goverdhan Mines & Minerals stopped the construction of route as the area was disputed due to FIR. Further, it is clarified that FIR regarding illegal mining has been filled against the person caught on the spot not against M/s Goverdhan Mines & Minerals. In FIR No 587 dated 23-12-2019, as per the order no CRM/08/2019 of the Hon'ble court, there is report dated 3/01/2020 of Local Commissioner appointed by Hon'ble Court. In the said report of local commissioner, it has been mentioned that there was no stones in dumpers/truck seized by the police. The trucks were released by the Hon'ble court on the above order.

7.5 Project is found using land of Dadam Distributary illegally for mining purposes.

The project proponent submitted as under:

The land is not being used & utilized in any way by M/s Goverdhan Mines & Mineral. It has been mentioned by SDO & Local Commissioner that due to shortage of water & heavy cutting reaching the extended tail portion had become non-functional since 10 Years back and at present about 1700 feet length of channel is in damaged condition and being used as path connected with village Dadam to Tosham Road.

After detailed discussion on all the issues, as mentioned above, it was mutually agreed upon as under.

- i) The Department of Forest, Department of Mining, Department of Jui Water Services shall submit required documents in chronological order to the Monitoring Committee through hard and soft copy by 10.09.2021 to strengthen the view points and further recommendations to be made in the matter by the Subcommittee/Joint Committee.
- ii) The members of Subcommittee shall go through the documents submitted by Department of Forest, Department of Mining, Department of Irrigation, Department of Geology, Ground Water Cell and report submitted by the Tehsildar, Tosham during the meeting held on 4.9.2021 and submit their further comments, if any, on any report so that conclusive and result oriented report may be prepared for submission of the same to the Hon'ble National Green Tribunal. All the members shall submit their comments, if any, within 07 days through e-mail with special reference of the meeting held on 4.9.2021.
- iii) With regard to submission made by M/S Govardhan Mines and Minerals as mentioned at point No. 7 above, the Subcommittee shall consider all pros and cons in the case before reaching to any conclusion in the matter.

(out of station)

Dr. Narender Sharma,
Additional Director, CPCB

Dr. K.K Garg,
Scientist-C/Deputy Director,
MOEF

Dr. Babu Ram 6.9.2021
Technical Expert,
Monitoring Committee

Dr. O.P.S. Khola,
ICAR-IISWC, Regional Station,
Chandigarh

RK Sapra,
Member, SEAC

Attendance sheet

Meeting regarding examining the documents/information w.r.t various points as mentioned in the report of the subcommittee in the report dated 20.8.2021 regarding illegal mining in forest area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & others on 4.9.2021 at 10:00 AM in the office of Monitoring Committee at 4th floor, 5th tower, Forest Complex, sector-68, SAS Nagar, Punjab.

Sr.no	Name & Designation	Department	Mobile no.	Email	Signatures
1.	Chander Prakash Asstt. Geologist	Ground water cell, Bhiwani	8365072888	aggwctwn@gmail.com	
2.	Rohail Sharma XEN Immigration	JUI wps. Div. Bhiwani HISAR	8295611629	xenjui@rediffmail.com	
3.	Dr. Narendra Sharma AD, CPCB	CPCB	9814004377	narendesharma.cpb@nic.in	
4.	Dr. K.K. Garg DY. Director, MOEF	MOEFCC, Chandigarh	8114439730	kk99499423@gmail.com	
5.	Dr. Bhanu Technical Expert	Member, Committee	987884466	bhanu@nic.in	
6.	Dr. D P S Khosla, Prin. Sci. & Head	ISSWC, Chandigarh	9486921092	dpk@rediffmail.com	
7.	R K Lafra	Member, SEAC SEZAA, Hisar	98762-0000	rkl@rediffmail.com	
8.	R.K Bhonsle	RO, MSPB Bhiwani Reg	946617520	RO, MSPB Bhiwani Reg	
9.	Virender Gill	Dfo Bhiwani	9416592021		
10.	Munish Kumar	mining other	9416302222	munishkumar@gmail.com	
11.	Sanjay K. Singh	Govardhan Mines & Minerals	9810395137	Sanjay K. Singh @gmail.com	
12.	Suresh Soni		941652506		
13.	Prerna Chauhan	Govardhan Mines & Minerals	8660855366	Prernachauhan.1990 @gmail.com	
14.					
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16.					
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19.					
20.					

प्रेषक पुलिस अधीक्षक, भिवानी।

प्रेषित उप वन संरक्षक भिवानी।

क्रमांक 29441 दिनांक 19-08-21

विषय Minutes of the meeting held with member of sub committee, constituted by the Chairman of the Joint Committee (in the meeting held on 03.08.2011), regarding verification of facts with regard to illegal mining in forest area and unscientific mining outside forest area by M/s Goverdhan Mines and Minerals, Hisar at Dadam Hills, Tosham District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh v/s State of Haryana & others in the meeting held on 16.08.21 at 11.00 AM.

यादि,

कृपया आपके कार्यालय से प्राप्त पत्र क्रमांक 1086 दिनांक 18.08.21, विषय उपरोक्त के सन्दर्भ में।

2. इस सम्बन्ध में प्रबन्धक थाना तोशाम से अभियोग उपरोक्त की प्राप्त स्टेटस रिपोर्ट आपके सूचनार्थ पत्र के साथ संलग्न है।

रिपोर्ट सेवा में प्रेषित है।

Recd.
by
19/08/21



(अजीत सिंह शेखावत, माओपुसो)
पुलिस अधीक्षक भिवानी
दि 19-8-2021

राज्य द्वारा जय प्रकाश वन राजिक अधिकारी तोशाम

मुकदमा नं० 587 दिनांक 23.12.19 धारा 379 IPC 21(1) OF MINES AND MINERALS

(DEVELOPMENT AND REFULATION) ACT 1957 थाना तोशाम

थाना -

प्रगति रिपोर्ट

श्रीमान् जी,

हालात मुकदमा इस प्रकार है कि दिनांक 23.12.19 को एक पत्र क्रमांक 512 दिनांक 23.12.19 FOREST DEPARTMENT GOVT. OF HARYANA O/o RANGE FOREST OFFICE, TOSHAM थाना में प्राप्त हुआ जो इस प्रकार से है सेवा में प्रबन्धक पुलिस थाना तोशाम। विषय- डाडम पहाड़ में अरावली क्षेत्र में खनन व पत्थर चोरी बारे रिपोर्ट करना। उपरोक्त विषय के सम्बन्ध में आपको सूचित किया जाता है कि दिनांक 22/12/2019 को श्री रविन्द्र यादव व 020 ईन्चार्ज सरल बीट का दुरभाष रात को लगभग 9 बजे प्राप्त हुआ उस द्वारा बताया गया कि डाडम पहाड़ में अवैध खनन हो रहा है तो निम्नहस्ताक्षरी द्वारा तुरन्त श्री महेन्द्र सिंह वन दोगा ईन्चार्ज सरल ब्लोक, श्री राज कुमार रक्षक ईन्चार्ज ढाणी माहू बीट, श्री रविन्द्र यादव वन रक्षक ईन्चार्ज सरल बीट व थाना तोशाम से पुलिस कर्मचारियों के साथ मौके पर पहुंचा तो ट्रक (Truck) जिसका पंजीकरण सख्या एच0आर061सी0 4044 पत्थरो भरा खड़ा छोड़कर ड्राइवर भाग गया और एच0आर061डी0 1411 व एच0आर061डी 6014 पौपलैड व ड्रील मशीन जिनकी सहायता से अरावली वन क्षेत्र में अवैध खनन किया जा रहा था छोड़ कर भाग गये। मौका पर एक आदमी पकड़ा गया उसने नाम बताने से इनकार कर दिया। रिपोर्ट आपकी सेवा में FIR दर्ज करने हेतु प्रेषित है वन राजिक अधिकारी तोशाम SD JAI PARKASH 23/12/2019 MOB. 98136866550 अज थाना हस्ब दरखास्त के मजबुन से मामला सुरत जुर्म जेर धारा 379 IPC 21(1) OF MINES AND MINERALS (DEVELOPMENT AND REFULATION) ACT 1957 का सरजद होना पाया जाने पर मुकदमा नम्बर 587 दिनांक 23.12.19 धारा 379 IPC 21(1) OF MINES AND MINERALS (DEVELOPMENT AND REFULATION) ACT 1957 थाना तोशाम में दर्ज रजिस्टर किया जाकर मुकदमा हजा की तफतीश ASI दलबीर 04 द्वारा अमल में लाई जा रही है। मुकदमा हजा में घटनास्थल का मौका मुलाहजा व ब्यानात गवाहन लिखे गये। जो मौका पर मुकदमा मुदई जयप्रकाश वन राजिक अधिकारी ने व उसके साथ अन्य कर्मचारियों ने पोपलैड के हैल्पर आरोपी सुनील चौबे पुत्र कृष्णा चौबे वासी नन्दन थाना डुमराह जिला बक्सर बिहार को पेश किया जिसको सहायक उप नि. दलबीर ने मुकदमा हजा बारे पुछताछ की गई जो पुछताछ के बाद आरोपी सुनील चौबे पुत्र कृष्णा चौबे वासी नन्दन थाना डुमराह के खिलाफ सबुत काबिले गिरफ्तारी सफा मिसल पर गुजरने पर मुकदमा हजा में नियमानुसार गिरफ्तार किया गया। जो आरोपी का फर्द इन्कसाफ लिखा गया। आरोपी सुनील उपरोक्त ने मुताबिक फर्द इन्कसाफ आरावली प्रतिबधित क्षेत्र डाडम में डम्पर पत्थरो सहित थे उनके ड्राइवरो के ठिकाने और पोपलैड के ड्राइवर के बारे में पता करने लिए तथा मुकदमा हजा में आरोपी से और गहनता से पुछताछ करनी है। जो आरोपी सुनील चौबे का एक दिन रिमान्ड हिरासत पुलिस हासिल किया गया। दिनांक 23/12/19 को आरोपियान संदीप पुत्र ईशवर वासी बागनवाला, गुरबाज सिंह पुत्र बलविन्द्र सिंह वासी लखनातपा जिला तरनताल पंजाब व रणधीर पुत्र शिशपाल वासी ढाणी डुल्ट के खिलाफ सबुत काबिले गिरफ्तारी गुजरने पर नियमानुसार गिरफ्तार किया गया हाईवा डम्फरो व पोपलैड को कब्जा पुलिस में लिया गया नक्सा मौका जाय बरामदगी तैयार किया गया, फर्द इन्कसाफ लिखा गया। दिनांक 24/12/19 को आरोपियान संदीप पुत्र ईशवर वासी बागनवाला, गुरबाज सिंह पुत्र बलविन्द्र सिंह वासी लखनातपा जिला तरनताल पंजाब व रणधीर पुत्र शिशपाल वासी ढाणी डुल्ट को पेश अदालत किया गया जो आरोपी संदीप पुत्र ईशवर वासी बागनवाला का माननीय अदालत से एक दिन का पुलिस हिरासत रिमान्ड लिया गया जो आरोपी सन्दीप को दिनांक सुलिस हिरासत रिमान्ड खत्म होने पर दिनांक 25/12/19 को पेश अदालत किया गया जिसको बन्द जिला जेल भिवानी करवाया गया। जो दिनांक 27.12.2019 को सयुक्त निरक्षण रिपोर्ट व पहाड़ में रास्ता बनाने की परगिसन व मप को वन विभाग से प्राप्त किया गया वा दिनांक 04.01.2020 को ASI दलबीर सिंह ने

आरोपियान द्वारा अरवली क्षेत्र मे अवैध खनन किया जा रहा था ट्रैको से खाली करके मीका पर छोड गये है उसको बजरिया फर्द कब्जा पुलिस मे लिया गया वा फोटो व CID तैयार करवाई गई वा एक्सपर्ट रिपोर्ट सहायक माईनिंग इंजिनियरिंग रिपोर्ट प्राप्त की गई वा गाडी HR 61A 1148 की वजन करवाकर पर्ची हारिल की गई वा अशोक कुमार व विवेक कुमार अशोका फोटो स्टुडियो से 65B के स्टिफिकेट से हारिल किये गये । पोपलैन्ड मशीन को भी कब्जा पुलिस मे लिया गया । दिनांक 06.01.2020 को ट्रक हाईवा नम्बर HR-61-C-4044 को आदेश नम्बर 8 दिनांक 06.01.2020 वा अदालत SDJM तोशाम सुनिल पुत्र बलवान वासी डाडम को सुपरदारी पर दी गई। दिनांक 07.01.2020 को ट्रक हाईवा नम्बर HR-61D-1411 आदेश नम्बर 11 दिनांक 07.01.2020 वा अदालत SDJM तोशाम अनिल कुमार पुत्र श्री ज्ञानचन्द वासी बवानी खेडा को सुपरदारी पर दी गई। दिनांक 07.01.2020 को ट्रक हाईवा नम्बर HR-61D-6014 आदेश नम्बर 12 दिनांक 07.01.2020 वा अदालत SDJM तोशाम ओमप्रकाश पुत्र श्री रामेशवर दास वासी तोशाम को सुपरदारी पर दी गई। जो दिनांक 10/01/2020 को आरोपी पोपलैन्ड चालक सुनील पुत्र श्योपाल वासी ईन्डाली थाना बगड जिला झुझनु (राजस्थान) को मुकदमा हजा मे पुछताछ की गई बाद पुछताछ आरोपी को सुनील पुत्र श्योपाल वासी ईन्डाली थाना बगड जिला झुझनु (राजस्थान) को मुकदमा हजा विधीनुसार गिरफ्तार किया गया जिसका दौराने गिरफ्तारी फर्द इन्कशाफ अलग से लिखा गया । जो पोपलैन्ड की मशीन की खरीद बिल की फोटो प्रति व चालक सुनील का DL फर्द कब्जा पुलिस मे लिया गया । बाद आरोपी सुनील कुमार उपरोक्त का मैडीकल परीक्षण करवाकर बन्द हवालात थाना करवाया गया जो आरोपी सुनील पुत्र श्योपाल वासी ईन्डाली थाना बगड जिला झुझनु (राजस्थान) को दिनांक 11.01.2020 को पेश अदालत किया गया जो आरोपी को जिला जेल भिवानी बंद करवाया गया । दिनांक 18.01.2020 को एक पोपलैन्ड मशीन आदेश नम्बर 45 दिनांक 18.01.2020 को वा अदालत SDJM तोशाम योगेन्द्र सिंह पुत्र श्रीराम स्वामी वासी कुलोठ कलां जिला झुझनु राजस्थान को सुपरदारी पर दी गई। अब मुकदमा हजा मे आरोपियान सुनिल चौबे पुत्र कृष्ण गांव नन्दन थाना डुमरा जिला बक्सर बिहार, रणधीर पुत्र शीशपाल वासी ढाणी दुल्ट जिला फतेहाबाद, सुनील कुमार पुत्र श्योपाल वासी ईन्डाली थाना बगड जिला झुझनु, सन्दीप पुत्र ईशवर सिंह वासी बागनवाला जिला भिवानी, गुरुबाज सिंह पुत्र बलविन्द्र वासी लखनातपा जिला तरनतारन पंजाब के खिलाफ सबुत काबिले चालान सफा मिशल पर गुरजने पर मुकदमा हजा चालान तैयार करके दिनांक 4-3-21 को न्यायलय मे दिया जा चुका है। मुकदमा हजा की तस्दीक तफतीश मन INSP/SHO द्वारा अमल मे लाई गई, दौराने तस्दीक तफतीश पाया गया कि आरोपी सुनिल पुत्र बलवान वासी डाडम की मुकदमा हजा मे कोई संलिप्तता नही पाई गई है जो मेरी तस्दीक तफतीश से निर्दोष पाया गया है। मुकदमा हजा मे प्रयोग की गई डील मशीन का असल मालिक मन्दीप पुत्र पतराम वासी ढाणी रिवासा पाया गया और इस मशीन पर ओपरेटर सुनिल चौबे पुत्र कृष्ण चौबे वासी नन्दन थाना डुमरा जिला बक्सर बिहार पाया गया जो मुकदमा हजा मे पहले ही अपने आपको पोपलेण्ड मशीन पर हेल्पर बतलाकर दिनांक 23-12-19 को गिरफ्तार हो चुका है जिसके खिलाफ चालान तैयार करके न्यायालय मे दिया जा चुका है और फिर मुकदमा हजा की तफतीश ASI राजबीर द्वारा अमल मे लाई, ASI राजबीर ने मुकदमा हजा की वारदात मे प्रयोग की गई डील मशीन को डील मशीन व डील मशीन का बिल फोटो प्रति मन्दीप पुत्र पतराम वासी ढाणी रिवासा ने पेश करने पर बतौर वजह सबुत बजरिया फर्द कब्जा पुलिस मे लिया गया, गवाहन के ब्यान लिखे गये, मुकदमा हजा मे सुनिल पुत्र बलवान वासी डाडम कोई संलिप्तता नही पाई गई जो निर्दोष पाया गया। अब मुकदमा हजा मे अन्य कोई तकमील तफतीश बकाया नही है मुकदमा हजा मे ततीमा चालान 173(8) CrPC दिनांक 28.03.2021 को तैयार करके दिनांक 09.04.2021 को माननीय न्यायालय मे दिया जा चुका है। दिनांक 08.04.2021 को एक डील मशीन आदेश नम्बर 157 दिनांक 08.04.2021 को वा अदालत SDJM तोशाम मन्दीप पुत्र श्री दत्त राम वासी रिवासा को सुपरदारी पर दी । रिपोर्ट सेवा में पेश है।



[Signature]
 प्रबंधक अफसर
 थाना तोशाम
 दिनांक 19.08.2021

OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal
in OA No. 360 of 2018 in the matter Shree Nath Sharma Vs Union of India &
Ors and other Environmental issues.

(Official Address: Tower No.5, 4th Floor, Forest Complex,
Sector 68, SAS Nagar| Tel. No. 0172-2298091
Email: cecswm606@gmail.com

To

The Deputy Commissioner,
Bhiwani.

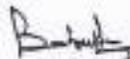
No. CMC/2021/ 271
Dated: 20.9.2021

Subject: Minutes of the meeting held with eight members Joint Committee and officers of concerned departments of District Bhiwani under the Chairmanship of Justice Pritam Pal, former Judge of Punjab and Haryana High Court and now as Chairman of the Monitoring Committee regarding verification of the facts with regard to illegal mining in forest- area and unscientific mining outside forest area by M/s Goverdhan Mines and Minerals, Hisar at Dadam Hills, Tosham District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & others on 17.9.2021 at 11:00 AM in the Committee Room, Haryana State Pollution Control Board, C-11, Sector 6, Panchkula.

Please find enclosed herewith minutes of the meeting held with eight members Joint Committee and officers of concerned departments of District Bhiwani under the Chairmanship of Justice Pritam Pal, former Judge of Punjab and Haryana High Court and now as Chairman of the Monitoring Committee regarding verification of the facts with regard to illegal mining in forest-area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & others on 17.9.2021 at 11:00 AM in the Committee Room, Haryana State Pollution Control Board, C-11, Sector 6, Panchkula for your kind information and necessary action.

It is requested that the concerned officer of district administration may be directed to convey the minutes of the meeting to all the concerned departments with the request to take immediate necessary action on the recommendations made by the Joint Committee and submit the required documents/ information by 24.9.2021 so that the same may be examined by the subcommittee to decide the further course of action in the matter. **Further, the eight members Joint Committee under the Chairmanship of Justice Pritam Pal, Former Judge, Punjab & Haryana High Court shall visit stone mining site at village Dadam, Tehsil Tosham on 1.10.2021.**

DA/-as above

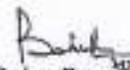

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/272

Dated: 20.9.2021

A copy of the above is forwarded to the District Forest Officer, Forest Department, Bhiwani for information and necessary action please.

DA/-as above

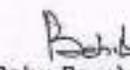

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/273

Dated: 20.9.2021

A copy of the above is forwarded to the Mining Officer, Department of Mines and Geology, Bhiwani for information and necessary action please.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/274

Dated: 20.9.2021

A copy of the above is forwarded to the Environmental Engineer, Regional Office, Bhiwani for information and necessary action please. He is requested to get coloured google earth images/satellite imageries of illegal stone mined area in forest area in 300 m² and 0.8 hectares from the Forest Department within 02 days and get these documents delivered in the office of Monitoring Committee, SAS Nagar before 24.9.2021.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/275

Dated: 20.9.2021

A copy of the above is forwarded to the Executive Engineer, JUI, Irrigation department, Bhiwani for information and necessary action please.

DA/-as above

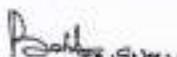

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/276

Dated: 20.9.2021

A copy of the above is forwarded to the Assistant Geologist, Ground Water Cell, Bhiwani for information and necessary action please.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/277

Dated: 20.9.2021

A copy of the above is forwarded to the Director, HARSAC, Hisar for information and necessary action please.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/278

Dated: 20.9.2021

A copy of the above is forwarded to Dr. Sultan Singh, Principal Scientist, HARSAC, Hisar for information and necessary action please.

DA/-as above

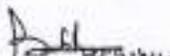

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/279

Dated: 20.9.2021

A copy of the above is forwarded to Col. Kunal Borkar, Director, Punjab and Haryana GDC, Survey of India, Chandigarh for information and necessary action please.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Minutes of the meeting held with eight members Joint Committee and officers of concerned departments of District Bhiwani under the Chairmanship of Justice Pritam Pal, former Judge of Punjab and Haryana High Court and now as Chairman of the Monitoring Committee regarding verification of the facts with regard to illegal mining in forest- area and unscientific mining outside forest area by M/s Goverdhan Mines and Minerals, Hisar at Dadam Hills, Tosham District Bhiwani in compliance to order dated 20.07.2021 in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & others on 17.9.2021 at 11:00 AM in the Committee Room, Haryana State Pollution Control Board, C-11, Sector 6, Panchkula.

a) The following were present in the meeting.

Sr. NO.	Name of the Officers and designation in the department	Designation in the Committee
1.	Justice Pritam Pal, Former judge, Punjab and Haryana High Court, Chandigarh	Chairman
2.	Ms. Urvashi Gulati, Former Chief Secretary, Haryana	Member
3.	Sh. R.K Sapra, IFS (Retired), Member, State Expert Appraisal Committee	Member
4.	Dr. OPS Khola, Director, Indian Institute of Soil & Water Conservation, Research centre, Chandigarh	Member
5.	Dr. Narender Sharma, Additional Director, CPCB	Member
6.	Sh. K.K Garg, Scientist C/Deputy Director, MOEF	Member
7.	Dr. Babu Ram , former Member Secretary, PPCB	Technical Expert, Monitoring Committee
8.	Col. Kunal Borkar, Director, Punjab and Haryana GDC, Survey of India, Chandigarh.	Special invitee
9.	Dr. Sultan Singh, Principal Scientist, HARSAC, Hisar	Special invitee

b) The list of the officers, present in the meeting, is as per Annexure-1.

The brief history of stone mining at village Dadam, Tehsil Tosham, District Bhiwani was submitted as under.

Mining area of 55.50 Hectare of village Dadam, Bhiwani was earlier allotted by Mining Geology Department vide letter No. 161 dated 03.01.2014 to M/s KJSL Sunder (JV) and the EC was granted by MoEF vide letter dated 3.7.2015 for area of 55.50 Hectares to the same firm. Further Mining Lease was transferred from KJSL Sunder (JV) to M/s Sunder Marketing Associate by Mining & Geology Department vide letter No. 3864 dated 17.6.2015. Consent to Establish (CTE) was granted by HSPCB to M/s Sunder Marketing Associate vide letter No. 2811915BHICTE2179882 dated 24.7.2015 and CTO was granted vide letter No. 313100417BHICTO4578505 & dated 28.11.2017 for the period 01.10.2017 to 30.11.2017. The mining activity by M/s Sunder Marketing project has already been closed on 1.12.2017 in compliance of Supreme Court order dated 11.8.2017.

Director General of Mine & Geology Department, Panchkula, Haryana vide letter No. 5062 dated 11.10.2018 has re-allotted the said stone mining project of village Dadam, District Bhiwani to M/s Goverdhan Mines and Mineral, 51, Urban Estate-II, Hisar. The Hon'ble Punjab & Haryana High Court vide order dated 4.12.2018 has permitted to M/s Govardhan Mines and Minerals, 51, Urban Estate-II, Hisar for mining on the same EC previously granted to M/s KJSL Sunder (JV)/ M/s Sunder Marketing Associate subject to final appraisal by the State in this regard. After this, in compliance of Hon'ble Punjab and Haryana High Court order dated 4.12.2018, the Director General Mines & Geology Department vide their letter No. 6010 dated 21.12.2018

allowed the said firm to operate mining activity with previous EC granted to M/s KJSL Sunder (JV) by MoEF vide letter dated 3.7.2015 after obtaining CTE & CTO from HSPCB.

The consent for establish and operate to the said project under the provisions of the Water Act, 1974 and Air Act, 1981 was granted vide letter No. 313100419BHICTE6267995 dated 10.2.2019 and letter No. 313100419BHICTO6356744 dated 25.2.2019. The SEIAA, Haryana was constituted by MoEF & CC on 30.1.2019. The public hearing for the said mining project had held on 28.7.2020 and Environment Clearance was granted to the said project by SEIAA vide letter No. 638 dated 21.12.2020.

The Hon'ble National Green Tribunal vide its order dated 20.8.2020 has directed under:

"The Grievance in this application is against alleged illegal mining in forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham, District Bhiwani. The applicant has relied upon FIR, complaints and letters in support of the allegation. Before considering the matter, we find it necessary to require a factual and action taken report from a joint committee comprising the State PCB, Divisional Forest Officer, Bhiwani and the Additional District Magistrate, Bhiwani within two months by e-mail at judicialngt@gov.in preferable in the form of searchable PDF/OCR support PDF and not in the form of image PDF.

In compliance to order dated 20.8.2020, in OA No. 169 of 2020 in the matter of Kuldeep Singh V/s State of Haryana & others, a Joint Committee was constituted by DM, Bhiwani. The Committee was headed by Additional Deputy Commissioner, Bhiwani as representative of District Magistrate, Bhiwani including Mining Officer, Bhiwani, Associate Geologist, Ground Water Cell, Bhiwani, Addl. District Forest Officer, Bhiwani, Regional Office HSPCB, Bhiwani and SDO, Nigana Water Service Sub Div., Bhiwani. The Committee members visited the site of mining project on 6.10.2020 and made the following observations.

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- i) **Ways in the forest area created illegally without having any valid permission. The mining equipment's/machines were found standing in the non-minable area.**
The 'Dadam hills minor' is a projected forest area under IFA, 1927 and same was found illegally mined.
 - ii) **The mining is done at the site about 200 feet depth, but actual depth of the mining pits will be assured by the inspection of the mining surveyor from Mining Department, Head Officer, Panchkula.**
 - iii) **The concerned mining officer stated that an approved mining plan as well as a progressive closure plan of same is already submitted by the said mining project proponent. The mining project is still in progress and closure plan will be implemented after closure of the mining.**
 - iv) **In the progressive closure plan, the depth is shown to be up to 42 meters.**
 - v) **During the inspection the concerned mining officer stated that the said mining project has given following dimensions of mining pit as per approved mining plan:**
- 99

(i) Length: 536 meter (ii) Width : 528 meter (iii) Depth: 78 meter (from the ground level). But no record provided at the site during inspection in this regard.

vi) The mining is not done in scientific manner.

vii) The concerned Assistant Geologist Water Cell reported that no bore well found in the lease mining area. The project is meeting water requirement for plantation, dust suppression & domestic purpose etc. through tankers from outside the mining area and also using the water stored within mining pits and water stored in pits cannot be identified at spot whether it is ground water or rain water and same will be identified within 7 days as assured by the concerned Assistant Geologist Ground Water Cell.

Action taken report based on report of Joint Committee was submitted by HSPCB, Regional Office, Bhiwani to the Hon'ble National Green Tribunal vide No. 538 dated 16.7.2021.

The said action taken report was considered by the Hon'ble National Green Tribunal vide its order dated 20.7.2021 in OA No. 169/2020 in the matter of Kuldeep Singh v/s State of Haryana and others, wherein, Hon'ble National Green Tribunal in para no. 1, 3, 10 and 12 has directed as under.

Para 1.

Grievance in this application is against illegal mining in forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham, District Bhiwani and also unscientific mining outside forest area in violation of EC conditions. It is stated that there are FIRs, complaints and letters pointing out such illegalities.

Para 3.

Accordingly, the joint Committee has filed its report dated 16.07.2021 inter alia stating that another application on the same subject being OA No. 132/2020, Rakesh Dalal v. State of Haryana, has been dealt with by this Tribunal vide order dated 02.06.2021. Therein, 2 report was similar to the report now furnished that damage was found but the present project proponent (PP) was not responsible but it was the predecessor of this PP who had caused the damage. The report now filed states that inspection was first conducted by the Committee on 06.10.2020 finding violations by the PP. Based thereon, show cause notice dated 08.10.2020 was issued by the State PCB under Section 5 of the Environment (Protection) Act, 1986 and after considering the reply, the Regional Officer, State PCB recommended closure on 06.11.2020. However, the scenario underwent change after the meeting convened by the Deputy Commissioner, Bhiwani on 01.12.2020. Therein differing stands were presented by the mining, forest and ground water departments at variance with the findings in the site inspection report of the joint Committee. Such differing stands were noted by the Deputy Commissioner, Bhiwani, who directed the stakeholder Departments to examine the presentation of the project proponent for sending a report to the Chairman, State PCB. Accordingly, the Forest Department

vide report dated 21.12.2020 and the Mining Department vide report dated 31.12.2020 sent their observations to the Deputy Commissioner, contrary to the findings in the site inspection report dated 6.10.2020. Based on later reports, the present report has been filed to the effect that no illegal mining has been done by the present PP. Illegal mining had been done by the predecessor of the project proponent.

Para no. 10

After referring to the above, it is pointed out on behalf of the applicant that the conclusion in the report that no illegal mining has been done by the PP is perverse for the following reasons: i. On inspection of the site on 06.01.2020 by a six-member Committee, encroachment of the protected forest area has been found. Further, mining has been found to have been done even beyond depth of 150 meters. Closure plan has not been given by the predecessor of the PP which was the responsibility of the Chief Secretary of the State. If mining closure plan has not been filed, the Chief Secretary of the State must explain or the successor i.e the PP must be held responsible in terms of the EC conditions and as required in terms of order of the Hon'ble Supreme Court in order dated 11.08.2017 in SLP (C) No. 19166/2017, M/s. Sunder Marketing Associates v. State of Haryana & Ors. inter alia directing:

"33. Keeping in view the prayer made:

- (i) We permit the petitioner to continue its mining operations till 30th November, 2017 in accordance with the Mining Plan. On or before that date, it shall ensure implementation of the mining closure plan to the satisfaction of the concerned authorities in the State of Haryana.
xxx.....xxx.....xxx.....
- (iv) All the laws applicable to the petitioner shall be strictly enforced by the State Government regardless of its apparent influence in high places. We make it clear that we will hold the Chief Secretary of the State of Haryana responsible for any lapse in this regard."

- ii. Mining was not being done in scientific manner. Ground water was being illegally extracted. Mining equipments were found in the non-mineable forest area. In IA No. 76/2021, which has been allowed by a separate order today, the applicant has inter alia filed 12 a copy of order of Mining Department dated 05.08.2020 directing the project proponent to close deep mining pits along the Eastern Boundary of the Mine, which also contradicts the report that the PP is not responsible for the violations. Further, report of the Assistant Geologist, Ground Water Cell, Bhiwani is to the effect that water table data of selected wells available on record in

surrounding alluvial formation is from 9.41 mtrs to 18.52 mtrs., whereas the depth of mining pits is approx. 60 mtrs, as told by mining officer at the site. (iii) The report of the investigating officer in the FIR, exonerating the PP is unacceptable as equipments were seized on the spot in the mining area during the currency of the mining operations by the present project proponent.

Para 12.

Accordingly, while issuing notice to the PP - M/s. Govardhan Mines and Minerals, Hisar, we direct further inspection by eight-member joint Committee to be headed by Justice Pritam Pal*, former Judge of Punjab and Haryana High Court and comprising Ms. Urvashi Gulati,* 1former Chief Secretary, Haryana, Regional Officer, MoEF&CC, Chandigarh, nominees of CPCB, Indian Institute of Soil and Water Conservation, Research Centre, Chandigarh, Haryana State PCB, SEIAA Haryana and District Magistrate, Bhiwani. The CPCB and State PCB will act as nodal agency for coordination and compliance. The first meeting of the Committee may be convened within two weeks. The Committee may peruse the record, undertake visit to the site (by such of the members as may be decided by the Chairman) and conduct other proceedings online. The Committee may interact with the stakeholders and take assistance from any other individual/institution. The Committee may also study the satellite imagery maps, in coordination with the concerned authorities. The report of the Committee may be furnished within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF with a copy to the Chief Secretary, Haryana for remedial action in the light of the said report following due process of law.

It was further informed that in compliance to order dated 20.7.2021 as mentioned in Para No. 12, the eight members Joint Committee held its first meeting under the Chairmanship of Justice Pritam Pal, Former Judge Punjab and Haryana High Court on 3.8.2021, wherein, the Chairman of the Joint Committee directed as under.

1. **Dr. Babu Ram, who has already been appointed as technical expert, Monitoring Committee by the Hon'ble National Green Tribunal, is taken as technical expert in eight members joint committee. He will also act as Member Secretary of the Joint Committee.**
- 2) **A sub-committee, consisting of following officers, is constituted to visit the stone mining site at Dadam Hill, Tosham, District Bhiwani on 20.08.2021.**
 - i) **Sh. Bharat Bhushan, IAS, Chairman, SEIAA.**
 - ii) **Senior Scientist, Indian Institute of Soil and Water Conservation, Research centre, Chandigarh.**
 - iii) **Sh. K.K Garg, Scientist C/Deputy Director, MOEF.**
 - iv) **Dr. Nandender Kumar Sharma, Additional Director, CPCB.**
 - v) **Dr. Babu Ram, former Member Secretary, PPCB.**
- 3) **The sub-committee may meet within 10 days at Chandigarh to identify all the issues involved in the case, the record in the case may be perused, satellite**

imagery maps may be studied and strategy to be adopted to resolve the issues in the matter may be chalked out.

- 4) During the site visit to the stone mining site at Vill. Dadam Hill, Tosham, District Bhiwani on 20.08.2021, the stakeholders and other investigation officers who had jointly inspected the site on 06.10.2020, may also be asked to accompany the sub-Committee during site inspection. HSPCB, Regional Office, Bhiwani shall issue letter to the all the stakeholders to join the Sub-committee for site inspection on 20.08.2021.
- 5) After the receipt of the report of the sub-committee, eight members joint committee shall decide further course of action to be taken in the matter alongwith planning to visit the site in due course of time.

Accordingly, subcommittee held its its meeting on 16.8.2021, wherein, it was mutually agreed upon to ask the following departments to submit the record/report in the matter as under.

1. Department of Forest

- i. Demarcation of Aravalli forest area with coloured google earth images and GPS coordinates of the pillars.
- ii. Identification of two sites with coloured google earth images having an area of 0.8 hectares and 300m² in the forest land, where illegal mining was observed.
- iii. Investigation report w.r.t FIR no. 587 dated 23.12.2019.
- iv. Status of action taken on the illegal mining done in above said areas.
- v. Status of damage caused to the plantation area in Dadam distributary.
- vi. Status of illegal mining, if any, done in the Dadam distributary covered under forest department.

2. Department of mining

- i. GPS coordinates of the boundary pillars of old mining site, where the mining was done by the earlier project proponent namely M/S Sundar marketing Associate and existing mining site, where the present project proponent namely M/S Govardhan mines and Minerals is now doing the mining.
- ii. GPS record with coloured google earth images showing the depth of 109m at mining site.

3. JUI water services, irrigation department, Bhiwani.

- i. Coloured photographs and google earth images of Dadam distributary in the years 2000 to 2007.
- ii. Documents/reports alongwith coloured google earth images showing the damage caused to the Dadam distributary and year in which the damage was caused.
- iii. The status of illegal mining done in the Dadam distributary.
- iv. Action taken by the department of JUI water services against the violators.
- v. Width of the Dadam distributary before and after its damaging.

4. State Environment impact assessment Authority (SEIAA), Haryana

- i. Copies of EIA reports of both the proponents based on which EC were granted.
- ii. Copies of ECs granted to both the proponents (SEIAA).

5. Haryana State Pollution Control Board, Regional Office, Bhiwani

- i. Action taken report filed in the Hon'ble National Green Tribunal in OA no. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana and Ors.
- ii. Action taken report filed in the Hon'ble National Green Tribunal in OA no. 132 of 2020 in the matter of Rakesh Dalal Vs State of Haryana and Ors.

The said documents may be submitted before 20.8.2021.

It was further decided by the subcommittee to visit Dadam mining site on 20.8.2021 and accordingly, the mining site at village Dadam, Tehsil Tosham was visited on 20.8.2021. A copy of the report of the subcommittee containing recommendations w.r.t each action point is annexed as per **Annexure- 2**.

The subcommittee held its next meeting with District level officers of District Bhiwani on 4.9.2021, wherein, the observations/recommendations w.r.t each action point were made and the same have been mentioned in the minutes of the meeting, a copy of which is enclosed as per **Annexure – 3**

Thereafter, based on the observations of the Joint Committee, who had visited the site on 6.10.2020 and further documents submitted by the Department of Mining, Forest Department and Department of Irrigation on 3.11.2020, 17.11.2020 & 20.12.2020, 4.11.2020 and 20.11.2020, point-wise issues w.r.t. illegal mining in forest area, mining done upto the depth of 200 ft, illegal abstraction of ground water, unscientific mining in the mining area and using pathways for illegal mining and damaging of Dadam distributory at village Dadam, Tehsil Tosham, Distt. Bhiwani were discussed and deliberated as under.

1) Pathways constructed in forest area and illegal mining in 300 m² area.

It was informed that District Forest Officer (DFO), Bhiwani vide his officer letter No. 2009 dated 24.12.2019, addressed to Chief Conservator of Forests, Hisar has reported that on the receipt of information about illegal mining in Aravali Plantation area on 22.12.2019 at 9:00 PM, the officers of Forest Department and Police Inspected the area and 3 trucks, 01 poclain and 01 drill machine were found engaged in doing illegal mining in Aravali Plantation area. The truck owner and his other companions ran away from the spot and only 01 person was caught and FIR was lodged in the police station, Tosham. The area, where the illegal mining was found, was near to 06 m wide road for passage of vehicles and the permission for the diversion of 0.504 hectare of forest land in favour of M/s Govardhan Mines and Minerals for access to mining area bearing Khasra No. 132 in village Dadam for use of forest land was granted by Ministry of Environment, Forest and Climate Change vide number 9HRB060/2019 CHA dated 25.9.2019 but illegal mining was found in Aravali plantation area (forest area) between approach road line marked as AB and BC.

Further, the subcommittee during its visit to Dadam mining site on 20.8.2021, visited the pathway, which has been constructed in the forest area with the permission of the department of forest, as informed by District Forest Officer, Bhiwani. The width of pathway as approved by Forest Department is 6m, whereas, pathway has been constructed beyond the width of 6 m for which the present proponent (M/S Goverdhan Mines and Minerals) accepted their fault on the site. Moreover, deep drill holes were found constructed within and beyond 6 m width of the path, which leads to apprehension that

the present project proponent namely M/s Govardhan Mines and Minerals had intention to conduct illegal mining in the forest area. However, due to catching of the persons on the spot for doing such illegal activity w.r.t mining on 22.12.2019, filing FIR against the persons and seizer of vehicles, found indulged in illegal mining, the work of mining in forest area was stopped and the pathway in forest area remained unconstructed at the site. However, illegal mining has been done in an area about 300 m² as informed and the map shown by the department of forest.

The Joint Committee has also perused the record and it was observed that information regarding illegal mining in Aravali plantation area was received by the Department of Forest on 22.12.2019 and the officers of Forest Department and police inspected the area on 22.12.2019 and 03 trucks, 01 Poclain and 01 drill machine were found engaged in doing illegal mining in Aravali plantation area and FIR was lodged vide No. 587 dated 23.12.2019 at Police Station, Tosham.

The area, where the illegal mining was found, was near to 6 m wide road for passage of vehicles and permission for use of 6 m wide road has been granted by MOEF & CC vide No. 9HRB060/2019 CHA dated 25.9.2019 but illegal mining was found in plantation area between approach road line marked as AB & BC and a report in this regard was sent by the Dept. of Forest to Deputy Commissioner, Bhiwani, Superintendent of Police, SDO (Civil), Tosham, Mining Officer, Tehsildar Tosham and SHO, Tosham stating that illegal mining was found in the plantation area between AB & BC and FIR of the same has been lodged vide No.587 dated 23.12.2019 in the police station, Tosham.

The record also indicate that Administrative officer, Thana Tosham has prepared progress report dated 19.8.2021 regarding theft of stone mined material from Dadam mining site and the facts mentioned in the report are given as under:

The officials of forest department and police, Tosham visited the mining site at Dadam based on telephonic message received at 9.00 PM on 22.12.2019 and it was observed that 01 truck bearing No. HR061C 4044 loaded with stones and 02 trucks No. HR061D 1411, and HR 061D 6014, 01 poclain and drill machine were found engaged in doing illegal mining in forest area. The persons who were doing illegal mining ran away from the spot and 01 person was caught. FIR No. 587 dated 23.12.2019 u/s 379 IPC and section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 was lodged.

The vehicles No. HR 61C 4044, No. HR 61D 1411 and No. HR 61D 6014, respectively, were released on 6.1.2020, 7.1.2020 and 7.1.2020 on Superdari on the directions of Hon'ble Court of SDJM, Tosham. Poclain machine and drill machines were released on 18.1.2021 and 8.4.2021, respectively, on Superdari on the directions of Hon'ble Court of SDJM, Tosham. The detailed progress report, prepared by Administrative Officer, Police Thana, Tosham on 19.8.2021 is annexed as per **Annexure-4**. The case is still pending in the court of SDJM, Tosham as per order dated 7.9.2021 and case has been adjourned to 1.11.2021.

Based on the record as mentioned above and visit of mining site done by subcommittee on 20.8.2021, it is evident that M/s Govardhan Mines and Minerals has done illegal mining in Aravali plantation area (non-minable area) in 300 m² area.

2) **Illegal mining having an estimated area of 0.8 hectare in forest area**

It was informed that officials of the Forest department were reporting from time to time about illegal mining by the mining lease holder in Aravalli plantation area (outside lease area). The reports in this regard were submitted by the officials of forest department on 29.07.2019, 31.07.2019, 14.08.2019, letter dated 23.9.2019, 4.11.2019, 20.11.2019 and report dated 10.9.2019 of Mining Officer of the department, but nothing is clear about illegal mining done in an area (forest area).

As per the record available, District Forest Officer has informed that the matter has been reported to Mining Officer many times that the GPS readings of Pillar I and J are not matching and there is illegal mining in front of pillar B between Pillars A and C, which could not be verified due to mismatching of GPS coordinates.

The Mining Inspector has stated in his report that joint inspection of the mining area was carried out on 10.9.2019 and illegal mining was found between Pillar B and C having an area with length and depth of 20-25 ft.

In the meeting, District Forest Officer shown google earth images showing 0.8 hectares of forest area illegal mined in the year, 2019, whereas, Dr. Sultan Singh, Principal Scientist, HARSAC was of view that images of google earth cannot be considered for establishing the actual time of period of illegal mining in 0.8 hectares of forest area. There is need to get the satellite imageries of the area.

During the meeting, Dr. Sultan Singh, Principal Scientist, HARSAC also informed that GPS coordinates provided to HARSAC by the Department of Forest, are not accurate and for satellite imageries of the area, where illegal mining has been done in 0.8 hectare of the area, National Remote Sensing Center, Hyderabad has been requested to provide satellite imageries.

Col Kunal Borkar, Director, Punjab and Haryana GDC, Survey of India, Chandigarh has informed that no such old data/satellite imageries are available with their department.

After detailed discussion of the issue, the Chairman of the Joint Committee directed as under.

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- i. **HARSAC, Hisar shall conduct survey of the area, get the GPS coordinates and satellite imageries for the period December, 2017 to December 2019. Dr. Sultan Singh, Principal Scientist, HARSAC, Hisar shall get the satellite imageries for the said period, interpret the data and prepare report in the matter at the earliest so that the report in this regard may be submitted to the Hon'ble National Green Tribunal.**
 - ii. **All the expenditure incurred during survey of Dadam Mine, getting satellite imageries of the area, interpretation of the data and preparation of report in the matter shall be made by Deputy Commissioner, Bhiwani under the District Mining Fund Scheme.**
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3) **Site at which mining has been done upto depth of 200 ft in mining area.**

In compliance to order dated 21.7.2020 in OA No. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana, a Joint team headed by Additional Deputy Commissioner, Bhiwani visited the mining site on 6.10.2020 and during the inspection the concerned

mining officer stated that said mining project has dimensions of the mining pit as 536 m x 528 m x 78 m as per the approved mining plan.

Further, on the directions of Director General, Mines and Geology, Haryana, Panchkula, a team consisting of Senior Geologist, Head Office, Panchkula, Mining Officer Bhiwani, Senior Surveyor and officials of HARSAC inspected the mining lease area on 3.11.2020. The detailed survey of mining area was carried out with the help of DGPS instrument in the presence of concerned Revenue officials and observed that the maximum depth of mining pits was found to be 109 m from the surface level at the time of inspection.

The Department of Mines & Geology vide its letter No. 718 dated 5.8.2020 has stated that the mining in Eastern, Northern and South Eastern area of mine situated along the boundary pillars No. 13 to 19 has gone deep to a depth of 300 ft.

M/s Govardhan Mines and Minerals has submitted a document w.r.t. digital survey of Dadam Stone Mine at village Dadam, Tosham, done by M/s Shivom Engineers Associates Pvt. Ltd. on the request of Sh. Ved Pal Tanwar, Hisar on 16.4.2018 with DGPS instrument alongwith qualified survey team. The conclusion of the study was as under.

After study of the map prepared, it was observed that the mine depth at places is more than 100 mts, as per contours shown in drawing that is much below the ground water level which is 18.65 mts. The mining operations being undertaken are haphazard, unsystematic and unscientific without following the provisions laid down under the Mines Act 1952 and Rule and Regulations made thereunder.

The members of the Joint Committee observed that no such study was submitted by the project proponent (M/s Govardhan Mines and Minerals) earlier and it has submitted only after the filing the case by the applicant before the Hon'ble National Green Tribunal. Moreover, the study conducted by the private agency cannot be relied upon as the project proponent has got the study done on its own with its own vested interest.

The above reports indicate that the depth of mining has gone upto 109 m against the permitted depth of 78 m and hence has violated the conditions of the mining plan.

While asking by the Chairman of the Joint Committee to the Mining Department regarding statutory inspections of the mining site by the department, it was informed by the Mining Officer that the consolidated reports in compliance to order dated 11.8.2017 of Hon'ble Supreme Court of India passed in special leave appeal C No. 19166 of 2017 regarding Dadam Stone Mine of Distt. Bhiwani, are prepared after every 15 days and consolidated reports in this regard have been prepared vide number 4412/MB dated 1.9.2017, No. 86 dated 16.9.2017, No. 5900 dated 13.10.2017, No. 6343 dated 3.11.2017, number 6703 dated 17.11.2017 and number 7107 dated 30.11.2017. The perusal of these consolidated reports submitted by the various departments to the Deputy Commissioner, Bhiwani and further to the Director, Mines and Geology Department, Haryana indicates that in these reports nothing has been mentioned about depth of any mining pit in the area upto which the mining has been done. Moreover, the compliance of Environment clearance has not been checked by the concerned regulatory authorities.

Therefore, there is need to identify the project proponent who has done mining upto the depth of 109 m against the permissible depth of 78 m as mentioned in Mining Plan..

In view of the above, the Joint Committee recommends as under.

- i. That HARSAC, Hisar shall get the satellite imageries for the period 2015 to 2020, interpret the data and shall prepare report. The said study report may be completed within 01 month.
- ii. District Mining Officer shall provide order of Hon'ble Punjab and Haryana High Court and Hon'ble Supreme Court of India in the matter of illegal mining within 7 days.

4) Abandoned/damaged Dadam Distributory/ minor constructed by the Department of Irrigation.

It was submitted that the Executive Engineer, Jui W/S Division has informed to Additional Deputy Commissioner vide letter No. 10191-93 dated 20.11.2020 that regarding use of canal land as carriage way, FIR was sent to SHO, Tosham vide letter dated 22.5.2019 and reminders dated 31.10.2019 and 3.1.2020 were issued. As per record available in the case of OM Parkash & others V/s Raman and others in the court of ACJ (SD), Tosham, as directed by Hon'ble Court, Tehsildar, Tosham has reported that 1700 ft of canal has been damaged since last 10 years.

The Department of Irrigation has further informed that on 06.10.2020, during the joint inspection, SDO, Nigana W/S stated that the said mining project is using the land of Dadam distributory/minor illegally for mining purposes and the land of distributory/minor was being used as carriage way by the vehicles of mining company and the same was also reported by the Executive Engineer Jui W/S, Division, Bhiwani in his report dated 20.11.2020.

The Executive Engineer, Jui W/S Division, Bhiwani has informed that Dadam distributory was constructed in the year 1976-77 from RD 0 to RD 20500. Later, it was extended upto RD 23500 during the year 1987-88. Its total length is 23500 feet and it passes through the mining area from RD 20500 to 23500. Its water carrying capacity is 19 Cusecs. As per the report of local Commissioner on dated 06.01.2016, Dadam distributory was damaged since last 10 years.

It was further informed that demarcation of Dadam distributory has been done by the department of revenue except its small portion having deep area of 200-250 ft. The width of the Dadam distributory has been found 49.5 ft. from RD 20500 to 21300 and RD 22700 to 23500 and 143' from RD 21300 to 22700.

During the last meeting of the subcommittee held on 4.9.2021, the subcommittee has desired that the Department of Irrigation and Department of Mining shall measure the dimensions (length x breadth x depth) of the portion of length 200-250 ft. of Dadam distributory for which no demarcation has been done by the Department of Revenue within 7 days but no such measurements have been made by these two departments so far for which, the Chairman of the Joint Committee took a serious view.

During the discussion, Dr. Sultan Singh, Principal Scientist, HARSAC, Hisar was of the view that over burden along the Dadam distributory was found accumulated at various places and it was also being used as pathway for the vehicles.

The Joint Committee apprehends that the area, where deep digging of 200-250 ft. has been created, possibility of illegal mining done in distributor/minor area may be there.

After detailed discussion of the issue, the Joint Committee decided as under:

- i. HARSAC, Hisar shall get satellite imageries of Dadam distributory for the year 2015 to 2020, interpret the data and prepare report regarding illegal mining and using the damaged distributory as pathway for the movement of the vehicles of the mining lease holder in Dadam Mine Hill area.
 - ii. The Department of Irrigation, Bhiwani shall provide the record regarding existence of Dadam distributory in khasra No. 132 and record mentioning that the Dadam area, in which Dadam distributory passes, is also is a part of Dadam Mine Hill area, within 7 days.
 - iii. The Department of Irrigation and Mining shall jointly measure the dimensions (length x breadth x depth) of the Dadam distributory/mined area where deep pit of depth between 200-250 ft. has been observed, within 3 days.
- 5) **Unscientific mining in the mining area by the project proponent.**

It was submitted that Deputy Director of Mines Safety, Ghaziabad vide his report dated 04.01.2021, which was based on the inspection made on 28.12.2020, has submitted his report, which is briefly mentioned as under.

- There were 25-30 no. of mining pits dug within mining lease area.
- The pits have different sizes and height of the benches have been found between 5-9 m, 5-7 m, 9-10 m etc.
- Three portable fogger machines were found installed near the pits which are moved to different pits. Besides, three water tankers, with water spraying arrangements on the top, have been provided for wetting the haul roads and benches.
- The danger zone was found demarcated by means of red flag. The lease boundary wall was fenced with barbed wire. During inspection, it was observed that all the staff and work persons were wearing safety gadgets like helmets and shoes.
- The deep hole drilling and blasting was carried out under the personal supervision of Assistant Manager and Foreman. The blasting time was reported to be between 1-4 PM and a signage of blasting time was displayed on the board at 7 places.
- High mast tower consisting of clusters of bulb was found installed on the haul roads.
- Simplified mining scheme for working the mine in a scientific way by method of opencast mining has been approved by the department of Mines and Geology, Haryana.

However, it has also been mentioned that scientific study is not carried out by the Directorate and Department of Mine and Geology may engage recognized scientific organisation or institution to carry out scientific study of the Mine area.

From the above report, submitted by the Deputy Director of Mines Safety Gaziabad, it is concluded that is no unscientific mining has been

done in Dadam Mine area and based on the recommendations/report submitted by the said department, the project proponent shall continue to conduct scientific mining at all the times.

The Joint Committee further recommends that the Department of Mines and Geology may engage recognized scientific organization or institutions to carry out scientific study of the mine within 01 month as per the observation of Deputy Director of Mining Safety, Gaziabad.

6) No borewell for abstraction of ground water in mining area.

The Assistant Geologist, Ground Water Cell informed that the depth of mine pit is 109 m from ground level as measured by the officials of mining department, which is having hard compact quartzite formation with some cracks and fissures. The ground water occurs in permeable geological formation known as aquifer. The aquifer is the water bearing formation having structure that permits appreciable water to move through it under ordinary field conditions. The ground water existence depends upon porosity, permeability and saturation with in any formation. **During investigation, the water accumulated in mining pit was only seepage of ground water through cracks and fissures.** The cracks and fissures were developed due to paleotectonics activity and blasting during mining. The exact water table could not be established in Dadam hill as no such studies and survey has been conducted by the department in Dadam hill region.

Besides, Central Ground water Board, Chandigarh submitted a report of visit of Dadam hill on 05.02.2021 and it was mentioned that water accumulated in mining pits is the seepage of ground water from Quarzitic formation. Quartzites are forming low yield aquifer and tubewell constructed in quartzite generally yields 100-150 lpm of water only, thus, the seepage found in pit is very minor and during rainy season, they may yield good quantity of water resulting in filling of mining pits. As the water table in the alluvial formation in surrounding areas of mines is 9.41 m to 18.52 m, the fracture in quartzite might be hydrologically connected to water tables of alluvial areas.

 Based on the reports submitted by Assistant Geologist Ground Water Cell and Central Ground Water Board and literature study conducted by them, it is evident that no ground water abstraction has been done by the mining lease holder and water accumulated in mining pit is only seepage of groundwater through cracks and fissures.

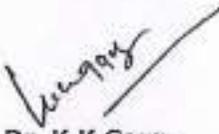
The Chairman of the Joint committee further directed as under.

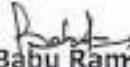
-  (i) All the expenditure incurred on preparation of satellite imageries, data interpretation and preparation of report on the activities No. 2, 3 and 4 as mentioned above, shall be paid by the Deputy Commissioner, Bhiwani from the District Mining Fund scheme.
- (ii) The Director, Punjab and Haryana GDC, Survey of India, Chandigarh may submit satellite imageries of any of the above activities/action areas as mentioned above along with report on any of the point, if the same is

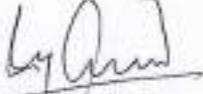
available with them and data required for the same from the concerned departments may be mentioned.

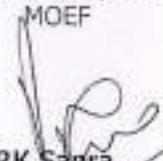
- (iii) The Joint Committee shall visit ~~Dadam~~ mining site at Village Dadam, Tehsil Tosham, District Bhiwani on 1.10.2021 and report may be prepared accordingly.
- (iv) The Joint Committee may submit interim report to the Hon'ble National Green Tribunal, on the points where the Joint Committee is satisfied on the record based reports/data and inspection carried out by the subcommittee on ~~20.9~~ 2021. Final report in the matter shall be submitted only after the receipt of the report along with recommendations by the HARSAC, Hisar/any other department.

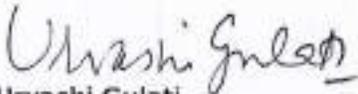

Dr. Narender Sharma,
Additional Director, CPCB


Dr. K.K Garg,
Scientist-C/Deputy Director,
MOEF


Dr. Babu Ram
Technical Expert,
Monitoring Committee


Dr. O.P.S. Khola,
ICAR-IISWC, Regional Station,
Chandigarh

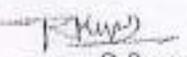

RK Sapra,
Member, SEAC


Ms. Urvashi Gulati,
Former Chief Secy of Haryana
now as member of the
Monitoring Committee.

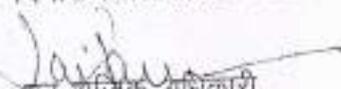

Justice Pritam Pal
Former Judge, Punjab and Haryana High Court,
Now as Chairman of Monitoring Committee

संयुक्त निरीक्षण रिपोर्ट

आज दिनांक 23.12.2019 को गांव डाडम स्थित खसरा नं० 132 जहां से M/s. Govardhan Mines and Minerals Hisar, द्वारा 6 मीटर चौड़ा रास्ता वन विभाग से Forest Clearance के तहत लिया हुआ है जो कि मार्क (Line) AB, BC, CD, DE, EF लीज ऐरिया (Attach Map) से आरंभ होकर प्रयोक्ता एजेंसी की निजी भूमि को मिलाता है, का संयुक्त मौका निरीक्षण किया गया। निरीक्षण के दौरान श्री विपिन कुमार सिंह, आई०एफ०एस०, उप वन संरक्षक, भिवानी, श्री जयप्रकाश, वन राजिक अधिकारी, तोशाम, श्री राजेश कुमार, खनन निरीक्षक, माईनिंग विभाग तथा प्रयोक्ता एजेंसी के प्रतिनिधि उपस्थित थे। मौका पर Line AB, & BC के मध्य अवैध रूप से खनन होना पाया गया। जिसकी एफ०आई०आर० धाना तोशाम में दिनांक 22.12.2019 को दर्ज करवाई जा चुकी है।


खनन निरीक्षक

माईनिंग विभाग।


वन राजिक अधिकारी,

तोशाम।

V. K. Singh
उप वन संरक्षक,

भिवानी।

पु०क्रमांक : 2066-72

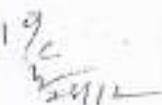
दिनांक: 24/12/19

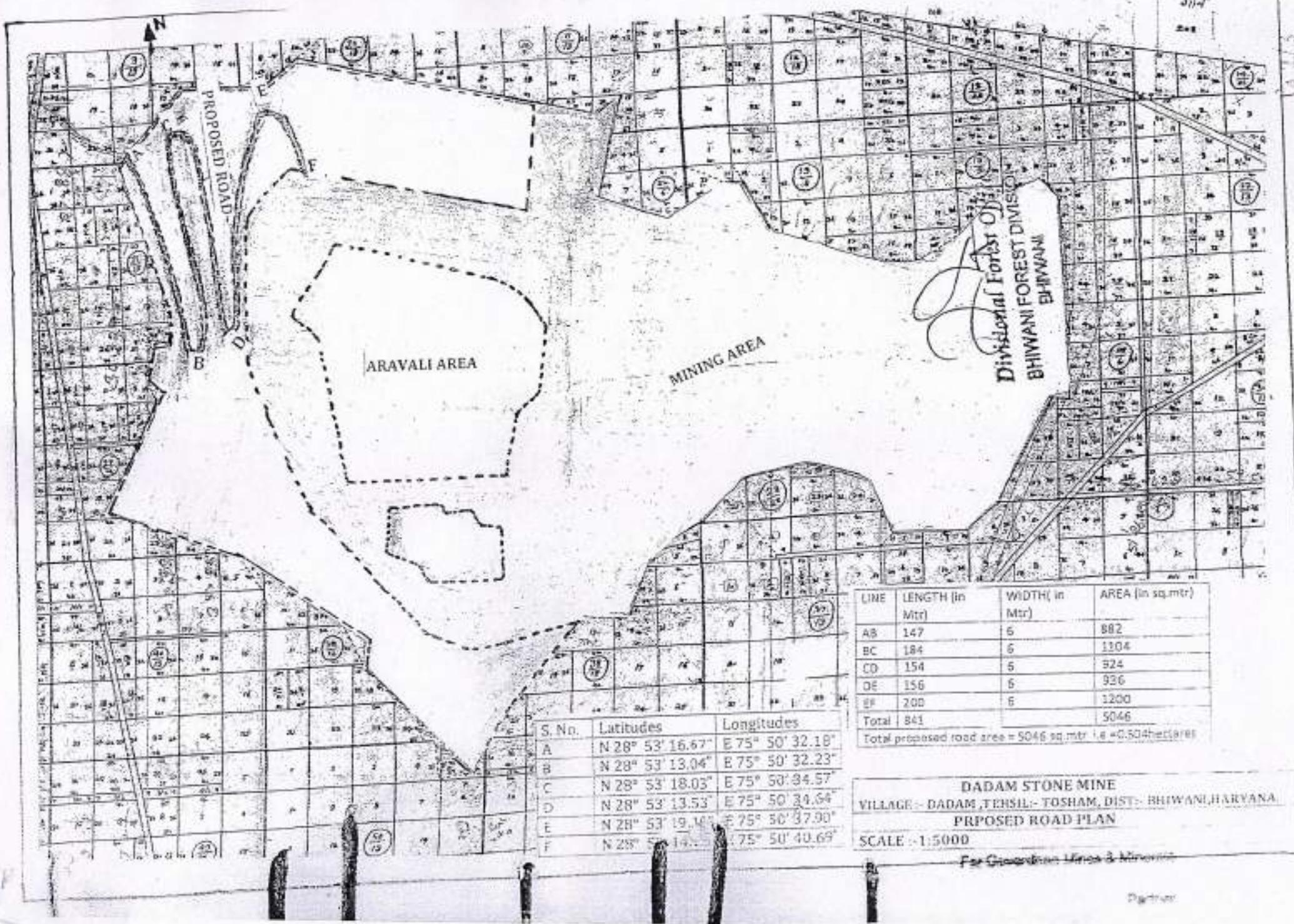
इसकी एक प्रति निम्न को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु प्रेषित है:-

1. जिला उपायुक्त, भिवानी।
2. पुलिस अधीक्षक, भिवानी।
3. उप मण्डल अधिकारी, (ना०) तोशाम।
4. जिला खनन अधिकारी, खान एवं भू-विज्ञान विभाग, भिवानी।
5. वन राजिक अधिकारी, तोशाम।
6. तहसीलदार, तोशाम।
7. धाना प्रमारी, तोशाम।

V. K. Singh
उप वन संरक्षक,

भिवानी।





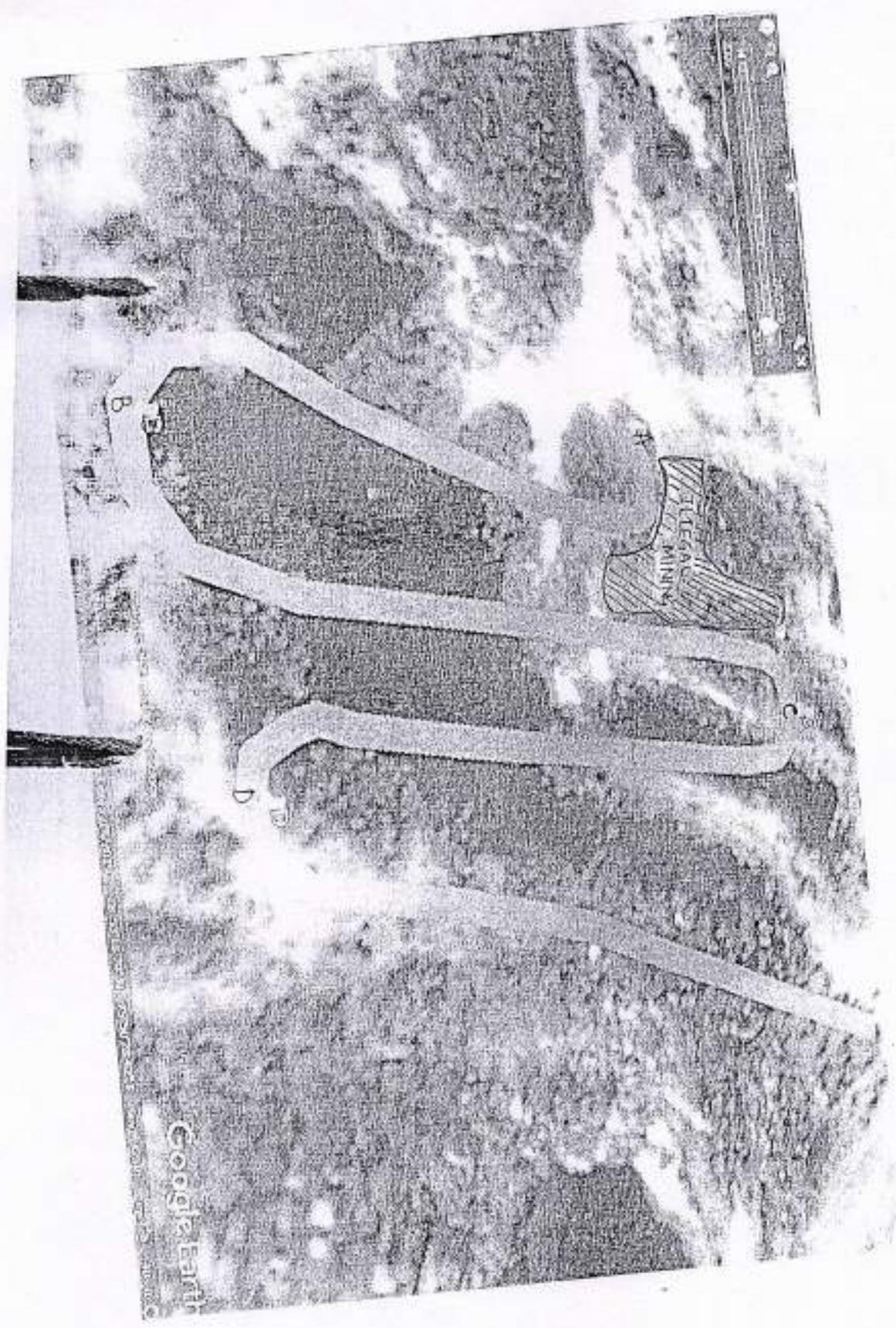
LINE	LENGTH (in Mtr)	WIDTH (in Mtr)	AREA (in sq.mtr)
AB	147	6	882
BC	184	6	1104
CD	154	6	924
DE	156	6	936
EF	200	6	1200
Total	841		5046

Total proposed road area = 5046 sq.mtr i.e = 0.5046 hectare

S. No.	Latitudes	Longitudes
A	N 28° 53' 16.67"	E 75° 50' 32.18"
B	N 28° 53' 13.04"	E 75° 50' 32.23"
C	N 28° 53' 18.03"	E 75° 50' 34.57"
D	N 28° 53' 13.53"	E 75° 50' 34.64"
E	N 28° 53' 19.14"	E 75° 50' 37.90"
F	N 28° 53' 14.53"	E 75° 50' 40.69"

DADAM STONE MINE
 VILLAGE :- DADAM, TEHSIL :- TOSHAM, DIST :- BHIWANI, HARYANA.
PROPOSED ROAD PLAN
 SCALE :- 1:5000
 For Geographical Maps & Mine Plans

Digambar



वन विभाग हरियाणा
कार्यालय वन संरक्षक पश्चिमी परिमण्डल,
हवाई अड्डा रोड, नजदीक मिल गेट, हिसार, हरियाणा 125001

दूरभाष/फैक्स नं० 01662.259489

email address-wstcrcl@yaho.com

क्रमांक /

दिनांक / / 2019

सेवा में,

मुख्य वन संरक्षक (एफ०सी०ए०),
हरियाणा, पंचकूला।

विषय :- डाडम अरावली पौधारोपण क्षेत्र में FC Act, 1980 की उल्लंघना बारे।

-:0:-

उपरोक्त विषय के सम्बन्ध में वन मण्डल अधिकारी भिवानी ने अवगत करवाया है की दिनांक 22-12-2019 को रात 9:00 बजे गाव डाडम स्थित खसरा न० 132 में खनन क्षेत्र के साथ लगते अरावली पौधारोपण क्षेत्र में अवैध खनन बारे सूचना मिलने उपरान्त वन राजिक अधिकारी तोशाम के नेतृत्व में टीम बनाकर पुलिस के सहयोग से मौके पर पहुंचे तो वहां पर 3 ट्रक, 1 पौपलैण्ड तथा 1 ड्रिल मशीन की सहायता से अरावली पौधारोपण क्षेत्र में अवैध खनन होना पाया गया व वन राजिक अधिकारी तोशाम की शिकायत के आधार पर पुलिस थाना तोशाम में FIR दर्ज करवा दी गयी है।

जिस क्षेत्र में अवैध खनन पाया गया वहां पर मै० गोवर्धन माईन्स एण्ड मिनरल्स, हिसार द्वारा लीज ऐरिया में आने जाने हेतु 8 मीटर चौड़ा रास्ता अरावली पौधारोपण क्षेत्र में से वन संरक्षण अधिनियम, 1980 के तहत पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार के पत्र क्रमांक 9/HRB060/2019-CHA dt. 25.09.2019 द्वारा अप्रोच रोड की सैद्धांतिक स्वीकृति प्रदान की हुई है परन्तु Approach road line mark की AB & BC के मध्य साथ लगते अरावली पौधारोपण क्षेत्र में अवैध खनन पाया गया जो कि सैद्धांतिक स्वीकृति के नियम/शर्तों 7 व 9 की स्पष्ट तौर पर उल्लंघना है।

वन मण्डल अधिकारी, भिवानी के पत्र क्रमांक 209 दिनांक 24.12.2019 की प्रति संलग्न भेजकर अनुरोध है कि पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार को उन द्वारा जारी सैद्धांतिक स्वीकृति को रद्द करवाने का कष्ट करे।

Part up in file.
V. K. Singh
26/12/19

वन संरक्षक,
पश्चिमी परिमण्डल, हरियाणा,
हिसार।

पृ० क्रमांक 2146

दिनांक 24/12/19

इसकी एक प्रति वन मण्डल अधिकारी, भिवानी को उनके पत्र क्रमांक 2009 दिनांक 24.12.2019 के संदर्भ में भेजकर निर्देश दिये जाते हैं कि सम्बन्धित यूजर एजेंसी को आपके कार्यालय द्वारा जारी किये गये अनापत्ति प्रमाण पत्र को रद्द कर दिया जाये।

वन संरक्षक,
पश्चिमी परिमण्डल, हरियाणा,
हिसार।



324

OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal
in OA No. 360 of 2018 in the matter Shree Nath Sharma Vs Union of India &
Ors and other Environmental issues.

(Official Address: Tower No.5, 4th Floor, Forest Complex,
Sector 68, SAS Nagar) Tel. No. 0172-2298091
Email: eecswm606@gmail.com

To

The Deputy Commissioner,
Bhiwani

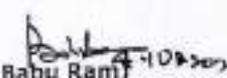
No. CMC/2021/300
Dated: 4.10.2021

Subject: Report on visit to the mining site, Village Dadam, Tehsil Tosham, District, Bhiwani by the Joint Committee under the Chairmanship of Justice Pritam Pal Former Judge, Punjab and Haryana High Court and now as Chairman of the Monitoring Committee, constituted by the Hon'ble National Green Tribunal, regarding verification of facts w.r.t illegal mining in forest area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham District Bhiwani in compliance to order dated 20.07.2021 in OA NO. 169 of 2020 in the matter of Kuldeep Singh v/s State of Haryana & others on 01.10.2021.

Please find enclosed herewith a report on visit to the mining site, Village Dadam, Tehsil Tosham, District, Bhiwani by the Joint Committee under the Chairmanship of Justice Pritam Pal Former Judge, Punjab and Haryana High Court and now as Chairman of the Monitoring Committee, constituted by the Hon'ble National Green Tribunal, regarding verification of facts w.r.t illegal mining in forest area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham District Bhiwani in compliance to order dated 20.07.2021 in OA NO. 169 of 2020 in the matter of Kuldeep Singh v/s State of Haryana & others on 01.10.2021 for your kind information and necessary action.

It is requested that an officer/official of district Administration may be directed to convey the report of the Joint Committee to all the concerned departments of District for information and necessary action. The departments may be asked to send action taken report on the points relating to them within 07 days.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Dated: 4.10.2021

Endst. No. CMC/2021/301

A copy of the above is forwarded to the District Forest Officer, Forest Department, Bhiwani for information and necessary action please.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Dated: 4.10.2021

Endst. No. CMC/2021/302

A copy of the above is forwarded to the Mining Officer, Department of Mines and Geology, Bhiwani for information and necessary action please.

DA/-as above

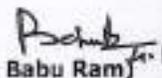

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/303

Dated: 4.10.2021

A copy of the above is forwarded to the Environmental Engineer, Regional Office, Bhiwani for information and necessary action please.

DA/-as above

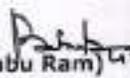

(Dr. Babu Ram) 4.10.2021
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/304

Dated: 4.10.2021

A copy of the above is forwarded to the Executive Engineer, JUI, Irrigation department, Bhiwani for information and necessary action please.

DA/-as above


(Dr. Babu Ram) 4.10.2021
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/305

Dated: 4.10.2021

A copy of the above is forwarded to the Assistant Geologist, Ground Water Cell, Bhiwani for information and necessary action please.

DA/-as above

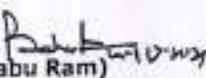

(Dr. Babu Ram) 4.10.2021
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/306

Dated: 4.10.2021

A copy of the above is forwarded to the Director, HARSAC, Hisar for information and necessary action please.

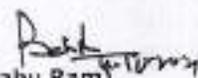
DA/-as above


(Dr. Babu Ram) 4.10.2021
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/307

Dated: 4.10.2021

A copy of the above is forwarded to the Dr. Sultan Singh, Principal Scientist, HARSAC, Hisar for information and necessary action please. He is requested to get the scientific study completed on the points as mentioned in the report of the Joint Committee, prepare satellite imageries and report on the various points of the area may be prepared and same may be submitted at the earliest so that the Joint Committee may submit its final report in the matter before the Hon'ble National Green Tribunal.


(Dr. Babu Ram) 4.10.2021
Technical Expert,
Monitoring Committee

Report on visit to the mining site, Village Dadam, Tehsil Tosham, District, Bhiwani by the Joint Committee under the Chairmanship of Justice Pritam Pal Former Judge, Punjab and Haryana High Court and now as Chairman of the Monitoring Committee, constituted by the Hon'ble National Green Tribunal, regarding verification of facts w.r.t illegal mining in forest area and unscientific mining outside forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham District Bhiwani in compliance to order dated 20.07.2021 in OA NO. 169 of 2020 in the matter of Kuldeep Singh v/s State of Haryana & others on 01.10.2021.

The following were present during the visit.

A. Members of the Joint Committee.

Sr. No.	Name of the Officers and designation in the department	Designation in the Committee
1	Justice Pritam Pal, Former judge, Punjab and Haryana High Court, Chandigarh	Chairman
2	Sh. R.K Sapra, IFS (Retired), Member, State Expert Appraisal Committee, Haryana	Member
3	Dr. OPS Khola, Principal Scientist & Head of the centre, ICAR- Indian Institute of Soil & Water Conservation, Research centre, Chandigarh	Member
4	Dr. Narender Sharma, Additional Director, CPCB	Member
5	Sh. K.K Garg, Scientist C/Deputy Director, MOEF	Member
6	Dr. Babu Ram , former Member Secretary, PPCB	Technical Expert, Monitoring Committee
7	Dr. Sultan Singh, Principal Scientist, HARSAC, Hisar	Special invitee

B. Officers of the Various Departments of District Bhiwani.

1. Sh. Jitender Ahlawat, DFO, Bhiwani
2. Sh. Bhupinder Singh, Mining Officer, Bhiwani
3. Sh. Rohit Sharma, Executive Engineer, Jul Water Services, Irrigation Department, Bhiwani
4. Sh. Chander Parkash, Assistant Geologist Ground Water Cell, Bhiwani
5. Sh. Rakesh Kumar Bhonsle, Regional officer, HSPCB, Bhiwani
6. Sh. Aparnesh Kumar, SC-B, HSPCB, Bhiwani

The background of the case is as under.

1.0 Background

Mining area of 55.50 Hectares of village Dadam, Tehsil Tosham, District Bhiwani was earlier allotted by the Mining and Geology Department, State of Haryana vide letter No. 161 dated 03.01.2014 to M/s KJSL Sunder (JV) and the Environmental Clearance (EC) was granted by MoEF & CC vide letter dated 3.7.2015 for an area of 55.50 Hectares to the said firm. Further, mining lease was transferred from KJSL Sunder (JV) to M/s Sunder Marketing Associate by Mining & Geology Department, State of Haryana vide letter No. 3864 dated 17.6.2015. Consent to Establish (CTE) under the provisions of Water Act, 1974 and Air Act, 1981 was granted by Haryana State Pollution Control Board (HSPCB) to M/s Sunder Marketing Associate vide letter No. 2811915BHICTE2179882 dated 24.7.2015 and consent to operate (CTO) under the provisions of Water Act, 1974 and Air Act, 1981 was granted to the said firm vide letter No. 313100417 BHI CTO 4578505 dated 28.11.2017 for the period 01.10.2017 to 30.11.2017.

M/S Sunder Marketing Associates filed a petition before the Hon'ble Supreme Court of India as special leave to appeal (C) No.19166 of 2017 with an appeal to the Hon'ble Apex Court for

allowing it to surrender the mining lease at Dadam mine site granted to it. The Hon'ble Supreme Court of India vide order dated 11.8.2017 permitted the petitioner to continue its mining operation till 30.11.2017 and on and before that date, it shall ensure the implementation of mine closure plan to the satisfaction of the concerned authorities in the State of Haryana including clearing of all the dues. Accordingly, the mining activity by M/s Sunder Marketing project had been closed on 1.12.2017 in compliance of order dated 11.8.2017 of the Hon'ble Supreme Court of India.

The Hon'ble Punjab & Haryana High Court vide order dated 4.12.2018 has permitted to M/s Govardhan Mines and Minerals, 51, Urban Estate-II, Hisar for mining on the same EC previously granted to M/s KJSL- Sunder (JV)/ M/s Sunder Marketing Associate subject to final appraisal by the State in this regard. Thereafter, in compliance of Hon'ble Punjab and Haryana High Court order dated 4.12.2018, the Director General, Mines & Geology Department, Haryana vide their letter No. 6009 dated 21.12.2018 allowed the said firm (Govardhan Mines and Minerals) to operate mining activity at Dadam mining site having an area of 48.87 hectares falling in khasra No. 132 on the basis of environmental clearance already granted to M/s KJSL Sunder (JV) by MoEF & CC vide letter dated 3.7.2015.

The consent to establish and consent to operate under the provisions of the Water Act, 1974 and Air Act, 1981 was granted to M/s Govardhan Mines & Minerals by HSPCB vide letter No. 313100419BHICTE6267995 dated 10.2.2019 and letter No. 313100419BHICTO6356744 dated 25.2.2019, respectively. M/s Govardhan Mines & Minerals started mining operation at Dadam mine hill, Dadam, Tehsil Tosham on 25.2.2019. The SEIAA, Haryana was constituted by MoEF&CC on 30.1.2019. The public hearing for the said mining project was held on 28.7.2020 and environment clearance was granted to the said project by SEIAA vide letter No. 638 dated 21.12.2020.

1.1 Filing application by Sh. Kuldeep Singh, village Dadam, Tehsil Tosham before the Hon'ble National Green Tribunal and taking into record by Hon'ble Tribunal in terms of OA No. 169 of 2020.

The application, regarding illegal mining in forest area, unscientific mining in minable area, deep mining done in mining area and withdrawal of ground water in mining area without permission by M/S Govardhan Mines and Minerals, was submitted by Sh. Kuldeep Singh before the Hon'ble National Green Tribunal and the same was taken into record in terms of OA No. 169 of 2020 and the issue was considered by the Hon'ble Tribunal on 20.8.2020 and observed as under.

The Grievance in this application is against alleged illegal mining in forest area by M/s Govardhan Mines and Minerals, Hisar at Dadam Hills, Tosham, District Bhiwani. The applicant has relied upon FIR, complaints and letters in support of the allegation. Before considering the matter, we find it necessary to require a factual and action taken report from a joint committee comprising the State PCB, Divisional Forest Officer, Bhiwani and the Additional District Magistrate, Bhiwani within two months by e-mail at judicialngt@gov.in preferable in the form of searchable PDF/OCR support PDF and not in the form of image PDF.

In compliance to said order, six members committee, made joint inspection of the area on 6.10.2020 in OA no. 169 of 2020 in the matter of Kuldeep Singh Vs State of Haryana and OA No. 132 of 2020 in the matter of Rakesh Dalal Vs State of Haryana and Ors and submitted separate reports. Based on these reports, HSPCB issued show cause notice to the project proponent (M/s Govardhan mines & Minerals, Village Dadam, Tehsil, Tosham, Bhiwani) under section 5 of EP Act, 1986 vide letter no. 2633 dated 08.10.2020. The reply of show cause notice was submitted by the project proponent on 22.10.2020. Also, HSPCB, RO, Bhiwani vide letter no. 5235 dated 06.11.2020 recommended closure action against the firm under section 5 of EP Act, 1986. In the meantime, the project proponent also gave representation to the Chairman of Haryana State Pollution Control Board, which was sent to the concerned departments through Deputy Commissioner, Bhiwani with the request to submit their comments on the reply of the show cause notice submitted by the project proponent.

The Department of Mining & Geology, Department of Forest, Geology Ground Water Cell, Department of irrigation submitted their report on 03.11.2020, 17.11.2020 & 21.12.2020, 04.11.2020 and 20.11.2020, respectively. Based on these reports, HSPCB, Regional office, Bhiwani submitted the action taken report to the Hon'ble National Green Tribunal vide letter no. 538 dated 16.07.2021 duly signed by ADC, Bhiwani, DFO, Bhiwani and RO, HSPCB, Bhiwani. The said action taken report was considered by the Hon'ble NGT in its order dated 20.07.2021, the operating paras no. 3, 10 and 12 are reproduced as under.

Para 3

Accordingly, the joint Committee has filed its report dated 16.07.2021 inter alia stating that another application on the same subject being OA No. 132/2020, Rakesh Dalal v. State of Haryana, has been dealt with by this Tribunal vide order dated 02.06.2021. Therein, report was similar to the report now furnished that damage was found but the present project proponent (PP) was not responsible but it was the predecessor of this PP who had caused the damage. The report now filed states that inspection was first conducted by the Committee on 06.10.2020 finding violations by the PP. Based thereon, show cause notice dated 08.10.2020 was issued by the State PCB under Section 5 of the Environment (Protection) Act, 1986 and after considering the reply, the Regional Officer, State PCB recommended closure on 06.11.2020. However, the scenario underwent change after the meeting convened by the Deputy Commissioner, Bhiwani on 01.12.2020. Therein differing stands were presented by the mining, forest and ground water departments at variance with the findings in the site inspection report of the joint Committee. Such differing stands were noted by the Deputy Commissioner, Bhiwani, who directed the stakeholder Departments to examine the presentation of the project proponent for sending a report to the Chairman, State PCB. Accordingly, the Forest Department vide report dated 21.12.2020 and the Mining Department vide report dated 31.12.2020 sent their observations to the Deputy Commissioner, contrary to the findings in the site inspection report dated 6.10.2020. Based on later reports, the present report has been filed to the effect that no illegal mining has been done by the present PP. Illegal mining had been done by the predecessor of the project proponent.

Para 10

After referring to the above, it is pointed out on behalf of the applicant that the conclusion in the report that no illegal mining has been done by the PP is perverse for the following reasons:

- i. On inspection of the site on 06.10.2020 by a six-member Committee, encroachment of the protected forest area has been found. Further, mining has been found to have been done even beyond depth of 150 meters. Closure plan has not been given by the predecessor of the PP which was the responsibility of the Chief Secretary of the State. If mining closure plan has not been filed, the Chief Secretary of the State must explain or the successor i.e the PP must be held responsible in terms of the EC conditions and as required in terms of order of the Hon'ble Supreme Court in order dated 11.08.2017 in SLP (C) No. 19166/2017, M/s. Sunder Marketing Associates v. State of Haryana & Ors. inter alia directing:

"33. Keeping in view the prayer made:

- (i) We permit the petitioner to continue its mining operations till 30th November, 2017 in accordance with the Mining Plan. On or before that date, it shall ensure implementation of the mining closure plan to the satisfaction of the concerned authorities in the State of Haryana.

XXX.....XXX.....XXX.....

- (iv) All the laws applicable to the petitioner shall be strictly enforced by the State Government regardless of its apparent influence in high places. We make it clear that we will hold the Chief Secretary of the State of Haryana responsible for any lapse in this regard."

- ii. Mining was not being done in scientific manner. Ground water was being illegally extracted. Mining equipments were found in the non-mineable forest area. In IA No. 76/2021, which has been allowed by a separate order today, the applicant has inter alia filed 12 a copy of order of Mining Department dated 05.08.2020 directing the project proponent to close deep mining pits along the Eastern Boundary of the Mine, which also contradicts the report that the PP is not responsible for the violations. Further, report of the Assistant Geologist, Ground Water Cell, Bhiwani is to the effect that water table data of selected wells available on record in surrounding alluvial formation is from 9.41 mtrs to 18.52 mtrs., whereas the depth of mining pits is approx. 60 mtrs, as told by mining officer at the site.
- iii. The report of the investigating officer in the FIR, exonerating the PP is unacceptable as equipments were seized on the spot in the mining area during the currency of the mining operations by the present project proponent.

Para 12

Accordingly, while issuing notice to the PP - M/s. Govardhan Mines and Minerals, Hisar, we direct further inspection by eight-member joint Committee to be headed by Justice Pritam Pal*, former Judge of Punjab and Haryana High Court and comprising Ms. Urvashi Gulati,* 1former Chief Secretary, Haryana, Regional Officer, MoEF&CC, Chandigarh, nominees of CPCB, Indian Institute of Soil and Water Conservation, Research Centre, Chandigarh, Haryana State PCB, SEIAA Haryana and

District Magistrate, Bhiwani. The CPCB and State PCB will act as nodal agency for coordination and compliance. The first meeting of the Committee may be convened within two weeks. The Committee may peruse the record, undertake visit to the site (by such of the members as may be decided by the Chairman) and conduct other proceedings online. The Committee may interact with the stakeholders and take assistance from any other individual/institution. The Committee may also study the satellite imagery maps, in coordination with the concerned authorities. The report of the Committee may be furnished within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF with a copy to the Chief Secretary, Haryana for remedial action in the light of the said report following due process of law.

2.0 Visit to the mining site at Village Dadam, Tehsil Tosham, Bhiwani by the Joint Committee on 01.10.2021

In compliance to order dated 20.07.2021 as mentioned para No. 12, the eight members Joint Committee under the Chairmanship of Justice Pritam Pal, former Judge, Punjab and Haryana High Court and now as Chairman of the Monitoring Committee, constituted by the Hon'ble National Green Tribunal, along with officers of concerned departments visited the mining site at Village Dadam, Tehsil Tosham on 01.10.2021. The report of the Joint Committee on various issues is submitted as under.

2.1 Abandoned/damaged Dadam distributary/Minor constructed by department of Irrigation, Haryana and area around it.

The joint committee visited the Dadam distributary/Minor, which has been constructed by the Department of Irrigation before for the year 1980. During the visit, the joint committee has made the following observations.

- I. A Dadam distributary/Minor was constructed to supply the water for irrigation of the agriculture fields of the area. However, the farmers of nearby village, present at site, informed that the water was never seen in the distributary/Minor since its construction.
- II. The distributary/Minor is in existence at some places, whereas, it has been either broken or has been eliminated at various locations.
- III. The farmers claimed that mining lease holder has damaged the Dadam distributary/Minor and has constructed pathways for movement of vehicles.
- IV. At some places, overburden extracted from the roads constructed along the distributary/Minor, was found dumped at various places on the bank of distributary/Minor and distributary/Minor has come underneath the overburdened material.
- V. The total length of Dadam distributary is 7.164 km, out of which about 01 km of Dadam distributary is passing through village Dadam and the part of same has been damaged.
- VI. The department of Irrigation informed that during the visit to the Dadam distributary by the department on 06.10.2020, the said mining project was using the land of Dadam distributary/Minor illegally for mining purposes and the land of Dadam distributary/Minor was being used as pathway by the vehicles of mining company and the same was also reported by the Executive Engineer, Jul Water Services Division, Bhiwani in his report dated 20.11.2020.

vii. The Executive Engineer, Jui W/S Division, Bhiwani has informed that Dadam distributary was constructed in the year 1976-77 from RD 0 to RD 20500. Later, it was extended upto RD 23500 during the year 1987-88. Its total length is 23500 feet and it passes through the mining area from RD 20500 to 23500. Its water carrying capacity is 19 Cusecs. As per the report of local Commissioner on dated 06.01.2016, Dadam distributary was damaged for the last 10 years.

During visit, it was observed that in another area almost parallel to the Dadam distributary and near to previously constructed weigh bridge, which is presently, not in operation, deep area was there which was being filled with earth/over-burden for which, the Joint Committee raised apprehension about digging of the area then filling it with earth/over-burden without any reason.

The photograph showing abandoned Dadam distributary as per Plate 1, which is mentioned as under.



Plate-1 : Photograph showing damaged Dadam, Distributary at its tail end.

After detailed discussion on the issue at the site, the Chairman of the Joint Committee directed that the Department of Mines & Geology shall investigate the issue regarding digging and filling of the area parallel to the Dadam distributary/minor and near weigh bridge, which is presently not in operation, with an objective to check as to whether any illegal mining in that area was done by the project proponent. The said department shall submit the report within 07 days.

2.2 Illegal mining having an estimated area of 0.8 hectares in the forest area.

The Joint Committee has visited the area where illegal mining in forest area was found done in an area of about 0.8 hectare as reported by the Department of Forest. DFO, Bhiwani, who was present during the visit, informed that the illegal mining in front of pillar B between A and C has been done. The Google earth images show that the illegal mining in an area of 0.8 hectare was done in the year 2019, whereas, Principle Scientist, HARSAC was of the view that the images of Google earth cannot be relied upon for establishing the actual time period of illegal mining in 0.8 hectares of forest area. Therefore, there is need to get the satellite imageries of the area, for which the survey of the area has been started by the scientists of HARSAC, as per the directions issued during the last meeting of the joint committee held on 17.09.2021.

The photographs showing illegal mining done in front of pillar B between pillars A and C (0.8 hectares of area) are mentioned as per plates 2 & 3, are mentioned as under.



Plates 2 & 3 : Photographs showing illegal mining done in 0.8 hectares of area

After inspection of the site, the Chairman of the Joint Committee directed that HARSAC, Hisar shall complete the study and submit the report based on satellite imageries so as to sort out the issue with regard to illegal mining in an area of 0.8 hectares at the earliest.

2.3 Pathway constructed in the forest area and illegal mining of 300 m² of area

During the visit to the site on 1.10.2021, District Forest Officer (DFO), Bhiwani informed that on the receipt of information about illegal mining in Aravali Plantation area on 22.12.2019 at 9:00 PM, the officers of Forest Department and Police inspected the area and 3 trucks, 01 poclain and 01 drill machine were found engaged in doing illegal mining in Aravali Plantation area. The truck owner and his other companions ran away from the spot and only 01 person was caught and FIR was lodged in the police station, Tosham. The area, where the illegal mining was found, was near to 06 m wide road for passage of vehicles and the permission for the diversion of 0.504 hectares of forest land in favour of M/s Govardhan Mines and Minerals for access to mining area bearing Khasra No. 132 in village Dadam for use of forest land was granted by Ministry of Environment, Forest and Climate Change vide No. 9HRB060/2019 CHA dated 25.9.2019 but illegal mining was found in Aravali plantation area (forest area) between approach road line marked as AB and BC.

The subcommittee during its last visit to Dadam mining site on 20.8.2021, visited the pathway, which has been constructed in the forest area with the permission of the department of forest, as informed by District Forest Officer, Bhiwani. The width of pathway as approved by Forest Department is 6 m, whereas, pathway has been constructed beyond the width of 6 m for which the present proponent (M/S Goverdhan Mines and Minerals) accepted their fault on the site. Moreover, deep drill holes were found constructed within and beyond 6 m width of the path, which lead to apprehension that the present project proponent namely M/s Govardhan Mines and Minerals had intention to conduct illegal mining in the forest area. However, due to catching of the persons on the spot for doing such illegal activity w.r.t mining on 22.12.2019, filing FIR against the persons and seizure of vehicles,

found indulged in illegal mining, the work of mining in forest area was stopped and the pathway in forest area remained unconstructed at the site. However, illegal mining has been done in an area about 300 m² as informed and the map shown by the department of forest.

During the last meeting held on 17.9.2021, the Joint Committee has perused the record and it was observed that information regarding illegal mining in Aravali plantation area was received by the Department of Forest on 22.12.2019 and the officers of Forest Department and police inspected the area on 22.12.2019 and 03 trucks, 01 Poclain and 01 drill machine were found engaged in doing illegal mining in Aravali plantation area and FIR was lodged vide No. 587 dated 23.12.2019 at Police Station, Tosham. The area, where the illegal mining was found, was near to 6 m wide road for passage of vehicles and permission for use of 6 m wide road has been granted by MOEF & CC vide No. 9HRB060/2019 CHA dated 25.9.2019 but illegal mining was found in plantation area between approach road line marked as AB & BC and a report in this regard was sent by the Dept. of Forest to Deputy Commissioner, Bhiwani, Superintendent of Police, SDO (Civil), Tosham, Mining Officer, Tehsildar Tosham and SHO, Tosham stating that illegal mining was found in the plantation area between AB & BC and FIR of the same has been lodged vide No.587 dated 23.12.2019 in the police station, Tosham. The record also indicated that Administrative officer, Thana Tosham has prepared progress report dated 19.8.2021 regarding theft of stone mined material from Dadam mining site and the facts mentioned in the report are given as under:

The officials of forest department and police, Tosham visited the mining site at Dadam based on telephonic message received at 9.00 PM on 22.12.2019 and it was observed that 01 truck bearing No. HR061C 4044 loaded with stones and 02 trucks No. HR061D 1411, and HR 061D 6014, 01 poclain and drill machine were found engaged in doing illegal mining in forest area. The persons who were doing illegal mining ran away from the spot and 01 person was caught. FIR No. 587 dated 23.12.2019 u/s 379 IPC and section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 was lodged.

JMIC, Bhiwani vide his order dated 27.12.2019 appointed Shri Vinod Kaushik, Advocate as Local Commissioner to bring the existing position of vehicles bearing No. HR-61D-1411, HR-61D-6014 & HR-61D-4044, for which applications of superdari of vehicles were made by the applicants. The Local Commissioner made an enquiry on 1.1.2020 in the presence of applicants, Mining Inspector and Investigation officer and observed that all the vehicles bearing No. HR 61D 6014, HR 61D 1411 and HR 61D 4044 were empty and no mined stone was found loaded in these trucks. Local Commissioner submitted his report to the Hon'ble Court on 3.1.2020. Based on report of Local Commissioner the vehicles No. HR 61D 4044, No. HR 61D 1411 and No. HR 61D 6014, respectively, were released on 6.1.2020, 7.1.2020 and 7.1.2020 on Superdari on the directions of Hon'ble Court of SDJM, Tosham. Poclain machine and drill machines were released on 18.1.2021 and 8.4.2021, respectively, on Superdari on the directions of Hon'ble Court of SDJM, Tosham.

The case is still pending in the court of SDJM, Tosham as per order dated 7.9.2021 and case has been adjourned to 1.11.2021.

Now, during the visit on 01.10.2021, it was observed by Joint Committee that illegal mining in Aravali plantation area has been done between the approach road line marked as AB and BC. Moreover, deep drill holes were found constructed within and beyond 06 m width of the path, which indicated that illegal mining has been done in the area. It was further informed that the area, where the illegal mining was found, was near to 6 m wide road for passage of vehicles and permission for the same has been granted by MOEF & CC vide No. 9HRB060/2019 CHA dated 25.9.2019 but illegal mining was found in plantation area between approach road line marked as AB & BC and a report in this regard was sent by the Dept. of Forest to Deputy Commissioner, Bhiwani, Superintendent of Police, SDO (Civil), Tosham, Mining Officer, Tehsildar Tosham and SHO, Tosham stating that illegal mining was found in the plantation area between AB & BC and FIR of the same has been lodged vide No.587 dated 23.12.2019 in the police station, Tosham.

The photographs showing illegal mining in an area of 300 m² are mentioned as per plates 4 & 5, given below.



Plate 4 & 5 : Photographs showing illegal mining in an 300 m² of area

After detailed discussion on the issue on the site and as concluded in the last meeting of the Joint Committee held on 17.9.2021 based on the record/documents, it is evident that M/s Govardhan Mines and Minerals has done illegal mining in Aravali plantation area (non-minable area) in 300 m² area and the Joint Committee decided that it may be mentioned in the interim report to be submitted before the Hon'ble National Green Tribunal.

2.4 Site at which mining has been done up to depth of 109 m in mining area

It was informed by the department of Mining that on the directions of Director General, Mines and Geology, Haryana, Panchkula, a team consisting of Senior Geologist, Head Office, Panchkula, Mining Officer Bhiwani, Senior Surveyor and officials of HARSAC inspected the mining lease area on 3.11.2020. The detailed survey of mining area was carried out with the help of DGPS instrument in the presence of concerned Revenue officials and observed that the maximum depth of mining pits was found to be 109 m from the surface level at the time of inspection.

The Department of Mines & Geology vide its letter No. 718 dated 5.8.2020 has stated that the mining in Eastern, Northern and South Eastern area of mine situated along the boundary pillars No. 13 to 19 has gone deep to a depth of 300 ft.

M/s Govardhan Mines and Minerals has submitted a document w.r.t. digital survey of Dadam Stone Mine at village Dadam, Tosham, done by M/s Shivom Engineers Associates Pvt. Ltd. on the request of Sh. Ved Pal Tanwar, Hisar on 16.4.2018 with DGPS instrument alongwith qualified survey team. The conclusion of the study was as under.

After study of the map prepared, it was observed that the mine depth at places is more than 100 mts, as per contours shown in drawing that is much below the ground water level which is 18.65 mts. The mining operations being undertaken are haphazard, unsystematic and unscientific without following the provisions laid down under the Mines Act 1952 and Rule and Regulations made there under.

M/s Govardhan Mines and Minerals was requested vide letter No. CMC/2021/270 dated 20.9.2021 to submit a documentary proof with receipt of the department for submission of said document in the year, 2018 but no such report/ receipt has been received from the project proponent.

The Joint Committee also observed that deep mining upto level of 109 m has been done in the mining area which is more than the permissible depth of 78 m as per Mining Plan submitted by the project proponent .

However, there is need to identify the project proponent and time period during which deep mining up to the depth of 109 m against the permissible depth of 78 m has been done.

The photographs showing deep mining done upto 109 m in the mining area are mentioned as per plates 6 & 7.



Plate 6 & 7 : Photographs showing deep mining done up to depth of 109 m in the mining area

After detailed discussion and visit to the site, the Chairman of the Joint Committee directed that that HARSAC, Hisar shall complete the study, which has been started by the Scientists of HARSAC, Hisar and based on the study, satellite imageries for the period 2015 to 2020 may be prepared and the data may be interpreted, and report may be submitted at the earliest.

2.5 No bore well for abstraction of ground water in mining area.

The Joint Committee was informed that the depth of mine pit is 109 m from ground level as measured by the officials of mining department and as per the report dated 3.11.2020 of Assistant Geologist, Ground Water Cell and version of CGWA, there is hard compact

quartzite formation with some cracks and fissures. The ground water occurs in permeable geological formation known as aquifer. The aquifer is the water bearing formation having structure that permits appreciable water to move through it under ordinary field conditions. The ground water existence depends upon porosity, permeability and saturation with in any formation. **During field investigation, it was concluded that water table data of selected wells available in surrounding alluvial formation is from 9.41 m to 18.52 m, whereas, the depth of mining pit is approximately 109 m as measured by the officials of Mining Department. This shows that presently, the surrounding water level is having no inter connectivity with mining pits, as the water table has not been encountered up to the depth of 109 m and the water accumulated in mining pit is seepage from the cracks and fissures of the quartzite rock of Aravali system.** The cracks and fissures were developed due to paleotectonics activity and blasting during mining. The exact water table could not be established in Dadam hill as no such studies and survey has been conducted by the department in Dadam hill region.

Besides, Central Ground water Board, Chandigarh submitted a report of visit of Dadam hill on 05.02.2021 and it was mentioned that **water accumulated in mining pits is the seepage of ground water from quartzitic formation. Quartzites are forming low yield aquifer and tubewell constructed in quartzite generally yields 100-150 lpm of water only**, thus, the seepage found in pit is very minor and during rainy season, they may yield good quantity of water resulting in filling of mining pits. As the water table in the alluvial formation in surrounding areas of mines is 9.41 m to 18.52 m, the fracture in quartzite might be hydrologically connected to water tables of alluvial areas.

Also, the literature study conducted by Ground Water Cell and Centre Ground Water Board indicate that the water accumulated in mining pit is due to seepage of ground water through cracks and fissures.

The joint committee noted the observations and decided that the report on the said point may be mentioned in the interim report to be submitted before the Hon'ble National Green Tribunal based on facts mentioned above.

3.0 Other issues.

During visit to the Dadam mining site, members of Baba Mungia Committee met the Chairman of the Joint Committee and gave representation stating that Baba Mungia Mandir, which is thousands years old, has been broken by the management of M/S Goverdhan Mines and Minerals. Baba Mungia Committee has requested that legal action be taken against the said firm.

After hearing the grievances of the members of Baba Mungia Committee, the Chairman of the Joint Committee directed that the representation made by the said committee may be sent to the Deputy Commissioner, Bhiwani to take immediate action on the issue as per the provisions of the law.

The Chairman of the eight members Joint Committee further decided that the Joint Committee may submit its interim report based on issues resolved in the meeting of subcommittee held on 16.8.2021, 4.9.2021 and visit to the Dadam mining site on 20.8.2021 and meeting of Joint Committee held on 3.8.2021 and visit to the Dadam

mining site on 1.10.2021. It may be also be mentioned in interim report that final report in the matter shall be submitted after the receipt of the satellite imageries of the area and report from HARSAC, Hisar on the points, for which scientific study has been started by scientists of HARSAC, Hisar.

1 Oct 4/10/21
Dr. Narender Sharma,
Additional Director, CPCB

04.10.2021
Dr. K.K Garg,
Scientist-C/Deputy Director,
MOEF

04.10.2021
Dr. Babu Ram
Technical Expert,
Monitoring Committee

04/10
Dr. O.P.S. Khola,
ICAR-IISWC, Regional Station,
Chandigarh

04/10
RK Sapra,
Member, SEAC

5/10
Justice Pritam pal,
Former Judge, Punjab and Haryana High
Court and now as Chairman of the
Monitoring Committee