

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 916 OF 2024**

IN THE MATTER OF :

LAL CHAND

PETITIONER

VERSUS

STATE OF HARYANA & ORS.

RESPONDENTS

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT PROJECT
PROPONENT: M/S. MAASANTOSHI KHANIJ UDYOG
(RESPONDENT NO. 5)**

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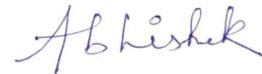
NDOH:08.07.2025

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Through



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Filed on: 04.07.2025

Place: Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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ORIGINAL APPLICATION NO. 916 OF 2024

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STATE OF HARYANA & ORS.

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REPLY AFFIDAVIT ON BEHALF OF RESPONDENT PROJECT

PROPONENT: M/S. MAA SANTOSHI KHANIJ UDYOG

(RESPONDENT NO. 5)

MOST RESPECTFULLY SHEWETH:

I, Raman Sokhal, S/o. Vinod Kumar, aged about 50 R/o B-74, Shakti Apartment, Sector 9, Rohini, Delhi, do hereby solemnly affirm and state as under:

1. That I am the partner of Respondent Project Proponent in the instant OA.

I am well aware of the facts and circumstance of the instant case and hence competent and authorized to swear this affidavit.

2. That at the outset, it is respectfully submitted that the contents of the

instant OA, to the extent such contents are inconsistent with the



submissions made in this Reply, are denied as incorrect. Specifically, the Respondent prays that all facts, averments or contentions set forth may kindly be treated as denied by the Respondent, unless any such fact, averment or contention is specifically admitted or traversed in this Reply hereinafter.

PRELIMINARY OBJECTIONS:

3. That the instant filed before this Hon'ble Tribunal lack *bona fide*. It is submitted that the necessary factual disclosures have not been made in the instant OA.
4. That the answering Respondent (Project Proponent: M/s. Maa Santoshi Kanij Udyog) has always been complaint with law, statutory rules and terms of various statutory clearances granted to it. All the allegations made against the answering Respondent (Project Proponent: M/s. Maa Santoshi Kanij Udyog) are denied in totality.
5. That it is submitted that the Khasra No. 487 of village Musnota, District Mahendergarh, Haryana, which have been alleged to be "forest" land, was granted to the project proponent and its predecessors as part of the mine as per the mine lease. The said khasra was under mining since 1994 when the instant project proponent was not even in the picture, however, the instant project proponent never carried on any mining on the said khasra i.e. Khasra No. 487. The project proponent was granted mining lease



dated 03.02.2009 which included the following khasra numbers: 427, 428, 429, 430/1, 433, 484, 485, 486, **487**, 488, **550** & **551** of village Musnota, District Mahendergarh, Haryana. The project proponent made an application dated 17.06.2013 to surrender a total of 32.45 hectares falling in Khasra Nos. 427, 428, 429, 430/1, 433, 484, 486, **487**, 488 & **551** out of the total 40.56 hectare land granted under the transferred mine lease dated 03.02.2009 and the Director Mines & Geology, Haryana accepted the said surrender vide order dated 06.09.2013. Therefore, there is no question of there being any plantation on the Khasra No. 487 let alone the project proponent herein having destroyed any plantation on the said khasra.

6. That the project proponent herein was granted the mining lease in the year 2009 but could only commence mining in 2016 after getting the necessary clearances. On 20.11.2018 the project proponent herein filed a Suit bearing CS No. 1031 of 2018 before the Court of Ld. Civil Judge (Junior Division) Narula, Haryana along with application seeking injunction against the Defendants therein/their agents [1) State of Haryana Through Collector; 2) Financial Commissioner & Principal Secretary to Govt. of Haryana, Mines & Geology Department; 3) Director Mines & Geology Department, Govt. of Haryana Chandigarh; 4) District Mining Officer, Narnaul; 5) Financial Commissioner & Principal Secretary to Govt. Haryana Forest Dep.



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Chandigarh; 6) Divisional Forest Officer Mohindergarh] from causing any obstruction over the “Rasta in question” (a strip of land approximately less than two hundred feet in length in southern -western part of Khasra no. 487 in revenue estate of village Musnota Tehsil Nangal Chaudhary District Mahendergarh). The Ld. Civil Judge (Jr. Division) vide order dated 02.01.2019 granted interim-injunction in favour of the project proponent herein and since then the project proponent has been using the said path (raasta) in lieu of the said judicial order. The said Suit CS No. 1031 of 2018 is currently pending adjudication before the Court of Ld. Civil Judge (Junior Division) Narula. Haryana.

7. That in the village Musnota, District Mahendergarh, Haryana itself there is another mine leased out to one M/s. Satish Kumar Garg & Co. totalling an area of 79.32 Ha. The said mine was leased out sometime around the year 2000. NoC was denied to the said mine on the ground that some of the Khasras therein were under Aravali plantation. The project proponent therein challenged it before the Hon’ble High Court of Punjab & Haryana in CWP No. 2682 of 2018. The Hon’ble High Court after perusing the records and replies by Department of Forest, vide judgment and order dated 26.04.2018 held that the Department of Forest is not clear as to which khasras are part of aravali plantation and out of the total area of 785 Ha the plantation took place only in 505 hectares and in remaining



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280 hectares no plantation was done. Further that the khasras leased to the Petitioner therein were under mining till 2007 therefore it cannot be said that the said khasras were ever used for plantation under the Aravali project. The said writ petition was allowed and subsequently EC and permission were granted to the project proponent therein *qua* the khasras in question there. Therefore, the project proponent herein (M/s. Maa Santoshi Khanij Udyog) made a representation dated 27.12.2024 before the Director General, Mines & Geology, Haryana seeking to reclaim the khasras surrendered in the year 2013 including the khasra in question 487 as none of them have aravali plantation in terms of the judgment and order dated 26.04.2018 in CWP No. 2682 of 2018. The said representation is yet to be decided by the Director General, Mines & Geology, Haryana and therefore the instant *lis* is pre-mature unless a definitive decision on the representation of the project proponent is taken.

8. That the instant OA is hopelessly barred by limitation and no application for condonation of delay has been filed by the Applicant. The project proponent herein is using the path way in question since 2019 in lieu of the order of the Ld. Civil Judge (Jr Division), Narula, Haryana. The cause of action of filing the instant OA arises from the time the Applicant, claiming to be the villager of Musnota Village, came to know about the said usage. It is submitted that it is inconceivable that being the villagers the Applicant did not know that the project proponent is using the said



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pathway since 2019, further, by their own admission in the OA they have been raising the said issue with various authorities through various representations (curiously enough no such representation placed on record by the Applicant). Therefore the instant OA is barred by limitation and shall be dismissed on this count itself.

Facts leading to the instant Reply:

9. That the Khasra Nos. 427, 428, 429, 430/1, 433, 484, 485, 486, **487**, 488, **550 & 551** of village Musnota, District Mahendergarh, Haryana totalling to 40.56 ha were under mining since 16.11.1994. One Shri. Ashok Kumar Gupta was the lease holder from 16.11.1994 to 03.02.2009 for mining calcite from Khasra Nos. 427, 428, 429, 430/1, 433, 484, 485, 486, **487**, 488, **550 & 551** of village Musnota, District Mohindergarh, Haryana.
10. That in the year 2009 the mining lease was transferred to M/s. Maa Santoshi Khanij Udyog (project proponent herein) vide transfer deed dated 03.02.2009 (Form 'O' Model form for Transfer of Mining Lease under Rules 37A of the Mineral Concession Rules, 1960). At the relevant time the partners of M/s. Maa Santoshi Khanij Udyog (project proponent herein) were:-

- (i) M/s. Mewat Grit Udyog through Shri. N.K. Gupta
(Partner);
- (ii) Shri. Ashok Somani S/o Late Shri. R.D. Somani;
- (iii) Shri. Rajesh Kumar S/o. Shri. Prem Nath;



(iv) Shri. Amit Kumar S/o. Shri. Inderjeet. 7

The incumbent partners of M/s. Maa Santoshi Khanij Udyog (project proponent) were not partner at that time. The mining lease for mining calcite from Khasra Nos. 427, 428, 429, 430/1, 433, 484, 485, 486, **487**, **488**, **550** & **551** of village Musnota, District Mohindergarh, Haryana thus stood transferred to M/s. Maa Santoshi Khanij Udyog (project proponent) on 03.02.2009.

Copy of the transfer deed dated 03.02.2009 (Form 'O' Model form for Transfer of Mining Lease under Rules 37A of the Mineral Concession Rules, 1960) in favour of M/s. Maa Santoshi Khanij Udyog (project proponent) is annexed herewith and marked as **ANNEXURE R-1**.

11. That in the process of obtaining Environmental Clearance M/s. Maa Santoshi Khanij Udyog (project proponent) made an application dated 17.06.2013 to surrender a total of 32.45 hectares falling in Khasra Nos. 427, 428, 429, 430/1, 433, 484, 486, **487**, **488** & **551** out of the total 40.56 hectare land granted under the transferred mine lease dated 03.02.2009 as there was some confusion regarding the extent of Aravali plantation. Further, M/s. Maa Santoshi Khanij Udyog (project proponent) proposed to retain only 8.107 hectares of land of Khasra No. 550 of Village Musnota, District Mahendergarh. The Director, Mines & Geology, Haryana vide order dated 06.09.2013 accepted the surrender of the Khasra Nos. 427, 428, 429, 430/1, 433, 484, 486, **487**, **488** & **551** out



of the total 40.56 hectare land granted under the transferred mine lease dated 03.02.2009 and retention of only 8.107 hectares of land of Khasra No. 550 of Village Musnota, Distrcit Mahendergarh by M/s. Maa Santoshi Khanij Udyog (project proponent).

Copy of the order dated 06.09.2013 issued by the Director, Mines & Geology, Haryana is annexed herewith and marked as **ANNEXURE R-2**.

12. That the initial mining lease dated 16.11.1994, transferred to M/s. Maa Santoshi Khanij Udyog (project proponent) in the year 2009, was for a period of 20 years. Therefore, M/s. Maa Santoshi Khanij Udyog (project proponent) applied for renewal of mining lease for 8.107 hectare in Kharsa No. 550 of Village Musnota, Distrcit Mahendergarh on 27.06.2013. The same was approved by the State Government on 12.08.2014 and the mining lease stood extended to 10 years w.e.f. 16.11.2014. Accordingly a renewed mining lease was executed on 24.02.2015. However, because of the promulgation of *the Mines and Minerals (Development and Regulation) (Amendment) Ordinance, 2015* (which later became Act on 27.03.2015) all the leases granted prior to 12.01.2015 and therefore the lease stood extended to 15.11.2044.

13. That further, vide Central Government Notification dated 10.02.2015 around 31 minerals (including Calcite) were classified as 'minor minerals' and hence the mining lease held by the project proponent came to be regulated by the Haryana Minor Minerals Concession, Stocking,



Transportation of Mineral and Prevention of Illegal Mining Rules, 2012 (hereinafter referred to as '**Rules, 2012**').

14. That the Ministry of Environment, Forest & Climate Change, Government of India granted Environmental Clearance to M/s. Maa Santoshi Khanij Udyog (project proponent) on 14.05.2015. Consent to operate was issued by the Haryana State Pollution Control Board in September, 2016. However despite this the mining operation could not commence. There were operational difficulties qua the huge overburden and hence the mining could only start in 2018.

15. That because of a lot of overburden (which itself was a minor mineral – 'stone') the mining was getting difficult and therefore on 04.07.2018 M/s. Maa Santoshi Khanij Udyog (project proponent) made an application before the Director, Mines & Geology, Haryana for addition of associated minor mineral: 'Stone' to the lease deed. The permission was granted by the Director, Mines & Geology, Haryana vide order dated 06.08.2018. Copy of the order of the Director, Mines & Geology, Haryana dated 06.08.2018 is annexed herewith and marked as **ANNEXURE R-3**.

16. That the project proponent herein was granted the mining lease in the year 2009 but could only commence mining in 2016 after getting the necessary clearances. On 20.11.2018 the project proponent herein filed a Suit bearing CS No. 1031 of 2018 before the Court of Ld. Civil Judge (Junior Division) Narula. Haryana along with application seeking



injunction against the Defendants therein/their agents [1)State of Haryana Through Collector; 2) Financial Commissioner & Principal Secretary to Govt. of Haryana, Mines & Geology Department; 3) Director Mines & Geology Department, Govt. of Haryana Chandigarh; 4) District Mining Officer, Narnaul; 5) Financial Commissioner & Principal Secretary to Govt. Haryana Forest Dep. Chandigarh; 6) Divisional Forest Officer Mohindergarh] from causing any obstruction over the “Rasta in question” (a strip of land approximately less than two hundred feet in length in southern -western part of Khasra no. 487 in revenue estate of village Musnota Tehsil Nangal Chaudhary District Mahendergarh). The Ld. Civil Judge (Jr. Division) vide order dated 02.01.2019 granted interim-injunction in favour of the project proponent herein and since then the project proponent has been using the said path (raasta) in lieu of the said judicial order. The said Suit CS No. 1031 of 2018 is currently pending adjudication before the Court of Ld. Civil Judge (Junior Division) Narula. Haryana.

Copy of the order dated 02.01.2019 passed by the Court of Ld. Civil Judge (Junior Division), Narula, Haryana in CS No. 1031 of 2018 is annexed herewith and marked as ANNEXURE R-4.



17. That the mining stopped on 31.10.2019 because the project proponent was in the process of obtaining statutory clearances because of addition of minor mineral 'stone'.
18. That accordingly in the year 2019 new mining plan of M/s. Maa Santoshi Khanij Udyog (project proponent) was approved for extraction of associate minor mineral 'stone'. Consent to operate was granted by the Haryana State Pollution Control Board on 07.08.2019 for a period of 01.10.2019 to 30.09.2021. Environmental Clearance was granted by State Environment Impact Assessment Authority, Haryana on 20.10.2020 and consent to operate was issued by the Haryana State Pollution Control Board dated 04.01.2021 for a period of 04.01.2021 to 30.09.2025.
19. That the mining re-commenced from 02.02.2021 and continued till 09.02.2021. After 09.02.2021 all mining activity remained closed till 26.05.2023. The mining again commenced from 26.05.2023 and continued till 20.11.2023 when the same was stopped due to the imposition of GRAP order. The project proponent vide letter dated 26.05.2023 informed the Mining Officer, Narula about the commencement of mining activity. Again mining happened from 28.11.2023 to 25.12.2023 and was again closed due to imposition of GRAP orders. Again the mining recommenced from 31.12.2023 to 16.01.2024 and was closed for imposition of GRAP orders.



Copy of the letter dated 26.05.2023 written by the project proponent to the Mining Officer, Narula is annexed herewith and marked as ANNEXURE R-5.

Copy of the chart depicting the closure and commencement of mining activity by the project proponent is annexed herewith and marked as ANNEXURE R-6.

20. That in the year 2023 two malicious and motivated letter petitions were filed before this Hon'ble Tribunal making same allegations against the project proponent. First the letter petition was made by one "Shishram" alleging that: "*illegal mining is being done by Maa Santoshi Khanij Udyog lease by cutting the trees and causing environmental hazard*", "*due to heavy blasting, residential houses are damaged and the agricultural fields are effected*" and "*about 200-250 mtrs. away from the mining area, there is a primary school and the education of the children is affected*". This Hon'ble Tribunal took cognizance vide order dated 23.08.2023 and registered **O.A. No. 514 of 2023 Shishram v. Vinod Kuasal** and constituted a committee comprising of District Magistrate, Mahendragarh, Haryana and Haryana State Pollution Control Board to look into the allegations made in the letter petition. During the subsistence of the mandate of the Committee established in O.A. No. 514 of 2023, a second letter petition was moved before this Hon'ble Tribunal by one "Puran Singh" alleging the very same thing as were alleged in



letter petition earlier made by “Shishram” i.e.: *“on account of heavy blasting there are cracks coming in the houses of nearby villagers and there is a threat to life of person and cattle”* and that *“the mine is situated only 200-300 meters away from the residential houses and that illegal felling of trees has been done resulting into damage to the environment.”* It is respectfully submitted that the second letter petition made by “Puran Singh” did not disclose the factum of the first letter petition moved by “Shishram” or the Committee established thereafter. This deliberate concealment lead to this Hon’ble Tribunal taking cognizance of the second letter petition as well by registering O.A. No. 546 of 2023 (Puran Singh v. Vinod Kaushal) and vide order dated 12.09.2023 establishing another Committee comprising of Director deputed by Member Secretary, CPCB, Member Secretary, Haryana State Pollution Control Board, Director, Mining, State of Haryana, concerned Divisional Forest Officer and District Magistrate, Mahendergarh, with the same mandate as the first Committee.

Copy of the order dated 23.08.2023 passed by this Hon’ble Tribunal in OA No. 514 of 2023 is annexed herewith and marked as **ANNEXURE R-7.**

Copy of the order dated 12.09.2023 passed by this Hon’ble Tribunal in OA No. 546 of 2023 is annexed herewith and marked as **ANNEXURE R-8.**



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21. That this Hon'ble Tribunal established the Joint Committee vide order dated 23.08.2023 in O.A. No. 514 of 2023 (Shishram v. Vinod Kuasal) and the said Joint Committee submitted its report dated 27.10.2023 before this Hon'ble Tribunal. It is respectfully submitted that pursuance to the said report the authorities below initiated action against the project proponent (M/s. Maa Santoshi Kanij Udyog) and the project proponent is contesting the same before appropriate authorities/forums. The details and status of the actions taken against the answering Respondent (Project Proponent: M/s. Maa Santoshi Kanij Udyog) are:-

<u>SNO.</u>	<u>AUTHORITY</u>	<u>ACTION</u>	<u>STATUS</u>
1.)	Divisional Forest Officer, Mahendragarh	<ul style="list-style-type: none"> • Filed Forest Offence Report dated 02.10.2023 u/s. 32-33 of the Indian Forest Act, 1927 • Granted sanction for prosecution case against Partner of Project Proponent in Special Environment Court at Faridabad 	Pending Adjudication
2.)	Mining Officer, Mines & Geology Department, Narula	<ul style="list-style-type: none"> • Issued demand notice (u/s. 21(5) of the MMDR Act, 1957 r/w. Rule 104 (1) of the Haryana Minor Minerals Concession, Stocking, Transportation of Mineral & Prevention of Illegal Mining Rules, 2012) dated 17.10.2023 on the project proponent demanding a total of Rs. 42,28,125/- towards price of mined mineral, royalty and penalty for alleged 	Appeal against the said demand notice has been filed by project proponent under Rules 109(1) of the Haryana Minor Minerals Concession, Stocking, Transportation of Mineral & Prevention of



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		illegal mining at Khasra No. 487 & 551.	Illegal Mining Rules, 2012 and is pending adjudication before the Director General, Mines & Geology, Haryana.
3.)	Mining Officer, Mines & Geology Department, Narula	• Notice dated 13.10.2023 regarding the blasting at the site	Fully Compliant.

22. That this Hon'ble Tribunal vide order dated 12.09.2023 in O.A. No. 546 of 2023 (Puran Singh v. Vinod Kaushal) constituted second Joint Committee (with the same mandate as was given to the earlier Joint Committee established vide order dated 23.08.2023 in O.A. No. 514 of 2023) and the same submitted its report dated 04.12.2023 (uploaded on 04.12.2023). The establishment of the 2nd Joint Committee vide order dated 12.09.2023 in O.A. No. 546 of 2023 (Puran Singh v. Vinod Kaushal) happened only due to wilful and intentional concealment of the fact of establishment 1st Joint Committee vide order dated 23.08.2023 in O.A. No. 514 of 2023 (Shishram v. Vinod Kuasal). Both the committees were established with common mandate. The 2nd Joint Committee (established via order dated 12.09.2023 in O.A. No. 546 of 2023 Puran Singh v. Vinod Kaushal) itself relied upon the report of the 1st Joint



Committee (established via vide order dated 23.08.2023 in O.A. No. 514 of 2023 Shishram v. Vinod Kuasal) and further requested that both the matters be heard together. This Hon'ble Tribunal vide order dated 05.12.2023 has tagged both the matters together. Further the 2nd Joint Committee inspected the mining site of the project proponent when the mine was closed due to GRAP orders. The 2nd Joint Committee records this fact. Therefore, the report of the 2nd Joint Committee lacked necessary enquiry. A Show Cause Notice dated 21.11.2023 was issued to the project proponent herein by the Haryana Pollution Control Board (Respondent herein) pursuant to the inspection done by the 2nd Joint Committee. The project proponent vide reply dated 05.12.2023, *inter alia*, informed the Haryana State Pollution Control Board that on the day of the inspection the mine was closed due to GRAP orders and therefore the project proponent /its representatives were neither present nor heard. Further it is submitted that the project proponent is fully compliant as far as the alleged lacunas pointed out therein.

Copy of the show-cause notice dated 21.11.2023 issued by the Respondent HSPCB is annexed herewith and marked as **ANNEXURE R-9.**

Copy of the reply dated 05.12.2023 submitted by the project proponent before the Respondent HSPCB is annexed herewith and marked as **ANNEXURE R-10.**



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23. That the project proponent herein filed a reply dated 31.01.2024 in the OA No. 514 of 2023 and O.A. No. 546 of 2023 before this Hon'ble Tribunal.

24. That this Hon'ble Tribunal vide order dated 02.02.2024 disposed of the OA No. 514 of 2023 and OA No. 546 of 2023 with the following directions:

"5. Learned Senior Counsel appearing for the Project Proponent has also informed that against the order of imposition of penalty by the Mining Department, Appeal has been preferred, which is under consideration. Learned Senior Counsel on instruction has fairly submitted that the Project proponent is ready to get the school building repair at its own cost without going into the issue relating to the cause for damage of the school building.

6. Since, appropriate action has already been initiated by the Haryana State PCB for imposition of EC and a fair statement has been made by the Learned Senior Counsel for the Project Proponent, for repairing the school building, hence, we dispose of the present OA by directing the HSPCB to conclude the proceeding relating to imposition of EC by following the principle of 'Natural Justice' and file action taken report before the Registrar General of the Tribunal within three 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 and if found necessary, the matter may be listed for consideration before the Bench."



Copy of the order dated 02.02.2024 passed by this Hon'ble Tribunal in OA No. 514 of 2023 and O.A. No. 546 of 2023 is annexed herewith and marked as **ANNEXURE R-11.**

25. That the project proponent herein, in terms of the order dated 02.02.2024, carried out the repair etc at the village school. Further provided necessary help to the said school.

Copy of proof of carrying out repair etc at village school by the project proponent is annexed herewith and marked as **ANNEXURE R-12 (COLLY).**

26. That vide notice dated 12.07.2024 the Respondent HSPCB (Haryana State Pollution Control Board) directed the project proponent to appear in person on 16.07.2024 in order to afford the project proponent an opportunity of being heard with respect to the calculation of environmental damages. However, the said notice did not provide the material, documents or allegations relied upon by the Respondent HSPCB against the project proponent.

Copy of the notice dated 12.07.2024 issued by the Respondent HSPCB (Haryana State Pollution Control Board) is annexed herewith and marked as **ANNEXURE R-13.**

27. That the date of personal appearance was postponed couple of time and notices dated 14.08.2024 and 04.09.2024 were issued by the Respondent HSPCB directing personal appearance for hearing. The project proponent



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herein, in absence of the material, documents or allegations relied upon by the Respondent HSPCB against the project proponent, personally appeared but the project proponent /representative of the project proponent was neither given the material, documents or allegations relied upon by the Respondent HSPCB against the project proponent nor was the project proponent /its representative given opportunity to counter the basis for imposition and calculation of the environmental calculation. The project proponent requested for the material, documents or allegations relied upon by the Respondent HSPCB against the project proponent but the same were never supplied to the project proponent herein.

Copy of the notice dated 14.08.2024 issued by the Respondent HSPCB to the project proponent herein is annexed herewith and marked as **ANNEXURE R-14.**

Copy of the notice dated 04.09.2024 issued by the Respondent HSPCB to the project proponent herein is annexed herewith and marked as **ANNEXURE R-15.**

28. That the Respondent HSPCB vide the cryptic, arbitrary, illegal, unreasonable and non-speaking order dated 29.10.2024 imposed an Environmental Compensation to the tune of Rs. 22,60,000/- on the project proponent herein to be paid within 15 days and the order was served on the project proponent by the HSPCB via email dated 06.11.2024.



Copy of the order dated 29.10.2024 issued by the Respondent HSPCB is annexed herewith and marked as **ANNEXURE R-16.**

29. That aggrieved by the illegal, arbitrary and unlawful actions and inaction on part of the Respondents herein, the project proponent on 22.11.2024 filed CWP No. 31690 of 2024 before the Hon'ble High Court of Punjab & Haryana at Chandigarh. The Hon'ble High Court on 05.12.2024 reserved the order in the said writ petition.

30. That on 17.12.2024 the Hon'ble High Court disposed of the CWP No. 31690 of 2024 with liberty to seek alternative remedy before this Hon'ble Tribunal.

Copy of the order dated 17.12.2024 passed by the Hon'ble High Court in CWP No. 31690 of 2024 is annexed herewith and marked as **ANNEXURE R-17.**

31. That resultantly the project proponent herein approached this Hon'ble Tribunal by filing Miscellaneous Application No. 13 of 2025 in disposed of Original Application No. 546 of 2023 along with IA seeking interim relief to challenge the order dated 29.10.2024.

32. That this Hon'ble Tribunal vide order dated 28.01.2025 disposed of the Miscellaneous Application No. 13 of 2025 in disposed of Original Application No. 546 of 2023 along with IA No. 60 of 2025 with the



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liberty to the project proponent herein to challenge the order dated 29.10.2024 as the same is appealable.

Copy of the order dated 28.01.2025 passed by this Hon'ble Tribunal in Miscellaneous Application No. 13 of 2025 is disposed of Original Application No. 546 of 2023 is annexed herewith and marked as **ANNEXURE R-18.**

33. That thereafter the project proponent filed Appeal No. 04 of 2025 before the Appellate Authority under the Water & Air Act, Haryana challenging the imposition of environmental compensation vide order dated 29.10.2024 by the Respondent HSPCB. The Ld. Appellate Authority vide order dated 06.02.2025 issued notice and the said appeal is pending adjudication before the Ld. Appellate Authority. Further, the Ld. Appellate Authority vide order dated 06.03.2025 condoned the delay in filing the said Appeal.

However, the project proponent herein has deposited, **under protest**, the environmental compensation of Rs. 22,60,000/- before the Respondent HSPCB in the following manner:

<u>Date</u>	<u>Ref. no.</u>	<u>Beneficiary Ac.</u>	<u>Amounts</u>
06.06.2025	CRH8193780	100053543757	5,00,000/-
11.06.2025	CRH8470554	100053543757	10,00,000/-
27.06.2025	CRK5483695	100053543757	7,60,000/-



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Copy of the order dated 06.02.2025 passed by the Ld. Appellate Authority under the Water & Air Act, Haryana in Appeal No. 04 of 2025 is annexed herewith and marked as **ANNEXURE R-19**

Copy of the order dated 06.03.2025 passed by the Ld. Appellate Authority under the Water & Air Act, Haryana in Appeal No. 04 of 2025 is annexed herewith and marked as **ANNEXURE R-20.**

34. That in the village Musnota, District Mahendergarh, Haryana itself there is another mine leased out to one M/s. Satish Kumar Garg & Co. totalling an area of 79.32 Ha. The said mine was leased out sometime around the year 2000. NoC was denied to the said mine on the ground that some of the Khasras therein were under Aravali plantation. The project proponent therein challenged it before the Hon'ble High Court of Punjab & Haryana in CWP No. 2682 of 2018. The Hon'ble High Court after perusing the records and replies by Department of Forest, vide judgment and order dated 26.04.2018 held:-

- i) The Department of Forest is not certain about the Khasras under Aravali Plantation in the village Musnota, District Mahendergarh, Haryana;
- ii) Out of the total area of 785 Ha the plantation took place only in 505 hectares and in remaining 280 hectares no plantation was done;



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- iii) Since the khasras leased to the Petitioner therein were under mining till 2007 therefore it cannot be said that the said khasras were ever used for plantation under the Aravali project.

Thus the said writ petition was allowed and subsequently EC and permission were granted to the project proponent therein *qua* the khasras in question there. Therefore, the project proponent herein (M/s. Maa Santoshi Khanij Udyog) made a representation dated 27.12.2024 before the Director General, Mines & Geology, Haryana seeking to reclaim the khasras surrendered in the year 2013 including the khasra in question 487 as none of them have aravali plantation in terms of the judgment and order dated 26.04.2018 in CWP No. 2682 of 2018. The said representation is yet to be decided by the Director General, Mines & Geology, Haryana and therefore the instant *lis* is pre-mature unless a definitive decision on the representation of the project proponent is taken.

The judgment and order dated 26.04.2018 in CWP No. 2682 of 2018 passed by the Hon'ble High Court of Punjab was assailed in SLP (C) No. 6160 of 2019 before the Hon'ble Supreme Court and the said SLP was dismissed by the Hon'ble Supreme Court as withdrawn vide order dated 02.11.2020. SLP (C) Diary No. 1442 of 2021 & connected matters assailing the same order is pending adjudication before the Hon'ble Supreme Court.



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Copy of the judgment and order dated 26.04.2018 passed by the Hon'ble High Court of Punjab & Haryana in CWP No. 2682 of 2018 is annexed herewith and marked as **ANNEXURE R-21.**

Copy of the representation dated 27.12.2024 made by the project proponent herein is annexed herewith and marked as **ANNEXURE R-22.**

35. That an inspection by the Joint committee was conducted at the mine of the project proponent on 27.02.2025 when the project proponent came to know about the instant OA.

36. GROUNDS:

That based on the above conspectus of factors, the project proponent herein has the following submissions/conventions/reply to the grounds raised by the instant OA (*these submissions/conventions/reply are made without prejudice to and in alternative to each other*):

- A. Because it is submitted that the Khasra No. 487 of village Musnota, District Mahendergarh, Haryana, which have been alleged to be "forest" land, was granted to the project proponent and its predecessors as part of the mine as per the mine lease. The said khasra was under mining since 1994 when the instant project proponent was not even in the picture, however, the instant project proponent never carried on any mining on the said khasra i.e. Kharsa No. 487. The project



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proponent was granted mining lease dated 03.02.2009 which included the following khasra numbers: 427, 428, 429, 430/1, 433, 484, 485, 486, **487**, 488, **550 & 551** of village Musnota, District Mahendergarh, Haryana. The project proponent made an application dated 17.06.2013 to surrender a total of 32.45 hectares falling in Khasra Nos. 427, 428, 429, 430/1, 433, 484, 486, **487**, 488 & **551** out of the total 40.56 hectare land granted under the transferred mine lease dated 03.02.2009 and the Director Mines & Geology, Haryana accepted the said surrender vide order dated 06.09.2013. Therefore, there is no question of there being any plantation on the Khasra No. 487 let alone the project proponent herein having destroyed any plantation on the said khasra.

- B. Because the project proponent herein was granted the mining lease in the year 2009 but could only commence mining in 2016 after getting the necessary clearances. On 20.11.2018 the project proponent herein filed a Suit bearing CS No. 1031 of 2018 before the Court of Ld. Civil Judge (Junior Division) Narula, Haryana along with application seeking injunction against the Defendants therein/their agents **[1) State of Haryana Through Collector; 2) Financial Commissioner & Principal Secretary to Govt. of Haryana, Mines &**



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Geology Department; 3) Director Mines & Geology Department, Govt. of Haryana Chandigarh; 4) District Mining Officer, Narnaul; 5) Financial Commissioner & Principal Secretary to Govt. Haryana Forest Dep. Chandigarh; 6) Divisional Forest Officer Mohindergarh] from *causing any obstruction over the "Rasta in question" (a strip of land approximately less than two hundred feet in length in southern -western part of Khasra no. 487 in revenue estate of village Musnota Tehsil Nangal Chaudhary District Mahendergarh)*. The Ld. Civil Judge (Jr. Division) vide order dated 02.01.2019 granted interim-injunction in favour of the project proponent herein and since then the project proponent has been using the said path (raasta) in lieu of the said judicial order. The said Suit CS No. 1031 of 2018 is currently pending adjudication before the Court of Ld. Civil Judge (Junior Division) Narula. Haryana.

- C. Because the Applicant suddenly in 2024 raises the issue that Khasra 487 is part of Aravli Plantation whereas the same Khasra was originally part of the leased out mine and later project proponent was made to surrender the said Khasra. The Khasra No. 487 was under mining since 1994 till the time project proponent was made to surrender it in 2013. Project



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proponent only commenced its operation in the year 2018. Therefore there was never any plantation on the said khasra let alone aravli plantation. The project proponent never removed any plantation from the said khasra. Lastly, the usage of the pathway in question is being done pursuant to a judicial order ie order dated 02.01.2019 granted interim-injunction in favour of the project proponent herein by the Ld. Civil Judge (Jr. Division) Narula, Haryana therefore there is no question of any illegality committed by the project proponent.

- D. Because in the village Musnota, District Mahendergarh, Haryana itself there is another mine leased out to one M/s. Satish Kumar Garg & Co. totalling an area of 79.32 Ha. The said mine was leased out sometime around the year 2000. NoC was denied to the said mine on the ground that some of the Khasras therein were under Aravali plantation. The project proponent therein challenged it before the Hon'ble High Court of Punjab & Haryana in CWP No. 2682 of 2018. The Hon'ble High Court after perusing the records and replies by Department of Forest, vide judgment and order dated 26.04.2018 held that the Department of Forest is not clear as to which khasras are part of aravali plantation and out of the total area of 785 Ha the plantation took place only in 505



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hectares and in remaining 280 hectares no plantation was done. Further that the khasras leased to the Petitioner therein were under mining till 2007 therefore it cannot be said that the said khasras were ever used for plantation under the Aravali project. The said writ petition was allowed and subsequently EC and permission were granted to the project proponent therein *qua* the khasras in question there. Therefore, the project proponent herein (M/s. Maa Santoshi Khanij Udyog) made a representation dated 27.12.2024 before the Director General, Mines & Geology, Haryana seeking to reclaim the khasras surrendered in the year 2013 including the khasra in question 487 as none of them have aravali plantation in terms of the judgment and order dated 26.04.2018 in CWP No. 2682 of 2018. The said representation is yet to be decided by the Director General, Mines & Geology, Haryana and therefore the instant *lis* is pre-mature unless a definitive decision on the representation of the project proponent is taken.

- E.
- F. Because the instant OA is hopelessly barred by limitation and no application for condonation of delay has been filed by the Applicant. The project proponent herein is using the path way in question since 2019 in lieu of the order of the Ld. Civil



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Judge (Jr Division), Narula, Haryana. The cause of action of filing the instant OA arises from the time the Applicant, claiming to be the villager of Musnota Village, came to know about the said usage. It is submitted that it is inconceivable that being the villagers the Applicant did not know that the project proponent is using the said pathway since 2019, further, by their own admission in the OA they have been raising the said issue with various authorities through various representations (curiously enough no such representation placed on record by the Applicant). Therefore the instant OA is barred by limitation and shall be dismissed on this count itself.

- G. Because the earlier two OAs mentioned by the Applicant have no bearing or connection to the *lis* at hand apart from the fact that all three OAs seem to be an attempt to harass the answering Respondent. Further, it is submitted that the earlier two OAs were disposed of with the direction to the project proponent to carry on repair at the village school. The project proponent not only carried out the repairs but went ahead and provided further help to the village school (proof of the same has been filed).



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H. Because the instant filed before this Hon'ble Tribunal lack *bona fide*. It is submitted that the necessary factual disclosures have not been made in the instant OA. the answering Respondent (Project Proponent: M/s. Maa Santoshi Kanij Udyog) has always been complaint with law, statutory rules and terms of various statutory clearances granted to it. All the allegations made against the answering Respondent (Project Proponent: M/s. Maa Santoshi Kanij Udyog) are denied in totality. Also the project proponent takes care of all the precaution during transportation like sprinklers and covering of trucks etc.

37. That the answering Respondent Project proponent seeks liberty of this Hon'ble Tribunal to file supplementary affidavit and supply necessary information if and when the same is required.

38. That in light of the above the project proponent prays that the instant OA be dismissed with cost.

Maa Santoshi Khanij Udyog
Kanij
Partner
DEPONENT



VERIFICATION:

Verified at New Delhi on this 4 day of July, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Abhishek
I identify the deponent who has signed in my presence

Maa Santoshi Khanij Udyog
[Signature]
DEPONENT
Partner

FILED BY:

Abhishek
ABHISHEK TRIPATHI

(Advocate For Answering Respondent No. 5: Project Proponent: M/s. Maa Santoshi Khanij Udyog)

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The Seal of Oath Commissioner
S.L. No. 50/2023
HEMANT KR. PANTH
App. By Delhi High Court
Period-15/07/2023
to 14/07/2025
Tis Hazari Court, Delhi-110054

CERTIFIED THAT THE DEPONENT
Shri Raman Sakhel Age -
40
Shri Vinod Sakhel
Shri Seta Singh, Ramesh Singh
identified as *Shri/Smt. Abhishek Tripathi Adv*
and solemnly affirmed before me at Delhi
on 4 JUL 2025 that the contents of the
affidavit which have been read & explained
to him/her are true & correct to his/her
best knowledge

4 JUL 2025

Annexure R-1

Form – O
Model form for transfer of mining lease

(See rule 37 A)

The indenture made this ^{3rd} day of ^{Feb.} 20⁰⁹ between Shri Ashok Kumar Gupta S/o Sh. Om Prakash Gupta, Resident of Jalberia Niwas, Rewari Road, Narnaul, Distt. Mahendragarh. (hereinafter referred to as the "transferor" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns) of the first part.

And

Maa Santoshi Khanij Udyog, Behind Old PNB Building, Qutubpur, Rewari through its Partners namely 1. M/s Mewat Grit Udyog through Sh. N.K.Gupta (Partner), 2. Sh. Ashok Somani S/o Late Sh. R.D.Somani, 3. Sh. Rajesh Kumar S/o Sh. Prem Nath and 4. Sh. Amit Kumar S/o Sh. Inderjeet (No. 3 & 4 through their attorney in favour of Sh. Ashok Somani). (hereinafter referred to as the "transferor" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and permitted assigns) of the second part.

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And

The Governor of Haryana through Sh. Arun Kumar, IAS, Director, Mines and Geology, Haryana (hereinafter referred to as the "State Government" which expression shall where the context so admits be deemed to include the successors and assigns) of the third part.

Whereas by virtue of an indenture of lease dated the 16.11.1994 (hereinafter referred to as lease) the original whereof is attached hereto and market 'A' entered into between the State Government (therein called the lessor) and the transferor (therein called the lessee), the transferor is entitled to search for, win and work mines and minerals in respect of Calcite in the lands described in Schedule thereto and also in Schedule annexed hereto for the term and subject to the payment of the rents and royalties and observance and performance of the lessee's covenant and conditions in the said deed of lease reserved and contained including a covenant not to assign the lease or any interest there under without the previous sanction of the State Government.

And whereas the transferor is now desirous of transferring and assigning the lease to the transferee and the State Government has, at the request of the transferor, granted (with the prior approval of the Central Government) permission to the transferor vide order conveyed through the Director Mines and Geology Haryana vide Memo. No. G/G/100/E-678/264 dated 13.1.2007 to such a transfer and assignment of the lease upon the condition of the transferees entering into an agreement is and containing the terms and conditions hereinafter set forth.

Now this Deed Witnesseth as follows;

(1.- Omitted)

2. The transferee hereby covenants with the State Government that from and after the transfer and assignment of the lease the transferee shall be bound by, and be liable to perform, observe and conform and be subject to all the provisions of all the covenants, stipulation and conditions contained in said hereinbefore recited lease in the same manner in all respects as if the lease had been granted to the transferee as the lessee there under and he had originally it as such.

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3. It is further hereby agreed and declared by the transferor of the one part and the transferee of the other part that

(i) The transferor and the transferee declare that they have ensured that the mineral rights over the area for which the mining lease is being transferred vest in the State Government.

(ii) The Transferor hereby declares that he has not assigned subject, mortgaged or in any other manner transferred the mining lease now being transferred and that no other persons has any right, title or interest where under in the present mining lease being transferred.

(iii) The transferor further declares that he has not entered into or made any agreements contract or understanding where by he had been or is being directly or indirectly financed to a substantial extent by or under which the transferor's operation or understanding were or are being substantially controlled by any person or body of persons other than the transferor.

(iv) The transferee hereby declares that he/she has accepted all the conditions and liabilities which the transferors was having in respect of such mining lease.

(v) The transferee further declares that he is financially capable of and will directly undertake mining operations.

(vi) The transferee further declares that he has filed an affidavit stating that he has filed up-to-date income tax returns, paid the income tax assessed on him and paid the income tax on the basis of self-assessment as provided in the Income Tax Act, 1961, (43 of 1961).

(vii) The transferor has supplied to the transferee the original or certified copies of all plans of abandoned workings in the area and in a belt 65 metres wide surrounding it.

(viii) the transferee hereby further declares that as a consequence of this transfer, the total area while held by him under mineral concessions are not in contravention of Section 6 of the Mines and Minerals (Regulation and Development) Act, 1957 or rule 35 of the Mineral Concession Rules, 1960.

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(ix) The transferor has paid all the rent, royalties, and other dues towards Government till the date, in respect of this lease.

In witness whereof the parties hereto have signed on the , date and year first above written.

SCHEDULE

Location and area of the lease

All that tract of lands situated at village Musnota district Mohindergerh bearing khasra nos. 427, 428, 429, 430, 433, 484, 485, 486, 487, 488, 550, 551 containing an area of 40.56 hectare or thereabout delineated on the plan hereto annexed.

Signed by


Director
Mines & Geology, Haryana

For and on behalf of the State Govt. in the presence of

1. Shanku Jodhi o/o D M G Haryana
2. Shivbel Singh o/o D M G Haryana

ASHOK GUPTA

Signature of Transferor in the presence of witnesses

1. शक्ति

2. Rajesh Kumar

For Mewat Griid Udyog

Signature of transferee in the presence of

on behalf of Partner 3 + 4

1. शक्ति village Chilawali Nuh Mewat

2. Rajesh Kumar S/o Balkrishan Saini
Other Puch II # 1170
Baltara

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From

The Director,
Mines and Geology, Haryana.

Annexure R-2

To

M/s Maa Santoshi Khanij Udyog
Old PNB building, Kutabpur
Rewari 123401

Memo No. Glg/HY/E-678/ 6008
Dated Chandigarh, the 6-9-13

Subject: Surrender of lease area of calcite mine in village Musnota district Mohindergarh held by M/s Maa Santoshi Khanij Udyog,-regarding

Kindly refer to your application dated 17.06.2013 on the subject cited above.

1. Vide above said representation/application you had requested to surrender a part area of 32.45 hectares of lease area out of total area of 40.56 hectares granted on lease in village Musnota village Mohindergarh for extraction of Calcite, a major mineral. Your application indicated that you intent to retain a part area of 8.107 hectares of Khasra No. 550 and surrender the remaining part of lease area which is either reported under Aravalli Project Plantation or is not forming contiguous part with the area proposed to be retained.

2. The state government, acceding to your request, has accorded sanction for surrender of part lease area of 32.45 hectares falling in the Khasra Nos. 427,428,429,430/1, 433,484,485, 486,487,488 & 551 and to retain only an area of 8.107 hectares in Khasra No. 550 in respect of the calcite mining lease granted in your favor in village Musnota for the remaining period of lease **subject to the conditions, that you will not be entitled to claim any right over the surrendered area, in case after fresh ground truthing exercise qua Aravalli Plantation, any area is found free for mining.**

4. Further you are advised that:

- i) The lease hold area surrendered and to be retained by you shall be properly surveyed/demarcated on ground;
- ii) The boundary pillars at requisite distance over the area of mining lease to be retained shall be got erected and the GPS readings of each of the pillar shall also be recorded and intimated to the department;
- ii) The Final Mine Closure Plan for the area surrendered i.e. 32.45 hectares shall be got prepared through RQP and got approved from the competent

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authority and implemented. The certificate as required under rule 29 A of MCR 1960 is obtained;

- iii) The Scheme of Mining for the area of 8.107 hectares retained shall be got prepared and got approved
- iv) On approval of the revised mining plan/scheme of mining for the area of 8.107 hectares to be retained, you may submit requisite papers for execution/modification of the lease deed.

5. You are, therefore, advised to take further necessary action in order to fulfill the aforesaid conditions as stated above so that further necessary action could be taken in this behalf.

P. W. G.

State Mining Engineer,
for Director Mines Geology, Haryana.

Endst. No. Glg/HY/E-678/

Dated

A copy is forwarded to Assistant Geologist, Narnaul along with a copy of representation dated 17.06.2013 and map submitted by the mine lease holder for surrender of the part area of 32.45 hectares for information and necessary action. He is advised to get the area surveyed and demarcated i.e the area surrendered and the area retained by the lease holder M/S Maa Santoshi Khanij Udyog.

-sd/-

Encls:As above.

State Mining Engineer,
for Director Mines Geology, Haryana.

Endst. No. Glg/HY/E-678/

Dated

A copy is forwarded to Deputy Commissioner, Narnaul for information and necessary action and request to direct the concerned Revenue Officials for making arrangements for survey/demarcation of the lease area.

-sd/-

State Mining Engineer,
for Director Mines Geology, Haryana.

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From

The Director,
Mines and Geology Department, Haryana,
30-Bays Building, Sector-17, Chandigarh.

Annexure R-3

To

M/s Maa Santoshi Khanij Udhyog,
Behind Old PNB Building,
Quatabgarh, Rewari.

Memo No. Glg/Ily/E-678/3952
Dated Chandigarh, the 6/8/2018

Subject: Addition of Associated Minor Mineral (Stone) in the mining lease granted for mining of Calcite over an area 8.107 hectares in village Musnota, District Mahendergarh.

Reference your letter dated 04.07.2018 on the above noted subject.

2. You are aware that initially the mining lease was granted in favour of Shri Ashok Kumar over an area of 40.56 hectares for mining of Calcite as a major mineral on 16.11.1994 as per provisions of prevailing Mines and Mineral (Development & Regulation) Act 1957 and rules framed thereunder namely Mineral Concession Rules, 1960 for a period of 20 years in village Musnota, district Mahendergarh. Subsequently the lease was allowed to be transferred in your favour (M/s Maa Santoshi Khanij Udhyog) and in this behalf, a Transfer Lease Deed was also executed on 03.02.2008.
3. You surrendered a part area of 32.45 hectares of the lease not available for mining as the said part was covered under restrictions and retained an area of 8.107 hectares in village Musnota, district Mahendergarh for mining of Calcite mineral.
4. Subsequently, you submitted application for renewal of lease over an area of 8.107 hectares on 27.06.2013. The State Government allowed the same and this office on 12.08.2014 communicated the renewal to you for a period of 10 years w.e.f. 16.11.2014. Accordingly, renewal deed was also executed on 24.02.2015.
5. It would be relevant to state here that the Central Government vide amendment ordinance dated 12.01.2015 (which also became Act on 27.03.2015) amended the related provisions and provided that all leases granted prior to

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12.01.2015 shall be deemed to have been for 50 years from the date of grant. In view of the same, the period of your lease under question otherwise became for the period upto 15.11.2044.

6. Subsequently, the Central Government vide notification dated 10.02.2015 notified about 31 minerals (including Calcite) as minor minerals. Hence, the mining lease held by you being for minor mineral thereafter, is being regulated as minor mineral lease under the provisions of the Haryana Minor Mineral Concession, Stocking, Transportation of Mineral and Prevention of Illegal Mining Rule, 2012 (the state rules, 2012). Accordingly, the rate of dead rent from 10.02.2015 onward is being paid/recovered as per provisions of the State Rules, 2012 @ Rs. 1.00 Lakh per hectare per annum.

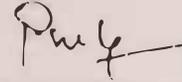
7. You in your application under reference has referred to Rule 10 of the State Rules, 2012 as per which the major mineral lease holders are/ were entitled for the grant of mining lease of associated minor mineral found in the lease hold area on the principle of "one area one lessee". You also referred to the provisions of Rule 56(17) of the State Rules, 2012 as per which any minor mineral not specified in the lease/ concession, the lessee shall obtain a separate lease from the Director, Mines and Geology, Haryana before disposal of such mineral. You have informed that Stone, a minor mineral is to be extracted being inextricable mixed. The same has been sought to be added in the lease deed already executed with the Government.

8. Your above referred application has been considered by the authority and keeping in view that presently your lease is being regulated as minor mineral lease, your case is covered by Rule 56(17) read with clause 8 Part-III of the lease deed dated 24.02.2015, therefore, it has been decided to grant you permission to add newly discovered mineral namely Stone in the mining lease held by you over an area of 8.107 hectares in village Musnota, district Mahendergarh. It is clarified here that you would be liable to deposit royalty for the said newly added minor mineral (Stone) at the rate of 25% over and above the rates prescribed under the State Rules, 2012 as amended from time to time.

9. In the light of above, you are hereby directed to execute a Supplementary Lease Deed with regard to addition of newly discovered minor mineral namely stone in the lease already granted in your favour. You shall also required to deposit security amounting to Rs. 50.00 Lakh as per requirement of Rule 11 of the State

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Rules, 2012 and also to furnish solvent surety amounting to Rs. 8,10,700/- i.e. equal to annual dead rent @ Rs. 1.00 Lakh per hectare per annum as per provisions of Rule 21(3) of the State Rules, 2012. You are reminded that you should also get the modified Mining Plan prepared for additional minor mineral (stone) and get the same approved from the competent authority and also obtain required approval as may be applicable for mining of the same.



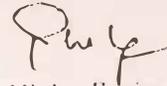
State Mining Engineer
For Director, Mines and Geology,
Haryana

Endst. No. Glg/Hy/E-678/3951-52

Dated: 08/2018

A copy is forwarded to the following for information and necessary action:-

1. The Deputy Commissioner, Mahendergarh at Narnaul.
2. The Mining Officer, Mines and Geology Department, Narnaul.



State Mining Engineer
For Director, Mines and Geology,
Haryana

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Annexure R-3

From

The Director,
Mines and Geology Department, Haryana,
30-Bays Building, Sector-17, Chandigarh.

To,

M/s Maa Santoshi Khanij Udhyog,
Behind Old PNB Building,
Quatabgarh, Rewari.

Memo No. Glg/Hy/E-678/3952

Dated Chandigarh, the 6/8/2018

Subject: Addition of Associated Minor Mineral (Stone) in the mining lease granted for mining of Calcite over an area 8.107 hectares in village Musnota, District Mahendergarh.

Reference your letter dated 04.07.2018 on the above noted subject.

2. You are aware that initially the mining lease was granted in favour of Shri Ashok Kumar over an area of 40.56 hectares for mining of Calcite as a major mineral on 16.11.1994 as per provisions of prevailing Mines and Mineral (Development & Regulation) Act 1957 and rules framed thereunder namely Mineral Concession Rules, 1960 for a period of 20 years in village Musnota, district Mahendergarh. Subsequently the lease was allowed to be transferred in your favour (M/s Maa Santoshi Khanij Udhyog) and in this behalf, a Transfer Lease Deed was also executed on 03.02.2008.


T. T. C

3. You surrendered a part area of 32.45 hectares of the lease not available for mining as the said part was covered under restrictions and retained an area of 8.107 hectares in village Musnota, district Mahendergarh for mining of Calcite mineral.

4. Subsequently, you submitted application for renewal of lease over an area of 8.107 hectares on 27.06.2013. The State Government allowed the same and this office on 12.08.2014 communicated the renewal to you for a period of 10 years w.e.f. 16.11.2014. Accordingly, renewal deed was also executed on 24.02.2015.

5. It would be relevant to state here that the Central Government vide amendment ordinance dated 12.01.2015 (which also became Act on 27.03.2015) amended the related provisions and provided that all leases granted prior to 12.01.2015 shall be deemed to have been for 50 years from the date of grant. In view of the same, the period of your lease under question otherwise became for the period upto 15.11.2044.

6. Subsequently, the Central Government vide notification dated 10.02.2015 notified about 31 minerals (including Calcite) as minor minerals. Hence, the mining lease held by you being for minor mineral thereafter, is being regulated as minor mineral lease under the provisions of the Haryana Minor Mineral Concession, Stocking, Transportation of Mineral and Prevention of Illegal Mining Rule, 2012 (the state rules, 2012). Accordingly, the rate of dead rent from 10.02.2015 onward is being paid/recovered as per provisions of the State Rules, 2012 @ Rs. 1.00 Lakh per hectare per annum.

7. You in your application under reference has referred to Rule 10 of the State Rules, 2012 as per which the major mineral lease holders are/ were entitled for the grant of mining lease of associated minor mineral found in the


T.T.C

lease hold area on the principle of "one area one lessee". You also referred to the provisions of Rule 56(17) of the State Rules, 2012 as per which any minor mineral not specified in the lease/concession, the lessee shall obtain a separate lease from the Director, Mines and Geology, Haryana before disposal of such mineral. You have informed that Stone, a minor mineral is to be extracted being inextricable mixed. The same has been sought to be added in the lease deed already executed with the Government.

8. Your above referred application has been considered by the authority and keeping in view that presently your lease is being regulated as minor mineral lease, your case is covered by Rule 56(17) read with clause 8 Part-III of the lease deed dated 24.02.2015, therefore, it has been decided to grant you permission to add newly discovered mineral namely Stone in the mining lease held by you over an area of 8.107 hectares in village Musnota, district Mahendergarh. It is clarified here that you would be liable to deposit royalty for the said newly added minor mineral (Stone) at the rate of 25% over and above the rates prescribed under the State Rules, 2012 as amended from time to time.

9. In the light of above, you are hereby directed to execute a Supplementary Lease Deed with regard to addition of newly discovered minor mineral namely stone in the lease already granted in your favour. You shall also required to deposit security amounting to Rs. 50.00 Lakh as per requirement of Rule 11 of the State Rules, 2012 and also to furnish solvent surety amounting to Rs.8,10,700/- i.e. equal to annual dead rent @ Rs. 1.00 Lakh per hectare per annum as per provisions of Rule 21(3) of the State Rules, 2012. You are reminded that you should also get the modified Mining Plan prepared for additional minor mineral (stone) and get the same approved from the competent authority and also obtain required approval as may be applicable for mining of the same.


T. T. C

Sd/-
State Mining Engineer
For Director, Mines and Geology.
Haryana

Endst. No. Glg/Hy/E-678/3951-52

Dated: 9/8/2018

A copy is forwarded to the following for information and necessary action:-

1. The Deputy Commissioner, Mahendergarh at Narnaul.
2. The Mining Officer, Mines and Geology Department, Narnaul.

Sd/-
State Mining Engineer
For Director, Mines and Geology,
Haryana.


T.T.C

IN THE COURT OF SH. ANIL KUMAR, HCS, CIVIL JUDGE
(JUNIOR DIVISION) Narnaul, HARYANA

CS-1031-2018

CNR No.HRNR02001671-2018

Date of order: 02.01.2019

M/S Maa Santoshi Vs. Haryana State

*Application under Order 39 Rule 1 and 2 read with Section 151 CPC
1908 praying for temporary injunction.*

Present : Sh. Rakesh Mehta, Advocate for plaintiff.

Kumar for
& Mines and
defendants no. 1, 3, 4

Sh. Vivek Kumar, GP assisted by Sh. Surender
defendant no. 6 and Divisional Forest Officer
Geology Department on behalf of

O R D E R

This order of mine shall dispose of the application filed by the applicant under Order 39 Rule 1 and 2 read with Section 151 CPC 1908 praying for ad-interim injunction restraining the defendant, his agents, employees, servants from causing any obstruction over the Rasta in question (a strip of land approximately less than two hundred feet in length in southern -western part of Khasra no. 487 in revenue estate of village Musnota Tehsil Nangal Chaudhary District Mahendergarh) as shown in red colour in site plan so as to allow the plaintiff to have access from its lease hold property of Khasra no.550 (area 8.107 hectare) situated in village Musnota on western side of Narnaul Bayal Road after crossing another privately owned but leased hold property of plaintiff firm which is situated in revenue estate of village Pachnota Tehsil Nangal Chaudhary Distrcit Mahendergarh in any manner and also be restrained from creating any kind of obstruction therein.

2. To decide this application Court has to consider the three facts i.e. prima-facie case, balance of convenience and irreparable injury, which are necessary to take into account while deciding application for temporary injunction. After having heard the arguments, this court is of the view that factor of prima facie case goes in favour of plaintiff because initially Sh. Ashok Kumar Gupta was allotted mining lease rights for mining of Calcite mineral over an area of 40.56 hectares in Khasra no. 427, 428, 429, 430/1, 433, 484 to 488, 550 and 551 situated in revenue estate of village Musnota Distrcit Mahendergarh for a period of 20 years w.e.f. 26.11.1994 to 16.11.2014. On the request of above said allottee, the aforesaid mining lease was allowed to be transfered in favour of plaintiff firm and the transferred deed was accordingly executed on 03.02.2009 with the State Government for the remaining period of lease upto 15.11.2014. However, the lease was renewed in favour of the plaintiff firm for a period of 10 years w.e.f. 16.11.2014 and Mining Department of Haryana had delivered the actual physical possession to the lessee on 24.12.1994 by way of letter no. 1867 dated 16.12.1994 issued by District Mining Officer Narnaul. Under the policy of State Government of Haryana the plaintiff firm surrendered the area of 32.543 hectare land and retained 8.107 hectare area of Khasra no. 550 situated in village Musnota and another mining lease was executed and registered on 24.02.2015 and 21.5.2015 respectively. The State Government of Haryana is charging Rs. 12,00,000/- per annum as lease money from plaintiff firm. Plaintiff firm has no other alternative path to reach in Khasra no. 550 except through the strip of land (approximately 200 feet) in Khasra no. 487 of village Musnota.

Balance of convenience also lies in favour of plaintiff because plaintiff firm has also got the lease of private land of land owners of village Pachnota existing in between Khasra no. 487 and Narnaul Bayal Road. Vide a file no. 9-HRB109/2017-CHA dated 31.8.2018, it was mentioned that Khasra no. 550 is not covered under Aravali Plantation nor it is under Section 4 and 5 PLPA, 1900 category/IA 1927. The report of DFO Mahendergarh and Nodal Officer Haryana are not complimentary to each other. The proceedings of public hearing conducted on 09.1.2013 at 11:00 am regarding application of plaintiff firm for obtaining environmental clearance under EIA notification dated 14.09.2006 for the calcite mining at village Musnota Tehsil Nangal Chaudhary, District Mahendergarh Haryana, the objections raised by DFO Mahendergarh were declared as unnecessary, absurd, irrelevant and not based on record because mining officer Narnaul clarified vide a letter dated 21.01.2014 that Khasra no. 550 is free from Araveli Plantation as per Ground Truthing exercise report 2007 signed by DFO Mahendergarh. Sh. Dinesh Kumar, Regional Officer HSPCB, Dharuhera region as asked specially "what will be the way of transporting material" and in reply the project proponent with its consultant replied that "the road will be completed which is given in revenue record." This report signed by DC Mahendergarh at Narnaul, EDC Mahendergarh at Narnaul and Regional Officer Dharuhera region. Defendant no. 6, failed to submit that the alleged path has any plantation at present. Defendant also failed to submit that they have raised any plant with the help of foreign funds as per Aravali Plantation Scheme in Khasra no. 487.

The factor of irreparable loss also goes in favour of plaintiff because plaintiff firm has already submitted and deposited Rs. 12,00,000/- as lease money with Government of Haryana and possession of Khasra no. 550 has been obtained by plaintiff firm from the Mining Department of Haryana. The plaintiff has made investments by obtaining the lease of land adjacent to Khasra no. 487 & upto Narnaul Bayal Road along with huge investment in Khasra no. 550 for the mining work but at present he is unable to earn nothing. In the light of above, this Court is of considered opinion that all three factors goes in favour of plaintiff and hence the present injunction application is **allowed**. In this order nothing shall be construed as decided in the merits of present case.

Let notice to defendants no. 2 & 5 be issued for 06.02.2019.

Date of Order: 02.01.2019

(Pooja SG-III)

Next date: 06.02.2019

Purpose:

(Anil Kumar)
CJ(JD), Narnaul
UID No. HR-0524

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M/s Maa Santoshi Khanij Udyog

ADD. KHASRA No. 550, VILL. MUSNOTA
TEH. NANGAL CHOUDHARY, DISTT. MOHINDERARH (HARYANA)

Ref. No.....

Dated. 26/05/2023.....

To

The Mining officer

Narnaul, Haryana

sub: Starting of mining operation loading & Transportation.
Sir

I here by inform you that M/s Maa Santoshi
Khanij Udyog khasra No. 550. we are going
to start mining operation loading & transporting
from cdate 26/05/2023. (w.e.f. 26/05/2023)

Kindly be informed. Thanks

Sincerely yours

[Signature]

26/05/23

S.P. Choudhary
(Manager Mines)



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Shree Ganeshai Namah
M/s Maa Santoshi Khanij Udyog
ADD. KHASRA No. 550, VILL. MUSNOTA
TEH. NANGAL CHOUDHARY, DISTT. MOHINDERARH (HARYANA)

Ref. No.....

Dated 26/05/2023

To
The Mining officer
Naraula, Haryana

Sub: Starting of mining operation loading & Transportation

Sir

I here by inform you that M/S Maa Santoshi Khanij Udyog Khasra No.550. we are Going to start mining operation loading & Transporting from date 26/05/2013. (w.e. f. 26/05/2025)

Kindly be informed.

Thanks.

Stamp
Department of Geology & Mine Distt.
Naraula

Sincerely yours,
s/d
26.05.2023
S.P. Chaudhary
(Mining Manager)

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ANNEXURE R-6

Chart

Closure	Reason for Closure	Re-opening	Reason for Re-opening
2009	Seeking statutory clearances and after 2016 because of huge overburden	13 th June, 2018	Steps taken to address the issue of huge overburden
31 st October, 2019	Statutory clearance sought afresh due to addition of associated mineral 'stone'	2 nd February, 2021	Statutory clearances granted
9 th February, 2021	Covid-19 Restrictions/Lockdown	26 th May, 2023	Post pandemic
20 th November, 2023	GRAP	28 th November, 2023	GRAP Lifted
25 th December, 2023	GRAP	31 st December, 2023	GRAP Lifted
16 th January, 2024	GRAP	17 th January, 2024	GRAP Lifted

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Item No. 03

Court No. 1

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

Original Application No. 514/2023

Shishram

Applicant

Versus

Vinod Kuasal

Respondent

Date of hearing: 23.08.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This Original Application has been registered on the basis of the letters dated 15.07.2023 sent to the Tribunal by Shishram and others, who are stated to be the residents of Village Mosnota, Tehsil Nangal Chaudhary, District Mahendragarh, Haryana. The allegation in the letter is that illegal mining is being done in Maa Santoshi Khanij Udyog Lease by cutting the trees and causing environmental hazard. It is also alleged that due to heavy blasting, residential houses are damaged and the agricultural fields are effected. Further allegation is that about 200-250 mtrs. away from the mining area, there is a primary school and the education of the children is affected.

2. At the first instance, to ascertain the correctness of the allegation, we direct District Magistrate, Mahendragarh, Haryana and the Haryana State Pollution Control Board (HSPCB) to submit the joint report. DM, Mahendragarh will act as nodal officer to file the report. Let the report be submitted within four weeks 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.

3. List the matter on 01.11.2023.

Prakash Shrivastava, CP

Sheo Kumar Singh, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 23, 2023
Original Application No. 514/2023
SN

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Item No. 04

Court No. 1

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

Puran Singh Original Application No. 546/2023 Applicant

Versus

Vinod Kaushal Respondent(s)

Date of hearing: 12.09.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This Original Application has been registered on the basis of the letter dated 26.08.2023 sent by one Puran Singh resident of Village Musnota Dhandi Jokhla Wali, Tehsil Nangal Chaudhary, District Mahendragarh, Haryana stating that earlier he had made a complaint against Maa Santoshi Khanij Udyog and when action was started, the owner of said unit had closed the business, therefore, the case was closed. He has further alleged that in June 2023 the earlier owner has sold the mines to another person and the said person has again started mining work. The grievance of the applicant is that on account of heavy blasting there are cracks coming in the houses of nearby villagers and there is a threat to life of person and cattle. It is also alleged that the mine is situated only 200-300 meters away from the residential houses and that illegal felling of trees has been done resulting into damage to the environment.

2. Having regard to the allegations made in the application, we deem it proper to constitute a Committee comprising of the Director deputed by Member Secretary, Central Pollution Control Board (CPCB), Member

Secretary, Haryana State Pollution Control Board (HSPCB), Director, Mining, State of Haryana and the concerned Divisional Forest Officer (DFO) as also the District Magistrate, Mahendragah District. The DFO will act as a coordinating agency between the members of the Committee. The Committee will carry out spot inspection and ascertain nature of activities being carried out and its impact on environment, life and property of nearby residence as also examine the allegation of illegal felling of trees and formulating environmental restoration. Let the report be submitted by the Committee within 8 weeks 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.

3. List on 05.12.2023.

4. A copy of this order be forwarded to Member Secretary, CPCB, Member Secretary, HSPCB, concerned DFO and the District Magistrate, Mahendragah by e-mail for compliance.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

September 12, 2023
Original Application No. 546/2023
DV

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Haryana State Pollution Control Board
Regional Office, Mahendragarh at SCO-D6 & D-7,
Suncity Commercial Complex, Sector-6, A-Block Rewari
Tele: 01274-241241, E-Mail: hspcbromq@gmail.com



No. HSPCB/MG/2023/ 1755

Dated 21/11/2023

Show Cause Notice

To

M/s Maa Santoshi Khanij Udyog
Vill-Musnota, Nangal Chaudhary Distt-Mohindergarh

Sub.- Show Cause Notice for Closure under section 33 A, for violation of section 25/26 of Water (Prevention and Control of Pollution) Act, 1974, 31 A, for violation of section 21/22 of Air (Prevention and Control of Pollution) Act, 1981, imposition of environmental penalty as per the amendments in the Jan Vishwas Act, 2023 and imposition of Environmental Compensation as per HSPCB Policy on Imposition of Environment Compensation.

Ref:- Hon'ble NGT order dated 23.08.2023 in Original Application No. 514/2023 titled as Shishram Versus Vinod Kuasal & order dated 12.09.2023 in Original Application No. 546/2023 titled as Puran Singh Versus Vinod Kuasal.

Whereas, your unit is engaged in mining activity and having valid CTO upto 30.09.2025.

Whereas in compliance of Hon'ble NGT order dated 12.09.2023 in the Original Application No. 546/2023 titled as Puran Singh Versus Vinod Kuasal and order dated 23.08.2023 in Original Application No. 514/2023 titled as Shishram Versus Vinod Kuasal in Hon'ble National Green Tribunal, Principal Bench, New Delhi and in compliance of direction issued by CAQM, New Delhi under stage III of GRAP has been visited by the concerned field officer on dated 20.11.2023 and during inspection your unit was found non operational however following deficiencies/violation has observed against the conditions of CTE/CTO/ Environmental clearance issued:-

- 1) Not constructed the pucca link road connected to main road.
- 2) Not provided mixed cannon water sprinkler for dust suppression.
- 3) Not submitted copy of permission regarding withdrawal of ground water from CGWA / HWRA
- 4) Not submitted compliance w.r.t. control of mining activity within 500 meter radius of the mine and also to prove no intention to expend the mining activity stated/approved area.
- 5) Not provided sprinklers to curb fugitive emission by using treated water and also not provided a permanent water sprinkling arrangement on main haulage road.
- 6) Not submitted six monthly compliance reports of conditions of EC.
- 7) Not developed green belt and plantation as per approved Mining plan as per conditions of Environment Clearance.
- 8) Not obtained permission for change of ownership of Mining Project from the Board and also a violation of EC conditions that if any change in ownership or mining lease is transferred then mining operation shall be carried out after transfer of EC as per EIA notification dated 2006.
- 9) The smog guns/dust suppression system of sufficient capacity not installed.

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- 10) Not develop and implement rainwater harvesting measures on long term basis to augment ground water resources in the area.
- 11) No piezo meter installed as per Condition of EC.
- 12) Not installed a minimum of 03 Nos. online ambient air quality monitoring station as per the conditions of EC.

Whereas, you are liable to pay environmental compensation as per direction/policy of the board issued vide office order no. 2343-2350 dated 22.12.2021 as assessed by this office as per methodology defined therein.

Therefore, you are hereby directed to show cause & explain within 15 days as to why closure action may not be taken against your unit u/s 33-A Water (Prevention and Control of Pollution) Act, 1974, under section 31-A of Air (Prevention and Control of Pollution) Act, 1981, and prosecution action under section 43/44 of Water (Prevention and Control of Pollution) Act, 1974 & under section 37/38 of Air (Prevention and Control of Pollution) Act, 1981 and imposition of environmental penalty as per the amendments in the Jan Vishwas Act, 2023 and imposition of Environmental Compensation as per HSPCB Policy on Imposition of Environment Compensation.

In case you fail to reply/comply with the deficiencies mentioned above within above mentioned stipulated period, it will be presumed that you have nothing to say in this regard and accept the status as mentioned above, which will warrant closure action against your unit under relevant Acts/ Rules besides environment compensation, initiation of legal action under the relevant Acts/Rules without giving any further notice.

Explanations: For the avoidance of doubts, it is hereby declared that the power to issue directions under above said sections of Water Act (33-A)/ Air Act (31-A) 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

Endst. No. HSPCB/MG/2023/ 1756


Regional Officer
Mahendergarh Region
Dated 21/11/2023

A copy of the above is forwarded to the Chairman, HSPCB, Panchkula for information please.


Regional Officer
Mahendergarh Region

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GSTIN : 06ABEFM1365M1Z3

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!! Shri Ganesha Namah !!

Mob. 9416602895

M/S MAA SANTOSHI KHANIJ UDYOG



Khanna No. 550, Vill. Mahendergarh, Teh. Mahendergarh, Dist. Mahendergarh, Haryana

023

Annexure R-10

Ref.No.

SP 1100340119 <110034>

GSTN No: 07AAAGH0073HZZ

ED 515446455 IN

Counter No:1, OP-Code:OP

To: HARYANA STATE POLLUT.

REWARI, PIN:123401

From: MAA SANTOSHI KHANIJ UDYOG, MAHENDERGARH, HARYANA

Wt: 450 grams, .06/12/2023 .11:10

Amt: 59.00

.DST @% 4.5 .UTGST @%: 4.50



Date.....

To

Dated- 04.12.2023

The Regional Officer, HSPCB

Mahendergarh office at Rewari

Subject:- Reply to Show Cause Notice dated 21.11.2023 bearing No. HSPCB/MG/2023/1755.

Dear Sir,

At the very outset we wish to bring to your notice that the visit of the mine was conducted when the mine was not in operation due to GRAP III orders in place in NCR region and further the said visit was surprise visit which curtailed us of the opportunity to explain the issues raised by you in your notice dated 21.11.2023.

The notice dated 21.11.2023 alleges that it has been passed pursuant to the orders dated 23.08.2023 in OA No. 514 of 2023 and order dated 12.09.2023 in OA No. 546 of 2023 both passed by the Hon'ble National Green Tribunal (NGT). In this regard it is important to bring to your notice the following important fact:-

- Persuant to the orders available the Hon'ble NGT has directed us to be made a party and file a response before the next date of the hearing i.e. 16.01.2024 in 514/2023
- In the OA No. 546 of 2023 matter is next listed on 05.12.2023. Further the project proponent is not a party to the said proceedings till date.

Be that as it may, we feel that by the way of this reply we would be able to satisfy your queries and concerns below are the reply to the points raised by your notice is as follows para wise:-

- Pucca link road not constructed- Since we have been operating the lease we have made road several time which can be viewed from the level of elevation of our main haulage road in comparison to adjoining fields, as heavy vehicles ply on the road from main link road till our mines so it is maintained regularly but due heavy load, weathering, water spraying it tend to get potholed on certain patches due to these circumstances we try our level best to make the road as pucca as possible. So the road is in compliance of the parameters
- With this regard we possess and have installed sprinkling system on our main haulage road but as mentioned our mines were non operative manner during your visit and we

Sent by SPEED Post
NSP on 05/12/2023
011
5/12/2023

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have faced several thefts of parts , machinery equipment so once GRAP III orders were implemented we uninstalled the haulage road sprinkling system and kept in safe possession , (Photos attached – Annexure-1) Additionally we are in possession of a water tanker of 7000 ltrs capacity which is tractor propelled and used for water Spraying on the road where dumpers ply. During working hours the tanker makes at least sufficient trips to spray water on the haul load to keep Road Completely wet/moist so that no Dust is raised into the atmosphere. Concluding this we have sufficient arrangement to suppress dust as per in compliance of the norms .

3. We are not withdrawing any ground water our mining operations are at a very small scale so the overall requirement of water resource is also less we normally require water for sprinkling and general use , Since we have been operating mines we have not been into any extraction of ground water as we arrange water for sprinkling and drinking purposes , we are not indulged in any sort of ground water extraction , further to this we accquired permission from PHE department in 2018 (Letter Attached – Annexure 2) for the fulfillment of requirement of water needs for sprinkling purpose. So there is no non-compliance of the terms and condition
4. No mining activity is being carried out within 500 m radius of mines boundary. Mining is done in the lease hold area only. As per provisions of the Mines Act 1952 our mining is so limited as to prevent fly rock and ground vibration not to go beyond 300m, 500 m is too far. Even as a mitigative measure we got a scientific study carried out by mining professor of Jodhpur Technical university (A Govt Accredited University – Annexure -3) to suggest us the efficiency blast hole designs. Further we have no intentions to expand the mining work other than in approved area as the matter of fact we have still not explored our own approved mining area .
5. Our mine is a very small mine of only 8.107 Hac so there is not much of fugitive emissions, as explained in detail in reply 3 we have very much arranged sufficient measure to used treated water for the sprinkling purpose which is sufficient to suppress fugitive emissions/dust on the haul roads In addition to this we emphasize allowance of those dumpers in our mining operations which have valid PUC certificate (few are attached as annexure 4) . So in compliance of the norms
6. As narrated earlier our mining operations have been on halt from a long period i.e. from 2019 to may 2023 still honouring the conditions laid on us as per EC we have been regular in submitting our six monthly compliance reports online (Acknowledgement of same are attached as annexure 5) , and will continue submitting the same .So in compliance of the norms
7. For development of green belt 7.5m wide in and around the mine, land has been provided for and left un-mined. In the recent past we had planted around 700 no. of saplings near the mine boundary (Photos of same is attached as annexure 6) but these were destroyed and uprooted by the neighboring Villagers and live stock who also as

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mischevious destroyed / damaged the boundary pillars built after demarcation. Still we have been complying with the EMP and EC conditions. So in compliance of norms.

8. There has been no change in the ownership of the mines neither the mines have been transferred , its just few partners have retired and one of the new partner of same family has joined concluding to change in constitution of the firm only the business has been under same name and nature i.e. M/s Maa Santoshi Khanij Udyog with partners of the firm liable to all the terms and conitions of the EC and mining plan and other statutory complainces till and from the date of change in constitution. The necessary intimation after due process followed with state government mines and geology department has been made to the SIEAA. So in compliance of norms.
9. As replied earlier in para 3 and 5 we have been individually dealing all the aspects that tend to generate dust/smog in mining industry i.e. drilling , blasting , loading , transportation by the way of installed water sprinkling provisons on drilling machines , permanent sprinkling of water on haul roads by sprinkling system , by sprinkling through tractors installed sprinklers etc. so in totality the smog / dust suppression is been taken care of . It can also be taken into consideration that the day your good self visited the mines the mining operations were non operative position leading to total no show of our setup . So in compliance of norms.
10. Our mining operations have not matured to such level in which we have reached to a sizeable depth also as there have been no ground water extraction so we have channelized the recharge system in the most deepest pit of our operations through natural opening. So in compliance of norms.
11. As mentioned in reply para 3 we are not engaged in any ground water extraction so there has been no need of installation of peizo meters , the same shall be put in place once required after seeking requisite permissions . So in compliance of norms.
12. As per EC condition we have been complying with ultimate purpose of the ambient air quality monitoring and has been regular in submitting data in our six monthly compliance report , since the visit was done in non operative period so we were unable to explain our position and have requisite setup for measuring ambient air quality. So in compliance of norms .

In view of our above pleadings which goes to show that we are co-operative and law-abiding citizens of Country and closure of our mine with hardly 5 months of resumption is too harsh measure . In your show cause notice itself, you have admitted that the visit of the mine was under stage III of GRAP and found our mine non-operational.

Therefore drawing any adverse inference based on this inspection/site-visit during closure would not only be against the principles of natural justice but would also be arbitrary and unreasonable. It is also submitted that there has not been any violation of any provision of law (including Air Act, Water Act or Jan Vishwas Act, 2023).

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We further assure you that we will co-operate with you on all fronts and provide you with necessary information. We look forward to your re-visit of the mines to check the compliance which are already in place in our mines.

Regards




For M/s Maa Santoshi Khanij Udyog

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Item Nos.10 & 11

Court No. 1

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

Original Application No.514/2023

Shishram

Applicant

Versus

Vinod Kuasal

Respondent

WITH

Original Application No.546/2023

Puran Singh

Applicant

Versus

Vinod Sokhal

Respondent

Date of hearing: 02.02.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Humraz Bir Singh, Adv. for Applicants in OA 514/2023 & OA 546/2023

Respondent: Mr. Rahul Khurana, Adv. for HSPCB
Mr. Raghenth Basant, Senior Advocate with Mr. Abhishek Tripathi & Ms. Kaushitaki Sharma, Adv. for M/s Maa Santoshi Khanj Udyog
Mr. Mohit Singhal, Adv. for CPCB (Through VC)

ORDER

1. In this Original Application, registered on the basis of the letter petition, allegation against the Project Proponent relates to illegal mining by cutting of trees and causing environmental hazards. Further allegation was that due to heavy blasting, residential houses were damaged and that there was a school located at the distance of about 200-250 mtrs. which was also effected by the mining. The Tribunal by order dated 23.08.2023 had directed the District Magistrate, Mahendragarh, Haryana and Haryana State PCB to submit the joint report.

2. The joint report was submitted on 27.10.2023 disclosing as under:-

- “4. Divisional Forest Officer, Mahendragarh vide letter dated 25.10.2023 has intimated w.r.t. inspection dated 14.09.2023 that the lease area at Khasra No. 550 is covered surrounding from Aravali Plantation. As per the demarcation report of the revenue department dated 16.09.2023, the leaseholder has mined the 15,648 Sq.ft. of illegal mining surrounding the Khasra No. 550 and transpired that 161 numbers shrubs like muskat have illegally been damaged and accordingly Forest Offence Report (FOR) dated 02.10.2023 was prepared under section 32-33 of Indian Forest Act, 1927 and also granted sanction for filing prosecution case against offenders in the Special Environment Court at Faridabad. Copy of report along with relevant documents submitted by DFO, Mahendragarh are attached as **Annexure-4**.
5. Mining Officer, Mines & Geology Department, Narnaul vide letter No. Mining/NNL/3432-34 dated 20.10.2023 (**Annexure-5**) has intimated the following status report in this matter: -
- a) The constituted committee visited the mining lease area of Musnota Mines Khasra No. 550 along with Tehsildar Nangal Choudhary and field Kanungo on 14.09.2023. As per the demarcation report by field Kanungo on 16.09.2023, the leaseholder encroached the area of 15,648 sq. ft. in the Khasra No. 487 & 551 and Senior Surveyor, Surveyor (H.Q) Director, Mines and Geology Haryana, Panchkula again jointly surveyed/demarcated along with field Kanungo, Halka Patwari of village Musnota and Mining Inspector, Narnaul in the presence of representative of Project Proponent and Private Surveyor were also present on 05.10.2023. After the demarcation, it is found that the total excavation outside the lease /contract area i.e Khasra No. 487 & 551 is 15,648 Sq.ft. and the quantity of excavated mineral is 24,812.50 M.T. A demand notice is issued to the leaseholder of M/s Maa Santoshi Khanij Udyog of Musnota stone Mine vide memo no. MO/Narnaul/3369 dated 17.10.2023 to deposit the penalty, royalty and price of mineral illegally excavated minor mineral i.e **Rs 42,28,125 (Fourty Two lakh Twenty-Eight Thousand One hundred Twenty-five only) (Annexure-6)**
- b) Mining officer, Narnaul has intimated that during the survey conducted from the Google Earth map, the complaints house at Dhani Jokhla Wali of Musnota Village was located at 693 meters from the place of working (Site of Blasting) in the Musnota Calcite Mine. Further, it was observed that another hutment/ camp of Dhani Maliya had 4 houses existing within 300 meters of the mine boundary that was closer to the mine than the complainant's houses. During the enquiry, the villagers of Dhani Maliyala stated that they had no

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problem due to the blasting conducted in the Mine. During the inspection, it was found that primary school Dhani Maliyala existed within about 200 meters from the boundary mine and about 200-300 meters from the working place of machinery used for mining and also found that cracks are seen in the RCC beam on the door level of the school building, no any cracks found on other walls of the primary school and also seems that ceiling plaster is found defective due to construction material used in the school building.

6. *Recently, a joint inspection was carried out in the presence of complainants of the said mining project by Deputy Director, DGMS Ghaziabad along with Mining Officer Narnaul on dated 01.09.2023 and conducted to examine the ground vibration by two rounds of blast and observed the values of induced ground vibrations recorded in seismography. The GPS Co-ordinates of the location of the Mini Super graph (Seismograph) and the location of the place of blasting of Mine were taken by the hand-held GPS instrument and the co-ordinates were Northing: 2752.96259'N & Easting: 7600.17948' E respectively. Director, Mines Safety, Ghaziabad sent an action taken report along with comments vide letter dated 13.10.2023 with direction to the management of Musnota Calcite mines regarding violation vide letter dated 03.10.2023 for rectification of contraventions observed during inspection and enquiry of the mine. Mine management was directed that no blasting other than the blasting specified in Regulation 164(16)(a) of the Metalliferous Mines Regulations (MMR), 1961 shall be conducted within 300 m of such hutments/structures of permanent nature not belonging to the owner of the mine till controlled blasting permission under regulation 164(16)(a) of the Metalliferous Mines Regulations, 1961 is obtained from this Directorate in writing based on scientific study report from 'a reputed scientific agency. (A copy of a letter dated 13.10.2023 is attached as **Annexure 7**).*

Conclusion: -

In view of the above facts, allegations w.r.t. to the effect of heavy blasting were not established as per the report submitted by the Deputy Director, DGMS, Ghaziabad and Mining Officer, Narnaul to a nearby residence :and school as mentioned above. However, the other allegations mentioned in the complaint w.r.t. illegal mining and cutting of trees as per the report submitted by DFO, Mahendragarh and Mining Officer, Narnaul were found correct and accordingly necessary action as mentioned above have already been taken by the concerned department under applicable laws/rules.”

3. The joint report states about the illegal mining by the Project proponent and the action initiated by the Mining Department for imposition of penalty, royalty and recovery of price of mineral illegally excavated to the extent of Rs. 42,28,125/-. The report further states that

cracks were found in the RCC beam on the door level of the school building and the sealing plaster was found to be defective. From the report, it cannot be clearly ascertained that the same was on account of the heavy blasting by the Project Proponent or on account of some structural defect. But the possibility of the school building being damaged on account of blasting cannot be ruled out.

4. Learned Counsel appearing for HSPCB has submitted that for the environmental damage caused on account of illegal mining, proceedings have been initiated against the Project Proponent- M/s Maa Santoshi Khanij Udyog and in that process, show cause notice has been issued and the reply has been considered and the amount of the EC will be finalized and recovered.

5. Learned Senior Counsel appearing for the Project Proponent has also informed that against the order of imposition of penalty by the Mining Department, Appeal has been preferred, which is under consideration. Learned Senior Counsel on instruction has fairly submitted that the Project proponent is ready to get the school building repair at its own cost without going into the issue relating to the cause for damage of the school building.

6. Since, appropriate action has already been initiated by the Haryana State PCB for imposition of EC and a fair statement has been made by the Learned Senior Counsel for the Project Proponent, for repairing the school building, hence, we dispose of the present OA by directing the HSPCB to conclude the proceeding relating to imposition of EC by following the principle of 'Natural Justice' and file action taken report before the Registrar General of the Tribunal within three 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 and if found necessary, the matter may be listed for consideration before the Bench.

7. In the connected OA No. 546/2023, similar allegation has been made and a similar report by the joint Committee has been filed. Therefore, the said OA is also disposed of on the same terms.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

February 02, 2024
Original Application No.514/2023
& Original Application No.546/2023
SN.

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ANNEXURE R-12

GOVERNMENT SENIOR SECONDARY
(3941)

SCHOOL, MUSNOTA

Block Nangal Chaudhary, Mahendergarh, Haryana

Dated: 16.07.2024

No. 589/2024

Certified that Maa Santoshi Khanij Udyog, Khasra No. 550, village Musnauta, Tehsil Nangal Chaudhary District Mahendergarh has done the complete works of paint of entire building along with boundary wall and work of earth filling in the Government Senior Secondary School Musnota (3941), in which, the estimated expenditure of Rs. 4,00,000/- (Rupees four lacs only) has been made. The work by the company is satisfactory.

Thanking you.

Sd/- Principal,
Govt. Sr. Sec. School,
Musnota, Mahendergarh


T.T.C

G.M.S.P.S. MUSNOTA (15036)

Certified that on 26.01.2024, Maa Santoshi Khanij Udyog, Khasra No. 550, village Musnauta, Tehsil Nangal Chaudhary District Mahendergarh has donated 100 Sweaters amongst the children of G.M.P.S., Musnota to protect the children from winter.

Thanking you.

Sd/- Head Teacher,
G.M.S.P.S
Musnota, Mahendergarh


T.T.C

G.M.S.P.S. MUSNOTA (15036)

Certified that on 16.07.2024, Maa Santoshi Khanij Udyog, Khasra No.550, village Musnauta, Tehsil Nangal Chaudhary District Mahendergarh, Haryana-123023 has distributed 125 Umbrellas to the children of G.M.P.S. Musnota, to save the children from sunlight and rain.

Thanking you.

Sd/- Head Teacher, 16.07.2024

G.M.S.P.S

Musnota, Mahendergarh


T.T.C

Certified that on 09.05.2023, Maa Santoshi Khanij Udyog, Khasra No. 550, village Musnauta, Tehsil Nangal Chaudhary District Mahendergarh has installed a water tank in Government Middle School, Dhani Maliala (Musnauta) and solved the problem of drinking water by filling the water in said tank with tanker from time to time. The estimated cost of this water tank is Rs. 45000/- (Rupees forty five thousand only). This work was done in the year 2023.

Sd/- Head Teacher/09.05.2023
Government Middle School,
Dhani Maliala (Musnauta)


T.T.C

Certified that Maa Santoshi, Khanij Udyog, Khasra No. 550, village Musnauta, Tehsil Nangal Chaudhary District Mahendergarh has filled 400 Dumpers of earth in the Government Primary School, Dhani Maliala (Musnota) for levelling the land of school. The estimated cost of this work is Rs. 4.50 lacs (Rupees four lacs and fifty thousand only). This work was done in the year 2023-24.

Sd/- Principal/20.11.2023

Govt. Primary School

Dhani Maliala

Musnota, Mahendergarh

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G.S. W

ADVOCATE

T.T.C

GOVT. SR. SEC. SCHOOL MUSNOTA (3941)

.....BLOCK-NANGAL CHAUDHARY, MAHENDER GARH (HARYANA)

Date 16.07.2024.

Dispatch 589/2024.

प्रमाणित किया जाता है कि माँ सन्तोषी रमनिज उद्योग
 रजिस्ट्रार नं 550 गांव मुसनौता तहसील नागल-चौधरी जिला
 महेंद्रगढ़ द्वारा श नं मां लि मुसनौता (3941) की
 सम्पूर्ण विद्यालय भवन चार दीवारी सहित विद्युत् कनेक्शन
 रंग रोगन तथा स्कूल प्रांगण में मिट्टी द्वारा भरन का
 कार्य करवाया गया जिसकी अनुमानित लागत लगभग
 4000000/- (चार लाख रुपये) भाई है।
 कार्य सन्तोष जनक करवाया गया है।

द्वन्द्ववाद


 Principal
 Govt. Sr. Sec. School
 Musnota (M/Garh)

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G. M. S. P. S MUSNOTA (15036)

प्रमाणित किया जाता है कि M/S MAA SANTOSHI
 KHANIJ UDYOG KHASARA No. 550, VILL- MUSNOTA
 TEH. NANGAL CHAUDHARY DISTT. - MAHENDERGARH
 (HARYANA) PIN No. 123023 ने दिनांक 26-01-2024 को
 GMSPS MUSNOTA के बच्चों को सर्दियों से बचने के लिए
 100 स्वेटर दान में वितरित की गई।

Beata
 26/01/2024

मुख्य शिक्षक
 राजकीय प्राथमिक पाठशाला
 मुसनोता (नागन बांधरी)

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G.M.S.P.S MUSNOTA (15036)

प्रमाणित किया जाता है कि M/S MAA SANTOSHI
 KHANIS UDYOG KHASARA No. 550, VILL - MUSNOTA
 TEH. NANGAL CHOUDHARY DISTT. MAHENDERGARH
 (HARYANA) PIN. No. 123023 ने दिनांक 16-07-2024 को
 GMSPS MUSNOTA के बच्चों को धूप व वर्षा से बचने के
 लिए 125 छत्र दान में वितरित किए गए।

B. S. S.
 16/07/2024

मुख्य शिक्षक
 राजकीय प्राथमिक पाठशाला
 मुसनोता (नागन बीपरी)

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प्रमाणित किया जाता है कि मैं संतोषी खनिज
 उद्योग (खतारा नं. 550) गाँव- भूखनौता के राजकीय
 प्राथमिक ग्रॉन्च पाठशाला टाणी मालियाला (भूखनौता)
 में पानी की टंकी का निर्माण कार्य करता था। इस
 व समय-समय पर पानी का हैकर डालकर पेयजल
 की समस्या का समाधान करते हैं। इस पानी की
 टंकी की अनुमानित लागत 45000/- (पैंतालीस हजार)
 है। यह कार्य सत्र- 2023 में हुआ

मुख्याधिकारी Pml/05/2023
 ए० वा० वि० एकी म
 भूखनौता (म गढ़)

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प्रमाणित किया जाता है कि मां संतोषी खनिज उद्योग (खपरा नं. 550) गाँव - मूसनौता ने राजकीय प्राथमिक ब्रांच पाठशाला ठानी मालियाला (मूसनौता) में पाठशाला प्रांगण को समतल करने के लिए लगभग 400 डम्कर मिट्टी डाली जिसकी अनुमानित लागत लगभग 4 लाख 50 हजार (450000/-) है। यह कार्य सत्र 2023-24 में हुआ।

मुख्य शिक्षक पाण्डे
 ए० बा० वि० कमी मू
 मूसनौता (म.गढ़) 20/11/2023

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HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph.- 0172-577870. Fax- 2581201
E-mail: hspcbseccoordination@gmail.com
Website: hspcb.org.in



Dated:- 12-07-2024

To

M/s Maa Santoshi Khanij Udyog,
Village Musnota, Nangal Chaudhary,
Distt. Mahendragarh.

Subject: Personal hearing regarding recommendation for environmental compensation assessment report M/s Maa Santoshi Khanij Udyog, Village Musnota, Nangal Chaudhary, Distt. Mahendragarh.

Reference: RO Mahendragarh letter vide no. 2495 dated 18.03.2024, No. 69 dated 01.05.2024 and No. 249 dated 02.07.2024.

In this connection, it is intimated that the Competent Authority has afforded to give you, an opportunity of personal Hearing before the Environmental Compensation finalization committee on 16.07.2024 at 12:00 Noon in the office of Member Secretary, ground floor, Haryana State Pollution Control Board, C-11, Sector-6, Panchkula.

Therefore, you are asked to be present on the above said date, time and venue to present your case.

Signed by
Env. Engineer (Coord. Cell)
For Member Secretary
Date: 12-07-2024 15:14:05

Copy to:-

A copy of above is forwarded to the following Officers/officials for information and further necessary action :-

1. PA to MS, HSPCB, Panchkula.
2. Chief Env. Engineer-II, HSPCB.
3. Sr. Env. Engineer, Water Cell, HSPCB.
4. Regional Officer, Mahendragarh is directed to deliver the same to the unit for attending the hearing along-with the relevant record and to attend the hearing on above mentioned date.

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HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph-0172-577870-73, Fax No. 2581201
E-Mail: hspcbcoordination@gmail.com
website: hspcb.org.in



Dated:- 14-08-2024

To

M/s Maa Santoshi Khanij Udyog,
Village Musnota, Nangal Chaudhary,
Distt. Mahendragarh.

Subject: Personal hearing regarding recommendation for environmental compensation assessment report M/s Maa Santoshi Khanij Udyog, Village Musnota, Nangal Chaudhary, Distt. Mahendragarh.

Reference: RO Mahendragarh letter vide no. 293 dated 15.07.2024,

In this connection, it is intimated that the Competent Authority has accorded you an opportunity of personal Hearing before the Environmental Compensation finalization committee on 22.08.2024 at 12:00 Noon in the office of Member Secretary, ground floor, Haryana State Pollution Control Board, C-11, Sector-6, Panchkula.

Therefore, you are asked to be present on the above said date, time and venue to present your case.

Signed by

Neha Saharan

Env. Engineer (Coord. Cell)

Date: 14-08-2024 11:21:10

For Member Secretary

Copy to:-

A copy of above is forwarded to the following Officers for information and further necessary action :-

1. PA to MS, HSPCB, Panchkula.
2. Chief Env. Engineer-I and II, HSPCB.
3. Sr. Env. Engineer, Water Cell, HSPCB.
4. Regional Officer, Mahendragarh, you are directed to attend the same on date mentioned above and also to deliver the same to the unit for attending the hearing along-with the relevant record.

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HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Ph-0172-577870-73, Fax No. 2581201
E-Mail: hspcbcoordination@gmail.com
website: hspcb.org.in



Dated:- 04-09-2024

To

M/s Maa Santoshi Khanij Udyog,
Village Musnota, Nangal Chaudhary,
Distt. Mahendragarh.

Subject: Personal hearing regarding recommendation for environmental compensation assessment report M/s Maa Santoshi Khanij Udyog, Village Musnota, Nangal Chaudhary, Distt. Mahendragarh.

Kindly refer to the subject noted above.

In this connection, it is intimated that the ECAC has afforded to give you, an opportunity of personal Hearing before the Environmental Compensation finalization committee on 12.09.2024 at 12:00 Noon in the office of Member Secretary, ground floor, Haryana State Pollution Control Board, C-11, Sector-6, Panchkula.

Therefore, you are asked to be present on the above said date, time and venue to present your case.

**Sr. Env. Engineer (HQ)
For Member Secretary**

Copy to:-

A copy of above is forwarded to the following Officers for information and further necessary action :-

1. PA to MS, HSPCB, Panchkula.
2. Chief Env. Engineer-II, HSPCB.
3. Sr. Env. Engineer, Water Cell, HSPCB.
4. Regional Officer, Mahendragarh, you are directed to deliver the same to the unit for attending the hearing along-with the relevant record.

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ANNEXURE R-16

Order

Whereas, M/s Maa Santoshi Khanij Udyog, Village Musnota, Nangal Chaudhary, Distt. Mahendragarh is a mining project & ore beneficiation and covered under the Red category, as per categorization list of the Haryana State Pollution Control Board.

Whereas, on the directions of Hon'ble NGT in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Ors. Vs Union of India & Ors., CPCB has prepared methodology for assessing Environmental Compensation, and the methodology prepared by the CPCB has been accepted by Hon'ble NGT vide orders dated 28.08.2019 in the same case;

Whereas, Hon'ble Supreme Court of India in the matter of Indian Council for Enviro Legal Action & Ors. Vs. Union of India & Ors. (1996) 3 SSC 212 Para 16 and in matter of Vellore Citizens Welfare Forum Vs. Union of India & Ors. (1996) 5 SSC 647 Para 12-18 holding that the "Polluter Pays" principle is an accepted principle and part of the environment law of the country, even without specific statute;

Whereas, it has been ordered vide Head Office Endst. No. HSPCB/PLG/2019/6043-50 dated 29.04.2019 to adopt the modalities/methodology suggested by CPCB for assessment, imposing, collection and utilization of environmental compensation from the polluting units in the State of Haryana and the same been approved by the Board in its 184th meeting. The modalities/methodology of environmental compensation of HSPCB is placed on website of Board for transparency and for accessibility of concerned stakeholders;

Whereas, the Haryana State Pollution Control Board has revised the procedure for examining, assessing and imposing Environmental Compensation on the industrial unit issued order vide Endst. No. HSPCB/PLG/2021/2343-81 dated 22.12.2021 in supersession of the orders issued earlier vide no. HSPCB/PLG/2019/6043-50 dated 29.04.2019 and HSPCB/PLG/2019/734-765 dated 20.12.2019;

Whereas, a committee was constituted at the Head Office level vide order No. HSPCB/Estt./2023/4429-37 dated 26.10.2023 to examine and finalize case of the Environment Compensation submitted by the Regional Officer so as to maintain the uniformity among all the cases;

Whereas, in compliance of above quoted orders of Hon'ble NGT order, this case falls under the cases to be considered for levying environment compensation. In compliance of Hon'ble NGT order dated 12.09.2023 in the Original Application No. 546/2023 titled as Puran Singh Vs Vinod Kausal and order dated 23.08.2023 in Original Application No. 514/2023 titled as

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Shishram Vs Vinod Kausal in Hon'ble National Green Tribunal, Principal Bench, New Delhi and in compliance of direction issued by CAQM, New Delhi under stage III of GRAP has been visited by the concerned field officer on dated 20.11.2023 and during inspection, the unit was found non-operational and non-compliant;

Whereas, the Regional Officer, Mahendragarh vide letter no. 1295 dated 18.03.2024 had sent the calculation of Environmental Compensation against the above said unit for above said violations, the Environmental Compensation Assessment Committee examined the recommendation submitted by Regional Officer, Mahendragarh in its meeting held on 12.09.2024 as per provisions of above said modalities/methodology. After deliberations, the committee finalized Environmental Compensation as under;

EC = PI x N x R x S x LF = 80 x 226 x 250 x 0.5 x 1.0 = Rs 22,60,000/-

Where, PI = Pollution index, N = No of days of the violation considered for 226 days i.e. from 26.05.2023 to 06.01.2024 i.e. from the date of operation to the date of Compliance verification of SCN submitted by unit, R = Factor of Rupees, S = Factor of operation, LF = Location Factor.

Therefore, in view of above, it is hereby ordered with the directions to the unit M/s Maa Santoshi Khanij Udyog, Village Musnota, Nangal Chaudhary, Distt. Mahendragarh to deposit Environmental Compensation of Rs 22,60,000/- (Rs. Twenty Two Lakh Sixty Thousand Only) with the Haryana State Pollution Control Board within 15 days on account of the damage caused by the unit.

In case of failure, the Board will be constrained to initiate action as deemed necessary, following the due course of law. The amount of Environmental Compensation is to be deposited in Saving Account of INDUSIND BANK, Sector 9, Panchkula in Account No. 100053543757, having IFSC code no. INDB0000164.

**Dated, Panchkula the
29-10-2024**

Chairman, HSPCB

Endst. No.

Dated:

A copy of the above is forwarded to the following for information and necessary action please:-

1. Sr. Account Officer, HSPCB, Panchkula.
2. The Regional Officer, Mahendragarh. He is directed to pursue the matter for payment of environmental compensation as stated above and to submit the compliance report in this regard within the prescribed period.
3. M/s Maa Santoshi Khanij Udyog, Village Musnota, Nangal Chaudhary, Distt. Mahendragarh.

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Signed by

Sanjeev Kumar

Date: 05-11-2024 10:11:58

**Sr. Env. Engineer (HQ)
For Chairman, HSPCB**

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Subject: EC Imposed of Rs. 22,60,000/- by Head Office.



HSPCB RO MG Mahendragarh <hspcbromg@gmail.com>
to C/o Maa Santoshi musonta mines Mahendragarh

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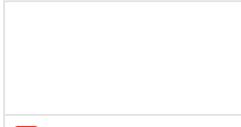
Respected Sir/Madam,

Kindly see the attached file on the subject cited above.

With Regards

O/o Regional Officer, Mahendragarh Region.
Haryana State Pollution Control Board (HSPCB),
Website: - www.hspcb.org.in.

One attachment • Scanned by Gmail



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ANNEXURE R-17

CWP-31690-2024(O&M)

-1-

2024:PHHC:168814-DB



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-31690-2024(O&M)

Reserved on: 05.12.2024

Pronounced on: 17.12.2024

M/s Maa Santoshi Khanij Uydog

...Petitioner

Vs.

Haryana State Pollution Control Board
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurpreet Singh Kahlon, Advocate
for the petitioner.

Mr. Deepak Balyan, Addl. A.G., Haryana.

ANIL KSHETARPAL, J.

1. Before reserving for orders, the submissions of petitioner's counsel with respect to admissibility of the writ petition were heard.
2. The petitioner-firm which operates a mine in village Musnota, District Mahendragarh, Haryana, has filed the present writ petition with the following substantive prayers:-

“a. Issue appropriate Writ, order or direction quashing the impugned order dated 29.10.2024 passed by the Respondent Haryana Pollution Control Board;

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CWP-31690-2024(O&M)

-2-

b. Issue an appropriate Writ, order or direction staying the operation of the order dated 29.10.2024 passed by the Respondent, Haryana Pollution Control Board;

c. In the alternative, to issue an appropriate Writ, order or direction to the Respondent Haryana State Pollution Control Board directing them to provide the Petitioner with another opportunity of hearing after providing them with all the reasons, grounds or evidence on the basis of which the impugned order dated 29.10.2024 was passed.”

3. Through the impugned order passed on 29.10.2024, the Haryana State Pollution Control Board (hereinafter referred to as ‘HSPCB’) has called upon the petitioner to pay Rs.22,66,000/- as Environmental Compensation in terms of the order passed by the National Green Tribunal (hereinafter referred to as ‘NGT’) on 02.02.2024.

4. The petitioner’s counsel submitted that impugned order suffers from patent illegality as the principle of natural justice has not been followed because copy of the Regional Officer’s (Mahendragarh) letter written on 18.03.2024 which was very basis of the impugned order has not been supplied before passing the order. Hence, the writ petition should be entertained.

5. This Court proceeds to analyze the matter. From the perusal of the paper-book, it is evident that the petitioner was issued notice on 21.11.2023, for closure under Section 23-A of Water (Prevention and Control of Pollution) Act, 1974 and for violation of Section 21/22 of Air (Prevention and Control of Pollution) Act, 1981 and imposition of environmental penalties as per amendments in the Jan Vishwas (Amendment of Provisions) Act, 2023 and as per HSPCB Policy on imposition of Environmental Compensation. Reply to



CWP-31690-2024(O&M)

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the said notice was submitted on 04.12.2023. On 02.02.2024, NGT disposed of two OA's, in the presence of petitioner with the following directions:-

“6. Since, appropriate action has already been initiated by the Haryana State PCB for imposition of EC and a fair statement has been made by the Learned Senior Counsel for the Project Proponent, for repairing the school building, hence, we dispose of the present OA by directing the HSPCB to conclude the proceeding relating to imposition of EC by following the principle of 'Natural Justice' and file action taken report before the Registrar General of the Tribunal within three 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 and if found necessary, the matter may be listed for consideration before the Bench.

7. In the connected OA No. 546/2023, similar allegation has been made and a similar report by the joint Committee has been filed. Therefore, the said OA is also disposed of on the same terms.”

6. In compliance with the aforesaid order, the petitioner has been granted multiple opportunities of hearing vide communication dated 12.07.2024, 14.08.2024 and 04.09.2024. On perusal of the NGT's order passed on 02.02.2024, it becomes evident that the petitioner has mined after encroaching upon an area of 15,648 Sq. ft. in Khasra No. 487 and 551 and quantity of excavated mineral is 24,812.50 M.T. The demand notice was also issued to the petitioner to deposit the penalty, royalty and price of mineral illegally excavated to the tune of Rs. 42,28,125/-, against which, an appeal has been preferred.

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CWP-31690-2024(O&M)

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7. During the pendency of the matter before the NGT, where the petitioner was party, it was noticed that HSPCB has already initiated proceedings for imposition of Environmental Compensation. The petitioner also undertook to repair the school building which suffered damages on account of blasting in the area in order to extract minerals.

8. The HSPCB has only calculated Environmental Compensation in accordance with the directions issued by NGT. The petitioner's counsel does not dispute about the aforesaid direction, however, he submits that he has not been supplied a copy of the Regional Officer's letter issued on 18.03.2024.

9. On careful reading of the impugned order, it is evident that the Regional Officer had only sent calculation of Environmental Compensation, which was ultimately examined by the Environment Compensation Assessment Committee in the petitioner's presence.

10. Keeping in view the aforesaid facts, in the opinion of the Bench, the remedy of the petitioner is either before the NGT or before the Supreme Court against the order of NGT. Hence, the petitioner is relegated to the alternative remedy.

11. The writ petition stands disposed of.

12. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

17.12.2024

neeraj

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No

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Item No. 01

Court No. 1

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

M.A. No. 13/2025

In

Original Application No. 546/2023
(I.A. No.60/2025)

Puran Singh

Applicant

Versus

Vinod Sokhal

Respondent

Date of hearing: 28.01.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Raghenth Basant, Senior Advocate with Mr. Abhishek Tripathi & Ms. Kaushitaki Sharma, Advs. in M.A No. 13/2025

ORDER

1. This M.A. has been filed by the Project Proponent in OA No. 546/2023 which has already been disposed of by order dated 02.02.2024. In this M.A., the applicant has challenged and prayed for setting aside the order dated 29.10.2024 which is stated to be passed in pursuance to the order of the Tribunal dated 02.02.2024.
2. The order dated 29.10.2024 gives the applicant a fresh cause of action; hence, the M.A. challenging the said order cannot be entertained in a disposed-of matter.
3. At this stage, the learned senior counsel for the applicant seeks permission to withdraw the M.A. with the liberty to challenge the order dated 29.10.2024 in such other proceedings as are available in law.
4. The Prayer is allowed.
5. M.A. is dismissed as withdrawn with the liberty as prayed.

Prakash Shrivastava, CP

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Dr. A. Senthil Vel, EM

January 28, 2025
M.A. No. 13/2025 in
Original Application No. 546/2023
(I.A. No.60/2025)
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04 of 2025 M/s Maa Santoshi Khanij Udyog Vs. HSPCB

Present: Sh.Jitender Dhanda, Advocate for appellant.
Sh. Ramesh Chahal, Advocate for the respondent.

Office report seen. Notice of the application of seeking condonation of delay in filing this appeal issued to the respondent. Sh.Ramesh Chahal, Advocate learned counsel for the respondent has accepted the notice. He has also been supplied the copy of entire paper book.

List on 20.02.2025 for filing reply on application for seeking condonation of delay in filing this appeal.

Dated 06-02-2025

sd/-
Appellate Authority

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04 of 2025 M/s Maa Santoshi Khanij Udyog Vs. HSPCB

Present: Sh.Jitender Dhanda, Advocate for appellant.
Sh. Ramesh Chahal, Advocate for the respondent.

Heard.

This appeal has been filed with a delay of 67 days. Learned counsel for the appellant submits that after passing of the impugned order dated 29.10.2024, the appellant filed CWP No.31690 of 2024 which was decided on 17.12.2024 relegating the appellant to Hon'ble NGT. The appellant moved Hon'ble NGT by filing MA No.13 of 2025 in OA no.546 of 2023 alongwith IA No.60 of 2025 which was decided on 28.01.2025 giving liberty to appellant to approach this Authority. This process resulted in delay of 67 days in filing this appeal which was neither intentional nor deliberate.

Learned counsel for the respondent has argued that the appellant has not duly explained the delay as such, this application has no merits.

It is not disputed that after passing of impugned order dated 29.10.2024, the appellant had immediately moved firstly the Hon'ble High Court and then the Hon'ble NGT where he was given liberty to file this appeal. This shows that the delay in filing this appeal is neither intentional nor deliberate and appellant has not gained in any manner due to late filing of this appeal. Keeping in view this fact, the application for condonation of delay in filing the appeal is allowed and delay in filing this appeal is condoned.

List on 20.03.2025 for filing reply on merits.

Dated 06-03-2025

sd/-
Appellate Authority

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C.W.P. No.2682 of 2018

ANNEXURE R-21

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.W.P. No.2682 of 2018 (O&M)
DATE OF DECISION : 26.4.2018

M/s Satish Kumar Garg & Company

PETITIONER

VERSUS

State of Haryana and others

RESPONDENTS

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJBIR SEHRAWAT

Present:- Shri Girish Agnihotri, Senior Advocate with Shri Bhuvan Vats,
Advocate for the petitioner.

Ms.Kirti Singh, D.A.G. Haryana.

MAHESH GROVER, J. (Oral)

The petitioner impugns the demand notice dated 31.5.2017 (Annexure P-13) whereby dead rent has been claimed from 29.4.2002 to 9.2.2015 against extraction of major minerals and from 10.2.2015 to 31.5.2017 against minor minerals.

The petitioner is a partnership firm and was granted mining lease for an area measuring 79.32 hectares comprised in Khasra Nos.599,600,601,626,627, 628, 648 and 649 in Village Musnota, Tehsil Narnaul, District Mahendergarh for extraction of quartz, feldspar and barites, all major minerals. This areas was already subjected to mining since 1977 and the petitioner was given access to these



mines after the lease in favour of the erstwhile operators had either expired or prematurely terminated.

The lease was granted when the petitioner responded to a notification dated 25.6.2000 under Rule 59 of the Mineral Concession Rules, 1960 (hereinafter referred to as the MCR Rules) read with Section 13 of the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as the Act).

The letter of intent dated 16.1.2001 was issued pursuant to which the petitioner was required to submit a mining plan duly approved by Indian Bureau of Mines, Ministry of Mines, Government of India within a period of six months from the issuance of the letter of intent, which was submitted on 1.9.2001. An official mining lease was sanctioned in favour of the petitioner on 5.4.2002 subject to the condition that that he would obtain an environmental management plan after approval from the Ministry of Environment, Forest and Climate, Government of India.

After completing all the formalities, a mining lease dated 29.4.2002 was executed between the State Government and the petitioner for a period of 20 years. The possession of the leased out area was handed over on 6.6.2002. A No Objection Certificate was an essentiality for preparing the environmental plan which would indicate that the leased area did not fall in any of the forest area and was covered under the general notification under Section 4 of the Punjab Land Preservation Act, 1900. The petitioner was issued a No Objection Certificate to this effect on 16.9.2002, the content of which is extracted here below :-

“In this connection it is intimated that the land of Khasra No.599,600,601 and 626,627,628,648 and 649 in Village Musnota is not in a forest land. Vide Haryana Government Notification No.S.O.113/P.A2/1900/S4/3/97 dated 17.11.1997 proposed mining area Musnota village falls in the purview of



Section 4 of Punjab Land Preservations Act. The young crop of mesquite & Alianthus etc. exists in this area and the density of the is 0.1 to 0.2 No objection certificate is granted subject to the following conditions :-

1. The path for transporting the ore will be near the adjoining forest area.
2. The mining will be done only in areas where the trees are not growing.
3. Lease-holder will have to get Environment Management Plan approved from the competent authority.”

The petitioner then submitted all the supporting documents along with draft and environmental management plan for approval which remained pending with the Ministry of Environment, Government of India and during this pendency, a fresh notification under Section 3 of the Environmental Protection Act, 1986 was issued on 14.9.2006 mandating environmental clearance for all mining projects of major minerals having more than 5 hectares area. The petitioner submitted environmental impact assessment report to the authorities which was considered by the Expert Appraisal Committee in its meeting dated 21.8.2013 and the petitioner was called upon to obtain a fresh NOC from the Forest Department and the petitioner accordingly approached the Department to obtain the same.

It is at this juncture that a somersault was taken by the Forest Department from its earlier stand to declare the leased land as “Aravali Area” to deny the N.O.C. Annexure P-4 was passed, the content of which is extracted here below :-

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“With regards to the subject cited above vide application referred above (Online SRN No.YM3-UQ-LPXU) it was written for obtaining No Objection Certificate of the Forest Department for mining in Khasra No.599,600,601,626,628, 648 and 649 of Village Musnota. In this regard it is stated that the above Khasra Numbers are included in the list of Aravali Plantation. Therefore, the No Objection Certificate of the Forest Department cannot be granted to you for mining. This is for your kind information.”

It is with this grievance that the petitioner has approached this Court with reference to the pleadings where he has effectively brought out the fact that this area of 79.32 hectares has been subjected to mining since 1977 and is not covered under the Aravali Area or afforestation as claimed by the respondents. A detailed Chart has been given where this very area was given on lease for mining over a period of time which is extracted here below :-

Sr. No.	Period of contract	Name of contractor and address.
1.	30.9.1977 to 31.3.1980 (prematurely terminated)	Mohan Lal son of Shri Surja Ram, Railway Road, Narnaul.
2.	24.4.1978 to 31.3.1981	Ram Singh son of Shri Raghu Nath Singh, Narnaul.
3.	7.3.1980 to 31.3.1982	Ram Singh son of Shri Raghu Nath Singh, Narnaul.
4.	26.12.1985 to 31.3.1990	Bahadur Singh son of Shri Dhokal, Village Gawari.
5.	21.12.1987 to 31.3.1992	Om Parkash son of Shri Sunder Lal, Narnaul.
6.	8.4.1992 to 31.3.1995	Om Parkash son of Shri Sunder Lal, Narnaul.



- | | | |
|----|------------------------|--|
| 7. | 1.4.1995 to 31.3.1998 | Om Parkash son of Shri Sunder Lal, Narnaul. |
| 8. | 1.5.1998 to 31.3.2001 | Gopal Saran Garg son of Shri Ajudhia Parshad, Narnaul. |
| 9. | 1.5.2002 to 31.3.32007 | Shiv Minerals, Faridabad. |
-

The ostensible reason for bringing out these details is to offset the claim of the State regarding afforestation in the leased area.

It has been argued by Shri Girish Agnihotri, learned senior counsel for the petitioner that had the leased area been included in the list of Aravali Plantation, there would be no question of mining till 2007. Our attention has been drawn to a specific pleading raised in the petition where the petitioner has asserted unequivocally that the plantation in the area was to be done in 785 hectares, whereas only 505 hectares of land was subjected to it with the remaining 280 hectares not covered under plantation of trees. For the purpose of reference, para-16 of the petition is extracted here below as it brings out succinctly the factual aspect :-

“16. That perusal of the relevant portion of the report referred to in para 14 above shows that complete khasra numbers have been mentioned and there is no mention of Min Khasra Numbers. It seems that plantation took place in some part Khasra Numbers whereas area of full Khasra Nos. were mentioned in the report of Inspection Committee referred to above, as a result of which mistaken mentioning, the area under plantation swelled to 785 whereas plantation was actually done in 505 hectares of land. In this way effectively plantation took place only in 505 hectares and in remaining



280 hectares no plantation was done and this area of 280 hectares was inclusive of of 79.32 hectares given on mining lease to the petitioner. This is because of the fact that this area of 79.32 hectares remained on mining contracts for active extraction of road metal and masonry stone right from 1977 to 2007 rendering it unfit for plantation. The Aravali Plantation took place during the period from 1991 to 2000 whereas 79.32 hectares remained on mining contract from 1977 to 2007. In this way as has been stated in the preceding para no plantation could have been made in the mining lease hold area of the petitioner because of the fact it remained on mining contracts during the period Aravali Plantation was done. The stand of the petitioner stood vindicated from the above mentioned facts that the Aravali Plantation took place only in 505 hectares of land out of the total land of 785 hectares of village Musnota. In these circumstances, the case of the petitioner that no plantation was undertaken on 79.32 hectares leased out to the petitioner stand corroborated from the fact that Aravali Plantation was undertaken on the 505 hectares of land which was handed over back to the Gram Panchayat, Musnota after plantation. the figure of area under plantation increased to 785 hectares because of the reason that area of full khasra numbers were taken into consideration whereas plantation was done in part of the khasra numbers because of which the area where actual plantation was undertaken is 505 hectares.”

It would also be necessary to refer to the corresponding reply to this



para of the Forest Department which is totally ambiguous and vague rather evasive in spirit. The assertion made by the petitioner is neither accepted nor denied and the whole controversy is wished away by saying that the Forest Department never officially sought nor was handed over the information regarding cumulative area identified by the Committee under the chairmanship of the Deputy Commissioner, Mahendergarh nor did it look into the matter as to whether the recommendation included the whole khasra or min thereof and in the absence of any such authenticated official information, the area stipulated as 785 hectares is neither accepted, nor denied. Para-16b of the reply is extracted here below :-

“16. That in reply to para No.16, it is submitted that, as stated elsewhere in this reply, the plantations in Village Musnota were done on Panchayat lands after obtaining resolutions from Village Panchayat which did not include the mention of specific khasra numbers. Further, in the handing over report post plantation as well khasra numbers of land handed over by the Forest Department were not mentioned. It is a matter of record that a total of 505.67 hectares of plantation were handed over to village panchayat in 2000 (with overall survival of 75%) without mentioning the exact numbers of khasra (Annexure R-5). Further, this department never sought officially nor was handed over officially the information regarding the cumulative area identified by the committee under the chairmanship of the Deputy Commissioner, Mahendergarh nor did it look into the matter as to whether the recommendation included the whole khasra or min thereof. Hence, in want of such authenticated official information, the cumulative such area stipulated as 785 hectares in this para is



neither accepted nor denied. About rest of the contents in this para, the answering respondents have no comments to offer.”

It is thus, a clear case where the facts reveal the area being subjected to mining since 1977 with no conclusive details of afforestation in the 'leased' area. A perusal of Annexure P-3 issued by the Deputy Conservator of Forests in the year 2002 reveals that while describing the details of the leased area by Khasra Nos., a specific mention has been made about the proposed mining area in Village Musnota being covered by the provisions of Section 4 of the Punjab Land Preservation Act and some young crop of trees existing in the area with a density of 01. to 0.2. After noticing this, N.O.C. was granted to the petitioner subject to the conditions mentioned therein.

The petitioner has now been asked to pay dead rent for the period stipulated in the notice which according to us, would be extremely harsh. In the absence of any available material to obstruct the mining rights of the petitioner by simply classifying it as 'Aravali Area' without even having any authenticated official record to identify it as such, annexure P-4 would clearly be sans any foundation and hence unsustainable. We thus set it aside and consequentially as a direct corollary the denial of mining rights on this ambiguous ground would also have to be deprecated. In the reply, it has been brought out specifically that more than 280 hectares was not subjected to plantation. It was easy for the Forest Department to identify whether the leased area of 79 hectares formed a part of 280 hectares left out of the afforestation or it was a part of 500 hectares subjected to afforestation. Without ascertaining this fact, no demand can be raised against the petitioner who has been denied his mining rights unjustly.

Even before us, as noticed above, reply of the Forest Department is completely evasive and vague. It may also be noticed that during the course of



C.W.P. No.2682 of 2018

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hearing, learned counsel for the State on instructions from Shri Neeraj, Mining Officer, contended that they would have no objection if the dead rent is paid by the petitioner now to which the petitioner has readily agreed, subject to his mining rights being made operational. We find this offer to be fair and therefore, accept the petition and set aside the impugned notice, while also negating Anneuxre P-4, the foundation for denying mining rights to the petitioner but with a direction that the petitioner shall pay the dead rent as has been agreed upon by it, but be it shall be permitted mining in the leased area of 79.32 hectares, governed by the terms of the lease and other necessary essentials.

(MAHESH GROVER)
JUDGE

(RAJBIR SEHRAWAT)
JUDGE

April 26, 2018
GD

Whether speaking/reasoned	Yes
Whether reportable	Yes/No

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REPRESENTATION

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ANNEXURE R-22

To

The Director General,
Mines & Geology, Haryana,
Chandigarh.

SUBJECT: *Representation for correction of the lease area granted in favor of applicant M/s Maa Santoshi Khanij Udyog by restoring the 32.45 Hectares of land falling in Khasra Nos. 427, 428, 429, 430/1433, 484, 485, 486, 487, 488 and 551 out of total area of 40.56 hectares of Village Musnota, Tehsil Narnaul, District Mahendergarh for mining of Calcite in view of the Judgment dated 26.04.2018 passed by Hon'ble Punjab and Haryana High Court at Chandigarh in C.W.P. No. 2682 of 2018 titled as "M/s Satish Kumar Garg & Company Versus. State of Haryana and others"*

Sir,

The applicant, M/s Maa Santoshi Khanij Udyog, Rewari most respectfully submits the representation:

1. That the State of Haryana after having invited applications as per provisions of the prevailing Rule 59 Mineral Concession Rules, 1960 (in short MCR, 1960) granted mining lease over an area of 40.56 hectares of all tract lands, situated at village Musnota, District Mahendergarh bearing Khasra Nos. 427, 428, 429, 430/1, 433, 484, 485, 486, 487, 488, 550 and 551, in

Received
30/12/2024

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favour of Sh. Ashok Kumar S/o of Sh. Om Parkash, for mining lease of Calcite, for a period of 20 years. A mining lease was executed on 16.04.1994 on model Form "K" appended to MCR,1960.

2. That subsequently the said mining lease was transferred in the name of Applicant (M/s. Maa Santoshi Khanij Udyog) and a transfer deed was executed on 03.02.2009 on model Form "O" appended to MCR,1960.
3. That it may be worth mentioning here that the area in question even before grant of mining lease in favour of applicants was being used for mining of mineral since long and after grant of lease was in possession of the applicants.
4. That the Hon'ble Supreme Court of India in a separate mater named as M.C Mehta Vs Union of India related to mining in Aravalli Hill area of the Districts of the Faridabad, Gurgaon and Mewat/ Nuh passed orders dated 18.03.2004 along with other directions directed that no mining be undertaken in the areas where State Forest Department had undertaken plantation with the help of Foreign Fundings under Aravalli Project during the period from 1990 -2000.
5. That the State Forest department as per its own affidavit filed before the Hon'ble Supreme Court implemented the said project for fuel and fodder for the local inhabitants. The Forest Department in this process undertook plantation in certain areas / common lands in the various parts of the districts of Faridabad/ Palwal,

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Gurugram/ Nuh, Rewari, Mahendergarh, Bhiwani/ Charkhi Dadri. through **Village Forest Committee (VFC)**. The work was undertaken through Village Forest Committee, however, as per forest department VFC undertook the said plantation not based on actual demarcation of the area neither as per revenue record nor as per actual site conditions at that time.

6. Further as per the directions received by the Hon'ble Supreme court under M.C Mehta vs Union of India the State Government constituted teams initially headed by the **Additional Deputy Commissioners** the districts concerned and then under the **Deputy Commissioners** of the respected districts in order to calculate , demarcate and publish areas under Aravalli planation.
7. That initially a report dated 31.03.2005 was prepared but due issues not known to applicant fresh report was prepared and finally a fresh report dated 05.04.2007 of Deputy Commissioner, Mahendergarh.
8. That the case of applicant relates to village Musnota and as per report dated 05.04.2007 following Khasra number having total area of plantation stated to be 505.85 hactres are as under:
 " 221/3, 224, 225Min, 226Min, 227, 228Min, 229, 230, 232, 234Min, 235-238, 282, 283/2, 284/1, 281/3, 285Min, 291Min, 293, 294Min, 302Min, 309Min, 322, 310/1, 312,323, 324, 327, 331, 246-249, 250/1, 250/2, 250/3, 251/1. 251/2, 253, 255/1, 258-263, 264/1, ~~267~~, 270, 271, 271, 486, 487, 493, 494, 497, 500, 501, 502, 504-509, 513-517, 522, 453, 455-460, 462-468, 470/1,

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471, 473, 473/1, 474, 475, 478-480, 483, 484, 411, 412, 415-418, 420, 421, 423, 424, 427, 428, 433, 436/1, 438, 438/1, 439, 440, 444, 334-336, 371/1, 338, 348/1, 351/1, 351/9, 352/2, 354, 364, 365Min, 368Min, 369Min, 379, 380, 387-389, 394, 395, 398-400, 409, 410, 522, 514, 524, 526, 539/1, 544/1, 551-555, 556/1, 556/2, 556/3, 559/1, 562, 564, 566-569, 572, 573, 576-585, 587, 588/1, 590, 593, 595, 598/3, 599/2, 600-604, 605/1, 607, 610-612, 614-627, 628/2, 629, 630, 632, 634, 635, 637, 640-645, 675, 676, 678-680, 682-690, 647, 648/2, 649, 650-653, 655-668, 670-674, 515-518, 532, 534, 533, 535-537, 527 & 528."

9. That it may be pointed out here that the applicant being lease holder of the part area out of above (overed Khasra nos **427, 428, 429, 430/1, 433, 484, 485, 486, 487, 488, 550 and 551**) was having possession of the area mentioned herein, but applicant was never informed about any such plantation rather no such work related to plantation was ever noticed by the applicant during 1990 -2000.
10. That it may be worth pointing here it was known to all that even the report dated 05.04.2007 was not accepted by the department and the Mines and Geology matter was again taken up with the Forest Department. However, applicant was not informed of any changes/ correction of the area details, if any.
11. That though in the above area no plantation was prevailing on the above area, yet the applicant was

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restrained to undertake any mining or to make any further planning for mining in the area frustrated with above the applicant was left with no other option but to move further and sought to surrender disputed area so that further cation to seek required approvals for undisputed area for mining could be taken.

12. That the applicant under constrained conditions sought to surrender an area of 32.45 Hectares of land falling in Khasra Nos. 427, 428, 429, 430/1433, 484, 485, 486, 487, 488 and 551 out of total area of 40.56 hectares situated in Village Musnota, Tehsil Narnaul, District Mahendergarh. It is worthy pointing here that 28.05 ha of area out of above 32.45 ha was under alleged Aravalli Plantation falling under Khasra Nos 427,428,433,484, 486 487 & 551. Whereas area of 3.95 ha was although free from said restriction but was sought to be surrender vide letter dated 17.06.2013, as due to alleged part of lease under Aravalli plantation said part was not in continuity of larger area sought to be retained for mining.
13. That having surrendered the part area supplementary lease deed for area retained for mining was executed. The applicant obtained required Environmental Clearance for said part area of 8.017 ha in 2015 and re-commenced mining operations with new EC.
14. That before submitting further following being relevant may be considered:
 - A. That in village Musnota another mining lease over an area of 79.32 ha. Spread over Khasra numbers

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599,600,601,626,627,628,648 and 649 was granted on 05.04.2002 in favour of M/s Satish Kumar Garg and Company. It may be noted here that mining lease in favour of applicant was granted in 1994 much prior to grant of lease in another part area of village Musnota to Sh Satish Kumar Garg in year 2000

- B. That as per report dated 05.04.2007 of the DC Committee the whole of the above khasra numbers granted on mining lease to Sh. Satish Kumar Garg were reported to be under Aravalli Project Plantation.
- C. That in view of the fact that Forest Department objection and not granting NOC in favour of Sh Satish Kumar Garg for the leases area granted in his favour,
- D. That it worth pointing here that prior to orders dated 18.03.2004 of the Hon'ble Supreme Court and report dated 05.04.2007 of the DC Committee, all mining areas not falling within notified Protected Forest or Reserved Forest were free for mining or non-forest activities.
- E. That Sh Satish Kumar Garg aggrieved by the action of the Forest Department filed a CWP no.2682 of 2018 before the Hon'ble Punjab and Haryana High Court at Chandigarh.
- F. That in view of above the said matter the issue of declaration of 'Aravali area' in Village Musnota, came up for consideration before the Hon'ble Punjab and Haryana High Court in C.W.P. No. 2682 of 2018 titled as "M/s Satish Kumar Garg & Company Versus. State of Haryana and others".

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- G. That during the course of submission made before the Hon'ble Court it came for consideration that area of hillock of the village Musnota was under mining under number of mineral concession granted from time to time and during the period plantation/ alleged plantation was undertaken under Aravalli project5 during 1991 -2000, the area was different mining contracts/leases.
- H. That in said matter it came up before the Hon'ble High Court that total area of 785 hectares of common land gair mumkin pahar/ area of Village Musnota and only 505 hactres of land was used for plantation under Aravalli Project.
- I. That even further the area of 505 hectares on ground was not clear so the Hon'ble High Court vide its judgment dated 26.04.2018 set aside the order of the Forest Department vide which the NOC to Sh. Satish Kumar Garg was refused. Tereby, the land was not utilized for Aravali Plantations and came within 280 Hectares, which is being wrongly shown as 'Aravali Area'. A copy of the Judgment dated 26.04.2018 is annexed herewith and marked as ANNEXURE A-1.
- J. That in view of same it was clearly held that out of 785 hectares area plantation was undertaken in 505 hectares of area and 280 hectares of the area in village Musnota was not used for planation and free from any restriction. Accordingly, the Forest department accordingly granted NOC to Sh. Satish Kumar.

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- K. For a clear representation a aks sazra map is enclosed (Annexure-1) herewith for showing the erroneous mistake done by forest department while demarcation and publishing the area under Aravalli plantation.
15. That it is most humbly submitted that the mining lease to the applicants was granted on 16.04.1994 and for all means was/ is part of said 280 hectares of land which was not part of Aravalli plantation. Hence, the part area of 28.05 ha of the lease which got declared wrongly as area covered by Aravalli plantation and resulted in our surrender of area of 32.45 ha (28.05 ha of Aravalli Planation and 3.95 ha of part area otherwise free from alleged plantation) was also act resultant of a wrong report. Hence, the same needs to be got corrected by restoring the area back to the applicant lease holder because any action taken based on some erroneous report cannot force/ implemented in the eyes of law.
16. That the case of the Applicant being squarely covered by the aforesaid Judgment dated 26.04.2018 vide earlier representation in 2019 sought the same but despite repeated follow up no action has been taken till date. In the light of same through this communication we hereby are submitting fresh request for needful and making correction of the lease area. The same is not only in the interest of applicant but will be in the overall interest of mining activities in the state.
17. That it may be pointed out here that total area of 280 hectares in village Musnota is free from Aravalli

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plantation. Even after leaving the area of 119.88 ha. (79 .32 aha of Satish and 40.56 of Maa Santoshi Khanij Udyoug) an area of about 156.12 ha will be available to the state for fresh grant being free from Aravalli planation in Village Musnota .

18. That in view of above it is most humbly requested to allow the correction of the lease area of applicant by restoring the area of 32.45 ha, so that further action to get the fresh Mining Plan prepared and got approved.

Thanking you,

Yours faithfully,

For M/s Maa Santoshi Khanij Udyog, Rewari

Dated: 27.12.2024



Partner/Proprietor

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Lal Chand v. State of Haryana Advance Service

1 message

Abhishek Tripathi <abhishek.legum@gmail.com>

Fri, Jul 4, 2025 at 3:18 PM

To: officeofadvtarungupta955@gmail.com, rkhuranalegal@gmail.com

Cc: rkumar2188 <rkumar2188@gmail.com>

Dear All,

PFA the replies filed on behalf of Respondent No-5 in the above-captioned matter. Kindly treat this as advance service.

Abhishek Tripathi
Advocate-on-Record, Supreme Court
+91-9311557178.

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3 attachments**Reply Affidavit ti Intrim report.pdf**

1439K

**IA for Cod.pdf**

949K

**Reply with Annexures OA 916 of 2024.pdf**

9799K