

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

OA No. 1140/2024

Sumit Kumar

...Applicant

Versus

State of Haryana & Ors

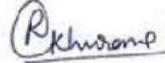
...Respondents

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1.	Reply on behalf of Respondent No. 01 ACS, Environment, Forest and Wildlife Department; 03 Deputy Commissioner, Mahendragarh & 05 Member Secretary, HSPCB.	

Date: 07.07.2025

Through



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Reply on behalf of Respondent No. 01 i.e. ACS, Environment Forest & Wildlife Department; Respondent No. 03 Deputy Commissioner, Mahendragarh and Respondent No. 05, Member Secretary, Haryana State Pollution Control Board.

Most Respectfully Showeth:

A. That this Hon'ble Tribunal vide order dated 23.01.2025 observed that, we consider it necessary to have responses of (1) State of Haryana through Additional Chief Secretary, Environment, Forest and Wild Life Department, Government of Haryana (2) Director, Mining and Geology, Government of Haryana, (3) District Magistrate, Mahendragarh at Narnaul (4) Central Pollution Control Board (CPCB) through Member Secretary, (5) Haryana State Pollution Control Board (HSPCB) through Member Secretary, (6) M/s Bayal Quartz and Feldspar Mines (Project Proponent), Village Bayal, District Mahendragarh who stand impleaded as respondents no. 1 to 6.

B. The present reply is being filed through Vijay Chaudhary, Regional Officer, HSPCB, Mahendragarh at Narnaul, who is authorized and competent to file the same on behalf of the answering respondent No.1, 3, and 5.

C. That present reply is being filed dealing with the issues concerning with the answering respondent, on the basis of information available in the record of answering respondent and liberty is being craved to file additional reply as and when required, with the permission of this Hon'ble Tribunal.

D. That in compliance of order dated 19.11.2024 the joint committee has filed report dated 28.02.2025. The contents of said report may kindly be treated as part and parcel of the present reply as those are not being repeated for the sake of repetition.

E. That paragraph wise reply on letter petition 02.02.2024 is as under: -

1-2. That applicant has alleged about illegal mining with heavy blasting at distance of 50 mtr from Harijan Basti, 200 mtr distance from Hospital and nearby temple. It has been further alleged regarding serious disease like Asthma, TB etc.

It is most respectfully submitted that the above point has been verified by the joint committee and submitted its report. The relevant extract of joint committee report is reproduced below: - **Para 2.3.3 (Page No. 25, 26 & 27)**

"1. It was observed that there are Harijan Basti, Temple, School and Primary Health Centre in the vicinity of the mine. The information regarding distance of mines from various structures provided by Revenue Department vide letter No. 148/MC dated 21.02.2025 indicates that **the mining activities have been carried out at a distance of 400 mtr from Hospital and 350 mtr from School and around 100 mtr from the houses built in the vicinity (Annexure-13).**

3. The observations/findings of the joint committee regarding the compliance of the above conditions with regard to blasting are as follows:

a. *No signs of mining within 50 mtr distance from the Abadi, School, Temple, Health Centre were observed. This was also confirmed by the Revenue Department vide letter No. 148/MC dated 21.02.2025 (Annexure 13). As per site inspection and details of blasting operations including geo-coordinates provided to the Joint Committee, no blasting activities have been carried out within 100 mtr from the outer boundary of any Village Abadi, National Highway, State Highway, Major District Roads(MDR) and other District Roads(ODRs).*

b. *The project proponent has conducted three blast vibration studies by engaging CSIR-Central Institute of Mining and Fuel Research (CIMFR), Dhanbad vide i) Project Code: CNP/4718/2018-19 August 2018 (Annexure-14), ii) Project Code: CNP/5073/2021-22 September 2021 (Annexure-15) and iii) Project No.: CNP/5236/2023-24 MAY 2024 (Annexure-16), in compliance to the condition of Environmental Clearance.*

c. *The project proponent is monitoring ground vibration and air overpressure of each blast and keeping the record of the same which include logs generated from Blastmate, geo-location of the blast, date and time of blast etc. The copy of the records maintained for each blasting activity undertaken in North Block and South Block of the mine in the Month of January, 2025 was obtained from the Project proponent for verification by the Joint Committee (Annexure-17 and Annexure-18)."*

3. That applicant in para No. 03 has alleged about not providing green belt as per condition of environment clearance and mining below the ground water table leading to water discharge from the mine due to deep excavation.

It is most respectfully submitted that the above point has been verified by the joint committee and submitted its report. The relevant extract of joint committee report is reproduced below: - (Para 2.3.2) Page 25,

“3. It was observed by the Joint Committee from the numbers and height of benches in the working pit that, as the mining operation by M/s Bayal Quartz; and Feldspar Mines, is yet to achieve the maximum permissible depth of mining, the intersection with the water table is not expected at this stage, as against allegation in the letter petition.

4. However, some localized water accumulation was observed in the working pit which appeared to be rain water (Photograph-1 and 2 of Annexure-36). In this regard, according to the Approved mining plan, “since the mine pit is open, the rain water and seepage from the mine dump may accumulate in the mine pit which requires pumping. The pulping of stored or accumulated water in the mine pit would not create cone of depression”

(Para 2.3.4) Page 27

“X

It was observed that greenbelt all along the mine lease area including 7.5 m wide green belt in the safety zone, as mandated in Environmental Clearance is yet to be completed by the project proponent.”

4. That applicant in para No. 04 has alleged about not made any initiatives in the Village through Corporate Social Responsibility (CSR).

It is most respectfully submitted that the above point has been verified by the joint committee and submitted its report. The relevant extract of joint committee report is reproduced below: - (Para 2.3.8) Page 36

“However, CA certificate dated 09/12/2023 shared by the project proponent indicates that an expenditure of Rs. 4843311/= has been incurred from the year 2018 to September 30, 2023 on various CSR activities (Annexure-35).”

5. That applicant in para No. 05 has alleged about illegal mining and Three No. stone crushers having setup with approval for only two.

It is most respectfully submitted that the above point has been verified by the joint committee and submitted its report. The relevant extract of joint committee report is reproduced below: - (Para 2.3.6) Page 30 & 31

“1. M/s Shri Ram Stone Crusher:

Therefore, as per record of HSPCB, M/s Shri Ram Stone Crusher has installed two set of Machinery (02 Jaw Crushers and associated downstream machinery) for production of 11000 MT/day and is operating with valid consent to operate. The Joint Committee also observed during site inspection that the two sets of machinery have been installed at M/s Shri Ram Stone Crusher.

2. M/s Shri Ram Stone Crusher Plant 02:

Therefore, as per record of HSPCB, M/s Shri Ram Stone Crusher (Plant 2) has installed one set of Machinery (01 Jaw Crushers and associated downstream machinery) for production

of 11000 MT/day and is operating with valid consent to operate. This was verified by the Joint Committee during site inspection."

6. That applicant in para No. 06 has alleged about illegal mining and causing dust emission causing various diseases; Asthma and TB etc.

It is most respectfully submitted that the above point has been verified by the joint committee and submitted its report. The relevant extract of joint committee report is reproduced below: - **(Para 2.3.5) Page 29**

"3. The Joint committee also obtained the data of respiratory diseases in the habitation namely Harijan Basti in the vicinity of the mining area, from the primary Health Centre, Bayal. As per information received from the Office of Civil Surgeon, Narnaul, total 06 cases of respiratory diseases aged between 54 to 71 years have been reported in Harijan Basti during last 05 years (Annexure-21)"

7-8. That applicant in para No. 07 & 08 has alleged about illegal mining activities in adjoining Aravalli Plantation in Khasra No. 198 & 202.

It is most respectfully submitted that the above point has been verified by the joint committee and submitted its report. The relevant extract of joint committee report is reproduced below: - **(Para 2.3.1) Page 24**

"7. The above facts indicate that:

- i. The area of mining lease (151.85 hectares) falling under the Aravalli Project Plantation in Khasra No. 198 and 202, which is also referred in the letter petition, was surrendered before starting the mining activities after obtaining the Environmental Clearance.*
- ii. The total mining lease area of M/s Bayal Quartz & Feldspar*

Mine is 76.75 hectares falling in Khasra Nos. 201, 223 and 224 in Village Bayal, District Mahendragarh and this area doesn't fall under Aravalli Project Plantation.

iii. The project proponent has obtained approved mining plan from Department of Mines and Geology Haryana, Environmental Clearance from MoEF&CC, Consent to Establish (Annexure-10) and Consent to Operate for 18333 MT/day production from HSPCB (Annexure-11).

8. *It was observed by the Joint Committee during site inspection with the assistance of Mining Inspector of the area concerned that the mining is being done within the pillars installed for the demarcation of mining area. The member representing the forest department in the Joint Committee also confirmed that as per record, the forest area is not involved in the mining by the project proponent.*

9. The details of illegal mining cases registered and the action taken in the Bayal area was also sought from Mining Department and Police Department. As per information provided by SP, Mahendragarh vide Letter No. 26524 dated 10/01/2025 (Annexure-12), Total 373 cases of illegal mining have been registered during last 05 years and 08 accused have been arrested against 06 FIR registered in Police Station Bayal during last 05 years. As per information made available to the Joint Committee, no case of illegal mining has been registered against M/s Bayal Quartz and Feldspar Mine, so far."

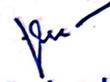
9. That in reply to para 9 of OA, contents of para no.1 and 2 are being reiterated.

10. That in reply to para 10 of OA, contents of para no.6 are being reiterated.

Additionally, on the basis of report submitted by joint committee on dated 28.02.2025, the respondent No. 06 i.e. Project Proponent (P.P.) had already submitted reply on 21.03.2025 with claim of compliances made and again filed additional reply on 05.05.2025 before this Hon'ble Tribunal.

Also, the unit has submitted point wise compliance on shortcomings observed during inspection along with photographic proofs on 01.07.2025 with HSPCB.

The answering respondent shall abide by further directions of this Hon'ble Tribunal. In view of the above submissions, present reply may kindly be record.



Regional Officer
Haryana State Pollution Control Board
Mahendergarh Region

Regional Officer,
Haryana State Pollution Control Board,
Mahendragarh
(For Respondent No.01, 03 & 05)

Date: - 05.07.2025

Place: - Mahendragarh

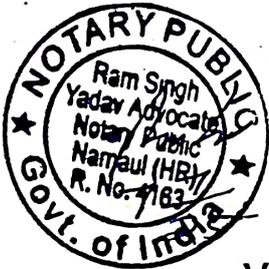
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AFFIDAVIT

I, Vijay Chaudhary, Regional Officer, Haryana State Pollution Control Board (HSPCB), Mahendragarh at Narnaul, about 57 Years aged, do hereby solemnly affirm and state as under:

1. That I am authorized representative of the Respondent No. 01, 03 & 05 in present case. I am well conversant with the facts and circumstances of the case therefore; I am competent to swear this affidavit.
2. That I have read the contents of accompanying reply which has been drafted under my instructions.



1/11/24
Vijay Chaudhary
DEPONENT

VERIFICATION

Verified that the contents of above affidavit are true and correct to my knowledge and on the basis of information derived from the official record which I believe to be true and no material fact has been concealed therein.

ATTESTED

Ram Singh Yadav Advocate
Notary Public Narnaul

1/11/24
Vijay Chaudhary
DEPONENT