

**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

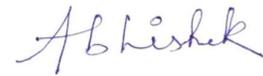
**REPLY TO INTERIM REPORT OF THE JOINT COMMITTEE DATED
04.03.2025 ON BEHALF OF RESPONDENT PROJECT PROPONENT:
M/S. MAA SANTOSHI KHANIJ UDYOG (RESPONDENT NO. 5)**

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NDOH:08.07.2025

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Through



ABHISHEK TRIPATHI
Advocate for Respondent No. 5
B-804, Fresco Exotica, Sector 137 Noida.

M-9311557178

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Filed on: 04.07.2025

Place: Delhi

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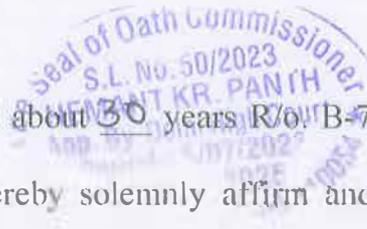
04.03.2025 ON BEHALF OF RESPONDENT PROJECT PROPONENT:

M/S. MAA SANTOSHI KHANIJ UDYOG (RESPONDENT NO. 5)

MOST RESPECTFULLY SHEWETH:

I, Raman Sokhal, S/o. Vinod Kumar, aged about 30 years 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 interim report of the Joint Committee dated 04.03.2025, 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.

3. That the project proponent herein has filed a reply to the instant OA, the project proponent thus seeks liberty to rely upon the factual narration provided therein and further rely upon the documents annexed therein in support of the facts, contentions, submissions and averments made in this Reply.
4. That at the outset it is submitted that the Joint Committee was established without the project proponent herein having been given an opportunity of being heard, be that as it may, the interim report dated 04.03.2025 filed by the Joint Committee is not the final report and the final report is still awaited. It is therefore submitted that the present reply is being filed limited to the issues raised in the interim report dated 04.03.2025 and the project proponent herein thus reserves its right to file rely affidavit when the final report of the said Joint Committee is filed.

Para-wise reply to the findings of the interim report:-

5. Paragraph 2.3.1 (i)- the contents of the paragraph are matter of record and merit no reply.



6. Paragraph 2.3.1 (ii)- the contents of the paragraph are denied. It is submitted that Khasra No. 487 had no plantation let alone it be part of Aravali Plantation. The only source to contend that Khasra No. 487 is part of Aravali Plantation is a document (Annexure No. 6 of the interim report) allegedly provided by the Forest Department. It is submitted that the said document's source, nature, date and varsity are not known. The project proponent reserves the right to respond to the said document once the source, nature, date and varsity of the said document are made known. On the contrary, the Joint Committee has erred in not relying upon the fact that 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 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



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project proponent herein having destroyed any plantation on the said khasra.

7. Paragraph 2.3.1 (iii)- the Joint Committee itself admits that 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 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.

8. Paragraph 2.3.1 (iv) & (v)- the contents of the paragraphs are denied. The project proponent has nothing to do with any other khasra than khasra no. 550. It is respectfully submitted that pursuance to the earlier OA (OA No. OA/514/2023 and OA/546/2023) proceedings 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 	Appeal against the said demand notice has been filed by project proponent under Rules 109(1) of the Haryana Minor Minerals



		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 illegal mining at Khasra No. 487 & 551.	Concession, Stocking, Transportation of Mineral & Prevention of 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.

Further, 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/-



9. Paragraph 2.3.1 (1)- the contents of the paragraph are denied. It is submitted that Khasra No. 487 was originally part of the leased out mine and later project proponent had 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 proponent only commenced its operation in the year 2016. Therefore there was never any plantation on the said khasra let alone aravali 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.

Land has been left unused around the mine. In recent past more than 700 trees were planted by project proponent but most were uprooted/destroyed by live-stock. Still the project proponent is planting and is in the process of maintaining the belt. Project proponent has not been able to continuously operate the mines after 2019. The only uninterrupted period was in 2018 to 2019.

The project proponent has sprinkling system on our main haulage road. Additionally project proponent has tanker of capacity of 7000 ltrs used for water spraying.



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10.Paragraph 2.3.1 (2) – the contents of the paragraph are not admitted. It is submitted that 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.

11.Paragraph 2.3.1 (3)- it is submitted that the present reply is being filed limited to the issues raised in the interim report dated 04.03.2025 and the project proponent herein thus reserves its right to file rely affidavit when the final report of the said Joint Committee is filed.

12.Paragraph 3 (1) – the interim report itself does not give a definitive finding *qua* the allegation that the project proponent is using Aravali Plantation as pathway. The report concludes that “*it appears*” that the allegations are true. It is submitted that Khasra No. 487 was originally part of the leased out mine and later project proponent was made to



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surrender the said Khasra. The Khasra No. 487 was under mining since 1994 till the time project proponent surrendered it in 2013. Project proponent only commenced its operation in the year 2016. Therefore there was never any plantation on the said khasra let alone aravali 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.

13.Paragraph 3(2)- it is submitted that the answering Respondent (Project Proponent: M/s. Maa Santoshi Kanij Udyog) has always been compliant 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. It is submitted that the present reply is being filed limited to the issues raised in the interim report dated 04.03.2025 and the project proponent herein thus reserves its right to file rely affidavit when the final report of the said Joint Committee is filed.

14.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 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.



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15. 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.

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

M/s Maa Santoshi Khanij Udyog
[Signature]
Partner
DEPONENT

VERIFICATION 4 JUL 2025

Verified at New Delhi on this ____ 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 affidavit.

M/s Maa Santoshi Khanij Udyog
[Signature]
Partner
DEPONENT

FILED BY:

Abhishek

ABHISHEK TRIPATHI

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

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

VERIFIED THAT THE DEPONENT
Shri. Raman Sekhar
Vidya Seshat
Sector-9, Rohini, Delhi
identified by Shri/Smt. Abhishek
as material affirmed before me at Delhi
on 04/07/2025. The contents of the
affidavit which have been read & explained
to him/her are true & correct as his/her
conclusion.

4 JUL 2025

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

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

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