

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A NO. 268 OF 2021

IN THE MATTER OF:

JAHANGIR

...Applicant

Versus

STATE OF HARYANA

...Respondent

WITH

**REPLY TO THE OA NO. 268 OF 2021, THE JOINT
COMMITTEE REPORT ON BEHALF OF
M/S. STAR MINES**

PAPER BOOK

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O.A NO. 268 OF 2021

IN THE MATTER OF:

JAHANGIR ...Applicant

Versus

STATE OF HARYANA ...Respondent

**REPLY TO THE OA NO. 268 OF 2021, THE JOINT
COMMITTEE REPORT DATED 26.05.2022 PURSUANT TO
THE ORDER DATED 12.08.2022 PASSED BY THIS
HON'BLE TRIBUNAL ON BEHALF OF M/S. STAR MINES.**

TO,

THE HON'BLE CHAIRPERSON AND HIS COMPANION
JUDGES OF THE LEARNED NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

THE HUMBLE REPLY OF THE ANSWERING
RESPONDENT HEREIN:

MOST RESPECTFULLY SHOWETH:

1. At the very outset the answering Respondent, M/s Star Mines submits that it has not been involved in any illegal mining, albeit in Village Belgarh, State of Haryana which is located across the River Yamuna from District Saharanpur, U.P.

2. The answering Respondent was granted Mining Lease in respect of Gata No. 1, Village Barthakorsi, Tehsil Behat, District Saharanpur, U.P (*hereinafter referred to as "the said mine"*) admeasuring 36.00 Hectares, for excavation/mining of about 7,56,000/- cubic meter per annum of sand, bajri and boulder and has admittedly conducted mining only a brief period from 1.04.2021 to 30.06.2021 i.e. less than 3 months.
3. The said Mine has been a subject matter of scrutiny in 3 (three) separate OA's registered before this Hon'ble Tribunal, wherein no illegal mining against M/s Star Mines (*except mining without obtaining CTO/ CTE under the Water / Air Acts & NOC from Ground water Authorities*) was found after multiple site inspections (6 in total).
4. It is submitted that the Complaint/ letter on the basis of which the present OA was registered, is a well-orchestrated and motivated attempt at the behest of lease holders/ Stone crushers located in Village Belgarh, State of Haryana, who have initiated the same to safeguard and shield themselves and build a defence against:
 - (a) The Report of the Justice Pritam Pal Singh Monitoring Committee in OA No. 150 of 2021 (*Anish v. UOI*) wherein illegal in-stream mining was found in Village Belgarh, Haryana which diverted the flow of the River Yamuna; and
 - (b) Various FIRs of illegal mining, registered in District Saharanpur, UP for illegal mining in Village

Aslampur Bartha which across the River Yamuna to Village Belgarh, by leaseholders/ Stone crushers located in Village Belgarh, Haryana; and

- (c) Dilute the Order dated 30.06.2021 by the Department of Mines & Geology, Haryana whereby 63 Stone Crushers were suspended for having indulged in illegal mining and showing false & fake procurement of Minerals by raising inter-state bills from far away states (*Arunachal Pradesh, Andamans, Kerela, Assam, Tamil Nadu etc*), with an endeavour to process and dispose such illegally procured mineral.

5. The present OA was registered based on a Complaint/ letter sent by the Applicant wherein it was alleged that unscientific and illegal mining obstructing the flow of the Yamuna River was taking place in Village Belgarh, State of Haryana by M/s Star Mines, and heavy machines were working day and night.

A true translated copy of the Complaint/ letter dated 31.05.2021 sent by the Applicant to this Hon'ble Tribunal is enclosed herein and marked as **ANNEXURERA-1**.

6. This Hon'ble Tribunal registered the complaint/letter as OA No. 268 of 2021 and vide its Order dated 27.10.2021 directed a Joint Committee (*comprising of Haryana PCB, UP PCB, SEIAA UP, SEIAA Haryana, District Magistrate, Yamuna Nagar and District Magistrate, Saharanpur UP*) to ascertain the correct facts after undertaking a site inspection.

A Copy of the Order dated 27.10.2021 passed by this Hon'ble Tribunal in O.A. No. 268/2021 is enclosed herein and marked as **ANNEXURE RA-2**.

7. Pursuant to the Order dated 27.10.2021, the Joint Committee conducted 3 inspections on 10.01.2022, 24.02.2022 & 12.05.2022 in the presence of the Applicant herein (i.e. Jahangir) and submitted its Joint Report dated 26.05.2022 whereby it essentially stated as under:

- (a) As per the Report submitted by the State of UP, a mining lease of 36 hectares was granted to M/s Star Mines in District Saharanpur, UP in the year 2019 for a period of 5 years, and that **No illegal mining was being carried out by M/s Star Mines in Village Belgarh in the area of State of Haryana.**
- (b) As per the Report submitted by the State of Haryana, it was observed that the area of dispute i.e. Khasra No. 19/20 and 20/13 falls in Village Belgarh, Haryana wherein the flow of the River changed due to illegal mining however the quantum of illegal mining could not be ascertained.
- (c) During inspection conducted on 12.05.2022, **no illegal mining was observed at the border of UP** and Haryana and the adjacent area of Village Belgarh, Haryana in the River Yamuna.
- (d) As per site observations, **the machinery of M/s Star Mines was operating substantially away from the border area, and within the jurisdiction of the State of U.P.**
- (e) **Contrary to the claims of Applicant Jahangir, no foot prints were observed at the site which would**

indicate that flow of the River Yamuna diverted in the area of Dispute i.e. Village Belgarh.

A Copy of the Joint Committee Report dated 26.05.2022 along with translated copies of Annexures as submitted before this Hon'ble Tribunal in the present OA is enclosed herein and marked as **ANNEXURE RA-3**.

8. This Hon'ble Tribunal vide its Order 12.08.2022 perused the Joint Committee Report and found that there is a diversion of the flow of River Yamuna due to illegal mining being conducted in the territory of the State of Haryana, which according to this Hon'ble Tribunal was attempted to be mellowed down/ diluted.

On the assumption that the mining in the present OA (questionable area i.e. Khasra No. 19/20 & 20/13 in Village Belgarh, Haryana) has been allocated in favour of the answering Respondent, and in the absence of anybody else's involvement, unless proven otherwise, this Hon'ble Tribunal issued notice to the answering Respondent, M/s Star Mines.

It is most respectfully submitted that this Hon'ble Tribunal inadvertently stated that Village Belgarh is situated in the State of U.P. whereas in actuality it is situated in the State of Haryana. The mine lease area of M/s Star Mines is located on the other side of the River Yamuna within the State of U.P, and at a considerable distance from the questionable area i.e Khasra No. 19/20 & 20/13 which is located in

Village Belgarh, Haryana. Hence the very genesis on the basis of which M/s Star Mines was *prima facie* presumed to be involved in illegal mining, is not met out.

A Copy of the Order dated 12.08.2022 passed by this Hon'ble Tribunal is enclosed herein and marked as **ANNEXURE RA-4**

I. RAMPANT ILLEGAL MINING BY LEASE HOLDERS/ STONE CRUSHERS/ SCREENING PLANTS IN STATE OF HARYANA

(Mining on River embankment – Flow of Yamuna Diverted)

A. Justice Priti Pal Singh Monitoring Committee Report dated 7.05.2022 – OA No. 150 of 2021 (*Anish v. UOI*)

This Hon'ble Tribunal in OA No. 150 of 2021 requested the Monitoring Committee headed by Justice Priti Pal Singh to check the factual position with respect to illegal mining taking place in District Yamuna Nagar, Haryana (*including District Belgarh*).

The Monitoring Committee made site visits on 1.04.2022 & 23.04.2022 and found the following violations:

- One M/s Mubarikpur Royalty Co. was *interalia* conducting illegal mining upto a depth of more than 3 metres on the **embankment of the River Yamuna at the active edge of the River**, in Village Belgarh, Haryana.

“3.2.1.4. - the site conditions indicated that no distance of mining lease site has been maintained from the embankment of river and mining has been started just at the embankment of river and the same facts were verified during the last visit of the Technical Expert of the Monitoring Committee on 23.04.2022.

3.2.1.6 - on the day of visit on 23.04.2022, it was observed that mining upto depth of more than 3m has been done in the mining lease area against the permissible depth of 3m.”

- One M/s Development Strategies Pvt. Ltd extracted excessive quantities of sand by undertaking **in-stream mining** using heavy machinery during odd hours, which **diverted the flow of River Yamuna**.

“3.3.1.10 – During the visit of the Monitoring Committee on 1.04.2020, it was observed that the mining lease holder had diverted the flow of River Yamuna by laying of layer of sand in the lease area to extract more quantity of sand from the lease area.

3.3.1.11 – The condition of the flow of River water in between the patches of sand/ grave; heaps indicate that the mining lease holder might be doing in-stream mining using heavy machinery during odd hours”

That the location of illegal, excessive in-stream mining on the embankment of the River Yamuna in Village Belgarh, Haryana which led to diversion of the River flow as noticed by the Monitoring Committee in OA No. 150 of 2021, is near the site in question in the present OA. It is submitted

that the answering Respondent is being made a scapegoat to safeguard such miscreants operating in the State of Haryana.

A Copy of the Report of the Monitoring Committee dated 7.05.2022 headed by Justice Priti Pal Singh (*former Judge Punjab & Haryana High Court*) is enclosed herein and marked as **ANNEXURE RA-5**

B. Various FIRs for illegal Mining filed qua illegal mining in Village Belgarg/ District Yamuna Nagar, Haryana

A large number of FIRs have been registered by the Mining Inspector, Saharanpur, UP& also in District Yamuna Nagar, Haryana alleging theft of sand/ rampant illegal mining being undertaken by Mining lease holders of Village Belgarh, Haryana in in Aslampur Bartha Kosi. U.P.

DETAILS OF FIRs

S. No	DATE OF FIRS	COMPLAINANT	ACCUSED	ALLEGATION
1	15.03.20 (<i>FIR No. 103</i>)	Mining Inspector, Saharanpur	Unknown person	Illegal Mining of 3209m in River Yamuna, Village Aslampur Bartha. Theft by Stone crushers located in Belgarh
2	19.09.20 (<i>FIR No. 413</i>)	Manoj Kumar, Sub-Inspector, Saharanpur, UP	Shubham & Virender Sharma (<i>M/s Mubarikpur Royalty</i>)	Illegal mining/ burglary by 20-25 dumphers, JCBs, heavy machinery in Aslampur Bartha. Driver arrested & dumphers

				seized (<i>video adduced as evidence</i>)
3	9.10.20 (<i>FIR No. 435</i>)	Mining Inspector, Saharanpur	M/s Mubarikpur Royalty, Nelgarh, State of Haryana	Illegal mining of 47512m ³ found in River Yamuna, Village Aslampur Bartha by Joint team of District Belgarh, Haryana & District Sahanpur, UP (<i>video & photo adduced as evidence</i>)
4	22.03.22 (<i>FIR No. 128</i>)	Mining Inspector, Saharanpur	Shahnazar, Surya Stone crushers, Hamlesh Stone Crusher,	Illegal Mining/ theft of 7630m in River Yamuna, Village Aslampur Bartha. Two persons arrested. Sized 1 Loader/ 2 Dumpsters.

Furthermore, as per recent Newspaper Reports in Tribune (dated 16.07.22) & Times of India (dated 18.08.22), on the complaint of District Mining Officer, Yamuna Nagar, Haryana, multiple FIRs have been registered against atleast 6 entities/ firm (Stone crushers/ Screening Plants) for illegal mining in the said District, including District Belgarh, Haryana.

Translated Copies of the FIRs dated 15.03.2020, 19.09.2020, 9.10.2020 & 22.03.2022 registered on the Complaint of Mining Inspector, Saharanpur, UP for Illegal mining/ burglary in Aslampur Bartha, UP by Stone crushers/ Screening Plants & Mining lease holders from Village

Belgarh, State of Haryana etc are enclosed herein and marked as **ANNEXURE RA-6, RA-7, RA-8, & RA-9** respectively.

Copies of the Newspaper Reports in Tribune dated 16.07.22 & Times of India dated 18.08.22 regarding registration of FIRs on the complaint of District Mining Officer, Yamuna Nagar, Haryana against 6 Stone Crusher units are enclosed herein and marked as **ANNEXURES RA-10 (Colly)**.

C. Order dated 30.06.2021 by the Department of Mines & Geology, Haryana – Suspension of 63 Stone Crushers/ Screening Plants

The Department of Mines & Geology, Haryana vide its Order dated 30.06.2021 suspended 63 Stone Crushers/ Screening Plants located in various Districts of Haryana including Yamuna Nagar for having indulged in illegal mining, and showing false & fake procurement of Minerals by raising inter-state bills from far away states (*Arunachal Pradesh, Andamans, Kerela, Assam, Tamil Nadu etc*), with an endeavour to process and dispose such illegally procured mineral.

The Relevant portion of the said Order is extracted as under:

“8. It is clear that any transportation of mineral from far away states other than adjoining states in neither practically possible nor economically feasibly (because of huge transportation charges) to any crusher, screening plant.

Hence the mineral being shown as procured/ purchases for such states in fake and falls under the case of fraud with the State Government. The mineral shown to be procured has been done only for the purpose of act of creating stocks in official portal of the Department in order to enable them to process and dispose of illegally procured mineral under the garb of such inter-state bills/ inter-state procured raw mineral.

9. *In light of above, it is hereby ordered that generation of e-rawaana from the departmental portal of all the above mentioned 63 units [38 Stone crushers, 23 screening plants MDL and 2 stockist MDL] are suspended with immediate effect till further orders/ action and recovery of penalty/ fine as per Rules”.*

It is submitted that the illegally procured sand/ raw material shown in the fake inter-state bills were in all likelihood procured from State of Haryana & nearby states, and gives impetus to the answering Respondent’s submission that it is not the sole entity conducting mining in the area and thus cannot be held liable for diversion of the flow of the River Yamuna.

A Copy of the Order dated 30.06.2021 passed by the Department of Mines & Geology, Haryana, suspending 63 Stone Crushers/ Screening Plants in enclosed herein and marked as **ANNEXURE RA-11**.

D. Illegal Mining Noticed in Village, Belgarh – Adjoining the disputed area in Question

One M/s Celleis Realtech was granted Mining Lease for sand, gravel and boulder at North Block/ YNR-1, located at Village Belgarh, Yamuna Nagar, Haryana.

The SEIAA, Haryana vide its order dated 17.07.2020 noticed that a sub-committee visited the mining lease area and noticed fresh illegal mining in Khasra No. 5/13 and 8/3, in the mining leased area. However, vide the Order dated 17.07.2020, the SEIAA Haryana accepted the submission of the PP that it had not taken possession of the mining contract and were not responsible for the illegal mining.

It is submitted that Khasra No. 5/13 (location of site of illegal mining in Order dated 17.07.2020) is adjoining to the Khasra No. 19/20 and 20/13 wherein illegal mining is alleged in the present case. *A fortiori*, if the said PP did not conduct any illegal mining, some other unit/ lessee/ person conducted the same.

It is also relevant to clarify that M/s Star Mines was granted EC on 26.03.21, Mining lease on 1.04.21 and mined only for a period of less than 3 months between 1.04.22 – 30.06.2022, which is much after the aforesaid Order being passed.

A Copy of the Order dated 17.07.2020 passed by the SEIAA, Haryana noticing illegal mining in Village Belgarh, Haryana is enclosed herein and marked as **ANNEXURE RA-12**

A Copy of the Revenue Map for Village Bartha Korsi, District Saharanpur, U.P. is enclosed herein and marked as **ANNEXURE RA-13**

Be that as it may, it is submitted that the principle ground raised by the Applicant was that due to the illegal mining the flow of the River Yamuna has been diverted towards Village, Belgarh, Haryana. A perusal of the Google Earth images from 2009 till date, refutes the same, in as much as, the River Yamuna since 2009 is being shown to be flow towards Village Belgarh, Haryana.

A Copy of the Google Map Images of Village Belgarh, Haryana & Dist. Saharanpur, UP are enclosed herein and marked as **ANNEXURE RA -14.**

II. M/S STAR MINES – SAME MINE SUBJECT MATTER OF 3 SEPARATE OAS & MULTIPLE INSPECTION REPORTS

The answering Respondent M/s Star Mines was granted mining lease area Gata No. 1, Village Bartha Korsi, Behat, Saharanpur, U.P vide mining lease dated 01.04.2021. The answering Respondent carried out mining for a brief period of 01.04.2021 to 20.06.2021 (less than 3 months) thereafter

which the said mine has been a subject matter of detailed scrutiny in three (3) separate OAs/ Appeals registered before this Hon'ble Tribunal, Principal Bench wherein multiple inspections (alleast 6) and (4) four Joint Committee Reports show that no illegal mining has been carried out by the answering Respondent which could even remotely lead to change of River course.

It is trite to mention that none of the Joint Committee Reports and Order passed by this Hon'ble Tribunal in the three (3) OAs have even alleged, let alone proved, any incidence or observation of any illegal mining being carried out by the answering Respondent, and was only limited to obtaining lack of Consent to Operate/Consent to Establish from the requisite Pollution Control Board, use of underground water and mining more than the daily quantity though within the permissible quantity granted.

Details of the Joint Committee Reports filed in pursuance to the Orders of this Hon'ble Tribunal qua the answering Respondent are as follows:

(i) Appeal No. 15 of 2022 – Promod v. State of U.P.

Pursuant to Order dated 9.06.2021 passed by this Hon'ble Tribunal in Appeal No. 15 of 2021, a Joint Committee (MOEF, CPCB, UP PCB, District Magistrate, Saharanpur) inspected the said Mine on 7.06.2021 & 19.06.2021 and

found that M/s Star Mines had not taken the requisite consents under the Air/Water Acts, not taken NOC from Ground water authorities & excavated mined material from the mining site in excess of the daily prescribed limit under the EC.

This Hon'ble Tribunal vide Judgment dated 10.05.2022 directed imposition of environmental compensation for illegal extraction of ground water and operation without CTO, and directed levy of compensation as per the *formulae* prescribed in the case of *NGT Bar Association v. Virender Singh*.

The Hon'ble Supreme Court in Civil Appeal No. 5013 of 2022, vide Order dated 12.08.2022 stayed the operations of the Judgment dated 10.05.2022 subject to a deposit. The said Civil Appeal is pending adjudication before the Hon'ble Supreme Court.

It is to be noted that the Complaint pursuant to which the present OA was registered, was sent on 31.05.2021, and the inspections by the Joint Committee in Appeal No. 15 of 2021 was made on 7.06.2021 & 19.06.2021 i.e. shortly after the said Complaint, wherein the Committee did not make any observation of any illegal mining being conducted in and around the mining area, let alone near the River or in any part of Village Belgarh, State of Haryana.

A Copy of the Judgment dated 10.05.2022 passed by this Hon'ble Tribunal in Appeal No. 15 of 2021, *Promod v. State of UP* is enclosed herein and marked as **ANNEXURE RA-15**.

A Copy of the Order dated 12.08.2022 passed by the Hon'ble Supreme Court in Civil Appeal No. 5013 of 2022 is enclosed herein and marked as **ANNEXURE RA-16**.

(ii) OA No. 201 of 2022 – Daljeet Singh v. St of U.P.

As per the Joint Committee Report (CPCB, UPPCB, SEIAA, UP, Dep of Mines, U.P, Dist. Magistrate, Saharanpur & Superintendent of Police, Saharanpur) dated 13.07.2022, the answering Respondent was found to have conducted mining for a period of 77 days (1.04.21 – 17.06.21) without obtaining CTO/CTE under the Air/ Water Acts, and NOC from the Ground Water Department. Further, the Committee found that certain mining pits were filled with water, which was due to the inspection having been conducted during the rainy season.

The Committee noted that there was no mining conducted by M/s Star Mines from 30.06.21 to 10.01.22, and did not make any observation whatsoever of any illegal mining being conducted in and around the mining area, let alone near the River or in any part of Village Belgarh, State of Haryana.

It is pertinent to mention that M/s Star Mines has duly taken the NOC from the Ground Water Authorities in July, 2022, Further, the CTO under the Air/ Water Acts have been granted by the UP PCB on 30.12.2021, a fact noted by the Joint Committee itself.

The said OA No. 201 of 2022 is pending consideration before this Hon'ble Tribunal and listed on 15.11.2022.

A Copy of the Joint Committee Report dated 13.07.2022 filed in OA No. 201 of 2022, Daljeet Singh v. State of UP before this Hon'ble Tribunal is enclosed herein and marked as **ANNEXURE RA-17**.

(iii) OA No. 249 of 2022 – Daljeet v. St of U.P.

This Hon'ble Tribunal vide Judgment dated 11.05.2022 directed imposition of environmental compensation on 8 mining lease holders for carrying on operation without CTO under the Air/ Water Acts, and directed imposition of penalty under Section 21(5) of the MMDR Act, 1957.

It is submitted that this Hon'ble Tribunal did not make any observation whatsoever of any illegal mining being conducted in and around the mining area, let alone near the River or in any part of Village Belgarh, State of Haryana.

A Copy of the Judgment dated 11.05.2022 passed by this Hon'ble Tribunal in OA No. 249 of 2021, *Daljeet Singh v.*

UPPCB is enclosed herein and marked as ANNEXURE RA-18.

III. NO ILLEGAL MINING FOUND BY THE JOINT COMMITTEE IN THE PRESENT OA

The Joint Committee comprising of more than 15-20 officers from Haryana SPCB, SEIAA Haryana, District Magistrate Yamuna Nagar Haryana, UPPCB, SEIAA UP & District Magistrate, Saharanpur UP, along with the Applicant Jahangir, conducted three (3) inspections on 10.01.2022, 24.02.2022 & 12.05.22 and categorically stated that no illegal mining was found to be carried out by M/s Star Mines in Village Belgarh in the area of State of Haryana.

Furthermore, it was found that no illegal mining was observed at the border of the State of U.P. that was adjacent to Village Belgarh, Haryana, and the machinery of M/s Star Mines was operating substantially away from the border area, and within the jurisdiction of the State of U.P.

The Relevant portion of the report is extracted herein below:

“3... As per the report submitted by the team of Uttar Pradesh, no illegal mining was carried out by M/s Star Mines in Village Belgarh in the area of State of Haryana...”

4... During inspection no illegal mining was observed at the border of U.P. and Haryana and in the adjoining area of Haryana i.e. Village Bailgarh, Haryana revenue in the River Yamuna. As per the site observations the machinery of M/s Star Mines was operating substantially away from the border area and within the jurisdiction of State of U.P. and

even no the foot prints of mining vehicles observed approaching the border area for mining in the area of Bailgarh. Further, the question raised by the complainant Sh. Jahangir regarding diversion of flow of River Yamuna, no such foot print observed at site that flow of the River Yamuna diverted in the area of dispute”.

This Hon'ble Tribunal vide its Order 12.08.2022 perused the Joint Committee Report dated 26.05.2022 and found that there is a diversion of the flow of River Yamuna due to illegal mining being conducted in the territory of the State of Haryana, which according to this Hon'ble Tribunal was attempted to be mellowed down/ diluted.

On the assumption that the mining in the present OA (questionable area i.e. Khasra No. 19/20 & 20/13 in Village Belgarh, Haryana) has been allowed in favour of the answering Respondent, and in the absence of anybody else's involvement unless proven otherwise, M/s Star Mines is solely responsible for the diversion of the flow of River Yamuna, this Hon'ble Tribunal vide Order dated 12.08.2022 issued notice to the answering Respondent, M/s Star Mines.

It is submitted that this Hon'ble Tribunal inadvertently stated that Village Belgarh is situated in the State of U.P. whereas in actuality it is situated in the State of Haryana. The mine lease area of M/s Star Mines is located on the other side of the River Yamuna, and at a considerable distance from Khasra No. 19/20 & 20/13 which is located in Village

Belgarh, Haryana. Hence the very genesis on the basis of which M/s Star Mines was prima facie presumed to be involved in illegal mining, is not met out.

Furthermore, the purported fact regarding the diversion of the flow of the River Yamuna has been made not by the Joint Committee which consisted of 15-20 persons, but pursuant to a Report by 2 members i.e. the Mining Officer, Yamuna Nagar, Haryana & Tehsildar, Chachroli, enclosed as Annexure 3 to the Joint Committee Report.

That it is evident from the above-mentioned Joint Committee Reports, Site inspections, Judgments/ Order passed by this Hon'ble Tribunal, Orders passed by Mining Department State of Haryana/ SEIAA, Haryana & various FIRs registered for illegal mining, that the answering Respondent is being targeted and the Applicant had made the Complaint dated 31.05.2021 at the behest of the syndicate/ mining lease holder/ stone crushers and screening plant owners functioning in Village Belgarh, State of Haryana, to safeguard their interest and cover their own illegalities.

It is submitted that M/s Star Mines had conducted mining only for a brief period of less than 3 months during the period 1.04.2022 – 30.06.2022, and it is unfathomable that mining for such a short duration of time could result in the change in the flow of River Yamuna.

That repeatedly inspections have been carried out in pursuance to the Orders of this Hon'ble Court but none of the reports exhibit mining outside the mine lease area or mining in close proximity to the river or mining in submerged area against M/s Star Mines. The inspections have been carried out by senior officers of States of Uttar Pradesh as well as Haryana and it shall be out of proportion, in the facts and circumstances of the present case to suspect the integrity of multiple officers involved in preparing the said Joint Committee Reports in different OAs.

This Hon'ble Tribunal in view of the Joint Committee report within its Order dated 12.08.2022 observed that there is diversion in flow of river Yamuna in the territory of State of Haryana. Clearly, no illegal mining was being carried out in the area of Uttar Pradesh. The grievance of the complainant is qua change in flow of river on the side of Haryana and it shall be beyond imagination that it is in consequence to illegal mining on the side of Uttar Pradesh especially when the distance between the two embankments is more than 1 km.

The Complainant has clearly concocted a farfetched allegation with ulterior motive of suspending mining in the area of District Saharanpur, Uttar Pradesh. It is pertinent to submit that the Applicant has not made any complaint or protest against the illegal mining in Village Belgarh,

Haryana which as per Joint Committee Reports/ FIRs and various Orders has resulted in the diversion of the flow of the River since 2016. This fact alone indicates that the complaint dated 31.05.2021 was sent at the behest of the mining lease holders/ screening plants/ Stone crushers located and functioning in District Yamuna Nagar/ Village Belgarh, Haryana, including those allocated lease for North and South blocks of Village Belgarh, Haryana.

Without prejudice to the above, the principle contention of the Applicant that due to the illegal mining the flow of the River Yamuna has been diverted towards Village, Belgarh, Haryana is itself fallacious, wrong and baseless, in as much as, a perusal of the Google Earth images from 2009 till date, shows that the River Yamuna flows towards Village Belgarh, Haryana.

In view of the abovementioned facts and circumstances, the answering Respondent submits that the observations made in the Order dated 12.08.2022 qua M/s Star Mines be recalled and an Expert Committee be set up to enquire and investigate into the actual perpetrators who conducted illegal mining in Village Belgarh, Haryana including and not limited to the project proponents, stone crushers, screening plants named in the various FIRs, Orders and Reports attached herein.

The answering Respondent further prays that an enquiry be made into the *bonafides* of the Applicant (Jahangir) who had sent the Complaint dated 31.05.2022 on the basis of which the present OA was registered.

Filed by:


[VANSHDEEP DALMIA]

Advocate for the Answering Respondent

Place: New Delhi

Filed on: 12.09.2022

To

ANNEXURE RA-1

The Incharge

P.S. Pratap Nagar,

Distt. Yamunanagar

Subject: Application to restrain the water course of River Yamuna towards Haryana due to illegal mining in Yamuna River by the Contractors/Lease holders of Uttar Pradesh in Village Belgarh of Haryana.

Sir,

Respectfully this is to inform you that M/s Star Mines have been allotted Mining contract for sand, grit, stone etc.in Village Bartha Korsi of District Saharanpur of State Uttar Pradesh. The said contract is being operating by Sanjay Karnwal, Bhanu Karnwal, Ravinder Malik, vedpal Singh, Deepak Chaudhary, Sharad Jaiswal and other senior politicians of BSP. The area which has been allotted for mining work in River Yamuna, the said area comes under the vicinity of Water course of River Yamuna. There is restrictions in Water course of the river. And also no permission has been granted for mining in water course. But they are doing illegal mining in water course through large popalene machines for twenty four hours and is selling the mining material by overloading the trucks. Nearby to the said lot there is area of Village Belgarh of Haryana State. Earlier in this area due to flood in river Yamuna a lot of villages damaged and to stop the flood Belgarh dam was constructed. But the contractors of M/s Star Minesturned the water course of the river Yamuna towards the area of Belgarh village to prevent the allotted area sanctioned to them from river water. And they are continuously doing the illegal mining work in the area of Village Belgarh; Due to this reason the water of river

Yauna hit directly towards Haryana area and shall be resulted for heavy desolation in the village of Haryana during the coming rainy season after one month. And in which heavy loss shall be occurred to the lives of villagers. M/s Star Mines also providing continuously loss to the revenue during lockdown period also. They turned the water course by doing illegal mining work to damage Haryana state. The photographs at the time of illegal mining and turned the water course are enclosed herewith, which clearly shown that by doing illegal mining in Haryana area the loaded Truck is coming towards Uttar Pradesh by overpass the water course of River Yamuna.

It is therefore requested to take immediate action for the placement of original water course of river Yamuna at its original place in the interest of the villagers of Haryana and save their lives and arrange to file a criminal case against the directors of M/s Star Mines with regard to illegal mining work and turned the water course of River Yamuna and take legal action with immediate effect.

Thanking you,

Yours faithfully,

Dated: 31.5.2021

Jahangeer son of Deen Mohammad
House No. 656, Old Hameeda,
Yamunanagar, Haryana

Encls: . The photographs at the time of illegal mining and turned the water course are enclosed herewith, which clearly shown that by doing illegal mining in Haryana area the loaded Truck is coming towards Uttar Pradesh by overpass the water course of River Yamuna.

Copy forwarded to:

1. Hon'ble Chief Minister, Govt. of UP, Lucknow.
2. Hon'ble Chief Minister, Govt. of Haryana, Sector 1, Chandigarh.
3. Hon'ble Mining Minister, Govt. of Haryana, Sector 1, Chandigarh.
4. Hon'ble Irrigation Minister, Govt. of Haryana, Chandigarh.
5. President, NGT, Faridkot House, New Delhi.
6. Director General, Mining and Geological Deptt., Sector 22, Panchkula, Haryana.
7. Director, Geological and Mining, U.P. Lucknow.
8. Secretary, Pollution Ministry, New Delhi.
9. Dy. Commissioner, Mini Sachivalaya, Sector 17, Yamunanagar.
10. D.M. Saharanpur
11. SSP, Sector 17, Yamunanagar
12. SSP, Distt. Saharanpur UP
13. Commissioner, Saharanpur Mandal Saharanpur, UP
14. Area Officer, UP Pollution Control Board, New Kapil Vihar, Brijesh Nagar, Saharanpur.

ANNEXURE RA-2

Item No. 10

(Court No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL

(By Video Conferencing)

Original Application No. 268/2021

Jahangir

Applicant

Versus

State of Haryana

Respondent

Date of hearing: 27.10.2021

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

Application is registered based on a complaint received by post

ORDER

1. Grievance in this application is against unscientific and illegal mining obstructing the flow of Yamuna River in Village Belgarh, U.P. Fifteen Pokland machines are working day and night causing huge air pollution. Mining is done by a contractor who has been given the lease for the area falling in Saharanpur district but the lessee is also undertaking illegal mining in Village Belgarh.

2. Let a joint Committee of the Haryana State PCB, UPPCB, SEIAA, UP, SEIAA, Haryana, District Magistrate, Yamuna Nagar and District Magistrate, Saharanpur, U.P ascertain facts by undertaking site visit inspection. The nodal agencies will be the respective State PCBs. The Committee may undertake a joint visit within one month and ascertain fact.

A copy of this order along with a copy of the complaint be forwarded to the Haryana State PCB, UPPCB, SEIAA, UP, SEIAA, Haryana, District Magistrate, Yamuna Nagar and District Magistrate, Saharanpur, U.P by email for compliance.

List for further consideration on 25.02.2022.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

October 27, 2021
Original Application No. 268/2021
AB

ANNEXURE RA-3

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA No.268/2021

IN THE MATTER OF :

Jahangir

....Applicant

Versus

State of Haryana

....Respondent

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Sr. No	Particulars	Dated	Page
1.	Joint Report	----	1-4
2.	NGT order dated 27.10.2021 Annexure-R1	27.10.221	5-6
3.	Copy of report of Revenue Department, Uttar Pradesh Annexure-R2	13.04.2022	7-9
4.	Copy of report of Revenue and Mining Department, Haryana Annexure-R3	02.04.2022	10
5.	Site Photographs Annexure-R4	12.05.2022	11-12

Joint Report

1. The Hon'ble NGT vide orders dated 27.10.2021(**Annexure-R1**) passed the following directions:-

"2. Let a joint Committee of the Haryana State PCB, UPPCB, SEIAA, UP, SEIAA, Haryana, District Magistrate, Yamuna Nagar and District Magistrate, Saharanpur, U.P ascertain facts by undertaking site visit inspection. The nodal agencies will be the respective State PCBs. The Committee may undertake a joint visit within one month and ascertain fact."

- 2 As per directions of Hon'ble NGT the team of following members inspected the site on dated 10.01.2022:-

- a. Sh. B B Awasthi, Member SEAC-1, UP.
- b. Sh. R. K Mishr, ADM (F/R), Saharanpur, UP.
- c. Sh. Naveen Kumar Das, Mining Officer, Saharanpur, UP.
- d. Dr. D.C. Pandey, RO, Pollution Control Board, Saharanpur, UP.
- e. Sh. Mahendra Singh, JE, Pollution Control Board, Saharanpur, UP.
- f. Sh. Anil Kumar Mehta, Member SEAC (representative of SEIAA), Haryana.
- g. Sh. R K Sapra, Member SEAC (representative of SEIAA) , Haryana.
- h. Sh. Gurjeet Singh, Mining Officer, Yamuna Nagar, Haryana.
- i. Sh. Tarun Sahota, Tehsildar, Chhachhrauli, Haryana.
- j. Sh. Kuldeep Singh, AEE, HSPCB, Haryana.

At the time of inspection water table of the river was very high. The area of verification was boundary of State of Haryana and State of Uttar Pradesh and

part area adjacent to the boundary of States. The boundary of the States was not clearly demarcated and so it was decided that Revenue Authority and Mining Authority of both the States will first inspect the site and will provide the clarity about the mining/illegal mining in the adjacent area of boundary of both the States.

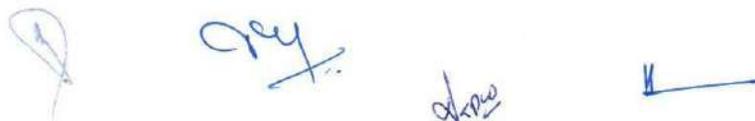
3. The Revenue Authority and Mining Authority of both the States jointly inspected the site on dated 02.04.2022, but both the States has submitted their individual reports enclosed as per **Annexure-R2 and Annexure-R3**.

As per report submitted by State of Uttar Pradesh mining lease of 36 Hectares to M/s Star Mines in District Saharanpur (Uttar Pradesh) was granted in year 2019 for 05 years and submitted GPS Co-ordinates of the Pillars of the mines as under:-

Name of Pillars	Latitude	Longitude
A	30°14'00.94"	77°31'13.91"
B	30°14'16.50"	77°31'24.43"
C	30°14'13.69"	77°31'31.19"
D	30°14'19.59"	77°31'37.85"
E	30°14'37.10"	77°31'40.80"
F	30°14'39.19"	77°31'36.25"
G	30°14'26.08"	77°31'39.05"
H	30°14'09.19"	77°31'02.18"

As per the report submitted by the team of Uttar Pradesh, no illegal mining carried out by M/s Star Mines in village Bailgarh in the area of State of Haryana.

As per the report submitted by the team from Haryana, the area of dispute i.e. Khasra No. 19//20 and 20//13 of village Bailgarh falls on the boundary of both the States and further submitted that the River Yamuna at the disputed area mostly flowing in the area of Uttar Pradesh and at Khasra No. 20//13 River Yamuna enters in the State of Haryana. The team has given observations that



the flow of River changed due to illegal mining but due to flow of River, the quantum of mining could not be ascertained.

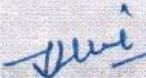
4. The joint team of both the States comprising following members again inspected the site on dated 12.05.2022:-

1. Sh. Rajnish Kumar Mishr, U.P. PCS, ADM (F/R), Saharanpur, U.P.
2. Sh. Jaspal Singh, HCS, SDM, Bilaspur, Yamuna Nagar, H.R.
3. Dr. B B Awasthi, Member SEAC, U.P.
4. Sh. Prabhakar Kumar Verma, Member, SEAC, Haryana.
5. Sh. Nirmal Kumar, RO, HSPCB, Yamuna Nagar, H.R.
6. Dr. N.K. Das, Joint Director, Mines & Geology Deptt., Saharanpur, U.P.
7. Dr. D.C. Pandey, RO, U.P Pollution Control Board, Saharanpur, U.P.
8. Sh. Gurjeet Singh, Mining Officer, Mines & Geology Deptt, Yamuna Nagar. H.R.
9. Sh. Tarun Sahota, Tehsildar, Chhachhrauli, Yamuna Nagar, H.R.
10. Sh. Naresh Kumar, AEE, HSPCB, Yamuna Nagar, H.R.
11. Sh. Mahendra Singh, J.E, U.P Pollution Control Board, Saharanpur.
12. Sh. Aman, Mining Inspector, Mines & Geology Deptt, Yamuna Nagar. H.R.
13. Sh. Rohit Rana, Mining Inspector, Mines & Geology Deptt, Yamuna Nagar. H.R.
14. Sh. Parkash Singh, Kanungo, Revenue Deptt, Yamuna Nagar, H.R.

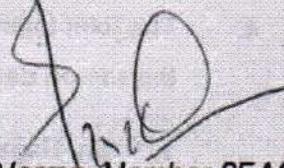
The complainant Sh. Jahangir was also accompanied in inspection.

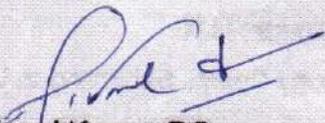
During inspection, no illegal mining observed at the border of U.P and Haryana and in the adjacent area of Haryana i.e. village Bailgarh (Haryana) Revenue in the River Yamuna. As per the site observations the machinery of M/s Star Mines was operating substantially away from the border area and within the jurisdiction of State of U.P. and even no foot prints of mining vehicles observed approaching the border area for mining in the area of Bailgarh. Further, the question raised by the complainant Sh. Jahangir regarding diversion of flow of River Yamuna, no such foot prints observed at site that flow of the River Yamuna diverted in the area of dispute.

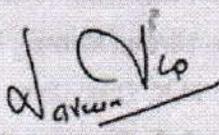

Rajnish Kumar Mishr, ADM (F/R),
Saharanpur, U.P

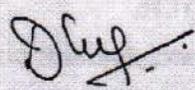

Jaspal Singh, HCS, SDM, Bilaspur,
Yamuna Nagar, H.R.

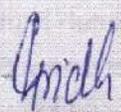

Dr. B B Awasthi,
Member SEAC, U.P

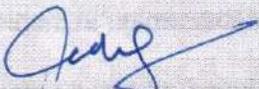

Prabhakar Kumar Verma, Member SEAC
(representative of SEIAA)


Nirmal Kumar, RO
HSPCB, Yamuna Nagar, H.R.


Dr. N.K. Das, Joint Director,
Mines & Geology Deptt., Saharanpur, U.P


Dr. D.C. Pandey, RO,
U.P Pollution Control Board,
Saharanpur, U.P.


Gurjeet Singh, Mining Officer,
Mines & Geology Deptt, Yamuna Nagar,
H.R.


Tarun Sahota, Tehsildar,
Chhachrauli, Yamuna Nagar, H.R.

Item No. 10

(Court No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL

(By Video Conferencing)

Original Application No. 268/2021

Jahangir

Applicant

Versus

State of Haryana

Respondent

Date of hearing: 27.10.2021

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

Application is registered based on a complaint received by post

ORDER

1. Grievance in this application is against unscientific and illegal mining obstructing the flow of Yamuna River in Village Belgarh, U.P. Fifteen Pokland machines are working day and night causing huge air pollution. Mining is done by a contractor who has been given the lease for the area falling in Saharanpur district but the lessee is also undertaking illegal mining in Village Belgarh.

2. Let a joint Committee of the Haryana State PCB, UPPCB, SEIAA, UP, SEIAA, Haryana, District Magistrate, Yamuna Nagar and District Magistrate, Saharanpur, U.P ascertain facts by undertaking site visit inspection. The nodal agencies will be the respective State PCBs. The Committee may undertake a joint visit within one month and ascertain fact.

A copy of this order along with a copy of the complaint be forwarded to the Haryana State PCB, UPPCB, SEIAA, UP, SEIAA, Haryana, District Magistrate, Yamuna Nagar and District Magistrate, Saharanpur, U.P by email for compliance.

List for further consideration on 25.02.2022.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

October 27, 2021
Original Application No. 268/2021
AB



कार्यालय ज्वाइन्ट मजिस्ट्रेट/उप जिलाधिकारी, बेहट जनपद-सहारनपुर।

पत्रांक: 1630/एसटी0

दिनांक: 13, अप्रैल, 2022

विषय:- मा0 राष्ट्रीय हरित अधिकरण में योजित ओ0ए0 संख्या-268/2021 जहांगीर बनाम हरियाणा राज्य में पारित आदेश दिनांक 27.10.2021 के अनुपालन के सम्बन्ध में।

क्षेत्रीय अधिकारी,
उ0प्र0 प्रदूषण नियन्त्रण बोर्ड,
सहारनपुर।

कृपया उपर्युक्त विषयक अपने कार्यालय के पत्र संख्या 1394/ओ0ए0सं0-268/2021/2022 दिनांक 05.03.2022 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके अन्तर्गत उल्लिखित किया गया है कि जिलाधिकारी महोदय, सहारनपुर के कार्यालय आदेश पत्रांक-1309/एन0जी0टी0 ओ0ए0 नम्बर -268/2021 जहांगीर बनाम हरियाणा राज्य में पारित आदेश दिनांक 27.10.2021 के द्वारा हरियाणा व उत्तर प्रदेश राज्य द्वारा खनन क्षेत्र व शिकायत स्थल का सत्यापन जी0पी0एस0 कोर्डिनेट्स के आधार पर किये जाने हेतु समिति गठित करत हुए सत्यापन करने के तथ्य उल्लिखित किये गये हैं।

उक्त के सम्बन्ध में तहसीलदार बेहट को शिकायत स्थल के सत्यापन हेतु तहसीलदार बेहट को निर्देशित किया गया। तहसीलदार बेहट द्वारा अपनी आख्या में उल्लिखित किया गया है कि प ग्राम बरथा कोरसी परगना फैजाबाद के खसरा नम्बर 1 में रकबा 137.601हे0 में से 36.000हे0 क्षेत्रफल का सरकारी खनन पट्टा मैसर्स स्टार माइन्स, सहारनपुर के पक्ष में कार्यालय जिलाधिकारी, सहारनपुर के पत्र संख्या 3213/खनन/2019-20, दिनांक 30.12.2019 के अनुसार 05 वर्ष हेतु स्वीकृत किया गया। स्वीकृति क्षेत्र का सीमांकन किया गया एवं सीमा स्तम्भ चिन्हांकित क्षेत्र में लगवाए गए। जिसके कोर्डिनेट्स निम्न प्रकार हैं -

Name of Pillars	Latitude	Longitude
A	30° 14' 00.94"	77° 31' 13.91"
B	30° 14' 16.50"	77° 31' 24.43"
C	30° 14' 13.69"	77° 31' 31.19"
D	30° 14' 19.59"	77° 31' 37.85"
E	30° 14' 37.10"	77° 31' 40.80"
F	30° 14' 39.19"	77° 31' 36.25"

G	30° 14' 26.08"	77° 31' 39.05"
H	30° 14' 09.19"	77° 31' 02.18"

उक्त पत्र के क्रम में दिनांक 02.04.2022 को दोनों प्रदेशों की संयुक्त टीम जिसमें उ0प्र0 एवं हरियाणा के खनन विभाग एवं राजस्व विभाग की संयुक्त टीम द्वारा स्थलीय निरीक्षण एवं आवश्यक पैमाईश की गई। पैमाईश बरथा कोरसी की सीमा पर स्थित खसरा नम्बर 308 व 93 के स्थित सिंहददा पत्थर से हरियाणा की सीमा तक की गयी। पैमाईश से पता चला कि सिंहददा से हरियाणा की सीमा दूरी 2056 मीटर की है। जिससे स्पष्ट प्रतीत होता है कि सरकारी खनन पट्टा मैसर्स स्टार माइन्स, सहारनपुर उत्तर प्रदेश की सीमा में है। हरियाणा स्थित ग्राम बेलगढ की भूमि पर पट्टेधारक द्वारा कोई खनन नहीं किया जा रहा है।

तहसीलदार बेहट, नायब तहसीलदार बेहट, राजस्व निरीक्षक व लेखपालों की गठित राजस्व टीम द्वारा प्रस्तुत आख्या के अनुसार सरकारी खनन पट्टा मैसर्स स्टार माइन्स, सहारनपुर उत्तर प्रदेश की सीमा में है। हरियाणा स्थित ग्राम बेलगढ की भूमि पर पट्टेधारक द्वारा कोई खनन नहीं किया जा रहा है।

तहसीलदार बेहट, नायब तहसीलदार बेहट व लेखपालों की गठित राजस्व टीम की संयुक्त जांचाख्या मूल रूप में समस्त संलग्नकों सहित प्रेषित।

संलग्नक:-उपरोक्तानुसार।


ज्वाइन्ट मजिस्ट्रेट/उप जिलाधिकारी
बेहट।

- प्रतिलिपि:- 01) जिलाधिकारी महोदय, सहारनपुर को सादर सूचनार्थ प्रेषित।
02) अपर जिलाधिकारी (वित्त एवं राजस्व) सहारनपुर को सूचनार्थ प्रेषित।


ज्वाइन्ट मजिस्ट्रेट/उप जिलाधिकारी
बेहट।

महोदय,

संलग्न पत्र क्षेत्रीय कार्यालय, उ०प्र० प्रदूषण नियन्त्रण बोर्ड, सहारनपुर के सन्दर्भ संख्या-1394/ओ०ए०सं०-268/2021/2022, दिनांक: 05.03.2022 का सन्दर्भ ग्रहण करने का कष्ट करें जिसमें बताया गया कि ग्राम बरथा कोरसी परगना फैजाबाद के खसरा नम्बर 1 में रकबा 137.601हे० में से 36.000हे० क्षेत्रफल का सरकारी खनन पट्टा मैसर्स स्टार माइन्स, सहारनपुर के पक्ष में कार्यालय जिलाधिकारी, सहारनपुर के पत्र संख्या 3213/खनन/2019-20, दिनांक 30.12.2019 के अनुसार 05 वर्ष हेतु स्वीकृत किया गया। स्वीकृति क्षेत्र का सीमांकन किया गया एवं सीमा स्तम्भ चिन्हांकित क्षेत्र में लगवाए गए। जिसके कोर्डिनेट्स निम्न प्रकार हैं -

Name of Pillars	Latitude	Longitude
A	30° 14' 00.94"	77° 31' 13.91"
B	30° 14' 16.50"	77° 31' 24.43"
C	30° 14' 13.69"	77° 31' 31.19"
D	30° 14' 19.59"	77° 31' 37.85"
E	30° 14' 37.10"	77° 31' 40.80"
F	30° 14' 39.19"	77° 31' 36.25"
G	30° 14' 26.08"	77° 31' 39.05"
H	30° 14' 09.19"	77° 31' 02.18"

उक्त पत्र के क्रम में दिनांक 02.04.2022 को दोनों प्रदेशों की संयुक्त टीम जिसमें उ०प्र० एवं हरियाणा के खनन विभाग एवं राजस्व विभाग की संयुक्त टीम द्वारा स्थलीय निरीक्षण एवं आवश्यक पैमाईश की गई। पैमाईश बरथा कोरसी की सीमा पर स्थित खसरा नम्बर 308 व 93 के स्थित सिहददा पत्थर से हरियाणा की सीमा तक की गयी। पैमाईश से पता चला कि सिहददा से हरियाणा की सीमा दूरी 2056 मीटर की है। जिससे स्पष्ट प्रतीत होता है कि सरकारी खनन पट्टा मैसर्स स्टार माइन्स, सहारनपुर उत्तर प्रदेश की सीमा में है। हरियाणा स्थित ग्राम बेलगढ की भूमि पर पट्टेधारक द्वारा कोई खनन नहीं किया जा रहा है।

आख्या महोदय की सेवा में सादर प्रेषित है।


मौ० सलीम
लेखपाल (लेखपाल)
क्षेत्रीय कार्यालय
तहसील (स०पुरी)
पंकज भारद्वाज
लेखपाल


अभिषेक सिंह
लेखपाल

रमेशचन्द्र
लेखपाल


प्रवीण कुमार
लेखपाल


रमेशपाल
रा०नि० फैजाबाद
रमेशपाल

RI
नायब तहसीलदार
बेहट

प्रतिलिपि- अपर जिलाधिकारी (वि०/रा०) महोदय सहारनपुर को सादर अवलोकनार्थ।

नायब तहसीलदार
बेहट


जे. सिंह
12/04/22
तहसीलदार
बेहट

विषय:-

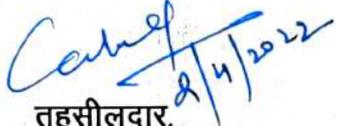
Regarding constitution of team in the matter of Original Application No. 268/2021 titled as Jahangir Vs State of Haryana.

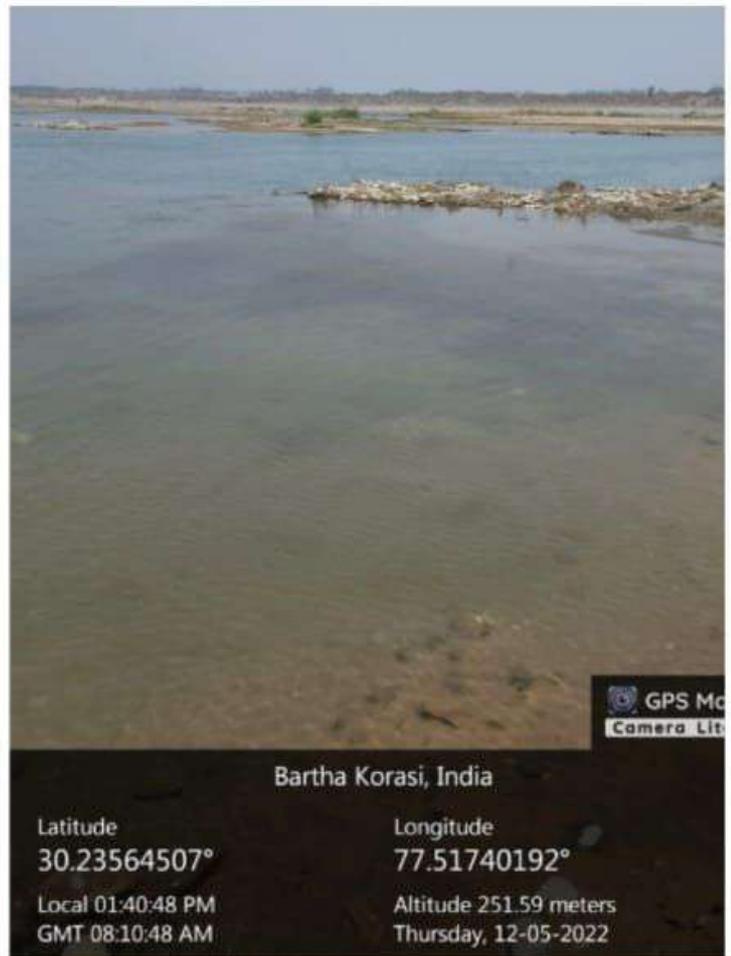
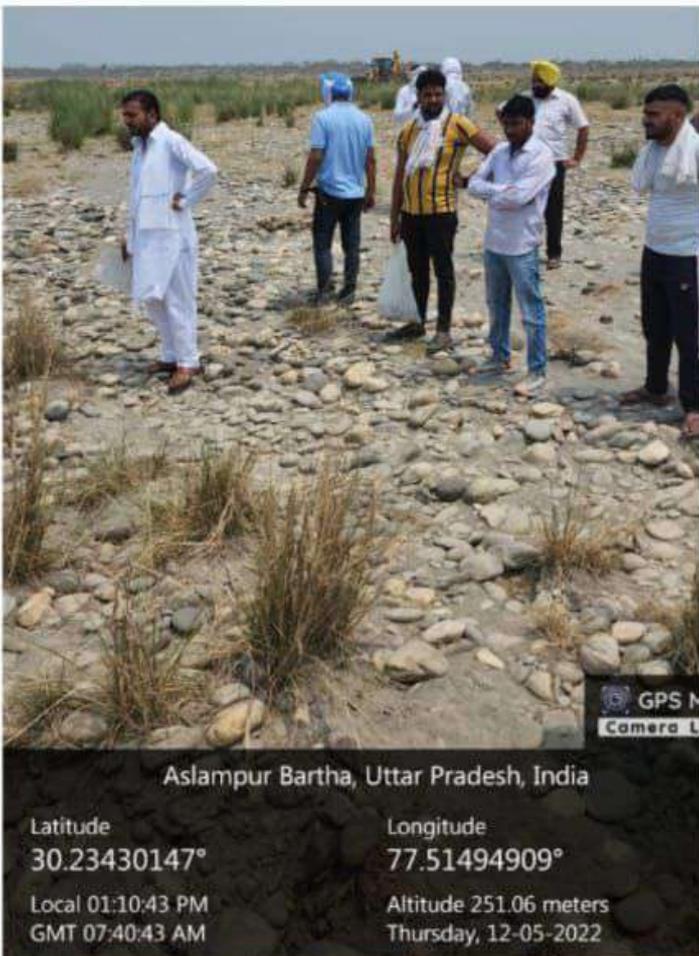
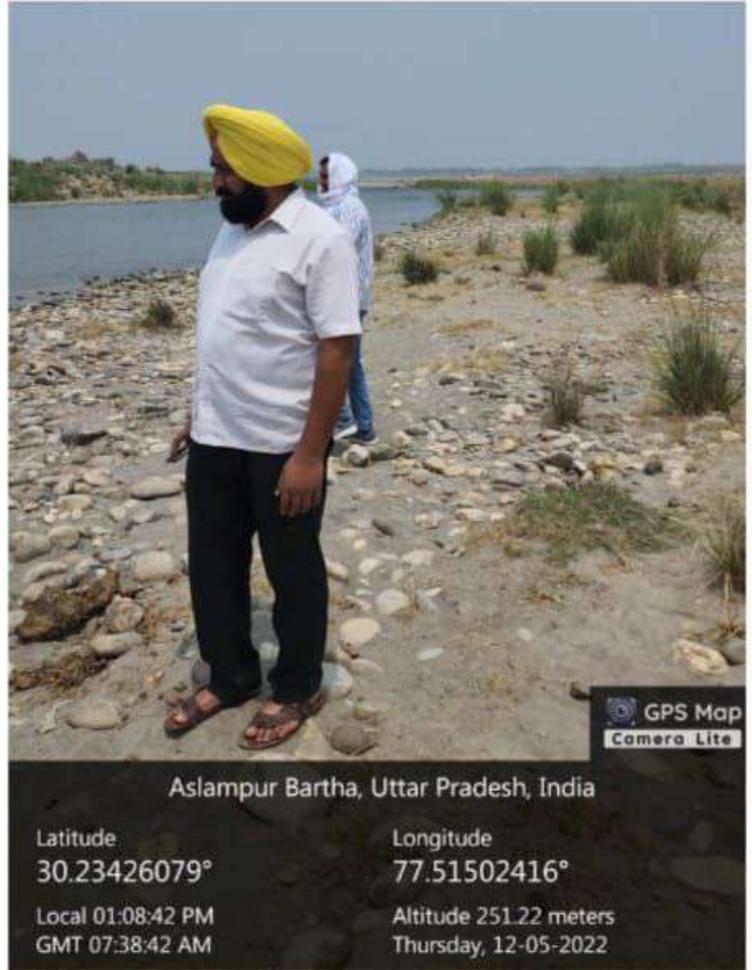
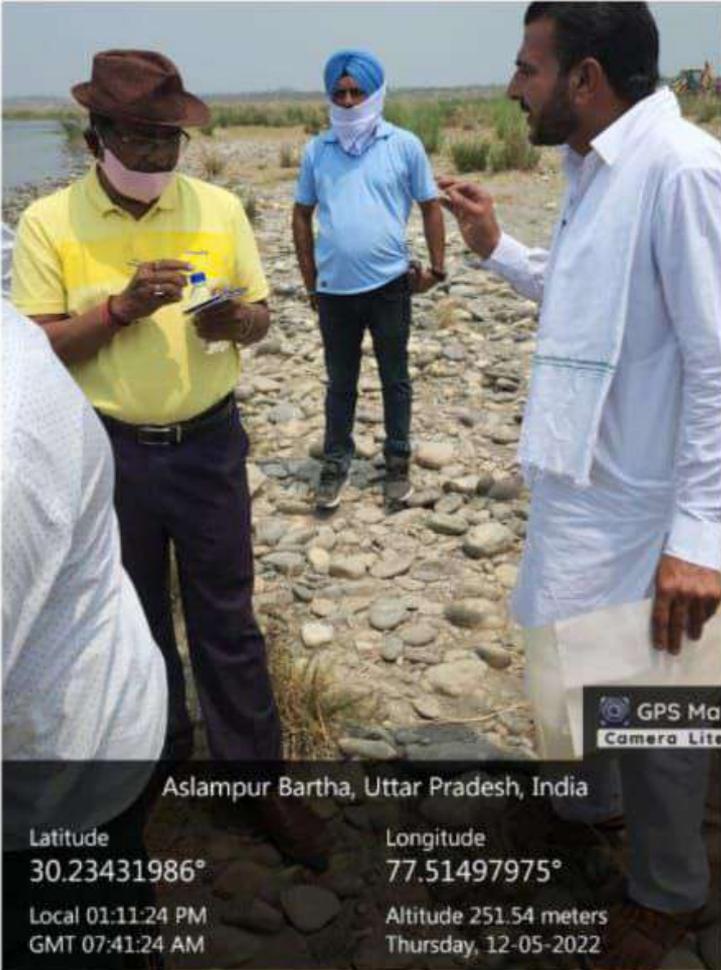
माननीय उपायुक्त महोदय यमुनानगर के आदेश पत्र क्रमांक 2936-2937 दिनांक 04.03.2022 की अनुपालना आज दिनांक 02.04.2022 को उपरोक्त शिकायत के संदर्भ में नायब तहसीलदार प्रतापनगर, फील्ड स्टॉफ मय राजस्व रिकार्ड, खनन अधिकारी मय स्टॉफ वा डी0जी0पी0एस0 आपरेटर श्री मोहित सैनी कार्यवाही हेतू मौके पर पहुंचे। मौके पर उत्तरप्रदेश प्रशासन के राजस्व विभाग व खनन विभाग के अधिकारी हाजिर मिले। मौके पर मौजूद अधिकारियों वा मौजिज व्यक्तिगण के साथ विवादित स्थल का मौका निरीक्षण किया गया। खनन विभाग यमुनानगर द्वारा जो विवादित स्थल का मौका दिखाया गया, राजस्व रिकार्ड अनुसार यह मौका मौजा बेलगढ़ की पूर्वी दिशा, उपतहसील प्रताप नगर, जिला यमुनानगर, हरियाणा में उत्तर प्रदेश की सीमा के साथ लगता है। आदेशों की पालना हेतू डी0जी0पी0एस0 मशीन द्वारा राजस्व रिकार्ड अनुसार निशानदेही का कार्य उत्तरप्रदेश से आए अधिकारियों की मौजूदगी में शुरू किया गया। निशानदेही हेतू पक्का मौका की तलाश की गई। ग्राम के मौजिज व्यक्तियों से भी पक्का मौका, सर्वेरी बुर्जियात वा सहेदाजात बारे पूछताछ की गई। जिसके अनुसार मौका पर कोई सर्वेरी बुर्जियात उपलब्ध ना है। मौका पर मौजूद मौजिज व्यक्तियों ने नंबर खसरा 76//24 के पूर्वी पश्चिमी कोना को निशानदेही हेतू सही मौका माना है। जिसकी तस्सली डी0जी0पी0एस0 मशीन द्वारा आस-पास के खेतों की निशानदेही करके की गई। उक्त मौका ठीक पाया गया। इस मौका नंबर खसरा 76//24 के पूर्वी पश्चिमी कोना से निशानदेही का कार्य डी0जी0पी0एस0 मशीन द्वारा आरम्भ किया गया। निशानदेही उपरान्त पाया गया कि खनन विभाग द्वारा जो विवादित स्थल बताया गया है, वह मौजा बेलगढ़ के नंबर खसरा 19//20 व 20//13 के बीच में दोनो प्रदेश की सीमा के साथ-साथ पड़ता है। विवादित स्थल पर इस समय जो यमुना नदी बह रही है उसका अधिकांश हिस्सा उत्तरप्रदेश में है। मौका अनुसार नंबर खसरा 20//13 से नदी का बहाव हरियाणा प्रदेश की सीमा में प्रवेश कर गया है। मौका देखने पर प्रतीत हुआ कि नदी के बहाव का बदलाव हरियाणा प्रदेश की सीमा में हुए अवैध खनन के कारण हुआ है, परंतु नदी में बहाव अधिक होने के कारण यह अंदाजा नहीं लगाया जा सकता कि कितना खनन हुआ है। रिपोर्ट सेवा में प्रेषित हैं।

संलग्न:-

1. सूची हाजीरान मौका
2. डी0जी0पी0एस0 मशीन द्वारा तैयार किया गया नक्शा
3. मौका फोटोग्राफ


खनन अधिकारी,
यमुनानगर।


तहसीलदार,
छछरौली।





Bartha Korasi, India

Aslampur Bartha, Uttar Pradesh, India

Latitude
30.23559019°
Local 01:52:08 PM
GMT 08:22:08 AM

Longitude
77.51736567°
Altitude 253.27 meters
Thursday, 12-05-2022

Latitude
30.23430318°
Local 01:10:39 PM
GMT 07:40:39 AM

Longitude
77.51495027°
Altitude 250.81 meters
Thursday, 12-05-2022

Annexure R2

OFFICE OF JOINT MAGISTRATE/S.D.M., BEHAT

DISTT. SAHARANPUR

Ref. 1630/ST.

Dated: 13th April, 2022

Subject: With regard to compliance of Order passed in O.A. No. 268/2021 filed with Hon'ble National Green Tribunal Jahangir Versus State of Haryana dated 27.10.2021.

To

Area Officer

U.P.P.C.B. (U.P. Pollution Control Board)

SAHARANPUR

Please take a note of the letter of this Office on the subject No. 1394/OA No. 268/2021/2022 Dated 5.3.22, through which it has been mentioned that vide orders dated 27.10.2021 passed as per Order of Office of District Magistrate Saharanpur letter No. 1309/NGT OA No. 268/2021 Jahangir Versus Haryana State the facts have been mentioned with regard to verification of Complainant spot and mining area in States of Haryana and Uttar Pradesh on the basis of G.P.S. Coordinates by formation of a Committee for verification of the facts.

In this regard Tehsildar Behat was instructed to verified the complaint spot. Tehsildar Behat mentioned in his report that the mining lease was allotted in favour of M/s Star Mines, Saharanpur for mining work at Village Bartha Korsi Pargana Faizabad, Khasra

No. 1, Area 36.000 Hectare out of area 137.601 Hectare vide District Magistrate's letter No. 3213/Khanan/2019-20 dated 30.12.2019 for 05 years. Demarcation of the sanctioned/ allotted area done and the boundary pillars were erected in the marked area, whose coordinates are as follows:

Name of Pillars	Latitude	Longitude
A	30°14'00.94"	77°31'13.91"
B	30°14'16.50"	77°31'24.43"
C	30°14'13.69"	77°31'31.19"
D	30°14'19.59"	77°31'37.85"
E	30°14'37.10"	77°31'40.80"
F	30°14'39.19"	77°31'36.25"
G	30°14'26.08"	77°31'39.05"
H	30°14'09.19"	77°31'02.18"

In continuation of above letter on 02.04.2022 a joint team of both the States in which Joint team of Mining Department and Revenue Department of U.P. and Haryana States executed the spot examination and necessary measurements. The land survey occurred from Singhdada Patthar of Khasra No. 308 and 93 situated on the boundary of Bartha Korsi to Haryana Border. During land survey it has been found that from Singhdada the distance of Haryana border is 2056 meter, which clearly shows that the Mining lease awarded to M/s Star Mines is within the boundaries of Saharanpur, Uttar Pradesh. No mining work is being done by the Mining lease holder in the land of Village Belgarh of Haryana state.

According to the report submitted by the Joint Revenue team of Tehsildar Behat, Nayab Tahsildar Behat, Revenue Inspector and

Lekhpals the mining lease allotted to M/s Star Mines is within the limits of Saharanpur, Uttar Pradesh. No mining work is being done by the Mining lease holder in the land of Village Belgarh of Haryana state.

The joint investigation report in original alongwith all enclosures of Joint Revenue team of Tehsildar Behat, Nayab Tahsildar Behat, Revenue Inspector and Lekhpals is hereby forwarded.

Encls: As above.

Joint Magistrate/S.D.M.

Behat

Copy forwarded to:

District Magistrate Saharanpur for information.

Addl. District Magistrate (Finance and Revenue) Saharanpur for information.

Joint Magistrate/S.D.M.

Behat

Tehsildar

Behat.

Sir,

Please take a reference of enclosed letter issued by Regional Office, U.P.P.C.B., Saharanpur vide letter No. 1394/OA No. 268/2021/2022, dated 5.3.2022, in which it has been told that the mining lease was allotted in favour of M/s Star Mines, Saharanpur for mining work at Village Bartha Korsi Pargana Faizabad, Khasra No. 1, Area 36.000 Hectare out of area 137.601 Hectare vide District Magistrate's letter No. 3213/Khanan/2019-20 dated 30.12.2019 for 05 years. Demarcation of the sanctioned/ allotted area done and the boundary pillars were erected in the marked area, whose coordinates are as follows:

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In continuation of above letter on 02.04.2022 a joint team of both the States in which Joint team of Mining Department and Revenue Department of U.P. and Haryana States executed the spot

examination and necessary measurements. The land survey occurred from Singhdada Patthar of Khasra No. 308 and 93 situated on the boundary of Bartha Korsi to Haryana Border. During land survey it has been found that from Singhdada the distance of Haryana border is 2056 meter, which clearly shows that the Mining lease awarded to M/s Star Mines is within the boundaries of Saharanpur, Uttar Pradesh. No mining work is being done by the Mining lease holder in the land of Village Belgarh of Haryana State.

Report is hereby respectfully submitted.

Mohd. Salim Lekhpal	Abhishek Singh Lekhpal	Praveen Kumar Lekhpal
Pankaj Bhardwar Lekhpal Nayab Tehsildar Behat	Ramesh Chand Lekhpal	Amesh Pal R.I. Faizabad Tehsildar Behat

Copy to: Addl. District Magistrate (F/R) Saharanpur for perusal.

Nayab Tehsildar
Behat

Annexure – R3

Subject: Regarding constitution of team in the matter of Original Application No. 268/2021 titled as Jahangir Vs. State of Haryana

In compliance of order letter No. 2936-2937 dated 4.3.2022 issued by Hon'ble Commissioner, Yamunanagar, today on 2.4.2022 on the basis of above complaint, the Nayab Tehsildar Pratapnagar, Field Staff along with Revenue record, Mining Officer with Staff and D.G.P.S. Operator Shri Mohid Saini reached at the spot for enquiry. The Officers of Revenue Department and Mining Department of Govt. of Uttar Pradesh were present on the spot. The inspection of the disputed spot had been done alongwith the Officers present on the spot and other respectable persons. The disputed place which has been shown by the Mining Department Yamunanagar, according to Revenue record this place is situated towards Easter side of Mauza Belgarh, Uptehsil Pratap Nagar, District Yamunanagar, Haryana which is together with the boundary of Uttar Pradesh State. For compliance of the orders the demarcation work has been started through D.G.P.S. Machine as per Revenue record in the presence of the Officers of Uttar Pradesh. For demarcation the actual spot has been searched. In this regard the respectable villagers also

interrogated for actual spot, survey burjiyat and Sahedajat. According to which there is no any survey burjiyat available at the spot. The respectable persons presented on the spot accepted the Eastern Western corner of Khasra No. 76//24 for demarcation as correct place. The console has been done by demarcation with D.G.P.S. Machine in the nearby farm lands. The above spot found correct. The demarcation work through D.G.P.S. Machine was started from the eastern western corner of Khasra No. 76//24. After demarcation it has been found that the disputed place told by the mining department, is situated at Mauza Belgarh in between Khasra No. 19//20 and 20//13 concurrently with the boundaries of both the States. At present, the water course of River Yamuna at disputed place, her most of the area is within State of Uttar Pradesh. According to Spot place the water course of River Yamuna moved and entered towards the boundaryies of Haryana State from Khasra No. 20//13. On seeing the spot place it has been found that the water course of River Yamuna changed towards the boundaries of Haryana State is due to illegal mining occurred in the boundaries of Haryana State. But it can not be imagine that how much mining work executed due to heavy water course in the river. Report isforwarded.

Encls:

List of persons presented on the spot.

Map prepared by D.G.P.S. Machine

Photographs of the spot.

Sd/-

Sd/- 2.4.22

Mining Officer,

Tehsildar

Yamunanagar

Chhachroli

ANNEXURE RA-4

Item No. 03

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 268/2021

Jahangir

Applicant

Versus

State of Haryana

Respondent

Date of hearing: 12.08.2022

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advocates for UPPCB
Mr. Rahul Khurana, Advocate for HSPCB
Ms. Priyanka Swami, Advocate for SEIAA, UP

ORDER

1. Grievance in this application is against unscientific and illegal mining obstructing the flow of Yamuna River in Village Belgarh, U.P. Fifteen Pokland machines are working day and night causing huge air pollution. Mining is done by a contractor who has been given the lease for the area falling in Saharanpur district but the lessee is also undertaking illegal mining in Village Belgarh.

2. This Tribunal decided to obtain a factual report and for the purpose, constituted a joint Committee comprising Haryana State PCB, UPPCB, SEIAA, UP, SEIAA, Haryana, District Magistrate, Yamuna Nagar and District Magistrate, Saharanpur, U.P.

3. The joint Committee report has been filed before us along with the letter dated 26.05.2022. The report shows that following members inspected the site on 10.01.2022:-

- a. Sh. B B Awasthi, Member SEAC-1, UP.
- b. Sh. R. K Mishr, ADM (FIR), Saharanpur, UP.
- c. Sh. Naveen Kumar Das, Mining Officer, Saharanpur, UP.
- d. Dr. D.C. Pandey, RO, Pollution Control Board, Saharanpur, UP.
- e. Sh. Mahendra Singh, JE, Pollution Control Board, Saharanpur, UP.
- f. Sh. Anil Kumar Mehta, Member SEAC (representative of SEIAA), Haryana.
- g. Sh. R K Sapra, Member SEAC (representative of SEIAA), Haryana.
- h. Sh. Gurjeet Singh, Mining Officer, Yamuna Nagar, Haryana.
- i. Sh. Tarun Sahota, Tehsildar, Chhachhrauli, Haryana.
- j. Sh. Kuldeep Singh, AEE, HSPCB, Haryana.

4. The aforesaid team made observations as under:-

“At the time of inspection water table of the river was very high. The area of verification was boundary of State of Haryana and State of Uttar Pradesh and part area adjacent to the boundary of States. The boundary of the States was not clearly demarcated and so it was decided that Revenue Authority and Mining Authority of both the States will first inspect the site and will provide the clarity about the mining/illegal mining in the adjacent area of boundary of both the States.”

5. Thereafter, the report says that on 02.04.2022, Revenue Authorities and Mining Authorities of both the States jointly inspected the site and submitted their individual report filed as Annexure R2 and R3. The report R3 submitted by the Mining Officer, Yamuna Nagar and Tehsildar Chhachhrauli, Yamuna Nagar, besides other, said as under:-

“नदी के बहाव का बदला हरियाणा प्रदेश की सीमा में हुआ अवैध खाना के करन हुआ है, परंतु नदी में बहाव अधिक होने के करन ये और अंदाज नहीं लगा जा सकता है कि कितना खाना हुआ.”

6. The observations of the Revenue and Mining Authorities who jointly inspected on 02.04.2022 are given as under:-

“As per the report submitted by the team of Uttar Pradesh, no illegal mining carried out by M/s Star Mines in village Bailgarh in the area of State of Haryana.

As per the report submitted by the team from Haryana, the area of dispute i.e. Khasra No. 19//20 and 20//13 of village Bailgarh falls on the boundary of both the States and further submitted that the River Yamuna at the disputed area mostly flowing in the area of Uttar Pradesh and at Khasra No. 20//13 River Yamuna enters in the State of Haryana. The team has given observations that the flow of River changed due to illegal mining but due to flow of River, the quantum of mining could not be ascertained.”

7. Further, another inspection was made on 12.05.2022 by a team comprising of:

1. Sh. Rajnish Kumar Mishr, U.P. PCS, ADM (F/R). Saharanpur, U.P.
2. Sh. Jaspal Singh, HCS, SDM, Bilaspur, Yamuna Nagar, H.R.
3. Dr. B B Awasthi. Member SEAC, U.P.
4. Sh. Prabhakar Kumar Verma, Member, SEAC. Haryana.
5. Sh. Nirmal Kumar, RO. HSPCB, Yamuna Nagar, H.R.
6. Dr. N.K. Das, Joint Director, Mines & Geology Deptt., Saharanpur. U.P.
7. Dr. D.C. Pandey, RO, U.P Pollution Control Board. Saharanpur, U.P.
8. Sh. Gurjeet Singh, Mining Officer, Mines & Geology Deptt. Yamuna Nagar. H.R.
9. Sh. Tarun Sahota, Tehsildar, Chhachhrauli, Yamuna Nagar, H.R.
10. Sh. Naresh Kumar, AEE, HSPCB. Yamuna Nagar, H.R.
11. Sh. Mahendra Singh, J.E, U.P Pollution Control Board, Saharanpur.
12. Sh. Aman, Mining Inspector, Mines & Geology Deptt, Yamuna Nagar. H.R.
13. Sh. Rohit Rana, Mining Inspector, Mines & Geology Deptt, Yamuna Nagar. H.R.

14. Sh. Parkash Singh, Kanungo, Revenue Deptt, Yamuna Nagar, H.R.

8. The observations made by the aforesaid team are as under:-

“During inspection, no illegal mining observed at the border of U.P and Haryana and in the adjacent area of Haryana i.e. village Bailgarh (Haryana) Revenue in the River Yamuna. As per the site observations the machinery of M/s Star Mines was operating substantially away from the border area and within the jurisdiction of State of U.P. and even no foot prints of mining vehicles observed approaching the border area for mining in the area of Bailgarh. Further, the question raised by the complainant Sh. Jahangir regarding diversion of flow of River Yamuna, no such foot prints observed at site that flow of the River Yamuna diverted in the area of dispute.”

9. We find that an attempt has been made in the above report to show that no illegal mining has been carried out, though it is admitted that there is diversion of flow of river Yamuna due to illegal mining conducted in the area falling in the territory of State of Haryana but that has sought to be mellowed down/diluted by observing that the quantity of illegal mining could not be ascertained, no footprints were found at the site and therefore, no further action on this aspect was taken.

10. We find it surprising that once the complaint of illegal mining is found correct which resulted in diversion of river flow, still, the Authorities have tried to belittle this aspect on shallow pretexts without taking any effective appropriate action including, criminal proceedings against the guilty persons. Since the mining was allowed in the present case to a particular person, in the absence of anybody else’s involvement, apparently such person’s involvement in illegal mining ought to have been proceeded unless proved otherwise. But in the present case, an attempt has been made to save the proponent in one or the other way despite the fact that there was illegal mining which resulted in diversion of river flow. *Prima facie* we are satisfied that the officers of Revenue and Mining Department

of States as also Pollution Control Board of both the States are guilty of suppressing information and also for not taking appropriate action against the persons who have attempted illegal mining. In such circumstances, the Chief Secretaries of State of Haryana and Uttar Pradesh ought to have taken stringent action against the erring officers but nothing has been placed on record to show that such action has been taken.

11. Sh. Pradeep Misra, learned counsel appearing for UPPCB and Sh. Rahul Khurana appearing for Haryana PCB stated that the Authorities may be given one more opportunity but the reason for giving this opportunity or for what purpose this opportunity may be given could not be explained.

12. We therefore, direct the Chief Secretaries of both the States to take appropriate criminal, civil as well as other action for illegal mining conducted in this case and submit action taken reports before the next date 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. They may also take appropriate action against the concerned erring officials who have tried to cover up the act of illegal mining resulting in diversion of river flow by not taking appropriate action against the erring and guilty persons.

13. The documents appended to the joint Committee report shows that mining in the questioned area was allocated to M/s Star Mines, Saharanpur. Notice shall be issued to M/s Star Mines, Saharanpur to submit its response as also objections, if any to the joint Committee report, by the next date.

List for further consideration on 14.09.2022.

A copy of this order be forwarded to the Chief Secretaries of States of
Uttar Pradesh and Haryana.

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

August 12, 2022
Original Application No. 268/2021
AB

OFFICE OF THE MONITORING COMMITTEE

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

(Official Address: Tower No.5, 4th Floor, Forest Complex,
Sector 68, SAS Nagar) Tel. No. 0172-2298091
Email: cmcdep360@gmail.com,

To

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

No.CMC/2022/910

Dated: 7-5-2022

Subject: Report on visit to boulder, gravel and sand mining sites at village Kohliwala, Tehsil Chhachhrauli, District Yamunanagar; village Bailgarh, Tehsil Chhachhrauli, District Yamunanagar and village Pobari, Tehsil Radaur, District Yamunanagar, as per order dated 8.3.2022 in OA no. 150 of 2021 in the matter of Anish Vs Union of India and Ors by the Monitoring Committee, constituted by the Hon'ble National Green Tribunal on 1.4.2022 and 23.04.2022.

.....

It is submitted that the Hon'ble National Green Tribunal in its order dated 8.3.2022 in OA no. 150 of 2021 in the matter of Anish Vs Union of India and Ors has mentioned in **para no. 1** as under:

Para 1

Grievance in this application is against violation of environmental norms by Respondent No. 11 to 13 - M/s Development Strategies India Pvt. Ltd., M/s Delhi Royalty Company and M/s Mubarikpur Royalty Company at Yamuna Nagar, Haryana in conducting sand mining at village Pobari, Tehsil-Radaur, District Yamuna Nagar, project site at Khasra Number Pobari Block/YNR 8-11 over area of 23.05 Ha. vide EC dated 27.06.2021 for Respondent No. 11 and village - Kohliwala, Tehsil Chhachhrauli District Yamuna Nagar, project site at Khasra No. Block /YNR 8-21 and 22 over area of 13.59 Ha vide EC dated 27.06.2016 for Respondent No. 12 and village Bailgarh, Tehsil Chhachhrauli, District Yamuna Nagar, project site at Khasra No. South Block/ YNR B-2 over area of 28 Ha.vide EC dated 27.06.2016.

Further, Hon'ble National Green Tribunal has directed in para no. 5 as under:

Para 5

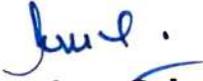
Accordingly, we request the Monitoring Committee headed by Justice Pritam Pal, former Judge of Punjab and Haryana High Court, which has been appointed by this Tribunal to monitor compliance of certain orders of this Tribunal, in the State of Haryana, to cross-check the factual position by undertaking visit to the site with the assistance of such of the authorities as may be considered necessary. The visit may be facilitated by the State PCB and the District Magistrate. The report may be furnished to the Tribunal within two months by e-mail at judicialngt@gov.in

preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

Therefore, in compliance to order 8.3.2022 in OA No. 150 of 2021 in the matter of Anish Vs Union of India and Ors, the Monitoring Committee has visited the mining sites of the area as mentioned above on 1.4.2022 and 23.4.2022 and has prepared its report, which is enclosed herewith and is sent through email at judicial-ngt@gov.in for kind consideration of Hon'ble National Green Tribunal.

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

DA/As above


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

Report

Of the

Monitoring Committee

in compliance to order dated 8.3.2022

in

OA No. 150 of 2021

in the matter of

Anish Vs Union of India & others

**Regarding mining sites at village Kohliwala, Tehsil
Chhachhrauli, District Yamunanagar; village
Bailgarh, Tehsil Chhachhrauli, District
Yamunanagar and village Pobari, Tehsil Radaur,
District Yamunanagar**

Submitted on:

7th May, 2022

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Report on visit to boulder, gravel and sand mining sites at village Kohliwala, Tehsil Chhachhrauli, District Yamunanagar; village Bailgarh, Tehsil Chhachhrauli, District Yamunanagar and village Pobari, Tehsil Radaur, District Yamunanagar, as per order dated 8.3.2022 in OA no. 150 of 2021 in the matter of Anish Vs Union of India and Ors by the Monitoring Committee, constituted by the Hon'ble National Green Tribunal on 1.4.2022 and 23.04.2022.

The following were present during the visit:

Sr. No.	Name and designation of the authority/officer in the Deptt.	Designation in the Monitoring Committee
1	Justice Pritam Pal, Former Judge, Punjab & Haryana High Court.	Chairman
2	Ms Urvashi Gulati, IAS, (Retd.) former Chief Secretary, Haryana	Member
3	Dr. Babu Ram, Technical Expert, Monitoring Committee.	Technical Expert

The list of the District Level officers of District Yamunanagar, present during the visit, is as per **Annexure-1.**

1.0 Background

The Hon'ble National Green Tribunal in its order dated 8.3.2022 in OA no. 150 of 2021 in the matter of Anish Vs Union of India and Ors has mentioned in **para no. 1** as under:

Para 1

Grievance in this application is against violation of environmental norms by Respondent No. 11 to 13 - M/s Development Strategies India Pvt. Ltd., M/s Delhi Royalty Company and M/s Mubarakpur Royalty Company at Yamuna Nagar, Haryana in conducting sand mining at village Pobari, Tehsil-Radaur, District Yamuna Nagar, project site at Khasra Number Pobari Block/YNR 8-11 over area of 23.05 Ha. vide EC dated 27.06.2021 for Respondent No. 11 and village - Kohliwala, Tehsil Chhachhrauli District Yamuna Nagar, project site at Khasra No. Block /YNR 8-21 and 22 over area of 13.59 Ha vide EC dated 27.06.2016 for Respondent No. 12 and village Bailgarh, Tehsil Chhachhrauli, District Yamuna Nagar, project site at Khasra No. South Block/YNR B-2 over area of 28 Ha. vide EC dated 27.06.2016.

Further, Hon'ble National Green Tribunal has directed in para no. 5 as under:

Para 5

Accordingly, we request the Monitoring Committee headed by Justice Pritam Pal, former Judge of Punjab and Haryana High Court, which has been appointed by this Tribunal to monitor compliance of certain orders of this Tribunal, in the State of Haryana, to cross-check the factual position by undertaking visit to the site with the assistance of such of the authorities as may be considered necessary. The visit may be facilitated by the State PCB and the District Magistrate. The report may be furnished to the Tribunal within two months by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List for further consideration on 25.05.2022.

Copy of order dated 8.3.2022 in OA No. 150 of 2021 is annexed as per **Annexure-2**

2.0 Meeting of the Monitoring Committee with the Deputy Commissioner, Yamunanagar on 01.04.2022.

The meeting was held with the Deputy Commissioner, Yamunanagar on 01.04.2022 and he was apprised about the directions of the Hon'ble NGT as mentioned in para-5 of order dated 08.03.2022. It was stated by him that he had visited the mining sites as mentioned in OA No. 150 of 2021 on 28.09.2021 but at the time of inspection, no mining activities were in operation due to extended monsoon in the region and high water flow was in river Yamuna and the mining activities were not being carried out by the minors, therefore the inspection to be carried out by him was postponed. Now, on today's visit of the Monitoring Committee i.e on 01.04.2022, the Sub Divisional Magistrates of concerned areas have been deputed to facilitate the Monitoring Committee to visit of the mining sites of the area.

Further in compliance to order dated 08.03.2022 in OA No. 150 of 2021, the Monitoring Committee visited the following sites on 1.4.2022:

3.0 Visit to the boulder, gravel and sand mining sites of District Yamunanagar

3.1 Mining site for mining of boulder, gravel and sand in non forest and non-river area at Village Kohliwala, Block YNR/B 21 & 22, Tehsil Chhachhrauli, District Yamunanagar

The mining lease area has been allotted to M/S Delhi Royalty Company, Model town, Yamunanagar. The said mining lease holder was issued letter of intent by the Department of Mines & Geology, Haryana on 19.6.2015, Environment Clearance under EIA notification dated 14.9.2006 was granted by SEIAA, Haryana on 27.6.2016 and consent to operate under the provision of Air Act, 1981 was granted by HSPCB on 9.8.2016. The mining was started by the mining lease holder on 11.8.2016. As per the record maintained by Department of Mining and Geology and Mining Plan submitted by the Mining lease holder (M/s Delhi Royalty Company, 112, Santpura Gurudwara Road, Model Town, Yamunanagar), boulder, gravel and sand mining site in non forest area and non river area having total lease area of 13.59 hectare, exists in village Kohliwala, Block YNR/B 21 & 22, Tehsil Chhachhrauli, District Yamunanagar.

As per the record submitted by Department of Mining and Geology vide letter no. Mining/Admin/Ynr/1914 dated 29.04.2022, the mining lease order started its production at the site on 11.08.2016 and the production of boulder, gravel and sand during the period 11.08.2016 to 10.08.2017 has been mentioned as 222549 MT, for the period 11.08.2017 to 10.08.2018, the production of the said products has been mentioned as 248288 MT, during the period 11.08.2018 to 10.08.2019, the production of said products has been mentioned 248236 MT, for the period 11.08.2019 to 10.08.2020, the production of said products has been mentioned as 252887 MT, for the period 11.08.2020 to 10.8.2021, the production of said products has been mentioned as 246550 MT and during the period 11.8.2021 to 10.12.2021, the production was mentioned as 82267 MT. Thereafter, the mining operation was suspended on 10.12.2021. The average production of boulder, gravel and sand has been calculated as

244048 MT/Year, whereas, the mining lease holder has been allowed the production capacity as 250000 MT. As such, the mining lease holder has produced the quantity of minor minerals within the permissible production capacity. The total lease period of the mining site is 8 years.

During the visit, the Monitoring Committee has made the following observations:

3.1.1 Observations of the Monitoring Committee

1. No mining was being carried out at the mining lease area. The Mining officer informed that due to non payment of royalty by the mining lease holder, mining activity in the said area has been stopped on the directions of the mining department and mining operation was suspended on 10.12.2021. However, the site condition indicated that slight mining was being carried out in the area. Even, the fresh material screened by the nearby screening plant was seen by the Monitoring Committee. On the next visit of the Technical Expert of the Monitoring Committee on 23.04.2022, it was observed that the said screening Plant was in operation and it was apprehended that the raw material used for screening, had been mined from the said mining site.
2. It was informed that depth upto 9 m has been allowed for extraction of boulder, gravel and sand and in some part of the mining lease area, the depth of 9 m has been exhausted but no progressive mining closure plan has been implemented in the part of the mining lease area, where the mining upto depth of 9m has been completed. No steps have been taken for rehabilitation / restoration / rejuvenation of the land of the area.
3. Few plants were found planted in the mined area and on the next visit made on 23.04.2022, some more plants have been found planted in the mining site area.
4. As per Mining Plan, 25 boundary pillars were to be erected at the boundary of the mining lease area, whereas, during the visit, the mining lease holder could not show all the boundary pillars erected at the site. The coordinates of one of the boundary pillar i.e BP-3 were found with the help of mobile phone as latitude as $N30^{\circ} 15'$ and longitude as $E 77^{\circ} 30'$ against the actual coordinate of the boundary pillar, as latitude: $N30^{\circ} 15' 40.43''$ and longitude: $E 77^{\circ} 30'19''$.
5. Weigh bridge has been set up outside the mining lease area.
6. No CCTV cameras have been installed at all the vulnerable points.
7. The condition of the road through which the mined material is transported is not good and non-stabilized. Also, the width of the road constructed for transportation of the mine material through vehicles is less and it has not been widened and fully stabilized.
8. The plants have been planted recently, whereas, these plants should have been planted about 5 years ago, when the mining activity in the year 2016 was started at the site so that these would have grown fully.
9. The Committee could not check as to whether GPS system have been provided on the vehicles carrying mined material as no vehicles were found standing at the site. Also, the details of the vehicles deployed for transportation of mined material

by the mining lease holder and registration of vehicles and status of GPS on these vehicles have not been provided by the Department of Mines and Geology as requested by the Monitoring Committee while conveying the requirements of the Monitoring Committee from the Departments vide letter no. CMC/2022/836 dated 02.04.2022.

10. As per the Mining Plan submitted by the mining lease holder, it has mentioned that 3750 saplings were planted in the area for development of green belt of 7.5 m wide around the mining lease area. The Monitoring Committee during its visit to the mining site on 01.04.2022 and 23.04.2022, it has been observed that no green belt of 7.5 (1.36 ha) m has been maintained by the mining lease holder around the mining lease area and only few plants in two patches have been planted.
11. As per the Mining Plan, it has been mentioned that no screening / sizing facility has been installed at site, whereas, during the both the visits of the Monitoring Committee made on 01.04.2022 and 23.04.2022, one screening Plant has been found set up within the premises of mining lease area and it was found in operation on both the visits.
12. The roads maintained for transportation of production, have not been fully stabilized and no arrangements have been made for sprinkling of water on the road to suppress the dust emissions.
13. As per the Mining Plan, water tanker of capacity 4000 liter has been deployed for carrying ground water for use in activities likes drinking purposes, suppress of dust and watering to the plants etc. It is mentioned there that in compliance to order of Hon'ble Nation Green Tribunal, in one of the case, the mining lease holder has to make arrangements to use the treated sewage of nearby STP for sprinkling of water for suppression of dust.
14. As safety measures, the mining lease holder has not provided protective equipments for like dust masks, ear plugs / muffs and other equipments to the laborer working in the mining lease area.
15. No danger signs have been displayed near the mining lease area.
16. Mining lease holder has not made efforts to make plantation in 33 % of the mining lease area under the social forestry on the land available from Panchayats, which is to be completed at the end of mining lease.
17. No plants have been developed along the road adjoining to the mining lease area to prevent the speeding of dust and attenuate air pollution in the area.

The Photograph showing the mining lease area from which minor mineral has been extracted, few plants planted at site, boundary pillar erected at one corner of the site and mining lease site are mentioned as **Plates 1 to 4**.



Plate-1: Photograph showing the mining lease area from where the material has been extracted



Plate-2: Photograph showing few plants planted at the mining lease area



Plate-3: Photograph showing one of the boundary pillar erected at one corner of the mining site



Plate-4: Photograph showing the mining site area

3.1.2 Specific recommendations of the Monitoring Committee w.r.t non river mining site at village Kohliwala, Tehsil Chhachhrauli, District Yamunanagar.

- 1. The mining lease holder shall erect all the 25 boundary pillars around the mining lease site and coordinates on all the boundary pillars may be marked within 01 month.**
- 2. As per the Mining Plan submitted by the mining lease holder, 7.5 m wide barrier was to be left all around the mining lease area for development of green belt / plantation but the same has not been left by the mining lease holder. Therefore, the Monitoring Committee recommends that the mining lease holder shall leave 7.5 m barrier all around the mining lease site for development of green belt / plantation within 02 months.**
- 3. As per the record submitted by Department of Mines and Geology, Yamunanagar, the average production of boulder, gravel and sand has been calculated as 244048 MT/Year, whereas, the mining lease holder has been allowed the production capacity as 250000 MT/year. As such,**

as per the record, mining lease holder has produced the quantity of minor minerals within permissible production capacity. However, the Monitoring Committee during its both the visits made on 1.4.2022 and 23.4.2022, observed that one screening plant set up within the premises of the mining lease area was in operation and there is quite possibility that it is using the raw material from the said mining lease area. Therefore, the mining lease holder might be doing illegal mining in the mining lease area. Therefore, it is recommended that the Department of Mines and Geology shall impose compensation for extracting more quantity of minor mineral in the form of illegal mining as compared to the permitted quantity to be extracted as per the Methodology mentioned in order dated 26.02.2021 in OA no. 360 of 2015 in the matter of National Green Tribunal bar association V/s Virender Singh (State of Gujarat).

4. The mining lease holder shall implement progressive mining closure plan in the part of mining lease area where the mining upto depth of 9 m has been completed and steps may be taken for rehabilitation / restoration / rejuvenation of the mined area.
5. The mining lease holder shall plant maximum number trees on both sides of road used for transportation of mined material within 03 months.
6. The mining lease holder shall ensure that the screening plant, installed within the premises of the mining lease area, may not be allowed to operate till the suspension of the mining lease is restored by Department of Mines and Geology. The quantity of raw material used in the screening plant may be in the record to be submitted to Department of Mines & Geology.
7. Appropriate number of boards mentioning danger sign may be erected at suitable places of the mining lease area.
8. The mining lease holder shall start making plantation under the social forestry on the land available from Panchayat to ensure plantation in 33% area may be completed at the end of the mining lease.

3.2 River mining site for mining of boulder, gravel and sand at village Bailgarh, Block YNR/B-2, Tehsil Chhachhrauli, District Yamunanagar by M/s Mubarikpur Royalty Company, VPO Mubarikpur, District Mohali, Punjab

The mining lease area of 28 hectares (non forest) has been allotted by the Department of Mines and Geology and issued letter of intent on 19.06.2015 to M/s Mubarikpur Royalty Company, VPO Mubarikpur, District Mohali, Punjab with lease period of 9 years. The Environment Clearance under EIA Notification dated 14.09.2006 was granted by SEIAA, Haryana on 27.06.2016 for production capacity of 1.3 Million T/Year and consent to operate under Air Act, 1981 was granted HSPCB on 31.08.2016. As per the record maintained by Department of Mines and Geology and Mining Plan submitted by the mining lease holder (M/s Mubarikpur Royalty Company, VPO Mubarikpur, District Mohali,

Punjab), boulder, gravel and sand in mining site river area having total lease area of 28 hectares, exists in Village Bailgarh, South Block (YNR B-2), Village Bailgarh, Tehsil Chhachroli, District Yamunanagar.

As per the record submitted by Department of Mining and Geology vide letter no. Mining/Admin/Ynr/1914 dated 29.04.2022, the mining lease order started its production at the site on 09.12.2016 and the production of boulder, gravel and sand during the period 09.12.2016 to 08.12.2017 has been mentioned as 1183289 MT, for the period 09.12.2017 to 08.12.2018, the production of the said products has been mentioned as 1220882 MT, during the period 09.12.2018 to 08.12.2019, the production of said product has been mentioned 1239120 MT, for the period 09.12.2019 to 08.12.2020, the production of said product has been mentioned as 1174817 MT and for the period 09.12.2020 to 08.12.2021, the production of said products has been mentioned as 1190973 MT and for the period 9.12.2021 to 31.03.2022, the production of said production has been mentioned as 366280 MTD. The average production of boulder, gravel and sand has been calculated as 1200633 MT/Year, whereas, the mining lease holder has been allowed the production capacity as 1.3 Million T/Year (1300000 MT/year). As such, the mining lease holder has produced the quantity of minor minerals within permissible production capacity. The total lease period of the mining site is 9 years.

3.2.1 Observations of the Monitoring Committee

The Monitoring Committee visited the mining lease area in river area on 01.04.2022 and 23.04.2022 and the following observations were made.

1. On the day of visit on 1.4.2022, no mining activity was in operation. It was informed that due to regular flow of water from the last 02 months, the mining in the river bed area could not be made operational and the mining from the river bed shall be started after the drying of water in the area. It is mentioned here that as per the record submitted by Department of Mines and Geology, Yamunanagar vide its letter no. 1914 dated 29.04.2022, the mining lease holder has done mining in the mining lease area upto 31.03.2022, whereas, the Monitoring Committee has visited the site on 01.04.2022 and the mining lease holder submitted the statement that the mining site in river area was not in operation from the last 02 months due to regular flow in the river, which is wrong statement. It indicates that the mining lease holder had deliberately stopped the operation of the mining site on the day of visit of the Monitoring Committee on 01.04.2022. The mining lease area was again visited by the Technical Expert of the Monitoring Committee on 23.04.2022 and though the mining in the mining lease area was in operation but the same was kept deliberately in slow pace. The photographs showing mining site in operation during the visit on 23.4.2022 is mentioned as per **Plate-5**



Plate 5: Photograph showing mining site in mining lease area (river area) in operation but with slow pace

2. As per mining plan, 03 boundary pillar have been mentioned, whose latitude and longitude are as under:

Sr. No.	Latitude	Longitude
1	N30 ⁰ 13'29.01"	E077 ⁰ 33'34.59"
2	N30 ⁰ 13'10.29"	E077 ⁰ 30'24.22
3	N30 ⁰ 12'41.01"	E077 ⁰ 30'17.97"

The Monitoring Committee in the presence of the officers of mining department and HSPCB checked the GPS coordinates of 1 boundary pillar with mobile phone and the same were found as latitude: N30⁰13'32" and longitude: E077⁰31'37". The number of boundary pillars setup by the mining lease holder are very less and adequate no. of such boundary pillars may be erected at mining lease area. During the next visit of the Technical Expert of the Monitoring Committee on 23.04.2022, the GPS coordinates of the boundary pillar were checked and the photograph showing the pillar mentioning the coordinates as latitude: 30⁰13'35.22" and longitude: 77⁰30'33.72" is mentioned as per **Plate no. 6**.



Plate 6: Photograph showing GPS coordinate of one of pillar provided on the boundary of the mining lease area.

3. No CCTV cameras have been installed at the vulnerable points.

4. The site conditions indicated that no distance of mining lease site has been maintained from the embankment of river and mining has been started just at the embankment of river and the same facts were verified during the last visit of the Technical Expert of the Monitoring Committee on 23.04.2022. The photograph showing mining done just at the start of the embankment of river Yamuna is mentioned as per **plate 7**.



Plate 7: Photograph showing mining done just at the start of the embankment of river Yamuna

5. Weigh bridge has been setup outside the mining lease area.
6. On the day of visit on 23.04.2022, it was observed that mining upto depth of more than 3 m has been done in the mining lease area against the permissible depth of 3 m. The photograph showing the illegal mining done beyond 3 m depth is also mentioned in **Plate 7**.
7. The condition of the road from where the mined material is transported is not good and is not fully stabilized. No plantation has been made along the roads (on both sides) provided for transportation of mined material to attenuate air pollution. The photograph showing non stabilized road without plantation is mentioned as per **Plate 8**.

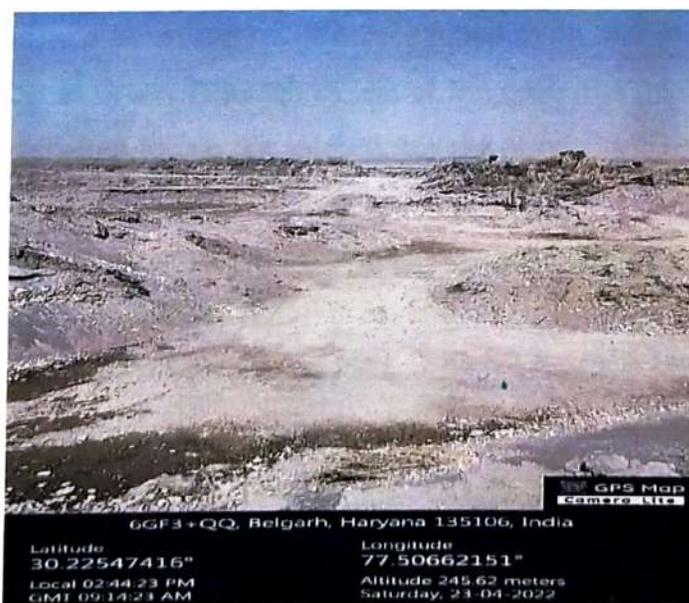


Plate 8: Photograph showing non stabilized road without plantation on its both sides of the road.

8. The Committee could not check as to whether GPS system have been provided on the vehicles carrying mined material as no vehicle was found standing at the site. Even during the last visit made on 23.04.2022, no transportation vehicles were available at the site.
9. The mining lease holder has developed plantation in small area outside mining lease area and within mining lease area, which are mentioned as per **Plates 9 and 10.**



Plate-9: Photograph showing the plantation developed in small area outside the mining lease area



Plate-10: Photograph showing plantation developed in small area within the mining lease area.

10. As per the Mining Plan submitted by the mining lease holder, it has been mentioned that saplings have been planted in the area for development of green belt of 7.5 m wide. The Monitoring Committee during its visit to the mining site on 01.04.2022 and 23.04.2022, it has been observed that no green belt of 7.5 m wide has been maintained by the mining lease holder and only few plants in two patches have been planted. Also, green belt margin having width of 7.5 m (2.80 ha) all around the mining site has not been left by the mining lease holder.
11. The roads maintained for transportation of mined material, have not been fully stabilized and no arrangements have been made for sprinkling of water on the roads to suppress the dust emissions. It is mentioned there that in compliance to order of Hon'ble National Green Tribunal, in one of the case, the mining lease holder has to make arrangements to use the treated sewage of nearby STP for sprinkling of water on the roads for suppression of dust.
12. The mining lease holder has not maintained un-mined block of 50 m length left after 1000 m length of mining lease area and as such, has not complied with the conditions mentioned in the Mining Plan.
13. In the Mining Plan, it has been mentioned that in case of river Yamuna, no mining shall be permissible in an area upto width of 500 m from the active edges of embankment of the river. The mining lease holder has not maintained a distance of 500 m from the active edge of the embankment of river as noted during the last visit made on 23.04.2022, as the mining has been done just near the embankment of the river. As such, the mining lease holder has not followed the guidelines mentioned as Sustainable Sand Mining Guidelines, 2016, violated the conditions mentioned in the

Mining Plan and Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012.

3.2.2 Specific recommendations of the Monitoring Committee w.r.t river mining site at village Bailgarh, Tehsil Chhachhrauli, District Yamunanagar

1. The mining lease holder shall erect adequate number of boundary pillars all around the mining lease site and coordinates on all the boundary pillars may be marked within 01 month.
2. The mining lease holder shall maintain a barrier of 7.5 m wide from the embankment of the river and shall develop plantation in the said 7.5 m wide barrier within 02 months.
3. As per the record submitted by Department of Mines and Geology, Yamunanagar, the average production of boulder, gravel and sand has been calculated as 1200633 MT/Year, whereas, the mining lease holder has been allowed the production capacity as 1300000 MT/Year, which is within the capacity allowed by Department of Mines and Geology. It is mentioned here that the mining lease holder is doing illegal mining beyond 3 m depth, as such, the mining lease holder is extracting mined material more than capacity allowed to it. Thus, the mining lease holder is doing illegal mining. Therefore, it is recommended that the Department of Mines and Geology shall impose compensation for extracting more quantity of minor mineral as compared to the permitted quantity to be extracted as per the Methodology mentioned in order dated 26.02.2021 in OA no. 360 of 2015 in the matter of National Green Tribunal Bar Association V/s Virender Singh (State of Gujarat).
4. The mining lease holder shall implement progressive mining closure plan in the part of mining lease area where the mining upto depth of 3m has been completed and steps may be taken for rehabilitation / restoration / rejuvenation of the mined area.
5. The mining lease holder shall plant maximum number trees on both sides of road used for transportation of mined material within 03 months.
6. The mining lease holder shall start making plantation under the social forestry on the land available from Panchayat to ensure plantation in 7 hectares as mentioned in the Mining Plan, may be completed at the end of the mining lease.
7. The Department of Mines and Geology shall take action against the mining lease holder for violating the rules mentioned in the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 for not maintaining 500 m distance of mining lease area from the active edge of the river Yamuna.
8. The mining lease holder shall provide protective equipment like dust masks, ear plugs / muffs and other equipments to the laborer working in the mining lease area.

Re

3.3 River mining site for mining of boulders, gravel, sand at village Pobari, Block YNR-B-11, Tehsil Radaur, District Yamunanagar by M/s Development Strategies India Pvt. Ltd., Sarojini colony, Yamunanagar.

The mining lease area of 23.05 hectares (non forest) has been allotted by the Department of Mines and Geology and issued letter of intent on 19.06.2015 to M/s Development Strategies India Pvt. Ltd., Sarojini colony, Yamunanagar with lease period of 9 years. The Environment Clearance under EIA Notification dated 14.09.2006 was granted by SEIAA, Haryana on 27.06.2016 for production capacity of 1.1 Million T/Year and consent to operate under Air Act, 1981 was granted HSPCB 31.08.2016. As per the record maintained by Department of Mines and Geology and Mining Plan submitted by the mining lease holder (M/s Development Strategies India Pvt. Ltd., Sarojini colony, Yamunanagar), boulder, gravel and sand mining site in river area, having total lease area of 23.05 hectares, exists in Village Pobari, Block YNR-B-11, Teh Radaur, District Yamunanagar.

As per the record submitted by Department of Mining and Geology vide letter no. Mining/Admin/Ynr/1914 dated 29.04.2022, the mining lease order started its production at the site on 09.12.2016 and the production of boulder, gravel and sand during the period 09.12.2016 to 08.12.2017 has been mentioned as 726006 MT, for the period 09.12.2017 to 08.12.2018, the production of the said products has been mentioned as 576576 MT, during the period 09.12.2018 to 08.12.2019, the production of said products has been mentioned 1056615 MT, for the period 09.12.2019 to 08.12.2020, the production of said products has been mentioned as 943786 MT and for the period 09.12.2020 to 08.12.2021, the production of said products has been mentioned as 1088637 MT and for the period 9.12.2021 to 31.03.2022, the production of said products has been mentioned as 460230 MTD. The average production of boulder, gravel and sand has been calculated as 885374 MT/Year, whereas, the mining lease holder has been allowed the production capacity as 1.1 Million T/Year. As such, the mining lease holder has produced the quantity of minor minerals within permissible production capacity. The total lease period of the mining site is 9 years. The production record submitted by the Department of Mines & Geology, Yamunanagar vide letter No. Mining/Admin/Ynr/1914 dated 29.4.2022 is annexed as per **Annexure-3**

3.3.1 Observations of the Monitoring Committee

1. At the time of visit, the mining activity was in operation with ordinary JCB. The sand already extracted from the mining lease area was being loaded in the tippers. During the next visit made on 23.04.2022 by the Technical Expert of the Monitoring Committee, the mining operation in the mining lease area was found stopped. It was informed that the Department of Mines and Geology vide its office letter no. 1178 dated 20.04.2022 has suspended the mining operations alongwith dispatch of minerals from the contract area due to non payment of contract money / royalty.
2. As per the Mining Plan, the mining lease holder has to erect 27 boundary pillars around the mining lease area, whereas, the mining lease holder has provided 12 boundary pillars which are not adequate.

3. As per Mining Plan, the mining lease holder has to leave a barrier of 7.5 m wide (4.95 ha) from the boundary of the mining area, however, the mining lease holder has not left a barrier of 7.5 m wide from the boundary of the mining lease area.
4. The Monitoring Committee noted the coordinates of the one of the boundary pillar erected at boundary of mining lease site with mobile phone, which were found as latitude : N30°00" and longitude : E077°15'.
5. No CCTV cameras have been installed at the vulnerable points.
6. During the last visit made on 23.04.2022 by the Technical Expert of the Monitoring Committee, it was observed that the distance of mining lease area from the embankment of river was about 250 m, which is less than distance of 500 m to be maintained from the embankment of the river Yamuna. As such, the mining lease holder has violated the provisions of Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012.
7. Weigh bridge has not been provided at the entry of mining lease area.
8. The condition of the road through, which the mined material is transported is not good, fully stabilized and compacted.
9. The Committee could not check as to whether GPS system have been provided on the vehicles carrying mined material as no vehicles were found present at the site.
10. During the visit of the Monitoring Committee on 01.04.2022, it was observed that the mining lease holder had diverted the flow of River Yamuna by laying of layer of sand in the lease area to extract the more quantity of sand from the lease area.
11. The condition of the flow of River water in between the patches of the sand / gravel heaps indicate that the mining lease holder might be doing in-stream mining using heavy machinery during the odd hours. The photograph taken on 01.04.2022 and 23.04.2022 showing the patches of sand / gravel heaps in between flow of river are mentioned as **Plates 11 and 12**, respectively.



Plate 11: Photograph showing the patches of sand / gravel heaps in between flow of river



Plate 12: Photograph showing the patches of sand / gravel heaps in between flow of river

3.3.2 Specific recommendations of the Monitoring Committee w.r.t river mining site at village Pobari, Tehsil Radaur, District Yamunanagar

1. The mining lease holder shall erect adequate number of boundary pillars around the mining lease site and coordinates on all the boundary pillars may be marked within 01 month.
2. As per the Mining Plan, the mining lease holder has to leave a barrier of 7.5 m wide from the boundary of mining lease area. The mining lease holder has not left a barrier of 7.5 m wide from the mining area boundary. Therefore, it is recommended that mining lease holder shall maintain a barrier of 7.5 wide from the mining area boundary and a green belt may be develop in the said 7.5 wide barrier within 02 months.
3. As per the record submitted by Department of Mines and Geology, Yamunanagar, the average production of boulder, gravel and sand has been calculated as 885374 MT/Year, whereas, the mining lease holder has been allowed the production capacity as 1100000 MT/Year, which is within the capacity allowed by Department of Mines and Geology. It is mentioned here that the condition of the flow of River water in between the patches of the sand / gravel heaps indicate that the mining lease holder might be doing in-stream mining using heavy machinery during the odd hours. Therefore, it is apprehended that the mining lease holder might be extracting more quantity of mined material than the permissible capacity 1100000 MT/Year.
4. The mining lease holder shall plant maximum number trees on both sides of road used for transportation of mined material within 03 months.
5. The mining lease holder shall start making plantation under the social forestry on the land available from Panchayat to ensure plantation in 4.0 hectares as mentioned in the Mining Plan, may be completed at the end of the mining lease.
6. The Department of Mines and Geology shall take action against the mining lease holder for violating the provisions of Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 for not keeping 500 m distance of mining lease area from the active edge of the river Yamuna.

4.0 General recommendations of the Monitoring Committee with regards to each mining site (non river mining site at village Kohliwala, Tehsil Chhachhrauli, District Yamunanagar; river mining site at village Bailgarh, Tehsil Chhachhrauli, District Yamunanagar and river mining site at village Pobari, Tehsil Radaur, District Yamunanagar):

1. There should be a mechanism at district level to generate the system which may enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation and total lifting. The system can be used to generate auto mails or SMS. This will enable the Deputy Commissioner,

Yamunanagar to get all the relevant details and shall enable the authority to block the scanning facility of any site found to be indulged in irregularity.

2. **Strict vigilance, surveillance and frequent raids are required to control the illegal mining. In other case, it would have been appropriate to recommend constitution of enforcement wing comprising of officers from Department of Police, Department of Geology and District Administration. However, keeping in view the given situation, pulls and pressure at District Level, this enforcement wing may not be succeeded in achieving the object of its creation.**

It is learnt that previously there was enforcement committee reporting directly to the Director of Mines and Geology, which was functioning very effectively in the past. The said committee did surveillance/ raids from time to time and was able to control illegal mining and created terror to the law breakers. It seems that the said enforcement committee is now not in existence. However, to curb illegal mining in the mining sites, the Deputy Commissioner, Yamunanagar has deployed the officers like BDPO of concerned area, SDO, HSPCB, RFO of concerned area, SDO, Water Services Division, SDO, B& R, SHO of concerned area and mining inspector of the area etc. The prevailing situation at the mining sites indicates that the designated officers have not been effective for proper enforcement to control illegal mining.

It is therefore, recommended that the earlier enforcement committee, which was directly reporting to the Director of Mines & Geology, may be revived.

3. **As per the provisions of section 22 of the Mines and Minerals (Development & Regulation) Act, 1957 [(MMDR Act, 1957)], there is provision that no court shall take cognizance of any offence punishable under this Act or any rules made there under except upon complaint in writing made by a person authorized in this behalf by the Central Govt. or State Govt. As such, the police cannot register an FIR against the violator on the complaint of any citizen/individual. There is need to amend the said section of MMDR, Act, 1957 to the extent that police department should have powers to register FIR against the violators.**
4. **The Mining Department may create an online app which can be used by all officers authorized for compounding so that an alert can be generated for vehicle numbers in case of repeated violations are occurred. In all such cases, FIR should be registered and the case should be sent to Court for trial & conviction.**
5. **District level Task Force shall check the compliance of Mining Plan submitted by each mining lease holder operating their mining activities in non-river area and in river area within 02 months and report be submitted to Mining department as well as Deputy Commissioner, Yamunanagar for further action.**

6. The department of Transport and Police shall jointly check the overloaded trucks / vehicles carrying minor mineral/sand and heavy fine may be imposed on these vehicles/trucks. The trucks/vehicles and driving License of the driver may be seized and put into safe custody for 01 month and these trucks/vehicles shall be released following the procedure and methodology as mentioned in para 8 of order dated 26.2.2021 in OA No 360 of 2015 in the matter of National Green Tribunal Bar Association V/s Virender Singh (State of Gujarat).
7. The Department of Irrigation may continue to make survey along river Yamuna four times in a year to ensure that no sand and gravel is allowed to be extracted, where, erosion may occur and especially at the concave banks of the river.
8. The Department of Mines and Geology shall provide Geo-fencing on the mining lease area within 03 months.
9. The mining lease holder shall provide advanced technological GPS on all the vehicles deployed for transportation of mined material so that their movement can be tracked and be monitored by the Department of Mining and Police and Prompt action may be taken against the illegal mining operator.
10. In no case, mining of minor mineral may be allowed to be mined in night hours.
11. For monitoring illegal sand / gravel mining in the mining lease area, there shall be a provisions of checking transport permit, printing of transport permit on security papers, invisible ink marks, fugitive ink background and unique barcode system. The Department of Mines and Geology shall provide said documents to the Monitoring teams or District Level Task Force at district level. The Monitoring team deployed for checking of vehicles / trucks carrying mined material should be in a position to check the validity of transport permit or receipt of scanning them using website, mobile phone application and SMS.
12. The mining lease holder shall ensure that the vehicles used for transportation of sand / mined material are to be permitted only the with the fitness and PUC certificate and it shall be ensured that road may not be damaged due to transportation of mined material.
13. Mining Officer should be the Competent Authority to specify the transport route which shall be used by the vehicles used by the mining lease holder so that it may be route through at least one of the mining check post established by the Department. There should be complete restriction on loading and transportation of mined material during night hours (7.00 PM to 6.00 AM). The mining lease holder should give a list of vehicles to the Mining Officer which should be entered into the portal and which will get auto populated in the software in the mining lease holder login. The list of the permitted vehicles should be shared

with the Police Department and with the mining check post. Any vehicles, which is not in the list given by the mining lease holder should be impounded. Only GPS enabled vehicles may be deployed for transportation of mined material and their movement should be accessible to the Mining Department.

14. The roads used for transportation of mined material and movement of the vehicles may be fully stabilized and compacted so that no dust emission are generated and treated sewage of nearby STP may be utilized for sprinkling of water to suppress the dust emissions generated during movement of the vehicles.
15. CCTV cameras may be installed at all the vulnerable points in the mining lease area.
16. The Department of Mines and Geology shall provide advance technological drones to take prompt against the illegal mining.
17. The Monitoring mechanism for seize and release of vehicles used for illegal mining / scale of compensation for violation on "Polluter pays" principle as mentioned in para no. 8 to 11 of order dated 26.02.2021 in OA no. 360 of 2015 in the matter of National Green Tribunal Bar Association versus Virender Singh (State of Gujarat) may be implemented by the concern departments.
18. The Department of Mines and Geology and District Level Task Force shall strictly follow the Sustainable Sand Mining Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand Mining, 2020 to check the illegal mining by the mining lease holder.

5.0 Other observations and recommendations w.r.t. stone crushers / screening plants operating in the area

5.1 Observations

The Monitoring Committee during its visit to the mining sites in village Kohliwala and village Bailgarh of District Yamunanagar observed that there are number of stone crushers/ screening plants adjoining to the mining lease areas near villages Kohliwala and Bailgarh. During the visit of the Monitoring Committee made on 01.04.2022, all these stone crushers were found not in operation due to non-availability of electricity. However, during the last visit of the Technical Expert of the Monitoring Committee made on 23.04.2022, all these stone crushers/ screening plants were found in operation, but most of the these stone crushers have not adopted the following code of practices for control of air pollution:

- i) **The stone crushers have not covered all the dust emitting points namely Jaw crusher / roller / crusher / screener etc.**
- ii) **The conveyor belts of most of the stone crushers were not covered with suitable material and no water sprinkling systems have been provided on the conveyor belts.**

- iii) No telescoping chutes of suitable height have been provided at the end of the conveyor belts.
- iv) All the material transfer points have not been properly covered.
- v) The ramp and approach road have not been properly stabilized / metalled.
- vi) Water sprinkling system along the boundary of the stone crushers / screeners have not provided to suppress the dust emissions generated during movement of vehicles.
- vii) No green belt / plantation have been provided along the boundary of the stone crushers / screeners.
- viii) Wind breaking walls around the stone crushers have not been provided.

5.2 Recommendations

Haryana State Pollution Control Board may be directed to check all the stone crushers/ screening plants of the area within 02 months and shall get provide all the pollution control systems/ code of practice as mentioned above within next 02 months. Haryana State Pollution Control Board shall monitor the ambient air quality within the premises of each stone crusher/ screening plant and overall ambient air quality in nearby village/habitation area within 04 months and legal action under the provisions of Air Act, 1981 may be taken against the violating stone crushers/ screening plants.


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


Dr. Babu Ram
 Technical Expert,
 Monitoring Committee


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

FIRST INFORMATION REPORT
(Under Section 154 Cr.P.C.)

1. District: Saharanpur P.S. Behat Year: 2020

FIR No. : 103 Date & Time of FIR: 15.03.2020, 16:35 hrs

2. S. No. Acts Sections:

1. Prevention Of Damage to Public

Property Act, 1984 3 (2)

2. I.P.C. 1860 379

3. (a) Occurrence of offence:

1. Day: Sunday Date from: 15.3.2020 Date To: 15.03.2020

Time period: 5 Pahar Time From: 13:00 to 13:00 o'clock

(b) Information received at P.S. Behat Date: 15.3.2020 Time: 16:30

(c) General Diary Reference: Entry No. Date & Time

034 15.03.2020 16:30

4. Type of information: Written

5. Place of Occurrence:

1. (a) Direction and distance from P.S.: West, 18 Km.

Beat No.

(b) Address: Aslampur Bartha Yamuna Ferries

(c) In case, outside the limit of this Police Station, then Name of P.S

District (State)

6. Complainant/Informant:

(a) Name: Mohd. Aizaz Khan, Inspector M. No. 7869952201

(b) Father's/Husband's Name:

(c) Date/Year of Birth: 1982

(d) Nationality: Indian

(e) UID No.

(f) Passport No.

Date of Issue: Place of Issue:

(g) ID Details (Ration Card, Voter Id Card, Passport, UID No., Driving License, PAN)

S. No.	ID Type	ID Number
--------	---------	-----------

(h) Occupation:

(i) Address:

S. No.	Address Type	Address
1	Present	Mining Inspector, Saharanpur, Uttar Pradesh, India
2	Permanent	Mining Inspector, Saharanpur, Uttar Pradesh, India

(j) Phone number:

Mobile No.

7. Details of known/suspected/unknown accused with full particulars:

Accused More Than: 0

S. No.	Name	Alias	Relative's Name	Present Address
1	UNKNOWN	1		

8. Reasons for delay in reporting by the complainant/informant:

9. Particulars of properties interest:

S. No.	Property Category	Property Type	Description	Value in Rs.

10. Total value of property (In Rs.)

11. Inquest Report/U.D. Case No., if any:

S. No.	UIDB Number

12. FIRST INFORMATION CONTENTS:

Copy written in Hindi: To, Police Station Incharge, P.S. Behat. This is to inform you that a investigation had been occurred on dated 11.3.2020 at 1.00 PM on the Ghaat(Ferry) of River Yamuna in Village Aslampur Bartha. The water course crossed with the help of Boat. During investigation 03 wholes were found, from which the illegal mining of 3209m³ r.B.M. (Sand/Grit/Bolder) had been occurred. The villagers of Aslampur Bartha told that the above illegal mining is

being occurred by the local persons of Bailgarh (Haryana) through Tractor Trolley and Dumper and the theft mining material taken away and unloaded at the Stone Crushers situated in Bailgarh. Many times tried to catch the illegal mining persons as well as the vehicles but all invain because due to water course of the river they ran away towards Bailgarh (Haryana). You are therefore requested to kindly take necessary legal actions against the above persons under IPC and Prevention of Damage to Public Property Act and punish them accordingly. Enclosures: Photographs of the spot. Signed Illegible in English: Dt. 15.3.2020 (Mohd. Aizaz) Khan Inspector Saharanpur Mobile: 7869952201.

Note: I, H.M. 194 Lokender Singh certified that the copy of the report correct recored by me on computer by speaking word by word. The same has been checked by me after typing, which is found correct. The details of which has been recorded in GD and correct sections by myself. Sd/- H.M. 194 Lokender Singh

13. Action taken: Since the above information reveals commission of offence(s) U/S as mentioned at Item No. 2:

(1) Registered the case and took up the investigation. or

(2) Directed (Name of I.O.): Rank:
VIRENDRA SINGH Sub Inspector/Addl. Inspector

No.: 0802012586 to take up the Investigation:

(3) Refused investigation due to:

(4) Transferred to P.S: District
on Point of jurisdiction.

F.I.R. read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informatn, free of cost.

R.O.A.C.

Signature of Officer in charge,
Police Station

Name: POLICE STATION BEHAT
DISTRICT SAHARANPUR

Rank: Inspector

No.: 9454404177

14. Signature/Thumb impression
of the complainant/informant

15. Date and time of dispatch to the Court.

N.C.R.B.

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

1. District: Saharanpur P.S. Behat Year: 2020

FIR No.: 0413 Date & Time of FIR: 19.09.2020 17:50 hrs

2.

S. No.	Acts	Sections
1	I.P.C. 1860	379
2	I.P.C. 1860	411
3	I.P.c. 1860	120-B
4	Prevention of Damage to Public Property Act, 1984	3 (2)

3. (a) Occurrence of offence:

1. Day: Saturday Date from: 19.09.2020 Date To: 19.09.2020

Time period: 5 Pahar Time From: 14:40 to 14:40 o'clock

(b) Information received at P.S. Behat Date: 19.09.2020 Time: 17:40

(c) General Diary Reference: Entry No. Date & Time

033 19.09.2020 17:40

4. Type of information: Written

5. Place of Occurrence:

1. (a) Direction and distance from P.S.: North-West, 18 Km.

Beat No.

(b) Address: Aslampur Bartha Yamuna Ferries

(c) In case, outside the limit of this Police Station, then Name of P.S

District (State)

6. Complainant/Informant:

(a) Name: S.I. Manoj Kumar, PNO 960490037

(b) Father's/Husband's Name:

© Date/Year of Birth: 07.02.1988

(d) Nationality: Indian

(e) UID No.

(f) Passport No.

Date of Issue: Place of Issue:

(g) ID Details (Ration Card, Voter Id Card, Passport, UID No., Driving License, PAN)

S. No. ID Type ID Number

(h) Occupation:

(i) Address:

S. No.	Address Type	Address
1	Present	Present Posting P.S. Behat<, Behat, Saharanpur, Uttar Pradesh, India
2	Permanent	TIKRI, Doghat, Baghpat, Uttar Pradesh, India.

(j) Phone number: Mobile No.

7. Details of known/suspected/unknown accused with full particulars:

Accused More Than:

S. No.	Name	Relative's Name	Present Address
1	Shubham		1. 1. Madohaddari, Booria, Yamuna

		S/o Babu Ram	Nagar, Haryana, Inia.
2	Virender Sharma	S/o Purushottam Sharma	Lal Dwara Colony, Yamuna Nagar, Haryana, India

8. Reasons for delay in reporting by the complainant/informant:

9. Particulars of properties interest:

S. No.	Property Category	Property Type	Description	Value in Rs.
1	Others	Miscellaneous	Recovery of One dumpher with mining material	

10. Total value of property (In Rs.)

11. Inquest Report/U.D. Case No., if any:

S. No. UIDB Number

12. FIRST INFORMATION CONTENTS:

Recovered: One number Dumpher with Mining material and arrest of one Accused. Today on 19.9.20 I, SI Manoj Kumar alongwith Const. 1430 Anil Kumar along with Government vehicle No. UP 11AG 0344 and with Ch. Con. 303 Bittu departed from Police Station and charged to R.No. 19 Time 10.35 and for round to see and cheque the peace arrangement and checking for doubtful vehicles, persons and were presented inside P.S. jurisdiction at Mamoor. When we reached towards triangle of Gandevad, one special informer met with us and told that Sir, some persons of Yamuna River are doing illegal mining through JCB and HM and Dumphers and Tractor trollies. On this information I, the SI, called Const. 500 VikalSom and Const. 373 Arvind on

phone at Gandevad triangle. And also informed to S.D.M. Behat and Area Incharge of Behat and I, SI, along with my companions and with informer reached to Aslampur Bartha ferries, than the informer told by signalling towards a spot that The persons Infront doing the illegal mining in River Yamuna through JCB and HM and Dumphers and Tractor trollies, they are doing the illegal mining by burglary. During this period Hon'ble S.D.M. Behat and Area Incharge Behat also reached at the spot and the informer gone away. Hon'ble S.D.M. Behat arranged for Videography of the vehicles indulged in the mining work and saw that about 20 to 25 dumpher and tractor trollies are being loading with the mining material. As soon as for catching the JCM and HM and Tractor Trollies and Dumphers, we reached at the spot than we caught at about 14.40 in the Yamuna River one Dumpher No. HR58B 0543 along with driver and the rest were chased by the employees of our team, than they run away through Dupher, tractor trolley and JCB and HM towards Haryana which cannot be caught and all the team mates returned back. The caught driver told his name as Shubham son of Baburam R/o Village Madohaddari PS Budia Distt. Yamunanagar Haryana and by seeing the dumpher, the dumpher was loaded with illegal mining material. He again told that Sir, this mining work is being done on the instructions of Contrator Virender Sharma alias Gullu son of Purushottam Sharma R/o Laldwara Colony, Yamunanagar and Mubarikpur Royalty Company. He also told that Mubarikpur Royalty Company given the royalty without deducting royalty. On demanding the above royalty, the caught driver saw a royalty taken from the cabin of dumpher on which it is recorded 'con 171068015 and government of haryana'. He also recorded that the thefted mining material is unloaded at R.K. Stone Crusher. On perusal of the videography done at the spot, some numbers of vehicle were searched in which Dumpher UP 11BT 4617, UP 11BT3413, HR45B7831 and Scorpio Car No. HR71-7770 are seen clearly, which run away from the spot. The registration number of other run away vehicles are not clear. The apprehend

driver was apprised with the sections No. 379/411 IPC and 3 (2) PPD Act and the dumper taken into the police custody. During arresting the orders and instructions of Hon'ble Supreme Court as well as Human Right Commission were followed completely and the arrest document prepared accordingly. When we tried for any witness from the public, due to Yamuna River Khadar, no witness can be available on the spot. The Fard prepared by me, the SI, in the directions of S.D.M. Behat Sir and Area Officer, Behat and the draft after read and recite, the witnesses prepared. The information about the arresting of the accused shall be given to his family members through proper channel after reaching at Police Station. One copy has been handed over to the accused Shubham on the spot. Signed in English Illegible 19.9.20 Manoj Kumar SI Ps Behat Saharanpur Sd/- VikalSom, Sd/- Arvind Kumar, Sd/- Anil Kumar I, Sd/- Illegible Area InchargeBehat, 19.9.20 Sd/- illegible SDM Behat 19.9.20

Note: I, H.C. 194 Lokender Singh certified that the copy of Fard has been prepared on computer by me after speaking word by word and after that the same has been checked by me properly which is correct. The sections and details in GD are correct and Fard prepared by myself. Sd/- H.C. 194 Lokender Singh.

13. Action taken: Since the above information reveals commission of offence(s) U/S as mentioned at Item No. 2:

(1) Registered the case and took up the investigation. or

(2) Directed (Name of I.O.): Rank:

BHUPENDAR PAL SINGH Sub Inspector/Addl. Inspector

No.: to take up the Investigation:

(3) Refused investigation due to:

(4) Transferred to P.S: District

on Point of jurisdiction.

F.I.R. read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informatn, free of cost.

R.O.A.C.

Signature of Officer in charge,

Police Station

Name: **POLICE STATION BEHAT**

DISTRICT SAHARANPUR

Rank: Inspector

No.: 9454404177

14. Signature/Thumb impression
of the complainant/informant

15. Date and time of dispatch to the Court.

Attachment to item 7 of First Information Report:

Physical features, deformities and other details of the suspect/accused:

If known/seen.

S.No.	Sex	Date/Year of Birth	Build	Height (cms)	Complexion	Identification Mark(s)
1	2	3	4	5	6	7
1	Male					
2	Unknown					
3	Male					
4	Unkknown					

5	Unknown					No chicken pox
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Deformities/ Peculiarities	Teeth	Hair	Eyes	Habit(s)	Dress Habit(s)
8	9	10	11	12	13

Language/ Dialect	Place of					Others
	Burn Mark	Lencoderm	Mole	Scar	Tattoo	
14	15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

ANNEXURE RA-8

N.C.R.B.

I.I.F.-1

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

1. District: SAHARANPUR P.S. BEHAT YEAR: 2020

FIR No.: 0435

Date & Time of FIR: 09/10/2020 at 20:27 O'clock

2. S. No. Acts Sections

1 I.P.C. 1860 379

2 Prevention of Damage to 3 (2)

Public Property Act, 1984

3. (a) Occurrence of offence:

1. Day: Friday Date From: 09.10.2020 Date To: 09.10.2020

Time period: Pahar 1 Time From: 00:00 Time To: 00:00

(b) Information received at P.S.

Date: 09.10.2020

Time; 20:15 o'clock

(c) General Diary Reference:

Entry No.: 043

Date & Time; 09.10.2020 20:15 O'clock

4. Type of Information: Written

5. Place of Occurrence:

1. (a) Direction and distance from P.S.: West 18 Km Beat No.

(b) Address: Aslampur Bartha Yamuna River Ferries

(c) In case, outside the limit of this Police Station, then

Name of P.S.

District (State)

6. Complainant/Informant:

(a) Name: Mohd. Aizaz

(b) Father's/Husband's Name:

(c) Date/Year of Birth: 1985 (d) Nationality: Indian

(e) UID No.

(f) Passport No. Date of Issue:

Place of Issue:

(g) ID Details (Ration Card, Voter Id Card, Passport, UID No., Driving License, PAN)

S. No.	ID Type	ID Number

(h) Address:

S. No.	Address Type	Address
1	Present address	Mining Inspector, Saharanpur, Uttar Pradesh, India
2	Permanent address	Mining Inspector, Saharanpur, Uttar Pradesh, India

(i) Occupation:

(j) Phone Number

Mobile Number: 91-7974098253

7. Details of known/suspected/unknown accused with full particulars:

Accused More Than:

S. No.	Name	Alias	Relative's Name	Present Address
1	M/s Mubarik Royalty Company			1. Unknown, Yamunanagar, Haryana, India
2	Stone Crusher Owner			1. Bailglarh, Yamuna Nagar, Haryana, India

8. Reasons for delay in reporting by the complainant/informant:

9. Particulars of properties interest:

S. No.	Property Category	Property Type	Description	Value in Rs.

10. Total value of property (In Rs.)

11. Inquest Report/U.D. Case No., if any:

S. No. UIDB Number

12. FIRST INFORMATION CONTENTS:

To, Police Station Incharge, P.S. Behat. This is to inform you that the Joint Revenue Team of Village Belgarh District Yamunanagar (Haryana) and Village Aslampur Bartha District Saharanpur (Uttar Pradesh) done the land survey of above villages on dated 29.9.20, 30.9.20, 1.10.20 and 5.10.20. Government of Haryana allotted the mining lease in Village Belgarh District Yamuna Nagar (Haryana) with the name of Belgarh South to M/s Mubarikpur Royalty Company for 28 Hectares area. This area is just nearer to the boundary of Village Aslampur Bartha District Saharanpur, of State U.P. Today on dated 9.10.20 by crossing the water course of Yamuna River an investigation has been done in Village Aslampur Bartha (U.P.) and on the spot pits of illegal mining have been found, from which the illegal mining of 47512 m³ Sand/Grit/Bolder had been occurred. The video and photographs taken on the spot. The theft mining material taken away and unloaded at the Stone Crushers situated in Bailgarh by M/s Mubarikpur Royalty Company. You are therefore requested to kindly take necessary legal actions against M/s Mubarikpur Royalty Company and the Stone crushers and registered the F.I.R. under property sections and punish them

accordingly Signed Illegible in English: Dt. 9.10.20 Mohd. Aizaz Khan, Inspector Saharanpur Mobile: 7974098253.

Note: I, H.M. 1586 Mohit Kumar certified that the copy of the report correct recored by me on computer by speaking word by word. The same has been checked by me after typing, which is found correct. The details of which has been recorded in GD and correct sections by myself. Sd/- Constable 1586 Mohit Kumar.

13. Action taken: Since the above information reveals commission of offence(s) U/S as mentioned at Item No. 2:

(1) Registered the case and took up the investigation. or

(2) Directed (Name of I.O.): Rank:

VIRENDRA SINGH Sub Inspector/Addl. Inspector

No.: 0802012586 to take up the Investigation:

(3) Refused investigation due to:

(4) Transferred to P.S: District

on Point of jurisdiction.

F.I.R. read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informatn, free of cost.

R.O.A.C.

Signature of Officer in charge,
Police Station

Name: POLICE STATION BEHAT
DISTRICT SAHARANPUR

Rank: Inspector

No.: 9454404177

14. Signature/Thumb impression
of the complainant/informant

15. Date and time of dispatch to the Court.

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

1. District: Saharanpur P.S. Behat Year: 2022

FIR No.: 0128 Date & Time of FIR: 22.03.2022, 16:30 hrs

2.

S. No.	Acts	Sections
1	I.P.C. 1860	379
2	I.P.C. 1860	411
3	I.P.c. 1860	120-B
4	Prevention of Damage to Public Property Act, 1984	3 (2)
5	Mining Act, 1952	4
6	Mining Act, 1952	21

3. (a) Occurrence of offence:

1. Day: Tuesday Date from: 22.3.20202 Date To: 22.03.2022

Time period: 5 Pahar Time From: 13:40 to 13:40 o'clock

(b) Information received at P.S. Behat Date: 22.3.2022 Time: 16:20

(c) General Diary Reference: Entry No. Date & Time
025 22.03.2022 16:20**4. Type of information:** Written**5. Place of Occurrence:**1. (a) Direction and distance from P.S.: North-West, 19 Km.
Beat No.

(b) Address: Aslampur Bartha Yamuna Ferries

(c) In case, outside the limit of this Police Station, then Name of P.S

District (State)^[1]_[SEP]**6. Complainant/Informant:**

(a) Name: Shri Mohd. Aizaz Khan, Inspector

(b) Father's/Husband's Name:

© Date/Year of Birth: 1982

(d) Nationality: Indian

(e) UID No.

(f) Passport No.

Date of Issue: Place of Issue:

(g) ID Details (Ration Card, Voter Id Card, Passport, UID No., Driving License, PAN)

S. No.	ID Type	ID Number
(h) Occupation:		
(i) Address:		

S. No.	Address Type	Address
1	Present	Saharanpur, Uttar Pradesh, India
2	Permanent	Saharanpur, Uttar Pradesh, India

(j) Phone number: Mobile No.

7. Details of known/supected/unknown accused with full particulars:

Accused More Than: 0

S. No.	Name	Relative's Name	Present Address
1	Shahnazar H.M. Loader Driver	Son of Akram	Village Bachedi Rajputana, Bahadrabad, Haridwar, Uttarakhand India
2	Surya Stone Crusher, H.M. Loader Owner		Unknown, Unknown
3	Israr Dumpher HR 58C0808 Driver	S/o Ali Hasan	Village Faizabad, Mirzapur, Saharanpur, Uttar Pradesh

4	Kamlesh Stone Crusher Dampher HR 58C0808 Owner		1.Unkown, Unknown,
5	Driver and Owner of Ran out Tractor Trolley, Dumpher and JCB		1.Unknown, Unknown

8. Reasons for delay in reporting by the complainant/informant:

9. Particulars of properties interest:

S. No.	Property Category	Property Type	Description	Value in Rs.
1	Others		One number H.M. Loader without number and one n o. truck Dampher No. HR58C0808 with Mining material	00

10. Total value of property (In Rs.)

11. Inquest Report/U.D. Case No., if any:

S. No. UIDB Number

12. FIRST INFORMATION CONTENTS:

Recovered: One number H.M. Loader without number and one Number
Truck Dumpher No. HR58C0808 with mining material and arrested two person....

Today on 22.03.2022, I, Mining Inspector Mohd. Aizaz received an information that some persons are doing illegal mining work of R.B.M. at the jurisdiction of P.S. Behat in Village Aslampur Bartha ferries inside Yamuna River through HM Machine Loader and JCB Machines. I after informing my higher authorities, came at Tehsil Behat with my team and depart to the spot under the directions of SDM Sir and CO Sir, , along with Tehsildar Shri Anil Kumar of Revenue department and Area Lekhpal Mohd. Salim and Police Team SHO Shri Brijesh Kumar Pandey, SI Sri Man Singh, SI Sri Satish Kumar along with H.C. 695 Hevender Kumar, with Govt. vehicle No. UP70AG2869 along with Driver Const. 913 Sachin Kumar with Govt. Jeep No. UP11AG0344 along with Const. 300 Roshan Singh and came at the spot and saw that on the Aslampur Bartha Ferries that one HM Loader and One JcB Machine the illegal mining work is being occurred and loading the tractor and damphers. We, all the team members by using of force by encircled caught one HM loader which were full of R.B.M. inside the Yamuna River and JcB as well as two other Dampher and Four Tractor Trollies were ran away woards Haryana from the spot. The search executed for HM loader which was without number and its driver told his name Shah Nazar son of Akram R/o Vill. Badhedi Rajputana P.S. Bahadrabad Distt. Haridwar (Uttarakhand). During search no article recovered. During search of Driver of No. HR58C0808, its driver told his name as Israr son of Ali Hasan R/o Vill. Faizabad P.S. Mirzapur Distt. Saharanpur. During search no

article recovered. The pool made due to illegal mining was measured by me, the mining inspector and revenue team and it has been found that about 7630 Ghan meter illegal mining done. These persons are being giving loss to the public property by theft of Government revenue. During investigation with the Driver of Dampher as well as HM; the Driver of HM Shah Nazar by excusing himself told that Sir, this HM loader is without number and its Chassis No. is /PIN NO. PUN432ZOA21877941 AND ENGINE NO. 84422337. The run away dampher 4626 and Dumpher 9322 belongs to Surya Stone Crusher Belgarh. Driver of HR58C0808 Israr by excusing himself told that the run away J.C. and the said dampher belongs to the owner of Kamlesh stone Crusher, Belgarh. Both told that they did not know the names and addresses of their drivers. and we don't know the names and address of all the four run-away Tractor drivers and tractor, and other persons run away persons along with truck dumpers. We are mistaken. Kindly excuse us. The crime is made Under Section 379, 411, 120B IPC and Section 3 (2) P.P.D. Act and Section 4/21 of Mining Act, 1957 against the caught drivers of HM loader Shahnazar, Driver of Truck Dumpher No. HR58C0808 Israr and their owners and run-away dumpher, tractor and JCB's drivers and owners and run-away all four tractors and trators drivers, other unknown persons run away with Truck dumpers,. The apprehend driver of HM loader Shahnazar and Dumpher No. HR58C0808 Israr were apprised with HM loader and dumpher at about 13.40

time for the crime committed by them, and by compliance of the instructions of Human Rights Commissioner and Hon'ble Supreme Court, taken into the custody by the Police team and the information of arrest shall be given through proper channel after reaching at the police station. This report has been prepared by me, the Mining Inspector after speaking the same to SI Shri Man Singh and written by him and after read, declaim the signatures of Revenue Team as well as Police team taken on record as witnesses. The carbon copy of report had been given to Accused Accused Israr with the consent of accused Shahnazar. In dumper No. HR58C0808 there is 01 Ghan meter R.B.M. Signed by Mohd. Aizaz, Mining Inspector District Saharanpur 22.3.22. Signed by Brijesh Kumar Pandey, 22.3.22, Signed by H.C. 695 Devender Bhati, Signed by H.C. 2438 Shubham Yadav, Signed by S.I. Man Singh, 22.3.22, Signed by S.I. Satish Kumar 22.3.22, Signed by C. 2541 Jai Singh, Signed by C. 2320 Devender Kumar, Signed by accused Israr, Signed by Accused Shahnazar.

Note: I, Const. 1295 Sunder Lal is hereby certified that the copy of record has been typed on computer by speaking word by word myself, which was checked by me after typing, which is found correct. The sections have been written in the GD by me. Signed by Const. 1295 Sunder Lal.

13. Action taken: Since the above information reveals commission of offence(s) U/S as mentioned at Item No. 2:

- (1) Registered the case and took up the investigation. or
 (2) Directed (Name of I.O.): Rank:
 BHUPENDAR PAL SINGH Sub Inspector/Addl. Inspector
 No.: to take up the Investigation:
 (3) Refused investigation due to:
 (4) Transferred to P.S: District
 on Point of jurisdiction.

F.I.R. read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant, free of cost.

R.O.A.C.

Signature of Officer in charge,

Police Station

Name: **POLICE STATION BEHAT
DISTRICT SAHARANPUR**

Rank: Inspector

No.: 9454404177

14. Signature/Thumb impression
of the complainant/informant

15. Date and time of dispatch to the Court.

Attachment to item 7 of First Information Report:

Physical features, deformities and other details of the suspect/accused:

If known/seen.

S.No.	Sex	Date/Year of Birth	Build	Height (cms)	Complexion	Identification Mark(s)
1	2	3	4	5	6	7
2	Male					

3	Unknown					
4	Male					
5	Unkn own					
6	Unknown					

Deformities/ Peculiarities	Teeth	Hair	Eyes	Habit(s)	Dress Habit(s)
8	9	10	11	12	13

Language/ Dialect	Place of	Others				
	Burn Mark	Lencoder m	Mole	Scar	Tattoo	
14	15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

Fraud of over 87,000 MT illegally mined raw minerals detected in Yamunanagar, case registered

TNN | Aug 18, 2022, 07:46 PM IST



YAMUNANAGAR: The police have registered a case of fraud of about 87,361 metric tonne (MT) of “illegally mined” raw minerals on Wednesday, after an owner of a screening plant detected the same.

The owner had given his screening plant on lease to two firms, and the lessee allegedly showed fake purchase of 87,361 MT raw minerals from other states, and registered the same on e-Ravana portal of Haryana government under the plant’s mineral dealer license (MDL) identity.

On the complaint of owner of screening plant at Bhud Majra village in Yamunanagar district, a case was registered against the lessee under Section 406 (criminal breach of trust) and 420 (cheating) of the Indian Penal Code (IPC) at Pratap Nagar police station on August 17, 2022.

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The complainant stated to the police that he owns a screening plant spread in one acre at Bhud Majra village in Yamunanagar district.

“Due to personal reasons, I was not capable of running my screening plant. Therefore, I gave it on lease to two firms for six months from October 1, 2021 to April 4, 2022. The lease was done in writing. Under my screening plant’s identity, the lessee

showed in the portal (e-Ravana) fake purchases of 87,361 MT raw minerals from other states including Himachal Pradesh, Delhi, Punjab, Rajasthan, Uttar Pradesh and Uttarakhand”, said the complainant.

NEWS IN BRIEF

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33 financial fugitives from India are still hiding abroad: Govt data



Bengal saved India today: Mamata Banerjee on landslide victory

He alleged that the raw minerals were not purchased from these states and the accused lessee registered fake purchases on the portal. He further alleged that this has caused him loss of nearly Rs 2 crore besides loss to the state exchequer. He said the portal in the name of his screening plant was closed by the mining and geology department (MGD) on October 15, 2021, after wrongful detection.

As per local sources, the owners of several screening plants and stone crushers are allegedly involved in illegal mining by themselves or they are purchasing raw minerals from persons who are involved in illegal mining in Yamunanagar district.

An official requesting anonymity said that, "This practice of showing fake purchases from other states, of illegally mined raw minerals and registering its quantity on Haryana government's e-Ravana portal is done by the mining mafia to convert it to a genuine purchase.

As per the information the mining quarries of Yamunanagar district remain non-functional during rainy season, however, "a number of stone crushers and screening plants are still operational using stocked raw minerals and those mined illegally".

This is the second such case involving fraud related to fake purchase of raw minerals in large quantities registered in Yamunanagar district in the last 35 days.

Earlier, after detecting a suspected multi-crore rupees fraud related to registration of fake purchase, on the complaint of Yamunanagar district mining officer, Rajiv, a case was registered against four firms involved in business of stone crushing, screening plants and supply of building construction material at Bilaspur police station on July 14, 2022. The owners of these four firms showed and registered in e-Ravana portal that they purchased raw minerals from states including Goa, Gujarat, Jammu and Kashmir and National Capital Territory (NCT), Delhi.

The MGD, Haryana had taken a stand that it was not possible to purchase raw minerals from such far-off states.

Raw mining material purchase fraud in Yamunanagar, 4 firms booked

Stone-crusher owners bought material from far-off states

SHARE ARTICLE

- **Updated At:** Jul 17, 2022 06:20 AM (IST)
- 1348



Owners of several stone crushers, screening plants and building construction material firms/suppliers have been reported to be allegedly indulging in illegal mining work in Yamunanagar.

[Tribune News Service](#)

Shiv Kumar Sharma

Yamunanagar, July 16

Owners of several stone crushers, screening plants and building construction material firms/suppliers have been reported to be allegedly indulging in illegal mining work in Yamunanagar.

Firms defrauded govt e-portal

Buying raw mining material from far-off states is not possible and by showing such transactions, they have defrauded the e-Rawana portal. Rajiv, District Mining Officer

The incident came to light when the authorities of the Mines and Geology Department, Haryana, detected a fraud related to the purchase of raw mining material.

The owners of four screening plants and firms associated with mining work showed in their record that they had purchased raw mining material from Goa, Gujarat, Delhi, and Jammu and Kashmir.

According to information, purchase of raw mining material from far-off states is not possible, but the owners of four screening plants and firms have allegedly either carried out illegal mining by themselves or have purchased raw mining material from persons involved in illegal mining in Yamunanagar.

However, they showed this purchase being done from other states, so that this fake purchase could be converted into genuine purchase by uploading the quantity of the mining material on e-Rawana portal of the Haryana Government.

On the complaint of the District Mining Officer, Yamunagar, Rajiv, a case was registered against four firms under Sections 21 (1), 21 (2), 21 (4) of the Mines and Minerals (Regulation of Development) Act; Section 66 of the IT (Amendment) Act; and Sections 406, 419, 420, 467, 468 and 471 of the IPC at Bilaspur police station.

Sources said most of the mining quarries of Yamunanagar district are non-functional during the rainy season, however, a number of stone crushers and screening plants are being run using raw mining material from stock as well as illegal mining material.

The District Mining Officer said they received a report from the IT cell of their headquarters in connection with the purchase of raw mining material from other states.

ORDER

Subject: - Suspension of e-rawaana / action against Stone Crushers, Screening Plants and Stockiest, found to have misused e-rawaana portal for selling illegally mined/ procured mineral, by showing/entering purchase from the far away states- regarding

Whereas the Department of Mines and Geology, Haryana to check illegal mining, illegal stocking or transportation of illegally mined mineral in pursuance of its Zero Tolerance Policy against illegal mining introduced *e-Billing* w.e.f. from 01.01.2020 for the sale of raw and processed mineral in the State of Haryana to ensure effective management and monitoring of the transportation of the mineral.

2. Whereas, in the light of above all **Mining Contractors/ Lease holders, Stone Crushers, Screening Plants and Stockiest** have to register themselves on e-rawaana portal of the Department and for transportation of mineral in raw or processed form has to generate e-rawaana / bill through said portal.

3. Whereas, over a period of time the system has been improved by imposing number of checks in the system to improve the system. Recently on having some complaints / doubts about the duplicate e-rawaana being generated in the district Yamunanagar, department scrutinised the e-rawaana data base.

4. Whereas, it is relevant to state here that all **stone crushers, screening plants, and stockiest**, who are registered on e-rawana portal has to show / enter in the portal details of the purchase of raw/ processed mineral to the system. They can issue /generate e-rawaana only for such quantity of mineral which they had purchased.

5. Whereas, it came to notice that some of the **stone crushers, screening plants, and stockiest**, in different parts of the State has purchased mineral / raw or processed mineral from such parts of the country from where bringing the same is neither practically possible nor economically feasible. The states from which the raw mineral (either stone or BGS) have been shown/entered in the e-rawana portal, to show procurement of mineral transaction (number of vehicles) and quantity of mineral was noted from the portal back end, .

6. Whereas, it is worth to mention to here that the State of Haryana Shares its border with 5 states i.e. **Uttar Pradesh, Uttarakhand, Himachal Pradesh, Punjab, Rajasthan and New Delhi** and all other states than that of bordering states can safely

be stated, are not feasible to procure the mineral (save in case of specific mineral to use by specific industry, if any) as mentioned in the para above.

7. Whereas, the stone crushers/ screening plants/ stockiest who have shown the mineral to be purchased from the different states, could have procured the mineral illegally or by doing illegal mining, and taking benefit of the e-rawnana system (which otherwise is for the legal purchase of the mineral outside the state of Haryana) have entered the mineral in their respective portal shown to be purchased from different states. The following details of 63 (38 stone crusher, 23 screening plant and 02 stockiest) cases found in the state are as under:

7.1 Stone Crushers

S.NO	crusher Name	District	Licence No	Name State from where purchases were shown	State-wise Transaction Count/ No. of bills	State-wise Quantity of Mineral (in MT)	Total quantity in MT
1	VIJAY SINGH STONE CRUSHER	Bhiwani	L-420	ANDHRA PRADESH	308	15350	16000
				ARUNACHAL PRADESH	7	350	
				ANDAMAN & NICOBAR ISLANDS	6	300	
2	ALFA STONE CRUSHER	Charkhi Dadri	L-1130	ANDHRA PRADESH	55	2695	3992
				ASSAM	1	50	
				ANDAMAN & NICOBAR ISLANDS	30	1247	
3	DADA SHAKTI STONE CRUSHER	Charkhi Dadri	L-1074	DAMAN & DIU	1	55	5495
				ARUNACHAL PRADESH	6	315	
				MAHARASHTRA	2	100	
				KARNATAKA	1	50	
				GOA	1	50	
				LAKSHADWEEP	1	50	
				MIZORAM	1	50	
				CHHATTISGARH	1	55	
				GUJARAT	2	105	
				TAMIL NADU	21	1050	
				MEGHALAYA	2	91	
				TRIPURA	17	850	
				SIKKIM	12	600	
				ASSAM	2	105	
				ANDHRA PRADESH	11	553	
MADHYA PRADESH	1	50					
BIHAR	3	150					
JAMMU &	1	50					

S.NO	crusher Name	District	Licence No	Name State from where purchases were shown	State-wise Transaction Count/ No. of bills	State-wise Quantity of Mineral (in MT)	Total quantity in MT
				KASHMIR			
				MANIPUR	1	50	
				CHANDIGARH	1	40	
				DADRA & NAGAR HAVELI	2	105	
				ANDAMAN & NICOBAR ISLANDS	4	200	
				NAGALAND	2	81	
				PUDUCHERRY	10	490	
				WEST BENGAL	1	50	
				ODISHA	3	150	
4	Hanuman Infrastructure Pvt Ltd	Charkhi Dadri	L-562	ANDHRA PRADESH	8	389	389
5	HARI OM STONE CRUSHER	Charkhi Dadri	L-599	MANIPUR	2	100	
				CHANDIGARH	1	50	150
6	Krishna Stone Crusher	Charkhi Dadri	L-93	TAMIL NADU	1	50	50
7	LAXMI STONE CRUSHER ASAWARI	Charkhi Dadri	L-452	ANDHRA PRADESH	40	2000	2000
8	Mahaluxmi Mines and Stone Crusher	Charkhi Dadri	L-576	ANDHRA PRADESH	2	100	100
9	NEELAM STONE CRUSHER	Charkhi Dadri	L-624	TAMIL NADU	1	55	
				ARUNACHAL PRADESH	1	55	
				ANDAMAN & NICOBAR ISLANDS	33	1650	
				ANDHRA PRADESH	242	12125	
				MANIPUR	1	55	13940
10	Sharda Stone Crussher	Charkhi Dadri	L-607	MEGHALAYA	2	100	
				ODISHA	2	89	
				TRIPURA	2	100	
				MAHARASHTRA	1	50	
				MIZORAM	3	150	
				ARUNACHAL PRADESH	8	400	
				ASSAM	2	100	
				MANIPUR	6	278	
				ANDHRA PRADESH	17	850	
				NAGALAND	3	150	
				MADHYA PRADESH	1	50	
				ANDAMAN & NICOBAR ISLANDS	3	150	
				KARNATAKA	1	50	2516

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Department of Mines and Geology,
Haryana, Chandigarh

S.NO	crusher Name	District	Licence No	Name State from where purchases were shown	State-wise Transaction Count/ No. of bills	State-wise Quantity of Mineral (in MT)	Total quantity in MT
11	SHIVJI STONE CRUSHER	Charkhi Dadri	L-505	ARUNACHAL PRADESH	2	100	4600
				TRIPURA	1	50	
				ANDAMAN & NICOBAR ISLANDS	1	50	
				ANDHRA PRADESH	87	4350	
				TAMIL NADU	1	50	
12	SHREE MAHADEV STONE CRUSHER	Charkhi Dadri	L-421	ANDHRA PRADESH	21	1020	1020
13	SHRI DADA DEVI NATH STONE CRUSHER	Charkhi Dadri	L-527	CHANDIGARH	3	165	17403
				ANDHRA PRADESH	36	1971	
				BIHAR	8	439	
				TRIPURA	38	1999	
				MIZORAM	12	654	
				LAKSHADWEEP	7	385	
				DADRA & NAGAR HAVELI	3	165	
				JAMMU & KASHMIR	1	55	
				PUDUCHERRY	8	440	
				SIKKIM	13	688	
				MAHARASHTRA	6	330	
				ODISHA	13	704	
				JHARKHAND	5	275	
				ASSAM	40	2168	
				ARUNACHAL PRADESH	18	961	
				ANDAMAN & NICOBAR ISLANDS	3	165	
				CHHATTISGARH	3	164	
				TAMIL NADU	44	2357	
				GUJARAT	4	217	
				DAMAN & DIU	1	55	
				KARNATAKA	2	110	
				KERALA	6	307	
				GOA	1	49	
NAGALAND	11	604					
MANIPUR	10	549					
MEGHALAYA	18	989					
MADHYA PRADESH	8	439					
14	SHRI LAXMI STONE CRUSHER	Charkhi Dadri	L-1073	CHANDIGARH	1	50	19750
				DAMAN & DIU	1	50	
				GUJARAT	2	100	

S.NO	crusher Name	District	Licence No	Name State from where purchases were shown	State-wise Transaction Count/ No. of bills	State-wise Quantity of Mineral (in MT)	Total quantity in MT
				PUDUCHERRY	2	100	
				TAMIL NADU	15	750	
				ANDHRA PRADESH	306	15300	
				ARUNACHAL PRADESH	1	50	
				DADRA & NAGAR HAVELI	1	50	
				GOA	1	50	
				SIKKIM	5	250	
				TRIPURA	22	1100	
				WEST BENGAL	9	450	
				ANDAMAN & NICOBAR ISLANDS	29	1450	
15	JAGDISH STONE CRUSHING CO.	Faridabad	L-261	ANDAMAN & NICOBAR ISLANDS	2	24	24
16	LUXMI STONE CRUSHING CO.	Faridabad	L-102	ARUNACHAL PRADESH	1	54	54
17	HARYANA STONE CRUSHER CO.	Gurugram	L-410	MADHYA PRADESH	1	17	17
18	Krishna Stone Crusher	Gurugram	L-275	ANDAMAN & NICOBAR ISLANDS	1	17	17
19	MOHAMMAD STONE CRUSHING CO.	Gurugram	L-444	BIHAR	1	22	22
20	Muniji Stone Crusher	Gurugram	L-472	ANDHRA PRADESH	157	2519	
				ANDAMAN & NICOBAR ISLANDS	1	15	
				ARUNACHAL PRADESH	1	17	2552
21	Shri Ram Stone Crushing Co.	Gurugram	L-449	ANDAMAN & NICOBAR ISLANDS	1	19	19
22	DEV SHRI KRISHNA STONE CRUSHER	Mahendragarh	L-107	ANDAMAN & NICOBAR ISLANDS	1	13	13
23	Ganesh stone crusher	Mahendragarh	L-115	LAKSHADWEEP	1	50	
				GUJARAT	1	55	
				ANDHRA PRADESH	8	405	
				CHANDIGARH	1	55	
				TAMIL NADU	1	50	
				JAMMU & KASHMIR	1	50	
				ANDAMAN & NICOBAR ISLANDS	15	760	
				ARUNACHAL PRADESH	2	105	1635

Department of Mines and Geology,
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S.NO	crusher Name	District	Licence No	Name State from where purchases were shown	State-wise Transaction Count/ No. of bills	State-wise Quantity of Mineral (in MT)	Total quantity in MT
24	KRISHNA ARJUN BUILD TECH PVT.PVT.	Mahendragarh	L-86	ASSAM	1	55	250
				KERALA	1	50	
				MIZORAM	1	50	
				ARUNACHAL PRADESH	2	100	
				CHANDIGARH	1	50	
				ANDHRA PRADESH	1	50	
25	Maha shiv stone crusher	Mahendragarh	L-59	BIHAR	1	16	16
26	om grit crusher	Mahendragarh	L-42	ARUNACHAL PRADESH	8	177	9985
				SIKKIM	183	2692	
				ASSAM	436	6999	
				CHANDIGARH	2	30	
				TAMIL NADU	5	86	
27	shree ganesh stone crusher	Mahendragarh	L-143	ASSAM	729	11727	19353
				TRIPURA	25	350	
				ANDHRA PRADESH	80	1745	
				SIKKIM	138	1875	
				WEST BENGAL	16	230	
				PUDUCHERRY	2	28	
				ANDAMAN & NICOBAR ISLANDS	30	543	
				ARUNACHAL PRADESH	139	2231	
				TAMIL NADU	41	594	
				DADRA & NAGAR HAVELI	1	16	
BIHAR	1	14					
28	SHRI RAM STONE CRUSHER	Mahendragarh	L-156	ASSAM	1	42	42
29	YADAV MINERALS	Mahendragarh	L-1042	CHANDIGARH	1	11	11
30	BATHINDA STONE CRUSHER	Panchkula	L-27	CHANDIGARH	26	468	468
31	K.K Washing and Screening Plant unit 2	Panchkula	L-60	CHANDIGARH	1	20	20
32	M/s Unitech Unit-II Stone Crusher	Panchkula	L-29	CHANDIGARH	1	27	27
33	Bajrangi Stone Crusher	Yamuna Nagar	L-167	MAHARASHTRA	49	2400	2400
34	Chaudhary Brother Stone Crusher	Yamuna Nagar	L-15	CHANDIGARH	10	500	500
35	M/s Ambey Enterprises	Yamuna Nagar	L-172	CHANDIGARH	6	240	240

S.NO	crusher Name	District	Licence No	Name State from where purchases were shown	State-wise Transaction Count/ No. of bills	State-wise Quantity of Mineral (in MT)	Total quantity in MT
36	NEELKANTH STONE CRUSHER	Yamuna Nagar	L-1104	CHANDIGARH	5	200	200
37	Nirmal Honey Stone Crusher Enterprises	Yamuna Nagar	L-3	CHANDIGARH	38	2045	2045
38	Vikas Pruthi and Co.	Yamuna Nagar	L-137	CHANDIGARH	56	3063	3113
				TRIPURA	1	50	
				Grand Total	3966	130428	

7.2 Screening Plant / MDL

S.NO	Screening Plant/ MDL Name	District	MDL No	Name State from where purchases were shown	State-wise Transaction Count/ No. of bills	State-wise Quantity of Mineral (in MT)	Total quantity in MT
1	Akshay Screening Plant	Ambala	MDL-1110	PUDUCHERRY	1	55	55
2	SHRI GANGA SCREENING PLANT	Ambala	MDL-1050	CHANDIGARH	2	88	88
3	M/s Deep Washing Plant	Panchkula	MDL-1019	CHANDIGARH	1	6	6
4	BATAR SCREENING PLANT	Yamuna Nagar	MDL-493	CHANDIGARH	22	809	809
5	BILAL SCREENING PLANT	Yamuna Nagar	MDL-479	CHANDIGARH	1	18	18
6	Hindustan Screening Plant	Yamuna Nagar	MDL-1331	ARUNACHAL PRADESH	1	40	160
				ANDAMAN & NICOBAR ISLANDS	1	40	
				ANDHRA PRADESH	2	80	
7	INDIAN SCREENING PLANT	Yamuna Nagar	MDL-1044	CHANDIGARH	1	40	40
8	K. M. Screening Plant	Yamuna Nagar	MDL-1161	SIKKIM	301	15050	264300
				KARNATAKA	89	4450	
				JAMMU & KASHMIR	43	2150	
				PUDUCHERRY	93	4650	
				MIZORAM	53	2650	
				TAMIL NADU	596	29800	
				BIHAR	306	15300	
				GUJARAT	46	2300	
				NAGALAND	62	3100	
				CHANDIGARH	59	2950	
				TRIPURA	569	28450	
ASSAM	574	28700					

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S.NO	Screening Plant/ MDL Name	District	MDL No	Name State from where purchases were shown	State-wise Transaction Count/ No. of bills	State-wise Quantity of Mineral (in MT)	Total quantity in MT
				DAMAN & DIU	28	1400	
				MEGHALAYA	51	2550	
				ANDAMAN & NICOBAR ISLANDS	454	22700	
				ARUNACHAL PRADESH	653	32650	
				GOA	41	2050	
				MAHARASHTRA	55	2750	
				LAKSHADWEEP	49	2450	
				ANDHRA PRADESH	673	33650	
				ODISHA	96	4800	
				CHHATTISGARH	19	950	
				KERALA	75	3750	
				MANIPUR	55	2750	
				WEST BENGAL	109	5450	
				DADRA & NAGAR HAVELI	22	1100	
				JHARKHAND	59	2950	
				MADHYA PRADESH	56	2800	
9	KESHAV SCREENING PLANT	Yamuna Nagar	MDL-460	CHANDIGARH	101	4052	4052
10	M R Traders	Yamuna Nagar	MDL-332	GUJARAT	2	83	251
				JAMMU & KASHMIR	2	81	
				GOA	2	87	
11	NEW PATIALA SCREENING PLANT	Yamuna Nagar	MDL-1030	ANDAMAN & NICOBAR ISLANDS	79	3950	35550
				ANDHRA PRADESH	210	10500	
				ASSAM	162	8100	
				ARUNACHAL PRADESH	201	10050	
				BIHAR	38	1900	
				TAMIL NADU	1	50	
				CHANDIGARH	19	950	
				MADHYA PRADESH	1	50	
12	OM GURU SCREENING PLANT	Yamuna Nagar	MDL-1154	CHANDIGARH	2	76	76
13	Rudrarsh Screening Plant	Yamuna Nagar	MDL-489	CHANDIGARH	50	2000	2000
14	SHAKUMBI SCREENING PLANT	Yamuna Nagar	MDL-453	CHANDIGARH	59	1778	1778
15	SHIV STONE	Yamuna Nagar	MDL-1067	MADHYA PRADESH	1	35	35

S.NO	Screening Plant/ MDL Name	District	MDL No	Name State from where purchases were shown	State-wise Transaction Count/ No. of bills	State-wise Quantity of Mineral (in MT)	Total quantity in MT
	AND SCREENING PLANT						
16	Shiva Screening Plant	Yamuna Nagar	MDL-480T	GUJARAT	1	18	18
17	SHIVA SCREENING PLANT	Yamuna Nagar	MDL-399	BIHAR	1	55	7858
				CHHATTISGARH	2	110	
				DADRA & NAGAR HAVELI	1	55	
				CHANDIGARH	142	7638	
18	Shivalik Minerals (Screening Plant)	Yamuna Nagar	MDL-1377	SIKKIM	4	200	1360
				TAMIL NADU	6	300	
				ASSAM	12	560	
				WEST BENGAL	1	50	
				ARUNACHAL PRADESH	1	50	
				TRIPURA	4	200	
19	Shri Bala Ji Screening Plant	Yamuna Nagar	MDL-1125	ASSAM	29	1130	1186
				ANDHRA PRADESH	1	40	
				ARUNACHAL PRADESH	1	16	
20	SHUBHAM SCREENING PLANT	Yamuna Nagar	MDL-1164	MAHARASHTRA	233	11590	11590
21	V.P.S.K. SCREENING PLANT	Yamuna Nagar	MDL-1287	DAMAN & DIU	1	50	342062
				BIHAR	485	24226	
				JAMMU & KASHMIR	19	950	
				DADRA & NAGAR HAVELI	2	100	
				ASSAM	1265	63082	
				GUJARAT	11	550	
				MEGHALAYA	1	50	
				ANDHRA PRADESH	2045	101816	
				CHHATTISGARH	29	1450	
				MAHARASHTRA	2	100	
				ARUNACHAL PRADESH	2219	110440	
				LAKSHADWEEP	2	100	
				MADHYA PRADESH	3	150	
				ANDAMAN & NICOBAR ISLANDS	737	36548	
				CHANDIGARH	13	650	
MANIPUR	1	50					
KERALA	3	150					

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S.NO	Screening Plant/ MDL Name	District	MDL No	Name State from where purchases were shown	State-wise Transaction Count/ No. of bills	State-wise Quantity of Mineral (in MT)	Total quantity in MT
				KARNATAKA	13	650	
				JHARKHAND	19	950	
22	VAISHNAVI SCREENING PLANT	Yamuna Nagar	MDL-1249	CHANDIGARH	2	36	36
23	Vikas Pruthi and Co.	Yamuna Nagar	MDL-340	ARUNACHAL PRADESH	4	200	3318
				BIHAR	3	150	
				ASSAM	4	200	
				ANDHRA PRADESH	4	200	
				ANDAMAN & NICOBAR ISLANDS	6	300	
				CHANDIGARH	42	2268	
				Grand Total	13622	676645	

7.3 Stockist Mineral Dealer Licence

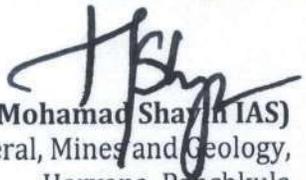
S.NO	Name of Stock/ MDL	District	MDL No	Name State from where purchases were shown	State-wise Transaction Count/ No. of bills	State-wise Quantity of Mineral (in MT)	Total quantity in MT
1	Ikbals Traders	Yamuna Nagar	MDL-1015	MAHARASHTRA	19	950	260600
				ODISHA	58	2900	
				KARNATAKA	30	1500	
				TAMIL NADU	618	30900	
				CHHATTISGARH	6	300	
				LAKSHADWEEP	15	750	
				MEGHALAYA	22	1100	
				WEST BENGAL	264	13200	
				DAMAN & DIU	9	450	
				MADHYA PRADESH	17	850	
				ANDHRA PRADESH	885	44250	
				NAGALAND	30	1500	
				TRIPURA	628	31400	
				GOA	9	450	
				KERALA	15	750	
				DADRA & NAGAR HAVELI	10	500	
				SIKKIM	265	13250	
				GUJARAT	18	900	
				BIHAR	357	17850	
				MANIPUR	20	1000	
CHANDIGARH	78	3900					
PUDUCHERRY	78	3900					

S.N O	Name of Stock/ MDL	District	MDL No	Name State from where purchases were shown	State-wise Transaction Count/ No. of bills	State-wise Quantity of Mineral (in MT)	Total quantity in MT
				JAMMU & KASHMIR	18	900	
				ASSAM	616	30800	
				MIZORAM	24	1200	
				ANDAMAN & NICOBAR ISLANDS	353	17650	
				JHARKHAND	19	950	
				ARUNACHAL PRADESH	731	36550	
2	MS SHRI RAM STOC K	Sonipat	MDL- 1197	CHANDIGARH	1	38	38
				Grand Total	5213	260638	

8. It is clear that any transportation of mineral from far away states other than adjoining states is neither practically possible nor economically feasible (because of huge transportation charges) to any crusher/ screening plant. Hence, the mineral being shown as procured / purchases for such States is fake and falls under the case of fraud with the State Government. The mineral shown to be procured has been done only for the purpose of act of creating stocks in official portal of the Department in order to enable them to process and dispose of illegally procured mineral under the garb of such inter-state bills/ inter-state procured raw mineral.

9. In the light of above, it is hereby ordered that generation of e-rawaana from the departmental portal of all the above mentioned **63 units [38 stone crushers, 23 screening plants MDL and 02 stockist MDL]** are suspended with immediate effect till further orders/ action and recovery of penalty / fine as per Rules.

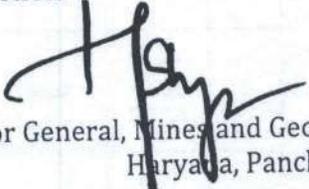
10. Further, this order shall also be show cause notice to the above stone crushers/ screening plants/MDL to explain their position as to why their Crusher Licence / Mineral Dealer Licence be not cancelled for misuse of e-rawaana portal and consuming illegally mined mineral equal to the quantity procured from these far away state/s and also as to why criminal proceeding shall not be initiated against them for doing fraud with the State Government.


(Mohamad Shahin IAS)
 Director General, Mines and Geology,
 Haryana, Panchkula

Endst. No. DMG/HY/ Illegal purchase of Mineral / 2437

Dated: 30.06.2021
01-07-2021

1. A copy of forwarded to all of above 63 units [38 stone crushers, 23 screening plants MDL and 02 stockist MDL] for information and necessary action. .
2. A copy of forwarded to Assistant Mining Engineer/ Mining Officer, Panchkula, Ambala, Yamunanagar, Sonipat, Charkhi Dadri, Bhiwani, Gurugram, Faridabad and Mahandegarh, for information and necessary action.



Director General, Mines and Geology,
Haryana, Panchkula

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**State Environment Impact Assessment Authority, Haryana,
Bays No.55-58, Prayatan Bhawan, Sector-2 Panchkula.**

ANNEXURE RA-12

Telephone No. 0172-2565232

Memo No: SEIAA/HR/ 2020/288

Dt: 17.07.2020

To

The Director General,
Mines & Geology Department, Haryana
30 Bay's Building, Sector-17, Chandigarh

Subject: Refusal of Application for Environment Clearance for mining (Boulder, Gravel & sand), North Block/YNR-1, located at Bailgarh, Village-Chhachhrauli, Tehsil-Yamuna Nagar by M/s Celleis Realtech Private Limited.

It is to inform you that after obtaining the Letter of Intent (LOI) for mining lease vide letter No. DMG/HY/Cont/B.Garh North Block/YNR B 1/2015/3910 dated 19.06.2015 by M/s Celleis Realtech Private Limited for mining on (Boulder, Gravel & sand), North Block/YNR-1, located at Bailgarh, Village-Chhachhrauli, Tehsil-Yamuna Nagar from your Department, they have submitted an application for grant of Environment Clearance for the above mentioned project under EIA Notification dated 14.09.2006 and the same was appraised by SEAC, Haryana in its 138th meeting held on 03.08.2016 & recommended to SEIAA for grant of Environment Clearance. The recommendation of SEAC was considered in 95th meeting of SEIAA held on 26.08.2016 and the Authority decided to agree with the recommendation for grant of EC subject to satisfactory submission of reply to the certain conditions/observations raised during 95th meeting of SEIAA. The reply dated 06.09.2016 alongwith undertakings/documents were not found up to the mark as required. Then, the Authority decided to constitute a sub-committee vide Order dated 29.08.2017 for Physical Inspection to find out any activity on the Project Site. **The Sub-committee visited the project site and submitted its report on 15.12.2017 stating therein "Fresh mining was found in Killa No. 5//13 and 8//3 which is a part of the leased mining area".**

On the basis of above, a letter was written to your department on 17.01.2018 to take immediate action as per law and get stop the illegal mining activities (copy enclosed).

Further, the Project Proponent has intimated to the Authority vide letter dated 02.08.2019 stating that so far, they have not taken any possession of the Mining Contract Area and also stated that illegal mining had also taken place in various Khasra Numbers of the contract area allotted to you. The Survey was conducted by the team headed by Sub-Tehsildar on 12.12.2019 and the same was also certified by the Deputy Commissioner wherein it is stated that mining work has taken place in various khasra numbers of the land.

The Project Proponent also intimated vide their letters dated 10.06.2020 & 08.07.2020 submitted to the Authority and submitted various documents pertaining to FIRs as well as details (Chart) of seized vehicles involved in illegal mining and the penalty/fines imposed by the Mines & Geology Department through its Mining Officer-cum- Assistant Collector, Yamuna Nagar and the amount of fine/penalty paid by the defaulters.

Keeping in view of the above circumstances and the facts, from the perusal of Case File and other relevant documents, it seems that the Project Proponent (M/s Celleis Realtech Private Limited) has no role in the mining of area under question, hence no prime facie case is made out against the Project Proponent. The application of the Project Proponent (M/s Celleis Realtech Private Limited) for seeking Environment Clearance is hereby filed. Accordingly, you may re-auction the North Block/YNR-1, located at Bailgarh, Village-Chhachhrauli, Tehsil-Yamuna Nagar.

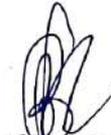


Chairman
o/c SEIAA, Haryana. a

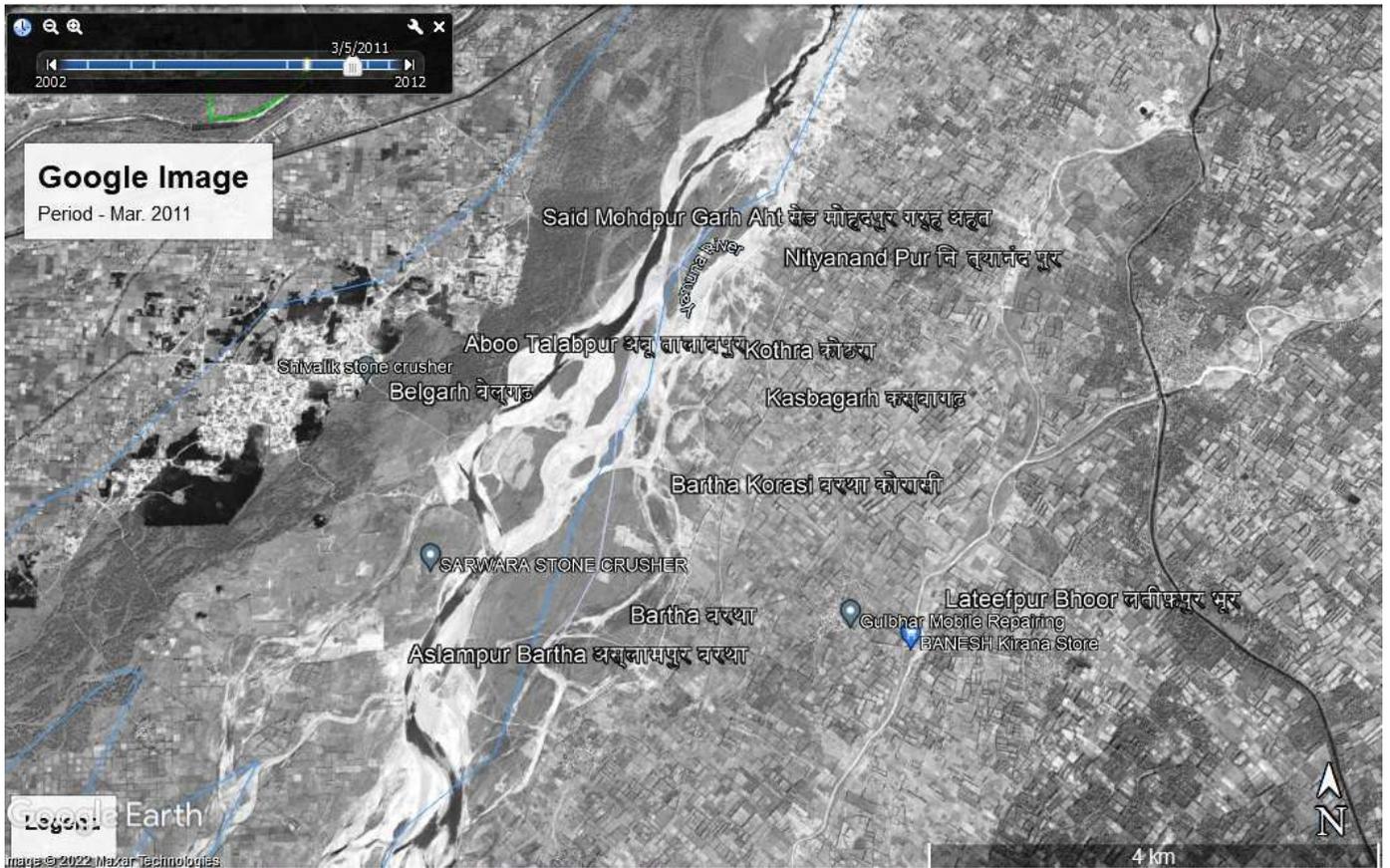
Endst. No. SEIAA/HR/2020/289

Dt: 17.07.2020

Copy forwarded to the M/s Celleis Realtech Private Limited 2109, Shop No. 12-13, First Floor, Nai Basti, Near Bank of India, Narela, New Delhi-110040 w.r.t. his application dated 08.07.2016 for information and further necessary action.

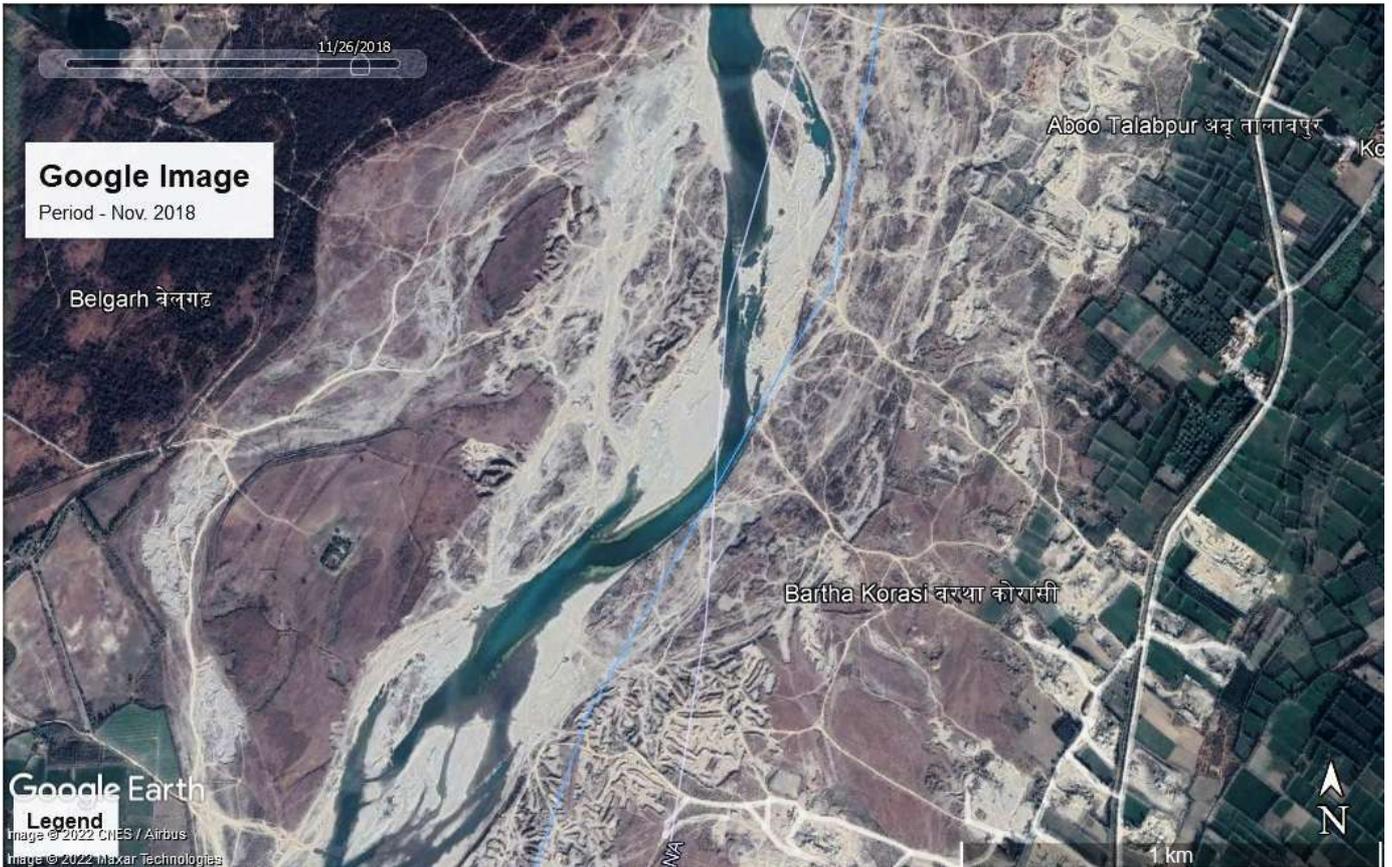


Chairman
o/c SEIAA, Haryana. a

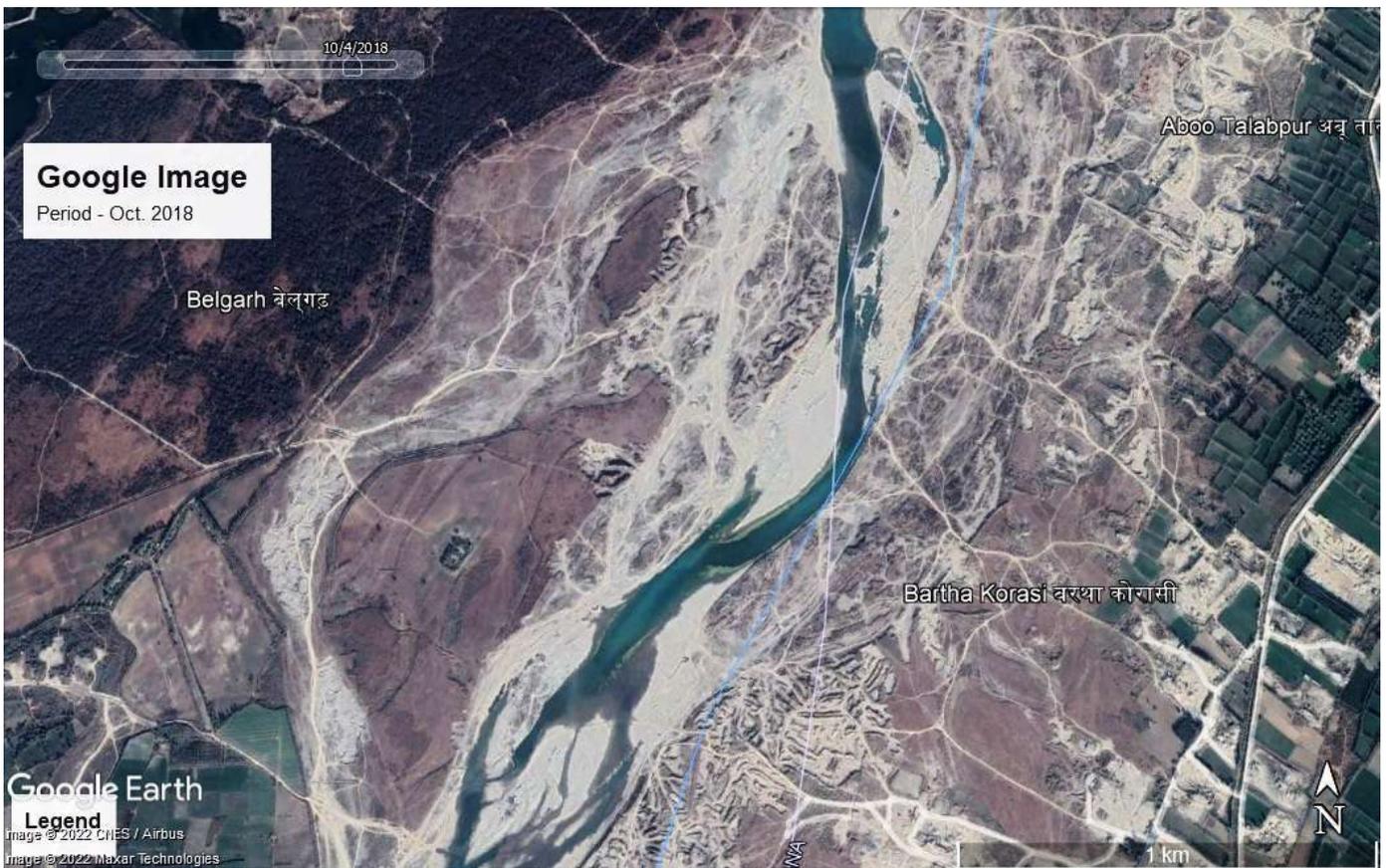












Item No. 05

(Court No. 1)

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

(By Video Conferencing)

Appeal No. 15/2021
(I.A. No. 22/2022)

Pramod

Appellant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 10.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Appellant: Mr. Ajit Sharma, Advocate

Respondent(s): Ms. Sunita Bhardwaj, Advocate for MoEF & CC
Mr. Pradeep Misra & Mr. Daleep Dhyani Advocates for UPPCB
Mr. Mukesh Verma, Advocate for the State of UP
Ms. Priyanka Swami, Advocate for SEIAA, UP
Mr. Neeraj Jain, Advocate for M/s Star Mines (PP)

ORDER

1. This Appeal has been preferred against order of grant of Environmental Clearance (EC) by the SEIAA, UP vide order dated 26.03.2021 for proposed Sand/Bajari/Boulder Mining at Gata No.1, (Leased Area - 36.00 Ha) Village Barthakorsi, Tehsil Behat, District Saharanpur, U.P. in favour of M/s Star Mines.

2. Grounds for challenge in the appeal *inter-alia* include:

- grant of EC for area more than the area mentioned in the auctioned notice

- mining being allowed in-stream and by mechanized methods
- Cluster certificate dated 12.03.2020 being incorrect, ignoring that mining was already taken place within 500 mtrs. (even though across the river falling in Haryana)
- EC being granted without requisite replenishment study
- there being lack of due diligence ignoring that there are five FIRs for illegal mining against the Project Proponent
- public hearing has taken place 20 kms away from the site

It is also stated that the mining commenced without requisite consent from the State PCB and there is also illegal groundwater extraction, in violation of the EC conditions.

3. Vide order dated 09.06.2021, the Tribunal constituted a four-member joint Committee comprising of CPCB, State PCB, representative of the MoEF&CC and the District Magistrate, Saharanpur to verify facts and give a report to this Tribunal, with a copy of report to the PP for its response, if any. SEIAA, UP and the PP were also required to give their response to the appeal.

4. Accordingly, report of the joint Committee has been filed on 30.03.2022 to the effect that the PP did not have requisite consents till June, 2021 but its operation was continuing. It illegally extracted groundwater. Mining has been done illegally beyond permission. In December, 2021, consent has been granted. Relevant extract from the report are as follows:-

“6. The findings of the committee are as given below,

- 6.1. *The State Level Environment Impact Assessment Authority (SEIAA) has issued Environmental clearance (EC) on 26.03.2021 to the M/s Star Mines (Shri Deepak Chaudhari) for proposed Sand/Bajari/Boulder Mining at Gata No. 1 in Village Barthakorsi, Tehsil - Behat of Saharanpur District of Uttar Pradesh State.*
- 6.2. *As per the records,*
- 6.2.1. *Notice for E-tendering along with E-Auction was issued by the mining department on 01.11.2019. The lease area of the mine in question is one of the areas among the six areas for which the said auction notice was issued.*
- 6.2.2. *Letter of Intent (LoI) was issued by the district administration to the project proponent on 30.12.2019. The LoI was issued for 36 hectares mine lease area and for the period of 5 years.*
- 6.2.3. *The cluster certificate has been issued by the Mining department on 12.03.2020, wherein it has been noted that no mine is operational or a lease has been issued in 500 m from the periphery of the proposed mine lease area.*
- 6.2.4. *The public hearing for the project was conducted at the conference hall of Tehsil Behat on 19.10.2020.*
- 6.3. *The lessee had started mining after getting EC from SEIAA and permission from the Mining Department. During the visit, the project proponent's representative stated that sand excavation has been started on 04.04.2021, and mining work has been stopped on 30.06.2021.*
- 6.3.1. *The permission for mining has been granted by the mining department on 01.04.2021.*
- 6.3.2. *The mine proponent has sold the material till 30.06.2021. And it was informed that the mine was operated for 84 days, during which 3,77,748 m³ Sand/Bajari/Boulder minerals have been excavated.*
- 6.3.3. *The weighing bridge has been installed for weighing the amount of excavated material. The data generated through the weighing system is been submitted on the online portal.*
- 6.3.4. *As per the information provided by the project proponent, the excavated material has been sold to the stone crushers for further processing. The material has been sold to 44 different parties.*

- 6.4. *The mining department inspected the mine twice during June 2021 to verify the content of the complaint received to the district administration. The mine was found to be operational during the first inspection on 07.06.2021 whereas during the second inspection on 19.06.2021 the mining work was found to be closed. As per these inspection reports, excavation is been done through the machines and the depth of the excavation is around 2.8 m.*
- 6.5. *The proponent has carried out mining operations without Consent from UPPCB. They have submitted the online application for seeking Consent from UPPCB on 17.06.2021. Based on it, the UPPCB has issued a show-cause Notice to the mine on 09.09.2021. The environmental Compensation of Rs. 7,70,000/- is also been proposed for the period of 77 days (01.04.2021-17.06.2021) at the rate of Rs. 10,000/- per day in accordance with the methodology developed by the CPCB.***
- 6.6. *During the field visit the committee observed the following*
- 6.6.1. *The mining operations were closed.*
- 6.6.2. *The mine is yet to obtain Consent under Air and Water Acts from UPPCB and NOC from CGWA.*
- 6.6.3. *They have installed a weighing bridge near their camp office and also installed CCTV cameras along with one PTZ camera.*
- 6.6.4. *A setup for recording the data from the weighing machine and transferring it through the online portal is available near the weighing bridge.*
- 6.6.5. *The portion of the Yamuna River in which the mine in question is located forms the boundary between the states of Uttar Pradesh and Haryana. Though the exact point of the state boundary was not accessible, the concerned officer of the district administration (i.e. Lekhpal) informed that the interstate boundary is approx 500 meters away from the mine lease area.*
- 6.6.6. *No operational mine was sighted within a 500-meter distance from the said mine lease boundaries.*
- 6.6.7. *During the visit only two poles (C&D) were found at the site. The geo-coordinates of these two poles were verified and found to be in order. It was further informed that the remaining pole had been washed out from the site.*

- 6.6.8. A DG set of 25 KVA was available near the camp office for power backup.
- 6.6.9. It was told that they have not installed any borewell and water requirement is being met by taking water tankers from nearby stone crushers. However, lending the use of water for industrial purposes is a violation of the rules.**
- 6.6.10 Though the representative of the proponent claimed that they have done the plantation but any such plantation was not visible in the area.**
- 6.6.11 As per the condition of EC, four Ambient Air Quality monitoring stations were supposed to be established in the core zone as well as a buffer zone. However, no such air quality station was found at the site.**
- 6.6.12 The roads leading to the mining site have been badly damaged. Stone crushers and the mine in question are the major industrial activities located in this area and heavy vehicular transport is the major cause of damage to public roads.**
7. In the EC issued to the mine proponent, they are permitted for the production of 7,56,000 m³/annum and 3360 m³ per day.
- 7.1. As per the undertaking given by the mine proponent, around 3,77,748 m³ of material have been excavated during the operational period.
- 7.2. It was also informed that out of 91 days (i.e. during 01.04.2021 – 30.06.2021), the mine production was kept closed for 7 days (during April 01-03, 2021, and June 20-23, 2021). Hence, mine production was carried out only for 84 days.
- 7.3. The project proponent has also provided daily production details. As per this data the quantity of daily production is varies between 11 m³ to 9194 m³.
- 7.4. The proponent has excavated excess than the prescribed daily production limit (i.e., 3360 m³) during 62 operational days and excavated around 133062 m³ excess quantity during those days.**
- 7.5. Thus, in total they have excavated around 1,33,062 m³ excess material than the permitted quantity based on the daily limit.**
8. The grounds for challenging the EC issued by SEIAA are mentioned in the Hon'ble NGT order is as given below

8.1. *Grant of EC for area more than the area mentioned in the auction notice*

8.1.1. *The district mining office has issued notice for auction of 06 mine lease area on 01.11.2019. The mine area in question is listed at Sr No 5 in the tables given in Point No.1.*

8.1.2. *The mine lease area indicated in the notice is 36 hectares.*

8.1.3. *The SEIAA has issued TOR & EC to the proponent on 30.06.2020 & 26.03.2021 respectively.*

8.1.4. *The sanctioned lease area as per EC is also 36 hectares.*

8.1.5. *The geo-coordinates have been defined both in the auction notice issued by the mining department and EC issued by SEIAA.*

8.1.6. *All longitude mentioned in EC is attached with the abbreviation 'N', in place of desired abbreviation 'E'. This requires immediate correctness.*

8.1.7. *The geo-coordinates mentioned in EC defining mine lease boundary are alike for all points (i.e., Point A-H) with geo-coordinates mentioned in the Mining plan by Directorate of Geology and Mining dated 13.03.2020. However, the geo-coordinates mentioned in EC defining mine lease boundary are matching for five points (i.e., Point A-E) with geo-coordinates mentioned in the auction notice. However, geo-coordinates are not matching for three points (i.e., Point F-G). The above discrepancies are yet to be verified and needs to be corrected in sanctioned EC.*

8.1.8. *The geo-coordinates mentioned in EC defining mine lease boundary are matching for five points (i.e., Point A-E) with geo-coordinates mentioned in the auction notice. However, geo-coordinates are not matching for three points (i.e., Point F-G).*

8.1.9. *Thus, the geo-coordinate data mentioned in EC is not fully matching with the data mentioned in the auction notice. And it requires immediate attention for necessary correctness.*

8.2. *Mining being allowed in-stream and by mechanized methods*

8.2.1. *Open cast manual/semi-mechanized mining method is defined in the EC issued by SEIAA.*

8.2.2. *It was told by the proponent and the*

Mining Inspector that heavy machinery has not been used in the excavation. Only Pokland machines have been used in mining.

- 8.2.3. *The allotted mine area is plotted on the Google Earth software. As per the Google Earth image of November 2020, the allotted ease area (Pole A-H) spread across the stream of the River Yamuna.*
- 8.2.4. *Thus, the operation of the mining is semi-mechanized but the allotted lease area needs to be reviewed with reference to the river course to avoid instream mining.*

8.3. Cluster certificate dated 12.03.2020 being incorrect, ignoring that mining was already taken place within 500 mtrs (Even though across the river falling in Haryana)

- 8.3.1. *On the day of the visit, any operational mine was not sighted within a distance of 500 mts from the mine lease boundary.*
- 8.3.2. *It was also informed by the Mining Department that within a distance of 500 meters from the said mine lease boundary, neither any mine is operational nor any lease has been allotted in the State of Uttar Pradesh.*
- 8.3.3. *As per the details provided by Mining Department, 'Bailgarh South Block/YNR B2' is the nearest mine located in the Haryana state. The coordinates as mentioned in the EC of the mine are used to measure the distance of this mine from the boundary of the mine in question. The distance between two mines is measured to be around 1.4 KM.*
- 8.3.4. *Thus, at present no operational mine is located within a distance of 500 m from the mine in question.*

8.4. EC being granted without requisite replenishment study

- 8.4.1. *It is informed by the proponent that the replenishment study is in process and yet not completed.*
- 8.4.2. *The condition regarding replenishment study has not been mentioned in the EC issued by SEIAA.*

8.5. There being lack of due diligence ignoring that there are five FIRs for illegal mining against the Project Proponent

- 8.5.1. *As per the information provided by the district administration, no such FIR for illegal mining is filed or pending against the project proponent.*
- 8.6. *Public hearing has taken place 20 kms away from the site*
- 8.6.1. *The public hearing was conducted on 19.10.2020 in the Conference Hall of Tehsil Behat. The place of the public hearing held is at a distance of approx. 12 KM from the mining site.*
- 8.6.2. *However, the UP Government has issued an office order on 23.04.2018 which is related to the environmental clearance for the river bed mining project. In the said office order, permission has been given to hold a public hearing in the Tehsil office for river bed mines located in remote areas. The said public hearing was conducted using this clause of the office order.*
- 8.7. It is also stated that the mining has been commenced without requisite consent from the State PCB and there is also illegal groundwater extraction in violation of the EC conditions.**
- 8.7.1. The mine was operated without obtaining the CTE and CTO, which is a violation/ non-compliance under EPA Act, 1986. With respect to provisions of Water Act, 1974 and Air Act, 1981 the project proponent is required to obtain CTE and CTO for mining operation and should comply with the conditions of Environmental Clearance.**
- 8.7.2. UPPCB has issued a show cause Notice for the said violation and has also imposed Environmental Compensation of Rs. 7,77,000/-.**
- 8.7.3. The mine was operated without obtaining NOC from CGWA. It was informed that they have not installed any borewell in the area, and they are borrowing the water from the adjacent industries. However, such kind of borrowing water supply for industrial purposes is a violation of the law. However, such kind of borrowing water supply for industrial purposes is a violation under EPA Act, 1986. And both borrower and lender are liable to face legal action.**
9. *As the mining lease area is less than 50 Hectare, the project falls in the category 'B' as given in the schedule- List of projects*

or activities prior to EC, in the EIA Notification dated 14.09.2006.

- 9.1. As per the prescribed General Condition, any project or activity specified in Category 'B' will be treated as Category A if located in whole or in part within 10 km from the boundary of inter-State boundaries.
- 9.2. However, the said condition has been revised vide MoEF&CC Notification dated 14.08.2018. In this amendment the limit of mining lease area for consideration under Category- B project was extended to 100 hectares for non-coal mine lease. And it is also mentioned that the General Conditions shall apply except River bed mining projects on account of the inter-state boundary.
- 9.3. Considering this amendment in the Act, the said Project falls in the Category-B.

10. Environmental Compensation

10.1. Compensation for Non-compliance

- 10.1.1. **UPPCB has imposed environmental compensation or Rs 7,70,000/- for operating the mines without consent for 77 days (01.04.2021- 17.06.2021) at the rate of Rs. 10,000/- per day.**
- 10.1.2. **However, the mine was operated for 84 days, and hence, environmental compensation will be 8,40,000/-**

10.2. Penalty for unauthorized water usage

- 10.2.1 **As the project proponent had informed that he is borrowing water from other industry/stone crusher, it is considered that he is accessing to illegal extraction of ground water.**
- 10.2.2 **Daily water requirement is mentioned as 18 KL in the EC issued by UPPCB.**
- 10.2.3 **In the guideline prepared by CPCB, a minimum penalty of Rs. 1,00,000 kept for mining in case of extraction of groundwater without permission.**
- 10.2.4 **Hence, the project proponent is liable to pay Rs. 1,00,000/- for accessing illegal water supply.**

10.3. Penalty for extraction of excess quantity materials

10.3.1 As explained at Sr No. 7 above, they have extracted 1,33,062 m³ excess quantity than the permitted, based on the daily limit prescribed in the EC issued by SEIAA.

10.3.2 For the calculation of environmental compensation, the risk factor is considered significant considering the impacts related to bed degradation, bank erosion, variation in flow energy, disturbance to flora & fauna, and inter-state boundary location.

10.3.3 The market value is considered as Rs 400/- per m³

10.3.4 Then the compensation will be
 $= D X (1+RF+DF)$
 $= 1,33,062 X 400 X (1+0.3+0.75)$
 $= Rs. 10,91,10,840/-$

10.4. Total Compensation and penalty will be
 $= 8,40,000 + 1,00,000 + 10,91,10,840$
 $= Rs. 11,00,50,840/-$

11. Recommendations: The nominated joint committee visited the site to verify the present scenario and based on the field observations/records made available the following is recommended

11.1. The mining operations should not allow to restarting till,

11.1.1 Obtaining Valid consents (CTE and CTO) under Air Act, 1981 & Water Acts, 1974 from UPPCB.

11.1.2 Obtaining NOC from CGWA for groundwater extraction.

11.1.3 Obtaining Amended EC from SEIAA as per revised geo-coordinates.

11.1.4 Conducting replenishment study and submission of the report

11.2. Clarification can be sought from SEIAA regarding the difference in the geo-coordinates mentioned in the EC and geo-coordinates mentioned in the auction notice. If required, SEIAA can be asked to amend the EC issued by them.

11.3. SEIAA can be asked to review the EC issued by them in order to ensure that the instream mining could not be allowed.

11.4. The mine proponent and stone crushers located in the area can be asked to construct the village roads in the area under the supervision of the district administration.

11.5. UPPCB can be asked to initiate action against the stone crusher who is lending the water supply to the mine in question. The proponent is liable to pay Rs. 11,00,50,840/- as a compensation and penalty for operating mine without consent from UPPCB, NOC from CGWA and carrying out excess excavation.”

5. Stand of the SEIAA, UP does not respond to the observations of the joint Committee report.

6. The stand of the PP is that there is no violation as the PP has been granted EC. In its reply, the PP has made following averments in response to the joint Committee report:-

“D. OBJECTIONS TO JOINT COMMITTEE'S REPORT DATED 26. 10.2021;

- I. As regards the report submitted in terms of the Hon'ble Tribunal's order dated 09.06.2021, the answering respondent, with immense reverence submits that one of the recommendations (amongst six other) made by committee was imposition of EC of about Rs. 11 Crore, which per-se is without any factual or legal basis, liable to be set-aside forthwith being based upon intrinsically frivolous ground,
- II. The very basis of recommendation of EC is inherently absurd and the same is impregnable to passing judicial scrutiny,
- III. The 'Project Proponent', was never afforded an opportunity to explain before this illogical recommendation was made behind its back in stark violation of principles of Natural Justice,
- IV. A bare reading of the recommendations make it abundantly clear that these have been made with a predisposed mindset just to nonsuit proponent and negate its rights emanating from his having been declared successful in e-auction,
- V. It is apparent that the recommendation has been made unfairly, - unjustly the same is undefendable and is causing tremendous loss in terms of time and money both, depletion of

opportunity since the lease has been granted by the State Government for a limited period and much time has been lost due to 'Covid' restrictions,

- VI. The Committee was in complete oblivion that the 'Environment Clearance' granted by SEIAA, in no manner puts any fetters over the 'Contractual Rights' or curtails it simply because it is bound by the terms of the Contract between the State Government on one hand and Lease-holder on other (contracting parties) which confers rights in favour of the respondent, after having received valuable consideration, for 7,56,000 cubic meter production per annum within 225 working days further 373 Trucks per day 'Depending on market demand'. The above clarifies that per day production is only by way of rough estimation and does not put cap on daily production. Secondly, it is matter of common knowledge that precious working days have been lost in current year due to 'Covid19' restrictions apart from non-operation of mining activity during Monsoon period. The natural corollary of the above is that the production per day has to be increased to meet the targeted production in one year. This explanation is in line with the scientific requirement of mining activity the prime most reason wherefor is prevention of '**Diluvium**' (superficial deposits formed by constant flow of water) of river-banks and may lead to disturbance of environmental and ecological balance; whereby large areas of human habitation would become dangerously prone to inundation from river waters,
- VII. That the per day production is directly correlated to 'market demand'; also stipulated in the EC itself, which inheres that the production may go up or down in accord with the market condition and not adhere to any particular set limit, as erroneously inferred by the committee,
- VIII. Further, the answering respondent craves leave of the Hon'ble Tribunal to present factual aspects relevant for this purpose, which are;
- a) As a matter of regulatory aspects, the R.Q.P ., QCI/NABET consultant, Project Proponent (Lease Holder), SEIAA/SEAC of UP, DGM-UP prepares/ considers conceptual proposals of 250 to 275 days production except monsoon period for RBM leases.
 - b) The conceptual proposal envisages environmental impacts happening due to annual production. As a matter of generic practice, they also report "Average Production per day" in their plans which basically is a "notional per day average value" of production.
 - c) The lease holder prepares EIA and conducts public hearing based on the maximum impact on environment for achieving annual production quantity sanctioned as per Letter of Intent (LoI). This EIA document is prepared so that

lease holder commits that he has analyzed and regulated maximum environmental impacts on yearly production basis, which he shall never violate.

- d) *Further, State Mining Department (UPMMCR policy) provides for Stock Licenses as per which, permission to excavate and stock of mineral is expected / permitted prior to monsoon season to ensure availability of minerals uninterruptedly.*
- e) *The stocking of minerals requires substantial volume of excavations which is irrespective of average per day production clause.*
- f) *The 'Behavioral Dispatches' & 'Prevalent Market Condition' compels that per day production is governed by several factors i.e. dependence on 'COVID-19' restrictions, availability of labour, demand of market (local sand/morrum mandi) and huge quantity of stock licenses before monsoon, issued by District Magistrate in exercise to UP Minerals (Prevention of illegal mining, transportation and storage) Rules , 2018.*
- g) *Further, the River Bed Mining (RBM) mines does not operate on day to day basis and their per day production are totally dependent on the demanded quantities by local crushers.*
- h) *Moreover, as state of UP has a policy of mineral stocking / storage before monsoon, it is but natural that leases cannot be stopped for 3 months in order to comply the norms of notional per day production clause. As doing do shall be non-behavioral and create a legal challenge for UP storage policy.*

IX. *Because it is trite law "Actus Curiae Neminem Gravabit" and the principle has been applied by the Hon'ble Supreme Court with full vigour in letter and spirit impartially to all those who comes before it. The Hon'ble Supreme Court has elucidated the maxim in the case of **U.P. SRTC v. Imtiaz Hussain**, reported as **(2006) 1 sec 380** at page 383, in the following words;*

"8. The basis of the provision under Section 152 of the Code is founded on the maxim "actus curiae neminem gravabit" i.e. an act of court shall prejudice no man. The maxim "is founded upon justice and good sense; and affords a safe and certain guide for the administration of the law", said Cresswell, J. in Freeman v. Tranah [12 CB 406 : 138 ER 964] (ER p. 967). An unintentional mistake of the court which may prejudice the cause of any party must

and alone could be rectified. In *Master Construction Co. (P) Ltd. v. State of Orissa* [(1966) 3 SCR 99 : AIR 1966 SC 1047] it was observed that the arithmetical mistake is a mistake of calculation, a clerical mistake is a mistake in writing or typing whereas an error arising out of or occurring from accidental slip or omission is an error due to careless mistake on the part of the court liable to be corrected. To illustrate this point it was said that in a case where the order contains something which is not mentioned in the decree, it would be a case of unintentional omission or mistake as the mistake or omission is attributable to the court which may say something or omit to say something which it did not intend to say or omit. No new arguments or re-arguments on merits can be entertained to facilitate such rectification of mistakes. The provision cannot be invoked to modify, alter or add to the terms of the original order or decree so as to, in effect, pass an effective judicial order after the judgment in the case.

9. The maxim of equity, namely, *actus curiae neminem gravabit* - an act of court shall prejudice no man, shall be applicable. This maxim is founded upon justice and good sense which serves a safe and certain guide for the administration of law. The other maxim is, *lex non cogit ad impossibilia* - the law does not compel a man to do what he cannot possibly perform. The law itself and its administration is understood to disclaim as it does in its general aphorisms, all intention of compelling impossibilities, and the administration of law must adopt that general exception in the consideration of particular cases. The applicability of the aforesaid maxims has been approved by this Court in *Raj Kumar Dey v. Tarapada Dey* [(1987) 4 SCC 398], *Gursharan Singh V. New Delhi Municipal Committee* [(1996) 2 sec 459] and *Mohd. Gazi v. State of M.P.* [(2000) 4 sec 342]. The principles as applicable to Section 152 CPC are clearly applicable to Section 6(6) of the U.P. Act. In the aforesaid background the Labour Court was not justified in modifying the award as was originally made. The High Court also had not considered this aspect and decided the writ petition filed by the present appellant on issues other than this vital issue."

7. That the Petitioner most earnestly believes that this Hon'ble Tribunal would not be loath in correcting an unintentional wrong that has occasioned to the answering respondent, which, if not set right, will ruin them without there being any fault on their part and that the State would not be able to perform and

honour its obligation and commitments made to its citizen besides honouring a contract for which it has already received a gigantic consideration.

8. *It is most respectfully submitted that no fault can be found with the environment clearance dated 26.03.2021 and that the State is contractually bound to honor its contract granted in accordance and after following established procedure and in so far as the frivolous allegations are concerned, the same are factually wrong as stated above.”*

7. We have heard learned counsel for the parties. It is clear from the report of the joint Committee (Para 6.5) that the mining operations were conducted without requisite consent. Show cause notice was given to the PP and compensation proposed. It is also seen from para 6.6.9 that claim of the PP is that water requirement was being met from tankers from nearby stone crushers but lending of use of water was violation of Rules. No plantations were visible. The PP has excavated excess mined material beyond the permitted quantity. Mining was taking place within 500 meters and cluster certificate dated 12.03.2020 was incorrect. The ground water extraction has taken place without requisite NOC from CGWA. These findings are not in any manner shown to be erroneous. We accept the report to the extent of the violations found.

8. However, we find the assessment of compensation for illegal extraction of ground water and for operation without requisite consents to be inadequate. The same need to be calculated with reference to the cost of remediation and financial capacity of the PP which has not been done. In this connection, reference is made to the order of the Tribunal dated 26.02.2021 in O.A. No. 360/2015, *National Green Tribunal Bar Association v. Virender Singh (State of Gujarat) & Ors.* Relevant part of the order is as follows:-

and costs separately, we recommend a modification of the formula as shown below:

Total Benefits(B) = Market Value of illegal extraction : D
(refer Table 1)

Total Ecological Costs = Market Value Adjusted for risk factor: D * RF (refer Table1).

For present purposes, it is assumed that the Benefits would accrue only in the first year (in which the extraction of the illegally mined material takes place), while the ecological costs would continue to be felt over a period of time. NPV is to be calculated for a period of 5 years on the net value, $\Sigma (C-B)$, at a discount rate ranging from 8%-5%, varying in inverse with the risk factor. Thus, where the highest risk factor (say 1) is applicable, the discount rate applicable would be the lowest (say 5% in this case).”

12. Final recommendation is as follows:

“Thus, it is recommended that the annual net present value (NPV) of the amount arrived at after taking the difference between the costs and the benefits through the use of the above approach, maybe calculated for a period of 5 years at a discount rate of 5% for mining which is in a severe ecological damage risk zone. The rationale for levying this NPV is based on expert opinion that reversal and/or restoration of the ecological damages is usually not possible within a short period of time and rarely is it feasible to achieve 100% restoration, even if the sand deposition in the river basin is restored through flooding in subsequent years. The negative externalities of the mining activity are therefore to be accounted for in this manner. Ideally, the worth of all such damages, including costs of those which can be restored should be charged. **However, till data on site-specific assessments becomes available, this approach may be adopted in the interim.** In situations where the risk categorization charged. However, till data on site-specific assessments becomes available, this approach may be adopted in the interim. In situations where the risk categorisation is unavailable or pending calculation, the following Discount Rates may be considered:

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1.0
Discount	8%	7%	6%	5%

11. Annexure-A appended to the report gives the calculation as follows:

“Compensation Charge (Scenario II - explicit accounting of NPV)

Market Value of Illegally Mined Material (D)

5000*400 = 2000000/-

Annual Value of Foregone Ecological Values

$$D*RF = 2000000/-$$

- **Present Value of Foregone Ecological Values (@ 5% discount rate and over 5 years)**

$$PV = \sum_{t=1}^5 \frac{(D+RT)}{(1+r)^t}$$

$$= \frac{(2000000)}{(1+0.05)^1} + \frac{(2000000)}{(1+0.05)^2} + \frac{(2000000)}{(1+0.05)^3} + \frac{(2000000)}{(1+0.05)^4} + \frac{(2000000)}{(1+0.05)^5}$$

$$= \text{Rs.}$$

86 58 953/-

- **Net Present Value (after netting out market value of illegally mined material) - i.e., Total Compensation to be levied**

$$= NPV = PV - D$$

$$= \text{Rs. } 66,58,953/-$$

Compensation Charge in above case:

Approach 1 (no explicit accounting of NPV)	Approach 2 (explicit accounting of NPV)
$D*(1+RF+DF)$	@ 5% discount rate and over 5 years
Rs. 46,00,000/-	Rs. 66,58,953/-

12. The Tribunal directed undertaking of scenario analysis, as suggested on behalf of the applicant and to furnish a further report accordingly. Further report dated 12.10.2020 has been filed by the CPCB reiterating its earlier report. **We propose to approve approach-2 in the report.** Apart from the above, a report dated 15.01.2021 has been filed by the Oversight Committee for the State of UP¹ to which reference will be made later.

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

17. Again, in Goa Foundation, supra (prs 74-76) it was observed that **mining was required to be regulated not only by the Mining department but also by the PCBs under the Water and Air Act and by the MoEF under the EP Act. It is made clear that the environment laws override other laws and any provision to the contrary in the Mines Act will not stay in the way of enforcing the environment norms. In this regard reference may also be made to report of the Ministry of Mines entitled "Sand Mining Framework" which will not stand in the way of modified mechanism in accordance with this order."**

9. Accordingly, the State PCB may appropriately enhance the compensation for illegal extraction of ground water and conducting

¹ constituted by this Tribunal to oversee compliance of environmental issues, on suggestions of the State Government.

mining without requisite consents within two months, following due process of law.

10. The assessed compensation may be deposited by the PP within two months with the State PCB to be kept in a separate account and utilized for restoration of environment by preparing a restoration plan by joint Committee of CPCB, State PCB and District Magistrate, Saharanpur. Restoration plan may include plantation, air quality monitoring system, restoration of roads. The Committee may also oversee the execution of the restoration plan, involving appropriate agencies.

The application is disposed of.

A copy of this order be forwarded to the CPCB, State PCB and District Magistrate, Saharanpur by e-mail for compliance.

In view of order in the main matter, I.A. No. 20/2022 also stands disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

May 10, 2022
Appeal No. 15/2021
(I.A. No. 22/2022)
A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5013/2022

M/S. STAR MINES

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No.106684/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.106682/2022-STAY APPLICATION and IA No.106685/2022-EXEMPTION FROM FILING O.T. and IA No.106681/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 12-08-2022 This appeal was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE V. RAMASUBRAMANIANFor Appellant(s) Ms. Preetika Dwivedi, AOR
Mr. Anupam Mishra, Adv.
Mr. Neeraj Jain, Adv.
Mr. Abhishek Mohantya, Adv.

For Respondent(s) Mr. Ajit Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

Issue notice subject to deposit of the penalty of Rs.2,00,00,000/- (Rupees two crores only) in the National Green Tribunal, Principal Bench, New Delhi, without prejudice to the rights and contentions of the respective parties.

Subject to deposit of Rs.2,00,00,000/- as aforesaid, there shall be stay of operation of the impugned order till the next date of hearing.

Signature Not Verified
Digitally signed by
GULSHAN KUMAR
ARORA
Date: 2022.08.12
16:01:01 IST
Reason:

(GULSHAN KUMAR ARORA)
AR-CUM-PS(MATHEW ABRAHAM)
COURT MASTER (NSH)

**क्षेत्रीय कार्यालय, उ०प्र० प्रदूषण नियन्त्रण बोर्ड**

33/18 कपिल बिहार, सहारनपुर-247001

सन्दर्भ सं०: ५२२/अपील नं०-201/2022(दलजीत सिंह)/2021 दिनांक : 13.07.2022
To,

The Registrar
National Green Tribunal
Principal Bench
New Delhi.
E-mail : judicial-ngt@gov.in

Sub.-Compliance to the direction issued on 21.04.2022 by Hon'ble National Green Tribunal in O.A. No. 201/2022 Daljeet Singh Vs. State of Uttar Pradesh.

Sir,

With reference to the subject mentioned above kindly find enclosed herewith the Joint Committee Report of representative of CPCB, UPPCB, SIEEA, U.P., Director Department of Mines, Govt. of U.P. and the District Magistrate in compliance of the order issued on 21st April 2022 by Hon'ble National Green Tribunal in O.A. No. 201/2022 Daljeet Singh Vs. State of Uttar Pradesh.

Encl. : As above.

Yours faithfully,

(Dr. D.C. Pandey)
Regional Officer.

Ref. No. and Date as above:-

Copy to :

1. Member Secretary, U.P. Pollution Control Board, Lucknow for information.
2. Chief Law Officer, U.P. Pollution Control Board, Lucknow for information.
3. Chief Environmental Officer (Circle-3), U.P. Pollution Control Board, Lucknow for information.
4. Shri Pradeep Mishra, Advocate, Hon'ble Supreme Court/NGT, Noida for perusal and necessary action.

Regional Officer

JOINT INSPECTION REPORT IN REFERENCE TO HON'BLE NGT ORDER

IN THE MATTER OF DALJEET SINGH VS STATE OF U.P. (Original Application No. 201/2022)

A. Background:

Hon'ble NGT, Principal Bench, New Delhi passed order on 21.04.2022 in the matter of Daljeet Singh Vs State of U.P.(OA No. 201/2022) for obtaining factual details in the matter.

Relevant para of the Hon'ble NGT order is as below: -

"2. In view of the serious allegations made in the letter Petition, it would be appropriate to have a factual and action taken report in the matter. Accordingly, we constitute a Joint Committee comprising of representatives of CPCB, Uttar Pradesh State Environment Impact Assessment Authority (UPSEIAA) and State PCB, Director, Department of Mines, Government of Uttar Pradesh and District Magistrate and Superintendent of Police, Saharanpur, Saharanpur. The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks, undertake site visit, look into the grievances of the applicants and take requisite action by following due process of law. Factual and action taken report inter alia covering compliance with Enforcement and Monitoring Guidelines for Sand Mining, 2020 and Sustainable Sand Mining Management Guidelines, 2016 with reference to district survey report and replenishment studies may be furnished within two months by e-mail at judicial-ngt@gov.in preferably, in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF."

Copy of the referred order of Hon'ble NGT is enclosed at **Annexure-1**.

Further, joint inspection of M/s Star Mines as per the referred NGT order was carried out on June 24, 2022 by a team comprising following officials nominated by concerned department:

1. Shri Rajnish Kumar Mishra, ADM (F&R) Saharanpur. (nominated member of District Magistrate, Saharanpur)
2. Dr. B.B. Awasthi, Member SEAC-1, (nominated member of SEIAA, U.P.).



3. Sh. Runa Oraon, Sc. 'D', CPCB, Lucknow (nominated member of CPCB)
4. Shri Raghvendra Saxena, Geologist/R.O. Ghaziabad (nominated member of Director, Department of Mines, Govt. of Uttar Pradesh).
5. Dr. D.C. Pandey, Regional Officer, UPPCB, Saharanpur (nominated member of UPPCB)

Nominated member from Superintendent of Police, Saharanpur, was not present during inspection.

Salient details, observation and recommendations based on inspection is as below:

- i. M/s Star Mines herein after referred as is located in the catchment area of River Yamuna at Gata No. 1 having total area of 36 Hectare in Village Barthkorsi, Tehsil-Behat, District- Saharanpur (UP).
- ii. During inspection, mining operation was not being carried out. It is informed that mining operation is closed since morning of the date of inspection (24.06.2022) due to its own reason. No machinery or vehicle used in mining activity was observed on site.
- iii. It is informed by Project Proponent(PP) that mining material is sold to nearby stone crushers located in Behat.
- iv. The State Level Environment Impact Assessment Authority (SEIAA) has issued Environmental Clearance (EC) on 26.03.2021 to Shri Deepak Chaudhari, Proprietor of the PP for proposed Sand/Bajari/Boulder Mining at Gata No. 1 in village Barthakorsi, Tehsil- Behat of Saharanpur District of Uttar Pradesh State. As per EC, all longitude mentioned in EC is attached with abbreviation 'N', in place of desired abbreviation 'E'. The SEIAA has corrected abbreviation vide letter dated 30.12. 2021. Copy of EC is annexed as **Annexure-2**.
- v. Notice for E- tendering along with E- Auction was issued by the mining department on 01.11.2019. The lease area of the mine in question is one of the areas among the six areas for which they said auction notice was issued. Copy of Notice is annexed as **Annexure-3**.
- vi. Letter of Intent (LoI) was issued by the District Administration to the PP on 30.12.2019. the LoI was issued for 36 hectares mine lease area (Quantity 7,56,000 m³) and for the period of 5 years. Copy of LoI is annexed as **Annexure-4**.
- vii. The cluster certificate has been issued by the Mining Department on 12.03.2020, wherein it has been noted that no mine is operational or a lease has been issued in 500 m from the







periphery of the proposed mine lease area. Copy of cluster certificate is annexed as **Annexure-5**.

- viii. The public hearing for the project was conducted at the conference hall of Tehsil Behat on 19.10.2020.
- ix. The lessee had started mining after getting EC from SEIAA and permission from the Mining Department. During the visit, the PP's representative stated that RBM excavation started on 04.04.2021.
- x. The permission for mining has been granted by the Mining Department on 01.04.2021. Copy of permission for mining is annexed as **Annexure-6**.
- xi. As per portal of Directorate of Geology and Mining, Uttar Pradesh, total 7,56,000 m³ in 1st year and 1,11,352 m³ in 02nd year of mineral has been excavated by project proponent since mining started.
- xii. The weighing bridge has been installed for weighing the amount of excavated material. The data generated through the weighing system is been submitted on the online portal of Directorate of Geology and Mining, Uttar Pradesh.
- xiii. As per the information provided by the PP, the excavated material is sold to stone crushers for further processing.
- xiv. The PP has carried out mining operations without Consent from UPPCB. They have submitted the online application for seeking Consent from UPPCB on 17.06.2021. Based on it, the UPPCB has issued a show - cause Notice to the mine on 09.09.2021. The environmental Compensation of Rs. 7,70,000 / - is imposed for the period of 77 days (01.04.2021-17.06.2021) at the rate of Rs. 10,000 / - per day in accordance with the methodology developed by the CPCB.
- xv. The mining has been granted Consent to Operate under the Water (PCP) Act, 1974 and the Air (PCP) Act, 1981 on 30.12.2021, which was valid from 18.12.2021 to 31.12. 2025. It indicates that till 18.12.2021 the mining operation was carried out without consent to operate granted by SPCB. According to Mining Department there is no mining by PP from 30.06.21 to 10.01.2022.
- xvi. The PP has installed a weighing bridge near their camp office and also installed CCTV cameras along with one PTZ camera.
- xvii. A setup for recording the data from the weighing machine and transferring it through the online portal is available near the weighing bridge.







- xviii. A DG set of 25 KVA was available near the camp office for power backup. The DG set is equipped with acoustic enclosure, but not provided with adequate stack height as per norms.
- xix. The unit has installed one borewell for meeting water requirement. No flow meter is installed at borewell. The unit has applied for NOC from Ground Water Department, Ministry of Jal Shakti, Govt. of Uttar Pradesh on 31.12.2021, which is yet to be granted. The PP has not obtained permission for ground water as per EC before starting of mining operation.
- xx. As per the condition of EC, four Ambient Air Quality monitoring stations were supposed to be established in the core zone as well as a buffer zone. However, no such air quality monitoring station was found established/ operational at the site.
- xxi. The roads leading to the mining site have been badly damaged.
- xxii. The Geo coordinates mentioned in EC defining mining lease boundary were verified and it was found that Geo coordinates mentioned in EC are matching for 5 points (i.e., point A, C, D, E and F) and not matching for 3 points (i.e., Point B, G and H).
- xxiii. During inspection, it is observed that active mine pit was filled with water. It is informed by mining officer that water in active mining pits is due to seepage of water from river.
- xxiv. It is informed by Nayab tehsildar, boundary of Haryana is approx 200 m away from bank of River Yamuna.
- xxv. PP was asked to provide the information regarding the Active area of mining, Quantity of mining and no. of days of operation, but the data has not been provided.
- xxvi. During inspection, mining pit was observed within mining lease area.
- xxvii. The PP has carried out replenishment study of river of period 2021(Pre monsoon: June 2021& Post Monsoon October 2021). It is informed by mining officer that study is carried out by mining department for all mining lease in Saharanpur.
- xxviii. The mining area was inspected earlier by joint committee comprising nominated members of District Magistrate, MoEF & CC, CPCB, UPPCB on 13.10.2021 in compliance of Hon'ble NGT order dated 09.06.2021 in the matter of Appeal No. 15/2021(I.A. No. 119/2021 & I.A. No. 120/2021)-Pramod Vs State of Uttar Pradesh & Ors. The matter was heard on 10.05.2022 and Hon'ble NGT has passed order to impose revise Environmental Compensation (EC)to PP. The relevant portion of order is as below:
"9. Accordingly, the State PCB may appropriately enhance the compensation for illegal extraction of ground water and conducting mining without requisite consents within two months, following due process of law.







10. The assessed compensation may be deposited by the PP within two months with the State PCB to be kept in a separate account and utilized for restoration of environment by preparing a restoration plan by joint Committee of CPCB, State PCB and District Magistrate, Saharanpur. Restoration plan may include plantation, air quality monitoring system, restoration of roads. The Committee may also oversee the execution of the restoration plan, involving appropriate agencies.

The application is disposed of. "

Copy of referenced NGT order is annexed as **Annexure-7**.

xxix. In the matter of O.A. No. 403/2022 (I.A. No. 133/2022) Daljeet Singh V/s State of Uttar Pradesh & Ors. Hon'ble NGT has passed an order dated 30.05.2022, The relevant portion of order is as below:

..... " 8. In the meanwhile no lease shall be granted and also no mining shall be commenced in any of the mining sites in District Saharanpur, Uttar Pradesh before completion of replenishment study, updation of DSR and grant of Environmental Clearance/CTE/CTO on the basis thereof in accordance with SMCG, 2016 and EMGSM, 2020."

In another O.A. No. 140/2021 Rajkumar V/s State of U.P. and Ors. With O.A. No. 141/2021 Ramkaran Karn V/s State of U.P. and Ors. Hon'ble NGT has passed order dated 06.05.2022. The relevant portion of the order is as below.

..... "11. Accordingly, the ACS, Mining, UP has fairly stated that replenishment study will be conducted prior to auctions in future and with regard to the current leases, ongoing replenishment study will be expedited. In the light thereof, the leases will be renewed, if necessary. Such studies for all Districts in UP will be completed by December 31, 2022 and for Banda by June 30, 2022. She has further stated that the allegation of instream mining will be verified and if found true, the same will be discontinued."

..... " 12. In view of above, let the Replenishment studies be completed by credible institutions, following due procedure, in accordance with para 5 of EMSG, 2020. Further, no mining be permitted till replenishment studies are completed beyond the schedule laid down above....."

Copy of referenced NGT order is annexed as **Annexure-8**.

Raxer

[Signature]

[Signature]

[Signature]

Recommendations:

1. Principal Secretary, Mining and Geology Department, Govt. of UP and Mining Department, Saharanpur should ensure that mining activity should be carried out as per mining plan and as per condition stipulated in EC. Regular surprise vigilance is required by the District Administration, Saharanpur and Mining Department.
2. Proper pillar marking in mining area as per geo-coordinates mentioned in EC should be installed. Mining Department, Saharanpur should ensure marking in mining area.
3. PP should be directed to obtain NOC from CGWA/SGWA for withdrawal of ground water. PP should also install electromagnetic flow meter at tubewells and maintain proper log book of fresh water withdrawal.
4. The PP should provide adequate stack height in DG sets.
5. The PP should provide adequate green belt in mining area.
6. Necessary direction should be issued by UPPCB to PP for ensuring compliance of EC condition and Consent conditions in totality.
7. UPPCB should ensure compliance of Hon'ble NGT order dated 10.05.2022 in the matter of Appeal No. 15/2021(I.A. No. 119/2021 & I.A. No. 120/2021)-Prمود Vs State of Uttar Pradesh & Ors. SPCB should also ensure compliance of recommendation of joint committee report in the above said matter.

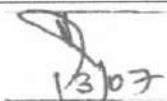
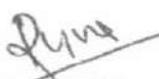
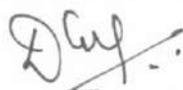
Sr. No.	Committee Member	Signature
1	Shri Rajnish Kumar Mishra, ADM (F&R) Saharanpur	
2	Dr. B.B. Awasthi, Member SEAC-1, U.P.	 13/07
3	Sh. Runa Oraon, Sc. 'D' CPCB, Lucknow	
4	Shri Raghvendra Saxena, Geologist/R.O. Ghaziabad.	
5	Dr. D.C. Pandey, Regional Officer, UPPCB, Saharanpur.	

Photo Gallery of M/s Star Mines District-Saharanpur (Uttar Pradesh)



Pic 1: Display Board of the Star Mines



Pic 2: Borewell installed at the premises



Pic 3: DG set of 25 KVA



Pic 4: Mining Pit



Pic 5: Mining Pit



Pic 6: Mining Pit



Pic 7: Mining Pit



Pic 7: Joint inspection of M/s Star Mines

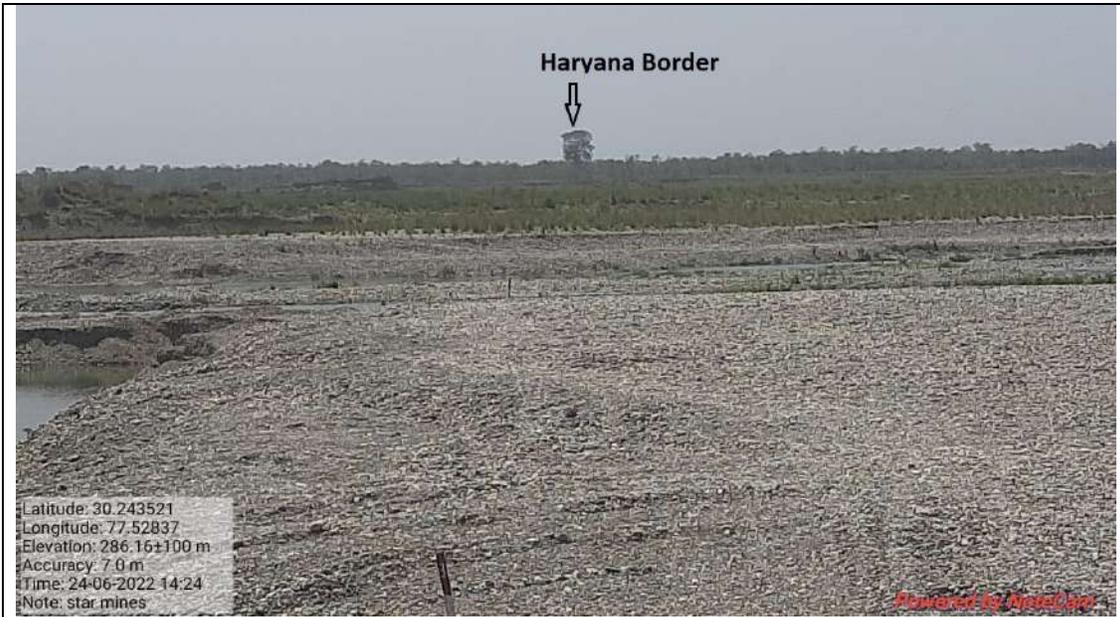


Fig 8: River before Mining Pit

Item Nos. 04 &05

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 249/2021
(I.A. No. 187/2021)

WITH

Caveat Application No. 12/2021, Caveat Application No. 13/2021 &
Caveat Application No. 14/2021

Daljeet Singh & Anr.

Applicant

Versus

Uttar Pradesh Pollution Control Board & Ors.

Respondent(s)

WITH

Original Application No. 251/2021
(I.A. No. 189/2021 & I.A. No. 214/2021)

Daljeet Singh & Anr.

Applicant

Versus

Uttar Pradesh Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 11.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Ajit Sharma, Advocate

Respondent(s): Mr. Pradeep Misra & Mr. Daleep Dhyani, Advocates for UPPCB
Mr. Mukesh Verma, Advocate for the State of U.P
Ms. Priyanka Swami, Advocate for SEIAA, UP
Ms. Pallavi Pratap, Advocate for M/s Shakumbari Mines
Mr. Neeraj Jain, Advocate for M/s Star Mines
Mr. Anand Varma, Advocate for M/s Balaji Trading Company

ORDER

1. This order will deal with O.A No. 249/2021 and O.A No. 251/2021 as both the matters involve common issue of illegal mining by private respondents.
2. In O.A No. 249/2021, the private respondents R-07 to 14 are: Sanjay Bhatia, Satendra Kumar, Rajesh Kumar, Aadesh Pandey, M/s. Shakumbari Mines, M/s. Star Mines, M/s. Balaji Trading Company, and Prime Vision Industries P. Ltd., Saharanpur. In O.A No. 251/2021, only private respondent is R-6, M/s. Shakumbari Mines, Shamli. The issues raised are by and large common.
3. O.A No. 249/2021 was earlier considered on 28.10.2021 to the effect that the mining was done without requisite consent and in violation of environmental norms. The Tribunal accordingly constituted a joint Committee to verify the facts and furnish a report which should include the action taken, if any. An interim order was also passed directing that no illegal mining may be allowed. Operative part of the order is reproduced below:-

“2. This application has been filed by the applicant under Section 14 and 18 of National Green Tribunal Act, 2010, complaining that Respondents No. 7 to 14 are illegally operating in sand mining in different villages in Tehsil Behat and Nakud, District Saharanpur, without having received any consent from State PCB under the provisions of Water (Prevention and Control of Pollution) Act, 1974 (Water Act, 1974) and Air (Prevention and Control of Pollution) Act, 1981 (Air Act, 1981). Illegal mining, that too in river bed, is going on in connivance with local officials who are responsible for protection, preservation and maintenance of environment but ignoring to take any action against the above violators. Applicant has also placed on record documents showing that in the online applications submitted, Project Proponents i.e., private respondents have clearly mentioned that no NOC has been obtained from State PCB. In this regard, our attention is drawn to the documents on pages 88, 92 and 96 which pertain to Respondent Nos. 10, 11 and 12, who are represented through counsel, having filed Caveats in this matter.

3. When enquired from the Learned Counsel appearing for the Caveators, he could not give any specific reply that said Caveat Respondents have received any consent from State PCB under the provisions of the Water Act, 1974 and Air Act, 1981. The applicant

has also placed on record several photographs which show large scale mining, going on in river bed. In fact, Learned Counsel appearing for Caveators Respondent has also not denied this fact that mining activities had undergone by respondents 10,11, and 12, during the year 2021, but he says that the said mining was carried out after obtaining permission from mining Department. He however, could not give any reply with respect to the requisite consent/ permission/ NOC under environmental laws.

4. In view of the documents available on records and lack of clear information given on behalf of the Caveators respondents, prima-facie it appears that mining activities in Tehsil Behat and Nakud, District Saharanpur are going on in violation of environmental laws and a substantial question relating to environment regarding implementation of statutes under Schedule to NGT Act has arisen.

5. We issue notices to Respondents No. 1 to 9, and 13 to 15 by email and also give liberty to the applicant to serve a copy of the application upon all the Respondents except 10 to 12, personally and file affidavit of service within three weeks. Since respondents 10 to 12 are already represented through Counsel, no further notice need be issued

6. The Respondents including official respondents shall file their response within one month after receipt of the notice.

7. In the meantime, for obtaining factual details in the matter, **we find it appropriate to constitute a joint Committee comprising of CPCB, SEIAA, UP, State PCB and District Magistrate, Saharanpur. The State PCB will be the nodal agency for coordination and compliance. The said Committee shall examine the matter and submit its detailed report. The said report, besides other, should also clearly give the facts relating to factum of mining undergone by Project Proponents, including area, quantity and number of days and also the fact whether the said mining was carried out after obtaining requisite statutory consent/NOC/approval / permissions etc. or without that. The report will also include whether any action for prevention of mining, if it has undergone illegally in violation of environmental laws, has been taken by the concerned authorities in the District Administration and State PCB officials or not. The said report shall be submitted within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.**

8. In the meantime, **considering gravity of the issue and also having seen documents which prima-facie show that mining activities have been carried out without obtaining any consent from State PCB, as an interim measure we direct State PCB and District Magistrate, Saharanpur to ensure that no mining activities of sand are carried out in District Saharanpur illegally i.e. without obtaining consent under the provisions of Water Act, 1974 and Air Act, 1981 and they shall take further remedial action in the matter without any further delay, against all such violators including Respondents No. 7 to 14.”**

4. In O.A No. 251/2021, the matter was earlier considered on 01.11.2021 and the same was directed to be heard along with O.A No. 249/2021. The Tribunal directed the applicant to serve the respondents and also directed the District Magistrate and the State PCB not to allow illegal mining. Operative part of the order is reproduced below:-

“2. The facts stated in the application show that respondent 6 was granted EC by SEIAA, UP on 13.01.2021 permitting mining at Gata No. 228, Village Badauli, Tehsil Unn, District Shamli in river Yamuna.

*3. Respondent 6, after grant of the said EC, commenced mining operations. It was one of the conditions in EC that no mining operation shall be carried out **without obtaining other requisite statutory consent/permission/NOC. In the present case, Project Proponent could not have proceeded with the mining activities without obtaining consent under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 from State PCB. In this case, no such consent was obtained and instead Project Proponent started mining operations illegally.***

*4. Learned Counsel for applicant also pointed out that **the application for grant of consent to operate under Section 25/26 of Water Act, 1974 as amended from time to time has been rejected by State PCB vide order dated 11.10.2021.** A copy of the order has been placed before us today itself and we find that three reasons have been given in the said order for rejection of the application, and the said reasons are:*

- “1. District Mines Officer, Shamli has been informed vide their letter dated 30.09.2021 that in the past, 117561 cubic meters of sand has been mined by the unit in a total of 112 days. The sand mining has been done by the unit without obtaining CTE/CTO from the State Board.*
- 2. Industry has not obtained CTO for the earlier mining.*
- 3. Industry has not submit the satisfactory compliance of the Environmental Clearance.”*

*5. Project Proponent, M/s Shakumbari Mines is represented through Counsel namely, Ms. Pallavi Pratap, though, we have not issued notice and the matter has been listed today for admission but **since respondent 6 is represented though Counsel, we have entertained and heard her also. She admits that respondent 6 started mining proceedings after receiving EC on 13.01.2021 and for some time, mining activities were carried out though there was no consent issued to Project Proponent by State PCB under the provisions of Water Act and Air Act.** She further stated that the mining activities, however, have been stopped by Project Proponent since June, 2021 and she seeks time to file response/reply on behalf of the Project Proponent.*

6. We have considered the submissions advanced by learned Counsel for the applicant and also the stand taken by Project Proponent through Counsel. In our view, apparently Project Proponent has violated statutory environmental laws and a prima facie case has been made out giving rise to a substantial question relating to environment in regard to implementation of statutes under the Schedule to NGT Act, 2010.

7. Issue Notice to respondents 1 to 5 and 7 by email. We also give liberty to the applicant to serve a copy of the application upon all the Respondents except respondent 6, personally and file affidavit of service within three weeks. Since respondent 6 is already represented through Counsel, no further notice need be issued.

8. All the respondents may file their replies/response within one month after receipt of notice.

9. Further, we are informed that a **similar issue has been raised in respect to the same proponent, though relating to other leases and the matter was considered by this Tribunal on 28.10.2021 in O.A. No. 249/2021, Daljeet Singh & Anr. vs. Uttar Pradesh Pollution Control Board & Ors. In our view, this matter may also be heard along with above OA. Connect this matter with O.A. No. 249/2021.**

10. In the meantime, we direct District Magistrate, Shamli and State PCB to ensure that respondent 6 does not carry out any mining activities without having a statutory consent/permission/NOC, until further orders.”

5. In pursuance of above, a reply has been filed by the State PCB in O.A No. 251/2021 as follows:-

“As per the order dated 01.11.2021, on behalf of respondent No. 1, pointwise action taken report are as follows:

1. Regarding the directions issued by N.G.T. notice against M/s. Shakumbri Mines Gata No. 228, Vill. Bidoli, District Shamli has been issued vide office letter no. 733/C/S-249/Shamli/2021 Dated 23.11.2021 (Annexure-1) for compliance that no mining activity will be carried on without having consent to operate. A copy of notice is being forwarded to District Magistrate Shamli, Member Secretary UPPCB for intimation and Mining Inspector Shamli for ensuring the compliance of above said order.
2. As per the complaint received against the illegal mining by M/s. Shakumbri Mines, a letter regarding the violation days has been sent to District Mining Officer Shamli vide office letter no. 506/C/249/Shamli /2021 dated 27.09.2021 (Annexure-2), in continuation information regarding violation of days 112 Nos. and mining quantity 1,17,561 Cum. till dated 30.06.2021 is received via letter no. 4643/Kh.Vi.-2021- 22 dated 30.09.2021 (Annexure-3). Further, no mining activities is being carried on

by the said unit as per the latest information dated 02.12.2021 (Annexure-4) till dated 02.12.2021.

3. *Due to the past violation of Environmental Acts unit online consent application dated 05.09.2021 (Annexure-5) is being refused by the State Pollution Control Board on dated 11.10.2021 (Annexure-6).*
4. *Due to the past violation regarding illegal mining, recommendation for imposing Environmental Compensation of Rs. 11,20,000/- has been sent to Head Office Lucknow vide office letter no. 790/C/S249/Shamli/2021 dated 04.12.2021 (Annexure-7). In continuation Environmental Compensation of Rs. 11,20,000/- has been imposed vide H.O. Letter No. H69300/C-3/Jal-434/M.Nagar/2021 dated 13.12.2021 (Annexure-8).*
5. *Unit has not submitted the Environmental Compensation yet. If unit deny to pay E.C., recommendation against the unit for recovery of E.C. as per land revenue will be sent to Head Office, U.P. Pollution Control Board, Lucknow and District Magistrate Shamli.”*

6. From the above, it is seen that violations have been found and mining activity have been stopped. Recommendation has also been made for levy of compensation for conducting mining without requisite consents.

7. In O.A No. 249/2021, even though no reply has been filed, learned counsel for the State PCB has made a statement that illegal mining has been stopped and further action will be taken in accordance with law.

8. In view of above, the State PCB and the District Magistrate may take further action of not permitting mining without requisite Consents and assessing and recovering compensation as per law. It is made clear that compensation for illegal mining has to be equal to the value of mined material in view of Section 21 (5) of the MMDR Act, 1957 and orders of the Hon'ble Supreme Court in *Common Cause vs. Union of India & Ors., (2017) 9 SCC 499*. Apart from recovering value of the mined material as compensation, for violation of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act,

1981, compensation has to be in addition having regard to the cost of restoration of damage and the paying capacity of the project proponent (PP). Compensation be also to be assessed for illegal extraction of ground water. This exercise may be completed by the State PCB within three months. Recovered compensation be utilised for restoration of environment by preparing an action plan to be approved by CPCB.

The Applications are disposed of accordingly.

A copy of this order be forwarded to the CPCB, State PCB and the District Magistrate, Shamli and the District Magistrate, Saharanpur, U.P by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

May 11, 2022
Original Application No. 249/2021
(I.A. No. 187/2021)
WITH Caveat Application No. 12/2021, Caveat Application No. 13/2021
& Caveat Application No. 14/2021
With Original Application No. 251/2021
(I.A. No. 189/2021 & I.A. No. 214/2021)
AB