

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 656 OF 2024**

In the matter of:

News Item titled 'अवैध खनन को लेकर खनन विभाग एवं राजस्व विभाग उखीमठ द्वारा की गयी बड़ी कार्यवाही, 3 लाख से अधिक का लगाया जुर्माना' appearing in Uttarakhand Samachar dated 03.05.2024.

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1.	Reply on behalf of Central Pollution Control Board (CPCB) respondent no. 2 in compliance to Hon'ble NGT order dated 01.07.2024 in O.A. No. 656/2024.	
2.	Annexure-1 A copy of Hon'ble NGT Order dated 01.07.2024 in O.A No. 656/2024.	
3.	Annexure-2 A copy of letter dated 25.07.2024 and 28.08.2024 issued by CPCB to Uttarakhand Pollution Control Board.	



**Filed by Advocate Saurabh Balwani
(On behalf of Central Pollution Control Board)**

Place: Delhi
Dated: 23.09.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, DELHI
ORIGINAL APPLICATION NO. 656/2024**

In the matter of: -

News Item titled 'अवैध खनन को लेकर खनन विभाग एवं राजस्व विभाग उखीमठ द्वारा की गयी बड़ी कार्यवाही, 3 लाख से अधिक का लगाया जुर्माना' appearing in Uttarakhand Samachar dated 03.05.2024.

**REPLY ON BEHALF OF THE RESPONDENT NO. 2 CENTRAL
POLLUTION CONTROL BOARD.**

MOST RESPECTFULLY SHOWETH:

1. That, the Hon'ble Tribunal (PB), vide its order dated 1.07.2024 has impleaded the Member Secretary, Central Pollution Control Board (hereinafter referred to as "CPCBs"); Member Secretary, Uttarakhand Pollution Control Board (hereinafter referred to as "UKPCBs"); District Magistrate, Pauri Garwal (replaced by District Magistrate, Rudraprayag vide Hon'ble Tribunal order dated 12.08.2024) as respondents. Accordingly, Hon'ble Tribunal (PB) has directed the Respondents to file response over the same. The Copy of the Order passed by the Hon'ble NGT is annexed as **Annexure 1**. Thereby, the reply is made in succeeding paragraphs.
2. That CPCB, is a statutory Board, constituted under Section 3 of The Water (Prevention & Control of Pollution), Act 1974 (hereinafter referred to as "Water Act"). It performs functions under The Water Act, 1974 and The Air (Prevention & Control of Pollution), Act 1981 (hereinafter referred to



as "Air Act"), and The Environment (Protection) Act, 1986. It is further submitted that the State Pollution Control Boards/Pollution Control Committees (hereinafter referred to as "SPCBs/PCCs") have been constituted in States under the Water Act, 1974 and the Air Act, 1981 to perform the functions and implement the provisions of these Acts in respect of areas under their territorial Jurisdiction

REPLY

3. That the State Department of Mines and Geology is the Nodal Authority in the State for dealing with the allotment of mining leases under the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act) and is entrusted with the enforcement and regulation of mining operations in State including illegal mining. Under the MMDR Act, the State Governments are empowered to make rules for grant of prospecting licenses or mining leases in respect of minor mineral and making rules for preventing illegal mining, transportation and storage of minerals, and therefore can make necessary policy and implement necessary enforcement measures.

4. That as per the Environmental Impact Assessment notification-2006 (hereinafter referred to as " EIA"), Category 'A' projects including expansion and modernization of existing project shall require Environmental Clearance (hereinafter referred to as " EC") from MoEF & CC on the recommendations of Expert appraisal committees (EAC) and Category 'B' projects require EC from the State Level Environment Impact Assessment Authority (SEIAA) on the recommendations of State Level Expert Appraisal Committee (SEAC).

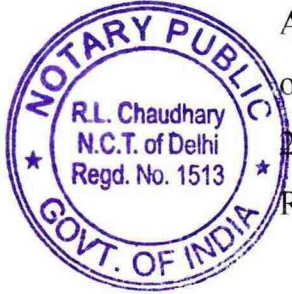


5. That the MoEF & CC vide notification S.O. 1886 (E) dated 20.04.2022 has delegated the power to grant Environmental Clearances to all minor mineral mining projects to the State Level Environment Impact Assessment Authority (SEIAA).
6. That the MoEF & CC vide notification no. S.O. 637 (E) dated: 28.02.2014 has delegated the power to SEIAA to issue show cause notice to project proponent in case of violation of the conditions of the environment clearances issued by the said Authorities to projects or activities within their jurisdiction.
7. That, accordingly, the mining projects should obtain prior Environmental Clearance from the concerned authority and should also obtain Consent from the concerned SPCB/PCC and the mining projects need to comply with the conditions stipulated in the EC and Consent. The compliance of consent conditions is to be ensured by concerned SPCB.
8. That the averments made in news item are related to alleged illegal mining in the Daida Village and also report that surprise inspection was carried out by the Mining and Revenue Department, Uttarakhand during which it was found that illegal mining of Minor Mineral (soil and stone) has been done on Makku-Chopta Road using JCB machine allegedly without obtaining required NOC and in violation of Uttarakhand Minor Mineral Concession Rule 2023. Further, Mining and Revenue Department estimated that about 672 m³ i.e. about 1075.2 Ton of Minor Mineral (Soil and Stone in 1: 1 ratio) has been mined, stored and transported. Therefore, an amount of Rupees Two Lakh was imposed in accordance of provision of Uttarakhand Mineral Rules 2021, and about Rupees 3,48,915/- is proposed to be levied on the



Purohit of Kedarnath Sabha for the alleged use of their JCB in the above-said unauthorized mining.

9. It is submitted that the matter is related to enforcement/implementation of various provision of Uttarakhand Minor Mineral Concession Rules 2023 and Uttarakhand Mineral Rules 2021 by various state agencies. It is further submitted that subject matter of news item pertains to the state of Uttarakhand, therefore, CPCB requested Uttarakhand Pollution Control Board (UKPCB) vide letter dated 25.07.2024 and 28.8.2024 to provide a report comprising factual status and action taken by concerned State Authority/Mining Department, UK in this matter and to ensure submission of their responses before Hon'ble NGT (PB). The copy of letter dated 25.07.2024 and 28.8.2024, are annexed herewith as ANNEXURE-2. Response from UKPCB has not yet been received.



10. That, the answering respondent herein craves leave of the Hon'ble Tribunal to file additional reply, in future, if required.
11. That, in view of the submissions made in preceding paragraphs, the answering respondent i.e. CPCB shall abide by the orders/directions passed by the Hon'ble Tribunal in the instant matter.

A handwritten signature in black ink, appearing to be "Nazimuddin".

Nazimuddin
Scientist 'F'
Central Pollution Control Board

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

ORIGINAL APPLICATION NO. 656/2024

In the matter of:

News Item titled 'अवैध खनन को लेकर खनन विभाग एवं राजस्व विभाग उखीमठ द्वारा की गयी बड़ी कार्यवाही, 3 लाख से अधिक का लगाया जुर्माना' appearing in Uttarakhand Samachar dated 03.05.2024.

AFFIDAVIT

I, Nazimuddin, working as Scientist 'F' in the Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No.-1 in the above matter, do hereby solemnly affirm, declare on oath and state as under: -

1. That I deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.

2. That the accompanying reply may be read part and parcel of the present affidavit.

3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.


DEPONENT

**नाज़िमउद्दीन / Nazimuddin
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Ministry of Environment, Forest And Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032**

VERIFICATION

23 SEP 2024

Verified at Delhi on this day of _____ 2024 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Noting has been concealed therefrom or mis-stated.

Log

DEPONENT

नाज़िमउद्दीन / Nazimuddin
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Min. Environment, Forest And Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032



ATTESTED
NOTARY PUBLIC
GOVT. OF INDIA
23 SEP 2024

नाज़िमउद्दीन / Nazimuddin
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Min. Environment, Forest And Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

Item No. 04

Court No. 1

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

Original Application No. 656/2024

News Item titled "अवैध खनन को लेकर खनन विभाग एवं राजस्व विभाग ऊखीमठ द्वारा की गई बड़ी कार्यवाही, 3 लाख से अधिक का लगाया जुर्माना" appearing in Uttarakhand Samachar dated 03.05.2024

Date of hearing: 01.07.2024

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

Respondent: None appeared

ORDER

1. This Original Application is registered *suo-moto* on the basis of the news item titled " अवैध खनन को लेकर खनन विभाग एवं राजस्व विभाग ऊखीमठ द्वारा की गई बड़ी कार्यवाही, 3 लाख से अधिक का लगाया जुर्माना " appearing in Uttarakhand Samachar dated 03.05.2024.

2. The news item relates to illegal mining being done in Daida village in Pauri Garhwal district of Uttarakhand. As per the article, the Mining and Revenue Department conducted a surprise inspection and raid of the concerned area, on which the issue of illegal mining and transportation in village Makku area has come to light.

3. The news item states that during investigation, mining of minerals (soil-stone) was found by JCB machine in Makku Chopta Motorway land on the left side of the road in Mathiana Tok of village Makku. The news item further highlights that the mining activity was being carried out without any kind of permission from the concerned authorities. The article also highlights that a total of 672 cubic meters i.e. 1075.20 tons of

sub-minerals have been excavated. Furthermore, the total quantity of sub-mineral stone found at the site was 121.44 tons and the remaining quantity was already transported by the concerned offender. The Mining and Revenue Department has imposed a fine of Rs. 3,48,915 on the concerned person as well as the JCB that was being used for mining. The news item does not disclose any action taken by competent authority for imposition EC for damage caused by illegal mining.

4. The news item raises substantial issue relating to compliance of the environmental norms, especially compliance of the Environment (Protection) Act, 1986 and Sand Mining Guidelines, 2016.

5. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

6. Hence, we implead the following as respondents in the matter:

- (1). Uttarakhand Pollution Control Board, through its Member Secretary, Gaura Devi Bhawan, 46 B, IT Park Sahastradhara, Dehradun, Uttarakhand - 248 001.
- (2). Central Pollution Control Board, through its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032
- (3). District Magistrate, Pauri Garhwal Dhara Rd, Pauri, Dhandri Talli, Uttarakhand - 246 001.

7. Issue notice to the above respondents for filing their response at least one week before the next date of hearing.

8. Having regard to the encroachment and extent of illegal mining as reflected in the news item and the photographs depicted therein, we deem

it proper to form a joint Committee comprising of the representative of the Member Secretary, UPPCB; RO, MoEF&CC, Chandigarh and the District Magistrate, Pauri Garhwal. The District Magistrate, Pauri Garhwal will act as coordinating agency in the Committee. The joint Committee will visit the site, ascertain the correct position, the truthfulness of the facts disclosed in the news item as mentioned above and the extent of illegal mining which has been done in the area concerned and also suggest the remedial action and submit the action taken report before the Tribunal within eight weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

9. List on 25.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 01, 2024
Original Application No. 656/2024
SN



24

Annexure- II

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA
अनुस्मारक 1

स्पीड पोस्ट / ई-मेल

क्र. CPCB/Mining/CM-13011/168/2024/ 992

दिनांक: 24.08.2024

सेवा में,

सदस्य सचिव,
उत्तराखंड प्रदूषण नियंत्रण बोर्ड,
गौरा देवी भवन, 46-बी,
आईटी पार्क, सहस्रधारा,
देहरादून, उत्तराखंड - 248001

विषय: माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा योजित ओ.ए. क्र 656/2024 में पारित आदेश दिनांक: 01.07.2024 के संदर्भ में।

महोदय,

यह सीपीसीबी के पत्र संख्या सीपीसीबी/खनन/सीएम-13011/168/2024 दिनांक 25.7.2024 के क्रम में है (प्रतिलिपि संलग्न)। उपर्युक्त पत्र के द्वारा सीपीसीबी ने ओ.ए. क्रमांक 656/2024 में माननीय एनजीटी के आदेश दिनांक 1.07.2024 के अनुपालन के लिए संबंधित जिला एजेंसी/खनन विभाग से संपर्क करने एवं आख्या प्राप्त कर उपलब्ध कराने का अनुरोध किया गया था, जो अभी भी लंबित है।

अतः पुनः अनुरोध है संदर्भित विषय पर आख्या प्राप्त कर अतिशीघ्र उपलब्ध कराने का कष्ट करें।

संलग्नक: उपरोक्तानुसार

प्रतिलिपि:

क्षेत्रीय निदेशक (लखनऊ),
केन्द्रीय प्रदूषण नियंत्रण बोर्ड (क्षेत्रीय निदेशालय)
पिकप भवन, विभूतिखंड, गोमती नगर,
लखनऊ, उत्तर प्रदेश (226010)

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत... 29/8/2024
दिनांक...

भवदीय,
29/8/2024
(नाज़िमउद्दीन)
वैज्ञानिक - 'एफ' एवं
प्रभागीय प्रमुख, आई.पी.सी-II
g/c

'परिवेश भवन' पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA

स्पीड पोस्ट / ई-मेल

CPCB/Mining/CM-13011/168/2024/

दिनांक: 25.7.2024

800

सेवा में,

सदस्य सचिव,
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड,
गौरा देवी भवन, 46-बी,
आईटी पार्क, सहस्त्रधारा,
देहरादून, उत्तराखण्ड - 248001

विषय: माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली, द्वारा योजित ओ.ए. क्र 656/2024 की दिनांक: 01.07.2024 में पारित आदेश के संदर्भ में।

महोदय,

कृपया इस पत्र के साथ संलग्न माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली, के ओ.ए. क्र. 656/2024 में पारित आदेश दिनांक: 01.07.2024 एवं संबंधित नोटिस (प्रति संलग्न) का संदर्भ ग्रहण करने का कष्ट करे। उक्त आदेश द्वारा तीन प्रतिवादी - उत्तराखण्ड राज्य प्रदूषण नियंत्रण बोर्ड, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, जिला मैजिस्ट्रेट पौड़ी गढ़वाल (उत्तराखण्ड), बनाये गये हैं एवं सदस्य सचिव, उत्तराखण्ड राज्य प्रदूषण नियंत्रण बोर्ड, MoEF&CC IRO चंडीगढ़, जिला मैजिस्ट्रेट, पौड़ी गढ़वाल की संयुक्त समिति गठित करने हेतु निर्देश भी पारित किये गये है।

आदेश के प्रस्तर क्र-6 के अनुसार अगली सुनवाई दिनांक-25.09.2024 से पूर्व प्रतिवादियों को अपने जवाब जमा करने हैं। अतः अनुरोध है कि केन्द्रीय प्रदूषण नियंत्रण बोर्ड का जवाब तैयार करने हेतु संबंधित जिला प्रशासन / खनिज विभाग से संपर्क स्थापित कर संदर्भित विषय पर आख्या प्राप्त कर अतिशीघ्र उपलब्ध कराने का कष्ट करे।

भवदीय,

(नाज़िमउद्दीन)

वैज्ञानिक - 'एफ' एवं

प्रभाग प्रमुख, आई.पी.सी.-II

6/c.

संलग्नक: उपरोक्तानुसार

प्रतिलिपि:

क्षेत्रीय निदेशक (लखनऊ),
केन्द्रीय प्रदूषण नियंत्रण बोर्ड (क्षेत्रीय निदेशालय)
पिकप भवन, विभूतिखंड, गोमती नगर,
लखनऊ, उत्तर प्रदेश (226010)

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत N. Singh
दिनांक 26/7/2024

'परिवेश भवन' पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in