

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 662 OF 2024**

IN THE MATTER OF:

Gopal Chandra Vanwassi

Applicant


Versus

Ministry of Mines

Respondent(s)

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**Filed by Adv. Vikrant Niles Goyal
(on behalf of Central Pollution Control Board)
5 Prem Nagar Market, Tyagraj Nagar,
New Delhi 110003
9953228888
v.n.goyal@gmail.com**

Place: Delhi

Dated: 13.09.2024

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**REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD
(CPCB) i.e. RESPONDENT NO. 1**

1. That, the Hon'ble NGT vide order dated 04.07.2024 and notice dated 19.07.2024 has sought the reply of CPCB in the instant matter. Thereby, the reply is made in succeeding paragraphs.

That, at the outset, the answering respondent denies all claims, contentions, allegations and averments against it in the above Original Application (OA) contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial save any averment which has been expressly admitted hereinafter.

3. That, CPCB is a statutory Board constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "Water Act, 1974"). It performs the functions under the Water Act, 1974,



the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "Air Act, 1981") and the Environment (Protection) Act, 1986.

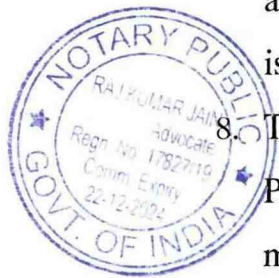
PRELIMINARY SUBMISSIONS

4. That this Original Application has been registered based on a Letter Petition dated 28.05.2024 sent by one Gopal Vanwassi complaining about operation of mining leases for *Khadia* (lime stone/soap stone) in Bageshwar district in high Himalayas in violation of norms, undertaking of illegal mining and causing damage to river Pungar. Hon'ble Tribunal (PB), vide its order dated 31.05.2024 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 Mining Officer, Bagheswar; District Magistrate, Bagheswar; Regional Office, MoEF&CC, Chandigarh, as respondents. Hon'ble NGT (PB) has also directed Regional Office, MoEF&CC to get the site inspection done, ascertain the correct position and submit a comprehensive report at least one week before the next of hearing i.e. 23.9.2024.
5. It is submitted that, 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 a State including illegal mining. Under Section 23(c) of the Mining and Mineral (Development & Regulation) Act 1957, 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.



6. It is submitted that as per the Environmental Impact Assessment notification-2006 (hereinafter referred to as " EIA"), all 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).
7. That no comments are offered by this answering Respondent over the the averment made in the Original Application (Letter Petition) which is related to the declaration of district Bagheswar as Zone -V for seismic activity, by Uttarakhand State Disaster Management Authority and issuance of Mining lease by the concerned District Authority.


8. That the averments made in Point 2 to 7 of the Original Application (Letter Petition) are regarding alleged construction of motorways, dumping of mining muck into river, monitoring of green belts, air and water pollution in the region, environmental imbalances owing to mining activities, loss of bio-diversity, and use of heavy machinery/equipment for deep mining. In this regard, it is humbly submitted that the subject matter of news item pertains to the state of Uttarakhand, thereby, CPCB has requested UKPCB vide letter dated 28.06.2024 and e-mail dated-02.07-2024 and 5.9.2024 to provide a report comprising factual status and action taken by Mining Department and UKPCB in this matter and to ensure submission of their responses before Hon'ble NGT (PB). Response from them in this regard is awaited. The copy of letter dated 28-06-2024 and emails are annexed herewith as **ANNEXURE-1**.



It is further submitted 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).

That, the MoEF&CC vide notification no. S.O. 637 (E) date: 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.

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 SPCBs.

- 
9. That the averments made in Point No.8 of the O.A. are regarding the alleged use of funds allocated for disaster (natural origin) management in the region for managing human generated disaster caused due to mining whereby no comments are offered over the same from this Answering Respondent.
 10. That no comments are offered over the averments made in Point No.9 of the O.A which are cautionary in nature.
 11. That no comments are offered over the averments made in Last Paragraph of the Original Application being Prayer and the Relief, sought by the applicant from Hon'ble Tribunal.
 12. That, the answering respondent herein craves leave of the Hon'ble Tribunal to file additional reply, in future, if required.

13. 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.



Nazimuddin
Scientist 'F'

Central Pollution Control Board



राजकुमार जैन, अधिवक्ता
नियुक्ति संख्या 17827/19
केंद्र, प्रदूषण नियंत्रण बोर्ड, नई दिल्ली
संस्थापित दिनांक 22-12-2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 662 OF 2024**

IN THE MATTER OF:

Gopal Chandra Vanwassi

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Versus

Ministry of Mines

Respondent(s)

AFFIDAVIT

I, Nazimuddin, working as Scientist 'F' in 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, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am 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)
 (Mo Environment, Forest And Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION:

13 SEP 2024

Verified at New 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. Nothing has been concealed therefrom or mis-stated.


DEPONENT**ATTESTED**NOTARY PUBLIC
GOVT. OF INDIA

13 SEP 2024

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

Re: Compliance of Hon'ble NGT-PB order dated 31.5.2024 in O.A. No. 662/2024

ME Me <vkupadhyay.cpcb@gov.in>
Thu, 05 Sep 2024 4:55:05 PM +0530 •
To "msukpcb" <msukpcb@yahoo.com>
Cc "Nazim uddin" <nazim.cpcb@nic.in>, "CPCB RD
LUCKNOW" <rdlucknow.cpcb@gov.in>, "Puneet Tyagi" <puneettyagi.cpcb@gov.in>

To

The Member Secretary,
Uttarakhand Pollution Control Board,
Gaura Devi Bhawan, 46 B, IT Park,
Sahastradhara, Dehradun – 248 001.

Sub: Compliance of Hon'ble NGT-PB order dated 31.5.2024 in O.A. No. 662/2024

Sir,

Hon'ble NGT vide order dated 31.05.2024 (copy attached) in O.A. No. 662 of 2024 impleaded five respondents: Member Secretary CPCB, Member Secretary UKPCB, District Mining Officer (Bageshwar), District Magistrate (Bageshwar) and RO-MoEF&CC (Chandigarh), and directed them to file their response at least one week before the next date of hearing i.e., 23.09.2024.

In this regard, CPCB vide letters dated 28.06.2024 and e-mail dated-2.07.2024 requested UKPCB to provide a report in this regard comprising factual status and action taken by Mining Department and UKPCB. The report has not been received and therefore, CPCB does not have any factual report from concerned district level officers.

In view of above, it is requested to ensure submission of your response before Hon'ble NGT (PB) Delhi, as per order dated 31.05.2024.

Yours faithfully,

(Nazimuddin)
Director & Divisional Head-IPC-II

---- On Tue, 02 Jul 2024 14:31:27 +0530 **VINAY KUMAR UPADHYAY**
<vkupadhyay.cpcb@gov.in> wrote ---

CM-13011/155/2024-LAW-HO-CPCB-HO

Date: 2.7.2024

To

The Member Secretary,
Uttarakhand Pollution Control Board,
Gaura Devi Bhawan, 46 B, IT Park,

Sahastradhara, Dehradun – 248 001.

Sub: Compliance of Hon'ble NGT-PB order dated 31.5.2024 in O.A. No. 662/2024

Sir,

Hon'ble NGT-PB has taken up a suo motu matter based on a letter petition dated 28.05.2024 by Shri Gopal Vanswassi, Tehsil Garood, District Bageshwar, Uttarakhand, wherein, it is alleged that the lime stone mining lease holders in the high Himalayas and hilly region of Bageshwar, Uttarakhand, have constructed temporary motor ways and have also diverted the continuous flow of river Pungar (tributary of river Saryu) and polluting the water by throwing the muck which comes out from the mines into river. It is also alleged that these mining lease holders are not complying with the norms, have not developed the green belt and they are doing illegal mining by using heavy machine.

Hon'ble NGT-PB has impleaded CPCB, SPCB, District Mining Officer, District Magistrate and RO-MoEF&CC (Chandigarh) as respondent and issued notice for filing the response and listed the matter for next hearing on 23.9.2024.

You are requested to provide a report in this regard comprising factual status and action taken by Mining Department and UKPCB, at the earliest, preferably within one month.

Yours faithfully,

(Nazimuddin)
Director & Divisional Head-IPC-II

☺ ☐☐ **2 Attachment(s)** • [Download as Zip](#) • [Add To](#) >



CPCB letterdt 28.6.2024_U... .pdf
403.1 KB • 🔒



NGT order dt 31.5.2024_OA....pdf
153.2 KB • 🔒

Item No. 14

Court No. 1

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

Original Application No. 662/2024

Gopal chandra Vanwassi

Applicant

Versus

Ministry of Mines & Ors.

Respondent(s)

Date of hearing: 04.07.2024

**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: Mr. Vikrant N. Goyal, Adv. for CPCB (Through VC)

ORDER

1. The Tribunal vide order dated 31.05.2024 entertaining the letter petition had impleaded the respondents and had issued notice.

2. Today the matter is listed for correcting the description of the respondent no. 5 on the basis of the office report. Since the matter relates to District Bageshwar Uttarakhand therefore the deprecation of respondent no. 5 is corrected and R.O. MoEF & CC, Deharadun is impleaded as respondent no. 5. Let notice be issued to the respondent on the correct description.

3. Learned Counsel appearing for respondent no. 1 seeks four weeks time to file reply.

4. List on 23.09.2024

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 04, 2024
O.A. No. 662/2024
HB