

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH, NEW DELHI  
I.A. NO. 784 OF 2023  
IN  
APPEAL NO. 32 OF 2023**

**In the matter of:****Sandeep Kumar****...Appellant****Versus****State of Haryana and Others****...Respondents****INDEX**

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**FILED BY****THROUGH**


**SAURABH RAJPAL  
(ADVOCATE FOR RESPONDENT NO.6)**

**OFFICE:-D-206, 2<sup>ND</sup> FLOOR,**

**LAJPAT NAGAR I,  
NEW DELHI-110024**

**MOB: -9971792885**

**E-MAIL: -[advocatesaurabhrajpal@gmail.com](mailto:advocatesaurabhrajpal@gmail.com)**

**PLACE – NEW DELHI****DATE - 28.01.2024**

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL  
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I.A. NO. 784 OF 2023  
IN  
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**In the matter of:**

**Sandeep Kumar**

**...Appellant**

**Versus**

**State of Haryana and Others**

**...Respondents**

**REPLY ON BEHALF OF RESPONDENT NO.6 M/S SATISH  
KUMAR GARG AND COMPANY TO THE APPLICATION FOR  
CONDONATION OF DELAY**

**MOST RESPECTFULLY SHOWETH**

1. That the Respondent No.6 is filing the present reply to the aforesaid application in Appeal No. 32 of 2023 as the period of 30 days provided under Section 16 of the National Green Tribunal Act, 2010 ("NGT Act") has lapsed and as a result the Appellant has filed the aforesaid miscellaneous application for condonation of delay without providing any cogent reason for the delay of 41 days beyond the period of 30 days.
2. That the NGT Act in the proviso to section 16 clearly provides only in cases where the Appellant was prevented by sufficient cause from filing the said appeal within the given period of thirty (30)

days that the Hon'ble Tribunal may allow it to be filed within a maximum period of sixty (60) days in addition to the thirty (30) days. It is submitted that the Appellant has not provided any such 'sufficient cause' for the delay beyond thirty (30) days in filing the appeal though the EC under challenge was granted on 02.08.2023. Moreover, the specific reason which has been mentioned in the application is that the Appellant got the knowledge of EC on 15.09.2023 without placing on record any evidence qua the same.

3. It is worthwhile to mention that the public hearing of the project in question took place on 04.10.2021 and for the said public hearing, notice was also published in the newspaper. Moreover, during the public hearing, the Appellant was very much aware about the project in question and in fact the Appellant gave no objection for the project in question during the public hearing.
4. That in reply to the averment in the captioned Application that the Appellant gathered the information on 15.09.2023 is completely false as the Appellant was one of the active members in the public hearing conducted on 04.10.2021 and also got his statement recorded in favour of grant of lease to the answering Respondent. However, in the present Application, the Appellant is pretending as if there was no knowledge. A copy of the relevant pages of the public hearing occurred on 04.10.2021 depicting the presence of the

Appellant is annexed herewith and marked as **ANNEXURE R-1(Colly)**.

5. That to merely admit that there has been a delay of Forty-One (41) days beyond the thirty (30) days is not sufficient for the condonation of delay and it is a deliberate strategy on behalf of the Appellants to delay and create hurdles in the project which has been long pending due to unsubstantiated claims and unfounded concerns regarding environment.
6. It is most humbly submitted that the Hon'ble Court or Tribunal must exercise its discretion and not condone delay in all cases that are brought before it has also been established by the Hon'ble Supreme Court, which in the case of ***Balwant Singh (Dead) Vs. Jagdish Singh and Ors. (2010) 8 SCC 685*** while dealing with expression '*sufficient cause*', elaborately stated the principles of condonation of delay and observed that:

*"34. Liberal construction of the expression 'sufficient cause' is intended to advance substantial justice which itself presupposes no negligence or inaction on the part of the applicant, to whom want of bona fide is imputable. There can be instances where the Court should condone the delay; equally there would be cases where the Court must exercise its discretion against the applicant for want of any of these*

*ingredients or where it does not reflect 'sufficient cause' as understood in Jaw."*

*"35. The expression "sufficient cause" implies the presence of legal and adequate reasons. The word "sufficient" means adequate enough, as much as may be necessary to answer the purpose intended. It embraces no more than that which provides a plentitude which, when done, suffices to accomplish the purpose intended in the light of existing circumstances and when viewed from the reasonable standard of practical and cautious men. The sufficient cause should be such as it would persuade the court, in exercise of its judicial discretion, to treat the delay as an excusable one. These provisions give the courts enough power and discretion to apply a law in a meaningful manner, while assuring that the purpose of enacting such a law does not stand h frustrated".*

In view of the above facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the present application as sufficient cause has not been provided for the condonation of delay and pass any other orders as this Hon'ble Tribunal may deem appropriate in the interest of justice.

7. That the supporting Affidavit is being filed along with this Reply.

**FILED BY****THROUGH****SAURABH RAJPAL  
(ADVOCATE FOR RESPONDENT NO.6)****OFFICE:-D-206, 2<sup>ND</sup> FLOOR,****LAJPAT NAGAR I,****NEW DELHI-110024****MOB: -9971792885****E-MAIL: -[advocatesaurabhrajpal@gmail.com](mailto:advocatesaurabhrajpal@gmail.com)****PLACE – NEW DELHI****DATE - 28.01.2024**

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
I.A. NO. 784 OF 2023  
IN  
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**In the matter of:**

SANDEEP KUMAR

...APPELLANT

Versus

STATE OF HARYANA AND OTHERS

...RESPONDENTS

**AFFIDAVIT**

I, Mr. Satish Kumar, S/o Sh. Ajudhya Prasad, Age About 61 Years, R/o 299/4, Ward no. 12, Purani Mandi, Nanaul, Mahendragarh, Haryana- 123001 do hereby solemnly affirm and declare as under:

1. That I am authorized representative of the Respondent No. 06 and am well conversant with the facts and circumstances of the case and thus competent to swear this affidavit.

That the accompanying Reply has been drafted by my counsel under my instruction based on knowledge and I affirm that statement of facts made herein are true and correct to my knowledge.

3. That the Annexures R/1 to R/\_\_\_ runs from page 7 to page 15 are true and correct.
4. That the contents of the said Reply be read as part of this affidavit and same are not repeated here for the sake of brevity.

*Satish Kumar*

**DEPONENT**

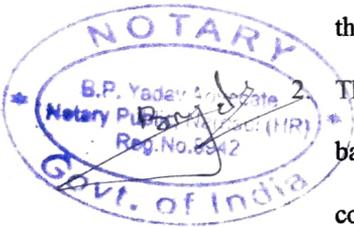
**VERIFICATION:**

Verified at \_\_\_\_\_ on this \_\_\_\_ day of January 2024 that the contents of my aforesaid affidavit are true and correct to my knowledge. No part of it is false nor anything material has been concealed therefrom.

*Satish Kumar*

**DEPONENT**

ATTESTED  
*B. P. Yadav* 26/1/2024  
B.P. YADAV Advocate  
Notary Public, Nanaul



**Proceeding/Minutes of Public Hearing of M/s Satish Kumar Garg & Company, for (ML Area: 79.32 ha) with Production Capacity Quartz: 0.14 MTPA, Feldspar: 0.52 MTPA, Barites: 0.001 MTPA, Quartzite & Stone (Road Metal & Masonry Stone): 8.42 MTPA & Soil: 1.0 MTPA, (Total Excavation: 10.081 MTPA) along with 4 Mobile Crushers with (4 x 300) TPH Capacity at Khasra No. 599, 600, 601, 626, 627, 628, 648 and 649, Village: Musnota, Tehsil: Narnaul, District Mahendergarh held on 04.10.2021 at 11.00 AM onwards at site:-**

The Public Hearing of M/s Satish Kumar Garg & Company, at Khasra No. 599, 600, 601, 626, 627, 628, 648 and 649, Village: Musnota, Tehsil: Narnaul, District Mahendergarh was held at site Village: Musnota, Tehsil: Narnaul, District Mahendergarh under the Chairmanship of Sh. Ajay Kumar, IAS, Deputy Commissioner, Mahendergarh.

The above mentioned proposed mining project pertains to opencast stone mining along with associated minerals (ML Area: 79.32 ha) with Production Capacity Quartz: 0.14 MTPA, Feldspar: 0.52 MTPA, Barites: 0.001 MTPA, Quartzite & Stone (Road Metal & Masonry Stone): 8.42 MTPA & Soil: 1.0 MTPA, (Total Excavation: 10.081 MTPA) along with 4 Mobile Crushers with (4 x 300) TPH Capacity on Khasra No. 599, 600, 601, 626, 627, 628, 648 and 649 at Village: Musnota, Tehsil: Narnaul, District Mahendergarh. The project proponent is required to obtain the Environmental Clearance under EIA Notification of Ministry of Environment & Forest, Govt. of India, New Delhi dated 14.09.2006 & subsequently amendments issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India, New Delhi.

The area of project is falls under Category A "as the interstate boundary Haryana-Rajasthan state boundary (Approx. 3 KM) from the lease boundary". Public hearing advertisement was published in local newspaper in Hindi and also in National Newspaper. The publicity in regard to public hearing was also made via Munadi by the Chowkidar in and around the local villages near the proposed mining project site. The advertisement was also uploaded on the website of the board i.e. [www.hspcb.gov.in](http://www.hspcb.gov.in) for awareness and vide publicity of the public hearing to be conducted at site. The news regarding public hearing was also published in local newspaper Dainik Bhaskar, Dainik Jagran and Hari Bhumi in English on dated 23.09.2021 along with receipt of "Munadi" are enclosed as Annexure-I.

The Attendance Sheet of Officers/Officials and public persons present in the Public Hearing is enclosed as Annexure-II.

The Copies of Executive summary of the project of M/s Satish Kumar Garg & Company, at Khasra No. 599, 600, 601, 626, 627, 628, 648 and 649, Village: Musnota, Tehsil: Narnaul, District Mahendergarh in Hindi & English were made available in the offices of Deputy Commissioner Mahendergarh at Narnaul, SDM Mahendergarh, Joint Director District Industries Centre Mahendergarh, DDPO Mahendergarh, Secretary MC Nangal Choudhary, DTP Mahendergarh at Narnaul, DFO Mahendergarh, DPRO Mahendergarh at Narnaul and Mining Officer Mahendergarh at Narnaul for reading of general public at large and for inviting the suggestions, comments and objections if any. Copies of Executive summary of the project were also distributed to the persons and officers present at site during Public Hearing and presentation was given to the audience by M/s J.M. EnviroNet Pvt. Ltd., on behalf of the Project Proponent. A complaint/suggestions has been received during course of public hearing at site which are enclosed herewith as Annexure-III.

The minutes of the Public Hearing are as under:-

At the very outset of Public Hearing Sh. Sandeep Singh, Regional Officer, Haryana State Pollution Control Board, Dharuhera Region welcomed Sh. Ajay Kumar, IAS, Deputy Commissioner, Mahendergarh, other officers from different departments, Sarpanches, Panches and general public on behalf of Haryana State Pollution Control Board. Thereafter, the proceedings after seeking the permission of Deputy Commissioner, Mahendergarh was started. He apprised the requirement of Public Hearing in detail for this proposed mining project as per provisions of EIA Notification dated 14.09.2006 & subsequently amendments issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India, New Delhi and also thoroughly explained about the process of public hearing to the general public present at site. He then requested the Project Proponent to give presentation of the project and explain in detail about each & every aspect of the project.

Thereafter, the representative of M/s JM EnviroNet. Pvt. Ltd (Environment Consultant) on behalf of the Project Proponent given presentation of this proposed stone mining project in detail to the audience present at site. After completion of presentation Sh. Sandeep Singh, Regional Officer, HSPCB, Dharuhera Region invited the suggestions/comments and objections of the public pertaining to the

proposed mining project of M/s Satish Kumar Garg & Company which are given as under:-

**Question Raised by Public & reply/ commitment of project proponent.**

**Sandeep Kumar S/o Mr. Mudaram, Village Musnota** – He stated that the persons who are opposing the said proposed project are already engaged in the business of mining activity and installed stone crushing units then why they are opposing the said proposed mining project and misleading the villagers and due to running of the said proposed project they and nearby villagers will get employment and unemployment of the village will be removed and the infrastructure of the village will also get developed. He further stated that previously we are not aware about the said proposed mining project and do not know the benefits/ loses due to running of the said project.

**Sh. Sandeep Singh, Regional Officer, HSPCB, Dharuhera Region** – The Regional Officer has requested to the general public at site to raise their concern and scientifically reply will be given to them.

**Malaram S/o Mr Gyarsa Ram, Village Musnota** – He stated that due to this project the area will get employment.

**Mahesh S/o Matadeen, Village Musnota** – He stated that he has no problem due to running of this proposed mine project.

**Project Proponent** - The representative of the proposed project, Shri Gopal Sharan said that due to the running of this mine, the people of the village will be given priority according to their need and ability and for the development of the village, training for the skill development of the youth will be done. And what possible support will go to Gaushala. He assured that the suggestions received for the development of the village with your cooperation, they will be duly followed and fulfilled.

At the end Mr. Ajay Kumar, IAS, Deputy Commissioner, Mahendargarh at Narnaul addressed the public and said that mining activities will be carried out as per the Govt. Norms/regulations after getting permissions from the Government by the project proponent. This public hearing has been organized to know the suggestions/objections of the nearby residents. Along with this, detailed information related to the mining activities has been shared by Environmental Consultant on behalf of the project proponent, what type of activities will be done and what are the

Rules/provisions have to be followed by the project proponent and we have different departments to monitor the project, which are mainly contains Pollution Control Board, Forest Department and Mining Department. Apart from this, mining lease has been allotted under the Government Rules. There should not be any apprehension about this project, because after checking all the papers/documents, the permission letter has been issued by the Forest Department and as per their letter, the area (79.32 Ha) is not under Aravali plantation. A letter has also been received from the Forest Department in this regard. After that the Terms of Reference (TOR) letter has been issued by the Ministry of Environment, Forest and Climate Change. Further the project proponent has already applied for the diversion of forest land for the passage and the mining activity will be started only after getting all the necessary applicable permissions.

Thereafter, Sh. Sandeep Singh, Regional Officer, Haryana State Pollution Control Board, Dharuhera Region invited any more objections/ comments/ suggestions if any from the public present at site. But no more question/ suggestion were raised by any person. Thereafter he concluded the public hearing after seeking permission of the Deputy Commissioner-cum- Chairman of Public Hearing.

**Conclusive Remarks and suggestions:**

- 1 The project proponent will obtain all applicable NOC/permission from Forest Deptt. /Govt. of India as per Aravali Notification/Forest Act and all other requisite clearances from the respective applicable Departments. The project proponent shall not start any mining activity unless until they obtain all requisite clearances from the concerned Departments. No activity/mining is allowed to be done for the area comes under Aravali plantation/prohibited area under any act of law/order of any Court of law.
- 2 The project proponent will take proper measures to address all the issues raised in public hearing.
- 3 The project Proponent will follow all the provision of Law/Act, EIA Notification dated 14.09.2006 & subsequently amendments issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India, New Delhi and all other applicable mandates of the Govt./Board/Hon'ble Courts issued time to time.
- 4 The project proponent will strictly comply all the conditions of TOR (Terms of Reference) of the respective authority besides compliance of all other applicable mandates.

5 Project proponent will strictly adhered to all commitments committed and submit required clearance as referred during public hearing.

The hearing was ended by vote of thanks the Chair and all the officers and general public for attending the public hearing.

Submitted for approval of the minutes of public hearing.

  
7/10/21.  
**Regional Officer,  
Dharuhera Region**

  
14.10.21  
**Deputy Commissioner  
Mahendergarh at Narnaul**

सूअनोला गाँव खेव आरूपार की दाणियों के निवासी,  
 रिधा०॥ अश्वार द्वारा अलॉट की गि 74.32 हेक्टर भूमि  
 जो कि अतीश कुमार गार् शेड क० को खनन कार्य  
 के लिये अलॉट की हुई है, इस लीज के चलने में  
 हम गाँव वालों को कोई आपत्ति नहीं है। लीज के चलने  
 से गाँव का विकास होगा व गाँव के नौजवानों का  
 रोजगार मिलेगा। इस लीज में खनन कार्य चालू होने  
 में हम गाँव वालों की पूर्ण रूप से सहमती है।

५/१०/२१

Sandeep 8708343105

सचिन 8053327826

लालचन्द = 9996678011

विजयकिशोर = 7027926486

रुण सिंह = 8306220040

उज्ज्वल = 8000082286

Sachin = 8397862446

शक्ति = 9817437060

Akash Gupja => 8814944853

सुरेश कुमार - 9729343216

अनुराग गुजर - 9001822995

Lucy - 9671549103

विकास - 8571962053

एवाशि 9466230462  
 SAHAL RAM 9050680664

# HARYANA STATE POLLUTION CONTROL BOARD

C-11, SECTOR-6, PANCHKULA

Ph- 0172 -2577870-73, Fax No. 2581201

E-mail: [hspcbhazardouswaste@gmail.com](mailto:hspcbhazardouswaste@gmail.com)

## NOTICE FOR PUBLIC HEARING

It is for the information to all concerned that M/s Satish Kumar Garg & Company at village - Musnota, Tehsil-Narnaul, District Mohindergarh, has proposed the Mine (ML Area: 79.32 ha) with Production Capacity Quartz: 0.14 MTPA, Feldspar: 0.52 MTPA, Barltes:0.001 MTPA, Quartzite & Stone (Road Metal & Masonry Stone): 8.42 MTPA & Soil: 1.0 MTPA, (Total Excavation: 10.081 MTPA) along with 4 Mobile Crushers with (4 x 300) TPH Capacity. The project proponent mentioned above has applied to the Haryana State Pollution Control Board for conducting the Public Hearing for the above proposed mine. Accordingly the Public Hearing for the above said project has been fixed on 04.10.2021 at 11:00 A.M. at Village: Musnota, Tehsil: Narnaul, Dist. Mohindergarh.

Copies of executive summary of the project report and EIA study report, submitted by the project proponent, are available in the Head Office of the Board and website of the Board i.e <https://hspcb.gov.in/>, as well as in the following offices, which can be pursued during office hours, on any working day:-

1. Deputy Commissioner, Mohindergarh at Narnaul.
2. Regional Officer, Dharuhera, Haryana State Pollution Control Board, Lala Nemi Chand Singhal Enc. Sohna Rd, Near Hanuman Mandir, Dharuhera.
3. Chairman Zila Parishad, Mohindergarh at Narnaul.
4. Executive Officer, Municipal Council, Narnaul.
5. Joint Director, District Industries Centre, Mohindergarh at Narnaul.

Notice is hereby given to all concerned to file suggestions, views, comments and objections, if any, on the above said proposed project, to the Chairman, Haryana State Pollution Control Board, C-11, Sector-6, Panchkula as well as Regional Officer, Dharuhera, Haryana State Pollution Control Board, Lala Nemi Chand Singhal Enc. Sohna Rd, Near Hanuman Mandir, Dharuhera within 30 days of the publication of this notice. Besides, a Public Hearing will also be held on the Date, Time & Venue mentioned above at the proposed site of the project, which can be attended by any person including Environmental Groups, bona fide residents and others, located at the project site/sites of displacement/sites likely to be affected. Oral/Written suggestions, if any, can also be made during the Public Hearing.

No TA/DA will be admissible for attending the Public Hearing.

**S Narayanan,**

**Member Secretary, IFS**

PRDH/1209/11/14/2022/4492/31/4

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ਲਈ ਮਿਤੀ 17.0  
ਜਾਂਦੀ ਹੈ। ਵਧੇਰੀ  
ਦੇਖਿਆ ਜਾ ਸਕਦ  
DPR/Pb/7320



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15.30. All other  
For detail please

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#### Tender

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2	P & all
3	Con ted at L
4	Req line

Closing Date  
Closing Date  
For detail log

DPR/Pb/7330



## PUNJAB HEALTH SYSTEMS CORPO

E-Block 2nd Floor Phase 8 (Sector 62) SAS

Public Hearing of A/S. Sadash 229  
with musnotg - n/cen

Kumar Gang & Company  
Dated 4-10-2021

Sl. No.	Name	Address	Mobile No.	Signature
1	Ganesh Kumar	Dham Sadha ki	9728097620	Ganesh Kumar
2	जयशंकर	लोहावाडी	8684845297	जयशंकर
3	श्रीमोहन	हानी राधा की	870 819 8875	श्रीमोहन
4	परशुराम	हानी राधा की	9996345018	परशुराम
5	Samesh	Dham Sadha ki	9992631121	Samesh
6	Ganesh Kumar	" " "	9728097620	Ganesh Kumar
7	Malaban	" " "	9992229421	Malaban
8	राजवीर	" " "	7056040807	राजवीर
9	सुधाराज	" " "	8059559674	सुधाराज
10	अनवरत	" " "	9671913528	अनवरत
11	अजित	" " "	9467099071	अजित
12	राजवीर	" " "	9416879745	राजवीर
13	सुदेश कुमार	" " "	8700526224	सुदेश
14	अनवरत	सुदेश की हानी	8222001375	अनवरत
15	अनवरत	मियाभानपुर	8307819481	अनवरत
16	Sanjay	Nagan Dargu	8059810256	Sanjay
17	Ashok chandela	Nagan Dargu	9896785243	Ashok chandela
18	Rahul chandela	Mandota	8572875856	Rahul chandela
19	सुधाराज	मुसनाली	9671339838	सुधाराज
20	manu	मुसनाली	9922228591	manu
21	Blairy Singh	मुसनाली	8818035603	Blairy Singh
22	शिवरामपाल	मुसनाली	8707573917	शिवरामपाल
23	Ram Singh Chauhan	मुसनाली	7410920827	Ram Singh Chauhan
24	सुधाराज	" "	7467825668	सुधाराज
25	राजेश कुमार	मुसनाली	8708233341	राजेश कुमार

Name	Address	Mobile No.	Singer
52. Leela Ram Sanyal	मुम्बई (Mumbai)	9588501227, 9671137702	Leela Ram Sanyal
53. रामेश्वर	मुम्बई	9588104698	Rameshwar
54. V. S. Singh	मुम्बई	8168934957	V. S. Singh
55. Rajesh	मुम्बई	9053123508	Rajesh
56. Mehendoo	मुम्बई	8930641699	Mehendoo
57. Radheyshyam	Ramdev ki dhani	8222001375	Radheyshyam
58. Sandeep Kumar	Mumbai	870 834 3105	Sandeep
59. Ansham Gyan	Mumbai	9001822995	Ansham Gyan
60. Suman Gyan	Mumbai	<del>8000</del> 8396962821	Suman
61. मनीष गुजर	"	8000082286	Munish
62. मनीष	"	8397 86 2446	Munish
63. मनीष	"	9813514993	Munish
64. लाला महलवान	"	9996678011	Lalawan
65. विक्रम	"	8107972370	Vikram
66. मुकुंद गुजर	"	9671925312	Mukund Gujer
67. मनीष गुजर	"	7082795305	Munish
68. राहुल शर्मा	"	9050804085	Rahul Sharma
69. राहुल गुजर	"	9671207108	Rahul
70. अनिल	"	870 834 3105	Anil
71. अशोक	"	"	Ashok
72. अशोक	"	"	Ashok
73. इवा सिंह	"	9466230462	Iva Singh
74. योगेश शर्मा	"	8295783158	Yogesh
75. इंदर राज गुजर	"	870 834 3105	Indar Raj
76. राजेश	"	9817437060	Rajesh
77. Mukesh	"	8571962053	Mukesh
78. Rajaram	"	8901541452	Rajaram