

**IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.**

Original Application No. 306 of 2022.

In the matter of:

Harbans Singh

Applicant

VERSUS

State of Haryana and others

Respondents

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(Rajesh Sangwan)

Dated: 30.11.2022.

Assistant Mining Engineer,
Yamuna Nagar.

Place: Yamuna Nagar

on behalf of respondent Nos. 1 and 2.

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**REPLY ON BEHALF OF RESPONDENT NO. 1 AND 2
i.e. STATE OF HARYANA THROUGH ASSISTANT
MINING ENGINEER, MINES & GEOLOGY
DEPARTMENT, YAMUNANAGAR, HARYANA.**

MOST RESPECTFULLY SHOWETH:

1. That the present application has been filed primarily against auction notice dated 27.04.2015 w.r.t. mining sites located at village Jaidhar and Mandewala district Yamuna Nagar.

The applicant has further prayed for quashing Environment Clearance dated 20.08.2018 issued to Respondent No.9 with respect to mining activities at village Jaidhar. The Applicant has also challenged the consent to operate dated 23.10.2021 granted by Haryana State Pollution Control Board in respect of mining sites at village Mandewala. The applicant has further challenged the CTE dated 25.10.2021 granted by HSPCB in respect of mining sites at village Jaidhar.

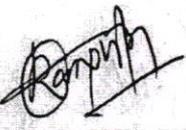
2. That it is most respectfully submitted that reliefs claimed by the applicant are hopelessly barred by limitation. The present application has been filed at this belated stage only to stop the legal mining in pursuance of the permissions granted by concerned statutory authorities.


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Thus, the OA appears to be filed with oblique motive to

cause wrongful loss to the State and to subserve his vested interests.

3. That it is humbly submitted that the applicant has challenged different permissions and notices granted/issued by different authorities in respect of two mining sites at two different villages. Thus, present application is not maintainable in view of Rule 14 of the National Green Tribunal (Practices and procedures) Rules, 2011. The said rule provides that an application or appeal, as the case may be, shall be based upon a single cause of action and may seek one or more relief provided that they are consequential to each other. It is submitted that permissions granted by different authorities at different times in respect of two different mining sites at different villages, thus the present application is not maintainable in present form and is liable to be dismissed.
4. That the applicant has challenged EC dated 20.08.2018 issued to project proponent. It is most respectfully submitted that firstly the remedy against grant of Environmental Clearance is under appeal under section 16 of National Green Tribunal Act, 2010 which requires filing of an appeal before this Hon'ble Tribunal within 30 days. However, to wriggle out from the bar of limitation, the applicant has taken recourse of the present Original Application which is not permissible in law. Hence, the present application is liable to be dismissed.
5. That the Respondent No.9 i.e. Sharanpur Mines Management Services Private Limited had participated in the e-auction on 06.07.2015 and 07.07.2015 conducted by Respondent No. 1 in pursuance of e-auction notice dated 15.06.2015 and submitted bids for grant of mining contracts for Mandewala and Jaidhar Mining Blocks located at District Yamunanagar, Haryana. The bid submitted by Sharanpur Mines Management Services Private Limited was duly accepted by Respondent No. 1 as the highest bid


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for the aforesaid mining blocks and the acceptance was duly communicated to respondent No. 9 by way of issuance of Letter of Intent dated 19.06.2015 & 20.07.2015 for Mandewala Block & Jaidhar Block respectively.

6. That after the grant of contract to respondent no.9, the contractor took steps to obtain prior Environment Clearance from the SEIAA and Consent under the Air Act, 1981 and the Water Act, 1974 from the Haryana State Pollution Control Board.
7. That mining site of village Mandewala has been subjected to various other litigations before Hon'ble High court of Punjab and Haryana at Chandigarh including CWP no. 1010/2018 Sajjan Singh Versus State of Haryana. The Hon'ble High Court disposed off the said writ petition No.1010/2018 with directions to State of Haryana to look into matter and pass the speaking order. In compliance of order dated 14.01.2020 of the Hon'ble High Court, the then Director General of Mines and Geology Department of Haryana afforded hearing to all concerned parties and passed an order dated 13.09.2021 with respect to Mandewala mining site. The relevant para of order dated 13.09.2021 are being reproduced below.

"9. Sh. Sushil Kumar, Director of M/S Saharanpur mines management service private limited appeared along with his counsel appeared on 15.06.2021. Sh. Sushil Kumar at the outset submitted that few vested interests through Sh. Sajjan Singh were creating all kind of hurdles in let them undertake mining. He submitted that after grant of mining contract through transparent mode of e-auction conducted by the department, they took steps to seek EC. Despite hurdles created they could obtain EC on 27.06.2016 and when they applied for grant of CTE to the HSPCB, some persons misled the authorities in the HSPCB. They could manage in getting their CTE refused based

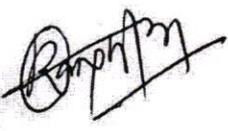

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on frivolous grounds. Due to which they could not commence mining operations.

10. He further submitted that they had to run from pillar to post to getting the litigation settled to get orders for grant of CTE/CTO resulting in huge financial losses and lost opportunity of business. They could get CTE/CTO after a period of more after more than about 18 months from the date of grant of EC. Even after getting the same could not have commenced mining operations as Sh. Sajjan Singh filed CWP no. 1010 of 2018 and obtained stay on mining on 16.02.2018. The matter remained pending before the Hon'ble High Court till 14.01.2020 when the State was directed to decide the related issues and pass speaking orders. In view of said litigation also they lost further time of about 2 years. Moreover, after passing of orders dated 14.01.2020 their case still not got decided. He submitted that as and when their case is taken up for consideration vested interests one way or other not let the authorities decide the same.

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18. In the light of above facts, it can be held that the mining contract of minor mineral mine namely Jaidhar Block/YNR B-34, district Yamunanagar granted over an area of 25.60 hectares to M/S Saharanpur mines management service private limited for a period of 08 years w.e.f. 20.07.2016 is valid and the contractor company is legally eligible to undertake mining after having all approvals such as EC and CTO. In case the CTO had expire they shall get the same extended from the HSPCB. In view of above the contract granted in favour of the M/S Saharanpur mines management service private limited is held as valid. However, the findings as above shall not have any findings with regards to contractual liabilities on the contractor company which commenced from 19.06.2016.


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22. It is also noted that orders of the Hon'ble high Court vide orders dated 14.01.2020 while disposing of the

CWP No. 1010 of 2018 Sajjan Singh v State of Haryana with direction to the respondent to look into the matter and pass a speaking order and also ordered that the orders of stay on mining shall continue till such time. Hence it is clear that with passing of speaking orders the same also stands vacated, so mining strictly as per rules and regulations can be undertaken."

The copy of order dated 13.09.2021 passed by Director General of Mines and Geology Department, Haryana is being annexed herewith as **Annexure R/1**.

8. That it shall be imperative to state that a CWP No. 1010 of 2018 was filed before Hon'ble Punjab & Haryana High Court, Chandigarh and it was directed to respondent No. 1 to pass a speaking order on the basis of contentions raised in the petition as well as the material on record.
9. That the order passed by the Director General, Mines & Geology Department, Haryana dated 13.09.2021 was challenged before the Hon'ble Punjab & Haryana High Court, Chandigarh vide CWP No. 19286 of 2021. However, the same was dismissed as withdrawn vide Order dated 28.09.2021. Copy of order dated 28.09.2021 is annexed herewith as **Annexure- R/2**.
10. That after the dismissal of CWP No. 19286 of 2021, this present Original Application No. 306 of 2022 has been filed before this Hon'ble Tribunal.
11. That in respect of mining block at village-Jaidhar, it is humbly submitted that the unit obtained NOC from District Town Planner, Yamuna Nagar vide memo dated 08.10.2021. Copy of NOC dated 08.10.2021 issued by District Town Planner, Yamuna Nagar is annexed as **Annexure R/3**. The mining shall be restricted to the Khasra Numbers stated to be not falling in Urban area or Controlled area.


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12. That a report on Aquifer Mapping and Management Plan by the Ministry of Water Resources, River Development and Ganga Rejuvenation Government of India was given in 2016. Relevant portion of the report (regarding water level observations regarding Toposheet, Latitude, Longitude, Depth of water level etc) of the report is annexed herewith as **Annexure R/4**.

It is also pertinent to mention here that as per Table- 2 of Water table data, it is clear that nowhere in the District Yamunanagar depth of water level is less than 3.10 meter. However, the areas where these mines are located, depth of water level is 10-20 meter as per figure 2 of Annexure R/4.

13. That in compliance of order dated 06.05.2022 by the Hon'ble Tribunal in present OA, the e-Rawaana Portal of both the minor mineral mines of Mandewala Block Yamunanagar and Jaidhar Block Yamunananager of District Yamunanager were got stopped on 20.05.2022 after approval of the Director General Mines & Geology, Panchkula.
14. That answering respondents craves liberty to file additional affidavit/reply as and when required, with kind permission of the Hon'ble Tribunal.


**Assistant Mining Engineer,
Mines and Geology Department,
Yamunanagar**

Place: Yamuna Nagar
Dated: 30-11-2022.

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

Original Application No. 306 of 2022

In the matter of:

Harbans Singh

Applicant

Versus

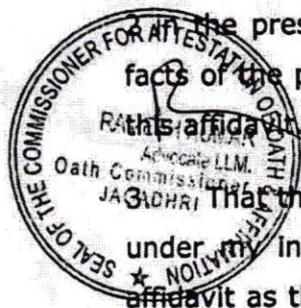
State of Haryana and others

Respondents

AFFIDAVIT

I, Sh. Rajesh Sangwan, Assistant Mining Engineer, Mines and Geology Department, Haryana, Panchkula do hereby solemnly affirm and declare as under:

2. That I am authorized Representative of respondent No.1 and the present matter. I have made myself conversant with the facts of the present case and therefore, I am competent to depose



That the accompanying reply has been drafted by my Counsel under my instructions. Same may kindly be read as part of this affidavit as the same are not being repeated herein for the sake of brevity.

Rajesh Sangwan
DEPONENT

VERIFICATION:

Verified on this 30th day of November, 2022 that the contents of above affidavit are true and correct to the best of my knowledge and information derived from official record. No part of it is incorrect and nothing material has been concealed therefrom.

Rajesh Sangwan
DEPONENT

S. No. 198.....

Certified that the above statement has been declared on oath on 30/11/22

before me at Jagadhri by Sh. Rajesh Sangwan

S/o Sh. M.E. Mining Dept.

Which is identified by Sh. Gaurav Mehra

Dt. 30-11-22
Jagadhri

Rajesh Sangwan
Advocate LLM.
Oath Commissioner

**Director General, Mines and geology,
Haryana, Panchkula**

ORDER

Subject: Mandewala Block/YNR B- 38, district Yamuna Nagar of M/s Saharanpur Mines Management Services Pvt. Ltd.

The mining contract of minor mineral mine namely **Mandewala Block/YNR B-38**, district Yamunanagar was granted over an area of **15 hectares** to **M/s Saharanpur Mines Management Services Pvt. Ltd.** for a period of 08 years through e-auction held on 11.06.2015 after accepting their highest bid of Rs 16,55,50,000 per annum against the reserve price of Rs.7,10,00,000. The bid was accepted and letter of Intent (LoI) was issued in their favor on 19.06.2015. The contract was granted subject to condition that mining shall be commenced only after obtaining prior Environmental Clearance (EC) from the competent authority. Further, the contract was granted subject to condition that period shall commence w.e.f. the date of grant of EC or on expiry of the period of 12months from the date of issuance of LoI, whichever is earlier. The contractor company also executed an agreement on 09.06.2016 on Form MC-1 appended to the Haryana Minor Mineral Concession, Stocking and Transportation of Minerals, and Prevention of Illegal Mining Rules, 2012(the State Rules,2012).

2. The contractor company obtained Environmental Clearance from State Environment Impact assessment authority (SEIAA) on **27.06.2016**. The copy of same is placed at **Flag D**. As per terms of grant the period of 12 months from the date of issuance of LoI expired on 18.06.2016 so the period of contract commenced from **19.06.2016**. The contractor company after obtaining EC were also required to have Consent to Establish (CTE)/ Consent to Operate (CTO) from the Haryana State Pollution Control Board (HSPCB). On submission of application for grant of CTE, the HSPCB vide its order dated 12.09.2016, refused/ rejected the consent to establish.

3. The facts of the case are that the HSPCB refused CTE in 03 similar cases [02 in respect of M/s Apar Mines Management Services Private Limited and 01 of M/s Saharanpur Mines Management Services Pvt. Ltd.] mainly on the issues related to some pending cases against the bidder/ contractor on alleged financial irregularities or violations of Environmental laws / rules and regulation in

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undertaking mining in the State of UP and the adverse orders against the Directors or their related persons passed by the Hon'ble NGT orders were referred. In the light of refusal of CTE by the HSPCB the mining operations could not have been commenced by the mining contractor company/s. M/s Saharanpur Mines Management Services Pvt. Ltd was also granted a mining contract of **Jaidhar mine** through e-auction held on 7.07.2015 and in said case matter relating to grant of EC was pending for decision, so in said case at that stage refusal of CTE by the HSPCB at that stage not aroused. However, the fate of same would have also been same being case of same company.

4. Keeping in view that the HSPCB rejected the CTE applications and further action are common in nature so historical background being interlinked and the related facts of the case/s are under:

- A. The HSPCB in all of the 03 cases [02 in respect of M/s Apar Mines Management Services Private Limited and 01 of M/s Saharanpur Mines Management Services Pvt. Ltd.] refused CTE on alleged financial irregularities or violations of Environmental laws / rules and regulation in undertaking mining in the State of UP and the adverse orders against the Directors or their related persons passed by the Hon'ble NGT orders.
- B. The contractor company/s against the refusal of CTE by the HSPCB - firstly filed **CWP no.6094 of 2017** before the Hon'ble Punjab and Haryana High Court. The Hon'ble High Court vide orders dated **27.04.2017** directed the company to file appeal before the Appellant Authority. The Appellant Authority on filing of appeal under Air Act, vide orders dated **03.07.2017** directed to the HSPCB to grant CTE to the said companies. Though However, initially the HSPCB filed appeal before the Hon'ble NGT and later decided to grant CTE/ CTO in favor of them.
- C. M/s Apar Mines Management Services Private Limited for **Lapra Mine** was granted CTE on 11.08.2017 and CTO on 08.12.2017. The said company commenced mining in **Lapra mine** on **21.12.2017**.
- D. On the other hand, M/s Saharanpur Mines Management Services Pvt. Ltd for were granted CTE /CTO on 12.01.2018. However, before M/s



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Saharanpur Mines Management Services Pvt. Ltd could have commenced mining in Mandewala mine the CTE/CTO granted to them and M/s Apar Mines Management Services Pvt. Ltd were challenged by on Sh. Sajjan Singh by way of filing a CWP no. 1010 of 2018 before the Hon'ble High Court. It was alleged that they are/were shell companies and that their Directors were indulged in various fraudulent activities. The grant of 'Consent to Operate' by the Haryana State Pollution Control Board and mining contracts granted by Mines & Geology Department were sought to be cancelled on the basis same. It was also that the contractor company changed its Directors even before execution of contract agreement which was not permissible as per terms of auction notice

- E. The Hon'ble High Court vide interim orders dated 16.02.2018 stayed the mining operation. In the light of same the mining operations commenced by M/s Apar Mines Management Services Private Limited in **Lapra Block B-10 got stopped**. M/s Saharanpur Mines Management Services Private Limited to whom CTE/ CTO for Mandewala mine was granted could not have commenced operation.
- F. The Hon'ble High Court finally vide orders dated **14.01.2020** disposed of the above CWP No. 1010 of 2018-Sajjan Singh Vs State of Haryana with direction to the State to look into the matter and pass a speaking order at the earliest. **The orders of stay on mining were continued till such time.**

5. In compliance of the order dated 14.01.2020, passed by the Hon'ble Punjab and Haryana High Court, the then DGMG after hearing all concerned noted that there were two main issues raised by the petitioner Sh. Sajjan Singh through his advocate:

- a. Seeking cancellation of the contract based on the claim that investigation against the Directors of the said company by the Serious Fraud Investigation Office (SFIO)/ pending of related cases;
- b. The company its Directors in violation even prior to execution of contract agreement which was not permissible a per stipulation imposed vide

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Haryana, Panchkula**

condition no. C (ii) of the auction notice, as per which that no transfer or addition or deletion of the Directors will be permissible before the execution of the contract agreement.

6. It was held that the pendency of the cases filed by SFIO against the Directors (existing or past) of the company was not valid ground to cancel the contracts of M/s Apar Mines Management Services Private Limited. However, in the said case it was found that in M/s Apar Mines Management Services Private Limited changed its Directors before execution of the Contract agreement. Because the contract agreements in respect of **Nandgarh** and **Lapra** Blocks were executed by M/s Apar Mines on 09.06.2015 whereas even before that one Director namely Mohd. Inam left the company on 31.03.2016 and one Laique Ahmad Khan was inducted as a Director on 01.04.2016. In the light of same in said case it was held that M/s Apar Mines changed the Directors of the Company before the execution of the mining contract in violation of the conditions mentioned in the auction notice.

7. In view of violation relating to change of Directors even before execution of contract agreements, the then DGMG after approval of the them PSMG cancelled both the contracts held by M/s Apar Mines Management Services Private Limited vide orders dated 22.06.2020 and 02.07.2020 respectively. The cancelation of contracts in said cases had been challenged by M/s Apar Mines and Management Pvt Ltd by way of CWP No. 19995 of 2020 and same is pending for adjudication but there is no interim orders/ stay.

8. The matter relating to that of two cases/ contracts (Mandewala mine and other of Jaidher mine) held by M/s Saharanpur Mines Management Services Private Limited, also required to be decided. The then DGMG afforded opportunity of hearing to M/s Saharanpur Mines Management Services Private Limited on 28.07.2020 as per records Sh. Sushil Kumar Director of the company submitted their written submissions and further sought hearing to explain their case.

9. In the light of same the undersigned afforded opportunity of hearing to the M/s Saharanpur Mines Management Services Private Limited holding mining

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contract of Mandewala mine on 15.06.2021. Sh. Sajjan Kumar (petitioner in CWP No. 1010 of 2018) vide letter dated 14.06.2021 submitted that the Director/s of the contractor company and company which had given surety are is facing cases filed by the SFIO. He further stated that the said companies are shell company. He sought that the contract held by said M/s Saharanpur Mines Management Services Private Limited be cancelled.

10. Sh. Sushil Kumar Director of the **M/s Saharanpur Mines Management Services Private Limited** appeared along with his counsel appeared on 15.06.2021. Sh. R.S. Thakran Mining Engineer was present for Department.

11. Sh. Sushil Kumar, at the outset, submitted that since the grant of contract a few vested interests through Sh. Sajjan Singh were creating all kind of hurdles for the firm and preventing them to undertake mining. He submitted that after grant of mining contract through transparent mode of e-auction conducted by the Department, they took steps to seek EC. Despite hurdles created they could obtain EC on 27.06.2016 and when they applied for grant of CTE to the HSPCB, some persons mislead the authorities in the HSPCB. They could manage in getting their CTE refused based on frivolous grounds. Due to which they could not commence mining operations.

12. He further submitted that they had to run from pillar to post to getting the litigation settled to get orders for grant of CTE/ CTO resulting in huge financial losses and lost opportunity of business. They could get CTE/ CTO after a period of more after more than about 18 months from date of grant of EC. Even after getting the same could not have commenced mining operations as Sh. Sajjan Singh filed CWP no 1010 of 2018 and obtained stay on mining on 16.02.2018. The matter remained pending before the Hon'ble High Court till 14.01.2020 when the state was directed to decide the related issues and pass speaking orders. In view of said litigation also they lost further time of about 2 years. Moreover, after passing of orders dated 14.01.2020 their case still not got decided. He submitted that as and when their case is taken up for consideration vested interests one way or other not let the authorities decide the same.

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13. He submitted that Sh. Sajjan Kumar is not any public-spirited person and in fact is an interested party in mining and related works who was trying to derail their mining contract in order to perpetuate the virtual monopoly of existing mining contractors operating near the mining block in question. He claimed that even now he thought has no locus standi is trying to interfere in the process.
14. Sh. Sushil Kumar stated that the even during earlier hearings held before the then DGMG, it was clarified that the cases, if any pending before the SFIO or any other court against the Directors of the Company or company have any bearing on the operation of the mining contract awarded to them through the e-Auction. He pointed out that in two other cases / contracts of M/s Apar Mines and Management Services Pvt. Ltd., where few of the Directors of the present company were common, the matter has already been adjudicated by the Department. It has been held that same had no impact on grant or operation of mines by the company in the State of Haryana. Hence, on said part no further submissions may be required to justify his claim in this case also being of similar nature and is matter of record.
15. On the other issue relating to change of Directors of the company before execution of contract agreement in contravention of the condition of the auction notice, Sh. Sushil Kumar stated that of **the Auction Notice dated 27.04.2015 for e-auction to be held on 11.06.2015, has no such condition that the Directors of the company as were exiting at the time of submissions of the bidding could not have been changed before execution of contract agreement.** He stated that notwithstanding the same they executed the agreement on 09.06.2016 and they had not even changed the Directors before execution of the agreement. Hence, firstly in the case of Mandewala mine there was no such stipulation and even if the same had been there they not changed the Directors as their Directors as were prevailing at the time of auction and execution of agreement were same. At this stage he pressed that in case of any private limited company the change of Directors are regulated as per provisions of the Company Act 1956 and change of Directors before or after execution of contract agreement has no impact on any company registered under Company

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Act. The Department in cases where the contractor company changed Directors before execution of contract agreements cancelled the contract agreement in the case of **M/s Apar Mines**. But the same is under challenge in CWP No. 19995 of 2020 before the Hon'ble High Court.

16. He stated that irrespective of said litigation or cases the facts of the present case are entirely different no **Directors** of the company were changed before execution of contract agreement. He submitted that at the time of auction held and contract was executed on 09.06.2016 at that time also the Directors were same. It was informed and also confirmed as per records that at the time of auction held on 11.06.2015 the Directors of the Company were (1) Mohd. Javed and (2) Laique Ahmed Khan. At the time of execution also only these 02 persons were Director. So even if the said condition had been prevailing in the case also the company had not violated the same.

17. It was however, clarified that after execution of agreement on 17.11.2017 he (Sh. Sushil Kumar) joined as Director and thereafter Sh. Anand Kumar Ray on 15.01.2018 joined as another Director. He stated that change of Directors in any company registered under Companies Act, 1956 is dealt by the MCA. The changes as above were made for day-to-day workings of the Company with the consent / procedure prescribed by MCA. The same is not violation of the State Rules, 2012. Sh. Sushil Kumar clarified that change in Directors or induction of any new Director to look after operations/ workings of the company, the same is not transfer of company so no permission of Department was required.

18. The facts of the case as explained above make it clear that the company has not violated only of the condition auction notice as was claimed by Sh. Sajjan Singh the petitioner in the CWP No 1010 of 2018. It is not disputed that they had added 02 new Directors in the Company which is not a case of transfer of contract and only the appointment of Directors is regulated by the Companies Act, 1956. Further it is also not case where the changes were not in public domain as these details are available on MCA website.

17. In view of above stated facts that the mining contract was sought to be cancelled firstly that an investigation against the Directors of the said company

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by the Serious Fraud Investigation Office (SFIO)/ pending of related cases. The said matter already stands adjudicated in the other cases of M/s Apar Mines – that there is no such condition in the auction notice or rules that on such grounds contract cannot be granted or the bidders were not eligible to participate in the auction. The other ground was that the company changed its Directors in violation even prior to execution of contract agreement which was not permissible as per stipulation imposed vide *condition no. C (ii) of the auction notice, as per which that no transfer or addition or deletion of the Directors will be permissible before the execution of the contract agreement.* Whereas in the present case there was no such condition in the auction notice and it is otherwise clear that Directors of the company were not changed prior to execution of the contract agreement. Hence it is clear that in the present case the contract is not liable to be cancelled on this ground. Hence none of the grounds raised by Sh. Sajjan Singh in CWP no. 1010 of 2018 were found valid to cancel the contract granted to M/s Saharanpur Mines Management Services Pvt. Ltd.

18. Notwithstanding the above, the contract is had valid subject to condition that the contractor company shall provide fresh surety because veracity and solvency of the company namely M/s India Pacific Infrastructure Pvt. Ltd who stood as surety for the contractor company cannot be considered further due to the fact that the said company is in dispute/ litigation. In this regard it is noted that as per Rule 26(3) of the State Rules, 2012 in case the surety offered by the contractor(s) during the subsistence of the contract is not found solvent, the contractor(s) shall offer another solvent surety and a supplementary deed to this effect shall be executed. Accordingly, it is also directed that M/s Saharanpur Mines Management Services Pvt. Ltd shall furnish fresh surety and execute supplementary deed within 10 days.

19. However, before concluding the case I would like to highlight that the conduct of Sh. Sajjan Singh. Instead of having fair submissions he had been making all out efforts to ensure derailing the normal process and browbeating of the authorities. He has his submissions on record which he sent letters dated 28.06.2021 and 29.06.2021, the same were examined at length. It was found that the submissions relating to cases pending / filed against the Directorates by the

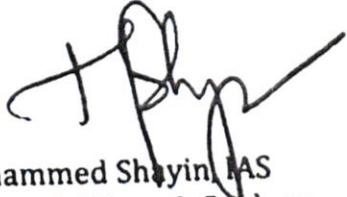
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SFIO were being repeated despite that same were not found admissible in earlier similar cases. Sh. Sajjan Singh clearly had some hidden agenda to harm the interests of state and others for his or some other persons unlawful gains.

20. In the light of above the mining contractor is allowed to undertake mining after having all approvals including getting their CTO extended from the HSPCB in case the validity of same stands expired. However, before commencement of mining shall provide the fresh surety and execute supplementary contract agreement. It is also clarified that all terms and conditions of the contract and liabilities arising out of said contract shall remain same

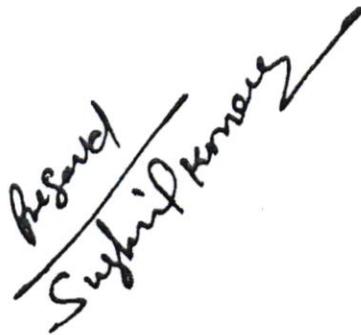
21. It is also noted that orders of the Hon'ble High Court vide orders dated 14.01.2020 while disposing of the CWP No. 1010 of 2018-Sajjan Singh Vs State of Haryana with direction to the respondent to look into the matter and pass a speaking order and also ordered that the orders of stay on mining shall continue till such time. Hence it is clear that with passing of speaking orders the same also stands vacated, so mining strictly as per rules and regulations can be undertaken.

Dated Panchkula, the
13.09.2021.


Mohammed Shayin, IAS
Director General, Mines & Geology,
Haryana.

Endst. No.: DMG/HY/Cont./Mandawala B/VNR-38/2015 ³⁶⁹³ Dated: 17-09-2021.

A copy is forwarded to M/s Saharanpur Mines Management Services Pvt. Ltd. for information and necessary action.


Present
Sushil Kumar


Mining Engineer
for Director General, Mines & Geology,
Haryana.

110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19286 of 2021 (O&M)
Date of decision : 28.09.2021

Sajjan Singh Petitioner

versus

Union of India & ors. Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MRS.JUSTICE ALKA SARIN**

Present : Mr. Shailendra Jain, Senior Advocate with
Mr. Peeyushi Diwan Jain, Advocate for the petitioner.

Mr. Anand Chhibbar, Sr. Advocate with
Mr. Anshul Mangla, Advocate
for respondent No.5-caveator.

AJAY TEWARI, J. (Oral)

After arguing for sometime, learned counsel for the petitioner prays for permission to withdraw the present petition with liberty to file a Public Interest Litigation on the same cause of action.

Allowed as prayed for.

Dismissed as withdrawn with the aforesaid liberty.

Since the main case has been decided, the pending Miscellaneous Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(ALKA SARIN)
JUDGE

28.09.2021

pooja sharma-I

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No

Office of District Town Planner, Yamuna Nagar
DEPARTMENT OF TOWN & COUNTRY PLANNING, HARYANA
1st FLOOR, HUDA COMPLEX, SECTOR-21, JAGADHRI.
Tel- +91-1732-237885
E-mail: dtp1.yamunanagar.tcp@gmail.com

Memo No.

Dated

P- 2275
08/10/21

To

M/s Saharanpur Mines Mangemant Services Pvt. Ltd,
Shop no. 12, Mukund Market, Janakpur Chowk, Distt. Saharanpur,
Through, Sh. Sushil Kumar S/o Sh. Rajbir Singh,
R/o Vill. Ganganpur, Tehsil. Barara,
Distt. Ambala.

Subject: - Information regarding Urban Area & Controlled Area.

Reference: - Your application memo no TCP-OFA/18189/2021 dated 04.10.2021.

It is intimated that the land falling in Khasra No. 27//12, 13, 14, 16, 2, 17, 18/1, 18/2, 19, 20, 21, 22, 23, 24, 25, 26//25/1, 25/2, 32//1/1, 32//1/2, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 31//1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 31//17, 18, 19, 20, 21, 22, 23, 24, 25, 43//2, 3, 4, 5, 6, 30//11, 19, 20/1, 20, 21, 22, 23, 44//1, 44//2, 3 situated in the revenue estate of Vill. Jaidhar, (H.B. No:- 82), Tehsil. Khjarbad, Distt. Yamuna Nagar does not fall in any of the Urban Area or Controlled Area declared by Department of Town and Country Planning, Haryana. Thus, this information is given subject to the following conditions:-

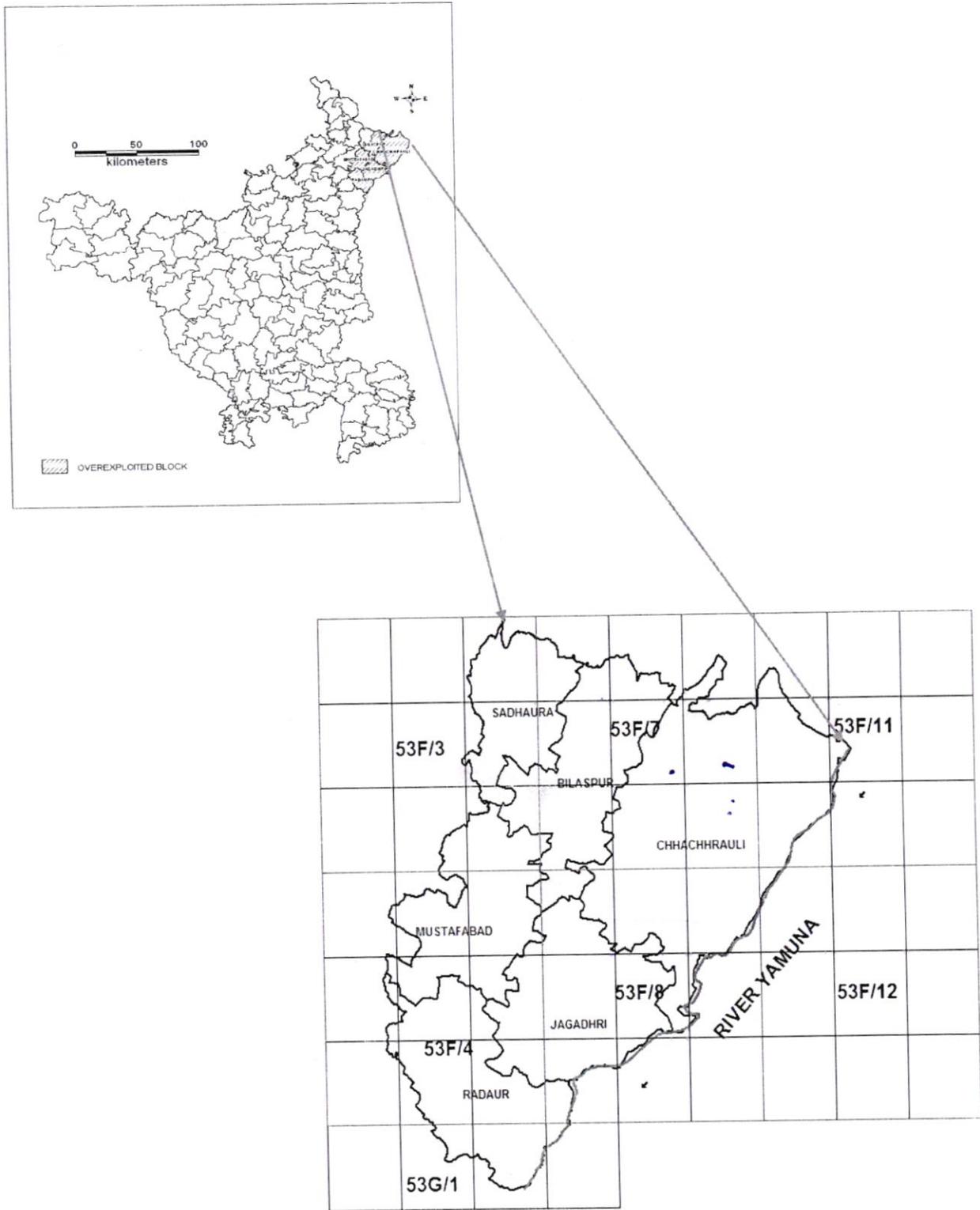
- 1 That you will obtain the necessary permission from mining department before initiating any activity at site.
- 2 That it does not provide any immunity to the site from other Acts and Rules as may be applicable on it.
- 3 That you will abide by the provisions of Controlled Areas Act No. 41 of 1963/Urban Area Act No. 8 of 1975, when it comes into force at site.
- 4 That you will abide by the provisions of NBC/BIS code for any type of construction at site.
- 5 That in case of non fulfillment of the above, this letter shall stand cancelled automatically.

Beside above, in Model form for execution of mining contract dated 09.06.2016 Khasra no. 33//5 falls inside the Controlled Area Around Dadu Pur Head Works At Vill. Dadu Pur Cantt.

Hence you are directed to take license for this khasra on before starting any excavation work/construction any type of building etc.


District Town Planner,
Yamuna Nagar.

Fig 1: Base Map of Yamunanagar District



2 DATA COLLECTION AND GENERATION

2.1 Tube well Logs and Geophysical Data

The Lithologs of Exploratory Well/ Observation well/ Piezometer/ productive wells of CGWB, Public Health and Engineering Department (PHED) and private wells have been collected and those supported electrical logs have been validated for aquifer map preparation. Deeper well data of CGWB is available. The details are shown in table 1. The compromised logs derived from lithologs and geophysical well loggings have been taken as reliable data base.

Table 1: Data availability of exploration wells in Kurukshetra district

S. No.	Source	No. of wells	Depth	
			<200m	>200m
1	CGWB	17	3	14
2	Private	11	11	0
3	PHED	33	33	0

2.2 Ground Water Level Behavior:

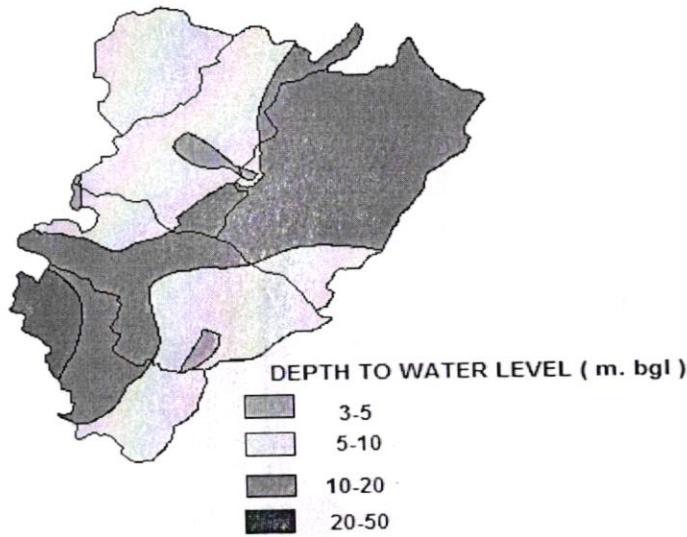
Depth to ground water level of district Yamunanagar ranges from 3.10 mbgl at Bilaspur to 50.00 mbgl at Jhiwarheri during Pre monsoon 2015 (Fig-2). The water level data of all Ground Water Monitoring Wells of 2015 are shown in Table-2. Groundwater level is shallow in northern part and deeper in south-western parts of the district which are adjacent to district Karnal and Kurukshetra.

Table-2 Water level data (2015) Ground Water Observation Wells of district Yamunanagar

Location	Toposheet	Latitude	Longitude	Depth to water level	RL of GL (mamsl)	WTE (mamsl)
Choli	53 F/7	30°16'45" N	77°20'30" E	10.50	300.28	289.78
Harewa	53 F/7	30°14'00" N	77°23'00" E	4.50	279.87	275.37
Khizrabad	53 F/7	30°18'00" N	77°29'15" E	18.00	302.39	284.39
Nagal Patti	53 F/7	30°19'00" N	77°31'00" E	29.50	313.28	283.78
Dhalaur	53 F/3	30°19'00" N	77°12'00" E	6.00	288.12	282.12
Dhanaura	53 F/4	30°26'00" N	77°23'10" E	14.50	-	-
Bilas Pur	53 F/7	30°18'00" N	77°18'00" E	3.10	305	301.90

Location	Toposheet	Latitude	Longitude	Depth to water level	RL of GL (mamsl)	WTE (mamsl)
Ramgarh	53 F/4	30°23'00" N	77°21'00" E	8.70	311.39	302.69
Amadalpur	53 F/8	30°08'15" N	77°22'00" E	14.50	278.00	263.50
Shadipur	53 F/8	30°06'00" N	77°16'45" E	14.50	-	-
Mustafabad	53 F/4	30°11'45" N	77°08'45" E	8.50	279.62	271.12
Radaur S	53 F/4	30°01'30" N	77°09'00" E	35.00	260.52	-
Jhiwarheri	53 F/4	30°07'30" N	77°05'10" E	50.00	-	-
Hayeli	53 F/3	30°26'00" N	77°13'00" E	7.50	318.96	311.46
Rasulpur	53 F/3	30°26'50" N	77°13'00" E	14.50	-	-
Sabri	53 F/3	30°21'30" N	77°14'45" E	14.50	-	-
Sadhaura	53 F/3	30°24'00" N	77°13'15" E	15.00	306.78	291.78
Salehpur	53 F/3	30°27'00" N	77°14'00" E	15.00	323.02	308.02

**Fig-2: Depth to water level map of district Yamunanagar
Pre-monsoon, 2015**



2.2.1 Ground water flow: In general the ground water table varies from 323 to 260 m a.m.s.l and the regional ground water flow direction is from northwest to southwest.