

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 269 of 2023**

IN THE MATTER OF:

Munish Son of Amar Singh

...Applicant

versus

Haryana State Pollution Control Board & Ors.

...Respondents

INDEX

SR. NO.	PARTICULARS	PAGE NO.
1.	REPLY/OBJECTION ON BEHALF OF RESPONDENT NO.6-M/S ULTIMATE GROUP TO THE ORIGINAL APPLICATION NO. 269 OF 2023 FILED BY APPLICANT MUNISH SON OF AMAR SINGH AND REPORT DATED 20.07.2023 & 27.10.2023 SUBMITTED BY THE HARYANA STATE POLLUTION CONTROL BOARD ALONGWITH SUPPORTING AFFIDAVIT.	1-15
2.	<u>ANNEXURE R-1 (Colly)</u> A copy of the receipt of six-monthly compliance report of Environmental Clearance dated 31.03.2023 submitted to HSPCB and SEIAA on 31.04.2023	16-17
3.	<u>ANNEXURE R-2</u> A copy of the Appeal challenging the Demand Notice dated - 25.08.2023 of Recovery of Rs. 24,48,71,800/- before Director, Mines Haryana.	18-35
4.	<u>ANNEXURE R-3</u> A copy of complaint dated 16.05.2022 made to the Mining Officer, Sonapat, Haryana by Respondent No.6	36
5.	<u>ANNEXURE R-4</u> A copy of Letter of Acceptance dated 21.04.2015 issued to the Answering Respondent-M/S ULTIMATE GROUP by	37-43

	the the Department of Mines and Geology, Government of Haryana	
6.	<u>ANNEXURE R-5</u> A copy the Environmental Clearance dated 27.06.2016 bearing No. SEIAA/HR/2016/470	44-52
7.	<u>ANNEXURE R-6</u> A copy of the notification dated 29.04.2015 issued Ministry of Environment, Forest and Climate Change, Government of India	53-55
8.	<u>ANNEXURE R-7</u> A copy of Consent-to-Operate, dated 05.01.2022, granted to answering Respondent	56-58
9.	Proof of Service	59

FILED BY

THROUGH



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PLACE – NEW DELHI

DATE - 22.05.2024

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 269 of 2023**

IN THE MATTER OF:

Munish Son of Amar Singh

...Applicant

versus

Haryana State Pollution Control Board & Ors.

...Respondents

**REPLY/OBJECTION ON BEHALF OF RESPONDENT NO.6-M/S
ULTIMATE GROUP TO THE ORIGINAL APPLICATION NO. 269
OF 2023 FILED BY APPLICANT MUNISH SON OF AMAR SINGH
AND REPORT DATED 20.07.2023 & 27.10.2023 SUBMITTED BY
THE HARYANA STATE POLLUTION CONTROL BOARD.**

MOST RESPECTFULLY SHOWETH:

1. That the answering Respondent have gone through the contents of the captioned Original Application and Committee's Report dated 20.07.2023 & 27.10.2023 and have understood the same and submitting reply/objections to the same by way of the present reply.
2. That the answering Respondent do not admit the correctness of the statements made in the Original Application Reports and in general, deny each and every content made therein, save and except which are borne out of the record and specially admitted by answering Respondent hereinafter.
3. The Answering Respondent deny and dispute every averment and contention of the Original Application as if specifically traversed and denied and anything not specifically denied by the Answering Respondent should not be deemed to be admitted and the Answering Respondent further dispute and deny anything stated in

the Original Application which is contrary to or inconsistent with the present reply.

4. That the Project Proponent-M/s. Ultimate Group (“Respondent No.6”/ “answering Respondent”) had obtained the mining contract for extraction of sand comprising an area of 35 hectares (23.60 hectares in Yamuna River bed and 11.40 hectares in outside the river bed), Gyaspur Rasulpur sand unit, at Tehsil Gannaur, District – Sonapat, Haryana.

PRELIMINARY SUBMISSION

5. At the outset, it is submitted that the notice was issued to the answering Respondent at a belated stage vide order dated 01.11.2023 and the answering Respondent appeared on 16.01.2024. However before, the said orders, the matter was heard and two reports dated 20.07.2023 & 27.10.2023 were filed before this Hon’ble Tribunal and this Hon’ble Tribunal while relying on the said reports issued directions vide order 21.07.2023 to HSPCB without affording an opportunity of hearing to the answering Respondent.
6. It is submitted that the Original Applicant/Munish has not approached this Hon’ble Tribunal with clean hands and has misled this Hon’ble Tribunal by giving wrong, false, and fabricated facts so as to give a picture that the answering Respondent is responsible for the illegal mining.
7. It is most respectfully submitted that the Applicant herein has no *Locus Standi* to file the present application and the same ought not to be entertained by this Hon’ble Tribunal. The application can be filed only by the persons stated under Section 18(2) of the Act of 2010. The Applicant is not an “aggrieved person” whose rights have been directly affected. The Applicant has not shown in its Original

Application as to how he is entitled to claim the relief and how he is an interested party. According to the Applicant herein, he is interested in one particular mining of the answering Respondent in State of Haryana which would not enable him to file the present Application by expanding the scope of the Doctrine of Locus Standi. Thus, the present Application is not maintainable ought to have been dismissed at the threshold on the issue of maintainability.

8. At this juncture, it is pertinent to note that the Applicant herein belongs to Uttar Pradesh and has raised the grievance regarding the mining activities of the answering Respondent who is established in the State of Haryana. Thus, as mentioned herein above, the Applicant does not have locus to approach this Hon'ble Tribunal as the Applicant neither resides in the area in question nor an Environmentalist.
9. It is further submitted that the supporting affidavit filed along with the Original Application does not speak about the Annexures annexed along with the present Original Application which is improper and inadmissible in the eye of law. Hence, the annexures cannot be relied upon by this Hon'ble Tribunal as none of the annexures are sworn upon by the Applicant on Affidavit. Thus, the present Application ought not to have proceeded ahead and annexures may not have been relied by this Hon'ble Tribunal while passing the order dated 17.04.2023.
10. It is submitted that the present Application is not maintainable as instant Original Application is a projected litigation and is filed with an ulterior motive to save the illegal minor of the State of Uttar Pradesh who are involved in the illegal mining activities in the State of Haryana and the answering Respondent have been made a scape

goat so as to give finality to issue of illegal mining being done in the nearby area of answering Respondent.

11.It is further submitted here that Respondent No.6 had a valid lease deed, Environmental Clearance, Consent to Operate and all the requisite permissions which are required for the mining activities. At this juncture, it is important to mention here that answering Respondent was not carrying out the mining activities after the expiry of the Consent to Operate. It is only the already mines mineral which was stocked by the answering Respondent before the expiration of the Consent-to Operate was being transported after the expiry of the Consent to Operate. However, the answering Respondent was continuously applying for CTO again and again after curing the defects but the said got refused on various occasions i.e. 21.08.2022, 17.11.2022 and 26.12.2022. In fact on 03.04.2023, the six monthly compliance report of Environmental Clearance dated 31.03.2023 was submitted to HSPCB and SEIAA to show the compliance of deficiencies.

A copy of the receipt of six-monthly compliance report of Environmental Clearance dated 31.03.2023 submitted to HSPCB and SEIAA on 31.04.2023 is annexed herewith and marked **ANNEXURE R-1(Colly)**.

12.It is submitted here that the Demand Notice dated - 25.08.2023 issued by the Mining Officer, Department of Mines and Geology Recovery of Rs. 24,48,71,800/- has been challenged by way of the Appeal before Director, Mines Haryana which is pending adjudication.

A copy of the Appeal challenging the Demand Notice dated - 25.08.2023 of Recovery of Rs. 24,48,71,800/- before Director,

Mines Haryana is annexed herewith and marked **ANNEXURE R-2**.

13. It is submitted here that there is no date has been mentioned in the News Paper and there is no clarity hence, the said Annexure (i.e. Annexure-2) cannot be relied upon. Moreover, the said news is a projected one and the answering Respondent denies the content of the said Article.

14. At this juncture, it is pertinent to note that there is allegation of illegal mining beyond the area granted to the answering Respondent which is completely bald as the answering Respondent has been made a scape goat. The issue of said illegal mining was also raised by the answering Respondent time to time orally to the concerned departments but due to no action by the said department, the answering Respondent submitted a written compliant on 16.05.2022 to the Mining Officer, Sonipat, Haryana regarding illegal mining carried out by the anti-social element in the vicinity or surroundings of the mining lease area of the answering Respondent. It was also mentioned in the complaint that illegal mining led to revenue loss to the State Government hence kindly take action against anti-social elements who are involved in the illegal Mining in the vicinity or surroundings of the mining lease area of the answering Respondent. However, no action was taken against them and due to the said compliant, the present project application is being preferred by the Applicant herein.

A copy of complaint dated 16.05.2022 made to the Mining Officer, Sonapat, Haryana by Respondent No.6 is annexed herewith and marked as **ANNEXURE R-3**.

15. It is submitted that the FIR which has been annexed by the Applicant is also baseless as neither the name of the Project

Proponent is mentioned nor there is any allegation on the representative of the answering Respondent's firm. Hence the said FIR has been annexed to mislead this Hon'ble Tribunal.

BRIEF FACTUAL BACKGROUND:

16. That on 19.05.2015, an Auction Notice bearing No. DMG/HY/Auction/SNP/2015/1653 dated 19.03.2015 was issued by the Department of Mines and Geology, Government of Haryana for the mining of Sand minor mineral mines/quarries of "Gyaspur-Rasulpur Sand Unit" having total area of 35.00 hectares in the district Sonipat, Haryana.
17. That on 16.04.2015 an Auction was held wherein the Answering Respondent offered the highest bid of Rs. 6,13,25,000/- (Rs. Six Crores thirteen lakhs twenty-five thousand only] per annum, against the Reserve Price of Rs. 6,08,00,000/- per annum, for obtaining the Mining Contract of Minor Mineral Mines namely '**Gyaspur-Rasulpur Sand Unit**' having the total area of 35.00 hectares.
18. That on 21.04.2015 a Letter of Acceptance of highest bid with respect to the mining of Sand minor mineral mines/quarries of "Gyaspur-Rasulpur Sand Unit" having total area of 35.00 hectares in the district Sonipat, Haryana was issued to the Answering Respondent-M/S ULTIMATE GROUP by the the Department of Mines and Geology, Government of Haryana.
A copy of Letter of Acceptance dated 21.04.2015 issued to the Answering Respondent-M/S ULTIMATE GROUP by the the Department of Mines and Geology, Government of Haryana is annexed herewith and marked as **ANNEXURE R-4**.
19. Thereafter Answering Respondent applied for the Environmental Clearance from the STATE ENVIRONMENT IMPACT

ASSESSMENT AUTHORITY HARYANA (herein referred as SEIAA, Haryana).

20. That on 27.06.2016 SEIAA, Haryana granted Environmental Clearance bearing No. SEIAA/HR/2016/470 to the Answering Respondent for the proposed Mining of Sand for the Period of five years.

A copy the Environmental Clearance dated 27.06.2016 bearing No. SEIAA/HR/2016/470 is annexed herewith and marked as **ANNEXURE R-5**.

21. That on 29.04.2015 Ministry of Environment, Forest and Climate Change, Government of India issued a notification which notified that the words five years in the case of all other projects and activities shall be substituted by the word seven years in the case of all other projects and activities". At this juncture it is important to reproduce here relevant paras of the notification.

S.O. 1141(E).—In exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986(29 of 1986) read with sub-rule(4) of rule 5 of the Environment(Protection) Rules, 1986, the Central Government hereby makes the following further amendments to the notification of the Government of India , in the erstwhile Ministry of Environment and Forests number S.O. 1533(E), dated the 14th September, 2006 after having dispensed with the requirement of notice under clause(a) of sub-rule(3) of rule 5 of the said rule, in public interest, namely:—

.....(ii) in paragraph (i) as so numbered, -

(a) for, the words “and five years in the case of all other projects and activities”, the words “and seven years in the case of all other projects and activities” shall be substituted;

A copy of the notification dated 29.04.2015 issued Ministry of Environment, Forest and Climate Change, Government of India is annexed herewith and marked as **ANNEXURE R-6**.

22. That thereafter Haryana State Pollution Control Board by considering the letter of Project Proponent-M/s. Ultimate Group, vide letter dated 05.01.2022 granted Consent to Operate to the Project Proponent M/s. Ultimate Group, subject to certain Terms and conditions, Period from 05.01.2022 to 30.09.2022 for mining of minerals in the above-mentioned leased area. Pursuant to the same, the mining was started from February, 2022 onwards.

A copy of Consent-to-Operate, dated 05.01.2022, granted to answering Respondent is annexed herewith and marked as **ANNEXURE R-7**.

23. It is submitted that answering Respondent from time to time applied for the Consent to Operate which was refused by the Regional Officer, Sonipat, HSPCB 21.08.2022, 17.11.2022 and 26.12.2022. However, after the refusal and when the valid CTO.

24. It is submitted that the Mining was going within the permissible limit and depth in accordance with the rules and regulations.

REPLY ON MERIT TO THE ORIGINAL APPLICATION

Reply to the facts in brief:

25. That the contents of the Para no.1 of the facts in brief of the Original Application bearing No. 269/2023 are matter of record, need strong proof and hence need no reply.

26. That the contents of the Para no.2 of the facts in brief of the Original Application bearing No. 269/2023 are matter of record and hence need no reply.
27. That the contents of the Para no.3 of the facts in brief of the Original Application bearing No. 269/2023 are a matter concerned with religious faith & belief and has no relation with environmental issues and hence need no reply.
28. That the contents of the Para no.4 of the facts in brief of the Original Application bearing No. 269/2023 are ambiguous, false and denied. That the contents of this para do not make any specific allegation against the answering Respondent and hence need no reply.
29. That the contents of the Para no.5 of the facts in brief of the Original Application bearing No. 269/2023 are concerned with, to some extent, personal interest and more particularly concerned with religious faith. That the jurisdictional issues with respect to religious faith does not lies before this Hon'ble Tribunal.
30. That the contents of the Para no.6 of the facts in brief of the Original Application bearing No. 269/2023 are admitted to the extent that a closer order was issued on 16.03.2023. But it is denied that Respondent No.6 was involved in illegal mining. That the Respondent No.6 had valid lease deed, Environmental Clearance, Consent to Operate and all the requisite permissions which are required for the mining activities. As narrated in the preceding paragraphs, the answering Respondent was only removing the stock after the expiration of the CTO.
31. That the contents of the Para no.7 of the Facts in brief of the Original Application bearing No. 269/2023 are ambiguous, false and doctored and vehemently denied. It is clarified here that no illegal mining was being carried out by the Respondent No.6 after

- the expiry of Consent to Operate. That the Respondent No.6 only took out the minerals which was left over at the mining lease area.
32. That the contents of the Para no.8 of the Facts in brief of the Original Application bearing No. 269/2023 are matter of record.
33. That the contents of the Para no.9 of the Facts in brief of the Original Application bearing No. 269/2023 are admitted to the extent that Regional Officer, Sonipat, HSPCB, on 21.08.2022, refused to give Consent to Operate (CTO) to M/s. Ultimate Group/ respondent no. 6. But it is vehemently denied that there was violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air ((Prevention and Control of Pollution) Act, 1981. The answering Respondent keep on trying to clear the deficiencies being point out by the HSPCB and recently, vide letter dated 31.03.2023, the answering Respondent submitted the six monthly compliance report to the HSPCB and SEIAA.
34. That the contents of the Para no.10 of the Facts in brief of the Original Application bearing No. 269/2023 are admitted to the extent that Regional Officer, Sonipat, HSPCB, on 17.11.2022, refused to give Consent to Operate (CTO) to M/s. Ultimate Group/ respondent no. 6. But it is vehemently denied that there was violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.
35. That the contents of the Para no.11 of the facts in brief of the Original Application is denied. It is submitted that the due to various civil disputes, the mining operation was not in continuous operation but have worked only after the grant of Consent-to-Operate.

36. That the contents of the Para no.12 of the Facts in brief of the Original Application are admitted to the extent that Regional Officer, Sonipat, HSPCB, on 26.12.2022, refused to give Consent to Operate (CTO) to M/s. Ultimate Group/ respondent no. 6. But it is vehemently denied that there was violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. It is submitted that few deficiencies which were pointed out by the HSPCB were being rectified and in fact on 03.04.2023 also six monthly compliance report was submitted to HSPCB and SEIAA.
37. That the contents of the Para no.13 and 14 of the Facts in brief of the Original Application bearing No. 269/2023 are matter of record and hence need no reply.
38. That the contents of the Para no.15 of the Facts in brief of the Original Application bearing No. 269/2023 are admitted to the extent that on dated 16.03.2023 closure order was issued by the Chairman, HSPCB and on dated 17.03.2023 compliance of closure order was sent to the Chairman, HSPCB, Panchkula alongwith compliance report of the closure order. But it is vehemently denied that despite closure order and compliance report, the Respondent no. 6 was operating the unit at sand minor quarries of Gyaspur-Rasulpur, sand unit, Gannaur, Sonipat.
39. That the contents of the Para no.16 of the Facts in brief of the Original Application bearing No. 269/2023 are matter of record and hence need no reply.
40. That the contents of the Para no.17 of the Facts in brief of the Original Application bearing No. 269/2023 are not related to Respondent no.6 hence need no reply.

41. That the contents of the Para no.18 of the Facts in brief of the Original Application bearing No. 269/2023 repetition of the above averment and hence need no reply.

REPLY TO THE GROUNDS:

42. That the answering Respondent denies each & every ground raised in the instant Original Application as the same has been answered in the present reply in the preceding paragraphs hence there is no requirement of specific/categorical reply of each ground

Reply to the Action taken report dated 20.07.2023 and 27.10.2023 by the Haryana State Pollution Control Board

43. That the Preliminary Submission and reply to the Original Application bearing No. 269/2023 may treated as the part and parcel of reply to the Action taken report dated 20.07.2023 by the Haryana State Pollution Control Board.

44. That the Action taken report dated 20.07.2023 submitted by the Haryana State Pollution Control Board is not properly prepared. That the Respondent No.6 has valid lease deed, Environmental Clearance, Consent to Operate and all the requisite permissions which are required for the mining activities. The answering Respondent was not carrying out the mining activities after the expiry of the Consent to Operate, it is only the stock which was being removed. However, the answering Respondent was continuously applying for CTO again and again after curing the deficiencies but the said got refused on various occasions i.e. 21.08.2022, 17.11.2022 and 26.12.2022. In fact on 03.04.2023, the six monthly compliance report of Environmental Clearance dated

31.03.2023 was submitted to HSPCB and SEIAA to show the compliance of deficiencies.

45. It is submitted here that the Demand Notice dated - 25.08.2023 issued by the Mining Officer, Department of Mines and Geology Recovery of Rs. 24,48,71,800/- has been challenged by way of the Appeal before Director, Mines Haryana which is pending adjudication.

46. It is pertinent to note that there is allegation of illegal mining beyond the area granted to the answering Respondent is completely bald as the answering Respondent has been made a scape goat. The issue of said illegal mining was also raised by the answering Respondent time to time orally to the concerned departments but due to no action by the said department, the answering Respondent submitted a written compliant on 16.05.2022 to the Mining Officer, Sonipat, Haryana regarding illegal mining carried out by the anti-social element in the vicinity or surroundings of the mining lease area of the answering Respondent. It was also mentioned in the complaint that illegal mining led to revenue loss to the State Government hence kindly take action against anti-social elements who are involved in the illegal Mining in the vicinity or surroundings of the mining lease area of the answering Respondent. However, no action was taken against them and due to the said compliant, the present project application is being preferred by the Applicant herein.

47. That in view of the above facts and circumstances of the case and the answering Respondent has a good case on merits and the Original Applicant has made bald allegation and the answering Respondent have been saddled with the huge cost by the committee without ascertaining the fact that whether the answering

Respondent is involved in the illegal mining in the surrounding areas or not. It is humbly requested that an independent committee/agency may be appointed by this Hon'ble Tribunal to bring out the true facts before this Hon'ble Tribunal.

48. Therefore, the present Original Application may be disposed of in accordance with law.

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

FILED BY

THROUGH



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

OFFICE:-D-206, 2ND FLOOR,

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

MOB: -9971792885

E-MAIL: -advocatesaurabhrajpal@gmail.com

PLACE – NEW DELHI

DATE - 22.05.2024



BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
हरियाणा HARYANA NEW DELHI XX 443544
Original Application No. 269/2023

IN THE MATTER OF:
MUNISH

... APPLICANT

VERSUS

HARYANA STATE POLLUTION CONTROL
BOARD & ORS.

...RESPONDENTS

AFFIDAVIT

I, Ishwar Sharma, S/o Shiv Kumar, Aged About 49 Years, R/o. House No. 94 Badodh (60), Bhuslana Kalan, Jind Haryana-126112 do hereby solemnly affirm and declare as under:

1. That I am the Respondent no.6 in the instant Reply, I am well conversant with the facts and circumstances of the case and thus competent to swear this affidavit.
2. That the accompanying reply have been drafted under my instructions, which I have read and understood. I further state that the averments made therein are true and correct to my knowledge and belief.
3. That the Annexures filed along with the reply are true copy of their respective originals.

For ULTIMATE GROUP

इश्वर शर्मा PROP.

DEPONENT



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

ATTESTED
Notary Public
KARNAL

For ULTIMATE GROUP

इश्वर शर्मा PROP.

Page

ULTIMATE GROUP

S.O - GAYASPUR-RASULPUR SAND UNIT, THE-GANNOUR
DISTRICT - SONIPAT, HARYANA-131101
OFFICE - SCO-2&3, NEAR HOODA PARK, MUGAL CANAL, KARNAL

16

ANNEXURE R-1

Dated: 31st March, 2023

To,

The Advisor,
Ministry of Environment & Forest & CC
Northern Regional Office,
Sector-31, Dakhshin Marg
Chandigarh

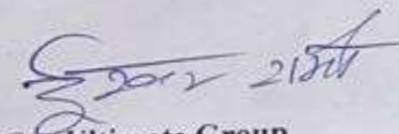
Subject : Submission of Six Monthly Compliance Report of stipulated conditions of Environmental Clearance for mining of sand (Minor Minerals) in revenue village of Gayaspur-Rasulpur having lease area of 35 hectares of M/s Ultimate Group, SCO 2&3, Service Road, Near Hooda Park, Mugal Kanal, Karnal. (Period - Ending 31st March, 2023)

Reference : EC -SEIAA/HR/2016/470 dated 27.06.2016

Dear Sir,

In accordance with terms of Environmental Clearance vide letter no. SEIAA/HR/2016/470 dated 27.06.2016, we are submitting here with six monthly compliance reports of stipulated conditions ((viii-General Condition) of environmental clearance along with laboratory analysis results.

We fully assure you that we will comply with all conditions as specified in the Environmental Clearance granted to us.



For Ultimate Group

Authorized Signatory

Name :

Designation

E-mail & Contact No.

CC : State Environment Impact Assessment Authority (SEIAA), Bay No.55 -58, Paryatan Bhawan, Sector-2, Panchkula (Haryana)

The Member Secretary, Haryana State Pollution Control Board (HSPCB), Sector-6, Panchkula

Ministry of Environment & Forest & Climate Change (IA Division), Indira Paryavaran Bhawan, Jodha Bagh, New Delhi

Enclosure : Six Monthly Compliance Report



ULTIMATE GROUP

S.O - GAYASPUR-RASULPUR SAND UNIT, THE-GANNOUR
DISTRICT - SONIPAT, HARYANA-131101
OFFICE - SCO-2&3, NEAR HOODA PARK, MUGAL CANAL, KARNAL

To,

Dated: 31st March, 2023

The Advisor,
Ministry of Environment & Forest & CC
Northern Regional Office,
Sector-31, Dakhshin Marg
Chandigarh

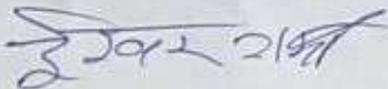
Subject : Submission of Six Monthly Compliance Report of stipulated conditions of Environmental Clearance for mining of sand (Minor Minerals) in revenue village of Gayaspur-Rasulpur having lease area of 35 hectares of M/s Ultimate Group, SCO 2&3, Service Road, Near Hooda Park, Mugal Kanal, Karnal. (Period - Ending 31st March, 2023)

Reference : EC -SEIAA/HR/2016/470 dated 27.06.2016

Dear Sir,

In accordance with terms of Environmental Clearance vide letter no. SEIAA/HR/2016/470 dated 27.06.2016, we are submitting here with six monthly compliance reports of stipulated conditions ((viii-General Condition) of environmental clearance along with laboratory analysis results.

We fully assure you that we will comply with all conditions as specified in the Environmental Clearance granted to us.



For Ultimate Group

Authorized Signatory

Name :

Designation

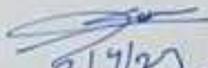
E-mail & Contact No.

CC : State Environment Impact Assessment Authority (SEIAA), Bay No.55 -58, Paryatan Bhawan, Sector-2, Panchkula (Haryana)

The Member Secretary, Haryana State Pollution Control Board (HSPCB), Sector-6, Panchkula

Ministry of Environment & Forest & Climate Change (IA Division), Indira Paryavaran Bhawan, Jor Bagh, New Delhi

Enclosure : Six Monthly Compliance Report


31/3/23
Haryana State Pollution Control Board
C-11, Sector-6, Panchkula

M.A. No. _____ of 2023
IN
Appeal No. _____ of 2023

M/s Ultimate Group

...Appellant

Versus

The Mining Officer, Department of Mines & Geology, Sonipat
...Respondent

**Application for staying the operation of
impugned Show Cause and Demand
Notice dated 25.08.2023 issued by
Respondent.**

Respectfully Showeth:-

1. That the accompanying appeal is being filed before this Hon'ble Court. The grounds taken therein may kindly be read as a part of this application.
2. That the applicant-appellant has a prima facie case in its favour.
3. That the balance of convenience is also in favour of the applicant-appellant.
4. That an irreparable loss and injury would be caused to the applicant-appellant if the operation of the impugned Show Cause and Demand Notice dated 25.08.2023 is not stayed.

5. That it would be in the interest of justice, equity and fair play that during the pendency of the present appeal, the operation of the impugned Show Cause and Demand Notice dated 25.08.2023 passed by Respondent is stayed.

It is therefore, respectfully prayed that the present application may kindly be allowed and operation of impugned Show Cause and Demand Notice dated 25.08.2023 passed by respondent may kindly be stayed, during the pendency of the present appeal, in the interest of justice and fair play.

Place: Chandigarh
Dated: 27.10.2023


(MUNISH GUPTA)
ADVOCATE
P-515/2005
COUNSEL FOR APPELLANT

- 2. That the contents of the application are true and correct to the knowledge and belief of the deponent. No part of the same is incorrect or false and nothing material has been kept concealed therein.
- 3. That the contents of the application may kindly be read as a part and parcel of the instant affidavit. The same are not being reproduced here for the sake of brevity.
- 4. That no such or similar application earlier has been filed either in this Hon'ble Court or before any other court of competent jurisdiction.

३१-१०-२३

Place: Chandigarh
Dated: .10.2023

The contents of this Affidavit/Document has been explained to the deponent / executants He / She has admitted the same to the correct

Serial No. 739 P No. 59 Dt. 31-10-23

Verification

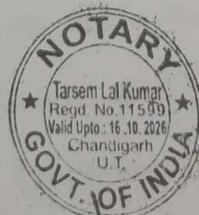
Verified that the contents of my above affidavit are true and correct to the knowledge and belief of the deponent. No part of the same is incorrect or false and nothing material has been kept concealed therein.

३१-१०-२३

Signature

Identified the deponent / executant He / she has signed in my presence

Place: Chandigarh
Dated: .10.2023



31 OCT 2023

ATTESTED AS IDENTIFIED

Tarsem Lal Kumar
NOTARY CHANDIGARH (U.T.)

**BEFORE DIRECTOR, MINES & GEOLOGY DEPARTMENT,
HARYANA, 30 BAYS BUILDING, SECTOR-17,
CHANDIGARH**

Appeal No. _____ of 2023

M/s Ultimate Group, SCO No.2 & 3, Service Road, Near Ranvir Hooda Park, Mughal Canal, Karnal (Haryana) through its Proprietor Sh. Ishwar Sharma aged 49 years son of Sh. Shiv Kumar, Resident of House No. 94, Badodh, Bushlana Kalan, District Jind (Haryana) (Aadhaar Card Number - 5412 6577 3473 & Mobile Number - +91 94160-22041)

...Appellant

Versus

The Mining Officer, Department of Mines & Geology, Sonipat, 34 Atlas Road, Bharat Porcelain Industrial Estate, Near Old DC Office, Sonipat.

...Respondent

Appeal under sub rule (1) of Rule 109 of Haryana Minor Mineral Concession, Stocking and Transportation of Mineral and Prevention of Illegal Mining Rules, 2012 (hereinafter referred to as State Rule 2012) challenging the Show Cause and Demand Notice dated 25.08.2023 (received on 04.09.2023) issued by Respondent, vide which appellant has been

directed to deposit Rs. 24,48,71,800/-
(Rupees Twenty Four Crores Forty Eight Lakhs
Seventy One Thousand Eight Hundred) within
a period of one month.

AND

It is further prayed that during pendency of the
present appeal before this Hon'ble Court,
operation of Show Cause and Demand Notice
dated 25.08.2023 (received on 04.09.2023)
may kindly be stayed.

AND / OR

Issue any other appropriate writ, order or
direction which this Hon'ble Court may deem fit
and proper in the facts and circumstances of
the case.

Respectfully Showeth

1. That the Appellant is aggrieved with the Show Cause and Demand Notice dated 25.08.2023 (received on 04.09.2023) issued by Respondent, vide which appellant has been directed to deposit Rs. 24,48,71,800/- (Rupees Twenty Four Crores Forty Eight Lakhs Seventy One Thousand Eight Hundred) within a period of one month.

2. That on the Border of Uttar Pradesh and Haryana, a Sand Mining Unit "Gyaspur/Rasulpur Sand Unit" of District Sonipat (Haryana) was notified for grant of Mining Contract for extraction of sand, vide Auction Notice dated 19.3.2015.

Pursuant to the said Notice, the Appellant offered a bid of

Rs. 6,13,25,000/- against the Reserve Price of Rs. 6,08,00,000/- and Appellant-firm, being the highest bidder, the Appellant's bid was accepted, and subsequently, Letter of Intent was issued in favour of Appellant-Firm on 21.04.2015 in respect of 35 hectares of land. Copy of Letter of Intent dated 21.04.2015 is annexed herewith **Annexure A-1** for the kind perusal of this Hon'ble Court.

3. That thereafter, the Appellant entered into a Contract (Form MC-1) with the Mining Department on 04/08/2015. Copy of Mining Contract Agreement (Form MC-1) dated 04.08.2015 is appended herewith as **Annexure A-2** for the kind perusal of this Hon'ble Court.

4. That thereafter, after obtaining Environmental Clearance on 27.06.2016 and all the necessary approvals/permissions such as Consent to Operate, the Appellant, admittedly, commenced mining operations on 07.07.2016.

5. That the mining operations of the Appellant-Firm remained disturbed, initially on account of orders of National Green Tribunal and later, because of some of the Original Partners of the Appellant-Firm backed out from Appellant-Firm; and as such financial assistance was provided by Sh. Ishwar Sharma and Sh. Rajesh Kumar for continuing the financial operations. The said development, of introduction of new partners was in the knowledge of Department and no objections were raised by the Department at that stage, while receiving payments from the newly introduced partners.

8

6. That on 25.01.2019, in gross violation of settled principles of law, as also the terms and conditions of the Mining Contract Agreement, the Mining Department suspended the Mining Contract given to the Appellant-Firm. Copy of order dated 25.01.2019 passed by Director, Mines & Geology Department Haryana, is annexed herewith as **Annexure A-3** for the kind perusal of this Hon'ble Court.

7. That the Appellant filed CWP No. 6040 of 2019 titled "M/s Ultimate Group Versus State of Haryana & Others" before the Hon'ble Punjab and Haryana High Court, Chandigarh, challenging, inter-alia, Suspension Order dated 25.01.2019 (passed on the wrongful and illegal basis that the composition of the Appellant-Firm was changed, without seeking permission from the Respondent-Department, despite the fact that specific permission was sought, as was recorded in the said Suspension Order as well) and seeking directions to the respondent to consider and decide the application of the Appellant regarding addition of two new partners. The Hon'ble High Court, on 11.03.2019, directed the respondents therein, to decide the said application, while tiding over the objection raised by the respondent regarding no permission being sought. Copy of order dated 11.03.2019 passed by the Hon'ble High Court is appended herewith as **Annexure A-4** for the kind perusal of this Hon'ble Court.

8. That thereafter, vide order dated 30.10.2019, the respondent-department, in a routine and mechanical manner, declined the request of Appellant-firm, for transfer of contract.

Later, vide order dated 08.01.2020, mining operations were suspended by the Respondent-Department.

9. That two statutory appeals, i.e. one challenging the order dated 08.01.2020, and another challenging the order dated 30.10.2019, were filed before Hon'ble Additional Chief Secretary, Mines & Geology Department Haryana; however, vide common order dated 04.01.2021, the appeals filed by Appellant were dismissed. Copy of order dated 04.01.2021 is appended herewith as **Annexure A-5** for the kind perusal of this Hon'ble Court.

10. That further, vide separate order dated 28.01.2021, even the mining contract granted to the Appellant-firm was terminated. Copy of order dated 28.01.2021 is appended herewith as **Annexure A-6** for the kind perusal of this Hon'ble Court.

11. That thereafter, the Appellant approached Hon'ble Punjab and Haryana High Court, Chandigarh by way of filing CWP No. 21368 of 2021 challenging the termination order dated 28.01.2021, order dated 04.01.2021 dismissing Appellant's appeals, order dated 08.01.2020 suspending the Appellant's mining contract and order dated 30.10.2019 rejecting the Appellant's application dated 19.03.2019 for transfer of contract to Shri Ishwar Sharma.

The Hon'ble Punjab and Haryana High Court, after considering all the facts and circumstances of the case, vide order dated 09.11.2021 allowed writ petition and all above stated orders impugned in the writ petition were set aside,

subject to the condition that the Appellant would deposit Rs. 1,03,26,613/- with the respondent-department. The Hon'ble High Court further directed the respondents therein, to decide the quantum of liability and to consider the issue of transfer of shares in the light of order dated 11.03.2019 passed by the Hon'ble High Court in CWP No. 6040 of 2019. Copy of order dated 09.11.2021 is appended herewith as **Annexure A-7** for the kind perusal of this Hon'ble Court.

12. That pursuant to the order dated 09.11.2021 passed by the Hon'ble High Court, the Appellant deposited Rs. 1,03,26,613/- vide challan dated 17.11.2021.

13. That in the meantime, State Government, vide notification dated 03.11.2021 notified One Time Settlement Scheme, to resolve issues pertaining to the mining sector under flagship policy of the State namely "Vivadon Ka Samadhaan".

14. That the Appellant applied under the said Policy and in response, received an order dated 30.03.2022, whereby the respondent-department determined the dues, in the light of directions of Hon'ble High Court and OTS Scheme, at Rs. 31,51,21,511/- including interest upto 31.03.2022 and Rs. 36,79,500/- under OTS-1. A period of 10 days was granted for filing of the objections and thereafter, vide order dated 03.08.2022, the objections filed by Appellant, pursuant to order dated 30.03.2022, were rejected.

15. That thereafter, the Appellant challenged the aforesaid order by filing appeal before the Hon'ble Appellate Authority-cum-Additional Chief Secretary, Mines and Geology Department, State of Haryana, which is pending subjudice.

16. That it is apt mentioning here that the Appellant, after the setting aside of suspension and termination orders by the Hon'ble Court vide order dated 09.11.2021, on account of opening of the Portal, started mining operations again. However, on account of Consent to Operate, having come to an end, Closure Order dated 16.03.2023 was served upon the Appellant. Copy of Closure Order dated 16.03.2023 is appended herewith as **Annexure A-8** for the kind perusal of this Hon'ble Court.

17. That the mining operations at the site, on account of Closure Order, had since not taken place, and the only issue interse the parties, now, was with regard to the liability of the Appellant, qua which, appeal before the competent authority was/is pending subjudice, as stated above.

18. That the appellant thereafter, was served with the impugned show cause and demand notice dated 25.08.2023 burdening the Appellant with huge liability of Rs. 24,48,71,800/- (Rupees Twenty Four Crores Forty Eight Lakhs Seventy One Thousand Eight Hundred) by relying upon an order passed by the National Green Tribunal.

19. That upon inquiry, it transpired that Original Application No. 269 of 2023 has been filed by one Munish before Hon'ble National Green Tribunal, New Delhi, wherein vide order dated 17.04.2023, Hon'ble National Green Tribunal ordered Joint Committee of State Environment Impact Assessment Authority, State Pollution Control Board and District Magistrate Sonapat to submit a report. Copy of order dated 17.04.2023 is annexed

herewith as **Annexure A-9** for the kind perusal of this Hon'ble Court.

20. That further, the Appellant was able to get the report submitted by Regional Officer, Haryana State Pollution Control Board, Sonapat, addressed to Registrar, National Green Tribunal, New Delhi, perusal whereof would show that at the time of conducting the inspection, the Joint Committee **never associated the Appellant, and it has been admitted in the said report that mining activities have since stopped ever since letter dated 17.03.2023 was served pursuant to Closure Order dated 16.03.2023.** It has been observed in the report that recommendation of proposed environmental compensation of Rs. 33,60,000/- has been proposed by the Committee. Copy of letter dated 20.07.2023 alongwith complete report is appended herewith as **Annexure A-10** for the kind perusal of this Hon'ble Court.

21. That upon submission of the above said report, Hon'ble National Green Tribunal, vide order dated 21.07.2023 has directed Haryana State Pollution Control Board (HSPCB) to take immediate remedial action and to stop mining activity and to realize the environmental compensation. Copy of order dated 21.07.2023 is appended herewith as **Annexure A-11** for the kind perusal of this Hon'ble Court.

22. That sequence of events, as narrated above, leave no iota of doubt that Hon'ble National Green Tribunal, New Delhi, vide its order dated 17.04.2023 directed inspection of the site; however, during the said inspection, the Appellant was never

associated, and now, vide the impugned Show Cause & Demand Notice dated 25.08.2023, huge liability of Rs. 24,48,71,800/- (Rupees Twenty Four Crores Forty Eight Lakhs Seventy One Thousand Eight Hundred) has been fastened upon the Appellant-company, by taking aid of the order passed by Hon'ble National Green Tribunal.

It is submitted that order of Hon'ble National Green Tribunal, New Delhi, in no way, gives any such direction, and the only direction issued, is with regard to recovery of environmental compensation according to Rules. The said matter is pending subjudice before the Hon'ble National Green Tribunal and Appellant would take recourse before the said court, as till date, Appellant has not even been heard before the said Authority.

23. That, admittedly, the entire litigation, till date, interse the parties, would show that at no point of time, any allegation of illegal mining was raised against the Appellant.

24. That further, admittedly, pursuant to the Closure Order dated 16.03.2023, the mining operations are no more in operation, as is also apparent from perusal of the report submitted by Haryana State Pollution Control Board, Sonipat sent to Hon'ble National Green Tribunal, New Delhi.

25. That it is submitted that there has been never any objection or allegation against the Appellant regarding non-submission of periodical reports to the Respondent-Department.

26. That now, on the basis of Site Inspection, conducted in May 2023, in which it has been allegedly noticed that there

were no pillars found on the site and that mining beyond the contract area, has been done and it has also been alleged that Appellant has done mining, even on the land adjoining State of Haryana. The same is de hors illegal, as since the mining operations had come to an end, on 17.03.2023, thus, thereafter, the site in question was/is not under the control of Appellant and therefore, it is totally illogical to say that illegal mining has been conducted by the Appellant.

27. That even otherwise, although no illegal mining has been conducted by Appellant, as is being alleged, and on the basis of which, huge recovery of Rs. 24,48,71,800/- (Rupees Twenty Four Crores Forty Eight Lakhs Seventy One Thousand Eight Hundred) is being levied on Appellant, still, it is submitted, in terms of the concerned Rules and provisions of the Act, before imposition of any recovery, an opportunity of hearing ought to have been given, and since the impugned recovery notice is based on the orders passed by Hon'ble National Green Tribunal and the matter is pending subjudice before the said Authority, the impugned order, in any case, is not sustainable.

28. That under the Rules, as well, there is procedure to be followed before imposition of any penalty upon any person, who is found to have conducted illegal mining. In the instant case, as already stated above, it has never been earlier, at any point of time, the case of respondent that Appellant is indulged in illegal mining, rather the mining operations were effected on account of various other reasons, as already detailed above, which are much beyond the alleged allegations of illegal mining. It is

the or
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under this apprehension that Appellant approached the Hon'ble High Court earlier, by way of filing CWP No. 18299 of 2023, which apprehension has now become true.

32

29. That Appellant has strictly remained within the four corners of its obligations cast under the agreement executed in the shape of Form MC-1 and never travelled beyond the scope of same. Thus, the impugned show cause and demand notice is totally illegal and cannot be sustained in the eyes of law.

30. That the Appellant challenged the impugned show cause and demand notice dated 25.08.2023 by filing CWP No. 20764 of 2023, which upon hearing by the Hon'ble High Court, was allowed to be withdrawn with liberty to file appeal. Order dated 21.09.2023 passed in CWP No. 20764 of 2023 is attached as **Annexure A-12** for the kind perusal of this Hon'ble Court. Hence, the instant appeal.

31. That the present appeal is being filed within limitation, as the order dated 25.08.2023 has been received on 04.09.2023. It is apt mentioning here that Section 110(1) of Act provides for 60 days limitation period. In view thereof, the impugned demand notice having been received on 04.09.2023, the appeal is within limitation.

32. That no such or similar appeal earlier has been filed either in this Hon'ble Court or before any other court of competent jurisdiction.

It is, therefore, respectfully prayed that the present appeal may kindly be allowed and Show Cause and Demand Notice dated 25.08.2023 (received on 04.09.2023) issued by Respondent, vide which appellants have been directed to deposit Rs. 24,48,71,800/- (Rupees Twenty Four Crores Forty Eight Lakhs Seventy One Thousand Eight Hundred) within a period of one month, may kindly be set-aside, in the interest of justice.

It is further prayed that during pendency of the present appeal before this Hon'ble Court, operation of Show Cause and Demand Notice dated 25.08.2023 may kindly be stayed, in the interest of justice.

It is further prayed that the filing of certified copy of Show Cause and Demand Notice dated 25.08.2023 (received on 04.09.2023) issued by Respondent, may kindly be exempted, in the interest of justice.

Issue any other appropriate writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Place: Chandigarh
Dated: 27.10.2023


(MUNISH GUPTA)
ADVOCATE
P-515/2005
COUNSEL FOR APPELLANT

**BEFORE DIRECTOR, MINES & GEOLOGY
DEPARTMENT, HARYANA, 30 BAYS BUILDING,
SECTOR-17, CHANDIGARH**

Appeal No. _____ of 2023

M/s Ultimate Group

...Appellant

Versus

The Mining Officer, Department of Mines & Geology,
Sonipat

...Respondent

**Affidavit of Ishwar Sharma aged 49 years
son of Sh. Shiv Kumar, Resident of House No.
94, Badodh, Bushlana Kalan, District Jind
(Haryana) (Aadhaar Card Number - 5412
6577 3473 & Mobile Number- +91 94160-
22041), Proprietor, M/s Ultimate Group, SCO
No.2 & 3, Service Road, Near Ranvir Hooda
Park, Mughal Canal, Karnal (Haryana)**

I, the above named deponent, do hereby solemnly
affirm and declare on oath, as under :-

1. That the accompanying appeal is being filed in this
Hon'ble Court which is likely to succeed on the grounds
mentioned therein.



2. That the contents of the appeal are true and correct to the knowledge and belief of the deponent. No part of the same is incorrect or false and nothing material has been kept concealed therein.

3. That the contents of the appeal may kindly be read as a part and parcel of the instant affidavit. The same are not being reproduced here for the sake of brevity.

4. That no such or similar appeal earlier has been filed either in this Hon'ble Court or before any other court of competent jurisdiction.

Place: Chandigarh
Dated: .10.2023



ATTESTED AS IDENTIFIED
Tarsem Lal Kumar
NOTARY CHANDIGARH (U.T.)

5292 2HF

Verification

Verified that the contents of my above affidavit are true and correct to the knowledge and belief of the deponent. No part of the same is incorrect or false and nothing material has been kept concealed therein.

Place: Chandigarh
Dated: .10.2023

5292 2HF

Identified the deponent / executant & he / she has signed in my presence

Signature

The contents of this Affidavit Document has been explained to the deponent / executants He / She has admitted the same to the correct

SeriaNo... 760 PNO... 59 31-10-23

31 OCT 2023

GST NO - 06BMPPS7218N2Z6

MOBILE NUMBER - +91 94160 22041

ULTIMATE GROUP

House No-163, Ashoka Nursery, Karnal-132001

DATE : 16 MAY 2022

सेवा में,
माइनिंग ऑफिस
सोनीपत हरियाणा

विषय : रेत की चोरी तथा असामजिक लोगो द्वारा लड़ाई झगडा करने के संदर्भ में।

महाशय,

सविनय निवेदन है की हमारी फर्म M/S ULTIMATE GROUP के नाम से गयासपुर रसूलपुर में सरकार द्वारा ठेका आवंटित किया गया है, जिसका खसरा नंबर क्रमशः 16//25/1,25/2, 17//3,4,5,9,11,12,19,20,21. 18//1,10,11,20,21. 19//4,5,6,7,8,13,14,15,16,17,18,19,22,23,24,25.

34//2,3,4,5,6,7/1,8,9,12/1,12/213,14,15,16,17,18,19,22,23/1,23/2,24,25. 35//1,10,11,20,21 36//1 37//5 जोकि हरियाणा एवं उत्तर प्रदेश की सीमा से लगा हुआ है। जिसके कारण हरियाणा तथा उत्तर प्रदेश के कुछ असामजिक तत्वों द्वारा अवैध खनन किया जाता है जिससे सरकार के राजस्व का नुकसान हो रहा है तथा बार-बार मना करने के बावजूद ये लोग धमकी भरी भाषा का प्रयोग करते है जिसके लड़ाई-झगडा की नौबत आ जाती है।

अतः श्री मान से विनम्र निवेदन है की इस समस्या का निपटारा जल्द से जल्द करने की कृपा करे जिससे कार्य में कोई रुकावट या विवधान उत्पन ना हो।

धन्यवाद।

Received by
Chetan



शुभ शर्मा

अल्टीमेट ग्रुप
गयासपुर, रसूलपुर
सोनीपत हरियाणा

Registered/Speed Post

From

The Director General,
Mines and Geology Department, Haryana,
1st Floor, 30-Bays Building, Sector-17, Chandigarh.

To

M/s Ultimate Group, SCO 2 & 3,
Service Road, Near Ranvir Hooda Park,
Mugal Kanal, Karnal.

Memo No. DMG/HY/Cont/ Gyaspur-Rasulpur/2015/ 2128
Dated Chandigarh, the 21/04/2015

Subject: Acceptance of the highest bid/ in respect of the Sand minor mineral mines/quarries of "Gyaspur-Rasulpur Sand Unit" having total area of 35.00 hectares in the district Sonipat, offered in the auction held on 16.04.2015 and issue of Letter of Intent (Lol) - regarding.

You offered the highest bid of Rs. 6,13,25,000/- [Rs. Six Crores thirteen lakhs twenty five thousand only] per annum, against the Reserve Price of Rs. 6,08,00,000/- per annum, for obtaining the Mining Contract of Minor Mineral Mines namely 'Gyaspur-Rasulpur Sand Unit' having the total area of 35.00 hectares which, inter alia, contains two mining blocks, in the auction held on 16.04.2015 in the office of Assistant Mining Engineer, Sonipat in accordance with terms and conditions of the Auction Notice No. DMG/HY/Auction/SNP/2015/1653 dated 19.03.2015. The detail of the khasra numbers of the tentative area under above said Mining Unit is attached as Annexure 'A'.

2. You are hereby informed that the state government has accepted the highest bid of Rs. 6,13,25,000/- [Rs. Six Crores thirteen lakhs twenty five thousand only] offered by you in respect of the above said minor mineral mines unit of 'Gyaspur-Rasulpur Sand Unit' under the provisions of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals & Prevention of Illegal Mining Rules-2012 (State Rules). Accordingly, you have become the successful bidder in respect of 'Gyaspur-Rasulpur Sand Unit' of the district Sonapat.

3. The State Government having accepted the aforementioned highest bid offered by you, the Department is pleased to issue this Letter of Intent (Lol) in your favour in respect of the Mining Unit/area namely 'Gyaspur-Rasulpur Sand Unit' subject to the following terms and conditions:

- (i) The period of contract shall be 08 years and the same shall commence with effect from the date of grant of environmental clearance by competent authority or on expiry of a

contract money shall be deposited before commencement of the mining operations or before expiry of the period of 12 months, whichever is earlier;

- (vii) You shall execute an Agreement Deed in Form MC-I appended to the Haryana Minor Mineral Concession, Stocking, Transportation of Mineral & Prevention of Illegal Mining Rules-2012 (the State Rules 2012) within a period of 90 days from the date of issuance of this communication/ grant of Lol;
- (viii) It may be pointed out that as per existing applicable rates the contract agreement had to be executed on Non Judicial Stamp papers worth Rs. 22,70,950/- (Rs. Twenty two lakh seventy thousand nine hundred and fifty only). However, you are aware that M/s Haryana Royalty Company, one of the Lol holder (who participated in the auctions held in December 2013) has filed a CWP No. 6018 of 2014 before the Hon'ble Punjab & Haryana High Court. Further a few other similarly situated Lol holders have also filed separate CWP's before the Hon'ble Punjab and Haryana High Court challenging demand/ levy of Stamp Duty on execution of 'Contract Agreement'. The said matter is still pending for adjudication. Accordingly, the auction was conducted subject to outcome of said cases. **Therefore, the charging of stamp duty for the execution of contract agreement shall be as per final outcome of the said CWP's.**
- (ix) The Contract Agreement would also be required to be got Registered on payment of the applicable Registration fee;
- (x) In case you fail to execute the Agreement Deed within the prescribed period of 90 days, this Lol shall be deemed to have been revoked and the amount of initial bid security deposited at the time of auction shall be forfeited. Further, the balance amount of 15% towards the bid security, amounting to Rs. 91,98,750/- being the 15% of the annual bid amount, shall be recovered as arrears of land revenue and, you, as the Lol holder/ defaulter, shall be debarred from participation in any future auctions for a period of 5 years;
- (xi) You shall also furnish a solvent surety for a sum equal to the amount of the annual bid for execution of the Agreement. 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 shall be executed to this effect;
- (xii) After execution of Agreement, either before commencement of the mining operation or before expiry of the period of 12 months from the date of issuance of this Lol, whichever is earlier, in case of failure to deposit the balance 15% amount towards security [as required under clause (v) above] the acceptance of bid/issuance of Lol/execution of agreement shall be deemed to have been revoked and 10% amount

- period of 12 months from the date of this communication of acceptance of highest bid/ issuance of “Letter of Intent”, whichever is earlier;
- (ii) Though due care had been taken in specifying the details of the area of the mining units/ blocks etc., the block/unit areas are tentative and notified on as is where is basis. However, in case of any inadvertent mistake, the same shall be got rectified/ corrected before execution of the agreement;
- (iii) No request regarding reduction in bid amount on account of reduction in land/area of the Mining Unit, including due to change in, description of khasra numbers/location etc. at any stage will be entertained on any ground including loss/reduction of area for mining on account of compliance of applicable laws/restrictions. Needless to state that this also includes the changes, if any, as per condition no. 3 of auction notice.
- (iv) The amount of the highest successful bid i.e. Rs. 6,13,25,000/- [Rs. Six Crores thirteen lakhs twenty five thousand only] shall be the “Annual Contract Money” payable by you as the contractor in the manner prescribed in the contract agreement to be executed on form MC-1 appended to State Rules;
- (v) The above said annual contract money shall be increased at the rate of 25% on completion of each block of three years. Accordingly, the year-wise amount of the annual contract money shall be as per details given below:

Sr. No.	Year of the Contract Period	Annual contract Money
1	First Year	Rs. 6,13,25,000/-
2	Second Year	Rs. 6,13,25,000/-
3	Third Year	Rs. 6,13,25,000/-
4	Fourth Year	Rs. 7,66,56,250/-
5	Fifth Year	Rs. 7,66,56,250/-
6	Sixth Year	Rs. 7,66,56,250/-
7	Seventh Year	Rs. 9,58,20,313/-
8	Eighth Year	Rs. 9,58,20,313/-

- (vi) As per the terms and conditions of the grant, you are liable to deposit Rs. 1,53,31,250/- i.e. equal to 25% of the annual bid amount as “security deposit” out of which you have already deposited an amount of Rs. 61,32,500/- (Rs. Sixty one lakh thirty two thousand five hundred only) i.e. equal to 10% of the annual bid amount as ‘initial bid security’ at the fall of hammer. The balance amount of Rs. 91,98,750/- of the bid security i.e. 15% of the annual bid amount alongwith one month’s advance

deposited towards as initial bid security at the time of auction shall stand forfeited. Further, un-paid 15% amount towards security shall be recovered as arrears of land revenue and you shall be debarred from participation in any subsequent bids for a period of 5 years;

- (xiii) You shall be liable to deposit the contract money in advance at monthly intervals as per provisions of Contract Agreement i.e. from the date of commencement of the contract Agreement;
- (xiv) You shall also deposit/ pay an additional amount equal to 10% of the due contract money along with the monthly installments towards the 'Mines and Minerals Development, Restoration and Rehabilitation Fund'.
- (xv) You shall also be liable to pay advance income tax as per provisions of Section 206(c) of income tax act in addition to contract money, payable as per terms and conditions of contract agreement.
- (xvi) On enhancement of the contract money with the expiry of every three years period, you shall deposit the balance amount of security so as to upscale the security amount equal to 25% of the revised annual contract money as applicable for one year with respect to the next block of three years. No interest, whatsoever, shall be payable on the security amount deposited under the prescribed security head of the government;
- (xvii) You shall prepare a Mining Plan along with the Mine Closure Plan (Progressive & Final) as per chapter 10 of the State Rules for each block of the "Mining Unit" and shall not commence mining operations in any area except in accordance with such Mining Plan duly approved by an officer authorised by the Director General, mines & Geology, in this behalf.
- (xviii) Further, the actual mining will be allowed to be commenced only after prior Environmental Clearance is obtained by you as the Lol holder/mining contractor for the Mining Blocks from the Competent Authority separately or jointly for the mining unit as permitted by the competent Authority required under EIA notification dated 14/9/2006, as amended from time to time by the MoE&F, GoI and guidelines/ circulars issued in this behalf;
- (xix) The Mining contractor to whom mining rights have been granted through this contract would also be liable to pay the following to the landowners to undertake mining operations:
 - (a) Annual rent in respect of the land area blocked under the concession but not being operated, and

- (b) Rent plus compensation in respect of the area used for actual mining operations.
- (xx) The amount of annual rent and the compensation shall be settled mutually between the landowner and the mining contractor. In case of non-settlement of the rent and compensation, the same shall be decided by the District Collector concerned in accordance with the provisions contained in Chapter 9 of the "Haryana Minor Mineral Concession, Stocking, and Transportation of Minerals and Prevention of Illegal Mining Rules, 2012";
- (xxi) The total mineral excavated and stacked by the concession holder within the area granted on mining contract shall not exceed two times of the average monthly production as per approved Mining Plan at any point of time;
- (xxii) The Mining Contractor shall not stock any mineral outside the concession area granted on mining contract, without obtaining a valid license as per provisions contained in Chapter 14 of the State Rules;
- (xxiii) The contractor shall not carry out any mining operations in any reserved/ protected forest or any area prohibited by any law in force in India, or prohibited by any authority without obtaining prior permission in writing from such authority or officer authorized in this behalf. In case of refusal of permission by such authority or officer authorized in this behalf, contractor(s) shall not be entitled to claim any relief in payment of contract money on this account;
- (xxiv) Following special conditions shall be applicable for excavation of minor mineral(s) from river beds in order to ensure safety of river-beds, structures and the adjoining areas:
- (a) No mining would be permissible in a river-bed up to a distance of five times of the span of a bridge structure on up-stream side and ten times the span of such bridge structure on down-stream side, subject to a minimum of 250 meters on the up-stream side and 500 meters on the down-stream side;
 - (b) There shall be maintained an un-mined block of 50 meters width after every block of 1000 meters over which mining is undertaken or at such distance as may be directed by the Director or any officer authorised by him;
 - (c) The maximum depth of mining in the river-bed shall not exceed three meters from the un-mined bed level at any point in time with proper bench formation;
 - (d) Mining shall be restricted within the central 3/4th width of the river/ rivulet;

- (e) No mining shall be permissible in an area up to a width of 500 meters from the active edges of embankments in case of river Yamuna, 250 meters in case of Tangri, Markanda and Ghaggar and 100 meters on either side of all other rivers/ rivulets;
 - (f) Any other condition(s), as may be required by the Irrigation Department of the state from time to time for river-bed mining in consultation with the Mines & Geology Department, may be made applicable to the mining operations in river-beds.
- (xxv) A safety margin of two meters (2m) shall be maintained above the ground water table while undertaking mining and no mining operations shall be permissible below this level unless a specific permission is obtained from the competent authority in this behalf. Further, the depth of excavation of mineral shall not exceed nine meters (9m) at any point of time;
- (xxvi) The contractor shall not undertake any mining operations in the area granted on mining contract without obtaining requisite permission from the competent authority as required for undertaking mining operations under relevant laws;
- (xxvii) The contractor shall be under obligation to carry out mining in accordance with all other provisions as applicable under the Mines Act, 1952, Mines and Minerals (Development and Regulation) Act, 1957, Indian Explosives Act, 1884, Forest (Conservation) Act, 1980 and Environment (Protection) Act, 1986 and the rules made thereunder, Wild Life (Protection) Act, 1972, Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981;

4. Accordingly, for the time being you are advised to submit the Draft Contract Agreement on Form MC-I (in Five copies) appended to the State Rules-2012, on plain papers along with other requisite documents including a solvent surety(s) for a sum equal to the amount of the annual bid for execution of the agreement, within a period of 90 days from the date of issue of this bid acceptance letter and the Lol. You should also furnish an affidavit to the effect that you will immediately deposit the requisite stamp duty as per out of the related court cases as stated under para 3(viii) above.

5. Please note that one Sh. Rajbir Singh had filed a CWP bearing No. 27700 of 2013 before the Hon'ble Punjab & Haryana High Court challenging the conditions of the auction notice and the rules relating to payment of Rent and Compensation to the land owners and the time of 12 months allowed to the highest bidders/ Lol holders for obtaining the Environmental Clearance as per EIA notification of the Ministry of Environment & Forests, Government of India. While the Hon'ble High Court did not restrain the auction proceedings and held that that the

auctions may be held but it has also directed vide its orders dated 17.12.2013 that the same shall be subject to final outcome of the above said CWP. Accordingly, the auction was conducted, subject to outcome of above case. Hence, this acceptance /Lol is being issued subject to the outcome in CWP No. 27700 of 2013 pending before Hon'ble Punjab & Haryana High Court.


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

Endst. No. DMG/HY/Cont/ Gyaspur-Rasulpur/2015/

Dated:- 21/04/2015.

A copy is forwarded to the following for information and necessary action please:-

1. The Chairman, Haryana State Pollution Control Board, Panchkula.
2. The Deputy Commissioner, Sonapat.
3. The Assistant Mining Engineer, Mines & Geology Deptt., Sonapat.


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

ANNEXURE R-5

STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY HARYANA
Bay No. 55-58, Prayatan Bhawan, Sector-2, PANCHKULA.

No. SEIAA/HR/2016/470

Dated: 27-6-2016

To

M/s Ultimate Group,
Service Road, Near Ranvir Hooda Park,
Mugal Karnal, Haryana

Subject: Environmental Clearance for Mining of Balu/Sand over an area of 35.00 Ha' in Village- Gyaspur- Rasulpur' Production Capacity- I 2,67 ,200 Tons per Tehsil- Ganaur, District Sonipat (HR).

This has reference to your application transferred online by MoEF & CC, GoI to M. S. SEIAA on 25.03.2016 hard copy received on 25.03.2016 and subsequent letter dated 01.06.2016 seeking prior environmental clearance for the above project under the EIA Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification, 2006 and subsequent amendments on the basis of the mandatory documents enclosed with the application viz., Form-1, Pre-feasibility report, copy of approved Mining Plan, EIA/EMP on the basis of approved TORs and the additional clarifications furnished in response to the observations of the EAC of MOEF & CC, GOI and State Expert Appraisal Committee (SEAC) constituted by MOEF & CC, GOI vide their Notification 21.08.2015, in its meetings held on 06.05.2016 and 01.06.2016.

[2] The EAC/SEAC has examined the application and noticed that the proposal is for Mining of Balu/Sand, at Village- Gyaspur- Rasulpur' production capacity of I 2, 67, 200 Tons per year in Tehsil- Ganaur, District Sonipat (HR) over an area of 35.00 Ha. The Mines and Geology Department Haryana has granted lease for an area of 35.00 Ha (23.60 Ha in Gyaspur/Rasulpur, River Bed Block +11.40 Ha in Gyaspur outside River Bed Block) Village- Gyaspur- Rasulpur' for production of I 2,67 ,200 Tons per Tehsil- Ganaur, District Sonipat (HR) vide letter of Intent (LOI) dated 21.04.2015. The land use of 11.40 Ha in Gyaspur outside riverbed is agriculture land as per sustainable sand mining management guidelines issued by MoEF & CC, GoI the lease should be of sand mining from agriculture field or river. In same lease both type of area should not be included where as in this case the Mines and Geology Department Haryana has granted lease for 35 Ha to the project proponent vide LOI dated 20.04.2016. The project proponent has submitted approved mining plan dated 22.07.2015. The public hearing was conducted by HSPCB on 16.03.2016. The SEAC has appraised this project as category B-1. NOC from Forest Department has been obtained.

Brief details of the project:

1.	Category/Item no. (in schedule):	1 (a) B-1																						
2.	Location of Project	Village- Gyaspur- Rasulpur' production capacity of 12,67,200 TPA Tehsil- Ganaur, Dist. Sonipat (HR)																						
3.	Project Details Khasra No. Production capacity	Mining of Balu/Sand, at Village- Gyaspur- Rasulpur' 35.00 Ha. 12,67,200 TPA @142 Trips/day (169 Ton/Trip)																						
4.	Project Cost	8.50 Crore																						
5.	Water Requirement & Source	22 KLD through Tankers																						
		Dust suppression	13 KLD																					
		Plantation	7 KLD																					
		Drinking	2KLD																					
6.	Environment Management Plan Budget	21.10 lakh																						
7.	CSR Activates Budget	20 Lakh per anum																						
8.	Production	The proposed production for the five years is @ 12,67,200 MT/year. The ultimate pit limit is 3 m bgl or 2 meter above water table which ever comes first in the riverbed mining.																						
9.	Corner Coordinates of the lease area	<table border="1"> <thead> <tr> <th>Corners</th> <th>Latitudes</th> <th>Longitudes</th> </tr> </thead> <tbody> <tr> <td>River bed</td> <td>N 29⁰ 05'50"</td> <td>E77⁰ 07'50"</td> </tr> <tr> <td></td> <td>To</td> <td>To</td> </tr> <tr> <td></td> <td>N 29⁰ 06'27"</td> <td>E77⁰ 08'14"</td> </tr> <tr> <td>Outside River bed</td> <td>N 29⁰ 05'59"</td> <td>E77⁰ 06'43"</td> </tr> <tr> <td></td> <td>To</td> <td>To</td> </tr> <tr> <td></td> <td>N 29⁰ 06'11"</td> <td>E77⁰ 06'56"</td> </tr> </tbody> </table>		Corners	Latitudes	Longitudes	River bed	N 29 ⁰ 05'50"	E77 ⁰ 07'50"		To	To		N 29 ⁰ 06'27"	E77 ⁰ 08'14"	Outside River bed	N 29 ⁰ 05'59"	E77 ⁰ 06'43"		To	To		N 29 ⁰ 06'11"	E77 ⁰ 06'56"
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10.	Green belt/ plantation	<table border="1"> <thead> <tr> <th>Year of Plantation</th> <th>Proposed Plantation</th> </tr> </thead> <tbody> <tr> <td>I Yr.</td> <td>1000 Trees</td> </tr> <tr> <td>II Yr.</td> <td>1000 Trees</td> </tr> <tr> <td>III Yr.</td> <td>1000 Trees</td> </tr> <tr> <td>IV Yr.</td> <td>1000 Trees</td> </tr> <tr> <td>V Yr.</td> <td>1000 Trees</td> </tr> </tbody> </table>		Year of Plantation	Proposed Plantation	I Yr.	1000 Trees	II Yr.	1000 Trees	III Yr.	1000 Trees	IV Yr.	1000 Trees	V Yr.	1000 Trees									
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11.	Machinery required	Excavator, JCB, Tipers/Trucks, Water Tanker Light Vehicles/Geep and Maintianance Van																						

The Authority in its 92nd meeting held on 15.06.2016 decided to agree with the recommendations of SEAC to accord Environment Clearance to this project by imposing the following conditions:-

A SPECIFIC CONDITIONS:

- [1] This Environment Clearance is granted for the proposed Mining of Balu/Sand for the five years @ 12,67,200 TPA. The ultimate pit limit is 3 m bgl or 2 meter above water table which ever comes first in the riverbed mining. The Corner Coordinates of the leased area are:

Corners	Latitudes	Longitudes
River bed	N 29 ⁰ 05'50"	E77 ⁰ 07'50"
	To	To
	N 29 ⁰ 06'27"	E77 ⁰ 08'14"
Outside River bed	N 29 ⁰ 05'59"	E77 ⁰ 06'43"
	To	To
	N 29 ⁰ 06'11"	E77 ⁰ 06'56"

- [2] The project proponent shall carry out mining activity strictly as per the approved Mining Plan.
- [3] Environmental Clearance is subject to obtaining clearance, under the Wildlife (Protection) Act, 1972 from the National Board of Wildlife, as applicable to the project.
- [4] No mining activities will be allowed in forest area, if any, for which the Forest Clearance is not available.
- [5] The Project proponent shall obtain consent to Operate from the State Pollution control Board, Haryana and effectively implement all the conditions stipulated therein.
- [6] Project Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical examination of the workers engaged in the project and records maintained; also, Occupational health check-ups for workers having some ailments like BP, diabetes, habitual smokers, etc. shall be undertaken once in six months and necessary remedial/preventive measures taken accordingly. Recommendations of National Institute for labour for ensuring good occupational environment for mine workers would also be adopted.
- [7] Project Proponent shall appoint a Monitoring Committee to monitor the replenishment study, traffic management, levels of production, River Bank erosion and maintenance of Road etc.
- [8] The number of trips of the trucks shall not exceed 142 Trips/day (169 Ton/Trip). Transport of minerals shall be done either by dedicated road or it should be ensured that the trucks/dumpers carrying the mineral should not be allowed to pass through the villages.
- [9] Project Proponent shall ensure that the road may not be damaged due to transportation of the mineral; and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and density.
- [10] Excavation will be carried out up to a maximum depth of 3 meters from surface of river bed one meter above from the ground water level of the River channel whichever is reached earlier.
- [11] The pollution due to transportation load on the environment will be effectively controlled & water sprinkling will also be done regularly. Vehicles with PUC only will be allowed to ply. The mineral transportation shall be carried out through

- covered trucks only and the vehicles carrying the mineral shall not be overloaded. Project should obtain 'PUC' certificate for all the vehicles from authorized pollution testing centre.
- [12] Washing of all transport vehicles should be done inside the mining lease.
- [13] Permanent pillars has to be constructed to demarcate width of extraction of Reserve of Minerals leaving 25% of River width from the bank with depth of 1.5m below the ground and 1.2 m above the ground to observe its stability.
- [14] There shall be planning, developing and implementing facility of rainwater harvesting measures on long term basis in consultation with Regional Director, Central Groundwater Board and implementation of conservation measures to augment ground water resources in the area in consultation with Central Ground Water Board.
- [15] The Project Proponent shall also take all precautionary measures during mining operation for conservation and protection of endangered flora/fauna, if any, spotted in the study area.
- [16] Main haulage road in the mine should be provided with permanent water sprinklers and other roads should be regularly wetted with water tankers fitted with sprinklers.
- [17] Provision shall be made for the housing of construction for labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- [18] No River sand mining shall be allowed in flowing water and no mining is allowed in rainy season.
- [19] The project proponent shall submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity/ production levels shall be decreased/ stopped accordingly till the replenishment is completed.
- [20] The project proponent shall ensure that no natural water course/water body shall be obstructed due to any mining operations.
- [21] The dumping site selected and proposed shall be used for over burden dump at the designated site within the lease area as per the approved mine plan. In no case the overburden should be dumped outside the lease area.
- [22] Garland drains shall be constructed to prevent the flow of the water in the dumps.
- [23] Green belt should be developed as per the proposed plantation as given in the proposal. Plantation should be carried out in phased manner.
- [24] Regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of SPM and RPM such as haul road, loading and unloading

- point and transfer points. It shall be ensured that the Ambient Air Quality Parameters conform to the norms prescribed by the CPCB.
- [25] Regular monitoring of ground water level and quality shall be carried out in and around the mine lease. The monitoring shall be carried out four times in a year-pre monsoon (April-May), monsoon (August), post monsoon (November); winter (January) and the data thus collected may be sent regularly to MOEF Regional Office, Chandigarh and Regional Director CGWB.
- [26] Data on ambient air quality and stack emissions shall be submitted to Haryana Pollution Control Board once in six months carried out by MOEF/NABL/CPCB/ Government approved lab.
- [27] Vehicular emissions shall be kept under control and regularly monitored. Measures shall be taken for maintenance of vehicles used in mining operations and in transportation of mineral. The vehicles shall be covered with a tarpaulin and shall not be overloaded. The project proponent shall ensure that the vehicle must have pollution under control certificate.
- [28] The project proponent shall take all precautionary measures during mining operations for conservation and protection of endangered fauna, if any, spotted in the study area. A plan for conservation shall be drawn and got approved from the Chief Wildlife Warden of the State before start of mining operations. Necessary allocation of funds for implementation of the conservation plan shall be made and the funds so allocated shall be included in the project cost. All the safeguard measures brought out in the wildlife conservation plan so prepared specific to the project site shall be effectively implemented. A copy of action plan may be submitted to the HSPCB and MOEF, Regional Office, Chandigarh within 3 months..
- [29] As envisaged, the Project Proponent shall invest at least an amount of Rs. 34.0 lakh as cost for implementing various environmental protection measures including recurring expenses per year.
- [30] A sum of Rs. 25.0 lakh shall be earmarked by the Project proponent for investment as CSR on socio economic up-liftment activities of the area particularly in the area of habitat, health or education, training programme of rural women & man provide the kit for employment generation. The proposal should contain provision for monthly medical camps, distributions of medicines and improvement in educational facilities in the nearby schools. Details of such activity along with time bound action plan be submitted to HSPCB/SEIAA Haryana before the start of operation.
- [31] Budgetary provision of Rs. 15.0 lakh per year earmarked for the labours working in the Mine for all necessary infrastructure facilities such as health facility, sanitation facility, fuel for cooking, along with safe drinking water, medical camps

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- [26] Data on ambient air quality and stack emissions shall be submitted to Haryana Pollution Control Board once in six months carried out by MOEF/NABL/CPCB/ Government approved lab.
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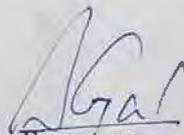
- and toilets for women, crèche for infants should be made and submitted to HSPCB at the time of CTE/CTO/SEIAA Haryana. The housing facilities should be provided for mining labours.
- [32] A Final Mine Closure Plan along with details of corpus fund shall be submitted to the SEIAA well within the stipulated period as prescribed in the minor mineral concession rules 2012..
- [33] The project proponent shall ensure that the Environment Clearance (EC) letter as well as the status of compliance of EC conditions and the monitoring data are placed on company's website and displayed at the project site.
- [34] The project proponent shall ensure that loading in Trucks do not exceed the norms fixed by the Transport Department as per relevant rules.
- [35] The project proponent shall ensure approach roads are widened and strengthened as per requirements fixed by PWD and district administration before the start of the work.
- [36] The project proponent shall ensure supply of drinking water through RO.
- [37] The project proponent shall strictly adhere to the Sustainable Sand Mining Management guidelines issued by MoEF & CC, GoI on 15.03.2016 and shall ensure the compliance of the standard environmental conditions prescribed for the sand mining in the said guidelines; in addition to the conditions imposed in the environment clearance letter.
- [38] The project proponent shall carry out mining in semi mechanized manner using manpower, tractor, trucks, JCB and excavator for king transportation.

GENERAL CONDITIONS:

- [i] Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.
- [ii] Any change in mining technology/scope of working shall not be made without prior approval of the SEIAA.
- [iii] Any change in the calendar plan including excavation, quantum of mineral and waste shall not be made.
- [iv] Periodic monitoring of ambient air quality shall be carried out for PM_{10} , $PM_{2.5}$, SO_2 and NO_x monitoring. Location of the stations (minimum 6) shall be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring shall be decided in consultation with the Haryana State Pollution Control Board (HSPCB). Six monthly reports of the data so collected shall be regularly submitted to the HSPCB/CPCB including the MOEF, Regional office, Chandigarh.

- [v] Personnel working in dusty areas shall wear protective respiratory devices they shall also be provided with adequate training and information on safety and health aspects.
- [vi] Occupational health surveillance program of the workers shall be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
- [vii] The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year wise expenditure shall be reported to the HSPCB and the Regional office of MOEF located at Chandigarh.
- [viii] The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the northern Regional Office of MoEF, the respective Office of CPCB, HSPCB and SEIAA Haryana.
- [ix] The above conditions will be enforced, inter alia, under the provision of the Water (Prevention & Control of Pollution) Act, 1974 the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act 1991 (all amended till date) and rules made hereunder and also any other orders passed by the Hon'ble Supreme Court of India/High Court of Haryana and other Court of law relating to the subject matter.
- [x] The Project proponent should inform the public that the project has been accorded Environment Clearance by the SEIAA and copies of the clearance letter are available with the Haryana State Pollution Control Board & SEIAA. This should be advertised within 7 days from the date of issue of the clearance letter at least in two local newspapers that are widely circulated in the region and the copy of the same should be forwarded to SEIAA Haryana. A copy of Environment Clearance conditions shall also be put on project proponent's web site for public awareness.
- [xi] All the other statutory clearances such as the approvals for storage of diesel from the Chief Controller of Explosives, Fire department, Civil Aviation Department, Forest Conservation Act, 1980 etc. shall be obtained, as may be applicable, by Project Proponent from the competent authority before the start of mining operation.
- [xii] That the grant of this EC is issued from the environmental angle only, and does not absolve the project proponent from the other statutory obligations prescribed under any other law or any other instrument in force. The sole and complete responsibility, to comply with the conditions laid down in all other laws for the time being in force, rests with the industry/unit/project proponent. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if

- preferred, within a period of 30 days as prescribed under section 16 of National Green Tribunal Act, 2010.
- [xiii] The methodology of mining shall be strictly as per orders passed by Hon'ble NGT/ Hon'ble Supreme Court from time to time.
- [xiv] The Project Proponent shall not disturb/damage the position of studs in river bed and also not to damage the river banks and not to degrade the river bed in any manner.
- [xv] Any area which has been banned by any authority/courts shall not be used for mining activity.
- [xvi] Distance of mining to be maintained from Pucca Hydraulic structure/ Bridges shall be as per approved mining plan/ guideline issued by MoEF & CC/ Court Orders.
- [xvii] Quantum mining allowed in the river will be actual replenishment or mining allotted whichever is less.
- [xviii] The PP should set the Probable replenishment checked from the reputed institution.


Member Secretary,
State Level Environment Impact
Assessment Authority, Haryana, Panchkula.

Endst. No. SEIAA/HR/2016/

Dated:.....

A copy of the above is forwarded to the following:

1. The Director (IA Division), MoEF&CC, GoI, Indra Paryavaran Bhavan, Zor bagh Road-New Delhi.
2. The Regional office, Ministry of Environment, Forests & Climate Change, Govt. of India, Bay's no. 24-25, Sector 31-A, Dakshin Marg, Chandigarh.
3. The Chairman, Haryana State Pollution Control Board, C-11, Sector-6, Pkl.
4. The Director General, Mines & Geology Department Haryana, Chandigarh.

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Member Secretary,
State Level Environment Impact
Assessment Authority, Haryana, Panchkula.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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NEW DELHI, THURSDAY, APRIL 30, 2015 /VAISAKHA 10, 1937

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 29 अप्रैल, 2015

का.आ. 1141(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (4) के साथ पठित, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, लोक हित में उक्त नियम के नियम 5 के उपनियम (3) के खंड (क) के अधीन नोटिस की अपेक्षा से अभिमुक्ति के पश्चात्, भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का.आ. 1533 (अ), तारीख 14 सितंबर, 2006 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में,—

(i) पर्यावरणीय अनापत्ति (ईसी) की विधिमान्यता के संबंध में पैरा 9 पैरा उसके पैरा (i) के रूप में पुनःसंख्यांकित किया जाएगा;

(ii) पैरा (i) इस प्रकार संख्यांकित किया जाएगा,—

(क) “और सभी अन्य परियोजनाओं और क्रियाकलापों की दशा में पांच वर्ष” शब्दों के स्थान पर “और सभी अन्य परियोजनाओं और क्रियाकलापों की दशा में सात वर्ष” शब्दों को रखा जाएगा;

(ख) “तथापि, क्षेत्र विकास परियोजनाओं और नगर क्षेत्र की दशा में” शब्दों के साथ प्रारंभिक भाग पर और “यथास्थित विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ समिति के परामर्श” शब्दों के साथ समाप्त होने वाले भाग पर निम्नलिखित शब्दों को रखा जाएगा, अर्थात्:—

“(ii) क्षेत्र विकास परियोजनाओं और नगर क्षेत्र [मद 8(ख)], की दशा में विधिमान्य अवधि केवल ऐसे क्रियाकलापों तक सीमित होगा जहां तक किसी विकासकर्ता के रूप में आवेदक का उत्तरदायित्व है :

परंतु यह भी कि विधिमान्यता की यह अवधि संबंधित विनियामक प्राधिकरण द्वारा सात वर्ष की अधिकतम अवधि तक बढ़ाया जा सकगा परंतु यह तब जबकि कोई आवेदन आवेदक द्वारा विनियामक प्राधिकरण को संनिर्माण परियोजनाओं या क्रियाकलापों (अनुसूची की मद 8) अद्यतन प्रारूप। और अनुपूरक प्रारूप 1क सहित विधिमान्य अवधि के भीतर विनियामक अवधि के भीतर किया जाता है :

परंतु यह भी कि विनियामक प्राधिकरण यथास्थित विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति इसक विस्तार की मंजूरी क लिए परामर्श भी कर सकगा ।

(क) इसी की विधिमान्य अवधि के पश्चात् एक मास के भीतर ऐसे मामलों के लिए विलंब को संबंधित विशेषज्ञ आंकलन समिति (ईएसी) या राज्य स्तर आंकलन समिति (एसईएसी) और उनकी सिफारिशों के आधार पर यथास्थिति संयुक्त सचिव पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय या सदस्य सचिव एसईआईएए के स्तर पर माफ किया जाएगा;

(ख) इसी की विधिमान्य अवधि के पश्चात् एक माह से अधिक परंतु ऐसी विधिमान्य अवधि के पश्चात् तीन मास से अन्यून है तो ईएसी या एसईएसी की सिफारिशों के आधार पर यथास्थिति पर्यावरण, वन और जलवायु परिवर्तन प्रभारी मंत्री या अध्यक्ष के अनुमोदन से विलंब माफ किया जाएगा :

परंतु यह कि विलंब की माफी के लिए विस्तार हेतु कोई आवेदन इसी की 90 दिन की विधिमान्य अवधि के पश्चात् मंजूर नहीं किया जाएगा।”।

[फा. सं. जे-11013/12/2013-आईए-II(I)(भाग)]

मनोज कुमार सिंह, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3 उपखंड (ii) में अधिसूचना संख्यांक का. आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की गई थी और तत्पश्चात् उसको निम्नलिखित द्वारा संशोधित किया गया का.आ. 1737(अ), तारीख 11 अक्टूबर, 2007 ; का.आ. 3067(अ), तारीख 1 दिसंबर, 2009 ; का.आ. 695(अ), तारीख 4 अप्रैल, 2011 ; का.आ. 2896(अ), तारीख 13 दिसंबर, 2012 ; का.आ. 674(अ), तारीख 13 मार्च, 2013 ; का.आ. 2559(अ), तारीख 22 अगस्त, 2013 ; का.आ. 2731(अ), तारीख 9 सितंबर, 2013 ; का.आ. 562(अ), तारीख 26 फरवरी, 2014 ; का.आ. 637 (अ), तारीख 28 फरवरी, 2014 का.आ. 1599(अ), तारीख 25 जून, 2014; का.आ. 2601(अ), तारीख 7 अक्टूबर, 2014; और का.आ. 3252(अ), तारीख 22 दिसंबर, 2014 ।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 29th April, 2015

S.O. 1141(E).—In exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986(29 of 1986) read with sub-rule(4) of rule 5 of the Environment(Protection) Rules, 1986, the Central Government hereby makes the following further amendments to the notification of the Government of India , in the erstwhile Ministry of Environment and Forests number S.O. 1533(E), dated the 14th September, 2006 after having dispensed with the requirement of notice under clause(a) of sub-rule(3) of rule 5 of the said rule, in public interest, namely:—

In the said notification,—

(i) Paragraph 9 relating to validity to Environment Clearance (EC) shall be re-numbered as paragraph (i) thereof;

(ii) in paragraph (i) as so numbered,-

(a) for, the words “and five years in the case of all other projects and activities”, the words “and seven years in the case of all other projects and activities” shall be substituted;

(b) for the portion beginning with the words “However, in the case of Area Development projects and Townships” and ending with the words “consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.” The following shall be substituted, namely:-

“(ii) In the case of Area Development projects and Townships [item 8 (b), the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer:

Provided that this period of validity may be extended by the regulatory authority concerned by a maximum period of seven years if an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form I, and Supplementary Form IA, for Construction projects or activities (item 8 of the Schedule):

Provided further that the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee, as the case may be, for grant of such extension.

(iii) Where the application for extension under sub-paragraph (ii) has been filed-

(a) within one month after the validity period of EC, such cases shall be referred to concerned Expert Appraisal Committee (EAC) or State Level Expert Appraisal committee (SEAC) and based on their recommendations, the delay shall be condoned at the level of the Joint Secretary in the Ministry of Environment, Forest and Climate Change or Member Secretary, SEIAA, as the case may be;

(b) more than one month after the validity period of EC but less than three months after such validity period, then, based on the recommendations of the EAC or the SEAC, the delay shall be condoned with the approval of the Minister in charge of Environment Forest and Climate Change or Chairman, as the case may be:

Provided that no condonation for delay shall be granted for any application for extension filed 90 days after the validity period of EC.”

[F. No. J-11013/12/2013-IA-II (I) (part)]

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section(ii) *vide* notification number S.O. 1533(E), dated the 14th September, 2006 and amended *vide* S.O.1737(E) dated the 11th October, 2007, S.O. 3067(E) dated the 1st December, 2009, S.O. 695(E) dated the 4th April, 2011, S.O.2896(E) dated the 13th December, 2012, S.O.674(E) dated the 13th March, 2013, S.O. 2559(E) dated the 22nd August, 2013, S.O. 2731(E) dated the 9th September, 2013, S.O. 562(E) dated the 26th February, 2014, S.O. 637(E) dated the 28th February, 2014, S.O. 1599(E) dated the 25th June, 2014, S.O. 2601 (E) dated 7th October, 2014 and S.O. 3252(E) dated 22nd December, 2014.

180

Sand Mine of M/s Ultimate Group located at Gyaspur-Rasulpur Sand Minor Mineral Mine, Sonipat (Haryana) for production capacity of 12.67 Lakh TPA (ROM) in 35 ha. of Mine lease area (EC –SEIAA/HR/2016/470 dated 27.06.2016)



HARYANA STATE POLLUTION CONTROL BOARD

Star Complex, Opp. General Hospital, Delhi Road,
Sonepat Ph. 0130-2236119(O) Email:-

hspcbrosr@gmail.com

E-mail: hspcb@hry.nic.in



No. HSPCB/Consent/ : 313100422SONCTO17999850

Dated:05/01/2022

To:

M/s : M/s Ultimate Group

Sand minor mineral quarries of Gyaspur-Rasulpur sand unit at Tehsil Gannaur

District Sonipat Haryana

Subject: Grant of consent to operate to M/s M/s Ultimate Group.

Please refer to your application no. 17999850 received on dated 2021-11-17 in regional office Sonipat. With reference to your above application for consent to operate, M/s M/s Ultimate Group is here by granted consent as per following specification/Terms and conditions:

Consent Under	BOTH
Period of consent	05/01/2022 - 30/09/2022
Industry Type	Mining and ore beneficiation
Category	RED
Investment(In Lakh)	613.25
Total Land Area(Sq. meter)	35000.0
Total Builtup Area(Sq. meter)	35000.0
Quantity of effluent	
1 Trade	0.0 KL/Day
2 Domestic	1.0 KL/Day
Number of outlets	1.0
Mode of discharge	
1 Domestic	Septic Tank
2 Trade	--
Domestic Effluent Parameters	
1. NA	
Trade Effluent Parameters	
1. NA	
Number of stacks	1
Height of stack	
1. NA	
Emission parameters	
1. NOX	80 mg/m3
2. SOX	80 mg/m3

Sand Mine of M/s Ultimate Group located at Gyaspur-Rasulpur Sand Minor Mineral Mine, Sonipat (Haryana) for production capacity of 12.67 Lakh TPA (ROM) in 35 ha. of Mine lease area (EC –SEIAA/HR/2016/470 dated 27.06.2016)

3. pm 10	100 mg/m ³
4. pm 2.5	60 mg/m ³
Product Details	
1. Sand	4224 Metric Tonnes/day
Capacity of boiler	
1. NA	Ton/hr
Type of Furnace	
1. NA	
Type of Fuel	
1. NA	
Raw Material Details	
Sand	4224 Metric Tonnes/Day

Regional Officer, Sonipat
Haryana State Pollution Control Board.

Terms and conditions

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leak proof. In plant allowable pollutants levels, if specified by State Board should be met strictly.
2. The applicant/company shall comply with and carry out directive/orders issued by the Board in this consent order at all subsequent times without negligence of his /its part. The applicant/company shall be liable for such legal action against him as per provision of the law/act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
3. The applicant shall make an application for grant of consent at least 90 days before the date of expiry of this consent.
4. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
5. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply with the conditions so varied.
6. The industry shall provide adequate arrangement for fighting the accidental leakages, discharge of any pollutants gas/liquids from the vessels, mechanical equipment etc. which are likely to cause environment pollution.
7. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
8. The industry shall comply all the direction/Rules/Instructions as may be issued by the MOEF/CPCB/HSPCB from time to time.
9. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge.
10. The industry would immediately submit the revised application to the Board in the event of any change in the raw material in process, mode of treatment/discharge of effluent. In case of

Sand Mine of M/s Ultimate Group located at Gyaspur-Rasulpur Sand Minor Mineral Mine, Sonipat (Haryana) for production capacity of 12.67 Lakh TPA (ROM) in 35 ha. of Mine lease area (EC –SEIAA/HR/2016/470 dated 27.06.2016)

change of process at any stage during the consent period, the industry shall submit fresh consent application alongwith the consent to operate fee, if found due, which may be on any account and that shall be paid by the industry and the industry would immediately submit the consent application to the Board in the event of any change during the year in the raw material, quantity, quality of the effluent, mode of discharge, treatment facilities etc.

11. The officer/official of the Board shall reserve the right to access for the inspection of the industry in connection with the various process and the treatment facilities. The consent to operate is subject to review by the Board at any time.

12. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.

13. The industry shall pay the balance fee, in case it is found due from the industry at any time later on.

14. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall automatically lapse.

15. If the industry is closed temporarily at its own, they shall inform the Board and obtain permission before restart of the unit.

16. The industry shall comply all the Directions/ Rules/Instructions issued from time to time by the Board.

Specific Conditions :

1. CTO so granted will be without prejudice to any violation made by unit in past & will be deemed cancelled if any such violation come to the notice of the Board at any stage and the CTO so granted will not affect the prosecution action to be initiated against the unit for such past violations caused by the unit. 2. Unit will not change the quantity of domestic effluent/trade effluent/ air emissions sources without prior permission of the Board. 3. Unit will obtain all necessary clearance from all concerned departments. 4. The unit will operate its pollution control devices regularly and will maintain proper logbook for the same. 5. Unit will obtain necessary Authorization HWM Rules, 2016 & will apply for CTO renewal at least 90 days before expiry date of CTO. 6. Unit will maintain good housekeeping and will comply with the provisions of SWM Rules, 2016. 7. Unit will deposit balance fee, if any found at any stage pending against the unit. 8. Unit will comply with all the direction issued time to time by HSPCB, CAQM, Hon'ble NGT, Hon'ble Punjab & Haryana High Court, Hon'ble Supreme Court of India and other concerned authorities.

KAMALJIT
SINGH
Regional Officer, Sonipat

Haryana State Pollution Control Board.



Reply/ Objection on Behalf of Respondent No.6 n the matter of Munish Son of Amar Singh Vs. Haryana State Pollution Control Board & Ors Original Application 269 of 2023

1 message

Saurabh <saurabhrajpal.sc.aor@gmail.com>
To: rkhuranalegal@gmail.com, narenderpalsingh@gmail.com

Wed, May 22, 2024 at 8:36 PM

Sir,

Please find attached the Reply/Objection on behalf of the Respondent No. 6 in the matter of Munish Son of Amar Singh Vs. Haryana State Pollution Control Board & Ors Original Application 269 of 2023

Further, consider this email as proof of service in the aforesaid matter.

Regards,
Saurabh Rajpal Advocate (AOR)

 **REPLY_MUNISH Final.pdf**
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