

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

NEW DELHI

OA No. 446 of 2022

IN THE MATTER OF:

Balwinder Kumar

.....Applicant

Versus

State of Haryana and Others

.....Respondents

INDEX

Sr. No.	Particulars	Page
1.	Status Report of Chief Secretary, Government of Haryana in compliance of Order dated 19.07.2024	1-5
2.	ANNEXURE-R/1: Copy of letter dated 21.09.2024 of the Member Secretary, Haryana State Pollution Control Board	6-9
3.	ANNEXURE-R/2 : Copy of letter dated 20.09.2024 issued from the office of Director General, Mines & Geology Department to the Member Secretary, Haryana State Pollution Control Board	

TVSN Prasad

TVSN Prasad

Chief Secretary, Govt. of Haryana

Date: 23.09.2024

Place: Panchkula

R. Khurana

Through Rahul Khurana, Advocate
17, Central Lane, Babar Road, Bengali Market,
New Delhi

09811894060

rkhuranalegal@gmail.com

IN THE HON'BLE NATIONAL GREEN TRIBUNAL**NEW DELHI****OA No. 446 of 2022**

IN THE MATTER OF:

Balwinder Kumar

.....Applicant

Versus

State of Haryana and Others

.....Respondents

**STATUS REPORT OF THE CHIEF SECRETARY TO THE
GOVERNMENT OF HARYANA IN COMPLIANCE OF THE ORDER
DATED 19.07.2024****MOST RESPECTFULLY SHOWETH:**

1. That this Hon'ble Tribunal has taken cognizance of the letter petition raising the issue of illegal mining in village Kohliwala and Mandewala Tehsil- Chhachrauli, District Yamuna Nagar and the said case is fixed for hearing on 24.09.2024 before this Hon'ble Tribunal.
2. That this Hon'ble Tribunal has passed the order dated 19.07.2024 with certain directions to the answering respondent. Relevant part of the order dated 19.07.2024 is reproduced as under:-

"9. Be that as it may, we also find that so far as HSPCB is concerned it has not taken any action whatsoever under provisions of Environment (Protection) Act, 1986 and other Environmental Statutes and neither any punitive action by initiating criminal action under provisions of Environment Statutes has been taken nor any environmental compensation has been imposed upon any violator(s) It is evident from record that so far as HSPCB is concerned, it has been a silent spectator for entire period till date. This conduct of officials of HSPCB shows apparent collusion with violators and negligence whereby they are abating the crime by not taking appropriate action against violators. Even role of District Administration is not free from doubt.

10. In these facts and circumstances, we find that here is fit case which require appropriate action against the officials also. Therefore, we direct Chief Secretary, State of Haryana to look into the matter, get appropriate investigation into the conduct of District officials and also the officials of HSPCB and take appropriate action for showing negligence in discharge of their statutory duties which has abated and encouraged large scale illegal mining in the area in question. Chief Secretary shall submit a compliance report within two months."

3. That in compliance of the above directions of the Hon'ble NGT, the undersigned vide letter dated 06.08.2024, requested the Additional Chief Secretary to Govt. of Haryana, Environment Department and Forest Department to look into the matter and get the inquiry conducted and take action against the negligent officials/officers and submit report within one month.
4. That in compliance of the above stated directions, information has been received from the Member Secretary, Haryana State Pollution Control Board vide his letter dated 21.09.2024 that the Haryana State Pollution Control Board (HSPCB) has taken serious note of the valuable observations and issued charge-sheet to four Regional Officers namely, Rajinder Sharma, EE; Balraj Ahlawat, CEE; V S Punia, EE; and Nirmal Kumar, SEE and four Assistant Environment Engineers namely, Naresh Kumar; Vi[in Kumar; Kamaljeet; and Kuldeep who were posted at the relevant point of time as in-charge of the area in question, for their negligence in not taking appropriate and timely action against the violators.

That as per information provided by the HSPCB, the Regional Officer, Yamuna Nagar has imposed Environmental Compensation for illegal mining on the Panchyat land of Village Kohliwala and Mandewala (Gram Panchayat Bhudkalan) in the past where quantity has been provided by the Mining Officer, Mines & Geology

Department, Yamuna Nagar. It has also been reported that notices were issued by the office of Mining Officer, Mines & Geology Department, Yamuna Nagar to other persons/entities also. After receiving the details of the quantity of mineral excavated, assessed by the District Level Task Force/Mining Department, requisite action shall be taken up to its logical end as per the assessment of mineral quantity excavated by these noticees. This process of assessment and imposition of Environment Compensation on other noticees in accordance with law may require further four months time.

The Haryana State Pollution Control Board is filing its separate report with copy of orders imposing the Environment Compensation. A copy of letter dated 21.09.2024 received from the Member Secretary, Haryana State Pollution Control Board is annexed herewith as **ANNEXURE-R/1**.

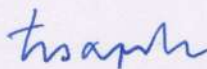
6. That a memo/letter dated 20.09.2024 written by the office of the Director General, Mines & Geology Department Haryana to the Member Secretary, Haryana State Pollution Control Board has been received from the HSPCB. Vide the said Memo/letter, details of mining contracts/permits granted from time to time by the Mines & Geology Department have been reported. It has been further reported that the Mines & Geology Department has initiated process of taking disciplinary action against Rajiv, Jagdish, Gurjeet, Bhupinder and

Ashok Mining Officers and Sanjay Assistant Mining Officer, the erring officers/officials. A copy of letter dated 20.09.2024 issued from the office of Director General, Mines & Geology Department to the Member Secretary, Haryana State Pollution Control Board is annexed herewith as **ANNEXURE-R/2**.

7. That in view of the above, the Haryana State Pollution Control Board and the Mines & Geology Department have initiated departmental action against the erring officers/officials. The Haryana State Pollution Control Board has taken serious note on the aspect of imposition of Environment Compensation as mentioned in its letter dated 21.09.2024.

Report is being submitted accordingly. It is undertaken to comply with the directions passed by this Hon'ble Tribunal.

Place: Panchkula
Date: 23.09.2024


TVSN Prasad
Chief Secretary, Govt. of Haryana

From

The Member Secretary
Haryana State Pollution Control Board
Panchkula

To

Chief Secretary
Govt of Haryana

Memo No: HSPCB/2024/MS/1208
Dated: 21.09.2024

Subject: OA No. 446 of 2022- Balwinder Kumar Vs State of Haryana

1. In reference to the Order dated 19.07.2024 passed by Hon'ble National Green Tribunal (NGT) in the above subjected matter and directions received from your good office, the Haryana State Pollution Control Board (HSPCB) has taken seriously to valuable observations of the Hon'ble NGT and issued charge-sheet to the four Environment Engineers and four Assistant Environment Engineers deputed at relevant point of time in charge of the area in question, for the negligence for not taking appropriate and timely action against the violators.
2. The Regional Officer, Yamuna Nagar has imposed Environmental Compensation for illegal mining on the Panchyati land Village Kohliwala and Madewala (Gram Panchayat Bhudkalan) in past where quantity has been provided by the Mining Officer, Mines & Geology Department, Yamuna Nagar.
3. Notices were issued by office of Mining Officer, Mines & Geology Department, Yamuna Nagar to other persons/entities also. After receiving quantity of mineral excavated, assessed by DLTF/Mining Department, requisite Action shall be taken to its logical end as per assessment of mineral quantity excavated by these noticees. This process of assessment and imposition of Environment Compensation on other noticees in accordance with law may require further four months time.

It is requested that the above information may please be considered. A separate report is being submitted by the Board before the Hon'ble National Green Tribunal, New Delhi



Member Secretary,
Haryana State Pollution Control
Board

From

The Director General
Mines and Geology, Haryana
Panchkula

To

Member Secretary,
Haryana State Pollution Control Board,
Panchkula.

Memo No. DMG/ HY/ OA No. 446 of 2022/
Dated, Panchkula the

**Subject: OA No, 444 of 2022- Balwinder Kumar Vs State of Haryana
Regarding**

On the subject noted above.

2. That the above said case was fixed on 19.07.2024, wherein, directions have been issued to Chief Secretary Haryana to look into the matter, get appropriate investigation into the conduct of district officials and also the officials of HSPCB and take appropriate action for showing negligence in discharge of their statutory duties which has abated and has encourage large scale illegal mining in the area in question.
3. The present matter relates to complaint filed by applicant alleging illegal mining in village Kohliwala, Mandewala under Bhood Kalan Panchayat, measuring 156 acre is being carried out since 2016 and M/s Jai Shree Ram Screening Plant, Dev Bhoomi Screening Plant, Jai Maa Laxmi Screening Plant, Shivalik Stone Crusher, Jai Maa Santoshi Screening Plant, Sandeep S/o Prem Chand – Numberdar, Mohanram – Present Sarpanch, Subhash Chand S/o Palaram – Ex Sarpanch of village Kohliwala and Amit Kumar S/o Pawan Kumar R/o village Kohliwala, are the entities/person who carried out illegal mining.
4. In this behalf, it is submitted that the area in question had been operated in the past also under legitimate mineral concession and at that time obtaining of

environment clearance was not mandatory. Needless to mention here that at that time mining contract was being granted on village wise basis wherein details of land/khasra nos. were not having any relevance. Hence, these areas do have old mining pits in agricultural land which were operated in the past and for having background of the contracts so granted, the details of same may please be perused as under:

Sr. No	Period	Name of the Village	Contractor Name
MANDEWALA			
1	01.04.1993 to 31.03.1996	Mandewala	Sh. Subhash Kumar Vinod Kumar, through Vinod Kumar, DarshanLal 603 Satpura Road Distt. Yamunanagar
2	04.03.1996 to 31.03.1999	Mandewala	Sh. Raj Kumar Dalvinder Singh VPO Bann , Radour
3	15.04.1999 to 31.03.2002	Mandewala	Sh. Naseeb Singh S/o Hardeep Singh 370 Modern Colony YNR
4	28.05.2002 to 31.03.2005	Mandewala	M/s Raj Hans Royalty Company, 129/18 Jagadhri
5	11.04.2004 to 17.07.2009	Mandewala	M/s Development Strategies (India) Pvt. Ltd. 197-A DG-II Vikaspuri New Delhi
6	11.09.2009 to 28.02.2010	ONE UNIT STP	M/s Balaji Minerals through Sh. Sumit Kumar S/o Sh. Prem Singh D-45 Ring Road Rajouri Garden New Delhi
7	19.06.2016 to 18.06.2024	Mandewala Block/YNR B-38 BGS /Out Side River Bed Area	M/s Saharanpur Mines Management Services Pvt. Ltd.
KOHLIWALA			
8	28.03.1993 to 31.03.1996	Kohliwala	Rajpal S/o Puran Chand Devdhar Dadupur Cantt. Jagadhari
9	08.04.1996 to 31.03.1999	Kohliwala	Sh. Sube Singh , Sanjeev Kumar , House No. 313-314 F, Professor Colony YNR
10	05.05.2000 to 31.03.2003	Kohliwala	M/s Sidharth & Company 197 A, Vikas pur New Delhi 110018
11	29.06.2001 to	Kohliwala	M/s Surinder, Dibalg, Satpal

	31.03.2004		
12	11.04.2004 to 17.07.2009	Kohliwala	702/12 Sikka Colony Sonapat M/s Development Strategies (India) Pvt. Ltd. 197-A DG-II Vikaspuri New Delhi
13	11.09.2009 to 28.02.2010	ONE UNIT STP	M/s Balaji Minerals through Sh. Sumit Kumar S/o Sh. Prem Singh D-45 Ring Road Rajouri Garden New Delhi
14	19.06.2016 to 10.12.2021	Kohliwala /YNR B- 21 & 22 BGS / Out of River Bed Area	M/s Delhi Royalty Company
BHOOD KALAN			
15	27.03.1993 to 31.03.1996	BhoodKalan	Isham Singh S/o Jagat Singh Village- Bhilpura PO Piplimajra
16	08.04.1996 to 31.03.1999	BhoodKalan	Baresh Kumar S/o Sh. Baru Ram Village- Bahadurpur
17	01.05.1999 to 31.03.2002	BhoodKalan	M/s Naresh Kumar Sukhbir Singh, Mahavir Singh through Mahavir Singh VPO Gulabgarh
18	28.05.2002 to 31.03.2005	BhoodKalan	M/s Raj Hans Royalty Company, 129/18 Jagadhri
19	11.04.2004 to 17.07.2009	BhoodKalan	M/s Development Strategies (India) Pvt. Ltd. 197-A DG-II Vikaspuri New Delhi
20	11.09.2009 to 28.02.2010	ONE UNIT STP	M/s Balaji Minerals through Sh. Sumit Kumar S/o Sh. Prem Singh D-45 Ring Road Rajouri Garden New Delhi
21	12.04.2016 to 14.07.2022	BhoodKalan /YNR B-19 Outside River Bed Area	M/s Ganga Yamuna Mining Company R/o 112 Santpura Road Yamuna Nagar

5. That with regards to the above table it is pertinent to mention here that subsequent to the year 2010, no legal mining was undertaken /allowed in these villages as no mining contract was granted, however thereafter fresh mineral

concession were granted in year 2015-16 and the same were operated for a short period.

6. That in view of above, it is evident that in these villages Kohliwala, Mandewala under Bhood Kalan, there had been old mining pits and no doubt there are certain instances also wherein, illegal mining could have been undertaken in and around the vicinity of the already excavated areas/old pits. Hence, for the assessment/extent of illegal mining undertaken during said alleged period, a report has been sought from Chairman DLTF vide letter dated 13.09.2024 for examining the same including the use of aerial mode of technology. The DLTF after assessing the same shall recover the amount of environment compensation as per the procedure laid down by the Environment Department.

7. That the department has initiated process of disciplinary action also against the erring officers/officials who were posted during that period.

It is requested that the above may please be considered for mentioning in the status report to be filed.


State Mining Engineer,
for Director General Mines and Geology,
Haryana at Panchkula