

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA No.866/2022

IN THE MATTER OF :

Vikram

Applicant

Versus

State of Haryana

Respondent

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Place: Yamuna Nagar
Dated: 19-05-2023

FILED BY: -


Regional Officer, HSPCB, Yamuna Nagar

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

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OA No. 866/2022

IN THE MATTER OF :

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STATUS REPORT IN COMPLIANCE OF ORDERS DATED 11.01.2023.

MOST RESPECTFULLY SHOWETH

1. That Hon'ble NGT vide orders dated 11.01.2023 passed the following directions:-

"2. The complaint is that there was a mining agreement to be carried on 31 acres of land pursuant where to, concerned contractor was supposed to undergo mining upto depth of 27 ft. but in violation of conditions of mining licence, concerned contractor has gone upto 40 ft. The contractor has also caused illegal extraction of water resulting in depreciation of water level to a dangerous stage. The above mining has been carried out at Village Bhudmajra, Tehsil Pratapnagar, District Yamuna Nagar. Further, no plantation has been done in utter violation of the conditions of mining and therefore, damage to environment has been caused by the said contractor.

3. In our view, let a factual report be obtained from the concerned authorities. For this purpose we constitute a joint

committee of State PCB and District Magistrate, Yamuna Nagar to visit the premises, collect relevant information and submit a factual report including the details of action taken, if any, within two months by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

4. The nodal agency for coordination and compliance will be District Magistrate, Yamuna Nagar.

5. List the matter for further consideration on 24.03.2023.

6. A copy of this order along with copy of the complaint be forwarded to State PCB and District Magistrate, Yamuna Nagar by email for compliance.”

2. That the complainant made this complaint against M/s Ganga Yamuna Mining Company- Mining of Boulder Gravel and Sand at Village BhoodMajra- Block YNR B 20- District Yamuna Nagar. The status of above said mining site is as under:-

Sr. No.	Name of Mining Project	River bed/ Outside River bed Mining	Area of Mining Project	Capacity of Mining Project (TPA)	Minerals Mined	Environment Clearance	CTE	CTO	Mining License
1	M/s Ganga Yamuna Mining Company- Mining of Boulder Gravel and Sand at Village BhoodMajra - Block YNR B 20- district Yamuna Nagar	Outside River bed	9.95 Ha	2,00,000	Boulder, Gravel and Sand (Minor Minerals)	EC Obtained vide No. SEIAA/H R/2016/ 485 dt. 27.06.2016	Obtained vide no. HSPCB/ Consent /: 3131004 16YAMC TE3196 627. 01.08.2016	Valid upto 30.09.2022	Closed since 14.07.2022

3. Status of M/s Ganga Yamuna Mining Company- Mining of Boulder Gravel and Sand at Village BhoodMajra- Block YNR B 20- district Yamuna Nagar:-

It is submitted that the above said mining unit has obtained letter of intent (LOI) from Director General, Mines & Geology Department Haryana vide memo no. DMG/HY/Cont/B.MajraBlock/YNR-B-20/2015/3929 dated 19.06.2015 for boulder, gravel and sand minor mineral over an area of 9.95 Hectares. Thereafter, the unit has obtained Environment Clearance from State Environment Impact Assessment Authority Haryana vide no. SEIAA/HR/2016/485 dt. 27.06.2016. Thereafter the unit had obtained consent to establish vide no. HSPCB/Consent/: 313100416YAMCTE3196627 dated 01.08.2016. The unit has also submitted NOC from District Town Planner, Yamuna Nagar vide Memo no. YR/DTP/E/909/2016 dated 05.07.2016. Thereafter, the unit has applied first time for the consent to operate for the period 09.08.2017 to 30.09.2017 vide application no. 3285439 dated 18.07.2016. Accordingly, the CTO was granted to the unit for the period 09.08.2017 to 30.09.2017. Thereafter, unit applied and obtained CTO for the respective period of mining activity. Last CTO was granted to the unit for the period 01/10/2021 - 30/09/2022. The said mining site is presently lying closed.

4. As per directions of Hon'ble NGT the team of following members inspected the site on dated 27.02.2023:-

- a. Sh. Anand Rawal, Naib-Tehsildar, Partap Nagar, Yamuna Nagar.
- b. Sh. Nitin Mehta, Regional Officer, HSPCB, Yamuna Nagar.
- c. Sh. Naresh Kumar, AEE, HSPCB, Yamuna Nagar.

At the time of inspection, there was no clarity about the depth of mining as carried out by the contractor and rainy water was also filled. Therefore, it was decided that Revenue Department and Mines & Geology Department will inspect the site again on 04.03.2023 and will demarcate the depth of mining and will provide the clarity about the mining/illegal mining in the area. Thereafter, the Revenue Department and Mines & Geology Department inspected the site on 04.03.2023 and submitted their report. The said report is enclosed as **Annexure-R/1**. As per report depth of mining was found up to 29 Feet. No Borewell was found at the mining site.

It is further submitted that no plantation was observed at the mining site as per the details of project the same are mentioned at serial no.10 in Environmental Clearance and reproduced below:

Year of Plantation	Proposed Plantation
I Yr.	400 Trees
II Yr.	400 Trees
III Yr.	400 Trees
IV Yr.	400 Trees
V Yr.	400 Trees

- The mining contract has already been terminated by the Director General, Dept of Mines & Geology, Haryana on account of non-payment of dues vide Order dated 13.07.2022 (annexed with Annexure R/1). As such, mining operation is closed since 14.07.2022. The Project Proponent has challenged the termination of contract by way of filing an appeal which is pending before the Additional Chief Secretary to Govt of Haryana, Dept of Mines & Geology.

6. That present report is being submitted as per official record and inputs received vide respective reports of the concerned officers of the Revenue Department and Mines & Geology Department, Yamuna Nagar.

This status report is being submitted for kind consideration please. It is undertaken to comply with the directions passed by the Hon'ble Tribunal.

Dated: 19-05-2023
Place: Yamuna Nagar


Nitin Mehta
RO, HSPCB
Yamuna Nagar


Rahul Hooda, IAS
Deputy Commissioner
Yamuna Nagar

From

Assistant Mining Engineer,
Mines & Geology Deptt.,
Yamunanagar.

To

The Deputy Commissioner,
Yamunanagar.

Memo No. Mining/Admin/ Ynr/629

Dated:- 15.03.2023

Subject:- Report in pursuance of orders of Hon'ble NGT dated Jan11,2023 in OA No 866/2022-Regarding .

On above subject, it is intimated that one Sh. Vikram S/o Prem Singh R/o Village Devdhar, Teshil - Partap Nagar, Distt Yamunanagar has sent a letter petition dated 15.07.2022 to the Hon'ble NGT New Delhi. He has alleged that as per mining agreement of 31 Acres, the concerned mining contract was supposed to carry mining operation upto 27 ft but he has gone upto 40ft in violations of conditions of mining license. Further, the contractor has caused illegal extraction of water resulting in depreciation of water level in village Bhud Majra, Teshil - Partap Nagar, Distt -Yamunanagar.

The Hon'ble Tribunal vide its orders dated 11.01.2023 has passed the directions and submit a factual report by constituting a Joint Committee of SPCB and District Magistrate within two months. Next date for consideration has been fixed for 24.03.2023.

Further, it is also intimated that the joint team of Mining department headed by Assistant Mining Engineer, Yamunanagar and Revenue department headed by Naib Tehsildar, Pratapnagar has inspected the above mentioned site i.e contractual area of Bhood Majra Block on dated 04.03.2023 in the presence of Sh. Mange Ram, Numberdar of Vill Bhood Majra and local villagers of the said village. The revenue officials were present during inspection for demarcation/identification of the contractual Khasra Nos., which were allotted to the mining contractor and accordingly the mining in the area was found within contractual Khasra nos. The report regarding digital demarcation is attached herewith as **Annexure-A**. During the inspection on 04.03.2023, it has been revealed that the depth of mining at khasra numbers situated at the edge of the allocated area (as the mining site is submerged in water), was found to be 29 feet including overburden of ordinary clay/soil of 3-3.5 feet.

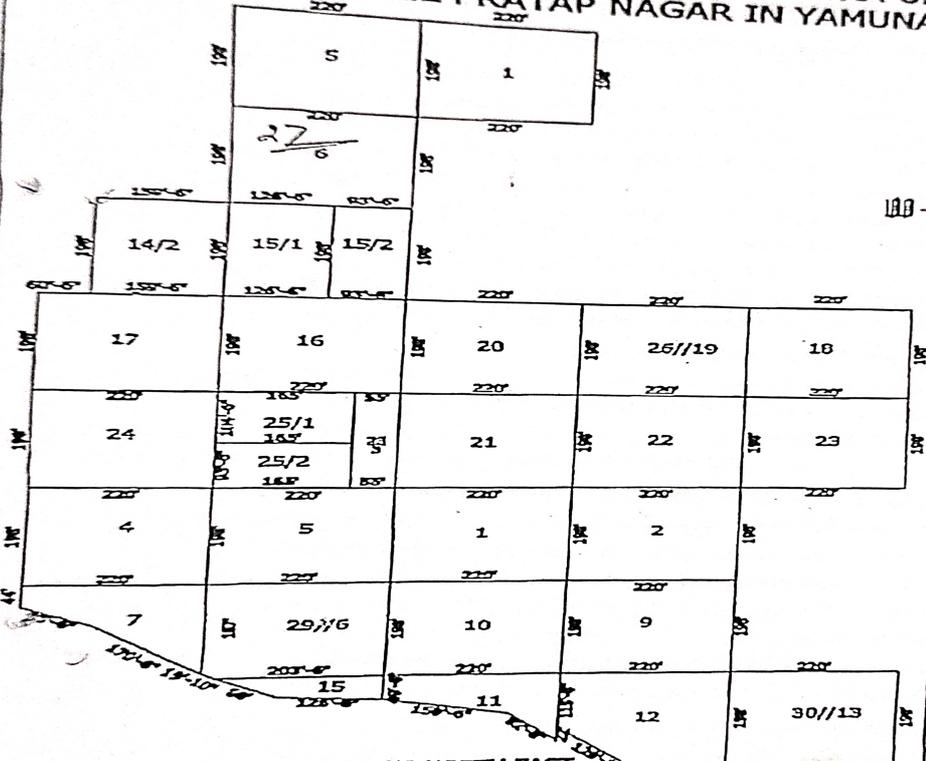
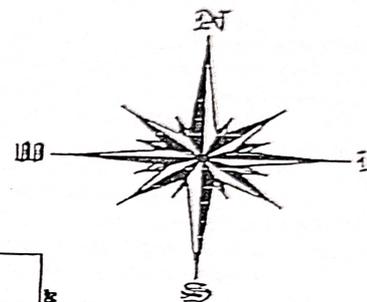
It is also pertinent to mention here that the contract of Bhood Majra and Bhood Kalan have already been terminated by the orders dated 13.07.2022 of Director Mines & Geology Haryana, Panchkula on account of huge outstanding dues. The copy of order dated 13.07.2022 issued by Director Mines & Geology Haryana, Panchkula is attached herewith as **Annexure-B**. Further, no borewell was found at site in the allotted contractual area. The photographs were also taken during site verification and the same are attached herewith as **Annexure-C**. At present, no mining activity is being carried out by the above said contractor in the contractual area.

It is submitted for your kind information and further necessary action, please.

Enclosed: As Above


Assistant Mining Engineer,
Mines & Geology Deptt.,
Yamunanagar.

DIGITAL DEMARCATION AT VILL. BHUD MAJRA UNDER CHHACHHRAULI
 TEHSIL, SUB. TEHSIL PRATAP NAGAR IN YAMUNA NAGAR DISTRICT.



LEGEND		
NO	PARTICULARS	SYMBOL
1	WATER USED	_____
2		_____
3		_____
4		_____

I hereby certify that the above is a true and correct copy of the original as shown to me and that the same is a true and correct copy of the original as shown to me and that the same is a true and correct copy of the original as shown to me.



SURVEYOR GENERAL
 SHIVAJI LAND SOLUTION
 500-17 HUDA
 YAMUNA NAGAR
 CELL: 7404343430 7737368736
 9017457000

REFERENCE POINT KILLA NO.-22//8 NORTH EAST
 REFERENCE POINT MUSTIL NO.-1//24 NORTH WEST



Director, Mines & Geology, Haryana

ORDER

M/s Ganga Yamuna Mining Co., R/o 112, Santpura Road, Yamuna Nagar was granted a mining contract of Minor Mineral mine namely 'Bhood Majra Block/YNR B-20' for extraction of Boulder, Gravel and Sand over an area of 09.95 hectares for a period of 07 years w.e.f 19.06.2016. The contract was granted at the rate Rs. 02,93,50,000/- per annum against reserve price of Rs. 02.65 crore, which was to be increased by 25% after every 03 year period of contract. The actual mining operations were to be allowed only after grant of Environmental Clearance by the competent authority as per requirement of EIA notification dated 14.09.2006 of MoE&F,CC GoI as amended from time to time. M/s Ganga Yamuna Mining Co., also executed contract agreement with the State Government on 01.07.2016.

2. M/s Ganga Yamuna Mining Co., obtained Environmental Clearance from the State Environment Impact Assessment Authority, Haryana on 27.06.2016 for production capacity of 02,00,000 MT PA of Boulder, Gravel and Sand for mining over an area of 9.95 hectares and then obtained CTO from the HSPCB on 12.08.2016 and commenced mining from 12.08.2016.

3. The contractor firm earlier vide letter dated 16.08.2021 claimed that it did not operate the mining block because of the stay of the NGT. The Contractor also stated that as the Hon'ble NGT disposed of the application vide order dated 05.09.2018 and hence they are not liable to pay the contract money for the period from 29.11.2016 to 25.02.2019 during which their mining operation remained suspended in view of the orders dated 18.02.2016 and order dated 01.06.2016 passed respectively in OA No. 184 of 2013- Gurpreet Singh Bagga Vs Uoi and OA No. 272 of 2016-Ganga Yamuna Mining Company Vs Uoi & Others.

4. Whereas, with regard to non-payment for the period from 29.11.2016 to 25.02.2019, on the ground that they were not permitted mining during this period because of NGT orders dated 18.02.2016 restraining mining in district Yamunanagar, It is pointed out that it is not disputed that the Hon'ble NGT vide orders dated



Director, Mines & Geology, Haryana

18.02.2016 passed in OA No 184 of 2016 -Gurpreet Singli Bagga V/s UoI and others prohibited carrying on of any mining of minor minerals (Bajri, Sand and Boulders) in the flood plain of river Yamuna in the district Yamunanagar (Haryana) and Saharanpur (Uttar Pradesh) for a period of 45 days from the pronouncement of this judgment. For the same period, screening plant/stone crushers were also refused permission to operate in the entire district of Saharanpur in Uttar Pradesh and Yamunanagar in Haryana. The Hon'ble NGT directed that both the States of Haryana and Uttar Pradesh would submit complete and comprehensive mining plan and a High-Powered Committee shall give its report/ recommendations and the mining would be permitted after 45 days, subject to orders of the Tribunal. On submission of the report by the High-Powered Committee, the Hon'ble NGT vide orders dated 01.06.2016 allowed mining to be resumed for (03) three months from the date of its order (upto 31.08.2016). The then DGMG vide order dated 20.09.2016 directed to close all mining activities in riverbed area in compliance with the order dated 01.06.2016 passed by the Hon'ble NGT. These orders were challenged by M/s Delhi Royalty Company by way of filing a CWP No. 20206 of 2016 with the request to quash the order dated 20/21.09.2016 passed by the then DGMG & MO, YNR. The Hon'ble Court vide its final order dated 29.11.2016 quashed and set aside the order dated 20.09.2016 passed by the then DGMG and order dated 21.09.2016 passed by the MO, YNR.

Delhi

5. M/s Delhi Royalty Company, the contractor of 'Kohliwala Block/YNR B-21, 22&23' district Yamuna Nagar vide letter/representation dated 02.12.2016 requested that they have no liability to pay contract money for the period from 21.09.2016 to 04.12.2016 as their mining operations were restrained as per orders dated 20.09.2016 passed by the then DMG. The letter/representation dated 02.12.2016 filed by M/s Delhi Royalty Company was considered and it was decided not to charge contract money up to 29.11.2016 from the above said contractor as well as from M/s Ganga Yamuna Mining Co.



Director, Mines & Geology, Haryana

6. Accordingly, vide order dated 22.03.2018, an amount of Rs. 57,06,943/- for the period from 20.09.2016 to 29.11.2016 of M/s Ganga Yamuna Mining Co., the contractor of 'Bhood Majra/YNR B-20' district Yamuna Nagar was waived of as per order of the Hon'ble Court order dated 29.11.2016 passed in CWP No. 20206 of 2016- M/s Delhi Royalty Company Vs State. Hence, your application/representation dated 16.08.2021 not to pay the contract money for the period from 29.11.2016 to 25.02.2019 being devoid of any merit is rejected because the period of waiver as per the Hon'ble Court order dated 29.11.2016 was from 20.09.2016 to 29.11.2016.
7. Whereas, as per provisions of the Rule 56(2) of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 (the State Rules, 2012), the mineral concession holders are under obligation to pay the advance monthly installment of contract money/ dead rent 7th of each calendar month. Further where mine is being operated they are also required to pay an additional amount equal to 7.5 % of the due dead rent /royalty/ contract money along with instalments towards the 'Mines and Minerals Development, Restoration and Rehabilitation Fund and 2.5% towards District Mineral Fund. In case of any default in payments they are liable to pay interest at the rate as prescribed in the Rule 56(6) and despite notice is dues are not paid is dealt as per provisions given under Rule 56(7) of the State Rules, 2012.
8. Whereas, the contractor firm was not paying the dues as per terms and grant, the Mining Officer, Yamuna Nagar in exercise of powers under Rule 56 (7) (ii) of the State Rules, 2012 for non-payment of contract money and R & R Fund amounting to Rs. 17,13,36,760/- (Rs.10,25,53,650/- as contract money & R & R Fund and Rs. 6,87,83,110/- as interest calculated upto 31.03.2022), suspended the mining operations of 'Bhood Majra Block/YNR B-20' district Yamuna Nagar on 16.04.2022.
9. Whereas, as per the provisions of Rule 56 (7) (ii) and (iii) of the State Rules, 2012 where dues are not paid with interest, the mining officer-in-charge after notice may suspend the mining operations and stop any dispatch of mineral from the

D.L.



Director, Mines & Geology, Haryana

concession area till such time the default is cleared. The dues for the suspension period are also to be paid. However, in case the concession holder deposits at least 50% (fifty percent) of the due amount with an undertaking to pay the balance amount within a period of three months along with interest, concurrent with the installments payable during this period, the Director Mines and Geology may revoke the suspension of mining operations. Non deposit of dues despite suspension may result in termination of mineral concession as per prevailing rules and terms of grant. However, in view of number of representations and difficulties brought before the State Government, after due consideration the State Government vide order dated 12.05.2022 read with order dated 17.05.2022 granted/ allowed relaxation in payment of dues as one time measure subject to condition that the mining operation in the mines where operations have been suspended for non-payment of government dues, may be allowed to resume mining operations subject to the condition that they shall deposit 02 monthly installments towards contract money and R&R Fund by 7th of each month till such time the defaulted amount is cleared. In case of where the period of contract/lease is less than number of months of the defaulted amount, the entire pending dues shall be cleared before expiry of the period of contract/lease. In such cases they shall pay one concurrent monthly installment and other installment equal to total pending dues as on date divided by number of remaining months of concession period. Furthermore, the relaxation as per above is to be allowed to only such mineral concession holders who give an undertaking in the form of an affidavit through authorized person of the contractor/lessee stating that (a) they shall pay the committed amount of two installments as per above by 7th of each month and (b) in case they fail to make payment of amount as per above along with interest by 15th of the month, the contract/lease may be terminated without any further notice.

10. It is noted that as of 12.05.2022, the total outstanding amount against the contractor was Rs. 17.18 Crore (Rs. 10.61 Cr. as contract money and R&R Fund and Rs. 06.58 Cr. as interest calculated up to 30.04.2022 which was to be cleared in 13



Director, Mines & Geology, Haryana

monthly installments of Rs. 1,32,15,305/- each (as contract money and R&R Fund). This is in addition to the concurrent installment of Rs. 36,99,324/-.

11. The contractor vide application/request dated 17.05.2022, has submitted an affidavit and also undertaken to deposit an amount of Rs. 67,26,042/- [i.e. equal to 02 monthly installments] to clear the dues of May, 2022 and one towards old dues. However, as per order of the State Government dated 12.05.2022 & 17.05.2022 and the orders dated 01.06.2022 and 05.07.2022 passed by this office, you have to deposit an amount of Rs. 5,04,07,824/- (03 monthly installments + 03 pending dues for the month of May, June and July, 2022).

12. Whereas, as per orders dated 01.06.2022, you were directed to pay an amount of Rs. 1,74,94,755/- (Rs. 1,41,31,734/- as old dues and an amount of Rs. 33,63,021/- as concurrent amount) under relaxation policy of the State Government (1+1), but you failed to deposit the same.

13. Whereas, the outstanding dues were again re-calculated up to 12.05.2022 in view of orders dated 12.05.2022 and 17.05.2022. Therefore, you vide letter dated 05.07.2022 were again directed to deposit the dues for the month of May, June and July, 2022 within 07 days to avail the 'One Time Relaxation' policy as per the orders dated 12.05.2022 and 17.05.2022, failing which action for termination of your contract shall be taken without giving any further opportunity. But you neither complied with the orders dated 12.05.2022 and 17.05.2022 of the State Government as well as order dated 01.06.2022 and 05.07.2022 passed by this office nor deposited any government dues till date.

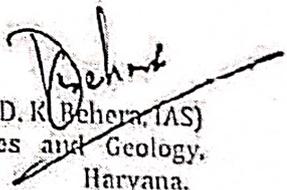
14. Keeping in view that the contractor firm has not paid dues as per terms of grant and even an opportunity granted by the State Government as 'One Time Relaxation Policy' under (1+1) as communicated on 01.06.2022 and 05.07.2022 to them. It reveals that the contractor is not interested to pay the dues that too after relaxation given.



Director, Mines & Geology, Haryana

15. Whereas, in view that huge amount of government dues is pending against the contractor firm and in the light of the fact that from 05.01.2022 to date, the contractor firm has not deposited any amount including the suspension period, for which no relief as per Rule 56(7) (iii) of the State Rules, 2012 is admissible, the department is left with no other option but to take action under rule 56 (7)(vi) of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012. Hence, the contract granted in favour of M/s Ganga Yamuna Mining Co., R/o 112, Santpura Road, Yamuna Nagar for extraction of Boulder, Gravel and Sand minor mineral from "Bhood Majra Block/YNR B-20" of District Yamuna Nagar is hereby terminated with immediate effect with adjustment of security amount of Rs. 73,37,500/- against outstanding dues. It is also directed that outstanding amount of contract money, R & R Fund and TCS till date of possession along with interest shall be paid failing which the same shall be recovered as arrears of land revenue.

Place : Panchkula.
Dated: 13th July, 2022.


(D. K. Behera, IAS)
Director, Mines and Geology,
Haryana.



Director, Mines & Geology, Haryana

Speed Post

Endst No. DMG/HY/Cont./Bhood Majra B/YNR B-20/2015/4467 Dated: 14/07/22

A copy is forwarded to M/s Ganga Yamuna Mining Co., R/o 112, Santpura Road, Yamuna Nagar for information and necessary action. He is directed to handover the possession of mine immediately and pay outstanding government dues at an earliest, failing which the same shall be recovered as arrears of land revenue.

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

Speed Post

Endst No. DMG/HY/Cont./Bhood Majra B/YNR B-20/2015/4468 Dated: 14/07/22

A copy is forwarded to Deputy Commissioner, Yamuna Nagar for information and necessary action.

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

Speed Post

Endst No DMG/HY/Cont./Bhood Majra B/YNR B-20/2015/4469 Dated: 14/07/22

A copy is forwarded to the Mining Officer, Mines and Geology Department, Yamuna Nagar for information. He is directed to recover outstanding government dues from the contractor as per rule.

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



Director, Mines & Geology, Haryana

ORDER

M/s Ganga Yamuna Mining Co., R/o 112, Santpura Road, Yamuna Nagar was granted a mining contract of Minor Mineral mine namely 'Blood Kalan Block/YNR B-19' for extraction of Boulder, Gravel and Sand over an area of 12.62 hectares for a period of 07 years w.e.f 12.04.2016. The contract was granted at the rate Rs. 03,65,50,000/- per annum against reserve price of Rs. 03.35 crore, which was to be increased by 25% after every 03 year period of contract. The actual mining operations were to be allowed only after grant of Environmental Clearance by the competent authority as per requirement of EIA notification dated 14.09.2006 of MoE&F,CC Gol as amended from time to time. M/s Ganga Yamuna Mining Co., also executed contract agreement with the State Government on 18.04.2016.

2. M/s Ganga Yamuna Mining Co., obtained Environmental Clearance from the State Environment Impact Assessment Authority, Haryana on 12.04.2016 for production capacity of 02,59,000 MT PA of Boulder, Gravel and Sand for mining over an area of 12.62 hectares and then obtained CTO from the HSPCB on 16.06.2016 and commenced mining from 16.06.2016

3. The contractor firm earlier vide letter dated 16.08.2021 claimed that it did not operate the mining block because of the stay of the NGT. The Contractor also stated that as the Hon'ble NGT disposed of the application vide order dated 05.09.2018 and hence they are not liable to pay the contract money for the period from 29.11.2016 to 25.02.2019 during which their mining operation remained suspended in view of the orders dated 18.02.2016 and order dated 01.06.2016 passed respectively in OA No. 184 of 2013-Gurpreet Singh Bagga Vs UoI and OA No. 272 of 2016-Ganga Yamuna Mining Company Vs UoI & Others.

4. Whereas, with regard to non-payment for the period from 29.11.2016 to 25.02.2019, on the ground that they were not permitted mining during this period because of NGT orders dated 18.02.2016 restraining mining in district Yamunanagar, it is pointed out that it is not disputed that the Hon'ble NGT vide orders dated 18.02.2016 passed in OA No 184 of 2016 -Gurpreet Singh Bagga V/s UoI and others prohibited carrying on of any



Director, Mines & Geology, Haryana

mining of minor minerals (Bajri, Sand and Boulders) in the flood plain of river Yamuna in the district Yamunanagar (Haryana) and Saharanpur (Uttar Pradesh) for a period of 45 days from the pronouncement of this judgment. For the same period, screening plant/stone crushers were also refused permission to operate in the entire district of Saharanpur in Uttar Pradesh and Yamunanagar in Haryana. The Hon'ble NGT directed that both the States of Haryana and Uttar Pradesh would submit complete and comprehensive mining plan and a High-Powered Committee shall give its report/ recommendations and the mining would be permitted after 45 days, subject to orders of the Tribunal. On submission of the report by the High-Powered Committee, the Hon'ble NGT vide orders dated 01.06.2016 allowed mining to be resumed for (03) three months from the date of its order (upto 31.08.2016). The then DGMG vide order dated 20.09.2016 directed to close all mining activities in riverbed area in compliance with the order dated 01.06.2016 passed by the Hon'ble NGT. These orders were challenged by M/s Delhi Royalty Company by way of filing a CWP No. 20206 of 2016 with the request to quash the order dated 20/21.09.2016 passed by the then DGMG & MO, YNR. The Hon'ble Court vide its final order dated 29.11.2016 quashed and set aside the order dated 20.09.2016 passed by the then DGMG and order dated 21.09.2016 passed by the MO, YNR.

5. M/s Delhi Royalty Company, the contractor of 'Kohliwala Block/YNR B-21, 22 & 23' district Yamuna Nagar vide letter/representation dated 02.12.2016 requested that they have no liability to pay contract money for the period from 21.09.2016 to 04.12.2016 as their mining operations were restrained as per orders dated 20.09.2016 passed by the then DMG. The letter/representation dated 02.12.2016 filed by M/s Delhi Royalty Company was considered and it was decided not to charge contract money up to 29.11.2016 from the above said contractor as well as from M/s Ganga Yamuna Mining Co. .

6. Accordingly, vide order dated 22.03.2018, an amount of Rs. 71,06,983/- for the period from 20.09.2016 to 29.11.2016 of M/s Ganga Yamuna Mining Co., the contractor of 'Bhood Kalan/YNR B-19' district Yamuna Nagar was waived of as per order of the Hon'ble Court order dated 29.11.2016 passed in CWP No. 20206 of 2016- M/s Delhi Royalty Company Vs State. Hence, your application/representation dated 16.08.2021 not



Director, Mines & Geology, Haryana

to pay the contract money for the period from 29.11.2016 to 25.02.2019 being devoid of any merit is rejected because the period of waiver as per the Hon'ble Court order dated 29.11.2016 was from 20.09.2016 to 29.11.2016.

7. Whereas, as per provisions of the Rule 56(2) of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 (the State Rules, 2012), the mineral concession holders are under obligation to pay the advance monthly installment of contract money/ dead rent 7th of each calendar month. Further where mine is being operated they are also required to pay an additional amount equal to 7.5 % of the due dead rent /royalty/ contract money along with instalments towards the Mines and Minerals Development, Restoration and Rehabilitation Fund and 2.5% towards District Mineral Fund. In case of any default in payments they are liable to pay interest at the rate as prescribed in the Rule 56(6) and despite notice is dues are not paid is dealt as per provisions given under Rule 56(7) of the State Rules, 2012.
8. Whereas, the contractor firm was not paying the dues as per terms and grant, the Mining Officer, Yamuna Nagar in exercise of powers under Rule 56 (7) (ii) of the State Rules, 2012 for non-payment of contract money and R & R Fund amounting to Rs. 22,31,74,665/- (Rs.13,64,25,284/- as contract money & R & R Fund and Rs. 8,67,49,381/- as interest calculated upto 31.03.2022), suspended the mining operations of 'Bhood Majra Block/YNR B-20' district Yamuna Nagar on 16.04.2022.
9. Whereas, as per the provisions of Rule 56 (7) (ii) and (iii) of the State Rules, 2012 where dues are not paid with interest, the mining officer-in-charge after notice may suspend the mining operations and stop any dispatch of mineral from the concession area till such time the default is cleared. The dues for the suspension period are also to be paid. However, in case the concession holder deposits at least 50% (fifty percent) of the due amount with an undertaking to pay the balance amount within a period of three months along with interest, concurrent with the installments payable during this period, the Director Mines and Geology may revoke the suspension of mining operations. Non deposit of dues despite suspension may result in termination of mineral concession as per prevailing rules and terms of grant. However, in view of number of representations and



Director, Mines & Geology, Haryana

difficulties brought before the State Government, after due consideration the State Government vide order dated 12.05.2022 read with order dated 17.05.2022 granted/ allowed relaxation in payment of dues as one time measure subject to condition that the mining operation in the mines where operations have been suspended for non-payment of government dues, may be allowed to resume mining operations subject to the condition that they shall deposit 02 monthly installments towards contract money and R&R Fund by 7th of each month till such time the defaulted amount is cleared. In case of where the period of contract/lease is less than number of months of the defaulted amount, the entire pending dues shall be cleared before expiry of the period of contract/lease. In such cases they shall pay one concurrent monthly installment and other installment equal to total pending dues as on date divided by number of remaining months of concession period. Furthermore, the relaxation as per above is to be allowed to only such mineral concession holders who give an undertaking in the form of an affidavit through authorized person of the contractor/lessee stating that (a) they shall pay the committed amount of two installments as per above by 7th of each month and (b) in case they fail to make payment of amount as per above along with interest by 15th of the month, the contract/lease may be terminated without any further notice.

10. It is noted that as of 12.05.2022, the total outstanding amount against the contractor was Rs. 22.67 Crore (Rs. 14.21 Cr. as contract money and R&R Fund and Rs. 08.46 Cr. as Interest calculated up to 30.04.2022 which was to be cleared in 11 monthly installments of Rs. 2,06,09,091/- each (as contract money and R&R Fund). This is in addition to the concurrent installment of Rs. 46,06,823/-.

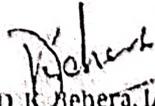
11. The contractor vide application/request dated 17.05.2022, has submitted an affidavit and also undertaken to deposit an amount of Rs. 83,76,042/- [i.e. equal to 02 monthly installments] to clear the dues of May, 2022 and one towards old dues. However, as per order of the State Government dated 12.05.2022 & 17.05.2022 and the orders dated 01.06.2022 and 05.07.2022 passed by this office, you have to deposit an amount of Rs. 7,52,28,940/- (03 monthly installments + 03 pending dues for the month of May, June and July, 2022).



Director, Mines & Geology, Haryana

12. Whereas, as per orders dated 01.06.2022, you were directed to pay an amount of Rs. 2,65,92,662/- (Rs. 2,22,04,041/- as old dues and an amount of Rs. 41,88,021/- as concurrent amount) under relaxation policy of the State Government (1+1), but you failed to deposit the same.
13. Whereas, the outstanding dues were again re-calculated up to 12.05.2022 in view of orders dated 12.05.2022 and 17.05.2022. Therefore, you vide letter dated 05.07.2022 were again directed to deposit the dues for the month of May, June and July, 2022 within 07 days to avail the 'One Time Relaxation' as per the orders dated 12.05.2022 and 17.05.2022, failing which action for termination of your contract shall be taken without giving any further opportunity. But you neither complied with the orders dated 12.05.2022 and 17.05.2022 of the State Government as well as the order dated 01.06.2022 and 05.07.2022 passed by this office nor deposited any government dues till date. It reveals that the contractor is not interested to pay the dues that too after relaxation given.
14. Whereas, keeping in view that huge amount of government dues is pending against the contractor firm and in the light of the fact that from 31.03.2022 to date, the contractor firm has not deposited any amount including the suspension period, for which no relief as per Rule 56(7) (iii) of the State Rules, 2012 is admissible, the department is left with no other option but to take action under rule 56 (7)(vi) of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012. Hence, the contract granted in favour of M/s Ganga Yamuna Mining Co., R/o 112, Santpura Road, Yamuna Nagar for extraction of Boulder, Gravel and Sand minor mineral from "Bhood Kalan Block/YNR B-19" of District Yamuna Nagar is hereby terminated with immediate effect with adjustment of security amount of Rs. 91,37,500/- against outstanding dues. It is also directed that outstanding amount of contract money, R & R Fund and TCS till date of possession along with interest shall be paid failing which the same shall be recovered as arrears of land revenue.

Place : Panchkula.
Dated: 13th July, 2022.


(D. K. Dehera, IAS)
Director, Mines and Geology,
Haryana.



Director, Mines & Geology, Haryana

Speed Post

Endst No. DMG/HY/Cont./Blood Kalan B/YNR B-19/2015/4476 Dated: 14/07/22

A copy is forwarded to M/s Ganga Yamuna Mining Co., R/o 112, Santpura Road, Yamuna Nagar for information and necessary action. He is directed to handover the possession of mine immediately and pay outstanding government dues at an earliest, failing which the same shall be recovered as arrears of land revenue,

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

Speed Post

Endst No. DMG/HY/Cont./Blood Kalan B/YNR B-19/2015/4471 Dated: 14/07/22

A copy is forwarded to Deputy Commissioner, Yamuna Nagar for information and necessary action.

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

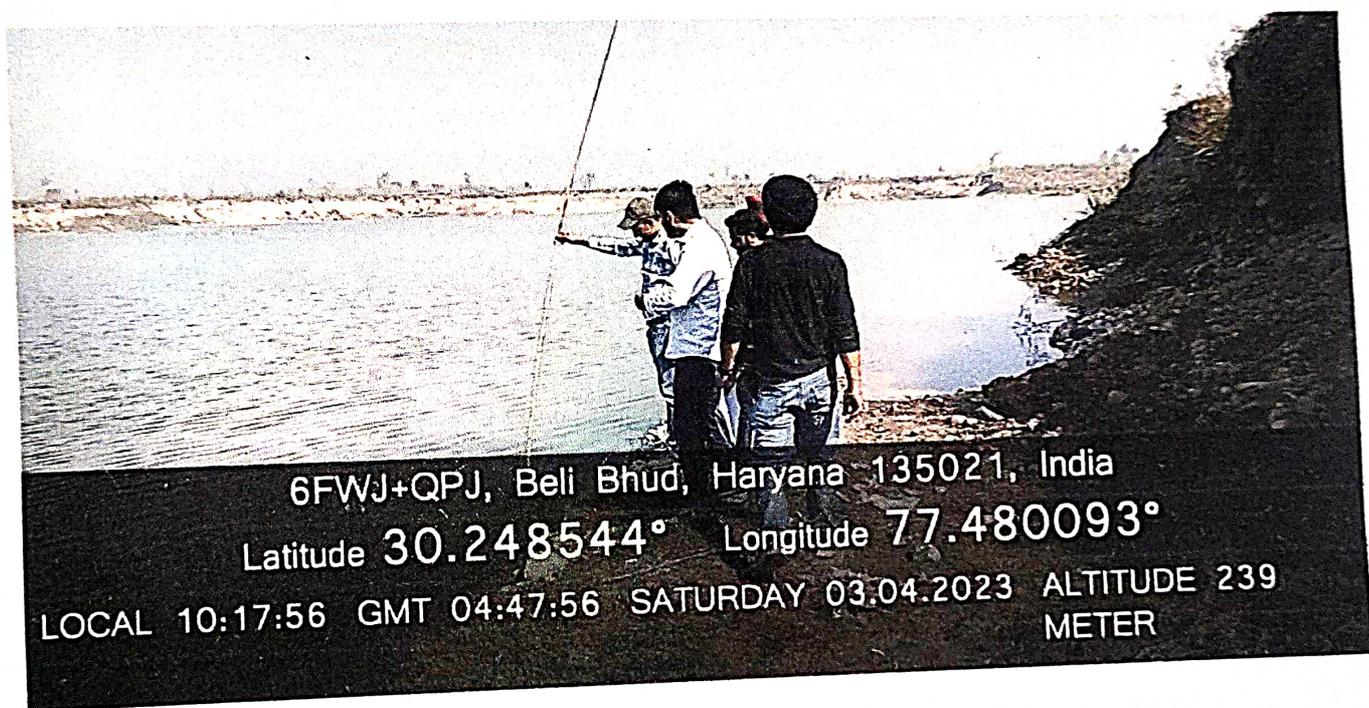
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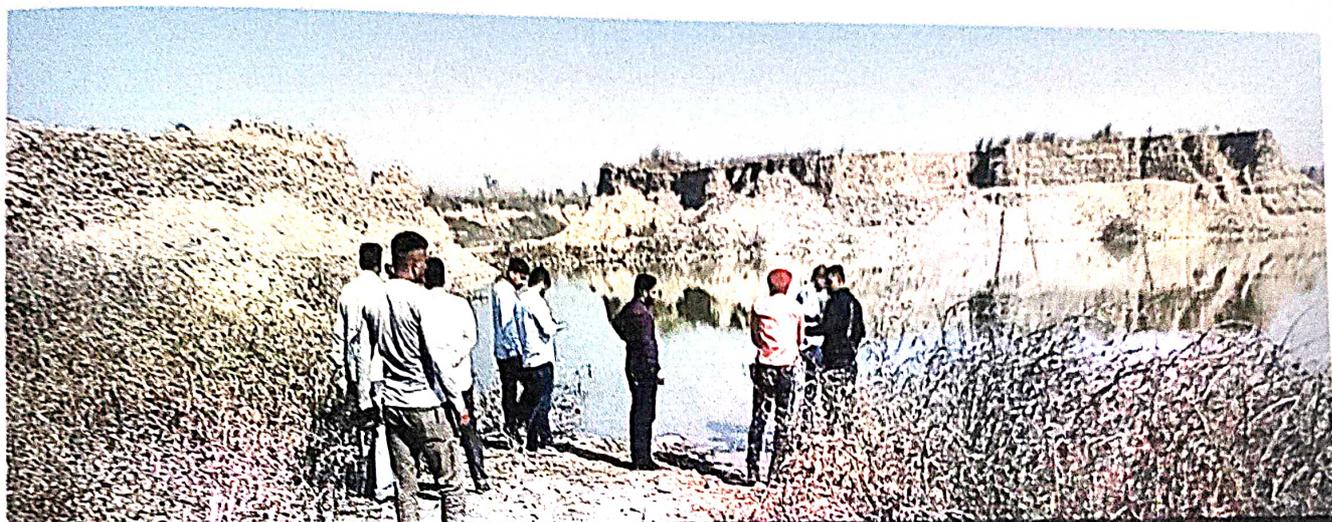
Endst No DMG/HY/Cont./Blood Kalan B/YNR B-19/2015/4472 Dated: 14/07/22

A copy is forwarded to the Mining Officer, Mines and Geology Department, Yamuna Nagar for information. He is directed to recover outstanding government dues from the contractor as per rule.

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

Annexure-C

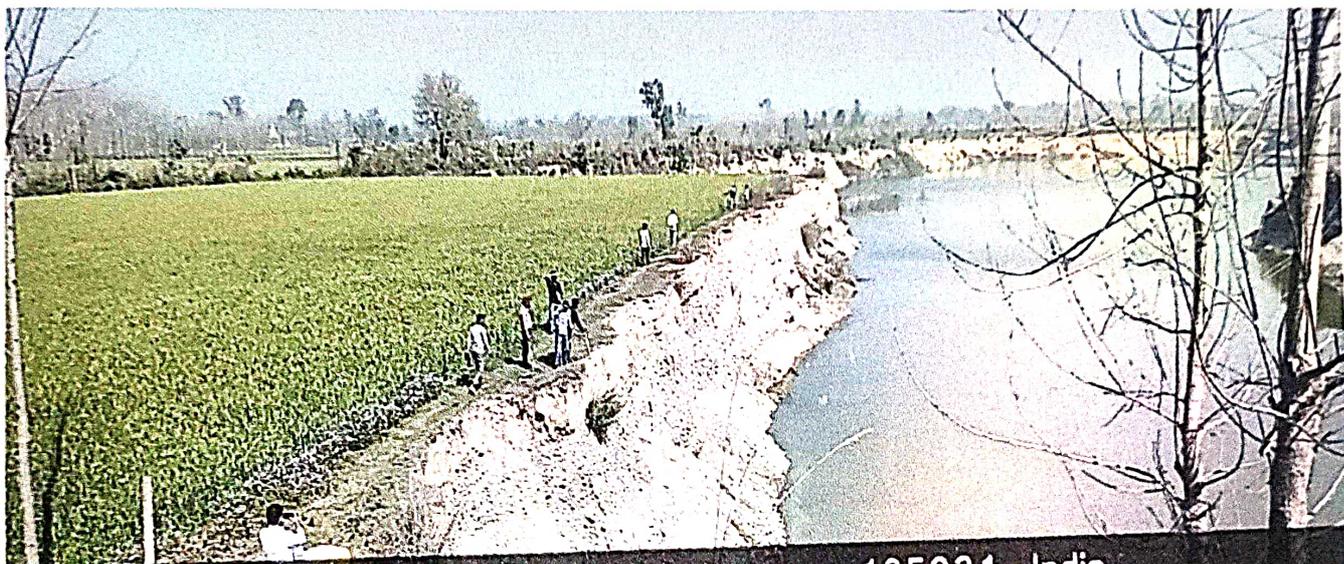




6FWH+P4F, Beli Bhud, Haryana 135021, India

Latitude 30.248301° Longitude 77.478104°

LOCAL 10:34:16 GMT 05:04:16 SATURDAY 03.04.2023 ALTITUDE 252
METER



6FWH+P4F, Beli Bhud, Haryana 135021, India

Latitude 30.248240° Longitude 77.477387°

LOCAL 10:44:11 GMT 05:14:11 SATURDAY 03.04.2023 ALTITUDE 254
METER

