

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO.172 OF 2022

IN THE MATTER OF:

Jaswinder Singh.

.....Applicant

Versus

State of Uttarakhand.... Respondent

REPORT BY WAY OF AFFIDAVIT ON BEHALF OF  
STATE OF UTTARAKHAND IN COMPLIANCE OF  
ORDER DATED 18.04.2022 PASSED BY THIS  
HON'BLE TRIBUNAL IN THE ABOVEMENTIONED  
MATTER

P A P E R - B O O K

I N D E X

<u>SRL.</u>	<u>PARTICULARS</u>	<u>PAGES</u>
1.	Report by way of Affidavit on behalf of State of Uttarakhand in compliance of order dated 18.04.2022 passed by this Hon'ble Tribunal	1-9
2.	<u>ANNEXURE R-1</u> : A true copy of the order dated 18.04.2022 passed by this Hon'ble Tribunal.	10-11
3.	<u>ANNEXURE R-2 (Colly)</u> : Photographs	12-15

Filed by:

*Rahul Verma*

[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand  
/Respondent

137, Tower No.10, Supreme Enclave,  
MayurVihar Phase-I,  
Delhi-110091

Mobile No. 9717706032

Email- [advrahulverma9999@gmail.com](mailto:advrahulverma9999@gmail.com)

E

1

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO.172 OF 2022

IN THE MATTER OF:

Jaswinder Singh.

.....Applicant

Versus

State of Uttarakhand.

... Respondent

249  
05/07/2022

REPORT BY WAY OF AFFIDAVIT ON BEHALF OF  
STATE OF UTTARAKHAND IN COMPLIANCE OF  
ORDER DATED 18.04.2022 PASSED BY THIS  
HON'BLE TRIBUNAL IN THE ABOVEMENTIONED  
MATTER



I, Vinay Shankar Pandey (Male) S/o Shri Ram Prakash Pandey aged about 53 years, presently posted as District Magistrate, Haridwar, Uttarakhand, do hereby solemnly affirm on oath and state as under:

1. That in my above mentioned official capacity, I am acquainted with the facts and circumstances of the present matter, and I am fully competent and duly authorised to file present Report by way of Affidavit on behalf of State of Uttarakhand.

6

2

2. That this Hon'ble Tribunal vide its order dated 18.04.2022 passed the following directions:-

*"The grievance in this letter petition is against illegal mining which is being carried out by use of heavy machinery in private reserved forest land situated in village RasoolPur MethiBeri, District Haridwar. About 1 km length of River Rawasan, a tributary of river Ganga, falls under the above said village surrounded by forest land of Rajaji National Park on one side of River and Khair and Sagon trees forest on the other. It is stated that illegal mining has caused big diches in about 10 acres land of River which is already 20 feet deep from ground level. The illegal mining is being carried out in the above said village Khasra No. 1890 to lift 8000 m3 of minerals in view of River Training Policy prepared in the year 2018. The illegal mining which is being carried on within 2 kms from Rajaji National Park and is causing severe damage to biodiversity and environment of the sensitive area.*



2. Having regard to the seriousness of the allegations, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the State PCB, Divisional Forest Officer, Haridwar and District Magistrate, Haridwar. The State PCB will be the Nodal agency for coordination and compliance. The Joint

6

3

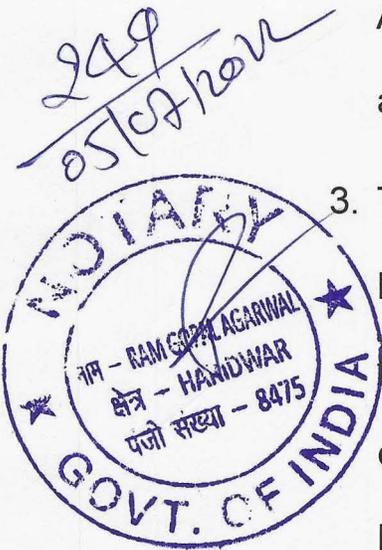
*Committee may meet within four weeks and undertake site visit and look into the grievance of the applicant. Factual and action taken report may be furnished within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

*List the matter for consideration on 07/07/2022.*

*A copy of this order, along with a copy of the complaint, be forwarded to the State PCB, Divisional Forest Officer, Haridwar and District Magistrate, Haridwar by e-mail for compliance."*

A true copy of the order dated 18.04.2022 is annexed hereto and marked as ANNEXURE A-1.

3. That in compliance of the abovementioned directions passed by this Hon'ble Tribunal vide its order dated 18.04.2022, a team was constituted on the directions of Deputy Conservator of Forest, Haridwar vide order dated 23.05.2022 in view of letter dated 23.04.2022 Chief Environment Officer and letter dated 24.05.2022, from office of District Magistrate, Haridwar, Uttarakhand (consisting of Forest Range Officer, ShyamPur Range, Haridwar Forest Division, Assistant scientist officer,



4

Regional Office, Pollution Control Board, Roorkee (Haridwar) and District Mining Officer, Geology and Mining Unit, Haridwar, Uttarakhand) to visit the site in question, the abovementioned team visited the site in question and had done the physical inspection. The pointwise report of the said committee is as follows:-

I. That the office of District Magistrate, Haridwar, Uttarakhand approved vide its order No.684 dated from 13.06.2018 to 30.06.2018 for river training granted approval in favour of highest bidder Mr. Alok Dwivedi for removal of minerals / debris for 8000 Cubic meter in Khasra No.1890 Village Rasoolpur Meethaberi, District Haridwar, Uttarakhand.



II. That the side Auctioneer of river traing had not completed the work on time, thereafter the Government vide its office letter No.1702 dated 14.10.2021 granted the extension to clean the rest of the quantity. In continuation of the same, the district office vide its order

6

5

No.2019 dated 25.10.2021 extended the time for two months and after the issuance of letter No. 2521/2-3 dated 28.10.2021 from the office of Deputy Conservator of Forest, Haridwar, the lease holder started the work.

- III. That for illegal mining by the side Auctioneer of river traing outside the lease area of Khasra No.1890, the action under the provisions of Uttarakhand Illegal Mining, Storage Rules, 2020 have been taken against the bidder and notice No.1 dated 1.12.2021 for an amount of Rs.21,56,000/- and Notice No.2 dated 1.12.2021 for an amount of Rs.17,00,160 total amount Rs.38,56,160 (Rupees thirty eight lakhs fifty six thousand one hundred and sixty only) towards fine was issued by the office of District Magistrate, Haridwar, Uttarakhand against bidder.



- IV. That against the above said activities of River Training, one Jasbir Singh son Lakha Singh resident of Village

EF

6

Rasoolpur, Laldhang, Uttarakhand filed a Writ Petition being WPMS No.2512 of 2021 before the Hon'ble High Court of Uttarakhand at Nainital, and the Hon'ble High Court of Uttarakhand vide its order dated 07.04.2022 passed the following directions:-

*" .....In that view of the matter, so far as the relief Nos. 1,2 and 3 are concerned, no cause of action as such, now survives, because the lapse of extended time period of mining activities in favour of respondent No.5. So far as relief No.4 is concerned, as already observed, the respondents are directed to hold a fresh auction for the grant of mining lease, qua khasra number mentioned in the relief No.4, as per law, Subject to the above observation, the writ petition stands disposed of."*



- V. That at present in compliance of the direction passed by this Hon'ble Tribunal vide its order dated 18.04.2022, at the time physical inspection, of the area in question of village Khasra No.1890, Village RasoolpurMeehaberi, the inspection was done by the joint inspection team.

E

7

The joint inspection team had not found any type of illegal mining activities by the heavy machinery in that mentioned area.

- VI. That in compliance of the direction passed by this Hon'ble Tribunal vide its order dated 18.04.2022, during the physical inspection of the area in question of village Khasra No.1890, Village RasoolpurMeehaberi, after inspection of the river training work done by the bidder, it was found that the work of cleaning of the river was found about 3 to 7 feet deep. The legal action was taken by the district administration by imposing fine.



- VII. That during the inspection, it was found that original level of the river bed is 8-9 feet deep and it is not 20 feet deep.

- VIII. That during the inspection, in presence of Forest Range

6

Officer Shyampur, Forest Department it was found that concerned Khasra No.1890 is situated far away from the boundary of Rajaji National Park and is at distance of 04 kilometers.

- IX. That it is relevant to mention herein that legal action by imposing of fine have already been taken for the illegal mining activities in the nearby area of revenue and forest . No work of any kind is carrying on or done at present in the site in question i.e. Khasra No.1890.



The photographs are enclosed herewith and marked as ANNEXURE A-2 (COLLY).

4. That the present Report by way of Affidavit in compliance of direction passed by this Hon'ble Tribunal is being filed on behalf of State of Uttarakhand for kind perusal of this Hon'ble Tribunal.

✓   
DEPONENT

9

**VERIFICATION**

I, the deponent above named do hereby verify and say that the contents of my above report by way of affidavit are true and correct to my knowledge based on record, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

Verified by me at Haridwar, Uttarakhand on this 05 day of July, 2022.



*J. By*  
*R. G. Agarwal*  
**RAM GOPAL AGARWAL**  
Advocate  
Reg. No.- UA-1681/04, UP-1585/88  
Ch. No.- 152, Distt. & Session Court, Haridwar

DEPONENT

Filed through:

*Rahul Verma*

[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand  
/Respondent

137, Tower No.10, Supreme Enclave,  
MayurVihar Phase-I,  
Delhi-110091

Mobile No. 9717706032

Email- [advrahulverma9999@gmail.com](mailto:advrahulverma9999@gmail.com)

Execution of the *Affidavit*  
admitted and signed before me by  
Sri/Smt. *Vinay Shankar Pandey Sashi Ram Bakash Pandey*  
Which identified by Shri. *Rohit Aggarwal (Adv) as DM*  
In the Distt. Court premises of :  
Office at Haridwar  
at *5:00* P.M./P.M. *05/07/2022*

**Ram Gopal Agarwal**  
Notary Advocate  
Government of India

ANNEXURE R-1

Item No.3

(Court No. 2)

10

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No. 172/2022

Jaswinder Singh

Applicant

Versus

State of Uttarakhand

Respondent

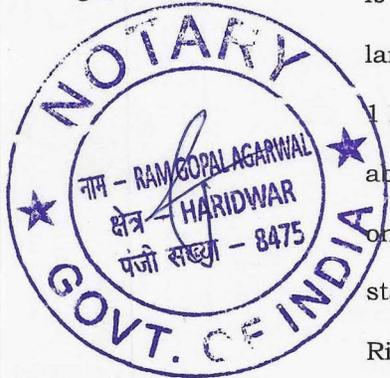
Date of hearing: 18.04.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

**Application is registered based on a complaint received by Post**

**ORDER**

1. The grievance in this letter petition is against illegal mining which is being carried out by use of heavy machinery in private reserved forest land situated in village Rasool Pur Methi Beri, District Haridwar. About 1 km length of River Ramasan, a tributary of river Ganga, falls under the above said village surrounded by forest land of Rajaji National Park on one side of River and Khair and Sagon trees forest on the other. It is stated that illegal mining has caused big ditches in about 10 acres land of River which is already 20 feet deep from ground level. The illegal mining is being carried out in the above said village Khasra No. 1890 to lift 8000 m<sup>3</sup> of minerals in view of River Training Policy prepared in the year 2018. The illegal mining which is being carried on within 2 kms from Rajaji National Park and is causing severe damage to biodiversity and environment of the sensitive area.



E

2. Having regard to the seriousness of the allegations, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the State PCB, Divisional Forest Officer, Haridwar and District Magistrate, Haridwar. The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks and undertake site visit and look into the grievance of the applicant. Factual and action taken report may be furnished within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

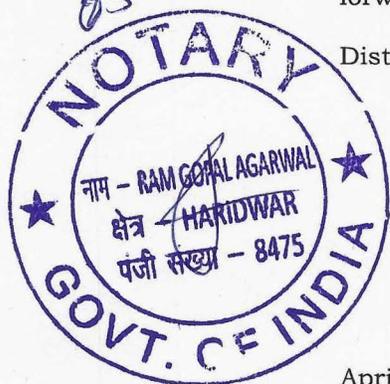
List the matter for consideration on 07/07/2022.

A copy of this order, along with a copy of the complaint, be forwarded to the State PCB, Divisional Forest Officer, Haridwar and District Magistrate, Haridwar by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 18, 2022  
Original Application No. 172/2022  
AG



TRUE COPY

6

12 ANN-R-2 (Copy)



24/05/18

NOTARY  
 ★ नाम - RAM GOPAL AGARWAL  
 क्षेत्र - HARIDWAR  
 पंजी संख्या - 8475  
 GOVT. OF INDIA

1/1 T ROR COPY

13

ANNEX-2 (copy)



24  
25/07

NOTA  
 ★ श्री - श्री गणेशाय  
 क्षेत्र - HARIDWAR  
 पंजी संख्या - 84  
 GOVT.

1/1 TRUB COPY 11

10

14

ANN-R-24 coll.



24  
05/05  
NOTA  
नाम - RAM GOPAL  
क्षेत्र - HARID  
पंजी संख्या -  
GOVT. OF

6

11 TRUET COPY 11

15

ANAR-2 Cell



24  
20/10

NOTA  
 ★ नाम - RAM GOPAL AGA  
 क्षेत्र - HARIDWAR  
 पंजी संख्या - 84  
 GOVT. CF IN

TRUE COPY