

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 791 / 2024**

In the matter of:

Ajit Pal Singh

Applicant

Versus

Union of India

Respondent(s)

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**Filed by Adv. Soni Singh
On behalf of Central Pollution Control Board
A-14, Nizamuddin East
New Delhi – 110013
E: vga@vgalegal.com; # 011-46502980**

**Place: Delhi
Dated: 14.10.2024**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 791 / 2024

Ajit Pal Singh

Applicant

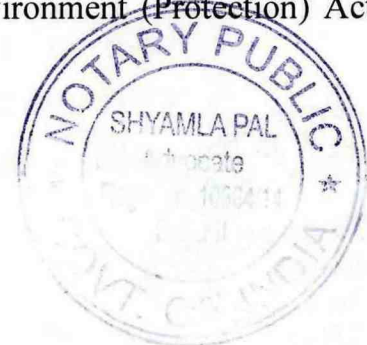
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**Interim Response / Status Report on behalf of Central Pollution Control Board
(CPCB) i.e, Respondent No. 2**

1. That, the Hon'ble NGT vide order dated 15.07.2024 has sought the reply of Central Pollution Control Board (hereinafter referred as CPCB) in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That at the outset, the answering respondent denies all claims, contentions, allegations and averments against answering respondent CPCB in the above IA contrary to anything stated or submitted in this reply. Nothing in the IA may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial or on the ground of non-traverse, save and except any averment which has been expressly admitted hereinafter.
3. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, and The Environment (Protection) Act, 1986.

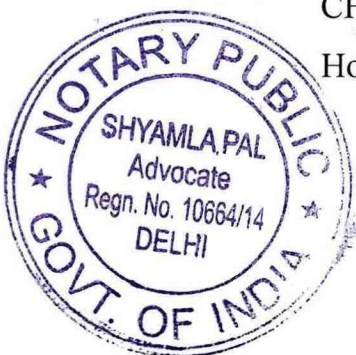


4. That the matter is related to a complaint that environmental clearance was granted to Respondent No. 10 M/s P.S. Buildtech for mining over an area of 101.27 Ha in village Jathlana and Dhakwala, Tehsil, Radaur, District Yamuna Nagar, Haryana, without providing for any validity period in violation of clause iii-(d) of the Sustainable Sand Mining Management Guidelines, 2016 (page 99 of the Petition) which provides for validity of environmental clearance for mining lease subject to ceiling of 5 years. It is further alleged in the Original Application that in spite of expiry of environmental clearance the respondent No. 10 is continuing with the illegal mining on the basis of the said environmental clearance. In light of the above, the Hon'ble National Green Tribunal vide order dated 15/07/2024 (**Annexure-1**) directed the Respondents, including CPCB i.e. the Respondent No. 02 in this matter, to file their response to the subject O.A. Copy of order dated 15/07/2024 of the Hon'ble National Green Tribunal is annexed herewith as **Annexure I**.

Action Taken by Central Pollution Control Board (CPCB):

In compliance to the orders of Hon'ble NGT dated 12/07/2024, the following actions have been taken by CPCB:

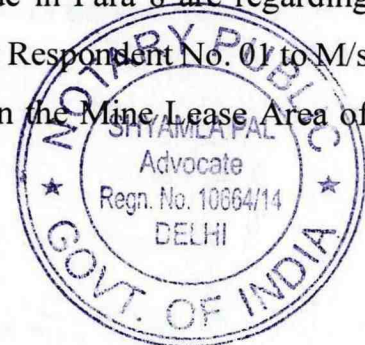
- i. CPCB issued a letter (No. CPCB/Mining/CM-13011/187/2024/4330) on September 02, 2024, to Haryana State Pollution Control Board (hereinafter referred as HSPCB), requesting to take appropriate action in coordination with the Mining Department, to ensure compliance of Hon'ble NGT Order and provide a report. Copy of Letter dated September 02, 2024 by CPCB to HSPCB is annexed herewith as **Annexure II**.
- ii. After not receiving any feedback from HSPCB, the CPCB sent another letter to the HSPCB on September 18, 2024, vide No. RD-CHD/Tech/Co-ordination/228-A/106, requesting to provide a report. However, HSPCB is yet to provide the report to CPCB. Copy of Letter



dated September 18, 2024 by CPCB to HSPCB is annexed herewith as
Annexure III.

Para-wise Reply:

1. That it is humbly submitted that the averments made in 1 and 2 of the O.A. are introductory in nature and hence need no reply from this Answering Respondent.
2. That it is humbly submitted that the averments made in para 3 of the O.A. are related to Section 14 of the National Green Tribunal Act, 2010 and hence need no reply from this Answering Respondent.
3. That it is humbly submitted that the averments made in Para 4 are regarding substantial questions relation to environment, raised by the applicant, need no reply from this Answering Respondent.
4. That it is humbly submitted that the averments made in Para 4 are Para 5 are regarding Jurisdiction of the Hon'ble National Green Tribunal, needs no reply from this Answering Respondent.
5. That it is humbly submitted that the averments made in Para 6 are regarding alleged reasons of the Applicant for approaching Hon'ble NGT. At this stage, this Answering Respondent is unable to respond in this regard as response / report from the HSPSB in relation to contentions in the O.A is awaited.
6. That it is humbly submitted that the averments made in Para 7 are matters of record hence need no comments from this Answering Respondent.
7. That it is humbly submitted that the averments made in Para 8 are regarding Environmental clearance dated 17/03/2017 granted by Respondent No. 01 to M/s P. S. Buildtech for mining of Sand Minor Mineral in the Mine Lease Area of



101.27 Ha situated at Village Jathlanaand Dhakwala, Tehsil, Radaur, District YamunaNagar, Haryana. Since this pertains to Respondent No. 1, hence need no comments from this Answering Respondent.

8. That the averments made in Para 9, it is humbly submitted that as per Sustainable Sand Mining Guidelines which says that Environmental Clearance is valid for 5 years only, and accordingly an Environmental Clearance issued on 17/03/2017 granted to 23 M/S P. S. Buildtech for Mining of Sand Minor Mineral in Mine Lease Area of 101.27 Ha is liable to expire on 17/03/2022.
9. That it is humbly submitted that the averments made in Para 10 are regarding expiry of the Environmental Clearance granted to M/s P.S. Buildtech stating that applicant has learnt that despite of expiring the period of Environmental Clearance issued by Respondent No. 01 in favour of M/s P.S. Buildtech, the project proponent is still carrying on the Mining Activities on the said lease area i.e. at Mine Lease Area of 101.27 Ha situated at Village Jathlanaand Dhakwala, Tehsil, Radaur, District Yamuna Nagar, Haryana. At this stage, this Answering Respondent is unable to respond in this regard as response / report from the HSPSB in relation to contentions in the O.A is awaited.
10. That it is humbly submitted that the averments made in Para 11 are regarding E Rawaanas, wherein it is stated that applicant has secured various E Rawaanas which Department of Mines and Geology, Government of Haryana has issued in favour of M/S P.S. Buildtech. These averments pertain to Department of Mines and Geology and Government of Haryana and hence need no comments from this Answering Respondent.



11. That it is humbly submitted that the averments made in Para 12 are regarding mining of minerals by M/s P.S. Buidtech after expiry of Environmental clearance. At this stage, this Answering Respondent is unable to respond in this regard as response / report from the HSPSB in relation to contentions in the O.A is awaited.
12. That it is humbly submitted that the averments made in Para 13 are related to other authorities and hence need no reply from this Answering Respondent.
13. The averments in Para 14 are regarding Grounds for filing the present application and are to a large extent repetition of the submissions of the Applicant already dealt with herein above and the said contents are relied upon and not repeated for the sake of brevity.
14. The answering respondent craves leaves of the Hon'ble Tribunal to file additional reply, in future, if required.
15. That in light of the above submission, it is respectfully submitted that this Answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA.



(Nazimuddin)
Scientist 'F'

Central Pollution Control Board



गौरीगढ़, जिला, उत्तरांचल प्रदेश
जिला, उत्तरांचल प्रदेश
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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Ajit Pal Singh

Applicant

Versus

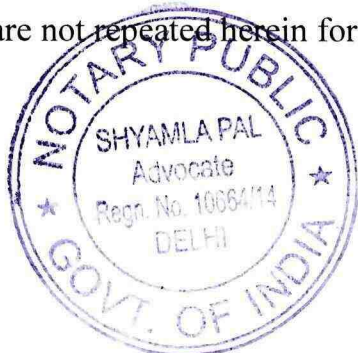
Union of India

Respondent(s)

AFFIDAVIT

I, Nazimuddin, working as Scientist 'F' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, Respondent No. 2 in the above matter, do hereby solemnly affirm, declare on oath and state as under: -

1. That I, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.




DEPONENT

नाज़िमउद्दीन / Nazimuddin
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest And Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

411

VERIFICATION

Verified at New Delhi on this day of 14 OCT 2024 2024 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

hary

DEPONENT

नाज़िमउद्दीन / Nazimuddin
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Mo Environment, Forest And Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

ATTESTED

Shyamla
NOTARY PUBLIC DELHI
GOVT. INDIA

14 OCT 2024



Item No. 6

Court No 1.

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

Original Application No. 791/2024

Ajit Pal Singh

Applicant

Versus

Union of India

Respondent(s)

Date of hearing: 15.07.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Ms. Nandita Bansal & Mr. Gaurav Kumar Bansal, Advs.

ORDER

1. In this original application, the applicant has raised a complaint that the environmental clearance was granted to Respondent No. 10 M/s P.S. Buildtech for mining over an area of 101.27 Ha in village Jathlana and Dhakwala, Tehsil, Radaur, District Yamuna Nagar, Haryana.

2. Learned counsel for the applicant referring to the annexure P-1/5 dated 17.03.2017 has submitted that the environmental clearance which was issued to respondent no. 10 did not provide for any validity period. She has placed reliance upon clause iii-(d) of the Sustainable Sand Mining Management Guidelines, 2016 (page 99) which provides for validity of environmental clearance for mining lease subject to ceiling of 5 years. The said clause reads a under:

“(iii) -----XXX-----
 (a) -----XXX-----
 (b) -----XXX-----
 (c) -----XXX-----
 (d) EC will be valid for mine lease period subject to a ceiling of 5 years.”

3. Submission of the applicant is that the said five years period expired on 17.03.2024, therefore mining on the basis of said environmental clearance could not have been conducted thereafter. Referring to the E-Rawaana filed on page 258 the allegation of the learned counsel for the applicant is that in spite of expiry of environmental clearance the respondent no. 10 is continuing with the illegal mining on the basis of the said environmental clearance.

4. The O.A. raises substantial issue relating to compliance of the environmental norms.

5. Issue notice to the respondents for filing their response at least one week before the next date of hearing.

6. Applicant is directed to serve the respondents and file affidavit of service at least one week before next date of hearing.

7. Till the next date of hearing respondents are direct to ensure that mining is carried out strictly in accordance with rules, regulations and permissions.

8. List on 15.10.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

July 15, 2024
O.A. No. 791/2024
HB



Annexure- II

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA

No. CPCB/Mining/CM-13011/187/2024/

02 September 2024

To,

Member Secretary,
Haryana State Pollution Control Board,
C-11, Sector-6, Panchkula,
Haryana - 134 109
(e-mail: hspcbms@gmail.com)

Sub.: In reference to Hon'ble NGT (PB) OA No. 791/2024 order dated-15.07.2024-reg.

Sir,

Please refer to Hon'ble NGT (PB) order dated-15.07.2024 (copy enclosed) in OA No. 791/2024 regarding the complaint about the expiry of environmental clearance granted to M/s P.S. Buildtech for mining over an area of 101.27 Ha in village Jathlana and Dhakwala, Tehsil, Radaur, District Yamuna Nagar, Haryana. Hon'ble NGT (PB) vide para 7 of the said order directed to ensure that mining is carried out in accordance with rules, regulations and permissions.

In this regard, it is requested to take appropriate action in the matter in coordination with mining department to ensure compliance of Hon'ble NGT order and to provide a report on the matter at the earliest, by 15.09.2024.

Yours faithfully,

(Nazimuddin)

Scientist-'F' & Head
IPC-II Division

Encl.: As above

Copy to:

1. The Deputy Commissioner, : for necessary action.
Mini Secretariat,
Jagadhri DC Office,
Yamuna Nagar, Haryana
2. Regional Director (RD-Chandigarh), : for follow-up.
Central Pollution Control Board (RD),
BSNL Telephone Exchange, 2nd Floor,
Sector-49, Chandigarh - 160 047

'परिवेश भवन' पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in



Annexure- III
415

केन्द्रीय प्रदूषण नियंत्रण बोर्ड

क्षेत्रीय निदेशालय, चण्डीगढ़

Central Pollution Control Board

Regional Directorate, Chandigarh

(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)

(MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA)

By Speed Post/E-Mail

RD-CHD/Tech/Co-ordination/228-A/106

Date:18.09.2024

सेवा में,

✓ सदस्य सचिव ,

हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड,

सी-18, सेक्टर-6, पंचकुला, हरियाणा -134109

Subject: In reference to Hon'ble NGT (PB) O.A 791/2024 order dated 18.07.2024 – reg.

Sir,

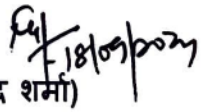
This has reference to CPCB Head Office letter sent to HSPCB vide No. CPCB/Mining/CM-13011/187/2024/4330 dated 02.09.2024 (**Copy enclosed**) regarding Hon'ble NGT (PB) O.A 791/2024 order dated 18.07.2024. The issue in the present matter is about the expiry of environmental clearance granted to M/s P.S. Buildtech for mining over an area of 101 Ha in village Jathlana and Dhakwala, Tehsil. Radpur, District Yamuna Nagar, Haryana.

The Hon'ble NGT(PB) vide para 7 of the said order has directed to ensure that mining is carried out in accordance with rules, regulation and permissions. In the letter you were requested to provide a report on the matter.

In view of above, it is requested to take appropriate action in the matter in coordination with mining department to ensure compliance of Hon'ble NGT order and to provide a report on the matter to CPCB HO and endorse a copy to this office at the earliest.

The next date of hearing of the matter is 15.10.2024.

भवदीय,


(नरेंद्र शर्मा)

वैज्ञानिक 'एफ' (निदेशक)

Enclosed: as above

Copy to:

1. The Deputy Commissioner, Mini Secretariat, Jagadhri DC, Office, Yamuna Nagar Haryana : For kind information, please.
2. PS to MS : For kind Information, please
3. Master File: RD, Chandigarh

वीएसएनएल दूरभाष केन्द्र, दूसरी मंजिल, सेक्टर 49 -सी, चण्डीगढ़-160 047
BSNL Telephone Exchange, 2nd Floor, Sector 49-C, Chandigarh-160 047

दूरभाष / Tel.: 0172-2990360

ई मेल / Email : rdchandigarh.cpcb@nic.in

प्रधान कार्यालय / Head Office
परिवेश भवन, ईस्ट अर्जुन नगर, दिल्ली -110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
EPABX दूरभाष / Tel.: 011-43102030, 22305792
वेबसाइट / Website: http://www.cpcb.nic.in