

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI

**INDEX**

*IN*

**RESPONSE AFFIDAVIT ON BEHALF OF**  
**UTTARAKHAND POLLUTION CONTROL BOARD**

Original Application No. 798/2022

With

Original Application No. 538/2022

(M.A. No. 34/2023)

Mamta Chourasia & Ors.

Petitioners

Versus

State of Uttarakhand

Respondents

With

Swarn Singh

Petitioners

Versus

State of Uttarakhand & Ors.

Respondents

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	issued to Respondent No. 8 on dated 07.10.2023.	
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Dated: October, 2023

*Advocate*

(Counsel for the respondent)

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI  
RESPONSE AFFIDAVIT ON BEHALF OF  
UTTARAKHAND POLLUTION CONTROL BOARD

(Respondent No. 3)

Original Application No. 798/2022

With

Original Application No. 538/2022

(M.A. No. 34/2023)

Mamta Chourasia & Ors.

Petitioners

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State of Uttarakhand

Respondents

With

Swarn Singh

Petitioners

Versus

State of Uttarakhand & Ors.

Respondents

Affidavit of Dr. Rajendra Singh, aged about 51 years, S/o Late Shri B.S. Kathait presently posted as Scientific Officer, Uttarakhand Pollution Control Board, Head Office, Dehradun (Uttarakhand).

  
Deponent

Page 3 of 7



**I, the above-named deponent does hereby solemnly affirm and state on oath as under: -**

- 1) That the deponent is presently posted as Scientific Officer and has been duly authorized by the Member Secretary, Uttarakhand Pollution Control Board, Uttarakhand to sign and swear the instant affidavit on his behalf.
- 2) That the above noted O.A. was listed for hearing on 21.09.2023, wherein the Hon'ble National Green Tribunal was pleased to issue the following directions:

*"5. The joint inspection report clearly reveals that illegal mining/excavation has been done by the above persons but, the report does not reflect any final action taken against them till now nor the report reflects passing of any final order imposing environmental compensation against damage to the environment. Though, the Counsel for the State as also the Counsel for the State PCB have submitted that the final orders imposing environmental compensation have been passed but even after referring to various documents for considerable time, they could not point out any such final order of the competent authority imposing the environmental compensation.*

*6. The Counsels for the above respondents have sought two weeks' time to file final order by which environmental compensation has been levied. Let same be filed on or before the next date of hearing.*

....."




3) That in compliance of orders passed by the Hon'ble NGT in aforesaid matters with respect to levying of environmental compensation on the persons involved in illegal mining/excavation, it is respectfully submitted that: -

i. Uttarakhand Pollution Control Board vide its letter ref. no. UKPCB/HO/Gen-296(Vol-II)/2023/874 dated 07.10.2023 issued show cause notice under section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and section-31(A) of the Air (Prevention and Control of Pollution) Act, 1981 to the Respondent No. 8, i.e., Shri Himmat Singh, S/o Shri Kartar Singh as to why environmental compensation of Rs.12,75,42,355.00 be not imposed against him. In this connection, copy of the show cause notice no. bearing no. UKPCB/HO/Gen-296(Vol-II)/2023/874, dated 07.10.2023 is being marked and filed as **Annexure No. 1** to this affidavit.

ii. Uttarakhand Pollution Control Board vide its letter ref. no. UKPCB/HO/Gen-296(Vol-II)/2023/873 dated 07.10.2023 issued show cause notice under section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and section-31(A) of the Air (Prevention and Control of Pollution) Act, 1981 to the Respondent No. 9, i.e., Shri Subhash Chandra, S/o Shri Tika Ram as to why environmental compensation of Rs. 26,54,71,677.00 be not imposed against him. In this connection, copy of the show



  
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cause notice no. bearing no. UKPCB/HO/Gen-296(Vol-II)/2023/873, dated 07.10.2023 is being marked and filed as **Annexure No. 2** to this affidavit.

iii. Uttarakhand Pollution Control Board vide its letter ref. no. UKPCB/HO/Gen-296(Vol-II)/2023/871 dated 07.10.2023, issued show cause notice under section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and section-31(A) of the Air (Prevention and Control of Pollution) Act, 1981 to the Respondent No. 10, i.e., Shri, Kripal Singh, S/o Shri Kartar Singh as to why environmental compensation of Rs. 17,03,07,940.00 be not imposed against him. In this connection, copy of the show cause notice bearing no. UKPCB/HO/Gen-296(Vol-II)/2023/871, dated 07.10.2023 is being marked and filed as **Annexure No. 3** to this affidavit.

iv. Uttarakhand Pollution Control Board vide its letter ref. no. UKPCB/HO/Gen-296(Vol-II)/2023/872 dated 07.10.2023, issued show cause notice under section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and section-31(A) of the Air (Prevention and Control of Pollution) Act, 1981 to the Respondent No. 11, i.e., Shri, Karam Singh, S/o Shri Suchcha Singh as to why environmental compensation of Rs. 2,06,46,988.00 be not imposed against him. In this connection, copy of the show cause notice bearing no. UKPCB/HO/Gen-296(Vol-



*[Handwritten Signature]*

II)/2023/872, dated 07.10.2023 is being marked and filed as Annexure No. 4 to this affidavit.

4) That the deponent is a responsible Government servant having the highest regards for the Hon'ble Tribunal and orders passed by them. The deponent has always made his sincerest efforts to carry out the orders passed by this Hon'ble Tribunal in its letter and spirit and shall continue to do so in the future.

*[Signature]*  
Deponent

I, ....., Advocate, do hereby declare that the person making this affidavit and alleging himself to be .....is the same person who is known to me from the papers produced by him before me in this case.

.....  
*Advocate*  
Enroll. No. ....

Solemnly affirmed before me on this day of 12 October, 2023 at Dehradun at about 1.00 AM/PM by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent who understood the contents of this affidavit.

The person has signed in my presence on the affidavit



This affidavit is sworn before me by  
Shri.....*[Signature]*.....  
who is identified by Shri .....  
at Dehradun on.....

Notary

*[Signature]*  
(Rajender Singh Negi)  
Advocate & Notary, Dehradun  
Page 7 of 7



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स्वच्छ पर्यावरण  
एक साथ - एक साथ - एक साथ

HEAD OFFICE Annexure 136  
Uttarakhand Pollution Control Board  
"Gauradevi Paryavaran Bhawan"  
46B, IT Park, Sahasradhara Road, Dehradun  
E-mail : msukpcb@yahoo.com, Phone No. -0135-2607092

Letter No.: UKPCB/HO/Gen-296(Vol.-II)/2023/874,  
**SPEED POST**

Date: 04.10.2023

To,  
Shri Himmat Singh S/O Shri Kartar Singh,  
R/o Village Pattapani, Tehsil Kaladungi,  
District Nainital.

Directions under section-33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and section-31(A) of the Air (Prevention and Control of Pollution) Act, 1981.

WHEREAS, the Central Government has made the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, and vide provisions of these act every water/air polluting industry/unit/ operation/process is required to obtain consent to establish and consent to operate from the State Pollution Control Board; and

WHEREAS, for the purposes of protecting and improving the quality of environment and preventing and abating environmental pollution, the standards for discharge of environmental pollutants from the industries, operations or processes, have been specified under the Environment (Protection) Rules, 1986; and it is mandatory to every industry, operations or processes of keep their effluent quality within the specified norms; and

WHEREAS, the matter is of illegal mining in agricultural land in village Semalchod and Pattapani near the forest in Belpadaon area of District Nainital is under consideration before the Hon'ble NGT in the matter of O.A. No. 538 of 2022 titled as "Swarn Singh versus State of Uttarakhand, and Hon'ble NGT has constituted a Joint Committee comprising of representatives of State PCB; Director, Geology & Mining; Divisional Officers, RTOs, and District Magistrate Nainital and US Nagar on dated 05.09.2023 for factual report; and

WHEREAS, the Joint Committee visited the area in question on 09.11.2022 and submitted its Factual report to Hon'ble NGT for consideration. The Joint Committee observed violation in terms of mining of excess minor minerals w.r.t. permitted quantity and depth carried out by "Occupier" i.e. Shri Himmat Singh S/o Shri Kartar Singh, R/o Village Pattapani, Tehsil Kaladungi, District Nainital (Uttarakhand); and

WHEREAS, the Hon'ble NGT in the matter of O.A. No. 538/2022 passed *inter alia* following directions on dated 05.09.2022 for compliance:

4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to:-

(i) .....

(ii) the State PCB and Director, Mines and Geology, Uttarakhand to enable them to take appropriate remedial action by giving notice to/hearing the concerned project proponents and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of illegal mining and environmental pollution/degradation and also for protection and improvement of environment

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and submit their action taken reports within one month from the date of receipt of a copy of the report of the Joint Committee.

WHEREAS, the report of Joint Committee observed that the Occupier i.e. Shri Himmat Singh S/o Shri Kartar Singh, R/o Village Pattapani, Tehsil Kaladungi, District Nainital has undertaken illegal mining of 1,57,737 Cubic Meter of minor minerals (Sand, Bajri & Bolder) as against the permitted mining of 2,24,252 Cubic Meter; and

As such, it is evident from observations of Joint Committee that the Occupier has undertaken illegal mining of 1,57,737 Cubic Meter minor minerals (Sand, Bajri & Bolder). In compliance of order of the Hon'ble NGT, environment compensation is to be lived against illegal mining. Calculation of environmental compensation is made as per directions dated 26.02.2021 passed by the Hon'ble NGT in the matter of O.A. 360/2015 titled as "National Green Tribunal Bar Association Vs. Virender Singh (State of Gujrat). As per variables and formula prescribed by the Hon'ble NGT in above said matter, environmental compensation of Rs. 12,75,42,355.00 (Rs. Twelve Crore Seventy Two Lakh Forty Two Thousand Three Hundred Fifty Five only) is calculated as against the illegal mining of minor minerals (Sand, Bajri & Bolder).

AND NOW THEREFORE, in view of above observations, and in exercise of the power conferred under Section-33(A) of the Water (Prevention and Control of Pollution) Act, 1974, and Section-31(A) of the Air (Prevention and Control of Pollution) Act, 1981, as amended thereafter, with approval of the Competent Authority of the Board, notice is hereby served to the Occupier i.e. Shri Himmat Singh S/o Shri Kartar Singh, R/o Village Pattapani, Tehsil Kaladungi, District Nainital (Uttarakhand) to Show Cause within 30 days of issue of this notice, so as why environmental compensation of 12,75,42,355.00 (Rs. Twelve Crore Seventy Two Lakh Forty Two Thousand Three Hundred Fifty Five only) be not imposed against the occupier ?

  
(S. K. Pattnaik)  
Member Secretary  
AC dr

Letter No.: UKPCB/HO/Gen-296(Vol.-II)/2023/

Date: As above.

Copy to:

1. Regional Officer, UKPCB, Regional Office, Haldwani, Distt. Nainital (Uttarakhand) for information and necessary action.
2. Compliance & Monitoring Cell, UKPCB, HO. Dehradun for information.
3. Guard File.

  
Member Secretary  
AC dr





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HEAD OFFICE

Annexure-2

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Uttarakhand Pollution Control Board  
"Gauradevi Paryavaran Bhawan"  
46B, IT Park, Sahasradhara Road, Dehradun  
E-mail : maukpcb@yahoo.com, Phone No.-0135-2697992

Letter No.: UKPCB/HO/Gen-296(Vol.-II)/2023/813,

Date: 07.10.2023

**SPEED POST**

To,

Shri Subhash Chandra S/o Shri Tika Ram.  
Vill Durgapalpur Motiram,  
Tehsil Lalkuan, District Nainital.

Directions under section-33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and section-31(A) of the Air (Prevention and Control of Pollution) Act, 1981.

WHEREAS, the Central Government has made the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 19781, and vide provisions of these act every water/air polluting industry/unit/ operation/process is required to obtain consent to establish and consent to operate from the State Pollution Control Board; and

WHEREAS, for the purposes of protecting and improving the quality of environment and preventing and abating environmental pollution, the standards for discharge of environmental pollutants from the industries, operations or processes, have been specified under the Environment (Protection) Rules, 1986; and it is mandatory to every industry, operations or processes of keep their effluent quality within the specified norms; and

WHEREAS, the matter is of illegal mining in agricultural land in village *Semalchod* and *Pattapani* near the forest in Belpadaon area of District Nainital is under consideration before the Hon'ble NGT in the matter of O.A. No. 538 of 2022 titled as "Swarn Singh versus State of Uttarakhand, and Hon'ble NGT has constituted a Joint Committee comprising of representatives of State PCB; Director, Geology & Mining; Divisional Officers, RTOs, and District Magistrate Nainital and US Nagar on dated 05.09.2023 for factual report; and

WHEREAS, the Joint Committee visited the area in question on 09.11.2022 and submitted its Factual report to Hon'ble NGT for consideration. The Joint Committee observed violation in terms of mining of excess minor minerals w.r.t. permitted quantity and depth carried out by "Occupier" i.e. **Shri Subhash Chandra S/o Shri Tika Ram**. Vill Durgapalpur Motiram, Tehsil Lalkuan, District Nainital (Uttarakhand); and

WHEREAS, the Hon'ble NGT in the matter of O.A. No. 538/2022 passed *inter alia* following directions on dated 05.09.2022 for compliance:

4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to:-

- (i) .....
- (ii) the State PCB and Director, Mines and Geology, Uttarakhand to enable them to take appropriate remedial action by giving notice to/hearing the concerned project proponents and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of illegal mining and environmental pollution/degradation and also for protection and improvement of environment

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and submit their action taken reports within one month from the date of receipt of a copy of the report of the Joint Committee.

WHEREAS, the report of Joint Committee observed that the Occupier i.e. i.e. Shri Subhash Chandra S/o Shri Tika Ram. Vill Durgapalpur Motiram, Tehsil Lalkuan, District Nainital (Uttarakhand) has undertaken illegal mining of 3,28,320 Cubic Meter minor minerals ( Sand, Bajri & Boulder) as against the permitted mining of 2,76,640 Cubic Meter; and

As such, it is evident from observations of Joint Committee that the Occupier has undertaken illegal mining of 3,28,320 Cubic Meter minor minerals (Sand, Bajri & Bolder). In compliance of order of the Hon'ble NGT, environment compensation is to be lived against illegal mining. Calculation of environmental compensation is made as per directions dated 26.02.2021 passed by the Hon'ble NGT in the matter of O.A. 360/2015 titled as "National Green Tribunal Bar Association Vs. Virender Singh (State of Gujrat). As per variables and formula prescribed by the Hon'ble NGT in above said matter, environmental compensation of Rs. 26,54,71,677.00 (Rs. Twenty Six Crore Fifty Four Lakh Seventy One Thousand Six Hundred Seventy Seven only) is calculated as against the illegal mining of minor minerals (Sand, Bajri & Bolder).

AND NOW THEREFORE, in view of above observations, and in exercise of the power conferred under Section-33(A) of the Water (Prevention and Control of Pollution) Act, 1974, and Section-31(A) of the Air (Prevention and Control of Pollution) Act, 1981, as amended thereafter, with approval of the Competent Authority of the Board, notice is hereby served to the Occupier i.e. Shri Subhash Chandra S/o Shri Tika Ram. Vill Durgapalpur Motiram, Tehsil Lalkuan, District Nainital (Uttarakhand) to Show Cause within 30 days of issue of this notice, so as why environment compensation of Rs. 26,54,71,677.00 (Rs. Twenty Six Crore Fifty Four Lakh Seventy One Thousand Six Hundred Seventy Seven only) be not imposed against the occupier ?

(S. K. Pattnaik)  
Member Secretary

o/c d

Letter No.: UKPCB/HO/Gen-296(Vo.-II)/2023/

Date: As above.

Copy to:

1. Regional Officer, UKPCB, Regional Office, Haldwani, Distt. Nainital (Uttarakhand) for information and necessary action.
2. Compliance & Monitoring Cell, UKPCB, HO, Dehradun for information.
3. Guard File.

Member Secretary

o/c d





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HEAD OFFICE Annexure-3

Uttarakhand Pollution Control Board  
"Gauradevi Paryavaran Bhawan"  
46B, IT Park, Sahastradhara Road, Dehradun  
E-mail : msukpcb@yahoo.com, Phone No.-0135-2697992

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Letter No.: UKPCB/HO/Gen-296(Vol.-II)/2023/841

Date: 04.10.2023

SPEED POST

To,

Shri Kripal Singh S/o Shri Kartar Singh,  
R/o Sood Colony, Tehsil Bazpur,  
Distt. US Nagar.

Directions under section-33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and section-31(A) of the Air (Prevention and Control of Pollution) Act, 1981.

WHEREAS, the Central Government has made the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 19781, and vide provisions of these act every water/air polluting industry/unit/ operation/process is required to obtain consent to establish and consent to operate from the State Pollution Control Board; and

WHEREAS, for the purposes of protecting and improving the quality of environment and preventing and abating environmental pollution, the standards for discharge of environmental pollutants from the industries, operations or processes, have been specified under the Environment (Protection) Rules, 1986; and it is mandatory to every industry, operations or processes of keep their effluent quality within the specified norms; and

WHEREAS, the matter is of illegal mining in agricultural land in village *Semalchod* and *Pattapani* near the forest in Belpadaon area of District Nainital is under consideration before the Hon'ble NGT in the matter of O.A. No. 538 of 2022 titled as "Swarn Singh versus State of Uttarakhand, and Hon'ble NGT has constituted a Joint Committee comprising of representatives of State PCB; Director, Geology & Mining; Divisional Officers, RTOs, and District Magistrate Nainital and US Nagar on dated 05.09.2023 for factual report; and

WHEREAS, the Joint Committee visited the area in question on 09.11.2022 and submitted its Factual report to Hon'ble NGT for consideration. The Joint Committee observed violation in terms of mining of excess minor minerals w.r.t. permitted quantity and depth carried out by "Occupier" i.e. **Shri Kripal Singh S/o Shri Kartar Singh**, R/o Sood Colony, Tehsil Bazpur, Distt. US Nagar (Uttarakhand); and

WHEREAS, the Hon'ble NGT in the matter of O.A. No. 538/2022 passed *inter alia* following directions on dated 05.09.2022 for compliance:

4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to:-

(i) .....

(ii) the State PCB and Director, Mines and Geology, Uttarakhand to enable them to take appropriate remedial action by giving notice to/hearing the concerned project proponents and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of illegal mining and environmental pollution/degradation and also for protection and improvement of environment

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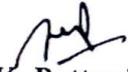


and submit their action taken reports within one month from the date of receipt of a copy of the report of the Joint Committee.

WHEREAS, the report of Joint Committee observed that the Occupier i.e. Shri Kripal Singh S/o Shri Kartar Singh, R/o Sood Colony, Tehsil Bazpur, Distt. US Nagar (Uttarakhand) has undertaken illegal mining of 2,10,627 Cubic Meter minor minerals as against the permitted mining of 1,44,693 Cubic Meter; and

As such, it is evident from observations of Joint Committee that the Occupier has undertaken illegal mining of 2,10,627 Cubic Meter minor minerals (Sand, Bajri & Bolder). In compliance of order of the Hon'ble NGT, environment compensation is to be lived against illegal mining. Calculation of environmental compensation is made as per directions dated 26.02.2021 passed by the Hon'ble NGT in the matter of O.A. 360/2015 titled as "National Green Tribunal Bar Association Vs. Virender Singh (State of Gujrat). As per variables and formula prescribed by the Hon'ble NGT in above said matter, environmental compensation of Rs. 17,03,07,940.00 (Rs. Seventeen Crore Three Lakh Seven Thousand Nine Hundred Forty only) is calculated as against the illegal mining of minor minerals (Sand, Bajri & Bolder).

AND NOW THEREFORE, in view of above observations, and in exercise of the power conferred under Section-33(A) of the Water (Prevention and Control of Pollution) Act, 1974, and Section-31(A) of the Air (Prevention and Control of Pollution) Act, 1981, as amended thereafter, with approval of the Competent Authority of the Board, notice is hereby served to the Occupier i.e. Shri Kripal Singh S/o Shri Kartar Singh, R/o Sood Colony, Tehsil Bazpur, Distt. US Nagar; (Uttarakhand) to Show Cause within 30 days of issue of this notice, so as why environment compensation of Rs. 17,03,07,940.00 (Rs. Seventeen Crore Three Lakh Seven Thousand Nine Hundred Forty only) be not imposed against the occupier ?

  
(S. K. Pattnaik)  
Member Secretary

Letter No.: UKPCB/HO/Gen-296(Vol.-II)/2023/ Date: As above.

Copy to:

1. Regional Officer, UKPCB, Regional Office, Haldwani, Distt. Nainital (Uttarakhand) for information and necessary action.
2. Compliance & Monitoring Cell, UKPCB, HO, Dehradun for information.
3. Guard File.

  
Member Secretary





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HEAD OFFICE, Annexure-4

Uttarakhand Pollution Control Board  
"Gauradevi Paryavaran Bhawan"  
46B, IT Park, Sahasradhara Road, Dehradun  
E-mail: maukpcb@yahoo.com, Phone No.-0135-2607092

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Letter No.: UKPCB/HO/Gen-296(Vol.-II)/2023/872

Date: 04/10/2023

**SPEED POST**

To,

Shri Karam Singh S/o Shri Suchcha Singh,  
R/o Vill. Semalchaud, Bailparav,  
Tehsil Kaladungi, District Nainital.

Directions under section-33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and section-31(A) of the Air (Prevention and Control of Pollution) Act, 1981.

WHEREAS, the Central Government has made the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 19781, and vide provisions of these act every water/air polluting industry/unit/ operation/process is required to obtain consent to establish and consent to operate from the State Pollution Control Board; and

WHEREAS, for the purposes of protecting and improving the quality of environment and preventing and abating environmental pollution, the standards for discharge of environmental pollutants from the industries, operations or processes, have been specified under the Environment (Protection) Rules, 1986; and it is mandatory to every industry, operations or processes of keep their effluent quality within the specified norms; and

WHEREAS, the matter is of illegal mining in agricultural land in village *Semalchod* and *Pattapani* near the forest in Belpadaon area of District Nainital is under consideration before the Hon'ble NGT in the matter of O.A. No. 538 of 2022 titled as "Swarn Singh versus State of Uttarakhand, and Hon'ble NGT has constituted a Joint Committee comprising of representatives of State PCB; Director, Geology & Mining; Divisional Officers, RTOs, and District Magistrate Nainital and US Nagar on dated 05.09.2023 for factual report; and

WHEREAS, the Joint Committee visited the area in question on 09.11.2022 and submitted its Factual report to Hon'ble NGT for consideration. The Joint Committee observed violation in terms of mining of excess minor minerals w.r.t. permitted quantity and depth carried out by "Occupier" i.e. **Shri Karam Singh S/o Shri Suchcha Singh**, R/o Vill. Semalchaud, Bailparav, Tehsil Kaladungi, District Nainital (Uttarakhand); and

WHEREAS, the Hon'ble NGT in the matter of O.A. No. 538/2022 passed *inter alia* following directions on dated 05.09.2022 for compliance:

4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to:-

- (i) .....
- (ii) the State PCB and Director, Mines and Geology, Uttarakhand to enable them to take appropriate remedial action by giving notice to/hearing the concerned project proponents and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of illegal mining and environmental pollution/degradation and also for protection and improvement of environment

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and submit their action taken reports within one month from the date of receipt of a copy of the report of the Joint Committee.

WHEREAS, the report of Joint Committee observed that the Occupier i.e. Shri Karam Singh S/o Shri Suchcha Singh, R/o Vill. Semalchaud, Bailparav, Tehsil Kaladungi, District Nainital (Uttarakhand) has undertaken illegal mining of 25,535 Cubic Meter minor minerals as against the permitted mining of 35,214 Cubic Meter; and

As such, it is evident from observations of Joint Committee that the Occupier has undertaken illegal mining of 25,535 Cubic Meter minor minerals (Sand, Bajri & Bolder). In compliance of order of the Hon'ble NGT, environment compensation is to be lived against illegal mining. Calculation of environmental compensation is made as per directions dated 26.02.2021 passed by the Hon'ble NGT in the matter of O.A. 360/2015 titled as "National Green Tribunal Bar Association Vs. Virender Singh (State of Gujrat). As per variables and formula prescribed by the Hon'ble NGT in above said matter, environmental compensation of Rs. 2,06,46,988.00 (Rs. Two Crore Six Lakh Forty Six Thousand Nine Hundred Eighty Eight only) is calculated as against the illegal mining of minor minerals (Sand, Bajri & Bolder).

AND NOW THEREFORE, in view of above observations, and in exercise of the power conferred under Section-33(A) of the Water (Prevention and Control of Pollution) Act, 1974, and Section-31(A) of the Air (Prevention and Control of Pollution) Act, 1981, as amended thereafter, with approval of the Competent Authority of the Board, notice is hereby served to the Occupier i.e. Shri Karam Singh S/o Shri Suchcha Singh, R/o Vill. Semalchaud, Bailparav, Tehsil Kaladungi, District Nainital (Uttarakhand) to Show Cause within 30 days of issue of this notice, so as why environment compensation of Rs. 2,06,46,988.00 (Rs. Two Crore Six Lakh Forty Six Thousand Nine Hundred Eighty Eight only) be not imposed against the occupier ?

(S. K. Pattnaik)

Member Secretary

Letter No.: UKPCB/HO/Gen-296 (Vol.-II)/2023/ Date: As above.

Copy to:

1. Regional Officer, UKPCB, Regional Office, Haldwani, Distt. Nainital (Uttarakhand) for information and necessary action.
2. Compliance & Monitoring Cell, UKPCB, HO. Dehradun for information.
3. Guard File.

Member Secretary

