

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

OA No. 423/2022

IN THE MATTER OF:-

Mohinder Pal and Anr.

.....Applicant

Versus

State of Haryana and Others

.....Respondents

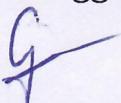
**Short reply of Gurjeet Singh, Mining Officer, Mines and
Geology Department, Yamuna Nagar on behalf of
respondent no. 1 and 2.**

RESPECTFULLY SHOWETH:

1. That the applicant has filed the application under section 14 read with section 18 of the NGT Act 2010 and raised issues regarding illegal mining of boulder and gravel by the respondent No. 7 to 9. Respondent No. 7 to 9 have granted following mines for the mining of sand.

Respondent No. 7:- M/s P. S. Buildtech, village Kanalsi Block-5, Tehsil Jagadhari, district Yamuna Nagar

Respondent No- 8 :- M/s JSM Foods Pvt. Ltd., village Mandoli Ghaggar East Block -3, district Yamuna Nagar.



Respondent No- 9:- M/s Balaji Infra village Jairampura Jagir block C, Tehsil Jagadhari, district Yamuna Nagar.

2. That the respondent No. 7 to 9 has commenced mining only after compliance of requisite procedure like LoI , EC from the concerned department and after executing the contract with the government.
3. That the mining areas of Mandoli Ghaggar East, West and Kanalsi were granted for mining of sand to M/s JSM Foods Pvt. Ltd., M/s JSM Foods Pvt. Ltd. and M/s P. S. Buildtech respectively in auction held 10.06.2015.
4. That in these mines, mining contracts were granted for 'Sand' mineral. Initially, the issue of newly discovered mineral arouses in cases of M/s P. S. Buildtech, the contractor of 'Kanalsi Block/YNR B-5' district Yamuna Nagar.
5. That M/s P S Buildtech vide letter dated 24.12.2018 informed that the mining area also has Boulder and Gravel along with Sand and sought permission for the grant of mineral concession for said newly discovered mineral for which they will pay all applicable dues/royalty i.e for mining and disposal of boulder and gravel mineral.
6. That as per terms of conditions of the contract agreement and Rule 56(17) of the State Rules, 2012 where any mineral concession holder finds any other minor mineral

9

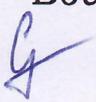
not granted under said concession, the discovery of same shall be reported without any delay to the Director or an officer authorized by him and shall not win or dispose of the same without obtaining a separate mineral concession from the Director.

7. That in view of above a team comprising of State Geologist, Mining Engineer HQ, assisted by Mining Officer, Yamunanagar and Sr. Surveyor was constituted to inspect the area in the presence of representative of Revenue Department.
8. That the inspection by the team was conducted on 24.09.2019 along with Sub-Divisional Magistrate (Civil), Yamuna Nagar and Tehsildar, Jagadhari and the report was submitted on 01.10.2020.
9. That the perusal of the report showed that proper survey was conducted to identify and assess the quantity of Boulder and Gravel along with sand. The Boulder, Gravel and Sand found in the contracted area from different locations was got screened in the screening plant. After having weighment of raw mineral and separated mineral the team found that about 34.98% of overall mineral was Boulder /Gravel. The team also noted that Boulder and Gravel was also available in the riverbed in village Mandoli Ghaggar, upstream of the contract area mined by M/s P.S. Buildtech. Further the quantum of mineral in Kanalsi area was more as additional quantity Boulder

G

Gravel are also brought to the Yamuna riverbed from Som River, a tributary of river Yamuna.

10. That the then DGMG after having considered all related facts of the case that it has been established that in the area granted on contract to M/s P. S. Buildtech over an area of 44.14 hectares of land in village Kanalsi i.e for 'Kanalsi Block/YNR B-5' 35% of mineral is Boulder and Gravel mixed with sand, as per the provisions of Rule 56(17) of the State Rules, 2012 the permission/mining contract for the period co-terminus with contract of existing mining contract granted for sand mineral subject to condition that the contractor shall pay for 35% of the total production, as additional amount of Royalty and additional amount of 10% of the same towards 'Mines and Minerals Development, Restoration and Rehabilitation Fund' for Boulder/ Gravel at the rate prescribe in the First Schedule of the State Rules, 2012 i.e. over and above the contract money and other dues as applicable under contract.
- 11 That It is worth pointing here that the area on upstream side of above mine, the 02 other contract of mines (a) Mandoli Ghaggar East Block/YNR B-3 and (b) Mandlli Ghaggar West Block/YNR B-4 were on contract for sand mineral only held by M/s JSM Foods Pvt. Limited. In said areas as per report of team headed by State Geologist, Boulder Gravel was found up to 27.45%. So, they were



also directed to get the contract of newly discover mineral and pay additional royalty for such quantity of mineral dispatched.

- 12 That in case of (a) Mandoli Ghaggar East Block/YNR B-3 and (b) Mandlli Ghaggar West Block/YNR B-4, the Boulder Gravel were not part of EC granted, so they were asked to get the said mineral added in EC. Needless to point out here that in such cases total quantity of mineral to be excavated remains un-changed because some part of mineral out or original proposed for mining is Boulder and Gravel so the same is part of total quantity. They were allowed to dispose of the Boulder & Gravel subject to condition that they shall get it added from SEIAA.
- 13 The Hon'ble NGT in the present case has taken note of above orders and directed to stop mining of Boulder and Gravel by M/s JSM Foods Pvt Limited in their mines namely Mandoli Ghaggar East and Mandoli Ghaggar West. Further M/s P.S Buildtech has also been directed to stop mining of Boulder and Gravel in Kanalsi Mine. This office, State Pollution Control Board, Deputy Commissioner and Superintendent of Police, Yamuna Nagar were also directed to take all requisite steps for ensuring that no illegal mining of boulder and gravel takes place on the mining sites in question.

G

14 That in compliance with the order dated 31.05.2022 passed by the Hon'ble NGT, the e-rawaana portal of Boulder and Gravel of M/s P. S. Buildtech, the contractor of 'Kanalsi Blcok/YNR B-5' district Yamuna Nagar and M/s JSM Foods Pvt. Ltd., the contractor of 'Mandoli Ghaggar East Block/YNR B-3, (ii) M/s JSM Foods Pvt. Ltd., the contractor of 'Mandoli Ghaggar West Block/YNR B-4 has already been stopped. It is also worth mentioning here that the mine allocated at Mandoli Ghaggar West has completed its tenure on 18.06.2023.

Present reply is being submitted for kind consideration please. It is undertaken to comply with the directions passed by this Hon'ble Tribunal.

Date: 18.07.2023
Place: Yamunanagar


Mining Officer,
Mines & Geology Department
Yamunanagar, Haryana
On behalf of Respondent No. 1 & 2.