

IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCHAT NEW DELHI

O. A. NO. 423 OF 2022

IN THE MATTER OF:

Mohinder Pal &amp; Another

...Applicants

VERSUS

State of Haryana and Others

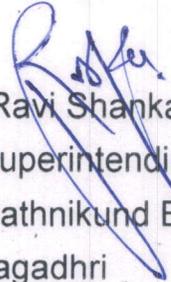
---Respondents

## INDEX

Sr. No.	Particulars	Page No.
1.	Short reply on behalf of the Irrigation & Water Resources Department Government of Haryana (Respondent No.4).	1-3

Place: YAMUNA NAGAR

Date: 18.07.2023

  
(Ravi Shankar Mittal)  
Superintending Engineer  
Hathnikund Barrage Circle  
Jagadhri

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-- Respondents

**Short reply on behalf of the Irrigation & Water  
Resources Department Government of Haryana  
(Respondent No.4).**

**Most Respectfully showeth:-**

1. That as per the submissions and prayer made by the applicant, no relief claimed pertains to the answering respondent. In this regard, it is submitted that as per para 25 of the original application following reliefs has been prayed for by the applicant.

*"In view of the averments made above, it is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to:*

- a. Direct the State of Haryana to stop mining activity by the private Respondents at Villages Mandoli Ghaggar (West), Mandoli Ghaggar (East), Vill. Kanalsi, and Vill. Jairampur Jagir, all in District Yamuna Nagar, Haryana;*
- b. Direct the Pollution Control Board, Haryana and SEIAA to recover environmental compensation from the private Respondents for mining Boulder & Gravel illegally without any environmental clearance or consent for mining of such minerals;*
- c. Direct the private Respondents to pay penalty for illegal extraction of ground water in terms of the*

*Notification dt. 17<sup>th</sup> March 2022 issued by Haryana Water Resources Authority;*

*d. Quash the mining permits issued by State Government in favour of the private leaseholders for causing environmental damage due to illegal mining and for violating the Haryana Minor Mineral Concession Rules, 2012;*

*e. Direct Respondents to pay the costs of the present Application to the Appellant; and*

*f. Pass any other order that this Hon'ble Tribunal may deem fit."*

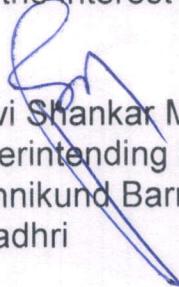
2. That it is submitted that as per the submissions made by the applicant main grouse of the applicant is the alleged illegal mining of boulder and gravel at Mandoli Ghagger (West) site and Mandoli Ghagger (East) site, without seeking environmental clearance from Competent Authority.
3. That the mining in the State is regulated under the Provisions of the Haryana Minor Minerals Concession, Stocking, Transportation of Minerals (Prevention of Illegal Mining) Rules, 2012 (hereinafter 2012 Rules). It is submitted that the answering respondent does not have any jurisdiction under the provisions of 2012 Rules. It is further submitted that for mining permission and environmental clearance other competent Authorities would have the jurisdiction.
4. That it is submitted that functions and jurisdiction of the answering respondent are governed under the provisions of the Haryana Canal and Drainage Act, 1974 which provides for an Act to regulate irrigation, navigation and drainage in Haryana. It is humbly submitted that no provision of the Haryana Canal and Drainage Act, 1974 is alleged to be violated.

5. That it is submitted that as per submissions made above, there is no allegation against or relief sought from the answering respondent. It is further submitted that as per the rules/policy of the answering respondent there is no lapse or non-compliance on the part of answering respondent. It is also submitted that the answering respondent undertakes to assist this Hon'ble Tribunal in this matter as and when required by the Hon'ble Tribunal.

Therefore, it is most humbly prayed that the present short reply of answering respondent may be taken on record. It is further, prayed that the original application may kindly be dismissed qua the Irrigation & Water Resources Department, Government of Haryana (respondent No.4) or this Hon'ble Tribunal may issue and other directions/order as the Hon'ble Tribunal may deemed fit, in the interest of Justice.

Place: Yamuna Nagar

Date: 18.07.2023

  
(Ravi Shankar Mittal)  
Superintending Engineer  
Hathnikund Barrage Circle  
Jagadhri