

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BRANCH, NEW DELHI
OA No. 1034/2024

In the matter of:

K Sanjeev Dogra

Applicant

Vs.

State of Himachal Pradesh

Respondent

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Filed by Adv. Soni Singh
(On behalf on Central Pollution Control Board)

Place: Delhi
Dated: 08.12.2024

A-14 Nizamuddin East
New Delhi - 110013
Ph. 011-46502980
E: vga@vgalegal.com

Status cum Progress Report of the Joint Committee in the matter of OA No. 1034 of 2024; K Sanjeev Dogra Versus State of Himachal Pradesh, in compliance to the Orders of Hon'ble National Green Tribunal dated 07/11/2024.

1.0. Background and the Orders of Hon'ble NGT:

The matter pertains to a complaint filed by Shri K Sanjeev Dogra on 08/01/2024 regarding the alleged illegal sand mining taking place alongside the Chaki river between Kandwal-Lodhwan-Tipri belt, which runs parallel to the Punjab border but is located within Tehsil Nurpur, District Kangra, Himachal Pradesh. It is further alleged that the mentioned illegal mining activities are disrupting the river's ecology, harming the surrounding flora and fauna, and causing significant environmental damage.

It was observed and directed by Hon'ble NGT in its Order dated November 07, 2024 (**Annexure-1**) that:

Para 03: The allegations made in this letter petition prima-facie give rise to a substantial question relating to environment arising out of implementation of enactments mentioned in Schedule I of NGT Act, 2010, but before proceedings further in the matter we find it appropriate to obtain a factual report for verification of facts, hence we constitute a Joint Committee comprising District Magistrate, Kangra; Himachal Pradesh State Pollution Control Board; and, Central Pollution Control Board.

Para 04: Central Pollution Control Board shall be the Nodal Authority for co-ordination and compliance of this order.

Para 05: Above Committee shall collect relevant information after visiting the site and submit report within one month.

2.0. Action taken to comply with the directions of Hon'ble NGT:

2.1. Constitution of the Joint Committee:

In compliance to the directions of the Hon'ble NGT, a joint committee comprising of the following members, was constituted:

- i. Deputy Commissioner, Kangra at Dharamshala, Himachal Pradesh
- ii. Er. Varun Gupta, Regional Officer, HPPCB, Dharamshala (Member nominated by Member Secretary, Himachal Pradesh State Pollution Control Board)
- iii. Dr. Narender Sharma, Scientist 'F', CPCB Regional Directorate, Chandigarh (Member and Nodal Officer, nominated by Member Secretary, CPCB)

2.2. Site Visit and Collection of relevant information:

The Joint Committee conducted a site visit on 02/12/2024 to: (i) verify the facts mentioned in the letter petition and (ii) collect relevant information for compiling the factual report as directed by the Hon'ble National Green Tribunal.

Since the Kandwal-Lodhwan-Tipri belt falls under the jurisdiction of both the SDM of Nurpur and the SDM of Indora, Shri Gursimar Singh, IAS, SDM of Nurpur, and Shri Surender Thakur, SDM of Indora, participated in the site inspection as representatives of the Deputy Commissioner of Kangra. Additionally, officers from the local Mining Department and the State Pollution Control Board were also present during the inspection to assist the Joint Committee.

Furthermore, the applicants/complainants in Original Application 1034 of 2024, namely Shri K. Sanjeev Dogra, Col. Ashok Kumar (Retd.) and Shri Gurpreet Singh, along with one Shri Mohit Kumar, identified as a representative of M/s Youth Voice Foundation (an NGO associated with the complainants) also participated in the Joint Inspection.

The attendance sheet is attached as **Annexure-2**.

Subsequent to the site inspection of the Joint Committee, an email dated 03/12/2024 (**Annexure-3**) was received from the applicants by CPCB Member (Nodal Officer), with few suggestions, which are reproduced below for reference and record:

- i. Keeping the long stretch of Chakki River in view the time for verification of facts may be increased to two days if possible.*
- ii. There are mining sites which are very far in the river beds, which cannot be accessed physically by walking on foot; these may be verified through a drone survey/ satellite imagery*
- iii. Stone crushers alongside the river excavate sand and stones from the river beds which are not visible by visual inspection and this has deepened the river bed, changing the course of the river.*
- iv. Stocks dumped at the crusher's sites may be compared to likely material excavated from the leased land.*

The joint committee carried out inspections of the three sites in the Kandwal-Lodhwan-Tipri belt, identified in the letter petition as areas of illegal mining: i) Kandwal, ii) Lodhwan, and iii) Tipri.

The Joint Committee instructed the officials of District Administration, State Pollution Control Board and Mining Department, who were accompanying the committee for providing assistance, to produce the record as outlined below for verification of the facts and preparation of Factual Report, as directed by Hon'ble National Green Tribunal:

- i. *Details of the river bed mining leases granted by Mining Department to the stone crushers within 2 Km radius of the site under reference during last 5 years, along with copy of EC, CTE, CTO and approved mining plans.*
- ii. *Copies of the approved Mining Plans of all the stone crushing units involved in River bed mining.*
- iii. *Monitoring mechanism adopted by Mining Department, to address/control illegal mining activities in the area.*
- iv. *Details of illegal mining activities reported to and by Mining Department during last 5 years and the action taken by the Mining Department, if any.*
- v. *Details of illegal mining activities reported to and by Police during last 5 years and the action taken by the Mining Department, if any.*
- vi. *Copies of all half-yearly compliance reports submitted by the MoEF&CC regarding compliance of the conditions of Environmental Clearance.*
- vii. *Copy of report of last verification conducted by MoEF&CC regarding the compliance of the conditions of Environmental Clearance.*
- viii. *Copies of Consent to Establish (CTO) granted by HSPCB and the copy of the last inspection report of HSPCB regarding verification of the Compliance of the conditions of CTO granted to stone crushing units for crushing and mining.*
- ix. *Availability of the Satellite data of the site (within 2 Km radius) under reference, with Himachal Pradesh Remote Sensing Centre, for the last 05 years.*

Due to short notice given by the Joint committee to produce the record, only record pertaining to S.No. i (partial details), iv and v above was produced, however record pertaining to rest of the points could not be produced and is still awaited from the concerned departments. The information regarding illegal mining activities (S. No. iv and v above), by the Mining Department and Police over the last five years, was received on 03/12/2024 and 04/12/2024, respectively (**Annexure-4 and Annexure-5**).

The Joint Committee has also requested the Himachal Pradesh Remote Sensing Centre, Shimla, through the SPCB Regional Office, Dharamshala, to provide satellite data for the area to assess the extent of illegal mining, both qualitatively and quantitatively. (**Annexure-6**).

The various photographs taken by the Joint Committee during site inspection are attached as

2.3. Findings made by the Joint Committee during site inspection:

1. According to information provided by the representative of the Mining Department, *11 stone crushers in the Kandwal-Lodhwan-Tipri belt have been granted permission for riverbed mining.*
2. Although several stone crushers in the area have been given consent to operate (CTO) by HPPCB, *no mining activities (either legal or illegal) were observed at the time of the inspection. It seems that the stone crushing units were aware of the Joint Committee's visit.*
3. As per information provided by Mining department and police:
 - *A total of 292 cases of Illegal Mining were detected by Mode of Transportation and 13 cases of Illegal Mining were detected by Mode of illegal Extraction/Storage, have been reported by the Mining Department during last 05 years (Annexure-4).*
 - *A total of 1223 mining challans have been made by Police during the last 05 years (Annexure-5)*
4. *The above data clearly indicates that illegal mining is existing in the area/belt in question.*
5. In Kandwal, Tipri and Lodhwan area Chakki Khad is flowing on the land recorded in the ownership of private land owners at some locations as informed by the revenue staff on spot.
6. Course of Chakki Khad is not fixed and may vary seasonally and it keeps changing due to floods in the rainy season. At some places, the depth of river is around 5-6 meters or more, it appears that it is due to the fast/strong cutting action of the river, as explained to the Joint Committee by the SDM of Indora and the SDM of Nurpur, under whose jurisdiction this stretch lies.
7. *As per information provided by member representing HPPCB, there are 11 stone crushers in the Kandwal-Lodhwan-Tipri belt. The joint committee came across two stone crushers during site inspection and it was observed that the stone crushing units had provisions in place to discharge silt directly into the river through pipelines and open channels, in violation of the prescribed guidelines. Hence, it is likely that the stone crushing units, owing to their proximity, may be consistently discharging silt into the river. This could potentially alter localized river flow at various points and lead to erosion along the riverbanks. The joint committee will further investigate this on receipt of relevant details from concerned departments.*

8. The Joint Committee noted signs of unscientific riverbed mining, including mining depths exceeding the prescribed limit of 2 meters at several locations, but for conclusive evidence, availability of the satellite data of last 5 years, with Himachal Pradesh Remote Sensing, Shimla, is being explored by the Joint Committee.
9. During the inspection it was found that, a police check-post has been placed at Baba Kudi Mandir, Jhikli Khanni, Tehsil Nurpur, District Kangra, H.P. to check illegal mining across Chakki Khad.
10. The Joint Committee was informed by representatives of the Deputy Commissioner, Kangra, that: i) The said area being an interstate boundary is always in dispute with regard to the identification of any offence and ii) The District Administration Kangra has taken up the matter with Govt. of Punjab for demarcation of boundary along the river bed, action in this regard is still pending from the State of Punjab.

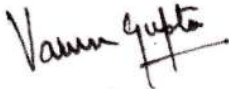
3.0. Submission of the Joint Committee:

The Joint Committee humbly submits that:

1. Initial findings made by the Joint Committee during their inspection, along with subsequent information provided by the Mining Department and Police indicate that illegal mining occurs in the area/belt in question.
2. However, the Joint Committee's observations need to be confirmed and supported by documents/information that are still pending from the relevant agencies, namely: i) the Mining Department and ii) the State Pollution Control Board and iii) District Administration, after which a re-inspection will be necessary, for validation.
3. The information regarding availability of satellite data for the area to assess the extent of illegal mining, both qualitatively and quantitatively, is awaited from Himachal Pradesh Remote Sensing Centre, Shimla.
4. This matter involves multiple issues, as outlined in Section 2.3 of this report, including:
 - i) *Illegal riverbed mining*
 - ii) *Unscientific mining*
 - iii) *Diversion of river flow*
 - iv) *Compliance of prescribed norms by stone crushers regarding crushing and mining activities.*
5. After receiving the requested details from the concerned departments, multiple visits, including a drone survey, may be necessary for the Joint Committee in order to submit a comprehensive factual report, as directed by the Hon'ble NGT.

Therefore, it is respectfully submitted that this "Status and Progress Report" of the Joint Committee may kindly be considered and taken on record by the Hon'ble NGT, and that the Joint Committee's request for an 8-weeks extension to submit a comprehensive factual report covering all the issues may kindly be considered by the Hon'ble NGT.

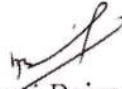
The Joint Committee shall abide by further directions of Hon'ble NGT in this matter.



Er. Varun Gupta,
Regional Officer,
HPPCB,
Dharamshala



Dr. Narender Sharma,
Scientist 'F'
CPCB, Regional
Directorate, Chandigarh



Hemraj Bairwa, IAS
Deputy Commissioner,
Kangra at Dharamshala,
Himachal Pradesh

Date: December 7, 2024

Annexure 1

Item No.01

Court No. 2

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

Original Application No. 1034/2024

K Sanjeev Dogra

Applicant(s)

Versus

State of Himachal Pradesh

Respondent(s)

Date of hearing: 07.11.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicants: None

ORDER

1. K Sanjeev Dogra has sent a letter petition dated 08.01.2024 raising a complaint of illegal mining on river side in State of Himachal Pradesh and this letter petition has been registered as Original Application under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') in exercise of *suo-moto* jurisdiction in view of law laid down by Supreme Court in ***Municipal Corporation of Greater Mumbai Versus Ankita Sinha and Others, (2022) 13 SCC 401.***

2. Complainant has said that illegal sand mining is being carrying on alongside Chaki river between Kandwal-Lodhwan-Tipri belt which is parallel with Punjab border but falls under Tehsil Nurpur, District Kangra State of Himachal Pradesh. The aforesaid illegal mining is not

only disturbing river ecology but also causing damage to flora and fauna and thus damaging the environment.

3. The allegations made in this letter petition prima-facie give rise to a substantial question relating to environment arising out of implementation of enactments mentioned in Schedule I of NGT Act, 2010, but before proceedings further in the matter we find it appropriate to obtain a factual report for verification of facts, hence we constitute a Joint Committee comprising District Magistrate, Kangra; Himachal Pradesh State Pollution Control Board; and, Central Pollution Control Board.

4. Central Pollution Control Board shall be the Nodal Authority for co-ordination and compliance of this order.

5. Above Committee shall collect relevant information after visiting the site and submit report within one month.

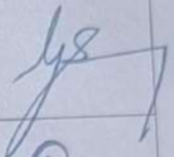
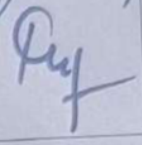
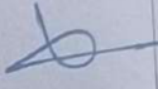
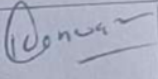
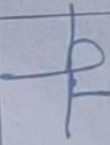
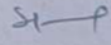
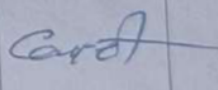
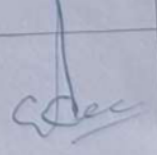
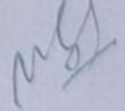
6. List for further hearing on 10.12.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

November 07, 2024
Original Application No. 1034/2024
M

Site Visit of the Joint Committee on 02/12/2024 at 11.30 AM, in the matter of OA No. 1034/2024; K Sanjeev Dogra Vs. State of Himachal Pradesh

S.No.	Name, Designation & Department	Contact No. & Email ID	Signature
1.	Jyotsnmae Singh SDM Nurepue	8826695907	
2.	Dr. Narendra Sharma CPQB RD, Chand	9814004377	
3.	Vaishu Gupta RO, HSPCB, Dharamshala	9418012852	
4.	K. Sanjeev Dogra & Col. Ashok Dogra Complainant (Gurpreet Singh)	7051986506	
5.	Suender Thakur SDM Indri	9418107999	
6.	Suresh Kumar Mining office Nurepue	9418439966	
7.	GURPREET SINGH	9988389841	
8.	Col. Ashok Kumar	7051986506	
9.	Mohit Kumar	7814612575	
10.			

yo

youthvoice4human@gmail.com

Tue, 03 Dec 2024 4:44:40 PM +0530

To "Deputy Commissioner Kangra" <dc-kan-hp@nic.in>, "ADM Kangra Dharamshala" <adm-kan-hp@nic.in>, "pcbrogassur" <pcbrogassur@gmail.com>, "SDM Nurpur Distt Kangra H P" <sdmnur-kan-hp@nic.in>, "Narender Sharma" <narendersharma.cpcb@gov.in>, "Deeksha Garg" <deeksha.cpcb@gov.in>

Cc "kanwardogra1973" <kanwardogra1973@gmail.com>, "colashokdogra" <colashokdogra@gmail.com>, "princechandreed50" <princechandreed50@gmail.com>

Tags

Not in Contacts

Dear Sir(s),

Greetings for the day!!!

We would like to thank you and all other members of the committee for visiting on 02 Dec 2024 for verification of facts as mentioned in our position compliance to the directions of Hon'ble NGT.

1. We would like to submit following suggestions for your kind consideration please: -

- a) Keeping the long stretch of Chakki River in view the time for verification of facts may be increased to two days if possible.
- b) There are mining sites which are very far in the river beds, which cannot be accessed physically by walking on foot; these may be verified through a drone survey/ satellite margay
- c) Stone crushers alongside the river excavate sand and stones from the river beds which are not visible by visual inspection and this has deepened the river bed, changing the course of the river.
- d) Stocks dumped at the crusher's sites may be compared to likely material excavated from the leased land.

2. The impact of Deepening of river bed is disastrous as the speed of water flow has increased tremendously causing huge damage to the following public resources.

- a) Old Chakki Bridge connecting Punjab with Himachal near kandwal was washed away. New Bridge now also has fair chances of collapse as some of its supporting pillars are getting damaged. The Bridge was closed for traffic for a long time and with major repairs, it has now been opened to Traffic. The Railway bridge (Pathankot-Joginder nagar narrow gauge Route) was washed away due to increased flow of the river.
- b) Lots of Stretches of agricultural land have been washed away due to changes in the course of the river.
- c) Major damage has been done to the supporting pillars of the main bridge on Delhi-Jammu Highway at the entrance of Pathankot have been damaged and this can lead to a big national problem, as this bridge connects rest of India with J & K. It is also a strategically important Bridge.
- d) The main railway bridge at Chakki at Pathankot is also threatened due to the flow of water in the chakki river. If this bridge collapses, the whole rail traffic will have to be diverted from Jalandhar to Amritsar and then to J & K. This will also affect the movement of Defence Forces and their war like situation.
- e) The road to Pathankot airport gets washed away every rainy season and the airport remains inaccessible most of the time. It has got to the situation that there is no operational airport in Pathankot right now. Also 164 Military Hospital area is likely to be damaged if unabated mining continues.
- f) A number of villages are also affected and retaining walls built are not likely to bear the pressure of the river flow in the rainy season.

3. We would like to suggest that a total Ban on Mining and Crushers industry should be imposed in and around Chakki River.

Thank you Once again.

Your Faithfully

From

K Sanjeev Dogra


Col Ashok Kumar(Retd)

Gurpreet Singh

Annexure-4

Annexure-ADetail of illegal Mining Cases Detected by Mining Office Nurpur in the area of Kandwal-Lodhwan-Tippri Belt, District Kangra, H.P.

Year wise	Illegal Mining Cases Detected by Mode of Transportation (U/R 79)		Illegal Mining Cases Detected by Mode of illegal Extraction/Storage (U/R 72)		Total Compounding fee (in Rs.)	
	No. of Case Detected	No of cases Compounde d	Compounding Fee (in Rs.)	No of cases Detected		No of cases Compounded
2020-21	43	43	3,13,300/-	--	--	3,13,300/-
2021-22	37	37	2,04,700/-	05	05	2,10,000/-
2022-23	53	53	3,44,900/-	01	01	50,000/-
2023-24	73	73	4,67,600/-	04	04	1,60,000/-
2024-25	86	68	3,90,100/-	03	03	1,50,000/-
Total	292	274	17,20,600/-	13	13	5,70,000/-


 Mining Officer, Nurpur
 Distt. Kangra, (H.P.)

Annexure-5

Mining Challans details from year 2020 to 2024 (30.11.2024)

PS	Year	No. of cases	No. of challans Made	Fine realized
Damtal	2020	-	88	11,46,100
Nurpur		07	57	3,46,800
Total		07	145	14,92,900
Damtal	2021	05	84	6,63,400
Nurpur		-	36	3,36,600
Total		05	120	10,00,000
Damtal	2022	01	137	15,86,700
Nurpur		01	68	3,82,600
Total		02	205	19,69,300
Damtal	2023	01	203	25,68,600
Nurpur		03	208	14,82,900
Total		04	411	40,51,500
Damtal	2024	04	122	22,76,600
Nurpur		04	220	34,84,200
Total		08	342	57,60,800

Auction details

Name of PS	FIR NO. Date and u/s	Quantity	Amount
Nurpur	FIR No. 221/24 dated 01.10.24 u/s 303(2) BNS 21(1) Mines and Minerals Act	41850.62 MT	73,00,000/-
Fatehpur	FIR No. 16/24 dated 03.02.24 u/s 379,447, 427 IPC& 21Mines and Minerals Act.	8443.00 MT	12,38,020/-
Total			85,38,020/-

Annexure-6



H.P. STATE POLLUTION CONTROL BOARD
 "Him Parivesh Bhawan", Regional Office Dharamshala
 Near GSSS, Dari Tehsil Dharamshala, Distt.-Kangra (H.P.), PIN 176057
 Phone No. 01892-222628

Website: <http://hppcb.nic.in>

e-mail: pcbrogassur@gmail.com

No: PCB/ Mining File/RO(D/sala)/24- 5544-47 Dated: 29/11/2024

To

The Member Secretary (HIMCOSTE)
 H.P. Council for Science, Technology and Environment,
 34 SDA Complex, Kasumpti, Shimla-171009

Subject: Regarding Compliance of Hon'ble NGT Order in the matter of OA No. 1034/2024; K Sanjeev Dogra Vs. State of Himachal Pradesh

Sir,

This is in reference to the order dated: 07.11.2024 passed by Hon'ble NGT in aforesaid matter regarding illegal mining on river side in State of Himachal Pradesh which state as under:

".....2. Complainant has said that illegal sand mining is being carrying on alongside Chaki river between Kandwal-Lodhwan-Tipri belt which is parallel with Punjab border but falls under Tehsil Nurpur, District Kangra State of Himachal Pradesh. The aforesaid illegal mining is not only disturbing river ecology but also causing damage to flora and fauna and thus damaging the environment.

3. The allegations made in this letter petition prima-facie give rise to a substantial question relating to environment arising out of implementation of enactments mentioned in Schedule I of NGT Act, 2010, but before proceedings further in the matter we find it appropriate to obtain a factual report for verification of facts, hence we constitute a Joint Committee comprising District Magistrate, Kangra; Himachal Pradesh State Pollution Control Board: and, Central Pollution Control Board....."

In compliance of above order, a joint committee has been constituted by District Magistrate, Kangra at Dharamshala vide letter no: 1246-49/LB, dated: 29/11/2024 to inspect the site in coordination with Dr. Narender Sharma, Scientist 'F'/Director, Central Pollution Control Board (CPCB), Regional Directorate, BSNL Tel Exchange, 2nd Floor, Sector 49 C, Chandigarh as CPCB is the Nodal Authority for co-ordination and compliance of this order. In this regard, as an email has been received from Dr. Narender Sharma, Scientist 'F'/Director, Central Pollution Control

Board (CPCB) vide which he has desired the following information from the remote sensing department:

Availability of the Satellite data of the site (within 2 Km radius) under reference, with Himachal Pradesh Remote Sensing Centre, for the last 05 years.

You are therefore requested to direct the concerned to provide the desired data to Dr. Narender Sharma, Scientist 'F'/Director, Central Pollution Control Board (CPCB) by e-mail narendersharma.cpcb@gov.in please, so that the same could be compiled in report and the same report could be filed in Hon'ble NGT well in time please.

Yours faithfully,

Encls: Copy of order passed by Hon'ble NGT.

VARUN Digitally signed
by VARUN GUPTA
GUPTA Date: 2024.11.29
15:58:59 +05'30'

Er. Varun Gupta
Asstt. Environmental Engineer
HPSPCB Dharamshala

Copy to:

1. The Member Secretary, HP State Pollution Control Board Shimla for information please.
2. The Additional District Magistrate, Kangra at Dharamshala, Tehsil Dharamshala, District Kangra w.r.t to your office letter no: 1246-49/LB, dated: 29/11/2024 for information please.
3. Dr. Narender Sharma, Scientist 'F'/Director, Central Pollution Control Board (CPCB), Regional Directorate, BSNL Tel Exchange, 2nd Floor, Sector 49 C, Chandigarh for information please.

VARUN Digitally signed
by VARUN GUPTA
GUPTA Date: 2024.11.29
15:59:21 +05'30'

Er. Varun Gupta
Asstt. Environmental Engineer
HPSPCB Dharamshala

Annexure-7

Photographs taken by the Joint Committee during site inspection

