

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION No. 624/2023**

**In the matter of:**

**News Item published in The Tribune dated 28.09.2023 titled as "Hills 'vanish' as illegal mining rampant in Beet area"**

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**Filed by Advocate**



**(Soni Singh)**

**On behalf of Central Pollution Control Board  
A-14, Nizamuddin East  
New Delhi – 110013  
Ph 011- 46502980  
vga@vgalegal.com**

**Dated: 23.08.2024**

**Place: Delhi**

**SUBMISSION BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (PB),  
DELHI, IN COMPLIANCE OF ORDER DATED 14.5.2024 IN O.A. NO. 624 OF 2023**

**1. Order dated 14.5.2024 in O.A. No. 624 of 2023**

The O.A. No. 624 of 2023 was registered suo motu based on news item dated 28.09.2023, published in the Tribune, titled "Hills 'vanish' as illegal mining rampant in Beet area", pertaining to Garhshankar sub-Division of Rupnagar District, Punjab. As per the news report, the mining is carried out illegally in the forests.

Considering the reports of Punjab Pollution Control Board (PPCB) and Department of Mines & Geology, Punjab, Hon'ble NGT vide order dated 11.01.2024 directed PPCB to file a fresh report disclosing the action against all defaulters and also showing the position of recovery of Environmental Compensation (EC) and launching prosecution in respect of violation of the environmental laws. The PPCB filed its response dated 06.03.2024 disclosing the action for imposition of EC against 13 stone crushers and sought time to file the action taken report disclosing the action for imposition of EC against the persons responsible for illegal **stone mining** and consequential environmental damage. Hon'ble Tribunal vide order dated 11.03.2024 granted time to PPCB to file action taken report disclosing the action of imposition of Environmental Compensation (EC) against the persons responsible for illegal mining and consequential environmental damage.

PPCB filed additional response dated 3.5.20224 referring to the '**Action Plan** for assessment and recovery of compensation for illegal **sand mining** and utilization of recovered compensation for restoration of environment', of Department of Science Technology and Environment, Government of Punjab, submitted to CPCB vide letter No. DECC/2021/640 dated 29.09.2021 and submitting that the EC is required to be calculated and recovered by the Mining Department as per the said Action Plan of Punjab Government.

The above submission of PPCB was heard on 14.5.2024 and Hon'ble Tribunal observed that, 'the responsibility of levy and recovery of EC for violation of the environmental norms, primarily lies with the Pollution Control Board but to the contrary reliance has been placed upon by the document referred above submitting that the said action plan has been issued by Central Pollution Control Board (CPCB)' and directed CPCB for making the above position clear by filing a response.

**2. Order dated 26.02.2021 in O.A. No. 360 of 2015 and Action Taken by Punjab Government**

Section 15 of the NGT Act 2010 empowers this Hon'ble Tribunal to provide (a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I, (b) for restoration of property damaged, and (c) for restitution of the environment for such area or areas.

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Hon'ble NGT (PB) order dated 05.04.2019 in O.A. No. 360 of 2015 constituted a committee of experts to suggest a scale of environmental compensation to deal with the cases of illegal (river) **sand mining**. Accordingly, CPCB submitted report of the committee on 30.01.2020, which suggested two approaches regarding the scale of compensation to deal with cases of illegal (river) **sand mining** in the country.

Hon'ble Tribunal (PB) by order dated 26.02.2021 directed for development of **appropriate mechanism** in states for assessment and recovery of compensation of environmental damage due to illegal (river) **sand mining** by using the approved scale of compensation and also directed that, *'the CPCB may issue an appropriate statutory direction for the facility of monitoring and compliance to the Environment Secretaries of all the States/UTs who may forthwith evolve an **appropriate mechanism for assessment and recovery** of compensation in all Districts of the State. The recovered compensation may be kept in a separate account and utilized for restoration of environment by preparing an appropriate action plan under the directions of the Environment Secretary with the assistance of such individual/ institutions as may be considered necessary.'*

Accordingly, CPCB issued Directions dated 11.06.2021, under section 5 of E(P)A, 1986, directed Environment Secretary (all States/UTs), to evolve an **appropriate mechanism for assessment and recovery** of compensation in all Districts of the State and utilisation of the recovered compensation for restoration of environment by preparing an appropriate action plan, as per the NGT order.

In compliance of order dated 26.02.2021 Hon'ble Tribunal (PB) in O.A. 360/2015, the Punjab State Government prepared the '**Action Plan for assessment & recovery** of compensation for illegal **sand mining** and utilisation of recovered compensation for restoration of environment' in consultation with Mining Department and Punjab Pollution Control Board and the Directorate of Environment and Climate Change, Department of Science, Technology & Environment (Punjab) submitted it to CPCB vide letter dated 29.9.2021 in view of related directions of CPCB.

As per the Action Plan, the Department of Mining and Geology, Punjab shall **assess** the compensation to be recovered for violation of norms for mining, including prescribing the criteria for judging the Risk Factor and the criteria for assessing the market value per MT or M3 based on the applicable market price.

The Action Plan includes provision to impose penalty on vehicles involved in illegal mining and transportation of materials according to Order dated 19.02.2020 (para 5 and 6) in O.A. No. 44 of 2016 (PB) which is quoted in order dated 26.02.2021 (para 8 and 9) in O.A. No. 360 of 2015 (PB).

The Action Plan also specifies that the recovered EC shall be kept in a separate account with the **Department Environment/PPCB** and utilised for restoration of environment on

recommendation of District Environment Committee with the approval of Administrative Secretary, Department of Environment.

### 3. Submission

(a) That the above mentioned Action Plan of Punjab Government, which has been refereed by Punjab SPCB in the present case, was prepared for **assessment & recovery** of compensation for illegal **sand mining**, as directed by Hon'ble NGT (PB) in O.A. 360/2015. Further, the **NPV based Approach-2** that was approved by NGT (PB) in that matter pertained to **rivers**. Whereas, the present case i.e. O.A. 624 of 2023 pertains to illegal **stone mining** regarding which such authorizing orders have not been passed by Hon'ble NGT yet.

(b) That under provisions of the MMDR Act 1957, the States Governments are empowered to make rules for regulating the grant of prospecting licenses / mining leases in respect of **minor minerals** and to make rules for preventing **illegal mining**, transportation and storage of minerals. All such mining which qualifies under illegal, are to be dealt with according to the provision of MMDR Act by the Mining Department.

(c) That Central Government has issued EIA Notification 1994 and 2006 and by these notifications made it mandatory to obtain prior Environmental Clearance for projects/activities covered under the Schedule of the notification from Central Government/SEIAA, including projects for mining of **minor minerals**. Further, it is mandatory to obtain Consent from SPCB under the Water (Prevention and Control of Pollution) Act 1974 / the Air (Prevention and Control of Pollution) Act 1981 for the projects/activities including projects for mining of **minor minerals**.

(d) In view of submission (b) and (c) Hon'ble NGT may consider authorizing assessment and recovery of (environmental) compensation by the **Mining Department** in cases of **illegal mining** without Environmental Clearance / Consent or beyond Environmental Clearance / Consent limits, whereas, **SPCBs** may be authorized to levy and recover (environmental) compensation for **violation of Environmental Clearance / Consent conditions** in cases where the Environmental Clearance / Consent have been granted.

(e) If the above submission (d) is accepted, Punjab Govt. may be asked to bring clarity, in their 'Action Plan for **assessment & recovery** of compensation for illegal mining of **minor minerals** and utilisation of recovered compensation for restoration of environment.

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*Luji*  
23/8/2024

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

Item No.15

Court No. 1

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

Original Application No.624/2023

News Item published in The Tribune dated 28.09.2023 titled as "Hills 'vanish' as illegal mining rampant in Beet area"

Date of hearing: 14.05.2024

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

Respondent: Ms. Sunieta Ojha, Adv. with Ms. Anuradha, Environmental Engineer,  
Punjab PCB (Through VC)  
Mr. I.K. Kapila, Advs. for R - 7 & 9 to 19  
Ms. Nupur Kumar, Adv. for State of Punjab (Through VC)

**ORDER**

1. In this original application, registered *suo moto*, issue of illegal mining and vanishing of Shivalik Hills as high as 200 feet in the Beet area of Garhshankar Sub-Division is involved.
2. Tribunal by order dated 11.03.2024 had granted time to the Counsel for Punjab Pollution Control Board (PPCB) to file action taken report disclosing the action of imposition of Environmental Compensation (EC) against the persons responsible for illegal mining and consequential environmental damage.
3. Learned Counsel for PPCB referring to the action plan for assessment and recovery of compensation for illegal sand mining and utilization of recovered compensation for restoration of environment filed on page 339 of the paper-book has submitted that EC is now required to be calculated and recovered by the Mining Department. Responsibility of levy and recovery of EC for violation of the environmental norms, primarily, lies with the Pollution Control Board but to the contrary

reliance has been placed upon by the document referred above submitting that the said action plan has been issued by Central Pollution Control Board (CPCB).

4. Hence, we direct issuance of notice to the Member Secretary, CPCB for making the above position clear by filing the response confined to the above issue at least one week before the next date of hearing.

5. Office is directed to issue notice to the above newly impleaded respondent.

6. List on 29.08.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 14, 2024  
Original Application No.624/2023  
JG.