

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

OA No. 306 of 2022

IN THE MATTER OF

HARBANS SINGH

.....APPLICANT

VERSUS.

STATE OF HARYANA AND ORS.

.....RESPONDENTS

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Respondent

Through Counsel



(M.F.KHAN & BIBHUTI KRISHNA)

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WRITTEN SUBMISSIONS BY RESPONDENT NO. 9

A. JAIDHAR MINING BLOCK:

1. The land under Jaidhar Mining Block does not fall in any Urban Area or Controlled Area declared by Department of Town and Country Planning, Haryana as per letter dated 08.10.2021 (*Annexure R-9/4*). Hence, there can be no embargo on mining activity.
2. There is no threat to any hydrological structure around Jaidhar Mining Block. As per the Joint Verification Report dated 19.10.2021 (*Annexure R-9/9*), the minimum distance of Jaidhar Mining Block is 1.00KM from Dadupur Head Works and 0.3KM from WJC MLU which runs from Hathni Kund Barrage to Dadupur Pond.
Furthermore, as per reply of Respondent No. 6 i.e. Irrigation and Water Resources Department, Haryana, the issue was considered by the Committee constituted by DC, Yamunanagar in their Report dated 27.09.2022 (*Annexure R-1*) and the aforesaid structures were found to be at safe distance.
3. The Groundwater level at Jaidhar Mining Block is 10.50 meters as per the reply of Respondent No. 5 i.e. Hydrologist, Ground Water Cell, Ambala.

Furthermore, as per reply of Respondent No. 1 and 2 i.e. Mining Department, the water level at Jaidhar Mining Block is between 10-20 meters and reliance was placed upon report (*Annexure R-4*).

Furthermore, as per the public consultation dated 19.04.2016 (*Annexure A-4*), the issue was specifically addressed by the environmental consultant whereby it was stated that as per the report of Central Ground Water Board, 2012, the water level at Tehsil Chhachhrauli is 10-20 meters which includes the area of Jaidhar Mining Block.

B. MANDEWALA MINING BLOCK:

1. The Consent to Operate dated 25.10.2021 was granted during the validity of the EC. The EC was granted on 27.06.2016 for a period of 5 years i.e. till 26.06.2021. However, as per Notification dated 18.01.2021 (*Annexure R-9/7*), the validity of EC was extended for a period of one year by excluding the time period between 01.04.2020 to 31.03.2021 on account of pandemic. Furthermore, Respondent No. 9 had applied for extension of EC on 16.08.2021 and the same has been extended till 18.06.2024.
2. There is no violation of condition (m) of EMGSM, 2020 for the following reasons:
 - ***Condition No. (m) is incorporated at paragraph No. 4.1.1 which deals with preparation of District Survey Report.*** The same is to be taken into consideration only for the purpose of preparation of District Survey Report. In the present case, there is no issue concerning the District Survey Report.
 - The EMGSM, 2020 are mandatory but with prospective effect.
 - The guidelines laid down under EMGSM, 2020 cannot be taken into consideration for the purpose of cancelation / termination of mining contract which was auctioned / granted way back in 2015 / 2016. No retrospective application.
 - The guidelines shall be applicable on Respondent No. 9 only for the purpose of the same being followed with regards to the conduct of mining operations in future which shall include aspects like replenishment study, environmental audit etc.

C. COMMON ISSUE:

The prosecution of Respondent No. 9 by SFIO does not have any bearing on the mining contracts granted to respondent No. 9. As per the Order dated 13.09.2021 by DGMG (*Annexure R-9/2*), it was held that pendency of prosecution before SFIO does not have any effect on the mining contracts; and the said order was upheld by Hon'ble P & H High Court vide Order dated 28.09.2021 passed in CWP No. 19286 of 2021 (*Annexure R-9/3*). Moreover, the mining contracts were executed on 09.06.2016 and the prosecution was launched only in 2017 and the matter is still pending at stage of framing of charges.

PRAYER:

It is humbly prayed that the Original Application may kindly be dismissed being devoid of merits. It is further prayed that extension of the mining contract may kindly be granted for the period during which the mining operations remained stayed as per orders of this Hon'ble Tribunal.

NEW DELHI

DATED: 20.03.2023

Respondent

Through Counsel



(M.F.KHAN & BIBHUTI KRISHNA)

Advocate for Respondent No. 9

Chamber No. 114, R. K. Jain Block,

Supreme Court of India,

New Delhi - 110001

IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

OA No. 306 of 2022

Harbans Singh

Applicant

Versus

State of Haryana and others

Respondents



AFFIDAVIT

I, Sushil Kumar son of Sh. Rajbir Singh resident of Village Ganganpur, Tehsil Barara, District Yamunanagar, Haryana do hereby solemnly affirm and declare as under:-

1. That the deponent is one of the directors of the M/s Saharanpur Mines Management Services Private Limited and is deposing on behalf of the Company in view of Board Resolution.
2. That the deponent is filing an accompanying written submissions on behalf of respondent No. 9 and the facts and circumstances mentioned in the accompanying written submissions are true and correct.

PLACE: Yamuna Nagar

DATED: 20.03.2023

Sushil Kumar
DEPONENT

Verification:

Verified that the contents of present affidavit are true and correct as per my knowledge and belief. Nothing herein has been concealed or suppresses.

PLACE: Yamuna Nagar

DATED: 20.03.2023

[Signature] ATTESTED
SHAMSHER SINGH KAMBOJ
M.A., LL.B
Advocate
NOTARY, JAGADHRI
YAMUNA NAGAR

Sushil Kumar
DEPONENT

