

IN THE NATIONAL GREEN TRIBUNAL AT NEW DELHI
IN ORIGINAL APPLICATION No. 306 of 2022

Harbans Singh

..... Appellants

Versus

STATE OF HARYANA & ORS.

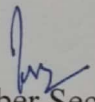
..... Respondents

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Place: Panchkula

Date: 08.11.2022


Member Secretary
SEIAA, Haryana
Member Secretary,
SEIAA, Haryana

IN THE NATIONAL GREEN TRIBUNAL AT NEW DELHI
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Harbans Singh

..... Appellants

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..... Respondents

Written Statement of Pardeep Kumar, I.A.S., Member Secretary, State Environment Impact Assessment Authority, Haryana.

PRELIMINARILY SUBMISSIONS

1. That I am fully conversant with the facts and circumstance of the case and dully authorized to file written Statement in instant appeal.
2. That the appellant has filed instant appeal praying therein the following:-
 - (a) Direct the State of Haryana to stop any mining activity at fertile Agriculture Lands in Villages Jaidhar and Mandewala, District Yamuna Nagar, Haryana;
 - (b) Appoint a Committee of Court Commissioner to inquire into the objections raised by the Irrigation Department to mining operations in villages Jaidhar and Mandewala;
 - (c) Appoint a Committee or Court Commissioner to inquire into the rushed manner in which the Haryana State Pollution Control Board issued CTO dt. 23.10.2021 on a holiday/Saturday and direct disciplinary action against erring officers;
 - (d) Quash the CTO dt. 23.10.2021 and CTE dt. 25.10.2021 issued by Haryana State Pollution Control Board to private respondent w.r.t. mining sites at Villages Mandewala and Jaidhar, respectively;
 - (e) Quash the Environmental Clearance dt. 20.08.2018 issued to private response w.r.t. mining activity at Village Jaidhar;

- (f) Quash the auction notice dt. 27.04.2015 in so far as it permits auction of mining sites located at village Jaidhar and Mandewala, distt Yamuna Nagar;
- (g) Direct Respondent to pay the costs of the present Application to the Appellant; and
- (h) Pass any other order that this Hon'ble Tribunal may deem fit.

3. That this Hon'ble Tribunal, while hearing the instant appeal, was pleased to issue the following directions vide its order dated 06.05.2022:-

"...1 to 3....."

- 4. The averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010 and validity of mining leases allegedly granted in violation of the environmental norms, notifications, rules and regulations.*
 - 5. Let notice be issued to Respondents requiring them to file replies specifically responding to all material averments made in the application within two months. The applicant is directed to take requisite steps for service of notices on the respondents and file his affidavit regarding the same by email at judicial-ngt@gov.in.*
 - 6. In the meanwhile no mining activities be allowed in the mining sites in question in villages Jaidhar & Mandewala respectively and Deputy Commissioner and Superintendent of Police, Yamuna Nagar shall take requisite steps for ensuring prevention of any illegal mining*
4. That Respondent No. 09 (i.e. M/s Saharanpur Mines Management Services Pvt. Ltd) applied for granting Environment Clearance to the mining project for Boulder Gravel and Sand (Minor Minerals) at Mandewala Block/YNR B-38" over an area of 15.00 Ha in village Mandewala Tehsil Chhachhrauli

District Yamuna Nagar along with the copy of proceedings of Public Hearing which was held on 05.04.2016 conducted by District Magistrate, Yamuna Nagar to the answering Respondent No. 07 i.e. State Environment Impact Assessment Authority (SEIAA) on 25.04.2016.

5. That, the application submitted by Respondent No. 09 was taken up for Appraisal in the 133rd meeting of State Expert Appraisal Committee (SEAC) held on 06.05.2016 and recommendations were made to Respondent No. 07 for grant of Environment Clearance on the basis of Mining Plan duly approved by Director General, Mines and Geology Department, Haryana vide his office letter dated 10.03.2016.
6. That the recommendations of SEAC were considered by Respondent No. 07 in its 92nd meeting held on 15th and 16th June, 2016 and it was unanimously decided to agree with the recommendations of SEAC. Accordingly, the Environment Clearance to the project was accorded by the Answering Respondent vide letter No. SEIAA/HR/16/500-504 dated 27.06.2016, which was valid for 05 year from the date of grant of EC.
7. That, thereafter, the Respondent No. 09 submitted proposal for Extension of Validity of Environment Clearance letter dated 27.06.2016 through PARIVESH Web Portal vide online Proposal No. SIA/HR/MIN/217849 dated 2021; the said proposal is now, listed before SEIAA in 149th Meeting to be held on 08.11.2022 for consideration.
8. That, Respondent No. 09 submitted another application to the answering Respondent No. 07 on 23.11.2015 for Approval of Terms of Reference for the Mining of Sand (Minor Minerals) at Jaidhar Block/YNR B-34" over an area of 25.60 Ha in village Jaidhar District Yamuna Nagar and the same were approved by the State Expert Appraisal Committee and conveyed to

Respondent No. 09 vide letter dated 27.01.2016.

9. That Respondent No. 09 submitted EIA/EMP report on 31.05.2016 with reference to approved Terms of References to the answering Respondent No. 07 along with the copy of proceedings of Public Hearing, which was held on 09.04.2016 conducted by District Magistrate, Yamuna Nagar.
10. That, the application submitted by Respondent No. 09 was taken up for appraisal in the 138th meeting of State Expert Appraisal Committee (SEAC) held on 03.08.2016 and recommendations were made to Answering Respondent for grant of Environment Clearance on the basis of Mining Plan duly approved by Director General Mines and Geology Department Haryana vide his office letter dated 12.01.2016.
11. That the recommendations of SEAC were considered in 95th meeting of Answering Respondent held on 26.08.2016 and it was unanimously decided to accept the recommendation of SEAC; subject to satisfactory submission of the observations raised by SEIAA. Respondent No. 09, submitted his reply vide letter dated 05.09.2016. Same was considered by the Authority and it was observed that the reply of the project proponent was not in order.
12. That, accordingly, Respondent No. 09 was afforded an opportunity to appear in person/depute the authorized person before the authority to explain the position. Receiving no response from Respondent No. 09, the Answering Respondent decided to constitute a sub-committee vide letter dated 29.08.2017 comprising of Sh. G.R. Goyat, Chairman, SEAC and Shri Raj Kumar Sapra, Member SEAC to find out any activity on the project site.
13. That the sub-committee visited the project on 01.12.2017 alongwith the following representatives:

- (i) Sh. Rajender Sharma, RO, HSPCB, Yamuna Nagar
- (ii) Sh. Virender Punia, SDO, HSPCB Karnal
- (iii) Sh. Naresh Sharma, SDO, HSPCB, Yamuna Nagar
- (iv) Sh. Balraj Singh, S.H.O Khizrabad
- (v) Sh. Virender Singh S.H.O. Chhachrauli
- (vi) Sh. Sandeep , Patwari Deodhar
- (vii) Sh. Abdul Mannan, Patwari Baloli
- (viii) Sh. Om Dutt, Mining Inspector

and submitted its report with the following remarks:

“ A start was made by the committee from Killa No. 27//12 with the help of GPS and as verified by the concerned Patwari and reached at Killa No. 31//10, which is in the centre of mining area. As visible no mining was observed in the leased mining area and the area is presently under agriculture crops”.

- 14. That, the case was again considered by the answering Respondent vide its 115th meeting held on 25.07.2018; wherein the representative of the Respondent No. 09 appeared and informed the authority that they were unable to submit the required replies & documents due to pendency of their original application before Hon'ble National Green Tribunal. As the case has been decided in their favour, a request was made by Respondent No. 09 to grant of 15 days of time for submission of relevant documents which in turn was accepted by the Answering Respondent.
- 15. That, again the case was considered by the Answering Respondent vide its 116th meeting held on 18.08.2018; wherein Respondent No. 09 submitted the decision of the Hon'ble NGT alongwith the other required documents. Being satisfied with the reply submitted by the Respondent No. 09, the Environment Clearance was granted to the project on the basis of Mining

Plan approved as well as recommendation of SEAC vide letter No. SEIAA/HR/2018/1068-1072 dated 20.08.2018.

REPLY ON MERITS:

1. That the contents of Para no. 1 of the Original Application are denied for want of knowledge.
2. That the contents of Para no. 2 of the Original Application are admitted, being a matter of record.
3. That the contents of Para no. 3 of the petition Original Application are admitted being a matter of record.
4. That the contents of para no. 4 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
5. That the contents of para no. 5 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
6. That the contents of para no. 6 of the Original Application upto the fact that Environment Clearance was issued on 27.06.2016 for mining site located at village Mandewala are accepted being matter record. Rest of the contents of para are denied. It is further submitted for appraisal of Hon'ble Tribunal that the GPS coordinates mentioned in the Environment Clearance (EC) were as per the mining plan, approved by the Director General, Mines & Geology Department, Haryana vide their letter dated 10.03.2016. Further, rest the contents of the para 6 are admitted to the extent that the Environment Clearance letter dated 27.06.2016. The matter related to the Extension of validity of EC is under consideration of the State Expert Appraisal Committee, Haryana and the matter is being placed in the meeting of SEAC scheduled to be held on 10.10.2022.
7. That the contents of para no. 7 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
8. That the contents of para no. 8 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
9. That the contents of para no. 9 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
10. That the contents of para no. 10 of the Original Application upto the extent that Environment Clearance for mining site at village Jaidhar was issued on 20.08.2018 are accepted being matter of record. Rest of the para are denied. It is further submitted for appraisal of this Hon'ble Tribunal that Environment Clearance, issued vide letter No. SEIAA/HR/2018/1068-1072 dated 20.08.2018, was accorded on the basis of Mining Plan duly approved by the Director General, Mines & Geology Department, Haryana vide their letter dated 12.01.2016. Submissions made in the preliminary paras are not reiterated here for

- the sake of brevity.
11. That the contents of para no. 11 of the Original Application are denied for want of knowledge.
 12. That in reply to the contents of para no. 12 of the Original Application, it is submitted that the Environment Clearance letter dated 20.08.2018 was issued prior to the issuance of Sand Mining Guidelines-2020.
 13. That the contents of para no. 13 of the Original Application are denied for want of knowledge.
 14. That the contents of para no. 14 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
 15. That the contents of para no. 15 of the Original Application are admitted upto the extent that that matter is under consideration of SEAC. Rest of the contents of the para are denied.
 16. That the contents of para no. 16 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
 17. That the contents of para no. 17 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
 18. That the contents of para no. 18 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
 19. That the contents of para no. 19 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
 20. That the contents of para no. 20 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
 21. That the contents of para no. 21 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
 22. That the contents of para no. 22 of the Original Application, being grounds for filing instant appeal, needs no reply qua the answering respondent.
 23. That the contents of para no. 23 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
 24. That the contents of para no. 24 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
 25. That the contents of para no. 25 of the Original Application needs no reply qua the answering respondent being already dealt in proceeding paragraphs and reiteration is avoided for the sake of brevity.
 26. That the contents of para no. 26 of the Original Application needs no reply qua the answering respondent being already dealt in proceeding paragraphs and reiteration is avoided for the sake of brevity.
 27. That the contents of para no. 27 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering

respondent.

28. That the contents of para no. 28 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
29. That the contents of para no. 29 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
30. That the contents of para no. 30 of the Original Application are denied for want of knowledge.
31. That the contents of para no. 31 of the Original Application are denied for want of knowledge.
32. That the contents of para no. 32 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
33. That the contents of para no. 33 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
34. That the contents of para no. 34 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
35. That the contents of para no. 35 of the Original Application needs no reply qua the answering respondent being already dealt in proceeding paragraphs and reiteration is avoided for the sake of brevity.
36. That the contents of para no. 36 of the Original Application are denied for want of knowledge.
37. That the contents of para no. 37 of the Original Application upto the extent that Environment Clearance (valid for 05 years) was issued for mining site at village Mandewala vide letter dated 27.06.2016 are accepted being matter of record. Rest of the contents of the para are denied. It is further submitted that the application for Extension of Validity of EC letter dated 27.06.2016 is still under consideration of State Expert Appraisal Committee, Haryana. Further, rest the contents of the para 37, being related to HSPCB for issuance of CTO, needs no reply qua the Answering Respondent.
38. That the contents of para no. 38 of the Original Application, being not related to the Respondent No. 7, needs no reply qua the answering respondent.
39. That the contents of para no. 39 of the Original Application upto the extent that SEAC called reports from SEIAA, Irrigation Department and other concerned Authorities are accepted being matter of record. Rest of the contents are denied for want of knowledge.
40. That the contents of para no. 40 of the Original Application are denied for want of knowledge.
41. That the contents of para no. 41 of the Original Application are denied for want of knowledge.
42. That the contents of para no. 42 of the Original Application are denied for want of knowledge.
43. That the contents of para no. 43 of the Original Application are denied for want of knowledge.

44. That the contents of para no. 44 of the Original Application are denied for want of knowledge.
45. That the contents of Para no. 45 of the Original Application, upto the extent that no other application before this Hon'ble Tribunal or any other court, are denied for want of knowledge. Rest of the contents of Instant Appeal, being prayer made by appellant to this Hon'ble Tribunal, needs no reply qua the answering respondent.

In the light of submissions made above; Hon'ble NGT is requested to take the present submissions on record in the interest of justice and dispose of the present application.

Place: Panchkula
Date: 08.11.2022


Member Secretary
SEIAA, Haryana
Member Secretary,
SEIAA, Haryana

Verification:

Verified that the contents of para No. 1 to 15 of preliminary submissions and paras no. 1 to 45 of reply on merits is correct and true to my knowledge and belief. No part of it is false and nothing material has been concealed therein.

Place: Panchkula
Date: 08.11.2022


Member Secretary
SEIAA, Haryana
Member Secretary,
SEIAA, Haryana