

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

Original Application No. 703/2023

News Item titled "ग्रामीणों ने SDM से कैलाश नदी में अवैध खनन रोकने की मांग की" appearing in Hindustan dated 31.10.2023

Date of hearing: 21.02.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondents: Mr. Somesh Chandra Jha & Ms. Saumya Dwivedi, Advs. for MoEF & CC
Ms. Anjali Rajput, Adv. for R - 2 & 3 (Through VC)

ORDER

1. In this Original Application, registered *Suo-motu*, the Tribunal is considering the issue of illegal mining in Sitarganj, Uttarakhand. As per the news item illegal mining by using JCB and Pokeland machine in the rivers was done, creating environmental hazards. The news item also disclosed about the representation sent by the villagers about the illegal mining in river Kailash at Santfarm of Nakulia village. The Tribunal by the order dated 28.11.2023 had impleaded the concerned Respondents and had issued notice to them. The report dated 02.02.2024 was filed by the District Magistrate, Udham Singh Nagar stating that on receipt of the complaint from the villagers of village Nakulia about illegal mining, spot inspection was done wherein at various places pits were found but no one was found present. Another report on behalf of the Respondent No. 2 – the District Magistrate, Udham Singh Nagar dated 16.12.2024 has been filed disclosing the details of the mining along with owners as under:-

S. No	Owner name	Address	Current status of consent to operation from PCB	Mining method	Remarks
1.	Uttarkhand Van Vikas Nigam	Nandhor River	Valid up to 30.09.2026	Mannual	वर्तमान में संचालन में नहीं।
2.	Priya Agarwal (4.390 Hect.)	Kailash River	Valid up to 11.09.2023 Applied (Under Process)	Mannual	समयावधि समाप्त
3.	Priya Agarwal (3.183 Hect.)	Kailash River	Valid up to 28.08.2023 Applied (under process)	Mannual	समयावधि समाप्त
4.	Priya Agarwal (1.959 Hect.)	Kailash River	Valid up to 05.08.2023 Applied (under process)	Mannual	वर्तमान में संचालन में नहीं।
5.	Jitendersingh (6 Hect.)	Kailash River	Valid up to 31.03.2023 Applied (under process)	Mannual	वर्तमान में संचालन में नहीं।
6.	Abdul Aleem (6 Hect.)	Kailash River	Valid up to 31.03.2025	Mannual	संचालित
7.	Puneet Kumar Goyal (3.024 Hect.)	Kailash River	Valid up to 31.03.2025	Mannual	असंचालित
8.	Puneet Kumar (2.876 Hect.)	Kailash River	Valid up to 31.03.2025	Mannual	संचालित
9.	Rama Construction (4.654 Hect.)	Kailash River	Valid up to 31.03.2025	Mannual	संचालित
10.	Rajesh Sharma	Kailash River	Valid up to 30.09.2024 not applied	Mannual	असंचालित
11.	Guru Nanak Enterprises	Kailash River	Valid up to 30.09.2024 not applied	Mannual	असंचालित
नोट:- असंचालित - पट्टाधारक द्वारा उपखनिज की वार्षिक मात्रा की पूर्ण निकासी माह जून 2024 तक कर ली गयी है। ई-रवन्ना पोर्टल आई०डी० विभाग द्वारा suspend की गयी है।					

2. The said report specifically states that the Project Proponent at serial no. 4 Priya Agarwal was found to be involved in illegal mining and against her order dated 18.04.2024 was passed imposing the penalty of Rs. 653258 for illegal mining which has been deposited by the said leaseholder. Thus, the illegal mining by the said leaseholder is not in dispute hence the environmental compensation for the said illegal mining is required to be imposed by Respondent-UK PCB. Hence, we direct the UKPCB to expeditious action in this regard.

3. The above chart also reveals that Project Proponent at serial no. 6, 8 and 9 are found to be still operating. Therefore, the UK PCB is required to ascertain if they are operating with all requisite environmental clearances and to take action if they are violating in the environmental norm.

4. Let the above exercise be completed by UK PCB by duly following the principle of natural justice within three months and action taken report be submitted before the Registrar General of the Tribunal immediately thereafter. If found necessary the matter will be listed for consideration before the bench.

5. OA is accordingly disposed of.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

February 21, 2025
Original Application No. 703/2023
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