

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

Original Application No. 624/2023

In re : News item published in The Tribune dated 28.09.2023 **titled**
“Hills ‘vanish’ as illegal mining rampant in Beet area”

Date of hearing: 11.01.2024

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

Respondent: Mr. Shalabh Gupta, Adv. for MoEF & CC
Ms. Sunieta Ojha, Adv. for Punjab PCB
Mr. Karan Sharma & Mr. Rishabh Sharma, Advs. for R - 2
Mr. Ambuj Tiwari, Adv. (Through VC)

ORDER

1. This original application registered on the basis of suo-moto exercise of power considering the newspaper report relates to illegal mining and vanishing of Shiivalik Hills as high as 200 feet in the Beet area of Garhshankar Sub-Division.

2. As per the report, illegal mining in forest and mountain is being done by mining mafia and green cover is being destroyed by stone crushers.

3. Tribunal in the previous proceedings had impleaded the respondents and had called for a comprehensive report.

4. Reply on behalf of the Punjab Pollution Control Board (PPCB) dated 09.01.2024 mentions following four stone crushers found to be indulging in illegal mining activity and against whom Environmental Compensation(EC) was imposed:-

- a. M/s. New Staluj Stone Crusher (Unit-01), Nangran, Nangal District Rupnagar;
- b. M/s. Ganga Stone Crusher (Unit-01), Khera Kalmot, Nangal District Rupnagar;
- c. M/s. Kalgidhar Stone Crusher, Khera Kalmot, Nangal District Rupnagar;
- d. M/s. Guru Kirpa Stone Crusher, Khera Kalmot, Nangal District Rupnagar.

5. It has been fairly admitted by Counsel for PPCB though EC has been imposed against above-mentioned defaulters but the amount has not been recovered till now.

6. Department of Mines and Geology, State of Punjab has filed the reply today at 11.24 AM in violation of the circular of the Tribunal dated 26.09.2020 and 02.08.2023 which require filing of the documents, reply, etc., not later than 12:00 Noon on the working day prior to the date of hearing. Hence, reply filed by Director, Department of Mines and Geology, State of Punjab is taken on record subject to the deposit of cost of Rs. 10,000/- before the Registrar General of the Tribunal within one week.

7. Reply filed by the Mining Department reveals that total 110 FIR's have been registered against illegal mining in district Ropar since 01.01.2023 and demand notices of total amount of Rs. 41.33 Crores have been issued to the violators indulging in illegal mining and SSP, Ropar has requested to cancel of registration of 13 crushers and FIR's have also been registered. Details in this regard as disclosed in the reply of the Mining Department are as under:-

“5. That the District Mining Officer Ropar/Sri Anandpur Sahib submitted a report on 29.12.2023 that total 110 PR's have

been registered regarding illegal mining in district Ropar since 01.01.2023. In these registered FIRs, total 156 vehicles got impounded. He has further submitted that total 128 demand notices (S-notices) of total amount Rs 41.33 Crores have been issued since 01.01.2023 to violators for indulging in the illegal mining. In this regards, the DMO has been directed to convert all Demand notices (S-notices), in the cases, in which the defaulters have not deposited the recovery amount or filed appeal, to M- notice (recovery of pending dues by Collectors as arrears of land revenue).

6. *That after receiving a letter dated 01.11.2023 **(Annexure-I)** from Senior Superintendent of Police, Ropar requesting cancellation of registration of 13 crushers due to registration of various FIRs against them, taking a strict stance, show causes notices were issued by the local XEN-cum-DMO to the 13 crusher owners. After examining the replies submitted by the concerned crusher owners, the same were found unsatisfactory. Afterwards, a personal hearing was granted by the Chief Engineer/Mining to all concerned crusher owners. In all these cases, the Chief Engineer recommended the cancellation of registration of crusher units vide orders dated 05.01.24. Afterwards, the undersigned has issued speaking orders to cancel the registration of all these units **(Annexure-ii)**.*

8. Though, report of the Mining Department discloses the action against 13 stone crushers but report submitted by PPCB mentions action only against four stone crushers.

9. Learned Counsel for PPCB has prayed for time to file a fresh report disclosing the action against all the defaulters and also showing the position of recovery of EC and launching prosecution in respect of violation of the environmental laws.

10. Since, details of 13 stone crushers, who have been violated the norms and have done illegal mining, have been disclosed in the report of the Mining Department, therefore, these 13 stone crushers are impleaded the respondents in the matter, as follows:-

7. M/s. Sat Sahib Stone Crusher, Village Haripur, Tehsil Anandpur Sahib, District Rupnagar through its owner Smt. Sukhraj Kaur;
8. M/s. Prithvee Stone Crusher and Screening Plant, Village Sapalwan, Tehsil Anandpur Sahib, District Rupnagar through its owner Sh. Yadwinder Kumar Jindal S/o Pawan Kumar Jindal;
9. M/s. Aadesh Stone Crusher, Village Ailgran, Tehsil Anandpur Sahib, District Rupnagar through its owner Sh. Nardev Singh Mann S/o Zora Singh;
10. M/s. Sidhu Vinayak Stone Crusher, Village Ailgran, Tehsil Anandpur Sahib, District Rupnagar through its owner Sh. Jeevan Kumar S/o Subhash Chand;
11. M/s. Ganga Stone Crusher, Village Khera Kamlot, Tehsil Nangal, District Rupnagar through its owner Sh. Kanwar Ram Swarup S/o Karnal Rukman Singh;
12. M/s Grewal Stone Crusher, Village Khera Kalmot, Tehsil Nangal, District Rupnagar through its owner Sh. Popender Singh S/o Karnail Singh;
13. M/s Kalgidhar Stone Crusher, Village Plata, Tehsil Anandpur Sahib, District Rupnagar through its owner Sh. Sanjeev Kumar S/o Ram Pal;
14. M/s Bhalla Cone Crusher, Village Bhallari, Tehsil Nangal, District Rupnagar through its owner Sh. Raj Kumar Bhalla S/o Jagdish Rai;
15. M/s Bharat Stone Crusher and Screening Plant, Village Plata, Tehsil Anandpur Sahib, District Rupnagar through its owner Sh. Sanjeev Kumar S/o Ram Lal;

16. M/s Sai Stone Crusher, Village Nalhoti, Tehsil Anandpur Sahib, District Rupnagar through its owner Sh. Surjit Singh S/o Udham Singh;
 17. M/s A.S Brar Stone Crusher, Village Agampur, Tehsil Anandpur Sahib, District Rupnagar through its owner Sh. Gurjeet Singh Brar S/o Amarjit Singh;
 18. M/s Puri Stone Crusher, Village Plata, Tehsil Anandpur Sahib, District Rupnagar through its owner Sh. Chanan Singh S/o Ram Pal;
 19. M/s New Satluj Stone Crusher Unit 1, Village Khera Kalmot, Tehsil Nangal, District Rupnagar through its owner Sh. Vikram Singh Khalon S/o Gurchran Singh.
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11. Let notice be issued to the above impleaded respondents.
 12. Applicant is directed to file affidavit of service on or before the next date of hearing.
 13. Additional Secretary, State of Punjab has adopted the reply of the Punjab Pollution Control Board (PPCB).
 14. List on 11.03.2024

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

January 11, 2024
Original Application No. 624/2023
JG.