

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

Munish Original Application No. 269/2023 Applicant
Versus
Haryana State Pollution Control Board & Ors. Respondent(s)

Date of hearing: 01.11.2023

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

Applicant: Mr. Narender Pal Singh, Mr. Ram Naresh Yadav & Mr. Sarvesh K. Yadav,
Advocates.

Respondent: Mr. Rahul Khurana, Adv. for HSPCB

ORDER

1. The grievance raised in this original application is as against the Respondent No. 6 – M/s Ultimate Group relating to illegal mining at Gyaspur – Rasulpur Sand Unit and extracting sand beyond the permissible limit.

2. Earlier, the report was submitted by the Haryana State Pollution Control Board (HSPCB) on 20.07.2023 which was taken note by the Tribunal in the order dated 21.07.2023 and after considering the violation of EC conditions by Respondent No. 6, the HSPCB was directed to take immediate remedial action and to stop mining activity and also to realize environmental compensation in accordance with the rules.

3. Fresh action taken report on behalf of the HSPCB has been filed on 27.10.2023 which reveals that the closure order for the said mining unit has been issued on 16.03.2023 and the mining activity has now been stopped. The report further reveals that the Consent to Operate (CTO) was granted to the unit only upto 30.09.2022 but, the unit was operating

thereafter without having valid CTO from the HSPCB. Hence, environmental compensation of Rs. 33,60,00/- has been imposed by order dated 04.08.2023 but, the said compensation amount has not been deposited by the unit. *Prima facie*, it appears that such compensation is not in accordance with the direction of Hon'ble Supreme Court.

4. The action taken report further reveals that the unit had excavated the minerals outside the allotted contract area upto the depth of 9 feet in total 59.40 acre of land in the garb of the mining contract. Hence, a show cause and demand notice has been issued on 25.08.2023 to deposit penalty of Rs. 24,48,71,800/- within stipulated time period of 15 days as royalty price and fine of minor mineral by the Mining Department. Even the said penalty has not been deposited.

5. Learned Counsel for the applicant submitted that the mining has been carried out upto the depth of 27 – 28 feet and that the report about 9 feet depth of illegal mining is incorrect. He has sought two weeks' time to file objection to the report.

6. Meanwhile, we deem it proper to issue notice to the Respondent No. 6, the Project Proponent. Let the notice be served upon Respondent No. 6 by the applicant and file affidavit of service on or before the next date of hearing.

7. List on 16.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

November 01, 2023
Original Application No. 269/2023
DV