

Item No. 05

Court No. 1

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

Original Application No. 269/2023

Munish

Applicant

Versus

Haryana State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 17.04.2023

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

Applicant: Mr. Ram Naresh Yadav and Mr. N.P. Singh, Advocates for Applicant

ORDER

1. Grievance in this application is against illegal mining by M/s Ultimate Group, Tehsil Gannaur, District Sonapat, Haryana, the Project Proponent (PP). According to the applicant, the PP is operating sand quarries at Gyaspur – Rasulpur Sand Unit and extracting sand from Yamuna beyond permissible quantity, to the extent of 40 feet, which has resulted in change of course of Yamuna. The project was commissioned on 30.04.2018 and is continuing without consent to operate since 30.09.2022. In the course of mining, several illegalities have been conducted. The State PCB has refused to renew the consent and also passed order of closure under Sections 33A of the Water (Prevention and Control of Pollution) Act, 1974 and 31 of the Air (Prevention and Control of Pollution) Act, 1981. Violation of EC conditions has been reported to SEIAA Haryana by the State PCB vide letter dated 21.3.2023 as follows:

- “1. Unit was operating without valid CTO under Water Act, 1974 and Air Act, 1981 from the Board, thus violating the condition of environmental clearance.
2. Not submitted six monthly compliance report of the environmental clearance conditions.
3. Not submitted the report of Replenishment study of the mining in the River bed as per environmental clearance condition.
4. Not submitted copy of reports of regularly Monitoring of Ground Water level and quality have to be carried out in and around the mine lease by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring have to be carried out four times in a year: Pre-monsoon (April-May), Monsoon (August), Post monsoon (November) and winter (January) and the data collected may be sent regularly to the ministry of Environment, Forest & Climate Change, its Regional Office Chandigarh, Central Ground water authority Regional Director, Ground Central Water Board, State Pollution Control Board and Central Pollution Control Board, but unit has not submitted the reports to HSPCB Sonapat.
5. Not submitted copy of data on ambient air quality which will be regularly submitted to the ministry including its Regional Office located at Chandigarh and the State Pollution Control Board/ Central Pollution Control Board once in six months but date wise data along with Analysis reports has not been submitted for PM10, PM2.5, SO₂ & NO_x.
6. Not submitted copy of the Environment statement for the preceding year.”

2. In view of above, a joint Committee of SEIAA Haryana, State PCB and District Magistrate, Sonipat may furnish a factual and action taken report within two months from today by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The State PCB will be nodal agency for coordination and compliance. A copy of the report may also be furnished to the PP for its response, if any, before the next date. The report may specify the action taken in terms of stopping illegal activity, initiating prosecution and recovery of compensation on “Polluter Pays” principle.

List for further consideration on 21.07.2023.

A copy of this order be forwarded to SEIAA Haryana, State PCB and District Magistrate, Sonipat by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 17, 2023
Original Application No. 269/2023
DV