

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

Original Application No. 269/2023

Munish

Applicant

Versus

Haryana State PCB & Ors.

Respondent(s)

Date of hearing: 24.05.2024

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

Applicant: Mr. Narender Pal Singh & Ms. Anjali, Mr. Ram Naresh Yadav & Mr. Sumit
Srivastava, Advs. for Applicant

Respondent: Mr. Rahul Khurana, Adv. for R - 1, 2, 5, 7 & 8
Mr. Saurabh Rajpal & Mr. Vinay Singh, Advs. for R - 6

ORDER

1. In this Original Application, grievance of the applicant is against respondent no.6- M/s. Ultimate Group relating to illegal mining at Gyaspur-Rasulpur Sand Unit and extracting sand beyond the permissible limit.
2. Tribunal by order dated 17.04.2023 had constituted a joint committee for getting the factual and action taken report.
3. By order dated 01.11.2023, notice was issued to respondent no.6- project proponent and it was also granted opportunity to file objection/response in the subsequent proceedings.
4. Response/objection on behalf of respondent no.6 has been filed.

5. We have heard the Learned Counsel for the parties and perused the record.

6. Report of the Joint Committee dated 20.07.2023 refers to the status which was noted by the joint committee at the time of inspection as under:-

- a) *The mining site was inspected along with team constituted by Hon'ble NGT, during the site inspection, mining activities were not in operation.*
- b) *During inspection, it has been observed that the mining activities were done outside the lease area allotted to the unit and as per site conditions it was observed that the unit has extracted sand from Yamuna beyond permissible quantity, however, mining department carried out the survey of the site and report of survey conducted by mining department is awaited.*
- c) *Consent to Operate under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 was obtained by the unit upto 30.09.2022 from Haryana State Pollution Control Board, but Consent to Operate applied by the unit for renewal was refused on 21.08.2022 by the Board due to non-submission of complete documents and requisite fees for consent under Water Act and Air Act.*
- d) *The unit was inspected on 23.11.2022, during inspection unit was found operational without valid CTO from the Board. CTO was refused vide No. 29649884 dated 17.11.2022 and vide No. 30999360 dated 26.12.2022. CTO were refused due to certain shortcomings including the following:-*
 - i Not submitted compliance of refusal of previous CTO.*
 - ii Neither submitted sampling fees, nor submitted latest analysis reports of ground water monitoring as well as Ambient Air Monitoring for PM10, PM2.5, SO2 & NOx from the Board lab (not more than 3months old).*
 - iii Not submitted six monthly compliance report of the E.C conditions.*
 - iv. 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.

v. 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 & NOx..

vi. Not submitted copy of the Environment statement for the preceding year

- e. Show Cause Notice was issued to the unit vide letter no. HSPCB/SR/2023/5226 dated 16.01.2023 but no reply has been received from the unit. Hence, recommendation to issue directions for closure and disconnection of services against the unit has been sent to Head Office and closure order has been issued against the unit on 16.03.2023. Letter dated 17.03.2023 was served to Mining Officer, Sonipat to stop mining activity and issuance of E-ravaana (ANNEXURE-R/2). Thereafter, mining is not in operation. Moreover, recommendation of proposed Environmental Compensation of Rs. 33,60,000/- and sanction of prosecution has been sent by Regional Office, HSPCB, Sonipat to Head Office, HSPCB.”*

7. Joint Committee has made following recommendations:-

- “ a) The unit should not start mining activities without obtaining Consent to Operate under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 from the Pollution Control Board.*
- b) The unit should comply the terms and conditions of Environmental Clearance granted to the unit for mining activities.*
- c) The Mines and Geology Department should submit its survey report separately ascertaining extent of illegal mining.”*

8. Above report of the Joint Committee clearly mentions that unit had extracted sand from river Yamuna beyond the permissible quantity. It also notes that Consent To Operate (CTO) under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 was granted to the unit only upto 30.09.2022 by

Haryana State Pollution Control Board (HSPCB) and thereafter renewal has been refused on 21.08.2022.

9. Report also states that after issuance of notice, closure order has been issued to the unit on 16.03.2023 and communication dated 17.03.2023 has been sent to the Mining Officer, Sonipat to stop the mining activity and issuance of E-ravaana and thereafter mine is not operating.

10. A separate report dated 27.10.2023 has been filed by HSPCB confirming the above facts and disclosing that Environmental Compensation (EC) of Rs.33,60,000/- (thirty three lakhs sixty thousands only) has been imposed on the unit in question by the Board vide order dated 04.08.2023 and notice to recover the EC amount in accordance with provisions of Haryana Land Revenue Act has been issued to the mining unit and its partners dated 16.10.2023 and in case if the unit does not deposit the amount, case will be sent to Deputy Commissioner, Sonipat to recover the EC in accordance with the provisions of Haryana Land Revenue Act.

11. Report further discloses that prosecution action has also been initiated against the partners of the mining unit in question for violation of the provisions of Environmental Acts and disciplinary action has been taken against the Regional Officers of HSPCB, Sonipat.

12. Report also states that contract of the mining unit-respondent no.6-M/s. Ultimate Group has been terminated by Director, Mining and Geology, Haryana by order dated 28.08.2023. It also discloses that Mining Department has imposed penalty of Rs. 24, 48,71,800/- (twenty four crore forty eight lakh seventy one thousand eight hundred only) as a royalty price and fine of Minor Mineral (sand) for unlawful raising of minor mineral outside the mining area in the garb of the mining contract.

13. From the above, it is clear that appropriate action has already been initiated/taken by respondents against respondent no.6 for violation of the norms, therefore, at this stage only direction required to the respondents is to ensure proper restoration action, which is directed accordingly.

14. Original application is accordingly disposed of.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

May 24, 2024
Original Application No. 269/2023
JG.