

Item No. 4

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 446/2022

Balwinder Kumar

....Applicant

Versus

State of Haryana & Ors.

...Respondents

Date of hearing: 02.01.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None

Respondents: Mr. Rahul Khurana, Advocate for HSSPCB.
Mr. Rajesh Sangwan, AME, Yamuna Nagar.
Mr. Vikas, Social Education and Panchayat Officer,
Pratap Nagar, Yamuna Nagar.

Application is registered based on a letter petition received by Post.

ORDER

1. The grievances in the present application are regarding illegal mining in the Panchayat/Shamlat Land since 2016 in villages Kohliwala and Mandewla which fall under Bhudkala Panchayat and illegal cutting of Khair trees and running of Shri Ram Screening Plant, Devbhumi Screening Plant, Jaimaa Laxmi Screening Plant, Shivalik Stone Crusher, Jai Maa Santoshi Screening Plant etc. in violation of environmental norms.

2. Vide order dated 26.07.2022, this Tribunal constituted a Joint Committee comprising of Director, Mines and Geology, Government of Haryana, State PCB, DFO and Deputy Commissioner, Yamuna Nagar and directed the same to submit factual and action taken report within two months.

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3. In compliance thereof, Mr. Nitin Mehta, Regional Officer, HSPCB has submitted report of the Joint Committee vide email dated 30.12.2022.

4. We have gone through the report of the Joint Committee and find that the Joint Committee has not looked into allegations regarding running of the screening plants in violation of the environmental norms and has not submitted any specific report in respect thereof. The Joint Committee is directed to look into the allegations related to running of the screening plants in violation of the environmental norms and verify the facts particularly with regard to consent status and compliance with environmental norms by the screening plants in question and submit its report within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. In view of the averments in the application and observations in the report of the Joint Committee particularly the facts regarding large scale illegal mining and felling of trees leading to registration of number of FIRs, we also consider it appropriate to have response of (1) State of Haryana through Chief Secretary, Government of Haryana, (2) Principal Chief Conservator of Forest (HoFF), Government of Haryana, (3) Director, Mines and Geology, Government of Haryana, (4) State PCB, (5) Deputy Commissioner, Yamuna Nagar and (6) Superintendent of Police, Yamuna Nagar who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application. Respondent no. 4 is already appearing before this Tribunal through counsel.

6. Notices along with copies of the application and report of the Joint Committee and documents attached with the same be issued to respondents no. 1 to 3 and 5 to 6.

7. Reply/response on behalf of respondents no. 1 to 6 be filed within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. In their reply/response, respondents no. 1 to 4 shall specifically mention the action already taken and further action to be taken for preventing illegal mining and illegal cutting of trees, assessment and realization of environmental compensation from the violators and disciplinary action taken/to be taken against the concerned defaulting Government/Panchayat Officers/Officials.

8. List for further consideration on 23.03.2023.

9. In view of the facts and circumstance of the case, we also consider personal appearance of the Deputy Commissioner and the Superintendent of Police, Yamuna Nagar and Officers duly authorised by the PCCF (HoFF) and the Director, Mining and Geology, Government of Haryana, before this Tribunal through VC on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal through VC on that date.

10. A copy of this order be sent to the PCCF (HoFF), the Director, Mining and Geology, Government of Haryana, Deputy Commissioner and Superintendent of Police, Yamuna Nagar by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 02, 2023
AG