

Item No. 03

Court No. 1

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

Original Application No. 441/2023
(I.A. No. 613/2023 & I.A. No. 614/2023)

Amit Kumar

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 04.07.2023

**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. Jitendra Mohan Sharma, Senior Advocate with Mr. Amrit Pradhan,
Advocate

ORDER

1. Challenge in this application is to auction notice dated 30.05.2023 issued by the State of Haryana for grant of mining contract/mineral rights, for excavation of minor mineral 'BGS' from the minor mineral mines of the District Yamunagar.

2. As per impugned notice, bidding was to take place on 03.07.2023 which date has already gone. Further, as per impugned notice, mining is to commence only after grant of consent to operate by State PCB or after 12 months of date of issuance of LOI, whichever is later. Auction notice also specifies that the contractor, to whom mining permission is given is under obligation to comply with Mines Act, 1952, Mines and Minerals (Development and Regulation) Act, 1957, Forest (Conservation) Act, 1980 and Environment (Protection) Act, 1986 and the rules made there under Wild Life (Protection) Act, 1972, Water (Prevention and Control of

Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

3. We have heard learned Counsel for the applicant.

4. Main grievance of the applicant is that mining sites are not in approved list of river bed mining sites mentioned in the District Survey Report (DSR) dated 10.08.2017. The said DSR has expired on 09.08.2022. There is no replenishment study as per applicable guidelines. Fresh DSR is required to be approved by SEIAA in terms of MoEF Notifications dt. 28.04.2023 and 25.07.2018 and judgment of Hon'ble Supreme Court of India in State of Bihar vs. Pawan Kumar (order dt. 10.11.2021 passed in Civil Appeal No.3661/ 2020). DSR has to be prepared after consultation with border districts as per Clause 9.3 of the 2020 Guidelines. The applicant has further stated that:

"The auction notice dt. 30.05.2023 mentions six sites for river bed mining of sand. The first site is "Ranjitpur-Ranipur (BGS)" admeasuring 290.34 Acres. This site is not even mentioned in the DSR for Dst. Yamunanagar. One wonders how can district administration can identify a site for auction without it being mentioned in the DSR.

The second site in the auction notice is "Nagli 32-Pirthapur (BGS)" admeasuring 147.02 acres. Again this site is also not mentioned in the DSR.

The third site is "Leda Khadar-Baroli Majra (BGS)" admeasuring 23.61 acres. This site is also not mentioned in the DSR.

Fourth site is "Bailgarh South (BGS)" admeasuring 62.88 acres. However, area of this site in the DSR is 28 Hectares (69 acres).

Fifth site is "Pobari (sand)" admeasuring 164.10 acres. However, area of this site in the DSR is 23 Hectares (56 acres) only. As such, the auction notice cannot arbitrarily increase the area identified by DSR by over 110 acres.

Sixth site is "Gumthala North (sand)" admeasuring 334.98 acres. However, area of this site in the DSR is 44.62 Hectares (110.25 acres) only. As such, the auction notice cannot arbitrarily increase the area identified by DSR by over 220 acres."

5. We find it difficult to entertain this application at this stage. At the same time, it can hardly be gainsaid that compliance of environmental norms must be ensured by the successful bidders and the State Authorities particularly SEIAA and State PCB. Grievances of the applicant as noted earlier can be looked into and remedial action taken by the State PCB before granting consent to operate and before permitting actual mining.

6. The application is disposed of accordingly.

A copy of this order be forwarded to State PCB, SEIAA Haryana, Director, Mines and Geology and Mining Officer, Yamunagar by e-mail for compliance.

All pending IAs will stand disposed of accordingly.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

July 04, 2023
Original Application No. 441/2023
(I.A. No. 613/2023 & I.A. No. 614/2023)
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