

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

(By Video Conferencing)

Original Application No. 995/2019

(With report dated 10.09.2020)

Chander Singh

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 16.09.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Mr. Gaurav Singh, Advocate

Respondent(s): Mr. Mukesh Kumar, Advocate for CPCB

**ORDER**

1. A joint report was sought from the SEIAA, Dehradun, District Magistrate, Pithoragarh, Uttarakhand State PCB and representative of the Indian Bureau of Mines and Ministry of Mines, Government of India, with reference to the allegation that mine of dolomite was illegally being operated by N.B Minerals Corporation Ltd., Haldwani, District Nainital at Village Dundu, Tehsil Didihat, Distt. Pithoragarh, Uttarakhand.

2. The matter was thereafter considered on 24.02.2020 in the light of report dated 27.01.2020 to the effect that there was violation of environmental norms, including in disposal of the muck. The Tribunal observed:

***“3. In view of the above acknowledged violations, remedial action needs to be taken to recover compensation by following due process of law. Apart from recovering compensation, remediation of the area is also necessary for***

**restoration of the environment. It is necessary to prepare a remediation plan for the purpose.**

4. *In order to carry out remediation as well as to assess compensation, we constitute a joint Committee comprising the CPCB, Indian School of Mines, Dhanbad, Bihar, Indian Bureau of Mines, Ministry of Mines, Government of India, New Delhi and SEIAA, Uttarakhand, Dehradun. The CPCB will be the nodal agency for coordination and compliance. The report may be filed before the next date by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in). Further action may be completed within three months.*

5. *A copy of this order be sent to the CPCB, Indian School of Mines, Dhanbad, Bihar, Indian Bureau of Mines, Ministry of Mines, Government of India, New Delhi and SEIAA, Uttarakhand, Dehradun by email for compliance.”*

3. Accordingly, report dated 10.09.2020 has been filed by the CPCB to the effect that further detailed examination is necessary for determining the quantum of damage. It is also recommended that some immediate measures be taken to prevent further damage as follows:

*“5.5.1. Not to allow mining operations till complying prescribed environmental Norms/ guidelines/ recommendations of the committee hereunder.*

*5.5.2. To carry out geo-referenced drone survey of the lease area and its surrounding affected area due to spillage of material from mine and submit the output in appropriate format for further analysis and preparation of remedial plans.*

*5.5.3. Take all appropriate immediate actions to arrest/trap the material from rolling down/flowing away outside lease area by gravity or rain or otherwise.*

*5.5.4. Give undertaking that waste material/muck will not be dumped outside the mining lease area in future.*

*5.5.5. Prepare a time bound action plan to take all appropriate actions to address the impact of waste lying outside the lease;*

- i) shift the outside dumped/ rolled/ flown/ washed material/ muck to a suitable safe and secure place within mining lease area and stabilize it.*
- ii) in case of area where such material is not safe to handle such portion shall be appropriately terraced, compacted, reclaimed by plantation of local species and ensure its watch and ward till the plantation achieved self-sustained age and height.*
- iii) Any other appropriate method for restoration /reclamation etc.*

*5.5.6. To construct robust obstruction structures (such as toe walls, parapet walls) silting ponds etc. under the guidance of district administration, ensure that muck mixed slurry water of rain does not enter into the Dundu stream.*

*5.5.7. To develop a natural obstruction and/or construct retaining walls at the end of lowest/bottom most bench of the mine so that waste material/muck does not roll down/spillover downwards along the hillock to outside mining lease.*

*5.5.8. To submit the action plan for repairing the irrigation water channels and village roads blocked by spillover of muck, if any.*

4. We see no reason why the above recommendations be not followed. Accordingly, the above recommendations be acted upon. We grant the time sought by the Committee for completing its task and the report may now be submitted within three months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The Committee may also ensure that EC conditions are duly complied with.

List for further consideration on 22.01.2021.

IA 662/2019 for interim relief and IA 663/2019 for exemption from filing clear copy of annexures stand disposed of.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 16, 2020  
Original Application No. 995/2019  
(I.A. No.662/2019 & I.A. No.663/2019)  
DV