

Item No. 03

Court No. 1

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

Original Application No. 668/2018

Surinder Singh

Applicant(s)

Versus

State of Haryana

Respondent(s)

Date of hearing: 23.04.2019

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

For Applicant(s):

For Respondent (s): Mr. Rahul Khurana, Advocate

ORDER

1. Issue for consideration is the steps for illegal mining in Pinjore belt, Chandimandir, Kalka, Haryana.
2. Vide order dated 23.10.2018, a report was sought from the District Magistrate, Panchkula in the light of judgments of this Tribunal in *O.A. No. 173/2018, Sudarsan Das Vs. State of West Bengal & Ors* and *O.A. No. 186/2016, Satendra Pandey Vs. Ministry of Environment, Forest and Climate Change*.
3. Vide order dated 19.02.2019, the report furnished by the District Magistrate, Panchkula was held to be vague and a three members Committee comprising representatives of Central Pollution Control Board (CPCB), State Pollution Control Board (SPCB) and the District Magistrate, Panchkula was required to furnish a fresh report which has been furnished vide e-mail dated 18.03.2019 stating that 19 FIRs

have been lodged against illegal miners. 101 vehicles were apprehended carrying excavated material without permission. An amount of Rs. 21,99,500/- was recovered as royalty value of mineral and fine.

4. The report is based on non-application of mind and shows inaction of the authorities in handling violation of law. The report is contradictory. It does not acknowledge serious violations and claims action by way of FIRs, apprehension of vehicles and recovery of compensation. Such actions by themselves establish violations. The judgments of this Tribunal referred to above require stern action to be taken to deal with illegal mining. Apart from requirement to prosecute, which is not happening either on account of incompetence or on account of collusion of the concerned officers, the compensation recovered has to meet the mandate of law. The compensation has not only to include the cost of mined material or royalty but must have element of deterrence so as to recover cost of Net Present Value (NPV) of environmental services forgone forever and the cost of restoration. It has also been laid down that the vehicles involved must be confiscated and released only after recovery of atleast 50% of the showroom value of such vehicles. These steps are necessary to sternly deal with the illegal actions which are rampant in the State of Haryana as held vide order dated 05.04.2019 in *Original Application No. 360/2015, National Green Tribunal Bar Association Vs. Virender Singh (State of Gujarat)* and connected matters.

5. Let further action be now taken in the light of order of this Tribunal dated 05.04.2019 under the supervision of the Divisional

Commissioner of the area and representatives of CPCB and SPCB.
The nodal agency will be the SPCB for coordination and compliance.
The action taken report in the matter be furnished within two months
by e-mail at ngt.filing@gmail.com.

List for further consideration on 26.07.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

April 23, 2019
Original Application No. 668/2018
DV

