

Item No. 02

Court No. 1

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

Original Application No. 752/2023

Narender Kumar

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 04.01.2024

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

Applicant: Mr. Gaurav Kumar Bansal & Ms. Nandita Bansal, Advs.

ORDER

1. In this original application, applicant has prayed for termination of the Environment Clearance (EC) dated 21.02.2020 issued in favour of the respondent no. 10 and also sought a direction to forthwith stop the respondent no. 10 from extracting the minerals from the concerned block.

2. The case of the applicant is that the respondent no. 10 was granted the EC dated 21.02.2020 wherein the mineable area was 24.25 Ha and the permissible mining of river bed material was limited to 8.39 LTPA with a maximum minable depth of 1.33 meter. The EC was granted in respect of "Rattewali Block/PKL B-10" in district Panchkula, Haryana.

3. The grievance of the applicant is that respondent no. 10 violating the EC conditions has done the mining much in excess of the permissible limit. Learned counsel appearing for the applicant has pointed out that the surprise check was done by the State Vigilance Department and in that surprise check it was found that the respondent no. 10 had

extracted the mineral six times more than the permissible limit in a year and thus had caused huge loss of revenue of about Rs. 35 crore to the government of Haryana. The vigilance department had made following recommendations in the report dated 13.07.2022 filed as Annexure P1/3

1. *A case may be registered under section 420, 379, 414 of IPC and Section 4/21 of MMDR Act. And 13 (2) r/w 13 (1) (d) of PC Act against M/s Tirupati Roadways owners of the firm and the unknown Government servants of Mining Department of Panchkula.*
2. *In addition to the above punitive action, recovery of loss of revenue may be made from M/s Tirupati Roadways as per the term and condition of the lease.*
3. *As per source report, it is reported that M/s Tirupati Roadways is still continuing with the illegal extraction of minerals/material, therefore, Mining Department should take effective steps for prevention of further loss of revenue.*
4. *Mining Department should also get conducted geo-spatial surveys of all the mines under them through HARSAC to check loss of revenue.*

4. He has further submitted that after the said report a committee was constituted which found the illegal extraction to the extent of 6686035.68 MT and the notice of termination of contract Annexure P1/5 dated 22.08.2023 was issued but respondent no. 10 is still continuing with the illegal mining without their being any effective action at ends of the respondents.

5. The OA raises substantial issue relating to compliance of provisions of the scheduled enactments.

6. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service on or before the next date of hearing.

7. Having regard to the material which has been pointed out, we deem it proper to constitute a joint committee comprising of the Member Secretary, Central Pollution Control Board (CPCB), Director, Department

of Mines and Geology, State of Haryana, Member Secretary, Haryana State Pollution Control Board (HSPCB), Representative of Inspector General, Vigilance Department, State of Haryana as also the District Magistrate, Panchkula. The District Magistrate will act as Nodal Agency. The committee will carry out the site inspection, examine the relevant record and submit the report relating to the extent of illegal mining by respondent no. 10, the extent of environmental damage caused in that process and remedial action. Let the report be submitted by the committee atleast one week before the next date of hearing by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

8. In the meanwhile, the respondents will ensure that no illegal mining is done by respondent no. 10 in contravention of the EC.

9. List on 01.03.2024

10. A copy of this order be forwarded to the Member Secretary, CPCB, Director, Department of Mines and Geology, State of Haryana, Member Secretary, HSPCB, Inspector General, Vigilance Department, State of Haryana and the District Magistrate, Panchkula by e-mail for compliance.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

January 04, 2024
Original Application No. 752/2023
AS.