

Item No. 02

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 10/2021

Sanjay Kumar

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 16.02.2022

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

Respondent: Mr. Rahul Khurana, Adv. for HSPCB

ORDER

1. Grievance in this application is against illegal mining by M/s Nimawat Granite Private Limited at Plot No. 03, Tehsil- Narnaul, District Mahendragarh and extraction of ground water, without requisite permission.
2. Vide order dated 11.01.2021, a factual and action taken report was sought from the Haryana State PCB, SEIAA, Haryana and the Deputy Commissioner, Mahendragarh.
3. The matter was last considered on 18.08.2021 in the light of the report dated 17.06.2021 submitted by the State PCB, acknowledging the violations. It was further stated in the report that ground water was not being extracted and tanker water was being used for suppression of dust. Trees have been planted. However, we found it difficult to accept the report and reconstituted the Committee for furnishing a further

appropriate in the matter, based on verification of facts. Operative part of the order is reproduced below:-

“1to4..xxx.....xxx.....xxx

5. *Learned Counsel for the applicant submitted that the report cannot be accepted as conclusive. There are violations requiring remedial action. The report states that water sprinkling system has been provided but no extraction of groundwater was observed. It is further stated that tanker water is being used. **It may be difficult to accept the report in that regard. It is not clear how much water is being procured and how much water is being used for sprinkling and abating dust pollution. No data has been collected and furnished as required to determine authenticity of such claim. Further, there is no data on ambient air quality and the emissions monitored during operations. For suppression of dust as well as for preventing lateral dispersion of dusty emissions, there should be well laid protocols on water sprinkling as well as plantation. Further, it is stated that 700 trees have been planted as against 500 required as per EC conditions but plantation is not at the higher benches of excavated pit in mining lease area. The report recommends that more native-species trees are required to be planted.***

6. *We find merit in the plea that apart from planting adequate number of trees of native species, adequacy of mitigation measures against dust pollution by way of water sprinkling etc. and legitimacy of source of water need further verification. We modify the constitution of the joint Committee as CPCB, State PCB, SEIAA Haryana and Deputy Commissioner, Mahendragarh. We further direct that in view of insufficiency of the report, the representatives in the new Committee should be of higher level than the members who have authored the earlier report. The nodal agency will be CPCB and State PCB jointly for coordination and compliance. The joint Committee may meet within 15 days from today to plan further course of action. Further inspection may be conducted within one month thereafter and report given to this Tribunal within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. **The report may give the data of water supplied and used and adequacy of the steps taken to mitigate the air pollution in the area, including the adequacy of plantations so as to act as buffer to prevent pollution, affecting the habitation in the vicinity. Further, it may indicate the ambient air quality of the area, standards prescribed for mining operations in Consent to operate, whether water sprinkling is proper in terms of criteria applicable and plan for adequate plantation. CPCB may consider laying down/revising guidelines on water sprinkling to be followed by Mining and stone crushing operations and tree plantations to serve as dust barrier.***

4. A further report has been filed on 20.01.2022. However, the inspection was conducted when the unit was non-operational which is not helpful in determining the issue. Observations and conclusion in the report are as follows:-

“Observations of the joint Committee

- *During inspection, **mining activities were found non-operational as stone crushers in the NCR Region were asked to close their operation due to implementation of GRAP.** It has been observed that mining operation has been carried out from top to bottom as per approved mining plan within premised Lease.*
- *It was reported by the mining department that mining lease holders has commenced mining operations only after 'getting a detailed Mining Plan approved and obtaining EC from the SEIAA and CTO from the HSPCB. Further, the mining operations has been carried out within the premises limit and are undertaken within the boundary pillars of mining areas in terms of approved mining production capacity and no illegal Mining has been observed in/ around the area in question. The information submitted by Mining Department regarding mining activity is given below and month wise production carried out by the lease holder is enclosed as Annexure-V.*

Conclusion:-

- *In order to assess the impact on ground water level and its quality, an accurate monitoring of ground water levels and its quality for at least 01 year is required and comparison with previous year data need to be worked out by the Project Proponent. **Once an accurate monitoring is carried out, then the assessment of impacts on ground water level and its quality shall be carried out and further necessary action will be taken, accordingly.** However, no extraction of ground water has been observed at the permitted lease mining area.*
- *The project proponent needs to plant native species as per approved Mining Plan and to take care of already planted saplings.*
- *On the basis of site visit and facts submitted by the mining/forest department the team has not observed any illegal mining activities.*
- ***The assessment of ambient air quality monitoring needs to be carried out during operation of mining activities. HSPCB will conduct the ambient air quality monitoring again in order to ascertain the impact of mining activities.** In case of deterioration of ambient air quality due*

to mining activities, the requisite direction will be issued to the project proponent accordingly.”

5. In view of the fact that the compliance norms when the unit is functional have still not been verified, while remedial action for the shortcomings noticed above may be taken, the report after verification of factual position when the unit is functional may be furnished within two weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. If adverse observations are made calling for remedial action, the project proponent be required to take remedial action and be put to notice of these proceedings by the State PCB.

List for further consideration on 23.03.2022.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

February 16, 2022
Original Application No. 10/2021
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