

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

**Original Application No. 176 of 2016
(Earlier O.A. No. 184/2013)**

And

Original Application No. 272 of 2016

IN THE MATTER OF:

Gurpreet Singh Bagga Vs. MoEF & Ors.

And

M/s. Ganga Yamuna Mining Co. Vs. State of Haryana & Ors.

CORAM : HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

Present: **Applicant:** Mr. Alok Sangwan, Adv.
Respondent No. 1 Ms. Divya Prakash Pande, Adv.
Mr. Anil Grover, AAG adv Mr. Rahul Khurana,
Adv. for State of Haryana
Respondent No.4 : Mr. Abhishek Yadav, Adv. for State of UP

Present: **Applicant:** Mr. Pinaki Mishra, Sr. Adv., Mr. Yashraj Singh
Deora and Mr. Jaideep Singh, Advs.
Respondent Nos. 1&2 Mr. Anil Grover, AAG adv Mr. Rahul Khurana,
Adv. for State of Haryana
Mr. Abhishek Yadav, Adv.

	Date and Remarks	Orders of the Tribunal
	Item Nos. 01 & 06 June 01, 2016 A	<p>Heard the Learned counsel for the parties.</p> <p>While passing the judgment dated 18th February, 2016 the Tribunal had issued directions, <i>inter alia</i>, that there will be complete prohibition on carrying mining of minor mineral (Bajri, Sand and Boulders) in the flood plain of river Yamuna in District Yamunanagar (Haryana) and Saharanpur (Uttar Pradesh) and all other villages situated on the bank of river Yamuna, Kaluwala Rao, Solani and Badshahibagh Rao, for a period of 45 days from the pronouncement of that judgment.</p> <p>This matter was listed before the Tribunal on 31st May, 2016 and it was ordered that the same be listed on 01st June, 2016 in relation to State of Haryana only. It is to be noted that the aforesaid judgment was passed in a matter which includes State of Uttar Pradesh also. Hence the question in relation to State of Haryana is before us today.</p>

Apart from this a separate Original Application (No. 272/2016) has been filed in respect of the same subject by the Applicant M/s Ganga Yamuna Mining Company wherein it has been prayed that they may be permitted to commence their mining operations.

It has been submitted by the Learned counsel for the Lessee that subsequent to the passing of the judgment by the Tribunal on 18th February, 2016, the High Powered Committee constituted therein has submitted a report. Further he submits that MoEF has also approved the said report, through an Affidavit filed by its Director Scientist – F. It is also submitted that the High Powered Committee has made certain recommendations as follows:-

- (i) *The provision envisaged in the notification No. 141(E) dated 15.01.201 and 190(E) dated 20.01.2016 be strictly adhered to. The Districts will not allow any mining in area which has not been identified in the comprehensive Mining Plan submitted to the HPC and the NGT. Any change in the site be done in preparing and revising the District Survey Report as envisaged in above notification following the due process. The mechanisms outlines for monitoring of mined out material through use of IT and IT enabled services should be followed. The movement of sand (mined out material) should be controlled through Transit Permit with security features like its Printing on IBA approved MICR paper: Unique Barcode, Unique QR Code; Fugitive Ink Background; Invisible Ink Mark: Void Pantograph and Watermark. The DEIAA should ensure strict monitoring of movement of mined out material to ensure that no mining in excess of quantity mentioned in environmental clearance takes place. The riverbed mining in monsoon period from 01st July to 15th September should not be allowed.*
- (ii) *In Yamunanagar district of Haryana two valid leases with all statutory clearances and 69 crushers one Screening operating with all statutory clearances as on 18.02.2016 may be permitted to continue their operation. The mining leases as identified in comprehensive Mine Plan for the district may be permitted to operate after obtaining all the requisite*

		<p>approvals.</p> <p>(iii) In Saharanpur district of Uttar Pradesh five valid leases with all statutory clearances are in existence as on date. These lease holders are : M/s Amit Jain, Nassem, Vikas Agarwal, Wajid Ali etc. which are the same as outlines in 13 leases in NGT order. Out of 148 crushers in Saharanpur 39 crushers were inspected and various non-compliances were observed during the visit. In Saharanpur the investigation on loss and damage to environment of the area due to illegal sand mining is not completed, the identification of persons involved in illegal sand mining is not completed, the identification of person involved in illegal mining has not been done by the State, and no environmental compensation has been deposited (Stayed by Hon'ble Supreme Court in the Civil Appeal No. D-7484 of 2016 Mohd. Inam & Anr. Vs. Gurpreet Singh Bagga and Others and Civil Appeal No. 2667 of 2016 M/s Pradhan Stone Crushers Vs. Gurpreet Singh Bagga & Ors vide order dated 18.03.2016). In view of above HPCB do not recommend commencement of mining or running of crushers and screening plants in Saharanpur district of Uttar Pradesh.</p> <p>(iv) Both the States will carry out mining in semi-mechanized manner using manpower, tractor, trucks, JCB and excavators for mining and transportation.</p> <p>(v) Both the States will activate the District Level Task Forces under District Magistrate constituted for monitoring sand mining and preventing illegal mining.</p> <p>(vi) There should be a quarterly meeting between the two district Level Task Forces, alternating at two district head quartet or any other site in two districts decided mutually by the District Magistrates.</p> <p>(vii) The District Magistrates and Superintendent of Police will be jointly responsible for preventing illegal mining at their districts.</p> <p>(viii) The duties on check posts either of police, revenue official or mining department officials be rotated every months.</p> <p>(ix) The District environment Impact Assessment Authority (DEIAA) based on the recommendations of the District Expert Appraisal Committee (DEAC) constituted vide notification dated 30.01.2016 of the Ministry in the district of the SEIAA and Regional office of the Ministry.</p> <p>(x) The model Environmental Clearance conditions suited to the site be prescribed in the Environmental Clearances and, its enforcement be strictly enforced by the DEIAA, SPCB and Regional offices of MoEF CC.</p> <p>(xi) The check post as approved by the States in</p>
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both the District shall be set up with adequate manpower and infrastructure and the staff be rotated every month”.

On perusal of the said recommendations we are of the considered view that the strict compliance needs to be made by all parties concerns.

The learned counsel for State of Haryana has submitted that there had been no illegal mining in the State. This fact has also been concurred by the learned counsel for MoEF.

In the aforesaid facts and circumstances and as observed in the judgment dated 18th February, 2016 that the matter could be re-considered by the Tribunal after 45 days, we deem it just and proper to permit lessee to commence their mining operation, crushing and screening for period of three months from today.

However, it shall be for State of Haryana, State Pollution Control Board and MoEF to ensure that the recommendations of the High Powered Committee are followed in letter and spirit. State Pollution Control Board as well as MoEF may make random inspection so as to see that the recommendations made by the High Powered Committee are adhered to. The MoEF shall submit a status report in this regard before the expiry of the aforesaid period, to this Tribunal.

.....,JM
(Raghuvendra S. Rathore)

.....,EM
(Dr. Ajay A. Deshpande)