

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

**Original Application No. 244 of 2017
(M. A. No. 463/2017)**

In the matters of : -

Sukhvinder Singh V/s State of Haryana & ors.

CORAM:

**HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Applicant:

Respondent No. 1 to 4

**Mr. Anil Grover, AAG Haryana
with Mr. Rahul Khurana & Mr.
Sandeep Yadav, Advs.**

Date and Remarks	Orders of the Tribunal
<p>Item No.02</p> <p>September 22, 2017</p> <p>Hb</p>	<p>In this case the main issue is with regard to alleged mining activity. The applicant has approached this Tribunal with the following reliefs.</p> <p>In support of the reliefs sought he has alleged that Respondent No. 1 to 4 are engaged in mining operation in the bed of the canal in the guise of desilting and to support this assertion, he has further alleged they have installed a screening plant.</p> <p>Upon notice, the Respondents entered appearance and denied the allegation.</p> <p>However, on 26th April 2017, considering the statement from both sides, we have passed an interim order directing that till further order there shall be no mining and the PCB shall enforce the order of closure of the said project activity.</p> <p>Thereafter on 6th July, 2017, further orders were passed to the effect that till next date of hearing, mined or desilted sand shall not be lifted and disposed of.</p> <p>The Respondent No. 5 has sought modification of the order on the ground that already he has paid the</p>

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royalty to the Government and the desilted material is nothing but sand which is stock in open, exposed to climatic hazards. If it is not lifted the entire material will be lost which will result in heavy loss to him.

The State Government has supported the case of the project proponent on the plea that it is not a mining but desilting activity and that the project proponents have already paid royalty to the Government and they have a right to lift the material. This permissive attitude of the State Govt. has caused anguish to the applicant, in the face of his continuous complaints.

Thereafter, the matter was heard for sometime but the hearing is not complete.

Meanwhile, request is made on behalf of Respondent No.5 to modify the interim order dated 26th April, 2017. Taking into consideration all attending circumstances, including the current monsoon, we are of the opinion that the interim order could be modified permitting lifting of the already excavated sand material, subject to an interim environmental cost of Rs. 1 lakh that he shall deposit within a period of 30 days towards the Haryana Pollution Control Board.

Respondent No.5 shall also furnish an indemnity bond of Rs. 2 Lakh in favour of Department of Mines and Geology, Haryana. In case it is found that the activity of mining on the river bed and the use of screening plants at the mining site is impermissible and not in accordance with law, then the project proponent's indemnity bond shall be encashed.

These orders are subject to any further orders

	<p>Item No.02</p> <p>September 22, 2017 Hb</p>	<p>that we may pass regarding his exceeding limits prescribed under the contract assigned by the Government of Haryana and other matters on merit.</p> <p>Post this case for hearing on merit on 30th October.</p> <p>.....JM (Dr. Jawad Rahim)</p> <p>.....EM (Ranjan Chatterjee)</p>
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