

Minutes of V Meeting of the Monitoring Committee held with the concerned Departments of Himachal Pradesh State Government and HPPCB on 16.11.2018 at 'Hotel Holiday Home, Shimla' in compliance to Hon'ble NGT Order dated 5.10.2018 in the matter of OA No.206 of 2016- Capt. Hans Raj Singha Vs. Union of India & Ors.

V Meeting of the Monitoring Committee was held on 16.11.2018 at 'Hotel Holiday Home, Shimla' with the concerned Departments of Himachal Pradesh State Government and Himachal State Pollution Control Board (HPSPCB) in compliance to Hon'ble NGT order dated 5.10.2018 in the matter of OA No.206 of 2016 titled Capt. Hans Raj Singha Vs. Union of India & Ors. The List of participants who attended the meeting is enclosed as **Annexure-I**.

At the outset, Er. A.K. Negi, Senior Environmental Engineer, Himachal Pradesh State Pollution Control Board (HPSPCB) welcomed the Members of the Committee and the Officials of Himachal Pradesh State Government.

After a brief introduction of all the participants, Sh. J.Chandra Babu, Scientist 'D' Nodal Officer, CPCB requested Shri Balbir Singh Seechewal, Member, Punjab Pollution Control Board to chair the todays meeting. Thereafter, he requested Chairman to address the officials. Sh. Balbir Singh Seechewal requested all the officials that the facts be provided to the monitoring committee so that a factual report can be presented before the Hon'ble NGT. Thereafter, he requested Shri J.C.Babu to take up the proceedings as per agenda.

Thereafter, Shri J.C.Babu, informed that the Monitoring Committee was originally constituted in the matter of OA No. 101/2014 filed by Sobha Singh Vs. State of Punjab, which is related to control of pollution of River Satluj and its tributaries. Sh. J.C. Babu also briefed about the Hon'ble NGT order dated 5.10.2018 in the matter of OA No.206/2016 filed by Captain Hans Raj Singha Vs Union of India & Ors. in connection with the illegal sand mining activity in private as well as forest land situated at village Sataun, PO Koil, Tehsil Nirmand, Distt. Kullu, Himachal Pradesh. He further briefed that vide afore-said order dated 5.10.2018, the Hon'ble NGT directed the applicant to approach the Monitoring Committee constituted vide order dated 24.7.2018 in the matter of OA No. 101 of 2014. He also stated that in pursuance to the Hon'ble Order dated 05.10.2018, the applicant - Capt. Hans Raj Singha had appeared before the Committee in the last meeting held on 17.10.2018 at CPCB, Delhi, and it was decided that a meeting be held at Shimla to discuss

with the officials of concerned departments of H.P. State Government and also to visit the disputed sand mining site in H.P.

Thereafter, he has requested Capt. Hans Raj Singha to brief regarding the illegal mining activity in his land. Capt. Hans Raj Singha apprised the monitoring committee that the illegal mining is being carried out on his land as well as on the adjoining government and forest land. Responding to the queries, Capt. Singha further added that initially himself was the partner in a company called M/s Jai Maa Bhima Kali Crushing Unit, H.O. NH-21, Pirdi Mohal, Kullu, District Kullu and leased out his land [(having bearing Khasara No. 1094/1 (6-19 bighas), 1096/2 (8-02 bighas), 1095/5 (5-08 bighas), 1096/1 (1-08 bighas), 1097/1 (0-18 bighas) and 1117 (3-06 bighas), total containing an area of 26-01 bighas)] for carrying out stone crushing activity which include extraction of sand, stone and bajri. with the approval of the Himachal Pradesh State Government. He also informed that in 2014, he leased out his land to the respondent Shri Bhagat Kaushal, Village Churag, PO Churag, Tehsil Karsog, District Mandi (hereafter referred as lessee) on 16.02.2015 with respect to 13-10 Bighas for the purpose of carrying out mining operation by the lessee subject to obtaining of prior approvals from the concerned departments. He continued to receive lease amount against the land for about 13 months in the form of cheques. Shri Bhagat Kaushal, Lessee had also applied for obtaining permission from mining department for carrying out mining at the afore-said site, which was never granted by the Mining Department, Himachal Pradesh State Government.

To the query of Monitoring Committee, to show copies of permission obtained or agreements made with the firms for carrying out mining activities or approvals obtained from Govt. Department in the past, Capt. Hans Raj Singha and his advocate agreed for providing a copy of the set of documents to the committee during the visit to the site by the committee.

Thereafter, Committee requested the officials of H.P. SPCB to brief about the matter. It was informed by the HPSPCB officials that HPSPCB vide letter dated 04.06.2008 granted Consent to Establishment for stone crusher of Capt. Hans Raj Singha for manufacture of aggregate at Village Sativan, P.O.Koil, Tehsil Nirmand, District Kullu, H.P and subsequent renewal and Consent to Operate (CTO) was granted by H.P.SPCB which was valid upto 31.03.2013 and thereafter no permission or consent was granted to Capt. Hans Raj Singha or any other company by the HP SPCB. It was further informed by the

HPSPCB that as per policy of the State, grant of consent to a stone crusher also implies that it has granted permission for carrying out intended mining also.

To the queries of the Committee, Shri Puneet Guleria, State Geologist, HP informed that he will check all the record from 2008 onward regarding this case and will provide all the documents to the Committee within ten days. He further briefed that to stop illegal mining activities in HP State, powers have been delegated to 39 Govt. Departments of HP State Government. He also informed that since 2014, no permission for mining activity has been granted in this instant case of Capt. H.R. Singha & Others.

Ms. Shailza Choudhary, Mining Officer, the representative of the Mining Department informed that Mining Officer of the concerned area was directed to inspect the site periodically and during the inspections, no illegal mining was found at the site. The representative of Mining Department also informed that the partnership firm of Capt. Hans Raj Singha a had applied for permission to carry out mining on the land, However, during inspection by a joint team of officers, illegal mining activities were observed at the site, so permission for mining was not granted to Capt. Hans Raj Singha or lessee.

To the query of any environmental clearance granted for carrying out sand mining in the land pertaining to Capt. Hans Raj Singha, the representative of the SEIAA informed to the Committee that no environmental clearance (EC) has been granted in the instant case.

Shri Anil Thakur, Chief Conservator of Forest, Rampur, Himachal Pradesh State informed that as per their observations there are small patch of forest area around the land of Capt. Hans Raj Singha and earlier there was no fencing around forest land as no defined boundaries. There are 3 exist points from the forest area which connects to the main road and it is not possible to keep a watch on the road all the time.

Shri Tejendir Verma, SDPO, Anni and representative of SP, Kullu informed that as per the earlier inspections by their officials, there was no mining activity in the area under reference.

Shri Chet Singh, SDM, Anni informed that as per their findings carried out in June 2018, there was no sand mining activity and accordingly, report was filed before the Hon'ble NGT for perusal.

Thereafter, the committee deliberated the issues to stop illegal sand mining activity in the area under reference with the applicant Capt. H.R. Singha as well as the officials attended the meeting and upon deliberations following decisions were taken as detailed below:-

- 1) As Capt. Hans Raj Singha or his representative could not provide any documentary evidence to the committee during the meeting, it was suggested to provide all the certified copies of the relevant documents (agreements made in the past, permissions obtained from the H.P. State Government Departments w.r.to the sand mining activity in the land under reference) to the Nodal Officer, CPCB, within a week from the date of issuance of the minutes of the meeting.
- 2) Shri Puneet Guleria, State Geologist, HP /Mining Department, H.P. State Government is suggested to check all the records from 2008 onwards regarding the Capt. Hans Raj Singha and to provide all the certified copies of the documents to the Nodal Officer, CPCB, within ten days.
- 3) H.P. State Geologist/ Mining Department, H.P. State Government shall obtain and submit the report on action taken by all the 39 Govt. Departments of HP State Government against the illegal mining activities in the State particularly w.r.to the illegal sand mining in the site of Capt. Hans Raj Singha along with a certified copy of the sand mining policy of the Govt. of Himachal Pradesh State, within 15 days.
- 4) Committee also made following suggestions to the concerned departments in H.P. State: -
 - a) Challans of transportation vehicle involved in illegal mining activity should be imposed by indicating details such as the Vehicle No, Name of the Driver, Name of the Owner of the Vehicle, Chassis No. so that owner of vehicle can be identified easily.
 - b) In case of absconding of driver of the transportation Vehicle indulged in illegal sand mining activity, in such a case action for impoundment of vehicle should be done with the police assistance by the inspecting team.

- c) Auctioning of the impounded Vehicle should be done by the concerned authority after reasonable time, in case of no claimant is found.
- d) Concerned authority should inform RTO for cancellation of registration of the vehicle involved in illegal sand mining activity.
- e) Barrier in the form of suitable size of trench or manned barrier at the salient exist points should be made wherever feasible by the concerned authorities
- f) A sub-committee under the Chairmanship of SDM, Anni comprising of following officers will inspect the site in Village Sataun pertaining to Capt. Hans Raj Singha once in fifteen days for next two months for physical verification of any illegal mining activity and will submit the report to the Monitoring Committee and Nodal Officer, CPCB through the Chairman of the Sub-Committee (i.e. SDM,Anni), as detailed below:-

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|----|----------------------------------------------|--------|------------|
| 1) | SDM, Anni | - | Chairman |
| 2) | DFO Ani | - | Member |
| 3) | RO, HPSPCB, Rampur- | Member | |
| 4) | District Mining Officer, Kullu | - | Member |
| 5) | SHO Nirmand | - | Member |
| 6) | SHO Ani | - | Member and |
| 7) | Capt. Hans Raj Singha or his Representative. | | |

- 5) As regards to the threat calls to Capt. Hans Raj Singha, it was suggested him to provide such details to SP, Kullu to find the culprits and for taking further necessary action.
- 6) To visit site of Capt. Hans Raj Singha at Village Sataun, Kullu District, H.P. on 17.11.2018 for physical observations and assessment of sand mining activity if any.

The Monitoring Committee members and Nodal Officer, CPCB thanked HPSPCB for making necessary arrangements and for organizing the meeting of the Monitoring Committee.

The meeting ended with vote of thanks to the Chair.

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Annexure-I

List of Participants of Meeting held on 16.11.2018 at Hotel Holiday Home, Shimla of the Monitoring Committee with the concerned Departments of Himachal Pradesh State Government and HPSPCB in compliance to Hon'ble NGT order dated 5.10.2018 in the matter of OA No.206 of 2016-Capt. Hans Raj Singha Vs. Union of India & Ors.

| S. No. | Name of the Official, Designation/Department |
|---------------|------------------------------------------------------------------------------------------------------------|
| 1. | Sh.Sant Balbir Singh Seechewal, Member of Monitoring Committee |
| 2. | Sh. J.C. Babu, Member of Monitoring Committee & Nodal Officer |
| 3. | Sh. A.S. Dhaliwal, Chief Engineer , Department of local Government , Punjab Member of Monitoring Committee |
| 4. | Sh. Niraj Mathur, SEE, Rajasthan State Pollution Control Board, Member of Monitoring Committee |
| 5. | Sh. Neeraj Gupta, SDM Shimla(Rural). |
| 6. | Sh. Chet Singh, SDM Anni |
| 7. | Sh. Sunny Sharma, Assistant Commissioner Kullu & Officiating SDM, Kullu |
| 8. | Sh. D.C. Rana, Director, EST. |
| 9. | Sh. A.K. Kalsi, SEE, Punjab Pollution Control Board |
| 10. | Sh. Anil Thakur, CCF Rampur |
| 11. | Sh. Ajeet Kumar, SEE, HPSPCB |
| 12. | Sh. Parveen Gupta, SEE, HPSPCB |
| 13. | Sh. S.K. Shandil, EE, HPSPCB |
| 14. | Sh. Tejender Verma SDPO Anni |
| 15. | Sh. Puneet Guleria, State Geologist, HP |
| 16. | Sh. Sunil Sharma, JEE, HPSPCB, Rampur |
| 17. | Ms. Shailza Choudhary, Mining Officer, Shimla |
| 18. | Capt. Hans Raj Singha, Applicant |
| 19. | Sh. R.K. Kakar, Advocate of the Applicant |