

Item No. 5

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE BENCH, BHOPAL**  
(Through Video Conferencing)

**Original Application No. 43/2021(CZ)**

Ramrakh

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: **17.12.2021**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Appellant(s):

Mr. Palav Agarwal, Adv.

For Respondent(s):

Mr. Karan Rajpurohit, Adv.

Mr. Rohit Sharma, Adv.

Mr. Shoeb Hasan Khan, Adv.

**ORDER**

1. Issue of illegal mining has been raised in this application. As argued, the Non-applicant No.5 – M/s Special Lime Stone (P) Ltd. was awarded Mining Lease No. 123/92 situated at Village Kaswa Ki Dhani, Tehsil Merta, District Nagore of Rajasthan having an area of about 93.04 Hectares. This Mining lease was originally allotted to one Shri Sampat Lal Lodi in the year 1992 for a period of 10 years. In the year 1996, this lease was transferred to M/s. Special Lime Stone, Gottanand. Thereafter, the lease period of this mine was revised in the year 1998 from 10 years to 20 years. Therefore, the lease period was extended from 1992 to 2012. Consequently, the Department of Mines revised the lease period of this mine from 20 years to 30 years. Last renewal of this mining lease was done in the year 2013, in favour of the Non-applicant No.5 – M/s Special Lime Stone (P) Ltd. It is pertinent to point out that the management of the lease remained same and the nature of the entity operating the Mining Lease was changed from a partnership concern to a registered Company.
2. The matter was taken up by this Tribunal on 08.07.2021 and a committee consisting District Collector, Nagaur, Director, Mines & Geology, Udaipur, Rajasthan and a representative of the State Pollution Control Board, Rajasthan

was constituted with the direction to submit the factual and action taken report.

3. In compliance thereof, the Joint Committee submitted the report which is as follows :-

*“4. The committee visited the area alongwith its subordinate staff and officers on 17<sup>th</sup> August, 2021.*

*5. The State Government has granted mining lease No. 123/92 situated at village Kaswa ki Dhani, Tehsil Merta, District Nagaur having an area of 93.04 hectare to one Mr. Sampatlal in the year 1992. Presently, this lease stands in favour of M/s. Special Limestone Private Limited after transfer.*

*6. The total area of mining lease is 93.04 ha. by and large, there are two main mining pits and two big overburden dumps situated in the mining lease area.*

*7. The mining pits are situated in the khasra numbers 2755,2777, 2780, 2781, 2781/3524, 2782 & 2783 comprising of private land and the overburden dumps are located in the khasra numbers 2773, 2766, 2748 & 2750 comprising of government land.*

*8. There are approximately 12 houses built it in the private agriculture lands situated in the mining lease area.*

*9. The lease was granted by the state government in the year 1992 and in the meanwhile, old khasra numbers has been replaced by the new khasra numbers, so it was decided to conduct a fresh survey of the mining lease jointly by the staff of the Revenue and Mines Department. The joint survey was conducted on 18<sup>th</sup> August 2021.*

*10. The Hon'ble Tribunal has sought report on the 12 points raised by the applicant in its application. The point wise factual observation of the committee is as under:-*

*i. The Hon'ble Tribunal in its order dated 04.05.2016 had directed that no mining activities shall be carried out without obtaining Environment Clearance from the competent authority. In compliance of this order the mining activities in this lease area were stopped by the Assistant Mining Engineer, Gotan vide its letter dated 18-05-2016. The Office Memorandum dated 12.12.2012 issued by the MoEF is not applicable here, because the Environment Clearance (EC) has not been granted to the lease holder in the past and it is for the first time that the lease holder has applied for the grant of*

*Environment Clearance in the year 2019 and still it is under consideration of the SEIAA of the state, so the question of violation of conditions of the EC by the project proponent does not arise at all.*

- ii. The shrubs and flora has grown significantly in the lease area, specially on the overburden dumps and no fresh signs of mining activities were observed at the site by the committee. The area officer i.e. the Assistant Mining Engineer, Gotan clarified that his office has conducted field visits in past on 08-03-2018 and on 23.12.2020 and no mining activities were found during these visits in the lease area.*
- iii. The closest notified Abadi area nearby the mining lease is situated at a distance of 2km from the lease, named Ramnagar, and all other notified Abadi habitants are located even at far more distances.*
- iv. Any harm or damage to the agriculture fields was not found by the committee. Revenue officials clarified that they have never received such type of complaint from the local inhabitants.*
- v. The doctor from the local Community Health Centre accompanied the committee in its field visit and as per his statement no such patients have come across who had suffered respiratory diseases due to mining activities in the lease area.*
- vi. There are approximately 12 houses situated in the private agriculture lands in the mining lease area. There is one public road (kaccha rasta) being used by the local habitants and it passes through the mining lease area but it was not found to be damaged by the mining activities.*
- vii. Any harm or damage to the tube wells was also not found by the committee. The revenue officials clarified that they have never received such type of complaint from the local inhabitants.*
- viii. There are two big overburden dumps in the mining lease area and it was observed that the lessee has neither constructed retaining walls around these dumps nor has made desiltation channels. Moreover the dump No. 2 as shown in the annexure H2 is situated partly outside the lease boundary, which is not as per approved mine plan.*

- ix. There are many trees and plants grown in the private agriculture lands but no plantation was found to be done by the lessee as per the approved mine plan.*
- x. As per the report of the joint survey dated 18<sup>th</sup> August 2021, there are 127 Khasras situated in the mining lease area, out of which 108 khasras belong to the private lands of the local inhabitants and the rest 19 khasras are of government land. Khasra number 344, 345 & 346 form the part of the lease area, whereas the khasra No. 345/156 & 85 are not the part of the lease area.*
- xi. The public hearing was organised in the Panchayat Samiti Office, Merta and the lease area is approximately 35 km away from the Panchayat Samiti Office, Merta.*
- xii. The government officials have paid attention to the complaints received from the local inhabitants from time to time. The complaints received at the time of the public hearing were incorporated in the report sent to the SEIAA by the concerned Regional Officer of the Rajasthan State pollution Control Board. The report is submitted for the kind perusal of the Hon'ble Tribunal.*

4. The Director, Mines and Geology Department Jaipur, Rajasthan has submitted the action taken report with the facts that the Members of the Joint Committee visited the site and found no violation of environmental rules or norms.
5. Learned counsel appearing for the Respondent No. 5 has submitted that public hearing was conducted and after hearing the objections the same was disposed of by the competent authority.
6. Learned counsel for the State Pollution Control Board has submitted that in accordance with the report of the joint committee, no violation of environmental norms has been found. Learned counsel submitted that the complaint was filed before the Collector concerned and acting upon that complaint a report has been called by the Collector and on the basis of this complaint as allegation was illegal sand mining. In reply thereof learned counsel for the respondent no. 5 has submitted that bare submission of the complaint before the competent authority and calling a report does not prove that there are illegal mining. Further, learned counsel for the respondent no. 5 has submitted that

since EC as applied by respondent no. 5 is in process, thus, he has been wrongfully impleaded in the array of the parties and the complaint and the application is intended and motivated against the interest of respondent no. 5. On the perusal of the joint committee report, we are of the view that no violation has been found by the Members of the Joint Committee.

7. The Learned Counsel for the applicant has raised certain question with regard to the veracity of the report, which has no substance. The joint report has been signed by the District Collector, Nagaur, Rajasthan, Director, Mines & Geology Department, Rajasthan and other responsible officer of the Administration. On the perusal of the report, no violation of environmental norms or rules has been found, thus, no further action is required.

**The Original Application No. 43/2021 is disposed of accordingly.**

**Sheo Kumar Singh, JM**

**Arun Kumar Verma, EM**

17<sup>th</sup> December, 2021  
O.A. No. 43/2021(CZ)  
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