

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, AT NEW DELHI
IN
O.A. NO. 137 OF 2024**

IN THE MATTER OF:

VIJAY CHANDEL

...Applicant

VERSUS

STATE OF H.P & ORS.

... Respondents

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Filed Through:-



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PLACE: NEW DELHI

DATED: 17.10.2024

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, AT NEW DELHI****IN****O.A. NO. 137 OF 2024****IN THE MATTER OF:****VIJAY CHANDEL****...Applicant****VERSUS****STATE OF H.P & ORS.****... Respondents****OPINION NOTE BY ADVOCATE RITWIK PARIKH, AMICUS CURIAE****BACKGROUND:**

The present matter before this Hon'ble Tribunal arises from the illegal mining of soil from the roadside hill slope along the road leading from Sheetalpur to Dashomajra ("**Incident Site**"). The Joint Committee, appointed by the Hon'ble Tribunal vide order dated 19.04.2024, had submitted its report on 08.08.2024, revealing that the total quantity of soil illegally excavated (mucked) amounted to 210.195 sqm as confirmed by the Himachal Pradesh Public Works Department ("**HPPWD**"), and the total Environment Compensation applicable for the illegal mining activity in the concerned area stands at ₹1,08,00,000/- as confirmed by the Mining Department. Following is the List of Dates encapsulating the facts of the present matter:

DATE	EVENT
	Mr. Vijay Chandel sent by post the present letter petition to this Hon'ble Tribunal which was registered as O.A. No. 137/2024.
19.04.2024	Joint Committee was constituted to verify the factual position and take appropriate remedial actions.



20.05.2024	Progress Report filed by the Joint Committee seeking extension of timeline upto 30/06/2024 for filing of final report by the Joint Committee.
08.08.2024	Final Report Submitted by the Joint Committee in terms of compliance of Order dated 19.04.2024
16.08.2024	Mr. Ritwik Parikh was appointed as the Amicus Curiae in the present matter to assist this Hon'ble Tribunal.
17.10.2024	Hence, the present opinion note by Amicus Curiae

ACTIONS TAKEN BY THE JOINT COMMITTEE:

1. ASSESSMENT OF ILLEGAL MINING AT THE INCIDENT SITE:

The Committee confirmed the illegal extraction of soil from the incident site; however, it did not provide any definitive conclusion regarding the end-use of the illegally mined soil. Given the proximity of the Chandigarh-Baddi Railway Line Project to the excavation site, there are concerns about the potential involvement of Northern Railways, though conclusive evidence has yet to be established. (**Page 6 Para 1 of Report**)

2. COORDINATION WITH LOCAL AUTHORITIES:

Local authorities, including the HPPWD, DFO Nalagarh Division, and District Mining Officer Solan, assisted in identifying the scale of the violation and its environmental impact. A total of **41 violations** were recorded, and Environment Compensation notices amounting to **₹1,08,00,000/-** were issued to the defaulters. Sub-divisional Magistrate has issued notices to 41 individuals, based on the violations observed by the Mining Department and Police Department. to deposit the Environmental Compensation. (**Pg 3 of the Report**)

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3. RESTORATION EFFORTS:

A plantation drive was undertaken along the Sheetalpur-Dashomajra Road to mitigate the environmental damage caused by the illegal mining. As per the report 100 Saplings were planted. (***Pg 6 para 3 of the Report***)

ACTIONS RECOMMENDED BY THE AMICUS CURIAE FOR CONSIDERATION BY THIS HON'BLE TRIBUNAL:

In light of the Joint Committee's findings, the following actions are proposed for consideration by this Hon'ble Tribunal:

A.) STATUS OF CRIMINAL PROCEEDINGS:

Only 41 individuals have been so far observed by the Mining Department and Police Department to have committed this environmental damage and thus fines have been imposed on them, however, the 41 individuals only include the tractors and tippers involved in the illegal mining operations, while failing to identify the main contractors or other key individuals responsible for orchestrating the illegal activity.

According to the Joint Committee's report, Mr. Gurdial ("**Alleged Contractor**") has not carried out any excavation at the Incident Site. However, in light of the serious allegations raised in the Complaint submitted as Letter Petition No. 1998/LP/2023 dated 06.09.2023 by Mr. Vijay Chandel, this warrants closer scrutiny. The Complaint details instances where Mr. Gurdial allegedly misbehaved, threatened to cause their death, and tried to kidnap the complainants, which casts significant doubt on his claimed non-involvement. The relevant excerpt of the Complaint is reproduced hereinbelow in its true and correct translation in English Language:

"After which I and my colleague Vijay Chandel, son of Dasondi Ram resident of Malpur, who is posted as Bureau Chief, went to the spot. We

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also videographed the haphazard mining of soil here for reporting. Meanwhile, Gurdayal, son of Chajju Ram resident of Kalyanpur, post office Haripur Sandoli, reached the spot and he, his brother Gurdev and the JCB tipper drivers present there started abusing us and tried to snatch our mobile cameras and said that if we report, we will kill both of you. These people even took away the keys of our car and tried to make us hostage. We have lodged a complaint about this in the Baddi Police Station last evening” (Para 2 of the Letter Petition)

In order to ascertain the true extent of involvement, including identifying the actual perpetrators including government officials, if any, who connived in this activity, it is essential that this Hon'ble Tribunal is informed of the status of the ongoing criminal proceedings, if any.

Therefore, I respectfully pray that Notice be issued to the Superintendent of Police, Police District Baddi, directing them to provide a detailed report on the status of the criminal proceedings and steps taken by the Police Department to identify the contractors, government officials and other individuals including but not limited to the 41 violators.

B.) SOIL SAMPLE ANALYSIS:

Since as per the report submitted by the Joint Committee, there is no conclusive proof which establishes that the illegally mined soil was used for Chandigarh-Baddi Railway Line Project, it is opined by the Amicus Curiae that the Mining Department, Solan/ PWD Department, Nalgarh collect and compare soil samples from both the sites in order to determine whether the illegally mined soil was indeed used for the railway construction.

To ensure the integrity of this process and eliminate any possibility of tampering, it is respectfully prayed that the soil sample collection and analysis should be conducted in the presence of the Amicus Curiae

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and Joint Committee. This will ensure transparency and accuracy in establishing the source of the soil.

Therefore, **the Amicus Curiae respectfully seeks the permission of this Hon'ble Tribunal to visit both the incident site and the Chandigarh-Baddi Railway Line Project site to oversee the soil sample collection and comparison process, ensuring that the findings are accurate and uncontested.**

C.) **RESTORATION OF ENVIRONMENT:**

It is well-established that the primary objective of the National Green Tribunal (NGT) is the preservation and protection of the environment. In the present case, the illegal mining activities have caused significant environmental degradation at the incident site, warranting immediate and comprehensive restoration efforts since restoration of the environment is the foremost priority.

Given the extent of the damage, it is believed that the plantation of 100 saplings—as undertaken so far—will not suffice to restore the environment to its original state. **Therefore, I respectfully pray that the Divisional Forest Officer (DFO), Nalagarh Division, be directed to file a report recommending appropriate measures for the restoration of the environment at the incident site.**

Filed Through:-



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