To,

Dated:

The Director IA —I
Non-Coal Mining Projects
Ministry of Environment, Forests & Climate Change
Indira Paryavaran Bhavan
Bagh Road
New Delhi - 110 003

Subject: Environment clearance of Majholi Stone Crusher.

Ref: EDS generated on 8/3/2017

Dear Sir

With reference to the subject mentioned above an EDS has been generated for the project of M/s Majholi Stone Crusher, Village Berson, P.O. Majholi, Tehsil Nalagarh, District, Solan, and Himachal Pradesh.

The proposal of the EC for the case was approved in the fifteenth meeting held during February 20-21, 2017 of the Reconstituted Expert Appraisal Committee (EAC) of Mining Projects (Non-Coal) of the MoEF & CC subject to credible action on the violation.

Therefore, we are submitting herewith an affidavit for credible action and also attaching herewith the writ petition *ie* CWP No. 70 of 2017 mentioned in the EDS generated by the MoEF & CC on 8/3/2017. We confirm that we do not have any link with the petition.

The Himachal Pradesh State Pollution Control Board has filed a joint petition against 26 Lessees (Lease Holders) in the court of Judicial Magistrate Ist Class Nalagarh. The copy of the latest orders of the Judicial magistrate is attached herewith for your kind perusal. We will abide by that decision of the ld. Court.

Kindly find the docs attached herewith and issue the EC at the earliest.

Thanks and regards

(Smt. Madhuri Saini)
Prop. M/s Manjholi Stone Crusher,

Encl.

1. Copy of the writ petition CWP 70 of 2017 mentioned in the EDS.
2. Copy of the EDS.

हिमाचल प्रदेश HIMACHAL PRADESH 07AA 042795

AFFIDAVIT

I, Madhuri Saini w/o Sh. Amarjit Singh Saini, Prop. M/S Majholi Stone Crushers Vill. Berson (Manjholi) Tehsil Nalagarh District Solan (H.P.) solemnly affirm and declare as under:

1. That I have mining Lease area in vill. Bela, Madyarpur, Nahar Singh, Dhadhi Harnam and Kheri in Sarsa Nadi Tehsil Nalagarh District Solan (H.P.) measuring 823.15 Bighas (66.62 Hectare) vide khasra No. 205/1 in Village Bela; , 1/1, 77/1, 78/1, 187/1, 3,5,6, 261, 274, 278, 280 in Vill. Madyarpur; 188, 189/1, 189/2, 190, 191, 192/2, 195/1, 185, 186, 187/1, 187/2, 193/1, 194 in Vill. Nahar Singh; 44/2/1 in Vill. Dhadhi Harnam ; and 13 min in Village Kheri.
2. That the mining lease of the deponent was enforced for the period 28-02-2006 to 27-02-2011, and after the expiry of this period the deponent has applied for its renewal before the competent authority.
3. That as per the notification from MOEF (14-09-2006) the deponent will get EIA conducted before the renewal of the Mining Lease and the activity before the Competent Authority is in process.
4. That the deponent was not aware of the said notification from MOEF and has not violated any provisions deliberately and knowingly . As soon as the deponent came to know about the notification the deponent has started EIA proceedings before the competent authority.

25/3/2017

Mrs Madhuri Saini

5. That as per record of the production carried out during the lease period is:

Year	Production in M.T.
2007-08	38847
2008-09	34817
2009-10	56078
2010-11	42674

6. That the deponent confirms that she will not allow or repeat the violation in future and will follow Environment Protection Act, 1986 seriously.

Place: Nalagarh
Date: 25-03-2017

Deponent

VERIFICATION

I, the above named person, do hereby solemnly affirm and declare that the above noted contents are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

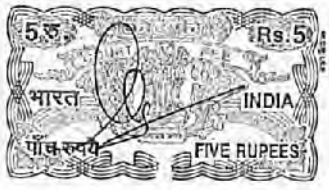
Place: Nalagarh
Date: 25-03-2017

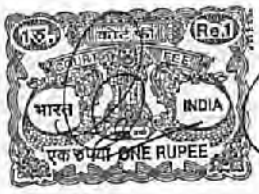
Deponent

NOTARY PUBLIC
Nalagarh Distt Solan (H.P.)

In the court of Ld. JMIC II Nalagarh, Distt Solan
Certified copy of order dtd 4.1.2017 in case titled as
H.P. State Pollution Control Board Vs Ajay Kumar Case
284/3 of 2014 Pending for 3.4.2017

No 3569249 Himachal Government Judicial Paper





284/3 4/14
12-11-14

IN THE COURT OF LD. JUDICIAL MAGISTRATE 1st Class
NALAGARH DISTRICT- SOLAN (H.P.)

H.P. State Pollution Control Board, through Regional Officer/ Sr. Environmental Engineer, Baddi, Tehsil Baddi, District Solan, (HP).

.....Complainant

1. Sh. Ajay Kumar S/o Sh. Hukam Chand, Village Haripur Sandholi, Tehsil Baddi, Distt. Solan H.P. (Proprietor of M/s Doon Stone Crusher Akkawali, Tehsil Nalagarh, Distt. Solan, H.P.)

2. Sh. Ram Kumar S/o Sh. Lajja Ram Village & Post Office, Haripur Sandholi, Tehsil Baddi Distt. Solan H.P. (Proprietor of M/s Kundlas Stone Crusher Makhnumajra, Bhud, Tehsil Baddi, Distt. Solan, H.P. & Proprietor of M/s Rama Stone Crusher Makhnumajra, Bhud, Tehsil Baddi, Distt. Solan, H.P.).

OATH COMMISSIONER
Y. S. RANA
ADVOCATE
NALAGARH (H.P.)

3. Sh. Amarjit Singh S/o Late Sh. Sardara Ram Singh, Vill. Manjholi, P.O. Manjholi, Thesil- Nalagarh, Distt. Solan, H.P. (Proprietor of M/s Amarjit Stone Crusher, VPO – Manjholi, Tehsil Nalagarh, Distt. Solan, H.P., & Proprietor of M/s Sarsa Stone Crusher, Village - Berson, Tehsil Nalagarh, Distt. Solan, H.P.)

24-09-2014
Presented By Sh. Anil Kaundal Adv. with Complainant. Office to check and report on 14-10-2014.

4. Sh. Baljeet Kumar S/o Sh. Mathu Ram, Village Kishanpura, P.O. Gurumajra, Tehsil- Nalagarh, Distt. Solan H.P. (Partner of M/s Manpura Stone Crusher, Manpura, Tehsil - Nalagarh, Distt. Solan, H.P.)

5. Sh. Lachmi Chand S/o Late Sh. Taru Ram, Village Raipur Jakholi P.O. Lodhimajra Tehsil Baddi Distt Solan HP (Proprietor of M/s Naina Stone Crusher, Nayangaon, Tehsil , Nalagarh, Distt. Solan, H.P.)

Kanika Chawla
Judicial Magistrate 1st Class, Court No. 2
Nalagarh, Distt. Solan H.P.

Certified to be true copy
EXAMINER
Section 76 of Indian Evidence Act 1972
17.3.2017

6. Sh. Shashi Adlakha & Sh. Pritam Singh, Vill. Berson, P.O. Manjholi Tehsil Nalagarh, Distt. Solan, H.P. (Proprietor of M/s Santokh Stone Crusher, Berson, Tehsil Nalagarh, Distt. Solan, H.P., & Proprietor of M/s Jai Naina Devi Stone Crusher, Village - Berson, Tehsil Nalagarh, Distt. Solan H.P.)

Sr. Env. Engineer,
HPSPCB, Baddi-173205

№ 3569250 2013 Himachal Government Judicial Paper

7. Sh. Raghbir Singh S/o Sh. Rakha Singh Village Berson P.O. Manjholi Tehsil Nalagarh Distt Solan HP (Proprietor of M/s Berson Stone Crusher, Berson, Tehsil Nalagarh, Distt. Solan, H.P.)

8. Sh. Harbhajan Singh S/o Sh. Lajja Ram Village & Post Office, Haripur Sandholi, Tehsil Baddi Distt. Solan H.P. (Proprietor of M/s Luxmi Stone Crusher, Village Kanduwala, PO Sandholi, Distt. Solan, H.P.)

9. Sh. Gurcharan Singh S/o Sh. Karam Chand Village & Post Office, Haripur Sandholi, Tehsil Baddi Distt. Solan H.P. (Proprietor of Shiv Bhole Stone Crusher, Village Haripur Sandholi (Malkumajra) P.O. Bhud, Tehsil Nalagarh, Distt. Solan, H.P.)

10. Sh. Harbhajan Singh S/O Sh. Lajja Ram Village & Post Office, Haripur Sandholi, Tehsil Baddi Distt. Solan H.P. (Proprietor of M/s Shiv Om Stone Crusher, Village Kishanpura, Tehsil Nalagarh, Distt. Solan, H.P.)

11. Sh. Naveen Goel S/o Sh. R.N. Goel Vill. & P.O. Manpura Tehsil Nalagarh Distt Solan HP (Proprietor of M/s Ramsons Stone Crusher, Village Manpura, P.O. Manpura Tehsil Nalagarh, Distt. Solan, H.P.)

12. Smt. Madhuri Saini W/o Sh. Amarjit Singh, Village Berson, P.O. Manjholi Tehsil Nalagarh Distt Solan HP (Proprietor of M/s Majholi Stone Crusher-I, Berson, PO. Manjholi, Tehsil Nalagarh, Distt. Solan, H.P.) (Power of Attorney Sh. Bodh Raj S/o Pyare Lal & Proprietor of M/s Manjholi Stone Crusher Unit - II, Vill. Berson, PO Manjholi, Tehsil Nalagarh, Distt. Solan, H.P, Power of Attorney Sh. Bodh Raj S/o Pyare Lal).

13. Sh. Avtar Singh S/o Sh. Rakha Singh Village Berson P.O. Manjholi Tehsil Nalagarh Distt Solan HP (Proprietor of M/s Saini Stone Crusher, Vill. Berson, P.O. Manjholi, Tehsil Nalagarh, Distt. Solan, H.P.).

14. Sh. Sardara Singh S/o Sh. Rakha Singh Village Nathu Plassi P.O. manjholi, Tehsil Nalagarh, Distt.Solan, H.P. (Proprietor of M/s Himalaya Stone Crusher, Village Nathu Plassi, P.O. manjholi, Tehsil Nalagarh, Distt. Solan, H.P.).

15. Sh. Sunil Garg S/o Late Sh. Gujjarmal Garg Vill. Bharatgarh Distt. Ropar Punjab (Proprietor of M/s Aggarwal Stone Crushing Co., VPO Dhabota, Tehsil Nalagarh, Distt. Solan, H.P.).

OATH COMMISSIONER Y.S. RANA ADVOCATE NALAGARH

Certified to be true copy

EXAMINER

Section 76 of Indian Evidence Act 1972

Sr. Env. Engineer, HPS PCB, Baddi-173205 Distt. Solan (H.P.)

№ 3569248 2013 Himachal Government Judicial Paper

16. Sh. Sunil Garg S/o Late Sh. Gujjarmal Garg Vill. Bharatgarh Distt Ropar Punjab (Proprietor of M/s Shiv Bhawani Stone Crusher, Village Dabhota, P.O. Dabhota Tehsil Nalagarh, Distt. Solan, H.P.).

17. Sh. Bidhi Chand S/o Late Sh. Taru Ram Village Raipur Jakholi P.O. Lodhimajra Tehsil Baddi Distt Solan HP (Proprietor of M/s Nalagarh Stone Crusher, Village Nayagaon, P.O. Jhajra Tehsil Nalagarh, Distt. Solan, H.P., & Proprietor of M/s RP Enterprises Stone Crusher, Village Nayagraon, Bharatgarh Road, Tehsil Nalagarh, Distt. Solan, H.P.).

18. Mrs. Roshani Devi W/o Late Sh. Hakam Ram, VPO Khera, Tehsil Nalagarh, Distt. Solan H.P. (Proprietor of M/s Rohani Stone Crusher, Village Nayagaon, P.O. Jajhera Tehsil Nalagarh, Distt. Solan, H.P.)

19. Mrs. Roshani Devi W/o Late Sh. Hakam Ram, VPO Khera, Tehsil Nalagarh, Distt. Solan H.P. (Proprietor of M/s Thakur Rohani Stone Crusher, Vill Nawagram, P.O. Jhajera, Tehsil Nalagarh, Distt. Solan, H.P.).

20. Sh. Mohan Singh S/o Sh. Ramdeep Singh, VPO Ratyod, Dabhota, Tehsil Nalagarh, Distt. Solan H.P. (Proprietor of M/s Jai Mata Stone Crusher, Vill. Nayagaon, Tehsil Nalagarh, Distt. Solan, H.P.).

21. Sh. Kirpal Singh S/o Sh. Parbhu Singh Village Nayagaon, Tehsil Nalagarh, Distt. Solan, H.P. (Proprietor of M/s Tripti Stone Crusher, Village Nayagaon, Tehsil Nalagarh, Distt. Solan, H.P.)

22. Sh. Sardara Singh S/o Sh. Rakha Singh Village Nathu Plassi P.O. Manjholi, Tehsil Nalagarh, Distt.Solan, H.P. (Proprietor of M/s Saini Grit Udyog, Village Nayagaon, PO Jajhera, Tehsil Nalagarh, Distt. Solan, H.P.).

23. Sh. Gurmeet Singh S/o Sh. Darshan Singh Vill. Souribhumia P.O. & Tehsil Nalagarh Distt Solan HP (Proprietor of M/s Gurmeet Stone Crusher, Village Sabowal, P.O. Nalagarh, Tehsil Nalagarh, Distt. Solan, H.P.).

24. Sh. Jitendra Singh S/o Sh. Shiv Singh House No 103 Sec- 4 Panchkula (Proprietor of M/s Singh Stone Crusher, Village Katha, P.O. Baddi, Distt. Solan, H.P.).

25. Sh. Narinder Kumar Bhalla S/o late Sh. K.P. Bhalla, House No 1747 Sec 21 Panchkula (Proprietor of M/s Shiva Stone Crusher, Village Swrajmajra, P.O. Baddi, Distt. Solan, H.P.).

OATH COMMISSIONER Y. S. RANA ADVOCATE

Sr. Env. Engineer HPS PCB, Baddi Distt, Solan (H.P.)

Certified to be true copy

OATH COMMISSIONER Section 76 of Indian Evidence Act 1972

17-3-2017

No 35692251 2013 Himachal Government Judicial Paper

26. Smt. Asha Rani Dang W/o Sh. Tarlochan Singh Dang House No 120 Sec 09 Panchkula (Proprietor of M/s Shri Krishana Stone Crusher, Village Swaraj Majra, Tehsil Nalagah, Distt. Solan, H.P., & Proprietor of M/s Bansal Stone Crusher Village Malpur Tehsil Baddi Distt Solan HP).

Accused/defendant

Complaint under sections 15, 16 & 19 of the Environment (Protection) Act, 1986 for violation of the provisions of the EIA Notification, 2006 notified under Environment Protection Act, 1986.

Sir

Certified to be true copy
EXAMINER
Section 76 of Indian Evidence Act 1872
17.3.17

Present
4-1-17

Complainant with Sh Amit Kandal adv

Case fixed for effective hearing

for today. To come up for consideration

on 3-4-17

Judicial Magistrate 1st Class, Court No. 2
Nalagarh, Distt. Solan H.P.

Civil Judge (Sr. Div)-cum-JMIC
Nalagarh, Distt. Solan (H.P.)

Name of Applicant Sh. R.S. Kaundal Adv.
Number of Application 457
Date of Presentation 15.3.2017
No. of works Pages Copies 5
1. Copying fee 13=00
2. Urgent fee
Attested on 17.3.2017
Date of Delivery 17.3.2017

Compared by me
17.3.2017

Certified to be true copy
Section 76 of Indian Evidence Act 1872
17.3.2017

2013 Himachal Government Judicial Paper

№ 3569255

IN THE COURT OF LD. ... JUDICIAL MAGISTRATE Ist Class
NALAGARH DISTRICT SOLAN (H.P.)

In the matter of:

H.P. State Pollution Control Board,

.....Complainant

V/s

Ajay Kumar & others

.....Respondents

AFFIDAVIT

I, Parveen Gupta s/o Sh. B.D. Gupta, aged 46 years, at present working as Sr. Environmental Engineer, H.P. State Pollution Control Board, Baddi do hereby solemnly affirm and declare on oath as under: -

1. That the accompanying complaint has been drafted at my instance and under my instructions.
2. That the contents of complaint paras 1-19 are true and correct to the best of my knowledge, derived from official record, no part of it is false and nothing material has been concealed therefrom.
3. I further affirm that the contents this affidavit of mine are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Verified at Nalagarh on 24.9.2014.

OATH COMMISSIONER Y. S. RANA ADVOCATE (H.P.)

Identified by

Sr. Environmental Engineer,
HPS PCB, Baddi-173205
Distt. Solan (H.P.)

Certified that above was declared on oath/solemn affirmation before me at Nalagarh on 24.9.2014 by Sh. Parveen Gupta deponent, who is known to me/identified by Sh. Anil Kaundal who is personally known to me.

Oath Commissioner

Certified that the above affidavit was read and explained to the deponent who seems perfectly to understand the same and signed/thumb marked in my presence at the time of making thereof.

Oath Commissioner
Nalagarh (H.P.)

Certified to be true copy

17.3.2017

CWP No. 70 of 2017

Present: Mr. Anand Sharma, Advocate, for the petitioners.

Mr. Shrawan Dogra, Advocate General, with Mr. Anup Rattan & Mr. Romesh Verma, Additional Advocate Generals, and Mr. J.K. Verma & Mr. Kush Sharma, Deputy Advocate Generals, for respondents No. 1 to 3.

Mr. Neel Kamal Sharma, Central Government Counsel, for respondent No. 4.

Mr. Prashant, Advocate, vice Mr. Manish Sharma, Advocate, for respondent No. 5.

CMP No. 283 of 2017

Leave granted. The application is disposed of.

CWP No. 70 of 2017

Issue notice. Mr. J.K. Verma, learned Deputy Advocate General, Mr. Neel Kamal Sharma, learned Central Government Counsel, and Mr. Prashant, Advocate, waive notice on behalf of respondents No. 1 to 3, respondent No. 4 and respondent No. 5, respectively. Reply be filed by or before 20th January, 2017. Keeping in view the urgency involved, this case be listed before the learned Vacation Judge on **20th January, 2017.**

CMP No. 284 of 2017

Notice in the above terms. Objections be filed by or before 20th January, 2017. In the meantime, respondents No. 3 and 4 to consider th case of the petitioner. Copy **dasti.**

(Mansoor Ahmad Mir)
Chief Justice

High Court of H.P.

CWP No. 70/2017.

1.03.2017. Present: Mr. Anand Sharma, Advocate, for the petitioner.

Mr. Shrawan Dogra with M/s Anup Rattan and Romesh Verma Additional Advocate Generals, with Mr. J.K. Verma, Deputy Advocate General, for the respondents No.1 to 3.
Mr. Neel Kamal Sharma, Central Government Counsel for respondents No.4 and 6.
Ms. Nishi Goel, Advocate, for respondent No.5.

CWP No. 85/2017.

Mr. Bipin C. Negi, Sr. Advocate with Mr. Neeraj Gupta, Advocate, Advocate, for the petitioner.

Mr. Shrawan Dogra with M/s Anup Rattan and Romesh Verma Additional Advocate Generals, with Mr. J.K. Verma, Deputy Advocate General, for the respondent No.1.
Mr.Neel Kamal Sharma, Central Government Counsel for respondents No. 2 to 4.

Replies to both the petitions have been filed by all the respondents except respondents No. 4 and 6 in CWP No. 70 of 2017. Reply by respondents No. 4 and 6, in CWP No. 70 of 2017, as prayed for, be filed within four weeks with an advance copy of the same to the learned counsel for the petitioner, enabling him to file rejoinder within four weeks thereafter. List on **6th April, 2017.**

(Mansoor Ahmad Mir)
Chief Justice.

March 01, 2017.
(cm)

(Sandeep Sharma)
Judge.

High Court of H.P.

MOST RESPECTFULLY SHEWETH:

1. That the petitioner no. 1 is a company registered under the Companies Act, 1956, having its registered office at Sector-128, NOIDA, UP. The Petitioner Jay pee Himachal Cement Plant is an integrated Cement Plant established by the petitioner no. 1 in village Baga District Solan, Himachal Pradesh. Sh. Joginder Sheru who is President and has been duly authorized to maintain the present petition vide Power of Attorney **Annexure-P-A**. The present writ petition has been preferred by the petitioner, for enlargement of time for the execution of the mining lease, since, the stipulated period as prescribed in Section 10-A(2)(c) of Mines and mineral Development and Regulation (hereinafter called MMDR) Amendment Act, 2015 is expiring on 11.01.2017 and various compliance which are pending decision before the respondents have not yet been addressed and being aggrieved by the inaction of the Respondents, the Hon'ble Court has the Jurisdiction to try the same and decide on the basis of the averments made hereinafter below.

2. That the facts of the case are that the petitioner no. 1 had setup an integrated cement plant in the name of M/s Jaypee Himachal Cement Plant in village Baga, Tehsil Arki, Dist. Solan, H.P., upon receiving environment clearance vide MoEF letter No. J-11011/26/2006-IA (I) dated 18.05.2006, amended vide letter no. J-11011/1216/2007-IA-II (I) dated 24.12.2013 based on operational Baga-Bhalag captive limestone

and shale mine (331.4240 hectare).

3. That petitioner was proposing to setup second cement plant (Unit – II) within the premises of the existing site under its expansion plan with additional capacity of 2.50 MTPA Clinker and 1.5 MTPA Cement, the petitioner therefore, filed an application for grant of environment clearance for such expansion on 05.06.2013 further as advised by Minister of Environment and Forest (MoEF) same application was submitted "online" at Ministry of Environment, Forests and Climate Change (MoEF & CC) Portal on 22.07.2015. The said application is under process for grant of environmental clearance.

4. That in order to meet the raw material requirement of the proposed Cement Plant (Unit-II), the petitioner received a letter of intent from the Govt. of HP vide letter No. Udyog-Bhu(Khani-4)Major-266/2009-8669 dated 04.12.2013 for limestone and shale mine lease over an area of 172.7434 hectare. The said area consist of 3 blocks, Baga Block 9.1204 hectares, Samtyari Block 126.7987 hectare and Bhalag Block 36.8243 hectare. A copy of letter dated 04.12.2013 is marked as **Annexure-P/1.**

5. That **Mines and Mineral Development Regulation Amendment Act, 2015 was amended on 12.01.2015 and vide Section 10-A(2)(c)** which is as follows:

> " Where the Central Government has communicated previous approval as required under sub-section (1) of section 5 for grant of a mining lease, or if a letter of intent (by whatever name called) has been issued by the State Government to grant a mining lease, before the commencement of the Mines and Minerals

(Development and regulation) Amendment Act, 2015, the mining lease shall be granted subject to fulfillment of the conditions of the previous approval or of the letter of intent within a period of two years from the date of commencement of the said Act"

Thus as per the above said averments it has been stipulated that the mining lease shall be granted subject to the fulfillment of conditions of the previous approval or of the letter of intent within a period of 2 years from the date of commencement of the said Act which is as follows:

5 (i.) The validity of the aforesaid Letter of intent was extended upto 03.12.2015 vide Letter No. Udyog-Bhu(Khani-4)Major-266/2009-Vol.-I-12880 dated 26.03.2015. A copy of the letter dated 26.03.2015 is marked as **Annexure-P/2.**

5 (ii.) The petitioner submitted a letter dated 03.10.2016 to the Director of Industries with a request to convert the aforesaid Letter of intent into mining lease. A copy of Letter dated 03.10.2016 is marked as **Annexure-P/3(Colly).**

5 (iii.) On 30.11.2016, the validity of the said Letter of intent was further extended upto 03.12.2017. A copy of the letter dated 30.11.2016 is marked as **Annexure-P/4**

5 (iv.) That in compliance of the Letter of intent conditions, the petitioner was to get the area demarcated from the revenue authorities by erecting permanent boundary pillars. The company was also required to submit the approval copy of mining plan and an environment clearance under the Environment Protection Act, 1986.

5 (v.) That the petitioner accordingly filed an application for environment

clearance on 16.05.2014, a copy of the same is marked as **Annexure-P/5**.

5 (vi.) The necessary presentation was made before the EAC, Ministry of Environment, Forests and Climate Change (MoEF & CC) for prescribing the terms of reference in its 35th meeting held on 24-26.06.2015. Ministry of Environment, Forests and Climate Change (MoEF & CC) has prescribed the terms of reference vide its letter dated 29.07.2015.

5 (vii.) A draft Environment Impact Assessment (MIA) report was submitted in the office of Member Secretary, HPPCB on 21.04.2016 for conducting of public hearing. Public hearings were conducted on 14.10.2016 and 15.10.2016.

5 (viii.) The issue related to Forest clearance was also taken care of by the petitioner. The petitioner has submitted online proposal on 27.08.2015 seeking prior approval of the Central Govt. under Forest (Conservation) Act, 1980 for diversion of 126.4261 hectares of land. The petitioner has received an email alert dated 06.09.2016 to submit the FRA certificate and KML file / MAP of the applied area. At present, the enumeration of the trees affecting the applied area including polls, sapling etc. are being undertaken by the staff of forest range officer, Darlaghat. A copy of the compliance status is marked as **Annexure-P/6 (Colly).**

5 (ix.) In respect of Wild Life Clearance, an application was submitted on 23.06.2015; the DFO Kullu has already forwarded this application to Chief Wildlife Warden, Shimla for further proceedings and seek

clearance of the standing committee, NBWL in respect of Bandli Wild Life Sanctuary. Further, in respect of wild l fe clearance with respect to Majathal Wilf Life Sanctuary, matter is pending for site visit report of DFO Shimla. DFO Wild Life Shimla has visited the site on 15.12.2016.

5 (x.) So far the issue of land acquisition is concerned; the application for issuance of Essentiality Certificate is under consideration in the office of Director of Industries, Himachal Pradesh.

5 (xi.) It is submitted that because of the involvement of various authorities, all the clearances could not have been made available to the petitioner and due to this the final date as per section 10-A (2) (c) is fast approaching. The petitioner in the circumstances has filed the present writ petition seeking consideration and extension of time for execution of lease deed in its favour.

6. That in view of the aforesaid facts mentioned herein above the petitioner is aggrieved by the inaction of the Respondents for not granting the approval and clearance inter –alia on the following ground:-

A. That it is not understood when the petitioners has complied with all the terms and conditions as necessitated for granting of environment Clearance/Forest clearance and for Acquisition of lands. The respondents however, have not taken any action for granting of necessary approvals under Environment Clearance and Forest Clearance, which is seriously prejudicing the rights of the petitioner and is causing severe financial loss day by day.

B. That it is pertinent to mention here that when the petitioners have invested a substantial amount in the projects mentioned above than any delay being caused by the respondents in the execution of the Lease Deed , shall not only be detrimental to its interest but the expiry of time shall also cause cancellation of whole of the project due to the arbitrariness in completing the process to allow the approval and clearance ~~the~~ is due to the slow administration of the respondents department .

C. That it is not understood when the petitioner have complied with and fulfilled all the terms and conditions as necessitated for the granting of mining lease, the respondents were under a legal obligation to execute the Lease Deed and not to cause delay in this regard which is not only illegal but is prejudicial to the interest of the petitioners.

D. That it is further respectfully submitted that the petitioner submits that in the minutes of 2nd National Meet of Mining Ministers held on 27.05.2016 at Jaipur under the Chairmanship of Union Minister of Steel and Mines, the issue related to the pending of the granting of mining leases were discussed and deliberate upon and as agenda item no. (f) and (k), it was directed that to expedite the issue. In the same meeting, as agenda item no. (d) it was also discussed that the State Govt. must expedite the processing of ML applications wherever there were delays on account of environment and forest clearance, the same to be brought to the notice of the Central Govt.

E. That it is further respectfully submitted said non-action in taking timely decision on the part of the respondents is

causing irreparable loss to the petitioner. That the petitioner has already made substantial investment in the area and any delay in taking decision is detrimental to the financial health of the company. That the there is no delay on the part of the petitioner. The delay is attributable to the respondents who on one pretext or the other are denying the valuable rights.

7. That there is no other alternative remedy except the extraordinary jurisdiction of this Hon'ble Court as envisaged under Article 226/227 of the Constitution of India.

8. That the Petitioner declare that they have not filed any other writ petition before this Hon'ble Court or any other competent Court for the same and similar relief.

RELIEFS SOUGHT:

It is therefore respectfully pray that the respondents no.1 to 5 may be directed by this Hon'ble Court to provide environment clearances and approvals for the execution of the Lease deed pertaining to the land for mining purposes as per the particular and mention in the annexure P–5 so that the further damage may not accrue to the petitioners for the establishment of the above said project.

A. To direct the respondents to complete process for approvals and clearances of all kinds whatsoever , in accordance with law so that execution of the lease deed for mining land shall be executed within the stipulated period that is in the two months so that the extension of the time granted by Department of the Industries vide annexure P-4 [illegible] not expire

2455

[illegible]
th Commissioner,
P. High Court

B. That the further to direct the respondents after the granting the such clearance and approvals to direct the respondents no. 1 to 5 to execute the mining lease of limestone and shale mines over and area of 172.7434 hectare situated in Baga, Bhalag and Samtyari, villages, Dist. Solan in favour of the petitioner immediately thereafter within the time bound period as granted by this Hon'ble Court.

C. That the Records of the case may kindly called for in the interest of justice for smooth decision of the case.

D. Any other Relief which the Hon'ble may deem fit may kindly be passed in the interest of justice and fair play so, that the project which is being established for public benefits, could run smoothly without any further delay.

Petitioners

Shimla **Through Counsel**

Environmental Clea | Inbox (56) - neeraj | All Bill Details - nee | Environmental Clea | Untitled Page | Environmental Clea | Untitled Page

Neeraj

environmentclearance.nic.in/user/gridECafteraccept.aspx

Online Submission & Monitoring of Environmental, Forest and Wildlife Clearances -A Si

25 Mar 2017 12:13:55
You have last login 07 Apr 2016 17:44

ogout

My Account

Sno.	Proposal No.		To upload additonal details
1	IA/HP/MIN/52618/2011	Smt. Madh	

Help | Site Map | FAQ | Contact Us

y MoEFCC.

Form for uploading additional document

Attach additional document* : Choose file No file chosen **(Pls Upload pdf only)**

Remarks :

Submit

Sno.	Proposal No.	Remarks	Uploaded additional document	Date of correspondence	Status
1	IA/HP/MIN/52618/2011	The proponent submitted that a writ petition has been filed before Hon'ble High Court of Himachal Pradesh at Shimla (CWP No. 70 of 2017) dated 09/01/2017 regarding the execution of lease. The Committee did not consider the proposal as the status of lease is questionable and matter was subjudice. The committee deferred the proposal and was of the opinion that the proposal can be considered as and when appropriate orders are passed on the status of lease.		08/03/2017	ADS by MOEFCC

EN 12:13 PM