

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

Original Application No. 916/2024
(IA No 461/2025 & IA No 326/2024)

Lal Chand

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 22.07.2026

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Tarun Gupta, Advocate for Applicant

Respondents: Mr. Rahul Khurana, Advocate for Respondent no. 1 to 3
with Mr. Rajneesh, Range Forest Officer, Mahendergarh
Ms. Suhasini Sen, Ms. Rayana Mukherjee, Ms. Aeshna Salwan and Mr.
Srinivas Sista, Advocate for respondent no. 4
Mr. Raghenth Basant Senior Advocate with Mr. Abhishek Tripath and Mr.
Kaustika Sharma, Advocates for respondent no 5

ORDER

1. In this original application, the plea of Applicant is that the Respondent No. 5 – Project Proponent, M/s. Maa Santoshi Khanij Udhyog was granted Environmental Clearance (EC) on 20.10.2020 for carrying out the mining operations at village Musnota, Tehsil Narnaul, District Mahendergarh, Haryana.

2. The Applicant has alleged that the Respondent No. 5 has illegally carved out a 'Rasta' (Road) through Aravalli Plantation for accessing the mines. The Applicant has further alleged that heavily loaded trucks of Respondent No. 5 were passing through the said road on daily basis damaging and harming the Aravalli Plantation. It is also the plea of the Applicant that the land of the said 'Rasta' falls under the ownership of the Gram Panchayat and is recorded as "Gair Mumkin Pahars" in the revenue records. The Applicant has alleged that inspite of the objection by the Gram

Panchayat, the Respondent No. 5 had continued to use the said road by violating the environmental norms.

3. The Tribunal by the order dated 24.01.2025 considering the allegations made in the OA had appointed a Joint Committee by directing as under:

“7. In the facts of the present case, prayer is accepted, and a joint committee comprising representatives of Member Secretary, CPCB; RO, MoEF&CC, Chandigarh, Member Secretary, HSPCB and District Magistrate, Mahendragarh. District Magistrate Mahendragarh will be the nodal agency for compliance and coordination.

8. The joint committee will visit the site, ascertain the correctness of the allegations made by the applicant and also find out if project proponent has constructed the road through Aravalli Plantation and project proponent is violating the environmental norms and submit the report before the Tribunal within four weeks.”

4. In compliance of the above directions of the Tribunal, the Joint Committee has filed three reports. The first interim report was filed by the Joint Committee on 04.03.2025. The supplementary report was filed by the Joint Committee on 04.10.2025 and the additional report was filed by the Joint Committee on 05.01.2026. The parties were given due opportunity to file objection to the report of the Joint Committee. All the concerned parties have also filed reply to the OA on merit.

5. With the consent of Counsel for all the concerned parties, the OA has been heard finally today.

6. The submission of Counsel for the Applicant is that in view of the judgment of the Hon’ble Supreme Court in the matter of *M.C. Mehta vs. Union of India & Ors.*, reported in (2004) 12 SCC 118, the mining activity is not permissible in an area of Aravalli Plantation. His further submission is that the Respondent No. 5 by carving out the temporary road from Khasra Nos. 258 and 270 of village Panchnota has not only violated the order of the Hon’ble Supreme Court, but also the EC conditions. In support of his submission that the Khasra Nos. 258 and 270 of village Panchnota

falls within the Aravalli Plantation, he has relied upon the revenue record and also the order of the DFO.

7. Learned Counsel for the Respondent No. 4 – MoEF&CC has made it clear that no mining is permissible in the Aravalli Plantation area and no forest clearance has been applied or granted in respect of khasra nos. 258 and 270 of village Panchnota.

8. Learned Counsel appearing for the Respondent No. 2 – SEIAA has submitted that since the temporary road was carved out from the forest land, therefore, DFO has initiated action and the Respondent No. 5 has filed the civil suit wherein the temporary injunction has been granted. He has, however, clarified that no civil suit in respect of khasra nos. 258 and 270 of village Panchnota has been filed and that the Respondent No. 2 is not a defendant in such a suit.

9. Learned Senior Counsel for the Respondent No. 5 has submitted that the civil suit has been filed in respect of khasra no. 487 of village Musnota wherein the temporary injunction has been granted and even otherwise the Punjab and Haryana High Court has examined the issue in respect of the similarly situated land of village Musnota and has granted protection. He has further submitted that the Joint Committee report records the finding only on the basis of the documents submitted by the DFO, therefore, said finding cannot be sustained and the Rasta (Road) in question was existing much prior to the transfer of lease in favour of the Respondent No. 5. He has further submitted that the Respondent No. 5 has already filed an application before the MoEF&CC for grant of forest clearance for another passage to the mine which has been sanctioned to the Respondent No. 5.

10. We have heard learned Counsel for the parties and perused the records.

11. The Joint Committee appointed by the Tribunal had examined the issue concerning the allegation of the Applicant about construction of road by Respondent No. 5 through Aravalli Plantation and in its interim report dated 04.03.2025 (1st report) had recorded as under:

“xxxxxx.....xxx

2.3.1. Correctness of the allegations made by the applicant that the project proponent has constructed the road through Aravali Plantation:

- i. *M/s Maa Santoshi Khanij Udyog Vill-Musnota, Nangal Chaudhary Distt-Mohindergarh is operating a mining site measuring 8.107 hectares in Khasra No. 550 of Village Munsota, after obtaining Environmental Clearance (EC) and Consent to Operate (CTO) from MoEF&CC and HSPCB respectively (**Annexure-4 and 5**).*
- ii. *As per interaction held with the Complainant, other villagers, Forest Department and Mining Department, the "Rasta" under reference illegally carved out by Respondent No.5 through "Aravalli Plantation" for accessing its mines as alleged in the petition, falls under Khasra No. 487 and as per records it is a strip of land approximately two hundred feet in length in southern -western part of Khasra no. 487 in revenue estate of village Musnota Tehsil Nangal Chaudhary District Mahendergarh.*

*In this regard, the examination of the record made available to the Joint Committee by the Forest Department indicates that the "Rasta" under reference falling under Kharsa No. 487 in revenue estate of village Musnota Tehsil Nangal Chaudhary District Mahendergarh, come under Aravali Plantation. **Therefore, the allegation of the Petitioner appears correct that the Unit is using this part of Aravali Plantation as a way to access its mining lease (Annexure-6).***

- iii. *However, a copy of the Order of Civil Judge, Junior Division, Narnaul dated 02/01/2019 was shared by the project proponent. **The Order of the Civil Judge, Junior Division, Narnaul is with regard to the application of M/s Ma Santoshi Khanij Udyog Vs. State of Haryana; Financial Commissioner and Principal Secretary to Govt. of Haryana Mines and Geology Department; Director, Mines and Geology Department; District Mining Officer, Narnaul and Divisional Forest Officer, Mohindergarh, filed under Order 39 Rule 1 and 2 read with Section 151 CPC 1908 praying for ad-interim injunction restraining the defendants, his agents, employees, servants from causing any objection over the Rasta in question (strip of land approximately less than two hundred feet in length in southern -western part of Khasra no. 487 in revenue estate of village Musnota Tehsil Nangal Chaudhary District Mahendergarh. Civil Judge, Narnaul vide above referred order dated 02/01/2019 allowed the above injunction***

application of M/s Ma Santoshi Khanij Udyog (Annexure-7) The Joint Committee was informed that this matter is pending, and is still sub judice before the Civil court Narnaul.

- iv. Divisional Forest Officer, Mahendragarh, has intimated vide its previous inspection dated 14.09.2023 that the lease area at Khasra No. 550 is covered surrounding the Aravali Plantation. As per the demarcation report of the revenue department dated 16.09.2023, the leaseholder has mined the 15,648 sq.ft. of illegal mining surrounding Khasra No. 550 and transpired that 161 numbers shrubs like muskat have illegally been damaged, and accordingly a Forest Offence Report (FOR) dated 02.10.2023 was prepared under section 32-33 of the Indian Forest Act, 1927, and also granted sanction for filing a prosecution case against offenders in the Special Environment Court at Faridabad. DCF, Mahendragarh, had taken action against the unit for the use of this pathway/rasta connecting to the Narnaul-Bayal road. The unit then approached the Civil Judge Court Narnaul against the same, and the Court vide its dated 02.01.2019, had granted a stay on the same (**Annexure-7**), and this matter is pending, and is still sub judice before the Civil court Narnaul.
- v. A.M.E. Mines & Geology Department, Mahendragarh has intimated that as per the previous demarcation report prepared after the joint survey on 14.09.2023, it was found that the total excavation outside the lease/contract area i.e Khasra No. 487 & 551 is 15,648 sq.ft. and the quantity of excavated mineral is 24,812.50 M.T. A demand notice was issued to the leaseholder of M/s Maa Santoshi Khanij Udyog of Musnota stone Mine vide memo no. MO/Narnaul/3369 dated 17.10.2023 to deposit the penalty, royalty and price of mineral illegally excavated minor mineral i.e **Rs 42,28,125** (fourty two lakh twenty-eight thousand one hundred twenty-five only) and same has not been deposited by the unit to date. (**Annexure-8**)."

12. The Joint Committee in the above 1st report had found the following violation of environmental norms:

"2.3.2. Violation of the environmental norms:

The Joint Committee was also directed by Hon'ble NGT, to find out if project proponent is violating the environmental norms.

- 1. It was observed by the Joint Committee that Unit is not complying with various conditions of Environmental Clearance and approved mining plan including:
 - i. **The Unit has not obtained forest clearance for the Rasta before started its operation, as per conditions of Environmental Clearance.**

- ii. *The Unit has not provided a Safety Zone of 7.5 meter width along the boundary of the lease and not raised plantation in the safety zone.*
 - iii. *The Unit has not provided dust control measures.*
2. *Regional Officer, HSPCB Mahendragarh region intimated that HSPCB has already imposed the Environmental Compensation of Rs. 22,60,000/-(Twenty-Two Lacs Sixty Thousand only) vide order no. 1/260030/2024 dated 05.11.2024 for the non-compliance of the conditions of Environment Clearance granted to the Unit (Annexure-9). However, the unit has not deposited the said amount, so far.*
 3. *The Joint Committee is yet to receive the relevant documents listed in Section 2.2, sought during site inspection, to verify the point-wise compliance of the conditions of Environmental Clearance and Approved Mining Plan.”*
13. The Joint Committee had made following submissions in the above report:

“3.0. Submission of the Joint Committee:

The Joint Committee humbly submits that:

1. *Preliminary findings/observations made by the Joint Committee based on site inspection and the examination of relevant documents, indicate that **the allegation of the Petitioner appears correct that the Unit is using a part of Khasra No. 487 in revenue estate of village Musnota Tehsil Nangal Chaudhary District Mahendergarh, which falls in Aravali Plantation, as a way to access its mining lease.***
2. ***The project proponent is not complying with various conditions of Environmental Clearance and approved mining plan.** However, the Joint Committee is yet to receive the relevant documents sought during site inspection, to verify the point-wise compliance of the conditions of Environmental Clearance and Approved Mining Plan.*

Therefore, it is respectfully submitted that this "Interim Report" of the Joint Committee may kindly be considered and taken on record by the Hon'ble NGT and further 06 weeks' time may be granted for filing the final report before the Hon'ble National Green Tribunal.”

14. The Supplementary report dated 04.10.2025 (2nd report) was submitted by the Joint Committee after the site visit on 13.08.2025 wherein the Joint Committee had recorded the following findings:

“2.1. Findings of the Joint Committee:

In additions to the violations reported by the Joint Committee in its interim report dated 04/03/2025, the following are the additional findings:

1. The Unit was found non-operational on the day of inspection. The unit was asked to provide production data of past six month. Unit has submitted the production report for the period from Jan, 2025 to August, 2025 on dated 18.08.2025 copy of the same is attached as Annexure-5.

2. The unit/PP has intimated HSPCB on 02.07.2025 Annexure-6 that they have deposited environmental compensation imposed by HSPCB vide order No. 1/260030/2024 dated 05.11.2024 of Rs. 22,60,000/- (Twenty-Two Lacs Sixty Thousand only), for the previous non-compliances observed.

3. As per status submitted by the Deputy Conservator of Forest, Mahendragarh, the forest department has taken action against the unit for the use pathway/kutchra rasta connecting to Narnaul- Bayal road to the unit in the year 2019. However, the unit approached the Ld., Civil Judge (Junior Division), Narnaul against the same and stay was granted by the court vide its order dated 02.01.2019 and this matter is still pending with next date of hearing 31.10.2025. copy of order dated 26.09.2025 is attached as Annexure-7. DCF, Mahendragarh vide its letter No. 2361 dated 13/08/2025 Annexure-8 that they have requested District Attorney, Narnaul to argue and informed the Learned Court about the previous decision/order passed in OA No. 916/2024 titled as Lal Chand Vs State of Haryana. Field staff of forest department has issued forest offense report No. 021/0586 dated 19.03.2023, 022/0586 dated 02.10.2023 and 023/0586 dated 02.10.2023 against the lease holder i.e. respondent No. 05 for violation in Aravalli areas. DCF, Mahendragarh vide its letter No. 3204 dated 03.10.2025 Annexure-9 that they have requested District Attorney, Narnaul on 11.07.2025 to inform Ld. Civil Court, Narnaul about the Hon'ble NGT order dated 05.03.2025, but the same is not shown in order dated 26.09.2025.

4. Now, the unit/PP has submitted application for Consent to Operate (CTO) renewal as previous CTO is expired on 30.09.2025 and as unit has not complied with the conditions of environment clearance issued by SEIAA. Therefore, HSPCB has refused the renewal application due to various shortcomings observed in the application form. Copy of refusal certificate issued vide No. HSPCB/Consent/: 313100425MAHCTO114292160 Dated: 15/09/2025 is attached as Annexure-10.

5. It was earlier intimated by A.M.E. Mines & Geology Department, Mahendragarh which was also reported by the Joint Committee in its interim report that as per previous demarcation report prepared after the joint survey on 14.09.2023, it was found that the total excavation outside the lease/contract area i.e Khasra No. 487 & 551 is 15,648 sq.ft. and the quantity of excavated mineral is 24,812.50 M.T. A demand notice was issued to the leaseholder of M/s Maa Santoshi Khanij Udyog of Musnota stone Mine vide memo no. MO/Narnaul/3369 dated 17.10.2023 to deposit the penalty, royalty and price of mineral illegally excavated minor mineral i.e Rs 42,28,125 (fourty two lakh twenty-eight thousand one hundred twenty-five only). Now, Mining Department, Narnaul has intimated on 03.10.2025 that the unit has tiled an appeal before the Director General, Mines & Geology

Department against the demand notice under sub rule 2 of rule 109 of Haryana Minor Mineral Concession stocking, transportation of mineral and penalty of illegal mining rule.

6. The details of illegal mining cases registered and the action taken in nearby villages/ area around the mining unit was sought from mining department. **As per information provided by Assistant Mining Engineer, Mines & Geology Department (AME), Mahendragarh at Narnaul vide their letter No. 1345 dated 05.07.2025 Annexure- 11, total 275 No. of cases in offense of illegal mining/transportation of stone was observed. Accordingly, royalty, penalty and price of mineral has been recovered from the same. If vehicle owner has not deposited recovery amount, then complaints/FIR has been lodged** in the concerned police station. Boundary pillars were erected at the same position in both demarcation reports done on 04.09.2023 and 14.06.2024 (fresh). The demarcation was carried out on 14.06.2024 to address the un-authorized occupation by nearby villagers.

7. In view of HSPCB, it is required that matter of demarcation of pillars is required to be re-verify/re-check through a joint committee consisting of Revenue Department, Forest Department, HSPCB & Mining Department, if approved, please.

8. The following shortcomings were observed by the Joint Committee during site inspection on 13/08/2025 with regard to mining:

- **The Unit has not provided a Safety Zone of 7.5-meter width along the boundary of the lease and not raised plantation in the safety zone, so far by the project proponent. which amounts to illegal mining.**

9. The representative of forest department confirmed during site inspection with Joint Committee on 13/08/2025 and Dy. Conservator of Forest vide letter No. 3204 dated 03.10.2025, intimated that as per record, forest area is not involved in the mining by project proponent and only Rasta mentioned in the application is a part of forest area.

10. The Project Proponent was found violating the following conditions of Environmental Clearance and approved mining plan:

- **The Unit has not obtained forest clearance for the Rasta before started its operation, as per conditions of Environmental Clearance.**
- The Unit has not provided a Safety Zone of 7.5-meter width along the boundary of the lease and not raised plantation in the safety zone.
- The Unit has not installed three No. of Ambient Air Quality Monitoring Station to monitor critical parameters, relevant for mining operation and display of digital AAQ data.
- The Unit has not installed any piezometer for monitoring of ground water level and quality as per condition of EC.”

15. In the above report the Joint Committee not only found that no forest clearance for “Rasta” as per EC condition was obtained by project

proponent but the Joint Committee also found illegal mining and other environmental violations.

16. The Joint Committee has submitted the Additional Report dated 05.01.2026 (3rd report) in compliance of the order of the Tribunal dated 06.10.2025. The said additional report discloses the status of temporary road through Khasra Nos. 258 and 270 of village Panchnota, Nangal Chaudhary as under:

***“2.0. Additional Report with regard to factual position regarding kaccha rasta through khasra No. 258 and 270 in village Panchnota, Nangal Chaudhary.*”**

1. The concerned Tehsildar, Nangal Chaudhary, Distt. Mahendragarh was requested by HSPCB to provide status/report regarding kaccha rasta through khasra no. 258 and 270 belonging to gram panchayat Panchnota, communication made vide letters dated 12.11.2025, 12.12.2025 and 29.12.2025 (Annexure-II-IV).

2. Tehsildar, Nangal Chaudhary submitted report vide their office letter No. 09 dated 02.01.2026 (Annexure-V) alongwith a site map, which was shared with the members of the Joint Committee in the form of a draft report. Also, Range Forest Officer (RFO), Nangal Chaudhary has submitted its report vide their letter No. 679 dated 03.01.2026 (Annexure-VI) regarding the area covered under Aravalli plantation.

3. The information provided by the Tehsildar alongwith a site map of Village Panchota is reproduced below:

- ***Point number A shows a kacha rasta in Khasra number 270, which exists on the site.***
- *There is a kacha rasta leading from point A to point B, and there are stones lying at point B at the site.*
- *Point number C is connected to point number A by a kacha rasta for movement.*
- *In Khasra number 147, there is a paved road on the site that is connecting from Neemajalipur to Bayal.*
- *Points A, B, and C shown on map and the coloured routes shown, are not in the revenue records.*
- *The road passing in Khasra number 147 is registered as Gair Mumkin road in the revenue record.*

4. As the information was shared with the members of the Joint Committee on 02.01.2026 & 05.01.2026 in the form of draft report and no site inspection/visit was scheduled by the nodal agency, the Joint Committee Could not verify this information at site.

5. ***However, the Joint Committee could interpret the information provided by the Tehsildar and Regional Forest Officer (RFO) regarding factual position regarding kaccha rasta through khasra No. 258 and 270 in village Panchnota, Nangal Chaudhary as under:***

- ***Kaccha Rasta shown in the map as A, B and C Points with Point A shown as passing through Khasra No. 270 is not in the revenue records.***
- *The paved road at site in Khasra No. 147 connects Neemajalipur to Bayal. This Khasra No. 147 is registered as Gair Mumkin Road in the revenue record, which means that it can be used by anyone.*
- ***Forest Department has intimated vide letter No. 679 dated 03.01.2026 that the Kaccha Rasta for approaching Ma Santoshi Khaniz Udyog, Musnota that passes through project is through Khasra No. 258 and 270, which is a part of Aravalli plantation (Annexure-VI).***

6. *The Forest Department, Mahendragarh has informed that before the Civil Court, Narnaul, vide order dated 26.11.2025 (Annexure-VII), an application under Order 07 Rule 11 and Section 151 of the CPC was filed by Forest Department regarding latest status of matter pending in the court of Civil Judge, Junior Division Narnaul. Further, Civil Court vide order dated 17.12.2025 has adjourned the matter to 13.01.2026 (Annexure-VII)."*

17. The Joint Committee in the above report has clearly found that "Kaccha Rasta" (temporary road) from khasra nos. 258 and 270 exists for approaching the mines of Respondent No. 5 which is part of Aravalli Plantation.

18. Thus, so far as the khasra nos. 258 and 270 are concerned, the Joint Committee appointed by the Tribunal has examined the site map and the report of the Range Officer, Nangal Chaudhary and the information provided by the Tehsildar alongwith the site map and thereafter on deliberating upon them, the joint Committee has recorded a finding that the 'kacha rasta' approaching the mines of the Respondent No. 5 is through khasra nos. 258 and 270 which is part of the Aravalli Plantation.

19. The Applicant has also placed on record the revenue record as Annexure A-4 for the year 2017-18 of village Panchnota in which khasra

nos. 258 and 270 is recorded as Gair Mumkin Pahars. The DFO, Nangal Chaudhary had submitted the report to the RO, PCB, Mahendergarh dated 03.01.2026 mentioning that the passage leading to the Respondent No. 5 mines goes through khasra nos. 258 and 270 of Aravalli Plantation.

20. The Hon'ble Supreme Court in the matter of *M.C. Mehta* (supra) has duly considered the issue of damage to environment caused by mining activity in the Aravalli Plantation area and has recorded as under:

"5. On consideration of the reports, this Court came to the conclusion that the mining activities in the vicinity of tourist resorts were bound to cast a serious impact on the local ecology. The mining brings extensive alteration in the natural land profile of the area. Mined pits and unattended dumps of overburden left behind during the mining operations are the irreversible consequences of the mining operations and rock-blasting; movement of heavy vehicles, movements and operations of mining equipment and machinery cause considerable pollution in the shape of noise and vibration. The ambient air in the mining area gets highly polluted by the dust generated by the blasting operations, vehicular movement, loading/unloading/transportation and the exhaust gases from equipment and machinery used in the mining operations. It was directed that in order to preserve the environment and control pollution within the vicinity of two tourist resorts, it was necessary to stop mining activity within 2 km radius of the tourist resorts of Badkal lake and Surajkund. The Court further directed the Director, HPCB to enforce all the recommendations of NEERI contained in para 6.1 of its report so far as the mining operations in the State of Haryana were concerned. Further, it was directed that failing to comply with the recommendations could result in the closure of the mining operations and that the mining leases within the area from 2 km to 5 km radius would not be renewed without obtaining prior no-objection certificate from HPCB as also from the Central Pollution Control Board (CPCB). Unless both the Boards grant no-objection certificate, the mining leases in the said area would not be renewed (M.C. Mehta v. Union of India¹)."

21. Hon'ble Supreme Court in para 57 of the judgment made it clear that areas covered under Aravalli Project are forest by observing as under:

"57. Our attention was drawn by learned counsel appearing for leaseholders to the part of the national policy which provides that beneficiaries who are allowed mining and quarrying in forest land and in land covered by trees should be required to repair and revegetate the area in accordance with established forestry practices to submit that the policy itself contemplates mining operations in the forest area. For the present, we are not suggesting a complete ban on mining operations on forest land so long as it is possible to undertake the said operation on the sustainable development principle and after obtaining due approvals under various statutory provisions including

¹ 1 (1996) 8 SCC 462

Section 2 of the Forest (Conservation) Act, 1980. At the same time, we are unable to appreciate the commencement and continuation of mining over areas on which crores of foreign funds have been spent for afforestation and plantation. Further, it is also not possible to accept the contention urged on behalf of the leaseholders that only that part of such leased land where allegedly damage has been caused to plantation as a result of mining operations, be excluded from mining and not the entire area of the lease. For example, if the mining area is 5 hectares and damage as a result of mining is to plantation in an area of 1 hectare, it is not practicable or reasonable to exclude only that 1 hectare and permit the mining operation on the rest of the mining area. Reference can also be usefully made to the part of the State Forest Report, 1999 issued by Forest Survey of India in relation to Haryana. It, inter alia, provides that large-scale plantations were carried out under the Aravalli Project since 1992. The document claims increase of the forest cover in the State as a result of plantation under the Aravalli Project. It, inter alia, mentions that forest cover increase in Gurgaon and Faridabad is mainly due to plantation raised under the Aravalli Project which was started in the early 1990s. In these matters, neither the State nor the leaseholders can be permitted to turn round and now take a stand that the areas covered under the Aravalli Project are not forest. The National Forestry Action Programme of December 2000 issued by the Ministry of Environment and Forests of the Government giving project profile also makes detailed reference to the institution building and integrated national resource development in the Aravalli region, Haryana under the project-implementing agency of the Forest Department, Government of Haryana. The project profile, inter alia, states that central to such a policy is rehabilitation of common lands to meet the needs of the rural poor and to reduce soil and water erosion, and the proposed programme was envisaged to bring the benefit of integrated development of the Aravalli ecosystem to the whole community, particularly, to the poorer sections. The project, it is stated, has been implemented in Aravalli hills situated in the five districts of Haryana including Gurgaon. One of the expected outcomes of the project is the reduced soil erosion and improved water regime in the rehabilitated area which will drastically reduce the run-off leading to recharge of constantly depleting groundwater resources. It records that the Haryana Forest Department has implemented a project on the eco-restoration of common lands in the Aravalli hills, from June 1990 to October 1999. The project is being funded by the Delegation of European Communities. The total cost was 28.8 million ECU in which external assistance was to the extent of 23.2 million ECU.”

22. Hon’ble Supreme Court had clearly prohibited any mining activity in the plantation under the Aravalli project by holding as follows:

“59. In the aforesaid background, any mining activity on the area under plantation under the Aravalli Project cannot be permitted. The grant of leases for mining operation over such an area would be wholly arbitrary, unreasonable and illogical.

23. Hon’ble Supreme Court had, therefore, in the operative part of the judgment had concluded as under:

“96. 1. The order dated 6-5-2002 as clarified hereinbefore cannot be vacated or varied before consideration of the report of the Monitoring Committee constituted by this judgment.

2. The notification of environment assessment clearance dated 27-1-1994 is applicable also when renewal of mining lease is considered after issue of the notification.

3. On the facts of the case, the mining activity in areas covered under Sections 4 and/or 5 of the Punjab Land Preservation Act, 1900 cannot be undertaken without approval under the Forest (Conservation) Act, 1980.

4. No mining activity can be carried out on area over which plantation has been undertaken under the Aravalli Project by utilisation of foreign funds.

5. The mining activity can be permitted only on the basis of sustainable development and on compliance of stringent conditions.

6. The Aravalli hill range has to be protected at any cost. In case despite stringent conditions, there is an adverse irreversible effect on the ecology in the Aravalli hill range area, at a later date, the total stoppage of mining activity in the area may have to be considered. For similar reasons such step may have to be considered in respect of mining in Faridabad district as well.

7. MOEF is directed to prepare a short-term and long-term action plan for the restoration of environmental quality of Aravalli hills in Gurgaon district having regard to what is stated in final report of CMPDI within four months.

8. Violation of any of the conditions would entail the risk of cancellation of mining lease. The mining activity shall continue only on strict compliance of the stipulated conditions.”

24. It is also settled that in the forest area unless requisite permission is taken in terms of the Forest (Conservation) Act, 1980, the non-forest activity cannot be permitted.

25. In the present case, the EC dated 20.10.2020 was issued by SEIAA, Haryana to the Respondent No. 5. The said EC contains following relevant specific condition:

“A: Specific conditions:-

- 1. The PP shall construct the pucca link roads connected to the Main Road at the mining site before the start of mining.*
- 2. The PP shall construct the Haul roads of 10 meters wide as proposed in EIA Report.*

26. The EC requires following relevant statutory compliance:

“v. This Environmental Clearance shall become operational only after receiving formal Forest Clearance (FC) under the provision of Forest Conservation Act, 1980, if applicable to the Project.”

27. In respect of the transportation, the EC had imposed the following condition relating to statutory compliance:

“1. No Transportation of the minerals shall be allowed in case of roads passing through villages/ habitations. In such cases, PP shall construct a 'bypass' road for the purpose of transportation of the minerals leaving an adequate gap (say at least 200 meters) so that the adverse impact of sound and dust along with chances of accidents could be mitigated. All costs resulting from widening and strengthening of existing public road network shall be borne by the PP in consultation with nodal State Govt. Department. Transportation of minerals through road movement in case of existing village/ rural roads shall be allowed in consultation with nodal State Govt. Department only after required strengthening such that the carrying capacity of roads is increased to handle the traffic load. The pollution due to transportation load on the environment will be effectively controlled and water sprinkling will also be done regularly. Vehicular emissions shall be kept under control and regularly monitored. Project should obtain Pollution under Control (PUC) certificate for all the vehicles from authorized pollution testing centers.”

28. Reading the aforesaid conditions together, it is clear that the Project Proponent if wanted to construct any passage from the forest area (Aravalli Plantation), he was required to obtain the forest clearance under the Forest (Conservation) Act, 1980.

29. In the present case, no such forest clearance by the Respondent No. 5 has been placed on record. On the contrary, learned Counsel for the MoEF&CC has informed that no forest clearance was applied by the Respondent No. 5 or granted by the MoEF&CC.

30. So far as the plea of Counsel for the Respondent No. 5 that the passage was existing from before, the Gram Panchayat Panchnota had sent the communication dated 03.10.2023 to the Respondent No. 5 stating about the transportation of minerals by illegally constructing the temporary road from khasra nos. 258 and 270 belonging to the Gram

Panchayat. In the said communication dated 03.10.2023, the Gram Panchayat, Panchnota had stated as under:

“With regard to the above-mentioned subject, you are informed that you are transporting minerals for your lease by illegally constructing "Kacha rasta" through Khasra nos. 258 & 270 belonging to Gram Panchayat, Panchnota. The said act is illegal. You have not taken any permission from Gram Panchayat. Hence you are informed that you may stop passing your vehicles from the said land within 3 days, else legal proceedings will be initiated against you, entirely at your risks.”

31. The Joint Committee also in the report dated 05.01.2026 (3rd report) has found that passage from khasra no 270 is not reflected in the revenue record, which means no such passage was existing since before.

32. Hence, such a submission that the temporary road was existing since before cannot be accepted. Even otherwise the Respondent No. 5 by unauthorisedly using the said passage has caused damage to the environment.

33. It is also the stand of the Respondent No. 5 that a civil suit has been filed by the Respondent No. 5 wherein the interim injunction has been granted. The said order of interim injunction in C.S. No. 1031/2018 by the Court of Civil Judge (Junior Division), Narnaul, Haryana has been filed as Annexure-R4 alongwith the reply of the Respondent No. 5 dated 04.07.2025. The said order reflects that the issue therein was in respect of a road on Southern Western part of khasra no. 487 in the revenue estate of village Musnota. Whereas in the present case, the issue being examined is in respect of khasra nos. 258 and 270 of village Panchnota.

34. During the course of hearing, learned Counsel for the Applicant has produced a copy of the order dated 14.01.2026 passed by the Court of A.C.J. (S.D.)/JMIC, Narnaul in C.S. No. 767/2025 by which the application for temporary injunction filed by the Respondent No. 5 in respect of khasra no. 258 village Panchnota has been rejected by the trial court finding that the Respondent No. 5 had no *prima facie* case in his favour.

35. So far as the order of Punjab and Haryana High Court dated 26.04.2018 in CWP No. 2682/2018 (O&M) in the matter of *M/s Satish Kumar Garg & Company vs. State of Haryana & Ors.* relied upon by Counsel for the Respondent No. 5 is concerned, the said order relates to certain lands of village Mushnota. The temporary road passing from khasra nos. 258 and 270 of village Panchnota which is the subject matter of this OA was not under consideration before the Punjab and Haryana High Court in that writ petition. That apart, it has been pointed out by the Counsel for the Applicant that the above order of the Punjab and Haryana High Court was subject matter of challenge in SLP (Civil) Diary No. 14442/2021, wherein the Hon'ble Supreme Court has passed the interim order on 22.09.2023 directing that no further steps are to be taken in pursuance to the environmental clearance granted by SEIAA on 08.08.2023 to the Respondent No. 1 therein. Hence, the said proceedings are of no help to the Respondent No. 5.

36. In view of the above analysis, we reach to the following conclusions:

- (i) The Joint Committee in its reports has rightly found that the "Kacha Rasta" (temporary road) for approaching mines of the Respondent No. 5 passes through khasra nos. 258 and 270 of village Panchnota and these khasra numbers are part of Aravalli Plantation.
- (ii) This temporary road from khasra nos. 258 and 270 of village Panchnota did not exist earlier, but has been carved out and used by the Respondent No. 5.
- (iii) The Respondent No. 5 had not obtained the forest clearance for constructing and using the temporary road from khasra nos. 258 and 270 of village Panchnota which is part of the Aravalli Plantation and forest land.

37. In view of the above analysis and conclusion, we dispose of the OA by directing as under:

- (1). The SEIAA, Haryana will duly consider the issue of violation of environmental clearance condition and take an appropriate decision in accordance with law by following the principles of natural justice within three months.
- (2). The HSPCB will duly consider the issue of violation of the environmental norms by the Respondent No. 5 and will impose the environmental compensation in accordance with law after giving an opportunity of hearing to the Respondent No. 5.
- (3). The competent authority will also initiate action for violating the provisions of the Forest (Conservation) Act, 1980 especially keeping in view Rule 15 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 as amended by Van (Sanrakshan Evam Samvardhan) Amendment Rules, 2025 expeditiously.

38. The OA is accordingly disposed of.

Prakash Shrivastava, CP

Dr. Afroz Ahmad, EM

July 22, 2026
Original Application No. 916/2024
(IA No 461/2025 & IA No 326/2024)
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