



2026 INSC 855

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2026
(ARISING OUT OF SLP (CIVIL) NO. 21759 OF 2023)

SUNDER SINGH & ANR.

APPELLANT(S)

VERSUS

M/S SATISH KUMAR GARG & COMPANY &
ORS.

RESPONDENT(S)

W I T H

CIVIL APPEAL NO. _____ OF 2026
(ARISING OUT OF SLP (CIVIL) NO. _____ OF 2026)
DIARY NO.19180/2021

JUDGEMENT

SURYA KANT, CJI.

1. Due to similarity of issues and with the consent of the learned counsel, SLP (Civil) No. 21759 of 2023 is also taken on board.

2. I.A. No. 138820/2023 is allowed. The State Environment Impact Assessment Authority, Haryana and State Level Expert Appraisal Committee, Haryana are impleaded as party Respondents in both the matters. The amended memo of parties be placed on record.

3. Delay condoned. Leave granted.

4. The instant appeals assail the order dated 26.04.2018 (Impugned Order) passed by a Division Bench of the High Court of Punjab and Haryana (High Court) in CWP No. 2682 of 2018. Through

the Impugned Order, the High Court allowed the Writ Petition filed by Respondent No. 1 - M/s. Satish Kumar Garg & Company (Mining Lessee) and set aside the decision of the Forest Department, Government of Haryana not to grant a 'No Objection Certificate' (NOC) for undertaking mining activities. The High Court, further, permitted the Mining Lessee to mine in accordance with the mining lease, while directing it to pay dead rent once the mining rights are operationalised.

A. FACTS OF THE CASE

5. Given this scenario, it would be apposite to first examine the factual background in which the instant appeals have been filed.

5.1 The Mining Lessee is a partnership firm, involved in the business of mining and registered in Narnaul, District Mahendergarh, Haryana. It applied to the State Government under Section 10 of the Mines and Minerals (Development and Regulation) Act, 1957 read with the Mineral Concession Rules, 1960 for grant of a mining lease for minerals including quartz, felspar, and barytes over a land admeasuring 79.32 hectares, comprised in Khasra Nos. 599, 600, 601, 626, 627, 628, 648, and 649 situated in Village Musnota, Tehsil Nangal Choudhary (earlier Narnaul), District Mahendergarh, Haryana (Subject Land).

5.2 The State Government (Department of Mines and Geology), accordingly, sanctioned the grant of a mining lease for 20 years, and the same was formally executed on 29.04.2002.

5.3 For the purpose of an Environment Management Plan, the Mining Lessee applied to the Forest Department for an NOC to the effect that the land in question was not 'forest land'. Such NOC was initially granted on 16.09.2002, wherein it was recorded that the "*land of Khasra No. 599, 600, 601 and 626, 627, 628, 648 and 649 in Village Musnota is not in a forest land.*"

5.4 However, while the larger Environment Management Plan was pending consideration before the Ministry of Environment, Government of India, the regime for environmental permissibility of mining projects changed by way of notification dated 14.09.2006, passed under Section 3 of the Environment (Protection) Act, 1986.

5.5 Meanwhile, in compliance with the directions of this Court in *M.C. Mehta v. Union of India*,¹ steps were taken to identify the areas where plantation and afforestation activities under the Aravalli Project were undertaken. The Deputy Commissioner, Mahendergarh, in the course of this process, identified some of the lands falling under 'Aravalli Plantation' in his report dated 05.04.2007 (DC Report). Notably, the list included the Khasra Nos. of the Subject Land. The DC Report, additionally, recorded the fact that such Khasra Nos. also fell within the mining/mineral bearing area.

5.6 The Mining Lessee, finally, prepared and submitted an Environmental Impact Assessment Report, which was deliberated on by the Expert Appraisal Committee. In its meeting dated 21.08.2013, the Committee called upon the Mining Lessee to obtain a fresh NOC

1 (2004) 12 SCC 118.

from the Forest Department. The Mining Lessee, thus, submitted an application for the same on 12.10.2016.

5.7 However, vide communication dated 28.10.2016, the Divisional Forest Officer, Mahendergarh informed that NOC could not be granted, since the Subject Land fell within the list of land for Aravalli Plantation.

5.8 Subsequently, the Mining Officer, Department of Mines and Geology also sent a Notice dated 31.05.2017 to the Mining Lessee, calling upon it to pay arrears of dead rent along with interest in terms of the mining lease, which statedly amounted to Rs. 2,56,40,170, failure of which would lead to termination of the lease.

5.9 Aggrieved by the non-grant of NOC and the simultaneous demand notice for dead rent, the Mining Lessee filed Writ Petition bearing CWP No. 2682/2018 before the High Court. The Mining Lessee, *inter alia*, prayed for: (i) non-recovery of mining charges, including dead rent, for the period of the mining lease when extraction could not be done due to lack of environmental clearance; (ii) direction that the mining lease shall operate from the date when the Mining Lessee is actually allowed to begin mining; (iii) setting aside of communication dated 28.10.2016; and (iv) direction to the Divisional Forest Officer to grant NOC.

5.10 The High Court finally allowed the Mining Lessee's Writ Petition *vide* the Impugned Order. The High Court based its decision on two facts: (i) the land in question had been granted for mining

from 1977 up to 2007; and (ii) there was some ambiguity as to the exact area and contours of the land on which Aravalli Plantation had taken place. It was, thus, held that the non-grant of NOC by the Forest Department and the demand for dead rent for the period when no mining was permitted was unfounded. The High Court also, consequentially, directed that Mining Lessee to pay dead rent, subject to being permitted to operationalise its mining rights.

5.11 Initially, a Special Leave Petition (Civil) No. 6160/2019 came to be filed by one Ramniwas, a similarly aggrieved resident of the area, seeking leave to challenge the Impugned Order. Therein, a 2-Judge Bench of this Court, vide order dated 12.07.2019, stayed the operation of the Impugned Order and directed that no further action shall be taken based on a Fresh NOC, if any is granted. However, that SLP came to be dismissed as withdrawn upon an application made by Ramniwas.

5.12 Consequently, due to the stay having been vacated, the State Authorities proceeded to process the Mining Lessee's proposal for grant of permission to initiate mining. This resulted in the Ministry of Environment, Forest and Climate Change preparing the Terms of Reference dated 23.03.2021 for Environmental Impact Assessment of the proposal.

5.13 The Appellants herein, who are residents of Village Panchnota, being concerned about the adverse impact of mining activities in the Aravalli areas on the ecology, filed a fresh challenge to the Impugned Order by way of the instant Appeals.

6. While these cases were pending at SLP stage, the State Environment Impact Assessment Authority (SEIAA) concluded its consideration of the Mining Lessee's case and granted Environmental Clearance dated 08.08.2023 (EC). It was, thus, anticipated that the Mining Lessee would now move for obtaining requisite permission to fell the standing trees on the land in question. In this context, vide order dated 28.08.2023, this Court directed the Mining Lessee not to cut trees by relying upon the EC. This interim bar on further activities was furthered through order dated 22.09.2023, whereby no further steps were permitted to be taken in pursuance of the EC. We are informed that, in terms of the previous directions of this Court, no mining has been initiated by the Mining Lessee, pending final disposal of these Appeals.

B. BRIEF CONTENTIONS OF THE PARTIES

7. We have heard learned Senior Counsel and Counsel for the parties at length and also carefully perused the record. At this stage, we deem it necessary to briefly record the stand of each party and the foundation therefor.

8. Mr. Maninder Singh, learned Senior Advocate on behalf of the Appellants, relied upon the communications from the Forest Department, State of Haryana to submit that the Khasra Nos. which form part of the mining lease are part of the Aravalli plantation. In such circumstances, challenge is made against the grant of NOC and the subsequent EC, as they permit mining activities in areas for afforestation.

9. Mr. Mukul Rohatgi, Mr. Guru Krishna Kumar, and Mr. Narendra Hooda, learned senior counsel appearing for the Mining Lessee, apart from making preliminary objections re: delay and statutory appeal against the EC before the NGT, defended the findings of the High Court. They sought to make out a case that no plantation had ever taken place on the 79.32 hectares of land allotted under the mining lease.

10. The State of Haryana was represented by the learned Additional Advocates General for the State. The Mines and Geology Department of the Government of Haryana supported the case of the Mining Lessee, especially on the count that mining activities have taken place on the said land under prior leases. It was submitted that the data regarding the afforestation did not correspond to the Subject Land.

11. On the contrary, the Forest Department of the State Government has backed the stand of the Petitioners, specifically regarding the land covered by the mining lease being part of the list of lands for the Aravalli Project.

C. ANALYSIS

12. Having considered the facts and rival submissions canvassed before us, it seems that the singular issue under consideration in the instant appeals is whether the Subject Land falls within the Aravalli Project.

13. From a bare perusal of the record, it is apparent that the

Department of Mines and Geology invited applications for a mining lease on the Subject Land in 2000, which was formally allotted in 2002. In that year itself, NOC was also granted by the Forest Department. The learned Senior Counsel for the Mining Lessee have placed great reliance on the 2002 NOC to claim that the land in question was not covered by forests or plantation and could not have been part of the Aravalli Project.

14. The High Court, although not necessarily relying upon the stipulations in the 2002 NOC, has noted that plantation under the Aravalli project was undertaken on only 505 hectares out of the original plan of 785 hectares of land. The High Court thus concluded that merely the DC Report, which stated that the Subject Land fell in the plan for Aravalli plantation, was not sufficient, and what needed to be demonstrated was that trees were planted on the land in question.

15. The above reasoning is premised on the idea that if actual plantation has not taken place on the land earmarked for afforestation, it is permissible to undertake mining activities on the same.

16. There is, however, in our view, an inherent fallacy in such a conclusion or inference.

17. When Government Departments initiate planning for afforestation activities, whether they are preservatory, like in the Aravalli Project, or compensatory, they must identify the land on which such plantation can take place. The final step of actual

plantation, resulting in semi- and fully grown trees, requires protective intervention as well as the passage of substantial time.

18. If the submission of the Mining Lessee is to be accepted, then such areas would always be susceptible to permissions for mining activities, since the authorities would only consider whether trees or plantations are standing on the land. In that case, if part of the originally planned plantation is completed, but due to intervening factors, the plantation on the rest of the land could not be initiated, the remaining land will not be considered part of the plantation. This result would be entirely antithetical to the true nature of that remaining land, i.e., that it is an essential part of the afforestation drive.

19. Afforestation and reforestation are undoubtedly ongoing and long-term projects. That being so, in our considered opinion, the lands which are identified for near future use for such plantation drives must be held to bear the character of the land on which plantation already has taken place. Earmarking of the land for plantation ought to, thus, necessarily accord the same protection which is attributed to afforestation plantations.

20. What appears in the instant case is analogous to the above framework. Plantation drives had been initiated in the early 1990s across the Aravallis by utilising funds received by the Government through foreign aid for the express purpose of afforestation in that region. Such afforestation efforts were also given judicial impetus through *M.C. Mehta (supra)* and *M.C. Mehta v. Union of*

India,² whereby this Court recognised the need to protect such plantations in the face of disruptive activities, especially mining. Through the above-cited judgements, this Court specifically acknowledged the grave risk posed to the plantations if mining is allowed to continue in the region, leading to the direction that no mining activity would be done on areas covered by the Aravalli plantation.

21. It is admitted that plantation drives could not cover the entire area identified for plantations under this Aravalli Project. That being so, the lands which had been earmarked for Aravalli plantation drives, including those which may not have had any fresh saplings planted, ought to have the same protective status as those which bore the afforestation.

22. The record of the instant case, however, depicts that this has not been taken into account.

23. On one hand, it was amply evident that the Subject Land was earmarked for plantation under the Aravalli Project. None of the parties has, on the other hand, been able to conclusively state whether the plantation actually took place over the Subject Land. The Impugned Order proceeded on the premise that in the case of such ambiguity as to actual use of the land for plantation, the NOC ought to be granted and mining ought to be allowed.

24. The High Court has, however, not given much importance to the fact that the land fell within the plan for the Aravalli Project or

² (2006) 11 SCC 582.

had been identified for plantation under the same. By permitting mining in such a situation, the Mining Lessee was allowed to effectively undermine the afforestation efforts of the Forest Department by clearing existing trees and initiating excavation of minerals. Such an outcome, in our view, is impermissible.

25. Hence, we have no other option but to conclude that the direction for granting an NOC for mining on the Subject Land was unfounded and is, accordingly, liable to be set aside. As a consequence, the decision of the SEIAA and the EC granted thereby would also become uncalled for and ought to be set aside.

26. Before we conclude, we must also take serious note of the contrary stand taken by the Department of Mines and Geology and the Forest Department of the State of Haryana on this matter. It appears to us that the stand of the former has been motivated by its underlying claim for dead rent and other mining royalties/dues under the mining lease. However, it is surprising that no action was taken by the said Department regarding the continuation of the mining lease once it was brought to light by the latter Department that the land in question was earmarked for Aravalli plantation. In our considered opinion, the mining lease dated 29.04.2002 must be cancelled and all consequential rights be purged forthwith.

27. It also merits iteration that the findings forwarded and directions issued by High Court through the Impugned Judgement lie in the teeth of the continuing directions issued by this Court regarding protection of ecology and forest cover in the 'Aravalli

Hills and Ranges'. A brief reference thereto was also made in this Court's order dated 29.12.2025 passed in *In Re: Definition of Aravalli Hills and Ranges and Ancillary Issues*, registered as *Suo Moto Writ Petition (Civil) No. 10/2025*. Recognising the extensive and irreversible impact that mining could have on the region, directions were issued therein to the effect that no mining activities in the 'Aravalli Hills and Ranges' could take place without prior permission from this Court. This restriction was reiterated through order dated 26.02.2026. Finally, vide order dated 25.05.2026, so as to obtain a circumspect expert opinion on the nature of the Aravalli region and the implications of mining activities, a five-member High-Powered Committee comprising domain experts was constituted to consider various issues raised in the *suo motu* proceedings and submit a comprehensive report. The said report is yet to be received, and any mining in the region during the pendency of the matter is unquestionably barred. Such circumstances constrain us to disapprove of the continuing stand of the State Government in favour of permission to initiate mining. We are, thus, of the firm opinion that there is a need to issue some directions for the protection of lands which have been earmarked for afforestation purposes, whether compensatory or arising out of foreign aid/charitable contributions.

D. DIRECTIONS

28. For the reasons set out above, the instant Appeals are allowed, and the following directions are issued:

- (i) The Impugned Judgement of the High Court is set aside;
- (ii) The non-grant of the NOC, communicated vide letter dated 28.10.2016, is upheld. As a corollary, the NOC dated 16.09.2002 and its consequences stand effaced;
- (iii) The decision of the SEIAA recorded in the minutes of meeting dated 02.08.2023 and the resultant EC dated 08.08.2023 are quashed;
- (iv) The Subject Land, as well as other lands identified in the DC Report, having been earmarked for Aravalli plantation, shall not be made available for any mining activity. Any mining lease or other right permitting mining activity in respect of these lands, if presently subsisting, shall be terminated forthwith. This direction shall be subject to the final directions to be issued by this Court in Suo Moto Writ Petition (Civil) No. 10/2025;
- (v) In order to preserve and secure the plantations and accompanying ecology within the Aravalli regions, the State Government shall:
 - (a) undertake a comprehensive survey of the entire area earmarked for Aravalli plantation, including lands identified in the revenue records as Aravalli plantation/Aravalli Project and the *gair mumkin pahad* falling in such areas;
 - (b) identify all parcels of land falling in the above areas

in respect of which any mining lease or other mining-related right is presently subsisting;

- (c) take immediate steps to cancel and terminate all such subsisting mining leases or other rights permitting mining activity, in accordance with law; and
- (d) file a comprehensive compliance report before this Court, setting out, *inter alia*, the area surveyed, the parcels of land identified as falling within the Aravalli plantation area, the mining leases or other rights found to be subsisting in respect thereof, and the action taken for their cancellation or termination. Such report shall be placed before this Court as part of the record of *Suo Moto Writ Petition (Civil) No. 10/2025*.

29. The State Government and all its authorities shall ensure strict compliance with the above directions. It goes without saying that the Government of Haryana as well as those of Rajasthan, Gujarat, and the NCT of Delhi are bound to faithfully and strictly comply with the directions issued by this Court regarding preservation of the ecological resources in the Aravalli Region, including with order dated 29.12.2025 passed in *Suo Moto Writ Petition (Civil) No. 10/2025*, and subsequent orders passed therein.

30. Any violation of the aforesaid directions, including the commencement or continuation of mining activity in the area earmarked for Aravalli plantation, shall be viewed seriously by

this Court and may invite appropriate action against the authorities responsible for ensuring compliance.

31. Ordered accordingly. The Registry is directed to convey a copy of this judgement forthwith to the respective Chief Secretaries of the States of Haryana, Rajasthan, and Gujarat and the NCT of Delhi for necessary compliance.

32. The pending applications, if any, also stand disposed of.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

.....J.
(V. MOHANA)

NEW DELHI;
JULY 29, 2026.