

From:

**Member Secretary,
SEIAA UP,
Lucknow, Uttar Pradesh.**

To,

**The Registrar,
Hon'ble National Green Tribunal,
Copernicus Marg, New Delhi.**

Ref. No. 755 /NGT-208/2019

Dated: 03 January, 2020

Subject: Compliance Report of Hon'ble NGT in Application no. 208 of 2019 in Sandeepkumar Singh vs State of UP &Ors.

Sir,

In compliance to the direction given by Hon'ble National Green Tribunal, New Delhi during appearance of Member Secretary, State Level Environment Impact Assessment Authority, U.P. dated 21.11.2019, the compliance Report along with digital maps and status of Environment Clearance and Terms of Reference granted by State Level Environment Impact Assessment Authority, U.P. in district Banda in the above mentioned matter is enclosed herewith and is being filed before this Hon'ble Tribunal.

Encl: As above.

Yours Sincerely,


(Ashish Tiwari)
Member Secretary,
SEIAA UP,

Compliance report of the Original Application no. 208 of 2019 in Sandeep Kumar Singh vs State of UP & Ors. on the behalf of respondent, Member Secretary, State Environment Impact Assessments Authority, Uttar Pradesh. :-

PRELIMINARY SUBMISSIONS:

The Original Application No. 208 of 2019: Sandeep Kumar Singh Vs. State of UP & Ors. has been filed before the Hon'ble National Green Tribunal, Principal Bench, New Delhi, sitting at New Delhi.

A. In Compliance on the behalf of respondent, Member Secretary, State Environment Impact Assessments Authority, Uttar Pradesh the Brief facts to the said application are stated below:-

- I. Ministry of Environment and Forest, Govt. of India through its notification dated 14/09/2006 (as amended) has made it mandatory to obtain Prior Environmental Clearance prior to establishment or expansion of any such project or activity which is listed in the schedule of notification. The Notification provides for mandatory requirement of Environmental Clearance for:
 - a) All new projects or activities listed in the Schedule to this notification.
 - b) Expansion and modernization of existing projects or activities listed in the Schedule to this notification



with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;

- c) Any change in product-mix in an existing manufacturing unit included in Schedule beyond the specified range.
 - d) Objective of this process is to impose certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts.
- II. The environmental clearance shall be taken from Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level, the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity. The State Environment Impact Assessment Authority (SEIAA) shall base its decision on the recommendations of a State Level Expert Appraisal Committee (SEAC).
- III. The State Environment Impact Assessment Authority (SEIAA) and State Level Expert Appraisal Committee



(SEAC) Uttar Pradesh has been constituted by Ministry of Environment and Forests, Govt. of India through notification no. S.O. 3338(E) dated 16/10/2017

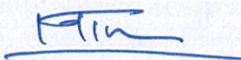
IV. Directorate of Environment, Govt. of U.P. has been declared to function as the Secretariat to these statutory bodies i.e. SEIAA and SEAC by State Government.

V. All such project proposals received to the SEIAA, UP for Prior Environmental Clearance are dealt according to the EIA Notification, 2006 (as amended).

B. In compliance to the direction given by Hon'ble National Green Tribunal, New Delhi during appearance of Member Secretary, State Level Environment Impact Assessment Authority, U.P. dated 21.11.2019, the compliance Report is filled as below-

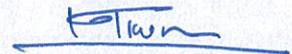
i. The status of Environment Clearance and Terms of Reference granted by State Level Environment Impact Assessment Authority, U.P. in district Banda is attached herewith and marked as **Annexure No.1**

ii. Copies of Digital maps of all Environment Clearance granted or under process in State Level Environment Impact Assessment Authority, U.P. delineating the 500 meter boundary of proposed leases for River Ken, Yamuna and Bangey are attached herewith and marked as **Annexure No.2 to 18**

- iii. It is evident from the maps enclosed, the State Level Environment Impact Assessment Authority, U.P. is strictly following the provision of EIA Notification 2006 (as amended) thereof. It is further submitted that none of the clusters of leases within 500 meters distance is more than 100 Hectares. Thus, all the proposals of Environmental Clearances granted and being processed are classified under B1 category as per the provisions of EIA Notification.
- iv. None of the proposed lease is less than 05 Hectares. Therefore, the directions of Hon'ble Supreme Court passed in Special Leave Petition (C) NO. 19628-19629 of 2009: Deepak kumar verses State of Harayana and Ors. has been complied with in letter and sprit.
- v. The State Level Environment Impact Assessment Authority, U.P. shall not entertain any application in district Banda, if the cluster situation arises in category 'A' i.e. more than 100 Hectare.

That in light of the above submissions petition does not show any cause of action and the same is misconceived and liable to be dismissed.



Status of EC / TOR Granted for Lease Areas in Ken, Bangey & Yamuna Rivers, Distt - Banda, U.P.

Sl No	Name of River	Tehsil	Village	Khand/Gata No. Before Splitting	Area Before Splitting as per DSR (In Hectare)	Khand/Gata No & Area after Splitting				EC Status	
						Sl No.	Khand No.	Gata No./Khasra No.	Area (Hectare)		Total Area (Hectare)
1	Ken	Naraini	Bilhartka	5 & 9 (Block No.- 10)	25	-	-	-	-	EC Granted	
2	Ken	Naraini	Bilhartka	5 & 9	25	-	-	-	-	EC Granted	
3	Ken	Naraini	Barsdamampur	3/1/1	43.4	3.1	1	3/1/1 kabhag	21	42	-
						3.2	2	3/1/1 kabhag	21		
4	Ken	Naraini	Lahureta	Part of 195/1, 191, 3	33	-	-	-	-	EC Granted	
5	Ken	Naraini	Lahureta	Part of 195/1	33	-	-	-	-	EC Granted	
6	Ken	Naraini	Risaura	116Ga	18	-	-	-	-	EC Granted	
7	Ken	Naraini	Kolawal raipur	721, 722, 723,	20	-	-	-	-	EC Granted	
8	Ken	Naraini	Kolawal raipur	04	20	-	-	-	-	EC Granted	
9	Ken	Naraini	Nihalur Syuda	492/13	32	-	-	-	-	EC Granted	
10	Ken	Naraini	Jarar	851, 866, 867, 869, 872, & 876	8	-	-	-	-	EC Granted	
11	Ken	Banda	Ganchha	1971/1	10	-	-	-	-	EC revoked in compliance of NGT Order passed in OA. No- 186/2016	
12	Ken	Banda	Durendi	4881, 4880, 4834, 4824 Kha	27	-	-	-	-	EC Granted	
13	Ken	Banda	Durendi	5029, 5030 Ka, 5093 Ka, 5094 Ka, & 5097 Ka	20	-	-	-	-	EC Granted	

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14	Ken	Banda	Durendi	678, 680kha, 681 kha, 682, 677ka, 683 kha, 676	24	-	-	-	-	-	EC Granted
15	Ken	Banda	Durendi	4943, 4942, 4941, 4939 Ga., 4938, 4937, 4922 Ka, 4923 Ka, 4925 ka, 4931, 4959 Ga, 4958, 4957, 4955, 4883	40	-	-	-	-	-	TOR revoked
16	Ken	Banda	Ladaka Purwa	5114/1, 5115, 5116, 5117, 5118, 5119, 5120, 5121, 5122, 5123, 5124, 5125, 5126, 5128, 5129, 5130, 5131, 5132, 5134, 5135, 5136, 5152,	20	-	-	-	-	-	EC Granted
17	Ken	Banda	Bhurendi	1137, 1136, 1123/2, 1125, 1127, 1131, 1132	37	-	-	-	-	-	EC Granted
18	Ken	Banda	Kanwara	28/1, 28/5, 28/6, 28/7, 29, 53, 133/1, 133/6, 337/1, 337/4, 337/5, 337/6, 430, 431/1, 463, 469, 471, 478/1, 479, 489, 490, 491, 492, 515, 516/2, 517/1, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 542, 545, 549, 543, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 581/2, 619, 620, 621, 622	195.75	18.1	2	53, 337 kabhag	24	122	EC Granted
						18.2	3	337 kabhag	24		EC Granted
						18.3	4	337 kabhag, 431 kabhag	24		EC Granted
						18.4	5	431 kabhag	23		EC revoked
						18.5	1	28 kabhag 29	27		-
19	Ken	Banda	Achhrore	1130 Kha	56.14	19.1	1	1130 kabhag	28	56	TOR revoked
						19.2	2	1130 kabhag	28		EC Granted.
20	Ken	Banda	Marauli Khaddar	41/2, 111, 112, 332/17, 333/7, 362/1, 387/3, 390sa, 418, 412, 413, 414, 406, 407, 408, 421mi, 423, 424, 426/30, 431/333/1	152.02	20.1	2	333/7 kabhag	22	136	TOR
						20.2	3	333/7 kgabhag ,418, 421mi va 426/30	23		TOR
						20.3	4	333/7 kabhag, 412, 413 va 414	23		TOR
						20.4	6	332/17, 333/7 kabhagva 431/433/1	23		TOR
						20.5	1	333/7 kabhag	22		-

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21	Ken	Banda	Pathri Khaddar	61/mi, 64/2mi, 72/47, 73, 74/1, 75mi, 77/1	71.32	20.6	5	333/7 kabhag	23	58	-
						21.1	1	72/47 kabhag, 73, 74/1 kabhag va 75mi	20		-
						21.2	2	72/47 ka bhag, va 74/1 kabhag	19		TOR
						21.3	3	72/47 ka bhag, va 74/1 kabhag	19		-
22	Ken	Pailani	Sadikhadar	60.4	33.45	22.1	1	4	13	31	EC revoked in compliance of NGT order passed in OA. No- 263 & 264/2018 TOR
23	Ken	Pailani	Sadikhadar	73/1, 73/2, 77/1, 77/7, 89, 101/1 and 102/1	26.62	22.2	2	60	18	-	-
24	Ken	Pailani	Sadikhadar	176 (Part) 179, 180, 180, 177, 147 (Part), 144 (Part), 141 (Part), 143, 145, 142, 122, 121, 114 (Part),	46	-	-	-	-	-	EC Granted
25	Ken	Pailani	Khaptha Kala	61/3, 62, 63/1	39.74	25.1	-	61/3	20	37	EC Granted
						25.2	-	62, 63/1	17		EC Granted
26	Ken	Pailani	Khaptha Kala	100, 356	98.66	26.1	1	356 kabhag	16	80	EC Granted
						26.2	2	356 kabhag	16		EC Granted
						26.3	1	100 kabhag	16		TOR
						26.4	2	100 kabhag	16		EC Granted
						26.5	3	100 kabhag	16		
27	Ken	Pailani	Khaptha Kala	455	23	-	-	-	-	-	EC revoked in compliance of NGT Order passed in OA. No- 186/2016 TOR
28	Ken	Pailani	AmlaurKhadar	176 mi, 172 Ga, 182 and 187	25.29	-	-	-	-	-	EC revoked in compliance of NGT
29	Ken	Pailani	AmlaurKhadar	7, 17, 18, 21, 23, 25, 27, 28, 29, 30, 35, 37, 38, 40, 177,	25.29	-	-	-	-	-	EC revoked in compliance of NGT

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				176 Mi										Order passed in OA. No- 263 & 264/2018
30	Ken	Pailani	Padobra Khadar	165, 166 and 174	14	-	-	-	-	-	-	-	-	EC Granted
31	Ken	Pailani	Pailani	21/21, 47/9, 58/27, 54/2, 53/2, 52/2, Village- Pailani, Tehsil- Pailani, District- Banda, U.P., M/s A. V. Mining and Company, Lease Area-18.0 Ha	18	-	-	-	-	-	-	-	-	TOR
32	Ken	Pailani	Sindhyan Kala	683/43, 684/6, 693/48, 684/7, 692/1 and 699/3,	19	-	-	-	-	-	-	-	-	EC revoked in compliance of NGT Order passed in OA. No- 186/2016
33	Ken	Pailani	Sindhyan Kala	99/3, 99/22, 100/7, 101/5, 103/10, 104/2, 104/5	18.21	-	-	-	-	-	-	-	-	EC Granted
34	Yamuna	Pailani	Sadimadampur	50/2, 50/2kha, 51	42.49	-	-	-	-	-	-	-	-	EC Granted
35	Yamuna	Pailani	Sadimadampur	92/6, 92/7 & 94	7.46	-	-	-	-	-	-	-	-	EC Granted
36	Yamuna	Pailani	Sadimadampur	52,52/1,53,54,55,56,57,58,59, 60/1/3	28.33	-	-	-	-	-	-	-	-	TOR
37	Yamuna	Pailani	Sadimadampur	93/1Ka, 95/2, 96/8, 97, 98,	18.60	-	-	-	-	-	-	-	-	EC Granted
38	Yamuna	Banda	Jauharpur	01,02,03,04,05,06,07,08,09,10,1 1,1215,2136 to 2157, 2178,2180,2181,2182,2183,219 5 to 2200, 2202 to 2211, 2220,2221,2222,2223,2224, 2226,2227, 2228, 2229	95	38.1	1	2211 kabhag, 2195 kabhag, 2196, 2197 kabhag, 2183 kabhag, 2198, 2199 kabhag, 2202 to 2210, 2220, 2221 kabhag, 2223 kabhag, 2224 kabhag, 2226 kabhag, 2227 kabhag, 2228, 2229, 2149 kabhag, 2148 kabhag, 10	15					EC Granted

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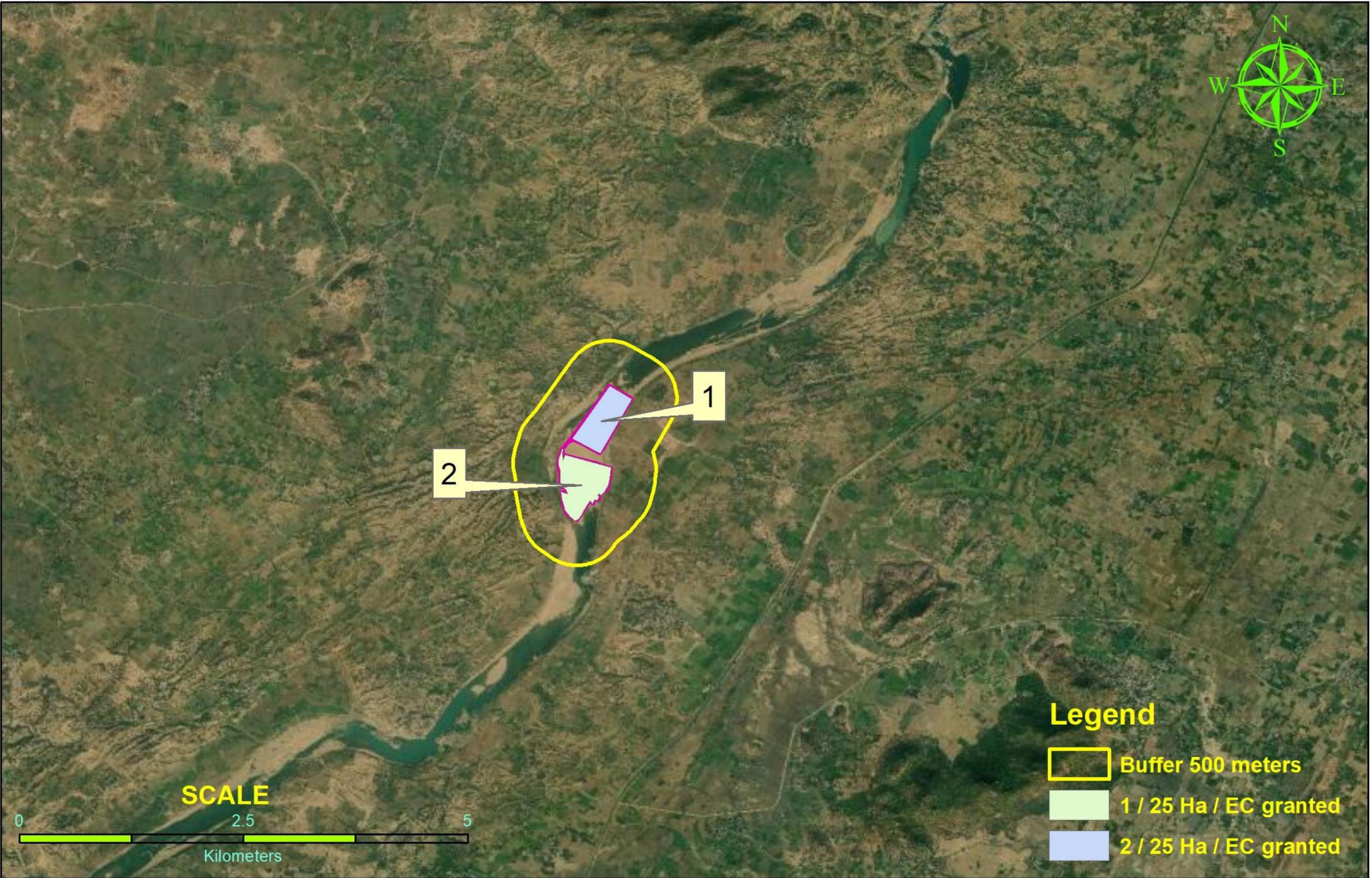
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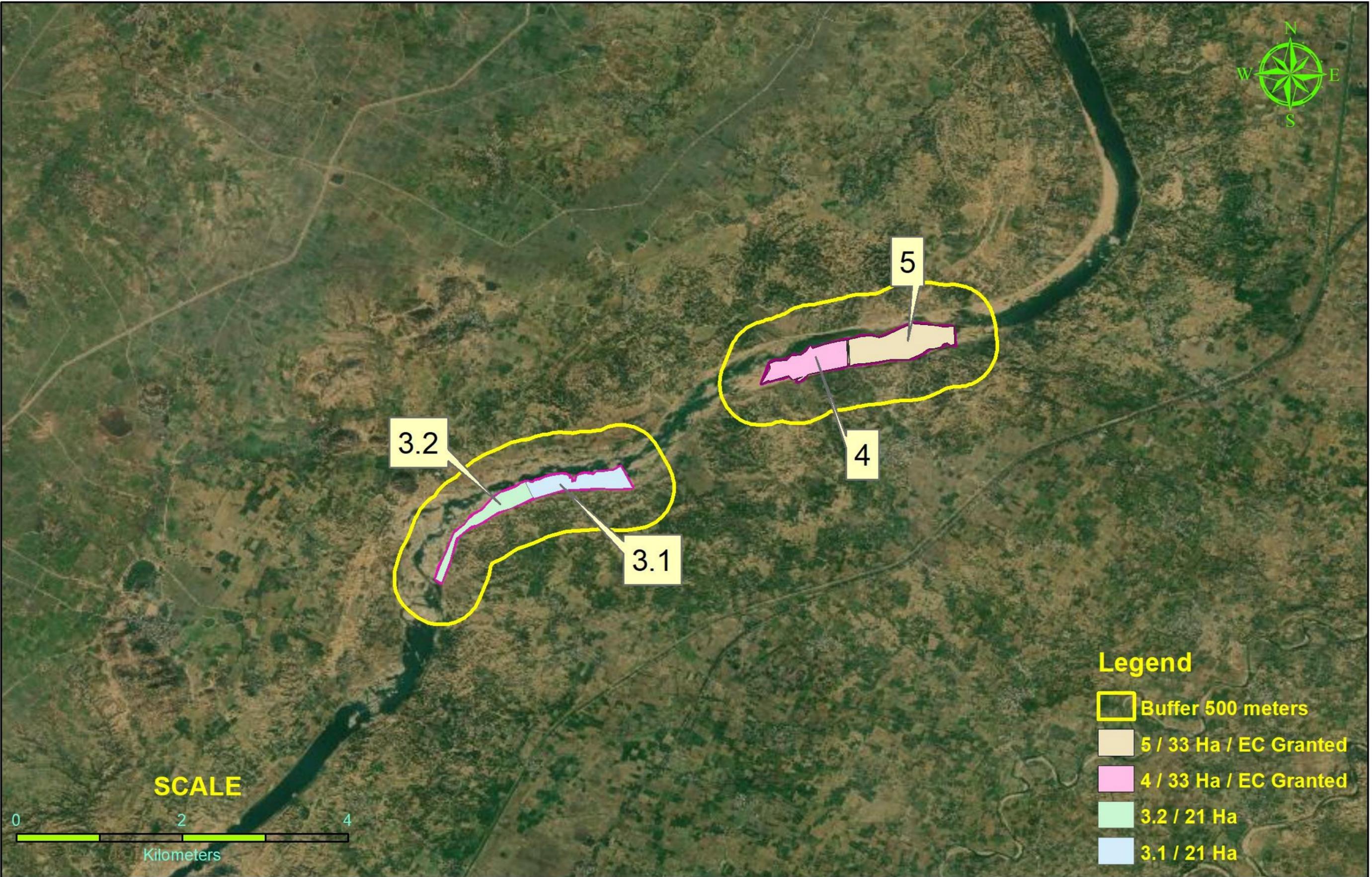
44	Bangey	Attrra	Chandaur	2494	7.80	-	-	-	-	-	-	EC revoked in compliance of NGT Order passed in OA. No- 186/2016
45	Bangey	Attrra	Bhadwal	1169, 1858/3, 1133/4, 1169/3, 1994	22.94	-	-	-	-	-	-	EC Granted
46	Bangey	Baberu	Lohra	4185 ch, 4388, 4470, 4471, 4473, 2776, 2709, 4590	17	-	-	-	-	-	-	EC Granted

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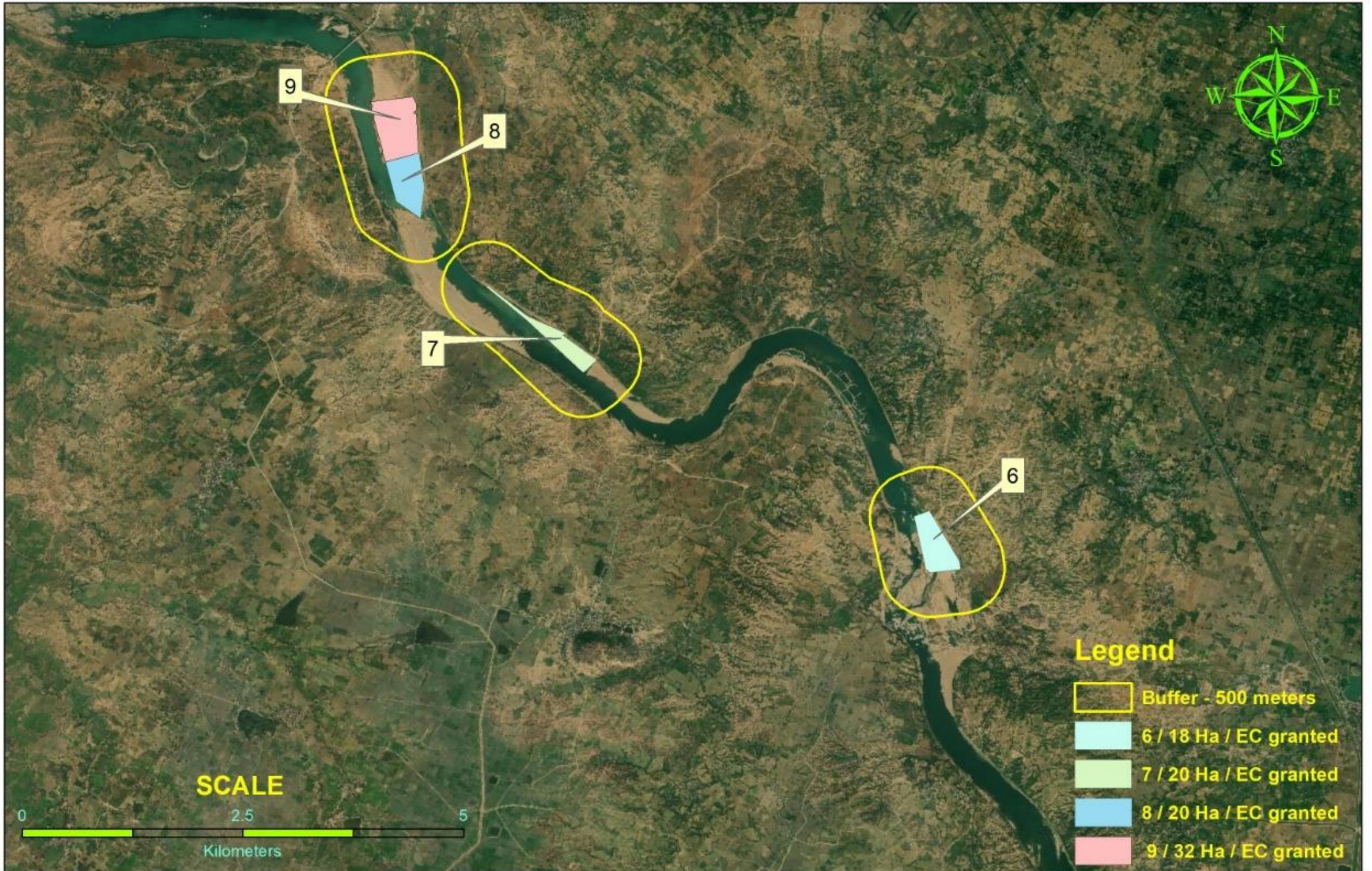
Map 1.a : EC / TOR Status in Ken River of Village Bilharka, Distt - Banda



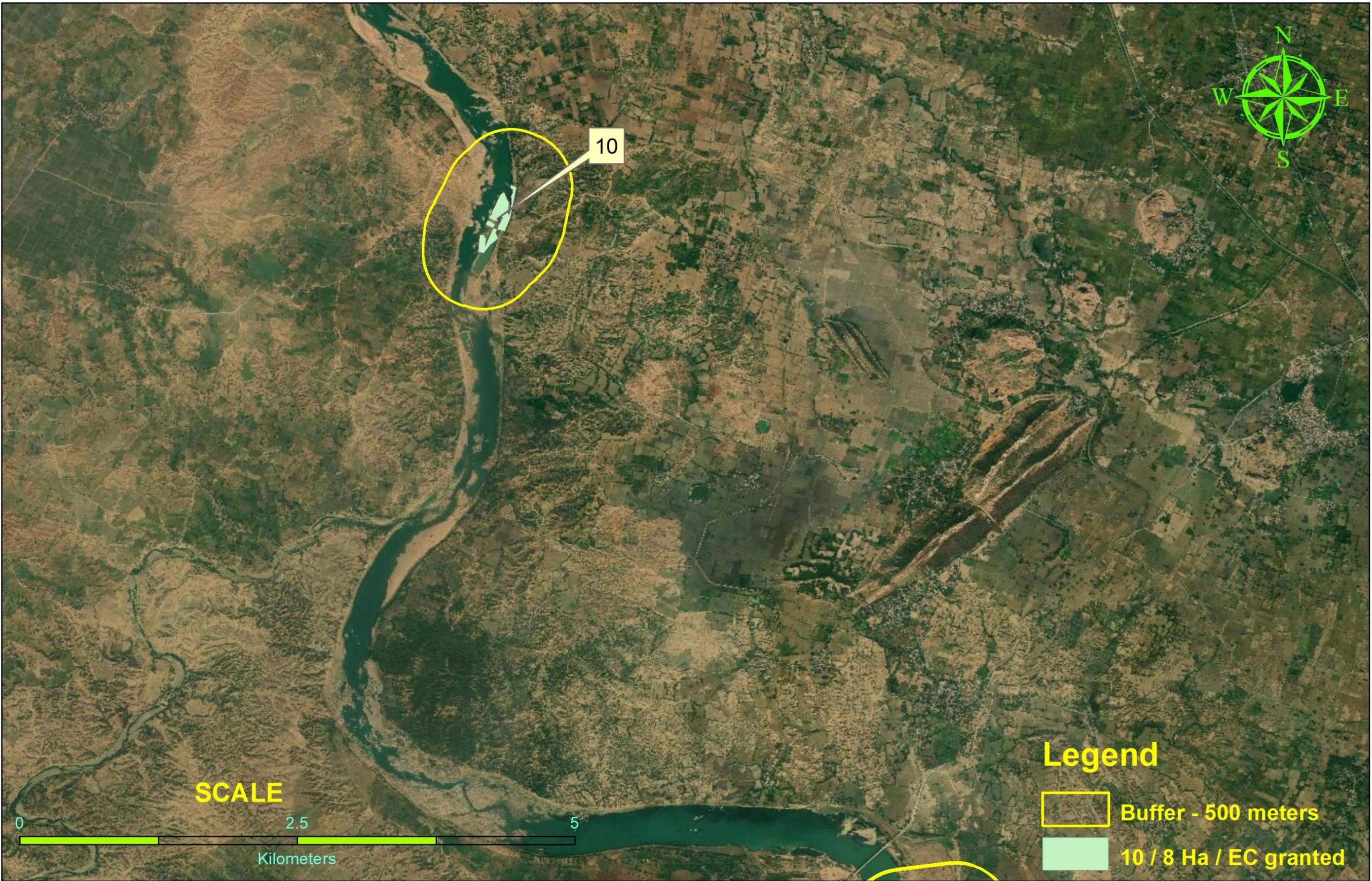
Map 1.b : EC / TOR Status in Ken River of Village Barsdamanpur, Lahureta Distt - Banda



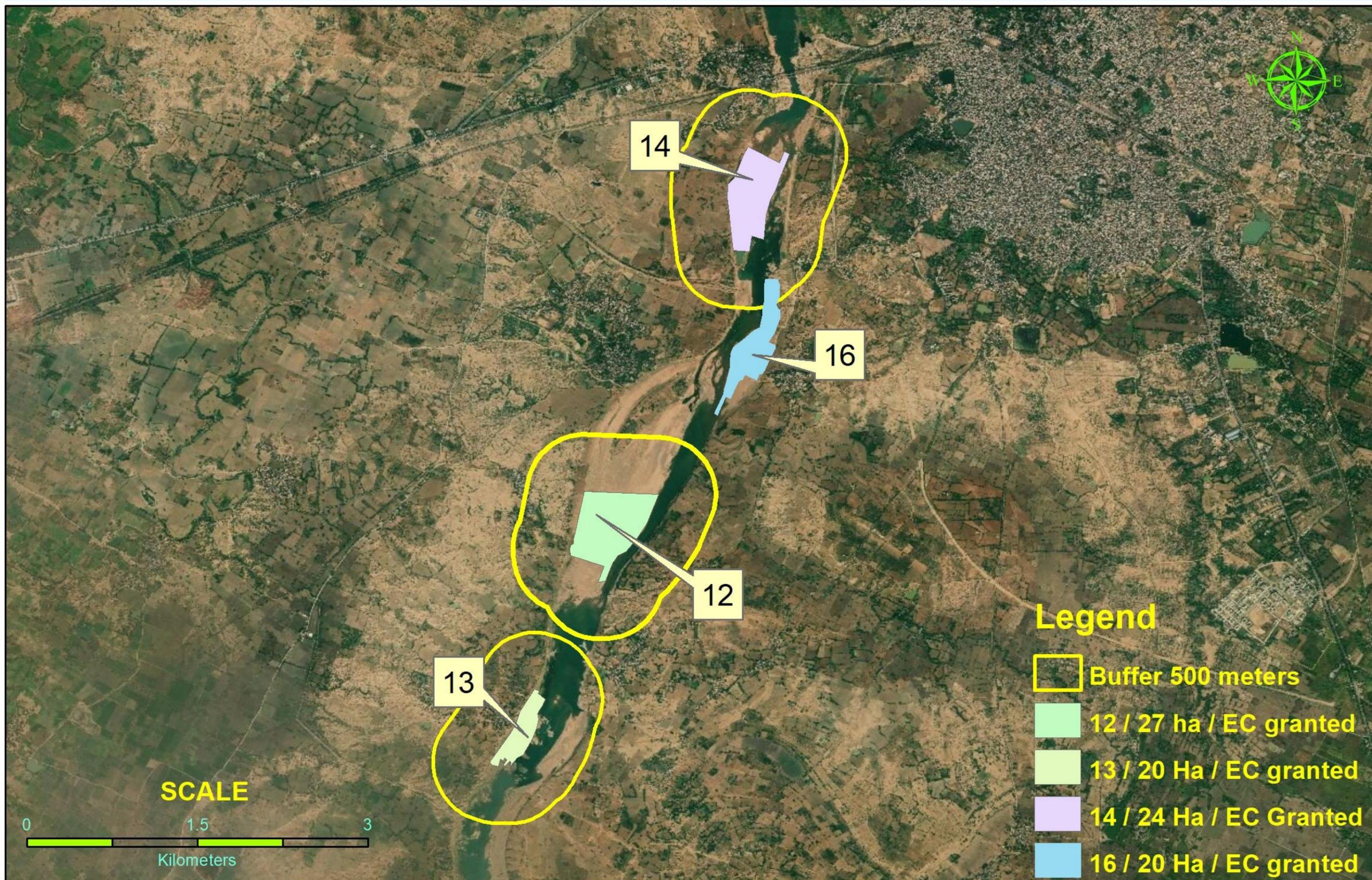
Map 1.c : EC / TOR Status in Ken River of Village Risaura, Kolawalraipur & Nihalpur Syuda, Distt - Banda



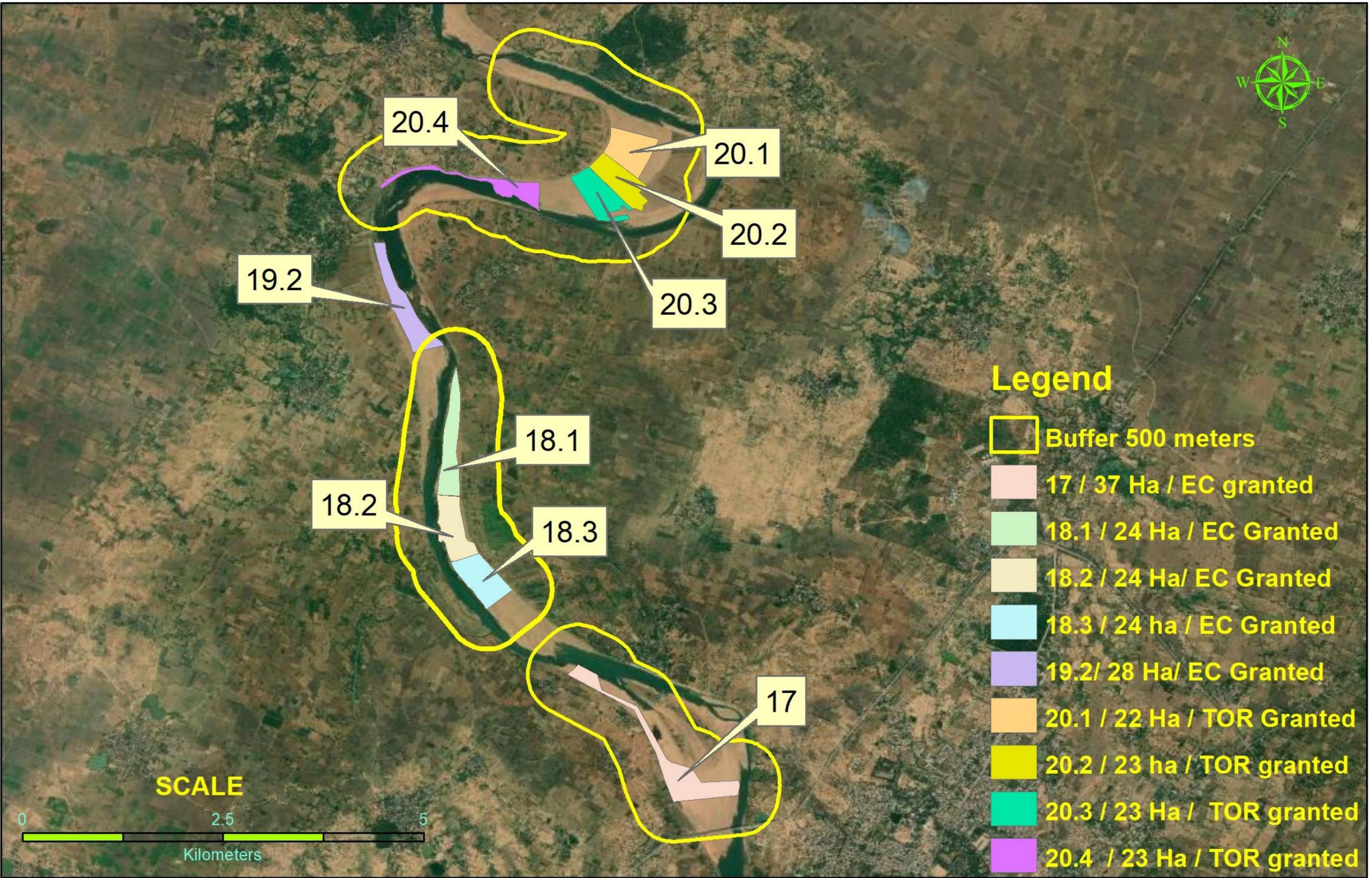
Map 1.d : EC / TOR Status in Ken River of Village Jarar, Distt - Banda



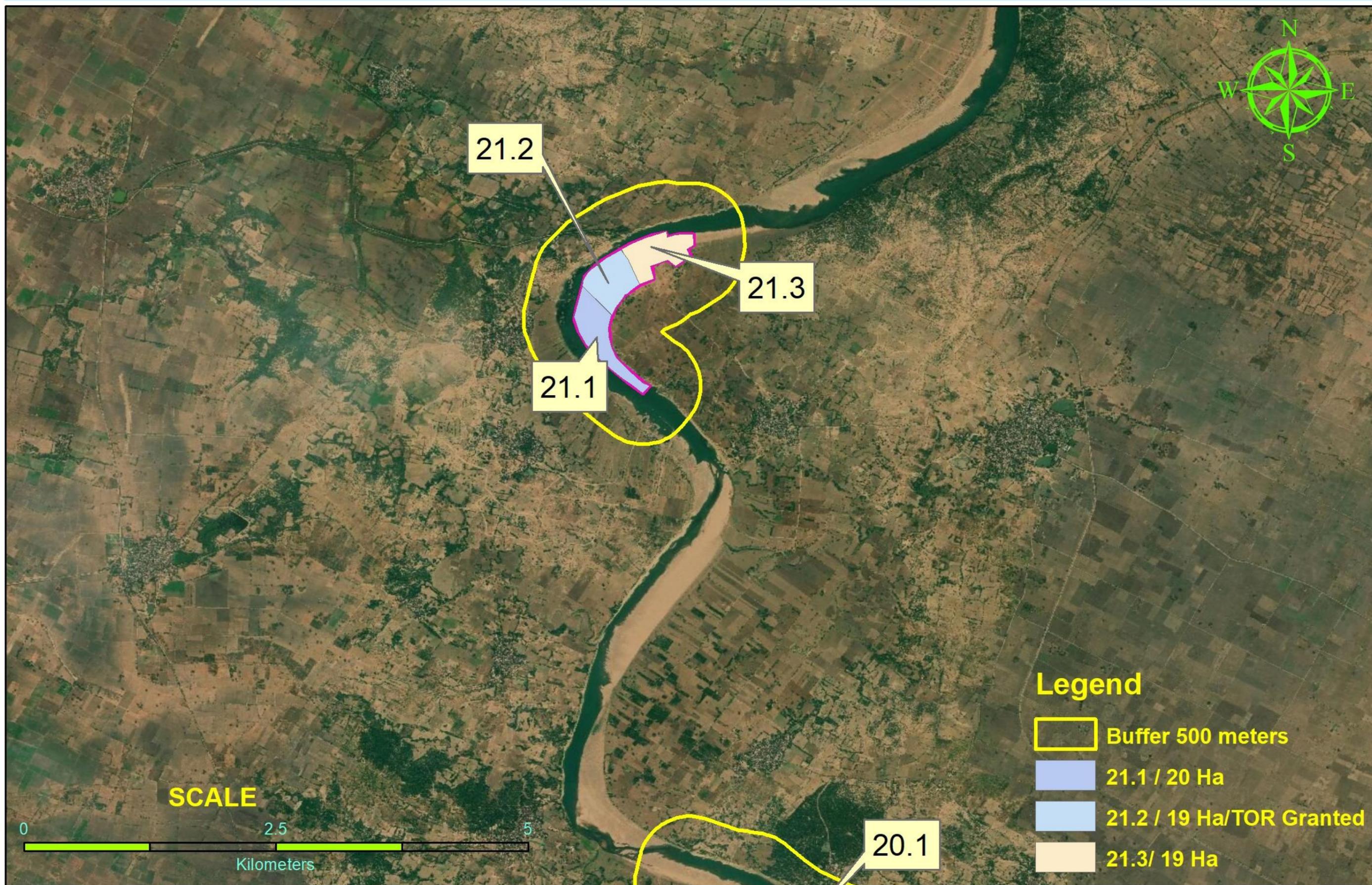
Map 1.e : EC / TOR Status in Ken River of Village Durendi, Ladaka purwa Distt - Banda



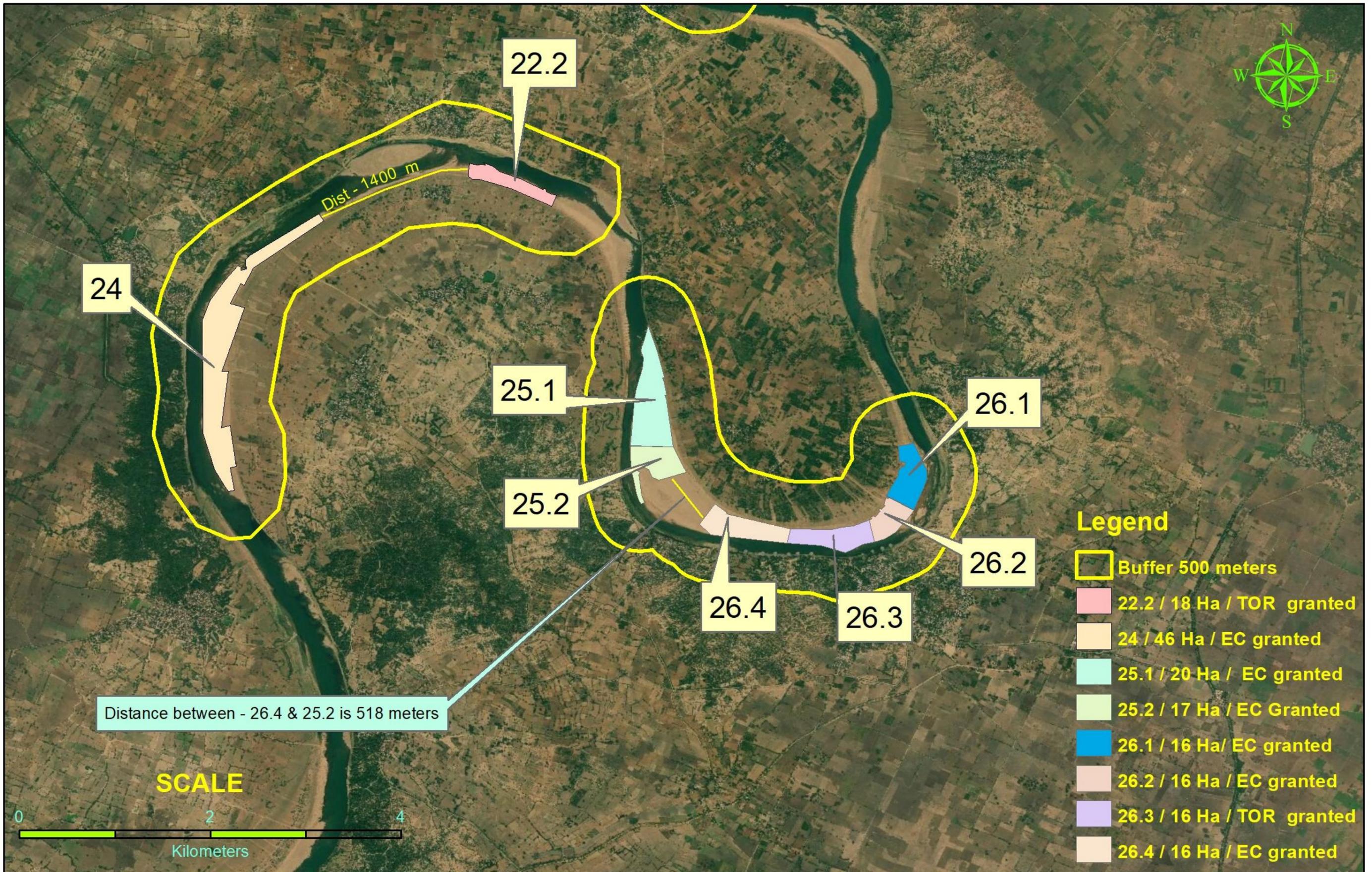
Map 1.f : EC / TOR Status in Ken River of Village Bhurendi, Kanwara, Achchrore and Marauli Khadar, Distt - Banda

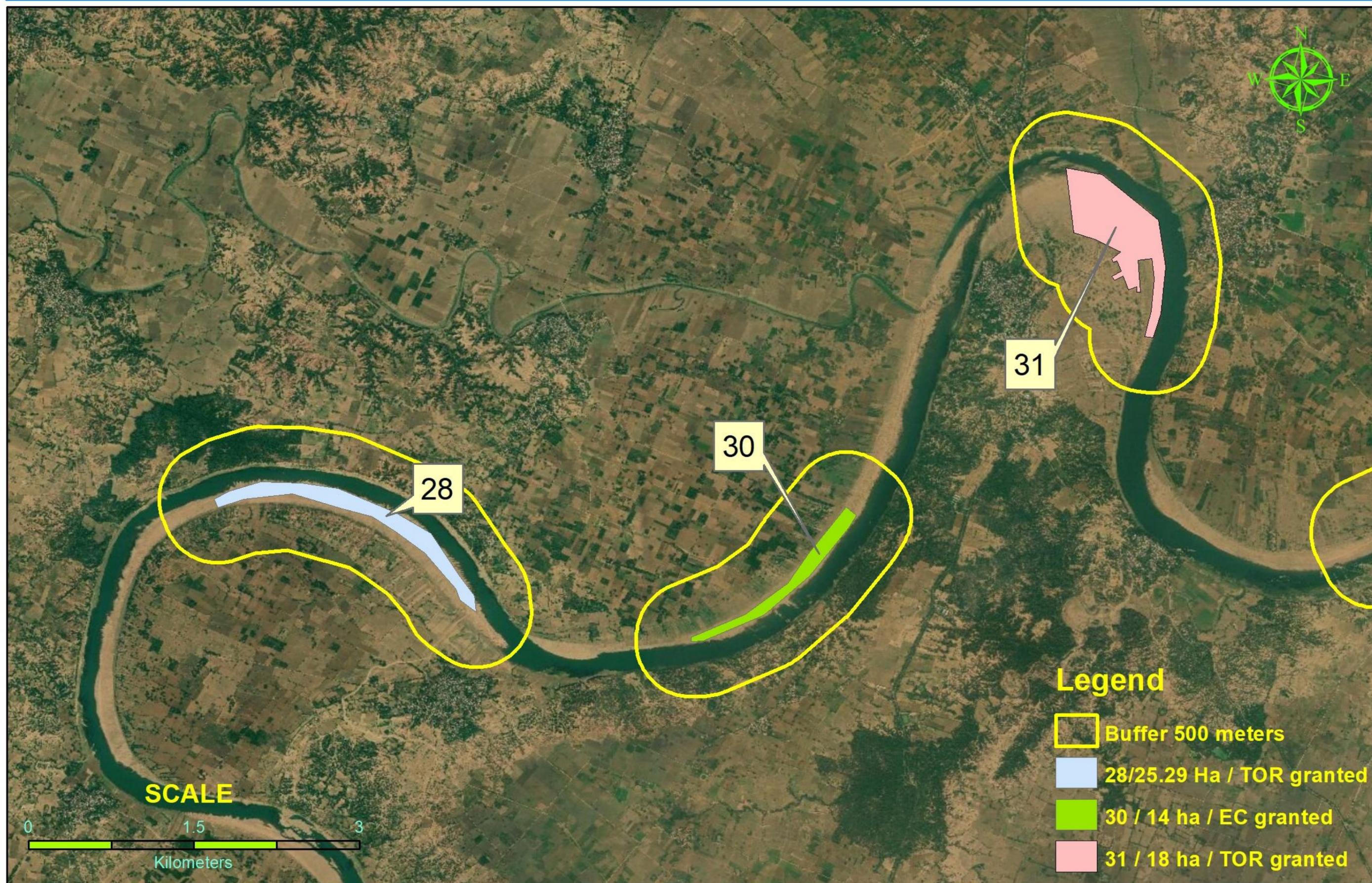


Map 1.g : EC / TOR Status in Ken River of Village Pathri Khadar, Distt - Banda



Map 1.h : EC / TOR Status in Ken River of Village Sadikhadar, Khaptihakalan Distt - Banda

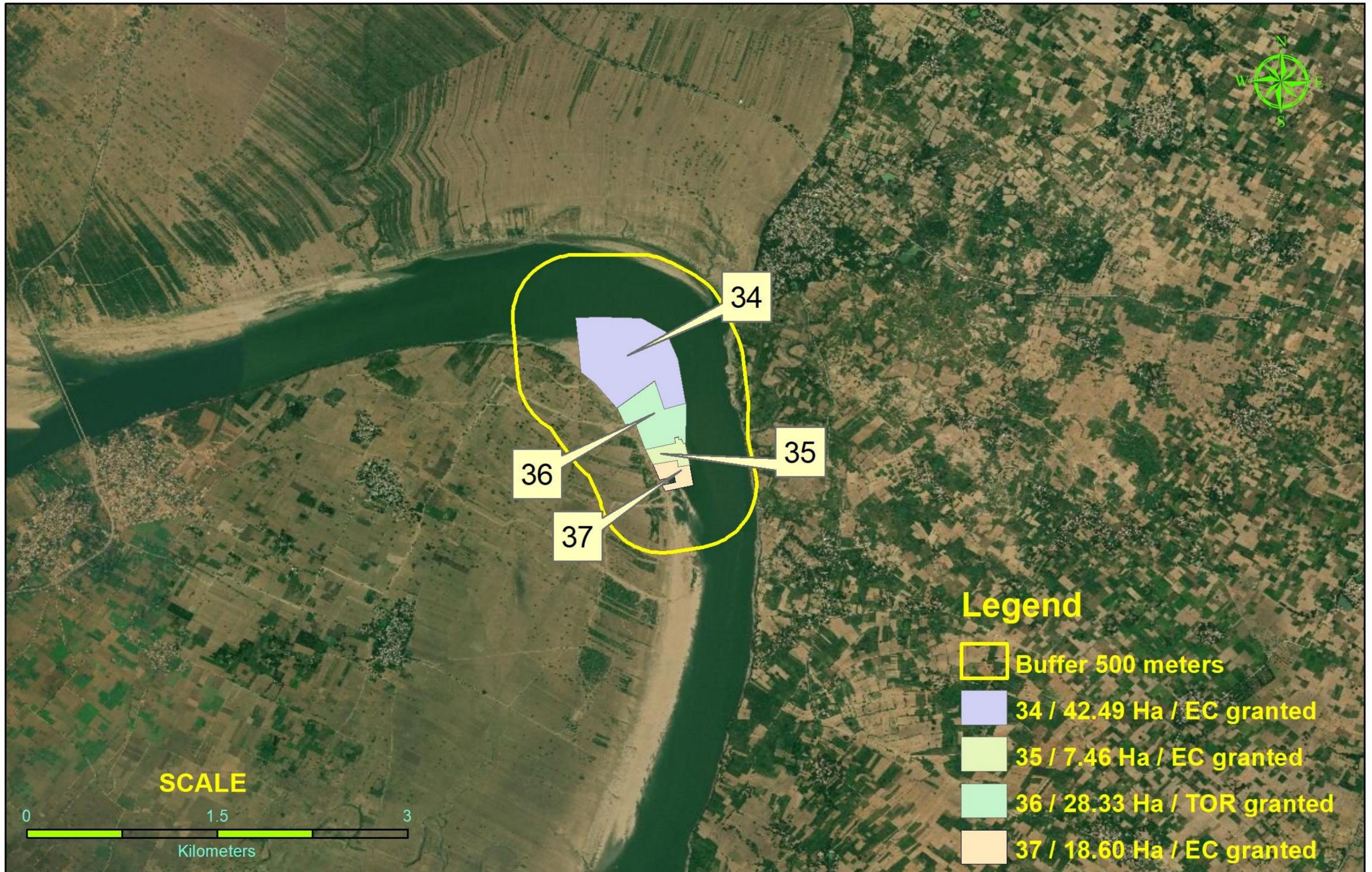


Map1.i : EC / TOR Status in Ken River of Village Amlaur khadar, Padohra khadar, Pailani Distt - Banda

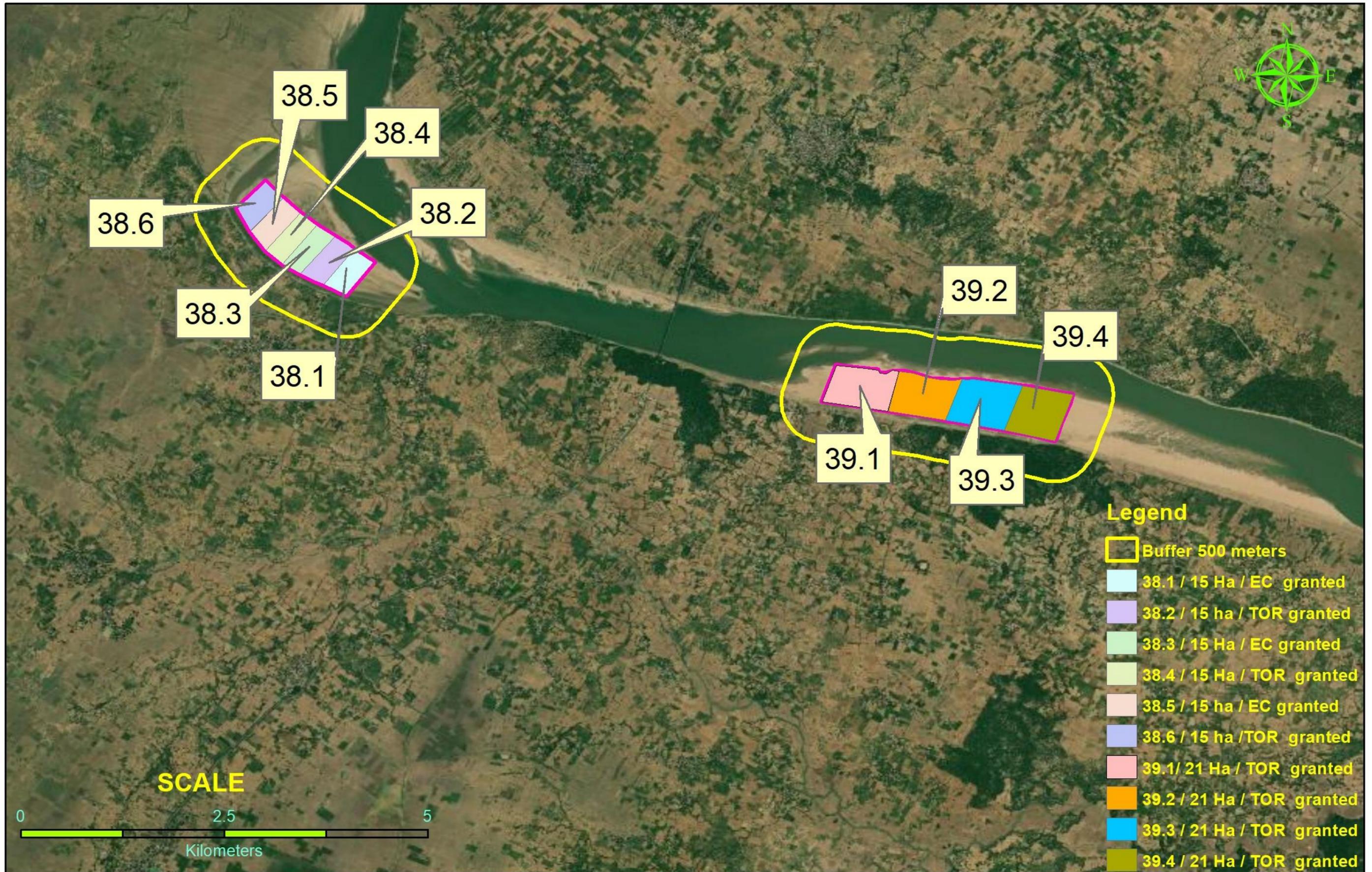
Map1.j : EC / TOR Status in Ken River of Village Sindhan Kalan, Distt - Banda



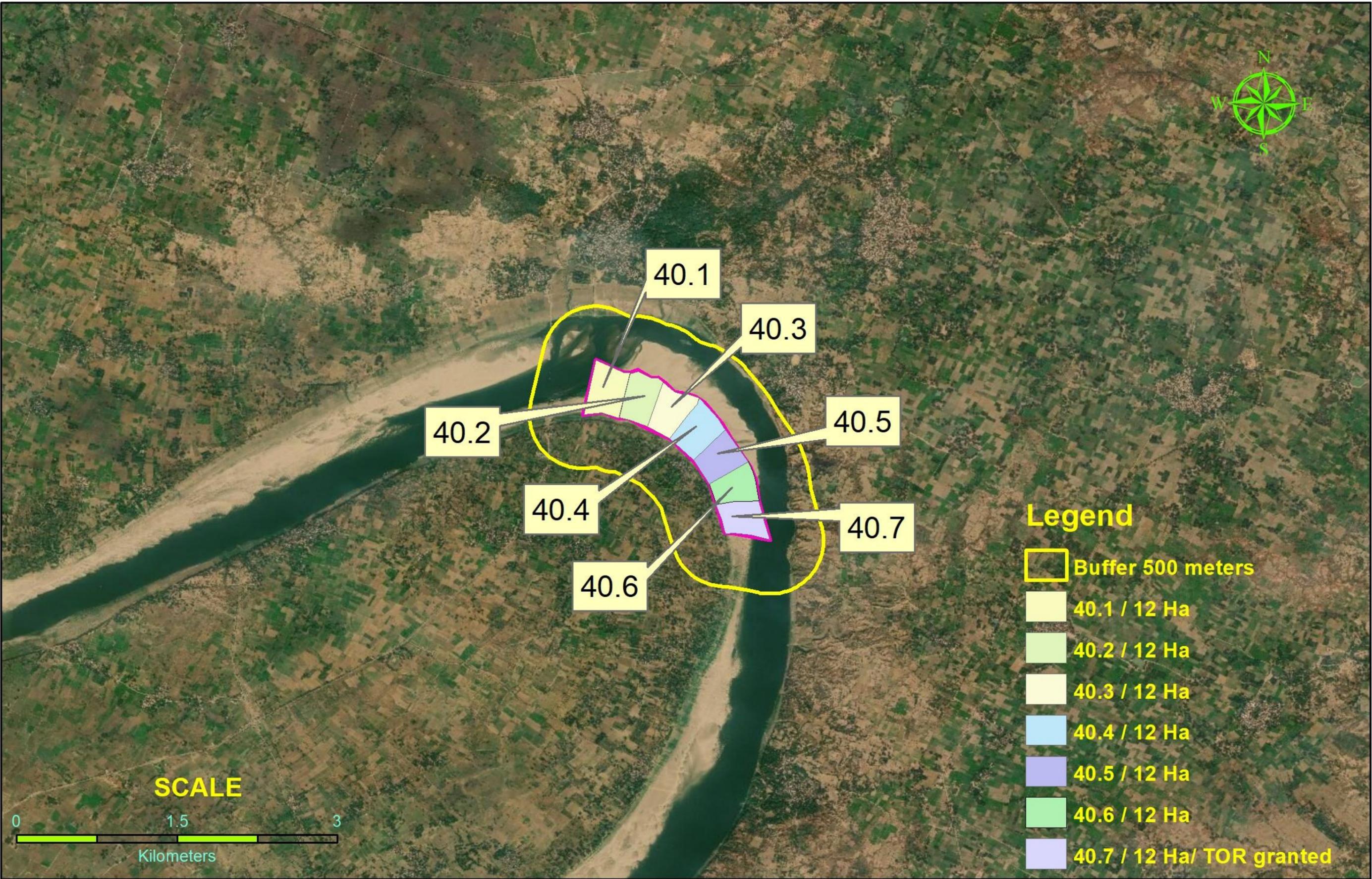
Map 2.a : EC / TOR Status in Yamuna River of Village Sadimadanpur, Distt - Banda



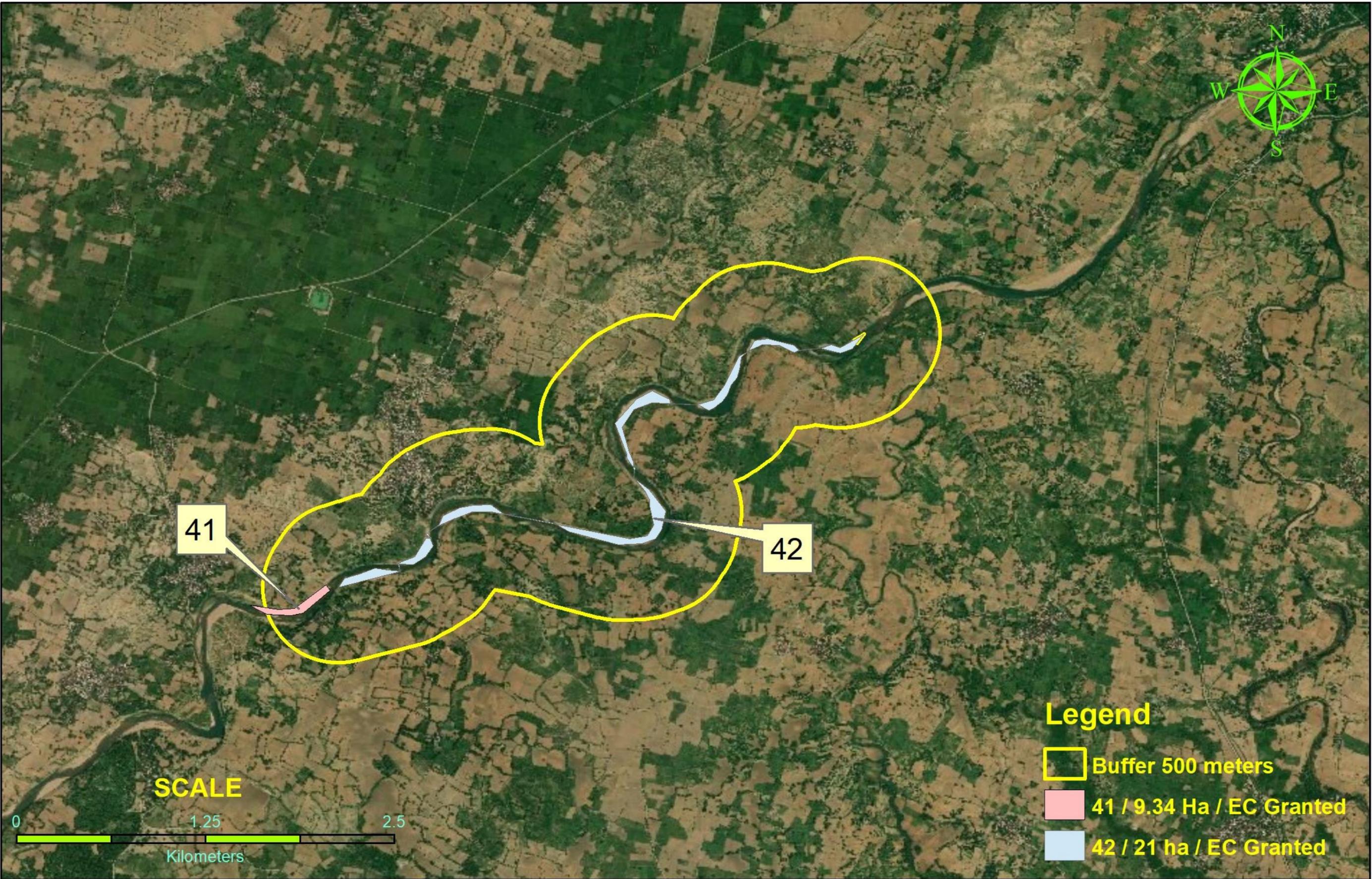
Map 2.b : EC / TOR Status in Yamuna River of Village Jauharpur and Benda Khadar Distt - Banda



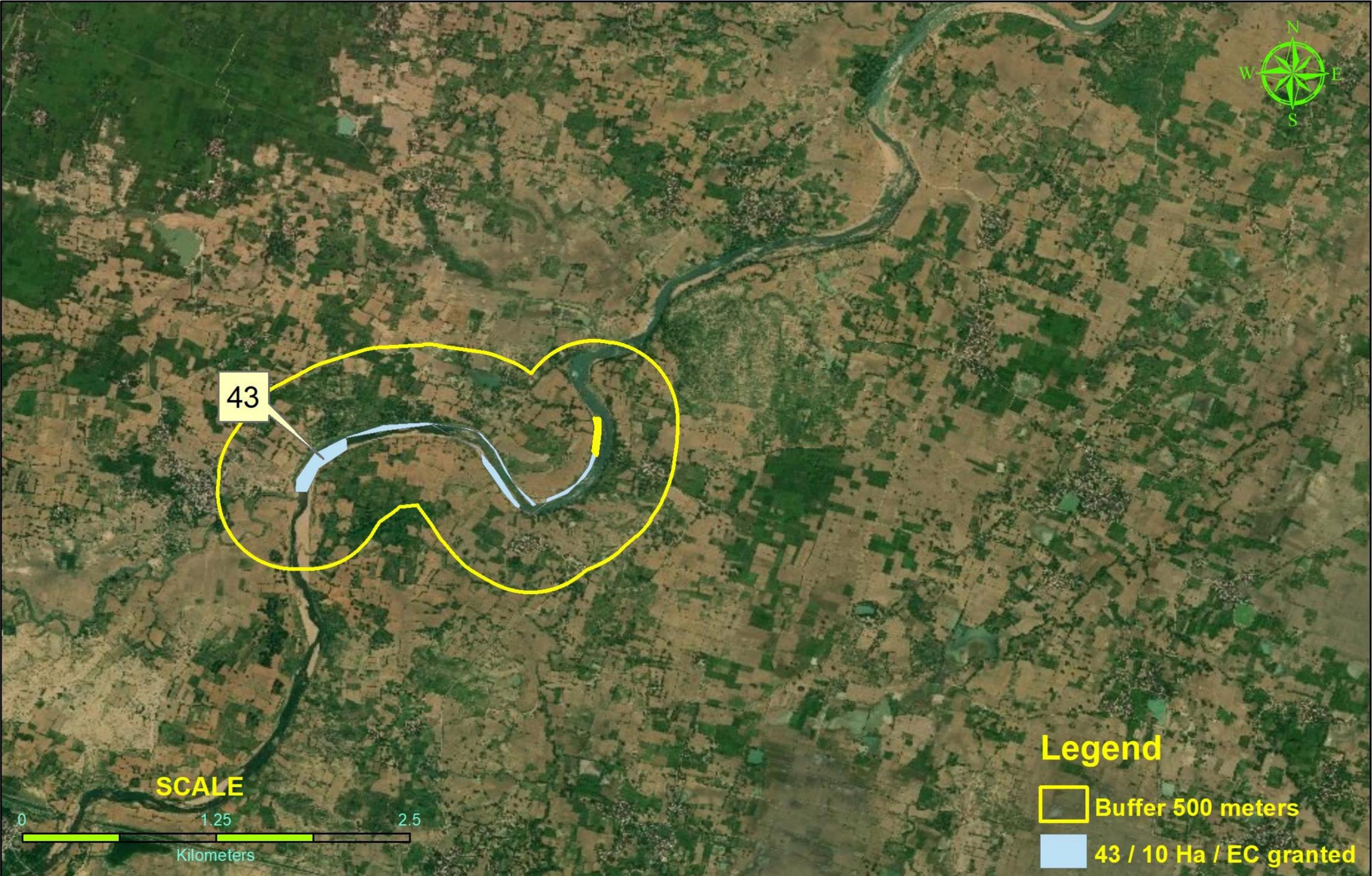
Map 2.c : EC / TOR Status in Yamuna River of Village Dando Khadar, Distt - Banda



Map 3.a : EC / TOR Status in Bangey River of Village Tera, Mahuta , Distt - Banda



Map 3.b : EC / TOR Status in Bangey River of Village Badausa, Distt - Banda



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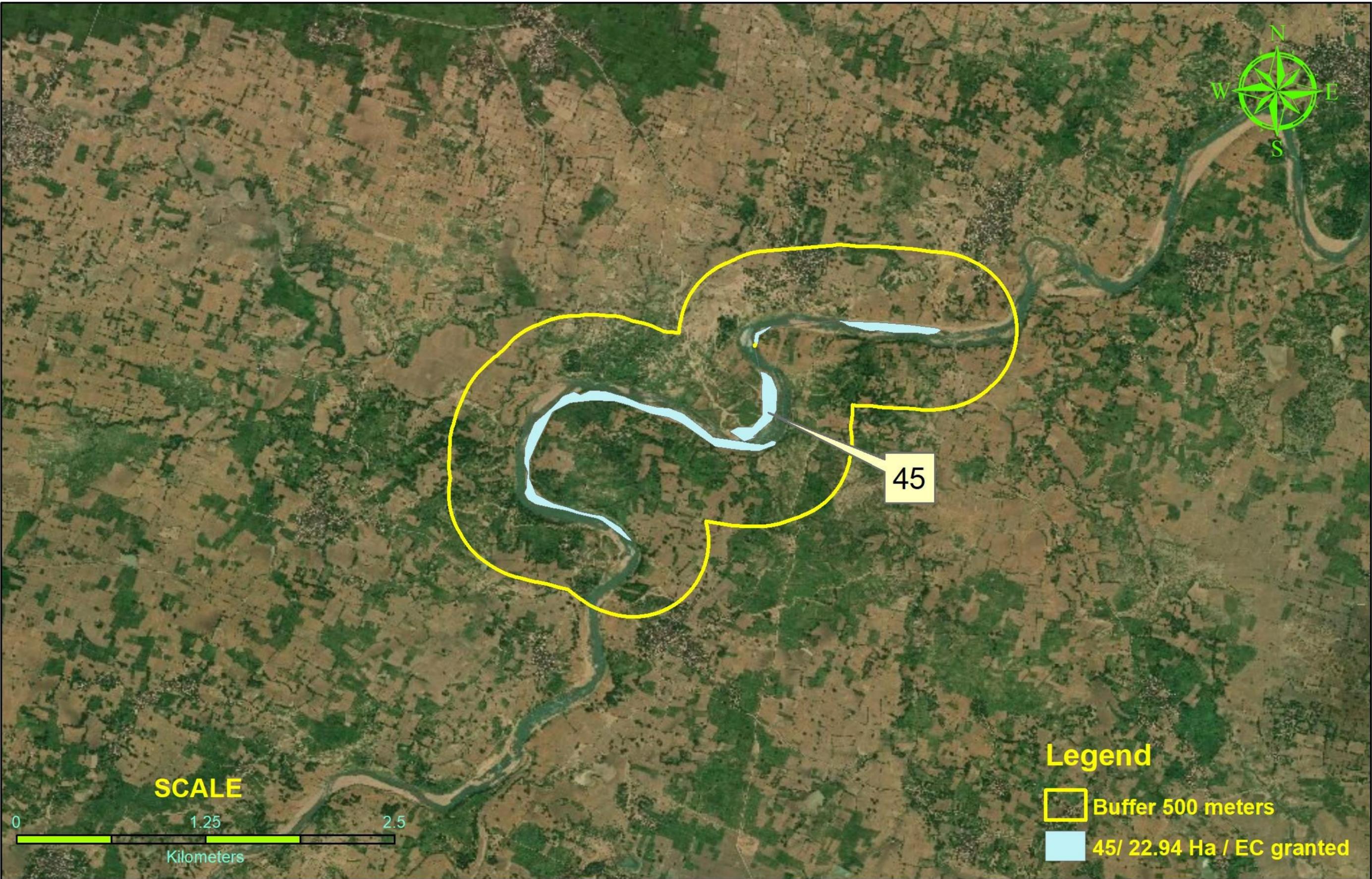
SCALE



Legend

- Buffer 500 meters
- 43 / 10 Ha / EC granted

Map 3. c : EC / TOR Status in Bangey River of Village Bhadawal , Distt - Banda



Map 3.d : EC / TOR Status in Bangey River of Village Lahra, Distt - Banda

