



क्षेत्रीय कार्यालय-उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद
Regional Office, U.P. Pollution Control Board, Ghaziabad
E-mail-roghaziabad@uppcb.com Ph-0120-4160108

पत्रांक: 1421/0420/427/19/19

दिनांक 29.5.19

To,

The Registrar
The National Green Tribunal,
Principal Bench,
New Delhi.
E-mail- filling.ngt@gmail.com

Sub: Compliance to the direction issued on 02-05-2019 by Hon'ble National
Green Tribunal in O.A No 427/2019 Vinod Kumar Tyagi Versus Union of
India & Ors.

Sir,

With reference to the subject mentioned above kindly find enclosed herewith
the compliance report to the directions issued 02-05-2019 by Hon'ble National Green
Tribunal in O.A No 427/2019 Vinod Kumar Tyagi Versus Union of India & Ors.

Encl: As above.

Yours faithfully

(Vivek Roy)

Regional Officer,

Copy to:

- 1- Member Secretary, U.P. Pollution Control Board, Lucknow for information.
- 2- Shri Pradeep Misra, Advocate, Hon'ble Supreme Court/NGT, New Delhi for
perusal and necessary action.
- 3- Chief Law Officer, U.P. Pollution Control Board, Lucknow for information.

Inspection report in compliance with the Hon'ble NGT Principal Bench order dated 02-05-2019 in O.A. No. 427/2019 in the matter of Vinod Kumar Tyagi Vs. Union Of India & Ors.

In reference to the order dated 02-05-2019 in O.A. No. 427/2019 in the matter of Vinod Kumar Tyagi vs. Union of India & Ors. Following directions have been issued:-

“ 2. The applicant has brought to the fore rampant illegal sand mining being carried out by Respondent No. 8, M/s Omkar Lakshmi Shubham Private Limited. It is alleged that heavy mechanized mining is being done by the said respondent in village Nauraspur, Tehsil Loni, Ghaziabad, Uttar Pradesh in violation of conditions of the mining lease, condition of consent to operate and conditions of the Environmental Clearance. It is also alleged that the activities being carried out by Respondent No. 8 is in violation of the orders passed by this Tribunal in O.A. No. 186/2016, Satendra Kumar Vs. Ministry of Environment, Forest and Climate Change & Ors. in order dated 13.09.2018 as well as O.M. dated 12.12.2018 of the Ministry of Environment, Forest and Climate Change (MoEF&CC).

3. Before we go further into the question in detail, having been prima facie satisfied that substantial question of environment is involved in the present case, we direct a joint Committee to be constituted comprising (i) District Magistrate, Ghaziabad; (ii) the District Mining Officer, Ghaziabad; (iii) Uttar Pradesh State Pollution Control Board (UPSPCB); (iv) State Environment Impact Assessment Authority (SEIAA), UP. The Committee shall inspect the area in question and verify on the facts and circumstances set out in the original application and submit a report. The nodal agency will be the UPSPCB for coordination and compliance.

4. We may observe that if such illegal mining is indeed being carried out, it would be in direct violation of the orders of this Tribunal passed in O.A. No. 186/2016, Satendra Kumar Vs. Ministry of Environment, Forest and Climate Change & Ors along with the batch of other cases vide order dated 13.09.2018 making all those involved in the illegal mining as well as the concerned regulatory authorities liable for appropriate disciplinary action for failure to perform their duties. We shall, however, withhold passing any such orders for the moment and await submission of the report. We, however, expect the concerned regulatory authorities to prohibit any illegal mining and to institute appropriate legal action against the offending miners. There shall be seizure of the machineries and tools which shall be kept in the custody of the jurisdictional police station.

5. considering the seriousness of the issue, the report shall be filed within a period of 15 days from hence by e-mail at ngt.filing@gmail.com.

A copy of this order be sent to each District Magistrate, Ghaziabad, UPSPCB and

Mining Officer, Ghaziabad. In compliance with the same, the following Officers, (nomination letters enclosed as A-1) visited the concerned site for inspection on 28/05/2019:-

S. No.	Name	Designation & Organization	Nominated as/role
1.	Shri Jitendra Sharma	Additional District Magistrate (Admin.), Ghaziabad	Chairman
2.	Shri Merajuddin Siddiqui	Member nominated by SEIAA	Member
3.	Shri Aditya Kumar Prajapati	Sub-Divisional Magistrate, Loni Ghaziabad.	Member
4.	Shri Umakant Tiwari,	Tehsildar, Loni, Ghaziabad	
5.	Shri Roopchand	Lekhpal, Tehsil Loni, Ghaziabad	
6.	Shri Lalit Kumar	Lekhpal, Tehsil Loni, Ghaziabad	
7.	Shri Ashish Kumar	District Mining Officer, Ghaziabad.	Member
8.	Shri B.K. Singh	Assistant Environmental Engineer, U.P. Pollution Control Board (UPCB), Ghaziabad.	For coordination
	Shri Anshul Sharma	Junior Engineer, U.P. Pollution Control Board (UPCB), Ghaziabad.	

Joint inspection report is annexed as **Annexure A-2**.

As per the report, the committee constituted by District Magistrate, Ghaziabad inspected the site in question on dated 28-05-2019. As per the petition filed by petitioner Sh. Vinod Kumar Tyagi, Following are the points on which committee is required to submit report:-

1. Heavy mechanized mining is being done through chain mounted excavator by the respondent no. 8(Lease Holder) in village Nauraspur, Tehsil Loni, Ghaziabad, Uttar Pradesh.
2. Illegal mining is being done by using excavator up to depth of 3.0 meter in the farm situated on gata no. 50 which is out of mining area of leaseholder.
3. The farm of petitioner is being damaged by illegal transport of heavy vehicles.

of the signs of vehicles movement and marks of big tires. Irregularity was also found earlier in mining operation by leaseholder M/s Omkar Laxmi Shubham Pvt. Ltd, in this regard recording of CCTV was not made available by leaseholder during inspection done by district mining officer on dated 18-11-2018, which is violation of rule 35(2) of U.P. Minor Mineral (concession) Rules, 1963. For which penalty of Rs. 7,50,000 was imposed on M/s Omkar Laxmi shubham Pvt. Ltd. u/s 59(3) vide office order no. 2017/mining-E.Tend. -co-neelami-inspection/2019 dated 07-02-2019.

Further, during earlier inspection of SDM, Loni, District Mining Officer and Tehsildar Loni on dated 19-04-2019, illegal sand mining was being done by leaseholder of vill. Nauraspur through suction pump in water stream of river, which is clear violation of rule 41(J) of U.P. Minor Mineral (concession) Rules, 1963. Hence, action has been taken by imposing penalty of Rs. 5,00,000 u/s of Rule 59(4) of said Rules, 1963. Thus, violation of rules and conditions has been done by lease holder repeatedly.

It is mentioned in para 3 of office memorandum dated 22-06-2017 (Annexure A-3) by Ministry of Environment, Forest and Climate Change that-

“There is confusion with respect to the use of mechanized and semi mechanized or manual mining for mining of minor minerals. Sh. Manoj Kumar Singh, Joint Secretary, MoEFFC clarified that the ministry grants EC only based on the method of mining given in the approved mining plan approved by the state.”

Method of mining is mentioned in para 2.2 of approved mining plan by Director of Geophysics and Mineral Directorate according to which-

“It will be opencast manual/semi mechanized (OFTM other than fully mechanized) mine. Sand shall be exploited with deployment of OFTM- other than fully mechanized machine like light earth moving machine (LEMM) bar scrapper/loader as well as conventional hand tools. Exploited sand be loaded with the help of loader in to trucks/dumpers/tippers/tractor trolley.”

This condition is also mentioned in Environmental clearance granted to leaseholder M/s Omkar Shubham Pvt. Ltd., which is annexed as Annexure A-4. There are instructions for mining only under the indicated conditions in lease agreement.

no. 50 and residues of crop are lying in the farm. After metering it came to the notice that mining area is situated 100 meters away from the farm of petitioner. No mining has been done in the farm of petitioner. This is also considerable that for transportation of minerals exit road is situated 350 meters away from gata no. 50 of petitioner's farm. There is no adverse effect on petitioner's farm due to mining activity.

SD/- SD/- SD/-

(ROOPCHAND)

(LALIT)

(Umakant Tiwari)

Lekhpal, Tehsil, Loni

Lekhpal, Tehsil, Loni

Tehsildar, Tehsil, Loni

SD/-

SD/-

SD/-

(ANSHUL SHARMA)

(B.K. SINGH)

(ASHISH KUMAR)

Junior Engineer

Assistant Env. Engg.

District Mining Officer

UPPCB, Ghaziabad

UPPCB, Ghaziabad

GHAZIABAD

SD/-

SD/-

(MERAJUDDIN SIDDDHIQUI)

(ADITYA PRAJAPATI)

Member (Nominated by SELAA)

Sub- Divisional Magistrate, Loni

SD/-

(JITENDRA KUMAR SHARMA)

प्रेषक,

मेराज उद्दीन,
सदस्य,
एस0ई0ए0सी0,
लखनऊ।

सेवामें,

क्षेत्रीय अधिकारी,
उत्तर प्रदेश नियंत्रण बोर्ड,
जनपद-गाजियाबाद

दिनांक: 15 मई, 2019

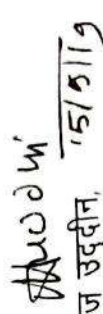
विषय:- मा0 राष्ट्रीय हरित अधिकरण द्वारा ओ0ए0 संख्या-427/2019,(आई0ए0नं0 301/2019) विनोद कुमार त्यागी बनाम यूनियन ऑफ इन्डिया व अन्य के दिनांक 02.05.2019 के पारित आदेश के सम्बन्ध में।

महोदय

उपर्युक्त विषयक एस0ई0आई0ए0ए0 के सदस्य सचिव, का आदेश दिनांक 8.5.2019 मुझे दिनांक 14.5.2019 प्राप्त हुआ। दूरभाष पर मुझे जिला खनन कार्यालय एवं आपके कार्यालय पर अवगत कराया गया कि उक्त क्षेत्र का निरीक्षण जिलाधिकारी महोदया के आदेशानुसार जिला स्तरीय अधिकारियों द्वारा किया जा चुका है।

आपसे अनुरोध है कि मा0 न्यायालय के आदेश का अनुपालन के सुनिश्चिती हेतु निरीक्षण की तिथि से ससमय अवगत करवाने का कष्ट करें।

भवदीय,


मेराज उद्दीन, 15/5/19

सदस्य,
एस0ई0ए0सी0,
लखनऊ।


प्रतिलिपि:- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1 श्रीमती श्रुति शुक्ला, उपनिदेशक, /नोडल अधिकारी, एस0ई0 आई0 ए0 पर्यावरण

जिलाधिकारी,

कृपया कार्यालय आदेश सं० 2465/एस०टी०-डी०एम०-2019 दिनांक 08.05.2019 का अवलोकन करने का कष्ट करें, जिसके द्वारा मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या 427/2019 विनोद कुमार त्यागी बनाम यूनियन ऑफ इण्डिया व अन्य जिसमें ग्राम नौरसपुर, तहसील लोनी गाजियाबाद में खनन पट्टाधारक मै० ओमकार लक्ष्मी शुभम प्रा०लि० द्वारा खनन पट्टा विलेख की शर्तों तथा उ०प्र० उपखनिज परिहार नियमावली 1963 के नियम 41(ज) के उल्लंघन सम्बन्धी शिकायत पर मा० अधिकरण द्वारा पारित आदेश दिनांक 02.05.2019 का अनुपालन सुनिश्चित करने हेतु समिति का गठन किया गया है, जिसमें अधोहस्ताक्षरी को अध्यक्ष नामित किया गया है। बालू खनन पट्टा क्षेत्र नौरसपुर का स्थलीय जांच SEIAA के सदस्य सहित दिनांक 28.05.2019 को नियत की गयी है।

यहाँ पर अवगत कराना है कि दिनांक 28.05.2019 को मा० राजस्व परिषद की आवश्यक बैठक में भाग लेने हेतु अधोहस्ताक्षरी को लखनऊ जाना आवश्यक है। अतः दिनांक 28.05.2019 को निर्धारित स्थलीय जांच हेतु किसी अन्य अपरजिलाधिकारी को नामित करने का कष्ट करें।


(सुनील कुमार सिंह)
अपरजिलाधिकारी (बि०/रा०)

ADME वाचित



27/5



संयुक्त जॉच आख्या

मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा ओ0ए0 संख्या 427 / 2019 विनोद कुमार त्यागी बनाम यूनियन ऑफ इण्डिया व अन्य में पारित आदेश के अनुपालन सुनिश्चित करने हेतु निम्न अधिकारियों एवं तहसील स्तरीय कर्मचारियों की उपस्थिति में प्रश्नगत क्षेत्र ग्राम नौरसपुर परगना व तहसील लोनी जिला गाजियाबाद का निरीक्षण दिनांक 28.05.2019 को किया गया।

- 1- श्री जितेन्द्र कुमार शर्मा अपरजिलाधिकारी(प्रशा0), गाजियाबाद, अध्यक्ष
 - 2- श्री मेराजउद्दीन, सदस्य(SEIAA द्वारा नामित)
 - 3- श्री आदित्य कुमार प्रजापति, उपजिलाधिकारी लोनी।
 - 4- श्री आशीष कुमार, खनन अधिकारी गाजियाबाद
 - 5- श्री बी0के0 सिंह, सहायक पर्या0 अभियन्ता, क्षेत्रीय कार्यालय उ0प्र0 प्रदूषण नियंत्रण बोर्ड, गा0बाद
 - 6- श्री उमाकान्त तिवारी, तहसीलदार लोनी।
 - 7- श्री अशुल शर्मा, अवर अभियन्ता, क्षेत्रीय कार्यालय उ0प्र0 प्रदूषण नियंत्रण बोर्ड, गा0बाद
 - 8- श्री रूपचन्द व ललित कुमार, लेखपाल तहसील लोनी।
- मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा श्री विनोद कुमार याची द्वारा प्रस्तुत याचिका में मुख्य रूप से निम्न बिन्दुओं पर अधिकरण द्वारा गठित अधिकारियों से आख्या अपेक्षित है:-
- 1- प्रतिवादी संख्या 8 (खनन पट्टा धारक) द्वारा Chain Mounted Excavator एवं जे0सी0बी0 का प्रयोग करते हुए यान्त्रिक खनन किया जा रहा है।
 - 2- याची के खनन पट्टा क्षेत्र से बाहर गाटा संख्या 50 में स्थित खेत में अवैध खनन का कार्य Excavator के प्रयोग से तीन मीटर की गहराई तक किया जा रहा है।
 - 3- बारह चक्का ट्रक के माध्यम से अवैध परिवहन किया जा रहा है जिससे याची का खेत क्षतिग्रस्त हो रहा है।

उक्त बिन्दुओं की जॉच आख्या निम्न प्रकार है:-

- 1- उपस्थित सदस्यों द्वारा आज दिनांक 28.05.2019 को स्थलीय निरीक्षण किया गया यद्यपि निरीक्षण के दौरान किसी प्रकार की खनन संक्रिया एवं किसी प्रकार की मशीनों का प्रयोग करते हये नहीं देखा गया परन्तु मौके पर बड़े-बड़े टायरों

आख्या दिनांक 18.11.2018 द्वारा सी0सी0टी0वी की रिकॉडिंग पट्टेधारक द्वारा उपलब्ध नहीं कराया गया, जो उ0प्र0 उपखनिज परिहार नियमावली 1963 के नियम 35(2) का उल्लंघन है। उक्त नियम 35(2) का उल्लंघन करने के कारण कार्यालय आदेश संख्या 2037 / खनन-ई0नि0-सह-नीलामी-जॉच / 2019 दिनांक 07.02.2019 के द्वारा नियम 59(3) के अन्तर्गत अंकन 7.50.000 / -रूपये की शास्ति आरोपित की जा चुकी है। पुनः दिनांक 19.04.2019 को उपजिलाधिकारी लोनी, जिला खनन अधिकारी, गजियाबाद एवं तहसीलदार लोनी की जॉच आख्या के आधार पर नौरसपुर के पट्टेधारक द्वारा नदी की जलधारा में संकशन पम्प का अवैध प्रयोग किये जाने के कारण उ0प्र0 खनिज परिहार नियमावली 1963 के नियम 41(ज) का उल्लंघन किया गया है। उक्त नियमावली 1963 के नियम 59(4) के अन्तर्गत 5.00.000 / -रूपये शास्ति किये जाने की कार्यवाही की गई है। इस प्रकार पट्टेधारक द्वारा नियम एवं शर्तों का बार-बार उल्लंघन किया गया है।

Ministry of Environment, Forest and Climate Change के0ओ0एम0 दिनांक 22.06.2017 के पैरा 3 में उल्लेख किया गया है कि (there is confusion with respect to the use of mechanized and semi mechanized or manual mining for mining of minor minerals. Sh. Manoj Kumar Singh, Joint Secretary, MoEFCC clarified that the Ministry grants EC only based on the method of mining given in the approved mining plan approved by the State.)


नौरसपुर के पट्टेधारक द्वारा निदेशक भूतत्व एवं खनिज निदेशालय द्वारा अनुमोदित माईनिंग प्लान के पैरा 2.2 में Method of mining का उल्लेख किया गया है जिसमें उल्लेख है कि " It will be opencast manual/Semi mechanised (OFTM other than fully machained) mine. Sand shall be exploited with deployment of OFTM- other than fully machanised machine like light earth moving machine (LEMM) bar scrapper/loader as well as conventional hand tools. Exploited sand be loaded with the help of loader in to trucks/dumper//tipper/tractor trolley."


2 व 3- स्थलीय निरीक्षण के समय उपस्थित तहसील स्टाफ द्वारा क्षेत्र की पैमाईश इस आशय से की गई कि गाटा संख्या 50 खसरा मानचित्र में चिन्हित किये गये खनन क्षेत्र ABCDEF के बिन्दु B से याची का खेत कितनी दूरी पर स्थित है। मौके पर लिये गये फोटोग्राफ्स संलग्न है। तहसीलदार लोनी एवं लेखपाल द्वारा दूरभाष पर याची से सम्पर्क स्थापित किया गया। याची द्वारा मौके पर आने पर असमर्थता जताई तथा वार्तालाप में याची द्वारा बताया गया कि गाटा संख्या 50 में गेहूं फसल को काटा जा चुका है तथा खेत में फसल के डंठल पड़े हुए हैं। पैमाईश से यह संज्ञान में आया कि खनन क्षेत्र याची के खेत से 100 मीटर की दूरी पर अवस्थित है। याची के खेत में किसी प्रकार का खनन नहीं हुआ है। यहाँ पर यह भी विचारणीय है कि खनिज के परिहन हेतु निकास मार्ग याची के खेत गाटा संख्या 50 से 350मीटर की दूरी पर स्थित है। खनिजों के परिवहन से याची के खेत गाटा संख्या 50 पर खनन संकियाओं से किसी प्रकार का प्रतिकूल प्रभाव नहीं पडा है।


(रूपचन्द)
लेखपाल,
तहसील लोनी

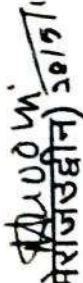

(ललित कुमार)
लेखपाल,
तहसील लोनी


2
(उमाकान्त तिवारी)
तहसीलदार लोनी।



(अंशुल शर्मा)
अवर अभियन्ता, क्षेत्रीय
कार्यालय उ0प्र0 प्रदूषण
नियंत्रण बोर्ड, गा0बाद


(बी0के0 सिंह)
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अभियन्ता, क्षेत्रीय
कार्यालय उ0प्र0 प्रदूषण
नियंत्रण बोर्ड, गा0बाद

(आशीष कुमार)
खनन अधिकारी गजियाबाद


(मेराजउद्दीन) 28/05/19 द्वारा
सदस्य(SEIAA) द्वारा

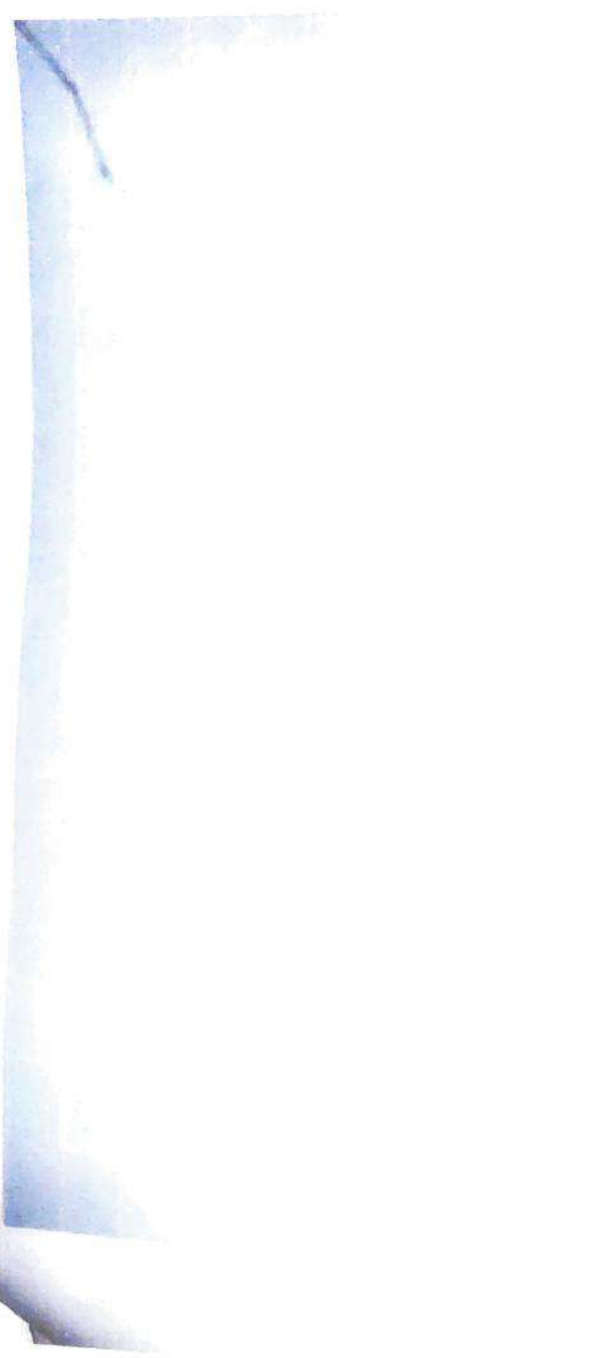

(आदित्य कुमार प्रजापति)
उपजिलाधिकारी,
लोनी


(जितेन्द्र कुमार शर्मा)
अपरजिलाधिकारी(प्रशा0),
गजियाबाद, अध्यक्ष

ग्राम मीरवणु बालुखरम बंध
दिनांक 28.5.19



ग्राम श्रीरक्षुवा बाड उतर बास
दिनांक 28.5.19



ग्यात्र मीरक्याडु वारुडुता बाय
दिनांक 28.5.19



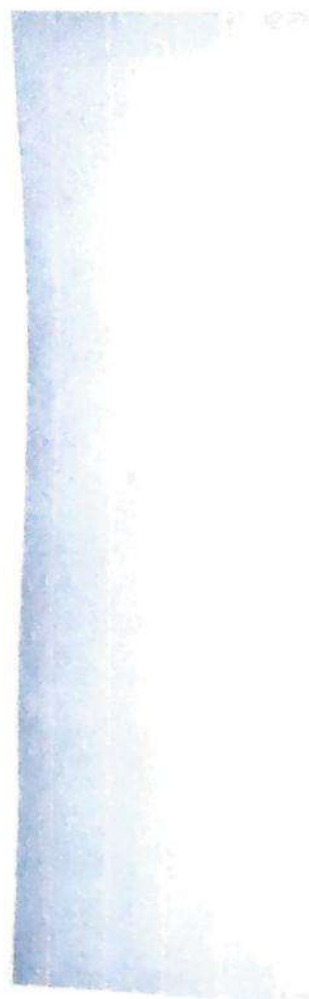
श्री गौरीय्युवाले, उमरबी
दिनांक 28.5.19



शास्त्र गौरवार्थ (बाह्य) का
दिनांक 28.5.19



ਸਾਡਾ ਸੀਕੰਗਰ ਬਾਡੇ ਭਾਗ ਵੀ
ਸਿੰਗ 28.5.19



बाग श्रीराम बाग, बाग
दिनांक 28.5.19



- (iv) The Member Secretary, CPCB, Parivesh Bhawan, CBD-cum-Office Complex East Arjun Nagar, Delhi-110032, [EMail-pems.epcb@nic.in, adaba.epcb@nic.in, vmoni.epcb@nic.in]
The Member Secretary, Haryana State Pollution Control Board, Plot No C-11, Sector-6 Panchkula-134109, Haryana, [EMail: hspcbho@gmail.com], Phone No. 0172 2581005/2581006/2581201
- (vi) The Member Secretary, Uttar Pradesh Pollution Control Board Phone No. 0522-2720895 [EMail-ms@uppcb.com].
The Director Geology & Mining U.P., Lucknow Khanij bhawan 27/8, Raja Ram Mohan Rai Marg, Lucknow-226001 (U.P.) Tel. No.: 0522-2205904, Fax.: 0522-2205909 [E-mail-dgmupexp@gmail.com]
- (viii) The Director, Mines & Geology Haryana, 3rd Floor, Madhya Marg, Sector 17-C, Chandigarh, 160017, [EMail-krarungupta@hotmail.com], 09646940690.
The Addl. Principal Conservator of Forests (C), Ministry of Env., Forest and Climate Change, Regional Office (NZ), Bays No. 24-25, Sector 31 A, Dakshin Marg, Chandigarh - 160030 [EMail-ronz.cbd-mef@nic.in, ajaymehrotra13@gmail.com, vimal.k.hatwal@gmail.com]
- (x) The Addl. Principal Chief Conservator of Forests (C), Ministry of Env., Forest and Climate Change, Regional Office (CZ), Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow - 226020 [EMail-roczi.ko-mef@nic.in, goimcoefolkco@gmail.com, m_env@rediffmail.com, atyalichen@gmail.com]
Sh. Rohtash Singh Kharb, IAS Deputy Commissioner, Yamunanagar 01732-237800/801, [EMail-dcynr@hry.nic.in].
- (xi) The Superintendent of Police, Phone No. 01732-200203 Yamuna Nagar (Haryana).
- (xii) The Divisional Commissioner, Saharanpur [EMail-commsab@nic.in] Phone No. 0132-2765736, 2766111, 2765555 (Uttar Pradesh).
The Superintendent of Police, Saharanpur Email: spsr-up@nic.in, Phone No:0132-2727143, Mobile No: 9454400308 (Uttar Pradesh).
- (xiii) The Superintendent of Police, Saharanpur Email: spsr-up@nic.in, Phone No:0132-2727143, Mobile No: 9454400308 (Uttar Pradesh).
- (xiv) The Superintendent of Police, Saharanpur Email: spsr-up@nic.in, Phone No:0132-2727143, Mobile No: 9454400308 (Uttar Pradesh).

Minutes of the meeting dated 12.06.2017 of High Powered Committee constituted in accordance with the directions of the order dated 18th February, 2016 of Hon'ble NGT in O.A. 184 of 2013 (Gurpreet Singh Bagga Vs Ministry of Environment and Forests & Others) and Original Application No. 304 of 2015 (Jai Singh & other Vs. Union of India & others) under the Chairmanship of the Secretary (EFCC).

The list of participants/members is enclosed as annexure-I.

1. Sh. Manoj Kumar Singh, Joint Secretary, MoEFCC welcomed the members and informed the committee with the important actions/decisions taken by the HPC till now, as follows:-

i. The HPC reviewed the compliance status by the authorities of both the states and district Administrations of Yamuna Nagar (Haryana) and Saharanpur (Uttar Pradesh). The authorities from the states confirmed that the directions given by the NGT on having quarterly meeting of the two District Administration has been held, check posts have been established and are being manned as per the directions. The HPC directed the authorities to continue with the regular meeting between the District Authorities of the two districts on regular basis.

ii. The HPC in its meeting held on 16.05.2016 had recommended the start of mining in Yamuna Nagar, Haryana after compliance with the environmental laws as comprehensive mine plan including District Survey Report was prepared; there was no illegal mining reported, and the State had complied with the other directions of the Hon'ble NGT.

iii. The recovery of ecological compensation of Rs. 250 crores due to illegal mining as ordered by the NGT was to be recovered by the State Government of U.P. from the violators.

iv. The Forest Research Institute (FRI), Dehradun was assigned the task of the study on Assessment of ecological damage and preparation of restoration plan for the illegal mining sites of minor minerals in Yamuna river bed in Saharanpur district of Uttar Pradesh. The report

v. He also informed that the High Powered Committee in its earlier meeting did not recommend commencement of mining in Saharanpur District of Uttar Pradesh as the State had not complied with the directions of providing the list of individuals carrying out illegal mining.

2. The Additional Chief Secretary, Department of Geology and Mines, Government of Uttar Pradesh submitted the following:-

i. The State had prepared a comprehensive mining plan which had been submitted to the MoEF&CC.

ii. The State of Uttar Pradesh has identified a tentative list of 443 persons involved in illegal mining. The list was submitted in the meeting.

iii. He mentioned that the persons involved in illegal mining should be black listed so that they would not be able to carry out mining in U.P., Haryana and adjacent areas. He also informed that a CBI enquiry on illegal sand mining was underway in Saharanpur.

iv. Due to total ban in mining and transportation of minor minerals in Saharanpur, there is an acute shortage of construction materials like sand/course sand etc., which is adversely affecting the economic development in that area.

v. He also mentioned that the state had now formulated a new policy for sand mining, where allocation of lease is through e-auction.

3. The Principal Secretary, Department of Geology and Mines, Government of Haryana informed that, since 2002 all the leases are granted only through auction. He informed that all the leases in the District Yamuna Nagar have valid ECs and there are only 4 proposals under consideration for EC. He also mentioned that there is confusion with respect to the use of mechanized and semi mechanized or manual mining for mining of minor minerals. Sh. Manoj Kumar Singh, Joint Secretary, MoEF&CC, stated that

above, he requested the states to expedite the preparation of the DSR for all the districts for all the minor minerals.

5. The Chairman emphasized that action be initiated against illegal miners. The Government of U.P should carry out the Ecological Restoration of the area as per the report of FRI.

6. Based on the detailed deliberations, the HPC decided the following:

i. The Government of Uttar Pradesh may be allowed to carry out mining in the district of Saharanpur with mining leases having environmental clearances and other statutory clearances.

ii. The State of Uttar Pradesh will submit the final list of persons who were involved in illegal mining. The persons/companies involved in illegal mining in U.P. to be black listed so that they will not be able to carry out mining in U.P, Haryana and adjacent areas and the list to be kept on the website and also shared with neighboring states.

iii. The States of U.P and Haryana should prepare District Survey Report (DSR) for sand mining as per S.O. 141(E) dated 15th January 2016 for all the districts.

iv. The State of U.P will take necessary measures to ensure compliance of Hon'ble NGT orders and orders of Hon'ble Supreme Court in case no. OA 184/2013 and Civil Appeal No.D-7484/2016 & Civil Appeal No.2667/2016 respectively.

The meeting ended with the vote of thanks to the chair.

Annexure-1

Attendance Sheet

List of Participants of the meeting of the HPC constituted as per Hon'ble NGT directions in the O.A. No. 184 of 2013 in Matter of Gurpreet Singh Bagga Vs Union of India and Ors. held on 12th June 2017.

Sr.No.	Name	Designation and Organisation
1	Sh. Ajay Narayan Jha	Secretary, MoEF&CC
2	Sh. Rajani Ranjan Rashmi	Special Secretary, MoEF&CC
3	Sh. R.P.Singh	Addl. Chief Secretary, Geology & Mining, Govt of UP
4	Dr.K.K.Khandlinal,	Addl. Chief Secretary, Environment, Haryana
5	Sh. Manoj Kumar Singh	Joint Secretary, MoEF&CC
6	Sh. Gyansesh Bharathi	Joint Secretary, MoEF&CC
7	Sh. A.K.Singh	Principal Secretary, Geology & Mining, Govt of Haryana
8	Sh. V.K.Singh	Addl. PCCF, R.O. MoEF&CC, Lucknow
9	Sh. C.D.Singh	Addl. PCCF, R.O. MoEF&CC, Chandigarh
10	Dr. Ajay Mehrotra	Advisor, R.O. MoEF&CC, Chandigarh
11	Sh. Deepak Agarwal	Divisional Commissioner, Saharanpur, U.P.
12	Sh. Vivek Saxena,	APC, Haryana
13	Sh. S. Narayanan,	Member Secretary, HSPCB
14	Sh. Surendra Kumar	Scientist-F, MoEF&CC
15	Sh. Anil Kumar Sharma	Senior Mining Officer, Lucknow
16	Sh. Rajinder Sharma	Regional Officer, HSPCB, Yamunanagar
17	Sh. Jagdish Chandro	Mining Officer, Mines & Geology, Yamunanagar
18	Sh. Kamaljit Singh	A.E.E, HSPCB, Yamunanagar
19	Sh. Om Dutt Sharma	Mining Inspector, O/o M.O.YR
20	Sh. A.B.Akolkar	Member Secretary, CPCE
21	Sh. Dinesh Runiwal	Scientist-D, MoEF&CC
22	Dr. J.D.Marcus Knight	Scientist-C, MoEF&CC
23	Sh. Rajesh Isalia	SP, Yamuna Nagar, Haryana
24	Sh. Pravesh Sharma	Mining Engineer, Department of Mines & Geology, Har
25	Sh. R.S.Khasb	D.C. Yamunanagar
26	Sh. Mahendra Singh	J.E. UPPCB
27	Dr. Ramesh A	RA (E), MoEF&CC
28	Ms. Vidhi Thukral	Legal Assistant, MoEF&CC
29	Sh. P.P.Srivastava	Regional Officer, UPPCB
30	Sh. M.K.Tyagi	AEE, UPPCB

Annexure A-4

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Registered

District Level Environment Impact Assessment Authority, Ghaziabad, U.P.

To

Mrs. Poonam Chauhan
M/s. Omkar Laxmi Shubham Pvt. Ltd.
Add- 1st Floor, H.No. 7, Srichand Sarpanch wali Gall,
G.T. Road, Vill- Sungarpur,
North West Delhi- 110036.

Ref. No. 188/Gzb/DEAC/file no. 181/Sand Mining Dated 06 Oct, 2018

Sub: Environmental Clearance for "Sand Mining" at Khasra Nos. 1 Village-
Nauraspur Tehsil- Loni District- Ghaziabad U.P. (Leased area 1.81 hect.), -
Regarding.

Dear Sir,

Please refer to your application dated 12/06/2018 addressed to the Member Secretary, DEAC, Ghaziabad, U.P. on the subject as above. The matter was considered by the District Level Expert Appraisal Committee Ghaziabad in its meeting held on dated 28/09/2018.

The proponent submitted the documents and informed the committee that:

1. The environmental clearance is sought for "Sand Mining" at Khasra No.- 1, Vill- Nauraspur, Ghaziabad (Area-1.81 hect.).
2. Mining is proposed from river bed of river Yamuna.
3. The mining lease will be granted for a period of 05 Years. The environmental clearance is applied for a period of 05 Years only.
4. The project proponent submitted letter of intent dated 16/04/2018 from District Magistrate, Ghaziabad.
5. The mining plan has been prepared by Mr. Pankaj pande (RQP/DDN/086/95-A) and approved by Department of Geology & Mining.
6. The water requirement will be limited to 3.0 KLD and will be supplied from water tankers.
7. The project proponent has submitted proposed Capacity as 45243 CUM.
8. During operation the maximum workers proposed are 38.
9. The project proponent has submitted a letter dated 30-05-2017 that there is no other existing operational mine lease within the 500 m of the periphery of this project.
10. The ultimate depth of mining will be restricted to 3.0 meter. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
11. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
12. The mining will be open-cast and manual/Semi Mechanised (OTFM- Other than fully mechanized) as mentioned in approved Mining Plan. No mechanical work or drilling/blasting Should be involved at any stage.
CSR plans as per need also including mosquito net blanket distribution. CSR audit



17. Coordinate of the Sectioned Area :-

A-	N -- 28° 40'	35.00"	E - 77° 13'	29.82"
B-	N -- 28° 40'	29.02"	E - 77° 13'	29.47"
C-	N -- 28° 40'	21.50"	E - 77° 13'	22.48"
D-	N -- 28° 40'	21.82"	E - 77° 13'	21.81"
E-	N -- 28° 40'	30.22"	E - 77° 13'	27.75 "
F-	N -- 28° 40'	34.87"	E - 77° 13'	27.76"

Based on the recommendations of the District Level Expert Appraisal Committee meeting held on 28/09/2018 on the above said project, the District Level Environment Impact Assessment Authority meeting held on 28/09/2018 has decided to grant the Environmental Clearance to the title project for collection of 45243 CUM is proposed from mining lease area 1.81 hect. subject to effective implementation of the following General Conditions and specific conditions:

A. General condition:

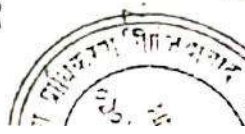
1. The lessee Holder is prohibited from mining during monsoon session i.e. from 1st July to 30 September.
2. Precise mining area will be jointly demarcated at site by project proponent and officials of Mining/Revenue department prior to starting of mining operations. Such site plan, duly verified by competent authority along with copy of the Environmental Clearance letter will be displayed on hording/board at the site. A copy of site plan will also be submitted to DEIAA within a period of 02 months.
3. Mining and loading shall be done only within day hours time.
4. No mining shall be carried out in the safety zone of any bridge and/or embankment.
5. It shall be ensured that standards related to ambient air quality/effluent as prescribed by the Ministry of Environment & Forests are strictly complied with. Water sprinklers and other dust control majors should be applied to take-care of dust generated during mining operation. Sprinkling of water on haul roads to control dust will be ensured by the project proponent.
6. All necessary statutory clearances shall be obtained before start of mining operations. If this condition is violated, the clearance shall be automatically deemed to have been cancelled.
7. Parking of vehicles should not be made on public places.
8. No tree-felling will be done in the leased area, except only with the permission of Forest Department.
9. No wildlife habitat will be infringed.
10. It shall be ensured that excavation of minor mineral does not disturb or change the

14. Hydro-geological study shall be carried out by a reputed organization/institute within six months and establish that mining in the said area will not adversely affect the ground water regime. The report shall be submitted to the RO, PCB and DEIAA within six months. In case adverse impact is observed/anticipated, mining shall not be carried out.
15. Adequate protection against dust and other environmental pollution due to mining shall be made so that the habitations (if any) close by the lease area are not adversely affected. The status of implementation of measures taken shall be reported to the RO, UPPCB and DEIAA and this activity should be completed before the start of sand mining.
16. **Need-based assessment for the nearby villages shall be conducted to study economic measures which can help in improving the quality of life of economically weaker section. Income generating project/tools such as development of fodder farm, fruit bearing orchards, vocational training etc. can form a part of such program me. The project proponent shall provide separate budget for community development activities and income generating programmes.**
17. Green cover development shall be carried out following CPCB guidelines including selection of plant species and in consultation with the local DFO/Horticulture Officer.
18. Separate stock piles shall be maintained for excavated top soil, if any, and the top soil should be utilized for green cover/tree plantation.
19. Dispensary facilities for first-aid shall be provided at site.
20. An Environment Audit should be quarterly carried out during the operational phase and submitted to the DEIAA.
21. **The District Mining Officer should quarterly monitor compliance of the stipulated conditions. The project proponent will extend full cooperation to the District Mining Officer by furnishing the requisite data/information/monitoring reports. In case of any violations of stipulated conditions the District Mining Officer will report to DEIAA.**
22. **The project proponent shall submit three months reports on the status of compliance of the stipulated environmental clearance conditions including results of monitored data (both in hard & soft copies) to the DEIAA, the District Officer and the respective Regional Office of the State Pollution Control Board by 30 June and 30 October in a period of six months.**
23. **A copy of the clearance letter shall be sent by the proponent to concerned panchayat, Zila Parisad/Municipal Corporation and Urban Local body.**
24. **Transportation of materials shall be done by covering the trucks/tractors with tarpaulin or other suitable mechanism to avoid fugitive emissions and spillage of mineral/ dust.**
25. **Waste water, from temporary habitation campus be properly collected & treated**



- 28. Measure for prevention & control of soil erosion and management of slit shall be undertaken. Protection of dumps against erosion, if any, shall be carried - out with geo textile matting or other suitable material.
- 29. Project Proponent shall explore the possibility of using solar energy/ wherever possible.
- 30. Under social corporate responsibility a sum of 5% of the total project cost or total income whichever is higher is to be earmarked for total lease period. Its budget is to be separately maintained. CSR component shall be prepared based on need of local habitant. Income generating measures which can help in upliftment of poor section of society, consistent with the traditional skills of the people shall be identified. The programme can include activities such as development of fodder farm, fruits bearing orchards, free distribution of smokeless chula etc.
- 31. Possibility for adopting nearest three villages shall be explored and details of civic amenities such as roads, drinking water etc proposed to be provided at the project proponent's expenses shall be submitted within 02 months from the date of issuance of Environment Clearance.
- 32. The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditures should be reported to the Ministry of Environment and Forests and its Regional Office located at Lucknow, DEIAA, U.P. and UPPCB.
- 33. Action plan with respect to suggestion/improvement and recommendations made and agreed during Public Hearing shall be submitted to the District mines officer, concern Regional Officer of UPPCB and DEIAA within 02 months.
- 34. Environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority, if applicable to this project.
- 35. The proponent shall observe every 15 day for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness shall be created amongst the workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures. In this regards the safety notified zone should be left so that the habitat/nesting area is undisturbed.
- 36. The project proponent shall undertake adequate safeguard measures during extraction of river bed material and ensure that due to this activity the hydro geological regime of the surrounding area shall not be affected.

The project proponent shall obtain necessary prior permission of the competent Authorities for withdrawal of requisite quantity of water (surface water and groundwater), required for the project.



STP, safe drinking water, medical health care, etc. etc. (MoEF circular Dated : 22-09-2008 regarding stipulation of condition to improve the living conditions of construction labour at site).

41. Personnel working in dusty areas should wear protective respiratory devices, and they should also be provided with adequate training and information on safety and health aspects. Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.

42. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parishad/ Municipal Corporation, Urban Local Body and the local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.

43. The environmental statement in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the Status of compliance of environmental clearance conditions and shall also be sent to the Regional Office of the Ministry of Environment and Forests, Lucknow by e-mail.

44. The green cover development/ tree plantation is to be done in an area equivalent to 20% of the total leased area either on river bank or along road side (Avenue Plantation).

45. Debris from the river bed will be collected and stored at secured place and may be utilized for strengthen the embankment.

46. Safety measures to be taken for the safety of the people working at the mine lease area should be given, which would also include measures for treatment of bite of poisonous reptile/insect like snake.

47. Periodical and Annual medical checkup of workers as per Mines Act and they should be covered under ESI as per Rule.

Specific Conditions:

1. Mining will be carried only according to the approved mining plan.

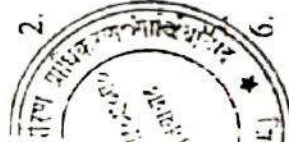
2. 06 toilets with drinking water facility to be constructed at site work apart from CSR activities.

River water Sprinklings should be used for dust suppression.

Approach road of 1.5 Km should be made motorable.

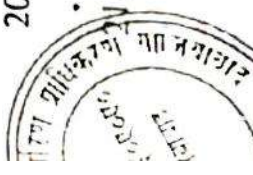
Plantation is to be made all along the approach road.

6. Ambient Air Monitoring shall be conducted every six monthly and the report shall be



- 11. This environmental clearance does not create or verify any claim of applicant on the proposed site/activity.
- 12. This environmental clearance shall be subject to valid lease in favor of project proponent for the proposed mining proposals. In case, the project proponent does not have a valid lease, this environmental clearance shall automatically become null and void.
- 13. The environmental clearance will be co-terminus with the mining lease period.
- 14. Project falling within 05 Km. area of Wild Life Sanctuary is to obtain a clearance from National Board Wild Life (NBWL) even if the eco-sensitive zone is not earmarked.
- 15. Social Corporate Responsibility (SCR) plan along with budgetary provision amounting to 5% of total project cost shall be submitted within three month on need base assessment study in the study area. Income generating measures which can help in up-liftment of weaker section of society consistent with the traditional skills of the people identified. The programme can include activities such as development of fodder farm, fruit bearing orchards, vocational training etc. In addition, vocational training for individuals shall be imparted so that poor section of society can take up self employment and jobs. Separate budget for community development activities and income generating programmes shall be specified.
- 16. The mining work will be open-cast and manual/Semi mechanized (OTFM)- Other than fully mechanized) as mentioned in approved Mining plan. No mechanical work or drilling/blasting should be involved at any stage.
- 17. It shall be ensured that there shall be no mining of any type within 03 m or 10% of the width which-ever is less, shall be left on both the banks of precise area to control and avoid erosion of river bank. The mining is confined to extraction of sand/moram from the river bed only.
- 18. The project proponent shall undertake adequate safeguard measures during extraction of river bed material and ensure that due to this activity the hydro-geological regime of the surrounding area shall not be affected.
- 19. The project proponent shall adhere to mining in conformity to plan submitted for the mine lease conditions and the Rules prescribed in this regard clearly showing the no work zone in the mine lease i.e. the distance from the bank of river to be left un-worked (Non mining area), distance from the bridges etc. It shall be ensured that no mining shall be carried out during the monsoon season.
- 20. The project proponent shall ensure that wherever deployment of labour attracts the Mines Act, the provision thereof shall be strictly followed.

The project proponent will provide personal protective equipment (PPE) as required; also provide adequate training and information on safety and health aspects. Periodical medical examination of the workers engaged in the project shall be carried out and schedule of health examination of the workers



(101)
loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads.

24. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
25. The extended mining scheme will be submitted by the proponent before expiry of present mining plan.
26. Four ambient air quality-monitoring stations should be established in the core zone as well as in the buffer zone for monitoring PM_{10} , $PM_{2.5}$, SO_2 and NO_x . Location of the stations should be decided based on the meteorological data, topographical features and environmental and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State pollution control Board.
27. Common Road for transportation of mineral is to be maintained collectively. Total cost will be shared/worked out on the basis of lease area among users.
28. Proponent will provide adequate sanitary facility in the form of mobile toilets to the labours engaged for the project work.
29. Solid waste material viz., gutkha pouches, plastic bags, glasses etc. to be generated during project activity will be separately storage in bins and managed as per Solid Waste Managements rules.
30. Green area/belt to be developed along haulage road in consultation of Gram Sabha/Panchayat.
31. Natural/ customary paths used by villagers should not be obstructed at any time by the activities proposed under the project.
32. Digital processing of the entire lease area in the district using remote sensing technique should be done regularly once in three years for monitoring the change of river course by Directorate of Geology and Mining, Govt. of Uttar Pradesh. The record of such study to be maintained and report be submitted to Regional Office of MoEF, DEIAA, U.P. and UPPCB.
33. A copy of clearance letter will be marked to concerned Panchayat/local NGO, if any, from whom suggestion/representation has been received while processing the proposal. The clearance letter shall also be put on the website of the company.
34. State Pollution Control Board shall display a copy of the clearance letter at the Regional office, District Industry Centre and Collector's officer/Tehsildar's office for 30 days.
35. The MoEF/DEIAA or any other competent authority may alter/modify the above condition or stipulate any further condition in the interest of environment protection. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provision of Environment (Protection) act, 1986.



