

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.308 of 2019

(I.A. No.167 of 2019)

Siyasaran Yadav & others	Applicants
	Versus	
State of U.P. & others	Respondents

My Lord,

In the above mentioned Original Application, this Hon'ble National Green Tribunal, Principal Bench, New Delhi, was pleased to direct the respondent No.5, District Magistrate, Jhansi to look into the allegations, as mentioned in the order dated: 25.03.2019 and take the remedial measures vide interim order dated 25.03.2019. The Hon'ble National Green Tribunal, has been further pleased to direct to the District Magistrate, Jhansi to submit factual report and the action taken on the referred aspects within one month by e-mail I.D. namely ngt.filing@gmail.com.

In compliance of the aforesaid direction dated 25.03.2019, issued by this Hon'ble National Green Tribunal, it is submitted that an area situate at District Jhansi, Tehsil Tahrauli, Village Kukargaon on plot no.01 ka, measuring 30.361 Hectare was notified for grant of mining lease for excavation of sand and morrum for a period of five years vide advertisement dated 15.11.2017. In pursuant to advertisement dated 15.11.2017 M/s Ghanaram Infra Engineers Private Limited, made a bid of Rs.995/= (Rupees nine hundred ninety-five) per cubic meter for sand and morrum, for an estimated annual quantity of 4,56,000 cubic meter per annum. The bid made by M/s Ghanaram Infra Engineers Private Limited was found to be the highest and



satisfactory hence accepted and letter of intent dated 04.01.2018 was issued in favor M/s Ghanaram Infra Engineers Private Limited. Thereafter M/s Ghanaram Infra Engineers Private Limited, got prepared the Mining Plan by a registered, qualified person under the provisions of rule 34 of The Uttar Pradesh Minor Minerals (Concession) Rules, 1963, and got approval of the Director, Geology and Mining, U.P. Lucknow on mining plan on 22.01.2018 and applied for grant of prior environmental clearance before the State Level Environment Impact Assessment Authority, Uttar Pradesh.

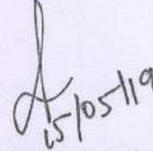
The public hearing was conducted on the date 01.11.2018, and during the public hearing, it has been observed that heavy vehicles will not be used for loading of sand and morrum on the river bed. The lessee, after obtaining the permission for dumping of sand and morrum from the local administration, the light motor vehicles shall be used to transport the sand and morrum from the mining area to temporary storage place, and there-after the transportation of sand and morrum shall be carried out by loading through related vehicles.

The condition no.26, of the EC as imposed by The State Level Environment Impact Assessment Authority, Uttar Pradesh, vide its letter dated 31.01.2019, the lessee will be permitted for transportation of minerals by covering the trucks/ tractors with tarpaulin or other suitable mechanism to avoid fugitive emissions and spoilage of mineral/dust; and condition no.28 of the E.C. envisages that the lessee will be taking the measures for control of noise level to a limit prescribed by CPCB; and the condition no.40 of the E.C. also provides that effective safeguard measures, such as regular water sprinkling shall be carried out in typical areas, prone to air pollution and having high level of particulate matters, such loading and un-loading point and all transfer points, extensive water sprinkling shall be carried out on whole road.

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In view of the conditions of the E.C. as mentioned above, and imposed by the State Level Environment Impact Assessment Authority, Uttar Pradesh, it is evident that for the safeguard of the healthy environment, sufficient measures have been already taken by the State Level Environment Impact Assessment Authority, Uttar Pradesh, but at this time, the mining lease deed has not been executed in favor of M/s Ghanaram Infra Engineers Private Limited. and no mining activity is going on, Hence, the apprehension, which has been expressed and submitted by the Applicant before this Hon'ble National Green Tribunal, by way of above mentioned O.A. has no gravity and whenever the mining lease deed will be executed and mining operation will be done then sufficient measures will be monitored by the Regional Officer of the Uttar Pradesh Pollution Control Board, Regional Office Jhansi, along with other officers of the District Administration, Jhansi.

Dated: May 15, 2019



(Shiv Sahay Awasthi)

District Magistrate, Jhansi

(Respondent No.5)