

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

In

OA No. 152 of 2021 (SZ)

IN THE MATTER OF

D. Hema Kumar, Chittoor District, Andhra Pradesh

...Applicant(s)

Vs

Union of India,
Rep by its Secretary, Ministry of Environment, Forests and
Climate Change and Ors.

...Respondent(s)

Joint Committee Report

In

Application No. 152 of 2021 (SZ)

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I. Preamble

The grievance in this application is that State of Andhra Pradesh is involved in illegal sand mining on the banks of "River Araniar" which runs through the villages, namely Karani, Suruttappalli, SSB Petta, BK Bedu, Nagalapuram and other nearby villages, and then enters in State of Tamil Nadu. The applicant alleges that State of Andhra Pradesh is carrying out illegal sand mining in the guise of "desilting and dredging" and huge quantity of sand is mined which affects the riverine environment. Hon'ble NGT has constituted a committee and directed to inspect the area and to file the report.

II. Hon'ble NGT orders

Hon'ble NGT, Southern Bench, Chennai in Original Application No. 152 of 2021 (SZ) vide order dated 22.07.2021 "*appoint a joint committee comprising of 1) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai, 2) a Senior Scientist from State Environment Impact Assessment Authority (SEIAA), State of Andhra Pradesh 3) Assistant Director of Mines and Geology, Chittoor District 4) Senior Officer from Central Pollution Control Board (CPCB), Regional Office, Chennai and 5) the District Collector, Chittoor District to inspect the area in question and submit a factual and action taken report, if there is any violation found.*" Copy of the order is enclosed as Annexure-I.

III. Composition and scope of the Committee

In compliance to Hon'ble NGT order dated 22.07.2021, the committee comprising of following members was composed:

1. Dr. Suresh Babu Pasupuleti, Scientist 'D', Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Vijayawada.
2. Shri K. Venkata Ramana, Member-State Expert Appraisal Committee (SEAC) Andhra Pradesh, representative of State Environmental Impact Assessment Authority (SEIAA), Andhra Pradesh.
3. Shri.P.Prakash Kumar, Assistant Director of Mines & Geology, Chittoor.
4. Smt. Mahima T, Scientist-D, Central Pollution Control Board, Regional Directorate-Chennai
5. Shri N. Srinivasulu, Spl. Dy. Collector (Galeru Nagari Srujala Sravanthi), Chittoor District.

IIIa. Scope of the Committee

The committee to look into the matter and find out the following:

1. The present status and also nature of work being done in the area,
2. To ascertain whether illegal mining is taking place in the guise of desilting or dredging and whether illegal mining is taking place without obtaining necessary permissions and Clearances as required under Environmental Laws,
3. Quantity of sand mined and quantity of sand mined that has been transported to the sand yards for dispersed for use in unavoidable alleged Government projects
4. Assess quantity of sand illegally mined and ascertain Environmental Compensation.

The committee has visited the site on 12.10.2021.

IV. Findings of the committee during visit, interaction with villagers & concerned departments and by using satellite images

- River Araniar is originates at Sadasivuni Konda in Narayanavana mandal and passes through various villages Narayanavanam, Nindra, Nagalapuram and Pichatur Mandals in Andhra Pradesh and then enter into Tamil Nadu. Total stretch of the Araniar river is 108 KM.
- District Authority has permitted five reaches for excavation of sand after getting following statutory clearances i.e., Approved Mining Plan from Dept. of Mines and Geology, Andhra Pradesh, Environmental Clearance (EC) from SEIAA, Andhra Pradesh and Consent for Operation (CFO) from Andhra Pradesh Pollution Control Board (APPCB).
- As per the information provided by Dy. Director, Dept of Mines and Geology, Chittoor Dist., the detailed status of Sand reaches being operated on Araniar river and Sand Stock yards as on 30.09.2021 are enclosed as Annexure – II and Annexure – III, respectively.
- Till early 2021 the sand reaches were operated by M/s APMDC Ltd, Vijayawada. As per sub Rule 1 (d) of Rule 9-B of APMMC Rules 1966. Govt. of A.P vide GO dated 16.04.2021 has upgraded the existing sand policy and accordingly issued amendments to Rule 9-B of Andhra Pradesh Minor Mineral concession Rules, 1966. Copy of GO is enclosed as Annexure-IV.

- Post upgrading the policy, Govt. of AP vide order dated 12.05.2021 has awarded the work of sand extraction to private agency M/s.Jaiprakash Power Ventures Ltd to undertake sand operations in the state of Andhra Pradesh for package-3 (Nellore, Anathapuram, Chittoor and YSR Kadapa districts). Copy of the order dated 12.05.2021 is enclosed as Annexure-V. During joint committee visit, the reaches are being operated by M/s.Jayaprakash Power Ventures Ltd.
- District level sand committee (DLSC) during the meeting held on 31.10.2020 based on joint inspection report of Mines & Geology, Irrigation department, Ground Water and Water Audit, RWS & S and Revenue departments has permitted for sand extraction in five open sand reaches in River Araniar. Copy of the minutes is enclosed as Annexure-VI.

IV.a Specific Observations w.r.t. Nandanam-1

- The area permitted for sand mining is 4.910 hectares. However, as per the geo-coordinates given in the approved mining plan, Environmental Clearance (EC) and Consent for Operation (CFO), the total area permitted for mining is 37.85 hectares and lease given outside the Araniar river bed which is Agricultural land. The satellite image as per Geo-coordinates given in said approvals in the Google maps is as follows:

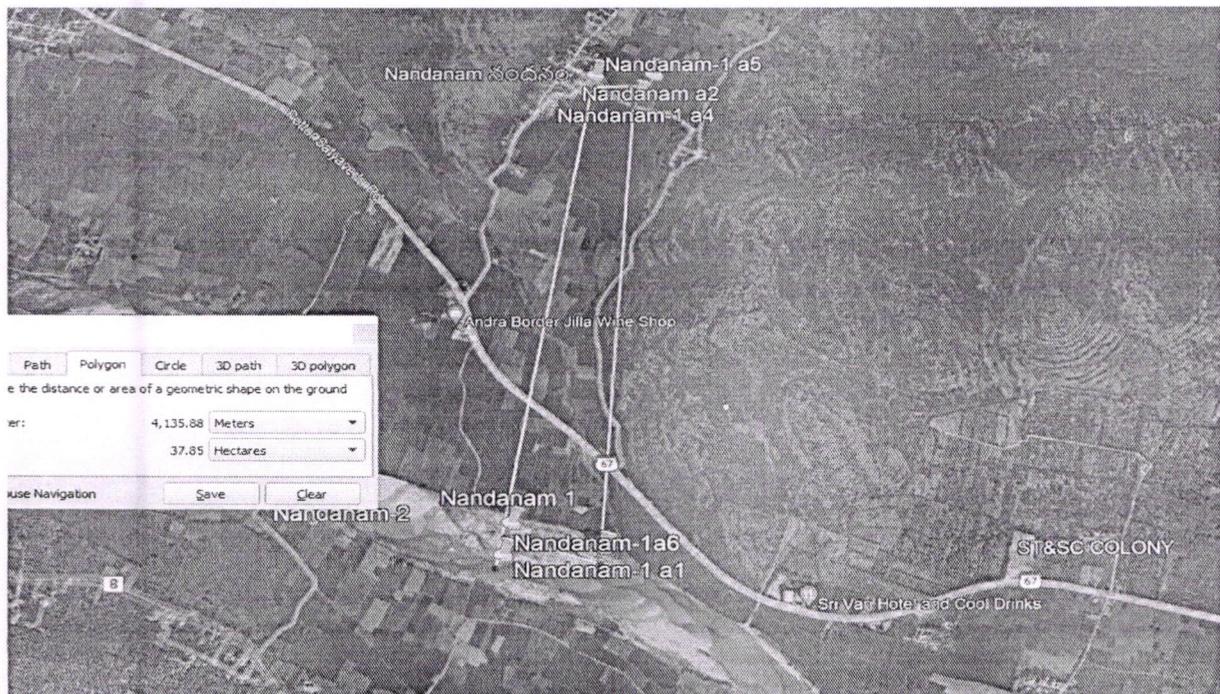


Figure 1: Layout of Nandanam – 1 mining lease as per coordinate given in the mining plan, Environmental Clearance and Consent for Operation.

- However, as per the Geo-coordinates mentioned in mining plan page nos. 23-30 (maps), the mining lease the Google maps is as follows:



Figure 2: Layout of Nandanam – 1 mining lease where sand mining has executed.

Geo-coordinates mentioned in EC and CFO	Geo-coordinates where sand mining has executed
13°21'04.73"N 79°49'47.84"E	13°21'04.73"N 79°49'47.84"E
13°21'01.93"N 79°49'56.95"E	13°21'01.93"N 79°49'56.95"E
13°21'58.61"N 79°50'01.88"E	13°20'58.61"N 79°50'01.88"E
13°21'55.79"N 79°50'00.28"E	13°20'55.79"N 79°50'00.28"E
13°21'58.47"N 79°49'55.57"E	13°20'58.47"N 79°49'55.57"E
13°21'01.22"N 79°49'47.14"E	13°21'01.22"N 79°49'47.14"E

- The Officials from Department of Mines and Geology (DMG) stated that there is typographical error in the mining plan, EC and CFO. However, DMG has not approached the SEIAA, AP and APPCB for correction of the same.
- As per the information provided by Dy. Director, Dept of Mines and Geology, Chittoor Dist., (Annexure – II) the status of Nandanam - 1 sand reach as on 30.09.2021 is as follows

Reach Creation No.	R212200005
Reach Name	Nandanam - 1
Stream Name	Arani
Village	Nandanam

Mandal	Nagalapuram	
Extent in Ha	4.91	
Permitted Quantity (Tons)	73,650	
Excavated Quantity by M/s APMDC (Tons)	18,273	
Balance Quantity handed over to M/s JVPL (Tons)	55,377	
Qty excavated by M/s JVPL as on 30.09.2021	53,820	
Balance Qty available as on 30.09.2021	1,557	
Permission for Excavation	Semi Mechanised	
Status of Statutory Clearances	AMP No. & Date	4472/MP-Sand/CTR/2020-9, Dt:04-11-2020
	EC No. & Date	SEIAA/AP/CTR/MIN/11/2020/2309-631, Dt: 01-12-2020
	CFO NO & DATE	Order No.CTR-1000-8/PCB/ZO-KNL/CFE&CFO/2020, Dt: 11-12-2020
EC & CFO validity up to	30.11.2021	

- Total Sand excavation permission quantity from Nandanam – 1 reach is 73,650 metric tons. Out of which, 18,273 metric tons was excavated by M/s APMDC and 53,820 metric tons was excavated by M/s JVPL till 30.09.2021.
- The reach was having CFO issued by APPCB valid for 11.12.2020 to 30.11.2021. The start date for operations of the sand reach was not available. The operations were stopped during 30.06.2021.
- The aerial distance between Nandanam - 1 and Nandanam-2 is 531 meters.
- The sand excavated from the Nandanam – 1 sand reach is within the permitted qty mentioned in EC and CFO.

IV.b Specific observations w.r.t. Nandanam-2

- The area permitted for sand mining is 4.75 hectares. The satellite image as per Geo-coordinates is as follows:



Figure 3: Layout of Nandanam – 2 mining lease where sand mining has executed.

- The area permitted is 4.75 hectares and as per the satellite image also the area is 4.75 hectares and it is matching.
- As per the information provided by Dy. Director, Dept of Mines and Geology, Chittoor Dist., (Annexure – II) the status of Nandanam - 2 sand reach as on 30.09.2021 is as follows:

Reach Creation No.	R212200003	
Reach Name	Nandanam - 2	
Stream Name	Arani	
Village	Nandanam	
Mandal	Nagalapuram	
Extent in Ha	4.75	
Permitted Quantity (Tons)	71,250	
Excavated Quantity by APMDC (Tons)	66,667	
Balance Quantity handed over to JVPL (Tons)	4,583	
Qty excavated by JVPL as on 30.09.2021	3,500	
Balance Qty available as on 30.09.2021	1,083	
permission for Excavation	Semi mechanized	
Status of Statutory Clearances	AMP No. & Date	4472/MP-Sand/CTR/2020-9, Dt:04-11-2020
	EC No. & Date	SEIAA/AP/CTR/MIN/11/2020/2309-631, Dt:01-12-2020
	CFO NO & DATE	CTR-1000-8/PCB/ZO-KNL/CFE&CFO/2020, Dt:11-12-2020

EC & CFO validity up to	30.11.2021
Geo-coordinates	13°21'08.38"N 79°49'31.21"E
	13°21'11.01"N 79°49'32.42"E
	13°21'13.97"N 79°49'27.57"E
	13°21'20.71"N 79°49'21.87"E
	13°21'16.20"N 79°49'18.93"E

- Total Sand excavation permission quantity from Nandanam – 2 reach is 71,250 metric tons. Out of which, 66,667 metric tons was excavated by M/s APMDC and 3,500 metric tons was excavated by M/s JVPL till 30.09.2021.
- The reach was having CFO issued by APPCB valid for 11.12.2020 to 30.11.2021.
- Operations were started during 03.03.2021 and stopped during 30.06.2021.
- The aerial distance between Nandanam - 1 and Nandanam-2 is 531 meters.
- The sand excavated from the Nandanam – 2 sand reach is within the permitted qty mentioned in EC and CFO.
- As per satellite image of February, 2021, traces of mining carried in the area laying between Nandanam-1 and Nandanam-2 has been observed.

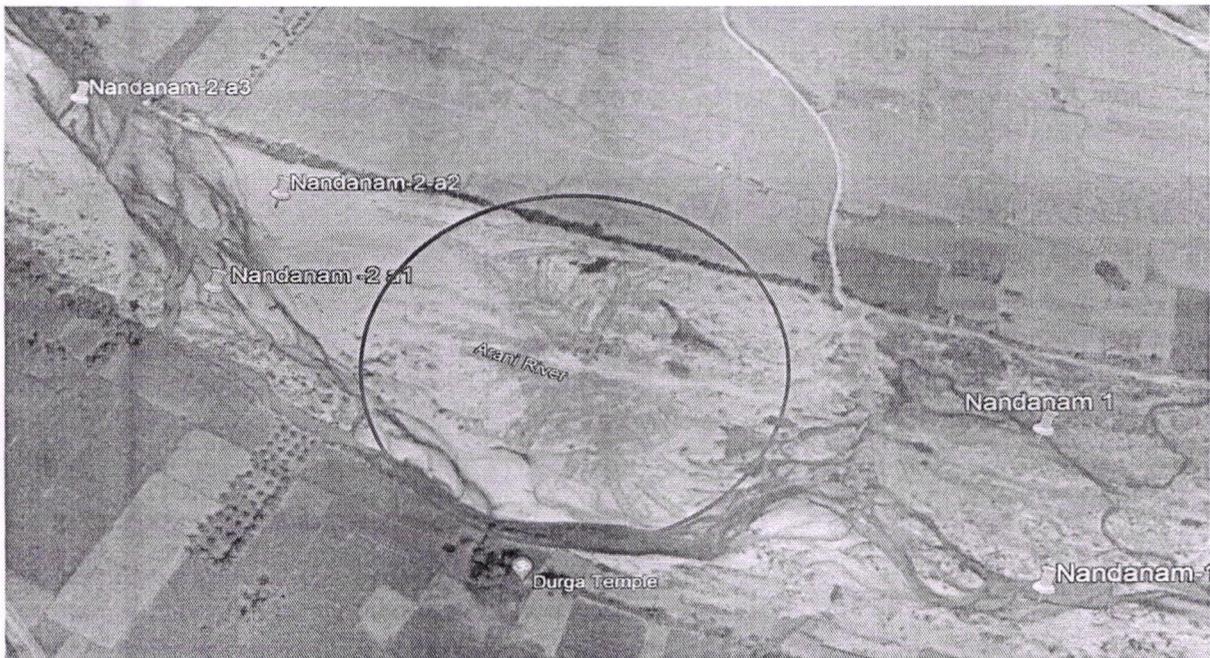


Figure 4: Satellite image of February, 2021 indicating the traces of mining carried in the area between Nandanam-1 & Nandanam-2.

- The boundaries were demarcated in the field by erecting poles.
- The reach was had obtained valid CFO from APPCB during the operational period.

IV.c Specific observations w.r.t. B K Bedu

- The area permitted for sand mining is 4.92 hectares. The satellite image as per Geo-coordinates is as follows:



Figure 5: Layout of B. K. Bedu mining lease where sand mining has executed.



Figure 6: Satellite image of 2/2021

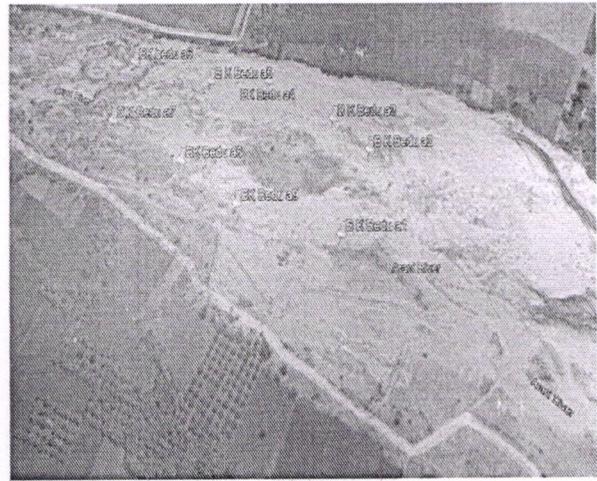


Figure 7: Satellite image of 6/2021

- The area permitted is 4.92 hectares and as per the satellite image also the area is 4.92 hectares and it is matching
- As per the information provided by Dy. Director, Dept of Mines and Geology, Chittoor Dist., (Annexure – II) the status of B. K. Bedu sand reach as on 30.09.2021 is as follows:

Reach Creation No.	R212200006	
Reach Name	B.K.Bedu	
Stream Name	Arani	
Village	B.K.Bedu	
Mandal	Nagalapuram	
Extent in Ha	4.92	
Permitted Quantity (Tons)	73,800	
Excavated Quantity by APMDC (Tons)	4,488	
Balance Quantity handed over to JVPL (Tons)	69,312	
Qty excavated by JVPL as on 30.09.2021	68,120	
Balance Qty available as on 30.09.2021	1,192	
permission for Excavation	Semi mechanized	
Status of Statutory Clearances	AMP No. & Date	4472/MP-Sand/CTR/2020-9, Dt:04-11-2020
	EC No. & Date	SEIAA/AP/CTR/MIN/11/2020/2309-631, Dt: 01-12-2020
	CFO NO & DATE	Order No.CTR-1000-8/PCB/ZO-KNL/CFE&CFO/2020, Dt:11-12-2020
EC & CFO validity up to	30.11.2021	
Geo-coordinates	13°21'26.22"N 79°49'06.13"E 13°21'29.62"N 79°49'07.66"E 13°21'30.93"N 79°49'05.85"E 13°21'32.59"N 79°49'02.50"E 13°21'32.59"N 79°48'59.42"E 13°21'33.48"N 79°48'55.36"E 13°21'30.90"N 79°48'54.43"E 13°21'29.20"N 79°48'58.08"E 13°21'27.44"N 79°49'00.93"E	

- Total Sand excavation permission quantity from B.K. Bedu reach is 73,800 metric tons. Out of which, 4,488 metric tons was excavated by M/s APMDC and 68,120 metric tons was excavated by M/s JVPL till 30.09.2021.
- The reach was having CFO issued by APPCB valid for 11.12.2020 to 30.11.2021.
- Operations were started during 17.02.2021 and stopped during 30.06.2021.
- The sand excavated from the B.K. Bedu sand reach is within the permitted qty mentioned in EC and CFO.
- The boundaries were demarcated in the field by erecting poles.

IV.d Specific Observations w.r.t. Subbaiah naidu Kandriga

- The area permitted for sand mining is 4.88 hectares. The satellite image as per Geo-coordinates is as follows:



Figure 8: Layout of Subbaiah naidu Kandriga mining lease where sand mining has executed.

- The area permitted is 4.88 hectares and as per the satellite image also the area is 4.88 hectares and it is matching
- As per the information provided by Dy. Director, Dept of Mines and Geology, Chittoor Dist., (Annexure – II) the status of Subbaiah naidu Kandriga sand reach as on 30.09.2021 is as follows:

Reach Creation No.	-
Reach Name	Subbanaidu Kandriga – 2
Stream Name	Arani
Village	Subbanaidu Kandriga
Mandal	Nagalapuram
Extent in Ha	4.88
Permitted Quantity (Tons)	73,200
Excavated Quantity by APMDC (Tons)	73,200
Balance Quantity handed over to JVPL (Tons)	0
Qty excavated by JVPL as on 30.09.2021	0
Balance Qty available as on 30.09.2021	0
Permission for Excavation	Semi mechanised

Semi Mechanized EC Order No. & Date		SEIAA/AP/CTR/MIN/11/2020/2306-629, DT:01.12.2020
Status of Statutory Clearances	AMP No. & Date	4472/MP-Sand/CTR/2020-10, Dt:04-11-2020
	EC No. & Date	Order SEIAA/AP/CTR/MIN/11/2020/2306-629, DT:01.12.2020
	CFO NO & DATE	Order No.CTR-1000-7/PCB/ZO-KNL/CFE&CFO/2020, Dt:11-12-2020
EC & CFO validity up to		30.11.2021
Geo-coordinates		13°20'23.23"N 79°50'37.29"E 13°20'37.07"N 79°50'24.90"E 13°20'38.88"N 79°50'27.31"E 13°20'25.18"N 79°50'39.23"E

- Total Sand excavation permission quantity from Subbaiah Naidu Kandriga reach is 73,200 metric tons and has excavated by M/s APMDC.
- Mining was carried outside the permitted boundary.
- Single ramp was established for transportation of sand.
- The area permitted is 4.88 hectares and as per the satellite image also the area is 4.88 hectares and it is matching.
- Operations were started during 12.11.2020 and stopped during 10.02.2021.
- The boundaries were demarcated in the field by erecting poles.

IV.e Specific Observations w.r.t. SSB Peta-2

- The area permitted for sand mining is 4.80 hectares. The satellite image as per Geo-coordinates is as follows:



Figure 9: Layout of S.S.B. Peta – 2 mining lease where sand mining has executed.

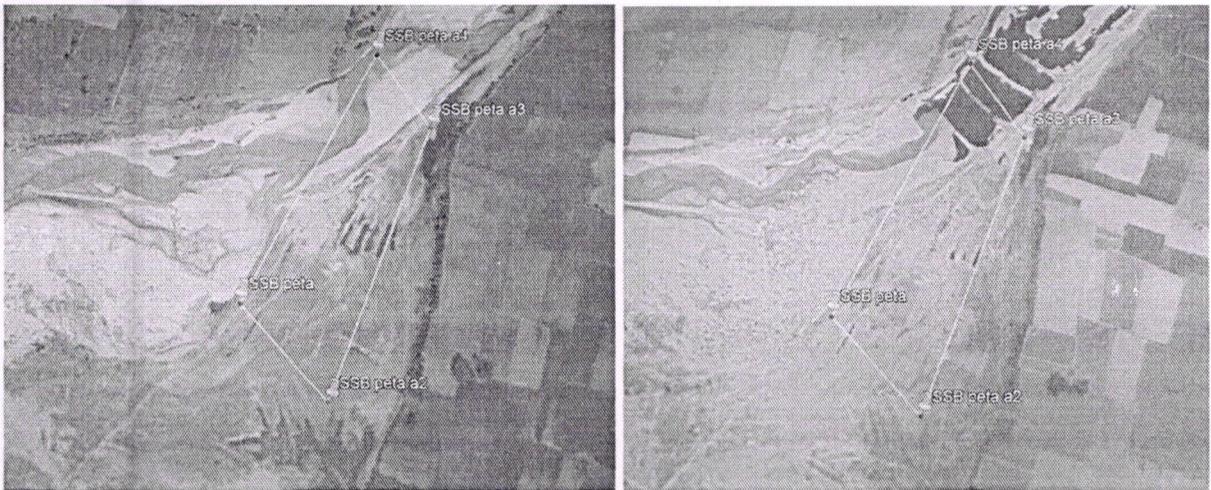


Figure 10: Layout of S.S.B. Peta – 2 mining lease where sand mining has executed. [Satellite image of 02/2021 (left) and 08/2021 (right)]



Figure 11: Satellite image showing distance between SSB Peta and Surutupalle sand reaches.

- The area permitted is 4.80 hectares and as per the satellite image also the area is 4.80 hectares and it is matching.
- As per the information provided by Dy. Director, Dept of Mines and Geology, Chittoor Dist., (Annexure – II) the status of SSB Peta sand reach as on 30.09.2021 is as follows:

Reach Creation No.	R212200004
Reach Name	S.S.B.Peta - 2
Stream Name	Arani
Village	S.S.B.Peta
Mandal	Pichatur
Extent in Ha	4.80
Permitted Quantity (Tons)	72,000
Excavated Quantity by APMDC (Tons)	20,911
Balance Quantity handed over to JVPL (Tons)	51,089
Qty excavated by JVPL as on 30.09.2021	49,800
Balance Qty available as on 30.09.2021	1,289
permission for Excavation	Manual

Status of Statutory Clearances	AMP No. & Date	4472/MP-Sand/CTR/2020-9, Dt:04-11-2020
	EC No. & Date	SEIAA/AP/CTR/MIN/11/2020/2309-631, Dt:01-12-2020
	CFO NO & DATE	CTR-1000-8/PCB/ZO-KNL/CFE&CFO/2020, Dt:11-12-2020
EC & CFO validity up to		18.12.2021
Geo-Coordinates		13°19'47.10"N 79°51'36.65"E 13°19'43.14"N 79°51'40.51"E 13°19'54.35"N 79°51'44.75"E 13°19'57.56"N 79°51'42.31"E

- Total Sand excavation permission quantity from SSB Peta-2 reach is 72,000 metric tons. Out of which, 20,911 metric tons was excavated by M/s APMDC and 49,800 metric tons was excavated by M/s JVPL till 30.09.2021.
- The boundaries were demarcated on the ground by erecting poles.
- Sand extraction was carried out beyond permitted boundaries.
- The aerial distance between SSB Peta-2 and Surutupalle is around 340 meters and the entire area between these two reaches are mined. Under such circumstances it has to be treated as a single reach of larger area and accordingly necessary permissions needs to be obtained.
- The committee measured the depth of sand excavation by conventional methods using tape and it was observed that the average depth of excavation was 1 m to 1.8 meters.
- On the day of inspection, no heavy vehicles were found plying on the river bed and only tractors were used for sand extraction.

IV.f Common observations on all the reaches on River Araniar

- The quantity of sand present, extracted and transported from each reach was assessed by inspection of documents submitted by different departmental officials. However, scientific assessment of each reach by measuring the length, width and depth of sand at different locations was not carried out due to river was completely filled with water.
- As per the information provided by Dy. Director, Dept of Mines and Geology, Chittoor Dist., (Annexure – II), the sand excavated are within the approved limits.
- The sand reaches are having valid Environmental Clearances from SEIAA, AP and Consents from APPCB.

- There are no CCTV cameras in the reach.
- There were no proper records on the quantity of sand extracted from the reaches.
- Flag posts or Poles were erected for physical demarcation of the boundaries.
- Currently, the sand extraction is fully outsourced to private vendors. APMDC (Andhra Pradesh Mineral Development Corporation) or Mining department or Irrigation department are not effectively monitoring & regulating the sand extraction.
- Registers were not available in the reach on the quantity of sand produced and quantity dispatched, no. & type of vehicles used per day for sand transportation.
- There are no weigh bridges at the reach area.
- The mining plans does not included scientific mine closure plan and approach roads/ramps to the sand reach are not shown.

V. Conclusions of Committee

1. The committee submits that the Hon'ble NGT may direct APMDC and Dept. of Mines and Geology to effectively monitor and regulate the sand extraction activities in River Araniar.
2. The sand reaches shall be permitted for sand extraction only after scientific assessment of the quantity of sand.
3. The committee did not observe any environmental impacts or damage to structures near to reach, indeed found that the river was completely filled with water.
4. Strict implementation and practice of "Sustainable Sand Mining Management Guidelines 2016" and also the guidelines for "Enforcement and Monitoring Guidelines for Sand Mining, 2020" at all reaches is required for all the reaches.

VI. Differed points by the Assistant of Mines and Geology, Chittoor.

1. Specific observation of Nandanam – 2 (in Point IV.b):

- As per satellite image of 2, 2021 mining is carried out in the area laying between Nandanam-1 and Nandnam-2.
- In the above point, as per this office records, the Collector & District Magistrate, Chittoor and DLSC Chairman vide Procs. No. 4472/Sand/2019, Dt; 12.01.2021 has issued operation guidelines for excavation and transportation of sand at free of cost for local needs by tractors/bullock carts and also for Government sponsored weaker section housing schemes and Government R&R packages housing scheme for 86 sand reaches in 1st to 3rd order streams. Out of which the Nandanam sand reach is one of them (Copy enclosed). Hence, there is no mining carried out in the area laying between Nandanam-1 and Nandnam-2 without obtaining permissions.

2. Specific observation of Subba Naidu Kandriga (in Point IV.d):

- Mining is carried out outside the permitted boundary.
- In this above points, as per this office records, previously the Collector & District Magistrate, DLSC Chairman Chittoor vide Procs. No. 4472/Sand/2019, Dt; 12.01.2021 has permitted for excavation of sand in Chinnapattu Village which is adjacent to the Subba Naidu Kandriga Sand Reach at free of cost for local needs by tractors and bullock carts and also for Government sponsored weaker section housing schemes and Government R & R packages housing scheme as per operational guidelines issued by the Government (Copy enclosed for perusal). Hence, there is no mining carried out in permitted area without obtaining permissions.

3. Specific observation of S.S.B.Peta – 2 (in Point IVe):

- The aerial distance between SSB Peta-2 and Surutupalle is around 340m and the entire area between these two reaches are mined. Under such circumstances it has to be treated as a single reach of larger area and accordingly necessary permissions needs to be obtained.
- In this above said point, it is submitted that, previously, the Collector & District Magistrate, DLSC Chairman, Chittoor vide Procs. No.4472/Sand/2019, Dt:31.08.2019 has accorded permission for excavation and transportation of sand at Surutpalli sand reach for a quantity of 47,090 CBM . Further, the Surutpalli sand reach was closed due to exhausted of the sand quantity.

At the time of inspection of NGT team in this sand reach it is observed that distance between sand reaches of Suruthupalli & S.S.B.Peta – 2 is 340 Mts only. But, it is fact that the reach of suruthupalli was closed due to exhausted of the permitted quantity of sand, than only the competent authority has given permission for the sand reach S.S.B.Peta – 2. Hence there is no need to maintain minimum distance of 500 M from the closed sand reach.

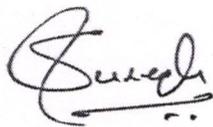
4. In Common observations (In Point IV.f):

- Currently, the sand extraction is fully outsourced to private vendors and APMDC (Andhra Pradesh Mineral Development Corporation) or Mining department or Irrigation department are not effectively monitoring & regulating the sand extraction.
- In this above point, the APMDC (Andhra Pradesh Mineral Development Corporation) operated all sand reaches and transferred to the present agency i.e., M/s Jai Prakash Ventures Private Ltd.,

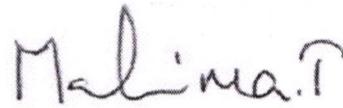
The Government of Andhra Pradesh was established new department named “Special Enforcement Bureau Department” and this department monitoring & regulating the illegal sand and excise subjects.

5. In conclusions (In Point V):

- The committee submits to Hon’ble NGT to direct APMDC and Mining department to effectively monitor and regulate the sand extraction activities in River Araniar.
- In this above point, it submitted that there is a Special Enforcement Bureau, Revenue, Irrigation and Mining Departments are to effectively monitor and regulate the sand extraction activities in River Araniar.

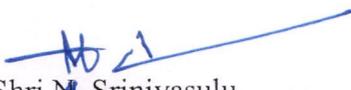


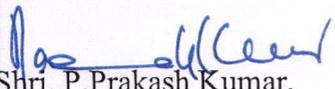
Dr. Suresh Babu Pasupuleti,
Scientist ‘D’, MoEF&CC,
Integrated Regional Office, Vijayawada.



Smt. Mahima T
Scientist-D
Central Pollution Control Board
Regional Directorate, Chennai


Shri K. Venkata Ramana,
Member (SEAC), SEIAA,
Andhra Pradesh.


Shri M. Srinivasulu,
Spl. Dy. Collector (Galeru Nagari
Srujala Sravanthi), Chittoor District.


Shri. P. Prakash Kumar,
Assistant Director of Mines and Geology,
Chittoor.

Item No.01:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 152 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF

D. Hema Kmar,
Chittoor District, Andhra Pradesh

...Applicant(s)



Versus

Union of India,
Rep by its Secretary,
Ministry of Environment, Forests and Climate Change and others

...Respondent(s)

Date of order: 22.07.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. DR. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s): Mr. Kamalesh Kannan

For Respondent(s): Mrs. Maduri Donti Reddy for R2 to R6

ORDER

1. The grievance in this application is that the respondents 7 & 8 have involved in illegal sand mining on the river banks of "River Aaraniaar" which runs through the Villages, namely, Karani, Suruttappalli, SSB Petta, BK Bedu, Nagalapuram and other nearby

villages, and then enters in State of Tamil Nadu. The total stretch of the river is about 11Kms and the main occupation of the villagers is Agricultural and they are depending on the water from this river. In the guise of “de-silting and dredging” the authorities are permitting for illegal sand mining of huge quantity which affects the riverine environment.

2. It is also alleged in the application that such illegal sand mining is going on and being done by the respondents 7 and 8 with the active connivance of the respondents 2 and 6 in Survey No 45- Suruttupalli Village, Nagalapuram Mandal, Survey No. 01 – SSB Petta Village, Pichatur Mandal, Survey No. 53 – Karani Village, Nagalapuram Mandal, Survey No. 105 – BK Bedu Village, Nagalapuram Mandal and Survey No. 85 – Nagalapuram Village, Nagalapuram Mandal and carrying on such activities without getting necessary environmental clearance and other permissions from the concerned authorities as required under environmental laws namely, EIA Notification 2006 as amended from time to time.
3. Further they are taking shelter under the proceedings of the District Collector in F. No. 2940/SAND/2019, dated 08.07.2019 wherein it was mentioned that “there is shortfall of the sand demand-supply in the State” and they are giving permission for “excavation of sand” in this area.”

4. Further, there is already a case pending before this Tribunal as O.A. No. 87 of 2020 (SZ) in respect of Survey No's 161 and 162 of same river bed in Karani Village. There the committee appointed, submitted a report stating that the project proponent in that case did not obtain any Environmental Clearance (EC), or Consent to Establish or Consent to Operate as required under the environmental laws.
5. They have also alleged that the act of the respondents are against the dictum laid down by the Hon'ble Apex Court in *Deepak Kumar Vs. State of Haryana (2012 (4) SCC 629)*. They have dug for a depth of 35 Feet, using heavy machineries and transporting the illegally mined sand using heavy vehicles like trucker Lorries etc., as against the conditions laid down for de-silting and transportation, which permitted use of bullock carts and other native transport methods. Since the authorities are not taking any action. So they filed this application for seeking the following reliefs:-

I) Restrain the 2nd, 6th and 7th Respondents or any other person from mining the (Aaraniyar) River sand, from Nagalapuram to Surutuppalli Villages, to an extent of about 350 Ha, running about 11 Km in Chittoor District, Andhra Pradesh, without the necessary Environmental Clearance from the 1st Respondent;

II) To direct the Respondent, Authorities to initiate criminal prosecution against the officials of the 2nd, 6th, 7th and 8th Respondents for the illegal sand quarrying activity at the impugned site;

III) To direct the Respondent Authorities to remediate the impugned area;

6. When the matter came up for hearing for admission today through Video Conference, Mr. Kamalesh Kannan represented the applicant. Mrs. Maduri Donti Reddy represented respondents 2 to 6.
7. The learned counsel appearing for the applicant submitted that the committee appointed by this Tribunal in *O.A. No. 87 of 2020* may be directed to conduct the inspection immediately, so as to identify the present status in this case as well. On the other hand, the learned counsel appearing for the State Department submitted that as regards the case in *O.A. No 87 of 2020*, no mining activity is going on and the persons who have been permitted to have obtained necessary clearances and also other required documents under the environmental laws. So she wants to get some instructions from the parties regarding the manner in which the permissions have been granted in this case and whether the parties are abiding by the conditions imposed.
8. It is time and again mentioned by this Tribunal that in the guise of de-silting or dredging no mining should be conducted along the river beds. Further exemption has been granted from getting the environmental clearance under Schedule IX of EIA Notification, 2006 as amended in 2016 dated 15.01.2016 2016 for certain purposes only which does not include unscientific dredging which can be lead to sand mining by avoiding environmental clearance. Further in several cases of this nature, this Tribunal had directed the authorities to follow the procedure to be followed

even for doing dredging indicated and the nature of studies to be conducted and the quantification of de-silting materials and how much extent can be permitted to be extracted and even if so, what is the methodology to be used for the purpose of doing de-silting as well. The Central Government also came with certain guidelines in this regard which the State Governments are also expected to follow these guidelines issued taking into account the principles of Sustainable Development and also the application of Public Trust Doctrine to protect nature.

9. On going through the allegations in the application, we are satisfied that there arises a substantial question of environment which requires the interference of this Tribunal for resolving the same. So, the application is admitted.
10. Issue notice to the respondents by Registered post with acknowledgement due, by e-mail and also by dusthi if possible and produce proof of service on them by filing proof of affidavit as per rules.
11. The applicant is also directed to serve a copy of the application along with the documents produced to the standing counsel appearing for the respondents 2 to 6 within a week and produce proof of such service by filing proper affidavit as per rules.
12. The applicant is also directed to produce necessary requisites along with postal cover and the necessary postal stamps before this Tribunal within a week, to send notice to all the respondents through Tribunal, to ensure

service on them, so as to enable this Tribunal to proceed against them, if they did not appear in their absence in accordance with law.

13. In the meantime we are not appointing any fresh committee for the purpose of ascertaining the things in this matter. However, we direct the same committee appointed in O.A. No. 87 of 2020, namely, **1)** a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF & CC), Regional Office, Chennai, or if any designated Officer from Regional Office available in Andhra Pradesh, **2)** a Senior Scientist from State Environment Impact Assessment Authority (SEIAA), State of Andhra Pradesh **3)** Assistant Director of Mines and Geology, Chittoor District **4)** Senior Officer from Central Pollution Control Board (CPCB), Regional Office, Chennai and **5)** the District Collector, Chittoor District to inspect the area in question and submit a report regarding the present status and also the nature of work being done in that area and whether in the guise of de-silting or dredging any illegal mining is taken place without obtaining any necessary permissions and clearances as required under the environmental laws, what is the quantity of sand mined and what is the quantity of sand mined that has been transported to the sand yards said to be the place where the sand collected from these areas are being transported and dispersed for use in the unavoidable alleged Government projects as per the Notification said to have been issued by the State of Andhra Pradesh based on which the District Collectors are issuing permission. The quantity

of such sand used for such unavoidable public purposes is to be compared with the quantity of sand that has been mined and the actual use for this purpose so as to ascertain as to whether only so much sand is being taken from that area for the required purposes.

14. The committee is also directed to collect the data's' regarding the number of such woks that have been sanctioned for allotment of sand for these purposes. If there is any violation found, the committee is directed to ascertain the violation and assess the environmental compensation if excess mining or unauthorised mining was done. Even if, the committee members have any difference of opinion, they are not expected to shirk the responsibility of signing report. They must give an independent dissenting note and that must also form part of the report with justifications, so that the Tribunal can consider these aspects as well. In the conclusion portion the report should mention the dissenting aspect with further reason leaving the same to be considered by this Tribunal, so that non-signing members of the committee coming with the independent detailed reports can be avoided. If they want to give any detailed report that also can be given to the committee and that can be made form part of the report of the committee.

15. The committee is also directed to compare the satellite images of those areas for the past one or two months or even the earlier period which they

feel necessary for the purpose of comparison, so as to ascertain as to what was the stage before granting permission and after granting permission.

16. The Ministry of Environment, Forest and Climate change (MoEF & CC), Regional Office, Chennai or a designated Office at Andhra Pradesh if any, will be the nodal agency for co-ordination and for providing necessary logistics for this purpose.

17. Considering the nature of importance and also the urgency, the committee is directed to inspect the area without delay and if they are to enable to complete the final report, they are at least directed to file an interim report before this Tribunal regarding the preliminary things as to whether the alleged activities are going on after compliance with the necessary environmental laws or not, so that this Tribunal can consider that aspect and pass any interim order if any required at that time.

18. The applicant is also directed to produce a set of papers to the members of the committee within a week, so as to avoid the delay in submitting the report by them.

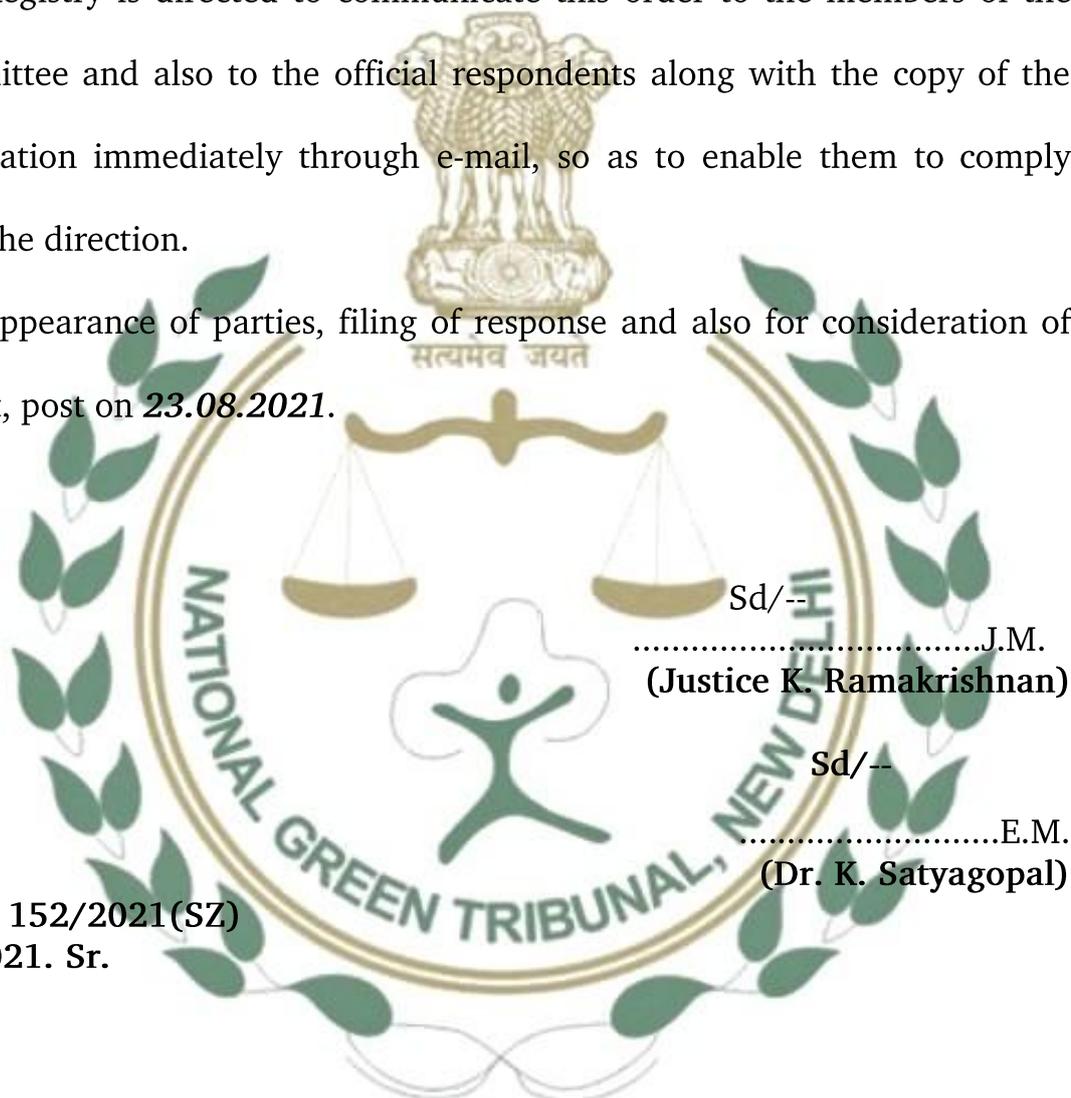
19. The committee as well as the official respondents are directed to submit the report in this regard respectively on or before **23.08.2021** by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules.

20. The counsel appearing for the applicant wanted an interim order directing the project proponent not to proceed with the alleged activities where they

did not obtain environment clearance. We are not inclined to grant any interim order at this stage as without knowing the real state of affairs going on there it is not proper grant any injunction without hearing the persons against whom such orders will have to be passed as well.

21. The Registry is directed to communicate this order to the members of the committee and also to the official respondents along with the copy of the application immediately through e-mail, so as to enable them to comply with the direction.

22. For appearance of parties, filing of response and also for consideration of report, post on **23.08.2021**.



Sd/--

.....J.M.
(Justice K. Ramakrishnan)

Sd/--

.....E.M.
(Dr. K. Satyagopal)

O.A. No. 152/2021(SZ)
22.07.2021. Sr.

STATEMENT SHOWING THE EXISTING OPEN SAND REACHES INSPECTED BY THE COMMITTEE ON 12.10.2021 IN CHITTOOR DISTRICT (Annexure - II)

S.No	Reach Name	Stream Name	Village	Mandal	Extent in Ha	Permitted Quantity in Mts	Excavated Quantity by APMDC in Mts	Balance Quantity handed over to JVPL in Mts	Qty excavated by JVPL as on 30.09.2021	Balance Qty available as on 30.09.2021	permission for Excavation	Status of Statutory Clearances			CFE & CFO validity upto
												AMP No. & Date	EC No. & Date	CFO NO & DATE	
1	Nandanam - 1	Arani	Nandanam	Nagalapuram	4.91	73,650	18,273	55,377	53,820	1,557	Semi mechanised	4472/MP-Sand/CTR/2020-9, Dt:04-11-2020	Order No.SEIAA/AP/CTR/MIN/11/2020/2309-631, Dt:01-12-2020	Order No.CTR-1000-8/PCB/ZO-KNL/CFE&CFO/2020, Dt:11-12-2020	30.11.2021
2	Nandanam - 2	Arani	Nandanam	Nagalapuram	4.75	71,260	66,667	4,593	3,500	1,093	Semi mechanised	4472/MP-Sand/CTR/2020-1, Dt:04-11-2020	Order No.SEIAA/AP/CTR/MIN/11/2020/2307-630, Dt:01-12-2020	Order No.CTR-1000-5/PCB/ZO-KNL/CFE&CFO/2020, Dt:11-12-2020	30.11.2021
3	B.K.Bedu	Arani	B.K.Bedu	Nagalapuram	4.92	73,800	4,488	69,312	68,120	1,192	Semi mechanised	4472/MP-Sand/CTR/2020-2, Dt:04-11-2020	Order No.SEIAA/AP/CTR/MIN/11/2020/2300-626, Dt:01-12-2020	Order No.CTR-1000-9/PCB/ZO-KNL/CFE&CFO/2020, Dt:11-12-2020	30.11.2021
4	S.S.B.Peta - 2	Arani	S.S.B.Peta	Pichatur	4.8	72,000	20,911	51,089	49,800	1,289	Manual	4472/MP-Sand/CTR/2020-8, Dt:18.06.2021	Order No.SIA/AP/MIN/183489/2020-945, Dt.19-12-2020	Order No.CTR-1000-11/PCB/ZO-KNL/CFE&CFO/2020, Dt:18-01-2021	18.12.2021
5	Subbanaidu Kandriga-2	Arani	Subbanaidu kandriga	Nagalapuram	4.88	73,200	73,200	0	0	0	Semi mechanised	4472/MP-Sand/CTR/2020-10, Dt:04-11-2020	Order No.SEIAA/AP/CTR/MIN/11/2020/2306-629, Dt:01-12-2020	Order No.CTR-1000-7/PCB/ZO-KNL/CFE&CFO/2020, Dt:11-12-2020	30.11.2021


 22/10/21
 Deput Director of Mines & Geology,
 CHITTOOR

Statement showing the Existing Stock Yards / Depots in Chittoor District (Annexure - III)

Sl.No.	Depot Name	Stocked Quantity	Depot/Stockyard Sales upto 30.09.2021	Closing stock as on 30.09.2021
1	Nagalapuram	53790	11115	42675
2	Nandanam	63229	50989	12240
3	Renigunta (Karakambadi)	98500	35972	62528
4	Subbanaidu Kandriga)	87710	69117	18593
TOTAL		303229	167193	136036


Deputy Director of Mines & Geology
CHITTOOR

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

MINES & MINERALS - REGULATION OF SAND MINING IN THE STATE-AMENDMENT TO
ANDHRA PRADESH MINOR MINERAL CONCESSION RULES, 1966 - ORDERS - ISSUED

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INDUSTRIES & COMMERCE (MINES-III) DEPARTMENT

G.O.MS.No. 25

Dated: 16-04-2021.
Read the following:

1. G.O.Ms.No.1172, Ind. & Com. Dept, Dt:04-09-1967.
2. G.O.Ms.No.70, I.I.I&C (M.II) Dept., Dt:04.09.2019
3. G.O.Ms.No.71, I.I.I&C (M.II) Dept., Dt:04.09.2019
4. G.O.Ms.No.72, I.I.I&C (M.II) Dept., Dt:04.09.2019
5. G.O.Ms.No.73, I.I.I&C (M.II) Dept., Dt:04.09.2019
6. G.O.RT.No.252, I.I.I&C (ESTT) Dept.,Dt:09.10.2019
7. G.O.Ms.No.86, I.I.I&C (M.II) Dept., Dt:11.10.2019
8. G.O.Ms.No.99, I.I.I&C (M.II) Dept., Dt:15.11.2019
9. G.O.Ms.No.31, Ind. & Com. (Mines-III) Dept.,Dt:09.06.2020
10. G.O.Ms.No.32, Ind. & Com. (Mines-III) Dept., Dt:25.06.2020
11. G.O.Ms.No.41, Ind. & Com. (Mines-III) Dept., Dt:10.08.2020
12. G.O.Ms.No.69, Ind. & Com. (Mines-III) Dept., Dt:23.10.2020
13. G.O.Ms.No.78, Ind. & Com. (M.III) Dept., Dt:12.11.2020
14. G.O.Ms.No.5, Ind. & Com. (M.III) Dept., Dt:16.02.2021
15. From the DM&G, AP, single e-file No:INC01-MG0POLI/1/2021.

ORDER:-

In the G.O. 13th read above, Government, in due consideration of the recommendations of the Group of Ministers, have issued orders for upgrading the existing Sand Policy and accordingly decided to issue amendments to Rule 9-B of Andhra Pradesh Minor Mineral Concession Rules, 1966.

2. Accordingly, the following notification will be published in the Extra-Ordinary issue of the Andhra Pradesh Gazette **dt.**16-04-2021.

NOTIFICATION

In exercise of the powers conferred by sections 15(1), 15(1A), 21(2), 22, 23 and 23(c) of Mines and Minerals (Development and Regulation) Act, 1957, the Government hereby make the following amendments to Andhra Pradesh Minor Mineral Concession Rules, 1966 issued in G.O.Ms.No.1172, Industries (B-1), 4th September 1967 as subsequently amended.

2. These rules shall come into force from the date of issue of this notification. However, the Amendments issued to APMMC Rules, 1966 vide G.O.Ms.No.71, I.I.I&C (M-II) Dept. dated 04.09.2019 and as subsequently amended shall remain in force until such time the sand operations are completely taken over by the Agency(ies) selected for the respective package.

(P.T.O)

AMENDMENT

In the said Rules,-

1. in the item (a) in Rule 9-B (1)(a)(iv), for the words "for local needs by bullock carts and tractors", the words "for local needs by bullock carts" shall be substituted.
2. for the item (b) in Rule 9-B (1)(a)(iv), the following shall be substituted, namely:

"Sand shall be made available for self-consumption of village(s) abutting the Reaches, Government sponsored Weaker Section Housing schemes and Government R&R packages Housing Free of Cost through a coupon system. The subsidy towards the same shall be borne by the State Government. Provided that, for supply of sand for self-consumption of villages abutting the Reaches, the statutory levies viz. Seigniorage fee, Contribution to DMF and MERIT shall be exempted from the consumers by the Agency selected for the particular package. The cost incurred by the Agency towards the Sand operations shall be collected from the consumers as applicable."
3. the item (d) in Rule 9-B (1)(a)(iv) and the item (m) in Rule 9-B (1)(b)(i) shall be omitted.
4. the item (iii) in Rule 9-B (1)(b), the following shall be substituted, namely:

"(iii) The Deputy Director of Mines & Geology concerned shall identify the potential sand bearing areas on regular basis along with Line Departments duly estimating the thickness of sand, Geo-coordinates of the demarcated area and mode of sand extraction and place the proposals for extraction before District Level Sand Committee."
5. for item (b) under Rule 9-B (1)(b)(iv), the following shall be substituted, namely:

"(b) The Deputy Director, Ground Water Dept., shall issue clearance for the specified sand bearing areas duly evaluating the report submitted by the Deputy Director of Mines & Geology concerned."
6. for item (c) under Rule 9-B (1)(b)(iv), the following shall be substituted, namely:

"(c) The Executive Engineer/River Conservator shall issue clearance for the specified sand bearing areas as proposed by the Deputy Director of Mines & Geology concerned duly providing the details of the ramps."
7. in the item (d) under Rule 9-B (1)(b)(iv), for the words "Assistant Director of Mines and Geology the words 'Deputy Director of Mines and Geology'" and for the words "basing on the Ground Water Department's feasibility report.", the words "basing on the Deputy Director Ground Water Department's clearance" shall be substituted.
8. the item (e) in Rule 9-B (1)(b)(iv) shall be omitted.
9. in the item (v) in Rule 9-B (1)(b), for the words "in the name of DistrictCollector", the words "in the name of the Agency selected for the respective package" shall be substituted.
10. In the said Rules, for the item (vi) under Rule 9-B (1)(b), the following shall be substituted, namely:

"(vi) After obtaining statutory clearances, Deputy Director of Mines & Geology

(Contd.)

shall intimate the details of the new reaches to the Director of Mines & Geology for addition of reaches to the Selected Agency for the respective package.”

11. after the item (vi) under Rule 9-B (1)(b), the following shall be added, namely:

“(vii) The Deputy Director of Mines & Geology concerned shall transfer all the statutory clearances of the reaches in the name of the Selected agency for the respective package.

(viii) After commencement of the agreement with the Selected Agency, in case of any newly identified sand reaches, the statutory clearances for the same shall be taken in the name of the selected agency.”

12. in Rule 9-B (1)(c), for the words “M/s Andhra Pradesh Mineral Development Corporation Ltd., the words “The Agency selected for the particular Sand package” shall be substituted.
13. items (i), (iii), (iv) in Rule 9-B (1)(c) shall be omitted and in the item (iii a) in Rule 9-B (1)(c) for the words “village/village(s) within a radius of 5 kms abutting the IV, V & Higher order streams” the words “village/village(s) abutting the IV, V & Higher order streams” shall be substituted.
14. after the Clause (c) in Rule 9-B (1), the following shall be inserted, namely :

(c-1) Grant of Lease to the Successful Bidder for Extraction and Sale of Sand:

1. After receipt of recommendation regarding the successful bidder from the Service Provider, the Director of Mines & Geology shall issue Letter of Intent (LOI) to the Successful bidder within 3 days.
2. The Successful Bidder shall be required to enter into an Agreement with the Director of Mines & Geology along with the execution of Quarry Lease Deed, as per the format given in Form S1 (Appended), within a period of two(2) weeks from the date of issue of LOI duly furnishing the Performance Security for an amount as mentioned in the tender document towards Security deposit in the form of Bank Guarantee and paying all costs related to stamp duty, registration of the Quarry lease and any other applicable statutory charges.

Provided that, upon entering into an Agreement with the successful bidder, the Director of Mines & Geology shall immediately issue a work order to the successful bidder.

Provided that Quarry Lease Deed shall be executed within two(02) weeks from the date of issue of LOI, failing which the letter of intent shall be revoked and the Bid Security shall be forfeited.

Provided that Director of Mines & Geology may one-time allow a further suitable period at his/her sole discretion with reasons recorded in writing.

(Contd.)

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Provided further that the State Government may allow a further suitable period at its sole discretion with reasons recorded in writing.

3. If there is any default in payments by the bidder, the DM&G shall forfeit the amounts paid by the bidder.

4. The Agency shall adhere to the conditions of Agreement, Lease Deed and all other applicable Acts, Rules and Guidelines”

15. for the Rule 9-B (1)(d), the following shall be substituted, namely :

(d-1) Responsibilities of the Lessee selected for the particular package:

1. The Lessee shall explore to employ “Boatsmen Societies” for sand excavation from specific notified Reaches through de-siltation, as per the procedure in vogue.
2. The Lessee shall be required to comply with the Sale price of Sand as fixed by GoAP at the reaches/stockyard and at specific cities/locations in the State.
3. The Lessee shall be required to meet the prescribed optimum operation of reaches, excavation, storage and sale obligations, as well as comply with all other conditions, as may be prescribed by the Director of Mines & Geology / State Government from time to time so that requisite quantity of Sand be made available and supplied to both Private and Government Construction works.
4. The Lessee shall be required to comply with all statutory provisions and shall indemnify the State Government against all liabilities, costs, expenses, damages and losses (including but not limited to any interest, penalties and legal costs) arising out of or in connection with breach or non-compliance with applicable laws.
5. The Lessee shall load Sand from Stockyard/Reach in the vehicles in case the Consumer arranges for their own transportation arrangements.
6. The Lessee shall engage and keep standby vehicles (~20 vehicles per Stockyard/Reach) for transportation of sand to consumers as and when required.
7. The Lessee shall deposit prescribed Performance Security Deposit which shall be liable to be forfeited in case of any default in timely payments or non-compliance with its obligations as per the Rules and as prescribed in the tender document.
8. The Lessee shall permit Sand booking through offline mode such that any consumer can go to the Stockyards/Reaches of their choice directly and after verifying the quality of sand and making necessary payments there itself can procure the sand in offline mode.

(Contd.)

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9. The Lessee shall permit "Free of Cost" sand through bullock carts as per existing mechanism.
10. The Lessee shall supply Sand "Free of Cost" for self-consumption of villages abutting the Reaches, Government sponsored Weaker Section Housing schemes and Government R&R packages Housing, through a coupon system. The subsidy towards the same shall be borne by the State Government.

Provided that, for supply of sand for self-consumption of villages abutting the Reaches, the statutory levies viz. Seigniorage fee, Contribution to DMF and MERIT shall be exempted from the consumers by the Agency. The cost incurred by the Agency towards the Sand operations may be collected from the consumers as applicable.

11. The Lessee shall remit the cost incurred by Dept., of Mines & Geology, towards obtaining the statutory clearances viz. Approved Mining Plan(AMP), Environmental Clearance (EC), Consent for Establishment (CFE) / Consent for Operation (CFO) for the sand reaches which are handed over to the Agency for undertaking Sand operations, as per the procedure laid down by Director of Mines & Geology. The detailed procedure shall be communicated by the Director of Mines & Geology (DMG).
12. Lessee shall be required to abide by all Applicable Laws such as but not limited to Sand Policy of Andhra Pradesh, Mines Act 1952, MMDR Act 1957, APMMC Rules 1966, WALTA Act & Rules, MOEF&CC notifications, Office Memorandums & Guidelines and any other applicable law, rules, Government orders, Instructions issued by Government and Dept., of Mines & Geology from time to time.

13. In addition to this, the Lessee shall ensure the following:

(a) At Sand reaches

1. Lessee must erect boundary pillars and shall ensure that the excavation does not take place outside the demarcated area/lease boundary.
2. Lessee shall secure perimeter of the dedicated sand bearing area to avoid encroachment at the designated reach.
3. Lessee shall excavate only up to the approved depth as per Approved Mining Plan at the designated reach.
4. Lessee shall be held responsible in case the Lessee fails to adhere to the above three(3) conditions and any other violations as per extant Rules.
5. Lessee shall deploy the necessary manpower to excavate Sand in accordance with the Approved Mining Plan, conditions of Environmental Clearance, Agreement guidelines, and as per the directives given by DMG.
6. The Lessee shall ensure that all the Reaches handed over to him with all statutory clearances are operational at all times.
7. During the non-monsoon season, if the number of reaches operating at optimum capacity fall below 70% of the total number of reaches in a package, the penal clauses shall be invoked as prescribed in the Tender document.
8. The DMG or any officer authorized by DMG shall have the right to levy penalty as per the penal clauses specified in the tender document.

(Contd.)

(b) At Stockyards/ Reserve depots:

1. In order to meet the demand of Sand during monsoon season (i.e., in the months of July, August and September), the Lessee shall stock such quantity of Sand as prescribed by the Director of Mines & Geology with prior approval of the State Government or as specified in the Tender document at various Reserve Depots, in order to make the Sand available for sale throughout the State at the rate fixed by the State Government.
2. The Detailed List of stockyards along with the details of quantity of sand stock available, location etc. shall be intimated to Director of Mines & Geology by 30th June of every year.
3. The Penal provisions for not maintaining the specified amount of Reserve stocks shall be prescribed in the Tender document/ Agreement.
4. As the onset of Monsoon season may vary because of geo-climatic conditions, the Reserve stock requirement shall be maintained accordingly.
5. During the non-monsoon seasons, Sand may be supplied to the consumers from reaches to the extent possible.

However, for smooth supply of sand, if required, stockyards may be maintained at locations which cannot be served directly from the reaches in order to meet the requirement of sand.

6. Notwithstanding anything stated in these Rules/Agreement, in order to meet the demand of sand, the Agency shall maintain reserve depots / stockyards at any specified locations in the State as per the instructions of the Director of Mines & Geology.
7. In cases where the Lessee delivers Sand to the consumers from reach/stockyard in vehicles of the Lessee to a place which is distant from reach/stockyard, the Lessee shall abide by Sand rates as notified by the State Government for different cities/locations in the State.
8. Lessee shall identify and arrange Land for Reserve depots/stockyards, if maintained, with proper connectivity and ease of access for consumers.
9. Lessee shall collect sale price of Sand from the customers and issue Sale Waybill/ Invoice along with the details of vehicle number, quantity etc., as applicable to the customer.
10. Lessee shall issue a copy of the said Sale waybill / Invoice to the vehicle driver prior to dispatch of sand from the Reach/stockyard.
11. Lessee shall load the sand as per the approved capacity of the vehicle.
12. Lessee shall maintain daily production and dispatch register and statutory returns/clearances prescribed under various statutes.
13. Lessee shall furnish a sand reach / stockyard wise monthly and yearly returns statement in Form-S2(Appended) and Form-S3 (Appended) respectively to the Dept., of Mines & Geology on the quantity of sand excavated and transported to stockyard(s) as well as sand dispatched from the reaches / stockyard to the end customers within seven(7) days of the succeeding month.

(c) Sale & Transportation

1. Lessee shall obtain Dispatch permits/Transit forms / passes as per the procedure laid down by the Director of Mines & Geology for transportation of sand from reaches/stockyard to consumers.
2. The Lessee shall ensure that sand is available for sale throughout the year in the State.
3. The Lessee shall use authorized ramps as per existing mechanism for transportation of sand from the reaches.

(Contd.)

(d) Addition of New Sand reaches

1. New Sand Reaches shall be continuously identified by the Dept., of Mines & Geology during the contract period for un-interrupted supply of sand, subject to availability of sand bearing areas.
2. Any new reaches of higher and lower order streams as identified by the Dept., of Mines & Geology in a package area during this period shall be allotted to the Lessee and Lessee shall undertake excavation, storage, sale etc. as per the existing mechanism.

(e) Other conditions:

1. The Lessee shall coordinate with the Deputy Director of Mines & Geology of the concerned district for taking over the details of the sand reaches, location details, extent, transfer of statutory clearances in the name of the Lessee and other requisite documents required to commence sand operations.
2. The Lessee shall permit and extend necessary support to the officials of the Dept., of Mines & Geology, officials of Special Enforcement Bureau (SEB), Police Dept., and officers from any other Law enforcement agency to inspect, check the sand operations, storage/stocking, sale, stock, stockyard operations, and vehicles as per the provision of Act and Rules and procedures in vogue.
3. The number of optimum operation of reaches shall be relaxed in case of issues beyond the control of the lessee such as inundation of the reaches, drought situation & Force Majeure events (Acts of God) and Govt./Judicial Orders.

(d-2) Cancellation of Leases

1. In case of any breach or non-compliance with any of the provisions of the Act and rules made thereunder and any violations to these Rules, the quarry lease inclusive of the Agreement shall be liable to be terminated by the Director of Mines & Geology.
2. Against any order issued by the Director of Mines & Geology, the Lessee may prefer a Revision before the State Government under Rule 35-B of APMMC Rules 1966."
3. for the items (i), (ii) & (iii) in Rule 9-B (1)(e), the following shall be substituted, namely :

"(i) The sand extracted by the Lessee shall be utilized anywhere within the State.

(ii) The District Collector shall put in place a proper administrative mechanism to curb illegal extraction and transportation of sand."

(iii) Sand shall be made available for self-consumption of village(s) abutting the Reaches, Government sponsored Weaker Section Housing schemes and Government R&R packages Housing Free of Cost through a coupon system. The subsidy towards the same shall be borne by the State Government.

(Contd.)

Provided that, for supply of sand for self-consumption of villages abutting the Reaches, the statutory levies viz. Seigniorage fee, Contribution to DMF and MERIT shall be exempted from the consumers by the Agency selected for the particular package. The cost incurred by the Agency towards the Sand operations shall be collected from the consumers as applicable”

17. in the Clause (i) in Rule 9-B (1)(f), for the words “Secretary, Mines, III & Com. Dept”, the words “Prl. Secretary, Ind. & Com. (Mines) Dept.” and for the words “Secretary, Mines, PR & RD Dept”, the words “Prl. Secretary, PR & RD Dept.” shall be substituted, the words “Commissioner, Special Enforcement Bureau” and the words “VC & MD, M/s APMDC Ltd. shall be omitted.
18. in the Clause (ii), in Rule 9-B (1)(f), for the words “Sand extraction” the words “Sand extraction, storage, sale, transportation etc.” shall be substituted.
19. in the Rule 9-B (2), for the words “or by allotting the work to M/s APMDC Ltd.” the following shall be substituted, namely :

“Provided that, for undertaking De-siltation operations in areas other than Prakasam Barrage and Dawaleswaram barrage, the Irrigation Dept., may allot the De-siltation work to the Lessee selected for the respective Package on mutually agreed terms and conditions through Director of Mines & Geology.”
20. for the item (ii) in Rule 9-B (2)(a), the following shall be substituted, namely:

“(ii) There shall be joint inspection of the demarcated area by the Assistant Director of Mines & Geology concerned, Executive Engineer, Irrigation Dept., to ensure that the demarcated area to be de-silted by Irrigation Dept., shall not overlap with any of the area(s) already under de-siltation or likely to be de-silted by the Lessee appointed for the particular Package.”
21. for the item (v) in Rule 9-B (2)(a), the following shall be substituted, namely :

“(v) In case of handing over the areas for De-siltation to the Agency, the Agency shall undertake the de-siltation work by following the prescribed norms.”
22. after the item (v) in Rule 9-B (2)(a), the following shall be inserted, namely :

“(vi) The procedure for de-siltation of sand shall be prescribed by the Irrigation Department.

(vii) The procedure for disposal of sand available after de-silting shall be prescribed by the Director of Mines & Geology / State Government.”
23. the clauses (b) and (c) in Rule 9-B (2) and the sub-Rule (3) of Rule 9-B shall be omitted.

(Contd.)

24. for the words "specified stockyards" in the clause (a) of Rule 9-B (4), the words "reaches/stockyards" shall be substituted.

25. for the sub-Rule (5) in Rule 9-B, the following shall be substituted, namely :

"(5) Remittance of tender document fee proceeds to Dept., of Mines & Geology:
The proceeds from sale of tender document shall be remitted to the account of Dept., of Mines & Geology as specified by Director of Mines & Geology."

26. for the sub-Rule (9) in Rule 9-B, the following shall be substituted, namely :

"(9) Remittance of sale proceeds of Sand:

The periodic payments by the Agency selected for the particular package shall be remitted fortnightly to the Government as per the procedure laid down by the Finance Department."

27. the sub-Rule (10) in Rule 9-B shall be omitted.

28. for the sub-Rule (11) in Rule 9-B, the following shall be substituted, namely :

"(11) Sand extraction in Scheduled areas:

The Sand reaches located in Scheduled Areas shall be granted and Operated by the Tribal Societies as per the Panchayats Extension to Scheduled Areas (PESA) Rules, 2011 or any rules/amendments made thereunder. "

29. the sub-Rule (12) in Rule 9-B shall be omitted.

30. for the sub-Rule (14) in Rule 9-B, the following shall be substituted, namely:

"(14) Prohibition of stocking of Sand:

No person, unless permitted by the Government, is allowed to stock the sand beyond his/her self consumption requirements and shall not sell nor involve in any re-sale of sand"

31. in the sub-Rule (16) in Rule 9-B, the words "transporting sand without GPS devices" shall be omitted.

32. in clause (a) in Rule 9-B (16), for the words "Sand Way bill issued by Asst. Director of Mines & Geology concerned" the words "Sand Way bill /invoice" shall be substituted.

33. in clause (b) of Rule 9-B (16), for the words "Sand Way bill" the words "Sand Way bill / Invoice" shall be substituted.

34. for the clause (c), in sub-Rule (16), in Rule 9-B, the following shall be substituted, namely :

"In any case person including the agency / transporter sells the sand above the notified prices, a penalty of Rs.2000 per metric ton shall be levied;"

35. in the item (xii), in Rule 9-B (16)(f), for the words "Any other officer nominated by Dist. Collector (concerned)", the words "Any other officer nominated by Dist. Collector (concerned) / Director of Mines & Geology" shall be substituted.

36. in the clause (i), in sub-Rule (16) of Rule 9-B, for the words "M/s Andhra Pradesh Mineral Development Corporation Ltd.", the words "The Agency selected for the respective package" shall be substituted.

37. for the sub-Rule (17), in Rule 9-B, the following shall be substituted, namely :

(Contd.)

“(17) Appeals and Revisions:

1. Any person aggrieved by an order passed by the Deputy Director of Mines & Geology / Assistant Director of Mines & Geology may prefer an Appeal before the Director of Mines & Geology under Rule 35-A of APMMC Rules 1966.
 2. Any person / agency aggrieved by an order passed by the Director of Mines & Geology / Officials of Special Enforcement Bureau (SEB) pertaining to sand matters may prefer a Revision before the State Government under rule 35-B of APMMC Rules 1966.
38. the sub-Rule (18) , in Rule 9-B shall be read as sub-Rule 18(a) of Rule 9-B.
39. after the clause (a), in Rule 9-B (18), the following shall be inserted, namely :

“(b) Director of Mines and Geology shall issue operational guidelines from time to time for extraction and sale of sand to maintain environmentally sustainable sand mining in the State.”

40. after the sub-Rule (19), in Rule 9-B, the following shall be inserted, namely:

“(20) Interest:

The State Government shall charge simple interest at the rate of twenty-four (24) per cent per annum on any payment due to State Government which is delayed beyond the due date thereof.”

(21)Exit Plan for the existing leases:

1. Regarding IV, V and above order streams, M/s APMDC Ltd. shall hand over existing reaches to the Selected Agency for the respective package for extraction and disposal of the balance quantity of sand available in the reaches. The Successful bidder, after entering the agreement and execution of Lease deed shall be authorized to take over the sand reaches immediately for continuation of operations.
 2. The residual sand stocks in the stockyards/depots along with the infrastructure created shall be handed over to the selected Agency(ies) at the sale price of sand fixed by the Government for disposal to the end consumers.
 3. All the assets available with M/s APMDC Ltd. pertaining to sand operations such as weighbridges, CCTV cameras, Computers and other accessories etc., shall be handed over to the selected Agency(ies) duly evaluating and ascertaining the book value of the Assets and on mutually agreed terms and conditions.”
41. (a) the following Form S-1, Form S-2 and Form S-3 shall be substituted as annexed to this Order, namely,-
- (b) the existing Form S-4 and Form S-5 shall be omitted.

(Contd.)

::11::

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT (MINES)**

To

The Commissioner of Printing, Stationery & Stores Purchases (Printing Wing) Andhra Pradesh, Vijayawada. (with a request to publish the above notification and arrange to send 200 copies of the same to the Government in Industries & Commerce (M.III) Department and 100 copies to the Director of Mines & Geology, A.P., Ibrahimpatnam, Vijayawada)

Copy to:

The Director of Mines & Geology, Ibrahimpatnam, Vijayawada.

The VC&MD, APMDC, Kanuru, Vijayawada.

The Commissioner, Special Enforcement Bureau, AP, Vijayawada.

The Director, Ground water & Water Audit Department, Vijayawada.

All the District Collectors in the State of A.P.

All the District treasury Officers in the State of A.P.

The Director, Treasures & Accounts, A.P., Vijayawada.

The Pay and Accounts Officer, Vijayawada.

The Accountant General of Andhara Pradesh, Vijayawada.

The P.S. to Hon'ble Deputy Chief Minister of Revenue.

The P.S. to Hon'ble Minister for PR & RD and Mines & Geology.

The P.S. to Hon'ble Minister for Water resources (Irrigation)

The P.S. to Hon'ble Minister for Finance & Planning.

The P.S. to Hon'ble Minister for Home.

The P.S. to Hon'ble Minister for Housing.

The PS to Secy. to Hon'ble Chief Minister.

The PS to Prl., Secy.(Mines), Ind.& Com. Dept.

The Law (H) Department.

The Finance (FMU-REV-I&C) Department.

SF/SC (Comp. No:1340996)

**\\ FORWARDED :: ORDER **

SECTION OFFICER

APPENDIECES

FORM S-1

**Lease Deed for Sand Package - XX (XX districts)
(See Sub-Rule 1(c-1)(ii) of Rule 9-B of APMMC Rules, 1966)**

This agreement entered into on this day of _____ of ___ between the Director of Mines & Geology on behalf of Government of Andhra Pradesh, referred to as the Lesser, which expression shall unless repugnant to the subject or context mean and include its successors, assignees and representatives etc., on one part.

AND

Sri/M/s. / S/o. _____ residing at herein after referred to as the Lessee) which expression shall include its successors in interest, legal representatives etc., on other part.

Whereas the <NAME OF THE SERVICE PROVIDER> Limited vide notification No. _____ dated: _____ invited online applications for extraction of sand from the Sand reaches, stocking, sale etc in Package – XX covering XX districts.

The Director of Mines & Geology issued Letter of Intent for the Sand Package vide Proceedings No. _____, dt: _____. This lease is subject to the extent, terms & conditions of notification and Andhra Pradesh Minor Mineral Concession Rules, 1966.

NOW IT IS MUTUALLY AGREED AND DECLARED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:-

SCOPE OF THE WORK:

The Lessee / Lessee Company shall extract and store sand in Package – XX covering XX districts, with the details of specified areas along with corresponding geo-coordinates as provided in the Annexure 1, and dispose sand from the reach/stockyard at the rate not more than the sale price fixed by the Government from time to time.

PERIOD OF LEASE:

The lease deed shall be in force with effect from _____ and shall expire on _____.

The lease is not transferable.

QUANTITY OF SAND TO BE EXTRACTED:

1. The Lessee shall extract sand, stock, sale etc from the Sand reaches in Package – XX covering XX districts as per the details of specified areas along with corresponding geo-coordinates is provided in the Annexure 1.
2. The Lessee shall extract the indicated quantity from the specified sand reach, during the period of agreement in consonance with Approved Mining Plan, Environment Clearance, Consent for Establishment & Operation and other applicable Acts, Rules and guidelines in vogue.
3. The Lessee while extracting sand from the reach shall confine to the thickness specified in the Approved Mining Plan and to the boundaries notified.
4. The Lessee shall extract indicated quantity of sand during the period of agreement and sell/transport/dispatch to consumers /stockyards/depots/duly paying the statutory payments in advance from time to time.

5. The Lessee shall maintain true records of dispatch of sand from the sand reaches to the end consumer and stockyards.
6. The Lessee shall maintain true records of dispatch of sand from the reaches/stockyards/depots and file monthly and yearly returns to the competent authority as per APMMC Rules, 1966.

CONDITIONS:

1. The Lessee shall explore to employ "Boatsmen Societies" for sand excavation from specific notified Reaches through de-siltation, as per the procedure in vogue.
2. The Lessee shall be required to comply with the Sale price of Sand as fixed by GoAP at the reaches/stockyard and at specific cities/locations in the State.
3. The Lessee shall be required to meet the prescribed optimum operation of reaches, excavation, storage and sale obligations, as well as comply with all other conditions, as may be prescribed by the Director of Mines & Geology / State Government from time to time so that requisite quantity of Sand be made available and supplied to both Private and Government Construction works.
4. The Lessee shall be required to comply with all statutory provisions and shall indemnify the State Government against all liabilities, costs, expenses, damages and losses (including but not limited to any interest, penalties and legal costs) arising out of or in connection with breach or non-compliance with applicable laws.
5. The Lessee shall load Sand from Stockyard/Reach in the vehicles in case the Consumer arranges for their own transportation arrangements.
6. The Lessee shall engage and keep standby vehicles (~20 vehicles per Stockyard/Reach) for transportation of sand to consumers as and when required.
7. The Lessee shall deposit prescribed Performance Security Deposit which shall be liable to be forfeited in case of any default in timely payments or non-compliance with its obligations as per the Rules and as prescribed in the tender document.
8. The Lessee shall permit Sand booking through offline mode such that any consumer can go to the Stockyards/Reaches of their choice directly and after verifying the quality of sand and making necessary payments there itself can procure the sand in offline mode.
9. The Lessee shall permit "Free of Cost" sand through bullock carts as per existing mechanism.
10. The Lessee shall supply Sand "Free of Cost" for self-consumption of villages abutting the Reaches, Government sponsored Weaker Section Housing schemes and Government R&R packages Housing, through a coupon system. The subsidy towards the same shall be borne by the State Government.
 Provided that, for supply of sand for self-consumption of villages abutting the Reaches, the statutory levies viz. Seigniorage fee, Contribution to DMF and MERIT shall be exempted from the consumers by the Agency. The cost incurred by the Agency towards the Sand operations may be collected from the consumers as applicable.
11. The Lessee shall remit the cost incurred by Dept., of Mines & Geology, towards obtaining the statutory clearances viz. Approved Mining Plan(AMP), Environmental Clearance (EC), Consent for Establishment (CFE) / Consent for Operation (CFO) for the sand reaches which are handed over to the Agency for undertaking Sand operations, as per the procedure laid down by Director of Mines & Geology. The detailed procedure shall be communicated by the Director of Mines & Geology (DMG).
12. Lessee shall be required to abide by all Applicable Laws such as but not limited to Sand Policy of Andhra Pradesh, Mines Act 1952, MMDR Act 1957, APMMC Rules 1966, WALTA Act & Rules, MOEF&CC notifications, Office Memorandums &

Guidelines and any other applicable law, rules, Government orders, Instructions issued by Government and Dept., of Mines & Geology from time to time.

13. In addition to this, the Lessee shall ensure the following:

(a) At Sand reaches

1. Lessee must erect boundary pillars and shall ensure that the excavation does not take place outside the demarcated area/lease boundary.
2. Lessee shall secure perimeter of the dedicated sand bearing area to avoid encroachment at the designated reach.
3. Lessee shall excavate only up to the approved depth as per Approved Mining Plan at the designated reach.
4. Lessee shall be held responsible in case the Lessee fails to adhere to the above three (3) conditions and any other violations as per extant Rules.
5. Lessee shall deploy the necessary manpower to excavate Sand in accordance with the Approved Mining Plan, conditions of Environmental Clearance, Agreement guidelines, and as per the directives given by DMG.
6. The Lessee shall ensure that all the Reaches handed over to him with all statutory clearances are operational at all times.
7. During the non-monsoon season, if the number of reaches operating at optimum capacity fall below 70% of the total number of reaches in a package, the penal clauses shall be invoked as prescribed in the Tender document.
8. The DMG or any officer authorized by DMG shall have the right to levy penalty as per the penal clauses specified in the tender document.

(b) At Stockyards/ Reserve depots:

1. In order to meet the demand of Sand during monsoon season (i.e., in the months of July, August and September), the Lessee shall stock such quantity of Sand as prescribed by the Director of Mines & Geology with prior approval of the State Government or as specified in the Tender document at various Reserve Depots, in order to make the Sand available for sale throughout the State at the rate fixed by the State Government.
2. The Detailed List of stockyards along with the details of quantity of sand stock available, location etc. shall be intimated to Director of Mines & Geology by 30th June of every year.
3. The Penal provisions for not maintaining the specified amount of Reserve stocks shall be prescribed in the Tender document/ Agreement.
4. As the onset of Monsoon season may vary because of geo-climatic conditions, the Reserve stock requirement shall be maintained accordingly.
5. During the non-monsoon seasons, Sand may be supplied to the consumers from reaches to the extent possible.

However, for smooth supply of sand, if required, stockyards may be maintained at locations which cannot be served directly from the reaches in order to meet the requirement of sand.

6. Notwithstanding anything stated in these Rules/Agreement, in order to meet the demand of sand, the Agency shall maintain reserve depots / stockyards at any specified locations in the State as per the instructions of the Director of Mines & Geology.
7. In cases where the Lessee delivers Sand to the consumers from reach/stockyard in vehicles of the Lessee to a place which is distant from reach/stockyard, the Lessee shall abide by Sand rates as notified by the State Government for different cities/locations in the State.
8. Lessee shall identify and arrange Land for Reserve depots/stockyards, if maintained, with proper connectivity and ease of access for consumers.
9. Lessee shall collect sale price of Sand from the customers and issue Sale Waybill / Invoice along with the details of vehicle number, quantity etc., as applicable to the customer.
10. Lessee shall issue a copy of the said Sale Waybill / Invoice to the vehicle driver prior to dispatch of sand from the Reach/stockyard.

11. Lessee shall load the sand as per the approved capacity of the vehicle.
12. Lessee shall maintain daily production and dispatch register and statutory returns/clearances prescribed under various statutes.
13. Lessee shall furnish a sand reach / stockyard wise monthly and yearly returns statement in Form-S2(Appended) and Form-S3 (Appended) respectively to the Dept., of Mines & Geology on the quantity of sand excavated and transported to stockyard(s) as well as sand dispatched from the reaches / stockyard to the end customers within seven(7) days of the succeeding month.

(c) Sale & Transportation

1. Lessee shall obtain Dispatch permits/Transit forms / passes as per the procedure laid down by the Director of Mines & Geology for transportation of sand from reaches/stockyard to consumers.
2. The Lessee shall ensure that sand is available for sale throughout the year in the State.
3. The Lessee shall use authorized ramps as per existing mechanism for transportation of sand from the reaches.

(d) Addition of New Sand reaches

1. New Sand Reaches shall be continuously identified by the Dept., of Mines & Geology during the contract period for un-interrupted supply of sand, subject to availability of sand bearing areas.
2. Any new reaches of higher and lower order streams as identified by the Dept., of Mines & Geology in a package area during this period shall be allotted to the Lessee and Lessee shall undertake excavation, storage, sale etc. as per the existing mechanism.

(e) Other conditions:

1. The Lessee shall coordinate with the Deputy Director of Mines & Geology of the concerned district for taking over the details of the sand reaches, location details, extent, transfer of statutory clearances in the name of the Lessee and other requisite documents required to commence sand operations.
2. The Lessee shall permit and extend necessary support to the officials of the Dept., of Mines & Geology, officials of Special Enforcement Bureau (SEB), Police Dept., and officers from any other Law enforcement agency to inspect, check the sand operations, storage/stocking, sale, stock, stockyard operations, and vehicles as per the provision of Act and Rules and procedures in vogue.
3. The number of optimum operation of reaches shall be relaxed in case of issues beyond the control of the lessee such as inundation of the reaches, drought situation & Force Majeure events (Acts of God) and Govt./Judicial Orders.

Any other required conditions/modifications may be incorporated during the time of execution of Lease as the Director of Mines & Geology deem fit in accordance with the extant Acts and Rules.

SAND LEASE GRANTED THROUGH E-TENDER IS NOT TRANSFERABLE.

FAILURE AND TERMINATION:

The granting authority shall terminate the lease agreement, forfeit the security deposit and take possession of the area, order for seizure of sand stocks from the reach/stockyard/depots on contravention of any of rules and conditions of the agreement or in case of any breach or non-compliance with any of the provisions of the Act and rules made there under and any violations to these Rules

LESSEE

LESSOR

FORM S-3

Yearly Statement of extraction and disposal of Sand

[See Rule (1)d-1(xiii)(b)(xiii)) of Rule 9-B of APMMC Rules, 1966]

S.No	Package	District	Month	Permitted quantity	Dispatch to end users	Dispatch to Stockyard	Remaining reserves	Dispatch from stockyards	Balance quantity at Stockyard
1	2	3	4	5	6	7	8	9	10

Signature of the Authorized Signatory

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT (MINES)

GOVERNMENT OF ANDHRA PRADESH
 PROCEEDINGS OF DEPARTMENT OF MINES AND GEOLOGY::IBRAHIMPATNAM
 [PRESENT: V.G.VENKATA REDDY, DIRECTOR]

Proceedings No.2795/Sand-P3/2021

Date: 12.05.2021

Sub: Mines & Minerals – Sand - Department of Mines and Geology – Tenders called for Selection of agency(ies) to undertake Sand operations in the state by MSTC –Tender process concluded - Declaration of H-1 bidder for Package – 3: Nellore, Anantapur, Chittoor, Kurnool & YSR Kadapa districts in favour of M/s Jaiprakash Power Ventures Limited– Performance Security submitted - Work order – Issued - Reg.

- Ref: 1. G.O.Ms.No.78, Ind. & Com. (M-III) Dept, Dt. 12.11.2020
 2. E-Tender No. MLS/Head Office/Marketing/3/20-21/ET/3
 3. MSTCLr. No. MSTC/MKTG/AP-SAND/PACKAGE 3/2020-21/ dated 20.03.2021
 4. This Office Proceedings no. 2794/Sand-P3/2021 dated 20.03.21
 5. This Office Lr. no. 2794/Sand-P3/2021 dated 03.04.2021
 6. Performance Security Bank Guarantee No. OGT0007210053821 dated 09.04.2021 issued by Indus Ind Bank.
 7. Memo No. 1750/M-III/A3/2021 of the Industries and Commerce(M-III), Department, Govt. of A.P.

ORDER:

Through the reference 1st cited above, Government has issued orders upgrading the existing Sand Policy 2019, wherein it was stated that Sand operations shall be entrusted to a technically experienced, competent and financially strong agency(ies) selected through two (2) bid system i.e., Technical and Commercial bids. Further, all the Reaches across the State are classified into three (3) packages.

The Director of Mines & Geology has entered into an Memorandum-of-Understanding (MoU) with M/s MSTC Limited, a Government of India Enterprise, for selection of Package wise Agency to carry out all sand operations, such as, excavation, storage, sale etc. in the state of Andhra Pradesh through two (2) bid e-Tender i.e., Technical and Financial (Price) bids for the three (3) packages. Through the reference 2nd cited above, M/s MSTC Ltd has invited e-Tender on behalf of Director of Mines and Geology, Govt. of Andhra Pradesh from eligible applicants for Selection of Agency for conducting all sand operations, such as excavation, storage, sale etc. of Sand in the state of Andhra Pradesh for Package – 3: Nellore, Anantapur, Chittoor, Kurnool & YSR Kadapa districts with a minimum consideration amount of Rs. 300 Crores.

Subsequently, M/s MSTC Ltd, vide reference 3rd cited above, has informed that M/s Jaiprakash Power Ventures Limited with PAN number AAACJ6297K has quoted the highest Consideration Amount of Rs. 305,60,00,000 and has been emerged as the H-1 bidder after conclusion of the tender process for the Package – 3: Nellore, Anantapur, Chittoor, Kurnool & YSR Kadapa districts.

Through reference 4th cited above, this office has issued Letter of Intent (LOI) to M/s Jaiprakash Power Ventures Limited to undertake Sand operations in the state for the Package – 3: Nellore, Anantapur, Chittoor, Kurnool & YSR Kadapa districts and requested to submit Performance Bank Guarantee.

Further, through references 5th cited above, as requested by M/s Jaiprakash Power Ventures Limited for extension of time being the festive season and public holidays, additional time has been granted to furnish the Performance Security and enter into an Agreement with the undersigned along with the execution of Lease Deed with the undersigned.

Through reference 6th cited above, M/s Jaiprakash Power Ventures Limited has furnished the Performance Security for an amount of Rs. 30,00,00,000 (Rs. Thirty Crores) vide Bank Guarantee No. OGT0007210053821 dated 09.04.2021 issued by Indus Ind Bank, having its branch office at No.3 Village Road, Nungambakkam, Chennai - 600034.

Through the reference 7th cited, the Govt. of A.P. as requested by M/s Jaiprakash Power Ventures Limited for extension of time being the Covid-19 second wave conditions, additional time has been granted to enter into an Agreement and execution of Lease Deed with the undersigned.

In view of the above circumstances, M/s Jaiprakash Power Ventures Limited is hereby permitted to commence sand operations from today onwards i.e., 12.05.2021 in the specified areas of Package - 3 covering Nellore, Anantapur, Chittoor, Kurnool & YSR Kadapa districts as provided in the Annexure 1 and all notified reaches during the tenure of the lease period subject to the terms and conditions of the Lease deed and Agreement, APMMC Rules 1966 and all Applicable Laws such as but not limited to Sand Policy of Andhra Pradesh, Mines Act 1952, MMDR Act 1957, WALTA Act & Rules, MOEF&CC notifications, Office Memorandums & Guidelines and any other applicable law, rules, Government orders, Instructions issued by Government and Department of Mines & Geology from time to time.

Sd/- V.G. Vekata Reddy
DIRECTOR OF MINES & GEOLOGY

/// ATTESTED ///


Joint Director of Mines & Geology

To
M/s Jaiprakash Power Ventures Limited
JA House, 63 Basant Lok, Vasant Vihar, New Delhi - 110057

Copy to the Deputy Directors of Mines & Geology of Nellore, Anantapur, Chittoor, Kurnool & YSR Kadapa districts for favour of information and necessary action.

Copy to the Assistant Directors of Mines & Geology of Nellore, Anantapur, Tadipatri, Chittoor, Palamaner, Kurnool, Banaganapalli, Kadapa & Yerraguntla for information and necessary action.

Copy submitted to the District Collectors of Nellore, Anantapur, Chittoor, Kurnool & YSR Kadapa for favour of information.

Copy to the VC & MD, M/s APMDC, Kanuru, Vijayawada for favour of information.

Copy submitted to the Prl. Secretary to the Govt., Industries & Commerce (Mines & Geology) Dept., Room no. 101, Second Block, AP interim Secretariat, Velagapudi, Guntur District for favour of information.

Minutes of the District Level Sand Committee (DLSC) Meeting held on 31.10.2020 at 10.30 A.M. in the Chambers of the District Collector and Chairman of the District Level Sand Committee, Chittoor.

Officers Present:-

1. The District Collector & Chairman DLSC, Chittoor.
2. The Joint Collector-I & Vice Chairman, DLSC, Chittoor.
3. The District Panchayath Officer, Chittoor.
4. The Regional Transport Officer, Chittoor.
5. The Dy. Director, Groundwater Dept., Chittoor.
6. The Superintending Engineer (Irrigation), Chittoor/ Tirupathi.
7. The Environmental Engineer, APPCB, Tirupathi.
8. The Dy. Director of Mines & Geology, Chittoor.
9. The Asst. Director of Mines and Geology, Chittoor.
10. The District Sand Officer, APMDC Ltd., Chittoor.

At the outset, the Asst. Director of Mines & Geology, Chittoor appraised the committee with regard to New Sand Policy introduced by the Government of Andhra Pradesh and the salient features of the G.O's issued thereof. Further it was brought to the notice of the committee with regard to joint inspection taken up by the Mines & Geology, irrigation, Ground water and Water Audit, RWS & S and Revenue Departments for identification of new open sand reaches in the District for extraction of Ordinary Sand. The committee has resolved to permit sand mining in the below mentioned open sand reaches and directed the Deputy Director of Mines and Geology, Chittoor to obtain Approved Mining Plan, Environmental Clearance, CFE and CFO in the name of District Collector, Chittoor. Further, directed to prepare the closing orders pertains to the Nandanoor, Surutpalli and Kotrakona sand reaches as permitted quantity is exhausted.

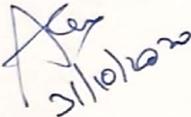
S No	Name of the Sand Reach	Sy No & Location	Extent (in Hects)	Quantity proposed in cum	Stream
1	Nandanam-2	281, Nandanam Village, B.K.bedu Revenue, Nagalapuram Mandal, Chittoor District	4.750	47,500	Arani River
2	B.K.Bedu	281, B.K.bedu Revenue village, Nagalapuram Mandal, Chittoor District	4.920	49,200	
3	Modugulapalem-2	1, Modugulapalem Village, Yerpedu Mandal, Chittoor(D)	4.940	49,400	Swarnamukhi River
4	Musalipedu	1, Musalipedu Village, Yerpedu Mandal, Chittoor(D)	4.540	45,400	
5	Kotrakona & Nandanoor	702, Kotrakona Village, G.D.Nellore(M)	4.69	46,900	Niva
6	Anagallu	Anagallu Village, Chittoor Rural Mandal	3.130	31,300	Niva
7	Muthukur	Muthukur Village, Chittoor Rural Mandal	3.590	35,900	Niva
8	S.S.B.Peta-2	S.S.B.Peta Village, PichaturMandal	4.800	96,000	Arani
9	Nandanam - 1	Nandanam Village, NagalapuramMandal	4.910	49,100	Arani
10	Subbanaidu Kandriga-2	SubbanaiduKandriga Village, NagalapuramMandal	4.880	48,800	Arani
11	Taha Nagar-1	Tahanagar Village, B.N.KandrigaMandal	4.760	47,600	Kusasthali

Cont...2

Finally, the Chairman, DLSC has concluded the meeting with a direction to get the all Statutory Clearances as early as possible to start the sand quarrying.



DISTRICT COLLECTOR/
CHAIRMAN DLSC,
CHITTOOR.



ADM&G,
CHITTOOR
CO-ORDINATOR