

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA  
EXECUTION APPLICATION NO.04 /2025  
IN  
ORIGINAL APPLICATION NO. 86/2024/EZ  
(Under Section 25 of the National Green Tribunal Act, 2010)**

**IN THE MATTER OF:**

PRADEEP SINGH SHEKHAWAT

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

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THROUGH



**Madhav Bhatia, Adv.**

**Vivek Sura Adv.**

A-446, LGF, Defence Colony

, New Delhi-110024,

Mob:9910572585

Email: [madhavbhatia@vertarilegal.com](mailto:madhavbhatia@vertarilegal.com)

**DATE: 12.03.2025**

**PLACE: KOLKATA**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA  
EXECUTION APPLICATION NO. /2025  
IN  
ORIGINAL APPLICATION NO. 86/2024/EZ  
(Under Section 25 of the National Green Tribunal Act, 2010)**

**MEMO OF PARTIES**

**PRADEEP SINGH SHEKHAWAT**

Aged about 37 Years,  
S/o Govind Singh, R/o A-34, A,  
Vivekanand Colony, Naya Khara,  
Jaipur, Rajasthan – 302023

**...APPLICANT**

**VERSUS**

**UNION OF INDIA**

Through its Secretary,  
Ministry of Environment, Forest and Climate  
Change (MOEFCC)  
Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi – 110 003  
Email: [secy-moef@nic.in](mailto:secy-moef@nic.in)

**...RESPONDENT NO. 1**

**STATE OF ASSAM**

Through its Chief Secretary  
Block A, Assam Secretariat,  
Dispur, Guwahati-781006  
Email: [s-assam@nic.in](mailto:s-assam@nic.in)

**...RESPONDENT NO. 2**

**PRINCIPAL CHIEF  
CONSERVATOR OF FOREST  
& HEAD OF FOREST FORCE  
(PCCF & HoFF)**

Environment and Forest Department,  
Government of Assam,  
Aranya Bhawan, Panjabri, Guwahati,  
Kamrup (Metropolitan) – 781037  
Email: [hoff-assam@gov.in](mailto:hoff-assam@gov.in)

**...RESPONDENT NO. 3**

**ASSAM STATE POLLUTION CONTROL BOARD**

Through its Chairman  
Environment and Forest Department,  
Bamunimaidam, Guwahati-21,  
Assam  
Email: [chairman@pcbassam.org](mailto:chairman@pcbassam.org)

...RESPONDENT NO. 4

**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA)**

Through its Chairman  
Ministry of Environment, Forest and Climate  
Change (MOEFCC), Government of India,  
Bamunimaidam, Guwahati-21, Assam  
Email: [chmn-seiaa-as@gov.in](mailto:chmn-seiaa-as@gov.in)

...RESPONDENT NO. 5

**DIRECTORATE OF GEOLOGY AND MINING**

Through its Director  
Mines and Minerals Department,  
Government of Assam,  
Kahilipara, Guwahati- 781019  
Assam  
Email: [dgmassam@gmail.com](mailto:dgmassam@gmail.com)

...RESPONDENT NO. 6

**DEPUTY COMMISSIONER, CACHAR**

Cachar District, Silchar,  
Assam 788001  
Ph.No.: 03842-245056  
Email: [dc-cachar@nic.in](mailto:dc-cachar@nic.in)

...RESPONDENT NO. 7

**DISTRICT COMMISSIONER, TINSUKIA**

Borguri, Dihingia Gaon,  
Tinsukia,  
Assam 786126  
Ph. No.: 0374-2331572  
Email: [dc-tinsukia@nic.in](mailto:dc-tinsukia@nic.in)

...RESPONDENT NO. 8

**DISTRICT COMMISISONER,  
UDALGURI**

DC Office, Udalguri,  
Assam, 784509  
Ph. No. 03711 224433  
Email.: [dc-udalguri@nic.in](mailto:dc-udalguri@nic.in)

**...RESPONDENT NO. 9**

**DISTRICT COMMISSIONER,  
GOALPARA**

P.O. Baladmari,  
Goalpara,  
Assam 783121  
Ph.No.: 03663-240030  
Email: [dc-goalpara@nic.in](mailto:dc-goalpara@nic.in)

**...RESPONDENT NO. 10**

**DISTRICT COMMISSIONER,  
GOLAGHAT**

Court Rd, Bhoga Gaon,  
Golaghat,  
Assam 785621  
Ph. No. 03774280222  
Email: [dc-golaghat@nic.in](mailto:dc-golaghat@nic.in)

**...RESPONDENT NO. 11**

**DISTRICT COMMISSIONER,  
KAMRUP (METRO)**

Lichubagan, Hengrabari,  
Guwahati, Assam – 781036  
Ph. No.: 0361-2684404  
Email: [dc-kamrupm@nic.in](mailto:dc-kamrupm@nic.in)

**...RESPONDENT NO. 12**

**DISTRICT COMMISSIONER,  
LAKHIMPUR**

North Lakhimpur  
Dist:- Lakhimpur  
Assam, 787001  
Ph. No.: 03752-222196  
Email: [dc-lakhimpur@nic.in](mailto:dc-lakhimpur@nic.in)

**...RESPONDENT NO. 13**

**DISTRICT COMMISSIONER,NAGAON**

Old Trunk Road, Christianpatty, Nagaon,

Assam 782001

Ph. No. 03672-233185

Email: [dc-nagaon@nic.in](mailto:dc-nagaon@nic.in)**...RESPONDENT NO. 14**

THROUGH

**Madhav Bhatia, Adv.****Vivek Sura, Adv.**

A-446, LGF, Defence Colony,

New Delhi-110024,

Mob:9910572585

Email:madhavbhatia@vertarilegal.com

**DATE: 12.03.2025****PLACE: KOLKATA**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA  
EXECUTION APPLICATION NO. /2025**

**IN**

**ORIGINAL APPLICATION NO. 86/2024/EZ  
(Under Section 25 of the National Green Tribunal Act, 2010)**

**IN THE MATTER OF:**

PRADEEP SINGH SHEKHAWAT ...APPLICANT

VERSUS

UNION OF INDIA & ORS. ...RESPONDENTS

**EXECUTION APPLICATION IN ORIGINAL APPLICATION NO.  
86 OF 2024 ON BEHALF OF THE APPLICANT ALONG WITH  
AFFIDAVIT**

1. That the present Execution Application has been filed by the Applicant under Section 25 of the National Green Tribunal Act, 2010 seeking execution of the order dated 14.11.2024 passed by this Hon'ble Tribunal in OA/86/2024 (EZ) titled as '*Pradeep Singh Shekhawat v Union of India*' and production of the District Survey Reports (DSRs) that have been finalised for districts in the State of Assam.

A true copy of the order dated 14.11.2024 passed by this Hon'ble Tribunal in OA/86/2024 (EZ) titled as '*Pradeep Singh Shekhawat v Union of India*' is annexed herewith and marked as **Annexure A-1**

2. That the above captioned Original Application OA/86/2024 (EZ) was filed before this Hon'ble Tribunal seeking to raise a substantial question relating to the environment under Section 14 of the National Green Tribunal Act, 2010 arising out of the failure of the

Respondents No. 2 to 13 to adhere to the mandatory procedure for preparation of a District Survey Report ('DSR') which is a prerequisite for granting any mining leases(s) under the provisions of the Environmental Impact Assessment dated 14.09.2006 ('EIA, 2006') as amended by the Respondent No. 1, vide Notification dated 15.01.2016. The Applicant contended that the non-preparation of the DSR contravened the various decisions passed by this Hon'ble Tribunal, as well as the Sustainable Sand Mining Management Guidelines, 2016 ('SSMMG, 2016') and Enforcement & Monitoring Guidelines for Sand Mining, 2020 ('EMGSM, 2020') issued by the Respondent No. 1.

3. That by way of Order dated 23.07.2024, this Hon'ble Tribunal in OA/86/2024 (EZ) stayed mining operations in districts where duly approved DSRs were not available. The relevant portion of the above captioned order is quoted as under,

*"We, therefore, direct that there shall be a stay on mining activities in respect of the e-auction/auction of the minor minerals in the District of Goal Para and Lakhimpur and such other districts which do not have duly approved District Survey Reports."*

A true copy of the order dated 23.07.2024 passed by this Hon'ble Tribunal in OA/86/2024 (EZ) is annexed herewith and marked as **Annexure A-2**

4. That during the pendency of the matter, the State of Assam issued Draft DSRs for various districts and uploaded the same on their portal. The Applicant studied and found the Draft DSRs to be seriously deficient and in contravention with the guidelines for preparation of

DSRs and other statutory provisions and judicial precedents pertaining to DSRs.

5. Aggrieved by the serious deficiencies in notified Draft DSRs, the Applicant was constrained to move an Interim Application bearing IA/86/2024 in OA/86/2024 praying for setting aside of Draft DSRs for the districts where the Draft DSRs had been prepared without conducting a proper replenishment study and without publishing field level data, with a further prayer for a direction to the Respondents to re-notify the Draft DSRs for all districts of Assam for public consultation only after preparation is carried out in strict compliance with the law.

A true copy of the IA/86/2024 filed by the Applicant in OA/86/2024 is annexed herewith and marked as **Annexure A-3**

6. That in its reply to IA No. 86/2024 dated 12.12.2024, Respondent No. 2 – State of Assam contended that the said application was premature as the DSRs were merely Draft in nature and had not been finalised.

A true copy of the Counter Affidavit filed by Respondent No. 2 – State of Assam in response to the IA/86/2024 in OA/86/2024 is annexed herewith and marked as **Annexure A-4**.

A true copy of Rejoinder by Applicant to Counter Affidavit filed by Respondent No. 2 – State of Assam in response to the IA/86/2024 in OA/86/2024 is annexed herewith and marked as **Annexure A-5**.

7. That the said IA/86/2024 was listed before this Hon'ble Tribunal on 14.11.2024, and this Hon'ble Tribunal was pleased to pass the following order, keeping the above captioned application pending,

*10. Mr. Devajit Saikia, learned Advocate General for the State of Assam appearing (in Virtual Mode), assisted by Ms. Malabika Roy Dey, learned Counsel who is present in Court on behalf of the State Respondents also submits that the I.A. No.86/2024/EZ has been filed only against the Draft DSR and the final DSR has so far not been issued. The submission reinforces our view that the I.A. No.86/2024/EZ is premature and no interim directions are required since appropriate directions have already been issued in the order of the Tribunal dated 23.07.2024. When the case is next listed, the name of Mr. Devajit Saikia shall be printed in the Causelist as Advocate General for the State of Assam.*

*11. The learned Advocate General further submits that the Draft DSR has already been uploaded on the website and if any person is aggrieved, he may file objections to the same.*

*12. The learned Advocate General also submits that whatever orders are passed on the Draft DSR shall be placed before this Tribunal on affidavit.*

8. That a perusal of the said order would show that that this Hon'ble Tribunal had specifically directed that any orders passed on the Draft DSRs shall be placed before this Hon'ble Tribunal on affidavit.
9. That on last date of hearing in OA/86/2024 i.e. 18.02.2025, it was submitted by counsel for Respondent No. 2 that DSRs for 11 districts have been finalized and Respondent No. 2 is in the process for finalizing the DSR for the rest of districts. It is submitted that despite the order dated 14.11.2024 passed by this Hon'ble Tribunal, no finalized DSRs have been placed before this Hon'ble Tribunal.
10. That in an effort to verify the Respondents' claims, the Applicant independently searched the Parivesh Portal (<https://cpc.parivesh.nic.in/SeiaaSeacState.aspx?id=SEAC>) for the

Minutes of Meetings ('MOM') of SEAC and SEIAA related to finalization of DSRs. However, only a few MOMs were available on the website, but none pertained to the appraisal or approval of draft DSRs as claimed by Respondent No. 2.

A true copy of screenshot of webpage of SEAC and SEIAA Assam taken from Parivesh Portal and the MOM's found therein have been annexed herewith and marked as **Annexure A-6**.

11. In light of the above, it is evident that the respondent No. 2 has failed to comply with Order dated 14.11.2024 and finalization of DSRs has proceeded in an opaque and non-transparent manner, without rectifying the deficiencies identified by SEAC and without placing the complete appraisal records before this Hon'ble Tribunal. The Respondents' failure to disclose all MOMs and appraisal records further strengthens the Applicant's contention that the final DSRs must be placed before this Hon'ble Tribunal for review before they are implemented.
12. This Hon'ble Tribunal, Eastern Bench at Kolkata has jurisdiction to entertain this instant execution application as it arises out of non-compliance of order of this Hon'ble Tribunal, namely O.A.86/2024 dated 14.11.2024.
13. That the present execution Application is being filed under section 25 of the National Green Tribunal Act, 2010 which grant this Hon'ble Tribunal powers of a civil court in matters of execution.
14. This present execution Application is filed within the period of limitation.
15. This application is made *bonafide* and in the interest of justice.

16. The Applicant has a strong prima facie case in its favour and will suffer irreparable harm and injury if the present application is not allowed.
17. No prejudice will be caused to the Respondents if the present application is allowed.

### PRAYER

In view of the above, the Applicant respectfully prays that this Hon'ble Tribunal may be pleased to:

- a. Allow the present Application and direct Respondent No. 2 to place on record all finalized District Survey Reports (DSRs) for the state of Assam in terms of the order dated 14.11.2024 passed by this Hon'ble Tribunal in OA/86/2024;
- b. Pass any other order(s) as may be deemed fit in the interest of justice and environmental protection.

THROUGH



**Madhav Bhatia, Adv.**

**Vivek Sura Adv.**

A-446, LGF, Defence Colony

, New Delhi-110024,

Mob:9910572585

Email: [madhavbhatia@vertarilegal.com](mailto:madhavbhatia@vertarilegal.com)

**DATE: 12.03.2025**  
**PLACE: KOLKATA**

11

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA  
EXECUTION APPLICATION NO. \_\_\_\_\_ OF 2025  
IN  
ORIGINAL APPLICATION NO. 86/2024



IN THE MATTER OF:

PRADEEP SINGH SHEKHAWAT

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

**AFFIDAVIT**

I, Pradeep Singh Shekhawat, S/o Govind Singh, R/o A-34, A, Vivekanand Colony, Naya Khera, Jaipur, Rajasthan – 302023, aged about 37 Years, do hereby solemnly affirm and state on oath as under:

1. That I am the Applicant in the captioned matter and I am fully conversant with the facts and circumstances of the case and competent to swear this Affidavit.
2. That I have gone through the contents of the accompanying Execution application that has been drafted by my counsel according to my instructions and the contents of the same are true and correct to my knowledge.

12 MAR 2025

**ATTESTED**  
  
Anil Kumar Jain  
Notary (Govt. of India)  
JAIPUR (Raj.)


  
DEPONENT

**VERIFICATION**

Verified on this \_\_\_\_\_ day of \_\_\_\_\_ 2025 that the contents of the present Affidavit are true and correct to my knowledge and nothing material has been concealed.

  
DEPONENT



**ATTESTED**  
  
Anil Kumar Jain  
Notary (Govt. of India)  
JAIPUR (Raj.)

12 MAR 2025

**Annexure A-1**

Item No.06

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.86/2024/EZ  
(I.A. No.86/2024/EZ)

Pradeep Singh Shekhawat

Applicant(s)

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 14.11.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. A.D.N. Rao, Sr. Adv. a/w  
Mr. Madhav Bhatia, Adv. (in Virtual Mode)

For Respondent(s): Ms. Amrita Pandey, Adv. for R-1 & 5 (in Virtual Mode),  
Mr. Devajit Saikia, AG for the State of Assam a/w  
Ms. Malabika Roy Dey, Adv. for 2,3,6 to 10, 11 to 14,  
State Respondents,  
Mr. Surendra Kumar, Adv. for R-4

**ORDER**

1. Rejoinder affidavit dated 15.10.2024 has been filed by the Applicant; the same is taken on record.
2. Affidavit dated 12.11.2024 has been filed by the Respondent No.5, State Environment Impact Assessment Authority (SEIAA), Assam; the same is taken on record.

**I.A. No.86/2024/EZ**

3. Mr. A.D.N. Rao, learned Senior Counsel assisted by Mr. Madhav Bhatia, learned Counsel are present (in Virtual Mode) for the Applicant. Interlocutory Application No.86/2024/EZ has been filed on behalf of the Applicant praying that the Draft District Survey Reports (DSRs) for the districts as given in Annexure A/21 to Annexure A/43 and any other district in Assam where the Draft DSR has been prepared without conducting a proper replenishment

study and without publishing field level data be set aside with a further prayer for a direction to the Respondents to re-notify the Draft DSRs for all districts of Assam for public consultation only after preparation is carried out in strict compliance with the law.

4. In our opinion, the grievance of the Applicant in the I.A. No.86/2024/EZ is only against the Draft DSR.
5. There is a procedure required to be followed under the Ministry of Environment, Forest and Climate Change (MoEF&CC) notifications that a Draft DSR has to go through the process of consideration by the State Expert Appraisal Committee ('SEAC') and the recommendations given by 'SEAC' are then forwarded to the 'SEIAA' which may or may not accept the said recommendations coupled with opportunity being given to the members of the public at large to file their objections, if any.
6. Learned Senior Counsel prays that the draft DSR may be stayed and that no mining activity should be allowed in the State of Assam.
7. We are of the view that this I.A. No.86/2024/EZ, at this stage, assailing a Draft DSR is absolutely premature.
8. Mr. Rao, learned Senior Counsel then submitted that the **I.A. No.86/2024/EZ** may be kept pending and be considered at the time of final decision of the Original Application.
9. We, therefore, direct that the **I.A. No.86/2024/EZ** shall be taken up at the time of final hearing.
10. Mr. Devajit Saikia, learned Advocate General for the State of Assam appearing (in Virtual Mode), assisted by Ms. Malabika Roy Dey, learned Counsel who is present in Court on behalf of the State Respondents also submits that the I.A. No.86/2024/EZ has been

filed only against the Draft DSR and the final DSR has so far not been issued. The submission reinforces our view that the I.A. No.86/2024/EZ is premature and no interim directions are required since appropriate directions have already been issued in the order of the Tribunal dated 23.07.2024. When the case is next listed, the name of Mr. Devajit Saikia shall be printed in the Cause-list as Advocate General for the State of Assam.

11. The learned Advocate General further submits that the Draft DSR has already been uploaded on the website and if any person is aggrieved, he may file objections to the same.
12. The learned Advocate General also submits that whatever orders are passed on the Draft DSR shall be placed before this Tribunal on affidavit.
13. We find that the case is already fixed for **13.12.2024**. Let the matter come up on the date fixed.
14. Ms. Amrita Pandey, learned Counsel appearing (in Virtual Mode) for State Environment Impact Assessment Authority (SEIAA), Assam submits that she may be granted liberty to file fresh affidavit as and when required bringing on record fresh developments, if any.
15. **List on 13.12.2024.**

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

November 14, 2024,  
 Original Application No.86/2024/EZ  
 (I.A. No.86/2024/EZ)  
 OM

## Annexure A-2

Item No.03

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.86/2024/EZ  
(I.A. No.32/2024/EZ)

Pradeep Singh Shekhawat

Applicant(s)

Versus

Union Of India &amp; Ors.

Respondent(s)

Date of hearing: 23.07.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. A.D.N. Rao, Sr. Adv. a/w  
Mr. Madhav Bhatia, Adv.

For Respondent(s) : Ms. Amrita Pandey, Adv. for R-1 & 5 (in Virtual Mode),  
Mr. Santanu Bora, Adv. for R-2,3,6 to 14 (in Virtual Mode),  
Mr. Surendra Kumar, Adv. for R-4

### ORDER

1. Mr. A.D.N. Rao, learned Senior Counsel assisted by Mr. Madhav Bhatia is present on behalf of the Applicant.
2. Notices in this case were issued on 26.04.2024 and the Counsel for the State Respondents had accepted notices also. Thereafter, the case was again listed on 28.05.2024 and four weeks time was again sought and granted. Thereafter, case was listed on 16.07.2024 but no counter affidavit was filed. Today also no counter affidavit has been filed.
3. Mr. A. D. N. Rao, learned Senior Counsel assisted by Mr. Madhav Bhatia, learned Counsel has placed before us a letter of the Divisional Forest Officer (DFO), Goalpara Division (T) bearing No. B/GLP(T)/NGT/Misc/2024-25/1620 dated 11.07.2024 addressed to the District Commissioner, Goalpara. Para 3 of the letter reads as under: -

*“3. The process for engagement of NABET accredited agency is being carried out by the division for preparation of District Survey Report. The proposal with funding requirement is submitted to the competent authority for sanctioning”.*

4. This communication dated 11.07.2024 clearly shows that the District Survey Report (D.S.R.) has not been prepared for District Goalpara and is not in existence as of today.
5. This letter has been placed before us by Mr. A.D.N. Rao, learned Senior Counsel as it was communicated to Mr. Madhav Bhatia, his Assisting Counsel by the District Commissioner, Goalpara, vide his letter No.GDG-37/2024/13 dated the 16<sup>th</sup> July, 2024.
6. The Ministry of Environment, Forests and Climate Change (MoEF&CC) has filed affidavit dated 17.05.2024 and in para 8 thereof reference has been made to the **“Enforcement & Monitoring Guidelines for Sand Mining (EMGSM-2020)” para 4.1.1 and para (a)** thereof clearly stipulates that *“District Survey Report for sand mining shall be prepared before the auction/e-auction/grant of the mining lease/Letter of Intent (LoI) by Mining department or department dealing the mining activity in respective States”*. This shows that without District Survey Report, the State Respondents cannot proceed with auction/e-auction/grant of mining lease or Letter of Intent (LoI).
7. Mr. Santanu Bora, learned Counsel for the State Respondents, Government of Assam prays for and is granted four weeks time for filing counter affidavit.
8. With the consent of the learned Counsel for the parties, **list on 30.09.2024.**

**I.A. No.32/2024/EZ**

9. Interlocutory Application No.32/2024/EZ has been filed by the Applicant praying for stay of e-auction/auctions of the Minor Minerals as mentioned in **Annexure-A-17 (COLLY)** of the present Original Application No.86/2024/EZ in the district of Cachar, Tinsukia, Udalguri, Goalpara, Golaghat, Kamrup (Metro), Lakhimpur and Nagaon without the preparation of the District Survey Report.
10. The Respondents have not filed any counter affidavit till date. however, the letter of the Divisional Forest Officer, letter No.B/GLP(T)/NGT/Misc/2024-25/1620 dated 11.07.2024 clearly discloses that District Survey Report has not yet been prepared for District Goalpara.
11. Mr. A.D.N. Rao, learned Senior Counsel has also placed before us the parawise narrative which has been communicated to him and which is prepared by the District Commissioner, Lakhimpur in which it is in fact admitted that *“District Survey Report pertaining to Lakhimpur District is under the process of preparation”*. This shows even for the District of Lakhimpur, there is no District Survey Report as of today.
12. We, therefore direct that there shall be a stay on mining activities in respect of the e-auction/auction of the minor minerals in the District of Goalpara and Lakhimpur and such other districts which do not have duly approved District Survey Report.
13. **I.A. No.32/2024/EZ** is disposed of.

14. There shall be no order as to costs.

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Arun Kumar Verma, EM**

July 23, 2024,  
Original Application No.86/2024/EZ  
(I.A. No.32/2024/EZ)  
SKB

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
I.A. NO. 86 /2024  
IN  
ORIGINAL APPLICATION NO 86/2024**

**IN THE MATTER OF:-**

PRADEEP SINGH SHEKHAWAT ...APPLICANT

VERSUS

UNION OF INDIA & ORS. ... RESPONDENTS

**INDEX**

<b>Sr. No.</b>	<b>Particulars</b>	<b>Pages</b>
1	Application for Setting Aside the Draft District Survey Report for Various Districts prepared in Contravention of the SSMMG Guidelines, 2016 and the EMGSM Guidelines, 2020	<b>1 - 17A</b>
2	A true copy of the Notification S.O. 3611(E) dated 25.07.2018 is annexed herewith and marked as <b>Annexure 1</b>	<del>18 - 24</del> 18-29
3	A summary of the deficiencies present in the Draft DSR in tabular form is annexed herewith and marked as <b>Annexure 2</b>	<del>25 - 31</del> 30-36
4	Proof of Service	<del>32</del> 37

FILED

Al. Bhatia

**Madhav Bhatia, Adv.**

A-446, LGF, Defence Colony,

New Delhi-110024,

Mob:9910572585

Email: madhavbhatia@vertarilegal.com

**DATE:** \_\_.10.2024

**PLACE:** KOLKATA

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA**

I.A. NO. /2024

IN

ORIGINAL APPLICATION NO. 86/2024/EZ

**IN THE MATTER OF:**

PRADEEP SINGH  
SHEKHAWAT

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

**APPLICATION FOR SETTING ASIDE THE DRAFT DISTRICT SURVEY REPORT FOR VARIOUS DISTRICTS HAVING BEING PREPARED IN CONTRAVENTION OF THE SUSTAINABLE SAND MINING MANAGEMENT GUIDELINES, 2016 ('SSMMG GUIDELINES, 2016') AND THE ENFORCEMENT & MONITORING GUIDELINES FOR SAND MINING, 2020 ('EMGSM GUIDELINES, 2020')**

**MOST RESPECTFULLY SHOWETH:**

1. The Applicant herein had filed OA No. 86/2024 before this Hon'ble Tribunal on 24.04.2024 raising substantial question relating to the environment under Section 14 of the National Green Tribunal Act, 2010, arising out of the failure of the Respondents to curb the concerning surge in the illegal mining of minor minerals including sand, gravel, clay and stone in the State of Assam, without obtaining the requisite permissions under the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act'), The

Water (Prevention and Control of Pollution) Act, 1974 (**‘Water Act’**) and the Environment (Protection) Act, 1986 (**‘EP Act’**). Further, the Applicant also sought directions against the Respondents to prohibit conducting auctions of Minor Mineral Concession Areas (MMCA) in various districts of State of Assam such as Cachar, Tinsukia, Udalguri, Goalpara, Golaghat, Kamrup Metro, Lakhimpur and Nagaon without following the mandatory procedure for preparation of a District Survey Report (**‘DSR’**) which is a pre-requisite and a sine qua non for granting any mining leases(s)/permit under the provisions of the Environment Impact Assessment Notification dated 14.09.2006 (**‘Notification dated 14.09.2006’**) issued by Union Ministry of Environment, Forest and Climate Change (**‘Respondent No. 1’**) and as amended by way of Notification dated 15.01.2016, the Sustainable Sand Mining Management Guidelines, 2016 (**‘SSMMG Guidelines, 2016’**) and the Enforcement & Monitoring Guidelines for Sand Mining, 2020 (**‘EMGSM Guidelines, 2020’**).

2. The said O.A. was filed raising 11 grounds which are not being repeated herein for the sake of brevity. I reaffirm and reiterate the averments made, the grounds and contentions raised in the O.A as well as the Rejoinder Affidavit. The same are not being repeated herein for the sake of brevity.
3. That the Applicant craves leave of this Hon’ble Tribunal to treat the same as having being incorporated herein and permit the Petitioner herein to rely upon the same at the time of urging the present application.

4. The Applicant submits that the Ministry of Environment, Forest and Climate Change (MoEF&CC) had published the Environment Impact Assessment Notification, 1994 in relation to the Major Minerals in an area more than 5 hectares. That subsequently on 14.09.2006, MoEF&CC issued EIA Notification 2006 for Major & Minor Mineral more than 5 Hectares. The Hon'ble Supreme Court in the case of *Deepak Kumar etc. vs. State of Haryana and others etc.*, in its Judgment dated 27.02.2012 in I.A. No. 12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009 made prior environment clearance mandatory for mining of minor minerals irrespective of the area of mining lease. Thus, the distinction of the Major and Minerals in an area of more than 5 hectares and less than 5 hectares stands obliterated.
5. That the MoEF&CC issued publication Sustainable Sand Mining Management Guidelines 2016 for scientific and sustainable sand mining in the Country.
6. That subsequently the National Green Tribunal in its Order dated 04.09.2018 in O.A. No. 173 of 2018 in the matter of *Sudarsan Das vs. State of West Bengal & Ors.* has categorically held that “*effective institutional monitoring mechanism is required not only at the stage when Environmental Clearance is granted but also at subsequent stages*”.

7. The guidelines dated 15.01.2016 ought to be scrupulously followed.
8. That in January, 2020 the MoEF&CC published the Enforcement & Monitoring Guidelines for Sand Mining, 2020 (**‘EMGSM Guidelines, 2020’**) in order to have an effective enforcement of regulatory provisions and their monitoring. The said document as per the MoEF&CC was to serve as a guideline for collection of critical information for enforcement of the regulatory provision(s) and also highlights the essential infrastructural requirements necessary for effective monitoring for Sustainable Sand Mining.
9. As per the MoEF&CC, the EMGSM Guidelines are supplemental to the existing Sustainable Sand Mining Management Guideline-2016 (SSMG-2016), and both the guidelines viz. EMGSM-2020 and SSMG-2016 have to be read and implemented in sync with each other. In case, any ambiguity or variation between the provision of both these document arises, the provisions made in EMGSM 2020 shall prevail.
10. The Objectives of the Guidelines are:-
  - Identification and Quantification of Mineral Resource and its optimal utilization.
  - To regulate the Sand & Gravel Mining in the Country since its identification to its final end-use by the consumers and the general public.
  - Use of IT-enabled services & latest technologies for surveillance of the sand mining at each step.

- Reduction in demand & supply gaps.
- Setting up the procedure for replenishment study of Sand.
- Post Environmental Clearance Monitoring.
- Procedure for Environmental Audit.
- To control the instance of illegal mining.

11. The 2020 Guidelines in Para 4 provides for preparation of the District Survey Report and categorically states:-

*“4.1.1 – (a) District Survey Report for sand mining shall be prepared before the auction/e-auction/grant of the mining lease/Letter of Intent (LoI) by Mining department or department dealing the mining activity in respective states.”*

12. It further states:-

*b) The first step is to develop the inventory of the River Bed Material and Other sand sources in the District. In order to make the inventory of River Bed Material, a detailed survey of the district needs to be carried out, to identify the source of River Bed Material and alternative source of sand (M-Sand). The source will include rivers, de-siltation of reservoir/dams, Patta lands/Khatedari Land, M-sand etc.*

*c) District Survey Report is to be prepared in such a way that it not only identifies the mineral-bearing area but also define the mining and no mining zones considering various environmental and social factors.*

*d) Identification of the source of Sand & M-Sand. The sources may be from Rivers, Lakes, Ponds, Dams, De-silting locations, Patta land/Khtedari lands. The details in case of Rivers such as [name, length of river, type (Perennial or*

*Non-Perennial ), Villages, Tehsil, District], in case of Lakes, Ponds, Dams, De-silting locations [Name, owned/maintained by (State Govt./PSU), area, Villages, Tehsil, District] in case of Patta land/Khtedari lands [ Owner Name, Sy No, Area, Agricultural/Non-Agricultural, Villages, Tehsil, District], in case of M-Sand Plant [Owner Name, Sy No, Area, Quantity/Annum, Villages, Tehsil, District], needs to be recorded as per format given in Annexure-I.*

*e) Defining the sources of Sand/M-Sand in the district is the next step for identification of the potential area of deposition/aggradation wherein mining lease could be granted. Detailed survey needs to be carried out for quantification of minerals. The purpose of mining in the river bed is for channelization of rivers so as to avoid the possibility of flooding and to maintain the flow of the rivers. For this, the entire river stretch needs to be surveyed and original ground level (OGL) to be recorded and area of aggradation/deposition needs to be ascertained by comparing the level difference between the outside riverbed OGL and water level. Once the area of aggradation/deposition are identified, then the quantity of River Bed Material available needs to be calculated. The next step is channelization of the river bed and for this central  $\frac{3}{4}$ th part of the river, width needs to be identified on a map. Out of the  $\frac{3}{4}$ th part area, where there is a deposition/aggradation of the material needs to be identified. The remaining  $\frac{1}{4}$ th area needs to be kept as no mining zone for the protection of banks. The specific gravity of the material also needs to be ascertained by analyzing the sample from a NABL accredited lab. Thus, the quantity of material available in metric ton needs to be calculated for mining and no mining zone.”*

13. It talks of public consultation as under:-

*“p) Public consultation-The Comments of the various stakeholders may be sought on the list of mining lease to be auctioned. The State Government shall give an advertisement in the local and national newspaper for seeking comments of the general public on the list of mining lease included in the DSR. The DSR should be placed in the public domain for at least one month from the date of publication of the advertisement for obtaining comments of the general public. The comments so received shall be placed before the sub-divisional committee for active consideration. The final list of sand mining areas [leases to be granted on riverbed & Patta land/Khatedari land, desiltation location (ponds/lakes/dams), M-Sand Plants (alternate source of sand)] after the public hearing needs to be defined in the final DSR in the format as per Annexure-V. The details regarding cluster and contiguous cluster needs to be provided in Annexure-VI. The details of the transportation need to be provided in Annexure-VII.”*

14. The whole idea of having a public consultation is to bring to the notice of the public at large and thus specifically in the area where lease is to be granted the impact of grant of mining permissions in the said area.

15. In this regard, the State of Assam in the Counter Affidavit filed to the O.A. has stated that the State has prepared and uploaded on the district website of 25 districts the draft DSRs for public viewing/ suggestions / objections for 21 days.

True copies of the draft DSRs for 26 Districts have already been filed by the Petitioner along with Rejoinder and the same are not being repeated herein for the sake of brevity.

16. That the Applicant submits that the draft DSRs have been prepared in contravention of the Notification dated 15.01.2016, SSMMG Guidelines, 2016 as well as the EMGSM Guidelines, 2020, and are bad in law and thus ought to be set aside for the following reasons:

#### **I. Absence of Replenishment Study**

- 16.1. **Clause 5** of the **EMGSM Guidelines, 2020** mandates the inclusion of a replenishment study, particularly for riverbed sand

##### *5.0 REPLENISHMENT STUDY*

*The need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessing sand extraction. Mining within or near riverbed has a direct impact on the stream's physical characteristics, such as channel geometry, bed elevation, substratum composition and stability, in-stream roughness of the bed, flow velocity, discharge capacity, sediment transport capacity, turbidity, temperature etc. Alteration or modification of the above attributes may cause an impact on the ecological equilibrium of the riverine regime, disturbance in channel configuration and flow-paths. This may also cause an adverse impact on instream biota and riparian habitats. It is assumed that the riparian habitat disturbance is minimum if the replenishment is equal to excavation for a given stretch. Therefore, to minimize the adverse impact arising out of sand mining in a given river*

*stretch, it is imperative to have a study of replenishment of material during the defined period*

- 16.2. It is submitted that the draft DSRs in each district entirely omits this crucial study. That in *Junaid Ayubi v. State of Haryana, 2024 SCC OnLine NGT 445*, the Principal bench of this Tribunal held that a prior replenishment study is necessary for grant of environmental clearance for mining of river bed sand. Further, the Hon'ble Tribunal after considering the provisions of the MoEF's Guidelines, 2020 emphasized that (i) calculating rate of annual replenishment of sand, and (ii) allowing time for replenishment of sand after mining, are both relevant and held that sand mining in the riverbed without replenishment study cannot be permitted
- 16.3. That requirement has been reiterated in *Pramod v. State of Uttar Pradesh order dated 11.03.2022 passed in Appeal 23/2021, Mohan Prakash v. MoEF & Ors bearing OA No. 801 of 2023*, and in *Pramod v. State of Uttar Pradesh, OA No. 90/2020* a District Survey Report ought to be based on a valid replenishment study.
- 16.4. It is submitted that replenishment studies are central to assessing whether mining can be sustained without depleting natural resources, particularly in riverbed mining, where unchecked extraction can cause

irreversible damage to the ecosystem. Without this study and the data collected therefrom, the stakeholders—especially those directly affected by mining activities—cannot evaluate the sustainability of proposed mining plans or assess the environmental consequences of these activities

## **II. Draft DSRs contain Incomplete Data**

- 16.5. The purported Draft DSRs are incomplete, lacking critical information such as production and revenue data for sand, bajri, and other minor minerals over the past three years. Furthermore, many essential sections of the Draft report are marked with placeholders stating that "*data is to be collected,*" leaving large portions of the document unfinished
- 16.6. This is a significant lapse, as the DSR is meant to be a comprehensive document that forms the basis for crucial decision-making. Without these data points, the public including the Applicant cannot make informed and effective objections during the consultation process and thus cannot raise effective objections to the same

## **III. Single DSRs for all minor minerals**

- 16.7. That the purported Draft DSRs improperly consolidates all minor minerals into a single document, which is a direct violation of the provisions set forth in

Notification S.O. 3611(E) dated 25.07.2018. According to this notification, DSR must be prepared *separately* for each minor mineral within the district. The intention behind this requirement is to ensure that the specific environmental, geological, and socioeconomic impacts of each type of minor mineral are adequately assessed and managed. By combining all minor minerals into a single report, the Drafts DSR fails to provide a thorough and mineral-specific analysis, which is necessary to meet legal and environmental standards

A true copy of the Notification S.O. 3611(E) dated 25.07.2018 is annexed herewith and marked as **Annexure A-1**

- 16.8. This improper consolidation hinders the public's including the Applicant's ability to give effective objections during the consultation process. Without separate assessments for each minor mineral, the public is deprived of the opportunity to evaluate the unique environmental and resource management challenges associated with each mineral type. This lack of specificity prevents stakeholders from understanding the full impact of proposed mining activities on their environment, making it impossible to provide informed feedback or raise concerns about the sustainability of individual minerals

#### **IV. Outsourcing to private consultants**

16.9. It transpires that the preparation of the DSR appears to have been entirely outsourced to private consultants with no involvement from public officers, which is in violation of the decision of the Hon'ble Supreme Court in *State of Bihar v. Pawan Kumar*, (2022) 2 SCC 348. It is submitted that in Para 15 of *Pawan Kumar (supra)*, the Hon'ble Supreme Court criticized the practice of outsourcing the preparation of DSRs to private consultants and held that DSRs must be prepared by Sub-Divisional Committees composed of officers from various State Government departments. It is submitted that the public officers are expected to play a leading role in ensuring the accuracy, objectivity, and integrity of the DSR, especially given its significant environmental and resource management impacts, and that outsourcing this process is a clear violation of the *Pawan Kumar (supra)* guidelines

#### **V. Failure to provide Mineral Potential**

16.10. That the draft DSRs fail to provide mineral potential calculated on the basis of field investigation and geology of the catchment area of the river/ streams. The SSMMG, 2016 in **Clause 14** of the Chapter “STRUCTURE OF DISTRICT SURVEY REPORT”, mandates the calculation of Mineral potential and

further provides a specific format for calculation of the same during preparation of DSR.

- 16.11. The draft DSRs fail to address the very purpose of the preparation of DSR and is contrary to the SSMMG, the EMGSM and the Judgment of the Hon'ble NGT in *Anjani Kumar vs State of Uttar Pradesh & Ors*. It is a settled position that the purpose of the preparation of the DSR is to ensure identification of areas of aggradation/deposition where mining can be allowed and identification of areas of erosion and proximity to infrastructural structures and installation where mining should be prohibited

#### **VI. Failure to identify specific mining sites**

- 16.12. That the purported Draft DSR fails to identify specific mining sites, which is a critical element of any district-level survey report. **Clause 4.3** of the EMGSM mandates that the mining plan should include specific measurements, including pre- and post-monsoon levels, as well as detailed maps and environmental assessments.
- 16.13. The **Clause 4.1.1(c)** of the Guidelines prescribe that the 'District Survey Report is to be prepared in such a way that it not only identifies the mineral-bearing area but also define the mining and no mining zones considering various environmental and social factors.

However, in the present draft DSR, neither the mining zone nor the no-mining zones have been identified.

- 16.14. It is submitted that the Draft DSRs do not exhaustively identify the mining areas where such mining activity is proposed to be carried out. It is submitted that without identifying the areas where mining is proposed, it is impossible to evaluate the potential environmental impacts and plan for mitigation measures. By failing to provide this information, the Draft DSRs leaves critical gaps in the planning and regulation of mining activities, making it impossible to evaluate potential environmental impacts or implement effective mitigation measures
17. That pertinently, Applicant has duly submitted detailed representations to the concerned Respondents *inter alia* raising objections against the draft DSRs, highlighting the arbitrary and whimsical procedure followed by the Respondents and that the Draft DSRs are lacking data points which is essential for public consultation. That the true copies of the objections raise by the Applicant have already been annexed along with the Rejoinder Affidavit.

That the deficiencies present in the Draft DSR have been summarized in a tabular form for the convenience of this Hon'ble Court as **Annexure A/2**

18. The absence of critical elements such as replenishment studies, field-level environmental data, and accurate mineral potential assessments severely undermines the Draft DSRs' legitimacy. Additionally, the reliance on incomplete or missing field-level data, combined with the improper consolidation of different minor minerals into a single report, leaves critical gaps in the Draft DSRs. These gaps prevent the public including the Applicant from understanding the true environmental impact of the proposed mining projects and render the entire public consultation process ineffective.
19. The very purpose of public consultation is to allow stakeholders to participate meaningfully in decisions that affect their environment and livelihoods. However, without access to accurate replenishment studies and field data, it is impossible for the public to provide well-informed feedback, thereby undermining the transparency and fairness of the process.
20. In light of the above, it is submitted that no valid public consultation or objections can be made on the Draft DSRs due to the absence of necessary data and studies, rendering the Draft DSRs liable to be set aside
21. That grave prejudice and irreparable has been and shall continue to be caused to the ecological balance of the State of Assam in the event, the instant application is not allowed in favour of the Applicant.

22. That the balance of convenience lies in favour of the Applicant, and it has a strong *prima facie* in its favour since the Respondents have miserably failed to abide by the procedure for preparation of DSR and EC for mining of minor minerals in the State of Assam in contravention of several rules, guidelines and Notifications as issued by the Respondents themselves.
23. That the instant application is being filed in *bona fide* and in interests of justice.
24. That, no other or similar application has been filed by the Applicant before this Hon'ble Tribunal or any other Court(s) or Tribunal(s).

### **PRAYER**

In light of the submissions made by the Applicant herein, it is most respectfully prayed that this Hon'ble Appellate Tribunal may be pleased to:-

- a. Issue directions setting aside the Draft District Survey Reports (DSRs) for the districts (annexed as Annexure A/21 to Annexure A/43 of the Rejoinder) and for any other district in Assam where the Draft DSR has been prepared without conducting a proper replenishment study and without publishing field level data; and/or
- b. Direct the Respondents to re-notify the Draft DSRs for all districts of Assam for public consultation only after their preparation in strict compliance with the law,

ensuring that the Draft DSRs contain comprehensive replenishment data and all relevant environmental, geological, and field-level data collected through proper studies;

- c. Pass such other order(s) as this Hon'ble Tribunal may deem fit and proper in the facts of the present case;

 FILED

**Madhav Bhatia, Adv.**

A-446, LGF, Defence Colony,

New Delhi-110024,

Mob:9910572585

**DATE:** \_\_.10.2024

**PLACE:** KOLKATA

Email: madhavbhatia@vertarilegal.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA  
I.A. No. of 2024  
IN  
ORIGINAL APPLICATION NO. 86/2024



IN THE MATTER OF:

PRADEEP SINGH SHEKHAWAT

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

**AFFIDAVIT**

I, Pradeep Singh Shekhawat, S/o Govind Singh, R/o A-34, A, Vivekanand Colony, Naya Khera, Jaipur, Rajasthan – 302023, aged about 37 Years, do hereby solemnly affirm and state on oath as under:

1. That I am the Applicant in the captioned matter and as such am fully conversant with the facts and circumstances of the case and competent to swear this Affidavit.
2. That I have gone through the contents of the accompanying application and the same has been drafted by my counsel according to my instructions and the contents of the same are true and correct to my knowledge.



ATTESTED 15 OCT 2024  
Anil Kumar Jaiswal  
Notary (Govt. of India)  
JAIPUR (Raj.)

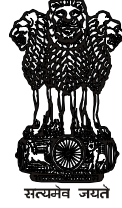
*[Signature]*  
DEPONENT

Verified on this \_\_\_\_\_ day of \_\_\_\_\_ 2024 that the contents of the present Affidavit are true and correct to my knowledge and nothing material has been concealed.

ATTESTED  
Anil Kumar Jaiswal  
Notary (Govt. of India)  
JAIPUR (Raj.)

*[Signature]*  
DEPONENT

15 OCT 2024



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

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## पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

### अधिसूचना

नई दिल्ली, 25 जुलाई, 2018

**का.आ. 3611(अ).**—भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ) तारीख 14 सितंबर, 2006, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) प्रकाशित की गई थी, जिसके द्वारा पूर्व पर्यावरण निकासी के संबंध में निदेश जारी किए गए हैं ;

और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में उक्त अधिसूचना को का.आ. 141(अ) तारीख 15 जनवरी, 2016 द्वारा संशोधित किया है, जिसमें गौण खनिजों के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने की प्रक्रिया को विहित किया गया है ;

और रांची स्थित माननीय झारखंड उच्च न्यायालय ने 2015 की रिट याचिका (पीआईएल) संख्या 1806, स्वप्रेरणा बनाम झारखंड राज्य एवं अन्य के मामले में रिट याचिका (पीआईएल) सं. 2013 की 290, हेमंत कुमार शिल्कारवर बनाम झारखंड राज्य एवं अन्य के मामले में, अन्य बातों के साथ, तारीख 11 अप्रैल, 2018 और 19 जून, 2018 के आदेश में बालू और रेत से भिन्न गौण खनिजों के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने या बालू और रेत से भिन्न गौण खनिजों की जिला सर्वेक्षण रिपोर्ट तैयार करने के लिए शक्तियों का प्रत्यायोजन करने के लिए राज्य सरकार और/या जिला पर्यावरण संघात निर्धारण प्राधिकरण और जिला विशेषज्ञ मूल्यांकन समिति को निदेश दिया है ;

और केंद्रीय सरकार लोक हित में पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (क) के अधीन सूचना देने की अपेक्षा से अभिमुक्ति प्रदान करती है ;

और केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ) तारीख 14 सितंबर, 2006 में निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में परिशिष्ट 10 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :-

**“परिशिष्ट 10**

**[पैरा 7 (iii) (क) देखें]**

**1. बालू खनन या नदी तल खनन के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने के लिए प्रक्रिया**

जिला सर्वेक्षण रिपोर्ट तैयार करने का मुख्य उद्देश्य (भरणीय बालू खनन के लिए मार्गदर्शक सिद्धांतों के अनुसार) निम्नलिखित को सुनिश्चित करना है :-

उच्चयन या जमाव के क्षेत्रों की पहचान, जहां खनन को अनुज्ञात किया जा सकता है ; और भूक्षयण के क्षेत्रों की पहचान तथा अवसंरचना ढांचों और प्रतिष्ठापनों से निकटतता जहां खनन को प्रतिषिद्ध किया जाना चाहिए और भराई की वार्षिक दर की गणना तथा उस क्षेत्र में खनन के पश्चात् भराई के लिए समय को अनुज्ञात करना ।

रिपोर्ट के निम्नलिखित संघटक होंगे :

- (1) प्रस्तावना ;
- (2) जिले में खनन कार्यकलापों का विहंगावलोकन ;
- (3) अवस्थिति क्षेत्र और वैधता की अवधि सहित जिले में खनन पट्टों की सूची ;
- (4) पिछले तीन वर्ष में प्राप्त स्वामिस्व या राजस्व के ब्यौरे ;
- (5) पिछले तीन वर्ष के दौरान बालू या रेत या गौण खनिज के उत्पादन के ब्यौरे ;
- (6) जिले की नदियों में तलछट के जमा होने की प्रक्रिया ;
- (7) जिले का साधारण प्रोफाइल ;
- (8) जिले में भू उपयोग का पैटर्न : वन, कृषि, उद्यान कृषि, खनन आदि ;
- (9) जिले की भूगर्भीय स्थिति ;
- (10) मासवार वर्षा ;
- (11) भूगर्भ और खनीज संपदा ।

पूर्वोक्त के अतिरिक्त रिपोर्ट में निम्नलिखित अंतर्विष्ट होंगे :

- (क) जिलावार नदी या धारा और अन्य रेत के स्रोत के ब्यौरे ;
- (ख) जिलावार रेत या कंकड़ या समग्र संसाधनों की उपलब्धता ;
- (ग) जिलावार विद्यमान रेत के खनन पट्टों के ब्यौरे और समग्र ।

जिला पर्यावरण संघात निर्धारण प्राधिकरण द्वारा भूविज्ञान विभाग या सिंचाई विभाग या वन विभाग या लोक निर्माण विभाग या भू-जल बोर्ड या सुदूर संवेदन विभाग या खनन विभाग आदि की सहायता से जिले में सर्वेक्षण किया जाएगा ।

**मुख्य नदियों के विवरण सहित निकासी प्रणाली**

क्रम सं.	नदी का नाम	निष्कासन क्षेत्र (वर्ग किलोमीटर)	जिले में प्रतिशत निष्कासित क्षेत्र
(1)			
(2)			

**महत्वपूर्ण नदियों और धाराओं की मुख्य विशेषताएं :**

क्रम सं.	नदी या धारा का नाम	जिले में कुल लंबाई (किलोमीटर में)	उद्भव का स्थान	उद्भव के स्थान पर ऊंचाई
(1)				
(2)				

खनिज छूट के लिए सिफारिश किया गया नदी या धारा का भाग	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की लंबाई (किलोमीटर में)	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की औसत चौड़ाई (मीटर में)	खनिज छूट के लिए सिफारिश किया गया क्षेत्र (वर्ग मीटर में)	खनन योग्य खनिज क्षमता (मीट्रिक टन में) (कुल खनिज क्षमता का 60 प्रतिशत)

## खनिज क्षमता

बोल्डर (मीट्रिक टन)	रेत (मीट्रिक टन)	बालू (मीट्रिक टन)	कुल खनन योग्य खनिज क्षमता (मीट्रिक टन)

## वार्षिक जमाव


क्रम सं.	नदी या धारा	खनिज छूट के लिए सिफारिश किया गया नदी या धारा का भाग	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की लंबाई (किलोमीटर में)	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की औसत चौड़ाई (मीटर में)	खनिज छूट के लिए सिफारिश किया गया क्षेत्र (वर्ग मीटर में)	खनन योग्य खनिज क्षमता (मीट्रिक टन में) (कुल खनिज क्षमता का 60 प्रतिशत)
(1)						
(2)						
जिले के लिए योग						

उप प्रभागीय समिति, जो (i) उप प्रभागीय मजिस्ट्रेट (ii) निम्नलिखित विभागों के अधिकारियों (क) सिंचाई विभाग (ख) राज्य प्रदूषण नियंत्रण बोर्ड या समिति (ग) वन विभाग (घ) भू-विज्ञान या खनन अधिकारी से मिलकर बनेगी, खनन के लिए उपयुक्तता या खनन को प्रतिषिद्ध करने के लिए प्रत्येक स्थान का, जिसके लिए पर्यावरण निकासी का आवेदन किया गया है, भ्रमण करेगी।

**खनन क्षमता की संगणना करने के लिए अंगीकृत विधि :**

खनन क्षमता की संगणना स्थान की जांच और नदी या धारा के आवाह क्षेत्र के भू-विज्ञान के आधार पर की जाएगी। स्थल स्थिति और अवस्थिति, खनन योग्य खनिजों को परिभाषित किया जाएगा। किसी नदी या धारा में खनिजों के खनन का विनिश्चय भू-आकृति विज्ञान और अन्य कारकों के आधार पर किया जा सकता है, यह किसी विशिष्ट नदी या धारा के क्षेत्र का 50 से 60 प्रतिशत हो सकता है। उदाहरणार्थ कुछ पहाड़ी राज्यों में खनिज संघटक, जैसे बोल्डर, नदी से उत्पन्न रेत, बालू को एक मीटर तक संसाधन खनिज माना जाता है। अन्य संघटक जैसे कले और तलछट को किसी विशिष्ट नदी या धारा की खनिज क्षमता की संगणना करते समय अपशिष्ट माना जाता है।

जिला सर्वेक्षण रिपोर्ट जिले में तैयार की जाएगी और उसके प्रारूप को पब्लिक डोमेन में कलेक्टर के कार्यालय में

उसकी एक प्रति रखकर रखा जाएगा तथा उसे 21 दिन के लिए जिले की वेबसाइट पर भी पोस्ट किया जाएगा। प्राप्त टिप्पणियों पर विचार किया जाएगा तथा यदि सही पाया जाता है तो जिला पर्यावरण संघात निर्धारण प्राधिकरण द्वारा छह मास के भीतर तैयार की जाने वाली अंतिम रिपोर्ट में उसे सम्मिलित किया जाएगा।

जिला सर्वेक्षण रिपोर्ट पर्यावरण निकासी, रिपोर्टों और मूल्यांकन परियोजनाओं को तैयार करने का आधार बनेगी। रिपोर्ट को प्रत्येक पांच वर्ष में एक बार अद्यतन किया जाएगा।

## II. बालू खनन या नदी तल खनन से भिन्न गौण खनिजों के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने की प्रक्रिया

जिला सर्वेक्षण रिपोर्ट को जिले में प्रत्येक गौण खनिज के लिए पृथक् रूप से तैयार किया जाएगा और उसके ड्राफ्ट को पब्लिक डोमेन में कलेक्टर के कार्यालय में उसकी एक प्रति रखकर रखा जाएगा तथा उसे 21 दिन के लिए जिले की वेबसाइट पर भी पोस्ट किया जाएगा। प्राप्त टिप्पणियों पर विचार किया जाएगा तथा यदि सही पाया जाता है तो जिला पर्यावरण संघात निर्धारण प्राधिकरण द्वारा छह मास के भीतर तैयार की जाने वाली अंतिम रिपोर्ट में उसे सम्मिलित किया जाएगा।

बालू खनन या नदी तल खनन से भिन्न गौण खनिजों के लिए जिला सर्वेक्षण रिपोर्ट नीचे वर्णित संघटकों के अनुसार होगी :-

### बालू खनन या नदी तल खनन से भिन्न गौण खनिजों के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने का प्रारूप

- (1) प्रस्तावना ;
- (2) जिले में खनन कार्यकलापों का विहंगावलोकन ;
- (3) जिले का साधारण प्रोफाइल ;
- (4) जिले की भूगर्भीय स्थिति ;
- (5) सिंचाई निष्कासन पैटर्न ;
- (6) जिले में भू उपयोग का पैटर्न : वन, कृषि, उद्यान कृषि, खनन आदि ;
- (7) जिले में सतह जल और भूमिगत जल का परिदृश्य ;
- (8) जिले में वर्षा वृत्ति और जलवायु स्थिति ;
- (9) निम्नलिखित प्रारूप के अनुसार जिले में खनन पट्टों के ब्यौरे :-

क्रम सं.	खनिज का नाम	पट्टेदार का नाम	पट्टेदार का नाम और संपर्क संख्या	खनन पट्टा अनुदान आदेश संख्या एवं तारीख	खनन पट्टे का क्षेत्र (हेक्टेयर में)	खनन पट्टे की अवधि (प्रारंभिक)		खनन पट्टे की अवधि (पहला/दूसरा ..... नवीकरण)	
						से	तक	से	तक
1	2	3	4	5	6	7	8	9	10

खनन प्रचालन के प्रारंभ होने की तारीख	प्रास्थिति (कार्यशील/गैर-कार्यशील पारेषण आदि के लिए स्थायी रूप से कार्यशील)	कैप्टिव/गैर-कैप्टिव	पर्यावरणीय निकासी अभिप्राप्त (हां/नहीं) यदि हां तो पर्यावरण निकासी अनुदत्त करने की तारीख सहित पत्र संख्या	खनन पट्टे की अवस्थिति (अक्षांश एवं देशांतर)	खनन की विधि (खुली/भूमिगत)
11	12	13	14	15	16

- (10) पिछले तीन वर्ष के दौरान प्राप्त स्वामिस्व या राजस्व  
 (11) पिछले तीन वर्ष के दौरान उत्पादन किए गए गौण खनिज के ब्यौरे  
 (12) जिले का खनिज मानचित्र  
 (13) निम्नलिखित प्ररूप के अनुसार जिले में आशय पत्र के धारकों की उसकी वैधता सहित सूची :-

क्रम सं.	खनिज का नाम	पट्टेदार का नाम	आशय पत्र धारक का पता एवं संपर्क संख्या	आशय पत्र आदेश की संख्या एवं तारीख	आबंटित किए जाने वाले खनन पट्टे का क्षेत्र	आशय पत्र की वैधता	उपयोग (कैप्टिव/ गैर-कैप्टिव)	खनन पट्टे की अवस्थिति (अक्षांश एवं देशांतर)
1	2	3	4	5	6	7	8	9

- (14) जिले में उपलब्ध कुल खनिज भंडार ;  
 (15) जिले में उपलब्ध खनिज की क्वालिटी / ग्रेड ;  
 (16) खनिज का उपयोग ;  
 (17) पिछले तीन वर्षों के दौरान खनिज की मांग और पूर्ति ;  
 (18) जिले के मानचित्र पर चिह्नांकित खनिज पट्टे ;  
 (19) उस क्षेत्र के ब्यौरे, जहां खनिज पट्टों का समूह है, अर्थात् खनिज पट्टों की संख्या, अवस्थिति (अक्षांश और देशांतर) ;  
 (20) जिले में पारिस्थितिकी संवेदनशील क्षेत्र, यदि कोई हो ;  
 (21) पर्यावरण (वायु, जल, ध्वनि, मृदा, वनस्पति और प्राणी, भू-उपयोग, कृषि, वन आदि) पर खनन कार्यकलाप का संघात ;  
 (22) पर्यावरण पर खनन संघात को कम करने के लिए उपचारात्मक उपाय ;  
 (23) खनन किए गए क्षेत्र को पुनः प्राप्त करना (जिले में नियमों और विनियम, प्रस्तावित पुनः प्राप्ति योजना के अनुसार) सर्वोत्तम व्यवहार को पहले ही कार्यान्वित किया गया है ;  
 (24) जोखिम निर्धारण एवं आपदा प्रबंधन योजना ;  
 (25) जिले में व्यवसायिक सुरक्षा मुद्दों के ब्यौरे (सिलिकोसिस एवं तपेदिक के रोगियों के पिछले पांच वर्ष के डाटा को प्रस्तुत करने की आवश्यकता है) ;  
 (26) जिले में पहले ही अनुदत्त पट्टों के संबंध में पौधा रोपण और हरित पट्टी विकास ;  
 (27) कोई अन्य सूचना ।

जिला पर्यावरण संघात निर्धारण प्राधिकरण (डीईआईएए) जिले में गौण खनिज की किस्म की प्रकृति के आधार पर संबंधित राज्य सरकार के खनिज और भू-विज्ञान विभाग के परामर्श से जिला सर्वेक्षण रिपोर्ट में अतिरिक्त मानकों को सम्मिलित कर सकेगी ।

जिला सर्वेक्षण रिपोर्ट पर्यावरणीय निकासी, रिपोर्टों को तैयार करने और परियोजनाओं के मूल्यांकन के लिए आधार होगी । रिपोर्ट को प्रत्येक पांच वर्ष में एक बार अद्यतन किया जाएगा ।”

[फा. सं. एल-11011/26/2018-आईए-II(एम)]

ज्ञानेश भारती, संयुक्त सचिव

**टिप्पण :** मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में सं. का.आ. 1533(अ) तारीख 14 सितंबर 2006 द्वारा प्रकाशित की गई थी और तत्पश्चात् उसे निम्नानुसार संशोधित किया गया :-

1. का. आ. 1949 (अ), तारीख 13 नवंबर, 2006;
2. का. आ. 1737 (अ), तारीख 11 अक्टूबर, 2007;
3. का. आ. 3067 (अ), तारीख 1 दिसंबर, 2009;
4. का. आ. 695 (अ), तारीख 4 अप्रैल, 2011;
5. का. आ. 156 (अ), तारीख 25 जनवरी, 2012;
6. का. आ. 2896 (अ), तारीख 13 दिसंबर, 2012;
7. का. आ. 674 (अ), तारीख 13 मार्च, 2013;
8. का. आ. 2204 (अ), तारीख 19 जुलाई 2013;
9. का. आ. 2555 (अ), तारीख 21 अगस्त, 2013 ;
10. का. आ. 2559 (अ), तारीख 22 अगस्त, 2013;
11. का. आ. 2731 (अ), तारीख 9 सितंबर, 2013;
12. का. आ. 562 (अ), तारीख 26 फरवरी, 2014;
13. का. आ. 637 (अ), तारीख 28 फरवरी, 2014;
14. का. आ. 1599 (अ), तारीख 25 जून, 2014;
15. का. आ. 2601 (अ), तारीख 7 अक्टूबर, 2014;
16. का. आ. 2600 (अ), तारीख 9 अक्टूबर, 2014;
17. का. आ. 3252 (अ), तारीख 22 दिसंबर, 2014;
18. का. आ. 382 (अ), तारीख 3 फरवरी, 2015;
19. का. आ. 811 (अ), तारीख 23 मार्च, 2015;
20. का. आ. 996 (अ), तारीख 10 अप्रैल, 2015;
21. का. आ. 1142 (अ), तारीख 17 अप्रैल, 2015;
22. का. आ. 1141 (अ), तारीख 29 अप्रैल, 2015;
23. का. आ. 1834 (अ), तारीख 6 जुलाई, 2015;
24. का. आ. 2571 (अ), तारीख 31 अगस्त, 2015;
25. का. आ. 2572 (अ), तारीख 14 सितंबर, 2015;
26. का. आ. 141 (अ), तारीख 15 जनवरी, 2016;
27. का. आ. 648 (अ), तारीख 3 मार्च, 2016;
28. का. आ. 2269 (अ) तारीख 1 जुलाई, 2016;
29. का. आ. 2944 (अ), तारीख 14 सितंबर, 2016;
30. का. आ. 3518 (अ) तारीख 23 नवंबर 2016;
31. का. आ. 3999 दिसंबर (अ) तारीख 9 दिसंबर, 2016; और
32. का. आ. 4241 (अ) तारीख 30 दिसंबर, 2016

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE****NOTIFICATION**

New Delhi, the 25th July, 2018

**S.O. 3611(E).**—Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forest issued *vide* number S.O. 1533(E), dated the 14<sup>th</sup> September, 2006 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) (hereinafter referred to as the said notification) directions have been given regarding the prior environmental clearance;

And whereas, the Ministry of Environment, Forest and Climate Change has amended the said Notification *vide* S.O. 141 (E) dated 15<sup>th</sup> January, 2016 wherein the procedure for preparation of District Survey Report for minor mineral has been prescribed;

And whereas, the Hon'ble High Court of Jharkhand at Ranchi in its orders dated the 11<sup>th</sup> April, 2018 and 19<sup>th</sup> June, 2018 in W.P. (PIL) No. 1806 of 2015, in the matter of Court on its Own Motion Versus the State of Jharkhand & Others with W.P. (PIL) No. 290 of 2013, in the matter of Hemant Kumar Shilkarwar Versus the State of Jharkhand & Others, has *inter-alia* directed the preparation of District Survey Report for minor minerals other than Sand and Bajri or delegation of the powers for preparation of format of District Survey Report of minor minerals other than sand and bajri to the State Government and/or District Environment Impact Assessment Authority and District Expert Appraisal Committee;

And whereas, the Central Government hereby in the public interest dispense with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the Environment Protection Rules, 1986,

Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments to the notification of the Government of India, in the erstwhile Ministry of Environment and Forests *vide* number S.O. 1533(E), dated the 14<sup>th</sup> September, 2006, namely: –

In the said notification, for Appendix X, the following shall be substituted, namely: -

**“APPENDIX - X****[See paragraph 7 (iii) (a)]****I. PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT FOR SAND MINING OR RIVER BED MINING**

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following: -

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

- (1) Introduction;
- (2) overview of Mining Activity in the District;
- (3) the List of Mining Leases in the District with location, area and period of validity;
- (4) details of Royalty or Revenue received in last three years;
- (5) detail of Production of Sand or Bajri or minor mineral in last three years;
- (6) process of Deposition of Sediments in the rivers of the District;
- (7) general Profile of the District;
- (8) land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.;
- (9) physiography of the District;

- (10) rainfall: month-wise;
- (11) geology and Mineral Wealth.

In addition to the above, the report shall contain the following:

- (a) District wise detail of river or stream and other sand source;
- (b) District wise availability of sand or gravel or aggregate resources;
- (c) District wise detail of existing mining leases of sand and aggregates.

A survey shall be carried out by the District Environment Impact Assessment Authority with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

**Drainage system with description of main rivers**

S. No.	Name of the River	Area drained (Sq. Km)	% Area drained in the District
(1)			
(2)			

**Salient Features of Important Rivers and Streams:**

S. No.	Name of the River or Stream	Total Length in the District (in Km)	Place of origin	Altitude at Origin
(1)				
(2)				

Portion of the River or Stream Recommended for Mineral Concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

**Mineral Potential**

Boulder (MT)	Bajari (MT)	Sand (MT)	Total Mineable Mineral Potential (MT)

**Annual Deposition**


S. No.	River or Stream	Portion of the river or stream recommended for mineral concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)
(1)						
(2)						
Total for the District						

A Sub-Divisional Committee comprising of (i) Sub-Divisional Magistrate, (ii) Officers from (a) Irrigation department, (b) State Pollution Control Board or Committee, (c) Forest department, (d) Geology or mining officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

**Methodology adopted for calculation of Mineral Potential:**

The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For Example, in some hill States mineral constituents like boulders, river born Bajri, sand up to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared in the district and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on the district's website for twenty-one days. The comments received shall be considered and if found correct, shall be incorporated in the final Report to be finalised within six months by the District Environment Impact Assessment Authority.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

**II. PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT OF MINOR MINERALS OTHER THAN SAND MINING OR RIVER BED MINING**

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty-one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report for minor minerals other than sand mining or River bed mining shall be as per structure mentioned below: -

**FORMAT FOR PREPARATION OF DISTRICT SURVEY REPORT FOR MINOR MINERALS OTHER THAN SAND MINING OR RIVER BED MINING**

- (1) Introduction;
- (2) overview of Mining Activity in the District;
- (3) general Profile of the District;
- (4) geology of the District;
- (5) drainage of Irrigation pattern;
- (6) land Utilisation Pattern in the District: Forest, Agricultural, Horticultural, Mining etc.;
- (7) surface Water and Ground Water scenario of the district;

- (8) rainfall of the district and climatic condition;
- (9) details of the mining leases in the District as per the following format: -

Sl. No.	Name of the Mineral	Name of the Lessee	Address & Contact No. of Lessee	Mining lease Grant Order No. & date	Area of Mining lease (ha)	Period of Mining lease (Initial)		Period of Mining lease (1 <sup>st</sup> /2 <sup>nd</sup> ...renewal)	
						From	To	Form	To
1	2	3	4	5	6	7	8	9	10

Date of commencement of Mining Operation	Status (Working/Non-Working/Temp. Working for dispatch etc.)	Captive/ Non-Captive	Obtained Environmental Clearance (Yes/No), If Yes Letter No with date of grant of EC.	Location of the Mining lease (Latitude & Longitude)	Method of Mining (Opencast/Underground)
11	12	13	14	15	16

- (10) details of Royalty or Revenue received in last three years;
- (11) details of Production of Minor Mineral in last three years;
- (12) mineral Map of the District;
- (13) list of Letter of Intent (LOI) Holders in the District along with its validity as per the following format :-
- (14) total Mineral Reserve available in the District;

Sl. No.	Name of the Mineral	Name of the Lessee	Address & Contact No. of Letter of Intent Holder	Letter of Intent Grant Order No. & date	Area of Mining lease to be allotted	Validity of LoI	Use (Captive/ Non-Captive)	Location of the Mining lease (Latitude & Longitude)
1	2	3	4	5	6	7	8	9

- (15) quality /Grade of Mineral available in the District;
- (16) use of Mineral;
- (17) demand and Supply of the Mineral in the last three years;
- (18) mining leases marked on the map of the district;
- (19) details of the area of where there is a cluster of mining leases viz. number of mining leases, location (latitude and longitude);
- (20) details of Eco-Sensitive Area, if any, in the District;

- (21) impact on the Environment (Air, Water, Noise, Soil, Flora & Fauna, land use, agriculture, forest etc.) due to mining activity;
- (22) remedial Measures to mitigate the impact of mining on the Environment;
- (23) reclamation of Mined out area (best practice already implemented in the district, requirement as per rules and regulation, proposed reclamation plan);
- (24) risk Assessment & Disaster Management Plan;
- (25) details of the Occupational Health issues in the District. (Last five-year data of number of patients of Silicosis & Tuberculosis is also needs to be submitted);
- (26) plantation and Green Belt development in respect of leases already granted in the District;
- (27) any other information.

The District Environment Impact Assessment Authority (DEIAA) based on the nature and type of minor mineral in the District may include the additional parameters in the District Survey Report in consultation with the Department of Mines and Geology of the concerned State Government.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years”;

[F.No. L-11011/26/2018-IA-II (M)]

GYANESH BHARTI, Jt. Secy.

**Note :** The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006 and subsequently amended by :-

1. S.O. 1949 (E), dated the 13th November, 2006;
2. S.O. 1737 (E), dated the 11th October, 2007;
3. S.O. 3067 (E), dated the 1st December, 2009;
4. S.O. 695 (E), dated the 4th April, 2011;
5. S.O. 156 (E), dated the 25th January, 2012;
6. S.O. 2896 (E), dated the 13th December, 2012;
7. S.O. 674 (E), dated the 13th March, 2013;
8. S.O. 2204 (E), dated the 19th July 2013;
9. S.O. 2555 (E), dated the 21st August, 2013;
10. S.O. 2559 (E), dated the 22nd August, 2013;
11. S.O. 2731 (E), dated the 9th September, 2013;
12. S.O. 562 (E), dated the 26th February, 2014;
13. S.O. 637 (E), dated the 28th February, 2014;
14. S.O. 1599 (E), dated the 25th June, 2014;
15. S.O. 2601 (E), dated the 7th October, 2014;
16. S.O. 2600 (E), dated the 9th October, 2014;
17. S.O. 3252 (E), dated the 22nd December, 2014;
18. S.O. 382 (E), dated the 3rd February, 2015;
19. S.O. 811 (E), dated the 23rd March, 2015;
20. S.O. 996 (E), dated the 10th April, 2015;

21. S.O. 1142 (E), dated the 17th April, 2015;
22. S.O. 1141 (E), dated the 29th April, 2015;
23. S.O. 1834 (E), dated the 6th July, 2015;
24. S.O. 2571 (E), dated the 31st August, 2015;
25. S.O. 2572 (E), dated the 14th September, 2015;
26. S.O.141 (E), dated the 15th January, 2016;
27. S.O.648 (E), dated the 3rd March, 2016;
28. S.O. 2269 (E) dated the 1st July, 2016;
29. S.O. 2944 (E) dated the 14th September, 2016;
30. S.O. 3518 (E) dated the 23<sup>rd</sup> November 2016;
31. S.O. 3999 (E) dated the 9<sup>th</sup> December, 2016; and
32. S.O. 4241 (E) dated the 30<sup>th</sup> December, 2016.

**TABULAR SUMMARY OF DEFICIENCIES OF DRAFT DSRS**

<b>S.No.</b>	<b>Districts</b>	<b>Replenishment Study Conducted</b>	<b>Whether Pre-Monsoon and Post-Monsoon Data Collected</b>	<b>Incomplete Data</b>	<b>Outsourced to Private Consultants</b>	<b>Identification of Specific Mining Sites</b>
1.	Tamulpur	No	No	<ul style="list-style-type: none"> <li>• No data regarding revenue generated in previous 3 years is provided.</li> <li>• Details of production of Bajri or minor minerals in previous 3 years is not provided.</li> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Yes - CPC Environment Solution Pvt. Ltd.	No specific site for mining is recognised.
2.	Udalguri	No	No	<ul style="list-style-type: none"> <li>• No data regarding revenue generated in previous 3 years is provided.</li> <li>• Details of production of Bajri or minor minerals in previous 3 years is not provided.</li> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Yes - CPC Environment Solution Pvt. Ltd	No specific site for mining is recognised.

3.	Baksa	No	No	<ul style="list-style-type: none"> <li>• No data regarding revenue generated in previous 3 years is provided.</li> <li>• Details of production of Bajri or minor minerals in previous 3 years is not provided.</li> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Yes - CPC Environment Solution Pvt. Ltd..	No specific site for mining is recognised.
4.	Chirang	No	No	<ul style="list-style-type: none"> <li>• No data regarding revenue generated in previous 3 years is provided.</li> <li>• Details of production of Bajri or minor minerals in previous 3 years is not provided.</li> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Yes - CPC Environment Solution Pvt. Ltd.	No specific site for mining is recognised.
5.	Dhubri	No	No	<ul style="list-style-type: none"> <li>• No data regarding revenue generated in previous 3 years is provided.</li> <li>• Details of production of Bajri or minor minerals in previous 3 years is not provided.</li> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Yes - CPC Environment Solution Pvt. Ltd..	No specific site for mining is recognised.

6.	Kokrajhar	No	No	<ul style="list-style-type: none"> <li>• No data regarding revenue generated in previous 3 years is provided.</li> <li>• Details of production of Bajri or minor minerals in previous 3 years is not provided.</li> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Yes - CPC Environment Solution Pvt. Ltd.	No specific site for mining is recognised.
7.	Sonitpur	No	No	<ul style="list-style-type: none"> <li>• Data regarding revenue generated in previous 3 years not provided.</li> <li>• Details of production of Bajri or minor minerals in previous 3 years is not provided.</li> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Yes - CPC Environment Solution Pvt. Ltd..	No specific site for mining is recognised.
8.	Goalpara	No	No	<ul style="list-style-type: none"> <li>• Data regarding mineral potential not provided.</li> <li>• Details of production of Bajri or minor minerals in previous 3 years is not provided.</li> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Yes - Grass Roots Research & Creation India (P) Ltd	Potential Sites for mining furnished without conducting proper study and in lack of requisite data.
9.	Cachar	No	No	<ul style="list-style-type: none"> <li>• Data regarding mineral potential not provided.</li> <li>• Details of production of Bajri or minor minerals in previous 3 years is not provided.</li> </ul>	No - District Commissioner, Cachar District,	No specific site for mining is recognised.

				<ul style="list-style-type: none"> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Government of Assam	
10.	Lakhimpur	No	No	<ul style="list-style-type: none"> <li>• Data regarding mineral potential not provided.</li> <li>• Details of production of Bajri or minor minerals in previous 3 years is not provided.</li> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	No - District Commissioner, Lakhimpur District, Govt of Assam	No specific site for mining is recognised.
11.	Hojai	No	No	<ul style="list-style-type: none"> <li>• Data regarding mineral potential not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> </ul>	No- Divisional Forest Officer, Nagaon-South Forest Division, Hojai, Assam	No specific site for mining is recognised.
12.	Kamrup	No	No	<ul style="list-style-type: none"> <li>• Data regarding mineral potential not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	No- Office of District Commissioner, Kamrup District	No specific site for mining is recognised.
13.	Kamrup Metropolitan	No	No	<ul style="list-style-type: none"> <li>• Data regarding revenue generated in previous 3 years not provided.</li> <li>• Details of production of Bajri or minor minerals in previous 3 years is not provided.</li> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> </ul>	Yes- RSP Green Development & Laboratories Pvt. Ltd	No specific site for mining is recognised.

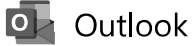
				<ul style="list-style-type: none"> <li>• Cluster situation not examined and ascertained.</li> </ul>		
14.	Karbi Anglong	Yes	Yes		Yes- RSP Green Development & Laboratories Pvt. Ltd	Sites recognised
15.	Morigaon	No	No	<ul style="list-style-type: none"> <li>• Data regarding revenue generated in previous 3 years not provided.</li> <li>• Details of production of Bajri or minor minerals in previous 3 years is not provided.</li> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study and in lack of requisite data.
16.	Nagaon	No	No	<ul style="list-style-type: none"> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study and in lack of requisite data.
17.	Biswanath	No	No	<ul style="list-style-type: none"> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study and in lack of requisite data.

18.	Charaideo	No	No	<ul style="list-style-type: none"> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study and in lack of requisite data.
19.	Dibrugarh	No	No	<ul style="list-style-type: none"> <li>• Details of production of Bajri or minor minerals in previous 3 years is not provided.</li> <li>• Data regarding revenue generated in previous 3 years not provided.</li> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study and in lack of requisite data.
20.	Golaghat	No	No	<ul style="list-style-type: none"> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study and in lack of requisite data.
21.	Jorhat	No	No	<ul style="list-style-type: none"> <li>• Data regarding revenue generated in previous 3 years not provided.</li> <li>• Data regarding details of river or stream and other sand sources not provided.</li> </ul>	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study

				<ul style="list-style-type: none"> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> </ul> <p>Cluster situation not examined and ascertained.</p>		
22.	Tinsukia	No	No	<ul style="list-style-type: none"> <li>• Data regarding details of river or stream and other sand sources not provided.</li> <li>• District-wise study of sand or gravel or aggregate resources not provided.</li> <li>• Data regarding mineral potential not provided.</li> <li>• Cluster situation not examined and ascertained.</li> </ul>	Yes- RSP Green Development & Laboratories Pvt. Ltd	Potential Sites for mining furnished without conducting proper study
23.	West Karbi Anglong	Yes	Yes		Yes- RSP Green Development & Laboratories Pvt. Ltd	Sites recognised

**PROOF OF SERVICE**<sup>1043</sup>

58



Outlook

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**In OA-86/2024 titled "Praveen Singh Shekhawat vs Union of India"**

---

**From** Apurv Yash <Apurvyash@vertarilegal.com>**Date** Mon 21-10-2024 18:56**To** secy-moef@nic.in <secy-moef@nic.in>; cs-assam@nic.in <cs-assam@nic.in>; hoff-assam@gov.in <hoff-assam@gov.in>; chairman@pcbassam.org <chairman@pcbassam.org>; chmn-seiaa-as@gov.in <chmn-seiaa-as@gov.in>; dgmassam@gmail.com <dgmassam@gmail.com>; dc-cachar@nic.in <dc-cachar@nic.in>; dc-tinsukia@nic.in <dc-tinsukia@nic.in>; dc-udalguri@nic.in <dc-udalguri@nic.in>; dc-goalpara@nic.in <dc-goalpara@nic.in>; dc-golaghat@nic.in <dc-golaghat@nic.in>; dc-kamrupm@nic.in <dc-kamrupm@nic.in>; dc-lakhimpur@nic <dc-lakhimpur@nic>; dc-nagaon@nic.in <dc-nagaon@nic.in>; apu7law@gmail.com <apu7law@gmail.com>; Malabika RoyDey <mrdey@rediffmail.com>; surendra\_kr15@rediffmail.com <surendra\_kr15@rediffmail.com>**Cc** Litigation Team <LitigationTeam@vertarilegal.com>; Madhav Bhatia <madhavbhatia@vertarilegal.com>

Sir/Ma'am,

I act for and on behalf of my client, i.e., the Applicant in the subject matter. You are requested to find attached the Rejoinder to Affidavit filed on behalf of the State of Assam (Respondent No. 2) and the Application seeking Setting Aside of Draft DSRs published *qua* various districts of Assam. Please note that this mail shall be treated as sufficient proof of service for all purposes henceforth.

 [Rejoinder to Assam final.pdf](#) [Application 1.pdf](#)

Regards

Apurv Yash

Associate

Vertari Legal

A – 446 (LGF), Defence Colony, New Delhi – 110024

E-mail: apurvyash@vertarilegal.com

Mobile: + 91 9471884337

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BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH,

KOLKATA

Interlocutory Application No. 86 of 2024 / EZ

in

**Original Application No.86 of 2024/EZ**

*Pradeep Singh Sekhawat ...Applicant*

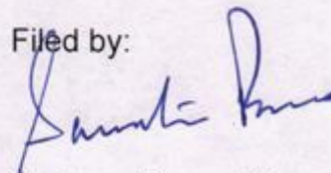
– versus –

*Union of India and Ors. ..Respondents*

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3.	Copy of the minutes of the MoM dated 12.09.24 of the review meeting by the Chief Secretary, Assam	II	12 to 13
4.	Copies of the Minutes of the Meetings of SEEAC	III	14 to 20

Filed by:



Santanu Bora , Advocate

Standing Counsel, State of Assam

Mobile No. 8011790102

E mail : [advocatesbora@gmail.com](mailto:advocatesbora@gmail.com)

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH,  
KOLKATA

Interlocutory Application No.86 of 2024/EZ

in

Original Application No.86 of 2024/EZ

IN THE MATTER OF:

Pradeep Singh Sekhawat ...*Applicant*

- *Versus* -

Union of India and Ors....*Respondents*

Affidavit in Reply on behalf of the Respondent No.2, The State of Assam

I, Smti. Mauchumi Barua, daughter of late Rohini Barua, aged about 55 years, presently holding the post of Secretary to the Government of Assam, Department of Environment and Forest, Dispur, Guwahati -6, Kamrup (M), do hereby solemnly affirm and state as follows: -

1. That I am the Secretary, Department of Environment and Forest, Government of Assam and as such I am fully conversant with the facts and circumstances of the case.

2. That I have received the copy of the above-mentioned Interlocutory Application, as well as the relevant orders, of the National Green Tribunal,

*NCU*  
NABASISH CHAKRABARTY  
NOTARY Govt. of Assam  
Regd. No. KAM - 06  
Panbazer, Guwahati - 781001

12 DEC 2024

*Mauchumi Barua*

Secretary to the Govt. of Assam  
Environment & Forest Dept.

Eastern Zone Bench, connected to the said case, have gone through the same and understood the contents made therein.

3. That at the outset, the answering deponent begs to state that, the Department of Environment & Forest Department had already worked on the District Survey Report (DSR) for all the districts of Assam and various exercises like survey studies, data collection etc. were already done, and the draft DSR has been prepared for all the districts, and placed in the public domain, and all efforts were being given to finalize the same.

4. The deponent begs to state that, all the minor mining areas in Assam have approved mining plans as per Assam Minor Mineral Concession Rules, 2013, Environmental Clearance as per EIA Notification of 2006 and Forest Clearances as per Forest Conservation Act 1980 wherever necessary. That no mining area are allowed to operate without fulfilling these criteria.

5. That as regard to paragraph 15 of instant I.A.86 of 2024, I be to state that initially out of 35 districts ,the draft DSRs for 25 Districts were put in public domain, but subsequently the DSRs for remaining 10 districts were also placed in public domain.

6. That the answering deponent categorically denies and dispute the statements made in paragraph 16 of the instant I.A.86 of 2024. That answering deponent further states that, the Government has taken the

*Manchini Bana*

Secretary to the Govt. of Assam  
Environment & Forest Dept.  
Dispur, Guwahati-06

*NC*  
NABASISH CHAKRABARTY  
NOTARY Govt. of Assam  
Regd. No. KAM - 06  
Panbazer, Guwahati - 781001

12 DEC 2024

matter of preparation of DSR in all the districts of Assam very seriously pursuant to the order of the Hon'ble NGT and also in compliance of the order of Hon'ble Supreme Court order in Civil Appeals Nos. 3661-3662 of 2020 (Pawan Kumar Vs State of Bihar and others). The structure and composition for preparation of the DSRs for each district are strictly in terms of the directions given by Hon'ble Supreme court in the above said case.

That to avert any kind of deficiency, procedural lapses in preparation of draft DSR in conduct of , scientific studies, gathering data and information require, the Govt. of Assam, through its MoM dated 22.08.2024 at point no.3 had stressed for as '*All DFOs shall prepare draft DSRs in collaboration/consultation with the departments of Water Resources, Geology and Mining, Officers of Pollution Control Board, Revenue, etc or knowledge partner and shall place their DSRs before the District Level Committee. While preparing DSRs, DFOs may utilize data from approved mining plan, data collected in the last 4-5 years and carry out drone survey as and where required. The DFOs may also utilize satellite imagery & data procured so for the purpose. In respect of other data like Meteorological Data, Hydrological data required for preparation of DSR may also be collected from the portal of other authorized agencies*'.

*Manchumi Barua*

Secretary to the Govt. of Assam  
Environment & Forest Dept.  
Dispur, Guwahati-06



The said MoM dated 22.08.24 is annexed herewith and marked as **ANNEXURE-I**

*scu*  
**NABASISH CHAKRABARTY**  
NOTARY J. Assam  
Regd. No. KAM - 06  
Panbazer, Guwahati - 781001

12 DEC 2024

7. That the answering deponent begs to state that, even the Chief Secretary, Assam reviewed the process of the preparation of the draft DSR in the meeting dated 12.09.2024, whereby it was stressed that there could be no compromise on the quality of the draft DSR being prepared and through the minutes of the same, requested the SEAC Assam, comprising of the domain experts, to review the DSR under preparation.



The said MoM dated 12.09.24 of review by the Chief Secretary is annexed herewith and marked as **ANNEXURE-II**

8. That the answering deponent as to the paragraphs 17 to 21 of the instant I.A. 86/2024, state that averments made by the petitioner in the earlier Para No. 16 (16.1 to 16.14) and Para Nos. 17, 18,19,20 and 21 are pre-mature and uncalled for in as much as the correspondences made with the Respondents (District Commissioner) containing common objections written to many District Commissioners and were not specific. It is most humbly submitted before the NGT that the State Expert Appraisal Committee (SEAC), Assam had taken pre-appraisal /appraisal of the draft DSRs, randomly for different districts on 26.09.2024, 09.10.2024 and 25.10.2024. In all these appraisal meeting comprising of the members of the SEAC, SEIAA Assam including domain expert (Joint Director, Geology and Mining, Govt. of Assam) had taken pre appraisal through presentation of the draft DSR, by in where the stake holder supported by knowledge partner of respective districts, the SEAC had noted the deficiencies, point

*Harchuni Bana*

Secretary to the Govt. of Assam  
Environment & Forest Dept.  
Dispur, Guwahati-06

*scw*  
NABASISH CHAKRABARTY  
NOTARY Govt. of Assam  
Regd. No KAM - 06  
Panbazer, Gowahati - 781001

12 DEC 2024

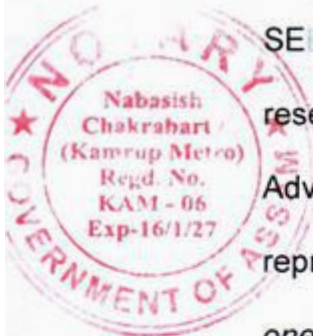
wise, which required rectification, incorporation etc. after due diligence and deliberation.

9. That the answering deponent begs to state that, the objections to the draft DSRs are expected from the people who are likely to be affected by the DSR. Thus, it is a matter of fact, that the residents of the locality are likely to be affected, and no outsider of different State or locality can be affected. The instant applicant is neither a resident of any of the districts of Assam nor he or his Counsel/Lawyer is going to be affected by the DSR in any ways. So, the question of he or his lawyer raising any objection cannot be considered and/or be taken into account. This premature act practically reveals the personal interest/ grudge /ulterior motive of the Applicant and nothing else.

The said fact is also revealed from the minutes of the meeting of SEAC, dated 09.10.2024, where the SEAC, Assam had expressed strong reservations as to the conduct of the applicant presenting through his Advocate Mr. Madhav Bhatiya. The observation recorded in the minutes is reproduced in verbatim, *"It was also brought to the notice of the house that one Shri Madhav Bhatia, allegedly Advocate on record, appearing on behalf of the petitioner Shri Pradeep Singh Shekhawat [OA No. 86/2024/EZ ( Pradeep Singh Shekhawat -Vs- Uol & Ors)], has filed objections to the Draft District Survey Report to the District Commissioner of Baksa and Hojai among other districts which appear, prima facie, to be uncalled for as propriety demands that if there be any lacuna(e) in the draft DSR, the said learned counsel for the petitioner is at liberty to ventilate the*

*Hanchuni Bana*

Secretary to the Govt. of Assam  
Environment & Forest Deptt.  
Dispur, Guwahati-06



*lluu*  
NABASISH CHAKRABARTY  
NOTARY Govt. of Assam  
Regd. No. KAM - 06  
Pombazer, Guwahati - 781001

12 DEC 2024

*grievances / issue(s) in the NGT in the said matter. Being a Counsel for the Petitioner in the instant matter, making correspondence with the party Respondents tantamount to undue and illegal interference in the process of making of the Draft DSRs of the districts. It apparently goes to show that the Petitioner has not filed a Public Interest Litigation (PIL) for the larger cause of environment but a Private (Self) Interest Litigation as such unwarranted correspondences sitting at Delhi could be construed to create confusion and derail the process of the preparation and compilation of Draft DSR and thereby causing delay in accomplishing the whole process and cause huge loss to the Government exchequer."*



The photocopies of the said Minutes of meetings of SE AC as well as the updated status of pre appraisal / appraisal of draft DSRs of 27 districts are shown at **ANNEXURE-III**

*Hanishumi Bana*

Secretary to the Govt. of Assam  
Environment & Forest Dept.  
Dispur, Guwahati-06

10. That the answering deponent begs to state that, the instant application being I.A. 86 of 2024 is a premature attempt to stop the implementation of the DSRs, for the reasons best known to the Applicant, and hence, the deponent humbly states that, the same should be rejected.

11. That the statements made in the paragraphs 2 and 10 are true to the best of my knowledge and paragraph 1, 3, 4, 5, 6, 7, 8 & 9 are from records and the rest are

*scw*  
**NABASISH CHAKRABARTY**  
NOTARY Govt. of Assam  
Regd. No. KAM - 06  
Pambazer, Guwahati - 781007

**12 DEC 2024**

humble submissions before this Hon'ble Court and that I have not suppressed any material facts.

Identified by:

*Sanku Barua*  
Advocate

*Manchumi Barua*

Secretary to the Govt. of Assam  
Environment & Forest Dept.  
Dispur, Guwahati-06

DEPONENT



SOLENNLY AFFIRMED and  
declared before me by the  
Deponent on being identified  
by learned Advocate

*Barua*

**NABASISH CHAKRABARTY**  
NOTARY Govt. of Assam  
Regd. No. KAM - 06  
Panbazer, Guwahati - 781001

12 DEC 2024

**Minutes of the meeting to review the progress of the preparation District Survey Reports (DSR) for Minor Minerals and filing counter affidavit in the matter O.A No.86/2024/EZ (Pradeep Singh Shekhawat -Vs- UoI&Ors.) chaired by the Special Chief Secretary(Forests), Environment & Forest Department, Assam, on 22<sup>nd</sup> August, 2024 at 9.30 AM**

**Attendance- Annexed**

A Virtual meeting under the chairmanship of Shri M.K.Yadav (IFS, Retd), Special Chief Secretary (Forest), Environment & Forest Department, Assam was held with all stakeholders to review the status of the preparation of the District Survey Reports (DSR) for Minor Minerals and filing counter affidavit. The Hon'ble National Green Tribunal (NGT) Eastern Zone Bench, Kolkata has directed for stay on mining activities in respect of the e-auction/auction of the minor minerals in the District of Goalpara and Lakhimpur and such other districts which do not have duly approved District Survey Report vide order in its hearing dated 23.07.2024.

At the outset the chairperson welcomed all the participants in the meeting. The primary focal point of discussion in the meeting was to prepare an approach paper to the Advocate General (AG), Assam for submission of affidavit before the Hon'ble Gauhati High Court for issuance of mining permits in respect of Govt. works by Central and State Govt. Agencies as per Assam Minor Mineral Concession Rules, 2013 seeking an interim measure to meet the bonafide needs of the Government departments till the DSR for all districts are finalized and approved by the State Authorities. The chairperson also emphasized upon preparation of DSR in a time bound manner. The completion time for preparation and submission of draft DSR by the Divisional Forest Officers to the respective District Level Committees is fixed before 25.09.2024.

Sri Jatindra Sarma (IFS, Retd) Chairman, SEAC, as requested by the Special Chief Secretary (Forests), deliberated over the matter of State of Bihar & Ors. V/S Pawan Kumar & Ors. (Civil Appeals Nos. 3661-3662 of 2020) and the relevant Hon'ble Supreme Court order, so that a clearer picture of the State's approach can be drawn with respect to the process of DSR preparation for all the districts.

After threadbare discussions the following decisions were taken:

1. The status for preparation of draft DSR by the DFOs (Territorial) was reviewed and all the DFOs informed the status in the meeting. The DFOs were informed that the

completion time for preparation of draft DSR would not get extended beyond 25<sup>th</sup> September, 2024.

2. All DFOs (Territorial) were instructed to chalk out the various government developmental works along with their details like their project value, quantum of minor minerals required and the importance of these projects with supporting documents to the PCCF & HoFF, Assam within 3 (three) days for preparation of approach paper to be submitted to the AG Assam for his kind needful action and decision. The details shall be compiled by the O/o PCCF & HoFF and be submitted to this department **within a week** for appraisal of the AG Assam.
3. All DFOs shall prepare draft DSRs in collaboration/consultation with the departments of Water Resources, Geology and Mining, Officers of Pollution Control Board, Revenue, etc or knowledge partner and shall place their DSRs before the District Level Committee. While preparing DSRs, DFOs may utilize data from approved mining plan, data collected in the last 4-5 years and carry out drone survey as and where required. The DFOs may also utilize satellite imagery & data procured so for the purpose. In respect of other data like Meteorological Data, Hydrological data required for preparation of DSR may also be collected from the portal of other authorized agencies.
4. All previous potential mines which have been mined and new potential mines are to be identified for sand, stone, gravel, silt; earth cutting from forest & non-forest lands including patta land areas may all be included in the DSR by the DFOs. The mining, that is to be carried out in certain forest reserves are also to be mentioned in the DSR. In case of Eco-sensitive zones, dredging operation in rivers for the maintenance of riverbeds and to prevent it from becoming swampy/ marshy shall also be proposed to be carried out. Minor Minerals obtained from dredging of rivers shall be used for Government permits only and not for any commercial purposes.
5. Their DSR reports should also include records of revenue collection, illegal mining by machines, vehicles, pumps etc. and seized so. To keep illegal mining on a check the regulatory regime followed by the Forest officials should also be mentioned within a **period of 7 (seven) days**.
6. A Standard outline for draft DSR shall be prepared by SEAC as per MoEF & CC guidelines 2016, 2018, 2020 and relevant Hon'ble Supreme Court and NGT orders. The same shall be shared with all DFOs (Territorial) by the O/o of the PCCF & HoFF of Assam.
7. The District Level Committees headed by District Commissioners of respective Districts shall be constituted instead of Sub-Divisional Committees to oversee the DSR preparation in each district. A notification to this effect shall be published soon.

8. A District Committee comprising of officers from District Water Resources, Pollution Control Board, Land Revenue, Forest Department and Geological or Mining Officer shall be constituted. **This District Committee headed by the District Commissioner shall examine the draft District Survey Reports of each district** and shall visit all the identified mining areas included in the DSR. **The Senior most Secretary shall chair the Committee in areas governed by autonomous councils.**
9. The District Committees shall visit all the mining areas indicated in the DSR and give geo-tagged photographs of the same.
10. The chairperson also emphasized upon preparation and approval of DSR in a time bound manner. The draft DSR prepared by the Divisional Forest Officers shall be submitted to the District Level Committees latest by **25<sup>th</sup> September, 2024**. Each DFO assured to complete preparation and submission of draft DSRs within specific dates before 25.09.2024.
11. Each draft DSR shall be made available in Public Domain by the District Commissioner for 21 days in the District portal. If no objection is received within the time period, the DSR shall be finalized by the District level Committee and shall be submitted by the District Commission to SEAC and which shall further be submitted to SEIAA by SEAC for final approval **within 6 (six) weeks**.
12. All DFOs were instructed to ensure the CTE/CTO for all mining units is completed by **7<sup>th</sup> September, 2024**. They shall provide the list of project proponents which are yet to apply for CTO/CTE to Pollution Control Board and sensitize the proponents to apply immediately. The Member Secretary, Pollution Control Board, Assam was requested to share the contact details with name of District Pollution Control Board Officer with the DCF (M&E) of O/o the PCCF & HoFF, Assam for coordination.
13. Shri Rajpal Singh, IFS, Principal Chief Conservator of Forests & HoFF, Assam instructed all DFOs to expedite the preparation of DSR and to stick to the scheduled timelines. He impressed on the ardent need of the minor minerals for various developmental works. With the advent of the dry season demand for minor minerals will be very high owing to various construction activities and if the supply is not met with, the Forest department shall not be able to meet up with huge revenue targets. In the meantime he also instructed that all necessary checks against illegal mining should be looked into with stern interventions from forest officials and imposing heavy fines on the offenders.
14. The Special Chief Secretary (Forests), Assam instructed all the DFOs to adhere to the rules under the Assam Minor Mineral Concession Rules, 2013 for installation of weigh-bridge and fitting of GPS in all vehicles carrying minor minerals which are to be treated as violation and breach of agreement. No mining activities shall be allowed without

installation of weigh-bridge by the mineral concession holders and without fitting of GPS in the vehicles by the vehicle owners involved in transportation of minor minerals in future.

With the above decision points the meeting ended with a vote of thanks from the chair.

Signed by

Mahendra Kumar Yadava

Date: 28-08-2024 13:25:36

(M.K. Yadava, IFS, Retd.)

Special Chief Secretary (Forests) to the Govt. of Assam  
Environment & Forest Department

Memo ECF. No. 535050 /14-A

Copy to :-

All concerned.

**(e-signed)**

Special Chief Secretary (Forests) to the Govt. of Assam  
Environment & Forest Department

**Minutes of the meeting to review the status of DSR preparation in various districts of Assam in the matter OA No. 86/2024/EZ ( Pradeep Singh Shekhawat –Vs- UoI & Ors.) chaired by the Chief Secretary, Assam, on 12<sup>th</sup> September, 2024 at 10.30 PM**

**Attendance- At Annexure-I &II**

Dr. Ravi Kota, IAS, Chief Secretary, Assam chaired a review meeting with all the District Commissioners, Divisional Forest Officers, SIEAA, SEAC and PCBA in the presence of the Special Chief Secretary (Forest), PCCF & HoFF, Assam and all other stakeholders to review the status of the preparation of the District Survey Reports (DSR) which is compulsory for mining of Minor Minerals in the different districts of Assam as per NGT's order in the matter O.A No.86/2024/EZ (Pradeep Singh Shekhawat –Vs- UoI & Ors.)

At the outset Special Chief Secretary (Forest), Environment & Forest Department, Assam presented a power point presentation where the status of the DSR for the various districts was detailed. Out of the 35 districts in Assam, 10 (ten) draft DSRs have been completed and uploaded in the public domain of the respective districts for viewing and comments. The rest of the draft DSRs were expected very soon and their status were appraised in the meeting.

The district wise status of CTE/CTO permission for various mining units was also reviewed and it was appraised that CTE/CTO for 74 (Seventy-four) units have already being issued by Pollution Control Board, Assam.

After threadbare discussions the following decisions were taken and proposed:

1. All the District Commissioners and the DFOs (T) were urged to coordinate with the Minor Mineral Mining Units which are yet to apply for the CTE/CTO. It was decided that all operational Mining Mahals to apply for CTE/CTO latest by **20<sup>th</sup> September, 2024**
2. Wherever necessary, DFOs were asked to call for meetings and to sensitize the left out Minor Mineral Mining Units to immediately bring them under the consent mechanism of CTE/CTO.
3. The Principal Chief Conservator of Forests & HoFF was requested to take a review meeting with the Divisional Forest officers (T) on **18<sup>th</sup> September, 2024** to analyse the progress on CTE/CTO approval for the mining units.
4. Regarding preparation of DSR, Chief Secretary instructed all the Districts Commissioner and Divisional Forest Officers (T) to work in close coordination to complete the preparation of the DSR latest by **20<sup>th</sup> September, 2024** and to see that there are no gaps in the preparation and submission of the DSRs. The completed DSRs be made available in the public domain of the respective districts **for 21 days for viewing and comments**. If no objection is received within the time period, the DSR shall be finalized by the District level Committee and shall be submitted by the District Commissioner to SEAC for further process of approval.
5. Sri Jatindra Sarma (IFS, Retd.) Chairman, SEAC apprised that analysis of each DSR usually takes a time of 6 weeks. However he agreed that he and his team shall review

DSRs on a regular basis on war footing and if the DSRs are found in order, DSRs of respective districts shall be recommended to SIEAA.

6. Chief Secretary, Assam requested all the District Commissioners and the DFOs (T) to comply with the timelines and deadlines. And also, urged them to have a close coordination with SEAC and SIEAA so that there are no loopholes in the DSRs.
7. It was suggested that another meeting in between 20<sup>th</sup> to 23<sup>rd</sup> September will be held to review the status of DSR.

With the above decision points, the meeting ended with a vote of thanks from the chair.

Signed by  
Ravi Kota  
Date: 12-09-2024 22:04:39  
(Dr. Ravi Kota)  
Chief Secretary, Assam

Memo ECF. No. 491770 /920-A

Copy to :-

1. All concerned.

By Orders etc.

Signed by  
Mahendra Kumar Yadava  
Date: 12-09-2024 23:41:14  
(M.K. Yadava, IFS, Retd.)  
Special Chief Secretary (Forests) to the Govt. of Assam  
Environment & Forest Department



**STATE EXPERT APPRAISAL COMMITTEE (SEAC): ASSAM**  
**3<sup>RD</sup> FLOOR, STATE POLLUTION CONTROL BOARD, ASSAM,**  
**BAMUNIMADAM, GUWAHATI- 781021**  
 Email id: [expertappraisalassam@gmail.com](mailto:expertappraisalassam@gmail.com)

Minutes of the 15<sup>th</sup> Meeting of the State Expert Appraisal Committee (SEAC) held on 26<sup>th</sup> September, 2024 from 02.00 PM to 5.00 PM in the Conference Hall, 3<sup>rd</sup> floor, Pollution Control Board, Assam for pre-appraisal of the District Survey Reports (DSRs)

List of the Hon'ble Members / Special Invitee/Officials present in the meeting:

Sl. no.	Name	Designation	Signature
1	Sri Jatindra Sarma, IFS (Retd.)	Chairman, SEAC	Sd/-
2	Sri Rajesh Kemprai (Retd.)	Chairman SEIAA	Sd/-
3	Dr. Bijoy Sankar Goswami	Member, SEAC	Sd/
4	Dr. Rahul Mahanta	Member, SEAC	Sd/
5	Sri Shantanoo Bhattacharyya	Member, SEAC	Sd/
6	Sri. Arup Barpujary	Member, SEAC	Sd/
7	Smti Barnalee Nath	Joint Director, DGM	Sd/-
8	Smti Mauchurni Baruah, ACS	Member Secretary, SEIAA	Sd/-
9	Dr. S.K. Dutta	Member Secretary, SEAC	Sd/

At the very outset, the Member Secretary, SEAC welcomed both Chairpersons SEIAA and SEAC, Member Secretary- SEIAA and all the Members of the Committee and the Special Invitee: Joint Director, Directorate of Geology and Mining, Govt of Assam.

The Member Secretary explained to the house that Draft DSRs of Lakhimpur, Sonitpur, Karbi Anglong East, Karbi Anglong West and Cachar Districts were placed in public domain for inviting comments/suggestions for a mandatory period of at least 21 (twenty one) days. For the purpose of having a clear understanding as to structure and compositions of some of the draft DSRs as placed at public domain and also to ascertain the methodology followed it was decided to have a pre appraisal of the same to ensure that the same are prepared in terms of the guidelines of the Govt of India in the MoEF &CC and that the parameters are adhered to.

The SEAC decided to have a look at some of the DSRs in the draft stage itself before finalization at the district level as a course of *pre appraisal* to ensure that the same are finalized without lacunae and a correct approach is taken for preparation of the final DSR.

1. **Lakhimpur District:** The Chairman, SEAC requested Shri Manoj Gowswami, DFO, Lakhimpur to brief the house on salient points for the draft DSR of Lakhimpur District. The knowledge partner assisted the DFO in the short presentation placed before the august house.

It is observed that following points need to be considered in the draft DSR :

- A. DSR should follow the generic structure as per the **Templates** furnished in terms of the Notification of 2018;
- B. Site visits for collection of data are to be depicted - as evident lacking Geo-tagged photographs;
- C. No mapping of river is done showing the mining area (Lease area / Contract area) ;
- D. Geo-coordinates of the **proposed** and the **existing lease/contract** area is missing
- E. Ref Page Nos **42 – 49** - No Maps -only coordinates are mentioned
- F. Ref Page Nos **49 -58** – No names of Contract/Lease areas -no Geo-coordinates
- G. Ref Page No **59** -Revenue collection figures are not as per format
- H. In the draft DSR the **distance compliance** with the existing and proposed contract/lease including the implications of the **NGT orders** are missing
- I. There is no **map of cluster** - no mention in the report itself
- J. No measurement of **different kinds of minerals** for the leases/contract areas
- K. Site photographs of visits by the **Geologist with the officials of the Committee** are to be ensured;
- L. There is no mention of **future leases / contract areas** with relevant probable production details are indicated while some of the ongoing leases may be closed/ abandoned with further appropriate mining closure plan;
- M. Validation of the existing **leases/contract areas** with the draft DSR compliance is missing
- N. Due to compliance of the the DSR no of leases/contract areas or part of the leases will **no more be operational** is to be mentioned;
- O. Advised to incorporate the **environmental sensitivity** and its application on individual mine leases.

The DFO explained the status note of the DSR before the committee and explained about the corrections shall be carried out in terms of site visit, photographs with coordinates with geo-tagged photographs and other relevant information in the report.

Upon hearing the said, the house suggested to follow the structure of the DSR as per the Notification of 25.07.2018, and also incorporate the cluster applicability, if any.

**2. Sonitpur District:** The Chairman, SEAC asked for the presentation to be made for the Draft DSR of Sonitpur district. It was informed that the DFO could not appear because of other pre occupation and the Knowledge partner requested the SEAC committee for the presentation to be made in his absence. The Committee unanimously denied to hear any presentation in absence of the DFO.

However, it was suggested to follow the points as emerged during the course of presentation and deliberation for Lakhimpur District and other districts to follow so that there is absolute coherence and uniformity in the final DSR addressing all short comings and lacunae.

**3. Karbi Anglong East West (Hamren):** Brief introduction of the draft DSR was made by the DFO, Hamren for the Karbi Anglong West District. The SEAC requested their knowledge partner M/s RSP Green Development & Laboratories Pvt. Ltd lead by Mr. Pinaky Roy and his team to make presentation on salient points of the draft DSR.

It was informed by the Committee that following points were already shared with the DFO as noticed in the Draft DSR placed in public domain.

- A. S. No. **2.1 & Table 01** : Wrong information – DSR has no relation with 1957 (MMDR), Act.
- B. Page 84 – Field data collection for replenishment study - does not appear authentic
- C. Page 84 – assessment of sediment load in the river – **assessment needs to be reflected.**
- D. Table No. 28 – How **average thickness** is arrived at? How one could reach base point, where from **2.45 or 2.2 meter** is calculated ?
  - a. The Table in **column 4** (average thickness **pre-monsoon**) and **column 9** (average thickness **post- monsoon**) – there is apparent difference of **(3-2.45) 0.55 Meters**. This **0.55 meter** is the **replenishment** which appear **very less / unreasonable**.
- E. At page 90 – (read Table No 30 with Table No 29) – it is seen use of- **60 percent** of the **total replenishment**. While just 2 lines above, it is written that mining depth for **hilly area is 1 Meter- needs to be revisited**.
- F. Table No 31 : not clear as data cannot be linked / co-related.
- G. Page 95 - 8.03 – what is the reason of using production data of **Sand from 2017 to 2020**. Why not from **2020 to 2024**? Proper estimation of demand of sand needs to be shown.
- H. Page 97- Royalty/Revenue for the **period 2020 – 2024** are depicted. Production and Royalty/Revenue collection timescale do not match.
- I. Page 115 – Why location of **Mining Sand Plant** is part of this Draft DSR lacks clarity.
- J. Page 117- third last column of Table : why digging depth is shown maximum as **3 meters? why not 1 meter as per guidelines ?**
- K. Page **117 - 124** – 47 leases and page **125 - 128** – 25 leases –are to be shown in the maps – with Geo-coordinates – **(each lease – one map)**.
- L. Page 135 – fourth last column - Total excavation – why depth is taken to be **3 meters** while in guidelines – **it is 1 meter**. Basically, it means – there were **2.45 meter** of sand by virtue of **natural deposit** till today. The alleged study says, each year there is deposition of **0.55**

**meters** and it is proposed to take out all the natural deposits of sand up to **3 meter depth**. Why proposed to excavate the **natural profile** of the river while the annual deposit is only **0.55 meters**. One shall not play with ecology of the river by making a **Linear depth of 3 meters** all along.

- M. Page 150 - 221 – all the google maps are without coordinates -which is not acceptable. Moreover, there is **no scale** in the map. The distance criteria is not indicated on maps which are not acceptable.
- N. From Page 222-269 - all the google maps are without Geo-coordinates -which are not acceptable. Moreover, there is no scale in the map. The distance criteria is not checked on map. Which is not acceptable.
- O. Page 271 to – 288 – look in the left most scale below google map – It does not show 3 meters. How one could arrive at river profiling with such map ?
- P. From page 289 – 299 – L section elevation – does not seem correct
- Q. Page 301 to 306 – why only few site photographs – while there are nearly 70 proposals ? Adequate geo-tagged photographs are to be shown ensure visit of the district mining officer.
- R. In order to check cluster applicability – there should be one map showing the position of the leases and then 500 meters can be marked. That crucial map is missing.
- S. The next step of DSR is the EC appraisal. DSR has to be made comprehensive -keeping in view the Sand mining guidelines -and relevant court cases from time to time. None of the court cases have been accounted for.
- T. Implication of the court cases – must be included in DSR.

It was informed that some rectifications and salient points have already been incorporated although they have not come prepared with a PPT for presentation before the SEAC.

The Chairman SEAC asked about the progress made on the short-comings which were shared with the DFO. It was replied in affirmative that the shortcomings were being addressed and shall be done accordingly.

It was pointed out by the SEAC members that in one of the tables, patta land was mentioned. Whether these patta lands are located in the forest a clarification was sought.

L-Shaped profile of the river was displayed from the report. The SEAC asked about the method, relevance and necessity of doing so. Committee noted the same and asked the DFO and the knowledge partner to strictly follow the notification and not to mislead the committee by display of unwanted/non explanatory maps.

The Joint Director, Geology and Mining, Assam made it clear that some of the minerals in the area have shown the properties of rare earth mineral which is not covered in the draft DSR. Also, the cluster formation was advised to be looked in to. Knowledge partner stated that they had already prepared one DSR in 2018 itself which was approved by the then District Committee. To this, the Joint

Director clearly said that their department had no knowledge of it and also, there is copy of DSR prepared in 2018, available at their good office.

Looking at such shortcomings in the draft DSR and half-hearted response, the house wanted to know as to for many districts M/s RSP Green Development & Laboratories Pvt. Ltd are engaged as knowledge partners assisting the DSR preparation in Assam. It was emphatically replied that they are working for 15 districts in Assam. Given the seriousness of time, importance of matter and NGT court case it could not be appreciated that proper justice could not be expected to be done to the cause of preparation of the large numbers of DSRs. Hon'ble Chairman of SEIAA & SEAC noted the same with concern along with the respected Members of the house. SEAC and SEIAA members also observed that M/s RSP Green Development & Laboratories Pvt. Ltd prepared DSRs for the state of Tripura and Punjab but due to poor quality of DSRs, those were not accepted by respective SEAC/SEIAA during appraisal. It has reportedly resulted in huge loss to the state exchequer of Punjab.

The Chairman asked the DFO and the knowledge partner to make suitable corrections as directed through the meeting and remove the shortcomings. Also, they were advised to follow the structure of DSR as per the MoEF&CC notification of July 25, 2018.

4. Pre-appraisal of **Karbi Anglong-East District** could not take place because the knowledge partner could not share PPT for the same and said that the DSR of Karbi Anglong-East is under modification. The DFO was requested to note the defects as already shared, to incorporate justifiably in the final DSR. The information relating to the Wildlife Sanctuaries in the district, their proximity to the Mining areas need to be mapped, ESZ areas are to be identified, no mining zones in the catchment areas of the landscape of KNP & TR in terms of the Apex Courts order / NGTs order are to be clearly reflected with mapping so that there be no violation of Orders.
5. The Chairman, SAEC asked for the presentation to be made for Draft DSR of Cachar district. The house reminded that the following points were already shared earlier :
  - A. Forwarding letter from the DFO is not attached
  - B. Page -54 -55 - **Replenishment study** – Only pre -monsoon data is made available.
  - C. Page 55 – 59 - There is no map. Only explanatory note. Geo-coordinates need to be marked on maps.
  - D. Page 61- 65 – Only secondary literature is made available. Their applicability to the present DSR is found missing.
  - E. Page 66-**Table at SI No. 1 & 2** – The Order of the Hon'ble High Court is not accounted comprehensibly for Madhura River Minor Mineral Unit **1 and 2**. To avert any kind of mis-interpretation of the order and for correct/right approach on the issue, the advice of the standing counsel should be sought.
  - F. All the existing ECs need to be checked for their time period showing the **validity of the ECs and their compliance**.
  - G. Page **66 - 82** – there are **no supporting maps** for acceptance.

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- H. Page 82 - 83-dealing with **probable and potential mine** areas in a tabular form. It has to be marked on map with Geo-coordinates.
- I. What is the impact of implementation of DSR on the **existing leases/contract areas** and the **proposed mining areas** is missing in the report.
- J. Impact of environmental sensitivity on individual lease is missing.
- K. If there be any lease/contract area within the **Wildlife Sanctuary** or if falling in the Eco-Sensitive Zones (ESZ) **are not identified and reflected with Geo-coordinates** supported by maps. Maps showing all the WLS and lease with in it are missing.
- L. Implication's of the Judgement of the **NGT / Court Case** against the existing Lease areas; proposed areas are missing in the report.
- M. There is no mention of the **Cluster situation** in the DSR supported by Geo-referenced maps.
- N. The Draft DSR is lacking to mention about the Sand Mining Guidelines of 2016 and 2020 and its implications.
- O. **Mineral wise & Year wise** bifurcation of Revenue needs to be comprehensive.

A brief presentation was made on behalf of Cachar District by Sri Prabal Goswami. It was submitted that progress is being made over the shortcoming in DSR, as circulated earlier.

The cluster map was presented before the committee. It was advised to re-check the same, as the river bears common boundary with Dima Hasao and one of the mine lease being shown in slide was already covered in Dima Hasao district DSR.

It was advised to follow the structure of DSR as stipulated in the MoEF&CC Notification of July 25, 2018 along with corrections to be made in the percentage of mineral reserve.

The meeting ended with vote of thanks from the Chair.

Sd/  
JATINDRA SARMA, IFS (Retd.)  
Chairman  
SEAC, Assam

Sh.

Memo No. SEAC.33/2013/PL-I

-A

Dated 30 .09. 2024

Copy to:

- 1) The Special Chief Secretary to the Govt of Assam, Environment and Forest Department, Janata Bhawan, Dispur, Ghty-6 for favour of kind information and necessary action.
- 2) The PCCF and HoFF, Assam, Panjabari, Guwahati-37 for favour of kind information and necessary action.
- 3) The Chairman, State Environment Impact Assessment Authority (SEIAA), Assam for favour of kind information and necessary action.
- 4) The Principal Secretary, Dimahasao Autonomous Council, Haflong for favour of kind information.
- 5) The Principal Secretary, Karbi Anglong Autonomous Council, Diphu for favour of kind information and necessary action.
- 6) The Director, Directorate of Geology and Mining, Govt of Assam for favour of kind information.
- 7) The Member Secretary, State Environment Impact Assessment Authority (SEIAA), Assam for favour of kind information and necessary action. .
- 8) The Member Secretary, State Pollution Control Board, Assam for favour of kind information and necessary action.
- 9) All the Members of the SEAC for their kind information.
- 10) The DFOs concerned for their information and necessary action. .
- 11) Accountant cum Cashier of the office of the SEIAA/SEAC, Assam for information and necessary action.

*m/s n 43*  
Member Secretary  
SEAC, Assam

# Annexure A-5<sup>80</sup>

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA  
ORIGINAL APPLICATION NO. 86 /2024

**IN THE MATTER OF:**

PRADEEP SINGH SHEKHAWAT ...APPLICANT

VERSUS

UNION OF INDIA & ORS. ...RESPONDENTS

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THROUGH

*M Bhatia*

**Madhav Bhatia, Adv.**

**Vivek Sura Adv.**

A-446, LGF, Defence Colony

, New Delhi-110024,

Mob:9910572585

Email: madhavbhatia@vertarilegal.com

**DATE: 14.02.2025**

**PLACE: KOLKATA**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA  
ORIGINAL APPLICATION NO. 86 /2024**

**IN THE MATTER OF:**

PRADEEP SINGH SHEKHAWAT ...APPLICANT

VERSUS

UNION OF INDIA & ORS. ...RESPONDENTS

**REJOINDER TO THE COUNTER AFFIDAVIT DATED 12.12.2024  
FILED BY THE RESPONDENT NO.2 IN REPLY TO IA NO. 86/2024/EZ**

1. That the Applicant is filing the present Rejoinder in response to the Counter Affidavit filed on behalf of Respondent No. 2, i.e., the State of Assam on 12.12.2024 in response to IA no. 86 of 2024/EZ. At the outset, the Applicant emphatically denies every submission, allegation and aversion made by the said Respondent in their Counter Affidavit unless specifically admitted by the Applicant.
2. The instant Original Application was filed by the Applicant to raise a substantial question relating to the environment under Section 14 of the National Green Tribunal Act, 2010, arising out of the failure of the Respondents to curb the concerning surge in the illegal mining of minor minerals including sand, gravel, clay and stone in the State of Assam, without obtaining the requisite permissions under the Air (Prevention and Control of Pollution) Act, 1981 ('**Air Act**'), The Water (Prevention and Control of Pollution) Act, 1974 ("**Water Act**") and the Environment (Protection) Act, 1986 ("**EP Act**"). Further, the Applicant also sought directions against the Respondents to prohibit conducting auctions of

Minor Mineral Concession Areas (MMCA) in various districts of State of Assam such as Cachar, Tinsukia, Udalguri, Goalpara, Golaghat, Kamrup Metro, Lakhimpur and Nagaon without following the mandatory procedure for preparation of a District Survey Report (“**DSR**”) which is a pre-requisite and a *sine qua non* for granting any mining leases(s)/permit under the provisions of the Environment Impact Assessment Notification dated 14.09.2006 (“**EIA Notification**”) issued by Union Ministry of Environment, Forest and Climate Change (“**Respondent No. 1**”) and as amended by way of Notification dated 15.01.2016, the Sustainable Sand Mining Management Guidelines, 2016 (“**SSMMG Guidelines, 2016**”) and the Enforcement & Monitoring Guidelines for Sand Mining, 2020 (“**EMGSM Guidelines, 2020**”).

3. That the contents of the Original Application are not being repeated herein for the sake of brevity. That the Applicant reaffirms and reiterates the averments made, the grounds and contentions raised in the O.A, and the same are not being repeated herein for the sake of brevity. That the Applicant craves leave of this Hon'ble Tribunal to treat the same as having being incorporated herein and to rely upon the same at the time of urging the present Rejoinder.

#### **PRELIMINARY OBJECTIONS**

4. That the gist of the Response made by Respondent No. 1 in its Counter Affidavit dated 12.12.2024 can be summarized as under:
  - 4.1 Respondent No. 2 admits DSRs were not finalized before e-auctions and mining leases but claims they are now being prepared and uploaded for public consultation.

4.2 Respondent No. 2 attributes DSR delays to floods and asserts all mining operations comply with the Mines and Minerals (Development and Regulation) Act, 1957 (“**MMDR Act**”), EIA Notification, and pollution control laws, with Environmental Clearance and Consent to Establish /Consent To Operate duly issued.

4.3 Respondent No. 2 argues halting mining due to missing DSRs would harm state revenue and infrastructure projects, and committees have been formed to expedite DSR finalization.

4.4 Respondent No. 2 claims it has complied with NGT’s stay on mining in certain districts and has now uploaded DSRs for all 35 districts to address any legal concerns.

4.5 The Respondent No. 2 allege that the Applicant’s objections to the draft DSRs are frivolous, motivated by private interest, and that only those directly affected by mining activities can raise objections.

5. That the applicant seeks leave of this Hon’ble Court to make preliminary submissions/objections to the above responses of Respondent No. 1 in its Counter Affidavit.

**A. Absence of DSR at the Time of Auctions & Mining – An Admission of Illegality**

6. The State of Assam’s admission that District Survey Reports (DSRs) were not finalized before conducting e-auctions and granting mining leases is a direct acknowledgment of illegality. Absence of DSR can also be seen from a perusal of the annexures attached with the reply, each of which records that even draft DSRs were not ready till at least 26.09.2024 (last minutes of meeting put on record by Respondent) and

those DSRs which were put up for discussion in the meeting feel terribly short of fulfilling the statutory provisions. The EIA Notification, 2006 (Clause 7(iii)) explicitly mandates that DSRs must be finalized before any mining lease is granted. Additionally, the Sustainable Sand Mining Management Guidelines, 2016 (Clause 4.1 & 9.1) prohibit the allocation of mining leases in the absence of an approved DSR. The Hon'ble Supreme Court in *State of Bihar v. Pawan Kumar* (2022) 2SCC 348 has unequivocally held that DSR is it required to be prepared before auction/e-auction/ grant of mining lease by the mining department since it's absence will be in conflict with environmental laws and thus preparation of DSR and obtaining of Environmental Clearance("EC") is also a condition precedent to carry on mining activities. The Respondents' claim that DSRs are now being prepared does not rectify the legal violation that has already occurred, as subsequent compliance cannot validate actions that were initially undertaken unlawfully. It is submitted that the auctions conducted, and leases granted before finalizing the DSR must be declared null and void since auctions were held without DSRs and hence the quantum and area of mining was not identified. The mining auction itself were faulty and a clear violation of orders of Hon'ble Supreme Court.

7. It has come to the knowledge of the Applicant that the Respondent No. 2 has been mechanically granting ECs without even preparation of a duly prepared DSRs. It is submitted that instead of cancelling or revoking such illegal ECs, granted without requisite DSRs, the Respondent No. 2 is perpetuating its illegalities by not following the procedures for preparation of such DSRs, and is merely trying to the valuable right to public hearing to a mere paper formality. It is pertinent that all previously granted Environmental Clearances (ECs) should have automatically

been cancelled by the Respondent No. 2 since they had been issued without notified District Survey Reports (DSR). Since the public was not in possession of a finalized DSR, the public hearings conducted for such ECs were fundamentally flawed and must be reconducted to ensure compliance with due process. It is humbly submitted that Environmental compensation shall be imposed on all mining activities that operated without a valid EC, as such operations constitute a clear violation of the EIA Notification, 2006, rendering the ECs void ab initio.

#### **B. Delay Justifications Do Not Exempt Compliance with the Law**

8. The Respondents' attempt to attribute the delay in DSR preparation to natural calamities, such as floods, is not a legally justifiable excuse for proceeding with mining activities before fulfilling mandatory legal requirements. The law does not provide exemptions for environmental due diligence based on administrative or natural disruptions. The requirement for a finalized DSR is a precondition, not a procedural formality that can be bypassed or deferred. The Supreme Court in *Mangal Singh Bundela v. State of Madhya Pradesh & Ors.*, Civil Appeal No. 4593 of 2022 reaffirmed that no mining operations shall be conducted in term of the e-auction without finalizing of the DSR and hence mining operations conducted before DSR approval must be stayed, irrespective of administrative or procedural challenges. Moreover, the issuance of EC, Consent to Establish ("CTE"), and Consent to Operate ("CTO") in the absence of an approved DSR is a blatant violation of Section 25 of the Water Act, 1974 and Section 21 of Air Act, 1981, as these approvals cannot be granted without an environmental risk assessment based on a finalized DSR. It is submitted that there is a categorical admission in the Minutes of Meeting

(“MOM”) dated 12.09.2024 that 74 units have already being issued the CTE/CTO which is clearly a breach of settled principle of law, the extracts of which are as follows:

*“The district wise status of CTE/CTO permission for various mining units was also reviewed and it was apprised that CTE/CTO for 74 (Seventy-four) units have already being issued by Pollution Control Board, Assam.”*

It is humbly submitted that any EC, CTE, or CTO issued without a prior DSR is therefore ultra vires and must be revoked. It is additionally submitted that Environmental compensation shall be imposed on all mining operations, crushers, and brick kilns that have operated without Consent to Establish (CTE) and Consent to Operate (CTO) in the State of Assam, effective from the date of commencement of production until the date of obtaining valid CTO. The Applicant reserves its right to challenge the same in appropriate proceedings.

### **C. Economic and Developmental Concerns Cannot Override Environmental Law**

9. The Respondents’ argument that halting mining operations due to the absence of DSRs would adversely impact state revenue and infrastructure projects is legally untenable. The Supreme Court in *Vellore Citizens Welfare Forum v. Union of India* (1996) has firmly established that economic considerations cannot override environmental protections, and the “*Precautionary Principle*” must be applied to ensure sustainable development. Similarly, the Doctrine of Public Trust, prohibits the State from permitting the exploitation of natural resources in a manner that prioritizes commercial benefits over environmental

safeguards. The requirement for scientific mining, as prescribed under the MMDR Act, 1957, and the Sustainable Sand Mining Management Guidelines, 2016, ensures that revenue generation is not prioritized at the cost of environmental destruction. The formation of committees to expedite DSR preparation does not cure the fundamental illegality of mining operations initiated without an approved DSR. The proper course of action is not to continue mining while preparing a DSR, but to halt all mining operations until lawful compliance is ensured.

#### **D. Post-Facto Compliance Does Not Cure Past Illegality**

10. The Respondents' assertion that they have complied with the NGT's stay order and subsequently uploaded DSRs for all 35 districts does not rectify the legal violations that have already occurred. The law is clear that environmental assessments must precede mining activities, not follow them as a remedial measure. The Supreme Court in *Alembic Pharmaceuticals Ltd. v. Rohit Prajapati* (2020) ruled that post-facto environmental clearances are illegal and cannot be used to validate activities that commenced without prior approval. Similarly, the Hon'ble NGT in *Subhash Bhai Ishwar Bhai Parmar v. State of Gujarat* 2022 SCC OnLine NGT 3854, quashed all mining leases that were granted before DSR finalization, reaffirming that subsequent compliance does not cure past non-compliance. The fact that DSRs have now been uploaded for public review does not negate the illegality of the auctions, mining leases, and pollution control consents (CTE/CTO) granted (if any) before their finalization. The Respondents' argument only confirms that unlawful mining operations took place, necessitating the immediate cancellation of these leases and the recovery of the full value of illegally extracted minerals.

### **E. Rebuttal to the Allegation of Private Interest and Legitimacy of Objections**

11. The Respondent No. 2 has alleged that the Applicant's objections to the draft DSRs are frivolous, motivated by private interest, and should only be raised by individuals directly affected by mining activities. It is submitted that this claim is baseless as the Applicant's objections are bona fide and supported by the findings of the (SEAC) in its meeting dated 26.09.2024, which identified similar issues. It is submitted that the objections are firmly rooted in the Public Trust Doctrine, as upheld by the Supreme Court in *Fomento Resorts & Hotels v. Minguel Martins* (2009), which mandates the State to protect natural resources for public benefit. The issues raised relate to illegal auctions and mining activities conducted without finalized DSRs, violating Article 21 of the Constitution and undermining environmental protections. It is pertinent to note that, no law restricts objections to DSRs solely to those directly affected by mining activities, as the EIA Notification, 2006, and guidelines encourage public participation in resource management. The Respondent No. 2's claim is a diversionary tactic to distract from the deficiencies in the draft DSRs, including incomplete data, lack of replenishment studies, and violations of statutory guidelines, all of which substantiate the Applicant's legitimate concerns.

### **PRELIMINARY SUBMISSIONS**

12. It is submitted that a perusal of the annexures attached with its reply to the present Interim Application by the Respondent No.2 further strengthens the case of the Applicant as there are glaring admissions, defaults and omissions recorded in these Annexures which are the Minutes of

Meeting pertaining to preparation of DSR in the present OA. The details of omissions and defaults are given below.

#### **A. Glaring Deficiencies in the draft DSR's**

13. The Minutes of Meeting (“**MOM**”) of State Expert Appraisal Committee (“**SEAC**”) dated 26.09.2024 discussed some of the draft DSR's that had been prepared and found multiple deficiencies and statutory breaches in each case. Out of the total 5 districts for which the draft DSRs were reviewed none was found to be in proper order on the date of the meeting. This is one day after the internal deadline for submissions of DSRs as set by Respondents. On average, 10-15 faults were recorded in each reviewed draft DSRs. The said violations in brief pertain to DSRs not following the mandated template as described notification of 25.07.2018. The reviewed DSR's also failed to comply with the procedure of preparation of DSRs as mandated under Schedule X of the EIA as amended in 2016. The issues in the DSRs *inter alia* pertained to the following:

- Absence of geo-tagged photographs of mining areas, leased areas, proposed areas and other required maps.
- No proper quantification or measurement of different mineral resources.
- Lack of river mapping to delineate mining areas and their ecological impact.
- Absence of cluster maps essential for cumulative impact assessment.
- Unscientific methodology for data collection, leading to unreliable assessments.
- Incorrect determination of permissible excavation depth.
- Failure to recognize rare earth minerals in some areas, despite evident geological markers.

- Unauthentic and unverified data for replenishment rates.
- Use of outdated production data (2017-2020) for estimating production of sand, making the projections unreliable.
- Improper consolidation of all minor minerals into a single DSR, contrary to prescribed guidelines.
- Mentioning of incorrect maximum depth of digging as 3 meters, while guidelines mandate 1 meter.

14. Given the gravity of these deficiencies, it is imperative that all finalized DSRs be presented before the Hon'ble National Green Tribunal (NGT) for review before being officially notified. The presence of fundamental errors and statutory non-compliance in the draft DSRs raises serious concerns about their accuracy, scientific validity, and adherence to environmental safeguards. Furthermore, if significant modifications are made to the DSRs to rectify these deficiencies, it is essential that the public consultation process be reconducted to ensure transparency and public participation, as mandated under the EIA Notification, 2006. This is crucial to uphold the principles of environmental governance, public trust, and due process, ensuring that no mining lease is granted based on flawed or incomplete DSRs.

#### **B. Issues pertaining to the knowledge partner**

15. At the outset, the preparation of the DSR appears to have been entirely outsourced to a private consultant - RSP Green Development & Laboratories Pvt. Ltd, with no involvement from public officers, which is in violation of the decision of the Hon'ble Supreme Court in *State of Bihar v. Pawan Kumar, (2022) 2 SCC 348*. It is submitted that in Para 15 of Pawan Kumar (supra), the Hon'ble Supreme Court criticized the practice of outsourcing the preparation of DSRs to private consultants and held that DSRs must be prepared by Sub-Divisional Committees

composed of officers from various State Government departments. It is submitted that the public officers are expected to play a leading role in ensuring the accuracy, objectivity, and integrity of the DSR, especially given its significant environmental and resource management impacts, and that outsourcing this process is a clear violation of the *Pawan Kumar (supra)* guidelines.

16. Secondly, the SEAC in its meeting dated 26.09.2024 raised serious concerns about the quality and half hearted preparation of the DSRs. It SEAC recorded that the same knowledge partner was involved in the preparation of DSRs in Tripura and Punjab where the reports were not accepted by SEAC/ SEIAA due to poor quality of DSR which caused huge loss to state exchequer in Punjab. These observations raise a serious doubt on the authenticity of whatever draft DSRs that have been prepared and makes it clear it that the draft DSRs which have been issued after the present OA, are deficient and fault on accounts of various raise and hence cannot be relied upon. The observation of the SEAC is extracted before for kind perusal of the this Hon'ble Tribunal:

Looking at such shortcomings in the draft DSR and half-hearted response, the house wanted to know as to for many districts M/s RSP Green Development & Laboratories Pvt. Ltd are engaged as knowledge partners assisting the DSR preparation in Assam. It was emphatically replied that they are working for 15 districts in Assam. Given the seriousness of time, importance of matter and NGT court case it could not be appreciated that proper justice could not be expected to be done to the cause of preparation of the large numbers of DSRs. Hon'ble Chairman of SEIAA & SEAC noted the same with concern along with the respected Members of the house. SEAC and SEIAA members also observed that M/s RSP Green Development & Laboratories Pvt. Ltd prepared DSRs for the state of Tripura and Punjab but due to poor quality of DSRs, those were not accepted by respective SEAC/SEIAA during appraisal. It has reportedly resulted in huge loss to the state exchequer of Punjab.

**PARAWISE REPLY TO THE COUNTER AFFIDAVIT**

17. That the contents of Para 1 and 2 of the Counter affidavit are matters of record and merit no response.
18. That the contents of Para 3 of the Counter Affidavit are denied and disputed in response thereto the contents of the instant OA are reaffirmed and reiterated. The absence of a finalized District Survey Report (DSR) before conducting e-auctions and permitting mining operations renders the entire process illegal and void ab initio, as mandated by the EIA Notification, 2006, along with binding rulings of the Supreme Court and NGT. The Respondents' admission that auctions were conducted without a finalized DSR confirms clear non-compliance. Post-facto preparation of DSRs does not cure these past illegalities. Further, the draft DSRs uploaded by the Respondents are incomplete, defective, and fail to meet statutory requirements, including mandatory replenishment studies under the EIA Notification, 2006, SSMG, 2016, and EMGSM, 2020. These draft DSRs lack finalized data, fail to account for individual assessments for each minor mineral as required under Clause 4.3.10.3 of the CAG guidelines, and remain a procedural formality with no substantive legal validity. Consequently, all ongoing auctions and mining activities conducted without finalized DSRs are illegal. The Respondents cannot justify mining operations based on defective draft DSRs, and any continuation of such activities constitutes a flagrant violation of environmental laws and binding judicial precedents. The contents of the OA and the Preliminary Objections of the present Rejoinder Affidavit and reiterated.
19. That the contents of Para 4 of the Counter Affidavit are denied and disputed. It is submitted that if there was no finalized DSR then, as

suggested in this paragraph, how the environmental clearances were granted is also questionable. This raises serious questions about how this was done in the absence of a finalized DSR. It is further submitted that, pursuant to Notification No. S.O. 3611(E) dated 25.07.2018, the DSR shall form the basis for applications for the EC and not the other way around. It is further vehemently denied that EC was obtained through legitimate procedure since DSR is a mandatory pre-requisite and basis for granting Environmental Clearance and admittedly the present mining was going in with Environmental clearance which was obtained without DSRs. The Respondents' reference to the Assam Minor Mineral Concession Rules, 2013, does not supersede national environmental laws and judicial precedents. The State cannot override the EIA Notification, 2006, or the MMDR Act, 1957, through subordinate legislation. The Supreme Court in *Mangal Singh Bundela (supra)* held that no state authority can grant mining leases unless it fully complies with national environmental laws. The contents of the OA and the Preliminary Objections of the present Rejoinder Affidavit and reiterated.

20. That the contents of Para 5 of the Counter Affidavit are denied and disputed and in response thereto, the contents of the instant OA are reaffirmed and reiterated. It is submitted that the putting of DSRs in public domain does not absolve the Respondent No. 2 of its failure to ensure compliance with national environmental laws before granting mining leases. It is well settled principle that the DSR finalization must precede auctions—not follow them. The Supreme Court in *Pawan Kumar (Supra)* ruled that mining leases granted before DSR preparation are void and must be revoked. The Respondents' admission that DSRs were incomplete at the time of e-auctions is sufficient to quash the entire process. Additionally as per Respondent No. 2's own admission the DSR

have still not been finalized and is still at the stage where DSR is put in public domain and comments from public are received. Additionally it is submitted that the draft DSRs uploaded to the public domain to invite objections are defective in nature and do not comply with relevant statutory provisions and accordingly the Applicant has raised objections to the same. The contents of the OA and the Preliminary Objections of the present Rejoinder Affidavit and reiterated.

A copy of the objections dated 28.09.2024 raised by the Applicant to the Draft DSRs are part of the record and have already been annexed and marked as **ANNEXURE A-45 (COLLY)** in the rejoinder.

21. That the contents of Paras 6 and 7 are denied and disputed and in response thereto, the contents of the instant OA are reaffirmed and reiterated. The establishment of an internal committee to review DSR progress does not override the binding legal requirement that DSRs must be finalized before grant of EC or E-auction. The Hon'ble Supreme Court and this Hon'ble Tribunal have consistently ruled that administrative delays cannot be used as an excuse to bypass legal requirements. The failure to finalize DSRs before mining commenced remains a fatal illegality. It submitted that the Draft DSR uploaded on the public domain are flawed and lack/omits crucial information such as Absence of Replenishment Study, relies on Incomplete Data, Single DSRs for all minor minerals, Outsourcing to private consultants, Failure to provide Mineral Potential, Failure to identify specific mining sites for the sake of brevity the same is not repeated and the Applicant herein reaffirms and reiterates the contents of Para 16 of the instant OA. It is further submitted that the Respondents by virtue of the present OA have acknowledged the absence of DSRs and undertook to issue belated draft

DSRs which is noted in the interim Order dated 23.07.2024, subsequently, the filing of the Draft DSRs and its preparation prima facie appears to be made with a predicted mind in order for the auctions and mining to continue and also the said Drafts of DSR relies on inaccurate and incomplete data which asserts that the Respondents are trying to conceal the losses that they have caused to the Government exchequer due to ongoing illegal mining activities. It is additionally submitted that a perusal of the MOM of SEAC meeting dated 26.09.2024 makes it clear that the structure of the DSR does not follow the required template and the reporting authorities were once again reminded to comply with the same in the last para of MOM. The contents of the OA and the Preliminary Objections of the present Rejoinder Affidavit are reiterated.

22. That the contents of Para 8 and 9 of the Counter Affidavit are vehemently denied and disputed. It is submitted that averments made in Para 16 (16.1 to 16.14) and in subsequent paras are not pre-mature and are also not unwarranted since the Respondents have already approved mining plans and given ECs without finalizing the DSR for auctions and mining minor minerals and are in violation to the EIA Notification 2006 and S.O. 3611(E) dated the 25.07.2018 and also to Sustainable Sand Mining Management Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand Mining, 2020. It is further submitted that the Respondent's contentions in Para 9 regarding the representations and objections made to the draft DSRs are false and frivolous and the Respondents are trying to make false assertions by giving it the color of Private (Self) Interest Litigation and trying to deviate the court. It is submitted that the issues raised by the Applicant bear a close proximity to the observations made by SEAC in its meeting dated 26.09.2024, which the Applicant wasn't aware of at the time of filing of the

objections. The fact that the Applicant and the SEAC found similar issues in the draft DSRs proves it beyond any doubt that the present OA is *bonafide*. It is unfortunate that allegations have been raised against the counsel in the present matter. Such assertions not only undermine the professional integrity of the counsel but also detract from the core issues at hand. It appears that the averments raised by the State are a misguided attempt to interfere with the fair administration of justice. Such tactics, which seek to cast aspersions on counsel rather than engage with the merits of the case, not only obstruct the judicial process but also undermine the principles of fairness and impartiality that are fundamental to the justice delivery system. It is submitted that the resources in questions are national resources and it is the duty and responsibility of the nation to manage it for the public at large by virtue of the Public Trust Doctrine which they have failed to adhere to since without finalized DSRs the Respondents have allowed illegal auctions and mining activities and have violated Article 21 of the citizens. The Hon'ble Supreme Court has held in the case *Fomento Resorts & Hotels & Anr vs Minguel Martins & Ors (2009) 3 SCC 571* that “*natural resources including forests, water bodies, rivers, sea shores, etc. are held by the State as a trustee on behalf of the people and especially the future generations*”. It is submitted that Respondents by giving it a color of self-interest litigation are as a matter of fact trying to shadow the flaws that are in the draft DSRs and that EC has been granted for the mining activities which Respondent No. 2 has admitted are without final DSR. It is further submitted that the allegations that the Respondents are raising through their counter are unwarranted and uncalled for since it expands the scope of locus for no reason since allegations were raised on the council. Also, the minutes of the meeting dated 22.08.2024,

12.09.2024, and 26.09.2024 were also not put on record earlier when all the objections were already disclosed in the Rejoinder and the same is being done now just to interfere with the administration of justice. It is additionally submitted that 09.10.2024 and 25.10.2024 which are alleged to be attached as annexure 3 of the reply are not present on record. The contents of the OA and the Preliminary Objections of the present Rejoinder Affidavit and reiterated.

In view of the above mentioned facts and circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to allow the present Original Application.



**Madhav Bhatia, Adv.**  
**Vivek Sura Adv.**  
**Vertari Legal**

A-446, LGF, Defence Colony,  
New Delhi-110024,  
Mob:9910572585

**DATE: 14.02.2025**  
**PLACE: KOLKATA**

Email: madhavbhatia@vertarilegal.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH KOLKATA

ORIGINAL APPLICATION NO 86 /2024



IN THE MATTER OF:  
PRADEEP SINGH SHEKHAWAT

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS


AFFIDAVIT

I, Pradeep Singh Shekhawat, S/o Govind Singh, R/o A-34, A, Vivekanand Colony, Naya Khera, Jaipur, Rajasthan-302023, aged about 37 Years, do hereby solemnly affirm and state on oath as under.

1. That I am the Applicant No. 1 in the captioned matter and as such am fully conversant with the facts and circumstances of the case and competent to swear this Affidavit.

2. That I have gone through the contents of the accompanying Rejoinder that has been drafted by my counsel according to my instructions and the contents of the same are true and correct to my knowledge.

VERIFICATION

**ATTESTED**  
  
Anil Kumar Jain  
Notary (Govt. of India)  
JAIPUR (Raj.)

  
DEPONENT

Verified on this day \_\_\_ of \_\_\_ 2025 that the contents of the present Affidavit are true and correct to my knowledge and nothing material has been concealed.

**ATTESTED**  
  
Anil Kumar Jain  
Notary (Govt. of India)  
JAIPUR (Raj.)

  
DEPONENT

14 FEB 2025

**Office**

---

**From:** Office  
**Sent:** 15 February 2025 19:06  
**To:** rashmibothra24@gmail.com; surendra\_kr15@rediffmail.com; apu7law@gmail.com; mrdey@rediffmail.com  
**Cc:** Litigation Team  
**Subject:** Rejoinder to Counter Affidavit in Pradeep Singh Shekhawat vs Union of India & Ors.; OA 86/2024  
**Attachments:** Rejoinder to Reply by Respondent No. 2 in IA.pdf

Dear Sir/Ma'am,

I act for and on behalf of the counsel for Applicant in matter titled "Pradeep Singh Shekhawat vs Union of India & Ors.; OA 86/2024".

Please find attached an advance copy of the Rejoinder to Counter Affidavit to the Interim Application. The matter is next listed before the Hon'ble NGT East on 18.02.2025. Kindly treat this email as sufficient proof of service.

**Prem Kumar**  
Head Clerk


**Vertari Legal**  
A – 446 (LGF), Defence Colony, New Delhi – 110024  
e-mail: [office@vertarilegal.com](mailto:office@vertarilegal.com)  
Mobile: + 91 7042706702

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## 1. Screenshot of Meeting Schedule of SEIAA from Parivesh Portal

2/20/25, 6:30 PM Minutes SEIAA

State Environment Impact Assessment  
Authority  
Assam












Pro Active and Responsive facilitation by [redacted]

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\* To view Minutes Click on 

SEIAA				
S.No.	Subject	Dates of Meeting	Attachments	Corrigendum
1	29th SEIAA Meeting	Jan 17, 2025		NA
2	24th Meeting of SEIAA, Assam	Nov 25, 2024		NA
3	20th SEIAA Meeting	Sep 27, 2024		NA
4	18th SEIAA Meeting	Jul 31, 2024		NA
5	13th Meeting of SEIAA, Assam.	Jun 21, 2024		 Date : 10/07/2024
6	14th SEIAA Meeting	May 14, 2024		NA
7	11th Meeting of SEIAA, Assam	Apr 06, 2024		NA
8	10th Meeting of SEIAA, Assam.	Mar 22, 2024		NA

2/2025, 3:41 PM

Minutes SEAC

State Environment Impact Assessment

Authority

Assam



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MEETING SCHEDULE | BACK

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S.No.	Subject	Dates of Meeting	Attachments	Corrigendum
1	20th SEAC Meeting (2nd Sitting) to be held on 4th January, 2025	Jan 04, 2025		NA
2	16th Meeting of SEAC	Oct 09, 2024		NA
3	Agenda for 12th Meeting ( 2nd Sitting) of SEAC held on 9th August, 2024	Aug 09, 2024		NA
4	11th SEAC Meeting to be held on 9th July, 2024	Jul 09, 2024		NA
5	9th SEAC meeting (2nd Sitting)	May 30, 2024		NA
6	8th SEAC Meeting to be held on 30th April 2024	Apr 30, 2024		NA



OFFICE OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM  
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, GOVERNMENT OF INDIA  
**BAMUNIMADAM, GUWAHATI-21.**

Email id: [expertappraisalassam@gmail.com](mailto:expertappraisalassam@gmail.com)

Minutes of the 16<sup>th</sup> Meeting (2<sup>nd</sup> Sitting) of the State Expert Appraisal Committee (SEAC) held on 9<sup>th</sup> October, 2024 from 2.00 PM to 3.00 PM in the Conference Hall, 3<sup>rd</sup> floor, Pollution Control Board, Assam.

**List of the Hon'ble Members / Officials present in the meeting:**

Sl no.	Name	Designation	Signature
1	Sri Jatindra Sarma, IFS (Retd.)	Chairman	Sd/-
2	Dr. Bijoy Sankar Goswami	Member	Sd/
3	Dr. Rahul Mahanta	Member	Sd/-
4	Sri. Arup Barpujary	Member	Sd/-
5	Shri Shantanoo Bhattacharyya	Member	Sd/-
6	Dr. S.K. Dutta	Member Secretary	Sd/

At the very outset, the Member Secretary, SEAC welcomed the Hon'ble Chairman, SEAC and all the Members of the Committee. He briefed the house about the agenda for the meeting as circulated and requested the esteemed members for their thorough participation and deliberation in the process of disposal of the pending cases at hand and also the recommendations to be made to the SEIAA, Assam by the Committee.

As per the agenda, the august Committee duly deliberated, discussed and furnished their opinion / views which are unanimously accepted, recommended for further course of requisite action by the SEIAA as quoted here under:

1. EC for Exploratory drilling for Forest Location TNAA by A&AA Basin, ONGC in Cachar District PML, Assam Oil and Natural Gas Corporation Limited: SEIAA.3536/2023 (SIA/AS/IND2/404297/2022)

It is a proposal seeking grant of the Environmental Clearance (EC), as applied by the proponent / applicant being Ms Lily P Chawang on behalf of the ONGC, Jorhat on 11.08.2023.

**Brief observations about the Project:**

The project is about Exploratory drilling for Forest Location TNAA by A & AA Basin, ONGC in Sonai Reserve Forest for the Petroleum Mining Lease ( PML), Assam in an area involving 6.09 Ha of which land requirement for drilling purposes is 3.24 Ha and for approach road to the site is 2.85 Ha. The area in question is falling in the Sonai Reserved Forest under the DFO, Cachar Division, Silchar. and, reportedly, anticipating Forest Clearance (1<sup>st</sup> Stage) in terms of the provisions of the FC Act, 1980. Proposed numbers of Well is 1(one) and its depth is expected to be around 2500 m.

Initially, the application was filed online on 21.02.2022 and after scrutiny the SEIAA had asked for the EDS (Essential Documents Sought).

**Current deliberation on the Project Proposal:**

The proposal was discussed in the 2<sup>nd</sup> SEAC Meeting held on 10.11.2023. A brief presentation was made before the august Committee and updated with information. It was advised that the process of 1<sup>st</sup> Stage Forest Clearance (In Principle Approval) be completed and then to come up for the purposes of the EC. Accordingly, ADS was raised for submission of Stage I FC on 26.12.23.

Reply to the ADS raised is furnished by the ONGCL on 06.09.24 and uploaded Stage I Forest Clearance for further processing of the proposal. PP has clarified that the drilling location TNAA is falling outside the default 10 km ESZ of Barak Bhuban WLS.

**ONGCL has acquired Stage I Forest Clearance** under Section 2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 on 09/08/2024 (online proposal no FP/AS/MIN/47775/2020) for use of **6.09 ha** of Reserve Forest for exploratory drilling location TNAA in Sonai Reserve Forest under Cachar Division, Silchar. The connected papers are placed before the Committee for deliberation. .

After due diligence and appraisal the Committee is of the considered opinion for recommending grant of the EC by the SEIAA on the basis of the in principle approval of the Project by the competent authority in the MoEF &CC, Gol.

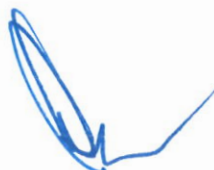
Total Project cost of the project is **40 Crore**.

**Decision:** Recommended for grant of EC for the Forest Location **TNAA**.

**Specific conditions by SEAC:**

1. The company shall comply with all the environmental protection measures and safeguards proposed in the documents submitted to the Ministry. All the recommendations made in the EIA/EMP in respect of environmental management, and risk mitigation measures relating to the project shall be implemented.
2. Total fresh water requirement shall not exceed 39 m<sup>3</sup>/day will be met from ground water. Prior permission shall be obtained from the concerned regulatory authority.
3. The project proponent will treat and reuse the treated water within the factory and no waste or treated water shall be discharged outside the premises. Mobile ETP coupled with RO shall be installed to reuse the treated water in drilling system. Size of the waste shall be equal to the hole volume+ volume of drill cutting and volume of discarded mud if any. Two feet free board may be left to accommodate rain water. There shall be separate storm water channel and rain water shall not be allowed to mix with waste water. Alternatively, if possible pit less drilling be practiced instead of above.
4. Approach road shall be made pucca to minimize generation of suspended dust.

5. The project proponent shall make all arrangements for control of noise from the drilling activity. Acoustic enclosure shall be provided for the DG sets along with the adequate stack height as per CPCB guidelines.
6. The company shall construct the garland drain to prevent runoff of any oil containing waste into the nearby water bodies. Separate drainage system shall be created for oil contaminated and non-oil contaminated.
7. Drill cuttings separated from drilling fluid shall be adequately washed and disposed in HDPE lined pit. Waste mud shall be tested for hazardous contaminants and disposed according to HWMH Rules, 2016. No effluent/drilling mud shall be discharged/disposed off into nearby surface water bodies. The company shall comply with the guidelines for disposal of solid waste, drill cutting and drilling fluids for onshore drilling operation notified vide GSR. 546 (E) dated 30th August, 2005.
8. Oil spillage prevention and mitigation scheme shall be prepared. In case of oil spillage/ contamination, action plan shall be prepared to clean the site by adopting proven technology. The recyclable waste (oily sludge) and spent oil shall be disposed of to the authorized recyclers.
9. The project proponent shall take necessary measures to prevent fire hazards, containing oil spill and soil remediation as needed. At fixed installations or plants use of ground flare shall be explored. At the place of ground flaring, the overhead flaring stack with knockout drums shall be installed to minimize gaseous emissions during operation.
10. The project proponent shall develop a contingency plan for H<sub>2</sub>S release including all necessary aspects from evacuation to resumption of normal operations. The workers shall be provided with personal H<sub>2</sub>S detectors in locations of high risk of exposure along with self-containing breathing apparatus.
11. Blow Out Preventor system shall be installed to prevent well blowouts during drilling operations.
12. On completion of the project, necessary measures shall be taken for safe plugging of wells with secured enclosures to restore the drilling site to the original condition. The same shall be confirmed by the concerned regulatory authority from environment safety angle. In case of hydrocarbon not found economically viable, a full abandonment plan shall be implemented for the drilling site in accordance with the applicable DGH / Indian Petroleum Regulations.
13. As per the Ministry's OM dated 30.09.2020 superseding the OM dated 01.05.2018 regarding the Corporate Environmental Responsibility, and as per the action plan proposed by the project proponent to address the socio-economic and environmental issues in the study area, the project proponent, as committed, shall provide education funds in technical training centers/ support in nearby village's schools, support in health care facilities, drinking water supply and funds for miscellaneous activities like solar street lights, battery, solar panel etc., in the nearby villages. The action plan shall to be completed within time as proposed.
14. No lead acid batteries shall be utilized in the project/site.
15. Occupational health surveillance of the workers shall be carried out as per the prevailing Acts and Rules. All workers & employees shall be provided with required safety kits/mask for personal protection.
16. Oil content in the drill cuttings shall be monitored and report & shall sent to the Ministry's Regional Office.



17. The project proponent shall prepare operating manual in respect of all activities, which would cover all safety & environment related issues and measures to be taken for protection. One set of environmental manual shall be made available at the drilling site/ project site. Awareness shall be created at each level of the management. All the schedules and results of environmental monitoring shall be available at the project site office. Remote monitoring of site should be done.

18. PP shall sensitize and create awareness among the people working within the project area as well as its surrounding area on the ban of Single Use Plastic in order to ensure the compliance of Notification published by MOEFCC on 12th August, 2021. A report along with photographs on the measures taken shall also be included in the six-monthly compliance report being submitted to concerned authority.

**A) CSR activities:**

- I) CSR activities shall be carried out / undertaken by the Proponent and minimum 2% of the total project cost i.e. **Rs. 80 Lakh** only, shall be earmarked for the purposes and there shall not be any deviation. The earmarked fund shall be spent accordingly and complied with in terms of the Notification No 22-65/2017-IA.III Dated 25.02.2021 issued by the MoEF &CC in the Gol.
- II) As a part of CSR activity, the Proponent in consultation with the DFO, Cachar will have to promote **Apiculture** & in the process generate employment for around **500 local forest dwellers** within 1 year and an amount of **Rs.20 L (Twenty Lakh )** only, shall be earmarked for the purpose.
- III) The Proponent in consultation with the DFO, Cachar shall promote cultivation of medicinal plants/ aromatic plants namely, **Gondhi Kacu (*Homalomena aromatica*)** and an amount of **Rs.20 L (Twenty Lakh )** only, shall be earmarked for the purpose.
- IV) The Proponent is to provide 2 (two) vehicles to the DFO, Cachar for the purposes of management of Barak Bhuban WL Sanctuary and an amount of **Rs.30 L (Thirty Lakh) only**, shall be earmarked for the purpose.
- V) Other CSR activities shall be carried out in terms of the approved EMP and compliance of the same shall be uploaded in the PARIVESH portal.

**B ) ECR (Environment Corporate Responsibility):**

**Green Belt:**

I) The proponent shall develop Green Belt around the Wells comprising 33% of the area of the project area and shall ensure planting of indigenous species of plants as are prescribed. For the purpose, the concerned DFO, Cachar may be consulted to have the quality planting materials ready in advance in the Departmental Nursery and requisite fund for the purpose should be made available to the DFO in advance.

II) The recommended species of plants in the area could be of species like Nahor (*Mesua ferrea*), Siris (*Albizia procera*), Hollock (*Terminalia myriocarpa*), Amlokhi (*Phyllanthus emblica*), Hilikha (*Terminalia chebula*), Jamun (*Syzygiumcumini*), Bhomora (*Terminalia bellirica*), Cham (*Artocarpus chaplasha*), Dimaru (*Ficus spp*), Ow Tenga (*Dillenia indica*), Thekera (*Garcinia spp*) etc etc.

III) Density of plantations shall be **1,250 plants per Hectare** and the Proponent is required to raise plantations in 33% of the area against the Well as prescribed.

IV) The proponent shall take all requisite measures to maintain natural environment in the oil fields and its surroundings are to be maintained in healthy and environment friendly conditions. All necessary measures and precautions must have to be taken by the proponent to prevent any probable / random oil spillage, discharge of effluents in the surroundings.

Compliance of the same shall duly be uploaded by the Proponent in the PARIVESH portal.

The meeting ended with vote of thanks from the Chair.




**Chairman**  
**SEAC, Assam**

Memo No. SEAC.33/2013/Pt-I -A

Dated : 21.10.2024

Copy to:

- 1) The Chairman, SEIAA for favour of kind information and necessary action.
- 2) The Member Secretary, State Environment Impact Assessment Authority (SEIAA), Assam for favour of kind information and necessary action.
- 3) All Members, SEAC, Assam for favour of their kind information.
- 4) DFO, Cachar Division, Silchar for information and necessary action.
- 5) Accountant cum Cashier of the office of the SEIAA, Assam for his information.
- 6) Office copy for each of the proposals.



**Member Secretary**  
**SEAC, Assam**



OFFICE OF THE STATE EXPERT APPRAISAL COMMITTEE, ASSAM  
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, GOVERNMENT OF INDIA  
BAMUNIMAIDAM, GUWAHATI-21.  
Email id: [expertappraisalassam@gmail.com](mailto:expertappraisalassam@gmail.com)

Minutes of the 20<sup>th</sup> Meeting (2<sup>nd</sup> Sitting) of the State Expert Appraisal Committee (SEAC) held on 4<sup>th</sup> January, 2025 from 2.00 PM to 3.00 PM in the Conference Hall, 3<sup>rd</sup> floor, Pollution Control Board, Assam.

List of the Hon'ble Members / Officials present in the meeting:

Sl no.	Name	Designation	Signature
1	Sri Jatindra Sarma, IFS (Retd.)	Chairman	Sd/-
2	Dr. Bijoy Sankar Goswami	Member	Sd/
3	Dr. Rahul Mahanta	Member	Sd/-
4	Dr Apurba Kumar Das	Member	Sd/-
5	Dr Raza Rafiqul Hoque	Member	Sd/-
6	Sri. Arup Barpujary	Member	Sd/-
7	Shri Shantanoo Bhattacharyya	Member	Sd/-
8	Dr. S.K. Dutta	Member Secretary	Sd/

At the very outset, the Member Secretary, SEAC welcomed the Hon'ble Chairman, SEAC and all the Members of the Committee. He briefed the house about the agenda for the meeting as circulated and requested the esteemed members for their thorough participation and deliberation in the process of disposal of the pending cases at hand and also the recommendations to be made to the SEIAA, Assam by the Committee.

As per the agenda, the august Committee duly deliberated, discussed and furnished their opinion / views which are unanimously accepted, recommended for further course of requisite action by the SEIAA as quoted here under:

**1. Environment Clearance for Dikhow River Ordinary Clay Mining Permit Area (Puccaghat) under Sivasagar Forest Division by Hrishikesh Dourah : SEIAA. 3651/2023 (SIA/AS/MIN/436892/2023)**

The proposal was discussed in the 6<sup>th</sup> SEAC Meeting held on 23.02.2024 and accordingly recommended to the SEIAA for grant of the EC as applied for. The SEIAA has reverted back the proposal to the SEAC for review of the proposal on the alleged ground of receipt of a complaint.

On record prior to receipt of the allegation/complaint the SEIAA raised ADS on 13.05.2024. The ADS raised is quoted in verbatim as under:

**"ADS: It is seen that the activity is going on as shown on the extraction site. Need a clarification from concern DFO, Sivasagar Forest Division."**

Accordingly reply to the ADS in question was furnished on 14.11.2024 vide Letter no. B/M/2/Permit/2024 from DFO, Sivasagar Division.

**Deliberation of 6<sup>th</sup> SEAC Meeting is as under:**

**Resolution 6/2:**

The Project Area as allotted is measuring 0.21 Ha with the recommended quantity of 3,884 cu.m ordinary clay in 2 (two) years as per the approved Mining Plan. The Mining Plan was prepared by the Registered Qualified Person (RQP) Sri Lakshyajit Sonowal and the proposed mining area was visited by the RQP while the same was approved by the Director, Geology and Mining, Govt of Assam vide letter dated 10.04.2023. The ADC, Sivasagar Division had requested for the grant of the EC for the proposal allowing extraction vide letter dated 26.04.2023.

Necessary documents submitted in support of the proposal is examined and appraised. **The NOC from the Water Resources Department concerned is furnished.**

Due discussions and deliberations is held. The Committee is of the considered opinion that the the Minor mineral in question, quantity being too meagre, be allowed to be extracted within a period of 1(one) year only.

The Committee after due deliberation and appraisal is pleased to **recommend for grant of the EC by the SEIAA for a quantity of 3,884 cu.m Ordinary Clay in 1(one) year** subject to the conditions that the proponent shall have to strictly follow all terms and conditions laid down in the approved mining plan and also subject to the conditions that: (a) mining shall be confined and limited to the area falling within the approved GPS coordinates; (b) the active bank of the river is not disturbed / damaged because of mining operation and transportation of mining materials and (c) the proponent is permitted to extract the approved quantity of river bed **Ordinary Clay** with maximum mining depth of up to 2 (two) meters only from the non-mined surface.

It also came to light during the course of discussion, as has been pointed out by the Member Secretary, SEAC that for mining in river beds and in flood plains the Consent to Establish (CTE) and Consent to Operate (CTO) are essentially required to be obtained from the PCBA in terms of the guidelines circulated by the PCB / MoEF & CC for non manual extraction which need to be adhered to by the concerned DFO.

The Divisional Forest Officer shall ensure due vigilance in the mining area to avert any kind of irregularities / illegalities during the mining period. Further, the DFO is to ensure that mining be allowed only within the approved mining site and not beyond the limit of the same. Accordingly, the DFO shall also ensure marking the boundary of the

mining site on the ground fixing permanent concrete pillars, painted yellow with the coordinates depicted there in on the pillars / posts, following the GPS coordinates mentioned in the approved mining plan.

**Current Deliberation of SEAC:**

All the relevant papers relating to the proposal are placed before the Committee for examination. On scrutiny it revealed that the Mining Plan as prepared for the project valid for a period of 2 (two) years will expire on **29.03.2025** while initially recommendation was given to the SEIAA for grant of EC for a period of 1 (one) year.

It is seen that the complaint is lodged by one Sri Rintu Borgohain on a flimsy ground that the EC was granted in his favour by the SEIAA, Assam on **13.03.2023** for allowing extraction of mineral from the same area (Govt land) under Proposal No. SIA/AS/MIN/409279/2022 valid for a period of 1 (one) year which is already expired. The ground for entertaining the complaint by the SEIAA is devoid of merit to the extent that there is no further proposal submitted by the complainant for the same area and also the fact that it is not within the power of a private person to stall the process of grant of EC by another individual project proponent who have applied with a *bonafide* stake following due process.

After thorough discussion, the august house is pleased to recommend for grant of the EC for a quantity of **3,884** Cu M Ordinary Clay for a period of the validity of the Mining Plan i.e. till **29.03.2025**.

**Decision:** Recommend grant of EC up to 29.03.2025

The meeting ended with vote of thanks from the Chair.



**Chairman  
SEAC, Assam**

Memo No. SEAC.33/2013/Pt.-I -A

Dated : 9 .01. 2025

Copy to:

- 1) The Chairman, SEIAA for favour of kind information and necessary action.
- 2) The Member Secretary, State Environment Impact Assessment Authority (SEIAA), Assam for favour of kind information and necessary action.
- 3) All Members, SEAC, Assam for favour of their kind information.
- 4) Accountant cum Cashier of the office of the SEIAA, Assam for his information.
- 5) Office copy for each of the proposals.



**Member Secretary  
SEAC, Assam**



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM**  
**Ministry of Environment, Forest and Climate Change, Government of India**  
**BAMUNIMAIDAM, GUWAHATI 781021, ASSAM**

Minutes of the 20<sup>th</sup> Meeting of the SEIAA, Assam held on 27/09/2024

The 20<sup>th</sup> Meeting of the SEIAA, Assam was held in the Conference Hall, 3<sup>rd</sup> floor, Pollution Control Board, Assam on 27/09/2024 at 11.00 a.m.

The following Members were present

- Sri Rajesh Kempriai, Chairman, SEIAA, Assam.
- Smti. Mauchumi Barua, ACS, Member Secretary, SEIAA, Assam.
- Dr. Sarat Phukan, Member, SEIAA, Assam.

Sri Rajesh Kempriai, Chairman, SEIAA, Assam presided over the meeting.

Agenda Item 1.

1. **EC for Nagadum Village Patta Land Stone Agregates Mining Permit Area by Safiqur Laskarv (SIA/AS/MIN/451042/2023) SEIAA. 3653/2024.**


**SEIAA Resolution 20/1:**

**Deliberations by the SEIAA in current meetings**

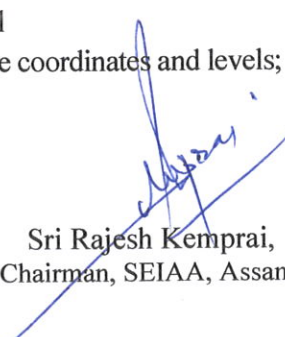
EC is approved for project area allotted 1.92Ha with a quantity of 75,000cum Stone aggregates out of 1,49,918cum for 1 (one) year subject to the terms and conditions laid down by SEAC the balance quantity of the material in question shall duly be considered by the committee on receipt of the approved DSR for the district whereby the concerned officials are to incorporate the area reflecting the status.

**General condition by SEAC**

1. This is subject to the conditions that the proponent shall have to strictly follow all the terms and conditions laid down in the approved mining plan.
2. This is also subject to the conditions that: (a) mining shall be confined and limited to the area falling within the GPS coordinates; (b) the Proponent shall extract the approved quantity of Ordinary Earth indicated herein with maximum precautions as prescribed by the sub-Committee.
3. All the conditions stipulated in the report of the sub-Committee need to be meticulously followed to avert any kind of eventuality during the process of excavation.
4. Only manual mode of excavation shall be allowed during dry period, preferably during winter months, with all preventive measures of dust suppression, prevent Air Pollution in the area.
5. This is also subject to the conditions that the proponent shall
  - a. Demarcate the excavation setting out plan with reference coordinates and levels;

  
Smti. Mauchumi Barua, ACS,  
Secretary, Env& Forest, Assam  
cum Member Secretary, SEIAA, Assam.

  
Dr. Sarat Phukan,  
Member, SEIAA, Assam

  
Sri Rajesh Kempriai,  
Chairman, SEIAA, Assam

- b. To start the excavation from one end and proceed to another end in layers such as one metre depth layers;
  - c. If the excavation depth exceeds 2.0 m depth, it is necessary to protect the sides of the excavation by driving sheet piles or soldier piles (the vertical members to protect the excavation is to be driven first followed by horizontal members) provided permission is granted;
  - d. Stack the soil away from the excavation edge to prevent soil collapsing to the excavated area;
  - e. That the excavation shall not be allowed to go below the level of land adjacent to the area in question and
  - f. Proper barrier with green shed nets must have to be erected to prevent Dust pollution, Air pollution in the adjacent area.
6. Engage a professional Engineer while Earth Cutting for supervision and the CV shall be presented before the SEIAA before grant of EC, if so directed by the SEIAA

**Specific condition by SEAC**

1. The Divisional Forest Officer, Kamrup East Division shall ensure due vigilance in the mining area to avert any kind of irregularities / illegalities during the mining period.
2. The DFO shall also ensure marking the boundary of the mining site on the ground fixing permanent concrete pillars, painted yellow with the Geo-coordinates depicted there in on the pillars / posts, following the GPS coordinates mentioned in the approved mining plan before allowing excavation.
3. The PP shall obtain CTE/CTO from PCB, Assam under provisions of Water Act, 1974 and Air Act, 1981.

2. **EC for Sahar Sarnia Part-II P.P. Land Earth Mining Permit Area proposed by Neelamani Patgiri (SIA/AS/MIN/406555/2022) SEIAA. 3566/2023.**


**SEIAA Resolution 20/2:**

**Deliberations by the SEIAA in current meetings**

EC is approved for project area allotted 0.10Ha with a quantity of 2,800cum Ordinary Earth in 1 (one) year subject to the terms and conditions laid down by SEAC and that the area in question is reflected in the DSR.

**General condition by SEAC**

1. This is subject to the conditions that the proponent shall have to strictly follow all the terms and conditions laid down in the approved mining plan.
2. This is also subject to the conditions that:
  - a. Mining shall be confined and limited to the area falling within the GPS coordinates;
  - b. The Proponent shall extract the approved quantity of Ordinary Earth indicated herein with maximum precautions as prescribed by the sub-Committee.

  
Smti. Mauchumi Barua, ACS,  
Secretary, Env& Forest, Assam  
cum Member Secretary, SEIAA, Assam.

  
Dr. Sarat Phukan,  
Member, SEIAA, Assam

  
Sri Rajesh Kemprai,  
Chairman, SEIAA, Assam

3. All the conditions stipulated in the report of the sub-Committee need to be meticulously followed to avert any kind of eventuality during the process of excavation.
4. Only manual mode of excavation shall be allowed during dry period, preferably during winter months, with all preventive measures of dust suppression, prevent Air Pollution in the area.
5. This is also subject to the conditions that the proponent shall
  - a. Demarcate the excavation setting out plan with reference coordinates and levels;
  - b. To start the excavation from one end and proceed to another end in layers such as one metre depth layers;
  - c. If the excavation depth exceeds 2.0 m depth, it is necessary to protect the sides of the excavation by driving sheet piles or soldier piles (the vertical members to protect the excavation is to be driven first followed by horizontal members) provided permission is granted;
  - d. Stack the soil away from the excavation edge to prevent soil collapsing to the excavated area;
  - e. That the excavation shall not be allowed to go below the level of land adjacent to the area in question and
  - f. Proper barrier with green shed nets must have to be erected to prevent Dust pollution, Air pollution in the adjacent area.
6. Engage a professional Engineer while Earth Cutting for supervision and the CV shall be presented before the SEIAA before grant of EC, if so directed by the SEIAA

**Specific condition by SEAC**

1. The Divisional Forest Officer, Kamrup East Division shall ensure due vigilance in the mining area to avert any kind of irregularities / illegalities during the mining period.
  2. The DFO shall also ensure marking the boundary of the mining site on the ground fixing permanent concrete pillars, painted yellow with the Geo-coordinates depicted there in on the pillars / posts, following the GPS coordinates mentioned in the approved mining plan before allowing excavation.
  3. The PP shall obtain CTE/CTO from PCB, Assam under provisions of Water Act, 1974 and Air Act, 1981.
3. **EC for Regularisation of manufacturing unit- Ju Polymers Private Limited that produces MF Resin of 400 MTPA and pre-laminated Particle Board of 7,20,000 Sq ft/month by Ju Polymers Private Limited SEIAA. 3604/2023 (SIA/AS/IND3/448735/2023).**


**SEIAA Resolution 20/3:**

**Recommendation of SEIAA**

The EC is granted as per Terms & Conditions laid down by the SEAC.

**Specific conditions by SEAC**

1. The Unit shall manage the effluent generated in a resin plant in a closed loop without passing the effluent to a storm drain.

  
Smti. Mauchumi Barua, ACS,  
Secretary, Env& Forest, Assam  
cum Member Secretary, SEIAA, Assam.

  
Dr. Sarat Phukan,  
Member, SEIAA, Assam

  
Sri Rajesh Kemprai,  
Chairman, SEIAA, Assam

2. The Unit shall have agreement with blip mass briquette producing unit. Saw dust generated by the unit shall be converted into briquette and then be used in the boiler as fuel. This would reduce the emission generation to a significant level.
3. Storm water drain shall be segregated from the effluent drain.
4. Rain Water Harvesting system shall be made. A pond shall be constructed within the premises and storm water drain shall be connected to it. The earthen pond shall function as Rain Water Harvesting tank as well as Sedimentation pit.
5. The HW generated, viz., empty containers of chemicals and resin residues, shall be inventoried and stacked properly for subsequent disposal to TSDFs.
6. The Licence from the competent authority in the Forest Department as applicable for the establishment of the Wood Based Industry in terms of the applicable Rules shall be obtained and the copy of the same shall have to be uploaded.

**General conditions by SEAC**

1. The Manufacturing Unit needs to be planted with local species of plants for greenery to ameliorate the environment. It was also urged that the unit shall encourage captive plantation of plywood species in the nearby villages in the vacant areas, roadsides, community lands and also raise private plantations for which adequate fund should be annually earmarked and spent.
2. It is evident that the industry is procuring timbers for the purposes from the nearby areas belonging to private individuals in villages and, therefore, sufficient saplings of the species like Kathal (*Artocarpus integrifolia*), Jamun (*Syzygium cuminii*), Kadam (*Anthocephalus cadamaba*), Aam (*Mangifera indica*), Boga Sins (*Albizzia procera*) etc should be distributed to the individuals in the villages for plantation in their homestead besides taking up the plantation activities in areas indicated above under due discussions with the DFO, Kamrup East Division, Guwahati. An amount of Rs. 10 lakh (Rs. 4 lakh-nursery raising + Rs. 6 Lakh for plantation) as agreed upon by the PP during the course of presentation should be annually spent as a part of the Corporate Environmental Responsibility (CER) activity and shall be uploaded in the PARIVESH Portal.

**4. EC for grant of EC for mining of Sand from “Krishnai River Sand Mahal (Betbari) proposed by YFC-TTC (JV).SEIAA.3555/2023, (SIA/AS/MIN/ 448763/2023).**


**SEIAA Resolution 20/4:**


**Deliberations by the SEIAA in current meetings**

EC is approved for project area allotted 4.94Ha with a quantity of 36,542cum Sand annually for a period of 2 (two) years subject to the terms and conditions laid down by SEAC the balance quantity of the material in question shall duly be considered by the committee on receipt of the approved DSR for the district whereby the concerned officials are to incorporate the area reflecting the status.

**General condition by SEAC**

1. This is subject to the conditions that the proponent shall have to strictly follow all the terms and conditions laid down in the approved mining plan.
2. This is also subject to the conditions that:

  
Smti. Mauchumi Barua, ACS,  
Secretary, Env& Forest, Assam  
cum Member Secretary, SEIAA, Assam.

  
Dr. Sarat Phukan,  
Member, SEIAA, Assam

  
Sri Rajesh Kemprai,  
Chairman, SEIAA, Assam

- a. Mining shall be confined and limited to the area falling within the GPS coordinates;
  - b. The active bank of the river is not disturbed/damaged because of mining operation and transportation of mining materials.
  - c. The proponent is permitted to extract the approved quantity of river bed sand with maximum depth up to 2(two) meters from the non-mined surface and strictly following all other terms and conditions laid down in the approved mining plan.
3. Only manual mode of excavation shall be allowed during dry period, preferably during winter months, with all preventive measures of dust suppression, prevent Air Pollution in the area.

**Specific condition by SEAC**

1. The Divisional Forest Officer, Goalpara Division shall ensure due vigilance in the mining area to avert any kind of irregularities / illegalities during the mining period.
  2. The DFO shall also ensure marking the boundary of the mining site on the ground fixing permanent concrete pillars, painted yellow with the Geo-coordinates depicted there in on the pillars / posts, following the GPS coordinates mentioned in the approved mining plan before allowing excavation.
  3. The PP shall obtain CTE/CTO from PCB, Assam under provisions of Water Act, 1974 and Air Act, 1981.
5. **EC for “Jhanji River Sand Mining Permit Area (Miching Ghat)” by Sibsagar Territorial Forest Division. SEIAA. 3522/2023 (SIA/AS/MIN/427245/2023).**


**SEIAA Resolution 20/5:**

**Deliberations by the SEIAA in current meetings**

EC is approved for project area allotted 4.94Ha with a quantity of 36,542cum Sand annually for a period of 2 (two) years subject to the terms and conditions laid down by SEAC the balance quantity of the material in question shall duly be considered by the committee on receipt of the approved DSR for the district whereby the concerned officials are to incorporate the area reflecting the status.

**General condition by SEAC**

1. This is subject to the conditions that the proponent shall have to strictly follow all the terms and conditions laid down in the approved mining plan.
2. This is also subject to the conditions that:
  - a. Mining shall be confined and limited to the area falling within the GPS coordinates;
  - b. The active bank of the river is not disturbed/damaged because of mining operation and transportation of mining materials.
  - c. The proponent is permitted to extract the approved quantity of river bed sand with maximum depth up to 2(two) meters from the non-mined surface and strictly following all other terms and conditions laid down in the approved mining plan.
3. Only manual mode of excavation shall be allowed during dry period, preferably during winter months, with all preventive measures of dust suppression, prevent Air Pollution in the area.

  
Smti. Mauchumi Barua, ACS,  
Secretary, Env& Forest, Assam  
cum Member Secretary, SEIAA, Assam.

  
Dr. Sarat Phukan,  
Member, SEIAA, Assam

  
Sri Rajesh Kemprai,  
Chairman, SEIAA, Assam

**Specific condition by SEAC**

1. The Divisional Forest Officer, Goalpara Division shall ensure due vigilance in the mining area to avert any kind of irregularities / illegalities during the mining period.
  2. The DFO shall also ensure marking the boundary of the mining site on the ground fixing permanent concrete pillars, painted yellow with the Geo-coordinates depicted there in on the pillars / posts, following the GPS coordinates mentioned in the approved mining plan before allowing excavation.
  3. The PP shall obtain CTE/CTO from PCB, Assam under provisions of Water Act, 1974 and Air Act, 1981.
6. **EC for “Barnadi Sand, Gravel and Stone Mahal -10” by Baksa Forest Division, Mushalpur. SEIAA. 3480/2023 (SIA/AS/MIN/428654/2023).**

**SEIAA Resolution 20/6:****Deliberations by the SEIAA in current meetings**

EC is approved for project area allotted **4.9Ha** with a quantity of **54,370cum of Sand, 72,490cum of Gravel and 54,370cum of Stone within 5 (five) years @ 10,874cum of Sand, 14,498cum of Gravel and 10,874cum of Stone annually** subject to the terms and conditions laid down by SEAC the balance quantity of the material in question shall duly be considered by the committee on receipt of the approved DSR for the district whereby the concerned officials are to incorporate the area reflecting the status.

**General condition by SEAC**

1. This is subject to the conditions that the proponent shall have to strictly follow all the terms and conditions laid down in the approved mining plan.
2. This is also subject to the conditions that:
  - a. Mining shall be confined and limited to the area falling within the GPS coordinates;
  - b. The active bank of the river is not disturbed/damaged because of mining operation and transportation of mining materials.
  - c. The proponent is permitted to extract the approved quantity of river bed sand with maximum depth up to 2(two) meters from the non-mined surface and strictly following all other terms and conditions laid down in the approved mining plan.
3. Only manual mode of excavation shall be allowed during dry period, preferably during winter months, with all preventive measures of dust suppression, prevent Air Pollution in the area.

**Specific condition by SEAC**

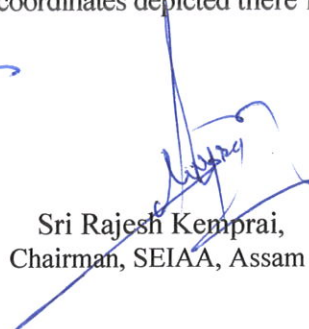
1. The Divisional Forest Officer, Baksa Forest Division, Mushalpur shall ensure due vigilance in the mining area to avert any kind of irregularities / illegalities during the mining period.
2. The DFO shall also ensure marking the boundary of the mining site on the ground fixing permanent concrete pillars, painted yellow with the Geo-coordinates depicted there in on



Smti. Mauchumi Barua, ACS,  
Secretary, Env& Forest, Assam  
cum Member Secretary, SEIAA, Assam.



Dr. Sarat Phukan,  
Member, SEIAA, Assam



Sri Rajesh Kemprai,  
Chairman, SEIAA, Assam

the pillars / posts, following the GPS coordinates mentioned in the approved mining plan before allowing excavation.

3. The PP shall obtain CTE/CTO from PCB, Assam under provisions of Water Act, 1974 and Air Act, 1981.

**7. EC for “Lengri Quartzite Block Mining Contract Area” by Jitu Goura. SEIAA. 3369/2023 (SIA/AS/MIN/167614/2020).**

**SEIAA Resolution 20/7:**

**Deliberations by the SEIAA in current meetings**

EC is approved for project area allotted **1.46Ha** mining area **0.38Ha** with a quantity of **4045cum 5 (five) years** subject to the terms and conditions laid down by SEAC the balance quantity of the material in question shall duly be considered by the committee on receipt of the approved DSR for the district whereby the concerned officials are to incorporate the area reflecting the status.

**General condition by SEAC**


1. The PP shall obtain CTE/CTO from PCB, Assam under provisions of Water Act, 1974 and Air Act, 1981.
2. The proponent shall undertake Plantation activities in a nearby institution with proper guard to ensure their safety and survival in consultation with the concerned DFO of West Karbi Anglong District and shall be maintained at least for 5 (five) years to ensure 100% success.
3. The preferred species of plant shall be of aesthetic value and also medicinal; and the number of plants proposed for plantation shall be 244-250 in nearby institution(s).
4. The plant species may be Bakul (*Mimosops*), Nahor (*Mestia ferrea*), Ashoka (*Saraca asoca*), Bokphul (*Sesbania graniciflora*), Kordoi (*Averrhoa carantbola*), Kanchan (*Batthinki purpurea*), Jalphai (*Ealeocarpus floriblinchis*), Hilikha (*Terminalia chebtdia*), Arrklokhi (*Phyllanthits embelica*), Chandan (*Santalum album*), Agor (*Aquillaria malaccensis*), Moha neem (*Azediracitta indica*) etc etc.
5. Plantation so raised shall be uploaded by the proponent and the DFO shall also issue a certificate to that effect

**8. EC for “Merabil S.S. Mahal” by Bimal Daimary. SEIAA. 3444/2023 (SIA/AS/MIN/425658/2023).**

**SEIAA Resolution 20/8:**

**Deliberations by the SEIAA in current meetings**

EC is approved for project area allotted **4.02Ha** mining area **3.78Ha** with a quantity of **66,500cum 5 (five) years @ 43012.55cum of Sand, 23,487.45cum of Stone annually** subject to the terms and conditions laid down by SEAC the balance quantity of the material in question shall duly be considered by the committee on receipt of the approved DSR for the district whereby the concerned officials are to incorporate the area reflecting the status.

  
Smti. Mauchumi Barua, ACS,  
Secretary, Env& Forest, Assam  
cum Member Secretary, SEIAA, Assam.

  
Dr. Sarat Phukan,  
Member, SEIAA, Assam

  
Sri Rajesh Kemprai,  
Chairman, SEIAA, Assam


**General condition by SEAC**


1. This is subject to the conditions that the proponent shall have to strictly follow all the terms and conditions laid down in the approved mining plan.
2. This is also subject to the conditions that:
  - a. Mining shall be confined and limited to the area falling within the GPS coordinates;
  - b. The active bank of the river is not disturbed/damaged because of mining operation and transportation of mining materials.
  - c. The proponent is permitted to extract the approved quantity of river bed sand with maximum depth up to 2(two) meters from the non-mined surface and strictly following all other terms and conditions laid down in the approved mining plan.
3. Only manual mode of excavation shall be allowed during dry period, preferably during winter months, with all preventive measures of dust suppression, prevent Air Pollution in the area.

**Specific condition by SEAC**

1. The Divisional Forest Officer, Dhansiri Division shall ensure due vigilance in the mining area to avert any kind of irregularities / illegalities during the mining period.
2. The DFO shall also ensure marking the boundary of the mining site on the ground fixing permanent concrete pillars, painted yellow with the Geo-coordinates depicted there in on the pillars / posts, following the GPS coordinates mentioned in the approved mining plan before allowing excavation.
3. The PP shall obtain CTE/CTO from PCB, Assam under provisions of Water Act, 1974 and Air Act, 1981.

The meeting came to an end with a vote of thanks from the Chair.

  
**(Sri Rajesh Kemprai)**  
**Chairman,**  
**SEIAA, Assam**

  
**Smti. Mauchumi Barua, ACS,**  
**Secretary, Env& Forest, Assam**  
**cum Member Secretary, SEIAA, Assam.**

  
**Dr. Sarat Phukan,**  
**Member, SEIAA, Assam**

  
**Sri Rajesh Kemprai,**  
**Chairman, SEIAA, Assam**



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM  
Ministry of Environment, Forest and Climate Change, Government of India  
BAMUNIMAIDAM, GUWAHATI 781021, ASSAM

Minutes of the 24<sup>th</sup> Meeting of the SEIAA, Assam held on 25/11/2024

The 24<sup>th</sup> Meeting of the SEIAA, Assam was held in the Conference Hall, 3<sup>rd</sup> floor, Pollution Control Board, Assam on 25/11/2024 at 11.00 a.m.

The following Members were present

- Sri Rajesh Kempriai, Chairman, SEIAA, Assam.
- Smti. Mauchumi Barua, ACS, Member Secretary, SEIAA, Assam.
- Dr. Sarat Phukan, Member, SEIAA, Assam.

Sri Rajesh Kempriai, Chairman, SEIAA, Assam presided over the meeting.

Agenda Item 1.

1. **EC for Dikhow River Ordinary Clay Mining Permit Area (Puccaghat) by Hrishikesh Dourah (SIA/AS/MIN/436892/2023) SEIAA. 3651/2024.**

SEIAA Resolution 24/1:

Deliberations by the SEIAA in current meetings

The proposal is reverted back for review the proposal based on the public complain received by SEIAA.

2. **EC for Regularisation of existing manufacturing unit KAMLANG SAW & VENEER MILLS PRIVATE LIMITED of 7500 MTPA capacity that produces timber based products and resins of 475 MTPA. (SIA/AS/IND3/436150/2023) SEIAA. 3603/2023.**


SEIAA Resolution 24/2:

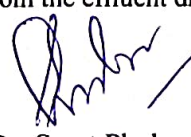
Recommendation of SEIAA

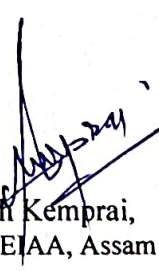
The EC is granted as per Terms & Conditions laid down by the SEAC.

Specific conditions by SEAC

1. The Unit shall manage the effluent generated in a resin plant in a closed loop without passing the effluent to a storm drain.
2. The Unit shall have agreement with blip mass briquette producing unit. Saw dust generated by the unit shall be converted into briquette and then be used in the boiler as fuel. This would reduce the emission generation to a significant level.
3. Storm water drain shall be segregated from the effluent drain.

  
Smti. Mauchumi Barua, ACS,  
Secretary, Env & Forest, Assam  
cum Member Secretary, SEIAA, Assam.

  
Dr. Sarat Phukan,  
Member, SEIAA, Assam

  
Sri Rajesh Kempriai,  
Chairman, SEIAA, Assam

4. Rain Water Harvesting system shall be made. A pond shall be constructed within the premises and storm water drain shall be connected to it. The earthen pond shall function as Rain Water Harvesting tank as well as Sedimentation pit.
5. The HW generated, viz., empty containers of chemicals and resin residues, shall be inventoried and stacked properly for subsequent disposal to TSDFs.
6. The Licence from the competent authority in the Forest Department as applicable for the establishment of the Wood Based Industry in terms of the applicable Rules shall be obtained and the copy of the same shall have to be uploaded.


**General conditions by SEAC**


1. The Manufacturing Unit needs to be planted with local species of plants for greenery to ameliorate the environment. It was also urged that the unit shall encourage captive plantation of plywood species in the nearby villages in the vacant areas, roadsides, community lands and also raise private plantations for which adequate fund should be annually earmarked and spent.
2. It is evident that the industry is procuring timbers for the purposes from the nearby areas belonging to private individuals in villages and, therefore, sufficient saplings of the species like Kathal (*Artocarpus integrifolia*), Jamun (*Syzygium cuminii*), Kadam (*Anthocephalus cadamaba*), Aam (*Mangifera indica*), Boga Sins (*Albizzia procera*) etc should be distributed to the individuals in the villages for plantation in their homestead besides taking up the plantation activities in areas indicated above under due discussions with the DFO, Kamrup East Division, Guwahati. An amount of Rs. 10 lakh (Rs. 4 lakh-nursery raising + Rs. 6 Lakh for plantation) as agreed upon by the PP during the course of presentation should be annually spent as a part of the Corporate Environmental Responsibility (CER) activity and shall be uploaded in the PARIVESH Portal.
3. **EC for Regularisation of existing manufacturing unit- Khandelwal Saw Mills private limited that produces timber based products of capacity 8972 MTPA and resin of capacity 243 MTPA. (SIA/AS/IND3/439525/2023) SEIAA. 3606/2023.**

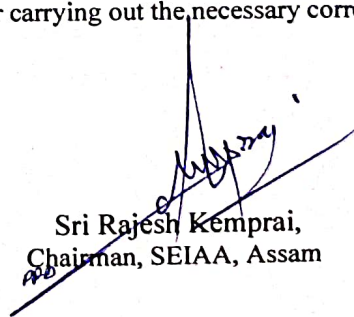
**SEIAA Resolution 24/3:**

**ADS required-**

- The water discharged from the Effluent Treatment Plant (ETP) appears pinkish and turbid, raising concerns about the effectiveness of the treatment process. The industry must assess the ETP's integrity and implement corrective measures to ensure that only clean and safe water is discharged, considering both the environmental sensitivity of the surrounding area and the proximity of the plywood plant to a residential area. Additionally, the industry is required to submit a water quality test report of the ETP discharge after carrying out the necessary corrective actions.

  
Smti. Mauchumi Barua, ACS,  
Secretary, Env& Forest, Assam  
cum Member Secretary, SEIAA, Assam.

  
Dr. Sarat Phukan,  
Member, SEIAA, Assam

  
Sri Rajesh Kempri,  
Chairman, SEIAA, Assam

4. **EC for Exploratory drilling for Forest Location TNAA by A&AA Basin ,ONGC in Cachar District PML, Assam by Oil And Natural Gas Corporation Limited. SEIAA. 3536/2023 (SIA/AS/IND2/404297/2022).**

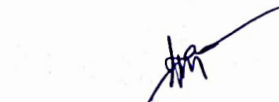
**SEIAA Resolution 24/4:**


**Deliberations by the SEIAA in current meetings**

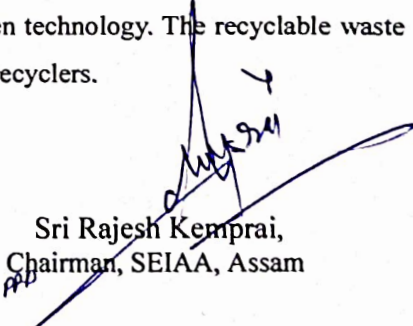
EC is approved for the Forest Location TNAA.

**Specific conditions by SEAC:**


1. The company shall comply with all the environmental protection measures and safeguards proposed in the documents submitted to the Ministry. All the recommendations made in the EIA/EMP in respect of environmental management, and risk mitigation measures relating to the project shall be implemented.
2. Total fresh water requirement shall not exceed 39 m<sup>3</sup>/day will be met from ground water. Prior permission shall be obtained from the concerned regulatory authority.
3. The project proponent will treat and reuse the treated water within the factory and no waste or treated water shall be discharged outside the premises. Mobile ETP coupled with RO shall be installed to reuse the treated water in drilling system. Size of the waste shall be equal to the hole volume+ volume of drill cutting and volume of discarded mud if any. Two feet free board may be left to accommodate rain water. There shall be separate storm water channel and rain water shall not be allowed to mix with waste water. Alternatively, if possible pit less drilling be practiced instead of above.
4. Approach road shall be made pucca to minimize generation of suspended dust.
5. The project proponent shall make all arrangements for control of noise from the drilling activity. Acoustic enclosure shall be provided for the DG sets along with the adequate stack height as per CPCB guidelines.
6. The company shall construct the garland drain to prevent runoff of any oil containing waste into the nearby water bodies. Separate drainage system shall be created for oil contaminated and non-oil contaminated.
7. Drill cuttings separated from drilling fluid shall be adequately washed and disposed in HDPE lined pit. Waste mud shall be tested for hazardous contaminants and disposed according to HWMH Rules, 2016. No effluent/drilling mud shall be discharged/dropped off into nearby surface water bodies. The company shall comply with the guidelines for disposal of solid waste, drill cutting and drilling fluids for onshore drilling operation notified vide GSR. 546 (E) dated 30th August, 2005.
8. Oil spillage prevention and mitigation scheme shall be prepared. In case of oil spillage/ contamination, action plan shall be prepared to clean the site by adopting proven technology. The recyclable waste (oily sludge) and spent oil shall be disposed of to the authorized recyclers.


  
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Member, SEIAA, Assam

  
Sri Rajesh Kemprai,  
Chairman, SEIAA, Assam

9. The project proponent shall take necessary measures to prevent fire hazards, containing oil spill and soil remediation as needed. At fixed installations or plants use of ground flare shall be explored. At the place of ground flaring, the overhead flaring stack with knockout drums shall be installed to minimize gaseous emissions during operation.
10. The project proponent shall develop a contingency plan for H2S release including all necessary aspects from evacuation to resumption of normal operations. The workers shall be provided with personal H2S detectors in locations of high risk of exposure along with self-containing breathing apparatus.
11. Blow Out Preventor system shall be installed to prevent well blowouts during drilling operations.
12. On completion of the project, necessary measures shall be taken for safe plugging of wells with secured enclosures to restore the drilling site to the original condition. The same shall be confirmed by the concerned regulatory authority from environment safety angle. In case of hydrocarbon not found economically viable, a full abandonment plan shall be implemented for the drilling site in accordance with the applicable DGH / Indian Petroleum Regulations.
13. As per the Ministry's OM dated 30.09.2020 superseding the OM dated 01.05.2018 regarding the Corporate Environmental Responsibility, and as per the action plan proposed by the project proponent to address the socio-economic and environmental issues in the study area, the project proponent, as committed, shall provide education funds in technical training centers/ support in nearby village's schools, support in health care facilities, drinking water supply and funds for miscellaneous activities like solar street lights, battery, solar panel etc., in the nearby villages. The action plan shall to be completed within time as proposed.
14. No lead acid batteries shall be utilized in the project/site.
15. Occupational health surveillance of the workers shall be carried out as per the prevailing Acts and Rules. All workers & employees shall be provided with required safety kits/mask for personal protection.
16. Oil content in the drill cuttings shall be monitored and report & shall sent to the Ministry's Regional Office.
17. The project proponent shall prepare operating manual in respect of all activities, which would cover all safety & environment related issues and measures to be taken for protection. One set of environmental manual shall be made available at the drilling site/ project site. Awareness shall be created at each level of the management. All the schedules and results of environmental monitoring shall be available at the project site office. Remote monitoring of site should be done.
18. PP shall sensitize and create awareness among the people working within the project area as well as its surrounding area on the ban of Single Use Plastic in order to ensure the compliance of Notification

  
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Sri Rajesh Kemprai,  
Chairman, SEIAA, Assam

published by MOEFCC on 12th August, 2021. A report along with photographs on the measures taken shall also be included in the six-monthly compliance report being submitted to concerned authority.


**A) CSR activities:**


- I) CSR activities shall be carried out / undertaken by the Proponent and minimum 2% of the total project cost i.e. Rs. 80 Lakh only, shall be earmarked for the purposes and there shall not be any deviation. The earmarked fund shall be spent accordingly and complied with in terms of the Notification No 22-65/2017-IA.III Dated 25.02.2021 issued by the MoEF &CC in the GoI.
- II) As a part of CSR activity, the Proponent in consultation with the DFO, Cachar will have to promote *Apiculture* & in the process generate employment for around **500 local forest dwellers** within 1 year and an amount of **Rs.20 L (Twenty Lakh) only**, shall be earmarked for the purpose.
- III) The Proponent in consultation with the DFO, Cachar shall promote cultivation of medicinal plants/ aromatic plants namely, **Gondhi Kacu (*Homalomena aromatica*)** and an amount of **Rs.20 L (Twenty Lakh) only**, shall be earmarked for the purpose.
- IV) The Proponent is to provide 2 (two) vehicles to the DFO, Cachar for the purposes of management of Barak Bhuban WL Sanctuary and an amount of **Rs.30 L (Thirty Lakh) only**, shall be earmarked for the purpose.
- V) Other CSR activities shall be carried out in terms of the approved EMP and compliance of the same shall be uploaded in the PARIVESH portal.

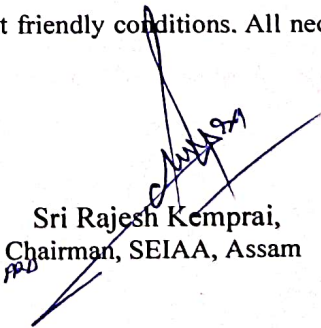
**B) ECR (Environment Corporate Responsibility):**

**Green Belt:**

- I) The proponent shall develop Green Belt around the Wells comprising 33% of the area of the project area and shall ensure planting of indigenous species of plants as are prescribed. For the purpose, the concerned DFO, Cachar may be consulted to have the quality planting materials ready in advance in the Departmental Nursery and requisite fund for the purpose should be made available to the DFO in advance.
- II) The recommended species of plants in the area could be of species like Nahor (*Mesua ferrea*), Siris (*Albizia procera*), Hollock (*Terminalia myriocarpa*), Amlokhi (*Phyllanthus emblica*), Hilikha (*Terminalia chebula*), Jamun (*Syzygiumcumini*), Bhomora (*Terminalia bellirica*), Cham (*Artocarpus chaplasha*), Dimaru (*Ficus spp*), Ow Tenga (*Dillenia indica*), Thekera (*Garcinia spp*) etc etc.
- III) Density of plantations shall be **1,250 plants per Hectare** and the Proponent is required to raise plantations in 33% of the area against the Well as prescribed.
- IV) The proponent shall take all requisite measures to maintain natural environment in the oil fields and its surroundings are to be maintained in healthy and environment friendly conditions. All necessary

  
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Sri Rajesh Kemprai,  
Chairman, SEIAA, Assam

measures and precautions must have to be taken by the proponent to prevent any probable / random oil spillage, discharge of effluents in the surroundings.

V) Compliance of the same shall duly be uploaded by the Proponent in the PARIVESH portal.

**5. EC for Proposed residential complex FORTUNE VICTOR (a unit of FORTUNE TOWERS PVT LTD) by Fortune Towers (India) Private Limited. SEIAA. 3502/2023 (SIA/AS/INFRA2/431555/2023).**

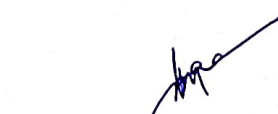
**SEIAA Resolution 24/5:**


**Deliberations by the SEIAA in current meetings**

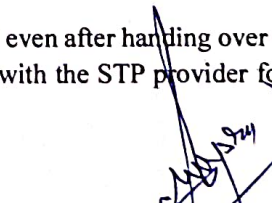
EC is approved for the total built up area of the proposed residential complex is 23,899.15Sqm while the Plot area is 6651Sqm. It is a proposed residential complex project with 209 flats in 2 Blocks. Project cost is estimated at Rs 53.19Crore.

**General condition by SEAC**

1. the Proponent in the matter of development on greenery around the premises where in the inmates could feel the benefits due to greenery by raising plants of religious importance, health benefits having medicinal importance as also being of aesthetic nature etc.
2. The Committee is also of the considered opinion that adequate provision is made by the proponent for the inmates specially for the Children, the Women and as well for the *elderly* inmates for a *YOGA Hall* (Yoga Centre) wherein a trained personnel in Yoga could come to train the inmates adequately for a healthy living:
3. The total plot area of the proposed residential complex is at least 6,651 Sqm and, therefore, around 80-90 numbers of plants are to be planted by the project proponent at suitable locations and patches in the plot area covering at least 640 Sq m, which is 10 % of the plot area with evergreen species of plants and are primarily of aesthetic in nature and of medicinal value.
4. It was suggested by the committee that the plant species preferably be are of Bael (*Aegle marmelos*), Giloy (*Tinospora cordifolia*), Bakul (*Mimosups elengi*), Nahor (*Mesua ferrea*), Ashoka (*Saraca asoca*), Kanchan (*Bauhinia purpurea*), Rudrakhya (*Elaeocarps ganitrus*), Joba (*Hibiscus rosa sinensis*), Sonaru (*Cassia fistula*), Putranjiba (*Putranjiva roxburghii*), Tezpatta (*Cinamomum tamala*), Dalchini (*Cinamomum zeylanicum*), Sewali phul (*Nyctanthes arbor tris tis*), Money plant (*Araceae* member), *Sansevieria zelanica*, indigenous flowering plant species of herbs and shrubs like Kamini Kusum (*Murraya paniculata*), Aparajita (*Clitorea ternatea*), Narasingha (*Murraya koengii*) etc etc.
5. the numbers of plants should not be restricted to the stipulations and the same should invariably be increased accordingly comprising of herbs, shrubs, climbers and trees, etc with touch of religious utility of flowering plants and effort to garner support from the inmates for future maintenance with their active support, particularly school going Children. Efforts need to be put to get the plants with their scientific names, local names properly labelled showing medicinal value.
6. The Proponent for mandatory compliance of conditions of Indian Green Building Council (IGBC) or GRIHA (Green Rating for Integrated Habitat Assessment) / LEEDS (Leadership in Energy and Environmental Development Systems) including the proposed greenery around the premises and the same are to be uploaded in the PARIVESH portal.
7. The STP is to be managed by the Project Proponent for the period even after handing over the projects to the stakeholders. The Project Proponent shall have the AMC with the STP provider for operation

  
Smti. Mauchumi Barua, ACS,  
Secretary, Env & Forest, Assam  
cum Member Secretary, SEIAA, Assam.

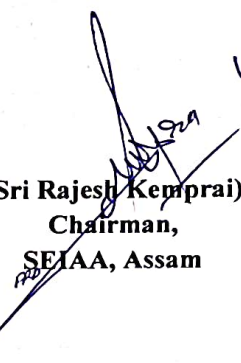
  
Dr. Sarat Phukan,  
Member, SEIAA, Assam


  
Sri Rajesh Kemprai,  
Chairman, SEIAA, Assam


and maintenance for a period of at least initial 10 (Ten) years at the 1<sup>st</sup> instance and shall be monitor the compliance by the PCB, Assam.

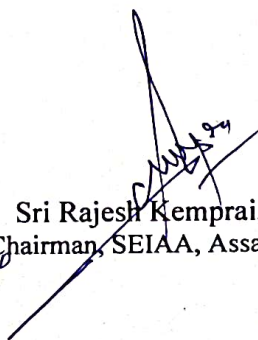
8. The Central Ground Water Authority for use of water in the operational phase needs to be obtained by the Proponent including the requisite permission / NOC from the GMC. Other requisite information with layout plan are to be furnished by the proponent as suggested above.
9. Project Proponent shall obtain Consent to Establish (CTE) and Consent to Operate (CTO) for the entire project immediately.

The meeting came to an end with a vote of thanks from the Chair.

  
 (Sri Rajesh Kemprai)  
 Chairman,  
 SEIAA, Assam

  
 Smti. Mauchumi Barua, ACS,  
 Secretary, Env & Forest, Assam  
 cum Member Secretary, SEIAA, Assam.

  
 Dr. Sarat Phukan,  
 Member, SEIAA, Assam

  
 Sri Rajesh Kemprai,  
 Chairman, SEIAA, Assam



**STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ASSAM**  
**Ministry of Environment, Forest and Climate Change, Government of India**  
**BAMUNIMAIDAM, GUWAHATI 781021, ASSAM**

Minutes of the 29<sup>th</sup> Meeting of the SEIAA, Assam held on 17/01/2025

The 29<sup>th</sup> Meeting of the SEIAA, Assam was held in the Conference Hall, 3<sup>rd</sup> floor, Pollution Control Board, Assam on 17/01/2025 at 2.00 p.m.

The following Members were present

- Sri Rajesh Kempriai, Chairman, SEIAA, Assam.
- Smti. Mauchumi Barua, ACS, Member Secretary, SEIAA, Assam.
- Dr. Sarat Phukan, Member, SEIAA, Assam.

Sri Rajesh Kempriai, Chairman, SEIAA, Assam presided over the meeting.

Agenda Item 1.

1. **EC for Dikhow River Ordinary Clay Mining Permit Area (Puccaghat) by Hrishikesh Dourah (SIA/AS/MIN/436892/2023) SEIAA. 3651/2024.**


SEIAA Resolution 29/1:


Deliberations by the SEIAA in current meetings

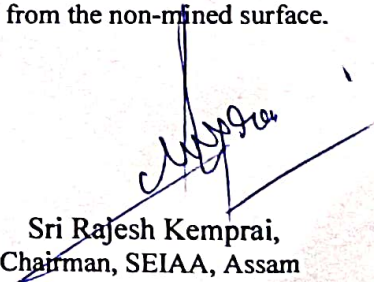
EC is approved for project area allotted **0.21Ha** with a quantity of **3,884 cu.m Ordinary Clay** in **1(one) year** subject to the terms and conditions laid down by SEAC and that the area in question is to be reflected in the approved DSR.

General & Specific condition by SEAC

1. This is subject to the conditions that the proponent shall have to strictly follow all the terms and conditions laid down in the approved mining plan.
2. This is also subject to the conditions that:
  - a. Mining shall be confined and limited to the area falling within the approved GPS coordinates;
  - b. The active bank of the river is not disturbed / damaged because of mining operation and transportation of mining materials and
  - c. The proponent is permitted to extract the approved quantity of river bed **Ordinary Clay** with maximum mining depth of up to 2 (two) meters only from the non-mined surface.

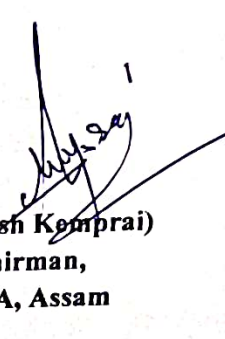
  
 Smti. Mauchumi Barua, ACS,  
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 Dr. Sarat Phukan,  
 Member, SEIAA, Assam


  
 Sri Rajesh Kempriai,  
 Chairman, SEIAA, Assam


3. The Divisional Forest Officer, Sivasagar Division shall ensure due vigilance in the mining area to avert any kind of irregularities / illegalities during the mining period.
4. The DFO shall also ensure marking the boundary of the mining site on the ground fixing permanent concrete pillars, painted yellow with the Geo-coordinates depicted there in on the pillars / posts, following the GPS coordinates mentioned in the approved mining plan before allowing excavation.
5. The PP shall obtain CTE/CTO from PCB, Assam under provisions of Water Act, 1974 and Air Act, 1981.

The meeting came to an end with a vote of thanks from the Chair.

  
(Sri Rajesh Kemprai)  
Chairman,  
SEIAA, Assam

  
Smti. Mauchumi Barua, ACS,  
Secretary, Env & Forest, Assam  
cum Member Secretary, SEIAA, Assam.

  
Dr. Sarat Phukan,  
Member, SEIAA, Assam

  
Sri Rajesh Kemprai,  
Chairman, SEIAA, Assam



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**Advance Service of Execution Application in OA No. 86/2024/EZ in matter titled as "Pradeep Singh Shekhawat vs Union of India & Ors."**

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**From** Muskan Aggarwal <muskanaggarwal@vertarilegal.com>

**Date** Fri 3/21/2025 7:51 PM

**To** cs-assam@nic.in <cs-assam@nic.in>; hoff-assam@gov.in <hoff-assam@gov.in>; acs.envforest@gmail.com <acs.envforest@gmail.com>; secy-moef@nic.in <secy-moef@nic.in>; dc-cachar@nic.in <dc-cachar@nic.in>; mrdey@rediffmail.com <mrdey@rediffmail.com>; apu7law@gmail.com <apu7law@gmail.com>

**Cc** Madhav Bhatia <madhavbhatia@vertarilegal.com>; Litigation Team <LitigationTeam@vertarilegal.com>

1 attachment (10 MB)

Execution Application - OA 86 of 2024.pdf;

Sir

Please find enclosed the copy of the Execution Application in OA No. 86/2024/EZ in matter titled as "Pradeep Singh Shekhawat vs Union of India & Ors." Further, this mail shall be treated as proof of service for all purposes henceforth.

Regards

**Muskan Aggarwal**

Associate

Vertari Legal

Address: A-446 (LGF), Defence Colony, New Delhi-110024

(E): madhavbhatia@vertarilegal.com

(M): +91 9910572585