

**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA**

I.A.77 of 2025/EZ

in

Original Application No.86 of 2024/EZ

In the Matter of:

Pradeep Singh Sekhawat ...Applicant

- vs -

Union of India and Ors. ..Respondents

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Filed by:

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**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA**

I.A. No. 77 of 2025

Original Application No.86 of 2024/EZ

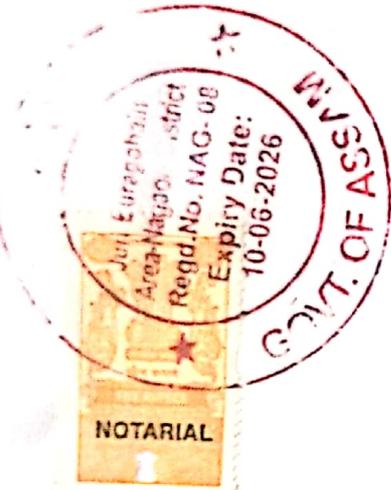
In the Matter of:

Pradeep Singh Sekhawat ...Applicant

- vs -

Union of India and Ors. ..Respondents

Kadam Suhas Tarachand



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Dated

29/8/24

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

I, Shri Kadam Suhas Tarachand, son of Kadam Tarachand Gabaji, aged about 39 years, by faith-Hindu, by occupation-service, residing at:- Nagaon, Assam do hereby solemnly affirm and state as follows: -

1. That I am the Divisional Forest Officer, Nagaon (T) Division, Nagaon, under the Department of Environment and Forest, Government of Assam and as such I am fully conversant with the facts and circumstances of the case. I also state that the district of Morigaon, which is the main area of dispute in the instant I.A.77 of 2025, also comes under the domain of Nagaon (T) Division.

29/8/24
Notary
Govt. of Assam
Dist. Nagaon

Kadam Suhas Tarachand

2. That I have received the copy of the above-mentioned Interlocutory Application, as well as the relevant orders, of the National Green Tribunal, Eastern Zone Bench, connected to the said case, have gone through the same and understood the contents made therein.

3. That I will traverse only to those portions of the said I.A. 77 of 2025, which are relevant for the present purpose. The portions not replied to shall not be treated as to be my admission.

4. At the outset, the answering deponent begs to state that, the DSR is finally approved in the Morigaon district of Assam.

5. In this connection the answering deponent also begs to state that all the minor mining areas in Morigaon district of 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. And no mining area are allowed to operate without fulfilling these criteria.

6. With regard to the said paragraphs I state that the DSR of Morigaon district have been finally approved on 13.02.2025, and subsequently it has been uploaded in the official website on 28.08.2025.

The minutes of the meeting of SEIAA regarding finally approving the DSR of Morigaon district is annexed herewith and marked as Annexure – I,

7. That the instant application being I.A. 77 of 2025 is to have a stay of operation of the Notices inviting tender dated 16.07.2025 for Award of Minor Mineral Concession Area of Jagiroad Stone Mining Area No. F (6), on the ground that there is no finally approved DSR in the district of Morigaon, which is totally wrong, and is hence the instant application is liable to be dismissed

By
29/8/25
Notary
Govt. of Assam
Dist. Nagaon

✓ Kadam Suhans Tarachand

✓ Kadam Suhans Tarachand

Kadam Suhaz Tarachand

8. That the statements made out in the foregoing paragraphs are true to the best of my knowledge and belief and based on records and the same are also my respectful submissions before this Hon'ble Court and that I have not suppressed any material facts.

Kadam Suhaz Tarachand

Deponent

Prepared in my Office

Durath Lakshmi
Enrol. No. 1433/21
Advocate



29/12/20
Notary
Govt. of Assam.
Dist. Nagaon

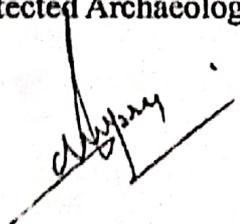
Minutes of Meeting for approval of District Survey Report (DSR) of Minor Minerals of Morigaon District held on 07/02/2025.

The District Survey Report (DSR) of Minor Minerals of Morigaon District as recommended by the SEAC after due evaluation and appraisal was taken up in the meeting of the State Environment Impact Assessment Authority (SEIAA) under Chairmanship of Shri Rajesh Kemprai attended by Smti Mauchumi Barua, Member Secretary of the State Environment Impact Assessment Authority and Dr. Sarat Phukan, Member of the State Environment Impact Assessment Authority for due discussion and approval of final DSR .

It is on record that the Proposal of final DSR was placed before the SEAC by the Morigaon District Committee and was appraised and recommended to SEIAA for approval of DSR on 18/01/ 2025. The same was thoroughly deliberated upon and discussed in the SEIAA meeting dated 07.02.2025.

The following salient points were noted and discussed:

1. The DSR for Minor Minerals is prepared as per the guidelines of the MoEF&CC under notification dated 25.07.2018.
2. Morigaon district is having **51 leases covering 173.493 Hectares** of area, **15 leases** are of Sand mineral, **and 15 leases** of Stone, **21 leases** are of Brick Earth (Ordinary Earth).
Further, out of these **51 leases**, **28** are identified as potential mining zone for permit/grant of lease in near future and which comprises of **2** for Sand, **8** for Stone mineral and **18** are for mining of Brick Earth (Ordinary Earth).
3. The average rate of varies from 1.4 m to 1.5 m in various rivers of Morigaon. Though there is deposition up to 1.5 m in various river stretches, but as per guideline only 1 m is allowed for mining.
4. **Criteria followed forno- mining zone/ no-go zone:**
 - The Area shall not be recommended for future Quarry / Lease which have distance of 100 meters from any existing railway line Bridge, outer periphery of the defined limits of any village, habitation, National highway, State highway, other roads, Minor Check Dam, Canal/ Tank/ Lake, Ropeway or Ropeway trestle, or Station, Heritage site and Protected Archaeological / historical monuments.





- The Area shall not be recommended for future Quarry/ Lease which is at 500 meters from any Irrigation structure/ Reservoir & Submergence Area.
 - The Area shall not be recommended for future Quarry up to a distance of 1 Kilometre from major bridges and highways on both sides, or five times (5x) of the span (x) of a bridge/ Public civil structure (including water intake points) on up- stream side, and ten times (10x) the span of such bridge on downstream side, subjected to a minimum of 250 meters on the up-stream side and 500 meters on the downstream side as envisaged in the AMMC Rules'2013 (amended up to date).
5. Impact on environment due to mining:
- Land degradation, habitat loss, water pollution, air pollution & Bio diversity loss including impact on riparian ecosystem and aquatic faunal diversity was discussed.
6. Remedial Measures to mitigate the impact of Mining on the Environment
- Removal and utilization of topsoil and management of overburden, reclamation and rehabilitation of land, air pollution, noise pollution, restoration of fauna/ flora was discussed.
7. Plantation and Green Belt Development in respect of leases already granted in the district.
- As per the guidelines or the Central Pollution Control Board (CPCB) and the Ministry of Environment, Forest & Climate Change (MoEF&CC), it is imperative to create a Greenbelt at or around the lease.

Observations of the State Expert Appraisal Committee (SEAC):

1. Morigaon district, has proposal for a total of **51** leases, covering **173.493** hectares of area. These comprises of **15** leases of **Sand** mineral, **15** leases of **Stone** and **21** leases are of **Brick Earth** (Ordinary Earth).

Further, out of these **51** leases, **28** are identified as potential mining zones for permit/grant of lease in near future and **2** (two) of which are meant for mining of **Sand**, **8** (eight) are for quarrying of stone



mineral and 18 (eighteen) are for mining of **Brick Earth (Ordinary Earth)**.

2. The details of the river bed mine and proposed mine leases are summarized under:

S. No.	Name of the River	No. of Leases	Kind of Mineral
			Sand
1	Kopili River	10	10
2	Wah Umsiang River	01	01
3	Kiling River	04	04
TOTAL		15	

The details of the Non-River Bed mine are summarized under:

S. No.	Kind of Mineral	No. of Leases
4.	Stone	15
5.	Brick Earth	21
TOTAL		36

3. The details of permitted and not permitted areas in compliance to NGT direction vide O.A. NO 85/2018 (WZ) dated 30.09.2020 is given below:

S. No.	Name of Mine	Name of the River	Total Lease Area (in Ha.)	Go Zone (in Ha.)	No Go Zone (in Ha.)	Remarks
1	Nakhula Beat Sand Permit Area No. 2	Kiling	2.50	1.37	1.13	1.13 Ha is not recommended due to presence of human settlement within 100 m radius.



2	Boha Sand Mining Permit Area (Rev. Portion) on Kopili Riverbed	Kopili	4.95	2.33	2.62	2.62 Ha is not recommended due to presence of human settlement within 100 m radius.
3	Nakhula Beat Sand Permit Area No. 3	Kopili	4.10	0.85	3.25	3.25 Ha is not recommended due to presence of human settlement within 100 m radius.
4	Sonaikuchi Sand Permit Area	Wah Umsiang	2.63	2.34	0.29	0.29 Ha is not recommended due to presence of human settlement within 100 m radius.
5	Nakhula Beat Sand Permit Area No. 1 (Rev. Portion)	Kiling	3.65	0.35	3.30	3.30 Ha is not recommended due to presence of human settlement within 100 m radius.
6	Nakhula Beat Sand Permit Area No. 4 of 2019-21 (Rev. Portion)	Kiling	3.80	0	3.80	The entire lease area is not recommended due to presence of human settlement within 100 m radius.
7	Borkuloi Boha MCA Part II Sand Mining Permit Area on Kopili Riverbed	Kopili	4.85	3.30	1.55	1.55 Ha is not recommended due to presence of human settlement within 100 m radius.
8	Dhamkhonda Hatibagora Part-I Sand Mining Permit Area on Kopili Riverbed	Kopili	4.64	3.30	1.34	1.34 Ha is not recommended due to presence of human settlement within 100 m radius.
9	Hatiamukh	Kopili	4.24	4.14	0.10	1.34 Ha is not



	MCA Permit Area (MCA Part-I) (MCA Part-II site)					recommended due to presence of human settlement within 100 m radius.
10	Bhakatgaon MCA Permit Area (MCA Part-II)	Kopili	3.98	1.25	2.73	2.73 Ha is not recommended due to presence of human settlement within 100 m radius.
11	Dhamkhonda Hatibagora Part-I Sand Mining Permit Area on Kopili Riverbed	Kopili	4.64	4.64		The Mine lease is falling within 10 km radius of Pobitora WLS. Hence, the approval of the National Board of Wildlife (NBWL) and permission from the competent authority (CWLW) is required.
12	Boghora Stone Mahal No. 10	--	1.00	1.00	--	The Mine lease is falling within Tetelia Baghara Reserve Forest. Hence, Forest Clearance (F.C) is required under the "Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980".
13	Ghagua Stone Contract Area (Reserve Forest Area)	--	7.00	7.00	--	The Mine lease is falling within Tetelia Baghara Reserve Forest. Hence, Forest Clearance (F.C) is required under the "Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980".
14	Golsepa Stone Contract Area	--	7.90	7.90	--	The Mine lease is falling within Tetelia Baghara Reserve



	(R.F)					Forest. Hence, Forest Clearance (F.C) is required under the "Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980".
15	Koinakanda East Stone Contract Area (R.F)	--	5.10	5.10	--	The Mine lease is falling within Tetelia Baghara Reserve Forest. Hence, Forest Clearance (F.C) is required under the "Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980".
16	Koinakanda West Stone Contract Area (R.F)	--	7.10	7.10	--	The Mine lease is falling within Tetelia Baghara Reserve Forest. Hence, Forest Clearance (F.C) is required under the "Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980".
17	Niz Gaghua Stone Contract Area	--	8.50	8.50	--	The Mine lease is falling within Tetelia Baghara Reserve Forest. Hence, Forest Clearance (F.C) is required under the "Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980".
18	Nakhula Pahar Patta Land Stone and Sand Gravel Mining	--	0.20	0.20	--	Mining may be allowed after ascertaining that the Mine lease is falling outside the Sonalkuchui Reserve Forest. If the same falling in the RF then

(18)

	Permit Area					Forest Clearance (F.C) is required under the "Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980".
19	Sita Jokhola Stone Contract Area No.1(R.F)	--	15.60	15.60	--	The Mine lease is falling within Sonaikuchui Reserve Forest . Hence, Forest Clearance (F.C) is required under the "Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980".
20	Sita Jokhola Stone Contract Area No.2(R.F)	--	9.68	9.68	--	The Mine lease is falling within Sonaikuchui Reserve Forest . Hence, Forest Clearance (F.C) is required under the "Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980".
21	Mantabori Sand Permit Area (Rev. Portion)	Kopili	4.45	4.45	--	The Mine lease is falling within Kiling Reserve Forest . Hence, Forest Clearance (F.C) is required under the "Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980".
22	Silchang Stone & Sand Gravel Mahal	--	5.00	5.00		The Mine lease is falling within Kholahat Reserve Forest . Hence, Forest Clearance (F.C) is required under the "Van (Sanrakshan Evam Samvardhan)



						Adhiniyam, 1980".
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4. In compliance to the MoEF&CC Notification dated 25th July 2018, in all the 03 rivers, the proposed area of mining is less than **50 percent** and the proposal of mining is limited to **1 (one) meter depth** of the mineral deposit, keeping its mineable volume to tune of **60 percent** in all the proposed mine lease/contract area/permit areas.
5. Application of cluster- provision details: **As per guidelines, no cluster within 500 meters.**
6. Environmental sensitivity is taken as the maximum stipulated distance with reference to the AMMCR-2013 and the order of the NGT- in Appeal No. 03/2020 (WZ) [Original Application No. 85/2019 (WZ)) (I.A. No. 63/2020)].
7. All the **51 mine leases / contract areas / permit areas** have been examined based on the environment sensitivity and the individual lease mineable area, permissible for mining in compliance with environmental sensitivity, is arrived at. All the mine lease coordinates are plotted over Geo-referenced map using satellite image LISS IV.
8. The final DSR has covered the existing mine lease area, proposed mine lease area, new applications made for mine lease and also the mine leases whose application is pending for EC at SEAC/SEIAA, Assam. The DFO is informed that all such cases pending at SEAC/SEIAA would be evaluated in the light of the recommended/approved DSR. And, if any modification / change is required the same is to be accordingly incorporated as per need, shall be prepared in advance and re-submitted based on the recommended/approved DSR.
9. The transportation map of individual mine leases are submitted in the final DSR of the district.
10. The replenishment study has been conducted using satellite image. The variation in geo-referenced contour of mine lease area was recorded for the same coordinate for May' 2024 and November' 2024. On an average, replenishment is inferred as **1.0 to 1.5 meters**. In compliance to the Notification, value of **1.00 meter** deposition is used for calculation purpose for potential mining.
11. Royalty collected for the last 3-5 years for different minerals is found to be tabulated in order for the district.



12. Mineral testing report is submitted in the final DSR report.
13. Mining Plan and Environment Clearance for mining activity shall be in the name of the project Proponent only who shall apply accordingly.
14. No mining activity shall be allowed to be carried out / undertaken by any person without Environment Clearance and for any violation the primary stake holders shall be responsible.
15. The District Commissioner and other Regulatory Authorities in the district shall ensure compliance of the CPCB guidelines governing establishment of Brick Kilns and mining of Ordinary Earth by these units.

After perusal of the observations and recommendations of the SEAC, due discussions and deliberations, SEIAA unanimously decide to **Approve the recommended District Survey Report** of Minor Minerals of Morigaon District with the following observations:

1. The DFO, Nagaon Division submitted mineral testing report and found satisfactory.
2. The Final DSR of Morigaon covers River Bed Minerals consisting of Sand, Stone and Brick Earth (Ordinary Earth).
3. The final DSR covers all the existing mine leases (areas having approved mine plan), mine leases in operation and areas of future potential mining zones.
4. Replenishment study of pre monsoon and post moon season are incorporated in the final DSR of Morigaon.
5. Environmental sensitivity / siting criteria have been identified keeping in view the various NGT Orders requiring compliance and the AMMCR' 2013 (as amended up to date).
6. Each mine lease has been checked for Environmental sensitivity /siting criteria.
7. Go Zone / Mining Area and No-Go Zone / Non-Mining area have been identified.
8. Total mining proposed in Single River is less than 50-60 percent of the river area along with the depth limitation of up to 1 Meter. Potential mining

quantity is considered as 60 percent of the total volume in confirmation to the MoEF&CC Notification of 25th July 2018.

9. High resolution satellite image have been used to prepare maps, existing & proposed mine lease area.
10. All the mine leases have been looked from the cluster perspective and the Final DSR have identified no Clusters.
11. District committee and the Knowledge partner have confirmed the compliance of the Sustainable Sand Mining Guidelines – 2016, Enforcement and Monitoring Guidelines for Sand Mining -2020, MoEF&CC Notification of 01.07.2016 (for Cluster), MoEF&CC Notification of 25.07.2018 for DSR preparation and various NGT Orders from time to time.


Chairman
SEIAA, Assam
Bamunimaidam -21

Memo No. SEIAA.3921/2024/Pt.-I/323A

Dated : 11.02.2025

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.
- 2) The PCCF and HoFF, Assam, Panjabari, Guwahati-37 for favour of kind information.
- 3) The Chairman, State Environment Expert Appraisal Committee (SEAC), Assam for kind information.
- 4) The Member Secretary, State Environment Expert Appraisal Committee





- (SEAC), Assam for favour of kind information.
- 5) The District Commissioner, Morigaon for favour of kind information.
 - 6) The Member Secretary, Pollution Control Board, Assam for his information and requisite action.
 - 7) The Director, Directorate of Geology and Mining, Govt of Assam for favour of kind information.
 - 8) The Member of the SEIAA, Assam for kind information.
 - 9) The Secretary, co-ordination to the Chief Secretary, Govt. of Assam, Dispur, Guwahati -6 with a request for kind appraisal of the Chief Secretary.
 - 10) The DFO, Nagaon Division for kind information.
 - 11) Office file.


Member Secretary
SEIAA, Assam
Bamunimaidam - 21