

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

(Under Section 18(1) read with Section 14 of the
National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. ³⁵ OF 2026

IN THE MATTER OF:

Shri Pritpal Singh & Anr.

...Applicants

VERSUS

Union of India & Ors

...Respondents

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Enrolment No. JH/620/2014

Place New Delhi

Filed on 13.01.2026

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

(Under Section 18(1) read with Section 14 of the
National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. OF 2026

IN THE MATTER OF:

Shri Pritpal Singh & Anr.

...Applicants

VERSUS

Union of India & Ors

...Respondents

MEMO OF PARTIES

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VERSUS

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

(Under Section 18(1) read with Section 14 of the
National Green Tribunal Act, 2010)

Original Application No. of 2026

IN THE MATTER OF:

Shri Pritpal Singh & Anr. ...Applicants

VERSUS

Union of India & Ors ...Respondents

**ORIGINAL APPLICATION UNDER SECTION 18 (1) READ WITH
SECTION 14 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010,
SEEKING A DIRECTION TO THE RESPONDENT AUTHORITIES FOR
GRANT OF ENVIRONMENT CLEARANCE.**

1. The present Original Application is being preferred by the Applicants, as mining leaseholders of the Chaldhuya Stone Mines, seeking a direction to the Respondent Authorities for the grant of Environment Clearance essential for the lawful continuation of mining operations at the Chaldhuya Stone Mines, situated at Village Chaldhuya, Thana Biliapur, Dist-Dhanbad, Jharkhand, covering an area of 4.05 Hectares (10.00 Acres) for the mineral stone. This application arises in the context of an arbitrarily rejected Environment Clearance application, sustained inaction by the statutory authorities, and the consequent violation of the fundamental rights of the Applicants, necessitating the urgent intervention of this Hon'ble Tribunal to restore equitable justice and ensure environmental governance consistent with law and established precedent.

2. It is most respectfully submitted to this Hon'ble Tribunal that the present Original Application, though preferred in the year 2025, has been necessitated only due to the prolonged and unexplained inaction of the Respondent Authorities spanning over nearly seven (7) years since the DEIAA's order of refusal dated 13.03.2018. The Applicants, in good faith and in reliance upon the established administrative remedies available under the statutory framework, have exhausted all possible alternative remedies before resorting to this Hon'ble Tribunal's intervention. The sequence of the Applicants' efforts to secure the Environment Clearance through administrative channels is as follows:

- a.** SEAC Recommendation (28.10.2015 - 01.11.2015): The State Level Expert Appraisal Committee (SEAC), in its 35th Meeting, favourably appraised the Applicants' proposal and deferred the matter for receipt of interstate boundary certificate with the understanding that upon receipt thereof, the matter would be referred to SEIAA for final approval. This decision was premised upon the legally correct understanding that no Environmental Impact Assessment (EIA) or Public Consultation was required for a B2 category project as per the EIA Notification dated 14.09.2006.
- b.** Interstate Boundary Certificate (27.05.2016): Upon receiving the Interstate Boundary Certificate from the Circle Officer stating that the Leasehold area is 15 K.M. distant from the Interstate Border, the Applicants expected an imminent favorable decision from SEIAA. However, the matter was unexpectedly transferred to DEIAA without any intimation to the Applicants or any explanation for such transfer.
- c.** DEIAA's Arbitrary Rejection (13.03.2018): Without any hearing, discussion, or opportunity afforded to the Applicants to explain their position, the DEIAA rejected the Environment Clearance application on 13.03.2018, citing the existence of 25 houses beyond 350 meters, a

criterion neither defined in law nor consistently applied by the very Respondent Authority in similar cases.

- d.** First Representation to SEIAA (13.06.2018): Aggrieved by the DEIAA's order, the Applicants preferred a Representation dated 13.06.2018 to the Member Secretary, SEIAA, invoking the appellate remedy provided under Para 8 of Annexure-XI of Gazette Notification No. S.O. 141(E) dated 15.01.2016. Despite this representation being submitted over 6 (six) years ago, the SEIAA has remained completely silent and has not taken any action whatsoever on the representation.
 - e.** Administrative Appeal to MoEF&CC (27.04.2025): Frustrated by the inaction of SEIAA, the Applicants made a final representation before the Ministry of Environment, Forest and Climate Change (MoEF&CC), New Delhi, on 27.04.2025, seeking intervention and grant of Environment Clearance. Even this representation has been left without any response or acknowledgement.
3. The delay in approaching this Hon'ble Tribunal is attributable not to any laches on the part of the Applicants, but to the following systemic and circumstantial factors:
- a.** Legitimate Expectation of Administrative Justice: The Applicants, based on the SEAC's favourable recommendation in 2015, legitimately expected that administrative remedies would yield relief within a reasonable timeframe. The complete inaction of SEIAA for over six (6) years renders the administrative remedy illusory and inadequate.
 - b.** Institutional Barriers: The creation of the DEIAA structure post-2017 and the transfer of the Applicants' case without notice or explanation has created institutional barriers that the Applicants could not have foreseen or anticipated. The DEIAA's unilateral and arbitrary

assumption of jurisdiction over matters previously apprised by SEAC led to the irregular and unwarranted rejection.

- c. **No Cognizable Judicial Forum:** Prior to 2025, the NGT was the only available forum that could exercise supervisory jurisdiction over environmental clearance decisions. However, the Applicants endeavoured to exhaust the statutory representations available under Para 8 of Gazette Notification S.O. 141(E) dated 15.01.2016 before approaching this Hon'ble Tribunal, as mandated by principles of administrative law requiring exhaustion of internal remedies.
 - d. **Pendency of Writ Petition and Interim Considerations:** The Applicants had also approached the High Court of Jharkhand seeking mandamus for renewal of their mining lease (which required EC as a prerequisite). The counter-affidavit filed by the State Government stating that EC could not be granted in the absence of Environment Clearance effectively highlighted the deadlock created by the Respondents' action and inaction, necessitating intervention by this Hon'ble Tribunal.
 - e. **Operational and Financial Hardship:** Over the past 7 (seven) years since the DEIAA's rejection, the Applicants have suffered immense operational, financial, and commercial hardship. The lease has remained non-operational, investments in mining infrastructure and equipment have remained unutilized, and employment opportunities for local workers have been lost. The prolonged inaction of the administrative authorities has caused irreparable prejudice to the Applicants' interests.
4. The Applicants are the registered mining leaseholders of the Chaldhuya Stone Mines, having been granted the mining lease vide the Government of Jharkhand for mineral Stone (stone boulders and quarried materials) with effect from 21.01.2003 for an initial period of 10 (ten) years. The

original lease period having proximally neared its expiry, the Applicants, in adherence to statutory requirements and in recognition of their regulatory obligations, filed an Application for Renewal of the mining lease on 28.09.2012 (receipt dated 28.09.2012), well in advance of the lease expiry date, demonstrating their commitment to lawful compliance with governmental regulations. The said renewal application was duly accepted by the State Government, and a renewal of the lease period was granted to the Applicants. However, the statutory mandate for Environment Clearance under the Environment (Protection) Act, 1986, read with the EIA Notification dated 14.09.2006 (as amended), necessitated that the Applicants obtain formal Environmental Clearance prior to the commencement or continuation of mining operations.

5. In consonance with the regulatory framework, the Applicants filed a comprehensive application for Environment Clearance before the Jharkhand State Environment Impact Assessment Authority (hereinafter referred to as "SEIAA") in the prescribed Form-I format, enclosing all requisite supporting documents, including mining plans, environmental management plans, and certificates from relevant Government authorities (District Mining Officer, Divisional Forest Officer, and Circle Officer). The application was formally submitted on 23.09.2015, thereby ensuring that the Applicants had sought and pursued the Environment Clearance well before the necessity of its enforcement became critical to the continuity of their lease. The Applicants' proactive approach and timely submission of all required documents demonstrate a genuine intent to operate within the framework of environmental regulations and sustainable mining practices.
6. The application proceeded through the prescribed SEAC appraisal process, wherein, in the 35th Meeting held from 28th to 31st October, 2015, and 01st November, 2015, the State Level Expert Appraisal Committee, in its

professional judgment, found the Applicants' proposal to be environmentally sustainable and administratively compliant, subject only to the submission of a routine interstate boundary distance certificate. Upon receipt of this certificate (dated 27.05.2016) confirming that the leasehold area is located 15 K.M. away from the Interstate Border, the path lay clear for the grant of Environment Clearance by SEIAA. However, to the complete surprise and consternation of the Applicants, the matter was transferred to the newly constituted District Level Environment Impact Assessment Authority, Dhanbad (hereinafter referred to as "DEIAA"), which, without affording any hearing to the Applicants or consideration of the SEAC's favorable appraisal, rejected the Environment Clearance application on 13.03.2018 on the sole, unsustainable ground that 25 houses allegedly existed beyond 350 meters from the leasehold boundary. This rejection was passed without any reasons, without any effective opportunity of hearing, and in gross disregard of the statutory guidelines and precedents established by the very authority rejecting the application.

7. Aggrieved by the arbitrary rejection, the Applicants preferred a Representation on 13.06.2018 to the Member Secretary, Jharkhand SEIAA, invoking the appellate provisions available under the statutory framework. This representation was submitted seven (7) years ago, yet SEIAA has remained utterly silent, providing neither approval nor reasoned denial. In a final attempt to exhaust administrative remedies, the Applicants submitted a comprehensive Representation on 27.04.2025 directly before the Ministry of Environment, Forest and Climate Change (MoEF&CC), New Delhi, detailing the illegality and arbitrariness of the DEIAA order and seeking urgent intervention. Even this representation has been left unaddressed by the Government authorities. The consistent and unjustified inaction of the administrative authorities across a span of nearly seven (7) years has rendered the administrative remedies wholly inadequate and

illusory, compelling the Applicants to seek justice from this Hon'ble Tribunal.

8. Being aggrieved by the inaction of the concerned authorities in granting environment clearance, the Applicants have again made a Representation dated 27.04.2025 before the MoEF&CC, New Delhi, for the grant of Environment Clearance; however, no action has yet been taken by the Govt. Authorities on the said Representation.
9. That the facts culminating in the filing of the present Original Application are as under:

BRIEF FACTS

10. The Applicants had been granted a mining lease of the Chaldhuya Stone Mines at Village Chaldhuya, Thana Biliapur, Dist-Dhanbad, Jharkhand, over an area of 4.05 Ha for mineral Stone from 21.01.2003 for a period of 10 years.
11. Prior to the expiry of the lease period, the Applicants applied for renewal of their mining lease vide its Application dated 28.09.2012 and a Receipt dated 28.09.2012 was also issued in favour of the Applicants.
A true copy of the Renewal Application dated 28.09.2012, along with Receipt of Renewal Application dated 28.09.2012, is annexed herewith and marked as **ANNEXURE-A/1 [COLLY]**.
12. It is submitted that upon the renewal application being filed by the Applicants, a renewal of the mining lease had been granted by the State Government. It is, however relevant to submit that the Applicants had to obtain Environment Clearance over the subject project and leasehold area prior to the commencement of any mining operations.
13. In light of the same, the Applicants filed for the grant of environmental clearance before the State Environment Impact Assessment Authority ['SEIAA'] along with all the requisite documents.

14. It is submitted that among the said documents submitted by the Applicants, a Certificate dated 14.08.2015 of the Circle Officer of Baliyapur was also obtained and submitted by the Applicants to SEIAA. The said certificate had mentioned that there existed human habitation beyond 350 Metres of the boundary of the leasehold area.

A true copy of the Letter bearing No. 808 dated 14.08.2015 is annexed herewith and marked as **ANNEXURE-A/2**.

15. In the meantime, the Asst. Mining Officer, Dhanbad, had issued a Certificate of No Dues in favour of the Applicants with respect to the leasehold area.

A true copy of the Certificate of No Dues Certificate dated 25.08.2015 issued by the Asst. The Mining Officer is annexed herewith and marked as **ANNEXURE-A/3**.

16. That the State Level Expert Appraisal Committee (hereinafter referred to as “SEAC”) was formed and in its 35th Meeting held from 28th to 31st October, 2015 and 01st November 2015 heard the case of the Applicants for grant of Environment Clearance and further asked the Applicants to submit certificate from Circle Officer regarding the distance of the leaseholder area from the interstate Boundary and further held that the matter would be referred to SEIAA by SEAC upon receiving the said certificate. The Circle Officer vide its Letter No. 452 dated 27.05.2016 informed the SEAC that the boundary of the leasehold area is 15 K.M. from the Interstate Border.

A true copy of the Extract of the 35th Meeting of SEAC held from 28th to 31st October, 2015 and 01st November 2015 is annexed herewith and marked as **ANNEXURE-A/4**.

A true copy of the Letter No. 452 dated 27.05.2016 issued by the Circle Officer informing SEAC regarding the distance of the interstate boundary from the Leasehold area is annexed herewith and marked as **ANNEXURE-A/5**.

17. That to the surprise of the Applicants, the DEIAA vide its Letter No. 353/Dhanbad dated 13.03.2018 refused to grant Environment Clearance to the Applicants on the sole ground that as per the report of the Circle Officer, there existed habitation beyond 300 Metres of the boundary of the leasehold area.

A true copy of the Letter No. 353/Dhanbad dated 13.03.2018 refusing to grant Environment Clearance to the Applicants is annexed herewith and marked as **ANNEXURE-A/6**.

18. It is pertinent to mention herein that similarly placed leaseholders having habitation near the boundary of their leasehold area have been granted Environment Clearance during the same period by the same District Level Environment Impact Assessment Authority, Dhanbad.

A true copy of the Letter no. 1170 dated 14.12.2015 of the Circle Officer, Dhanbad, in the matter of Shri Ramkishore Mahto is annexed herewith and marked as **ANNEXURE-A/7**.

A true copy of the Letter no. 1218 dated 15.12.2016 of the Circle Officer, Dhanbad, in the matter of Shri Sujan Mahto is annexed herewith and marked as **ANNEXURE-A/8**.

A true copy of the Environment Clearance granted to Sri Sujan Mahto by the District Level Environment Impact Assessment Authority, Dhanbad vide Letter No. EC/DEIAA/2017-18/ dated 16.12.2017 is annexed herewith and marked as **ANNEXURE-A/9**.

19. It is further pertinent to submit that the minimum distance of battery of the proposed industries/units as provided by the Jharkhand SPCB in its Notification dated 22.03.2005 is only 200 m from habitation (i.e. more than 200 people). In the present case, the DEIAA, after perusing the report of the Circle Officer that the habitation of 25 houses was present beyond 350 Meters from the lease boundary, failed to properly apply the said guidelines while refusing to grant Environment Clearance to the

Applicants. It is submitted that even the Appendix-1 seeks information on the Leasehold Area of Minor Minerals, which are less than 5 Ha. only seeks information whether or not there exists any habitation within 200 Meters of the boundary of the leasehold area.

A true copy of the Notification dated 22.03.2005 of the Jharkhand SPCB, along with the Guideline for Minimum Distance of Battery of the Proposed Industries/Units, is annexed herewith and marked as **ANNEXURE-A/10**.

A true copy of the Appendix-1 seeking Information on the Leasehold Area of Minor Minerals which are less than 5 Ha. is annexed herewith and marked as **ANNEXURE-A/11**.

20. Being aggrieved by the said order of refusal of Environment Clearance, the Applicants wrote a Representation dated 13.06.2018 to the Member Secretary, Jharkhand SEIAA; however, no action has yet been taken by the SEIAA for the grant of Environment Clearance to the present Applicants.

A true copy of the Representation dated 13.06.2018 made by the Applicants is annexed herewith and marked as **ANNEXURE-A/12**.

21. The Applicants have again made a Representation dated 27.04.2025 before the MoEF&CC, New Delhi, for the grant of Environment Clearance; however, no action has yet been taken by the Govt. Authorities on the said Representation.

A True Copy of the Representation dated 27.04.2025 submitted before the MoEF&CC, New Delhi, for grant of Environment Clearance is annexed herewith and marked as **ANNEXURE- A/13 [COLLY]**.

22. In such circumstances, and during the pendency of the Representation Member Secretary, Jharkhand SEIAA, the Applicants are constrained to approach this Hon'ble Tribunal to seek direction upon the respondents to grant and expedite the process of grant of the Environment Clearance to the Applicants in a time-bound manner.

GROUND

- A. BECAUSE the Order dated 13.03.2018 passed by the DLEIAA, as well as the inaction by the SEIAA in not granting Environment Clearance to the Applicants, is ex facie illegal, wholly arbitrary, unjust, unfair, and based on unfounded legal provisions inasmuch as it is completely contrary to the materials on record and thus is perverse and arbitrary.
- B. BECAUSE the Order dated 13.03.2018 refusing environment clearance and the Impugned inaction of the Respondents is in blatant contravention of the fundamental rights of the Applicants as enshrined under Article 14 and 19(1)(g) of the constitution of India inasmuch as Environment Clearance has been granted to similarly placed project proponents by the said Respondents thus causing unwarranted discrimination and prejudice to the present Applicants.
- C. BECAUSE the order dated 13.03.2018 refusing environment clearance and the Impugned inaction of the Respondents has been passed without any basis or rationale and has been passed in a pre-determined manner.
- D. BECAUSE the order dated 13.03.2018 has been passed on a factually incorrect assumption wherein the Respondent has wrongly assumed that merely because the Circle Officer in its report has mentioned the existence of 25 houses beyond 350 Meters of the Leasehold area, the environment clearance must be refused.
- E. BECAUSE the Order refusing environment clearance and the Impugned inaction of the Respondents is in blatant contravention of the Guidelines for grant of Environment Clearance as provided in Notification dated 22.03.2005 of the Jharkhand SPCB wherein the minimum distance of battery of the proposed industries/units as provided by the Jharkhand SPCB in its Notification dated 22.03.2005 is only 200 m from habitation (i.e. more than 200 people).
- F. BECAUSE the Respondents, after perusing the report of the Circle Officer that the habitation of 25 houses was present beyond 350 Meters from the

lease boundary, failed to properly apply the said guidelines while refusing to grant Environment Clearance to the Applicants.

- G. BECAUSE the Appendix-1 seeks Information on the Leasehold Area of Minor Minerals which are less than 5 Ha. only seeks information whether or not there exists any habitation within 200 Meters of the boundary of the leasehold area, hence the existence of any habitat beyond 350 Meters of the Leasehold area is of no consequence in the present case, which the Respondents have categorically failed to observe.
- H. BECAUSE Environment Clearance has been granted to similarly placed leaseholders by the Respondent Authorities. It is submitted that the grant of Environment Clearance to similarly placed leaseholders and refusal to grant the same to the present Applicants without any cogent or rational reason shows an arbitrary approach of the Respondent Authorities, thus rendering the impugned order and inaction in stark violation of Article 14 of the Constitution of India.
- I. BECAUSE the Respondents have passed the order dated 13.03.2018 without affording an effective hearing to the Applicants, as the Applicants have never even been given an opportunity to explain the correct factual and legal position, and hence the aforesaid order has been passed in stark violation of the principles of natural justice.
- J. BECAUSE the order dated 13.03.2018 has been passed with a pre-determined outcome and on the basis of the Report of the Circle Officer which only mentions that there exists 25 houses beyond the 350 Meters of the lease boundary, which in essence has no bearing on the merits of the Applicants case inasmuch as the guidelines for the grant of environment clearance does not necessitate that environment clearance ought to be denied if habitation exists beyond 350 Meters of the lease boundary.

- K. BECAUSE the Applicants have taken all steps and have complied with all requisites for the grant of environment clearances in their subject leasehold area for carrying on mining operations.
- L. BECAUSE the Order dated 13.03.2018, as well as the Impugned Inaction of the Respondents, is contrary to the materials on record of the matter, and hence the same is liable to be set aside and further the Respondent authorities ought to be directed to grant environmental clearance to the Applicants in an expedited manner.
- M. BECAUSE the Hon'ble Supreme Court in ***Yoginath D. Bagde v. State of Maharashtra***, (1999) 7 SCC 739 has held as follows:

*“51. It was lastly contended by Mr Harish N. Salve that this Court cannot reappraise the evidence which has already been scrutinised by the enquiry officer as also by the Disciplinary Committee. It is contended that the High Court or this Court cannot, in exercise of its jurisdiction under Article 226 or Article 32 of the Constitution, act as the appellate authority in the domestic enquiry or trial and it is not open to this Court to reappraise the evidence. The proposition as put forward by Mr Salve is in very broad terms and cannot be accepted. **The law is well settled that if the findings are perverse and are not supported by evidence on record or the findings recorded at the domestic trial are such to which no reasonable person would have reached, it would be open to the High Court as also to this Court to interfere in the matter.** In *Kuldeep Singh v. Commr. of Police* [(1999) 2 SCC 10 : 1999 SCC (L&S) 429 : *JT* (1998) 8 SC 603] this Court, relying upon the earlier decisions in *Nand Kishore Prasad v. State of Bihar* [(1978) 3 SCC 366 : 1978 SCC (L&S) 458 : *AIR* 1978 SC 1277 : (1978) 3 SCR 708] , *State of Andhra Pradesh v. Rama Rao* [*AIR* 1963 SC 1723 : (1964) 3 SCR 25] , *Central Bank of India Ltd. v. Prakash**

Chand Jain [AIR 1969 SC 983 : (1969) 2 LLJ 377] , Bharat Iron Works v. Bhagubhai Balubhai Patel [(1976) 1 SCC 518 : 1976 SCC (L&S) 92 : AIR 1976 SC 98 : (1976) 2 SCR 280] as also Rajinder Kumar Kindra v. Delhi Admn. [(1984) 4 SCC 635 : 1985 SCC (L&S) 131 : AIR 1984 SC 1805 : (1985) 1 SCR 866] laid down that although the court cannot sit in appeal over the findings recorded by the disciplinary authority or the enquiry officer in a departmental enquiry, it does not mean that in no circumstance can the court interfere. It was observed that the power of judicial review available to a High Court as also to this Court under the Constitution takes in its stride the domestic enquiry as well and the courts can interfere with the conclusions reached therein if there was no evidence to support the findings or the findings recorded were such as could not have been reached by an ordinary prudent man or the findings were perverse.”

N. BECAUSE the Hon’ble Supreme Court in ***Bondar Singh v. Nihal Singh***, (2003) 4 SCC 161 has held that:

“4. ... If the findings of the subordinate courts on facts are contrary to the evidence on record and are perverse, such finding can be set aside by the High Court in appeal under Section 100 CPC. A High Court cannot shut its eyes to perverse findings of the courts below.”

O. BECAUSE the Hon’ble Supreme Court in ***Dharmendra v. State of Maharashtra***, (2019) 5 SCC 63, has set aside the order of the High Court on the ground that the impugned order therein was contrary to the evidence on record. The Hon’ble Supreme Court held:

“17. In our considered view, the evidence of Yamuna Prabhakar Dekate PW 6 who was just a passer-by and was called by the police as a pointer witness, does not inspire confidence and the conviction of the Applicants ought not to have been based on such

evidence. Further, in the depositions of other witnesses there are material contradictions. By considering the totality of the evidence and the material on record, we are of the view that the guilt of the Applicants has not been proved beyond reasonable doubt and they are entitled to the benefit of doubt. As we are of the view that the findings recorded by the courts below run contrary to the evidence on record, the impugned judgment [Dharmendra Wasudeoji Mandlik v. State of Maharashtra, 2009 SCC OnLine Bom 2421] is liable to be set aside.”

- P. BECAUSE the presence of Habitat of Humans beyond 350 Meters of the boundary of the leasehold area was of no consequence in the present matter and cannot be the sole reason for refusal of the grant of the environment clearance and thus the order dated 13.03.2018 refusing to grant environment clearance is liable to be set aside.
- Q. BECAUSE the impugned order is further arbitrary, unjust, and unfair inasmuch as it has been passed in complete disregard of the guidelines as enshrined by the State Government which categorically prove the case of the Applicants.
- R. BECAUSE the order dated 13.03.2018 is further in gross disregard of the principle of natural justice which clearly mandates that any order inviting civil consequence must precede a fair and effective opportunity to the affected parties to present their case. The opportunity of hearing provided must not be mere eyes wash.
- S. BECAUSE the order dated 13.03.2018 and the inaction is ex-facie illegal and contrary to established principles of law for being a non-speaking order. It is relevant to point out that submission made, and averments advanced by the Applicants have not been considered and Respondent No. 3 has simply held that the Environment Clearance cannot be granted to the

Applicants. The order rejects the contentions of the Applicants without appreciating them. No reason whatsoever has been assigned for the same.

- T. BECAUSE the order dated 13.03.2018 and the impugned inaction on the part of the Respondent Authorities is violative of principles of natural justice inasmuch as the documents submitted by the Applicants were not taken into consideration.
- U. BECAUSE, the Hon'ble Supreme Court in ***D. K. Yadav v. J.M.A Industries (1993) 3 SCC 259***, observed that:

“Application of the principles of natural justice that no man should be condemned unheard intends to prevent the authority to act arbitrarily affecting the rights of the concerned person. No decision must be taken which will affect the right of any person without first being informed of the case and be given him/her an opportunity of putting forward his/her case. An order involving civil consequences must be made consistently with the rules of natural justice. It is not so much to act judicially but to act fairly, namely, the procedure adopted must be just, fair and reasonable in the particular circumstances of the case.”

It is submitted that the Order dated 13.03.2018 was issued without providing any opportunity for an effective hearing, which is in complete violation of the principle laid down in the above-mentioned judgment.

- V. BECAUSE the order dated 13.03.2018 has been issued mechanically, and no substantial reasons have been assigned for rejecting the application for the grant of Environment Clearance of the Applicant. It is settled law that an order inviting civil consequences must carry the reasons upon which the order is based. In the instant case, the order dated 13.03.2018 and the impugned order being devoid of any reasons is erroneous and arbitrary.
- W. BECAUSE the Hon'ble Supreme Court in ***Cyril Lasrado v. Juliana Maria Lasrado, (2004) 7 SCC 431***, at page 435 held that:

“Reasons are live links between the mind of the decision-taker to the controversy in question and the decision or conclusion arrived at.” Reasons substitute subjectivity by objectivity. The emphasis on recording reasons is that if the decision reveals the “inscrutable face of the sphinx”, it can, by its silence, render it virtually impossible for the courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. Right to reason is an indispensable part of a sound judicial system, reasons at least sufficient to indicate an application of mind to the matter before court. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made, in other words, a speaking out. The “inscrutable face of the sphinx” is ordinarily incongruous with a judicial or quasi-judicial performance”

X. BECAUSE the Hon’ble Supreme Court in ***Ravi Yashwant Bhoir v. Collector, (2012) 4 SCC 407*** observed that it is a settled proposition of law that even in administrative matters, the reasons should be recorded, as it is incumbent upon the authorities to pass a speaking and reasoned order. The order refusing the Environment Clearance to the Applicants is directly in contravention of the established principles of law, as it failed to assign any reasons for rejecting the application of the Applicants.

Y. BECAUSE, ***Shrilekha Vidyarthi v. State of U.P1991 AIR 537***, the Hon’ble Supreme Court has observed as under:

“36. ... Every State action may be informed by reason and it follows that an act uninformed by reason, is arbitrary. The rule of law contemplates governance by laws and not by humour, whims or caprices of the men to whom the governance is entrusted for the time being. It is the trite law that ‘be you ever so high, the laws are above you’. This is what men in power must remember, always.”

Z. BECAUSE, in *State of W.B. v. Atul Krishna Shaw 1990 AIR 2205*, the Hon'ble Supreme Court observed that:

“7. ... Giving of reasons is an essential element of administration of justice. A right to reason is, therefore, an indispensable part of sound system of judicial review.”

AA. BECAUSE the Order dated 13.03.2018 passed by the Respondents and the impugned inaction is in complete violation of the law laid down in *National Textile Workers' Union v. P.R. Ramakrishnan, (1983) 1 SCC 228*, wherein the Hon'ble Supreme Court held that: -

“Now it is an elementary principle of law, well-settled as a result of several decisions of this Court and particularly the decisions in State of Orissa v. Dr (Miss) Binapani Del, A.K. Kraipak v. Union of India and Maneka Gandhi v. Union of India that no order involving adverse civil consequences can be passed against any person without giving him an opportunity to be heard against the passing of such order and this rule applies irrespective of whether the proceeding in which it is passed is a quasi-judicial or an administrative proceeding.”

It is submitted that the Order dated 13.03.2018 had been passed without providing any effective opportunity to the Applicant to be heard, and hence the same is liable to be quashed.

BB. BECAUSE the Hon'ble Supreme Court in *Neelima Misra v. Harinder Kaur Paintal, (1990) 2 SCC 746*, held that:

“22. An administrative order which involves civil consequences must be made consistently with the rule expressed in the Latin maxim audi alteram partem. It means that the decision maker should afford to any party to a dispute an opportunity to present his case. A large number of authorities are on this point and we will not travel over the field of authorities. What is now not in dispute is

that the person concerned must be informed of the case against him and the evidence in support thereof and must be given a fair opportunity to meet the case before an adverse decision is taken.”

It is therefore submitted that the order dated 13.03.2018 blatantly refusing the grant of environment clearance to the Applicants and inaction on the part of the authorities is in complete violation of the principles of natural justice.

- CC. BECAUSE the fundamental principle of natural justice is *audi alteram partem*, i.e., no man should be condemned unheard, or both sides must be heard before passing any order. That *de Smith Judicial Review of Administrative Action, 1980, p. 158* says, ‘no proposition can be more clearly established than that a man cannot incur the loss of liberty or property for an offense by a judicial proceeding until he has had a fair opportunity of answering the case against him, A party is not to suffer in person without an opportunity of being heard.’ Therefore, it is submitted that the Order dated 13.03.2018 has been passed in gross violation of the principles of natural justice.
- DD. BECAUSE “**Wade Administrative Law, 1980, p. 395**” states that the rules of natural justice operate as implied mandatory requirements, non-observance of which invalidates the exercise of the power. He adds, ‘the presumption is, it (natural justice) will always apply, however silent about it the statute may be’.
- EE. BECAUSE the Hon’ble Supreme Court in a catena of Judgments has categorically settled the principle of natural justice. It is well settled that where the exercise of a power results in civil consequences, unless the statute specifically rules out, the principles of natural justice would apply: **Baldev Sing v. State of H.P., (1981) 4 SCC 510 (515): AIR 1982 SC 1212; National Textile Workers’ Union v. Ramkrishnan, (1983) 1 SCC 228: AIR 1983 SC 75: (1983) 1 SCR 922; Swadeshi Cotton Mills v.**

Union of India, (1981) 1 SCC 664 (712): AIR 1981 SC 818: (1981) 2 SCR 533 (591); Union of India v. Tulsiram Patel (supra) at p. 478 (SCC); R.S. Dass v. Union of India, 1986 Supp SCC 617: AIR 1987 SC 593; State of Haryana v. Ram Kishan, (1988) 3 SCC 416 (420): AIR 1988 SC 1301.

FF. BECAUSE it is submitted that the procedural fairness embodying natural justice is to be implied whenever action is taken affecting the rights of parties. The Hon'ble Supreme Court has settled the said law in a plethora of its judgments such as: - **Liberty Oil Mills v. Union of India, (1984) 3 SCC 465 (484-87): AIR 1984 SC 1271: (1984) 3 SCR 676; Institute of Chartered Accountants of India v. L.K. Ratna, (1986) 4 SCC 537 (552): AIR 1987 SC 71.**

GG. Because the Hon'ble Supreme Court in its landmark judgment of ***Maneka Gandhi v. Union of India*(1978) 1 SCC 248** observed:

“It is well established that even where there is no specific provision in a statute or rules made thereunder for showing cause against action proposed to be taken against an individual which affects the rights of that individual, the duty to give reasonable opportunity to be heard will be implied from the nature of the function to be performed by the authority which has the power to take punitive or damaging action.”

HH. BECAUSE it is a well-settled principle that unless the law expressly or by necessary implication excludes the application of the rule of natural justice, courts will read the said requirement.

II. BECAUSE, the Applicant has no other adequate, alternative, and efficacious remedy and therefore has approached this Hon'ble Tribunal for appropriate relief by filing the present Application before this Hon'ble Tribunal.

JJ. The Applicants crave leave of this Hon'ble Tribunal to file further or additional affidavit/ written submission as and when required. The Applicants craves leave of this Hon'ble Authority to add, amend, and substitute the above grounds and submission made hereunder.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Revisionary Authority may graciously be pleased to:

- a) Allow the present Original Application and pass appropriate directions to grant the Environment Clearance over Chaldhuya Stone Mines at Village Chaldhuya, Thana Biliapur, Dist-Dhanbad, Jharkhand, over an area of 4.05 Ha for mineral Stone; AND/OR
- b) Pass an appropriate order to remand the matter to the MoEF&CC for consideration of the proposal for grant of Environmental Clearance; AND/OR
- c) Grant opportunity of hearing to the present Applicant; AND/OR
- d) Pass any other or further order (s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.

Filed by

Kumar Shivam

(MR. KUMAR SHIVAM

Advocate-on-Record Supreme Court of India

Office: - 217, 7th Floor, Tower -7, Supreme Enclave,
Mayur Vihar Phase -1 New Delhi – 110091

E-Mail ID officekumarshivam@gmail.com

Mobile No. 9599824804

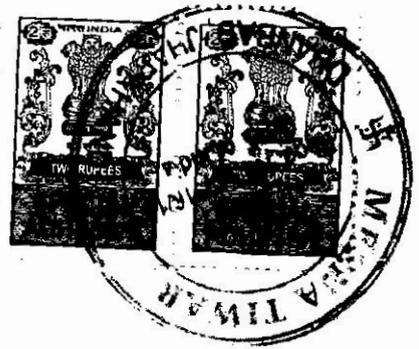
Enrolment No. JH/620/2014

Place New Delhi

Filed on 12.12.2025

Clerk No. Mobile No. 9654867499

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION No. of 2026



IN THE MATTER OF:-

Shri Pritpal Singh & Anr

.....Appellant

Versus

Union of India & Ors

.....Respondent

AFFIDAVIT

NOTARY
DHANBAD

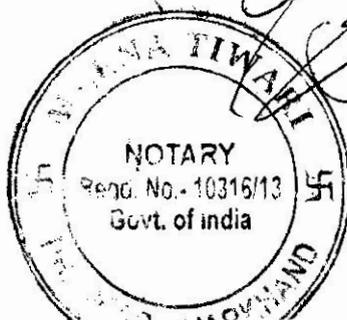
I, Shri Pritpal Singh, aged about 60 Years S/o. Darshan Singh, R/o Khetland , Baliapur, Dhanbad, Baliapur, Jharkhand - 828201 hereby solemnly affirms and declares.

1. That I am the Applicant in the present Application and as such, I am competent to swear this affidavit.
2. That I have done whatsoever inquiry/investigation which was in my power to do, collect all data/material which was available and which was relevant for this court to entertain the present petition.
3. That deponent has not concealed in the present petition any data/material/information which may have enabled this court to form an opinion whether to entertain this petition or not and/or whether to grant any relief or not.
4. That the contents of the present application have been drafted on my instructions and nothing material has been concealed therefrom and the information provided is true and correct to the best of my knowledge and belief.

[Signature]
DEPONENT

VERIFICATION

Verified at New Delhi on thisth day of March, of 2025 that the contents of the above affidavit are true and correct to the best of my knowledge and nothing material concealed therein.



NOTARY
DHANBAD

Authorised.
U/S 297 (1) (C) of the Cr.P.C.
(Act No. 11 of 1974) & u/s (3) (1)
(Act No. 53 of 1952)

[Signature]
DIPONENT

SUBHASH PRASAD SINGH
ADVOCATE
E/No.-252/2025
CIVIL COURT DHANBAD, JHARKHAND

47
27 MAR 2025
DL
NO

**NOTARY
DHANBAD**



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

ORIGINAL APPLICATION No. 2026

IN THE MATTER OF:

Shri Prītpal Singh & Anr.

.....Petitioner(s)

VERSUS

Union-of India & Ors

.....Respondent(s)

AFFIDAVIT

I, Shivlal Gope S/o Guhram Gope, aged about ... years, Address Post – Pradhankhanta, Thana- Baliapur, Chaldhowa, Dhanbad, Jharkhand- 828201 do hereby solemnly affirm and say as under:

1. That I am the Applicant in the present Application and as such, I am competent to swear this affidavit
2. That I have done whatsoever inquiry/investigation which was in my power to do, collect all data/material which was available and which was relevant for this court to entertain the present petition.
3. That deponent has not concealed in the present petition any data/material information which may have enabled this court to form an opinion whether to entertain this petition or not and/or whether to grant any relief or not.
4. That the contents of the present application have been drafted on my instruction and nothing material has been concealed therefrom and the information provided is true and correct to the best of my knowledge and belief.

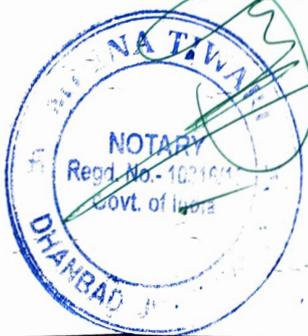
VERIFICATION

I, above named deponent, do hereby state on oath that, the contents of para nos. 1 to 4 are true and correct to the best of my personal knowledge and belief.

Hence, verified at _____ on this _____ day of January 2026

शिव लाल गोप
DEPONENT

DEPONENT



**NOTARY
DHANBAD**

Authorised.
U/S 297 (1) (C) of the Cr.P.C.
(Act No. 11 of 1974) & u/s (8) (F)
(Act No. 53 of 1952)

T. K. SARKAR (Adv.)
E. No. 2252/2000

22 JAN 2026
Sl. No.DL.....

शिव लाल गोप

22-01-2026

25 ANNEXURE A/1 [COLLY]

(देखें नियम 23)

लघु खनिजों के लिए खनन पट्टा के नवीकरण हेतु आवेदन का प्रपत्र

तारीख २९.१.२०११ दिन / 20.....

सेवा में,

समाहर्ता,
धनबाद।

द्वारा:- जिला खनन पदाधिकारी, धनबाद।

प्राप्त किया/हस्ताक्षर

तारीख

महाराज,

मैं/हम झारखण्ड लघु खनिज समनुदान नियमावली 2004 के अन्तर्गत खनन पट्टा नवीकरण करने के लिए आवेदन देता हूँ/देते हैं।

..... 5000/- रु० की राशि इस नियम 23(2)(ए) के अन्तर्गत भुगतये राशि शुल्क के रूप में इस आवेदन के साथ D.D. No. 62227/11/9/12 (कोषागार का नाम अथवा भारतीय स्टेट बैंक की वह शाखा जो कोषागार से व्यवसाय कर रहा है) में जमा कर दिया गया है।

वांछित विवरणी निम्न प्रकार से दी जा रही है :-

1. आवेदक का नाम:- Shivlal Gope & Prof. Pal Singh
2. आवेदक की राष्ट्रीयता :- भारतीय।
3. फर्म अथवा कम्पनी के निगमित दिए जाने हेतु निबंधन का स्थान :-
4. आवेदक का पेशा, फर्म अथवा कम्पनी के व्यवसाय की प्रकृति तथा व्यवसाय करने का स्थान :- Chalchowa
5. आवेदक/कम्पनी का पता :- ग्राम:- (1) Chalchowa (2) Amthar पो:- (1) Pordhankhanta (2) Baliapur
थाना:- Baliapur जिला:- Dhanbad
6. खनिज अथवा एकाधिक खनिज जिनका आवेदक करना चाहता है:-
7. वह अवधि जिसके लिए नवीकरण वांछित है:-
8. उस क्षेत्र का विवरण जिसके लिए नवीकरण वांछित है:-
जिला:- Dhanbad थाना:- Baliapur
ग्राम:- Chalchowa खेसरा सं०/खाता नं०:- 23
रकवा:- 10-102 एकड।

9. क्या नवीकरण का आवेदन पट्टा क्षेत्र के पूर्ण अथवा आंशिक भाग के लिए गया है।
10. खनन पट्टा के नवीकरण के क्षेत्र के नक्शा की विवरणी जो स्पष्ट रूप से अंकित की गई है।
11. वह माध्यम जिसके द्वारा खनिज का उत्खनन किया जाएगा। जैसे हाथ के श्रम द्वारा अथवा यांत्रिक अथवा विद्युत शक्ति से।
12. वह तरीके जिसके द्वारा उत्खनित खनिज का उपयोग किया जाएगा।
13. इन नियमों के अन्तर्गत विहित तरीके से आवेदन शुल्क के भुगतान का तरीका तथा विवरण।
14. कोई अन्य विवरण जो आवेदक देना चाहता है।

मैं/हम यह घोषणा करता हूँ/करते है कि उपर्युक्त विवरण सत्य हैं एवं मैं/हम पट्टा प्रदान योजना किए जाने के पूर्व, जैसा आपके द्वारा वांछित हो, सही योजना तथा सुरक्षित जमा राशि आदि सहित, कोई भी अन्य विवरण उपलब्ध कराने के लिए तैयार हूँ/है।

स्थान:- *Dhanda*

दिनांक:- *28.7.2012*

आपका विश्वासी
प्रिन्सिपल जेए

Prinpal Jayh

आवेदक का हस्ताक्षर
 एवं पदनाम

जिला खनन विभाग धनबाद

प्रमाण पत्र
(देखें नियम 10)

लघु खनिजों के लिए पत्थर खनन पट्टा के नवीन/नवीकरण आवेदन की प्राप्ति का प्रपत्र

संख्या- 15/2012 / दिनांक- 28.9.2012

श्री/श्रीमति/मेस्टर्स . शिव लाल जोषा पत्न - स्व० जहीराम जोषा
एन प्रो. ए. प्रीत चाम सिंह पिता- स्व० कर्शन सिंहसे दिनांक 28.9.2012 को लगभग 10.00 एकड/हेक्टेयर भूमि जो
ग्राम चाण्ढोबा थाना बसियापुर जिला- धनबाद में स्थित
है पर पत्न लघु खनिज के खनन पट्टे के लिए नवीन/नवीकरण आवेदन निम्नांकित
कागजातों के साथ प्राप्त किया।

सहायक खनन पदाधिकारी,
धनबाद।

1. आवेदन पत्र विहित प्रपत्र में 5000.00 रु0 का कोर्ट फी स्टाम्प सहित तथा आवेदक का फोटो।
2. 5000.00 रु0 का आवेदन शुल्क बैंक ड्रॉफ्ट सं0/चक्रान सं0 683297 / दिनांक- 11 / 9 / 20.12 मूल प्रति।
3. खनिजान की सत्यापित प्रति।
4. आवेदित क्षेत्र का मानचित्र 3 (तीन) प्रति में।
5. आधिकारिक विधि से सम्बंधित प्रमाण पत्र।
6. ~~सर्वेक्षण नहीं करने~~ / खनन सम्बंधी बगवया नहीं रहने तथा भारतीय नागरिक होने का शपथ पत्र।
7. रैयत सहमति शपथ पत्र।
8. वायु प्रदूषण अनापत्ति प्रमाण पत्र / एनओसी हेतु दाखिल आवेदन पत्र की छायाप्रति।
9. स्वामित्व अदायगी प्रमाण पत्र।

अंचल अधिकारी का कार्यालय, बलियापुर (धनबाद)।

पत्रांक..... 808 / दिनांक..... 14/8/15

प्रेषित,

शिवलाल गोप एवं प्रीतपाल सिंह,
साकिम-आमझार, बलियापुर,
धनबाद।

विषय:-

Requirement of distance from various places as required by SEIAA

उपर्युक्त विषयक प्रसांगिक प्रत्र के आलोक में मौजा- मौजा- चालधोवा, मौजा नं0-23, खाता नं0-216, प्लॉट नं0-2922, अंश रकवा- 10.00 एकड़ भूमि का पर्यावरणीय परिशिष्ट के संबंध में क्रमांक 1 से 8 तक की संयुक्त जाँच संबंधित राजस्व कर्मचारी/ अंचल निरीक्षक एवं अंचल अमीन से करायी गई। जाँच प्रतिवेदन निम्नवत् है:-

1. क्या 500 मीटर की दूरी के अन्दर मानव वसाहत है?—हाँ (350 मी० के बाद लगभग 25 घर हैं)।
2. क्या 500 मीटर की दूरी के अन्दर जलीय निकाय स्थित है?—नहीं।
3. क्या 500 मीटर की दूरी के अन्दर कोई नदी स्थित है?—नहीं।
4. क्या 500 मीटर की दूरी के अन्दर कोई शैक्षणिक संस्थान है?—नहीं।
5. क्या 500 मीटर की दूरी के अन्दर कोई चिकित्सालय स्थित है?—नहीं।
6. क्या 500 मीटर की परिधि में कोई अन्तरराज्यीय सीमा है?—नहीं।
7. क्या 500 मीटर की दूरी के अन्दर कोई राष्ट्रीय धरोहर/पुरातात्विक महत्त्व का स्थल है?—नहीं।
8. उक्त प्रस्तावित परियोजना के कारण भू-तात्विक जलागम या जल स्रोत में परिवर्तन होगा?—नहीं।

अतः उपर्युक्त तथ्यों के आलोक में विधिसम्मत कार्रवाई हेतु सूचनार्थ प्रेषित।

14/8/15
अंचल अधिकारी,
बलियापुर।

Prat pal Singh

झारखण्ड सरकार
खान एवम् भूतत्व विभाग
जिला खनन कार्यालय, धनबाद।

स्वामिस्व स्वच्छता प्रमाण पत्र

प्रमाणित किया जाता है कि श्री प्रीतपाल सिंह एवं अन्य. पिता- दर्शन सिंह. ग्राम- अमझर, पो0+थाना- बलियापुर, जिला- धनबाद द्वारा बलियापुर थानान्तर्गत मौजा- चालधोवा के प्लॉट सं0- 2922(अंश) पुराना, 4018(अंश) नया, रकवा- 10.00 ए0 क्षेत्र पर दि0- 21.01. 2003 से दस वर्षों के लिए धारित पत्थर खनन पट्टा के बावत माह जून 2015 तक का पुराने दर से भूतल लगान एवं औपबंधिक स्वामिस्व आदि के मद में बकाया नहीं निकलता है।

यह प्रमाण पत्र निम्नांकित शर्तों पर प्रदान की जाती है :-

1. उक्त अवधि तक गणना में लिपिकीय भूल/अंकक्षण द्वारा यदि भविष्य में किसी प्रकार का बकाया निकलेगा तो उसका भुगतान पट्टाधारी को करना होगा।
2. यह प्रमाण पत्र मात्र खनिज अनुदान के लिए ही मान्य होगा।

— ६०/ —

सहायक खनन पदाधिकारी.
धनबाद।

ज्ञापांक:-.....1547/एम0 दिनांक:-.....25.08.15

प्रतिलिपि:- श्री प्रीतपाल सिंह एवं अन्य. पिता- दर्शन सिंह. ग्राम- अमझर. पो0+थाना- बलियापुर, जिला- धनबाद द्वारा को उनके पत्र दि0- 24.08.2015 के प्रसंग में सूचनार्थ प्रेषित।

— 25/8/15

सहायक खनन पदाधिकारी.
धनबाद।



State Level Expert Appraisal Committee (SEAC), Jharkhand.C – 170, Road No. 4, Ashok Nagar, Ranchi, Jharkhand(Tentative List of Proponent for Appearance on 30.10.2015 at 10.00 AM)

1. Balsiring Stone Deposit of Shri Krishna Kumar Tiwary at Vill- Balsiring, P.S.- Dhurwa, Dist- Ranchi, Jharkhand. Area- (0.809 Ha)
2. Saheda Stone Mine of Shri Santosh Singh at Mouza- Saheda, Thana- Dhurwa, Dist- Ranchi, Jharkhand. Area- (0.52 Ha)
3. Marro Stone Mine of Sri Rana Uday Pratap Singh at Village- Marro, Thana- Govindpur, Dist.- Dhanbad, Jharkhand (1.43 Ha).
4. Balsiring Stone Deposit of Sri Haricharan Ram Prajapati at Village- Balsiring Thana- Ranchi, Jharkhand (0.81 Ha).
5. Sutiambe Stone Mine of M/s Amrit Stone Works at Mouza- Sutiambe, Thana- Pithoria, Dist.- Ranchi, Jharkhand (0.40 Ha).
6. Marro Stone Mine of Sri Amit Kumar Mandal at Village- Marro, Thana- Govindpur, Dist.- Dhanbad, Jharkhand (2.42 Ha).
7. Sarjamdih Stone Mine of Sri Sadanand Mahto at Village- Sarjamdih, P.O.- Lota, Thana- Silli, Dist.- Ranchi, Jharkhand (0.40 Ha).
8. Mailghausa Stone Deposit of Sri Laljeet Prasad Saini & Sri Baliram Bhogta at Village- Mailghausa, Thana- Sikidiri, Dist.- Ranchi, Jharkhand (0.85 Ha).
9. Basaria Stone Deposit of M/s Riya Enterprises at Mouza- Basaria, P.O.- Tutilawa, Thana- Simaria, Dist.- Chatra, Jharkhand (0.526 Ha).
10. Jajgunda Stone Deposit of Mrs. Naseema Khatun at Mouza- Jajgunda, P.O.- Kakargarh, Thana- Kuru, Dist.- Lohardaga, Jharkhand (0.81 Ha).
11. Chaldhuya Stone Mine of Pritpal Singh & Shivilal Gope at Mouza- Chaldhuya, Dist.- Dhanbad, Jharkhand 10.00 Acres (4.05 Hectares).
12. Sudna Sand Mining Project of Sri Santosh Kumar Singh at Village- Sudna, Thana- Sadar Medninagar, Dist.- Palamu, Jharkhand (3.23 Ha).
13. Garsula Sand Mine Project on Damodar River of Sri Ankit Raj at Village- Garsula, Thana- Barkagaon, Dist.- Hazaribagh, Jharkhand (5.05 Ha).
14. Laranga Sand Mine Project on Garhi River of Sri Ankit Raj at Village- Laranga, Thana- Tandwa, Dist.- Chatra, Jharkhand (0.80 Ha).
15. Sonpura Sand Mine Project on Badmahi River of Sri Ankit Raj at Village- Sonpura, Thana- Barkagaon, Dist.- Hazaribagh, Jharkhand (7.89 Ha).
16. Hendegir Sand Mine on Damodar River of Sri Sanjay Kumar at Village- Hendegir, Thana- Tandwa, Dist.- Hazaribagh, Jharkhand (4.05 Ha).
17. Ramgarh Sand Mine Project on Damodar River of Sri Anand Kumar Dudev at Village- Ramgarh, Anchal- Ramgarh, Dist.- Ramgarh, Jharkhand (2.02 Ha).

Prof pal d...r

PART- E MINUTES OF THE 35th MEETING OF STATE LEVEL EXPERT APPRAISAL COMMITTEE (SEAC), JHARKHAND HELD FROM 28th to 31st OCTOBER, 2015 and 01st NOVEMBER, 2015

The 35th meeting of State Level Expert Appraisal Committee (SEAC), Jharkhand was held from 28th to 31st October, 2015 and 01st November, 2015 under the Chairmanship of Sh. A.K. Saxena in the Conference Room at 170 C, Ashok Nagar, Ranchi. The following members were present:

- | | |
|-------------------------------|--|
| 1. Sh. A.K. Saxena | - Chairman |
| 2. Sh. S.B.S Chauhan | - Member |
| 3. Er. S.K. Singh | - Member |
| 4. Dr. R.P. Singh Sangu | - Member |
| 5. Prof. (Dr.) M.C. Mahata | - Member |
| 6. Dr. Shatrunjay Kumar Singh | - Member (Partly attended from 29.10.15 to 01.11.15) |
| 7. Shri S.K. Suman | - Secretary |

Various projects which were received by SEIAA after the previous SEAC meeting held from 07th to 11th October, 2015 and forwarded to SEAC for their technical appraisal came up for discussions. Also those Projects which were appraised in SEAC's earlier meetings in which PP's were asked to provide additional informations / clarifications were also considered for examination / scrutiny where the Project proponents had submitted replies. Accordingly, the Project proponents were asked to make technical presentation for the appraisal of their project before the committee.

The following salient observations made during the Presentation (Project Wise) in brief deserve serious consideration.

A. Matters referred by SEIAA

1. 39600 TPA cement grinding unit of M/s Mittal Cement, Village- Rangdih, Tehsil- Govindpur, Dist.- Dhanbad, Jharkhand.

SEIAA in its meeting held on 22.09.2015 had decided that "SEIAA considered this proposal in light of legal opinion and decides to withdraw the amended EC issued vide letter no.- 1271, dated- 12.08.2015 and refer the proposal to SEAC for appraisal"

PP alongwith its consultant M/s Visiontek Consultancy Services Pvt Ltd, Bhubaneshwar made a presentation to

Environmental Clearance (EC) to the above proposal was accorded by SEIAA vide letter no. 220 dated 03.01.14. The Project Proponent (PP) vide letter dated 03.07.2015 requested SEIAA for the amendment in the EC for inclusion of Portland Pozzolana Cement and Product mix of PSC and PPC in the product list. Also to correct the Plot no. from 130 to Plot no. 25 in the EC. The PP also made a presentation before the Committee

It was submitted by the proponent following are the amendments proposed by them:

Approved as per the EC dated 03.01.14	Amendment sought
--	------------------



 Prof. P. Mahata

the operation of the mine will have not have any major impact on the surroundings. The indicated project cost is Rs 27.00 Lakhs and a provision of Rs 9.12 Lakhs will be kept for Environment management.

The details of mine capacity as per Approved Mining Plan are

Mineable Proved Reserve : 4,06,500 cum

Year-wise Production as per Approved Mining Plan Report for five years is as follows

1 st Year	:	22,000 cum
2 nd Year	:	24,800 cum
3 rd Year	:	25,200 cum
4 th Year	:	25,600 cum
5 th Years	:	28,000 cum

The daily production as per Form-I is 94 cum.

PP has submitted certificates from Circle Officer, DFO & DMO. PP was asked to submit Application /CTO/NOC from JSPCB.

Once the PP provides the information, SEAC will, after examining the same, will refer the matter to SEIAA for consideration for further action.

21. Chaldhuya Stone Mine of Sri Pritpal Singh & Sri Shiv Lal Gope at Village- Chaldhuya, Thana- Baliapur, Dist.- Dhanbad, Jharkhand (4.05 Ha).

Consultant- M/S Green Cindia Consulting Pvt Ltd, Ghaziabad, RQP- Sri P.K. Sen

This is a Stone Mining Project for having an area of 4.05 Ha [Khata No.- 216, Plot No.- 2922 (P) Old / 4018 (P) New]. The committee noted that as per Form I it is a proposal for renewal of mine lease for which PP is seeking EC. The lease was valid w.e.f. 21.01.2003 for a period of 10 years.. Considering the fact that it is B2 Category of Project - as per EIA Notification dated 14.09.2006 the environmental impact assessment as well as Public Consultation is not required. The committee felt that TOR is not required, nor any formal EIA/EMP is to be prepared in the instant case. These prescribed exemptions (Based on SEIAA guidelines and decision taken vide MOEF.Notification dated 14.09.2006) are recommended by the Committee in the instant case.

The project was reviewed with respect to proposed Mining Plan, Environmental protection measures proposed to be adopted, proposal for carrying out CSR activities for socio-economic development, development of green belt, due consideration of occupational health, etc. In view of the size of the mine, production rate and the mineral mined and the assurance given by PP that he will give due consideration to environment by maintaining haul roads and water sprinkling on same, carrying out CSR activities for socio-economic development, development of green belt, due consideration of occupational health of persons engaged in mining. The committee felt that the operation of the mine will have not have any major impact on the surroundings. The indicated project cost is Rs 66.00 Lakhs and a provision of Rs 5.70 Lakhs will be kept for Environment management.

The details of mine capacity as per Approved Mining Plan are

Mineable Proved Reserve : 17,83,728 t

Pritpal Singh

Year-wise Production as per Approved Mining Plan Report for five years is as follows

1 st Year	:	1,80,843 t
2 nd Year	:	1,80,074 t
3 rd Year	:	1,80,077 t
4 th Year	:	1,85,387 t
5 th Year	:	1,84,883 t

The daily production as per Form I is 618 tonnes.

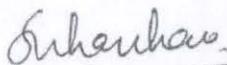
PP has submitted certificates from Circle Officer, DFO & DMO. PP was asked to submit certificate from CO regarding distance of Interstate Boundary.

Once the PP provides the information, SEAC will, after examining the same, will refer the matter to SEIAA for consideration for further action.

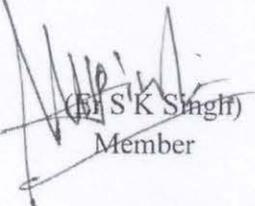
22. Kurruchattarpur, Katkaiya & Keradih Sand Mining Project located on Sankh River of Sri Raju Oraon at Village- Kurruchattarpur, Katkaiya & Keradih, Thana- Raidih, Dist.- Gumla, Jharkhand (18.61 Ha).

As per letter dated 26.10.15 received from Project Proponent it has been informed that "due to certain changes in Mine Plan and certain changes in production of proposal Kurruchattarpur, Katkaiya & Keradih Sand Mining Project located on Sankh River of Sri Raju Oraon, in Village- Kurruchattarpur, Katkaiya & Keradih, Thana- Raidih, Dist.- Gumla, Jharkhand (46.00 Acres), We would like to withdrawal our application, kindly consider our withdrawal application."

In view of the facts, SEAC has not considered the proposal.



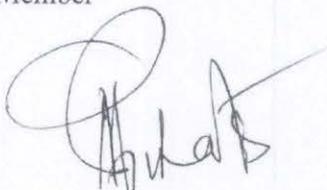
(S.B.S Chauhan)
Member



(S.K Singh)
Member



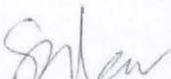
(Dr. R.P. Singh Sangu)
Member



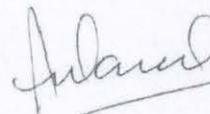
(Prof. (Dr.) M.C. Mahata)
Member



(Prof (Dr) Shatrunjay Kumar Singh)
Member



(S.K. Suman)
Secretary



(A K Saxena)
Chairman



अंचल अधिकारी का कार्यालय, बलियापुर (धनबाद)।

ज्ञापांक...452.../दिनांक...27/05/16

प्रेषित,

श्री प्रितपाल सिंह

सा0-आमझर,

थाना-बलियापुर, धनबाद।

विषय :- Requirement of distance from various places as required by SEIAA

उपर्युक्त विषय के संबंध में कहना है कि मौजा चालधोवा मौजा नं0-23 खाता नं0-216 प्लॉट नं0-2922 अंश रकवा 10.00 एकड़ भूमि से अंतराज्यीय सीमा की दूरी 15 कि0मी0 है।

सूचनार्थ प्रेषित।



[Handwritten Signature]
27/05/16
अंचल अधिकारी,
बलियापुर।

Pratap Singh

ANNEXURE A/6

अनुमण्डल पदाधिकारी-सह-सदस्य सचिव, (DEIAA) का कार्यालय धनबाद।

ज्ञापांक 353 / धनबाद दिनांक 13/3/18

प्रेषित,

श्री प्रीतपाल सिंह,
पिता-दर्शन सिंह
ग्राम-अमझर,
थाना-बलियापुर,
जिला-धनबाद।

विषय:- पर्यावरणीय स्वीकृति के संबंध में।

उपर्युक्त विषय के संबंध में कहना है कि उपायुक्त धनबाद की अध्यक्षता में दिनांक 1.2.18 को सम्पन्न DEIAA एवं DEAC की संयुक्त बैठक में आपके द्वारा समर्पित आवेदन का निरीक्षण किया गया जिसमें पाया गया कि अंचल अधिकारी अलियापुर के द्वारा प्रतिवेदित किया गया है कि आवेदित क्षेत्र के 300 मी० के वाद किन्तु 500 मी० के अन्दर मानव बसाहट है।

अतः सर्वसम्मति से इस क्षेत्र पर पर्यावरणीय स्वीकृति नही देने का निर्णय लिया गया।

सूचनार्थ।



Anand
Mishra
12/3/2018
अनुमण्डल पदाधिकारी,

सह

सदस्य सचिव, DEIAA धनबाद।

Prat pal Singh

अंचल अधिकारी का कार्यालय, बलियापुर (धनबाद)

पत्रांक: 1170

दिनांक 14/12/15

प्रेषक,

अंचल अधिकारी,
बलियापुर।

सेवा में,

सहायक खनन पदाधिकारी,
धनबाद।

विषय :-

धनबाद जिलान्तर्गत बलियापुर थाना के मौजा- पहाड़पुर, मौजा सं०- 30 खाता सं०- 91, प्लॉट सं०- 1629 (अंश) रकबा- 2.00 एकड़ क्षेत्र पर धारित पट्टा श्री रामकेशर महतो, पिता- आशु महतो, ग्राम- पहाड़पुर, पो०+थाना - बलियापुर, जिला- धनबाद से प्राप्त आवेदन पत्र के संबंध में।

प्रसंग :-

आपके पत्रांक 2262, दिनांक 10.12.2015।

महाशय,

उपर्युक्त विषयक प्रसंगाधीन पत्र जो नक्शा सहित है, के आलोक में पर्यावाणीय परिशिष्ट के संबंध में क्रमांक 1 से 16 तक की जाँच संबंधित राजस्व कर्मचारी/अंचल निरीक्षक, अंचल अमीन एवं अधोहस्ताक्षरी के द्वारा भी जाँच किया गया। जाँच प्रतिवेदन निम्नवत् है :-

1. (a) आवेदित क्षेत्र गैरमजुरवा है या नहीं ? हाँ।
(b) अगर गैरमजुरवा है तो किसी के साथ बंदोबस्त है या नहीं? नहीं।
(c) अगर बंदोबस्त है, तो बंदोबस्ती द्वारा आवेदक की सहमति दी गई है या नहीं? X
2. अगर आवेदित क्षेत्र रैयती है, तो रैयतों द्वारा सहमति दी गई है या नहीं? नहीं।
3. आवेदित क्षेत्र किसी आदिवासी का तो नहीं है? अगर है तो Permission ली गई है? तो उसका विवरण। X
4. (a) आवेदित भूमि का किस्म क्या है ? पतित पाथर।
(b) आवेदित भूमि का किस्म, खतियान के अनुसार जंगल झाड़ी तो नहीं है? नहीं।
5. (a) आवेदित भूमि वन भूमि है या नहीं? नहीं।
(b) आवेदित क्षेत्र सामाजिक वामिकी या अन्य कोई सार्वजनिक कार्य के लिए सुरक्षित/प्रस्तावित तो नहीं है? नहीं।
6. आवेदित क्षेत्र तक जाने-आने का रास्ता वन क्षेत्र से है या नहीं? नहीं।
7. आवेदित क्षेत्र से वन भूमि की दूरी क्या है? वन विभाग से संबंधित है।
8. क्या 500 मीटर की दूरी के अन्दर कोई मानव बसाहट स्थित है? हाँ (300 मी० के बाद लगभग 15 घर है)।
9. क्या 500 मीटर की दूरी के अन्दर कोई जलीय निकाय स्थित है? नहीं।
10. क्या 500 मीटर की दूरी के अन्दर कोई नदी स्थित है ? नहीं।
11. क्या 500 मीटर की दूरी के अन्दर कोई शैक्षणिक संसाधन स्थित है? नहीं।
12. क्या 500 मीटर की दूरी के अन्दर कोई चिकित्सालय स्थित है ? नहीं।
13. क्या 10 किलोमीटर की परिधि में कोई अन्तर्राज्यीय सीमा है ? नहीं।
14. क्या 500 मीटर की दूरी के अन्दर कोई राष्ट्रीय धरोहर/पुरातत्वीय महत्त्व के स्थल स्थित है? नहीं।
15. क्या प्रस्तावित परियोजना के कारण महत्त्वपूर्ण जलागम या जल बहाव क्षेत्र में परिवर्तन होगा? (यदि हाँ तो परिवर्तन का विवरण) नहीं।
16. छोटानागपुर कास्तकारी अधिनियम 1908 के प्रावधानों का अनुपालन है या नहीं? हाँ

अतः उपरोक्त तथ्यों के आलोक में विधि सम्मत कार्यवाही हेतु सूचनार्थ प्रेषित।

विश्वासभाजन

अंचल अधिकारी
बलियापुर।

Pratap Singh

ANNEXURE A/8

अंचल अधिकारी का कार्यालय, बलियापुर (धनबाद)।

पत्रांक 1218

प्रेषक,

अंचल अधिकारी,
बलियापुर।

सेवा में,

अनुमंडल पदाधिकारी, -सह-
सदस्य सचिव,
DEIAA धनबाद।

बलियापुर, दिनांक 15/12/16

विषय :-

धनबाद जिलान्तर्गत बलियापुर थाना के मौजा पहाड़पुर, मौजा नं०-30 नया सर्वे का खाता सं०-233, प्लॉट सं०-1826(P), 2643, 2644 पुराना सर्वे का खाता सं०-91 प्लॉट सं०-1940 अंश रकवा 2.25 एकड़ क्षेत्र पहाड़पुर स्टोन माईन्स, प्रो०-श्री सुजन महतो ग्राम-पहाड़पुर, पो०-बलियापुर थाना-बलियापुर, जिला-धनबाद से प्राप्त आवेदन पत्र के प्रतिवेदन का प्रेषण।

प्रसंग :-

आपका पत्रांक 36, धनबाद, दिनांक 23.11.2016

महाशय,

उपर्युक्त विषयक एवं प्रासंगिक पत्र के माध्यम से प्राप्त आवेदन पत्र नक्शा सहित के संबंध में कहना है कि मौजा पहाड़पुर, मौजा नं०-30 नया सर्वे का खाता सं०-233, प्लॉट सं०-1826(P), 2643, 2644 पुराना सर्वे का खाता सं०-91 प्लॉट सं०-1940 अंश रकवा 2.25 एकड़ क्षेत्र पहाड़पुर स्टोन माईन्स, प्रो०-श्री सुजन महतो ग्राम-पहाड़पुर, पो०-बलियापुर थाना-बलियापुर, जिला-धनबाद का पर्यावरणीय परिशिष्ट के संबंध में क्रमांक 01 से 16 तक की जाँच संबंधित राजस्व कर्मचारी/अंचल निरीक्षक एवं दैनिक पारिश्रमिक अमीन एवं अधोहस्ताक्षरी द्वारा की गई। जाँच प्रतिवेदन निम्नवत है :-

- (a) आवेदित क्षेत्र गैरमजुरआ है या नहीं? हाँ
(b) अगर गैरमजुरआ है तो किसी के साथ बंदोवस्त है या नहीं? नहीं
(c) अगर बंदोवस्त है, तो बंदोवस्तीधारी द्वारा आवेदक को सहमति दी गई है या नहीं? ×
- अगर आवेदित क्षेत्र रैयती है तो रैयतो द्वारा सहमति दी गई है या नहीं? नहीं
- आवेदित क्षेत्र CNT Act. के अन्तर्गत अनुसूचित जनजाति/अनुसूचित जाति/ पिछड़ा वर्ग का तो नहीं है? अगर है तो क्या Permission ली गई है? तो उसका विवरण- नहीं।
- (a) आवेदित भूमि का किस्म क्या है? पतीत पाथर
(b) आवेदित भूमि का किस्म खतियान के अनुसार जंगल झाड़ी तो नहीं है? नहीं।
- (a) आवेदित क्षेत्र वन भूमि है या नहीं? नहीं।
(b) आवेदित क्षेत्र सामाजिक वाणिकी या अन्य कोई सार्वजनिक कार्य के लिए, सुरक्षित/प्रस्तावित तो नहीं है? नहीं।
- आवेदित क्षेत्र तक जाने-आने का रास्ता वन क्षेत्र से है या नहीं? नहीं।
- आवेदित क्षेत्र से वन भूमि की दूरी क्या है? वन विभाग से संबंधित है।
- क्या 500 मीटर की दूरी के अन्दर कोई मानव बसाहट स्थित है? हाँ (300 मी० के बाद लगभग 15 घर है)।
- क्या 500 मीटर की दूरी के अन्दर कोई जलीय निकाय स्थित है? नहीं।
- क्या 500 मीटर की दूरी के अन्दर कोई नदी स्थित है? नहीं।
- क्या 500 मीटर की दूरी के अन्दर कोई शैक्षणिक संसधान स्थित है? नहीं।
- क्या 500 मीटर की दूरी के अन्दर कोई चिकित्सालय स्थित है? नहीं।
- क्या 10 किलोमीटर की परिधि में कोई अन्तर्राज्य सीमा है? नहीं।
- क्या 500 मीटर की दूरी के अन्दर कोई राष्ट्रीय धरोहर/पुरातत्वीय महत्त्व के स्थल स्थित है? नहीं।
- क्या प्रस्तावित परियोजना के कारण भक्तिपूर्ण जलागम (water intake) या जलबहाव क्षेत्र में परिवर्तन होगा? नहीं।
- छोटानागपुर कास्तकारी अधिनियम 1908 के प्रावधानों का अनुपालन हुआ है या नहीं? हाँ।
अतः उपरोक्त तथ्यों के आलोक में विधि सम्मत कार्यवाही हेतु सूचनार्थ प्रेषित।

विश्वासभाजन

अंचल अधिकारी,
बलियापुर।

Post pal hah



District Level Environment Impact Assessment Authority, Dhanbad.

Letter No.- EC/DEIAA/2017-18/

Dhanbad, Date: 16.12.17

To:

Sri Sujan Mahto

S/o- Aklu Mahto

Vill- Paharpur, P.O. - Baliapur,

Thana- Baliapur, Distt.- Dhanbad,

Jharkhand.

Sub: **Environmental Clearance for the stone mine project of Sri Sujan Mahto over an area of 2.25 Acre or 0.91 Ha of Khata No. 233 (Old khata No-91), Plot No. 1826(P), 2643 & 2644 in Mouza - Paharpur, P.O.- Baliapur, Thana- Baliapur, Distt.- Dhanbad, Jharkhand.**

Ref: DEIAA Letter No. 1330., Dhanbad, dated 16.12.17

Sir,

It is in reference to the stone mine project over an area of 2.25 Acre or 0.91 Ha of Khata No. 233 (Old Khata No. 91), Plot No. 1826(P), 2643 & 2644 in Mouza - Paharpur, P.O.- Baliapur, Thana- Baliapur, Distt.- Dhanbad, Jharkhand" submitted by you for seeking prior Environmental Clearances (EC). The proposal was appraised by District Level Expert Appraisal Committee (DEAC) and recommended for grant of Environmental Clearance in its meeting held on 14th October, 2017.

The details of mine capacity as per Approved Mining Plan Report are as follows-

1. Mineable Proved Reserve : 3,96,208 Tones
2. Year-wise Production as per Approved Mining Plan Report for Five years is as follows

1 st Year	:	42120 Tones
2 nd Year	:	40176 Tones
3 rd Year	:	38232 Tones
4 th Year	:	36288 Tones
5 th Year	:	34344 Tones

3. The daily production as per Form-I is 140 Tonnes

District Level Environment Impact Assessment Authority (DEIAA), Dhanbad in its meeting held on 14.10.2017 discussed the project proposal along with recommendations made by DEAC and decided to grant EC to the project.

The decision of DEIAA, as mentioned above, Environmental Clearance is hereby issued to " Sri Sujan Mahto over an area of 2.25 Acre or 0.91 Ha of Khata No. 233 (Old khata No-91), Plot No. 1826(P), 2643 & 2644 in Mouza - Paharpur, P.O.- Baliapur, Thana- Baliapur, Distt.- Dhanbad, Jharkhand" On the following conditions.



Pratap Kumar

4. The Project proponent shall maintain register for production and dispatch and submit to the Board.
5. The Project proponent shall not cut trees / carry out tree felling in leased out area without the permission of competent authority.
6. Measures should be taken for control of noise levels below prescribed norms in the work environment. Workers engaged in operations of HEMM, etc. should be provided with ear plugs / muffs.
7. Industrial waste water (workshop and waste water from the mine) should be properly collected, treated so as to conform to the standards Oil and grease trap should be installed before discharge of workshop effluents.
8. Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects. Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
9. Dispensary facilities for First Aid shall be provided at site.
10. A separate environmental management / monitoring cell with suitable qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
11. The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Jharkhand State Pollution Control Board, Ranchi. PP shall carry out CSR activities as per Government Guidelines (%of Profit / turnover) or at least Rs 1 per ton whichever is higher.
12. The Jharkhand State Pollution Control Board, Ranchi directly or through its Regional Office, shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) by furnishing the requisite data / information / monitoring reports.
13. The project proponent shall submit six monthly reports on the status of compliance of the stipulated environmental clearance conditions including results of monitored data (both in hard copies as well as by e-mail) to the Jharkhand State Pollution Control Board, Ranchi and to its concerned Regional Office.
14. The proponent shall upload the status of compliance of the environmental clearance conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to Jharkhand State Pollution Control Board and its concerned Regional Office The criteria pollutant levels namely ; SPM ,RSPM,SO₂ ,NO_x (ambient levels) or critical sectoral parameters , indicated for the project shall be monitored and displayed at a convenient location near the project shall be monitored and displayed at a convenient location near the main gate of the company in the company in the public domain.
15. A copy of the clearance letter shall be sent by the project proponent to concerned Panchayat, Zila Parisad / Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the project proponent.
16. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the Jharkhand State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986,as amended subsequently ,shall also be put on the website of the company along the status of compliance of EC conditions and shall also to the concerned Regional Office of JSPCB by e-mail.
17. All statutory clearances shall be obtained before start of mining operations.

Partial Failure

C. Other points

1. The Authority reserves the right to add any new condition or modify the above conditions or to revoke the clearance if conditions stipulated above are not implemented to the satisfaction of Authority or for that matter for any other Administrative reason.
2. The Environmental Clearance accorded shall be valid for the period of lease for the mine (March-2020). The PP shall not increase production rate and alter lease area during the validity of Environmental Clearance.
3. In case of any deviation or alteration in the project proposed from those submitted to DEIAA, Dhanbad for clearance, a fresh reference should be made to DEIAA to assess the adequacy of the conditions imposed and to incorporate any new conditions if required.
4. The above stipulations would be enforced among others under the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court of Jharkhand and any other Court of Law relating to the subject matter.
5. Any Appeal against this Environmental Clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.



29/16/12/2017
Member Secretary
District Level Environment Impact
Assessment Authority, Dhanbad.

Patpalhah



झारखण्ड राज्य प्रदूषण नियंत्रण पर्वट

नगर प्रशासन नर्वन, एच० ई० सी०, धुर्वा, रौंकी
दूरमाष - (०६६१) २४०३००२, २४०३००१, फ़ैरर - (०६६१) २४०३०००

दिनांक २२-३-२००५

अधिसूचना १२

पर्वट मंडल की आठवीं बैठक की कार्यवाही सं०-६ में लिखित निर्णयानुसार एन०ओ०सी० आवेदनो के विष्पारन हेतु संशोधित एन०ओ०सी० गाईड लाईन (संलग्न) लागू किया जाता है ।

२. यह एन०ओ०सी० गाईड लाईन पूर्व एन०ओ०सी० गाईड लाईन का स्थान लेगा और निर्गत किये जाने की तिथि से प्रभावी होगा ।

(लकुर बाल मुकुन्द नाथ साहदेव)
अध्यक्ष

अनु०-यद्यो ।

हापांक ११६३.....

रौंकी दिनांक २२-३-२००५

प्रतिलिपि: प्रधान सचिव, वन एवं पर्यावरण विभाग, झारखण्ड सरकार, रौंकी के सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित ।

(लकुर बाल मुकुन्द नाथ साहदेव)
अध्यक्ष

अनु०-यद्यो ।

हापांक ११६३.....

रौंकी दिनांक २२-३-२००५

प्रतिलिपि: सदस्य सचिव/वरीय पर्या० अभि०/पर्या०अभि०/प०वि०/स०प०अ०(मु०) सभी क्षेत्रों के सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित ।

(एस०के० नारनारी)
उपस्य सचिव

Minimum Distance of Battery of the proposed Industries/Units (in meters)

Sl. No.	Type of Category of Industries/Unit	NH	SH	Distt. Mettaled Road	Railway Line	River/Water Bodies*	Any other River	Habitation (More than 200 Pop.)	Forest or** Forest Land	Remarks
1	Industries under Red Hazardous Category	500	200	50	200	500	200	500	1000	
2. A	Industries under Red Major Polluting Category as listed in Annexure-I (PART-B)	500	200	50	200	500	200	200	1000	
B.	Industries under Red Major Polluting Category as listed in Annexure-I (PART-C)	200	200	50	200	200	100	200	500	
3. A	Industries under Orange Special Category as listed in Annexure-I (PART-D)	100	100	50	100	100	100	100	500	
B.	Industries under Orange Special Category as listed in Annexure-IV (PART-E)	50	50	50	50	50	50	200	500	
4	Industries under Orange Ordinary Category	50	50	50	50	50	50	200	500	
5	Bone Mill									As per GPCB

SN	Type of Machinery / Plant	W	S	W	S	W	S	W	S	Remarks
6	Brick Kiln	50	50	50	50	100	50	200	400	
7	Fly Ash Brick Units	50	50	25	50	50		50	100	
8	Stone Mines	200	200		100	100	100	200	400	
9	Bottling & Blending Plant	50	50	50	50	100	100	100	200	
10	Industries under green category									(Exempted from NOC/ Consent Management Authorization)
11	Stone crusher	200	200	50	100	100	50	200	500	
12	Major Mineral Processing Plant	500	200	50	100	100	50	200	500	
13	Sponge Iron Plants	500	200	50	200	200	200	500	1000	
14	Crushing units installed on the mine pit of major minerals						Site specific			
15	Site specific (Mines operating with the lease of Department of Mines (Except stone mines))						Site Specific			Revised vide Notification No. 06 dated 04-05-2011, Memo No. 1134 dated 04-05-2011
16	Hot Mix plant / with or without captive stone crusher	50	50	50	50	50	50	200	50	For limited period depending upon the duration of the project

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17	Mineral Stock Yard / Loading / Unloading storage facilities	100	100			100	100	NIL within 100 mtrs		Minimum distance from lake pond - 100 mtrs (Inserted vide notification No. 4 dated 03-05-2011, Memo No. 1129 dated 03-05-2011)
18	NOC / Consent application for Railway siding must be submitted by Railway - See Notification No. 05 dated 04-05-2011, Memo No. 1133 dated 04-05-2011 (enclosed)									

ANNEXURE A/11

परिशिष्ट-1

5 हेक्टेयर से कम क्षेत्रफल के Minor Minerals (Brick Earth & Ordinary Earth Mining) की पर्यावरणीय अनुमति के लिए मापदण्ड अनुसार निर्धारित बिन्दु।

क्र० सं०	निर्धारित बिन्दु	हाँ/ नहीं	जानकारी विवरण
			<ul style="list-style-type: none"> क्र० 1 से 3 तक की जानकारी का प्रामाणीकरण प्रादेशिक वन प्रमंडल पदाधिकारी (D.F.O) द्वारा करें। यदि हाँ है तो विवरण दें अन्यथा नहीं। क्र० 3 से 9 तक की जानकारी का प्रामाणीकरण स्वयं करें। यदि हाँ है तो विवरण दें अन्यथा नहीं।
1.	क्या 1 कि०मी० की परिधि में कोई नेशनल पार्क (National Park) स्थित है?		
2.	क्या 1 कि०मी० की परिधि में कोई अभ्यारण (Sanctuary) स्थित है?		
3.	क्या 1 कि०मी० की परिधि में कोई घोषित जैव विविधता (Bio Diversity) क्षेत्र स्थित है?		
4.	क्या 250 मीटर की दूरी के अन्दर कोई मानव बसाहट (Habitation 200 आदमी, 40 मकान) स्थित है?		
5.	क्या 100 मीटर की दूरी के अन्दर कोई जलीय निकाय (Dam/ Reservoir) स्थित है?		
6.	क्या 100 मीटर की दूरी के अन्दर कोई नदी तट (River Bank) स्थित है?		
7.	क्या 250 मीटर की दूरी के अन्दर कोई शैक्षणिक संस्थान (Education Institute) स्थित है?		
8.	क्या 250 मीटर की दूरी के अन्दर कोई चिकित्सालय (Hospital) स्थित है?		
9.	क्या 100 मीटर की दूरी के अन्दर कोई राष्ट्रीय धरोहर/पुरातत्वीय (Monuments/Archaeological) महत्व स्थित है?		

सत्यापन

मैं पुत्र/पुत्री/पत्नी श्री/श्रीमति शपथपूर्वक सत्यापित करता/करती हूँ कि बिन्दु 1 से 9 तक में दी गई समस्त जानकारी मेरे निजी ज्ञान तथा जानकारी के आधार पर सत्य एवं सही है। यदि इसमें कोई त्रुटि पाई जाती है तो इसकी समस्त जिम्मेदारी अधोहस्ताक्षकर्ता की होगी तथा यदि इस आधार पर मेरा प्रकरण निरस्त होता है तो मुझे कोई आपत्ति नहीं होगी।

हस्ताक्षर आवेदनकर्ता
पूर्ण नाम एवं सहित

Prof pal dnh

Date- 13/06/2018

To,
The Member secretary
Jharkhand State environment impact assessment authority
Dhurwa, Ranchi.

Sub : *Grant of Environmental Clearance for my Chaldhua Stone Mine Project.*

Dear Sir/Madam,

I am lease holder for Chaldhua Stone Mine Project having lease area of 10 acres .

Location of lease is given below:

Khata No. 216
Plot No. 2922 (old) (4018 New)
Mouza- Chaldhua,
PS- Baliapur, Dist- Dhanbad.
State- Jharkhand.

For grant of environmental clearance I submitted application to Jharkhand SEIAA in prescribed format enclosing all required documents including,

- i) Certificate from CO
- ii) Certificate from DMO
- iii) Certificate from DFO
- iv) No Objection from Panchayat

These certificates are in format prescribed by SEIAA. CO, in his report has recorded that there are 25 houses located 350-mtr beyond lease area (Copy of CO Report enclosed at Annexure - A).

It may kindly be noted that the format prescribed by SEIAA does not define human habitation in terms of number of dwelling units or persons.

1. The proposal for grant of Environment Clearance was submitted to SEIAA, Jharkhand on 23.09.2015.

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2. SEAC Jharkhand in its 35th Meeting held on 30.10.2015 appraised the proposal and directed the project proponent to obtain certificate from the concerned C.O. in respect of distance of Interstate Boundary. *(Copy of Minutes of SEAC meeting enclosed at Annexure - B)*

Before the certificate from the concerned C.O. was obtained and submitted to SEAC, DEIAA/DEAC was formed.

SEIAA transfer the proposal to DEIAA for further action.

3. In the meeting of DEIAA/DEAC of Dhanbad held on 01/02/2018, a decision was taken not to grant environmental clearance in view of the fact that as per CO Report there are 25 houses located beyond 350 Mtr. of lease area of mine. This decision of DEIAA/DEAC was conveyed to my by SDO cum Member Secretary DEIAA vide Letter No. – 353 dated -13/03/2018 *(Copy enclosed at Annexure - C)*. In this connection I wish to bring to your kind attention following facts :

- i) JSPCB, in its prescribed format for grant of NOC to projects has defined human habitation as consisting of 200 houses *(Copy enclosed at Annexure-D)*. on basis of this definition, existence of 25 houses does not qualify as human habitation.
- ii) JSEIAA in its guideline for mining of earth for brick making defined habitation as consisting of 40 houses *(Copy enclosed at Annexure-E)*. On this criteria also existence of 25 houses does not qualify as human habitation.
- iii) JSEIAA, in past has granted environment clearance for a number of mining projects in which there were few houses within 500 mtr from lease area.
- iv) In this connection it is to be mentioned here that DEIAA /DEAC vide their Letter No. EC/DEIAA /2017-18 dated 16/12/2017 granted EC to one Sujjan Mahato for Stone Lease over an area of 2.25 acres in Mouza Paharpur, PO- Baliapur of Dhanbad

Prof pal Singh

District while the CO vide his Letter No. 1218 dated 15/12/2016 reported that 15 houses are located beyond 300 Mtr from the said Mine. Copy of E.C. and CO reports are enclosed herewith as annexure – F and G) respectively.

- v) In another case the DEIAA/DEAC as also granted EC to one Ram Keshwar Mahato for his Stone Mines of 2 acres in Mouza Paharpur of Baliapur PO- of Dhanbad District, while the C.O. vide his Letter No. 1170 dated 14/12/2015 reported that 15 houses are located beyond 300 Mtr from the said Mines. (Copy of CO Report is enclosed herewith as Annexure- H)

I, in light of above facts, under provisions of Para 8 of Annexure – XI of Gazette Notification No. – S.O. 141 (E) dated 15/01/2016, would like to appeal to you to kindly look into merit of facts based on which the Dhanbad DEIAA has rejected my application for grant of environmental clearance. I would like to assure you that I will take appropriate steps during operations of mine to:

- > Minimize ground vibration caused by blasting.
- > Rock fly caused by blasting. For this purpose during mining operations

I would resort to :

- > Low intensity blasting
- > Controlled blasting

Moreover mining operation will be confined to day shift only. Blasting will be done everyday at fixed time i.e. at noon.

Prior to blasting hooter will be blown. The above steps would warn the villagers in surrounding area regarding blasting.

The above steps would minimize the air pollution, ground vibration & fly rock. With incorporation of above measures, impact of blasting on houses in vicinity would be minimized.

Post pal Singh

It is my earnest request to you to kindly review decision of DEIAA / DEAC & grant Environmental Clearance to my project.

Thanking you

With Kind Regards

Yours Faithfully



(Pritpal Singh)

No.

Date: 27.04.2025

To,

1. **Secretary,**
Ministry of Environment and Forest and Climate Change,
India, Paryavaran Bhawan, Jorbagh, New Delhi
2. **Member Secretary,**
Jharkhand State Pollution Control Board,
Jharkhand.
3. **Member Secretary,**
State Environment Impact Assessment Authority,
Jharkhand.

SUB: GRANT OF ENVIRONMENT CLEARANCE WITH RESPECT TO
CHALDHUYA STONE MINES AT VILLAGE CHALDHUYA,
THANA BILIAPUR, DIST-DHANBAD, JHARKHAND OVER AN
AREA OF 4.05 HA FOR MINERAL STONE.

Dear Sir,

1. We, the Applicants, are writing to you with respect to the subject cited above seeking grant of environment clearance with respect to the Chaldhuya Stone Mines at Village Chaldhuya, Thana Biliapur, Dist-Dhanbad, Jharkhand over an area of 4.05 Ha for mineral Stone.
2. We are the mining lease holder of the Chaldhuya Stone Mines at Village Chaldhuya, Thana Biliapur, Dist-Dhanbad, Jharkhand over an area of 4.05 Ha for mineral Stone. We had initially been granted the said mining lease for mineral Stone w.e.f. 21.01.2003 for a period of 10 years. Prior to the

completion of the 10 year period of mining lease, we filed an Application dated 20.09.2012 for the Renewal of the mining lease.

3. That for the grant of the renewal application and subsequent execution of the mining lease, we applied for the grant of environment clearance before the Jharkhand SEIAA in the prescribed format and after enclosing all requisite documents. However, the said application for grant of environment clearance was transferred by SEIAA to DEIAA/DEAC who on a later date, while relying on the report of a Circle Office, decided to refuse environment clearance to us on the ground that 25 houses were allegedly located beyond 350 meters from the boundary of the leasehold area.
4. The brief facts leading to the present Representation is that we had been granted mining lease of the Chaldhuya Stone Mines at Village Chaldhuya, Thana Biliapur, Dist-Dhanbad, Jharkhand over an area of 4.05 Ha. for mineral Stone from 21.01.2003 for a period of 10 years and had applied for the renewal of the said lease deed on 28.09.2012, i.e. prior to the expiry of the earlier lease. It is further submitted that the said renewal application was accepted and a renewal of the lease period was granted to us. However, we had to obtain environmental clearance for operating the subject mines.
5. In light of the same, we applied for the grant of Environment Clearance over the subject leasehold area before the State Environment Impact

Assessment Authority ['SEIAA'] along with all the requisite documents. Along with the documents submitted, a Certificate dated 14.08.2015 of the Circle Officer of Baliyapur was also obtained and submitted by us to SEIAA. The said certificate had mentioned that there existed human habitation beyond 350 Metres of the boundary of the leasehold area.

6. The State Level Expert Appraisal Committee ('SEAC') was formed and in its 35th Meeting held from 28th to 31st October, 2015 and 01st November 2015 heard our case for the grant of Environment Clearance and further asked us to submit a certificate from Circle Officer regarding the distance of the leaseholder area from the interstate Boundary and further held that the matter would be referred to SEIAA by SEAC upon receiving the said certificate. The Circle Officer vide its Letter No. 452 dated 27.05.2016 informed the SEAC that the boundary of the leasehold area is 15 K.M. from the Interstate Border.
7. That to our surprise, the matter was transferred to DEIAA and DEIAA vide its Letter No. 353/Dhanbad dated 13.03.2018 refused to grant Environment Clearance to us on the sole ground that as per the report of the Circle Officer, there existed habitation beyond 300 Metres of the boundary of the leasehold area.
8. It is pertinent to mention herein that similarly placed leaseholders having habitation nearer to the boundary of their leasehold area have been granted

Environment Clearance during the same period by the same District Level Environment Impact Assessment Authority, Dhanbad.

9. It is further pertinent to submit that the minimum distance of battery of the proposed industries/units as provided by the Jharkhand SPCB in its Notification dated 22.03.2005 is only 200 m from habitation (i.e. more than 200 people). In the present case, the DEIAA after perusing the report of the Circle Officer that the habitation of 25 houses was present beyond 350 Meters from the lease boundary, failed to properly apply the said guidelines while refusing to grant Environment Clearance to us. It is submitted that even the Appendix-1 that seeks information of Leasehold Area of Minor Minerals which are lesser than 5 Ha. only seeks information whether or not there exists any habitation within 200 Meters of the boundary of the leasehold area.
10. Being aggrieved by the said order of refusal of Environment Clearance, we wrote a Representation dated 13.06.2018 to the Member Secretary, Jharkhand SEIAA, however, no action has yet been taken by the SEIAA for grant of Environment Clearance to the present Appellants.
11. Moreover upon the completion of the renewal period of the mining lease, we have now preferred a Writ Petition bearing No. _____ before the Hon'ble High Court of Jharkhand for grant of further renewal/extension of lease period to us. The said Writ Petition is presently pending before the Hon'ble High Court of Jharkhand and counter has been filed by the State

Government stating that as no environment clearance has been obtained by us and therefore renewal of the lease cannot be granted.

12. It is stated that where similarly placed leaseholders have been granted environment clearance by DEIAA, the refusal to grant us environment clearance is completely in violation of the right to equality and the principle of legitimate expectation as enshrined under Article 14 of the Constitution of India.
13. It is submitted that the said refusal to grant environment clearance to us has been passed without any basis or rationale and thus is a nullity and liable to be set aside.
14. It is further pertinent to bring to your kind notice that we have complied with all the requirements of being granted an environment clearance and further undertake to comply with any and all terms and conditions of the environment clearance granted to us in order to protect the environment while ensuring that sustainable development of our country's economy continues to grow.
15. It is submitted that we have substantially invested in the setting up of infrastructure and equipment for the operating of the mining lease, however in the absence of grant of environment clearance, we are not able to operate the mines without any fault at our end.
16. It is reiterated that similar leaseholders who have habitation near the boundaries of their mining leasehold area have been granted environment

clearance, however, the same has been refused to us, which is completely against the established principles of law, equity, and the doctrine of legitimate expectation.

17. In light of the aforementioned submissions, we request your kind selves to kindly grant environment clearance to us with respect to the Chaldhuya Stone Mines at Village Chaldhuya, Thana Biliapur, Dist-Dhanbad, Jharkhand over an area of 4.05 Ha for mineral Stone so as to enable us to seek renewal of the mining lease and subsequently operationalize the subject mines as per provisions of law at the time being in force.
18. It is submitted that we appreciate your understanding of the complexities involved in the present matter and your commitment to upholding justice and fairness in matters of mineral resource management and are further confident that your kind self will consider the present request with due diligence and make decisions that are in the best interest of all stakeholders involved.
19. We further undertake to comply with all requisite conditions as and when so required by the MoEF&CC, SPCB or SEIAA, as the case may be, and request your kind selves to provide us with an opportunity to be heard before taking any precipitate steps prejudicial to our interests.
20. It is most humbly submitted that if any further clarification or information may be needed by your kind self, we would be promptly ready to provide the same to your kind self.

We thank you for your time and consideration and look forward to your prompt and positive response to this matter.

Prif pal iach
Thanking You

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10 I/We declare that this consignment does not contain personal mail, cash, jewellery, contraband, illegal drugs, any prohibited items and commodities which can cause safety hazards while transporting			9 Charges Amount(₹) a) Tariff (incl. Of FSC + Taxes) <u>90</u> b) Risk Surcharge _____ c) Total amount (a+b) _____ Above charges are inclusive of GST & other taxes if applicable Mode of Payment: Cash <input type="checkbox"/> Card <input type="checkbox"/> Wallet <input type="checkbox"/>		8 Mode (✓) <input checked="" type="checkbox"/> Surface <input type="checkbox"/> Air Cargo <input type="checkbox"/> Express <input type="checkbox"/> Consignment Number:  K72538970
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10 I/We declare that this consignment does not contain personal mail, cash, jewellery, contraband, illegal drugs, any prohibited items and commodities which can cause safety hazards while transporting			9 Charges Amount(₹) a) Tariff (incl. Of FSC + Taxes) <u>90</u> b) Risk Surcharge _____ c) Total amount (a+b) _____ Above charges are inclusive of GST & other taxes if applicable Mode of Payment: Cash <input type="checkbox"/> Card <input type="checkbox"/> Wallet <input type="checkbox"/>		8 Mode (✓) <input checked="" type="checkbox"/> Surface <input type="checkbox"/> Air Cargo <input type="checkbox"/> Express <input type="checkbox"/> Consignment Number:  K72538971
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IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
ORIGINAL APPLICATION NO. 2026

IN THE MATTER OF:
Shri Pritpal Singh & Anr.

.... Petitioner

Union of India & Ors

V/s

.... Respondents

VAKALATNAMA

KNOW ALL to whom these presents shall come that I, Shri Pritpal Singh , the petitioner herein having his residence at....., the Petitioner in the above matter do hereby appoint **MR.KUMAR SHIVAM, ADV 217, 7th Floor, Tower 7, Supreme Enclave, Mayur Vihar Phase- 1 New Delhi-110091**" hereinafter called the Advocate(s) to be My/our Advocate's in the above noted case and authorise him/them:

To act, appear and plead in the above noted case in this court in any other court in which the same may be tried or heard and also in the appellate courts. To sign, file, verify and present pleading, applications, appeals, cross- objections or petitions for execution, review, revision, withdrawal, compromise or other petition, replies, objections affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents. To withdraw, or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take out execution proceedings.

To deposit, draw and receive moneys, cheques and grant receipts therefor and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

And I/we the undersigned do hereby agree to ratify and confirm acts done by the Advocate or his substitute in the matter my/our own acts as if done by me/ us to all intents and purposes.

And I/we undertake that I/we or my/our authorised agent would appear in the court on all hearings and will inform the Advocate for appearance when the case is called. And I/we the undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequence of his absence from the court when the said case is called up for hearing, or for any negligence of the said Advocate or his substitute.

And I/we the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment, the Advocate would be entitled to the same.

IN WITNESS WHERE OF I/we do hereunto set my/our hand to these presentsof which have been understood by me/us this 13 day of January , 2026

Mr. Kumar Shivam Adv (JH/620/2014),
Mobile No. 9599824804

Client

Prit pal Singh