

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

In

OA No. 87 of 2020 (SZ)

IN THE MATTER OF

Sri Dasu. Manikantiah

....Applicant(s)

Vs

Union of India,

Rep by its Secretary, Ministry of Environment, Forests and
Climate Change, 3rd Floor, Prithvi Wing, Indira Paryavaran
Bhavan, Jor Bhagh, New Delhi and Ors.

...Respondent(s)

Joint Committee Report

In

Application No. 87 of 2020 (SZ)

Index

S. No	Particular	Page No.
1	Joint Committee Report	1 -7
2	Hon'ble NGT Order dated 21.09.2020	8 -13
3	Copy of Joint Committee report dated 29.10.2021	14- 74
4	Copy of the Department of Mines and Geology, Govt. of Andhra Pradesh Letter No. 2940/Sand/2019 dated 03.09.2019	75

I. Preamble

O.A.No. 87 of 2020 is filed by Sri. Dasu. Manikantaiah, S/o. D. Penchalaiah at Hon'ble NGT (SZ), Chennai against the illegal mining at River Arani in the village of Sururupalli and Karani, Nagalapuram Mandal in Chittoor District. The allegation in the Original Application is sand mining is being done in the guise of dredging in Chittoor district in Andhra Pradesh against the directions of the Tribunal and also against the EIA Notification, 2006.

Hon'ble NGT, Southern Bench, Chennai vide order dated 21.09.2020 has "appointed a joint committee comprising of 1) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF& CC), Regional Office, Chennai, 2) a Senior Scientist from State Environment Impact Assessment Authority (SEAA), State of Andhra Pradesh, 3) Assistant Director of Mines and Geology, Chittoor District, 4) Senior Officer from Central Pollution Control Board (CPCB), Regional Office, Chennai and 5) the District Collector, Chittoor District to inspect the area in question and submit a factual and action taken report, if there is any violation found." Copy of the order is enclosed as Annexure - I.

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

1. To inspect the Surutpalli Sand reach area of Nagalpuram Mandal.
2. To ascertain whether the sand extraction/ dredging activity taking place in the area is mining or desolation
3. To ascertain whether Environmental Clearance is required or not
4. To verify whether the project proponent have obtained all necessary clearances or not
5. To ascertain whether sand is extracted in excess of permitted quantity or not
6. If illegal mining is taking place, the committee is vested with the mandate for damage assessment to the structures. riparian vegetation, water quality, sand depletion, bed erosion, increase in ground water depth, etc and to calculate associated Environmental compensation.

In compliance to Hon'ble NGT order dated 21.09.2020, the committee comprising of following members was composed:

1. Shri D. Markandeyulu IAS, Joint Collector, Chittoor District, Andhra Pradesh
2. Smt. Mahima T, Scientist-D, Central Pollution Control Board, Regional Directorate-
3. Chennai

4. Dr. C. Palpandi, Scientist 'C', Integrated Regional Office, Ministry of Environment Forest and Climate Change, Chennai.
5. Shri B. Ashok Kumar, Assistant Director of Mines and Geology, Chittoor, Andhra Pradesh.

The Joint Committee visited the site on 31.12.2020 and the final report has submitted on 29.10.2021. Copy of the Joint Committee report is enclosed as Annexure - II.

Hon'ble NGT vide Orders dated 29.10.2021, 26.11.2021, 28.01.2022, 21.02.2022, 28.03.2022 and 01.04.2022 has directed the Joint Committee to assess the Environmental Compensation payable for the alleged violations noticed by the committee.

II. Surutpalli Sand Reach

- The Department of Mines and Geology, Govt. of Andhra Pradesh vide Letter No. 2940/Sand/2019 dated 03.09.2019 (copy enclosed as Annexure – III) has permitted for excavation of sand at Surutpalli Reach in Surutpalli (Vg), Nagalapuram (M).
- The area permitted for sand mining is 4.709 hectares and the quantity of sand to be excavated was 47,090 m³. The satellite image as per geo-coordinates is as follows:



Figure: Layout of the Surutpalli Sand Reach

- The details of Surutpalli Sand Reach³ are as follows:

Reach Name	Surutpalli	
Stream Name	Arani	
Village	Surutpalli	
Mandal	Nagalapuram	
Extent in Ha	4.709	
Permitted Quantity (m³)	47,090 m ³	
permission for Excavation	Manual	
Status of Statutory Clearances	AMP No. & Date	Nil
	EC No. & Date	Nil
	CFO NO & DATE	Nil
Geo-coordinates	13°20'12.87"N 79°52'04.78"E 13°20'11.78"N 79°51'55.82"E 13°20'07.03"N 79°51'49.16"E 13°20'04.66"N 79°51'51.36"E 13°20'08.80"N 79°51'57.21"E 13°20'09.70"N 79°52'04.89"E	

III. Observations and Conclusions of Joint Committee Report dated 29.10.2021

- The committee is of the view that M/s APMDC carried sand excavation in River Araniar in Sururupalli in Chittoor district with the purpose of extraction of sand for local needs and not for desiltation purpose of Araniar River. Hence, it is to be considered as Sand Mining.
- As per Guidelines on Sustainable Sand mining published by Ministry of Environment Forest and Climate Change, Clearance has to be obtained from District Environmental Impact Assessment Authority for mining in area less than or equal to 5 ha.
- M/s APMDC has carried out sand mining in Surutupalli without obtaining Clearance from DEIAA and CFE & CFO from APPCB, hence DEIAA, Chittoor and APPCB may impose Environmental Compensation on defaulting departments like Department of Mines & Geology. Govt. of Andhra Pradesh / M/s APMDC for carrying out sand excavation. Currently no mining operations are taking place in the reach and it was completely filled with water.
- The committee did not observe any environmental impacts or damage to structures near to reach, indeed found that the river was completely filled with water.

5. M/s APMDC has levied fine of Rs.1,00,000/- on contractor M/s PMR Infra India Pvt. Ltd. for violating the conditions of contract.
6. From the satellite images of March, 2020 it is evident that mining is carried out outside the permitted boundary.
7. The committee measured the depth of sand excavation by conventional methods using tape and it was observed that the average depth of excavation was 1 m.

IV. Assessment of Environmental compensation

- As the Surtupalli sand reach operated without obtaining Environmental Clearance and Consent Documents from Competent Authorities, the entire quantity permitted i.e., 49,090 m³ has considered as illegally mined.

- As per the Joint Committee report dated 29.10.2021 observation:

“The committee measured the depth of sand excavation by conventional methods using tape and it was observed that the average depth of excavation was 1 m.”

Therefore, it has been considered that, total quantity of 49,090 m³ has excavated from the reach.

- As per the Hon’ble NGT Order dated 26.11.2021, Pont No. 1:

“....the inspection report submitted by the 4th Respondent stating that since permitted quantity has been exhausted, they have directed the District Sand Officer M/s APMDC Limited, Chittoor to stop the sand quarrying operation in Surtupalli Sand reach of Nagalapuram Mandal and also mentioned that they have imposed certain penalty for excess extraction of the sand....”

As already penalty imposed on excess mined out sand, the excess quantity has not been considered for calculation of environmental compensation.

The committee has considered 49,090 m³ of sand as illegal mining and assessed Environmental Compensation for the quantity of sand illegally mined. In compliance to Hon’ble NGT orders, committee has calculated EC based on Approach-1 of Hon’ble NGT order dated 26-02-2021 in the matter of OA 360/2015 (PB). The prize of the sand fixed by Government of AP is Rs.190.50 /- per cubic meter at the reach and it is used for calculating EC. As per Approach-1, EC is ascertained using formula:

$$EC = D * (1 + RF + DF)$$

Where

EC = Environmental Compensation

RF = Risk Factor = 0.25

DF = Deterrence Factor (DF).

D = Excess Extraction x Market Value-of the material-per-MT-or-m³

DF = 0.3 if Z/X = 0.11 to 0.40

DF = 0.6 if Z/X = 0.41 to 0.70

DF = 1 if Z/X >= 0.71

Where Z is Excess Extraction in m³ and X is permitted extraction in m³

S.No	Component	Amount per Ton	Amount per CbM
		RS	RS
1	Revenue for incidental Expenditure for policy implementation (Incl 5% GST on Sand)	204	
2	Seigniorage Fee	33	
3	DMF 98%	9.8	
4	DMF 2%	0.2	
5	Merit	1	
6	Operational Cost & Service Charge-APMDC	127	190.50
	Total	375	

EC Calculation:

Permitted quantity of sand in CBM (X) = 49,090 m³

Actual Quantity of sand mined in CBM (Y) = 49,090 m³

Quantity of sand mined in excess of permitted quantity in CBM (Z) = 49,090 m³ is considered as illegal mining as it was carried out without obtaining EC

Exceedance in extraction (Z/X) = 49,090 m³ / 49,090 m³ = 1.00

D (Where D = Z x Market Value-of the- material-per-MT-or-m³) = 49090 x 190.50 = 93,51,645/-.

Environmental Compensation = $9351645 * (1 + 0.25 + 1.0) = 9351645 * 2.25$

= Rs. 2,10,41,201/-

Rupees Two crore ten lakhs forty-one thousand two hundred and one only

V. Conclusions of members of MOEFCC & CPCB

The project proponent has mined 49090 m³ of sand from surtupalli sand reach without obtaining Environmental Clearance hence members of MOEFCC & CPCB has considered it as illegal mining. As directed by Hon'ble NGT committee has assessed an Environmental Compensation of Rs. 2,10,41,201/- (Rupees Two crore ten lakhs forty-one thousand two hundred and one only).

VI. Differing points by the District Collector, Chittoor and the Asst. Director of Mines and Geology, Chittoor

The District Collector, Chittoor and the Asst. Director of Mines and Geology, Chittoor differ from the opinion of the other two members of the Committee from Ministry of Environment, Forest and Climate Change and Central Pollution Control board on the conclusion part above duly describing as given below:

1. As per Walt-Act Rule 23-(1) (a); Sand mining shall not be permitted in notified areas **except for local use** in the Village or towns bordering the streams, Transportation of sand from these notified areas through mechanical means out of the local jurisdiction shall be banned.
2. The District Collector, Chittoor has granted permission for manual excavation of sand in Surutupalli sand reach for local needs and permitted transportation of sand from reach area to specified stockyard by means of bullock carts / tractors trolleys only, as rightly observed by the Committee but not for de-siltation purpose.
3. Government of Andhra Pradesh has constituted a Group of Ministers to finalize modalities of New Sand Policy in the interest of sustainable sand mining, compliance to environmental regulations, ensuring affordable prices of sand and raising valuable public revenues to the state exchequer. The Group of Ministers studied the existing policy framework of various states and the Government of India guidelines on sand and made certain recommendations for the policy and after careful examination of recommendations of the Group of Ministers, issued New Sand Policy – 2019 vide

G.O.Ms.No.70 & 71, Industries, Infrastructure, Investment & Commerce (Mines – II) Department, Dt:04-09-2019 in which, Environmental Clearance, Consent for Establishment and Consent for Operation are required for IV and above order streams, but not for I, II, III order streams. Irrigation department has classified the Araniyar river which flows through Surutupalli as IIIrd order stream. Hence, the Environmental Clearance and Consent for Establishment & Operation are not warranted for sand excavation in the above authorized Surutupalli sand reach as per the said policy.

Hence the compensation fixed by the MOEFCC & CPCB members is hereby differed and may not be considerable.

Shri. Hari Narayanan M

3/3
District Collector, Chittoor District,
Andhra Pradesh

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

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

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

Item No.03:

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

I.A. No. 69 of 2020 (SZ) &

I.A. No. 70 of 2020

Original Application No. 87 of 2020 (SZ)

(Through Video Conference)

IN THE MATTER OF

Dasu. Manikantaiah

...Applicant(s)

Versus

Union of India and others.

...Respondent(s)

Date of order: 21.09.2020.

CORAM:

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

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s): Sri. Kamalesh Kannan

For Respondent(s): Sri. G.M. Syed Nurullah Sheriff for R1
Sri. Basu represented Smt. Maduri Donti Reddy
for R2 to R6

ORDER

1. The above case has been posted to today for completion of pleadings and also for appearance for parties.

2. When the matter came up for hearing today through Video Conference, Sri. Kamalesh Kannan represented the applicant. Sri. G.M. Syed Nurullah Sheriff represented 1st respondent and Sri. Basu represented Smt. Maduri Donti Reddy who is appearing for respondents 2 to 6 and submitted that since she is not well, she is not appearing before this Tribunal and wanted some time for filing their reply statement.
3. We have also received the inspection report submitted by the 4th respondent, stating that since the permitted quantity has been exhausted, they have directed the District Sand Officer M/s. APMDC Ltd., Chittoor to stop the sand quarrying operation in Surutpalli Sand reach of Nagalpuram Mandal and also mentioned that they have imposed certain penalty for excess extraction of the sand.
4. They have not mentioned in the report, as to whether any environmental clearance is required for such purposes and the same has been obtained or not as well.
5. Even the Ministry of Environment, Forests and Climate Change (MoEF & CC) had filed a reply statement where also they did not mention whether in the instant case, environmental clearance is required or not. Instead, they said that if it is dredging it is not required and if it is sand mining, environmental clearance is required. Such an evasive statement is not expected from the

Ministry.

6. When there is an allegation in the Original Application that the sand mining is being done in the guise of dredging in state of Andhra Pradesh against the directions of the Tribunal and also against the EIA Notification, 2006, then the Ministry should have obtained some report from their Regional office, regarding the allegations in the application and should have come with their concrete suggestion as to whether environmental clearance is required in a particular matter or not.
7. When this was pointed out, the learned counsel appearing for the Ministry of Environment, Forests and Climate change (MoEF & CC) submitted that they will get a detailed report from the Regional Office regarding the allegations in the application independently.
8. We have directed the applicant to take steps to implead M/s. APMDC to whom permission was granted by the District Collector, Chittoor, to extract sand from the sand reaches in this area and if they have violated the statutory provision, without hearing them, it is not proper for this Tribunal to pass any order.
9. When this was pointed out the learned counsel appearing for the applicant submitted that he will take steps to implead them as party in the proceedings.
10. The learned counsel appearing for the applicant submitted that

even today the illegal mining is going on.

11. So under such circumstances, we feel that it is necessary to get a factual report by appointing an independent joint committee for this purpose. So, we appoint a joint committee comprising of 1) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF & CC), Regional Office, Chennai, 2) a Senior Scientist from State Environment Impact Assessment Authority (SEIAA), State of Andhra Pradesh 3) Assistant Director of Mines and Geology, Chittoor District 4) Senior Officer from Central Pollution Control Board (CPCB), Regional Office, Chennai and 5) the District Collector, Chittoor District to inspect the area in question and submit a factual and action taken report, if there is any violation found.
12. The committee is directed to go into the question as to whether the activity that is being carried out in that area requires any environmental clearance as provided under EIA Notification, 2006 and as per the directions of the Hon'ble Apex Court in (*Deepak Kumar Vs State of Haryana* , (2012) 4 SCC 629). If there is any violation then, they are directed to assess the environmental compensation
13. The committee is also directed to go into the question as to whether what is nature of activity that is being done by the user agency, whether they are involved only in dredging for the purpose

of clearing the river bed, so as to enable the free flow of water or in the guise of dredging, they are doing sand mining without obtaining necessary clearances and how the sand is being dealt with, whether it has been used for commercial purpose or for spreading the same in the area where replenishment of sand is required under the Sustainable Sand Mining Policy of the Central Government.

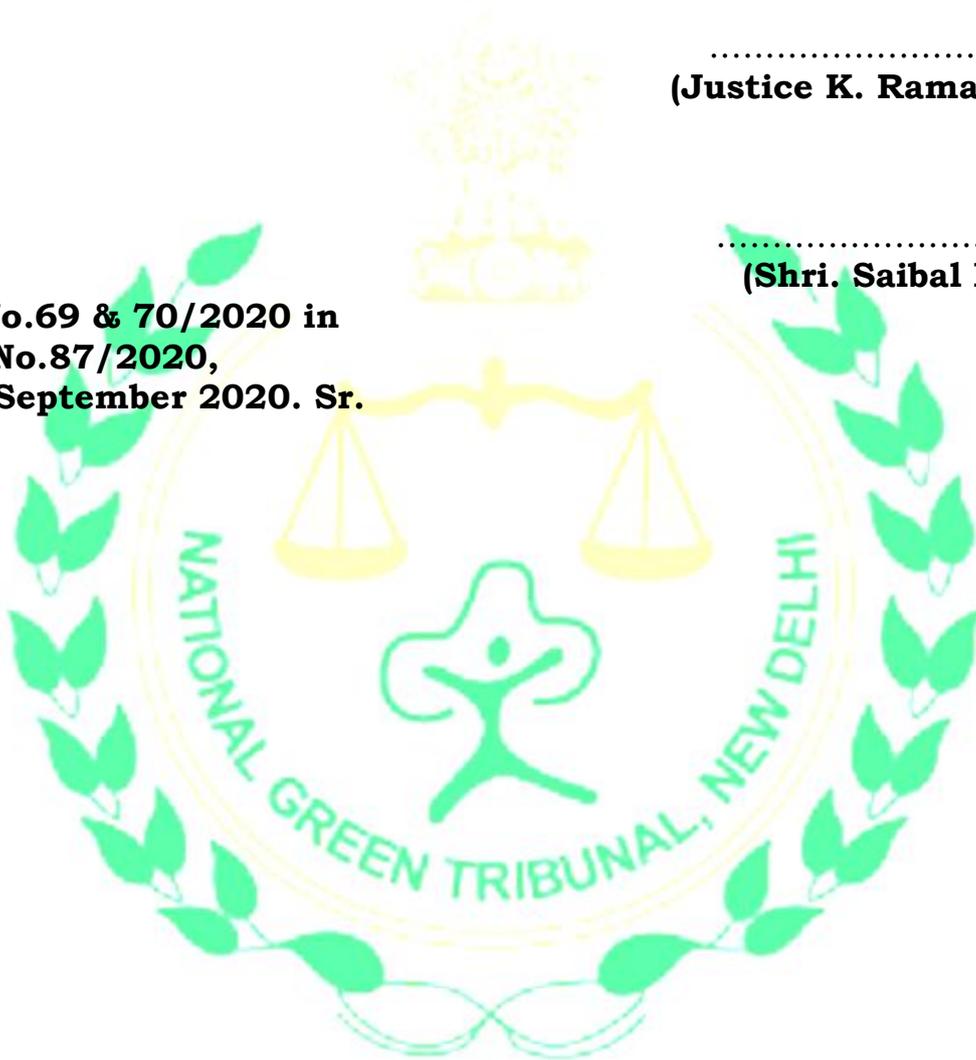
14. The committee is also directed to ascertain the quantity of sand that is being extracted by user agency for the purpose of assessing the environmental compensation.
15. The applicant is also directed to produce a set of papers to the members of the committee within a week, so as to avoid the delay in submitting the report by them.
16. The Ministry of Environment, Forest and Climate change (MoEF & CC) Regional Office, Chennai will be the nodal agency for co-ordination and for providing necessary logistics for this purpose.
17. The committee as well as the official respondents are directed to submit the report in this regard respectively on or before 06.11.2020 by e-filing along with required hard copies to be produced as per rules.
18. The Registry is directed to communicate this order to the members of the committee immediately through e-mail, so as to enable them to comply with the direction.

19. For completion of pleadings, filing of response and also for consideration of report, post on 06.11.2020.

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

.....E.M.
(Shri. Saibal Dasgupta)

**I.A. No.69 & 70/2020 in
O.A. No.87/2020,
21st September 2020. Sr.**



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

In

OA No. 87 of 2020 (SZ)

IN THE MATTER OF:

Sri.Dasu.Manikantiah

...Applicant(s)

Vs

Union of India and Ors.

...Respondent(s)

Joint Committee Report

Joint Committee Report

In

Application No. 87 of 2020 (SZ)

Index

S. NO	PARTICULAR	PAGE NO.
1.	Joint Committee Report	1-10
2.	Hon'ble NGT Order in O.A. No.87/2020 Dated- 22.07.2021 Annexure - I	11-15
3.	Copy of letter no.2940/sand/2019 dated 03.09.2019 addressed by Ass. Director of Mine and Geology, Chittoor to the Director of Mine and Geology, Ibrahimpatnam, Krishna District is enclosed as Annexure - II	16
4.	Copy of the relevant portions of the contract is enclosed as Annexure - III	17-31
5.	Note submitted to District Collector, Chittoor on Proposed new sand reaches in Asst. Director of Mines and Geology, Chittoor Jurisdiction Dated: 8.07.2019 including G. O. Nos. 70 & 71 Annexure - IV	32-59

I Preamble

O.A No. 87 of 2020 is filed by Sri. Dasu. Manikantaiah, S/o. D.Penchalaiah at Hon'ble NGT (SZ), Chennai against the illegal mining at River Arani in the village of Surutupalli and Karani, Nagalapuram mandal in Chittoor District. The allegation in the Original Application is sand mining is being done in the guise of dredging in Chittoor district in Andhra Pradesh against the directions of the Tribunal and also against the EIA Notification, 2006. Hon'ble NGT has directed the committee to find out as to whether the activity that is being carried out requires any Environmental Clearance under EIA Notification, 2006 or not and if there is any violation, the committee has to assess Environmental Compensation. The committee has to inspect the area and submit factual and action taken report, if there is any violation found to Hon'ble Tribunal.

II Hon'ble NGT orders

Hon'ble NGT, Southern Bench, Chennai in Original Application No. 87/2020 in the matter of Dasu. Manikantaiah Vs Union of India & Ors vide order dated 21-09-2020 has "*appointed a joint committee comprising of 1) a Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF& CC), Regional Office, Chennai, 2) a Senior Scientist from State Environment Impact Assessment Authority(SEIAA), State of Andhra Pradesh 3) Assistant Director of Mines and Geology, Chittoor District 4) Senior Officer from Central Pollution Control Board (CPCB), Regional Office, Chennai and 5) the District Collector, Chittoor District to inspect the area in question and submit a factual and action taken report, if there is any violation found.*" Copy of the order is enclosed as **Annexure-I**.

III Composition and scope of the Committee

In compliance to Hon'ble NGT order dated 21.09.2020, the committee comprising of following members was composed:

1. Shri D. Markandeyulu IAS, Joint Collector, Chittoor District, Andhra Pradesh
2. Smt. Mahima T, Scientist-D, Central Pollution Control Board, Regional Directorate-Chennai

3. Dr. C. Palpandi, Scientist 'C', Integrated Regional Office, Ministry of Environment Forest and Climate Change, Chennai.
4. Shri B. Ashok Kumar, Assistant Director of Mines and Geology, Chittoor, Andhra Pradesh.

The committee visited the site on 31-12-2020. The representative from the SEIAA, Andhra Pradesh has not participated in the site visit.

Scope of Study of the Committee

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

1. To inspect the Surutpalli Sand reach area of Nagalpuram Mandal.
2. To ascertain whether the sand extraction/ dredging activity taking place in the area is mining or desiltation
3. To ascertain whether Environmental Clearance is required or not
4. To verify whether the project proponent have obtained all necessary clearances or not
5. To ascertain whether sand is extracted in excess of permitted quantity or not

If illegal mining is taking place, the committee is vested with the mandate for damage assessment to the structures, riparian vegetation, water quality, sand depletion, bed erosion, increase in ground water depth, etc and to calculate associated Environmental compensation.

IV Prevailing Sand Mining Policy, 2019 in Andhra Pradesh

Government of Andhra Pradesh has introduced New Sand Mining Policy, 2019 with effect from 04-09-2019. Salient features of new sand mining policy are as follows:

1. Sand excavation in river streams of I, II & III order will be regulated by the District Administration for consumption within the district for local domestic needs and Government sponsored weaker section housing schemes. The excavation shall be manual and no mechanical means be allowed for excavation. Sand sourced from the streams of I, II & III order shall be transported to nearest specified stockyards for subsequent disposal by M/s APMDC Ltd., to the end consumers. Sand should be made available for Government sponsored weaker section housing schemes free of cost duly paying applicable charges.

2. Sand may be sourced from streams of I, II, and III order for local needs by bullock carts. In such cases the Tahsildar of the mandal concerned shall issue a permit on payment of sale price per ton, as fixed by the Government.
3. Sand extraction in river streams of IV, V and higher order will be permitted subject to Andhra Pradesh Minor Mineral Concession Rules (APMMC), 1966, Environment Protection Act, Environment Impact Assessment (EIA) notification, 2006 issued by Ministry of Environment Forest & Climate Change and the Rules made thereunder and all applicable Rules & Regulations in vogue.
4. The District Collector shall obtain statutory Clearances such as Approved Mining Plan, Environmental Clearance, Consent for Establishment and Consent for Operation from the competent authorities prior to commencement of operations and handover the sand reaches to M/s APMDC Ltd for operations.
5. M/s APMDC Ltd., shall
 - Put in place an online system for registration of end consumers and transporters, receipt of orders directly from the end consumers, collection of payments and remittance to the treasury account of the State government online and maintenance of stockyards, disposal of sand from the stockyards and real time tracking of sand carrying vehicles.
 - Allot the work of sand extraction, loading and transportation of sand to stockyard, ramp maintenance, loading of sand to despatch vehicles at the stockyard through a competitive reverse tendering process.
 - Install weigh bridges at the stockyards and CCTV cameras at sand reaches and stockyards to monitor sand operations and vehicular movement.

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

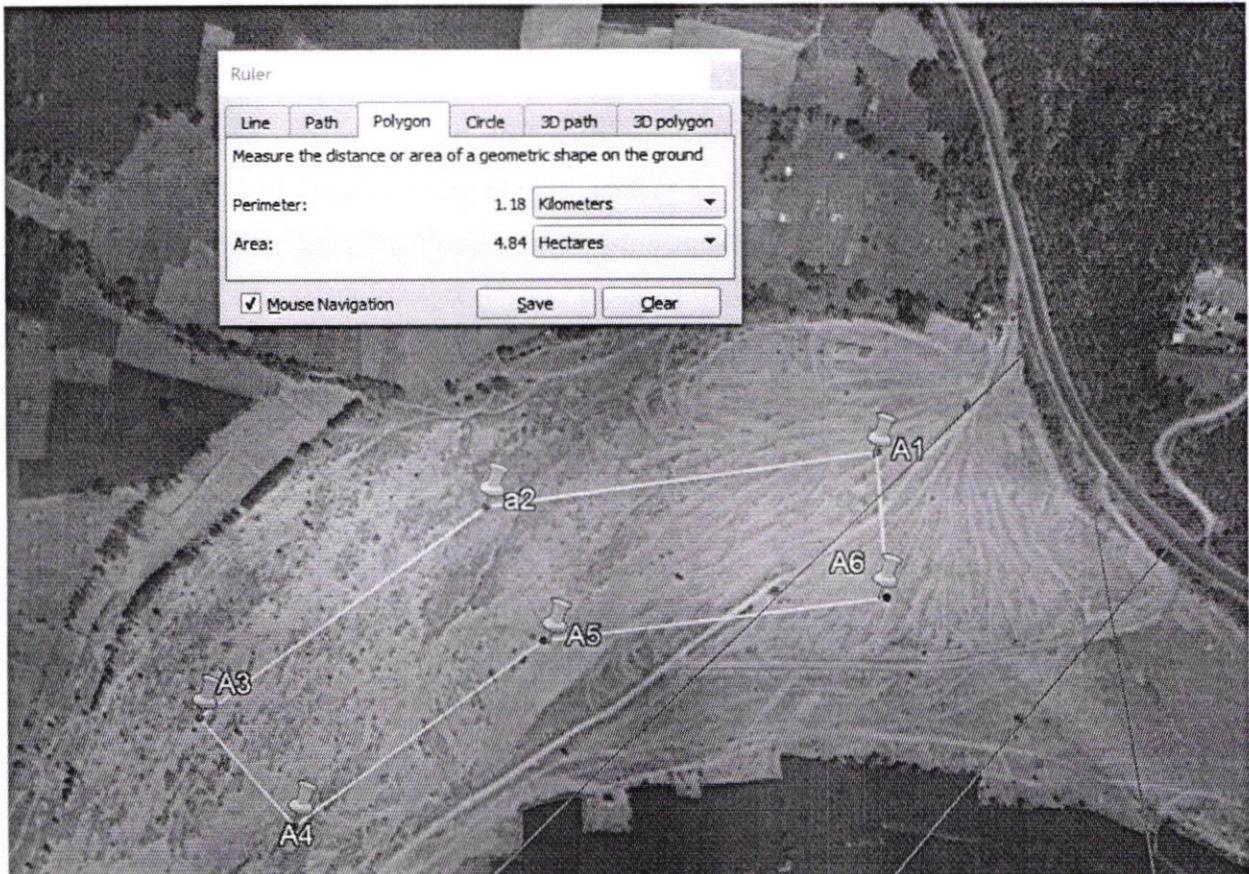
As per the allegations made in the complaint, the committee visited Surutupalli sand reach on 31-12-2020 and discussed with concerned departments. The following are observations of Integrated Regional Office MOEFCC, Chennai and CPCB – Regional Directorate, Chennai. The Joint Collector, Chittoor district and Asst. Director of Mines and Geology have not agreed with the following findings.

1. The reach is located on River Araniar at Surutupalli, Nagalapuram mandal in Chittoor district. Irrigation department has classified Araniar River as 3rd order stream.

2. From the letter no. 2940/sand/2019 dated 03.09.2019 addressed by Asst. Director of Mines and Geology, Chittoor to the Director of Mines & geology, Ibrahimpatnam, Krishna district, it is understood that to bridge the shortfall of the sand demand-supply, sand excavation was taken up in Surutupalli sand reach (Copy of the letter is enclosed as Annexure – II). Detailed scientific assessment on the quantity of sand available in the Araniar River in Surutupalli and depth up to which sand can be excavated was not made. The quantity of silt accumulated in the river was not assessed before sand excavation, hence it cannot be termed as desiltation. Sand excavation in Surutupalli was taken up for local needs within the District only. However, it has to be treated as mining activity.
3. As per guidelines on Sustainable Sand Mining published by Ministry of Environment Forest and Climate Change, for mining of minor minerals (sand is a minor mineral) falling under category 'B2' for less than or equal to five hectares, permission has to be obtained by "District Environment Impact Assessment Authority" (DEIAA). However based on joint inspection report of Mines & Geology, AP irrigation department and Ground Water Department, AP, District Collector has accorded permission for sand excavation in surutpalli. Reported that AP sand Mining Policy, 2019, does not clearly specify whether EC is required or not for 3rd order streams and due to lack of clarity Mines & Geology has not obtained EC. The committee is of the view that for mining of sand from surutupalli sand reach Environmental Clearance from DEIAA was required however M/s APMDC has carried out sand excavation without obtaining necessary clearances / permissions from DEIAA. M/s APMDC has not obtained "Consent for Establishment" and "Consent for Operation from APPCB.
4. Andhra Pradesh Mineral Development Corporation has contracted the reach to M/s P.M.R Infra India Pvt Ltd on 25.09.2019 to extract 47,090m³ of sand from 4.7 ha area. (depth 1m). In the contract APMDC has specified the condition that sand excavation shall be carried out manually from the reach and mechanical devices should not be used for sand excavation. (Copy of the relevant portions of the contract is enclosed as Annexure – III).

5. District Environment Impact Assessment Authority may impose Environmental Compensation on defaulting department for carrying out sand excavation in river Araniar in Surutupalli without obtaining EC.
6. The committee interacted with the villagers and they informed that heavy machineries were used for sand excavation and showed photos and videos to the committee members. From the videos & photos presented by villagers and by discussion with concerned departments, the committee is of the view that heavy machineries like proclian, JCB were used for loading the sand into trucks & tippers and not for sand excavation. Though APMDC has specified that the “contractor must prohibit heavy vehicles near sand reaches and sand should be transported to the designated stockyards through tractor trolleys only” but the contractor has not complied with the conditions stipulated in the contract and has used heavy vehicles for transportation of sand from reach to stockyard. M/s APMDC and District Collectorate, Chittoor shall levy fine against the contractor for violating the conditions of the contract. Mines Department officials have informed that they have inspected the Surutupalli sand reach on 25-06-2020 and noticed one Poclain at above sand reach and same was seized as per New Sand Policy 2019 and imposed Penalty of Rs.1,00,000/- under sub rule 16 (i) of Rule 9-B of APMMC Rules, 1966. Reported that the vehicles used for transportation of sand are fitted with GPS.
7. The area permitted by M/s APMDC for mining is 4.7 Ha, M/s APMDC has fixed the sand mining fee as Rs 89/- per metric tonne of sand.
8. On the day of committee inspection no activity was observed in surutupalli sand reach. Two ramps were found, one ramp is used by villagers and was also used for movement of heavy vehicles for loading of sand. Another ramp was established by M/s APMDC for the purpose of sand excavation, CCTV was installed at this ramp used for sand excavation only.
9. As per Sustainable sand mining guidelines, the distance from mine and any permanent structure shall be more than 500 m but the aerial distance between Chennai – Tirupathi Highway and sand reach (point A1) is 140 m which is in violation of guidelines.

10. From the satellite images of March, 2020 it is evident that mining is carried out outside the permitted boundary. On comparison of satellite images of June, 2019 and March, 2020 the committee is of the view that M/s APMDC may have strengthened the existing kaccha village road for movement of heavy vehicles. During the committee visit, the ramp used for movement of heavy vehicles was not there. The villagers informed that the ramp was removed by M/s APMDC on closure of the reach which M/s APMDC informed that ramp was washed away during monsoon.



Satellite image of 31.03.2020 clearly showing the boundary points.

Ramp 1 used for sand excavation where CCTV is installed

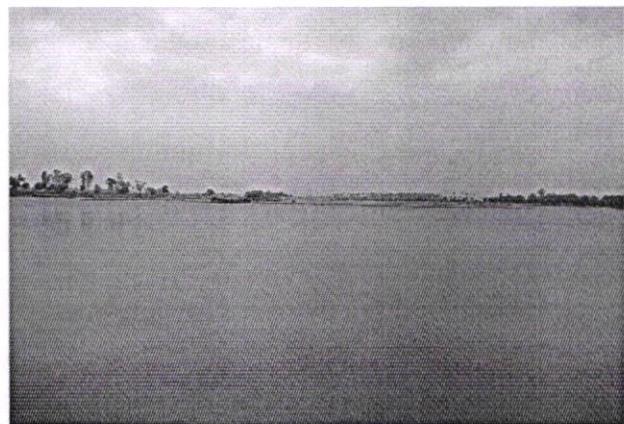
Ramp 2 used as village road and used for movement of heavy vehicles

Chennai tirupathi highway



Satellite image of 02.06.2019 where a kaccha road can be seen

11. Reported that the mining activity was stopped during June, 2020 and stockyard was closed during September, 2020, however production and dispatch registers were not shown to the committee, hence the committee could not ascertain the exact quantity of sand mined in the reach.
12. During the time of visit the reach was completely filled with water, poles/ pillars for demarcation of boundary could not be traced.
13. The committee did not observe any environmental impacts and damage to structures on account of mining in Surutupalli. In turn it was observed that the reach area was filled with water while the same area appears dry in the historical satellite images. Department of Mines and Geology also confirmed this that post sand excavation, the area is filled with water.



Photos taken during inspection showing that the reach is completely filled with water.

14. The committee measured the depth of sand excavation by conventional methods using tape and it was observed that the average depth of excavation was 1m.
15. M/s APMDC in consultation with Mines & Geology and Irrigation department shall prepare a closure plan for closing the reach. M/s APMDC and District Collectorate shall strengthen the supervision and monitoring activity so as to regulate mining activity
16. It was reported by Police department that from December, 2019 to December, 2020, Police department have seized 15 vehicles and criminal cases are registered against them.

VI Conclusions of MOEFCC & CPCB

1. The committee is of the view that M/s APMDC carried sand excavation in River Araniar in Sururupalli in Chittoor district with the purpose of extraction of sand for local needs and not for desiltation purpose of Araniar River. Hence, it is to be considered as Sand Mining.
2. As per Guidelines on Sustainable Sand mining published by Ministry of Environment Forest and Climate Change, Clearance has to be obtained from District Environmental Impact Assessment Authority for mining in area less than or equal to 5ha.
3. M/s APMDC has carried out sand mining in Surutupalli without obtaining Clearance from DEIAA and CFE & CFO from APPCB, hence DEIAA, Chittoor and APPCB may impose Environmental Compensation on defaulting departments like Department of Mines & Geology, Govt. of Andhra Pradesh / M/s APMDC for carrying out sand excavation. Currently no mining operations are taking place in the reach and it was completely filled with water.
4. The committee did not observe any environmental impacts or damage to structures near to reach, indeed found that the river was completely filled with water.
5. M/s APMDC has levied fine of RS.1,00,000/- on contractor M/s PMR Infra India Pvt LTD for violating the conditions of contract.

VII. Differing points by the District Collector, Chittoor and the Asst. Director of Mines and Geology, Chittoor

The District Collector, Chittoor and the Asst. Director of Mines and Geology, Chittoor differ from the opinion of the other two members of the Committee from Ministry of Environment, Forest and Climate Change and Central Pollution Control board on the points 2 & 3 mentioned under conclusion part above duly describing as given below:

1. The District Collector, Chittoor has granted permission for manual excavation of sand in Surutupalli sand reach for local needs and permitted transportation of sand from reach area to specified stockyard by means of bullock carts / tractors trolleys only, as rightly observed by the Committee but not for de-siltation purpose.
2. Government of Andhra Pradesh has constituted a Group of Ministers to finalize modalities of New Sand Policy in the interest of sustainable sand mining, compliance to environmental regulations, ensuring affordable prices of sand and raising valuable public revenues to the state exchequer. The Group of Ministers studied the existing policy framework of various states and the Government of India guidelines on sand and made certain recommendations for the policy and after careful examination of recommendations of the Group of Ministers, issued New Sand Policy – 2019 vide G.O.Ms.No.70 & 71, Industries, Infrastructure, Investment & Commerce (Mines – II) Department, Dt:04-09-2019 in which, Environmental Clearance, Consent for Establishment and Consent for Operation are required for IV and above order streams, but not for I, II, III order streams since it is only for local consumption needs and not commercial mining. Irrigation department has classified the Araniyar river which flows through Surutupalli as IIIrd order stream. Hence, the Environmental Clearance and Consent for Establishment & Operation are not warranted for sand excavation in the above authorized Surutupalli sand reach as per the said policy.

Shri M. Hari Narayanan

Shri M. Hari Narayanan IAS,
District Collector, Chittoor District
Andhra Pradesh
DISTRICT COLLECTOR
CHITTOOR.

Dr. C. Palpandi

Dr. C. Palpandi
Scientist 'C'
Integrated Regional Office, Ministry of
Environment Forest and Climate Change,
Chennai

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

B. Ashok Kumar
Shri B. Ashok Kumar,
Assistant Director of Mines and Geology,
Chittoor, Andhra Pradesh



Item No.13:

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 87 of 2020 (SZ) &

I.A. No. 70 of 2020 (SZ)

(Through Video Conference)

IN THE MATTER OF

Dasu. Manikantaiah

...Applicant(s)

Versus

Union of India and others.

...Respondent(s)

Date of order: 22.07.2021.

CORAM:

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

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

For Applicant(s):

Mr. Kamalesh Kannan

For Respondent(s):

Mr. Ashik Ahamed represented

Mr. G.M. Syed Nurullah Sheriff for R1

Smt. Maduri Donti Reddy for R2 to R6

ORDER

1. The above case has been posted to today for filing the reports as directed by this tribunal.
2. When the matter came up for hearing today through Video

Conference, Mr. Kamalesh Kannan represented the applicant. Mr. Ashik Ahamed represented Mr. G.M. Syed Nurullah Sheriff Counsel for 1st respondent and Mrs. Maduri Donti Reddy represented respondents 2 to 6.

3. Notice sent to 7th respondent was returned with endorsement, unclaimed. But in the endorsement it was mentioned that whenever the official from the Post Office went there, they could not serve the notice or give intimation as the door was locked. There is nothing mentioned as to whether any attempt was made by the post man to give intimation to any of the responsible person who can take notice on their behalf. Unless such an exercise is made by the Postal authorities, the presumption under Section 27 of the General Clauses Act, 1897 cannot be invoked. So the applicant is directed to take out notice to 7th respondent again through Tribunal by producing necessary requisites along with postal cover and postal stamps before this Tribunal within three days, so that notice can be sent through Tribunal, to ensure service on them, so as to enable this Tribunal to proceed against them, if they did not appear in their absence in accordance with law.

4. As per order dated 25.02.2021, when this Tribunal found that some of the members of the committee did not sign the report, namely, the District Collector and the Mining Department as they

are in disagreement with the conclusion by the Ministry of Environment, Forests and Climate Change and Central Pollution Control Board. But we have mentioned in the earlier order that even if the members have got any dissenting opinion that must be incorporated in the report and along with the reasons by the authorities who are coming with a different conclusion than the conclusion given by the State Authorities and that must also form part of the conclusion portion leaving the legality of the objections raised to be considered by this Tribunal.

5. When this was pointed out, the learned counsel appearing for Ministry of Environment, Forests and Climate Change (MoEF&CC) and the State Department submitted that they will comply with the direction and accordingly the matter was originally posted 22.03.2021 and thereafter the matter was adjourned from time to time by notification. Thereafter the matter was taken up on 14.07.2021. Even on that day since no reports have been filed as directed, this Tribunal had given some more time for them to file the report and posted the case to today. Even today no such report has been filed so far. Instead we have received the independent report filed by the Assistant Director, Mines and Geology Department, Chittoor District expressing their views on the observations made by the committee said to be their dissenting note. But that also did not show as to how they are

differing from the finding arrived at by the other committee members but only giving the general procedure that they were following for the purpose doing the work in such matters along with some Annexure.

6. Though the learned counsel appearing for the State Department submitted that they have already filed their counter statements by e-filing, the same has not been received by the office. When this was pointed, the learned counsel appearing for the State Departments submitted that they will verify from the office and if there is any defect, they will rectify the same as well.
7. The committee is directed to file the report as directed by this Tribunal taking clue as to how such reports will have to be filed as mentioned in the order in O.A. No. 152 of 2021 in which also the same committee has been appointed by this Tribunal to go into the allegations made in that case
8. They are directed to submit their respective reports as directed by this Tribunal and complete the pleadings on or before **23.08.2021** by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hardcopies to be produced.
9. The Registry is directed to communicate this order to the members of the committee and also to the official respondents immediately through e-mail, so as to enable them to comply with the direction.

10. For appearance of 7th respondent, completion of pleadings and also for consideration of reports, post on **23.08.2021**.

Sd/--

.....J.M.

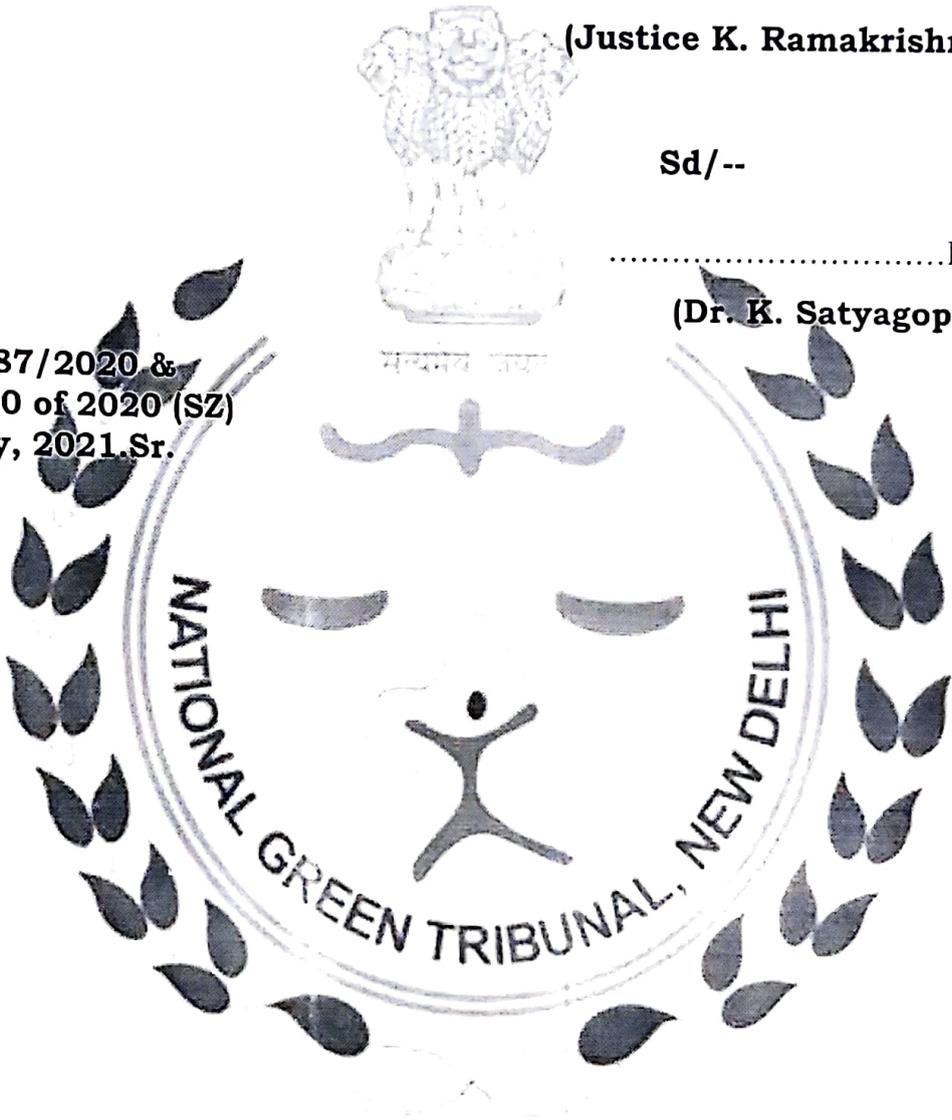
(Justice K. Ramakrishnan)

Sd/--

.....E.M.

(Dr. K. Satyagopal)

O.A. No.87/2020 &
I.A. No.70 of 2020 (SZ)
22nd July, 2021.Sr.



From
G. Venkateswarulu, M. Sc.,
Asst. Director of Mines & Geology,
Chittoor.

To
The Director of Mines & Geology,
Ibrhimpatnam, Krishna Dt.

Letter No. 2940/Sand/2019 , Dated: 03.09.2019.

Sir,

Sub:- Sand – Office of the Asst. Director of Mines and Geology, Chittoor – Identification and Approval of three sand reaches – Information Submitted – Reg.

- Ref:- 1 Govt. Memo.No.3066/M-II(1)/2016-17, Dt:08.07.2019.
2 Note approval of the District Collector and Magistrate, Chittoor dated: 31.08.2019.

I invite kind attention to the subject and references cited and submit that vide reference 1st cited the Government of A.P., has directed the District authorities to take steps to identify new Sand reaches & De-silting points on war footing basis to bridge the shortfall of the sand demand-supply in the state. Subsequently, the Collector & District Magistrate, Chittoor has directed to conduct a joint inspection with line departments i.e. Ground Water, Irrigation, RWS and Mines & Geology Departments for identification of new sand reaches in the District.

In this connection, it is submitted that this office Technical staff along with line Departments have been conducted joint inspection on various dates during the July & August months and identified the following reaches in the jurisdiction of Asst. Director of Mines & Geology, Chittoor. All these three sand reaches are below 3rd order and below 3rd order streams only. Further it is submitted that the Collector and District Magistrate has approved three sand reaches in this office jurisdiction for excavation of sand as detailed below.

Sl. No	Name of the reach & Location	Geo co-ordinates		Extent in Hect & Qty. in CBM	Remarks
01	Nandanoor Reach in Nandanoor Vg., G.D.Nellore Mandal.	13 15 32.50 N 13 15 44.43 N 13 15 42.74 N 13 15 30.75 N	79 09 20.36E 79 09 14.91 E 79 09 11.31 E 79 09 16.76 E	4.870 Hect. (48,700 M ³)	All the line Departments have given feasibility for excavation of sand.
02	Penumallam Reach in Penumallam Vg., Yerpedu Mandal.	13 36 29.09 N 13 36 27.49 N 13 36 35.65 N 13 36 38.02 N	79 33 56.55 E 79 33 56.68 E 79 34 18.03 E 79 34 17.60 E	4.110 Hect. (41,100 M ³)	All the line Departments have given feasibility for excavation of sand.
03	Surutpalli Reach in Surutpalli (Vg), Nagalapuram (M)	13 20 12.87 N 13 20 11.78 N 13 20 07.03 N 13 20 04.66 N 13 20 08.80 N 13 20 09.70 N	79 52 04.78 E 79 51 55.82 E 79 51 49.16 E 79 51 51.36 E 79 51 57.21 E 79 52 04.89 E	4.709 Hect. (47,090 M ³)	All the line Departments have given feasibility for excavation of sand.

This is submitted for favour of information and taking further necessary action in the matter.

Yours faithfully, _____
(Signature)

Asst. Director of Mines & Geology,
Chittoor

Copy submitted to the Dy. Director of Mines & Geology, Chittoor for favour of information.

APMDC and the CONTRACTOR are collectively referred to as the "Parties" and individually as a "Party"

WHEREAS

1. APMDC, incorporated in 1961, is a Government of Andhra Pradesh undertaking involved in commercial exploitation of various minerals and has been instructed by the State Government to act as an Agent to Government of Andhra Pradesh vide Memo. No:3066/M-II(1)/2016-17, dated 08.07.2019 to operate the sand reaches and dispose the sand to the end consumers.
2. APMDC vide Tender No. APMDC/SAND/EXCAVATION/2019-20/1 dated 27.07.2019 invited E-Tender for "Selection of Contractor for Excavation, Transportation, Stocking and Loading of Sand in Andhra Pradesh" for Schedule 41 in Chittoor district, Andhra Pradesh.
3. Subsequently, a Letter of Award (LoA) was issued by M/s. APMDC to M/s PMR Infra India Ltd on 24.08.2019 for Schedule 41 and the Agreement was entered into by M/s APMDC and M/s. PMR Infra India Ltd. on 31.08.2019.
4. The Contractor expressed that the sand available in the reach allotted is much lower than the quantity mentioned in the tender document. This was confirmed by our Project officer, Chittoor District. As against a quantity of 1,35,500 CBM mentioned in the tender document, only 30,000 CBM Quantity was available for extraction.
5. APMDC, vide Tender No. APMDC/SAND/EXCAVATION/2019-20/1 dt. 05.09.2019, floated tenders for Excavation, Transportation, Stocking and Loading of Sand, including for 3 schedules in Chittoor district i.e. Schedule 52 (Nandanoor), Schedule 53 (Penumallam) and Schedule 54 (Surutpalli).
6. Secretary to Government (Mines), Andhra Pradesh, vide Lt. No. INC01-MGOSAND/234/2019 dt.23.09.2019, instructed APMDC to extend the agreement entered between M/s PMR Infra India Ltd. and APMDC in the jurisdiction of ADMG, Chittoor for newly identified sand reaches in Chittoor district i.e., 1. Nandanoor, 2. Penumallam and 3. Surutpalli as the District Collector, Chittoor has informed the sand reserves in the reaches notified earlier has been exhausted and no operational reaches are available in the district to cater the immediate requirement of sand in Chittoor.

The Andhra Pradesh Mineral Development Corporation Limited

23-9-2019
H.D. Nagaraja
Executive Director

M/s. PMR Infra India Ltd

Mukherjee
Authorized Signatory

7. The Sand Mining Fee (in INR ³⁹ Metric Tonne) for Schedule 54 has been finalized to be Rs.89/- (Rupees Eighty Nine only), which is the price discovered through e-tender (Tender No. APMDC/SAND/EXCAVATION/2019-20/1 dt. 05.09.2019).
8. APMDC issued a Letter of Award vide Lr. No. APMDC/ED/SAND/2019-20/799 dated 25.09.2019 for Schedule 54 and invited the CONTRACTOR to enter into an agreement by submitting Performance Security Deposit for an amount of Rs.6,29,000/- (Rupees Six Lakhs Twenty Nine Thousand only) as per the terms and conditions of the tender document.
9. Subsequently, CONTRACTOR submitted a Performance Security Deposit vide Axis DD No.060126 dated 25.09.2019 for an amount of Rs. 6,29,000/- (Rupees Six Lakhs Twenty Nine Thousand only).
10. Accordingly, APMDC has decided to appoint M/s. PMR Infra India Ltd as "CONTRACTOR" having the sole responsibility to perform the Work and implement the Project in accordance with the terms of the Agreement and M/s. PMR Infra India Ltd agrees and undertakes to perform and comply with all its obligations under this Agreement and to be solely responsible for the same and to carry out the Work (as defined hereinafter) in accordance with the terms and conditions as set out in this Agreement.

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

1. Definitions, Interpretations & Agreement Documents

- a. The words and expressions mentioned in the Agreement shall have the same meaning as are respectively assigned to them in the conditions of the Tender No. APMDC/SAND/EXCAVATION/2019-20/1 dated 05.09.2019 and any subsequent corrigendum issued to the said tender.
- b. The following documents issued for the above work shall be deemed to form part and parcel of this Agreement and the same may be read and construed as part of this Agreement viz.
- Tender No. APMDC/SAND/EXCAVATION/2019-20/1 dated 05.09.2019 and all of its subsequent corrigenda
 - Letter of Award No. APMDC/ED/SAND/2019-20/799 dated 25.09.2019.

The Andhra Pradesh Mineral Development Corporation Limited

H.D. Nagaraja
Executive Director

M/s. PMR Infra India Ltd

Michael M. Reddy
Authorized Signatory

2. Appointment

39

- c. Subject to and in accordance with the provisions of this Agreement and Applicable Laws, APMDC hereby appoints the CONTRACTOR to provide sand excavation services during the subsistence of this Agreement and the CONTRACTOR hereby consents to its appointment and agrees to provide the sand excavation services in accordance with the terms and conditions set out in this Agreement.

3. Duration of the Agreement

- d. The duration of the Agreement will be for 6 months from the date of signing of this agreement or till the exhaustion of sand in the sand reach, whichever is earlier.
- e. Upon satisfactory performance and availability of further reserves, the agreement can be extended for a period of 6 more months with mutual consent and negotiation, at the discretion of APMDC.
- f. However, if the performance of the contractor is found unsatisfactory and it fails to meet the terms of the Agreement and guidelines of APMDC and other statutory bodies, issued from time to time for safe and successful mining operations, APMDC reserves the right to cancel the contract after giving 7 days of notice, and shall be entitled to get completed the work completed at the Contractor's risk and cost.
- g. APMDC may issue a notice of suspension to the Contractor at any time during the agreement directing to suspend all or any part of the operations, stating the estimated length of and reason for the suspension. The Contractor shall, on receipt of a notice of suspension, take all reasonable steps to immediately suspend all excavation and loading operations.
- h. Duration of the agreement may change as per amendments made in the Sand Mining Policy by the State Government.

4. Performance Security Deposit (PSD)

- a. The CONTRACTOR submitted Performance Security Deposit (PSD) for a value of Rs. 6,29,000/- (Rupees Six Lakhs Twenty Nine Thousand only) in the form of Demand Draft.
- b. APMDC will have the right to invoke the PSD without assigning any reasons if performance of the successful bidder is not found up to the mark.

The Andhra Pradesh Mineral Development Corporation Limited

H.D. Nagaraja
H.D. Nagaraja,
Executive Director

M/s. PMR Infra India Ltd

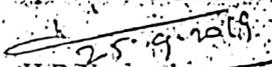
Mukesh Kumar
Authorized Signatory

- 36
- c. The PSD shall not bear any interest. Any bank charges or commission on account off furnishing the performance bank guarantee, if applicable, shall be borne by the CONTRACTOR only. Failure to comply with the requirements under this clause by the CONTRACTOR shall lead to annulment of the contract and forfeiture of PSD submitted by the CONTRACTOR.
- d. The PSD amount as above will be returned to the CONTRACTOR by APMDC within 2 months from the date of expiry of the contract, after adjusting dues, if any.
- i. APMDC reserves the right to forfeit PSD or adjust the amounts recoverable as against PSD (including invocation of Performance Bank Guarantee) in accordance with Failure and Termination clause of the RFP. The decision of APMDC is final and binding on the CONTRACTOR.
- ii. APMDC also reserves the right to adjust any sum of money due and payable by the CONTRACTOR to APMDC against PSD in case APMDC is unable to recover the due amounts from the CONTRACTOR.

5. Contractors Obligations throughout the Term

- a. Contractor shall deploy the necessary manpower to excavate Sand in accordance with the approved Mine Plan, conditions of Environmental Clearance and as per the directives given by APMDC.
- Important Note: It is clarified that the term "Sand Reach" shall also include a "Cluster of Sand Reaches", in all such cases where nearby sand reaches are combined, a single stockyard is identified as the delivery point and a single excavation contractor is selected.*
- b. Contractor shall deploy machinery to make heaps and load sand from Stockyard as directed by APMDC. This shall also be part of the bid quoted by the bidder.
- c. Contractor shall always maintain a stock level of at least 15 days consumption during non-monsoon months and a stock level of 4 months consumption during monsoon period.
- d. Contractor shall maintain the sand stockyard in the area identified by the District Administration. It is clarified that maintenance of stockyard includes but is not limited to the maintenance of haul road and approach route up to nearest access road, proper lighting arrangement, all the acts required for proper operation,

The Andhra Pradesh Mineral Development Corporation Limited


H.D. Nagaraja,
Executive Director

M/s. PMR Infra India Ltd


Authorized Signatory

- management and security of sand stockyard. However, contractor is not required to make payment of lease rentals for land identified for stockyard.
- e. Contractor will provide necessary infrastructure for APMDC staff, including temporary/portable site office, guard cabins, etc. with power backup.
 - f. Contractor shall secure perimeter of the dedicated sand bearing area to avoid illegal mining outside the designated reach. Contractor shall be held responsible if any such activity take place within the designated reach.
 - g. Contractor will erect boundary pillars and will ensure that the excavation does not take place outside the demarcated area/lease boundary.
 - h. Contractor shall make necessary investments and expenses to mitigate all environmental risks.

i. Contractor shall attend to any other activity incidental to Sand mining apart from the indicated list provided above or as instructed by APMDC.

j. Detailed Responsibility of the Contractor

- i. Contractor shall colour all its sand transporting tractors in the pattern and colour as directed by APMDC.
- ii. Contractor must prohibit the entry of heavy vehicles near sand reaches. The sand excavated from sand reaches must be transported to the designated stockyards through tractor trolleys only.
- iii. Contractor must ensure that the excavation and loading must be done between 6 am to 6 pm only.
- iv. Contractor must ensure the erection of a display board at prominent place at sand reach/stockyard, clearly mentioning, name of reach, area of reach, total sand deposit (in CBM), name of Contractor, period of contract, name of manager and supervisor along with contact numbers, name and contact numbers of contact person/in-charge in APMDC to be contacted in case of complaint, etc.
- v. Contractor must maintain visitor register at the Reach/stockyard. Such register must be made available to the visiting government or APMDC officials who will make suitable entries and remarks in that register.
- vi. Contractor must maintain daily excavation, transportation, sale and stock registers at the sand reach.

The Andhra Pradesh Mineral Development Corporation Limited.

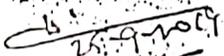
H.D. Nagaraja
H.D. Nagaraja,
Executive Director

M/s. PMR Infra India Ltd

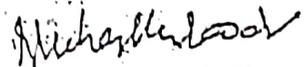
Michael Sorey
Authorized Signatory

- vii. Contractor must ensure that the sand is excavated manually from the sand reaches. Mechanical devices such as pochain, JCB machine etc. should not be used for excavation of sand from sand reaches.
- viii. Contractor shall procure and install GPS in all the deployed vehicle (used to transport sand from reach to stockyard) as directed by APMDC, Contractor shall be responsible for upkeep and maintenance of such GPS installed in their vehicles.
- ix. Contractor shall ensure that all the machinery deployed is as per guideline of MOEF/NGT or any other government agency.
- x. Contractor shall ensure compliance of MOEF, NGT and Order/Judgment of Honorable court, Act, Regulation or any regulatory or statutory requirements applicable to sand mining, transportation, stocking and loading activity.
- xi. Contractor shall be required to abide by all Applicable Laws such as but not limited to Sand Policy of Andhra Pradesh, Mines Act 1952, MMDR Act 1957, APMMC Rules 1966 and any other applicable law, rule amended from time to time.
- xii. Contractor shall make all arrangements for ensuring safety standards as required by the laws and the best industry practices. Contractor shall also provide for prevention of occupational health hazards and creation of good work environment. In case of any breach and hence, penal sanctions on APMDC, the same shall be borne by Contractor over and above the penalties for loss of production. Contractor shall indemnify APMDC in such occurrences.
- xiii. Contractor is to employ, to the extent possible, skilled man power on the project and shall pay wages not less than the minimum wages as per Minimum Wages Act or such other legislations or award of the minimum wage fixed by respective State Govt. as well as other statutory payments as may be in force. Payment of provident fund for the workmen employed by him for the work as per the laws prevailing under provision of EPF and allied scheme valid from time to time shall be the responsibility of Contractor. Contractor shall also file statutory returns and provide a copy to APMDC each month prior to release of excavation related payments.
- xiv. Contractor shall give preference to the local people in employment for excavation, transportation, stocking, loading etc. of sand.

The Andhra Pradesh Mineral Development
Corporation Limited

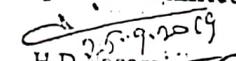

H.D. Nagaraja,
Executive Director

M/s. PMR Infra India Ltd

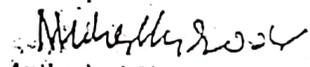

Authorized Signatory

- xv. Contractor shall comply with statutory requirements of all applicable acts including Child Labour (Prohibition & Regulation) Act, 1986 as amended from time to time and all rules, regulations and schemes framed thereunder from time to time in addition to other applicable labour laws.
- xvi. Contractor is exclusively responsible for the completion and supervision of the entire Work, either personally or through its qualified supervisory agents or staff acceptable to the APMDC. Contractor must employ technically qualified and experienced statutory staff to ensure that excavation is done strictly in accordance with the mine plan. APMDC can insist on employing more supervisory staff, if required, for efficient execution of the Work. The Contractor hereby agrees to abide by the decision of the APMDC in this regard.
- xvii. All the personnel engaged by the Contractor in connection with the performance of the Work shall be the responsibility of the Contractor and no claim shall lie against APMDC in respect of non-payment of wages or remuneration of any description due by the Contractor to his / their employees or for any failure on the part of the Contractor in the discharge of his / their obligations to his / their employee.
- xviii. In the event of the APMDC becoming liable for any claims by any person or persons as a result of applications of the provision of the said Acts and the Rules and Regulations and orders there under, the APMDC has the right to deduct the said amount from the amounts due to the Contractor from his bills or performance security.
- xix. Contractor shall issue photo identity card / gate passes to all its employees.
- xx. Contractor shall be responsible for protecting the property from any loss or damage from whatever causes at its own expense, during the entire Agreement. Any damage, if occurs, the Contractor shall repair the same at its own expense to the satisfaction of APMDC. The Contractor shall be responsible for such monitoring its own material; storage areas, store house, equipment yard etc., as may be required. APMDC shall not accept any responsibility for protection of the Contractor's equipment, tools and materials.

The Andhra Pradesh Mineral Development
Corporation Limited


H.D. Nagaraja,
Executive Director

M/s. PMR Infra India Ltd


Authorized Signatory

6. Payment terms

- a. APMDC hereby agrees to the covenants to pay the Contractor a Sand Mining Fee (in INR/Metric Tonne) of Rs.89/- (Rupees Eighty Nine only), as per the terms and conditions mentioned in the Tender Document. In case of unavoidable circumstances, if APMDC undertakes sale of sand on a volumetric basis, then the following conversion factor between cubic meters and metric tonnes shall be utilized for making necessary payments.

1 cubic meter of sand = 1.5 metric tonnes of sand

b. Modalities for Payments

- i. APMDC shall pay Contractor a lump-sum amount (for excavation related payments including applicable taxes at prevailing rates) on a monthly basis, for Sand excavated, transported to Stockyard and loaded in the vehicle of the buyers at the Stockyard.
- ii. The payment shall be made on realisation basis after sale of sand and no advance shall be paid in any condition.
- iii. Payment of excavation bill can be released only after receiving the sale proceeds of concerned reach quantity
- iv. In case of delay in sale of sand, the payments will be released anytime upto 6 months from the date of agreement, no interest would be payable on such delayed payments.
- v. Within three (3) Business Days of the start of every month, Contractor shall raise an invoice to APMDC for the quantity of Sand loaded into vehicles of buyers in the previous month.
- vi. The invoice amount shall be calculated by multiplication of SMF (Sand Mining Fee) quoted by the Contractor, and the volume of sand sold (loaded on buyer's vehicles).
- vii. APMDC shall endeavor to pay the amount to the Contractor as per the received invoice within thirty (30) Business Days of the receipt of invoice, subject to receipt of necessary payments from GoAP.
- viii. At the time of expiry of contract, the Contractor shall be paid for the quantum of sand lying in inventory in the stockyard (which was excavated by the contractor during the agreement period but is yet to be sold). The modalities for estimating the quantum of sand and other payment related issues (deduction of loading charges from the Sand Mining Fee etc.) will be prescribed by APMDC.

The Andhra Pradesh Mineral Development Corporation Limited

H.D. Nagaraja
H.D. Nagaraja
Executive Director

M/s. PMR Infra India Ltd

Michal K. S. D. J.
Authorized Signatory

- ix. The Contractor shall under no circumstances claim any sort of idle cost expenses from APMDC.

7. Force Majeure

I. Force Majeure:

- a. Force Majeure means an act, event or cause which is beyond the reasonable control of APMDC or the Contractor, and not involving APMDC or the Contractor's fault or negligence, including but not limited to:
- i. Acts of God, lightning strikes, earthquake, cyclones, floods, storms, explosions, fires and any natural disaster;
 - ii. Acts of war, acts of public animosity, terrorism, riots, civil commotion, malicious damage, sabotage and revolution, industrial site disputes or disputes which materially stop the works for a period of more than 3 months;
 - iii. Takeover of dedicated sand bearing area by the Government and/ or any Agency designated by government resulting in complete loss of production;
 - iv. Regulatory changes in the mining laws prohibiting contract mining; and
 - v. Any order passed by a Court which injunct excavation of Sand.
- b. Force Majeure does not include breakdown of machinery or equipment and other disruptions which are caused by negligence or otherwise on the part of Contractor and/ or APMDC.

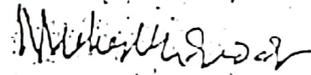
II. If APMDC or the CONTRACTOR (the "Affected Party") becomes unable by Force Majeure to carry out an obligation under the Agreement strictly in accordance with the Agreement:

- i. The Affected Party must give to the other Party prompt written notice and reasonable particulars of the Force Majeure and, so far as is known, the probable extent to which the Affected Party shall be able to perform or be delayed in performing its obligation;
- ii. The relevant obligations of the Affected Party and the other Party, so far as they are affected by the Force Majeure, shall be suspended during, but no longer than, the continuance of the Force Majeure; and

The Andhra Pradesh Mineral Development
Corporation Limited

25.9.2019
H.D. Nagaraja,
Executive Director

M/s. PMR Infra India Ltd


Authorized Signatory

- iii. The Affected Party must use all possible diligence to overcome or remove the Force Majeure as quickly as possible
- iv. Upon resolution of the cause of delay, interruption or failure, the Affected Party shall promptly within 3 (three) days of such resolution give notice to the other Party of such fact and the performance of such Affected Party's obligations under this Agreement shall thereupon be resumed.

If the performance of the obligations is substantially prevented, affected or delayed for a single period of more than three (3) months, the Corporation shall give termination notice in accordance with Clause 19.

S. Event of Default

- a. An event of default is said to have occurred under the following conditions:
 - i. Delay in production of Sand by more than two (2) weeks from the Agreement Date due to reasons attributable to the Contractor (delay in deployment of the necessary equipment, staffs, labors and other operational requirements for Sand production etc.)
 - ii. The production of Sand is delayed for more than a month or a stock out position in the Sand Stock yard, i.e. Sand is not available for sale, due to reasons attributable to the Contractor.
 - iii. The quantity of Sand to be excavated by the Contractor is less than half of the target quantities of respective period due to reasons attributable to the Contractor.
 - iv. The Contractor has materially defaulted and failed to comply with the terms and conditions set in the Tender Document and the Agreement.
 - v. The production of Sand is permanently stopped due to a Force Majeure event (as specified in Clause 7) for a continuous period of 3 (three) months.
- b. Notwithstanding anything stated in the Tender Document and the Agreement, Contractor shall be liable to pay Liquidated Damages in case of delay in deploying the necessary mining equipment, staff and labour and other operational requirements for Sand production. The Liquidated Damages would be calculated at 1% of Annual Sand Mining Fee per week of delay and would be determined on a weekly basis subject to a maximum of 10% of total Annual Sand Mining Fee.

The Andhra Pradesh Mineral Development
Corporation Limited

25-9-2019
H.D. Nagaraja,
Executive Director

M/s. PMR Infra India Ltd

Michael Reddy
Authorized Signatory

9. Recourse to Event of Default

- a. In case of occurrence of an Event of Default event mentioned in clause 8.a.ii, iii and iv, APMDC shall have the option to seek termination of contract as per the Clause 10(a).
- b. In case of occurrence of default event mentioned in clause 8.a.v, clause 10(d) shall govern the possible recourse available to APMDC and the Contractor.

10. Termination of Agreement

a. Termination for Default

- i. In the case of the occurrence of Event of Default as mentioned in clause 8(a) APMDC shall seek Liquidated Damages in accordance with clause 8.b. If this Event of Default continues for a period of one (01) month from the date of its occurrence, APMDC may terminate the Agreement by written notice and shall forfeit and invoke the Performance Bank Guarantee provided by Contractor.
 - ii. In case of the occurrence of Event of Default as mentioned in clause 8.a.ii, iii and iv, APMDC shall be entitled to forfeit and invoke 100% of the Performance Bank Guarantee provided by the contractor. APMDC further reserves the right to blacklist such contractors, at its sole discretion.
 - iii. APMDC may terminate the Agreement by written notice to the Contractor if any Approval (including any Mining Lease, Pollution Control License, open cut approval or any other license, permit, consent or permission required for the operation of the Mine) is cancelled, suspended or revoked due to faults attributable to the contractor. APMDC shall forfeit and invoke the Performance Bank Guarantee provided by the contractor in case of such a termination.
- b. All obligations hereunder incurred prior to and which by their nature would continue beyond the cancellation, termination, or expiration of the Agreement shall survive such termination,
 - c. In the event of the expiration or termination of the Agreement under the Clause 10.a, Contractor shall remove all its employees, sub-contractors, all its equipment and its goods and materials from the Sand Mine within 15 days from the time of expiration of the termination notice.

The Andhra Pradesh Mineral Development
Corporation Limited

25.9.2019
H.D. Nagaraja
Executive Director

M/s. PMR Infra India Ltd

M. Srinivas Reddy
Authorized Signatory

d. Termination due to Force Majeure

If a delay or failure by a Party to perform its obligations due to Force Majeure exceeds 3 (three) continuous months, the other Party may immediately terminate this Agreement by notice in writing to the Affected Party. In case of termination of Agreement due to Force Majeure, the Performance Bank Guarantee shall be returned to Contractor.

c. Termination on exhaustion of Sand Reserves

This Agreement shall terminate upon it being established to a high degree of certainty through established procedure used in accordance with Good Industry Practices that Sand Reserves at the site have been exhausted as per the Mining Plan.

11. Indemnity

- a. The CONTRACTOR agrees to indemnify and hold APMDC harmless from and against any and all damages, losses, liabilities, obligations, claims of any kind, interest, cost, fee, or expenses (including, without limitation, reasonable attorneys' fees and expenses) (collectively, "Losses by APMDC"), suffered, incurred or paid, directly, as a result of, in connection with or arising out of:
- a) any breach by the CONTRACTOR of any of its respective covenants or agreements contained herein;
 - b) any failure by the CONTRACTOR to make payment of wages or other amounts due to its employees/ personnel or non-compliances with any of its legal or statutory obligations;
 - c) any injury to or death of persons or damage to or loss of property of such persons arising out of acts or omissions of the CONTRACTOR;
 - d) any claims or sanctions or penalties imposed by any Authority for any failure by CONTRACTOR or any of their respective officers, directors, employees, servants or agents to comply with any Applicable Laws;
- any material inaccuracy in any representation, warranty or covenant of the CONTRACTOR set forth in this Agreement.

12. Dispute Resolution

- a. This Agreement is governed by Indian law.
- b. The rights, duties and remedies granted or imposed under the provisions of this

The Andhra Pradesh Mineral Development Corporation Limited

H.D. Nagaraja
Executive Director

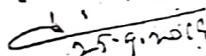
M/s. PMR Infra India Ltd

Authorized Signatory

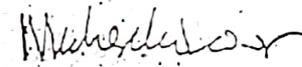
Agreement operate to the extent not excluded by any Applicable Law.

- c. Both Parties hereby agree that with regard to the execution of this Agreement for the resolution of any dispute and for correspondence between Parties, English language is adopted as the contract language.
- d. All the terms and conditions mentioned in the tender document will be a part of its agreement.
- e. All disputes and differences which may arise between APMDC and the Contractor under this agreement shall be decided by the Courts having jurisdiction in Vijayawada, Andhra Pradesh where the Head Office, APMDC is situated.
13. This Agreement constitutes the sole and entire Agreement between APMDC and the CONTRACTOR with regard to its subject matter and a warranty, representation, guarantee or other term or condition of any nature not contained or recorded in this Agreement is of no force or effect.
14. Nothing in this Agreement constitutes or shall be deemed to constitute a partnership between the APMDC and the CONTRACTOR or the appointment of the CONTRACTOR as the agent of the other, or the employment of one Party by the other, for any purpose whatsoever. Other than expressly provided by this Agreement, no Party has the authority or power to bind the other to contract in the name of, and create a liability against, the other in any way or for any purpose.
15. Each Party must do all things and execute all documents necessary to give full effect to this Agreement.
16. This Agreement may be executed in two counterparts. All counterparts when so executed shall be effective for the purpose of binding the Parties hereto, and both of which shall together constitute the same instrument.
17. Each Party must pay its own costs in connection with the preparation, completion and carrying into effect of this Agreement.

The Andhra Pradesh Mineral Development
Corporation Limited


H.D. Nagaraja
Executive Director

M/s. PMR Infra India Ltd


Authorized Signatory

IN WITNESS WHEREOF THE PARTIES HAVE CAUSED THIS AGREEMENT TO BE EXECUTED BY THEIR DULY AUTHORIZED REPRESENTATIVES THE DAY, MONTH AND YEAR FIRST ABOVE WRITTEN

For and on behalf of APMDC Ltd

For and on behalf of M/s. PMR Infra India Ltd,

h
25.9.2019
Name: *H.D. Nagaraja*
Designation: Executive Director
H. D. Nagaraja
Executive Director
THE A.P. MINERAL DEVELOPMENT CORPORATION LTD.
D.No:2941D,100 Feet Road, (Tadigadapa to Enikepadu Road)
Kanuru, VIJAYAWADA-521137, Andhra Pradesh

P. Maheswara Reddy
Name: P. Maheswara Reddy
Designation: Authorized Signatory


[Signature]
Witness - 1:

Attested by
[Signature]

Witness - 2:
A.V. Narayana

Asst. Director,
Mines & Geology
Elittoor.

Note submitted to the District Collector, Chittoor on Proposed new sand reaches in Asst.
Director of Mines and Geology, Chittoor Jurisdiction.

Ref:-Govt. Memo.No.3066/M-II(1)/2016-17, Dt:08.07.2019

Please see the above reference cited. Where in the Government has directed the District authorities to take steps to identify new Sand reaches & De-silting points on war footing basis to bridge the shortfall of the sand demand-supply in the state. Subsequently, the Collector & District Magistrate, Chittoor has directed to conduct a joint inspection with line departments i.e. Ground Water, Irrigation, RWS and Mines & Geology Departments for identification of new sand reaches in the District.

In this connection, it is submitted that this office Technical staff along with line Departments have been conducted joint inspection on various dates during the July & August months and identified the following reaches in the jurisdiction of Asst. Director of Mines & Geology, Chittoor.

Sl. No	Name of the reach	Geo co-ordinates	Location	Extent (In Hect.)	Proposed Quantity (M ³)	Remarks
01	Nandanoor	13 15 32.50 N, 79 09 20.36E 13 15 44.43 N, 79 09 14.91 E 13 15 42.74 N, 79 09 11.31 E 13 15 30.75 N, 79 09 16.76 E	Nandanoor(Vg) G.D.Nello e	4.870	48,700	All the line Departments have given feasibility for excavation of sand.
02	Penumallam	13 36 29.09 N, 79 33 56.55 E 13 36 27.49 N, 79 33 56.68 E 13 36 35.65 N, 79 34 18.03 E 13 36 38.02 N, 79 34 17.60 E	Penumallam(v.) Yerpedu(m)	4.110	41,100	All the line Departments have given feasibility for excavation of sand.
03	Surutpalli	13 20 12.87 N, 79 52 04.78 E 13 20 11.78 N, 79 51 55.82 E 13 20 07.03 N, 79 51 49.16 E 13 20 04.66 N, 79 51 51.36 E 13 20 08.80 N, 79 51 57.21 E 13 20 09.70 N, 79 52 04.89 E	Surutpalli (Vg), Nagalapuram (M)	4.709	47,090	All the line Departments have given feasibility for excavation of sand.

04	Kalangi-1 (Reservoir)	13 35 57.30 N, 79 47 24.68 E 13 35 54.34 N, 79 47 27.79 E 13 35 45.96 N, 79 47 21.12 E 13 35 48.86 N, 79 47 18.16 E	Kalangi (Vg) K.V.B.Puram (M)	4.180	41,800	Executive Engineer, Irrigation Division, Srikalahasthi vide his Lr. No. Camp. No.01, Dt:29- 08-2019 stated that water may not stand in the reservoir of the sand is excavated below the silt/soil covered over the fine sand in the foreshore of the Kalangi Reservoir and <u>not feasible</u> to provide new sand reaches in the foreshore area of the Kalangi Reservoir as identified by the Mines and Geology.
05	Kalangi - 2 (Reservoir)	13 36 17.81 N, 79 47 39.06 E 13 36 16.99 N, 79 47 41.56 E 13 36 14.06 N, 79 47 40.31 E 13 36 12.80 N, 79 47 39.24 E 13 36 06.93 N, 79 47 36.11 E 13 36 09.14 N, 79 47 34.30 E 13 36 15.30 N, 79 47 37.17 E	Kalangi (Vg) K.V.B.Puram (M)	2.840	28,400	

Further, it is submitted that Ground water, Irrigation, RWS&S Departments have given feasibility reports for the Sand reaches mentioned in the above table at Sl. No. 1 to 3. Regarding Sand Reaches mentioned in the above table at Sl. No. 4 & 5, Ground Water and RWS&S Departments has given feasibility, but Irrigation Department has issued non-feasibility report stated that water may not be stand in the Reservoir if the sand is excavated below the silt or soil covered over the fine Sand in the foreshore of the Kalangi Reservoir vide Lr.No.Camp.No.1, dt:29.08.2019 of Executive Engineer, Srikalahasthi. All these approved three reaches are in third order and below third order streams only.

In view of the above circumstances, the Collector, Chittoor may be pleased to issue necessary instructions on issuance of notification for excavation of sand from the three sand reaches i.e., Nandanoor, Penumallam & Suratpalli.

This is submitted for information and necessary action in the matter

lehw
31/08/19
ADM&G,
CHITTOOR

A. S. S. S.
S. S. S.
District Collector,
CHITTOOR

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Mines & Minerals – New Sand Mining Policy, 2019 for the State of Andhra Pradesh - Orders – Issued.

=====

INDUSTRIES, INFRASTRUCTURE, INVESTMENT AND COMMERCE (MINES-II)
DEPARTMENT

G.O.MS.No. 70

Dated: 04-09-2019
Read the following:

- (1) Govt. Memo.No.3066/M.II(1)/2016-3, Dt:04.03.2016.
- (2) Govt. Memo.No.3066/M.II(1)/2016-4, Dt:10.03.2016.
- (3) Govt. Memo.No.3066/M.II(1)/2016-7, Dt:22.03.2016.
- (4) G.O.Ms.No.42, Ind. & Com. (M.II) Dept., Dt:29.03.2016.
- (5) G.O.Ms.No.43, Ind. & Com. (M.II) Dept., Dt:06.04.2016.
- (6) G.O.Ms.No.104, Ind. & Com. (M.II) Dept., Dt:26.07.2017.
- (7) Govt. Memo No.6950/M.II(1)/2017-4, Dt. 07-06-2018
- (8) G.O.Ms.No.76, Ind. & Com. (M.II) Dept., Dt:25.06.2018
- (9) Govt. Memo.No.3066/M-II(1)/2016-12 & 13, Dt. 11.06.2019
- (10) Govt. Memo.No.3066/M-II(1)/2016-14 Dt. 12.06.2019
- (11) G.O.Ms.No.38, Ind. & Com. (M.II) Dept., Dt:17.03.2016.

ORDER

In the reference 1st read above, Government have made sand available to the public without charging any fee from 02.03.2016.

2. In the references 2nd to 8th read above, Government issued instructions to deal with the matters relating to quarrying, prohibiting illegal excavation and illegal transportation of sand.

3. In the reference 9th read above, Government have issued instructions to withdraw forth with the existing Free Sand Policy, the permissions that are in force for de-casting patta lands and issued instructions to all the District Collectors, Superintendents of Police/Commissioners to stop sand quarrying, de-casting of sand from patta lands and transportation of sand.

4. In the reference 10th read above, Government put in place a contingent plan until a new sand policy is implemented in the state to prevent hardship to the public, curtail hoarding and black marketing of the sand and to bring down the prevailing abnormal prices of sand.

5. The Government constituted a Group of Ministers comprising of Hon'ble Deputy Chief Minister for Revenue, Hon'ble Minister for Finance, Hon'ble Minister for Home, Hon'ble Minister for PR&RD; Mines & Geology, Hon'ble Minister for Water Resources to finalize the modalities of New Sand Policy in the interest of sustainable sand mining, compliance to environmental regulations, ensuring affordable prices of sand and raising valuable public revenues to the state exchequer. The Group of Ministers studied the existing

policy framework of various states and the Government of India guidelines on sand mining and made certain recommendations for the policy.

6. The Government, after careful examination and consideration of the matter in detail and in supersession of the notification, orders issued by the State Government vide references 1st to 8th read above, hereby introduces the New Sand Mining Policy-2019 for the State of Andhra Pradesh.

I. Preamble:

Article 39 (B) of Directive Principles of State Policy states that the natural resources of the community have to be distributed so as to subserve the common good. Natural resources are legally owned by the State on behalf of the people and the State is under an obligation to ensure equitable, sustainable and affordable distribution of natural resources among the community Under Section 15 of the Mines & Minerals (Development and Regulation) Act, 1957, the State Government is empowered to make rules in respect of minor minerals.

The new policy aims to address the issues of indiscriminate mining of sand, black marketing, hoarding, skyrocketing of sand prices for consumers, artificial supply shortages and illegal cross border transportation of sand which were the concomitants of the Free Sand policy. To effectively regulate the extraction, transportation and disposal of River Sand, the Government intends to have M/s. Andhra Pradesh Mineral Development Corporation Limited (APMDC) as an agent.

As Sand is created by slow geological processes and it is not evenly distributed, the State intends to regulate its extraction and consumption in a scientific manner by prescribing operational guidelines to M/s APMDC Ltd. and District Collectors which shall be scrupulously implemented.

In the greater public interest, the Government intends to have various checks and balances to ensure sustainability, affordability and availability of Sand to the public.

II. The Salient features of the New Sand Mining Policy-2019 are as follows:-

(A) The Government has decided to undertake Sand quarrying and supply of Sand to the public by appointing M/s APMDC Ltd. as an agent to operate on behalf of Government in order to achieve the objectives of sustainable sand mining, compliance to environmental regulations, ensuring affordable prices of sand and raising valuable public revenues to the state exchequer.

(B) Rivers & Streams:

- (a) Sand excavation in river streams of I, II & III order will be regulated by the District Administration for consumption within the District for local domestic needs and Government sponsored weaker section Housing schemes. The excavation of sand shall be manual and no mechanical means be allowed for excavation. Sand sourced from the streams of I, II & III order shall be transported to nearest specified Stockyards for subsequent disposal by M/s APMDC Ltd. to the end consumers. Sand should be made available for Government sponsored weaker section housing schemes free of cost duly paying applicable charges.
- (b) Sand may be sourced from the streams of I, II and III order for local needs by bullock carts. In such cases, the Tahsildar of the Mandal concerned shall issue a permit on payment of sale price per ton, as fixed by the Government.
- (c) Sand excavation in river streams of IV, V & higher order will be permitted subject to Andhra Pradesh Minor Mineral Concession Rules (APMMC) 1966, Environment Protection Act (EPA), 1996, Environment Impact Assessment (EIA) Notification, 2006 issued by Ministry of Environment Forest & Climate Change (MoEF & CC) and the rules made there under and all other applicable Rules and Regulations in vogue.
- (d) The District Collector shall obtain all statutory clearances such as Approved Mining Plan, Environmental Clearance, Consent for Establishment and Consent for Operation from the competent authorities prior to commencement of operations and handover the sand reaches to M/s APMDC Ltd. for operations.

(C) De-Siltation of Dams/Reservoirs/Barrages/Large Tanks:

- (a) The Irrigation Department shall take-up de-siltation of Dams, Reservoirs, Barrages and large tanks directly or by allotting the work to M/s APMDC Ltd.
 - (i) In case of Irrigation Department undertaking the de-siltation work directly, they shall put in place a suitable administrative mechanism, as per the rules, at the field level to efficiently supervise the de-siltation process.

The sand available after de-silting should be handed over to M/s APMDC Ltd. for transporting to stockyards for supply to Government works and public use as per the procedures laid down by M/s APMDC Ltd.

(ii) In case of handing over the De-siltation areas to M/s APMDC Ltd., M/s APMDC Ltd., shall undertake the de-siltation works by following the norms.

(D) De-casting of Sand in Patta lands:

Sand is casted in patta lands, which may fall within River bed or outside river bed, either due to river floods or marine sea transgression and regression. The sand shall have to be removed in order to make the patta lands fit for agriculture purposes as stated below.

(a) In case of Patta lands falling within River bed:

(i) The District Collector shall obtain all statutory clearances such as Approved Mining Plan, Environmental Clearance, Consent for Establishment and Consent for Operation.

(ii) The excavation rights shall be allotted to M/s. APMDC Ltd., by the District Collector.

(b) In case of Patta lands falling outside the River bed

The District Collector shall allot the excavation rights to M/s APMDC Ltd. after obtaining consent from the pattadars.

(c) In both the cases of (a) & (b) above, the Pattadar may be paid a beneficiary amount as fixed by the Government for the excavated and dispatched sand. The sand shall be disposed by M/s APMDC Ltd. only as per the sale price of the Sand fixed by the Government.

(E) Sand extraction in Scheduled areas:

Excavation and transportation of Sand to the Specified stockyards from Sand bearing areas located partially/fully in Scheduled Areas shall be done by forming Tribal Societies as per the Panchayats Extension to Scheduled Areas (PESA) Rules, 2011 or any Rules/Amendments made there under with Technical and Administrative support from M/s APMDC Ltd., under the direct supervision and control of the Agency ITDA / District Collector & Magistrate concerned. M/s APMDC Ltd., shall dispose the sand from the stockyards by following the prescribed norms.

(F) All Vehicles carrying sand from Sand reach to Stockyard and subsequently from stockyard to end consumers shall have to be equipped with GPS devices and get registered with M/s APMDC Ltd / Director of Mines & Geology.

(G) No transportation of Sand outside the state of Andhra Pradesh is allowed.

- (H) The sand shall be disposed to the end consumer from the specified stockyards at a sale price as fixed by the Government plus Transportation charges and other applicable taxes and charges.
- (I) The sale proceeds from the sale of Sand shall be credited directly to the treasury account of the State Government through online Net Banking/Debit card/Credit card/others or through Mee-Seva centers by the end consumers.
- (J) M/s APMDC Ltd., shall
- (i) Put in place an online system for registration of end consumers and transporters, receipt of orders directly from the end consumers, collection of payments and remittance to the treasury account of the State Government online and maintenance of stockyards, disposal of sand from the stockyards and real time tracking of Sand carrying vehicles.
 - (ii) Allot the work of sand extraction, loading and transportation of sand to stockyard, ramp maintenance, loading of sand into dispatch vehicles at the stockyard through a competitive reverse tendering process.
 - (iii) Install weighbridges at the stockyards and CCTV cameras at Sand reaches and Stockyards to monitor sand operations and vehicular movement.
- (K) The operating costs, administrative and service charges incurred by M/s APMDC Ltd., shall be reimbursed by the Government.

7. The Director of Mines and Geology, Andhra Pradesh, Ibrahimpatnam shall submit proposals for amendments to Andhra Pradesh Minor Mineral Concession Rules (APMMC) Rules, 1966.

8. The Government may review the Sand Policy in future as and when required from time to time and issue the Guidelines/Amendments accordingly.

9. The New Sand Mining policy, 2019 shall come into force with effect from 05.09.2019.

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

K. RAMGOPAL
SECRETARY TO GOVERNMENT (MINES)

To
The Director of Mines & Geology, A.P, Ibrahimpatnam.
The VC & MD, APMDC Ltd., Kanuru, Vijayawada

Copy to:

All the District Collectors in the State of A.P.
All the District Treasury Officers in the State of A.P.
The Director, Treasuries & Accounts, A.P., Vijayawada.
The Pay and Accounts Officer, Vijayawada.
The Accountant General of Andhra Pradesh, Vijayawada.
The P.S. to Hon'ble Deputy Chief Minister for Revenue
The P.S. to Hon'ble Minister for PR & RD and Mines & Geology
The P.S. to Hon'ble Minister for Water Resources (Irrigation)
The P.S. to Hon'ble Minister for Finance & Planning
The P.S. to Hon'ble Minister for Home
The P.S. to Hon'ble Minister for Housing
The P.S. to Secy. (Mines)
The Finance (FMU-REV-I&C) Department
The Law (H) Department.
Sf/Sc (File No: INC01-MG0POLI/18/2019.M.II) (Com. No. 910066)

//FORWARDED :: BY ORDER//

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Mines & Minerals - Regulation of Sand Mining in the State – Amendment to Andhra Pradesh Minor Mineral Concession Rules, 1966 - Orders – Issued

=====

INDUSTRIES, INFRASTRUCTURE, INVESTMENT & COMMERCE (MINES-II)
DEPARTMENT

G.O.MS.No. 71

Dated: 04-09-2019.
Read the following:

1. G.O.Ms.No.1172, Ind. & Com. Dept, dt:04-09-1967.
2. Govt. Memo.No.3066/M.II(1)/2016-3, Dt:04.03.2016.
3. Govt. Memo.No.3066/M.II(1)/2016-4, Dt:10.03.2016.
4. Govt. Memo.No.3066/M.II(1)/2016-7, Dt:22.03.2016.
5. G.O.Ms.No.42, Ind. & Com. (M.II) Dept., Dt:29.03.2016.
6. G.O.Ms.No.43, Ind. & Com. (M.II) Dept., Dt:06.04.2016.
7. G.O.Ms.No.104, Ind. & Com. (M.II) Dept., Dt:26.07.2017.
8. Government Memo No.6950/M.II(1)/2017-4, Dt. 07-06-2018
9. G.O.Ms.No.76, Ind. & Com. (M.II) Dept., Dt:25.06.2018
- 10.Govt. Memo.No. 3066/M-II(1)/2016-12 dt. 11.06.2019
- 11.Govt. Memo.No. 3066/M-II(1)/2016-14 dt. 12.06.2019
- 12.G.O.Ms.No.38, Ind. & Com. (M.II) Dept., Dt:17.03.2016
- 13.G.O.Ms.No.70, Ind. & Com. (M.II) Dept., Dt:04.09.2019
14. From the DMG, A.P., e-file No.INC01/MG0-POLI/18/2019–M.II (Computer No.910066)

O R D E R:-

In the G.O. 13th read above, Government have introduced a New Sand Policy 2019, and decided to issue amendments to the Andhra Pradesh Minor Mineral Concession Rules, 1966.

2. Accordingly, the following notification shall be published in the Extra-Ordinary issue of the Andhra Pradesh Gazette dt.04.09.2019.

NOTIFICATION

In supersession of the orders issued in the references 2nd to 10th read above and other relevant notification / orders issued if any on the subject and in exercise of the powers conferred under sections 15 (1), (1A), 21 (2), 22, 23 and 23(c) of MMDR Act, 1957, the Government hereby makes the following amendments to the Andhra Pradesh Minor Mineral Concession Rules, 1966 issued in G.O.Ms.No.1172, Industries (B-1), 4th September, 1967 as subsequently amended.

AMENDMENT

In the said rules, for the rule 9-B and the paras appended therein, the following shall be substituted namely,-

(1) Sand sourced from Rivers & Streams

(a) Sand extraction in I, II and III order streams:

- (i) Sand extraction shall not be permitted in notified over-exploited areas except for local use in villages or towns bordering the Streams for bonafide purposes
- (ii) The Sand extraction shall be as per Rule 23-(1) (a) of Water Land and Tree Rules, 2004 or any subsequent rules/amendments to be issued by Government from time to time.
- (iii) Transportation of sand shall be by means of bullock carts/Tractors to the nearest specified stockyard only within the jurisdiction of the concerned Districts.
- (iv) The sand shall be supplied for local use within the District from the Specified stockyards as follows:

- (a) Sand may be sourced from streams of I, II and III order for local needs by bullock carts. In such cases, the Tahsildar of Mandal concerned shall issue a permit on payment of sale price per ton, as fixed by the Government.
- (b) Sand should be made available for Government sponsored weaker section housing schemes free of cost duly paying applicable charges on a certificate issued by the District Collector or any officer authorized by the District Collector;
- (c) Sand is supplied for local use of sand in Government works on payment of Sale price and other applicable taxes & charges.
- (d) M/s APMDC Ltd shall dispose the Sand as per the procedure laid down in the sub-rule 1(d) of Rule 9-B below.

- (v) The District Collector shall put in place proper administrative mechanism for enforcement of WALTA regulations in extraction and transportation of sand in I, II and III order Streams comprising of:

- (a) Tahsildar concerned
- (b) Representative of Deputy Director, Ground water Department.
- (c) Assistant Engineer / Deputy Executive Engineer (concerned), RWS/Irrigation Department
- (d) Station House Officer (concerned), Police Department
- (e) Assistant Motor Vehicle Inspector / Motor Vehicle Inspector (concerned) from Transport Department

(b) Identification of Sand reaches in IV, V and Higher order streams

(i) Constitution of District Level Sand Committee (DLSC):

The identification of feasible sand bearing areas in IV, V and above

order streams/rivers for extraction shall be done by the District Level Sand Committee. The members of the committee are as follows:

- (a) District Collector : Chairman
- (b) Joint Collector : Vice-Chairman
- (c) *Project Officer, ITDA concerned. : Member
- (d) Superintendent of Police: Member
- (e) District Panchayat Officer : Member
- (f) Regional Transport Officer: Member
- (g) Dy. Director, Ground Water Dept. : Member
- (h) Executive Engineer, Irrigation/River Conservator. : Member
- (i) Executive Engineer, Rural Water Supply : Member
- (j) Environmental Engineer, Andhra Pradesh State Pollution Control Board. Member
- (k) Assistant Director of Mines & Geology concerned: Member
- (l) Deputy Director of Mines & Geology concerned. : Member-Convener
- (m) Representative from M/s Andhra Pradesh Mineral Development Corporation Limited : Member
- (n) Any other invitees as suggested by the Chairman

*In case of sand reaches falling partly or fully in Scheduled Areas.

- (ii) The Member-Convener shall convene the District Level Sand Committee (DLSC) meetings frequently to ensure sand availability in the District.
- (iii) The Deputy Director of Mines & Geology concerned shall identify the potential sand bearing areas on regular basis and place proposals for extraction before District Level Sand Committee.
- (iv) The Chairman, District Level Sand Committee shall order for joint inspection of identified sand bearing areas and obtain reports from the following:
 - (a) The Revenue Department shall demarcate the specified sand bearing area, where Sand is feasible for extraction, as per the geo-coordinates recorded along with two permanent references points and furnish the sketch.
 - (b) The Ground Water Dept. shall issue the feasibility report under Water, Land and Tree Rules, 2004 or any subsequent rules/ amendments to be issued by the Govt. from time to time, record the geo-coordinates of the specified sand bearing area as marked on ground by the Revenue Dept., with two permanent reference points along with specific recommendations on the thickness and mode of sand extraction.
 - (c) The Executive Engineer/River Conservator shall issue clearance for the specified sand bearing areas with Geo-coordinates along with details of the ramps.
 - (d) The Assistant Director of Mines & Geology concerned shall arrive at the quantity of sand feasible to be extracted basing on the Ground Water Department's feasibility report.

- (e) Representative from M/s Andhra Pradesh Mineral Development Corporation Limited shall accompany the team during the joint inspection to plan the subsequent operations.
- (v) The Collector & Chairman, District Level Sand Committee shall finalize the specified sand bearing areas based on Joint Inspection report and order the Deputy Director of Mines & Geology to obtain Approved Mining Plan, Environmental Clearance, Consent for Establishment and Consent for Operation from the competent authorities in the name of District Collector.
- (vi) After obtaining Statutory Clearances, District Collector shall entrust the work to M/s APMDCLTD and M/s APMDCLTD shall start extraction from the specified sand bearing area.

(c) Extraction of sand from specified sand bearing areas:

M/s. Andhra Pradesh Mineral Development Corporation Ltd. shall:

- (i) Extract sand by engaging a raising contractor from the specified sand bearing area to an approved stock yard. The raising contractor will be selected through a competitive reverse bidding process.
- (ii) Ensure the extraction of sand shall be as per the approved mining plan, Environment Clearance & CFE/CFO.
- (iii) Ensure that the extracted sand shall be moved to specified stock yards along with the Trip sheet in Form-S1.
- (iv) Establish CCTV cameras for monitoring of sand operations and vehicular movement.

(d) Disposal of sand from specified Stockyards:

M/s. Andhra Pradesh Mineral Development Corporation Ltd. shall:

- (i) Collect sale price and other applicable taxes and charges from the purchaser of Sand and credit the same to the Government Treasury account through the online system and issue Sand Sale Booking order in Form- S2 to the customer.
- (ii) Load the sand as per the approved capacity of the vehicle through weighment. In case of exigency, volume based loading is permitted for only a limited period.
- (iii) Issue Sand Waybill in Form -S3 to the vehicle driver prior to dispatch of sand from the stockyard
- (iv) Maintain daily production and dispatch register and statutory returns/clearances prescribed under various statutes
- (v) Furnish a sand reach area-wise monthly and yearly returns statement in Form -S4 and Form -S5 on the quantity of sand excavated and transported to specified stockyard(s) as well as sand dispatched from the specified stockyard to the end customers.
- (vi) Establish weighbridges and CCTV cameras to monitor sand operations and vehicular movement

- (vii) Put in place a system for real time tracking of sand carrying vehicles with GPS devices till the sand is delivered to the end consumer.

(e) Regulation of sand transportation in IV, V and above order streams/ Rivers:

- (i) The sand extracted from IV, V and above order Streams/Rivers shall be utilized anywhere within the State.
- (ii) The District Collector shall put in place a proper administrative mechanism for enforcement of extraction and transportation of sand by constituting Mandal level teams
- (iii) Sand used in the weaker section housing programme shall be exempted from any fee on a certificate issued by the District Collector or any officer authorized by District Collector.
- (iv) The period of extraction shall be One (1) year from the date of Consent for Operation (CFO) or exhaustion of permitted quantity whichever is earlier.
- (v) The DLSC shall review the status of Sand quarry at least thirty (30) days before the date of expiry of CFO or exhaustion of permitted quantity and order for joint inspection to explore continuation of extraction.
 - (a) If the specified sand bearing area is feasible for sand extraction, the Chairman-DLSC shall call for Approved Mining Plan, EC, CFE & CFO and approve for continuation of extraction upon receipt of statutory clearances.
 - (b) If the specified sand bearing area is not feasible for sand extraction, the Chairman-DLSC shall order for stoppage of sand extraction for a specified period

(f) Constitution of State Level Committee (SLC):

- (i) The State Level Committee shall consists of the following Officers:

State Level Committee	
Chief Secretary	Chairman
Director General of Police	Member
Secretary, Mines, III & Com. Dept	Member
Secretary, Revenue Dept.	Member
Secretary, PR & RD Dept..	Member
Secretary, Water Resource Dept.	Member
VC&MD, M/s APMDC Ltd	Member
Commissioner, Rural Development	Member
Commissioner, Transport Dept.	Member
Member-Secretary, APPCB	Member
Director, Ground Water Dept.	Member

Engineer-in-Chief, Irrigation Dept.	Member
Director of Mines & Geology	Member – Secretary
And any invitees as suggested by the Chairman	

- (ii) The State Level Committee shall meet periodically to take up review of the performance of Sand extraction in the state, examine the matters referred by District Level Sand Committee for review of any statutory provisions and issue necessary guidelines for proper implementation of the Rules.

(g) Complaint Redressal Mechanism:

A complaint Redressal mechanism is established to redress the grievances/complaints made by any citizen/NGOs in an effective and time bound manner:

- (i) Complaint Redressal Committee comprises of the following:
 - (a) Collector and District Magistrate concerned –Chairman.
 - (b) Superintendent of Police of concerned District –Member.
 - (c) Deputy Director of Mines and Geology concerned–Member – Convener.
- (ii) Enquiry Team comprises of:
 - (a) Revenue Divisional Officer concerned.
 - (b) Deputy Superintendent of Police concerned.
 - (c) Assistant Director of Mines and Geology concerned.
- (iii) The procedure of the Complaint Redressal Committee (CRC) is as follows:
 - (a) Any person/Non-Governmental Organization/party may file a complaint regarding illegal sand mining, illegal transportation and illegal stocking to the Collector and District Magistrate with material evidence either through online or otherwise. Each such complaint will be uniquely numbered.
 - (b) On receipt of such complaint, the Collector and District Magistrate, shall forward the complaint to the enquiry team to conduct enquiry by duly causing inspection by calling the complainant and the other party if any, and submit enquiry report within thirty (30) days from the date of receipt of complaint.
 - (c) On receipt of enquiry report, the Complaint Redressal Committee shall take the decision on the report of the Enquiry team and pass speaking orders within fifteen (15) days.

(d) If aggrieved by the orders passed by the complaint redressal committee, the complainant may prefer an appeal before the State Level Redressal Committee comprising of :

- (i) Prl. Secretary/Secretary Mines, Industries & Commerce Department - Chairman
- (ii) Additional Director General (Law and order) of Police - Member
- (iii) Director of Mines & Geology – Member - Convener

The State Level Redressal Committee after due consideration shall dispose the appeal and pass speaking orders within thirty (30) days from the date of filing of appeal.

(2) De-Siltation of Dams/Reservoirs/Barrages/Large Tanks:

The Irrigation Department shall take-up de-siltation of Dams, Reservoirs, Barrages and large tanks directly or by allotting the work to M/s APMDC Ltd.

(a) De-siltation of sand by Irrigation Department

- (i) The Executive Engineer, Irrigation Department shall define and demarcate the area to be de-silted with Geo-coordinates for the purpose.
- (ii) There shall be joint inspection of the demarcated area by the Assistant Director of Mines & Geology concerned, Executive Engineer, Irrigation Department and nominee of M/s. Andhra Pradesh Mineral Development Corporation Ltd. to ensure that the demarcated area to be de-silted by Irrigation Department shall not overlap with any of the area(s) already under de-siltation or likely to be de-silted by M/s. Andhra Pradesh Mineral Development Corporation Limited.
- (iii) The Executive Engineer, Irrigation Department shall quantify the sand likely to be sourced by de-silting process.
- (iv) The Irrigation Department shall put in place a suitable administrative mechanism, as per the rules, at the field level to efficiently supervise the de-siltation process, for monitoring of dispatched sand and also to prevent any misuse of sand sourced from de-siltation.
- (v) The sand available after desilting should be handed over to M/s APMDC Ltd. for transporting to stockyards in Form S1 for supply to Government works and public use as per the procedures laid down by M/s APMDC Ltd.

(b) De-siltation of Sand in Irrigation Projects by M/s APMDC Ltd.

In case of handing over the areas to M/s APMDC Ltd., M/s APMDC Ltd. shall undertake the de-siltation work by following the norms.

(c) Disposal of sand sourced from Irrigation Projects from Stockyards

M/s APMDC Ltd shall dispose the sand from the specified stockyards as per the procedure laid down in the sub-rule 1(d) of Rule 9-B.

(3) De-casting sand from Patta lands:

- (a) De-casting in patta lands falling within River bed:
- (i) The pattadar shall apply to the District Collector along with copy of pattadar pass book and Title deed book and location of the land on village map.
 - (ii) District Collector shall forward the application to the Asst. Director of Mines & Geology (ADMG) concerned and the ADMG shall take up joint inspection of the patta land with the following:
 - (a) Tahsildar shall identify the patta land, possessor/ occupier and furnish attested sketch demarcating the area. The boundaries will then be fixed on ground.
 - (b) The project officer/nominee of M/s APMDC Ltd. shall also be part of joint inspection team for the patta land where the pattadar is giving willingness/consent for de-casting sand to M/s APMDC Ltd.
 - (c) Mandal Agriculture Officer shall assess the thickness of the sand to be removed to make the land fit for agriculture.
 - (d) The Ground Water Dept. shall record the geo coordinates of the patta land as per boundaries fixed by the Tahsildar and give feasibility report.
 - (e) Executive Engineer, Irrigation Dept., concerned shall issue clearance for de-casting of patta lands and the location of patta land with reference to river course/bed along with the ramp points.
 - (f) Assistant Director of Mines & Geology shall stipulate the period of de-casting and assess the feasible quantity of sand to be de-casted.
 - (iii) After receipt of joint inspection report, the Deputy Director of Mines & Geology concerned shall place the proposals for de-casting sand before the District Level Sand Committee.
 - (iv) The District Level Sand Committee (DLSC) shall examine the proposals on de-casting sand from patta lands and accord its approval duly imposing the conditions as deemed fit.
 - (v) After receipt of orders from the District Level Sand Committee (DLSC), District Collector shall issue necessary permission to the Deputy Director of Mines & Geology to obtain necessary statutory clearances from the competent authorities in the name of District Collector.
 - (vi) Upon receipt of the statutory clearances, the District Collector shall entrust the work to M/s APMDC Ltd. for de-casting.
 - (vii) M/s. Andhra Pradesh Mineral Development Corporation Limited shall enter into an agreement with the pattadar as per mutually agreed terms and conditions to undertake de-casting of sand from patta lands and for payment of beneficiary amount to the pattadars.
 - (viii) The Pattadar will be paid a beneficiary amount as fixed by the Government.

- (ix) M/s APMDC Ltd. shall appoint a raising contractor under competitive reverse bidding process.
- (x) The sand so de-casted shall be moved to stockyards managed by M/s. APMDC Ltd. for subsequent disposal to end consumers as per the procedure laid down in sub-rule 1(d) of Rule 9-B above.

(b) De-casting in patta lands falling outside River bed and sand casted due to Marine sea transgression & regression

- (i) The pattadar shall apply to the District Collector along with copy of pattadar pass book and Title deed book and location of the land on village map.
- (ii) District Collector shall forward the application to the Asst. Director of Mines & Geology (ADMG) concerned
- (iii) The ADMG along with the concerned officials, as per the procedure laid down in sub-rule 3 (a)(ii) of Rule 9-B, shall take up joint inspection of the patta lands and submit the joint inspection report to DLSC.
- (iv) After receipt of joint inspection report, the Deputy Director of Mines & Geology concerned shall place the proposals for de-casting sand before the District Level Sand Committee.
- (v) The District Level Sand Committee (DLSC) shall examine the proposals on de-casting sand from patta lands and accord its approval duly imposing the conditions as deemed fit.
- (vi) The District Collector shall entrust the work to M/s APMDC Ltd. for de-casting and disposal of the sand.
- (vii) M/s. Andhra Pradesh Mineral Development Corporation Limited shall enter into an agreement with the pattadar as per mutually agreed terms and conditions to undertake de-casting of sand from patta lands and for payment of beneficiary amount to the pattadars.
- (viii) The pattadar will be paid a beneficiary amount as fixed by the Government.
- (ix) Depending upon the extent of patta land or quantity of sand to be de-casted, the Andhra Pradesh Mineral Development Corporation shall appoint a raising contractor under competitive bidding process.
- (x) The sand so de-casted shall be moved to stockyards managed by the Andhra Pradesh Mineral Development Corporation for subsequent disposal to end consumers as per the procedure laid down in sub-rule 1(d) of Rule 9-B above.
- (xi) Any contravention of conditions for de-casting by the pattadar, the Chairman, DLSC may order for collection of:
 - (a) Rs.1,00,000/- or Rs.500/- per TON whichever is higher as penalty on de-casting sand beyond the specified extent or in excess of permitted depth.
 - (b) Repeated violations will result in cancellation of permission
- (xii) To prevent indiscriminate removal of sand from patta lands abutting the Riverbed, more rigorous vigilance and inspections shall be taken up.

(4) Fixation/Revision of Sale price of Sand:

- (a) The sand shall be disposed to the end consumer from the specified

stockyards at a sale price as fixed by the Government plus transportation charges and other applicable taxes and charges.

(b) Sale price of sand per ton shall be reviewed and revised by the State Government as and when necessary.

(5) Incidental charges:

M/s APMDC Ltd. may, with the prior approval of the Government, collect incidental charges additionally towards maintenance of village link roads and service charges for stockyard maintenance.

(6) Apportionment of Seigniorage Fee to Zilla Parishad General Funds:

100% Seigniorage Fee shall be remitted to the General Funds under the Head of Account of Zilla Parishad concerned. The same shall be apportioned in the ratio of 25:50:25 among Zilla Parishad, Mandal Parishad and Gram Panchayat respectively.

(7) Contribution to DMF:

The Director of Mines & Geology shall issue apportionment orders to the districts.

(8) Contribution to MERIT:

The Director of Mines & Geology shall issue apportionment orders to the MERIT.

(9) Remittance of sale proceeds of the Sand:

The sale proceeds of the sand shall be remitted to the Government as per the procedure laid down by the Finance Department.

(10) Release of operating expenditure to M/s APMDC Ltd.:

The operating costs, administrative charges and Service charges incurred by M/s APMDC Ltd, shall be reimbursed by the Government and will be released by Director of Mines & Geology, Ibrahimpatnam periodically to M/s APMDC Ltd.

(11) Sand extraction in Scheduled areas:

- (a) Excavation and transportation of Sand to the designated stockyards from Sand bearing areas located partially/fully in Scheduled Areas shall be done by forming Tribal Societies as per the Panchayats Extension to Scheduled Areas (PESA) Rules, 2011 or any rules/amendments made there under with Technical and Administrative support from M/s APMDC Ltd. under the direct supervision and control of the Agency Magistrate/District Collector concerned. M/s APMDC Ltd. shall dispose the sand from the stockyards by following the norms as per sub-rule 1 (d) of Rule 9-B.
- (b) Operational guidelines shall be issued by the District Collector from time to time.

(12) Registration of Vehicles/carriers/lorries for Sand Transportation:

All the vehicles/carriers/lorries involved in sand transportation shall be registered online with M/s. APMDC Ltd. / Director of Mines & Geology for detection from other vehicles transporting sand through un-authorized sources. All Sand carrying vehicles shall have to be equipped with AIS 140 GPS devices.

(13) Prohibition of sand quarrying within Safety zones

Excavation and transportation of sand is prohibited within the safety zones of 500 meters, or as prescribed by the concerned Departments, from the Groundwater structures, road & railway bridges, railway lines and cross drainage structures, National and state highways etc. The concerned Departments shall protect the structures by displaying Boards near the prohibited structures. The officers shall be nominated by the concerned Heads of the Departments to exercise the powers mentioned in the sub-rule 16 of Rule 9-B to prevent unauthorized sand quarrying in prohibited areas.

(14) Prohibition of stocking of sand

No person, unless permitted by the Government, is allowed to stock the sand beyond the stated requirement in its application made online and shall not sell nor involve in any re-sale of sand. The applicant at all times would be obliged to utilize the sand only for the purpose stated in the application.

(15) Ban on sand transportation across the border:

Transportation of sand beyond the borders of the state is prohibited.

(16) Offences and Penalties:

The following penal provisions are applicable against the persons who involved in sale/illegal extraction/un-authorized excavation of sand in prohibited areas, trading and selling of sand, charging beyond cost of transportation and excavation, transporting sand without GPS devices, use or usage of machinery and vehicles in un-authorized excavation and transportation of sand to other States.

(a) In the case of the vehicles engaged in illegal/ un-authorized excavation in the prohibited areas (i.e. within 500 meters from the Ground water structures, Bridges, Dams, Railway lines and cross drainage structures etc.), transportation of sand outside the State and found transporting sand without valid Sand Way bill issued by the Asst. Director of Mines & Geology concerned, shall be penalized as follows:

Vehicle Type	First time (In Rs.)	Second time (In Rs.)
Tractor	Upto 10,000/-	Rs. 10,001 to 20,000/-
Lorry fitted with upto 10 tires capacity	Upto 25,000/-	Rs. 25,001/ to -50,000/-
Lorry fitted with above 10 tires	Upto 50,000/-	Rs. 50,001/- to 1,00,000/-
Machinery	Upto 50,000/-	Rs. 50,001/- to 1,00,000/-

- (b) Any vehicle transporting sand, if found, carrying sand in excess of the quantity specified in the Sand Way bill OR in excess of quantity permitted by the Transport Dept., penalty shall be levied on such excess quantity @ Rs.2000/- per MT.
- (c) Any vehicle transporting sand, if found, without installing GPS devices, shall be considered as illegal transportation of sand and the penalty shall be levied on the total quantity of sand available in the truck @ Rs.2000/- per ton.
- (d) Whenever any person extracts sand or has extracted sand in the areas other than those notified for lawful excavation, the officer authorized under sub-rule 16(f) of Rule 9-B shall assess such quantity of sand and levy and collect @ Rs.2,000/- per ton of sand or Rs.2.00 lakhs, whichever is higher, as penalty.
- (e) If any stock of sand beyond a person's reasonable requirement is stocked / hoarded / black marketed / sold, it shall be seized by the officer authorized under sub-rule 16(f) of Rule 9-B. The person shall be penalized as per sub-rule 16(d) of Rule 9-B.
- (f) Officers authorized to levy, collect penalties and seizure of vehicles from the persons involved in illegal mining / stocking / hoarding / selling / black marketing in the State authorized under these rules are as follows:
- (i) District Collector(Concerned)
 - (ii) Joint Collector(Concerned)
 - (iii) Superintendent of Police(Concerned)
 - (iv) Additional Superintendent of Police/OSD(Concerned)
 - (v) Sub-Collector/ Revenue Divisional Officer (Concerned).
 - (vi) Tahsildar (Concerned) Mandal.
 - (vii) Sub-Divisional Police Officer (Concerned).
 - (viii) Station House Officer (Concerned).
 - (ix) District/Divisional Panchayat Officer
 - (x) Deputy Director of Mines and Geology (Concerned)
 - (xi) Asst. Director of Mines & Geology (Concerned).
 - (xii) Any other officer nominated by Dist. Collector (Concerned)
- (g) The vehicle/machinery, found involved in any violation more than two times, such vehicle/machinery along with sand shall be seized by officers authorized in sub-rule 16 (f) of Rule 9-B duly following the procedure as under:
- (i) Issue show cause notice to the person/owner from whom the vehicle/machinery is seized.
 - (ii) Immediately take steps by preparing seizure report and produce the vehicle/machinery before the Competent Court to enable the person/owner from whom the vehicle/machinery is seized to file an application under Section 451 of Criminal Procedure Code (Cr.P.C) for release of vehicle/machinery.

- (iii) In the alternative, the person/owner from whom vehicle/machinery is to be seized shall be permitted to submit explanation to the show cause notice along with an application to the authorized officer seeking release of vehicle/machinery.
- (iv) Upon receipt of explanation to the show cause notice and the application for release of vehicle/machinery, the authorized officer shall consider the application and pass appropriate orders in accordance with law, within a period of two weeks there from, on production of security of Rs.25,000/- in case of tractor; Rs.1,00,000/- in case of vehicle upto 10 tonnes capacity; Rs.1,50,000/- in case of vehicle above 10 tonnes capacity and Rs.2,00,000/- for any machinery, in the form of Demand Draft drawn in favour of the authorized officer along with an affidavit/undertaking to produce the seized vehicle/machinery as and when required.
- (v) The fine paid as per the orders of Competent Court; the security furnished as per clause (iv) above shall be deposited in the head of account '0853- 102-81-other receipts' and the original challan shall be sent to the Asst. Director of Mines & Geology concerned.

(h) Disposal of seized sand illegally stored:

- (i) The Tahsildar (or) the officers nominated by Tahsildar at Mandal Level; Sub-Collector/Revenue Divisional Officer (or) the officers nominated by the Sub-Collector/Revenue Divisional Officer at Divisional Level; the Joint Collector/the District Collector (or) the Officers nominated by the Joint Collector/the District Collector at District Level shall seize illegal sand stocks.
 - (ii) Such seized sand shall be disposed by concerned Tahsildar/Sub Collector/RDO or any officer nominated by District Collector with the approval of the District Collector & Chairman of the District Level Sand Committee (DLSC) at the sale price as adopted and sale proceeds shall be remitted to the Government treasury.
 - (iii) The Sand Way bill for the seized sand shall be issued by the Asst. Director of Mines & Geology concerned in Form-S3.
- (i) M/s Andhra Pradesh Mineral Development Corporation Ltd. being the agent, shall be penalized for any extraction of sand beyond the specified area beyond the specified thickness and for any other violations by levying penalty of Rs.1,00,000/- or Rs.500/- per TON of sand quarried beyond the specified limits or in excess of thickness stipulated, whichever is higher.

(17) Appeals and Revisions:

(a) In case of I, II & III order (notified over exploited) streams:

- (i) Any person aggrieved by an order passed by the Authority at mandal level may prefer the appeal before the Joint Collector within fifteen (15) days from the date of receipt of such order.

(ii) Any person aggrieved by an order of the Joint Collector may prefer revision before the District Collector within fifteen (15) days from the date of receipt of such order.

(b) In case of IV, V (non-notified) and above order streams/rivers:

Against any order passed by the Chairman, DLSC, Deputy Director of Mines & Geology or Asst. Director of Mines & Geology, the aggrieved person may prefer a revision to the Government within thirty (30) days from the date of receipt of such order.

(18) Powers to issue Orders/Clarifications/Guidelines:

The Government shall be the sole Authority to issue clarifications, exemptions, guidelines or relaxation orders from time to time, in implementation of these rules.

(19) Applicability of General Provisions:

The General provisions of Minor Mineral Concession Rules, 1966 or any subsequent rules/amendments to be issued by Government or the orders, guidelines, clarifications issued by Government in this regard from time to time shall apply to any situation, which is not expressly stated herein."

(Encl: Annexures Form - S1 to Form - S5)

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

K. RAMGOPAL
SECRETARY TO GOVERNMENT (MINES)

To

All the District Collectors in the State of A.P.
The Director of Mines & Geology, A.P, Hyderabad.
The Vice Chairman & Managing Director, APMDC Ltd.

Copy to:

All the District Treasury Officers in the State of A.P.
The Director, Treasuries & Accounts, A.P., Vijayawada.
The Pay and Accounts Officer, Vijayawada.
The Accountant General of Andhra Pradesh, Vijayawada.
The P.S. to Hon'ble Deputy Chief Minister for Revenue
The P.S. to Hon'ble Minister for PR & RD and Mines & Geology
The P.S. to Hon'ble Minister for Water Resources (Irrigation)
The P.S. to Hon'ble Minister for Finance & Planning
The P.S. to Hon'ble Minister for Home
The P.S. to Hon'ble Minister for Housing
The P.S. to Secy. (Mines)
The Law (H) Department.
The Finance (FMU-REV-I&C) Department
Sf/Sc (File No: INC01-MG0POLI/18/2019.M.II) (Com. No. 910066)

//FORWARDED :: BY ORDER//

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH



FORM – S1

Sand Trip sheet from Sand bearing area/ De-silted area/Patta
land to Stockyard
[See Rule 9B(1)(c)(iii) &9B(2)(a)(v) of APMMC Rules, 1966]

Sand Reach code: _____

1. Trip No: _____
2. Date and time of issue : _____
3. Vehicle No. : _____
4. Quantity under transportation : Cu.Mt.
5. Name of the Raising Contractor:
6. Description of specified sand bearing area/Desilted area/Patta land :
 - a) Name of the area
 - b) Village
 - c) Mandal
7. Location of specified Stockyard :
 - a. Survey No.
 - b. Village
 - c. Mandal
8. Date and time of receipt at Stockyard :

Signature of the Receiving authority at
Stockyard

Signature of the Issuing Authority at
Sand Reach

Note:

1. Overwriting in any form in the Trip sheet makes it invalid.
2. The Trip sheet shall be issued in duplicate
3. The driver shall carry the issued original Trip sheet and handover it to the authorized person of the allottee at the designated stockyard.
4. The tractor driver shall produce the Trip sheet to any authorized authority for checking purpose

GOVERNMENT OF ANDHRA PRADESH



FORM – S2

Sand Sale Booking

Order Receipt

[See Rule 9B(1)(d)(i)& 9B (2)(a)(vii) of APMMC Rules, 1966]

		GSTIN:
Order No.	Order date:	Valid upto:
Customer name		
Customer Mobile		
Customer GSTIN		
Delivery Address		
Vehicle No:		
Chasis No:		
Ordered Sand Quantity	/ CBM	/TON
Sand Price:		
CGST (2.50 %)		
SGST (2.50 %)		
Amount Paid (Rs)		
Stockyard Name		
Stockyard Address		
Stockyard Contact Details		
Project Officer Contact Details		
 AP Mineral Development Corporation charges (if any as approved by the Government)		
		GSTIN:
Service Charge (Rs.5/ CBM)		
Road Damage charges		
CGST (9%)		
SGST (9%)		
Amount paid (Rs.)		

GOVERNMENT OF ANDHRA PRADESH



FORM – S3

Sand Way bill

from Stockyard to End

user

[See Rules 9B(1)(d)(iii), 9B(2)(a)(vii)& 9B(16)(h)(iii) of APMMC Rules, 1966]

Way Bill No. _____ District Code _____

1. Name of the Mineral: ORDINARY SAND
2. Customer name:
3. Customer contact number:
4. Delivery address:
5. Sand Booking Order ID & Date:
6. Order quantity: ___ cbm / ___Tons
7. Order amount paid:
8. Stockyard address:
9. Stockyard person contact number
10. Loaded quantity: ___ cbm / ___Tons
11. Vehicle Registration No:
12. Driver name:
13. Driver Contact No.:
14. Valid Till:
15. QR Code:

Signature of the ADMG Concerned

Signature of the Issuing Authority

Note:

1. Overwriting in any form in the way bills makes it invalid.
2. The Way bill shall be issued in duplicate
3. The driver shall carry the issued original Way bill
4. The Vehicle driver shall produce the Way bill to any authorized authority for checking purpose

GOVERNMENT OF ANDHRA PRADESH



FORM – S4

Sand Way bill from De-Silted area to End user

[See Rule 9B(2)(a)(vii) of APMMC Rules, 1966]

Way Bill No. _____

District Code _____

1. Name of the Mineral: ORDINARY SAND
2. Customer name:
3. Customer contact number:
4. Delivery address:
5. Sand Booking Order ID & Date:
6. Order quantity: ___ cbm / ___Tons
7. Order amount paid:
8. De-silted area details:
 - a) Name of the area
 - b) Village
 - c) Mandal
 - d) Extent in Ha.
 - e) Area code
9. Details of Custodian of De-silted area
 - a) Name
 - b) Contact number
 - c) Address
10. Loaded quantity: ___ cbm / ___Tons
11. Vehicle Registration No:
12. Driver name:
13. Driver Contact No.:
14. Valid Till:
15. QR Code:

Signature of the ADMG Concerned

Signature of the Issuing Authority

Note:

1. Overwriting in any form in the way bills makes it invalid.
2. The Way bill shall be issued in duplicate
3. The driver shall carry the issued original Way bill
4. The Vehicle driver shall produce the Way bill to any authorized authority for checking purpose

GOVERNMENT OF ANDHRA PRADESH



FORM – S4

Monthly Statement of extraction and disposal of Sand
 [See Rules 9B(1)(d)(v) of APMMC Rules, 1966]

Form S7-A

S.No	Date	Production	Production Cumulative	Dispatch to Stockyard	Dispatch Cumulative	Balance

Form S7-B

S.No	Date	Production	Production Cumulative	Dispatch to Destination	Dispatch Cumulative	Balance

Signature of the Authorized Signatory

GOVERNMENT OF ANDHRA PRADESH



FORM – S5

Yearly Statement of extraction and disposal of Sand
 [See Rules9B (1)(d)(v) of APMMC Rules, 1966]

Form S8-A

S.No	Month	Production	Production Cumulative	Dispatch to Stockyard	Dispatch Cumulative	Balance

Form S8-B

S.No	Month	Production	Production Cumulative	Dispatch to Destination	Dispatch Cumulative	Balance

Signature of the Authorized Signatory

GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES & GEOLOGY

From
G. Venkateswarulu, M. Sc.,
Asst. Director of Mines & Geology,
Chittoor.

To
The Director of Mines & Geology,
Ibrhimpatnam, Krishna Dt.

Letter No. 2940/Sand/2019 , Dated: 03.09.2019.

Sir,

Sub:- Sand – Office of the Asst. Director of Mines and Geology, Chittoor – Identification and Approval of three sand reaches – Information Submitted – Reg.

- Ref:- 1 Govt. Memo.No.3066/M-II(1)/2016-17, Dt:08.07.2019.
2 Note approval of the District Collector and Magistrate, Chittoor dated: 31.08.2019.

I invite kind attention to the subject and references cited and submit that vide reference 1st cited the Government of A.P., has directed the District authorities to take steps to identify new Sand reaches & De-silting points on war footing basis to bridge the shortfall of the sand demand-supply in the state. Subsequently, the Collector & District Magistrate, Chittoor has directed to conduct a joint inspection with line departments i.e. Ground Water, Irrigation, RWS and Mines & Geology Departments for identification of new sand reaches in the District.

In this connection, it is submitted that this office Technical staff along with line Departments have been conducted joint inspection on various dates during the July & August months and identified the following reaches in the jurisdiction of Asst. Director of Mines & Geology, Chittoor. All these three sand reaches are below 3rd order and below 3rd order streams only. Further it is submitted that the Collector and District Magistrate has approved three sand reaches in this office jurisdiction for excavation of sand as detailed below.

Sl. No	Name of the reach & Location	Geo co-ordinates		Extent in Hect & Qty. in CBM	Remarks
01	Nandanoor Reach in Nandanoor Vg., G.D.Nellore Mandal.	13 15 32.50 N 13 15 44.43 N 13 15 42.74 N 13 15 30.75 N	79 09 20.36 E 79 09 14.91 E 79 09 11.31 E 79 09 16.76 E	4.870 Hect. (48,700 M ³)	All the line Departments have given feasibility for excavation of sand.
02	Penumallam Reach in Penumallam Vg., Yerpedu Mandal.	13 36 29.09 N 13 36 27.49 N 13 36 35.65 N 13 36 38.02 N	79 33 56.55 E 79 33 56.68 E 79 34 18.03 E 79 34 17.60 E	4.110 Hect. (41,100 M ³)	All the line Departments have given feasibility for excavation of sand.
03	Surutpalli Reach in Surutpalli (Vg), Nagalapuram (M)	13 20 12.87 N 13 20 11.78 N 13 20 07.03 N 13 20 04.66 N 13 20 08.80 N 13 20 09.70 N	79 52 04.78 E 79 51 55.82 E 79 51 49.16 E 79 51 51.36 E 79 51 57.21 E 79 52 04.89 E	4.709 Hect. (47,090 M ³)	All the line Departments have given feasibility for excavation of sand.

This is submitted for favour of information and taking further necessary action in the matter.

Yours faithfully, _____

G. Venkateswarulu
Asst. Director of Mines & Geology,
Chittoor

Copy submitted to the Dy. Director of Mines & Geology, Chittoor for favour of information.