

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE BENCH
AT CHENNAI**

OA No 87 OF 2020

IN THE MATTER OF:

DASU MANIKANTAIAH

..... Applicant

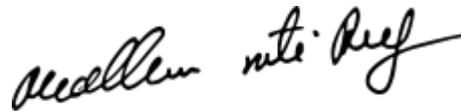
Vs

THE SECRETARY, UNION OF INDIA & OTHERS

.... Respondents

COMPLIANCE REPORT FILED BY THE APPCB R5

DATE- 01.05.2024



**M/s MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.

Mobile: 98407 98460 / 63831 21322,

Email: reddymadhuri09@gmail.com

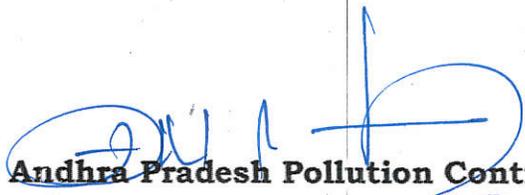
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION NO. 87 OF 2020 (SZ)

Action taken report of APPCB in compliance with Hon'ble NGT Order dt. 30.09.2022 in O.A. No. 87 of 2020 (SZ) filed by Sri Dasu Manikantiah, S/o.D. Penchalaiah, Chittoor District

Sl. No.	Particulars	Page Nos
1	Latest status report – Annexure I	1-2
2	Hon'ble NGT order dt. 30.09.2022 – Annexure II	3-34
3	Letter addressed to the Vice Chairman & Managing Director, The A.P. Mineral Development Corporation Ltd., Vijayawada vide Lr. No. APPCB/HO/UH-II/ NGT/ O.A.No.87 of 2020/2022-, Dt.15.12.2022 – Annexure III	35-37
4	Remainder Letter Dt.27.07.2023 addressed to the Vice Chairman & Managing Director, The A.P. Mineral Development Corporation Ltd.,Vijayawada - Annexure IV	38-39

Place: Tirupati

Dt. 04.11.2023


Andhra Pradesh Pollution Control Board,
ENVIRONMENTAL ENGINEER
A.P. Pollution Control Board
Regional Office : TIRUPATI

ANNEXURE-I**Action taken report of the APPCB in compliance with the Hon'ble NGT Order dt. 30.09.2022 in O.A. No. 87 of 2020 (SZ) filed by Sri Dasu Manikantaiah, S/o.D. Penchalaiah, Chittoor District regarding mining in Arani River bed in Chittoor District**

It is submitted that the Hon'ble National Green Tribunal (NGT), Southern Zone(SZ), Chennai has quoted the following while issuing an order on 30.09.2022 in Original Application (O.A.) No. 87 of 2020 (SZ) at Para No. 75 filed by Sri Dasu Manikantaiah, S/o. D. Penchalaiah Chittoor District regarding mining in Arani River bed in Chittoor District:

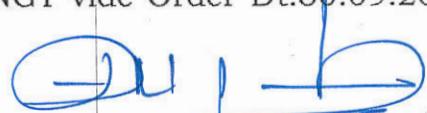
"75. So under such circumstances, we confirm the environmental compensation of Rs. 2,10,41,201 (Two Crores Ten Lakhs Forty One Thousand Two Hundred and One) assessed by the Joint Committee based on the admitted quantity of sand extracted as per the documents produced by the Mining Department, though it was not reflected in the report but it can be presumed from the earlier orders that the committee had obtained the documents from Mining Department and it is on that basis the amount was calculated, applying the principle of assessment of compensation approved by the Principal bench in O.A. No. 360/2015 and this amount will have to be paid by the 6th Respondent and they are at liberty to recover the amount from the 7th Respondent to whom the contract was granted by the 6th Respondent."

It is also submitted that the NGT, SZ, Chennai quoted the following while issuing an order on 30.09.2022 in O.A. No. 87 of 2020 (SZ) at Para No.78 Point No.(v):

"78(v). Once amount is recovered, then the State Pollution Control Board, in coordination with the Director of Mines and Geology, State of Andhra Pradesh and the Additional Chief Secretary for Ministry of Environment, Forest and Climate Change (MoEF&CC) is directed to evolve an action plan for utilizing this amount for protecting the riverine ecology for replenishment of sand and protection of river."

Copy of the order is herewith enclosed for kind perusal as **Annexure - II**.

In this connection, it is submitted that the Member Secretary, A.P. Pollution Control Board(APPCB) has addressed a letter with a direction to the Vice Chairman & Managing Director, The A.P. Mineral Development Corporation Ltd., Vijayawada vide Lr. No. APPCB/HO/UH-II/NGT/O.A.No.87 of 2020/2022- Dt.15.12.2022 for payment of Environmental Compensation(EC) of Rs. 2,10,41,201 (Rs. Two Crores Ten Lakhs Forty One Thousand Two Hundred and One only) as per directions of the Hon'ble NGT vide Order Dt.30.09.2022


ENVIRONMENTAL ENGINEER
A.P. Pollution Control Board
Regional Office : TIRUPATI

①

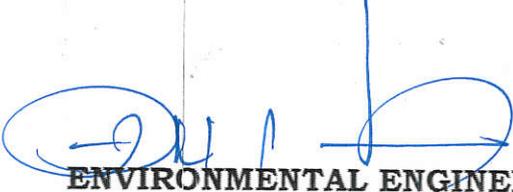
within a period of 4 (months) to APPCB. Copy of the letter is enclosed for kind perusal as **Annexure - III.**

It is further submitted that the Member Secretary, APPCB, Vijayawada has again communicated a remainder to the Vice Chairman & Managing Director, The A.P. Mineral Development Corporation Ltd., Vijayawada for payment of EC of Rs. 2,10,41,201 (Rs. Two Crores Ten Lakhs Forty One Thousand Two Hundred and One only) vide Lr. No. APPCB/HO/UH-II/NGT/O.A.No.87 of 2020/2022- Dt.27.07.2023. Copy of the letter is enclosed for kind perusal as **Annexure - IV.**

But, so far, the A.P. Mineral Development Corporation Ltd., Vijayawada has not paid EC of Rs. 2,10,41,201 (Rs. Two Crores Ten Lakhs Forty One Thousand Two Hundred and One only) in obedience to the Hon'ble NGT, SZ Order Dt.30.09.2022.

This report is submitted to the Hon'ble NGT in due compliance of the Hon'ble NGT Order dt. 30.09.2022 in O.A. No. 87of 2020 (SZ). The APPCB will abide by all such directions as the Hon'ble Tribunal may deem fit and appropriate.

Place: Tirupati
Dt: 04.11.2023


ENVIRONMENTAL ENGINEER
AP Pollution Control Board,
Regional Office, Tirupati.
Regional Office : TIRUPATI

Item No. 01

Court No.1:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAIOriginal Application No. 87 of 2020(SZ)
(Through video conference)IN THE MATTER OF:
DASU MANIKANTAIAH
Aged 32 years,
S/o. D. Penchalaiah,
Chittoor District,
Andhra Pradesh - 517589

...Applicant(s)

*Versus*UNION OF INDIA
Represented by its Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003 & Ors

...Respondent(s)

Date of Judgment: 30.09.2022

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

M/s. Taarus Associates
Mr. S. Kamlesh Kannan
Mr. S. Sai Sathya Jith

For Respondent(s):

Mr. Syed Nurullah Sheriff for R1
Mrs. Madhuri Donti Reddy for R2 to R6ORDER

Judgment pronounced through Video Conference. The original application is disposed of with directions vide separate Judgment. Pending interlocutory application, if any, shall stand disposed of.

Sd/-
Justice K. Ramakrishnan, J.M.Sd/-
Dr. Satyagopal Korlapati, E.M.O.A. No. 87/2020(SZ)
30th September 2022. AD

Item No. 01:Court No.1:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 87 of 2020(SZ)

(Through video conference)

IN THE MATTER OF:
DASU MANIKANTAI AH
Aged 32 years,
S/o. D. Penchalaiah,
Chittoor District,
Andhra Pradesh - 517589.

...Applicant(s)

Versus

1. **UNION OF INDIA**
Represented by its Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003.
2. **The State of Andhra Pradesh**
Rep. by Principal Secretary for Mines and Geology, Secretariat,
D.No. 7-104, B-Block, 5th and 6th Floor, Ibrahimpamam,
Vijayawada, AP-521456.
3. **The District Collector Chittoor,**
New Collectorate Office of Chittoor,
Chittoor District.
4. **The Assistant Director of Mines and Geology,**
Chittoor Jurisdiction.
2-53 & 54, Officers Lane, Kongareddy Pally, Chittoor-517001.
5. **The Chairman**
Andhra Pradesh Pollution Control Board
D-33-26-14 D/2, Near Sunrise Hospital,
Pushpa Hotel Centre, Chalamalavari Street,
Kasturibaipet, Vijaywada-520010.
6. **The Andhra Pradesh Mineral Development Corporation Limited**
Rep. by its Executive Director
No. 294/ID, Tadigadapa to Enikepadu 100 ft. Road,
Kanuru Village, Penamaluru Mandal,
Vijayawada-521137.

7. PMR Infra Inida Limited,
Rep by Chairman
Flat No. 1018, Visakhapatnam,
Andhra Pradesh-530003.

...Respondent(s)

For Applicant(s): M/s. Taarus Associates
Mr. S. Kamlesh Kannan
Mr. S. Sai Sathya Jith

For Respondent(s): Mr. Syed Nurullah Sheriff for R1
Mrs. Madhuri Donti Reddy for R2 to R6

Judgment Reserved on: 26th September 2022.

Judgment Pronounced on: 30th September 2022.

CORAM:

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

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

Whether the Judgment is allowed to be published on the Internet - Yes

Whether the Judgment is to be published in the All India NGT Reporter - Yes.

JUDGEMENT

Delivered by Justice K. Ramakrishnan, Judicial Member

1. The grievance in this application is regarding illegal mining going on in Arani River Bed in Chittoor District of Andhra Pradesh without obtaining necessary Environmental Clearance and other statutory permissions.
2. It is alleged in the application that the applicant is a resident of Karani Village, Nagalapuram Mandal, Chittoor District, Andhra Pradesh and he is representing the interest of the entire village who are depending on Agriculture as their main source of livelihood.
3. The Applicant village is located at the border of Andhra Pradesh and Tamil Nadu State wherein Arani River passes through the same. The said river passess through Karani village and then to the adjacent Surutupalli Village and there after enters Tamil Nadu. There is a reserve forest

known as Palem Forest which is situated adjacent to the applicant's village.

4. As per proceedings in F.No. 2940/SAND/2019, dated 08.07.2019, the District Collector had identified 5 reaches of river sand mining places in Aaraniaar riverbed evidenced by Annexure No. 1 proceedings. Out of the said 5 reaches, 3 reaches were approved.
5. The Applicant is aggrieved by Reach No. 3 which is located within the village of Surutupalli and he had made representations along with other members of the village to the authorities, not to grant any permission for river sand mining in that area as they are totally depending on the water from the river for irrigation and that is likely to be affected on account of the same.
6. Without assessing the environmental damage that would be caused, the 6th and 7th Respondent had entered upon an agreement to mine the river sand and started sand mining in that area and exhibit Annexure No. 2 is the agreement entered into between 6th and 7th Respondent for this purpose. Immediately after executing the agreement, mining activity was started without obtaining necessary Environmental Clearance from the 1st Respondent. Till date they have mined about 15 feet depth using machines which is also prohibited. They are also laid a road along the riverbed for the purpose of transport of illegally mined sand and they have transported about 400 to 500 Lorry loads. They were excavating 24x7 and in full capacity at nights as well. Annexure No. 3 series are the photographs showing the activities of the Respondent 6 and 7.
7. The River Stretch in which sand mining is being undertaken is having an extent of 4.70 Hectares and as per the decision of the *Deepak Kumar Vs. State of Haryana* reported in (2012) 4 SCC 629, there is necessity for obtaining Environmental Clearance irrespective of the extent of the land involved in Sand mining and as per EIA Notification, 2006 as amended by Notification dated 15.01.2016 also makes it mandatory for obtaining Environmental Clearance for this purpose.

8. Apart from Reach No. 3 of proceedings dated 08.07.2019, the 6th and 7th Respondent has now begun their mining activities in other areas as well including private lands in Survey Nos. 161 and 162 of Karani Village, without obtaining necessary Environmental Clearance. They were also using the heavy machineries and they are also adopting the dubious method of bifurcating the sand reaches into small extents to avoid the rigid efforts of obtaining Environmental Clearance to make it to category 'B2' and avoid public hearing and other environmental assessment methodology.
9. It is also adjacent to the National Highways, Agricultural lands and forest and severe damage has been caused on account of the illegal mining activity undertaken by the 6th and 7th Respondents. Severe environment damage has been caused. Since the authorities are not taking any action in spite of representation is given. The Applicant has no other remedy except approach this Tribunal seeking the following reliefs:
- (i) Restrain the 6th and 7th Respondents or anyh other person from mining the river sand from Arani River and Suruttupalli Village of Nagalapuram Mandal, Chittoor district, Andhra Pradesh, and sand from the Private lands in S.Nos. 161 and 162 of Karani village of Nagalapuram Mandal, chittoor District, Adnhra Pradesh without the necessary Environmental Clearance from the 1st respondent,
 - (ii) Direct the Respondent Authorities to takeaction against the illegal mining activity, at Arani river (in Karani and Suruttupalli Village) aqnd S.Nos. 161 and 162 (in Karani Village), Nagalapuram Madal, Chittoor District, Andhra Pradesh and assess the damages that has been caused due to the same.
 - (iii) To award cost for causing degradation to the environment at Karani and Suruttupalli Village of Nagalapuram Madal, Chittoor District, Andhra Pradesh, and
 - (iv) Pass such further or other orders in the interest of justice.
10. The 1st Respondent filed Counter Affidavit on behalf of the Ministry of Environment, Forest and Climate Change contending as follows:
They have denied most of the allegations made in applications. They contended that Ministry had issued EIA Notification, 2006 namely

S.O. 1533(E) dated 14th September, 2006 under the provisions of the Environmental (Protection) Act, 1986 and as per EIA Notification, 2006 certain projects requires Environmental Clearance as referred to in the schedule attached to the Notification before commencing their work.

11. Further the projects were categorized as Category "A" and Category "B" and as far as Category 'A' is concerned the issuing authority is Central Government and as far as Category 'B' is concerned it has to be done at the state level. They also detailed the procedure to be followed by the Central level officials and State level officials for granting the Environmental Clearance.
12. After the Deepak Kumar's case of the Hon'ble Apex Court, the 1st Respondent Ministry had issued another notification S.O. 141(E) dated 15.01.2016 whereby category 'B' has been divided into "B1 & B2" categories and 'B2' category the Environment Clearance issuing authority is DEIAA after appraisal made by District Expert Appraisal Committee and 'B1' category will have to be considered by State Expert Appraisal Committee and Environmental Clearance will have to be issued by the State Environment Impact Assessment Authority.
13. The National Green Tribunal Principal Bench, New Delhi by order in execution Application No. 55/2018 in O.A. 520/2016 titled as "Vikrant Tongad Versus Union of India" has ordered the following:

The directions that 15.01.2016 should still be acted upon is merely illegal and in violation of Judgement of this Tribunal. The same will stand suspended till a fresh Notification is issued by the Ministry of Environment, Forest & Climate Change (MoEF&CC) as directed herein above.

*The directions will apply to all the State Environment Impact Assessment Authority / State Governments evidenced by **Annexure R1/1** judgment.*
14. Person to the above said order of the Hon'ble National Green Tribunal dated 11th December, 2018, the 1st Respondent Ministry had challenged the same before the Apex Court by filing Civil Appeal as "Union of India Vs. Rajiv Suri" and that matter is still pending.

15. Further in order to regulate the sand mining in a proper way ministry had issued new guidelines namely "Enforcement Monitoring Guidelines of Sand Mining" (EMGSM-2020) supplemental to the existing guidelines namely Sustainable Sand Management Guidelines (SSMG-2016) and that focus on the effective monitoring of the sand mining since from the identification of sand mineral sources to its dispatch and end-use by consumers and the general public. These documents will serve as a guideline for collection of critical information for enforcement of regulatory provision(s) and also highlights the essential infrastructural requirements necessary for effective monitoring for Sustainable Sand Mining.
16. The objective of the guidelines inter-alia include the identification and quantification of the Mineral Resource and its optimal utilization; use of it enabled services and latest technologies for surveillance of the sand mining at each step; setting up the procedure for replenishment study of Sand; Post Environmental Clearance Monitoring and Procedure for Environmental Audit.
17. The EMGSM-2020 specifies that the necessary requirements to comply with the directions of Hon'ble National Green Tribunal and to facilitate effective Monitoring Enforcement of Regulatory provisions for sand mining includes Identification of Sand Mining sources its quantification and feasibility of mining considering various environment (proximity of protected area, wetlands, creeks, forest etc.) and other factors such as important stretches places of archaeological importance, habitation prohibited area etc.,
18. It also includes the preparation of comprehensive District Survey Report that mentions about the identification of mining and no mining zone, which shall follow with defining the area of sensitivity by ascertaining the distance of mining area from the protected area, forest, bridges, important structures, habitation etc., and further based on the sensitivity of the area needs to be defined in sensitive and non-sensitive area. It further specifies that the potential site for mining having its impact on the forest, protected area, habitation, bridges etc., shall be avoided.

19. Both these will have to be read and implemented in sync with each other in case of any ambiguity or variation between the provisions of both this documents arises the provisions made in the Enforcement and Monitoring Guidelines for Sand Mining, 2020 shall prevail.
20. They have further contended that the State Mining and Geology Department is a nodal authority for implementing the provisions of allotment of mining leases under the Mines and Minerals Development Regulation Act, 1957 and is entrusted with its enforcement regulation of mining activities in the State.
21. Further Sec 23 (c) of the said Act empowers the state to make rules to regulate the mining activities and check illegal mining transportation storage of minerals and it is for them to enforce the mining laws in the State. They prayed for accepting their contentions and passing appropriate orders.
22. As per order dated 25.06.2020 this Tribunal gave an opportunity to the State of Andhra Pradesh to file their statement regarding the allegations made in the application.
23. The matter was taken up on 21.09.2020 and on that day this Tribunal received the inspection report submitted by the Additional Director of Mines and Geology, Chittoor who is the 4th Respondent in the matter dated Nil received on 21.09.2020 which reads as follows:

**INSPECTION REPORT IN THE MATTER OF ORIGINAL
APPLICATION NO.87 OF 2020(SZ), FILED BY MR. DASU
MANIKANTAIAH, ANDHRA PRADESH AT THE
HON'BLE NATIONAL GREEN TRIBUNAL (SOUTH
ZONE), CHENNAI**

*Mr. Dasu Manikantiah, Resident of Karani village and post Chittoor District has filled an original application at Hon'ble NGT (South Zone) against illegal mining activity, at Aarani River (in Karani and Suruttupalli, Village) S. Nos. 161 and 162 (in Karani Village), Nagalapuram Maudal, Chittoor District, Andhra Pradesh assess the damages that has been caused due to the same. The Hon'ble National Green Tribunal (Southern Zone), Chennai on its order Dated 25.06.2020, and 02.09.2020 has issued the following directions among other things inter alia as follows.
"Considering the allegations in the application, we are satisfied that there arises a substantial question of environment for consideration. So, we admit the matter. It is alleged in the application that when the matter was admitted on 25.06.2020, at the request of the counsel appearing for the State respondents even without appointing a committee to go into the issue that they will come with the status report"*

Based on the Hon'ble NCT (S/Z) order Dated, 25.06.2020 we have accompanied with Assistant Director of Mines and Geology, Chittoor for inspection of sand reaches in Surutpalli Village of Nagalapuram Mandal and SSB Peta Village of Pichatur Mandal in Chittoor District on 02.09.2020 along with District Sand Officer, Chittoor and concerned Revenue Staff and Technical Assistant of this Office.

1. The District Collector, Chittoor has accorded permission as per New Sand Policy 2019 to carryout sand mining in above said sand reaches and then the Sand reaches are handed over to M/s APMDC for operations of reaches. In turn M/s APMDC has appointed various rising Contractors for excavation and loading of sand in the above sand reaches.

2. During the inspection we have observed three Proclainers kept at different sand reaches i.e., Surutpalli, SSB Peta 1 & SSB Pet - 3 which is violation under APMMC Rules 1966 and New Sand Policy 2019.

3. Further, we have conducted Panchanama in presence of local villagers and handed over the Machinery to the concerned VROs for safe custody.

4. In this connection, the Proclain owners have approached this office and paid penalties as per rules in vogue. The details of collected penalties are given below.

Sl.No.	Machinery	Name of the reach	Penalty amount	Challan No. and Date
1	Proclainer	Surutpalli	Rs. 1,00,000/-	41133335372020, Dt: 07-09-2020 for Rs. 50,000/- 41133426002020, Dt: 07-09-2020 for Rs. 50,000/-
2	Proclainer	S.S.B. Peta-1	Rs. 1,00,000/-	41137643722020, Dt: 10-09-2020
3	Proclainer	S.S.B.Peta-3	Rs. 1,00,000/-	41136674672020, Dt. 09-09-2020

5. Further, this office vide Lr. No. 4472/Sand/2019, Dt: 18.09.2020 has requested the District Sand Officer, M/s APMDC Ltd., Chittoor to Stop the sand quarrying operations a Surutpalli sand reach of Nagalapuram Mandal as the permitted quantity in the above sand reach is exhausted (Annexure-1).

This is submitted for information.

24. Since the Tribunal was not satisfied with the inspection report submitted regarding the fact as to whether Environmental Clearance is required for such purposes and even in the reply statement submitted by MoEF&CC, since they have not mention anything about the same, this Tribunal directed the applicant to take steps implead M/s APMDC Limited to whom permission has been granted by the District Collector to extract the sand from the sand reaches and this Tribunal has appointed a Joint Committee comprising of the Senior Officer from MOEF&CC Regional Office, Chennai, Senior Scientist from State Impact Assessment Authority, State of Andhra Pradesh, the Assistant Director of Mines and Geology, Chittoor District, Senior Officer from Central Pollution Control Board, Regional Office,

Chennai and the District Collector, Chittoor District to inspect the area in question and submit of actual as well as action taken report if there was any violation found.

25. The Committee was 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 as amended in 2016 and as per directions of the Apex Court in Deepak Kumar Vs. State of Haryana and if there is any violation they were directed to assess the environmental compensation.
26. The Committee was directed to go into the question as to whether what was the nature of activity that was being done by the user agency whether they had involved in any dredging for the purpose of clearing the riverbed so as to enable free flow of water or in the guise of dredging they were doing sand mining without obtaining necessary clearance and how the sand was being dealt with, whether it has been used for commercial purposes or spreading the same in the area were replenishment of sand required under the Sustainable Sand Mining Policy of the Central Government.
27. The Committee was also directed to ascertain the quantity of sand that was extracted by the user agency for the purpose of assessing environmental compensation.
28. The Regional Office of Ministry of Environment, Forest and Climate Change (MoEF&CC), Chennai was designated as the nodal agency for providing necessary logistics and also for coordination.
29. On 22.07.2021 this tribunal deprecated the practice of the Assistant Director of Mines and Geology Department filing a different report instead of joining the report prepared by the Joint Committee and directed them to file the Joint Committee report after incorporating their dissent of any in the report itself instead of filing different reports but they have permitted to submit their independent statement regarding the allegations made in the application.

30. The Assistant Director of Mines and Geology Chittoor also filed a report e-
filed on 14.7.2021 which reads follows:

Before the Hon'ble National Green Tribunal,
Southern Zone, Chennai
In O.A.No.87/2020 (SZ)

I Sri B. Ashok Kumar, Asst. Director of Mines and Geology, Chittoor and Member in the Joint Committee formed by the Hon'ble NGT in the matter of O.A.No.87 of 2020 (SZ) filed by Sri DasuManikantiah and submit that I differ from the opinion of the other two members of the Committee Smtt. Mahima, Scientist - D, CPCB, RD, Chennai and Dr. C. Palpandi, Scientist - C, Integrated Regional Office, MOEF & CC, Chennai on the points 2 & 5 mentioned under conclusion part of the joint committee report.

1. It is submitted that the Government of A.P., vide Memo No.3066/M-II (1)/2016-17, Dt:08-07-2019 has directed the District Authorities to take steps to identify new sand reaches and de-silting points on war footing basis to bridge the shortfall of the demand-supply of sand in the state. Subsequently, the team of officials consisting from Ground Water, Irrigation, Rural Water Supply & Sanitation and Mines and Geology departments have conducted Joint Inspections on various dates during the months of July & August, 2019 for identification of new sand reaches and identified the Surutpalli Sand Reach in Araniyar River, Nagalapuram Mandal along with other reaches in Chittoor District, which is subject matter of the above original application. Irrigation department has classified Araniyar river as 3rd order stream as follows,

Sand sourced from Rivers & streams

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/amendment 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 and charges.

d. M/s. Andhra Pradesh Mineral Development Corporation Limited shall dispose the sand as per the procedure laid down in the sub-rule 1(d) of Rule 9-B of Andhra Pradesh Minor Mineral Concession Rules, 1966.

2. It is submitted that the Deputy Director, Ground Water and Water Audit Department, Chittoor has submitted his report on identified Surutpalli sand reach and stated that "the proposed area is having about 5.00 m thickness of alluvium and the effect of Ground Water regime by de-silting of sand in the proposed area is nil and at the same time it will also create additional space for surface water as well as additional contribution to Ground water".

3. It is submitted that the Assistant Executive Engineer, Rural Water Supply & Sanitation Department, Nagalapuram has reported that "the distance between the RWS scheme source and location of the proposed sand mining is more than 1000 mtrs. Hence the site is feasible for sand quarry".

4. Further, the Assistant Executive Engineer, Irrigation, Pitchatur has reported that "there are no Irrigation structures within 500 mtrs from

5. After obtaining the feasibility reports from the line departments, the District Collector, Chittoor has granted permission for excavation of sand from Surutpalli sand reach over an extent of 4.709 Hectares for a quantity of 47,090 Cbm of sand as per A.P New Sand Policy 2019 under Sub Rule 1 (a) of Rule 9-B of APMMC Rules, 1966 in G.O No.71/2019 (annexure-I)

6. Further, it is submitted that sand excavation Surutpalli sand reach was taken up as per the procedure laid down in A.P. sand policy, 2019 for local needs i.e. for construction of new schools, Renovation of school buildings, MGNREGS works, Public Works Department in rural areas, formation of CC Roads etc., for local public within the District only.
7. It is submitted that sand excavation at Surutpalli was permitted duly observing the Rule 23 (1) (a) of Water Land and Tree Rules, 2004 - (annexure-II)
8. On the day of inspection, it is noticed that, due to excavation of sand in Surutpalli sand reach area, the storage capacity of Surutpalli Anicut has been increased and considerable quantity of water stored in recent past rains, which facilitate increase of Ground Water Table in Surutpalli area.
9. Further, it is observed that the Contractor has strengthened the already existing village road to S.S.B.Peta and the same was washed out in recent rains. As such it is not a permanent road formation. Due to ingress and regress of vehicles, paths have been developed in the reach which shown in the satellite pictures.
10. The Ground Water Table data has been obtained from the Ground Water department from Jan'2019 to Dec'2020. i.e., before and after excavation of sand in Surutpalli area. As per this data, it is observed that before sand excavation i.e. September 2019 the Ground water table level is 6.03 mtrs and after excavation i.e. July 2020 the Ground water table level is 3.89 mtrs and it is 0.62 mtrs in December 2020. As such it is technically proved that there is no depletion in Ground Water levels, but due to extraction of sand water storage capacity has been increased and therefore Ground Water levels in the surrounding areas has been increased. Copy of the Ground Water Department data is herewith submitted for kind perusal.
11. Further, it is submitted that Chemical Analysis reports obtained from the Asst. Executive Engineer, RWS & S, Sathvavedu pertain to samples collected on 12.05.2020 from Surutpalli Gram Panchayath and not find any adverse impact on water quality. Copy of the Chemical Analysis report of the Asst. Executive Engineer, RWS & S, Sathvavedu is herewith enclosed.

F.No.2940/SAND/2019

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.2066/M-R(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	Nanduvoor	13 15 32.50 N, 79 09 20.56 E 13 15 44.43 N, 79 09 14.81 E 13 15 42.74 N, 79 09 11.31 E 13 15 30.75 N, 79 09 16.76 E	Nanduvoor(Vg) G.D.Nellore	4.870	48,700	All the line Departments have given feasibility for excavation of sand.
02	Penurallam	13 36 29.09 N, 79 33 56.55 E 13 36 27.49 N, 79 33 56.68 E 13 36 25.65 N, 79 34 18.03 E 13 36 28.02 N, 79 34 17.60 E	Penurallam(Vg) 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	Kalangal-1 (Reservoir)	13 35 52 30 N, 79 47 24 63 E, 13 35 54 34 N, 79 47 27 29 E, 13 35 45 56 N, 79 47 21 12 E, 13 35 48 86 N, 79 47 18 16 E	Kalangal (Vpt) K.V.D.Punam (M)	4,180	41,800	Executive Engineer, Irrigation Division, Srikalahasti vide his Lr. No. Camp. No.11, Dt:29. 06.2019 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 Kalangal Reservoir and <u>not feasible</u> to provide new sand reaches in the foreshore area of the Kalangal Reservoir as identified by the Mines and Geology.
05	Kalangal - 2 (Reservoir)	13 36 17 81 N, 79 47 39 66 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	Kalangal (Vpt) K.V.D.Punam (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 Kalangal Reservoir vide Lr.No.Camp.No.1, dt:29.06.2019 of Executive Engineer, Srikalahasti. 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.

31. On 29.10.2021, this Tribunal considered the reports filed by the Joint Committee e-filed on 29.10.2021 which reads as follows :

I Preamble

O.A No. 87 of 2020 is filed by Sri. Dasu. Manikantiah, S/o. D.Penchalala at Hon'ble NGT (SZ), Chennai against the illegal mining at River Arani in the village of Suratpalli 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, Manikantiah 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-1.

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. Sri D. Marikandeyulu IAS, Joint Collector, Chittoor District, Andhra Pradesh
2. Smt. Mahima T. Selvaraj-D, Central Pollution Control Board, Regional Directorate-Chennai

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

The committee visited the site on 31-12-2020. The representative from the SFIAA, 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 Nagalapuram 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 APMDCLtd., 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 APMDCLtd for operations.
5. M/s APMDCLtd., 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 Surutpalli 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 Surutpalli, Nagalapuram mandal in Chittoor district. Irrigation department has classified Araniar River as 3rd order stream.

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

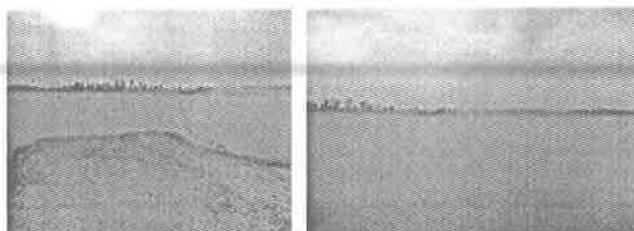
Ramp 2 used as village road and used for movement of heavy vehicles

Chennai tirup. 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 two members (Deptt of Mines) after the concerned departmental report 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 Surutupalli 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 Araniar 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.

32. Thereafter, as directed by the Tribunal the Joint Committee has filed the further report as directed by this Tribunal by order dated 21.09.2020, the Joint Committee filed the further report dated Nil e-filed on 15.07.2022 which reads as follows:

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 Sururupalli Sand reach area of Nagalapuram 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- Chennai
3. Chennai

4. Dr. C. Mahalingam, Scientist 'C', Integrated Regional Office, Ministry of Environment, Forest and Climate Change, Chennai
5. Sri 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 was 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. 2949/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:

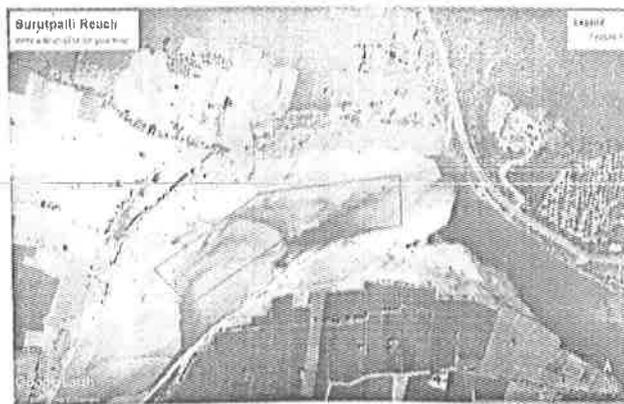


Figure: Layout of the Surutpalli Sand Reach

- The details of Surutpalli Sand Reach are as follows:

Reach Name		Surutpalli
Stream Name		Aranari
Village		Surutpalli
Mandal		Nagalapuram
Extent in Ha		4.709
Permitted Quantity (m ³)		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°20'02.03"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

1. The committee is of the view that M/s APMDC carried sand excavation in River Arani in Surutpalli in Chittoor district with the purpose of extraction of sand for fuel needs and not for desiltation purpose of Arani 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 5 ha.
3. M/s APMDC has carried out sand mining in Surutpalli 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
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 opened 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. Para 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 price 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

= 0.6 if Z/X = 0.41 to 0.70

= 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 RS	Amount per Cbm RS
1	Revenue for incidental Expenditure for policy implementation (Incl 5% GST on Sand)	204	
2	Belgnorage 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	378	

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 = $9351645 \times (1 + 0.25) \times 1.01 = 9351645 \times 2.25$

= 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 surutupalli 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 Water 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.

33. Heard the Counsels for the Applicants and the respondents.
34. The Counsel for the applicants are argued that even as per the sanction issued by the District Collector it was nothing but sand mining and it was mentioned that the user agency has to obtain necessary Environment Clearance and consent from the Pollution Control Board for carrying out the sand mining in that reach.
35. Further the report submitted by the Joint Committee also will go to show that it will be sand mining only and without conducting proper scientific study regarding the availability of the sand they have started doing mining in that area and thereby the impact of sand mining in that area is very difficult to assess and further it was due to the water logging in that area due to rain the impact of sand mining could not be assess as well.
36. Further the report of the Mining Department will go to show that heavy machineries were used and certain fines has been imposed on those persons who were carrying on the mining without using heavy machinery which was prohibited.
37. So according to the Learned Counsel the act was illegal and necessary directions will have to be issued apart from imposing environmental compensation other penal action being taken against the officials who were responsible for the same.
38. On the other hand, Mr. P.S. Raman, Senior Counsel along with Mrs. Madhuri Donti Reddy appearing for State of Andhra Pradesh and other State Departments submitted that no illegal mining was done and they were done the activity for using the sand for local community purposes and government purposes in good faith on the basis of the provisions of Andhra Pradesh Water Land and Trees Rules, 2004 where under Sec 23-(1) (a), sand mining shall not be permitted in notified areas except for local use in the villages or towns bordering the streams.
39. Transportation of sand from these notified areas through mechanical means out of local jurisdiction shall be banned.

40. So the permissions were granted for the use of local purposes and there was no violation committed wilfully.
41. Further as per the Joint Committee report, it was mentioned that only a small quantity was excavated beyond the permitted quantity and if at all the Tribunal feel that they are liable for illegal mining the extent of compensation will have to be restricted to that amount alone and not for the entire excavated sand as calculated by the Joint committee.
42. They prayed for exonerating them from payment of any compensation and on the ground that now necessary instructions have been given and the guidelines and the EIA Notification procedures were strictly adhered to and action is being taken against the persons who are violating the same in accordance with law.
43. The Learned Counsel appearing for MoEF&CC submitted that the report of the Joint Committee can be accepted and it will go to show that there was illegal mining done by Respondent 6 and 7 without obtaining necessary Environment clearance and consent as required.
44. Considering the pleadings submissions made by the counsel for the parties and the Joint Committee reports submitted.
- 45. The points that arose for consideration:**
1. Whether Respondent 6 and 7 have committed any violation in carrying out the sand mining in Arani river stretch in the disputed area?
 2. Whether there was any damage caused to environment?
 3. Whether the Respondent 6 and 7 are liable to pay any compensation for the alleged illegal act committed, if it is found that their act is illegal, then what is the quantum of compensation to be recovered from them?
 4. What are the nature of further directions to be issued applying the precautionary principle and sustainable development for protecting environment in respect of sand mining to be carryout in river bed areas?
 5. Reliefs and cost.

Points

46. The grievance of the applicant in the application was that illegal mining is going on in Arani riverbed area of Karani village, Chittoor District without obtaining Environmental Clearance.
47. In order to ascertain the genuineness of the allegations, this Tribunal had appointed a Joint Committee and the Joint Committee had submitted the report with dissenting note of the District Collector and Mining Department regarding the nature of activity carried out in that area but the other members of the Joint Committee had categorically stated that the sand mining done is without obtaining necessary Environmental Clearance and consent from the authorities as required under the EIA Notification, 2006 as amended in 2016 and also under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 from Pollution Control Board.
48. Even as per the tenders issued by District Collector produced as Annexure No. 1, it was specifically mentioned that it is sand mining and certain fees has been fixed for dispersal of the sand so mined and this must be done only after obtaining necessary Environmental Clearance and consent from the concerned authorities. So that will go to show that what was intended to be carried out in that area even as per the tenders issued by the District Collector is nothing but sand mining and not any other activity like dredging or de-silting.
49. In the reports submitted by the mining department, it was mentioned that on inspection when they came to know that it was being done without Environmental Clearance, directions were issued to the APMDC Limited to stop the activity.
50. Further certain amount of fine has been imposed against the persons who were found using proclains and other heavy machineries which are not permitted for that purpose.
51. They relied on the provision of Andhra Pradesh Water Land and Trees Rules, 2004 for the purpose of justifying their act. Rule 23-(1) (a) of the said rules deals with Sand Mining and certain restrictions have been made and

under Rule 23 I(a) it was mentioned that sand mining shall not be permitted in notified areas except for local use in village or towns bordering the streams. Transportation of sand from these notified areas through mechanical means out of local jurisdiction shall be banned.

52. Certain procedures were also provided as to how the permits can be granted to what extent the sand mining can be done in the permitted areas etc.,
53. It may be mentioned here that there also it was not mentioned that it can be done without obtaining any Environmental Clearance or other clearances required for that purpose.
54. In *Deepak Kumar Vs. State of Haryana and Others* reported in (2012) 4 SCC 629, the Hon'ble Apex Court has reiterated the necessity for protecting the natural resources and its over exploitation.
55. Taking into account the impact of such activities on environment, further reiterated that no mining of minerals can be done without obtaining Environmental Clearance irrespective of the mining area. It is also mentioned that before granting permission for sand mining, they must conduct the District Survey regarding the availability of the sand, the permissible quantity that can be permitted to be mined taking into account the replenishment level in those areas and also the depth at which it can be done etc.,
56. It was also mentioned that as far as possible bifurcation of the mining areas to smaller extent cannot be permitted and it can be permitted only in exceptional circumstance and that will have to be evolved by the authorities while considering bifurcation into smaller extent.
57. Further it was reiterated in the decision that if there are cluster of mining areas situated in a particular area, then a cluster environment impact assessment has to be made before granting permission.
58. Further on the basis of the directions of the Hon'ble Supreme Court in the above case, MoEF&CC has issued an amendment to EIA Notification, 2006 dated 15.01.2016 bringing in all type mining activities irrespective of the extent under the regime of obtaining prior Environmental Clearance.

59. Further there after the Principal Bench of National Green Tribunal and this Bench had fixed the cut off date for applying for Environmental Clearance for existing mining activities as 31.03.2016 and thereafter, the existing mine operators were also directed to close down the mining activities, if they did not obtain necessary Environmental Clearance.
60. On the basis of the directions given by the Principal Bench of National Green Tribunal in certain matters dealing with sand mining, the Ministry of Environment, Forest & Climate (MoEF& CC) has come with Sustainable Sand Mining Policy (SSMP), 2016 and also Enforcement and Monitoring of Sand Mining Guidelines, 2020 and there also certain procedures have been provided which includes obtaining Environmental Clearance, conducting of District Survey of the availability of sands and fixing the quantity of sand available and the quantity of sand that can be extracted and the manner in which it can be done etc.,
61. Instream river sand mining was prohibited under the guidelines issued. Further mechanical mining was also prohibited as per the above guidelines.
62. The Andhra Pradesh State Government also issued a Sand Mining Policy of 2019, wherein they have incorporated all the guidelines issued by the Ministry of Environment, Forest & Climate (MoEF& CC) and the directions issued by the Principal Bench and this Bench and insisted for prior Environmental Clearance and consent from the Pollution Control Board before starting the mining operation.
63. So under such circumstances, the submission made by the Senior Counsel along with the State Counsel appearing for the State of Andhra Pradesh that since it was intended for local purpose they were under impression that Environmental Clearance was not required cannot be accepted.
64. Further the Joint Committee had gone into the question and came to the conclusion that the sand mining was done in an unscientific manner without conducting any survey on availability of sand before granting permission. Because of the water logging due to rain, they were not able to assess the actual impact caused on account of the sand mining done without obtaining Environmental Clearance.

65. They have also mentioned that this will not come under the de-silting or dredging for which obtaining Environmental Clearance was exempted and what was done in that area by Respondent 7 and 8 was nothing but sand mining and not dredging.
66. It was also mentioned in the report that the sand mining was done over and above the permission granted.
67. M/s APMDC Limited was permitted for mining in an area of 4.7 Hectares and they have fixed the sand mining fee as Rs. 89 per Metric Tonnes of sand when they had given the contract to the 7th Respondent.
68. It is also seen from the report that heavy machineries have been used and certain fine has been imposed by the Mining Department against the poelain owners and steps have been taken to recover that amount as well and that amount has been remitted.
69. On the basis of the directions given by their letter dated 18.09.2020, the further sand mining in that area has been stopped.
70. So the first prayer in the application has become now infructuous as no sand mining is being done in that area without complying with the procedure provided under EIA Notification, 2006 as amended in 2016.
71. It is seen from the Joint Committee report that an extent of 49,000.90 Meter Cube of sand was extracted as against the permitted quantity of 47,000.09 Cubic Meter and the Joint Committee, on the basis of the directions given by the Principal Bench in O.A. No. 360/2015 dated 26.02.2021 and on the basis of the directions of the Hon'ble Apex Court in Common Cause Case reported in (2017) 9 SCC 499 assessed the compensation payable as Rs. 2, 10, 41, 201 (Two Crores Ten Lakhs Forty One Thousand Two Hundred and One).
72. The contention of the District Collector and Mining Department that the Environmental Clearance and consent to establish and operation are required only for order 4 streams as classified by the Irrigation Department and Araniar being classified as 3rd order steam that is not required cannot be accepted as no such distinction has been made by the Apex Court or

Ministry of Environment, Forest & Climate (MoEF & CC) in the decision referred to above and the EIA Notification referred to above and the State legislation or the State Government is not entitled to exempt the necessity for the obtaining Environmental Clearance for sand mining in river stretches against the Central legislation and against the orders passed by this Tribunal and also by the Principal Bench or Hon'ble Apex Court in several cases of this nature.

73. So the submission made by the Learned Senior Counsel and the State Counsel that no Environmental Clearance is required for doing sand mining in Araniar River in view of the classification that it falls under 3rd order stream cannot be accepted and the same is rejected.

74. The submission made by the Senior Counsel and the State Counsel appearing for the State Departments that if at all they are liable to payment of compensation then the compensation has to be restricted to the excess mining done than the permitted quantity also cannot be accepted as once the sand mining was done without obtaining necessary clearance and consent required under the respective Environmental laws, then whatever quantity extracted will amount to illegal mining and they are liable to pay compensation for the same.

75. So under such circumstances, we confirm the environmental compensation of Rs. 2,10,41,201 (Two Crores Ten Lakhs Forty One Thousand Two Hundred and One) assessed by the Joint Committee based on the admitted quantity of sand extracted as per the documents produced by the Mining Department, though it was not reflected in the report but it can be presumed from the earlier orders that the committee had obtained the documents from Mining Department and it is on that basis the amount was calculated, applying the principle of assessment of compensation approved by the Principal bench in O.A. No. 360/2015 and this amount will have to be paid by the 6th Respondent and they are at liberty to recover the amount from the 7th Respondent to whom the contract was granted by the 6th Respondent.

76. So under such circumstances, we feel that the application can be disposed of with following directions:

- (i) The Director of Mines and Geology, State of Andhra Pradesh and the District Collectors dealing with granting permission in State of Andhra Pradesh are directed to strictly implement the Environment Laws of obtaining Environmental Clearance for the purpose of doing sand mining in river stretches of whichever order and they are directed to take appropriate action against those persons who are conducting mining without obtaining Environmental Clearance and consent in accordance with law.
- (ii) The Director of Mines and Geology is directed to strictly implement the Mining Policy of State of Andhra Pradesh, coupled with the guidelines issued by the Ministry of Environment, Forest and Climate Change (MoEF& CC) in Sustainable Sand Mining Policy of 2016 and Monitoring and Enforcement of Sand Mining Guideline, 2020 and the directions issued by the Principal Bench in O.A.No.360/2015 in the order dated 26.02.2021 and also the Directions issued by this Tribunal in O. A. No. 177/2016 and O. A. No. 47/2016 in respect of sand mining in State of Andhra Pradesh.
- (iii) The 6th Respondent Andhra Pradesh Mineral Development Corporation Limited (APMDCL) is directed to pay an Environmental compensation of Rs. 2,10,41,201 (Two Crores Ten Lakhs Forty One Thousand Two Hundred and One) assessed by the Joint Committee in their final report received on 15.07.2022 extracted by this Tribunal in the earlier paragraphs and the State Pollution Control Board is directed to recover the amount from them in accordance with law.
- (iv) If there is any contractual violation found committed by the 7th Respondent, then the 6th Respondent is entitled to recover the amount from the 7th Respondent on the basis of the violation of contract in accordance with law. They are directed to pay the amount within the period of 4 (four) months. If the amount is not paid within the period of 4 months then the 4th Respondent, Andhra Pradesh Pollution Control Board is directed to recover the amount from the 6th Respondent Andhra Pradesh Mineral Development Corporation Limited (APMDCL) in accordance with law.
- (v) Once amount is recovered, then the State Pollution Control Board, in coordination with the Director of Mines and Geology, State of Andhra Pradesh and the Additional Chief Secretary for Ministry of Environment,

Forest and Climate Change (MoEF&CC) is directed to evolve an action plan for utilizing this amount for protecting the riverine ecology for replenishment of sand and protection of river.

- (vi) The Directors of Mines & Geology and Andhra Pradesh State Pollution Control Board are directed to file the periodical report of recovery the amount and utilization amount as directed once in six months before this Tribunal by e-filing in the form of searchable PDF/OCR and not in the form of Image PDF along with necessary hardcopies to be produced as per rules.
- (vii) As and when the report is received, the Registry is directed to place the same before the Bench for consideration and for issuing further directions in this regard.

77. The points are answered accordingly.

78. In the result, the application is allowed in part and disposed of with the following directions:

- (i) The Director of Mines and Geology, State of Andhra Pradesh and the District Collectors dealing with granting permission in State of Andhra Pradesh are directed to strictly implement the Environment Laws of obtaining Environmental Clearance for the purpose of doing sand mining in river stretches of whichever order and they are directed to take appropriate action against those persons who are conducting mining without obtaining Environmental Clearance and consent in accordance with law.
- (ii) The Director of Mines and Geology is directed to strictly implement the Mining Policy of State of Andhra Pradesh, coupled with the guidelines issued by the Ministry of Environment, Forest and Climate Change (MoEF& CC) in Sustainable Sand Mining Policy of 2016 and Monitoring and Enforcement of Sand Mining Guideline, 2020 and the directions issued by the Principal Bench in O.A.No.360/2015 in the order dated 26.02.2021 and also the Directions issued by this Tribunal in O. A. No. 177/2016 and O. A. No. 47/2016 in respect of sand mining in State of Andhra Pradesh.
- (iii) The 6th Respondent Andhra Pradesh Mineral Development Corporation Limited (APMDCL) is directed to pay an Environmental compensation of

Rs. 2,10,41,201 (Two Crores Ten Lakhs Forty One Thousand Two Hundred and One) assessed by the Joint Committee in their final report received on 15.07.2022 extracted by this Tribunal in the earlier paragraphs and the State Pollution Control Board is directed to recover the amount from them in accordance with law.

- (iv) If there is any contractual violation found committed by the 7th Respondent, then the 6th Respondent is entitled to recover the amount from the 7th Respondent on the basis of the violation of contract in accordance with law. They are directed to pay the amount within the period of 4 (four) months. If the amount is not paid within the period of 4 months then the 4th Respondent, Andhra Pradesh Pollution Control Board is directed to recover the amount from the 6th Respondent Andhra Pradesh Mineral Development Corporation Limited (APMDCL) in accordance with law.
- (v) Once amount is recovered, then the State Pollution Control Board, in coordination with the Director of Mines and Geology, State of Andhra Pradesh and the Additional Chief Secretary for Ministry of Environment, Forest and Climate Change (MoEF&CC) is directed to evolve an action plan for utilizing this amount for protecting the riverine ecology for replenishment of sand and protection of river.
- (vi) The Directors of Mines & Geology and Andhra Pradesh State Pollution Control Board are directed to file the periodical report of recovery the amount and utilization amount as directed once in six months before this Tribunal by e-filing in the form of searchable PDF/OCR and not in the form of Image PDF along with necessary hardcopies to be produced as per rules.
- (vii) As and when the report is received, the Registry is directed to place the same before the Bench for consideration and for issuing further directions in this regard.
- (viii) Considering the circumstances, parties are directed to bear the respective cost in the application.
- (ix) The Registry is directed to communicate this order to the official respondents, the Chief Secretary, State of Andhra Pradesh, the Additional Chief Secretary for Ministry of Environment, Forest & Climate

(MoEF& CC), State of Andhra Pradesh and the District Collector, Chittoor District for their information and compliance with the directions.

79. With the above directions and observations, the application is disposed of.

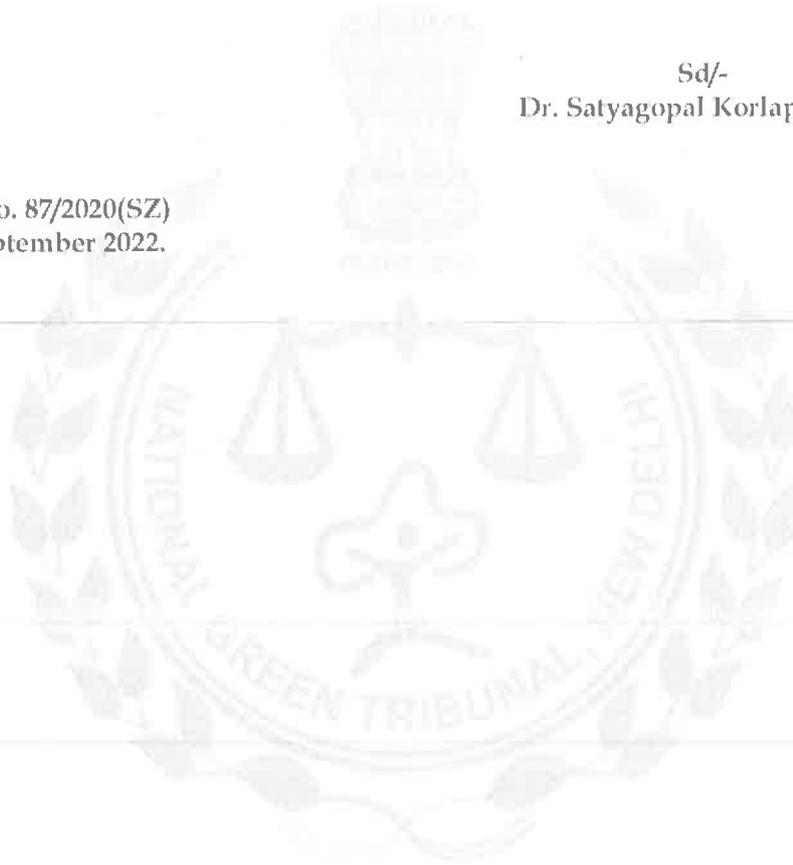
Sd/-

Justice K. Ramakrishnan, J.M.

Sd/-

Dr. Satyagopal Korlapati, E.M.

O.A. No. 87/2020(SZ)
30th September 2022.



NGT

ANNEXURE - III



ANDHRA PRADESH POLLUTION CONTROL BOARD

D.No.33-26-14D/2, Near Sunrise Hospital, Pushpa Hotel Center,
Chalamalavari Street, Kasturibaipet, Vijayawada – 520010
Phone: 0866-2463200, Website: <https://pcb.ap.gov.in>

Lr. No. APPCB/HO/UH-III/NGT OA No. 87 of 2020/2022

Date: 15/12/2022.

To
The Vice Chairman & Managing Director,
The A.P. Mineral Development Corporation Ltd,
294 / 1D, 100 Ft. Road,
Kanuru Village, Penamaluru Mandal,
Vijayawada - 521137

Sir,

Sub: APPCB – HO – ERM (C2) – Hon'ble NGT Order dt. 30.09.2022 in OA No 87 of 2020 (SZ) – Payment of Environmental Compensation to APPCB – Intimation Reg.

Ref: Hon'ble NGT (SZ) Order dt. 30.09.2022 in OA No 87 of 2020 (copy enclosed)

It is to inform that Sri Dasu Manikantaiah, Aged 32 years, S/o. D. Penchalaiah, Chittoor District, Andhra Pradesh filed O.A. No 87 of 2020 before the Hon'ble NGT (SZ), Chennai regarding illegal sand mining in Arani River Bed in Chittoor District of Andhra Pradesh, without obtaining prior Environmental Clearance and other statutory permissions.

The Hon'ble NGT constituted a Joint Committee to enquire into the matter and to submit report. The joint committee inspected and submitted its report to Hon'ble NGT.

The Hon'ble Tribunal considered the report filed by the Joint Committee through e-filing on 29.10.2021. Later, the Joint Committee filed further report on 15.07.2022 (e-filed) as directed by Tribunal by order dated 21.09.2020.

The Hon'ble NGT (SZ), Chennai disposed the Original Application with following directions vide order dt. 30.09.2022, judgment uploaded on 13.12.2022. The operative part of the judgement for immediate action is mentioned below -

" 78. In the result, the application is allowed in part and disposed of with the following directions:

- i. *The Director of Mines and Geology, State of Andhra Pradesh and the District Collectors dealing with granting permission in State of Andhra Pradesh are directed to strictly implement the Environment Laws of obtaining Environmental Clearance for the purpose of doing sand mining in river stretches of whichever order and they are directed to take appropriate action against those persons who are conducting mining*

35

- without obtaining Environmental Clearance and consent in accordance with law.
- ii. The Director of Mines and Geology is directed to strictly implement the Mining Policy of State of Andhra Pradesh, coupled with the guidelines issued by the Ministry of Environment, Forest and Climate Change (MoEF& CC) in Sustainable Sand Mining Policy of 2016 and Monitoring and Enforcement of Sand Mining Guideline, 2020 and the directions issued by the Principal Beach in O.A.No.360/2015 in the order dated 26.02.2021 and also the Directions issued by this Tribunal in O. A. No. 177/2016 and O. A. No. 47/2016 in respect of sand mining in State of Andhra Pradesh.
 - iii. The 6th Respondent Andhra Pradesh Mineral Development Corporation Limited (APMDCL) is directed to pay an Environmental compensation of Rs. 2,10,41,201 (Two Crores Ten Lakhs Forty One Thousand Two Hundred and One) assessed by the Joint Committee in their final report received on 15.07.2022 extracted by this Tribunal in the earlier paragraphs and the State Pollution Control Board is directed to recover the amount from them in accordance with law.
 - iv. If there is any contractual violation found committed by the 7th Respondent, then the 6th Respondent is entitled to recover the amount from the 7th Respondent on the basis of the violation of contract in accordance with law. They are directed to pay the amount within the period of 4 (four) months. If the amount is not paid within the period of 4 months then the 4th Respondent, Andhra Pradesh Pollution Control Board is directed to recover the amount from the 6th Respondent Andhra Pradesh Mineral Development Corporation Limited (APMDCL) in accordance with law.
 - v. Once amount is recovered, then the State Pollution Control Board, in coordination with the Director of Mines and Geology, State of Andhra Pradesh and the Additional Chief Secretary for Ministry of Environment, Forest and Climate Change (MoEF&CC) is directed to evolve an action plan for utilizing this amount for protecting the riverine ecology for replenishment of sand and protection of river.
 - vi. The Directors of Mines & Geology and Andhra Pradesh State Pollution Control Board are directed to file the periodical report of recovery the amount and utilization amount as directed once in six months before this Tribunal by e-filing in the form of searchable PDF/OCR and not in the form of Image PDF along with necessary hardcopies to be produced as per rules.
 - vii. As and when the report is received, the Registry is directed to place the same before the Bench for consideration and for issuing further directions in this regard.
 - viii. Considering the circumstances, parties are directed to bear the respective cost in the application.
 - ix. The Registry is directed to communicate this order to the official respondents, the Chief Secretary, State of Andhra Pradesh, the Additional Chief Secretary for Ministry of Environment, Forest & Climate (MoEF& CC), State of Andhra Pradesh and the District Collector, Chittoor District for their information and compliance with the directions".

(Copy of the Order is enclosed).

In view of the above, you are hereby directed to pay the Environmental Compensation of Rs. 2,10,41,201 (Rupees Two Crores Ten Lakhs Forty One Thousand Two Hundred and One) as per the directions of the Hon'ble NGT, to the Andhra Pradesh Pollution Control Board within a period of 4 (Four) months, by way of DD drawn in favour of Member Secretary, AP

Pollution Control Board, Vijayawada for onward utilization of the EC amount for protecting the riverine ecology for replenishment of sand and protection of river.

If you fail to pay the environmental compensation within the specified period, the Board will be compelled to initiate further action against your activities under section 33(A) of Water (Prevention & Control of Pollution) 1974 and under section 31(A) of Air (Prevention & Control of Pollution) Act, 1981 and amendments thereof, in the interest of safeguarding the Public Health and Environment., without any further notice.

Pravin Kumar Ias
MEMBER SECRETARY

Copy to:

1. The Special Chief Secretary, EFS&T Dept, AP Secretariat, Velagapudi.
2. The Secretary to Govt. (Mines) Industries & Department, AP Secretariat, Velagapudi.
3. The Director, Mines and Geology Dept, Sri Anjaneya towers, Ibrahimpatnam, Vijayawada.(admin@apmines.gov.in/directormines@yahoo.co.in)
4. The JCEE, CTE section, APPCB, Head Office, VJA for issuing necessary instructions to all ROs & ZOs.
5. The JCEE, APPCB, Zonal Office, Kurnool for necessary follow up.
6. The SEE (Legal cell), APPCB, Head Office, VJA for information and necessary action.
7. The EE, APPCB, Regional Office, Tirupati for information and necessary action.

(37)

Signed by Pravin Kumar

Ias

Date: 15-12-2022 18:29:10

Reason: Approved

ANNEXURE - IV



ANDHRA PRADESH POLLUTION CONTROL BOARD
Dr. YSR Paryavaran Bhavan, APIIC Colony Road,
Gurunanak Colony, Autonagar, Vijayawada- 520007
Phone. No.0866-2463200, Website: https://pcb.ap.gov.in/



Lr. No. APPCB/HO/UH-II/NGT OA No. 87 of 2020/2022

27/07/2023.

To,
The Vice Chairman & Managing Director,
The A.P. Mineral Development Corporation Ltd,
294 / 1D, 100 Ft. Road,
Kanuru Village, Penamaluru Mandal,
Vijayawada - 521137

Sir,

Sub: APPCB – HO – Unit-II – Hon'ble NGT Order dt. 30.09.2022 in OA No 87 of 2020 (SZ) –
Payment of Environmental Compensation to APPCB – Reminder - Reg.

Ref: 1. Hon'ble NGT Order dt. 30.09.2022 in OA No 87 of 2020 (SZ) (copy enclosed).
2. Lr. No. APPCB/HO/UH-II/NGT OA No. 87 of 2020/2022 – 785 dt. 15.12.2022.

It is to inform that DASU MANIKANTAIAH Aged 32 years, S/o. D. Penchalaiah, Chittoor District, filed OA No 87 of 2020 in Hon'ble NGT, SZ, Chennai. The grievance in this application is regarding illegal mining going on in Arani River Bed in Chittoor District of Andhra Pradesh without obtaining necessary Environmental Clearance and other statutory permissions.

The Hon'ble NGT, SZ, Chennai disposed the Original Application with certain directions vide order dt. 30.09.2022 (judgment uploaded on 13.12.2022). (Copy of the Order is enclosed).

The Board vide ref. 2nd cited (Copy enclosed) directed APMDCL to pay the Environmental Compensation of Rs. 2,10,41,201/- (Rupees Two Crores Ten Lakhs Forty One Thousand Two Hundred and One) as per the directions of the Hon'ble NGT to the Andhra Pradesh Pollution Control Board within a period of 4 (Four) months, by way of DD drawn in favour of Member Secretary, AP Pollution Control Board. On payment of the Environmental Compensation the amount is to be utilized for protecting the riverine ecology for replenishment of sand and protection of river.

But so far the APMDCL has not paid the environmental compensation of Rs. 2,10,41,201/- to APPCB. Hence you are hereby reminded for payment of the said Environmental Compensation amount to APPCB immediately without any further delay.

On payment of the Environmental Compensation, the amount is to be utilized for protecting the riverine ecology for replenishment of sand and protection of river.

B Sreedhar Ias
MEMBER SECRETARY

Encl: Refs 1 & 2

Copy to:

38

1. The Special Chief Secretary, EFS&T Dept, AP Secretariat, Velagapudi.
2. The Secretary to Govt. (Mines) Industries & Department, AP Secretariat, Velagapudi.
3. The Director, Mines and Geology Dept, Sri Anjaneya towers, Ibrahimpatnam, Vijayawada.(admin@apmines.gov.in/directormines@yahoo.co.in)
4. The JCEE, CTE section, Head Office, Vijayawada for issuing necessary instructions to ROs & ZOs.
5. The Joint Chief Environmental Engineer, A.P. Pollution Control Board, Zonal Office, Kurnool for necessary follow up.
6. The Environmental Engineer, APPCB, Regional Office, Chittoor for information and necessary action.

(39)

Signed by B Sreedhar Ias

Date: 27-07-2023 13:18:36

Reason: Approved