

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 959/2024

IN THE MATTER OF:

LAV MISHRA

.... APPLICANT

VS

STATE OF UP & ORS.

.... RESPONDENT

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FILED BY:

Ankit Verma

**(ANKIT VERMA)
STANDING COUNSEL FOR STATE OF U.P.
A-15 FF, NIZAMUDDIN EAST
NEW DELHI-110013.
MOB :- 09990804440
ankit.scngtup@gmail.com**

Dated: 13.11.2024



BEFORE THE HON'BLE
PRINCIPAL BENCH, NEW DELHI

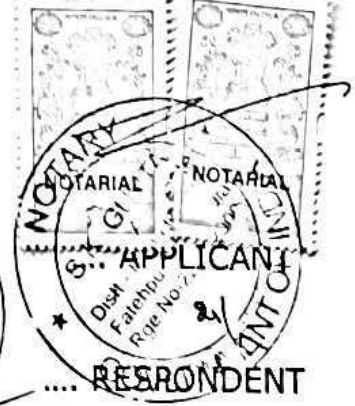
ORIGINAL APPLICATION NO. 959/2024

IN THE MATTER OF



LAV MISHRA

STATE OF UP & ORS.

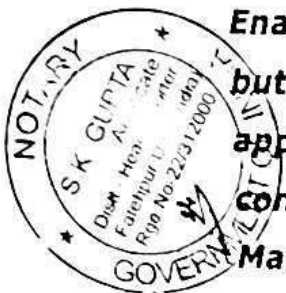


AFFIDAVIT OF DISTRICT MAGISTRATE, FATEHPUR, IN COMPLIANCE OF ORDER DATED 13-09-2024 PASSED BY THIS HON'BLE TRIBUNAL

I, *Lavinder Singh* aged about 33 years, posted as District Magistrate Fatehpur, Uttar Pradesh do hereby solemnly affirm and state on oath as under:

1. That I am duly authorized to file the present affidavit. The deponent is well conversant with the facts and circumstances of the instant case and is competent to swear this affidavit.
2. That this Hon'ble Tribunal, vide order dated 13.09.2024, was pleased to issue following directions:

"3. Considering the above allegations, prima-facie, we are of the view that substantial question relating to environment has arisen out of the implementation of Enactments mentioned in Schedule I of NGT Act, 2010, but before proceedings in the matter, we find it appropriate to obtain a factual report for which we constitute a Joint Committee comprising District Magistrate, Fatehpur and Uttar Pradesh Pollution Control Board (hereinafter referred to as



'UPPCB").

4. District Magistrate, Fatehpur shall be nodal authority for compliance and coordination of this order.

5. The said Committee shall visit the site, collect relevant information and submit a factual report within six weeks.

6. Further, we find it appropriate to implead following as Respondents:

1. State of UP through Chief Secretary, Government of Uttar Pradesh, 1st Floor, Room No. 110, Lal Bahadur Shastri Bhawan, Uttar Pradesh Secretariat, Lucknow.

2. Ministry of Environment, Forest and Climate Change, Government of Uttar Pradesh, 1st Floor, Room No. 110, Lal Bahadur Shastri Bhawan, Uttar Pradesh Secretariat, Lucknow, through Additional Chief Secretary.

3. Director, Mining and Geology, Government of Uttar Pradesh, 1st Floor, Room No. 110, Lal Bahadur Shastri Bhawan, Uttar Pradesh Secretariat, Lucknow.

4. District Magistrate, Fatehpur

5. Uttar Pradesh Pollution Control Board through its Member Secretary, 2nd Floor, 4, Kalpi Road. Kanpur - 208012.

7. Registry is directed to serve the above Respondents and they may file responses within two weeks after receipt of the notice.

8. List on 05-11-2024"

3. That the present response is being filed in compliance of the order dated 13.09.2024 passed by this Hon'ble Tribunal.



(Signature)

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4. That in compliance of the order dated 13.09.2024 passed by this Hon'ble Tribunal, the deponent vide his Office Order No. G00946/O.A. No. 959/2024/NGT/24-25 dated 30.09.2024, constituted a Joint Committee comprising of Sub Divisional Magistrate, Sadar, Fatehpur, Mines Officer, Fatehpur and Assistant Environment Engineer, UPPCB, Regional Office- Prayagraj, for inspecting the mining site and submit a factual report within one week.
 5. That the aforesaid Committee inspected the mining site on 16.10.2024. During the inspection conducted by the Joint Committee, The mining site was dry and plain. The course of the river and its flow was also inspected and it was found that it had not been disturbed and the flow is same as it was before the monsoon season. However, in earlier inspections which were conducted by the District Administration various irregularities and violations were found which were in contradiction to the U.P. Minor Mineral Concession (Rules) 2021. Penalty was imposed for illegal sand mining and transportation, the details of which have been filed along with the report of the District Magistrate in Annexure No. 4 of the said report.
 6. That the deponent vide his Letter No. 1054/ Mines/ Kha. Pa./ Urauli/ 2024, dated 11.07.2024, imposed a total penalty of Rs. 2,43,40,743/- (Rupees Two Crores Forty Three Lacs Forty Thousand Seven Hundred Forty Three Only) on the Project Proponent for violation of U.P. Minor Mineral (Concession) Rules 2021, illegal sand mining and transportation. The mining lease of the project Proponent m/s R.B. Enterprises has also been cancelled vide same letter.
 7. That the project proponent (M/s R.B. Enterprises), challenged the aforesaid order of the District Magistrate, Fatehpur, by



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filing a writ petition No. Writ C- 26843/2024, titled as M/s R.B. Enterprises vs. State of U.P. & Ors. before the Hon'ble Allahabad High Court, wherein the Hon'ble Court vide its order dated 20.08.2024, in its magnanimity was pleased to dispose of the writ petition in terms of the order dated 17.05.2023, passed in a similar matter, bearing Writ Petition No. Writ C No. 16647 of 2020. A copy of the order dated 20.08.2024 and order dated 17.05.2023, passed by the Hon'ble Allahabad High Court is collectively annexed herewith as **Annexure- R 1.**

8. That another writ petition was filed by the Project Proponent, before the Hon'ble Allahabad High Court, numbered as Writ C- 30668 of 2024, titled as M/s R.B. Enterprises vs. State of U.P. & Ors., wherein the Hon'ble Allahabad High Court, directed the Learned Standing Counsel to obtain instructions in the said matter. In compliance of the same, instructions dated 21.09.2024 bearing Officer Letter No. - 1341/Mineral/Writ/ 2024 were submitted to the office of Learned Standing Counsel. However, no stay has been granted by the Hon'ble Allahabad High Court in the said writ petition filed by the Project Proponent. Copies of orders passed by the Hon'ble Allahabad High Court, in Writ C No.- 30668 of 2024, titled as M/s R.B. Enterprises vs. State of U.P. & Ors. are collectively being annexed herewith as **Annexure- R 2.**

9. That since no stay was granted by the Hon'ble Allahabad High Court in the aforesaid mentioned writ petition, therefore the deponent issued a Recovery Certificate dated 08.11.2024 against the Project Proponent to recover the penalty amount which was imposed vide an earlier Letter No. 1054/ Mines/ Kha. Pa./ Urauli/ 2024, dated 11.07.2024 issued by the deponent. A copy of the Recovery Certificate dated 08.11.2024 issued against the Project Proponent is being annexed herewith as **Annexure- R 3.**



(Handwritten mark)

10. In relation to illegal mining of Morrums, done by the lessee, Uttar Pradesh Pollution Control Board, Lucknow has issued a show cause notice vide office letter No.-H019630/C-2/AIR-356/24 dated 11.11.2024, against the lessee M/s RB Enterprises for imposing environmental compensation of Rs.1,37,82,600/-. **Annexure- R 4.**

11. That in respectful compliance of the order dated 13.09.2024, the deponent herein has filed the Joint Inspection Report along with annexures in the instant matter which is on record.



DEPONENT

VERIFICATION


Verified at....., on that the contents of the paras 1 to of this affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed therefrom.

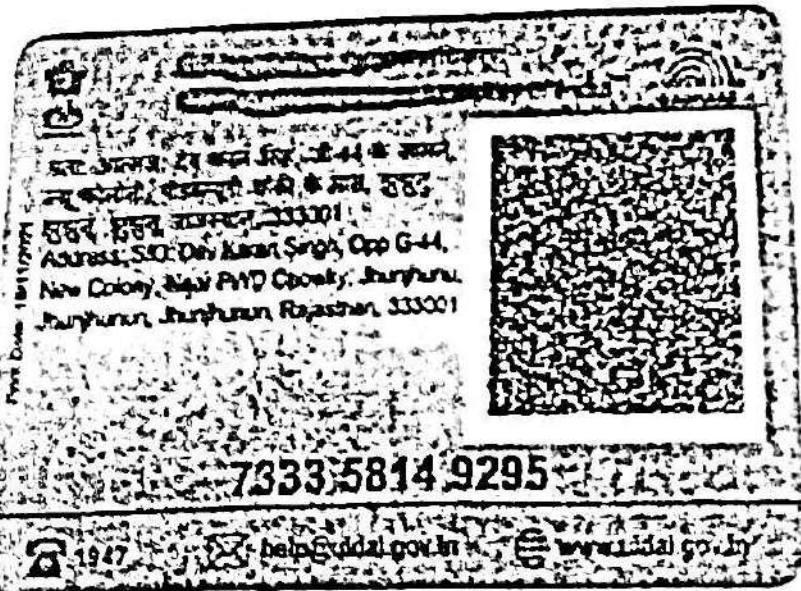


DEPONENT



Or, before me this day at
of sr. Dr. Pankaj Kumar
Two name the contents of the Affidavite/Document
have been explained and who is identified
sr.
Advocate Reveived the fee Rs.


NOTARY FATEHPUR
13/11/2024



Court No. - 3**83**

R-1

Case :- WRIT - C No. - 26843 of 2024

Petitioner :- M/S Rb Enterprises

Respondent :- State Of Up And 3 Others

Counsel for Petitioner :- Birendra Singh

Counsel for Respondent :- C.S.C.

Hon'ble Anjani Kumar Mishra,J.Hon'ble Jayant Banerji,J.

1. Heard counsel for the petitioner and learned Standing Counsel.
2. Learned counsel for the petitioner submitted that the controversy in the instant writ petition is squarely covered by the order which has been passed in a similar matter, copy of which has been found at page 96 of the paper book and that an identical order be passed in this petition.
3. Learned Standing Counsel has no objection to this prayer.
4. The present petition has been filed challenging the order dated 11.7.2024 issued by the respondent No. 3, so far as it relates to demand of DMF amount.
5. It has been stated by the petitioner and the said fact has not been denied by the learned Standing Counsel that the issue regarding liability to pay the DMF amount, i.e., the amount due to the District Mineral Foundation Trust has already been concluded by a Division Bench judgment of this Court dated 15.11.2017 passed in Writ - C No. 54052 of 2017 against which a Special Leave to Appeal (C) No. 35161 of 2017 has been filed before the Supreme Court.
6. It has been stated in the petition that in the aforesaid special leave to appeal, the Supreme court has passed an interim order permitting the petitioner to deposit the statutory royalty and furnish a bank guarantee of the balance amount of royalty claimed by the respondent and the demand notices shall remain stayed on the petitioner furnishing the bank guarantee.
7. A bunch of writ petitions in which the leading case was Writ - C No. 16647 of 2020 (M/s Hardik Distributors Pvt. Ltd. vs. State of U.P. and others), this Court passed an order dated 17.05.2023 disposing of the aforesaid petitions.



8. The operative part of the order dated 17.05.2023, passed by this Court is reproduced below:

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"4. We find that this batch of writ petitions are pending in this court from last several years. Therefore, we propose to dispose of all these writ petitions, providing as under:

(i) All the writ petitions are disposed of in terms of the Division Bench judgment of this court dated 15.11.2017 in Writ-C No.54052 of 2017, which shall be subject to the final decision of Hon'ble Supreme Court in the Petition for Special Leave to Appeal (C) No.35161 of 2017 (Chandra Bhan Singh vs. The State of Uttar Pradesh and others) and in the event, the aforesaid Petition for Special Leave to Appeal is allowed or any relief is granted by Hon'ble Supreme Court, then the respondents shall extend the relief so granted to all the petitioners of this batch of writ petitions and the concerned respondents shall also pass appropriate orders in the matter of the petitioners in terms of the final decision of Hon'ble Supreme Court including directions for release of Bank Guarantees, if any.

(ii) The benefit of interim order granted by Hon'ble Supreme Court as aforequoted, shall continue to be available to the petitioners till the aforesaid Petition for Special Leave to Appeal (C) No.35161 of 2017 is finally decided by Hon'ble Supreme Court."

9. As the issues raised in the present petition are the same as the issues raised in Writ - C No. 16647 of 2020, this petition is also disposed of in terms of the order dated 17.05.2023 passed in Writ - C No. 16647 of 2020.

10. It is, however, clarified that this order does not apply in so far as demand of TCS or any other dues indicated in the impugned order dated 11.7.2024 is concerned, especially because no relief in its regard has been sought in the writ petition.

Order Date :- 20.8.2024

sfa/



Subscribed and sworn to before me this day at
of s/n..... D.M. Pathak
two name the contents of the Affidavit/Document
have been explained and who is identified
s/n.....
Advocate Received the fees Rs.....

NOTARY FATEHPUR

13/11/24

Court No. - 3

1. Case :- WRIT - C No. - 16647 of 2020
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 Petitioner :- M/S Hardik Distributors Pvt.Ltd.
 Respondent :- State Of U.P. And 2 Others
 Counsel for Petitioner :- Tarun Jha
 Counsel for Respondent :- C.S.C.

WITH

2. Case :- WRIT - C No. - 36293 of 2018

Petitioner :- Jaspal Singh
 Respondent :- State Of U P And 2 Others
 Counsel for Petitioner :- Amit Upadhyay
 Counsel for Respondent :- C.S.C.

3. Case :- WRIT - C No. - 36519 of 2018

Petitioner :- Jitendra Varshney
 Respondent :- State Of U P And 2 Others
 Counsel for Petitioner :- Birendra Singh, Nitin Sharma
 Counsel for Respondent :- C.S.C.

4. Case :- WRIT - C No. - 42579 of 2018

Petitioner :- Vipul Tyagi
 Respondent :- State Of U.P. And 2 Others
 Counsel for Petitioner :- Rajesh Kumar Tripathi
 Counsel for Respondent :- C.S.C.

5. Case :- WRIT - C No. - 1671 of 2019

Petitioner :- M/S Indus Mines And Minerals
 Respondent :- State Of U.P. And 2 Others
 Counsel for Petitioner :- Adarsh Bhushan
 Counsel for Respondent :- C.S.C., Archana Singh

6. Case :- WRIT - C No. - 2916 of 2019

Petitioner :- M/S Kamtanath Enterprises Pvt. Ltd.
 Respondent :- State Of U.P. And 2 Others
 Counsel for Petitioner :- Mukesh Prasad
 Counsel for Respondent :- C.S.C.

7. Case :- WRIT - C No. - 3493 of 2019



Petitioner :- M/S P.K. Traders And Suppliers
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Birendra Singh
Counsel for Respondent :- C.S.C.

8. **Case :-** WRIT - C No. - 4135 of 2019

Petitioner :- M/S Sri Bamdev Global Private Limited
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Birendra Singh
Counsel for Respondent :- C.S.C.

9. **Case :-** WRIT - C No. - 4139 of 2019

Petitioner :- Jai Ambe Construction Company
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Amit Upadhyay
Counsel for Respondent :- C.S.C.

10. **Case :-** WRIT - C No. - 4141 of 2019

Petitioner :- Digiyan Mining Corporation Pvt. Ltd.
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Amit Upadhyay
Counsel for Respondent :- C.S.C.

11. **Case :-** WRIT - C No. - 4142 of 2019

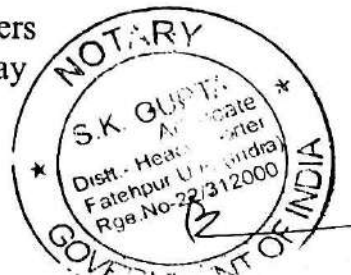
Petitioner :- Digiana Mining Corporation Pvt. Ltd.
Respondent :- State Of U P And 2 Others
Counsel for Petitioner :- Amit Upadhyay
Counsel for Respondent :- C.S.C.

12. **Case :-** WRIT - C No. - 5992 of 2019

Petitioner :- M/S Bindu And Ram Construction Company
Respondent :- State Of U P And 2 Others
Counsel for Petitioner :- Amit Upadhyay
Counsel for Respondent :- C.S.C.

13. **Case :-** WRIT - C No. - 5996 of 2019

Petitioner :- M/S D.V. Construction
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Amit Upadhyay



Counsel for Respondent :- C.S.C.

14. **Case :- WRIT - C No. - 6175 of 2019**

Petitioner :- M/S Mallikarjun Associate
Respondent :- State Of U P And 2 Others
Counsel for Petitioner :- Birendra Singh
Counsel for Respondent :- C.S.C.

15. **Case :- WRIT - C No. - 6176 of 2019**

Petitioner :- M/S Mallikarjun Associates
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Birendra Singh
Counsel for Respondent :- C.S.C.

16. **Case :- WRIT - C No. - 6181 of 2019**

Petitioner :- M/S Chaudhary Traders
Respondent :- State Of U P And 2 Others
Counsel for Petitioner :- Adarsh Bhushan
Counsel for Respondent :- C.S.C.

17. **Case :- WRIT - C No. - 6182 of 2019**

Petitioner :- M/S Chaudhary Traders
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Sushant, Adarsh Bhushan
Counsel for Respondent :- C.S.C.

18. **Case :- WRIT - C No. - 6252 of 2019**

Petitioner :- M/S Silvr Mist Retail Private Limited
Respondent :- State Of U P And 2 Others
Counsel for Petitioner :- Adarsh Bhushan
Counsel for Respondent :- C.S.C.

19. **Case :- WRIT - C No. - 6259 of 2019**

Petitioner :- M/S H.S.M. Holdings
Respondent :- State Of U P And 2 Others
Counsel for Petitioner :- Adarsh Bhushan
Counsel for Respondent :- C.S.C.

20. **Case :- WRIT - C No. - 6287 of 2019**



Petitioner :- M/S Silvr Mist Retail Private Limited
Respondent :- State Of U P And 2 Others
Counsel for Petitioner :- Adarsh Bhushan
Counsel for Respondent :- C.S.C.

21. Case :- WRIT - C No. - 6294 of 2019

Petitioner :- M/S G. Sitaram Rathi And Company
Respondent :- State Of U P And 2 Others
Counsel for Petitioner :- Adarsh Bhushan
Counsel for Respondent :- C.S.C.

22. Case :- WRIT - C No. - 6445 of 2019

Petitioner :- M/S Balaji Enterprises
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Adarsh Bhushan
Counsel for Respondent :- C.S.C.

23. Case :- WRIT - C No. - 6546 of 2019

Petitioner :- M/S Suresh Chandra Gupta
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Devbrat Mukherjee
Counsel for Respondent :- C.S.C.

24. Case :- WRIT - C No. - 6649 of 2019

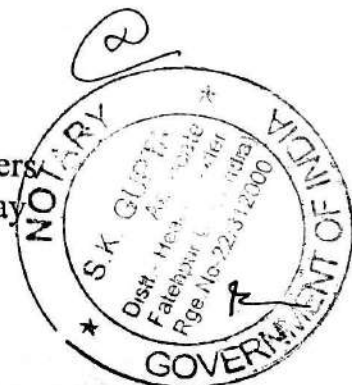
Petitioner :- M/S Eureka Mines And Mineral Llp
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Adarsh Bhushan, Adarsh Bhushan
Counsel for Respondent :- C.S.C.

25. Case :- WRIT - C No. - 6800 of 2019

Petitioner :- Rupesh Kumar Chauhan
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Amit Upadhyay
Counsel for Respondent :- C.S.C.

26. Case :- WRIT - C No. - 6824 of 2019

Petitioner :- Anand Kumar Gupta
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Amit Upadhyay
Counsel for Respondent :- C.S.C.



27. Case :- WRIT - C No. - 7791 of 2019

Petitioner :- M/S Indus Mines And Minerals
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Adarsh Bhushan
Counsel for Respondent :- C.S.C.

28. Case :- WRIT - C No. - 7972 of 2019

Petitioner :- M/S H.S.M. Holdings
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Adarsh Bhushan
Counsel for Respondent :- C.S.C.

29. Case :- WRIT - C No. - 7979 of 2019

Petitioner :- M/S Silvrr Mist Retail Private Limited
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Adarsh Bhushan
Counsel for Respondent :- C.S.C.

30. Case :- WRIT - C No. - 8000 of 2019

Petitioner :- Shaheryar Husain
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Adarsh Bhushan
Counsel for Respondent :- C.S.C.

31. Case :- WRIT - C No. - 8839 of 2019

Petitioner :- M/S Chaudhary Int Udhyog
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Amit Upadhyay
Counsel for Respondent :- C.S.C.

32. Case :- WRIT - C No. - 8935 of 2019

Petitioner :- M/S New Pooja Construction
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Amit Upadhyay
Counsel for Respondent :- C.S.C.

33. Case :- WRIT - C No. - 8937 of 2019

Petitioner :- M/S Suresh Chandra Gupta
Respondent :- State Of U P And 2 Others



Counsel for Petitioner :- Amit Upadhyay
Counsel for Respondent :- C.S.C.

34. Case :- WRIT - C No. - 8942 of 2019

Petitioner :- Maa Raktdantika Contractor And Suppliers Pvt. Ltd.
Respondent :- State Of U P And 3 Others
Counsel for Petitioner :- Amit Upadhyay
Counsel for Respondent :- C.S.C.

35. Case :- WRIT - C No. - 3859 of 2020

Petitioner :- M/S Sai Eth Udyog
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Adarsh Bhushan
Counsel for Respondent :- C.S.C.

36. Case :- WRIT - C No. - 17865 of 2020

Petitioner :- M/S Om Prakash Ram Avtaar
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Madan Lal Srivastava
Counsel for Respondent :- C.S.C.

37. Case :- WRIT - C No. - 18184 of 2020

Petitioner :- Kesari Nandan Singh
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Birendra Singh
Counsel for Respondent :- C.S.C.

38. Case :- WRIT - C No. - 18721 of 2020

Petitioner :- Anand Kumar Gupta
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Madan Lal Srivastava
Counsel for Respondent :- C.S.C.

39. Case :- WRIT - C No. - 18727 of 2020

Petitioner :- M/S Om Prakash Ram Avtaar
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Madan Lal Srivastava
Counsel for Respondent :- C.S.C.

40. Case :- WRIT - C No. - 20175 of 2020



Petitioner :- M/S A.J. Construction
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Amit Upadhyay
Counsel for Respondent :- C.S.C.

41. Case :- WRIT - C No. - 20219 of 2020

Petitioner :- M/S Santosh Kumar Dwivedi And Sons
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Amit Upadhyay
Counsel for Respondent :- C.S.C.

42. Case :- WRIT - C No. - 20349 of 2020

Petitioner :- Jai Shkati Realcon
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Amit Upadhyay
Counsel for Respondent :- C.S.C.

43. Case :- WRIT - C No. - 20401 of 2020

Petitioner :- M/S Jai Shakti Realconpvt. Ltd.
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Amit Upadhyay
Counsel for Respondent :- C.S.C.

44. Case :- WRIT - C No. - 21388 of 2020

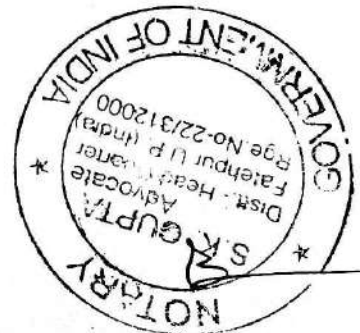
Petitioner :- Shaurabh Gupta
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Gulab Chandra, Rupesh Kumar Singh
Counsel for Respondent :- C.S.C.

45. Case :- WRIT - C No. - 21412 of 2020

Petitioner :- M/S Sai Constructions And Suppliers
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Shrish Chandra
Counsel for Respondent :- C.S.C.

46. Case :- WRIT - C No. - 21684 of 2020

Petitioner :- Anand Mohan Yadav
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Birendra Singh



Counsel for Respondent :- C.S.C.

47. Case :- WRIT - C No. - 21708 of 2020

Petitioner :- Aslam Khan

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Brajesh Singh, Lok Nath Shukla

Counsel for Respondent :- C.S.C.

48. Case :- WRIT - C No. - 21777 of 2020

Petitioner :- Smt. Nutan Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Birendra Singh

Counsel for Respondent :- C.S.C.

49. Case :- WRIT - C No. - 22372 of 2020

Petitioner :- M/S Light House Construction Private Limited

Respondent :- State Of U P And 2 Others

Counsel for Petitioner :- Sarveshwari Prasad

Counsel for Respondent :- C.S.C.

50. Case :- WRIT - C No. - 22594 of 2020

Petitioner :- C/M Athena Construction

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Birendra Singh

Counsel for Respondent :- C.S.C.

51. Case :- WRIT - C No. - 23706 of 2020

Petitioner :- Shir Amrendra Shahi Pvt. Ltd.

Respondent :- State Of U P And 2 Others

Counsel for Petitioner :- Shrish Chandra

Counsel for Respondent :- C.S.C.

52. Case :- WRIT - C No. - 24693 of 2020

Petitioner :- Naveen Kumar Rai

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Ashish Malhotra

Counsel for Respondent :- C.S.C.

53. Case :- WRIT - C No. - 24699 of 2020



Petitioner :- Sanevin Infrastructure Pvt. Ltd.
Respondent :- State of U.P. and Another
Counsel for Petitioner :- Ashish Malhotra
Counsel for Respondent :- C.S.C.

54. **Case :-** WRIT - C No. - 24701 of 2020

Petitioner :- Mumtaj Ali
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Ashish Malhotra
Counsel for Respondent :- C.S.C.

55. **Case :-** WRIT - C No. - 25190 of 2020

Petitioner :- M/S Digiana Mining Corporation Pvt. Ltd.
Respondent :- State Of U.P. And 4 Others
Counsel for Petitioner :- Amit Upadhyay
Counsel for Respondent :- C.S.C.

56. **Case :-** WRIT - C No. - 26151 of 2020

Petitioner :- M/S Ghanaram Infra Engineers Pvt Ltd
Respondent :- State of U.P. and Another
Counsel for Petitioner :- Om Prakash Tripathi, Neelabh Srivastava
Counsel for Respondent :- C.S.C.

57. **Case :-** WRIT - C No. - 26755 of 2020

Petitioner :- Ganesh Prasad Shukla
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Birendra Singh
Counsel for Respondent :- C.S.C.

58. **Case :-** WRIT - C No. - 1120 of 2021

Petitioner :- M/S Esteem Infrabuild Private Ltd.
Respondent :- State Of U P And 2 Others
Counsel for Petitioner :- Birendra Singh
Counsel for Respondent :- C.S.C.

59. **Case :-** WRIT - C No. - 6518 of 2021

Petitioner :- Subedar Yadav
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Raghav Nayar



Counsel for Respondent :- C.S.C.

60. Case :- WRIT - C No. - 8192 of 2021

Petitioner :- Abdul Samad

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Birendra Singh

Counsel for Respondent :- C.S.C.

61. Case :- WRIT - C No. - 16687 of 2021

Petitioner :- M/S C.S Infraconstruction Limited

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Madan Lal Srivastava

Counsel for Respondent :- C.S.C.

62. Case :- WRIT - C No. - 17050 of 2021

Petitioner :- M/S Sri Ram Enterprises

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Madan Lal Srivastava

Counsel for Respondent :- C.S.C.

63. Case :- WRIT - C No. - 21046 of 2021

Petitioner :- M/S Uma Builders

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Tarun Jha

Counsel for Respondent :- C.S.C.

64. Case :- WRIT - C No. - 22468 of 2021

Petitioner :- Ajit Singh Malhotra

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Abhishek Bhushan, Adarsh Bhushan

Counsel for Respondent :- C.S.C.

65. Case :- WRIT - C No. - 22474 of 2021

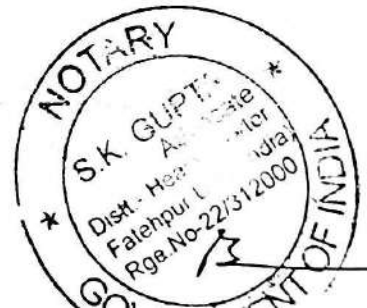
Petitioner :- M/S Euphoria Mines And Minerals

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Abhishek Bhushan, Adarsh Bhushan

Counsel for Respondent :- C.S.C.

66. Case :- WRIT - C No. - 22834 of 2021



Petitioner :- M/S Malhotra Brothers
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Abhishek Bhushan, Adarsh Bhushan
Counsel for Respondent :- C.S.C.

67. **Case :-** WRIT - C No. - 22858 of 2021

Petitioner :- Master Gini Services
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Abhishek Bhushan, Adarsh Bhushan
Counsel for Respondent :- C.S.C.

68. **Case :-** WRIT - C No. - 23743 of 2021

Petitioner :- M/S Balaji Enterprises
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Abhishek Bhushan, Adarsh Bhushan
Counsel for Respondent :- C.S.C.

69. **Case :-** WRIT - C No. - 24411 of 2021

Petitioner :- Babu Singh
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Brajesh Singh
Counsel for Respondent :- C.S.C.

70. **Case :-** WRIT - C No. - 25088 of 2021

Petitioner :- A V Mining And Company
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Adarsh Bhushan, Abhishek Bhushan
Counsel for Respondent :- C.S.C.

71. **Case :-** WRIT - C No. - 25094 of 2021

Petitioner :- Sr Innovation Llp
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Adarsh Bhushan, Abhishek Bhushan
Counsel for Respondent :- C.S.C.

72. **Case :-** WRIT - C No. - 27429 of 2021

Petitioner :- M/S Ashish Kumar Gautam
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Birendra Singh
Counsel for Respondent :- C.S.C.



73. Case :- WRIT - C No. - 29242 of 2021

Petitioner :- M/S Amorus Trading India
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Birendra Singh
Counsel for Respondent :- C.S.C.

74. Case :- WRIT - C No. - 34574 of 2021

Petitioner :- M/S Acsend Pvt. Ltd.
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Adarsh Bhushan, Abhishek Bhushan
Counsel for Respondent :- C.S.C.

75. Case :- WRIT - C No. - 467 of 2022

Petitioner :- Kashi Prasad
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Birendra Singh
Counsel for Respondent :- C.S.C.

76. Case :- WRIT - C No. - 1812 of 2022

Petitioner :- Indrasan Maurya
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Birendra Singh
Counsel for Respondent :- C.S.C.

77. Case :- WRIT - C No. - 3601 of 2022

Petitioner :- M/S New India Minerals
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Abhishek Bhushan, Adarsh Bhushan
Counsel for Respondent :- C.S.C.

78. Case :- WRIT - C No. - 3696 of 2022

Petitioner :- Ajit Singh Malhotra
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Adarsh Bhushan, Abhishek Bhushan
Counsel for Respondent :- C.S.C.

79. Case :- WRIT - C No. - 11033 of 2022

Petitioner :- M/S Krishna Traders



Respondent :- The State Of U P And Another
Counsel for Petitioner :- Ashish Malhotra
Counsel for Respondent :- C.S.C.

80. **Case :-** WRIT - C No. - 11758 of 2022

Petitioner :- M/S Patal Ganga Associates
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Birendra Singh
Counsel for Respondent :- C.S.C.

81. **Case :-** WRIT - C No. - 12211 of 2022

Petitioner :- M/S New Eoan Associates
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Tarun Jha
Counsel for Respondent :- C.S.C.

82. **Case :-** WRIT - C No. - 13002 of 2022

Petitioner :- M/S. Rss Enterprises
Respondent :- State Of U.P. And 4 Others
Counsel for Petitioner :- Arvind Srivastava
Counsel for Respondent :- C.S.C., A.S.G.I., Sanjay Kumar Om

83. **Case :-** WRIT - C No. - 16211 of 2022

Petitioner :- Krishna Techno Consultant Pvt. Ltd.
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Jitendra Prasad Mishra
Counsel for Respondent :- C.S.C.

84. **Case :-** WRIT - C No. - 19820 of 2022

Petitioner :- M/S Kamtanath Enterprises Pvt. Ltd.
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Jitendra Prasad Mishra
Counsel for Respondent :- CSC

85. **Case :-** WRIT - C No. - 20614 of 2022

Petitioner :- M/S Asvp Constructions
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- P.H. Vashishtha
Counsel for Respondent :- CSC



86. Case :- WRIT - C No. - 22905 of 2022

Petitioner :- Chandra Shekhar Chaurasia
 Respondent :- State Of U.P. And 2 Others
 Counsel for Petitioner :- Adarsh Bhushan, Abhishek Bhushan
 Counsel for Respondent :- C.S.C.

87. Case :- WRIT - C No. - 24234 of 2022

Petitioner :- M/S Jai Maa Siddhidatri Buildtech
 Respondent :- State Of U.P. And 2 Others
 Counsel for Petitioner :- Himanshu Srivastava
 Counsel for Respondent :- C.S.C.

88. Case :- WRIT - C No. - 26412 of 2022

Petitioner :- M/S Vardhman Investment And Company
 Respondent :- State Of U.P. And 2 Others
 Counsel for Petitioner :- Adarsh Bhushan, Abhishek Bhushan
 Counsel for Respondent :- C.S.C.

89. Case :- WRIT - C No. - 31318 of 2022

Petitioner :- M/S S S Infratech
 Respondent :- State Of U.P. And 3 Others
 Counsel for Petitioner :- P.H. Vashishtha
 Counsel for Respondent :- C.S.C.

90. Case :- WRIT - C No. - 35748 of 2022

Petitioner :- M/S Vaibhavraj Enterprises
 Respondent :- State Of U.P. And 2 Others
 Counsel for Petitioner :- Kiran Kumar Arora
 Counsel for Respondent :- C.S.C.

91. Case :- WRIT - C No. - 1330 of 2023

Petitioner :- M/S Shree Falgun Giri Mines
 Respondent :- State Of U.P. And 2 Others
 Counsel for Petitioner :- Himanshu Srivastava
 Counsel for Respondent :- CSC

92. Case :- WRIT - C No. - 2499 of 2023

Petitioner :- M/S Shree Falgun Giri Mines
 Respondent :- State Of U.P. And 2 Others



Counsel for Petitioner :- Himanshu Srivastava
Counsel for Respondent :- C.S.C

93. Case :- WRIT - C No. - 4118 of 2023

Petitioner :- Rahul Yadav

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Adarsh Bhushan, Abhay Singh Tomar, Abhishek Bhushan

Counsel for Respondent :- C.S.C.

Hon'ble Surya Prakash Kesarwani, J.
Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Mukesh Prasad, learned senior advocate assisted by Sri Raghav Naiyar, Sri Tarun Jha, Sri Ashish Mehrotra, Sri Virendra Singh, learned counsels for the petitioners and Sri Pradeep Kumar Tripathi, learned standing counsel for the State-respondents.

2. Learned counsels for the petitioners jointly submit that their challenge in this batch of writ petitions is confined only to the liability of District Mineral Foundation Trust levy (for short 'DMF'), which, although, is concluded by a Division Bench judgment of this Court dated 15.11.2017 in Writ-C No.54052 of 2017 (Chandra Bhan Singh Vs. State of U.P. and others), yet Petition for Special Leave to Appeal (C) No.35161 of 2017 (Chandra Bhan Singh vs. The State of Uttar Pradesh and others) is pending before Hon'ble Supreme Court in which an interim order dated 09.01.2018 has been passed, as under:

"Issue notice returnable within two weeks.

Dasti, in addition, is also permitted.

In the meanwhile, the petitioner will deposit the statutory royalty and furnish a bank guarantee to the satisfaction of the District Magistrate, Kanpur Nagar, Kanpur, Uttar Pradesh of the balance amount of royalty claimed by the respondent.

On furnishing bank guarantee, the demand notice shall remain stayed."

3. Learned counsels for the petitioners jointly submit that interim order similar to the interim order passed in the aforesaid Petition for Special Leave



to Appeal (C) No.35161 of 2017 have also been granted in this batch of writ petitions and the the same are operating. They further jointly submit that the aforesaid Petition for Special Leave to Appeal (C) No.35161 of 2017 has not yet been decided.

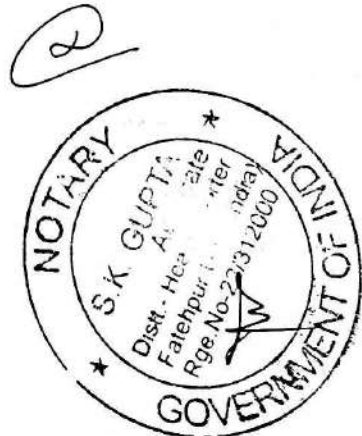
4. We find that this batch of writ petitions are pending in this court from last several years. Therefore, we propose to dispose of all these writ petitions, providing as under:

(i) **All the writ petitions are disposed of** in terms of the Division Bench judgment of this court dated 15.11.2017 in Writ-C No.54052 of 2017, which shall be subject to the final decision of Hon'ble Supreme Court in the Petition for Special Leave to Appeal (C) No.35161 of 2017 (Chandra Bhan Singh vs. The State of Uttar Pradesh and others) and in the event, the aforesaid Petition for Special Leave to Appeal is allowed or any relief is granted by Hon'ble Supreme Court, then the respondents shall extend the relief so granted to all the petitioners of this batch of writ petitions and the concerned respondents shall also pass appropriate orders in the matter of the petitioners in terms of the final decision of Hon'ble Supreme Court including directions for release of Bank Guarantees, if any.

(ii) The benefit of interim order granted by Hon'ble Supreme Court as aforequoted, shall continue to be available to the petitioners till the aforesaid Petition for Special Leave to Appeal (C) No.35161 of 2017 is finally decided by Hon'ble Supreme Court.

5. This order has been passed with the consent of learned counsels for the parties.

Order Date :- 17.05.2023
NLY



Case :- WRIT - C No. - 30101 of 2024

R-2

Petitioner :- M/S R.B. Enterprises

Respondent :- State Of Up And 4 Others

Counsel for Petitioner :- Birendra Singh

Counsel for Respondent :- C.S.C.

Hon'ble Anjani Kumar Mishra.J.

Hon'ble Jayant Banerji.J.

1. One of the submissions made by Shri Shashi Nandan, learned Senior Advocate is that a number of reasons have been assigned in the impugned order for cancelling of the lease granted to the petitioner. However, only one show cause notice was served which was dated 27.6.2023. As regards the other allegations, there was no material.

2. Learned Standing Counsel is directed to obtain instructions in the matter.

3. Put up as fresh after a week.

Order Date :- 12.9.2024

A. V. Singh



Court No. - 3

102

Case :- WRIT - C No. - 30668 of 2024

Petitioner :- M/S R.B. Enterprises

Respondent :- State Of Up And 4 Others

Counsel for Petitioner :- Birendra Singh

Counsel for Respondent :- C.S.C.

Hon'ble Anjani Kumar Mishra, J.

Hon'ble Jayant Banerji, J.

1. Learned Standing Counsel states that the instructions received by him are incomplete and seeks time to obtain complete instructions.

2. At his request, put up this matter as fresh on 24.9.2024.

Order Date :- 20.9.2024

A. V. Singh



Case :- WRIT - C No. - 30668 of 2024

Petitioner :- M/S R.B. Enterprises

Respondent :- State Of Up And 4 Others

Counsel for Petitioner :- Birendra Singh

Counsel for Respondent :- C.S.C.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Jayant Banerji,J.

1. Learned Standing Counsel has obtained instructions consequent to the order passed earlier.

2. Let a copy of the instructions be supplied to the counsel for the petitioner, who may examine the same and thereafter file an objection, if any. Another copy is taken on record.

3. Put up as fresh after a week.

Order Date :- 24.9.2024

SK



Court No. - 29

104

Case :- WRIT - C No. - 30668 of 2024

Petitioner :- M/S R.B. Enterprises

Respondent :- State Of Up And 4 Others

Counsel for Petitioner :- Birendra Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi.J.

Hon'ble Manjive Shukla.J.

1. Sri Shashi Nandan, learned Senior Counsel assisted by Sri Birendra Singh appears for the petitioner.
2. In response to the earlier order, learned Additional Chief Standing Counsel has received the instructions.
3. Let an appropriate response/objection be filed within three weeks' time. One week, thereafter, for rejoinder.
4. Put up this matter on 4.11.2024 as fresh before the appropriate Bench.

Order Date :- 3.10.2024
A.K.Srivastava



Court No. - 3

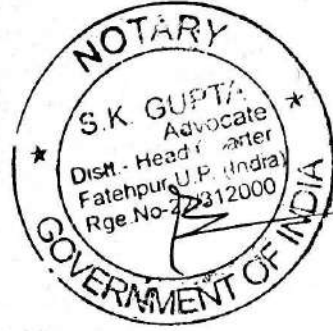
Case :- WRIT - C **105**30668 of 2024

Petitioner :- M/S R.B. Enterprises
Respondent :- State Of Up And 4 Others
Counsel for Petitioner :- Birendra Singh
Counsel for Respondent :- C.S.C.

Hon'ble Anjani Kumar Mishra.J.
Hon'ble Jayant Banerji.J.

Put up this matter as fresh on 18.11.2024.

Order Date :- 4.11.2024
Himanshu



प्रेषक,
जिलाधिकारी,
फतेहपुर।

सेवा में,
जिलाधिकारी,
बोंदा।

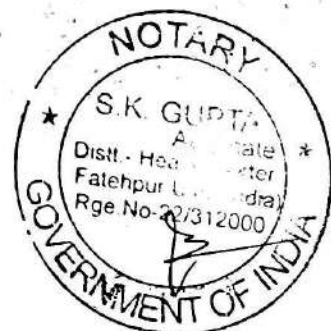
पत्रांक 1525 /खनिज/ख0प0/उरौली/वसूली प्रमाण पत्र/2024 दिनांक 08/11/2024

विषय:-बकाया धनराशि की वसूली कराये जाने के सम्बन्ध में वसूली प्रमाण पत्र।

महोदय,

कृपया अवगत कराना है कि जिलाधिकारी फतेहपुर के आदेश सं०-1054/खनिज/ख0प0/उरौली/2024 दिनांक 11.07.2024 (छायाप्रति संलग्न) द्वारा मेसर्स आर०बी० इण्टर प्राइजेज, कार्यालय पता-अर्तारा चुंगी चौकी, कुशवाहा नगर जिला बोंदा, पार्टनर श्री बीरेंद्र सिंह पुत्र श्री राम किशोर सिंह निवासी अर्तारा चुंगी, शास्त्री नगर थाना कोतवाली बोंदा के पक्ष में स्वीकृत खनन पट्टा क्षेत्र ग्राम उरौली बालू/मोरम खण्ड सं०-उरौली रकबा 50.00हे० को निरस्त करते हुये यह आदेश पारित किये गये हैं कि "निर्धारित रायल्टी, शास्ति की बकाया धनराशि रु०-3,07,14,068/-को निर्धारित लेखाशीर्षक "0853" अलौह खनन एवं खातुकर्म उद्योग में एवं डी०एम०एफ० की बकाया धनराशि रु०-1,67,74,575/-को खाता सं०-37171070081 आई०एफ०एस०सी० कोड-SBIN0000076 भारतीय स्टेट बैंक फतेहपुर में तथा टी०सी०एस० की बकाया धनराशि रु०-33,54,915/- को टैन नं०-ALDD00887F में आदेश निर्गत होने की तिथि से 15 दिवस के अन्दर जमा कराकर जमा रसीद/चालान की प्रति इस कार्यालय को उपलब्ध करायें। निर्धारित अवधि में डी०एम०एफ०, टी०सी०एस० की बकाया धनराशि जमा नहीं किये जाने की दशा में उक्त बकाया धनराशि की वसूली देयता की तिथि से नियमानुसार ब्याज सहित मू-राजस्व के बकाये की भाँति किये जाने हेतु वसूली प्रमाण पत्र निर्गत किया जाय" निर्धारित समयावधि व्यतीत हो जाने के उपरान्त श्री मेसर्स आर०बी० इण्टर प्राइजेज, कार्यालय पता-अर्तारा चुंगी चौकी, कुशवाहा नगर जिला बोंदा, पार्टनर श्री बीरेंद्र सिंह पुत्र श्री राम किशोर सिंह निवासी अर्तारा चुंगी, शास्त्री नगर थाना कोतवाली बोंदा द्वारा उपरोक्त बकाया धनराशि जमा नहीं की गई है।

अतः मेसर्स आर०बी० इण्टर प्राइजेज, कार्यालय पता-अर्तारा चुंगी चौकी, कुशवाहा नगर जिला बोंदा, पार्टनर श्री बीरेंद्र सिंह पुत्र श्री राम किशोर सिंह निवासी अर्तारा चुंगी, शास्त्री नगर थाना कोतवाली बोंदा से (डी०एम०एफ० की बकाया धनराशि को छोड़कर) निम्न विवरण के अनुसार अंकित अन्य बकाया धनराशि अंकित मद/खाता में जमा कराकर वसूली प्रमाण पत्र खनिज कार्यालय फतेहपुर को वापस कराने का कष्ट करें।



107
बकायेदार का ब्योरा

बकायेदार का नाम व पता	वर्ष 2024-2025 / मद	बकाया धनराशि	जमा करने का मद / खाता का विवरण	ब्याज देयता की तिथि
मेसर्स आर०बी० इण्टर प्राइजेज, कार्यालय पता-अर्तरा चुंगी चौकी, कुशवाहा नगर जिला बौदा, पार्टनर श्री बीरेन्द्र सिंह पुत्र श्री राम किशोर सिंह निवासी अर्तरा चुंगी, शास्त्री नगर थाना कोतवाली बौदा	समायोजन के पश्चात अवशेष बकाया धनराशि रु०-3,07,14,068/-	रु०-3,07,14,068 / -	निर्धारित लेखाशीर्षक "0853" (चालान के माध्यम से भारतीय स्टेट बैंक फतेहपुर से) / जिलाधिकारी फतेहपुर के नाम दिमाण्ड ड्राफ्ट / राजकोष की साइट से कोड AKV अलौह धातु एवं खनिकर्म उद्योग / allahabad/fatehpur	11.07.2024
	टी०सी०एस० की धनराशि	रु०-33,54,915/-	DISTRICT OFFICER FATEHPUR TAN NO. ALDD00887F	11.07.2024

टी०सी०एस० मद में 12 प्रतिशत एवं अन्य मद में 18 प्रतिशत वार्षिक की दर से देय तिथि तक साधारण ब्याज की जायेगी।

अपर जिलाधिकारी, (वि०/रा०)
कृते जिलाधिकारी,
फतेहपुर।



दिनांक
Date 11/11/24

Ref. No. H19630 / सी-2/बासु-356/24

मेसर्स आर0बी0 इण्टरप्राइजेज, कार्यालय पता-अतर्रा चुंगी चौकी,
कुशवाहा नगर जिला बौदा
पार्टनर श्री बीरेन्द्र सिंह पुत्र श्री राम किशोर सिंह निवासी अतर्रा चुंगी,
शास्त्री नगर थाना कोतवाली, बौदा

यह कि क्षेत्रीय कार्यालय के पत्रांक जी 01102/आर-204/2023/24-25 दिनांक 06.11.2024 द्वारा माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 संख्या-959/2024 लव मिश्रा बनाम उ0प्र0 राज्य व अन्य में दिनांक 13.09.2024 को पारित आदेश के क्रम में जिलाधिकारी, फतेहपुर के कार्यालय आदेश संख्या जी 00946/ ओ0ए0 नं 959/2024/एन0जी0टी0/24-25, दिनांक 30.09.2024 के द्वारा प्रश्नगत प्रकरण की जांच हेतु समिति गठित की गयी थी। जिलाधिकारी, फतेहपुर द्वारा गठित जांच समिति के सदस्यों द्वारा दिनांक 16.10.2024 को स्थलीय जांच किया गया।

यह कि खान अधिकारी, फतेहपुर के पत्र संख्या 1519/खनिज/आख्या/ एन0जी0टी0/2024, दिनांक 06.11.2024 द्वारा अवगत कराया गया है कि 'मेसर्स आर0बी0 इण्टर प्राइजेज, कार्यालय पता-अतर्रा चुंगी चौकी, कुशवाहा नगर जिला बौदा, पार्टनर श्री बीरेन्द्र सिंह पुत्र श्री राम किशोर सिंह, निवासी अतर्रा चुंगी, शास्त्री नगर, थाना-कोतवाली, बौदा के पक्ष में जनपद-फतेहपुर के तहसील-सदर स्थित ग्राम-उरौली के बालू/मोरम सं0-उरौली की गाटा संख्या-64 से 69, 83 से 91 तक, 108 से 112 तक, 115 से 121 तक, 141 से 149 तक, 161, 162, 167, 168, 183 से 186 तक, 202 से 210 तक, 234 से 245 तक, 301 से 313 तक, 383 से 390 तक, 395 से 402 तक, 409 से 412 तक, 417 से 423 तक, 463, 464, 587/471, 471 से 475 तक, 499, 500, 505 से 510 तक, 537 से 544 तक, 561 से 565 तक, 577 से 579 तक, 585, 588 कुल रकबा 50.00 हे0 दिनांक 07.05.2022 से दिनांक 06.05.2027 तक 05 वर्ष की अवधि हेतु खनन पट्टा स्वीकृत/निष्पादित किया गया था।

यह कि उक्त खनन पट्टा संचालन अवधि के दौरान जाँच आख्या दिनांक 17.06.2023 के अनुसार स्वीकृत क्षेत्र के बाहर कुल 4836 घनमी0 बालू/मोरम का अवैध खनन पर परिवहन किये जाने के कारण उ0प्र0 उप खनिज (परिहार) नियमावली-2021 के नियम-3, 58, 72 का उल्लंघन पाये जाने पर नियमानुसार कारण बताओ नोटिस निर्गत किया गया है, निर्गत नोटिस के क्रम में पट्टाधारक द्वारा उपलब्ध कराये गये प्रतिउत्तर का निस्तारण करने के उपरान्त रायल्टी एवं खनिज मूल्य रू0-43,52,400/- तथा शास्ति रू0-5,00,000/- कुल घनराशि रू0-48,52,400/- आरोपित किया गया। उक्त के अतिरिक्त अन्य अनियमिताओं एवं खनन पट्टा किरत, टी0सी0एस0 तथा डी0एम0एफ0 की घनराशि बकाया होने के कारण जिलाधिकारी महोदय के आदेश दिनांक 11.07.2024 के माध्यम से खनन पट्टा निरस्त किया गया है।

खान अधिकारी, फतेहपुर की उपरोक्त आख्या से स्पष्ट है कि पट्टाधारक द्वारा स्वीकृत खनन क्षेत्र के बाहर 4836 घनमीटर बालू/मोरम का अवैध खनन कर परिवहन किया गया है। खान अधिकारी, फतेहपुर के पत्र दिनांक 06.11.2024, के द्वारा बालू/मोरम का बाजार मूल्य लगभग रू0 950/- प्रतिघन मीटर की सूचना उपलब्ध करायी गयी है। जिसके अनुसार 4836 घनमीटर बालू/मोरम का कुल बाजार मूल्य रूपये 45,94,200/- है।
केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निर्मित गाईडलाइन में निर्धारित फार्मले के अनुसार पर्यावरणीय क्षतिपूर्ति की गणना निम्नवत् है :-

$$\text{Environmental Compensation} = Dx (1+RF+DF)$$

$$= 4836 \text{ cubic meter @ Rs. 950.00 per cubic meter } \times (1+1+1)$$

$$= 1,37,82,600.00$$

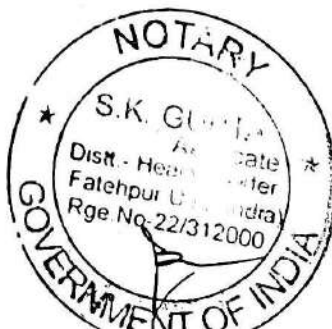
(Total Rs. One crore thirty seven lacs eighty two thousand six hundred only).

प्रश्नगत प्रकरण में स्वीकृत खनन क्षेत्र से बाहर पूर्णतया अवैध खनन किये जाने के कारण RF (Risk Factor) = 1 एवं DF (Deterrence Factor) = 1 लिया गया है।

.....2/-

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क्षेत्रीय अधिकारी, प्रयागराज के पत्र दिनांक 06.11.2024 द्वारा उपरोक्त वर्णित तथ्यों को दृष्टिगत रखते हुए उक्त पट्टाधारक मेसर्स आर0बी0 इण्टरप्राइजेज, कार्यालय पता-अर्तरा चुंगी चौकी, कुशवाहा नगर जिला बौदा, पार्टनर श्री बीरेंद्र सिंह पुत्र श्री राम किशोर सिंह निवासी अर्तरा चुंगी, शास्त्री नगर थाना कोतवाली, बौदा द्वारा जनपद फतेहपुर के ग्राम-उरौली, तहसी-सदर में स्वीकृत खनन क्षेत्र के बाहर किये गये अवैध बालू/मोरम खनन (कुल मात्रा 4836 घनमीटर) हेतु कुल धनराशि रू0 1,37,82,600.00/- (रू0 एक करोड़ सैतीस लाख बयासी हजार छः सौ मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की संस्तुति की गयी है।

अतः उपरोक्त वर्णित तथ्यों एवं क्षेत्रीय अधिकारी, प्रयागराज के पत्र दिनांक 06.11.2024 द्वारा प्रेषित आख्या एवं संस्तुति के दृष्टिगत सक्षम अधिकारी के अनुमोदनोपरान्त इकाई के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु निम्नानुसार कारण बताओ नोटिस जारी किया जाता है :-

1. यह कि क्यों न खनन इकाई मेसर्स आर0बी0 इण्टरप्राइजेज, कार्यालय पता-अर्तरा चुंगी चौकी, कुशवाहा नगर जिला बौदा, पार्टनर श्री बीरेंद्र सिंह पुत्र श्री राम किशोर सिंह निवासी अर्तरा चुंगी, शास्त्री नगर थाना कोतवाली, बौदा द्वारा जनपद फतेहपुर के ग्राम-उरौली, तहसी-सदर में स्वीकृत खनन क्षेत्र के बाहर 4836 घन मी0 बालू/मोरम का अवैध खनन किये के कारण रूपये 1,37,82,600.00/- (रू0 एक करोड़ सैतीस लाख बयासी हजार छः सौ मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाये।

उपरोक्त के संबंध में अपना स्पष्टीकरण इस पत्र प्राप्ति के 15 दिन के अन्दर बोर्ड मुख्यालय में प्रेषित करें, अन्यथा की स्थिति में उपरोक्तानुसार मेसर्स आर0बी0 इण्टरप्राइजेज, कार्यालय पता-अर्तरा चुंगी चौकी, कुशवाहा नगर जिला बौदा, पार्टनर श्री बीरेंद्र सिंह पुत्र श्री राम किशोर सिंह निवासी अर्तरा चुंगी, शास्त्री नगर थाना कोतवाली, बौदा के विरुद्ध रूपये 1,37,82,600.00/- (रू0 एक करोड़ सैतीस लाख बयासी हजार छः सौ मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जायेगी, जिसका सम्पूर्ण उत्तरदायित्व स्वयं इकाई एवं इकाई स्वामी का होगा।

सक्षम अधिकारी द्वारा अनुमोदनोपरान्त पत्र निर्गमन हेतु अधिकृत

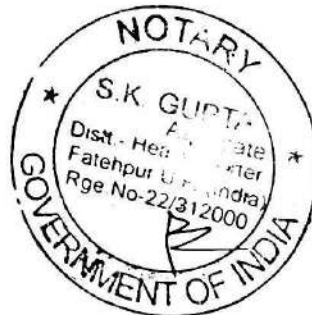
संलग्नक-यथोपरि।

Atul Kumar Yadav
मुख्य पर्यावरण अधिकारी,
(वृत्त-2)

प्रतिलिपि:-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. जिलाधिकारी, फतेहपुर।
2. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, प्रयागराज को इस निर्देश के साथ प्रेषित कि अपने स्तर से भी कारण बताओ नोटिस की प्रति इकाई स्वामी को प्राप्त कराते हुए, पावती एवं जारी कारण बताओ नोटिस के संबंध में उद्योग का अद्यतन निरीक्षण कर आख्या 15 दिन के अन्दर बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करें।

Atul Kumar Yadav
मुख्य पर्यावरण अधिकारी,
(वृत्त-2)



On ... before me this day at ...
I have verified the contents of the Affidavit/Document
have been explained and who is identified
Advocate Name ...
NOTARY FATEHPUR