

423

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

IN

ORIGINAL APPLICATION NO. 1215 OF 2024

IN THE MATTER OF:

Yadram Singh

....Applicant

Versus

District Magistrate, Hamirpur & Ors

....Respondent(s)

INDEX

S.NO	PARTICULARS	PAGE NO.
1.	Affidavit Of District Magistrate Hamirpur in compliance of order dated 14.10.2024 passed by this Hon'ble Tribunals	
2.	ANNEXURE R-1 Copy of order dated 14.10.2024 passed by this Hon'ble Tribunal	
3.	ANNEXURE R-2 A copy of Meeting minutes of DEIAA dated 25.02.2019	
4.	ANNEXURE R-3 A copy of letter dated 14.02.2023	
5.	ANNEXURE R-4 A copy of letter dated 10.06.2024	
6.	ANNEXURE R-5 A copy of letter dated 08.11.2024	
7.	ANNEXURE R-6 A copy of the Sub-Divisional Committee on 21.04.2024	

8.	Annexure R-7 A copy of the order dated 28.03.2023 passed in IA No. 59157 of 2023	
9.	Annexure R-8. meeting of SEIAA dated 25.10.2024 granting approval to DSR is annexed herewith as	

Ankit Verma

FILED THROUGH

(ANKIT VERMA)

STANDING COUNSEL STATE OF UP

A-15 FF, NIZAMUDDIN EAST, NEW DELHI- 110013

MOB:- 0999080440

Email-ankit.scngtup@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

IN

ORIGINAL APPLICATION NO: 1215 OF 2024



IN THE MATTER OF:

Yadram Singh

....Applicant

Versus

District Magistrate, Hamirpur & Ors

....Respondent(s)

**AFFIDAVIT OF DISTRICT MAGISTRATE HAMIRPUR IN
COMPLIANCE OF ORDER DATED 14.10.2024 PASSED BY
THIS HON'BLE TRIBUNAL**

The Respondent No.1 Herein states as under

MOST RESPECTFULLY SHOWETH:

I, Ghanshyam Meena, aged about 35 years, presently posted as District Magistrate District Hamirpur, Uttar Pradesh, the deponent, do hereby solemnly state and affirm as under: -

I am above mentioned authorized officer of the answering Respondent and is duly competent to file the present affidavit. That the Deponent is well conversant with the facts and the circumstances of the instant case and is competent to swear this affidavit.



1. That the Deponent has read and understood the contents of the present affidavit. The averments made in the Original Application which are not specifically admitted

Ghanshyam Meena

hereunder must be considered to have been denied by the Deponent

2. That the deponent is posted as District Magistrate Hamirpur since 14.09.2024

3. That this Hon'ble Tribunal in vide order dated 14.10.2024 was pleased to pass the following order:-

".....25 Having regard to the issue that has been raised in the OA, the material that has been pointed out and the earlier orders of the Tribunal, we direct the respondent to ensure that no sand mining in pursuance to the impugned E-Tender notice takes place in violation of the environmental norms and violation of the law settled by the Courts. 26. List on 30.01.2025." A copy of order dated 14.10.2024 passed by this Hon'ble Tribunal is annexed herewith and marked as **Annexure R-1**

4. That the present affidavit is being filed in respectful compliance of the order dated 14.10.2024 passed by this Hon'ble Tribunal.



That in the present Original Application, the applicant has alleged that the for District Hamirpur, DSR was prepared in 2017 which expired in 2022 and during the validity of the said DSR, an amendment was made in the DSR on 26.02.20219 which also expired on 25.02.2024 and subsequently, no DSR for District Hamirpur has been prepared till now. It has been further alleged that an E-tender notice has been issued for sand mining, though no District Survey report exists for District Hamirpur.

6. That the District Survey report for District Hamirpur dated 23.11.2017 was prepared in terms of the MoEF Notification dated 15.01.2016 and 20.01.2016, and the Sustainable Sand Mining Guidelines. In the said DSR 183 new vacant sand mining areas were approved.
7. That 183 sand mining areas, an amendment was made and thereafter appraisal was done. That 15 Vacant sand areas which were advertised in E-tender dated 14.06.2024 were taken from the amended DSR dated 25.02.2019. A copy of amendment DSR dated 25.02.2019 is annexed herewith and marked as **Annexure R-2**.
8. That the Deponent vide office order dated 21.04.2024 constituted a Sub- Divisional Committee to prepare and finalize the DSR in District Hamirpur. The Draft DSR,2024 which was duly prepared by the committee was forwarded on 10.06.2024 to Member Secretary State Environmental Appraisal Committee, UP and Copy to Director, Geology and Mining Department State of UP, for the appraisal of the Draft DSR,2024 and necessary forward action required in the same.



9. That the Draft DSR,2024 was appraised and recommended for approval by Director, Geology and Mining vide letter No.1399/DSR dated 12.09.2024 to Member Secretary State Environmental Appraisal Committee,UP.

10. That the Hon'ble Supreme Court vide its judgment dated 10.11.2021 in *Pawan Kumar*, modified the procedure for preparation of DSR and directed the same be prepared by a Sub-Divisional Committee.

11. That pursuant to letter no.482/86-2023 dated 14.02.2023 11 new mining sand areas were added in the

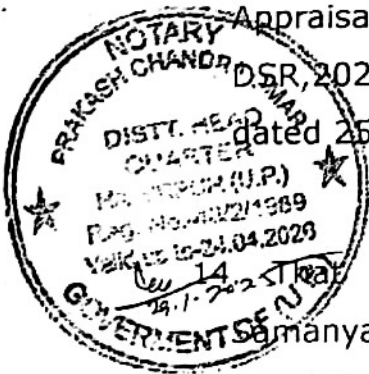
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existing DSR of District Hamirpur and further decision was taken to get it prepared by the Sub Divisional Committee which was constituted on dated 21.04.2024 in respectful compliance of the directions laid down by the Hon'ble Supreme Court, and this Hon'ble Tribunal and adhering to the Sustainable Sand Mining Guidelines, 2016 and the Enforcement and Monitoring Guidelines for Sand Mining 2020. A copy of letter dated 14.02.2023 is annexed herewith and marked as **Annexure R-3**

12. That In pursuant recommendation by the Sub Divisional Committee, the deponent vide his letter no. 319/Khanij MMC-30/(Vividh)/(2024-2025) dated 10.06.2024 forwarded the same to Member Secretary State Environmental Appraisal Committee, UP for necessary approval to the new Draft District Survey Report, 2024 wherein new 09 and Existing 110 areas were added. A copy of letter dated 10.06.2024 is annexed herewith and marked as **Annexure R-4.**

13. That In pursuant with the recommendation by Director, Geology and Mining vide letter No.1399/DSR dated 12.09.2024 to Member Secretary State Environmental Appraisal Committee, UP. has considered the Draft DSR, 2024 of District Hamirpur In the 849th meeting on dated 25.10.2024 and forwarded it to SEIAA for approval.

the SEIAA, UP vide letter no. 733/Parya/Samanya/2023-dated 08.11.2024 approved the new District survey Report 2024 of District Hamirpur. A copy of letter dated 08.11.2024 is annexed herewith and marked as **Annexure R-5.**

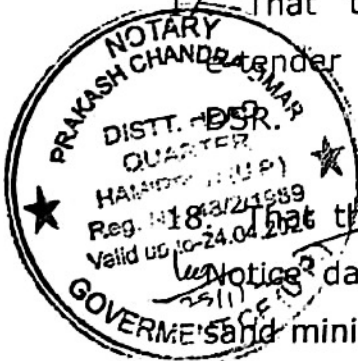


Prakash Chand Sharma

15. That the MoEF in supplement and addition to the Sustainable Sand Mining Guidelines, 2016 issued the Enforcement and Monitoring Guidelines for Sand Mining 2020, which also stipulated for preparation of DSR and replenishment study. It is submitted that subsequent to the quashing of the DEAC/DEIAA by this Hon'ble Tribunal in Satender Pandey, the MoEF despite the directions issued in Vikrant Tongad to modify the procedure under 15.01.2016 notification, has till date not issued any clarification or Office Memorandum or revised instructions in respect of the procedure which is required to be followed for preparation of DSR throughout the Country.

16. That the deponent, in respectful compliance of the directions laid down by the Hon'ble Supreme Court, and this Hon'ble Tribunal constituted a Sub-Divisional Committee on 21.04.2024 for carrying out replenishment study of minor minerals available in District Hamirpur for pre- and post- monsoon through NABET/QCI accredited agencies **Annexure R-6.**

17. That the fifteen areas which were advertised in tender dated 14.06.2024 duly approved in the new



18. That the deponent issued an E-auction cum E-tender **Notice** dated 14.06.2024 for mining in fifteen available sand mining areas in District Hamirpur in accordance with the updated DSR valid for period of five years (23.11.2017 till 22.11.2022) which was duly prepared by the Sub-Divisional Committee on 21.04.2024 It is further submitted that as per laid procedure in S.O.P by SEIAA said Draft DSR, 2024 was uploaded on District NIC portal of the District Hamirpur on 09.05.2024 in order to invite

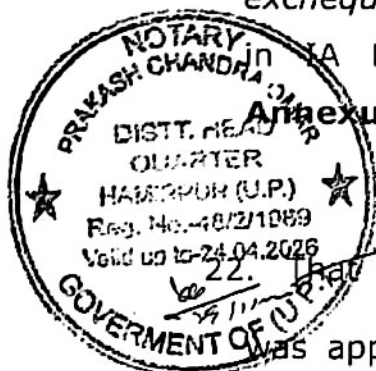
Prakash Chand Sharma

suggestions and objections for the same before finalisation.

19. That it is most respectfully submitted that the mining operations in respect to the fifteen sites have not been commenced till now.
20. That the issuances of LOI to the intending lease holders are the primary stage for awarding mining leases. The lease holders are not permitted to commence any mining operations until an approved mining plan, environment clearance is submitted by him.
21. That on the account of Interim Order dated 14.10.2024 passed by this Hon'ble Tribunal further paper work has come to standstill in District Hamirpur. Furthermore even various other procedural modalities cannot be completed. It is respectfully submitted that the Hon'ble Supreme Court while dealing with the IA No. 59157 filed in the *Pawan Kumar's* case vide its order dated 28.03.2023 has categorically observed that *it will be more appropriate if the State is permitted to carry out the mining activities and earn revenue for the State rather than illegal mining being permitted, whereby causing loss to the public exchequer.* A copy of the order dated 28.03.2023 passed

in IA No. 59157 of 2023 is annexed herewith as

Annexure A-7.



the District Survey Report of District Hamirpur was approved by DEIAA on 23.11.2017 An amendment was made in the existing DSR on 15.02.2023 pursuant to

Prakash Chandra

the letter of approval received from the Directorate of Geology and Mining.

23. That the SEIAA in its 849th meeting which was held on dated 25.10.2024, agreed with the recommendation of SEAC to approve the DSR of District Hamirpur. A copy of minutes of 849th meeting of SEIAA dated 25.10.2024 granting approval to DSR is annexed herewith as **Annexure R-8.**

24. That the District Administration Hamirpur has ensured that all necessary environment compliances are completed before actual commencement of mining operations.

25. That the deponent respectfully submits before this Hon'ble Tribunal that he is duty bound to comply with all the directions passed by this Hon'ble Tribunal and also the



guidelines issued by the MoEF with respect to sand mining

activities

That the deponent humbly submits before this Hon'ble

Tribunal that if the order of status quo dated 14.10.2024

is allowed to continue and not vacated/modify, the

deponent would suffer irreparable loss and injury.

Prakash Chandra Jaiswal

27. That in the interest of justice the instant affidavit may be taken on record by this Hon'ble Tribunal.

[Signature]
DEPONENT

Verification

I, the deponent above named do hereby verify and state that the contents of the foregoing paragraphs of the above application are true to the best of my knowledge and belief, and part of it is false and nothing material has been concealed there from.

On this 27th day of Jan, 2025.

[Signature]
DEPONENT



Execution of this Affidavit Admitted
And Signed before Me by *[Signature]* -
Identified by *[Signature]* in my Office
At Hamirpur District, 29.1.2025

[Signature]
Prakash Chandra Omar
Notary
Distt. H.Q. Hamirpur (U.P.)

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

IN

ORIGINAL APPLICATION NO. 1215 O



IN THE MATTER OF:

Yadram Singh

...Applicant

Versus

District Magistrate, Hamirpur & Ors

...Respondent(s)

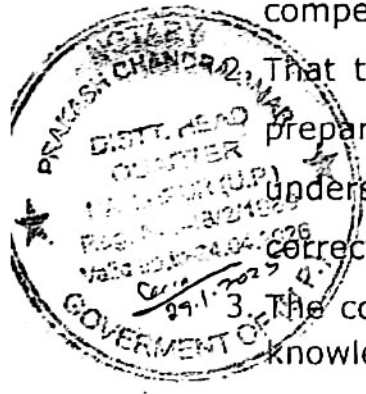
AFFIDAVIT

I, GRAM SIKHAR MEENA/S/O RAMA KALD MEENA aged about 35 years presently posted as District Magistrate Hamirpur, Uttar Pradesh, do hereby solemnly affirm and declare as under-

1. That I am fully acquainted with the facts and circumstances and records of the case and thus competent to swear the present affidavit.

That the contents of the accompanying reply have been prepared under my instructions and have been understood by me and I declare the same to be true and correct to my knowledge of facts and law.

3. The contents as stated above are true and correct to my knowledge and belief.



Verification

It is verified at Hamirpur on 29/1/2015 that the contents of the present application are true and correct and nothing has been concealed therefrom.

Execution Of This Affidavit
And Signed Before Me By Sri. Yadram Singh
Identified Sri. Prakash Chandra Omar in My Office
At Hamirpur Dated 29.1.2015

Prakash Chandra Omar
Notary
Distt. H.Q. Hamirpur

DEPONENT

Annexure - 1

BY SPEED POST A.D./EMAIL

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No. 1215/2024
Yadram Singh Vs District Magistrate, Hamirpur & Ors.

To

4) Ministry of Environment, Forest and Climate Change
Through its Secretary
Address: Indira Paryavaran Bhawan
Jorbagh Road, New Delhi - 110 003
Email: secy-moef@nic.in

(Respondent No.4)

NOTICE

Whereas the above titled Application was listed before the Hon'ble Tribunal on 14.10.2024 (copy of order & petition is enclosed), when the Tribunal inter-alia passed the following order (reproduced relevant extracts only):-

"23. Ms. Priyanka Swani, Advocate accepts notice on behalf of respondents nos. 1, 2, 3 and 5 and Mr. Ankit Verma, Advocate accepts notice on behalf of respondent no. 6 and they seek four weeks time to file the reply.

24. Let notice be issued to respondent no.4 for filing the response/reply by way of affidavit at least one week before the next date of hearing through e-filing. The applicant is directed to serve respondent no. 4 and file an affidavit of service at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

25. Having regard to the issue that has been raised in the OA, the material that has been pointed out and the earlier orders of the Tribunal, we direct the respondent to ensure that no sand mining in pursuance to the impugned E-Tender notice takes place in violation of the environmental norms and violation of the law settled by the Courts.

26. List on 30.01.2025."

2. Now, take further notice that the above matter will be listed for further consideration before the Hon'ble Tribunal on 30.01.2025, at Faridkot House, Copernicus Marg, New Delhi-110001 through physical hearing (with hybrid option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed, and file reply/response, as per directions of the Hon'ble Tribunal vide Order dated 14.10.2024.

3. Take further notice that in default of your appearance on the date above mentioned, the said application will be heard and determined in your absence.

4. Given under my hand and the seal of this Hon'ble Tribunal, on this 19th November, 2024.

Note: (For Orders, Cause Lists & other information, please visit our website www.greentribunal.gov.in)

Consultant



ROM (G) / MO
From 2/11/24
to 2/11/24

C
24/11/24

Mo
HMA
24/11/24

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1215/2024

Yadram Singh

Applicant

Versus

District Magistrate, Hamirpur & Ors.

Respondent(s)

Date of hearing: 14.10.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Akashdeep Kakkar & Mr. Aaditya Thorat, Advs. for Applicant

Respondent: Ms. Priyanka Swami, Adv. for R - 1 to 3 & 5
Mr. Ankit Verma, Adv. for R - 6

ORDER

1. In this original application, the applicant has challenged the E-Tender notice dated 14.06.2024 for various sites of river bed sand mining of Balu/Morrum by granting mining lease /license for a period of six months in District Hamirpur, Uttar Pradesh.

2. Grievance of the applicant is that an E-Tender notice has been issued for sand mining, though, no District Survey Report (DSR) exists for District Hamirpur.

3. The stand of the applicant is that for District Hamirpur, DSR was prepared in 2017 which expired in 2022 and during the validity of the ~~said-DSR, an amendment was made in the DSR on 26.02.20219 which~~

also expired on 25.02.2024 and subsequently, no DSR for District Hamirpur has been prepared till now.

4. In support of the above plea, Counsel for the applicant during the course of the argument has relied upon the order of the Tribunal dated 02.09.2024 in OA No. number 188/2023 in the matter of Gaurav Kumar versus the State of Uttar Pradesh wherein the Tribunal had taken the following view:

"13. It is not in dispute that the DSR is mandatorily required for the purpose of sand mining in a District. MoEF&CC has issued "Enforcement and Monitoring Guidelines for Sand Mining, 2020" which in clear terms provides that:

" Considering the importance of district survey report, the Ministry of Environment Forest and climate change, after consultation with experts dealing with mining-related matters, formulated the following guidelines for the preparation of comprehensive District Survey Report for sand mining.

a) District Survey Report for sand mining shall be prepared before the auction/e-auction/grant of the mining lease/Letter of Intent (LoI) by Mining department or department dealing the mining activity in respective states."

14. MoEF&CC exercising the powers conferred by Section 3 (2) (v) (i) of the Environment (Protection) Act, 1986 had issued the Notification dated 15.01.2016 amending earlier Notification dated 14.09.2006 providing for the procedure for the preparation of the DSR and making it clear that – **"The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The report shall be updated once every five years."**

15. Hon'ble Supreme Court while considering the issue of preparation of DSR for District Banka in Civil Appeal No. 3661-3662/2020 in the matter of State of Bihar & Ors. vs. Pawan Kumar and Ors. by order dated 10.11.2021 had taken note of the Sand Mining Guidelines, 2020 and held as under:-

~~"10. It could thus be seen that in accordance with the 2020 guidelines, the DSR is required to be prepared before the auction/e-auction/grant of mining lease by Mining Department or Department dealing with mining~~

activity in the respective States. It is further provided that the potential site for mining having its impact on the forest, protected area, habitation and bridges should be avoided. For this, a sub-divisional committee is required to be formed which, after the site visit, is required to decide regarding the suitability of the sites for mining. The sub-divisional committee is further required to record its reasons for selecting the mining lease in the patta land. Various details are required to be given in the annexures appended to the said policy."

16. In the matter of Pawan Kumar (Supra), the Hon'ble Supreme Court had directed preparation of the fresh DSR in all the District of Bihar for the purpose of mining and had also directed appraisal of SEAC and SEIAA while preparing the DSR by holding as under:-

"(ii) Needless to state that while preparing DSRs and the appraisal thereof by SEAC and SEJAA, it should be ensured that a strict adherence to the procedure and parameters laid down in the policy of January 2020 should be followed;"

17. Hence, in view of the Sand Mining Guidelines, 2020 and the judgment of the Hon'ble Supreme Court in the matter of Pawan Kumar (Supra), it is clear that before finalizing the DSR, appraisal of SEAC and SEIAA is necessary and the procedure and parameters prescribed in the policy of 2020 is required to be strictly adhered to and that the DSR in accordance with Sand Mining Guidelines, 2020 is necessary before auctioning/e-auctioning/granting mining lease by the Mining Department.

18. The Tribunal had also considered this issue in the matter of *Dinesh Kumar vs. Mining Officer, Seoni & Ors. in O.A. No. 41/2022 (CZ)* decided on 13.09.2022 wherein the Tribunal after taking note of the Sand Mining Guidelines, 2020 had held as under:-

"20. State of Madhya Pradesh in its rules named Madhya Pradesh Sand (Mining, Transportation, Storage and Trading) Rules, 2019 has provided the procedure for procurement of mining leases in State with the statutory permissions in accordance with the environmental rules as contained in Chapter-6 Section 12 which has been quoted above. In addition to above, the MoEF & CC, in supplement and addition to the Sustainable Sand Mining Management Guidelines, 2016 issued the Sustainable Sand Mining Management Guidelines, 2020 giving importance to the DSR and monitoring mechanism. The guidelines issued in 2020 in point no.4.1.1 (A) requires that DSR for sand mining shall be prepared before the auction/e-auction/ grant of the mining lease/ Letter of Intent (LOI) by Mining Department or department dealing in the mining activity in the respective state. The DSR is to be prepared in such a way that it not only identified the mineral bearing area but also define the mining and no mining zones considering various environmental and social factors. The State Government shall issue Letter of Intent as per procedure laid down in there Mine and Mineral Concession Rules with due consideration of final DSR and that all districts have been required to prepare a

comprehensive mining plan as per the provisions of District Survey Report and these report shall be put on the website of district administration. No mining shall be allowed in the area which had not been identified in the comprehensive mining plan of the district."

19. Hence, we find that in view of Sand Mining Guidelines of 2020 and the judgment of the Hon'ble Supreme Court in the case of Pawan Kumar (Supra) the auction of the sand mines cannot be done in the absence of the valid DSR, therefore, an auction notice issued without there being a valid DSR is bad in law and cannot be sustained. "

20. Counsel for the applicant has also submitted that though E-Tender was issued on 14.06.2024 the same has not been finalised till now.

21. OA raises substantial issues relating to compliance of environmental norms.

22. Issue notice to the respondents.

23. Ms. Priyanka Swami, Advocate accepts notice on behalf of respondents nos. 1, 2, 3 and 5 and Mr. Ankit Verma, Advocate accepts notice on behalf of respondent no. 6 and they seek four weeks time to file the reply.

24. Let notice be issued to respondent no.4 for filing the response/reply by way of affidavit at least one week before the next date of hearing through e-filing. The applicant is directed to serve respondent no. 4 and file an affidavit of service at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

25. Having regard to the issue that has been raised in the OA, the material that has been pointed out and the earlier orders of the Tribunal, we direct the respondent to ensure that no sand mining in pursuance to

the impugned E-Tender notice takes place in violation of the environmental norms and violation of the law settled by the Courts.

26. List on 30.01.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM


October 14, 2024
Original Application No. 1215/2024
JG..


पत्र संख्या-1530/खनिज-एम0एम0सी-तीस-विविध (2018-19) दिनांक-20.02.2019
के क्रम में DEIAA की बैठक दिनांक-25.02.2019 का कार्यवृत्त :-


जिलाधिकारी, हमीरपुर के पत्र संख्या-1414/खनिज-एम0एम0सी-तीस-विविध (2018-19) दिनांक-30.01.2019 व प्रभागीय वनाधिकारी, हमीरपुर के पत्र संख्या-1867/26-1 दिनांक-31.01.2019 के क्रम में वन विभाग, राजस्व विभाग, खनन विभाग द्वारा खनन क्षेत्रों का संयुक्त सर्वेक्षण कर राजस्व मानचित्र पर क्षेत्र को प्रदर्शित करते हुये संयुक्त आख्या प्रस्तुत की गई है। संयुक्त आख्या के आधार पर संशोधित क्षेत्रफल एवं समानुपातिक मात्रा का संशोधन DSR में किये जाने हेतु DEAC की बैठक दिनांक-14.02.2019 को समिति द्वारा विचार किया गया। विचारोपरान्त DEAC द्वारा निम्न विवरण के अनुसार कुल-09 क्षेत्रों के सम्बन्ध में DSR में निम्नवत संशोधन हेतु संस्तुति प्रदान की गयी :-

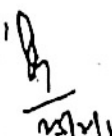
क्र० सं०	तहसील	ग्राम	नदी	खण्ड संख्या	DSR में अंकित क्षेत्र व क्षेत्रफल		संयुक्त सर्वेक्षण के अनुसार अंशित		अम्युक्ति
					क्षेत्रफल (हे०)	मात्रा (घनमी० में)	क्षेत्रफल (हे०)	मात्रा (घनमी० में)	
1.	सरीला	रिरुआ बसरिया	वेतवा नदी	22/2	36.437	552919	14.000	223972	—
2.	सरीला	रिरुआ बसरिया	वेतवा नदी	22/4	36.437	502919	22.000	351956	—
3.	सरीला	रिरुआ बसरिया	वेतवा नदी	22/5	35.222	563482	23.000	367954	—
4.	सरीला	रिरुआ बसरिया	वेतवा नदी	22/6	36.437	582919	23.000	367954	—
5.	सरीला	रिरुआ बसरिया	वेतवा नदी	22/7	24.291	388608	12.000	191977	—
6.	सरीला	घण्डौत	वेतवा नदी	21/1	—	—	16.000	240000	—
7.	राठ	टोला खंगारन	धसान नदी	4	20.242	323832	21.000	335959	यह क्षेत्र पुराना जिगनी खण्ड संख्या-1 है
8.	राठ	टोला खंगारन	धसान नदी	5	20.242	323832	13.000	207975	—
9.	राठ	टोला खंगारन	धसान नदी	6	17.408	278493	13.000	207974	—

अतः DEAC की संस्तुति के क्रम में DEIAA के समक्ष विचारोपरान्त उक्त विवरण के अनुसार कुल 09 क्षेत्रों के सम्बन्ध में DSR में संशोधन अनुमोदित किया जाता है।


(अजीत प्रसाद)
उप जिलाधिकारी,
हमीरपुर
सदस्य, DEIAA


(जीतेन्द्र मोहन श्रीवास्तव)
उप निदेशक, कृषि प्रसार,
हमीरपुर
सदस्य, DEIAA


(संजीव कुमार)
प्रभागीय वनाधिकारी,
वन प्रभाग, हमीरपुर
सदस्य, DEIAA


(अभिषेक प्रकाश)
जिला मजिस्ट्रेट,
हमीरपुर
अध्यक्ष, DEIAA

संख्या- 482/86-2023

प्रेषक,

हृदय नारायण सिंह यादव,
उप सचिव,
उ०प्र० शासन।

सेवा में,

निदेशक,
भूतत्व एवं खनिकर्म, उ०प्र०
लखनऊ।

भूतत्व एवं खनिकर्म अनुभाग

लखनऊ दिनांक: 14 फरवरी, 2023

विषय:-जिला सर्वेक्षण रिपोर्ट में संशोधन/संयोजन के सम्बन्ध में।

महोदय,


उपर्युक्त विषयक अपने पत्र संख्या-1634/एम०228/2017(खनन नीति)-डी०एस०आर०, दिनांक 03.02.2023 का सन्दर्भ ग्रहण करने का कष्ट करें। पर्यावरण, जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा बालू/मौरम में सुव्यवस्थित खनन सम्बन्धी प्रक्रिया के सम्बन्ध में जनवरी, 2020 में "Enforcement & Monitoring guidelines for sand Mining 2020" की गाइडलाइन्स निर्गत की गयी है। उक्त गाइड लाइन के प्रस्तर-4.1.1(a) के अनुसार खनन क्षेत्रों की नीलामी/ई-नीलामी/खनन पट्टे की स्वीकृति/आशय पत्र निर्गत करने के पूर्व राज्य सरकार द्वारा जिला सर्वेक्षण रिपोर्ट तैयार किया जाना है। उक्त व्यवस्था के अन्तर्गत भारत सरकार द्वारा पर्यावरण प्रभाव आंकलन अधिसूचना/आदेश निर्गत होने तक जनपदों से प्राप्त जिला सर्वेक्षण रिपोर्ट में क्षेत्रों के प्रस्तावित संशोधन/संयोजन के लम्बित प्रस्तावों तथा नये प्रस्तावों का परीक्षण किये जाने हेतु भूतत्व एवं खनिकर्म विभाग, उत्तर प्रदेश शासन, लखनऊ के कार्यालय ज्ञाप संख्या-790(1)/86-2020, दिनांक 01 जून, 2020 यथासंशोधित दिनांक 09.09.2021 के द्वारा अपर निदेशक, भूतत्व एवं खनिकर्म विभाग की अध्यक्षता में तकनीकी विशेषज्ञ समिति का गठन किया गया है।

उक्त तकनीकी विशेषज्ञ समिति द्वारा कुल 06 जनपदों से प्राप्त प्रस्ताव के परीक्षणोपरान्त की गयी संस्तुति के क्रम में उक्त सन्दर्भित पत्र दिनांक 03.02.2023 के माध्यम से 06 जनपदों के कुल-27 क्षेत्रों को जिला सर्वेक्षण रिपोर्ट में संशोधन/संयोजन कर सम्मिलित किये जाने का प्रस्ताव शासन के निर्णय हेतु उपलब्ध कराया गया है, जिसका जनपदवार विवरण निम्नवत है :-

क्र० सं०	जनपद	ग्राम का नाम	खण्ड सं०/ गाटा सं०	क्षेत्रफल (हेक्टेयर में)	संस्तुत क्षेत्रों की संख्या		क्षेत्रों की कुल संख्या
					राज्य सरकार भूमि	निजी भूमि	
1.	बस्ती	मांझा कला	1456मि०	1.020	00	01	01
2.	मीरजापुर	गोल्हनपुर गोल्हनपुर मडफा बलुआ बजापुर दशरान्त सिंह का पुरा मडफा गोल्हनपुर रामपुर सवतेशगढ	72मि० 88 187मि० 303मि. 217मि०, पुरा 218मि० 187मि० 69 531ग, 531घ	1.402 1.616 1.01 1.250 1.16 1.21 1.61 1.52	00	08	08
3.	अयोध्या	फतेहपुर सरैया मांझा मांझा कला	13घ 135ज, 149घ, 153न, 19क / 13	5.30 1.786	01	02	03

		वेगमगंज मांझा	11खमि0, 12मि0, 13मि0, 11गमि0, 14	1.214			
4	हमीरपुर	चन्द्रपुर मुहाल दरिया भटपुरा दरिया मीरापुर मुहाल दरिया मनकी खुर्द थोक दरिया मिश्रीपुर भौली मुहाल दरिया मनकीकला थोक दरिया मनकी कला थोक दरिया सिकारोड़ी मोहाल दरिया उमराहट उमराहट	61/1 व 62क 73/16 42/1 11र 52/3 472 263/40 व 264/1 1/5 खण्ड-2 01/5 खण्ड-1 247,255/1 . 254 90/3 खण्ड-1 90/3 खण्ड-2	24.24 27.50 33.00 8.00 7.00 14.00 20.00 24.00 15.80 30.00 24.00	11	00	11
5	रायबरेली	खजूर गांव खजूर गांव	1395मि0 खण्ड-1 1395मि0 खण्ड-2	8.31 11.30	02	00	02
6	बांदा	बरेहटा खादर बरेहटा खादर	133 व 134 खण्ड-1 122/7 व 111/2 खण्ड-2	15.654 13.00	02	00	02
कुल खण्डों की संख्या-					16	11	27

2. इस सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि सम्यक् विचारोपरान्त उपरोक्त 06 जनपदों के अलग-अलग उल्लिखित ग्रामवार कुल-27 क्षेत्रों को जिला सर्वेक्षण रिपोर्ट में संयोजित किये जाने का निर्णय लिया गया है। अतः कृपया तत्कम में अग्रेतर आवश्यक कार्यवाही करने का कष्ट करें।

भवदीय,

 (हृदय नारायण सिंह यादव)
 उप सचिव।

प्रेषक,

जिलाधिकारी,
हमीरपुर।

सोचा में,

सादर सन्धि,
राज्य स्तरीय विशेषज्ञ गूलांकन समिति (SEAC)
पर्यावरण निदेशालय, चओप्र०,
लखनऊ।

दिनांक- 10/06/2024

संख्या- 319 / खनिज-एगओएगओसी-तीस-विधि (2024-25)

विषय- जनपद हमीरपुर के नदी तल में उपलब्ध बालू/मीरम के उपलब्ध खनन क्षेत्रों/नये क्षेत्रों का District Survey Report (DSR) का अनुमोदन प्रदान किये जाने के सम्बन्ध में।

भक्षोदय,

कृपया उपरोक्त विषयक पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार के अधिसूचना दिनांक-15.01.2016, Sustainable Sand Mining Management Guidelines 2016 तथा Enforcement and Monitoring Guidelines for Sand Mining 2020 के क्रम में SEAC एवं SEIAA की संयुक्त समिति द्वारा तैयार की गयी Standard Operating Procedure (SOP) के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार करने हेतु जनपद स्तर पर अपर जिलाधिकारी (वि०/रा०) हमीरपुर की अध्यक्षता में कार्यालय ज्ञाप संख्या-101/खनिज-एगओएगओसी-तीस-विधि (2024-25) दिनांक-21.04.2024 द्वारा जिला स्तर पर Sub-Divisional Committee (SDC) का गठन करते हुये श्रमगत कराये जाने के निर्देश दिये गये हैं। तदक्रम में Sub-Divisional Committee (SDC) द्वारा जनपद हमीरपुर के स्थित/उपलब्ध खनन क्षेत्रों/नये क्षेत्रों पर/क्षेत्रों में संशोधन का कार्य करते हुये आख्या प्रस्तुत की गयी है, जिसके आधार पर नवीन झापट जिला सर्वेक्षण रिपोर्ट तैयार किया गया है।

जनपद में गठित Sub-Divisional Committee (SDC) के समस्त सदस्यों को नवीन झापट जिला सर्वेक्षण रिपोर्ट की प्रतियों को अभिलेखीय परीक्षण हेतु प्रस्तुत किया गया। तत्पश्चात् अपर जिलाधिकारी (वि०/रा०)/प्रगारी अधिकारी (खनिज) की अध्यक्षता में गठित उप विभागीय समिति द्वारा प्रस्तुत नवीन झापट जिला सर्वेक्षण रिपोर्ट का अभिलेखीय परीक्षण किया गया, जिसे पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार के अधिसूचना दिनांक-15.01.2016 एवं Sustainable Sand Mining Management Guidelines 2016 तथा Enforcement and Monitoring Guidelines for Sand Mining 2020 के अनुरूप पाया गया। उक्त नवीन झापट जिला सर्वेक्षण रिपोर्ट को उपयुक्त पाये जाने के दृष्टिकोण झापट प्रारूप की प्रति को सर्वसाधारण से टिप्पणी/आपत्ति प्राप्त किये जाने हेतु जनपद हमीरपुर की पब्लिक डोमेन <https://hamirpur.nic.in> पर 30 दिन के लिये अपलोड तथा कार्यालय अपर जिलाधिकारी (वि०/रा०) एवं खनिज कार्यालय के नोटिस बोर्ड पर चरमा कराने के साथ ही न्यूनतम दो स्थानीय दैनिक हिन्दी समाचार पत्रों में प्रकाशित करने हेतु अनुमोदन दिनांक-07.05.2024 के पश्चात् दिनांक-09.05.2024 को जनपद हमीरपुर के पब्लिक डोमेन <http://hamirpur.nic.in> पर 30 दिन हेतु अपलोड किया गया तथा कार्यालय जिलाधिकारी कार्यालय एवं खनिज कार्यालय के नोटिस बोर्ड पर चरमा कराने के साथ ही न्यूनतम दो स्थानीय दैनिक समाचार पत्रों में प्रकाशित करते हुये सुझाव एवं आपत्तियां मांगी गयी। तदोपरान्त सर्वसाधारण आपत्ति/सुझाव प्राप्ति हेतु 30 दिन की नियत अवधि पूर्ण होने के उपरान्त निर्धारित अवधि में कोई सुझाव अथवा आपत्ति पब्लिक डोमेन <http://hamirpur.nic.in> पर व कार्यालय में प्राप्त न होने के कारण Sub-Divisional Committee (SDC) द्वारा जनपद हमीरपुर में बालू/मीरम खनन के विद्यमान क्षेत्रों के साथ-साथ नये खनन स्थित क्षेत्रों को सम्मिलित करते हुये नवीन झापट जिला सर्वेक्षण रिपोर्ट को अन्तिम रूप देने हेतु SEIAA के समक्ष प्रस्तुत किये जाने हेतु दिनांक- 10.06.2024 को संस्तुति प्रदान की गयी है।

अतः जनपद स्तरीय गठित उप विभागीय समिति (SDC) द्वारा SOP के अनुसार तैयार नवीन झापट जिला सर्वेक्षण रिपोर्ट (DSR) व निर्धारित प्रारूप-01 से 07 तक की तैयार सूचना तथा सम्बन्धित आवश्यक अभिलेख पत्र के साथ संलग्न कर, जिला सर्वेक्षण रिपोर्ट (DSR) के अनुमोदन प्रदान करने के सम्बन्ध में नियमानुसार आवश्यक कार्यवाही हेतु आख्या सेवा सादर प्रेषित है।

संलग्नक-

- 1- नवीन जिला सर्वेक्षण रिपोर्ट जनपद हमीरपुर।
- 2- प्रारूप 01 से 07 एवं सम्बन्धित आवश्यक अभिलेख।

भवदीय,

P. S. Singh
10.6/24
(राहुल पाण्डेय)
जिलाधिकारी,
हमीरपुर

प्रतिनिधि- निम्नलिखित को सादर सूचनाएं एवं आवश्यक कार्यवाही हेतु प्रेषित।

- 1- प्रमुख सन्धि, मुख्य एवं सहायक निम्न, चओप्र० कार्यालय, लखनऊ।
- 2- मा० अध्यक्ष विशेषज्ञ स्तरीय गूलांकन समिति लखनऊ।
- 3- निदेशक, गूलांकन एवं सहायक निदेशालय, चओप्र० खनिज भवन, लखनऊ।
- 4- सादर सन्धि, राज्य स्तरीय पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय, लखनऊ।

जिलाधिकारी,
हमीरपुर

प्रिय,

सदस्य सचिव,
एनएसओआरओ,
भोमरी नगर, लखनऊ।

सेवा में,

निदेशक,
भूतल एवं खनिकी विभाग, एनएसओ,
लखनऊ।

पत्रांक : 733 अर्थात्/सामान्य/2023

दिनांक 08 नवम्बर, 2024

विषय: District Survey Report (DSR) of District Hamirpur के सम्बन्ध में।

प्रति,

सूचना अवगत कराना है कि आपके पत्र संख्या 1399/डीएसओआरओ दिनांक 12.09.2024 द्वारा
संकेत क्रमांक डीएसओआरओ- जनपद हमीरपुर को राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति की बैठक दिनांक
10.10.2024 तथा राज्य स्तरीय पंचावधि प्रभाव निर्धारण प्राधिकरण, एनएसओ की बैठक दिनांक 25.10.2024
में 119 पट्टे हेतु निम्न शर्तों के साथ अनुमोदन प्रदान किया गया :-

1. The District Survey Report (DSR) shall be updated once in five years as mentioned in MoEF&CC, Govt. of India Notification No. S.O. 141(E), dated 15/01/2016, as per laid down procedure, under intimation to SEIAA.
2. It was informed that there are 119 mining lease areas are proposed in the final DSR.
3. If any new lease is identified, Sub-Divisional Committee will follow the entire procedure every time on the basis of existing DSR.
4. After approval of DSR from SEIAA, the District Administration shall upload the DSR in public domain along with Lease Wise Digital Maps showing the status of deposits and pillar wise coordinates of existing and proposed areas.
5. The District Administration shall utilize the District Mineral Foundation Funds as per notification no. 866/86-2017-132/2016 dated 15/05/2017 issued by Department of Geology and Mining, Government of U.P. or any modification in it by competent authority.
6. DMF fund should also be utilized for the environmental protection, development and maintenance of haulage road.
7. The lease shall periodically conduct audits of operative mine leases and take corrective measures as per the directions of District Administration in case of adverse observations and, a yearly report on this shall be sent to SEIAA as compliance.
8. Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.
9. The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. Institute and should be uploaded on the websites of district, Geology and Mining Department and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.
10. Mining Department shall be responsible for demarcating the leases where-ever needed after the monsoon.

11. Details of social and environmental preservation work done like name of the villages, health care facility, School etc. under DMF should be uploaded on district website and submitted to SEIAA.
12. Geo-coordinates of each lease should be mentioned in the DSR and submitted to SEIAA online.
13. Clusters should be clearly marked on district map and submitted to SEIAA within a months.

समिति/प्राधिकरण की बैठक में लिये गये निर्णय को आलेख में सम्बन्धित कार्यवृत्त की प्रति इस अनुरोध के साथ प्रेषित है कि उक्त के सम्बन्ध में आवश्यक कार्यवाही धारवाणै का फाट करे।

संलग्नक- यद्योक्त।

✓ प्रतिलिपि- जिलाधिकारी, हमीरपुर को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

भवदीय,

(जयजय कुमार शर्मा)
सदस्य सचिव,
एस०ई०आई०ए०ए०

(जयजय कुमार शर्मा)
सदस्य सचिव,
एस०ई०आई०ए०ए०

कार्यालय जिलाधिकारी, हमीरपुर
(खनन अनुभाग)

संख्या-- 101 खनिज-एमओएमओसी०-तीरा-विधि (2024-25)
कार्यालय ज्ञाप

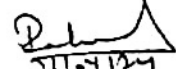
दिनांक-21-04-2024

भूतत्व एवं खनिकर्म विभाग, निदेशालय, उ०प्र० खनिज भवन, लखनऊ के पत्र संख्या-2182 एमओ-228/खनन नीति-2017 डी०एस०आर० दिनांक-12.02.2024, जिसके द्वारा जतिपथ जनपदों द्वारा जिला सर्वेक्षण रिपोर्ट (डी०एस०आर०) के अनुमोदन हेतु प्रस्ताव राज्य स्तरीय विशेषज्ञ भूत्वावर्जन समिति (SEAC) के समक्ष प्रस्तुत किया गया है। SEIAA एवं SEAC की संयुक्त बैठक दिनांक-02.02.2024 में लिये गये निर्णय के अनुसार, जिला सर्वेक्षण रिपोर्ट (डी०एस०आर०) के प्राप्त प्रस्तावों को SEAC द्वारा परीक्षण कर SEIAA से अनुमोदित कराये जाने हेतु Standard Operating Procedure (SOP) को अंतिम रूप (Finalised) दिया गया है। संयुक्त समिति SEAC एवं SEIAA द्वारा तैयार की गयी Standard Operating Procedure (SOP) की प्रति संलग्न कर प्रेषित करते हुये जिला सर्वेक्षण रिपोर्ट (DSR) के प्रस्तावों को उक्त SOP के अनुसार तैयार कर SEAC के समक्ष प्रस्तुत करने के निर्देश दिये गये हैं। उक्त पत्र के साथ संलग्नक SOP के पृष्ठ संख्या-3 में, उल्लिखित तालिका के क्रमांक संख्या-01 पर जिले में उप विभागीय समिति (SDC) में उपजिलाधिकारी, अधिशाषी अभियन्ता सिचाई विभाग, प्रभागीय वनाधिकारी, खान अधिकारी/भूवैज्ञानिक का गठन करने के निर्देश दिये गये हैं।

निदेशालय के पत्र दिनांक-17.05.2023 के क्रम में प्रभारी अधिकारी (खनन) हमीरपुर की अध्यक्षता में जिला सर्वेक्षण रिपोर्ट (DSR) के परीक्षण हेतु जनपद स्तर पर समिति का गठन किया गया था, जिसको निदेशालय के पत्र दिनांक-12.02.2024 में संलग्न SOP में दिये गये उप विभागीय समिति में समाहित करते हुये नवीन उप विभागीय समिति का निम्नवत गठन किया जाता है:-

- | | | |
|----|---|--------------|
| 1- | अपर जिलाधिकारी (वि०/रा०)/प्रभारी अधिकारी (खनन) हमीरपुर | अध्यक्ष |
| 2- | अधिशाषी अभियन्ता, सिचाई विभाग, मौदहा, बांध हमीरपुर | सदस्य |
| 3- | प्रभागीय वनाधिकारी हमीरपुर | सदस्य |
| 4- | क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियन्त्रण बोर्ड बांदा | सदस्य |
| 5- | उपजिलाधिकारी हमीरपुर, मौदहा, रासीला एवं राठ | सदस्य |
| 6- | खान अधिकारी/भूवैज्ञानिक/खान निरीक्षक, हमीरपुर | संयोजक सदस्य |

अतः उक्त समिति को निर्देशित किया जाता है कि जनपद हमीरपुर में विद्यमान उपखनिजों के क्षेत्रों एवं नवीन खनन क्षेत्रों को Standard Operating Procedure (SOP) के अनुसार जिला सर्वेक्षण रिपोर्ट (DSR) तैयार करने के सम्बन्ध में तत्काल नियमानुसार आवश्यक कार्यवाही करते हुये अवगत कराना सुनिश्चित करें। ताकि समयान्तर्गत जिला सर्वेक्षण रिपोर्ट का अनुमोदन हेतु SEAC को प्रस्ताव प्रेषित किया जा सकें।


ज. न. सिंघ
(साहुल पाण्डेय)
जिलाधिकारी,
हमीरपुर।

प्रतिलिपि- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

- 1- निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र० खनिज भवन, लखनऊ।
- 2- अपर जिलाधिकारी (वि०/रा०)/प्रभारी अधिकारी (खनन) हमीरपुर।
- 3- अधिशाषी अभियन्ता, सिचाई विभाग, मौदहा, बांध हमीरपुर।
- 4- प्रभागीय वनाधिकारी हमीरपुर।
- 5- प्रभारी अधिकारी, प्रदूषण नियन्त्रण बोर्ड बांदा।
- 6- उपजिलाधिकारी हमीरपुर, मौदहा, रासीला एवं राठ।
- 7- खान अधिकारी/खान निरीक्षक, हमीरपुर।


ज. न. सिंघ
जिलाधिकारी,
हमीरपुर।

ITEM NO.45

COURT NO.8

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 3661-3662/2020

THE STATE OF BIHAR & ORS.

Appellant(s)

VERSUS

PAWAN KUMAR & ORS.

Respondent(s)

(IA No. 143010/2022 - INTERVENTION APPLICATION
IA No. 143002/2022 - MODIFICATION OF COURT ORDER AND IA NOS. 59157
OF 2023)

Date : 28-03-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE VIKRAM NATH

For Appellant(s)

Mr. A.N.S. Nadkarni, Sr. Adv.
Mr. Rishi K. Awasthi, Adv.
Mr. Azmat Hayat Amanullah, AOR
Mr. Piyush Vatsa, Adv.

For Respondent(s)

Mr. Pinaki Misra, Sr. Adv.
Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Kripa Shanka Prasad, Adv.
Mr. Pankaj Bhagat, AOR

Mr. Rajiv Shankar Dvivedi, AOR

Mr. Vanshdeep Dalmia, AOR
Mr. Anis Jain, Adv.Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Archana Pathak Dave, Adv.

Ms. Suhashini Sen, Adv.
Ms. Ruchi Kohli, Adv.

Mr. Arvind Kumar, Adv.
Mr. Aditya Singh, AOR

Mr. Santosh Mishra, AOR
Mr. Ansar Ahmad Chaudhary, AOR

Ms. Rita Jha, AOR
Ms. Nishtha Kumar, AOR
Mr. Ankit Kumar Lal, AOR
Mr. Anand Varma, AOR
Mr. Dharmendra Kumar Sinha, AOR

Mr. Rohit Kumar Singh, AOR
Ms. Sardhapurana Mukherjee, Adv. ..
Mr. Shubham V. Gawande, Adv.
Mr. Rohit Khurana, Adv.
Ms. Shweta Priyadarshini, Adv.
Ms. Jahanvi Worah, Adv.
Ms. Chandani Arora, Adv.

Mr. Pankaj Bhagat, AOR
Ms. Savita Singh, AOR
Mr. Rajat Mittal, AOR
Mr. Siddhant Buxy, AOR
Mr. Aakash Sirohi, AOR

Ms. Fauzia Shakil, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Madhan Raj, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IA Nos. 59157 of 2023

1. The present application is filed with following prayers:
 - (a) Consider and allow the Applicant State to carry out sand mining by BSMCL through contractors, as an interim measure till 30.06.2023; and/or
 - (b) Direct SEIAA to grant the Environmental Clearances already uploaded on the portal prior to the expiry of the aforesaid date i.e. 30.06.2023;

2. In so far as prayer clause (a) is concerned, the application is vehemently opposed by Mr. Pinaki Misra, Mr. Gopal Sankaranarayanan, learned senior counsel and Mr. Vanshdeep Dalmia, Ms. Fauzia Shakil, learned counsel, appearing for the different parties.
3. It is submitted that on the one hand, the State is not finalizing the DSRs and on the other hand in the garb of seeking extension, the mining activities, contrary to law, are permitted.
4. The Court while granting the permission had taken into consideration, the conflict between legal mining and illegal mining. The need of sand for construction and development activities had also taken into consideration.
5. The extension for mining activities is sought on the ground that the SEIAA has not yet granted environmental clearances.
6. Since the environmental clearances have not been granted by the SEIAA, the State cannot be prevented from carrying out the mining activities.
7. We find that it will be more appropriate that the State is permitted to carry out the mining activities and earn revenue for the State rather than illegal mining being permitted, whereby causing loss to the public exchequer also.
8. However, we are inclined to grant the extension by way of last chance. The application is allowed in terms of the prayer clause (a) and (b).
8. However, we clarify that in no circumstances, the SEIAA would be granted further extension for considering the grant of

environmental clearances.

9. We request the learned counsel for the SEIAA to communicate this order to the Chairman of the SEIAA.

10. In case, the direction, as issued, is not followed, we will be constrained to take serious view of the matter.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)

Minutes of the 849th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 25-10-2024

The meeting of 849th State Level Environment Impact Assessment Authority, UP (SEIAA) was held on line on 25-10-2024 the Directorate of Environment. The following were present in the meeting:-

- | | |
|-----------------------------|------------------------------|
| 1. Smt. Mamta Sanjeev Dubey | Chairman, SEIAA, U.P |
| 2. Shri Paras Nath | Member, SEIAA, U.P |
| 3. Shri Ajay Kumar Sharma | Member Secretary, SEIAA, U.P |

Agenda-A- Joint Meeting of SEAC 1& 2 held on 09.10.2024 for DSR.

1. District Survey Report of Shravasti.

SEIAA agreed with the recommendation of SEAC to approve the District Survey Report (DSR) of District- Shravasti along with following conditions:-

1. Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.
2. The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. institute and should be uploaded on the websites of district, Geology and Mining Department Uttar Pradesh and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.
3. Mining Department shall be responsible for demarcating the leases where-ever needed after the monsoon.
4. Details of social and environmental preservation work done like name of the villages, health care facility, School etc. under DMF should be uploaded on district website and submitted to SEIAA.
5. Shravasti is a district with large forest cover so all rules and regulations as per applicable Forest and Wildlife acts shall be adhered to and strictly complied with.

2. District Survey Report of Bahraich.

SEIAA agreed with the recommendation of SEAC to approve the District Survey Report (DSR) of District- Bahraich along with following conditions:-

1. Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.

2. The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. institute and should be uploaded on the websites of district, Geology and Mining Department and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.
3. Mining Department shall be responsible for demarcating the leases wherever needed after the monsoon.
4. Details of social and environmental preservation work done like name of the villages, health care facility, School etc. under DMF should be uploaded on district website and submitted to SEIAA.
5. Bahraich district has large forest cover so all rules and regulations as per applicable Forest and Wildlife acts shall be adhered to and strictly complied with.

3. District Survey Report of Barabanki.

SEIAA agreed with the recommendation of SEAC to approve the District Survey Report (DSR) of District- Barabanki along with following conditions:-

1. Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.
2. The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. institute and should be uploaded on the websites of district, Geology and Mining Department and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.
3. Mining Department shall be responsible for demarcating the leases wherever needed after the monsoon.
4. Details of social and environmental preservation work done like name of the villages, health care facility, School etc. under DMF should be uploaded on district website and submitted to SEIAA.

4. District Survey Report of Sant Kabir Nagar.

SEIAA agreed with the recommendation of SEAC to approve the District Survey Report (DSR) of District- Sant Kabir Nagar along with following conditions:-

1. Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.
2. The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. institute and should be uploaded on the websites of district, Geology and Mining Department and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.
3. Mining Department shall be responsible for demarcating the leases wherever needed after the monsoon.

4. Details of social and environmental preservation work done like name of the villages, health care facility, School etc. under DMF should be uploaded on district website and submitted to SEIAA.
5. **District Survey Report of Prayagraj.**
SEIAA noted the comments of SEAC.

Agenda-B- Joint Meeting of SEAC 1& 2 held on 10.10.2024 for DSR.

1. District Survey Report of Deoria.

SEIAA agreed with the recommendation of SEAC to approve the District Survey Report (DSR) of District- Deoria along with following conditions:-

1. Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.
2. The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. institute and should be uploaded on the websites of district, Geology and Mining Department and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.
3. Mining Department shall be responsible for demarcating the leases where-ever needed after the monsoon.
4. Details of social and environmental preservation work done like name of the villages, health care facility, School etc. under DMF should be uploaded on district website and submitted to SEIAA.

2. District Survey Report of Shahjahanpur.

SEIAA agreed with the recommendation of SEAC to approve the District Survey Report (DSR) of District- Shahjahanpur along with following conditions:-

1. Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.
2. The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. institute and should be uploaded on the websites of district, Geology and Mining Department and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.
3. Mining Department shall be responsible for demarcating the leases where-ever needed after the monsoon.
4. Details of social and environmental preservation work done like name of the villages, health care facility, School etc. under DMF should be uploaded on district website and submitted to SEIAA.

3. District Survey Report of Lakhimpur Kheri.

SEIAA agreed with the recommendation of SEAC to approve the District Survey Report (DSR) of District- Lakhimpur Kheri along with following conditions:-

1. Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.
2. The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. institute and should be uploaded on the websites of district, Geology and Mining Department and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.
3. Mining Department shall be responsible for demarcating the leases where-ever needed after the monsoon.
4. Details of social and environmental preservation work done like name of the villages, health care facility, School etc. under DMF should be uploaded on district website and submitted to SEIAA.
5. Lakhimpur Kheri has large forest cover and abundance of important and endangered wild life so all rules and regulations as per applicable Forest and Wildlife acts shall be adhered to and strictly complied with.

4. District Survey Report of Kaushambi.

SEIAA agreed with the recommendation of SEAC to approve the District Survey Report (DSR) of District- Kaushambi along with following conditions:-

1. Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.
2. The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. institute and should be uploaded on the websites of district, Geology and Mining Department and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.
3. Mining Department shall be responsible for demarcating the leases where-ever needed after the monsoon.
4. Details of social and environmental preservation work done like name of the villages, health care facility, School etc. under DMF should be uploaded on district website and submitted to SEIAA.

5. District Survey Report of Firozabad.

SEIAA noted the comments of SEAC.

6. District Survey Report of Hamirpur.

SEIAA agreed with the recommendation of SEAC to approve the District Survey Report (DSR) of District- Hamirpur along with following conditions:-

1. Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and

submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points

2. The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. institute and should be uploaded on the websites of district, Geology and Mining Department and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.
3. Mining Department shall be responsible for demarcating the leases where-ever needed after the monsoon.
4. Details of social and environmental preservation work done like name of the villages, health care facility, School etc. under DMF should be uploaded on district website and submitted to SEIAA
5. Geo-coordinates of each lease should be mentioned in the DSR and submitted to SEIAA online.
6. Clusters should be clearly marked on district map and submitted to SEIAA within a months.

7. District Survey Report of Siddharthnagar.

SEIAA agreed with the recommendation of SEAC to approve the District Survey Report (DSR) of District- Siddharthnagar along with following conditions:-

1. Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.
2. The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. institute and should be uploaded on the websites of district, Geology and Mining Department and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.
3. Mining Department shall be responsible for demarcating the leases where-ever needed after the monsoon
4. Details of social and environmental preservation work done like name of the villages, health care facility, School etc. under DMF should be uploaded on district website and submitted to SEIAA.

8. District Survey Report of Ghazipur.

SEIAA agreed with the recommendation of SEAC to approve the District Survey Report (DSR) of District- Ghazipur along with following conditions:-

1. Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.
2. The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. institute and should be uploaded on the websites of district, Geology and Mining Department and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on

- replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.
3. Mining Department shall be responsible for demarcating the leases where-ever needed after the monsoon.
 4. Details of social and environmental preservation work done like name of the villages, health care facility, School etc. under DMF should be uploaded on district website and submitted to SEIAA.

9. District Survey Report of Prayagraj.

SEIAA agreed with the recommendation of SEAC to approve the District Survey Report (DSR) of District Prayagraj along with following conditions:-

1. Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.
2. The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. institute and should be uploaded on the websites of district, Geology and Mining Department and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.
3. Mining Department shall be responsible for demarcating the leases where ever needed after the monsoon.
4. Details of social and environmental preservation work done like name of the villages, health care facility, School etc. under DMF should be uploaded on district website and submitted to SEIAA.
5. Use of M-Sand should be encouraged.

Agenda-C-

1. "UPSRTC Bus Port cum Commercial complex" project at Vibhuti Khand, Gomti Nagar, Lucknow, Shri Ashish Kumar Upadhyay, M/s Omaxe Be Together Lucknow Busport Private Limited., 9189/SIA/UP/INFRA2/491452/2024.

SEIAA noted that that the above project was taken in its 845th meeting in which SEIAA opined that the project proponent shall submit MoU/Permission of vendors/local bodies/STP operators for using water during construction phase, NoC from Airport Authority of India and details of reuse of waste water generated. The project proponent has submitted his reply vide letter dated 23.10.2024. Hence SEIAA noted that as per para 6(ii) of EIA notification 2006 -The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State level Expert Appraisal Committee concerned. In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022 SEIAA opined to accept the recommendation of SEAC and grant EC to the said project along with all the general and specific conditions as suggested by SEAC. In addition to the conditions imposed by SEAC, SEIAA added following additional specific conditions:-

- 1- Plantation of saplings shall be carried out in earmarked greenbelt area as a part of tree plantation campaign "Ek Ped Ma Ke Naam" and the details of the same shall be uploaded in the Meri LIFE Portal (<https://merilife.nic.in>) as per OM no. F.No.IA3-22/3/2024-IA.III (E-241594) dated 24.07.2024.
- 2- The project proponent shall submit within the next 3 months the details on

quantification of year wise CER activities along with cost and other details. The CER activities should be related to mitigation of Environmental Pollution and creating awareness for the need for same for example creation of water harvesting pits and carbon sequestration parks etc. At least one school in the vicinity of project area should be provided with rooftop solar plant, toilets should be constructed in public place or in school of nearby villages and if there is a girl's school then girls toilet properly equipped with overhead water tank should be constructed. Name of the school adopted for installation of roof top solar plant should be displayed on the website of project proponent and should also be submitted with periodic compliance report.

- 3- The project proponent shall ensure that waste water is properly treated in STP and treated water should be reused for gardening flushing system, washing etc. For reuse of water, irrigation sprinkler and drip irrigation system shall be installed and maintained for proper functioning. Part of the treated sewage, if discharged to sewer line, shall meet the prescribed standards for the discharge and shall be done with necessary permissions from concerned authorities.
- 4- Under any circumstances untreated sewage shall not be discharged to municipal sewer line or any nearby water body.
- 5- The project proponent shall install organic bio converter.
- 6- The effluent from STP after tertiary treatment shall be subjected to ozonation to avoid foul smell.
- 7- Provision for charging of electric vehicles as per the guidelines of GoI/GoUP should be submitted within the next 3 months.
- 8- The project proponent shall explore the possibility of solar electrification beyond 10% and if it is possible, shall submit the details of solar power plans within the next 3 months.
- 9- PP should display EC granted to them on their website.
- 10- EC is granted with the condition that EC is valid only for the building plan which has been submitted by PP for seeking EC. In case approved building plan is different from the one submitted for seeking EC then this EC will stand null and void.
- 11- Project Proponent shall submit the Six-monthly Compliance on the Environment Clearance condition prescribed in the Prior Environment Clearance letter as per MoEF&CC OM F.no- IAS-22/01/2022-IA-III (E-172624) Dated 14-06-2022.

Nodal Officer

SEIAA, UP

Minut prepared by Secretariat in consultation with Chairman & Members on the basis of declaration made by SEIAA during the meeting.

(Smt. Mamta Sanjeev Dubey)
Chairman
SEIAA

(Ajay Kumar Sharma)
Member-Secretary
SEIAA

(Paras Nath)
Member
SEIAA