

2611

BEFOERE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 456 OF 2018
EARLIER O.A NO. 146/2014(CZ)

IN THE MATTER OF:

Nityanand Mishra

...Petitioner

Versus

State of Madhya Pradesh & Ors

...Respondents

INDEX

S. No.	Particulars	Page Nos.
1.	Affidavit on behalf of the Mining Department Respondent No.1 in compliance of the order dated 04.11.2020 passed by this Hon'ble Tribunal.	2611-2627
2.	<u>Annexure A:</u> Copy of the office order dated 21.10.2020 issued by Mineral Resource Department, Government of Madhya Pradesh	2628-2629
3.	<u>Annexure B:</u> A copy of the notice dated 02.01.2021 issued by the Mineral Resources Department, Directorate of Geology and Mining, Madhya Pradesh	2630
4.	<u>Annexure C:</u> A copy of the letter dated 04.01.2021 issued by the Mineral Resources Department, Directorate of Geology and Mining, Madhya Pradesh to the Department of Public Relations	2631
5.	<u>Annexure D:</u> A list of newspapers vide which the notice dated 02.11.2021 has been published	2632

2612

6.	<u>Annexure E:</u> A copy of the order dated 10.12.2020 issued by the Under Secretary, Mineral Resources Department, Government of Madhya Pradesh bearing F. No. 14-14/2020/12/2	2633-2634
7.	<u>Annexure F:</u> Copy of the Minutes of the Meeting dated 08.01.2021 of the Committee	2635-2640
8.	<u>Annexure G:</u> Copy of the order dated 11.02.2020 passed by this Hon'ble Tribunal in O.A. No. 145/2017 (CZ) in the case of Balwana Singh v. State of Madhya Pradesh and Others	2641-2653
9.	<u>Annexure H:</u> Copy of the order dated 19.02.2020 passed this Hon'ble Tribunal in O.A. No. 44/2016 titled Mushtakeem v. MoEF & CC & Ors	2654-2658
10.	<u>Annexure I:</u> Order dated 11.05.2020 passed by the Hon'ble High Court of Madhya Pradesh, Indore Bench in M. CR.C. No. 49338/2019: Jayant v. State of Madhya Pradesh	2659-2674
11.	<u>Annexure J:</u> Copy of the order dated 18.09.2020 passed by the Hon'ble High Court of Madya Pradesh, at Gwalior in W.P. (C) No. 7695/2015 titled Jitendra Singh v. State of Madhya Pradesh	2675-2681
12.	<u>Annexure K:</u> Copies of the relevant extracts of the 1996 Rules as well as the 2019 Rules	2682-2696
13.	<u>Annexure L:</u> Copy of the detailed account of the cases lodged on account of illegal mining of sand for the years 2017-18 and 2019-20	2697-2703
14.	<u>Annexure M:</u> Copy of the detailed account of the cases lodged on account of illegal storage of Sand Mines for	2704-2709

2613

	the years 2017-18 and 2019-20	
15.	<u>Annexure N:</u> Copy of the detailed account of the cases lodged on account of illegal transportation of Sand for the years 2017-18 and 2019-20	2710-2716
16.	Proof of Service	2717

*Soumya
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(Rukhmini Bobde)

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Date: 13/01/2021

Place: NEW DELHI

2614

BEFOERE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW Delhi
ORIGINAL APPLICATION NO. 456 OF 2018
EARLIER O.A NO. 146/2014(CZ)

IN THE MATTER OF:

Nityanand Mishra

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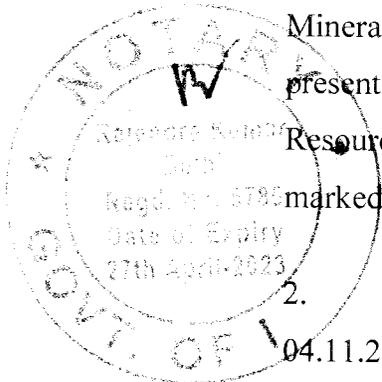
**AFFIDAVIT ON BEHALF OF THE MINING DEPARTMENT
RESPONDENT NO.1 IN COMPLIANCE OF THE ORDER DATED
04.11.2020 PASSED BY THIS HON'BLE TRIBUNAL IN THE PRESENT
MATTER.**

MOST RESPECTFULLY SOWETH: -

I, K.P. Dinkar S/o Late Shri. S.R Dinkar, aged about 47 years working as Deputy Director (Technical), Directorate of Geology and Mining with the Respondent No. 1, having its office at 29 A, Khaneej Bhawan, Arera Hills, Bhopal, Madhya Pradesh, presently at New Delhi do hereby solemnly declare and affirm as under:

1. That I am aware of the facts of the present case and on the basis of knowledge derived from the records maintained by the Respondent No.1 ('the state') in the ordinary course of its business I am competent to swear the present affidavit. I have been authorised *vide* the office order dated 21.10.2020 issued Mineral Resource Department, Government of Madhya Pradesh to depose on the present affidavit. Copy of the office order dated 21.10.2020 issued by Mineral Resource Department, Government of Madhya Pradesh is annexed herewith and marked as 'ANNEXURE-A'

2. The present affidavit is being filed in compliance of the order dated 04.11.2020 passed by this Hon'ble Tribunal *vide* the said order the Hon'ble Tribunal has given the following directions:

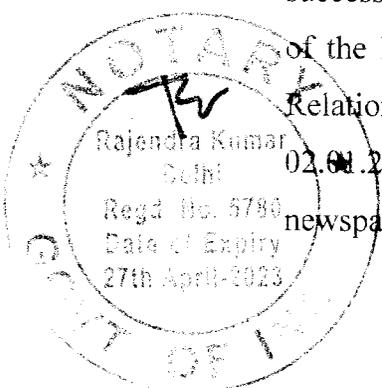


- The Committee for preparation of DSR must comprise of relevant experts accredited by the National Accreditation Board Education and Training/Quality Control Council of India in terms of O.M of MoEF & CC dated 16.03.2010.
- To furnish information about the extent of illegal mining, extent of action taken, including the compensation recovered, vehicles seized and other coercive measures and impact of such action.
- The aforementioned exercise to be undertaken jointly by the Secretary Geology and Mining, Member Secretary State PCB and Member Secretary SEIAA.

In view thereof the deponent solemnly affirms as under.

DISTRICT SURVEY REPORT

1. Pursuant to the directions passed by this Hon'ble Tribunal dated 04.11.2020, the Mineral Resources Department, Directorate of Geology and Mining, Madhya Pradesh has issued a notice inviting 'Expression of Interests' (EOI) for empanelment of consultants (individuals/agencies) for preparation of District Survey Reports ('DSR') for Sand Mining in Madhya Pradesh. It is pertinent to note that the said notice invites EOIs only from National Accreditation Board for Education and Training ('NABET') accredited Indian consulting individual/agencies for preparation of DSR in terms of the 'Sand Mining Management Guidelines, 2016' ('the 2016 Guidelines') and the Enforcement & Monitoring Guidelines for Sand Mining, 2020 ('the 2020 Guidelines') as published by the Ministry of Environment, Forest and Climate Change ('MOEF'). Further, interested agencies/individuals have been called upon to submit along with their EOIs, details of their credentials including proof of NABET accreditation, the overall manpower strength and the technical and financial proposals in details separately. The last date for receipt of the respective EOIs have been fixed on 20.01.2021. Upon, evaluation of the respective EOI's, successful agencies/individual consultants shall be empanelled for the preparation of the DSR. Further necessary directions have also been issued to the Public Relations Department on 04.01.2021 to ensure publication of the notice dated 02.01.2021 in a National English Newspaper and a vernacular state level newspaper. Accordingly, the said notice dated 02.01.2021 has been already



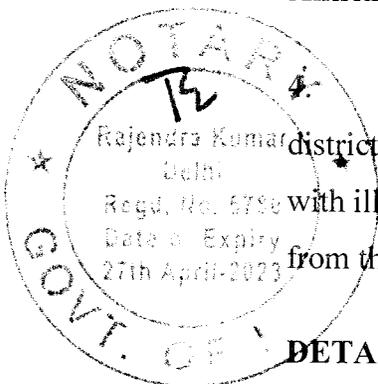
published in various newspapers in Hindi as well as in English. A copy of the notice dated 02.01.2021 issued by the Mineral Resources Department, Directorate of Geology and Mining, Madhya Pradesh is annexed herewith and marked as **Annexure-B**. A copy of the letter dated 04.01.2021 issued by the Mineral Resources Department, Directorate of Geology and Mining, Madhya Pradesh to the Department of Public Relations is annexed herewith and marked as **Annexure-C**. A list of newspapers vide which the notice dated 02.11.2021 has been published is annexed herewith and marked as **Annexure-D (Colly)**.

2. It is thus respectfully submitted that the answering Respondent is wholly committed to ensure compliance with the direction passed by this Hon'ble Tribunal on 04.11.2020, as regards preparation of the DSR only by a NABET accredited agency. Therefore, upon the conclusion of the aforementioned process, the answering Respondent undertakes to appoint the successful NABET accredited agency expeditiously and commence the process of preparation of the respective DSRs.

3. In compliance with the order passed by this Hon'ble Tribunal *vide* its order dated 04.11.2020, a committee was constituted on 10.12.2020 comprising of the Additional Secretary, the Mineral Resources Department, Madhya Pradesh, the Member Secretary SIEAA, Madhya Pradesh and the Member Secretary, the State Pollution Control Board, the State of Madhya Pradesh ('the Committee'). The said Committee met on 08.01.2021 to discuss the formulation of the compliance report in respect of the directions passed by this Hon'ble Tribunal on 04.11.2020. A copy of the order dated 10.12.2020 issued by the Under Secretary, Mineral Resources Department, Government of Madhya Pradesh bearing F. No. 14-14/2020/12/2 is annexed herewith and marked as **Annexure- 'E'**. Copy of the Minutes of the Meeting dated 08.01.2021 of the Committee is annexed herewith and marked as **Annexure- 'F'**.

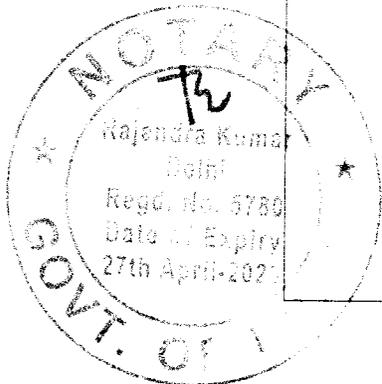
During the said meeting dated 08.01.2021, the committee perused the district wise official records pertaining to cases lodged in the state in connection with illegal mining, transportation and storage of sand for the past three years i.e., from the year 2017-2018 to 2019-2020.

DETAILS OF RULINGS/DIRECTIONS PASSED BY VARIOUS TRIBUNALS:

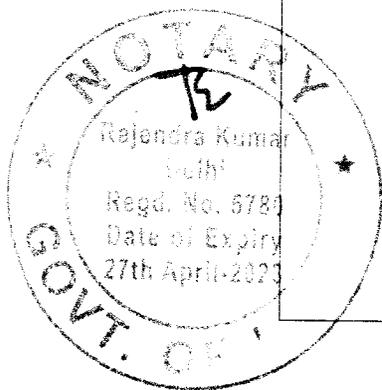


5. The committee also took note of the several rulings/directions passed by this Hon'ble Tribunal as well as the orders passed by the Hon'ble High Court of Madhya Pradesh in respect of illegal mining. A detailed account of the various directions passed by various courts and tribunals in respect of issues pertaining to illegal Sand Mining in the State Madhya Pradesh is enumerated as under: -

Sr.No.	Details of Orders Passed along with case details	Directions
1.	Order dated 11.02.2020 passed by this Hon'ble Tribunal in O.A. No. 145/2017 (CZ) in the case of Balwana Sinh v. State of Madhya Pradesh and Others.	The State of Madhya Pradesh was directed to recover penalties under section 53 (1) of the Madhya Pradesh Mines and Minerals (Development and Regulation) Act, 1996 ('the 1996 Act') for unauthorized extraction, transportation of sand and additional fees in case the mineral, tools, vehicles and other material used in the illegal miner or transporters are to be discharged, the same be done after the payment of compounding fees under section 53 (6) of the 1996 Act.
2.	Order dated 19.02.2020 passed this Hon'ble Tribunal in O.A. No. 44/2016 titled Mushtakeem v. MoEF&CC & Ors.	<i>Vide</i> this order, the Hon'ble Tribunal fixed the various penalties leviable on seized vehicles/equipment/excavators. It was specifically directed that the amount of penalty levied would be over and above any private financier and owner of the defaulting vehicle/equipment/excavator.



- | | | |
|----|---|---|
| 3. | <p>Order dated 11.05.2020 passed by the Hon'ble High Court of Madhya Pradesh, Indore Bench in M. CR.C. No. 49338/2019: Jayant v. State of Madhya Pradesh.</p> | <p><i>Vide</i> this order, the Hon'ble High Court of Madhya Pradesh directed that in the cases of minor mineral in the past years with respect to illegal mining/illegal transportation the vehicles which have been released post deposition of penalty and compounding fee in accordance of Madhya Pradesh Minor Mineral Rules, 1996. The Vehicle drivers and Vehicle owners who are parties to those cases against them an FIR should be registered under Section 379 of Indian Penal Code, 1860 and under section 247(7) of Madhya Pradesh land revenue Act, 1959 and under section 21 of Mines and Mineral Development and Regulation Act. 1957.</p> <p>Against the aforementioned order of the High Court the department has filed SLP No. 826/2020 before the Hon'ble Supreme Court. Wherein the Hon'ble Supreme Court ordered that in addition to the penalty imposed under the Minor Mineral Rules action can also be taken under the Indian Penal Code, 1860 for stealing minerals.</p> |
|----|---|---|

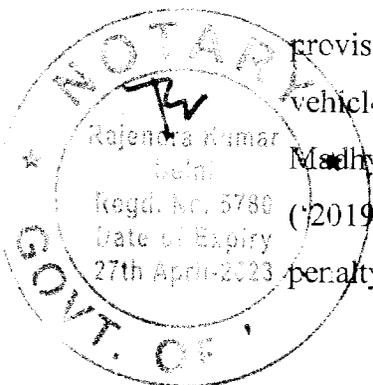


4.	Order dated 18.09.2020 passed by the Hon'ble High Court of Madhya Pradesh, at Gwalior in W.P. (C) No. 7695/2015 titled Jitendra Singh v. State of Madhya Pradesh	The Hon'ble High Court has by way of an interim order directed the collectors of 9 districts namely Gwalior, Datia, Guna, Ashoknagar, Shivpuri, Morena, Sheopur, Bhind and Vidisha to exercise the power of confiscating vehicle concurrently with the power of imposing penalty in appropriate cases of illegal mining and its transportation.
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Copy of the order dated 11.02.2020 passed by this Hon'ble Tribunal in O.A. No. 145/2017 (CZ) in the case of Balwana Sinh v. State of Madhya Pradesh and Others is annexed herewith and marked as **Annexure- 'G'**. Copy of the order dated 19.02.2020 passed this Hon'ble Tribunal in O.A. No. 44/2016 titled Mushtakeem v. MoEF&CC & Ors is annexed herewith and marked as **Annexure- 'H'**. Order dated 11.05.2020 passed by the Hon'ble High Court of Madhya Pradesh, Indore Bench in M. CR.C. No. 49338/2019: Jayant v. State of Madhya Pradesh is annexed herewith and marked as **Annexure- 'I'**. Copy of the order dated 18.09.2020 passed by the Hon'ble High Court of Madhya Pradesh, at Gwalior in W.P. (C) No. 7695/2015 titled Jitendra Singh v. State of Madhya Pradesh is annexed herewith and marked as **Annexure- 'J'**.

DETAILS OF ACTION TAKEN IN RESPECT OF ILLEGAL SAND MINING IN THE STATE OF MADHYA PRADESH IN THE YEARS 2017-18 AND 2019-20.

6. In this regard, it *inter alia* came to light that the Madhya Pradesh Minor Mineral Rules, 1996 ('the 1996 Rules') at Rule 53 thereof, contains detailed provisions as to imposition of punishment and penalty as well for confiscation of vehicle/machinery/tools used in the said illegal activities. Similarly, even the Madhya Pradesh Sand (Mining, Transportation, Storage and Trading) Rule, 2019 ('2019 Rules') also contain similar provisions as to imposition of punishment and penalty as well for confiscation of vehicle/machinery/tools used in the said illegal

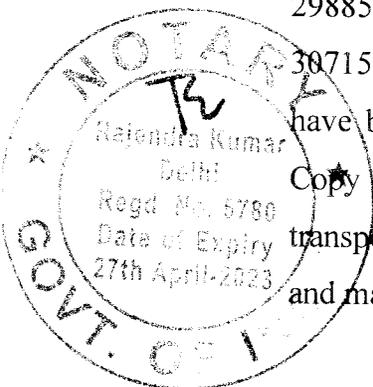


activities. Further said provisions, also provide for auction of confiscated vehicles/machineries/tools in the event the penalty amounts are not paid by the defaulter. Copies of the relevant extracts of the 1996 Rules as well as the 2019 Rules are annexed herewith and marked as **Annexure- 'K'**.

7. During the said meeting of the Committee on 08.01.2021 and upon perusal of the compliance report, it emerged that during the years 2017-18 and 2019-20, a total number of 3372 cases have been registered on account of illegal sand mining (excavation). Further, a total amount of INR 61945.89 Lakhs has been imposed as penalty. In addition, a total number of 3346 vehicles/machinery/tools have been seized. It is also submitted that, out of the total number of 3372 cases registered, 2844 number of cases have been adjudicated and a total amount of INR 1701.85 Lakhs has been recovered and a total number of 548 vehicles have been confiscated and vested with Government. Copy of the detailed account of the cases lodged on account of illegal mining of sand for the years 2017-18 and 2019-20 are annexed herewith and marked as **Annexure – 'L'**.

8. Further, it is submitted that in the years 2017-18 and 2019-20, a total number of 1122 cases have been registered on account storage of illegal storage sand. In connection with these cases, a total amount of INR 5399.73 Lakhs has been imposed as penalty. Simultaneously, 273 vehicles have been seized in this regard. It is further submitted that out of the aforesaid 1122 cases, a total number of 508 cases have been adjudicated and an amount of INR 488.09 lakhs has been recovered. Lastly, one number of vehicle/machinery/tools etc has been confiscated in this regard. Copy of the detailed account of the cases lodged on account of illegal storage of Sand Mines for the years 2017-18 and 2019-20 are annexed herewith and marked as **Annexure – 'M'**.

9. It is also submitted that in respect of transportation of illegally mined sand, a total number of 31252 cases have been registered out of which a total amount of INR 9741.35 lakhs has been imposed as fine. In this connection, total number of 29885 vehicles/machinery/tools have been confiscated. Out of the 31252 cases, 30715 cases have been adjudicated out which a total amount of INR 9439 lakhs have been recovered and 207 vehicles/machinery/tools have been confiscated. Copy of the detailed account of the cases lodged on account of illegal transportation of Sand for the years 2017-18 and 2019-20 are annexed herewith and marked as **Annexure – 'N'**.



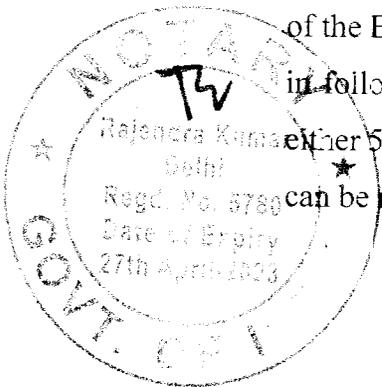
10. The Process of amending the Madhya Pradesh Minor Mineral Rules, 1996 is in progress. In this amendment it has also been proposed that for filing an appeal before the appellant authority the Petitioner has to deposit 10% of the penalty imposed. Its mandatory to attach the copy of the challan of deposition of the aforementioned amount along with the appeal. Because of implementation of this provision there will be a check upon illegal mining, transportation and storage of minerals.

11. It is thus emerging from the aforesaid the in the State of Madhya Pradesh upon regular vigilance in various districts, appropriate proceedings have been initiated in cases of illegal sand mining, storage and transportation. Accordingly, the accused persons have been penalized under the relevant mining rules regularly and in addition various First Information Reports (F.I.R) have also been lodged in these cases. It is thus clear that stringent and effective measure have been taken in the State of Madhya Pradesh to curb the menace of illegal sand mining, storage and transportation. Therefore, it is submitted that in view of the sufficient mechanism already contained in the relevant rules, no amendments whatsoever are warranted at this stage in this regard.

12. In addition, and without prejudice to the aforementioned facts, the Directorate Geology and Mining, State of Madhya Pradesh has also proposed to introduce the following technology so as to prevent the menace of illegal sand mining, storage and transportation: -

a. **Q.R. Code:** - The Electronic Transit passes issued for transportation of mined Sand would contain a Q.R. Code. Upon scanning the Q.R. Code through the Q.R. Code scanner, the complete details pertaining to the validity Electronic Transit passes can be retrieved.

b. **SMS:** - Pull SMS facility would also being used to ascertain the validity of the Electronic Transit Pass. By way of this facility, upon sending the message in following format i.e. MP TP VEHICLE_NO. to the following numbers i.e. 51969 or 166, the electronic transit pass details allotted to the said vehicle can be received by the sender on his mobile from the relevant server.



c. **Google Distance Matrix:** In the past few days, certain incidents have come into light wherein the distance between the origin and the destination of the Mined Sand in Transit has been illegally altered in the respective Electronic Transit Passes issued. As a result, there arose a possibility multiple/repeated usage of a single Transit Pass. The counter this situation, the Department, Directorate of Geology and Mining, Madhya Pradesh has also proposed to use the Google Distance Matrix in order to ascertain the correct distance between the origin and the destination of the mined sand under transit. As a result, it is only the actual/authorized distance between the origin and the destination of the mined sand under transit which would be reflected in the Transit Pass issued to the transporter.

d. **Web Portal and Mobile App to verify the validity of the Electronic Transit Pass:** - Further, in order to verify the validity of the Electronic Transit Pass, the Directorate of Geology and Mining, Madhya Pradesh has also created a Web Portal: <https://ekhanij.mp.gov.in/appprevious/sandmp.aspx>. A Mobile App for the said purpose is also being developed.

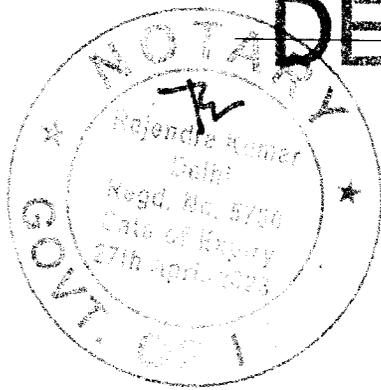
*Sourya, Adv
9-2858/14.*

IDENTIFIED

[Signature]
DEPONENT

VERIFICATION

Verified at New Delhi on this 12 JAN 2021 the day of _____ 2021,
that the contents of the aforesaid affidavit are true to my knowledge, no part of
it is false and nothing material has been concealed there from. Verified at
DELHI on this the 12 JAN 2021, 2021.



Lajpat

[Signature]
DEPONENT

RAJENDRA KUMAR, NOTARY, REG. NO. 5750
F No-5(468)
EMPOWERED BY THE GOVT. OF THE
SECTION 139 OF CPC 1908
SECTION 247 OF CrPc 1973
DELHI HIGH COURT, W.P. No. 107
PART-9, CHAPTER 37 B
EVIDENCE BY AFFIDAVIT BEFORE NOTARY
SUPREME COURT RULES, 2013
ORDER IX-7

NOTARY
REGISTRATION
NO. 5750
DATE OF REGISTRATION
27th April 2020

12 JAN 2021
12 JAN 2021
Rukmani Bhabha

IDENTIFIED

1201
370

2693

Item Nos. 05 & 06

Court No. 1

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

Original Application No. 726/2018

Rupesh Pethe

Applicant

Versus

State of M.P. & Ors.

Respondent(s)

WITH

Original Application No. 456/2018
(Earlier O.A. No. 146/2014 (CZ)
(M.A. No. 71/2020)

Nityanand Mishra

Applicant

Versus

State of M.P. & Ors.

Respondent(s)

Date of hearing: 04.11.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent: Ms. Soumya Priyadarshinee, Advocate for State of MP
Mr. Raj Kumar, Advocate for CPCB

ORDER

1. Grievance in this application is against illegal sand mining in District Hoshangabad, Madhya Pradesh. While considering the grievance on an earlier date, the Tribunal observed that though particular grievance of the applicant was against respondent No. 2, Sarpanch of village Vikashkhand Babai, the material on record suggested that the regulatory regime under the Mineral Policy of 2017, did not meet the mandate of law laid down by the Hon'ble Supreme Court in Deepak Kumar v. State of Haryana & Ors., (2012) 4 SCC 629 and by this

Tribunal vide order dated 04.09.2018 in Original Application No. 186/2016, *Satendra Pandey v. Ministry of Environment, Forest & Climate Change & Arr.* The mining lease has to be granted only after Environment Management Plan is reviewed by the State Environment Impact Assessment Authority (SEIAA) following the Sustainable Sand Mining Guidelines, 2016 of the MoEF&CC of the year 2016. The matter was also dealt with in Original Application No. 360/2015, *National Green Tribunal Bar Association v. Virender Singh (State of Gujarat)* in the light of earlier proceedings on 05.04.2019.

2. On 26.07.2019, after further consideration, the Tribunal directed:-

“In view of the above, we direct the State of Madhya Pradesh to file an affidavit by the Principal Secretary, Mineral Resources, Madhya Pradesh explaining how mining leases are being allowed to be granted in violation of law. The State of Madhya Pradesh may ensure compliance of the judgement of the Hon’ble Supreme Court in Deepak Kumar (Supra) and of this Tribunal in Satendra Pandey (Supra) and permit mining only after Environment Management Plan is approved by the SEIAA. The Principal Secretary, Mineral Resources may furnish a factual and action taken report in the present case by email at judicial-nqt@gov.in.”

3. Accordingly, an affidavit has been filed on behalf of the Mining Department of State of Madhya Pradesh to the effect that the State has incorporated 2020 Guidelines issued by the MoEF&CC in its policy. Information has been given in the affidavit with reference to following:-

- A. *Identification of sand mining sources, its quantification, feasibility for mining considering various environmental (proximity of protected area, wetlands, creeks, forest etc.) and other factors such as important structures, place of archaeological importance, habitation, prohibited area etc.*
- B. *Preparation of district survey report and its format for reporting to eradicated unplanned/clustered grant of mining lease*
- C. *Introduction of shorter interval of 25×25 m grid interval in mining plan prescribed by states.*

- D. Grant of letter of intent ('LOI') only at locations that have lesser possibility of impact on the environment and nearby habitation.*
- E. Strengthening the system of mining dispatch and its monitoring.*
- F. Regular replenishment studies to keep a balance of deposition and extraction of sand at river reaches.*
- G. Regular surveillance of sand mining reaches through unmanned artificial vehicles.*
- H. Enforcement of conditions stipulated in mining operations in accordance with approved mining plan and Environmental and other Statutory Clearances and Environmental Audit.*
- I. Monitoring Sale and Purchase of sand.*
- J. Regulation of sand mining in agricultural areas.*
- K. Monitoring Mechanism to prevent illegal mining transportation and storage of illegal minerals.*
- L. Guidelines for assessment of environmental damages on account of illegal sand mining to be prescribed by the state government.*
- M. Monitoring of mining near inter-district and inter-state boundary by establishment of a Task Force.*
- N. Grant of letter of intent to those mining leases which are falling in the potential mining zone*
- O. Miscellaneous*

4. While the stand needs further consideration and while expecting further action on pending issues, we wish to observe that the constitution of committee for preparation of DSR must comprise of relevant experts accredited by the National Accreditation Board of Education and Training/ Quality Control Council of India in terms of O.M. of MoEF&CC dated 16.03.2010. Further, the District Magistrate may verify and get evaluation from the SEAC. The issue of proper preparation of DSR has been recently considered vide order dated 14.10.2020 in O.A. No. 40/2020, *Pawan Kumar v. State of Bihar & Ors.* and the Tribunal directed:-

“(ii) As the DEIAA is not functioning as a consequence of the decision of the Tribunal in Satendra Pandey (supra), the DSR shall be prepared through a consultant(s) accredited by the National Accreditation Board of Education and Training/ Quality Control Council of India in terms of O.M. of MoEF&CC dated 16.03.2010.

(iii) The DSR so prepared shall be submitted to the District Magistrate who shall verify the DSR only in respect of the relevant facts pertaining to the physical and geographical features of the district which shall be distinct from the scientific findings based on the parameters prescribed in the SSMMG- 2016. After such verification, the District Magistrate shall forward the DSR for examination and evaluation by the State Expert Appraisal Committee (SEAC) having regard to the fact that the SEIAA comprises of technical/scientific experts. The SEAC after appraisal of the report shall forward it to the SEIAA for consideration and approval if it meets all scientific/technical requirements

(iv) While preparing the DSR, the MoEF&CC Accredited Agency/Consultant shall scrupulously follow the procedure and the parameters laid down under the SSMMG-2016 and EMGSM-2020 read in sync with each other.”

5. The above direction may be followed by the State of MP also for the sake of uniformity. Further information required to be furnished is about the extent of illegal mining, extent of action taken, including the compensation recovered, vehicles seized and other coercive measures and impact of such action. The State of M.P. may compile relevant directions on the subject including the binding order of any Courts or Tribunal. This exercise may be undertaken jointly by the Secretary Geology and Mining, Member Secretary State PCB and Member Secretary SEIAA. In light of above, the State may further revise its policy and exercise. Let further compliance status be furnished before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

6. We are of the view that the above directions need to be followed by all other States where the issue of mining is relevant.

2627

7. A copy of this order be forwarded to the Chief Secretaries of all the States and UTs by e-mail for compliance.

List for further consideration on 14.01.2021

M.A. No. 71/2020 is for exemption from filing of official translation which stands disposed of in view of above order.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. S.S. Garbyal, EM

Dr. Nagin Nanda, EM

November 04, 2020
Original Application No. 726/2018
and Original Application No. 456/2018
SN

मध्य प्रदेश शासन
खनिज साधन विभाग
मंत्रालय
आदेश

Annexure A
2628

भोपाल, दिनांक 21/10/2020

क्रमांक एफ 14-14/2020/12-2 - सिविल प्रक्रिया संहिता (1980) के अधिनियम संख्या क्रमांक-5 के आदेश 27 के नियम 1 एवं 2 के अधीन प्रदत्त शक्तियों को प्रयोग में लाते हुए, माननीय उच्च न्यायालय, एन.जी.टी. प्रिंसिपल बैच नई दिल्ली द्वारा प्रस्तुत ओ0ए0 क्रमांक 456/2018 (पूर्व में 146/14 (सी.जेड)- श्री नित्यानंद मिश्रा, विरुद्ध म0प्र0 शासन) एवं ओ.ए. क्रमांक 726/2018- रूपेश पेठे विरुद्ध म0प्र0 शासन में जबाबदावा प्रस्तुत करने हेतु श्री के0पी0 दिनकर उपसंचालक (तक.) संचालनालय भौमिकी तथा खनिकर्म, म0प्र0 भोपाल को प्रभारी अधिकारी नियुक्त किया जाता है। प्रभारी अधिकारी को यह आदेश दिया जाता है कि मध्यप्रदेश विधि और विधायी कार्य विभाग, नियमावली में वर्णित कर्तव्यों उत्तरदायित्वों के अतिरिक्त वह अपीली नियुक्ति के तुरंत पश्चात् अन्य बातों के साथ ऐसी रीति में, जिसके ब्यौरा नीचे दिये गये हैं, निम्नलिखित कार्य करेगा :-

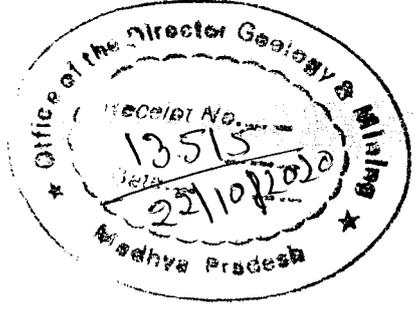
- 1). प्रभारी अधिकारी मामले के बारे में तुरन्त ऐसी जाँच करेगा कि जैसा कि आवश्यक हो ओर याचिका में उठाए गए समस्त बिन्दुओं पर अनुसार उत्तर देते हुए अतिरिक्त जानकारी देते हुए जिनसे मामले के संदर्भ में महाधिवक्ता / शासकीय अभिभाषक की सहायता, पहुंचाने की संभावना है, रिपोर्ट में विनिर्दिष्ट की जाये।
- (2) वाद पत्र/याचिका में उठाये गये समस्त बिन्दुओं का पैरा अनुसार उत्तर देते हुए जिनसे कि शासकीय अधिवक्ता को सहायता पहुंचाने की संभावना है, ऐसी अतिरिक्त जानकारी देते हुए एक रिपोर्ट तैयार करेगा।
- (3) उक्त रिपोर्ट तथा सामग्री के साथ शासकीय अधिवक्ता से सम्पर्क करेगा।
- (4) शासकीय अधिवक्ता की सहायता से लिखित कथन/उत्तर तैयार करायेगा।
- (5) प्रभारी अधिकारी निम्नलिखित कागज-पत्र भेजेगा :-
 - (क) वाद पत्र की एक प्रति साथ सरकार की रिपोर्ट
 - (ख) प्रस्तावित लिखित कथन का एक प्रारूप
 - (ग) उन सभी दस्तावेजों की एक सूची, जिन्हें साक्ष्य स्वरूप फाईल करना प्रस्तावित है और जिनकी प्रस्तुत रिपोर्ट में अपेक्षा की गई है।
 - (घ) मामले में विशुद्धिकरण के लिये आवश्यक कागज-पत्रों की प्रतियाँ जिसमें वाद की सुनवाई की तारीख भी शामिल होना चाहिये।
- (6) मामले की तैयार और संचालन करने में शासकीय अधिवक्ता का सहयोग करना और मामले उसके प्रक्रम और प्रगति में नियत किए गए कर्तव्यों से स्वयं को सदैव ही अवगत रखना।
- (7) जब भी कोई आदेश/निर्णय विशिष्टता मध्यप्रदेश राज्य के विरुद्ध पारित किया जाता है कि जब विधि विभाग को सूचित करना तथा उसकी प्रमाणित प्रति प्राप्त करने के लिए उसी दिन या आगामी कार्य दिवस को आवेदन करना।
- (8) अपनी रिपोर्ट के साथ आदेश/निर्णय की प्रमाणित प्रति तथा शासकीय अधिवक्ता की राय लेकर आगामी कार्यवाही किये जाने के लिए इस विभाग को भेजेगा।

- (9) यह देखना कि आवेदन करने में तथा प्रमाणित प्रतियाँ प्राप्त करने में रिपोर्ट बनाने, राय प्राप्त करने और उसकी सूचना देने में समय नष्ट नहीं हो।
- (10) जैसे ही उसका अपना स्थानांतरित आदेश प्राप्त होता है यह अर्द्ध शासकीय पत्र के माध्यम से तत्काल जानकारी देगा यह वर्तमान पद का भार सौंप देने के पश्चात् भी तब तक प्रभारी अधिकारी बना रहेगा, जब तक कि अन्य प्रभारी अधिकारी नियुक्त नहीं कर दिया जाए।
- (11) प्रभारी अधिकारी मामला तैयार करने में शासकीय अधिवक्ता को हर संभव सहयोग तथा इस बात के लिए उत्तरदायी होगा कि कोई महत्त्वपूर्ण तथ्य या दस्तावेज अपठित/ छुपी हुई न रह जाए।
- (12) प्रभारी अधिकारी को यदि लोक अभियोजक मुकर्रर होतो जैसे ही संवाद का विनिश्चय होगा, वाद पत्र की रिपोर्ट विभागाध्यक्ष के माध्यम से सरकार को करेगा। निर्णय की एक प्रति भी प्राप्त की जाए एवं रिपोर्ट के साथ भेजी जाए।
- (13) प्रभारी अधिकारी यदि लोक अभियोजक मुकर्रर है तो वह इस बात के लिए उत्तरदायी होगा कि उन मामलों में जहां किसी वाद के क्रम में पारित किये गये किसी अंतरिम आदेश का पुनरीक्षण अपेक्षित, मय पर कार्यवाही की गई है। अतएव वह इस आदेश की प्रति जैसे ही वह पारित किया जाए, विभागाध्यक्ष के माध्यम से अपनी अनुशंसा के साथ सरकार (प्रशासकीय विभाग) को अग्रेषित करें।

मध्य प्रदेश के राज्यपाल के नाम से
तथा आदेशानुसार

(Signature)
21/10/2020
(प्रकाश पन्ने)
अवर सचिव

म0प्र0 शासन खनिज साधन विभाग



पृष्ठ.क. एफ- 14- 14/2020/12-2
प्रतिलिपि :-

भोपाल, दिनांक 21/10/2020

- 1. प्रमुख सचिव, मध्यप्रदेश शासन, विधि और विधायी कार्य विभाग भोपाल।
 - 2. संचालक, भौमिकी तथा खनिकर्म, मध्यप्रदेश, भोपाल।
 - 3. शासकीय अधिवक्ता रा0हरित अधिकरण बैचं 508 विजय स्तम्भ चौक एम.पी.नगर जोन 1 भोपाल मध्यप्रदेश
 - 4. श्री के0पी0 दिनकर उपसंचालक (तक.) संचालक भौमिकी तथा खनिकर्म, म0प्र0 भोपाल।
- की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु
- 5. गार्ड फाईल

(Signature)
21/10/2020
अवर सचिव

म0प्र0 शासन, खनिज साधन विभाग

(Signatures and dates)
21.10.20
31-10-20
21/10/20

**MINERAL RESOURCES DEPARTMENT
DIRECTORATE OF GEOLOGY AND MINING,
MADHYA PRADESH**

29- A Khanij Bhawan, Arera Hills Bhopal
Phone and Fax: 0755-2551795
Email: dirgeomn@mp.nic.in

Annexure - B

2630

No – 94/Geo/F.no.-6/2020

Date -02.01.2021

**“Invitation of Expression of Interest (EOI) for Empanelment of Consultant for Preparation of
District Survey Reports for Sand Mining in Madhya Pradesh”**

Mineral Resources Department, Directorate of Geology and Mining, Madhya Pradesh invites Expression of Interest (EOI) from NABET accredited Indian consulting agencies/individuals for preparation of District Survey Reports in the state of Madhya Pradesh in line with the “ Sustainable Sand Mining Management Guidelines 2016” and “Enforcement & Monitoring Guidelines for Sand Mining, 2020”, as published by the Ministry of Environment, Forest and Climate Change.

Interested consulting agencies/individuals may submit along with their EOI, their credentials including proof of NABET accreditation, overall manpower strength, technical and financial proposal in details separately.

Last date for submission of the EOI is 20th January, 2021 up to 1700 hrs. A soft copy of the EOI along with all supporting documents may also be emailed to: geology.dgm@mp.nic.in and a sealed envelope containing the EOI and all supporting documents may be submitted mentioning “EOI for Empanelment of Consultant for Preparation of District Survey Reports for Sand Mining in Madhya Pradesh” on the top cover at the following address:

“Directorate of Geology and Mining,
29- A Khanij Bhawan,
Arera Hills, Bhopal”

if necessary, Applicants meeting the qualification criteria may be invited for presentation / discussion. The date and time for such meeting shall be informed to the qualified applicants. Further details, if any, may be obtained from, Directorate of Geology and Mining, Madhya Pradesh, 29- A Khanij Bhawan, Arera Hills, Bhopal, Phone No. 0755-2760482 during working hours.


Director

Directorate of Geology and Mining
29- A Khanij Bhawan
Arera Hills, Bhopal

संचालनालय
भौमिकी तथा खनिकर्म, मध्यप्रदेश
29 ए, खनिज भवन, अरेरा हिल्स, भोपाल
फोन एवं फैक्स - 0755-25517965
e-mail:- dirgeomn@mp.nic.in

Annexure (C)

2631

क्रमांक 114 /भौ/न.क्र.06/2020
प्रति,

भोपाल, दिनांक 04.01.2021

आयुक्त,
जनसम्पर्क संचालनालय
बाण गंगा रोड, भोपाल (म.प्र.)

विषय :- अभिव्यक्ति की रूचि (Expression of intrest (EOI)) प्रकाशित किये जाने के संबंध में।

उपरोक्त विषयान्तर्गत लेख है कि, प्रदेश में स्थित रेत खदानों हेतु रेत खनिज की जिला सर्वेक्षण रिपोर्ट तैयार करने हेतु एन.ए.बी.ई.टी. मान्यता प्राप्त व्यक्तियों/संस्थाओं के पंजीकरण हेतु अभिव्यक्ति की रूचि आमंत्रण सूचना दिनांक 02.1.2021 का प्रकाशन किये जाने हेतु संलग्न प्रेषित है।

अतः अनुरोध है कि आमंत्रण सूचना को हिंदी एवं अंग्रेजी के राष्ट्रीय (इंडियन एक्सप्रेस, टाइम्स ऑफ इंडिया, इंडिया, इकोनॉमिक्स टाइम्स तथा अन्य राष्ट्रीय स्तर के सामाचार पत्र) तथा चार प्रादेशिक सामाचार पत्रों में प्रकाशित करवाने का कष्ट करें।

संलग्न:- उपरोक्तानुसार


संचालक

पृ.क्रमांक 115-116 /भौ/न.क्र. /2020-21
प्रतिलिपि :-

भोपाल, दिनांक 04.01.2021

1. सचिव, म.प्र. शासन, खनिज साधन विभाग, मंत्रालय, वल्लभ भवन, भोपाल (म.प्र.) की ओर सूचनार्थ प्रेषित।
2. श्री राजेश शर्मा, (आई.टी. सलाहकार) संचालनालय भौमिकी तथा खनिकर्म, भोपाल की ओर सूचनार्थ एवं ई-खनिज पोर्टल पर अपलोड करने हेतु प्रेषित।


संचालक

o/c

DIRECTORATE OF PUBLIC RELATIONS
Jansampark Bhavan, Banganga Road, Bhopal M.P.

Annexure (D)

To,
The Mineral Resources Department (Mineral Resources Department)

2632

Sub : Advt.No. G17447/20

Dated : 05 Jan 2021

Ref : Your Memo No : 114

Dated : 04 Jan 2021

Your advertisement has been sent to the following Newspapers. The Newspapers have been directed to send a copy of the published advertisement directly to you.

Paper Code	Paper Name	Publish Date	Page No	File Name
0004	DAINIK BHASKAR BHOPAL	07 Jan 2021	12	08012021110968BHOPAL CITY PG.12-0.pdf
0066	PATRIKA BHOPAL	07 Jan 2021	10	09012021011007012021_khg-bhp-10-17482_17447.jpg
0016	NAI DUNIYA INDORE	07 Jan 2021	12	070120214424INDORE PAGE 12.pdf
0023	SWADESH GWALIOR	Not updated	0	NA
1276	RAJ EXPRESS GWALIOR	07 Jan 2021	7	07012021372307012021-GW-Exp-7.pdf
9006	HINDUSTAN(HINDI) DELHI	07 Jan 2021	6	07012021521507012021-NS1R-DEL-06.PDF
9002	TIMES OF INDIA DELHI	07 Jan 2021	19	070120215312617447.jpg

Release Incharge (Advt. Section)

Annexure-(E)

2633

मध्यप्रदेश शासन
खनिज साधन विभाग
मंत्रालय

:: आदेश ::

भोपाल, दिनांक:- 10/12/2020

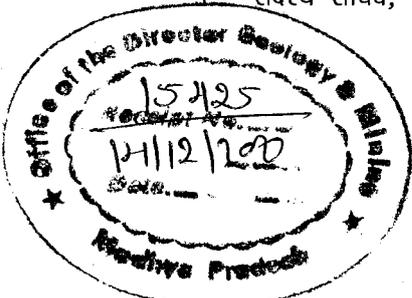
क्रमांक:- एफ 14-14/2020/12/2 :- मान. एन.जी.टी. प्रिंसीपल बैंच नई दिल्ली द्वारा ओ.ए. क्रमांक 726/2018 (रूपेश पेठे विरुद्ध म.प्र. शासन एवं अन्य) एवं ओ. ए. क्रमांक 456/2018 (पूर्व में 146/14 (सी.जेड.) नित्यानंद मिश्रा विरुद्ध म.प्र. शासन एवं अन्य) में पारित आदेश दिनांक 17.08.2020 से पालन में आगामी सुनवाई दिनांक 04.11.2020 के पूर्व भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय द्वारा वर्ष 2020 में जारी की गई Enforcement and Monitoring Guideline for Sand Mining 2020 के अनुक्रम में जानकारी चाही गई थी। विभाग द्वारा उक्त निर्देश के पालन में दिनांक 30.10.2020 को माननीय एन.जी.टी. के समक्ष की गई कार्यवाही के संबंध में जबाबदावा प्रस्तुत किया गया है।

तदोपरंत मान. एन.जी.टी. प्रिंसीपल बैंच नई दिल्ली द्वारा ओ.ए. क्रमांक 726/2018 (रूपेश पेठे विरुद्ध म.प्र. शासन एवं अन्य) एवं ओ. ए. क्रमांक 456/2018 (पूर्व में 146/14 (सी.जेड.) नित्यानंद मिश्रा विरुद्ध म.प्र. शासन एवं अन्य) में दिनांक 04.11.2020 को आदेश पारित किया गया है। उक्त आदेश के बिन्दु क्रमांक - 5 में गठित संयुक्त समिति का प्रतिवेदन भी आगामी सुनवाई दिनांक 14.01.2020 के पूर्व प्रस्तुत किये जाने हेतु निम्नानुसार निर्देश दिये हैं:-

"The above direction may be followed by the State of MP also for the sake of uniformity. Further information required to be furnished is about the extent of illegal mining, extent of action taken, including the compensation recovered, vehicles seized and other coercive measures and impact of such action. The State of M.P. may compile relevant directions on the subject including the binding order of any Courts or Tribunal. This exercise may be undertaken jointly by the Secretary Geology and Mining, Member Secretary State PCB and Member Secretary SEIAA. In light of above, the State may further revise its policy and exercise. Let further compliance status be furnished before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF."

अतः राज्य शासन द्वारा माननीय एन.जी.टी. द्वारा पारित आदेश दिनांक 04.11.2020 से दिये गये उपरोक्त निर्देश के अनुक्रम में प्रकरण में की गई कार्यवाही का प्रतिवेदन 15 दिवस में प्रस्तुत किये जाने हेतु निम्नानुसार समिति का गठन किया जाता है:-

1. अपर सचिव, मध्यप्रदेश शासन, खनिज साधन विभाग, मंत्रालय, भोपाल।
2. सदस्य सचिव, सिया, पर्यावरण परिसर, ई-5, अरेस कॉलोनी, भोपाल, मध्यप्रदेश।
3. सदस्य सचिव, मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड पर्यावरण परिसर, ई-5, अरेस कॉलोनी, भोपाल, मध्यप्रदेश।



D:\ORDER 2\ORDER 2.DOCX

NA
14.12.20
A 20
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15/12/20

प्रकाश पन्ने
अवर सचिव

म0प्र0 शासन, खनिज साधन विभाग

2634

पृष्ठ क्रमांक- एफ 14-14/2020/12/2
प्रतिलिपि:-

भोपाल, दिनांक:- 10/12/2020

1. अपर मुख्य सचिव, म.प्र. शासन, पर्यावरण विभाग, मंत्रालय, भोपाल।
 2. स्टॉफ ऑफिसर, सचिव, मध्यप्रदेश शासन, खनिज साधन विभाग, मंत्रालय, भोपाल।
 3. अपर सचिव, मध्यप्रदेश शासन, खनिज साधन विभाग, मंत्रालय, भोपाल।
 4. सदस्य सचिव, सिया, पर्यावरण परिसर, ई-5, अरेरा कॉलोनी, भोपाल, मध्यप्रदेश।
 5. सदस्य सचिव, मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड पर्यावरण परिसर, ई-5, अरेरा कॉलोनी, भोपाल, मध्यप्रदेश।
 6. संचालक, भौमिकी तथा खनिकर्म, मध्यप्रदेश, भोपाल।
 7. कार्यपालक संचालक, मध्यप्रदेश राज्य खनिज निगम, द्वितीय तल, पर्यावास भवन, भोपाल, मध्यप्रदेश।
- की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
8. गार्ड फाईल।


10/12/2020
अवर सचिव

म0प्र0 शासन, खनिज साधन विभाग

मध्यप्रदेश शासन
खनिज साधन विभाग
मंत्रालय

2635

:: कार्यवाही विवरण ::

विषय:- माननीय एन.जी.टी. प्रिंसिपल बेंच नई दिल्ली द्वारा ओ.ए. क्रमांक 726/2018 (रूपेश पेठे विरुद्ध मध्यप्रदेश शासन एवं अन्य) एवं ओ.ए. क्रमांक 456/2018 (नित्यानंद मिश्रा विरुद्ध मध्यप्रदेश शासन एवं अन्य) में पारित आदेश दिनांक 04.11.2020 के बिन्दु क्रमांक 05 में दिये गये आदेश के पालन में दिनांक 08.01.2021 को आयोजित बैठक का कार्यवाही विवरण।

उपरोक्त विषय के संबंध में माननीय एन.जी.टी. प्रिंसिपल बेंच नई दिल्ली द्वारा ओ.ए. क्रमांक 726/2018 (रूपेश पेठे विरुद्ध म.प्र. शासन एवं अन्य) एवं ओ. ए. क्रमांक 456/2018 (पूर्व में 146/14 (सी.जेड.) नित्यानंद मिश्रा विरुद्ध म.प्र. शासन एवं अन्य) में दिनांक 04.11.2020 को आदेश पारित किया गया है। उक्त आदेश के बिन्दु क्रमांक - 5 में गठित संयुक्त समिति का प्रतिवेदन भी आगामी सुनवाई दिनांक 14.01.2020 के पूर्व प्रस्तुत किये जाने हेतु निम्नानुसार निर्देश दिये हैं :-

"The above direction may be followed by the State of MP also for the sake of uniformity. Further information required to be furnished is about the extent of illegal mining, extent of action taken, including the compensation recovered, vehicles seized and other coercive measures and impact of such action. The State of M.P. may compile relevant directions on the subject including the binding order of any Courts or Tribunal. This exercise may be undertaken jointly by the Secretary Geology and Mining, Member Secretary State PCB and Member Secretary SEIAA. In light of above, the State may further revise its policy and exercise. Let further compliance status be furnished before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF."

(2) उपरोक्त निर्देश के परिपालन में म.प्र. शासन, खनिज साधन विभाग द्वारा आदेश दिनांक 10.12.2020 से निम्नानुसार समिति का गठन किया गया है:-

1. अपर सचिव, मध्यप्रदेश शासन, खनिज साधन विभाग, मंत्रालय, भोपाल।
2. सदस्य सचिव, सिया, पर्यावरण परिसर, ई-5, अरेरा कॉलोनी, भोपाल, मध्यप्रदेश।
3. सदस्य सचिव, मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड पर्यावरण परिसर, ई-5, अरेरा कॉलोनी, भोपाल, मध्यप्रदेश।

(3) दिनांक 08.01.2021 को उक्त समिति की बैठक आयोजित की गई। समिति में निम्नलिखित अधिकारीगण उपस्थित थे:-

1. डॉ. आर. आर. भोंसले, अपर सचिव, म.प्र. शासन, खनिज साधन विभाग
2. श्री ए.ए. मिश्रा, सदस्य सचिव, मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड



3. श्री डॉ. संजीव सचदेव, प्रभारी अधिकारी, सिया, मध्यप्रदेश (सदस्य सचिव, "सिया" मध्यप्रदेश की ओर से)

4. श्री बृजेश शर्मा, कार्यपालन यंत्री, मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड (सदस्य सचिव, मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड की ओर से)

(4) गौण खनिजों के अवैध उत्खनन/अवैध परिवहन के प्रकरणों में कार्यवाही करने के लिए माननीय एन.जी.टी. प्रिंसीपल बैंच नई दिल्ली एवं माननीय उच्च न्यायालय खण्डपीठ इंदौर व ग्वालियर द्वारा जो आदेश पारित किए गए हैं उनका विवरण निम्नानुसार है :-

क्र.	आदेश जिसके द्वारा पारित किया गया है	आवेदन/याचिका का क्रमांक	आवेदनकर्ता/याचिकाकर्ता/पक्षकारों का नाम	पारित आदेश का दिनांक
1.	माननीय एन.जी.टी. प्रिंसीपल बैंच नई दिल्ली	ओ.ए. क्रमांक 145/2017 (सी.जेड.)	बलवाना सिंह विरुद्ध म.प्र. शासन एवं अन्य अन्य	11.02.2020
2.	माननीय एन.जी.टी. प्रिंसीपल बैंच नई दिल्ली	ओ.ए. क्रमांक 44/2016 में. एम. ए. क्रमांक 16/2020	मुस्तकीम विरुद्ध भारत सरकार पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, नई दिल्ली एवं अन्य	19.02.2020
3.	माननीय उच्च न्यायालय, खण्डपीठ इंदौर	एम.सी.आर.सी. क्रमांक 49338/2019 एवं 13 अन्य कनेक्टेड याचिकाएँ	जयंत वगैरह विरुद्ध म.प्र. शासन एवं अन्य	11.05.2020
4.	माननीय उच्च न्यायालय खण्डपीठ ग्वालियर	रिट पिटीशन क्रमांक 7695/2015	जितेन्द्र सिंह विरुद्ध म.प्र. शासन एवं अन्य।	29.01.2020

पारित आदेशों के में जो कार्यवाही करने के निर्देश दिए गए हैं उसका विवरण संलग्न परिशिष्ट-अ पर है।

(5) बैठक में प्रस्तुत एजेण्डा पर उपस्थित सभी सदस्यों द्वारा गंभीरता से विचार किया गया तथा वर्तमान में प्रभावशील मध्यप्रदेश गौण खनिज नियम, 1996 एवं मध्यप्रदेश रेत (खनन, परिवहन, भंडारण तथा व्यापार) नियम 2019 के प्रावधानों का अवलोकन किया गया।

प्रदेश में विगत तीन वर्षों में दर्ज अवैध उत्खनन परिवहन व भंडारण के संबंध में जिलेवार की गई कार्यवाही के जो पत्रक उपलब्ध कराये गये हैं, उसका भी अवलोकन किया गया। एजेण्डा में उल्लेखित माननीय एन.जी.टी. प्रिंसीपल बैंच नई दिल्ली तथा माननीय उच्च न्यायालय, खण्डपीठ इंदौर एवं ग्वालियर द्वारा रेत के अवैध उत्खनन / परिवहन के प्रकरणों में जो कार्यवाही के निर्देश दिये गये हैं, उसका भी अवलोकन किया गया।

समिति द्वारा विचारोपरांत यह पाया गया कि, मध्यप्रदेश गौण खनिज नियम, 1996 के नियम 53 में अवैध उत्खनित/अवैध परिवहित खनिज के उत्खनन/परिवहन के प्रकरण पाये जाने पर शास्ति अधिरोपित किये जाने के अलावा जप्त खनिज/मशीन व वाहनों को उनमुक्त करने अथवा राजसात करने के प्रावधान पूर्व से ही हैं। इसी प्रकार मध्यप्रदेश रेत (खनन, परिवहन, भंडारण तथा व्यापार) नियम, 2019 के नियम 20(1) में रेत के अवैध उत्खनन/परिवहन/अवैध भंडारण के मामलों में शास्ति अथवा प्रशमन राशि लिये जाने के प्रावधान भी हैं। इन नियमों में रेत के अवैध उत्खनन के मामलों में यदि शास्ति जमा नहीं की जाती है, तो जप्त खनिज वाहन मशीन आदि राजसात कर नीलाम किये जाने के प्रावधान भी हैं।

उपरोक्त प्रावधान मध्यप्रदेश गौण खनिज नियम, 1996 में दिनांक 18.05.2017 तथा मध्यप्रदेश रेत (खनन, परिवहन, भंडारण तथा व्यापार) नियम, 2019 में दिनांक 30.08.2019 से प्रभावशील किये गये हैं।

मध्यप्रदेश में वर्ष 2017-18 से वर्ष 2019-20 तक रेत के अवैध उत्खनन/अवैध परिवहन के जो प्रकरण दर्ज किये गये हैं, उनकी जानकारी परिशिष्ट-ब एवं स पर दर्शित है। इसी प्रकार मध्यप्रदेश में जिलेवार रेत के अवैध भंडारण के प्रकरणों की जो जानकारी तैयार की गई है, वह परिशिष्ट-द पर दर्शित हैं। इनके अवलोकन से समिति द्वारा यह भी पाया गया कि, प्रदेश के जिलों में सतत् जांच करते हुए रेत के अवैध उत्खनन/अवैध परिवहन/अवैध भंडारण की प्रभावी कार्यवाही की गई है तथा प्रदेश के कुछ जिलों में अवैध उत्खननकर्ताओं/अवैध परिवहनकर्ताओं को खनिज नियमों के अंतर्गत शास्ति/जुर्माना अधिरोपित करने के अलावा पृथक से अवैध खनन कर्ताओं व परिवहन कर्ताओं के विरुद्ध एफ.आई.आर. भी दर्ज कराई गई है। स्पष्ट है कि, प्रदेश में अवैध उत्खनन/परिवहन/भंडारण की रोकथाम हेतु सतत् एवं प्रभावी कार्यवाही की गई है। अतः वर्तमान में प्रचलित गौण खनिज नियमों में कार्यवाही के पर्याप्त प्रावधान हैं।

म.प्र. गौण खनिज नियम 1996 में संशोधन की कार्यवाही प्रचलन में है। इन संशोधनों में यह भी प्रस्तावित किया गया है कि अपील के प्रकरणों में अधिरोपित अर्थदण्ड की राशि का 10 प्रतिशत राशि जमा कर, जमा राशि का चालान अपील/पुनरीक्षण आवेदन के साथ संलग्न किया जाना अनिवार्य होगा तभी अपील/पुनरीक्षण आवेदन पत्र ग्राह्य किए जा सकेंगे। इस प्रावधान के लागू होने से प्रदेश में खनिजों के अवैध उत्खनन/अवैध परिवहन पर रोक लग सकेंगी।

(6) इसके अतिरिक्त प्रदेश में खनिजों के अवैध परिवहन को और सख्ती से रोकने के लिए निम्न तकनीकों का उपयोग किया जाना उचित होगा :-

1. **क्यू.आर. कोड** - इलेक्ट्रानिक ट्रांजिट पास में क्यू.आर. कोड को अंकित किया गया है। इस क्यू.आर. कोड में इलेक्ट्रानिक ट्रांजिट पास की समस्त जानकारी निहित होती है जिसे क्यू.आर. स्कैनर एप के माध्यम से स्कैन कर इलेक्ट्रानिक ट्रांजिट पास की वैधता की जांच की जाना प्रस्तावित है।
2. **एस.एम.एस.** - इलेक्ट्रानिक ट्रांजिट पास की वैधता की जांच हेतु PULL SMS व्यवस्था का उपयोग भी किया जाना प्रस्तावित है। इसके अंतर्गत 51969 या 166 पर निर्धारित प्रारूप MP TP VEHICLE_NO. में SMS सेंड करने पर सर्वर से उक्त

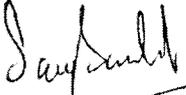


वाहन की अद्यतन इलेक्ट्रानिक ट्रांजिट पास की जानकारी सेंडर की मोबाइल स्क्रीन पर प्राप्त हो जाती है।

3. **गूगल डिस्टेंस मेट्रिक्स** – पिछले कुछ दिनों में ऐसे प्रकरण प्रकाश में आए हैं जिनमें ठेकेदार द्वारा इलेक्ट्रानिक ट्रांजिट पास में स्रोत एवं गंतव्य की दूरी अव्यवहारिक रूप से दर्शायी गई है। जिसके कारण एक इलेक्ट्रानिक ट्रांजिट पास का उपयोग एक से अधिक बार होने की संभावना होती है। इसे रोकने के लिए विभाग द्वारा स्रोत एवं गंतव्य जिले की दूरी की गणना हेतु इलेक्ट्रानिक ट्रांजिट पास पर गूगल डिस्टेंस मेट्रिक्स का उपयोग किया जाना उचित होगा। इससे स्रोत एवं गंतव्य की वास्तविक दूरी ही ठेकेदार के द्वारा इलेक्ट्रानिक ट्रांजिट पास में अंकित रहेगी।
4. **इलेक्ट्रानिक ट्रांजिट पास की वैद्यता की जाँच हेतु विभाग द्वारा संचालित वेब पोर्टल एवं मोबाइल एप का उपयोग** – इलेक्ट्रानिक ट्रांजिट पास की वैद्यता की जाँच हेतु विभाग द्वारा संचालित वेब पोर्टल एवं मोबाइल एप का उपयोग भी किया जाना उचित होगा।

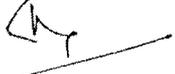
उपरोक्त व्यवस्थाओं के संबंध में जिले में पदस्थ खनि अधिकारी/खनि निरीक्षक एवं अन्य अधिकारियों को इसका प्रशिक्षण भी दिया जाना उचित होगा।

बैठक सधन्यवाद समाप्त हुई।


(डॉ. संप्रदीप सचदेव)
प्रभारी अधिकारी
सिया, मध्यप्रदेश


(श्री वृजेश शर्मा)
कार्यपालन यंत्री
मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड
मध्यप्रदेश


(ए.ए. मिश्रा)
सदस्य सचिव
मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड
मध्यप्रदेश


(डॉ. आर. आर. भोंसले)
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परिशिष्ट-अ

गौण खनिजों के अवैध उत्खनन/अवैध परिवहन के प्रकरणों में कार्यवाही करने के लिए माननीय एन.जी.टी. प्रिंसीपल बैंच नई दिल्ली एवं माननीय उच्च न्यायालय खण्डपीठ इंदौर एवं ग्वालियर द्वारा जो आदेश पारित किए गए हैं उनका विवरण

1. माननीय एन.जी.टी. प्रिंसीपल बैंच नई दिल्ली द्वारा ओ.ए. क्रमांक 145/2017 (सी.जेड.) (बलवाना सिंह विरुद्ध म.प्र. शासन एवं अन्य) में पारित आदेश दिनांक 11/02/2020 - माननीय एन.जी.टी. द्वारा उक्त प्रकरण में यह आदेशित किया गया है कि म.प्र. गौण खनिज नियम 1996 के नियम 53(1) के तहत अवैध उत्खनन/अवैध परिवहन का उल्लंघन पाए जाने पर बढ़ते क्रम से शास्ति अधिरोपित किए जाने का प्रावधान किया गया है तथा अवैध उत्खनन/अवैध परिवहन में लिफ्ट, उपकरण, मशीन, वाहन व अन्य खनिज को मुक्त करने से पूर्व नियम 53(6) के प्रावधानों के तहत प्रशमन शुल्क लिया जाकर मुक्त किए जाने का प्रावधान है। माननीय एन.जी.टी. द्वारा यह आदेशित किया गया है कि अवैध उत्खनन/अवैध परिवहन के मामलों में प्रथम, द्वितीय, तृतीय अथवा चतुर्थ बार अथवा इसके पश्चात् उल्लंघन पाए जाने पर रेत के अवैध उत्खनन/अवैध परिवहन के प्रकरणों में उक्त नियमों निर्धारित दर से शास्ति एवं प्रशमन शुल्क दोनों एक साथ वसूल करने की कार्यवाही की जाए।

2. माननीय एन.जी.टी. प्रिंसीपल बैंच नई दिल्ली द्वारा ओ.ए. क्रमांक 44/2016 (मुस्तकीम विरुद्ध MoEF & CC भारत सरकार, एवं अन्य) - माननीय एन.जी.टी. प्रिंसीपल बैंच नई दिल्ली द्वारा O.A. No. 44/2016 में एम.ए. क्रमांक 16/2020 (मुस्तकीम विरुद्ध MoEF एवं अन्य) में पारित आदेश दिनांक 19/02/2020 को आदेश पारित कर राज्य शासन को यह निर्देशित किया है अवैध उत्खनन/अवैध परिवहन के मामलों में पर्यावरणीय क्षतिपूर्ति के रूप में जप्त वाहनों/उपकरणों/एस्केवेटर की शोरूम वेल्यु व वाहन की अवधि के आधार पर निम्नानुसार क्रमशः चार लाख, रूपए तीन लाख अथवा रूपए दो लाख जमा कराकर ही वाहनों/उपकरणों/एस्केवेटर को मुक्त करने के आदेश दिए हैं -

Sr. No.	Category of Vehicle	Penalty Amount
1.	Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and less than 5 years old.	Rs. 4 lacs
2.	Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and more than 5 years but less than 10 years old.	Rs. 3 lacs
3.	For the remaining Vehicles older than 10 years/Equipments/Excavators which are otherwise legally permissible to be operated and not covered by Serial No. 1 and 2.	Rs. 2 lacs
Note -I	On repetition of the offence by the same vehicle/equipment, Order dated 05.04.2019 will be applicable	
Note-II	The option of release may be available for a period of one from the date of seizure and thereafter, the vehicles may confiscated and auctioned.	

3. माननीय उच्च न्यायालय खण्डपीठ इंदौर द्वारा M.Cr.C. क्रमांक 49338/2019 (जयंत विरुद्ध म.प्र. शासन एवं अन्य 13 कनेक्टेड याचिकाएँ) में दिनांक 11/05/2020 - माननीय उच्च न्यायालय खण्डपीठ इंदौर द्वारा M.Cr.C. क्रमांक 49338/2019 (जयंत विरुद्ध म.प्र. शासन एवं अन्य 13 कनेक्टेड याचिकाएँ) में दिनांक 11/05/2020 को आदेश पारित किया है जिस अनुसार गौण खनिज के प्रकरणों में विगत वर्षों में अवैध उत्खनन/अवैध परिवहन के प्रकरणों में पेनाल्टी अथवा प्रशमन राशि जमा कराकर वाहन म.प्र. गौण खनिज नियम 1996 के अनुसार मुक्त किए जा चुके हैं। उन प्रकरणों में संबंधित वाहन चालक एवं वाहन स्वामी के विरुद्ध भारतीय दण्ड संहिता की धारा 379, म.प्र. भू-राजस्व संहिता 1959 की धारा 247(7) तथा खान एवं खनिज (विकास एवं विनियमन) अधिनियम 1957 की धारा 21 के तहत कार्यवाही करने हेतु एफ.आई.आर. दर्ज कराई जाए।

माननीय उच्च न्यायालय खण्डपीठ इन्दौर के उक्त फैसले के विरुद्ध विभाग द्वारा माननीय उच्चतम न्यायालय में एस.एल.पी. क्रमांक 826/2020 दायर की गई थी। माननीय सर्वोच्च न्यायालय द्वारा पारित आदेश अनुसार गौण खनिज नियमों में शास्ति व जुर्माने की कार्यवाही के अलावा खनिज चोरी के संबंध में भारतीय दण्ड संहिता के तहत पृथक से कार्यवाही की जा सकती है।

4. माननीय उच्च न्यायालय खण्डपीठ ग्वालियर द्वारा रिट पिटीशन क्रमांक 7695/2015 (जितेन्द्र सिंह विरुद्ध म.प्र. शासन) में पारित आदेश दिनांक 18/09/2020-

चंबल संभाग के जिला मुरैना एवं भिण्ड में रेत खनिज के अवैध उत्खनन के बिन्दु पर यह याचिका लायी गई थी। जिस पर राज्य शासन की ओर से यह जवाब दिया गया था कि रेत के अवैध उत्खनन/अवैध परिवहन से संबंधित लगभग 3000 से अधिक प्रकरण दर्ज किए गए थे जिनमें से मात्र 17 प्रकरणों में वाहन जप्त किए गए तथा शेष प्रकरणों में वाहन शास्ति जमा करा कर रिलीज किए गए। इस स्थिति को देखते हुए माननीय उच्च न्यायालय ने दिनांक 18/09/2020 को निम्न आदेश पारित किए हैं :-

Accordingly, an interim writ in the nature of mandamus is issued to all the Collectors of 9 districts (Gwalior, Datia, Guna, Ashoknagar, Shivpuri, Morena, Sheopur, Bhind and Vidisha) to exercise or cause to exercise power of confiscation of vehicle as concurrent to the power of imposing penalty in appropriate cases.

For filing compliance reports of this order in regard to 9 districts duly supported by affidavits of respective Collectors of those districts. Let the matter be taken up in the week commencing 12/10/2020.

Annexure-(G)
2641
BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

Original Application No. 145/2017 (CZ)

IN THE MATTER OF:

1. **Balavana Sinh**
S/O Late Shri Kok Sinh
R/O Gram Parrayach
District Bhind, Madhya Pradesh

.... Applicant

Versus

1. **State of Madhya Pradesh**
Through District Collector, Bhind
Collectorate Building, Chaturvedi Nagar
Bhind, Madhya Pradesh 400 001
2. **District Mining Officer**
Department of Mines
Bhind, Madhya Pradesh
3. **Sub Divisional Officer of Police (SDOP)/DSP**
Police Station, Lahar, Bhind, Madhya Pradesh
4. **Chief Executive Officer**
Janpat Panchayat, Lahar, Bhind, Madhya Pradesh
5. **Sarpanch, Gram Panchayat**
Village Paranch, Janpat Panchayat
Lahar, Bhind, Madhya Pradesh
6. **Secretary, Gram Panchayat**
Village Paranch, Janpat Panchayat,
Lahar, Bhind, Madhya Pradesh

2642

7. **Shri Lav Kush Singh**
S/O Shri Babu Singh
R/O Gram Badetar, Post Matiyavali
Lahar, Bhind, Madhya Pradesh

8. **Shri Rinku Singh**
S/O Shri Babu Singh
R/O Gram Badetar, Post Matiyavali
Lahar, Bhind, Madhya Pradesh

9. **Shri Birbal Singh**
S/O Shri Tej Singh
Gram Dhour, Post Matiyavali
Lahar, Bhind, Madhya Pradesh

10. **Shri Kishan Pal Singh**
S/O Shri Mahindra Singh
R/O Gram Dhour, Post Matiyavali
Lahar, Bhind, Madhya Pradesh

11. **Shri Satu Baghel**
S/O Shri Makhan Singh Baghel
R/O Paranch, Post Matiyavali
Lahar, Bhind, Madhya Pradesh

12. **Shri Beer Singh**
S/O Shri Dhanju Baghel
R/O Village Paranch
Post Matiyavali, Lahar, Bhind

...Respondents

COUNSEL FOR APPLICANT (S):

COUNSEL FOR RESPONDENT (S):

Mr. Sachin K. Verma, Advocate
Mr. Yadvendra Yadav, Advocate
Mr. Manav Tanwani, Advocate
Mr. R.P. Bhadkariya, M.O, Bhind

JUDGEMENT

2643

PRESENT:

Hon'ble Mr. Justice Raghuvendra S. Rathore (Judicial Member)
Hon'ble Dr. Satyawan Singh Garbyal (Expert Member)

Reserved on: 04th February, 2020
Pronounced on: 11th February, 2020

1. Whether the judgment is allowed to be published on the net?
2. Whether the judgment is allowed to be published in the NGT Reporter?

Dr. S.S. GARBYAL, (EXPERT MEMBER)

1. In this application, the applicant has raised the issue of excessive illegal mining being carried out by Respondent No. 4 to Respondent No. 12 in connivance with Respondent's Authorities, more specifically, Respondent No. 2 District Mining Officer in a lease area at Lahar, District-Bhind. It has been stated that M/s Shiva Corporation was illegally allotted lease but they could not commence the operation as they could not obtain environmental clearance from the concerned authorities and subsequently surrendered the lease area.
2. When the matter came up before the Tribunal on 18.12.2018, the District Magistrate, Bhind was directed to file a report. In compliance thereof a report was filed by the District Mining Officer wherein it was submitted that M/s Shiva Corporation

2644

was never allotted mining lease. Infact, the mining lease was allotted on 10.07.2015 in the name of M/s Shri Esteem Infrawild Pvt. Ltd., P-4, Lal Bahadure Nagar, Durgapura Jaipur, Rajasthan, which was subsequently cancelled by the Madhya Pradesh Mining Corporation Ltd., on 18.07.2017. The State of Madhya Pradesh had framed new Sand Mining Policy 2017 where all non-operational mining leases would be transferred to Gram Panchayats and will be dealt with as per the new Sand Mining Policy 2017. It has further been submitted that the respondent authorities have taken stringent action against those who were doing illegal excavation of sand. In a compliance report filed on 04.02.2019, it has been stated that the District Mining Branch, Bhind had registered 797 cases pertaining to illegal sand excavation, transportation and stocking during the Financial Year 2017-2018 and 738 cases in the Year 2018-2019 and had collected penalty/fine of Rs. 30183900/- and Rs. 31373052/- respectively. The list of illegal miners was also submitted therein.

3. The State of Madhya Pradesh have stated that they have taken action after exercising the powers conferred in Sub Section 1 of Section 15 of the Mines and Minerals (Development and Regulation) Act 1957. It has been stated that the State Government has incorporated further

amendments in the Mines and Minerals (Development and Regulation) Act 1996 vide its notification dated 18.05.2007.

These amendments read as under:

"1. For rule 53, the following rule shall be substituted, namely:-

"53. (1) **Penalty for un-authorized extraction and transportation:-** Whenever any person is found extracting or transporting minerals or on whose behalf such extraction or transportation is being made otherwise than in accordance with these rules, shall be presumed to be a party to the illegal mining/transportation, then the Collector or any officer authorized by him not below the rank of Deputy Collector shall after giving an opportunity of being heard determine that such person has extracted/transported the minerals in contravention of the provisions of these rules, then he shall impose the penalty in the following manner, namely:-

- (a) on first time contravention, a penalty of minimum 30 times of the royalty of illegally extracted/transported minerals, shall be imposed but it shall not be less than ten thousand rupees.
- (b) on second time contravention a penalty of minimum 40 times of the royalty of illegally extracted/transported minerals, shall be imposed but it shall not be less than twenty thousand rupees.
- (c) on third time contravention, a penalty of minimum 50 times of the royalty of illegally extracted/transported minerals shall be imposed but it shall not be less than thirty thousand rupees.
- (d) on third time or subsequent contravention, a penalty of minimum 70 times of the royalty of illegally extracted/transported minerals, shall be imposed but it shall not be less than fifty thousand rupees.

(2) Forfeiture of minerals in cases of illegal excretion and transportation.-

In respect of the forfeiture / discharge of the mineral extracted / transported illegally the Collector or any other officer authorized by him not below the rank of the Deputy Collector shall take an appropriate decision. Provided that seized minerals shall not be discharged till the penalty imposed as above is not paid. In case of forfeiture, the seized mineral shall be disposed of through a transparent auction/ tender procedure as prescribed by the State Government.

(3) Forfeiture / Discharge of the seized tools, machines and vehicles etc. and disposal of forfeited material through Auction/Tender.-

- (a) In case of illegal extraction, the Collector or any other officer not below the rank of a Deputy Collector, authorized by him shall take an appropriate decision in respect of forfeiture/discharge of tools, machines and vehicles used. Provided that the tools, machines, vehicles and other material so seized shall not be discharged till the penalty imposed as above is not paid. In case of forfeiture, the seized materials shall be disposed of through a transparent auction/tender procedure as prescribed by the State Government.
- (b) In respect of Forfeiture/ Discharge of vehicle carrying mineral extracted/ transported without any transit pass the Collector or any other officer not below the rank of Deputy Collector authorized by him shall take an appropriate decision. Provided that tools, machines, vehicles and other materials shall not be discharged till the penalty imposed as above is not paid.

In case of forfeiture the seized material shall be disposed off through a transparent auction/tender procedure as prescribed by the State Government.

Provided that the vehicle carrying minerals in excess as mentioned in transit pass, shall not be forfeited on doing so, for first three times but the vehicle shall only be discharged on payment of penalty as imposed above. On repetition for the fourth time vehicle shall be liable to be forfeited.

(4) Action and compounding cases of un-authorized extraction / transportation:

Whenever any person is found involved extracting / transporting of the minerals in contravention of provisions of these rules, the Collector/ Additional Collector / Deputy Collector / Chief Executive Officer of Zilla Panchayat / Chief Executive Officer of Janpad Panchayat / Deputy Director (Mineral Administration) / Officer in charge (Mining Section)/Assistant Mining officer / Mining Inspector /officer in charge (Flying Squad) / Sub Divisional Officer (Revenue) /Tehsildar/ Naib Tehsildar and any other officer not below the rank of Class-III executive authorized by the Collector from time to time shall proceed to act in the following manner :-

- (a) to initiate case of unauthorized extraction / transportation by preparing Panchnama on spot;
- (b) to collect necessary evidences (including video-graphy) relevant to un-authorized extraction/transportation;
- (c) to seize all tools, devices, vehicles and other materials used in excavation of miner mineral in such contravention and to handover all material so seized to the persons or lessee or any other person from whose

possession such material was seized on executing an undertaking up to the satisfaction of the officer seizing such material, to this effect that he shall forthwith produce such material as and when may be required to do so:

Provided that where the report is submitted under sub-rule (3) above to the Collector or any other officer not below the rank of a Deputy Collector authorized by him, the seized property shall only be discharged by the order of the Collector or the officer authorized by him.

- (d) officer as mentioned above shall inform the Collector or any other officer not below the rank of Deputy Collector, authorized by him about the incident within 48 hours of coming in to notice of the same.
- (e) officers as mentioned above shall make a request in writing to the concerning police station / seeking police assistance, if necessary and police officer shall provide such assistance as may be necessary to prevent unlawful excavation / transportation of the mineral

(5) Rights and powers of the investigating officer:-

During the investigation of the cases of illegal extraction / transportation of the minerals, in contravention of these rules, the investigation officer shall have the following rights and powers, namely :-

- (a) to call for person concern to record statements;
- (b) to seize record and other material related to the case;
- (c) to enter into place concern and to inspect the same;
- (d) all powers as are vested in an in-charge of a police station while investigation any cognizable offence under Code of Criminal Procedure; and
- (e) all other powers as are vested under Code of Civil Procedure to compel any person to appear or to be examined on oath or to produce any document.

(6) Submitting application by illegal extractor / transporter to compound and its disposal.-

Before initiating or during the operation of the case, if the extractor / transporter is agree to compound the case, he shall have to submit an application of his intention to do so before the Collector / Additional Collector / Deputy Collector / Sub Divisional Officer (Revenue) / Deputy Director (Mineral Administration) / Mining Officer / Officer-in-charge (Mining Section) / Assistant Mining Officer / Officer in charge (Flying Squad) and he shall proceed to compound in the case. Provided

2648

that to avail the benefit of compounding the violator shall have to deposit the amount as determined here under as fine, namely :-

- (a) For the first time violation 25 time of royalty of unlawfully excavated / transported minerals or rupees 10,000/- (Ten Thousand) whichever is more,
- (b) For the Second time violation 35 time of royalty of unlawfully excavated / transported minerals or rupees 20,000/- (Twenty thousand) whichever is more.
- (c) For the third time violation 45 time of royalty of unlawfully excavated / transported minerals or rupees 30,000/- (Thirty Thousand) whichever is more, and
- (d) For the fourth time or subsequent violation minimum 65 time of royalty of unlawfully extracted / transported. Provided that it should not be less than rupees 50,000/- (Fifty thousand).

On being compounded, the seized mineral, tools machinery/ and other materials shall be discharged.

(7) Action against contravention of conditions of extract trade quarry/quarry lease/permit or the provisions of this rules:

If during the enquiry of any illegal extraction/ transportation a fact comes into the knowledge that any lease holder/contractor/permit holder, in order to evade the royalty from any sanctioned quarry lease/trade quarry/permit area is involved in dispatching/selling of minerals in excess quantity by showing less quantity of minerals in transit pass/defective transit permit/blank transit permit, then the Collector of the concerned district may suspend the quarrying operation in such quarry lease/trade quarry permit by issuing show cause notice for violating the conditions of the agreement and after providing an opportunity of being heard may cancel the such lease/ trade quarry/ permit. The additional royalty may be recovered after making the assessment of the quantity dispatched or sold in order to evade the royalty:

Provided that during the inspection if it is found that illegal minerals transporter by securing the transit pass from the lease holder in order to evade the royalty has made overwriting or tempered the pass then the officer of the minerals department / Mineral Inspector may registered a case against the person concerned."

4. Learned Counsel appearing for the State of Madhya Pradesh has submitted that the authorities are compounding the cases after realising the penalty as given under Section 53 (1) of Madhya Pradesh Mines and Minerals (Development and

2649

Regulation) Act 1957 and subsequent amendments.

Thereafter, the seized minerals, tools and vehicles used for transportation of illegal minerals are being released to the owners. On query, as to why seized illegal minerals, tools and the vehicles, involved in the illegal sand mining and transportation, are being released by only realising penalty as given under Section 53 (1) of Madhya Pradesh Mines and Minerals (Development and Regulation) Act 1957 and not also additionally compounding fees, as given under Section 53 (6) of the amendments as given above. The Learned Counsel appearing for the State has submitted that under the amended Madhya Pradesh Mines and Minerals (Development and Regulation) Act 1996, they can either recover the penalty or the compounding fee and not both.

5. The submissions made by the Learned Counsel for the State is not acceptable as the amended rules 53 (1) clearly provides for the penalty for unauthorised extraction and transportation whereas the Section 53 (6) is for compounding of an offence and the disposal of the illegally extracted material. Therefore, these two (2) provisions are independent of each other. If there is an unauthorised extraction and transportation of sand, the penalty has to be imposed in accordance with Section 53 (1) which is as below:

- (a) on first time contravention, a penalty of minimum 30 times of the royalty of illegally extracted/ transported minerals, shall be imposed but it shall not be less than ten thousand rupees.
- (b) on second time contravention a penalty of minimum 40 times of the royalty of illegally extracted/ transported minerals, shall be imposed but it shall not be less than twenty thousand rupees.
- (c) on third time contravention, a penalty of minimum 50 times of the royalty of illegally extracted/ transported minerals shall be imposed but it shall not be less than thirty thousand rupees.
- (d) on third time or subsequent contravention, a penalty of minimum 70 times of the royalty of illegally extracted/ transported minerals, shall be imposed but it shall not be less than fifty thousand rupees."

6. Whereas, if the illegal extractor or the transporter agrees to compound the case, he has to submit an application of his intention to do so. And if authorities agree to compound, the violator has to deposit an amount in accordance with section 53 (6) which is as given below:

- (a) For the first time violation 25 time of royalty of unlawfully excavated / transported minerals or rupees 10,000/- (Ten Thousand) whichever is more,
- (b) For the Second time violation 35 time of royalty of unlawfully excavated / transported minerals or rupees 20,000/- (Twenty thousand) whichever is more.
- (c) For the third time violation 45 time of royalty of unlawfully excavated / transported minerals or rupees 30,000/- (Thirty Thousand) whichever is more, and
- (d) For the fourth time or subsequent violation minimum 65 time of royalty of unlawfully extracted / transported. Provided that it should not be less than rupees 50,000/- (Fifty thousand)."

And on being compounded the sized materials, tools, machinery, vehicles and other materials shall be discharged.

7. It is, therefore, amply clear that if the seized materials, tools, machinery, vehicles and other materials are to be released, the illegal extractor/ transporter has to pay the fee as given in Section 53 (6) as enunciated above and if the illegal extractor or transporter does not wish to compound the case then he has to pay penalty for unauthorised extraction and transportation in accordance with Section 53 (1) as stated herein above. Therefore, while deciding the case, authorities have to first penalise the illegal extractor or transporter for unauthorised extraction/transportation of the mineral and in case he wishes to compound the case and take the seized material, tools, machinery, vehicles and other materials then he has to pay additional amount as given under Section 53 (6) mentioned above.
8. We, therefore direct the State Government Authorities to recover the penalty in accordance with Section 53 (1) of the Madhya Pradesh Mines and Minerals (Development and Regulation) Act 1996 for unauthorised extraction and transportation of the sand and additionally fee in case the mineral, tools, machines, vehicles and other materials used in the illegal extraction and transportation are to be discharged to the illegal miner or transporters then the same be done, after compounding them in accordance with Section 53 (6) of the

2652

Madhya Pradesh Mines and Minerals (Development and Regulation) Act 1996. In other words, for example :

a. On first time contravention, a penalty of minimum 30 times of the royalty of illegally extracted / transported minerals shall be imposed but it shall not be less than Rs. 10,000/-. Additionally, if the case is compounded before discharging seized minerals, tools, machines, vehicles and other materials for the first time violation then also realise 25 times of royalty of unlawfully excavated / transported minerals or Rs. 10,000/- whichever is more. In other words, total of 55 times royalty of illegally extracted mineral will be realised before discharging the seized mineral, tools, machinery, vehicles and other materials.

b. Similarly for the second, third, fourth time and subsequent violation, the penalty and the compounding fees will be recovered in accordance with Section 53 (1) and 53 (6).

9. We further direct that same rates may be applied throughout the State for such violations after 18.05.2017 i.e., after amendments to the Madhya Pradesh Mines and Minerals

2653

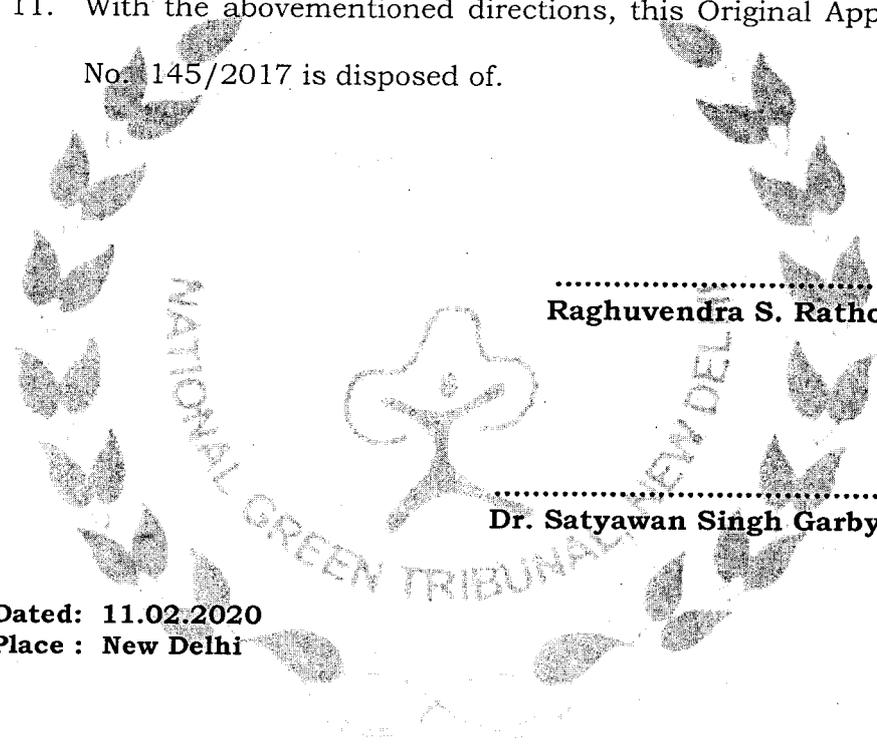
(Development and Regulation) Act 1996 were notified and penalties and compounding fees shall be recovered from all those illegal miners and transporters, in case it had not been recovered.

- 10. The State is directed to file compliance of above directions before 31.03.2020.
- 11. With the abovementioned directions, this Original Application No. 145/2017 is disposed of.

.....
Raghuvendra S. Rathore, JM

.....
Dr. Satyawan Singh Garbyal, EM

Dated: 11.02.2020
Place : New Delhi



Annexure -(H)

2654

Item No. 09

Court No. 1

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

M.A. No. 16/2020

(Filed by the State of Haryana for modification of order of this Tribunal dated 05.04.2019 read with order dated 26.07.2019 laying down terms on which vehicles or other equipment involved in illegal mining may be released.)

In

Original Application No. 44/2016

Mushtakeem

Versus

Applicant(s)

MoEF & CC & Ors.

Respondent(s)

Date of hearing: 19.02.2020

CORAM:

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER

For Respondent(s):

Mr. Ajay Bansal, AAG with Mr. Rishabh
Khurana, Advocate and Mr. Sanjay
Simberwal, AME, Faridabad

ORDER

This application seeks modification of order dated 05.04.2019 read with order dated 26.07.2019 laying down terms on which vehicles or other equipments involved in illegal mining may be released passed by this Tribunal. After referring to the earlier orders on the subject passed by this Tribunal and the Hon'ble Supreme Court referred to therein, and perusing the reports received from different States, this Tribunal found that steps taken by the States to check illegal mining were not adequate. The Tribunal *inter alia* directed the States to ensure that in compliance of polluter pays principle, the illegal miners may be required to be pay compensation which should include not only the value of illegal mined material but also cost of restoration of environment as well as cost of ecological

services foregone forever. It should be deterrent so as not to render such illegal activity profitable. It was further directed that the vehicles or any other equipments used for illegal mining are required to be confiscated and to be released only on payment of atleast 50% of the showroom value as laid down by this Tribunal earlier in Original Application No.110(THC)/2012, Threat to life arising out of coal mining in South Garo Hills District v. State of Meghalaya & Ors., affirmed by the Hon'ble Supreme Court in (2019) 8 SCC 177.

2. The above order was passed by this Tribunal in exercise of jurisdiction under Section 15 of the NGT Act, 2010. It is well settled that terms for release of vehicles and equipments involved in violation of special law is not control by the general provisions of the Cr.P.C. In this connection reference may also be made to another order of this Tribunal on the same subject in O.A. No. 840/2019, Atul Chauhan v. State of U.P. The said order was challenged by the State of U.P. in C.A. 1590/2019 which was dismissed by the Hon'ble Supreme Court on 07.05.2019. The Tribunal also referred to order of the Hon'ble Supreme Court dated 26.03.2019 in Cr.A. 524/2019, State of Madhya Pradesh v. Uday Singh that special procedure for confiscation prevailed over procedure under Section 451 of Cr.P.C. In the said case principle laid in Sujit Kumar Rana, (2004) 4 SCC 129 was followed.

3. In spite of above legal position, any other view on the subject will be against the law laid down by the Hon'ble Supreme Court. The plea that different Courts are taking different interpretation and releasing vehicles on *superdari* without any conditions is

untenable. Legal position need to be brought to the notice of such courts where matters are taken up.

4. Other difficulty pointed out by the State is that police stations are finding it difficult to provide sufficient space for custody of the vehicles. 669 vehicles have already been seized and more may be seized. The stand of the State itself supports the allegation that illegal sand mining and illegal use of vehicles for the purpose is taking place at large scale which itself may require a stern approach in the matter. The vehicles can be stored by the State at any appropriate place and cost recovered from the law violators. The State has to take necessary steps for enforcing rule of law and for protection of environment. As regards the difficulty that with the scale of compensation laid down by this Tribunal, the vehicle owners do not find it profitable to come forward and take the vehicles unless the scale of compensation is reduced. The showroom value of a truck is said to be around Rs. 30 lacs and 50% thereof comes to Rs. 15 lacs. In terms of order of this Tribunal, if amount of Rs. 15 lacs is to be deposited for release of every seized vehicle, there may be many vehicles which may be of much lesser value in which case nobody may come forward to take such vehicles.

5. Having regard to the above practical difficulty, we modify the orders dated 05.04.2019 and 26.07.2019 as follows:

Sr. No.	Category of Vehicle	Penalty Amount
1	Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and less than 5 years old.	Rs. 4 lacs
2	Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and more than 5 years but less than 10 years old.	Rs. 3 lacs

2657

3	For the remaining Vehicles older than 10 years/Equipments/ Excavators which are otherwise legally permissible to be operated and not covered by Serial No. 1 and 2.	Rs. 2 lacs
<p>Note - I: On repetition of the offence by the same vehicle/ equipment, Order dated 05.04.2019 will be applicable.</p> <p>Note - II: The option of release may be available for a period of one month from the date of seizure and thereafter, the vehicles may be confiscated and auctioned.</p>		

6. The State may issue an appropriate Office Order/Rule to the above effect and publish the same. Needless to say that any private contract between a financier and a debtor cannot affect the States' sovereign power to protect the environment and take incidental coercive measure for enforcement of rule of law. Lien of the State will override any private interest. The above compensation regime will be over and above any existing Rules or provisions. The amount collected may be remitted to the State PCBs/PCCs for being utilized for restoration of the environment.

7. The above course of action will be permissible to all the States at their option.

A copy of this order be sent to all the Chief Secretaries of all States/UTs, PCBs/ PCCs, CPCB and MoEF&CC.

The application is disposed of.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

February 19, 2020

2658

M.A. No. 16/2020 in O.A. No. 44/2016
AK



HIGH COURT OF MADHYA PRADESH; BENCH AT INDORE

M.CR.C NO.49338/2019
Jayant Vs. State of MP

M.CR.C NO.49340/2019
Dipesh Vs. State of MP

M.CR.C NO.49847/2019
Mithun Vs. State of MP

M.CR.C NO.49856/2019
Deepak Vs. State of MP

M.CR.C NO.49859/2019
Kanhiyalal Vs. State of MP

M.CR.C NO.49861/2019
Rahul Vs. State of MP

M.CR.C NO.49963/2019
Shivlal Vs. State of MP

M.CR.C NO.49972/2019
Nooralam Vs. State of MP

M.CR.C NO.50602/2019
Radheshyam Vs. State of MP

M.CR.C NO.50610/2019
Radheshyam Vs. State of MP

M.CR.C NO.50614/2019
Nageshwar Vs. State of MP

M.CR.C NO.50627/2019
Krishnapal Vs. State of MP

M.CR.C NO.50636/2019
Arjun Vs. State of MP

M.CR.C NO.5648/2020
Arjun Vs. State of MP

Indore Dated 11/05/2020

Shri Yashpal Rathore, learned counsel for the petitioners.
Shri RK Pathak, learned counsel for the respondent/State.

ORDER

2660

2

Sr No	MCRC No.	FIR No./DATE	POLICE STATION	Date of Incident
1.	49338/2019	234/16.11.2019	Nai Abadi	27.07.2019
2.	49340/2019	554/16.11.2019	Y.D. Nagar	16.11.2019
3.	49847/2019	564/17.11.2019	Y.D. Nagar	20.04.2019
4.	49856/2019	280/16.11.2019	Afzalpur	30.08.2019
5.	49859/2019	563/17.11.2019	Y.D. Nagar	20.04.2019
6.	49861/2019	588/18.11.2019	Y.D. Nagar	24.08.2019
7.	49963/2019	281/16.11.2019	Afzalpur	30.08.2019
8.	49972/2019	238/18.11.2019	Nai Abadi	28.08.2019
9.	50602/2019	137/17.11.2019	Daloda	25.05.2019
10.	50610/2019	136/16.11.2019	Daloda	25.05.2019
11.	50614/2019	139/17.11.2019	Daloda	10.06.2019
12.	50627/2019	591/18.11.2019	Y.D.Nagar	13.06.2019
13.	50636/2019	551/16.11.2019	Y.D.Nagar	02.04.2019
14.	05648/2020	552/16.11.2019	Y.D.Nagar	02.04.2019

1. The petitioners have invoked the inherent powers of this Court conferred under Section 482 Cr.P.C. to quash the aforementioned FIRs registered against them for illegal mining/transportation of sand.
2. As common question of law is involved in all these petitions, therefore, they are heard together and are being decided by this common order.
3. The question involved is whether even after compounding the case of illegal mining of minerals like sand/stone/yellow soil etc. by the competent authority, the wrongdoer can be prosecuted again for the same act done in respect of the same mineral under the penal provisions of several other statues making mining/transportation/storage of minor mineral without permit/license illegal e.g. Section 379, 414 IPC, Rule 18, M.P. Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2006 (for brevity hereinafter referred to as Rules, 2006), Section 4/21, The Mines & Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as MMDR, Act) and Section 247(7) M.P. Land Revenue Code, 1959?
4. Facts giving rise to the present petitions, in brief, are that on a surprise inspection on the dates mentioned in the table above, the respective Mining Inspectors checked the tractor-trolleys of the petitioners along with the minor mineral (sand/stone/yellow soil etc.) loaded in them. They handed over the tractor-trolleys to the concerned police stations to keep them in safe custody. Finding the petitioners indulged in illegal mining/transportation of those minor mineral, they prepared their respective cases under Rule 53, M.P. Minor Mineral Rules, 1996 and submitted them before the Mining Officer with a proposal of

compounding the same for the amount calculated according to the concerned Rules (M.P. Minor Mineral Rules, 1996). The concerned Mining Officers submitted those cases before the Collector, who approved the proposal. The violators accepted the decision and deposited the amounts determined by the Collector for compounding the case. Their tractor-trolleys along with the minerals, which were illegally excavated/transported, were released.

5. After some time; a news was published in a daily news paper. The Judicial Magistrate First Class (JMFC), Mandsaur took *suo-moto* cognizance and called for a report regarding the cases registered and compounded during the period April, 2019 to October, 2019, from Mining Officer, Mandsaur. As per report submitted, **157 cases of illegal transportation, 19 cases of illegal excavation and 14 cases of illegal storage of sand; total 190 cases of illegal mining** between the period started from April, 2019 up to the period ended on 16th October; 2019 were registered and in all these cases, adopting the same procedure, the violation was compounded and after taking the compounding fee, all the cases were closed. Neither any action under any other enactment, making the act punishable was proposed nor was taken against any perpetrator. The learned JMFC considered it illegal and **vide impugned order dated 23.10.2019**, directed the police to register FIRs under Section 379, 414 IPC, Rule 18, M.P. Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2006, Section 4/21, The Mines & Minerals (Development and Regulation) Act, 1957 and Section 247(7) M.P. Land Revenue Code, 1959 in addition to the action already taken under Rule 53, M.P. Minor Mineral Rules, 1996, Rule 23, M.P. Sand Rules, 2018, Rule 20 M.P. Sand Rules, 2019 against the persons, whose cases were falling under his territorial jurisdiction and investigate the same (6+61 cases of illegal excavation/ transportation).
6. At the outset, the learned counsel for the petitioner asserted that the impugned order as well as their prosecution is contrary to the law, blatantly against the principle of 'double jeopardy' and infringes their right of not to be prosecuted again for the same act of violation allegedly committed by them, for which they have already legally compounded.
7. The learned Public Prosecutor has supported the impugned order.
8. The principle of "Double Jeopardy" surges from Article 20(2) of the Constitution of India, which states that:

Article 20 of the Constitution of India:

20. Protection in respect of conviction for offences

(1) xxxxx

(2) No person shall be prosecuted and punished for the same offence more than once.

(3) xxxxx

9. Rule of "issue stopple" incorporated in the Code of Criminal procedure, 1973 (No. 2 of 1974) also provides that a person cannot be prosecuted for the same offence twice. For the sake of convenience, Section 300 of the Cr.P. C. is reproduced below:

300. Person once convicted or acquitted not to be tried for same offence.

(1) A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under sub-section (1) of section 221, or for which he might have been convicted under sub-section (2) thereof.

(2) A person acquitted or convicted of any offence may be afterwards tried, with the consent of the State Government, for any distinct offence for which a separate charge might have been made against him at the former trial under sub-section (1) of section 220.

(3) A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

(4) A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

(5) A person discharged under section 258 shall not be tried again for the same offence except with the consent of the Court by which he was discharged or of any other Court to which the first-mentioned Court is subordinate.

(6) Nothing in this section shall affect the provisions of section 26 of the General Clauses Act, 1897, (10 of 1897) or of section 188 of this Code. Explanation.- The dismissal of a complaint, or the discharge of the accused, is not an acquittal for the purposes of this section.

Illustrations

(a) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards, while the acquittal remains in force, be charged with theft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

(b) A is tried for causing grievous hurt and convicted. The person injured afterwards dies. A may be tried again for culpable homicide.

(c) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried on the same facts for the murder of B.

(d) A is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B on the same facts, unless the case comes within sub-section (3) of this section.

(e) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may subsequently be charged with, and tried for, robbery on the same facts.

(f) A, B and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for, dacoity on the same facts.

10. Section 26 of the General Clauses Act, 1897 also bars the prosecution of a person twice for the same act or omission. This reads as follows:

26. Provisions as to offences punishable under two or more enactments- Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or

any of those enactments, but shall not be liable to be punished twice for the same offence.

11. Albeit a slight difference between the principles of "Double Jeopardy" and "issue estoppel", as "issue estoppel" operates in identity of issue and acquittal of the person at a previous trial on the same issue while identity of offence is requisite for application of the principle of "double jeopardy", essence of both the principles is the same. Quintessence of all these provisions is that a person cannot be prosecuted and punished for the same offence more than once if certain basic conditions for application of this principle are fulfilled. Such conditions have been spelled out by the Courts as and when the issue was agitated or brought before them. Abstract of these conditions is that the previous proceeding must have been before a Court of law, the person must have been prosecuted and punished, which means that the earlier proceedings must be valid and not void or abortive on any technical or default ground, the conviction/acquittal must have been in force at the time of second trial, the offence alleged in the second proceeding must be the same as that of the first proceeding and it does not include proceedings for confiscation of goods or fine or proceedings before administrative or departmental tribunal.
12. In a recent judgement rendered in the *State of Maharashtra and Anr. v. Sayyed Hassan Sayyed Subhan and Ors.* reported in AIR 2018 SC 5348 Hon'ble the Supreme has considered the issue and held that:
 7. There is no bar to a trial or conviction of an offender under two different enactments, but the bar is only to the punishment of the offender twice for the offence. Where an act or an omission constitutes an offence under two enactments, the offender may be prosecuted and punished under either or both enactments but shall not be liable to be punished twice for the same offence (T.S. Balliah v. T.S. Rengachari (1969) 3 SCR 65 : (AIR 1969 SC 701). The same set of facts, in conceivable cases, can constitute offences under two different laws. An act or an omission can amount to and constitute an offence under the IPC and at the same time, an offence under any other law (State of Bihar v. Murad Ali Khan - (1988) 4 SCC 655 : (AIR 1989 SC 1). The High Court ought to have taken note of Section 26 of the General Clauses Act, 1897 which reads as follows:

"Provisions as to offences punishable under two or more enactments - Where an act or omission constitutes an offence under two or more enactments, then the offender

shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence."

8. In *Hat Singh's case* (State of Rajasthan v. Hat Singh (2003) 2 SCC 152 : (AIR 2003 SC 791) this Court discussed the doctrine of double jeopardy and Section 26 of the General Clauses Act to observe that prosecution under two different Acts is permissible if the ingredients of the provisions are satisfied on the same facts. While considering a dispute about the prosecution of the Respondent therein for offences under the Mines and Minerals (Development and Regulation) Act 1957 and Indian Penal Code, this Court in *State (NCT of Delhi) v. Sanjay* (2014) 9 SCC 772 : (AIR 2015 SC 75) held that there is no bar in prosecuting persons under the Penal Code where the offences committed by persons are penal and cognizable offences. A perusal of the provisions of the FSS Act would make it clear that there is no bar for prosecution under the IPC merely because the provisions in the FSS Act prescribe penalties. We, therefore, set aside the finding of the High Court on the first point.

13. The question that whether in view of an earlier conviction and sentence under Section 409 IPC, the subsequent prosecution for an offence under Section 105 of the Insurance Act was barred by Section 26 of the General Clauses Act and Article 20(2) of the Constitution, was answered by the Constitution Bench of the Hon'ble Supreme Court in *State of Bombay v. S.L. Apte* [AIR 1961 SC 578 : (1961) 1 Cri LJ 725] in the following terms:

13. To operate as a bar the second prosecution and the consequential punishment thereunder must be for 'the same offence'. The crucial requirement, therefore, for attracting the article is that the offences are the same i.e. they should be identical. If, however, the two offences are distinct, then notwithstanding that the allegations of facts in the two complaints might be substantially similar, the benefit of the ban cannot be invoked. It is, therefore, necessary to analyse and compare not the allegations in the two complaints but the ingredients of the two offences and see whether their identity is made out. It would be seen from a comparison of Section 105 of the Insurance Act and Section 405 of the Penal Code (Section 409 of the Penal Code being only an aggravated form of the same offence) that though some of the necessary ingredients are common they differ in the following:

- (1) Whereas under Section 405 of the Penal Code the accused must be 'entrusted' with property or with 'dominion over

that property', under Section 105 of the Insurance Act the entrustment or dominion over property is unnecessary; it is sufficient if the manager, director, etc. 'obtains possession' of the property.

(2) The offence of criminal breach of trust (Section 405 of the Penal Code) is not committed unless the act of misappropriation or conversion or 'the disposition in violation of the law or contract', is done with a dishonest intention, but Section 105 of the Insurance Act postulates no intention and punishes as an offence the mere withholding of the property—whatever be the intent with which the same is done, and the act of application of the property of an insurer to purposes other than those authorised by the Act is similarly without reference to any intent with which such application or misapplication is made. In these circumstances it does not seem possible to say that the offence of criminal breach of trust under the Penal Code is the 'same offence' for which the respondents were prosecuted on the complaint of the company charging them with an offence under Section 105 of the Insurance Act.

14. This aspect of the matter based on the two offences being distinct in their ingredients, content and scope was not presented to the learned Judges of the High Court, possibly because the decisions of this Court construing and explaining the scope of Article 20(2) were rendered later. In *Om Parkash Gupta v. State of U.P.* [AIR 1957 SC 458 : 1957 Cri LJ 575 : 1957 SCR 423] the accused, a clerk of a municipality had been convicted of an offence under Section 409 of the Penal Code for having misappropriated sums of money received by him in his capacity as a servant of the local authority and the conviction had been affirmed on appeal, by the Sessions Judge and in revision by the High Court. The plea raised by the accused before this Court, in which the matter was brought by an appeal with special leave, was that Section 409 of the Penal Code had been repealed by implication by the enactment of sub-sections (1)(c) and (2) of Section 5 of the Prevention of Corruption Act because the latter dealt with an offence of substantially the same type. This Court repelled that contention. It analysed the ingredients of the two offences and after pointing out the difference in the crucial elements which constituted the offences under the two provisions, held that there was no repeal of Section 409 of the Penal Code implied by the Constitution of a new offence under the terms of the Prevention of Corruption Act. It was the application of this decision and the ratio underlying it in the context of Article 20(2) of the Constitution that is of relevance to the present appeal. The occasion for this arose in *State of M.P. v. Veereshwar Rao Agnihotri* [State of M.P. v.

Veereshwar Rao Agnihotri, AIR 1957 SC 592 : 1957 Cri LJ 892 : 1957 SCR 868] . The respondent was a tax collector under a municipality and was prosecuted for offences among others under Section 409 of the Penal Code and Section 5(2) of the Prevention of Corruption Act for misappropriation of sums entrusted to him as such tax collector. By virtue of the provision contained in Section 7 of the Criminal Law Amendment Act 46 of 1952, the case was transferred to a Special Judge who was appointed by the State Government after the prosecution was commenced before a Magistrate. The Special Judge found the accused guilty of the offence under Section 409 of the Penal Code and convicted him to three years' rigorous imprisonment but as regards the charge under Section 5(2) of the Prevention of Corruption Act, he acquitted the accused on the ground of certain procedural non-compliance with the rules as to investigation prescribed by the latter enactment. The respondent appealed to the High Court against this conviction and sentence under Section 409 of the Penal Code and there urged that by reason of his acquittal in respect of the offence under Section 5(2) of the Prevention of Corruption Act, his conviction under Section 409 of the Penal Code could not also be maintained, the same being barred by Article 20(2) of the Constitution. The High Court of Madhya Bharat accepted this argument and allowed the appeal and the State challenged the correctness of this decision by an appeal to this Court. Allowing the appeal of the State, Govinda Menon, J., delivering the judgment of the Court observed: (Veereshwar Rao case [State of M.P. v. Veereshwar Rao Agnihotri, AIR 1957 SC 592 : 1957 Cri LJ 892 : 1957 SCR 868] , AIR pp. 593-94, paras 5-6)

'5. This Court has recently held in Om Parkash Gupta v. State of U.P. [AIR 1957 SC 458 : 1957 Cri LJ 575 : 1957 SCR 423] that the offence of criminal misconduct punishable under Section 5(2) of the Prevention of Corruption Act 2 of 1947, is not identical in essence, import and content with an offence under Section 409 of the Penal Code. ...

6. In view of the above pronouncement, the view taken by the learned Judge of the High Court that the two offences are one and the same, is wrong, and if that is so, there can be no objection to a trial and conviction under Section 409 of the Penal Code, even if the respondent has been acquitted of an offence under Section 5(2) of the Prevention of Corruption Act 2 of 1947. ... The High Court also relied on Article 20 of the Constitution for the order of acquittal but that article cannot apply because the respondent was not prosecuted after he had already been tried and

acquitted for the same offence in an earlier trial and, therefore, the well-known maxim '*Nemo debet bis vexari, si constat curiae quod sit pro una et eadem causa*' (No man shall be twice punished, if it appears to the court that it is for one and the same cause) embodied in Article 20 cannot apply.'

14. After considering conflicting judgments of the High Courts of Delhi, Gujarat, Kerala, Calcutta, Madras and Jharkhand on the question whether a person can be prosecuted for the offences under Sections 379/114 and other provisions of the IPC on the allegations of illegal mining in view of Section 22 of the MMDR Act, Hon'ble the Supreme Court held in *State (NCT of Delhi) v. Sanjay, (2014) 9 SCC 772 : (2014) 5 SCC (Cri) 437 : 2014 SCC OnLine SC 672 at page 811: (AIR 2015 SC 75)* that subsequent trial, prosecution and punishment is not barred if the ingredients of the two offences are distinct.
15. In the present matter, the facts are not in dispute that all the petitioners, as alleged, were indulged either in illegal excavation or transportation or storage of minor minerals. The departmental officials booked them and proceeded against them under Rule 53, M.P. Minor Mineral Rules, 1996. They recovered compounding fees from all of them, released their vehicles and closed the chapter. The learned magistrate was of the opinion that Rule 53 of the Rules, 1996 and the various provisions inducted in several other laws operates in distinct and different fields, therefore, the petitioners were liable to be prosecuted for infringement of those laws also, so he directed the police to register the cases and proceed further in accordance with the law.
16. Thus, the question for consideration before this Court is whether the act of or the allegation made against the petitioners constitutes a distinct and different offence than the one defined under Rule 53 of the Rules, 1996 or falls within the ambit and scope of the definition of offences given in different legislations.
17. While replying the question whether the police has power to institute a case on the basis of FIR and whether magistrate has power to take cognizance of such an offence upon a police report, without a complaint from the authorised officer under section 22, MMDR Act and whether mining of sand from riverbed would constitute an offence under section 379 for dishonestly stealing public property, the Hon'ble Supreme Court, in the case of *State (NCT of Delhi) v. Sanjay (supra)*, held that mining of sand from the riverbed without licence or permit is

also an offence of theft of mineral under section 378 read with section 379 IPC as natural resources belong to the public and State being its trustee, the police is empowered and duty bound to lodge FIR, investigate it and to file charge-sheet even if the complaint is not filed by the person authorised under the MMDR, Act. The ingredients of offence under Section 4(1-A) of MMDR, Act are distinct and different from the ingredients of illegal mining from the riverbed without licences/permit, which constitute an offence under Section 378 IPC read with section 379 IPC. Therefore, the subsequent trial, prosecution and punishment are not barred by the principle of "Double Jeopardy". The prohibition contained in Section 22 of the MMDR, Act against prosecution of a person except on a complaint made by the officer is attracted only when such a person is sought to be prosecuted for contravention of Section 4 of the Act and not for any act or omission; which constitutes an offence under the Penal Code. It is stated in para 72 and 73 of this judgement that:

72. From a close reading of the provisions of the MMDR Act and the offence defined under Section 378 IPC, it is manifest that the ingredients constituting the offence are different. The contravention of terms and conditions of mining lease or doing mining activity in violation of Section 4 of the Act is an offence punishable under Section 21 of the MMDR Act, whereas dishonestly removing sand, gravel and other minerals from the river, which is the property of the State, out of the State's possession without the consent, constitute an offence of theft. Hence, merely because initiation of proceeding for commission of an offence under the MMDR Act on the basis of complaint cannot and shall not debar the police from taking action against persons for committing theft of sand and minerals in the manner mentioned above by exercising power under the Code of Criminal Procedure and submit a report before the Magistrate for taking cognizance against such persons. In other words, in a case where there is a theft of sand and gravel from the government land, the police can register a case, investigate the same and submit a final report under Section 173 CrPC before a Magistrate having jurisdiction for the purpose of taking cognizance as provided in Section 190(1)(d) of the Code of Criminal Procedure.

73. After giving our thoughtful consideration in the matter, in the light of the relevant provisions of the Act vis-à-vis the Code of Criminal Procedure and the Penal Code, we are of the definite opinion that the ingredients constituting the offence under the MMDR Act and the ingredients of dishonestly

removing sand and gravel from the riverbeds without consent, which is the property of the State, is a distinct offence under IPC. Hence, for the commission of offence under Section 378 IPC, on receipt of the police report, the Magistrate having jurisdiction can take cognizance of the said offence without awaiting the receipt of complaint that may be filed by the authorised officer for taking cognizance in respect of violation of various provisions of the MMDR Act.

18. One Kanwar Pal Singh (*Kanwar Pal Singh v. State of Uttar Pradesh and Another reported in 2019 SCC OnLine SC 1652*) impugned the order dated 22nd July 2019 whereby the High Court of Judicature at Allahabad had dismissed his petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing criminal prosecution under Section 379 of the Indian Penal Code, 1860, Rules 3, 57 and 7 of the Uttar Pradesh Minor Mineral (Concession) Rules, 1963, Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957 and Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984. The FIR was registered against him alleging that he was mining sand outside the permitted area. The question of violation of Section 22 of the Mines Regulation Act was raised before the Supreme Court. It was argued that the appellant had been wrongly charge-sheeted by the police for the offences, as at the best there was violation of Section 4, which is punishable under Section 21 of the MMDR, Act and as per Section 22 no Court can take cognizance of the offences under the Mines Regulation Act, except on a complaint in writing by a person authorised by the Central or the State Government. It was further argued that the State police not being authorised, could not have filed the charge-sheet/complaint. Repelling this contention, the Hon'ble Supreme Court reiterated the view taken in *State (NCT of Delhi) v. Sanjay (supra)*, that the offence under Section 21 read with Section 4 of the MMDR, Act and Section 379 of the IPC are different and distinct offences. Section 26 of the General Clauses Act bars prosecution and punishment twice for the 'same offence' under two or more enactments but permits prosecution for 'different offences'.
19. While considering *vires* of Rule 53 of the Rule, 1996, a Division Bench of this Court in *Rajkumar Sahu v. State of Madhya Pradesh and Ors. AIR 2018 MP 87 (MP High Court)* held that the trial for an offence under Section 21 of the MMDR, Act, which contemplates imposition of penalty and sentence are distinct and separate procedure than confiscation of vehicle in terms of Rule 53. The confiscation under Rule 53 is an independent proceeding. Such confiscation is not a

punishment, which is imposable in exercise of the powers conferred under Section 21 of the MMDR, Act. The provisions of Rule 53 are to ensure that there is no unauthorised extraction and transportation of the minerals, while Section 21 of the Act, provides for imprisonment as well.

20. Relying on the judgement rendered by the Madras High Court in the case of *Sengol, Charles and K. Kannan etc. v. State Rep. By Inspector of police 2012 Cri LJ 1705*, by M.P. High Court in *WP-18818/2017 : (AIR 2018 MP 87)* and *WP- 19320-2017 Ayush Namdeo v. The State of M.P. decided on 15 February, 2018* and of the Apex Court in the case of *State (NCT of Delhi) v. Sanjay (supra)* and comparing the provisions of Rule 53 of the Rules, 1996 and Section 378,379 IPC, this Court in *Ashish Singh v. State of Madhya Pradesh reported in 2019 CRI. L. J. 2532* held that:

9. Thus from a bare perusal of both these provisions of Section 378 of IPC and rule 53 of M.P. minor mineral Rules, 1996 as amended, it is clear that both these offences are quite distinct. While Rule 53 deals with unauthorized extraction and transportation of minor minerals and provides for penalty imposed in a graded manner as well as the seizure and confiscation of tools, machines and vehicles used, which powers have been conferred on the officers of the State instead of judicial Courts established and governed by Cr.P.C. whereas Section 378 deals with theft of sand without the consent of the owner that is the State.

21. In the case of *Nitesh Rathore and another vs. State of M.P. and others, 2018 (4) MPLJ 193* full Bench of this Court has held that:

iii) The M.P. Minor Mineral Rules, 1996 provide for penalty for extraction or transportation of minor minerals, which is in addition to the prosecution under the M.P. Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2006 or the penalty to be imposed under Sub-section (7) of Section 247 of the Code.

x) The violator would be liable to be criminally prosecuted in respect of minerals including the minor minerals in terms of the 2006 Rules whereas in terms of Rule 53 of the 1996 Rules, the violator will be liable to pay penalty, which is distinct from the criminal proceedings.

22. The judgement of *Nitesh Rathore (supra)* is overruled by a larger Bench (comprising five judges) in *Rajkumar Sahu v. State of M.P. 2019 (2) MPLJ 438*, on the findings that 'the complete discretion to forfeit in one case and to impose penalty in another case in the absence of any guidelines suffers from the vice of arbitrariness' and that 'it is only when default in terms of sub-rule (1) of Rule 53 is not paid; the question of forfeiture will arise. Such process alone will save sub-rule (2) of Rule 53 from the vice of discrimination and arbitrariness. ' and not on any other issue decided in the case.
23. On the issue in hand, Para 7 of the order dated 25th March, 2019 of Division Bench delivered in *M/S Rajlaxmi Dev Builders India vs Divisional Commissioner (M.P. No.666/2019)* is also relevant and reads as under:

7. It is also apparent from a perusal of the provisions of the Rules of 1996 in juxta position with the provisions of Section 247 of the Code, that Rule 53 of the Rules of 1996, is a regulatory measure enacted for the purposes of preventing illegal extraction and transportation of "minor minerals" and the provisions are in addition to and in furtherance of the object of preventing illegal extraction and transportation of minor minerals as well as to confiscate tools, machines, vehicles, etc. repeatedly used by such offenders, while the provisions of Section 247 (7) of the Code, apply to all cases where a person extracts or removes all kinds of minerals, major or minor, without the authority of law, the right to which vests in the Government and has not been assigned by it by way of any lease or otherwise by any instrument. The provisions of Section 247(7) of the Code, also specifically states that they are without prejudice to any other action that may be taken against the offender. From a reading of the aforesaid provisions of Rule 53 of the Rules of 1996 and Section 247(7) of the Code, it is apparent that the provisions of the Code apply to all minerals, the right of which has not been leased out or assigned by the State Government to anybody and are without prejudice to any other action that has to be taken against the offender and, therefore, the contention of the learned counsel for the petitioner that no action could have been taken against him under the provisions of Section 247(7) of the Code, in view of the provisions of Rule 53 of the Rules of 1996, is rejected in view of the provisions of the Rules of 1996, the provisions of Section 247(7) of the Code and the Full Bench decision of this Court in the case of *Nitesh Rathore (supra)*.

24. In the wake of the judgement of the Full Bench delivered in *Nitesh Rathore (supra)*, order dated 1st October, 2018 of Division Bench passed in W.P. No.22630 of 2018 in the case of *Satish Prajapati vs The State of Madhya Pradesh* and order delivered in *Raj Laxmi Case (supra)*, the learned trial Court has rightly concluded that a person is liable to be prosecuted and punished under Section 247 of the Madhya Pradesh Land Revenue Code, 1959 for illegal extraction of mineral from a quarry not assigned to him. The action taken against him under Rule 53 of the Rules 1996 does not restrict or bar proceedings under Section 247 of the MPLRC.

Thus, from the aforesaid, it is apparently clear that the ingredients of offence under Section 378/379 of IPC, Section 247 of MPLRC, Section 4/21 MMDR, Act and Rule 53 of M.P. Minor Mineral Rules, 2006 are different and distinct, they deals with and operates in different fields. Action taken under Rule 53 of the Rules, 1996 does not bar the Magistrate to take action under other relevant laws and still the Courts can take cognizance u/Ss 379 IPC, 247 MPLRC, 4/21 MMDR Act or under any other enactment, making the act punishable or liable for punitive action for theft of sand from the property owned by the 'State'. Since the law is settled, there is no error apparent on the record warranting this Court to exercise extraordinary powers conferred under Section 482 Cr.P.C.

25. In view of the foregoing discussion and the law laid down by the Courts, the impugned order of the learned trial Court directing the prosecution of the offenders under other laws cannot be said to be contrary to the law. I find the submission of the petitioners to be untenable. Consequently, all the petitions are dismissed and disposed off with a direction to the Magistrate concerned to proceed further in accordance with the law.
26. However, the impugned order shows that as per the report submitted by the mining officer, total 190 cases were registered and disposed off in the identical manner, but due to lack of territorial jurisdiction, the learned trial Court did not take action against those violators, whose cases were not falling in his territorial jurisdiction. Therefore, the Chief Judicial Magistrate, Mandsaur is directed to examine those matters and to take appropriate action against them according to the law within 3 (three) months from the date of receipt of this order. Compliance be submitted through the Principal Registrar, Bench at Indore.
27. A copy of this order be communicated to the all CJMs working in State of Madhya Pradesh with the direction to call for and examine the record and if any illegality or irregularity is found to be committed, the

2674

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action be taken against the Responsible person as is done by the learned JMFC, Mandasaur.

28. All IAs pending stand closed.
29. With the aforesaid, all the petitions stand dismissed and disposed off. A copy of this order be kept in all the connected petitions.

(VirenderSingh)
Judge

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Soumya Ranjan Dalai
DN: cn=Soumya Ranjan Dalai,
o=Court of Madhya Pradesh,
ou=Madhya Pradesh,
c=IN, email=Soumya.Ranjana.Dalai@mp.gov.in,
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THE HIGH COURT OF MADHYA PRADESH

WP.7695.2015

(Jitendra Singh Vs. State of M.P. and others)

Gwalior, Dated 29.01.2020

Shri Rohit Jagwani, learned counsel for the petitioner.

Shri F.A. Shah, learned Government Advocate, for respondents
No.1 to 4/State.

Shri Mithlesh Tiwari, learned counsel for respondent No.5.

Though this petition (PIL) has been filed primarily being aggrieved by the fact that despite imposition of fine on respondent No.5 involved in rampant and in large-scaled illegal mining of minerals within the District of Bhind, the authorities have merely passed orders of penalty without forfeiting the vehicle involved in unlawful mining.

This Court during pendency of this petition had widened the scope by asking the State to inform as to what action has been taken in respect of illegal mining, imposition of penalty and as well as forfeiture of vehicles against the persons even other than respondent No.5. For this, the State was also made aware of the Special Bench decision of this Court in "**Rajkumar Sahu Vs. State of M.P. and others [2019(2) MPLJ 438]**" where it was held thus:

"Issue Nos.5 and 6 :-

39. As analyzed and stated by us in the preceding paragraphs, forfeiture can be ordered in isolation, simultaneously or alongwith orders imposing penalty and an order of forfeiture is not dependent upon imposition of penalty. This is evident from a perusal of the factors that

are relevant for ordering forfeiture that are mentioned in Rule 53(2) and 53(3) itself namely, *illegal extraction or transportation of mineral*, as the case may be. To put it differently, forfeiture can be ordered in all or any case of "*illegal extraction or transportation*" of mineral and is not subject to, conditional upon or restricted only to those cases where penalty has been imposed. Had the State intended to provide for such an eventuality it would have clearly stated so in the Rules by using words like "*in cases where penalty is imposed*" or the like in Rule 53(2) and 53(3) which provide for forfeiture. As Rule 53(2) and 53(3) stand today, they unequivocally empower the competent authority to pass orders of forfeiture in all or any case of "*illegal extraction or transportation*" of mineral without referring to or mentioning anything about any proceedings relating to penalty or any orders imposing penalty. The scheme of the Rule makes it clear that orders of forfeiture can be passed independently or in isolation in all cases of illegal extraction or transportation of mineral irrespective of and apart from proceedings of penalty and orders of forfeiture can be passed even in cases where no penalty order is passed or imposed.

40. We are, therefore, of the considered opinion that Rule 53(2) and 53(3) nowhere states or requires that order of forfeiture can be passed only in cases where penalty under Rule 53(1) is imposed by the authority. Apparently, the two powers, i.e. of penalty and forfeiture are distinct and can be exercised collectively or individually in appropriate cases. The conclusion recorded by the Full Bench in the case of Nitish Rathore (*supra*) to the contrary, is hereby set aside and overruled.

41. We are also of the considered opinion that in view of the analysis of Rule 53 made by us and the conclusion recorded by us that orders imposing penalty and forfeiture can be passed simultaneously, collectively or in isolation depending upon the facts of each case and as the Rule does not confer any power or option upon the competent authority to invoke only one of the two i.e. either impose penalty or order forfeiture, therefore, the decisions of the Supreme Court in the case of *M/s Jagdish Chand Radhey Shyam vs. State of Punjab and others*, (1973) 3 SCC 428, *Jiwani Kumar Paraki v. First Land Acquisition Collector, Calcutta and others*, (1984) 4 SCC 612 and *Managing Director, Haryana State Industrial Development Corporation and others v. Hari Om Enterprises and*

Another (2009) 16 SCC 208, have no applicability to the facts of the present case and have no applicability for the purpose of interpreting Rule 53 of the Rules of 1996, and have wrongly been relied upon by the Full Bench in the case of Nitesh Rathore (supra).

Issue Nos.5 & 6 are answered accordingly.

51. As a consequence thereof, it is held that the power of forfeiture/confiscation can be exercised by the competent authority as and when it takes an appropriate decision in this regard under Rule 53(2) or 53(3) irrespective of the fact that the contravention is made by the defaulter for the first time. In other words, the power of forfeiture vested in the competent authority under Rules 52(2) and 52(3) can be exercised in isolation, simultaneously or collectively with the power to impose penalty and would not depend upon payment of penalty by the offender and that even in cases where the offender pays the penalty imposed upon him under Rule 53(1) the competent authority has the power and would be competent to pass orders of forfeiture and that the said power is not circumscribed by the provision of or the fact of payment of penalty.”

It is seen from the record and the affidavit filed by Collector, Bhind (M.P.) reveals that though orders of imposition of penalty have been passed but no recovery of penalty has yet taken place despite issuance of RRC. Further that in none of the cases involving illegal mining any vehicle involved in has been forfeited despite authorities vested with independent powers of forfeiting the vehicles involved in addition or in alternative to imposition of penalty.

Learned counsel for the State Shri Shah is directed to apprise the authorities, not only the Collector, Bhind (M.P.) but also other functionaries of the State who are involved in the process of preventing illegal mining in all the nine districts falling within the territorial jurisdiction of this Bench, of the correct legal position and

2678

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WP.7695.2015

then show proper compliance.

// Let the case be taken up **in the last week of February, 2020** for filing affidavit of Collector, District Bhind (M.P.) revealing thus:-

- (a) Actual recovery of penalty amount made pursuant to RRCs issued since the last five (5) years;
- (b) Number of forfeitures made of vehicles involved in illegal mining.

Copy of this order be made available to the State Counsel to ensure necessary compliance. //

Registry to communicate copy of this order directly to Collector, Bhind for compliance.

(Sheel Nagu)
Judge

(Rajeev Kumar Shrivastava)
Judge

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The High Court of Madhya Pradesh

WP 7695/2015

(Jitendra Singh Vs. The State of M.P.)

Gwalior dated 18.09.2020

Shri U.K. Bohare, learned counsel for petitioner.

Shri Ankur Mody, learned Additional Advocate General for respondents No. 1 to 4/State.

Shri Rajiv Shrivastava, learned counsel for respondent No.5.

Learned counsel for the rival parties are heard through video conferencing.

In this matter involving the public cause of unlawful mining around the area of Chambal Division falling within districts Morena and Bhind, the State has filed documents to reveal that out of 3000+ cases of illegal mining of sand where vehicles were involved, in only 17 cases confiscation of vehicles was made whereas in remaining, vehicles were released to the owners after receiving penalty amount.

From perusal of documents brought on record by State it seems that the State and its functionaries are more interested in collecting revenue by way of penalty arising out of mining offences but are least interested in confiscating vehicles involved in mining offence which can help in curtailing to a considerable extent the possibility of repeat mining offence.

Thus, it is essential for this court to direct the Collectors of all 9 districts, i.e., Gwalior, Datia, Guna, Ashoknagar, Shivpuri, Morena, Sheopur, Bhind and Vidisha situated within territorial jurisdiction of this bench to exercise their powers of confiscation of vehicle involved in mining offence by keeping in mind that power of confiscation of vehicles is a concurrent power available to the competent authority which can be exercised in addition to and not as alternative to the power of imposing penalty even under the amended M.P. Minor Mineral Rules, 1996 (for brevity 1996 Rules) as interpreted and explained by the Special Bench of this Court in the case of *Raj Kumar Sahu Vs. State of M.P. [2019(2)*

MPLJ 438] relevant para of which is extracted below:-

"51. As a consequence thereof, it is held that the power of forfeiture/confiscation can be exercised by the competent authority as and when it takes an appropriate decision in this regard under Rule 53(2) or 53(3) irrespective of the fact that the contravention is made by the defaulter for the first time. In other words, the power of forfeiture vested in the competent authority under Rules 52(2) and 52(3) can be exercised in isolation, simultaneously or collectively with the power to impose penalty and would not depend upon payment of penalty by the offender and that even in cases where the offender pays the penalty imposed upon him under Rule 53(1)

2681

the competent authority has the power and would be competent to pass orders of forfeiture and that the said power is not circumscribed by the provision of or the fact of payment of penalty."

Accordingly, an interim writ in the nature of mandamus is issued to all the Collectors of 9 districts (Gwalior, Datia, Guna, Ashoknagar, Shivpuri, Morena, Sheopur, Bhind and Vidisha) to exercise or cause to exercise power of confiscation of vehicle as concurrent to the power of imposing penalty in appropriate cases.

For filing compliance reports of this order in regard to 9 districts duly supported by affidavits of respective Collectors of those districts, let the matter be taken up in the week commencing 12/10/2020.

The Registry is directed to forthwith communicate this order by electronic means to all the Collectors of 9 districts within the territorial jurisdiction of this court.

(Sheel Nagu)
Judge

(Rajeev Kumar Shrivastava)
Judge

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No. 19-7/2017/XII-1.- In exercise of the powers conferred by sub-section (1) of Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the State Government, hereby, makes following further amendments in the Madhya Pradesh Minor Minerals Rules, 1996, namely:-

AMENDMENTS

In the said rules _

1. For rule 53, the following rule shall be substituted, namely:-

"53. (1) **Penalty for un-authorized extraction and transportation.**- Whenever any person is found extracting or transporting minerals or on whose behalf such extraction or transportation is being made otherwise than in accordance with these rules, shall be presumed to be a party to the illegal mining/transportation, then the Collector or any officer authorized by him not below the rank of Deputy Collector shall after giving an opportunity of being heard determines that such person has extracted/transported the minerals in contravention of the provisions of these rules, then he shall impose the penalty in the following manner, namely :-

- (a) on first time contravention, a penalty of minimum 30 times of the royalty of illegally extracted/ transported minerals, shall be imposed but it shall not be less than ten thousand rupees.
- (b) on second time contravention a penalty of minimum 40 times of the royalty of illegally extracted/ transported minerals, shall be imposed but it shall not be less than twenty thousand rupees.

(c) on third time contravention, a penalty of minimum 50 times of the royalty of illegally extracted/ transported minerals shall be imposed but it shall not be less than thirty thousand rupees.

(d) on third time or subsequent contravention, a penalty of minimum 70 times of the royalty of illegally extracted/ transported minerals, shall be imposed but it shall not be less than fifty thousand rupees.

(2) **Forfeiture of minerals in cases of illegal excretion and transportation.-**

In respect of the Forfeiture / discharge of the mineral extracted / transported illegally the Collector or any other officer authorized by him not below the rank of the Deputy Collector shall take an appropriate decision. Provided that seized minerals shall not be discharged till the penalty imposed as above is not paid. In case of forfeiture, the seized mineral shall be disposed of through a transparent auction/ tender procedure as prescribed by the State Government.

(3) **Forfeiture / Discharge of the seized tools, machines and vehicles etc. and disposal of forfeited material through Auction/Tender.-**

(a) In case of illegal extraction, the Collector or any other officer not below the rank of a Deputy Collector, authorized by him shall take an appropriate decision in respect of forfeiture/discharge of tools, machines and vehicles used. Provided that the tools, machines, vehicles and other material so seized shall not be discharged till the penalty imposed as above is not paid. In case of forfeiture, the seized materials shall be disposed of through a transparent auction/tender procedure as prescribed by the State Government.

(b) In respect of Forfeiture/ Discharge of vehicle carrying mineral extracted/ transported without any transit pass the Collector or any other officer not below the rank of

Deputy Collector authorized by him shall take an appropriate decision. Provided that tools, machines, vehicles and other materials shall not be discharged till the penalty imposed as above is not paid.

In case of forfeiture the seized material shall be disposed off through a transparent auction/tender procedure as prescribed by the State Government:

Provided that the vehicle carrying minerals in excess as mentioned in transit pass, shall not be forfeited on doing so for first three times but the vehicle shall only be discharged on payment of penalty as imposed above. On repetition for the fourth time vehicle shall be liable to be forfeited.

(4) Action and compounding cases of un-authorized extraction / transportation:

Whenever any person is found involved extracting/transporting of the minerals in contravention of provisions of these rules, the Collector/ Additional Collector/Deputy Collector/Chief Executive Officer of Zilla Panchayat/Chief Executive Officer of Janpad Panchayat/Deputy Director(Mineral Administration)/Officer in charge (Mining Section)/Assistant Mining officer/Mining Inspector /officer in charge(Flying Squad)/Sub Divisional Officer (Revenue) /Tehsildar/ Naib Tehsildar and any other officer not below the rank of Class-III executive authorized by the Collector from time to time shall proceed to act in the following manner :-

- (a) to initiate case of un-authorized extraction/ transportation by preparing Panchnama on spot;
- (b) to collect necessary evidences (including video-graphy) relevant to un-authorized extraction/transportation;
- (c) to seize all tools, devices, vehicles and other materials used in excavation of miner mineral in such contravention and to handover all material so seized to

the persons or lessee or any other person from whose possession such material was seized on executing an undertaking up to the satisfaction of the officer seizing such material, to this effect that he shall forthwith produce such material as and when may be required to do so:

Provided that where the report is submitted under sub-rule (3) above to the Collector or any other officer not below the rank of a Deputy Collector authorized by him, the seized property shall only be discharged by the order of the Collector or the officer authorized by him.

- (d) officer as mentioned above shall inform the Collector or any other officer not below the rank of Deputy Collector, authorized by him about the incident within 48 hours of coming in to notice of the same.
- (e) officers as mentioned above shall make a request in writing to the concerning police station / seeking police assistance, if necessary and police officer shall provide such assistance as may be necessary to prevent unlawful excavation / transportation of the mineral

(5) Rights and powers of the investigating officer.-

During the investigation of the cases of illegal extracton /transportation of the minerals, in contravention of these rules, the investigation officer shall have the following rights and powers, namely :-

- (a) to call for person concern to record statements;
- (b) to seize record and other material related to the case;
- (c) to enter into place concern and to inspect the same;
- (d) all powers as are vested in an in-charge of a police station while investigation any cognizable offence under Code of Criminal Procedure; and

- (e) all other powers as are vested under Code of Civil Procedure to compel any person to appear or to be examined on oath or to produce any document.

(6) **Submitting application by illegal extractor / transporter to compound and its disposal.-**

Before initiating or during the operation of the case, if the extractor / transporter is agree to compound the case, he shall have to submit an application of his intention to do so before the Collector / Additional Collector / Deputy Collector / Sub Divisional Officer (Revenue) / Deputy Director (Mineral Administration) / Mining Officer / Officer-in-charge (Mining Section) / Assistant Mining Officer / Officer in charge (Flying Squad) and he shall proceed to compound in the case. Provided that to avail the benefit of compounding the violator shall have to deposit the amount as determined here under as fine, namely :-

- (a) For the first time violation 25 time of royalty of unlawfully excavated / transported minerals or rupees 10,000/- (Ten Thousand) whichever is more,
- (b) For the Second time violation 35 time of royalty of unlawfully excavated / transported minerals or rupees 20,000/- (Twenty thousand) whichever is more.
- (c) For the third time violation 45 time of royalty of unlawfully excavated / transported minerals or rupees 30,000/- (Thirty Thousand) whichever is more, and
- (d) for the fourth time or subsequent violation minimum 65 time of royalty of unlawfully extracted/transported. Provided that it should not be less than rupees 50,000/- (Fifty thousand).

On being compounded, the seized mineral, tools machinery/ and other materials shall be discharged.

(7) **Action against contravention of conditions of extract trade quarry/quarry lease/permit or the provisions of this rules:**

If during the enquiry of any illegal extraction/ transportation a fact comes into the knowledge that any lease holder/contractor/permit holder, in order to evade the royalty from any sanctioned quarry lease/trade quarry/permit area is involved in dispatching/selling of minerals in excess quantity by showing less quantity of minerals in transit pass/defective transit permit/blank transit permit, then the Collector of the concerned district may suspend the quarrying operation in such quarry lease/trade quarry permit by issuing show cause notice for violating the conditions of the agreement and after providing an opportunity of being heard may cancel the such lease/ trade quarry/ permit. The additional royalty may be recovered after making the assessment of the quantity dispatched or sold in order to evade the royalty:

Provided that during the inspection if it is found that illegal minerals transporter by securing the transit pass from the lease holder in order to evade the royalty has made overwriting or tempered the pass then the officer of the minerals department /Mineral Inspector may registered a case against the person concerned.

2. In rule 68, sub-rule (5) shall be omitted.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
मनोहर लाल दुबे, सचिव.

No. 19-7/2017/XII-1.- In exercise of the powers conferred by sub-section (1) of Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the State Government, hereby, makes following further amendments in the Madhya Pradesh Minor Minerals Rules, 1996, namely:-

AMENDMENTS

In the said rules _

1. For rule 53, the following rule shall be substituted, namely:-

"53. (1) **Penalty for un-authorized extraction and transportation.**- Whenever any person is found extracting or transporting minerals or on whose behalf such extraction or transportation is being made otherwise than in accordance with these rules, shall be presumed to be a party to the illegal mining/transportation, then the Collector or any officer authorized by him not below the rank of Deputy Collector shall after giving an opportunity of being heard determines that such person has extracted/transported the minerals in contravention of the provisions of these rules, then he shall impose the penalty in the following manner, namely :-

- (a) on first time contravention, a penalty of minimum 30 times of the royalty of illegally extracted/ transported minerals, shall be imposed but it shall not be less than ten thousand rupees.
- (b) on second time contravention a penalty of minimum 40 times of the royalty of illegally extracted/ transported minerals, shall be imposed but it shall not be less than twenty thousand rupees.

(c) on third time contravention, a penalty of minimum 50 times of the royalty of illegally extracted/ transported minerals shall be imposed but it shall not be less than thirty thousand rupees.

(d) on third time or subsequent contravention, a penalty of minimum 70 times of the royalty of illegally extracted/ transported minerals, shall be imposed but it shall not be less than fifty thousand rupees.

(2) **Forfeiture of minerals in cases of illegal excretion and transportation.-**

In respect of the Forfeiture / discharge of the mineral extracted / transported illegally the Collector or any other officer authorized by him not below the rank of the Deputy Collector shall take an appropriate decision. Provided that seized minerals shall not be discharged till the penalty imposed as above is not paid. In case of forfeiture, the seized mineral shall be disposed of through a transparent auction/ tender procedure as prescribed by the State Government.

(3) **Forfeiture / Discharge of the seized tools, machines and vehicles etc. and disposal of forfeited material through Auction/Tender.-**

(a) In case of illegal extraction, the Collector or any other officer not below the rank of a Deputy Collator, authorized by him shall take an appropriate decision in respect of forfeiture/discharge of tools, machines and vehicles used. Provided that the tools, machines, vehicles and other material so seized shall not be discharged till the penalty imposed as above is not paid. In case of forfeiture, the seized materials shall be disposed of through a transparent auction/tender procedure as prescribed by the State Government.

(b) In respect of Forfeiture/ Discharge of vehicle carrying mineral extracted/ transported without any transit pass the Collector or any other officer not below the rank of

Deputy Collector authorized by him shall take an appropriate decision. Provided that tools, machines, vehicles and other materials shall not be discharged till the penalty imposed as above is not paid.

In case of forfeiture the seized material shall be disposed off through a transparent auction/tender procedure as prescribed by the State Government:

Provided that the vehicle carrying minerals in excess as mentioned in transit pass, shall not be forfeited on doing so for first three times but the vehicle shall only be discharged on payment of penalty as imposed above. On repetition for the fourth time vehicle shall be liable to be forfeited.

(4) Action and compounding cases of un-authorized extraction / transportation:

Whenever any person is found involved extracting/transporting of the minerals in contravention of provisions of these rules, the Collector/ Additional Collector/Deputy Collector/Chief Executive Officer of Zilla Panchayat/Chief Executive Officer of Janpad Panchayat/Deputy Director(Mineral Administration)/Officer in charge (Mining Section)/Assistant Mining officer/Mining Inspector /officer in charge(Flying Squad)/Sub Divisional Officer (Revenue) /Tehsildar/ Naib Tehsildar and any other officer not below the rank of Class-III executive authorized by the Collector from time to time shall proceed to act in the following manner :

- (a) to initiate case of unauthorized extraction/ transportation by preparing Panchnama on spot;
- (b) to collect necessary evidences (including video-graphy) relevant to un-authorized extraction/transportation;
- (c) to seize all tools, devices, vehicles and other materials used in excavation of miner mineral in such contravention and to handover all material so seized to

the persons or lessee or any other person from whose possession such material was seized on executing an undertaking up to the satisfaction of the officer seizing such material, to this effect that he shall forthwith produce such material as and when may be required to do so:

Provided that where the report is submitted under sub-rule (3) above to the Collector or any other officer not below the rank of a Deputy Collector authorized by him, the seized property shall only be discharged by the order of the Collector or the officer authorized by him.

- (d) officer as mentioned above shall inform the Collector or any other officer not below the rank of Deputy Collector, authorized by him about the incident within 48 hours of coming in to notice of the same.
- (e) officers as mentioned above shall make a request in writing to the concerning police station / seeking police assistance, if necessary and police officer shall provide such assistance as may be necessary to prevent unlawful excavation / transportation of the mineral

(5) Rights and powers of the investigating officer.-

During the investigation of the cases of illegal extracton /transportation of the minerals, in contravention of these rules, the investigation officer shall have the following rights and powers, namely :-

- (a) to call for person concern to record statements;
- (b) to seize record and other material related to the case;
- (c) to enter into place concern and to inspect the same;
- (d) all powers as are vested in an in-charge of a police station while investigation any cognizable offence under Code of Criminal Procedure; and

(e) all other powers as are vested under Code of Civil Procedure to compel any person to appear or to be examined on oath or to produce any document.

(6) Submitting application by illegal extractor / transporter to compound and its disposal.-

Before initiating or during the operation of the case, if the extractor / transporter is agree to compound the case, he shall have to submit an application of his intention to do so before the Collector / Additional Collector / Deputy Collector / Sub Divisional Officer (Revenue) / Deputy Director (Mineral Administration) / Mining Officer / Officer-in-charge (Mining Section) / Assistant Mining Officer / Officer in charge (Flying Squad) and he shall proceed to compound in the case. Provided that to avail the benefit of compounding the violator shall have to deposit the amount as determined here under as fine, namely :-

- (a) For the first time violation 25 time of royalty of unlawfully excavated / transported minerals or rupees 10,000/- (Ten Thousand) whichever is more,
- (b) For the Second time violation 35 time of royalty of unlawfully excavated / transported minerals or rupees 20,000/- (Twenty thousand) whichever is more.
- (c) For the third time violation 45 time of royalty of unlawfully excavated / transported minerals or rupees 30,000/- (Thirty Thousand) whichever is more, and
- (d) for the fourth time or subsequent violation minimum 65 time of royalty of unlawfully extracted/transported. Provided that it should not be less than rupees 50,000/- (Fifty thousand).

On being compounded, the seized mineral, tools machinery/ and other materials shall be discharged.

(7) Action against contravention of conditions of extract trade quarry/quarry lease/permit or the provisions of this rules:

If during the enquiry of any illegal extraction/ transportation a fact comes into the knowledge that any lease holder/contractor/permit holder, in order to evade the royalty from any sanctioned quarry lease/trade quarry/permit area is involved in dispatching/selling of minerals in excess quantity by showing less quantity of minerals in transit pass/defective transit permit/blank transit permit, then the Collector of the concerned district may suspend the quarrying operation in such quarry lease/trade quarry permit by issuing show cause notice for violating the conditions of the agreement and after providing an opportunity of being heard may cancel the such lease/ trade quarry/ permit. The additional royalty may be recovered after making the assessment of the quantity dispatched or sold in order to evade the royalty:

Provided that during the inspection if it is found that illegal minerals transporter by securing the transit pass from the lease holder in order to evade the royalty has made overwriting or tempered the pass then the officer of the minerals department /Mineral Inspector may registered a case against the person concerned.

2. In rule 68, sub-rule (5) shall be omitted.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
मनोहर लाल दुबे, सचिव.

Chapter -X**Illegal Mining, Transportation and Storage of Sand****20. Penalty and Compounding of cases of Illegal Mining.-**

- (1) On receipt of information about illegal mining, the Collector or Officer authorised for this purpose, shall seize mineral, vehicle, machine, tools etc. and case shall be submitted, before the Collector. During the pendency or before taking final decision of the registered case, if any application for compounding the case is received, the Collector may dispose of the case after applicant depositing an amount equal to 25 times of royalty of the excavated mineral. During this period, if application/consent is not received, Collector shall impose penalty, 50 times of the royalty of mineral excavated. On deposit of compounding amount or penalty amount, the seized mineral, vehicle, machines, tools, may be released:

Provided that if penalty amount imposed is not deposited by the illegal extractor, then Collector or Officer authorised for this purpose may confiscate and auction the seized mineral, vehicle, machines and tools.

- (2) **Penalty and compounding of cases of illegal transportation-** In case of registered cases of illegal transportation, transportation without valid e-tp and transportation with quantity more than the quantity entered in e-tp, the Collector may dispose off cases after deposit of compounding fees or amount of penalty by the illegal extractor, as under:-

N o.	Type of Vehicle	Transportation without valid Transit Pass		Transport with Transit Pass but quantity is more than quantity entered in Transit Pass	
		Compound ing Fees	Amount of Penalty	Compound ing Fees	Amount of Penalty
1.	Tractor- Trolley	10000/-	25000/-	5000/-	10000/-
2.	Two axle (6 wheeler vehicle)	25000/-	50000/-	10000/-	20000/-
3.	Dumper(hydr aulic 6 wheeler vehicle)	50000/-	1,00,00 0/-	25000/-	50000/-
4.	3 axle (10 wheeler vehicle)	1,00,000/-	2,00,00 0/-	50000/-	1,00,00 0/-
5.	4-6 axle (More than 10 wheeler vehicle)	2,00,000/-	4,00,00 0/-	1,00,000/-	2,00,00 0/-

Provided, compounding fees or amount of penalty in case of transportation of mineral by 4 wheeler vehicle (Matador, 407, 608 etc) carrying mineral more than the quantity of tractor-trolley, shall not be less than 1.5 times of the amount fixed for tractor-trolley.

- (3) **Compounding and Penalty in cases of Illegal Storage-** The Collector, for disposal of registered cases of illegal storage of sand upon receipt of any application/consent from the date of registration of the case, during the pendency of the case or before taking the final decision, may compound the case after depositing amount equivalent to 25 times of royalty of the stored mineral. If during this period any application/consent is not received then the Collector may impose penalty of amount 50 times of the royalty of the mineral stored:

Provided, no such order shall be passed against the person interested, unless the opportunity of being heard is given to him.

Chapter-XI

Transfer of amount received from the mineral sand

- 21. Amount received from mineral sand.-** The whole amount received in the tender process of sand group and under these rules, shall be deposited in the account maintained by the corporation and thereafter every month the same shall be transferred, as follows:-

- (1) Rs. 75/- per cubic meter for the concerned Gram Panchayat/Local Body to the State Government.
- (2) Rs. 50/- per cubic meter, in the head of the District Mineral Foundation, to be made available to the Collector, to the State Government.
- (3) For the first year (year 2019-20) 10% of amount received from tender premium shall be kept by corporation as incentive amount or for self expense/use. Remaining amount received from the tender premium shall be transferred to the State Government, every month. Re-fixation of the incentive amount to be kept by the corporation may be done

परिशिष्ट- 'ब'

जिले में दर्ज रेत के अवैध उत्खनन के प्रकरणों की जानकारी

क्र	जिले का नाम	अवधि	रेत के अवैध उत्खनन के दर्ज प्रकरणों की कुल संख्या	अवैध उत्खनन के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध उत्खनित रेत की कुल मात्रा	कुल आरोपित अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	कुल वसूल अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजसात वाहन/मशीन/औजारों की संख्या
1	जबलपुर	2017-18	18	15	624.00	20.47	16.00	22	0
		2018-19	108	104	116.60	53.93	48.75	121	0
		2019-20	123	112	1627.00	54.98	41.48	37	0
2	कटनी	2017-18	8	7	52256.00	2016.53	8.88	7	0
		2018-19	10	10	128.00	7.72	7.72	11	0
		2019-20	31	23	72901.00	7.52	7.52	36	0
3	रिन्दवाड़ा	2017-18	41	40	255.00	7.85	4.85	31	0
		2018-19	13	6	111778.00	1629.38	0.82	29	0
		2019-20	36	28	183773.00	5363.67	7.05	38	0
4	बालाघाट	2017-18	9	9	28.23	0.66	0.66	6	0
		2018-19	37	34	1209.00	11.90	11.90	34	0
		2019-20	40	39	190.00	9.17	9.17	39	0
5	नरसिंहपुर	2017-18	4	4	73.00	1.38	1.38	3	3
		2018-19	15	9	11981.77	10.45	10.45	8	4
		2019-20	8	4	29809.10	7.56	7.56	7	0
6	सिवनी	2017-18	28	28	141.50	4.52	4.52	29	0
		2018-19	17	14	1372.00	81.55	2.11	14	0
		2019-20	29	29	242.50	6.73	6.73	29	0
7	मण्डला	2017-18	10	10	196.00	4.95	4.95	10	0
		2018-19	42	42	203.00	8.85	8.85	42	0
		2019-20	69	69	256.00	8.80	8.80	69	0
		2017-18	5	5	24.00	0.80	0.80	5	0

2698

क्र	जिले का नाम	अवधि	रेत के अवैध उत्खनन के दर्ज प्रकरणों की कुल संख्या	अवैध उत्खनन के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध उत्खनित रेत की कुल मात्रा	कुल आरोपित अर्थदण्ड/प्रशमन राशि (लाख रूप में)	कुल बसूल अर्थदण्ड/प्रशमन राशि (लाख रूप में)	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजसात वाहन/मशीन/औजारों की संख्या
8	डिण्डौर	2018-19	8	8	2948.00	117.90	0.90	7	0
		2019-20	1	1	3.00	0.18	0.18	1	0
9	सागर	2017-18	3	2	94.00	52.00	1.00	0	0
		2018-19	3	2	500.00	60.00	0.00	4	3
		2019-20	7	0	2193.00	182.70	0.45	17	16
10	दमोह	2017-18	0	0	0.00	0.00	0.00	0	0
		2018-19	0	0	0.00	0.00	0.00	0	0
		2019-20	9	9	90.00	2.81	2.81	0	0
11	फर्रुखाबाद	2017-18	49	7	10500.00	44.81	8.00	13	0
		2018-19	22	15	1690.00	35.13	15.00	17	2
		2019-20	18	8	6964.00	910.34	12.86	15	0
12	छतरपुर	2017-18	71	21	98956.00	4200.85	18.60	22	0
		2018-19	93	79	34874.00	2091.69	65.80	85	0
		2019-20	140	96	42047.00	1907.13	135.57	152	0
13	ठीकमगढ़	2017-18	3	2	45170.00	1355.00	2.70	0	0
		2018-19	5	1	9775.93	363.99	0.55	0	0
		2019-20	1	1	47.94	2.40	2.40	0	0
14	निवाडी	2017-18	0	0	0.00	0.00	0.00	0	0
		2018-19	0	0	0.00	0.00	0.00	0	0
		2019-20	0	0	0.00	0.00	0.00	0	0
15	रीवा	2017-18	0	0	0.00	0.00	0.00	0	0
		2018-19	0	0	0.00	0.00	0.00	0	0
		2019-20	0	0	0.00	0.00	0.00	0	0
		2017-18	1	0	18750.00	1125.00	0.00	0	0

क्र	जिले का नाम	अवधि	रेत के अवैध उत्खनन के दर्ज प्रकरणों की कुल संख्या	अवैध उत्खनन के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध उत्खनित रेत की कुल मात्रा	कुल आरोपित अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	कुल वसूल अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजसात वाहन/मशीन/औजारों की संख्या
16	सीधी	2018-19	1	1	3.00	0.10	0.10	1	0
		2019-20	0	0	0.00	0.00	0.00	0	0
17	सिंगरौली	2017-18	19	19	122.00	9.20	9.20	18	0
		2018-19	38	38	893.00	50.68	50.68	20	0
		2019-20	42	40	28717.34	85.95	19.55	35	0
18	सतना	2017-18	5	0	1836.55	44.99	0.00	0	0
		2018-19	2	1	303.00	18.18	0.18	0	0
		2019-20	1	1	3.00	0.20	0.20	1	0
19	शहडोल	2017-18	43	41	2416.28	6.62	6.62	42	0
		2018-19	32	29	2988.18	7.86	7.86	41	1
		2019-20	26	20	527.50	6.98	6.98	20	1
20	अनुपपुर	2017-18	19	17	108890.59	4.06	4.06	19	0
		2018-19	63	60	398.78	28.25	28.25	63	0
		2019-20	60	58	710.00	18.77	18.77	58	1
21	उमरिया	2017-18	17	3	125796.00	3773.88	0.90	6	0
		2018-19	129	123	3532.96	122.74	30.69	129	2
		2019-20	66	57	83195.68	3797.24	13.32	59	0
22	भोपाल	2017-18	0	0	0.00	0.00	0.00	0	0
		2018-19	8	8	52.00	2.76	2.76	0	0
		2019-20	0	0	0.00	0.00	0.00	0	0
23	सीहोर	2017-18	12	10	1836.00	23.81	5.28	12	0
		2018-19	23	15	1633.63	171.90	14.13	23	0
		2019-20	240	188	11850.00	1151.24	239.50	289	0
		2017-18	229	229	2247.00	50.50	49.15	229	0

2700

क्र	जिले का नाम	अवधि	रेत के अवैध उत्खनन के दर्ज प्रकरणों की कुल संख्या	अवैध उत्खनन के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध उत्खनित रेत की कुल मात्रा	कुल आरोपित अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	कुल वसूल अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजसात वाहन/मशीन/औजारों की संख्या
					92.00	3.33	3.33	14	0
24	रायसेन	2018-19	14	14	595.00	20.01	20.01	26	0
		2019-20	13	13	125.00	3.13	3.13	7	0
		2017-18	7	7	55.00	1.40	1.40	9	0
25	राजगढ़	2018-19	7	7	0.00	0.00	0.00	0	0
		2019-20	0	0	531.00	16.55	5.29	0	0
		2017-18	16	12	319.00	9.13	3.00	0	0
26	विदिशा	2018-19	12	2	2066.50	110.95	2.95	0	0
		2019-20	21	10	1738.00	521.83	33.19	65	0
		2017-18	36	36	11004.83	22.31	22.31	42	0
27	होशंगाबाद	2018-19	39	33	48211.07	14146.59	138.07	311	0
		2019-20	257	249	1137.08	6.94	1.54	5	0
		2017-18	7	7	382.03	14.78	6.82	16	0
28	हरदा	2018-19	12	12	288.00	14.29	0.19	54	0
		2019-20	3	3	320.38	7.63	1.62	7	0
		2017-18	8	8	460.00	12.52	12.52	14	0
29	बैतूल	2018-19	8	8	403.00	1.00	1.00	12	0
		2019-20	13	11	0.00	0.00	0.00	0	0
		2017-18	0	0	6.00	0.18	0.18	0	0
30	इन्दौर	2018-19	1	1	0.00	0.00	0.00	0	0
		2019-20	0	0	21.50	1.63	1.63	3	0
		2017-18	3	3	72.00	4.24	4.24	12	0
31	धार	2018-19	12	12	345.25	9.83	9.83	36	0
		2019-20	36	36	0.00	0.00	0.00	0	0
		2017-18	0	0					

2701

क्र	जिले का नाम	अवधि	रेत के अवैध उत्खनन के दर्ज प्रकरणों की कुल संख्या	अवैध उत्खनन के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध उत्खनित रेत की कुल मात्रा	कुल आरोपित अर्धदण्ड/प्रशमन राशि (लाख रूपए में)	कुल वसूल अर्धदण्ड/प्रशमन राशि (लाख रूपए में)	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजसात वाहन/मशीन/औजारों की संख्या
32	खण्डवा	2018-19	0	0	0.00	0.00	0.00	0	0
		2019-20	2	2	4003.00	0.15	0.15	0	0
33	बुरहानपुर	2017-18	3	3	21.00	0.43	0.43	0	0
		2018-19	8	8	77.00	1.75	1.75	0	0
		2019-20	10	1	60.00	1.45	1.45	0	0
34	खरगौन	2017-18	9	8	1965.00	56.75	15.50	8	0
		2018-19	9	8	7666.00	2508.57	88.38	8	0
		2019-20	23	20	415.38	12.74	7.22	23	0
35	बड़वानौ	2017-18	0	0	0.00	0.00	0.00	0	0
		2018-19	1	0	0.00	0.00	0.00	0	0
		2019-20	59	59	357.63	14.64	14.64	56	0
36	झाबुआ	2017-18	1	1	4.00	0.12	0.12	1	0
		2018-19	4	2	49.00	0.35	0.35	2	0
		2019-20	1	1	4.00	0.10	0.10	1	0
37	अलौराजपुर	2017-18	3	3	10.00	0.27	0.27	3	0
		2018-19	6	6	36.00	1.68	1.68	6	0
		2019-20	12	12	299.00	10.77	10.77	12	0
38	उज्जैन	2017-18	12	12	65.00	4.89	4.89	12	0
		2018-19	48	46	587.84	29.23	12.35	39	13
		2019-20	8	7	92.00	3.69	3.69	7	0
39	देवास	2017-18	46	18	1676.00	56.63	3.65	46	23
		2018-19	25	23	79.55	10.60	10.10	25	0
		2019-20	13	12	70678.50	2214.09	9.80	13	0
		2017-18	7	7	249.00	3.87	3.87	0	0

2702

क्र	जिले का नाम	अवधि	रेत के अवैध उत्खनन के दर्ज प्रकरणों की कुल संख्या	अवैध उत्खनन के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध उत्खनित रेत की कुल मात्रा	कुल आरोपित अर्धदण्ड/प्रशमन राशि (लाख रूपए में)	कुल वसूल अर्धदण्ड/प्रशमन राशि (लाख रूपए में)	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजसात वाहन/मशीन/औजारों की संख्या
								482	479
40	मन्दसौर	2018-19	9	9	437.00	8.62	8.62	15	0
		2019-20	19	17	436.50	14.95	9.95	4	0
		2017-18	4	4	49.00	1.25	1.25	4	0
41	नीमच	2017-18	4	4	24.40	0.97	0.97	9	0
		2018-19	4	4	295.00	6.18	6.18	9	0
		2019-20	9	9	2636.00	79.24	7.67	9	0
42	रतलाम	2017-18	10	8	155686.00	4716.50	25.14	31	0
		2018-19	39	24	3510.00	404.43	9.45	25	0
		2019-20	22	15	149.00	3.75	3.75	6	0
43	शाजापुर	2017-18	6	6	96.75	2.41	2.41	2	0
		2018-19	2	2	12.00	0.50	0.50	2	0
		2019-20	2	2	41.00	1.05	1.05	0	0
44	आगर	2017-18	4	4	1342.23	73.87	1.80	0	0
		2018-19	11	11	5600.00	140.42	0.42	0	0
		2019-20	3	3	73148.18	2190.90	2.36	0	0
45	ग्वालियर	2017-18	4	1	170.00	10.50	1.00	0	0
		2018-19	7	1	896.00	105.47	29.61	0	0
		2019-20	16	4	0.00	1.50	1.50	1	0
46	गुना	2017-18	1	1	30000.00	908.50	4.50	5	0
		2018-19	5	3	894.20	55.92	4.01	3	0
		2019-20	10	5	208.00	5.34	5.34	10	0
47	अशोक नगर	2017-18	8	8	27.00	0.79	0.79	3	0
		2018-19	3	3	119.00	1.39	1.39	5	0
		2019-20	5	5	9.00	0.30	0.30	3	0
		2017-18	3	3					

2703

क्र	जिले का नाम	अवधि	रेत के अवैध उत्खनन के दर्ज प्रकरणों की कुल संख्या	अवैध उत्खनन के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध उत्खनित रेत की कुल मात्रा	कुल आरोपित अर्धदण्ड/प्रशमन राशि (लाख रूपए में)	कुल वसूल अर्धदण्ड/प्रशमन राशि (लाख रूपए में)	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजसात वाहन/मशीन/औजारों की संख्या
48	शिवपुरी	2018-19	40	37	22014.00	16.73	16.73	40	0
		2019-20	18	17	26390.00	5.93	5.93	18	0
49	दतिया	2017-18	4	3	63.00	1.77	1.77	5	0
		2018-19	8	8	225.98	13.41	13.41	33	0
		2019-20	10	8	8316.26	4.92	9.15	9	0
50	गिण्ड	2017-18	13	12	646.00	117.85	28.12	23	0
		2018-19	13	6	16513.16	1983.03	23.50	51	0
		2019-20	13	6	993.00	58.64	13.92	28	0
51	मुरैना	2017-18	2	1	25.00	0.62	0.00	0	0
		2018-19	0	0	0.00	0.00	0.00	0	0
		2019-20	0	0	0.00	0.00	0.00	0	0
52	झोंपुर	2017-18	0	0	0.00	0.00	0.00	0	0
		2018-19	0	0	0.00	0.00	0.00	0	0
		2019-20	0	0	0.00	0.00	0.00	0	0
कुल योग		2017-18	811	645	555049.29	15832.12	275.79	692	26
		2018-19	1016	889	433803.62	15230.36	574.79	1487	504
		2019-20	1545	1310	640427.35	30883.41	851.27	1567	18
महायोग			3372	2844	1629280.25	61945.89	1701.84	3746	548

Annexure- M
2704

परिशिष्ट- 'द'

जिले में दर्ज रेत के अवैध भण्डारण के प्रकरणों की जानकारी

क्र	जिले का नाम	अवधि	रेत के अवैध भण्डारण के दर्ज प्रकरणों की कुल संख्या	अवैध भण्डारण के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध भण्डारित रेत की कुल मात्रा	कुल आरोपित अर्थदण्ड/प्रशमन राशि	कुल वसूल अर्थदण्ड/प्रशमन राशि	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजस्व वाहन/मशीन/औजारों की संख्या
						(लाख रूपए में)	(लाख रूपए में)		
1	जबलपुर	2017-18	34	23	534.00	19.8	5.72	0	0
		2018-19	26	2	634.00	50.04	3.45	0	0
		2019-20	24	14	534.00	154.3	56.48	0	0
2	कटनी	2017-18	5	3	51.00	0.77	0.77	3	0
		2018-19	22	19	5627.00	9.25	9.25	9	0
		2019-20	16	12	2518.00	69.96	2.1	0	0
3	छिन्दवाड़ा	2017-18	9	4	1535.00	20.5	4.1	0	0
		2018-19	10	0	810.00	23.58	0	0	0
		2019-20	38	13	5051.00	117.2	4.44	0	0
4	बालाघाट	2017-18	17	15	9170.00	9.17	9.17	10	0
		2018-19	13	11	3114.00	24.73	24.73	8	0
		2019-20	21	12	6461.00	17.09	17.09	8	0
5	नरसिंहपुर	2017-18	22	10	3419.00	2.97	0.54	0	0
		2018-19	17	3	2245.00	5.94	0	0	0
		2019-20	39	10	47975.27	383.1	2.1	0	0
6	सिवनी	2017-18	6	6	170.00	4.25	4.25	10	0
		2018-19	5	4	41.00	1.76	0.86	3	0
		2019-20	13	12	242.00	4.35	4.05	9	0
7	गण्डगा	2017-18	2	2	81.00	0.12	0.12	2	0
		2018-19	15	12	160.00	1.77	6.37	15	3
		2019-20	23	13	914.50	27.05	1.1	13	0
8	डिण्डोरी	2017-18	1	1	6.00	0.12	0.12	0	0
		2018-19	6	5	161.00	0.74	0.74	1	0
		2019-20	4	2	391.00	0.7	0.7	1	0
		2017-18	8	1	332.00	15.72	0.36	0	0

2705

क्र	जिले का नाम	अवधि	रेत के अवैध भण्डारण के दर्ज प्रकरणों की कुल संख्या	अवैध भण्डारण के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध भण्डारित रेत की कुल मात्रा	कुल आरोपित अर्धदण्ड/प्रशमन राशि	कुल वरूल अर्धदण्ड/प्रशमन राशि	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजस्व वाहन/मशीन/औजारों की संख्या
						(लाख रुपए में)	(लाख रुपए में)		
9	सागर	2018-19	0	0	0.00	0	0	0	0
		2019-20	4	4	58.00	4.56	0.3	0	0
10	दमोह	2017-18	2	0	75.00	8.2	0	0	0
		2018-19	14	7	125.00	31.62	3.28	0	0
11	पन्ना	2019-20	5	0	683.00	44.18	0	0	0
		2017-18	17	0	1356.00	7.93	0	0	0
12	छतरपुर	2018-19	9	0	3690.00	167.58	0	0	0
		2019-20	3	1	5115.00	24.56	22.3	0	0
13	टीकभगढ़	2017-18	15	2	4772.00	14.99	2	4	0
		2018-19	81	3	19084.00	935.75	1.9	3	0
14	नियाड़ी	2019-20	49	0	9580.00	2828.48	0	0	0
		2017-18	4	0	2102.90	210.29	0	0	0
15	रीवा	2018-19	15	1	18075.35	1184.73	0.675	0	0
		2019-20	6	0	6545.50	10.515	0	0	0
16	सीधी	2017-18	0	0	0.00	0	0	0	0
		2018-19	0	0	0.00	0	0	0	0
17	सिंगरोली	2019-20	7	7	130.00	0.814	0.814	7	0
		2017-18	7	7	141.00	3	3	3	0
18	रातना	2018-19	7	7	77.00	1.65	1.65	6	0
		2019-20	0	0	0.00	0	0	0	0
19	सागर	2017-18	5	0	511.00	2.46	0	0	0
		2018-19	0	0	0.00	0	0	0	0
20	सीधी	2019-20	18	0	1541.00	85.95	0	0	0
		2017-18	5	5	26.00	1.2	1.2	5	0
21	सिंगरोली	2018-19	6	6	129.00	1.7	1.7	6	1
		2019-20	8	8	94.92	8	2.6	6	0
22	सागर	2017-18	18	4	710.00	57.32	0.75	0	0
		2018-19	6	0	225.00	12.35	0	0	0

2706

क्र	जिले का नाम	अवधि	रेत के अवैध भण्डारण के दर्ज प्रकरणों की कुल संख्या	अवैध भण्डारण के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध भण्डारित रेत की कुल मात्रा	कुल आरोपित अर्थदण्ड/प्रशमन राशि	कुल वसूल अर्थदण्ड/प्रशमन राशि	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजसात वाहन/मशीन/औजारों की संख्या
						(लाख रूपर में)	(लाख रूपर में)		
19	राहडोल	2019-20	8	0	127.00	3.17	0	0	0
		2017-18	15	4	4253.56	3.42	3.42	0	0
		2018-19	36	7	7464.00	3.62	3.62	0	0
		2019-20	23	7	4297.59	6.3	6.3	9	0
20	अनुपपुर	2017-18	1	0	162.00	0	0	0	0
		2018-19	0	0	0.00	0	0	0	0
		2019-20	2	2	80.00	0.3	0.3	0	0
21	उमरिया	2017-18	43	24	681.26	17.51	3.74	22	0
		2018-19	13	2	2132.00	109.1	0.42	0	0
		2019-20	13	2	51221.58	2777.25	1.4	2	0
22	भीमाल	2017-18	5	0	2855.00	69.08	0	0	0
		2018-19	2	2	31.36	2	2	0	0
		2019-20	7	2	4170.00	234.4	0	0	0
23	सीहोर	2017-18	13	1	5594.00	3.71	1.61	4	0
		2018-19	27	2	2043.00	63.98	3.27	2	0
		2019-20	16	3	30340.00	86.15	12.65	12	0
24	रायसोन	2017-18	11	11	61.00	1.23	1.23	11	0
		2018-19	2	2	8.00	0.25	0.25	2	0
		2019-20	2	2	117.00	2.95	2.95	7	0
25	राजमढ	2017-18	2	1	735.00	36.5	0.5	2	0
		2018-19	1	1	13.50	0.4	0.4	0	0
		2019-20	3	3	34.00	0.85	0	4	0
26	विदिशा	2017-18	1	1	15.00	0.45	0.45	0	0
		2018-19	5	2	1612.50	31.75	0.65	0	0
		2019-20	16	6	506.00	1.85	2.4	0	0
27	होशंगाबाद	2017-18	17	16	15857.48	81.4	13.69	2	0
		2018-19	32	8	5518.67	22.54	4.54	3	0
		2019-20	60	48	19542.10	179.65	56.73	64	0

2707

क्र	जिले का नाम	अवधि	रेत के अवैध भण्डारण के दर्ज प्रकरणों की कुल संख्या	अवैध भण्डारण के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध भण्डारित रेत की कुल मात्रा	कुल आरोपित अर्थदण्ड/प्रशामन राशि	कुल वसूल अर्थदण्ड/प्रशामन राशि	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजस्वात वाहन/मशीन/औजारों की संख्या
						(लाख रूपर में)	(लाख रूपर में)		
28	हरदा	2017-18	1	0	126.00	3.78	0	0	0
		2018-19	2	2	480.00	0.53	0.53	0	0
		2019-20	8	4	615.70	67.7	2.4	7	0
29	बैतूल	2017-18	7	5	1081.00	23.24	23.24	0	0
		2018-19	16	15	10622.00	79.82	15.87	0	0
		2019-20	15	8	2457.00	10.62	3.12	2	0
30	इन्दौर	2017-18	0	0	0.00	0	0	0	0
		2018-19	0	0	0.00	0	0	0	0
		2019-20	0	0	0.00	0	0	0	0
31	धार	2017-18	0	0	0.00	0	0	0	0
		2018-19	0	0	0.00	0	0	0	0
		2019-20	0	0	0.00	0	0	0	0
32	खण्डवा	2017-18	0	0	0.00	0	0	0	0
		2018-19	2	0	480.00	0	0	0	0
		2019-20	2	2	18.19	0.28	0.28	0	0
33	बुरहानपुर	2017-18	0	0	0.00	0	0	0	0
		2018-19	3	2	34.00	0.4	0.4	0	0
		2019-20	2	2	16.00	0.435	0.435	0	0
34	खरगौन	2017-18	3	0	247.00	2.45	0	0	0
		2018-19	3	0	47.00	14.58	0	0	0
		2019-20	10	0	591.00	22.09	0	0	0
35	पडवानी	2017-18	0	0	0.00	0	0	0	0
		2018-19	2	1	128.00	4.2	1.7	0	0
		2019-20	3	0	231.00	0	0	0	0
36	आबुआ	2017-18	8	3	205.00	0.65	0.65	0	0
		2018-19	5	2	109.00	1.3	1.3	0	0
		2019-20	3	2	210.60	0.38	0.38	0	0
		2017-18	0	0	0.00	0	0	0	0

2708

क्र	जिले का नाम	अवधि	रेत के अवैध भण्डारण के दर्ज प्रकरणों की कुल संख्या	अवैध भण्डारण के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध भण्डारित रेत की कुल मात्रा	कुल आरोपित अर्धदण्ड/प्रशमन राशि	कुल वसूल अर्धदण्ड/प्रशमन राशि	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजस्व वाहन/मशीन/औजारों की संख्या
						(लाख रूपए में)	(लाख रूपए में)		
37	अलीराजपुर	2018-19	0	0	0.00	0	0	0	0
		2019-20	1	0	33.00	1.98	0	0	0
38	उज्जैन	2017-18	0	0	0.00	0	0	0	0
		2018-19	3	2	107.00	0.2	0.2	0	0
		2019-20	13	4	2232.00	154.54	0	0	0
39	देवारा	2017-18	4	0	170.00	17	0	0	0
		2018-19	4	1	707.00	13.8	0.84	0	0
		2019-20	1	0	560.00	0.14	0	0	0
40	मन्दसौर	2017-18	7	7	47.00	1.25	1.25	0	0
		2018-19	15	2	780.00	42.49	0.82	0	0
		2019-20	18	6	862.50	36.75	15.12	4	0
41	नीमच	2017-18	1	1	5.00	0.25	0.25	1	0
		2018-19	7	7	79.00	4.74	4.74	7	0
		2019-20	8	8	128.00	3.68	3.68	8	0
42	रतलाम	2017-18	0	0	0.00	0	0	0	0
		2018-19	1	1	15.00	0.9	0.9	0	0
		2019-20	9	6	547.00	50.34	1.29	4	0
43	राजापुर	2017-18	4	4	19.00	0.68	0.68	4	0
		2018-19	1	1	3.00	0.3	0.3	1	0
		2019-20	4	4	240.00	7.5	7.5	4	0
44	आगर	2017-18	1	1	250.00	0.62	0	0	0
		2018-19	0	0	0.00	0	0	0	0
		2019-20	2	2	259.00	6.47	0	0	0
45	रदासियर	2017-18	24	2	780.00	13.8	0.2	0	0
		2018-19	13	0	4632.00	191.9	0	0	0
		2019-20	11	0	1270.00	44.66	1.94	0	0
46	गुना	2017-18	2	2	650.00	3.3	3.3	1	0
		2018-19	2	0	50.00	1.25	0	0	0

2709

क्र	जिले का नाम	अवधि	रेत के अवैध भण्डारण के दर्ज प्रकरणों की कुल संख्या	अवैध भण्डारण के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध भण्डारित रेत की कुल मात्रा	कुल आरोपित अर्थदण्ड/प्रशमन राशि	कुल वसूल अर्थदण्ड/प्रशमन राशि	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजस्व वाहन/मशीन/औजारों की संख्या
						(लाख रूपए में)	(लाख रूपए में)		
		2019-20	1	1	35.00	2.1	0	0	0
47	अशोक नगर	2017-18	1	1	8.00	0.25	0.25	0	0
		2018-19	0	0	0.00	0	0	0	0
		2019-20	2	2	16.00	0.4	0.4	0	0
48	शिवपुरी	2017-18	22	7	5406.00	50.85	13.98	0	0
		2018-19	1	1	3.00	0.2	0.2	1	0
		2019-20	2	1	73.20	2.57	1.63	2	0
49	दरिया	2017-18	0	0	0.00	0	0	0	0
		2018-19	3	3	460.00	9.2	9.2	0	0
		2019-20	36	3	7009.00	177	13.04	0	0
50	भिण्ड	2017-18	5	5	11980.00	11.98	11.98	0	0
		2018-19	27	20	100231.50	3.17	3.17	4	0
		2019-20	8	6	4845.60	9.17	9.17	5	0
51	भुरैना	2017-18	12	12	720.00	7.2	0	0	0
		2018-19	6	0	0.00	0	0	0	0
		2019-20	13	2	334.60	20.48	0.29	0	0
52	श्यापुर	2017-18	0	0	0.00	0	0	0	0
		2018-19	1	1	0.00	0.5	0.5	0	0
		2019-20	0	0	0.00	0	0	0	0
कुल योग		2017-18	390	194	77360.20	738.61	121.73	81	0
		2018-19	315	135	174950.93	3524.75	233.34	101	0
		2019-20	417	179	165113.44	1136.37	133.02	91	1
महायोग			1122	508	417424.57	5399.73	488.09	273	1

Annexure - N
2710

परिशिष्ट- 'स'

जिले में दर्ज रेत के अवैध परिवहन के प्रकरणों की जानकारी

क्र	जिले का नाम	अवधि	रेत के अवैध परिवहन के दर्ज प्रकरणों की कुल संख्या	अवैध परिवहन के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध परिवहित रेत की कुल मात्रा	कुल आरोपित अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	कुल वसूल अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजसात वाहन/मशीन/औजारों की संख्या
1	जबलपुर	2017-18	161	156	1063	36.44	37.45	161	0
		2018-19	111	109	1006	34.53	33.49	111	0
		2019-20	255	242	2030	47.46	39.34	250	0
2	कटनी	2017-18	359	359	2432	77.62	77.62	359	0
		2018-19	291	291	2191	77.57	77.57	291	0
		2019-20	258	257	2168	140.04	140.04	258	0
3	छिन्दवाड़ा	2017-18	244	244	1482	31.57	31.40	244	0
		2018-19	430	430	2880	67.92	67.65	430	0
		2019-20	671	671	2893	103.38	101.78	671	0
4	याताघाट	2017-18	146	146	555.26	18.58	18.58	146	0
		2018-19	312	312	1599	44.87	44.87	312	0
		2019-20	271	270	1253	43.77	43.77	271	0
5	नरसिंहपुर	2017-18	70	70	287.56	10.89	10.89	70	13
		2018-19	184	176	902	22.92	22.92	184	54
		2019-20	211	192	1099	64.81	64.81	211	19
6	सिवनी	2017-18	86	86	524	16.89	16.89	86	0
		2018-19	86	86	497.93	16.22	16.22	86	0
		2019-20	75	75	590.37	22.94	22.94	75	0
7	मण्डला	2017-18	139	139	554.05	17.76	17.76	139	0
		2018-19	240	240	1071.87	36.21	36.21	240	0
		2019-20	231	231	819.3	31.45	31.45	231	0
		2017-18	26	26	115	3.08	3.08	26	0

2711

क्र	जिले का नाम	अवधि	रेत के अवैध परिवहन के दर्ज प्रकरणों की कुल संख्या	अवैध परिवहन के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध परिवहित रेत की कुल मात्रा	कुल आरोपित अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	कुल वसूल अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजसात वाहन/मशीन/औजारों की संख्या
8	द्विण्डोरी	2018-19	81	81	332	9.81	9.81	81	0
		2019-20	72	72	315	10.67	10.67	72	0
9	सागर	2017-18	68	68	0	16.31	16.31	0	0
		2018-19	100	100	0	28.68	28.68	0	0
10	दमोह	2019-20	124	124	0	100.01	100.01	0	0
		2017-18	128	128	592	18.32	18.32	128	0
11	पन्ना	2018-19	147	147	927	32.76	32.76	147	0
		2019-20	52	52	359	11.87	11.37	52	0
12	छतरपुर	2017-18	182	182	1335	46.62	46.62	0	0
		2018-19	201	201	2165	72.05	72.05	0	0
13	डीकमगढ़	2019-20	302	294	4324	212.24	212.24	0	0
		2017-18	1222	1222	11499	493.36	493.36	1222	0
14	निवाडी	2018-19	704	704	6945	216.67	210.28	704	0
		2019-20	480	480	4748	353.61	286.60	480	0
15	रीवा	2017-18	202	202	1088.88	37.55	37.55	0	0
		2018-19	172	172	855.14	29.73	29.73	0	0
16	सीतामढ़ी	2019-20	350	350	1757.825	107.71	107.71	0	0
		2017-18	0	0	0	0.00	0.00	0	0
17	मिर्जापुर	2018-19	0	0	0	0.00	0.00	0	0
		2019-20	23	23	131	5.50	5.50	23	0
18	मधेपुरा	2017-18	147	147	1128	31.34	31.34	147	0
		2018-19	111	111	1145	28.87	28.87	111	0
19	मोरेना	2019-20	91	90	803	25.85	25.85	90	0
		2017-18	97	61	776	23.59	46.17	97	0

2712

क्र	जिले का नाम	अवधि	रेत के अवैध परिवहन के दर्ज प्रकरणों की कुल संख्या	अवैध परिवहन के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध परिवहित रेत की कुल मात्रा	कुल आरोपित अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	कुल बसूल अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजसात वाहन/मशीन/औजारों की संख्या
16	सीधी	2018-19	94	57	447.2	13.82	38.87	94	0
		2019-20	118	89	885	36.74	17.32	118	0
17	सिमरौली	2017-18	434	434	860	91.35	91.35	434	0
		2018-19	265	265	923	46.27	46.27	265	18
		2019-20	189	189	661	49.81	49.81	186	0
18	सतना	2017-18	70	69	421.4	15.20	14.66	70	0
		2018-19	140	143	2210.5	56.51	55.46	146	0
		2019-20	115	114	2071.3	79.98	78.98	115	0
19	शहडोल	2017-18	211	210	996.85	33.35	33.35	211	0
		2018-19	292	287	1975.05	60.60	60.60	292	2
		2019-20	197	169	1049.05	47.56	47.56	197	0
20	अनुपपुर	2017-18	111	111	548.31	15.51	15.51	111	0
		2018-19	128	126	485	23.00	23.00	128	0
		2019-20	82	82	344	15.03	15.03	82	0
21	उमरिया	2017-18	238	237	845.95	30.50	30.31	238	0
		2018-19	150	148	1005.635	33.96	33.61	150	0
		2019-20	123	107	1114.534	127.09	37.97	123	0
22	मोपाल	2017-18	162	162	2342.5	75.87	75.87	0	0
		2018-19	2	2	32	13.80	13.80	0	0
		2019-20	142	142	2741	98.47	98.47	0	0
23	सीहोर	2017-18	671	671	10188	246.50	246.50	671	0
		2018-19	1052	990	16180	584.91	574.60	1051	0
		2019-20	1128	1072	17520	680.84	622.54	1128	0
		2017-18	229	229	2247	50.50	49.15	2247	0

2713

क्र	जिले का नाम	अवधि	रेत के अवैध परिवहन के दर्ज प्रकरणों की कुल संख्या	अवैध परिवहन के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध परिवहित रेत की कुल मात्रा	कुल आरोपित अर्धदण्ड/प्रशमन राशि (लाख रूपए में)	कुल वसूल अर्धदण्ड/प्रशमन राशि (लाख रूपए में)	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजसात वाहन/मशीन/औजारों की संख्या
24	रायसेन	2018-19	190	190	3201.5	83.87	83.87	190	0
		2019-20	211	211	2812	106.78	106.78	211	0
25	राजगढ़	2017-18	158	158	624.5	21.53	21.53	158	0
		2018-19	197	197	927.56	28.15	28.15	197	0
		2019-20	159	159	839.36	28.02	28.02	159	0
26	विदिशा	2017-18	128	128	436.9	18.06	18.06	0	0
		2018-19	85	85	456.5	3.90	3.90	0	0
		2019-20	122	122	684.5	31.15	31.15	0	0
27	होशंगाबाद	2017-18	842	842	6429.93	253.94	242.27	842	0
		2018-19	606	582	4925.73	182.78	177.13	606	0
		2019-20	539	525	5864.39	185.48	185.48	539	0
28	हरदा	2017-18	127	127	511.65	25.88	25.42	127	0
		2018-19	190	190	2722.1	63.89	64.03	190	0
		2019-20	206	203	1542.29	58.71	53.86	206	6
29	वैतूल	2017-18	97	97	1140.86	17.91	17.91	97	0
		2018-19	123	123	2097.67	35.33	35.33	123	0
		2019-20	191	185	2098.66	108.02	105.70	191	0
30	इन्दौर	2017-18	43	43	0	13.29	13.29	0	0
		2018-19	25	25	0	10.84	10.84	0	0
		2019-20	88	88	0	35.29	35.29	0	0
31	धार	2017-18	175	175	1628.85	56.42	56.42	175	0
		2018-19	111	109	1462.34	46.44	43.58	111	0
		2019-20	189	189	3491.73	109.36	109.00	189	0
		2017-18	85	85	677.26	21.54	21.54	85	0

2714

क्र	जिले का नाम	अवधि	रेत के अवैध परिवहन के दर्ज प्रकरणों की कुल संख्या	अवैध परिवहन के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध परिवहित रेत की कुल मात्रा	कुल आरोपित अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	कुल वसूल अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजसात वाहन/मशीन/औजारों की संख्या
32	खण्डवा	2018-19	58	58	706.61	19.37	19.37	58	0
		2019-20	44	44	332.49	10.95	10.95	44	0
33	बुरहानपुर	2017-18	97	97	244.5	11.95	11.95	0	0
		2018-19	174	173	543	32.55	32.55	0	0
		2019-20	159	158	458	16.95	16.85	0	0
34	खरगौन	2017-18	81	81	373.48	12.50	12.50	81	0
		2018-19	77	77	358.89	10.73	10.73	77	0
		2019-20	212	212	842.3	39.62	39.62	212	0
35	बडवानी	2017-18	86	86	300	9.26	9.26	86	0
		2018-19	62	62	300.47	10.29	10.29	62	0
		2019-20	160	155	1177.26	51.89	48.89	160	0
36	झाबुआ	2017-18	107	107	641.767	28.53	28.53	107	0
		2018-19	76	76	1306.12	40.32	40.32	76	0
		2019-20	81	81	1055.47	41.41	41.41	81	0
37	अलीराजपुर	2017-18	198	197	1442.7	54.27	54.03	198	27
		2018-19	178	178	3327.26	103.34	103.34	178	0
		2019-20	152	152	3212	112.63	112.63	152	0
38	उज्जैन	2017-18	112	112	593	35.24	39.06	112	0
		2018-19	92	92	448.645	14.27	14.29	92	1
		2019-20	83	83	697.826	46.90	46.75	83	0
39	देवास	2017-18	529	528	6283.45	180.45	171.42	529	41
		2018-19	227	220	6259.21	101.31	96.73	27	7
		2019-20	148	48	2615.65	100.38	98.18	248	0
		2017-18	161	161	1011.02	30.96	30.96	161	0

2715

क्र	जिले का नाम	अवधि	रेत के अवैध परिवहन के दर्ज प्रकरणों की कुल संख्या	अवैध परिवहन के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध परिवहित रेत की कुल मात्रा	कुल आरोपित अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	कुल वसूल अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	जाप्त वाहन/मशीन/औजारों की संख्या	जाप्त में से राजसात वाहन/मशीन/औजारों की संख्या
40	मन्दसौर	2018-19	212	212	1537	42.62	42.62	212	0
		2019-20	269	269	1425.44	52.59	50.89	269	0
41	नीमच	2017-18	100	100	1346.53	35.49	35.49	100	0
		2018-19	147	147	2802.77	75.05	75.05	147	0
		2019-20	216	216	660.13	158.72	158.72	216	0
42	रतलाम	2017-18	132	132	468.83	25.40	25.40	132	0
		2018-19	123	123	495	19.21	19.21	123	0
		2019-20	190	190	627	83.33	71.33	190	0
43	शाजापुर	2017-18	84	84	252	12.40	12.40	84	0
		2018-19	66	66	198	8.02	8.02	66	0
		2019-20	83	83	249	11.08	11.08	83	0
44	आगर	2017-18	90	90	374.3	11.53	11.18	0	0
		2018-19	118	118	579.5	17.65	17.35	0	0
		2019-20	58	58	252.85	8.43	8.43	0	0
45	ग्वालियर	2017-18	451	451	4329.41	106.46	106.46	451	0
		2018-19	436	436	3654.01	97.62	97.62	436	0
		2019-20	401	401	2790.38	90.69	90.69	401	0
46	गुना	2017-18	89	89	310	24.40	24.40	89	0
		2018-19	136	136	489.5	17.65	17.65	136	0
		2019-20	106	106	735.52	0.00	0.00	106	0
47	अशोक नगर	2017-18	116	93	465	19.04	14.90	116	0
		2018-19	79	79	270	10.13	9.97	79	0
		2019-20	67	67	293	11.19	9.48	67	0
		2017-18	200	200	1415	40.36	40.36	200	0

2716

क्र	जिले का नाम	अवधि	रेत के अवैध परिवहन के दर्ज प्रकरणों की कुल संख्या	अवैध परिवहन के दर्ज प्रकरणों में से निराकृत प्रकरणों की कुल संख्या	अवैध परिवहित रेत की कुल मात्रा	कुल आरोपित अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	कुल वसूल अर्थदण्ड/प्रशमन राशि (लाख रूपए में)	जप्त वाहन/मशीन/औजारों की संख्या	जप्त में से राजसात वाहन/मशीन/औजारों की संख्या
48	शिवपुरी	2018-19	142	140	1102	33.60	32.47	142	0
		2019-20	154	150	1493	54.60	49.31	154	0
49	दतिया	2017-18	173	173	3890.49	32.76	32.76	173	0
		2018-19	155	155	1256.6	34.40	34.40	155	0
		2019-20	208	208	1429.1	62.03	48.04	208	0
50	भिण्ड	2017-18	719	719	8496.9	2.75	2.75	719	12
		2018-19	762	762	10245.9	307.25	307.25	762	0
		2019-20	247	247	2446	79.55	79.55	247	12
51	मुरैना	2017-18	28	28	201.5	7.13	7.13	0	0
		2018-19	31	31	322	12.05	12.05	0	0
		2019-20	28	17	307.25	13.52	13.52	0	0
52	श्यामपुर	2017-18	40	40	312.22	11.70	11.70	40	0
		2018-19	83	83	1108.774	31.99	31.99	83	0
		2019-20	16	16	167.19	9.10	9.10	16	0
कुल योग		2017-18	10651	10582	86083.81	2559.85	2559.12	11669	93
		2018-19	10254	10103	98879.98	3046.30	3037.42	9151	77
		2019-20	10347	10030	90276.17	4135.20	3842.46	9065	37
महायोग			31252	30715	275239.96	9741.35	9439.00	29885	207

1/13/2021

Bobde&Kunwar Mail - O.A. No-456/2018: Nityanand Mishra Vs State of MP



Vidya Sagar <vidya.sagar@bobdekunwar.in>

O.A. No-456/2018: Nityanand Mishra Vs State of MP

1 message

Vidya Sagar <vidya.sagar@bobdekunwar.in>

Wed, Jan 13, 2021 at 12:01 PM

To: advocate.nityanandmishra@gmail.com, omslawhouse@gmail.com, kanupriya11@gmail.com, mayanktiwari2004@gmail.com, rorewa_pcb@rediffmail.com, sdosongharia.str@mp.gov.in, Rukhmini Sharad Bobde <rukhmini.bobde@bobdekunwar.in>, Soumya Priyadarshinee <soumya.priyadarshinee@bobdekunwar.in>, Ankit Ambasta <ankit.ambasta@bobdekunwar.in>, judicial-ngt@gov.in

Dear Sir/Mam

Please Find Attached Affidavit on behalf of Mining Department Respondent No. 1

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Warm Regards,

Vidya Sagar**Clerk**

Mob. 8527632852/8076825623

Email vidya.sagar@bobdekunwar.in

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