

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH :: NEW DELHI****ORIGINAL APPLICATION No. 521 of 2022****IN THE MATTER OF:**

SAMPURNA NAND

....APPLICANT

VERSUS

STATE OF U.P. & ORS.

....RESPONDENTS

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**COMPLIANCE REPORT OF SHRI JAWED AHMAD,
RESPONDENT NO 32 IN RESPECT OF THE CONDITIONS
IMPOSED THROUGH EC AND CONSENT GRANTED BY SEIAA,
UP AND UPPCB RESPECTIVELY AND THE OBSERVATIONS/
DEFICIENCIES NOTED BY JOINT COMMITTEE IN ITS
REPORT DATED 3.2.2023.**

MOST RESPECTFULLY SHOWETH:

1. That a matter of Original Application No 521/22, titled Sampurnanand Vs State of UP & Others, pertaining to pollution due to mining and stone crushers in the illegal mining on hills in the area of villages Bhagoti Dei, Sonpur, Biahur and Chakjata, Pargana Bhagwat, Police Station Ahraura, Tehsil Chunar, District Mirzapur, Uttar Pradesh is under consideration of this Hon'ble Tribunal.

2. That upon hearing the matter , Hon'ble Tribunal was pleased to constitute a joint committee comprising of representatives of Regional Office, MoEF & CC, Lucknow, Director, Directorate of Geology and Mining, Uttar Pradesh, State PCB and District Magistrate, Mirzapur to obtain factual report vide order dated 01. 09.2022.

3. That upon consideration of the report of Joint Committee dated 3.2.2023 and hearing the matter on 27.4.2023 the Hon'ble Tribunal was pleased to direct to have the response of State of Uttar Pradesh, through its Chief Secretary, Director, Directorate of Mining and Geology, Uttar Pradesh, State PCB and all the 40 mine holder project proponents who all were impleaded as respondents no. 1 to 43. Honble Tribunal was further pleased to pass following order on 27.4.2023

“15. In view of the facts and circumstances of the case that all the mining lease project proponents have not obtained CTE/CTO from UPPCB and consequent violation of the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 by the mining lease project proponents, we direct all the mining lease project proponents to cease and desist from committing or causing any violation of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 and no further mining shall be carried on in the mining leases in

question till further orders to the contrary by this Tribunal.”

Name of Jawed Ahmad S/O Ali Amir Khan , appears at S No 29 of the list of mine lease holders provided in the joint report dated 3.2.2023 who accordingly is impleaded as Respondent No 32. Findings of the joint committee during inspection pertaining to Respondent No 32 are recorded at internal page no 56 of the report of joint committee (Running page 115-16). No site photo graph for mining lease area of Jawed Ahmad is found included in the said report. The said report observed that Respondent No 32, Sh Jawed Ahmad had not obtained consent from UPPCB under Water Act 1974 and Air Act 1981.

4. That Respondent No 32 submitted its reply/ response by e mail dated 22.9.2023. the same is placed at Running page 1311 to 1421 on record of this matter.
5. That upon hearing the matter on 26.9.2023, Hon'ble Tribunal was interalia pleased to pass following order :

“16. However, today learned Counsel for the respondents no 5 to 9, 11, 13, 14, 17 to 26, 30 to 37, 39, 40 and 42 seek time to file affidavits regarding compliance with EC and consent conditions and recommendations made by the Joint Committee.

17. Compliance affidavits be filed by the respondents no 5 to 9, 11, 13, 14, 17 to 26, 30 to 37, 39, 40, 42 before this Tribunal within 10 days

at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF, mentioning in detail the compliance in consonance with EC/consent conditions and recommendations of the Joint Committee and action plan with specific timelines about compliance regarding CSR and Environment Management Programmes to be made by them.

18. Such compliance affidavits may also be filed by other respondents who have not appeared before this Tribunal so far, if so desired.

19. Respondents no 5 to 9, 11, 13, 14, 17 to 26, 30 to 37, 39, 40 and 42 as well as other respondents who have not appeared before this Tribunal may submit copies of such compliance affidavits to Member Secretary, UPPCB and District Magistrate, Mirzapur who shall duly verify the compliance made and submit verification report in this regard on or before 16.10.2023 at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.”

6. That in compliance of the order of Hon'ble Tribunal dated 12.7.2023 , following is submitted in respect of the compliance of observations/ findings of the joint committee report dated 3.2.2023 (Running page 115-116), EC conditions already placed at running page 1329 to 1336 (relevant pages 1331-1336) in Annexure R-32/2 in reply filed by R 32 on 22.7.2023 and the consent

conditions placed at running page 1338-1342 (relevant page 1440-1342) in Annexure R-32/4 in the reply of R 32.

7. Relevant details of mining Area leased out to R-32.

Briefly stating relevant details of the 1.01 Ha mine area leased to R-32 are as here under :

The mine area is a rectangular area of 160 m x 55 m in waste land area of village Bhagotidei. Nearest village Bhagotidei abadi area is at about 1.5 km in west side at distance from the mining site. Village Sonpur lies on south side at about 1.5 km. The mine site is located along side the kuchcha village road on its north side. Mine area of other project proponents is located on east, south and west side to the mine area leased to R-32. Mine area is above ground level. The nearest river (Ganga) is about 15 km away. No mining is proposed below Ground Water Table. No eco sensitive zone or national park exist within 10 km of the leased mining area. The mine area does not fall in any forest area. No borewell to extract ground water exist in the mining area. Open cast mining of sand stone is to be carried out through manual/ semi mechanized manner as per approved mining plan only. There is no wild life existing in core and buffer area of the mine. Nearest school is at a distance of about 2 km in village Bhagotidei. Environmental Clearance (EC) has been obtained as B1 project after submission of detailed EIA report and EMP to UPPCB and public hearing as per EIA notification 2006 as amended from time to time. The mine lease is valid from 21.7.2021 to 20.7.2031 for mining of sand stone minor

mineral @ 10000 cum/annum by manual/ semi mechanized open cast mining method.

7(a) Compliance Status in respect of observation in the joint committee report (Running Page 115-116)

Brief compliance status in respect of the observations/ violations noted by Joint committee in its report dated 3.2.2023 are presented in following table

S No	Observation in joint committee report	Factual Position	Remark
A	Lease Area 1.01 Ha	Accepted	
B	EC granted vide letter dated 4.3.2021	Accepted	it shows that R32 is a law abiding person.
C	Mine area coordinates	Accepted	
D	Mine lease granted on 21.7.2023 for 10 years	Accepted	it shows that mining is carried out in legally permissible manner.
E	Annual production 10000 Cum	Accepted	Average about 4 truck load per day.
f	Not obtained CTO. Notice sent.	CTO has been obtained vide UPPCB order dated	There is no specific condition in EC to obtain CTO. Rather, The EC prescribes that EC conditions will be enforced through Water Act 1974 and Air Act 1981. The lapse of not obtaining CTO is purely unintentional, arising out of

		26.5.2023	ignorance and lack of awareness and guidance. CTO is obtained immediately upon receipt of notice to obtain it.
G	NOC for GW extraction not obtained .	There is no tube well in the premises.	Allegation has no relevance. Drinking water is obtained from village hand pump and water for sprinkling is obtained from near by pond through tanker. Photograph of Pond enclosed as Annexure R32/8 of reply affidavit (Running page 1414)
H	KML file available with mining deptt	Accepted	
I	Boundary pillar not visible	Boundary pillars are available and exist since demarcation.	Allegation is baseless. Photo of boundary pillars enclosed as Annexure R32/9 of reply affidavit (Running page 1415-1416)
J	No fencing around lease area	Fencing is provided since beginning .	Allegation is baseless. Photo of fencing enclosed as Annexure R32/10 of reply affidavit (Running page 1417)
k	AAQMS not provided	Air quality measured by lab/UPPCB through self brought instrume	Study report in compliance of EC condition has been submitted to MoEFCC and UPPCB in July 2023. Ambient air quality and noise results are within prescribed limits. The EC has been obtained as a B1 project due to existence of other mines in vicinity.

		nts as and when monitorin g is done.	
l	EC compliance report not submitted	Report prepared in June 2023 and submitte d in July 2023	All air/ noise monitoring results are found complying the prescribed standards Results are placed at running page 1396-1399 in the reply as Annexure R-32/4.
M	Wind break not adequate	EC complan ce report shows adequate wind break provided	Allegation is baseless. Plantation has been carried out in near by area. About 500 trees have been planted in last about 2+ years near mining area in more than one acre plot on north side just across kuchcha village road. Photograph at R 32/ 11 of the reply (running page 1418- 1420)
n	Blast vibration study report not submitted	No blast activity being undertak en so far. Only open cast manual/ semi mechanis ed mining was being carried out.	Such activity will be done only after UPPCB permission.
O	GW monitoring not done	No mining below	Allegation has no relevance. No river mining involved. No

		GWL is being done	tube well exists in the leased area.
P	Slope of mining bench and pit limit approved but report not submitted	Mining has been done only in a part of leased area up to a depth of about 3 m so far.	Slope is being maintained as per mining guidelines. Mining has been carried out above ground level only.
Q	No dust suppression mechanism	Dust being always suppressed by water sprinkling arrangement provided with water tanker	Allegation is baseless. Photo of tanker mounted with sprinkling mechanism is enclosed as Annexure R 32/4 of the reply (Running page 1409-1410.).
R	Kuccha road may raise dust due to vehicle movement	Only av 4 truck trips made / day. Water is sprinkled on road regularly	Allegation is baseless and speculative only. Regular sprinkling of water through tanker mounted sprinkling arrangement is carried out on kuchcha road to suppress dust.
S	Weighing bridge not provided	No such condition in EC/CTO	Trucks are weighted at nearby Stone crushers to whom material is sold by R-32.

t	Excavated material sold no near by units	Accepted.	R-32 has no stone crusher of its own.
U	Mining operation was closed during visit	Accepted.	

7(b) **Compliance Status of EC conditions:**

That EC Compliance report submitted to SEIAA and UPPCB vide mail dated 25 July 2023 lists out point wise compliance of all the 47 general and 39 specific EC condition. The said compliance report has already been submitted before Hon'ble Tribunal as Annexure R32/5 of reply of R-32 and placed at running page 1344-1410 (relevant page 1348-1379) . Few additional relevant details for better appreciation of the ground position and compliance status are as follows :

7(b)(i) on land adjacent to the mine lease area , on north side just across the 6 m wide kuchcha road, about 500 Sagon and few Neem trees are planted in about one acre area. Photo graph is enclosed as **Annexure R-32 S/ 1.**

7(b)(ii) On kuchcha village road adjacent to the mine area, 97 full grown trees (Neem, Jamun, Sheesham, Imli, Mahua, babul, Peepal etc) are existing in about 1.2 km length towards western side. Photograph enclosed as **Annexure R-32 S/ 2.**

7(b)(iii) Although a total sum of Rs 1.30 lakh only is proposed for CER in the EIA report, following CER activity has been undertaken in last 2 years of mine operation.

7(b)(iii a) A hand pump has been rebored in village Rasool pur and already existing hand pump in the village is also being repaired & maintained. Photo graphs enclosed as **R-32 S/ 3**,

7(b)(iii b) Sand stone tile floor on front open ground of Primary school has been provided in about 300 sqm area. Photograph enclosed as **Annexure R32 S/4**.

7(b)(iii c) A toilet for physically handicapped children has been constructed in the primary school. Photograph enclosed as **Annexure R32 S/5**.

7(b)(iii d) About 100 blankets are distributed among the weaker section of society during winter session. Photograph enclosed as **Annexure R32 S/6**.

A letter / certificate from Gram Pradhan for above works and approximate expenditure of Rs 1.1 Lakh made on it is also enclosed as **Annexure R-32 S/ 7**. As per EC condition , the required CER expenditure would work out to max about Rs 30,000 per annum only.

7(c) Compliance of Consent conditions prescribed by UPPCB under Water Act 1974 and Air Act 1981.

UPPCB has prescribed 12 general and 19 specific conditions in the consent order issued on 26.5.2023 by UPPCB. Its copy has already been submitted as Annexure R-32/4 of the reply (Running page ...1338-1341- relevant page 1340-1341). It is submitted that General condition no 2,3, 6, 7, 9, 10 are redundant since no ETP or chimney is required or existing at the mining site, Like wise Specific condition no 1,2,3,4, 5,6,7,8, 9, 10, 11, 12, 13, 14, 15 and 16 are redundant since there no source of water pollution or solid waste generation at site or these are related to compliance of any court directions and EC conditions. The compliance of EC conditions has already been submitted in earlier para while no court order has been violated. The Specific condition no 17 has been complied and full consent free was deposited hence 18 and 19 also are inconsequential. Condition no 19 and 20 are fully acceptable but no violation of same has been made.

8. That it is clear from above that every sincere effort has been made by R-32 to comply with EC conditions and protect environment to best of his capability and knowledge/ awareness. It is admitted that consent from UPPCB was not obtained under Water Act 1974 and Air Act 1981. This lapse occurred due to ignorance and lack of guidance and awareness. The Respondent applied for and obtained consent soon after being made aware of it through notice by UPPCB in Dec 2022. The respondent sincerely apologises for said lapse and humbly

seeks pardon from this Hon'ble Tribunal for said unintended lapse.

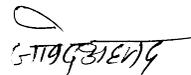
9. That it is further regretfully submitted that neither District Magistrate, Mirzapur nor Director, Mines & Minerals, Govt of UP brought it to knowledge of this Hon'ble Tribunal through its report dated 23.8.2023 submitted to this Hon'ble Tribunal that Respondent No 32 has already obtained consent from UPPCB although it was specifically brought to knowledge of both of these officers vide Annexure R 32/7 colly in the reply (Running Page 1412-1413)
10. That it is humbly submitted that R 32 has not carried out any mining activity since June 2023 after it had started mining of minor mineral some time since Sept 2021 after execution of lease agreement in end of July 2021. The mining activity is presently lying closed. This small mine of mere about 1 Ha is the small source of livelihood for the Respondent from which about Rs 50000/ month was income on a turn over of about Rs 40 lakh/ annum. Therefore the Respondent and dependent family are facing enormous hardship due to closure of his mining activity. It has put lively hood of about 30 manual labour from near by village working in the mine for manual digging also at grave risk and they are facing starvation.
11. That the Environmental Compensation of Rs 49.10 lakh has been proposed by UPPCB in joint committee report dated 3.2.2023 (Running page 116) but UPPCB has not issued any notice in this regard to R-32 so far. It would be sufficient to submit here at this stage that the the computations for EC as

shown on running page 116 are wholly erroneous and not applicable to R-32 in the facts and circumstances of the case.

12. A copy of this response along with copy of earlier reply dated 22.7.2023 is simultaneously sent to UPPCB and DM, Mirzapur for kind verification of the compliance report.

13. It is humbly requested and prayed that present response may kindly be taken on record for kind consideration by this Hon'ble Tribunal .

14. It is further humbly prayed that view of the afore mentioned, this Hon'ble Tribunal may kindly allow the Respondent No 32 to carry out mining activity on the mining lease area allotted to him by State Govt.



Respondent No 32

New Delhi

Dated 10.10.2023

Filed By / through



(Sujeet Kumar)(Prakash Gautram) (I K Kapila)

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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH :: NEW DELHI

ORIGINAL APPLICATION No. 521 of 2022

IN THE MATTER OF:

SAMPURNA NAND

....APPLICANT

VERSUS

STATE OF U.P. & ORS.

....RESPONDENTS

A F F I D A V I T

I, Jawed Ahmad S/O Sh Ali Zameer Ahmad, R/O Vill Rasool Pur, Thana Adalhat, Tehsil Chunar, District Mirzapur , do hereby solemnly affirm and declare as under:

1. That I am mining lease holder for Gata No 730, Village Bhagotidei, Tehsil Chunar, District Mirzapur and fully competent to file accompanying Compliance report.
2. That I am fully conversant with case as derived from record and competent to swear to this affidavit.
3. That I have read the accompanying Compliance report on my behalf as Respondent No 32 and have understood the contents thereof. The facts stated there in are true and correct to the best of my knowledge and nothing has been concealed there from.
4. That the Annexures are true copy of the originals.



[Handwritten signature]
VERIFICATION

[Handwritten signature]
DEPONENT

Verified at New Delhi on this 06 OCT 2023 day of ~~September~~ October, 2023 that the contents of above affidavit are true and correct to knowledge, no part of it is false and nothing material has been concealed therefrom.

[Handwritten signature]
DEPONENT



I S/o D/o / W/o *Javed*
Verified by Ms. *[Signature]*
do hereby solemnly affirm before
on 06/10/23 St. No. 13/11
true and correct of my knowledge.

Oath Commissioner, New Delhi
[Handwritten signature]

PHOTOGRAPH OF PLANTATION IN ONE ACRE AREA





PHOTOGRAPH OF TREES ALONG VILLAGE ROAD



PHOTOGRAPH OF HAND PUMP INSTALLED



PHOTOGRAPH OF SAND STONE TILE FLOOR



PHOTOGRAPH OF TOILET FOR HANDICAPPED CONSTRUCTED AT PRIMARY SCHOOL



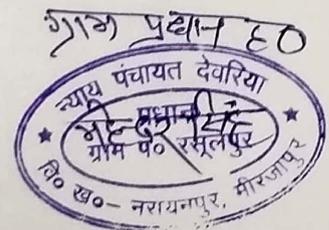
PHOTOGRAPH OF BLANKET DISTRIBUTION AMONG WEAKER SECTION



LATTER OF GRAM PRADHAN REGARDING CER ACTIVITY

प्रमाणित किया जाता है कि आवेदक अहमदपुर अली जमीर ग्राम
 पता ग्राम रसूलपुर पोस्ट अहमदपुर तहसील मुना जमना भीरजापुर के
 कुलमिवाली है उपरोक्त के द्वारा ग्राम लम्बा रसूलपुर में जो नलक्ष्य
 (है-उभय) का मरकास कराया गया एक नलक्ष्य (है-उभय) पुनः (सीबीए)
 कराया गया है जो कि भारतीय बस्ती व प्रजापती बस्ती में पेयजल
 का सुनिश्चित सहयोग प्रदाय किया गया है वितीय वर्ष उपरोक्त के
 द्वारा जनभाषण सेवा भाषण का उचित कार्य करते हुये गरीब अशहाय
 लोगों में कचरा वितरण किये गये व उपरोक्त के द्वारा ग्राम लम्बा
 के प्राथमिक विद्यालय में इमारती पक्कर कोलकात्या गया (है-उभय)
 जो कि विद्यालय के इ-फरल के हिल में किया गया जो कि उपरोक्त
 द्वारा ग्राम लम्बा में जो वर्ष में में कार्य किया गया
 है जो कि जिलका अनुभाषित लागत लगभग 110,000 (एक लाख दस हजार)
 होगा जो इनको लम्बी प्रतीक्षा विलम्बों के रूप में खान्यवाद करता हूँ।

दिनांक - 15/01/2023





Advocate Sujeet Kumar <sclawyersujeetsingh@gmail.com>

Response/ Reply and Compliance Report along with Affidavit of Respondent No. 32 Jawed Ahmad in OA 521/ 2022

1 message

Advocate Sujeet Kumar <sclawyersujeetsingh@gmail.com>

Fri, Oct 13, 2023 at 4:26 PM

To: dmmir@nic.in, "ms@uppcb.in" <ms@uppcb.in>

Cc: kapilaik@yahoo.co.in, Prakash Gautam Adv SC & HCs <gautambhu1@gmail.com>

To
District Magistrate
Mirzapur

Subject : Response / Reply and Compliance Report along with Affidavit of Respondent No. 32 Jawed Ahmad in OA 521/ 2022

Sir

In compliance of order of Hon'ble Tribunal dated 1.9.2023 in the matter of OA 521/ 2022, Sh Jawed Ahmad has been impleaded as Respondent no 32. & Respondent No 32 submitted its reply/ response by email dated 22.9.2023 and Compliance Report along with Affidavit by Respondent No. 32 Jawed Ahmad.

Kindly place the enclosed Reply / Response and Compliance Report along with Affidavit by Respondent No. 32 Jawed Ahmad in OA 521/ 2022 for kind consideration pl.

Sujeet Kumar
Advocate
For
I K Kapila , Sujeet Kumar and Prakash Gautam
Advocates for R - 32

Copy to : UP Pollution Control Board

With Regards

Sujeet Kumar

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Delhi High Court & National Green Tribunal.
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2 attachments

 **Respondent no. 32 Javed Ahmad final compliance report oct 2023.pdf**
2881K

 **1311-1421 RESPONSE BY R-32 JAWED AHMAD TO REPORT OF JOINT COMMITTEE IN OA NO. 521 of 2022 SAMPURNA NAND VS STATE OF U.P..pdf**
13223K