

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

ORIGINAL APPLICATION NO. 267 OF 2024

IN THE MATTER OF:

KHUSBU SINGH

..... APPLICANT

VERSUS

STATE OF U.P. & ORS.

.... RESPONDENTS

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NEW DELHI
DATED: 10.09.2024



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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO- 267/ 2024

IN THE MATTER OF:

Khusbu Singh

Applicant

Versus

State of UP &Ors.

Respondent



Order Date- 05.08.2024

Next Listing- 11.09.2024

RESPONSE ON BEHALF OF THE UTTAR PRADESH
POLLUTION CONTROL BOARD IN COMPLIANCE TO THE
ORDER DATED 05.08.2024 PASSED BY THE HON'BLE
NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW
DELHI IN ORIGINAL APPLICATION NO. 267 OF 2024 IN THE
MATTER OF KHUSBU SINGH VERSUS STATE OF UP &
ORS.

I, Umesh Kumar Gupta aged about 38 years S/o Shri Kailash Chandra Gupta, presently posted as Regional Officer at Regional Office, U.P. Pollution Control Board, Varanasi do hereby solemnly affirm and state on oath as under:

1. That the deponent is working on the above mentioned post and being authorized officer in the captioned matter and well conversant with the facts and circumstances of the case and as such I am well conversant to swear this affidavit.
2. That Hon'ble National Green Tribunal, Principal Bench, New Delhi (hereinafter referred as Hon'ble Tribunal) vide its order dated 05.08.2024 in Original Application No.267 of 2024 in the matter of Khusbu Singh versus State of UP &Ors, instructed the following:-

"5....It is evident that illegal mining was carried out by the project proponents but no punitive ,preventive and remedial action including assessment of compensation and prosecution has been initiated by Uttar Pradesh Pollution Committee Board (hereinafter referred to as 'UPPCB') against the violator(s). However we find it appropriate to implead project proponents so as to give them opportunity and thereafter pass appropriate order in the matter. We accordingly implead following as respondents:

- I. State of Uttar Pradesh thorough Secretary, Environment and Forest, Lucknow
- II. District Magistrate, Bhadhoi; (District Sant Ravidas Nagar).
- III. Uttar Pradesh State Pollution Control Board through its Member Secretary, Building. No. TC-12V Vibhuti Khand, Gomti Nagar Lucknow-226 010
- IV. Principal Chief Conservator Forest, U.P., Lucknow
- V. Divisional Forest Officer, Bhadhohi (District Sant Ravidas Nagar)



- VI. Rana Pratap Singh S/o Shri Gajraj Singh, Ram Balanpur, Jangi Ganj, Gyanpur Bhadhohi (Sant Ravidas Nagar)
- VII. M/s Lalira Buildocn Pvt Ltd., Smt. Rupa Mishra, W/o Shri Vishnu Kumar Mishra, R/o-69, Anand Lok near Kamla Nehru College, Andres ganj, Defence Colony, South Delhi, Delhi
- VIII. Girdhari Prasad Pathak Village Mahera, Tehsil-Bara, District-Prayagraj

6.

14. List for further consideration on 11.09.2024.

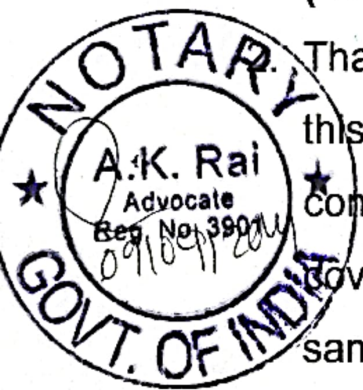
Response-

1. That the representative of UPPCB had participated with joint committee visit. District Magistrate, Bhadohi had submitted joint committee report in pursuant to order dated 21.05.2024 passed by Hon'ble National Green Tribunal in this matter vide ref. no. 435/O.A.No.267/2024, Dated-02.08.2024.

(Annexure-A)

That the recommendations made by the joint committee in this matter are same as recommendations bade by the joint committee in the matter of OA 135 of 2024. Both matters are covered under District-Bhadohi are same and pertaining with same applicant.

3. That in pursuant to order dated 23.07.2024 passed by Hon'ble NGT in the matter of OA 135 of 2024 Khusbu Singh Versus State of UP & Ors., Regional Officer 'RO', UPPCB, Sonbhadra had submitted response on the behalf of UPPCB



G. S. S.

as Respondent-2 vide reference no. G 0820/OA135/2024 dated 27.08.2024. **(Annexure-B)**

4. That the mining lease namely M/s Girdhari Prasad Pathak "Riverbed Ordinary sand mining" having lease area-4.047ha along river Ganga at Gata no. / Arajhi no. 30, at Village-Purwa, Tehsil- Gyanpur, District- Bhadohi has obtained consent to operate 'CTO' from UPPCB vide ref. no. 198330/UPPCB/Varanasi(UPPCBRO)/CTO/both/BHADOHI/2023 dated 29.12.2023. **(Annexure-C)**

5. That the specific condition imposed in CTO dated 29.12.2023 at point no 04 is as follows:-

"..4. The validity of this CTO is up to 31.12.2025 or valid with the validity of current mine plan or current lease period whichever is earlier. After this period this CTO will become null and void....."

6. That in the light of above mentioned CTO condition no. 04 and cancellation of mining lease by District Administration, Regional Officer (Acting), UPPCB, Varanasi has recommended to confirm the show-cause notice to revoke the said CTO dated 29.12.2022 vide letter no 372/NGT OA 135/2024/24-25 Dated-18.07.2024 after giving the opportunity as per law. Thereafter, UPPCB has revoked issued CTO dated 29.12.2023 vide its letter dated-20.08.2024. **(Annexure-D)**

7. That the Regional Officer (Acting), UPPCB, Varanasi has requested Mines Officer, Bhadohi for providing the



information about illegal mining activity being carried out by sanctioned mining leases vide their letter No. 496/OA No 135/24-25 dated 17.08.2024. In consequence of this letter, Letter dated 22.08.2024 issued by Additional District Magistrate (F/R), Bhadohi is received on behalf of Mines Office, Bhadohi. Copies of letters dated 17.08.2024 and dated 22.08.2024 are attached herewith as **Annexure-E & Annexure-F**.

8. That the Additional District Magistrate (F/R), Bhadohi vide their reference no.-588/ KhananLipik/2024 dated 22.08.2024 informed that the proponent namely Shri Rana Pratap Singh S/O/ Shri Gajraj Singh, Ram Balanpur, Balanpur, Jangi, Ganj, Gyanpur, Bhadohi was penalized with the amount of Rs. 68,79,020.00 as compensation. However, only the amount of Rs. 25,00,000.00 (Twenty five lakh only) out of Rs. 68,79,020.00 has been deposited by the proponent in compliance of order passed by Hon'ble Court in the matter of writ no. 13095/2023. The matter about deposition of rest amount is under consideration in the Hon'ble Court **Annexure-G**).

9. That the mining lease namely Shri Rana Pratap Singh, S/O Shri Gajraj Singh, Ram Balanpur, Jangi Ganj, Gyanpur Bhadohi has not obtained consent to operate 'CTO' from UPPCB and was operated without CTO in past as per records received from mines office, Bhadohi. For that violation periods, Regional Officer (Acting), UPPCB,



(Signature)

Varanasi has recommended to impose the environmental compensation on the above said mining lease vide its letter dated-29.08.2024 and subsequently show cause notice for imposing environmental compensation of Rs. 32.25 Lacs against the said unit was issued on 09-09-2024.
(Annexure-H & I)

Therefore, the above response on behalf of the Uttar Pradesh Pollution Control Board as respondent no. 3 is submitted before this Hon'ble National Green Tribunal for perusal and kind consideration.



Deponent

VERIFICATION

I, the deponent named above, do hereby verify that the content of paras1..... of this affidavit is true to my knowledge and paras .2. And. Responce. 1 to 9 are true on the basis of records and as per legal advice. No part of it is false and nothing material has been concealed. So help me GOD.

Verified at Varanasi on ...09th day of Sep, 2024.



Before me
SWORN & VERIFIED

A. K. RAI
NOTARY GOVT. OF INDIA
VARANASI, UTTAR PRADESH
Regd. No. 3901


Deponent

Ref. No.: 4-35 / O.A. No. 267/2024

Date: 02/08/2024

From,

**Vishal Singh,
District Magistrate,
Bhadohi.**

To,

**The Registrar,
Hon'ble National Green Tribunal,
Copemicus Marg,
New Delhi.
E-mail-judicial-ngt@gov.in**

Sub:- Submission of Joint Committee Report in pursuant to order dated 21.05.2024 passed by Hon'ble NGT in the matter of Original Application No. 267 of 2024 in the name of Khubhu Singh Versus State of U.P.

Sir,

In the above noted case, Hon'ble National Green Tribunal directed the following:-

- “ 3.....we constitute a joint Committee comprising Divisional Forest Officer, SantRavidas Nagar, Bhadohi; District Magistrate, SantRavidas Nagar, Bhadohi; Central Pollution Control Board, (hereinafter referred as 'CPCB'); Regional Officer, Ministry of Environment, Forest and Climate Change, Lucknow (hereinafter referred as 'MoEF&CC') and Uttar Pradesh Pollution Control Board (hereinafter referred as 'UPPCB).
4. District Magistrate, Sant Ravidas Nagar, Bhadohi shall be nodal agency for coordination and compliance of this order.
5. The said committee shall visit the site, collect relevant information and submit a report within two months from today.
6. List this matter on 05.08.2024....”

In compliance of the above direction issued by Hon'ble Tribunal vide order dated 21.05.2024 in the matter of OA 267of 2024, the Joint Committee Report is being filed herewith.

It is requested that the aforesaid response-cum-Joint Committee report may be presented before the Hon'ble Tribunal for kind consideration.

Encl.: As above.

Your's faithfully,



(Vishal Singh)

**District Magistrate
Bhadohi**

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 267/2024

IN THE MATTER OF:

Khusbu Singh

..... Applicant

Versus

State of U.P.

.... Respondant (s)

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FILED BY

(Vishal Singh)
District Magistrate
Bhadohi

**Report of Joint Committee in Compliance to the Hon'ble NGT order
dated 21.05.2024 in Original Application No. 267 of 2024 in the name of
Shri Khubhu Singh Vs State of U.P. and Others**

A. Preamble :

Hon'ble National Green Tribunal, principal bench vide its order dated 21.05.2024 constituted joint committee comprising Divisional Forest Officer, Sant Ravidas Nagar, Bhadohi; District Magistrate, Sant Ravidas Nagar, Bhadohi; Central Pollution Control Board, (hereinafter referred as 'CPCB'); Regional Officer, Ministry of Environment, Forest and Climate Change, Lucknow (hereinafter referred as 'MoEF&CC') and Uttar Pradesh Pollution Control Board (hereinafter referred as 'UPPCB'). The related para of said order is reproduced here as under:-

1. This original application under Sections 14 and 15 of the National Green Tribunal Act, 2010 has been registered in exercise of suo moto jurisdiction on the basis of letter petition dated 07.09.2023 received by the Tribunal on 16.09.2023, sent by Khusbu Singh, resident of Radha Krishna Enclave, Plot No. 6, Aakash Nagar, Govind Puram, Ghaziabad – 201015.
2. The complainant has said that there was a turtle sanctuary in Ganga at Ramnagar Kashi area of Varanasi upto March, 2020. It was denotified and it has been identified within 30 kms. of the area of Prayagraj, Mirzapur and Sant Ravidas Nagar (Bhadohi) where a large number of turtles are residing. However, in the area identified as the habitat of turtles, large scale mining on both the banks of river Ganga is being carried out by several incumbents including Rana Pratap Singh s/o Giriraj Singh, village Balanpur, PO Jangiganj, Tehsil Gyanpur, District Bhadohi and Girdhari Prasad Pathak S/o of Janardan Prasad Pathak, village Mahera, Tehsil Bara, District Prayagraj. The illegal mining is causing death of turtles and damage to their eggs laid on the sides of the river and despite several complaints, no authority has taken any appropriate action in the matter.
3. In our view, a substantial question relating to environment due to implementation of Scheduled Enactments has arisen in view of the above complaint but before taking any further action in the matter we find it appropriate to obtain a factual report for which we constitute a joint Committee comprising Divisional Forest Officer, Sant Ravidas Nagar, Bhadohi; District Magistrate, Sant Ravidas Nagar, Bhadohi; Central Pollution Control Board, (hereinafter referred as 'CPCB'); Regional Officer, Ministry of Environment, Forest and Climate Change, Lucknow (hereinafter referred as 'MoEF&CC') and Uttar Pradesh Pollution Control Board (hereinafter referred as 'UPPCB').

4. District Magistrate, Sant Ravidas Nagar, Bhadohi shall be nodal agency for coordination and compliance of this order.
5. The said committee shall visit the site, collect relevant information and submit a report within two months from today.
6. List this matter on 05.08.2024.

B. Proceedings:

In pursuance of the Hon'ble NGT order dated 21.05.2024, Joint Committee was constituted comprising representative of Ministry of Environment Forest and Climate Change (MoEF&CC), Regional Office (RO), Lucknow and representative of Central Pollution Control Board, Regional Directorate (CPCB-RD), Lucknow. Joint Committee had VC meeting on dated 13.06.2024 and decided to visit the site on dated 21.06.2024. Joint committee inspected the site on dated 21.06.2024, during inspection of the site Representative of RO-MOEF&CC, Lucknow office- Dr A.K. Gupta, Scientist 'E', Representative of RD-CPCB, Lucknow Shri A.K.Tripathi, Scientist 'C' were available along with the Shri Umesh Gupta, RO, UPPCB, Sonbhadra and Varanasi (Additional Charge) , Shri Santosh Kumar Pal, Surveyor; Shri Atul Dubey, Mine inspector, Shri Hari Shanker Rajput, Mine Manger, represented local administration along with lease holder Shri Vipin Kumar Saxena etc were available, to find out the extent of mining which has been done by Respondent No. 11 and the compliance/non-compliance of 'general' and 'specific' conditions of EC by Respondent No. 11.

C. Observation of Joint committee during the site inspection:

- Government of Uttar Pradesh (UP) through its Gazette Notification no. 1485/14-4-2008-823/2008 dated 21.05.2009 notified the Kachhua Wildlife Sanctuary in district Varanasi (7.00 KM area of Mid-stream of river Ganga from both the banks, in upstream-Ramnagar Fort; downstream-Malviya Rail/road bridge; East-Eastern bank of river Ganga; West-Western bank of river Ganga (Varanasi City)).
- Above notification was rescind by the Government of Uttar Pradesh (UP) through its Gazette notification no. 336/81-4-2020-823-2008 T.C. dated 17 March, 2020. **(Annexure A)**
- Further, Government of Uttar Pradesh (UP) through its gazette notification 346/81-4-2020-823-2008 T.C. Dated 17 March 2020 declared to constitute the area in the stretch of 30 km along both sides of the Ganga River falling in the districts of Bhadohi, Prayagraj and

Mirzapur as Kachhua Wildlife Sanctuary (Bhadohi, Prayagraj and Mirzapur- Ganga- Area bounded by both banks of river Ganga in the stretch of 30 km. along main stream of River Ganga; Boundaries- East (downstream of the River - Latitude 25.273769, Longitude- 82.287486 falling in Revenue boundary of village Baripur uparwar, Gyanpur of District Bhadohi; West (upstream of the River- Latitude 25.215000, Longitude-82.194814, falling in revenue boundary of village Kotahri, Meja of District Prayagraj; North-Left Bank of River Ganga; South- Right Bank of River Ganga) **(Annexure B)**

- Ministry Of Environment, Forest and Climate Change (MOEF&CC) vide letter no. 1-9/2007-WL-I (pt) dated 09.02.2011 issued the guideline for the declaration of Eco-sensitive zone around National Park and Wildlife Sanctuaries, compliance of the above which has not been comply by the state government in the above sanctuary **(Annexure-C)**
- As per available record two ECs has been granted for sand mining in the district Bhadohi, which are as follows:
 - i) EC to M/s Lalira Buildcon Pvt. Limited, Smt Rupa Mishra, W/o Shri Vishnu Kumar Mishra, R.O.-69, Anand Lok near Kamla Nehru College, Andrewsganj, Defense Colony, South Delhi, Delhi vide EC no. 516/Parya/DEAC/DEIAA/2018 dated 02.07.2018, for a period of 5 years was cancelled vide DM, Bhadohi order no.289/khananlipik/2021 dated 28.04.2021 and another LOI was issued to Shri Rana Pratap Singh S/O/ Shri Gajra Singh, Ram Balanpur, Jangi Ganj, Gyanpur Bhadohi. U.P. vide letter no. 419/khanij/balu/E-nivida/she-enilami dated 15.09.2021 for 1, 21,410 m³ capacity per annum. Which was transferred to Shri Rana Pratap Singh, S/O Shri Gajra Singh, Ram Balanpur, Jangi Ganj, Gyanpur Bhadohi. U.P. vide letter no. 259/Parya/SEIAA/DEIAA-EC/2021 dated 19.10.2021 for extraction of the sand of 1, 21,410 cubic meter/year from lease area of 4.047 hectare for **one year**. Transfer of DEIAA EC dated 02.07.2018 was also in question. **(Annexure D)**
 - ii) Consent to operate (CTO) has not been issued by Uttar Pradesh Pollution Control Board (UPPCB).
 - iii) Environmental Clearance (EC) of Shri Girdhari Prasad Patahk has been granted by SEIAA-UP vide letter no. 23B001UP122625 (file no. 8402-7893) dated 08.12.2023, for extraction of the sand of 1, 21,410 cubic meter/year from lease area of 4.047 hectare. **(Annexure E)**
 - iv) Consent to operate (CTO) has been granted by Uttar Pradesh Pollution Control Board (UPPCB) vide letter no. 198330/UPPCB/Varanasi (UPPCBRO)/CTO/

both/Bhadohi/2023 dated 29.12.2023, which is valid from 12.12.2023 to 31.12.2025 for extraction of the sand of 1,21,410 cubic meter/year from lease area of 4.047 hectare. **(Annexure F)**

- v) Regional Officer, UPPCB, Varanasi is recommended to revoke the CTO dated 29.12.2023 vide letter no 372/NGT OA No 135/2024/24-25 Dated 18.07.2024.

(Annexure G)

- vi) District magistrate (DM), Bhadohi has cancelled all active / advertised / sanctioned mining leases vide letter no. 303/ Kanan lipik/2024 dated 03.01.2024 **(Annexure H)**.

- Joint committee was not found any active mining pit on above two leases.
- Joint committee was found pathway for transportation from mining area in Eco- sensitive area near Villge-Ibrahimpur (Bhadohi).
- Joint committee has not found any illegal mining activity during on the river bed site of the Kachhua Wildlife sanctuary area falls in the district Bhadohi and Mirzapur.
- Joint committee has also observed the storage of the significant amount of sand near the office site of above two leases, it seems that it has been stored for a long time.
- Joint committee has also observed various faunal diversity including: two dolphins, five species of native fish and One species of exotic fish etc.
- Joint committee has not found Kacchua (Turtle) within (near about area) of the Kacchua wild life Sanctuary.
- DM, Prayagraj citing the request of DFO Prayagraj about the turtle sanctuary. ordered that no mining lease should be sanctioned in 10 km area considering the same as Eco-Sensitive Zone of the turtle sanctuary though letter number 4484 Dated June 20, 2024. This order further advised to stop any illegal sand mining within the sanctuary' ESZ. **Annexure I**
- Photographs taken during joint inspection is attached in **Annexure J**






D. Recommendation:

- As evident that the demarcation of the Eco-sensitive zone has not been done by the state government so far. It is utmost important to demarcate the eco- sensitive zone in line of Ministry order etc. at earliest.
- Competent authority can address and notify the prohibited activity, permissible activity in the Eco-sensitive zone (ESZ) and published in local newspaper, hording etc for wide publicity among the local people.

- Local administration through mining department may dismantle established Office and way-bridge near mining area of Project Proponent and check storage of minerals near village Ibrahimpur (Bhadohi).
- Local administration immediately sized the stored sand found during joint inspection in district Bhadohi.
- Local administration should place hoarding etc in various approached road going towards turtle wildlife sanctuary address the issue of Turtle Wildlife Notification, prohibited activity, permissible activity etc.
- Community awareness campaign needs to be conducted in all identified villages about the sanctuary declaration and rights of local communities in and around the PA. The objections from the communities against the announcements/ publications of turtle sanctuary submitted to the concerned DMs and DFO/Controlling Officer need to be addressed at the earliest.
- Alternate livelihood options need to be scoped and implemented in the fishing community villages on the fringe with active assistance of regional station of CIFRI, Wildlife Institute of India and TSA Foundation India.
- Regular patrolling of the turtle sanctuary should be conducted at appropriate level (with active assistance of Ganga Task Force and Prayagraj, Badhoi and Mirzapur Forest Divisions). Turtle Survival Alliance (TSA) Foundation India can provide the patrolling framework and train GTF regarding the same.
- Proper consideration of Kacchua Wildlife Sanctuary before/during appraisal/allotment of all project including sand mining of district Mirzapur, Bhadihi, Prayagraj by Mining Department, Local Administration and SEIAA/SEAC-UP can also be ensured.
- Proper due diligence is required for transfer of the DEIAA-EC by SEIAA/SEAC-UP.
- State Wild life department shall also take suitable measure for conservation of the Gangetic Dolphin and other species found near the Kacchua Wild life sanctuary.

List Of Annexure:	
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A	Gazette Notification no. 1485/14-4-2008-823/2008 dated 21.05.2009
B	Gazette notification 346/81-4-2020-823-2008 Dated 17 March 2020
C	MOEF&CC vide letter no. 1-9/2007-WL-I(pt) dated 09.02.2011
D	EC of M/s Lalira Buildcon Pvt. Limited, and Shri Rana Pratap
E	EC of Shri Girdhari Prasad Patahk
F	CTO of Shri Girdhari Prasad Patahk

G	Regional Officer, UPPCB, Varanasi is recommended to revoke the CTO
H	District magistrate (DM), Bhadohi has cancelled all active
I	DM, Prayagraj
J	Photograph taken during Joint inspection

Name of the Committee members		Signature
1.	Dr. A.K. Gupta, Scientist, E MoEF & CC, Regional Office, Lucknow.	
2.	Shri A.K. Tripathi, Scientist "C", CPCB, Regional Directorate, Lucknow.	
3.	Shri Neeraj Arya, Divisional Forest Officer, District-Sant Ravidas Nagar (Bhadohi).	
4.	Shri Shyam Mani Tripathi, ASDM, District-Bhadohi.	
5.	Shri Umesh Kumar Gupta Regional Officer (Acting), UPPCB Varanasi.	
Dated: 01.08.2024		



क्षेत्रीय कार्यालय,
REGIONAL OFFICE,
उप्र प्रदूषण नियंत्रण बोर्ड
U.P. POLLUTION CONTROL BOARD
सोनभद्र
SONBHADRA

ANNEXURE-B



संदर्भ संख्या:-

Ref.No.:GO 820 /O.A. No. 135/2024

दिनांक:-

Date: 27.08.2024

To,

The Registrar,
Hon'ble National Green Tribunal,
Copernicus Marg,
New Delhi.
E-mail:judicial-ngt@gov.in

Sub:- Submission of response on behalf of respondent no.2, Uttar Pradesh Pollution Control Board, in pursuant to order dated 23.07.2024 passed by Hon'ble NGT in the matter of Original Application No.135/2024 Khusbu Singh Versus State of U.P. & Ors.

Sir,

In Compliance of Hon'ble NGT order dated 23.07.2024 in the matter of Original Application No.135/2024 Khusbu Singh Versus State of U.P. & Ors, the response of Respondent no.2, Uttar Pradesh Pollution Control Board is being filed herewith.

It is requested that the aforesaid response be presented before the Hon'ble Tribunal for kind consideration.

Encl.: As above.

Yours faithfully,

(U.K. Gupta)
Regional Officer
Sonbhadra.

Endt. No. & date as above.

Copy to:-

1. District Magistrate, Mirzapur for kind information please.
2. District Magistrare, Bhadohi for kind information please.
3. Chief Environmental Officer (Circle-2), U.P. Pollution Control Board, Lucknow for kind information & necessary action please.
4. Chief Law Officer, U.P. Pollution Control Board, Lucknow for kind information and necessary action please.
5. Shri Pradeep Mishra, Advocate, Supreme Court, 138, New Lawyer's Chamber, Supreme Court of India, New Delhi-110001.
6. Regional Officer, U.P. Pollution Control Board, Varanasi.

Regional Officer
Sonbhadra.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO- 135/2024

IN THE MATTER OF:

Khusbu Singh

Applicant

Versus

State of UP & Ors.

Respondent

Order Date- 23.07.2024

Next Listing- 29.08.2024

RESPONSE ON BEHALF OF THE UTTAR PRADESH POLLUTION CONTROL BOARD IN COMPLIANCE TO THE ORDER DATED 23.07.2024 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI IN ORIGINAL APPLICATION NO. 135 OF 2024 IN THE MATTER OF KHUSBU SINGH VERSUS STATE OF UP & ORS.

That Hon'ble National Green Tribunal, Principal Bench, New Delhi (herein after referred as Hon'ble Tribunal) vide its order dated 23.07.2024 in Original Application No.135 of 2024 in the matter of Khusbu Singh versus State of UP & Ors, instructed the following:-

“11.....we therefore, implead following as respondents:-

(1) State of U.P. through Secretary, Ministry of Environment, Forest & Climate Change, Lucknow, Indira Bhawan, Gomti Nagar, Lucknow, Uttar Pradesh 226010.



(2) Uttar Pradesh Pollution Control Board, Through Member Secretary, PICUP Bhawan, B-Block, 3rd Floor, Vibhuti Khand, Gomti Nagar, Lucknow, Uttar Pradesh 226010.

(3) District Magistrate, Prayagraj (Allahabad), Collectorate Building, Civil Lines, Prayagraj, Uttar Pradesh 211001.

(4) District Magistrate, Bhadohi (Sant Ravidas Nagar), Collectorate Building, Bhadohi, Sant Ravidas Nagar, Uttar Pradesh 221401.

(5) District Magistrate, Mirzapur, Collectorate Building, Mirzapur, Uttar Pradesh 231001.

(6) Ministry of Environment, Forest & Climate Change, New Delhi through its Secretary, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi 110003.

(7) Principal Chief Conservator of Forests (Wildlife), Lucknow, Uttar Pradesh, 17 Rana Pratap Marg, Lucknow, Uttar Pradesh 226001 and

(8) Director of Mines and Geology, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.

12. Registry shall issue notices to above respondents who may file their responses within two weeks after receipt of notice.

13. Respondents shall ensure their presence through any authorized person or through counsel on the next date failing which, this Tribunal will have to summon concerned responsible person(s).

14. List on 29.08.2024.

Response-

1. UPPCB had submitted joint committee report in compliance of order dated-18.04.2024 passed by Hon'ble National Green Tribunal in this matter vide reference no G0738/OA 135/2024/24-25 Dated 20.07.2024. **(Annexure-A)**

2. Regional Officer, UPPCB, Sonbhdara requested Mines Officer, Mirzapur for providing the information about illegal mining activity being carried out by sanctioned mining leases vide letter No. G0808/OA No 135/2024/24-25 dated 20.08.2024. **(Annexure-B)**
3. The Mines Officer, Mirzapur vide their letter no.-2063/Khanij/Fo.NOC(01)/2024-25 Dated 23.08.2024 informed that no illegal mining was carried out after issuance of office order dated 01.01.2024 as per records available in mining office. **(Annexure-C)**
4. The mining lease namely M/s Prashant Maurya, Gata No-03 Mi, Khand-03, Village-Gogaon, Tehsil-Sadar, District-Mirzapur has obtained consent to operate 'CTO' from UPPCB issued vide letter no. 172278 / UPPCB / Sonebhadra (UPPCBRO) / CTO / both / MIRZAPUR / 2022 dated 29.12.2022.**(Annexure-D)**
5. The specific condition imposed in CTO dated 29.12.2022 at point no 03 is as follows:-
 “..3. If the lease agreement expires prior to 31-12-2026, then the validity of this CTO shall stand expired simultaneously with the expiry of mining lease.....”
 In the light of above condition and cancellation of mining lease, Regional Officer 'RO', UPPCB, Sonbhadra has recommended to revoke the said CTO dated 29.12.2022 vide letter no G0720/OA No 135/2024/24-25 Dated 16.07.2024. Thereafter, UPPCB has revoked issued CTO dated-19.12.2022 vide its letter dated-27.08.2024. **(Annexure-E)**
6. Regional Officer (Acting), UPPCB, Varanasi requested Mines Officer, Bhadohi for providing the information about illegal mining activity being carried out by sanctioned mining leases vide letter No. 496/OA

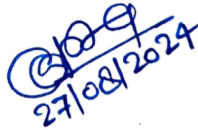
No.135/24-25 dated 17.08.2024 (**Annexure-F**). In consequence of this letter, Letter dated 22.08.2024 issued by Additional District Magistrate (F/R), Bhadohi is received on behalf of Mines Office, Bhadohi.

7. Additional District Magistrate (F/R), Bhadohi vide their reference no.-588/Khanan Lipik/2024 dated 22.08.2024 informed that the proponent namely Shri Rana Pratap Singh S/o Shri Gajra Singh, Ram Balanpur, Balanpur, Jangi, Ganj, Gyanpur, Bhadohi was penalized with the amount of Rs. 68,79,020.00 as compensation. However, only the amount of Rs. 25,00,000.00 (Twenty five lakh only) out of Rs. 68,79,020.00 has been deposited by the proponent in compliance of order passed by Hon'ble Court in the matter of writ no. 13095/2023. The matter about deposition of rest amount is under consideration in the Hon'ble Court (**Annexure-G**).
8. The mining lease namely M/s Girdhari Prasad Pathak "River bed Ordinary sand mining" having lease area-4.047 ha along river Ganga at Gata no./Araji no. 30, at Village-Purwa, Tehsil-Gyanpur, District-Bhadohi has obtained consent to operate 'CTO' from UPPCB vide reference no. 198330 / UPPCB / Varanasi (UPPCBRO) / CTO / both /BHADOHI/2023 dated-29.12.2023.(**Annexure-H**)
9. The specific condition imposed in CTO dated 29.12.2023 at point no 04 is as follows:-
“..4. The validity of this CTO is up to 31.12.2025 or valid with the validity of current mine plan or current lease period whichever is earlier. After this period this CTO will become null and void.....”



10. In the light of above condition and cancellation of mining lease, Regional Officer (Acting), UPPCB, Varanasi has recommended to confirm the show-cause notice to revoke the said CTO dated 29.12.2022 vide letter no 372/NGT OA No 135/2024/24-25 Dated 18.07.2024 after giving the opportunity as per law. Thereafter, UPPCB has revoked issued CTO dated 29.12.2023 vide its letter dated-20.08.2024. **(Annexure-I)**

Therefore, the above response on behalf of the Uttar Pradesh Pollution Control Board as respondent no. 2 is submitted before this Hon'ble National Green Tribunal for perusal and kind consideration.



(U.K. Gupta)
Regional Officer
U.P. Pollution Control Board
Sonbhadra



(U.K. Gupta)
Regional Officer (Acting)
U.P. Pollution Control Board
Varanasi



Uttar Pradesh Pollution Control Board

Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.in, Website: www.uppcb.com

198330/UPPCB/Varanasi(UPPCBRO)/CTO/both/BHADOHI/2023

Date: 29/12/2023

To,

M/s

GIRDHARI PRASAD PATHAK

“Riverbed Ordinary sand mining” having lease area- 4.047 ha along river Ganga at Gata no/Araji no.-30 at Village–Purwa, Tehsil- Gyanpur, District- Bhadohi, U.P.

Application Id-
23849747

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981

CCA is hereby granted to **GIRDHARI PRASAD PATHAK** located at “Riverbed Ordinary sand mining” having lease area- 4.047 ha along river Ganga at Gata no/Araji no.-30 at Village–Purwa, Tehsil- Gyanpur, District- Bhadohi, U.P.. subject to the provisions of the Water Act, Air Act and the orders that may be made further and subject to following terms and conditions :-

1. This CCA GIRDHARI PRASAD PATHAK granted for the period from 12/12/2023 to 31/12/2025 and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Mineable Reserve	1,21,410	Cubic Meters/Year

2. Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-

(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	01 KLD	Septic Tank	No Trade Effluent is allowed to Discharge

(ii) Trade Effluent Treatment and Disposal :-The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
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(iv) Sewage Treatment and Disposal :- The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be

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stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
1	pH	As per E(P)A Rules, 1986
2	BOD (mg/L)	As per E(P)A Rules, 1986
3	TSS (mg/L)	As per E(P)A Rules, 1986
4	Fecal Coliform (MPN/100ml)	As per E(P)A Rules, 1986

3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	Dust Emission During Manual Mining Transportation and Loading/unloading of Movable Reserve		1	Particulate Matter	As per E(P)A Rules, 1986

Emission Quality Standards

S No.	Stack no	Parameters	Standards
1	1	Particulate Matter	As per E(P)A Rules, 1986

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area	Commercial Area	Residential Area	Silence Zone
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	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

- (i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.
 - (ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.
5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.
6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will result in legal action under the aforesaid Acts and Rules.
7. In compliance to the G.O 1011/81-7-2021-09 (Writ)/2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.
8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.

11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/ production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point
12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

Specific Conditions:-

1. This consent is valid for production capacity Riverbed Ordinary Sand Mining at Gata no/Araji no-30, Leased Area 4.047 Ha (Production-Riverbed Ordinary Sand – 1,21,410 Cubic Meter/Annum, Village- Purwa, Tehsil- Gyanpur, District- Bhadohi, U.P. by Shri Girdhari Prasad Pathak.
2. The Project Proponent shall arrange the facilities to treat the domestic effluent either by septic tank or provide any mobile toilet facility. In no case proponent is allowed to discharge ant trade effluent from the lease area.
3. The Project Proponent shall install water sprinkling at different dust emission sources like mining area, by transportation and loading/unloading of sand.
4. The validity of this CTO is upto 31.12.2025 or valid with the validity of current mine plan or current lease period whichever is earlier. After this period this CTO will become null and void.
5. The all conditions mentioned in the environmental clearance issued by SEIAA vide. EC23B001UP122625 dated 08.12.2023 shall prevail.
6. Mining shall be done as per EC issued by SEIAA and directions given by Mining Department/District Administration.
7. Unit shall develop and maintain green belt as per the conditions of Environmental Clearance.
8. Unit shall not withdrawal ground water for any industrial activity without obtaining necessary permission from UPGWA.
9. Unit should operate and maintain installed water sprinkler system effectively and continuously to achieve the standards prescribed under E(P) Rules, 1986.
10. Unit shall submit ambient air monitoring reports of NABL accredited laboratory on quarterly basis to the Board.
11. All trucks, tractors used in transportation of sand/morrum shall be covered by canvas sheet to prevent dust emission.
12. Water will be sprayed after loading activity (if sand/morrum collected could be dry condition)
13. The dust suppression measures like water spraying will be done on the haul roads and working areas.
14. Industry should comply with the provisions of Hazardous and Other waste (Management & Trans boundary Movement) Rules 2016.
15. Solid waste should be disposed in such manner, so that no water, air and soil pollution takes place.

16. Industry shall abide by directions given by Hon'ble Court, MoEF&CC, Central Pollution Control Board and UPPCB for protection and safe guard of environment from time to time.

17. Consent fees if revised, shall be payable by industry from the date of its applicability.

18. Industry shall comply with the relevant provisions of Environmental Laws.

19. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this CTO and attract action under the provisions of Law.

20. If closure order is issued by CPCB or UPPCB against the unit, then CTO issued earlier will remain suspended during the closure period and after ensuring the compliance and after revocation of closure order, the CTO will automatically be effective with additional conditions mentioned in the closure revocation order.

Chief Environmental Officer, Circle-6

Copy to:

Regional Officer, U.P. Pollution Control Board, Varanasi for information and necessary action.

Chief Environmental Officer, Circle-6



मिशन LIFE - पर्यावरण के लिए जीवन शैली (Lifestyle For Environment) जनसहभागिता का सन्देश



- स्वच्छता – देशसेवा में अपने परिवेश की स्वच्छता हेतु अपना सक्रिय योगदान सुनिश्चित करें
- संकल्प लें -एकल उपयोग प्लास्टिक उत्पाद जैसे कप, तश्तरी, चम्मच, स्ट्रॉ, ईयरबड्स आदि का उपयोग न हो एवं पर्यावरण अनुकूल विकल्पों जैसे कागज/पत्तों से बने दोने या कटलरी को प्राथमिकता दी जाय |
- एकल उपयोग प्लास्टिक उत्पाद के प्रयोग को रोकने एवं प्लास्टिक बैग के बजाय कपड़े के थैले का उपयोग करने मात्र से 375 मिलियन टन ठोस (प्लास्टिक) कचरे का उत्सर्जन बचाया जा सकता है
- चक्रीय अर्थव्यवस्था (सर्कुलर इकोनॉमी) का समुचित कार्यान्वयन वर्ष 2030 तक लगभग 14 लाख करोड़ रुपये की अतिरिक्त बचत उत्पन्न कर सकता है | वेस्ट /अपशिष्ट फेकने के पूर्व सोचें, ये किसी का संसाधन तो नहीं ...?
- अनुपयोगी इलेक्ट्रिक / इलेक्ट्रॉनिक उत्पाद को कचरे में फेकने से रुकें | इसके उपयुक्त निस्तारण हेतु इसे प्राधिकृत ई – वेस्ट रीसाइकलर को दें | प्राधिकृत ई-रीसाइकिलिंग इकाई में अनुपयोगी इलेक्ट्रिक / इलेक्ट्रॉनिक उत्पाद को देने मात्र से 0.75 मिलियन टन तक ई-कचरे का पुनर्चक्रण किया जा सकता है एवं ई-कचरे के विषम पर्यावरणीय दुष्प्रभाव से बचा जा सकता है
- बाहर जाते समय - सोचें कि क्या आपको वास्तव में परिवहन की आवश्यकता है - वह भी क्या व्यक्तिगत रूप से ? छोटी दूरी के लिए पैदल चलना पसंद करें, अथवा सम्भव हो तो कार पूल के रूप में संसाधन को साझा करें अथवा सार्वजनिक परिवहन पर विचार करें
- घरेलू स्तर पर कम से कम ठोस अपशिष्ट का उत्सर्जन करें और इनका प्रथाक्रीकरण करें
- उपयोगी शेष खाद्य सामग्री आपके स्वयं प्रयास अथवा निकटस्थ सक्रिय स्वयं सेवी संस्थाओं की सहायता से समाज के वंचित वर्ग तक पहुंचाई जा सकती है | वहीं अनुपयोगी भोजन /खाद्य सामग्री को कंपोस्ट (वर्मी कम्पोस्ट) करने से 15 अरब टन भोजन को नष्ट होने से बचाया जा सकता है
- ध्यान रखें - उपयुक्त नल और शावर के उपयोग से पानी की खपत को 30 - 40% तक कम किया जा सकता है। एवं उपयोग में न होने पर नलों को बंद रखने मात्र से 9 ट्रिलियन लीटर पानी बचाया जा सकता है
- ट्रेफिक लाइट/रेलवे क्रॉसिंग पर कार/स्कूटर के इंजन बंद करने मात्र से 22.5 बिलियन kWh तक ऊर्जा की बचत हो सकती है
- परम्परागत बल्ब के स्थान पर CFL का उपयोग बिजली की खपत में प्रभावी कमी लाते हैं | उपयोग में न होने पर बिजली उपकरणों को बंद करें | स्टार रेटेड विद्युत उपकरणों के उपयोग को प्राथमिकता दें

हमारे द्वारा अपनी जीवन शैली की प्राथमिकताओं का उचित और पर्यावरण अनुकूल पुनर्निर्धारण समाज और पर्यावरण के प्रति हमारा दायित्व है |



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

UTTAR PRADESH POLLUTION CONTROL BOARD

Ref. No: H15952 /सी-6/जल-531/सीटीओ रिवोक/वाराणसी/2024

दिनांक...29/8/24

पंजीकृत

सेवा में,

मेसर्स गिरधारी प्रसाद पाठक,
ग्राम-पुरवा की गाटा संख्या 30 रकबा 4.047 हेक्टेयर,
तहसील-ज्ञानपुर,
जनपद-भदोही। मोबाईल नं०-6392885772

विषय: बोर्ड के पत्रांक 198330/यूपीपीसीवी/वाराणसी(यूपीपीसीवीआरओ)/सीटीओ/बोथ/भदोही/2023 दिनांक 29.12.2023 द्वारा निर्गत संचालनार्थ सहमति को रिवोक/खण्डित किये जाने के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक बोर्ड मुख्यालय के पत्रांक एच 11618/सी-6/जल-531/वाराणसी/2024 दिनांक 29.05.2024 का संदर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से खनन पट्टे के विरुद्ध जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-27(2) एवं वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा-21(4) के अन्तर्गत संचालनार्थ सहमति जल एवं वायु को रिवोक/खण्डित किये जाने के सम्बन्ध में कारण बताओ नोटिस निर्गत किया गया था। उक्त कारण बताओ नोटिस राज्य बोर्ड द्वारा पंजीकृत डाक के माध्यम से प्रेषित किया गया था, जिसे आन लाइन ट्रैक किये जाने से ज्ञात हुआ कि उक्त नोटिस आपको दिनांक 12.06.2024 को प्राप्त हो गया है, किन्तु आप द्वारा नोटिस के परिप्रेक्ष्य में राज्य बोर्ड को कोई उत्तर/प्रत्यावेदन उपलब्ध नहीं कराया गया है।

उक्त कारण बताओ नोटिस के परिप्रेक्ष्य में राज्य बोर्ड के क्षेत्रीय अधिकारी, वाराणसी द्वारा पत्र दिनांक 18.07.2024 के माध्यम से प्रश्नगत खनन पट्टे के विरुद्ध निर्गत कारण बताओ नोटिस दिनांक 29.05.2024 की पुष्टि करते हुये संस्तुति आख्या प्रेषित की गयी है।

राज्य बोर्ड के पत्र दिनांक 29.12.2023 के माध्यम से उक्त खनन पट्टे को निर्गत संचालनार्थ सहमति (जल एवं वायु) में अधिरोपित विशिष्ट शर्त संख्या 04 निम्नवत् है:-

4. The validity of this CTO is upto 31.12.2025 or valid with the validity of current mine plan or current lease period whichever is earlier. After this period this CTO will become null and void".

उपरोक्त वर्णित तथ्यों के परिप्रेक्ष्य में एवं जिलाधिकारी, भदोही द्वारा पत्र दिनांक 03.01.2024 के माध्यम से खनन पट्टे को निरस्त किये जाने के फलस्वरूप राज्य बोर्ड के क्षेत्रीय अधिकारी, वाराणसी द्वारा पत्र दिनांक 18.07.2024 के माध्यम से आपके खनन पट्टे को राज्य बोर्ड के पत्र दिनांक 29.12.2023 द्वारा निर्गत संचालनार्थ सहमति (जल एवं वायु) में अधिरोपित विशिष्ट शर्त संख्या 04 के परिप्रेक्ष्य में निरस्त किये जाने हेतु निर्गत कारण बताओ नोटिस दिनांक 29.05.2024 की पुष्टि करते हुये संस्तुति की गयी है।

P.T.O

T.C/12V, Vibhuti Khand Gomti Nagar, Lucknow - 226010
Phone: 2720831, 2720828, 2720691 & 2720681 - Fax: 0522 - 2720764
Email: info@uppcb.in; Web Site: www.uppcb.in

अतः उपरोक्त वर्णित तथ्यों, जिलाधिकारी, भदोही द्वारा पत्र दिनांक 03.01.2024 के माध्यम से खनन पट्टे को निरस्त किये जाने के फलस्वरूप एवं राज्य बोर्ड के क्षेत्रीय अधिकारी, वाराणसी की संस्तुति के दृष्टिगत आपके खनन पट्टे को राज्य बोर्ड के पत्र दिनांक 29.12.2023 द्वारा निर्गत संचालनार्थ सहमति (जल एवं वायु) में अधिरोपित विशिष्ट शर्त संख्या 04 के परिप्रेक्ष्य में सक्षम अधिकारी के अनुमोदनोपरान्त जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-27(2) एवं वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा-21(4) के अन्तर्गत खनन पट्टे के विरुद्ध निर्गत कारण बताओ नोटिस दिनांक 29.05.2024 की पुष्टि करते हुये आपके खनन पट्टे (मेसर्स गिरधारी प्रसाद पाठक, ग्राम-पुरवा की गाटा संख्या 30 रकबा 4.047 हेक्टेयर, ज्ञानपुर, भदोही) को राज्य बोर्ड के पत्र दिनांक 29.12.2023 द्वारा निर्गत संचालनार्थ सहमति (जल एवं वायु) में अधिरोपित विशिष्ट शर्त संख्या 04 के परिप्रेक्ष्य में रिवोक/खण्डित किया जाता है।

सक्षम अधिकारी के अनुमोदनोपरान्त पत्र निर्गमन हेतु अधिकृत।

मुख्य पर्यावरण अधिकारी,
(वृत्त-6)

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

1. जिलाधिकारी, भदोही।
2. सदस्य सचिव, राज्य स्तरीय पर्यावरण प्रभाव मूल्यांकन प्राधिकरण, पर्यावरण निदेशालय, विनीत खण्ड, गोमती नगर, लखनऊ
3. पुलिस अधीक्षक, भदोही।
4. क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, वाराणसी।

मुख्य पर्यावरण अधिकारी,
(वृत्त-6)

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उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, वाराणसी

UTTAR PRADESH POLLUTION CONTROL BOARD, VARANASI



संदर्भ संख्या / Ref. No. 496/O.A. 135/24-25

दिनांक: 17.08.2024

सेवा में,

खान अधिकारी,
जिला क्वैरी कार्यालय,
जनपद-भदोही।

विषय:- मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 संख्या-135/2024 खुशबू सिंह बनाम स्टेट ऑफ यू0पी0 व अन्य में पारित आदेश दिनांक-23.07.2024 एवं ओ0ए0 संख्या-267/2024 खुशबू सिंह बनाम स्टेट ऑफ यू0पी0 में पारित आदेश दिनांक-05.08.2024 के अनुपालन हेतु वाँछित सूचनायें उपलब्ध कराये जाने के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक संदर्भ ग्रहण करने का कष्ट करें। मा0 राष्ट्रीय हरित अधिकरण में विचाराधीन ओ0ए0 संख्या-135/2024 खुशबू सिंह बनाम स्टेट ऑफ यू0पी0 व अन्य एवं ओ0ए0 संख्या-267/2024 खुशबू सिंह बनाम स्टेट ऑफ यू0पी0 में पारित आदेश दिनांक-05.08.2024 प्रकरण में जनपद-प्रयागराज, मीरजापुर एवं भदोही के क्षेत्रान्तर्गत कछुवा वन्य जीव क्षेत्र (चिन्हित क्षेत्र 30 कि0मी0 गंगा नदी) एवं इको सेन्सिटिव जोन अर्थात् वन्य जीव क्षेत्र की सीमा से 10 कि0मी0 की दूरी तक के अन्तर्गत बालू के खनन पट्टा संचालित होने सम्बन्धी जन-शिकायत आच्छादित है। उपरोक्त शिकायत के सम्बन्ध में निम्नलिखित वाँछित सूचनायें आपके स्तर से प्राप्त होना अपेक्षित है:-

1. जनपद-भदोही क्षेत्र के अन्तर्गत गंगा नदी पर कछुवा वन्य जीव विहार सम्बन्धी नोटीफिकेशन 17.03.2020 को जारी होने के पश्चात् वर्तमान समय तक कछुवा वन्य जीव विहार क्षेत्र में अवैध खनन होने सम्बन्धी सूचना का विवरण तथा उसके सापेक्ष कृत कार्यवाही का विवरण।
2. उक्त वर्णित कछुवा वन्य जीव के अन्तर्गत श्री राणा प्रताप सिंह पुत्र श्री गजराज सिंह, रामबालनपुर, जंगीगंज, ज्ञानपुर, भदोही के पक्ष में स्वीकृत गाटा संख्या-103, रकबा-4.047 हे0 ग्राम-इब्राहिमपुर, तहसील-ज्ञानपुर, जनपद-भदोही को पर्यावरणीय स्वीकृति जारी/ट्रांसफर होने की तिथि 19.10.2021 से खनन पट्टा अवधि एक वर्ष अर्थात् दिनांक-20.10.2022 अथवा खनन पट्टा निरस्त होने तक की अवधि के मध्य में श्री राणा प्रताप सिंह पुत्र श्री गजराज सिंह, रामबालनपुर, जंगीगंज, ज्ञानपुर, भदोही द्वारा किये गये अवैध खनन की मात्रा तथा अवैध खनन होने के सापेक्ष कृत कार्यवाही का विवरण।
3. उक्त वर्णित कछुवा वन्य जीव के अन्तर्गत श्री गिरधारी प्रसाद पाठक, निवासी ग्राम-महेरा, तहसील-बारा, जनपद-प्रयागराज के पक्ष में स्वीकृत गाटा/आराजी संख्या-30, रकबा-4.047हे0 ग्राम-पुरवा, तहसील-ज्ञानपुर, जनपद-भदोही को पर्यावरणीय स्वीकृति जारी होने की तिथि 01.07.2023 से खनन पट्टा निरस्त होने की तिथि 03.01.2024 के मध्य की अवधि में श्री गिरधारी प्रसाद पाठक, निवासी ग्राम-महेरा, तहसील-बारा, जनपद-प्रयागराज द्वारा किये गये अवैध खनन की मात्रा तथा अवैध खनन होने के सापेक्ष कृत कार्यवाही का विवरण।

अतः आपसे अनुरोध है कि उपरोक्त सूचनायें विलम्बतम् 03 दिवस के अन्तर्गत इस कार्यालय को प्रेषित करने का कष्ट करें, जिससे प्राप्त सूचनाओं को समेकित करते हुये रिसपाँस मा0 एन0जी0टी0 को प्रेषित की जा सके।

भवदीय,

(यू0के0 गुप्ता)
क्षेत्रीय अधिकारी

पू0सं0 एवं दिनांक उपरोक्तानुसार।

प्रतिलिपि:-

1. जिलाधिकारी महोदय, भदोही को सूचनार्थ सादर प्रेषित।
2. मुख्य पर्यावरण अधिकारी (वृत्त-6), उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ।

क्षेत्रीय अधिकारी

कार्यालय जिलाधिकारी, भदोही।

(खनन अनुभाग)

संख्या: 588/खनन लिपिक/2024


दिनांक 22/08/2024

क्षेत्रीय अधिकारी
क्षेत्रीय कार्यालय
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
वाराणसी

महोदय,

कृपया अपने पत्रांक संख्या-496/ओ०ए० 135/24-25 दिनांक 17.08.2024 का सन्दर्भ ग्रहण करने का कष्ट करें। जिसमें मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या-135/2024 खुशबू सिंह बनाम स्टेट ऑफ यू०पी० व अन्य में पारित आदेश दिनांक-23.07.2024 एवं ओ०ए० संख्या-267/2024 खुशबू सिंह बनाम स्टेट ऑफ यू०पी० में पारित आदेश दिनांक 05.08.2024 के अनुपालन हेतु वॉछित सूचनायें उपलब्ध कराये जाने का विवरण निम्नलिखित है-


क्र०सं०	वांछित सूचना	उत्तरालेख
1	जनपद भदोही क्षेत्र के अन्तर्गत गंगा नदी पर कछुवा वन्य जीव विहार सम्बन्धी नोटीफिकेशन 17.03.2020 को जारी होने के पश्चात् वर्तमान समय तक कछुवा वन्य जीव विहार क्षेत्र में अवैध खनन होने सम्बन्धी सूचना का विवरण तथा उसके सापेक्ष कृत कार्यवाही का विवरण।	शून्य
2	उक्त वर्णित कछुवा वन्य जीव के अन्तर्गत श्री राणा प्रताप सिंह पुत्र गजराज सिंह, निवासी बलनपुर जंगीगंज तहसील ज्ञानपुर, भदोही के पक्ष में स्वीकृत गाटा संख्या-103, रकबा-4.047 हे० ग्राम इब्राहिमपुर, तहसील ज्ञानपुर जनपद भदोही को पर्यावरणीय स्वीकृति जारी/ट्रॉसफर होने की तिथि 19.10.2021 से खनन पट्टा अवधि एक वर्ष अर्थात् दिनांक 20.10.2022 अथवा खनन पट्टा निरस्त होने तक की अवधि के मध्य में श्री राणा प्रताप सिंह पुत्र गजराज सिंह, ग्राम बलनपुर जंगीगंज ज्ञानपुर भदोही द्वारा किये गये अवैध खनन की मात्रा तथा अवैध खनन होने के सापेक्ष कृत कार्यवाही का विवरण।	श्री राणा प्रताप सिंह पुत्र गजराज सिंह, निवासी बलनपुर जंगीगंज तहसील ज्ञानपुर, भदोही द्वारा बालू खनन पट्टा ग्राम इब्राहिमपुर गाटा संख्या-103 के विपरीत मात्रा 15158 घनमीटर अवैध खनन/परिवहन करने के सम्बंध में कुल रूपया 68,79,020/- अधिरोपित धनराशि किया गया था। श्री राणा प्रताप सिंह रिट संख्या-13095/2023 दायर की गयी, जिसमें मा० न्यायालय द्वारा रूपये 2500000(25लाख) को तीन सप्ताह के भीतर खनन हेड-0853 में जमा किये जाने हेतु आदेश पारित किया गया है। मा० न्यायालय के आदेशानुसार श्री राणा प्रताप सिंह द्वारा दिनांक 09.05.2023 को ट्रेजरी चालान संख्या-E900023 द्वारा रूपये 2500000(25लाख) खनन हेड-0853 में जमा किया गया है। शेष धनराशि रूपये 4379020/- जमा किये जाने के सम्बंध में निर्णय विचाराधीन है।
3	उक्त वर्णित कछुवा वन्य जीव के अन्तर्गत श्री गिरधारी प्रसाद पाठक, निवासी ग्राम मेहरा तहसील बारा जनपद प्रयागराज के पक्ष में स्वीकृत गाटा /आराजी संख्या-30, रकबा-4.047 हे० ग्राम पुरवा तहसील ज्ञानपुर जनपद भदोही को पर्यावरणीय स्वीकृति जारी होने की तिथि 01.07.2023 से खनन पट्टा निरस्त होने की तिथि 03.01.2024 के मध्य की अवधि में श्री गिरधारी प्रसाद पाठक, निवासी ग्राम मेहरा तहसील बारा जनपद प्रयागराज द्वारा किये गये अवैध खनन की मात्रा तथा अवैध खनन होने के सापेक्ष कृत कार्यवाही का विवरण।	शून्य


अपर जिलाधिकारी(वि०/रा०)
भदोही।

संख्या व दिनांक उपरोक्त।

प्रतिलिपि:-निम्नलिखित को सादर सूचनार्थ प्रेषित।

1. जिलाधिकारी महोदय भदोही।
2. मुख्य पर्यावरण अधिकारी (वृत्त-6) उ०प्र० प्रदूषण नियंत्रण बोर्ड लखनऊ।


अपर जिलाधिकारी(वि०/रा०)
भदोही।

कार्यालय जिलाधिकारी, भदोही।

(खनन अनुभाग)

संख्या: 588/खनन लिपिक/2024

दिनांक 22/08/2024

क्षेत्रीय अधिकारी

क्षेत्रीय कार्यालय

उ०प्र० प्रदूषण नियंत्रण बोर्ड,

वाराणसी

महोदय,

कृपया अपने पत्रांक संख्या-496/ओ०ए० 135/24-25 दिनांक 17.08.2024 का सन्दर्भ ग्रहण करने का कष्ट करें। जिसमें मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या-135/2024 खुशबू सिंह बनाम स्टेट ऑफ यू०पी० व अन्य में पारित आदेश दिनांक-23.07.2024 एवं ओ०ए० संख्या-267/2024 खुशबू सिंह बनाम स्टेट ऑफ यू०पी० में पारित आदेश दिनांक 05.08.2024 के अनुपालन हेतु वांछित सूचनायें उपलब्ध कराये जाने का विवरण निम्नलिखित है-

क्र०सं०	वांछित सूचना	उत्तरालेख
1	जनपद भदोही क्षेत्र के अन्तर्गत गंगा नदी पर कछुवा वन्य जीव विहार सम्बन्धी नोटीफिकेशन 17.03.2020 को जारी होने के पश्चात् वर्तमान समय तक कछुवा वन्य जीव विहार क्षेत्र में अवैध खनन होने सम्बन्धी सूचना का विवरण तथा उसके सापेक्ष कृत कार्यवाही का विवरण।	शून्य
2	उक्त वर्णित कछुवा वन्य जीव के अन्तर्गत श्री राणा प्रताप सिंह पुत्र गजराज सिंह, निवासी बलनपुर जंगीगंज तहसील ज्ञानपुर, भदोही के पक्ष में स्वीकृत गाटा संख्या-103, रकबा-4.047 हे० ग्राम इब्राहिमपुर, तहसील ज्ञानपुर जनपद भदोही को पर्यावरणीय स्वीकृति जारी/ट्रान्सफर होने की तिथि 19.10.2021 से खनन पट्टा अवधि एक वर्ष अर्थात् दिनांक 20.10.2022 अथवा खनन पट्टा निरस्त होने तक की अवधि के मध्य में श्री राणा प्रताप सिंह पुत्र गजराज सिंह, ग्राम बलनपुर जंगीगंज ज्ञानपुर भदोही द्वारा किये गये अवैध खनन की मात्रा तथा अवैध खनन होने के सापेक्ष कृत कार्यवाही का विवरण।	श्री राणा प्रताप सिंह पुत्र गजराज सिंह, निवासी बलनपुर जंगीगंज तहसील ज्ञानपुर, भदोही द्वारा बालू खनन पट्टा ग्राम इब्राहिमपुर गाटा संख्या-103 के विपरीत मात्रा 15158 घनमीटर अवैध खनन/परिवहन करने के सम्बंध में कुल रूपया 68,79,020/- अधिरोपित धनराशि किया गया था। श्री राणा प्रताप सिंह रिट संख्या-13095/2023 दायर की गयी, जिसमें मा० न्यायालय द्वारा रूपये 2500000(25लाख) को तीन सप्ताह के भीतर खनन हेड-0853 में जमा किये जाने हेतु आदेश पारित किया गया है। मा० न्यायालय के आदेशानुसार श्री राणा प्रताप सिंह द्वारा दिनांक 09.05.2023 को ट्रेजरी चालान संख्या-E900023 द्वारा रूपये 2500000(25लाख) खनन हेड-0853 में जमा किया गया है। शेष धनराशि रूपये 4379020/- जमा किये जाने के सम्बंध में निर्णय विचाराधीन है।
3	उक्त वर्णित कछुवा वन्य जीव के अन्तर्गत श्री गिरधारी प्रसाद पाठक, निवासी ग्राम मेहरा तहसील बारा जनपद प्रयागराज के पक्ष में स्वीकृत गाटा /आराजी संख्या-30, रकबा-4.047 हे० ग्राम पुरवा तहसील ज्ञानपुर जनपद भदोही को पर्यावरणीय स्वीकृति जारी होने की तिथि 01.07.2023 से खनन पट्टा निरस्त होने की तिथि 03.01.2024 के मध्य की अवधि में श्री गिरधारी प्रसाद पाठक, निवासी ग्राम मेहरा तहसील बारा जनपद प्रयागराज द्वारा किये गये अवैध खनन की मात्रा तथा अवैध खनन होने के सापेक्ष कृत कार्यवाही का विवरण।	शून्य

अपर जिलाधिकारी(वि०/रा०)
भदोही।

संख्या व दिनांक उपरोक्त।

प्रतिलिपि:-निम्नलिखित को सादर सूचनार्थ प्रेषित।

1. जिलाधिकारी महोदय भदोही।
2. मुख्य पर्यावरण अधिकारी (वृत्त-6) उ०प्र० प्रदूषण नियंत्रण बोर्ड लखनऊ।

अपर जिलाधिकारी(वि०/रा०)
भदोही।



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, वाराणसी

UTTAR PRADESH POLLUTION CONTROL BOARD, VARANASI

संदर्भ सं० / Ref.No. 518/OA No. 267/2024/Rana Pratap-368/2024-25

दिनांक / Date...29-08-2024

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-6),
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
लखनऊ।

अतिआवश्यक / महत्वपूर्ण
मा० एन०जी०टी० प्रकरण

विषय:—मा० एन०जी०टी०, नई दिल्ली में योजित ओ.ए. नं. 267/2024 खुशबू सिंह बनाम स्टेट ऑफ यू०पी० व अन्य में पारित आदेश दिनांक 05.08.2024 के अनुपालन में श्री राणा प्रताप सिंह पुत्र श्री गजराज सिंह निवासी बलनपुर पो०—जंगीगंज, तहसील—ज्ञानपुर, जनपद—भदोही द्वारा ग्राम—इब्राहिमपुर गाटा संख्या 103 रकबा 4.047 हेक्टेयर तहसील ज्ञानपुर, जनपद—भदोही में किये गये अवैध बालू खनन के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के सम्बंध में।

महोदय,

कृपया उपरोक्त विषयक मा० एन०जी०टी०, नई दिल्ली में विचाराधीन ओ०ए० नं. 267/2024 खुशबू सिंह बनाम स्टेट ऑफ यू०पी० व अन्य में पारित आदेश दिनांक 05.08.2024 का संदर्भ ग्रहण करने का कष्ट करें। उक्त आदेश के माध्यम से प्रकरण में आच्छादित खनन पट्टाधारकों द्वारा किये गये अवैध बालू खनन के सापेक्ष पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु मा० अधिकरण द्वारा निर्देश प्राप्त हैं। कार्यालय अभिलेखों अनुसार इस कार्यालय के पत्र दिनांकित 17.08.2024 द्वारा खान अधिकारी, जिला क्वैरी कार्यालय, जनपद—भदोही से वांछित सूचनायें चाही गयी थी। तत्कम में अपर जिलाधिकारी (वि०/रा०) खनन अनुभाग, भदोही के पत्र दिनांकित 22.08.2024 द्वारा प्राप्त सूचनाओं के आधार पर श्री राणा प्रताप सिंह पुत्र श्री गजराज सिंह निवासी बलनपुर पो०—जंगीगंज, तहसील—ज्ञानपुर, जनपद—भदोही द्वारा ग्राम—इब्राहिमपुर गाटा संख्या 103 रकबा 4.047 हेक्टेयर तहसील ज्ञानपुर, जनपद—भदोही में अवैध बालू खनन राज्य प्रदूषण नियंत्रण बोर्ड से बिना सहमति (जल एवं वायु) आदेश प्राप्त किये कुल 516 दिनों तक संचालित रहा। उक्त के आलोक में मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ०ए० संख्या 116/2014 में पारित आदेश तथा ओ०ए० संख्या 593/2017 में पारित आदेश के अनुपालन हेतु केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा पर्यावरणीय क्षतिपूर्ति धनराशि के आंकलन हेतु जारी दिशा—निर्देशों के आधार पर खनन पट्टा पर अधिरोपित किये जाने वाली पर्यावरणीय क्षतिपूर्ति की गणना निम्नानुसार है:—

Environment compensation (EC)=Pollution Index (PI)xNos of days from which the non compliance has been observed
(N)x Factor in rupees (R) x Factor for scale of operation (S)x Location Factor (LF)

Where,

PI=50	80 for red category unit, 50 for orange category unit, 30 for green category unit.
N=516	Nos of days from which the non compliance has been observed.
R=250	Factor in rupees
S=0.5	Factor for scale of operation=0.5 as unit is covered in small category, 1.0 medium scale unit, 1.5 for large scale unit.
LF=1.0	Location factor-1.0 for population less than 10 lac, 1.25 for population 10 lac to 50 lac, 1.5 for population 50 lac to 10 Cr and 2.0 for population more than 10 Cr.
Therefore EC=PIxNxRxSxLF =50x516x250x0.5x1.0=32,25,000.00	

उपरोक्त के दृष्टिगत उक्त खनन पट्टा मेसर्स श्री राणा प्रताप सिंह पुत्र श्री गजराज सिंह निवासी बलनपुर पो०—जंगीगंज, तहसील—ज्ञानपुर, जनपद—भदोही द्वारा ग्राम—इब्राहिमपुर गाटा संख्या 103 रकबा 4.047 हेक्टेयर तहसील ज्ञानपुर, जनपद—भदोही पर कुल 516 दिन डिफाल्टर अवधि हेतु कुल रू० 32,25,000 (रू० बत्तीस लाख पच्चीस हजार मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की संस्तुति की जाती है।

संलग्नक:—उपरोक्तानुसार।

भवदीय,

(यू०के० गुप्ता)

क्षेत्रीय अधिकारी



ANNEXURE-I
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

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Ref. No. 11/16946/सी-6/सा0-903/एनजीटी/ओए नं0 267/2024/24

Dated 9-9-24
पंजीकृत

श्री राणा प्रताप सिंह,
पुत्र श्री गजराज सिंह, निवासी बलनपुर, पोस्ट-जंगीगंज तहसील-ज्ञानपुर,
जनपद-भदोही।
मो- 9696360418

यह कि क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, वाराणसी द्वारा दिनांक 29.08.2024 को प्रेषित निरीक्षण आख्यान अनुसार जिला प्रशासन, भदोही द्वारा दिनांक 15.09.2021 को निर्गत खनन पट्टा के माध्यम से ग्राम-इब्राहिमपुर, तहसील-ज्ञानपुर, जनपद-भदोही के खनन पट्टा गाटा संख्या-103 रकबा, क्षेत्रफल 4.047 हेक्टेयर खनन व परिवहन करने हेतु अनुज्ञा पत्र निर्गत किया गया है, जिसमें आवेदक श्री राणा प्रताप सिंह, पुत्र श्री गजराज सिंह, निवासी बलनपुर, पोस्ट-जंगीगंज, तहसील-ज्ञानपुर, जनपद-भदोही है, जिसे आगे इकाई कहा जायेगा।

यह कि मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 संख्या 267/2024 खुशबू सिंह बनाम स्टेट ऑफ यूपी में पारित आदेश दिनांक 21.05.2024 के अनुपालन में गठित संयुक्त समिति द्वारा इकाई का निरीक्षण दिनांक 21.06.2024 को किया गया तथा निरीक्षण आख्या के सुसंगत अंश निम्नवत है:-

"..... As per available record two ECs has been granted for sand mining in the district Bhadohi, which are as follows:

- EC to M/s Lalira Buildcon Pvt. Limited, Smt Rupa Mishra, W/o Shri Vishnu Kumar Mishra, R.O.-69, Anand Lok near Kamla Nehru College, Andrewganj, Defense Colony, South Delhi, Delhi vide EC no. 516/Parya/DEAC/DEIAA/2018 dated 02.07.2018, for a period of 5 years was cancelled vide DM, Bhadohi order no.289/khananlipik/2021 dated 28.04.2021 and another LOI was issued to Shri Rana Pratap Singh S/O/ Shri Gajra Singh, Ram Balanpur, Jangi Ganj, Gyanpur Bhadohi. U.P. vide letter no. 419/khanij/balu/E-nivida/she-enilami dated 15.09.2021 for 1, 21,410 m3 capacity per annum. Which was transferred to Shri Rana Pratap Singh, S/O Shri Gajra Singh, Ram Balanpur, Jangi Ganj, Gyanpur Bhadohi. U.P. vide letter no. 259/Parya/SEIAA/DEIAA-EC/2021 dated 19.10.2021 for extraction of the sand of 1, 21,410 cubic meter/year from lease area of 4.047 hectare for one year. Transfer of DEIAA EC dated 02.07.2018 was also in question. (Annexure D).
- Consent to operate (CTO) has not been issued by Uttar Pradesh Pollution Control Board (UPPCB)....."

यह कि केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा 05 हेक्टेयर से अधिक क्षेत्रफल एवं कलस्टर में स्थापित खनन पट्टों को लाल श्रेणी एवं अन्य 05 हेक्टेयर तक के क्षेत्रफल वाले खनन पट्टों को नारंगी श्रेणी में आच्छादित किया गया है, जिसमें जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-25 एवं वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा-21 के अन्तर्गत पूर्व सहमति आवश्यक है।

यह कि क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, वाराणसी की आख्यान अनुसार पट्टा धारक श्री राणा प्रताप सिंह, पुत्र श्री गजराज सिंह, निवासी बलनपुर, पोस्ट-जंगीगंज तहसील-ज्ञानपुर, जनपद-भदोही द्वारा कुल उल्लंघकारी दिवस 516 हेतु उपरोक्त ग्राम-इब्राहिमपुर, तहसील-ज्ञानपुर, जनपद-भदोही के खनन पट्टा गाटा संख्या-103 रकबा पर राज्य बोर्ड से बिना सहमति प्राप्त किये खनन का कार्य किया गया है, आपकी इकाई का उक्त कृत्य जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-25 के आज्ञापक प्रविधानों का उल्लंघन दर्शाता है।

यह कि पट्टा धारक श्री राणा प्रताप सिंह, पुत्र श्री गजराज सिंह, निवासी बलनपुर, पोस्ट-जंगीगंज तहसील-ज्ञानपुर, जनपद-भदोही द्वारा कुल उल्लंघकारी दिवस 516 हेतु उपरोक्त ग्राम-इब्राहिमपुर, तहसील-ज्ञानपुर, जनपद-भदोही के खनन पट्टा गाटा संख्या-103 रकबा पर राज्य बोर्ड से बिना सहमति प्राप्त किये खनन कार्य किये जाने के फलस्वरूप राज्य बोर्ड के क्षेत्रीय अधिकारी, वाराणसी द्वारा पत्र दिनांक 29.08.2024 के माध्यम से इकाई के विरुद्ध उल्लंघनकारी दिवस 516 के सापेक्ष नियमानुसार पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु संस्तुति आख्या प्रेषित की गयी है।

T.C/12V, Vibhuti Khand Gomti Nagar, Lucknow - 226010
Phone: 2720831, 2720828, 2720691 & 2720681 - Fax: 0522 - 2720764
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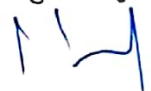
मा0 एनजीटी, नई दिल्ली के आदेशों के अनुपालन में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निर्मित गाइड लाइन में पर्यावरणीय क्षतिपूर्ति की गणना हेतु निर्धारित सूत्र $Penalty = PI \times N \times R \times S \times LF$ के अनुसार आंकलित पर्यावरणीय क्षतिपूर्ति रूपये 32.25 लाख आती है, जिसमें PI (Pollution Index)=50, N (Number of days)=516, R (Panalty in Rs)=250, S (Factor for Scale of operation, Small)=0.5, LF (Location Factor)= 1 for Population between 1 to 5 million. लिया गया है।

अतः उपरोक्त वर्णित तथ्यों एवं क्षेत्रीय अधिकारी की संस्तुति के दृष्टिगत सक्षम अधिकारी के अनुमोदनोपरान्त इकाई के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु निम्नानुसार कारण बताओ नोटिस जारी किया जाता है :-

यह कि क्यों न आपकी इकाई के विरुद्ध राज्य बोर्ड से सहमति जल एवं वायु प्राप्त किये बिना ही खनन कार्य किये के फलरूप कुल 516 उल्लंघनकारी दिवसों हेतु रू0 32.25 लाख (रू0 बत्तीस लाख पचीस हजार मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाये।


उपरोक्त के संबंध में अपना स्पष्टीकरण इस पत्र प्राप्ति के 15 दिन के अन्दर बोर्ड मुख्यालय में प्रेषित करें, अन्यथा की स्थिति में उपरोक्तानुसार इकाई के विरुद्ध रू0 रू0 32.25 लाख (रू0 बत्तीस लाख पचीस हजार मात्र) की दर से उल्लंघन अवधि हेतु पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जायेगी, जिसका सम्पूर्ण उत्तरदायित्व स्वयं इकाई एवं इकाई स्वामी का होगा।

सक्षम अधिकारी द्वारा अनुमोदनोपरान्त पत्र निर्गमन हेतु अधिकृत


मुख्य पर्यावरण अधिकारी,
(वृत्त-6)

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

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


मुख्य पर्यावरण अधिकारी,
(वृत्त-6)



O.A. No. 267/2024; Khusbu Singh Vs. State of U.P. & Ors.

From: Pradeep Misra (pradeepmisra@yahoo.com)

To: jyoti.legal@gmail.com; narenderpalsingh@gmail.com

Date: Tuesday, September 10, 2024 at 05:48 PM GMT+5:30

Sir/Madam,

Please find the attached Report on behalf of UPPCB.

With Regards,

(PRADEEP MISRA)



KHUSBU SINGH VS. STATE OF UP REPORT.pdf
8.7MB