

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 440 OF 2023**

IN THE MATTER OF:

NAVEEN KUMAR

.....APPLICANT

VERSUS

STATE OF UTTAR PRADESH AND OTHERSRESPONDENTS

INDEX

Sl. No.	Particulars	Pages
01	INDEX	1
02.	Additional Affidavit on behalf of the Respondent No. 11	2-5
03.	Annexure A1/1 True copy of the Order dated 28/09/2024 issued by this Hon'ble Tribunal	6-42
04.	Annexure A1/2 True copy of the I.A No. 535 of 2024	43-52
05.	Annexure A1/3 True copy of the order dated 13.11.2024 issued by this Hon'ble Tribunal	53
06.	Annexure A1/4 True copy of the letter dated 08.10.2024 issued by State Authority	54
07.	Annexure A1/5 True copy of the NOC dated 22.11.2024 issued by Ministry of Jal Shakti	55-57

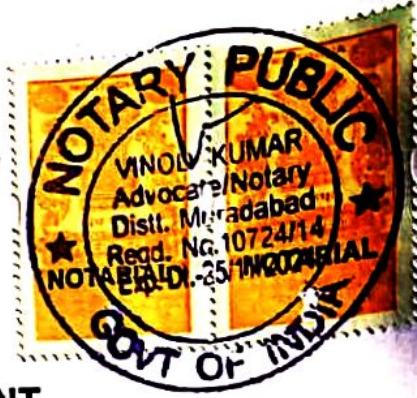
DRAWN AND FILED BY



Gaurav Kumar Bansal
Advocate
For
Applicant
A26, Basement
Jangpura Extension
New Delhi – 14

New Delhi
23/11/2024

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 440 OF 2023



IN THE MATTER OF:

NAVEEN KUMAR

.....APPLICANT

VERSUS

STATE OF UTTAR PRADESH AND OTHERSRESPONDENTS

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO. 11

MOST RESPECTFULLY SHOWETH:

I, Vipin Saxena, aged about 52 years, resident of HIG-A/135, Aashiyana Pratham, Moradbad, Uttar Pradesh do hereby solemnly affirm and declares as under:

1. That deponent is Respondent No. 11 in the present Original Application and as such is well conversant with the facts and circumstances of the present case.
2. That vide its Order dated 28/09/2024, this Hon'ble Tribunal observed Non compliance of the terms and conditions of the Environmental Clearance and as such directed the SEIAA, UP and UPCCB to take action in accordance with law against the respondent after complying with the Principal of Natural Justice and to submit action taken report in the form of affidavit of Member Secretary, UPCCB and Member Secretary, SEIAA, UP.

Vipin Saxena

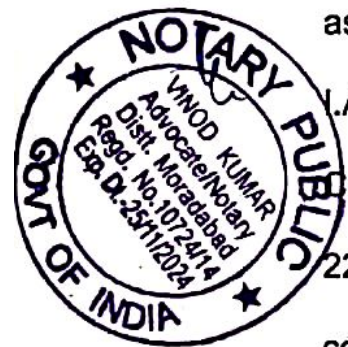
3. That it is also respectfully submitted that the applicant also submitted before this Hon'ble Tribunal that he will not carry out the work even after the monsoon till the matter is sub judice before the Tribunal. **True copy of the Order dated 28/09/2024 issued by this Hon'ble Tribunal is annexed and marked hereto as Annexure A1/1.**

4. It is respectfully submitted that after the issuance of the Order dated 28/09/2024, the applicant has complied with most of the conditions as mentioned in the Environmental Clearance and as such preferred

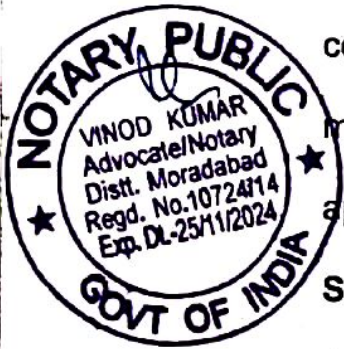
I.A No. 535 of 2024 wherein it has been prayed to (a) Direct the Joint Committee constituted by this Hon'ble court vide its order dated 22.05.2024, to check the compliance of the general and specific conditions of the E.C. dated 18.11.2022 and (b) Grant permission to commence mining operations at the project site in accordance with the applicable environmental regulations and approvals. (c) Pass any other order(s) that this Hon'ble Court may deem fit and proper in the interest of the justice. **True copy of the I.A No. 535 of 2024 is annexed and marked hereto as Annexure A1/2.**

5. That this Hon'ble Tribunal vide its order dated 13.11.2024 granted one week to the State of UP, SEIAA, U.P. to file the reply.

True copy of the order dated 13.11.2024 issued by this Hon'ble Tribunal is annexed and marked hereto as Annexure A1/3.



6. It is also pertinent to mention here that while hearing of the said IA, SEIAA has been verbally directed to check the compliance status of the conditions which answering respondent has complied.
7. That despite of this Hon'ble Tribunal's order dated 13.11.2024, SEIAA, till date, has not started the verification process.
8. It is respectfully submitted that the applicant due to the non formation of team by SEIAA to check the compliance status of conditions of EC is suffering huge financial loss (around 96 Lakh per month) and as such the said delay is causing undue hardship on the applicant. **True copy of the letter dated 08.10.2024 issued by State Authority is annexed and marked hereto as Annexure A1/4.**
9. That as far as permission regarding Ground Water Extraction is concerned, the Ground Water Department, Ministry of Jal Shakti, State of U.P. vide its letter dated 22.11.2024 has issued the No Objection Certificate for Groundwater Extraction. **True copy of the NOC dated 22.11.2024 issued by Ministry of Jal Shakti is annexed and marked hereto as Annexure A1/5.**
10. That in light of the above, applicant requests this Hon'ble Court to take cognizance of the above mentioned facts and as such allow the applicant to permit him to start mining activity at the site in question.



Hipini Soren

11. That the Balance of convenience is in favour of the applicant and the ends of justice shall suffer if the relief as prayed is not granted.

12. That applicant has not approached any other court or tribunal seeking similar relief as prayed before this Hon'ble Court.

Hipin Saxena
Deponent

VERIFICATION:

Verified at New Delhi on this day of November, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and nothing material concealed therein.

Hipin Saxena
Deponent

Vinod Kumar Saxena
Solemnly affirmed before me by Shri/Smt./Km. *Vinod Kumar Saxena*
deponent who is identified by Shri/Smt./Km. *Vinod Kumar Saxena*
Advocate on.....23.11.24
I have satisfied my self after examination the deponent that he understood the contents of the affidavit and the same has been read over and explained by me. Recd Rs. as per
Sl. No. (592)
VINOD KUMAR
Advocate / Notary
Distt. Moradabad
Regd. No. 10724/14
Exp. DL- 25/11/2024

Item No. 09

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**Original Application No. 440/2023
(IA No 318/2024)

Naveen Kumar

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 16.08.2024

Uploaded on: 28.08.2024

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

Applicant: Mr. Akash Vashishtha, Adv.

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. with Mr. Sanjeev Kumar Singh, Member Secretary, UPPCB (Through VC)
Mr. Amit Tiwari, Adv. with Mr. Avinash Kumar (Through VC), DM, Jhansi
Mr. Gigi. C. George, Adv. for NMCG (Through VC)
Mr. Saurabh Balwani, Adv. for CPCB (Through VC)
Mr. Bhanwar Pal Singh Jadon, Mr. Harsh Vardhan Singh Rajawat & Mr. Rovin Singh Solanki, Advs. for R - 1 & 10
Ms. Priyanka Swami, Adv. for SEIAA, UP
Mr. Gaurav Kumar Bansal, Ms. Nandita Bansal, Ms. Chandrika Upadhyaya & Ms. Ishita Sagar, Advs. for R - 11
Mr. Sarang S. Chowdhry, Mr. Shivam S. Chowdhry & Ms. Anjali Chowdhry, Advs. for MoEF & CC (Through VC)**ORDER**

1. In this OA, the Tribunal is examining the allegation of illegal sand mining in river Dhasan at Gata No. 1419, Kha Khand No. 01 in village Dhamnaud, Tehsil Garautha, District Jhansi, Madhya Pradesh being undertaken by Respondent No. 11 in violation of the Environmental Clearance (EC) conditions and in violation of the environmental norms and applicable rules.

2. The Tribunal in the order dated 22.05.2024 had reproduced the EC conditions which were alleged to be violated by the Respondent No. 11. The reply filed by the State Environment Impact Assessment Authority

(SEIAA), Uttar Pradesh dated 20.05.2024 was considered and it was found that there was no response to the specific plea of the applicant in respect of non-compliance of EC condition and that SEIAA, UP had filed an evasive reply. The Tribunal had also noted that the District Magistrate, Jhansi had filed a response along with covering letter dated 21.05.2024 sent by the ADM (Judicial) enclosing therewith some instructions but there was no written response by the DM on the issues raised in the OA. For filing such improper response. Tribunal had imposed cost on SEIAA, UP and DM for their lapse.

3. The Tribunal had also found that though the Respondent No. 4, UPPCB, a regulatory body, was served yet it was neither represented nor response was filed. Hence, the Tribunal had directed personal appearance of the Member Secretary, UPPCB by virtual mode today.

4. The photographs filed by the applicant as annexure A-2 were taken note of on the previous date showing instream mining by use of Poclain machine. To ascertain the extent of illegal mining in violation of EC condition by the Respondent No. 11, the Tribunal had formed a joint Committee, requiring the Committee to visit the site, collect full information mentioned in the order and submit the report.

5. The joint Committee had visited the site on 19.06.2024 and had filed the report before the Tribunal on 08.08.2024. The observations of the joint Committee in the report are as under:-

“C. Observation of Joint committee during the site inspection:

- i) *Letter of Intent (LOI) has been granted for mining of Sand/Morrum Mining from Dhasan Riverbed at Gata No. 1419 KhKhand No.- 01, Village- Dhamnaud, Tehsil- Garautha, District- Jhansi U.P., (Leased Area 24.00 Ha) vide letter no. 1557/30 MMC/2019-20 dated 28.01.2020 (Annexure-I), which has been issued by DM Jhansi*

(Mining Section). Mining plan has been approved by Directorate of Mining and Geology, Uttar Pradesh vide letter no. 1927/MP/2017 dated 26.02.2020 (**Annexure-II**).

- ii) Environmental Clearance of the above project was accorded by SEIAA-UP vide no. EC22B001UP110182 Date 18/11/2022 to the owner Vipin Kumar Saxena R/o-MIG-A/135 Aashiyana Pratham Teh. Distt Moradabad UP -244001. (**Annexure-III**)
- iii) PAs have obtained Consent to Operate (CTO) under both Act Ref No.173141/UPPCB/Jhansi (UPPCBRO)/CTO/both/Jhansi/2022 dated 05-03-2023 which is valid from 05-03-2023 to 31-12-2027. (**Annexure-IV**)
- iv) During the Joint Committee inspection, no mining activity was noticed at the site, which may be due to prior intimation of the Joint Committee inspection on dt.21.06.2024. As per the record it has been found that the total lease area of the mine is 24 ha., however, .kml file of the lease area shows that the total lease area of the above mine is around 28 ha. i.e., 4 ha more mining lease area as compared to the above lease. A satellite image is enclosed as **Annexure-V**.
- v) A photograph taken during the Joint inspection is enclosed as **Annexure VI**.

During the inspection details discussion was done with all concerns and the point-wise status of the compliance of Environmental Clearance (EC) conditions has been tabulated below:

Specific Conditions of Environmental Clearance (EC) (Sr. No.-1 – 76):		
1.	Validity period of this EC is 5 years from the date of issue as the LoI has been issued for a period of 5 years or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.	As per the discussion held during the monitoring of the project and report submitted by PAs. As stated in EC the validity of EC will be a co-terminus with the validity of the current mine plan, which is approved for Five Years from the date of Execution of the Lease Area. Complied
2.	In the absence of replenishment study, in compliance of Hon'ble NGT Order dated 06.05.2022 initially the EC will be operational till 31.12.2022. Permissible quantity and area shall be strictly limited to quantity and area mentioned in LoI or mining plan, whichever is lesser, and maximum mineable depth will be limited to	As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have conducted mining within their lease area and as per the approved Mining Plan. Boundary pillars have been erected properly. Being Complied

	<i>as approved in the mining plan.</i>	
3.	<i>For subsequent years, Project Proponent shall submit fresh annual replenishment study to SEIAA, UP for amendment in EC for mineable quantity and maximum permissible depth for mining based on scientific findings of replenishment study. Such study shall be placed before SEAC for appraisal for next three years to assess rate of deposition and accordingly, mineable production capacity and depth can be prescribed based on trends analysis, provided it is found scientifically satisfactory by the SEAC. The placing of the study report SEAC is mandatory for initial three years.</i>	<p><i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have yet not submitted the replenishment study to this office/RO-UPPCB Jhansi.</i></p> <p>Not Complied</p>
4.	<i>Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.</i>	<p><i>As per the discussion held during the monitoring of the project. Record state that the public hearing was conducted on 06.05.2022. A commitment made during the public hearing has been complied or in the process of complying.</i></p> <p>Being Complied</p>
5.	<i>A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.</i>	<p><i>As per the discussion held during the monitoring of the project. The project does not fall in the eco-sensitive zone. Forest clearance is issued by the forest department vide Letter No. 745/15-1 Jhansi, Dated 11.08.2017. (Annexure-5)</i></p> <p>Complied</p>
6.	<i>The mining lease holders shall, after ceasing mining operation undertake re-grassing the mining area and any other area which may have been distributed due to their mining</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. PAs have assured us of re-grassing the area after the completion of the mining.</i>

	<i>activities and restore the land to a condition which is fit for growth of fodder , flora fauna etc.</i>	Assured to Comply
7.	<i>If the proposed project is situated in notified area of ground water extraction, where creation of new wells for groundwater extraction is not allowed, the requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have one bore well in the mine office, which is 100 to 200 meters from the lease area, which is found working without required permission. Groundwater is being used for drinking purposes only.</i> Not Complied
8.	<i>Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 24,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. As per the report submitted by PAs have planted around 2700 tree saplings of Neem, Sagaun, Kanji, Sisham, Amalaetc, which were purchased by Jai Jhansi Van Prabag and the local nursery on 01.07.2023 and 10.07.2024. It is required to conduct massive drives during the ongoing monsoon period.</i> Partially Complied
9.	<i>In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 120 ha.Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the</i>	<i>No information in this regard has been submitted so far.</i> Not Complied

	District.					
10.	Department of Geology and Mines, Government of Uttar Pradesh and or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.	As per record, Letter of Intent (LOI) has been granted for mining of Sand/Morrum Mining from Dhasan Riverbed at Gata No. 1419 KhKhand No.- 01, Village-Dhamnaud, Tehsil- Garautha, District- Jhansi U.P., (Leased Area 24.00 Ha) vide letter no. 1557/30 MMC/2019-20 dated 28.01.2020, which has been issued by DM Jhansi (Mining Section). Mining plane has been approved by the Directorate of Mining and Geology, Uttar Pradesh vide letter no. 1927/MP/2017 dated 26.02.2020. Being Complied				
11	Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.	---				
12	If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.	As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the PAs have conducted third-party monitoring of the ambient air quality parameters by M/s IND Research & Development Pvt. Ltd, Noida, which is MoEF&CC accredited laboratory. The submitted analysis report depicted that the values of PM ₁₀ were found high, however, other parameters were found well within the limit. Besides, PAs have only one water sprinkler for controlling fugitive emissions coming out by the mine, by sprinkling the water on Haulage road etc. <table border="1" data-bbox="954 2225 1409 2354"> <thead> <tr> <th>Parameter</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td>PM_{2.5} in µg/M³</td> <td>52.0</td> </tr> </tbody> </table>	Parameter	Result	PM _{2.5} in µg/M ³	52.0
Parameter	Result					
PM _{2.5} in µg/M ³	52.0					

		<table border="1"> <tbody> <tr> <td>PM_{10} in $\mu g/M^3$</td> <td>132.0</td> </tr> <tr> <td>SO_2 in $\mu g/M^3$</td> <td>8.06</td> </tr> <tr> <td>NO_2 in $\mu g/M^3$</td> <td>19.0</td> </tr> <tr> <td>CO in mg/m^3</td> <td>0.93</td> </tr> </tbody> </table> <p>Partially Complied</p>	PM_{10} in $\mu g/M^3$	132.0	SO_2 in $\mu g/M^3$	8.06	NO_2 in $\mu g/M^3$	19.0	CO in mg/m^3	0.93
PM_{10} in $\mu g/M^3$	132.0									
SO_2 in $\mu g/M^3$	8.06									
NO_2 in $\mu g/M^3$	19.0									
CO in mg/m^3	0.93									
13	<p>In compliance of Hon'ble NGT Order dated 06.05.2022, for subsequent years, Project Proponent shall submit fresh annual replenishment study to SEIAA, UP for amendment in EC for mineable quantity and maximum permissible depth for mining based on scientific findings of replenishment study. Such study shall be placed before SEAC for appraisal for next three years to assess rate of deposition and accordingly, mineable production capacity and depth can be prescribed based on trends analysis, provided it is found scientifically satisfactory by the SEAC. The placing of the study report SEAC is mandatory for initial three years.</p>	<p>As per the discussion held during the monitoring of the project and reports submitted by PAs. It has been found that PAs have yet not constituted/established separate environmental management cell (EMC) with suitably qualified personnel. As informed, around 40 local people have been employed with this project.</p> <p>Not Complied</p>								
14	<p>NOC from Irrigation Department/ Concerning Authority regarding river bed mining is to be obtained before start of mining activity.</p>	<p>As per the discussion held during the monitoring of the project and report submitted by PAs. Required permission has already been obtained, as informed.</p> <p>Complied</p>								
15	<p>The project proponent shall install solar light in their site office.</p>	<p>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have yet not installed solar light systems within the lease area and mine office.</p> <p>Not Complied</p>								
16	<p>During the submission of 6 monthly compliance reports, the project proponent should make sure that the periodically taken site photographs should also be annexed along with the</p>	<p>As per the available record, it has been found that the PAs have submitted six monthly compliance reports to the Regional Office, Lucknow along with the photograph and suitable</p>								

	compliance report.	annexures. Being Complied
17	Preference should be given to indigenous local species as per the consultation of the local district Forest Officer.	As per the discussion held during the monitoring of the project and report submitted by PAs. As per the report submitted by PAs have planted around 2700 tree saplings of Neem, Sagaun, Kanji, Sisham, Amalaetc, which were purchased by Jai Jhansi Van Prabag and the local nursery on 01.07.2023 and 10.07.2024. It is required to conduct massive drives during the ongoing monsoon period. Partially Complied
18	Link Road from the quarry site to the main road shall be constructed as an all-weather road with blacktopping and maintained by the project proponent.	As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the haulage road between the lease area and Link Road already exists in the land. As informed, basic maintenance has been done by the mine owner. Being Complied
19	Vehicular emissions should be kept under control and regularly monitored. Suitable measures shall be taken for proper maintenance of vehicles used in quarry operation and transportation.	As per discussion held during monitoring of the project and report submitted by PAs. It has been stated that only PUC-certified vehicles are being used for the transportation of the vehicles used in quarry operation and transportation. Being Complied
20	The project proponent should explore the possibilities of rainwater harvesting.	As per the discussion held during the monitoring of the project and report submitted by PAs. Not Complied
21	Agreement/ Consent between project proponent and competent authority/ landowner for haulage road from lease site to link road.	As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the haulage road between the Lease area and the Link Road already exists on Government Land. As informed, basic maintenance has

		<p><i>been done by the mine owner.</i></p> <p>Being Complied</p>
22	<p><i>Latest technology (water sprinklers/ tankers) to be adopted for mitigating dust at source points in lease area and haulage road during operational activity/vehicular movement.</i></p>	<p><i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have two water sprinkler tankers, out of two one is found in working condition, other is not in working condition. It is required to fix the problem and also use sprinklings of the water at the site.</i></p> <p>Being Complied</p>
23	<p><i>As per the proposed plan, plantation with area-specific plant species, number of plants to be planted.</i></p>	<p><i>As per the discussion held during the monitoring of the project and report submitted by PAs. As per the report submitted by PAs have planted around 2700 tree saplings of Neem, Sagaun, Kanji, Sisham, Amalaetc, which were purchased by Jai Jhansi Van Prabag and the local nursery on 01.07.2023 and 10.07.2024. It is required to conduct massive drives during the ongoing monsoon period.</i></p> <p>Partially Complied</p>
24	<p><i>Water requirement details along with source of water and the permission/ agreement with the concerned authority/ water supplying agencies to be submitted.</i></p>	<p><i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs having one bore well in the mine office, which is 100 to 200 meters from the lease area, which is found working without required permission. Ground water is being used for drinking etc. Besides, for drinking purposes 0.9 KLD and for plantation purposes, water will be required 3.17 KLD, as mentioned in the six monthly compliance reports.</i></p> <p>Not Complied</p>
25	<p><i>The Environmental clearance will be co-terminus with the mining lease period/mining plan whichever is less.</i></p>	<p><i>PAs have agreed with this condition.</i></p> <p>--</p>

26	<i>At the time of operation, the project proponent will comply with all the guidelines issued by the Government of India/State Govt. /District Administration related to Covid-19.</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the PAs comply majority of the conditions of guidelines issued by the Government of India/State Government.</i> Being Complied
27	<i>Environment management in according to environmental status and impact of the project.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs.</i> Not Complied
28	<i>During the school opening and closing time transportation of minerals will be restricted.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been stated that the mining operation and its transportation have been done only in day time.</i> Being Complied
29	<i>Selection of plants for green belt should be on the basis of pollution removal index. Project proponent should ensure survival of tree saplings. Mortality should be replaced from time to time.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have planted several trees on the right side of the lease area. Around 2700 tree saplings of Neem, Sagaun, Kanji, Sisham, Amalaetc, which were purchased by Jai Jhansi Van Prabag and the local nursery on 01.07.2023 and 10.07.2024. It is required to conduct a massive plantation drive during the ongoing monsoon period by planting native species.</i> Partially Complied
30	<i>No mining activity should be carried out in-stream channel as per SSMMG, 2016.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the mining work is going on the lease only.</i> Being Complied
31	<i>Pakka motorable haul road to be maintained by the project proponent.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the pakka motorable road has been found</i>

		<p><i>almost up to the mine office.</i></p> <p>Being Complied</p>
32	<p><i>A separate Environmental Management Cell with suitable qualified personnel shall be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.</i></p>	<p><i>As stated earlier, PAs have yet not formed EMC cells.</i></p> <p>Not Complied</p>
33	<p><i>Permission from the competent authority regarding evacuation route should be taken.</i></p>	<p><i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been informed that prior permission has been obtained from the local administration for the route.</i></p> <p>Being Complied</p>
34	<p><i>One month monitoring report of the area for air quality, water quality, Noise level. Besides flora & fauna should be examined twice a week and be submitted within 45 days for a record.</i></p>	<p><i>As per the discussion held during monitoring of the project and report submitted by PAs. PAs have submitted six monthly compliance reports along with air, noise, and water quality analysis.</i></p> <p>Being Complied</p>
35	<p><i>Provision for cylinder to workers should be made for cooking.</i></p>	<p><i>As per the discussion held during monitoring of the project and report submitted by PAs. It has been found that the lease holder provided gas cylinder to worker for cooking of food etc.</i></p> <p>Being Complied</p>
36	<p><i>The capacity of trucks/tractor for loading purpose will be in tonnes as per Transport Department applicable norms and standard fixed by the Government.</i></p>	<p><i>As per discussion held during monitoring of the project and report submitted by PAs. It has been stated that the norms of the Transport Department are being followed by the leaseholder in the loading Process.</i></p> <p>Being Complied</p>
37	<p><i>Approach road kaccha is to be made motarable and tree saplings to be planted on both sides of the road. Width of the haul road shall be more than 6 meter.</i></p>	<p><i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the pakka motorable road has been found almost up to the mine office.</i></p>

		Being Complied
38	<i>Indigenous plants should be planted according to CPCB guidelines and in consultation with local Divisional Forest Officer.</i>	<p><i>As per the discussion held during the monitoring of the project and report submitted by PAs. As per the report submitted by PAs have planted around 2700 tree saplings of Neem, Sagaun, Kanji, Sisham, Amalaetc, which were purchased by Jai Jhansi Van Prabag and from local nursery on 01.07.2023 and 10.07.2024.</i></p> <p>Partially Complied</p>
39	<i>The project proponent shall in 2 years conduct detailed replenishment study duly authenticated by a QCI-NABET accredited consultant, and the District Mines Officer</i>	<p><i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have yet not submitted the replenishment study to this office/RO-UPPCB Jhansi.</i></p> <p>Not Complied</p>
40	<i>Provision for two toilets and hand pumps should be made at the mining site.</i>	<p><i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have provided a toilet and hand pump facility in the mine office, which is 100 to 200 meters from the lease area.</i></p> <p>Being Complied</p>
41	<i>Drinking water for workers would be provided by tankers.</i>	<p><i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs having one bore well in the mine office, which is 100 to 200 meters from the lease area, which is found working without required permission. Ground water is being used for drinking etc.</i></p> <p>Not Complied</p>
42	<i>Mining should be done by Bar scalping methods extraction (typically 0.3 -0.6 m or 1 - 2 ft) as per sustainable sand mining management guidelines 2016.</i>	<p><i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the mining activity has been performed as per the Sustainable Sand Mining Management Guidelines 2016.</i></p>

		Being Complied
43	A buffer/safe zone shall be maintained from the habitation as per mining guidelines.	As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the buffer and safety zone have been provided. Being Complied
44	A Corporate Environmental Responsibility (CER) plan shall be prepared by the project proponent and the details of the various heads of expenditure to be submitted as per the guidelines provided in the recent CER notification No. 22-65/2017-IA.III dated 01/05/2018.	Report on work done under CER and expenditure incurred under it has not been provided to the Regional Office, MOEF&CC and RO-UPPCB, Jhansi. PAs have only informed us that various activities have been conducted near the village and primary school. Partially Complied
45	Health/Insurance card, Medical claim, regular health check-up camps, facilities shall be provided to the regular/temporary/ Contractual or any base workers. Copy of receipt shall be produced to the Directorate of Environment along with the compliance report	As per the discussion held during monitoring of the project and report submitted by PAs. It has been found that around 40 have been appointed, but no information provided related to the health camp. Not Complied
46	Measure for conservation of water through rainwater harvesting and cleaning and maintenance of natural surface water bodies of the nearby areas may be considered as one of the activity in CER	As per discussion held during monitoring of the project and report submitted by PAs. No record has been provided so far. Not Complied
47	The excavated mining material should be carried and transported in such a way that no obstruction to the free flow of water takes place. Suitable measure should be taken and details to be provided to concern Department	As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the due to ongoing mining activity within the lease area will not obstruct the free flow of the river water. Being Complied
48	Submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity/production levels shall	As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have yet not submitted the replenishment study to this office/RO-UPPCB

	<i>be decreased/ stopped accordingly till the replenishment is completed</i>	Jhansi. Not Complied
49	<i>The project proponent shall ensure that if the project area falls within the eco-sensitive zone of National park/Sanctuary prior permission of statutory committee of National board for wild life under the provision of Wildlife (Protection) Act, 1972 shall be obtained before commencement of work</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the above lease area does not fall within the eco-sensitive zone of the National Park/ Sanctuary.</i> Not applicable to this lease
50	<i>If in future this lease area becomes part of cluster of equal to or more than 05 ha. then additional conditions based on the EIA shall be imposed. The lease holder shall mandatorily follow cluster conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per law shall be initiated against the authority issuing the cluster certificate</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have already obtained cluster certificate vide no. 1630/30 MMC/2019-20 dated 03.2.2020.</i> Being Complied
51	<i>Project falling within 10 KM area of Wild Life Sanctuary is to obtain a clearance from National Board Wild Life (NBWL) even if the eco-sensitive zone is not earmarked.</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. It has been found that this project does not fall 10 KM area of Wild Life Sanctuary is to obtain clearance from the National Board Wild Life (NBWL) even if the eco-sensitive zone is not earmarked. Therefore, this condition is not applicable.</i> Not Applicable
52	<i>To avoid ponding effect and adverse environmental conditions for sand mining in area, progressive mining should be done as per sustainable sand mining management guidelines 2016.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. No such ponding has been found on the site. Overall, Mining work is going on the site as per the approved mine plan and as per Sustainable Sand Mining Management Guidelines 2016.</i>

		Being Complied
53	<i>In case it has been found that the E.C. obtained by providing incorrect information, submitting that the distance between the two adjoining mines is greater than 500mt. and area is less than 05 ha, but factually the distance is less than 500 mt and the mine is located in cluster of area equal or more than 05 ha, the E.C issued will stand revoked.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. As per the record, the lease area of 24.00 Ha., which is also mentioned in the EC and mining plane. No adjacent mine has been noticed. Besides, .kml file of the lease area shows that the total lease area of the above mine is around 28 ha. i.e., 4 ha more mining lease area as compared to the above lease.</i> Partially Complied
54	<i>The project proponent shall in 2 years conduct detailed replenishment study duly authenticated by a QCI-NABET accredited consultant, and the District Mines Officer which shall form the basis for midterm review of conditions of Environmental Clearance.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have yet not submitted the replenishment study to this office/RO-UPPCB Jhansi.</i> Not Complied
55	<i>The mining work will be open-cast and manual/semi mechanized (subject to order of Hon'ble NGT/Hon'ble Courts (s)). Heavy machine such as excavator, scooper etc. should not be employed for mining purpose. No drilling/blasting should be involved at any stage.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. No blasting has been done by PP, as this is a morrum mine. The lease area is riverbed only. The mining work is being done by open-cast and manual/semi-mechanized only.</i> Being Complied
56	<i>It shall be ensured that there shall be no mining of any type within 03 m or 10% of the width which ever is less, shall be left on both the banks of precise area to control and avoid erosion of river bank. The mining is confined to extraction of sand/moram from the river bank only.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. As stated earlier the mining is being conducted within the lease area only.</i> Being Complied
57	<i>The project proponent shall undertake adequate safeguard measures during extraction of</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. As</i>

	<i>river bank material and ensure that due to this activity the hydro-geological regime of the surrounding area shall not be affected.</i>	<i>stated earlier the mining is being conducted by lease only within the lease area, hence no hydro-geological regime of the surrounding area is affected.</i> Being Complied
58	<i>The project proponent shall adhere to mining in conformity to plan submitted for the mine lease conditions and the Rules prescribed in this regard clearly showing the no work zone in the mine lease i.e. the distance from the bank of river to be left un-worked (Non mining area), distance from the bridges etc. It shall be ensured that no mining shall be carried out during the monsoon season.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. As stated earlier the mining is being conducted by lease only within the lease area. No bridge etc has been found within the lease area. PAs have assured that the mining work will be stopped during the monsoon period.</i> Being Complied
59	<i>The project proponent shall ensure that wherever deployment of labour attracts the Mines Act, the provision thereof shall be strictly followed.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have provided various shelters within the lease area, with basic facilities likes, water etc.</i> Being Complied
60	<i>The project proponent will provide personal protective equipment (PPE) as required, also provide adequate training and information on safety and health aspects. Periodical medical examination of the workers engaged in the project shall be carried out and records maintained. For the purpose, schedule of health examination of the workers should be drawn and followed accordingly.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. As stated earlier, no mining activity was found on the day of the joint committee inspection. However, during the discussion, it was found that the PAs have yet not provided the required PPEs to worker labor at the site. First aid box facility etc has also not been noticed.</i> Not Complied
61	<i>The critical parameters such as PM10, PM2.5, SO2 and NOx in the ambient air within the impact zone shall be monitored periodically. Further, quality of discharged water if any shall also be monitored [(TDS, DO,</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the PAs have conducted third-party monitoring of the ambient air quality parameters by M/s IND Research</i>

	<i>pH, Fecal Coliform and Total Suspended Solids (TSS)].</i>	<p><i>& Development Pvt. Ltd, Noida, which is a MoEF&CC accredited laboratory. As per the submitted analysis data depicted that the values of PM₁₀ were found higher than the prescribed standard, however, other parameters were found well within the limit.</i></p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td><i>PM_{2.5} in µg/M³</i></td> <td><i>52.0</i></td> </tr> <tr> <td><i>PM₁₀ in µg/M³</i></td> <td><i>132.0</i></td> </tr> <tr> <td><i>SO₂ in µg/M³</i></td> <td><i>8.06</i></td> </tr> <tr> <td><i>NO₂ in µg/M³</i></td> <td><i>19.0</i></td> </tr> <tr> <td><i>CO in mg/m³</i></td> <td><i>0.93</i></td> </tr> </tbody> </table> <p>Partially Complied</p>	Parameter	Result	<i>PM_{2.5} in µg/M³</i>	<i>52.0</i>	<i>PM₁₀ in µg/M³</i>	<i>132.0</i>	<i>SO₂ in µg/M³</i>	<i>8.06</i>	<i>NO₂ in µg/M³</i>	<i>19.0</i>	<i>CO in mg/m³</i>	<i>0.93</i>
Parameter	Result													
<i>PM_{2.5} in µg/M³</i>	<i>52.0</i>													
<i>PM₁₀ in µg/M³</i>	<i>132.0</i>													
<i>SO₂ in µg/M³</i>	<i>8.06</i>													
<i>NO₂ in µg/M³</i>	<i>19.0</i>													
<i>CO in mg/m³</i>	<i>0.93</i>													
62	<i>Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads.</i>	<p><i>As per discussion held during monitoring of the project and report submitted by PAs. As stated earlier, PAs have two tractor-mounted water sprinklers at the site office. Out of that, only one sprinkler is found working.</i></p> <p>Partially Complied</p>												
63	<i>It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.</i>	<p><i>As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the PAs have conducted third-party monitoring of the ambient air quality parameters by M/s IND Research & Development Pvt. Ltd, Noida, which is MoEF&CC accredited laboratory. As per the submitted analysis data depicted that the values of PM₁₀ were found higher than standard, however, other parameters were found well within the limit.</i></p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td><i>PM_{2.5} in µg/M³</i></td> <td><i>52.0</i></td> </tr> <tr> <td><i>PM₁₀ in µg/M³</i></td> <td><i>132.0</i></td> </tr> <tr> <td><i>SO₂ in µg/M³</i></td> <td><i>8.06</i></td> </tr> </tbody> </table>	Parameter	Result	<i>PM_{2.5} in µg/M³</i>	<i>52.0</i>	<i>PM₁₀ in µg/M³</i>	<i>132.0</i>	<i>SO₂ in µg/M³</i>	<i>8.06</i>				
Parameter	Result													
<i>PM_{2.5} in µg/M³</i>	<i>52.0</i>													
<i>PM₁₀ in µg/M³</i>	<i>132.0</i>													
<i>SO₂ in µg/M³</i>	<i>8.06</i>													

		<table border="1"> <tbody> <tr> <td>NO_2 in $\mu g/M^3$</td> <td>19.0</td> </tr> <tr> <td>CO in mg/m^3</td> <td>0.93</td> </tr> </tbody> </table>	NO_2 in $\mu g/M^3$	19.0	CO in mg/m^3	0.93								
NO_2 in $\mu g/M^3$	19.0													
CO in mg/m^3	0.93													
		Partially Complied												
64	The extended mining scheme will be submitted by the proponent before expiry of present mining plan.	PAs have assured to Comply.												
65	Four ambient air quality-monitoring stations should be established in the core zone as well as in the buffer zone for monitoring PM_{10} , $PM_{2.5}$, SO_2 and NO_x . Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board.	<p>As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the PAs have conducted third-party monitoring of the ambient air quality parameters by M/s IND Research & Development Pvt. Ltd, Noida, which is MoEF&CC accredited laboratory. As per the submitted analysis data depicted that the values of PM_{10} were found higher than standard, however, other parameters were found well within the limit. As per data provided, it has also been noticed that the PAs have selected only one ambient air monitoring station for third party monitoring.</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td>$PM_{2.5}$ in $\mu g/M^3$</td> <td>52.0</td> </tr> <tr> <td>PM_{10} in $\mu g/M^3$</td> <td>132.0</td> </tr> <tr> <td>SO_2 in $\mu g/M^3$</td> <td>8.06</td> </tr> <tr> <td>NO_2 in $\mu g/M^3$</td> <td>19.0</td> </tr> <tr> <td>CO in mg/m^3</td> <td>0.93</td> </tr> </tbody> </table> <p>Not Complied</p>	Parameter	Result	$PM_{2.5}$ in $\mu g/M^3$	52.0	PM_{10} in $\mu g/M^3$	132.0	SO_2 in $\mu g/M^3$	8.06	NO_2 in $\mu g/M^3$	19.0	CO in mg/m^3	0.93
Parameter	Result													
$PM_{2.5}$ in $\mu g/M^3$	52.0													
PM_{10} in $\mu g/M^3$	132.0													
SO_2 in $\mu g/M^3$	8.06													
NO_2 in $\mu g/M^3$	19.0													
CO in mg/m^3	0.93													
66	Common road for transportation of mineral is to be maintained collectively. Total cost will be shared/worked out on the basis of lease area among users.	<p>As per discussion held during the monitoring of the project and report submitted by PAs. As informed, it is being done under the Programme of Environment Management plan (EMP), and supporting information has been produced during the inspection of the project.</p> <p>Partially Complied</p>												

67	<i>Proponent will provide adequate sanitary facility in the form of mobile toilets to the labours engaged for the project work.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. During the visit, no such sanitary (toilets) facility was available at the site office.</i> Not Complied
68	<i>Solid waste material viz., gutkha pouches, plastic bags, glasses etc. to be generated during project activity will be separately storage in bins and managed as per Solid Waste Management rules.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. During the visit, no such collection bin/pit, etc facility was available at the site office.</i> Not Complied
69	<i>Natural/customary paths used by villagers should not be obstructed at any time by the activities proposed under the project.</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the PAs are using the road that has been constructed by the local administration for the transportation of the sand.</i> Being Complying
70	<i>Digital processing of the entire lease area in the district using remote sensing techniques should be done regularly once in three years to monitor the change of river course by Directorate of Geology and Mining, Govt. of Uttar Pradesh. The record of such study is to be maintained and the report be submitted to Integrated Regional Office, MoEF&CC, GoI, Lucknow, SEIAA, U.P. and UPPCB.</i>	<i>No such report has been submitted so far.</i> Not Complied
71	<i>The project authorities shall advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State</i>	<i>No such report has been submitted so far.</i> Not Complied

	<i>Pollution Control Board and also at web site of the SEIAA at http://www.seiaaup.in and a copy of the same shall be forwarded to the Integrated Regional Office, MoEF&CC, GoI, Lucknow, CPCB, State PCB.</i>	
72	<i>The MoEF&CC/SEIAA or any other competent authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.</i>	<i>PAs have agreed with this condition.</i>
73	<i>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 clearance and attract action under the provisions of Environment (Protection) Act, 1986.</i>	<i>PAs have agreed with this condition.</i>
74	<i>Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within 30 days as prescribed under Section 11 of the National Environment Appellate Authority Act, 1997.</i>	<i>PAs have agreed with this condition.</i>
75	<i>Wastewater from potable use be collected and reused for sprinkling.</i>	Not Complied
76	<i>A width of not less than 50 meter or 10% width of river can be restricted for mining activities from river bank. A condition can be imposed that mining will be done from river activities from river bank. You shall also ensure that the proposed site is not a part of any no-development zone as required/prescribed/identified under law. In case of violation, this permission shall automatically deem to be cancelled. Also, in the event of any dispute on ownership or land use of the proposed site,</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. As stated earlier, mining work has been going on within their lease and as per the mining plan.</i> Being Complied

	<i>this clearance shall automatically deem to be cancelled.</i>	
General Conditions (Sr. No.-1 – 48):		
1	<i>This environmental clearance is subject to allotment of mining lease in favor of project proponent (PP) by district administration oblique mining department.</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the allotment of mining lease in favor of the project proponent vide letter no 1557/30M.M.C/2019- 20 dated 28 /01/ 2020 by Mining Department Of District Office Jhansi (U.P).</i> Complied
2	<i>Forest clearance shall be taken by the proponent as necessary under law.</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. Forest clearance is issued by forest Department vide Letter No - 745/15-1 Jhansi, Dated- 11 /08/ 2017.</i> Complied
3	<i>Any change in mining area Khasra numbers and tailing capacity addition with change in process and all mining Technology, modernization and scope of working shall again require prior Environmental Clearance as per the provisions of EIA notification, 2006 (as amended).</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. As stated by mining officer, there is no change in Khasra number etc.</i> Complied
4	<i>Precise mining area will be jointly demarcated at side by Project permanent and officials of mining /Revenue Department prior to starting of mining operations. Such site plan duly verified by competent authority along with a copy of the Environmental Clearance letter will be displayed on a hoarding/board at the site. A copy of site plan will also be submitted to SEIAA within a period of 02 months.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the various mining pillars have been erected by the lessee on the mining lease, which has been as per the lease area and also endorsed by the mining officer.</i> Being Complied
5	<i>Mining and loading shall be</i>	<i>As per the discussion held during</i>

	<i>done only within days hours time.</i>	<i>monitoring of the project and report submitted by PAs. It has been found that the mining and loading is done only within day's hours.</i> Being Complied												
6	<i>No mining shall be carried out in the safety zone of any bridge and/or embankment.</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. As stated earlier the mining is being conducted by lease only within the lease area. No bridge etc has been found within the lease area. PAs have assured that the mining work will be stopped during the monsoon period.</i> Being Complied												
7	<i>It shall be ensured that standards related to ambient air quality/effluent as prescribed by the Ministry of Environment and Forests are strictly complied with. Water sprinklers and other dust control measures should be applied to take-care of dust generated during mining operation. Sprinkling of water on haul roads to control dust will be ensured by the project proponent.</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the PAs have conducted third party monitoring of the ambient air quality parameters by M/s IND Research & Development Pvt. Ltd, Noida, which is MoEF&CC accredited laboratory. As per the submitted analysis data depicted that the values of PM₁₀ were found higher than standard, however, other parameters were found well within the limit.</i> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td>PM_{2.5} in µg/M³</td> <td>52.0</td> </tr> <tr> <td>PM₁₀ in µg/M³</td> <td>132.0</td> </tr> <tr> <td>SO₂ in µg/M³</td> <td>8.06</td> </tr> <tr> <td>NO₂ in µg/M³</td> <td>19.0</td> </tr> <tr> <td>CO in mg/m³</td> <td>0.93</td> </tr> </tbody> </table> Not Complied	Parameter	Result	PM _{2.5} in µg/M ³	52.0	PM ₁₀ in µg/M ³	132.0	SO ₂ in µg/M ³	8.06	NO ₂ in µg/M ³	19.0	CO in mg/m ³	0.93
Parameter	Result													
PM _{2.5} in µg/M ³	52.0													
PM ₁₀ in µg/M ³	132.0													
SO ₂ in µg/M ³	8.06													
NO ₂ in µg/M ³	19.0													
CO in mg/m ³	0.93													
8	<i>All necessary statutory clearance shall be obtained before start of mining operations, if this condition is violated the clearance shall be automatically deemed to have</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs.</i> <ul style="list-style-type: none"> • Letter of Intent (LOI) has been granted for mining of Sand/Morrum Mining from 												

	<i>been cancelled.</i>	<p><i>Dhasan Riverbed at Gata No. 1419 KhKhand No.- 01, Village- Dhamnaud, Tehsil- Garautha, District- Jhansi U.P., (Leased Area 24.00 Ha) vide letter no. 1557/30 MMC/2019-20 dated 28.01.2020, which has been issued by DM Jhansi (Mining Section).</i></p> <ul style="list-style-type: none"> • <i>Mining plane has been approved by Directorate of Mining and Geology, Uttar Pradesh vide letter no. 1927/MP/2017 dated 26.02.2020.</i> • <i>Environmental Clearance of the above project was accorded by SEIAA-UP vide EC22B001UP110182 Date 18/11/2022 to the owner Vipin Kumar Saxena R/o-MIG-A/135 Aashiyana Prtham Teh. Distt Moradabad UP - 244001.</i> • <i>PAs have obtained Consent to Operate (CTO) under both Act Ref No.173141/UPPCB/Jhansi (UPPCBRO)/CTO/both/Jhansi /2022 dated 05-03-2023 which is valid from 05-03-2023 to 31-12-2027.</i> <p>Being Complied</p>
9	<i>Parking of vehicles should not be made on public places.</i>	<p><i>As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the lessee has sufficient space for parking of the vehicle.</i></p> <p>Being Complied</p>
10	<i>No tree-felling will be done on in the leased area, except only with the permission of Forest Department.</i>	<p><i>As per discussion held during monitoring of the project and report submitted by PAs. As informed, no tree feeling is required.</i></p> <p>Not Applicable</p>
11	<i>No wildlife Habitat will be infringed.</i>	<p><i>As stated earlier, no wildlife habitat has been mentioned.</i></p> <p>Not Applicable</p>
12	<i>It shall be ensured that excavation of minor mineral does not disturb or change the</i>	<p><i>As per discussion held during monitoring of the project and report submitted by PAs. It has</i></p>

	<p>underlying soil characteristics of the riverbed/basin, where mining is carried out.</p>	<p>been found that the PAs have conducted third party monitoring of the physic-chemical parameters of the soil by M/s IND Research & Development Pvt. Ltd, Noida, which is MoEF&CC accredited laboratory.</p> <table border="1" data-bbox="954 572 1393 2077"> <thead> <tr> <th>Parameters</th> <th>unit</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td>pH</td> <td>-</td> <td>8.10</td> </tr> <tr> <td>Conductivity</td> <td>μS/cm</td> <td>532.0</td> </tr> <tr> <td>Mositure</td> <td>% by mass</td> <td>10.6</td> </tr> <tr> <td>WHC</td> <td>%</td> <td>16.5</td> </tr> <tr> <td>Specify Gravity</td> <td>-</td> <td>1.87</td> </tr> <tr> <td>Bulk Density</td> <td>gm/cc</td> <td>1.41</td> </tr> <tr> <td>Cl</td> <td>mg/kg</td> <td>232.0</td> </tr> <tr> <td>Ca</td> <td>mg/kg</td> <td>1610.0</td> </tr> <tr> <td>Na</td> <td>mg/kg</td> <td>187.0</td> </tr> <tr> <td>K</td> <td>mg/kg</td> <td>78.4</td> </tr> <tr> <td>Mg</td> <td>mg/kg</td> <td>214.0</td> </tr> <tr> <td>OM</td> <td>% by mass</td> <td>0.55</td> </tr> <tr> <td>CEC</td> <td>meq/100gm</td> <td>13.2</td> </tr> <tr> <td>Available N</td> <td>mg/kg</td> <td>29.6</td> </tr> <tr> <td>Available P</td> <td>mg/kg</td> <td>7.12</td> </tr> <tr> <td>Fe</td> <td>mg/kg</td> <td>1805.0</td> </tr> <tr> <td>Cu</td> <td>mg/kg</td> <td>24.5</td> </tr> <tr> <td>Zn</td> <td>mg/kg</td> <td>40.6</td> </tr> <tr> <td>Texture</td> <td rowspan="4">% by mass</td> <td></td> </tr> <tr> <td>Sand</td> <td>57.6</td> </tr> <tr> <td>Clay</td> <td>25.2</td> </tr> <tr> <td>Slit</td> <td>17.2</td> </tr> <tr> <td>SAR</td> <td>By calculation</td> <td>1.16</td> </tr> </tbody> </table> <p>Being Complied</p>	Parameters	unit	Result	pH	-	8.10	Conductivity	μS/cm	532.0	Mositure	% by mass	10.6	WHC	%	16.5	Specify Gravity	-	1.87	Bulk Density	gm/cc	1.41	Cl	mg/kg	232.0	Ca	mg/kg	1610.0	Na	mg/kg	187.0	K	mg/kg	78.4	Mg	mg/kg	214.0	OM	% by mass	0.55	CEC	meq/100gm	13.2	Available N	mg/kg	29.6	Available P	mg/kg	7.12	Fe	mg/kg	1805.0	Cu	mg/kg	24.5	Zn	mg/kg	40.6	Texture	% by mass		Sand	57.6	Clay	25.2	Slit	17.2	SAR	By calculation	1.16
Parameters	unit	Result																																																																					
pH	-	8.10																																																																					
Conductivity	μS/cm	532.0																																																																					
Mositure	% by mass	10.6																																																																					
WHC	%	16.5																																																																					
Specify Gravity	-	1.87																																																																					
Bulk Density	gm/cc	1.41																																																																					
Cl	mg/kg	232.0																																																																					
Ca	mg/kg	1610.0																																																																					
Na	mg/kg	187.0																																																																					
K	mg/kg	78.4																																																																					
Mg	mg/kg	214.0																																																																					
OM	% by mass	0.55																																																																					
CEC	meq/100gm	13.2																																																																					
Available N	mg/kg	29.6																																																																					
Available P	mg/kg	7.12																																																																					
Fe	mg/kg	1805.0																																																																					
Cu	mg/kg	24.5																																																																					
Zn	mg/kg	40.6																																																																					
Texture	% by mass																																																																						
Sand		57.6																																																																					
Clay		25.2																																																																					
Slit		17.2																																																																					
SAR	By calculation	1.16																																																																					
13	<p>It shall be ensured that mining operation of sand/Morram will not in any way disturb the, velocity and flow pattern of the river water significantly.</p>	<p>As per discussion held during monitoring of the project and report submitted by PAs. During visit, it was found that the PAs have conducted mining within the lease area.</p>																																																																					

		Being Complied
14	<i>It shall be ensured that there is no fauna dependent on the river bed or areas close to mining for its nesting. A report on the same, vetted by the competent authority shall be submitted to the RO, PCB and SEIAA within 02 months.</i>	<p><i>As per discussion held during monitoring of the project and report submitted by PAs. No such report has been received by Regional Office/ UPPB-RO, Jhansi.</i></p> <p>Not Complied</p>
15	<i>Primary survey of flora and fauna shall be carried out and data shall be submitted to the RO, PCB and SEIAA within six months.</i>	<p><i>As per discussion held during monitoring of the project and report submitted by PAs. No such report has been received to Regional Office. However, primary survey of flora and fauna has already been carried out during preparation of the EIA.</i></p> <p>Not Complied</p>
16	<i>Hydro-geological study shall be carried out by a reputed organization/institute within 6 months and establish that Mining in the said area will not adversely affect the ground water regime. The report shall be submitted to the RO, PCB and SEIAA within six months. In case adverse impact is observed/anticipated, mining shall not be carried out.</i>	<p><i>As per discussion held during monitoring of the project and report submitted by PAs. No such report has been received to Regional Office/UPPB-RO, Jhansi.</i></p> <p>Not Complied</p>
17	<i>Adequate protection against dust and other environmental pollution due to mining shall be made so that the habitations (if any) close by the lease area are not adversely affected. The status of implementation of measures taken shall be reported to the RO, UPPCB and SEIAA and this activity should be completed before the start of sand mining.</i>	<p><i>As per the discussion held during the monitoring of the project and report submitted by PAs. Adequate protection against dust and other environmental pollution due to mining has been made so that the habitations (if any) close to the lease area are not adversely affected. To mitigate the Environmental pollution due to mining proper precaution has been taken like:</i></p> <ul style="list-style-type: none"> <i>• Proper sprinkling of haulage roads is done with a frequency of two times per day.(Photos are attached)</i> <i>• During Transportation, mineral trucks are properly covered with</i>

		<p>a tarpaulin cover. (Photos are attached)</p> <ul style="list-style-type: none"> • The status of implementation of measures taken has been reported to the RO, UPPCB and SEIAA and this activity should be completed before the start of sand mining. <p>Complied</p>
18	<p>Need-based assessment for the nearby villages shall be conducted to study economic measures which can help in improving the quality of life of economically weaker section of society. Income generating projects/tools such as development of fodder farm, fruit bearing orchids, vocational training etc. can form a part of such program. The project proponent shall provide separate budget for community development activities and income generated programmes.</p>	<p>As per discussion held during monitoring of the project and report submitted by PAs, Project proponent complying the CSR/CER activities in which community development and other initiatives are not taken under CER Programme. However, related report etc has not been submitted with six monthly compliance report to concern authority.</p> <p>Not Complied</p>
19	<p>Green cover development shall be carried out following CPCB guidelines including selection of plant species and in consultation with the local DFO/Horticulture officer.</p>	<p>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have planted several trees on the right side of the lease area. Around 2700 tree saplings of Neem, Sagaun, Kanji, Sisham, Amalaetc, which were purchased by Jai Jhansi Van Prabag and the local nursery on 01.07.2023 and 10.07.2024. It is required to conduct a massive plantation drive during the ongoing monsoon period by planting native species.</p> <p>Partially Complied</p>
20	<p>Separate stock piles shall be maintained for excavated topsoil, if any, and the top soil should be utilized for green cover/tree plantation.</p>	<p>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have planted several trees on the right side of the lease area. Around 2700 tree saplings of Neem, Sagaun, Kanji, Sisham, Amala etc, which were purchased by</p>

		<p><i>Jai Jhansi Van Prabag and the local nursery on 01.07.2023 and 10.07.2024. It is required to conduct a massive plantation drive during the ongoing monsoon period by planting native species.</i></p> <p>Partially Complied</p>
21	<p><i>Dispensary facilities for first-aid shall be provided at site.</i></p>	<p><i>As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the PAs have not provided basic first aid facilities at the mine office.</i></p> <p>Not Complied</p>
22	<p><i>An Environmental Audit should be annually carried out during the operational phase and submitted to the SEIAA.</i></p>	<p><i>As per discussion held during monitoring of the project and report submitted by PAs. As per the available record, It has been found that the PAs have conducted third-party monitoring of the various parameters by MOEF&CC accredited laboratory and submitted to this office.</i></p> <p>Being Complied</p>
23	<p><i>The District Mining Officer should quarterly monitor compliance of the stipulated conditions. The project proponent will extend full cooperation to the District Mining Officer by furnishing the requisite data/information/monitoring reports. In case of any violations of the stipulated conditions, the District Mining Officer will report to SEIAA.</i></p>	<p><i>As per discussion held during monitoring of the project and report submitted by PAs. As stated, the inspection was done by the mining office, and during the inspection, proper support was provided. The Compliance reports shall be also submitted to the DMO of the District.</i></p> <p>Being Complied</p>
24	<p><i>The project proponent shall submit six monthly reports on the status of compliance of the stipulated environmental clearance conditions including results of monitored data (both in hard and soft copies) to the SEIAA, the District Officer and the respective Regional Office of the State Pollution Control Board by 1st June and 1st December</i></p>	<p><i>As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the PAs have submitted six monthly compliance report to Regional Office, Lucknow and Jhansi-RO-UPPCB.</i></p> <p>Being Complied</p>

	<i>every year.</i>									
25	<i>A copy of the clearance letter shall be sent by the proponent to concern Panchayat, Zilla Parishad /Municipal Corporation and Urban Local Body</i>	<i>As per discussion held during the visit, it has been informed that he has submitted to concern.</i> Complied								
26	<i>Transportation of materials shall be done by covering the trucks/tractors with tarpaulin or other suitable mechanism to avoid Fugitive emissions and spillage of mineral/dust.</i>	<i>As per discussion held during the monitoring of the project and report submitted by PAs. It has been found that the transportation of materials is done by covering the trucks/tractors with tarpaulin.</i> Being Complied								
27	<i>Waste water from temporary habitation campus be properly connected and treated before discharging into water bodies, the treated effluent should conform to the standards prescribed by MoEF/CPCB</i>	<i>As stated earlier the PAs do not have mobile STP etc on the site office.</i> Not Complied								
28	<i>Measures shall be taken for control of noise level to the limit prescribed by CPCB.</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the PAs have conducted third-party monitoring of the noise level quality by M/s IND Research & Development Pvt. Ltd, Noida, which is MoEF&CC accredited laboratory. As per the submitted analysis report data are found within the limit.</i> <table border="1" data-bbox="954 1803 1393 1972"> <thead> <tr> <th rowspan="2">Parameters dB (A)</th> <th colspan="2">Results in dB</th> </tr> <tr> <th>Day</th> <th>Night</th> </tr> </thead> <tbody> <tr> <td>ANQ-1 Project site</td> <td>52.2</td> <td>40.6</td> </tr> </tbody> </table> Being Complied	Parameters dB (A)	Results in dB		Day	Night	ANQ-1 Project site	52.2	40.6
Parameters dB (A)	Results in dB									
	Day	Night								
ANQ-1 Project site	52.2	40.6								
29	<i>Special measures shall be adopted to protect the nearby settlements on the impacts of mining activities. Maintenance of village roads through which transportation of minor minerals is to be undertaken, shall be carried out by the project proponent regularly at his own</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. It has been found that various measures have been taken including Maintenance of village roads through which transportation of minor minerals is to be undertaken carried out by</i>								

	expenses.	the project proponent regularly at his own expense. Besides, distribution of the fruit-bearing plant etc. Being Complied
30	Measure for prevention and control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion, if any, shall be carried out with geo textile matting or other suitable materials.	As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have planted several trees on the right side of the lease area. Around 2700 tree saplings of Neem, Sagaun, Kanji, Sisham, Amala etc, which were purchased by Jai Jhansi Van Prabag and the local nursery on 01.07.2023 and 10.07.2024. It is required to conduct a massive plantation drive during the ongoing monsoon period by planting native species. Partially Complied
31	Under Corporate Environmental Responsibility (CER) a sum of 5% of the total project cost or total income whichever is higher is to be earmarked for total lease period. Its budget is to be separately maintained. CER component shall be prepared based on need of local habitat income generating measures which can help in upliftment of poor section of society, consistent with the traditional skills of the people shall be identified. The program can include activities such as development of fodder farm. fruit bearing orchards free distribution of smokeless Chula etc.	As per discussion held during monitoring of the project and report submitted by PAs. As per the submitted report, PP earmarked an amount of 2.78 Lakh spent during this semester for Corporate Environmental Responsibility (CER). Being Complied
32	Possibility for adopting nearest three villages shall be explored and details of Civic amenities such as roads, drinking water etc. proposed to be provided at the project proponent's expenses shall be submitted within two months from the date of issuance of Environmental	Not Complied

	Clearance	
33	<i>The funds earmarked for Environmental Protection measures should be kept in separate account and should not be delivered for the purpose. Year wise expenditure should be reported to the Ministry of Environment and Forests and its Regional Office located at Lucknow, SEIAA, U.P and UPPCB</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs The Fund earmarked for environmental protection measure is not being diverted for other purpose. No information provided.</i> Not Complied
34	<i>Action Plan with respect to suggestion/Improvement and recommendations made and agreed during Public hearing shall be submitted to the District Mines Officer, concern Regional Officer of UPPCB and SEIAA within 02 months.</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs.</i> Not Complied.
35	<i>Environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority, if applicable to this project.</i>	<i>As stated earlier that this condition is not applicable to this project.</i>
36	<i>The proponent shall observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife department. For the purpose, awareness shall be created among the workers about the nesting sites so that such sites, if any, are identified by the workers during operation of the mines for taking required safeguard measures. In this regards, the safety notified zone should be left so that the habitat/nesting areas is undisturbed</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. No turtle nesting was observed within the lease area.</i> Not Applicable
37	<i>The project proponent shall undertake adequate safeguard measures during extraction of river bed material and ensure that due to this activity the</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. As stated, mining is being done only within the lease area. Therefore,</i>

	<i>hydrogeological regime of the surrounding area shall not be affected.</i>	<i>the possibility of the hydrogeological regime of the surrounding area is almost negligible.</i> Being Complied
38	<i>The project proponent shall obtain necessary prior permission of the competent authorities for withdrawal of requisite quantity of water (surface water and groundwater), required for the project.</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the PAs having one bore-well in the mine office, which is 100 to 200 meters from the lease area, which is found working without required permission, which is being used for drinking etc.</i> Not Complied
39	<i>Appropriate mitigative measures shall be taken to prevent pollution of the river in consultation with the State Pollution Control Board. It shall be ensured that there is no leakage of oil and grease in the river from the vehicles used for transportation.</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. It has been noticed that the vehicle available on site has a valid PUC certificate. Besides, mining is being done only within the lease area.</i> Being Complied
40	<i>Vehicular emissions shall be kept under control and regularly monitored. The vehicles carrying the mineral shall not be overloaded.</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. It has been noticed that the vehicle available on site having valid PUC certificate.</i> Being Complied
41	<i>Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, Medical Health Care, crèche etc. (MoEF circular dated 22/09/2008 regarding stipulation of condition to improve the living conditions of construction labour at site).</i>	<i>As per discussion held during monitoring of the project and report submitted by PAs. As stated earlier, the PAs have small site offices with basic facilities. Only male labor has been found working. Mobile toilet, first aid box etc. has not been provided.</i> Partially Complied
42	<i>Personnel working in dusty areas should wear protective respiratory devices and they</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. As</i>

	<i>should also be provided with adequate training and information on safety and health aspects. Occupational health surveillance programme of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.</i>	<i>stated earlier, no mining activity was found on the day of the joint committee inspection. However, during the discussion, it was found that the PAs have yet not provided the required PPEs to worker labor at site. First aid box facility etc has also not been noticed.</i> Not Complied
43	<i>A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parishad/Municipal corporation, Urban Local Body and the local NGO, if any, from home suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent</i>	<i>As informed, copy of EC had been given to the local concerned, however, no proof made available.</i> Not Complied
44	<i>The environmental statement for each financial year ending 31st March inform V as is amended to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the environmental protection rules 1986 as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Regional Office of the Ministry of Environment and Forest, Lucknow by email</i>	<i>As per informed by RO-Jhansi, that the no such report has been received so far.</i> Not Complied
45	<i>The green cover development/tree plantation is to be done in the area equivalent to 20% of the total leased area either on riverbank or along the roadside (Avenue plantation).</i>	<i>As per the discussion held during the monitoring of the project and report submitted by PAs. It has been found that the PAs have planted several trees on the right side of the lease area. Around 2700 tree saplings of Neem, Sagaun, Kanji, Sisham, Amala etc, which were purchased by Jai Jhansi Van Prabag and the local nursery on 01.07.2023 and</i>

		10.07.2024. It is required to conduct a massive plantation drive during the ongoing monsoon period by planting native species. Partially Complied
46	Debris from the river bed will be collected and stored at secured place and may be utilized for strengthen the embankment.	As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the debris from the river bed has been collected and stored and shall utilized for strengthening the embankment. Being Complied
47	Safety measures to be taken for the safety of the people working at the mind lease area should be given, which would also include measure for treatment of bite of poisonous reptile/ insect like snake	As per discussion held during monitoring of the project and report submitted by PAs. It has been found that the PAs have not provided personal safety equipment likes, helmets, safety shoes to the workers etc. In addition to the above, PAs have not first aid box on site. Not Complied
48	Periodical and Annual medical check-up of workers as per Mines Act and they should be covered under ESI as per rule	As per discussion held during monitoring of the project and report submitted by PAs. It has been stated that the periodical and Annual medical check-ups of workers have been conducted, related reports have not been producing during the joint inspection of the mining lease. Not Complied

6. The above report clearly reveals that out of 76 Specific Conditions of EC and 48 General Conditions of EC, 38 were found to be "not complied", 17 were found to be "partially complied" and 48 were found to be "being complied". Thus, the report of the joint Committee makes it clear that there is gross non-compliance of majority of the EC conditions by the PP.

7. The UPPCB is the regulatory body which has filed the compliance report on 30.07.2024 under the signature of the Regional Officer (RO), UPPCB, Jhansi. In the OA, UPPCB has been impleaded through its Member Secretary as Respondent No. 4. RO, UPPCB, Jhansi is not an impleaded respondent. The report filed by the UPPCB dated 30.07.2024 does not mention that it is on behalf of Respondent No. 4, Member Secretary or that RO, UPPCB, Jhansi was authorized by the Member Secretary to file the report on his behalf.

8. When the Member Secretary, UPPCB has been impleaded either he himself should have filed the report or it should have been filed on his behalf.

9. The Member Secretary, UPPCB virtually present has orally submitted that the said report was filed on his instructions. We have minutely examined the report and found that in the report no violation of environmental norms has been mentioned. The UPPCB being a regulatory body ought to have taken the matter seriously specially when it involves the issue of violation of environmental norms.

10. Along with the report, Annexure A-7 has been filed by stating as under:-

*“4. That the status of compliance regarding the General Conditions and Specific Conditions of environment clearance issued by SEIAA UP, which is also forwarded to SEIAA UP for further necessary action, is also attached herewith as **Annexure No. 7** in a tabulated format for the perusal of this Hon’ble Tribunal.”*

11. We have perused annexure A-7 and we find that most of the entries in last/comment column have been left blank and only under few it is mentioned “not complied”. We also find that neither annexure A-7 has

been signed nor any covering letter showing its forwarding to the SEIAA, UP has been filed.

12. Member Secretary, UPPCB, appearing virtually has assured the Tribunal that in future reports will be properly filed and that no such instance of filing improper report will be repeated.

13. We find that though there is gross non-compliance/violation by the PP yet no action either by the SEIAA, UP or UPPCB has taken.

14. IA No. 318/2024 has been filed by DM, Jhansi for waiver of cost. In that application no explanation has been furnished for filing the improper response along with the covering letter dated 21.05.2024. The District Magistrate, Jhansi has appeared virtually and he could not furnish any proper explanation for not filing the proper report at the previous occasion. Hence, no ground for allowing the prayer made in IA 318/2024 for waiver of cost is made out. IA No. 318/2024 is accordingly rejected.

15. The DFO, Jhansi in compliance of order dated 25.04.2024 has also filed an affidavit dated 14.08.2024 stating that no intimation was furnished by the PP in respect of plantation of trees in compliance of General Condition 45 and Special Condition 8 of the EC which further strengthens the plea of applicant about non-compliance of the EC conditions by the PP.

16. Counsel for the applicant has also pointed out the specific condition no. 2 and 3 of the EC which reads as under:-

“2. In the absence of replenishment study, in compliance of Hon’ble NGT Order dated 06.05.2022 initially the EC will be operational till 31.12.2023. Permissible quantity and area shall be strictly limited to quantity and area mentioned in LoI or mining plan, whichever is lesser, and maximum mineable depth will be limited to as approved in the mining plan.

3. *For subsequent years, Project Proponent shall submit fresh annual replenishment study to SEIAA, UP for amendment in EC for mineable quantity and maximum permissible depth for mining based on scientific findings of replenishment study. Such study shall be placed before SEAC for appraisal for next three years to assess rate of deposition and accordingly, mineable production capacity and depth can be prescribed based on trends analysis, provided it is found scientifically satisfactory by the SEAC. The placing of the study report SEAC is mandatory for initial three years.”*

17. He has also pointed out that the EC was to operate till 31.12.2022 and for subsequent years the PP was required to furnish fresh annual replenishment study to SEIAA, UP but no such replenishment study was submitted by the PP till 31.12.2022 or immediately thereafter but he had continued with the mining operation for quite some time after 31.12.2022 without furnishing the fresh replenishment study. The respondent authorities have committed a serious lapse in not taking action against the PP even though there was a gross violation of Specific and General EC conditions.

18. In view of the above, the SEIAA, UP and UPPCB are directed to take action in accordance with law against the respondent, PP by duly complying with the principles of natural justice and submit further action taken report in the form of affidavit of the Member Secretary, UPPCB and the Member Secretary, SEIAA, UP atleast one week before the next date of hearing.

19. Learned Counsel for the PP at this stage has submitted that the PP has stopped the work and he will not carry out the work even after the monsoon till the matter is *sub-judice* before the Tribunal.

20. List on 25.11.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 28, 2024
Original Application No. 440/2023
(IA No 318/2024)
avt

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
I.A. NO. OF 2024
IN
ORIGINAL APPLICATION NO. 440 OF 2023

IN THE MATTER OF

NAVEEN KUMAR

.....**APPLICANT**

VERSUS

STATE OF UTTAR PRADESH AND OTHERS**RESPONDENTS**

APPLICATION FOR DIRECTION

MOST RESPECTFULLY SHOWETH:

1. That applicant is Respondent No. 11 in the present Original Application and as such is well conversant with the facts and circumstances of the present case.
2. That vide its Order dated 28/09/2024, this Hon'ble Tribunal observed Non compliance of the terms and conditions of the Environmental Clearance and as such directed the SEIAA, UP and UPCB to take action in accordance with law against the respondent after complying with the Principal of Natural Justice and to submit action taken report in the form of affidavit of Member Secretary, UPPCB and Member Secretary, SEIAA, UP.
3. That it is also respectfully submitted that the applicant also submitted before this Hon'ble Tribunal that he will not carry out the work even after the monsoon till the matter is sub judice before the Tribunal.

A true copy of the Order dated 28.09.2024 issued by this Hon'ble Tribunal is annexed and marked hereto Annexure A1/1.

4. It is respectfully submitted that after the issuance of the Order dated 28/09/2024, the applicant has complied with most of the conditions as mentioned in the Environmental Clearance.
5. It is respectfully submitted that there are 76 Specific Conditions, 48 General Conditions as provided in the Environmental Clearance.
6. It is respectfully submitted that out of the 55 non-compliant or partially compliant conditions noted, 5 specific conditions, which pertain to the replenishment study, were already fully complied with prior to the Joint Committee's on site visit on 19.06.2024. However, due to an oversight, these conditions were not properly deliberated or explained during the visit. This has resulted in an inaccurately reduced compliance percentage of 40%.
7. It is respectfully submitted that as far as the requirement for conducting annual replenishment studies, the same has already been duly complied with. The State of Uttar Pradesh conducted a detailed replenishment study in 2022 through CMPDI, a government institution. Based on this study, the State Level Environment Impact Assessment Authority (SEIAA), Uttar Pradesh, extended the EC validity, as noted in the SEIAA meeting on 31.12.2022.
8. It is respectfully submitted that Replenishment studies for 2023 were also conducted by the project proponent and the same were

acknowledged in SEAC and SEIAA meetings on 15.02.2024 and 06.03.2024, confirming compliance with EC conditions. The 2024 study is ongoing and will be submitted post-monsoon in October 2024, following the clearance of water from the lease area.

9. It is respectfully submitted that the Pre and Post Monsoon Replenishment study for the year 2024 has also been conducted.

10. It is respectfully submitted that the Joint Meeting of SEAC-1 and SEAC-2 was convened on 30.08.2024, during which, after thorough deliberation, the District Survey Report (DSR) for Jhansi District was duly approved. It was also noted in the meeting that following the submission of the draft DSR by the District Magistrate, Jhansi, to the Department of Geology and Mining, the Director of the Department, in his observations, confirmed that the proposed DSR had been duly reviewed and was found to be in compliance with the Sustainable Sand Mining and Management Guidelines, 2016, as well as the Ministry of Environment, Forest and Climate Change (MoEF) Notifications dated 15.01.2016 and 25.07.2018 and Enforcement and Monitoring Guideline for Sand Mining 2020.

11. It is respectfully submitted that in response to concerns about groundwater use at the mine office, an application for groundwater abstraction has been filed with the State Ground Water Board with the requisite fees, as required under the EC conditions.

12. It is respectfully submitted that while the application for groundwater abstraction is pending approval, arrangements have been made with two authorized water tanker suppliers to provide water for drinking and plantation purposes, ensuring no unauthorized groundwater extraction beyond drinking water.
13. It is respectfully submitted that in response to observations on partial compliance with plantation requirements, a comprehensive plantation scheme has been prepared as per EC conditions and Uttar Pradesh Pollution Control Board (UPPCB) guidelines. This scheme, covering 22 hectares within a 5 km radius of the lease area with a target of planting 22,000 saplings (1,000 per hectare), has been submitted to the Divisional Forest Officer (DFO), Jhansi, for approval via letter dated 27.09.2024.
14. It is respectfully submitted that in response to the observation regarding non-compliance with the conservation and management plan for water bodies, a formal request has been made to the District Magistrate (DM) and the Head of the District Environment Authority via letter dated 30.09.2024. The request seeks the identification and allocation of over 120 hectares of water bodies for conservation and rejuvenation, as well as an area for rainwater harvesting, since the temporary office setup is not suitable for harvesting.

15. It is respectfully submitted that while awaiting District Authority's response, conservation activities have been initiated for a nearby pond in the vicinity of the project site.
16. It is respectfully submitted that the Joint Committee has already noted that third-party monitoring of ambient air quality was conducted by M/s IND Research & Development Pvt. Ltd, Noida, laboratory accredited by the Ministry of Environment, Forest and Climate Change (MoEF&CC). The monitoring report shows that while PM10 levels were slightly above the prescribed standards, all other parameters (PM2.5, SO2, NO2, and CO) were within permissible limits. To address the levels of PM10 and fugitive dust emissions, an MoU has been executed with two water tanker suppliers to ensure regular water sprinkling on the haulage routes. (Annexure A1/6).
17. It is respectfully submitted that, in response to the observation regarding non-compliance with the installation of solar light systems, the required solar lighting has been duly installed within the lease area and mine office in accordance with the EC conditions.
18. It is respectfully submitted that, in response to the observation regarding non-compliance with environmental management, a meeting was conducted by the project proponent on 22.06.2024 and a formal Environmental Management Cell (EMC) has been established as per the EC conditions. A Manager/Executive has been appointed, with a

detailed SOP outlining duties and responsibilities and Environment statement, to oversee environmental compliance and implement necessary safeguards.

19. It is respectfully submitted that a Corporate Environmental Responsibility (CER) plan, detailing the expenditure under various heads as per CER notification No. 22-65/2017-IA.III dated 01/05/2018, has been prepared. The total CER Cost is Rs. 2,16,000 which is the 2% of the Project Cost that is 1.08 crore. Community welfare activities under the CER plan also included distributing laptops and sewing machines to empower local women and providing books to students in nearby villages.

20. It is respectfully submitted that, in response to the observation regarding the lack of Personal Protective Equipment (PPE) for workers at the site, the procurement of PPE has been initiated, and training sessions are being conducted to ensure workers are informed of health and safety practices. PPE has been issued to all workers, and first-aid boxes are available at the site.

21. It is respectfully submitted that, in response to the observation regarding the lack of sanitary facilities, mobile toilets equipped with soak pit systems have been installed at the riverbed mining site to address the sanitation needs of the workers.

22. It is respectfully submitted that a formal request has been made to the Directorate of Geology and Mining, Uttar Pradesh, via letter dated 30.9.2024 for digital processing and remote sensing data to monitor changes in the river course. The analysis report, once received, will be submitted to the relevant authorities, including the MoEF&CC, SEIAA, and UPPCB.
23. It is respectfully submitted that, in response to the observation regarding the sharing the environment clearance to the concerned authority, SEIAA, U.P. has already marked the copy of the EC to the MoEF&CC, Integrated Regional Office, and the UPPCB when it was approved.
24. It is respectfully submitted that to ensure compliance, the copy of Environment clearance via letter dated 03.10.2024 was also communicated to the Zila Panchayat in the area where the lease is located, that is in the village under Tehsil Garautha, District Jhansi.
25. It is respectfully submitted that, in response to the observation regarding the lack of wastewater reuse, a wastewater collection system has been installed at the site office. This collected wastewater is now repurposed for dust suppression through sprinkling and for supporting on-site plantation activities.
26. It is respectfully submitted that, in response to the observation regarding the absence of report of flora and fauna, a thorough study of

the local flora and fauna has been conducted. This study has been compiled into a detailed report, which has been formally submitted to the UPPCB Regional Office and SEIAA via letters dated 30.09.2024 for their records and review.

27. It is respectfully submitted that, in response to the observation regarding the absence of a report on the hydrogeological study establishing that mining in the area will not adversely affect the groundwater regime, a detailed hydrogeological study has been conducted. The study confirms that no groundwater intersection has been observed during mining operations. The findings have been compiled into a report and duly submitted to the UPPCB Regional Office and SEIAA via letter dated 30.09.2024 as part of the compliance measures.

28. It is respectfully submitted that , in response to the observation regarding lack of basic first aid facility, a fully equipped first-aid dispensary has been established at the site to ensure immediate medical care for workers.

29. It is respectfully submitted that Temporary rest shelters have been provided at the site, offering basic amenities to the labourers working on-site.

30. It is respectfully submitted that the Joint Committee report identified a discrepancy in the lease area, noting that the actual lease area, as per the .kml file, is approximately 28 hectares—4 hectares more than the 24.00 hectares stated in the EC and the mining plan. This has been flagged as a partially compliant condition. This observation has been acknowledged, and corrective measures have been initiated. The District Mining Office, in a letter dated 17/08/2024, has submitted a request to SEIAA, Uttar Pradesh, for an amendment to the geo-coordinates to rectify this discrepancy. An application for the necessary EC amendment has also been filed by the project proponent with SEIAA, and the matter is currently under process.

31. It is respectfully submitted that the chart showing compliances of general as well as specific conditions as provided under EC dated 18.11.2022 is prepared by the project proponent.

A true copy of chart showing compliances of general as well as specific conditions as provided under EC dated 18.11.2022 is annexed and marked hereto as Annexure A1/2.

32. It is respectfully submitted that the applicant has complied with most of the conditions as mentioned in the Environmental Clearance.

A true copy of the documents showing compliance of specific and general conditions is annexed and marked hereto as Annexure A1/3.

33. It is respectfully submitted that the contents of the accompanying reply has been drafted by my counsel upon my instructions.
34. It is respectfully submitted that the contents of the accompanying reply are true and correct and nothing material has been concealed therefrom.

PRAYER

In view of the above mentioned facts and circumstances this Hon'ble Tribunal may graciously be pleased to :

- a) Direct the Joint Committee constituted by this Hon'ble court vide its order dated 22.05.2024, to check the compliance of the general and specific conditions of the EC dated 18.11.2022.
- b) Grant permission to commence mining operations at the project site in accordance with the applicable environmental regulations and approvals.
- c) d) Pass any other order(s) that this Hon'ble Court may deem fit and proper in the interest of justice

AND FOR THIS ACT OF KINDNESS, THE APPLICANT SHALL
EVER PRAY.

DRAWN AND FILED BY



Gaurav Kumar Bansal
Advocate
For
Applicant
A26, Basement
Jangpura Extension
New Delhi – 14

New Delhi
24/10/2024

Item No. 02

Court No. 1

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

I.A. No. 535/2024

In

Original Application No. 440/2023

Naveen Kumar

Applicant

Versus

State of UP & Ors.

Respondent(s)

Date of hearing: 13.11.2024

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

Applicant: Mr. Akash Vashishtha, Adv. for Original Applicant (Through VC)

Respondents: Mr. Ravindra Kumar, Senior Advocate with Mr. Gaurav Kumar Bansal,
Ms. Nandita Bansal, Ms. Chandrika Upadhyaya & Ms. Komal Sharma,
Adv. for R - 11
Mr. Bhanwar Pal Singh Jadon, Adv. for R - 1 & 10 (Through VC)
Ms. Priyanka Swami, Adv. for SEIAA, UP

ORDER

1. By the previous order, the OA was fixed for 25.11.2024. But in the meanwhile, the Applicant has filed IA No. 535/2024 and had made a mention, therefore, date of hearing has been preponed and IA is listed today.

2. Learned Counsel appearing for the State of UP, SEIAA, UP and Applicant seek one week time to file the replies. It will be open to the Applicant to file rejoinder thereto within one week thereafter.

3. List on 13.12.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 13, 2024
dv..

कार्यालय जिलाधिकारी, झाँसी।
(खनिज अनुभाग)

पत्रांक: 714 / 30एम0एम0सी0 / 2024-25

दिनांक: 08/10 / 2024

नोटिस

श्री विपिन कुमार सक्सेना
पुत्र श्री ओम प्रकाश सक्सेना
निवासी-एम0आई0जी0-ए/135, आशियाना प्रथम,
तहसील व जिला-मुरादाबाद।

जनपद-झाँसी के तहसील-गरौठा स्थित ग्राम-धमनौड़ के आराजी संख्या-1419ख (खण्ड-1) 24.000 हेक्टेयर क्षेत्र पर धसान नदी तल स्थित बालू/मौरम का नीलामी खनन पट्टा 05 वर्ष (दिनांक: 11.01.2023 से दिनांक: 10.01.2028 तक) की अवधि हेतु स्वीकृत है। उक्त स्वीकृत खनन पट्टे में पर्यावरण स्वच्छता प्रमाण पत्र की शर्तों का पालन न करने के सम्बन्ध में कार्यालय के नोटिस संख्या-535 / 30एम0एम0सी0 / 2024-25 दिनांक: 17.08.2024 द्वारा पर्यावरण स्वच्छता प्रमाण पत्र दिनांक: 18.11.2024 में उल्लिखित General Conditions की शर्तों एवं Specific Conditions की शर्तों का अनुपालन न किये जाने जो आपके पक्ष में निष्पादित पट्टा विलेख की शर्तों एवं उपबन्धों का उल्लंघन होने के दृष्टिगत अपना स्पष्टीकरण स्वयं अथवा अधिवक्ता के माध्यम से नोटिस प्राप्ति के 07 दिवस के अन्दर कार्यालय में प्रस्तुत करना था। लेकिन आप द्वारा आज दिनांक तक न तो उक्त पत्र का अनुपालन किया गया और न ही अपना लिखित स्पष्टीकरण कार्यालय में प्रस्तुत किया गया।

उक्त के अतिरिक्त उपरोक्त स्वीकृत खनन पट्टा विलेख की पंचम अनुसूची नियम-27(3) के अनुसार द्वितीय वर्ष की सप्तम किश्त की धनराशि ₹0 96,80,000.00 (छियानवे लाख अस्सी हजार रुपये) बकाया है।

अतः आपको निर्देशित किया जाता है कि नोटिस प्राप्ति के 03 दिवस के अन्दर उपरोक्त नोटिस दिनांक: 17.08.2024 के अनुपालन में अपना स्पष्टीकरण, एवं उक्त स्वीकृत खनन पट्टा विलेख की पंचम अनुसूची नियम-27(3) के अनुसार द्वितीय वर्ष की सप्तम किश्त की बकाया धनराशि ₹0 96,80,000.00 (छियानवे लाख अस्सी हजार रुपये) को खनिज के निर्धारित लेखाशीर्षक "0853, अलौह खनन एवं धातुकर्म उद्योग" में जमा कर ट्रेजरी चालान की मूलप्रति, इस कार्यालय में प्रस्तुत करें, अन्यथा की स्थिति में उ0प्र0 उपखनिज (परिहार) नियमावली-2021 के नियम-60(1) में दिये गये प्राविधानों के अन्तर्गत नियमानुसार कार्यवाही की जायेगी, जिसके लिए आप स्वयं जिम्मेदार होंगे।

अपर जिलाधिकारी (न्यायिक),
झाँसी।

पत्रांक व तददिनांक

प्रतिलिपि:- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
1-निदेशक, भूतत्व एवं खनिकर्म निदेशालय उ0प्र0, लखनऊ।
2-जिलाधिकारी महोदय, झाँसी।

अपर जिलाधिकारी (न्यायिक),
झाँसी।



1686
Ground Water Department
(Namami Gange & Rural Water Supply Department)
Ministry of Jal Shakti
Government of Uttar Pradesh

ANNEXURE A1/5

Form 8 (C)

**AUTHORIZATION/ NO-OBJECTION CERTIFICATE FOR SINKING OF NEW /
EXISTING WELL FOR INDUSTRIAL/ COMMERCIAL/ INFRASTRUCTURAL OR
BULK USER OF GROUND WATER**

[Under Section 14 of the Uttar Pradesh Ground Water Management and Regulation Act, 2019.]

AUTHORIZATION/ NO-OBJECTION CERTIFICATE NO: NOC036827

VALID FROM 12/11/2024 TO 11/11/2029

Name of the Applicant	VIPIN KUMAR SAXENA		
Address of the Applicant:	HIG A-135 Ashiyana-I Moradabad		
Company Name:	Shri Vipin Kumar Saxena	Company Address	Khand 1 Gata 1419Kh Dhamnaud Dhasan River, Garauth
Serial No. of Application Form	JHNS1024NIN0027	Date of Submission	01/10/2024
Specimen Signature of the User:			
Location particulars:			
District	Jhansi	Block	BAMAUR
J.L. No		Plot No.	Khand 01 Gata 1419Kh, Dhamnaud, Garautha
Municipality/Corporation	No	Ward No.	Garautha Jhansi
Holding No.			Garautha Jhansi
Rate of Withdrawal (m ³ /hr.)	3.00	Date of Energization (In Case of Electric Pump)	03/11/2024
Particulars of the Proposed Well and Pumping Device:			
Type of the Well	Tube Well/Boring	Purpose of the Well	Industrial
Assembly Size (For Tube Well)	0.00	Approx. Strainer Length (For Tube Well)	0.00
Diameter (For Dug Well)	0.00	Type of Pump to be Used:	Submersible
H.P. of the Pump:	2.00	Operational Device	Electric Motor
Maximum Allowable Rate of Withdrawal (m ³ /hr.):	3.00	Maximum Allowable Running Hours Per Day:	5.35
Maximum Allowable Annual Extraction of Ground Water:	3611.25	Recharge Required:	1805.63

- This No-Objection certificate authorizes the owner applicant (user) to sink a well in the location specified at SI. (2) for extraction of ground water at a rate not exceeding that as shown at SI. (3j), for Running Hours per day as shown at SI. (3k), and for maximum allowable annual extraction of ground water as shown at SI. (3k) and is valid subject to the observance of the conditions stated overleaf.
- Holder of this NOC is hereby directed to assure annual recharge of 1805.63 cubic meter, as specified under the application form within the given time period..

GENERAL CONDITIONS

- Holder of this NOC is hereby directed to fill from 1(A) for registering his/her well within 90 days as mentioned in application form shall only started after registration of his/her NOC.
- In case of any change of ownership of the proposed well, fresh authorization has to be obtained.
- No change of location, design, rate of withdrawal and pumping device in respect of the proposed well as indicated at SL (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this authorization
- For the purpose of measuring and recording the quantity of ground water extracted, every said user shall affix digital water flow meters (conforming to BIS/ IS standards) having telemetry system in the abstraction structure, which record rate and quantum of extraction, at outlet of pumping devices and it shall be presumed that the quantity recorded by the meter has been extracted by the said user, until the contrary is proved. The rate of extraction of ground water from the well as shown in item 3(k) shall not exceed to the recorded rate from water meters
- The concerned Authority reserves the right to stop extraction of ground water from the well due to quality hazards or any other reasons, if the situation so demands
- In case of any change of ownership of the existing well, fresh registration has to be obtained.
- No change of location, design, rate of withdrawal and pumping device in respect of the existing well as indicated at SI. (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this registration
- In case, any of the particulars I information furnished by the applicant in his application for issuance of this registration is found to be incorrect during verification at any subsequent stage , this registration is liable for cancellation.
- The Certificate of Authorization/ NOC shall be valid for a period of five years from the date of issue. The applicant shall have to apply for renewal through a fresh application, at least ninety days prior to expiry of its validity.
- Construction of piezometers and installation of digital water level recorders with telemetry shall be mandatory for user. Depth and zone tapped of piezometer should be commensurate with that of the pumping well. The data, obtained from digital water level recorders shall be made available to this office on monthly basis
- **Guidelines for Installation of Piezometers and their Monitoring**

Piezometer is a borewell /tubewell used only for measuring the water level by lowering the tape/ sounder or automatic water level measuring equipment. It is also used to take water sample for water quality testing when ever needed. General guidelines for installation of piezometers are as follows:

- The piezometer is to be installed/constructed at the minimum of 50 m distance from the pumping well through which ground water is being withdrawn. The diameter of the piezometer should be about 4" to 6".
- The depth of the piezometer should be same as is case of the pumping well from which ground water is being abstracted. If, more than one piezometers are installed the second piezometer should monitor the shallow ground water regime. It will facilitate shallow as well as deeper ground water aquifer monitoring.
- No. of piezometers to be constructed & Type of water level monitoring mechanism shall be as per below table:

S.No	Quantum of Ground water withdrawal (cum/day)	No.of piezometers required	Monitoring Mechanism	
			Manual	DWLR with Telemetry
1	< 10	0	0	0
2	11 - 50	1	1	0
3	50- 500	1	0	1
4	> 500	2	0	2

- The measuring frequency should be monthly and accuracy of measurement should be up to cm. the reported measurement should be given in meter upto two decimal.
- For measurement of water level sounder or automatic water level recorder (AWLR)/ Digital Automatic water level recorder (DWLR) with telemetry system should be used for accuracy.
- The measurement of water level in piezometer should be taken, only after the pumping from the surrounding tube wells has been stopped for about four to six hours.
- All the details regarding coordinates, reduced level (with respect to mean level), depth, zone taped and assembly lowered should be provided for bringing the piezometer into the Hydrograph Monitoring System for Ground Water Department, Uttar Pradesh, and for its validation.
- The ground water quality has to be monitored twice in a year during pre-monsoon (May/June) and post-monsoon (October/November) periods. Quality may be got analyzed from NABL approved lab. Besides, one sample (1 lt capacity bottle) to the concerned Director, Ground Water Department, Uttar Pradesh, for chemical analysis.
- A Permanent display board should be installed at piezometer/Tube wells site for providing the location, piezometer/ tube well number, depth and zone tapped of piezometer/tube well for standard referencing and identification.
- Any other site specific requirement regarding safety and access for measurement may be taken care of.
- Any other condition(s) that may be imposed by the concerned Authority.
- In case, any of the particulars I information furnished by the applicant in his application for issuance of this permit is found to be incorrect during verification at any subsequent stage, this permit is liable for cancellation.
- **SPECIFIC CONDITIONS:**
- **(A) For Industrial User:** No Objection Certificate for ground water extraction by industries shall be granted subject to the following specific conditions:
 - i) No Objection Certificate shall be granted only in such cases where local government water supply agencies are not able to supply the desired quantity of water.
 - ii) All industries shall be required to adopt latest water efficient technologies so as to reduce dependence on ground water resources.
 - iii) All industries abstracting ground water in excess of 100 m³/d shall be required to undertake annual water audit through Confederation of Indian Industries (CII)/ Federation Indian Chamber of Commerce and Industry (FICCI)/ National Productivity Council (NPC)/ PHD Chamber of Commerce & Industries certified auditors and submit audit reports within three months of completion of the same to Ground Water Department Uttar Pradesh. All such industries shall be required to reduce their ground water use by at least 20% over the next five years through appropriate means.

- iv) Construction of observation well(s) (piezometer)(s) within the premises and installation of appropriate water level monitoring mechanism as mentioned in General Condition no.10 shall be mandatory for industries drawing/ proposing to draw more than 10 m³/day of ground water and. Monitoring of water level shall be done by the project proponent. The piezometer (observation well) shall be constructed at a minimum distance of 50 m from the bore well/production well. Depth and aquifer zone tapped in the piezometer shall be the same as that of the pumping well/ wells. Monthly water level data shall be submitted online to the Ground Water Department, UP.
- v) The proponent shall be required to adopt roof top rain water harvesting/ recharge in the project premises. Industries which are likely to pollute ground water (chemical, pharmaceutical, dyes, pigments, paints, textiles, tannery, pesticides/ insecticides, fertilizers, slaughter house, explosives etc.) shall store the harvested rain water in surface storage tanks for use in the industry.
- vi) Injection of treated/ untreated waste water into aquifer system is strictly prohibited.
- vii) Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washeries, other hazardous units etc. (as per CPCB list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution.
-
- **(B) Infrastructural User:** The No Objection Certificate for ground water abstraction will be granted subject to the following specific conditions:
 - i) In case of infrastructure projects that require dewatering, proponent shall be required to carry out regular monitoring of dewatering discharge rate (using a digital water flow meter) and submit the data online to Ground Water Department, UP as applicable. Monitoring records and results should be retained by the proponent for two years, for inspection or reporting as required by District Ground Water Management Council.
 - ii) Installation of Sewage Treatment Plants (STP) shall be mandatory for new projects, where ground water requirement is more than 20 m³/day. The water from STP shall be utilized for toilet flushing, car washing, gardening etc

Date :22/11/2024

Place:Jhansi

This certificate is electronically generated and does not require digital signature