

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 248 OF 2026

MANOJ KUMAR PRAJAPATI

.....APPLICANT.

Versus

MoEF&CC& Ors.

.....RESPONDENT(S)

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DATED: - 21.05.2026

FILED BY: -

Ankit Verma

(ANKIT VERMA)

STANDING COUNSEL FOR STATE OF U.P.

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

MOB :- 09990804440 ankit.scngtup@gmail.com

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**AFFIDAVIT ON BEHALF OF DISTRICT MAGISTRATE – BANDA IN
COMPLIANCE OF THE ORDER DATED 22.04.2026 PASSED BY THIS
HON'BLE TRIBUNAL**

The Respondent No. 7 herein states as under: -

MOST RESPECTFULLY SHOWETH: -

I, Amit Aasery, aged about 38 years, presently posted as District Magistrate – Banda, do hereby solemnly affirm and state on oath as under :-

1. That I am the above-mentioned answering Respondent No. 7 and is duly competent to file the present affidavit. That the Deponent is well conversant with the facts and the circumstance of the instant case and is competent to swear this affidavit.
2. That the Deponent has read and understood the contents of the present affidavit. The averments made in the Original Application, which are not specifically admitted hereunder, must be considered to have been denied by the Deponent.
3. That the contents of the present affidavit have been drafted by my counsel on my instructions and the contents of the same are true to my knowledge and nothing material has been concealed there from.

That this Hon'ble Tribunal, vide its order dated 22.04.2026, was pleased to issue the following directions: -

“3. It has been submitted by learned counsel for the applicant that acting contrary to the statement made before the Tribunal, the District



(Handwritten signature)

Magistrate, Banda has executed the lease deed dated 11.02.2026 in favour of the Respondent No. 9 on the basis of the advertisement which was issued on 17.05.2023 and 11.09.2023 after the expiry of the earlier DSR and before framing the new DSR for Banda.

4. The OA raises substantial issue relating to compliance of environmental norms.

5. Issue notice to the respondents.

6. Ms. Priyanka Swami, learned counsel accepts notice on behalf of Respondent No. 2, 4 and 5.

7. Mr. Ankit Verma, learned counsel accepts notice on behalf of Respondent No. 3, 6, 7 and 8.

8. The applicant is directed to supply a copy along with all the enclosures in the IA to counsel for the respondents who have accepted notice today within three days.

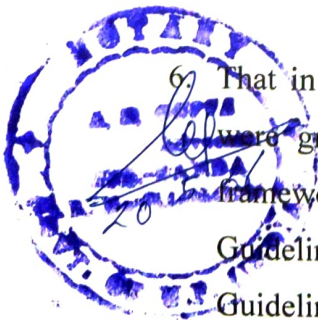
9. Learned counsel for respondent seek two weeks' time to file the reply.

10. Applicant is also directed to serve the remaining respondents and file affidavit of service.

11. Till the next date of hearing, the mining in pursuance to the lease deed dated 11.02.2026 shall remain stayed.

12. List on 21.05.2026."

5. That the present affidavit is being filed in compliance with the directions issued by this Hon'ble Tribunal vide order dated 22.04.2026, the factual report of which is being submitted as follows: -



6. That in the District Banda, the mining leases/mining permits in question were granted strictly in accordance with the provisions and regulatory framework contemplated under the Sustainable Sand Mining Management Guidelines, 2016 (SSMG-2016) and the Enforcement & Monitoring Guidelines for Sand Mining, 2020 (EMGSM-2020). The same were sanctioned only after preparation of the District Survey Report (DSR), its due appraisal and approval by the State Environment Impact Assessment

Authority (SEIAA), followed by publication/notification of the concerned areas and completion of all requisite statutory formalities prescribed under law.

7. That the Replenishment Study in 2022 pertaining to District Banda was duly conducted by CMPDI, and the corresponding report was submitted on 30.12.2022.
8. That the District Survey Report (DSR) for banda District had been updated periodically and the DSR prepared for banda district was last updated by the Directorate on dated 15.02.2023. A copy of the Letter dated 15.02.2023 is being annexed as **Annexure No. RA 1** to this affidavit.
9. That it is further submitted that the said DSR was prepared in accordance with Appendix-10 of the EIA Notification dated 15.01.2016 and thereafter duly scrutinized and approved by the State Expert Appraisal Committee (SEAC) and the State Environment Impact Assessment Authority (SEIAA), subsequent to formation of a Sub Divisional Committee. A copy of the Letter dated 29.02.2024 is being annexed as **Annexure No. RA 2** to this affidavit.
10. That two additional mining areas were incorporated in the District Survey Report for District Banda on 15.02.2023, which itself demonstrates that the DSR has been continuously and periodically updated in accordance with law. It is further submitted that subsequent to the approval of the DSR by the SEIAA vide order dated 07.08.2024, and upon issuance of the Environmental Clearance Certificate in favour of Agastya Agro Limited, having its address at SY No. 47, Main Road, Muraharipally, Medchal-Malkajgiri, Telangana, through its Director, Mallampati Muraly, S/o Late Mallampati Rangaiah, R/o Plot No. 40, Green Park Avenue, Beside Chennai Shopping Mall, Suchitra Jeedimetla, Medchal-Malkajgiri, Telangana,



study and submitted its report, which was thereafter also placed before this Hon'ble Tribunal, for its consideration. A copy of the communication dated 12.08.2021 along with the Office Letter dated 11.10.2021 is collectively being annexed as **Annexure No. RA 4** to this affidavit.

14. That it was subsequent to the directions issued vide office letter bearing No. 2063/Khaneej-30 Banda dated 11.10.2021, that a Replenishment Study was duly conducted by CMPDI strictly in accordance with the provisions and parameters prescribed under the Enforcement & Monitoring Guidelines for Sand Mining, 2020 (EMGSM-2020). The report arising therefrom was subsequently placed before this Hon'ble Tribunal in Original Application No. 410 of 2022, titled *Avinash Kumar Rai vs. Ministry of Environment, Forest and Climate Change & Others*, pursuant to the order dated 17.11.2022 passed therein, through Office Letter No. 368/Khaneej-30 Banda dated 11.01.2023. A copy of the Letter dated 11.01.2023 along with the order dated 17.11.2022 are collectively being annexed as **Annexure No. RA 5** to this affidavit.

15. That, it is also pertinent to mention that the then District Magistrate- Banda, vide communication dated 27.04.2024, apprised this Hon'ble Tribunal, inter alia, that in compliance of the order dated 02.01.2024 passed by the Hon'ble Tribunal in the aforesaid proceedings, a report had already been submitted through Office Letter No. 532/Khaneej-30 Banda dated 20.02.2024, wherein it was specifically stated as under:-

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा निर्गत अधिसूचना संख्या-125 दिनांक 15.01.2016 के परिशिष्ट-10 के अन्तिम पैरा में उल्लिखित है कि :- "जिला सर्वेक्षण रिपोर्ट पर्यावरणीय अनापत्ति रिपोर्टों को तैयार करने और परियोजनाओं के मूल्यांकन के लिए आवेदन का आधार होगी। रिपोर्ट को प्रत्येक पांच वर्ष में अद्यतन किया जाएगा।"

16. That it was further informed that, in terms of Government Order No. 1659/8-2023 dated 17.05.2023, read conjointly with the Sustainable Sand

Mining Management Guidelines, 2016 and the Enforcement & Monitoring Guidelines for Sand Mining, 2020, a process was initiated for DSR Updation/Modification and Replenishment Study in respect of sand/morrum/bajri/boulder bearing areas situated in the riverbeds of District Banda. Consequently, an advertisement was issued vide Office Letter No. 1027/Khaneej-30 Banda dated 29.11.2023 for preparation of updated DSR and related reports concerning 135 sand/morrum mining areas admeasuring 2206.643 hectares. Upon completion of all prescribed formalities, the work was duly awarded in favour of ENV Developmental Assistance Systems (India) Pvt. Ltd. through Office Order No. 142/Khaneej-30 Banda dated 16.01.2024. It was further intimated that the said agency had submitted a draft report dated 15.04.2024 for DSR Updation/Modification and that further proceedings thereupon were under active consideration in accordance with law.

17. That in compliance with the order dated 09.05.2024 passed by this Hon'ble Tribunal, no notification, tender process, or execution of mining lease deed was undertaken until approval of the District Survey Report prepared for District Banda by the State Environment Impact Assessment Authority (SEIAA) on 07.08.2024. It was only subsequent to the said approval dated 07.08.2024 that notifications of mining areas, issuance of Letters of Intent (LOI), and execution of mining lease deeds were undertaken in District Banda in accordance with law. In the same sequence, after approval of the DSR and upon issuance of the Environmental Clearance Certificate dated 08.10.2024 by the SEIAA in respect of Mining Area situated at Village Marouli Khadar, Block No. 04, the mining lease deed in favour of Agastya Agro Limited (Respondent No. 9) came to be lawfully executed on 10.02.2026 after due compliance with all statutory and environmental requirements. A copy of the Approval dated 07.08.2024 is being annexed as **Annexure No. RA 6** to this affidavit.



18. That the order dated 09.05.2024 passed by this Hon'ble Tribunal in Original Application No. 747 of 2023 now here quashes or invalidates the notifications dated 17.05.2023 and 11.09.2023. It is further submitted that, in strict compliance of the aforesaid order dated 09.05.2024, the District Survey Report for District Banda was duly approved by the SEIAA vide order dated 07.08.2024, and thereafter the Environmental Clearance Certificate was issued by the SEIAA on 08.10.2024. Only subsequent thereto was the mining lease deed in respect of Mining Area situated at Village Marouli Khadar (Block No. 04) executed in accordance with law.

19. That this Hon'ble Tribunal, in Original Application No. 747 of 2023, vide order dated 09.05.2024, was pleased to observe as under:-

“4. The District Magistrate, Banda appearing in person by virtual mode has stated that till the DSR is prepared and approved by SEIAA, no auction of the mines will be done, no LOI will be issued and no lease deed will be executed.

The above statement adequately redresses the grievance of the applicant.

Hence, the OA is accordingly disposed of.

All pending IAs will also stand disposed of accordingly.”

In view of the aforesaid order, it is respectfully submitted that no notification/tender/Letter of Intent (LOI)/mining lease deed was issued or executed in District Banda during the intervening period between 09.05.2024 and approval of the District Survey Report by the SEIAA on 07.08.2024. It was only after the DSR prepared for District Banda was duly approved by the SEIAA on 07.08.2024 that notifications/tenders/LOIs in respect of various mining areas were issued. Thereafter, upon approval of the DSR on 07.08.2024 and issuance of the Environmental Clearance Certificate dated 08.10.2024, the mining lease deed pertaining to Mining Area situated at Village Marouli Khadar (Block No. 04) came to be lawfully executed in favour of Agastya Agro Limited (Respondent No. 9) on 10.02.2026.



20. That the present Original Application proceeds on an erroneous and misleading factual premise inasmuch as the Applicant has deliberately failed to disclose that the District Survey Report stood duly updated and approved by the SEIAA on 07.08.2024 and that the Environmental Clearance was thereafter granted on 08.10.2024 prior to execution of the mining lease deed. The Applicant has further failed to disclose that no lease deed or mining activity was permitted during the subsistence of the restriction recorded in the order dated 09.05.2024.
21. That at no point of time was any mining lease deed executed in contravention of the orders passed by this Hon'ble Tribunal and the answering Respondent has acted strictly within the bounds of statutory provisions as well as judicial directions.
22. That the actions undertaken by the answering Respondent constitute official acts performed in discharge of statutory duties and carry a presumption of legality and regularity unless specifically disproved by cogent material.
23. That neither the EIA Notification dated 15.01.2016 nor the SSMG-2016 or EMGSM-2020 provide that advertisements issued pursuant to a duly approved DSR automatically lapse merely upon initiation of updation/modification proceedings, particularly where the updated DSR subsequently receives approval from the competent authority prior to grant of Environmental Clearance and execution of lease deed
24. That the present Original Application appears to have been instituted without placing any material demonstrating actual environmental degradation attributable to the answering Respondent and is founded merely upon



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presumptive allegations and misconceived interpretation of procedural compliance.

25. That once the competent expert bodies namely SEAC and SEIAA have appraised and approved the DSR and granted Environmental Clearance, a strong presumption arises regarding compliance of environmental safeguards unless patent illegality is demonstrated.
26. That in view of the aforesaid facts and circumstances, it is respectfully submitted that the allegations levelled in the Original Application are wholly misconceived, factually incorrect, and devoid of merit, and no violation whatsoever of environmental norms or directions of this Hon'ble Tribunal has been committed by the answering Respondent
27. That in the aforesaid facts and circumstances, the present affidavit is being filed for the kind consideration of this Hon'ble Tribunal, and it is most respectfully prayed that the same be taken on record.

DEPONENT

VERIFICATION

Verified at Banda on this 20/05/26 day of wednesday that the contents of the above affidavit from paragraphs 1 to 27 are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.



2285/171-172
**SWORN
 BEFORE ME**
 P.A.K. GUPTA
 NOTARY PUBLIC
 20/5/26

DEPONENT

20/5/26
 Advocate Notary
 Banda (U.P.)

प्रेषक,

निदेशक,

भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०
खनिज भवन, लखनऊ

सेवा में,

जिलाधिकारी,

बांदा ।

संख्या 1266 / एम०-228 / 2017 (खनन नीति)-डी०एस०आर०

दिनांक: 15/07/2023

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

महोदय,

उपर्युक्त विषयक अपने कार्यालय के पत्र संख्या-पत्रांक 492/खनिज-30, बांदा दिनांक: 25.01.2023 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा जनपद-बांदा स्थित बालू/मोरम के 02 क्षेत्र को जिला सर्वेक्षण रिपोर्ट में संयोजित किये जाने का अनुरोध किया गया है। जनपद बांदा से प्राप्त प्रस्ताव के साथ सम्बन्धित तहसील की आख्या, वन अनापत्ति एवं सिंचाई विभाग की आख्या का राज्य स्तर पर गठित तकनीकी समिति की बैठक दिनांक 30.01.2023 में परीक्षण किया गया। प्रस्तावों पर परीक्षणोपरान्त तकनीकी समिति की संस्तुति के आधार पर भूतत्व एवं खनिकर्म अनुभाग, उ०प्र० शासन के शासकीय पत्र 482/86-2023, दिनांक 14.02.2023 के द्वारा जनपद-बांदा के बालू/मोरम के 02 क्षेत्रों को 05 वर्ष की अवधि हेतु जिला सर्वेक्षण रिपोर्ट में संयोजित किये जाने हेतु निम्न तालिका अनुसार शासन द्वारा सहमति प्रदान की गयी है।

क्र० सं०	तहसील	ग्राम	गाटा संख्या	क्षेत्रफल (हे० में)	अक्षांश-देशान्तर आकार के अनुसार
1.	पैलानी	बरेहटा खादर	133 व 134 (खण्ड-1)	15.654	A. 25°42'54.36"N A. 80°22'6.57"E B. 25°42'53.50"N B. 80°22'11.74"E C. 25°42'42.63"N C. 80°22'7.78"E D. 25°42'41.55"N D. 80°22'6.72"E E. 25°42'39.87"N E. 80°22'6.59"E F. 25°42'22.85"N F. 80°21'59.82"E G. 25°41'53.62"N G. 80°21'57.98"E H. 25°41'53.76"N H. 80°21'55.50"E I. 25°42'19.87"N I. 80°21'56.80"E J. 25°42'29.34"N J. 80°21'59.54"E K. 25°42'39.55"N K. 80°22'4.18"E L. 25°42'40.60"N L. 80°22'4.18"E M. 25°42'41.27"N M. 80°22'4.56"E N. 25°42'41.30"N N. 80°22'5.05"E



26

2.	पैलानी	बरेहटा खादर	122/7 व 111/2 (खण्ड-2)	13.00	A. 25°43'18.68"N B. 25°43'18.65"N C. 25°43'14.96"N D. 25°43'3.16"N E. 25°42'53.50"N F. 25°42'54.36"N G. 25°43'7.64"N H. 25°43'8.92"N I. 25°43'12.68"N	A. 80°21'55.89"E B. 80°22'1.42"E C. 80°22'5.80"E D. 80°22'11.46"E E. 80°22'11.74"E F. 80°22'6.57"E G. 80°22'4.22"E H. 80°22'1.70"E I. 80°21'58.44"E
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नदी तल स्थित बालू/मोरम आदि उपखनिजों के दीर्घकालिक खनन पट्टों के संचालन से पूर्व Replenishment Study कराया जाना होगा उपरोक्त के दृष्टिगत प्रश्नगत क्षेत्र को जिला सर्वेक्षण रिपोर्ट में सम्मिलित किये जाने हेतु संस्तुति प्रदान की जाती है। समिति द्वारा यह भी मत स्थिर किया गया कि जिला सर्वेक्षण रिपोर्ट में उक्त क्षेत्रों के सम्मिलित हो जाने के उपरान्त जनपद स्तर पर खनिज अनुसन्धान एवं विकास तथा क्षेत्र की संभावना के आधार पर जिला सर्वेक्षण रिपोर्ट में सम्मिलित क्षेत्र के अन्तर्गत आने वाले गाटाओं के अंश का निर्धारण कर, उनका भूमि सम्बन्धी स्वामित्व का विधिवत् परीक्षण कर ऑक्शन की कार्यवाही की जाये।
अतः अपेक्षित है कि जनपद स्तर से खनन क्षेत्रों के व्यवस्थापन के सम्बन्ध में नियमानुसार अग्रेतर कार्यवाही सम्पन्न कराने का कष्ट करें।

संलग्नक-यथोपरि।

भवदीय,

(विपिन कुमार जैन)
अपर निदेशक

संख्या व दिनांक तदैव।

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

1. आयुक्त चित्रकूट मण्डल, चित्रकूट।
2. प्रभारी अधिकारी, भूतत्व एवं खनिकर्म विभाग, क्षेत्रीय कार्यालय, प्रयागराज
3. खान अधिकारी, बांदा।

(विपिन कुमार जैन)
अपर निदेशक



कार्यालय जिलाधिकारी, बाँदा।
(खनिज अनुभाग)

पत्रांक : 617 / खनिज-30, बाँदा

दिनांक : 29.2.2024


“आदेश”

शासनादेश सं0-1659/86-2023 दिनांक 17.05.2023 के क्रम में इस कार्यालय के आदेश सं0-1652/खनिज-30, बाँदा दिनांक 25.05.2023 द्वारा एक समिति का गठन किया गया था। SEIAA/SEAC की बैठक दिनांक 02.02.2024 के क्रम में जारी SOP के अनुसार संशोधित समिति का गठन निम्नवत किया जाता है :-

- | | |
|---|------------|
| 1. अपर जिलाधिकारी (वि0/रा0), बाँदा। | अध्यक्ष |
| 2. प्रभागीय वन अधिकारी, बाँदा। | सदस्य |
| 3. उपजिलाधिकारी, बाँदा / नरैनी / अतर्रा / पैलानी / बबेरू। | सदस्य |
| 4. अधिशासी अभियन्ता, सिंचाई विभाग एवं जल संसाधन विभाग, बाँदा। | सदस्य |
| 5. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, बाँदा। | सदस्य |
| 6. खान अधिकारी, बाँदा। | सदस्य-सचिव |

अतः उपरोक्त गठित समिति को निर्देशित किया जाता है कि नियमानुसार डी0एस0आर0 Updation/Modification के सम्बन्ध में अपनी रिपोर्ट यथाशीघ्र उपलब्ध कराने का कष्ट करें।

संलग्नक : यथोक्त।

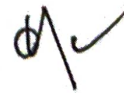

(दुर्गा शक्ति नागपाल)
जिलाधिकारी, बाँदा।


पत्रांक व दिनांक तदैव।

प्रतिलिपि : निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. प्रमुख सचिव, भूतत्व एवं खनिकर्म विभाग, उ0प्र0 शासन, लखनऊ।
2. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0, लखनऊ।
3. अपर जिलाधिकारी (वि0/रा0), बाँदा।
4. प्रभागीय वन अधिकारी, बाँदा।
5. उपजिलाधिकारी, बाँदा / नरैनी / अतर्रा / पैलानी / बबेरू।
6. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, बाँदा।
7. अधिशासी अभियन्ता, सिंचाई विभाग एवं जल संसाधन विभाग, बाँदा।
8. खान अधिकारी, बाँदा।






जिलाधिकारी,
बाँदा।



प्रेषक,

सदस्य सचिव,
एस0ई0आई0ए0ए0,
गोमती नगर, लखनऊ।

सेवा में,

निदेशक,
भूतल एवं खनिकर्म विभाग, उ0प्र0,
लखनऊ।

पत्रांक : 114 / पर्या / सामान्य / 2023

दिनांक 07 अगस्त, 2024

विषय - District Survey Report (DSR) of District- Banda के सम्बन्ध में।

महोदय,

कृपया अवगत कराना है कि झापट डी0एस0आर0-जनपद बांदा की राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति की बैठक दिनांक 18.07.2024 तथा राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण, उ0प्र0 की बैठक दिनांक 01.08.2024 में निम्न शर्तों के साथ अनुमोदन प्रदान किया गया :-

1. The period of validity of DSR Banda shall be for the period of 05 years from the date of its approval.
2. Out of 110 (109 leases + 01Patta land) areas in the DSR, 08 lease are withheld because document verification is in process and other 02 leases are held in abeyance and will be approved after resolution of complaints. So 100 lease areas will be approved in present DSR.
3. If any new lease is identified, its validity will be co-terminus with the validity period of current DSR and Sub-Divisional Committee will follow the entire procedure every time on the basis of existing DSR.
4. After approval of DSR from SEIAA, the District Administration shall upload the DSR in public domain along with Lease Wise Digital Maps showing the status of deposits and pillar wise coordinates of existing and proposed areas.
5. The District Administration shall utilize the District Mineral Foundation Funds as per notification no. 866/86-2017-132/2016 dated 15/05/2017 issued by Department of Geology and Mining, Government of U.P. or any modification in it by competent authority.
6. DMF fund should also be utilized for the development and maintenance of haulage road.
7. The lease shall periodically conduct audits of operative mine leases and take corrective measures as per the directions of District Administration in case of adverse observations and, a yearly report on this shall be sent to SEIAA as compliance.
8. Replenishment study on the basis of which the mineral availability is assessed shall be uploaded on websites of District and Mining Department and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.
9. The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. Institute and should be uploaded on the websites of district, Geology and Mining Department and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.



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10. Mining Department shall be responsible for demarcating the leases where-ever needed after the monsoon.
11. SEIAA noted that in draft DSR unit of quantity used is not uniform, for example, under list of potential mining leases (existing and proposed) and Final List of Potential Mining Leases (existing & proposed), hence a clarification must be submitted and units of mineral availability should be same as that mentioned in LOI as well as in mining plans.
12. Validity of this DSR is 5 years from the date of approval and if during the currency of this DSR new areas are added information should be submitted to SEIAA.


समिति/प्राधिकरण की बैठक में लिये गये निर्णय के आलोक में सम्बन्धित कार्यवृत्त की प्रति इस अनुसूच के साथ प्रेषित है कि उक्त के सम्बन्ध में आवश्यक कार्यवाही करवाने का कष्ट करें।

सल्लाहक- यथोक्त।

भवदीय,


(संजीव कुमार सिंह)
सदस्य सचिव,
एस0ई0आई0ए0ए0

प्रतिलिपि- जिलाधिकारी, बांदा को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।


(संजीव कुमार सिंह)
सदस्य सचिव,
एस0ई0आई0ए0ए0





प्रेषक,

निदेशक,
भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०,
खनिज भवन, लखनऊ।

वा मे,

जिलाधिकारी,
बाँदा।

संख्या- 393/एम०-एन०जी०टी० वाद-बाँदा/2021

दिनांक: 12 अगस्त, 2021

विषय: मा० राष्ट्रीय हरित अधिरक्षण, नयी दिल्ली द्वारा ओ०ए० संख्या-140 व 141 वर्ष 2021 में पारित आदेश दिनांक 02.07.2021 के अनुपालन में जनपद बाँदा स्थित नदियों के Replenishment study के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक निदेशालय के पत्र संख्या-311/एम०-एन०जी०टी० वाद-बाँदा/2021 दिनांक 23.07.2021 जिसके द्वारा मा० राष्ट्रीय हरित अधिरक्षण, नयी दिल्ली में योजित ओ०ए० संख्या-140 व 141 वर्ष 2021 में मा० एन०जी०टी० के आदेश दिनांक 02.07.2021 में दिये गये निर्देशों की अनुपालन आख्या निदेशालय में उपलब्ध कराये जाने की अपेक्षा की गयी है, का सन्दर्भ ग्रहण करने का कष्ट करें।

मा० राष्ट्रीय हरित अधिरक्षण, द्वारा पारित आदेश दिनांक 02.07.2021 के कार्यकारी अंश निम्नवत् हैं:-

"In view of the above, the Additional Chief Secretary, Mining, UP may furnish report about the compliance status withing three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. Report may provide the status of DSR and Replenishment studies for Banda District, status of in-stream mining in submerged water and monitoring mechanism in place.

List for further consideration on 11.11.2021."

उक्त आदेश के अनुक्रम में भारत सरकार की संस्था Central Mine Planing and Design Institute Ltd (CMPDI), Ranchi, a Subsidiary of Coal India Ltd, a public sector undertaking of Govt. of India से बाँदा स्थित नदियों के Replenishment study का प्रस्ताव मांगा गया था जिसके क्रम में उनके पत्र दिनांक 04.08.2021 (छायाप्रति संलग्न) के द्वारा "Replenishment study of Ken, Betwa, Dhasan and Yamuna River located in the Banda district, UP" हेतु प्रस्ताव प्राप्त हुआ है, जिसके मुख्य बिन्दु क्रमशः 1.0, 4.0 एवं 5.0 हैं:-

1.0 SCOPE OF SERVICES

- 1- Reconnaissance with district DGM officials and selection of observation stations for monitoring the level of sand/morrum deposition. A total of 40 observation stations has been kept with provision of 10 observation stations for each river.
- 2- Collection of flow data from IMD/CWC/State water resource Department.
- 3- Collection of water samples from observation sites for determination of silt load.
- 4- Preparation of land use pattern of the district through satellite imagery.
- 5- Determination of bulk density of sand/ morrum from local engineering institution and grain size distribution analysis viz. D₆₀, D₃₀ and D₁₀.

4.0 DELIVERABLES

- | | | | |
|-----|----------------------|---|-----------|
| i) | Interim Study report | - | 02 copies |
| ii) | Final Study report | - | 03 copies |



CONSULTANCY FEE

The consultancy fee for the subject assignment as per Scope of Services envisaged at would be Rs. 25,00,000/- (Rupees twenty five lakhs only) for carrying out the subject assignment.

The above fee does not include GST, which is to be paid by client as applicable during the billing period in addition to the consultancy fee indicated above. The present rate of GST chargeable is @18% of total consultancy fee.

उक्त के क्रम में अवगत कराना है कि उत्तर प्रदेश जिला खनिज फाउण्डेशन न्यास नियमावली, 2017 अन्तर्गत पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण के उपाय किये जाने हेतु न्यास निधि का उपयोग किये जाने की व्यवस्था दी गयी है, जिसके दृष्टिगत मा० एन०जी०टी० के आदेश दिनांक 02.07.2021 के अनुक्रम में Replenishment study हेतु CMPDI द्वारा अपेक्षित धनराशि का मुगतान डी०एम०एफ० मद से किया जा सकता है।

अतः अपेक्षा है कि ओ०ए० संख्या-140 व 141 वर्ष 2021 में पारित मा० एन०जी०टी० के आदेश दिनांक 02.07.2021 में दिये गये निर्देशों के अनुपालन हेतु जनपद बांदा के प्रश्नगत नदियों (कंन, बेतवा, यमुना एवं धसान) का भारत सरकार की इकाई CMPDI से Replenishment study कराने के सम्बन्ध में आवश्यक कार्यवाही कराने का कष्ट करें, जिससे कि मा० एन०जी०टी० के समक्ष ससमय आख्या प्रेषित की जा सके।

संलग्नक: यथोपरि।

भवदीय

(डा० रोशन जैकब)
निदेशक।

संख्या- /एम०-एन०जी०टी० वाद-बांदा/2021 तददिनांक।

प्रतिलिपि : सचिव, भूतत्व एवं खनिकर्म, उत्तर प्रदेश शासन, लखनऊ को सूचनार्थ प्रेषित।

(डा० रोशन जैकब)
निदेशक।



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कार्यालय जिलाधिकारी, बाँदा।

(खनिज अनुभाग)

पत्रांक : 2063 / खनिज-30, बाँदा

दिनांक : अक्टूबर 11, 2021

विषय : मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ0ए0 संख्या-140 व 141 वर्ष 2021 में पारित आदेश दिनांक 02.07.2021 के अनुपालन में जनपद बाँदा स्थित नदियों के Replenishment study के सम्बन्ध में।

महाप्रबन्धक (व्यवसाय विकास)

सेन्ट्रल माईन प्लानिंग एण्ड डिजाईन इंस्टीच्यूट लिमिटेड,

कोल इण्डिया लिमिटेड की अनुषंगी कम्पनी/भारत सरकार का एक लोक उपक्रम,

गोन्दवाना प्लेस, कॉक रोड, रांची-834031 झारखण्ड।

कृपया उपरोक्त विषयक अपने पत्र सं0-सीएमपीडीआई/बी.डी./ए(003)ऑफर/ E-535811/1-12551 दिनांक 04.08.2021 व पत्र दिनांक 02.09.2021 का सन्दर्भ ग्रहण करें, जिसके द्वारा जनपद बाँदा के केन, यमुना व बागे नदियों में स्थित खनन क्षेत्रों में उपलब्ध बालू/मोरम के सम्बन्ध में मानसून सत्र के बाद Replenishment study करने सम्बन्धी प्रस्ताव दिये गये हैं और उक्त कार्य के निमित्त कुल रू0 24,00,000/- (चौबीस लाख रुपये मात्र) के भुगतान समय-समय पर किये जाने के उपरान्त किये जाने का उल्लेख किया गया है। यह भी उल्लेख किया गया है कि उक्त भुगतान के समय 18 प्रतिशत जी0एस0टी0 का अतिरिक्त भुगतान करना होगा। खनिज निदेशालय के पत्र सं0-393/एम0-एन0जी0टी0 वाद-बाँदा/2021 दिनांक 12.08.2021 से निर्देशित किया गया है कि उत्तर प्रदेश जिला खनिज फाउण्डेशन न्यास नियमावली-2017 के अन्तर्गत पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण के उपाय किये जाने के निमित्त न्यास निधि का उपयोग किये जाने सम्बन्धी निर्देश के क्रम में उक्त कार्य हेतु आपकी संस्था को अपेक्षित धनराशि का भुगतान डी0एम0एफ0 मद से किये जाने हेतु मत व्यक्त किया गया है।

उक्त के सम्बन्ध में उ0प्र0 खनिज फाउण्डेशन न्यास बाँदा की शासी परिषद व प्रबन्ध समिति की हुई बैठक दिनांक 09.10.2021 के अनुसार आप द्वारा प्रेषित प्रस्ताव में उल्लिखित धनराशि रू0 24,00,000/- के साथ-साथ जी0एस0टी0 (18 प्रतिशत) की धनराशि रू0 4,32,600/- कुल धनराशि रू0 28,32,600/- (अट्ठाईस लाख बत्तीस हजार छः सौ रुपये मात्र) की स्वीकृति दिनांक-09.10.2021 को प्रदान कर दी गयी है।

उक्त के क्रम में आपके पक्ष में जनपद बाँदा के केन, यमुना व बागे नदियों में स्थित खनन क्षेत्रों में उपलब्ध बालू/मोरम के सम्बन्ध में मानसून सत्र के बाद Replenishment study करने सम्बन्धी कार्य करने हेतु कार्यकारी आदेश जारी किया जाता है तथा प्रथम किश्त के रूप में रू0 24,00,000/- का 30 प्रतिशत रू0 7,20,000/- के साथ ही 18 प्रतिशत जी0एस0टी0 की धनराशि रू0 1,29,600/- कुल धनराशि रू0 8,49,600/- (आठ लाख उन्चास हजार छः सौ रुपये मात्र) आपके पत्र दिनांक 04.08.2021 के बिन्दु सं0-07 में उल्लिखित प्रक्रिया के अनुसार हस्तांतरण करने हेतु शाखा प्रबन्धक, इंडियन बैंक, सिविल लाइन, बाँदा को निर्देशित किया जाता है।

अतः आप अपने उपरोक्त पत्र दिनांक 04.08.2021 व 02.09.2021 में उल्लिखित शर्तों एवं समयावधि के अन्तर्गत खान अधिकारी/खान निरीक्षक, बाँदा के मोबाईल नं0-8887534774, ईमेल-bandadgmmo@gmail.com से सम्पर्क स्थापित कर उक्त नदियों में Replenishment study कार्य को तत्काल प्रारम्भ करना सुनिश्चित करें।



(अनुराग पटेल)
जिलाधिकारी, बाँदा।

(2)

पत्रांक व दिनांक उपरोक्तानुसार।

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

1. सचिव, भूतत्व एवं खनिकर्म विभाग, उ०प्र० शासन, लखनऊ।
2. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०, लखनऊ।
3. अपर जिलाधिकारी(वि०/रा०), बाँदा।
4. जिला अर्थ एवं संख्याधिकारी, बाँदा।
5. जिला खान अधिकारी, बाँदा।
6. शाखा प्रबन्धक, इंडियन बैंक, सिविल लाइन, बाँदा को इस निर्देश के साथ प्रेषित कि जिला खनिज फाउण्डेशन न्यास के नाम से इलाहाबाद बैंक में खोले गये खाता सं०-50403685280 से उक्त धनराशि रू० 8,49,600/- उपरोक्त संस्था के पत्र दिनांक 04.08.2021 (छायाप्रति संलग्न) के बिन्दु सं०-07 में उल्लिखित प्रक्रिया के अनुसार हस्तांतरण करना सुनिश्चित करें तथा हस्तांतरण की रसीद खान अधिकारी, बाँदा को उपलब्ध कराये।

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जिलाधिकारी
बाँदा।



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प्रेषक,

जिलाधिकारी,
बाँदा।

सेवा में,

मा0 रजिस्टार,
राष्ट्रीय हरित अधिकरण,
प्रिसिपल बेंच, नई दिल्ली।

पत्रांक : 368 / खनिज-30, बाँदा

दिनांक : जनवरी 17, 2023

विषय : मा0 राष्ट्रीय हरित न्यायाधिकरण नई दिल्ली में योजित ओ0ए0 नं0- 410/2022 (आई0ए0 नं0-138/2022 व आई0ए0 नं0-139/2022) अविनाश कुमार राय बनाम मिनीस्ट्री ऑफ इनवायरमेन्ट फारेस्ट एण्ड क्लाइमेट चेन्ज व अन्य में पारित आदेश दिनांक 17.11.2022 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उर्पर्युक्त विषयक मा0 राष्ट्रीय हरित न्यायाधिकरण नई दिल्ली में योजित ओ0ए0 नं0-410/2022 (आई0ए0 नं0-138/2022 व आई0ए0 नं0-139/2022) अविनाश कुमार राय बनाम मिनीस्ट्री ऑफ इनवायरमेन्ट फारेस्ट एण्ड क्लाइमेट चेन्ज व अन्य में पारित आदेश दिनांक 17.11.2022 का मुख्य अंश निम्नवत है :-

"5. Status report as on 31.12.2022 be filed within two weeks therefrom by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF

6. Learned Counsel for the State of Uttar Pradesh has requested that similar matter bearing O.A No. 403/2022 titled as Daljeet Singh Vs. State of Uttar Pradesh and others is listed for hearing on 17.01.2023 and these two applications may be heard with the same.

7. The request is allowed and both these applications be listed with O.A No. 403/2022 titled as Daljeet Singh Vs. State of Uttar Pradesh and others for hearing on 17.01.2023.

8. Interim order dated 30.05.2022 shall continue to operate till further orders to the contrary.

9. A copy of this order be placed in the paper book of O.A No. 410/2022 titled as Avinash Kumar Ray Vs. MoEF & CC and others."

उक्त के क्रम में अवगत कराना है कि CMPDI द्वारा जनपद बाँदा में स्थित केन, यमुना व बागे नदियों का replenishment study प्री-मानसून एवं पोस्ट-मानसून को सम्मिलित करते हुये अपनी अन्तिम रिपोर्ट दिनांक 30.12.2022 को ईमेल के माध्यम से प्रस्तुत की गयी। उक्त अन्तिम रिपोर्ट में जिला सर्वेक्षण रिपोर्ट में उपलब्ध समस्त 135 क्षेत्रों का season ending-2022 के सम्बन्ध में खनन पददा/क्षेत्रवार उपखनिज की मात्रा घनमीटर में अंकित कर विवरण उपलब्ध कराया गया है। CMPDI द्वारा उपलब्ध कराये गये रिपोर्ट में क्षेत्रवार अंकित मात्रा के अनुसार जनपद में स्वीकृत/संचालित/रिक्त खनन क्षेत्रों को संचालन/परिहार पर व्यवस्थित किये जाने की कार्यवाही प्रचलित है।

अतः उपरोक्तानुसार अनुपालन आख्या प्रेषित है।

संलग्नक : उपरोक्तानुसार।

पत्रांक व दिनांक तदैव।

प्रतिलिपि : निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. सचिव, भूतत्व एवं खनिकर्म विभाग, उ0प्र0 शासन, लखनऊ।
2. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0, लखनऊ।



08

भूतत्व
जिलाधिकारी
बाँदा।

जिलाधिकारी
बाँदा।

Item No.04 & 05

(Court No. 2)

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

(By Video Conferencing)

Original Application No.411/2022
(I.A. No.140/2022 &
I.A. No.141/2022)

01. Ishhita Foundation

...Applicant

Versus

Ministry of Environment, Forests
and CC & Ors.

...Respondents

And

Original Application No.410/2022
(I.A. No.138/2022 &
I.A. No.139/2022)

02. Avinash Kumar Ray

...Applicant

Versus

Ministry of Environment, Forests and
Climate Change & Ors.

...Respondents

Date of hearing: 17.11.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**Applicants: Ms. Pallavi Pratap (through VC), Mr. Akshay Singh, Mr.
Prashant Pratap, Ms. Prachi Pratap and Mr. Avadhi Jain,
Advocates.Respondents: Mr. Pradeep Misra, Advocate, for respondent no. 2, 4 and
5.
Ms. Priyanka Swami, Advocate for Respondent no. 3.
None for Respondent no. 1.
Ms. Deepa Ranjan, District Magistrate, Banda.
Mr. Vipin Kumar Jain, Additional Director, Mining and
Geology, State of Uttar Pradesh.**Application under Sections 14 & 15 of the National Green Tribunal Act,
2010**

ORDER

1. The above named applicants have filed above mentioned applications respectively under Sections 14 & 15 of the National Green Tribunal Act, 2010 *interalia* seeking the relief of issuance of directions to respondents no 2 and 4 to undertake the exercise of reevaluation and reassessment and to prepare a fresh DSR of District Banda as per SSMG 2016 and EMGSM-2020 and thereafter to proceed to settle mining leases of District Banda, Uttar Pradesh in accordance with EMGSM, 2020 and the Uttar Pradesh Minor Minerals (Concession) Rules 1963 and not to proceed further in pursuance to the re-NIT/re-advertisement dated 06.04.2022 and not to settle the areas till replenishment study of rivers of Banda district by C.M.P.D.I is completed in consonance with the orders dated 19.03.2020 and 18.09.2020 passed by this Tribunal in *O.A No. 208 of 2019 titled as Sandeep Kumar Singh Versus State of U.P.*

2. Vide order dated 30.05.2022, notices were ordered to be respondents. None appeared on behalf of respondents no. 1,2,4 and 5 despite due service. Reply on behalf of respondent no. 3-SEIAA has been filed. Letter dated 24.08.2022 was received from the District Magistrate, Banda.

3. Vide order dated 01.09.2022, personal appearance of the District Magistrate, Banda and the Director, Directorate of Geology and Mining, State of Uttar Pradesh were ordered.

4. In compliance thereof Ms. Deepa Ranjan, District Magistrate, Banda and Mr. Vipin Kumar Jain, Additional Director, Mining and Geology, State of Uttar Pradesh have appeared through VC and we have interacted with them.



5. Status report as on 31.12.2022 be filed within two weeks therefrom by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF
6. Learned Counsel for the State of Uttar Pradesh has requested that similar matter bearing O.A No. 403/2022 titled as Daljeet Singh Vs. State of Uttar Pradesh and others is listed for hearing on 17.01.2023 and these two applications may be heard with the same.
7. The request is allowed and both these applications be listed with O.A No. 403/2022 titled as Daljeet Singh Vs. State of Uttar Pradesh and others for hearing on 17.01.2023.
8. Interim order dated 30.05.2022 shall continue to operate till further orders to the contrary.
9. A copy of this order be placed in the paper book of O.A No. 410/2022 titled as Avinash Kumar Ray Vs. MoEF & CC and others.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 17, 2022
AG



प्रेषक,

सदस्य सचिव,
एस0ई0आई0ए0ए0,
गोमती नगर, लखनऊ।

सेवा में,

निदेशक,
भूतत्व एवं खनिकर्म विभाग, उ0प्र0,
लखनऊ।

पत्रांक 414 /पर्या /सामान्य /2023

दिनांक 07 अगस्त, 2024

विषय - District Survey Report (DSR) of District- Banda के सम्बन्ध में।

महोदय,

कृपया अवगत कराना है कि झापट डी0एस0आर0-जनपद बांदा की राज्य स्तरीय दिशपत्र मूल्यांकन समिति की बैठक दिनांक 18.07.2024 तथा राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण, उ0प्र0 की बैठक दिनांक 01.08.2024 ने निम्न शर्तों के साथ अनुमोदन प्रदान किया गया :-

1. The period of validity of DSR Banda shall be for the period of 05 years from the date of its approval.
2. Out of 110 (109 leases + 01Patta land) areas in the DSR, 08 lease are withheld because document verification is in process and other 02 leases are held in abeyance and will be approved after resolution of complaints. So 100 lease areas will be approved in present DSR.
3. If any new lease is identified, its validity will be co-terminus with the validity period of current DSR and Sub-Divisional Committee will follow the entire procedure every time on the basis of existing DSR.
4. After approval of DSR from SEIAA, the District Administration shall upload the DSR in public domain along with Lease Wise Digital Maps showing the status of deposits and pillar wise coordinates of existing and proposed areas.
5. The District Administration shall utilize the District Mineral Foundation Funds as per notification no. 866/86-2017-132/2016 dated 15/05/2017 issued by Department of Geology and Mining, Government of U.P. or any modification in it by competent authority.
6. DMF fund should also be utilized for the development and maintenance of haulage road.
7. The lease shall periodically conduct audits of operative mine leases and take corrective measures as per the directions of District Administration in case of adverse observations and, a yearly report on this shall be sent to SEIAA as compliance.
8. Replenishment study on the basis of which the mineral availability is assessed shall be uploaded on websites of District and Mining Department and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.
9. The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. Institute and should be uploaded on the websites of district, Geology and Mining Department and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.




10. Mining Department shall be responsible for demarcating the leases where-ever needed after the monsoon.
11. SEIAA noted that in draft DSR unit of quantity used is not uniform, for example, under list of potential mining leases (existing and proposed) and Final List of Potential Mining Leases (existing & proposed) ,hence a clarification must be submitted and units of mineral availability should be same as that mentioned in LOI as well as in mining plans.
12. Validity of this DSR is 5 years from the date of approval and if during the currency of this DSR new areas are added information should be submitted to SEIAA.


समिति/प्राधिकरण की बैठक में लिये गये निर्णय के आलोक में सम्यन्धित कार्यवृत्त की प्रति इस अनुसंधान के साथ प्रेषित है कि उक्त के सम्बन्ध में आवश्यक कार्यवाही करवाने का कष्ट करें।

सलमगक- यथोक्त।

भवदीय,


(संजीव कुमार सिंह)
सदस्य सचिव,
एस0ई0आई0ए0ए0

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


(संजीव कुमार सिंह)
सदस्य सचिव,
एस0ई0आई0ए0ए0



