

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL**

PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 724/2023

IN THE MATTER OF:

Bittu ...Applicant

Versus

State of U.P. & Ors. ...Respondents

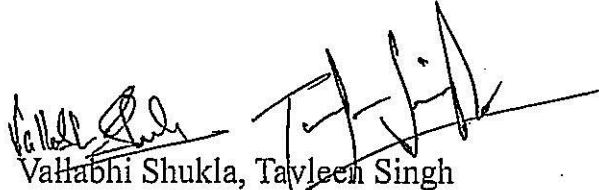
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DRAWN AND FILED BY:

Place: New Delhi

Date: 07.05.2026


 Vallabhi Shukla, Tavleen Singh
 Advocates for Respondent No. 8
 VT LAW CHAMBERS
 G-102, World Trade Centre, The Lalit
 Babar Road, Connaught Place
 New Delhi- 110001
 Mob: 9076723621, 9857554554

Email ID: vallabhi.9@gmail.com, singh_tavleen@yahoo.com

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BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
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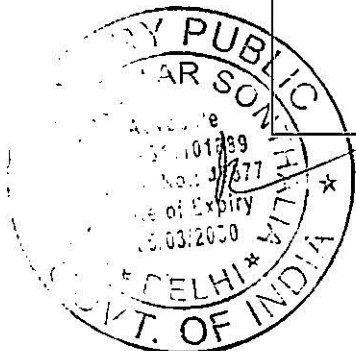
AFFIDAVIT/ UNDERTAKING ON BEHALF OF THE
RESPONDENT NO. 8/ MINING LEASE HOLDER

I, Bani Singh, S/o Shri Raju Nath Singh, aged about 55 years, R/o 306, Shankar Vihar Colony, Quaari, Aligarh, am the Authorized Representative of the Respondent Company, do hereby solemnly affirm and state as under:

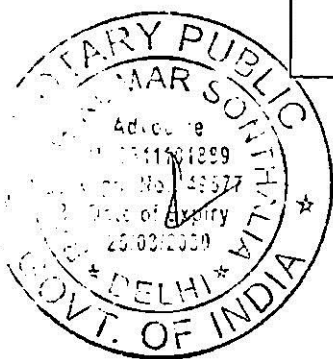
1. That I'm the authorized Representative of Respondent no. 8 in the above-mentioned matter and am fully acquainted with the facts and circumstances of the case. I am competent to swear this affidavit.
2. That the present affidavit/ undertaking is being filed for ensuring compliance of following salient requirements:



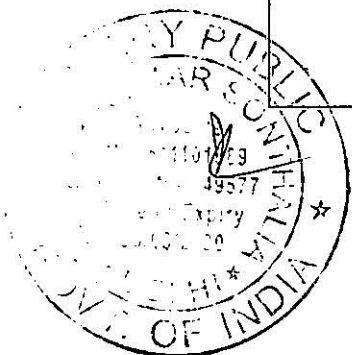
Sr. No.	General EC's Conditions	Undertaking by the Respondent no.8/ Project Proponent
1.	This environmental clearance is subject to allotment of mining lease in favour of project proponent by District Administration/Mining Department	That the Mining lease deed executed in favour of New Penther Security Guard Services Prop Bani Singh on 08.10.2021 for a period of 5 years valid for 02.11.2021 to 11.11.2026.
2.	Forest clearance shall be taken by the proponent as necessary under law.	That the proposed mining area is State Govt. Land and the lease area does not fall under forest land. Therefore, forest clearance is not required.
3.	Any change in mining area, khasra numbers, entailing capacity addition with change in process and or mining technology, modernization and scope of working shall again require prior Environmental Clearance as per the provisions of EIA	That the EC was duly granted on 27.05.2021 and then as per the reduction in area, the EC was duly amended and Amended EC dated 29.09.2021 was issued. Hence the said condition is duly being followed and complied.



	Notification, 2006 (as amended).	
4.	Precise mining area will be jointly demarcated at site by project proponent and officials of Mining/Revenue department prior to starting of mining operations. Such site plan, duly verified by competent authority along-with 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.	That the demarcation of mining area was carried out by department of revenue; forest department & mining department in the presence of Project Proponent & precise location of boundary pillars were marked and the coordinates are mentioned in the EC.
5.	Mining & loading shall be done only within day hours only.	It is submitted that the Mining & loading will be carried out during day time only (i.e. after sunrise & before sun set). This can be verified through inspection.
6.	No mining shall be carried out in the safety zone of any bridge and/or embankment.	It is submitted that the mining will be carried out within sanctioned



		mineable area (8.512ha). No mining & allied activities will be carried out within safety zone of any bridges or embankment.
7.	It shall be ensured that standards related to ambient air quality/effluent as prescribed by the Ministry of Environment & Forests are strictly complied with. Water sprinklers and other dust control majors 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.	It is submitted that the sampling of ambient air quality will be conducted from time to time. It is further submitted that the water sprinkling on haul road will be carried out to suppress the dust.
8.	All necessary statutory clearances shall be obtained before start of mining operations. If this condition is violated, the clearance shall be automatically	That the Project Proponent has obtained all the requisite permissions from the concerned authorities and thereafter mining activities were started.

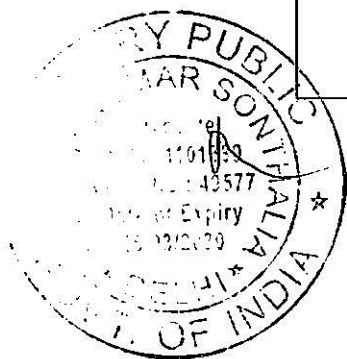


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	deemed to have been cancelled.	
9.	Parking of vehicles should not be made on public places .	The said condition is strictly being followed.
10.	No tree-felling will be done in the leased area, except only with the permission of Forest Department.	It is submitted that the concerned mining lease is a river bed mining having no trees. Therefore, question of felling of trees does not arise.
11.	No wildlife habitat will be infringed.	The mining area is free from any forest land therefore no wildlife habitat will be infringed.
12.	It shall be ensured that excavation of minor mineral does not disturb or change the underlying soil characteristics of the river bed /basin, where mining is carried out.	The mining area consists of sand/morrum having no top soil cover. The mining will be carried out up to the permissible depth of 2.4m or above the water table thus chances of disturbing the soil characteristic does not arise.
13.	It shall be ensured that mining operation of	Mining is being carried out in dry portion of river



	Sand/Moram will not in any way disturb the, velocity and flow pattern of the river water significantly.	in mineable area only & no paleo channels is being affected due to mining & allied activities. And the mining activities are not disturbing the velocity & flow pattern of river water.
14.	It shall be ensured that there is no fauna dependant 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.	That in the mining lease area, no fauna is noticed till date.
15.	Primary survey of flora and fauna shall be carried out and data shall be submitted to the RO, PCB and SEIAA within six months.	No flora and fauna exist within mining lease area.
16.	Hydro-geological study shall be carried out by a reputed organization/institute within six months and establish that mining in the said area will not adversely affect the	That the Hydro-geological study has been carried out.

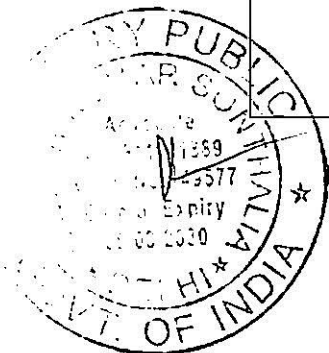


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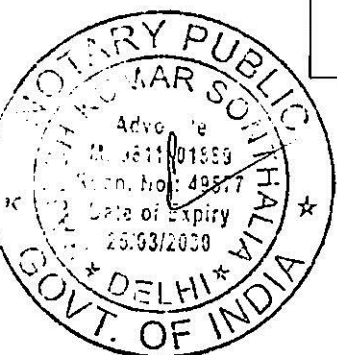
	ground water regime. The report shall be submitted to the RO, PCB and SEIAA within six months. In case adverse impact is observed /anticipated, mining shall not be carried out.	
17.	Adequate protection against dust and other environmental pollution due to mining shall be made so that the habitations (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.	It is submitted water sprinkling will be carried out regularly to suppress the dust. Light weight loader will be used for loading the mineral into trucks/dumpers. Proper attention will be given for maintenance of machineries deployed in the mining area. Habitation is far away from proposed mining area, therefore no adverse impact has been being observed due to mining & allied activities.
18.	Need-based assessment for the nearby villages shall be conducted to study economic	It is submitted local workers at maximum in number are employed for



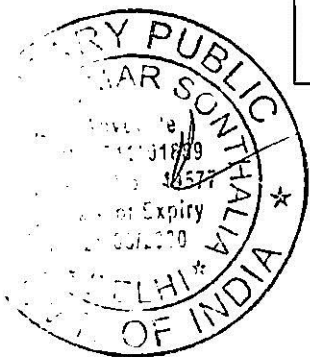
	<p>measures which can help in improving the quality of life of economically weaker section of society. Income generating projects/tools such as development of fodder farm, fruit bearing orchards, vocational training etc. can form a part of such programme. The project proponent shall provide separate budget for community development activities.</p>	<p>the mining which helps in improving the quality of life to economically weaker section of society. Different varieties of fruit trees have been planted in surrounding villages to earn additional benefits.</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>Project Proponent has planted approximately 500 saplings of local species outside the lease area with in consultation with Horticulture wing and private nurseries.</p>
20.	<p>Separate stock piles shall be maintained for excavated top soil, if any, and the top soil should be utilized for green cover/tree plantation.</p>	<p>The proposed mining area is River sand having no top soil cover. Therefore, no proposal has been envisaged for its separate stacking of top soil.</p>



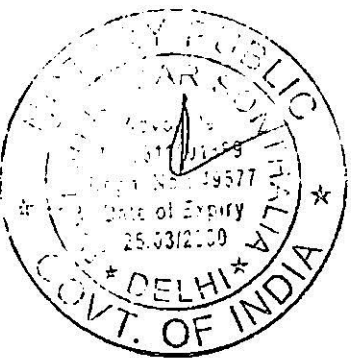
21.	Dispensary facilities for first-aid shall be provided at site.	First Aid facilities are being provided at site of mining office.
22.	An Environmental Audit should be annually carried out during the operational phase and submitted to the SEIAA.	It is submitted that the periodical Replenishment study will be conducted and submitted to SEIAA in addition to Six Monthly Compliance Report.
23.	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 stipulated conditions the District Mining Officer will report to SEIAA.	It is submitted the Project Proponent extends its full support by furnishing the requisite data/other information as required by District Mining Officer.
24.	The project proponent shall submit six monthly reports on the status of compliance of the stipulated	It is submitted that the Six-Monthly compliance report will be prepared time to time and the same



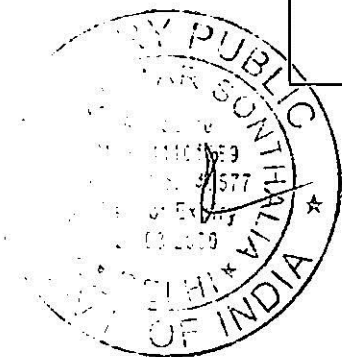
	environmental clearance conditions including results of monitored data (both in hard & soft copies) to the SEIAA, the District Officer and the respective Regional Office of the State Pollution Control Board by 1st June and 1st December every year.	will be duly submitted to the SEIAA.
25.	A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parisad/ Municipal Corporation and Urban Local Body.	It is submitted that the Project Proponent has forwarded the copy of EC to concern Panchayat, Zila Panchayat/Municipal corporation & urban local body.
26.	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	That the loaded trucks will be covered with tarpaulin sheets to avoid fugitive emission & spillage of mineral/dust.
27.	Waste water, from temporary habitation campus be properly collected & treated	The workers/labours engaged belongs to nearby villages. They return back



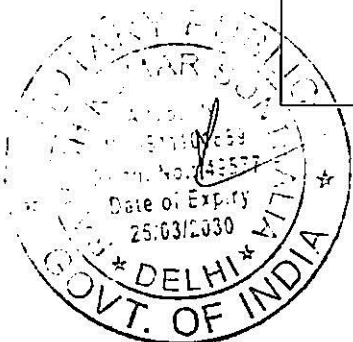
	before discharging into water bodies the treated effluent should conform to the standards prescribed by MoEF/CPCB.	to their home after their work is over. No temporary habitation is in existence at the site. No waste water discharged into water bodies so treatment of waste water is not required.
28.	Measures shall be taken for control of noise level to the limits prescribed by C.P.C.B.	In the mining lease area the noise level is within the permissible limits. All the equipment/machineries are equipped with latest technology to keep the noise level within prescribed limits.
29.	Special Measures shall be adopted to protect the nearby settlements from 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	The vehicles plying on village roads are being properly wetted by sprinkling so that air borne dust should be minimum.



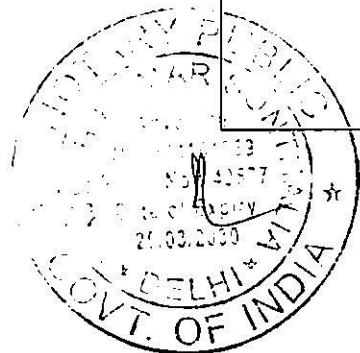
	project proponent regularly at his own expenses.	
30.	Measure for prevention & control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion, if any, shall be carried-out with geo textile matting or other suitable material.	The proposed mining area is devoid of top soil cover. Therefore, there is no question of soil erosion.
31.	Under corporate social responsibility 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 habitant. 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 programme can include	It is submitted that the Project Proponent kept separate budget under corporate social responsibility (CER) and same is being utilised as per the needs of local habitants.



	activities such as development of fodder farm, fruit bearing orchards, free distribution of smokeless Chula etc.	
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 02 months from the date of issuance of Environment Clearance.	That the Project Proponent adopted a village nearby and maintains the road, provides drinking water to the people etc. by its own expenses. That the Project Proponent is planning to adopt two more nearest villages for its infrastructure development & its report shall be furnished in next six-monthly compliance report.
33.	The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be	It is submitted that Project Proponent has kept the Funds separately for the protection of environment.



	reported to the Integrated Regional Office, MoEF&CC, GoI, Lucknow, SEIAA, U.P and UPPCB.	
34.	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.	Suggestions were made with respect to employment and maintenance of roads. Both issues are being taken care of by the PP.
35.	Environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act,1972 from the competent authority, if applicable to this project.	That the area is free from wild life (Protection) Act 1972, therefore no clearance is required under the Wildlife (Protection) Act,1972.
36.	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	That the proposed mining will be carried out on dry part of river bed having no water body & no turtle nesting will be observed.

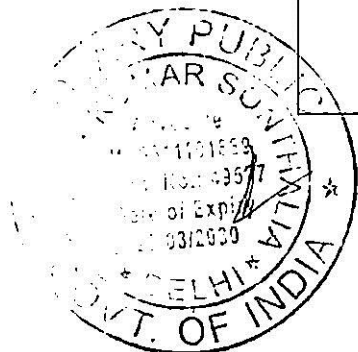


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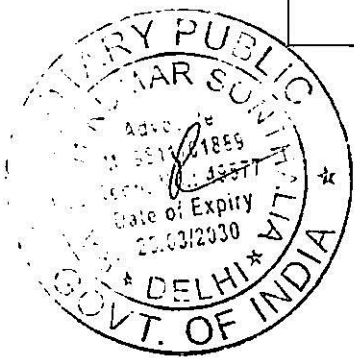
	<p>Wildlife Department. For the purpose, awareness shall be created amongst the workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures. In this regards the safety notified zone should be left so that the habitat/nesting area is undisturbed.</p>	
37.	<p>The project proponent shall undertake adequate safeguard measures during extraction of river bed material and ensure that due to this activity the hydro geological regime of the surrounding area shall not be affected.</p>	<p>Mining will be carried out upto permissible depth of 2.4m only from river bed profile & no water table has been encountered because of mining & allied activities. No hydrogeological regime of surrounding area will be affected.</p>
38.	<p>The project proponent shall obtain necessary prior permission of the competent Authorities for withdrawal</p>	<p>That the withdrawal of ground water is not required. Drinking water is being obtained from the</p>



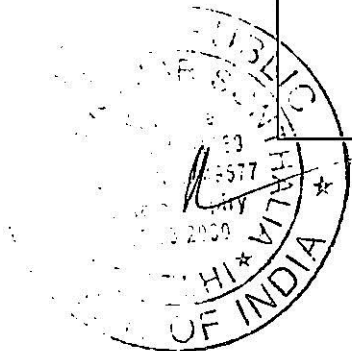
	of requisite quantity of water (surface water and groundwater), required for the project.	private persons who provides tanker of drinking water. Water for sprinkling is also being taken from the private persons who provides water tanker.
39.	Appropriate mitigative measures shall be taken to prevent pollution 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.	That the machinery deployed in the mining activities will be properly maintained. Supervisors are employed to ensure that there is no leakage of oil & grease from vehicles. Only PUC vehicles, are allowed to enter the mining area for transportation of mineral.
40.	Vehicular emissions shall be kept under control and regularly monitored. The vehicles carrying the mineral shall not be overloaded.	It is submitted that only PUC vehicles are allowed to enter into mining area. Vehicles are permitted for transportation of mineral within their capacity & it is strictly observed that vehicles are not overloaded.



41.	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, creche etc. (MoEF circular Dated: 22.09.2008 regarding stipulation of condition to improve the living conditions of construction labour at site).	Labour engaged belongs to nearby villages and they return to their homes after work is over in evening. However, necessary amenities are provided such as toilet, safe drinking water, medical health care etc.
42.	Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects. Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take	Medical health camp is being organised periodically under the supervision of qualified doctor & free medicine are distributed to workers employed in the mine & nearby villagers.



	corrective measures, if needed.	
43.	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 whom 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.	That a copy of environmental clearance has been forwarded to concerned Panchayat, Zila Parishad/Municipal Corporation etc. for their record.
44.	The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall	Environmental statement for the financial year 2024-25 in Form V has been submitted to UPPCB.

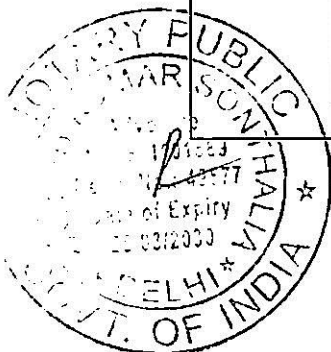


	also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Integrated Regional Office, MoEF&CC, GoI, Lucknow by e-mail.	
45.	The green cover development/tree plantation is to be done in an area equivalent to 20% of the total leased area either on river bank or along road side (Avenue Plantation).	It is submitted that approximately 500 saplings of local species have been planted along road side.
46.	Debris from the river bed will be collected and stored at secured place and may be utilized for strengthen the embankment.	That the entire lease out area is consists of river sand having no debris or waste. Therefore, no proposal has been envisaged for its separate stacking of Debris.
47.	Safety measures to be taken for the safety of the people working at the mine lease	Each worker employed in the mining activities is being provided safety

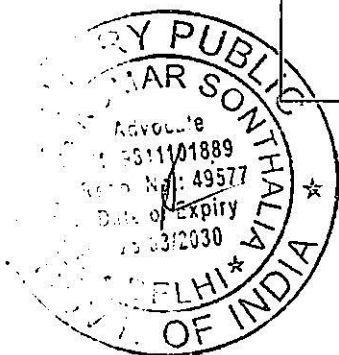


	area should be given, which would also include measure for treatment of bite of poisonous reptile/insect like snake.	shoes, helmets, mask, etc. for their safety. First Aid box with all preventive medicines is provided in the office for treatment of bite of poisonous reptile/insect like snake.
48.	Periodical and Annual medical checkup of workers as per Mines Act and they should be covered under ESI as per rule.	That a free medical camp is being organized by proponent for checkup of workers employed as per provisions of Mine Act.

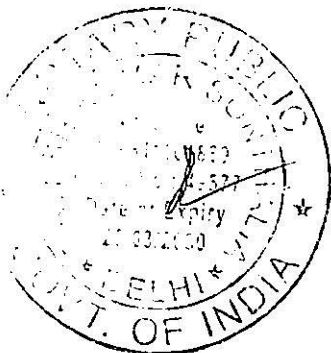
Sr. No.	Specific EC's Conditions	Undertaking by the Respondent no.8/ Project Proponent
1.	Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.	Suggestions were made with respect to employment and maintenance of roads. Both issues are being taken care of by the PP.
2.	The project proponent shall obtain the forest clearance and permission of Central and State Government as per	Total lease out area is State Govt. land & same is free from forest area. The route map for



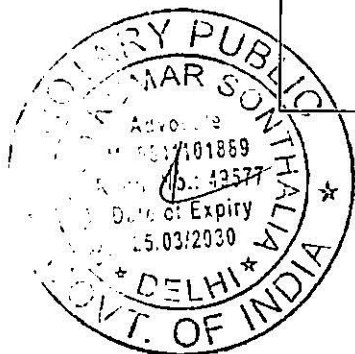
	law under the provisions of Forest (Conservation) Act, 1980 before the start of work.	transportation of mineral falls under revenue land. No forest land involved in the mining & allied activities therefore Forest Clearance not required.
3.	The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.	It is river bed mining and mined out area is replenished every year during monsoon period to restore its maximum original topography. Therefore, proposal regressing of mined out area is not feasible in the present case.
4.	If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and	Withdrawal of ground water is not required. Drinking water is being obtained from the private persons who provides tanker of drinking water. Water for sprinkling is also being taken from the private persons who provides water tanker.



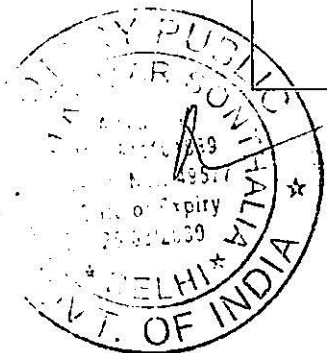
	permission from the competent authority shall be obtained to use it.	
5.	At the time of operation, project proponent will comply with all the guidelines issued by Government of India/State Govt./District Administration related to Covid19.	It is submitted that all the necessary guidelines issued by Government of India/State Govt./District Administration related to covid-19 are being complied.
6.	Environment management in according to environmental status.	All conditions are being complied as explained in present status report.
7.	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.	Trees were being planted regularly in consultation with the nursery and they are being replaced and maintained from time to time.
8.	No mining activity should be carried out instream channel as per SSMMG, 2016.	No mining activity will be carried out instream channel.



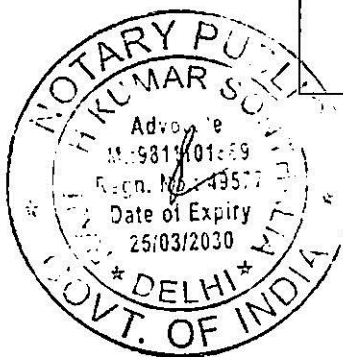
9.	Pakka motorable haul road to be maintained by the project proponent.	haulage road is regularly being maintained for motorable purpose
10.	A separate Environmental Management Cell with suitable qualified personnel shall be setup under the control of a Senior Executive, who will report directly to the Head of the Organization.	That the Project proponent has established Environmental Management cell with suitable qualified geologist (M.Sc.)
11.	Permission from the competent authority regarding evacuation route should be taken.	It is submitted that irrigation department's bund is being maintained properly for the purpose of evacuation route.
12.	Project proponent should ensure survival of tree saplings. Mortality should be replaced from time to time.	Trees were being planted regularly in consultation with the nursery and they are being replaced and maintained from time to time.
13.	Site pit photographs should be submitted with date time and point coordinate within 15 days.	That the Site pit photographs with date time & point coordinates has been submitted to the UPPCB.



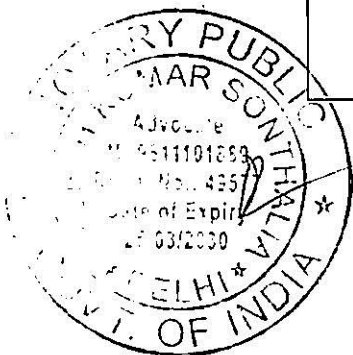
14.	One month monitoring report of the area for air quality, water quality, Noise level. Besides flora. It is submitted that the Project Proponent gets conducted the monitoring report of the area for air quality, water quality and Noise & fauna should be examined twice a week and be submitted within 45 days for a record. level from time to time and reports of the same indicate that all parameters were with in permissible limits.	No flora fauna exists in mining lease area.
15.	Provision for cylinder to workers should be made for cooking.	Workers engaged belongs to nearby villages and they return to their homes after work is over in evening. However, cylinder with gas burner also provided for cooking.
16.	The capacity of trucks/tractor for loading purpose will be in tonnes as per Transport Department	No overloading is being carried out. Mineral is being loaded as per permissible capacity



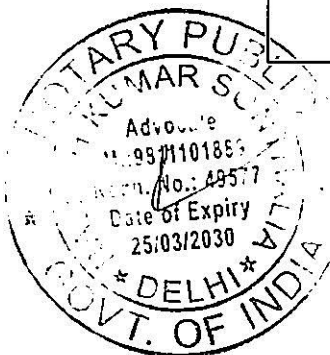
	applicable norms and standard fixed by the Government.	which is monitored through weigh bridge.
17.	Provide suitable mask to the workers.	It is submitted that each worker employed for the mining is provided mask.
18.	Approach road kaccha is to be made motarable and tree saplings to be planted on both sides of the road. Width of the haul road shall be more than 6 meters.	It is submitted that the Project Proponent has constructed kaccha motorable road and being maintained. saplings have been planted both sides of road to control the dust.
19.	Indigenous plants should be planted according to CPCB guidelines and in consultation with local Divisional Forest Officer.	Project Proponent has planted approximately 500 saplings of local species outside the lease area with in consultation with Horticulture wing and private nurseries.
20.	The project proponent shall in 2 years conduct detailed replenishment study duly authenticated by a QCI-NABET accredited consultant, and the District Mines Officer.	That the Detailed replenishment study has been conducted & report has been submitted to the concerned authorities.



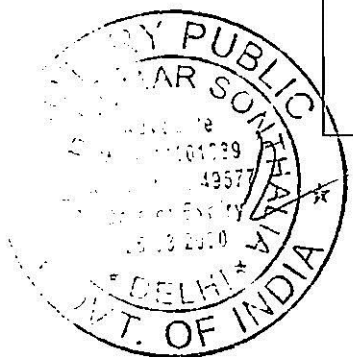
21.	Provision for two toilets and hand pumps should be made at mining site.	That the Project Proponent has constructed toilets. Water is being made available through private tankers.
22.	Drinking water for workers would be provided by tankers. ?	It is submitted that Project Proponent provides the Drinking water to workers by tankers.
23.	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.	That the mining will be carried out by Bar scalping method as per SSMMG guidelines 2016.
24.	A buffer/safe zone shall be maintained from the habitation as per mining guidelines.	That buffer/barrier zone has been made all along lease boundary.
25.	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	It is submitted that the Project Proponent kept separate budget under corporate social responsibility (CER) and same is being utilised as



	guidelines provided in the recent CER notification No. 2265/2017-IA.III dated 01/05/2018.	per the needs of local habitants.
26.	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.	That the Project Proponent organises free medical camp from time to time for safety and health aspects of the workers.
27.	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.	This condition is not relevant for sand mining activities however regular replenishment study is being carried out.
28.	The excavated mining material should be carried and transported in such a way that no obstruction to	That there is no obstruction of free flow of water. That all the precautionary measures



	the extraction of mineral is being carried out in dry part of area having depth upto 2.4m only and the free flow of water takes place. Suitable measure should be taken and details to be provided to concern Department.	have been adopted and its report has been submitted to concern department from time to time.
29.	Width of the haul road shall be more than 6m.	That width of haul road has been kept more than 6m.
30.	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 be decreased / stopped accordingly.	That annual replenishment study is being regularly conducted and the same has been submitted to the concerned authorities.
31.	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	There is no 'eco-sensitive zone of National Park/Sanctuary exists within 10km from the lease area in question.

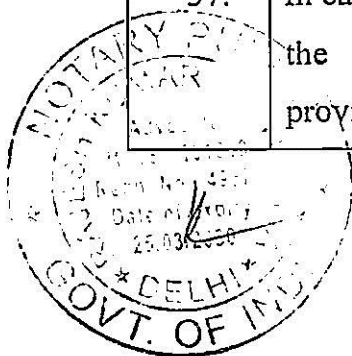


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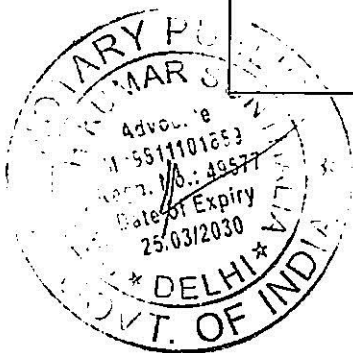
	National board for wild life under the provision of Wildlife (Protection) Act, 1972 shall be obtained before commencement of work.	
32.	If in future this lease area becomes part of cluster of equal to or more than 25 ha. then additional conditions based on the EIA shall be imposed. The lease holder shall 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.	That the EIA study of the lease area had been conducted. Till date there is no other lease falling within the 500m distance, therefore cluster situation is not formed till now.
33.	The Environmental Clearance will be co-terminus with the mining.	The lease is valid till 2026 and the said condition is being lease period/mining



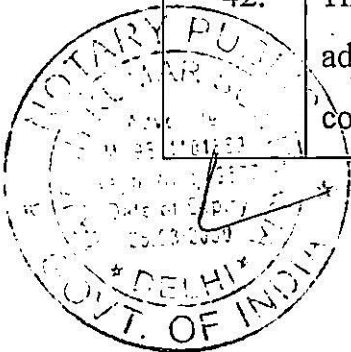
		plan whichever is less. implemented.
34.	Project falling within 10 KM area of Wild Life Sanctuary is to obtain a clearance from National Board Wild Life (NBWL) even if the ecosensitive zone is not earmarked.	That the project does not fall under 10 km area of wild life Sanctuary therefore it is not necessary to obtain any clearance from NBWL.
35.	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.	That the mining is being carried out as per approved mine plan and in accordance with the guidelines.
36.	Geo coordinates should be verified by Director, DGM/ District Magistrate/ Regional Mining Officer/ NHAI and should be submitted to SEIAA/SEAC, Secretariat as earliest.	That the Geo-coordinates of each pillar have been verified by DMO and the report has been submitted to SEIAA.
37.	In case it has been found that the E.C. obtained by providing incorrect	The said condition is duly being complied and there is no incorrect



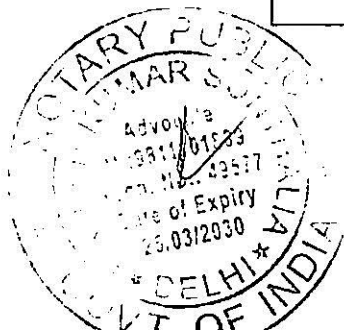
	information, submitting that the distance between the two adjoining mines is greater than 500mt. and area is less than 05 ha, but factually the distance is less than 500 mt and the mine is located in cluster of area equal or more than 05 ha, the E.C issued will stand revoked.	information give by the project proponent.
38.	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.	That the Replenishment study of pre monsoon and post monsoon season has been carried out and report of the same has been submitted to concerned authorities.
39.	The mining work will be open-cast It is manual opencast mining and manual/semi mechanized (subject to orders). Heavy machine such as excavator, scooper etc. should not be	No drilling/blasting should be involved at any stage. light weight excavator like Dozer etc. is being deployed for loading the mineral into



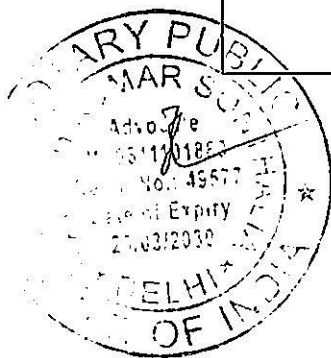
	employed for mining purpose.	trucks/dumpers for mineral stack yard.
40.	It shall be ensured that there shall be no mining of any type within 03 m or 10% of the width which-ever is less, shall be left on both the banks of precise area to control and avoid erosion of river bank.	The mining is confined to extraction of sand/morrum from the river bank only. That the mining operations have been restricted upto depth of 1m from river bed profile. That the 10% of total width of river had been kept in both sides of bank to avoid erosion of river bank.
41.	The project proponent shall under take adequate safeguard measures during extraction of river bank material and ensure that due to this activity the hydrogeological regime of the surrounding area shall not be affected.	That the hydro-geological study has been conducted as per SSMMG guideline 2016 and report has been submitted to the concerned authorities. As per the report surrounding areas are not affected.
42.	The project proponent shall adhere to mining in conformity to plan submitted	That the mining is being carried out with in mineable area i.e. 8.512ha



	for the mine lease condition 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 unworked (Non mining area), distance from the bridge etc. It shall be ensured that no mining shall be carried out during the monsoon season.	only out of 12.512ha & remaining area 4.0ha has been considered as non-mining zone. No bridge exists within 1 Km away from downstream. No mining has been carried out during the monsoon period.
43.	The project proponent shall ensure that wherever deployment of labour attracts the Mines Act, the provision thereof shall be strictly followed.	The provision of Mines Act has been strictly followed regarding deployment of labours within lease area.
44.	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	That all the workers employed in the mine are equipped with Personal Protective Equipment. Vocational training programme has been conducted for safety & health aspects of the workers. Medical camp

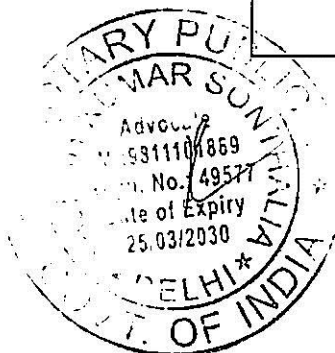


	project shall be carried out and records maintained. For the purpose, schedule of health examination of the workers should be drawn and followed accordingly.	has been organized by proponent for health check-up of workers.
45.	The critical parameters such as PM10, PM2.5, SO2 and NOx in the ambient air within the impact zone shall be monitored periodically. Further, quality of discharged water if any shall also be monitored [(TDS, DO, pH, Fecal Coliform and Total Suspended Solids (TSS)].	That the monitoring of Ambient air quality has been conducted in the impact zone and the parameter PM10, PM2.5, SO2, & NOX were found well with in permissible limits.
46.	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	That the sprinkling of water is being carried out regularly over haul road, loading & unloading points and all transfer points to suppress the air borne dust.

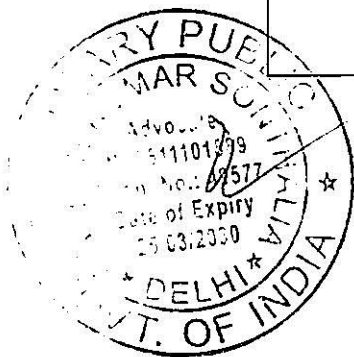


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	shall be carried out on haul roads.	
47.	It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.	That the sample of ambient air quality was taken to check the air quality and the report revealed that all parameters are well within permissible limits as prescribed by CPCB.
48.	The extended mining scheme will be submitted by the proponent before expiry of present mining.	That the Project Proponent has submitted scheme of mining with the concerned authority.
49.	Four ambient air quality monitoring stations should be established in the core zone as well as in the buffer zone for monitoring PM10, PM2.5, SO2 and NOx. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets	That the sampling of ambient air quality is being conducted from time to time during mining operation through third party keeping in view of geographical constraint of the mining site. It has revealed that all parameters are well within permissible limit.



	and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board.	
50.	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.	That the haulage road from lease area to link road has been properly maintained by proponent with its own expenditure & properly maintained.
51.	Proponent will provide adequate sanitary facility in the form of mobile toilets to the labours engaged for the project work.	That the Project Proponent has established adequate sanitary facility for the workers and other staff.
52.	Solid waste material viz., gutkha pouchs, plastic bags, glasses etc. to be generated during project activity will be separately storage in bins and managed as per Solid Waste Management rules.	That a dust bin has been provided within working area for collection of solid waste material.
53.	Green area/belt to be developed along haulage road in consultation of Gram Sabha/Panchayat.	That the Project Proponent has developed the green belt along the haulage road as per



(37)

		consultation with Panchayat and villagers.
54.	Natural/customary paths used by villagers should not be obstructed at any time by the activities proposed under the project.	That the Natural/customary path used for local villagers has not been obstructed during course of mining.
55.	Digital processing of the entire lease area in the district using Remote sensing technique should be done regularly once in three years for monitoring the change of river course by Directorate of Geology and Mining, Govt. of Uttar Pradesh. The record of such study to be maintained and report be submitted to Integrated Regional Office, MoEF&CC, GoI, Lucknow, SEIAA, U.P. and UPPCB.	This condition does not pertain to the answering Respondent.
56.	A copy of clearance letter will be marked to concerned Panchayat/local NGO, if any, from whom suggestion/representation	That a copy of EC has been circulated to concerned Panchayat/Local NGO.



	has been received while processing the proposal. The clearance letter shall also be put on the website of the company.	
57.	State Pollution Control Board shall display a copy of the clearance letter at the Regional Office, District Industry Centre and Collector's Office/Tehsildar's Office for 30 days.	This condition does not pertain to the answering Respondent.
58.	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	That the Project Proponent has made advertisement in two local newspapers that environmental clearance has been accorded at that point of time.



	Pollution Control Board and also at web site.	
59.	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.	This condition does not pertain to the answering Respondent.
60.	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.	The said condition is being complied.
61.	Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 11 of the National Environment	The said condition is being complied and followed.



	Appellate Authority Act, 1997.	
62.	Waste water from potable use be collected and reused for sprinkling.	That the waste water from portable use is collected in dump & used for sprinkling.
63.	During the school opening and closing time transportation of minerals will be restricted.	The proponent has developed haulage road to link road & no school comes in the periphery of transportation route.
64.	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	That the mining activities has been carried out as per approved plan. 10% of total width of river has been marked as "Restricted zone for Mining" & no mining & allied activities shall be undertaken with in restricted zone.

3. That the Project Proponent/Respondent No. 8 has all kinds of requisite permissions from the respective authorities such as, Consolidated Consent-to-Operate and Environmental Clearance in order to continue the mining activities.



(41)

4. That the Project Proponent further undertakes to use only GPS fitted vehicles for transportation of mined material and also submit weekly monitoring reports and copy of CCTV footage in pen drive to UPPCB and also file copies thereof before this Tribunal at least one day before the next date of hearing fixed.
5. That, in view of the above facts and circumstances of the case and the answering Respondent has a good case on merits and the Original Applicant has made bald allegation without any substantive proofs/evidence to substantiate their allegation hence, the present original Application may be disposed of in accordance with law and the mining of the answering Respondent may be resumed.
6. That the Mining Lease Holder shall implement a robust monitoring mechanism including:
 - i. Installation of CCTV cameras at mining sites with 360° visibility at the lease site,
 - ii. Use of GPS/RFID tracking for transportation vehicles,
 - iii. Installation of electronic weighbridges,
 - iv. Maintenance of digital records of extracted and transported material.



7. That all transport of mined material shall be accompanied by valid transit permits with security features and shall be traceable through IT-enabled systems.

PRAYER

In view of the categorical commitment to these stringent monitoring and enforcement protocols, it is most respectfully prayed that:

Project Proponent/ Mining Lease Holder/ Respondent No. 8 shall operate mining in accordance with law and there will be no justification for continuation of restraint.

राजेश सोन्थालिया

DEPONENT

VERIFICATION

I, the above-named deponent, do hereby verify that the contents of paragraphs 1 to 7 are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Verified at New Delhi on this 07th day of May, 2026.

07 MAY 2026

राजेश सोन्थालिया
DEPONENT

I hereby declare that the deponent who has signed this document is present.



RAJESH SONTHALIA
RAJESH KUMAR SONTHALIA, Advocate
SUPREME COURT OF INDIA
Email id: adv.rajesh_sonthalia@gmail.com
MOBILE NO. 9901101889

07/5/26



1628⁴³

Advance service of Affidavit/ Undertaking in the matter of Bittu Vs. State of UP and Ors.

1 message

VISHAL KUMAR YADAV <adv.vishalyadav.717@gmail.com>

Thu, 7 May 2026 at 12:00 pm

To: dmgha@nic.in, csup@nic.in, cp-pol.gz@up.gov.in, doeuplko@yahoo.com, banipanchayara@gmail.com <banipanchayara@gmail.com>, director@dgmup.org <director@dgmup.org>, minesofficergzb@gmail.com <minesofficergzb@gmail.com>, advvishalsingh98@gmail.com <advvishalsingh98@gmail.com>

Cc: Vallabhi Shukla <vallabhi.9@gmail.com>, singh_tavleen@yahoo.com

Respected Sir/Ma'am,

Please find attached herewith the advance service copy of the Affidavit/Undertaking filed on behalf of Respondent No. 8.

Regards,
Adv. Vishal Kumar Yadav



Bittu Affidavit.pdf

13.9 MB