

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**WESTERN ZONE BENCH, PUNE**

APPEAL NO. 01 TO 26/2026(WZ)

AND

APPEAL NO. 641/2025 (WZ)

[TAGGED WITH OTHER  
MATTERS]

**Shamshir Abdul Wahab Khan**  
**Sanjay Kushabrao Rehpade**  
**Abhishek Vikas Gondane**

... Appellant

--Versus--

**SEIAA & Others**

... Respondents

**COMMON AFFIDAVIT IN REPLY IN ALL THE**  
**APPEALS ON BEHALF OF M/S. ANOJ KUMAR**  
**AGARWALA (NEWLY ADDED RESPONDENT NO. )**

**INDEX ON NEXT PAGE**

Date	:	06/03/2026
Place	:	Pune
Filed by	:	



**Raghunath Mahabal रघुनाथ भालचंद्र महाबळ**

BE (Mechanical), ME (Industrial Management) VJTI Mumbai  
Chartered Engineer, Arbitrator, FIE - IIE; LLM - **ADVOCATE**

Flat No. A-101/201/202/203, B-201/202/203/302 Chandravijay,  
Mahatma Fule Road, Mulund East, Mumbai - 400081.

**Phone: +91-74-0011-6222 email: mahabal60@gmail.com**

A-2,3,4,5, Kakade Angan, Tanaji Nagar, Gawade Chowk, near Datt  
Digambar Mandir, Chinchwad gaon, Pune - 411033.

**INDEX**

<b>Sr</b>	<b>Ax.</b>	<b>Particulars</b>	<b>Page</b>
1		Application for Impleading as Respondent and Recall of Daily Order granting Interim Stay dated 05/02/2026	05
2		Vakalatnama	33
3	<b>A</b>	<b>05/01/2026</b> Letter of Intent	34
4	<b>B</b>	<b>13/01/2026</b> DMO Letter to SEIAA for Transfer of EC	41
5	<b>C</b>	<b>16/01/2026</b> Lease transfer deed between DMO Bhandara and Respondent	52
6	<b>D</b>	<b>20/01/2026</b> DMO Order	78
7	<b>E</b>	<b>07/01/2026</b> Transfer of EC letter from DMO Bhandara to Anoj Agarwala	112
8	<b>F</b>	<b>05/02/2026</b> DMO to tahsildar 2025–2026 Grant of environmental permission for sand mining at Mohadi in Tumsar Sub- Division	117

<b>Sr</b>	<b>Ax.</b>	<b>Particulars</b>	<b>Page</b>
9	<b>G</b>	<b>06/02/2026</b> DMO to Tahsildar Regarding handing over possession of sand/sand ghats to the tenderers who have received environmental clearance in Mohadi and Tumsar Talukas of Tumsar Subdivision for the auction year 2025-2026	122
10	<b>H</b>	<b>27/02/2026</b> Regarding removal/lifting of sand excavated from sand ghats in the year 2025–2026 up to 30/12/2025, and permission for its utilization at Tumsar / Mohadi	128
11	<b>I</b>	<b>05/02/2026</b> Hon’ble National Green Tribunal granted stay on mining through Collector Bhandara dated 05.02.2026 and 26.02.2026	136
12	<b>J</b>	<b>26/11/2021</b> SC Judgment in CA 595 of 2021 “Sai Baba Sales Pvt. Ltd. vs Union of India & Ors.”	157
13	<b>K</b>	<b>16/05/2025</b> SC Judgment in WPC 1394 of 2023 “Vanshakti vs Union of India”	163
14	<b>L</b>	<b>22/03/2024</b> NGT Judgment in OA 07 of 2022 (WZ) “Shashikant Vitthal Kamble vs MoEF&CC”	204

<b>Sr</b>	<b>Ax.</b>	<b>Particulars</b>	<b>Page</b>
15	<b>M</b>	<b>11/04/2023</b> NGT order in OA 144 of 2017 (WZ) “Umarshad Khan & Ors. vs. State of Maharashtra & Ors.”	236
16	<b>N</b>	<b>21/10/2022</b> SC Judgment in CA 2407-2412 of 2021 “U.P.Sate v/s Uday Education & Welfare Trust”	239
17	<b>O</b>	<b>22/08/2025</b> SC Judgment in CA. 8055/2022 “Union territory of J & K and Anr. v/s Raja Muzaffar Bhat & Ors”	314
18	<b>P</b>	<b>18/01/2022</b> SC Judgment in CA 3661-3662 of 2021 State of Bihar Vs Pawan Kumar	346
19	<b>Q</b>	<b>02/06/2025</b> NGT Judgment in OA 162/2024 “Pramod Khursange Vs District Collector Nagpur”	<b>354-378</b>

I, Tushar Ajitsaria, Proprietor of M/s. Anoj Kumar Agarwala, Aged 30 years, Occ. : Business, R/o. Shree Mangal, Plot No.159, Ramdaspath, Nagpur do hereby take oath and state on solemn affirmation as under :-

1. I say that, the respondent no.2 published e-auction notice for auction of sand ghats located in Bhandara District, for the year 2025-26, thereby inviting bids from the prospective bidders. This auction was held pursuant to Environment Clearance received for 99 sand ghats. The bids were invited on sub-division basis for all sand ghats located in such sub-division. In all, 99 sand ghats in three sub-divisions were put to auction i.e., Bhandara, Sakoli and Tumsar sub-divisions. As per the time-table, the auction was scheduled on 29.12.2025. Detail tender notice was also published along with the said e-auction notice thereby prescribing criteria for participating in the auction and other terms and conditions. The period for excavation is up to 09.06.2026. The said auction notice is at Annexure-16, page 537 of the memo of appeal.

2. I say that in the auction held on 29.12.2025, I was highest bidder in respect of Tumsar sub-division and thus Letter of Intent

dated 05.01.2026 was issued by the respondent no.3 in my favour. I was allotted 42 sand ghats of Tumsar sub-division and I am permitted to excavate 679129 brass sand. I was directed to deposit balance amounts within stipulated time. The copy of this Letter of Intent dated 05.01.2026 is filed herewith as Annexure – A. It is worth noting that inspite of the fact that auction process was completed on 30.12.2025, the Letter of Intent is issued on 05.01.2026 and not immediately. Therefore, I have deposited balance of 25% amount within 48 hours from issuance of Letter of Intent. I have deposited an amount of Rs.56,77,85,680/- being the bid amount; Rs.14,19,46,420/- as Security Deposit; Rs.1,13,55,714/- TCS; Rs.1,13,55,714/- Environment Bank Guarantee; Rs.2,10,000/- Ground Water Survey; Rs.3,66,72,960/- towards District Mineral Fund and Rs.11,35,571/- Stamp Duty.

3. I say that the respondent no.3 wrote to respondent no.1 on 13.01.2026 stating that Environment Clearance for sand ghats of Tumsar sub-division is granted in the name of respondent no.3. The respondent no.3 intimated about completion of auction process and finalization of bid in my favour and thus, requested

respondent no.1 to transfer the Environment Clearance in name of “M/s. Anoj Kumar Agarwala, Prop. Tushar Ajitsaria, Shree Mangal, Plot No.159, Ramdaspath, Nagpur - 440010”, in due compliance with clauses of sand policy 2025 so as to enable respondent no.3 to hand over possession of sand ghat to me. The application was submitted for transfer of Environment Clearance as per Clause No.11 of the EIA Notification 14.09.2006. As per requirement, the application was accompanied by required documents, i.e. request letter, undertaking and No Objection Certificate (NOC) of the earlier EC holder. The copy of this communication dated 13.01.2026 is filed herewith as **Annexure B**

4. I say that after I deposited all amounts, on 16.01.2026 the respondent no.3 executed agreement with me in respect of these 42 sand ghats of Tumsar sub-division. I am permitted to excavate 679129 brass sand from these sand ghats. As per clause 15 on page 8 of the agreement, no excavation is permitted from 10<sup>th</sup> June to 30<sup>th</sup> September. It is thus clear that whatever excavation has to be done, shall be done till 09.06.2026 only. The agreement also stipulates terms and conditions for excavation for 2025-2026. As

per condition no.5, excavation can be done from 06:00 am to 06:00 pm only. As per condition no.24, as per the Environment Clearance only manual excavation is permitted. With these conditions and other terms and conditions, agreement was executed with me, the copy of which is filed herewith as Annexure – C. I say that on 20.01.2026, the respondent no.2 issued approval order in my favour for the 42 sand ghats of Tumsar sub-division, the copy of which is filed herewith as Annexure – D.

5. I say that on 04.02.2026, the respondent no.1 transferred the Environment Clearance for these 42 sand ghats of Tumsar sub-division in my favour. Along with the letter of Environment Clearance transfer, the letter from SEIAA-Maharashtra was enclosed which has Table showing the list of all Environment Clearance, Ghats, etc. The copy of this Transferred Environment Clearance is filed herewith as Annexure – E. It is submitted that in view of this transfer of Environment Clearance, on 05.02.2026 the respondent no.3 wrote to Tahsildar, Tumsar / Mohadi and directed him to mark boundaries of sand ghats and hand over

possession to me. It is also stated that lessee has to start excavation within 7 days from handing over of possession. The copy of this communication dated 05.02.2026 is filed herewith as Annexure – F.

6. I say that all the above facts clearly demonstrate that the auction process and other formalities were successfully completed. At no point did the respondents intimate me about pendency of present proceedings before this Hon'ble Tribunal and since I was not party, I was not aware about the same. I say that it was not mentioned in the tender document OR in Letter of Intent that the appeals against the Environment Clearance are pending before this Hon'ble Tribunal. The respondents accepted all amount deposited by me, the respondent no.1 even transferred the Environment Clearance in my name and the respondent no.3 also directed handing over possession of sand ghats to me. Since everything was going on smoothly, though a little belatedly, there was no reason for me to doubt the respondents. However, fact remains that, the respondents malafide hid the fact of pendency of present matter before this Hon'ble Tribunal from me. On

06.02.2026, the respondent no.3 again wrote to Tahsildar, Tumsar / Mohadi and intimated about stay granted by this Hon'ble Tribunal on 05.02.2026 and thus directed Tahsildar not to permit any excavation from the sand ghats till further order. The copy of this communication dated 06.02.2026 is filed herewith as **Annexure – G**. I say that on 09.02.2026, the respondent no.3 again wrote to Tahsildar, Tumsar / Mohadi and Sub-Divisional Officer, Tumsar stating that there is no stay in respect of 8 sand ghats mentioned therein and thus directed to hand over possession of those 8 sand ghats. It is worth noting that on 26.02.2026, stay is granted in respect of these 8 sand ghats also. As such, I have not started excavation activities at all as possession of sand ghats is not handed over.

7. I say that on 27.02.2026, I wrote to the respondent no.2 and stated about the delay caused by the authorities in completing the formalities initially and also how the possession was never handed over due to stay granted by this Hon'ble Tribunal. I have stated that the present matter is filed since 18.12.2025 and inspite of this auction was conducted on 30.12.2025 without intimating the

participants about pendency of proceedings. The respondent no.2 also never intimated about hearing that took place on 05.01.2026 and continued further auction formalities without intimating me about the same. I have stated that it is not known whether stay will be vacated and considering that period for excavation is till 09.06.2026 only, I am losing substantial period due to no fault on my part. I have stated that it will be difficult to excavate 679129 brass sand manually till 09.06.2026. I thus requested respondent no.2 to obtain and grant extension of Environment Clearance so as to enable me to excavate complete allotted quantity of sand or in the alternate refund the entire amount deposited by me with interest. The copy of this representation dated 27.02.2026 is filed herewith as Annexure – H.

**8.** I say that when the auction was finalized in my favour and when the Environment Clearance was transferred, there was no status quo OR stay order OR any restraining order of any competent court OR Tribunal at that point of time. I was an innocent bonafide third-party transferee, for a fair bonafide transfer value, who acted in good faith, based on the formal

Environment Clearance documents and hence I should not suffer for alleged deficiencies in proceedings between the original parties in the appeals.

9. I say that I was not made party by the appellant or intimated about the appeal at the stage of hearing on 05.02.2026 when the auction was finalized on 05.01.2026 and Environment Clearance transferred on 04.02.2026. This information was in public domain and was also known to the appellant. However, the appellant also chose not to disclose this fact and took undue advantage of the same.

10. I say that during the course of hearing on 05.02.2026, when the stay order was passed, this Hon'ble Tribunal was made aware that Environment Clearance has been already transferred and third-party interest have been created on 04.02.2026. This is evident from the Daily Order 05.02.2026, Point No.2. As noted in this order itself, the appellant's learned advocate specifically complained that the Environment Clearance was being transferred, showing that they were fully aware. Yet they never sought to implead M/s. Anoj Kumar Agarwala OR the respective

beneficiaries / transferee of the Environment Clearance OR serve notice on them before seeking stay on the mining, without hearing the affected parties. The stay on mining was granted without hearing Environment Clearance Transferee. This conduct of the appellants, knowing about the transfer and staying silent about the identity of the actual Environment Clearance holder and obtaining the stay order on mining amounts to suppression of material facts before the Tribunal, which is a ground to recall the order and impose the penalty on the appellants.

**11.** I say that though at this point of time, I was not party before this Hon'ble Tribunal and even then, an order was passed by this Hon'ble Tribunal adversely affecting my rights and interests. The appellant and his counsel, in all fairness and as the Officer of the Court ought to have realized this fact and served notices upon the Environment Clearance Transferees, i.e. the current Environment Clearance Holders, including me.

**12.** I say that having taken judicial note of the fact that the Environment Clearance has been transferred to me, no stay ought to have been pressed by the learned Advocate of the Appellants,

without hearing me and without issuing the notice to me.

13. I say that I have deposited amounts as stated hereunder :-

Sr. No.	Head of Payment	Amount (in Rupees)	Payment Mode
1	Upfront 25% bid amount	14,19,46,420	Paid
2	Balance 75% bid amount	42,58,39,260	ICICI Bank Challan
3	Total bid value (1+2)	56,77,85,680	
4	Security Deposit (25%)	14,19,46,420	By Cheque No.000099 dated 16.01.2026
5	Income Tax TCS (2%)	1,13,55,714	Challan (TAN NGPD03489D)
6	Groundwater Survey Fee	2,10,000	Cheque (Dy. Director, GSDA, Nagpur)
7	DMF (10% royalty)	3,66,72,960	HDFC Bank (Bhandara)
8	Stamp Duty (0.2%)	11,35,571	Challan
	<b>Total (3 to 8)</b>	<b>75,91,06,345</b>	
9	Environment Fee (2%)	1,13,55,714	Bank Guarantee

14. I say that the excavation period available is from the date of transfer of EC on 04.02.2026 to 09.06.2026. I could not start excavation due to stay order granted on 05.02.2026 and due to non-receipt of possession from the respondents 2 & 3. The time now remaining as per the Environment Clearance conditions from the probable date of vacating stay by this Hon'ble Tribunal from 11.03.2026 will be very short.

15. I say that the DSR was displayed on the website for public comments for a period of one month. None of the appellants have objected to it OR raised the objection before any authority, at that point of time. As such the DSR including its contents have now reached finality. As such subsequent objections now, about the DSR are barred by limitation and can't be raised in these Appeals against the Environment Clearance. The preparation of DSR is the not the part of the process of considering and granting Environment Clearance. SEAC and SEIAA, even otherwise are not competent authorities to deliberate on DSR, and to approve, accept or reject it on merit. DSR is made by the District Mining Officer (DMO) and is not the subject of approval of SEAC and/or SEIAA, by authority or mandate under EIA Notification 2006.

16. I say that I had taken note of the sand available for excavation as per replenishment study and the applicable buffer limit of 2 m of bottom layer of sand to be kept. The DSR had clearly defined the Lat-Long area of the Ghat and volume of the sand available for excavation. I have accordingly quoted bid based on these quantities of available sand, only. My bid is for the

specific quantity of sand in cu.m (m<sup>3</sup>), at specific location and governed by the conditions of Environment Clearance over and above this, with additional rider of keeping the bottom sand buffer of 2 m layer at the bottom. As such conjoined reading of the tender volume, location and Environment Clearance shows that the environment is well taken care of.

17. I say that the sand level in the river can and would change only after the monsoon and thereafter if the river continues to flow with the enough force / flow to score the riverbed and bring the sand along with the flow of water.

- Pre-monsoon levels of sand measured sometime in June is reference level.
- After monsoon, once the replenishment is done with the monsoon flow, sometime in October will indicate the volume, location of accumulated sand available after replenishment excavation.

18. I say that even if the monsoon prolongs and/or river water brings additional sand thereafter by way of additional

replenishment, the same level of accumulated sand will increase but will not decrease. More sand would be available in riverbed, than what has been measured earlier. Even if this additional replenished sand which is added to the sand-ghat is not measured, it will leave the sand in the riverbed, unexcavated, as it is. This can be at the most loss of revenue to Government but not loss or harm to environment in anyway. This will result in under excavation and not over excavation.

19. I say that the issues involved in the matter are :-

i. Whether the rivers, water flow in rivers and sand replenishment pattern in rivers in Jammu & Kashmir area is similar to that of rivers in Maharashtra, so as to apply the same judgement as it is when the facts on site are entirely different? [SC Civil Appeal No. 8055/2022 Union territory of J & K and Anr. v/s Raja Muzaffar Bhat & Ors. Judgement dated 22/08/2025]

**Annexure – O**

ii. Whether the above Judgement dated 22<sup>nd</sup> August 2025 was known and applicable in Maharashtra when the DSR for the year

2024-2025 and 2025-2026 was prepared?

iii. Whether the EC granted based on these two – pre-monsoon and post-monsoon - levels measured can substantially vitiate the EC by disproportionately allowing over excavation of sand and cause any harm to environment?

20. I say that the lease period as per GoM policy is only of one year (and excavation period from 1<sup>st</sup> October to 9<sup>th</sup> June – which is total about 251 days). Thereafter, again next DSR has to be prepared with fresh replenishment study by measuring the pre-monsoon and post monsoon sand levels, and determining the sand available for excavation, for the next season, if the same ghat is selected or proposed for the next year.

21. In the present cases, all these sand-ghats were fresh green sand ghats, considering the Latitude and Longitude coordinates.

**As such there was no excavation on these sand ghats till date.**

As such there was no determination of depletion in sand level and accumulated sand due to earlier excavation in the past. As such any additional measurement of sand levels would have been a

futile exercise. It would not have helped the environment in any way.

**22.** In any case, I (EC Transferee) was entitled to excavate sand only in the allocated Lat-Long demarcated area, volume as specified in the EC and that too by keeping the bottom buffer level of 2 m of sand in the riverbed.

**23.** I say that reconciling all these facts put together, they all adequately protect the environment. The risk is to the Government if more sand is accumulated/left in the sand-ghat, by way of loss of revenue by way of royalty will be to the Collector Bhandara. There is no possibility of adverse effect on environment even if there is any error in estimation of available sand at ghat.

**24.** In other states and particularly where the SC Judgement is referred,

1. The DSR is prepared for 5 years period.
2. The Mining Lease period is from 5 to 30 years.
3. Rivers are perennial and continue to get water flow from monsoon and substantial force by melting of snow after

monsoon

**25.** These are major distinguishing facts of the case referred, i.e. SC Civil Appeal No. 8055/2022 Union territory of J & K and Anr. v/s Raja Muzaffar Bhat & Ors. Judgement dated 22/08/2025. The Judgement is considering the rivers and rigorous water flow even in post-monsoon period, in Jammu & Kashmir area which have totally different water flow, period of monsoon, prolonged monsoon, flow from melting of snow and sand replenishment pattern due to highly sloping loose soil terrain. These differentiating points of merit are well known to the Expert Members of SEAC-1. One of the Hon'ble Member of the SEAC-1 is the former Chief Engineer of Irrigation Department, Govt. of Maharashtra, who knows these basic differentiating facts.

**26.** In contrast to DSR in J & K, the DSR is done each year in Maharashtra. Lease period is also for 1 year and that too limited to excavation period specified. The level of sand deposits in north India is as high as 20-30 m and as such it is difficult to reach the riverbed rock level for measuring accumulated sand levels. As such other theoretical methods and studies are required, as

alternatives for “estimation”.

27. In Maharashtra, each year, sand replenishment is hardly 2-3 meters. So, direct in-situ actual auger boring method and measurement is possible. When actual measurement is possible and done, then there is no relevance of “theoretical study or estimation”. Estimate can’t be substitute to “actual” measurements, which are direct, accurate and most reliable. Therefore, auger boring method is a commonly used, cost-effective technique for investigating soil profiles, particularly for identifying sand layers, determining their depth, and assessing groundwater levels. It was done in cases of these sand ghats and hence Respondent is surer about the volumes mentioned in the tender documents, which were based on the “actual measurements”.

28. As such the MoEFCC’s *generic* Guidelines and OM will have to be applied with technical caution, without adversely affecting the interest of environment.

29. The Judgement referred is a case specific and hence the

ratio would be applicable only in similar facts of the case, site conditions and terrain.

**30.** I say that that these Appeals are in no way filed in the interest of environment but to delay the formalization of the award of sand excavation tender so that this valuable natural resource is free for exploitation by the sand mafia.

**31.** In the entire set of appeal, there is no pleading as to how the deficiency if any, has caused any harm to environment OR has potency to cause harm to environment. Appellants nowhere plead and have shown how the sand at the ghats can be lesser than what has been actually measured and hence it would result in over-excavation resulting in the damage to environment.

**32.** I say that the appellant never objected when the tender was advertised on 10.12.2025. It is only when the tender was awarded to unfavourable party that these appeals have been filed.

**33.** I say that the Environment Clearance was validly transferred under Clause 11 of EIA Notification 2006 before any stay existed; I am a bona fide transferee for value; the underlying

challenge to the DSR is disputed on merits.

34. As stated earlier, I have paid Rs.75,91,06,345/- to the Collector. The mining season in Maharashtra closes on 09.06.2026 and a stay or formal legitimate award of mining lease effectively destroys the entire mining season; if the Environment Clearance is ultimately upheld, no compensation can restore lost mining days. Considering all above, Hon'ble Tribunal may decide on the grant of Environment Clearance in future with DSR and replenishment study.

35. However, considering the various legal precedence's stated below from various Judgements, should protect the Environment Clearance that have been bonafidely transferred for consideration value paid to the Government of Maharashtra through the Collector Bhandara.

## **LEGAL PRECEDENCE**

**SC CA 595/2021 dated 2021-11-26**

**Sai Baba Sales Pvt. Ltd.**

36. The Hon'ble Supreme Court while considering the effect

of subsequent invalidation of environmental regime categorically protected activities undertaken pursuant to Environmental Clearance granted by the competent authority. The Hon'ble Court upheld protection granted by NGT and observed: **Annexure – J, Point No. 19.**

*“Considering the above circumstances, the NGT rightly protected the already erected buildings and this protection in our view, should not be impacted by the earlier judgment of the NGT on 8.12.2017 in the OA No. 677/2016 whereby certain portions of the MoEFCC's 9.12.2016 notification were invalidated and direction was issued to the Ministry to revisit the said notification. Importantly, neither the NGT's invalidation order nor the subsequent clarifications by the State of Maharashtra, have suggested any adverse action against the pre-existing structures.”*

37. Further, the Hon'ble Court ruled that a Project Proponent cannot be expected to suffer consequences due to later legal developments and held: **Annexure – J, Point No. 25.**

*“A Project Proponent is not expected to anticipate the changes in EC regimes, especially as a result of judicial interventions, and keep revisiting the sanctioned*

*clearances by the competent authority or even raze down validly constructed structures.”*

38. Thus, the Supreme Court clearly settled that existing EC-based activity must be protected and regulatory compliance may apply only to future operations.

39. Applying the Doctrine of Legitimate Expectation, the Hon’ble Supreme Court emphasized certainty in environmental governance and held: **Annexure – J, Point No. 20.**

*“The Project Proponent can legitimately expect a certain degree of stability in the manner in which environmental regime is set and how the applications are processed.”*

40. The Court further clarified that investments made relying upon granted EC cannot be retrospectively jeopardized and observed: **Annexure – J, Point No. 24.**

*“They cannot be pushed to a precipice and be made to fall. Doing so would be inequitable particularly when, the appellant has scrupulously adhered to the applicable legal framework during the concerned period.”*

41. Accordingly, once EC is granted and acted upon,

authorities must regulate prospectively rather than suspend or invalidate the existing clearance.

**SC CA 1394/2023 dated 16/05/2025**

**Vanshakti vs Union of India**

42. While reiterating the importance of Environmental Clearance, the Hon'ble Supreme Court clarified the temporal operation of EC and held: **Annexure – K, Point No. 17**

*“We make it clear that an EC will come into force not earlier than the date of its grant.”*

43. The Court emphasized that environmental regulation operates within defined legal timelines and cannot retrospectively unsettle permissions already granted under law, thereby reinforcing that environmental compliance mechanisms operate prospectively and not by invalidating existing clearances already acted upon.

**NGT OA 07/20222 (WZ) dated 22/03/2024**

**Shashikant Vitthal Kamble vs MoEF&CC**

44. In this matter, even where appraisal concerns and alleged

violations were examined, the Hon'ble NGT did not annul the Environmental Clearance but instead directed statutory regulatory action and appraisal under Environmental laws. The Tribunal while directing appraisal and compliance measures. held that:

**Annexure – J, Point No. 40.**

*“action may be taken against the PP by the respective State Pollution Control Board under the provisions of Section 19 of the Environment (Protection) Act, 1986;”*

45. The approach adopted by the Hon'ble Tribunal demonstrates that deficiencies or procedural issues invite corrective regulation and not suspension of already granted EC.

**NGT OA 144/2017 (WZ) dated 11/04/2023**

**Umarshad Khan Vs State of Maharashtra**

46. This case, heard before the National Green Tribunal (NGT), Western Zone Bench, Pune, involves allegations of environmental non-compliance in a large-scale redevelopment project located in Kolkalyan, Kalina, Santacruz (East), Mumbai. The Tribunal has explicitly noted that; **Annexure – M, Point No.**

**03**

*it has not granted any stay on the existing proceedings or the developer's applications.*

47. The Tribunal has noted that it has not granted any stay on the existing proceedings or the developer's applications.

48. Because there is no stay, the NGT directed the SEIAA to process the developer's pending applications for EC extension and expansion on their own merits, regardless of the ongoing litigation.

49. The cases in all above matters were pending before Hon'ble Tribunal. However, Hon'ble Tribunal clarified that the statutory authority could perform their statutory duty.

50. There are many cases before Hon'ble Tribunal under consideration. However, stay or status quo unless specifically given, can't be read by the statutory authorities. Government or statutory authorities can't operate in vacuum OR stop to perform their duties.

51. In this present case, in the tender published in the newspapers for auction of sand ghats there was no mention of pending litigation before Hon'ble National Green Tribunal.

2022 LiveLaw (SC) 868 dated 2022-10-21  
U.P.Sate v/s Uday Education & Welfare Trust

52. In the above matter, the Hon'ble Supreme Court held that;

**Annexure – N, Point No. 102**

*The Courts should not enter into an area that is the domain of the experts. FSI, an expert body, had arrived at its estimation based on the scientific method – NGT could not have sat in appeal over the opinion of the expert - While protecting the environment, the need for sustainable development has also to be taken into consideration and a proper balance between the two has to be struck - NGT has also failed to take into consideration the stand taken by the MOEFCC, which supported the stand of the State which had emphasized many advantages of granting new licenses to WBIs - While setting aside NGT orders, the following directions are issued (1) while granting permission for felling trees of the prohibited species, it should strictly ensure that the permission is granted only when the conditions specified in the Notification dated 7<sup>th</sup> January 2020 are satisfied.*

53. It is relevant to note that an Hon'ble Member of SEAC-1 is ex-Chief Engineer of Irrigation Department, Maharashtra and is

fully aware of the rivers in Maharashtra.

54. In view of the facts and circumstances mentioned above, I most respectfully pray that this Hon'ble Tribunal may be pleased to dismiss the appeal and lift the stay granted on excavation of sand.

Place: Pune

Date: 06/03/2026

Ms. ANOJ KUMAR AGARWALA  
Anshu Ajitsaria.  
PARTNER

Respondent

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

M/s. ANOJ KUMAR AGARWALA  
Tushar Ajitsaria.  
PARTNER

Date : 06/03/2026  
Place : Pune

RESPONDENT

VERIFICATION AND AFFIDAVIT

I, Tushar Ajitsaria, Proprietor of M/s. Anoj Kumar Agarwala, have read the facts and verified it. I have not suppressed any relevant facts. I am submitting this on affirmation and oath.

M/s. ANOJ KUMAR AGARWALA  
Tushar Ajitsaria.  
PARTNER

Date : 06/03/2026  
Place : Pune

RESPONDENT

Identified by Advocate



Before me.

Date : 07.03.2026

**TO WHOM SO EVER IT MAY CONCERN**

I, Tushar Ajitsaria, Partner of M/s. Anoj Kumar Agarwala, Aged 30 years, Occ. : Business, R/o. Shree Mangal, Plot No.159, Ramdaspath, Nagpur do hereby authorise Shri. Vinod Singh to take all necessary steps in connection with the Impugned order dated 5.02.2026 passed by Hon'ble National Green Tribunal, Pune in Appeal No. 641 of 2025 (WZ) and connected appeals in respect of 42 Sand Ghats of Tumsar Sub Division of Bhandara District and prosecute the said appeal for and my behalf. I also authorise him to :

Sign, swear and verify all necessary affidavits, vakalatnama, pleadings, applications and all other documents required to be filed in respect of said 42 appeal, to engage counsel and to do all such acts and deeds which are necessary.

M/s. ANOJ KUMAR AGARWALA  
*Tushar Ajitsaria*  
PARTNER

Tushar Ajitsaria,  
Partner  
M/s. Anoj Kumar Agarwala

1518

BEFORE THE HONOURABLE  
**NATIONAL GREEN TRIBUNAL**  
**WESTERN ZONE BENCH, PUNE**

**APPLICATION / APPEAL NO.01-26/ 2026 (WZ)**

AND ANY OTHER IA/MA/CAVETA RELATED TO THIS

**VAKALATNAMA**

BETWEEN

**Shamshir Abdul Wahab Khan  
Sanjay Kushabrao Rehpade  
Abhishek Vikas Gondane**

..... **Appellant**

VERSUS

**SEIAA - MAHARASHTRA**

.....**Respondent/s**

We hereby appoint the following Advocate/s to represent us before any statutory Authority, Board, Tribunal, Court and sign wherever required in relation to this in good faith, on our behalf.

**Raghunath Mahabal रघुनाथ भालचंद्र महाबळ**

BE (Mechanical), ME (Industrial Management) VJTI Mumbai  
Chartered Engineer, Arbitrator, FIE - IIE; LLM - **ADVOCATE**

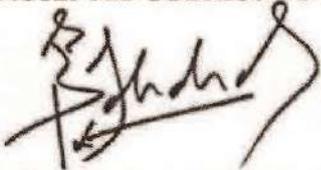
Flat No. A-101/201/202/203, B-201/202/203/302 Chandravijay,  
Mahatma Fule Road, Mulund East, Mumbai - 400081.

**Phone: +91-74-0011-6222 email: mahabal60@gmail.com**

A-2,3,4,5, Kakade Angan, Tanaji Nagar, Gawade Chowk, near Datt  
Digambar Mandir, Chinchwad gaon, Pune - 411033.

*along with other Advocates that would be appointed by him.*

ACCEPTED SUBJECT TO PAYMENT OF FEES.



Adv. Raghunath Mahabal Roll No.MAH/349/2012

Ms. ANOJ KUMAR AGARWALA

Rusha Ajitsania  
PARTNER

Date : **27/02/2026**

Place : Nagpur

**Applicant/ Apellant/ Respondent No. \_\_\_\_\_**



महाराष्ट्र शासन  
जिल्हाधिकारी भंडारा यांचे कार्यालय  
(खनिकर्म शाखा)

ANNEXURE: R-7/1.

Email ID : dmobhandara123@gmail.com

क्र.आसन-14/खनिज/अका/कावि- 08 /2026

दिनांक :- 05 / 01/2026

हेतुपत्र-(LOI)

प्रति,

मे. अनोज कुमार अगरवाला,  
प्रो. प्रा. तुषार अजितसरीया,  
श्री मंगल प्लॉट नं. 159 रामदासपेठ,  
नागपुर- 440010  
(anojagarwala@rediffmail.com)

विषय :- रेती / वाळू घाट लिलाव सन 2025 -2026

ऑनलाईन लिलावा अंतर्गत सर्वोच्च बोलीधारकास रेती घाट मंजूरीची कार्यवाही बाबत.

- संदर्भ :- 1) वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दिनांक 08/04/2025.  
2) वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दिनांक 09/10/2025.  
3) मा. SEIAA (पर्यावरण विभाग, महाराष्ट्र) यांचे दिनांक 7/12/2025 व 8/12/2025 च्या सभेच्या इतिवृत्ताद्वारे प्राप्त पर्यावरण अनुमती.  
4) रेतीघाट ई-निविदा व ई-लिलाव दिनांक 30/12/2025

उपरोक्त विषयान्वये आपणास कळविण्यात येते की, जिल्हाधिकारी कार्यालय, भंडारा मार्फत आयोजित सन 2025-26 अंतर्गत रेती / वाळू घाटाचे उपविभागनिहाय ऑनलाईन लिलाव दिनांक 30/12/2025 रोजी पूर्ण करण्यात आले असून सदर लिलावात आपण तुमसर उपविभागकरीता सर्वोच्च देकारधारक असल्यामुळे आपणास रेतीघाट मंजूरीच्या दृष्टीने शासकीय रकमेचा भरणा करण्यास कळविण्यात येत आहे.

आपणास लिलावाच्या अटी व शर्तीनुसार सर्वोच्च बोलीच्या 25% फरकाची रक्कम लिलावाच्या मंजूरी दिनांकापासून 48 तासांच्या आत (सुट्टीचे दिवस वगळून) भरणा करावयाचे अनिवार्य आहे. सबब 25% टक्के फरकाची रक्कम 48 तासांचे आत भरणा करावा.

याअगोदर आपण सदर उपविभागातील वाळूघाटांकरीता निविदेसोबत भरावयाची इसारा रक्कम 25% रक्कम (100% च्या 90% चे 25 %) रुपये 9,16,82,400/- रक्कम भरलेली असून लिलावाच्या अटी व

शर्तानुसार सर्वोच्च बोलीच्या (56,77,85,680/-) 25% फरकाची रक्कम रुपये 5,02,64,020/- लिलावाच्या दिनांकापासून 48 तासांच्या आत भरणा करावयाचे अनिवार्य आहे.

तसेच सदर रेतीघाट मंजूरीच्या अनुषंगाने व रेतीघाटाचा करारनामा करण्याचे दृष्टीने आपण खालील उर्वरित 75% रक्कम व इतर करांची रक्कम तातडीने शासन जमा करावे, जेणेकरून आपणास रेतीघाट मंजूरी आदेश निर्गमित करणे व करारनामा करणे सोईचे होईल.

आपणास असेही कळविण्यात येते की, मंजूर रेतीघाटाचा ताबा देण्याचे दृष्टीने संबंधीत तहसिलदार यांच्याशी संपर्क साधावा जेणेकरून ताबा देण्याची कार्यवाही पूर्ण करता येईल.

अ.क्र.	भरणा करावाच्या रकमेचे विवरण	रक्कम	शेरा
1	रेतीघाटाच्या लिलावाच्या सर्वोच्च बोलीच्या 25% फरकाची रक्कम	5,02,64,020/-	ICICI A/c No. 049505001250 IFSC Code – ICIC0000495
2	रेतीघाटाच्या लिलावाच्या सर्वोच्च बोलीच्या किमतीच्या 75% रक्कम	42,58,39,260/-	ICICI A/c No. 049505001250 IFSC Code - ICIC0000495
3	अनामत रक्कम (रेतीघाटाच्या लिलावाच्या बोलीच्या रक्कमेच्या 25%)	14,19,46,420/-	(चलानद्वारे)
4	आयकर TCS (लिलावाच्या सर्वोच्च बोलीच्या 2%)	1,13,55,714/-	(चलानद्वारे TAN No. NGPD03489D)
5	पर्यावरण शुल्क (लिलावाच्या सर्वोच्च बोलीच्या 2%)	1,13,55,714/-	(बँक गॅरंटी)
6	भुजल सर्वेक्षण शुल्क (प्रति घाट 5000 रू.)	2,10,000/-	धनादेश (उपसंचालक, भुजल सर्वेक्षण आणि विकास यंत्रणा, नागपुर)
7	जिल्हा खनिज प्रतिष्ठान निधी - (स्वामीत्वधनाच्या रक्कमेच्या 10%)	3,66,72,960/-	HDFC Bank Bhandara येथील खाते क्र. 50200111442907, IFSC Code:- HDFC0002500
8	मुद्रांक शुल्क - (लिलावाच्या सर्वोच्च बोलीच्या 0.2%)	11,35,571/-	(चलानद्वारे)
9	EMP& CER Cost	The financial provision/budget reserved for the EMP and CER should be utilized for the activities mentioned in EMP and CER Plan of the District. The submission of implementation It is mandatory to submit half yearly compliances	

	<p>as per EIA notification 2006 for the terms and condition as mention in EC and Mining Plan to the competent authority.</p> <p>Failure in implementation of EMP and CER will lead to recovery of the same amount from Security Deposit.</p>
--	--

- शासनाने वेळोवेळी लागू केलेले शुल्क भरणे अनिवार्य राहिल.

उपरोक्त रकमेचा भरणा करण्याकरीता तसेच आपणास मंजूर करावयाच्या रेतीघाटाच्या सिमांकन करावयाच्या दृष्टीने सदर पत्र देण्यात येत आहे. उपरोक्त रकमेचा भरणा झाल्यानंतर आपणास प्रस्तावित रेती घाटाचे मंजूरी आदेश निर्गमित करण्यात येईल.

(मा. जिल्हाधिकारी यांचेकडून का. टी. मंजूर)



प्रतिलिपी :-

1. उपविभागीय अधिकारी, तुमसर वॉनम माहितीकरीता अग्रेषित.
2. तहसिलदार तुमसर / मोहाडी यांना माहिती व उचित कार्यवाहीस्तव अग्रेषित.

(सचिन गाढवे)

जिल्हा खनिकर्म अधिकारी,  
भंडारा

Signature valid

Digitally signed by OMDI B GADHAVE  
Date: 2026.01.05 16:21:11 IST  
Location: Maharashtra MH



Scanned with OKEN Scanner

# 1522

## English Translation of Ax. A

Office of the District Collector,  
Bhandara (Mining Branch)

Email ID: [dmobhandara123@gmail.com](mailto:dmobhandara123@gmail.com)

---

**No.:** Aasan-14/Mining/Aka/Kavi- 08 /2026 **Date:**  
05/01/2026

### Letter of Intent (LOI)

**To,**

M/s Manoj Kumar Agarwala,  
Proprietor: Tushar Ajitsaria,  
Shree Mangal Plot No. 159, Ramdaspath,  
Nagpur - 440010 (anojagarwala@rediffmail.com)

**Subject** : Regarding the process of approving sand ghat (sand bank) to the highest bidder under the online auction for the year 2025-2026

**References** : 1. Sand/Gravel Mining Policy-2025, Government Decision No. Gokhani 10/0125/Pr.Kr.05/Kha-1, dated 08/04/2025.  
2. Sand/Gravel Mining Policy-2025, Government Decision No. Gokhani 10/0125/Pr.Kr.05/Kha-1, dated 09/10/2025.  
3. Environmental clearance received via the minutes of the meeting of Hon. SEIAA (Environment Dept., Maharashtra) dated 07/12/2025 and 08/12/2025.  
4. Sand Ghat e-Tender and e-Auction dated 30/12/2025.

With reference to the above subject, you are hereby informed that the subdivision-wise online auction of sand/gravel ghats for the year 2025-26, organized through the District Collector's Office, Bhandara, was completed on 30/12/2025. Since you are the **highest bidder** for the **Tumsar subdivision** in the said auction, you are being notified to deposit the

official government amount for the approval of the sand ghat.

In accordance with the terms and conditions of the auction, it is mandatory to deposit **25% of the differential amount** of the highest bid within **48 hours** (excluding holidays) from the date of auction approval. Therefore, the 25% differential amount must be paid within 48 hours.

Previously, for the sand ghats in this sub-division, you have deposited an earnest money amount of **25%** along with the tender, which is **₹9,16,82,400/-** (calculated as 25% of 90% of 100%).

As per the terms and conditions of the auction, it is mandatory to deposit the difference amount of **₹5,02,64,020/-**, which represents **25%** of the highest bid (**₹56,77,85,680/-**), within **48 hours** from the date of the auction.

Furthermore, in connection with the approval of the said sand ghat and for the purpose of executing the sand ghat agreement, you should immediately deposit the remaining **75% amount** and other taxes with the Government. This will facilitate the issuance of the sand ghat approval order and the execution of the agreement.

You are also informed that, for taking possession of the approved sand ghat, you should contact the concerned **Tehsildar** so that the process of handing over possession can be completed.

<b>Sr. No .</b>	<b>Description of Amount to be Paid</b>	<b>Amount (₹)</b>	<b>Remarks</b>
<b>1</b>	25% difference of the highest bid amount	5,02,64,020/ -	ICICI A/c No. 049505001250

	for the sand ghat auction.		IFSC: ICIC0000495
<b>2</b>	75% of the total highest bid value of the sand ghat auction.	42,58,39,260 /-	ICICI A/c No. 049505001250  IFSC: ICIC0000495
<b>3</b>	Security Deposit (25% of the sand ghat auction bid amount).	14,19,46,420 /-	(Via Challan)
<b>4</b>	Income Tax TCS (2% of the highest bid).	1,13,55,714/ -	(Via Challan) TAN No. NGPD03489D
<b>5</b>	Environmental Fee (2% of the highest bid).	1,13,55,714/ -	(Bank Guarantee)
<b>6</b>	Groundwater Survey Fee (₹5,000 per ghat).	2,10,000/-	Cheque (To: Dy. Director, Groundwater Survey & Devp. Agency, Nagpur)
<b>7</b>	District Mineral Foundation (DMF) Fund (10% of the Royalty amount).	3,66,72,960/ -	HDFC Bank Bhandara  A/c: 502001114429 07

			IFSC: HDFC0002500
<b>8</b>	Stamp Duty (0.2% of the highest bid).	11,35,571/-	(Via Challan)
<b>9</b>	EMP& CER Cost	The financial provision/budget reserved for the EMP and CER should be utilized for the activities mentioned in EMP and CER Plan of the District. The submission of implementation It is mandatory to submit half yearly compliances as per EIA notification 2006 for the terms and condition as mention in EC and Mining Plan to the competent authority. Failure in implementation of EMP and CER will lead to recovery of the same amount from Security Deposit.	

- It shall be mandatory to pay the fees applicable by the government from time to time.
- This letter is being issued for the purpose of making the payment of the aforementioned amount and for the demarcation of the sand ghat (sand bank) to be approved for you.
- After the payment of the aforementioned amount is made, the approval order for the proposed sand ghat will be issued to you.

**(Approved by Hon. District Collector)**

**Signed, (Sachin Wadhava)**  
District Mining Officer, Bhandara



महाराष्ट्र शासन  
जिल्हाधिकारी भंडारा यांचे कार्यालय  
(खनिकर्म शाखा)

ANNEXURE:-R-7/2.

Email ID : dmobhandara123@gmail.com

क्र.आसन-14/खनिज/अका/कावि- 28 /2026

दिनांक :- 13 / 11 / 2026

प्रति,

मा. सदस्य सचिव,  
राज्यस्तरीय पर्यावरण आघात मुल्यांकन प्राधिकरण (SEIAA),  
मुंबई-

विषय:- पर्यावरण अनुमती (EC) हस्तांतरणाबाबत.

रेती / वाळूघाट लिलाव सन 2025-2026 अंतर्गत भंडारा जिल्ह्यातील वाळू / रेतीघाट ई-लिलावातील सर्वोच्च बोलीनुसार मान्य करण्यात आलेले निविदाधारकास पर्यावरण अनुमती (EC) हस्तांतरीत करणेबाबत.

- संदर्भ:- 1) वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दिनांक 08/04/2025.  
2) वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दिनांक 09/10/2025.  
3) मा. SEIAA (पर्यावरण विभाग, महाराष्ट्र) यांचे दिनांक 7/12/2025 व 8/12/2025 च्या सभेच्या इतिवृत्ताद्वारे प्राप्त पर्यावरण अनुमती.  
4) रेतीघाट ई-निविदा व ई-लिलाव दिनांक 30/12/2025

महोदय,

उपरोक्त विषयाचे अनुषंगाने सादर करण्यात येते की, राज्यस्तरीय पर्यावरण आघात मुल्यांकन प्राधिकरण (SEIAA) यांचे संदर्भ क्र. 3 अन्वये प्राप्त पत्रानुसार तुमसर उपविभागातील वाळूघाटांबाबत पर्यावरण मंजूरी (Environment Clearance) प्रकल्प प्रस्तावक तथा जिल्हा खनिकर्म अधिकारी, भंडारा यांचे नावाने प्राप्त झालेली आहे.

संदर्भिय शासन निर्णय क्र. 1 मधील तरतुदीनुसार भंडारा जिल्ह्यातील तुमसर उपविभागामधील वाळूघाटांचा महाटॅंडर या ऑनलाईन प्रणालीद्वारे लिलाव पार पडलेला आहे. सदर वाळूघाट निविदा प्रक्रीयेनुसार निविदाधारक मे. अनोज कुमार अगरवाला, प्रो. प्रा. तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेठ, नागपुर- 440010 यांची सर्वोच्च बोली स्विकारण्यात आलेली असून खालील नमुद वाळूघाट त्यांना मान्य करण्यात आलेले आहे. तुमसर उपविभागामधील वाळूघाटाचा तपशिल खालील प्रमाणे आहे:-

अ.क्र	तासुका	रेतीघाटाचे नाव	नदीचे नाव	रेतीघाट लगतचे गट क्र.	वाळूघाटाची लांबी X रुंदी X खोली	आराजी (रे. आर.)	उत्थान योग्य रेतीचे परिमाण (म्रास)	पर्यावरण अनुमती प्राप्त दिनांक
1	मोहाडी	ढिवरवाडा 1	वैनगंगा नदी	430 A, 431,432,433,434, 435	480x100x1.6	4.8	27138	<p>मा. SEIAA (पर्यावरण विभाग,महा राष्ट्र) यांचे दिनांक 7/12/2025 व 8/12/2025 च्या सभेच्या इतिवृत्ताच्या रे प्राप्त पर्यावरण अनुमती</p>
2	मोहाडी	मुंढरी खु.	वैनगंगा नदी	440, 439, 438, 437, 436, 431, 404, 403, 402	350x120x1.7	4.2	25230	
3	मोहाडी	मुंढरी बु.	वैनगंगा नदी	1, 468	470x100x1.6	4.7	26572	
4	मोहाडी	कान्हळगाव	वैनगंगा नदी	6, 381, 375, 376, 374	600x70x1.5	4.2	22261	
5	मोहाडी	देव्हाडा खु.	वैनगंगा नदी	31, 32, 25, 24, 310	132x107x1.2	1.41	5989	
6	मोहाडी	निलज खु.	वैनगंगा नदी	220, 221	450x85x1.5	3.91	20724	
7	मोहाडी	मोहगाव देवी	सुर नदी	319, 320, 321	210x53x0.5	1.11	1966	
8	मोहाडी	बेटाळा दक्षिण	वैनगंगा नदी	952, 1035,1036, 1037, 1040	300x160x1.6	4.8	27138	
9	मोहाडी	बेटाळा उत्तर	वैनगंगा नदी	949, 887	400x120x1.6	4.8	27138	
10	मोहाडी	निलज बु. 1	वैनगंगा नदी	417, 416, 415, 414, 413, 410, 409, 408	245x200x1.5	4.9	25972	
11	मोहाडी	निलज बु. 2	वैनगंगा नदी	42, 429, 428	400x120x1.6	4.8	27138	
12	मोहाडी	बेटाळा (घाटकुरडा)	वैनगंगा नदी	160, 161, 171	300x160x1.6	4.8	25442	
13	तुमसर	चिखली 1	वावनथडी नदी	515, 514. 513	350x30x1.3	1.05	4823	
14	तुमसर	चिखली 2	वावनथडी नदी	489	300x40x1.2	1.2	5088	
15	तुमसर	डोंगरी बु.1	वावनथडी नदी	220, 221, 858, 957, 490, 171, 178, 170, 865, 177, 166, 164, 167, 168, 169, 180	275x70x1	1.93	6802	
16	तुमसर	डोंगरी बु. 2	वावनथडी नदी	263, 264, 265, 356, 352, 353, 354, 355	270x60x1	1.62	5724	
17	तुमसर	लोभी 1	वावनथडी नदी	258, 259, 260, 261 262	450x60x1.5	2.7	14311	
18	तुमसर	लोभी 2	वावनथडी नदी	221, 225/1, 225/2, 226, 227, 236, 237	225x65x1	1.46	5168	
19	तुमसर	लोभी 3	वावनथडी	60, 61/1,	260x50x1.5	1.3	6890	

			नदी	61/2, 62, 63/1, 63/2, 63/3			
20	तुमसर	चांदमारा 1	बावनथडी नदी	97, 96, 101, 92, 90	315x125x1.2	3.94	16696
21	तुमसर	चांदमारा 2	बावनथडी नदी	228, 216, 229, 230, 231	410x45x1.5	1.85	9779
22	तुमसर	आष्टी आजनविहीर 1	बावनथडी नदी	1190, 1183, 2821, 2818	450x100x1.5	4.5	23852
23	तुमसर	आष्टी आजनविहीर 2	बावनथडी नदी	1275, 1270, 1271, 1265	400x95x1.5	3.8	20141
24	तुमसर	धुटेरा 1	बावनथडी नदी	63, 65, 62, 66	420x80x1	3.36	11873
25	तुमसर	धुटेरा 2	बावनथडी नदी	118, 128, 117, 116, 130	475x70x1	3.33	11749
26	तुमसर	धुटेरा 3	बावनथडी नदी	140, 141, 142, 143, 144, 145, 146, 147	355x60x1	2.13	7527
27	तुमसर	कवलेवाडा 1	बावनथडी नदी	152, 149, 148, 144	555x50x1	2.78	9806
28	तुमसर	कवलेवाडा 2	बावनथडी नदी	253, 254, 255, 256	330x65x1	2.15	7580
29	तुमसर	कवलेवाडा 3	बावनथडी नदी	237, 238, 239, 240, 241	445x60x1	2.67	9435
30	तुमसर	सॉडया 1	बावनथडी नदी	235	400x100x1.5	4	21201
31	तुमसर	सॉडया 2	बावनथडी नदी	171, 172, 173	460x100x1.5	4.6	24382
32	तुमसर	सॉडया 2	बावनथडी नदी	48, 47, 46, 45	270x11x1.2	2.97	12594
33	तुमसर	मांडवी 1	वैनगंगा नदी	14	400x100x1.5	4	21201
34	तुमसर	मांडवी 2	वैनगंगा नदी	29	430x85x1.2	3.66	15498
35	तुमसर	सुकळी दे.	वैनगंगा नदी	451, 450, 446	200x100x1.2	2	8481
36	तुमसर	वारपिंडकेपार	बावनथडी नदी	339, 340, 412, 413, 414	350x100x1.5	3.5	18551
37	तुमसर	चारगाव	वैनगंगा नदी	10, 11, 16, 17	350x115x1.5	4.03	21334
38	तुमसर	उमरवाडा	वैनगंगा नदी	390, 393, 395, 397	450x100x1.2	4.5	19081
39	तुमसर	पांजरा रे.	वैनगंगा नदी	132/1, 132/2	400x100x1.5	4	21201
40	तुमसर	तामसवाडी	वैनगंगा नदी	245, 246, 260, 261, 267, 269, 270, 271	400x100x1.5	4	21201
41	तुमसर	कोष्टी	वैनगंगा नदी	291, 294, 295, 330, 327, 325	250x120x1.5	3	15901
42	तुमसर	बाम्हणी	वैनगंगा नदी	371, 372, 373/1, 373/2	350x100x1.5	3.5	18551
एकूण							679129

वाळू/रेती निर्गती धोरण 2025 शासन निर्णय दि.08.04.2025 मध्ये खालील प्रमाणे तरतुदी आहेत:-

भाग-३ (दोन) पर्यावरण अनुमती मधील क) (1) नुसार "लिलावधारकाला इरादापत्र (LOI) दिल्यानंतर १ आठवड्याच्या आत पर्यावरण अनुमती संबंधित लिलावधारक यांच्या नांवे हस्तांतरीत करण्याचा प्रस्ताव जिल्हाधिकारी यांनी पर्यावरण आघात मुल्यांकन प्राधिकरणाकडे (Environment Impact Assessment Authority) सादर करावा."

भाग-४ (इ) वाळू/रेती धोरणाच्या अंमलबजावणीचे सर्वसाधारण घेळापत्रक:-

अ.क्र.	विषय	दिनांक / कालावधी
1	लिलावधारकाच्या नांवे पर्यावरण अनुमती हस्तांतरीत करण्याची कार्यवाही	जिल्हाधिकारी यांनी परीपूर्ण प्रस्ताव सादर केल्यानंतर १० दिवसांच्या आत पर्यावरण अनुमती लिलावधारकाच्या नांवे हस्तांतरीत करण्याची कार्यवाही पर्यावरण विभागाने करावी.

भाग-१३ वाळू/रेती उत्खननासाठी सर्व साधारण निबंध व अटी शर्ती (अ) (१६)

"लिलावधारकास लिलाव मंजूर केल्यानंतर व पर्यावरण अनुमती लिलावधारकास हस्तांतरीत झाल्यानंतर वाळू घाटाचा ताबा देण्यात यावा" अशी तरतुद नमुद आहे.

त्यानुसार वाळू/रेती निर्गती धोरण-2025 दि. 08.04.2025 मधील वरील तरतुदीनुसार उक्त नमुद तक्त्यातील तुमसर उपविभागामधील रेतीघाटाची पर्यावरण विषयक मंजूरी (Environment Clearance) निविदाधारक मे. अनोज कुमार अगरवाला, प्रो. प्रा. तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेठ, नागपुर- 440010 यांचे नावाने हस्तांतरित करण्यात यावी नम्र ही विनंती.

सहपत्र:- 42 पर्यावरण अनुमती प्रती

आपला विश्वासु



(सचिन वाढवे)

जिल्हा खनिकर्म अधिकारी,  
भंडारा

प्रतिलिपी:- 1. मा. उप सचिव, महसुल व वन विभाग, मंत्रालय, मुंबई यांना माहिती व आवश्यक कार्यवाहीस्तव सविनय सादर.

2. मा. विभागीय आयुक्त, नागपुर यांना माहिती व आवश्यक कार्यवाही सविनय सादर.

3. मा. जिल्हाधिकारी, भंडारा यांचे स्विय सहाय्यक यांना माहितीस्तव सविनय सादर.

3. निविदाधारक, मे. अनोज कुमार अगरवाला, प्रो. प्रा. तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेठ, नागपुर- 440010 यांना माहिती करीता अग्रेषित.

1530

# English Translation of Ax. B

Government of Maharashtra

Office of the District Collector, Bhandara  
(Mining Branch)

Email ID: [dmobhandara123@gmail.com](mailto:dmobhandara123@gmail.com)

---

**No. Aasan-14/Mining/Aka/Kavi-28 /2026 |**

**Date:** 13/01/2026

**To,**

The Member Secretary,  
State Level Environment Impact Assessment  
Authority (SEIAA), Mumbai.

**Subject** : Regarding the **transfer of Environmental Clearance (EC)**.  
Transfer of Environmental Clearance (EC) to the successful bidder approved as per the highest bid in the sand/sand ghat e-auction in Bhandara district under the Sand/Sand Ghat Auction Year 2025-2026

**References** : 1. Sand/Silt Disposal Policy-2025, Government Decision No. Gaukhani 10/0125/Pr.Kr.05/Kha-1, dated 08/04/2025.  
2. Sand/Silt Disposal Policy-2025, Government Decision No. Gaukhani 10/0125/Pr.Kr.05/Kha-1, dated 09/10/2025.  
3. Environmental Clearance received via the minutes of the meeting of Hon. SEIAA (Environment Dept., Maharashtra) dated 07/12/2025 and 08/12/2025.  
4. Sand Ghat e-Tender and e-Auction dated 30/12/2025

**Respected Sir,**

In connection with the above subject, it is submitted that, as per the letter received under Reference No. 3 from the State Level Environment Impact

Assessment Authority (SEIAA), the **Environmental Clearance (EC)** for the sand ghats in **Tumsar Sub-division** was received in the name of the Project Proponent and District Mining Officer, Bhandara.

According to the provisions in Government Decision No. 1 (referenced above), the auction of sand ghats in the Tumsar Sub-division of Bhandara district was conducted through the '**Mahatender**' online system. Following the tender process, the highest bid of **M/s. Anoj Kumar Agarwala, Prop. Tushar Ajitsaria, Shree Mangal Plot No. 159, Ramdaspath, Nagpur - 440010** has been accepted, and the sand ghat mentioned below has been approved for them. The details of the sand ghat in Tumsar Sub-division are as follows:

Sr ..	Talu ka	Name of Sand Ghat	River Name	Survey/ Gat Nos. of Sand Ghat	Dimensions (Length x Width x Depth)	Area (Hectares)	Quantity of Sand for Excavation (Brass)	Date of Environmental Clearance
1	Mohadi	Dimarwada 1	Wainganga	430 A, 431, 432, 433, 434, 435	480 x 100 x 1.6	4.8	27138	Environmental clearance received as per SEIAA (Environment Dept., Maharashtra) minutes dated <b>07/12/2025</b> and
2	Mohadi	Mundhari Khu.	Wainganga	440, 439, 438, 437, 436, 431, 404, 403, 402	350 x 120 x 1.7	4.2	25230	
3	Mohadi	Mundhari Bu.	Wainganga	1, 468	470 x 100 x 1.6	4.7	26572	
4	Mohadi	Kanhhalgaon	Wainganga	6, 381, 375, 376, 374	600 x 70 x 1.5	4.2	22261	

<b>5</b>	Moh adi	Deohada Khu.	Waingan ga	31, 32, 25, 24, 310	132 x 107 x 1.2	1.41	5989	<b>08/12/2 025.</b>
<b>6</b>	Moh adi	Nilaj Khu.	Waingan ga	220, 221	450 x 85 x 1.5	3.91	20724	
<b>7</b>	Moh adi	Mohgaon Devi	Sur River	319, 320, 321	210 x 53 x 0.5	1.11	1966	
<b>8</b>	Moh adi	Betala South	Waingan ga	952, 1035, 1036, 1037, 1040	300 x 160 x 1.6	4.8	27138	
<b>9</b>	Moh adi	Betala North	Waingan ga	949, 887	400 x 120 x 1.6	4.8	27138	
<b>10</b>	Moh adi	Nilaj Bu. 1	Waingan ga	417, 416, 415, 414, 413, 410, 409, 408	245 x 200 x 1.5	4.9	25972	
<b>11</b>	Moh adi	Nilaj Bu. 2	Waingan ga	42, 429, 428	400 x 120 x 1.6	4.8	27138	
<b>12</b>	Moh adi	Betala (Ghatkur da)	Waingan ga	160, 161, 171	300 x 160 x 1.6	4.8	25442	
<b>13</b>	Tum sar	Chikhli 1	Bawant hadi	515, 514, 513	350 x 30 x 1.3	1.05	4823	
<b>14</b>	Tum sar	Chikhli 2	Bawant hadi	489	300 x 40 x 1.2	1.2	5088	
<b>15</b>	Tum sar	Dongri Bu. 1	Bawant hadi	220, 221, 858, 957, 490... (and others)	275 x 70 x 1	1.93	6802	
<b>16</b>	Tum sar	Dongri Bu. 2	Bawant hadi	263, 264, 265,	270 x 60 x 1	1.62	5724	

				356... (and others)			
17	Tum sar	Lobhi 1	Bawant hadi	258, 259, 260, 261, 262	450 x 60 x 1.5	2.7	14311
18	Tum sar	Lobhi 2	Bawant hadi	221, 225/1, 225/2... (and others)	225 x 65 x 1	1.46	5168
19	Tum sar	Lobhi 3	Bawant hadi	60, 61/1, 61/2, 62, 63/1, 63/2, 63/3	260 x 50 x 1.5	1.3	6890
20	Tum sar	Chandma ra 1	Bawant hadi	97, 96, 101, 92, 90	315 x 125 x 1.2	3.94	16696
21	Tum sar	Chandma ra 2	Bawant hadi	228, 216, 229, 230, 231	410 x 45 x 1.5	1.85	9779
22	Tum sar	Apti Ajansara 1	Bawant hadi	1190, 1183, 2821, 2818	450 x 100 x 1.5	4.5	23852
23	Tum sar	Apti Ajansara 2	Bawant hadi	1275, 1270, 1271, 1265	400 x 95 x 1.5	3.8	20141
24	Tum sar	Dhutera 1	Bawant hadi	63, 65, 62, 66	420 x 80 x 1	3.36	11873
25	Tum sar	Dhutera 2	Bawant hadi	118, 128, 117, 116, 130	475 x 70 x 1	3.33	11749
26	Tum sar	Dhutera 3	Bawant hadi	140 to 147 (inclusive )	355 x 60 x 1	2.13	7527

27	Tum sar	Kavlewad a 1	Bawant hadi	152, 149, 148, 144	555 x 50 x 1	2.78	9806
28	Tum sar	Kavlewad a 2	Bawant hadi	253, 254, 255, 256	330 x 65 x 1	2.15	7580
29	Tum sar	Kavlewad a 3	Bawant hadi	237, 238, 239, 240, 241	445 x 60 x 1	2.67	9435
30	Tum sar	Sondya 1	Bawant hadi	235	400 x 100 x 1.5	4	21201
31	Tum sar	Sondya 2	Bawant hadi	171, 172, 173	460 x 100 x 1.5	4.6	24382
32	Tum sar	Sondya 3	Bawant hadi	48, 47, 46, 45	270 x 11 x 1.2	2.97	12594
33	Tum sar	Mandwi 1	Wainganga	14	400 x 100 x 1.5	4	21201
34	Tum sar	Mandwi 2	Wainganga	29	430 x 85 x 1.2	3.66	15498
35	Tum sar	Sukli De.	Wainganga	451, 450, 446	200 x 100 x 1.2	2	8481
36	Tum sar	Kharpada	Bawant hadi	339, 340, 412, 413, 414	350 x 100 x 1.5	3.5	18551
37	Tum sar	Chargon	Wainganga	10, 11, 16, 17	350 x 115 x 1.5	4.03	21334
38	Tum sar	Dumarkheda	Wainganga	390, 393, 395, 397	450 x 100 x 1.2	4.5	19081
39	Tum sar	Panjara Re.	Wainganga	132/1, 132/2	400 x 100 x 1.5	4	21201
40	Tum sar	Tamaswadi	Wainganga	245 to 271 (selective)	400 x 100 x 1.5	4	21201
41	Tum sar	Kosti	Wainganga	291, 294, 295, 330, 327, 325	250 x 120 x 1.5	3	15901
42	Tum sar	Thapa	Wainganga	371, 372, 373/1, 373/2	350 x 100 x 1.5	3.5	18551
			<b>TOTAL</b>				<b>679,129</b>

Part-3 (Two): Environmental Clearance (EC) – Clause C (1)

According to this clause, "Within one week of issuing the Letter of Intent (LOI) to the auction holder, the District Collector shall submit a proposal to the Environment Impact Assessment Authority (EIAA) to transfer the Environmental Clearance into the name of the concerned auction holder."

Part-4 (E): General Schedule for Implementation of Sand/Gravel Policy

Sr. No.	Subject	Date / Duration
1	Procedure for transferring the Environmental Clearance (EC) to the name of the auction holder.	Within 10 days after the District Collector submits a complete proposal, the Environment Department shall complete the procedure to transfer the Environmental Clearance to the auction holder's name.

**Part- 13 General Rules and Conditions for Sand/Gravel Excavation (A) (16)** "Possession of the sand ghat should be given to the auction holder after the auction is approved and the environmental permission is transferred to the auction holder," as per the mentioned provision.

Accordingly, as per the above provisions in the Sand/Gravel Mining Policy-2025 dated 08.04.2025, it is requested that the **Environment Clearance** for the sand ghat in the **Tumsar Sub-division** mentioned in the above table be transferred in the name of the bidder **M/s. Manoj Kumar Agarwala, Prop. Tushar Ajitsaria, Shree Mangal Plot No. 159 Ramdaspath, Nagpur- 440010.**

**Enclosure:-** 42 Copies of Environment Permission

Yours faithfully,

**(Sachin Wadve)**

**District Mining Officer, Bhandara**

**Copy to:-**

1. Hon. Deputy Secretary, Revenue and Forest Department, Mantralaya, Mumbai, submitted with respect for information and necessary action.
2. Hon. Divisional Commissioner, Nagpur, submitted with respect for information and necessary action.
3. Hon. District Collector, Bhandara, Personal Assistant, submitted with respect for information.
4. Bidder, M/s. Manoj Kumar Agarwala, Prop. Tushar Ajitsaria, Shree Mangal Plot No. 159 Ramdaspeth, Nagpur- 440010, forwarded for information.

Receipt (pavti)

301/358

Friday, January 16, 2026

5:39 PM

पावती

ANNEXURE: R-7/3.

Original/Duplicate

नोंदणी क्र.: 39M

Ragn.: 39M

पावती क्र.: 464 दिनांक: 16/01/2026

शावाचे नाव: चिखली

दस्तावेजाचा अनुक्रमांक: बडर-358-2026

दस्तावेजाचा प्रकार: बर्क फॉन्ट

सादर करणाऱ्याचे नाव: भे.अनोज कुमार अग्रवाला तर्फे तुषार भजितसरीया

नोंदणी फी

रु. 30000.00

दस्त हाताळणी फी

रु. 1000.00

पृष्ठांची संख्या: 25

एकूण:

रु. 31000.00

आपणास मूळ दस्त, चंबनेल प्रिंट, सूची-२ अंदाजे

5:58 PM ह्या वेळेस मिळेल.

U.Pate

राह. तुषार भजितसरीया

भंडारा

बाजार मूल्य: रु. 567785680/-

मोबदला रु. 567785680/-

भरलेले मुद्रांक शुल्क: रु. 1135571/-

1) देयकाचा प्रकार: DHC रकम: रु. 1000/-

डीडी/घनादेश/पे ऑर्डर क्रमांक: 0126161415028 दिनांक: 16/01/2026

बँकेचे नाव व पत्ता:

2) देयकाचा प्रकार: eChallan रकम: रु. 30000/-

डीडी/घनादेश/पे ऑर्डर क्रमांक: MH015388638202526E दिनांक: 16/01/2026

बँकेचे नाव व पत्ता:

Inshan Agtaria

मुळ दस्त स्कॅनिंग  
करून परत दिला.

1538

CHALLAN  
MTR Form Number-6

GRN	MH015388630202526E	BARCODE			Date	16/01/2026-16:44:33	Form ID	25.1		
Department	Inspector General Of Registration			Payer Details						
Type of Payment	Stamp Duty and Registration Fee together			TAX ID / TAN (If Any)						
Office Name	BDR_HQR SUB REGISTRAR BHANDARA			PAN No.(If Applicable)	AAGXXXXXXM					
Location	BHANDARA			Full Name	MS ANNOJ KUMAR AGARWALA THROW TUSHAR AJITSARIA					
Year	2025-2026 One Time			Flat/Block No.	42 SAND GHAT					
Account Head Details		Amount In Rs.		Premises/Building						
0030046401	Stamp Duty	1135571.00		Road/Street	TUMSAR					
0030083301	Registration Fee	30000.00		Area/Locality	BHANDARA					
				Town/City/District						
				PIN	4	4	1	9	0	4
				Remarks (If Any)	PAN2=AAETD9085E~SecondPartyName=SACHIN VADHVE JILHA KHANIKARM ADHIKARI BHANDARA~CA=567785680~Marketval=567785680					
				Amount In	Eleven Lakh Sixty Five Thousand Five Hundred Seven					
Total				Words	ty One Rupees Only					
Payment Details				BANK OF BARODA		FOR USE IN RECEIVING BANK				
Cheque/DD Details				Bank CIN	Ref. No.	02003942026011600847	1473869361			
Cheque/DD No.				Bank Date	RBI Date	16/01/2026-16:46:21	Not Verified with RBI			
Name of Bank				Bank-Branch		BANK OF BARODA				
Name of Branch				Scroll No. , Date		Not Verified with Scroll				

Department ID :

Mobile No. :

XXXXXX3606

NOTE:- This challan is valid for document to be registered in Sub Registrar office only. Not valid for unregistered document.

सदर चलन केवल दुय्यम निवाहक कार्यालयात नोंदणी करतयाच्या दस्त्यासाठी लागू आहे. नोंदणी न करतयाच्या दस्त्यासाठी सदर चलन लागू नाही.

Rohan Ajitsaria

 <b>D</b> ocument <b>H</b> andling <b>C</b> harges Inspector General of Registration & Stamps			
Receipt of Document Handling Charges			
PRN :	0126161415028	Payment Date :	16/01/2026
Received from MS ANOJ KUMAR AGARWALA THRO TUSHAR AJITSARIA, Mobile number 8007663606, an amount of Rs.1000/-, towards Document Handling Charges for the iSarita 1.9 in the Joint District Registrar office JDR Bhandara of the District Bhandara.			
Payment Details			
Bank Name :	SBIN	Receipt Date :	16/01/2026
Bank CIN :	10029762026011614316	REF No. :	9689103755657
This is computer generated receipt, hence no signature is required.			

ब ड र
३५८/२०२६
२/२५



# 1540

Stamp Duty of Rs. 1135571/- Paid by  
Payment by Way of Simple Receipt.  
Receipt / Challan No. GRN No. MHBL5388638202526E  
CIM No. Dated 16.10.2026  
02003942026011600847

UP  
Joint Sub Registrar  
Bhandara

महसूल व वन विभाग, वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दिनांक 08/04/2025 शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र. 05/ख-1, दिनांक 30/04/2025 शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दि. 09/10/2025 अन्वये यशस्वी लिलावधारकासमवेत करावयाचा करारनामा

सचिन वाढवे  
जिल्हा खनिकर्म अधिकारी, भंडारा

करारनामा लिहून घेणार

मे. अनोज कुमार अगरवाला,  
तर्फे तुषार अजितसरीया,  
श्री. मंगल प्लॉट नं. 159 रामदासपेट,  
नागपुर-440010

करारनामा लिहून देणार

कारणे करारनामा लिहून देण्यात येतो की,

लिहून देणार मे. अनोज कुमार अगरवाला, तर्फे तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेट नागपुर- 440010 येथील असून त्यांचा पॅन क्रमांक BLGPA9301N आहे. वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दि. 08/04/2025 व वाळू/ रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दि. 09/10/2025 अन्वये भंडारा जिल्हयाकरीता पर्यावरण अनुमती प्राप्त वाळू घाटांकरीता उपविभाग निहाय रेतीघाट ई-निविदा व ई-लिलाव जाहिरात दिनांक 11/12/2025 रोजी प्रसिध्द करण्यात आलेली होती. सदर ई-निविदा व ई-लिलावामध्ये मे. अनोज कुमार अगरवाला, तर्फे तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेट नागपुर- 440010 यांनी तुमसर या उपविभागातील 42 वाळूघाटांमधिल उपलब्ध एकुण वाळूसाठ चे 90% 611216 ब्रास हातची किंमत रूपये 36,67,29,600/- करीताप्रतिब्रास रूपये 928.94/- रूपये प्रमाणे एकुण रूपये 56,77,85,680/- सर्वोच्च बोली/देकार नोंदविलेला असून. लिलावधारक यांनी तुमसर उपविभागातील खालील नमुद 42 वाळू घाटांकरीता संपूर्ण रक्कमेचा भरणा पूर्ण केलेला आहे.

District Mining Officer  
Collectorate, Bhandara

ब ड र  
३५८/२०२६  
३/३५



M/s. ANOJ KUMAR AGARWALA  
Tushar Ajitsarin  
PARTNER

ब ड र  
३५८ / २०२६  
४ / २५



उपविभाग- तुमसर

अ.क्र	तालुका	रेतीघाटाचे नाव	नदीचे नाव	रेतीघाट लगतचे गट क्र.	वाळूघाटाची लांबी X रुंदी X खोली	आराजी (हे. आर.)	उत्खनन योग्य रेतीचे परिमाण (ब्रास)	पर्यावरण अनुमती प्राप्त दिनांक
1	मोहाडी	दिवरवाडा।	वेनगंगा नदी	430 A, 431,432,433,434 , 435	480x100x1.6	4.8	27138	मा. SEIAA (पर्यावरण विभाग, महारा ष्ट्र) यांचे दिनांक 7/12/2025 व 8/12/2025 च्या सभेच्या इतिवृत्ताव्दारे प्राप्त पर्यावरण अनुमती
2	मोहाडी	मुढरी खु.	वेनगंगा नदी	440, 439, 438, 437, 436, 431, 404, 403, 402	350x120x1.7	4.2	25230	
3	मोहाडी	मुढरी बु.	वेनगंगा नदी	1, 468	470x100x1.6	4.7	26572	
4	मोहाडी	कान्हळगाव	वेनगंगा नदी	6, 381, 375, 376, 374	600x70x1.5	4.2	22261	
5	मोहाडी	देवळा खु.	वेनगंगा नदी	31, 32, 25, 24, 310	132x107x1.2	1.41	5989	
6	मोहाडी	निलज खु.	वेनगंगा नदी	220, 221	450x85x1.5	3.91	20724	
7	मोहाडी	मोहगाव देवी	सुर नदी	319, 320, 321	210x53x0.5	1.11	1966	
8	मोहाडी	बंटाळा दक्षिण	वेनगंगा नदी	952, 1035, 1036, 1037, 1040	300x160x1.6	4.8	27138	
9	मोहाडी	बंटाळा उत्तर	वेनगंगा नदी	949, 887	400x120x1.6	4.8	27138	
10	मोहाडी	निलज बु.1	वेनगंगा नदी	417, 416, 415, 414, 413, 410, 409, 408	245x200x1.5	4.9	25972	
11	मोहाडी	निलज बु.2	वेनगंगा नदी	42, 429, 428	400x120x1.6	4.8	27138	
12	मोहाडी	बंटाळा (धाटकुरडा)	वेनगंगा नदी	160, 161, 171	300x160x1.6	4.8	25442	
13	तुमसर	चिखली1	बावनवडी नदी	515, 514, 513	350x30x1.3	1.05	4823	
14	तुमसर	चिखली2	बावनवडी नदी	489	300x40x1.2	1.2	5088	
15	तुमसर	डोंगरी बु.1	बावनवडी नदी	220, 221, 858, 957, 490, 171, 178, 170, 865, 177, 166, 164, 167, 168, 169, 180	275x70x1	1.93	6802	
16	तुमसर	डोंगरी बु.2	बावनवडी नदी	263, 264, 265, 356, 352, 353, 354, 355	270x60x1	1.62	5724	
17	तुमसर	लोभी 1	बावनवडी नदी	258, 259, 260, 261, 262	450x60x1.5	2.7	14311	
18	तुमसर	लोभी 2	बावनवडी नदी	221, 225/1, 225/2, 226, 227, 236, 237	225x65x1	1.46	5168	
19	तुमसर	लोभी 3	बावनवडी नदी	60, 61/1, 61/2,	260x50x1.5	1.3	6890	

District Mining Officer  
Collectorate, Bhandara

M/s. ANOJ KUMAR AGARWALA  
Tushar Ajitsaria  
PARTNER

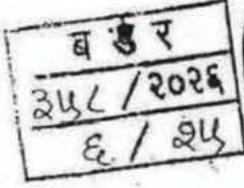
ब ड र  
३५८/२०२६  
५/२५



				62, 63/1, 63/2, 63/3				
20	तुमसर	चांदमारा 1	वावनथडी नदी	97, 96, 101, 92, 90	315x125x1.2	3.94	16696	
21	तुमसर	चांदमारा 2	वावनथडी नदी	228, 216, 229, 230, 231	410x45x1.5	1.85	9779	
22	तुमसर	आष्टी आजनविहीर1	वावनथडी नदी	1190, 1183, 2821, 2818	450x100x1.5	4.5	23852	
23	तुमसर	आष्टी आजनविहीर2	वावनथडी नदी	1275, 1270, 1271, 1265	400x95x1.5	3.8	20141	
24	तुमसर	धुटेरा1	वावनथडी नदी	63, 65, 62, 66	420x80x1	3.36	11873	
25	तुमसर	धुटेरा2	वावनथडी नदी	118, 128, 117, 116, 130	475x70x1	3.33	11749	
26	तुमसर	धुटेरा3	वावनथडी नदी	140, 141, 142, 143, 144, 145, 146, 147	355x60x1	2.13	7527	
27	तुमसर	कवलेवाडा1	वावनथडी नदी	152, 149, 148, 144	555x50x1	2.78	9806	
28	तुमसर	कवलेवाडा2	वावनथडी नदी	253, 254, 255, 256	330x65x1	2.15	7580	
29	तुमसर	कवलेवाडा3	वावनथडी नदी	237, 238, 239, 240, 241	445x60x1	2.67	9435	
30	तुमसर	सॉडया1	वावनथडी नदी	235	400x100x1.5	4	21201	
31	तुमसर	सॉडया2	वावनथडी नदी	171, 172, 173	460x100x1.5	4.6	24382	
32	तुमसर	सॉडया2	वावनथडी नदी	48, 47, 46, 45	270x11x1.2	2.97	12594	
33	तुमसर	मांडवी1	वैनगंगा नदी	14	400x100x1.5	4	21201	
34	तुमसर	मांडवी2	वैनगंगा नदी	29	430x85x1.2	3.66	15498	
35	तुमसर	सुकळी दे.	वैनगंगा नदी	451, 450, 446	200x100x1.2	2	8481	
36	तुमसर	वारपिंडकेपार	वावनथडी नदी	339, 340, 412, 413, 414	350x100x1.5	3.5	18551	
37	तुमसर	चारगाव	वैनगंगा नदी	10, 11, 16, 17	350x115x1.5	4.03	21334	
38	तुमसर	उमरवाडा	वैनगंगा नदी	390, 393, 395, 397	450x100x1.2	4.5	19081	
39	तुमसर	पांजरा रे.	वैनगंगा नदी	132/1, 132/2	400x100x1.5	4	21201	
40	तुमसर	तामसवाडी	वैनगंगा नदी	245, 246, 260, 261, 267, 269, 270, 271	400x100x1.5	4	21201	
41	तुमसर	कोष्टी	वैनगंगा नदी	291, 294, 295, 330, 327, 325	250x120x1.5	3	15901	
42	तुमसर	बाम्हणी	वैनगंगा नदी	371, 372, 373/1, 373/2	350x100x1.5	3.5	18551	
एकूण								679129

District Mining Officer  
Collectorate, Bhandara

Mrs. ANOJ KUMAR AGARWALA  
Tushar Aggarwal  
PARTNER



तुमसर उपविभागातील वाळूगटाची सर्वोच्च बोलीची रक्कम व इतर देय रक्कमा शासन जमा केल्यामुळे मे. अनोज कुमार अगरवाला, प्रो. प्रा. तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेठ नागपुर- 440010 यांना तुमसर उपविभागातील वरील रेतीघाटातून वाळू/रेती उत्खनन व वाहतूक करण्याकरिता दिनांक 10 जून, 2026 पर्यंत आणि विक्री करण्याकरिता परवानगी दिनांक 30 सप्टेंबर, 2026 पर्यंत महसूल व वनविभाग, महाराष्ट्र शासन, मंत्रालय मुंबई, शासन निर्णय क्र. गोखनि 10/0125/प्र.क्र. 05/ख-1. दिनांक 08/04/2025 व महसूल व वनविभाग, महाराष्ट्र शासन, मंत्रालय मुंबई, शासन निर्णयक्र. गोखनि 10/0125/प्र.क्र. 05/ख-1, दिनांक 30/04/2025 आणि या कार्यालयाची ई-निविदा दिनांक 16/10/2025 मधील अटी व शर्तीच्या अधिन राहून परवानगी देण्यात आलेली आहे.

पर्यावरण विभागाने सदर रेतीघाटाकरिता पर्यावरण विषयक मंजूरी (Environment Clearance) प्रदान केलेली असून त्यात नमुद सर्वसाधारण अटी व शर्ती रेतीघाटधारकास बंधनकारक राहतील व त्यांची अंमलबजावणी करण्याची जबाबदारी रेतीघाटधारकाची राहिल. पर्यावरण अनुमतीनुसार EMP आणि CER वावतची अंमलबजावणी करण्याची जबाबदारी लिलावधारकांची राहिल.

### वाळूगट लिलावाकरिता सर्वसाधारण अटी व शर्ती

1. पर्यावरण विभाग, मुंबई SEIAA यांचेकडून प्राप्त पर्यावरण अनुमती मधील सर्व अटी व शर्तीचे पालन करणे बंधनकारक राहिल.
2. घाटधारकाला नदीपात्रातून / नाल्यातून रेती / वाळू उत्खनन करण्यासाठी ज्या क्षेत्राचे वाटप केले असेल त्याक्षेत्रातून रेती/वाळू उत्खनन करतांना नैसर्गिक संपत्तीस व पर्यावरणास धोका होणार नाही याची सर्व खबरदारी घाटधारकाने घ्यावयाची आहे.
3. महाराष्ट्र गौण खनिज उत्खनन (विकास व नियमन) नियम, 2013 तसेच वाळू/रेती निर्गती धोरण-2025 दिनांक 08.04.2025 व दिनांक 09.10.2025 आणि शासनाने वेळोवेळी निर्गमित केलेले अधिनियम, नियम, परिपत्रके यामधील सर्व तरतुदीचे तंतोतंत पालन करणेची लिलावधारकाची जबाबदारी राहिल. तसेच पर्यावरण, वने व वातावरणीय बदल मंत्रालय, नवी दिल्ली (MOEF) या विभागाने वेळोवेळी निर्गमित केलेल्या नियमाचे पालन करणे लिलावधारकावर बंधनकारक राहिल.
4. नदी प्रवाहाचा व परिसरातील पर्यावरणाचा समतोल राखूनच मंजूर रेतीघाटातून रेतीचे उत्खनन करण्यात यावे.
5. माननीय सर्वोच्च न्यायालयाने विशेष अनुमती याचिका (सौ) क्र. 19628-1629/2009 मध्ये दि. 27/02/2012 रोजी दिलेले आदेश तसेच नदीपात्रातील पाणी स्वच्छ व शुध्द राहण्यासाठी व नैसर्गिकरित्या पाण्याचे नदीपात्रात वहन होण्यासाठी वाळू/रेती निर्गती धोरण दिनांक 03/09/2019 नुसार तहसिलचे तांत्रिक उपसमितीने संबंधित

District Mining Officer  
Collectorate, Bhandara

M/s. ANOJ KUMAR AGARWALA  
Anshu Ajitsaria.  
PARTNER

ब ड र
३५८ / २०२६
७ / २५

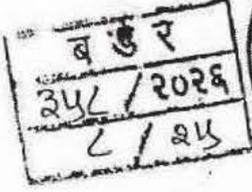


रेतीघाटाच्या थराची जाडी निश्चित केली आहे व पर्यावरण मंजूरी आदेशामध्ये जी खोली शिफारस आहे, त्यामर्यादेत रेतीघाटाचे उत्खनन करता येईल.

6. लिलावधारकाने वाळू थराची जाडी सातत्याने राहण्यासाठी बॅच मार्क निश्चित करून बॅच मार्कच्या खाली कोणत्याही परिस्थितीत वाळूचे उत्खनन करता येणार नाही. निश्चित केलेले बॅच मार्क पडणार नाहीत, तसेच नदीपात्रातील वाळूच्या थराच्या आधारे आजूबाजूच्या विहिरीतील पाण्याची पातळी कमी होणार नाही, याबाबत योग्य ती दक्षता लिलावधारकाने घेणे आवश्यक राहिल.
7. रेतीची वाहतूक करणाऱ्या प्रत्येक वाहनावर GPS बसविणे आवश्यक राहिल. रेतीची वाहतूक करणाऱ्या वाहनामध्ये GPS न बसविल्यास बारकोड टि.पी. चे Invoice Generate होणार नाही.
8. सर्वोच्च न्यायालयाचे आदेश व राष्ट्रीय हरीत न्यायाधीकरण (National Green Tribunal) यांचे आदेशांचे उल्लंघन होणार नाही याची दक्षता घ्यावी.
9. सांडपाणी निर्माण होत असल्यास त्यावर पर्यावरण व वन्यजीव संरक्षण मंत्रालय, भारत सरकार तसेच प्रदुषण नियंत्रण मंडळ यांनी विहित केलेल्या प्रमाणकानुसार प्रक्रीया करण्यात यावी.
10. उत्खनन केलेली वाळू/रेती वाहतूक करण्याकरिता वापरण्यात येणारी वाहने सुस्थितीत ठेवणे व त्यासाठी PUC Certificate घेणे बंधनकारक राहिल. PUC Certificate नसलेली वाहने वाळू वाहतूकीकरिता वापरता येणार नाही. वाळू उत्खनन व वाहतूकीसाठी वापरणेत येणाऱ्या यंत्रातील इंधन / ग्रीस गळतीमुळे प्रदुषण होणार नाही किंवा पाणी दुषीत होणार नाही याची दक्षता ठेकेदाराने घेणेची आहे. तसेच ध्वनी प्रदुषण होणार नाही याची दक्षता घेणेची आहे. सदरील बाबीचे उल्लंघन केल्यास ठेकेदारास दंडास पात्र राहतील.
11. केंद्र शासनाच्या Enforcement & Monitoring Guidelines 2020, व पर्यावरण वने व वातावरणीय बदल मंत्रालय नवी दिल्ली (MOEF) या विभागाने वेळोवेळी निर्गमित केलेल्या नियमांचे पालन करणे बंधनकारक राहिल.
12. रेतीची वाहतूक करतांना गावातील नागरीकांना त्याचा त्रास होणार नाही किंवा त्यांना जिवीत वा वित्तीय हानी पोहचणार नाही याची सर्वरखी जबाबदारी रेतीघाटधारक यांची राहिल. तसेच वापर करण्यात येत असलेले रस्ते खराब होणार नाही याची दक्षता घ्यावी अथवा रेती/वाळू वाहतूकीकरिता उपलब्ध झाल्यास गावाचे वाहेरील रस्त्याचा वापर करण्यात यावा तसेच शाळा सुरु होणे व सुटण्याचे वेळी वाहतूक करता येणार नाही.
13. यशस्वी लिलावधारकास खाणकाम आराखडयामधील अटी व शर्तीचे पालन करणे बंधनकारक राहिल.
14. लिलावाचा कालावधी पावसाळ्याच्या कालावधीसह समाविष्ट असेल.

District Mining Officer  
Collectorate, Bhandara

M/s. ANOJ KUMAR AGARWALA  
Tushar Aggarwal  
PARTNER



15. दिनांक १० जून ते ३० सप्टेंबर हा पावसाळ्याचा कालावधी असेल व या कालावधी मध्ये वाळू उत्खनन करता येणार नाही.

सन 2025-2026 वाळूगट लिलावासाठी व उत्खननासाठी सर्वसाधारण अटी व शर्ती

- 1) लिलावधारकाने/परवानाधारकाने त्याला मंजूर केलेल्या वाळूगटाच्या ठिकाणी फलक, दिशादर्शक लावून, उत्खनन क्षेत्राची सीमा निश्चित करून सीमा दर्शविणारे खांब उभारणे अनिवार्य राहिल. विहित केलेल्या क्षेत्राच्या बाहेर वाळू/रेतीचे उत्खनन करता येणार नाही. तसेच लिलावधारकाने जिल्हाधिकारी यांच्या पूर्वपरवानगीने सदर वाळूगटाचे कामकाज पाहण्यासाठी नियुक्त केलेले उपठेकेदार, व्यवस्थापक व कर्मचारी यांची नावे, पत्ता व जागंचा तपशील दर्शविणारा फलक योग्य ठिकाणी लावणे आवश्यक राहिल.
- 2) माननीय सर्वोच्च न्यायालयाने विशेष अनुमती याचिका (सी) क्र.१९६२८-१९६२९/२००९ मध्ये दि.२७/०२/२०१२ रोजी दिलेले आदेश तसेच नदीपात्रातील पाणी स्वच्छ व शुद्ध राहण्यासाठी व नैसर्गिकरित्या पाण्याचे नदीपात्रात वहन होण्यासाठी वाळू/रेती गटातून जास्तीत जास्त ३ मीटर किंवा पाण्याची पातळी यापैकी जे कमी असेल तितक्या खोलीपर्यंत किंवा पर्यावरण अनुमतीमध्ये परवानगी दिलेल्या खोलीपर्यंत यापैकी जे कमी असेल तेवढ्या खोलीपर्यंतच लिलावधारक / परवानाधारकाला वाळू/रेतीचे उत्खनन करता येईल.
- 3) नदीपात्रातील वाळूयराची जाडी सातत्याने राहण्यासाठी बेंच मार्क निश्चित करून बेंच मार्कच्या खाली कोणत्याही परिस्थितीत वाळूचे उत्खनन करता येणार नाही. निश्चित केलेले बेंच मार्क पडणार नाहीत, तसेच नदीपात्रातील वाळूच्या थराच्या आधारे आजूबाजूच्या विहिरीतील पाण्याची पातळी कमी होणार नाही, याबाबत योग्य ती दक्षता लिलावधारकाने घेणे आवश्यक राहिल.
- 4) लिलावधारकास/परवानाधारकास मंजूर केलेल्या वाळूसाठ्या इतकेच उत्खनन करण्याचा अधिकार प्राप्त होईल.
- 5) राज्यात अवैध उत्खनन व वाहतूक ही प्रामुख्याने रात्रीच्या वेळी होत असल्याचे निदर्शनास येत असल्याने त्यावर प्रतिबंध करण्यासाठी नदी/खाडीपात्रातून वाळू/रेतीचे उत्खनन सकाळी ०६.०० ते सायंकाळी ०६.०० वाजेपर्यंत करणे बंधनकारक असेल. सायंकाळी ०६.०० नंतर नदी/खाडीपात्रातून उत्खनन करून वाहतूक करणे प्रतिबंधित राहिल. या कालावधी व्यतिरिक्त इतर वेळेत केलेले उत्खनन अवैध समजून कारवाई करण्यात येईल.
- 6) महारखनिज प्रणालीद्वारे वाळू विक्रीबाबत देण्यात येणाऱ्या परवान्यानुसार (eTP) मंजूर कालावधीपर्यंत वाळूची वाहतूक करता येईल.
- 7) उत्खननासाठी मंजूर करण्यात आलेल्या वाळू गटाचे Geo-fencing करणे बंधनकारक राहिल.

  
District Mining Officer  
Collectorate, Bhandara

Ms. ANOJ KUMAR AGARWALA  
Partner  
Ajitsania  
PARTNER

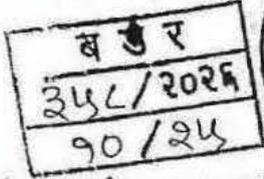
ब ड र
३५८/२०२६
९/२५



- 8) सदर मंजूर वाळूगटामधून वाळूचे उत्खनन करून वाहतूक करताना ज्या वाहनातून वाळूची वाहतूक होणार आहे त्याचा वाहतूक पास (ETP) हा सदर वाळूगटाच्या चतुःसिमांचे Geo-fencing च्या क्षेत्राच्या आत तयार करण्यात येऊन त्याबाबत महाखनिज संगणक प्रणालीवर नोंद घेणे बंधनकारक राहिल.
- 9) वाळूगटामधून उत्खनन केलेल्या वाळूची नोंद महाखनिज प्रणालीवर ऑनलाईन घेणे बंधनकारक असेल.
- 10) कोणत्याही रेल्वे पुलाच्या व रस्ते पुलाच्या कोणत्याही बाजूने ६०० मीटर्स (२००० फूट) अंतराच्या आत वाळूचे उत्खनन करता येणार नाही.
- 11) कोल्हापूर पध्दतीचे बंधारे असलेल्या ठिकाणापासून १०० मीटरच्या आत कोणतेही उत्खनन करता येणार नाही.
- 12) सार्वजनिक पाणवठा / पाणीपुरवठा व्यवस्था असलेल्या ठिकाणापासून १०० मीटर अथवा भूजल सर्वेक्षण व विकास यंत्रणा निश्चित केलेल्या अंतरापलीकडे उत्खनन करणे आवश्यक राहिल.
- 13) रस्ते/पायवाट म्हणून वापरण्यात येणाऱ्या जमिनीतून वाळू / रेती काढता येणार नाही.
- 14) लिलावधारकाने / परवानाधारकाने वाळूगटाचा ताबा दिल्याच्या दिनांकापासून एका आठवड्याच्या आत वाळू/रेतीचे उत्खनन सुरू करणे आवश्यक राहिल.
- 15) लिलावधारकाला/परवानाधारकाला नदीपात्रातून / नाल्यातून रेती / वाळू उत्खनन करण्यासाठी ज्या क्षेत्राचे वाटप केले असेल त्या क्षेत्रातून रेती/वाळू उत्खनन करताना नैसर्गिक संपत्तीस व पर्यावरणास धोका होणार नाही याची सर्व खबरदारी लिलावधारक/परवानाधारक यांनी घ्यावयाची आहे.
- 16) लिलावधारक/परवानाधारक यांनी गावकऱ्यांच्या निस्तारहक्कांस बाधा पोहोचविता कामा नये.
- 17) लिलावधारकाने/परवानाधारकाने रेती / वाळूचे केलेले उत्खनन, विक्री व वाहतूक केलेल्या रेतीबाबतची दैनंदिन हिशोब नोंदवही ठेवणे आवश्यक आहे. ही नोंदवही व इतर हिशोब कागदपत्रे जिल्हा खनिकर्म अधिकारी, खनिकर्म निरीक्षक, महसूल अधिकारी तसेच जिल्हाधिकारी व भूविज्ञान व खनिकर्म संचालनालयातील निरीक्षण करणाऱ्या अधिकाऱ्यांना उत्खननाच्या जागेवर उपलब्ध करून द्यावीत.
- 18) लिलावधारकास/परवानाधारकास वाळूची / रेतीची वाहतूक करण्यासाठी परवाना घावयाचा असल्यास त्याने सहकारी संस्था/संस्थांना प्राधान्य दिले पाहिजे.
- 19) वाळूची वाहतूक करताना वाहनातील वाळू ताडपत्रीने आच्छादित करूनच वाळूची वाहतूक करणे बंधनकारक आहे. अशी वाहतूक न केल्यास बंडात्मक कारवाई करण्यात येईल.

  
District Mining Officer  
Collectorate, Bhandara

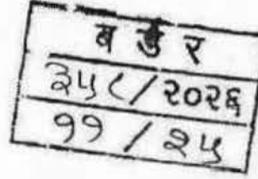
M/s. ANOJ KUMAR AGARWAL  
Tushar Agaria  
PARTNER



- 20) रेती / वाळूची वाहतूक करणाऱ्या वाहनांस त्यांच्या वहन क्षमतेइतक्याच परिमाणाची वाहतूक करावी. वहन क्षमतेपेक्षा अधिक परिमाणाची रेती / वाळू वाहून नेत असल्याचे आढळून आल्यास त्या वाहनातील संपूर्ण वाळू अवैध आहे, असे समजून त्यावर नियमानुसार दंडात्मक कारवाई तसेच क्षमतेपेक्षा जास्त वाहतूकीबाबत मोटर वाहन कायदानुसार कारवाई करावी. दंडनीय कारवाईबरोबर जप्त केलेल्या रेतीचा लिलाव करण्यात यावा.
- 21) रेती / वाळूचे उत्खनन करताना अथवा वाहतूक करताना अपघात झाल्यास लिलावधारकाने/परवानाधारकाने अपघाताची माहिती तात्काळ जवळच्या पोलीस ठाण्यात द्यावी.
- 22) लिलावधारकाने/परवानाधारकाने नियमात नमूद केल्याप्रमाणे अटी व शर्तीचे तसेच गौण खनिज उत्खनन नियमातील तरतुदीनुसार असलेले नियम (संबंधित विभागास लागू असलेले नियम) आणि महाराष्ट्र जमीन महसूल अधिनियमातील तरतुदीनुसार लागू असलेल्या नियमांचे तसेच पर्यावरण अनुमतीमधील अटी व शर्तीचे पालन करणे बंधनकारक राहिल. त्याचप्रमाणे लिलावधारकाने रेतीचा/वाळूचा पूर्ण उपयोग गौण खनिज म्हणूनच केला पाहिजे.
- 23) रेतीचे/वाळूचे उत्खनन करतेवेळी जर काही प्रमुख खनिज आढळून आल्यास लिलावधारकाने / परवानाधारकाने विभागीय आयुक्त/जिल्हाधिकारी यांच्याकडे सात दिवसात कळविले पाहिजे.
- 24) पर्यावरण अनुमती नुसार रेतीघाटातून वाळूचे उत्खनन मनुष्यबळाचे सहाय्यानेच करणे निविदाधारकास बंधनकारक राहिल.
- 25) नदी/खाडी पात्रामधून वाळू निर्गतीकरीता पात्र लिलावधारक यांना त्यांनी उत्खनन केलेल्या एकुण वाळू साठ्याच्या 10 टक्के वाळू प्रधानमंत्री आवास योजनेतर्गत तेसच आर्थिक दृष्ट्या मागास प्रवर्गातील लाभार्थ्यांना घरकुलांकरीता विनामुल्य उपलब्ध करून देणे लिलावधारक यांना बंधनकारक राहिल. त्याबाबत लिलावधारकास शासनामार्फत कोणतीही रक्कम अनुज्ञेय राहणार नाही याची लिलावधारकाने नोंद घ्यावी.
- 23) अंदाजित परिमाणापेक्षा अधिक वाळूसाठी रेतीघाटात असल्यास त्यावर लिलावधारकाचा कोणताही अधिकार राहणार नाही व अंदाजित परिमाणापेक्षा अधिक उत्खनन करण्यास लिलावधारकास परवानगी देता येणार नाही.
- 24) मंजूर क्षेत्रातून करारात नमूद केलेल्या कालावधीत, पर्यावरण अनुमतीनुसार परवानगी दिलेल्या साधनाच्या सहाय्यानेच वाळूचे/रेतीचे उत्खनन करण्याची जबाबदारी लिलावधारकाची राहिल. वाळू स्थळात अपेक्षित साठा नाही, रस्ते उपलब्ध नाहीत, वाळूस्थळात पाणी आहे, वाळूघाटामधील वाळू मातीमिश्रीत आहे अशा तसेच मानवी वा नैसर्गिक आपत्तीच्या कारणास्तव सदर कालावधी कोणत्याही परिस्थितीत वाढवून दिला जाणार नाही व वाळूघाट बदलून दिला जाणार नाही. तसेच या कारणास्तव कोणताही परतावा देण्यात येणार नाही.

  
District Mining Officer  
Collectorate, Bhandara

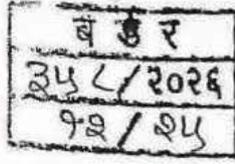
M/s. ANOJ KUMAR AGARWALA  
Tushar Ajitsaria  
PARTNER



- 25) उत्खनन केलेल्या किंवा काढलेल्या वाळू / रेतीची साठवणूक, लिलाव ज्या जिल्हाधिकार्याने केला असेल त्याच जिल्ह्यात करावी लागेल व त्यासाठी अकृषक परवान्यासह आवश्यक जमीन उपलब्ध करून घेण्याची जबाबदारी लिलावधारकाची असेल. वाळू / रेती ठेक्याची मुदत संपल्यापूर्वी ज्या वाळू / रेतीचे उत्खनन केलेले आहे त्या वाळूचा / रेतीचा साठा मुदत संपल्यानंतर 10 दिवसांत उत्खननाच्या जागेवरून हलविण्यात आला नाही तर तो शासनाच्या मालकीचा होईल. अशा वाळूच्या / रेतीच्या किंमतीबाबत अथवा मालकीबाबत लिलावधारकास अथवा त्यांच्या ठेकेदारास कोणताही हक्क सांगता येणार नाही किंवा त्याबाबत शासनाविरुद्ध दावा करता येणार नाही.
- 26) लिलावाचा कालावधी संपल्यानंतर तसेच 10 दिवसांची मुदत संपल्यानंतर कोणत्याही परिस्थितीत वाळू / रेतीसाठी करण्यास परवानगी देता येणार नाही किंवा त्याच्या वाहतूकीसाठी दुय्यम वाहतूक पासस देण्यात येणार नाहीत.
- 27) शासनाच्या पूर्वपरवानगीशिवाय लिलावधारकास लिलाव ठेका दुसऱ्या कोणाकडेही हस्तांतरीत करता येणार नाही किंवा दुसऱ्या कोणालाही चालविण्यास देता येणार नाही किंवा लिलावानंतर भागीदारही घेता येणार नाही.
- 28) लिलावधारक/परवानाधारक त्यांना मंजूर केलेल्या वाळूगटातून उत्खनन केले आहे. त्याबाबतचे विवरणपत्र सक्षम प्राधिकारी यांनी प्रमाणित करून दर महिन्याच्या १० तारखेला महाखनिज या प्रणालीवर ऑनलाईन सादर करणे बंधनकारक राहिल. जे लिलावधारक/परवानाधारक मासिक विवरणपत्र विहित वेळेत ऑनलाईन सादर करणार नाहीत, त्यांच्याविरुद्ध ठेका रद्द करण्याबाबत तसेच त्यांच्याविरुद्ध दंडात्मक कारवाई करण्याचे अधिकार जिल्हाधिकारी यांना राहतील.
- 29) मंजूर क्षेत्रातील ज्या ठिकाणातून रेती / वाळू काढल्याने धूप होऊ शकेल व त्यामुळे निवासी इमारतींना, घरे अथवा इतर बांधकामे यांना धोका निर्माण होईल अशा ठिकाणातून वाळूचे स्वतः उत्खनन करणार नाही अथवा इतरांना तसे करण्यास परवानगी देणार नाही, अशा प्रकरणी जिल्हाधिकारी यांचा उत्खनन करण्यास प्रतिबंध करण्याचा निर्णय अंतिम राहिल.
- 30) एकदा अत्युच्च बोली स्विकारून अंतिम करण्यात आलेल्या लिलावात कोणत्याही परिस्थितीत रेती / वाळू उत्खननाचा कालावधी वाढवून देण्याचा अथवा कोणत्याही कारणास्तव रेतीचा / वाळूचा गट बदलून देण्याची मागणी लिलावधारकास करता येणार नाही. उत्खनन केलेल्या वाळूच्या / रेतीच्या वाहतूकीसाठी पर्यावरण अनुमती देताना दर्शविण्यात आलेले रस्तेच लिलावधारकाने वापरावयाचे आहेत. तसेच वाहतूकीसाठी वेगळे रस्ते उपलब्ध करून दिले जाणार नाहीत, तसेच वाहतूकीसाठी नवीन रस्ता मिळविण्याची जबाबदारी लिलावधारकाची राहिल. रस्ते उपलब्ध नाहीत किंवा वाहतूकीसाठी बंद आहेत या कारणास्तव कोणत्याही परिस्थितीत रेती / वाळू उत्खननाचा कालावधी वाढवून दिला जाणार नाही अथवा रेती/वाळूगट बदलून दिला जाणार नाही.

District Mining Officer  
Collectorate, Bhandara

M/s. ANOJ KUMAR AGARWALA  
Pushan Aggarwal  
PARTNER



31) अवैध वाळू / रेतीसाठा पकडल्यानंतर वाहती रस्त्यावरील जमीन महसूल अधिनियम, १९६६ मधील नियम ४८ (७) व (८) नुसार कारवाई करण्यात यावी.

32) लिलावधारकाने / परवानाधारकाने वाळू वाहतुकीसाठी वापरण्यात येणाऱ्या वाहनांची माहिती जिल्हाधिकारी यांना देण्यात यावी. कोणत्याही परिस्थितीत वाहनाच्या वहनक्षमतेपेक्षा जास्त वाहतूक होणार नाही याची दक्षता घेण्यात यावी.

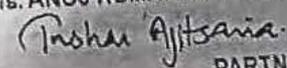
33) वाळूचे / रेतीचे उत्खनन करताना किंवा ती काढताना खाजगी मालमत्तेस कोणतीही हानी/नुकसान पोहचल्यास त्याची भरपाई करण्याचे दायित्व लिलावधारकावर राहिल. अशा हानीची / नुकसानीची परिगणना सक्षम अधिकाऱ्याकडून करण्यात येईल व त्याबाबतचा निर्णय अंतिम राहिल व अशी रक्कम जमीन महसूलाच्या धकीबाकीच्या वसुलीप्रमाणे संबंधित लिलावधारकाकडून वसूल करण्यात येईल.

34) लिलावधारक / परवानाधारक यांनी शासन निर्णय ८ एप्रिल, २०२५ व दिनांक ०९ ऑक्टोबर, २०२५ मधील सर्व अटी व शर्तीचे पालन करणे बंधनकारक राहिल.

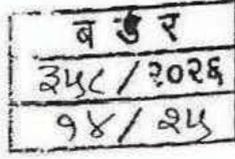
प्रतिबंधात्मक उपाययोजना :-

- प्रत्येक वाळूगटामधील वाळू वाहतूकीसाठी एकच रस्ता राहिल याबाबत लिलावधारक यांनी दक्षता घ्यावी.
- प्रत्येक वाळूगटाच्या ठिकाणी २४x७ छायाचित्रण होण्यासाठी लिलावधारकामार्फत CCTV बसविण्यात यावेत. यापैकी किमान एक CCTV कॅमेरा वाहतूकीच्या साधनात ज्या ठिकाणी वाळू भरण्यात येते त्या ठिकाणी बसविण्यात यावा व वाळूगटातील वाळूची वाहतूक करणारी सर्व वाहने गावातील ज्या ठिकाणावरून ये-जा करतात त्या ठिकाणाच्या छायाचित्रणासाठी वापरण्यात यावा. वाळूगटाच्या ठिकाणी बसविलेल्या CCTV चो किंमत लिलावधारकांना/परवानाधारकांना सोसणे आवश्यक राहिल. तसेच लिलाव न झालेल्या वाळूगटातील वाळूचो अवैध वाहतूक होवू नये यासाठी ज्या ठिकाणाहून वाहतूक होण्याची शक्यता आहे, अशा ठिकाणीही सीसीटीव्ही कॅमेरे बसविण्यात यावे व यासाठी जिल्हा नियोजन समितीकडून निधी उपलब्ध करून घेण्याबाबत कार्यवाही करण्यात यावी.
- लिलावधारकांना/परवानाधारकांना CCTV सार्वजनिक सर्वेक्षणासाठी शासनाने निश्चित केलेल्या संकेतस्थळावर उपलब्ध करून देणे बंधनकारक राहिल.
- लिलावधारकाने/परवानाधारकाने बसविलेल्या CCTV चा Address जिल्हाधिकारी / विभागीय आयुक्त व शासनाच्या महसूल व वन विभागाकडे देणे आवश्यक राहिल. लिलावधारकाने वाळू उत्खनन व वाहतूकीचे छायाचित्रण असलेली सोई दर १५ दिवसांनी तहसिलदार कार्यालयात जमा करणे अनिवार्य राहिल. लिलावधारकाने / परवानाधारकाने वाळूघाटात बसविलेले सीसीटीव्हीच्या आधारे वाळू उत्खननावर संनियंत्रण करण्याकरिता तहसिल कार्यालयामध्ये २४ X ७ कार्यरत सीसीटीव्ही नियंत्रण कक्षाची स्थापना करण्यात यावी. सदर

  
District Mining Officer  
Collectorate, Bhandara

M/s. ANOJ KUMAR AGARWALA  
  
PARTNER





- ई) नदीच्या काठाजवळच्या लगतच्या भागामध्ये उत्खनन केले जाते आहे किंवा कसे व त्याकरीता पोकलेन / जेसीका यांसारख्या यांत्रिक साधनांचा वापर करण्यात आला आहे किंवा कसे, याची पहाणी करण्यात यावी व त्याची नोंद भेटवहीत घेण्यात यावी.
- उ) उत्खनन केलेला वाळूसाठा विहित अंतरापर्यंत करण्यात आलेला आहे किंवा कसे, याची नोंद भेटवहीत घेण्यात यावी.
- ऊ) निविदाधारक यांनी पर्यावरण अनुमतीमधील तरतुदीनुसार वेळोवेळी मान्यता प्राप्त पर्यावरण सल्लागार यांचे मार्फत अनुपालन सादर करणे आवश्यक राहिल.

लिलावधारक/परवानाधारकाने अटी शर्तीचे उल्लंघन केल्यास करावयाची कारवाई:-

- पर्यावरण अनुमतीमध्ये परवानगी दिलेल्या खोलीपेक्षा जास्त खोल उत्खनन केल्याचे निदर्शनास आल्यास लिलावधारक/परवानाधारकाकडून घेण्यात आलेली अनामत रक्कम जप्त करण्यात येऊन, लिलाव/परवाना रद्द करण्यात येईल. तसेच असे उत्खनन अवैध ठरवून महाराष्ट्र जमीन महसूल संहिता, १९६६ मधील कलम ४८ (७) व (८) मधील तरतुदीनुसार कारवाई करण्यात येईल.
- वाळू/रेतीची वाहतूक करणाऱ्या वाहनचालकाकडे वैध वारकोडयुक्त वाहतूक पास आहे किंवा नाही, याची शहानिशा करण्यात येईल. याबाबतच्या निरीक्षणाच्या वेळी संबंधित वाहनचालकाकडे वैध वारकोडयुक्त वाहतूक पास आढळला नाही किंवा वाहतूक पासचा निर्दिष्ट कालावधी संपलेला असेल तर सदर वाळूचे उत्खनन वाहतूक अवैध समजून त्याविरुद्ध महाराष्ट्र जमीन महसूल संहिता, १९६६ मधील कलम ४८ (७) व (८) नुसार कारवाई करण्यात येईल.
- अवैध उत्खनन व वाहतूकीच्या प्रकरणामध्ये संबंधित ठेकेदार / लिलावधारक दोषी आढळल्यास त्यांच्याविरुद्ध प्रचलित नियमानुसार कारवाई करण्यात येईल. यापूर्वी भारतीय दंड संहितेमधील कलम, ३४, ३१४, ३७९, ३९२, ३९३, ३९४, ३९६ इत्यादी कलमांतर्गत गुन्हा दाखल करण्याची कार्यवाही करण्यात येत होती. आता भारतीय दंड संहितेऐवजी भारतीय न्याय संहितेचा अवलंब करण्यात आला असून त्यामधील कलम ३ (५), ५४, ३०३(२), ३०९ (४), ३०९ (५), ३०९ (६) व ३१०(३) या कलमातील तरतुदीची खात्री करून कारवाई करण्यात येईल तसेच, महाराष्ट्र जमीन महसूल संहिता, १९६६ मधील कलम ४८ (७) मधील तरतुदीनुसार दंडात्मक कारवाई करणे व कलम ४८(८) मधील तरतुदीनुसार वाळू उत्खननासाठी वापरलेली यंत्रसामग्री व वाहतूकीसाठी वापरलेली वाहने जप्त करणे, अवैध उत्खनन केलेली वाळू जप्त करणे इत्यादी कारवाई करण्यात येईल.
- तसेच वाळूचे अवैध उत्खनन / वाहतूकीच्या अनुषंगाने कारवाई करतांना महसूल अधिकारी / कर्मचारी यांच्यावर हल्ले होत असल्याचे निदर्शनास आल्यास किंवा अशा ठिकाणी संघटित गुन्हेगारीचे प्रकार आढळून आल्यास अशा संघटित गुन्हेगारीविरुद्ध "महाराष्ट्र झोपडपट्टी गुंड, हातभट्टीवाले, औषधिद्रव्ये विषयक गुन्हेगार, धोकादायक

  
District Mining Officer  
Collectorate, Bhandara

M/s. ANOJ KUMAR AGARWALA  
Puskar Ajitaria  
PARTNER

1552

ब ड र  
३५८/२०२६  
१५/१५



व्यक्ती व यांच्या विघातक कृत्यांना आळा घालण्याबाबत अधिनियम, १९८१ या अधिनियमान्वये कारवाई करण्यात येईल.

- v) लिलावधारक / परवानाधारक यांनी पर्यावरण अनुमतीमधील अटी व शर्तीचे तसेच पर्यावरणविषयक नियमातील तरतुदीचे पालन करणे बंधनकारक असेल. सदर तरतुदीचे उल्लंघन झाल्यास ते पर्यावरण (संरक्षण) अधिनियम, १९८६ मधील तरतुदीनुसार कारवाईस पात्र राहतील.

सहपत्र- पर्यावरण अनुमती

स्थळ - भंडारा  
दिनांक- 16/01/2026

M/s. ANOJ KUMAR AGARWALA  
Tushar Agaria  
PARTNER

करारनामा लिहूण घेणार

करारनामा लिहूण देणार

  
(सचिन वाढवे)  
जिल्हा खनिकर्म अधिकारी, भंडारा  
District Mining Officer  
Collectorate, Bhandara

Tushar Agaria  
मे. अनोज कुमार अगरवाला  
तर्फे तुषार अजितसरीया,  
श्री. मंगल प्लॉट नं. 159 रामदासपेट,  
नागपुर-440010



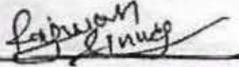
साक्षीदार

साक्षीदार

स्वाक्षरी :- 

१) श्री. अविशासुभाट हरिकीसन डोक वय ३३ वर्ष  
श. कव्हाल ता. पारशिवनी जि. नागपुर  
आपत्त कार्ड नं. ५६९० ५५९६ ६२९०



स्वाक्षरी :- 

२) श्री. राघुसुभाट सिंगर वय ३४ वर्ष  
श. कव्हाल ता. पारशिवनी जि. नागपुर  
आपत्त कार्ड नं. ३६५६ ३६३५ ६००९





महाराष्ट्र शासन  
जिल्हाधिकारी भंडारा यांचे कार्यालय  
(खनिकर्म शाखा)

Email ID : dmobhandara123@gmail.com

क्र.आसन-14/खनिज/अका/कावि- 08 /2026

दिनांक :- 05 / 01 / 2026

हेतुपत्र-(LOI)

प्रति,

मे. अनोज कुमार अगरवाला,  
प्रो. प्रा. तुषार अजितसरीया,  
श्री मंगल प्लॉट नं. 159 रामदासपेठ,  
नागपुर- 440010  
(anojagarwala@rediffmail.com)

विषय :- रेती / वाळू घाट लिलाव सन 2025 -2026

ऑनलाईन लिलावा अंतर्गत सर्वोच्च बोलीधारकास रेती घाट मंजूरीची कार्यवाही बाबत.

- संदर्भ :- 1) वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गोखनि 10/0125/प्र.क्र.05/ख-1, दिनांक 08/04/2025.  
2) वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गोखनि 10/0125/प्र.क्र.05/ख-1, दिनांक 09/10/2025.  
3) मा. SELAA (पर्यावरण विभाग, महाराष्ट्र) यांचे दिनांक 7/12/2025 व 8/12/2025 च्या सभेच्या इतिवृत्ताद्वारे प्राप्त पर्यावरण अनुमती.  
4) रेतीघाट ई-निविदा व ई-लिलाव दिनांक 30/12/2025

उपरोक्त विषयान्वये आपणास कळविण्यात येते की, जिल्हाधिकारी कार्यालय, भंडारा मार्फत आयोजित सन 2025-26 अंतर्गत रेती / वाळू घाटाचे उपविभागनिहाय ऑनलाईन लिलाव दिनांक 30/12/2025 रोजी पूर्ण करण्यात आले असून सदर लिलावात आपण तुमसर उपविभागकरीता सर्वोच्च देकारधारक असल्यामुळे आपणास रेतीघाट मंजूरीच्या दृष्टीने शासकीय रकमेचा भरणा करण्यास कळविण्यात येत आहे.

आपणास लिलावाच्या अटी व शर्तीनुसार सर्वोच्च बोलीच्या 25% फरकाची रक्कम लिलावाच्या मंजूरी दिनांकापासून 48 तासांच्या आत (सुट्टीचे दिवस वगळून) भरणा करावयाचे अनिवार्य आहे. सबब 25% टक्के फरकाची रक्कम 48 तासांचे आत भरणा करावा.

याअगोदर आपण सदर उपविभागातील वाळूघाटांकरीता निविदेसोबत भरावयाची इसारा रक्कम 25% रक्कम (100% च्या 90% चे 25 %) रुपये 9,16,82,400/- रक्कम भरलेली असून लिलावाच्या अटी व

ब. ड. र  
३५८/२०२६  
१६/२५



Scanned with OKEN Scanner

Scanned with OKEN Scanner

शर्तानुसार सर्वोच्च बोलीच्या (56,77,85,680/-) 25% फरकाची रक्कम रुपये 5,02,64,020/- दिनांकापासून 48 तासांच्या आत भरणा करावयाचे अनिवार्य आहे.

तसेच सदर रेतीघाट मंजूरीच्या अनुषंगाने व रेतीघाटाचा करारनामा करण्याचे दृष्टीने आपण खालील उर्वरित 75% रक्कम व इतर करांची रक्कम तातडीने शासन जमा करावे, जेणेकरून आपणास रेतीघाट मंजूरी आदेश निर्गमित करणे व करारनामा करणे सोईचे होईल.

आपणास असेही कळविण्यात येते की, मंजूर रेतीघाटाचा ताबा घेण्याचे दृष्टीने संबंधीत तहसिलदार यांच्याशी संपर्क साधावा जेणेकरून ताबा देण्याची कार्यवाही पूर्ण करता येईल.

अ.क्र.	भरणा करावाच्या रकमेचे विवरण	रक्कम	शेरा	Paid Date
1	रेतीघाटाच्या लिलावाच्या सर्वोच्च बोलीच्या 25% फरकाची रक्कम	5,02,64,020/-	ICICI A/c No. 049505001250 IFSC Code - ICIC0000495	07-01-2026
2	रेतीघाटाच्या लिलावाच्या सर्वोच्च बोलीच्या किमतीच्या 75% रक्कम	42,58,39,260/-	ICICI A/c No. 049505001250 IFSC Code - ICIC0000495	12-01-2026
3	अनामत रक्कम (रेतीघाटाच्या लिलावाच्या बोलीच्या रकमेच्या 25%)	14,19,46,420/-	(चलानद्वारे) BY Cheque No. 000099 on Date 16-01-2026	
4	आयकर TCS (लिलावाच्या सर्वोच्च बोलीच्या 2%)	1,13,55,714/-	(चलानद्वारे TAN No. NGPD03489D)	16-01-26
5	पर्यावरण शुल्क (लिलावाच्या सर्वोच्च बोलीच्या 2%)	1,13,55,714/-	(बँक गॅरंटी)	12-01-2026
6	भुजल सर्वेक्षण शुल्क (प्रति घाट 5000 रु.)	2,10,000/-	धनादेश (उपसंचालक, भुजल सर्वेक्षण आणि विकास यंत्रणा, नागपुर)	09-01-2026
7	जिल्हा खनिज प्रतिष्ठान निधी - (स्वामीत्वधनाच्या रकमेच्या 10%)	3,66,72,960/-	HDFC Bank Bhandara येथील खाते क्र. 50200111442907, IFSC Code:- HDFC0002500	16-01-26
8	मुद्रांक शुल्क - (लिलावाच्या सर्वोच्च बोलीच्या 0.2%)	11,35,571/-	(चलानद्वारे)	
9	EMP & CER Cost		The financial provision/budget reserved for the EMP and CER should be utilized for the activities mentioned in EMP and CER Plan of the District. The submission of implementation It is mandatory to submit half yearly compliances	

ब ड र  
34/2026  
96/24



आपणा खालील  
मंजूरी

	as per EIA notification 2006 for the terms and condition as mention in EC and Mining Plan to the competent authority. Failure in implementation of EMP and CER will lead to recovery of the same amount from Security Deposit.
--	---

- शासनाने वेळोवेळी लागू केलेले शुल्क भरणे अनिवार्य राहिल.  
उपरोक्त रकमेचा भरणा करण्याकरीता तसेच आपणास मंजूर करावयाच्या रेतीवाटाच्या सिमांकन करावयाच्या दृष्टीने सदर पत्र देण्यात येत आहे. उपरोक्त रकमेचा भरणा झाल्यानंतर आपणास प्रस्तावित रेती वाटाचे मंजूरी आदेश निर्गमित करण्यात येईल.  
(मा. जिल्हाधिकारी यांचेकडून का. टी. मंजूर)



(सचिन वाढवे)  
जिल्हा खनिकर्म अधिकारी,  
भंडारा

प्रतिलिपी :-

- उपविभागीय अधिकारी, तुमसर वॉन्स माहितीकरीता अग्रेषित.
- तहसिलदार तुमसर / मोहाडी यांना माहिती व उचित कार्यवाहीस्तव अग्रेषित.

ब ड र  
३५८ / २०२६  
१८ / १५





महाराष्ट्र शासन  
जिल्हाधिकारी भंडारा यांचे कार्यालय  
(खनिकर्म शाखा)

Email ID : dmobhandara123@gmail.com

क्र.आसन-14/खनिज/अका/कावि-१२/2026

दिनांक :- 14/01/2026

प्रति,

दुय्यम निबंधक,  
भंडारा

विषय :- दस्तावेज नोंदणी करण्याबाबत.

- संदर्भ :- 1) वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दिनांक 08/04/2025.  
2) वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दिनांक 09/10/2025.  
3) रेतीघाट ई-निविदा व ई-लिलाव दिनांक 30/12/2025  
4) या कार्यालयाचे पत्र क्र. क्र.आसन-14/खनिज/अका/कावि-08/2026 दि. 05/01/2026

उपरोक्त संदर्भिय विषयाचे अनुषंगाने वाळू / रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दिनांक 08/04/2025 व वाळू / रेती निर्गती धोरण-2025 शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दिनांक 09/10/2025 अन्वये भंडारा जिल्हाधिकारीता पर्यावरण अनुमती प्राप्त वाळू घाटांकरीता उपविभाग निहाय रेतीघाट ई-निविदा व ई-लिलाव जाहिरात दिनांक 11/12/2025 रोजी प्रसिध्द करण्यात आलेली होती.

सदर ई-निविदा व ई-लिलावामध्ये मे. अनोज कुमार अगरवाला, तर्फे तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेट, नागपुर- 440010 anojagarwala@rediffmail.com यांनी तुमसर उपविभागातील 42 वाळूघाटांमधील उपलब्ध एकुण वाळूसाठाचे 90% 611216 ब्रास हातची किंमत रुपये 36,67,29,600/- करीता प्रतिब्रास 928.94 रुपये प्रमाणे एकुण रुपये 56,77,85,680/- सर्वोच्च बोली / देकार नोंदविलेला असल्याने वाळूघाट मंजुरीबाबत संदर्भ क्र. 4 अन्वये LOI देण्यात आलेला आहे. मंजुर करण्यात आलेल्या वाळू / रेतीघाटांकरीता करारनामा निष्पादन करण्यात आला असुन करारनामा नोंदणीकृत होणे आवश्यक असल्याने सदर करारनाम्याची नोंणी करुन देण्यात यावी, हि विनंती.

सहपत्र:- करारनामा

ब ड र  
३५८/२०२६  
१२/२५



(सचिन वाढवे)  
जिल्हा खनिकर्म अधिकारी,  
भंडारा

भारत सरकार  
Government of India



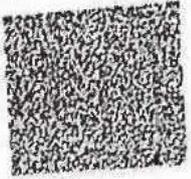
तुषार अंनोव कुमार अजीतसरिया  
Tushar Anoj Kumar Ajitsaria

जन्म तारीख / DOB: 19/12/1995  
पुरुष / MALE

4006 9047 8140

मेरा आधार, मेरी पहचान

भारतीय पहचान प्रमाणिकरण  
Unique Identification Authority of India



1995 12 19 अंनोव कुमार अजीतसरिया, श्री 150 पार्क, लंडा पार्क, नागपुर, महाराष्ट्र, 440010

Address: S/O Anoj Kumar Agarwala, Shree Mangal, 150, Near Lenda Park, Ramdaspathi, Nagpur, Nagpur, Maharashtra 440010

4006 9047 8140

1947 help@uidai.gov.in www.uidai.gov.in

आयकर विभाग  
INCOME TAX DEPARTMENT

TUSHAR AJITSARIA  
ANOJ KUMAR AJITSARIA

19/12/1995  
Permanent Account Number  
BLGPA9301N

Tushar Ajitsaria  
Signature

भारत सरकार  
GOVT. OF INDIA




00012014

Tushar Ajitsaria

आयकर विभाग  
INCOME TAX DEPARTMENT

स्थायी लेखा संख्या कार्ड  
Permanent Account Number Card  
AAETD9085E

नाम / Name  
DISTRICT MINERAL FOUNDATION  
BHANDARA

स्थापना / गठन की तिथि  
Date of Incorporation/Formation  
15/10/2024

भारत सरकार  
GOVT. OF INDIA



ब. उ. र.  
25/10/2024

स्थायी लेखा संख्या / PERMANENT ACCOUNT NUMBER  
AAGFM4966M

नाम / NAME  
M/S ANOJ KUMAR AGARWALA

स्थापना/गठन की तिथि / DATE OF INCORPORATION/FORMATION  
25-08-1999

आयकर व्यवस्थापक (सिस्टम), दिल्ली  
COMMISSIONER OF INCOME-TAX(SYSTEMS), SHILLONG



भारत सरकार  
GOVERNMENT OF INDIA

अविनाश कुमार हरिकिशन धोके  
Avinash Kumar Harikishan Dhoke  
जन्म तारीख / DOB : 04/08/1982  
पुरुष / Male

5790 5497 8290

मेरा आधार, मेरी पहचान

भारतीय विशिष्ट पहचान प्राधिकरण  
UNIQUE IDENTIFICATION AUTHORITY OF INDIA

पता: S/O हरिकिशन धोके, वार्ड नं. 4, आनंद नगर, कन्हान, नागपुर, महाराष्ट्र, 441401

Address: S/O Harikishan Dhoke, ward.no.4, anand nagar, kanhan, Nagpur, Maharashtra, 441401

5790 5497 8290

1947 help@uidai.gov.in www.uidai.gov.in

015388639202526E  
Barcode #/A  
Inspector General of Registration  
Stamp Duty and P.  
Type of Payment

*Signature*

<p>भारत सरकार GOVERNMENT OF INDIA</p> <p>Rajuram Sinwar जन्म तारीख / DOB: 15/03/2001 पुरुष / MALE</p> <p>3656 2735 4001</p> <p>माझे आधार, माझी ओळख</p>	<p>भारतीय विशिष्ट पहचान प्राधिकरण UNIQUE IDENTIFICATION AUTHORITY OF INDIA</p> <p>Address: S/O: Ganga Ram, VTC: Bothiyabas, PO: Panihara, Sub District Sujangarh, District: Chunu, State: Rajasthan, PIN Code: 331505,</p>
<p>1947 help@uidai.gov.in www.uidai.gov.in P.O. Box No. 1947, Bangalore-560 501</p>	

*Rajuram Sinwar*

ब ड र  
३५८/२०२६  
२९८/२५



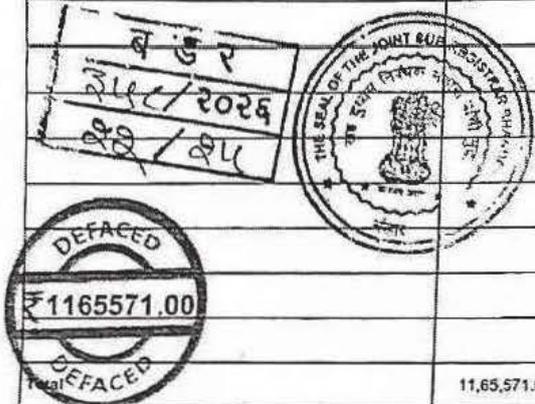
# 1559

CHALLAN

MTR Form Number-6



H015386638202526E		BARCODE		Date	16/01/2026-16:44:33	Form ID	25.1
Department Inspector General Of Registration				Payer Details			
Stamp Duty and Registration Fee together				TAX ID / TAN (If Any)			
Type of Payment				PAN No. (If Applicable) AAGXXXXXXM			
Office Name BDR_HQR SUB REGISTRAR BHANDARA		Full Name		MS ANNOJ KUMAR AGARWALA THROW TUSHAR AJITSARIA			
Location BHANDARA		Flat/Block No.		42 SAND GHAT			
Year 2025-2026 One Time		Premises/Building		TUMSAR			
Account Head Details		Amount In Rs.		Road/Street		Area/Locality	
0030046401 Stamp Duty		1135571.00		BHANDARA		Town/City/District	
0030063301 Registration Fee		30000.00		PIN		4 4 1 9 0 4	
Remarks (If Any)				PAN2=AAETD9085E-SecondPartyName=SACHIN VADHVE JILHA KHANIKARM ADHIKARI BHANDARA-CA=567785680-Marketval=567785680			
Total		11,65,571.00		Amount In Words		Eleven Lakh Sixty Five Thousand Five Hundred Seventy One Rupees Only	
Payment Details BANK OF BARODA				FOR USE IN RECEIVING BANK			
Cheque-DD Details		Bank CIN		Ref. No.		02003942026011600847 1473869361	
Cheque/DD No.		Bank Date		RBI Date		16/01/2026-16:46:21 Not Verified with RBI	
Name of Bank		Bank-Branch		BANK OF BARODA			
Name of Branch		Scroll No. , Date		Not Verified with Scroll			



Department ID: XXXXXX3606  
 NOTE:- This challan is valid for document to be registered in Sub Registrar office only. Not valid for unregistered document.  
 नोंदणी कर घेण्यासाठी याचलाना नोंदणी कार्यालयात नोंदणी कर घेण्याच्या दस्तऐवजाची लागू आहे. नोंदणी न करता घेण्याच्या दस्तऐवजाची सदर चलान लागू नाही.

Challan Defaced Details

Sr. No.	Remarks	Defacement No.	Defacement Date	Userid	Defacement Amount
1	(IS)-301-358	0008743815202526	16/01/2026-17:39:47	IGR413	30000.00
2	(IS)-301-358	0008743815202526	16/01/2026-17:39:47	IGR413	1135571.00
Total Defacement Amount					11,65,571.00

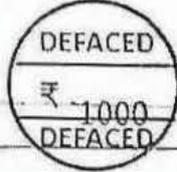


**D**ocument **H**andling **C**harges  
Inspector General of Registration & Stamps

Receipt of Document Handling Charges

PRN : 0126161415028      Payment Date : 16/01/2026

Received from MS ANOJ KUMAR AGARWALA THRO TUSHAR AJITSARIA, Mobile number 8007663606, an amount of Rs. 1000/-, towards Document Handling Charges for the iSarita 1.9 on Document No. BDR-358-2026 dated 16/01/2026 in the Joint District Registrar office JDR Bhandara of the District Bhandara.



Payment Details

Bank Name :	SBIN	Receipt Date :	16/01/2026
Bank CIN :	10029762026011614316	REF No. :	9689103755657
Deface No :	0126161415028D	Deface Date. :	16/01/2026

This is computer generated receipt, hence no signature is required.

ब ड र  
३५८/२०२६  
१३/१५



# 1561

Summary 1 (Dasgoshwara bhag 1)

दिनांक: 2026 5:40 म.नं.

दस्त गोपवारा भाग-1

बडर १४/२५

दस्त क्रमांक: 358/2026

क्रमांक: बडर /358/2026

आकार मूल्य: रु. 56,77,85,680/-

मोबदला: रु. 56,77,85,680/-

प्रत्येक मुद्रांक शुल्क: रु.11,35,571/-

ड. नि. सह. दु. नि. बडर यांचे कार्यालयात  
अ. सं. 358 चर दि.16-01-2026  
रोजी 5:36 म.नं. वा. हजर केला.

पावती:464

पावती दिनांक: 16/01/2026

मादरकराचारे नाव: मे.अनोज कुमार अग्रवाल वरुण तुपार अनितसरीया

नोंदणी फी रु. 30000.00

दस्त द्वावाळणी फी रु. 1000.00

पृथांची संख्या: 25

एकुण: 31000.00

Anshu Ajitania.

दस्त हजर करणाऱ्यांची मदी:

  
अध्यापक असमयाने  
सह दुय्ये निवेदन  
संख्या

  
अध्यापक असमयाने  
सह दुय्ये निवेदन  
संख्या

दस्ताचा प्रकार: वर्क कॉन्ट्रॅक्ट

मुद्रांक शुल्क: (व) पाच लाख रुपयांपेक्षा अधिक असेल तर

शिक्का सं. 1 16 / 01 / 2026 05 : 36 : 47 PM ची वेळ: (सादरीकरण)

शिक्का सं. 2 16 / 01 / 2026 05 : 38 : 42 PM ची वेळ: (फी)



6 5 44:07 PM

दस्ता गोपवारा भाग-2

बडर 25/25  
दस्ता क्रमांक: 358/2026

बडर/358/2026  
वर्क कॉन्ट्रैक्ट

अनु क्र.	पक्षकाराचे नाव व पत्ता	पक्षकाराचा प्रकार	छायाचित्र	ठसा प्रमाणित
1	नाव: मे. अनोज कुमार अगरवाला तर्फे तुषार अजितसरीया पत्ता: प्लॉट नं: 0, माळा नं: 0, इमारतीचे नाव: श्री. मंगल प्लॉट नं. 159 रामदासपेठ नागपुर ता. जि. नागपुर, ब्लॉक नं: 0, रोड नं: 0, महाराष्ट्र, नागपुर. पिन नंबर: AAGFM4966M	तिहुन देणार वय :- स्वाक्षरी:- Tushar Ajitsaria		
2	नाव: सचिव वाढवे जिल्हा खनिकर्म अधिकारी, भंडारा पत्ता: प्लॉट नं: 0, माळा नं: 0, इमारतीचे नाव: जिल्हा खनिकर्म कार्यालय, भंडारा त. जि. भंडारा, ब्लॉक नं: 0, रोड नं: 0, महाराष्ट्र, भंडारा. पिन नंबर: AAETD9085E	तिहुन देणार वय :- स्वाक्षरी:-		

वरील दस्तऐवज करून देणार तथाकथित वर्क कॉन्ट्रैक्ट या दस्तऐवज करून दिल्याचे कबूल करतात.  
दिक्का क्र. 3 ची वेळ: 16 / 01 / 2026 05 : 42 : 31 PM

ओळख:-

खालील इतर असे निवेदीत करतात की ते दस्तऐवज करून देणा-यांना व्यक्तीस: ओळखतात, व त्यांची ओळख पटविताना

अनु क्र. पक्षकाराचे नाव व पत्ता

1 नाव: अविशकुमार हरिकिसन डोळे  
वय: 33  
पत्ता: रा. कन्यान ता. पारशिवनी जि. नागपुर  
पिन कोड: 441401

स्वाक्षरी



2 नाव: राजुराम सिंघर ..

वय: 24  
पत्ता: रा. बाळूज नगर, नागपुर ता. जि. नागपुर  
पिन कोड: 440010

स्वाक्षरी



खालील पक्षकारांची कबुली उपलब्ध आहे.

अनु क्र.

पक्षकाराचे नाव व पत्ता  
सचिव वाढवे जिल्हा खनिकर्म अधिकारी, भंडारा :  
प्लॉट नं: 0, माळा नं: 0, इमारतीचे नाव: जिल्हा खनिकर्म कार्यालय, भंडारा त. जि. भंडारा, ब्लॉक नं: 0, रोड नं: 0, महाराष्ट्र, भंडारा.  
AAETD9085E

दिक्का क्र. 4 ची वेळ: 16 / 01 / 2026 05 : 43 : 04  
पाने आहेत

प्रमाणित करण्यात घेते की.

9 - नंबरचे मुख्यदे  
258 नंबरची नोंदव्या

सह दुय्यम निबंधक

सह दुय्यम निबंधक, भंडारा

सह दुय्यम-निबंधक भंडारा  
बा.श्री.क्र.96 माहे 09 सन 2026

Payment Details.

sr.	Purchaser	Type	Verification no/Vendor	GRN/Licence	Amount	Used At	Deface Number	Deface Date
1	MS ANNOJ KUMAR AGARWALA THROW TUSHAR AJITSARIA	eChallen	02003942026011600847	MH015388638202526E	1135571.00	SD	0008743815202526	16/01/2026
2		DHC		0126161415028	1000	RF	0126161415028D	16/01/2026
3	MS ANNOJ KUMAR AGARWALA THROW TUSHAR AJITSARIA	eChallen		MH015388638202526E	30000	RF	0008743815202526	16/01/2026

[SD:Stamp Duty] [RF:Registration Fee] [DHC: Document Handling Charges]



1. Verify Scanned Document for correctness.  
2. Get print immediately after registration.

Know Your Rights as Registrants

358 / 2026

Email ID : dmobhandara123@gmail.com

क्र.आसन-14/खनिज/अका/कावि- ५४ /2026

दिनांक :- २०/०१/2026

- वाचा : 1) वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दि. 08/04/2025  
2) वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दि. 09/10/2025  
3) रेतीघाट ई-निविदा व ई-लिलाव दि. 30/12/2025  
4) या कार्यालयाचे पत्र क्र. आसन-14/खनिज/अका/कावि-08/2026 दिनांक 05/01/2026  
5) या कार्यालयाचे पत्र क्र. आसन-14/खनिज/अका/कावि-28/2026 दिनांक 13/01/2026  
6) मा. SEIAA (पर्यावरण विभाग, महाराष्ट्र) यांचे दिनांक 07/12/2025 व 08/12/2025 रोजीच्या सभेच्या इतिवृत्ताद्वारे प्राप्त पर्यावरण अनुमती.

## //आदेश//

वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दि. 08/04/2025 व वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दि. 09/10/2025 अन्वये तुमसर जिल्हयाकरीता पर्यावरण अनुमती प्राप्त वाळू घाटांकरीता उपविभाग निहाय रेतीघाट ई-निविदा व ई-लिलाव जाहिरात दिनांक 11/12/2025 रोजी प्रसिध्द करण्यात आलेली होती. सदर ई-निविदा व ई-लिलावामध्ये मे. अनोज कुमार अगरवाला, तर्फे तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेठ, नागपुर-440010 anojagarwala@rediffmail.com यांनी तुमसर या उपविभागातील 42 वाळूघाटामधील उपलब्ध एकुण वाळूसाठा चे 90% 611216 ब्रास हातची किंमत रूपये 36,67,29,600/- करीता प्रतिब्रास रूपये 928.94/- रूपये प्रमाणे एकुण रूपये 56,77,85,680/- सर्वोच्च बोली/देकार नोंदविलेला आहे.

अ.क्र.	भरना करावाच्या रकमेचे विवरण	रक्कम	शेरा
1	रेतीघाटाच्या लिलावाच्या सर्वोच्च बोलीच्या 25% फरकाची रक्कम	5,02,64,020/-	ICICI A/c No. 049505001250 IFSC Code – ICIC0000495
2	रेतीघाटाच्या लिलावाच्या सर्वोच्च बोलीच्या किमतीच्या 75% रक्कम	42,58,39,260/-	ICICI A/c No. 049505001250 IFSC Code - ICIC0000495
3	अनामत रक्कम (रेतीघाटाच्या लिलावाच्या बोलीच्या रक्कमेच्या 25%)	14,19,46,420/-	(चलानद्वारे)
4	आयकर TCS (लिलावाच्या सर्वोच्च बोलीच्या 2%)	1,13,55,714/-	(चलानद्वारे TAN No. NGPD03489D)
5	पर्यावरण शुल्क (लिलावाच्या	1,13,55,714/-	(बँक गॅरंटी)

	सर्वोच्च बोलीच्या 2%)		
6	भुजल सर्वेक्षण शुल्क (प्रति घाट 5000 रु.)	2,10,000/-	धनादेश (उपसंचालक, भुजल सर्वेक्षण आणि विकास यंत्रणा, नागपुर)
7	जिल्हा खनिज प्रतिष्ठान निधी - (स्वामीत्वधनाच्या रक्कमेच्या 10%)	3,66,72,960/-	HDFC Bank Bhandara येथील खाते क्र. 50200111442907, IFSC Code:- HDFC0002500
8	मुद्रांक शुल्क - (लिलावाच्या सर्वोच्च बोलीच्या 0.2%)	11,35,571/-	(चलानद्वारे)
9	EMP& CER Cost		The financial provision/budget reserved for the EMP and CER should be utilized for the activities mentioned in EMP and CER Plan of the District. The submission of implementation It is mandatory to submit half yearly compliances as per EIA notification 2006 for the terms and condition as mention in EC and Mining Plan to the competent authority. Failure in implementation of EMP and CER will lead to recovery of the same amount from Security Deposit.

मे. अनोज कुमार अगरवाला, तर्फे तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेट, नागपुर-440010 anojagarwala@rediffmail.com यांनी तुमसर उपविभागातील खालील नमुद 42 वाळू घाटांकरीता संपूर्ण रक्कमेचा भरणा पूर्ण केलेला आहे.

Sr. No	Name of Sand Ghat	Taluka	Name of River	Adjoining Gat. No./ Survey No./ Khasra No.	Length (m)	Width (m)	Depth (m)	Total area (Ha.)	Production (Given by Us) (Brass)	Latitude	Longitude
1	Dhiwar wada I	Mohadi	Wainganga	430 A, 431, 432, 433, 434, 435	480	100	1.6	4.8	27138	21°14'55.05"N	79°45'8.91"E
										21°14'50.78"N	79°44'52.89"E
										21°14'54.00"N	79°44'52.37"E
										21°14'58.27"N	79°45'8.38"E
2	Mundhri Khu	Mohadi	Wainganga	440, 439, 438, 437, 436, 431, 404, 403, 402	350	120	1.7	4.2	25230	21°17'17.30"N	79°46'24.65"E
										21°17'14.61"N	79°46'27.49"E
										21°17'23.20"N	79°46'35.44"E
										21°17'25.96"N	79°46'32.35"E
3	Mundhri Bu	Mohadi	Wainganga	1, 468	470	100	1.6	4.7	26572	21°16'9.42"N	79°45'39.77"E
										21°16'8.93"N	79°45'36.39"E
										21°16'23.93"N	79°45'33.33"E

											21°16'24.48"N	79°45'36.75"E
											21°15'24.74"N	79°45'56.77"E
4	Kanhagaon	Mohadi	Wainganga	6, 381, 375, 376, 374	600	70	1.5	4.2	22261		21°15'23.69"N	79°45'54.61"E
											21°15'40.93"N	79°45'45.22"E
											21°15'42.08"N	79°45'47.28"E
5	Devhada Kh.	Mohadi	Wainganga	31, 32, 25, 24, 310	132	107	1.2	1.4124	5989		21°15'44.20"N	79°45'24.07"E
											21°15'47.82"N	79°45'20.10"E
											21°15'41.01"N	79°45'12.48"E
											21°15'37.56"N	79°45'16.43"E
6	Nilaj Khu	Mohadi	Wainganga	220, 221	460	85	1.5	3.91	20724		21°17'54.01"N	79°46'46.27"E
											21°17'39.88"N	79°46'41.43"E
											21°17'39.02"N	79°46'44.22"E
											21°17'53.17"N	79°46'49.03"E
7	Mohagaon Devi	Mohadi	Sur	319, 320, 321	210	53	0.5	1.113	1966		21°16'35.30"N	79°41'0.24"E
											21°16'33.93"N	79°40'59.21"E
											21°16'38.06"N	79°40'53.41"E
											21°16'39.42"N	79°40'54.51"E
8	Betala South	Mohadi	Wainganga	952, 1035, 1036, 1037, 1040	300	160	1.6	4.8	27138		21°14'41.77"N	79°44'17.47"E
											21°14'46.52"N	79°44'15.52"E
											21°14'42.94"N	79°44'5.66"E
											21°14'38.16"N	79°44'7.83"E
9	Betala North	Mohadi	Wainganga	949, 887	400	120	1.6	4.8	27138		21°15'14.01"N	79°44'50.35"E
											21°15'11.90"N	79°44'53.81"E
											21°15'23.24"N	79°45'0.49"E
											21°15'25.39"N	79°44'56.99"E
10	Nilaj Bu 1	Mohadi	Wainganga	417, 416, 415, 414, 413, 410, 409, 408	245	200	1.5	4.9	25972		21°18'25.66"N	79°47'5.74"E
											21°18'17.88"N	79°47'4.13"E
											21°18'18.45"N	79°46'57.22"E
											21°18'26.24"N	79°46'58.81"E
11	Nilaj Bu 2	Mohadi	Wainganga	42, 429, 428	400	120	1.6	4.8	27138		21°18'44.11"N	79°47'6.81"E
											21°18'44.93"N	79°47'2.77"E
											21°18'57.90"N	79°47'3.69"E
											21°18'57.44"N	79°47'7.74"E
12	Betala (Ghatkuroda)	Mohadi	Wainganga	160, 161, 171	300	160	1.5	4.8	25442		21°15'44.20"N	79°45'24.07"E
											21°15'47.82"N	79°45'20.10"E
											21°15'41.01"N	79°45'12.48"E
											21°15'37.56"N	79°45'16.43"E
13	Chikhali 1	Tumsar	Bawanthadi	515, 514, 513	350	30	1.3	1.05	4823		21°33'26.59"N	79°37'21.28"E
											21°33'25.71"N	79°37'20.82"E
											21°33'21.02"N	79°37'31.90"E
											21°33'21.87"N	79°37'32.35"E
14	Chikhali 2	Tumsar	Bawanthadi	489	300	40	1.2	1.2	5088		21°33'15.87"N	79°38'1.48"E
											21°33'14.64"N	79°38'1.02"E
											21°33'12.77"N	79°38'11.27"E
											21°33'14.02"N	79°38'11.70"E
15	Dongri Buzurg	Tumsar	Bawanthadi	220, 221,	275	70	1	1.925	6802		21°34'7.61"N	79°39'36.40"E
											21°33'58.95"N	79°39'34.13"E

1566

	1			858, 957, 490, 171, 178, 170, 865, 177, 166, 164, 167, 168, 169, 180						21°33'58.03"N	79°39'36.33"E
										21°34'6.65"N	79°39'38.72"E
16	Dongri Buzurg 2	Tumsar	Bawanthadi	263, 264, 265, 356, 352, 353, 354, 355	270	60	1	1.62	5724	21°34'12.90"N	79°39'39.05"E
										21°34'13.18"N	79°39'37.04"E
										21°34'21.82"N	79°39'37.61"E
										21°34'21.62"N	79°39'39.74"E
17	Lobhi 1	Tumsar	Bawanthadi	258, 259, 260, 261 262	450	60	1.5	2.7	14311	21°35'33.60"N	79°42'2.41"E
										21°35'35.60"N	79°42'2.44"E
										21°35'33.40"N	79°42'18.05"E
										21°35'31.55"N	79°42'17.85"E
18	Lobhi 2	Tumsar	Bawanthadi	221, 225/1, 225/2, 226, 227, 236, 237	225	65	1	1.4625	5168	21°35'10.25"N	79°41'46.43"E
										21°35'11.69"N	79°41'44.76"E
										21°35'18.34"N	79°41'48.52"E
										21°35'16.69"N	79°41'50.23"E
19	Lobhi 3	Tumsar	Bawanthadi	60, 61/1, 61/2, 62, 63/1, 63/2, 63/3	260	50	1.5	1.3	6890	21°34'51.73"N	79°41'27.64"E
										21°34'53.01"N	79°41'26.31"E
										21°34'58.78"N	79°41'32.87"E
										21°34'57.64"N	79°41'33.91"E
20	Chand mara 1	Tumsar	Bawanthadi	97, 96, 101, 92, 90	315	125	1.2	3.9375	16696	21°34'45.29"N	79°40'13.91"E
										21°34'49.21"N	79°40'13.10"E
										21°34'47.23"N	79°40'2.39"E
										21°34'43.30"N	79°40'3.21"E
21	Chand mara 2	Tumsar	Bawanthadi	228, 216, 229, 230, 231	410	45	1.5	1.845	9779	21°34'47.17"N	79°41'6.99"E
										21°34'48.57"N	79°41'7.30"E
										21°34'51.74"N	79°40'53.46"E
										21°34'50.29"N	79°40'53.22"E
22	Aashti Aanjan Vihri 1	Tumsar	Bawanthadi	1190, 1183, 2821, 2818	450	100	1.5	4.5	23852	21°35'55.00"N	79°43'46.83"E
										21°35'57.03"N	79°43'44.14"E
										21°35'46.77"N	79°43'33.37"E
										21°35'44.50"N	79°43'35.91"E
23	Aashti Aanjan Vihri 2	Tumsar	Bawanthadi	1275, 1270, 1271, 1265	400	95	1.5	3.8	20141	21°36'13.26"N	79°44'5.32"E
										21°36'10.19"N	79°44'5.14"E
										21°36'9.11"N	79°44'18.93"E
										21°36'12.16"N	79°44'19.21"E
24	Dhuter a 1	Tumsar	Bawanthadi	63, 65, 62, 66	420	80	1	3.36	11873	21°35'16.11"N	79°47'1.19"E
										21°35'18.60"N	79°47'1.93"E

										21°35'21.12"N	79°46'47.47"E
										21°35'18.58"N	79°46'46.75"E
25	Dhute a 2	Tumsar	Bawanthadi	118, 128, 117, 116, 130	475	70	1	3.325	11749	21°35'4.90"N	79°47'34.83"E
										21°35'6.92"N	79°47'35.74"E
										21°35'10.75"N	79°47'30.38"E
										21°35'13.93"N	79°47'21.42"E
										21°35'11.97"N	79°47'20.40"E
										21°35'8.26"N	79°47'29.86"E
										21°34'47.27"N	79°47'59.79"E
26	Dhute a 3	Tumsar	Bawanthadi	140, 141, 142, 143, 144, 145, 146, 147	355	60	1	2.13	7527	21°34'48.70"N	79°48'1.19"E
										21°34'56.14"N	79°47'51.86"E
										21°34'54.78"N	79°47'50.35"E
27	Kavle wada 1	Tumsar	Bawanthadi	152, 149, 148, 144	555	50	1	2.775	9806	21°34'23.99"N	79°48'28.78"E
										21°34'25.22"N	79°48'29.91"E
										21°34'36.80"N	79°48'15.24"E
										21°34'35.62"N	79°48'14.01"E
28	Kavle wada 2	Tumsar	Bawanthadi	253, 254, 255, 256	330	65	1	2.145	7580	21°34'2.50"N	79°48'49.63"E
										21°34'4.17"N	79°48'51.02"E
										21°34'11.85"N	79°48'42.89"E
										21°34'10.20"N	79°48'41.52"E
29	Kavle wada 3	Tumsar	Bawanthadi	237, 238, 239, 240, 241	445	60	1	2.67	9435	21°33'39.99"N	79°49'15.37"E
										21°33'41.30"N	79°49'16.87"E
										21°33'51.08"N	79°49'5.36"E
										21°33'49.72"N	79°49'3.88"E
30	Sondya 1	Tumsar	Bawanthadi	235	400	100	1.5	4	21201	21°31'48.88"N	79°51'41.21"E
										21°31'51.52"N	79°51'43.12"E
										21°31'58.98"N	79°51'31.60"E
										21°31'56.33"N	79°51'29.65"E
31	Sondya 2	Tumsar	Bawanthadi	171, 172, 173	460	100	1.5	4.6	24382	21°32'10.17"N	79°51'17.60"E
										21°32'13.12"N	79°51'19.20"E
										21°32'22.56"N	79°51'6.84"E
										21°32'19.76"N	79°51'5.13"E
32	Sondya 3	Tumsar	Bawanthadi	48, 47, 46, 45	270	110	1.2	2.97	12594	21°32'27.77"N	79°50'48.71"E
										21°32'30.66"N	79°50'51.02"E
										21°32'34.09"N	79°50'42.31"E
										21°32'31.25"N	79°50'39.91"E
33	Mandv i 1	Tumsar	Wainganga	14	400	100	1.5	4	21201	21°25'17.55"N	79°52'11.90"E
										21°25'14.64"N	79°52'13.39"E
										21°25'20.21"N	79°52'25.92"E
										21°25'23.13"N	79°52'24.44"E
34	Mandv i 2	Tumsar	Wainganga	29	430	85	1.2	3.655	15498	21°25'13.76"N	79°51'54.87"E
										21°25'11.02"N	79°51'55.53"E
										21°25'5.81"N	79°51'42.23"E
										21°25'8.38"N	79°51'40.87"E
35	Sukli de	Tumsar	Wainganga	451, 450, 446	200	100	1.2	2	8481	21°17'22.96"N	79°46'5.45"E
										21°17'20.26"N	79°46'7.33"E
										21°17'16.72"N	79°46'1.54"E

										21°17'19.42"N	79°45'59.66"E
36	Warpin dkepar	Tumsar	Bawanthadi	339, 340, 412, 413, 414	350	100	1.5	3.5	18551	21°31'40.95"N	79°52'26.83"E
										21°31'44.17"N	79°52'27.20"E
										21°31'45.21"N	79°52'15.07"E
										21°31'41.99"N	79°52'14.74"E
37	Charga on	Tumsar	Wainganga	10, 11, 16, 17	350	115	1.5	4.025	21334	21°19'27.59"N	79°46'57.27"E
										21°19'27.47"N	79°47'1.23"E
										21°19'16.11"N	79°47'0.80"E
										21°19'16.22"N	79°46'56.88"E
38	Umarw ada	Tumsar	Wainganga	390, 393, 395, 397	450	100	1.2	4.5	19081	21°23'20.77"N	79°48'35.96"E
										21°23'17.69"N	79°48'36.57"E
										21°23'14.21"N	79°48'20.86"E
										21°23'17.48"N	79°48'20.81"E
39	Panjra Re	Tumsar	Wainganga	132/1, 132/2	400	100	1.5	4	21201	21°23'49.74"N	79°49'37.26"E
										21°23'47.31"N	79°49'39.51"E
										21°23'55.77"N	79°49'50.02"E
										21°23'58.23"N	79°49'47.76"E
40	Tamas wadi	Tumsar	Wainganga	245, 246, 260, 261, 267, 269, 270, 271	400	100	1.5	4	21201	21°23'24.13"N	79°48'54.51"E
										21°23'21.37"N	79°48'56.28"E
										21°23'28.03"N	79°49'8.19"E
										21°23'30.82"N	79°49'6.43"E
41	Koshti	Tumsar	Wainganga	291, 294, 295, 330, 327, 325	250	120	1.5	3	15900	21°22'22.47"N	79°47'27.06"E
										21°22'23.39"N	79°47'31.30"E
										21°22'15.48"N	79°47'33.03"E
										21°22'14.59"N	79°47'29.06"E
42	Bamha ni	Tumsa	Wainganga	371, 372, 373/1, 373/2	350	100	1.5	3.5	18551	21°21'23.83"N	79°47'49.25"E
										21°21'16.10"N	79°47'40.33"E
										21°21'13.71"N	79°47'42.69"E
										21°21'21.41"N	79°47'51.54"E
Total									679129		

तुमसर उपविभागातील वाळू गटाची सर्वोच्च बोली ची रक्कम व इतर देय रक्कमा शासन जमा केल्यामुळे मे. अनोज कुमार अगरवाला, तर्फे तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेठ, नागपुर-440010 anojagarwala@rediffmail.com यांना तुमसर उपविभागातील वरील रेती घाटातून वाळू / रेती उत्खनन व वाहतूक करण्याकरिता दिनांक 10 जून, 2026 पर्यंत आणि विक्री करण्याकरिता परवानगी दिनांक 30 सप्टेंबर, 2026 पर्यंत महसूल व वन विभाग, महाराष्ट्र शासन, मंत्रालय मुंबई, शासन निर्णयक्र. गौखनि 10/0125/प्र.क्र. 05/ख-1. दिनांक 08/04/2025 व महसूल व वन विभाग, महाराष्ट्र शासन, मंत्रालय मुंबई, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र. 05/ख-1, दिनांक 30/04/2025 आणि या कार्यालयाची ई-निविदा दिनांक 16/10/2025 मधील अटी व शर्तीच्या अधिन राहून परवानगी देण्यात येत आहे.

पर्यावरण विभागाने सदर रेतीघाटाकरिता पर्यावरण विषयक मंजूरी (Environment Clearance) प्रदान केलेली असून त्यात नमुद सर्वसाधारण अटी व शर्ती रेतीघाटधारकास बंधनकारक राहतील व त्यांची अंमलबजावणी करण्याची जबाबदारी रेतीघाटधारकाची राहिल. पर्यावरण अनुमतीनुसार EMP आणि CER

बाबतची अंमलबजावणी करण्याची जबाबदारी आपली राहिल. अटी व शर्ती बाबतचा करारनामा करून दिल्यानंतरच ही परवानगी अंमलात येईल व त्यानंतरच प्रत्यक्ष रेती / वाळू उत्खननास सुरुवात करता येईल.

### वाळूगट लिलावाकरीता सर्वसाधारण अटी व शर्ती

1. पर्यावरण विभाग, मुंबई SEIAA यांचेकडून प्राप्त पर्यावरण अनुमती मधील सर्व अटी व शर्तीचे पालन करणे बंधनकारक राहिल.
2. घाटधारकाला नदीपात्रातून / नाल्यातून रेती / वाळू उत्खनन करण्यासाठी ज्या क्षेत्राचे वाटप केले असेल त्याचक्षेत्रातून रेती/वाळू उत्खनन करतांना नैसर्गिक संपत्तीस व पर्यावरणास धोका होणार नाही याची सर्व खबरदारी घाटधारकाने घ्यावयाची आहे.
3. महाराष्ट्र गौण खनिज उत्खनन (विकास व नियमन) नियम, 2013 तसेच वाळू/रेती निर्गती धोरण-2025 दिनांक 08.04.2025 व दिनांक 09.10.2025 आणि शासनाने वेळोवेळी निर्गमित केलेले अधिनियम, नियम, परिपत्रके यामधील सर्व तरतुदीचे तंतोतंत पालन करणेची लिलावधारकाची जबाबदारी राहिल. तसेच पर्यावरण, वने व वातावरणीय बदल मंत्रालय, नवी दिल्ली (MOEF) या विभागाने वेळोवेळी निर्गमित केलेल्या नियमाचे पालन करणे लिलावधारकावर बंधनकारक राहिल.
4. नदी प्रवाहाचा व परिसरातील पर्यावरणाचा समतोल राखूनच मंजूर रेतीघाटातून रेतीचे उत्खनन करण्यात यावे.
5. माननीय सर्वोच्च न्यायालयाने विशेष अनुमती याचिका (सी) क्र. 19628-1629/2009 मध्ये दि. 27/02/2012 रोजी दिलेले आदेश तसेच नदीपात्रातील पाणी स्वच्छ व शुध्द राहण्यासाठी व नैसर्गिकरित्या पाण्याचे नदीपात्रात वहन होण्यासाठी वाळू/रेती निर्गती धोरण दिनांक 03/09/2019 नुसार तहसिलचे तांत्रिक उपसमितीने संबंधित रेतीघाटाच्या थराची जाडी निश्चित केली आहे व पर्यावरण मंजूरी आदेशामध्ये जी खोली शिफारस आहे, त्यामर्यादेत रेतीघाटाचे उत्खनन करता येईल.
6. लिलावधारकाने वाळू थराची जाडी सातत्याने राहण्यासाठी बेंच मार्क निश्चित करून बेंच मार्कच्या खाली कोणत्याही परिस्थितीत वाळूचे उत्खनन करता येणार नाही. निश्चित केलेले बेंच मार्क पडणार नाहीत, तसेच नदीपात्रातील वाळूच्या थराच्या आधारे आजूबाजूच्या विहिरीतील पाण्याची पातळी कमी होणार नाही, याबाबत योग्य ती दक्षता लिलावधारकाने घेणे आवश्यक राहिल.
7. रेतीची वाहतूक करणाऱ्या प्रत्येक वाहनावर GPS बसविणे आवश्यक राहिल. रेतीची वाहतूक करणाऱ्या वाहनामध्ये GPS न बसविल्यास बारकोड टि.पी. चे Invoice Generate होणार नाही.
8. सर्वोच्च न्यायालयाचे आदेश व राष्ट्रीय हरीत न्यायाधीकरण (National Green Tribunal) यांचे आदेशाचे उल्लंघन होणार नाही याची दक्षता घ्यावी.
9. सांडपाणी निर्माण होत असल्यास त्यावर पर्यावरण व वन्यजीव संरक्षण मंत्रालय, भारत सरकार तसेच प्रदुषण नियंत्रण मंडळ यांनी विहित केलेल्या प्रमाणकानुसार प्रक्रीया करणेत यावी.
10. उत्खनन केलेली वाळू/रेती वाहतूक करण्याकरिता वापरण्यात येणारी वाहने सुस्थितीत ठेवणे व त्यासाठी PUC Certificate घेणे बंधनकारक राहिल. PUC Certificate नसलेली वाहने वाळू वाहतूकीकरिता वापरता येणार नाही. वाळू उत्खनन व वाहतूकीसाठी वापरणेत येणाऱ्या यंत्रातील इंधन / ग्रीस गळतीमुळे प्रदुषण होणार नाही किंवा पाणी दुषीत होणार नाही याची दक्षता ठेकेदाराने घेणेची आहे. तसेच ध्वनी प्रदुषण होणार नाही याची दक्षता घेणेची आहे. सदरील बाबीचे उल्लंघन केल्यास ठेकेदारास दंडास पात्र राहतील.
11. केंद्र शासनाच्या Enforcement & Monitoring Guidelines 2020, व पर्यावरण वने व वातावरणीय बदल मंत्रालय नवी दिल्ली (MOEF) या विभागाने वेळोवेळी निर्गमित केलेल्या नियमाचे पालन करणे बंधनकारक राहिल.
12. रेतीची वाहतूक करतांना गावातील नागरीकांना त्याचा त्रास होणार नाही किंवा त्यांना जिवीत वा वित्तीय हानी पोहचणार नाही याची सर्वस्वी जबाबदारी रेतीघाटधारक यांची राहिल. तसेच वापर करण्यात येत असलेले रस्ते खराब होणार नाही याची दक्षता घ्यावी अथवा रेती/वाळू वाहतूकीकरिता उपलब्ध

झाल्यास गावाचे बाहेरील रस्त्याचा वापर करण्यात यावा तसेच शाळा सुरु होणे व सुटण्याचे वेळी वाहतूक करता येणार नाही.

13. यशस्वी लिलावधारकास खाणकाम आराखडयामधील अटी व शर्तीचे पालन करणे बंधनकारक राहिल.
14. लिलावाचा कालावधी पावसाळ्याच्या कालावधीसह समाविष्ट असेल.
15. दिनांक १० जून ते ३० सप्टेंबर हा पावसाळ्याचा कालावधी असेल व या कालावधीमध्ये वाळू उत्खनन करता येणार नाही.

### सन 2025-2026 वाळूगट लिलावासाठी व उत्खननासाठी सर्वसाधारण अटी व शर्ती

- 1) लिलावधारकाने/परवानाधारकाने त्याला मंजूर केलेल्या वाळूगटाच्या ठिकाणी फलक, दिशादर्शक लावून, उत्खनन क्षेत्राची सीमा निश्चित करून सीमा दर्शविणारे खांब उभारणे अनिवार्य राहिल. विहित केलेल्या क्षेत्राच्या बाहेर वाळू/रेतीचे उत्खनन करता येणार नाही. तसेच लिलावधारकाने जिल्हाधिकारी यांच्या पूर्वपरवानगीने सदर वाळूगटाचे कामकाज पाहण्यासाठी नियुक्त केलेले उपठेकेदार, व्यवस्थापक व कर्मचारी यांची नावे, पत्ता व जागेचा तपशील दर्शविणारा फलक योग्य ठिकाणी लावणे आवश्यक राहिल.
- 2) माननीय सर्वोच्च न्यायालयाने विशेष अनुमती याचिका (सी) क्र.१९६२८-१९६२९/२००९ मध्ये दि.२७/०२/२०१२ रोजी दिलेले आदेश तसेच नदीपात्रातील पाणी स्वच्छ व शुध्द राहण्यासाठी व नैसर्गिकरित्या पाण्याचे नदीपात्रात वहन होण्यासाठी वाळू/रेती गटातून जास्तीत जास्त ३ मीटर किंवा पाण्याची पातळी यापैकी जे कमी असेल तितक्या खोलीपर्यंत किंवा पर्यावरण अनुमतीमध्ये परवानगी दिलेल्या खोलीपर्यंत यापैकी जे कमी असेल तेवढ्या खोलीपर्यंतच लिलावधारक / परवानाधारकाला वाळू/रेतीचे उत्खनन करता येईल.
- 3) नदीपात्रातील वाळूथराची जाडी सातत्याने राहण्यासाठी बेंच मार्क निश्चित करून बेंच मार्कच्या खाली कोणत्याही परिस्थितीत वाळूचे उत्खनन करता येणार नाही. निश्चित केलेले बेंच मार्क पडणार नाहीत, तसेच नदीपात्रातील वाळूच्या थराच्या आधारे आजूबाजूच्या विहिरीतील पाण्याची पातळी कमी होणार नाही, याबाबत योग्य ती दक्षता लिलावधारकाने घेणे आवश्यक राहिल.
- 4) लिलावधारकास/परवानाधारकास मंजूर केलेल्या वाळूसाठ्याइतकेच उत्खनन करण्याचा अधिकार प्राप्त होईल.
- 5) राज्यात अवैध उत्खनन व वाहतूक ही प्रामुख्याने रात्रीच्या वेळी होत असल्याचे निदर्शनास येत असल्याने त्यावर प्रतिबंध करण्यासाठी नदी/खाडीपात्रातून वाळू/रेतीचे उत्खनन सकाळी ०६.०० ते सायंकाळी ०६.०० वाजेपर्यंत करणे बंधनकारक असेल. सायंकाळी ०६.०० नंतर नदी/खाडीपात्रातून उत्खनन व वाहतूक करणे प्रतिबंधित राहिल. या कालावधीव्यतिरिक्त इतर वेळेत केलेले उत्खनन अवैध समजून कारवाई करण्यात येईल.
- 6) महाखनिज प्रणालीद्वारे वाळू विक्रीबाबत देण्यात येणाऱ्या परवान्यानुसार (eTP) मंजूर कालावधीपर्यंत वाळूची वाहतूक करता येईल.
- 7) उत्खननासाठी मंजूर करण्यात आलेल्या वाळू गटाचे Geo-fencing करणे बंधनकारक राहिल.
- 8) सदर मंजूर वाळूगटामधून वाळूचे उत्खनन करून वाहतूक करताना ज्या वाहनातून वाळूची वाहतूक होणार आहे त्याचा वाहतूक पास (ETP) हा सदर वाळूगटाच्या चतुःसिमांचे Geo-fencing च्या क्षेत्राच्या आत तयार करण्यात येऊन त्याबाबत महाखनिज संगणक प्रणालीवर नोंद घेणे बंधनकारक राहिल.
- 9) वाळूगटामधून उत्खनन केलेल्या वाळूची नोंद महाखनिज प्रणालीवर ऑनलाईन घेणे बंधनकारक असेल.
- 10) कोणत्याही रेल्वे पुलाच्या व रस्ते पुलाच्या कोणत्याही बाजूने ६०० मीटर्स (२००० फूट) अंतराच्या आत वाळूचे उत्खनन करता येणार नाही.
- 11) कोल्हापूर पध्दतीचे बंधारे असलेल्या ठिकाणापासून १०० मीटरच्या आत कोणतेही उत्खनन करता येणार नाही.

- 12) सार्वजनिक पाणवठा / पाणीपुरवठा व्यवस्था असलेल्या ठिकाणापासून १०० मीटर अथवा भूजल सर्वेक्षण व विकास यंत्रणा निश्चित केलेल्या अंतरापलीकडे उत्खनन करणे आवश्यक राहिल.
- 13) रस्ते/पायवाट म्हणून वापरण्यात येणाऱ्या जमिनीतून वाळू / रेती काढता येणार नाही.
- 14) लिलावधारकाने / परवानाधारकाने वाळूगटाचा ताबा दिल्याच्या दिनांकापासून एका आठवड्याच्या आत वाळू/रेतीचे उत्खनन सुरू करणे आवश्यक राहिल.
- 15) लिलावधारकाला/परवानाधारकाला नदीपात्रातून / नाल्यातून रेती / वाळू उत्खनन करण्यासाठी ज्या क्षेत्राचे वाटप केले असेल त्या क्षेत्रातून रेती/वाळू उत्खनन करताना नैसर्गिक संपत्तीस व पर्यावरणास धोका होणार नाही याची सर्व खबरदारी लिलावधारक/परवानाधारक यांनी घ्यावयाची आहे.
- 16) लिलावधारक/परवानाधारक यांनी गावकऱ्यांच्या निस्तारहक्कांस बाधा पोहोचविता कामा नये.
- 17) लिलावधारकाने/परवानाधारकाने रेती / वाळूचे केलेले उत्खनन, विक्री व वाहतूक केलेल्या रेतीबाबतची दैनंदिन हिशोब नोंदवही ठेवणे आवश्यक आहे. ही नोंदवही व इतर हिशोब कागदपत्रे जिल्हा खनिकर्म अधिकारी, खनिकर्म निरीक्षक, महसूल अधिकारी तसेच जिल्हाधिकारी व भूविज्ञान व खनिकर्म संचालनालयातील निरीक्षण करणाऱ्या अधिकाऱ्यांना उत्खननाच्या जागेवर उपलब्ध करून द्यावीत.
- 18) लिलावधारकास/परवानाधारकास वाळूची / रेतीची वाहतूक करण्यासाठी परवाना द्यावयाचा असल्यास त्याने सहकारी संस्था/संस्थांना प्राधान्य दिले पाहिजे.
- 19) वाळूची वाहतूक करतांना वाहनातील वाळू ताडपत्रीने आच्छादित करूनच वाळूची वाहतूक करणे बंधनकारक आहे. अशी वाहतूक न केल्यास दंडात्मक कारवाई करण्यात येईल.
- 20) रेती / वाळूची वाहतूक करणाऱ्या वाहनास त्याच्या वहन क्षमतेइतक्याच परिमाणाची वाहतूक करावी. वहन क्षमतेपेक्षा अधिक परिमाणाची रेती / वाळू वाहून नेत असल्याचे आढळून आल्यास त्या वाहनातील संपूर्ण वाळू अवैध आहे, असे समजून त्यावर नियमानुसार दंडात्मक कारवाई तसेच क्षमतेपेक्षा जास्त वाहतूकीबाबत मोटर वाहन कायदानुसार कारवाई करावी. दंडनीय कारवाईबरोबर जप्त केलेल्या रेतीचा लिलाव करण्यात यावा.
- 21) रेती / वाळूचे उत्खनन करताना अथवा वाहतूक करतांना अपघात झाल्यास लिलावधारकाने/परवानाधारकाने अपघाताची माहिती तात्काळ जवळच्या पोलीस ठाण्यात द्यावी.
- 22) लिलावधारकाने/परवानाधारकाने नियमात नमूद केल्याप्रमाणे अटी व शर्तीचे तसेच गौण खनिज उत्खनन नियमातील तरतुदीनुसार असलेले नियम (संबंधित विभागास लागू असलेले नियम) आणि महाराष्ट्र जमीन महसूल अधिनियमातील तरतुदीनुसार लागू असलेल्या नियमांचे तसेच पर्यावरण अनुमतीमधील अटी व शर्तीचे पालन करणे बंधनकारक राहिल. त्याचप्रमाणे लिलावधारकाने रेतीचा/वाळूचा पूर्ण उपयोग गौण खनिज म्हणूनच केला पाहिजे.
- 23) रेतीचे/वाळूचे उत्खनन करतेवेळी जर काही प्रमुख खनिज आढळून आल्यास लिलावधारकाने / परवानाधारकाने विभागीय आयुक्त/जिल्हाधिकारी यांच्याकडे सात दिवसात कळविले पाहिजे.
- 24) पर्यावरण अनुमती नुसार रेतीघाटातून वाळूचे उत्खनन मनुष्यबळाचे सहाय्यानेच करणे निविदाधारकास बंधनकारक राहिल.
- 25) नदी/खाडी पात्रामधुन वाळू निर्गतीकरीता पात्र लिलावधारक यांना त्यांनी उत्खनन केलेल्या एकूण वाळू साठ्याच्या 10 टक्के वाळू प्रधानमंत्री आवास योजनेतर्गत तेसच आर्थिक दृष्ट्या मागास प्रवर्गातील लाभार्थ्यांना घरकुलांकरिता विनामुल्य उपलब्ध करून देणे लिलावधारक यांना बंधनकारक राहिल. त्याबाबत लिलावधारकास शासनामार्फत कोणतीही रक्कम अनुज्ञेय राहणार नाही याची लिलावधारकाने नोंद घ्यावी.
- 23) अंदाजित परिमाणापेक्षा अधिक वाळूसाठा रेतीगटात असल्यास त्यावर लिलावधारकाचा कोणताही अधिकार राहणार नाही व अंदाजित परिमाणापेक्षा अधिक उत्खनन करण्यास लिलावधारकास परवानगी देता येणार नाही.
- 24) मंजूर क्षेत्रातून करारात नमूद केलेल्या कालावधीत, पर्यावरण अनुमतीनुसार परवानगी दिलेल्या साधनाच्या सहाय्यानेच वाळूचे/रेतीचे उत्खनन करण्याची जबाबदारी लिलावधारकाची राहिल. वाळू

स्थळात अपेक्षित साठा नाही, रस्ते उपलब्ध नाहीत, वाळूस्थळात पाणी आहे, वाळूगटामधील वाळू मातीमिश्रीत आहे अशा तसेच मानवी वा नैसर्गिक आपत्तीच्या कारणास्तव सदर कालावधी कोणत्याही परिस्थितीत वाढवून दिला जाणार नाही व वाळूगट बदलून दिला जाणार नाही. तसेच या कारणास्तव कोणताही परतावा देण्यात येणार नाही.

- 25) उत्खनन केलेल्या किंवा काढलेल्या वाळू / रेतीची साठवणूक, लिलाव ज्या जिल्हाधिकार्याने केला असेल त्याच जिल्ह्यात करावी लागेल व त्यासाठी अकृषक परवान्यासह आवश्यक जमीन उपलब्ध करून घेण्याची जबाबदारी लिलावधारकाची असेल. वाळू / रेती ठेक्याची मुदत संपण्यापूर्वी ज्या वाळू / रेतीचे उत्खनन केलेले आहे त्या वाळूचा / रेतीचा साठा मुदत संपल्यानंतर 10 दिवसांत उत्खननाच्या जागेवरून हलविण्यात आला नाही तर तो शासनाच्या मालकीचा होईल. अशा वाळूच्या / रेतीच्या किंमतीबाबत अथवा मालकीबाबत लिलावधारकास अथवा त्यांच्या ठेकेदारास कोणताही हक्क सांगता येणार नाही किंवा त्याबाबत शासनाविरुद्ध दावा करता येणार नाही.
- 26) लिलावाचा कालावधी संपल्यानंतर तसेच 10 दिवसांची मुदत संपल्यानंतर कोणत्याही परिस्थितीत वाळू / रेतीसाठी करण्यास परवानगी देता येणार नाही किंवा त्याच्या वाहतूकीसाठी दुय्यम वाहतूक पासेस देण्यात येणार नाहीत.
- 27) शासनाच्या पूर्वपरवानगी शिवाय लिलावधारकास लिलाव ठेका दुसऱ्या कोणाकडेही हस्तांतरित करता येणार नाही किंवा दुसऱ्या कोणालाही चालविण्यास देता येणार नाही किंवा लिलावानंतर भागीदारही घेता येणार नाही.
- 28) लिलावधारक/परवानाधारक त्यांना मंजूर केलेल्या वाळूगटातून उत्खनन केले आहे. त्याबाबतचे विवरणपत्र सक्षम प्राधिकारी यांनी प्रमाणित करून दर महिन्याच्या १० तारखेला महाखनिज या प्रणालीवर ऑनलाईन सादर करणे बंधनकारक राहिल. जे लिलावधारक/परवानाधारक मासिक विवरणपत्र विहित वेळेत ऑनलाईन सादर करणार नाहीत, त्यांच्याविरुद्ध ठेका रद्द करण्याबाबत तसेच त्यांच्याविरुद्ध दंडात्मक कारवाई करण्याचे अधिकार जिल्हाधिकारी यांना राहतील.
- 29) मंजूर क्षेत्रातील ज्या ठिकाणातून रेती / वाळू काढल्याने धूप होऊ शकेल व त्यामुळे निवासी इमारतींना, घरे अथवा इतर बांधकामे यांना धोका निर्माण होईल अशा ठिकाणातून वाळूचे स्वतः उत्खनन करणार नाही अथवा इतरांना तसे करण्यास परवानगी देणार नाही. अशा प्रकरणी जिल्हाधिकारी यांचा उत्खनन करण्यास प्रतिबंध करण्याचा निर्णय अंतिम राहिल.
- 30) एकदा अत्युच्च बोली स्विकारून अंतिम करण्यात आलेल्या लिलावात कोणत्याही परिस्थितीत रेती / वाळू उत्खननाचा कालावधी वाढवून देण्याचा अथवा कोणत्याही कारणास्तव रेतीचा / वाळूचा गट बदलून देण्याची मागणी लिलावधारकास करता येणार नाही. उत्खनन केलेल्या वाळूच्या / रेतीच्या वाहतूकीसाठी पर्यावरण अनुमती देताना दर्शविण्यात आलेले रस्तेच लिलावधारकाने वापरावयाचे आहेत. तसेच वाहतूकीसाठी वेगळे रस्ते उपलब्ध करून दिले जाणार नाहीत. तसेच वाहतूकीसाठी नवीन रस्ता मिळविण्याची जबाबदारी लिलावधारकाची राहिल. रस्ते उपलब्ध नाहीत किंवा वाहतूकीसाठी बंद आहेत या कारणास्तव कोणत्याही परिस्थितीत रेती / वाळू उत्खननाचा कालावधी वाढवून दिला जाणार नाही अथवा रेती/वाळूगट बदलून दिला जाणार नाही.
- 31) अवैध वाळू / रेतीसाठी पकडल्यानंतर महाराष्ट्र जमीन महसूल अधिनियम, १९६६ मधील नियम ४८ (७) व (८) नुसार कारवाई करण्यात यावी.
- 32) लिलावधारकाने / परवानाधारकाने वाळू वाहतूकीसाठी वापरण्यात येणाऱ्या वाहनांची माहिती जिल्हाधिकारी यांना देण्यात यावी. कोणत्याही परिस्थितीत वाहनाच्या वहनक्षमतेपेक्षा जास्त वाहतूक होणार नाही याची दक्षता घेण्यात यावी.
- 33) वाळूचे / रेतीचे उत्खनन करताना किंवा ती काढताना खाजगी मालमत्तेस कोणतीही हानी/नुकसान पोहचल्यास त्याची भरपाई करण्याचे दायित्व लिलावधारकावर राहिल. अशा हानीची / नुकसानीची परिगणना सक्षम अधिकाऱ्याकडून करण्यात येईल व त्याबाबतचा निर्णय अंतिम राहिल व अशी रक्कम जमीन महसूलाच्या थकीबाकीच्या वसुलीप्रमाणे संबंधित लिलावधारकाकडून वसूल करण्यात येईल.

- 34) लिलावधारक / परवानाधारक यांनी शासन निर्णय 8 एप्रिल, 2025 व दिनांक 09 ऑक्टोबर, 2025 मधील सर्व अटी व शर्तीचे पालन करणे बंधनकारक राहिल.

### प्रतिबंधात्मक उपाययोजना :-

- i) प्रत्येक वाळूगटामधील वाळू वाहतूकीसाठी एकच रस्ता राहिल याबाबत लिलावधारक यांनी दक्षता घ्यावी.
- ii) प्रत्येक वाळूगटाच्या ठिकाणी 24x7 छायाचित्रण होण्यासाठी लिलावधारकामार्फत CCTV बसविण्यात यावेत. यापैकी किमान एक CCTV कॅमेरा वाहतूकीच्या साधनात ज्या ठिकाणी वाळू भरण्यात येते त्या ठिकाणी बसविण्यात यावा व वाळूगटातील वाळूची वाहतूक करणारी सर्व वाहने गावातील ज्या ठिकाणावरून ये-जा करतात त्या ठिकाणाच्या छायाचित्रणासाठी वापरण्यात यावा. वाळूगटाच्या ठिकाणी बसविलेल्या CCTV ची किंमत लिलावधारकांना/परवानाधारकांना सोसणे आवश्यक राहिल. तसेच लिलाव न झालेल्या वाळूगटातील वाळूची अवैध वाहतूक होवू नये यासाठी ज्या ठिकाणाहून वाहतूक होण्याची शक्यता आहे, अशा ठिकाणीही सीसीटीव्ही कॅमेरे बसविण्यात यावे व यासाठी जिल्हा नियोजन समितीकडून निधी उपलब्ध करून घेण्याबाबत कार्यवाही करण्यात यावी.
- iii) लिलावधारकांने/परवानाधारकांने CCTV सार्वजनिक सर्वेक्षणासाठी शासनाने निश्चित केलेल्या संकेतस्थळावर उपलब्ध करून देणे बंधनकारक राहिल.
- iv) लिलावधारकांने/परवानाधारकांने बसविलेल्या CCTV चा Address जिल्हाधिकारी / विभागीय आयुक्त व शासनाच्या महसूल व वन विभागाकडे देणे आवश्यक राहिल. लिलावधारकांने वाळू उत्खनन व वाहतूकीचे छायाचित्रण असलेली सीडी दर 15 दिवसांनी तहसिलदार कार्यालयात जमा करणे अनिवार्य राहिल. लिलावधारकांने / परवानाधारकांने वाळूघाटात बसविलेले सीसीटीव्हीच्या आधारे वाळू उत्खननावर सनियंत्रण करण्याकरिता तहसिल कार्यालयामध्ये 24 X 7 कार्यरत सीसीटीव्ही नियंत्रण कक्षाची स्थापना करण्यात यावी. सदर नियंत्रण कक्षाची संबंधित जिल्हाधिकारी /उप विभागीय अधिकारी यांनी वेळोवेळी करतील. तसेच, लिलावधारकांने / परवानाधारकांने वाळूघाटात बसविलेले सीसीटीव्हीच्या आधारे वाळू उत्खननावर सनियंत्रण करण्याकरिता सर्वसामान्य नागरिकांसाठी Access उपलब्ध करून देण्यात येईल.
- v) तहसिलदार सदर सीडीमधील छायाचित्रण आपल्या अधिनस्त यंत्रणेमार्फत तपासून घेतील. संबंधित तहसिलदार व उप विभागीय अधिकारी हे अधूनमधून स्वतः देखील अशा छायाचित्रणाची तपासणी करतील. अशा तपासणीत सी.सी.टी.व्ही. कॅमेरा काही काळासाठी बंद असल्याचे निदर्शनास आल्यास, सनियंत्रण कक्षामधील वाळू घाटाचे CCTV फुटेज पाहून अनधिकृत उत्खनन आढळल्यास मंजूर वाळूसाठी व वाळू उत्खननासाठी उपलब्ध दिवस यानुसार दरदिवशी करावयाचे उत्खनन विचारात घेऊन, जेवढे दिवस सी.सी.टी.व्ही. कॅमेरा बंद होता, तेवढे दिवस सरासरी उत्खनन केले, असे गृहीत धरून लिलावाच्या रकमेनुसार प्रतीब्रास रक्कम परिगणित करून त्या दराने सी.सी.टी.व्ही. कॅमेरा बंद असलेल्या कालावधीत उत्खनन केलेल्या वाळूच्या रक्कमेएवढी दंडात्मक रक्कम लिलावधारकाकडून वसूल करतील. एखाद्या दिवशी कितीही कालावधीसाठी सी.सी.टी.व्ही बंद असला, तरीही पूर्ण दिवसासाठी सी.सी.टी.व्ही. बंद असल्याचे समजून वरीलप्रमाणे दंडात्मक रकमेची आकारणी व वसूली करण्यात येईल.
- vi) प्रत्येक गाव कामगार तलाठी त्यांच्या कार्यक्षेत्रातील वाळूगटास नियमितपणे भेट देतील. त्यासाठी संबंधित लिलावधारकाकडे/परवानाधारकाकडे तहसिलदारांनी प्रमाणित करून दिलेली भेटवही ठेवणे लिलावधारकास बंधनकारक असेल. तलाठ्याने वाळूगटास भेट दिल्यानंतर दैनंदिन भेट-वहीमध्ये त्याची नोंद करून दिनांकित स्वाक्षरी करणे आवश्यक राहिल.
- vii) संबंधित मंडळ अधिकाऱ्यानेही नियमितपणे त्यांच्या कार्यक्षेत्रातील वाळूगटाची पाहणी करून, त्याची नोंद उक्त दैनंदिन भेटवहीमध्ये करून, दिनांकित स्वाक्षरी करणे आवश्यक राहिल.

- viii) संबंधित तहसिलदार, उपविभागीय अधिकारी त्यांच्या क्षेत्रातील वाळूगटाला वेळोवेळी आकस्मिक भेट देतील व त्याची दैनंदिन भेटवहीत नोंद करून, दिनांकित स्वाक्षरी करतील. अधिकाऱ्यांनी रेतीगटाची तपासणी करताना खालील बाबी कटाक्षाने पाहतील:-
- उत्खननास प्रारंभ केल्यापासून तपासणीच्या दिनांकापर्यंत उत्खनन केलेल्या वाळूचे परिमाण व तपासणीच्या दिवसापर्यंत उत्खननाच्या ठिकाणी असलेला वाळूसाठा.
  - संबंधित तलाठी व ग्रामसेवक तसेच संबंधित लिलावधारक यांच्यासमक्ष दरमहा वाळूगटामधील उत्खननाची मोजणी करण्यात यावी.
  - नदीपात्रात पूल असल्यास त्या पुलाच्या आजूबाजूस तसेच बेंच मार्कच्या आजूबाजूस व बेंच मार्कच्या खाली वाळू उत्खनन केले जात आहे किंवा कसे याची पहाणी करण्यात यावी व त्याची नोंद भेटवहीत घेण्यात यावी.
  - नदीच्या काठाजवळच्या लगतच्या भागामध्ये उत्खनन केले जाते आहे किंवा कसे व त्याकरीता पोकलेन / जेसीबी यांसारख्या यांत्रिक साधनांचा वापर करण्यात आला आहे किंवा कसे, याची पहाणी करण्यात यावी व त्याची नोंद भेटवहीत घेण्यात यावी.
  - उत्खनन केलेला वाळूसाठा विहित अंतरापर्यंत करण्यात आलेला आहे किंवा कसे, याची नोंद भेटवहीत घेण्यात यावी.
  - निविदाधारक यांनी पर्यावरण अनुमतीमधील तरतुदीनुसार वेळोवेळी मान्यता प्राप्त पर्यावरण सल्लागार यांचे मार्फत अनुपालन सादर करणे आवश्यक राहिल.

लिलावधारक/परवानाधारकाने अटी शर्तीचे उल्लंघन केल्यास करावयाची कारवाई:-

- पर्यावरण अनुमतीमध्ये परवानगी दिलेल्या खोलीपेक्षा जास्त खोल उत्खनन केल्याचे निदर्शनास आल्यास लिलावधारक/परवानाधारकाकडून घेण्यात आलेली अनामत रक्कम जप्त करण्यात येऊन, लिलाव/परवाना रद्द करण्यात येईल. तसेच असे उत्खनन अवैध ठरवून महाराष्ट्र जमीन महसूल संहिता, १९६६ मधील कलम ४८ (७) व (८) मधील तरतुदीनुसार कारवाई करण्यात येईल.
- वाळू/रेतीची वाहतूक करणाऱ्या वाहनचालकाकडे वैध बारकोडयुक्त वाहतूक पास आहे किंवा नाही, याची शहानिशा करण्यात येईल. याबाबतच्या निरीक्षणाच्या वेळी संबंधित वाहनचालकाकडे वैध बारकोडयुक्त वाहतूक पास आढळला नाही किंवा वाहतूक पासचा निर्दिष्ट कालावधी संपलेला असेल तर सदर वाळूचे उत्खनन वाहतूक अवैध समजून त्याविरुद्ध महाराष्ट्र जमीन महसूल संहिता, १९६६ मधील कलम ४८ (७) व (८) नुसार कारवाई करण्यात येईल.
- अवैध उत्खनन व वाहतूकीच्या प्रकरणामध्ये संबंधित ठेकेदार / लिलावधारक दोषी आढळल्यास त्यांच्याविरुद्ध प्रचलित नियमानुसार कारवाई करण्यात येईल. यापूर्वी भारतीय दंड संहितेमधील कलम, ३४, ११४, ३७९, ३९२, ३९३, ३९४, ३९६ इत्यादी कलमांतर्गत गुन्हा दाखल करण्याची कार्यवाही करण्यात येत होती. आता भारतीय दंड संहितेऐवजी भारतीय न्याय संहितेचा अवलंब करण्यात आला असून त्यामधील कलम ३ (५), ५४, ३०३(२), ३०९ (४), ३०९ (५), ३०९ (६) व ३१०(३) या कलमातील तरतुदीची खात्री करून कारवाई करण्यात येईल तसेच, महाराष्ट्र जमीन महसूल संहिता, १९६६ मधील कलम ४८ (७) मधील तरतुदीनुसार दंडात्मक कारवाई करणे व कलम ४८(८) मधील तरतुदीनुसार वाळू उत्खननासाठी वापरलेली यंत्रसामग्री व वाहतूकीसाठी वापरलेली वाहने जप्त करणे, अवैध उत्खनन केलेली वाळू जप्त करणे इत्यादी कारवाई करण्यात येईल.
- तसेच वाळूचे अवैध उत्खनन / वाहतूकीच्या अनुषंगाने कारवाई करतांना महसूल अधिकारी / कर्मचारी यांच्यावर हल्ले होत असल्याचे निदर्शनास आल्यास किंवा अशा ठिकाणी संघटित गुन्हेगारीचे प्रकार आढळून आल्यास अशा संघटित गुन्हेगारीविरुद्ध "महाराष्ट्र झोपडपट्टी गुंड, हातभट्टीवाले, औषधिद्रव्ये विषयक गुन्हेगार, धोकादायक व्यक्ती व यांच्या विघातक कृत्यांना आळा घालण्याबाबत अधिनियम, १९८१ या अधिनियमान्वये कारवाई करण्यात येईल.

- v) लिलावधारक / परवानाधारक यांनी पर्यावरण अनुमतीमधील अटी व शर्तीचे तसेच पर्यावरणविषयक नियमातील तरतूदीचे पालन करणे बंधनकारक असेल. सदर तरतूदीचे उल्लंघन झाल्यास ते पर्यावरण (संरक्षण) अधिनियम, १९८६ मधील तरतूदीनुसार कारवाईस पात्र राहतील.

*Jawan*  
(सखन कुमार, भाप्रसे)  
जिल्हाधिकारी, भंडारा

प्रतिलिपी —

1. उपविभागीय अधिकारी, तुमसर यांना माहितीकरीता अग्रेषित.
2. तहसिलदार तुमसर / मोहाडी यांना कळविण्यात येते की, जिल्हा खनिकर्म अधिकारी, भंडारा यांचेसोबत झालेल्या करारनाम्याची नोंदणीकृत प्रत तपासून यशस्वी लिलावधारकास रेतीघाटाचे अनुषंगाने स्टॉकपाईट करीता योग्य ते सहकार्य करावे. तसेच निविदाधारक यांना रेतीघाटांचा ताबा देण्याबाबत यथावकाश आदेशित करण्यात येईल.
3. मे. अनोज कुमार अगरवाला, तर्फे तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेट, नागपुर-440010 यांना माहिती व उचित कार्यवाहीस्तव
4. मेसर्स शौर्या टेक्नोसॉफ्ट प्रा. लि., पुणे यांना माहिती व उचित कार्यवाहीस्तव
5. जिल्हा खनिकर्म शाखा, जि.का. भंडारा

# 1576

## English Translation of Ax. D

Government of Maharashtra Office of the District  
Collector, Bhandara (Mining Branch)  
Email ID: dmobhandara123@gmail.com

No. Aasan-14/Mining/Aka/Kavi- 54/2026 |  
Date: 20/01/2026

---

Read:

1. Sand/Gravel Extraction Policy-2025,  
Government Resolution No. Gaukhan  
10/0125/Pr.Kr.05/Kha-1, dated 08/04/2025.
2. Sand/Gravel Extraction Policy-2025,  
Government Resolution No. Gaukhan  
10/0125/Pr.Kr.05/Kha-1, dated 09/10/2025.
3. Sand Ghat E-Tender and E-Auction dated  
30/12/2025.
4. This office letter No. Aasan-  
14/Mining/Aka/Kavi-08/2026 dated  
05/01/2026.
5. This office letter No. Aasan-  
14/Mining/Aka/Kavi-28/2026 dated  
13/01/2026.
6. Environmental Clearance received via the  
minutes of the meeting dated 07/12/2025 and  
08/12/2025 of the Hon. SEIAA (Environment  
Department, Maharashtra).

### ORDER

In accordance with the Sand/Gravel Extraction Policy-2025, Government Resolution No. Gaukhan 10/0125/Pr.Kr.05/Kha-1 dated 08/04/2025 and dated 09/10/2025, an advertisement for E-Tender and E-Auction for subdivision-wise Sand Ghats (sand banks) for which environmental clearance has been received for Tumsar District was published on 11/12/2025.

# 1577

In the said E-Tender and E-Auction, M/s Anoj Kumar Agarwala, through Tushar Ajitsariya, Shri Mangal Plot No. 159, Ramdaspath, Nagpur-440010 (anojagarwala@rediffmail.com) has recorded the highest bid for 90% of the total available sand stock of 6,11,216 Brass from 42 Sand Ghats in the Tumsar subdivision. The offset price was ₹36,67,29,600/-, and the bid was placed at the rate of ₹928.94 per Brass, totaling ₹56,77,85,680/-.

<b>Sr. No.</b>	<b>Description of Amount to be Paid</b>	<b>Amount (₹)</b>	<b>Remarks</b>
<b>1</b>	25% difference of the highest bid amount for the sand ghat auction.	5,02,64,020/-	ICICI A/c No. 049505001250  IFSC: ICIC0000495
<b>2</b>	75% of the total highest bid value of the sand ghat auction.	42,58,39,260/-	ICICI A/c No. 049505001250  IFSC: ICIC0000495
<b>3</b>	Security Deposit (25% of the sand ghat auction bid amount).	14,19,46,420/-	(Via Challan)
<b>4</b>	Income Tax TCS (2% of the highest bid).	1,13,55,714/-	(Via Challan) TAN No. NGPD03489D
<b>5</b>	Environmental Fee (2% of the highest bid).	1,13,55,714/-	(Bank Guarantee)

<b>6</b>	Groundwater Survey Fee (₹5,000 per ghat).	2,10,000/-	Cheque (To: Dy. Director, Groundwater Survey & Devp. Agency, Nagpur)
<b>7</b>	District Mineral Foundation (DMF) Fund (10% of the Royalty amount).	3,66,72,960/-	HDFC Bank Bhandara  A/c: 50200111442907  IFSC: HDFC0002500
<b>8</b>	Stamp Duty (0.2% of the highest bid).	11,35,571/-	(Via Challan)
<b>9</b>	EMP& CER Cost	The financial provision/budget reserved for the EMP and CER should be utilized for the activities mentioned in EMP and CER Plan of the District. The submission of implementation It is mandatory to submit half yearly compliances as per EIA notification 2006 for the terms and condition as mention in EC and Mining Plan to the competent authority. Failure in implementation of EMP and CER will lead to recovery of the same amount from Security Deposit.	

M/s Anoj Kumar Agarwala, through Tushar Ajitsaria, Shree Mangal Plot No. 159, Ramdaspath, Nagpur-440010, anojagarwala@rediffmail.com, has completed the full payment for the 42 sand ghats (sand banks) mentioned below in the Tumsar sub-division

Sr. No.	Name of Sand Ghat	Taluka	Name of River	Adjoining Gat. No./ Survey No./ Khasra No.	Length (m)	Width (m)	Depth (m)	Total area (Ha.)	Production (Given by Us) (Brass)	Latitude	Longitude
1	Dhiwar wada I	Mohadi	Wainganga	430 A, 431, 432, 433, 434, 435	480	100	1.6	4.8	27138	21°14'55.05"N	79°45'8.91"E
										21°14'50.78"N	79°44'52.89"E
										21°14'54.00"N	79°44'52.37"E
										21°14'58.27"N	79°45'8.38"E
2	Mundhri Khu	Mohadi	Wainganga	440, 439, 438, 437, 436, 431, 404, 403, 402	350	120	1.7	4.2	25230	21°17'17.30"N	79°46'24.55"E
										21°17'14.61"N	79°46'27.49"E
										21°17'23.20"N	79°46'35.44"E
										21°17'25.96"N	79°46'32.35"E
3	Mundhri Bu	Mohadi	Wainganga	1, 468	470	100	1.6	4.7	26572	21°16'9.42"N	79°45'39.77"E
										21°16'8.93"N	79°45'36.39"E
										21°16'23.93"N	79°45'33.33"E
4	Kanhagaon	Mohadi	Wainganga	6, 381, 375, 376, 374	600	70	1.5	4.2	22261	21°16'24.48"N	79°45'36.75"E
										21°15'24.74"N	79°45'56.77"E
										21°15'23.69"N	79°45'54.61"E
										21°15'40.93"N	79°45'45.22"E
										21°15'42.08"N	79°45'47.28"E
5	Devhada Kh.	Mohadi	Wainganga	31, 32, 25, 24, 310	132	107	1.2	1.4124	5989	21°15'44.20"N	79°45'24.07"E
										21°15'47.82"N	79°45'20.10"E
										21°15'41.01"N	79°45'12.48"E
										21°15'37.56"N	79°45'16.43"E
6	Nilaj Khu	Mohadi	Wainganga	220, 221	460	85	1.5	3.91	20724	21°17'54.01"N	79°46'46.27"E
										21°17'39.88"N	79°46'41.43"E
										21°17'39.02"N	79°46'44.22"E
										21°17'53.17"N	79°46'49.03"E
7	Mohgaon Devi	Mohadi	Sur	319, 320, 321	210	53	0.5	1.113	1966	21°16'35.30"N	79°41'0.24"E
										21°16'33.93"N	79°40'59.21"E
										21°16'38.06"N	79°40'53.41"E
										21°16'39.42"N	79°40'54.51"E
8	Betala South	Mohadi	Wainganga	952, 1035, 1036, 1037, 1040	300	160	1.6	4.8	27138	21°14'41.77"N	79°44'17.47"E
										21°14'46.52"N	79°44'15.52"E
										21°14'42.94"N	79°44'5.66"E
										21°14'38.16"N	79°44'7.83"E
9	Betala North	Mohadi	Wainganga	949, 887	400	120	1.6	4.8	27138	21°15'14.01"N	79°44'50.35"E
										21°15'11.90"N	79°44'53.81"E
										21°15'23.24"N	79°45'0.49"E
										21°15'25.39"N	79°44'56.99"E
10	Nilaj Bu I	Mohadi	Wainganga	417, 416, 415, 414, 413, 410, 409, 408	245	200	1.5	4.9	25972	21°18'25.66"N	79°47'5.74"E
										21°18'17.88"N	79°47'4.13"E
										21°18'18.45"N	79°46'57.22"E
										21°18'26.24"N	79°46'58.81"E

11	Nilaj Bu 2	Mohadi	Wainganga	42, 429, 428	400	120	1.6	4.8	27138	21°18'44.11"N	79°47'6.81"E
										21°18'44.93"N	79°47'2.77"E
										21°18'57.90"N	79°47'3.69"E
										21°18'57.44"N	79°47'7.74"E
12	Betala (Ghatkuroda)	Mohadi	Wainganga	160, 161, 171	300	160	1.5	4.8	25442	21°15'44.20"N	79°45'24.07"E
										21°15'47.82"N	79°45'20.10"E
										21°15'41.01"N	79°45'12.48"E
										21°15'37.56"N	79°45'16.43"E
13	Chikhalii 1	Tumsar	Bawanthadi	515, 514, 513	350	30	1.3	1.05	4823	21°33'26.59"N	79°37'21.28"E
										21°33'25.71"N	79°37'20.82"E
										21°33'21.02"N	79°37'31.90"E
										21°33'21.87"N	79°37'32.35"E
14	Chikhalii 2	Tumsar	Bawanthadi	489	300	40	1.2	1.2	5088	21°33'15.87"N	79°38'1.48"E
										21°33'14.64"N	79°38'1.02"E
										21°33'12.77"N	79°38'11.27"E
										21°33'14.02"N	79°38'11.70"E
15	Dongri Buzurg	Tumsar	Bawanthadi	220, 221,	275	70	1	1.925	6802	21°34'7.61"N	79°39'36.40"E
										21°33'58.95"N	79°39'34.13"E
	1			858, 957, 490, 171, 178, 170, 865, 177, 166, 164, 167, 168, 169, 180						21°33'58.03"N	79°39'36.33"E
16	Dongri Buzurg 2	Tumsar	Bawanthadi	263, 264, 265, 336, 352, 353, 354, 355	270	60	1	1.62	5724	21°34'12.90"N	79°39'39.05"E
										21°34'13.18"N	79°39'37.04"E
										21°34'21.82"N	79°39'37.61"E
										21°34'21.52"N	79°39'39.74"E
17	Lobhi 1	Tumsar	Bawanthadi	258, 259, 260, 261, 262	450	60	1.5	2.7	14311	21°35'33.60"N	79°42'2.41"E
										21°35'35.60"N	79°42'2.44"E
										21°35'33.40"N	79°42'18.05"E
										21°35'31.55"N	79°42'17.85"E
18	Lobhi 2	Tumsar	Bawanthadi	221, 225/1, 225/2, 226, 227, 236, 237	225	65	1	1.4625	5168	21°35'10.25"N	79°41'46.43"E
										21°35'11.69"N	79°41'44.76"E
										21°35'18.34"N	79°41'48.52"E
										21°35'16.69"N	79°41'50.23"E
19	Lobhi 3	Tumsar	Bawanthadi	60, 61/1, 61/2, 62, 63/1, 63/2, 63/3	260	50	1.5	1.3	6890	21°34'51.73"N	79°41'27.64"E
										21°34'53.01"N	79°41'26.31"E
										21°34'58.78"N	79°41'32.87"E
										21°34'57.64"N	79°41'33.91"E

20	Chand mara 1	Tumsar	Bawanthadi	97, 96, 101, 92, 90	315	125	1.2	3.9375	16696	21°34'45.29"N	79°40'13.91"E
										21°34'49.21"N	79°40'13.10"E
										21°34'47.23"N	79°40'2.39"E
										21°34'43.30"N	79°40'3.21"E
21	Chand mara 2	Tumsar	Bawanthadi	228, 216, 229, 230, 231	410	45	1.5	1.845	9779	21°34'47.17"N	79°41'6.99"E
										21°34'48.57"N	79°41'7.30"E
										21°34'51.74"N	79°40'53.46"E
										21°34'50.29"N	79°40'53.22"E
22	Aashti Aanjan Vihri 1	Tumsar	Bawanthadi	1190, 1183, 2821, 2818	450	100	1.5	4.5	23852	21°35'55.00"N	79°43'46.83"E
										21°35'57.03"N	79°43'44.14"E
										21°35'46.77"N	79°43'33.37"E
										21°35'44.50"N	79°43'35.91"E
23	Aashti Aanjan Vihri 2	Tumsar	Bawanthadi	1275, 1270, 1271, 1265	400	95	1.5	3.8	20141	21°36'13.26"N	79°44'5.32"E
										21°36'10.19"N	79°44'5.14"E
										21°36'9.11"N	79°44'18.93"E
										21°36'12.16"N	79°44'19.21"E
24	Dhute ra 1	Tumsar	Bawanthadi	63, 65, 62, 66	420	80	1	3.36	11873	21°35'16.11"N	79°47'1.19"E
										21°35'18.60"N	79°47'1.93"E

										21°35'21.12"N	79°46'47.47"E
										21°35'18.58"N	79°46'46.75"E
										21°35'4.90"N	79°47'34.83"E
										21°35'6.92"N	79°47'35.74"E
25	Dhute ra 2	Tumsar	Bawanthadi	118, 128, 117, 116, 130	475	70	1	3.325	11749	21°35'10.75"N	79°47'30.38"E
										21°35'13.93"N	79°47'21.42"E
										21°35'11.97"N	79°47'20.40"E
										21°35'8.26"N	79°47'29.86"E
										21°34'47.27"N	79°47'59.79"E
										21°34'48.70"N	79°48'1.19"E
										21°34'36.14"N	79°47'51.86"E
26	Dhute ra 3	Tumsar	Bawanthadi	140, 141, 142, 143, 144, 145, 146, 147	355	60	1	2.13	7527		
										21°34'23.99"N	79°48'28.78"E
										21°34'25.22"N	79°48'29.91"E
										21°34'36.80"N	79°48'15.24"E
										21°34'35.62"N	79°48'14.01"E
										21°34'2.50"N	79°48'49.63"E
										21°34'4.17"N	79°48'51.02"E
										21°34'11.85"N	79°48'42.89"E
										21°34'10.20"N	79°48'41.52"E
27	Kavle wada 1	Tumsar	Bawanthadi	152, 149, 148, 144	555	50	1	2.775	9806	21°33'39.99"N	79°49'15.37"E
										21°33'41.30"N	79°49'16.87"E
										21°33'51.08"N	79°49'5.36"E
										21°33'49.72"N	79°49'3.88"E
28	Kavle wada 2	Tumsar	Bawanthadi	253, 254, 255, 256	330	65	1	2.145	7580	21°31'48.88"N	79°51'41.21"E
										21°31'41.30"N	79°51'16.87"E
										21°31'51.08"N	79°49'5.36"E
										21°31'49.72"N	79°49'3.88"E
29	Kavle wada 3	Tumsar	Bawanthadi	237, 238, 239, 240, 241	445	60	1	2.67	9435	21°31'48.88"N	79°51'41.21"E
										21°31'41.30"N	79°51'16.87"E
										21°31'51.08"N	79°49'5.36"E
										21°31'49.72"N	79°49'3.88"E
30	Sondya 1	Tumsar	Bawanthadi	235	400	100	1.5	4	21201	21°31'48.88"N	79°51'41.21"E
										21°31'41.30"N	79°51'16.87"E
										21°31'51.08"N	79°49'5.36"E
										21°31'49.72"N	79°49'3.88"E

31	Sondya 2	Tumsar	Bawanthadi	171, 172, 173	460	100	1.5	4.6	24382	21°32'10.17"N	79°51'17.60"E
										21°32'13.12"N	79°51'19.20"E
										21°32'22.56"N	79°51'6.84"E
										21°32'19.76"N	79°51'5.13"E
32	Sondya 3	Tumsar	Bawanthadi	48, 47, 46, 45	270	110	1.2	2.97	12594	21°32'27.77"N	79°50'48.71"E
										21°32'30.66"N	79°50'51.02"E
										21°32'34.09"N	79°50'42.31"E
										21°32'31.25"N	79°50'39.91"E
33	Mandvi 1	Tumsar	Wainganga	14	400	100	1.5	4	21201	21°25'17.55"N	79°52'11.90"E
										21°25'14.64"N	79°52'13.39"E
										21°25'20.21"N	79°52'25.92"E
										21°25'23.13"N	79°52'24.44"E
34	Mandvi 2	Tumsar	Wainganga	29	430	85	1.2	3.655	15498	21°25'13.76"N	79°51'54.87"E
										21°25'11.02"N	79°51'55.53"E
										21°25'5.81"N	79°51'42.23"E
										21°25'8.38"N	79°51'40.87"E
35	Sukli de	Tumsar	Wainganga	451, 450, 446	200	100	1.2	2	8481	21°17'22.96"N	79°46'5.45"E
										21°17'20.26"N	79°46'7.33"E
										21°17'16.72"N	79°46'1.54"E
										21°17'19.42"N	79°45'59.66"E
36	Warpin dkepar	Tumsar	Bawanthadi	339, 340, 412, 413, 414	350	100	1.5	3.5	18551	21°31'40.95"N	79°52'26.83"E
										21°31'44.17"N	79°52'27.20"E
										21°31'45.21"N	79°52'15.07"E
										21°31'41.99"N	79°52'14.74"E
37	Charga on	Tumsar	Wainganga	10, 11, 16, 17	350	115	1.5	4.025	21334	21°19'27.59"N	79°46'57.27"E
										21°19'27.47"N	79°47'1.23"E
										21°19'16.11"N	79°47'0.80"E
										21°19'16.22"N	79°46'56.88"E
38	Umarw ada	Tumsar	Wainganga	390, 393, 395, 397	450	100	1.2	4.5	19081	21°23'20.77"N	79°48'35.96"E
										21°23'17.69"N	79°48'36.57"E
										21°23'14.21"N	79°48'20.86"E
										21°23'17.48"N	79°48'20.81"E
39	Panjra Re	Tumsar	Wainganga	132/1, 132/2	400	100	1.5	4	21201	21°23'49.74"N	79°49'37.26"E
										21°23'47.31"N	79°49'39.51"E
										21°23'55.77"N	79°49'50.02"E
										21°23'58.23"N	79°49'47.76"E
40	Tamas wadi	Tumsar	Wainganga	245, 246, 260, 261, 267, 269, 270, 271	400	100	1.5	4	21201	21°23'24.13"N	79°48'54.51"E
										21°23'21.37"N	79°48'56.28"E
										21°23'28.03"N	79°49'8.19"E
										21°23'30.82"N	79°49'6.43"E
41	Koshti	Tumsar	Wainganga	291, 294, 295, 330, 327, 325	250	120	1.5	3	15900	21°22'22.47"N	79°47'27.06"E
										21°22'23.39"N	79°47'31.30"E
										21°22'15.48"N	79°47'33.03"E
										21°22'14.59"N	79°47'29.06"E
42	Bamha ni	Tumsa	Wainganga	371, 372, 373/1, 373/2	350	100	1.5	3.5	18551	21°21'23.83"N	79°47'49.25"E
										21°21'16.10"N	79°47'40.33"E
										21°21'13.71"N	79°47'42.69"E
										21°21'21.41"N	79°47'51.54"E
<b>Total</b>									<b>679129</b>		

Since the highest bid amount and other payable dues for the sand group in Tumsar Sub-division have been deposited with the Government, permission is hereby granted to M/s. Anoj Kumar Agarwala, through Tushar Ajitsariya, residing at Shri Mangal Plot No. 159, Ramdaspeth, Nagpur - 440010 (anojagarwala@rediffmail.com), for the excavation and transportation of sand/gravel from the

aforementioned sand ghat (bank) in Tumsar Sub-division until June 10, 2026, and for its sale until September 30, 2026.

This permission is granted subject to the terms and conditions mentioned in the Revenue and Forest Department, Government of Maharashtra, Mantralaya, Mumbai, Government Resolution (GR) No. Goukhani 10/0125/Pr.Kr. 05/Kh-1 dated April 08, 2025, and GR No. Goukhani 10/0125/Pr.Kr. 05/Kh-1 dated April 30, 2025, as well as this office's e-tender dated October 16, 2025.

The Environment Department has granted Environmental Clearance (EC) for the said sand ghat. The general terms and conditions mentioned therein shall be binding on the sand ghat holder, and the responsibility for their implementation shall lie with the sand ghat holder. As per the environmental permission, the responsibility for implementing the EMP (Environmental Management Plan) and CER (Corporate Environmental Responsibility) shall be yours.

This permission will come into effect only after executing an agreement regarding the terms and conditions, and only thereafter can the actual sand/gravel excavation commence.

## **General Terms and Conditions for Sand Ghat Auctions**

- 1.It is mandatory to comply with all terms and conditions mentioned in the Environmental Clearance (EC) received from the Environment Department, SEIAA Mumbai.
- 2.The leaseholder is responsible for ensuring that sand/gravel excavation within the allotted area of the riverbed/nullah does not harm natural resources or the environment.

3. The auction holder is responsible for strict adherence to the Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013, the Sand/Gravel Policy 2025 (dated 08.04.2025 and 09.10.2025), and all relevant acts, rules, and circulars issued by the government. Compliance with rules issued by the Ministry of Environment, Forest and Climate Change (MoEFCC), New Delhi, is also mandatory.
4. Sand excavation must be carried out while maintaining the ecological balance of the river flow and the surrounding environment.
5. Excavation depth must be limited to the recommendations in the orders passed by the Hon'ble Supreme Court in Special Leave Petition (C) No. 19628-1629/2009 (dated 27/02/2012). Furthermore, per the Sand Policy dated 03/09/2019, the thickness of the sand layer is determined by the Technical Subcommittee of the Tehsil to ensure river water remains clean and flows naturally.
6. To maintain the thickness of the sand layer, the auction holder must establish a "Bench Mark." Excavation below this benchmark is strictly prohibited. Care must be taken to ensure that sand extraction does not lead to a drop in the water level of nearby wells.
7. GPS installation is mandatory on every vehicle transporting sand. If GPS is not installed, the Barcode T.P. (Transport Permit) invoice will not be generated.
8. Care must be taken to ensure no violation of orders issued by the Hon'ble Supreme Court and the National Green Tribunal (NGT).
9. If wastewater is generated, it must be treated according to the standards prescribed by the MoEFCC and the Pollution Control Board.

10. Vehicles used for transporting excavated sand must be in good condition and possess a valid PUC Certificate. The contractor must ensure no pollution occurs due to fuel/grease leakage from machinery, and that water is not contaminated. Noise pollution must also be prevented. Violations will result in penalties.
11. Compliance with the Enforcement & Monitoring Guidelines 2020 of the Central Government and regulations issued by the MoEFCC, New Delhi, is mandatory.
12. The sand ghat holder is solely responsible for ensuring that sand transportation does not cause distress, loss of life, or financial loss to local villagers. Roads must be maintained; if damaged, bypass roads outside the village should be used. Transportation is prohibited during school opening and closing hours.
13. The successful bidder must comply with all terms and conditions mentioned in the Mining Plan.
14. The auction period includes the monsoon season.
15. The period from June 10th to September 30th is designated as the monsoon season; no sand excavation is permitted during this time

## **General Terms and Conditions for Sand Block Auction and Excavation: 2025-2026**

1. Site Marking: The auction holder/licensee must install boards and direction indicators at the sanctioned sand block. It is mandatory to fix the boundaries of the excavation area by erecting boundary pillars. No sand/sand-soil excavation shall be allowed outside the prescribed area. Additionally, the auction holder must display a board at an appropriate location showing the

names, addresses, and site details of sub-contractors, managers, and employees appointed to oversee operations with the prior permission of the District Collector.

2. Excavation Depth: In accordance with the Supreme Court orders dated 27/02/2012 in Special Leave Petition (C) No. 19628-19629/2009, and to keep river water clean and maintain natural flow, excavation is limited to a maximum depth of 3 meters or the water level, whichever is less, or the depth permitted in the Environmental Clearance (EC), whichever is less.
3. Benchmarking & Groundwater Protection: To ensure the thickness of the sand layer in the riverbed remains consistent, "Bench Marks" must be fixed. Excavation below these marks is strictly prohibited. The auction holder must take care to ensure that the benchmarks are not disturbed and that the excavation does not lead to a drop in the water level of nearby wells.
4. Quantity Limit: The auction holder/licensee shall only have the right to excavate the specific quantity of sand sanctioned to them.
5. Operating Hours: To prevent illegal excavation and transportation, which primarily occurs at night, excavation from river/creek beds is mandatory only between 06:00 AM and 06:00 PM. Excavation and transportation after 06:00 PM are prohibited. Any activity outside these hours will be treated as illegal and subject to action.
6. Transit Permits: Sand transportation is permitted only during the approved period as per the permits (eTP) issued through the 'MahaKhanij' system.
7. Geo-fencing: It is mandatory to implement Geo-fencing for the sand block sanctioned for excavation.

- 8.eTP Generation: While transporting excavated sand, the transport pass (eTP) for the vehicle must be generated within the Geo-fenced boundaries of the sand block and recorded in the MahaKhanij computer system.
- 9.Online Recording: It is mandatory to record the details of all sand excavated from the sand block online on the MahaKhanij system.
10. Proximity to Infrastructure: No sand excavation shall be allowed within 600 meters (2000 feet) of any railway bridge or road bridge from any side.
11. Proximity to Dams: No excavation shall be allowed within 100 meters of any Kolhapur Type (K.T.) weir or bund.
12. Excavation must be carried out beyond a distance of 100 meters from public water sources/water supply systems or beyond the distance fixed by the Groundwater Survey and Development Agency.
13. Sand/gravel cannot be extracted from land used as roads or footpaths.
14. The auction winner/permit holder must commence sand/gravel excavation within one week from the date of taking possession of the sand ghat (mining site).
15. While extracting sand/gravel from riverbeds or streams in the allotted area, the auction winner/permit holder must take all necessary precautions to ensure no harm is caused to natural resources and the environment.
16. The auction winner/permit holder must not obstruct the customary rights (Nistar rights) of the villagers.
17. The auction winner/permit holder must maintain a daily account of the sand/gravel

excavated, sold, and transported. These registers and other account documents must be made available at the excavation site for inspection by the District Mining Officer, Mining Inspector, Revenue Officer, District Collector, and officials from the Directorate of Geology and Mining.

18. If the auction winner/permit holder requires a permit to transport sand/gravel, they must give priority to cooperative societies.
19. It is mandatory to transport sand in vehicles covered with a tarpaulin. Action will be taken if transportation is found without such covering.
20. Vehicles transporting sand/gravel must only carry a quantity within their sanctioned carrying capacity. If a vehicle is found carrying more than its capacity, the entire quantity of sand in that vehicle will be treated as illegal, and penal action will be taken as per rules. Additionally, action will be taken under the Motor Vehicles Act for overloading. Along with the penalty, the seized sand shall be auctioned.
21. In the event of an accident during the excavation or **transportation** of sand/gravel, the auction winner/permit holder must immediately inform the nearest police station.
22. The auction winner/permit holder is bound to follow the terms and conditions specified in the rules, the provisions of the Minor Mineral Excavation Rules (applicable to the concerned department), the Maharashtra Land Revenue Code, and the conditions mentioned in the Environmental Clearance (EC). Furthermore, the auction winner must utilize the sand/gravel solely as a minor mineral.
23. If any major minerals are found during the excavation of sand/gravel, **the** auction

winner/permit holder must inform the Divisional Commissioner/District Collector within seven days.

24. As per the Environmental Clearance, the tenderer is bound to carry out sand excavation from the sand ghat using manual labor only.
25. For sand extracted from river/creek beds, the auction winner is **bound** to provide 10% of the total excavated sand storage free of cost for beneficiaries of the Pradhan Mantri Awas Yojana (PMAY) and other Economically Weaker Section (EWS) housing schemes. The auction winner should note that no payment will be admissible from the government for this.
26. If the sand storage at the sand ghat **exceeds** the estimated quantity, the auction winner will have no right over the excess, and permission for excavation beyond the estimated quantity will not be granted.
27. It is the responsibility of the auction **winner** to excavate sand/gravel from the sanctioned area within the period mentioned in the contract using only those means permitted by the Environmental Clearance. The duration of the lease will not be extended under any circumstances, nor will the sand ghat be changed or replaced, due to reasons such as: the expected storage not being available at the site, roads not being available, water presence at the sand site, sand being mixed with soil, or due to any human-made or natural calamities. Furthermore, no refund will be granted for these reasons.
28. Storage and auction of excavated or extracted sand must be done within the same district where the auction was conducted by the District Collector. The responsibility to obtain necessary land, including non-agricultural (NA) permissions, lies with the auction holder. If the sand stock is not

removed from the excavation site within 10 days after the expiry of the lease period, it will become government property. The auction holder or their contractor shall have no right to claim ownership or price for such sand, nor can they file a claim against the government.

29. After the expiry of the auction period and the subsequent 10-day grace period, no permission shall be granted to stock sand under any circumstances, nor will any secondary transport passes be issued for its transportation.
30. Without prior permission from the government, the auction holder cannot transfer the auction lease to anyone else, nor allow someone else to operate it, nor enter into a partnership after the auction.
31. The auction/permit holder must submit a certified statement of the sand excavated from their allotted site to the competent authority. This must be filed online on the 'Mahakhanij' system by the 10th of every month. The authorities reserve the right to cancel the lease or take punitive action against auction/permit holders who fail to submit these monthly returns on time.
32. Excavation shall not be carried out (nor permitted for others) in areas where sand extraction may cause erosion or pose a threat to residential buildings, houses, or other structures. In such cases, the decision of the District Collector to prohibit excavation shall be final.
33. Once an auction is finalized after accepting the highest bid, no extension of the excavation period or request to change the sand group/allotment will be entertained under any circumstances. The auction holder must use the specific roads indicated in the Environmental Clearance (EC) for sand transport. No separate roads will be provided.

The responsibility to obtain a new road for transport lies with the auction holder. No extension of the excavation period or change in sand group will be granted due to the non-availability or closure of roads.

34. In case of illegal sand storage, action should be taken as per Rule 48 (7) and (8) of the Maharashtra Land Revenue Code, 1966.
35. The auction/permit holder must provide information regarding the vehicles used for sand transport to the District Collector. It must be ensured that transportation never exceeds the registered carrying capacity of the vehicle.
36. If any damage or loss is caused to private property during the excavation or removal of sand, the liability for compensation lies with the auction holder. The assessment of such damage/loss will be conducted by a competent officer, whose decision will be final. The amount shall be recovered from the auction holder as arrears of land revenue.
37. The auction/permit holder is bound to comply with all terms and conditions mentioned in the Government Resolutions (GR) dated April 8, 2025, and October 09, 2025.

### **Preventive Measures**

- i) The auction holder must ensure that there is only one designated route for sand transportation from each sand block.
- ii) CCTV cameras must be installed by the auction holder at each sand block to ensure 24x7 video recording. At least one CCTV camera must be installed at the specific location where sand is loaded into transport vehicles, and another must be used to record all sand-transporting vehicles passing through the village entry/exit points. The

cost of installing these CCTVs shall be borne by the auction holder/licensee. Furthermore, to prevent illegal transportation from blocks that were not auctioned, CCTVs should be installed at such locations, and the District Planning Committee shall take action to make funds available for this.

- iii) It shall be mandatory for the auction holder/licensee to make the CCTV feed available on the website designated by the Government for public surveillance.
- iv) The auction holder/licensee must provide the IP address of the installed CCTVs to the Collector, Divisional Commissioner, and the State Revenue and Forest Department. It is mandatory to submit a CD containing the video footage of sand excavation and transportation to the Tehsildar's office every 15 days. A 24x7 CCTV Control Room shall be established at the Tehsildar's office to monitor sand excavation based on the CCTVs installed at the sand ghats. The concerned District Collector/Sub-Divisional Officer shall inspect this control room from time to time. Additionally, access shall be provided to general citizens to monitor sand excavation via these CCTVs.
- v) The Tehsildar shall have the footage in the said CDs inspected through their subordinate machinery. The Tehsildar and Sub-Divisional Officer shall also personally inspect such footage periodically. If it is observed during such inspection that the CCTV camera was off for any period, the footage from the control room will be analyzed. If unauthorized excavation is found, a penalty will be calculated based on the daily permitted excavation limit and the auction value per brass. Even if the CCTV is off for any part of a day, it will be presumed to have been off for the entire day for the purpose of calculating and recovering the penalty from the auction holder.

- vi) Every village Talathi (Village Accountant) shall regularly visit the sand blocks within their jurisdiction. For this purpose, it is mandatory for the auction holder/licensee to maintain a Visit Logbook certified by the Tehsildar. After visiting the sand block, the Talathi must record the visit in the daily logbook and sign it with the date.
- vii) The concerned Circle Officer (Mandal Adhikari) must also regularly inspect the sand blocks in their area, record the observations in the said daily logbook, and sign it with the date.
- viii) The concerned Tehsildar and Sub-Divisional Officer shall pay periodic and surprise visits to the sand depots/sites in their jurisdiction, record these in a daily visit register, and sign with the date. While inspecting sand sites, officials must strictly examine the following:
- A) The quantity of sand excavated from the start of mining until the date of inspection, and the stock of sand available at the site on the day of inspection.
  - AA) Monthly measurement of excavation at the sand site should be conducted in the presence of the concerned Talathi, Gram Sevak, and the auction purchaser.
  - I) If there is a bridge in the riverbed, inspection must be done to see if sand is being excavated near or below the bridge and its benchmarks; this must be recorded in the visit register.
  - EE) Inspection should determine if excavation is occurring near the riverbanks and whether mechanical tools like Poclain or JCB are being used; this must be recorded in the visit register.
  - U) Whether the excavated sand stock is kept within the prescribed distance must be recorded in the visit register.

- K) It shall be mandatory for the bidder/tenderer to submit compliance reports through a periodically recognized Environmental Consultant as per the provisions in the Environmental Clearance (EC).

Action to be taken if Auction Purchaser/Licensee violates Terms and Conditions:

i) If it is observed that excavation is deeper than the depth permitted in the Environmental Clearance, the security deposit of the auction purchaser/licensee will be forfeited, and the auction/license will be cancelled. Furthermore, such excavation shall be declared illegal, and action will be taken as per the provisions of Section 48(7) and (8) of the Maharashtra Land Revenue Code, 1966.

ii) Verification shall be conducted to see if the driver of the vehicle transporting sand/gravel possesses a valid barcoded transport pass. During inspection, if a valid pass is not found or if the specified time limit on the pass has expired, the excavation and transport of said sand shall be considered illegal. Action will be taken under Section 48(7) and (8) of the Maharashtra Land Revenue Code, 1966.

iii) In cases of illegal excavation and transportation, if the concerned contractor/auction purchaser is found guilty, action will be taken as per prevailing rules. Previously, criminal cases were filed under various sections of the Indian Penal Code (IPC) such as Sections 34, 114, 379, 392, 393, 394, 396, etc. Now, instead of the IPC, the Bharatiya Nyaya Sanhita (BNS) has been adopted. Action will be taken after verifying provisions under Sections 3(5), 54, 303(2), 309(4), 309(5), 309(6), and 310(3) of the BNS. Additionally, punitive action under Section 48(7) and seizure of

machinery/vehicles used for excavation and transport under Section 48(8) of the Maharashtra Land Revenue Code, 1966, along with seizure of the illegally excavated sand, shall be carried out.

iv) Furthermore, if it is observed that Revenue Officers/employees are being attacked during actions against illegal sand excavation/transport, or if organized crime is detected at such locations, action will be taken against such organized crime under the Maharashtra Prevention of Dangerous Activities (MPDA) Act, 1981 (Slumlords, Bootleggers, Drug Offenders, Dangerous Persons, and Video Pirates Act).

v) It shall be mandatory for the auction holder/license holder to comply with the terms and conditions of the environmental clearance as well as the provisions of environmental regulations. In case of violation of these provisions, they shall be liable for action as per the provisions of the Environment (Protection) Act, 1986.

(Sandeep Kumar, IAS)  
District Collector, Bhandara

Copy to –

1. Sub-Divisional Officer, Tumsar: Forwarded for information.
2. Tehsildar Tumsar / Mohadi: You are hereby informed to verify the registered copy of the agreement made with the District Mining Officer, Bhandara, and provide necessary cooperation to the successful auction holder for the stock-point in connection with the sand ghat (sand bank). Furthermore, orders regarding handing over possession of the sand

ghats to the tenderers will be issued in due course.

3. M/s. Anoj Kumar Agarwala, through Tushar Ajitsaria, Shri Mangal Plot No. 159 Ramdaspath, Nagpur-440010: For information and appropriate action.
4. Messrs Shaurya Technosoft Pvt. Ltd., Pune: For information and appropriate action.
5. District Mining Branch, District Collector Office, Bhandara.



File No.: SIA/MH/MIN/565829/2026

ANNEXURE:-R-7/5.

Government of India

Ministry of Environment, Forest and Climate Change

(Issued by the State Environment Impact Assessment Authority(SEIAA),  
MAHARASHTRA)

\*\*\*

Dated 04/02/2026



To,

Anoj kumar Agarwala  
DMO BHANDARA  
Land park, near Ramdaspath Nagpur maharashtra, NAGPUR, BHANDARA, MAHARASHTRA,  
440010  
anujkumaragarwal63@gmail.com

**Subject:** Grant of Transfer of EC to the project under the provision of the EIA Notification 2006 and as amended thereof regarding.

Sir/Madam,

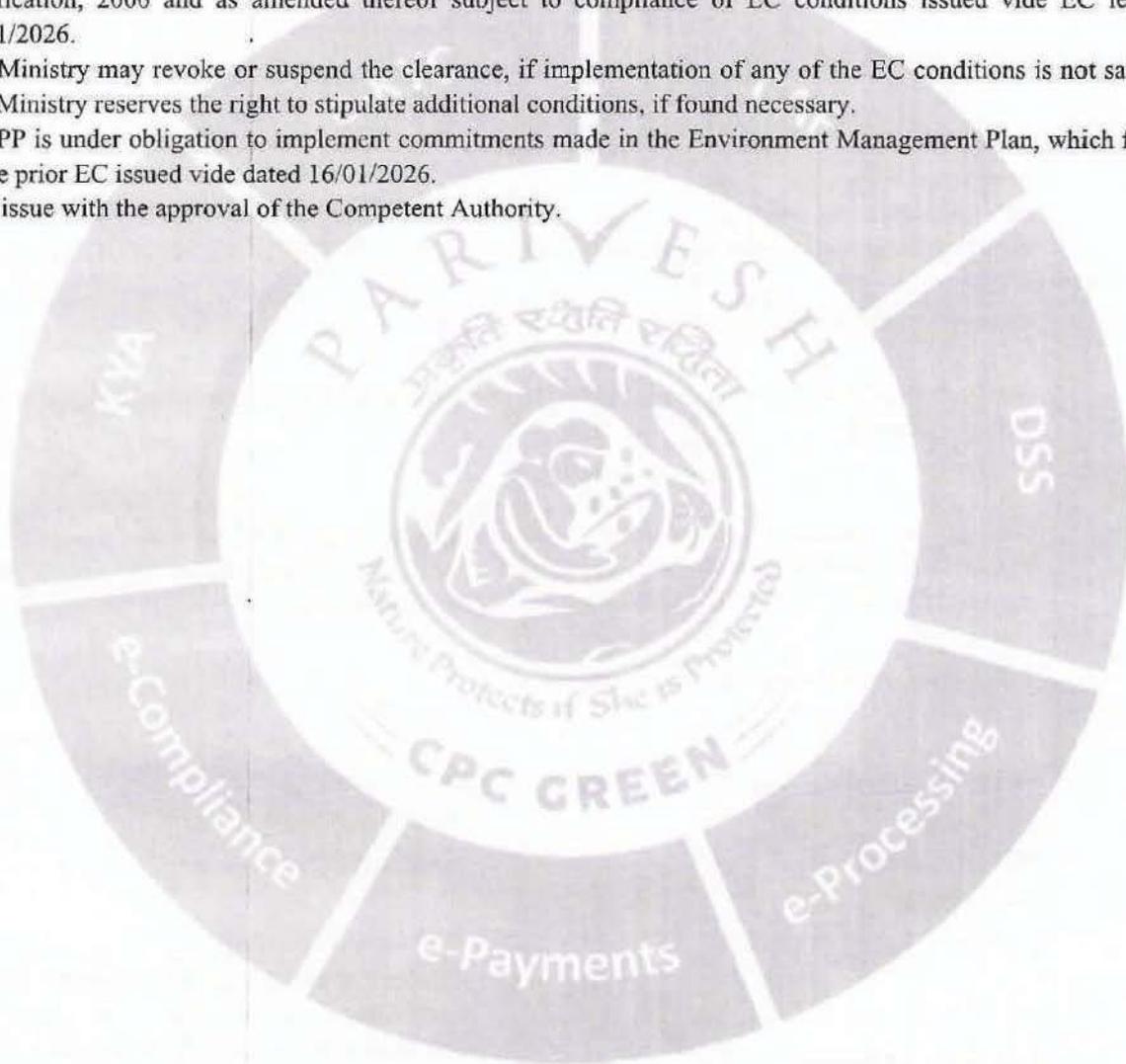
This is in reference to your application submitted to SEIAA vide proposal number SIA/MH/MIN/565829/2026 dated 16/01/2026 for grant of transfer of EC to the project under the provision of para 11 of the EIA Notification 2006-and as amended thereof.

2. The particulars of the proposal are as below :

(i) EC Identification No.	EC26C0107MH5733137T
(ii) File No.	SIA/MH/MIN/565829/2026
(iii) Clearance Type	Transfer of EC
(iv) Category	B2
(v) Schedule No./ Project Activity	1(a) Mining of minerals Transfer of Environmental Clearance Dhutera 3 Sand Ghat over an extent of 2.13 ha. At Bawanthadi River Bed Adjoining Gut No. 140, 141, 142, 143, 144, 145, 146, 147, Village Dhutera, Tehsil Tumsar, District Bhandara, Maharashtra by M/s. Anoj kumar Agarwala
(vii) Name of Project	BHANDARA, MAHARASHTRA
(viii) Location of Project (District, State)	SEIAA
(ix) Issuing Authority	04/02/2026
(x) EC Date	M/S ANOJ KUMAR AGARWALA, Land park, near Ramdaspath Nagpur maharashtra, NAGPUR, 484,27,440010
(xi) Details of Transferee	DMO BHANDARA, District Collector,
(xii) Details of Transferor	

**Plot/Survey Khasra Nos.:**

3. In view of the particulars given in the Para 1 above, the project proposal interalia including Form-7 were submitted to the SEIAA under the provision of Para 11 of the EIA notification 2006 and its subsequent amendments. Details in Form 7 can be accessed on PARIVESH portal by scanning the QR Code above.
4. The SEIAA has examined the requisite information/documents required for transfer of EC in accordance with the provisions contained in the Environment Impact Assessment (EIA) Notification, 2006 & further amendments thereto and hereby accords Transfer of EC dated to M/S ANOJ KUMAR AGARWALA under the provisions of EIA Notification, 2006 and as amended thereof subject to compliance of EC conditions issued vide EC letter dated 16/01/2026.
5. The Ministry may revoke or suspend the clearance, if implementation of any of the EC conditions is not satisfactory. The Ministry reserves the right to stipulate additional conditions, if found necessary.
6. The PP is under obligation to implement commitments made in the Environment Management Plan, which forms part of the prior EC issued vide dated 16/01/2026.
7. This issue with the approval of the Competent Authority.



## STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

No.SIA/MH/MIN/Sand Ghat/2026  
Environment & Climate  
Change Department,  
Room No. 217, 2<sup>nd</sup> Floor,  
Mantralaya, Mumbai- 400032.

To,  
M/s. Anoj kumar Agarwala

Sub: Transfer of Environmental Clearance from DMO Bhandara to M/s. Anoj kumar Agarwala  
for Sand Ghats in Bhandara District

Ref:

1. Applications for transfer of EC submitted on PARIVESH Portal 2.0.
2. Original EC letters issued to previous holders.

This has references to online applications in prescribed Form-7 and other documents for seeking transfer of Environmental Clearance (EC) for the projects mentioned below:

Sr. No	Sand Ghat Name	Proposal No.	Earlier EC Letter No.	Earlier EC dated	Transferor	Transferee
1	Chandmara 1	SIA/MH/MIN/ 565782/2026	SIA/MH/MIN/ 559888/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
2	Lobhi 3	SIA/MH/MIN/ 565778/2026	SIA/MH/MIN/ 559561/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
3	Lobhi 2	SIA/MH/MIN/ 565762/2026	SIA/MH/MIN/ 559533/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
4	Lobhi 1	SIA/MH/MIN/ 565756/2026	SIA/MH/MIN/ 559456/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
5	Dongri Buzurg 2	SIA/MH/MIN/ 565747/2026	SIA/MH/MIN/ 559450/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
6	Chikhali 2	SIA/MH/MIN/ 565713/2026	SIA/MH/MIN/ 559442/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
7	Chikhali 1	SIA/MH/MIN/ 565712/2026	SIA/MH/MIN/ 559485/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
8	Betala (Ghatkuroda)	SIA/MH/MIN/ 565711/2026	SIA/MH/MIN/ 559299/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
9	Nilaj Bu 2	SIA/MH/MIN/ 565709/2026	SIA/MH/MIN/ 559323/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
10	Nilaj Bu 1	SIA/MH/MIN/ 565708/2026	SIA/MH/MIN/ 559323/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala

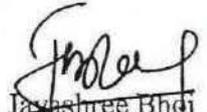
11	Betala North	SIA/MH/MIN/ 565707/2026	SIA/MH/MIN/ 559890/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
12	Betala South	SIA/MH/MIN/ 565706/2026	SIA/MH/MIN/ 559289/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
13	Mohgaon Devi	SIA/MH/MIN/ 565705/2026	SIA/MH/MIN/ 559328/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
14	Nilaj Khu	SIA/MH/MIN/ 565703/2026	SIA/MH/MIN/ 559328/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
15	Devhada Kh.	SIA/MH/MIN/ 565700/2026	SIA/MH/MIN/ 559889/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
16	Kanhalgaon	SIA/MH/MIN/ 565697/2026	SIA/MH/MIN/ 559305/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
17	Mundhari Bu.	SIA/MH/MIN/ 565694/2026	SIA/MH/MIN/ 559308/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
18	Mundhri Khu	SIA/MH/MIN/ 565692/2026	SIA/MH/MIN/ 559316/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
19	Dhiwarwada 1	SIA/MH/MIN/ 565688/2026	SIA/MH/MIN/ 559290/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
20	Chandmara 2	SIA/MH/MIN/ 565812/2026	SIA/MH/MIN/ 559452/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
21	Aashti Aanjan Vihri 1	SIA/MH/MIN/ 565821/2026	SIA/MH/MIN/ 559410/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
22	Aashti Aanjan Vihri 2	SIA/MH/MIN/ 565824/2026	SIA/MH/MIN/ 559417/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
23	Dhutera 1	SIA/MH/MIN/ 565826/2026	SIA/MH/MIN/ 559488/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
24	Dhutera 2	SIA/MH/MIN/ 565828/2026	SIA/MH/MIN/ 559497/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
25	Dhutera 3	SIA/MH/MIN/ 565829/2026	SIA/MH/MIN/ 559508/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
26	Kavlewada 1	SIA/MH/MIN/ 565832/2026	SIA/MH/MIN/ 559416/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
27	Kavlewada 2	SIA/MH/MIN/ 565833/2026	SIA/MH/MIN/ 559412/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
28	Kavlewada 3	SIA/MH/MIN/ 565836/2026	SIA/MH/MIN/ 559432/2025	12.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
29	Bamhani	SIA/MH/MIN/ 565857/2026	SIA/MH/MIN/ 559423/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
30	Koshti	SIA/MH/MIN/ 565856/2026	SIA/MH/MIN/ 559446/2025	10.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
31	Tamaswadi	SIA/MH/MIN/ 565855/2026	SIA/MH/MIN/ 559580/2025	10.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
32	Panjra Re	SIA/MH/MIN/ 565854/2026	SIA/MH/MIN/ 559602/2025	10.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala

33	Umarwada	SIA/MH/MIN/ 565853/2026	SIA/MH/MIN/ 559594/2025	10.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
34	Chargaon	SIA/MH/MIN/ 565852/2026	SIA/MH/MIN/ 559445/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
35	Warpindkepar	SIA/MH/MIN/ 565851/2026	SIA/MH/MIN/ 559571/2025	10.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
36	Sukli de	SIA/MH/MIN/ 565849/2026	SIA/MH/MIN/ 559567/2025	10.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
37	Mandvi 2	SIA/MH/MIN/ 565847/2026	SIA/MH/MIN/ 559601/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
38	Mandvi 1	SIA/MH/MIN/ 565844/2026	SIA/MH/MIN/ 559573/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
39	Sondya 3	SIA/MH/MIN/ 565842/2026	SIA/MH/MIN/ 559626/2025	10.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
40	Sondya 2	SIA/MH/MIN/ 565841/2026	SIA/MH/MIN/ 559606/2025	10.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
41	Sondya 1	SIA/MH/MIN/ 565838/2026	SIA/MH/MIN/ 559604/2025	10.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala
42	Dongri Buzurg 1	SIA/MH/MIN/ 565714/2026	SIA/MH/MIN/ 559442/2025	11.12.2025	DMO Bhandara	M/s. Anoj kumar Agarwala

You have submitted the following documents in support of your applications:

- i. LOI issued by Transferor (i.e. DMO Bhandara)
- ii. Consent letter from Transferor. (i.e. DMO Bhandara)
- iii. Undertaking by Transferee (i.e. M/s. Anoj kumar Agarwala.) regarding acceptance of the terms and conditions of the earlier EC letter.

SEIAA noted the above facts and decided to transfer the Environmental Clearance from DMO Bhandara mentioned above to the respective transferee (successful bidder) i.e. M/s. Anoj kumar Agarwala. This letter shall be read with the respective EC letters issued earlier. All other terms and conditions mentioned in the original EC letters shall remain the same.

  
 Jayashree Bhoj  
 (Member Secretary, SEIAA)



महाराष्ट्र शासन  
जिल्हाधिकारी भंडारा यांचे कार्यालय  
(खनिकर्म शाखा)

ANNEXURE:- R-7/6.

Email ID : dmobhandara123@gmail.com

क्र.आसन-14/खनिज/अका/कावि-89/2026

दिनांक : 05/02/2026

प्रति,

तहसिलदार,  
तुमसर / मोहाडी

विषय:- रेती / वाळू घाट लिलाव सन 2025 -2026

तुमसर उपविभागातील मोहाडी व तुमसर तालुक्यातील पर्यावरण अनुमती प्राप्त रेतीघाटाचा निविदाधारक यांना ताबा देण्याबाबत.

- संदर्भ:- 1) वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दि. 08/04/2025  
2) वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दि. 09/10/2025  
3) रेतीघाट ई-निविदा व ई-लिलाव दि. 30/12/2025  
4) या कार्यालयाचे पत्र क्र. आसन-14/खनिज/अका/कावि-08/2026 दिनांक 05/01/2026  
5) या कार्यालयाचे पत्र क्र. आसन-14/खनिज/अका/कावि-28/2026 दिनांक 13/01/2026  
6) या कार्यालयाचे आदेश क्र. आसन-14/खनिज/अका/कावि-48/2026 दिनांक 20/01/2026  
7) मा. SEIAA (पर्यावरण विभाग, महाराष्ट्र) यांचे पर्यावरण अनुमती हस्तांतरण सभेचे इतिवृत्त दिनांक 04/02/2026.

उपरोक्त संदर्भिय विषयाचे अनुषंगाने वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दि. 08/04/2025 व वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दि. 09/10/2025 अन्वये भंडारा जिल्हयाकरीता पर्यावरण अनुमती प्राप्त वाळू घाटांकरीता उपविभाग निहाय रेतीघाट ई-निविदा व ई-लिलाव जाहिरात दिनांक 11/12/2025 रोजी प्रसिध्द करण्यात आलेली होती. सदर ई-निविदा व ई-लिलावामध्ये मे. अनोज कुमार अगरवाला, तर्फे तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेठ, नागपुर- 440010 anojagarwala@rediffmail.com यांनी तुमसर या उपविभागातील 42 वाळूघाटामधील उपलब्ध एकुण वाळूसाठा चे 90% 611216 ब्रास हातची किंमत रूपये 36,67,29,600/- करीता प्रतिब्रास रूपये 928.94/- रूपये प्रमाणे एकुण रूपये 56,77,85,680/- सर्वोच्च बोली/देकार नोंदविलेला आहे. त्यानुसार निविदाधारक यांना तुमसर उपविभागाकरीता वाळू घाटांकरीता संपूर्ण रक्कमेचा भरण पूर्ण केलेला आहे.

संदर्भ क्र. 6 नुसार साकोली उपविभागातील वाळू गटाची सर्वोच्च बोली ची रक्कम व इतर देय रक्कमा शासन जमा केल्यामुळे मे. अनोज कुमार अगरवाला, तर्फे तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेठ, नागपुर- 440010 यांना तुमसर उपविभागातील तुमसर व मोहाडी येथील रेतीघाट पर्यावरण

अनुमती हस्तांतरीत करण्याचे अटीवर व आदेशात नमुद अटी, शर्तीच्या अधिन राहून रेतीघाट मंजूर आदेश निर्गमित करण्यात आले होते.

संदर्भ क्र. 7 अन्वये पर्यावरण विभागाने सर्वोच्च बोलीधारक यांचे नावे तुमसर उपविभागातील तुमसर व मोहाडी येथील रेतीघाटांचे पर्यावरण अनुमती हस्तांतरीत करण्यात आलेली आहे. सर्वोच्च बोलीधारक यांना रेती घाटातून वाळू / रेती उत्खनन व वाहतूक करण्याकरिता दिनांक 09 जून, 2026 पर्यंत आणि विक्री करण्याकरिता परवानगी दिनांक 30 सप्टेंबर, 2026 पर्यंत मंजूरी प्रदान करण्यात येत आहे.

त्यानुसार आपणास याद्वारे कळविण्यात येते की, निविदाधारक यांना पर्यावरण अनुमती प्राप्त रेतीघाटांचे सिमांकन करून ताबा देण्याची कार्यवाही करावी. तसेच निविदाधारक यांनी निश्चित केलेले स्टॉकपाईंटचे नाव व Latitude - Longitude (अक्षांश- रेखांश ) याबाबतची माहिती या कार्यालयास सादर करावी. निविदाधारक यांनी रेतीघाटांचा ताबा मिळाल्यापासून 7 दिवसांच्या आत पर्यावरण अनुमती प्राप्त रेतीघाटामधून उत्खनन सुरु करावे.

(मा. जिल्हाधिकारी यांचेकडून का. टी. मंजूर)



  
(सचिन वाढवे)  
जिल्हा खनिकर्म अधिकारी,  
भंडारा

प्रतिलिपी -

1. मा. विभागीय आयुक्त, नागपुर विभाग नागपुर यांना माहितीस्तव सविनय सादर.
2. मा. जिल्हाधिकारी भंडारा यांना माहितीस्तव सविनय सादर.
3. उपविभागीय अधिकारी, तुमसर यांना माहितीकरीता अग्रेषित.
4. मे. अनोज कुमार अगरवाला, तर्फे तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेठ, नागपुर- 440010
5. मेसर्स शौर्या टेक्नोसॉफ्ट प्रा. लि., पुणे यांना माहिती व उचित कार्यवाहीस्तव
6. जिल्हा खनिकर्म शाखा, जि.का. भंडारा

**1604**

# **English Translation of Ax. F**

Government of Maharashtra  
Sub-Divisional Officer Office  
(Divisional Branch)

Email ID: [dmoibhandara123@gmail.com](mailto:dmoibhandara123@gmail.com)

---

No.: Aasan-14 / Mining / Application / Case / 2026  
Date: 05/02/2026

To,  
Tahsildar,  
Tumsar / Mohadi

Subject : Sand / Gravel Group – Auction Year  
2025–2026  
Grant of environmental permission for  
sand mining at Mohadi in Tumsar Sub-  
Division

- References:
- 1.Sand Mining Policy-2025,  
Government Resolution No.  
10/0125/CR-05/Part-1 dated  
08/04/2025.
  - 2.Sand Mining Procedure-2025,  
Government Resolution No.  
10/0125/CR-05/Part-1 dated  
09/10/2025.
  - 3.Tender (E-tender) submission date:  
30/12/2025.
  - 4.Letter from this office No. Aasan-14  
/ Mining / Application / Case-08 /  
2026 dated 05/01/2026.
  - 5.Letter from this office No. Aasan-14  
/ Mining / Application / Case-28 /  
2026 dated 13/01/2026.
  - 6.Report of the Sub-Divisional Officer  
No. Aasan-14 / Mining / Application  
/ Case-48 / 2026 dated 20/01/2026.
  - 7.SEIAA (State Environment Impact  
Assessment Authority) granted

Environmental Clearance letter  
dated 04/02/2026

As per the above references and under Sand Mining Policy-2025 and Sand Mining Procedure-2025, the sand mining group mentioned below was auctioned through an e-tender process.

The tender was published with the last date of submission as 30/12/2025. After completion of the process, the highest bidder was declared successful.

The successful bidder is:

M/s           Arohi           Kumar           Agrawal  
Address: Takiya Pur Chowk, Ward No. 159, Tumsar Road, Bhandara – 440010.

The bidder has deposited the required amounts as follows:

- Security deposit: ₹ 6,11,216
- Total tender/auction value: ₹ 36,67,29,600
- Additional amount deposited: ₹ 9,28,944

Thus, the total amount deposited is ₹ 56,77,85,680.

After verification of all documents and completion of the required formalities, environmental clearance has been obtained from SEIAA.

With reference to Point No. 6, the Sand Group mentioned above has been auctioned through an e-tender process. Accordingly, Mr. Anoj Kumar Agrawal, Mr. Toke Kumar Agrawal, and Mr. Gopal Lal, residents of Plot No. 159, Yashwant Nagar, Nagpur – 440010, have been declared the successful bidders and the environmental permission for sand mining in the Mohadi area is being granted.

The permission is issued subject to the terms and conditions mentioned in the environmental clearance order and other applicable conditions.

As per Reference No. 7, the Environmental Department / State Environment Impact Assessment Authority (SEIAA) has granted Environmental

Clearance for the Tumsar–Mohadi sand mining group.

The successful bidder must comply with all environmental conditions mentioned in the clearance order.

Validity

- Sand extraction and transportation permission: valid up to 09 June 2026.
- Completion of all permitted mining activities: must be done before 30 September 2026.

The bidder must strictly follow the conditions of the environmental permission. Any violation will result in appropriate legal action.

The bidder must also submit to the office:

- The exact location details of the sand ghats, including Latitude and Longitude (coordinates).

The environmental clearance copy must be submitted to the concerned office within 7 days.

District Mining Officer,  
Bhandara

Copy To:

1. Divisional Commissioner, Nagpur Division, Nagpur – for information.
2. Collector and District Magistrate, Bhandara – for information.
3. Sub-Divisional Officer, Tumsar – for necessary action.
4. Mr. Anoj Kumar Agrawal / Mr. Toke Kumar Agrawal / Mr. Gopal Lal, Plot No. 159, Yashwant Nagar, Nagpur – 440010.
5. Maharashtra State Environment Department / SEIAA, Pune – for information and necessary action.
6. District Mining Office, Bhandara – record



महाराष्ट्र शासन  
जिल्हाधिकारी भंडारा यांचे कार्यालय  
(खनिकर्म शाखा)

ANNEXURE:-R-7/7.

Email ID : dimobhandara123@gmail.com

क्र.आसन-14/खनिज/अका/कावि-82/2026

दिनांक :- 04/ 02/2026

प्रति,

तहसिलदार,  
तुमसर / मोहाडी

विषय:- रेती / वाळू घाट लिलाव सन 2025 -2026

तुमसर उपविभागातील मोहाडी व तुमसर तालुक्यातील पर्यावरण अनुमती प्राप्त रेतीघाटाचा निविदाधारक यांना ताबा देण्याबाबत.

- संदर्भ:- 1) वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दि. 08/04/2025  
2) वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दि. 09/10/2025  
3) रेतीघाट ई-निविदा व ई-लिलाव दि. 30/12/2025  
4) या कार्यालयाचे पत्र क्र. आसन-14/खनिज/अका/कावि-08/2026 दिनांक 05/01/2026  
5) या कार्यालयाचे पत्र क्र. आसन-14/खनिज/अका/कावि-28/2026 दिनांक 13/01/2026  
6) या कार्यालयाचे आदेश क्र. आसन-14/खनिज/अका/कावि-48/2026 दिनांक 20/01/2026  
7) मा. SEIAA (पर्यावरण विभाग, महाराष्ट्र) यांचे पर्यावरण अनुमती हस्तांतरण सभेचे इतिवृत्त दिनांक 04/02/2026.  
8) या कार्यालयाचे आदेश क्र. आसन-14/खनिज/अका/कावि-66/2026 दिनांक 89/02/2026.  
9) मा. National Green Tribunal Western Zone Bench, Pune यांचे स्थगिती आदेश पारीत दिनांक 05/02/2026 प्राप्त दिनांक 06/02/2025.

उपरोक्त संदर्भिय विषयाचे अनुषंगाने वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दि. 08/04/2025 व वाळू/रेती निर्गती धोरण-2025, शासन निर्णय क्र. गौखनि 10/0125/प्र.क्र.05/ख-1, दि. 09/10/2025 अन्वये भंडारा जिल्हयाकरीता पर्यावरण अनुमती प्राप्त वाळू घाटांकरीता उपविभाग निहाय रेतीघाट ई-निविदा व ई-लिलाव जाहिरात दिनांक 11/12/2025 रोजी प्रसिध्द करण्यात आलेली होती. सदर ई-निविदा व ई-लिलावामध्ये मे. अनोज कुमार अगरवाला, तर्फे तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेठ, नागपुर- 440010 anojagarwala@rediffmail.com यांनी तुमसर या उपविभागातील 42 वाळूघाटामधील उपलब्ध एकुण वाळूसाठा चे 90% 611216 ब्रास हातची किंमत रूपये 36,67,29,600/- करीता प्रतिब्रास रूपये 928.94/- रूपये प्रमाणे एकुण रूपये 56,77,85,680/- सर्वोच्च बोली/देकार नोंदविलेला आहे. त्यानुसार निविदाधारक यांना तुमसर उपविभागाकरीता वाळू घाटांकरीता संपूर्ण रक्कमेचा भरणा पूर्ण केलेला आहे.

संदर्भ क्र. 6 नुसार साकोली उपविभागातील वाळू गटाची सर्वोच्च बोली ची रक्कम व इतर देय रक्कमा शासन जमा केल्यामुळे मे. अनोज कुमार अगरवाला, तर्फे तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेठ, नागपुर- 440010 यांना तुमसर उपविभागातील तुमसर व मोहाडी येथील रेतीघाट पर्यावरण अनुमती हस्तांतरीत करण्याचे अटीवर व आदेशात नमुद अटी, शर्तीच्या अधिन राहून रेतीघाट मंजूर आदेश निर्गमित करण्यात आले होते.

संदर्भ क्र. 7 अन्वये पर्यावरण विभागाने सर्वोच्च बोलीधारक यांचे नावे तुमसर उपविभागातील तुमसर व मोहाडी येथील रेतीघाटांचे पर्यावरण अनुमती हस्तांतरीत करण्यात आलेली आहे. संदर्भ क्र. 8 अन्वये सर्वोच्च बोलीधारक यांना रेती घाटातून वाळू / रेती उत्खनन व वाहतूक करण्याकरिता दिनांक 09 जून, 2026 पर्यंत आणि विक्री करण्याकरिता परवानगी दिनांक 30 सप्टेंबर, 2026 पर्यंत मंजुरी प्रदान करण्यात आली होती.

त्यानुसार आपणास याद्वारे कळविण्यात येते की, निविदाधारक यांना पर्यावरण अनुमती प्राप्त रेतीघाटांचे सिमांकन करून ताबा देण्याची कार्यवाही करावी. तसेच निविदाधारक यांनी निश्चित केलेले स्टॉकपाईटचे नाव व Latitude - Longitude (अंशांश- रेखांश ) याबाबतची माहिती या कार्यालयास सादर करावी. निविदाधारक यांनी रेतीघाटांचा ताबा मिळाल्यापासून 7 दिवसांच्या आत पर्यावरण अनुमती प्राप्त रेतीघाटामधून उत्खनन सुरु करण्याबाबत कळविण्यात आले होते.

तथापी,संदर्भ क्र. 9 अन्वये मा.National Green Tribunal Western Zone Bench, Pune यांनी भंडारा जिल्हयातील वाळूघाटासंबंधी स्थगिती आदेश पारीत केले असल्यामुळे पुढील आदेशापर्यंत निविदाधारक यांना पर्यावरण अनुमती प्राप्त मंजूर वाळूगटामधून कोणत्याही प्रकारचे उत्खननाला परवानगी देण्यात येऊ नये. मा.न्यायालयाचे आदेशाचे काटेकोरपणे पालन करावे.

सहपत्र:- मा.हरीत लवाद,पुणे यांचे आदेश



(सचिन वाढवे)  
जिल्हा खनिकर्म अधिकारी,  
भंडारा

प्रतिलिपी -

1. मा. विभागीय आयुक्त, नागपुर विभाग नागपुर यांना माहितीस्तव सविनय सादर.
2. मा. जिल्हाधिकारी भंडारा यांना माहितीस्तव सविनय सादर.
3. उपविभागीय अधिकारी, तुमसर यांना माहिती तथा आवश्यक कार्यवाहीकरीता अग्रेषित.
4. मे. अनोज कुमार अगरवाला, तर्फे तुषार अजितसरीया, श्री. मंगल प्लॉट नं. 159 रामदासपेठ, नागपुर- 440010
5. मेसर्स शौर्या टेक्नोसॉफ्ट प्रा. लि., पुणे यांना माहिती व उचित कार्यवाहीस्तव
6. जिल्हा खनिकर्म शाखा, जि.का. भंडारा

# 1609

## English Translation of Ax. G

Office of the District Collector,  
Bhandara (Mining Branch)  
Email ID: dmobhandara123@gmail.com  
Ref No: AASAN-14/Mining/Aka/Kavi-82/2026  
Date: 08/02/2026

To,  
The Tehsildar,  
Tumsar / Mohadi

Subject : Regarding handing over possession of sand/sand ghats to the tenderers who have received environmental clearance in Mohadi and Tumsar Talukas of Tumsar Subdivision for the auction year 2025-2026

References: 1. Sand/Gravel Extraction Policy-2025, Government Decision No. Gokhani 10/0125/Pr.Kr.05/Kha-1, dated 08/04/2025.  
2. Sand/Gravel Extraction Policy-2025, Government Decision No. Gokhani 10/0125/Pr.Kr.05/Kha-1, dated 09/10/2025.  
3. Sand Ghat E-Tender and E-Auction dated 30/12/2025.  
4. Letter from this office No. AASAN-14/Mining/Aka/Kavi-08/2026 dated 05/01/2026.  
5. Letter from this office No. AASAN-14/Mining/Aka/Kavi-28/2026 dated 13/01/2026.  
6. Orders from this office No. AASAN-14/Mining/Aka/Kavi-48/2026 dated 20/01/2026.  
7. Minutes of the meeting regarding the transfer of environmental clearance from Hon. SEIAA (Environment Department, Maharashtra) dated 04/02/2026.  
8. Orders from this office No. AASAN-14/Mining/Aka/Kavi-66/2026 dated 09/02/2026.

9. Stay order passed by the Hon. National Green Tribunal, Western Zone Bench, Pune dated 05/02/2026, received on 06/02/2026

In connection with the above subject and references, as per the Sand/Gravel Extraction Policy-2025 and Government Decisions dated 08/04/2025 and 09/10/2025, an E-Tender and E-Auction advertisement for subdivision-wise sand ghats with environmental clearance in Bhandara district was published on 11/12/2025.

In the said E-Tender and E-Auction, M/s. Manoj Kumar Agarwala, through Tushar Ajitsaria, Shri Mangal Plot No. 159 Ramdaspath, Nagpur- 440010 (anojaggarwala@rediffmail.com), recorded the highest bid for 42 sand ghats in the Tumsar subdivision. The bid was for 90% of the available sand stock, totaling 611,216 Brass, at a hand-over price of ₹36,67,29,600/- at the rate of ₹928.94/- per Brass, totaling ₹56,77,85,680/-. Accordingly, the tenderer has completed the full payment for the sand ghats in the Tumsar subdivision.

The following is the translation of the second page of the official letter from the District Mining Officer, Bhandara, continuing from the previous section:

According to reference no. 6, since the highest bid amount and other dues for the sand blocks in the Sakoli subdivision were deposited with the government, the orders for the approval of sand ghats (sand banks) were issued to M/s. Manoj Kumar Agarwala, through Tushar Ajitsaria, Nagpur, for the Tumsar and Mohadi areas of the Tumsar subdivision, subject to the transfer of environmental clearance and the terms and conditions mentioned in the order.

In accordance with reference no. 7, the Environment Department has transferred the environmental

clearance of the sand ghats in Tumsar and Mohadi to the name of the highest bidder. Under reference no. 8, the highest bidder was granted permission for the excavation and transportation of sand/gravel from these ghats until June 09, 2026, and permission for sale until September 30, 2026.

Accordingly, you are hereby informed to carry out the process of demarcating and handing over possession of the sand ghats that have received environmental clearance to the tenderer. Additionally, the tenderer must submit information regarding the name of the fixed stock points and their Latitude-Longitude coordinates to this office. The tenderer has been instructed to start excavation from the environmentally cleared sand ghats within 7 days of receiving possession.

However, as per reference no. 9, the Hon. National Green Tribunal (NGT), Western Zone Bench, Pune, has passed a stay order regarding the sand ghats in Bhandara district. Therefore, until further orders, the tenderer should not be granted permission for any kind of excavation from the approved sand ghats. The orders of the Hon. Court must be strictly followed.

Enclosure: Orders of the Hon. Green Tribunal, Pune.

(Sachin Wadve)  
District Mining Officer,  
Bhandara

Distribution List (Copy to):

1. Hon. Divisional Commissioner, Nagpur  
Division, Nagpur – for information.
2. Hon. District Collector, Bhandara – for  
information.

3. Sub-Divisional Officer, Tumsar – forwarded for information and necessary action.
4. M/s. Manoj Kumar Agarwala, Nagpur.
5. M/s. Shaurya Technosoft Pvt. Ltd., Pune – for information and appropriate action.
6. District Mining Branch, Zilla Parishad, Bhandara.

## ANNEXURE :- R-7/9.

प्रेषक :- मे. अनोजकुमार अग्रवाल,  
पार्टनर, तुषार अजीतसरीया,  
श्री मंगल प्लॉट नं. १५९,  
रामदास पेठ, नागपूर.  
दिनांक :- २७/०२/२०२६

प्रति,

मा. जिल्हाधिकारी साहेब,  
भंडारा.

विषय :- सन २०२५-२०२६ आपणाद्वारे रेती घाट लिलाव दिनांक ३०/१२/२०२५ आम्हांस मंजूर झालेल्या लिलावामध्ये उपविभाग तुमसर बाबत.

- संदर्भ :-
- १) आपले हेतूपत्र (LOI) क्र. आसन-१४/खनिज/अका/कावि-०८/२०२६ दिनांक ०५/०१/२०२६
  - २) आपले पत्र क्र. आसन-१४/खनिज/अका/कावि-२८/२०२६ दिनांक १३/०१/२०२६ राज्य स्तरीय आघात मुल्यांकन प्राधिकरण (SEIAA) यांना व प्रत आम्हांस.
  - ३) आपले पत्र क्र. आसन-१४/खनिज/अका/कावि-४८/२०२६ दिनांक २०/०१/२०२६ (करारनामा दिनांक १६/०१/२०२६ ला करून मंजुरी आदेश बाबत.)
  - ४) आपले पत्र क्र. आसन-१४/खनिज/अका/कावि-८९/२०२६ दिनांक ०५/०२/२०२६ रेती घाट ताबा देण्याबाबत मा. तहसिलदार तुमसर/मोहाडी यांना, प्रत आम्हांस प्राप्त दिनांक ०६/०२/२०२६
  - ५) आपले पत्र क्र. आसन-१४/खनिज/अका/कावि-८२/२०२६ दिनांक ०६/०२/२०२६ मा. तहसिलदार तुमसर/मोहाडी यांना उत्खननास मनाई बाबत.
  - ६) आपले पत्र क्र. आसन-१४/खनिज/समअ/कावि-९७/२०२६ दिनांक ०९/०२/२०२६ मा. तहसिलदार तुमसर/मोहाडी व मा. उपविभागीय अधिकारी तुमसर यांना ८ रेती घाटांचा ताबा देण्याबाबत.

आदरणीय महोदय,

उपरोक्त विषयांकित संदर्भानुसार रेतीघाट लिलाव संपूर्ण उपविभाग एकत्रिकरण करून एकच निविदा / लिलाव पद्धतीने दिनांक ११/१२/२०२५ चे जाहिर सुचनेनुसार दिनांक ३०/१२/२०२५ ला घेण्यात आले. त्यानुसार तुमसर उपविभाग मधील ४२ रेतीघाट असलेला लिलाव आमची सर्वोच्च बोली असल्यामुळे आम्हांस मिळाला. त्याबाबत हेतूपत्र (LOI) लगेच दुसऱ्या दिवशी

देण्याऐवजी सहा दिवसानंतर दिनांक ०५/०१/२०२६ ला देण्यात आले. संदर्भ क्र. १ प्रमाणे पत्र मिळताक्षणी लगेच दुसरे दिवशी दिनांक ०७/०१/२०२६ ला आम्ही २५ % फरकाची रक्कम रूपये ५,०२,६४,०२०/- नियमा प्रमाणे त्वरीत भरले.

२) आपले हेतूपत्र (LOI) दिनांक ०५/०१/२०२६ ला दिल्यानंतर लगेच पर्यावरण अनुमती (EC) हस्तांतरणाबाबत कार्यवाही करणे नियमाप्रमाणे आवश्यक होते. परंतु आपल्या प्रशासकिय अनावश्यक विलंबामुळे दिनांक १३/०१/२०२६ आठ दिवसानंतर पत्र देण्यात आले. (संदर्भ क्र. २ प्रमाणे.)

३) आम्ही उर्वरीत संपूर्ण रक्कम नियमाप्रमाणे १५ दिवस मुदत असतांनी सुद्धा ७ दिवसात दिनांक १२/०१/२०२६ व त्याप्रमाणे करारनामा दिनांक १६/०१/२०२६ ला करून मंजूरी आदेश दिनांक २०/०१/२०२६ ला देण्यात आले. (संदर्भ क्र. ३ प्रमाणे)

४) पर्यावरण अनुमती हस्तांतरण प्रक्रिया जास्तीत जास्त एक आठवड्यात होण्या ऐवजी २२ दिवस प्रशासकिय अनावश्यक विलंबामुळे १५ दिवस वाया घालविण्यात आले. व मा. तहसिलदार यांना दिनांक ०५/०२/२०२६ ला ताबा देण्याचे पत्र आपणाद्वारे देण्यात आले. (संदर्भ क्र. ४ प्रमाणे)

५) मा. National Green Tribunal, Western Zone, Pune द्वारे दिनांक ०५/०२/२०२६ ला उत्खननास स्थगिती आदेश पारीत केल्यामुळे मा. तहसिलदार द्वारे ताबा देण्याची प्रक्रिया सुरू झालीच नाही. व दिनांक ०६/०२/२०२६ चे आपले पत्रानुसार उत्खनन मनाई झाल्यामुळे ताबा प्रक्रिया सुरूच झाली नाही. (संदर्भ क्र. ५ प्रमाणे)

६) दिनांक ०९/०२/२०२६ ला स्थगिती यादी मध्ये आमचे ८ रेंती घाट नसल्यामुळे मा. तहसिलदार यांना ताबा देण्यास कळविण्यात आले. (संदर्भ क्र. ६ प्रमाणे). ८ पैकी काही रेंती घाटाचा ताबा प्रक्रिया होऊन त्यात रेंती साठया करीता जागा ठरविणे, पोचमार्ग तयार करणे, रेंती घाटा मध्ये वाहतुकीकरीता रॅम्प रस्ता बनविणे सुरू केलेच असता माहिती मिळाली दिनांक २६/०२/२०२६ ला त्या ८ रेंती घाटांवरही स्थगिती आदेश पारीत झालेले आहेत.

या बाबतीमध्ये माहिती घेतली असतांना हे प्रकरण प्राधिकरणाकडे दिनांक १८/१२/२०२५ ला दाखल आहे. व आपण हा रेंती घाट लिलाव आम्हास या बाबत काहीही माहिती न देता दिनांक ३०/१२/२०२५ आपणाद्वारे घेण्यात आला. त्यानंतर दिनांक ०५/०२/२०२६ चे स्थगिती आदेश होण्या अगोदर दिनांक ०५/०१/२०२६ ला सुनावणी झाली व आमचे पासून ही माहिती मुद्दामपणे लपवुन आमचेकडून संपूर्ण रक्कमेचा भरणा करून घेतलेला आहे.

पुन्हा या बाबतीत माहिती घेतली असता असे लक्षात येते कि, प्रशासकिय स्तरावर नियमाप्रमाणे EC करीता लागणारी सर्व आवश्यक कार्यवाही योग्य नाही झाल्यामुळे अशी स्थगिती झालेली आहे. व ही स्थगिती रद्द होईल की EC रद्द होईल याबाबत काहीच स्पष्ट नाही. या प्रकरणी पुढील तारीख बहुतेक दिनांक १०/०३/२०२६ ला आहे. म्हणजेच आमची काहीही चुकी नसतांना उत्खननाचा कालावधी हा फक्त दिनांक ०९/०६/२०२६ पर्यंतच असल्यामुळे अंदाजे कालावधी ४ महिने मिळत असतांनी २ महिने प्रशासकीय अनावश्यक विलंब व त्यांचेद्वारे केलेल्या तांत्रिक चुकांमुळे आतापर्यंत काहीही कामाची परवानगी न

मिळाल्यामुळे व्यर्थ गेलेला आहे. व याबाबत दिनांक १०/०३/२०२६ नंतरही काय होईल याची काही एक प्रतिशतही शाश्वती नाही. या सर्व प्रकरणामध्ये आम्ही फार मोठ्या आर्थिक व मानसिक अडचणीमध्ये आमची काहीही चूक नसतांनी आलेलो आहोत.

आम्हांस दिनांक ०९/०६/२०२६ पर्यंत ६७९१२९ ब्रास (६७९१२९ — ६११२१६ ब्रास) रेंती उत्खनन करण्याचे मंजूर आहे. वरील प्रमाणे विशद परिस्थिती प्रमाणे अर्धा कालावधी काहीही न होता संपूर्णपणे वाया गेलेला आहे. उर्वरित कालावधी मध्ये इतका मोठा रेंती साठा उत्खनन होणे कोणत्याही परिस्थिती मध्ये शक्य नाही व होऊच शकत नाही. नियमाप्रमाणे सर्व रेंती उत्खनन हे फक्त मानवी पद्धतीनेच करावयाचे आहे व ही अत्यंत आवश्यक अट आहे.

दिनांक १०/०६/२०२६ ते दिनांक ३०/०९/२०२६ पर्यंत पावसाळा असल्यामुळे नियमाप्रमाणे या कालावधी मध्ये उत्खननास प्रतिबंध असतो. रेंती उत्खननाची मुदत दिनांक ०९/०६/२०२६ पर्यंत व EC ची मुदत ही ३०/०९/२०२६ पर्यंत असल्यामुळे काहीही कार्य न होऊन हा कालावधी संपुष्टात येईल.

तरी सेवेशी नम्र निवेदन आहे कि, मागील वर्षी चंद्रपूर जिल्ह्यामध्ये केल्याप्रमाणे मंजूर रेंती साठा / उर्वरित रेंतीसाठा उत्खनन करावयास EC कालावधी हा पर्यावरण नियमाप्रमाणे संबंधीत कमेटी कडून योग्य कालावधी करीता NGT च्या स्थगिती आदेशामुळे उत्खनन होऊ शकले नाही या कारणास्तव वाढवुन आम्हांस देण्यात यावा, जेणेकरून शासन महसुलाचे नुकसान होणार नाही व रेंती उपभोक्त्यास नियमित रेंती उपलब्ध होवू शकेल. किंवा आदेश पत्र दिनांक २०/०९/२०२६ चे तक्त्यामध्ये नमुद सर्व रक्कम व्याजासहीत आम्हांस त्वरीत परत करण्यात यावी. जेणेकरून आम्ही फार मोठ्या आर्थिक व मानसिक अडचणी मधून बाहेर येवू शकू, हिच नम्र विनंती.

आपला नम्र

मे. अनोजकुमार अग्रवाल,  
पार्टनर, तुषार अजीतसरीया

# 1616

## English Translation of Ax. H

Anoj Kumar Agrawal  
Partner, Tusar Enterprises  
Shri Mangal Flat No. 159  
Yashwant Nagar, Nagpur  
Date: 27/02/2026

To:  
The Honorable District Collector,  
Bhandara.

Subject : Regarding removal/lifting of sand excavated from sand ghats in the year 2025-2026 up to 30/12/2025, and permission for its utilization at Tumsar / Mohadi

References: 1. Your Letter of Intent (LOI) No. Aasan-14 / Mining / Sand / Case-05 / 2025 dated 05/01/2026.  
2. Your letter No. Aasan-14 / Mining / Sand / Case-26 / 2025 dated 25/01/2026, regarding submission to the State Level Environmental Impact Assessment Authority (SEIAA).  
3. Your letter No. Aasan-14 / Mining / Sand / Case-48 / 2025 dated 20/01/2026, regarding the order dated 26/01/2026.  
4. Your letter No. Aasan-14 / Mining / Sand / Case-49 / 2025 dated 04/02/2026, regarding permission to start sand ghats in Tumsar / Mohadi.  
5. Your letter No. Aasan-14 / Mining / Sand / Case-57 / 2025 dated 06/02/2026, regarding measurement of sand stock by the Tahsildar, Mohadi.  
6. Your letter No. Aasan-14 / Mining / Sand / Case-63 / 2025 dated 09/02/2026, instructing Tahsildar Tumsar / Mohadi and Sub-Divisional

Officer Tumsar regarding inspection  
of 8 sand ghats. Respected Sir

As per the above-mentioned subject, the sand ghat auctions for the entire subdivision were combined and conducted through a single tender/auction process on December 30, 2025, following the public notice dated December 11, 2025. Accordingly, since our bid was the highest for the auction involving 42 sand ghats in the Tumsar subdivision, it was awarded to us. Regarding this, the Letter of Intent (LOI), which should have been given the very next day, was instead given six days later on January 5, 2026. Immediately upon receiving the letter as per Reference No. 1, we promptly paid the 25% difference amount of ₹5,02,64,020/- (Five Crores, Two Lakhs, Sixty-Four Thousand, and Twenty Rupees) on the next day, January 7, 2026, as per the rules.

- 2) After providing the LOI on January 5, 2026, it was necessary according to regulations to immediately initiate the process for the transfer of Environmental Clearance (EC). However, due to unnecessary administrative delay on your part, the letter was issued eight days later on January 13, 2026 (as per Reference No. 2).
- 3) Even though there was a 15-day period allowed by the rules to pay the remaining full amount, we paid it within 7 days on January 12, 2026. Accordingly, the agreement was executed on January 16, 2026, and the approval order was issued on January 20, 2026 (as per Reference No. 3).
- 4) The Environmental Clearance transfer process, which should have taken a maximum of one week, took 22 days due to unnecessary administrative delays. Consequently, 15 days were wasted. The letter to the Honorable Tehsildar to grant

possession was issued by you on February 5, 2026 (as per Reference No. 4).

- 5) Since the Honorable National Green Tribunal (NGT), Western Zone, Pune, passed a stay order on excavation on February 5, 2026, the process of granting possession by the Honorable Tehsildar never began. Furthermore, as per your letter dated February 6, 2026, the possession process did not start because excavation was prohibited (as per Reference No. 5).
- 6) Since 8 of our sand ghats were not included in the stay list on February 9, 2026, the Honorable Tehsildar was notified to grant possession of them (as per Reference No. 6). While the process of taking possession of some of these 8 sand ghats—including determining locations for sand storage, preparing access paths, and starting the construction of ramp roads for transport—was underway, information was received that stay orders were also passed on those 8 sand ghats on February 26, 2026.

Upon inquiring into this matter, it was found that this case was filed with the authority on December 18, 2025. You conducted the auction of these sand ghats on December 30, 2025, without providing us with any information regarding this. Subsequently, before the stay order was issued on February 5, 2026, a hearing took place on January 5, 2026, and this information was deliberately hidden from us while the full payment was collected.

Further inquiry into this matter reveals that this stay has occurred because all necessary procedures required for the Environmental Clearance (EC) at the administrative level were not handled correctly according to the rules. It remains completely unclear whether this stay will be vacated or if the EC will be canceled. The next date for this case is likely March 10, 2026.

This means that despite no fault of our own, out of an estimated 4-month excavation period (which ends on June 9, 2026), 2 months have already been wasted due to unnecessary administrative delays and technical errors made by them, as no work permission has been received to date. There is not even a one-percent guarantee of what will happen after March 10, 2026. In this entire matter, we have been placed in a very large financial and mental predicament through no fault of our own.

We were granted approval for the excavation of 6,79,129 Brass (6,79,129 – 6,91,216 Brass) of sand until June 9, 2026. Given the circumstances explained above, half of the allotted time has been completely wasted without any work being done. Under no circumstances is it possible or achievable to excavate such a massive volume of sand in the remaining time. According to the rules, all sand excavation must be done manually, which is a strictly mandatory condition.

From June 10, 2026, to September 30, 2026, excavation is prohibited by regulation due to the monsoon season. Since the sand excavation period ends on June 9, 2026, and the Environmental Clearance (EC) period ends on September 30, 2026, this entire term will expire without any work being performed.

Therefore, it is a humble request to your service that, similar to the approval granted in Chandrapur district last year, the EC period for the sanctioned sand stock/remaining sand stock be extended by the relevant committee according to environmental rules for an appropriate duration. This is requested because excavation could not take place due to the NGT stay order, and an extension would prevent loss of government revenue and ensure regular sand availability for consumers.

Alternatively, all amounts mentioned in the table of the order dated January 20, 2026, should be immediately returned to us with interest. This would enable us to emerge from these severe financial and mental difficulties. This is our humble request.

Yours sincerely,

M/s Anojkumar Agrawal Partner,  
Tushar Ajitsaria

Item Nos.2.1 to 2.26

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**APPEAL NO.01 OF 2026 (WZ)**

Abhishek Vikas Gondane

.....Appellant

***Versus***

SEIAA &amp; Ors.

....Respondents

**WITH**

**APPEAL NO.02 OF 2026 (WZ)**

Abhishek Vikas Gondane

.....Appellant

***Versus***

SEIAA &amp; Ors.

....Respondents

**WITH**

**APPEAL NO.03 OF 2026 (WZ)**

Shamshir Abdul Wahab Khan

.....Appellant

***Versus***

SEIAA &amp; Ors.

....Respondents

**WITH**

**APPEAL NO.04 OF 2026 (WZ)**

Abhishek Vikas Gondane

.....Appellant

***Versus***

SEIAA &amp; Ors.

....Respondents

**WITH**

**APPEAL NO.05 OF 2026 (WZ)**

Shamshir Abdul Wahab Khan

.....Appellant

***Versus***

SEIAA &amp; Ors.

....Respondents

**WITH**

**APPEAL NO.06 OF 2026 (WZ)**

Shamshir Abdul Wahab Khan .....Appellant

***Versus***

SEIAA & Ors. ....Respondents

**WITH**

**APPEAL NO.07 OF 2026 (WZ)**

Shamshir Abdul Wahab Khan .....Appellant

***Versus***

SEIAA & Ors. ....Respondents

**WITH**

**APPEAL NO.08 OF 2026 (WZ)**

Shamshir Abdul Wahab Khan .....Appellant

***Versus***

SEIAA & Ors. ....Respondents

**WITH**

**APPEAL NO.09 OF 2026 (WZ)**

Abhishek Vikas Gondane .....Appellant

***Versus***

SEIAA & Ors. ....Respondents

**WITH**

**APPEAL NO.10 OF 2026 (WZ)**

Shamshir Abdul Wahab Khan .....Appellant

***Versus***

SEIAA & Ors. ....Respondents

**WITH**

**APPEAL NO.11 OF 2026 (WZ)**

Shamshir Abdul Wahab Khan .....Appellant

*Versus*

SEIAA & Ors. ....Respondents

**WITH**

**APPEAL NO.12 OF 2026 (WZ)**

Shamshir Abdul Wahab Khan .....Appellant

*Versus*

SEIAA & Ors. ....Respondents

**WITH**

**APPEAL NO.13 OF 2026 (WZ)**

Shamshir Abdul Wahab Khan .....Appellant

*Versus*

SEIAA & Ors. ....Respondents

**WITH**

**APPEAL NO.14 OF 2026 (WZ)**

Shamshir Abdul Wahab Khan .....Appellant

*Versus*

SEIAA & Ors. ....Respondents

**WITH**

**APPEAL NO.15 OF 2026 (WZ)**

Shamshir Abdul Wahab Khan .....Appellant

*Versus*

SEIAA & Ors. ....Respondents

**WITH**

**APPEAL NO.16 OF 2026 (WZ)**

Abhishek Vikas Gondane .....Appellant

*Versus*

SEIAA & Ors.

....Respondents

**WITH**

**APPEAL NO.17 OF 2026 (WZ)**

Sanjay Kushabrao Rehpade

.....Appellant

***Versus***

SEIAA & Ors.

....Respondents

**WITH**

**APPEAL NO.18 OF 2026 (WZ)**

Shamshir Abdul Wahab Khan

.....Appellant

***Versus***

SEIAA & Ors.

....Respondents

**WITH**

**APPEAL NO.19 OF 2026 (WZ)**

Sanjay Kushabrao Rehpade

.....Appellant

***Versus***

SEIAA & Ors.

....Respondents

**WITH**

**APPEAL NO.20 OF 2026 (WZ)**

Abhishek Vikas Gondane

.....Appellant

***Versus***

SEIAA & Ors.

....Respondents

**WITH**

**APPEAL NO.21 OF 2026 (WZ)**

Abhishek Vikas Gondane

.....Appellant

***Versus***

SEIAA & Ors.

....Respondents

**WITH**

**APPEAL NO.22 OF 2026 (WZ)**

Shamshir Abdul Wahab Khan .....Appellant

***Versus***

SEIAA & Ors. ....Respondents

**WITH**

**APPEAL NO.23 OF 2026 (WZ)**

Abhishek Vikas Gondane .....Appellant

***Versus***

SEIAA & Ors. ....Respondents

**WITH**

**APPEAL NO.24 OF 2026 (WZ)**

Shamshir Abdul Wahab Khan .....Appellant

***Versus***

SEIAA & Ors. ....Respondents

**WITH**

**APPEAL NO.25 OF 2026 (WZ)**

Shamshir Abdul Wahab Khan .....Appellant

***Versus***

SEIAA & Ors. ....Respondents

**WITH**

**APPEAL NO.30 OF 2026 (WZ)**

Abhishek Vikas Gondane .....Appellant

***Versus***

SEIAA & Ors. ....Respondents

**Date of hearing: 05.02.2026**

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. SUJIT KUMAR BAJPAYEE, EXPERT MEMBER**

Appellant : Mr. Sangramsingh R. Bhonsle,, Advocate along-with  
Mr. Nrupal Dingankar, Ms. Pallavi Kakade, Ms. Pushkara  
Bhonsle, Mr. Sanmitra Pol, Mr. Naman Sherstra and  
Ms. Sneha Bhonsle, Advocates

Respondents : Mr. Aniruddha Kulkarni, Advocate for R-1/SEIAA &  
6/MPCB  
Mr. Nitin P. Deshpande, Advocate for R 2 & 3

## ORDER

1. The present appeals have been filed by the appellants seeking quashing of the following Environmental Clearances granted by Respondent No.1- SEIAA for undertaking sand mining at the site in question:-

“

Item Nos.	Appeal No.	Date of EC
1	01/2026	16.12.2025
2	02/2026	16.12.2025
3	03/2026	16.12.2025
4	04/2026	16.12.2025
5	05/2026	10.12.2026
6	06/2026	12.12.2026
7	07/2026	16.12.2025
8	08/2026	11.12.2025
9	09/2026	12.12.2026
10	10/2026	12.12.2026
11	11/2026	12.12.2026
12	12/2026	12.12.2026
13	13/2026	12.12.2026
14	14/2026	12.12.2026
15	15/2026	12.12.2026
16	16/2026	12.12.2026
17	17/2026	12.12.2026
18	18/2026	11.12.2025
19	19/2026	11.12.2025
20	20/2026	12.12.2026
21	21/2026	12.12.2026
22	22/2026	16.12.2025
23	23/2026	16.12.2025
24	24/2026	10.12.2026

25	25/2026	12.12.2026
26	30/2026	12.12.2026

2. These appeals have been filed on the grounds that the Replenishment Study, which forms a part of the District Survey Report, in terms of the 2020 Guidelines, is defective, as the same is not being done in consonance with the Enforcement and Monitoring Guidelines for Sand Mining- 2020, which provides as under:-

**“5.1 Generic Structure of Replenishment Study:**

*Initially replenishment study requires four surveys. The first survey needs to be carried out in the month of April for recording the level of mining lease before the monsoon. The second survey is at the time of closing of mines for monsoon season. This survey will provide the quantity of the material excavated before the offset of monsoon. The third survey needs to be carried out after the monsoon to know the quantum of material deposited/replenished in the mining lease. The fourth survey at the end of March to know the quantity of material excavated during the financial year. For the subsequent years, there will be a requirement of only three surveys. The results of year-wise surveys help the state government to establish the replenishment rate of the river. Based on the replenishment rate future auction may be planned.”*

3. According to the above guidelines, four surveys were required to be conducted for the first year, for which specific time period was also provided. But in the case in hand, the surveys, which are said to have been conducted, details of which are given at page nos.382 to 387 of the paper book, the same do not indicate as to when these surveys were conducted, as they show only the year i.e. from 2015-16 up to 2025-26. As per the MoEF&CC’s Notification dated 15.01.2016, the District Survey Report in terms of the Notification of the Ministry of Environment, Forest & Climate Change dated 15.01.2016, as well as 25.07.2018 ought to form the basis

for application of Environment Clearance, preparation of reports and appraisal of projects. As per the said Notifications, the District Survey Report ought to be updated once every 5 years.

4. It is further submitted that in the present case, admittedly, the District Survey Report has been prepared by Respondent No.3- The District Mining Officer, Bhandara in the year 2025-2026. Therefore, the same shall be valid up-to 2030-2031. However, in terms of Clause 5.1 of the 2020 Guidelines, since the District Survey Report has been recently updated by Respondent No.3 in the year 2025-2026, the Replenishment Study would require four surveys. However, on perusing of the Replenishment Study at Chapter No. 8, viz. Replenishment Calculation of Sand Ghat of the District Survey Report prepared by the Respondent No. 3, the same does not disclose any details pertaining to the four surveys undertaken by Respondent No.3. The four surveys, which are mandatorily required for the Replenishment Study, are not forming a part of the Replenishment Study, render the same defective, which in turn, renders the District Survey Report as defective.

5. It is further submitted that no Mining Plan has been submitted by Respondent No.3 in Proposal for grant of Environment Clearance. The Notification dated 15.01.2016, issued by Respondent No.4, in Appendix- XI provides for the Procedure for Environmental Clearance for Mining of Minor Minerals. Further, the 'Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals including cluster situation' provides for the specific requirements that ought to be fulfilled by any proposal for grant of Environment Clearance for various Category of Projects. For a project in the 'Category B2' having an area of 0 to 5 Ha., the proposal for grant of Environment Clearance ought to contain a copy of Approved Mine Plan along-with other documents. But in the case in hand,

Respondent No.3 has only submitted a Letter dated 27.11.2025, which is annexed at page nos.505 to 511 of the paper book, issued by the Directorate of Geology and Mining, Government of Maharashtra, approving the Mining Plans for a total of 112 sand ghats, including the said sand ghat. But Respondent No.3 has not produced a copy of the Approved Mining Plan in its application for grant of Environment Clearance. Therefore, the Impugned Environment Clearance, being contrary to the Notification dated 15.01.2016, ought to be quashed and set aside.

6. It is further submitted that no Pre-Feasibility Report has been annexed in Proposal for grant of Environment Clearance. Clause 6 of the Notification dated 15.01.2016 mandates that a Project Proponent shall furnish a Pre-Feasibility Report when making an application for grant of Environment Clearance for a Category B2 Project. Therefore, since the submission of a Pre-Feasibility Report is a statutory mandate, the absence of a Pre-Feasibility Report in the present case renders the application for grant of Environment Clearance fundamentally defective. On perusal of the PARIVESH Portal of Respondent No.4, for the purposes of grant of the impugned Environment Clearance, it is evident that no Pre-Feasibility Report has been uploaded by Respondent No.3 on the portal of the Respondent No.4. However, even in the absence of the Pre-Feasibility Report, the SEAC-1 in its 339<sup>th</sup> Meeting has proceeded to recommend the grant of the Impugned Environment Clearance. Such recommendation is contrary to the provisions of Clause 6 of the Notification dated 15.01.2016 issued by the Respondent No. 4, which categorically mandates a copy of a Pre-Feasibility Report, in addition to the other documents as specified. Hence, the same is liable to be quashed and set aside.

7. It is further submitted that no recommendation has been made by the Sub-Divisional Committee for proposing the said sand ghat for

Environment Clearance. The Notification dated 15.01.2016, in Appendix- X titled as “Procedure for Preparation of District Survey Report” provides that a Sub-Divisional Committee, comprising of a Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geology or Mining Officer shall visit each site, for which Environment Clearance has been applied for and make recommendation on the suitability of the site for mining or prohibition thereof. But in the present case, this requirement of the Notification dated 15.01.2016 has not been complied with. Respondent No.5 vide its Notification dated 08.04.2025, in Part Two has constituted a Technical Sub-Committee, a Taluka Sand Mining Monitoring Committee and a District Level Sand Mining Monitoring Committee. In the proposal made by Respondent No. 3 for the grant of the Impugned Environment Clearance, Respondent No. 3 has relied on the alleged recommendations of the Technical Sub-Committee constituted, in terms of the Notification dated 08.04.2025. However, in terms of the Notification dated 15.01.2016 as well as 25.07.2018, the Respondent No. 4 has constituted a Sub-Divisional Committee, which is under an obligation to visit the site, and then recommend the suitability of the site for the project. The Respondent No. 3, on the basis of the Notification of the Respondent No. 5 dated 08.04.2025 has merely relied upon the recommendations of the Technical Sub-Committee, without complying and relying on the recommendations of the Sub-Divisional Committee, in terms of the Notification dated 15.01.2016 as well as 25.07.2018. The Notification dated 08.04.2025, being a State Notification, at best can only assist and add to the Notifications dated 15.01.2016 and 25.07.2018 issued by the Respondent No.4. The Notification dated 08.04.2025 of the Respondent No.5- The State of Maharashtra through the Chief Secretary, in no way, can run contrary or

omit any procedure established, in terms of the Notification dated 15.01.2016 and 25.07.2018. Hence, the present appeals have been filed.

8. We may mention here that the main challenge in the present appeals appears to be to the District Survey Report (DSR), which is said to be defective because of the improper replenishment study being conducted. We fail to understand as to why the DSR was not assailed at the appropriate stage when the same was put in public domain inviting objections against the same by the appellants herein.

9. In regard to the above, when we enquired from learned counsel for the appellants, he has drawn our attention to the Judgment of Hon'ble Supreme Court delivered in **Union Territory of J&K (Previously State of Jammu & Kashmir) & Anr. vs. Raja Muzaffar Bhat & Ors. [(2025) SCC OnLine SC 1789]**, wherein he has drawn our attention to following paragraphs:-

*“3. It is, therefore, compelling to hold that a DSR is valid and tenable only when a proper replenishment study is conducted.....  
.....*

*29. From the foregoing analysis, it is apparent that in light of Guidelines, 2016 and the Guidelines, 2020, the absence of a replenishment study renders a DSR fundamentally defective. These guidelines categorically require that any assessment of mineable mineral quantity must be premised on scientific estimation of replenishment rates, failing which the DSR lacks the foundational data necessary to determine sustainable extraction limits.*

.....  
.....  
**33.** *In view of the existing legal regime that mandates preparation of replenishment report in a scientific manner and such a report forming an integral part of the District Survey Report, we hold that a District Survey Report without a proper replenishment study is equally untenable.....”*

10. Having relied upon the above citation, it is urged by learned counsel for the appellants that the District Survey Report (DSR) requires proper study to be conducted and if the Replenishment Study is found to be defective, as in the case in hand, it is said that four surveys were not conducted, and the same should be held to be not appropriate Replenishment Study. Consequently, the DSR should also be treated to be defective one, hence it is said that the basis of assailing the impugned EC is the defective District Survey Report (DSR).

11. In view of above submissions, we admit these appeals.

12. Registry is directed to issue Notice to the Respondents, returnable within 02(two) weeks.

13. Since learned counsel for Respondent No.1- SEIAA & Respondent No.6- MPCB; and learned counsel for Respondent No.2- The District Collector, Bhandara and Respondent No.3- The District Mining Officer, Bhandara accept notice on behalf of these Respondents respectively, notices are waived against them.

14. Appellants are directed to take necessary steps for service to the Respondents by both ways (Dasti as well as by Registered Post) and also on available e-mail/WhatsApp., and submit service affidavit within one week.

15. Appellants are also directed to supply copy of the appeals and relevant documents to the Respondents within a week.

16. Respondents are directed to submit their reply affidavits within 02(two) weeks through e-filing and also circulate the same to the appellants and also the other Respondents by available e-mail.

17. Rejoinder, if any, is directed to be submitted within one week thereafter.

18. Learned counsel for the appellants has pressed for interim stay to be passed in the appeals in hand. But we are of the view that we will consider the prayer for stay only after hearing the other side.

19. Put up these matters for further consideration on 13.03.2026.

**Dinesh Kumar Singh, JM**

**Dr. Sujit Kumar Bajpayee, EM**

February 05, 2026  
APPEAL NO.01 OF 2026 (WZ) along-with  
the other Appeals  
AM

Items no. 10.1 to 10.26

Pune Bench

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

I.A. No.38/2026(WZ)  
In  
Appeal No.01/2026 (WZ)

Abhishek Vikas Gondane Appellant

Versus

SEIAA & Ors. Respondents

WITH

Appeal No.02/2026 (WZ)

Abhishek Vikas Gondane Appellant

Versus

SEIAA & Ors. Respondents

WITH

Appeal No.03/2026 (WZ)

Shamshir Abdul Wahab Khan Appellant

Versus

SEIAA & Ors. Respondents

WITH

Appeal No.04/2026 (WZ)

Abhishek Vikas Gondane Appellant

Versus

SEIAA & Ors. Respondents

WITH

Appeal No.05/2026 (WZ)

Shamshir Abdul Wahab Khan Appellant

Versus

SEIAA & Ors. Respondents

WITH

Appeal No.06/2026 (WZ)

Shamshir Abdul Wahab Khan Appellant

Versus  
SEIAA & Ors. Respondents

WITH

Appeal No.07/2026 (WZ)

Shamshir Abdul Wahab Khan Appellant

Versus  
SEIAA & Ors. Respondents

WITH

Appeal No.08/2026 (WZ)

Shamshir Abdul Wahab Khan Appellant

Versus  
SEIAA & Ors. Respondents

WITH

Appeal No.09/2026 (WZ)

Abhishek Vikas Gondane Appellant

Versus  
SEIAA & Ors. Respondents

WITH

Appeal No.10/2026 (WZ)

Shamshir Abdul Wahab Khan Appellant

Versus  
SEIAA & Ors. Respondents

WITH

Appeal No.11/2026 (WZ)

Shamshir Abdul Wahab Khan Appellant

Versus  
SEIAA & Ors. Respondents

WITH

Appeal No.12/2026 (WZ)

Shamshir Abdul Wahab Khan Appellant

Versus

SEIAA & Ors.

Respondents

WITH

Appeal No.13/2026 (WZ)

Shamshir Abdul Wahab Khan

Appellant

Versus

SEIAA & Ors.

Respondents

WITH

Appeal No.14/2026 (WZ)

Shamshir Abdul Wahab Khan

Appellant

Versus

SEIAA & Ors.

Respondents

WITH

Appeal No.15/2026 (WZ)

Shamshir Abdul Wahab Khan

Appellant

Versus

SEIAA & Ors.

Respondents

WITH

Appeal No.16/2026 (WZ)

Abhishek Vikas Gondane

Appellant

Versus

SEIAA & Ors.

Respondents

WITH

Appeal No.17/2026 (WZ)

Sanjay Kushabrao Rehpade

Appellant

Versus

SEIAA & Ors.

Respondents

WITH

Appeal No.18/2026 (WZ)

Shamshir Abdul Wahab Khan Appellant

Versus

SEIAA & Ors.

Respondents

WITH

Appeal No.19/2026 (WZ)

Sanjay Kushabrao Rehpade

Appellant

Versus

SEIAA & Ors.

Respondents

WITH

Appeal No.20/2026 (WZ)

Abhishek Vikas Gondane

Appellant

Versus

SEIAA & Ors.

Respondents

WITH

Appeal No.21/2026 (WZ)

Abhishek Vikas Gondane

Appellant

Versus

SEIAA & Ors.

Respondents

WITH

Appeal No.22/2026 (WZ)

Shamshir Abdul Wahab Khan

Appellant

Versus

SEIAA & Ors.

Respondents

WITH

Appeal No.23/2026 (WZ)

Abhishek Vikas Gondane

Appellant

Versus

SEIAA & Ors.

Respondents

WITH

Appeal No.24/2026 (WZ)

Shamshir Abdul Wahab Khan Appellant

Versus

SEIAA & Ors. Respondents

WITH

Appeal No.25/2026 (WZ)

Shamshir Abdul Wahab Khan Appellant

Versus

SEIAA & Ors. Respondents

WITH

Appeal No.30/2026 (WZ)

Abhishek Vikas Gondane Appellant

Versus

SEIAA & Ors. Respondents

Date of hearing: 26.02.2026

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. SUJIT KUMAR BAJPAYEE, EXPERT MEMBER**

Appellants: Mr. Sangramsingh Bhonsle, Ms. Pallavi V. Kakade, Mr. Nrupal A. Dingankar, Ms. Pushkara A. Bhonsle, Mr. Sanmitra Pol and Ms. Shruti Sharma, Advocates

Respondents: Mr. Aniruddha Kulkarni a/w Mr. Savyasachi Bhardwaj, Advocates for R-1, 5 & 6  
Mr. Nitin Deshpande, Advocate for R-2 & 3  
Mr. Pushkal Mishra, Advocate for R-4  
Mr. Raghunath B Mahabal, Advocate for Caveator

## ORDER

1. From the side of respondent no. 4-MoEF&CC, learned counsel Mr. Pushkal Mishra has put in appearance and states that Respondent No.4 is a formal party, therefore, he would not be filing the reply affidavit.

2. From the side of respondents nos. 1, 5 and 6-State Environment Impact Assessment Authority (SEIAA), Maharashtra; State of Maharashtra; and Maharashtra Pollution Control Board (MPCB) respectively, learned counsel Mr. Aniruddha Kulkarni has put in appearance and filed reply dated

25.02.2026 from the side of respondent no. 1 only, stating therein that the Environmental Clearances (ECs) have been transferred to successful bidder, therefore, present Appeals suffer from non-joinder of the necessary parties, as all the successful bidders now need to be impleaded as respondents. Further, it is mentioned that process of transfer of the ECs has been done in accordance with the provisions of EIA Notifications. There is no illegality in the said process. DMO and successful bidders are well within their right to do the mining work. No Court had put any restraint on the transfer. These Appeals have not been filed in the interest of the environment, rather the same have been filed with the intention for proliferation of illegal sand mining. If the stay is granted, as prayed, it will cause illegal sand mining in District: Bhandara, which will be harmful to the environment.

3. A copy of the above affidavit is said to have been served upon the learned counsel for the appellant, who seeks time to file rejoinder. We allow three days' time as prayed to file rejoinder to the same with a direction that a copy of the same be also served upon all the other parties.

4. From the side of respondent no. 2-District Collector, Bhandara and respondent no. 3-District Mining Officer, Bhandara, affidavit dated 26.02.2026 has been filed, stating therein that this Tribunal has granted stay of mining operations in *Appeal No. 641/2025(WZ), Shamshir Abdul Wahab Khan vs. The State Environment Impact Assessment Authority, Maharashtra & Ors.* From the very beginning, the said Appeal is being treated as lead matter, in which pleadings are complete, therefore, it is prayed that rather than preponing the other Appeals and *Appeal No. 641/2025(WZ) (supra)*, which is listed on 10.03.2026, all the Appeals should be decided together on that date.

5. Today, the application, on which hearing is to be done, is I.A. No.38/2026(WZ), by which the learned counsel for the appellants has sought

preponement of the date of hearing from 13.03.2026 to any earlier convenient date and simultaneously, it was prayed that a direction may be issued to maintain *status quo*.

6. During arguments, learned counsel Mr. Raghunath B. Mahabal has put in appearance and has filed *Caveat No. 08/2026*, praying therein that a direction may be issued to the Registrar of this Tribunal to direct the appellant to implead the caveator as necessary party. He has given in para 2 of this Caveat, the EC numbers, which are seventeen (17) in total, in which ECs have been transferred to the applicant, therefore, he prays that he should be given an opportunity of hearing before the grant of any stay/any further order because his interest are going to be affected adversely.

7. A copy of the above Caveat has been served upon learned counsel for the appellants, who orally submits that previously, 85 Appeals had been filed on 05.01.2026, wherein this Tribunal had passed interim order of stay on 05.02.2026 because the replies could not be filed earlier and now, matter is listed for hearing to be done on interim relief on 10.03.2026.

8. Learned counsel for the appellants has further apprised that after filing these Appeals on 05.01.2026, the respondents continued to transfer the ECs on different dates which ought not to have been done, though there was no stay till then and now since third party interest has been created, he does not have any objection to implead all the transferee of the ECs who now have accrued interest in the present Appeals. We are of the view that in view of the third party interest having been created, we have no option but to direct impleadment of all the EC holders who have now been transferred the EC and direct accordingly that they may be impleaded within one week. In this regard, since large number of people are involved, we would like a list to be provided of all those persons, who need to be impleaded, by the respondent nos. 2 and 3 to the applicant's learned counsel within two days.

9. Now, we have to decide as to whether interim stay should be passed in these new set of Appeals, which are being heard today. In this regard, we are of the view that all Appeals (total in number-109 Appeals), which have been filed, are identical having the common ground and in one set of Appeals, we have already passed an order of interim stay till 10.03.2026, therefore, in the present set of Appeals also, the same order shall remain in force till next date i.e., 10.03.2026.

10. Put up for next consideration on 10.03.2026.

Dinesh Kumar Singh, JM

Dr. Sujit Kumar Bajpayee, EM

February 26, 2026  
Appeal No.01/2026(WZ) alongwith  
the other Appeals  
R

**2021 SCC OnLine SC 1133**

**In the Supreme Court of India**

(BEFORE R. SUBHASH REDDY AND HRISHIKESH ROY, JJ.)

Civil Appeal No. 595 of 2021

Sai Baba Sales Pvt. Ltd. ... Appellant(s);

*Versus*

Union of India and Others ... Respondent(s).

With

Civil Appeal No. 5768 of 2021

Civil Appeal No. 595 of 2021 and Civil Appeal No. 5768 of 2021

Decided on November 26, 2021

The Judgment of the Court was delivered by

**HRISHIKESH ROY, J.:**— Heard Mr. Huzefa Ahmadi, learned senior counsel appearing for the appellant in Civil Appeal No. 595/2021. Mr. Lonkar Nitin representing the Original Applicant before the National Green Tribunal. Ms. Aishwarya Bhati, learned Additional Solicitor General of India appears for the Ministry of Environment & Forest. The Government of Maharashtra and the State Pollution Control Board are represented by Mr. Rahul Chitnis and Mr. Mukesh Verma, learned counsel respectively.

**2.** These two appeals are filed under Section 22 of the National Green Tribunal Act, 2010 (for short "the NGT Act") assailing the judgment and final order dated 18.1.2021 in the OA No. 83/2019. Under the impugned judgment, the NGT held that further construction cannot be made without environment impact assessment, but protected the constructions already made by the appellant, M/s Sai Baba Sales Pvt. Ltd. ("Project Proponent") on the basis of the Environmental Clearance ("EC" for short) issued by the Pimpri Chinchwad Municipal Corporation ("PCMC" for short) as per the notification dated 9.12.2016. The Original Applicant, on the other hand, is aggrieved by the decision of the NGT to protect the standing construction and limiting the impact of the impugned judgment on further construction to be made by the project proponent.

**3.** The main issue that arises for consideration in these matters is whether the Project Proponent herein possesses a validly granted Environmental Clearance (EC) under the Environmental Impact Assessment (EIA) notification dated 14.9.2006. The 2006 EIA notification provided that the projects above 20,000 sq. meter and below 1,50,000 sq. meter should obtain an EC from the State Environment Impact Assessment Authority (SEIAA) of the Ministry of Environment, Forest and Climate Change (MoEFCC).

**4.** For deciding the issue, the necessary facts in brief are that the Project Proponent initially conceived a project of 15,040 sq. mtrs. (below the EC threshold limit of 20,000 sq. mtrs.) and it approached the PCMC for a lay out order which was a prerequisite, to obtain an EC from the SEIAA of the MoEFCC. The application was processed and the Building Permission Department of the PCMC granted the commencement certificate to the Project Proponent for an area of 15,040 sq. mtrs. and approved the plan under the sanction letter dated 14.5.2013. With such permission, the Project Proponent could construct the permitted structures, and since the built up area was less than the threshold limit of 20000 sq. mtrs., the EC permission was not needed for the intended construction.

**5.** The Project Proponent builder then applied and was granted additional FSI as it intended to expand the project to one with built up area of 49,012 sq. mtrs. and for

this they approached the PCMC for a lay out order, which as noted earlier was essential to obtain an EC from the SEIAA of the Ministry of Environment, Forest and Climate Change (MoEFCC). The required approval was issued by the Corporation on 28.11.2016.

**6.** Under the Ministry's notification dated 9.12.2016, the EIA regime was altered to indicate that the EC could be obtained from the Environmental Cell of a local authority, such as the PCMC. The State of Maharashtra opted for the new regime and adopted the environmental condition stipulated in the MoEFCC notification dated 9.12.2016. This was followed by the communication of the MoEFCC on 7.7.2017 which clarified that separate environmental clearance is not required for projects upto 1,50,000 sq. mtrs. built up area in respect of municipal corporations in Pune and Konkan division.

**7.** The Project Proponent then filed an application for EC under the 2016 notification which was considered by the Environmental Cell of the PCMC which appraised the project, as contemplated in the notification dated 9.12.2016. The necessary permission for construction to the builder was issued on 28.11.2017, stipulating the environmental conditions for buildings and constructions and this permission was accorded as per the amended regime under the notification dated 9.12.2016 of the MoEFCC and consequential one dated 13.4.2017 of the Maharashtra Government.

**8.** While the matter stood thus, the NGT while considering the challenge by certain applicants to the exemption from EC, in a batch matter, quashed certain portions of the MoEFCC notification dated 9.12.2016. The NGT in the analogous judgment dated 8.12.2017 in the OA No. 677/2016 (*Society for Protection of Environment and Biodiversity v. Union of India*) and other cases, directed the MoEFCC to revisit its notification dated 9.12.2016 and to take appropriate steps to amend/rectify certain clauses in the Ministry's notification, in terms of the NGT's judgment.

**9.** Nearly two years after the Project Proponent secured construction permission on 8.12.2017 from the PCMC, the OA No. 83/2019 was filed by the Pune resident (respondent No. 10) with the allegation that the Project Proponent had made construction without obtaining any EC. In this proceeding the NGT constituted a three Member Committee comprising the SEIAA - Maharashtra, the State PCB and the Municipal Commissioner, Pune. The Committee, after spot verification, in its Report dated 18.8.2020 noted that construction of total built up area of 22930.17 sq. mtrs. is already completed for Building Nos. A, E, B, D and the Club House. Thereafter, the NGT considered the submission of the original applicant, who contended that while the authority to grant EC is SEIAA as per the EIA notification dated 14.9.2006, the EC for the project in question was granted by the PCMC. The NGT in its order on 17.11.2020, in the first round, opined that the constructions were irregular and remedial measures were directed for the project in question.

**10.** The above order of the NGT was challenged before this Court and the Project Proponent's CA No. 3893/2020 was allowed on 11.12.2020 whereby, the NGT's order was set aside and the matter was remitted back to the NGT to afford hearing to the appellants and to pass a fresh order.

**11.** The case of the Project Proponent as can be seen from the pleadings was that he had initially commenced construction on 14.5.2013 with a sanction plan of 15040.05 sq. mtrs., which, being lesser than the threshold limit of 20,000 sq. mtrs, did not require a prior EC. Thereafter, for the proposed expansion of the project, for total constructed area of 49,012 sq. mtrs., the Project Proponent approached the concerned authority on 7.11.2016 for issuance of "Proposed Development Certificate", which is a prerequisite to apply for EC, and the said certificate was granted on 28.11.2016 for the purpose of obtaining the EC from the SEIAA. But at that stage, by virtue of the MoEFCC notification dated 9.12.2016, the concerned local authority was designated as the sanctioning authority for projects between 20,000 sq. mtrs. and

50,000 sq. mtrs. and accordingly under the changed regime the Project Proponent applied to PCMC on 10.7.2017 and was sanctioned EC by the competent local authority, on 28.11.2017.

**12.** It is the further contention of the Project Proponent that when the NGT on 8.12.2017 had invalidated certain portions of the 2016 notification, it did not issue any order nullifying those ECs which were granted by the local authority under the altered regime.

**13.** The original applicant on the other hand, contended that when the NGT struck down certain provisions of the MoEFCC's 2016 notification, the 28.11.2017 EC granted by the Municipal Corporation, would not legitimize the construction and therefore the Project Proponent should be prevented from proceeding with the construction and also be penalized for the unauthorized construction.

**14.** The NGT then observed that because of the invalidation of certain clauses in the 2016 notification, the EC obtained from the PCMC is unacceptable and accordingly rendered a finding that the Project Proponent had failed to obtain the valid EC. The maintainability challenge of the OA on the ground of limitation was however rejected by observing that the cause of action arose only in 2017 when the builder allegedly exceeded the threshold limit of 20,000 sq. mtrs. Accordingly, the authorities were directed to take coercive action against the Project Proponent for construction done after 8.12.2017, when the NGT's judgment was rendered in the OA No. 677/2016. However, even with such finding having regard to the regime that existed at the relevant time and adverting to the ratio in *Goan Real Estate and Construction Ltd. v. Union of India*,<sup>1</sup> the NGT held that the construction already raised should be protected. However, further construction should be permitted only after securing the EC from the competent authority, under the current regime.

**15.** The picture which emerges from the above discussion is that when the Project Proponent initially wanted to apply for the EC it had obtained the requisite layout sanction for applying to the SEIAA. As such, it was operating well within the applicable procedure, prior to the amendment. After grant of such sanction, while the construction was underway, the amendment came about on 9.12.2016 whereby, the local authority such as the Municipal Corporation was made the competent authority to grant EC. In the changed circumstances, the Project Proponent necessarily had to apply to the PCMC as during the interregnum before the NGT's judgment on 8.12.2017, SEIAA was not the competent authority to consider application for EC. The Project Proponent was therefore, complying with the regime set out by the amended notification. It is apposite to note that the Committee appointed by the NGT, in its report dated 11.8.2020 had clearly indicated that when the Project Proponent had received the EC on 28.11.2017, the competent authority to issue the EC was the Environmental Cell of the PCMC. Thus, it is the discernible understanding as part of the NGT's own expert Committee that the Project Proponent had obtained the EC from the competent authority of the relevant time i.e. the PCMC. Interestingly, the constituted Committee also included a member of the SEIAA.

**16.** Moreover, only after the earlier judgment of the NGT on 8.12.2017 in the OA No. 677/2016, the State of Maharashtra issued a clarification on 29.1.2018 directing that the Municipal authorities should not process pending applications. But neither the decision of the NGT nor of the Maharashtra Government categorically gave any guidance as to the implication on the EC obtained by the Project Proponent, on the strength of which, a substantial measure of construction was already made. It is also necessary to note that in the subsequent notification issued on 14.11.2018 and 15.11.2018 by the MoEFCC, the power to grant EC continued to vest in the local authority such as the PCMC, with the only change being that it is the municipality itself and not its Environmental Cell which is empowered to grant the EC. For the sake

of completion, it may be recorded that the said notifications of the MoEFCC is stayed by the Delhi High Court on 26.11.2018 in the WP(C) No. 12517/2018.

**17.** It is important to bear in mind that the Committee constituted by the NGT to report on the building project did not underscore any major deviation but instead found that the Project Proponent had made substantial compliance by obtaining the EC from the competent local authority. Moreover the OA, neither before the NGT or this Court, ever contended that appraisal done by the PCMC's Environmental Cell was defective or any different from one done by SEIAA. Both processes are also similarly structured. This may be the reason why the NGT in the impugned judgment itself protected the already made construction. However, the Project Proponent was restrained from making any further construction without obtaining clearance from the statutory EC and adhering to the environmental norms.

**18.** The project of the appellant comprises six buildings of which three were constructed in full, and the super structure of the fourth building is completed and only the internal works remains to be done. In the fourth building, 40 out of the 64 apartments have already been sold. In this context, it would be appropriate to advert to the submission of Ms. Aishwarya Bhati, the learned ASG who had clearly stated that at the relevant time, the competent authority to grant EC is the PCMC and not the SEIAA and therefore the internal works for the fourth constructed building, can be allowed to be completed.

**19.** Considering the above circumstances, the NGT rightly protected the already erected buildings and this protection in our view, should not be impacted by the earlier judgment of the NGT on 8.12.2017 in the OA No. 677/2016 whereby certain portions of the MoEFCC's 9.12.2016 notification were invalidated and direction was issued to the Ministry to revisit the said notification. Importantly, neither the NGT's invalidation order nor the subsequent clarifications by the State of Maharashtra, have suggested any adverse action against the pre-existing structures. As the expert body exclusively occupying the environmental field, the NGT has assessed the factual circumstances to consciously lean towards protecting the already constructed structures. Nothing more need be added on this aspect. It is also not necessary in this appeal to venture into the question of the retrospective implication of the invalidation of certain parts of the 2016 Notification for other project proponents, which may have gained their ECs in the interregnum.

**20.** In situations of this nature, the Doctrine of *Legitimate Expectation* is attracted. The principle of the rule of law as explained in *De Smith's Judicial Review*, such as, Regularity, Predictability and Certainty in Government's dealings with the Public, must operate in the present matter. The Project Proponent can legitimately expect a certain degree of stability in the manner in which environmental regime is set and how the applications are processed. The actions of the authorities are expected to adhere to the prevalent norms only, without the element of uncertainty for the executed project.

**21.** In the above context we may benefit by referring to the seminal case of *Attorney General of Hong Kong v. Ng Yuen Shiu*<sup>2</sup>, where Lord Fraser speaking for the Privy Council, appositely observed thus,

"... when a public authority has promised to follow a certain procedure, it is in the interest of good administration that it should act fairly and should implement its promise, so long as implementation does not interfere with its statutory duty."

**22.** This Court in *Sethi Auto Service Station v. Delhi Development Authority*<sup>3</sup>, speaking through Justice D.K. Jain, has cited other opinions and elucidated on the concept of *legitimate expectation*, in the following manner,

"24. The House of Lords in *Council of Civil Service Unions v. Minister for the Civil Service*, a locus classicus on the subject, wherein for the first time an attempt was made to give a comprehensive definition to the principle of legitimate expectation.

**Enunciating the basic principles relating to legitimate expectation, Lord Diplock observed that for a legitimate expectation to arise, the decision of the administrative authority must affect such person either**

(a) \*\*\*\* \*  
(b) **by depriving him of some benefit or advantage which either : (i) he has in the past been permitted by the decision maker to enjoy and which he can legitimately expect to be permitted to continue to do until some rational ground for withdrawing it has been communicated to him and he has been given an opportunity to comment thereon or (ii) he has received assurance from the decisionmaker that they will not be withdrawn without first giving him an opportunity of advancing reasons for contending that they should be withdrawn."**

(emphasis supplied)

**23.** The Doctrine of *Legitimate Expectation* is further explained in *Food Corporation of India v. Kamdhenu Cattle Feed Industries*<sup>4</sup> where for a Three-Judge Bench of this Court Justice J.S. Verma observed thus:—

"The mere reasonable or legitimate expectation of a citizen, in such a situation, may not by itself be a distinct enforceable right, but failure to consider and give due weight to it may render the decision arbitrary, and this is how the requirement of due consideration of a legitimate expectation forms part of the principle of non-arbitrariness, a necessary concomitant of the rule of law. Every legitimate expectation is a relevant factor requiring due consideration in a fair decision-making process. Whether the expectation of the claimant is reasonable or legitimate in the context is a question of fact in each case. Whenever the question arises, it is to be determined not according to the claimant's perception but in larger public interest wherein other more important considerations may outweigh what would otherwise have been the legitimate expectation of the claimant. A bona fide decision of the public authority reached in this manner would satisfy the requirement of non-arbitrariness and withstand judicial scrutiny. The doctrine of legitimate expectation gets assimilated in the rule of law and operates in our legal system in this manner and to this extent."

**24.** The more compelling public interest might possibly diminish the degree of *legitimate expectation* for a party but a balance has to be found. In the present matter the appellant has acted on the EC and made substantial investments. **They cannot be pushed to a precipice and be made to fall. Doing so would be inequitable particularly when, the appellant has scrupulously adhered to the applicable legal framework during the concerned period.** Moreover, third-party interests have also cropped up in the interregnum.

**25.** A Project Proponent is not expected to anticipate the changes in EC regimes, especially as a result of judicial interventions, and keep revisiting the sanctioned clearances by the competent authority or even raze down validly constructed structures. Neither can it be expected to knock the doors of an authority, not empowered at the relevant time, to process its applications. Such a scenario would render the process akin to a *Sisyphian task*, eternally inconclusive and never ending.

**26.** As seen, the NGT in the impugned judgment has protected the completed construction and, on this aspect, we deem it appropriate to endorse the same, by accepting the submission of the appellant's Counsel and the learned ASG. The four constructed buildings are resultantly to be treated to be under a valid EC with all legal consequences. It is, however, made clear that if any further construction is proposed by the appellant with the sanctioned layout, the same should not be done on the strength of the EC granted on 28.11.2017 by the PCMC. In other words, if the Project Proponent wishes to construct the remaining buildings, they must secure fresh

clearance from the competent authority, as per the currently applicable framework. It is ordered accordingly.

**27.** With the above order, the appeals are disposed of without any order on cost.

---

<sup>1</sup> (2010) 5 SCC 388

<sup>2</sup> (1983) 2 AC 629 : (1983) 2 WLR 735

<sup>3</sup> (2009) 1 SCC 180

<sup>4</sup> (1993) 1 SCC 71

**Disclaimer:** While every effort is made to avoid any mistake or omission, this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification is being circulated on the condition and understanding that the publisher would not be liable in any manner by reason of any mistake or omission or for any action taken or omitted to be taken or advice rendered or accepted on the basis of this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification. All disputes will be subject exclusively to jurisdiction of courts, tribunals and forums at Lucknow only. The authenticity of this text must be verified from the original source.



1648

**Ax. K**

2025 INSC 718

**REPORTABLE**

**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION**

**WRIT PETITION (C) NO.1394 OF 2023**

**VANASHAKTI**

**...PETITIONER**

**Vs.**

**UNION OF INDIA**

**...RESPONDENT**

**WITH  
WRIT PETITION (C) NO.118 OF 2019  
WRIT PETITION (C) NO.115 OF 2024  
AND  
CIVIL APPEAL NO.381-382 OF 2025**

**J U D G M E N T**

**ABHAY S. OKA, J.**

1. Part IV-A of the Constitution of India containing fundamental duties as set out in Article 51A was incorporated in the Constitution by the 42<sup>nd</sup> Amendment Act with effect from 3<sup>rd</sup> January 1977. Clause (g) of Article 51A provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures. This Court in several decisions has held that the right to live in a

Validity unknown  
Digitally signed by ANITA MAHOTA  
Date: 2025.05.16  
17:50:26 IST  
Reason:

pollution free atmosphere is a part of the fundamental right guaranteed under Article 21 of the Constitution of India.

**2.** The world changed rapidly after World War II. From the late 1960s and early 1970s, slowly there was a realisation about the drastic consequences of the destruction of environment and pollution of various kinds. In June 1972, at Stockholm, the United Nations Conference on Human Environment was held. In the said conference, several decisions were taken by the world community to protect the environment.

**3.** In our country, it took fourteen years thereafter for the legislature to come out with a law for protection and improvement of the environment. The Environment (Protection) Act, 1986 (for short, 'the 1986 Act') was brought into force with effect from 19<sup>th</sup> November 1986. As can be noticed from several orders of this Court and the High Courts, the progress of implementation of the 1986 Act has been very slow.

**4.** The 1970s and 1980s saw growth of industrialisation in our country. The activities such as mining, gas exploration, thermal power plants, petroleum refining industries, various other industries, building and construction projects, such as, highways started growing.

**5.** Again, it took twenty years after the 1986 Act came into force to exercise the power under sub-section (1) and clause (v) of sub-section (2) of Section 3 of the 1986 Act read with clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 (for short, '1986 Rules') for coming out with the Environment Impact Assessment Notification, 2006 (for short, 'the EIA notification'). The EIA notification was issued on 14th September 2006. It provided that the projects or activities mentioned in clause (2) thereof shall require prior Environmental Clearance (for short, 'the EC') from the concerned regulatory authority. The concerned regulatory authority in the Central Government is the Ministry of Environment Forests and Climate Change (for short, 'the MoEFCC') for matters falling under Category 'A' in the Schedule, and at the State level, the State Environment Impact Assessment Authority (for short, 'the SEIAA') for the matters falling in Category 'B'. In the Schedule, Categories 'A' and 'B' were incorporated setting out industries and other development work. The entire controversy in this group of petitions is about ex post facto grant of EC.

**6.** On 14th March 2017, a notification was issued by the MoEFCC. The said notification is hereafter referred to as 'the 2017 notification'. The said notification was made applicable to the projects or activities that have

started the work on site, expanded the production beyond the limit of the EC, or changed the production mix without obtaining EC. The 2017 notification provided that in case of such works, ex post facto EC can be granted. It provided that the projects or activities which are in violation of the EIA notification as on 14th March 2017 were eligible to apply under the 2017 notification for ex post facto EC within a period of six months from 14th March 2017.

**7.** The National Green Tribunal (for short, 'the NGT') vide order dated 24th May 2021 directed the MoEFCC to prepare a Standard Operating Procedure (for short, 'the SOP') for grant of EC in the cases of violation so as to address the gap in the binding law and practice being currently followed. In purported compliance with the said direction, Office Memorandum dated 7th July 2021 (for short, 'the 2021 OM') was issued.

**8.** In the meanwhile, the 2017 notification was challenged by way of a writ petition before the High Court of Madras in the case of Puducherry Environment Protection Association v. Union of India<sup>1</sup>, which was decided by order dated 13th October 2017. During the course of hearing of the case before the Madras High Court, when it was pointed out that the outer limit for making applications for grant of ex post facto EC have

---

<sup>1</sup> 2017 SCC OnLine Mad 7056

been repeatedly extended, the Union of India gave a categorical undertaking that the 2017 notification was only a one-time measure. By recording the said submission made on behalf of the Union of India that the 2017 notification was certainly and clearly only a one time measure, the High Court disposed of the petition. Later on, by order dated 14th March 2018 passed by the High Court of Madras in another case, the time period under the 2017 notification for submission of proposals by project proponents was extended by a further period of thirty days.

**9.** In Writ Petition (C) No.1394 of 2023, the first prayer is for quashing the 2021 OM on the ground that it was arbitrary, illegal and ultra vires the provisions of the 1986 Act. The second prayer is for issuing a writ of mandamus directing the MoEFCC and SEIAA/SEACs not to process and entertain any application for ex-post facto EC after 13th May 2018. As stated earlier, the time granted under the 2017 notification to apply was lastly extended till 13th April 2018.

**10.** In Writ Petition (C) No.118 of 2019, the challenge is to the 2017 notification issued by the MoEFCC. A prayer was made seeking directions to the respondents to produce a list of real estate projects and project proponents who have undertaken real estate development

projects without obtaining EC under the 2006 notification.

**11.** In Writ Petition (C) No.115 of 2024, the challenge is to the 2017 notification and the 2021 OM. A prayer for writ of prohibition is made for restraining the MoEFCC from issuing any notification or office memorandum permitting ex-post facto EC.

**12.** The High Court of Madras by judgment and order dated 30th August 2024 quashed the 2021 OM and another OM dated 19th February 2021. The challenge in Civil Appeal No.381-382 of 2025 is to this decision of the High Court of Madras. In the judgment and order dated 30th August 2024, the Madras High Court declared that its order will operate only prospectively and applications under consideration will remain unaffected. The challenge in this appeal is only to the extent of giving prospective effect to the impugned judgment.

### **THE EIA NOTIFICATION**

**13.** Firstly, we come to the EIA notification. It has been issued in exercise of powers under sub-Section (1) and clause (v) of sub-Section (2) of Section 3 of the 1986 Act read with clause (d) of sub-Rule (3) of Rule 5 of the 1986 Rules. Section 3 of the 1986 Act reads thus:

“3. Power of Central Government to take measures to protect and improve environment.—(1) Subject to the provisions

of this Act, **the Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.**

(2) In particular, and without prejudice to the generality of the provisions of subsection (1), such measures may include measures with respect to all or any of the following matters, namely:—

(i) co-ordination of actions by the State Governments, officers and other authorities

—

(a) under this Act, or the rules made thereunder; or

(b) under any other law for the time being in force which is relatable to the objects of this Act;

(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;

(iii) laying down standards for the quality of environment in its various aspects;

(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever:

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of

environmental pollutants from such sources;

**(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;**

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

(vii) laying down procedures and safeguards for the handling of hazardous substances;

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;

(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;

(xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;

(xii) collection and dissemination of information in respect of matters relating to environmental pollution;

(xiii) preparation of manuals, codes or guides relating to the prevention control and abatement of environmental pollution;

(xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.

(3) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under Section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in subsection (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.”

(emphasis added)

**13.1** Sub-section (1) of Section 3 sums up the very object of the 1986 Act. Therefore, the EIA notification has been issued not only for the purposes of protecting and improving the quality of the environment but also for preventing and abating environmental pollution. Sub-section (1) of Section 3 confers general power of taking measures on the Central Government. Sub-section (2) confers specific power for taking measures in the matters set out in clauses (i) to (ix) thereof. Clause (v) of sub-section (2) of Section 3 empowers the Central Government to take measures for putting restrictions of areas in which any industries, operations or processes shall not be carried out or shall be carried out subject to safeguards.

**14.** Rule 5 of the 1986 Rules reads thus:

**“5. Prohibition and restriction on the location of industries and the carrying on of processes and operations in different areas.—**(1) The Central Government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas:

(i) Standards for quality of environment in its various aspects laid down for an area.

(ii) The maximum allowable limits of concentration of various environmental pollutants (including noise) for an area.

(iii) The likely emission or discharge of environmental pollutants from an industry, process or operation proposed to be prohibited or restricted.

(iv) The topographic and climatic features of an area.

(v) The biological diversity of the area which, in the opinion of the Central Government needs to be preserved.

(vi) Environmentally compatible land use.

(vii) Net adverse environmental impact likely to be caused by an industry, process or operation proposed to be prohibited or restricted.

(viii) Proximity to a protected area under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or a sanctuary, National Park, game reserve or closed area notified as such under the Wild Life (Protection) Act, 1972 or places protected under any treaty, agreement or convention with any other country or countries or in pursuance of any decision made in any international conference, association or other body.

(ix) Proximity to human settlements.

(x) Any other factor as may be considered by the Central Government to be relevant to the protection of the environment in an area.

(2) While prohibiting or restricting the location of industries and carrying on of processes and operations in an area, the

Central Government shall follow the procedure hereinafter laid down.

(3) (a) Whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions on the location of an industry or the carrying on of processes and operations in an area, it may, by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.

(b) Every notification under clause (a) shall give a brief description of the area, the industries, operations, processes in that area about which such notification pertains and also specify the reasons for the imposition of prohibition or restrictions on the location of the industries and carrying on of processes or operations in that area.

(c) Any person interested in filing an objection against the imposition of prohibition or restrictions on carrying on of processes or operations as notified under clause (a) may do so in writing to the Central Government within sixty days from the date of publication in the notification in the Official Gazette.

(d) The Central Government shall within a period of one hundred and twenty days from the date of publication of the notification in the Official Gazette consider all the objections received against such notification and may [within [seven hundred and twenty-five days [,and in respect of the States of Assam, Meghalaya, Arunachal

Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim and Jammu and Kashmir in exceptional circumstance and for sufficient reasons within a further period of one hundred and eighty days,]) from such date of publication] impose prohibition or restrictions on location of such industries and the carrying on of any process or operation in an area:

[Provided that on account of COVID-19 pandemic, for the purpose of this clause, the period of validity of the notification expiring in the financial year 2020-2021 and 2021-2022 shall be extended up to [30th June, 2022] or six months from the end of the month when the relevant notification would have expired without any extension, whichever is later.]

[(4) Notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3).]”

**14.1** For issuing the EIA notification, power has been exercised under clause (d) of sub-rule (3) of Rule 5 which empowers the Central Government to impose prohibition or restrictions on location of such industries and the carrying on any process or operation in an area. There is a power to impose complete prohibition on carrying on any process or operation in an area. Clause (2) of the EIA notification reads thus:

**“2. Requirements of prior Environmental Clearance (EC):-** The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category 'B2' for mining minerals in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion, modernization or any change in the product mix or raw material mix in existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector in the said Schedule, subject to conditions and procedure provided in the sub-paragraph (ii) of paragraph 7.”

**14.2** Therefore, without prior EC, construction of new projects or activities, expansion or modernisation of existing projects or activities listed in the Schedule entailing capacity addition with change in process or

technology, cannot be undertaken. Entire procedure for grant of prior EC is laid down in the EIA notification.

## **LEGALITY OF THE 2017 NOTIFICATION**

**15.** The 2017 notification refers to the OMs dated 12<sup>th</sup> December 2012 and 27<sup>th</sup> June 2013 by which a process was sought to be established for grant of EC in the cases of violation of the EIA notification. It also refers to the judgment of the High Court of Jharkhand holding these two OMs as illegal. The same OMs were also quashed by the NGT as mentioned in the said notification. There are three recitals in the said notification which are relevant. Recital Nos.9 to 11 read thus:

**“9.** And whereas, the Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authorities have been receiving certain proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of References and Environmental Clearance for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance;

**10. Whereas, the Ministry of Environment, Forest and Climate Change deems it necessary for the purpose of protecting and improving**

**the quality of the environment and abating environmental pollution that all entities not complying with environmental regulation under Environment Impact Assessment Notification, 2006 be brought under compliance with in the environmental laws in expedient manner;**

11. And whereas, the Ministry of Environment, Forest and Climate Change deems it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment and in furtherance of this objective, the Government of India deems it essential to establish a process for appraisal of such cases of violation for prescribing adequate environmental safeguards to entities and the process should be such that it deters violation of provisions of Environment Impact Assessment Notification, 2006 and the pecuniary benefit of violation and damage to environment is adequately compensated for;”

15.1 Thus, what was sought to be done was to protect the project proponents who committed gross illegality by commencing construction or commencing operation or process without obtaining prior EC as provided in the

EIA notification. The 2017 notification was a one-time measure. Moreover, this Court in the case of **Common Cause v Union of India & Ors.**<sup>2</sup>, held in no uncertain terms that the concept of *ex post facto* or retrospective EC is completely alien to environmental jurisprudence including the EIA notification. The decision in the case of **Common Cause**<sup>2</sup> was delivered on 2<sup>nd</sup> August 2017. Notwithstanding the clear declaration of law which was made on 2<sup>nd</sup> August 2017, the Central Government did not withdraw the 2017 notification.

**16.** We may note here that this is not the first time that the concept of prior EC was brought into force. For this purpose, useful reference can be made to a decision of this Court in the case of **Alembic Pharmaceuticals v. Rohit Prajapati**<sup>3</sup>. It records that there was a notification of 27<sup>th</sup> January 1994 mandating prior EC for setting up and expansion of industrial projects falling within thirty categories. The issue before this Court was about the legality and validity of the circular dated 14<sup>th</sup> May 2002, which permitted obtaining of *ex post facto* EC. This Court specifically dealt with the challenge to the circular dated 14<sup>th</sup> May 2002. In paragraph 12, this Court noted the issue to be decided:

“**12.** The issue to be adjudicated is whether in view of the requirement of a prior EC

---

<sup>2</sup> 2017 (9) SCC 499

<sup>3</sup> 2020 (17) SCC 157

under the EIA Notification of 1994, a provision for an ex post facto EC to industrial units could be validly made by means of the Circular dated 14-5-2002.”

**16.1** Thereafter, this Court considered Section 3(1) of the 1986 Act. In paragraph 21 this Court held thus:

“**21.** The omission in the appeal to make any attempt to sustain the Circular dated 14-5-2002 with reference to the provisions of Section 3 of the Environment (Protection) Act, 1986 is significant. For an action of the Central Government to be treated as a measure referable to Section 3 it must satisfy the statutory requirement of being necessary or expedient “for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environment pollution”. The Circular dated 14-5-2002 in fact does quite the contrary. It purported to allow an extension of time for industrial units to comply with the requirement of an EC. The EIA Notification dated 27-1-1994 mandated that an EC has to be obtained before embarking on a new project or expanding or modernising an existing one. The EIA Notification of 1994 has been issued under the provisions of the Environment (Protection) Act, 1986 and the Environment Protection Rules, 1986, with the object of imposing restrictions and prohibitions on setting up of new projects or expansion or modernisation of existing project. The measures are based on the precautionary principle and aim to protect the interests of

the environment. The Circular dated 14-5-2002 allowed defaulting industrial units which had commenced activities without an EC to cure the default by an ex post facto clearance. Being an administrative decision, it is beyond the scope of Section 3 and cannot be said to be a measure for the purpose of protecting and improving the quality of the environment. The circular notes that there were defaulting units which had failed to comply with the requirement of obtaining an EC as mandated. The circular provided for an extension of time and inexplicably introduced the notion of an ex post facto clearance. In effect, it impacted the obligation of the industrial units to be in compliance with the law. **The concept of ex post facto clearance is fundamentally at odds with the EIA Notification dated 27-1-1994. The EIA Notification of 1994 contained a stipulation that any expansion or modernisation of an activity or setting up of a new project listed in Schedule I “shall not be undertaken in any part of India unless it has been accorded environmental clearance”. The language of the notification is as clear as it can be to indicate that the requirement is of a prior EC. A mandatory provision requires complete compliance. The words “shall not be undertaken” read in conjunction with the expression “unless” can only have one meaning : before undertaking a new project or expanding or modernising an existing one, an EC must be obtained.** When the EIA Notification of 1994 mandates a prior EC, it

proscribes a post activity approval or an ex post facto permission. What is sought to be achieved by the administrative Circular dated 14-5-2002 is contrary to the statutory Notification dated 27-1-1994. The Circular dated 14-5-2002 does not stipulate how the detrimental effects on the environment would be taken care of if the project proponent is granted an ex post facto EC. The EIA Notification of 1994 mandates a prior environmental clearance. The circular substantially amends or alters the application of the EIA Notification of 1994. The mandate of not commencing a new project or expanding or modernising an existing one unless an environmental clearance has been obtained stands diluted and is rendered ineffective by the issuance of the administrative Circular dated 14-5-2002. This discussion leads us to the conclusion that the administrative circular is not a measure protected by Section 3. Hence there was no jurisdictional bar on NGT to enquire into its legitimacy or vires. Moreover, the administrative circular is contrary to the EIA Notification 1994 which has a statutory character. The circular is unsustainable in law.”

(emphasis added)

**16.2** Ultimately, in paragraph 23, this Court held thus:

**The concept of an ex post facto EC is in derogation of the fundamental principles of environmental jurisprudence and is an anathema to the EIA Notification dated 27-1-1994. It is, as the judgment**

**in Common Cause [Common Cause v. Union of India, (2017) 9 SCC 499] holds, detrimental to the environment and could lead to irreparable degradation. The reason why a retrospective EC or an ex post facto clearance is alien to environmental jurisprudence is that before the issuance of an EC, the statutory notification warrants a careful application of mind, besides a study into the likely consequences of a proposed activity on the environment. An EC can be issued only after various stages of the decision-making process have been completed. Requirements such as conducting a public hearing, screening, scoping and appraisal are components of the decision-making process which ensure that the likely impacts of the industrial activity or the expansion of an existing industrial activity are considered in the decision-making calculus. Allowing for an ex post facto clearance would essentially condone the operation of industrial activities without the grant of an EC. In the absence of an EC, there would be no conditions that would safeguard the environment. Moreover, if the EC was to be ultimately refused, irreparable harm would have been caused to the environment. In either view of the matter, environment law cannot countenance the notion of an ex post facto clearance. This would be contrary to both the precautionary principle as well as the need for sustainable development.”**

(emphasis added)

**16.3** In fact, as noted in paragraph 22.1, the word ‘prior’ was not used in the EIA notification dated 27<sup>th</sup> January 1994. However, the words ‘shall not be undertaken’ were used. In the 2006 EIA notification, the word ‘prior’ appears at multiple places.

**17.** The issue of *ex post facto* EC was dealt with in the case of **Common Cause**<sup>2</sup>, In paragraph 108, a submission was recorded that the possibility of getting *ex post facto* EC was a signal to the mining leaseholders that obtaining an EC was not mandatory or that if it was not obtained, the default was retrospectively condonable. In paragraph 125, this Court held thus:

**“125.** We are not in agreement with the learned counsel for the mining leaseholders. **There is no doubt that the grant of an EC cannot be taken as a mechanical exercise. It can only be granted after due diligence and reasonable care since damage to the environment can have a long-term impact. EIA 1994 is therefore very clear that if expansion or modernisation of any mining activity exceeds the existing pollution load, a prior EC is necessary and as already held by this Court in *M.C. Mehta* [*M.C. Mehta v. Union of India*, (2004) 12 SCC 118] even for the renewal of a mining lease where there is no expansion or modernisation of any activity, a prior EC is necessary. Such importance having been given to an EC, the grant of an *ex post facto***

**environmental clearance would be detrimental to the environment and could lead to irreparable degradation of the environment. The concept of an ex post facto or a retrospective EC is completely alien to environmental jurisprudence including EIA 1994 and EIA 2006. We make it clear that an EC will come into force not earlier than the date of its grant.”**

(emphasis added)

**18.** Therefore, there is already a concluded finding of this Court that the concept of *ex post facto* or retrospective EC is completely alien to environmental jurisprudence and the EIA notification. This view was reiterated by this Court in the case of ***Electrosteel Steels Ltd. v. Union of India and Ors.***<sup>4</sup>. In paragraph 72, this Court held thus:

**“72. There can be no doubt that the need to comply with the requirement to obtain environment clearance is non-negotiable.** A project can be set up or allowed to expand subject to compliance of the requisite norms. Environmental clearance is granted on condition of the suitability of the site to set up the project from the environmental angle, and existence of necessary infrastructural facilities and equipment for compliance of environmental norms. To protect future generations, it is imperative that pollution laws be strictly enforced. Under no circumstances, can industries which pollute

---

<sup>4</sup> (2023) 6 SCC 615

be allowed to operate unchecked and degrade the environment.”

(emphasis added)

**18.1** In this case, as well as in the case of ***Alembic Pharmaceuticals***<sup>3</sup>, this Court exercised its jurisdiction under Article 142 of the Constitution and permitted *ex post facto* EC in particular cases considering the peculiar factual situation.

**19.** It is in this context that the legality and validity of the 2017 notification will have to be tested. Interestingly, in paragraph 10 of the notification, it is recorded that the MoEFCC deems it necessary for the purpose of protecting and improving the quality of environment and abating environmental pollution that all the entities not complying with the environmental regulation under EIA notification be brought under compliance within the environmental laws in an expeditious manner. The object of protecting and improving the environment and preventing and abating environmental pollution was achieved by the EIA notification. The object of the 2017 notification appears to be to protect the industries and entities which violated the EIA notification. In fact, paragraph 14 of the 2017 notification is material which reads thus:

“**14.** The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental

clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.”

**20.** Moreover, the 2017 notification is completely in violation of the law laid down by this court in the case of ***Common Cause***<sup>2</sup> and ***Alembic Pharmaceuticals***<sup>3</sup>. From the recitals of the 2017 notification, it is apparent that it was a one-time measure to protect those who were in violation as on the date of the 2017 notification. In view of the settled law, even a ‘one-time measure’ or ‘one-time relaxation’ was illegal. The 2021 OM encourages the entities who contributed to pollution by not obtaining prior EC. Whenever EC is granted, it is always conditional. Certain conditions are imposed to abate or reduce the pollution. Such one-time measures add to air and/or water pollution. Such measures infringe the right to live in a pollution free environment guaranteed by Article 21. Thus, the 2017 notification was completely illegal.

**21.** The Division bench of Madras High Court by judgment dated 13<sup>th</sup> October 2017, in the case of ***Puducherry Environment Protection Association***<sup>1</sup> dealt with the issue regarding the legality of the 2017 notification which was subject matter of challenge in a Public Interest Litigation. A very specific submission was

made before the Madras High Court on behalf of the Central Government by the learned Additional Solicitor General, which is recorded in paragraph 4(i) of the judgment. Relevant portion of paragraph 4(i) reads thus:

“4(i) With regard to precautionary principle, faced with the situation that ex post facto clearance and regularization dates have been repeatedly extended time and again by series of notifications, **learned Additional Solicitor General at the bar, on instructions, submits that this impugned notification shall clearly and certainly be only a one time measure. We record this submission also.**

.....”

(emphasis added)

**21.1** This statement was treated as an undertaking of the Central Government, which is clear from paragraph 4(n) of the said judgment:

“4(n) We are convinced that paragraphs 3,4 and 5 of the impugned notification alluded to supra coupled with the two undertakings made on instructions by learned Additional Solicitor General that (a) public hearing can be read into paragraph 5 of the impugned notification and **(b) this shall certainly and clearly be a one time measure, this writ petition can be closed and disposed of recording the above submissions. We do so.**”

(emphasis added)

**21.2** It is in view of this undertaking that the High Court did not interfere. The Central Government is bound by this undertaking. It is the duty of the Central Government to comply with the undertaking in its true letter and spirit.

**22.** The period provided in the 2017 notification to apply for *ex-post facto* EC ended on 13<sup>th</sup> September 2017. In the case of ***Appaswamy Real Estates Limited v. Puducherry Environment Protection Association***<sup>5</sup>, the request of the MoEFCC for extending the time provided in the 2017 notification was accepted. As a result, the OM dated 16<sup>th</sup> March 2018 was issued which permitted the project proponents to apply under the 2017 notification within thirty days from the date of the High Court order. What is pertinent to note is that notwithstanding the grant of extension of time to apply, there was no modification made to paragraph 14 of the 2017 notification which clarified that it is applicable only to those projects and activities which were in violation on the date of the said notification. Therefore, any project or activity or process which required EC under the EIA notification commenced after 14<sup>th</sup> March 2017 was not protected by the 2017 notification.

**23.** Apart from the fact that the very concept of grant of *ex-post facto* EC is illegal, it is not possible to understand

---

<sup>5</sup> 2018 SCC OnLine Mad 1283

why the Central Government made efforts to protect those who committed illegality by not obtaining prior EC in terms of the EIA notification. As the EIA notification was eleven years old when the 2017 notification was issued, there was no equity in favour of those who committed such gross illegality of not obtaining prior EC. The persons who acted without prior EC were not illiterate persons. They were companies, real estate developers, public sector undertakings, mining industries, etc. They were the persons who knowingly committed illegality. We, therefore, make it clear that hereafter, the Central Government shall not come out with a new version of the 2017 notification which provides for the grant of *ex-post facto* EC in any manner.

### **LEGALITY AND VALIDITY OF THE 2021 OM**

#### **SUBMISSIONS**

**24.** The learned senior counsel appearing for the Petitioner submitted that post a series of judgments of this Court in ***Alembic***<sup>3</sup> and ***Common Cause***<sup>2</sup>, it is not permissible to grant *ex post facto* EC. He further submits that the 2021 OM is in violation of the 1986 Act and the EIA notification. He submits that EC must be prior and cannot be granted *ex post facto*. While the 2021 OM does not expressly extend the timeline under the 2017 notification or mention *ex post facto*, the 2021 OM and its

application has effectively allowed grant of *ex post facto* EC.

**25.** The main submission of the learned Additional Solicitor General is that the 2021 OM does not seek to grant *ex-post facto* EC. It is only an SOP. The learned ASG invited our attention to the contents of the SOP. Her submission is that it provides for the demolition of projects not allowable or permissible for want of EC. It also provides for the closure of projects allowable/permissible, if prior EC has not been taken as per the EIA notification. She submitted that even if EC is granted, it will be effective from the date of the issue, and therefore, it is not *ex post facto*. She submitted that before such EC is granted, the project proponent will have to pay certain amounts as provided therein based on Polluter Pays Principle. Moreover, the project proponents will have to undertake activities relating to remedial plan and community accommodation plan. She also pointed out that the projects which are not allowable or permissible, shall be demolished. She also pointed out provisions regarding penalty, project proponents furnishing bank guarantee, etc. Thus, in short, her submission is that the object of the 2021 OM is to protect those projects and industries which could have been granted an EC under EIA notification before the date of commencement of activities, but proceeded to commence

activities without EC. Her submission is that this measure has been taken to ensure that the huge spending on constructions is not lost and wasted.

### **OUR VIEW**

**26.** The basic submission by learned ASG is based on a premise that what is provided under the 2021 OM is not grant of *ex-post facto* EC. The relevant part of the 2021 OM is in paragraph 10 and 11, which read thus:

**“10. Standard Operating Procedure-Guiding Principles:**

i. Without prejudice to any other consequences, **action has to be initiated under section 15 read with section 19** of The Environment (Protection) Act, 1986 **against all violations.**

ii. Projects not allowable/permissible, for grant of EC, as per extant regulations: **To be demolished.**

iii. Projects allowable/permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**

iv. **Polluter pays:** Violators to pay for violation period proportionate to the scale of project and extent of commercial transaction.

v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

**11. SOP for dealing with the violation cases:**

**Step 1: Closure or Revision**

Sl no.	Status of EC	Actions
1	If no prior EC has been taken	Order to close its operation
2	If prior EC is available for existing/old unit	Order to revert the activity /production to permissible limits.
3	If prior EC was not required for earlier production level but is now required	Restrict the activity /production to the extent to which prior EC was not required

**Step 2: Action under Environment (Protection) Act, 1986**

Action under section 15 read with section 19 of the Environment (Protection) Act, 1986 shall be initiated against the violators.

**Step: 3: Appraisal under EIA Notification, 2006**

The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC.

**A. If not permissible:**

i. The project shall be **ordered for the demolition/closure after issuing show cause notice and providing an opportunity of hearing.**

*Ex. If a red industry is functioning in a CRZ-I area which means that the activity was, in the first place, not permitted at the time of*

*commencement of project. Therefore, the activity is not permissible and therefore it shall be **closed & demolished**.*

ii. Respective regulatory authorities shall issue directions under section 5 of the Environment (Protection) Act, 1986 for such closure & demolition of the project/activity.

**B. If permissible:**

i. As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete the impact assessment studies & submit Environmental Impact Assessment (EIA) report & Environmental Management Plan (EMP) in a time bound manner.

ii. Such cases of violation shall be subject to appropriate

(a) Damage Assessment

(b) Remedial Plan and

(c) Community Augmentation Plan by the Central Level Sectoral Expert Appraisal Committees or State/Union Territory Level Expert Appraisal Committees, as the case may be.

iii. The Competent Authority shall issue directions to the project proponent, under section 5 of the Environment (Protection) Act, 1986 on case to case basis mandating payment of such amount (as may be determined based on Polluter Pays principle) and undertaking activities relating to Remedial Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

iv. Upon submission of the EIA & EMP report, the project shall be appraised by the Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, as if it was a new proposal. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite Environmental Clearance shall be issued **which shall be effective from the date of issue.**

v. However, during appraisal after examination if it is found that even though the project may **be permissible but not environmentally sustainable in its present form/configuration/features** then the project shall be directed to be **modified so that the project would be environmentally sustainable.**

vi. If, however, it is not considered appropriate to issue EC, the project shall be directed to be **demolished/ closed. If such proposal is a case of expansion, the project shall be directed to revert back to the extent of activity for which EC had been granted earlier or to revert back to the extent of activity for which EC was not required (as the case may be).**

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.

viii. The project proponent will be required to **submit a bank guarantee equivalent to the**

**amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / the State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA). The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and **will be released after successful implementation of the Remediation Plan and Natural & Community Resource Augmentation Plan.**"**

**27.** In short, it provides for grant of EC to category of 'allowable/permmissible' projects. We must remember that the 2021 OM is applicable even to the completed projects. The 2021 OM says that grant of EC to such projects shall be effective from the date of issue. If the project proponent goes ahead with construction which requires EC under the EIA notification, it will amount to violation of the provisions of 1986 Act and 1986 Rules. It will attract penalty under Section 15 of the 1986 Act. Perusal of the provisions of Section 15 shows that even if the penalty is paid by the project proponent, it will not regularise the project. Therefore, even after the payment of penalty, if the project is under construction, the same has to be stopped and demolished and even if operation has already commenced, the same has to be stopped and demolished. Therefore, the construction work has to be demolished.

**28.** Now, we will consider what is the meaning of “*ex post facto*”. Various dictionary meanings can be summarised as under:

- a)** Having retrospective effect or force;
- b)** From a thing done afterwards;
- c)** Retroactive or affecting something that has already happened.

**29.** Now, we will take a case of *ex post facto* EC provided under the 2017 notification. The effect of grant of *ex post facto* clearance is that if without obtaining EC, construction is in progress, the same is allowed to continue. If the construction is complete and operation and processes are going on, the same can go on after *ex post facto* EC is granted. Effect of grant of EC under clause (11) of 2021 OM will be grant of permission to complete the construction of the project, though construction had commenced without prior EC. Where the construction is already complete which is being used for processes etc., by grant of EC, the process/activities can continue. Thus, in effect, the EC granted under clause (11) of 2021 OM regularises something which was illegal with retrospective effect. In effect, the EC granted under clause (11) of 2021 OM will regularise the illegality done by commencing the construction or commencing the project without prior EC. Therefore, in substance, what is provided is grant of *ex post facto* EC. In other

words what is granted is EC with retrospective effect as it regularises illegality committed earlier. The grant of EC under the 2021 OM, no doubt, is subject to making payment of compensation determined based on Polluter Pays Principle and undertaking activities relating to remedial plan. Once there is a violation of the EIA notification, the project proponent has to compensate following the Polluter Pays Principle. Even if, EC is not granted to him he has to pay for remedial plan to remedy the damage done to the environment. He has to also pay the penalty under Section 15 of the 1986 Act. Therefore, what is done by the 2021 OM is something which was completely prohibited by this Court in the cases of **Common Cause<sup>2</sup>** and **Alembic Pharmaceuticals<sup>3</sup>**. It is an attempt to bring in an *ex-post facto* or retrospective regime by craftily drafting the SOP. The grant of EC under the 2021 OM in substance and in effect amounts to *ex post facto* grant of EC. The Court must come down very heavily on the attempt of the Central Government to do something which is completely prohibited under the law. Cleverly, the words *ex post facto* have not been used, but without using those words, there is a provision to effectively grant *ex post facto* EC. The 2021 OM has been issued in violation of the decisions of this Court in the cases of **Common Cause<sup>2</sup>** and **Alembic Pharmaceuticals<sup>3</sup>**. Therefore, we have no manner of

doubt that the 2021 OM which permits grant of EC is completely arbitrary and illegal. Moreover, the 2021 OM does not refer to exercise of any power under the 1986 Act or the 1986 Rules.

**30.** There is one more aspect which is required to be noted. As per paragraph 14 of the 2017 notification, provision for grant of *ex post facto* EC was made only in relation to projects or activities which were in violation as of 14<sup>th</sup> March 2017. Therefore, grant of *ex post facto* clearance was not permitted under 2017 notification for the projects and activities which were commenced or continued after 14<sup>th</sup> March 2017. The window which was initially for a period of six months was eventually extended till completion of 30 days from 14<sup>th</sup> March 2018. Therefore, the 2021 OM is brought in to do something which was not permissible under the 2017 notification, the law laid down by this Court, and the solemn undertaking given by the Central Government to the Madras High Court. We must deprecate such effort on the part of the Central Government.

**31.** The EIA notification is of 14<sup>th</sup> September 2006. When the 2021 OM was issued, it was nearly 15 years old. Therefore, all project proponents were fully aware of the stringent requirements under the EIA notification. The 2021 OM seeks to protect the violations of the EIA notification which have taken place or continue to take

place 15 years after the EIA notification came into force. Thus, the 2021 OM seeks to protect violators who have acted with full knowledge of consequences of violating the EIA notification. Those who violate the law regarding obtaining prior EC are not only committing gross illegality, but they are acting against the society at large. The violation of the condition of obtaining prior EC must be dealt with heavy hands. In environmental matters, the Courts must take a very strict view of the violations of the laws relating to the environment. It is the duty of the Constitutional Courts to do so.

**32.** Under Article 21 of the Constitution of India, the right to live in a pollution free environment is guaranteed. In fact, the 1986 Act has been enacted to give effect to this fundamental right. In 1977, fundamental duties of all citizens were incorporated in the Constitution which enjoined every citizen of India to protect and improve the environment as provided in clause (g) of Article 51A. Therefore, even the Central Government has a duty to protect and improve the natural environment.

**33.** Today, in the year 2025, we have been experiencing the drastic consequences of large-scale destruction of environment on human lives in the capital city of our country and in many other cities. At least for a span of two months every year, the residents of Delhi suffocate due to air pollution. The AQI level is either dangerous or

very dangerous. They suffer in their health. The other leading cities are not far behind. The air and water pollution in the cities is ever increasing. Therefore, coming out with measures such as the 2021 OM is violative of fundamental rights of all persons guaranteed under Article 21 to live in a pollution free environment. It also infringes the right to health guaranteed under Article 21 of the Constitution.

**34.** The 2021 OM talks about the concept of development. Can there be development at the cost of environment? Conservation of environment and its improvement is an essential part of the concept of development. Therefore, going out of the way by issuing such OMs to protect those who have caused harm to the environment has to be deprecated by the Courts which are under a constitutional and statutory mandate to uphold the fundamental right under Article 21 and to protect the environment. In fact, the Courts should come down heavily on such attempts. As stated earlier, the 2021 OM deals with project proponents who were fully aware of the EIA notification and who have taken conscious risk to flout the EIA notification and go ahead with the construction/continuation/expansion of projects. They have shown scant respect to the law and their duty to protect the environment. Apart from violation of Article 21, such action is completely arbitrary

which is violative of Article 14 of the Constitution of India besides being violative of the 1986 Act and the EIA notification.

**35.** We are, however, conscious of the fact that *ex post facto* EC may have been granted in certain cases both under the 2017 notification and the 2021 OM. ECs already granted under 2017 notification and the 2021 OM, at this stage, should not be disturbed.

**36.** Hence, we pass the following order:

- a) We hold that the 2017 notification and the 2021 OM as well as all circulars/orders/OMs/notifications issued for giving effect to these notifications are illegal and are hereby struck down;
- b) We restrain the Central Government from issuing circulars/orders/OMs/notifications providing for grant of *ex post facto* EC in any form or manner or for regularising the acts done in contravention of the EIA notification;
- c) We clarify that the ECs already granted till date under the 2017 notification and the 2021 OM shall, however, remain unaffected.

37. The writ petitions and civil appeals are accordingly allowed on the above terms.

.....J.  
(Abhay S. Oka)

.....J.  
(Ujjal Bhuyan)

**New Delhi;**  
**May 16, 2025**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)  
\*\*\*\*\*

**Original Application No.07/2022(WZ)**

**IN THE MATTER OF:**

**Mr. Shashikant Vitthal Kamble**

Residing at: Popular Colony Flat No. Ci/13,  
Near Vitthal Nagar, Warje Maiwadi, Warje,  
Pune - 411 058.

.....Applicant

*Versus*

1. **Ministry of Environment, Forest & Climate Change (MoEF&CC) New Delhi, through its Secretary,**  
having office at Indira Paryavaran Bhawan,  
Jor Bagh Road, New Delhi - 110 003
2. **Central Ground Water Authority (CGWA),  
New Delhi, through its Chairman,**  
having office at: 'Central Ground Water Board',  
Bhujal Bhawan, NH-IV, Faridabad - 121 001.
3. **Central Pollution Control Board (CPCB),  
New Delhi, through its Member Secretary,**  
having office at : Parivesh Bhawan,  
CBD-cum-Office Complex  
East Arjun Nagar, Delhi - 110 032.
4. **Environment Department, Maharashtra  
Through its Principal Secretary,**  
having office at: Room No.229,  
Mantralaya, Mumbai-400 032.
5. **State Environment Impact Assessment Authority (SEIAA),  
Maharashtra, through its Chairman,**  
having office at : 601, 6<sup>th</sup> Floor, NKM International House,  
behind LIC Yogakshema Building,  
177 Babubhai Chinoy Marg,  
Nariman Point, Mumbai -400 020.
6. **State Expert Appraisal Committee(SEAC),  
Maharashtra, through its Chairman,**  
having office at : 15<sup>th</sup> floor, Environment Department,  
Mantralaya, Mumbai-411 032.
7. **State Ground Water Authority, Maharashtra  
Through its Chairman,**  
having office at: New Agriculture College Building,  
1<sup>st</sup> Floor, Bhujal Bhavan, KB Joshi Marg



TRUE COPY

Original Application No.07/2022(WZ)

Page 1 of 32

Near, Shivajinagar, Pune - 411005.

8. **Maharashtra Pollution Control Board (MPCB) Mumbai, through its Member Secretary,**  
Having office at: Kalpataru Point, 3<sup>rd</sup> & 4<sup>th</sup> floor,  
Road No.8, Sion Circle, Opp. PVR Theater,  
Mumbai- 400 022.
9. **Maharashtra Pollution Control Board (MPCB),**  
Pune, through its Regional Officer,  
Having office at: Jog Center, 3<sup>rd</sup> Floor,  
Mumbai Pune Road, Wakdewadi, Pune - 411 003.
10. **District Environment Impact Assessment Authority, Through the Collector, Pune as a Chairman,**  
having office at : New Collectorate office,  
Opposite Sasson Hospital, Pune- 411 001.
11. **The Commissioner Land and Records, Pune Through its Commissioner and Director,**  
Having office at: 2<sup>nd</sup> & 3<sup>rd</sup> floor,  
New Administrative Building, Opposite Council Hall,  
Agarkar Nagar, Pune- 411 001.
12. **Pune Metropolitan Region Development Authority (PMRDA) through its Metropolitan Commissioner and Chief Executive Officer**  
having office at: Maharaj Sayaji Gaikwad Udyog Bhawan,  
Ward No.8, Survey No.152 - 153,  
Aundh Gaon, Aundh, Pune - 411 067.
13. **Naiknavare Developers Private Limited through its Project Proponent,**  
Mrs. Gauri Naiknavare  
having office address at : 1204/4,  
Ghole Road, Shivajinagar, Pune - 411 005.  
**having site address at:** "Avon Vista"  
at Survey No. 8/3, 8/4, 8/5, 8/6, 8/7,  
8/9, 8/10, 8/11, 8/12, Mhalunge,  
Pune - 410 501.

.....Respondent(s)

**Counsel for Applicant:**

Mr. Viraj Pawar, Advocate

**Counsel for Respondent(s):**

Mr. Rahul Garg, Advocate for R-1/MoEF&CC & R-3/CPCB

Mr. Atul J. Pathak, Advocate for R-2/CGWA

Mr. Aniruddha Kulkarni, Advocate for R-4/Env. Deptt.,  
R-5/SEIAA & R-6/SEAC

Mr. Yashwant Dhanegave, Advocate for R-7/SGWA

Ms. Manasi Joshi, Advocate for R-8 & 9/MPCB

Mr. R. B. Mahabal, Advocate for R-13/PP



**PRESENT:**

**Hon'ble Mr. Justice Dinesh Kumar Singh (Judicial Member)**

**Hon'ble Dr. Vijay Kulkarni (Expert Member)**

---

**Reserved on : 21.02.2024**

**Pronounced on : 22.03.2024**

---

**JUDGMENT**

1. This Original Application has been filed with the prayers that a direction be issued to the respondent No.13-Naiknavare Developers Private Limited through its Project Proponent to stop illegal construction in contravention to the Environment Clearance condition; a Committee be constituted with a direction to submit a factual report, based on which the illegal constructions, if any, be directed to be demolished; direction be issued to the government authorities as well as the Joint Committee to make a plan for restitution of the environment; and environmental compensation be levied from the respondent No.13-PP.

2. In brief, the facts of this case are that the respondent No.13-Naiknavare Developers Private Limited had obtained the Environment Clearance Permission on 18/07/2016, a copy of which is annexed as Annexure 'A'. On 19/09/2018, the Project Proponent was issued the amended Commencement Certificate by the Respondent No. 12-Pune Metropolitan Region Development Authority (PMRDA) for starting of the construction activity in the said project scheme, a copy of which is annexed as Annexure- 'B'. Another amended Commencement Certificate was issued by the respondent No.12 to the Respondent No.13-PP for the same purpose. On 17.12.2020, the respondent No.12 issued the Completion Certificate to respondent No.13-PP for Residential Building B-1, a copy of which is annexed as Annexure- 'D'. On 24/03/2021, the respondent No.8- Maharashtra Pollution Control Board issued the Consent



to Operate, a copy of which is annexed as Annexure 'E'. On 31/03/2021, the respondent No.12 issued the Completion Certificate to respondent No.13-Project Proponent for Residential Building A-1, a copy of which is annexed as Annexure 'F'.

3. It is further submitted in this application that on 123<sup>rd</sup> Meeting of the SEAC-3 held on 2<sup>nd</sup>, 3<sup>rd</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> & 9<sup>th</sup> September 2021, the respondent No.13- Project Proponent submitted proposal for amendment in the Environment Clearance. On 02/06/2021, the respondent No.12 issued the amended Commencement Certificate to the respondent No.13-Project Proponent, a copy of which is annexed as Annexure 'G'. On 14/10/2021, a notice was got issued to the respondent No.13 for violation during the construction activity, which was also duly served upon the respondent No.1-MoEF&CC to respondent No.12- PMRDA.

4. It is further submitted in this application that the respondent No.13-Project Proponent had proposed to construct the said project in question in the year 2016 and construction of the same was carried out by the respondent No.13 in violation of the EC terms & conditions. The respondent No.13-Project Proponent carried out additional construction without getting the EC amended. Since 2016 till the filing of this application, the respondent No.13-PP never made an application for obtaining amendment in the Environment Clearance. On 18/07/2016, the Environment Clearance was granted to the Respondent No.13 for carrying out construction for the Residential Buildings A1, B1, B2, A2, A3, B3 and Club Houses. The said Environment Clearance Permission is annexed as Annexure- 'A'. On 17/12/2020 and 31/03/2021, the Respondent No.12 issued the Completion Certificate to the Respondent No.13, which are annexed as Annexure 'D' & 'F' respectively.



TRUE COPY

Original Application No.07/2022(WZ)

Page 4 of 32

5. We find that there are number of repetitions made in the pleadings by the applicant and that the pleadings mentioned in this application are very vague, making it difficult to understand as to what is the actual dispute, by and large, it appears that the ground of filing this application is that the terms & conditions of EC are allegedly violated by the respondent No.13-PP.

6. In para nos.27 & 28 of this application, there appears to be repetition of the earlier mentioned facts. In para no.29 of this application, it is submitted that the respondent No.13 approached the respondent No.12-PMRDA and obtained the Commencement Certificate dated 19/09/2018 for a total plot area of 50,900.00 sq. mtrs. The Environment Clearance dated 18.07.2016 for the same including FSI and Non-FSI built up area was 73427.00 sq. mtrs. There are various typographical errors found in the present Original Application, such as in para no.32, reference is being made of respondent No.15. But we do not find the name of respondent No.15 to be there in the present application.

7. It is further submitted in this application that the respondent No.13 has extracted the ground water through drilling bore in the ground without taking prior permission. The Respondent No.13-PP did not carry out plantation as per the guidelines of the appropriate Government authority. Respondent No.13 has not installed Rain Water Harvesting System, Sewage and Waste Water Management Systems nor have installed Pollution Monitoring Systems.

8. In other paragraphs of the present Original Application, by and large, there is repetition of facts and it is very much apparent that there is no coherence in what the applicant is trying to convey.



TRUE COPY

Original Application No.07/2022(WZ)

Page 5 of 32

9. Looking to the facts, it appears that the Predecessor of this Tribunal, on the very first date i.e. on 22.02.2022, while admitting the matter, has noted only 5 points pertaining to the violations of EC norms, which are narrated herein below:-

- "
- (i). Plot area of Environmental Clearance (EC) and the plot area of the commencement certificate are different.
  - (ii). The configuration of the buildings has been changed.
  - (iii). Construction without prior permission of the competent authority.
  - (iv). Construction of the building (A-1 and B-2) without having any environmental clearance.
  - (v). Construction and action of the Respondent in contravention of the sanctioned layout plan and the environmental clearance conditions."

10. On 21.02.2024, during argument, the learned counsel for applicant has also tried to confine himself to these five points only. On the very first date of this matter having been admitted by the Tribunal, the Joint Committee was constituted and also direction was given to send notices to the respondents.

11. In compliance of the above-mentioned order, the Joint Committee has submitted its report, which is annexed at page nos.129 to 355 of the paper book, the relevant part of which is quoted herein below for the sake of convenience:-

**"3.0 Observation and Findings:-**

*This report is outcome containing factual and action taken report of the said joint committee based on the preliminary information received from the nodal agency, followed by site inspection, information given by PP & Pune Metropolitan Region Development Authority (PMRDA) through MPCB and subsequent discussions of the joint committee. The observations & findings of the joint committee are given as below:*

**Observations w.r.t Environmental Clearance**

*Details of EC, sanctioned plans, plinth certificate, completion certificate and current status of the project as verified and submitted by PMRDA to MPCB is given at Table No. 1. Copy of the same is given at Annexure-2 for kind information.*



Table-1: Details of EC, sanctioned plans, plinth certificate, completion certificate and current status of the project

S. No.	Particulars	Configuration	Total Built-up Area
1	SEIAA Environmental Clearance (EC) Letter No. SEAC-III-240/CR-369/TC-3 dated 18.07.2016	Proposed in EC: Total Built Up Area (TBUA)- 73423.3 sq.m FSI- 34577.09 sq.m + Non FSI-38846.21 sq.m Approved in EC: Total Built Up Area- 51,587.80 sq.m	
2	Sanction Plan BMU/C.R.No.1385/16-17 dated 21/11/2016	<ul style="list-style-type: none"> <li>• A1: P+21</li> <li>• B1: P+21</li> <li>• A2: P+21</li> <li>• B2: P+21</li> <li>• A3: P+5</li> <li>• B3/C: P+5</li> <li>• Club House: G+2</li> <li>• P-Lower + Upper Level Parking</li> </ul>	<ul style="list-style-type: none"> <li>• Total FSI- 23517.45 sq.m</li> <li>• Total Non FSI-20776.84 sq.m</li> <li>• TBUA- 44294.29 sq.m</li> </ul>
3	Plinth Check Certificate dated 01.06.2017	'Club House' as per sanction plan dated 21.11.2016	
4	Sanction Plan BMU/C.R.No. 459/17-18 dated 21/12/2017	<ul style="list-style-type: none"> <li>• A1: P+21</li> <li>• B1: P+21</li> <li>• A2: P+21</li> <li>• B2: P+21</li> <li>• A3: P+5</li> <li>• B3: P+5</li> <li>• Club House: G+1</li> <li>• P-Lower + Upper Level Parking</li> </ul>	<ul style="list-style-type: none"> <li>• Total FSI- 24218.68 sq.m</li> <li>• Total Non FSI- 20889.9 sq.m</li> <li>• TBUA- 45108.58 sq.m</li> </ul>
5	Plinth Check Certificate dated 17.03.2018	Building 'B1' as per sanction plan dated 21.12.2017	
6	Sanction Plan BMU/C.R.No. 217/18-19 dated 19/09/2018	<ul style="list-style-type: none"> <li>• A1: P+21</li> <li>• B1: P+21</li> <li>• A2: P+21</li> <li>• B2: P+21</li> <li>• A3: P+1</li> <li>• B3: P+1</li> <li>• Club House: G+1</li> <li>• P-Lower + Upper Level Parking</li> </ul>	<ul style="list-style-type: none"> <li>• Total FSI- 23960.84 sq.m</li> <li>• Total Non FSI- 19895.09 sq.m</li> <li>• TBUA- 43855.93 sq.m</li> </ul>
7	Plinth Check Certificate dated 20.11.2018	Building 'A1' as per sanction plan dated 21.12.2017	
8	Plinth Check Certificate dated 20.09.2019	Building 'A2' as per sanction plan dated 19.09.2018	
9	Completion Certificate dated 24.09.2019	'Club House' as per sanction plan dated 19.09.2018	
10	Sanction Plan BMU/203/19-20 dated 13.11.2019	<ul style="list-style-type: none"> <li>• A1: P+21</li> <li>• B1: P+21</li> <li>• A2: P+21</li> <li>• B2: P+19</li> <li>• A3: P</li> <li>• B3: P</li> <li>• Club House: G+1</li> <li>• P- Lower + Upper Level Parking</li> </ul>	<ul style="list-style-type: none"> <li>• Total FSI- 26878.24 sq.m</li> <li>• Total Non FSI- 23030.8 sq.m</li> <li>• TBUA- 49909.04 sq.m</li> </ul>
11	Plinth Check Certificate dated 17.12.2020	Building 'B2' as per sanction plan dated 13.11.2019	



TRUE COPY

12	Completion Certificate dated 17.12.2020	Part Building 'B1' as per sanction plan dated 13.11.2019	
13	Completion Certificate dated 31.03.2021	Part Building 'A1' as per sanction plan dated 13.11.2019	
14	Sanction Plan dated DP/MU/515/20-21 dated 02.06.2021	<ul style="list-style-type: none"> <li>• A1: LP+UP+21</li> <li>• B1: LP+UP+21</li> <li>• A2: LP+UP+21</li> <li>• B2: LP+UP+19</li> <li>• A3: LP+UP+12</li> <li>• B3: LP+UP+12</li> <li>• Club House: G+1</li> <li>P- Lower + Upper Level Parking</li> </ul>	<ul style="list-style-type: none"> <li>• Total FSI- 39829.96 sq.m</li> <li>• Total Non FSI- 25609.60 sq.m</li> <li>• TBUA- 65439.02 sq.m</li> </ul>
15	Completion Certificate dated 28.07.2021	Complete Building 'B1' as per sanction plan dated 02.06.2021	
16	Completion Certificate dated 06.12.2021	Complete Building 'A1' as per sanction plan dated 02.06.2021	
17	Plinth Check Certificate dated 22.02.2022	Building 'A3' & 'B3' as per sanction plan dated 02.06.2021	
18	Current Status of the project as per Architect Certificate dated 03.06.2022	<ul style="list-style-type: none"> <li>• A1-P+21 (Completed)</li> <li>• B1-P+21 (Completed)</li> <li>• Phase I Parking (Completed)</li> <li>• Phase I-Podium + Pvt Garden (Completed)</li> <li>• Club House-P+1 (Completed)</li> <li>• A2-P+21 (Under Construction)</li> <li>• B2-P+11 (Under Construction)</li> <li>• Phase II- Podium + Pvt Garden (Under Construction)</li> <li>• Services (UGT,STP, Transformer Room, Pump Room, OWC Security, Cabin, WTP, etc)</li> </ul>	<ul style="list-style-type: none"> <li>• FSI-23086.46 sq.m</li> <li>• Non FSI-28053.79 sq.m</li> <li>• Total BUA-51122.25 sq.m</li> </ul>

- i. PP has been granted Environmental Clearance (EC) by SEIAA vide letter No. SEAC-III-240/CR-369/TC-3, dated 18/07/2016 for construction of residential project for Total Built Up Area (TBA) of 51,587.80 sq.m. Copy of EC dated 18/07/2016 is given at Annexure-3.
- ii. As per the information provided by PMRDA vide letter dated 13/06/2022, it is observed that subsequent to the said EC, the PP has obtained first layout sanctioned vide sanction plan vide no. BMU/C.R.No.1385/16-17 dated 21/11/2016 for TBA-44294.29 sq.m (FSI- 23517.45 sq.m & Non FSI-20776.84 sq.m) wherein building no. & configuration of A1: P+21, B1: P+21, A2: P+21, B2: P+21, A3: P+5, B3/C: P+5, Club House: G+2, P-Lower + Upper Level Parking have been obtained. Subsequently, the PP has obtained first plinth check certificate dated 01/06/2017 for club house only as per aforesaid sanction plan dated 21/11/2016.
- iii. PP has obtained second layout sanctioned vide sanction plan vide no. BMU/C.R.No. 459/17-18 dated 21/12/2017 for TBA-45108.58 sq.m (FSI-24218.68 sq.m & Non FSI- 20889.9 sq.m) wherein building no. & configuration of A1: P+21, B1: P+21, A2: P+21, B2: P+21, A3: P+5, B3: P+5, Club House: G+1, P-Lower + Upper Level Parking have been obtained. Subsequently, the PP has obtained Plinth Check Certificate dated 17/03/2018 for building B1 as per aforesaid sanction plan dated 21/12/2017. Further, the PP has obtained plinth check certificate dated



20/11//2018 for building A1 as per aforesaid sanction plan dated 21/12/2017.

- iv. PP has obtained third layout sanctioned vide sanction plan vide no. BMU/C.R.No. 217/18-19 dated 19/09/2018 for TBA-43855.93 sq.m (FSI-23960.84 sq.m & Non FSI- 19895.09 sq.m) wherein building no. & configuration of A1: P+21, B1: P+21, A2: P+21, B2: P+21, A3: P+1, B3: P+1 Club House: G+1, P-Lower + Upper Level Parking have been obtained. The PP has obtained plinth check certificate dated 20/09/2019 for building A2 as per aforesaid sanction plan dated 19/09/2018.
- v. PP has obtained fourth layout sanctioned vide sanction plan vide no. BMU/203/19-20 dated 13/11/2019 for TBA- 49909.04 sq.m (FSI- 26878.24 sq.m & Non FSI- 23030.8 sq.m) wherein building no. & configuration of A1: P+21, B1: P+21, A2: P+21, B2: P+19, A3: P, B3: P Club House: G+1, P-Lower + Upper Level Parking have been obtained. The PP has obtained plinth check certificate dated 17/12/2020 for building B2 as per aforesaid sanction plan dated 13/11/2019.
- vi. PP has obtained fifth layout sanctioned vide sanction plan vide no. DP/MU/515/20-21 dated 02.06.2021 for TBA- 65439.02 sq.m (FSI- 39829.96 sq.m & Non FSI- 25609.60 sq.m) wherein building no. & configuration of A1: LP + UP +21, B1: LP + UP +21, A2: LP + UP +21, B2: LP + UP +19, A3: LP + UP+ 12, B3: LP + UP + 12, Club House: G+1, have been obtained. The PP has obtained plinth check certificate dated 22/02/2022 for building A3 & B3 as per aforesaid sanction plan dated 02/06/2021.
- vii. However, the total current construction area of the project as per the Architect Certificate dated 03/06/2022 (Annexure-4) is TBA: 51122.25 sq.m (FSI-23086.46 sq.m & Non FSI-28053.79 sq.m). Wherein it is observed that building A1 & B1 is completed & occupied. Similarly, building A2 is completed & finishing works are in progress, building B2 is completed up to 11th floor and building A3 & B3 was completed up to podium level. All the aforesaid buildings were constructed as per the various sanctioned plans granted from time to time by the PMRDA.
- viii. PP has made an application to SEIAA for amendment in existing EC dated 18.07.2016 with proposed total built-up area 92,328.80 sq.m (FSI- 51,727.43+ Non FSI- 40,601.37 sq.m) on 13.02.2020 & 17.02.2020. (Copy of the applications submitted to SEIAA given at Annexure-5.
- ix. As per the 123rd SEAC-3 Meeting scheduled in September, 2021;  
 "Committee noted that, there is change in building profile; PP has constructed different profile than approved in EC. After detail deliberation & considering the above said changes in the approved building profile, committee noted that this seems to be a violation case. The expansion/amendment proposal therefore cannot be appraised at this juncture. Committee also noticed that, the PP has not submitted their application as per Notification issued by MoEF & CC dated 14.03.2017 for violation cases, hence Committee decided to refer the application to SEIAA for further necessary action."

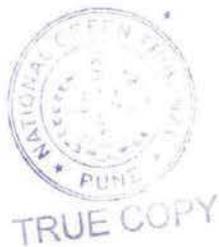


TRUE COPY

- x. As per 203rd SEIAA Meeting scheduled of October, 2021;

"PP further submitted that, there is a proposal considered in 203rd meeting of SEIAA at S.no 14 in which deviation made within the limit of BUA without increase in tenements has not been considered as violation by the SEIAA. The Minutes of the said meeting are as-The EIA Notification 2006 dated 14.09.2006 has laid down threshold area and limits for consideration of proposals of building construction under B2 category. Accordingly, when Environmental Clearance was already granted once for a specified Built Up Area (BUA) and afterwards Project Proponent comes for amendment/expansion, the area for which Environmental Clearance is granted is the primary factor in deciding amendment/expansion. The configuration of buildings submitted for Environmental Clearance may vary sometimes, but should be done to determine whether the environmental requirements/parameters are met. Such proposals cannot be considered as violation in terms of EIA Notification, in case Environmental Clearance was granted for a larger area. However, adequacy of environmental requirements/stipulations should be appraised by the SEAC before considering grant of Environmental Clearance for amendment/expansion. PP requested that, the same precedent may be applied to this case. In the view of above, SEIAA is of the opinion that the proposal may not be considered as violation of earlier EC. SEIAA after deliberation decided to refer back the Proposal for appraisal"

- xi. Based on the recommendations in 203rd SEIAA meeting, the project was again appraised in 133rd SEAC-3 meeting of Jan, 2022 and was referred back to SEIAA for EC. However, in 240th SEIAA meeting of March, 2022 the project was differed due to Hon'ble NGT order dated 22/02/2022. Copy of above mentioned Minutes of SEAC-3 and SEIAA meetings attached as Annexure-6.
- xii. PP has provided solar water heating system for the completed buildings A1, B1 & A2 as per s. no. 33 of EC conditions dated 18/07/2016, it is informed that installation of solar panels shall be completed in a phased manner as & when the buildings are completed. Also, provided 02 out of 8 nos. of rain water harvesting recharge pits and storm water drainage system as per EC conditions dated 18/07/2016. PP has planted about 127 no. of trees against 233 no. of trees, as informed planation of remaining no. of trees shall be completed in a phased manner. Further, PP has provided organic waste convertor of reported design capacity of 750 Kg/day for processing of bio-degradable waste, which was found working. The manure is utilized for gardening within the project premises. PP has provided STP consisting of phytoid treatment system and tertiary treatment facility consisting of pressure sand, activated carbon filter & ozonation. As per conditions of CTO, the treated wastewater is reused in flushing & ancillary activities and remaining is reused in gardening/discharged into municipal drainage. However, no records were maintained for utilization of treated wastewater.



## 3.2 Observations w.r.t Plot Area

Details of plot areas as mentioned in the various sanctioned plans are given in Table-2.

Table-2: Details of Plot Area as mentioned in various Sanctioned Plans

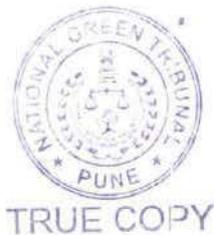
S. No.	Area Statement in Sanction Plans	2021-2016	2019-2018-2017
	Description	sq-m	sq-m
1	Area of Plot	50900	50900
	<b>Deduction</b>		
2	Area required by National Highway	8500	8500
3	Remaining Plot Area (1-2)	42400	42400
4	Area not under NA Proposal	1300	1300
5	Area under NA	41100	Plot A-34091.78 Plot B-3200 Plot C-Amenity-3808.22 Total-41100
6	<b>Deduction</b>		
	a) Area under 24M Wide Road	7391.24	Plot A-0661.30 Plot B-730 Plot C-0 Total-7391.3
	b) Area under 12M Service Road	3741.87	Plot A-3373.73 Plot B-367.94 Plot C-0 Total-341.67
	c) Area under 30M wide Green Belt	4578.94	Plot A-4578.94 Plot B-0 Plot C-0 Total-4578.94
	d) Total Deduction (a+b+c)	15711.85	Plot A-14613.97 Plot B-1097.94 Plot C-0

			Total-15711.91
7	Remaining Gross Plot Area (5-Deductions at 6)	25388.15	Plot A-10477.81 Plot B-2102.06 Plot C-3808.22
8	Required Open Space (10% of 25388.15)	2538.82	
	Proposed Open Space		
9	Required Amenity Space (25388.15 x 15%)	3808.22	
	Proposed Amenity Space		
10	Remaining Gross Plot Area (7-9)	21579.93	
11	Area of Plot A	19477.87	
12	Area of Plot B	2102.06	

It is observed that the plot of total area 50,900 sq.m has been already divided into three plots with area of Plot A-34,091.84 sq.m, Plot B-3,200 sq.m and the Amenity Space (Plot C) - 3,808.22 sq.m, Area required by National Highway- 8,500 sq.m and Area not under NA Proposal-1,300 sq.m. Table-3 shows the owner of the plots based on the 7/12 Extracts. Copy of all 7/12 extracts are given at Annexure-7. 1. As per the agreement to "Sell cum Development Agreement" dated 07/07/2017 (Annexure-8) provided by the project proponent; Plot-C i.e. Amenity Space has been sold to M/s. Paranjape Schemes Construction Ltd.

Table-3: Details of owner of the subdivided plots based on the 7/12 Extracts

Name of Plot	7/12 Extract	As per the above mentioned sanctions	Total Area (sq.m)
Plot A	8/A1+8/A9+8/A2+8/A3+8/A4 belongs to Mr. Hemant Dattaji Naiknawre	(Gross Plot Area+ Open Space)+ Area under 30M wide Green Belt+ Area under 24M Wide Road+ Area under 12M Service Road	19477.87+4578.94+6661.30+3373.73=34091.84
Plot B	8/A5+8/A6+8/A7 belongs to Ms. Lata Khinvsara	Gross Plot Area+ Area under 24M Wide Road+ Area under 12M Service Road+	2102.06+370+367.94=3200
Plot C Amenity Space	8/A8 belongs to Mr. Hemant Dattaji Naiknawre	Amenity Space	3808.22



### 3.3 Observations w.r.t Consent to Establish/Operate

- i. PP has obtained Consent to Establish (CTE) dated 24/04/2017 (Annexure-9) from MPCB for total plot area of 19,477.87 sq.m and total proposed construction built up area 73,423.09 sq.m.
- ii. PP has obtained Consent to Operate (CTO-Part 1) dated 24/03/2021 (Annexure-10) from MPCB for total plot area of 19477.87 sq.m and construction BUA 27995.26 sq.m out of total construction built up area 51,587.80 sq.m which is valid up to 31/12/2021. Further, PP has applied for renewal of CTO to MPCB on 30/12/2021 (Annexure-11).

### 4.0 Conclusions:

- i. PP has applied for Environmental Clearance (EC) for the total built-up area (TBA) of 73,423.3 sq.m. However, as per General Conditions for Pre-construction phase vide s. no. (i), PP has been granted EC by SEIAA vide letter No.SEAC-III-240/CR-369/TC-3, dated 18/07/2016 for construction of residential project for TBA of 51,587.80 sq.m.
- ii. PP has obtained first plinth check certificate dated 01/06/2017 for construction of club house, which was constructed after obtaining prior EC from SEIAA, Maharashtra dated 18/07/2016 and CTE from MPCB dated 24/04/2017. Whereas, club house has not been stipulated/mentioned in s. no. 16 (no. of buildings & its configurations) of the aforesaid EC dated 18/07/2016. However, club house has been mentioned in the layout sanctioned vide sanction plan vide no. BMU/C.R.No.1385/16-17 dated 21/11/2016.
- iii. PP has made an application to SEIAA, Maharashtra for amendment in existing EC dated 18/07/2016 with proposed TBA of 92,328.80 sq.m (FSI- 51,727.43 & Non FSI- 40,601.37 sq.m) on 13.02.2020 & 17.02.2020. However, grant of amended EC for the proposed expansion is pending before SEIAA, Maharashtra. Meanwhile, PP has obtained recent/revised layout sanctioned vide sanction plan vide no. DP/MU/515/20-21 dated 02/06/2021 for TBA-65439.02 sq.m (FSI- 39829.96 sq.m & Non FSI- 25609.60 sq.m) which is observed to be more than the granted TBA of 51,587.80 sq.m of earlier EC dated 18/07/2016. Further, the PP has obtained plinth check certificate dated 22/02/2022 for building A3 & B3 and also obtained completion certificate dated 28/07/2021 & 06/12/2021 for building B1 & A1, which are as per aforesaid sanction plan dated 02/06/2021.

From the above, it is observed that the PP without obtaining amended EC for the proposed expansion of project (from existing TBA of 51,587.80 sq.m to 92,328.80 sq.m) has obtained the aforesaid plinth check certificate and building completion certificates. However, the total current construction area of the project as per the Architect Certificate dated 03/06/2022 (Annexure-4) is TBA: 51,122.25 sq.m (FSI-23086.46 sq.m & Non FSI-28053.79 sq.m) which is less than the granted TBA of 51,587.80 sq.m of earlier EC dated 18/07/2016.

- iv. As per the various layout sanctioned plans of the aforesaid project, it is observed that the PP has changed the building no. &



configurations, which are different from that of the EC granted dated 18/07/2016. However, total current construction area of the project as per the Architect Certificate dated 03/06/2022 (Annexure-4) is TBA: 51,122.25 sq.m (FSI-23086.46 sq.m & Non FSI-28053.79 sq.m) which is less than the granted TBA of 51,587.80 sq.m as per EC dated 18/07/2016.

- v. PP has not provided wastewater treatment system consisting of MBBR technology as per the s. no. 1 A of Schedule-I (i.e. terms & conditions for compliance of water pollution control) of the CTO dated 24/03/2021 and also as per s. no. 30 of the EC conditions dated 18/07/2016, instead PP has provided wastewater treatment system consisting of phytoid treatment system and tertiary treatment facility consisting of pressure sand, activated carbon filter & ozonation.

#### **5.0. Approach for penalty and remedial measures for prior environmental clearance (EC) violation**

##### **5.0 Approach for penalty and remedial measures for prior environmental clearance (EC) violation**

Hon'ble NGT in O.A No. 34/2020 WZ in the matter of Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra and ors., vide order dated 24/05/2021 has directed that "...a proper SoP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SoP to all SEIAAs in the country".

In compliance to the aforesaid directions of the Hon'ble NGT, a Standard Operating Procedure (SoP) for dealing with violation cases were issued by the MoEF&CC vide Office Memorandum (OM) F. No. 22-21/2020-IA.III dated 07/07/2022. As per the aforesaid SOP, it outlines the penalties including closure of operations that are operating without prior environment clearance including demolition of projects. It also outlines a procedure for the grant of environmental clearance to projects that have come up without obtaining prior environment clearance required under the Environmental Impact Assessment (EIA) Notification, 2006. As per the aforesaid SOP, the different approaches for dealing the violation cases are summarised as follows;

- i. Closure or revision
  - a. If the project proponent has not taken prior EC, then the action shall be initiated to close the operation.
  - b. If the project proponent has taken prior EC for existing/old unit, then order to revert the activity/production to permissible limits.
  - c. If the project doesn't require EC for earlier production level but required at present, then restricting activity/production to extent to which prior EC was not required.
- ii. Action under section 15 read with section 19 of the E (P) A, 1986 shall be initiated against the violators.
- iii. Appraisal under EIA Notification, 2006: The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC;



TRUE COPY

a. **If not permissible:** If a project is under prohibited area notified by Central/State Govt., then the such project shall be ordered for the demolition/closure after issuing show-cause notice and providing an opportunity of hearing.

b. **If permissible,** then such violation projects shall be issued with directions to complete the impact assessment studies and submit EIA report & EMP in a time bound manner. Also, such cases of violation shall be subject to appropriate: Damage Assessment, Remediation Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

The competent authority shall issue directions u/s 5 of The Environment (Protection) Act, 1986 for mandating payment of such amount (based on polluter's pay principle), undertaking activities relating to aforesaid plans and its appraisal by the Central sectoral expert appraisal committee or the State/UT level expert appraisal committee, as the case may be. However, even though the project may be permissible but not environmentally sustainable in its present form/configuration/features then such projects shall be directed to be modified so that the project would be environmentally sustainable. Further, if the project is not considered appropriate to issue EC, such project shall be directed to be demolished/closed.

The PP will be required to submit a bank guarantee equivalent to the amount of Remediation Plan and Natural and Community Resource Augmentation Plan with Central/State Pollution Control Board (depending on whether the project under reference is appraised at MoEF&CC or by SEIAA) prior to the grant of EC. The quantification of such liability will be recommended by EAC and finalized by the Regulatory Authority and the bank guarantee will be released after successful implementation of the Remediation Plan & Natural and Community Resource Augmentation Plan.

#### Penalty provisions for violation cases and applications

a. For new projects;

- Where operation has not commenced: 1% of the total project cost incurred up to date of filing of application along with EIA/EMP report.
- When operations have commenced without EC: 1% of the total project cost incurred up to the date of filing application along with EIA/EMP report PLUS 0.25% of the total turnover during period of violation).

b. For expansion projects;

- When operation/production with expanded capacity has not commenced: 1% of the project cost, attributable to the expansion, incurred up to date of filing application along with EIA/EMP report.
- When operation/production with expanded capacity have commenced: 1% of project cost (attributable to the expansion activity) incurred up to the date of filing application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation.

#### 6.0 Recommendations

A. In view of the violation w.r.t. PP obtaining plinth check certificate dated 22/02/2022 for building A3 & B3 and obtaining completion certificates dated 28/07/2021 & 06/12/2021 for building B1 & A1, as per sanction plan dated 02/06/2021 for TBA of 65439.02 sq.m, which is exceeding the present TBA of 51,587.80 sq.m as per earlier EC dated 18/07/2016:

- i. Action may be taken against the PP by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986,
- ii. Appraisal of the project under EIA Notification, 2006 as outlined under s. no. iii (as above, given at paragraph 5) along with penalty for the expansion of project i.e. 1% of project cost (attributable to the expansion activity) incurred up to the date of filing application along with EIA/EMP report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation may be levied and deposited with the respective State Pollution Control Board.
- iii. PMRDA may examine the architect certificate vide dated 03/06/2022 including verification of current constructed total built up area (as on



03/06/2022) and deviation/changes, if any; as per the latest Layout Sanction(s) granted by PMRDA and communicate the reported deviation/changes if any; w.r.t. the constructed total built up area to SEIAA, Maharashtra. Accordingly, SEIAA, Maharashtra may take necessary action for as per the aforesaid SOP for identification and handling of violation cases under the EIA Notification, 2006 issued by MoEF&CC's OMs dated 07/07/2021 and 28/01/2022.

B. In view of the above, w.r.t. PP not providing particular type of wastewater treatment system CTO dated 24/03/2021 and also as per s. no. 30 of the EC conditions dated 18/07/2016;

i. MPCB may direct the PP to provide wastewater treatment system consisting of MBBR technology in compliance to the conditions of s. no. 1 A of Schedule-I (i.e. terms & conditions for compliance of water pollution control) of the CTO dated 24/03/2021 and also as per s. no. 30 of the EC conditions dated 18/07/2016.

C. PMRDA to ensure the compliance for installation of solar water heating panels for the remaining buildings and tree plantation as per the EC conditions before issuance of final occupancy certificates to the PP. "

12. From the side of respondent No.13-Naiknavare Developers Private Limited, reply affidavit dated 19.09.2022 has been filed, wherein it is submitted that the applicant has wrongly impleaded Naiknavare Developers Private Limited as one of the respondents in the present application because there is another company by the name Naiknavare Profile Constructions Pvt. Ltd., which is raising the construction of project by the name 'Avon Vista'. In this regard, we have perused the EC dated 18.07.2016, in which we find that the name of the Project Proponent mentioned is M/s. Naiknavare Profile Developers LLP., which is annexed as Annexure- R3 at page no.446 onwards of the paper book.

13. In para no.12 of this affidavit of respondent No.13, it is mentioned that the Residential project- Naiknavare Profile LLP was erstwhile developer, therefore, the name of the said respondent would be read as Naiknavare Profile Constructions Pvt. Ltd. (NPCIL), which has undertaken the project by the name 'Avon Vista', which is being represented by the learned counsel Mr. R. B. Mahabal.



14. It is further submitted in this affidavit by the respondent No.13 that the residential project 'Avon Vista' is situated on Plot-A with a net plot area of 19,477.87 m<sup>2</sup>, out of the gross plot area of 34,090 m<sup>2</sup> and is a part of larger layout of Plots. The land holding of the original land owner as indicated in Annexure- R-1 was 50,900 m<sup>2</sup>. Out of this total land holding, 8,500 m<sup>2</sup> was earmarked for acquisition by NHAI for National Highway-NH4. Accordingly, the same was acquired by NHAI. The balance land area of 41,100 m<sup>2</sup> was purchased by 'Synergy Corporation', a company of numerous investors, some of whom opted out, while some decided to keep the property in proportion to their respective investments. The 'Synergy Corporation', which was the owner of Plot-A, transferred development rights to Naiknavare Profile Constructions Pvt. Ltd. vide registered deed dated 25/04/2015. Thus, as per the above distribution in 50,900 m<sup>2</sup>, only Plot- A admeasuring 34,091.78 m<sup>2</sup> is gross plot area and net plot area is 19,477.87 m<sup>2</sup> which remained for the development by erstwhile Naiknavare Profile LLP. As per the 2015 PMRDA rules, the proposed 12m. service road, 24m wide DP road and green belt located in the layout, as per the development plan, had to be deducted from the FSI calculations before receiving building sanction.

15. It is further submitted in this affidavit by the respondent No.13 that when the road area was handed over to the PMRDA, FSI of 1.0 was made available on the said Plot- A. Also, the Green Belt Area, adjoining to the Plot-A had to be deducted at the time of area calculations, as no FSI was then available for the same. After these deductions, Plot- A belonging to the respondent No.13-Naiknavare Profile Constructions Pvt. Ltd. admeasured 19,477.87 m<sup>2</sup>, on which the proposed residential project was sanctioned in 2016 and it is because of this reason that the net plot area of 19477.87 m<sup>2</sup> of Plot-A has been mentioned as Plot-A in the EC



TRUE COPY

Original Application No.07/2022(WZ)

Page 16 of 32

application made in 2016. We have also verified this fact in the said EC and find that this is an area, which is mentioned therein, granted to the respondent No.13-PP.

16. It is further submitted in this affidavit by the respondent No.13 that the PMRDA, while sanctioning proposals on Plot in question, requires the history of the total land holding to be represented and hence the land area of the larger layout is mentioned to be 50,900 m<sup>2</sup>.

17. Much emphasis is laid by the learned counsel for applicant on this aspect that the respondent No.12-PMRDA had sanctioned the project for an area of 50,900 sq. mtrs., while in the EC, the area recorded is only 19,477.87 m<sup>2</sup>, which is discrepant. When we enquired as to what could be inferred from this discrepancy, he tried to convince us that the FSI at an area of 50,900 sq. mtrs. would be larger than on an area of 19,477.87 m<sup>2</sup>. This discrepancy ought to have been clarified by the respondent No.6-SEIAA at the time of grant of EC. But we do not find any force in the argument made by the learned counsel for applicant because respondent No.6-SEIAA had granted the EC on earlier date i.e. on 18.07.2016, while the respondent No.12- PMRDA had issued Development Permit and Commencement Certificate on 19.09.2018, wherein the total BUA is recorded as 50,900 sq. mtrs. We also find at this stage that the Development Permit and Commencement Certificate issued in Marathi language, which are annexed at page nos.38 to 43 of the paper book, are not translated in totality by the applicant and only part of which has been presented before us at page no.44 of the paper book in the form of its English translation, which cannot be treated to be correct. This has very careless approach on the part of applicant and would amount to concealing the full information from the Tribunal.



TRUE COPY

Original Application No.07/2022(WZ)

Page 17 of 32

18. We may also note here that the argument, which is raised by the learned counsel for applicant, is that if a larger plot area would have been mentioned by the SEIAA in the EC to be 50,900 sq. mtrs., in-stead of 19,477.87 m<sup>2</sup>, the FSI would have been larger and that would further go against the argument of the applicant.

19. It is further submitted in this affidavit by the respondent No.13 that the CC Certificate dated 21/11/2016 (copy is not found to have been enclosed) shows the plot area to be 50,900 m<sup>2</sup>, which seems to be an inadvertent mistake. The answering respondent is making development only for the gross plot area of 34091.78 m<sup>2</sup> and net plot area of 19,477.87m<sup>2</sup>, belonging to the NPCPL. In the next CCs dated 13/11/2019 & 02/06/2021, which are found annexed at page no.477 of the paper book, the area of the plot has been revised by the respondent No.12-PMRDA from 50,900 m<sup>2</sup> to 34091.78 m<sup>2</sup> gross plot area.

20. With respect to the clarification pertaining to configuration of building, it is submitted by the answering respondent that the Project Proponent received an EC on 18/07/2016 for 6 Towers on Podium and 1 clubhouse with a total of 492 residential flats for the sanctioned built-up area of 51,587.80 m<sup>2</sup>. While granting this EC, SEAC-III made scrutiny for a total covered built-up construction area of 73,423.30 m<sup>2</sup> (FSI + non-FSI). However, EC was restricted to the area sanctioned by the PMRDA at that time. The market forces and change in DC rules, which permitted additional FSI, resulted in changes in project design. Thereafter, the answering respondent made an application for expansion of the EC in February 2020 (amendment application), for a total covered built-up construction area of 92,328.80 m<sup>2</sup> (FSI+Non-FSI). The said application has the same 6 Towers with no change in location on the proposed Podium. This application was first appraised in March 2020 during which the



changes/revisions proposed in towers B2, A3, and B3 were shown and no non-compliance points were observed by the SEIAA. Despite Covid, the answering respondent continued the construction on the proposed 3 Towers A1, A2, and B1, out of the 6 towers that had received the sanction and EC, without any change in design. With the change in design, 2 Towers namely, A3 and B3 have been revised and accordingly sanction has been given by the respondent No.12-PMRDA, but no construction had been started on the project site for A3 and B3.

21. It is further submitted in this affidavit by the respondent No.13 that for tower/building B2, due to the market forces and change in the DC rules, the answering respondent was compelled to change design and to reduce the size of tenements. Thereby, on each floor, respondent No.13 had accommodated 6 smaller flats instead of 4 large flats without changing the location of the tower on the podium. This change in design is done as a response to the economic affordability of customers, post the pandemic.

22. It is further submitted in this affidavit by the respondent No.13 that the answering respondent began construction of Tower B2, which is constructed on a Podium connecting the towers A1, B1, B2, A2, B3 & A3, which had been approved by the EC granted to the answering respondent in 2016 and was also sanctioned by the PMRDA. Hence, there was no change in the building footprint on the Mother Earth and no additional impact had been created on the environment. Neither the area constructed nor the number of tenements constructed till date have exceeded than what was granted to the Project Proponent in the EC of July 2016. The change in design increased the floor space of building B2 only by 3%, above the level of Podium, which was already approved and granted to the answering respondent in the EC. However, concerning the footprint on the



TRUE COPY

earth, there was no increase. The reasons for continuing with the construction, with this minor change in design, were felt to be justified in the face of the Covid pandemic, as it involved the issue of an existing labour force of 200 persons living in the labour camp. If the construction was stopped, they would have otherwise migrated back to their villages, causing social issues that the country faced.

23. It is further submitted in this affidavit by the respondent No.13 that the project in question has been built in full conformity with the PMRDA DCR and only after receiving the required sanction. The layout was sanctioned on 05/09/2014, wherein the total land was sub-divided into subplot nos.A, B & C. Revised Layout was sanctioned on 21/11/2016 and the Google Satellite Image showed that there was no construction on-site before 20/07/2016.

24. With respect to the allegation of construction being in contravention of Sanctioned layout and the EC condition, it is submitted that the construction on-site is as per the Updated Sanctioned Layout. The revised sanction was obtained on 13/11/2019 for the additional FSI available as per the changed DC rules. Soon after that, Amendment to EC was applied in February 2020 for a total covered built-up construction area of 92,328.80 sq. mtrs. Also, Consent to Establish was granted on 24/04/2017 by the MPCB. Consent to Operate was granted on 24/03/2021. All these documents have been filed as Annexures- 7, 9 & 11 respectively.

25. It is further submitted in this affidavit by the respondent No.13 that all the conditions stipulated in the EC were taken into consideration and mitigation measures were also put in place. Existing Borewell was present on-site, which was used by the previous owner and the same was not used



TRUE COPY

Original Application No.07/2022(WZ)

Page 20 of 32

for construction. Tanker water was being used for the purpose of construction activities. The Project Proponent had obtained permission from the Irrigation Department to lift water from the river, which was further treated in a WTP (Water Treatment Plant) for domestic use. All the other requirements as per the granted EC-2016, like UGWP, STP, OWC, Solar Water Heater, etc. have been provided on-site.

26. Point-wise replies to the allegations made in the present application are contained from page nos.388 to 413 of the paper book, in which all the allegations have been refuted and it is reasserted that there is no violation committed by the Project Proponent in any manner. Therefore, it is not being considered proper to reproduce all those averments in denial for the sake of brevity.

27. From page no.414 onwards, the Joint Committee Report has been dealt with by the Project Proponent.

28. With respect to the observations made by the Joint Committee in its Report at para no.4.0(i), the same has been either agreed/accepted or it is mentioned that nothing is required to be said in that regard.

29. With respect to the observation made by the Joint Committee in its Report at para 4.0(ii) that the Project Proponent obtained first plinth check certificate dated 01/06/2017 for construction of club house, which was constructed after obtaining prior EC from SEIAA, Maharashtra dated 18/07/2016 and CTE from MPCB dated 24/04/2017. Whereas, club house has not been stipulated/mentioned in sr. no.16 (no. of buildings & its configurations) of the aforesaid EC dated 18/07/2016. However, club house has been mentioned in the layout sanctioned vide sanction plan dated 21/11/2016. In this regard, it is submitted by the respondent No.13-Project Proponent that the EC dated 18/07/2016 was approved on



TRUE COPY

the basis of the conceptual plan of 2014. Club House was also included therein and was part of the said conceptual plan, and this is also evident from the mention of the clubhouse and swimming pool at s.nos.7 & 8 of clause no.25 in the chart for the total water requirement column, although the same has also been shown in CS (Consolidated Statement) submitted by the PP in the application for EC in 2016.

30. The above-mentioned explanation appears to be justified because when at clause no.25 of the EC, there is mention made of Club House and Swimming Pool then certainly they ought to have been incorporated in the Column No.16 of the EC by the SEIAA. But it appears that the same has been omitted from being mentioned or it could be likely that the major construction works were shown and not the smaller one such as Club House, Security Cabin, Swimming Pool etc.

31. The Joint Committee in its Report at serial no.4.0 (iii) observed that the PP made an application to SEIAA, Maharashtra for amendment in existing EC dated 18/07/2016 with proposed TBA of 92,328.80 sq.m (FSI- 51,727.43 & Non FSI- 40,601.37 sq.m) on 13.02.2020 & 17.02.2020. However, grant of amended EC for the proposed expansion is pending before the SEIAA, Maharashtra. Meanwhile, the PP obtained recent/revised layout sanction vide sanctioned plan dated 02/06/2021 for TBA-65439.02 sq.m (FSI- 39829.96 sq.m & Non FSI- 25609.60 sq.m), which is observed to be more than the TBA granted to the extent of 51,587.80 sq.m in earlier EC dated 18/07/2016. Further, the PP obtained plinth check certificate dated 22/02/2022 for building A3 & B3 and also obtained completion certificate dated 28/07/2021 & 06/12/2021 for building B1 & A1, which are as per the aforesaid sanction plan dated 02/06/2021. From the above, it is observed that the PP without obtaining amended EC for the proposed expansion of project (from existing TBA of



51,587.80 sq.m to 92,328.80 sq.m) obtained the aforesaid plinth check certificate and building completion certificates. However, the total current construction area of the project as per the Architect Certificate dated 03/06/2022 is TBA: 51,122.25 sq.m (FSI-23086.46 sq.m & Non FSI-28053.79 sq.m), which is less than the granted TBA of 51,587.80 sq.m of earlier EC dated 18/07/2016.

32. With respect to the above observation made by the Joint Committee, a clarification has been submitted by the Project Proponent that the revised sanction has been obtained as per the prevailing rules. No actual construction was done exceeding the granted TBA limit of 51587.80 m<sup>2</sup>, as per 2016 EC. No change in building A1, B1 & A2 in profile, number of tenements or height of building is effected because whatever was stipulated in respect of these buildings in conceptual plan for EC, the same remained till completion of the construction. Building A3 and B3 are planned on a podium, which has been shown in the conceptual EC plan as well as building sanction plans issued by the PMRDA from 21/11/2016 to 02/06/2021. Hence plinth checking was required at podium level. No construction above the podium has been commenced. The construction is restricted to 51,122 m<sup>2</sup>, which is < 51,587.80 m<sup>2</sup> granted under 2016 EC.

33. We find that the observation made by the Joint Committee at para no.4.0(iii) above has been directly replied by the Project Proponent, which has been mentioned by us above and it is quite evident from the said explanation that there is no construction found beyond the total BUA of 51,587.80 m<sup>2</sup>, which was granted under 2016 EC because the area, which has been built up till then, was 51,122.25 sq.m, which is well within the said stipulation.



TRUE COPY

Original Application No.07/2022(WZ)

Page 23 of 32

34. The observation made by the Joint Committee in its report at para no.4.0 (iv) is that as per the various layout sanctioned plans of the project in question, it is observed that the PP has changed the building number & configurations, which are different from that of the EC granted dated 18/07/2016. However, total current construction area of the project as per the Architect Certificate dated 03/06/2022 (Annexure-4) is TBA: 51,122.25 sq.m (FSI-23086.46 sq.m & Non FSI-28053.79 sq.m), which is less than the granted TBA of 51,587.80 sq.m as per EC dated 18/07/2016.

35. With respect to our observation, it is responded by the answering respondent that both the EC of 2016 i.e. the Master layout and sanctions dated 21/11/2016 and 02/06/20201 respectively, show that there is neither change in the number of buildings nor in their locations.

36. We could not understand as to what the Joint Committee in its Report wanted to communicate at point no.4.0 (iv) in terms of the violation at the end of the Project Proponent, as it appears to be a simple observation of the situation.

37. The Joint Committee has further observed at point no.4.0(v) that the Project Proponent has not provided wastewater treatment system consisting of MBBR technology as per the s. no. 1 A of Schedule-I (i.e. terms & conditions for compliance of water pollution control) of the CTO dated 24/03/2021 and also as per s. no.30 of the EC conditions dated 18/07/2016, instead PP has provided wastewater treatment system consisting of phytoid treatment system and tertiary treatment facility consisting of pressure sand, filter, activated carbon filter & ozonation. In this regard, the Project Proponent has submitted that the current phytoid treatment system has been installed considering that there were lesser



number of occupants and hence it did not justify to install MBBR technology. On completion of the project & full occupancy, the said phytoid treatment will be converted into MBBR technology. By this, the Project Proponent has saved the excess use of electricity and power requirements to treat the low volume of sewage. It is very difficult to operate the complete capacity of instruments of the proposed MBBR with very low volume of sewage.

38. At this stage, we may mention about this observation of the Joint Committee and response of the Project Proponent that there does not appear to be any violation in regard to setting up of waste water treatment system because the technology, which has been employed by the Project Proponent, at this stage, seems to be in proportion to the local population of occupants and moreover, in the additional affidavit dated 21.02.2024 of respondent No.13, in which at internal page no.4, it is recorded that the Advocate for the MPCB during hearing on 20.02.2024 had orally informed that "constructed wetland technology" is the one that was approved by the NEERI and the Ministry of Drinking Water & Sanitation. Constructed Wetland Technology is the same as 'Phytoid Treatment System'. Therefore, we are of the view that the system, which was put in place, is now found to be good enough keeping in view the total number of occupants in the building in question and that the Project Proponent has also undertaken to convert the same when deemed necessary.

39. We find from the EC, granted on 05.01.2024 to the respondent No.13- Project Proponent, that serial no.27 of that EC pertains to Sewage and Waste and they are permitted to adopt the STP technology "Constructed Wetland". Therefore, it cannot be said that there is any violation on the part of the Project Proponent in this regard, as the PP has already set up that technology in the project in question as per its affidavit



TRUE COPY

dated 21.02.2024 and photographs of the said system, which are annexed at page nos.7 to 13 of this affidavit, are also made part of this affidavit.

40. With respect to recommendation made by the Joint Committee at Point No.6.0 (A) to the effect that in view of the violation w.r.t. PP obtaining Plinth Check Certificate dated 22/02/2022 for building A3 & B3 and obtaining Completion Certificates dated 28/07/2021 & 06/12/2021 for building B1 & A1, as per sanction plan dated 02/06/2021 for TBA of 65439.02 sq.m, which is exceeding the present TBA of 51,587.80 sq.m as per earlier EC dated 18/07/2016:- (i) action may be taken against the PP by the respective State Pollution Control Board under the provisions of Section 19 of the Environment (Protection) Act, 1986; (ii) Appraisal of the project under EIA Notification, 2006 as outlined under serial no.(iii) (as above, given at paragraph 5- appears to be of the Joint Committee Report) along-with penalty for the expansion of project i.e. 1% of project cost (attributable to the expansion activity) incurred up to the date of filing application along-with EIA/EMP Report PLUS 0.25% of the total turnover (attributable to the expanded activity/capacity) involved during the period of violation may be levied and deposited with the respective State Pollution Control Board. In this regard, the respondent No.13- Project Proponent has submitted that it is not liable for any action because the construction of the site has not exceeded 51,587.80 m<sup>2</sup>. The number of tenements is also within 492 residential flats, as per the Environmental Clearance granted on 18.07.2016. There was no change in buildings where completion had been taken from 2016 to date. Plinth Checking Certificate had been obtained only for podium level, which was sanctioned in EC granted. No further work above the podium has been initiated (Google image dated 11/08/2022 is annexed as Annexure -14). The amended EC applied for is pending with SEAC & SEIAA since 2020.



TRUE COPY

41. We are of the view that the Joint Committee Report appears to be erroneous in respect of holding the Project Proponent to have caused a violation only because TBA of 65439.02 sq.m area is being shown in the sanctioned plan dated 02/06/2021 for the total project, whereas in the EC dated 18.07.2016, the total BUA, for which sanction was given, is recorded as 51,587.80 sq.m. As per the Joint Committee Report itself, nowhere has it been stated therein that the Project Proponent exceeded construction beyond 51,587.80 sq.m. Therefore, to hold the Project Proponent accountable for any construction beyond the said limit would not be appropriate only because the sanctioned plan was of larger TBA i.e. 65439.02 sq.m. Therefore, we are satisfied with the reply submitted by the respondent No.13- Project Proponent in this regard.

42. The next point no.6.0(A)(iii), which has been observed by the Joint Committee in its report that PMRDA may examine the Architect Certificate dated 03/06/2022 including verification of current constructed total built up area (as on 03/06/2022) and deviation/changes, if any. As per the latest Layout Sanction(s) granted by the PMRDA and in case it is found that there was any deviation/changes if any, SEIAA may take necessary action as per the aforesaid SOP for identification and handling of violation cases under the EIA Notification, 2006 issued by MoEF&CC's OMs dated 07/07/2021 and 28/01/2022. In this regard, reply has been submitted by the respondent No.13- Project Proponent that PMRDA has given a letter dated 13/06/2022, the figures given therein corroborate with those given in the Architect Certificate dated 03/06/2022.

43. We do not find the PMRDA letter dated 13/06/2022 and Architect Certificate dated 03/06/2022 having been annexed with this reply affidavit for the sake of perusal. It is a bulky compilation, therefore, it was the duty



TRUE COPY

Original Application No.07/2022(WZ)

Page 27 of 32

cast upon the respondent No.13 to point out these documents by indicating pages thereof where these documents are appended.

44. At Point No.6.0(B) of the Joint Committee Report, it is observed that the PP is not providing particular type of wastewater treatment system as laid down in CTO dated 24/03/2021 and also as per serial no.30 of the EC conditions dated 18/07/2016. Therefore, MPCB may direct the PP to provide wastewater treatment system consisting of MBBR technology in compliance to the conditions of serial no. 1A of Schedule-I (i.e. terms & conditions for compliance of water pollution control) of the above consent and EC conditions. We have already dealt with this issue (*supra*), hence need not be taken again.

45. At Point No.6.0(C) of the Joint Committee Report, it is observed that the PMRDA shall ensure the compliance for installation of solar water heating panels for the remaining buildings and tree plantation as per the EC conditions before issuance of final occupancy certificates to the Project Proponent. In this regard, the respondent No.13- Project Proponent has submitted that the PP is bound to carry out these and undertakes to install solar water heating panels for the remaining buildings and tree plantation as per the EC conditions before issuance of the final occupancy certificate.

46. Rest of the issues, which are mentioned in this reply affidavit by the respondent No.13, are never raised during the argument by the learned counsel for applicant, hence we do not consider it necessary to take those facts into consideration.

47. During the argument, the learned counsel for applicant has pointed out an issue with respect to change in configuration by the Project Proponent in the building in question and has drawn our attention to page



no.23 of the main petition, regarding which we have already dealt with (*supra*). We may, however, deal with the argument, which was specifically raised by him, with respect to applicability, in the case in hand, of Office Memorandum dated 05.05.2022, which relates to clarification having been issued by the MoEF&CC with regard to non-requirement of EC amendment due to change in conceptual plan arising out of statutory requirements in building and construction sector, in which in para no.5, following is recorded:-

*"5. Accordingly, matter has been examined and it has been decided that any change in configuration/planning/design of the appraised building Project for which EC was granted shall not require amendment of EC, subject to no change in (i) Built Up Area (ii) Floor Area Ratio (FAR) (iii) change in exterior spaces green belts, parking, walkways and driveways that are covered including attics and outdoor sports courts Further there shall be no change in the designated use of the building, number of dwelling units, height of the building, number of floors & basements and total excavation of earth of the building/construction/ township/ area development project so as not to require any changes in the already approved Environmental Impact Analysis (EIA) and Environmental Management Plan (EMP)."*

48. Having drawn our attention to the above-mentioned OM, it is argued by the learned counsel for applicant that it would amount to interpretation that if there is any change in exterior spaces of the building in question, in that condition, an amendment in the EC would be required. But in the present case, despite their being changes in the exterior spaces of the building in question, the Project Proponent has not obtained any EC. Therefore, whatever changes have been made beyond the scope of original EC, they should be ordered to be demolished.

49. In this regard, we would like to mention here that we had made a query from the learned counsel for applicant, as to where is the evidence on record to show that there were any changes made by the Project Proponent in exterior spaces of the building in question, he could not show any evidence in that regard, except saying that Plinth Certificate has been



TRUE COPY

granted for construction above podium, which should be treated to be change in exterior spaces of the building in question. We are not inclined to accept this argument raised by the learned counsel for applicant.

50. We may also mention here that a Summary in tabular form has been submitted by the respondent No.13- Project Proponent in respect of the Environmental Clearance (EC) granted to the Project Proponent along-with the Consent to Establish, Consent to Operate and Occupancy Certificates from time to time, that summary, which is for the sake of identification, is marked as Annexure-"X", was provided to the learned counsel for applicant in order to verify whether the facts mentioned therein were correct or erroneous. On the date of argument, he did not show any error in these dates and details mentioned in this document. Therefore, we have taken these dates as well as information mentioned therein to be correct.

51. He tried to impress upon us that since the first EC was granted to the Project Proponent on 18.07.2016, some construction had already been made by the Project Proponent. The 2<sup>nd</sup> EC dated 09.01.2023 was also granted after the construction had happened. But when we enquired from the learned counsel for applicant as to where is the evidence to that effect, he could not show. Therefore, only because he alleged orally that there was violation in this regard, cannot be taken to be a gospel truth for want of evidence.

52. From the side of respondent Nos.8 & 9-MPCB, reply affidavit dated 17.11.2022 has been filed, wherein no violations have been found to have been committed by the Project Proponent.

53. The learned counsel for respondent Nos.8 & 9-MPCB has also apprised us that there was no gap in dates in obtaining the Consents to Establish and Consents to Operate. Therefore, no rejoinder has been filed



from their side against the reply affidavit of respondent No.13-Project Proponent. Therefore, the contents of the said affidavit are found to be correct.

54. From the side of respondent No.5- SEIAA, reply affidavit dated 25.04.2023 has been filed, wherein details of the various meetings of SEIAA and SEAC are given, where-under the EC/amended EC granted to the Project Proponent from time to time are mentioned. We do not find any lacuna to have been pointed out to be there at the end of the Project Proponent. The last amended EC, which has been granted by the SEIAA, is dated 09.01.2023, wherein total BUA is recorded as 92,328.80 m<sup>2</sup>. We are of the view that at the time of grant of this EC, the terms and conditions of all the earlier ECs must have been verified and it must have been ensured by them that all the stipulated terms and conditions would have been followed/complied with by the Project Proponent, then only EC would have been granted. Therefore, the allegations made by the applicant that there were violations of the terms and conditions of EC at the end of the Project Proponent does not appear to be a valid allegation. It appears to have been levelled lightly without collecting any proper evidence at his end.

55. From the side of respondent No.2- Central Ground Water Authority (CGWA), reply affidavit dated 20.02.2024 has been filed, wherein, in para no.9, it is mentioned that the Project Proponent has obtained NOC from them with respect to the project in question.

56. In view of above analysis made by us, we do not find any infirmity in the project in question nor did we find any non-compliances of the terms and conditions stipulated in the EC, shown from the side of the learned counsel for applicant. It may also be made clear that in four ECs, which have been granted to the respondent No.13- Project Proponent from time



TRUE COPY

to time, none of them has been challenged from the side of applicant at relevant time within the prescribed limitation period.

57. With the above directions/observations, we deem it appropriate to dispose of this application and is accordingly disposed of.

58. All pending applications, if any, also stand disposed of. No order as to cost.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

March 22, 2024  
Original Application No.07/2022(WZ)  
P.Kr



Original "Certified that this is a true and accurate copy of the document of order as in the case No (Application / Appeal No. 07/2022...) And that all the matters appearing therein have been legibly and faithfully copied with no modifications"

For Registrar (NGT)

Signature

NATIONAL GREEN TRIBUNAL

- (i) Serial No. the copy application... 24/2024
- (ii) Name of the Applicant... Adv. R.B. Mahabadi & Adv. S.S. Gore
- (iii) Date of presentation of application... 03/04/24
- (iv) No. of pages... 32
- (v) Copying fee charged/urgent/ordinary... Ordinary
- (vi) Date of preparation of copy... 03/04/24
- (vii) Date of which copy is ready... 03/04/24
- (viii) Date given for collection of copy... 03/04/24
- (ix) Date of delivery... 03/04/24

For Registrar (NGT)  
Signature

Item No.4

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

**ORIGINAL APPLICATION NO.144 OF 2017 (WZ)****Umarshad Khan & Ors.**

.... Applicants

Versus

**State of Maharashtra & Ors.**

....Respondents

**Date of Hearing : 11.04.2023****CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicants : Ms. Priyanka Ghosh, Advocate

Respondents : Mr. Aniruddha Kulkarni, Advocate for R-1 and R-8  
Mr. Girish Utangale, Advocate for R-2  
Mr. Raghvendra Kulkarni, Advocate holding brief  
for Mr. Sameer Khale, Advocate for R-3  
Mr. R.B. Mahabal, Advocate for R-7  
Mr. Rahul Garg, Advocate for MoEF&CC**ORDER**

1. From the side of the applicants, learned counsel Ms. Priyanka Ghosh has appeared and states that she has not received copy of the inspection report submitted by the MoEF&CC, which is annexed at pages 232 to 307 of the paper-book. She states that she has to verify the status of the compliances of the terms and conditions of the Environmental Clearance granted to the project proponent – respondent No.7 and submit before this Tribunal an affidavit to that effect so as to assist this Tribunal in arriving at right conclusion in regard to the violations. The learned counsel for the applicants may file objections to the said inspection report, if she wants to, **within two weeks**.

2. From the side of **respondent No.7** – Project Proponent, learned counsel **Mr. R.B. Mahabal has appeared and filed written submissions**

today, which are taken on record, submitting through it the current position of the site before this Tribunal. We direct him to serve a copy of the said written submissions to the other sides, particularly the learned counsel for the applicants, if not served so far. The learned counsel for the applicants may file rejoinder to the same, if any within two weeks.

3. The learned counsel for respondent No.7 – Project Proponent has brought to our notice through written submissions that the earlier EC which was granted to respondent No.7 on 23.01.2012, has expired on 23.01.2022, whereafter in the year 2018, they moved the SEIAA Maharashtra i.e. respondent No.8 for validity extension plus expansion of the EC, which is still pending with them for last many years on the ground that the present proceeding is pending before this Tribunal, despite having no stay. According to us, it is highly objectionable on the part of SEIAA not to process the application of respondent No.7 – Project Proponent with regard to extension and expansion of EC despite the fact that no stay has been granted by this Tribunal. We also find that no reply-affidavit has been filed from their side despite the matter being very old. We direct respondent No.8 – SEIAA to file reply-affidavit within two weeks and further direct that they shall process the application of respondent NO.7 – Project Proponent expeditiously on its own merits.

4. From the side of respondent No. 2 – Slum Rehabilitation Authority, learned counsel Mr. Girish Utangale has appeared and states that he has filed reply-affidavit dated 03.04.2023, copy of which has not been served on the applicant. We direct him to serve a copy of the reply-affidavit today itself to the applicant and the applicant may file rejoinder thereto within two weeks and no more and further direct that the copy of rejoinder shall be served on the other parties well in advance.

5. From the side of respondent No. 3 - MCGM, learned counsel Mr. Raghvendra Kulkarni has appeared today and states that he does not

want to file the reply as no relief is claimed against respondent No.3 in this matter.

6. Put up this matter for final hearing on **10.05.2023.**

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

April 11, 2023  
O.A.NO.144/2017 (WZ)  
npj

**REPORTABLE****IN THE SUPREME COURT OF INDIA****CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NOS.2407-2412 OF 2021****THE STATE OF UTTAR PRADESH  
& ORS. ETC. ETC.****...APPELLANT (S)****VERSUS****UDAY EDUCATION AND WELFARE  
TRUST AND ANR. ETC. ETC.****...RESPONDENT(S)****WITH****CIVIL APPEAL NOS. 3144-3146 OF 2022****CIVIL APPEAL NOS.3132-3134 OF 2022****CIVIL APPEAL NOS.3135-3137 OF 2022****CIVIL APPEAL NO.3138 OF 2022****CIVIL APPEAL NOS.4061-4062 OF 2022****CIVIL APPEAL NO.3141 OF 2022****CIVIL APPEAL NOS.2547-2548 OF 2020****CIVIL APPEAL NOS.3142-3143 OF 2022****CIVIL APPEAL NOS.3147-3149 OF 2022****J U D G M E N T****B.R. GAVAI, J.**

1. For the reasons stated in the applications for impleadment/intervention, the same are allowed.

**2.** This bunch of appeals challenges the order dated 18<sup>th</sup> February 2020, passed by the learned National Green Tribunal, Principal Bench, New Delhi (hereinafter referred to as “the learned NGT”) in Original Application Nos.313, 335 and 396 of 2019, thereby quashing and setting aside the notice dated 1<sup>st</sup> March 2019 issued by the State of Uttar Pradesh for establishing new wood based industries (hereinafter referred to as “WBIs”) and also setting aside all the provisional licenses given in pursuance thereof.

**3.** The appeals also challenge the orders dated 18<sup>th</sup> March 2020, 2<sup>nd</sup> December 2020, and 21<sup>st</sup> December 2020 vide which the review applications filed by the State of Uttar Pradesh and the provisional license holders have been rejected.

**4.** Civil Appeal Nos.2407-2412 of 2021 are filed by the State of Uttar Pradesh. The rest of the Civil Appeals are filed by the provisional license holders, who were granted licenses in pursuance of the notice dated 1<sup>st</sup> March 2019, issued by the State of Uttar Pradesh.

## **FACTUAL BACKGROUND**

5. For the sake of convenience, we will refer to the facts as found in Civil Appeal Nos. 2407-2412 of 2021 filed by the State of Uttar Pradesh.

6. There are series of orders passed by this Court and the Central Empowered Committee (hereinafter referred to as “CEC”) appointed by this Court, issuing various directions for prohibiting/regulating the felling of trees as well as the establishment of WBIs. We will refer to them extensively in the subsequent paragraphs.

7. In pursuance of the order passed by this Court dated 5<sup>th</sup> October 2015 in Writ Petition (Civil) No.202 of 1995 (T.N. Godavarman Thirumalpad vs. Union of India), the Ministry of Environment and Forest and Climate Change (“MOEFCC” for short) issued Wood Based Industries (Establishment and Regulation) Guidelines 2016 (hereinafter referred to as “2016 Guidelines”) vide Notification No. S.O. 3456 (E) dated 11<sup>th</sup> November 2016.

8. Subsequent to the 2016 Guidelines, timber assessment for Trees Outside Forest (“TOF” for short) in the State of Uttar Pradesh for WBIs was done for the period between February 2017 and December 2017 by the Forest Survey of India (“FSI” for short). The FSI thereafter submitted its report, which contains district wise, species wise and diameter class wise number of stems (trees), volume and annual potential production of timber from TOF in rural areas of all the districts of the State.

9. In pursuance of the 2016 Guidelines, the matter was placed before the State Level Committee (“SLC” for short) for grant of licenses to various WBIs. The SLC in its meeting held on 4<sup>th</sup> May 2018, considered the matter about the grant of licenses to various WBIs after taking into consideration the availability of wood in the State of Uttar Pradesh for determining the amount of timber available for new WBIs. In the said meeting, it was also decided that, in order to determine the correct number of new licenses to be issued to WBIs under different categories against the timber

available in the State, a reassessment may be done by the Indian Plywood Industries Research and Training Institute (“IPIRTI” for short).

**10.** In the meeting of the SLC, held on 7<sup>th</sup> September 2018, since it was found that the capacity of plywood units is taken as fixed by the 2016 Guidelines, which, in turn, was based on the assessment of IPIRTI, a decision was taken that there was no need for the fresh assessment of the capacity by IPIRTI.

**11.** In pursuance of the aforesaid decision, E-lottery was held on 12<sup>th</sup> December 2018 for grant of licenses to various WBIs for the establishment of WBIs in 8 categories. Between 12<sup>th</sup> December 2018 and 31<sup>st</sup> December 2018, online letters of offer were issued to 1348 successful applicants. Subsequently, in the months of February and March 2019, provisional licenses were issued to 1215 successful applicants in the 8 categories to set up their WBIs. Subsequent thereto, on 1<sup>st</sup> March 2019, a notice was

issued by the Government of Uttar Pradesh communicating the grant of provisional licenses to the newly selected WBIs.

**12.** Being aggrieved thereby, Original Application No. 313 of 2019 came to be filed by Uday Education and Welfare Trust before the learned NGT in March 2019. Vide order dated 28<sup>th</sup> March 2019, the learned NGT directed the State Government to submit a report from the Joint Committee comprising of the representative of Principal Secretary (Forest), U.P. and the Principal Chief Conservator of Forest, U.P. to examine the issues.

**13.** Being aggrieved by the notice dated 1<sup>st</sup> March 2019 issued by the State Government, Original Application Nos. 335 and 396 of 2019 also came to be filed by Samvit Foundation and U.P. Timber Association respectively before the learned NGT.

**14.** In pursuance of the directions issued by the learned NGT, the Joint Committee Report came to be submitted on 3<sup>rd</sup> August 2019. Vide order dated 6<sup>th</sup> August 2019 passed in Original Application nos. 313, 335 and 396 of 2019, the

learned NGT directed the State Government to review the notice dated 1<sup>st</sup> March 2019 with regard to the establishment of new WBIs by 1350 units strictly in terms of the judgment of this Court in the case of **T.N. Godavarman vs. Union of India**. Vide order dated 1<sup>st</sup> October 2019, the learned NGT directed the status quo to be maintained.

**15.** The State of Uttar Pradesh filed an Interlocutory Application No.732 of 2019 in O.A. Nos. 313, 335 and 396 of 2019, seeking modification of the order dated 6<sup>th</sup> August 2019 and the order dated 1<sup>st</sup> October 2019. Vide order dated 18<sup>th</sup> December 2019, the learned NGT issued directions to the State Government to provide certain data. Subsequently, vide the impugned order dated 18<sup>th</sup> February 2020, the learned NGT allowed the said Original Applications and quashed and set aside the notice dated 1<sup>st</sup> March 2019 issued by the State Government for establishing new WBIs and all the provisional licenses given.

**16.** Being aggrieved thereby, Civil Appeal (Diary) No.12004 of 2020 was filed before this Court. Vide order dated 26<sup>th</sup> October 2020, this Court dismissed the said appeals as withdrawn with a liberty to file review application before the learned NGT. Vide orders dated 18<sup>th</sup> March 2020, 2<sup>nd</sup> December 2020, and 21<sup>st</sup> December 2020, the learned NGT rejected the Review Applications.

**17.** The appellants, therefore, approached this Court being aggrieved by the orders passed by the learned NGT in the Original Applications as well as in the Review Petitions.

## **SUBMISSIONS**

**18.** We have heard Shri Vikas Singh, Shri P.S. Patwalia and Mr. Rana Mukherjee, learned Senior Counsel appearing on behalf of the State of Uttar Pradesh, Shri V. Giri, Shri Syed Waseem Qadri, Shri V.K. Uniyal, Shri Vinay Navare, Shri V.K. Shukla, learned Senior Counsels, Ms. Purna Singh, and Mr. Rudraksh Gupta, learned counsels appearing on behalf of the appellants, who were granted provisional licenses. We have also heard Shri Dhruv Mehta

and Shri Brijender Chahar, learned Senior Counsels appearing on behalf of the respondent No.1.

**19.** Shri Vikas Singh, learned Senior Counsel, submitted that the decision of the State Government to establish WBIs is in accordance with the 2016 Guidelines issued by the MOEFCC. He submits that the timber requirement by 1215 new WBIs, which were issued provisional licenses is only 12.35 lakh cubic meters per year, whereas the total timber available in the State is 80.30 lakh cubic meters per year. It is, therefore, submitted that, as such, the requirement is not even 20% of the total availability of timber. Learned Senior Counsel submitted that the only authorized agency in the country to conduct a survey of the forest as well as TOF is FSI. It is submitted that the object of IPIRTI is not to conduct a survey of either forest or TOF. It is submitted that, as a matter of fact, the learned NGT itself has directed such a study to be conducted by FSI, who has already undertaken similar studies for many States like Punjab, Maharashtra and others. It is submitted that when the

survey with regard to availability of timber in the State of Uttar Pradesh was done by the very same agency, the learned NGT fell in gross error in again directing the State Government to conduct such a survey through the FSI.

**20.** It is submitted that even the MOEFCC had supported the stand taken by the State of Uttar Pradesh and, therefore, the learned NGT ought not to have interfered with the decision of the State Government.

**21.** Shri P.S. Patwalia, learned Senior Counsel also submitted that the decision of the State Government was in tune with the decision of this Court dated 18<sup>th</sup> May 2007 and 5<sup>th</sup> October 2015 passed in Writ Petition (Civil) No.202 of 1995 (***T.N. Godavarman Thirumulpad vs. Union of India***). It is submitted that when an expert body like the FSI had done an elaborate study, there was no reason for the learned NGT to have sat in appeal over the same. He further submits that though a detailed affidavit has been filed on behalf of the State of Uttar Pradesh in compliance with the order of the learned NGT dated 18<sup>th</sup> December

2019, regarding the availability of timber, the learned NGT has totally ignored the same.

**22.** Shri V. Giri, learned Senior Counsel, submits that the learned NGT erred in passing orders which have vitally affected the rights of the citizens who were granted provisional licenses. He submits that the order impugned is totally in breach of the principles of natural justice. It is submitted that, from the perusal of the record, it is clear that the State of Haryana while calculating its requirement for wood also takes into consideration the import from the State of Uttar Pradesh. It is submitted that when there is excess wood available in the State of Uttar Pradesh, there is no reason why the same should be permitted to be exported to the State of Haryana at the cost of entrepreneurs in the State of Uttar Pradesh.

**23.** Shri Vinay Navare, learned Senior Counsel, submitted that the timber used in the WBIs is from the trees which are agro-based. He submits that though the State of Uttar Pradesh had adopted an elaborate procedure right from

June 2018 till the grant of licenses, the applicants before the learned NGT had taken no steps. Shri Navare submits that only after the provisional licenses were issued and 632 out of 1215 WBIs provisional license holders had already been established and commenced operations, the applications were entertained and the orders were passed to the prejudice of the WBIs. It is submitted that Section 19(1) of the National Green Tribunal Act, 2010 (hereinafter referred to as “the NGT Act”) mandates following of the principles of natural justice. It is submitted that though the applications for impleadment were made by the WBIs, the applicants were not granted an opportunity of being heard.

**24.** Shri V.K. Uniyal, learned Senior Counsel submitted that the learned NGT had erred in using the word “allotted”. It is submitted that there is no question of allotment of timber to the WBIs and they are required to purchase the same from the open market.

**25.** Shri V.K. Shukla, learned Senior Counsel submitted that the State Government decided to grant provisional licenses for 8 different categories of WBIs. The requirement of raw material for different categories of WBIs is different. It is submitted that the learned NGT has grossly erred in considering all categories of WBIs together and setting aside the licenses granted to all of them. It is submitted that the said industries are established in pursuance of the National Agro Forestry Policy of 2014 and as such the learned NGT ought not to have interfered.

**26.** Ms. Prerna Singh, learned counsel appears for the appellants, who have been granted provisional licenses for plywood (press only) category. She submits that for plywood (press only) industries, there is no requirement of consumption of timber directly. It is submitted that initially veneer is manufactured out of round/fresh timber. Veneer then so manufactured is glued and pressed together to manufacture plywood. It is submitted that the learned NGT has considered the requirement of timber as twice the

actual requirement. She submits that in the State of Uttar Pradesh, veneer is manufactured in surplus, which is exported to the State of Haryana.

**27.** Shri Rudraksh Gupta, learned counsel, submits that the learned NGT has failed to take into consideration the report of the National Poplar Commission of India.

**28.** All the learned counsel appearing on behalf of the appellants, in unison, submit that the original applicants before the Court were not *bonafide* litigants. It is submitted that there are reasons to believe that the proceedings were initiated at the instance of either the existing WBIs in the State of Uttar Pradesh to prevent competition or they were filed at the instance of the WBIs in the State of Haryana who were importing timber from the State of Uttar Pradesh at cheaper rates.

**29.** Shri Dhruv Mehta, learned Senior Counsel appearing on behalf of the respondent No.1, on the contrary, submits that this Court has repeatedly held that the principles of sustainable development, the precautionary principle and

the polluter pays principle are to be followed consistently. He raised a preliminary objection on the ground that in view of Section 22 of the NGT Act, the scope of an appeal before this Court could be limited to that of Section 100 of the Code of Civil Procedure, 1908. It is, therefore, submitted that unless a substantial question of law is raised, the appeal could not be tenable.

**30.** Shri Dhruv Mehta submits that this Court vide order dated 12<sup>th</sup> December 1996 has specifically prohibited the felling of trees in any forest, public or private. He further relies on the report of CEC dated 15<sup>th</sup> March 2005 to buttress his submission that WBIs can be permitted only if they exclusively use timber derived from poplar and eucalyptus species or agriculture waste products. It is submitted that the said guidelines also specifically provided that if the unit is found to have used any timber other than poplar and eucalyptus whether from a legal source or otherwise, the license granted to the unit shall be liable to be cancelled. He further relies on the report of CEC dated

12<sup>th</sup> October 2006. He submits that an assessment has to be done on the basis of the district-wise survey about timber availability from the TOF category. He submits that the said report of CEC itself would reveal that the assessment of the State is much less than what was initially projected by the State Government. He submits that unless the timber availability for the new WBIs is assessed and the SLC examines and recommends its approval, it is not permissible to establish new WBIs.

**31.** Shri Mehta further submits that the report of CEC dated 18<sup>th</sup> April 2007, accepted by this Court vide its order dated 18<sup>th</sup> May 2007, would show that the availability of timber for WBIs in the State of Uttar Pradesh is only 45.70 lakh cubic meters per year. Learned Senior Counsel submits that taking into consideration the fact that presently many imported machines from China are being used, the capacity of the existing units has gone much higher and, therefore, the timber which is available in the

State of Uttar Pradesh would not be sufficient to meet the demand of the existing industries.

**32.** Shri Mehta submits that when SLC in its meeting dated 4<sup>th</sup> May 2018 had decided to get a report from IPIRTI, there was no occasion for it to review its decision in its subsequent meeting dated 7<sup>th</sup> September 2018. He submits that the Senior Officer of the Forest Department of the rank of Chief Conservator of Forest, Kanpur Division, Kanpur recommended that the report from IPIRTI should be obtained before deciding to issue the new licenses. It is submitted that the letters of the said officer dated 11<sup>th</sup> September 2019 and 20<sup>th</sup> April 2018 have been ignored by the SLC.

**33.** Shri Dhruv Mehta further submits that Annexure-I to the 2016 Guidelines is in contravention of the recommendations of CEC, which takes the requirement of timber for plywood unit as “NIL”.

**34.** The learned Senior Counsel submits that vide Notification dated 20<sup>th</sup> July 2012, the State of Uttar Pradesh

had notified 7 species of trees in the prohibited category. However, vide another Notification dated 31<sup>st</sup> October 2017, the said trees were taken out of the prohibited category. The learned NGT had set aside the said Notification of 2017 by order dated 11<sup>th</sup> September 2018. It is submitted that the said order of the learned NGT has been accepted by the State of Uttar Pradesh and a fresh notification has been issued on 7<sup>th</sup> January 2020, again bringing the said trees in the prohibited category. The learned Senior Counsel submits that while assessing the availability of timber, the trees under the said prohibited category have also been taken into consideration. He submits that if 20.75 lakh cubic meters is deducted from the availability of the timber, then the timber available in the State would be much less.

**35.** The learned Senior Counsel further submits that the survey has not been conducted for all the districts and has been conducted only for 30 districts and, therefore, the survey itself is erroneous.

36. The learned Senior Counsel further submits that FSI, while conducting the survey, has not taken into consideration the rotation period and, therefore, the survey is erroneous on the said count also. Learned Senior Counsel, in support of his submissions, relies on the judgment of this Court in the cases of **Common Cause vs. Union of India and others**<sup>1</sup>, **Mantri Techzone Private Limited vs. Forword Foundation and others**<sup>2</sup>, **Municipal Corporation of Greater Mumbai vs. Ankita Sinha and Others**<sup>3</sup> and **Pragnesh Shah vs. Dr. Arun Kumar Sharma and others**<sup>4</sup>.

37. Shri Dhruv Mehta, relying on the judgment of this Court in the case of **Ankita Sinha and Others (supra)**, submits that this Court itself has considered the learned NGT to be a special Tribunal and held that it will even have jurisdiction to take suo motu cognizance of the environmental issues. He, therefore, submits that the

---

<sup>1</sup> (2017) 9 SCC 499

<sup>2</sup> (2019) 18 SCC 494

<sup>3</sup> 2021 SCC OnLine SC 897

<sup>4</sup> 2022 SCC OnLine SC 79

arguments made on behalf of the appellants with regard to locus are without substance.

**38.** Shri Vikas Singh, learned Senior Counsel, in rejoinder, submits that the only distinction between the prohibited trees and non-prohibited trees is that the non-prohibited trees can be felled without permission, whereas prohibited trees can be felled only in certain circumstances and only after the requisite permission is granted. He submits that the perusal of the FSI survey would reveal that even after the timber requirement for 1215 new units is taken into count, the State, still, will have 26.36 lakh cubic meters in reserve. He submits that if the new WBIs are permitted, it would result in more farmers going in for agro forestry in the State, which, in turn, will increase the forest cover. It is submitted that said 1215 units are likely to give employment to around 80000 people. Learned Senior Counsel, therefore, submits that the impugned orders deserve to be quashed and set aside.

## **EARLIER ORDERS OF THIS COURT**

**39.** For appreciating the rival submissions, it will be apposite to refer to certain orders passed by this Court.

**40.** This Court in the case of ***T.N. Godavarman (supra)*** passed an order on 12<sup>th</sup> December 1996. The relevant part thereof is as under:

“6. Each State Government should within two months, file a report regarding –

- (i) the number of saw mills, veneer and plywood mills actually operating within the State, with particulars of their real ownership;
- (ii) the licenced and actual capacity of these mills for stock and sawing;
- (iii) their proximity to the nearest forest;
- (iv) their source of timber.

7. Each State Government should constitute within one month, an Expert Committee to assess:

- (i) the sustainable capacity of the forests of the State qua saw mills and timber based industry;

- (ii) The number of existing saw mills which can safely be sustained in the State;
- (iii) The optimum distance from the forest, qua that State, at which the saw mill should be located.”

**41.** Vide subsequent order dated 4<sup>th</sup> March 1997<sup>5</sup>, this Court directed thus:

“**6.** All unlicensed saw mills, veneer and plywood industries in the State of Maharashtra and the State of Uttar Pradesh are to be closed forthwith and the State Government would not remove or relax the condition for grant of permission/licence for the opening of any such saw mill, veneer and plywood industry and it shall also not grant any fresh permission/licence for this purpose. The Chief Secretary of the State will ensure strict compliance of this direction and file a compliance report within two weeks.”

**42.** Vide order dated 9<sup>th</sup> May 2002, this Court constituted CEC for monitoring of the implementation of the orders passed by this Court and for placing non-compliances of the cases before it.

---

<sup>5</sup> (1997) 3 SCC 312

**43.** Vide order dated 29<sup>th</sup> October 2002<sup>6</sup>, this Court further directed thus:

“**44.** No State or Union Territory shall permit any unlicensed sawmills, veneer, plywood industry to operate and they are directed to close all such unlicensed unit forthwith. No State Government or Union Territory will permit the opening of any sawmills, veneer or plywood industry without prior permission of the Central Empowered Committee. The Chief Secretary of each State will ensure strict compliance with this direction. There shall also be no relaxation of rules with regard to the grant of licence without previous concurrence of the Central Empowered Committee.

**45.** It shall be open to apply to this Court for relaxation and or appropriate modification or orders qua plantations or grant of licences.”

**44.** Vide order dated 1<sup>st</sup> September 2006, this Court allowed licenses to be issued to the closed sawmills, Veneer and Plywood units as per availability of timber and eligibility and seniority as per CEC recommendation.

---

<sup>6</sup> (2008) 16 SCC 337

**45.** In pursuance of the orders passed by this Court, SLC was constituted by the State of Uttar Pradesh for verification and compilation of information about closed WBIs.

**46.** The FSI conducted its assessment and assessed the annual availability of wood from TOF in the State of Uttar Pradesh at 55.61 lakh cubic meters vide report dated 3<sup>rd</sup> April 2007.

**47.** On the basis of the report of the FSI, the SLC assessed the annual availability of timber for WBIs from TOF at 53.01 lakh cubic meters. CEC further reduced the same to 43.70 lakh cubic meters. However, it added 2.00 lakh cubic meters per year as timber available from government forests, and, therefore, assessed the annual availability of timber at 45.70 lakh cubic meters.

**48.** It is to be seen that in its report itself, the CEC included 17.77 lakh cubic meters of timber from the prohibited species. This Court considered the report of CEC and passed the following order on 18<sup>th</sup> May 2007:

“The matters relate to Saw Mills, Plywood and Veneer Units.

The CEC has considered the availability of wood for the industries, which was assessed as 43.70 lakh cu. mt from trees outside forests and 02.00 lakh cu. mt from Government Forests.

It has also assessed the units into four categories.

We accept the CEC's recommendations. The Saw Mills, Plywood and Veneer Units may be permitted, on the basis of the recommendations made by the CEC. Licences may be given by the State Level Committees.

If there are any objections regarding grant of licences, the parties would be at liberty to submit their applications before the CEC for consideration.”

**49.** It could thus be seen that in 2007 itself, this Court had accepted the recommendations of the CEC wherein the CEC had computed the total availability of timber and had also taken into consideration the availability of timber from the prohibited category.

**50.** Vide order dated 29<sup>th</sup> February 2008, this court considered the issue regarding the manufacturing of Medium Density Fiber board (MDF) and Particle board in

the States of Punjab, Uttarakhand and Karnataka. While considering the same, this Court passed the following order:

“The matter relates to the manufacturing of Medium Density Fiber board (MDF) and Particle Board in the States of Punjab, Uttarakhand and Karnataka. CEC has filed its report and stated that there is a growing trend to use more and more MDF / Particle Board in place of industrial timber. The MDF/Particle Board help in reducing the pressure on natural forests. The lops and tops and small wood available from the plantations of eucalyptus, poplar, etc. raised on the non-forest can be used by MDF/Particle Board plants.”

**51.** In view of the permissions granted by this Court, the licenses were granted to the unlicensed sawmills which were closed on account of the orders passed by this Court taking into consideration the availability of timber between 2007 and 2010. However, it is to be noted that the said licenses were granted only to the units which were closed and not to the new units.

**52.** The matter again came up for consideration before this Court on 30<sup>th</sup> April 2010, when this Court passed the following order:

“(II) after meeting the requirement of the licensed wood based industry, the units permitted by this Hon'ble Court and the units whose category is yet to be finalised, the plywood/veneer units falling in category IV may be considered for grant of license to the extent of timber availability and strictly in the order of seniority, subject to the one-time payment of Rs.9 lakhs per press in respect of the veneer units and compliance of the other conditions that have been stipulated. The one-time payment of penalty will be in addition to the normal licence fee and the other charges, if any, payable to the U.P. Forest Department. As decided earlier, the above said amount should be kept in a designated interest bearing bank account and should be utilized only after the scheme in this regard is approved by this Hon'ble Court;”

**53.** It could thus be seen that this Court permitted granting of additional licenses if additional timber was found to be available.

**54.** The CEC in its meeting held on 26<sup>th</sup> May 2010 with the SLC and representatives of WBIs Associations in the State of

Uttar Pradesh, after taking into consideration the capacity of timber for Vertical Band Saw (VBS) sawmill, modified/reduced the value of capacity of timber for VBS sawmills upto 10 Horse Power from 540 to 270 cubic meters per year for the State of Uttar Pradesh in line with other States. As such, additional 9,58,230 cubic meters of timber became available for licenses from 3,549 such VBS units. In view of this position between 2010 and 2015, licenses came to be issued by the State of Uttar Pradesh to unlicensed WBIs, which were closed earlier by the order of this Court, as per the criteria recommended by the CEC and accepted by this Court.

**55.** The matter again came up for consideration before this Court on 5<sup>th</sup> October 2015 with regard to WBIs, when this Court passed the following order:

**“CATEGORY I - MATTERS RELATING TO WOOD BASED INDUSTRIES:**

We have heard Shri Harish Salve, learned *amicus curiae*, Shri Ranjit Kumar, learned Solicitor General of India, Shri K.K. Venugopal, learned senior counsel and other learned senior

counsel/counsels. Accordingly, we pass the following orders:

(i) The State Level Committees for Wood-Based Industries ("SLCs") are, subject to the compliance of the prescribed guidelines and procedure, authorized to take decisions regarding the grant of license/permission to the wood-based industries;

(ii) In each State/UT for which the SLC has so far not been constituted, the SLC under the Chairmanship of the Principal Chief Conservator of Forests with a representative of the Ministry of Environment and Forest and Climate Change ("MoEFCC") and an officer of the State Forest Department/Industries Department not below the rank of the Chief Conservator of Forests/ equivalent rank will immediately be constituted;

(iii) The MoEF is authorized to issue appropriate guidelines in conformation with the orders and directions issued by this Court and also the existing guidelines to the SLCs relating to assessment of timber availability for wood-based industries and grant of license/permission to the wood-based industries including addition of new machineries and also utilization of amounts recovered from the wood-based industries and connected matters;

(iv) Any person aggrieved by the decision taken by the SLC may file an appeal before the MoEFCC seeking appropriate relief within 60 days' time. If, for any reason, any person is aggrieved by the orders so passed in the appeal, he may prefer an appropriate petition/application/appeal before the appropriate forum/Court for grant of appropriate relief(s).

We also permit the MoEFCC to condone the delay, if any, in filing an appeal, if sufficient cause is made out by the applicant(s)/appellant(s)”

**56.** It is thus seen that vide the said order, SLCs were authorized to take decisions regarding the grant of license/permission to the WBIs. Vide the said order, it was also directed to constitute SLC under the Chairmanship of the Principal Chief Conservator of Forest with a representative of MOEFCC and an officer of the State Forest Department/Industries Department not below the rank of the Chief Conservator of Forests/equivalent rank. This Court further directed the SLCs to be constituted in each State/Union Territory for which the SLC was not yet constituted. The MOEF was also authorized to issue

appropriate guidelines in conformity with the orders and directions issued by this Court and also the existing guidelines to the SLCs relating to the assessment of timber availability for WBIs. Appeals could be filed before MOEFCC against the decision of the SLC.

## **MOEFCC GUIDELINES**

**57.** In accordance with the directions issued by this Court vide order dated 5<sup>th</sup> October 2015, the MOEFCC issued 2016 Guidelines on 11<sup>th</sup> November 2016. The 2016 Guidelines provided for the constitution of the SLC as well as the powers and functions of SLC. Under clause 4 of the 2016 Guidelines, the SLC was authorised to assess the availability of timber for wood based industrial units in the State/UT every five years. The SLC was also authorised to approve appropriate locations for setting up of wood based industrial units. It was also authorized to approve the name of wood based industrial units which may be

considered for grant of fresh license or enhancement of the existing licensed capacity.

**58.** Clause 5 of the 2016 Guidelines provides for the assessment of the availability of timber for wood based industrial units. It requires that the quantity of timber would be assessed by commissioning the study, preferably in collaboration with institutes/universities of repute, once in five years. Under clause 6 of the 2016 Guidelines, the timber requirement for various units as assessed by IPIRTI was given in Annexure I. The said Annexure I reads thus:

“The Indian Plywood Industry Research and Training Institute (IPIRTI), Bangalore an autonomous body under the Ministry of Environment, Forest and Climate Change has assessed the timber requirement per unit for peeling length of 4 feet and 8 feet size in the plywood/veneer units as 5 cu.mt and 11 cu.mt. respectively per day on an average of 8 working hours per day. By assuming that the peeling units work for 8 hours per day on an average for 300 days in a year the normal timber requirement of the peeling length of 4 feet size in veneer units is 1500 cu.mt. The total timber requirement for the

stand alone veneer units may be assessed by calculating the equivalent number of 4 feet length machines and by taking its normal installed capacity as 1500 cu.mt. per annum.

The timber requirement of a plywood unit may be taken as 'nil' on the ground that the round timber is used as timber in the veneer units only and that the plywood units are the secondary users which use the veneer as the raw material produced by the veneer units. The plywood units use presses of various sizes such as 8x4x6, 8x4x12, 8x4x15, 4x4x7, 4x4x10. A 8x4x10 capacity press can produce upto 10 plywood pieces of 8'x4' size per hour whereas a 8x4x15 capacity press can produce upto 15 plywood pieces of 8'x4' size per hour and so on. The normative installed capacity of the plywood units will accordingly depend upon the number and the type of presses. This number and type of presses installed in each of the plywood unit may be assessed and thereafter equivalent number or presses of 8x4x10 capacity may be calculated. The normative annual timber requirement for a integrated plywood unit having a 8x4x10 capacity press may be taken as 2000 cu.mt. per annum, and accordingly the total requirement of timber for the plywood units should be calculated.”

**59.** It could thus be seen that even as per the assessment of the IPIRTI, the timber requirement of a plywood unit is required to be taken as 'NIL' on the ground that the round timber is used as timber in the veneer units only and that the plywood units are the secondary users which use the veneer as raw material. It could thus be seen that the plywood units use presses of various sizes.

**60.** In pursuance of the 2016 Guidelines, the SLC was reconstituted in the State of Uttar Pradesh under the Chairmanship of Principal Chief Conservator of Forest/Head of Forest Department on 17<sup>th</sup> May 2017. Vide Notification dated 11<sup>th</sup> September 2017, the MOEFCC amended the 2016 Guidelines.

**61.** Subsequently, in accordance with the 2016 Guidelines, the SLC assessed the availability of timber for WBIs in the State of Uttar Pradesh, through the FSI. For assessing the availability of timber, the FSI conducted a survey and arrived at the annual potential production of timber from TOF in rural areas of all the districts of the State. FSI

assessed the annual potential production from TOF at 77.74 lakh cubic meters. Subsequent to the survey and assessment, the SLC in its meeting dated 4<sup>th</sup> May 2018 considered the matter for grant of license to various WBIs. The SLC decided to get the reassessment done by IPIRTI to determine the correct number of new licenses to be issued to WBIs under different categories against the available timber. However, subsequently, the SLC, in its meeting dated 7<sup>th</sup> September 2018, found that IPIRTI had not done any new study/assessment of the consumption of timber by various WBIs in any State/Union Territory. It was also found that the State of Haryana had adopted the timber consumption figures based on the CEC figures of 2007. It was therefore unanimously resolved by the SLC that there was no need for any fresh study/assessment for the consumption of timber by WBIs to be conducted by IPIRTI and to adopt the figures for WBIs as were referred to in the 2016 Guidelines. It further found that the CEC in its meeting dated 26<sup>th</sup> May 2010 had reduced the annual

consumption of timber of sawmills upto 10 Horse Power or less HP to 270 cubic meters from 540 cubic meters.

**62.** On the basis of the decision of the SLC, e-lottery was held. After following the procedure, provisional licenses were issued to 1215 successful applicants in 8 categories of WBIs in February and March 2019. After the issuance of provisional licenses, on 1<sup>st</sup> March 2019, the State Government issued a Notice with regard to grant of provisional licenses to the newly selected WBIs which came to be challenged before the learned NGT by way of filing the aforesaid Original Applications by the respondents. The learned NGT after passing various interlocutory directions finally passed the impugned order and quashed and set aside the notice dated 1<sup>st</sup> March 2019 issued by the State Government and provisional licenses given in pursuance thereof. As such we are required to examine the correctness of the decision of the learned NGT.

## **CONSIDERATIONS**

**63.** The learned NGT while passing the impugned order has set aside the notice of the State of Uttar Pradesh on the following grounds:

- (1) that the WBIs can be allowed to operate only after ensuring timber and raw material availability to sustain such industries and this has to be determined in actual terms and not on mere assumptions;
- (2) that it is difficult to accept the stand of the State of Uttar Pradesh that there was availability of timber/raw material to sustain the new WBIs;
- (3) that it is the stand of the State of Uttar Pradesh that the total potential availability of timber per year in the State of Uttar Pradesh is 80.30 lakh cubic meters, which includes 2.56 lakh cubic meters from the Government forests and 77.74 lakh cubic meters from TOF. Out of 80.30 lakh cubic meters, 71.8 lakh cubic meters were stated to be available from 22 species and 8.50 lakh

cubic meters from the other species. Out of 22 species, there are 10 species that are prohibited from felling and as such, 20.75 lakh cubic meters from these 10 species are liable to be excluded;

- (4) that the major contribution is from Eucalyptus (28 lakh cubic meters) and Poplar species (15 lakh cubic meters), a total of which is 43 lakh cubic meters. Thus, the figure is not actual but presumptive;
- (5) that the standard error percentage adopted by the FSI is not correct and is much higher;
- (6) that the total availability of timber for consumption including that from the government forests would not be more than 40-45 lakh cubic meters per year;
- (7) that the potential availability of 77.74 lakh cubic meters from TOF as given in the affidavit has been overestimated.

**64.** It is to be noted that after this Court allowed the licenses to be issued to the closed sawmills vide order dated 1<sup>st</sup> September 2006, the SLCs were constituted. The permissions were to be granted on the recommendations of the CEC. Vide order dated 18<sup>th</sup> May 2007, this Court had also accepted the recommendation of the CEC. Vide another order dated 30<sup>th</sup> April 2010, this Court permitted additional licenses to be granted if additional timber was available. Accordingly, licenses were granted between 2010 and 2015. Vide subsequent order dated 5<sup>th</sup> October 2015, this Court allowed the grant of license/permission to unlicensed WBIs in the country. This Court had directed the reconstitution of the SLCs for WBIs. In pursuance of the directions issued by this Court, the 2016 Guidelines were issued by the MOEFCC. As per the 2016 Guidelines, the SLC was reconstituted in the State of Uttar Pradesh on 17<sup>th</sup> May 2017.

**65.** One of the duties which was cast upon the SLC was to assess the availability of timber for wood based industrial

units in the State. The SLC was to assess the availability of timber by commissioning studies, preferably in collaboration with institutes/universities of repute, once in five years. In accordance with the 2016 Guidelines, the FSI conducted the survey and submitted its report in March 2018. It will be relevant to refer to the relevant part of the Foreword of the said report of the FSI.

“In the recent past, a number of requests were received for establishment of wood based industries in the state for which the raw material would come from outside the forest areas. Since accurate assessment of TOF is needed for effective planning & management, Uttar Pradesh Forest Department requested FSI to make Agro-Climatic zone wise assessment on the basis of inventory already done during its regular course of inventory conducted in the State. As per the final report, the total stems as estimated from the study is 299.43 million with a volume of 79.40 m. cum. The total yield in the Uttar Pradesh is estimated 7.8 million cum.

The report gives an assessment of the growing stock existing outside state forest reserves. The report has also indicated district-wise, species-wise and girth class-wise number of stems and

volume in each Agro-Climatic Zone wise of inventoried districts. I am confident that this report would provide useful data for arriving at informed policy and programme interventions to give a fillip to forestry sector in the state besides providing benchmark data for tree crop in non-forest area.”

**66.** After conducting the survey, the FSI has come to a finding that the State of Uttar Pradesh had an annual potential production of 77,74,521 cubic meters of timber. For conducting the survey, the FSI acquired satellite data for the inventoried districts of Uttar Pradesh State from National Remote Sensing Centre, Hyderabad. The entire gambit of scientific methodology was applied. The data processing was carried out independently for all the inventoried districts of Uttar Pradesh. It will be relevant to refer to the following part of the report of the FSI:

“The data processing was carried out independently for all the inventoried districts of Uttar Pradesh. Estimates of stems per ha and volume per ha were generated according to species and diameter class for block, linear and scattered stratum under each district.

Estimated stems and their volumes were generated according to species and diameter class by aggregating stem per hectare and volume per hectare over the entire Rural CNF Area of each stratum for each district by combining the estimated stems and volumes under block, linear and scattered stratum. By aggregating the estimates of stems and volume of all the three strata, the estimates of stems and volumes according to species and diameter class has been prepared for Rural area separately.”

**67.** The FSI had also divided the State of Uttar Pradesh into 9 Agro-climatic zones to generate the estimate of growing stock and annual potential production. District-wise production was estimated before concluding that 77,74,521 cubic meters of timber was the annual potential production. The contention of the respondents that the rotation method was not applied is totally incorrect. It will be relevant to refer to paragraph 5.4 of the said report, which reads thus:

**“5.4 Estimates of Annual Potential Production of Wood from TOF (Rural)**

Yield of a forest depends on several factors such as its structure, growth, density, productive capacity of site etc. The estimate of yield been generated for rural area using growing stock estimates. The Uttar Pradesh Forest Department was supplied the complete list of tree species which were found in the survey. The Uttar Pradesh Forest Department was asked to indicate tree species being used as 'timber' and 'non timber' and rotation period of specified timber species. ***The Uttar Pradesh Forest Department informed that they do not have rotation period of all species and requested Forest Survey of India to use their rotation period used for estimation of annual potential production of wood.*** The species are arranged into two groups; one containing the species having timber values and another containing rest by agro-climatic zone wise. The yield has been calculated using Von Mentel formula as given below:

$$\text{Yield} = 2\text{GS}/\text{R}$$

Where GS: Growing Stock

R: rotation period

Using the information of timber value, growing stock and rotation period in the above mentioned formulae species wise yield were calculated. The Agro-Climatic Zone wise yield has been given in Annexure-11.”

[emphasis supplied]

**68.** The standard error was also determined by applying the appropriate scientific method.

**69.** The FSI, hence, considered various aspects before concluding and submitting its 101 page report.

**70.** It could thus be seen that the estimation as arrived at by the FSI was by applying a proper and adequate scientific method.

**71.** However, it is surprising that the learned NGT has brushed aside such a scientific exercise by merely observing that the figures arrived at were by estimation and not realistic.

**72.** The FSI has published a paper on “Trees Outside Forest Resources in India”. The contributors to the said paper are (1) Dr. Subhash Ashutosh, DG, FSI; (2) Prakash Lakhchaura, DDG, FI, (3) Kamal Pandey, DD, FI; (4) Dr. Sourav Ghose, Proj. Scientist D; (5) Sushila Tripathi; and (6) H.K. Tripathi. The paper shows that the timber and panel products of TOF origin have emerged as the major

alternative to timber from forests and thus TOF have significantly obviated pressure from forests. The report shows that, the extent of TOF in the country has been assessed at 29.38 m hectare, which is around 8.94% of the total geographical area of the country. The report further shows that based on the recommendations of the National Commission on Agriculture (NCA, 1976), the Government of India launched a social forestry program in the late seventies on a large scale. The paper further shows that, these days satellite data in a wide range of spectral, spatial, radiometric and temporal resolutions are available from various Remote Sensing Agencies of several countries. It further shows that there has been a rapid advancement in the development of digital image processing software. It, therefore, observes that the desired mapping of natural resources with reasonable accuracy is possible. The report refers to the methodology of assessment of TOF in different countries of the world and refers to various authorities. It refers to different types of methodologies used for different

periods; the first one being from 1991 to 2001; the second period being from 2001 to 2016; and the third period being from 2016 onwards. The report shows that the State of Maharashtra has the highest potential annual yield of timber in India followed by the States of Uttar Pradesh and Karnataka.

**73.** It will be relevant to refer to the conclusion of the said paper, which is as follows:

## **“5. Conclusion**

TOF play a significant role in the socio-economic lives of people both in rural and urban areas of the country by enriching the people and society at large economically as well as ecologically. The management of TOF assumes high significance in the country for realizing much higher potential which it offers in generating wood based economy and ecosystem services including carbon sequestration. Periodic assessment of TOF resources including its spatial distribution is prerequisite for its scientific management in the country. FSI is mandated with this task however there is need for continuous improvement in the methodology and inclusion of more number of variables in the assessment. The organization will have to be further strengthened

particularly in terms of man power, to address the emerging information needs on TOF. There has been regular refinement in methodologies in the last three decades to quantify TOF resources using various statistical designs and estimates with better precision. The advancement of technologies in the field of remote sensing, satellite image processing and availability of high resolution satellite data made the methodology much precise and easier. The progression of science may further refine the existing method of TOF assessment in near future.

TOF also act as an important source for timber and fuel wood to meet the demands of fast growing population of the country. There is a need to put focus on increasing the growing stock per hectare or yield of TOF by better management and planning. There is also a need for a separate policy on TOF to ensure its expansion and sustainable management for multiple ecological benefits, timber production, carbon sequestration and for obviating pressure from the natural forests.

Occupying nearly 9% of the geographical area of the country, TOF are significant natural, renewable resource which make vital contribution to the agro-ecology, socio-economy of the rural areas, environmental amelioration in the urban areas and feed wood based industries with the raw material and thus generate significant employment. TOF form a

nearly 38% of the carbon sink in forest & tree cover of the country. TOF offers the path for achieving the national policy goal of 33% of forest & tree cover in the country. Through expansion of TOF, particularly in agro-forestry and on culturable waste lands, India can substantially increase its carbon sink to achieve its international commitments of NDC and LDN by 2030.”

**74.** It could thus be seen that the FSI has also emphasized the need of promoting TOF. It has been observed that TOF are significant natural, renewable resources which make vital contributions to the agro-ecology, socio-economy of the rural area, and environmental amelioration in the urban area and feed WBIs with raw material and thus generate significant employment.

**75.** It is our considered view that, when the estimation was done by the FSI by applying the scientific method and had arrived at the conclusion based on satellite data, such a report could not have been brushed aside by the learned NGT lightly.

**76.** Insofar as the finding of the learned NGT that the survey also takes into consideration the prohibited trees,

the felling of which is not permissible, it will be relevant to note that the Notification dated 7<sup>th</sup> January 2020 issued by the Government of Uttar Pradesh provides that the prohibited trees shall not be felled till 31<sup>st</sup> December 2025 except under unavoidable circumstances, such as when a tree is dead or dying or it constitutes a danger to persons or property, or its felling is necessary for executing development work approved by the Government, or if the fruit bearing capacity of such tree has declined substantially. Such trees cannot be felled unless permission to fell such tree has been obtained in writing from the competent authority. The tree owners are also required to maintain 10 trees in place of each tree felled. It is thus clear that there is no absolute prohibition for felling the trees which are in the prohibited category. However, the same can be done only in exceptional circumstances.

**77.** It is to be noted that the prohibited trees also include trees like Mango, Jamun, etc. which are fruit bearing trees. After a particular number of years, the fruit bearing

capacity of such trees drastically reduces and as such, the farmers normally fell such trees and go in for replantation of the orchard. Apart from that, it is to be noted that the CEC itself approved the availability of timber for the State of Uttar Pradesh in its report dated 19<sup>th</sup> April 2007, which included 17.77 lakh cubic meters of prohibited trees. The said report of the CEC was approved by this Court vide its order dated 18<sup>th</sup> May 2007.

**78.** It is further to be noted that in pursuance of the order of the learned NGT dated 28<sup>th</sup> March 2019, a Committee of Experts [Joint Committee comprising of representative of Principal Secretary (Forest), U.P. and Principal Chief Conservator of Forest, U.P.] had submitted its report on 3<sup>rd</sup> August 2019. Not only this, but in pursuance of the directions issued by the learned NGT on 18<sup>th</sup> December 2019, another detailed affidavit was filed on behalf of the State Government on 21<sup>st</sup> January 2020, giving therein the details about the availability of timber. It was specifically stated in the said affidavit that eucalyptus and poplar are

the main species of TOF and 80% of the wood is derived therefrom. It was further pointed out that the farmers in the State of Uttar Pradesh were not getting remunerative prices and are forced to sell their produce at a very cheap rate mainly to middlemen. It was also pointed out that there would be an expected investment of about Rs.3000 crore in the State with the establishment of new WBIs. The same would employ more than 80000 people, mostly in the rural areas of the State. However, all these factors have been ignored by the learned NGT.

**79.** As such, the learned NGT has grossly erred in deducting the availability of timber from the prohibited trees. By now, it is more than settled that the Courts should not enter into an area that is the domain of the experts. FSI, which is undisputedly an expert body, had arrived at its estimation based on the scientific method. The learned NGT could not have sat in appeal over the opinion of the expert.

**80.** It is relevant to note that MOEFCC, in pursuance of the directions issued by the learned NGT had filed its opinion on 18<sup>th</sup> December 2019. It will be relevant to refer to paragraph 8 of the said opinion.

“8. That based on the examination of available documents in light of the provisions of the Wood Based Industries (Establishment and Regulation) Rules, 2016, MoEFCC is of the opinion that the State of U.P. has followed the Wood Based Industries (Establishment and Regulation) Guidelines, 2016 (as amended in 2017) issued by MoEFCC. The availability of wood in the State has also been assessed by the SLC through FSI. The Ministry is, therefore, of the view that the SLC may approve setting up of new industries in the State if it is satisfied that sufficient timber is available legally to run the new wood based industries.”

**81.** The learned NGT has failed to take into consideration the stand of the MOEFCC, which also supported the stand of the State that sufficient timber was available legally to run the new WBIs.

**82.** Insofar as the contention of the learned counsel for the respondents that, though in the meeting of the SLC dated 4<sup>th</sup> May 2018, it was decided to get the assessment done by IPIRTI, the SLC in its meeting dated 7<sup>th</sup> September 2018 did a volte-face and decided not to get the assessment done from IPIRTI, the perusal of the minutes of the meeting of the SLC dated 7<sup>th</sup> September 2018 would reveal that it was found that the IPIRTI had not done any new study/assessment of the consumption of timber by various WBIs in any State/Union Territory. It was noticed that, as per the report of the FSI, the TOF available was 77,74,522 cubic meters. Adding the timber available in the forest area of 2,57,273 cubic meters, the total quantity of availability of timber was 80,31,795 cubic meters. It is to be noted that the SLC had taken note of the letter dated 29<sup>th</sup> August 2018 issued by the Director, IPIRTI, where he had communicated that no assessment pertaining to the annual consumption of timber by Veneer and Plywood Industries was undertaken by the IPIRTI during the last two years in any State of the

country. It was found that the 2016 Guidelines itself provided for annual consumption of timber based on the report of IPIRTI. In this premise, it was found that there was no need to conduct a fresh study/assessment for the consumption of timber by WBIs by IPIRTI. It was decided to accept the figures as provided in the 2016 Guidelines.

**83.** It can thus be seen that the decision of the SLC for not getting the assessment done by the IPIRTI is based on sound reasons. When the 2016 Guidelines itself provided for the consumption of timber by WBIs based on the report of the IPIRTI, there was no purpose to again get the assessment done by IPIRTI. The scope of judicial review has been succinctly explained by this court in the case of ***Tata Cellular vs. Union of India***<sup>7</sup>, which has been consistently followed in a catena of cases. This Court, in the said case, observed thus:

**“77.** The duty of the court is to confine itself to the question of legality. Its concern should be:

---

<sup>7</sup> (1994) 6 SCC 651

1. Whether a decision-making authority exceeded its powers?
2. Committed an error of law,
3. committed a breach of the rules of natural justice,
4. reached a decision which no reasonable tribunal would have reached or,
5. abused its powers.

Therefore, it is not for the court to determine whether a particular policy or particular decision taken in the fulfilment of that policy is fair. It is only concerned with the manner in which those decisions have been taken. The extent of the duty to act fairly will vary from case to case. Shortly put, the grounds upon which an administrative action is subject to control by judicial review can be classified as under:

- (i) Illegality : This means the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it.
- (ii) Irrationality, namely, Wednesbury unreasonableness.
- (iii) Procedural impropriety.

The above are only the broad grounds but it does not rule out addition of further grounds in course of time. As a matter of fact, in *R. v. Secretary of State for the Home Department, ex Brind* [(1991) 1 AC 696] , Lord Diplock refers specifically to one development, namely, the possible recognition of the principle of proportionality. In all these

cases the test to be adopted is that the court should, “consider whether something has gone wrong of a nature and degree which requires its intervention”.

**84.** Applying the aforesaid principle to the present case, it cannot be said that the decision-making process has been vitiated either on account of illegality, irrationality or procedural impropriety.

**85.** With regard to the contention of Shri Dhruv Mehta, learned Senior Counsel, that Annexure I to the 2016 Guidelines providing the timber requirement of a plywood unit to be taken as “NIL” is contrary to the CEC recommendations is concerned, we do not find any substance in the said submission. Firstly, 2016 Guidelines have been issued by the MOEFCC in pursuance of the directions issued by this Court dated 5<sup>th</sup> October 2015. In any case, the raw material for plywood industries is ‘Veneer’ and the raw material for veneer is ‘timber’. We find substance in the contention of the appellants that, if timber is to be considered again as a raw material for plywood,

then it will amount to showing the consumption of the same timber more than once, which is, in fact, not consumed. It is not in dispute that veneer is a raw material for plywood, which is derived from timber. The same timber is used for deriving veneer and such veneer, which is used for manufacturing plywood, cannot be counted twice. In any case, as long as the 2016 Guidelines which are issued in pursuance of the directions issued by this Court are not set aside, the contention in that regard is without substance.

**86.** That leads us to consider the contention of the respondents that this Court has repeatedly emphasized the principles of sustainable development, the precautionary principle and the polluter pays principle. No doubt that the protection of the environment is of utmost importance. It is the duty of this generation to protect the environment for future generations.

## **CONCLUSION**

**87.** It cannot be disputed that Section 20 of the NGT Act itself directs the learned Tribunal to apply the principles of

sustainable development, the precautionary principle and the polluter pays principle. Undisputedly, it is the duty of the State as well as its citizens to safeguard the forest of the country. The resources of the present are to be preserved for the future generations. However, one principle cannot be applied in isolation of the other.

**88.** It is necessary that, while protecting the environment, the need for sustainable development has also to be taken into consideration and a proper balance between the two has to be struck.

**89.** A body having expertise in the field, i.e. the FSI, upon a scientific study, has concluded that there is sufficient timber available in the State of Uttar Pradesh. Not only that, but the respondents themselves have placed on record a project report on “Study to know the percentage and value of the raw material sourced through U.P. Forests by Plywood and Khair (Kattha) Industries in U.P.”. The said report is prepared by RAK Management Consultants on the instructions of the Department of Planning, Economic and

Statistics Division, Government of Uttar Pradesh. The said report itself shows that the consultants, during the field survey, observed resentment among the plywood manufacturers against the process of issuing new licenses to the WBIs by the State Government.

**90.** The report further goes on to show that on average 1500-1700 trucks/tractor trollies of the eucalyptus and popular wood from all over Haryana, Punjab, Himachal Pradesh and Uttar Pradesh go to Yamuna Nagar, Haryana daily. Out of the said trucks/trollies, approximately 300-350 tractor trollies and some other small vehicles per day come from Uttar Pradesh. The report shows that approximately 5 to 6 lakh metric tons of timber per year is exported to Yamuna Nagar. The said material belongs to the western districts of Uttar Pradesh, i.e. Muzaffarnagar, Saharanpur, Shamli, Baghpat and Meerut. It is stated that there is no sufficient market for this produce in the said area. The report further finds that the western districts of Uttar Pradesh, i.e. Meerut, Muzaffarnagar, Saharanpur,

Baghpat and Shamli, etc. do not have sufficient number of plywood and veneer units and as such, they are not sufficient for the entire farmers' produce available in the said area. The report itself shows that the western districts need around 80-85 plywood and veneer units. The report goes on further to show that there is dissatisfaction among the already existing industrialists about the assessment made by the FSI.

**91.** It is further to be noted that the State has specifically pointed out before the learned NGT that on the establishment of WBIs, an investment of about Rs.3000 crore was likely to be attracted in the State; employment opportunities to over 80000 people will be available and the farmers of the State would get a more remunerative price. This would result in more impetus for large-scale plantation and agro-forestry. The State also emphasized that this will reduce dependence on traditional/cash crops and also reduce migration of people to urban areas. It is also emphasized that if the new WBIs are permitted, it will

reduce the import of WBIs produce. However, all these aspects have not been taken into consideration by the learned NGT.

**92.** It will be relevant to note that the Forest Research Institute, Dehradun, Uttarakhand has published 'Country Report of Poplars and Willows Period : 2012-2015'. The report states that the timber from poplar and willow is the backbone of vibrant plywood, board, match, paper and sports goods industries. The report further states that in tune with Indian Agroforestry Policy 2014, the plantation of poplar has been promoted. It further states that the Planning Commission of India has given special grants to certain States for the diversification of agriculture where farmers are advised to move away from paddy cultivation to sustain agricultural production. Poplar and eucalyptus are among the few trees promoted under this diversification plan. The report states that Poplar plays a significant role in rural development by generating employment for many categories of skilled, semi-skilled and unskilled workers.

**93.** The paper on “Trees Outside Forest Resources in India” published by the FSI, cited supra, also emphasizes that TOF are significant natural, renewable resources which make vital contributions to the agro-ecology, socio-economic improvement of the rural areas, environmental amelioration in the urban areas and feed WBIs with raw material and thus generate significant employment. TOF form nearly 38% of the carbon sink in the forest and tree cover of the country. It states that TOF offers the path for achieving the national policy goal of 33% of forest and tree cover in the country. It states that through the expansion of TOF, particularly in agro-forestry and on culturable waste lands, India can substantially increase its carbon sink to achieve its international commitments of NDC and LDN by 2030.

**94.** As already discussed herein above, the majority of TOF is from two species, i.e. Poplar and Eucalyptus. These trees are fast growing. If a market is available for the said trees, there will be impetus to the farmers for large scale plantations. The rotation in these species is quite fast. This

will, in turn, increase the green coverage. We are of the considered view that the learned NGT has taken a lopsided view. It has failed to take into consideration the concerns expressed by the State. The learned NGT has committed patent error in ignoring the expert's report and sitting in appeal over the same. The learned NGT has also failed to take into consideration the stand taken by the MOEFCC, which supported the stand of the State. As already discussed herein above, the State had emphasized many advantages of granting new licenses to WBIs. It was also emphasized that the timber from the State of Uttar Pradesh was being exported to the State of Haryana. However, none of these aspects have been considered by the learned NGT. We are, therefore, of the considered view that the impugned orders of the learned NGT are not sustainable in law.

**95.** There is another reason, in our view, why the order of the learned NGT would not be sustainable. Though, on the date on which the review applications were rejected, 1215 provisional licenses were already granted and 633 units had

already been established and commenced production, the learned NGT has passed the impugned order which adversely affects their interest. Either some of such industries ought to have been impleaded in their representative capacity or a public notice should have been given so that such license holders could have represented their case. However, the said contention is lightly brushed aside by the learned NGT by holding that, since the issue is related to the general decision of the State which is applicable uniformly to all the proposed provisional licensees, it is not necessary to consider the issue raised in the impleadment applications. It is more than a settled law that the principles of natural justice are required to be followed even in administrative actions when such actions adversely affect the rights of the citizens. When the learned NGT exercised its judicial powers, it could not have ignored the principles of natural justice, which, even under Section 19(1) of the NGT Act, it is bound to follow.

**96.** Another aspect that needs consideration is that a serious issue was raised before the learned NGT by the appellants herein with regard to the credentials and *bonafides* of the original applicants.

**97.** When the matter was heard by us, we too made pertinent queries to Shri Mehta and Shri Chahar with regard to the credentials of the applicants before the learned NGT. One applicant is Uday Education and Welfare Trust; the second applicant is Samvit Foundation and the third applicant is U.P. Timber Association. Undisputedly, the U.P. Timber Association was a litigant interested in the litigation. However, insofar as the other original applicants, i.e. Uday Education and Welfare Trust and Samvit Foundation, for whom Shri Dhruv Mehta and Shri Brijender Chahar, learned Senior Counsel are appearing, specific queries with regard to the activities undertaken by the said original applicants were made as to whether they were involved in any activity with regard to the protection of the environment; had they at least been engaged in promoting

plantation; what were the aims and objectives of the said original applicants; and what are the sources of funding, etc. Shri Mehta and Shri Chahar, learned Senior counsel, fairly submitted that apart from the fact that they (original applicants) had previously filed some public interest litigations wherein orders were passed in their favour, they had no other information.

**98.** Shri Dhruv Mehta, learned Senior Counsel has rightly relied on the judgment of this Court in the case of **Ankita Sinha and Others (supra)** to submit that the learned NGT is empowered to take suo motu cognizance. This Court has held that, taking into consideration the nature of functions of the learned NGT, it cannot be equated with other Tribunals and in environmental matters, it will also have a power to take *suo motu* cognizance. However, when the credentials and *bonafides* of a litigant approaching the learned NGT are seriously raised, the same cannot be ignored.

99. We find that before a litigant is permitted to knock the doors of justice and seek orders which have far reaching effects of affecting the employment of thousands of persons, stopping investment in the State, prejudicing the interests of the farmers; the credentials and *bonafides* of the applicants must be tested. In the present case, there is scope to infer that the litigation could be at the behest of the existing WBIs who wanted to avoid competition and continue to get raw material at a cheaper rate. There is also scope to infer that it could be at the behest of the WBIs in the adjoining Yamuna Nagar district of Haryana where lakhs of tons of timber is exported from the State of Uttar Pradesh. There is scope to infer that it could be in the interest of middlemen who are engaged in exporting timber from Uttar Pradesh to Haryana. We would, therefore, only request the learned NGT that, when credentials and *bonafides* of such litigants are seriously raised and when entertaining the grievance of such litigants, which is likely

to adversely affect the rights of many, it should ensure the *bonafides* and credentials of such litigants.

**100.** Though we are allowing the appeals, setting aside the orders of the learned NGT, and upholding the action of the State Government in granting licenses, we would like to remind the State and its authorities that it is their duty to protect the environment. The State and its authorities should ensure that necessary steps are taken for arresting the problem of declining forest and tree cover. The State and its authorities should make meaningful and concerted efforts to ensure that the green cover in the State of Uttar Pradesh is not reduced and to ensure that it increases.

**101.** The conservation of forest plays a vital role in maintaining the ecology. It acts as processors of the water cycle and soil and also as providers of livelihoods. As such, preservation and sustainable management of forests deserve to be given due importance in formulation of policies by the State. In this regard, it will be apposite to refer to certain earlier pronouncements of this Court.

(a) In the case of ***Samatha vs. State of A.P. and Ors.***<sup>8</sup>, a three-Judge Bench of this Court after referring to the earlier judgment in the case of ***State of H.P. and others vs. Ganesh Wood Products and others***<sup>9</sup> observed that, even while considering the grant of renewal of mining leases, the provisions of the Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986 would apply. This Court held that the MOEF and all the States have a duty to prevent mining operations affecting forests. It further observed that, whether mining operations are carried on within the reserved forest or other forest area, it is their duty to ensure that the industry or enterprise does not denude the forest to become a menace to human existence nor a source to destroy flora and fauna and biodiversity. It has further been held that if it becomes inevitable to disturb the existence of forests, there is a concomitant duty upon the State to

---

<sup>8</sup> AIR 1997 SC 3297 = (1997) 8 SCC 191

<sup>9</sup> (1995) 6 SCC 363

reforest and restore the green cover and to ensure adequate measures to promote, protect and improve both man-made and natural environment, flora and fauna as well as biodiversity. It further held that there can be no distinction between government forests and private forests in the matter of forest wealth of the nation and in the matter of environment and ecology.

(b) In the case of ***Essar Oil Ltd. vs. Halar Utkarsh Samiti and others***<sup>10</sup>, this Court discussed the need for a balance between the economic and social needs and development on the one hand and environment considerations on the other. It was observed that laws on environment should be to create harmony between the two since neither one can be sacrificed at the altar of the other. In this regard, the observations of this Court in the case of ***Indian Council for Enviro-Legal***

---

<sup>10</sup> (2004) 2 SCC 392

***Action vs. Union of India and others***<sup>11</sup> were quoted as under:

“While economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment.”

(c) In the case of ***Maharashtra Land Development Corporation and others vs. State of Maharashtra and another***<sup>12</sup> reference was made to ***Glanrock Estate Private Limited vs. State of Tamil Nadu***<sup>13</sup> wherein it was observed as under:

“27. .... Forests in India are an important part of the environment. They constitute [a] national asset. In various judgments of this Court delivered by the Forest Bench of this Court in *T.N. Godavarman*

---

<sup>11</sup> (1996) 5 SCC 281

<sup>12</sup> (2011) 15 SCC 616

<sup>13</sup> (2010) 10 SCC 96

*Thirumulpad v. Union of India* (Writ Petition No. 202 of 1995), it has been held that ‘intergenerational equity’ is part of Article 21 of the Constitution.

28. What is intergenerational equity? The present generation is answerable to the next generation by giving to the next generation a good environment. We are answerable to the next generation and if deforestation takes place rampantly then intergenerational equity would stand violated.

29. The doctrine of sustainable development also forms part of Article 21 of the Constitution. The ‘precautionary principle’ and the ‘polluter pays principle’ flow from the core value in Article 21.

30. The important point to be noted is that in this case we are concerned with vesting of forests in the State. When we talk about intergenerational equity and sustainable development, we are elevating an ordinary principle of equality to the level of overarching principle.”

(d) Of course, one cannot ignore one of the several dicta of this Court in ***T.N. Godavarman***

***Thirumulkpad vs. Union of India and others***<sup>14</sup>

wherein this Court enunciated the definition of “forest” in the following words:

“4. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word “forest” must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term “forest land”, occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof...”

---

<sup>14</sup> AIR 1997 SC 1228

**102.** Though we find that for the sustainable development of the State and on account of the availability of the timber, sanction of granting licenses can be permitted to continue, however, as a responsible State, it needs to ensure that environmental concerns are duly attended to. We, therefore, direct the State Government to ensure that while granting permission for felling trees of the prohibited species, it should strictly ensure that the permission is granted only when the conditions specified in the Notification dated 7<sup>th</sup> January 2020 are satisfied. The State Government shall also ensure that when such permissions are granted to the applicants, the applicants scrupulously follow the mandate in the said notification of planting 10 trees against 1 and maintaining them for five years.

**103.** In the result, the appeals are allowed. The impugned orders passed by the learned National Green Tribunal, Principal Bench, New Delhi in Original Application Nos.313, 335 and 396 of 2019 as well as in the Review Applications are quashed and set aside.

**104.** Pending applications, if any, shall stand disposed of.

No costs.

.....**J.**  
**[B.R. GAVAI]**

.....**J.**  
**[B.V. NAGARATHNA]**

**NEW DELHI;**  
**OCTOBER 21, 2022**



1799

**Ax. O**

REPORTABLE

2025 INSC 1025

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

**CIVIL APPEAL NO. 8055 OF 2022**

**UNION TERRITORY OF J & K (PREVIOUSLY  
STATE OF JAMMU & KASHMIR) & ANR.**

**...APPELLANT(S)**

**VERSUS**

**RAJA MUZAFFAR BHAT & ORS.**

**...RESPONDENT(S)**

**WITH**

**CIVIL APPEAL NO. 68 OF 2023**

**WITH**

**CIVIL APPEAL NO. \_\_\_\_\_ OF 2025**  
**@ DIARY NO(S). 1007 OF 2025**

**J U D G M E N T**

Contents

1. Introduction of the issue:.....2

2. Factual Background:.....4

3. The Legal and Regulatory Regime:.....6

4. The Environment (Protection) Act:.....7

5. EIA Notifications 1994:.....7

6. The Environment Impact Assessment Notification, 2006:.....8

7. Decision of this Court in Deepak Kumar v. State of Haryana:.....9

8. Environment Impact Assessment Notification, 2016:.....12

    A. Establishment of District Level Environment Impact Assessment Authority (DEIAA) &  
    District Expert Appraisal Committee (DEAC) under Para 3A:.....14

Signature Not Verified  
Digitally signed by  
Jayant Kumar Arora  
Date: 2025.08.22  
17:50:13 IST  
Reason: [ ]

B. New category called Category B2 for sandmining in districts was introduced through para 4(iv):.....	14
C. Preparation of District Survey Report (DSR) Introduced through Para 7(iii): .....	14
D. Procedure for preparation of DSR introduced through Appendix X:.....	15
E. Challenge to the Notification 2016 the direction of NGT in Satendra Pandey’s case:...	17
9. The Sand Mining Guidelines and the Focus on Replenishment Study:.....	18
A. Sustainable Sand Mining Management Guidelines, 2016:.....	19
B. Enforcement and Monitoring Guidelines for Sand Mining, 2020:.....	22
10. Need for replenishment study:.....	25
11. Application of law to the facts of the present case.....	27

## 1. Introduction of the issue:

1. In *State of UP v. Gaurav Kumar*<sup>1</sup>, we have declared that a valid and subsisting District Survey Report<sup>2</sup> is mandatory for grant of environmental clearance<sup>3</sup> for sand mining. We have also annulled certain environmental clearances, even though recommended by District Expert Appraisal Committee<sup>4</sup> and granted by District Level Environment Impact Assessment Authority<sup>5</sup>, on the basis that a ‘draft DSR’ is untenable<sup>6</sup> in law. In this appeal we take a step further. District Survey Reports are prepared under para 7(iii) of EIA notification dated 15.01.2016<sup>7</sup> following the mandatory procedure laid down in Appendix X read with Sustainable Sand

---

<sup>1</sup> 2025 SCC OnLine SC 1069.

<sup>2</sup> Hereinafter, “DSR”.

<sup>3</sup> Hereinafter, “EC”.

<sup>4</sup> Hereinafter, “DEAC”.

<sup>5</sup> Hereinafter, “DEIAA”.

<sup>6</sup> *State of UP v. Gaurav Kumar*, 2025 SCC OnLine SC 1069.

<sup>7</sup> Issued under Environment (Protection) Act, 1986.

Mining Management Guidelines, 2016<sup>8</sup> and Enforcement and Monitoring Guidelines for Sand Mining, 2020<sup>9</sup>. The purpose and objective of preparing such District Survey Report is to scientifically locate the place for sand mining after *calculation of annual rate of replenishment for allowing mining in the area.*

2. Just as forest conservation requires assessment of tree growth rate before permitting timber harvesting to ensure that felling of trees does not exceed tree growth, a replenishment study enables us to take an informed decision as to whether sand mining can be permitted without degrading the rivers' natural balance. Importance of *replenishment study* is explained in the Sand Mining Guidelines 2020 as follows:

*“The need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessive sand extraction. Mining within or near riverbed has a direct impact on the stream’s physical characteristics, such as channel geometry, bed elevation, substratum composition and stability, in-stream roughness of the bed, flow velocity, discharge capacity, sediment transport capacity, turbidity, temperature etc. Alteration or modification of the above attributes may cause an impact on the ecological equilibrium of the riverine regime, disturbance in channel configuration and flow-paths. This may also cause an adverse impact on in-stream biota and riparian habitats. It is assumed that the riparian habitat disturbance is minimum if the replenishment is equal to excavation for a given stretch. Therefore, to minimize the adverse impact arising out of sand mining in a given river stretch, it is imperative to have a study of replenishment of material during the defined period.”<sup>10</sup>*

---

<sup>8</sup> Hereinafter, Sand Mining Guidelines, 2016.

<sup>9</sup> Hereinafter Sand Mining Guidelines, 2020.

<sup>10</sup> Guidelines formulated under Section 23C of MMDR Act, 1957.

3. It is, therefore, compelling to hold that a DSR is valid and tenable only when a proper *replenishment study* is conducted.

## 2. *Factual Background:*

4. The facts germane to the issue, and necessary for disposal of these appeals are as follows: The project proponent submitted three proposals for undertaking mining activities in (i) Block 1, Driegam Bridge Downstream, Shaliganga Nallah Bed Mining Project, (ii) Block-2 Banderpora Upstream, Shaliganga Nallah Bed Mining Project and (iii) Block 4, Panzam Bridge to Trumbi Bridge (Lalgam) Downstream. The J&K UT Expert Appraisal Committee (“J&K UT EAC” hereinafter) in its 81<sup>st</sup> meeting dated 03.01.2022 discussed the said proposals and rejected the same, particularly on grounds that the proposed area of extraction is already over-exploited and is depleted due to heavy illegal mining. It also noted that the DSR prepared for the concerned district was not formulated as per guidelines as the same needs revision for including replenishment data.

5. In the meanwhile, the project proponent received ‘*Fit for Mining Certificate*’ for Blocks 1, 2 and 4 from the Geology and Mining Department on 05.02.2022.

6. Following certification of mining department, the project proponent submitted its second proposal. Having considered the said proposal in its 87<sup>th</sup> meeting on 02.03.2022, the J&K UT EAC recommended the project for grant of EC. While recommending grant of EC, the J&K UT EAC clearly recorded and reiterated that DSR is not being formulated as per the guidelines.

7. Accepting the recommendations of the EAC, the State Environment Impact Assessment Authority<sup>11</sup> granted EC to the project proponent on 19.04.2022. While granting the EC, SEIAA restricted the depth of mining to maximum of 1 meter in view of “*non-availability of replenishment data*” in the DSR.

8. *Challenge to the grant of EC:* Aggrieved by the issuance of EC dated 19.04.2022, *person interested in environment*, respondent no. 1 filed an appeal before the National Green Tribunal<sup>12</sup> primarily impugning the grant of EC on the grounds that;

*“i. The Environmental Clearances dated 19.04.2022 were granted without taking into account the grounds on which the previous proposals of the project proponent were rejected and continued to grant Environmental Clearances without due consideration of the same;*

*ii. Violation of Rule 4(iv) of Jammu and Kashmir Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016 which prohibits any minor mineral concession being granted within a distance of 25 meters of any embankment;*

---

<sup>11</sup> Hereinafter, “SEIAA”.

<sup>12</sup> Hereinafter, “Tribunal”.

*iii. The Environmental Clearances have been granted despite the District Survey Report not being prepared in line with the Guidelines, as noted by JKEAC;*

*iv. Violations of conditions of the Environmental Clearances dated 19.04.2022 by the project proponent who undertook certain activities strictly prohibited under the Environmental Clearance.”*

(emphasis supplied)

9. The Tribunal, vide the order impugned before us allowed the appeal and set aside the EC dated 19.04.2022 finding it to be violative of environmental norms. Thus, the present appeals.

### *3. The Legal and Regulatory Regime:*

10. The significance of mining for economic development, particularly in relation to industries involved in infrastructure development, energy, cement etc has long been recognised. In exercise of its legislative competence, Parliament enacted the Mines and Minerals (Development and Regulation) Act, 1957<sup>13</sup>, for development and regulation of mines and minerals in the country. This legislation is, however, not concerned with safeguarding environmental interests. For that purpose, we have the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment

---

<sup>13</sup> Hereinafter, “MMDR Act”.

(Protection) Act, 1986, as well as policy measures such as the National Mineral Policies of 2008 and 2019.

#### *4. The Environment (Protection) Act:*

11. The Environment (Protection) Act, 1986 is a comprehensive legislation enacted with the object of protecting and improving the environment. Under Sections 3 and 5 of the Act, the Central Government is empowered to take all such measures as may be necessary for the purpose of preventing, controlling and abating environmental pollution.

#### *5. EIA Notifications 1994:*

12. In exercise of the powers conferred under Sections 3 and 5, MoEF&CC issued the Environment Impact Assessment (EIA) Notification, 1994<sup>14</sup>, which marked a significant shift in environmental governance by making prior environmental clearance mandatory for specified categories of industrial and development projects, including mining. The Notification laid down a procedural framework for assessing the likely environmental impact of proposed projects, mandating submission of detailed information, public consultation, and mitigation plans. Schedule I

---

<sup>14</sup> Hereinafter, “1994 Notification”.

to the Notification listed 29 categories of projects requiring prior approval, with Item 20 expressly covering mining activities. Thus, the legislative intent was clear; no mining activity, whether new, expanded, or modernised could proceed without rigorous environmental scrutiny and express prior clearance from the competent authority.

## *6. The Environment Impact Assessment Notification, 2006:*

13. The regulatory framework underwent further consolidation with the issuance of the EIA Notification dated 14.09.2006<sup>15</sup>. The 2006 Notification introduced a more elaborate, decentralised, and categorised approach to environmental appraisal. It classified projects into Category A and Category B, based on their potential environmental impact and scale, with Category A projects requiring clearance at the Central level and Category B projects at the State level, through the SEIAA. Para 2 of the 2006 Notification reads as under;

### ***2. Requirements of prior Environmental Clearance (EC):-***

*The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land*

---

<sup>15</sup> Hereinafter, "2006 Notification".

*by the project management except for securing the land, is started on the project or activity:*

*(i) All new projects or activities listed in the Schedule to this notification;*

*(ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;*

*(iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.*

14. Para 5, 6 and 7 gives a detailed procedure for grant of prior EC. Further, Para 8 talks about the final stage of grant or rejection of prior EC. Para 9 deals with the tenure and validity of an EC while Para 10 provides for post grant monitoring. The Appendix III enumerates the generic structure of an EIA application and its essentials. Over the course of years, this EIA Notification, 2006 underwent various amendments further strengthening the EC norms and laying down of detailed procedure thereto.

*7. Decision of this Court in Deepak Kumar v. State of Haryana:*

15. While the statutory framework under the Environment (Protection) Act, 1986 and the EIA Notification of 2006 laid down the procedural architecture for environmental clearance, judicial intervention became necessary to address persisting regulatory lapses, particularly in the context of sand mining. A seminal instance of such intervention is found in *Deepak Kumar v. State of*

*Haryana*<sup>16</sup>, wherein the Supreme Court examined the legality of mining leases granted in the State of Haryana without prior environmental appraisal. This Court deprecated the practice of issuing auction notices for minor mineral extraction without first conducting scientific studies to assess the environmental impact. Emphasising the need for a precautionary approach, the Court underscored that no mining activity, however minor, could be permitted without an environmental clearance based on a proper *replenishment study* and sustainable extraction limits. This decision reaffirmed the necessity of grounding regulatory approvals in scientific analysis, and has since served as a judicial benchmark in ensuring that mining activities are aligned with environmental safeguards. This Court held as under:

*“8..... Sand mining on either side of the rivers, upstream and instream, is one of the causes for environmental degradation and also a threat to the biodiversity. Over the years, India's rivers and riparian ecology have been badly affected by the alarming rate of unrestricted sand mining which damage the ecosystem of rivers and the safety of bridges, weakening of riverbeds, destruction of natural habitats of organisms living on the riverbeds, affects fish breeding and migration, spells disaster for the conservation of many bird species, increases saline water in the rivers, etc.*

*9. Extraction of alluvial material from within or near a streambed has a direct impact on the stream's physical habitat characteristics. These characteristics include bed elevation, substrate composition and stability, instream roughness elements, depth, velocity, turbidity, sediment transport, stream discharge and temperature. Altering these habitat characteristics can have deleterious impacts on both instream*

---

<sup>16</sup> (2012) 4 SCC 629. Hereinafter, “Deepak Kumar”.

biota and the associated riparian habitat. The demand for sand continues to increase day by day as building and construction of new infrastructures and expansion of existing ones is continuous thereby placing immense pressure on the supply of the sand resource and hence mining activities are going on legally and illegally without any restrictions. Lack of proper planning and sand management cause disturbance of marine ecosystem and also upset the ability of natural marine processes to replenish the sand.

10. We are expressing our deep concern since we are faced with a situation where the auction notices dated 3-6-2011 and 8-8-2011 have permitted quarrying, mining and removal of sand from instream and upstream of several rivers, which may have serious environmental impact on ephemeral, seasonal and perennial rivers and riverbeds and sand extraction may have an adverse effect on biodiversity as well. Further, it may also lead to bed degradation and sedimentation having a negative effect on the aquatic life. The rivers mentioned in the auction notices are on the foothills of the fragile Shivalik Hills. Shivalik Hills are the source of rivers like Ghaggar, Tangri, Markanda, etc. River Ghaggar is a seasonal river which rises up in the outer Himalayas between Yamuna and Satluj and enters Haryana near Pinjore, District Panchkula, which passes through Ambala and Hissar and reaches Bikaner in Rajasthan. River Markanda is also a seasonal river like Ghaggar, which also originates from the lower Shivalik Hills and enters Haryana near Ambala. During monsoon, this stream swells up into a raging torrent, notorious for its devastating power, as also, River Yamuna.

11. We find that it is without conducting any study on the possible environmental impact on/in the riverbeds and elsewhere the auction notices have been issued. We are of the considered view that when we are faced with a situation where extraction of alluvial material within or near a riverbed has an impact on the river's physical habitat characteristics, like river stability, flood risk, environmental degradation, loss of habitat, decline in biodiversity, it is not an answer to say that the extraction is in blocks of less than 5 ha, separated by 1 km, because their collective impact may be significant, hence the necessity of a proper environmental assessment plan.

\* \* \*

25. Quarrying of river sand, it is true, is an important economic activity in the country with river sand forming a crucial raw material for the infrastructural development and for the construction industry but excessive instream sand and gravel mining causes the degradation of rivers. Instream mining lowers the stream bottom of rivers which may lead to bank erosion. Depletion of sand in the streambed and along coastal areas causes the deepening of rivers which may result in destruction

*of aquatic and riparian habitats as well. Extraction of alluvial material as already mentioned from within or near a streambed has a direct impact on the stream's physical habitat characteristics.*

*26. We are of the considered view that it is highly necessary to have an effective framework of mining plan which will take care of all environmental issues and also evolve a long-term rational and sustainable use of natural resource base and also the bio-assessment protocol. Sand mining, it may be noted, may have an adverse effect on biodiversity as loss of habitat caused by sand mining will affect various species, flora and fauna and it may also destabilise the soil structure of river banks and often leaves isolated islands. We find that, taking note of those technical, scientific and environmental matters, MoEF, Government of India, issued various recommendations in March 2010 followed by the Model Rules, 2010 framed by the Ministry of Mines which have to be given effect to, inculcating the spirit of Article 48-A and Article 51-A(g) read with Article 21 of the Constitution.”*

(emphasis supplied)

8. *Environment Impact Assessment Notification, 2016:*

16. The observations made by this Court in *Deepak Kumar* (supra) laid down the jurisprudential foundation for requiring scientific scrutiny, particularly through District Survey Reports (DSRs) before permitting sand mining even at the local level. Recognising the ecological fragility of riverbeds and the unchecked nature of minor mineral extraction, the Central Government, in response to the said judgment, amended the EIA Notification of 2006 on 15.01.2016, to introduce a distinct regulatory framework for riverbed and sand mining. These amendments introduced specific procedures for cluster-based assessments and made *replenishment studies* integral to the clearance process. The

preamble to the amended Notification is instructive and enables us to understand the purpose, scope, and statutory contours of the DSR, which now forms the central point of scrutiny in the present case. The preamble is as follows:

*“And whereas, in pursuance to the order of Hon’ble Supreme Court dated the 27th February, 2012 in I.A. No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of Haryana and Others etc., prior environmental clearance has now become mandatory for mining of minor minerals irrespective of the area of mining lease;*

*And whereas, as a result of the above said Order of Hon’ble Supreme Court, the number of cases which are now required to obtain prior environmental clearance has increased substantially;*

*And whereas, the Hon’ble National Green Tribunal, vide its order dated the 13th January, 2015 in the matter regarding sand mining has directed for making a policy on environmental clearance for mining leases in cluster for minor minerals;*

*And whereas, the State Governments have represented for streamlining the process of environmental clearance for mining of minor mineral;*

*And whereas, the Ministry of Environment, Forest and Climate Change in consultation with State Governments has prepared Guidelines on Sustainable Sand Mining detailing the provisions on environmental clearance for cluster, creation of District Environment Impact Assessment Authority and proper monitoring of sand mining using information technology and information technology enabled services to track the mined out material from source to destination;*

*Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:-*

*In the said notification,-*

*(a) in paragraph 2, after the words "in the said Schedule", the following words shall be inserted, namely:- "and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category 'B2' for mining of minor minerals in the said Schedule";*

*(b) after paragraph 3, the following paragraph shall be inserted...”*

*A. Establishment of District Level Environment Impact Assessment Authority (DEIAA) & District Expert Appraisal Committee (DEAC) under Para 3A:*

17. As is evident from the above extracted portion of the preamble to the EIA Notification 2016, two bodies namely, the DEIAA and DEAC have been established by inserting Para 3A to the EIA Notification, 2006 for grant of EC to a newly introduced category (by amending para 2), called category B2.

*B. New category called Category B2 for sandmining in districts was introduced through para 4(iv):*

18. Paragraph 4 of the EIA notification 2006 relating to categorization of projects and activities was also amended and category B2 falling within the jurisdiction of the DEIAA, acting on the decision and recommendation of DEAC is introduced.

*C. Preparation of District Survey Report (DSR) Introduced through Para 7(iii):*

19. Para 7 of the EIA Notification 2006 is of utmost importance as it relates to the process of EC for new projects which comprises of four stages namely, screening, scoping, public consultation and appraisal respectively. Para 7(ii) relates to process for expansion or modernisation or change of project mix in existing projects. It is in

this paragraph relating to the process of EC in the EIA Notification 2006 that further amendment was made introducing sub-para (iii). Introduction of para 7(iii) for the first time contemplated, preparation of DSR for sand mining or river bed mining and mining of other minor minerals. Para 7(iii) now reads as under;

**“7. Stages in the Prior Environmental Clearance (EC) Process for New Projects**

(i) ....

(ii) ...

**(iii) Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals:**

*(a) The prescribed procedure for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals is given in Appendix X.*

*(b) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”*

*D. Procedure for preparation of DSR introduced through Appendix X:*

20. Procedure for preparation of the above referred DSR under para 7(iii) is laid down in great detail in Appendix X to the notification. Appendix X, apart from laying down the detailed procedure, also declares that the, “*District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.*” Appendix X is as follows;

## “PROCEDURE FOR PREPARATION OF DISTRICT SURVEY

### REPORT

*The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:*

*Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.*

*The report shall have the following structure:*

- 1. Introduction*
- 2. Overview of Mining Activity in the District*
- 3. The List of Mining Leases in the District with location, area and period of validity*
- 4. Details of Royalty or Revenue received in last three years*
- 5. Detail of Production of Sand or Bajari or minor mineral in last three years*
- 6. Process of Deposition of Sediments in the rivers of the District*
- 7. General Profile of the District*
- 8. Land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.*
- 9. Physiography of the District*
- 10. Rainfall: month-wise*
- 11. Geology and Mineral Wealth*

*In addition to the above, the report shall contain the following:*

- (a) District wise detail of river or stream and other sand source.*
- (b) District wise availability of sand or gravel or aggregate resources.*
- (c) District wise detail of existing mining leases of sand and aggregates.*

*A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.*

*Drainage system with description of main rivers*

\*\*\*

*Methodology adopted for calculation of mineral potential*

*The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For example in some hill States mineral constituents like boulders, river born Bajri, sand up to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are' excluded as waste while calculating the mineral potential of particular river or stream.*

*The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.*

*The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.*

(emphasis supplied)

21. The 2016 amendment also introduces Appendix XI in the context of preparation of DSR for sandmining or river bed mining of other minor minerals. The amendment also prescribes distinct procedure for EC for mining of minor minerals including cluster situation.

*E. Challenge to the Notification 2016 the direction of NGT in Satendra Pandey's case:*

22. Environmental concerns were expressed that the amendments brought about by the EIA notification 2016 did not translate into action the mandate of this Court's decision in

*Deepak Kumar (supra)*. These concerns were considered by the NGT in *Satendra Pandey v. MoEFCC*<sup>17</sup> wherein the following directions were issued.

*“22. For all these reasons, we direct that the procedure laid down in the impugned Notification be brought in consonance and in accord with the directions passed in the case of Deepak Kumar (supra) by (i) providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling under Category B-2 at par with Category B-1 by SEAC/SIEAA as well as for cluster situation wherever it is not provided; (ii) Form-1M be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SEIAA instead of DEAC/DEIAA; (iii) if a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance; (iv) EIA and/or EMP be prepared for the entire cluster in terms of recommendation 5 (supra) of the Guidelines for the purpose of recommendations 6, 7 and 8 thereof; (v) revise the procedure to also incorporate procedure with respect to annual rate of replenishment and time frame for replenishment after mining closure in an area; (vi) the MoEF & CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining.”*

## *9. The Sand Mining Guidelines and the Focus on Replenishment Study:*

23. At this juncture, reference must be made to the Sustainable Sand Mining Management Guidelines 2016 and Enforcement and Monitoring Guidelines for Sand Mining 2020. They constitute binding directives for regulatory authorities, and their due observance is indispensable for safeguarding ecology and public interest.

---

<sup>17</sup> 2018 SCC OnLine NGT 2388.

## *A. Sustainable Sand Mining Management Guidelines, 2016:*

24. The 2016 guidelines are based on the principle that unregulated sand mining is unsustainable and must be controlled. Compliance with existing and future laws is mandatory rather than optional. Leaseholders should be allowed to self-regulate, provided they demonstrate adherence to legal requirements. However, if self-regulation proves ineffective, stricter enforcement and monitoring will be necessary, with penalties imposed in accordance with the law. Additionally, environmental protection and public well-being must be prioritized, ensuring that natural resources are utilized responsibly to contribute positively and sustainably to the economy. The prime objective of the said Guidelines is to ensure that sand mining is done in an environmentally sustainable and socially responsible manner. The purpose and object of the guidelines is declared as under:

*“Sustainable Development is built on three pillars - environmental, social and economic. Sustainable development cannot be achieved if the environment is protected but poverty is prevalent in a significant part of the population. Similarly, sustainable development cannot be achieved through inappropriate economic growth, if it undermines the environment in which people and businesses exist. These Guidelines support that fundamental concept, promoting environmental protection, limiting negative physiological, hydrological and social impacts underpinning sustainable economic growth.*

*Sand and gravel have long been used as aggregate for construction of roads and building. Today, the demand for these materials continues to rise. In India, the main sources of sand*

*are river flood plain, coastal sand, paleo channel sand, and sand from agricultural fields.*

*River sand mining is a common practice as habitation concentrates along the rivers and the mining locations are preferred near the markets or along the transportation route, for reducing the transportation cost. River sand mining can damage private and public properties as well as aquatic habitats. Excessive removal of sand may significantly distort the natural equilibrium of a stream channel.*

*Removing sediment from the active channel bed in river interrupt the continuity of sediment transport through the river system, disrupting the sediment mass balance in the river downstream and induces channel adjustments (usually incision) extending considerable distances (commonly one kilometer or more) beyond the extraction site.*

*The magnitude of the impact basically depends on the magnitudes of the extraction relative to bed load sediment supply and transport through the reach. Implementation of the principles and processes outlined in this Guidelines will limit the negative externalities of sand and gravel mining.”*

25. Explaining the method and manner by which sustainable sand and gravel mining are to be undertaken, the guidelines provide that:

*The broad principle on which any sustainable sand mining Guidelines / policy can be based is that river/ natural resources must be utilized for the benefit of the present and future generation, so river resources should be prudently managed and developed. The preparation of District Survey Report is an important initial step.*

*The Processes under the Guidelines:*

*(a) Identification of areas of aggradation / deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited. Use of satellite imagery for identifying areas of sand deposit and quantity be done.*

*(b) Calculation of annual rate of replenishment and allowing time for replenishment after mining in area.*

*(c) Identifying ways of scientific and systematic mining.*

(d) Identifying measures for protection of environment and ecology.

(e) Determining measures for protection of bank erosion.

(f) A bench mark (BM) with respect to mean sea level (MSL) should be made essential to in mining channel reaches (MCR). Below which no mining shall be allowed.

(g) Identifying steps for conservation of mineral.

(h) Permanent gauging facilities (for discharge and sediment both) should be made compulsory for the sites having excessive mining in consultation with Central Water Commission or any competent State Agency.

(i) Implementing safeguards for checking illegal and indiscrete mining.

*Following the above processes, to begin with it is important to prepare a survey document mapping the status of sand sources in a district. This survey should be conducted and report be prepared for each district. Though it is an acceptable fact that rivers cut across districts and States and every river is an ecosystem in itself. But, keeping in view the fact that the district is the most established unit of administration at which this kind of survey, planning and monitoring can be ensured effectively, it is proposed that every district will prepare this document taking the river stretch in that district as an ecological unit and inventorising other sources of sand in the district.*

(emphasis supplied)

26. As per the 2016 Guidelines, the preparation of DSR is essential for (i) identification of areas of aggradation/deposition where mining can be allowed, (ii) calculation of annual rate of replenishment, (iii) identifying ways of scientific and systematic mining, (iv) implementing safeguards in place to ensure the mining carried out is sustainable. The scope of the DSR should include detailed information for each district, covering rivers, streams, and other sand sources, along with the availability of sand, gravel, and aggregate resources. It must also provide data on existing mining

leases for these materials. Additionally, the classification of mining areas should distinguish between sections of rivers, streams, and other sources that are suitable for sand and aggregate extraction and those where such activities are strictly prohibited. It is further provided that such survey document shall be prepared in the district based on direct and indirect benefits of mining and identification of the potential threats to the river/stream beds in the district.

*B. Enforcement and Monitoring Guidelines for Sand Mining, 2020:*

27. While the 2016 guidelines focus on management of sand mining in the country, it was felt that there is a compelling need to provide guidelines for effective enforcement and also prescribe regulatory method for monitoring. With this objective, the Enforcement and Monitoring Guidelines for Sand Mining 2020 were issued. In paragraph 4, the 2020 guidelines provide the method of identification of possible sand mining source and preparation of the DSR and highlight that *“Preparation of District Survey Report is a very important step and sustainable sand mining in any part of the country will depends on the quality of District Survey Report.”*

**“4.1.1 Preparation of District Survey Report.**

*Sustainable Sand Mining Guidelines, 2016" issued by MoEF&CC requires preparation of District Survey Report (DSR), which is an important initial step before grant of mining lease/LoI. The guidelines emphasize detailed procedure to be followed for the purpose of identification of areas of aggradation/ deposition where mining can be allowed and identification of areas of erosion and proximity to infrastructural structures and installation where mining should be prohibited. Calculation of annual rate of replenishment, allowing time for replenishment after mining, identification of ways of scientific and systematic mining; identifying measures for protection of environment and ecology and determining measures for protection of bank erosion, benchmark (BM) with respect to mean Sea Level (MSL) should be made essential in mining channel reaches (MCR) below which no mining shall be allowed.”*

28. The 2020 Guidelines lay special emphasis on the necessity to undertake replenishment study. It is provided thereunder that;

**“5.0 REPLENISHMENT STUDY**

*The need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessing sand extraction. Mining within or near riverbed has a direct impact on the stream's physical characteristics, such as channel geometry, bed elevation, substratum composition and stability, in-stream roughness of the bed, flow velocity, discharge capacity, sediment transport capacity, turbidity, temperature etc. Alteration or modification of the above attributes may cause an impact on the ecological equilibrium of the riverine regime, disturbance in channel configuration and flow-paths. This may also cause an adverse impact on in-stream biota and riparian habitats. It is assumed that the riparian habitat disturbance is minimum if the replenishment is equal to excavation for a given stretch. Therefore, to minimize the adverse impact arising out of sand mining in a given river stretch, it is imperative to have a study of replenishment of material during the defined period.*

**5.1 Generic Structure of Replenishment Study**

*Initially replenishment study requires four surveys. The first survey needs to be carried out in the month of April for recording the level of mining lease before the monsoon. The second survey is at the time of closing of mines for monsoon season. This survey will provide the quantity of the material excavated before the offset of monsoon. The third survey needs to be carried out after*

*the monsoon to know the quantum of material deposited/replenished in the mining lease. The fourth survey at the end of March to know the quantity of material excavated during the financial year. For the subsequent years, there will be a requirement of only three surveys. The results of year-wise surveys help the state government to establish the replenishment rate of the river. Based on the replenishment rate future auction may be planned.*

*The replenishment period may vary on nature of the channel and season of deposition arising due to variation in the flow. Such period and season may vary on the geographical and precipitation characteristic of the region and requires to be defined by the local agencies preferable with the help of the Central Water Commission and Indian Meteorological Department. The excavation will, therefore, be limited to estimated replenishment estimated with consideration of other regulatory provisions.*

## **5.2. Methodology for Replenishment Study**

### **5.2.1 Physical Survey of the field by the conventional method**

### **5.2.2 Use of UAV/Drone and other image data processing techniques**

### **5.2.3 Accuracy Assessment of Aerial Data**

### **5.2.4 Replenishment study shall have the details of**

- *List of instruments*
- *List of software*
- *Establishment of Benchmark by putting No. of pillar points and various Ground Control Points (GCP) at the site.*
- *Ground Control Points (GCP) Collection: - Various GCPs were observed by using DGPS for Permanent Benchmarks and for control points.*
- *The summary of the elevation data from each section's profile based on the post-monsoon the survey should have mentioned in the table form.*
- *The detail of post-monsoon survey data in the tabular form shall be*
- *The detailed comparison of both pre-monsoon and post-monsoon elevation data shall be attached*
- *Cross-sectional depiction of deposition and erosion for each section in pre and post-deposition season shall be given supported by relevant field study data and plan."*

*10. Need for replenishment study:*

29. From the foregoing analysis, it is apparent that in light of Guidelines, 2016 and the Guidelines, 2020, the absence of a replenishment study renders a DSR fundamentally defective. These guidelines categorically require that any assessment of mineable mineral quantity must be premised on scientific estimation of replenishment rates, failing which the DSR lacks the foundational data necessary to determine sustainable extraction limits.

30. Over the past two decades, environmental statutory and regulatory law in India has undergone significant evolution, particularly in response to the challenges posed by unregulated and unsustainable sand mining. Recognizing the adverse ecological impacts of such activities, successive legal and policy frameworks have progressively tightened the requirements for environmental compliance. In order to appreciate the present controversy, it was necessary to retrace the legal trajectory. Recently, this Court has discussed, in detail, the legal regime surrounding the preparation, nature, scope and importance of DSR in *Gaurav Kumar* (supra). However, the focal point for present discussion is the value that must be appended to *replenishment study* before EC is granted to mining operations.

31. Demand for construction-grade sand is growing at a tremendous rate and it is said that the world is expected to run out of this resource by 2050. Construction-grade sand, can be found in aquatic environments, such as rivers and is a provisioning ecosystem service. Even under controlled circumstances, the practice of extracting sand from the riverbed and banks impacts the environment. In the physical environment, the primary effects are riverbed widening and lowering. In the biological environment, the overarching effect is a reduced biodiversity and stretches from the aquatic and shoreline flora and fauna to the whole floodplain area.<sup>18</sup> Due to easy access, river sand and gravel have been used extensively in construction projects. Depending on the mining operation method as well as morphologic and hydraulic characteristics of the river, sand mining may cause bed and bank erosion or other negative consequences for the river eco-system. It is, therefore, necessary to conduct appropriate studies, including that of replenishment to explore sustainable and cost-effective methods for river mining.<sup>19</sup>

---

<sup>18</sup> E.S. Rentier, L.H. Cammeraat, The Environmental Impacts of River Sand Mining, Science of the Total Environment, Vol. 838, Part I, 2022.

<sup>19</sup> Hamed Haghazadeh, *et al* - Evaluation of infilling and replenishment of river sand mining pits, Environmental Earth Sciences, Vol. 79 (14), 2020.

32. Without a proper study of the existing position of the riverbed and its sustainability for further sand mining, grant of environmental clearances would be detrimental for the ecology. It has therefore been held that a detailed study leading to a preparation of the *replenishment report* is an integral part of the DSR. If the DSR becomes the foundation for consideration of an application for environmental clearance, then it is compelling to ensure replenishment studies are undertaken in advance and the report forms an integral part of the DSR.

33. In view of the existing legal regime that mandates preparation of *replenishment report* in a scientific manner and such a report forming an integral part of the District Survey Report, we hold that a District Survey Report without a proper replenishment study is equally untenable.

*11. Application of law to the facts of the present case.*

34. We will now consider the facts of the present case in light of the existing legal regime as applicable to sand mining. The Union Territory of Jammu & Kashmir, Department of Geology and Mining is said to have prepared the DSR of all the districts during the year 2017-18 as per the MoEF&CC notification. The National Highway Authority of India awarded a contract to the project proponent on

30.03.2021 for construction of a 4-lane bypass/ring road around Srinagar City. By its letter dated 07.05.2021, it directed the department to grant permission for mining at the identified sites to the project proponent to enable it to undertake the project. The Government also directed the project proponent to apply for permission under Rule 91 of the J&K Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016. The Government reserved the four mineral blocks for the project proponent to excavate, develop and utilise the mineral. The project proponent in turn applied for environment clearances (EC) for extraction of sand and gravel in the 3 blocks.

35. The Jammu & Kashmir Expert Appraisal Committee by its order dated 03.01.2022 initially rejected the proposal for environmental clearance (EC). However, when the project proponent received *fit for mining* certificate from the department on 05.02.2022, the project proponent re-applied for grant of environmental clearance and the same was granted by J&K Expert Appraisal Committee by its order dated 02.03.2022. The committee specifically recorded that the District Survey Report is not formulated as per guidelines and therefore it needs revision for including the *replenishment data*. In our opinion, the J&K EAC committed a serious error in proceeding further with the DSR once

it realised that it is not formulated as per the MoEF&CC Notification 2016 and 2016 and 2020 Sand Mining Guidelines and also when the *replenishment data* is not complete. Further, the half-hearted approach adopted by the J&K EAC is evident from its final recommendation for grant of EC with *validity of only three years from the date of commencement of the mining operations duly certified by the District Mineral Officer concerned with intimation to the JKEIAA and JKPCB in view of non-availability of replenishment data.*

36. The J&K Environment Impact Assessment Authority granted the environment clearance on 19.04.2022. The environment clearance was made subject to the following conditions.

*“The Environment clearance is subject to Revision of mining plan in terms of Section 4.3(r) of Enforcement Monitoring Guidelines for Sand Mining-2020, issued by Ministry of Environment, Forests and Climate Change where-under the area of removal of minerals shall not exceed 60% of the mine lease area and any deviation or relaxation in this regard shall be adequately supported by the scientific report. Mining depth be restricted to max. 1m in aggregate and bulk density of 2.0 be adopted for calculating mineral production subject to maximum production of 34800MT, in view non-availability of replenishment data in the DSRs.”*

37. It is unfortunate that J&K EIAA compromised with regulatory integrity by granting the environment clearances (EC) on the basis of a DSR without a *replenishment report*. The compromise sought to be achieved by permitting the project proponent to go ahead

with a “restricted mining depth of maximum 1 meter and bulk density of 2.0 for production of the mineral and supplying it to maximum production of 34800 mt in view of non-availability of replenishment data” is unacceptable. The illegality committed by the J&K EAC in so recommending is accentuated with the J&K EIAA in granting EC. This is how regulatory failure occurs.

38. We have already indicated that the respondent no.1 challenged the grant of environment clearance before the NGT. By the order impugned before us, the NGT allowed the appeal. We are in complete agreement with the following findings of the NGT:

*“159. Learned Counsel appearing for PP also argued that mining activities only upto one meter depth was allowed and it takes care of absence of DSR and replenishment study but when questioned, could not show any provision where under if mining for one meter depth is allowed, in such a case requirement of preparation of DSR or replenishment study can be dispensed with. In fact, under EIA 2006 as amended by notifications dated 15.01.2016 and 25.07.2018, there is no exception in respect of preparation of DSR and the same thing has been reiterated in SSMG-2016 and EMGSM-2020.*

*160. Non-preparation of DSR as per guidelines and absence of replenishment study is a fact which has not been disputed before us by Learned Counsel appearing for PP. Stand taken by respondent 1 and 4 in the written reply submitted before us also does not show anything otherwise.”*

39. In view of the above discussion, we have no hesitation in upholding the decision of the NGT and dismissing the civil appeals of the UT of J&K, the NHAI and also that of the project proponent.

40. This takes us to issue no. 3, which relates to the allegation that project proponent has violated the J&K Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016. The Tribunal came to the conclusion that there is no evidence of such violation. As there is no cross appeal, this issue need not detain us any further.

41. Insofar as issues 4 and 5 are concerned, the allegation is that the project proponent has used heavy machines like JCB etc. for excavation. It is alleged by respondent no.1, a person interested in environment conservation, that the activity is in violation of condition no. 53 of the EC. The condition is as follows:

*“53. Mining shall be done manually minimally supported by semi-mechanized methods. Heavy machinery like JCBs, Excavators/L&T hydraulic excavators etc. should not be allowed. Emphasis should be given to employment of locally available labour force to address the socio-economic concerns of the locals.”*

42. The Tribunal came to the conclusion that there is in fact a violation and therefore directed J&K Pollution Control Board to take appropriate action. There is no need for us to interfere with this direction. The J&K Pollution Control Board will take its decision after giving the project proponent an opportunity of placing its case before it.

43. We are informed by Mr. Narender Hooda, learned senior counsel appearing on behalf of the project proponent that the project itself is complete and as such there is no further requirement of environment clearance. In this view of the matter, no further orders are necessary.

44. In view of the above, the appeals filed on behalf of the Union Territory of J&K, NHAI and the project proponent are dismissed. The parties shall bear their own costs.

.....**J.**  
**[PAMIDIGHANTAM SRI NARASIMHA]**

.....**J.**  
**[ATUL S. CHANDURKAR]**

**NEW DELHI;**  
**AUGUST 22, 2025**

**2022 Supreme(SC) 31**

**2022 1 BBCJ(SC) 491 ; 2022 1 Scale 581 ; 2022 3 SCC 102 ; 2022  
KHC(Online) 6052 ; 2022 2 Supreme 194**

SUPREME COURT OF INDIA

(From the National Green Tribunal, Eastern Zone Bench, Kolkata)

L. NAGESWARA RAO, B.R. GAVAI, JJ.

The State of Bihar and Others - Appellants

Versus

Pawan Kumar and Others - Respondents

I.A. Nos. 153531-153532, 154740-154741, 160138, 160139, 160142,  
163177, 165173 of 2021, Civil Appeal Nos. 3661-3662 of 2020

Decided On : 18-01-2022

**IMPORTANT POINT**

**Illegal Sand Mining - Unless detailed DSRs are prepared by Sub-Divisional Committees by undertaking site visits and using modern technology and unless same are examined by SEAC and SEIAA, it will not be appropriate to carry mining activities.**

**Subject: Environmental Law - Mining and Environmental Clearance**

mining activities - environmental concerns - illegal mining - sand ghats  
- District Survey Report - State Expert Appraisal Committee - State  
Environment Impact Assessment Authority - public exchequer - public  
infrastructural projects - construction activities - stop gap arrangement  
- vested right - extensions - tender process - contempt of court

**Mining Laws - Illegal Sand Mining - Unless detailed DSRs are prepared by Sub-Divisional Committees by undertaking site visits and using modern technology and unless same are examined by SEAC and SEIAA, it will not be appropriate to carry mining activities - However, if there is a ban on mining activities, apart from it leading to illegal sand mining, criminalization and clashes between sand mafias, it would also cause huge loss to public exchequer - Sand is also required for construction of public infrastructural projects as well as public**

and private construction activities - State of Bihar to ensure that while carrying out mining activities, it shall ensure that all environmental concerns are taken care of and no damage is caused to environment. (Paras 14 and 20)

**Facts of the case:**

State of Bihar had approached this Court challenging the order dated 14th October 2020, passed by National Green Tribunal, Principal Bench, New Delhi in O.A. No. 40/2020/EZ with O.A. No. 57/2020/EZ, thereby issuing various directions. This Court after taking into consideration various aspects, including the necessity to curb illegal mining activities and the necessity to permit legal mining in interregnum till the other directions issued by this Court are complied with, had issued some directions.

**Findings of Court:**

Perusal of the NITs in question, issued by Corporation would reveal that the Corporation has specifically referred to the order dated 10th November 2021, passed by this Court and has also specified that operation period of sand ghats will only be up to 31st March 2022, and subject to further orders passed by this Court in present proceedings.

**Result : I.As. Rejected.**

**Advocates appeared:**

For the Appellant(s) : Mr. Azmat Hayat Amanullah, AOR Mr. Rishi K Awasthi, Adv. Mr. Piyush Vatsa, Adv

**For the Respondent(s):** Mr. Rajiv Shankar Dvivedi, AOR Mr. Alok Sangwan, Adv. Mr. Sushant Kumar Sarkar, Adv. Mr. Rishabh Jain, Adv. Ms. Jyoti Kumar Singh, Adv. Mr. Vanshdeep Dalmia, AOR Ms. Shivali Chaudhary, Adv. Mr. Gurmeet Singh Makker, AOR Mr. Arvind Kumar, Adv Mr. Aditya Singh, AOR Mr. Shubham Singh, Adv. Mr. Anubhav Singh, Adv. Mr. Narender Hooda, Sr. Adv. Mr. Sumit Kumar Sharma, Adv. Mr. Akshay Amritanshu, Adv. Mr. Narender Hooda, Sr Adv Mr. Anurag Kulharia, Adv. Mr. Ankit Kumar Lal, AOR Mr. Anand Varma, AOR Ms. Apoorva Pandey, Adv. Mr. Dharmendra Kumar Sinha, AOR Mr. Ajit Upadhyay, Adv. Mr. Arun Adhlakha, Adv. Mr. Rohit Kumar Singh, AOR Ms. Sadapuran Mukherjee, Adv. Mr. Rahul Kumar Gupta, Adv. Ms. Chandni Arora, Adv. Ms. Aditi Shahi, Adv. Mr. Siddhant Buxy, AOR Mr. Pankaj Bhagat, AOR Mr. Aakash Sirohi, AOR Mr. Narender Hooda, Sr. Adv. Mr.

Sumit Kumar Sharma, Adv. Mr. Ansal Ahmad Chaudhary, AOR Mr. C.A. Sundaram, Sr. Adv Mr. Sumit Kumar Sharma, Adv. Mr. Shehla Chaudhary, Adv. Md. Anas Chaudhary, Adv. Ms. Rita Jha, AOR Ms. Mukul Rohatgi, Sr. Adv. Ms. Devanshi Singh, Adv. Ms. Nishtha Kumar, AOR

ORDER :

1. All these I.A. arise out of the directions issued by this Court vide order dated 10th November 2021 in Civil Appeal Nos. 3661-3662 of 2020.

2. The State of Bihar had approached this Court challenging the order dated 14th October 2020, passed by the National Green Tribunal, Principal Bench, New Delhi (hereinafter referred to as “the Tribunal”) in O.A. No. 40/2020/EZ with O.A. No. 57/2020/EZ, thereby issuing various directions. This Court after taking into consideration various aspects, including the necessity to curb illegal mining activities and the necessity to permit legal mining in the interregnum till the other directions issued by this Court are complied with, had issued the following directions dated 10th November 2021:

“14. We therefore find it appropriate to substitute the directions issued by the Tribunal vide judgment and order dated 14th October 2020, with the following directions:

(i) The exercise of preparation of DSR for the purpose of mining in the State of Bihar in all the districts shall be undertaken afresh. The draft DSRs shall be prepared by the Sub-Divisional committees consisting of the Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geological or mining officer. The same shall be prepared by undertaking site visits and also by using modern technology. The said draft DSRs shall be prepared within a period of 6 weeks from the date of this order. After the draft DSRs are prepared, the District Magistrate of the concerned District shall forward the same for examination and evaluation by the SEAC. The same shall be examined by the SEAC within a period of 6 weeks and its report shall be forwarded to the SEIAA within the aforesaid period of 6 weeks from the receipt of it. The SEIAA will thereafter consider the grant of approval to such DSRs within a period of 6 weeks from the receipt thereon.

(ii) Needless to state that while preparing DSRs and the appraisal thereof by SEAC and SEIAA, it should be ensured that a strict adherence to the procedure and parameters laid down in the policy

of January 2020 should be followed.

(iii) Until further orders, we permit the State Government to carry on mining activities through Bihar State Mining Corporation for which it may employ the services of the contractors. However, while doing so, the State Government shall ensure that all environmental concerns are taken care of and no damage is caused to the environment.”

The matter was directed to be listed after 20 weeks.

**I.A. Nos. 154740-154741 of 2021**

3. The present I.A. have been filed being aggrieved by the cancellation of Letter of Intent (hereinafter referred to as the “LoI”) dated 21st January 2020, issued in favour of the applicant. The applicant also apprehended that in view of the order dated 10th November 2021 passed by this Court with respect to Banka District, the State Government may also issue short Notice Inviting Tender (hereinafter referred to as the “NIT”) with respect to Kishanganj District. After the present I.A. were filed, NIT has also been issued in respect of sand ghats in Kishanganj District on 2nd December 2021.

4. Shri Mukul Rohatgi, learned Senior Counsel appearing on behalf of the applicant submitted that the applicant was a successful bidder in the auction held for the Kishanganj District and as such, the action of the respondent in cancelling the LoI and issuing fresh NIT for Kishanganj District is not sustainable in law. It is submitted that the offer of the applicant was for a much higher amount as compared to the offer received by the respondent-Bihar State Mining Corporation (hereinafter referred to as the “Corporation”) for Kishanganj District. He therefore submitted that it is in the interest of justice that the applicant may be permitted to carry out the mining activities in the Kishanganj District.

**I.A. Nos. 153531-153532 of 2021**

5. In the present I.A. the applicant claimed that it was a successful bidder for auction of sand ghats in respect of Banka District for the period from 2015 to 2019. It is the case of the applicant that it had been granted extension after the year 2019 from time to time and the last of such extensions was granted till 31st March 2022. The applicant apprehended that in pursuance to the order dated 10th November 2021 passed by this Court, NIT would also be issued in respect of Banka District. During the pendency of these I.A. NIT in respect of sand ghats

in Banka District has been issued by the Corporation on 2nd December 2021.

6. We have heard Shri Narender Hooda, learned Senior Counsel appearing on behalf of the applicant in the said application.

7. Shri Hooda submitted that since the applicant was the highest bidder in the auction conducted for the period from 2015 to 2019 and since thereafter, the applicant had been granted extensions, he is entitled to carry out the mining activities at least till 31st March 2022. He further submitted that the amount which the respondent-Corporation would receive for the sand ghats in pursuance to the NIT dated 2nd December 2021, is much less than the one the applicant has offered and therefore, it is in the interest of justice that the applicant be permitted to continue with the mining activities at least till 31st March 2022.

**I.A. No. 165173 of 2021**

8. The grievance of the present applicant is somewhat similar to the grievance of the applicant in I.A. Nos. 154740-154741 of 2021. Here again, it is the contention of the applicant that it was a successful bidder in respect of the sand ghats in the Jamui District in the bids conducted in the year 2019. It is therefore submitted that the impugned NIT dated 15th November 2021 issued by the Corporation prejudicially affects the interest of the applicant.

9. We have heard Shri Prashant Bhushan, learned counsel in support of the said application. Shri Bhushan submitted that the applicant was a successful bidder in the bids conducted in the year 2019 and he is entitled to be appointed as a contractor or in the alternative at least he be granted a right to match the highest bidder along with the right of first refusal.

**I.A. Nos. 160138, 160139 and 160142 of 2021**

10. The grievance of the present applicant is similar to the grievance of the applicant in I.A. Nos. 153531-153532 of 2021. It is the case of the applicant that it was a successful bidder for the period from 2015 to 2019 at Nawada District. Thereafter, the applicant was granted extensions from time to time and the last of such extensions was granted till 31st March 2022.

11. Shri C.A. Sundaram, learned Senior Counsel appearing on behalf of the applicant submitted that as such, the applicant would be entitled to carry out the mining activities till 31st March 2022.

12. In the present application, it has been submitted on behalf of the applicant that the mining activities which are being carried out by the Corporation are without the grant of Environmental Clearance. It is submitted that the very purpose for which the order was passed by the Tribunal and modified by this Court, was to ensure that the environment is not damaged on account of rampant mining activities without the grant of Environmental Clearance by the Competent Authority. It is therefore submitted that the NITs dated 15th November 2021 and 2nd December 2021 are silent about the environmental aspects and therefore, the action of the respondent-Corporation in issuing NITs amounts to contempt of this Court.

13. Shri Atmaram Nadkarni, learned Senior Counsel appearing on behalf of the appellant-State of Bihar submitted that the NITs in question were issued for a limited period in view of the order passed by this Court dated 10th November 2021. He submitted that the rest of the directions as are issued by this Court with regard to preparation of draft District Survey Report (hereinafter referred to as "DSR") and consideration of the same by State Expert Appraisal Committee (hereinafter referred to as "SEAC") and State Environment Impact Assessment Authority (hereinafter referred to as "SEIAA") are under process. He further submitted that in view of the permission granted by this Court vide order dated 10th November 2021, the Corporation is employing the services of the contractor for the limited period. He submitted that after the directions issued by this Court are complied with, a fresh process for allotment of sand ghats in accordance with law would be initiated subject to the orders of this Court. He further submitted that while permitting the mining activities through the services of the contractor, the Corporation is ensuring that no damage is caused to environment by such activities.

14. We had issued the directions vide order dated 10th November 2021 in the peculiar facts and circumstances of the matter. We had noticed that unless the detailed DSRs are prepared by the Sub-Divisional Committees by undertaking site visits and using the modern technology and unless the same are examined by SEAC and SEIAA, it will not be appropriate to carry out the mining activities. However, we had also noticed that if there is a ban on mining activities, apart from it leading to illegal sand mining, criminalization and clashes between the sand mafias, it would also cause huge loss to the public exchequer. We had noticed that sand is also required for construction of public

infrastructural projects as well as public and private construction activities.

15. Taking into consideration these aspects of the matter, we had issued directions so that the Sub-Divisional Committees, the SEAC and SEIAA act within the stipulated time periods. We had granted 6 weeks' time at each level and had directed the matter to be kept after 20 weeks. However noticing, that during the said period, it was necessary to permit the mining activities so as to prevent illegal mining and also to prevent loss to the public exchequer, we had permitted the Corporation to carry out the mining activities, and further to employ the services of the contractor. However, while doing so, we had directed the State Government to ensure that all environmental concerns are taken care of and no damage is caused to the environment. It could thus be seen that this was only a stop gap arrangement.

16. A perusal of the NITs in question, issued by the Corporation would reveal that the Corporation has specifically referred to the order dated 10th November 2021, passed by this Court and has also specified that the operation period of sand ghats will only be up to 31st March 2022 and subject to further orders passed by this Court in the present proceedings.

17. Insofar as the applicants in I.A. Nos. 153531-153532 of 2021 and I.A. Nos. 160138, 160139 and 160142 of 2021, who claim to have a vested right in view of the extensions granted in their favour are concerned, we see no merit in these applications. Though they were successful in the bidding process held in the year 2015, which was extended up to 2019 and thereafter, they were only continuing under the extensions granted.

18. Insofar as the other applicants in I.A. Nos.154740-154741 of 2021 and I.A. No. 165173 of 2021 are concerned, though they were successful bidders in the tender process conducted in the year 2019, in view of the order passed by the Tribunal dated 14th October 2020, which was modified by this Court vide order dated 10th November 2021, they also cannot claim a vested right to do the mining activities.

19. Taking into consideration the peculiar facts and circumstances in which we had passed the order, we find that entertaining any of such applications would result in further complications. In any case after our directions issued on 10th November 2021 are complied with, we will take a final look of the matter in the last week of March, 2022. The NITs issued by the Corporation for mining, cover the period only up to 31st

March 2022. We are therefore not inclined to entertain the aforesaid four I.A.

20. Insofar as the I.A. No. 163177 of 2021, filed by the applicant alleging contempt of this Court's order dated 10th November 2021 is concerned, we have already directed the State of Bihar to ensure that while carrying out the mining activities, it shall ensure that all environmental concerns are taken care of and no damage is caused to the environment. We remind the State Government of the said directions and direct it to ensure that the said directions are complied with scrupulously.

21. In that view of the matter, I.A. Nos. 154740-154741 of 2021, 153531-153532 of 2021, 160138 of 2021, 160139 of 2021, 160142 of 2021 and 165173 of 2021 are rejected.

22. I.A. No. 163177 of 2021 is disposed of in terms of paragraph (20) of this order.

**2025 Supreme(Online)(NGT) 1036**

NATIONAL GREEN TRIBUNAL PUNE (WESTERN ZONE BENCH)

Mr. Justice Dinesh Kumar Singh, Dr. Vijay Kulkarni, JJ

PRAMOD DHANRAJ KHURSANGE - Appellant

Versus

District Collector, Nagpur - Respondent

ORIGINAL APPLICATION NO.162 OF 2024 (WZ)

Decided On : 02-06-2025

**The Tribunal affirmed that the preparation of District Survey Reports must strictly adhere to established environmental guidelines, and failure to comply renders subsequent actions potentially void.**

**Subject: Environmental Law - Mining Regulations**

District Survey Report - Environmental Clearance - illegal mining - sand mining guidelines - environmental impact - jurisdiction - sustainable practices - public consultation - neglect of procedure - legal compliance

**Act Referred : Mines and Minerals (Development and Regulation) Act, 1957**

**Environmental Protection Act, 1986: S.15**

**EIA Notification, 2006**

**Constitution of India: S.List-1, Entry 54, S.List-2, Entry 23, Article 246 (3)**

**Water (Prevention and Control of Pollution) Act, 1974: S.18**

**Air (Prevention and Control of Pollution) Act, 1981**

**(A) Environmental Impact Assessment Notification, 2006; Sustainable Sand Mining Guidelines, 2016; Enforcement and Monitoring Guidelines for Sand Mining, 2020 - District Survey Report (DSR) prepared for Nagpur District was found to be in violation of established guidelines; the applicant sought to set aside the Draft DSR and related Sand Depot Tender/Work Orders, asserting the illegality of ongoing sand mining activities. (Paras 1 to 49)**

**(B) Powers of National Green Tribunal - The Tribunal has jurisdiction to adjudicate mining issues and ensure compliance with environmental laws. (Paras 4, 7)**

**(C) Procedure for preparation and approval of District Survey Reports emphasizes substantiation through actual surveys and adherence to environmental guidelines, with lack of compliance resulting in potential nullity of subsequent actions. (Paras 12, 41)**

**Facts of the case:**

**The applicant, a farmer, challenged the legality of the DSR and the associated tenders for sand mining in Nagpur District, alleging that they violated environmental laws and lacked proper public scrutiny.**

**Findings of Court:**

**The Tribunal dismissed the application, upholding the validity of the final DSR and the Environmental Clearances, and reaffirmed that the correct procedure was followed in the preparation of the DSR.**

**Issues: The primary issues revolved around the legality of the District Survey Report, the adherence to environmental guidelines, and the status of ongoing mining activities during the monsoon period.**

**Ratio Decidendi: The Tribunal concluded that the final DSR complied with procedural requirements and emphasized the importance of following established environmental guidelines to ensure sustainable practices in mining operations.**

**Result: Application dismissed.**

**Cases Referred:**

*State of Meghalaya v. All Dimasa Students Union*, [(2019) 8 SCC 177] - relied upon- [Para 4]

**Legality** - *This case affirms the NGT's power to adjudicate and monitor mining activities.*

*Deepak Kumar Vs. State of Haryana*, [(2012) 4 SCC 629] - referred to- [Para 27]

**Procedure** - *This case discusses the mandatory procedure for*

*preparing District Survey Reports.*

*Satendra Pandey Vs. MoEF&CC, dated 13.09.2018 - referred to*

**Approval Process** - *This tribunal ruling outlines the necessity for approval of DSRs as per established guidelines.*

*The State of Bihar & Others vs. Pawan Kumar & Ors., Civil Appeal Nos.3661-3662 of 2020*

**Mining Policy** - *This case clarifies the procedure for DSR evaluation and the roles of SEAC and SEIAA.*

*NGT (Principal Bench) in O.A. NO.360/2015, on 26.02.2021 - referred to*

**Illegal Mining** - *This ruling notes the prevalence of illegal mining activities and mandates compliance with SSMG-2016.*

### **Advocates:**

**For the Appellants/Petitioners:** Mr. Sanjay Upadhyay, Mr. Piyush M. Dwivedi, Mr. Shubhendu Anand, Mr. Ayush Anand

**For the Respondents:** Mr. Nitin P. Deshpande, Mrs. Madhavi Rahirkar, Mr. Aniruddha Kulkarni, Mr. Piyush M. Shukla

### **Table of Content**

1. illegal mining and tender violations. (Para 1 , 2 , 3 , 4 , 5 , 6)
2. deficiencies in the district survey report. (Para 7 , 8 , 9 , 10 , 11)
- 3 . arguments against the validity of environmental clearances. (Para 12 , 14 , 16 , 18)
4. discussion on the submission and approval process. (Para 19 , 21 , 23)
5. court observations on process compliance. (Para 31 , 32 , 36 , 40)
6. final decision regarding the legality of ecs and tenders. (Para 42 , 44 , 46)
7. conclusion and order to dispose of the application. (Para 47 , 48 , 49)

### **JUDGMENT**

1. This Original Application has been filed with the prayers to get the Draft District Survey Report (DSR), which is annexed as Annexure A-3 at page nos.238 to 434 of the paper book, set aside and direction for the preparation of a fresh DSR be issued in accordance with the 2016 Guidelines, Sand Mining Framework, 2018; and Enforcement & Monitoring Guideline for Sand Mining, 2020; to set aside the Sand Depot Tender/Work Order dated 02.02.2024, which is annexed at page nos.471 to 587 of the paper book, granted to Respondent Nos.5 to 12; to declare all the sand

stock yards within 5 kms. of the Sand Mines or Riverbed to be illegal and direct for its permanent closure and for recovery of environmental damages caused to the river ecosystem; to call for records of the Environmental Clearances taken by the district administration for the 22 Sand Mines enumerated in the Sand Depot Tender/Work Order Dt. 02.02.2024; and a direction may be issued for permanent closure of all the sand stockyards operating in the District of Nagpur without Consent to Operate Order and impose the environmental damages on Respondents Nos.5 to 12.

2. In the body of this application, it is submitted that the applicant is a farmer, who is aggrieved by the ongoing illegal mining, specifically due to the tender floated for allotment of the stockyards/depots by the Government of Maharashtra on 25.04.2023. The Tenders so floated on 25.04.2023 and Sand Depot Tender/Work Order dated 02.02.2024 allotted to the private respondents i.e. Respondents 5 to 12 are blatantly illegal and in violation of numerous environmental laws and guidelines related to the environmental protection.

3. Further, it is mentioned in this application that on 25.04.2023, a Public Notice was issued by the District Collector, Nagpur regarding Tender for mining/excavation, its transportation from mining site to the sand depot, establishment and management of sand depot of the sand mining sites located at Nagpur District. It is surprising to note that the said Tender stated the quantity of sand for each sand ghat, without any District Survey Report. The said Tender stated, in the terms and conditions, the bid period to be for three years or until the stored sand stock has become 'nil'. The copy of the said Public Notice is annexed as Annexure A-11 at page no.939 to 994 of the paper book, which pertains to the year 2022-2023. We also find that this pertains to the EC dated 17.03.2023 and not the EC dated 02.02.2024, which is assailed herein.

4. Further, it is mentioned in this application that the District Collector, Nagpur- Respondent No.1 has prepared the impugned District Survey Report- 2023-24, which violates the laws and guidelines issued by the Central Government. Further, it is the District Magistrate, who is responsible to form a Committee for monitoring of compliances as per the EM guidelines, required prior to their approval of Environmental Clearance. Further, it is submitted that it is a well-settled law that this Tribunal exercises ample power to adjudicate, appoint a Committee and decide mining

issues, as stated in *State of Maharashtra v. All Dimasa Students Union*, [(2019) 8 SCC 177].

5. Further, it is mentioned in this application that the Sustainable Sand Mining Management Guidelines were issued in the year 2016 by the MoEF&CC, Government of India. The main objectives of these guidelines are to ensure that sand and gravel mining are done in an environmentally sustainable and socially responsible manner and to improve the effectiveness of monitoring of mining and transportation of mined-out material. Under these guidelines, the structure of DSR is given at internal page no.24, which specifically provides the manner of preparation of DSR with respect to replenishment study and how to calculate the same to ascertain the excavatable quantity. This survey document should be prepared in the district based on the direct and indirect benefits of mining and the identification of potential threats to the river/stream beds in the district. These guidelines are not properly incorporated in preparation of DSR with regard to mines, for which auction tender has been invited in the present case.

6. Further, it is mentioned in this application that on 16.02.2024, a Comprehensive Policy of the Department of Revenue & Forests, Government of Maharashtra, has been issued in connection with excavation/ mining of sand, its storage and sales through online process, which is devoid of several important precautionary guidelines as mentioned in 2016 & 2020 Guidelines. Further, it is mentioned that the Union Ministry of Mines along- with the Indian Bureau of Mines and respective State Governments made necessary provisions in this regard under the Mines and Minerals (Development and Regulation) Act, 1957 , Mineral Concession Rules, 1960 and adopted model Guidelines to be followed by all the States. Further, Entry 54 of List-1 in Schedule VII to the Constitution of India is the entry, which empowers the Parliament in respect of Regulation of Mines and Minerals Development. Entry 23 of List-2 of the same Schedule, read-with Article 246 (3) of the Constitution confers legislative powers on the State Legislature in respect of the Regulation of Mines and Mineral Development. But this power is subject to the provisions of List-1 with respect to the regulation and development under the control of the Union. Therefore, the State of Maharashtra is responsible authority for sand mining in the District Nagpur.

7. Further, it is mentioned in this application that the highest

number of cases of non-compliances of the Sustainable Sand Mining Management Guidelines, 2016 are in Maharashtra, which is clearly recorded by the NGT (Principal Bench) in O.A. NO.360/2015 on 26.02.2021 referred to its order dated 05.04.2019, wherein the extent of challenges posed by illegal sand mining was noted by the Tribunal. Further, it is mentioned that after considering the extent of illegality in the process, the Tribunal, after considering the SVS Rathore Committee Report, ordered in the O.A. NO.360/2015 on 26.02.2021, as follows:-

i. All the States/UTs to strictly follow the SSMG-2016 read with EMGSM-2020 reinforced by the mechanism for preparation of DSRs.

ii. The periodic inspection be conducted by a five-members Committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Where the CPCB regional office is not available, if the MoEF&CC regional office is available, its Regional Officer will be included in the Committee.

8. In pursuance to the above directions and 2016 Guidelines, the DSR 2023-24 for Nagpur District is prepared. However, the DSR 2023-2024 so prepared suffers from serious irregularities and illegalities. The said guidelines emphasize detailed procedures to be followed for the purpose of Replenishment Study of each Sand Ghat, identification of areas of aggradation deposition where mining can be allowed and identification of areas of erosion and proximity to infrastructural structures and installation where sand mining should be prohibited. In the present DSR, there is no prohibited area or ghats enlisted that are not suitable for mining. In the present case, DSR prepared by the District Administration, Nagpur is faulty, as it did only replenishment study of two rivers (namely Kanha & Pench) on mathematical presumptive calculation without doing survey of each ghat as provided in EMGSM, 2020 to ascertain excavatable quantity from each sand mine. The chart given in the DSR for the Sand Ghats and available sand thickness (in meters) is without any basis or survey in this regard. No report of any agency or survey has been appended with the impugned DSR of Nagpur, which conducted such periodic survey for replenishment of each sand ghat.

9. Further, it is mentioned in this application that the impugned DSR

2023-2024 is not in compliance with the SSMMG, 2016 and the LOI issued for the stockyard/depot in furtherance of mining for the stockyard/depot is illegal and unlawful. Further, it is mentioned that the impugned faulty DSR (2023-24) is further marred with serious non-application of mind; for example the proposed list of 70 Sand Ghats for the year 2023-24. Among these 70 ghats, 40 ghats were pre-monsoon surveyed, in which 18 ghats are non-excavated and the remaining 22 are excavated, which are granted through LOI. It is astonishing to see that a non-excavated ghat called Chichghat at river Kanhan in Kuhi Taluka was never proposed for mining. However, the said Ghat was surveyed and is included in the list for revalidation of EC.

10. Further, it is mentioned in this application that out of 22 Sand Ghats, for which LOI has been issued, in four sand ghats [Saholi-B, Juni Kamptee (Gadeghat), Singardip and Chichghat], sand quantity excavatable in LOI is more than the excavatable sand available as per the impugned DSR, which means LOI had been issued for the sand quantity more than the permissible limit. Moreover, the DSR 2023-24 further enumerates the transportation plans for each 22+18+5 sand ghats. However, the location of the sand stock depot is not in accordance with the transportation routes mentioned in the DSR 2023-24. There is no policy in Nagpur regarding the location of the stockyard/depot which is detrimental to the river and is an aid to illegal sand mining. The locals and other people, who live in the vicinity of the stockyard/depot, have reported to the newspaper about their grievances related to pollution due to illegal mining and transportation. The public raises a serious concern about the environmental impact and damage caused to the river and transport due to illegal mining and transportation of sand.

11. Further, it is mentioned in this application that the applicant is not in possession of the Environmental Clearance granted to the 22 Sand Ghats in Nagpur, which has been granted by the State in the year 2024 on the same day when the Work Order was issued on 02.02.2024 and such record could not be found on Parivesh Portal of the State Environment Impact Assessment Authority. Further, on the District Portal, only draft DSR has been uploaded with a Certificate of the District Collector issued on 05.12.2023, from which it is clear that the non-publication of the Environmental Clearance in the public domain is not only a violation of the **EIA Notification, 2006** but also of a catena of decisions by this Tribunal in terms of how such ECs are to be communicated and the definition of the

communication itself.

12. Further, it is mentioned in this application that the fact that there is only a draft DSR and the Certificate of the District Collector issued on 05.12.2023 does not make it a valid document for granting of any Environmental Clearance and hence should be considered as ab initio void and any consequential benefit flowing out of such illegality must be punished in accordance with the law. Moreover, the onus is on Respondent No.2- State of Maharashtra to prove that the EC so granted was obtained in accordance with law or not. It is well settled in environmental jurisprudence that the accused has a special burden of proof. Therefore, it is for the Respondents to produce evidence of whether such EC and the consequent Sand Tender/Work Order was received and granted sequentially in accordance with the law. It is further submitted that the draft DSR, which has been certified by the District Collector on 05.12.2023, is faulty due to non-compliance of annual replenishment study, therefore the present O.A. has been filed seeking direction to the district administration to correct the DSR or in future to prepare the DSR as per the 2016 and 2020 Sustainable Sand Mining Guidelines issued in this regard. The Draft DSR is also not approved by the SEIAA, which is mandatory as per the **EIA Notification, 2006** .

13. Further, it is mentioned in this application that there is no public record of the said draft DSR being finalized or approved by the SEIAA, which is a legal requirement under the **EIA Notification, 2006** , specifically as required under EIA Notifications dated 15.1.2016 read-with 25.07.2018 of MoEF&CC, provided that "The District Survey Report shall be prepared in the district and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on the district's website for twenty-one days. The comments received shall be considered and if found correct, shall be incorporated in the final Report to be finalized within six months by the District Environment Impact Assessment Authority". Therefore, the present Original Application has been filed pleading that the method of preparation of Draft DSR is faulty and no authorization has been attached and it has never been approved or no such notice has been put on in the public domain. Therefore, the DSR with a Certificate of the District Collector dated 05.12.2023 is illegal and any subsequent act undertaken by the State in pursuance of the illegal DSR would be treated to be illegal on the principle of 'Sublato Fundamento Cadit Opus'.

14. Further, it is mentioned in this application that the Sand Depot Tender/Work Order dated 02.02.2024 (previously mentioned as LOI as per Policy), pursuant to the Tender dated 25.04.2023 of the successful bidder, has not yet expired. The Condition No.6 to the said Sand Depot Tender/Work Order, while copying the said Tender by competent authorities, there are also directions to the Maharashtra Pollution Control board as well as Tehsildar for ensuring that during the period of 10<sup>th</sup> June to 30<sup>th</sup> September, which is declared a rainy season, during this period, no sand should be excavated. It is also clear from the Comprehensive Policy dated 16.02.2024 of the Government of Maharashtra, in connection with excavation/mining of sand, its storage and sale, that the period of the Tender will be up to three years which is also stipulated in the Environmental Clearance or till the reserves get exhausted whichever is earlier. The Policy too envisages the moratorium period of 10<sup>th</sup> June to 30<sup>th</sup> September as noted above, hence the above-mentioned prayers have been made.

15. The present Original Application was first considered by this Tribunal vide order dated 30.07.2024, in which learned counsel for the applicant had sought time to bring the appropriate amendments in the prayer clauses as well as in the pleading part of this Original Application. Thereafter, he had filed an amended copy of the present Original Application, which was considered by us vide order dated 04.09.2024. The next detailed order was passed by us on 13.09.2024, when we had called for a report from the SEIAA as to why the District Survey Report (DSR) has not been prepared at their end as per the provisions cited above and whether any ECs have been granted on the basis of this report for the mining purpose. Thereafter, we considered the matter on 18.11.2024, 25.11.2024, 08.01.2025, 10.01.2025, 24.02.2025, 04.04.2025 and 29.04.2025.

16. Thereafter, arguments of learned counsel for the other parties were heard at length in this matter on 01.05.2025, wherein learned senior counsel for the applicant has insisted before us that the District Survey Report (DSR) has not been prepared in accordance with the law because there are 3 draft DSRs in the case in hand. One is dated 01.11.2023, which is annexed from page nos.3573 to 3757 of the paper book, which is being said to be the final DSR by learned counsel for Respondent No.1- District Collector, Nagpur and Respondent No.3- District Mining Officer, Nagpur.

17. Thereafter, learned senior counsel for the applicant has drawn

our attention to page no.2032 of the paper book, which is the final amended District Survey Report (DSR) dated 05.12.2023 and in this, he states that there is no official noting in this regard and that the same is an afterthought. Thereafter, he drew our attention to page no.3340 of the paper book, whereon there is a DSR dated 19.05.2023, which he states that the same was later on removed from the official website of District Nagpur. Having cited this fact, he states that the preparation of draft DSR has not been done in accordance with the rules. Hence, if the DSR has not been prepared appropriately then subsequent activities would also be treated to be null and void and consequently, the conditions of EC, which are said to have been granted on 02.02.2024, would also be treated to be ab initio void.

18. In regard to the above, we have pointed out to learned senior counsel for the applicant that in the case in hand, it appears that applicant is assailing the draft DSR, while final DSR has already been prepared, therefore, there is no question to assail the draft DSR, rather final DSR should have been assailed, but outcome of that would be that EC would be adversely impacted if the DSR is set aside by us. It is settled principle that after preparation of the DSR, EC is considered and granted on the basis of that. Therefore, the applicant appears to have not chosen the right mode to assail the EC directly, as the same appears to have been found time barred because he has filed the present Original Application on 17.07.2024, while the EC, which would stand void in case of quashing of DSR, which was granted on 02.02.2024. In our estimation, the applicant ought to have filed an appeal seeking quashing of the EC dated 02.02.2024, instead of filing the present Original Application, in which he could have made all the above averments.

19. Respondents No.4- MPCB has filed reply affidavit dated 01.04.2025 before this Tribunal, wherein it is submitted that State Level Environment Impact Assessment Authority (SEIAA) had granted Environment Clearances on 02/02/2024 to the District Mining Officer, District Collector Office, Nagpur for carrying out sand mining activities in Nagpur District, subject to certain terms and conditions, wherein one of the conditions is that the Project Proponent shall carry out sand mining by manual method only. No mechanical/ electrical/ power driven devices shall be used for sand mining purposes. It is further submitted that as per the directions dated 12/02/2025 issued by the Central Pollution Control Board

under section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 , regarding revised harmonization of classification of industrial sectors in Red, Orange, Green, White & Blue categories, the standalone mining lease area upto 5 hectares in areas (not a part of any cluster mining) has been categorized under orange category excluding manual excavation. It is further submitted that in view of the classification of industrial sectors dated 12/2/2025, issued by the Central Pollution Control Board, the answering Respondent has not issued Consent to Establish and Consent to Operate to Respondent Nos.5 to 12- Private Respondents in respect of sand mining activities in District Nagpur. 20. Respondent No.1- District Collector, Nagpur and Respondent No.3- District Mining Officer, Nagpur have filed combined reply affidavit dated 11.03.2025 before this Tribunal, wherein following facts are submitted:-

“.....4.To begin with, the technical sub-committee carried out a survey. It identified the Sand Ghats available for the purpose of sand excavation. Then the available sand was quantified. The suitable and prohibited sand ghats were earmarked. The committee ascertained whether an approach road is available for all the sand ghats and also whether the identified sand ghats are at safe distance from any bridge or public water supply well. The replenishment study was done through the appointed consultant. This is how after following the due procedure, Draft DSR for (2022-23) was prepared and it was published on the website for the purpose of inviting objections and suggestions. The copy of Draft DSR for (2022-23) annexed and marked as Exhibit R-1.

5. I say that thereafter the objections and suggestions were considered and the final DSR for (Year-2022-23) was prepared and it was published on 30.12.2022 on the website. Hereto annexed and marked as Exhibit R-2 is the said DSR dt. 30.12.2022. The screenshot of the website is annexed to this reply and marked as Exhibit R-3.

6. I say that, as per chapter 5 (I) 2) the policy of the State Government for sand mining dt. 19.04.2023 permits issuance of Tender for sand mining up to 3 years. The said policy is annexed to this affidavit and is marked as Exhibit R-4. On 17.03.2023, SEIAA granted Environmental Clearance for sand

mining in Nagpur for (Year-2022-23). This was for 1 year. By public notice dated 25.04.2023, the Collector invited Tenders for 3 years since the Tender annexed to the Original Application as Annexure A-11. The possession of sand ghats was handed over to the successful bidders on 18.05.2023. Hereto annexed and marked as Exhibit R- 5 are the orders to that effect. Since mining is prohibited during the monsoon period between 10<sup>th</sup> June to 30<sup>th</sup> September, the possession of the sand ghats was taken back on 09.06.23. The Panchnamas to that effect are annexed to this reply and collectively marked as Exhibit R-6. Therefore, there is no substance in the contention of the Applicant that mining was ongoing during the monsoon season.

7. The period of EC was over on 30.09.2023. Thereafter, the procedure of survey was repeated and an application for EC was made once again. Draft DSR for year-(2023-24) was prepared and published on the district website nagpurgovin for comments and suggestions from dt. 01.11.2023 to 02.12.2023. The copy of Draft DSR is marked and annexed as Exhibit R-7. After receiving no comments, the Draft DSR was finalized and published on the district website nagpurgov.in on 05.12.23. The copy of Final DSR is marked and annexed as Exhibit R-8. On the basis of the final DSR of 05.12.2023, the SEIAA granted new EC on 02.02.2024. This was for a further period of 3 years. The said EC is annexed to this reply and marked as Exhibit R-9. The Tender notice issued earlier was a period of 3 years. By letter dt. 02.02.2024, the successful bidders were permitted to carry out mining operations for a period up to the beginning of monsoon season i.e. 09.06.2024. Hereto annexed and marked as Exhibit R-10 is the copy of the said letter dated 02.02.2024. Since no formalities were to be completed, the Collector issued an order permitting mining operations on the same day when the EC was granted. There is nothing objectionable or suspicious about this aspect. It may be remembered that the final DSR was displayed on the website on 05.12.2023, I had given a demonstration before the SEAC committee. This fact is mentioned in the minutes of the meeting of both SEAC dt. 19th & 20' Dec 2023 annexed as Exhibit R-11 and SEIAA dt. 8th Jan 2024 annexed as Exhibit R-12. Even the EC mentions this aspect. The said EC is annexed to this reply and marked as Exhibit R-13. SEIAA considered final DSR and has accorded the EC. This is as good as approval of DSR by SEIAA.

8. I state that, on 09.06.2024, the Tahasildar Savner issued letter to the concerned officers and Talathis To take back the possession of the sand ghats as per the directives mentioned in the sand policy chapter-5 I] A) 3). The said letter dated 09.06.2024 is annexed to this reply and marked as Exhibit R-14. Pursuant to this letter the circle officers took possession of various sand ghats. Sample possession receipts are annexed and marked as Exhibit R-15. Thereafter, authorised possession of these sand ghats was handed over back to them as per the letter dt. 29.11.2024 annexed and marked as Exhibit R-16.

9. In the light of above documentary evidence, the Applicant made incorrect submissions that we are permitting mining without further authorisation of permission. These were the oral submissions of the Applicant without having any backing of the documentary evidence. Therefore, stay order granted dated 24.02.2025 on the sand mining deserves to be vacated. Currently, number of projects of national importance such as construction of Mankapur Sports Complex (Rs. 473 Cr. and odd), the extension of the runway at Dr. Babasaheb Ambedkar Airport (Rs. 42 Cr) etc. are going on. For these projects, the sand is badly needed. The Tender/work order copies are marked and annexed as Exhibit R- 17. If it is to be imported from neiRhbourin2, districts or States, the cost of projects will multiply. If the time limit for completion of such huge projects is not strictly adhered to then the Government may have to compensate the contractors in Arbitration or Court Proceedings.

10. I submit that the Government Resolution dated 16.02.2024 makes it clear that the responsibility to observe the conditions of EC is that of the bidder and he is under obligation to abide by all the laws pertaining to the environment. The said GR is annexed to this reply and marked as Exhibit R-18. Therefore, the Collector has entered into a registered agreement with the successful bidders. Under this agreement, the responsibility in case of breach of the conditions of EC is that of the successful bidder. This agreement dated 17.05.2023 is at Exhibit R-19. The order at Exhibit R-5 (hereto) also states the same thing. Moreover, u/s.15 of the Environment Protection Act the person committing breach of the provisions of the said Act are liable for the same.....”

21. Respondent No.13- SEIAA has filed reply affidavit dated

03.04.2025, wherein it is submitted that as per the Revised Sand Policy dated 28-01- 2022, the Government of Maharashtra laid down that in connection with excavation/ mining of sand, its storage and sales through online process, issued by the Revenue and Forest Department, Government of Maharashtra dated 16-02-2024, responsibility to comply with the terms & conditions of mining activity as per the EC is upon the individual bidder/ contractor.

22. It appears that Respondent Nos.5, 8, 10 & 12- Private Respondents have also filed their reply affidavits in this matter. But we are not taking those replies into consideration as of now.

23. Respondent No.4- MPCB has filed additional affidavit dated 24.04.2025 before this Tribunal, stating therein that mining lease area more than 5 hectares or Mining lease area upto 5 hectares, which is a part of cluster mining, are categorized under Red Category for seeking consent. But if the same is being done by manual method, that will not require any consent. Hence, in the case in hand, it is orally submitted by learned counsel for Respondent No.4 that no consent was required to be granted from the side of Respondent No.4.

24. Applicant has filed rejoinder affidavit dated 27.04.2025, wherein it is specifically submitted that pursuant to the Order of this Tribunal, on 07.01.2025, Respondent No.13- SEIAA had filed their Reply Affidavit along- with copies of 22 Environmental Clearances dated 02.02.2024 granted to the Project Proponents. Further, with the same Reply, the 274th SEIAA Minutes of Meeting dated 08.01.2024 has also been annexed, wherein it is apparent that the DSR has not even been discussed, but later on, the same was approved, despite the same being a statutory mandate and only EC granted was evaluated, revalidated and the validity of the EC was extended till 30.09.2024.

25. It is further submitted in this rejoinder affidavit by the applicant that due to the above facts, this Tribunal vide Order dated 24.02.2025 passed an order to the effect "...Therefore, in no circumstances, without further authorization of a permission, these respondents can be allowed to do mining activities on the sand block in question. Therefore, we direct the District Collector, Nagpur- Respondent No.1 to ensure that no sand mining is allowed to be done at the sand block in question till the next date of hearing". This Tribunal further directed the answering Respondents to clarify on what basis mining was allowed.

26. It is further submitted in this rejoinder affidavit by the applicant that as regards the DSR, it is stated that there was never a finally approved DSR, based on which the ECs were granted. This fact is brought out from the fact that in the latest Affidavit of SEIAA as well as the DM, the same Draft DSR is now preceded by a Letter, which seems to be an afterthought, has been pasted which claims that the Draft DSR is in fact the Final DSR. The fact that there is no letter number and official seal, clearly shows that the said Letter is a fudged document. This is further buttressed by the fact that the Final DSR dated 19.05.2023 was also downloaded by the Applicant which was uploaded temporarily on the website of the District Collector's Office of Nagpur, a copy of which has been appended as Annexure A-17. The same clearly gives the file number along-with the letter head which is now mysteriously missing. What is more surprising is that the ECs note that the DSR was finally approved on 01.11.2023 which is still uploaded on the website of the District Collector's office as draft DSR. The above averments make it clear that there is a huge discrepancy in the dates relating to DSR, wherein three dates namely, 19.05.2023, 01.11.2023 and 05.12.2023 are variously pasted on different DSRs, which clearly shows that there is something more than meets the eye. Hence, this Tribunal may call for the entire record.

27. With respect to the averment that the DSR was not required to be approved by the State Environment Impact Assessment Authority, it is further submitted in this rejoinder affidavit by the applicant that Respondent No.13 has admitted that there is no direction or necessity in Maharashtra for SEIAA to approve the DSR. The same averment is in direct contravention of established law as per the Hon'ble Supreme Court's Judgment in *Deepak Kumar Vs. State of Haryana* [(2012) 4 SCC 629] and this Tribunal's Judgment in *Satendra Pandey Vs. MoEF&CC* dated 13.09.2018 and as per Appendix- X of the EIA Notification dated 15.01.2016.

28. It is further submitted in this rejoinder affidavit by the applicant that Respondent No.13- SEIAA is in wrong perception that the appropriate authority is Department of Geology and Mines, Govt. of Maharashtra, rather the same is only an assisting unit as per the EIA Notification for supporting and assessing the Annual Replenishment Studies for the preparation of the DSR, which has also never been even consulted for assessing Annual Replenishment studies, as an expert body and no evidence of any communication with respect to that has been annexed by the

answering Respondents. Admittedly, in the present case, the onus of preparing and finalizing the DSR in Nagpur District is completely shifted upon District Mining Officer and District Collector, who have prepared the same arbitrarily without following the mandatory directions in this regard for the sand mining in the district. There is no proof given that assistance has been taken in this regard from the Department of Geology and Mines, Govt. of Maharashtra, rather it has been believed that they have given presentation of the final DSR to the Member of SEAC Committee, therefore, it is as good as approved by the SEIAA, which is completely contrary to the stand taken by Respondent No.13- SEIAA and guidelines & law of the land in this regard.

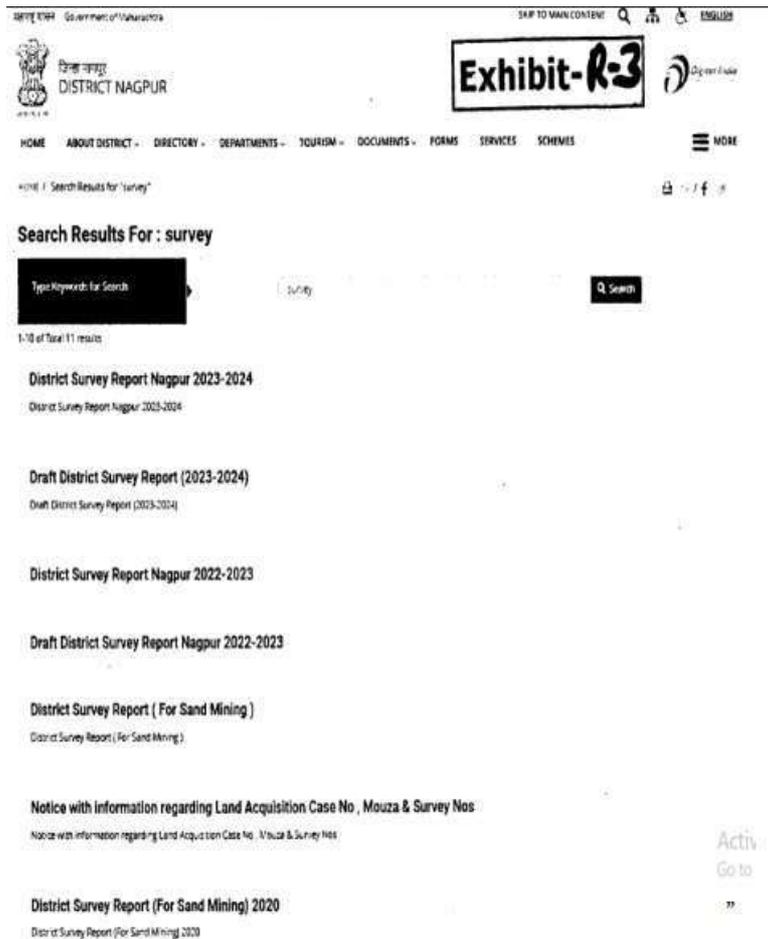
29. With regard to Consent to Establish and Operate not required for undertaking manual mining, it is further submitted in this rejoinder affidavit by the applicant that Maharashtra PCB has stated that due to manual sand mining and excavation, there is no requirement of Consent as per the CPCB revised classification of industrial sectors. At the outset, it is pertinent to highlight that the amount of sand, as visible from the photographs as well as the presence of machines, makes it clear that mechanical mining is going on in clear violation of the CPCB Directions as well as the conditions of Environmental Clearance. The presence of JCBs in the newspaper reports clearly highlights that mechanized mining is going on in the name of manual excavation.

30. We have heard the argument of learned senior counsel Mr. Sanjay Upadhyay, representing applicant as well as that of learned counsel Mr. Nitin P. Deshpande, representing Respondent No.1- District Collector, Nagpur and Respondent No.3- District Mining Officer, Nagpur and learned counsel Mr. Aniruddha Kulkarni, representing Respondent No.13- SEIAA, and perused the entire records thoroughly.

31. After having heard the arguments of both the sides, we find that the prayer at serial no.(a), pertains to the Draft District Survey Report (DSR) to be set aside, already stands infructuous because the final DSR has already been prepared and a copy of the same has already been provided to the applicant's counsel. But learned senior counsel for the applicant is raising several discrepancies in the finalization of the DSR on the basis of dates and the cover page. Therefore, we would like to throw light on this, after having taken into consideration the reply affidavit filed by Respondent Nos.1 & 3

as well as the information, which is gone through from the website of District Nagpur. For the sake of convenience, we are reproducing the same as below:-

“



”

32. Above website clearly indicates that there was a draft District Survey Report (DSR) prepared for Nagpur in the year 2022-2023 and thereafter, the same was finalized in the same year i.e. in the year 2022-2023. Further, a draft District Survey Report (DSR) was prepared in the year 2023-2024 and the same was finalized in the same year i.e. 2023-2024. The reply of Respondent No.1- District Collector, Nagpur and Respondent No.3- District Mining Officer, Nagpur, which has been considered by us above, clearly shows that full procedure was followed by them in accordance with the procedure prescribed.

33. As regards discrepancies of dates, we may mention here that as per the above website, a draft DSR for Nagpur was prepared and made available on the district website 'Nagpur.gov.in' for comments and suggestions from 01.11.2023 to 02.12.2023. The copy of the said draft DSR is annexed as Exhibit R-7 from page no.3573 of the paper book and beneath that draft, at page no.3576

of the paper book, there is a Certificate dated 01.11.2023, which states as below:-

“This is to certify that the District Survey Report is prepared in compliance to the notification issued by the Ministry of Environment and Forest and Climate Change, dated 25/07/2018 and Enforcement and Monitoring Guidelines for Sand Mining, 2020.

Every effort have been made to incorporate all accepts of the notifications. The sand mining location and other mining activity areas and overview of mining activity in the district with all its relevant features to geology and mineral wealth in replenishable and non-replenishable areas of rivers, stream and other sand sources.

This report will be a model and guiding document which is a compendium of available mineral resources, geographical set up environmental and ecological set up of the district and is based on data of various departments, published report and e-source. The District Survey Report will form the basis for application for environmental clearance, preparation of reports and appraisal of projects.”

34. Above-mentioned draft was finalized on 05.12.2023, communication of which is annexed at page no.2032 of the paper book, which has been issued by the District Mining Officer, Nagpur for final publication of amended “Final District Survey Report”, wherein following text is used:-

“To whom so ever it may concern, this is to inform that amendment in " District Survey Report" in with inclusion of data was published as " Draft" on district website of Nagpur, Maharashtra on for suggestions, comments, objections etc. from public at large with wide publicity in Daily Lokmat Daily 02.11.2023 & 03.11.2023 for 30 days as per Enforcement and Monitoring Guidelines 2020 issued by Ministry of Environment, Forest and Climate Change, Government of India, New Delhi. As no suggestions, comments, objections are received within the stipulated period of Draft Publication. Draft District Survey Report is considered as amended "Final District Survey Report" and subsequently published on district website”.

35. Although beneath of the above communication, at page no.2033

of the paper book, in covering page, still mention is made of a Draft District Survey Report, instead of final District Survey Report, which is creating confusion, advantage of which is being tried to be taken by learned senior counsel for the applicant in the present Original Application. On this final DSR, at page no.2036 of the paper book, there is a Certificate dated 05.12.2023 issued by the District Collector, Nagpur, to the following effect:-

“This is to certify that the District Survey Report is prepared in compliance to the notification issued by the Ministry of Environment and Forest and Climate Change, dated 25/07/2018 and Enforcement and Monitoring Guidelines for Sand Mining, 2020.

Every effort have been made to incorporate all accepts of the notifications. The sand mining location and other mining activity areas and overview of mining activity in the district with all its relevant features to geology arid mineral wealth in replenishabl and non-replenishable areas of rivers, stream and other sand source.

This report will be a model and guiding document which is a compendium of available mineral resources, geographical set up, environmental and ecological set up of the district and is based on data of various departments, published report and e-source. The District Survey Report will form the basis for application for environmental clearance. Preparation of reports and appraisal of projects.”

36. Above-mentioned documents clearly prove that one is a draft DSR, while the other is a final DSR for the year 2023-2024.

37. During argument, learned senior counsel for the applicant has also drawn our attention to page no.3340 of the paper book, on which there is a document, heading of which is mentioned as District Survey Report and beneath that Report, at page no.3343 of the paper book, following Certificate dated 19.05.2023 is annexed by the District Collector, Nagpur:-

“



## CERTIFICATE

This is to certify that the District Survey Report is prepared in compliance to the notification issued by the Ministry of Environment and Forest and Climate Change, dated 25/07/2018 and Enforcement and Monitoring Guidelines for Sand Mining, 2020.

Every effort have been made to incorporate all accepts of the notifications. The sand mining location and other mining activity areas and overview of mining activity in the district with all its relevant features to geology and mineral wealth in replenishable and non-replenishable areas of rivers, stream and other sand sources.

This report will be a model and guiding document which is a compendium of available mineral resources, geographical set up, environmental and ecological set up of the district and is based on data of various departments, published report and e-source. The District Survey Report will form the basis for application for environmental clearance, preparation of reports and appraisal of the projects.

District Collector

Nagpur

”

38. Based on above, it is submitted by learned senior counsel for the applicant that this was actual final District Survey Report (DSR), which was downloaded from the said website. But prior to its deletion, he has succeeded in obtaining a copy of the same. In this regard, we tried to know from learned counsel for Respondent Nos.1 & 3, as to why this DSR was deleted from the website, no appropriate answer could be given. But we are of the view that simply before finalizing the DSR, if earlier any draft DSR was considered for finalizing the final DSR, they need not be taken into consideration by us. There is no dispute as of now, because DSR has already been prepared, a copy of which has also been provided to learned senior counsel for the applicant. Probably because of this, learned senior counsel for the applicant is of the view that there is some fishy activity going on in the Department and that the DSR has not been prepared in accordance with the rules. But we are not in agreement with his view point because based on the final DSR, certainly EC has been granted by the SEIAA. Therefore, had there been any error in final DSR, certainly EC would not have been granted.

39. In regard to the above, we would like to mention here that the

final District Survey Report (DSR) was placed before the SEAC-I, which was considered as per Minutes of 271st Meeting dated 19th & 20th December, 2023, which are annexed at page nos.2251 to 2259 of the paper book, wherein at page no.2259, it is recorded "The proposal was appraised based on the information presented by the DMO and their accredited consultant. DMO presented the District Survey Report prepared as per various guidelines issued by the MOEF&CC which includes the replenishment calculations. DMO informed that, the District Survey Report is approved by the District Collector. PP informed that they have obtained approved Mining Plan letter dated 12.12.2023. DMO informed that, there is no cluster formation more than 5 ha. in the proposed sand ghats of the district. Further it was also informed that the proposed site does not fall within sensitive areas of any ESZ/ESA or Notified Forest etc". After having considering this, recommendation is made by SEAC-I to the effect "After deliberations with the PP and their accredited consultant, SEAC-1 decided to recommend the proposal for prior Environmental Clearance subject to the submission of concrete time bound plan for compliances of issues raised in the public hearing, conditions stipulated in the Grampanchyat NOC and specific EC conditions as mentioned in the Annexure- 1, After deliberations with the PP and their accredited consultant, SEAC-1 decided to recommend the proposal for prior Environmental Clearance subject to the submission of concrete time bound plan for compliances of issues raised in the public hearing, conditions stipulated in the Grampanchyat NOC and specific EC conditions as mentioned in the Annexure- 1. The deliberations and examination of the data and related information presented by the consultant -Open Arch Design and Enviro solutions LLP was not based on actual site assessment, validation through verification after assessment. It is important to note that in the interim period, ground situation must have changed. In view of the same, DC must undertake a comprehensive study for the district all sand ghats with regard to all pertinent environmental and other attributes through a reputed Govt. Institution which should be completed by March 2024". In the conclusion part of the said Meeting, it is recorded "Recommended".

40. Thereafter, the said proposal was again placed in 271<sup>st</sup> Meeting of SEAC- I (Day-2) dated 19<sup>th</sup> & 20<sup>th</sup> December, 2023, e.g. statements pertaining to Environment Clearance for Chikna-A sand spot over an extent of 3.2 ha at Kanhan River Bed Gut Nos.9, 10, 11, Village Chikna-A, Taluka Kamptee, District Nagpur, Maharashtra, District Mining Officer, Nagpur (mentioned at page no.2251 of the

paper book). Likewise, regarding other 21 sand ghats, proposals for ECs were considered by the SEAC-I and thereafter, recommendations made by the SEAC-I were placed before the SEIAA. Thereafter, the SEIAA considered these recommendations e.g. the recommendation made with respect to EC for Chikna- A sand spot, which is annexed at page no.2549 to 2561 of the paper book, wherein SEIAA took decision after deliberation to grant EC. Likewise in all the other 21 cases, ECs were granted by the SEIAA after thorough consideration.

41. In the light of above, if we closely go through the steps taken, which were taken by the SEAC/SEIAA etc., that would make it clear that a presentation was made by the DMO before the SEAC-I, which was considered in accordance with the law and thereafter, recommendation was made to SEIAA and pursuant to that, ECs were granted. Therefore, it cannot be said that the DSR was not approved by the SEIAA prior to grant of ECs. The SEAC is a subordinate body of the SEIAA, therefore, SEAC perused the presentation and thereafter made recommendation and based on that, ECs have been granted. Therefore, it is quite clear that, recommendation would amount to approval of District Survey Report (DSR) as well, before the grant of the ECs in question.

42. We would also like to mention here that learned counsel for respondent No.13- SEIAA has argued that District Survey Report (DSR) is not required to be approved by the SEIAA and that the Hon'ble Supreme Court, vide Order/Judgment dated 10.11.2021 delivered in Civil Appeal Nos.3661-3662 of 2020 (The State of Bihar & Others vs. Pawan Kumar & Ors.), has clarified in para no.14, sub-clause (i) as follows:-

“14. We therefore find it appropriate to substitute the directions issued by the Tribunal vide judgment and order dated 14th October 2020, with the following directions:

(i) The exercise of preparation of DSR for the purpose of mining in the State of Bihar in all the districts shall be undertaken afresh. The draft DSRs shall be prepared by the sub-divisional committees consisting of the Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geological or mining officer. The same shall be prepared by undertaking site visits and also by using modern technology. The said draft DSRs shall be prepared within a period of 6 weeks from the date of this order.

After the draft DSRs are prepared, the District Magistrate of the concerned District shall forward the same for examination and evaluation by the SEAC. The same shall be examined by the SEAC within a period of 6 weeks and its report shall be forwarded to the SEIAA within the aforesaid period of 6 weeks from the receipt of it. The SEIAA will thereafter consider the grant of approval to such DSRs within a period of 6 weeks from the receipt thereon;.....”

43. Thereafter, the Hon’ble Supreme Court, vide Order/Judgment dated 18.01.2022 delivered in I.A. Nos.154740-154741 of 2021, 153531- 153532 of 2021, 165173 of 2021, 160138 of 2021, 160139 of 2021. 160142 of 2021 and 163177 of 2021 in Civil Appeal Nos.3661-3662 of 2020 (The State of Bihar & Others vs. Pawan Kumar & Ors.), has passed order, as below:-

“14. We had issued the directions vide order dated 10 th November 2021 in the peculiar facts and circumstances of the matter. We had noticed that unless the detailed DSRs are prepared by the Sub- Divisional Committees by undertaking site visits and using the modern technology and unless the same are examined by SEAC and SEIAA, it will not be appropriate to carry out the mining activities. However, we had also noticed that if there is a ban on mining activities, apart from it leading to illegal sand mining, criminalization and clashes between the sand mafias, it would also cause huge loss to the public exchequer. We had noticed that sand is also required for construction of public infrastructural projects as well as public and private construction activities.

15. Taking into consideration these aspects of the matter, we had issued directions so that the Sub>Divisional Committees, the SEAC and SEIAA act within the stipulated time periods. We had granted 6 weeks’ time at each level and had directed the matter to be kept after 20 weeks. However noticing, that during the said period, it was necessary to permit the mining activities so as to prevent illegal mining and also to prevent loss to the public exchequer, we had permitted the Corporation to carry out the mining activities, and further to employ the services of the contractor. However, while doing so, we had directed the State Government to ensure that all environmental concerns are taken care of and no damage is caused to the environment. It could thus be seen that this was only a stop gap

44. In view of above, it is apparent that there is force in the argument of learned counsel for Respondent No.13, as the Hon'ble Supreme Court itself had clarified in the above-cited rulings that the direction given in that case for DSR to be evaluated by the SEAC and thereafter, grant of its approval by SEIAA, to such DSRs, would be done within six weeks from the receipt thereof, was in the peculiar fact and circumstances of the matter because that case belongs to the State of Bihar. Therefore, this provision may be taken to be applicable only for the State of Bihar and no other States, except when specific order is passed by the Hon'ble Supreme Court otherwise.

45. In view of above observations, we discard the argument made by learned senior counsel for the applicant that the SEIAA ought to have specifically approved the District Survey Report (DSR), particularly, in view of the fact that SEAC itself had been presented by the DMO about the details of the DSR and after consideration of the same, the SEAC had recommended to grant the ECs. Thereafter, the SEIAA had granted the ECs in the case in hand. Therefore, there is no error found in this regard to have been committed by the SEIAA.

46. With regard to the Relief (b) in the prayer clause of the present Original Application pertaining to setting aside the Sand Depot Tender/Work Order dated 02.02.2024 granted to Respondent Nos.5 to 12, we may say here very safely that since we have already upheld the validity of the District Survey Report (DSR) and consequently the ECs as well, in which under Specific Condition No.5, it is recorded “DMO to demarcate the proposed sand ghat with geo-referencing clearly providing adequate space for necessary infrastructure and facilities as presented in the layout”, this condition would also stand approved, which would include the infrastructure, consisting of location of sand stock yards, which must have been shown in the lay out. We find that the layout is not annexed, but once we have already upheld the EC as well as the validity of the DSR, question does not arise of setting aside the sand depot tenders and consequently to declare the sand yards to be illegal, hence this relief is also not possible to be granted.

47. In view of above analysis, we are of the view that the present Original Application does not sustain and the same deserves to be disposed of and is accordingly disposed of.

**1863**

48. Pending application, if any, also stands disposed of.

49. No order as to cost.