



क्षेत्रीय कार्यालय, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
REGIONAL OFFICE, U. P. POLLUTION CONTROL BOARD

दूरभाष: / Pn. : 0532-2569721

आवास विकास परिषद कालोनी, सेक्टर-10, योजना संख्या-3, झुंसी, प्रयागराज - 221506
Avas Vikas Parishad Colony, Sector-10, Scheme No. 3, Jhunsi, Prayagraj,

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संदर्भ सं०. 13/12/21

दिनांक 13/12/21

To,

E-Mail/Registered Post

The Registrar,
The National Green Tribunal
Principal Bench,
New Delhi
E-Mail:- judicial-ngt@gov.in

Subject:- Compliance of direction issued by Hon'ble National Green Tribunal in O.A No. 203/2021 Devidas Khatri Vs Union of Indian & Other in order dated 19-08-2021.

Sir,

With reference to the subject mentioned above, this is to inform you that in compliance of order issued on dated 19-08-2021 by Hon'ble National Green Tribunal in In OA No. 203/2021 Devidas Khatri Vs Union of Indian & Ors. The compliance report is submitted for your kind perusal and necessary action please.

Encl:-As Above.

Your Sincerely


13/12/21

Regional Officer

Copy to:-

1. Member Secretary, U.P. Pollution Control Board Lucknow for information.
2. District Magistrate, Prayagraj for information.
3. Chief Environmental Officer (Circle-2), U.P. Pollution Control Board Lucknow for information.
4. Chief Law Officer, U.P. Pollution Control Board Lucknow for information.
5. Sri Pradeep Misra, Advocate on Record, Hon'ble Supreme Court/NGT, B-235, Sector-19, Noida, for perusal and necessary action please.


13/12/21

Regional Officer

O/C 
AEE

Report of Joint Committee in Compliance to the Hon'ble NGT order dated 19.08.2021 in Original Application No.203/2021 in the Matter of "Devidas Khatri Vs Union of India & Ors."

1.0 Permeable:

The Hon'ble National Green Tribunal Principal Bench vide order dated 19/08/2021 constituted a joint committee of CPCB, State PCB, SEIAA, UP and District Magistrate, Prayagraj.

The relevant para of said order, is reproduced hereunder:

"...In view of above, we are of the opinion that the statutory authorities need to verify the facts and, based on such verification, take remedial action, following due process of law. For this purpose, we constitute a Joint Committee of CPCB, State PCB, SEIAA, UP and District Magistrate, Prayagraj. CPCB and State PCB will be nodal agency for compliance. The said authorities may nominate responsible officers of appropriately higher rank so that a credible action is taken and report furnished to this Tribunal. The Committee may meet within 15 days from today, under take visit to the sites, interact with the stakeholders and take remedial action in exercise of its statutory powers, following due process of law. The Committee may take assistance from any other authorities/individuals. The parties against whom allegations are found proved may be informed about proceedings before this Tribunal for their response, if any. An action taken report may be filed before the Tribunal within three months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF...".

2. Proceedings

Order of the Hon'ble National Green Tribunal Dated 19.08.2021

In compliance of the referenced NGT order, the committee was constituted comprising of following members:

1. Sh. Harsh Dev Pandey, ADM(E), District Prayagraj (Representative of DM, Prayagraj)
2. Dr. Ajai Mishra, Representative of UPSEIAA
3. Sh. J.P. Meena, Scientist-D, CPCB, Regional Directorate, Lucknow Representative of CPCB(Nodal Agency)
4. Sh. R. K. Singh, R.O. UPPCB, Regional Officer, Prayagraj Representative of UPPCB (Nodal Agency)

3. Salient Observations

In accordance to the referenced order of Hon'ble NGT, the Committee visited various silica sand washing units and also different mining sites located at Shankargath Block District

Prayagraj (U.P.) on November 25-27, 2021 and also interacted with stack holders on 28.11.2021 at ADM Office Prayagraj (U.P). The observations made by the committee are summarised as under:

1. The mining area of the Shankargarh block is enriched in silica sand. The raw sands being washed at various levels for benefaction of silica sand and about 80 % of silica sand is being recovered from the raw sand after washing process. This silica sand is enriched in silica content (about 98%). The area lies in sub basin of river Yamuna, however for washing of silica sand and used fresh water is entirely drawn from ground water sources.
2. The Committee visited the sand washing units and mining sites of the same unit situated at Shankargarh block, Tehsil Bara District Prayagraj during November 25-27,2021.
3. During visit committee observed that small scale mining area as well as number of very small-scale washing units exist at these areas. However, in some washing units there was no representative present at the time of visit for clarification.
4. During visit, committee observed that use of water in these types of units is mainly for washing operation of silica sand at various stages. There is no scientifically organized treatment for waste water generated from washing operations currently waste water is mostly stored in unlined (Kaccha) pit or ponds in the premises of respective units. As reported, the wastewater is being re-circulated for washing operation.
5. The committee observed that the oversized materials and sand mud were stored unscientifically in the unit premise that may cause the fugitive emission. As reported by the washing unit representatives, such material is used for filling of low-lying areas but the records of the same were not maintained.
6. The silica sand washing units have not installed any flow measuring device at the abstraction of the tube wells /wells.
7. These sand washing units have not made any demarcation in their premise along with display board at the main gate to identify the units as well as other relevant information.
8. The committee observed that these units have not developed adequate green belt within the premises.
9. The Committee observed that the approach roads were not maintained hence, the fugitive emission generation during movement of the vehicle cannot be ruled out.

10. The Committee observed that the leaseholders have not made proper demarcation of geo coordinates in their lease area. During visit, Committee found pucca pillars at the mining sites but most of these mines site pillars have not mentioned Geo-Coordinate along with depth of the mines
11. During visit ponding of water in the mining area where observed which was informed that it is because of heavy rain this year during rainy season. No benching has been made in the mining areas as per Uttar Pradesh Department of Mining and Geology Guideline.
12. The committee has observed that the several abandoned mining pits located at the Shankgarh block degraded the surfaces and created the surface undulation making the topography rugged.
13. During visit, the project proponents have not installed weigh Bridge at the mining site to quantify mined out material.
14. The committee has noticed that all lease holders have submitted EIA report to UPSIEAA.
15. The committee noticed that the Project proponents (PPs) have not provided the details of the various heads of Expenditure under the Corporate Environmental Responsibility (CER) plan.
16. On the day of visit, the Committee noted that the project proponents (PPs) have not made any dust control measures to take-care of dust generated during transport of the mined mineral through kachha approach Roads.
17. As per EC specific conditions, it is required that four Ambient Air Quality stations should be established in the core zone as well as in the buffer zone for monitoring PM10, PM2.5, SO₂& NO_x. Location of the station should be decided based on the Meteorological Data, Topographical features and Environmentally & Ecologically targets and frequency of the monitoring should be undertaken in consultation with the State Pollution Control Boards. But during visit, no monitoring reports were provided by these PPs.
18. All the lease holders have submitted Flora & Fauna Study report to UPSEIAA.
19. During visit, Committee observed that top soil of the mining areas were not stored temporarily at the earmarked place for land reclamation/ restoration of the same as per the guidelines.
20. Committee observed that most of the project proponents have not put-up display board at the mining sites.

21. During visit, the committee observed that lease holders have not installed CCTV camera at entry and exit point of the mining area.
22. Committee observed that the over burden of hard rock slab material after excavation of the silica sand have been dumped in improper manner in the mining areas.
23. Committee observed that washing units operators have not maintained proper health records of the engaged workers at site. Representative informed that regular health check-up of engaged workers is done by health department but at the time of visit no appropriate documents were shown.
24. During visit committee observed that project proponents have not developed adequate green belt or fencing of the abandoned mining area as per EC conditions.
25. No any other mining activities were found except at mining lease area during visit of Shankargrah Block.
26. During visit committee observed that, project proponent has not established common facility i.e. drinking water, toilets, safety equipment and first aid as per the mining law.

Action taken by UPPCB Prayagraj (U.P)

27. As per information provided by UPPCB Regional Office, Prayagraj presently 35 out of total 83 Silica Sand Washing units were found operational in Shankargarh Block (Lalapur, Bankipur, Janwa, Dhara, Kaitha, Lakhnauti and Pratapur area). These units have obtained valid consent to Operate under the Water Act and Air Act from UPPCB (Details of the units are enclosed as Annexure-I).NOC from CGWA have been provided
28. In compliance of earlier NGT order O.A No 186/2019 (I.A 655/2019) UPPCB has stopped operation of 54 illegal Silica Sand washing units in the area and also imposed environmental compensation of Rs 7.25 Lac on each unit. During visit, committee also observed these 54 illegal Silica Sand washing units were found closed but occasional operation of these unit cannot be ruled out as per evidence found during their random observation.

Action taken by District Mining Department Prayagraj (U.P)

29. As per report provided by the District Mining Department, Prayagraj (U.P) there are presently 07 silica sand Mining lease in operation in the Shankargarh Block, Tehsil, Bara District Prayagraj.
30. In view of non-compliance by M/s Chawla Silica Sand Trading Company damage recovery fine has been imposed against the industry as per UP Mining Law 1963.

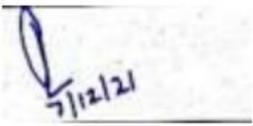
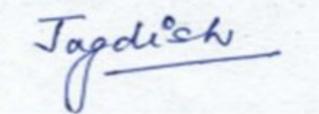
31. As reported by District Mining Department all Mining lease areas have been demarcated with geo coordinate and geo fencing for effective termination of illegal Mining activity as mentioned earlier.
32. As reported, in compliance of the Hon'ble NGT Order dated 28.02.2020 and vide order dated 30/01/2020 by Directorate of Mining and Geology, total environmental compensation amount recovered till date is 1 crore 70 lakh and revenue recovery till date is 18 lakh 49 thousand.
33. As reported by District Mining Officer, Mining Department has constituted task forces at District and Tehsil level for periodic visit of the mining area in their Jurisdiction.
34. The District Administration, Uttar Pradesh has now made it mandatory to put mine tags(M-tag) on vehicles registered for transportation of minerals.
35. As reported The State Government has a strict vigilance on silica sand mining and transportation in their jurisdiction.
36. As per information provided by District Mining Department, 07 FIR's have been lodged and legal action have been taken against the persons involved in illegal mining at Shankargarh Block.

Recommendations

1. All the relevant Regulations and Guidelines shall be followed strictly in granting mining lease, carry out the mining activity and monitoring there off.
2. The UPPCB shall ensure compliance of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981. Regulations of Central Ground Water Authority in all sand mining lease and sand washing units should be ensured by State Groundwater Board if water is abstracted from groundwater.
3. The UPPCB shall ensure issuance of Consent to operate of Silica Sand washing units at Shankargarh Block Area having prior agreement of Mining lease or possession of self-mine lease holders.
4. Mining has to be as per EIA Notification, 2006, MOEF Notification dated 15.01.2016 and Sustainable Sand Mining Management Guidelines, 2016.
5. The Mining Department shall develop app-based surveillance system for effective monitoring mechanism for prevention of illegal Mining.

6. The district/ local administration shall ensure that no such units shall be operated in the area without having valid consent from UPPCB and valid permission from CGWA/ UP State Ground Water Board for the abstraction of ground water.
7. The District Mining Department shall regularly inspect the mining sites, the encroachment and depth of mining and also, ensure compliance of EC conditions.
8. District Magistrates and Superintendents of Police have to seize all mining equipment's and vehicles in case of illegal mining.
9. The mining operation should be restricted to above the ground water table and it should not intersect the ground water table as per the EC condition/condition of mining lease.
10. The project proponents shall plan and execute suitable rain water harvesting on long term basis in consultation with UP Ground Water Board.
11. The Silica sand washing units shall plan for prevention & control of fugitive dust at stage of handling (including loading, unloading, transportation as well as processing stage and drying of the sand)
12. The Silica washing units shall make requisite wastewater treatment mechanism to ensure the optimum use of same.
13. The Silica sand washing units shall construct the lined pond/ Pucca pits for the storage of washing effluents for the recirculation in the washing operation.
14. The Silica sand washing units shall ensure disposal of oversized materials and sand mud in scientific manner.
15. The Silica sand washing units shall make logbook of energy meter, water consumption, raw materials and finished products and engaged manpower.
16. The Silica sand washing units shall construct boundary wall around the premise and develop green belt of local species as per guidelines in consultation of the District Forest Officer (DFO).
17. The Silica sand washing units shall arrange for display board for identification of the unit at the entrance, along with the environmental display board.
18. The silica sand washing units operator / Lease holder shall carryout periodical health check-up of the engaged employee and the record of the same must be maintained.
19. The over burden (OB) of hard rock slab material shall be stored at earmarked site and ensure its disposal in accordance with approved mining plan.

20. The Project Proponents shall implement suitable conservative measures to augment ground water resources in the area in consultation with Regional Director, UP Ground Water Board.
21. Audit on the quantity permitted, quantity mined out shall be conducted every year by the concerned department.
22. Primary survey of flora and fauna shall be carried out and data shall be submitted to the RO, PCB and SEIAA within six months.
23. Corporate Environmental Responsibility (CER) plan should be prepared by the project proponent and the details of the various heads of Expenditure to be submitted as per the guidelines provided in the recent CER notification number 22-65/2017-IA.III dated 01/05/2018.
24. The mining Department shall instruct to all lease holders to maintain, mandatory Geo-coordinates pillars properly.
25. The project Proponents should ensure that periodical site photographs should be annexed along with the compliance report.
26. The transport route from mining site to the stock yard and to main road shall be improved and water sprinkling shall be carried out to control the dust generated from the movement of the vehicles.

Name of the Committee Members and Department	Signature
Sh. Harsh Dev Pandey, ADM(E), Prayagraj (Representative of DM, Prayagraj)	
Dr. Ajay Mishra, Representative of UP-SEIAA	
Sh. R. K. Singh, R.O. UPPCB, Regional Officer, Prayagraj (Representative of UPPC) (Nodal Agency)	
Sh. J.P. Meena, Scientist-'D' CPCB, Regional Directorate, Lucknow (Representative of CPCB) (Nodal Agency)	

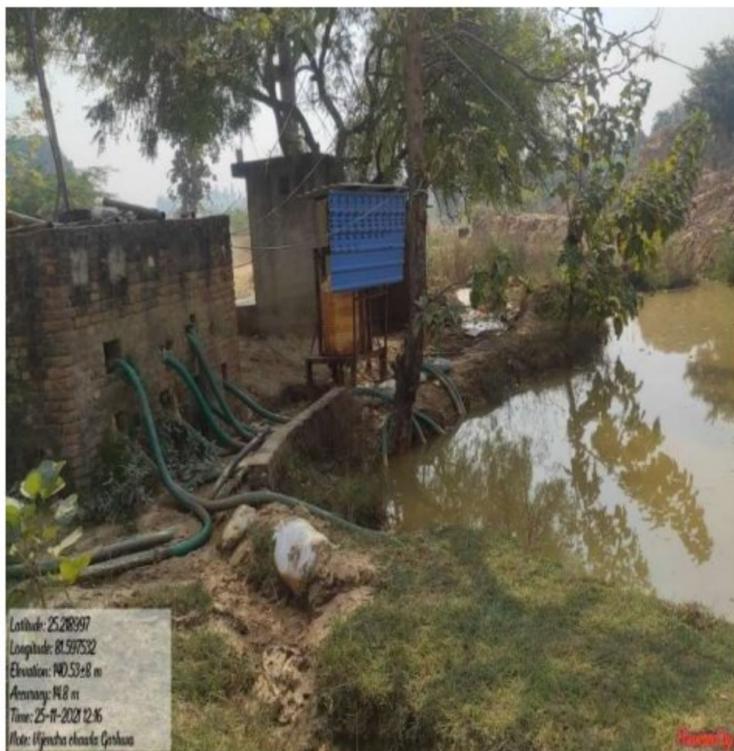
Silica Sand Washing Units**Annexure-1**

S. No.	Application Name	Industry Address	Plant Capacity	Consent Validity
1.	CHAWLA SILICA SAND TRADING CO.	SHIVRAJPUR, BARA, PRAYAGRAJ	3500 Ton/Month	31-03-2024
2.	CHAWLA SILICA SAND TRADING CO. (CRUSHING & WASHING)	LAKHNAUTI, BARA, PRAYAGRAJ	4000 Ton/Month	31-07-2024
3.	QUALITY MINERALS DEVELOPMENT CORPORATION	KAITHA, BARA, PRAYAGRAJ	15 Ton/Day	31-03-2023
4.	QUALITY MINERALS DEVELOPMENT CORPORATION	GARWA, SHEORAJPUR, PRAYAGRAJ	15 Ton/Day	31-03-2022
5.	NAVEEN SILICA SAND	KAITHA, BARA, PRAYAGRAJ	15 Ton/Day	31-03-2023
6.	MODI MINERAL UDYOG	BIHARIYA, BARA, PRAYAGRAJ.	700 Ton/Month	31-07-2023
7.	NARAYAN DUTT TIWARI (SILICA WASHING PLANT)	BENIPUR, SHANKARGRAH, PRAYAGRAJ	15 Ton/Day	31-03-2023
8.	SRI GIRDHARI LAL CHAWLA & SONS	BENIPUR, SHANKARGRAH, PRAYAGRAJ	15 Ton/Day	31-03-2023
9.	HARSH MINERALS	KACHARI BARA PRAYAGRAJ	15 Ton/Day	31-03-2023
10.	BARAWHITE STONE HEIGHTS PVT LTD	PARVEJABAD, PRAYAGRAJ	15 Ton/Day	31-03-2023
11.	AGRAWALS MINES AND MINERALS. (CRUSHING & WASHING)	CHIRRI BARA, PRAYAGRAJ	50 Ton/Day	31-07-2023
12.	KRISHNA MINERALS	BENIPUR, PRAYAGRAJ	1000 Ton/Month	31-07-2023
13.	ASHOK KUMAR BAJPAI	BARGARHI, SHIVRAJPUR, PRAYAGRAJ	100 Ton/Day	31-07-2022
14.	NARAYAN ENTERPRISES	BARGARHI, SHIVRAJPUR, PRAYAGRAJ	100 Ton/Month	31-03-2024
15.	SRI GIRDHARI LAL CHAWLA & SONS	KAITHA, LAKHANPUR SHANKARGRAH, PRAYAGRAJ	1800 Ton/Month	31-03-2024
16.	M/s GURU DAYAL SINGH & CO. (SILICA)	KAITHA, SHANKARGRAH, BARA, PRAYAGRAJ	1000 Ton/Month	31-03-2024
17.	VANDANA SINGH (STONE/SILICA WASHING PLANT)	BANKIPUR, BARA, PRAYAGRAJ	25 Ton/Day	31-03-2024
18.	SILICA KHANIJ UDYOG	KAITHA, BARA, PRAYAGRAJ	1500 Ton/Month	31-03-2024
19.	SILICA KHANIJ UDYOG	KAITHA, SHIVRAJPUR, BARA, PRAYAGRAJ	1500 Ton/Month	31-03-2024

20.	SILICA KHANIJ UDYOG	LAKHANPUR, BARA, PRAYAGRAJ	1500 Ton/Month	31-03-2024
21.	NEW TRIVENI MINERALS	LAKHANPUR, BARA, PRAYAGRAJ	1500 Ton/Month	31-03-2024
22.	ADISHWARA CONSTRUCTION & MINERALS CO.	PARVEJABAD, BARA, PRAYAGRAJ	25 Ton/Day	31-03-2024
23.	PRAYAG QUALITY SAND	PRATAPPUR, BARA, PRAYAGRAJ	40 Ton/Day	31-03-2024
24.	MA JAGADAMBA & CO.	BIHARIYA, BARA, PRAYAGRAJ	1000 Ton/Month	31-03-2023
25.	ANUPAM ENTERPRISES	GARHA KATRA SHANKARGARH BARA PRAYAGRAJ	1000 Ton/Month	31-03-2023
26.	JAI SHREE TRADING COMPANY	PRATAPPUR, BARA, PRAYAGRAJ ALLAHABAD	15 Ton/Day	31-03-2023
27.	SHREE BHAGWAN DASS INDUSTRIES	SHIVRAJPUR, BARA, PRAYAGRAJ ALLAHABAD	15 Ton/Day	31-03-2023
28.	GUPTA ENTERPRISES	SHIVRAJPUR, SHANKARGARG, PRAYAGRAJ	20 Ton/Day	31-03-2023
29.	JAI SHREE TRADING COMPANY	KAITHA, BARA, PRAYAGRAJ	15 Ton/Day	31-03-2023
30.	JAI SHREE TRADING COMPANY	RAMNA, BARGARI, PRAYAGRAJ	1500 Ton/Month	31-03-2024
31.	ALLAHABAD SAND	BARDARI, BARA, PRAYAGRAJ	3000 Ton/Month	31-03-2024
32.	GLASS AND FOUNDRY SAND	BARGARI, BARA, PRAYAGRAJ	25Ton/Day	31-03-2024
33.	OM LUXMI MINERALS	KACHARI, BARA, PRAYAGRAJ	50 Ton/Day	31-03-2023
34.	OM LAXMI INDUSTRIES	KACHARI, BARA, PRAYAGRAJ	45 Ton/Day	31-03-2022
35.	ASHA DEVI (SILICA WASHING PLANT)	KAITHA, SHIVRAJPUR, PRAYAGRAJ	25 Ton/Day	31-03-2023

Photograph taken by Committee during visit

Some Silica Sand Washing Units Located at Shankargarh Block District Prayagraj U.P.



Some Photograph of Silica Sand Mining sites at Shankargarh District Prayagraj U. P.

