



दूरभाष : 2713526

क्षेत्रीय कार्यालय, उ०प्र० प्रदूषण नियन्त्रण बोर्ड

33/18 कपिल बिहार, सहारनपुर-247001

सन्दर्भ सं०: 422/अपील नं०-201/2022(दलजीत सिंह)/2021 दिनांक : 13.07.2022

To,

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

Sub.-Compliance to the direction issued on 21.04.2022 by Hon'ble National Green Tribunal in O.A. No. 201/2022 Daljeet Singh Vs. State of Uttar Pradesh.

Sir,

With reference to the subject mentioned above kindly find enclosed herewith the Joint Committee Report of representative of CPCB, UPPCB, SIEEA, U.P., Director Department of Mines, Govt. of U.P. and the District Magistrate in compliance of the order issued on 21st April 2022 by Hon'ble National Green Tribunal in O.A. No. 201/2022 Daljeet Singh Vs. State of Uttar Pradesh.

Encl. : As above.

Yours faithfully,

(Dr. D.C. Pandey)
Regional Officer.

Ref. No. and Date as above:-

Copy to :

1. Member Secretary, U.P. Pollution Control Board, Lucknow for information.
2. Chief Law Officer, U.P. Pollution Control Board, Lucknow for information.
3. Chief Environmental Officer (Circle-3), U.P. Pollution Control Board, Lucknow for information.
4. Shri Pradeep Mishra, Advocate, Hon'ble Supreme Court/NGT, Noida for perusal and necessary action.

Regional Officer

JOINT INSPECTION REPORT IN REFERENCE TO HON'BLE NGT ORDER

IN THE MATTER OF

DALJEET SINGH VS STATE OF U.P. (Original Application No. 201/2022)

A. Background:

Hon'ble NGT, Principal Bench, New Delhi passed order on 21.04.2022 in the matter of Daljeet Singh Vs State of U.P.(OA No. 201/2022) for obtaining factual details in the matter.

Relevant para of the Hon'ble NGT order is as below: -

"2. In view of the serious allegations made in the letter Petition, it would be appropriate to have a factual and action taken report in the matter. Accordingly, we constitute a Joint Committee comprising of representatives of CPCB, Uttar Pradesh State Environment Impact Assessment Authority (UPSEIAA) and State PCB, Director, Department of Mines, Government of Uttar Pradesh and District Magistrate and Superintendent of Police, Saharanpur, Saharanpur. The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks, undertake site visit, look into the grievances of the applicants and take requisite action by following due process of law. Factual and action taken report inter alia covering compliance with Enforcement and Monitoring Guidelines for Sand Mining, 2020 and Sustainable Sand Mining Management Guidelines, 2016 with reference to district survey report and replenishment studies may be furnished within two months by e-mail at judicial-ngt@gov.in preferably, in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF."

Copy of the referred order of Hon'ble NGT is enclosed at **Annexure-1**.

Further, joint inspection of M/s Star Mines as per the referred NGT order was carried out on June 24, 2022 by a team comprising following officials nominated by concerned department:

1. Shri Rajnish Kumar Mishra, ADM (F&R) Saharanpur. (nominated member of District Magistrate, Saharanpur)
2. Dr. B.B. Awasthi, Member SEAC-1, (nominated member of SEIAA, U.P.).



3. Sh. Runa Oraon, Sc. 'D', CPCB, Lucknow (nominated member of CPCB)
4. Shri Raghvendra Saxena, Geologist/R.O. Ghaziabad (nominated member of Director, Department of Mines, Govt. of Uttar Pradesh).
5. Dr. D.C. Pandey, Regional Officer, UPPCB, Saharanpur (nominated member of UPPCB)

Nominated member from Superintendent of Police, Saharanpur, was not present during inspection.

Salient details, observation and recommendations based on inspection is as below:

- i. M/s Star Mines herein after referred as is located in the catchment area of River Yamuna at Gata No. 1 having total area of 36 Hectare in Village Barthkorsi, Tehsil-Behat, District- Saharanpur (UP).
- ii. During inspection, mining operation was not being carried out. It is informed that mining operation is closed since morning of the date of inspection (24.06.2022) due to its own reason. No machinery or vehicle used in mining activity was observed on site.
- iii. It is informed by Project Proponent(PP) that mining material is sold to nearby stone crushers located in Behat.
- iv. The State Level Environment Impact Assessment Authority (SEIAA) has issued Environmental Clearance (EC) on 26.03.2021 to Shri Deepak Chaudhari, Proprietor of the PP for proposed Sand/Bajari/Boulder Mining at Gata No. 1 in village Barthakorsi, Tehsil- Behat of Saharanpur District of Uttar Pradesh State. As per EC, all longitude mentioned in EC is attached with abbreviation 'N', in place of desired abbreviation 'E'. The SEIAA has corrected abbreviation vide letter dated 30.12. 2021. Copy of EC is annexed as **Annexure-2**.
- v. Notice for E- tendering along with E- Auction was issued by the mining department on 01.11.2019. The lease area of the mine in question is one of the areas among the six areas for which they said auction notice was issued. Copy of Notice is annexed as **Annexure-3**.
- vi. Letter of Intent (LoI) was issued by the District Administration to the PP on 30.12.2019. the LoI was issued for 36 hectares mine lease area (Quantity 7,56,000 m³) and for the period of 5 years. Copy of LoI is annexed as **Annexure-4**.
- vii. The cluster certificate has been issued by the Mining Department on 12.03.2020, wherein it has been noted that no mine is operational or a lease has been issued in 500 m from the

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periphery of the proposed mine lease area. Copy of cluster certificate is annexed as **Annexure-5**.

- viii. The public hearing for the project was conducted at the conference hall of Tehsil Behat on 19.10.2020.
- ix. The lessee had started mining after getting EC from SEIAA and permission from the Mining Department. During the visit, the PP's representative stated that RBM excavation started on 04.04.2021.
- x. The permission for mining has been granted by the Mining Department on 01.04.2021. Copy of permission for mining is annexed as **Annexure-6**.
- xi. As per portal of Directorate of Geology and Mining, Uttar Pradesh, total 7,56,000 m³ in 1st year and 1,11,352 m³ in 02nd year of mineral has been excavated by project proponent since mining started.
- xii. The weighing bridge has been installed for weighing the amount of excavated material. The data generated through the weighing system is been submitted on the online portal of Directorate of Geology and Mining, Uttar Pradesh.
- xiii. As per the information provided by the PP, the excavated material is sold to stone crushers for further processing.
- xiv. The PP has carried out mining operations without Consent from UPPCB. They have submitted the online application for seeking Consent from UPPCB on 17.06.2021. Based on it, the UPPCB has issued a show - cause Notice to the mine on 09.09.2021. The environmental Compensation of Rs. 7,70,000 / - is imposed for the period of 77 days (01.04.2021-17.06.2021) at the rate of Rs. 10,000 / - per day in accordance with the methodology developed by the CPCB.
- xv. The mining has been granted Consent to Operate under the Water (PCP) Act, 1974 and the Air (PCP) Act, 1981 on 30.12.2021, which was valid from 18.12.2021 to 31.12. 2025. It indicates that till 18.12.2021 the mining operation was carried out without consent to operate granted by SPCB. According to Mining Department there is no mining by PP from 30.06.21 to 10.01.2022.
- xvi. The PP has installed a weighing bridge near their camp office and also installed CCTV cameras along with one PTZ camera.
- xvii. A setup for recording the data from the weighing machine and transferring it through the online portal is available near the weighing bridge.











- xviii. A DG set of 25 KVA was available near the camp office for power backup. The DG set is equipped with acoustic enclosure, but not provided with adequate stack height as per norms.
- xix. The unit has installed one borewell for meeting water requirement. No flow meter is installed at borewell. The unit has applied for NOC from Ground Water Department, Ministry of Jal Shakti, Govt. of Uttar Pradesh on 31.12.2021, which is yet to be granted. The PP has not obtained permission for ground water as per EC before starting of mining operation.
- xx. As per the condition of EC, four Ambient Air Quality monitoring stations were supposed to be established in the core zone as well as a buffer zone. However, no such air quality monitoring station was found established/ operational at the site.
- xxi. The roads leading to the mining site have been badly damaged.
- xxii. The Geo coordinates mentioned in EC defining mining lease boundary were verified and it was found that Geo coordinates mentioned in EC are matching for 5 points (i.e., point A, C, D, E and F) and not matching for 3 points (i.e., Point B, G and H).
- xxiii. During inspection, it is observed that active mine pit was filled with water. It is informed by mining officer that water in active mining pits is due to seepage of water from river.
- xxiv. It is informed by Nayab tehsildar, boundary of Haryana is approx 200 m away from bank of River Yamuna.
- xxv. PP was asked to provide the information regarding the Active area of mining, Quantity of mining and no. of days of operation, but the data has not been provided.
- xxvi. During inspection, mining pit was observed within mining lease area.
- xxvii. The PP has carried out replenishment study of river of period 2021(Pre monsoon: June 2021& Post Monsoon October 2021). It is informed by mining officer that study is carried out by mining department for all mining lease in Saharanpur.
- xxviii. The mining area was inspected earlier by joint committee comprising nominated members of District Magistrate, MoEF & CC, CPCB, UPPCB on 13.10.2021 in compliance of Hon'ble NGT order dated 09.06.2021 in the matter of Appeal No. 15/2021(I.A. No. 119/2021 & I.A. No. 120/2021)-Pramod Vs State of Uttar Pradesh & Ors. The matter was heard on 10.05.2022 and Hon'ble NGT has passed order to impose revise Environmental Compensation (EC)to PP. The relevant portion of order is as below:
- "9. Accordingly, the State PCB may appropriately enhance the compensation for illegal extraction of ground water and conducting mining without requisite consents within two months, following due process of law.*

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10. The assessed compensation may be deposited by the PP within two months with the State PCB to be kept in a separate account and utilized for restoration of environment by preparing a restoration plan by joint Committee of CPCB, State PCB and District Magistrate, Saharanpur. Restoration plan may include plantation, air quality monitoring system, restoration of roads. The Committee may also oversee the execution of the restoration plan, involving appropriate agencies.

The application is disposed of. “

Copy of referenced NGT order is annexed as **Annexure-7**.

xxix. In the matter of O.A. No. 403/2022 (I.A. No. 133/2022) Daljeet Singh V/s State of Uttar Pradesh & Ors. Hon'ble NGT has passed an order dated 30.05.2022, The relevant portion of order is as below:

..... “ 8. In the meanwhile no lease shall be granted and also no mining shall be commenced in any of the mining sites in District Saharanpur, Uttar Pradesh before completion of replenishment study, updation of DSR and grant of Environmental Clearance/CTE/CTO on the basis thereof in accordance with SMCG, 2016 and EMGSM, 2020.”

In another O.A. No. 140/2021 Rajkumar V/s State of U.P. and Ors. With O.A. No. 141/2021 Ramkaran Karn V/s State of U.P. and Ors. Hon'ble NGT has passed order dated 06.05.2022. The relevant portion of the order is as below.

..... “11. Accordingly, the ACS, Mining, UP has fairly stated that replenishment study will be conducted prior to auctions in future and with regard to the current leases, ongoing replenishment study will be expedited. In the light thereof, the leases will be renewed, if necessary. Such studies for all Districts in UP will be completed by December 31, 2022 and for Banda by June 30, 2022. She has further stated that the allegation of instream mining will be verified and if found true, the same will be discontinued.”

..... “ 12. In view of above, let the Replenishment studies be completed by credible institutions, following due procedure, in accordance with para 5 of EMSG, 2020. Further, no mining be permitted till replenishment studies are completed beyond the schedule laid down above.....”

Copy of referenced NGT order is annexed as **Annexure-8**.









Recommendations:

1. Principal Secretary, Mining and Geology Department, Govt. of UP and Mining Department, Saharanpur should ensure that mining activity should be carried out as per mining plan and as per condition stipulated in EC. Regular surprise vigilance is required by the District Administration, Saharanpur and Mining Department.
2. Proper pillar marking in mining area as per geo-coordinates mentioned in EC should be installed. Mining Department, Saharanpur should ensure marking in mining area.
3. PP should be directed to obtain NOC from CGWA/SGWA for withdrawal of ground water. PP should also install electromagnetic flow meter at tubewells and maintain proper log book of fresh water withdrawal.
4. The PP should provide adequate stack height in DG sets.
5. The PP should provide adequate green belt in mining area.
6. Necessary direction should be issued by UPPCB to PP for ensuring compliance of EC condition and Consent conditions in totality.
7. UPPCB should ensure compliance of Hon'ble NGT order dated 10.05.2022 in the matter of Appeal No. 15/2021(I.A. No. 119/2021 & I.A. No. 120/2021)-Prمود Vs State of Uttar Pradesh & Ors. SPCB should also ensure compliance of recommendation of joint committee report in the above said matter.

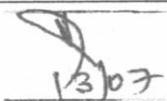
Sr. No.	Committee Member	Signature
1	Shri Rajnish Kumar Mishra, ADM (F&R) Saharanpur	
2	Dr. B.B. Awasthi, Member SEAC-1, U.P.	 13/07
3	Sh. Runa Oraon, Sc. 'D' CPCB, Lucknow	
4	Shri Raghvendra Saxena, Geologist/R.O. Ghaziabad.	
5	Dr. D.C. Pandey, Regional Officer, UPPCB, Saharanpur.	

Photo Gallery of M/s Star Mines District-Saharanpur (Uttar Pradesh)



Latitude: 30.235819
 Longitude: 77.528303
 Elevation: 306.13±2 m
 Accuracy: 70.7 m
 Time: 24-06-2022 14:43
 Note: star mines

Powered by NoteCam

Pic 1: Display Board of the Star Mines



Latitude: 30.235819
 Longitude: 77.528303
 Elevation: 306.13±2 m
 Accuracy: 70.7 m
 Time: 24-06-2022 14:43
 Note: star mines

Pic 2: Borewell installed at the premises



Latitude: 30.236422
 Longitude: 77.527903
 Altitude: 256.9±6 m
 Accuracy: 17.4 m
 Time: 24-06-2022 14:41
 Note: star mines

Powered by NoteCam

Pic 3: DG set of 25 KVA



Latitude: 30.237408
 Longitude: 77.526739
 Elevation: 303.83±10 m
 Accuracy: 12.3 m
 Time: 24-06-2022 13:52
 Note: star mines

Powered by NoteCam

Pic 4: Mining Pit



Pic 5: Mining Pit



Pic 6: Mining Pit



Pic 7: Mining Pit



Pic 7: Joint inspection of M/s Star Mines



Fig 8: River before Mining Pit

Item No.2

(Court No: 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No. 201/2022

Daljeet Singh

Applicant

Versus

State of U.P.

Respondent

Date of hearing: 21.04.2022

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

Application is registered based on a complaint received by E-mail

ORDER

1. The grievances of the applicant are that Star Mines has been awarded lease for sand mining in village Bartha Korsi, Tehsil-Behat Distt. Saharanpur, Uttar Pradesh. The miner is illegally carrying on underwater mining in Yamuna River by using heavy machinery and is thereby even diverting the natural flow of Yamuna River which is causing the risk of floods in the rural areas of Haryana. The illegal mining is also endangering flora and fauna and riverine ecology. Excessive mining is being done and minerals are being carried in overloaded unauthorized trucks. In support of his grievances, the applicant has enclosed photographs which reflect use of heavy machinery for alleged illegal mining being done in utter violation of Sustainable Sand Mining Management Guidelines, 2016.

2. In view of the serious allegations made in the letter Petition, it would be appropriate to have a factual and action taken report in the

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matter. Accordingly, we constitute a Joint Committee comprising of representatives of CPCB, Uttar Pradesh State Environment Impact Assessment Authority (UPSEIAA) and State PCB, Director, Department of Mines, Government of Uttar Pradesh and District Magistrate and Superintendent of Police, Saharanpur, Saharanpur. The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks, undertake site visit, look into the grievances of the applicants and take requisite action by following due process of law. Factual and action taken report inter alia covering compliance with Enforcement and Monitoring Guidelines for Sand Mining, 2020 and Sustainable Sand Mining Management Guidelines, 2016 with reference to district survey report and replenishment studies may be furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List the matter for consideration on 14/07/2022.

A copy of this order, along with a copy of the complaint, be forwarded to the CPCB, Uttar Pradesh State Environment Impact Assessment Authority (UPSEIAA) and State PCB, Director, Department of Mines, Government of Uttar Pradesh and District Magistrate and Superintendent of Police, Saharanpur, Saharanpur. by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 21, 2022
Original Application No. 201/2022
AG

State Level Environment Impact Assessment Authority, Uttar Pradesh

To,

Shri Deepak Chaudhari,
C-3, Hakeekat Nagar, Near Old Tax Sales Office,
Saharanpur, Behat, Saharanpur, U.P- 244701

Directorate of Environment, U.P.

Vineet Khand-1, Gomti Nagar, Lucknow - 226 010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

Ref. No. 396 /Parya/SEIAA/5989-5653/2020

Date: 30 December, 2021

Sub: Environmental Clearance for Proposed Sand/Bajari/Boulder Mining at Gata No.-1, Village-Barthakorsi, Tehsil- Behat ,District- Saharanpur, U.P. M/s Star Mines (Leased Area -36.00 Ha).

Dear Sir,

Please refer to your application/letter dated 26-10-2021 related to subject the subject as above. The case was considered in SEIAA meeting held on 17-12-2021 in which SEIAA gone through the letter of the project proponent dated 26.10.2021 regarding minute correction in the issued EC no- 843/Parya/SEAC/5989-5653/2020 date 26-03-2021. SEIAA noted that there is typographical error in the geo-coordinates i.e. along with longitude "N" (north) is written instead of "E" (East). Hence SEIAA opined to correct the same in the issued EC.

Rest all the content of Environmental Clearance letter no. 843/Parya/SEAC/5989-5653/2018 date 26-03-2021 shall remain same.



(Ajay Kumar Sharma)
Member Secretary, SEIAA

No..... /Parya/SEIAA/5989-5653/2020 dated: As above

Copy, through email, for information and necessary action to -

1. The Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, Lucknow (email - soenvups@rediffmail.com)
2. Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, 3rd Floor, Prithvi-Block, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003 (email - sudheer.ch@gov.in)
3. Deputy Director General of Forests (C), Integrated Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow - 226020 (email - roc.lko-mef@nic.in)
4. Director, Geology & Mining, Uttar Pradesh, Khanij Bhawan 27/8, Raja Ram Mohan Rai Marg, Lucknow-226001 (email - dgmupexp@gmail.com)
5. District Magistrate, Saharanpur, Uttar Pradesh.
6. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email - ms@uppcb.com)
7. Copy to Web Master for uploading on PARIVESH Portal.
8. Copy for Guard File.

(Ajay Kumar Sharma)
Member Secretary, SEIAA

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Vineet Khand-1, Gomti Nagar, Lucknow - 226 010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

To,

Shri Deepak Chaudhari,
C-3, Hakeekat Nagar, Near Old Tax Sales Office,
Saharanpur, Behat, Saharanpur, U.P- 244701

Ref. No. 843 /Parya/SEIAA/5989-5653/2020Date: 26 March, 2021

Sub: Environmental Clearance for Proposed Sand/Bajari/Boulder Mining at Gata No.-1, Village-Barthakorsi, Tehsil- Behat ,District- Saharanpur, U.P. M/s Star Mines (Leased Area -36.00 Ha).

Dear Sir,

Please refer to your application/letter dated 03-05-2020, 29-05-2020, 15-10-2020, 25-11-2020, 04-12-2020, 11-12-2020, 19-02-2021 & 15-01-2021 addressed to the Secretary, SEAC, Directorate of Environment, U.P., Lucknow on the subject as above. The State Level Expert Appraisal Committee considered the matter in its meetings held on dated 09-12-2020 & 19-02-2021 and SEIAA meeting 10-03-2021.

A presentation was made by the project proponent along with their consultant M/s Ind Tech House Consult. The proponent, through the documents submitted and the presentation made informed the committee that:-

1. The environmental clearance is sought for Sand/Bajari/Boulder Mining at Gata No.-1, Village-Barthakorsi, Tehsil- Behat ,District- Saharanpur, U.P. M/s Star Mines (Leased Area -36.00 Ha).
2. The terms of reference in the matter were issued by SEIAA, U.P. vide letter no. 157/Parya/SEAC/5653/2019 dated 30/06/2020.
3. The public hearing was organized on 19/10/2020. Final EIA report submitted by the project proponent on 25/11/2020.
4. Salient features of the project as submitted by the project proponent:

1.	On Line Proposal No.	SIA/UP/MIN 58603/2020
2.	File No. allotted by SEIAA, UP	5989/5653
3.	Name of Proponent	M/s Star Mines Partner Sri Deepak Chaudhari
4.	Full correspondence address of proponent and mobile no.	C-33, Hakikat Nagar, Near Old Sales Tax Office Saharanpur
5.	Name of Project	Area-36.00 Ha For Sand/Bajari/Boulder Mining at Gata No.-1, Village- Barthakorsi, Tehsil- Behat ,District- Saharanpur, U.P. M/s Star Mines
6.	Project Location(Plot.Khsra/Gata No.)	Gata No.-1
7.	Name of Village	BarthaKorsi
8.	Tehsil	Behat
9.	District	Saharanpur
10.	Name of River	Yamuna River
11.	Name of Minor Mineral	Sand/Bajari/Boulder
12.	Sanctioned Lease Area (in Ha.)	36.00 Ha.
13.	Max. & Min mRL within lease area	304.0 mRL in & 297.0 mRL
14.	Pillar Coordinates (Verified by DMO)	
	Point	
	Latitude	30°14'0.94"N
	Longitude	77°31'13.91"N



		B	30°14'16.50"N	77°31'24.43"N
		C	30°14'13.69"N	77°31'31.19"N
		D	30°14'19.59"N	77°31'37.85"N
		E	30°14'37.10"N	77°31'40.80"N
		F	30°14'39.19"N	77°31'36.25"N
		G	30°14'26.08"N	77°31'29.05"N
		H	30°14'9.19"N	77°31'2.18"N
		Workable Area		
		Point	Latitude	Longitude
		A	30°14'0.94"N	77°31'13.91"N
		B	30°14'16.50"N	77°31'24.43"N
		C	30°14'13.69"N	77°31'31.19"N
		D	30°14'19.59"N	77°31'37.85"N
		E	30°14'37.10"N	77°31'40.80"N
		F	30°14'39.19"N	77°31'36.25"N
		G	30°14'26.08"N	77°31'29.05"N
		G-1	30°14'19.61"N	77°31'24.67"N
		G-2	30°14'18.03"N	77°31'18.83"N
		G-3	30°14'14.79"N	77°31'13.38"N
		G-4	30°14'09.60"N	77°31'8.74"N
		H-1	30°14'6.60"N	77°31'5.65"N
		Non-Workable Area		
		G	30°14'26.08"N	77°31'29.05"N
		G-1	30°14'19.61"N	77°31'24.67"N
		G-2	30°14'18.03"N	77°31'18.83"N
		G-3	30°14'14.79"N	77°31'13.38"N
		G-4	30°14'09.60"N	77°31'8.74"N
		H-1	30°14'6.60"N	77°31'5.65"N
		H	30°14'9.19"N	77°31'2.18"N
15.	Total Geological Reserves	12,51,498m ³ /Annum		
16.	Total Mineable Reserve	7,67,814m ³ /Annum		
17.	Total Proposed Production inLOI	7,56,000m ³ /Annum		
18.	Proposed Production /year	Year	Production	
		1 st	7,56,000m ³ /Annum	
		2 nd	7,56,000m ³ /Annum	
		3 rd	7,56,000m ³ /Annum	
		4 th	7,56,000m ³ /Annum	
		5 th	7,56,000m ³ /Annum	
		Total	37,80,000 m ³	
19.	Sanctioned Period of Mine lease	5Years		
20.	Production of mine/day	3360m ³ /Day		
21.	Method of Mining	Open cast Manual / Semi Mechanized Mining Method		
22.	No. of working days	225 Days		
23.	Working hours/day	8 Hours		
24.	No. of worker	150 Worker		
25.	No. of vehicies movement/day	373Trucks / Day (Depending on market demand)		
26.	Type of Land	Govt. Land		



27.	Ultimate of Depth of Mining	3.00 m	
28.	Nearest metalled road from site	3.30Km	
29.	Water Requirement	PURPOSE	REQUIREMENT (KLD)
		Drinking	1.50 KLD
		Suppression of dust	12.00 KLD
		Plantation	4.70 KLD
		Others (if any)	
	Total	18.20(18.00 approx KLD)	
30.	Name of QCI Accredited Consultant with QCI No and period of validity.	Ind Tech House Consult QCI No.- NABET/EIA/1821/RA0098 Period of Validity- 31-01-2021	
31.	Any litigation pending against the project or land in any court	No	
32.	Details of 500 m Cluster Map & Certificate verified by Mining Officer	Letter No-3676/ Khanij /2020 Date- 12.03.2020	
33.	Details of Lease Area in approved DSR	(Sr. No: 5)	
34.	Proposed CER cost	2% of total project cost ieRs 2,66,000	
35.	Proposed EMP cost	27.34 Lakhs	
36.	Length and breadth of Haul Road	1000 mtr Length & 6m width haulage road	
37.	No. of Trees to be Planted	1188 Trees	

5. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
6. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
7. There is no litigation pending in any court regarding this project.
8. The project proposal falls under category-1(a) of EIA Notification, 2006 (as amended).

Based on the recommendations of the State Level Expert Appraisal Committee meeting held on 09-12-2020 & 19-02-2021 on the above said project, the State Level Environment Impact Assessment Authority meetings held on 10-03-2021 has decided to grant the Environmental Clearance to the title project for collection of 7,56,000m³ /Annum is proposed lease area 36.00 ha subject to effective implementation of the following General Conditions and specific conditions:

General condition:

1. This environmental clearance is subject to allotment of mining lease in favour of project proponent by District Administration/Mining Department.
2. Forest clearance shall be taken by the proponent as necessary under law.
3. Any addition of the mining area, change of Khasra numbers, enhancement of capacity, change in mining technology, modernization and scope of working shall again required prior environmental clearance as per EIA notification, 2006.
4. No change in the calendar plan including excavation, quantum of mineral and waste shall be made.
5. Mining will be carried out as per the approved mining plan. In case of any violation of mining plan, the Environmental Clearance given by SEIAA will stand cancelled.
6. Four ambient air quality monitoring stations shall be established in the core zone as well as in the buffer zone for RSPM, SPM, SO₂, NO_x monitoring. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board. The monitored data for criteria pollutants shall be regularly up loaded on the company's website and also displayed at website.

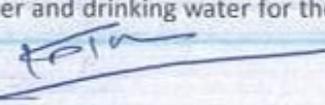


7. Data on ambient air quality (RPM, SPM, SO₂, NO_x) should be regularly submitted to the Regional office, MoEF, Gol, Lucknow and the State Pollution Control Board / Central Pollution Control Board once in six months.
8. Ambient air quality at the boundary of the mine premises shall confirm to the norms prescribed in MoEF notification no. GSR/826(E) dt. 16.11.09.
9. Fugitive dust emissions from all the sources shall be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points shall be provided and properly maintained.
10. Measures shall be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. shall be provided with ear plugs / muffs and health records of the workers shall be maintained.
11. Industrial waste water (workshop and waste water from the mine) should be properly collected, treated so as to conform to the standards prescribed under GSR 422 (E) dated 19th May, 1993 and 31st December, 1993 or as amended from time to time. Oil and grease trap shall be installed before discharge of workshop effluents.
12. Personnel working in areas shall be provided with protective respiratory devices like mask and they shall also be imparted adequate training and information on safety and health aspects.
13. Special measures shall be adopted to prevent the nearby settlements from the impacts of mining activities.
14. The transportation of the materials shall be limited to day hours time only.
15. Provision shall be made for the housing the labourers within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
16. A separate Environmental Management Cell with suitable qualified personnel shall be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
17. The Project Proponent shall inform to the Regional Office, MoEF, Gol, Lucknow and State Pollution Control Board regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
18. The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year wise expenditure shall be reported to the MoEF, Gol, Lucknow and State Pollution Control Board
19. The Regional Office, MoEF, Gol, Lucknow and State Pollution Control Board shall monitor compliance of the stipulated conditions. A complete set a documents including Environment Impact Assessment Report, Environmental Management Plan, Public hearing and other documents information should be given to Regional Office of the MoEF, Gol, Lucknow and State Pollution Control Board
20. A copy of the environmental clearance shall be submitted by the Project Proponent to the Heads of the Local Bodies, Panchayat and Municipal Bodies as applicable in the matter.
21. The Project Proponent shall advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Level Environment Impact Assessment Authority (SEIAA).
22. The Project Proponent has to submit half yearly compliance report of the stipulated prior environmental clearance terms and conditions in hard and soft copy to the SEIAA,U.P. on 1st June and 1st December of each calendar year.
23. The SEIAA may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
24. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.



Specific Conditions:

1. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
2. The project proponent shall obtain the forest clearance and permission of Central and State Government as per law under the provisions of Forest (conservation) Act, 1980 before the start of work.
3. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
4. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
5. At the time of operation, project proponent will comply with all the guidelines issued by Government of India/State Govt./District Administration related to Covid-19.
6. This environmental clearance does not create or verify any claim of applicant on the proposed site/activity.
7. In case it has been found that the E.C. obtained by providing incorrect information, submitting that the distance between the two adjoining mines is greater than 500mt. and area is less than 05ha, but factually the distance is less than 500 mt and the mine is located in cluster of area equal or more than 05ha, the E.C issued will stand revoked.
8. This environmental clearance shall be subject to valid lease in favour of project proponent for the proposed mining proposals. In case, the project proponent does not have a valid lease, this environmental clearance shall automatically become null and void.
9. The Environmental clearance will be co-terminus with the mining lease period/Mining Plan.
10. Explosive cannot be stored on the site.
11. A comprehensive EIA including mining areas within 15 K.M. to assess impact of the mining activity on the surrounding area shall be undertaken and report submitted to this Authority within one year.
12. No two pits shall be simultaneously worked i.e. before the first is exhausted andreclamation work completed, no mineral bearing area shall be worked.
13. After exhausting the first mine pit and before starting mining operations in the next pit, reclamation and plantation works in the exhausted pit shall be completed so as to ensure that reclamation, forest cover and vegetation are visible during the first year of mining operations in the next pit. This process will follow till the last pit is exhausted. Adequate rehabilitation of mined pit shall be completed before any new ore bearing area is worked for expansion.
14. Adequate buffer zone shall be maintained between two consecutive mineral bearing deposits.
15. Sprinkling of water on haul roads to control dust will be ensured by the project proponent.
16. Green belt development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO / Agriculture Department. Herbs and shrubs shall also form a part of afforestation programmebesides tree plantation. The company shall involve local people for plantation programme. Details of year wise afforestation programme including rehabilitation of mined out area shall be submitted to the Regional Office, MoEF&CC, Gol, Lucknowevery year.
17. Blast vibrations study shall be conducted and a observation report submitted to the Regional office, MoE&CC, Gol, Lucknow and UPPCB within six months. The report shall also include measures for prevention of blasting associated impact on nearby houses and agricultural fields.
18. Controlled blasting techniques with sequential blasting shall be adopted. The blasting shall be carried out in the day time only.
19. Appropriate arrangement for shelter and drinking water for the mining workers has to be ensured at the mining site.



20. Maintenance of village roads used for transportation of minerals are to be done by the company regularly at its own expenses. The roads shall be black topped.
21. Rain water harvesting shall be undertaken to recharge the ground water source.
22. Status of implementation shall be submitted to the Regional Office, MoEF&CC, GoI, Lucknow and UP Pollution Control Board within six months and thereafter every year from the next consequent year.
23. Self environmental audit shall be conducted annually. Every three years third party environmental audit shall be carried out.
24. Measures for prevention and control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion shall be carried out with geo textile matting or other suitable material, and thick plantations of native trees and shrubs shall be carried out at the dump slopes. Dumps shall be protected by retaining walls.
25. Trenches / garland drains shall be constructed at foot of dumps and coco filters installed at regular intervals to arrest silt from being carried to water bodies. Adequate number of Check Dams and Gully Plugs shall be constructed across seasonal/perennial nallahs, if any flowing through the ML area and silts arrested. De- silting at regular intervals shall be carried out.
26. Garland drain of appropriate size, gradient and length shall be constructed for both mine pit and for waste dump and sump capacity shall be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity shall also provide adequate retention period to allow proper settling of silt material. Sedimentation pits shall be constructed at the corners of the garland drains and de- silted at regular intervals.
27. Ground and surface water, if any in and near the core zone (within 5.0 km of the lease) shall be regularly monitored for contamination and depletion due to mining activity and records maintained. The monitoring data shall be submitted to the Regional Office, MoEF, GoI, Lucknow and U.P. Pollution Control Board regularly. Further, monitoring points shall be located between the mine and drainage in the direction of flow of ground water shall be set up and records maintained.
28. Fugitive dust generation shall be controlled. Fugitive dust emission shall be regularly monitored at locations of nearest human habitation (including schools and other public amenities located nearest to sources of dust generation as applicable) and records submitted to the Regional Office, MoEF&CC, GoI, Lucknow and U.P. Pollution Control Board regularly.
29. Baseline data for ambient air quality shall be generated and maintained and RSPM level in ambient air in the nearby human habitation (villages) shall also be monitored along with other parameters.
30. Corporate Environmental Responsibility (CER) shall be by the project proponent and the details of the various heads of expenditure to be submitted as per the guidelines provided in the recent CER notification No. 22-65/2017-IA.III dated 01/05/2018. Work to be executed with installation of five hand pumps for drinking water, solar light in villages of streets, construction of two numbers of toilets at the primary school with name displayed and address and details of beneficiary and gram pradhan along with phone number, photographs should be submitted to Directorate as well as to the District magistrate / Chief Development officers.
31. Transportation of minerals shall be done by covering the trucks with tarpaulin or other suitable mechanism so that no spillage of mineral/dust takes place.
32. Occupational health and safety measures for the workers including identification of work related health hazards, training on malaria eradication, HIV, and health effects on exposure to mineral dust etc. shall be carried out. Periodic monitoring for exposure to respirable mineral dust on the workers shall be conducted and records maintained including health records of the workers. Awareness programme for workers on impact of mining on their health and precautionary measures like use of personal equipments etc. shall be carried out periodically. Review of impact of various health measures shall be conducted followed by follow up action wherever required.



33. The project proponent will ensure for providing employment to local people as per requirement, necessary protection measures around the mine pit and waste dump and garland drain around the mine pit and waste dump.
34. Top soil / solid waste shall be stacked properly with proper slope and adequate safeguards and shall be utilized for backfilling (wherever applicable) for reclamation and rehabilitation of mined out area. Top soil shall be separately stacked for utilization later for reclamation and shall not be stacked along with over burden.
35. Over burden (OB) shall be stacked at earmarked dump site(s) only and shall not be kept active for long period. The maximum height of the dump shall not exceed 20 m, each stage shall preferably be of maximum 10 m and overall slope of the dump shall not exceed 35°. The OB dump shall be backfilled. The OB dumps shall be scientifically vegetated with suitable native species to prevent erosion and surface run off.
36. Monitoring and management of rehabilitated areas shall continue until the vegetation becomes self sustaining. Compliance status shall be submitted to the Regional Office, Ministry of Environment & Forests, Gol, Lucknow and U.P. Pollution Control Board on six monthly basis.
37. Slope of the mining bench and ultimate pit limit shall be as per the mining scheme approved by Indian Bureau of Mines.
38. Permission for abstraction of ground water shall be taken from Central Ground Water Board. Regular monitoring of ground and surface water sources for level and quality shall be carried out by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring shall be carried out four times in a year i.e. pre-monsoon (April-May), monsoon (August), post-monsoon (November) and winter (January) and the data thus collected shall be regularly sent to MoEF&CC, Central Ground Water Authority and Regional Director, Central Ground Water Board.
39. The waste water from the mine shall be treated to conform to the prescribed standards before discharging in to the natural stream. The discharged water from the Tailing Dam, if any shall be regularly monitored and report submitted to the Regional Office, Ministry of Environment & Forests, Gol, Lucknow, Central Pollution Control Board and the State Pollution Control Board.
40. Hydro geological study of the area shall be reviewed by the project proponent annually. In case adverse effect on ground water quality and quantity is observed mining shall be stopped and resumed only after mitigating steps to contain any adverse impact on ground water is implemented.
41. Vehicular emissions shall be kept under control and regularly monitored. Vehicles used for transportation of minerals and others shall have valid permissions as prescribed under Central Motor Vehicle Rules, 1989 and its amendments. The vehicles transporting minerals shall be covered with a tarpaulin or other suitable enclosures so that no dust particles / fine matters escape during the course of transportation. No overloading of minerals for transportation shall be committed. The trucks transporting minerals shall not pass through wild life sanctuary, if any in the study area.
42. Prior permission from the Competent Authority shall be obtained for extraction of ground water, if any.
43. A final mine closure plan, along with details of Corpus Fund, shall be submitted to the Regional office, Ministry of Environment & Forests, Gol, Lucknow and U.P. Pollution Control Board 5 years in advance of final mine closure for approval.
44. Project Proponent shall explore the possibility of using solar energy where ever possible.
45. Commitment towards CER has to be followed strictly.
46. Regular health check-up record of the mine workers has to be maintained at site in a proper register. It should be made available for inspection whenever asked.
47. Project Proponent has to strictly follow the direction/guidelines issued by MoEF&CC, CPCB and other Govt. Agencies from time to time.
48. The blasting will be done only after getting the permission from the Mining Department.



You shall also ensure that the proposed site is not a part of any no-development zone as required/prescribed/identified under law. In case of violation, this permission shall automatically deem to be cancelled. Also, in the event of any dispute on ownership or land use of the proposed site, this clearance shall automatically deem to be cancelled.

Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

The above stipulated conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along-with their amendments and rules made there under and also any other orders passed by the Hon'ble Courts of Law relating to the subject matter.

The project proponent will have to submit approved plans and proposals incorporating the conditions specified in the Environmental Clearance within 03 months of issuance of this clearance. The SEIAA/MoEF reserves the right to revoke the environmental clearance, if conditions stipulated are not implemented to the satisfaction of SEIAA/MoEF. SEIAA may impose additional environmental conditions or modify the existing ones, if necessary.

This is to request you to take further necessary action in matter as per provisions of Gazette Notification No. S.O. 1533(E) dated 14/09/2006, as amended and send regular compliance reports to the authority as prescribed in the aforesaid notification.



(Ashish Tiwari)
Member Secretary, SEIAA

Ref. No...../Parya/SEIAA/5989-5653/2019

Dated: As above

Copy for Information and necessary action to:

1. The Principal Secretary, Environment, U.P. Govt., Lucknow.
2. Advisor, IA Division, Ministry of Environment, Forests & Climate Change, Govt. of India, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi.
3. Additional Director, Regional Office, Ministry of Environment & Forests, (Central Region), Kendriya Bhawan, 5th Floor, Sector-H, Aliganj, Lucknow.
4. The Member Secretary, U.P. Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow.
5. District Magistrate, Saharanpur, U.P.
6. Director, Department of Geology & Mining, U.P. Lucknow.
7. Copy for Web Master/Guard file.

(Ashish Tiwari)
Member Secretary, SEIAA

कार्यालय जिलाधिकारी, साहारनपुर।

(खनन अनुभाग)

ई-निविदा सह ई नीलामी आमन्त्रण हेतु सूचना

पत्रांक 1959/खनिज/2019-20

दिनांक- 01/11/2019

सर्वसाधारण को सूचित किया जाता है कि जनपद साहारनपुर में नदी तल में उपलब्ध बालू, बजरी, बोल्टर आदि (मिश्रित अवस्था में) के खनन क्षेत्रों को शासनादेश संख्या-1875/86-2017 दिनांक-14 अगस्त, 2017 में दिये गये निर्देशानुसार ई निविदा सह ई नीलामी प्रणाली के माध्यम से 30प्र0 उपखनिज (परिहार) नियमावली-1963 के अध्याय-4 के अन्तर्गत खनन पट्टा पर स्वीकृत किये जाने हेतु निम्नवत् घोषित किया जाता है :-

1. क्षेत्र का विवरण :-

क्र० सं०	उपखनिज का नाम	नदी का नाम	क्षेत्र का विवरण				नियमावली-1963 के अनुसूची 1 के अनुसार रायल्टी दर (₹0 प्रति घनमीटर)	खनन योग्य आकलित उपखनिज का भण्डार (घन मी० प्रतिवर्ष)	प्रथम वर्ष में आकलित भण्डार की कुल रायल्टी रूपों में। (कालम 9 में अंकित घन मी० प्रतिवर्ष की कालम 8 में अंकित रायल्टी की दर से गुणा करने पर उपलब्ध शकल धनराशि)	अर्नेस्ट मनी (कालम 10 में अंकित शकल धनराशि का 25 प्रतिशत)
			तहसील	ग्राम	गाटा सं०/खण्ड सं०/जोन सं०	क्षेत्रफल (हे० म०)				
1	2	3	4	5	6	7	8	9	10	11
01	बालू, बजरी, बोल्टर	खोरावाली रीं	बेहट	शेरपुर पेली	378/2 व 379/2	7.00	110.00	1,97,500	2,17,25,000.00	54,31,250
02	बालू, बजरी, बोल्टर	बादशाही बाग रीं	बेहट	मायापुर रूपपुर	14/1	3.10	110.00	69,750	76,72,500.00	19,18,125
03	बालू, बजरी, बोल्टर	बड़कला रीं	बेहट	हैदरपुर हिन्दुवाला	8/1, 19, 22	4.20	110.00	94,500	1,03,95,000.00	26,98,750
04	बालू, बजरी, बोल्टर	गैसरा रीं	बेहट	रहना	179/2	3.76	110.00	67,500	74,25,000.00	18,56,250
05	बालू, बजरी, बोल्टर	यमुना	बेहट	बरथा कोरसी	1	38.00	110.00	7,56,000	8,31,80,000.00	2,07,90,000
06	बालू, बजरी, बोल्टर	यमुना	बेहट	रहना	03 लाट नं०-3	8.05	110.00	1,38,482	1,52,30,820.00	38,07,705

क्षेत्र का जियोक्वार्टिनेट्स

क्र० सं०	ग्राम	A	B	C	D	E	F	G	H
01	शेरपुर पेली	N-30°16'22.11" E-77°39'32.22"	N-30°16'20.66" E-77°39'36.59"	N-30°16'6.24" E-77°39'31.26"	N-30°16'7.80" E-77°39'26.92"				
02	मायापुर रूपपुर	N-30°19'19.38" E-77°38'25.06"	N-30°19'16.94" E-77°38'30.39"	N-30°19'11.31" E-77°38'27.63"	N-30°19'14.42" E-77°38'21.92"				
03	हैदरपुर हिन्दुवाला	N-30°15'20.64" E-77°40'42.10"	N-30°15'20.54" E-77°41'0.42"	N-30°15'17.98" E-77°41'1.84"	N-30°15'17.71" E-77°40'42.89"				
04	रहना	N-30°19'56.61" E-77°36'32.69"	N-30°19'54.45" E-77°36'35.03"	N-30°19'47.72" E-77°36'20.40"	N-30°19'48.81" E-77°36'18.31"				
05	बरथा कोरसी	N-30°14'0.94" E-77°31'13.91"	N-30°14'16.50" E-77°31'24.43"	N-30°14'13.69" E-77°31'31.19"	N-30°14'19.59" E-77°31'37.85"	N-30°14'37.10" E-77°31'40.80"	N-30°14'38.55" E-77°31'37.33"	N-30°14'25.36" E-77°31'30.21"	N-30°14'08.38" E-77°31'01.33"
06	रहना	N-30°21'36.45" E-77°36'05.61"	N-30°21'29.62" E-77°36'0.26"	N-30°21'37.95" E-77°35'50.38"	N-30°21'41.71" E-77°36'02.50"				

- खनन पट्टा की अवधि 05 वर्ष के लिये स्वीकृत किये जायेंगे। पट्टे की अवधि की गणना खनन पट्टा विलेख निष्पादन की तिथि से की जायेगी।
- ई निविदा सह ई नीलामी की बिड/बोली उपखनिज की प्रति घन मीटर के लिए दी जायेगी, जो 30प्र0 उपखनिज (परिहार) नियमावली-1963 के अनुसूची-1 में निर्धारित रायल्टी की दर से कम नहीं होगी। इससे भिन्न बिड/बोली दिये जाने पर बिड/बोली स्वीकार नहीं की जायेगी तथा प्री बिड अर्नेस्ट मनी जब्त कर ली जायेगी। प्राप्त उच्चतम बिड/बोली की दर (रूपया प्रति घन मी०) को क्षेत्र में आंकलित मात्रा (घन मी०) से गुणा कर प्रथम वर्ष की नीलामी की देय धनराशि आगणित की जायेगी, जिसे पट्टा के अनुवर्ती वर्षों में प्रत्येक वर्ष पिछले वर्ष की नीलामी की देय धनराशि पर 10 प्रतिशत की वृद्धि की जायेगी।
- ई निविदा सह ई नीलामी दो चरणों में होगी। प्रथम चरण में ई निविदा सम्पन्न की जायेगी जिसके दौरान सभी बिडर्स को एक बार ई-निविदा (e-tender) देने का मौका प्रदत्त होगा जो पुनरीक्षित (Revise) नहीं किया जा सकेगा। ई निविदा में प्राप्त उच्चतम निविदा को आधार मूल्य (Floor Price) मानते हुए द्वितीय चरण में ई-नीलामी कराया जायेगा, जिसके दौरान बिडर्स ई-नीलामी हेतु निर्धारित तिथि एवं अवधि में ई-बिड दे सकते हैं। ई-नीलामी के दौरान केवल उच्चतम बोली को ही प्रदर्शित किया जायेगा जिसकी देखते हुए बिडर अपना बिड पुनरीक्षित कर बढ़ा सकते हैं।

5. किसी क्षेत्र के ई निविदा सह ई नीलामी हेतु बिडर्स को बिड में भाग लेने से पूर्व प्री बिड अर्नेस्ट मनी जमा करना अनिवार्य होगा, जिसकी गणना क्षेत्र में वार्षिक आंकलित खनन योग्य मात्रा एवं उपखनिज की रायल्टी दर से गुणा कर प्राप्त धनराशि का 25 प्रतिशत होगा।
6. एम0एस0टी0सी0 लि0 (भारत सरकार का उपक्रम) को सेवा प्रदाता के रूप में चयनित किया गया है, जिसके द्वारा राज्य सरकार की ओर से नीलामी की कार्यवाही सम्पादित की जायेगी। ई-निविदा सह ई-नीलामी द्वारा परिहार पर देने की सम्पूर्ण प्रक्रिया ऑनलाईन एम0एस0टी0सी0 के पोर्टल www.mstcecommerce.com पर की जायेगी।
7. इच्छुक आवेदकों के लिए ऑनलाईन बिड/बोली हेतु Class III Signing type डिजिटल सिग्नेचर सर्टिफिकेट (DSC) होना आवश्यक है। एम एस टी सी के उपरोक्त पोर्टल पर जाकर अर्ह आवेदक अपने पंजीकरण की कार्यवाही पूर्ण करने के पश्चात ही ई-निविदा सह ई-नीलामी में भाग ले सकेंगे।
8. पंजीकृत आवेदक निर्धारित पोर्टल पर ऑनलाईन एक या एक से अधिक क्षेत्रों के लिए बिड में भाग ले सकेगा परन्तु उसे प्रत्येक क्षेत्र के लिए अलग अलग आवेदन शुल्क एवं प्रत्येक क्षेत्र हेतु निर्धारित अर्नेस्ट मनी जमा करना होगा। इच्छुक व्यक्ति/फर्म/कम्पनी (आवेदक) ई-निविदा सह ई-नीलामी में भाग लेने के लिए सरकार के पक्ष में रू0-15,000 (रू0 पन्द्रह हजार) का आवेदन शुल्क एम0एस0टी0सी0 पेमेन्ट गेटवे के माध्यम से जमा करना होगा, जो अप्रतिदेय (Non refundable) होगा।
9. ई-निविदा सह ई-नीलामी में भाग लेने हेतु इच्छुक व्यक्ति / फर्म/ कम्पनी को एम0 एस0 टी0 सी0 में पंजीकरण करना अनिवार्य होगा। पंजीकरण हेतु व्यक्ति/फर्म/कम्पनी को ई-ऑक्शन पोर्टल www.mstcecommerce.com पर उपलब्ध आनलाईन फार्म भरना पड़ेगा जिसके दौरान बिडर्स अपने लिए स्वयं जनित यूजर आई0डी0 एवं पासवर्ड बनायेंगे। इस आनलाईन पंजीयन के उपरान्त बिडर्स को एम0एस0टी0सी0 द्वारा भेजा गया सूचना ई मेल प्राप्त होगा, जिसके पश्चात बिडर्स को आवश्यक अभिलेख स्कैन कर एम0एस0टी0सी0 को आनलाईन भेजना अनिवार्य होगा। साथ ही बिडर्स को वार्षिक पंजीकरण शुल्क जी.एस. टी सहित रू0-2,360 (रू0 दो हजार तीन सौ साठ मात्र) एम0एस0टी0सी0 पेमेन्ट गेटवे के माध्यम से आनलाईन देय होगा। अनिवार्य अभिलेख एवं वार्षिक पंजीकरण शुल्क की प्राप्ति के पश्चात् ही बिडर्स का लॉगिन आई0डी0, पासवर्ड एवं एकाउन्ट एम0एस0टी0सी0 के निर्धारित पोर्टल पर चालू (Activate) होगा।
10. पंजीकरण हेतु बिडर्स द्वारा स्वप्रमाणित निम्न अभिलेख/प्रमाण पत्र स्कैन कर एम0एस0टी0सी0 के पोर्टल पर अपलोड करना अनिवार्य होगा:-
 - (1) आवेदक के आधार कार्ड की प्रति, फर्म की दशा में फर्म के भागीदारों के आधार कार्ड की प्रति तथा कम्पनी के मामले में कारपोरेट अफेयर्स मंत्रालय भारत सरकार द्वारा निर्गत कम्पनी के प्रबन्ध निदेशक का Director Identification Number (DIN) के प्रमाण-पत्र की प्रति।
 - (2) आवेदक का अद्यावधिक चरित्र प्रमाण पत्र, फर्म के मामले में भागीदारों के अद्यावधिक चरित्र प्रमाण पत्र की प्रति तथा कम्पनी के मामले में प्रबन्ध निदेशक का इस आशय का शपथ पत्र कि कम्पनी को किसी अपराधिक वाद में दण्डित नहीं किया गया है। चरित्र प्रमाण पत्र उस जिले के जिलाधिकारी द्वारा प्रदत्त होगा, जहाँ आवेदक स्थायी रूप से निवास करता हों।
 - (3) आवेदक का पैन कार्ड की प्रति, फर्म या कम्पनी के मामले में उसका पैन कार्ड एवं जी0एस0टी0 नं0 की प्रति।
 - (4) बैंक खाते का विवरण, जिससे ई निविदा सह ई नीलामी से सम्बन्धित समस्त वित्तीय हस्तान्तरण किया जायेगा, तथा बैंक का नाम, खाता संख्या आई0एफ0एस0सी0 कोड, तथा एक निरस्त चेक की प्रति।
 - (5) जिलाधिकारी अथवा प्राधिकृत अधिकारी द्वारा जारी किया गया खनन देय बकाया न होने का प्रमाण पत्र। जहाँ आवेदक राज्य के भीतर कोई खनिज परिहार धारित नहीं करता है वहाँ इस आशय का शपथ पत्र की प्रति।
 - (6) आवेदक को स्वयं का हैसियत प्रमाण पत्र अथवा हैसियत प्रमाण पत्र के साथ बैंक गारन्टी जो बोली की धनराशि के 25 प्रतिशत की कीमत से कम न हो, प्रस्तुत किया जाये।
11. एम0एस0टी0सी0 द्वारा केवल उन्ही व्यक्ति/फर्म/कम्पनी का पंजीकरण किया जायेगा जो उत्तर प्रदेश उपखनिज (परिहार) नियमावली-1963 के प्रावधानों के अर्न्तगत अर्ह हो। नियम-26 के अनुसार निम्नलिखित व्यक्ति/फर्म/कम्पनी ई-निविदा सह ई-नीलामी प्रक्रिया में भाग नहीं ले सकते हैं:-
 - (1) जो भारतीय राष्ट्रिक नहीं है।
 - (2) जिसके विरुद्ध खनिज देय बकाया है।
 - (3) जिसने उस जिले के जिलाधिकारी अथवा राज्य सरकार द्वारा प्राधिकृत अधिकारी जहाँ वह स्थायी रूप से निवास करता है से चरित्र प्रमाण पत्र प्राप्त नहीं कर लिया है। शर्त यह है कि उक्त चरित्र प्रमाण पत्र पुलिस सत्यापन के आधार पर दिया गया हो।
 - (4) जिसने अपने आधार कार्ड की प्रति प्रस्तुत न की हो।
 - (5) जिसका नाम काली सूची में दर्ज हो।
 - (6) फर्म/कम्पनी के मामले में जिसने पैनकार्ड तथा जी0एस0टी0 पंजीकरण प्रमाण पत्र प्रस्तुत न किया हो।
 - (7) आवेदक को स्वयं का हैसियत प्रमाण पत्र अथवा हैसियत प्रमाण पत्र के साथ बैंक गारन्टी जो बोली की धनराशि के 25 प्रतिशत की कीमत से कम न हो, प्रस्तुत किया जाये।
12. ऑनलाईन ई-निविदा डालने तथा ई-नीलामी बोलने की विधि का पूर्ण विवरण सेवा प्रदाता संस्था एम0एस0टी0सी0 के वेब पोर्टल www.mstcecommerce.com पर देखा जा सकता है।
13. ई-निविदा सह ई-नीलामी में भाग लेने के लिए इच्छुक व्यक्ति/फर्म/कम्पनी को प्रत्येक क्षेत्र के लिए पृथक-पृथक रू0-15000 (रू0 पन्द्रह हजार मात्र) का शुल्क और अप्रतिदेय होगा तथा अर्नेस्ट मनी जो विज्ञप्ति में क्षेत्र के नाम सम्मुख अंकित हो, जमा किया जाना होगा।

14. सफल बोलीदाता/ निविदादाता को छोड़कर शेष बोलीदाता/निविदादाता द्वारा जमा बयानों की धनराशि (अर्नेस्ट गनी) गणावत उसी बैंक खाते में वापस कर दी जायेगी। आवेदक द्वारा फ़ीकरणा के समय दिए गए बैंक खाते में बदलाव मान्य नहीं किया जाएगा। विशेष परिस्थितियों में निदेशक भूतत्व एवं खनिकर्म निदेशालय के अनुमोदन उपरान्त बैंक खाते का बदलाव किया जा सकता है।
15. जहां किसी भी कारण से ई-निविदा सह ई-नीलामी की प्रक्रिया पूरी न हो वहां कम से कम 07 दिन की अत्य अवधि की नोटिस देने के पश्चात् पुनः ई-निविदा सह ई-नीलामी की जा सकती है।
16. अधिकतम दो खनन पट्टे या 50 हे० से अधिक क्षेत्र को उ०प्र० राज्य की किसी व्यक्ति/फ़र्म/कम्पनी के पक्ष में स्वीकृत नहीं किया जाएगा। यदि किन्हीं परिस्थितियों में एक व्यक्ति/फ़र्म/कम्पनी द्वारा अपने पक्ष में दो खनन पट्टा या 50 हे० से अधिक खनन पट्टे स्वीकृत करा दिया जाता है तो अन्त में स्वीकृत खनन पट्टा निरस्त कर पट्टा अन्तर्गत जमा सम्पूर्ण धनराशि जमा कर ली जाएगी, तथा केवल प्रारम्भ के दो क्षेत्र अथवा 50 हे० के खनन पट्टे ही अनुमन्य होंगे। परन्तु यदि स्वयं अपने पक्ष में दो खनन पट्टे या 50 हे० से अधिक के खनन पट्टे हेतु जारी लेटर ऑफ इन्टेण्ट की सूचना देता है तो उक्त सीमा के अन्तर्गत कोई भी खनन पट्टा क्षेत्र के चयन का उसे अधिकार होगा तथा शेष क्षेत्र की जमा धनराशि पुष्टि के उपरान्त यथावत वापस कर दी जाएगी।
17. ई-निविदा सह ई-नीलामी की प्रक्रिया :-
- (1) ई-निविदा सह ई-नीलामी दो चरणों में की जायेगी। प्रथम चरण में केवल ई-निविदा विज्ञापन में निर्धारित विधि एवं समय के अन्तर्गत डाली जायेगी। बिड/रायल्टी की दर प्रत्येक उपखनिज के लिए प्रति घनमीटर के लिए दी जायेगी जो सम्बन्धित उपखनिज के लिए नियमावली-1963 के अनुसूची-1 में उल्लिखित रायल्टी की दर से कम नहीं होगा। विज्ञप्ति के अनुसार क्षेत्रवार प्राप्त ई-नीलामी को एक साथ न खोलकर प्रथम-प्रथम खोला जाएगा। प्रत्येक क्षेत्र के प्रथम की नीलामी खोलने के तत्काल 02 घण्टे बाद द्वितीय चरण की ई-नीलामी की कार्यवाही प्राप्त की जाएगी।
- (2) प्रथम चरण की समाप्ति के उपरान्त निम्नानुसार प्रक्रिया अपनायी जायेगी:-
- (क) यदि प्रथम चरण में एक ही बिड प्राप्त होती है और उक्त बिड (ऑफर) में प्रतिघन मीटर दिया गया दर नियमावली-1963 के प्रथम अनुसूची में उस उपखनिज के लिए निर्धारित रायल्टी दर से 400 प्रतिशत से अधिक है तथा शेष शर्तें पूर्ण करता हो तो जिलाधिकारी द्वारा उस निविदादाता के पक्ष में लेटर आफ इन्टेण्ट जारी किया जायेगा।
- (ख) यदि प्रथम चरण में केवल एक ही बिड प्राप्त होता है और उक्त बिड (ऑफर) में प्रति घनमीटर में दिया गया दर नियमावली-1963 के प्रथम अनुसूची में उस उपखनिज के लिए निर्धारित रायल्टी दर से अधिक परन्तु 400 प्रतिशत से कम है तो जिलाधिकारी क्षेत्र की भौगोलिक स्थिति, खनिज की उपलब्धता खनिज की गुणवत्ता, उपखनिज का बाजार मूल्य, उस क्षेत्र में से खनिज की मांग, क्षेत्र में अवैध खनन की सम्भावना राजस्व की प्राप्ति आदि पर विचार करते हुए स्वविवेक से एकल निविदादाता के पक्ष में लेटर आफ इन्टेण्ट जारी करने अथवा न करने के सम्बन्ध में निर्णय लेंगे।
- (ग) यदि प्रथम चरण में एक से अधिक परन्तु पाँच या पाँच से कम बिड प्राप्त होता है तो सभी बिड कर्ता द्वितीय चरण की ई-नीलामी की प्रक्रिया में भाग लेने हेतु अर्ह होंगे तथा द्वितीय चरण के अधिकतम बोलीदाता के पक्ष में जिलाधिकारी द्वारा लेटर आफ इन्टेण्ट जारी किया जायेगा।
- (घ) यदि पाँच से अधिक बिड/आफर प्राप्त होते हैं तब केवल पाँच सर्वाधिक निविदाकार ही द्वितीय चरण की ई-नीलामी में भाग लेने हेतु अर्ह होंगे तथा द्वितीय चरण के अधिकतम बोलीदाता के पक्ष में ही जिलाधिकारी द्वारा लेटर आफ इन्टेण्ट जारी किया जायेगा।
- (3) उपरोक्त प्ररतर-17 (2)(ग), (घ) के अनुसार प्रथम चरण के योग्य बोलीदाता द्वितीय चरण की नीलामी में भाग ले सकते हैं।
- (4) द्वितीय चरण में ई-नीलामी की प्रक्रिया की जायेगी। ई-नीलामी की प्रक्रिया प्रथम चरण की अग्रसारित प्रक्रिया होगी, जिसमें प्रथम चरण में प्राप्त उच्चतम बिड/आफर द्वितीय चरण की ई-नीलामी के लिए न्यूनतम बोली (Floor price) स्वतः निर्धारित हो जायेगी।
- (5) द्वितीय चरण की नीलामी की प्रक्रिया में नीलामी की निर्धारित अवधि के भीतर इच्छुक एवं अर्ह व्यक्ति/फ़र्म/कम्पनी बोली में कई बार भाग ले सकता है। नीलामी की ऑनलाइन प्रक्रिया में स्क्रीन पर अधिकतम बोली प्रदर्शित होती रहेगी और प्रदर्शित बोली से अधिक बोली ऑनलाइन ही दिया जा सकता है।
- (6) निर्धारित समय के पश्चात् बोली बन्द हो जायेगी और उसके उपरान्त कोई बोली नहीं दिया जा सकता है। बोली के अन्तिम समय में यदि कोई और बोली प्राप्त होती है तो नीलामी की बोली का समय स्वतः 05 मिनट के लिए बढ़ जायेगा। यह प्रक्रिया तब तक जारी रहेगी जब तक 05 मिनट के अन्तराल में कोई और बोली प्राप्त नहीं होती है।
- (7) ई-निविदा सह ई-नीलामी की कालयोजना एवं अवधि निम्नानुसार सम्पादित की जायेगी :-

प्री बिड ई०एम०डी० एवं आवेदन शुल्क जमा करने की अन्तिम तिथि	दिनांक 04.12.2019 साय 5:00 बजे तक
प्रथम चरण ई-निविदा (ई टेण्डर) की अवधि	दिनांक 05.12.2019 पूर्वाह्न 10:00 बजे से 08.12.2019 साय 05:00 बजे तक
प्रथम चरण में प्राप्त ई-निविदा (बिड) का खोला जाना एवं उसका मूल्यांकन साथ ही द्वितीय चरण में ई-नीलामी की अवधि	1. शेरपुर पेले क्षेत्र हेतु दिनांक 11.12.2019 को पूर्वाह्न 11:00 बजे ई-निविदा का खोला जाना दिनांक 11.12.2019 को ई-नीलामी अपराह्न 1:00 बजे से 3:00 बजे तक 2. मायापुर रूपपुर क्षेत्र हेतु

- ई-निविदा का खोला जाना
दिनांक 11.12.2019 को ई-नीलामी अपरान्ह 2:30 बजे से 4:30 बजे तक
3. हैदरपुर हिन्दुवाला क्षेत्र हेतु
दिनांक 12.12.2019 को पूर्वान्ह 11:00 बजे
ई-निविदा का खोला जाना
दिनांक 12.12.2019 को ई-नीलामी अपरान्ह 1:00 बजे से 3:00 बजे तक
4. रहना गाटा संख्या 17/2 क्षेत्र हेतु
दिनांक 12.12.2019 को पूर्वान्ह 12:30 बजे
ई-निविदा का खोला जाना
दिनांक 12.12.2019 को ई-नीलामी अपरान्ह 2:30 बजे से 4:30 बजे तक
5. बरथा कोरसी क्षेत्र हेतु
दिनांक 13.12.2019 को पूर्वान्ह 11:00 बजे
ई-निविदा का खोला जाना
दिनांक 13.12.2019 को ई-नीलामी अपरान्ह 1:00 बजे से 3:00 बजे तक
6. रहना लाट संख्या 3 क्षेत्र हेतु
दिनांक 13.12.2019 को पूर्वान्ह 12:30 बजे
ई-निविदा का खोला जाना
दिनांक 13.12.2019 को ई-नीलामी अपरान्ह 2:30 बजे से 4:30 बजे तक

(8) परिणाम की घोषणा एवं उसका प्रदर्शन :

क. प्रथम चरण की निविदा प्रक्रिया का परिणाम निविदाकार (Tenderer) के लॉगिन पर प्रदर्शित होगा। प्रथम चरण के निविदा प्रक्रिया के समापन के पश्चात् अधिकतम निविदा धनराशि (बिडिंग एमाउन्ट) प्रदर्शन की जायेगी। सभी निविदाकार द्वितीय चरण की बोली हेतु वे योग्य है अथवा नहीं का भी लॉगिन कर जान सकते है।

ख. एकल निविदा के मामले को छोड़कर शेष मामलों में द्वितीय चरण की नीलामी समाप्त होने के उपरान्त प्राप्त अधिकतम बोली उसके बोलीदाता का विवरण एम0एस0टी0सी0 के निर्धारित पोर्टल पर प्रदर्शित किया जायेगा।

18. पट्टे का दिया जाना :- नियमावली के नियम-28 के प्राक्धानों के अनुसार ई-निविदा सह ई-नीलामी के मामले में उस बोली या प्रस्ताव को उपरोक्त प्रस्तर-17(2) में दिये गये प्रक्रिया के अनुसार जिलाधिकारी स्वीकार करेगा जो उच्चतम हों। जिलाधिकारी द्वारा सफल एवं नियमानुसार अर्ह बोलीदाता/निविदादाता को उनके द्वारा प्रस्तुत मूल अभिलेख के सत्यापन के एक सप्ताह के अन्दर लेटर आफ इन्टेंट निर्गत किया जायेगा।
19. ई-नीलामी समाप्त होने के पश्चात् 03 कार्य दिवस के अन्दर सफल बोलीदाता को अपने मूल अभिलेख का सत्यापन उस जनपद के जिलाधिकारी जहाँ क्षेत्र स्थित है के द्वारा अथवा निदेशक, मृतत्व एवं खनिकर्म, निदेशालय के द्वारा कराना होगा। निदेशक द्वारा मूल अभिलेख के सत्यापन की स्थिति में अभिलेख-सत्यापन की आख्या ई-मेल के माध्यम से संबंधित जिलाधिकारी को प्रेषित की जायेगी। अभिलेख-सत्यापन के पश्चात् ही जिलाधिकारी द्वारा लेटर आफ इन्टेंट जारी किया जायेगा। सत्यापन में यदि कोई अभिलेख अथवा प्रमाण पत्र कूटरचित, असत्य अथवा गलत पाया जाता है तो लेटर आफ इन्टेंट जारी नहीं किया जायेगा तथा बयाने की धनराशि (अर्नेस्ट मनी) जप्त कर ली जायेगी।

20. लेटर आफ इन्टेंट में निम्न विवरण होंगे :-

(1) प्रथम वर्ष के लिए देय नीलामी धनराशि की गणना पट्टा क्षेत्र के लिए विज्ञप्ति में आकलित मात्रा धन मी0 के निविदा/नीलामी की दर रूपया धन प्रति मी0 से गुणा कर निकाली जायेगी। खनन पट्टा के अनुवर्ती वर्षों में प्रत्येक वर्ष पिछले वर्ष की नीलामी की देय धनराशि पर 10 प्रतिशत की वृद्धि की जायेगी।

(2) सफल बोलीदाता/निविदादाता, पट्टे की निर्वन्धनों और शर्तों का यथाचित पालन करने के लिए प्रतिभूति के रूप में प्रथम वर्ष के लिए बोली/निविदा की सकल धनराशि का 25 प्रतिशत और स्वामित्व की पहली किश्त के रूप में प्रथम वर्ष के लिए बोली/निविदा की सकल धनराशि का 20 प्रतिशत दो कार्यदिवसों के अन्दर जमा करेगा। बयाने की धनराशि (अर्नेस्ट मनी) प्रथम किश्त में समायोजित कर ली जायेगी।

(3) पट्टे के प्रथम वर्ष की शेष किश्ते एवं अनुवर्ती वर्षों में बोली/निविदा के आधार पर प्रथम वर्ष के लिए निर्धारित सकल धनराशि पर प्रत्येक वर्ष विगत वर्ष से 10 प्रतिशत वृद्धि के साथ नियमावली-1963 के पंचम अनुसूची के अनुसार जमा की जायेगी।

(4) पट्टाधारक नियम-17 के प्राक्धानों के अनुसार क्षेत्र का सीमांकन करायेगा (जिसमें सीमा बिन्दुओं का जीओ को आर्डिनेट्स भी इंगित किया जायेगा) तथा नियम-35 के अनुसार सीमा-स्तम्भ लगायेगा एवं इसका अनुरक्षण करेगा।

(5) चयनित आवेदक नियम-34 के प्राक्धानों के अन्तर्गत निर्धारित अवधि के अन्दर खनन योजना माइन्स क्लोजर प्लान एवं भारत सरकार के वन एवं पर्यावरण मंत्रालय की अधिसूचना दिनांक-14.09.2008 सपटित अधिसूचना दिनांक 15

(6) प्रत्येक पट्टाधारक द्वारा नियम-34 के अनुसार क्षेत्र के भूमि-उद्धार और पुर्नवासन उपाय हेतु वित्तीय आश्वासन की धनराशि निर्धारित रीति से जमा करेगा।

(7) लेटर आफ इन्टेन्ट जारी होने के एक माह के अन्दर अनुमोदन हेतु देय प्रतिभूति एवं प्रथम किस्त की धनराशि जमा होने के प्रमाण सहित खनन योजना निदेशक, भूतत्व एवं खनिकर्म के समक्ष प्रस्तुत किया जायेगा तथा अनुमोदित खनन योजना प्राप्त होने के 1 माह के अन्दर राक्षम प्राधिकरण के समक्ष पर्यावरण स्वच्छता प्रमाण पत्र हेतु प्रस्ताव प्रस्तुत किया जाना अनिवार्य होगा अथवा नियम 59(1) के प्राविधानों के अन्तर्गत प्रस्तावक पर रुपये 10,000.00 प्रति दिन की शारित आरोपित की जायेगी।

(8) पर्यावरण अनापत्ति प्रमाण पत्र प्राप्ति के एक माह के भीतर पट्टा विलेख का निष्पादन कराकर खनन संक्रिया तत्काल प्रारम्भ की जानी होगी।

(9) नियम 34(4) के अन्तर्गत पर्यावरण की स्वीकृति की प्रक्रिया के दौरान अपेक्षित समयावधि में, सक्षम प्राधिकारी द्वारा लगायी गयी आपत्तियों का परियोजना प्रस्तावक द्वारा समाधान करना अनिवार्य होगा। नियम 34(4) के उल्लंघन की दशा में जिला मजिस्ट्रेट नियम 59(7) के अन्तर्गत जारी लेटर ऑफ इन्टेन्ट निरस्त किया जा सकता है।

(10) नियम 34(5) के अन्तर्गत पर्यावरण अनापत्ति प्रमाणपत्र निर्गत होने के उपरान्त एक माह के भीतर पट्टा विलेख का निष्पादन करना अनिवार्य होगा। नियम 34(5) के उल्लंघन की दशा में प्रस्तावक द्वारा जमा प्रथम किस्त एवं प्रतिभूमि धनराशि समपूत करते हुये जारी लेटर ऑफ इन्टेन्ट निरस्त किया जायेगा।

21. सफल बोलीदाता/निविदादाता द्वारा धनराशि जमा करने की रीति

(1) स्वीकृत पट्टे की अवधि 05 वर्ष होगी, परन्तु बोली/निविदा की धनराशि प्रथम वर्ष के लिए मानी जायेगी। प्रत्येक अनुवर्ती वर्ष में पिछले वर्ष से 10 प्रतिशत वृद्धि के साथ आगामी वर्ष में पट्टा धनराशि देय होगी। प्रथम वर्ष एवं अनुवर्ती वर्षों के लिए पट्टा-धनराशि-नियमावली-1963 के पंचम अनुसूची के अनुसार पट्टाधारक द्वारा जमा की जायेगी।

(2) आशय पत्र (लेटर आफ इन्टेन्ट) प्राप्त होने के उपरान्त सफल बोलीदाता/निविदादाता द्वारा 25 प्रतिशत प्रतिभूति जमा एवं 20 प्रतिशत प्रथम किस्त अर्थात् पट्टे के प्रथम वर्ष के लिए निर्धारित पट्टा धनराशि के 45 प्रतिशत के समतुल्य धनराशि (जिसमें प्री बिड अर्नेस्ट नूनी समायोजित हो) सम्बन्धित जनपद में भूतत्व एवं खनिकर्म विभाग में लेटर ऑफ इन्टेन्ट जारी होने के दो कार्य दिवसों के अन्दर जमा किया जाना होगा। प्री बिड अर्नेस्ट मनी की धनराशि एम0एस0टी0सी0 लि0 द्वारा सम्बन्धित जनपद के जिलाधिकारी को चेक/ड्राफ्ट के माध्यम से/आनलाईन हस्तान्तरित की जायेगी। यदि सफल बोलीदाता/निविदादाता उक्त धनराशि जमा करने में असफल होता है तो उसके द्वारा जमा अर्नेस्ट मनी जब्त कर ली जायेगी और उसके द्वारा इस सम्बन्ध में कोई शिकायत अथवा प्रत्यावेदन विचार योग्य नहीं होगा।

(3) प्रथम वर्ष के लिए शेष पट्टा धनराशि एवं आगामी वर्षों के लिए पट्टा धनराशि नियमावली में निर्धारित पंचम अनुसूची के अनुसार राज्य सरकार द्वारा समय पर निर्धारित प्रक्रिया के अनुसार पट्टाधारक द्वारा जमा की जायेगी। उक्त अनुसूची में नियत तिथि के अनुसार देय धनराशि जमा न करने की दशा में नियम-58 अनुसार देय धनराशि ब्याज सहित वसूल की जायेगी।

(4) पट्टाधारक द्वारा राज्य सरकार अथवा केन्द्र सरकार द्वारा समय समय पर निर्धारित कर एवं शुल्क यथा आयकर विभाग का टी0सी0एस0, जिला खनिज फाउण्डेशन(डी0एम0एफ0) आदि नियमानुसार जमा किया जायेगा।

22. शर्तें;

(1) ई निविदा सह ई निलामी में भाग लेने से पूर्व क्षेत्र में आंकलित उपखनिज की मात्रा एवं खनन स्थल के लिए पहुँच मार्ग आदि के सम्बन्ध में मौके का निरीक्षण कर बिडर स्वयं आश्वस्त हो ले। ई निविदा सह ई निलामी में भाग लेने के पश्चात् इस सम्बन्ध में किसी भी प्रकार का दावा स्वीकार नहीं किया जायेगा।

(2) पट्टाधारक पट्टे के अधीन दिये गये क्षेत्र के सर्वेक्षण और सीमांकन के समय सीमांकित मानचित्र पर खनन पट्टा क्षेत्र का कार्डिनेट्स अंकित करेगा तथा पट्टा विलेख निष्पादन करने के पूर्व पट्टाधारक अपने स्वयं के व्यय पर ऐसे सीमा चिन्ह को और खम्बे को लगायेगा जो पट्टा विलेख से संलग्न नक्शे में दर्शाये गये सीमांकन को इंगित करने के लिए आवश्यक होगा।

(3) पट्टा अभिलेख के निष्पादन के दिनांक से छः माह के भीतर खनन संक्रियायें प्रारम्भ करेगा और तत्पश्चात् जान बूझकर कोई स्थगन किये बिना ऐसी खनन संक्रियाओं का संचालन उचित और दक्षतापूर्ण रीति से कुशल कारीगर की भाँति करेगा।

(4) पट्टा धारक नियम-35 के अनुसार वाहनों के प्रवेश व निकासी पर निगरानी के लिए स्वयं के व्यय पर 360 डिग्री कोण पर दृश्यता रिकार्डिंग के योग्य चार सी0सी0टी0वी0 कैमरा लगाने सहित चेक पोस्ट/गेट का निर्माण करेगा। पट्टाधारक उक्त चेक पोस्ट/गेट पर आर0एफ0आई0डी0 स्कैनर भी रखेगा, जिससे सम्बन्धित खनन पट्टा क्षेत्र से उपखनिजों के परिवहन हेतु प्रयुक्त प्रत्येक यान के सापेक्ष निर्गत किये गये ई-प्रपत्र एम0एम0-11 पर अंकित बार कोड का डाटा पढ़ने और सुरक्षित रखने की सुविधा होगी और उसका समुचित रूप से रख-रखाव करेगा एवं सदैव उसे चालू रूप में अनुपस्थित रखेगा। पट्टाधारक उक्त सी0सी0टी0वी0 कैमरे और आर0एफ0आई0डी0 स्कैनरों द्वारा की गयी समस्त रिकार्डिंग को कम से कम 30 दिनों तक सुरक्षित रखेगा और नियम-68 के उपबन्धों के अधीन प्राधिकृत अधिकारी के द्वारा रिकार्ड मांगे जाने पर उक्त रिकार्डिंग को उपलब्ध करायेगा।

(5) पट्टाधारक प्रत्येक वाहन को ई-एम0एम0-11 सही विवरण सहित जारी करेगा। प्रत्येक वाहनों को निर्गत ई-एम0एम0-11 पर जनिट बार कोड को चेक गेट पर पढ़ने तथा दर्ज डाटा सेव करने के लिए आर0एफ0आई0डी0 स्कैनर लगायेगा तथा सदैव उसका अनुरक्षण करेगा और उन्हे सही एवं सतत रूप से चलायेगा।

(6) माननीय राष्ट्रीय हरित अधिकरण के आदेश दिनांक 05.09.2018 के अनुपालन में पट्टा धारक द्वारा खदान के निवासी स्थल पर तौल मशीन लगवाकर निदेशालय में स्थापित कमाण्ड सेन्टर में प्रयुक्त आर्टिफिशियल इन्टेलीजेन्स युक्त साफ्टवेयर में इन्टीग्रेट किया जायेगा। इन्टीग्रेटस में स्थित तौल मशीन में निम्न Features का होना आवश्यक है:-

- (1) The Waight bridge device should use the MQTT protocol to transiut data.
- (2) The Waight bridge device should transiut data over the internal to LOT inpraspuehase in cloud.
- (7) पट्टेदार 03 मीटर की गहराई अथवा जलस्तर में से जो कम हो, से अधिक गहराई में खनन संक्रियाये नहीं करेगा।
- (8) जिलाधिकारी द्वारा चिन्हित सुरक्ष क्षेत्र में खनन नहीं किया जायेगा।
- (9) नदी की जल धारा में सक्शन मशीन लिफ्टर आदि मशीनों द्वारा खनन कार्य नहीं किया जायेगा।
- (10) स्वीकृत क्षेत्र के अन्दर जहाँ परिवहन प्रपत्र निर्गत किया जायेगा, वहाँ पर खनिजों का विक्रय मूल्य प्रदर्शित करेगा।
- (11) यदि पट्टाधारक द्वारा नियमों व खनन पट्टा, पर्यावरण स्वच्छता प्रमाण पत्र, खनन योजना आदि की शर्तों का उल्लंघन किया जाता है तो पट्टेदार को अपना मामला बताने की युक्ति अवसर प्रदान करने के पश्चात् जिलाधिकारी अथवा राज्य सरकार द्वारा पट्टा समाप्त किया जा सकता है।
- (12) भारत सरकार द्वारा निर्धारित मानकों के अनुसार पट्टेधारक द्वारा खनिजों की लोडिंग की जायेगी।
- (13) नियमों एव शर्तों के उल्लंघन के परिणामस्वरूप यदि कोई वाद अथवा अपराधिक प्रक्रिया योजित होती है तो इसकी सम्पूर्ण जिम्मेदारी पट्टाधारक की होगी एवं यदि इस सम्बन्ध में कोई व्यय होता है तो उसका वहन पट्टाधारक द्वारा किया जायेगा।
- (14) राज्य सरकार अथवा केन्द्र सरकार द्वारा यदि नियमों/अधिनियमों में कोई संशोधन होता है अथवा कोई शर्त अथवा विधि प्रख्यापित की जाती है तो वह पट्टाधारकों को मान्य होगा।
- (15) पट्टाधारक द्वारा पर्यावरण स्वच्छता प्रमाण पत्र कार्यालय में जमा कराने के उपरान्त अनुमति प्राप्त कर खनन कार्य आरम्भ किया जायेगा।
- (16) मा0 उच्च न्यायालय, मा0 राष्ट्रीय हरित अधिकरण अथवा मा0 सर्वोच्च न्यायालय द्वारा पारित आदेशों का पालन किया जायेगा।

(आलोक कुमार पाण्डेय)
जिलाधिकारी,
सहारनपुर।

पत्र संख्या एवं दिनांक उपरोक्तानुसार

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

1. प्रमुख सचिव भूतत्व एवं खनिकर्म, उ0प्र0 शासन लखनऊ।
2. आयुक्त सहारनपुर मण्डल, सहारनपुर।
3. निदेशक भूतत्व एवं खनिकर्म निदेशालय उ0प्र0 लखनऊ।
4. प्रभारी अधिकारी, क्षेत्रीय कार्यालय भूतत्व एवं खनिकर्म विभाग, गाजियाबाद।
4. शाखा प्रबन्धक, एम0एस0टी0.सी0 लि0 जी0-25/26 तेज प्लाजा 1 टी0एन0 सिंह रोड हजरतगंज, लखनऊ।
5. निदेशक सूचना उ0प्र0 लखनऊ।
6. जिला सूचना अधिकारी, सहारनपुर।

जिलाधिकारी,
सहारनपुर।

कार्यालय जिलाधिकारी, सहारनपुर।
(खनन अनुभाग)

पत्र संख्या- 3213 / खनन/2019-20

दिनांक- 30/12/2019

खनन पट्टा हेतु सहमति पत्र
(Letter of Intent)

मेराल स्टार माइन्स
पता सी-3, हकीकत नगर
मिक्ट ऑफ्ट सैल्स टेक्स आफिस
सहारनपुर
पार्टनर श्री दीपक चौधरी

शासनादेश संख्या 2168/86-2019-57(स)/2017टी0सी0-1 लखनऊ दिनांक 09.10.2019 के द्वारा प्रदेश में नदी तल में उपरान्त उप खनिज बालू/भौरम/बजरी आदि के क्षेत्रों को ई-निविदा सह ई-नीलामी प्रणाली के माध्यम से पांच वर्ष की अवधि हेतु परिहार पर स्वीकृत किये जाने हेतु जनपद सहारनपुर के ग्राम बरथा कोरसी गाटा संख्या 1 क्षेत्रफल-36.00 हे० में 756000 घ०मी० बालू/बजरी/बोलडर का खनन पट्टा स्वीकृत किये जाने हेतु विज्ञप्ति संख्या 1959/खनिज/2019-20 दिनांक 01.11.2019 एम०एस०टी०सी० के ई-ऑप्शन पोर्टल www.msicecommerce.com पर अधिलेख करते हुए ई-निविदा सह ई-नीलामी आमंत्रित की गयी थी। ई-निविदा सह ई-नीलामी को कसौदा कर सरकार द्वारा अधिकृत नोटल एजेसी एम०एस०टी०सी० द्वारा निर्धारित समय अवधि में की गयी। एम०एस०टी०सी० के ई-मेल पत्र दिनांक 16.12.2019 द्वारा अवगत कराया गया है कि-

तहसील	नदी का नाम	ग्राम का नाम	गाटा संख्या	क्षेत्रफल(हे०मी०)
सदर	धनुना	बरथा कोरसी	1	36 हे०



उपरोक्त में आपके द्वारा ई-नीलामी में अधिकतम अंक रु० 138/- प्रति घनमीटर की मात्रा 7,56,000 घनमीटर की कुल धनराशि रु० 10,43,28,000/- प्रथम वर्ष हेतु दी गयी है।

- निर्वन्धनों एवं शर्तों का पालन करने के लिए प्रतिभूति के प्रथम वर्ष के लिए बोली की सकल धनराशि का 25 प्रतिशत प्रतिभूति की धनराशि रु० 2,60,82,000/- तथा 20 प्रतिशत धनराशि रु० 2,05,65,600/- प्रथम वर्ष की पहली किस्त के रूप में दो कार्य दिवसों के अन्दर खनन कार्यालय में बैंक ड्राफ्ट के माध्यम से जमा करना होगा। अथवा जमा राशि पूरा न होने की विधि अर्नेस्ट मनी रु० 2,07,90,000/- को स्नायोजित करते हुए अवशेष धनराशि रु० 2,61,57,600/- जमा करना होगा। यदि लेटर ऑफ इन्टेन्ट जारी करने के दो कार्य दिवसों में अवशेष धनराशि जमा करने में आप असफल होते हो तो आप द्वारा जमा अर्नेस्ट मनी राज्य सरकार के पक्ष में जब्त कर ली जाएगी तथा आफरदाता द्वारा इस संबंध में प्रस्तुत कोई शिकायत अथवा प्रत्यावेदन पर विचार नहीं किया जाएगा।
- उपखानेज का पट्टा पांच वर्ष हेतु जारी किया जाएगा। प्रथम वर्ष की धनराशि रु० 10,43,28,000/- तथा अनुवर्ती वर्षों में प्रत्येक वर्ष पिछले वर्ष की ई-नीलामी की दाय धनराशि पर 10 प्रतिशत की वृद्धि करते हुए देय होगी।
- प्रथम वर्ष के लिये शेष 80 प्रतिशत पट्टा धनराशि एवं आगामी वर्षों के लिए पट्टा धनराशि उ०प्र० उप खनिज परिहार नियम/बली 1983 (यथा संशोधित) में निर्धारित पंचम अनुसूची के अनुसार राज्य सरकार समय समय पर निर्धारित प्रक्रिया के अनुसार देय होगी; देय किस्त की धनराशि जमा न करने की दशा में नियम 59 के अनुसार देय धनराशि पर नियमानुसार ब्याज सहित वसूल की जायेगी।
- लेटर ऑफ इन्टेन्ट जारी होने के एक माह के अन्दर अनुमोदन हेतु खनन योजना निदेशक भूतत्व एवं खनिकर्म निदेशालय, उ०प्र० लखनऊ के समक्ष प्रस्तुत किया जायेगा तथा अनुमोदित खनन

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- योजना प्राप्त होने के 15 दिन के अन्दर रजम प्राधिकरण के समक्ष पर्यावरण स्वच्छता प्रमाण पत्र हेतु प्रस्ताव प्रस्तुत किया जाना आनवाय होगा अथवा नियम 59(1) के प्रावधानों के अन्तर्गत 10,000 प्रति दिन की शक्ति आरोपित किया जाएगा।
- 5- पट्टाधारक नियम 17 के प्राधानों के अनुसार क्षेत्र का सीमांकन करायेंगे।
- 6- पर्यावरण अनापत्ति प्रमाण पत्र प्राप्ति के एक माह के भीतर पट्टा विलेख का निष्पादन कराकर खनन सक्रियता तत्काल प्रारम्भ की जानी होगी।
- नियम 34(4) के अन्तर्गत पर्यावरण की स्वीकृति की प्रक्रिया के दौरान अपेक्षित समयावधि में सक्षम अधिकारी द्वारा खनन की गयी जानकारी का प्रतिवेदन प्रस्तावक द्वारा समाधान करना अनिवार्य होगा। नियम 34(4) के उल्लंघन की दशा में जिला मजिस्ट्रेट नियम 59(7) के अन्तर्गत जारी लेटर ऑफ इन्टेन्ट निरस्त किया जा सकता है।
- 8- पट्टाधारक द्वारा जमा प्रथम किरात एवं प्रतिभूमि धनराशि समग्रहण करते हुये जारी लेटर ऑफ इन्टेन्ट निरस्त किया जाएगा।
- 9- पट्टाधारक द्वारा नियम 35 के प्रावधानों के अन्तर्गत माइन्स क्लोजर प्लान तथा भारत सरकार वन एवं पर्यावरण मंत्रालय की अधिसूचना दिनांक 14.09.2006 सपठित अधिसूचना दिनांक 15.01.2016 तथा समय समय पर यथा संशोधित उपबन्धों के अधीन पर्यावरण अनापत्ति प्राप्त कर प्रस्तुत करेंगे।
- 10- पट्टाधारक द्वारा नियम 34 के अनुसार क्षेत्र के भूमि उद्धार एवं पुर्नवासन उपाय हेतु वित्तीय आश्वासन की धनराशि निर्धारित रीति से जमा करायेंगे।
- 11- पट्टाधारक द्वारा राज्य सरकार अथवा केंद्र सरकार द्वारा समय पर निर्धारित कर व शुल्क यथा आवश्यकता के अनुसार देय करायेंगे।
- 12- पट्टाधारक पट्टे के अधीन दिये गये क्षेत्र के सर्वेक्षण और सीमांकन के समय सीमांकित मानचित्र फाउण्डेशन न्यास में नियमानुसार जमा करायेंगे।
- 13- पट्टाधारक पट्टे के अधीन दिये गये क्षेत्र के सर्वेक्षण और सीमांकन के समय सीमांकित मानचित्र पर खनन पट्टा क्षेत्र का कॉर्डिनेट्स अंकित करेगा तथा पट्टा विलेख निष्पादन करने के पूर्व में पट्टाधारक अपने स्वयं के व्यय पर ऐसे सीमा चिन्ह को और खम्भे लगायेगा जो पट्टा विलेख से सहान नक्शे में दर्शाये गये सीमांकन को इंगित करने को आवश्यक होगा।
- 14- पट्टा विलेख के निष्पादन के दिनांक छ माह के भीतर खनन सक्रियताये प्राप्त करेगा और तात्पश्चात् जानबुझकर कोई स्थापन किये बिना ऐसी खनन सक्रियताओं का संचालन प्रारम्भ और दक्षतापूर्ण कुशल कारिगर की भांति करेगा।
- 15- पट्टाधारक नियम 35 के अनुसार वाहनों के प्रवेश व किसी पर निगरानी के लिए स्वयं के व्यय पर 350 डिग्री कोण पर दृश्यता रिकॉर्डिंग के योग्य चार आई0वी0आर0 सी0सी0टी0वी0 कैमरे लगाने सहित चैकपोस्ट/गेट का निर्माण करेगा। पट्टाधारक उक्त चैकपोस्ट/गेट पर आरएफआईडी कार्ड भी रखेगा जिससे सम्बन्धित खनन पट्टा क्षेत्र से उपखनिजों के परिवहन हेतु प्रयुक्त प्रत्येक वाहन के सातक निर्गत किये गये ई-प्रपत्र एम0रन0-11 पर अंकित बार कोड का डाटा पढने और सुरक्षित रखने की सुविधा होगी और उसका समुचित रूप से रख-रखाव करेगा एवं सदैव उसे चालू रूप से अनुरक्षित रखेगा। पट्टाधारक उक्त सीसीटीवी कैमरे और आरएफआईडी स्कैनरों द्वारा की गयी समस्त रिकॉर्डिंग को कम से कम तीस दिनों तक सुरक्षित रखेगा और नियम 66 के उपबन्धों के अन्तर्गत अधिकारी के द्वारा रिकॉर्डिंग नामे जाने पर रिकॉर्ड को उपलब्ध करायेंगा।
- 16- पट्टाधारक वाहन वाहन का ई-एम0रन0-11 नहीं कियेगा सहित जारी करेगा। प्रत्येक वाहन को निर्गत ई एम0रन0-11 जनित बार कोड को चैकगेट पर पढने तथा दर्ज डाटा सेव करने के लिए आरएफआईडी स्कैनर लगायेगा तथा सदैव उसका अनुरक्षण करेगा और सही एवं चालू दशा में रखेगा। उक्त का अनुपालन न करने की दशा में नियमावली 1963 के नियम 59 के अन्तर्गत शास्ति का भारीदार होगा।
- माननीय राष्ट्रीय हरित अधिकरण के आदेश दिनांक 05.09.2018 के अनुपालन में पट्टा धारक द्वारा खदान के निकाली स्थल पर तौल मशीन लगाकर निदेशालय में स्थापित कमाण्ड सेंटर में प्रयुक्त ऑटोमैटिकल इन्टीग्रेज्न्स युक्त सॉफ्टवेयर में इन्टीग्रेट किया जायेगा। इन्टीग्रेट्स में स्थित तौल मशीन में निम्न Features का होना आवश्यक है:-



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- (1) The Weight bridge device should use the MQTT protocol to transmit data.
(2) The Weight bridge device should transmit data over the internet to IOT infrastructure in cloud.

- 17- पट्टाधारक तीन मीटर की गहराई अथवा जलस्तर में से जो कम हो से अधिक गहराई में खनन सक्रियताये नहीं करेगा।
18- जिलाधिकारी द्वारा चिन्हित सुरक्षा क्षेत्र में खनन नहीं किया जाएगा।
19- नदी की तट धारा में सक्शन लिफ्ट आदि मशीन द्वारा खनन कार्य नहीं किया जाएगा।
20- स्वीकृत क्षेत्र के अन्दर जहाँ धरिहवन प्रपत्र निर्गत किया जायेगा वहाँ पर खनिजों का विक्रय मूल्य प्रदर्शित किया जाएगा।
21- यदि पट्टाधारक द्वारा नियमों व खनन पट्टा पर्यावरण स्वच्छता प्रमाण पत्र, खनन योजना आदि की शर्तों का उल्लंघन किया जाता है तो पट्टेदार को अपना सामला बताने की युक्तियुक्त अवसर प्रदान करने के पश्चात जिलाधिकारियों अथवा राज्य सरकार द्वारा पट्टा समाप्त किया जा सकता है।
22- उ0प्र0 राजस्व विभाग परिहार नियम 1953 के नियम 87 के अधीन भूमि को स्वामियों को प्रतिकर पाने का अधिकार होगा, जो भू-स्वामियों एवं पट्टेधारक के मध्य तय होगा।
23- पट्टा धारक द्वारा पर्यावरण स्वच्छता प्रमाण पत्र प्राप्त कर कार्यालय में जमा करने के उपरान्त ही अनुमति प्राप्त कर खनन प्रारम्भ किया जाएगा।
24- राज्य सरकार अथवा केंद्र सरकार द्वारा यदि नियमों/अधिनियमों में कोई संशोधन होता है अथवा कोई शर्त अथवा विधि प्रख्यापित की जाती है तो वह पट्टाधारक को मान्य होगा।
25- माननीय उच्च न्यायालय, मा0 राष्ट्रीय हरित अधिकरण अथवा माननीय सर्वोच्च न्यायालय द्वारा पारित आदेशों का पालन किया जायेगा।

जिलाधिकारी
सहारनपुर



संख्या व दिनांक उपरोक्तानुसार

प्रतिलिपि:- 1-प्रमुख सचिव, भूतत्व एवं खनिकर्म शासन लखनऊ, को सादर सूचनार्थ।

2-निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0 खनिज भवन लखनऊ को सूचनार्थ।

जिलाधिकारी
सहारनपुर

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कार्यालय जिलाधिकारी, सहारनपुर।
(खनन अनुभाग)

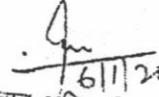
पत्र संख्या:- 3238 / खनन / 2019-20

दिनांक:- 06/01/2020

खनन पट्टा हेतु सहमति पत्र (संशोधित)
(Letter of Intent)

मरास स्टार माइन्स
प्लॉट सी 3, हकीकत नगर
निकट ओल्ड सेल्स टेक्स आफिस,
सहारनपुर
पार्टनर श्री दीपक चौधरी

इस कार्यालय पत्र संख्या 3213/खनन/2019-20 दिनांक 30.12.2019 द्वारा आपको ग्राम
बस्वा कौरसी के गाटा संख्या 1 एकका 38.00 हे० हेतु खनन पट्टा हेतु सहमति पत्र (Letter of Intent)
जारी किया गया है, जिसमें तहसील का नान सदर, सिमिकीय नुटिवश अंकित हो गया है, जिसके स्थान पर
तहसील बेहट महा जाए। उक्त खनन पट्टा हेतु निर्गत सहमति पत्र दिनांक 30.12.2019 में दिये गये
निबंधन व शर्तें पूर्ववत् लागू रहेंगी।


6/1/20
खान अधिकारी
कृते जिलाधिकारी
सहारनपुर

संख्या व दिनांक उपरोक्तानुसार
प्रतिलिपि:-

1. प्रमुख सचिव भूतत्व एवं खनिकर्म शासन लखनऊ, को सादर सूचनार्थ।
2. निदेशक भूतत्व एवं खनिकर्म निदेशालय, उ०प्र० खनिज भवन लखनऊ को सूचनार्थ।

खान अधिकारी
कृते जिलाधिकारी
सहारनपुर



3676
पत्रांक:- / खनिज / 2020

दिनांक: 12 मार्च, 2020

क्लस्टर प्रमाण पत्र

प्रमाणित किया जाता है कि मै0 स्टार माइन्स पता सी-3, हकीकत नगर निकट ओल्ड सेल्स टेक्स ऑफिस सहारनपुर पार्टनर श्री दीपक चौधरी को पत्रांक:- 3238/खनिज/2019-2020, दिनांक- 06 जनवरी 2020 के माध्यम से गाटा संख्या- 1 ग्राम-बरथाकोरसी, तहसील-बेहट जनपद-सहारनपुर हेतु कुल रकबा 36.00 हे0 खनन क्षेत्र के सम्बन्ध में सहमति पत्र (एल0ओ0आई0) निर्गत किया गया है। ओ0ए0नं0- 186/2016 सतेन्द्र पाण्डे बनाम पर्यावरण वन, एवं जलवायु परिवर्तन, भारत सरकार व अन्य में मा0 राष्ट्रीय न्याधिकरण द्वारा पारित आदेश दिनांक 13.09.2018 एवं पर्यावरण, वन एवं जलवायु परिवर्तन, भारत सरकार द्वारा जारी ओ0एम0 नं0 L-11011/175/2018-IA-II(M) दिनांक 12.12.2018 के अनुसार प्रश्नगत खनन क्षेत्र की स्थिति निम्नवत् है:-

अ) प्रश्नगत क्षेत्र की परिधि से 500 मीटर की दूरी में, वर्तमान में, कोई खनन पट्टा स्वीकृत/संचालित नहीं है। सम्बन्धित प्रकण 0 से 05 हेक्टेयर तक है। अतः श्रेणी B-2 से आच्छादित होता है। (लागू नहीं)
अथवा

ब) प्रश्नगत क्षेत्र की परिधि से 500 मीटर की दूरी में, वर्तमान में, कोई खनन पट्टा स्वीकृत/संचालित नहीं है। सम्बन्धित प्रकरण 05 हेक्टेयर से अधिक है। अतः परियोजन श्रेणी बी0-1 से आच्छादित होता है।

अथवा

स) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र है:-

- 1) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0
- 2) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0

उक्त सभी खनन क्षेत्रों का कुल योग..... हे0 (05 हे0 से कम) है। अतः परियोजना श्रेणी बी-1 का क्लस्टर नहीं बनता है। सम्बन्धित प्रकरण श्रेणी बी-2 से आच्छादित होता है। (लागू नहीं)

अथवा

द) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र है:-

- 1) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0
- 2) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0

उक्त सभी खनन क्षेत्रों का कुल योग..... हे0 (05 हे0 से अधिक) है। अतः परियोजना श्रेणी बी-1 का क्लस्टर नहीं बनता है। सम्बन्धित प्रकरण श्रेणी बी-2 से आच्छादित होता है। (लागू नहीं)

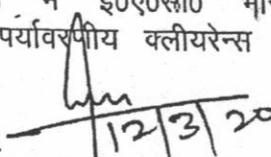
अथवा

ध) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में 100 हे0 से अधिक निम्नांकित एकल खण्ड क्षेत्र है:-

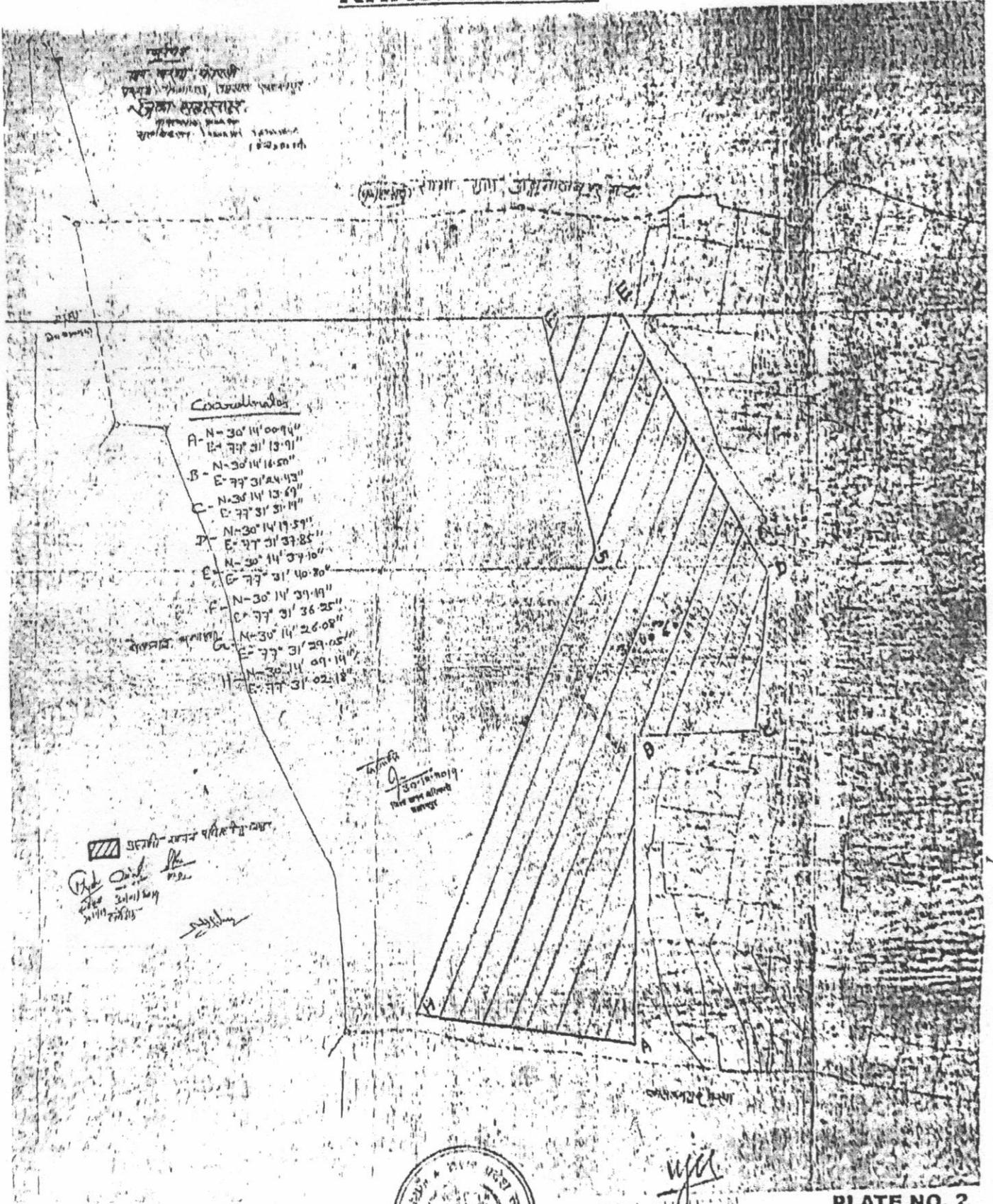
- 1) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0
- 2) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0

सम्बन्धित प्रकरण श्रेणी ए से आच्छादित होता है। (लागू नहीं)

यह भी प्रमाणित किया जाता है कि उपरोक्त विवरण में ई0ए0सी0 भारत सरकार/एस0आई0आई0ए0ए0, यू0पी0/डी0ई0आई0ए0ए0 से निर्गत पूर्व-पर्यावरणीय क्लीयरेंस के गाटा/खण्ड संख्या में सम्मिलित कर लिया गया है।


(आशीष कुमार)
खान अधिकारी
सहारनपुर।

KHASHARA MAP

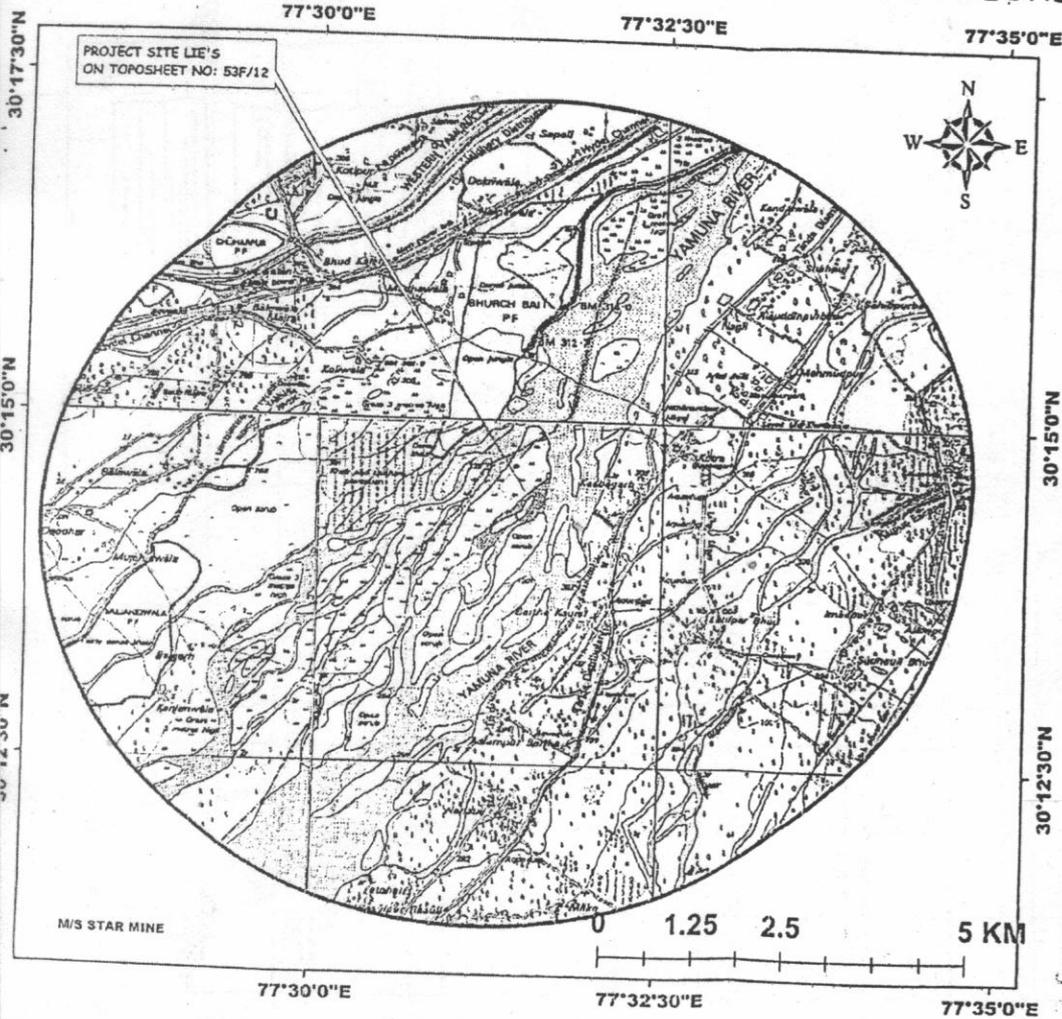


H.P.S. CHITRAN
 M. S. P. & S. Co. Ltd.
 Survey of India
 185/200-A
 New Delhi-110 019

PLATE NO. 2

30 14 30 N

05 KM RADIUS BUFFER MAP OF PROJECT SITE ON GEOREFENCED TOPOSHEET



LEGEND

PROJECT SITE 05 KM

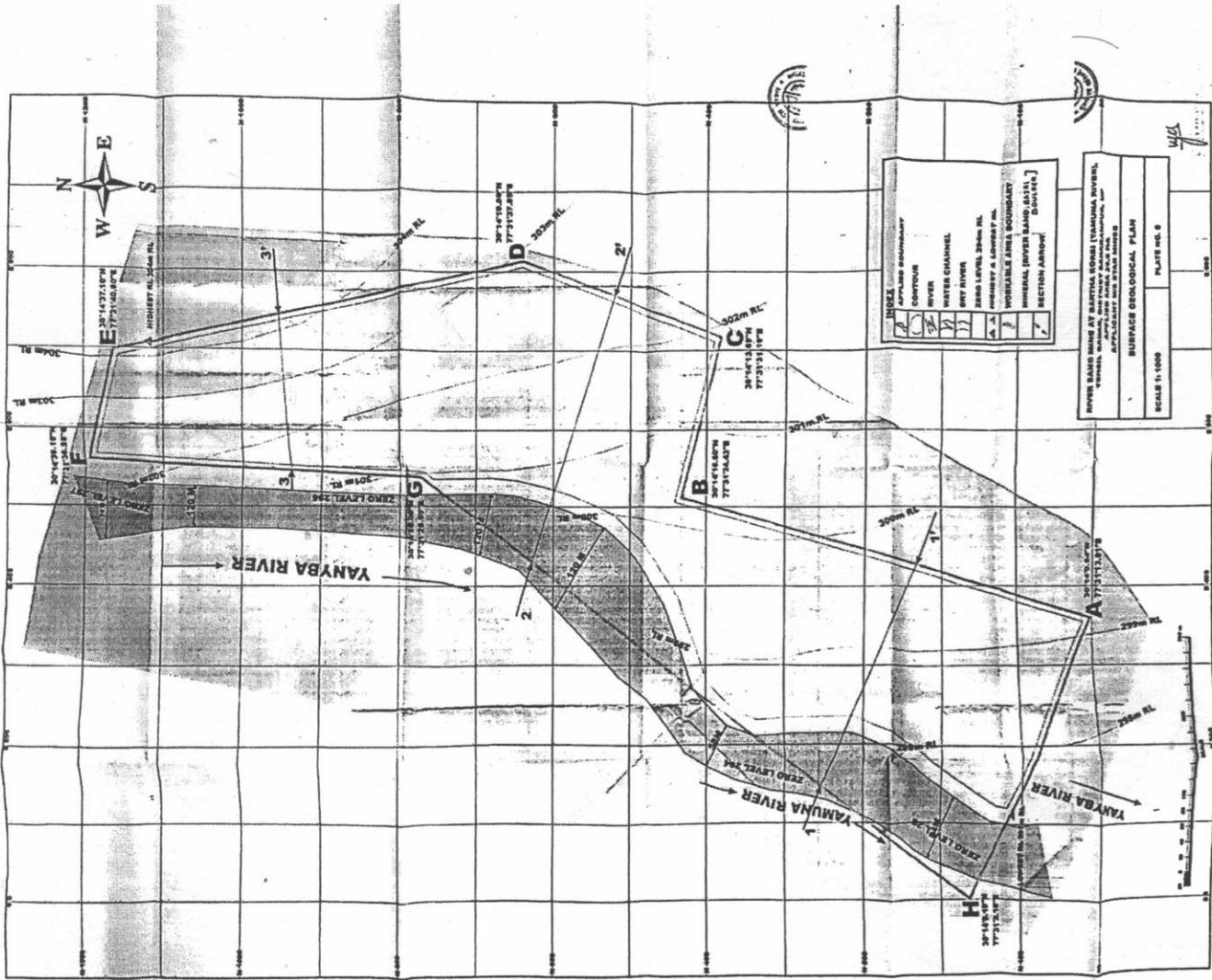
TOPOSHEET INDEX	
53F/7	53F/11
53F/8	53F/12

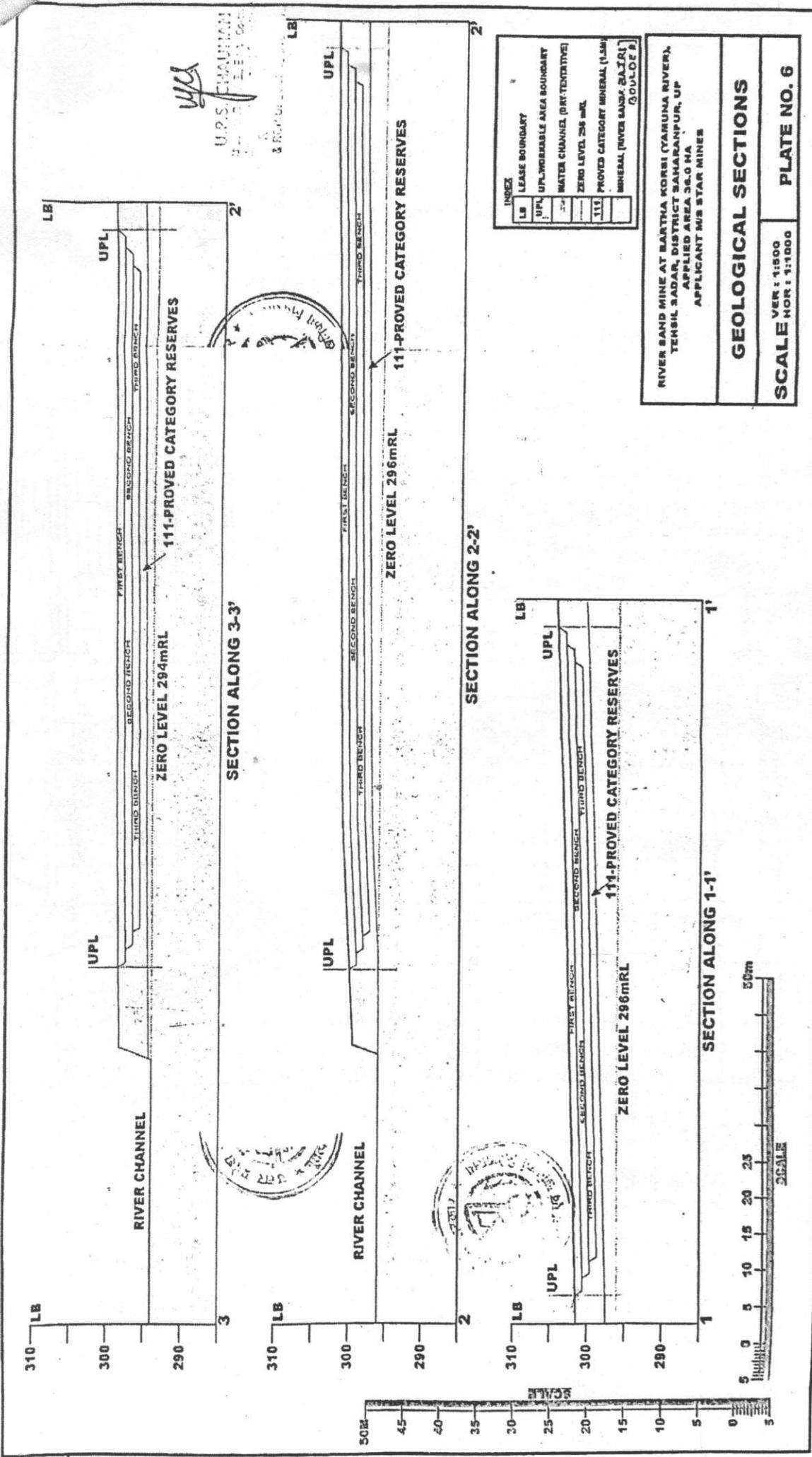
CONVENTIONAL SYMBOLS

Road (various types)
 Railway
 Canal
 Stream
 Contour lines
 Spot heights
 Buildings
 Vegetation
 Cultural features
 Boundaries
 etc.

30°15'0"N
30°12'30"N

Coordinate System: UTM WGS 84
 Datum: WGS 1984
 PLATE No 4





INDEX	
LB	LEASE BOUNDARY
UPL	UPL/WORKABLE AREA BOUNDARY
---	WATER CHANNEL (DIRTY/TENTATIVE)
---	ZERO LEVEL 296 MRL
---	PROVED CATEGORY MINERAL (111M)
---	MINERAL (RIVER SANDS, GRAVEL, GOULDER)

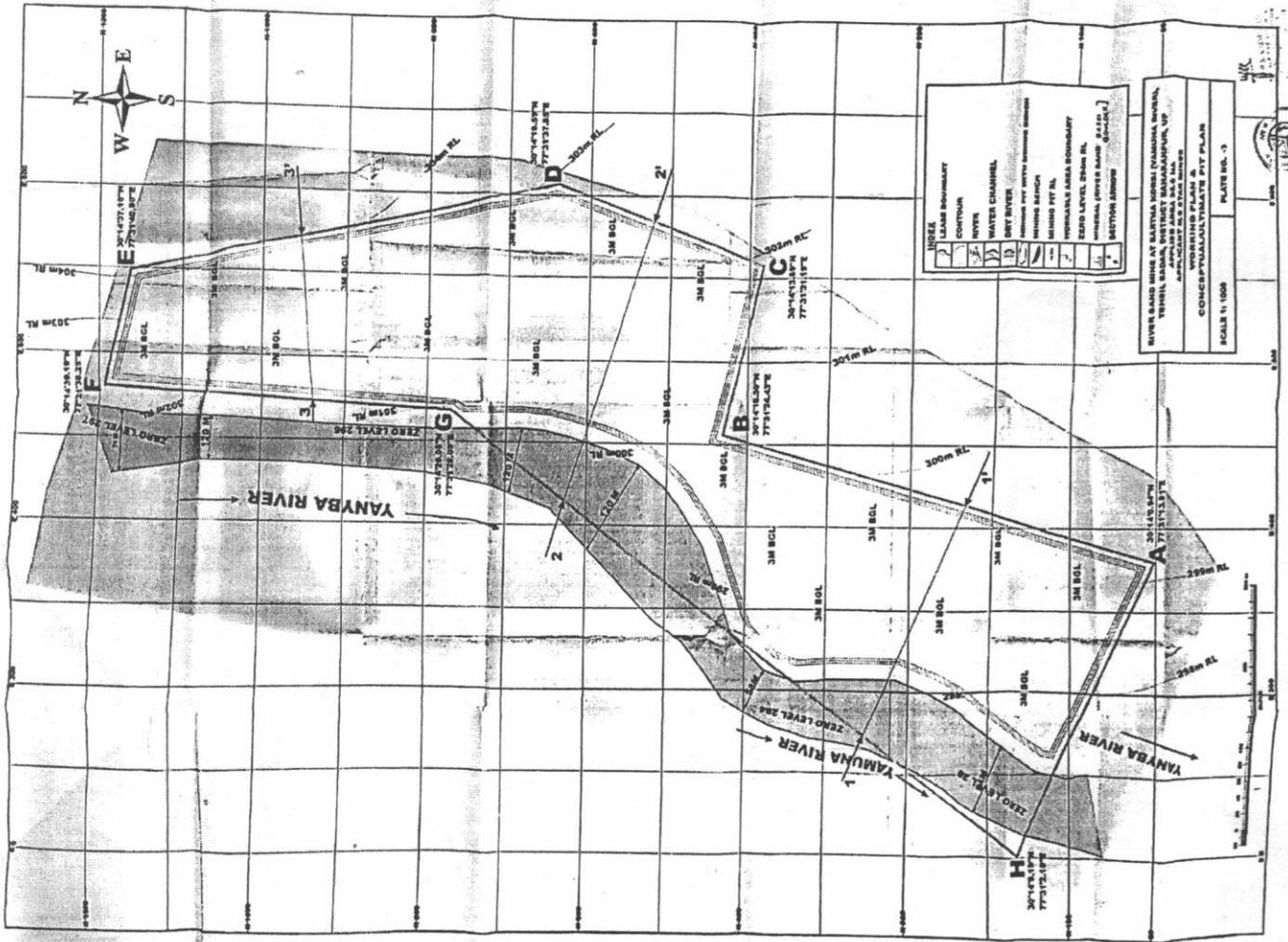
RIVER SAND MINE AT BARTHA KORSI (YAMUNA RIVER),
TENSIL SADAR, DISTRICT SAHARANPUR, UP
APPLIED AREA 36.0 HA
APPLICANT M/S STAR MINES

GEOLOGICAL SECTIONS

SCALE VERT: 1:500
HOR: 1:1000

PLATE NO. 6

INDIA
M/S U.B. FAE EIA Co.
20/3, Chhokar Court,
22, CONVENT ROAD,
DELHI PROFESSIONAL OFFICE



कार्यालय जिलाधिकारी सहारनपुर।
(खनन अनुभाग)

पत्रांक-6228/खनन लिपिक/2020-21

दिनांक 01 अप्रैल, 2021

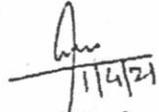
कार्यालय आदेश

इस कार्यालय के पत्र संख्या-3212/खनिज/2019-20 दिनांक 30.12.2019 द्वारा मैसर्स स्टार माइन्स पता सी-3, हकीकत नगर निकट आल्ड सेल्स टेक्स आफिस, सहारनपुर के पक्ष में 5 वर्षीय खनन पट्टा ग्राम बरथा कोरसी के गाटा संख्या-01 रकबा-36.00 है० हेतु सहमति पत्र निर्गत किया गया था। मैसर्स स्टार माइन्स पता सी-3, हकीकत नगर निकट आल्ड सेल्स टेक्स आफिस, सहारनपुर द्वारा दिनांक 01.04.2021 को पट्टा विलेख का निष्पादन कराया जा चुका है। निष्पादित पट्टा विलेख में ईगित शर्तों तथा प्रतिबन्धों के अधीन रहते हुए दिनांक 01.04.2021 से 31.03.2026 तक की अवधि हेतु खनन कार्य करने की अनुमति प्रदान की जाती है।

खान अधिकारी
सहारनपुर।

संख्य एवं दिनांक उपरोक्तनुसार
प्रतिलिपि:-

1. वरिष्ठ पुलिस अधीक्षक, सहारनपुर महोदय को सूचनार्थ प्रेषित।
2. उपजिलाधिकारी बेहट।
3. तहसीलदार बेहट।
4. थानाध्यक्ष मिर्जापुर/बेहट
5. मैसर्स स्टार माइन्स पता-3, हकीकत नगर निकट ओल्ड सेल्स टेक्स ऑफिस सहारनपुर को अनुपालनार्थ प्रेषित।


11/4/21
खान अधिकारी
सहारनपुर।

Item No. 05

(Court No. 1)

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

(By Video Conferencing)

Appeal No. 15/2021
(I.A. No. 22/2022)

Pramod

Appellant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 10.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Appellant: Mr. Ajit Sharma, Advocate

Respondent(s): Ms. Sunita Bhardwaj, Advocate for MoEF & CC
Mr. Pradeep Misra & Mr. Daleep Dhyani Advocates for UPPCB
Mr. Mukesh Verma, Advocate for the State of UP
Ms. Priyanka Swami, Advocate for SEIAA, UP
Mr. Neeraj Jain, Advocate for M/s Star Mines (PP)

ORDER

1. This Appeal has been preferred against order of grant of Environmental Clearance (EC) by the SEIAA, UP vide order dated 26.03.2021 for proposed Sand/Bajari/Boulder Mining at Gata No.1, (Leased Area - 36.00 Ha) Village Barthakorsi, Tehsil Behat, District Saharanpur, U.P. in favour of M/s Star Mines.

2. Grounds for challenge in the appeal *inter-alia* include:

- grant of EC for area more than the area mentioned in the auctioned notice

- mining being allowed in-stream and by mechanized methods
- Cluster certificate dated 12.03.2020 being incorrect, ignoring that mining was already taken place within 500 mtrs. (even though across the river falling in Haryana)
- EC being granted without requisite replenishment study
- there being lack of due diligence ignoring that there are five FIRs for illegal mining against the Project Proponent
- public hearing has taken place 20 kms away from the site

It is also stated that the mining commenced without requisite consent from the State PCB and there is also illegal groundwater extraction, in violation of the EC conditions.

3. Vide order dated 09.06.2021, the Tribunal constituted a four-member joint Committee comprising of CPCB, State PCB, representative of the MoEF&CC and the District Magistrate, Saharanpur to verify facts and give a report to this Tribunal, with a copy of report to the PP for its response, if any. SEIAA, UP and the PP were also required to give their response to the appeal.

4. Accordingly, report of the joint Committee has been filed on 30.03.2022 to the effect that the PP did not have requisite consents till June, 2021 but its operation was continuing. It illegally extracted groundwater. Mining has been done illegally beyond permission. In December, 2021, consent has been granted. Relevant extract from the report are as follows:-

“6. The findings of the committee are as given below,

- 6.1. *The State Level Environment Impact Assessment Authority (SEIAA) has issued Environmental clearance (EC) on 26.03.2021 to the M/s Star Mines (Shri Deepak Chaudhari) for proposed Sand/Bajari/Boulder Mining at Gata No. 1 in Village Barthakorsi, Tehsil - Behat of Saharanpur District of Uttar Pradesh State.*
- 6.2. *As per the records,*
 - 6.2.1. *Notice for E-tendering along with E-Auction was issued by the mining department on 01.11.2019. The lease area of the mine in question is one of the areas among the six areas for which the said auction notice was issued.*
 - 6.2.2. *Letter of Intent (LoI) was issued by the district administration to the project proponent on 30.12.2019. The LoI was issued for 36 hectares mine lease area and for the period of 5 years.*
 - 6.2.3. *The cluster certificate has been issued by the Mining department on 12.03.2020, wherein it has been noted that no mine is operational or a lease has been issued in 500 m from the periphery of the proposed mine lease area.*
 - 6.2.4. *The public hearing for the project was conducted at the conference hall of Tehsil Behat on 19.10.2020.*
- 6.3. *The lessee had started mining after getting EC from SEIAA and permission from the Mining Department. During the visit, the project proponent's representative stated that sand excavation has been started on 04.04.2021, and mining work has been stopped on 30.06.2021.*
 - 6.3.1. *The permission for mining has been granted by the mining department on 01.04.2021.*
 - 6.3.2. *The mine proponent has sold the material till 30.06.2021. And it was informed that the mine was operated for 84 days, during which 3,77,748 m³ Sand/Bajari/Boulder minerals have been excavated.*
 - 6.3.3. *The weighing bridge has been installed for weighing the amount of excavated material. The data generated through the weighing system is been submitted on the online portal.*
 - 6.3.4. *As per the information provided by the project proponent, the excavated material has been sold to the stone crushers for further processing. The material has been sold to 44 different parties.*

6.4. *The mining department inspected the mine twice during June 2021 to verify the content of the complaint received to the district administration. The mine was found to be operational during the first inspection on 07.06.2021 whereas during the second inspection on 19.06.2021 the mining work was found to be closed. As per these inspection reports, excavation is been done through the machines and the depth of the excavation is around 2.8 m.*

6.5. *The proponent has carried out mining operations without Consent from UPPCB. They have submitted the online application for seeking Consent from UPPCB on 17.06.2021. Based on it, the UPPCB has issued a show-cause Notice to the mine on 09.09.2021. The environmental Compensation of Rs. 7,70,000/- is also been proposed for the period of 77 days (01.04.2021-17.06.2021) at the rate of Rs. 10,000/- per day in accordance with the methodology developed by the CPCB.*

6.6. *During the field visit the committee observed the following*

6.6.1. *The mining operations were closed.*

6.6.2. *The mine is yet to obtain Consent under Air and Water Acts from UPPCB and NOC from CGWA.*

6.6.3. *They have installed a weighing bridge near their camp office and also installed CCTV cameras along with one PTZ camera.*

6.6.4. *A setup for recording the data from the weighing machine and transferring it through the online portal is available near the weighing bridge.*

6.6.5. *The portion of the Yamuna River in which the mine in question is located forms the boundary between the states of Uttar Pradesh and Haryana. Though the exact point of the state boundary was not accessible, the concerned officer of the district administration (i.e. Lekhpal) informed that the interstate boundary is approx 500 meters away from the mine lease area.*

6.6.6. *No operational mine was sighted within a 500-meter distance from the said mine lease boundaries.*

6.6.7. *During the visit only two poles (C&D) were found at the site. The geo-coordinates of these two poles were verified and found to be in order. It was further informed that the remaining pole had been washed out from the site.*

- 6.6.8. A DG set of 25 KVA was available near the camp office for power backup.
- 6.6.9. It was told that they have not installed any borewell and water requirement is being met by taking water tankers from nearby stone crushers. However, lending the use of water for industrial purposes is a violation of the rules.**
- 6.6.10 Though the representative of the proponent claimed that they have done the plantation but any such plantation was not visible in the area.**
- 6.6.11 As per the condition of EC, four Ambient Air Quality monitoring stations were supposed to be established in the core zone as well as a buffer zone. However, no such air quality station was found at the site.**
- 6.6.12 The roads leading to the mining site have been badly damaged. Stone crushers and the mine in question are the major industrial activities located in this area and heavy vehicular transport is the major cause of damage to public roads.**
7. In the EC issued to the mine proponent, they are permitted for the production of 7,56,000 m³/annum and 3360 m³ per day.
- 7.1. As per the undertaking given by the mine proponent, around 3,77,748 m³ of material have been excavated during the operational period.
- 7.2. It was also informed that out of 91 days (i.e. during 01.04.2021 – 30.06.2021), the mine production was kept closed for 7 days (during April 01-03, 2021, and June 20-23, 2021). Hence, mine production was carried out only for 84 days.
- 7.3. The project proponent has also provided daily production details. As per this data the quantity of daily production is varies between 11 m³ to 9194 m³.
- 7.4. The proponent has excavated excess than the prescribed daily production limit (i.e., 3360 m³) during 62 operational days and excavated around 133062 m³ excess quantity during those days.**
- 7.5. Thus, in total they have excavated around 1,33,062 m³ excess material than the permitted quantity based on the daily limit.**
8. The grounds for challenging the EC issued by SEIAA are mentioned in the Hon'ble NGT order is as given below

8.1. *Grant of EC for area more than the area mentioned in the auction notice*

8.1.1. *The district mining office has issued notice for auction of 06 mine lease area on 01.11.2019. The mine area in question is listed at Sr No 5 in the tables given in Point No.1.*

8.1.2. *The mine lease area indicated in the notice is 36 hectares.*

8.1.3. *The SEIAA has issued TOR & EC to the proponent on 30.06.2020 & 26.03.2021 respectively.*

8.1.4. *The sanctioned lease area as per EC is also 36 hectares.*

8.1.5. *The geo-coordinates have been defined both in the auction notice issued by the mining department and EC issued by SEIAA.*

8.1.6. *All longitude mentioned in EC is attached with the abbreviation 'N', in place of desired abbreviation 'E'. This requires immediate correctness.*

8.1.7. *The geo-coordinates mentioned in EC defining mine lease boundary are alike for all points (i.e., Point A-H) with geo-coordinates mentioned in the Mining plan by Directorate of Geology and Mining dated 13.03.2020. However, the geo-coordinates mentioned in EC defining mine lease boundary are matching for five points (i.e., Point A-E) with geo-coordinates mentioned in the auction notice. However, geo-coordinates are not matching for three points (i.e., Point F-G). The above discrepancies are yet to be verified and needs to be corrected in sanctioned EC.*

8.1.8. *The geo-coordinates mentioned in EC defining mine lease boundary are matching for five points (i.e., Point A-E) with geo-coordinates mentioned in the auction notice. However, geo-coordinates are not matching for three points (i.e., Point F-G).*

8.1.9. *Thus, the geo-coordinate data mentioned in EC is not fully matching with the data mentioned in the auction notice. And it requires immediate attention for necessary correctness.*

8.2. *Mining being allowed in-stream and by mechanized methods*

8.2.1. *Open cast manual/semi-mechanized mining method is defined in the EC issued by SEIAA.*

8.2.2. *It was told by the proponent and the*

Mining Inspector that heavy machinery has not been used in the excavation. Only Pokland machines have been used in mining.

8.2.3. *The allotted mine area is plotted on the Google Earth software. As per the Google Earth image of November 2020, the allotted ease area (Pole A-H) spread across the stream of the River Yamuna.*

8.2.4. *Thus, the operation of the mining is semi-mechanized but the allotted lease area needs to be reviewed with reference to the river course to avoid instream mining.*

8.3. Cluster certificate dated 12.03.2020 being incorrect, ignoring that mining was already taken place within 500 mtrs (Even though across the river falling in Haryana)

8.3.1. *On the day of the visit, any operational mine was not sighted within a distance of 500 mts from the mine lease boundary.*

8.3.2. *It was also informed by the Mining Department that within a distance of 500 meters from the said mine lease boundary, neither any mine is operational nor any lease has been allotted in the State of Uttar Pradesh.*

8.3.3. *As per the details provided by Mining Department, 'Bailgarh South Block/YNR B2' is the nearest mine located in the Haryana state. The coordinates as mentioned in the EC of the mine are used to measure the distance of this mine from the boundary of the mine in question. The distance between two mines is measured to be around 1.4 KM.*

8.3.4. *Thus, at present no operational mine is located within a distance of 500 m from the mine in question.*

8.4. EC being granted without requisite replenishment study

8.4.1. *It is informed by the proponent that the replenishment study is in process and yet not completed.*

8.4.2. *The condition regarding replenishment study has not been mentioned in the EC issued by SEIAA.*

8.5. There being lack of due diligence ignoring that there are five FIRs for illegal mining against the Project Proponent

- 8.5.1. *As per the information provided by the district administration, no such FIR for illegal mining is filed or pending against the project proponent.*
- 8.6. *Public hearing has taken place 20 kms away from the site*
- 8.6.1. *The public hearing was conducted on 19.10.2020 in the Conference Hall of Tehsil Behat. The place of the public hearing held is at a distance of approx. 12 KM from the mining site.*
- 8.6.2. *However, the UP Government has issued an office order on 23.04.2018 which is related to the environmental clearance for the river bed mining project. In the said office order, permission has been given to hold a public hearing in the Tehsil office for river bed mines located in remote areas. The said public hearing was conducted using this clause of the office order.*
- 8.7. *It is also stated that the mining has been commenced without requisite consent from the State PCB and there is also illegal groundwater extraction in violation of the EC conditions.***
- 8.7.1. *The mine was operated without obtaining the CTE and CTO, which is a violation/ non-compliance under EPA Act, 1986. With respect to provisions of Water Act, 1974 and Air Act, 1981 the project proponent is required to obtain CTE and CTO for mining operation and should comply with the conditions of Environmental Clearance.***
- 8.7.2. *UPPCB has issued a show cause Notice for the said violation and has also imposed Environmental Compensation of Rs. 7,77,000/-.***
- 8.7.3. *The mine was operated without obtaining NOC from CGWA. It was informed that they have not installed any borewell in the area, and they are borrowing the water from the adjacent industries. However, such kind of borrowing water supply for industrial purposes is a violation of the law. However, such kind of borrowing water supply for industrial purposes is a violation under EPA Act, 1986. And both borrower and lender are liable to face legal action.***
9. *As the mining lease area is less than 50 Hectare, the project falls in the category 'B' as given in the schedule- List of projects*

or activities prior to EC, in the EIA Notification dated 14.09.2006.

9.1. As per the prescribed General Condition, any project or activity specified in Category 'B' will be treated as Category A if located in whole or in part within 10 km from the boundary of inter-State boundaries.

9.2. However, the said condition has been revised vide MoEF&CC Notification dated 14.08.2018. In this amendment the limit of mining lease area for consideration under Category- B project was extended to 100 hectares for non-coal mine lease. And it is also mentioned that the General Conditions shall apply except River bed mining projects on account of the inter-state boundary. 9.3. Considering this amendment in the Act, the said Project falls in the Category-B.

10. Environmental Compensation

10.1. Compensation for Non-compliance

10.1.1. UPPCB has imposed environmental compensation or Rs 7,70,000/- for operating the mines without consent for 77 days (01.04.2021- 17.06.2021) at the rate of Rs. 10,000/- per day.

10.1.2. However, the mine was operated for 84 days, and hence, environmental compensation will be 8,40,000/-

10.2. Penalty for unauthorized water usage

10.2.1 As the project proponent had informed that he is borrowing water from other industry/stone crusher, it is considered that he is accessing to illegal extraction of ground water.

10.2.2 Daily water requirement is mentioned as 18 KL in the EC issued by UPPCB.

10.2.3 In the guideline prepared by CPCB, a minimum penalty of Rs. 1,00,000 kept for mining in case of extraction of groundwater without permission.

10.2.4 Hence, the project proponent is liable to pay Rs. 1,00,000/- for accessing illegal water supply.

10.3. Penalty for extraction of excess quantity materials

10.3.1 As explained at Sr No. 7 above, they have extracted 1,33,062 m³ excess quantity than the permitted, based on the daily limit prescribed in the EC issued by SEIAA.

10.3.2 For the calculation of environmental compensation, the risk factor is considered significant considering the impacts related to bed degradation, bank erosion, variation in flow energy, disturbance to flora & fauna, and inter-state boundary location.

10.3.3 The market value is considered as Rs 400/- per m³

10.3.4 Then the compensation will be
= $D \times (1+RF+DF)$
= 1,33,062 X 400 X (1+0.3+0.75)
= Rs. 10,91,10,840/-

10.4. Total Compensation and penalty will be
= 8,40,000 + 1,00,000 + 10,91,10,840
= Rs. 11,00,50,840/-

11. Recommendations: The nominated joint committee visited the site to verify the present scenario and based on the field observations/records made available the following is recommended

11.1. The mining operations should not allow to restarting till,

11.1.1 Obtaining Valid consents (CTE and CTO) under Air Act, 1981 & Water Acts, 1974 from UPPCB.

11.1.2 Obtaining NOC from CGWA for groundwater extraction.

11.1.3 Obtaining Amended EC from SEIAA as per revised geo-coordinates.

11.1.4 Conducting replenishment study and submission of the report

11.2. Clarification can be sought from SEIAA regarding the difference in the geo-coordinates mentioned in the EC and geo-coordinates mentioned in the auction notice. If required, SEIAA can be asked to amend the EC issued by them.

11.3. SEIAA can be asked to review the EC issued by them in order to ensure that the instream mining could not be allowed.

11.4. The mine proponent and stone crushers located in the area can be asked to construct the village roads in the area under the supervision of the district administration.

11.5. UPPCB can be asked to initiate action against the stone crusher who is lending the water supply to the mine in question. The proponent is liable to pay Rs. 11,00,50,840/- as a compensation and penalty for operating mine without consent from UPPCB, NOC from CGWA and carrying out excess excavation.”

5. Stand of the SEIAA, UP does not respond to the observations of the joint Committee report.

6. The stand of the PP is that there is no violation as the PP has been granted EC. In its reply, the PP has made following averments in response to the joint Committee report:-

“D. OBJECTIONS TO JOINT COMMITTEE'S REPORT DATED 26. 10.2021;

- I. As regards the report submitted in terms of the Hon'ble Tribunal's order dated 09.06.2021, the answering respondent, with immense reverence submits that one of the recommendations (amongst six other) made by committee was imposition of EC of about Rs. 11 Crore, which per-se is without any factual or legal basis, liable to be set-aside forthwith being based upon intrinsically frivolous ground,
- II. The very basis of recommendation of EC is inherently absurd and the same is impregnable to passing judicial scrutiny,
- III. The 'Project Proponent', was never afforded an opportunity to explain before this illogical recommendation was made behind its back in stark violation of principles of Natural Justice,
- IV. A bare reading of the recommendations make it abundantly clear that these have been made with a predisposed mindset just to nonsuit proponent and negate its rights emanating from his having been declared successful in e-auction,
- V. It is apparent that the recommendation has been made unfairly, - unjustly the same is undefendable and is causing tremendous loss in terms of time and money both, depletion of

opportunity since the lease has been granted by the State Government for a limited period and much time has been lost due to 'Covid' restrictions,

- VI. *The Committee was in complete oblivion that the 'Environment Clearance' granted by SEIAA, in no manner puts any fetters over the 'Contractual Rights' or curtails it simply because it is bound by the terms of the Contract between the State Government on one hand and Lease-holder on other (contracting parties) which confers rights in favour of the respondent, after having received valuable consideration, for 7,56,000 cubic meter production per annum within 225 working days further 373 Trucks per day 'Depending on market demand'. The above clarifies that per day production is only by way of rough estimation and does not put cap on daily production. Secondly, it is matter of common knowledge that precious working days have been lost in current year due to 'Covid19' restrictions apart from non-operation of mining activity during Monsoon period. The natural corollary of the above is that the production per day has to be increased to meet the targeted production in one year. This explanation is in line with the scientific requirement of mining activity the prime most reason wherefor is prevention of '**Diluvium**' (superficial deposits formed by constant flow of water) of river-banks and may lead to disturbance of environmental and ecological balance; whereby large areas of human habitation would become dangerously prone to inundation from river waters,*
- VII. *That the per day production is directly correlated to 'market demand'; also stipulated in the EC itself, which inheres that the production may go up or down in accord with the market condition and not adhere to any particular set limit, as erroneously inferred by the committee,*
- VIII. *Further, the answering respondent craves leave of the Hon'ble Tribunal to present factual aspects relevant for this purpose, which are;*
- a) *As a matter of regulatory aspects, the R.Q.P ., QCI/NABET consultant, Project Proponent (Lease Holder), SEIAA/SEAC of UP, DGM-UP prepares/ considers conceptual proposals of 250 to 275 days production except monsoon period for RBM leases.*
 - b) *The conceptual proposal envisages environmental impacts happening due to annual production. As a matter of generic practice, they also report "Average Production per day" in their plans which basically is a "notional per day average value" of production.*
 - c) *The lease holder prepares EIA and conducts public hearing based on the maximum impact on environment for achieving annual production quantity sanctioned as per Letter of Intent (LoI). This EIA document is prepared so that*

lease holder commits that he has analyzed and regulated maximum environmental impacts on yearly production basis, which he shall never violate.

- d) Further, State Mining Department (UPMMCR policy) provides for Stock Licenses as per which, permission to excavate and stock of mineral is expected / permitted prior to monsoon season to ensure availability of minerals uninterruptedly.*
- e) The stocking of minerals requires substantial volume of excavations which is irrespective of average per day production clause.*
- f) The 'Behavioral Dispatches' & 'Prevalent Market Condition' compels that per day production is governed by several factors i.e. dependence on 'COVID-19' restrictions, availability of labour, demand of market (local sand/morrum mandi) and huge quantity of stock licenses before monsoon, issued by District Magistrate in exercise to UP Minerals (Prevention of illegal mining, transportation and storage) Rules , 2018.*
- g) Further, the River Bed Mining (RBM) mines does not operate on day to day basis and their per day production are totally dependent on the demanded quantities by local crushers.*
- h) Moreover, as state of UP has a policy of mineral stocking / storage before monsoon, it is but natural that leases cannot be stopped for 3 months in order to comply the norms of notional per day production clause. As doing do shall be non-behavioral and create a legal challenge for UP storage policy.*

*IX. Because it is trite law "Actus Curiae Neminem Gravabit" and the principle has been applied by the Hon'ble Supreme Court with full vigour in letter and spirit impartially to all those who comes before it. The Hon'ble Supreme Court has elucidated the maxim in the case of **U.P. SRTC v. Imtiaz Hussain**, reported as **(2006) 1 sec 380** at page 383, in the following words;*

"8. The basis of the provision under Section 152 of the Code is founded on the maxim "actus curiae neminem gravabit" i.e. an act of court shall prejudice no man. The maxim "is founded upon justice and good sense; and affords a safe and certain guide for the administration of the law", said Cresswell, J. in Freeman v. Tranah [12 CB 406 : 138 ER 964] (ER p. 967). An unintentional mistake of the court which may prejudice the cause of any party must

and alone could be rectified. In *Master Construction Co. (P) Ltd. v. State of Orissa* [(1966) 3 SCR 99 : AIR 1966 SC 1047] it was observed that the arithmetical mistake is a mistake of calculation, a clerical mistake is a mistake in writing or typing whereas an error arising out of or occurring from accidental slip or omission is an error due to careless mistake on the part of the court liable to be corrected. To illustrate this point it was said that in a case where the order contains something which is not mentioned in the decree, it would be a case of unintentional omission or mistake as the mistake or omission is attributable to the court which may say something or omit to say something which it did not intend to say or omit. No new arguments or re-arguments on merits can be entertained to facilitate such rectification of mistakes. The provision cannot be invoked to modify, alter or add to the terms of the original order or decree so as to, in effect, pass an effective judicial order after the judgment in the case.

9. The maxim of equity, namely, *actus curiae neminem gravabit* - an act of court shall prejudice no man, shall be applicable. This maxim is founded upon justice and good sense which serves a safe and certain guide for the administration of law. The other maxim is, *lex non cogit ad impossibilia* - the law does not compel a man to do what he cannot possibly perform. The law itself and its administration is understood to disclaim as it does in its general aphorisms, all intention of compelling impossibilities, and the administration of law must adopt that general exception in the consideration of particular cases. The applicability of the aforesaid maxims has been approved by this Court in *Raj Kumar Dey v. Tarapada Dey* [(1987) 4 SCC 398], *Gursharan Singh V. New Delhi Municipal Committee* [(1996) 2 sec 459] and *Mohd. Gazi v. State of M.P.* [(2000) 4 sec 342]. The principles as applicable to Section 152 CPC are clearly applicable to Section 6(6) of the U.P. Act. In the aforesaid background the Labour Court was not justified in modifying the award as was originally made. The High Court also had not considered this aspect and decided the writ petition filed by the present appellant on issues other than this vital issue."

7. That the Petitioner most earnestly believes that this Hon'ble Tribunal would not be loath in correcting an unintentional wrong that has occasioned to the answering respondent, which, if not set right, will ruin them without there being any fault on their part and that the State would not be able to perform and

honour its obligation and commitments made to its citizen besides honouring a contract for which it has already received a gigantic consideration.

8. *It is most respectfully submitted that no fault can be found with the environment clearance dated 26.03.2021 and that the State is contractually bound to honor its contract granted in accordance and after following established procedure and in so far as the frivolous allegations are concerned, the same are factually wrong as stated above.”*

7. We have heard learned counsel for the parties. It is clear from the report of the joint Committee (Para 6.5) that the mining operations were conducted without requisite consent. Show cause notice was given to the PP and compensation proposed. It is also seen from para 6.6.9 that claim of the PP is that water requirement was being met from tankers from nearby stone crushers but lending of use of water was violation of Rules. No plantations were visible. The PP has excavated excess mined material beyond the permitted quantity. Mining was taking place within 500 meters and cluster certificate dated 12.03.2020 was incorrect. The ground water extraction has taken place without requisite NOC from CGWA. These findings are not in any manner shown to be erroneous. We accept the report to the extent of the violations found.

8. However, we find the assessment of compensation for illegal extraction of ground water and for operation without requisite consents to be inadequate. The same need to be calculated with reference to the cost of remediation and financial capacity of the PP which has not been done. In this connection, reference is made to the order of the Tribunal dated 26.02.2021 in O.A. No. 360/2015, *National Green Tribunal Bar Association v. Virender Singh (State of Gujarat) & Ors.* Relevant part of the order is as follows:-

“1to9...xxx.....xxx.....xxx

10. Vide order dated 17.08.2020, the Tribunal considered the CPCB report dated 30.01.2020, in pursuance of earlier orders on scale of compensation to be recovered for violation of norms for mining on polluter pays principle and the matter was deferred for further consideration of such scale and further orders in the light of the EMGSM 2020. **On the issue of scale of compensation for violations, the Tribunal held that the same has to be calculated having regard to the polluter pays principle and not mere loss of royalty. This requires taking into account value of the illegally mined material and cost of restoration of the environment.** CPCB did the exercise by constituting an expert Committee. The Tribunal considered the report as follows:-

“8. The Committee considered two approaches:

- (I) **Approach 1: Direct Compensation based on the market value of extraction, adjusted for ecological damages.**
- (II) **Approach 2: Computing a Simplified NPV for ecological damages.**

9. In the first approach, the criteria adopted is:

- Exceedance Factor (EF).
- Risk Factor (RF).
- Deterrence Factor (DF).

10. Approach 1 is demonstrated by Table 1 as follows:

“

Table No. 01: Approach 1				
Permitted Quantity (in MT or m³)	Total Extraction (in MT or m³)	Excess Extraction (in MT or m³)	Exceedance in Extraction:	Compensation Charge (in Rs.)
X	Y	Z = Y-X	Z/ X	$D * (1+RF + DF)$ Where D = Z x Market Value-of-the-material-per-MT-or-m ³
				$DF = 0.3$ if Z/X = 0.11 to 0.40 $DF = 0.6$ if Z/X = 0.41 to 0.70 $DF = 1$ if Z/X >= 0.71
				$RF = 0.25, 0.50, 0.75, 1.00$ (as per table 2)

”

11. Approach 2 is demonstrated by following formula:

“Till such time as data and information for a comprehensive NPV is worked out in a site specific manner to account for all (or atleast the major) ecological damages, a simplified NPV, proxied on the market value of the illegally extracted amount may be computed. In this case the NPV approach would imply that **the total benefits from the activity of sand mining (as represented by the market value of the extracted amount) be deducted from the total ecological costs imposed by the activity.** In the absence of data on benefits

and costs separately, we recommend a modification of the formula as shown below:

Total Benefits(B) = Market Value of illegal extraction : D
(refer Table 1)

Total Ecological Costs = Market Value Adjusted for risk factor: D * RF (refer Table1).

For present purposes, it is assumed that the Benefits would accrue only in the first year (in which the extraction of the illegally mined material takes place), while the ecological costs would continue to be felt over a period of time. NPV is to be calculated for a period of 5 years on the net value, $\Sigma (C-B)$, at a discount rate ranging from 8%-5%, varying in inverse with the risk factor. Thus, where the highest risk factor (say 1) is applicable, the discount rate applicable would be the lowest (say 5% in this case).”

12. Final recommendation is as follows:

“Thus, it is recommended that the annual net present value (NPV) of the amount arrived at after taking the difference between the costs and the benefits through the use of the above approach, maybe calculated for a period of 5 years at a discount rate of 5% for mining which is in a severe ecological damage risk zone. The rationale for levying this NPV is based on expert opinion that reversal and/or restoration of the ecological damages is usually not possible within a short period of time and rarely is it feasible to achieve 100% restoration, even if the sand deposition in the river basin is restored through flooding in subsequent years. The negative externalities of the mining activity are therefore to be accounted for in this manner. Ideally, the worth of all such damages, including costs of those which can be restored should be charged. **However, till data on site-specific assessments becomes available, this approach may be adopted in the interim.** In situations where the risk categorization charged. However, till data on site-specific assessments becomes available, this approach may be adopted in the interim. In situations where the risk categorisation is unavailable or pending calculation, the following Discount Rates may be considered:

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1.0
Discount	8%	7%	6%	5%

11. Annexure-A appended to the report gives the calculation as follows:

“Compensation Charge (Scenario II - explicit accounting of NPV)

Market Value of Illegally Mined Material (D)

5000*400 = 2000000/-

Annual Value of Foregone Ecological Values

$$D*RF = 2000000/-$$

- **Present Value of Foregone Ecological Values (@ 5% discount rate and over 5 years)**

$$PV = \sum_{t=1}^5 \frac{(D+RT)}{(1+r)^t}$$

$$= \frac{(2000000)}{(1+0.05)^1} + \frac{(2000000)}{(1+0.05)^2} + \frac{(2000000)}{(1+0.05)^3} + \frac{(2000000)}{(1+0.05)^4} + \frac{(2000000)}{(1+0.05)^5}$$

$$= \text{Rs.}$$

86 58 953/-

- *Net Present Value (after netting out market value of illegally mined material) - i.e., Total Compensation to be levied*

$$= NPV = PV - D$$

$$= \text{Rs. } 66,58,953/-$$

Compensation Charge in above case:

Approach 1 (no explicit accounting of NPV)	Approach 2 (explicit accounting of NPV)
$D*(1+RF+DF)$	@ 5% discount rate and over 5 years
Rs. 46,00,000/-	Rs. 66,58,953/-

12. The Tribunal directed undertaking of scenario analysis, as suggested on behalf of the applicant and to furnish a further report accordingly. Further report dated 12.10.2020 has been filed by the CPCB reiterating its earlier report. **We propose to approve approach-2 in the report.** Apart from the above, a report dated 15.01.2021 has been filed by the Oversight Committee for the State of UP¹ to which reference will be made later.

XXX.....XXX.....XXX

17. Again, in Goa Foundation, supra (prs 74-76) it was observed that **mining was required to be regulated not only by the Mining department but also by the PCBs under the Water and Air Act and by the MoEF under the EP Act. It is made clear that the environment laws override other laws and any provision to the contrary in the Mines Act will not stay in the way of enforcing the environment norms. In this regard reference may also be made to report of the Ministry of Mines entitled “Sand Mining Framework” which will not stand in the way of modified mechanism in accordance with this order.”**

9. Accordingly, the State PCB may appropriately enhance the compensation for illegal extraction of ground water and conducting

¹ constituted by this Tribunal to oversee compliance of environmental issues, on suggestions of the State Government.

mining without requisite consents within two months, following due process of law.

10. The assessed compensation may be deposited by the PP within two months with the State PCB to be kept in a separate account and utilized for restoration of environment by preparing a restoration plan by joint Committee of CPCB, State PCB and District Magistrate, Saharanpur. Restoration plan may include plantation, air quality monitoring system, restoration of roads. The Committee may also oversee the execution of the restoration plan, involving appropriate agencies.

The application is disposed of.

A copy of this order be forwarded to the CPCB, State PCB and District Magistrate, Saharanpur by e-mail for compliance.

In view of order in the main matter, I.A. No. 20/2022 also stands disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

May 10, 2022
Appeal No. 15/2021
(I.A. No. 22/2022)
A

Item No. 03 & 04

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 140/2021

(With report dated 31.03.2022)

Raj Kumar

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

WITH

Original Application No. 141/2021

Ramkaran Karn

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

Date of hearing: 06.05.2022.

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Vanshdeep Dalmia, Advocate

Respondent: Dr. Roshan Jacob, Secretary, Geology & Mining with Mr. Pradeep Misra,
Advocate for the State of Uttar Pradesh & UPPCB

ORDER

1. Grievance in these two identical applications is against illegal mining. In O.A. No. 140/2021, mining is in the submerged water area at Gata No. 28 (Part) and 29, Khand No. 1, village Kanwara, District Banda, UP by M/s Durge Trading Company and in O.A. No. 141/2021 it is in the submerged water area at Gata No. 2/4, 2/23, 2/24 and 2/28, Khand No. -4, village-Bendakhadar, District Banda, UP by Ashish Kumar Gautam,

S/o Suresh Kumar Gautam. Common stand in both the matters is that the mining is in violation of Sustainable Sand Mining Management Guidelines (SSMMG), 2016 and Enforcement and Monitoring Guidelines for Sand Mining (EMGSM), 2020 and binding orders of this Tribunal, including order dated 30.05.2017 in O.A. No. 78/2015 (CZ) reported in 2017 SCC OnLine NGT 1097, holding as follows: -

“In the light of the above, we answer the question that has been referred to us that no river sand mining is permitted in the submerged area in accordance with the Sustainable Sand Mining Guidelines 2016 alternatively in so far as the issue whether it can be permitted in the submergence areas is concerned our answer to the same is that in submergence area which may be a wider area than the one actually submerged as a submergence area would encompass the full reservoir level of the river or the high flood level of the river recorded by in any case where the mineral is exposed and not in stream such sand mining in accordance with the Sand Mining Guidelines 2016 and the conditions imposed in the environmental clearance may be carried out.”

2. Further order of this Tribunal relied upon by the applicants is order dated 26.02.2021 in O.A. No. 360/2015, *NGT Bar Association v. Virender Singh (State of Gujarat) and other connected matters*. Therein, on exhaustive review of the issues relating to sand mining, this Tribunal has issued directions, including the mechanism for enforcement of environmental norms, inter-alia as follows:-

“1to26...xxx.....xxx.....xxx

27. We direct all the States/UTs to strictly follow the SSMG-2016 read with EMGSM-2020 reinforced by mechanism for preparation of DSRs (in terms of directions of this Tribunal dated 14.10.2020 in Pawan Kumar, supra and 04.11.2020 in Rupesh Pethe, supra), Environment Management Plans, replenishment studies, mine closure plans, grant of EC (in terms of direction dated 13.09.2018 in Satendra Pandey, supra), assessment and recovery of compensation (as per discussion in Para 25), seizure and release of vehicles involved in illegal mining (in terms of order dated 19.02.2020 in Mushtakeem, supra), other safeguards against violations, grievance redressal, accountability of the designated officers and periodical review at higher levels. As already noted,

EMGSM-2020 contemplates extensive use of digital technology, including remote sensing.

28. We further direct that 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 CPCB regional office is not available, if MoEF&CC regional office is available, its Regional Officer will be included in the Committee. Where neither CPCB nor MoEF&CC regional office exists, Chairman, SEIAA will tie up with the nearest institution of repute such as IIT to nominate an expert for being included in the Committee. Such inspection must be conducted at least thrice for each lease i.e. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any. The reports of such inspections be acted upon and placed on website of the SEIAA. Every lessee, undertaking mining, must have an environment professional to facilitate sustainable mining in terms of the mining plan and environmental norms. This be overseen by the SEIAA. Environment Departments may also develop an appropriate mobile App for receiving and redressing the grievances against the sand mining, including connivance of the authorities and also a mechanism to fix accountability of the concerned officers. Recommendations of the Oversight Committee for the State of UP quoted earlier may be duly taken into account.

The mechanism must provide for review at the level of the Chief Secretary at least once in every quarter, in a meeting with all concerned Departments in the State. The Chief Secretary UP may ensure further action in the light of the report of the Oversight Committee.

Similarly, at National level, such review needs to be conducted atleast once in a year by the Secretary, Environment in coordination with the Secretaries Mining and Jalshakti Ministries the CPCB.”

3. It is submitted that no steps are being taken by the State of UP for compliance of directions of this Tribunal.

4. Vide order dated 02.07.2021 on consideration of the matter, the Tribunal directed Additional Chief Secretary, Mining, UP to furnish a report about the compliance status including the status of DSR and replenishment studies for Banda District and also in-stream mining in submerged water and monitoring mechanism.

5. The matter was last considered on 08.03.2022 and finding that no response was being filed by the Additional Chief Secretary, Mining, Uttar Pradesh, the Tribunal directed personal appearance of the ACS, Mining by V.C. and also directed the District Magistrate and State PCB to file a factual report. If anything, adverse was noticed, the PP was to be put to notice of these proceedings.

6. In pursuance of above, the ACS, Mining, UP is present in person by V.C. and report has been filed by the District Officer, Banda on 31.03.2022 as follows:

“xxxxxx.....xxx
10. *That for Environmental impact assessment (E.I.A.) study ministry of environment and forest and climate change (MoEF&CC) has propounded Sustainable sand mining management guidelines 2016 and enforcement and monitoring guidelines for sand mining 2020. In compliance of this Guidelines Government of Uttar Pradesh has issued a Government order no 790(1)/86-2020 dated 01.06.2020. As per this Government order, Government of Uttar Pradesh has constituted a team of officials of Department of Geology and Mining, Revenue Department, Forest Department and Irrigation Department, who give recommendation for any new area to be included or any change in D.S.R.(District survey report). Till November 2022 a total of 296 areas has been added in District survey report (D.S.R.) in different districts of Uttar Pradesh.*

That in district Banda after proper study of replacement of Sand/Morrum on the areas the District Survey Report' (herein after referred as DSR) was prepared and loaded on District Administration Portal and objection of the public domain were also invited and after considering the objection the DSR finalised by the committee constituted by the Government of Uttar Pradesh on 23.11.2017.

11. *That in Compliance of Hon'ble NGT order dated 02.07.2021 OA no. 140/2021 Raj Kumar Versus State of UP and OA no. 141/2021 Ram Karan karn Versus State of UP, D.M Banda has authorised C.M.P.D.I (Central mine planing and Design Institute limited), a public sector enterprise of Government of India to do the replenishment study of rivers flowing in district Banda on dated 28.10.2021 C.M.P.D.I has started the replenishment study of rivers of banda district and the work is on progress. Its report will be soon provided to the hon'ble NGT.*

The copy of the order of D.M Banda dated 11.10.2021 and consent letter of C.M.P.D.I dated 19.10.2021 being annexed herewith as Annexure No.1, to this compliance report.

12. *That if the bid found to be highest and satisfactory per cubic metre then a letter of intent is issued in favour of such bidder and thereafter, the applicant should obtain approval on its mining plan and environmental clearance from the competent authority and thereafter the mining lease is executed in his favour.*
13. *That in the lease deed, the following terms are specifically mentioned:-*
 - i. *The mining operations are to be carried only up to the depth of 3 metres, or up to the water level, whichever is less;*
 - ii. *The safety zone should be worked out;*
 - iii. *The mining operations will be done in accordance with the scheme mentioned in the Mining Plan;*
 - iv. *The lessee will be bound to obey the terms and conditions of the environmental clearance;*
 - v. *The mining will be done after sun-rise till sun-set;*
 - vi. *In the monsoon season, no mining will be done;*
 - vii. *Heavy machinery and Suction Machines will not be used for excavation of the mineral;*
 - viii. *No temporary bridge or hinderance will be created in the flow of river water during the lease period;*
 - ix. *That the Central Government framed Sustainable Sand Mining Management Guidelines 2016 with object of managing un-controlled sand mining in India.*
14. *That the Ministry of Environment, Forests & Climate Change, Government of India also framed Enforcement and monitoring Guidelines for Sand Mining in January 2020.*
15. *That list of mining leases, granted in District Banda for excavation of sand & morrum, at present, is being annexed herewith as Annexure No.2, to this compliance report.*
16. *That at the time, total 17 mining leases are in operation in Banda district and they have proper environmental clearances, as well as the consent issued by UPPB Lucknow under the provisions of "Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention Control of Pollution) Act, 1981."*
17. *That in compliance of the order dated 26.02.2021, passed by this Hon'ble Tribunal in O.A. No.360 of 2015 (National Green Tribunal Bar Associations. Veerendra Singh (State of Gujarat & others), 5 members Committee has been constituted by the District Officer, Banda, vide office order No.2892/Khanij-30 Banda, dated 14.12.2021. In the said Monitoring Committee, the members as under:*

1. *Divisional Forest Officer, Banda Chairman*
2. *Mines Officer/Mines Inspector/ Surveyor, Mines Department, Banda Member*
3. *Executive Engineer, Irrigation & Water Resources department, Banda- Member*
4. *Concerned Tehsildar Member*
5. *Regional Officer, Pollution Control Board, Banda Member Secretary.*

A copy of the said office order dated 14.12.2021 issued by the District Officer, Banda, is being annexed herewith as Annexure No.3, to this compliance report.

18. *That the said Enforcement Committee is regularly watching the mining activities of 17 areas and if any lessee is found to violate the above mentioned terms and conditions, then after issuing the notice, necessary proceedings are initiated against him.*
19. *That in the Headquarters, Lucknow, as well as in the districts, Surveillance Systems have also been installed for prevention of over-loading of minerals, as well as without transit passes, and due to this so many electronic challans are automatically created and served on the lessees for recovery of Government dues of such mineral.*
20. *That this Hon'ble Tribunal has also directed for submission of the status report of the following sand, morrum areas*

S. No.	Area	Status
a)	<i>Khand No.1 Village Kanwara, Banda M/s Durga Trading Co.</i>	<i>mining activities are not being done by the lessee due to preparation of approach road</i>
b)	<i>Khand No.4 Village Banda Khadar, District Banda Ashish Kumar Gautam, S/o Shri Suresh Kumar Gautam</i>	<i>matter is pending before the Hon'ble Supreme court. (Ravi kumar vs State of U.P. Dairy No. 3177/2022) No mining activities are being done.</i>

7. A report has also been filed on 06.04.2022 by the Geology and Mining Department, UP which is by and large similar to the report of the District Officer, Banda referred to above.

8. We have heard learned Counsel for the Applicants and interacted with the ACS present in person by VC.

9. We find that replenishment study as required under the SSMG-2016 and EMGSM-2020 has not been undertaken prior to the auction in terms of para 5.1 of the EMGSM, 2020 which is reproduced below:

“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 instream 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.”

10. With regard to the allegation of instream mining in submerged water, it has been orally stated by the ACS that no such instream mining is permitted. However, in the reports filed before this Tribunal, no such statement has been made on behalf of the State.

11. Accordingly, the ACS, Mining, UP has fairly stated that replenishment study will be conducted prior to auctions in future and with regard to the current leases, ongoing replenishment study will be expedited. In the light thereof, the leases will be renewed, if necessary. Such studies for all Districts in UP will be completed by December 31, 2022 and for Banda by June 30, 2022. She has further stated that the allegation of instream mining will be verified and if found true, the same will be discontinued.

12. In view of above, let the Replenishment studies be completed by credible institutions, following due procedure, in accordance with para 5 of EMSG, 2020. Further, no mining be permitted till replenishment studies are completed beyond the schedule laid down above. The State may ensure that the Regulatory authorities are adequately equipped and capable to assess quantities of mined material. With regard to instream mining, it may be ensured that the machineries permitted or used otherwise comply with "Semi mechanised" mining operations in true sense. In all mining potential districts, environmental damage assessment be carried out and annual assessment reports placed in public domain on the websites of the Mining Department as well as the PCB. Compliance of SSMG, 2016 and EMGSM, 2020 and earlier directions of this Tribunal may be ensured by an effective monitoring mechanism.

The applications are disposed of accordingly.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

May 06, 2022
Original Application No. 140/2021
Original Application No. 141/2021
DV