

Compliance Report

In

Appeal No. 07/2022

Ghanai

Versus

State Level Environmental Impact Assessment

Authority (SEIAA), U.P &Ors.

Order Date – 18-02-2022

Filed on Behalf of:

Uttar Pradesh Pollution Control Board

Report of the Joint Committee in Compliance to the Hon'ble NGT order dated 18.02.2022 in AppealNo. 07/2022 in the Matter of "Ghanai Vs State Level Environmental Impact Assessment Authority (SEIAA),U.P &Ors.

1.0 Introduction:

The matter pertains to the Environmental Clearance 03.12.2021 granted by the State Level Environment Impact Assessment Authority, U.P. to M/s R.N.S. Pvt. Ltd. for proposed River Sand/Morrum mining at Gata No. 03 GA, Khand No.- 03, Village-Nandha, Orai, Jalaun, U.P. for a sanctioned lease area of 8.502 ha. It is submitted by the appellant that the mining will result in huge degradation of environment, cause erosion, destruction of natural habitate of fauna and will adversely affect the crocodile breeding.

Further, Hon'ble Tribunal has constituted a joint Committee comprising of SEIAA and District Magistrate-Jalaun, Uttar Pradesh and state PCB to verify the factual position, take remedial action and furnish an action taken report and relevant paras of the Order dated 18.02.2022 are reproduced below:

".....2. In view of the above grievance of the applicant, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the SEIAA and District Magistrate-Jalaun, Uttar Pradesh. The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks and undertake site visit and look into the grievance of the applicant. Factual and action taken report may be furnished within three months by e-mail at judicialngt@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 26/05/2022."

2. Action taken by the Joint Committee:

In compliance of the above said order dated 18/02/2022, the Joint Committee comprising following officials visited the site on dated 10.05.2022:

1. ADM(F/R) Orai, Jalaun
2. Dr. B. B. Awasthi, Member of SEIAA, U.P.
3. Niranjana Sharma, R.O. UPPCB, Jhansi.

Besides the nominated members, Sh. Ranveer Singh, District Mining Officer, Mining Department (Jalaun) was also present on site for discussion. Committee's findings with regards to the site have been detailed in following part of the report.

River Betwa:

The Betwa river is also a tributary of Yamuna River. Its basin extends from longitude 77° to 81' E and latitude 23°8' to 26° 0' N. The Betwa river originates at an elevation of 470 m in the Bhopal District in Madhya Pradesh. After traversing a distance of 590 km, the river joins the Yamuna River near Hamirpur at an elevation of 106.68 m. The total catchment area of the Betwa river is 46,580 sq. km of which 31,971 sq. km (68.64%) lies in M.P. and 14,609 sq. km (31.36%) lies in U.P. The basin is saucer shaped with sandstone hills around the perimeter. The river has 14 principal tributaries out of which 11 are completely in Madhya Pradesh and 3 lie partly in Madhya Pradesh and partly in Uttar Pradesh. The Halali and Dhasan rivers are the important tributaries of the Betwa River.

River Betwa in District Jalaun: The Betwa forms the boundary with Jhansi along the southern border from a point a few kilometres east of the town of Erichh to its junction with Dhasan. Its course, which up to the junction runs due east tends then somewhat to the north-east and it meanders along the south-eastern side of Tehsil Orai and Kalpi, separating them from Hamirpur. Like the Yamuna it leaves the district on Baoni border. It flows in a tortuous channel with many loops and bends. Its total length along the district border is approximately 96 kilometers, but from point to point it does not exceed 64 kilometers. Both the banks are fringed for some distance inland by unculturable ravines.

The Environmental Clearance for river bed mining at Gata No 03GA Khand No. 03 Village - Nandha, Tehsil - Orai District - Jalaun (U.P) (leased area 8.502 Ha) was obtained from SEIAA dated 03/12/2021. As per EC, Salient details of the Project site is presented below:

1.	Name of Project Proponent	M/s R.N.S. Pvt Limited
2.	Full Address of the Proponent	R/o 299, Munshipur, Maunath Bhajan, District-Mau, U.P.
3.	Name of Project	River Sand/Morrum Mining.
4.	Project Location (Gata No /Khand No.)	Gata No.-3-Ga, Khand No - 03 Village-Nandha, Tehsil-Orai, District Jalaun (U.P)

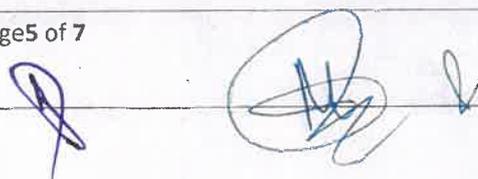
5	Name of River	Betwa river	
6	Name of Minor Minerals	River Sand/Morrum Mining.	
7.	Sanctioned Lease area (in Ha)	8.502 Ha	
8.	Total Proposed production per year	85020 m ³ /annum	
9	Sanctioned period of mining lease	One year	
10	Method of mining	Opencast, semi-Mechanized	
11	Production of mine/day	378 m ³ /day	
12	Nos of working days	225	
13	Working hours per day	8 hrs	
14	Nos of vehicles movement per day	37	
15	Ultimate of depth of mining	1.05 m	
16	Water requirement	PURPOSE	REQUIREMENT (KLD)
		Drinking	0.72 KLD
		Suppression of dust	3.78 KLD
		Plantation	0.5 KLD
		Others (if any)	-
		Total	5.0 KLD

Specific Observations of M/s R.N.S. Pvt Limited, Gata No.-3Ga, Khand No 03 village Nandha, Tehsil-Orai district Jalaun (U.P)

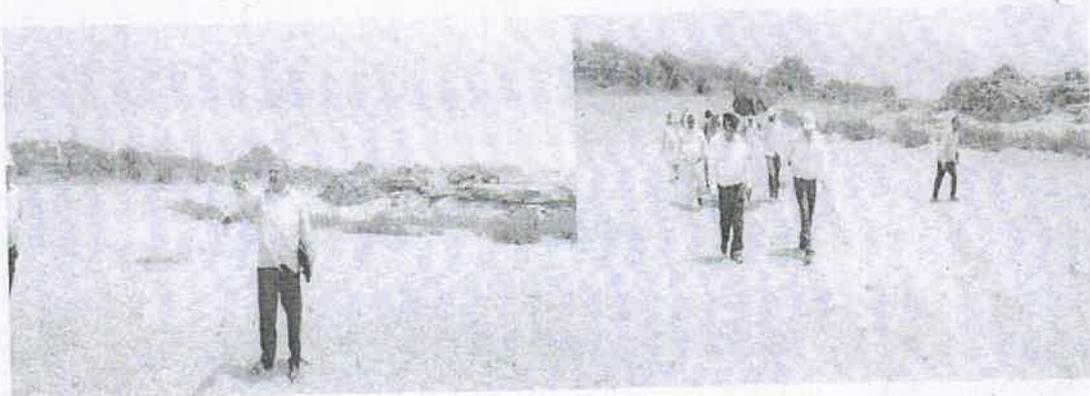
1. As reported by the Mining Officer that no restoration plan has been submitted by Mining Project Proponent neither executed by District Mining Department jalaun.
2. The Project proponent has not submitted compliance reports of general conditions and specific conditions of EC granted by SEIAA for effective implementation of environmental plan.

OBSERVATIONS MADE BY THE JOINT COMMITTEE DURING SITE VISIT 10.05.2022:

1. In compliance of Hon'able NGT order, the District Magistrate Jalaun At Orai have Constituted The Committee vide letter no 60/NGT OA-07/22 Dated 28.04.2022 (ANNEX) with nomination demand of specilist officer of Forest Department (Jeev Jantu) U.P in this continuation the Member secretary UP Pollution Control board Lucknow also requested to Principle chief Forest conservator (Jeev Jantu) U.P Vide letter no. H75253/C-2/NGT. Gen-07/22 Dated 09.05.2022 to nominate the Special Expert Officer of Crocodile (ANNEX).
2. The Committee Members visited the betwa river bed sand mining site which is situated at village Nandha, tehsil Orai District Jalaun on 10 May 2022. in absence of Expert Officer of Crocodile.
3. During the visit, no mining activities were observed at site and found that sand mining site is not submerged with water into the river Betwa.
4. During the visit, committee observed no ponding effect on sand mining site.
5. During the visit of Committee observed, That the Geo-Coordinates Pillars for demarcation of sand mining area is not available and indicative points of demarcation of the sand mining area is flashed by lime laying temporary.
6. Primary survey of flora and fauna study has not been carried out by the project proponent as per EC terms and conditions.
7. The Another Mining Area is being Used for Sand Mining at Gata No- 522 Gha Which is situated at near by the border of Jhansi and Jalaun District at river betwa and it is 300.00 Meter away from Gata No- 3 ga Khand No-3 Nandha Orai Jalaun and situated upstream of river betwa District Jhansi.
8. Another Mining area is in progress for sand mining at Gata No- 1191/2 Khand No-4 Sikrivyas Orai Jalaun which is Situated down stream of river betwa from Gata No-3 ga Khand No-3 Nandha Orai Jalaun and it is situated within 500.00 meter away in District Jalaun.
9. The water flow in river betwa was observed in south direction adjoining said sand mining area of RNS PVT LTD Jalaun.
10. The Presence of crocodiles in River betwa near by the said sand mining lease area were not specify in absence of expert officer (Jeev Jantu). So, the specialist officer of forest department,U.P.can certify the possibilities/non-Possibilities of crocodiles nearby the flowing water area of River Betwa.



Photographs taken during site visit are as follows:



Recommendations

1. The project proponent (M/S R.N.S. Pvt Limited) should not be permitted the operation of mining till obtain consent to operate from concerned UPPCB.
2. The Project proponent should ensure compliance of general conditions and specific conditions granted the EC by SEIAA to effective implementation of environmental plan.

Handwritten signatures in blue ink, including a large, stylized signature and a smaller one to its right.

3. The project proponent should obtain permission from CGWA for abstraction of the ground water.
4. The District Mining Department should ensure restoration plan before starting the mining activities by project proponent.

Name of the Committee Members and Department	Signature of Committee Members
Dr. B.B. Awasthi, Member of UP-SEIAA	 19/05
ADM(F/R) Orai, Jalaun	 19/5/2022
Niranjan Sharma, , Regional Officer, U.P. Pollution Control Board, Jhansi	 19/5



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ सं०
Ref. No.

17/5/22/सी-2/4-G.T. 03/22

दिनांक 9-5-22
Date

राज्य में ई-मेल मा० एनजीटी प्रकरण

प्रधान मुख्य जन संरक्षक (जीव जन्तु).
17, राणा प्रताप मार्ग,
लखनऊ.

विषय- मा० राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली में विद्याराधीन अपील संख्या-07/2022 घनई बनाम राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण (SEIAA) उ०प्र० एवं अन्य में दिनांक 18.02.2022 को पारित आदेश के अनुपालन के सम्बंध में।

महोदय,

कृपया उपरोक्त विषयक मा० राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली में विद्याराधीन अपील संख्या-07/2022 घनई बनाम राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण (SEIAA) उ०प्र० एवं अन्य में पारित आदेश दिनांक 18.02.2022 का संदर्भ ग्रहण करने का कष्ट करें। मा० राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली में विद्याराधीन अपील संख्या-07/2022 में पारित आदेश के मुख्य अंश निम्नवत हैं :-

".....The present appeal has been filed by the appellant challenging the Environmental Clearance 03.12.2021 granted by the State Level Environment Impact Assessment Authority, U.P. to M/s R.N.S. Pvt. Ltd. for proposed River Sand/Mortum mining at Gato No. 03 GA, Khand No.- 03, Village-Nandha, Orai, Jalaun, U.P. for a sanctioned lease area of 8.502 ha. It is submitted that the leased area for proposed mining is habitat of crocodiles, under the Wildlife Protection Act, 1972 and they use the area for nesting. As per section 9 of the Wildlife Protection Act, 1972, Crocodile is a protected reptile. Thus, any mining done in pursuance of the impugned environmental clearance would fall foul of the above mentioned provisions of the Wild Life Protection Act, 1972. It is submitted that the Environment Clearance has been obtained by concealing the above facts. It is further submitted that agricultural land of the applicant is adjacent to the proposed site. The site in question is a rocky terrain/ rock having insufficient volume of mineable mineral as required for carrying out mining activities....."

मा० एनजीटी द्वारा पारित आदेश के अनुपालन में विस्तृत आख्या प्रस्तुत किये जाने हेतु जिलाधिकारी, जालौन के पत्र दिनांक 28.04.2022 द्वारा संयुक्त निरीक्षण हेतु एक समिति का गठन किया गया है। जिलाधिकारी, जालौन द्वारा उक्त आदेश के अनुपालन में जीव जन्तु विशेषज्ञ प्रतिनिधि नामित किये जाने का अनुरोध किया गया है।

अतः उपरोक्त अनुक्रम में आपसे अनुरोध है कि मा० एनजीटी में विद्याराधीन प्रश्नगत प्रकरण में संयुक्त निरीक्षण किये जाने के संबंध में प्रतिनिधि नामित करने का कष्ट करें, जिससे मा० एनजीटी द्वारा पारित उक्त आदेश के अनुपालनार्थ अग्रिम कार्यवाही हो सके।

संलग्नक-उपरोक्तानुसार।

भवदीय,

(अजय कुमार शर्मा),
सदस्य सचिव

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

1. जिलाधिकारी, उरई-जालौन।
2. क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, झांसी को इस निर्देश के साथ कि जिलाधिकारी, जालौन द्वारा गठित समिति के साथ संयुक्त निरीक्षण हेतु मा० एनजीटी द्वारा पारित आदेश के अनुपालन में अग्रिम कार्यवाही किया जाना सुनिश्चित करें।

सदस्य सचिव

टी.सी. - 12 वी, विभूति खण्ड, गोमती नगर,
लखनऊ - 226 010
दूरभाष : 0522-2720828, 2720831
फैक्स : 0522-2720764, 2720676
ई-मेल : info@uppcb.in
वेबसाइट : www.uppcb.com

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Lucknow - 226 010
Phone : 0522-2720828, 2720831
Fax : 0522-2720764, 2720676
E-mail : info@uppcb.in
Website : www.uppcb.com



क्षेत्रीय कार्यालय उ. प्र. प्रदूषण नियंत्रण बोर्ड
Regional Office, U.P. Pollution Control Board

संदर्भ सं०
Ref. No. 05/OA No.-07/NGT/22

दिनांक.....20
Date.....24.05.2022

To

The Registrar,
Hon'ble Nation Green Tribunal,
Copernicus Marg, New Delhi.

Sub : Regarding Submission of Compliance Report pursuant to the order dated 18.02.2022 in O.A. No.-07/2022 in the matter of Ghanai Vs State Level Environment Impact assessment Authority (SEIAA), U.P. & Ors.

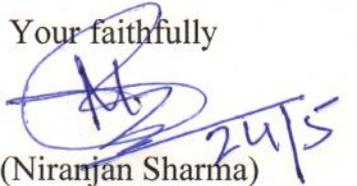
Sir,

In compliance of order dated 18.02.2022 passed by Hon'ble Tribunal in O.A. No. 07/2022 in the matter of Ghanai Vs State Level Environment Impact assessment Authority (SEIAA), U.P. & Ors, the compliance report is enclosed here with.

It is requested that the compliance report may be presented before the Hon'ble Tribunal for kind consideration.

Encl : As above

Your faithfully


(Niranjana Sharma)
Regional Officer

कार्यालय जिलाधिकारी, उरई, जालौन।

संदर्भ संख्या ...60/NGT OA-07/22

दिनांक अप्रैल, 28 2022

कार्यालय ज्ञाप

माननीय राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली में विचाराधीन अपील संख्या-07/2022 घनई बनाम राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण, (SEIAA) उ०प्र० एवं अन्य में दिनांक 18.02.2022 को आदेश पारित किया गया है कि—The present appeal has been filed by the appellant challenging the Environmental Clearance 03.12.2021 granted by the State Level Environment Impact Assessment Authority, U.P. to M/s R.N.S. Pvt. Ltd. for proposed River Sand/Morrum mining at Gata No. 03 GA, Khand No.-03, Village-Nandha, Orai, Jalaun, U.P. for a sanctioned lease area of 8.502 ha. It is submitted that the leased area for proposed mining is habitat of crocodiles, under the Wildlife Protection Act, 1972 and they use the area for nesting. As per section 9 of the Wildlife Protection Act, 1972, Crocodile is a protected reptile. Thus, any mining done in pursuance of the impugned environmental clearance would fall foul of the above mentioned provisions of the Wild Life Protection Act, 1972. It is submitted that the Environment Clearance has been obtained by 2 concealing the above facts. It is further submitted that agricultural land of the applicant is adjacent to the proposed site. The site in question is a rocky terrain/ rock having insufficient volume of mineable mineral as required for carrying out mining activities. तथा प्रकरण अन्तर्गत आगामी सुनवाई तिथि 26.05.2022 नियत है।

माननीय राष्ट्रीय हरित अधिकरण द्वारा उपरोक्तानुसार पारित आदेश के संदर्भ में यह भी निर्देशित किया गया है कि—In view of the above grievance of the applicant, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the SEIAA and District Magistrate-Jalaun, Uttar Pradesh. The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks and undertake site visit and look into the grievance of the applicant.

अतः माननीय राष्ट्रीय हरित अधिकरण द्वारा पारित आदेश की Status Report प्रस्तुत किये जाने हेतु संयुक्त निरीक्षण समिति का गठन निम्नवत् किया जाता है।

1	जिलाधिकारी महोदय, उरई, जालौन।	अध्यक्ष
2	अपर जिलाधिकारी (वि०/रा०), जालौन, स्थान-उरई।	सदस्य
3	डॉ० बी०बी० अवस्थी, (SEIAA) प्रतिनिधि।	सदस्य
4	नामित प्रतिनिधि वन्य एवं जीव, विभाग लखनऊ।	विशेषज्ञ सदस्य
	क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, झांसी।	सदस्य संयोजक

एतद् द्वारा आदेशित किया जाता है कि वन्य एवं जीव विभाग, लखनऊ द्वारा संयुक्त निरीक्षण आदि हेतु प्रतिनिधि नामित किये जाने के पश्चात् दिनांक 10.05.2022 को स्थलीय निरीक्षण सुनिश्चित किया जायेगा तथा अपेक्षित एवं तथ्यात्मक Status Report दिनांक 14.05.2022 तक अनिवार्य रूप से अधोहस्ताक्षरी के समक्ष विचार विमर्श हेतु प्रस्तुत की जायेगी।

जिलाधिकारी,
जालौन।

प्रतिलिपि : माननीय राष्ट्रीय हरित अधिकरण द्वारा पारित आदेश—that the mining will result in huge degradation of environment, cause erosion, destruction of natural habitat of fauna and will adversely affect the crocodile breeding के सम्बन्ध में निम्नलिखित को सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित।

1. अपर मुख्य सचिव महोदय, पर्यावरण वन एवं जलवायु परिवर्तन उ०प्र० शासन, लखनऊ को इस अनुरोध के साथ सादर प्रेषित कि कृपया मुख्य संरक्षक जीव जन्तु उ०प्र० को विशेषज्ञ प्रतिनिधि नामित किये जाने हेतु आदेशित करने का कष्ट करे।
2. समस्त सम्बन्धित सदस्य संयुक्त निरीक्षण समिति को सूचनार्थ।
3. खनिज अधिकारी, जालौन, स्थान-उरई को उपरोक्तानुसार गठित संयुक्त निरीक्षण समिति सदस्यो से समन्वय रखे जाने व उपरोक्त के सम्बन्ध में अपेक्षित अभिलेख उपलब्ध कराये जाने हेतु प्रेषित।
4. क्षेत्रीय अधिकारी/सदस्य संयोजक, उ०प्र० प्रदूषण नियंत्रण बोर्ड, झांसी को उपरोक्तानुसार कार्यवाही सुनिश्चित कराये जाने हेतु प्रेषित।

जिलाधिकारी,
जालौन।