

प्रेषक,
जिलाधिकारी,
हमीरपुर
सेवा में,
निबन्धक,
राष्ट्रीय हरित न्यायाधिकरण प्रधान पीठ
नई दिल्ली।

संख्या- 572/खनिज-एम0एम0सी-तीस-विविध (2023-24) दिनांक-06/07/2023
विषय- मा0 राष्ट्रीय हरित न्यायाधिकरण नई दिल्ली में योजित मिस0 नं0-25/2023
ओ0ए0 संख्या-590/2022 प्रगति कुमार बनाम उ0प्र0 राज्य व अन्य में पारित
आदेश दिनांक-21.04.2023 के अनुपालन में प्रस्थिति आख्या प्रस्तुत किये
जाने के सम्बन्ध में।

महोदय,

उपरिलिखित विषयक के सन्दर्भ में उल्लेख करना है कि माननीय राष्ट्रीय हरित न्यायाधिकरण नई दिल्ली के पारित आदेश दिनांक-21.04.2023 के द्वारा विषयगत मूल प्रार्थना पत्र की सुनवाई हेतु दिनांक-12.07.2023 नियत करते हुये प्रकरण में आच्छादित क्षेत्रों की Status Report एवं कृत्य कार्यवाही की सूचना प्रस्तुत करने के निर्देश दिये गये है।

2- माननीय राष्ट्रीय हरित न्यायाधिकरण के आदेश दिनांक-21.04.2023 के अनुपालन में गठित समिति की आख्या दिनांक-06.07.2023 की प्रति संलग्न कर माननीय न्यायाधिकरण के विचारण हेतु प्रस्तुत की जा रही है।

संलग्नक-यथोपरि।

भवदीय,



06.7.23

(डॉ० चन्द्र भूषण)
जिलाधिकारी,
हमीरपुर

**Joint Committee Report in compliance of Hon'ble NGT order dated
21.04.2023 in the matter of Original Application No. 590/2022,
Pragati Kumar Applicant Versus State of Uttar Pradesh & Ors.**

01. Hon'ble NGT has constituted a joint committee vide its Order dated 21.04.2023 in Original Application No. 590/2023, Pragati Kumar versus State of Uttar Pradesh & Ors., the operative part of the order is reproduced as follows: -

".....3. In view of above, we consider it necessary to seek a factual and action taken report from CPCB, State PCB, SEIAA, UP and District Magistrate, Hamirpur. The Committee may meet within two weeks, verify facts and take remedial action if there are illegality. District Magistrate will be the nodal agency for coordination and compliance. The report be filed 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. The District Magistrate may also inform the alleged violators and give a copy of report to them for their response, if any, before the next date....."

02. In compliance of Hon'ble NGT directives, following members have been nominated by the concerned departments: -

Name of the institution	Name of nominated officer
District Officer Hamirpur	Shri Ramesh Chandra. Add District Officer (F/R) Hamirpur UP
Central Pollution Control Board	Shri Rajendra D. Patil, Scientist-D Central Pollution Control Board, Regional Directorate, Lucknow

Name of the institution	Name of nominated officer
State Environment Impact Assessment Authority UP (SEIAA)	Dr Ratnakar, Member SEAC-1 State Environment Impact Assessment Authority UP (SEIAA), Lucknow
State Pollution Control Board	Shri Rajendra Prasad, Regional Officer Uttar Pradesh Pollution Control Board, Regional Office, Banda

03. Details of the mining projects in questions is as given below

SL	Areas	Name of the tenderer	Bid Amount	Lease Period
A	Village Beri khand no 10/29	Shri Anand Kumar Gupta s/o Laxmi Narayan gupta R/o Maharajpur Kanpur UP.	399/-	03.04.2023 to 02.01.2024
B	Village Beri khand no 10/2	M/s Parihar Construction Patnar Dushyant singh and Balvant singh s/o Udaypal singh R/o Village Niwada District Hamirpur UP	218/-	14.12.2022 to 13.06.2023
C	Village Pateyora khand no 31/5	M/s A.N Builders pro Anar singh yadav S/o Shri Ramlal Yadav R/o 591ka/004 Chiraiya bagh BQU University Lucknow UP	252/-	19.12.2022 to 18.06.2023
D	Village Bhendi kharka khand no 23/20	M/s Parihar Construction Patnar Dushyant singh and Balvant singh s/o Udaypal singh R/o Village Niwada District Hamirpur UP	368/-	-

It is evident from the table above that the lease period of only one mine is having validity upto 02.01.2024, whereas the lease period of another two mines is



exhausted recently in the month of June 2023 and lease has not been accorded to the remaining one mine.

04. The details of the permissions/clearances/consents obtained by these lease holders is as tabulated below

Projects	A	B	C	D
Lease Area (in Ha) as per EC	12.145	36.437	36.437	—
EC Granted Date	19.03.2020 EC Transferred on 01.03.2023 (for 6 months only)	27.05.2020 EC Transferred on 24.11.2022 (for 6 months only)	24.11.2018 EC Transferred on 16.12.2022 (for 6 months only)	—
Date of LOI	21.05.2022	21.05.2022	21.05.2022	21.05.2022
Cluster certificate issuing date	29.06.2018	06.06.2018 15.09.2018	11.06.2018	07.09.2022
Demarcation report issuing date	17.08.2022	18.08.2022	14.12.2022	—
MM-10 issuing date	03.04.2023	14.12.2022	20.12.2022	—
First EMM-11 generated on	06.04.2023	26.12.2022	23.12.2022	—
Last EMM-11 issued on	02.07.2023	15.06.2023	20.06.2023	—
Validity of Consent issued by UPPCB	04.03.2023 to 31.12.2023	14.12.2022 to 31.12.2023	22.12.2022 to 31.12.2023	—
No of operational days	89	180	180	—

Projects	A	B	C	D
Total Production till June 2023	34,537 cum	1,24,998 cum	1,82,159 cum	—

It is evident from above that all the mines have started their operations after obtaining the valid environmental clearance and valid consent from UPPCB.

05. The abovementioned Committee met on 03.07.2023 to discuss about the Hon'ble NGT directives at the office of ADM (F/R) Hamirpur. Thereafter the site visits were also conducted on the same day.

05.1. Committee could only reach the site of two mines namely M/s A.N Builders (Khand No. 31/5) and M/s Parihar Construction (Khand No 23/20) whereas the approach roads leading to another two mines namely Shri Anand Kumar Gupta (Khand No 10/29) and M/s Parihar Construction (Khand No 10/2) were non accessible due to the rainy season drain flowing in-between it.

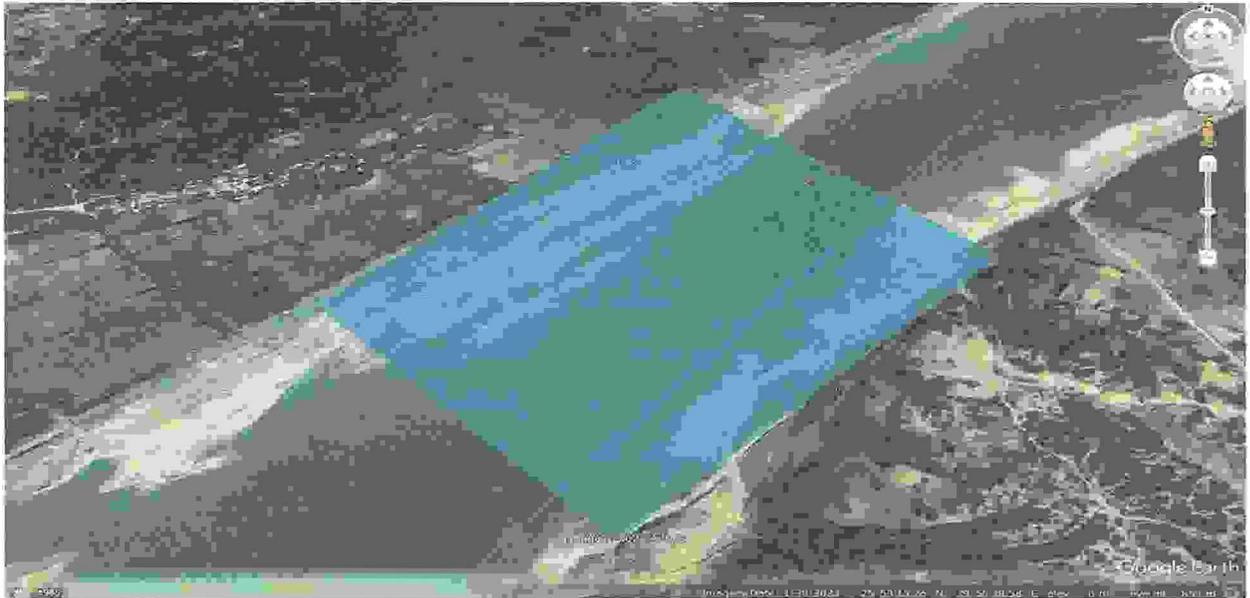
05.2. The physical status of M/s A.N Builders (Khand No. 31/5) indicates that the mining operations were recently closed and to ensure the non-operational condition, the road used for mineral transportation was damaged near the mining lease area. And several small heaps of overburdened materials were seen at the site inside the lease premises in the river course.

05.3. Whereas the physical condition of M/s Parihar Construction (Khand No 23/20) indicates that the lease was not in operation for the last few years. The old excavated pit was seen at the site and traces of grass were developed on the sloping surfaces, which indicates its non-operative condition.

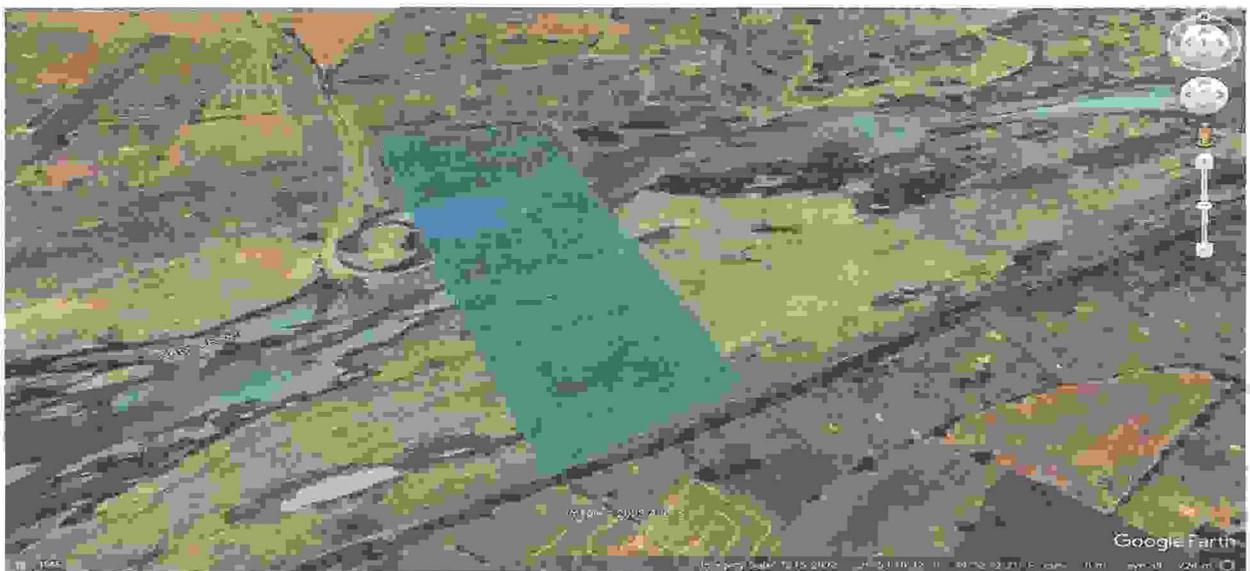
- 05.4. The committee could not reach to the remaining two mining areas. It has been informed by the representative of the mining department that these mining has also closed their operations recently during the month of June 2023.
06. The committee on the issues raised by the applicant
- Issue: Mining is being allowed without requisite Replenishment Study and District Survey Report in terms of Enforcement & Monitoring Guidelines for Sand Mining, 2020 (EMGSM). Permits have been granted. E-transit passes have been issued by Directorate of Geology and Mining, UP. Mined minerals are being transported.*
- 06.1. The District Survey Report was approved by the District Environmental Impact Assessment Authority (DEIAA) on 23.11.2017.
- 06.2. As per the relevant page of it provided by the mining office, these mines are indicated at Sr No. 3, 67, 76, 117 of DSR 2017.
- 06.3. The sand replacement study of river in Hamirpur, U. P. was assigned to the Central Mining Planning & Designing Institute Limited (CMPDI) and the report was submitted to the District Magistrate, Hamirpur vide letter dated 30.12.2022.
- 06.4. Two mines namely M/s A.N Builders (Khand No. 31/5) and M/s Parihar Construction (Khand No 10/2) has commenced their operations just few before the submission of the above-mentioned sand replacement study report and EMM 11 has also been issued to them by the mining office.
07. During the visit of the committee, the mines in question were not in operation or non-approachable due to the rainy season. And hence the compliance with the

conditions prescribed conditions in the Environmental Clearance and Consent could not be verified.

08. The digital map of the lease areas has been acquired in the form of the KML file from the mining office for the three mines which have been operated during this year. The images of these three mines is as given

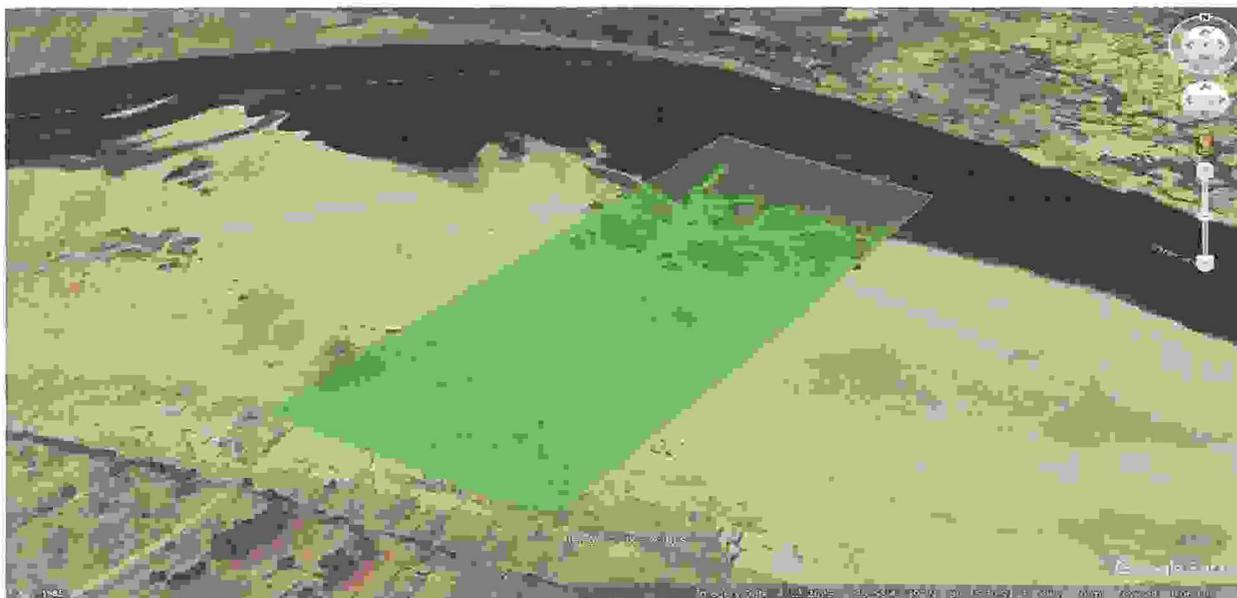


(Image 1: M/s Parihar Construction (Khand No 10/2))



(Image 2: Shri Anand Kumar Gupta (Khand No 10/29))

Handwritten signatures and initials:
Three distinct signatures in blue ink are visible below the caption. To the right, there is a larger, more stylized signature in black ink.



(Image 3: M/s A.N Builders (Khand No. 31/5))

From the above images it is evident that the sanctioned mining lease area is placed throughout the river course. The matter needs to be dealt in accordance with the directives given by Hon'ble NGT in the matter of OA No 393/2022 which was also related to the riverbed sand mining in the Hamirpur District.

09. Conclusion: The committee gone through the records made available by the mining office and based on it the following conclusion is drawn

- 09.1. Three out of four mine have carried out the mining operations during the present year. Whereas one mine was non-operational since last few years.
- 09.2. The mines have obtained Environmental Clearances and consents from UPPCB before starting their operations.
- 09.3. All the four mines in question are listed in the District Survey Report which was published in the year of 2017.

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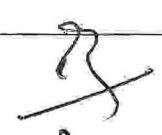
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09.4. The sand replacement study of river in Hamirpur, U. P. is carried out through the Central Mining Planning & Designing Institute Limited (CMPDI) and the report was submitted to the District Magistrate, Hamirpur vide letter dated 30.12.2022. Two mines namely M/s A.N Builders (Khand No. 31/5) and M/s Parihar Construction (Khand No 10/2) has commenced their operations just few before the submission of the sand replacement study report and EMM 11 has also been issued to them by the mining office.

Name of nominated officer	Signature
Shri Ramesh Chandra. Add District Officer (F/R) Hamirpur UP	 06.7.23
Shri Rajendra D. Patil, Scientist-D Central Pollution Control Board, Regional Directorate, Lucknow	 06.07.2023
Dr Ratnakar, Member SEAC-1 State Environment Impact Assessment Authority UP (SEIAA), Lucknow	
Shri Rajendra Prasad, Regional Officer Uttar Pradesh Pollution Control Board, Regional Office, Banda	
Shri Subhash Singh Mines officer Hamirpur (Additional member)	
Date of VISIT	03.07.2023