

808/139/10
Reg. No. 2731
Date 24/8/2021
ANIL KUMAR JAIN
Notary, Jaipur



BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL
ZONE BENCH, BHOPAL (MP)

In the matter of
Original Application No. 43/2021(CZ)



Ramrakh ----- Applicant(s)

VS.

STATE OF RAJASTHAN & ORS. ----- RESPONDENTS

**Factual and action taken report in compliance of the order
dated 08.07.2021 passed by the hon'ble Tribunal**

1. I, BS Sodha, s/o Shri Dalpat Singh, aged 53 years, currently posted as Additional Director (Mines), Jaipur and Officer In Charge in the present case, do hereby solemnly affirm on oath as under -
2. That I am the Additional Director (Mines), Jaipur and OIC in the present original application and fully conversant with the facts of the case and hence competent to swear on this affidavit.
3. That the Hon'ble Tribunal in its order dated 08.07.2021 deemed it fit to call a report from a joint committee consisting

of an order

Additional Director (Mines)
Mines & Geology Department
Jaipur Zone, JAIPUR

ATTESTED
[Signature]
Anil Kumar Jain
Notary (Govt. of India)
JAIPUR (Raj.)

24 AUG 2021



of the following officers -

- (i) District collector, Nagaur, Rajasthan.
- (ii) Director, Mines and Geology, Rajasthan.
- (iii) Representative from the state pollution control board, Rajasthan

4. That the Hon'ble Tribunal directed the committee to submit its report within six weeks. In compliance of the order of the Hon'ble Tribunal, the report of the committee is enclosed herewith.

ATTESTED
[Signature]
Anil Kumar Jain
Notary (Govt. of India)
JAIPUR (Raj.)

24 AUG 2021
VERIFICATION

[Signature]
DEPONENT
Additional Director (Mines)
Mines & Geology Department
Jaipur Zone, JAIPUR

I, the above named Deponent do hereby verify that the contents of affidavit above are true and correct and no material fact has been concealed or suppressed.

Signed and verified on this 24 Day of Aug 2021 at Jaipur (Rajasthan)

Reg. No. 808/139/10
Date 24/8/2021
ANIL KUMAR JAIN
Notary, Jaipur

ATTESTED
[Signature]
Anil Kumar Jain
Notary (Govt. of India)
JAIPUR (Raj.)

24 AUG 2021

[Signature]
DEPONENT
Additional Director (Mines)
Mines & Geology Department
Jaipur Zone, JAIPUR

Government of Rajasthan

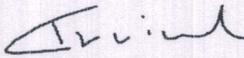
Factual and Action Taken Report

1. Various Issues connected to mining and environment has been raised by the applicant in the original application No. 43/2021 filed before the Hon'ble National Green Tribunal
2. The Hon'ble Tribunal in its order dated 08.07.2021 deemed it fit to call a report from a joint committee consisting of the following officers -
 - a. District collector, Nagaur, Rajasthan.
 - b. Director, Mines and Geology, Rajasthan.
 - c. Representative from the state pollution control board, Rajasthan
3. The District Collector Nagaur vide its letter dated 29.07.2021 (Annex-A) authorised Sub Divisional Officer, merta and the Director, Department of Mines and Geology vide letter dated 13.08.2021 (Annex-B) authorised the Superintending Mining Engineer, Ajmer circle and the Rajasthan State Pollution Control Board sent its Regional Officer, Nagaur to visit the area and prepare a factual and action taken report for submission in the Honorable Tribunal.
4. The committee visited the area alongwith its subordinate staff and officers on 17th August, 2021.
5. The State Government has granted mining lease No. 123/92 situated at village Kaswa ki Dhani, Tehsil merta, district Nagaur having an area of 93.04 hectare to one Mr. SampatLal in the year 1992. Pesently, this lease stands in favour of m/s. Special Limestone Private Limited after transfer.
6. The total area of mining lease is 93.04 ha. By and large, there are two main mining pits and two big overburden dumps situated in the mining lease area.
7. The mining pits are situated in the khasra numbers 2755, 2777, 2780, 2781, 2781/3524, 2782 & 2783 comprising of private land and the overburden dumps are located in the khasra numbers 2773, 2766, 2748 & 2750 comprising of government land.
8. There are approximately 12 houses built it in the private agriculture lands situated in the mining lease area.
9. The lease was granted by the state government in the year 1992 and in the meanwhile, old khasra numbers has been replaced by the new khasra numbers, so it was decided to conduct a fresh survey of the mining lease jointly by the staff of the Revenue and Mines department. The joint survey was conducted on 18th August 2021.
10. The hon'ble Tribunal has sought report on the 12 points raised by the applicant in its application. The point wise factual observation of the committee is as under :-

- (i) The hon'ble Tribunal in its order dated 04-05-2016 had directed that no mining activities shall be carried out without obtaining Environment Clearance from the competent authority. In compliance of this order the mining activities in this lease area were stopped by the Assistant Mining Engineer, Gotan vide its letter dated 18-05-2016 (Annex-C). The Office Memorandum dated 12.12.2012 issued by the MoEF is not applicable here, because the Environment Clearance (EC) has not been granted to the lease holder in the past and it is for the first time that the lease holder has applied for the grant of Environment Clearance in the year 2019 and still it is under consideration of the SEIAA of the state, so the question of violation of conditions of the EC by the project proponent does not arise at all.
- (ii) The shrubs and flora has grown significantly in the lease area, specially on the overburden dumps and no fresh signs of of mining activities were observed at the site by the committee. The area officer i.e. the Assistant Mining Engineer, Gotan clarified that his office has conducted field visits in past on 08-03-2018 (Annex-D) and on 23-12-2020 (Annex-E) and no mining activities were found during these visits in the lease area.
- (iii) The closest notified Abadi area nearby the mining lease is situated at a distance of 2 km from the lease, named Ramnagar, and all other notified Abadi habitants are located even at far more distances.
- (iv) Any harm or damage to the agriculture fields was not found by the committee. Revenue officials clarified that they have never received such type of complaint from the local inhabitants.
- (v) The doctor from the local Communit Health Centre accompanied the committee in its field visit and as per his statement (Annex-F) no such patients have come across who had suffered respiratory diseases due to mining activities in the lease area.
- (vi) There are approximately 12 houses situated in the private agriculture lands in the mining lease area. There is one public road (kaccha rasta) being used by the local habitants and it passes through the mining lease area but it was not found to be damaged by the mining activities.
- (vii) Any harm or damage to the tube wells was also not found by the committee. The revenue officials clarified that they have never received such type of complaint from the local inhabitants.
- (viii) There are two big overburden dumps in the mining lease area and it was observed that the lessee has neither constructed retaining walls around these dumps nor has made desiltation channels. Moreover the dump No. 2 as shown in the annexure H2 is situated partly outside the lease boundary, which is not as

per approved mine plan.

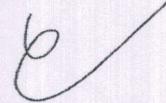
- (ix) There are many trees and plants grown in the private agriculture lands but no plantation was found to be done by the lessee as per the approved mine plan.
- (x) As per the report of the joint survey dated 18th August 2021 (Annex-G) there are 127 Khasras situated in the mining lease area, out of which 108 khasras belong to the private lands of the local inhabitants and the rest 19 khasras are of government land. Khasra number 344, 345 & 346 form the part of the lease area, whereas the khasra N. 345/156 & 85 are not the part of the lease area (Annex-H1 & H2).
- (xi) The public hearing was organised in the PanchayatSamiti Office, Merta and the lease area is approximately 35 km away from the Panchayat Samiti office, Merta.
- (xii) The government officials have paid attention to the complaints received from the local inhabitants from time to time. The complaints received at the time of the public hearing were Incorporated in the report sent to the SEIAA by the concerned Regional Officer of the Rajasthan State Pollution Control Board. The report is submitted for the kind perusal of the Hon'ble Tribunal.



(Arvind Agarwal)
Regional Officer
Nagaur

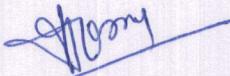


(J.K. Gurubaxani)
Superintending Mining Engineer
Ajmer Circle Ajmer



(Shaitan Singh)
Sub-Divisional officers
Merta, Dist. Nagour

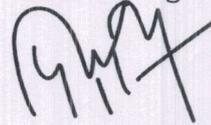
Counter Sign



(Dr. K.B. Pandya, IAS)
Director

Mines and Geology Department,
Rajasthan, Udaipur

Counter Sign



(Dr. Jitendra Kumar Soni, IAS)
District Collector, Nagaur