

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
APPEAL NO. 2 OF 2022**

IN THE MATTER OF:

Suraj Singh Karki

... Appellant

Versus

State Level Environment
Impact Assessment Authority,
Uttarakhand & Ors.

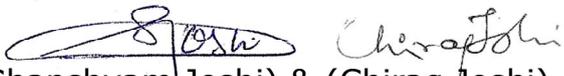
... Respondents

Next Date: 29.08.22

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Dated: 25.08.22
New Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
APPEAL NO. 2 OF 2022**

IN THE MATTER OF:

Suraj Singh Karki ... Appellant
vs

State Level Environment
Impact Assessment Authority,
Uttarakhand & Ors. ... Respondents

**Objections on behalf of the Appellant to the Joint
Committee Report dated 11.07.2022**

MOST RESPECTFULLY SHOWETH:

1. Appellant has filed the present Appeal i.e., Appeal No. 2 of 2022 under Sections 16 and 18 of the National Green Tribunal Act, 2010 (hereinafter referred to as "**Act**") praying for quashing of Environmental Clearance No.194-01(05)/2018 dated 12.03.2021 granted by Respondent No. 1, State Level Environment Impact Assessment Authority, Uttarakhand (hereinafter referred to as "**SEIAA**") to the Respondent No.4 with respect to mining lease admeasuring 10.841 ha. for extraction of Soapstone in Village - Nayal Dhapola, Tehsil & District- Bageshwar, Uttarakhand (hereinafter referred to as "**said Appeal**").
2. The facts and circumstances, leading to the filing of the said Appeal has been detailed out in the main body of

the said Appeal, hence for the sake of brevity the same are not being reproduced herein.

3. That the said Appeal was heard by this Hon'ble Tribunal on 21.01.22 when this Hon'ble Tribunal was pleased to form a joint committee comprising of the Principal Chief Conservator of Forests (**PCCF**), District Magistrate, Bageshwar and the Regional office, CPCB, directing it to file fact finding report before this Hon'ble Tribunal before the next date of hearing i.e. April 29, 2022. This Hon'ble Court was further pleased to direct the Appellant to serve notice to the SEIAA, Uttarakhand and PPs and file affidavit of service within one week by email and granted opposite parties one month to submit their responses.
4. That in compliance with the order of Hon'ble Tribunal. Appellant served the notice along with the copy of complete paperbook of said Appeal and order dated 21.01.22 passed by this Hon'ble Tribunal in said Appeal upon SEIAA, Uttarakhand and Project Proponents vide email as well as by post and filed affidavit of service. However, Neither SEIAA, Uttarakhand nor Project Proponents have filed their response to the said Appeal till date.
5. That Appellant also served complete paper-book of said Appeal on the members of joint committee along with

the order dated 21.01.22 of this Hon'ble Tribunal passed in said Appeal to expedite the process of inspection and submission of report to this Hon'ble Tribunal.

6. Appellant has also filed an Application for Stay before this Hon'ble Tribunal, being I.A. No. 98 of 2022 in Appeal No. 1 of 2022 to stay the mining work by the Project Proponents as they are dumping mining debris into the local water bodies causing immense damage to the ecology of the village Nayal Dhapola which is in complete violation of the Conditions for Operation Phase, mentioned in the Environmental Clearance E.C.No.-170-01(07)/2018 granted with respect to mining lease admeasuring 15.155 ha. for extraction of Soapstone in Village - Nayal Biladi (Nayal Dhapola), Tehsil & District- Bageshwar, Uttarakhand (hereinafter referred to as "**Stay Application**"). The Stay Application is pending adjudication by this Hon'ble Tribunal.
7. District Magistrate, Bageshwar has submitted the report of Joint Committee dated 11.07.22 before this Hon'ble Tribunal (hereinafter referred to as "**said Report**"), copy whereof the of the said report was not furnished to the Appellant by Joint Committee. True translated copy of the Joint Committee Report by the District Magistrate,

Bageshwar submitted in Appeal No. 1 and 2 of 2022 dated 11.07.22 is annexed hereto as **Annexure A**.

8. It is relevant to mention here that, in the absence of Appellant, a meeting was organized at District Office, Bageshwar under the chairmanship of District Magistrate Bageshwar on 06.07.2022 about the Appeal No. 1 and 2 of 2022 filed by the Appellant. Thereafter, on 07.07.2022, Appellant received an intimation about a meeting scheduled to be held on 08.07.2022 at about 10 a.m. at the District Office, Bageshwar. Expressing difficulty in being present on 08.07.2022 due to personal reasons at such a short notice, Appellant filed a written request with the joint committee to adjourn the meeting to a future date with prior intimation to the Appellant so that Appellant can put forth his contentions before Joint Committee thoroughly. However, till this date the Joint Committee did not respond to the request of Appellant, however, has proceeded ex-parte with the meeting.
9. The appellant has gone through the Joint Committee Report and it transpires that on 08.07.2022 meeting of Joint Committee was again held in the absence of Appellant, wherein none of the issues raised by Appellant by way of Appeal No. 1 and 2 were deliberated by the

Joint Committee. The Joint Committee Report is filed in a mechanical manner without any application of mind.

OBJECTIONS/REPLY TO THE REPORT:

PRELIMINARY OBJECTIONS: Contempt of NGT

10. It is pertinent to mention here that, even though all the members of the Joint Committee were served by the Appellant with the order dated 21.01.22 passed by this Hon'ble Tribunal and complete paperbook of the Appeal in 1st week of February 2022, still the Joint Committee did not comply with the order of this Hon'ble Tribunal and no report was filed on or before April 29, 2022. In fact, joint committee did not even hold a meeting before April 29, 2022 in willful contravention of the order dated 21.02.2022 of this Hon'ble Tribunal.
11. Further, in view of extensive environmental issues raised in the Appeal by the Appellant, this Hon'ble Tribunal vide its order dated 21.01.22 had directed the Principal Chief Conservator of Forest to be a part of Joint Committee and submit its report on the issues raised by the Appellant, however, instead of PCCF, the Joint Committee meetings were attended by the Divisional Forest Officer, Bageshwar without taking any leave from this Hon'ble Tribunal, as is clear from the said Report. This again is a willful violation of the order of this Hon'ble Tribunal by the Principal Chief Conservator of Forest

and this Hon'ble Tribunal may be pleased to issue a notice of contempt to the PCCF, Uttarakhand.

OBJECTIONS ON MERITS:

12. The said Report is completely mechanical in nature and is just a narration of the facts and documents on record, already placed by the Appellant. Joint Committee constituted by the order of this Hon'ble Tribunal has failed to conclusively answer the following concerns raised by villagers and Appellant:

Issue raised by Appellant before NGT	Comments of Joint Committee contained in its report dated 11.07.22
<p>SEIAA / SEAC failed to consider the effect of habitat degradation of Leopard species (a Near Threatened species as per the IUCN red list of threatened species) found around mining lease area.</p> <p>SEAC recommended grant of Environmental Clearance to Respondent No.4 in absence of any detailed discussion as to longterm impact of mining on Leopard, a Schedule 1 Wildlife Species under Wild Life (Protection) Act, 1972 found within 10 km of the mining</p>	<p>No Specific Comments</p> <p>-----</p> <p>For information related to points about environmental clearance mentioned in the order passed by Hon'ble National Green Tribunal, it is</p>

<p>lease area in Village Nayal Dhapola, Tehsil-Bageshwar, District - Bageshwar (U.K.) and the effect granting of mining leases for 50 years by Government of Uttarakhand will cause in its natural habitat.</p> <p>Though SEIAA has asked Respondent No. 4 to submit funding plan for mitigational measures for wildlife conservation of schedule 1 species in the vicinity of project site. However, there is no material on record to show any application of mind and or a discussion by SEIAA regarding the impact rampant mining activities in the mining leases granted for 50 years or more has on the habitat loss of the Schedule 1 Species, Leopard which is a Near Threatened species as per the IUCN red list of threatened species. Hence, as per precautionary principle, Environmental Clearance granted to the Respondent No. 4 is liable to be quashed.</p>	<p>submitted in this regard that State has constituted State Environmental Impact Assessment Authority (SEIAA) for compliance of the notifications issued by the Government of India from time to time. Environmental Clearance for the Proposed Mining Areas is given by the State Environmental Impact Assessment Authority (SEIAA).</p>
<p>SEIAA and SEAC have are mechanically granted the impugned Environmental Clearance without considering the</p>	<p>Soapstone mining leases are approved by the government</p>

<p>impact and danger of mining in a seismologically dangerous zone.</p> <p>SEIAA / SEAC have not taken cognizance of the Uttarakhand earthquake zonation available on official website of Disaster Mitigation and Management Center, Government of Uttarakhand, which puts whole District Bageshwar under Zone V, including the village of Appellant, Nayal Dhapola/Biladi. Seismic Zone V is the highest risk zone where earthquakes having intensity of IX+ on Modified Mercalli Intensity (MMI) scale can take place. The areas in Zone V have seen some of the devastating earthquake in the past at a frequency of once in 9 years of magnitude M6.0-7.5.</p>	<p>in accordance with the provisions of Uttarakhand Minor Mineral Policy-2015 promulgated by the Government of Uttarakhand, Industrial Development Department's Office Memorandum No: 844/VII-1/2015/68S/2015, Dehradun Date: 31st July, 2015. There is no provision mentioned in the Uttarakhand Minor Mineral Policy-2015 regarding grant of mining lease in earthquake-prone areas.</p>
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<p>Suppression of material facts by Project Proponent i.e. Respondent No. 4 as ground for rejection of environmental as per Clause (vi) of Para 8 of the EIA Notification 2006 :</p> <p>a. In the Final Environmental Impact Assessment report submitted by Respondent No. 4 at Executive Summary, Chapter 1, Chapter 2 and Chapter 10 etc. against the head "Reserved/Projected Forests" it is falsely mentioned "None, within 10 km radius area of mine site." The same is also reflected in the Impugned EC issued by SEIAA to Respondent No. 4 wherein at Serial No. 16 following is mentioned:</p>			<p>No Specific Comments -----</p>
16.	Ecological Sensitive Map	Submitted and no national park/ reserve forest/ sanctuary exist within 10 km. radius of proposed mining area as mention by DFO Baqeshwar.	
<p>That it is a matter of record that there are reserved forests within 2 km from</p>			

the site where mining lease for mining Soapstone has been granted to Respondent No. 4. Relevant extract from the letter of Divisional Forest Officer addressed to District Magistrate, Bageshwar is as follows:

"6 How far is it from Benap / Civil / Panchayati / Reserved forest area - 2 km away from the reserved forest area. Therefore, it would be appropriate to get the adverse effects of mining done in the environment checked by the Environmental Technical Committee. With the restriction that no damage is caused to the trees located and other conditions remain the same."

b. It is further submitted that in the form for grant of prior environmental clearance at S.No. 30 to the question "Details of Presence of Water Bodies in Buffer Area", Respondent No. 4 has submitted "No" as the answer which is

<p>incorrect, false and misleading as Pungar River flows within the buffer zone.</p> <p>c. That the form submitted by Respondent No. 4 to SEIAA for grant of prior Environmental Clearance nowhere discloses that few Reserved Forest fall within 2 km radius of the mine lease area. Appellant submits that the presence of Reserved Forests near the mining area is a significant factor that has to be factored in, while estimating the Environmental Impact of the mining operation on the Ecology of the area.</p>	<p>Divisional Forest Officer Bageshwar's vide its report number 97/9-2 Bageshwar, dated 13.07.2016 has informed that the area applied for is at a distance of 02 km from reserved forest, hence, it would be appropriate for environmental technical committee to investigate the adverse effects of Khadia mining in the environment.</p>
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<p>No Environmental Impact Assessment of effect of mining of the whole mining cluster of 67.821 ha formed by the mining project:</p> <p>It is submitted that in the instant case of mining lease of 15.155 ha granted to Respondent No. 4 in Village - Nayal Biladi (Nayal Dhapola), the cluster certificate issued by the Assistant Geologist/ Mining Officer, Geology and Mining Unit, Government of Uttarakhand, clearly states that there is a large mining cluster of 67.821 ha including the mining lease of Respondent No. 4 and all other adjoining mines. EIA/EMP for all leases in the Cluster is mandatory in the present case as well as per Notification S.O. 3977(E). issued by MoEF. It is submitted by appellant that the EIA/EMP has not been submitted for the entire cluster as no data was collected from the mining sites of other projects which form part of 67.821 ha cluster.</p>	<p>No Specific Comments -----</p>
<p>Fraud vitiates everything:</p>	<p>No Specific Comments</p>

Mining lease for the Impugned EC has been obtained by providing improper No-Objection Certificates, some of which have been given by the people not residing at Village Nayal Biladi/Dhapola, Bageshwar and/or who are not landowners.

To highlight the impropriety of the No Objection Certificates filed by Respondent No. 4 for grant of mining lease, Appellant has annexed No Objection Certificate/Affidavit by one Mrs. Anandi Kandpal who is not a landowner in Village Nayal Dhapola and thus, could not have granted NOC in favor of grant of mining lease in Village Nayal Dhapola. This evident fraud is committed by Respondent No. 4 to obtain Letter of Intent dated 28.02.2018 which is the basis for grant of mining lease and consequently the environmental clearance and it is a settled canon of law that fraud vitiates everything. Hence, the Impugned EC granted to Respondent No. 4 shall be quashed.

<p>No solutions were provided for the concerns raised by Appellant and other villagers residing or owning land in Village Nayal Biladi/ Dhapola during the public hearing conducted by UKPCB.</p> <p>a. The villagers in public hearing raised the following issues That mining lease is granted on cultivable land which becomes unfertile after mining operation leading to loss of income of the village resident as most of them as Kashtkaar and if the basic life line of the village being agriculture and animal husbandry will be destroyed by the proposed mine, then where will the villagers go.</p> <p>b. The villagers submitted that in the proposed mining area, there are Gadhere, Payal source, a river flows below the proposed mine. Based on the aforesaid mining lease should not be granted on the basis of distance parameters of 100m from river, road and population of Village Nayal Bilari/Dhapola, in view of the fragile ecology of the area.</p>	<p>No Specific Comments -----</p> <p>Appellant Shri Suraj Singh Karki was also present in the public hearing. In the said public hearing, objection was raised by Shri Suraj Singh Karki regarding mining lease which is also recorded in the minutes of the said public hearing.</p>
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<p>c. The villagers also submitted that many No-objection certificates were obtained by Respondent No. 4 by making false assertions regarding the scope and location of the project to the villagers who have since rescinded the No objection certificates given to the Respondent No. 4 for the mining lease of 10.841 ha. However, no steps were undertaken by the state authorities to ascertain whether the villagers that gave the NOC's presented by the Project Proponent understood the exact scale and boundary of the mining lease area affected.</p>	
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13. From the above it is apparent that Joint Committee has failed to answer any of the relevant issues raised by Appellant in its Appeal. The said Report is mechanically prepared by the Joint Committee and is a mere recitation of the date of approvals granted to Respondent No. 4 and nothing else.

14. Apart from the above the Joint Committee failed to verify, if there was any violation of the conditions of environmental clearance granted to the project proponents, as one such instance has been highlighted

by the Appellant i.e. dumping of debris by the project proponent in the nearby local water bodies, which is a matter of record due to the inspection done by the villagers and a team of Naib Tehsildar, Bageshwar, Mines Officer Bageshwar and Patwari along with many on 03.03.22. The whole incident of inspection was videographed by some villagers, and to exhibit the ground reality of the violations of Environmental Clearance by the Project Proponent while carrying on mining activities, Appellant has submitted photographs before this Hon'ble Tribunal in his interim application for stay. Even though state officials were present at the time of inspection, no inspection report was ever prepared or submitted or disclosed before the Joint Committee.

15. In the foregoing circumstances, it is humbly prayed that this Hon'ble Tribunal be pleased to reject the said Report submitted by District Magistrate, Bageshwar and may further be pleased to call for fresh report in terms of the Appeal filed by the Appellant, directing personal appearance of the District Magistrate, Bageshwar before Hon'ble Tribunal to ensure timely compliance of the orders of this Hon'ble Tribunal. This Hon'ble Tribunal may further be pleased to issue notice for contempt of order dated 21.01.22 of this Hon'ble Tribunal to the Principal

Chief Conservator of Forest, Uttarakhand to ensure strict compliance with the orders of this Hon'ble Tribunal.



APPELLANT

Through



(Ghanshyam Joshi) & (Chirag Joshi),
ADVOCATES FOR THE APPELLANT

Date: 25.08.22
New Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

APPEAL NO. 2 OF 2022

IN THE MATTER OF:

Suraj Singh Karki

... Appellant

VS

State Level Environment
Impact Assessment Authority,
Uttarakhand & Ors.

... Respondents

AFFIDAVIT

I, Suraj Singh Karki, aged about 35 years, Resident of Village Nayal Dhapola, Bageswar, Uttarakhand, do hereby solemnly affirm and state on oath as under:

1. That I am the appellant in the above-mentioned case and conversant with the facts of the case as such am competent to depose with respect thereto and to sign and affirm this affidavit.
2. That I have read and understood the contents of the accompanying Objections on behalf of the Appellant to the Joint Committee Report dated 11.07.2022, that are true and correct to the best of my knowledge and belief.
3. That Annexures annexed with the Objections are true and correct copies of the respective originals.




DEPONENT

VERIFICATION

I, the deponent above named do hereby verify that the contents of my affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at Bageshwar, Uttarakhand, on this 25th day of August, 2022.



Sworn and Signed
Before me
CHAND JOSHI
NOTARY
Distt - Bageshwar (U.K.)
25/08/2022


DEPONENT

ANNEXURE A

From: District Magistrate, Bageshwar.
11 July 2022

Dated

To: Registrar General, National Green Tribunal, New
Delhi.

No: 1027/A.R.A./2022

Subject: Appeal No. 01/2022 and Appeal No. 02/2022
organized by Shri Suraj Singh Karki in Hon'ble National
Green Tribunal Order passed by Hon'ble National Green
Tribunal in the hearing held on 21.01.2022.

Sir,

Please to inform that on the above subject, committee
constituted in compliance with the order issued by
Hon'ble National Green Tribunal on 21.01.2022 in Appeal
01/2022 and April 02/2022 filed by Mr. Suraj Singh Karki
in the National Green Tribunal. The meeting of
committee was held on 06.07.2022 and 08.07.2022 and
this letter is being sent jointly for necessary action.

Enclosed: as above

Vineet Kumar,
District Magistrate,
Bageshwar

Appeal No-01/2022 and Appeal organized by Shri Suraj Singh Karki in Hon'ble National Green Tribunal Regarding No. 02/2022, the report of the committee constituted by Hon'ble National Green Tribunal on 21.01.2022 by order - Appeal No. 01/2022 and Appeal No. 02/2022 organized by Shri Suraj Singh Karki in Hon'ble National Green Tribunal Order passed by Hon'ble National Green Tribunal in the hearing held on 21.01.2022 It is mentioned in point no. 3 that:

"3. We also constitute a joint Committee comprising of the PCCF, Bageshwar, District Magistrate, Bageshwar and the Regional office, CPCB. The District Magistrate, Bageshwar will be the nodal agency for compliance. Report may be furnished to this Tribunal before the next date 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 PDP" List for Further consideration on 29.04.2022."

In compliance of the above, a meeting was organized on 06.07.2022 at District Office Bageshwar under the chairmanship of District Magistrate Bageshwar. In order to present his side to the appellant Shri Suraj Singh Karki, a meeting was held again on 08.07.2022, whose

information was given to the appellant by Shri Suraj Singh Karki himself appearing in the office on 07.07.2022 and apprised that he was on 08.07. They will not be able to attend the meeting held on 2022 and they should be informed one week before the date of the meeting. A letter dated 07.07.2022 has also been presented by the appellant Shri Suraj Singh Karki in relation to the above. On 08.07.2022, under the chairmanship of District Magistrate Bageshwar, again the meeting of the committee was held regarding appeal number 01 / 2022 and appeal number 02 / 2022 as follows.

01. Mr. Kedar Singh, son of Mr. Diwan Singh, resident of Nayal Dhapola, Tehsil and District Bageshwar, Mr. Laxman Singh, son of Mr. Bhawan Singh, Nayal Dhapola, Tehsil and District Bageshwar and Mr. Ramesh Chandra Singh, son of Mr. Padam Singh, resident of Gadera, Tehsil Kapkot, District by Bageshwar district. And in Nail Bilari village of Tehsil Bageshwar, application was made on 26.07.2016 for mining lease of soapstone in 16.236 ha land. In continuation of the above, it was informed by the Deputy Collector, Bageshwar through letter number 1066/Reader Mining/2016 dated 17.12.2016, that the total area of land coming under the area applied for in

the case is 16.155 ha only. A total of 79 tenants have given separate notarized clearance in favor of the applicant, which has been verified by the Revenue Inspector, Bageshwar.

As per information from Deputy Director Mining's report number 226/G.T.Fo/Minor Minerals-53/2016-17 dated 30.11.2016, the applicant Shri Ramesh Chandra Singh Gadhia has informed through his application that he has applied for mining in village Nayal Biladi. That, I had applied in 16235.80 area, however, Shiv Shakti Mine and Minerals has also applied in the same area, due to which he is applying for mining lease only in 15.155 ha, there are no other letter/applications received for mining lease in village Nayal in the remaining area. The Deputy Director / Geologist has informed through Letter No.177/G.T.Fo/Minor Mineral-31/2016-17, dated 28.11.2016, that Shri Kedar Singh, son of Shri Diwan Singh, resident of Nayal Dhapola, Tehsil and District Bageshwar, Shri Laxman Singh, son of Shri. Bhawaan Singh, Nayal Dhapola, Tehsil and District Bageshwar and Shri Ramesh Chandra Singh son of Shri Padam Singh, resident of Gadera, Tehsil Kapkot, District Bageshwar have filed Application form on 26.07.2016, seeking

mining lease of soapstone in village Nayal Biladi is 16.236 ha, revised to 15.155 ha, keeping in view Keeping in view the availability of soapstone / talc as per the above description in the applied area and the environmental balance except the divine disaster, to comply with the conditions / suggestions from the geological point of view were granted permission.

The Divisional Forest Officer, Bageshwar was informed through the Letter No.1389/9-2 Bageshwar dated 08.12.2016 that the area applied for is at a distance of 02 km from the reserve forest area, hence, it would be appropriate for environmental technical committee to investigate the adverse effects of Khadia mining in the environment. On the basis of the recommendation in the above reports, the proposal for mining lease of soapstone on 15.155 ha land as revised against 16.236 hectares, was forwarded through District Magistrate's office vide the letter no. 1220/Tis-87/Mining/ 2015-16 dated 27.06.2017 and submitted to Director, Geology and Miining Unit, Bhopalpani Badasi (Kadaikhale), Government of Uttarakhand, Dehradun. In continuation of the above, letter of intent was issued for mining lease through Letter No. 1000/VII1/2017/2/Soapstone/17 of

Uttarakhand Government, Industrial Development Section-1, Dehradun dated 23rd November, 2017.

Appellant Shri Suraj Singh Karki was also present in the public hearing held on 13.02.2020 for environmental clearance in compliance with the conditions of letter of intent. In the said public hearing, objection was raised by Shri Suraj Singh Karki regarding mining lease which is also recorded in the minutes of the said public hearing. According to the above public hearing and other standards, environmental clearance was given by the State Environment Impact Assessment Authority (SEIAA) for the mining lease. Only after the applicant complied with all the conditions of the letter of intent, The mining lease of soapstone has been approved in favor of Shri Kedar Singh Son Shri Diwan Singh resident Nail Dhapola, Tehsil and District Bageshwar Shri Laxman Singh son Shri Bhawan Singh Nail Dhapola, Tehsil and District Bageshwar Shri Ramesh Chandra Singh son Shri Padam Singh resident of Gadera, Tehsil Kapkot, District Bageshwar, by the Government of Uttarakhand, Industrial Development Section-1, vide OM No. 964/VII-A-1/2021/2-Soapstone/ 17 dated 6th October, 2021. In the said case, permission has been given to start mining

work by the District Magistrate Bageshwar's permission letter number 166 /Tees-Mining/2020-21 dated 22nd November 2021, after which mining work was started by the lessee and soapstone was removed from the approved area, mined and transported. Presently, mining operations in soapstone mining areas are closed in view of the rainy season.

02. Mr. Manish Nand Kishore Agarwal son of Mr. Nand Kishore Chaturbhuj Agarwal resident of 17th floor Maharishi Apartment, behind Civil Hospital, Shahibagh, Ahmedabad, Gujarat and Mr. Vimal Kumar Agarwal son of Mr. Kishori Lal Agarwal resident of Anand Bhawan, Jatargali Laxmiganj Gwalior, Madhya Pradesh made an application on 31.05.2016 for the mining lease of soapstone in 11352 ha land in village Nayal Biladi of District and Tehsil Bageshwar. In the order of the above, the Sub-Divisional Magistrate, Bageshwar was informed through letter number 1003/Reader-Mining/2015-16 dated 06.10.2016 that the total area of land falling under the applied area is 10.841 ha. Separate notarized clearance has been given by 45 tenants in favor of the applicants, in which the verification report was filed by Revenue Inspector, Bageshwar. It has been informed by

Deputy Director of Mining's Letter Number 156/G.T.Fo/Minor Minerals-49/2016-17, dated 07.09.2016, that under the applied area, earlier in the year 2010, the project has been approved in favor of Shri Suresh Singh Shahi, who has not applied for mining lease till date and no objection has been given for mining work in favor of the applicants. It was conveyed through Deputy Director/Geologist's Letter Number 94/ G.T.Fo/ Minor Minerals-49/ 2016-17 dated 12.07.2016 that the proposed site appears to be suitable in the event of compliance of certain conditions/suggestions. Divisional Forest Officer Bageshwar's vide its report number 97/9-2 Bageshwar, dated 13.07.2016 has informed that the area applied for is at a distance of 02 km from reserved forest, hence, it would be appropriate for environmental technical committee to investigate the adverse effects of Khadia mining in the environment. On the basis of the above reports, the revised proposal for 10.841 ha land as amended in respect to the 11.352 ha applied for mining lease of soapstone on the land, was forwarded from District Magistrate Bageshwar's office vide letter number 250/30-82/mining/(2015-16)/17 dated 22.07.2017 to the Director, Geology and Mining Unit,

Bhopalpani Badhasi (Kahaikhale) Government of Uttarakhand, Dehradun. In continuation of the above, Letter of Intent dated February 28, 2018 was issued for mining lease through Uttarakhand Government, Industrial Development Section-1, Office Memorandum No. 3066/VII-1/2018/11-Soapstone/17, Dehradun. In compliance with the terms of the letter of intent, the appellant Shri Suraj Singh Karki was also present in the public hearing held on 31.01.2020 for environmental clearance. In the said public hearing, objection was raised by Shri Suraj Singh Karki regarding mining lease which is also recorded in the minutes of the said public hearing. According to the above public hearing and other standards, environmental clearance was given by the State Environment Impact Assessment Authority (SEIAA) for the mining lease. Only after the applicant complied with all the conditions of the letter of intent, the applicant Shri Manish Nand Kishore Agrawal son of Shri Nand Kishore Chaturbhuji Agrawal resident 17th Floor, Maharishi Apartment, behind Civil Hospital, Shahibagh, Ahmedabad, Gujarat and Shri Vimal Kumar Agarwal son Shri Kishori Lal Agrawal resident of Anand Bhawan Jatargali, Laxmiganj, Gwalior, Madhya Pradesh

was approved for the mining lease of soapstone by the Government of Uttarakhand, Industrial Development Section-1 vide the OM No. 1613(1)/VII-A-1/2021/11 Soapstone /17 dated 11th October 2021. In the said case, permission has been granted to start mining work by the District Magistrate Bageshwar's permission letter number: 321 / Tis-Mining / 2020-21 dated 29th December 2021, after which the mining work was started by the lessee and from the approved area. Soapstone was mined and transported. Presently, mining operations in soapstone mining areas are closed in view of the rainy season.

Both the above cases

1. Mr. Kedar Singh son of Mr. Dewan Singh resident of Nayal Dhapola, Tehsil and District Bageshwar, Mr. Laxman Singh son of Mr. Bhawan Singh Nail Dhapola, Tehsil and District Bageshwar and Mr. Ramesh Chandra Singh son of Mr. Padam Singh resident of Gadera, Tehsil Kapkot district Public hearing was organized by the Uttarakhand Pollution Control Board, Haldwani on 13.02.2020 for environmental clearance in the proposed site for the mining lease of soapstone in the land of 16.236 in Nayal Biladi district and Tehsil Bageshwar by

Bageshwar. Appellant Shri Suraj Singh Karki was also present in the public hearing. In the said public hearing, objection was raised by Shri Suraj Singh Karki regarding mining lease which is also recorded in the minutes of the said public hearing.

2. Shri Manish Nand Kishore Agarwal son Shri Nand Kishore Chaturbhuj Agrawal resident of 17th Floor, Mahi Apartment, behind Civil Hospital, Shahibagh, Ahmedabad, Gujarat and Shri Vimal Kumar Agarwal son of Shri Kishori Lal Agarwal resident of Anand Bhawan, Jatargali, Laxmiganj, Gwalior Madhya Pradesh Public hearing was organized by Uttarakhand Pollution Control Board, Haldwani on 31.01.2020 for environmental clearance in the proposed site for the mining lease of soapstone in the district and village Nayal Piladi of Tehsil Bageshwar. Appellant Shri Suraj Singh was also present in the public hearing. In the said public hearing, objection was raised by Karki regarding mining lease, which is also recorded in the said public hearing by Suraj Singh.

Soapstone mining leases are approved by the government in accordance with the provisions of Uttarakhand Minor Mineral Policy-2015 promulgated by

the Government of Uttarakhand, Industrial Development Department's Office Memorandum No: 844/VII-1/2015/68S/2015, Dehradun Date: 31st July, 2015. There is no provision mentioned in the Uttarakhand Minor Mineral Policy-2015 regarding grant of mining lease in earthquake-prone areas. District survey report regarding mineral soapstone in Bageshwar district has been prepared and sent to Geology and Mining Unit Dehradun. For information related to points about environmental clearance mentioned in the order passed by Hon'ble National Green Tribunal, it is submitted in this regard that State has constituted State Environmental Impact Assessment Authority (SEIAA) for compliance of the notifications issued by the Government of India from time to time. Environmental Clearance for the Proposed Mining Areas is given by the State Environmental Impact Assessment Authority (SEIAA).

Runa Oran, Scientist D, Central Pollution Control Board, Regional Office, Lucknow.	(Himanshu Sagari), Divisional Forest Office, Bageshwar, Forest Division, Bageshwar	(Vineet Kumar) District Magistrate, Bageshwar.
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