

1

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH SITTING AT NEW DELHI**  
**ORIGINAL APPLICATION NO. 542 OF 2019**

IN THE MATTER OF:

BRIJESH PANDEY

.....APPLICANT

VERSUS

M/S HARI SHANKAR STONE WORKS

AND ORS.

....RESPONDENTS

**I N D E X**

SR. NO.	PARTICULARS	PG. NO.
1.	OBJECTIONS TO THE REPORT DATED 07.09.2020 With Affidavit. FILED BY THE DISTRICT MAGISTRATE, SONBHADRA, UTTAR PRADESH	1-15
2.	<b><u>ANNEXURE O-01</u></b> The illegal mining notice dated 21.11.2019 issued to the five mining lease holders which are also the respondent in the present original application	16-30
3.	<b><u>ANNEXURE O-02</u></b> true typed copy of F.I.R dated 26.11.2019 lodged in the name of Prakash Chandra Goyal.	31-36
4.	<b><u>ANNEXURE O-03</u></b> A true copy of O.M dated 08.08.2019	37-39

THROUGH,

*Hem Chandra*

HEM CHANDRA JOSHI

COUNSEL FOR THE APPLICANT

ADD: HOUSE NO 4/183, VIRAM KHAND-04,

GOMTI NAGAR, LUCKNOW, U.P-226010

07985598395

EMAIL:HEMCHANDRA85IN@GMAIL.COM

**DATED: 27.09.2020**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH SITTING AT NEW DELHI**  
**ORIGINAL APPLICATION NO. 542 OF 2019**

IN THE MATTER OF:

BRIJESH PANDEY .....APPLICANT

VERSUS

M/S HARI SHANKAR STONE WORKS

AND ORS. ....RESPONDENTS

**AND IN THE MATTER:**

**OBJECTIONS TO THE REPORT DATED 07.09.2020 FILED**  
**BY THE DISTRICT MAGISTRATE, SONBHADRA, UTTAR**  
**PRADESH**

**MOST RESPECTFULLY SHOWETH:**

1. It is most respectfully submitted that the original application no. 542 of 2019 titled as Brijesh Pandey was listed before this Hon'ble Tribunal on 05.08.2019 and this Hon'ble Tribunal was gracious enough to issue notice to the state of Uttar Pradesh regarding the issue of illegal mining going on in district Sonbhadra, Uttar Pradesh on the land which is notified under Section 4 of Indian Forest act, 1927 as a Forest land.

However the state of Uttar Pradesh has filed a action taken report on 03.12.2019 and matter was again listed on 04.12.2019 before this Hon'ble Tribunal and this Hon'ble Tribunal was please to pass certain directions for consideration by the state of Uttar Pradesh excerpts of which are as under;

Accordingly, a report has been filed on 03.12.2019 to the effect that only the leases falling outside the Forest area have been allowed to continue.

Learned Counsel for the applicant has made following submissions with reference to the report:

- i. The mines which were found to illegally operating have not been required to pay any environmental compensation to restore the benefits taken and the cost to the environment.
  - ii. Even area falling outside the Forest within 1km of the Forest could not be subjected to mining as it will adversely affect the Forest and, therefore, lease allowed are illegal.
  - iii. The EC itself stood vitiated having been given on wrong factual basis for which SEIAA needs to take further action.
  - iv. Action is required for violation of provisions of the Forest Conservation Act, 1980.
2. It is further submitted that the report dated 07.09.2020 submitted by the District Magistrate, Sonbhadra is totally based on wrong facts and also look like to misguide this Hon'ble Tribunal at the very outset.
  3. At this juncture it is very significant to point out that the orders which are referred by the District Magistrate,

Sonbhadra in its report of Civil Appeal no. 12202 of 2018 titled as Dharmendra Kumar Singh versus state of Uttar Pradesh which is subjudice before the hon'ble Supreme Court of India specifically deals with issuance of Section 20 notification under Indian Forest act, 1927, however the same notification has been issued on 15.06.2020 by the government of Uttar Pradesh. However the present original application does not deals with the issue of Section 20 notification. In the present petition it is very clearly prayed that the mining leases which are operating on the Forest land shall be closed and their environmental clearance shall be cancelled with immediate effect. And secondly the environmental compensation shall be imposed on those mining leases which were operating on the land which was notified under Section 4 of Indian Forest act, 1927 and were illegally operating on the Forest land till the issuance of Section 20 notification on 15.06.2020.

There are total 12 leases out of the total 17 leases which are mentioned in the present original application have operated for couple of years on the land once notified under Section 4 of Indian Forest till the issuance of Section 20 notification of Indian Forest act, 1927 therefore it is very clear that they have carried out mining activity on the Forest land which in itself is illegal and fall

in the category of illegal mining. The list of the 12 mining leases are as under:

**THE LIST OF MINING LEASE WHICH WERE  
OPERATING ON LAND COVERED UNDER SECTION 4  
NOTIFICATION OF INDIAN FOREST ACT, 1927 TILL  
THE ISSUANCE OF SECTION 20 NOTIFICATION ON  
15.06.2020**

<p>M/s Santosh Stone Crushing Works Prop: Krishna Nand Singh S/o Awadh Narayan Singh R/o Village Billi Markundi, Tehsil Robertsganj, District Sonebhadra, Uttar Pradesh</p>	
<p>Shri Santosh Kumar Singh S/o Shri Shivraj Singh R/o Shivpuri Colony, Station Road, Mirzapur and Shri Vijay Bahadur Singh S/o Late Shetala Singh R/o Shah Pur , District Mirzapur, U.P</p>	
<p>Shri Rajesh Kumar S/o Kaliram R/o Chopan, District Sonebhadra, U.P And Smt. Farida Begum W/o Imtiyaz Ahmed</p>	

R/o Chopan, District Sonebhadra, PradeshPradesh	
Shri Ramkirat Singh S/o Late Shri Nankhu R/o Sector 08, Obra, Sonebhadra, Uttar Pradesh.	
Shri Ramesh Chandra Vaishya S/o Late Shri Kapur Chandra Vaishya R/o 17/203, Chopan Road, Obra, Sonebhadra, Uttar Pradesh	
Shri Anil Kumar Nishad S/o Shri RadheyShayam Nishad and Shri LalluPrashad S/o Shri Dingur Prasad R/o Village Kota Dala, Tehsil Robertsganj, Sonebhadra, Uttar Pradesh.	
M/s Shri Krishna Stone Works Prop: Shri Ramesh Singh S/o Late Shri Rajeshwer Singh R/o Village Billi Markundi, Tehsil Roberts ganj, Sonebhadra, PradeshPradesh	
Shri Ashoke Kumar Yadav S/o R. S Yadav R/o Village Dhanaipur, District	

<p>Ghazipur, Uttar Pradesh</p>	
<p>M/s B.S.S Enterprises Prop: Shri Chandra Bhushan Gupta S/o Late Shri Ram Lakhan Gupta R/o Obra, District Sonebhadra, Uttar Pradesh and Shri Shafiq Ahmed S/o Shri Sagir Ahmed R/o Obra, District Sonebhadra, Uttar Pradesh</p>	
<p>M/s Krishna Mining Stone Works Prop: Shri Madhusudan Singh S/o Shri Ram Badan Singh R/o Village Hitaini, P.S Ghoraval, District Sonebhadra, Uttar Pradesh and Shri Dilip Kumar Keshri S/o Late Laxman Prasad R/o Ayyapa Mandir, Billi Markundi, Sonebhadra, Uttar Pradesh</p>	
<p>M/s Kamakhya Stone Works Prop: Smt. Anju Rai W/o Dheeraj Rai R/o Village Billi Markundi, District Sonebhadra, Uttar Pradesh</p>	
<p>M/s Yathartha Enterprises Prop: Shri Alok Kumar Sahay</p>	

S/o Late Shri Shrinath Sahay R/o House No. 4/115, V.I.P Road, Obra, district Sonebhadra, Uttar Pradesh.	
--	--

It is pertinent to mention here that the aforementioned leases were not only operating on the land falls under Section 4 notification but at the same time 5 of them were issued the notice of illegal mining under Sections-4/21 of the Mines Minerals (Development and Regulation) Act, 1957 and Rule-34/59 of the Uttar Pradesh Upkhanij (Parihar) Niyamavali, 1963. So it is very much clear from the report dated 07.09.2020 that the environmental clearance which were given to all the leases which were on the land which falls in the notification of Section were wrong and need to be cancelled at the very outset as those EC were wrong in itself.

The illegal mining notice dated 21.11.2019 issued to the five mining lease holders which are also the respondent in the present original application is annexed and marked as **ANNEXURE 0-1 (PG. NO. 16 TO 30)**.

4. On 26.11.2019 mining inspector, Sonbhadra lodged an F.I.R against one shri Prakash Chandra goyal who is also a proprietor of m/s harishankar stone works, regarding

illegal mining done by him in the Forest land.so it is very evident from the aforementioned F.I.R that respondent no. is engaged in illegal mining activity.A true typed copy of F.I.R dated 26.11.2019 lodged in the name of Prakash Chandra goyal is annexed and marked as **ANNEXURE O-2 ( PG. NO. 31 TO 36 )**.

5. The district magistrate, Sonbhadra in its report dated 07.09.2020 mentioned that the Section 20 notification dated 15.06.2020 issued by state of Uttar Pradesh clears that all the mining leases in question are now out of Section 4 notification and now they form the part of revenue land/ government land, therefore it is very much evident from the aforementioned averment that the mining leases in question were once the part of Section 4 notification and till the issuance of Section 20 notification they were all operating on the Forest land therefore they falls under the category of illegal mining on Forest land.
6. Further the district magistrate Sonbhadra in its report dated 07.09.2020 stated that all the mining leases are out of the purview of Section 4 notification after issuance of Section 20 notification is in itself wrong submission as the Section 20 notification does notcover all the areas of district Sonbhadra. Therefore 5 of the total mining leases in question are still form the part of the land falls in

Section 4 notification of Indian Forest act, 1927 and therefore this Hon'ble Tribunal shall restrict the 5 mining leases from winning in the minerals and also cancel the Enviromental Clearance of the said mining leases.

**THE MINING LEASES WHICH ARE STILL OPERATING ON THE LAND COVERED UNDER SECTION 4 NOTIFICATION OF INDIAN FOREST ACT, 1927 ( FOREST LAND ) AFTER THE ISSUANCE OF SECTION 20 NOTIFICATION DATED 15.06.2020.**

M/s Harishankar Stone Works Prop: Shri Prakash Chandra Goel S/o Shri Bhushan Lal Goyal R/o Gaurav Nagar, Chopan, Sonebhadra Uttar Pradesh.	
M/s Kaimuranchal Stone Crushing Company Prop: Shri Shriram Pandey S/o Shri Hanuman Pandey R/o Village Sinduria, Tehsil Robertsganj, Sonebhadra.	
Shri Rishi Kumar Tiwari S/o Maheshwari Tiwari R/o Chopan, Tehsil Robertsganj, District Sonebhadra	
M/s R.D.S Minerals	

Prop: Shri Dharmendra Kumar S/o Ramesh Kashyap R/o Village Billi Markundi, Obra, District Sonebhadra, Uttar Pradesh	
M/s Ali Stone Works Prop: Shri Akbar Ali S/o Majnu Bhai R/o Chopan, Sonebhadra, Uttar Pradesh and Smt. Geetanjali W/o Sanjit Kumar R/o Village Billi Markundi, Shushila Niwas, Obra, SonebhadraUttar Pradesh.	

In the term of the office memorandum dated 08.08.2019 issued by MoEF& CC the proposals involving mining of minerals within the ESZ (or) one kilometer from the boundaries of National Parks and Sanctuaries whichever is higher is prohibited in accordance with the order of the Hon'ble Supreme Court dated 4.08.2006 in the matter of T.N. GodavarmanThirumulpad Vs. UOI in W.P.(C) No. 202 of 1995 and dated 21.4.2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No. 435 of 2012. Therefore as per the present O.M without obtaining the Environmental Clearance from national board of wildlife the project proponent cannot carryout mining in the

Forest area. At the same time this Hon'ble Tribunal in its judgment dated 04.05.2016 in M.A No. 1166 of 2014 titled as T.N Godavarman Thirumalpad versus union of India has observed that :

*Based on a letter received by the Central Empowered Committee (in short 'CEC') appointed by the Hon'ble Supreme Court, CEC informed the Principal Chief Conservator of Forest, U.P., letter dated 08<sup>th</sup> September, 2008 to ensure that no land notified under Section 4 of the Forest Act is allowed to be used/leased for mining and other non-forest uses, without first obtaining approval under the Forest Conservation Act 1980 (in short 'FC Act) and the permission of the Hon'ble Supreme Court for the dereservation. It was also stated that the same should be ensured, even if the Forest Settlement Officer has decided for delineation of the area. ....*

*.....The State of U.P. shall cancel all mining leases whether fresh or renewal and all other non-forestry activities on the areas notified under Section 4 of the forest Act for which settlement rights have been finalized pursuant to the Judgement in Banavasi Seva Asram case dated 20<sup>th</sup> November, 1986 and shall ensure that there is no non-forest activity including mining in any such land*

*without the permission/approval of the Hon'ble Supreme Court .*

A true copy of O.M dated 08.08.2019 is annexed and marked as **ANNEXURE O-3 ( PG. NO. 37 TO 39 )**

7. In view of the above objection filed by the Applicant it is humble submitted before this Hon'ble Tribunal that the report dated 07.09.2020 filed by the District Magistrate Sonbhadrais incorrect and not a single direction passed by this Hon'ble Tribunal in order dated 04.12.2019 has been complied with.

THROUGH,

*HemChandra*

HEM CHANDRA JOSHI  
COUNSEL FOR THE APPLICANT  
ADD: HOUSE NO 4/183, VIRAM KHAND-04,  
GOMTI NAGAR, LUCKNOW, U.P-226010  
07985598395  
EMAIL:HEMCHANDRA85IN@GMAIL.COM

DATED: 27.09.2020

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH SITTING AT NEW DELHI**  
**ORIGINAL APPLICATION NO. 542 OF 2019**

**IN THE MATTER OF:**

BRIJESH PANDEY .....APPLICANT

VERSUS

M/S HARI SHANKAR STONE WORKS  
& ORS .....RESPONDENTS

**AFFIDAVIT**

I, Brijesh Pandey, aged about 42years R/o 9-AET-68,Obra Colony, Sonbhadra,Uttar Pradesh-231219presently at New Delhi, do hereby solemnly affirm and state as under:

1. That I am the Applicant in the above mentionedOriginal Application and I am fully conversant with the facts and circumstances of the case and as such competent to swear this affidavit in my personal capacity.
2. That I have read and understood the contents of the Objection Affidavitand hence swearing the present affidavit.
3. I state that the contents of the above stated affidavit which has been drafted under my instructions and the same is read over to me in my vernacular and the contents are true and correct to the best of my knowledge and belief .

Bhanday  
**DEPONENT**

**VERIFICATION**

I the above named deponent, do hereby verify that the contents of the above 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 New Delhi on the 27<sup>th</sup> day of September, 2020.

Bhanday  
**DEPONENT**

**THROUGH,**

HemChandra  
(HEM CHANDRA JOSHI)

**ADVOCATE**

16  
Annexure 0-1

**OFFICE OF DISTRICT MAGISTRATE, SONEBHADRA**

(Mineral Section)

Letter No. 1998/Khanij/2019

Date:21.11.2019

**Notice**

**Shri Ashok Kumar Yadav S/o Shri R.S. Yadav**

**R/o Village- Dhanaipur,**

**District-Gazipur**

Mining lease is approved in your favour for 10 years (from 31.05.2016 to 30.05.2026) for Gitti/ Bolder (Dolo Stone) in Arazi Nos. 5374, 5375mi., 5377mi., 5378mi., rakba 2.75 acre of area situated at Village- Billi Maarkundi Tehsil-Robertganj, District-Sonebhadra. Joint inspection of the said mining lease area was conducted on 16.11.2019 by the committee constituted by the Directorate of Geology and Mining, Uttar Pradesh. It was found in the said joint inspection that the mining which is being conducted by you currently is being conducted in two pits, the measurement of which are as following:

- a.  $24.50\text{m} \times 28.50\text{m} \times 4.75\text{m} = 3,317$  cube meter
- b.  $26.500\text{m} \times 45.50\text{m} \times 2.35\text{m} = 2,834$  cube meter

Total 6,151 cube meter

As per the documents furnished by you to the inspection team, it is shown to have extraction of 3,245.00 cube meter from month-August, 2019 to October, 2019, which is different from the abovementioned actual measurement of the site. In this

manner, currently E-M.A.-11 of total 3,250 cube meter has been shown by you against the extraction of 6,151 cube meter of minerals till 15.11.2019, and it is clear from the same that illegal mining of 2,901 cube meter of stone has been done by you. As per the directions of the Director Sir, the O.T.P. in regard to mining lease in your favour is prohibited by the Directorate till the completion of proceedings against you as per the rules and regulations, therefore you should stop mining and transportation in your mining lease area till the disposal of the present matter.

You abovementioned act is clear violation of the terms and conditions of the approved mining scheme and environment clearance certificate and Sections-4/21 of the Mines Minerals (Development and Regulation) Act, 1957 and Rule-34/59 of the Uttar Pradesh Upkhanij (Parihar) Niyamavali, 1963 and as such the same is punishable offence.

Therefore, provide the explanation in the office of the undersigned within 15 days of receiving this notice that, for violation of the abovementioned sections and rules, why should not be royalty, value of the minerals for conducting illegal mining/ transportation of 2,901 cube meter of stone (Dolo Stone), recovered from you under the provisions of Section-21(5) of the Act, 1957 and why should not be the penalty recovered from you for the violation of Rule-34/59 of the Regulation, 1963. If satisfactory reply is not received from you within the prescribed time then it shall be considered that you don't want to say anything in this regard, and accordingly the action shall be taken

18

against you as per the rules and regulations and you shall be solely responsible for the same.

Sd/- (illegible)

(S. Rajlingam)

District Magistrate,

Sonebhadra.

Letter No. and Date as mentioned:

Copy to- The Director, Directorate of Geology and Mining, Uttar Pradesh, Lucknow, in pursuance of its letter No. 1337/M-Pravartan(Sonebhadra) dated 20.11.2019 for kind information and to take appropriate action.

Sd/- (illegible)

District Magistrate,

Sonebhadra.

**OFFICE OF DISTRICT MAGISTRATE, SONEBHADRA**

(Mineral Section)

Letter No. 2002/Khanij/2019

Date:21.11.2019

**Notice**

**Shri Anil Kumar Nishad S/o Shri Radheyshyam Nishad and  
Shri Lallu Prasad S/o Shri Dingur Prasad**

**R/o Village- Kota Daala, Tehsil-Robertganj,**

**District-Sonebhadra**

Mining lease is approved in your favour for 10 years (from 31.05.2016 to 30.05.2026) for Gitti/ Bolder (Dolo Stone) in Arazi Nos. 7364g/1, 7367, 7368, 7369, 7372k, 7377k, 7378gh, Rakba 2.795 acre of area situated at Village- Billi Maarkundi Tehsil-Robertganj, District- Sonebhadra. Joint inspection of the said mining lease area was conducted on 16.11.2019 by the committee constituted by the Directorate of Geology and Mining, Uttar Pradesh. Mining was going on the area of lease at the time of the inspection. Measurement of the mining conducted by you has been done at the site, and as per which mining of 45m x 35m x 04m = 6,300 cube meter of tone was found at the site. As per the records of the office, you have generated E-M.M.-11 for the transportation of 2,832 cube meter only from the month of August, 2019 to 15.11.2019. In this manner, illegal mining of 3,468 cube meter of stone has been done by you against the issued E.-M.M.-11. It has also been found in the inspection that the mining is not being conducted by you in the mining lease

area after the construction of bench, the parameters of the depth are not being followed, which is violation of the terms and conditions of the mining lease. As per the directions of the Director Sir, the O.T.P. in regard to mining lease in your favour is prohibited by the Directorate till the completion of proceedings against you as per the rules and regulations, therefore you should stop mining and transportation in your mining lease area till the disposal of the present matter.

You abovementioned act is clear violation of the terms and conditions of the approved mining scheme and environment clearance certificate and Sections-4/21 of the Mines Minerals (Development and Regulation) Act, 1957 and Rule-34/59 of the Uttar Pradesh Upkhanij (Parihar) Niyamavali, 1963 and as such the same is punishable offence.

Therefore, provide the explanation in the office of the undersigned within 15 days of receiving this notice that, for violation of the abovementioned sections and rules, why should not be royalty, value of the minerals for conducting illegal mining/ transportation of 3,468 cube meter of stone (Dolo Stone), recovered from you under the provisions of Section-21(5) of the Act, 1957 and why should not be the penalty recovered from you for the violation of Rule-34/59 of the Regulation, 1963. If satisfactory reply is not received from you within the prescribed time then it shall be considered that you don't want to say anything in this regard, and accordingly the action shall be taken against you as per the rules and regulations and you shall be solely responsible for the same.

21

Sd/- (illegible)

(S. Rajlingam)

District Magistrate,

Sonebhadra.

Letter No. and Date as mentioned:

Copy to- The Director, Directorate of Geology and Mining, Uttar Pradesh, Lucknow, in pursuance of its letter No. 1337/M-Pravartan(Sonebhadra) dated 20.11.2019 for kind information and to take appropriate action.

Sd/- (illegible)

District Magistrate,

Sonebhadra.

**OFFICE OF DISTRICT MAGISTRATE, SONEBHADRA**

(Mineral Section)

Letter No. 1999/Khanij/2019

Date:21.11.2019

**Notice****Shri Krishna mining works****Prop: Shri Madhusudan Singh****S/o Shri RambadanSingh****R/o Sinauti, P.SGhorawal, district Sonbhadra****And Shri DilipKumar Kesri s/o Late Lakshman Prasad****r/o AyappaMandir, Billi Markundi, district Sonbhadra**

Mining lease is approved in your favour for 10 years (from 31.05.2016 to 30.05.2026) for Gitti/ Bolder (Dolo Stone) in Arazi Nos. 4823,4821, 4814, 4847, 4848, 4849, 4850,4851,4860mi, 4771, 4772, 4780,4782, 4784, 4845, 4815mi,4816mi, 4817mi, 4818mi, 4853mi, 4820mi, 4810mi, area of 8.79 acre of area situated at Village- Billi Maarkundi Tehsil-Robertganj, District-Sonebhadra. Joint inspection of the said mining lease area was conducted on 16.11.2019 by the committee constituted by the Directorate of Geology and Mining, Uttar Pradesh. It was found in the said joint inspection that the mining which is being conducted by you currently is being conducted in two pits, the measurement of which are as following:

a.  $8250 \text{ mx } 65.75 \text{ m x } 7.50\text{m} = 40,683 \text{ cube meter}$

b.  $95.00 \text{ mx } 45.00\text{m x } 2.25\text{m} = 9,619 \text{ cube meter}$

Total 50,302.00 cube meter

As per the documents furnished by you to the inspection team, it is shown to have extraction of 22,419.00 cube meter from month-August, 2019 to October, 2019, which is different from the abovementioned actual measurement of the site. In this manner, currently E-M.M-11 of total 23,200 cube meter has been shown by you against the extraction of 50,302.00 cube meter of minerals till 15.11.2019, and it is clear from the same that illegal mining of 27,102.00 cube meter of stone has been done by you. As per the directions of the Director Sir, the O.T.P. in regard to mining lease in your favour is prohibited by the Directorate till the completion of proceedings against you as per the rules and regulations, therefore you should stop mining and transportation in your mining lease area till the disposal of the present matter.

You abovementioned act is clear violation of the terms and conditions of the approved mining scheme and environment clearance certificate and Sections-4/21 of the Mines Minerals (Development and Regulation) Act, 1957 and Rule-34/59 of the Uttar Pradesh Upkhanij (Parihar) Niyamavali, 1963 and as such the same is punishable offence.

Therefore, provide the explanation in the office of the undersigned within 15 days of receiving this notice that, for violation of the abovementioned sections and rules, why should not be royalty, value of the minerals for conducting illegal mining/ transportation of 27,102.00 cube meter of stone (Dolo Stone), recovered from you under the provisions of Section-21(5) of the Act, 1957 and why should not be the penalty recovered from you for the violation of Rule-34/59 of the Regulation, 1963.

If satisfactory reply is not received from you within the prescribed time then it shall be considered that you don't want to say anything in this regard, and accordingly the action shall be taken against you as per the rules and regulations and you shall be solely responsible for the same.

Sd/- (illegible)

(S. Rajlingam)

District Magistrate,

Sonebhadra.

Letter No. and Date as mentioned:

Copy to- The Director, Directorate of Geology and Mining, Uttar Pradesh, Lucknow, in pursuance of its letter No. 1337/M-Pravartan(Sonebhadra) dated 20.11.2019 for kind information and to take appropriate action.

Sd/- (illegible)

District Magistrate,

Sonebhadra.

25

**OFFICE OF DISTRICT MAGISTRATE, SONEBHADRA**

(Mineral Section)

Letter No. 2004/Khanij/2019

Date:21.11.2019

**Notice**

**M/S SHRI KRISHNA STONE**

**PROP: SHRI RAMESH SINGH S/O LATE REJESHWAR SINGH**

**NIWASI VILLAGE BILLI MARKUNDI, TEHSIL ROBERTSGANJ,  
DISTRICT SONBHADRA**

Mining lease is approved in your favour for 10 years (from 26.05.2016- 25.05.2026) for Gitti/ Bolder (Dolo Stone) in Arazi Nos. 7572ka, 7572kha, 7546kha, 7564kha/2, 7573ka/1 rakba of 2.65 acre of area situated at Village- Billi Maarkundi Tehsil- Robertganj, District- Sonebhadra. Joint inspection of the said mining lease area was conducted on 16.11.2019 by the committee constituted by the Directorate of Geology and Mining, Uttar Pradesh. It was found in the said joint inspection that the mining which is being conducted by you currently is being conducted in two pits, the measurement of which are as following:

- a. 30 mx 25 m x 15 m= 11,250 cube meter
- b. 20 mx 09 m x 11 m= 1980 cube meter

Total 13,230.00 cube meter

As per the documents furnished by you to the inspection team, it is shown to have extraction of 9,430.00 cube meter from month-August, 2019 to October, 2019, which is different from

the abovementioned actual measurement of the site. In this manner, currently E-M.M.-11 of total 3,800.00 cube meter has been shown by you against the extraction of 9,430.00 cubic meter of minerals till 15.11.2019, and it is clear from the same that illegal mining of 9,430 cubic meter of stone has been done by you. As per the directions of the Director Sir, the O.T.P. in regard to mining lease in your favour is prohibited by the Directorate till the completion of proceedings against you as per the rules and regulations, therefore you should stop mining and transportation in your mining lease area till the disposal of the present matter.

You abovementioned act is clear violation of the terms and conditions of the approved mining scheme and environment clearance certificate and Sections-4/21 of the Mines Minerals (Development and Regulation) Act, 1957 and Rule-34/59 of the Uttar Pradesh Upkhanij (Parihar) Niyamavali, 1963 and as such the same is punishable offence.

Therefore, provide the explanation in the office of the undersigned within 15 days of receiving this notice that, for violation of the abovementioned sections and rules, why should not be royalty, value of the minerals for conducting illegal mining/ transportation of 9,430 cubic meter of stone (Dolo Stone), recovered from you under the provisions of Section-21(5) of the Act, 1957 and why should not be the penalty recovered from you for the violation of Rule-34/59 of the Regulation, 1963. If satisfactory reply is not received from you within the prescribed time then it shall be considered that you don't want to say

27

anything in this regard, and accordingly the action shall be taken against you as per the rules and regulations and you shall be solely responsible for the same.

Sd/- (illegible)

(S. Rajlingam)

District Magistrate,

Sonebhadra.

Letter No. and Date as mentioned:

Copy to- The Director, Directorate of Geology and Mining, Uttar Pradesh, Lucknow, in pursuance of its letter No. 1337/M-Pravartan(Sonebhadra) dated 20.11.2019 for kind information and to take appropriate action.

Sd/- (illegible)

District Magistrate,

Sonebhadra.

**OFFICE OF DISTRICT MAGISTRATE, SONEBHADRA**

(Mineral Section)

Letter No. 2003/Khanij/2019

Date:21.11.2019

**Notice****M/S B.C.S ENTERPRISES****PROP: SHRI CHANDRA BHUSHAN GIPTA****S/O SHRI RAM LAKHAN GUPTA****R/O OBRA, DISTRICT SONBHADRA****AND SHRI SHAFIQ AHMAD S/O SAGIR AHMAD****R/O OBRA, SONBHADRA**

Mining lease is approved in your favour for 10 years (from 31.05.2016 to 30.05.2026) for Gitti/ Bolder (Dolo Stone) in Arazi Nos. 7364g/1, 7367, 7368, 7369, 7372k, 7377k, 7378gh, Rakba 2.795 acre of area situated at Village- Billi Maarkundi Tehsil- Robertganj, District- Sonebhadra. Joint inspection of the said mining lease area was conducted on 16.11.2019 by the committee constituted by the Directorate of Geology and Mining, Uttar Pradesh. Mining was going on the area of lease at the time of the inspection. Measurement of the mining conducted by you has been done at the site, and as per which mining of 45m x 35m x 04m = 6,300 cube meter of tone was found at the site. As per the records of the office, you have generated E-M.M.-11 for the transportation of 2,832 cube meter only from the month of August, 2019 to 15.11.2019. In this manner, illegal mining of 3,468 cube meter of stone has been done by you against the

issued E.-M.M.-11. It has also been found in the inspection that the mining is not being conducted by you in the mining lease area after the construction of bench, the parameters of the depth are not being followed, which is violation of the terms and conditions of the mining lease. As per the directions of the Director Sir, the O.T.P. in regard to mining lease in your favour is prohibited by the Directorate till the completion of proceedings against you as per the rules and regulations, therefore you should stop mining and transportation in your mining lease area till the disposal of the present matter.

You abovementioned act is clear violation of the terms and conditions of the approved mining scheme and environment clearance certificate and Sections-4/21 of the Mines Minerals (Development and Regulation) Act, 1957 and Rule-34/59 of the Uttar Pradesh Upkhanij (Parihar) Niyamavali, 1963 and as such the same is punishable offence.

Therefore, provide the explanation in the office of the undersigned within 15 days of receiving this notice that, for violation of the abovementioned sections and rules, why should not be royalty, value of the minerals for conducting illegal mining/ transportation of 3,468 cube meter of stone (Dolo Stone), recovered from you under the provisions of Section-21(5) of the Act, 1957 and why should not be the penalty recovered from you for the violation of Rule-34/59 of the Regulation, 1963. If satisfactory reply is not received from you within the prescribed time then it shall be considered that you don't want to say anything in this regard, and accordingly the action shall be taken

against you as per the rules and regulations and you shall be solely responsible for the same.

Sd/- (illegible)

(S. Rajlingam)

District Magistrate,

Sonebhadra.

Letter No. and Date as mentioned:

Copy to- The Director, Directorate of Geology and Mining, Uttar Pradesh, Lucknow, in pursuance of its letter No. 1337/M-Pravartan(Sonebhadra) dated 20.11.2019 for kind information and to take appropriate action.

Sd/- (illegible)

District Magistrate,

Sonebhadra.

" He  
True Typed Copy "

**FIRST INFORMATION REPORT**

31

(Under Section 154 CrPC)

1. District: Sonebhadra P.S.:Chopan F.I.R. No.:0233

Year: 2019

Date & Time of FIR: 26.11.2019 at 11:31

2.

Sr. No.	Act	Sections
1.	Uttar Pradesh Minor Minerals (Concession) Rules, 1963	34
2.	Uttar Pradesh Minor Minerals (Concession) Rules, 1963	59
3.	Uttar Pradesh Minor Minerals (Concession) Rules, 1963	
4.	Uttar Pradesh Minor Minerals (Concession) Rules, 1963	4
5.	Uttar Pradesh Minor Minerals (Concession) Rules, 1963	21

3. (a) Occurrence of Offence:

Day: During Daytime      Date From:01.08.2019      Date to:  
15.11.2019

Time Period: Time From:00:00Time to:00:00

(b) Information received at P.S.

Date:26.11.2019Time: 11:20hrs

(c) General Diary Reference:

Entry No. :030      Date &Time: 26.11.2019 at 11:20 hrs

4. Type of Information:

5. Place of Occurrence:

1.(a) Direction & Distance from P.S.: South-west, 05 Km      Beat  
No.:

(b) Address:Arazi No. 210k, Bahad Village Bardiya

(c) In case, outside the limit of this police station, then:

Name of PS:      District:

6. Complainant/Informant:

(a) Name:Shri G.K. Dutta, Mining Inspector Sonebhadra

(b) Father's name:

(c) Date/Yearof Birth: 1974

(d) Nationality: INDIAN

(e) UID No.

(f) Passport No.:                      Date of Issue:

Place of Issue:

(g) ID Details ( Ration Card, Voter ID Card, Passport, UID No., Driving Llicense, PAN Card):

S. No. ID Type ID Number

(h) Address:

Sr. No.	Address Type	Address
1.	Current Address	Mining Inspector, Sonebhadra, Robertganj, Sonebhadra, UP, India
2.	Permanent Address	Mining Inspector, Sonebhadra, Robertganj, Sonebhadra, UP, India

(i) occupation:

(j) Phone No.                      Mobile:

7. Details of Known/ Suspected/Unknown accused with full particulars (attach separated sheet if necessary):

S. No.	Name	Aliases	Relative's Name	Present Address
1	Prakash Chandra Goyal		Father: Bhushan Lal Goyal	1-Gaurav Nagar, Chopan, Sonebhadra, Uttar Pradesh, India

8. Reasons for Delay in reporting by the Complainant/Informant:

9. Particulars of properties stolen/ involved (attach separate sheet if necessary):

Sr. No.	Property category	Property type	Description
---------	-------------------	---------------	-------------

10. Total Value of Property (in Rs/-):

11. Inquest Report/U.D. Case No., if any:

S. No.	UIDH Number
--------	-------------

12. First Information Content (attach separate sheet if required):

Copy of the application typed in Hindi- To, Station House Officer PS- Chopan District-Sonebhadra, Subject-Regarding registering of First Information Report, Sir, M/s Harishankar Stone Works Pa.- Shri Prakash Chandra Goyal S/o Shri Bhushan Lal Goyal R/o- Gaurav Nagar, Chopan, Sonebhadra, have been approved mining lease for 10 years ( from 13.12.2010 to 12.12.2020) for Gitti/ Bolder (Dolo Stone) in Arazi No. 910k Mi. Rakba 3.70 acre land

situated in Village- Vardiya, Tehsil-Robertganj, District-Sonebhadra. It has been informed through the letter of the Directorate of Geology and Mining, UP, Khanij Bhawan, Lucknow, letter No. 1337/M-Pravartan (Sonebhadra) dated 20.11.2019 that the joint inspection of the said mining lease area was conducted on 16.11.2019 by the committee constituted by the Directorate of Geology and Mining, UP. As per the report of the joint inspection committee, total 49500 cube meter of minerals extracted by the lease holder from the said lease area from month of August-2019 to 15.11.2019 and the quantity of the E/-M.M.-11 issued till 15.11.2019 is only 74650 cube meter and so the E.-M.M.-11 have been abused by generating E.-M.M.-11 for additional of 25150 cube meter and the terms and conditions of the lease were also violated at the time of conducting the mining. The abovementioned act of the lease holder is clear violation of the Section- 4/21 of the Mining and Minerals (Development and Regulation) Act, 1957 and Rule 34/59 of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963 and the same is punishable offence. Thereafter kindly register the first information report against the lease holder as per abovementioned facts and circumstances and thereby take appropriate action against the lease holder. Sincerely Sd/- (illegible English) 21.11.2019 (G.K. Dutta) Mining Inspector Sonebhadra, Mob: 9648535158, HM/CM Kindly register the case. Sd/-(English illegible) SHO 26.11.2019. I, HC Pancham Singh Yadav, do verify that the copy of the application has been typed in computer CCTNS by Cons Mu. Kiran Singh as per my dictation.

13. Action Taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2:

(1) Registered the case and took up the Investigation:

(2) Directed (Name of I.O.) :DIGVIJAY SINGH

Rank: Sub-Inspector (SI) No.920450725 to take up the investigation

(3) Refused investigation due to:

Or

(4) Transferred to P.S. District:

On Point of Jurisdiction

F.I.R read over to the Complainant/Informant, admitted to be correctly recorded and a copy given to the Complainant/Informant free of cost.

R.O.A.C.

14. Signature/Thumb Impression of the Complainant/Informant:

15. Date & Time of Dispatch to the Court:

Signature of Officer in charge, Police Station

Name: PRAVEEN KUMAR SINGH

Rank: I (Inspector)

No. 072190018

*Handwritten signature*  
"True Typed copy"

37

Annexure 0-3

F.No. 22-43/2018-IA.III  
Government of India  
Ministry of Environment, Forest and Climate Change  
(IA Division)

Indira Paryavaran Bhawan  
Jor Bagh Road, Aliganj,  
New Delhi - 110003

Dated: 8<sup>th</sup> August, 2019

**OFFICE MEMORANDUM**

**Subject: Procedure for consideration of developmental projects located within 10 km of National Park/Wildlife Sanctuary seeking environmental clearance under the provisions of the Environmental Impact Assessment (EIA) Notification, 2006 - regarding.**

The Hon'ble Supreme Court vide its Order dated 4.12.2006 in Writ Petition No. 460 of 2004 - Goa Foundation Vs. Union of India, has inter-alia directed that Ministry of Environment and Forests "(MoEF) would also refer to the Standing Committee of the National Board for Wildlife, under section 5(b) & 5(c) (ii) of the Wildlife Protection Act, 1972, the cases where environmental clearances has already been granted where activities are within 10km. zone" of the boundaries of the Sanctuaries and National Parks."

2. In this regard, the erstwhile MoEF vide Circular No. L-11011/7/2004-IAII (I)(Part) dated 27.02.2007 and Office Memorandum No. J-11013/41/2006-IA.II(I) dated 02.12.2009 delineated a procedure for consideration of developmental projects located within 10 km of National Park/Wildlife Sanctuary for grant of environmental clearance under EIA Notification, 2006. As per the stipulated procedure, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) would be required for the developmental projects located within 10km of the National Park/Wildlife Sanctuary.

3. Over a period of time, Ministry has notified number of Eco-Sensitive Zones (ESZs) around Protected Areas (PAs). Many of developmental activities are prohibited/regulated in these ESZs *inter-alia* including mining operations to be carried out in accordance with the order of the Hon'ble Supreme Court dated 4.08.2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in

W.P.(C) No. 202 of 1995 and dated 21.4.2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No. 435 of 2012 as per the notifications issued for their constitution.

4. In light of the aforesaid Orders passed by the Hon'ble Supreme Court, the issues related to the prior clearance from SCNBWL for the notified ESZs and the remaining areas have been examined in detail. In this regard, it has been decided by the Competent Authority in the Ministry to adopt a following procedure for consideration of developmental projects located within 10 km of National Park/Wildlife Sanctuary seeking environmental clearance under the provisions of the EIA Notification, 2006, in supersession of the earlier O.M.s dated 27.2.2007 and 2.12.2009:

- i. Proposals involving developmental activity/project located within the notified Eco-Sensitive Zones (ESZ) shall be regulated and governed by the concerned ESZ notification. However, for the developmental project/activity located within the notified ESZ and covered under the schedule of the EIA Notification 2006, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) is mandatory. In such cases, the project proponent shall submit the application simultaneously for grant of Terms of Reference as well as wildlife clearance.
- ii. Proposals involving developmental activity/project located outside the stipulated boundary limit of notified ESZ and located within 10 km of National Park/Wildlife Sanctuary, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) may not be applicable. However, such proposals from environmental angle including impact of developmental activity/project on the wildlife habitat, if any, would be examined by the sector specific Expert Appraisal Committee and appropriate conservation measures in the form of recommendations shall be made. These recommendations shall be explicitly mentioned in the environmental clearance letter and shall be ensured by the member secretary concerned.
- iii. Proposals involving developmental activity/project located within 10 km of National Park/Wildlife Sanctuary wherein final ESZ notification is not notified (or) ESZ notification is in draft stage, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) is mandatory. In such cases, the project proponent shall submit the application simultaneously for grant of Terms of Reference/environmental clearance as well as wildlife clearance.

- iv. Proposals involving mining of minerals within the ESZ (or) one kilometer from the boundaries of National Parks and Sanctuaries whichever is higher is prohibited in accordance with the order of the Hon'ble Supreme Court dated 4.08.2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No. 202 of 1995 and dated 21.4.2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No. 435 of 2012.
5. This issues with the approval of the Competent Authority.

*Sharath Kumar Pallerla*  
 (Sharath Kumar Pallerla)  
 Director

To

1. Chairman, Central Pollution Control Board (CPCB).
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. All the Officers of I.A. Division
5. Chairpersons/Member Secretaries of all SPCBs/UTPCCs

**Copy for information to:**

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary(EF&CC)
4. PPS to SS(AKJ)
5. PPS to AS (RSP)
6. PPS to JS (GM)/ JS(RS)/JS(AKN)
7. Website, MoEF&CC
8. Guard file.

*Hem*  
 (True Copy)