

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 90 OF 2020**

IN THE MATTER OF :

PRAMOD

..... Applicant

Versus

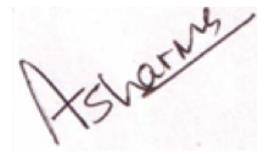
STATE OF UTTAR PRADESH & ORS.

..... Respondents

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Through

A handwritten signature in black ink that reads "Ajit Sharma". The signature is written in a cursive style and is positioned above a horizontal line.

[AJIT SHARMA]

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New Delhi

Filed On 04.02.2021

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 90 OF 2020**

IN THE MATTER OF :

PRAMOD Applicant

Versus

STATE OF UTTAR PRADESH & ORS. Respondents

**OBJECTIONS TO THE REPORT DT. 26.11.2020
FURNISHED BY DST. MAGISTRATE, SAHARANPUR AND
SEIAA, U.P.**

To,
The Hon'ble Chairperson and his Companion Members
of the National Green Tribunal

The humble application of the Applicant above named

MOST RESPECTFULLY SHOWETH:

- 1) That this Hon'ble Tribunal had vide order dt. 29.06.2020 first sought a report from the Dst. Magistrate and SEIAA, U.P., who on 13.07.2020 submitted a report stating that since the sand mining leases in question were granted prior to Sustainable Sand Mining Guidelines, 2020 as such there was no need for conducting a replenishment study. A true copy of the First Jt. Committee Report dt. 13.07.2020 is annexed herewith as **Annexure 1.**
- 2) This Hon'ble Tribunal vide order dt. 17.08.2020 rejected the first report dt. 13.07.2020 and held that a replenishment study

is required even de hors the 2020 Guidelines. As such, this Hon'ble Tribunal directed the SEIAA, U.P. and Dst. Magistrate, Saharanpur to furnish a fresh report to the Tribunal and permitted the Applicant to furnish a fresh representation. A true copy of NGT order dt. 17.08.2020 is annexed herewith as **Annexure 2**.

- 3) The Applicant thereafter submitted a representation dt. 17.08.2020 to the committee. A true copy of the representation dt. 17.08.2020 is annexed herewith as **Annexure 3**.
- 4) The committee vide its report dt. 26.11.2020 has rejected all objections of the Applicant and effectively reiterated its earlier report dt. 13.07.2020, which has already been rejected by this Hon'ble Tribunal. A true copy of the Second Jt. Committee Report dt. 26.11.2020 is annexed herewith as **Annexure 4**.
- 5) The Jt. Committee has simply reiterated its earlier report without applying its mind or considering the representation of the Applicant.
- 6) The Applicant therefore is filing the present objections to the said report:
- 7) *Firstly*, any letter of intent or mining lease issued after January 2020 ought to comply with the Sustainable Sand Management

Guidelines, 2020, which in Chapter 5 requires that a detailed replenishment study be conducted before commencement of sand mining. Admittedly, the impugned environmental clearances are issued after January 2020. Committee's submission that since the auction notices were issued prior to January 2020 therefore there is no requirement to comply with the 2020 Guidelines is contemptuous to say the least.

- 8) Secondly, the Committee is mistaken in submitting that there was no requirement to conduct any replenishment study before the Sustainable Sand Management Guidelines, 2020 came into effect in January 2020. The requirement to conduct a replenishment study is specifically mentioned in the 2016 Sand Management Guidelines and in the MoEF&CC notification dt. 15.01.2016.
- 9) The Hon'ble Supreme Court of India and this Hon'ble Tribunal in a number of judgments have emphasized the importance of conducting a replenishment study before allotment of mining leases. In Naveen Sharma vs. State of Rajasthan [SLP (C) No. 34811/ 2013] vide order dated 16.11.2017 stayed the operation of 82 mining leases, inter alia, on the ground that no replenishment study had been conducted by the MoEF&CC or the State government. Similarly, this Hon'ble Tribunal in Dr.

Vijay Verma vs. Uttarakhand Forest Development Corporation & Ors. [Appeal No. 23/ 2016] vide order dt. 26.02.2018 acknowledged the importance of a replenishment study and directed the Forest Research Institute, Dehradun to conduct a replenishment study for various rivers by monitoring three-year data.

- 10) Thirdly, the Saharanpur District Survey Report, 2017 *The DSR* substitutes guesswork for a scientific and specific study to compute the rate of replenishment of river bed sand. It simply states in Para 2 as follows:

“The sediments are replenished every year during the rainy season, which replenishment is almost equal to the extracted level and sometimes more depending upon the intensity of the rains on the upstream side.”

- 11) It is submitted that on the basis of the above assumption, mining permits ought not to have been issued by state government.
- 12) Fourthly, Forest Research Institute, Dehradun in its Report Dt. January 2017 submitted to this Hon’ble Tribunal in O.A. No. 184/ 2013 [*Gurpreet Singh Bagga vs MoEF & Ors.*] has categorically stated that it is of the view that no mining activity should be permitted upstream of the Hathnikund Barrage

given its significance as a wetland of importance and as a refuge for birds and wildlife.

- 13) The Joint Committee in its report @ pg 3 simply states that despite FRI's recommendation, since MoEF&CC have not issued any instructions therefore mining activity is permitted. This is most shocking since the State Government and SEIAA can independently act on the FRI's recommendations and prevent mining activity without awaiting instructions from MOEF&CC.
- 14) Fifthly, the Committee erroneously holds that no mining has taken place at the mining sites in question when in fact large scale mining has been going on at such sites. Applicant has annexed with the Original Application, pictures and report dt. February 2020 of the high-powered committee constituted by the state government itself, which states that large scale illegal mining goes on day and night in District Saharanpur.
- 15) Sixthly, Committee has simply ignored the representation of the Applicant in respect of location of the mining sites within the eco-sensitive zone of Kalesar Wildlife Sanctuary. Forest Officer of Kalesar National Park has lodged a complaint dt. 26.12.2020 in respect of mining activity by Satendra Singh at Village Rehna, Dst. Saharanpur. A true copy of the complaint

dt. 26.12.2020 lodged by Forest Officer of Kalesar National Park is annexed herewith as **Annexure 5**.

- 16) Further, for instance, there is no finding on the issue that one of the mining leases at Village Bartha Korsi in Dst. Saharanpur on the river bed of River Yamuna is located 286 meters, i.e. within 500 meters, of an existing and operational mining lease at Bailgarh also located on River Yamuna in Dst. Yamuna Nagar, Haryana. This requires preparation of a cluster EIA prior to grant of environmental clearance in terms of MoEF&CC notification dt. 15.01.2016. However, local administration in Saharanpur shockingly stated in cluster certificate that no lease exists within 500 meters.
- 17) Thus, the SEIAA, U.P. has been permitting sand mining activity in Dst. Saharanpur ignoring the factual position on ground in respect of proximity of mining sites from Kalesar National Park and also the absence of a replenishment study.
- 18) Accordingly, it is prayed that the Report of the Joint Committee dt. 26.11.2020 be rejected and either this Hon'ble Tribunal may be pleased to appoint an oversight committee or adjudicate the issue on merits. In any case, it is prayed that the impugned environmental clearances be stayed during the

pendency of the present application to prevent irreparable environmental damage.

- 19) It is also pertinent to note that during the pendency of the present application, the SEIAA, U.P. has issued a fresh environmental clearance dt. 13.01.2021 for sand mining at Village Sherpur Pelo, Tehsil Behat, Dst. Saharanpur for mining at a site admeasuring 7 Hectares. Once again, this has been done without any replenishment study and ignoring the representations of the Applicant, which contain same averments as already made. The said site was also auctioned vide the same auction notifications dt. 01.11.2019 and 04.03.2020. A true copy of environmental clearance dt. 13.01.2021 is annexed herewith as **Annexure A-6.**
- 20) That the Applicant craves leave and permission of this Hon'ble Tribunal that the facts and averments mentioned in the captioned Original Application be treated as part and parcel of this application.

PRAYER

In view of the averments made above, it is most respectfully submitted that this Hon'ble Tribunal may be pleased to:

- (i) Reject the Report of the Joint Committee dt. 26.11.2020; and
- (ii) Stay the environmental clearance dt. 13.01.2021 for sand mining at Village Sherpur Pelo, Tehsil Behat, Dst. Saharanpur for sand mining at a site admeasuring 7 Hectares; and
- (iii) Pass such other order as this Hon'ble Tribunal may be pleased to pass in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN & FILED BY:

Ajit Sharma

[AJIT SHARMA]
Advocate for the Applicant

New Delhi
Filed on 04.02.2021

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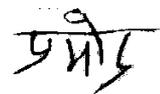
Versus

STATE OF UTTAR PRADESH & ORS. Respondents

A F F I D A V I T

I, Pramod, S/o Ranjit, R/o 131 Village Warsi Tikrol, Dst. Saharanpur, Uttar Pradesh at present at New Delhi, do hereby solemnly affirm and state on oath as under:

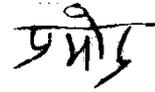
1. That I am the Applicant in the above-mentioned Application and well conversant with the facts and circumstances of the case as such I am competent to swear this affidavit.
2. I have read and understood the contents of the accompanying Application and say that what is stated therein is true to the best of my knowledge and belief and nothing material has been concealed therefrom.
3. That the accompanying Application has been drafted on my instructions.
4. That the Annexures to the accompanying Application are true copies of their respective originals.



DEPONENT

VERIFICATION:-

Verified at New Delhi on this 03rd day of February 2021 ,
that the contents of this Affidavit are true and correct to be best of
my knowledge and belief. No part of it is false and nothing material
has been concealed therefrom.



DEPONENT

माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली में विचाराधीन याचिका ओ०ए० संख्या ९०/२०२० प्रमोद बनाम उ०प्र० सरकार व अन्य में पारित आदेश दिनांक २९.०६.२०२० के संबंध में आख्या।

उपरोक्त संदर्भित याचिका के संबंध में माननीय हरित अधिकरण नई दिल्ली द्वारा दिनांक २९.०६.२०२० को निम्न आदेश पारित किये गये हैं :-

Grievance in this application is *inter - alia* is against District Survey report for river bed sand mining in District Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management Guidelines, 2020. The mining sites are within 1 K.M. from Kalesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF & CC order dated 08.08.2019. Mining is also in prohibited area being upstream of Hathnikund Barrage is Saharanpur. Cluster Impact Assessment has not been done as required. The sand mining has been continuing even during the locked down period.

We are of the view that a factual report needs to be called for in response to the above from a joint Committee comprising District magistrate, Saharanpur and SEIAA, U.P. which may be furnished 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 PDF. The Nodal Agency will be SEIAA, U.P. for coordination and compliance.

प्राप्त आदेशों के क्रम में सचिव SEIAA द्वारा अपने आदेश संख्या 171/पर्या० एस०ई०आई०ए०ए०/९०/२०२० दिनांक ०३.०७.२०२० श्री मेराजुद्दीन सदस्य SEIAA, U.P तथा जिलाधिकारी, सहारनपुर अथवा उनके द्वारा नामित प्रतिनिधि को नामित किया गया है (संलग्नक-०१)। जिलाधिकारी सहारनपुर द्वारा अपर जिलाधिकारी (वित्त एवं राजस्व) को इस कार्य हेतु नामित किया गया।

उपरोक्त समिति द्वारा दिनांक ०८.०७.२०२० को स्थलीय परीक्षण किया गया। स्थलीय परीक्षण के दौरान निम्न तथ्य प्रकाश में आये :-

मायापुर रूपपुर

ग्राम मायापुर रूपपुर के बादशाहीबाग राव में गाटा संख्या १४/१ रकबा ३.१० हे० में खनन पट्टा स्वीकृत है, जिसका स्थलीय निरीक्षण समिति के सदस्यों द्वारा किया गया। खनन पट्टा क्षेत्र के जियो कॉर्डिनेट्स A- N30° 19' 21.41" E77° 38' 26.35" B- N30° 19' 17.62" E77° 38' 30.56" C- N30° 19' 13.68" E77° 38' 25.07" D- N30° 19' 17.44" E77° 38' 20.78" है। मौके पर किसी प्रकार का खनन संक्रिया होता हुआ नहीं पाया गया।

रहना

ग्राम रहना के गैसरा राँ नदी के गाटा संख्या १७९/२ रकबा ३.७५ हे० में खनन पट्टा स्वीकृत है, जिसका स्थलीय निरीक्षण समिति के सदस्यों द्वारा किया गया। खनन पट्टा क्षेत्र के जियो कॉर्डिनेट्स A- N30° 19' 56.61" E77° 38' 32.69" B- N30° 19' 54.45" E77° 36' 35.03" C- N30° 19' 47.72" E77° 36' 20.40" D- N30° 19' 49.81" E77° 36' 18.31" है। मौके पर किसी प्रकार का खनन संक्रिया होता हुआ नहीं पाया गया।

रहना

ग्राम रहना के यमुना नदी के लॉट संख्या-३ गाटा संख्या-३ रकबा-८.०५ हे० में खनन पट्टा स्वीकृत है, जिसका स्थलीय निरीक्षण समिति के सदस्यों द्वारा किया गया। मौके पर यमुना नदी का जलस्तर बढ़ने के कारण स्वीकृत खनन स्थल पर पहुँचना सम्भव नहीं हो पाया। मौके पर किसी प्रकार का खनन संक्रिया होता हुआ नहीं पाया गया।

दिनांक 09.07.2020 को विषयगत सन्दर्भ में भूतत्व एवं खनिकर्म कार्यालय, सहारनपुर में उपलब्ध अभिलेखीय परीक्षण किया गया। परीक्षण के दौरान निम्नलिखित तथ्य प्रकाश में आये :-

मायापुर रूपपुर (गाटा संख्या-14/1 रकबा 3.10हे0) बादशाहीबाग राव नदी

- भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 द्वारा कलेक्टर सूचना पट पर लगाया गया एवं जिले की वेबसाइट पर आपत्ति एवं सुझाव प्राप्त करने के उद्देश्य से 21 दिन हेतु पब्लिक डोमेन में रखा गया। (संलग्नक-02)
- उक्त निर्धारित अवधि में कोई भी आपत्ति एवं सुझाव प्राप्त नहीं हुए, परन्तु जिला सर्वेक्षण रिपोर्ट में गाटा संख्या संबंधी त्रुटि होने के कारण कार्यालय के पत्र संख्या 1964/डी0एस0आर0/सहारनपुर (खनन)/2018 दिनांक 26.10.2018 द्वारा उक्त शुद्धि पत्र जारी किया गया। (संलग्नक-03)
- यहाँ यह भी अवगत कराना समीचीन होगा कि पाँच नये क्षेत्र ग्राम शेरपुर पेलो, मायापुर रूपपुर, हैदरपुर हिन्दुवाला, रहना व बरथा कोरसी के संबंध में जिला स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण की बैठक दिनांक 04.09.2019 द्वारा 05 नये क्षेत्र को सम्मिलित करने हेतु समिति द्वारा निर्णय लिया गया, जिसे कार्यालय पत्र संख्या 1051/खनन/2019-20 दिनांक 07.09.2019 द्वारा जिले के वेबसाइट पर आपत्ति एवं सुझाव हेतु 21 दिन के लिए अपलोड किया गया। (संलग्नक-04)
- आपत्ति हेतु निर्धारित 21 दिन की अवधि बीत जाने के बाद भी कोई आपत्ति/सुझाव किसी भी माध्यम से भूतत्व एवं खनिकर्म कार्यालय, सहारनपुर को प्राप्त नहीं हुआ।
- भूतत्व एवं खनिकर्म निदेशालय द्वारा जारी शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 के क्रम नामित कार्यदायी एजेन्सी (एमएसटीसी-भारत सरकार का उपक्रम) को ई-निविदा सह ई-नीलामी के माध्यम से किये जाने हेतु सार्वजनिक सूचना विज्ञप्ति संख्या 1719/खनिज/2019-20 दिनांक 16.09.2019 एवं विज्ञप्ति संख्या 1959/खनिज/2019-20 दिनांक 01.11.2019 को जारी किया गया।
- एमएसटीसी-भारत सरकार का उपक्रम द्वारा शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 का पालन करते हुए उच्चतम बोलीदाता की सूचना ई-मेल के माध्यम से दिनांक 16.12.2019 को उपलब्ध करायी गई। (संलग्नक-05)
- सम्यक विचारोपरान्त उच्चतम बोलीदाता श्री राजेश कुमार निवासी ग्राम गढी बीरबल इन्द्री जिला कर्नाल के पक्ष में दिनांक 28.12.2019 को लेटर ऑफ़ इन्टेंट (LOI) जारी किया गया है। तत्पश्चात SEIAA के पत्र संख्या 88/parya/SEIAA/5402/2019 दिनांक 27.05.2020 द्वारा E.C. प्राप्त होने एवं समस्त औपचारिक प्रक्रियाओं का पालन करने के उपरान्त श्री राजेश कुमार के पक्ष में पट्टा विलेख का निष्पादन दिनांक 15.06.2020 को किया गया।

माननीय राष्ट्रीय हरित प्राधिकरण में उठाये गये बिन्दुओं के सम्बन्ध में आख्या

क्र०सं०	बिन्दु	आख्या
1	2	3
1	District Survey report for river bed sand mining in District Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management	विषयगत खनन क्षेत्र में भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 के द्वारा जन सामान्य हेतु उपलब्ध कराये गये तथा

	Guidelines, 2020.	DEIAA के द्वारा दिनांक 04.09.2019 की बैठक में लिये गये निर्णय के अनुसार 5 नये क्षेत्र शामिल किये गये थे जिसमें मायापुर रूपपुर भी शामिल था। तत्समय Enforcement & Monitoring guidelines for Sand Mining 2020 प्रभाव में नहीं थी।
2	The mining sites are within 1 K.M. from Kalesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF & CC order dated 08.08.2019	प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग के पत्र संख्या 31/14-1 सहारनपुर दिनांक 02.07.2019 द्वारा खनन क्षेत्र शेरपुर पेला, मायापुर रूपपुर, रहना, हैदरपुर हिन्दुवाला अनापत्ति प्रमाण पत्र निर्गत किया गया। उक्त अनापत्ति प्रमाण पत्र में ग्राम मायापुर रूपपुर प्रस्तावित स्थल की आक्षरित वन क्षेत्र से दूरी 1.20 कि०मी० एवं कालेशर नेशनल पार्क से दूरी 15.70 कि०मी० है। (संलग्नक-6)
3	Mining is also in prohibited area being upstream of Hathnikund Barrage is Saharanpur	प्रश्नगत मायापुर रूपपुर गाटा संख्या 14/1 रकबा 3.10 हे० क्षेत्र बादशाही बाग राव नदी में पडता है जो यमुना नदी अथवा हथनीकुण्ड बैराज के अन्तर्गत नहीं आता है।
4	Cluster Impact Assessment has not been done as required.	मायापुर रूपपुर क्षेत्र के 500 मीटर की परिधि के अर्न्तगत कोई भी अन्य क्षेत्र का खनन पट्टा स्वीकृत अथवा संचालित नहीं है।
5	The sand mining has been continuing even during the locked down period	मायापुर रूपपुर का खनन पट्टा बादशाही बाग राव नदी में स्थित बालू, बजरी, बोल्डर (मिश्रित अवस्था में) स्वीकृत है जिसमें खनन कार्य लॉक डाउन की अवधि में नहीं हुआ है। दिनांक 15.06.2020 पट्टा अभिलेख का निष्पादन होने के उपरान्त खनन कार्य प्रारम्भ हुआ है।

रहना (गाटा संख्या-179/2 रकबा 3.75 हे०) गैसरा रौं नदी

- भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 द्वारा कलेक्ट्रेट सूचना पट पर लगाया गया एवं जिले की वेबसाईट पर आपत्ति एवं सुझाव प्राप्त करने के उद्देश्य से 21 दिन हेतु पब्लिक डोमेन में रखा गया। (संलग्नक-02)
- उक्त निर्धारित अवधि में कोई भी आपत्ति एवं सुझाव प्राप्त नहीं हुए, परन्तु जिला सर्वेक्षण रिपोर्ट में गाटा संख्या संबंधी त्रुटि होने के कारण कार्यालय के पत्र संख्या 1964/डी०एस०आर०/सहारनपुर (खनन)/2018 दिनांक 26.10.2018 द्वारा उक्त शुद्धि पत्र जारी किया गया। (संलग्नक-03)
- यहाँ यह भी अवगत कराना समीचीन होगा कि पाँच नये क्षेत्र ग्राम शेरपुर पेला, मायापुर रूपपुर, हैदरपुर हिन्दुवाला, रहना व बरथा कोरसी के संबंध में जिला स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण की बैठक दिनांक 04.09.2019 द्वारा 05 नये क्षेत्र को सम्मिलित करने हेतु समिति द्वारा निर्णय लिया गया, जिसे कार्यालय पत्र संख्या 1051/खनन/2019-20 दिनांक 07.09.2019 द्वारा जिले के वेबसाईट पर आपत्ति एवं सुझाव हेतु 21 दिन के लिए अपलोड किया गया। (संलग्नक-04)
- आपत्ति हेतु निर्धारित 21 दिन की अवधि बीत जाने के बाद भी कोई आपत्ति/सुझाव किसी भी माध्यम से भूतत्व एवं खनिकर्म कार्यालय, सहारनपुर को प्राप्त नहीं हुआ।

- भूतत्व एवं खनिकर्म निदेशालय द्वारा जारी शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 के क्रम नामित कार्यदांयी एजेन्सी (एमएसटीसी-भारत सरकार का उपक्रम) को ई-निविदा सह ई-नीलामी के माध्यम से किये जाने हेतु सार्वजनिक सूचना विज्ञप्ति संख्या 1719/खनिज/2019-20 दिनांक 16.09.2019 एवं विज्ञप्ति संख्या 1959/खनिज/2019-20 दिनांक 01.11.2019 को जारी किया गया।
- एमएसटीसी-भारत सरकार का उपक्रम द्वारा शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 का पालन करते हुए उच्चतम बोलीदाता की सूचना ई-मेल के माध्यम से दिनांक 16.12.2019 को उपलब्ध करायी गई। (संलग्नक-05)
- सम्यक विचारोपरान्त उच्चतम बोलीदाता श्री संजय भाटिया पुत्र स्व० श्री आनन्द प्रकाश भाटिया निवासी 1/472 रामचन्द्रपुरी कुतुबशेर सहारनपुर के पक्ष में दिनांक 07.01.2020 को लेटर ऑफ़ इन्टेंट (LOI) जारी किया गया है। तत्पश्चात SEIAA के पत्र संख्या 87/parya/SEIAA/5402/2019 दिनांक 27.05.2020 द्वारा E.C. प्राप्त होने एवं समस्त औपचारिक प्रक्रियाओं का पालन करने के उपरान्त श्री संजय भाटिया के पक्ष में पट्टा विलेख का निष्पादन दिनांक 06.06.2020 को किया गया।

माननीय राष्ट्रीय हरित प्राधिकरण में उठाये गये बिन्दुओं के सम्बन्ध में आख्या

क्र०सं०	बिन्दु	आख्या
1	2	3
1	District Survey report for river bed sand mining in District Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management Guidelines, 2020.	विषयगत खनन क्षेत्र में भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 के द्वारा जन सामान्य हेतु उपलब्ध कराये गये तथा DEIAA के द्वारा दिनांक 04.09.2019 की बैठक में लिये गये निर्णय के अनुसार 5 नये क्षेत्र शामिल किये गये थे जिसमें रहना भी शामिल था। तत्समय Enforcement & Monitoring guidelines for Sand Mining 2020 प्रभाव में नहीं थी।
2	The mining sites are within 1 K.M. from Kalesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF & CC order dated 08.08.2019	प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग के पत्र संख्या 31/14-1 सहारनपुर दिनांक 02.07.2019 द्वारा खनन क्षेत्र शेरपुर पेला, मायापुर रूपपुर, रहना, हैदरपुर हिन्दुवाला अनापत्ति प्रमाण पत्र निर्गत किया गया। उक्त अनापत्ति प्रमाण पत्र में ग्राम रहना प्रस्तावित स्थल की आक्षरित वन क्षेत्र से हवाई दूरी 2.80 कि०मी० एवं कालेशर नेशनल पार्क से दूरी 7.80 कि०मी० है। (संलग्नक-6)
3	Mining is also in prohibited area being upstream of Hathnikund Barrage is Saharanpur	प्रश्नगत रहना गाटा संख्या 179/2 रकबा 3.75हे० क्षेत्र गैसरा रौं नदी में पड़ता है जो यमुना नदी अथवा हथनीकुण्ड बैराज के अन्तर्गत नहीं आता है।
4	Cluster Impact Assessment has not been done as required.	ग्राम रहना क्षेत्र के 500 मीटर की परिधि के अन्तर्गत

		कोई भी अन्य क्षेत्र का खनन पट्टा स्वीकृत अथवा संचालित नहीं है।
5	The sand mining has been continuing even during the locked down period	रहना का खनन पट्टा गैसरा रौं नदी में स्थित बालू बजरी, बोल्डर (मिश्रित अवस्था में) स्वीकृत है जिसमें खनन कार्य लॉक डाउन की अवधि में नहीं हुआ है। दिनांक 06.06.2020 पट्टा अभिलेख का निष्पादन होने के उपरान्त खनन कार्य प्रारम्भ हुआ है।

रहना (लॉट संख्या-3 गाटा संख्या-3 रकबा-8.05हे0) यमुना नदी

- भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 द्वारा कलेक्टर सूचना पट पर लगाया गया एवं जिले की वेबसाइट पर आपत्ति एवं सुझाव प्राप्त करने के उद्देश्य से 21 दिन हेतु पब्लिक डोमेन में रखा गया। (संलग्नक-02)
- उक्त निर्धारित अवधि में कोई भी आपत्ति एवं सुझाव प्राप्त नहीं हुए, परन्तु जिला सर्वेक्षण रिपोर्ट में गाटा संख्या संबंधी त्रुटि होने के कारण कार्यालय के पत्र संख्या 1964/डी0एस0आर0/सहारनपुर (खनन)/2018 दिनांक 26.10.2018 द्वारा उक्त शुद्धि पत्र जारी किया गया। (संलग्नक-03)
- आपत्ति हेतु निर्धारित 21 दिन की अवधि बीत जाने के बाद भी कोई आपत्ति/सुझाव किसी भी माध्यम से भूतत्व एवं खनिकर्म कार्यालय, सहारनपुर को प्राप्त नहीं हुआ।
- भूतत्व एवं खनिकर्म निदेशालय द्वारा जारी शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 के क्रम नामित कार्यदायी एजेन्सी (एमएसटीसी-भारत सरकार का उपक्रम) को ई-निविदा सह ई-नीलामी के माध्यम से किये जाने हेतु सार्वजनिक सूचना विज्ञापित संख्या 88/खनिज/2017-18 दिनांक 20.01.2018 को जारी किया गया।
- एमएसटीसी-भारत सरकार का उपक्रम द्वारा शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 का पालन करते हुए उच्चतम बोलीदाता की सूचना ई-मेल के माध्यम से दिनांक 09.03.2018 को उपलब्ध करायी गई। सम्यक विचारोपरान्त कार्यालय के पत्र संख्या-423/खनिज/2017-18 दिनांक 15.03.2018 द्वारा लेटर ऑफ इण्टेंट जारी किया गया। उच्चतम बोलीदाता श्री राहुल पंवार द्वारा SEIAA के पत्र संख्या 481/parya/SEAC-4294/2018 दिनांक 22.11.2018 द्वारा ई0सी0 प्राप्त किया गया परन्तु पट्टा विलेख का निष्पादन न करने के कारण जिलाधिकारी सहारनपुर के कार्यालय आदेश संख्या-2623/ख0अनु0/ई-नीलामी/सहारनपुर दिनांक 08.02.2019 को स्वीकृत लेटर ऑफ इण्टेंट निरस्त किया गया।
- भूतत्व एवं खनिकर्म निदेशालय द्वारा जारी शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 के क्रम में नामित कार्यदायी एजेन्सी (एमएसटीसी-भारत सरकार का उपक्रम) को अन्य क्षेत्रों के अतिरिक्त पुनः रहना लॉट संख्या -3 का ई-निविदा सह ई-नीलामी के माध्यम से किये जाने हेतु सार्वजनिक सूचना विज्ञापित संख्या 1719/खनिज/2019-20 दिनांक 16.09.2019 एवं विज्ञापित संख्या 1959/खनिज/2019-20 दिनांक 01.11.2019 को किया गया।
- एमएसटीसी-भारत सरकार का उपक्रम द्वारा शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 का पालन करते हुए उच्चतम बोलीदाता की सूचना ई-मेल के माध्यम से दिनांक 16.12.2019 को उपलब्ध करायी।
- सम्यक विचारोपरान्त उच्चतम बोलीदाता श्री सत्येन्द्र कुमार पुत्र श्री विरेन्द्र सिंह निवासी खैरा नजफगढ़ नई दिल्ली के पक्ष में दिनांक 23.01.2020 को लेटर ऑफ इण्टेंट (LOI) जारी किया

गया है। तत्पश्चात् SEIAA के पत्र संख्या 134/parya/SEAC/4294/2018 दिनांक 18.06.2020 द्वारा E.C. प्राप्त होने एवं समस्त औपचारिक प्रक्रियाओं का पालन करने के उपरान्त श्री सत्येन्द्र कुमार के पक्ष में पट्टा विलेख का निष्पादन दिनांक 20.06.2020 को किया गया। माननीय राष्ट्रीय हरित प्राधिकरण में उठाये गये बिन्दुओं के सम्बन्ध में आख्या

क्र०सं०	बिन्दु	आख्या
1	2	3
1	District Survey report for river bed sand mining in District Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management Guidelines, 2020.	विषयगत खनन क्षेत्र में भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 के द्वारा जन सामान्य हेतु उपलब्ध कराये गये निर्धारित अवधि में कोई सुझाव प्राप्त नहीं हुए। तत्समय Enforcement & Monitoring guidelines for Sand Mining 2020 प्रभाव में नहीं थी।
2	The mining sites are within 1 K.M. from Kalesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF & CC order dated 08.08.2019	भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना संख्या SO 1485 (E) दिनांक 22.04.2016 (संलग्नक-7) के पैरा-1(2) में कलेसर नेशनल पार्क एवं वाईड लाइफ सेन्चुरी का कॉआर्डिनेट्स दिया गया है तथा 1(5) में ईको सेन्सिटिव जोन में पड़ने वाले 31 ग्रामों का नाम दिया गया है, जिसमें रहना अथवा कोई भी ग्राम जनपद सहारनपुर का नहीं है।
3	Mining is also in prohibited area being upstream of Hathnikund Barrage in Saharanpur	प्रश्नगत रहना लॉट संख्या-3 गाटा संख्या-3 क्षेत्र यमुना नदी में पड़ता है जो हथनीकुण्ड बैराज से 5.12 किमी० की दूरी पर है। इसके अतिरिक्त यह अवगत कराना भी कि फॉरेस्ट रिसर्च इन्स्टीट्यूट देहरादून द्वारा प्रस्तुत आख्या दिनांक जनवरी 2017 इकोलॉजिकल डैमेज, असेसमेन्ट एवं ईको फारेस्ट प्लान की संस्तुति मिनिस्ट्री ऑफ एन्वायरमेंट फॉरेस्ट को प्रस्तुत की गई है, जिसके पृष्ठ संख्या 100 बिन्दु 7 की संस्तुति इस प्रकार है "The river tract upstream of Hathnikund Barrage is important for wild life and birds due to its wetland character and habitat contiguity with Kalesar National Park in Haryana and Shivalik hill forests in Uttarakhand/Uttar Pradesh. Therefore it is suggested to close it altogether from mining activities and develop it as a wildlife habitat. इस सम्बन्ध में अवगत कराना है कि फॉरेस्ट रिसर्च

		इन्स्टीट्यूट (F.R.I) का उपर्युक्त परामर्श मिनिस्ट्री ऑफ एनवायरमेंट फॉरेस्ट एण्ड क्लाइमेट चेंज को प्रस्तुत किया गया है, जिसके सम्बन्ध में माननीय न्यायालय अथवा शासन स्तर से कोई आदेश प्राप्त नहीं हुआ।
4	Cluster Impact Assessment has not been done as required.	रहना लॉट संख्या-3 क्षेत्र के 500 मीटर की परिधि के अर्न्तगत कोई भी अन्य क्षेत्र का खनन पट्टा स्वीकृत अथवा संचालित नहीं है।
5	The sand mining has been continuing even during the locked down period	रहना का खनन पट्टा यमुना नदी में स्थित बालू बजरी, बोल्डर (मिश्रित अवस्था में) स्वीकृत है जिसमें खनन कार्य लॉक डाउन की अवधि में नहीं हुआ है। दिनांक 20.06.2020 पट्टा अभिलेख का निष्पादन होने के उपरान्त खनन कार्य प्रारम्भ हुआ है।

बरथाकोरसी (गाटा संख्या 01 रकबा 36.00 हे0) यमुना नदी

- भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 द्वारा कलेक्टर सूचना पट पर लगाया गया एवं जिले की वेबसाइट पर आपत्ति एवं सुझाव प्राप्त करने के उद्देश्य से 21 दिन हेतु पब्लिक डोमेन में रखा गया। (संलग्नक-02)
- उक्त निर्धारित अवधि में कोई भी आपत्ति एवं सुझाव प्राप्त नहीं हुए, परन्तु जिला सर्वेक्षण रिपोर्ट में गाटा संख्या संबंधी त्रुटि होने के कारण कार्यालय के पत्र संख्या 1964/डी0एस0आर0/ सहारनपुर (खनन)/2018 दिनांक 26.10.2018 द्वारा उक्त शुद्धि पत्र जारी किया गया। (संलग्नक-03)
- यहाँ यह भी अवगत कराना समीचीन होगा कि पाँच नये क्षेत्र ग्राम शेरपुर पेलो, मायापुर रूपपुर, हैदरपुर हिन्दुवाला, रहना व बरथा कोरसी के संबंध में जिला स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण की बैठक दिनांक 04.09.2019 द्वारा 05 नये क्षेत्र को सम्मिलित करने हेतु समिति द्वारा निर्णय लिया गया, जिसे कार्यालय पत्र संख्या 1051/खनन/2019-20 दिनांक 07.09.2019 द्वारा जिले के वेबसाइट पर आपत्ति एवं सुझाव हेतु 21 दिन के लिए अपलोड किया गया। (संलग्नक-04)
- आपत्ति हेतु निर्धारित 21 दिन की अवधि बीत जाने के बाद भी कोई आपत्ति/सुझाव किसी भी माध्यम से भूतत्व एवं खनिकर्म कार्यालय, सहारनपुर को प्राप्त नहीं हुआ।
- भूतत्व एवं खनिकर्म निदेशालय द्वारा जारी शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 के क्रम नामित कार्यदायी एजेन्सी (एमएसटीसी-भारत सरकार का उपक्रम) को ई-निविदा सह ई-नीलामी के माध्यम से किये जाने हेतु सार्वजनिक सूचना विज्ञप्ति संख्या 1719/खनिज/2019-20 दिनांक 16.09.2019 एवं विज्ञप्ति संख्या 1959/खनिज/2019-20 दिनांक 01.11.2019 को जारी किया गया।
- एमएसटीसी-भारत सरकार का उपक्रम द्वारा शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 का पालन करते हुए उच्चतम बोलीदाता की सूचना ई-मेल के माध्यम से दिनांक 16.12.2019 को उपलब्ध करायी गई। (संलग्नक-05)
- सम्यक विचारोपरान्त उच्चतम बोलीदाता श्री दीपक चौधरी प्रो0 स्टार माईनस हकीकत नगर सहारनपुर के पक्ष में दिनांक 30.12.2019 को लेटर ऑफ इन्टेंट (LOI) जारी किया गया है। तत्पश्चात SEIAA से E.C. अपेक्षित है।

माननीय राष्ट्रीय हरित प्राधिकरण में उठाये गये बिन्दुओं के सम्बन्ध में आख्या

क्र०सं०	बिन्दु	आख्या
1	2	3
1	District Survey report for river bed sand mining in District Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management Guidelines, 2020.	विषयगत खनन क्षेत्र में भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 के द्वारा जन सामान्य हेतु उपलब्ध कराये गये तथा DEIAA के द्वारा दिनांक 04.09.2019 की बैठक में लिये गये निर्णय के अनुसार 5 नये क्षेत्र शामिल किये गये थे जिसमें बरथाकोरसी भी शामिल था। तत्समय Enforcement & Monitoring guidelines for Sand Mining 2020 प्रभाव में नहीं थी।
2	The mining sites are within 1 K.M. from Kalesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF & CC order dated 08.08.2019	प्रभागीय निदेशक सामाजिक वानिकी वन प्रभाग के पत्र संख्या 4299/14-1 सहारनपुर दिनांक 17.06.2019 द्वारा खनन क्षेत्र बरथाकोरसी अनापत्ति प्रमाण पत्र निर्गत किया गया। उक्त अनापत्ति प्रमाण पत्र में ग्राम बरथाकोरसी प्रस्तावित खनन पट्टा क्षेत्र ग्राम बरथाकोरसी गाटा संख्या-1 की जी०पी०एस० रिडिंग A- N30° 14' 37.1" E77° 31' 40.8" है। जी०पी०एस० रिडिंग से खनन पट्टा क्षेत्र की दूरी 13.30 किमी० है। इसी प्रकार कालेशर नेशनल पार्क की जी०पी०एस० रिडिंग A- N30° 18' 44.00" E77° 34' 26.9" है। जी०पी०एस० रिडिंग के अनुसार राष्ट्रीय उद्यान से खनन पट्टा क्षेत्र की दूरी 8.83 कि०मी० है। (संलग्नक-8)
3	Mining is also in prohibited area being upstream of Hathnikund Barrage is Saharanpur	प्रश्नगत बरथाकोरसी गाटा संख्या 01 रकबा 36.00 हे० क्षेत्र यमुना नदी में पडता है। हथनीकुण्ड बैराज से डाउन स्ट्रीम में स्थित है।
4	Cluster Impact Assessment has not been done as required.	बरथाकोरसी जिसका उच्चतम ऑफरदाता के पक्ष में लेटर ऑफ इण्टेंट दिनांक 30.12.2019 को जारी किया गया (संलग्नक-9)। क्लस्टर प्रमाण पत्र के अनुसार उत्तर प्रदेश की सीमा में 500 मीटर की परिधि के अन्तर्गत कोई अन्य क्षेत्र, खनन पट्टा स्वीकृत एवं संचालित नहीं है। जहां तक हरियाणा राज्य के खनन पट्टा क्षेत्र का सम्बन्ध है, हरियाणा राज्य के जिला यमुनानगर के डिस्ट्रिक्ट सर्वे रिपोर्ट (DSR) के अनुसार बेलगढ क्षेत्र का कोई जियो कॉर्डिनेट्स का उल्लेख नहीं है (संलग्नक-10)। यमुनानगर के बेलगढ सीमा के अन्तर्गत स्वीकृत खनन क्षेत्र ग्राम बेलगढ साउथ जिसका

		स्टेट एन्वायरमेंट इम्पैक्ट एस्समेंट अथोरिटी ऑफ हरियाणा के पत्र SBIAA/HR/2016/475 दिनांक 27.06.2016 (संलग्नक-11) द्वारा E.C. जारी किया गया है, जिसमें क्षेत्र के तीन कॉर्डिनेट्स दिये गये हैं:- A- N30° 13' 29.01" E77° 30' 34.59" B- N30° 13' 10.29" E77° 30' 24.22" C- N30° 12' 41.01" E77° 30' 17.97" उक्त क्षेत्र जनपद सहारनपुर के स्वीकृत खनन पट्टा क्षेत्र बरथाकोरसी से न्यूनतम 1.4 किमी० से अधिक दूरी पर स्थित है। गुगल मानचित्र (संलग्नक-12)
5	The sand mining has been continuing even during the locked down period	बरथाकोरसी का खनन पट्टा यमुना नदी में स्थित बालू बजरी, बोल्टर (मिश्रित अवस्था में) स्वीकृत है SEIAA से ई०सी० प्राप्त न होने के कारण अभी कोई अग्रिम कार्यवाही नहीं की गयी है। अतः खनन कार्य लॉक डाउन की अवधि में होने का कोई प्रश्न ही नहीं है।

यहाँ पर माननीय न्यायालय के समक्ष यह भी संज्ञान में लाना है कि याची द्वारा "Enforcement & Monitoring guidelines for Sand Mining" 2020 के अनुसार डिस्ट्रिक्ट सर्वे रिपोर्ट तैयार करने का उल्लेख किया गया है।

जिसके संबंध में सादर संज्ञानित करना है कि उत्तर प्रदेश शासन के शासनादेश संख्या 865/86/2020-01(सा०)/2020 दिनांक 12.06.2020 द्वारा समस्त जिलाधिकारियों एवं निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०, लखनऊ को "Enforcement & Monitoring guidelines for Sand Mining" 2020 के अनुसार जिला सर्वेक्षण रिपोर्ट Modification (सुधार) के संबंध में निर्देश दिये गये हैं (संलग्नक-13)। शासनादेश दिनांक 12.06.2020 जारी होने के उपरान्त जनपद सहारनपुर में ई-निविदा सह ई-नीलामी संबंधी कोई कार्यवाही सम्पादित नहीं हुयी है।

माननीय राष्ट्रीय हरित प्राधिकरण के संज्ञान में समर्पित करना है कि जनपद सहारनपुर में बालू के दो खनन पट्टे तहसील सदर अन्तर्गत दरियाबरामद दिनांक 04.10.2019 से 03.10.2024 तक स्वीकृत है एवं तहसील नकुड स्थित ग्राम दिक्काकलां दिनांक 16.11.2019 से 15.11.2024 तक स्वीकृत है। जिसमें बालू का खनन काल पट्टा विलेख के निष्पादन से प्रारम्भ है। दिनांक 23.03.2020 से सम्पूर्ण भारतवर्ष में लॉकडाउन प्रारम्भ हुआ था, जिसके कारण दिनांक 23.03.2020 से खनन संक्रिया बन्द हो गयी थी। लॉकडाउन की अवधि के दौरान जनपद सहारनपुर में कोई खनन सम्बन्धी कार्य नहीं हुआ है। शासन के पत्र संख्या 5जी०आई०/86-2020-14 (सामान्य)/2020 दिनांक 17.04.2020 कुछ शर्तों के साथ खनन कार्य प्रारम्भ करने का निर्देश प्राप्त हुआ (संलग्नक -14) शासन के उक्त आदेश के अनुपालन में जिलाधिकारी कार्यालय के पत्र संख्या 3909/ख०अनु०/खनन लिपिक/2020 दिनांक 05.05.2020 से शासनादेशों में इंगित शर्तों के अन्तर्गत खनन कार्य प्रारम्भ किया गया। (संलग्नक-15)

ANNEXURE A2

Item No. 24

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 90/2020

(With report dated 13.07.2020)

Pramod

Applicant(s)

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 17.08.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Mr. Ajit Sharma, Advocate

Respondent(s): Mr. Ankit Verma, Advocate for State of UP

ORDER

1. Grievance in this application is *inter - alia* is against District Survey report for riverbed sand mining in District Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management Guidelines, 2020. The mining sites are within 1 k.m. from Kalesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF&CC order dated 08.08.2019. Mining is also in prohibited area being upstream of Hathnikund Barrage in Saharanpur. Cluster Impact Assessment has not been done as required. The sand mining has been continuing even during the locked down period.

2. A report was sought from District Magistrate, Saharanpur and SEIAA, U.P. vide order dated 29.06.2020.

3. Accordingly, a report has been filed on 13.07.2020 to the effect that leases were granted prior to the Sustainable Sand Mining Guidelines, 2020. However, the fact remains that the replenishment study is required even *de hors* the said Guidelines, the objections of the applicant may be responded to by the Department. The applicant is at liberty to file a fresh representation before the District Magistrate, Saharanpur and SEIAA, U.P. within one week from today with reference to the report filed on 13.7.2020.

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List again on 06.10.2020.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

August 17, 2020
Original Application No. 90/2020
A

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सेवा में,

श्रीमान सदस्य सचिव
उत्तर प्रदेश इन्वार्थमेन्ट इम्पैक्ट
एस्सेमेन्ट एथॉरिटी, विनित खण्ड-1
गोमती नगर, लखनऊ-226010

विषय: माननीय राष्ट्रीय हरित प्राधिकरण द्वारा ओ0ए0 नं0 90/2020 प्रमोद बनाम उत्तर प्रदेश सरकार एवं अन्य में पारित आदेश दिनांक 17.08.2020 के अनुपालन के सम्बन्ध में।

महोदय,

निवेदन इस प्रकार है कि प्रार्थी द्वारा जिला सहारनपुर के खनन क्षेत्रों के सम्बन्ध में ओ0ए0 नं0 90/2020 प्रमोद बनाम उत्तर प्रदेश सरकार एवं अन्य माननीय एन0जी0टी0 के समक्ष दायर किया गया था जिसमें मा0 कमेटी द्वारा रिपोर्ट दिनांक 13.08.2020 को प्रस्तुत की गई जिस पर संज्ञान लेते हुए निम्न आदेश पारित किये गये हैं **आदेश दिनांक 17.08.2020 की प्रति संलग्नक नं0 01** है।

“2. A report was sought from District Magistrate, Saharanpur and SEIAA, U.P. vide order dated 29.06.2020.

3. Accordingly, a report has been filed on 13.07.2020 to the effect that leases were granted prior to the Sustainable Sand Mining Guidelines, 2020. However, the fact remains that the replenishment study is required even *de hors* the said Guidelines, the objections of the applicant may be responded to by the Department. The applicant is at liberty to file a fresh representation before the District Magistrate, Saharanpur and SEIAA, U.P. within one week from today with reference to the report filed on 13.7.2020.

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उपरोक्त आदेश के अनुसार प्रार्थी द्वारा प्रस्तुत प्रार्थना पत्र/आपत्तियों को ध्यान में रखते हुए पुनः रिपोर्ट प्रस्तुत करने के आदेश दिये गये हैं। उक्त मामले में प्रस्तुत रिपोर्ट के निम्न मुख्य बिन्दुओं पर प्रार्थी अपना पक्ष/आपत्ति प्रस्तुत कर रहा है—

- A. **District Survey Report (DSR)** नोटिफिकेशन दिनांक 15.01.2016 के व उसके परिशिष्ट 10 व 11 के व गाईड लाईन्स 2016 के अनुसार नहीं है। DSR से पूर्व या ई0सी0 से पूर्व आज तक कोई **replenishment study** नहीं की गई व न ही करायी गई है। सभी खनन पट्टे, गाईड लाईन्स 2020 के बाद ग्रान्ट किये गये हैं।
- B. हथ-नी कुण्ड बैराज के अपस्ट्रीम में एफ0आर0आई0 की रिपोर्ट जो मा0 एन0जी0टी0 द्वारा स्वीकार की गई तो भी उस प्रतिबाधित क्षेत्र में खनन अनुमति 3 लॉट में दी गई।
- C. नेशनल पार्क व हाथी रिजर्व की दूरियाँ छुपाकर प्रतिबाधित एरियाओं में खनन की अनुमति दी गई जिसमें वन विभाग की भी मिलिभगत थी।
- D. सभी लॉट कलस्टर में है लेकिन प्रमाण पत्र तथ्यों को छिपाकर गलत दिया गया कोई EIA/EMP कलस्टर की नहीं करायी गई।
- E. जिला सहारनपुर में लगातार सरकारी विभाग की मिलिभगत से अवैध खनन हुआ है व भारी पर्यावरण क्षति पहुँची है बिना किसी क्षति पूर्ति किये हुए पुनः खनन कराया जा रहा है लॉक डाउन में अवैध खनन हुआ है।

- F. लॉट नं० 03 रहना में बिना ई०सी० के खनन शुरू कराया गया। ई०सी० एवं टोर गलत जारी किये गये है मा० एन०जी०टी० के आदेशों की अवहेलना की गई है।
- G. मा० कमेटी द्वारा रिपोर्ट गलत दी गई है कोई जाँच मौके पर नहीं की गई है दोनों ही सदस्य मा० एन०जी०टी० ने अधिकृत नहीं किया है एक सदस्य SEAC का है और दूसरा जिला प्रशासन अधिकारी है एक ई०सी० जारी करने वाली मा० कमेटी के सदस्य है और दूसरे सदस्य के द्वारा DSR में अवैध संसोधन कर खनन पट्टे स्वीकृत किये गये है दोनों सम्बन्धित है सम्बन्धित व्यक्ति कभी जाँच अधिकारी नहीं हो सकते है।

A. District Survey Report (DSR) नोटिफिकेशन दिनांक 15.01.2016 के व उसके परिशिष्ट 10 व 11 के व गाईड लाईन्स 2016 के अनुसार नहीं है।

DSR से पूर्व या ई०सी० से पूर्व आज तक कोई replenishment study नहीं करायी गई है। सभी खनन पट्टे गाईड लाईन्स के बाद निष्पादित किये गये है।

रिपोर्ट दिनांक 13.08.2020 में मा० कमेटी द्वारा उक्त बिन्दु के सम्बन्ध में निम्न प्रकार से उल्लेख किया गया है—

क० सं०	बिन्दु	आख्या
1	District Survey Report for river bed sand mining in District Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management Guidelines, 2020.	<p>मायापुर रूपपुर विषयगत खनन क्षेत्र में भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मन्त्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 के द्वारा जन सामान्य हेतु उपलब्ध कराये जाने तथा DEIAA के द्वारा दिनांक 04.09.2019 की बैठक में लिये गये निर्णय के अनुसार 5 नये क्षेत्र शामिल किये गये थे जिसमें मायापुर रूपपुर भी शामिल था। तत्समय Enforcement & Monitoring Guidelines for Sand Mining 2020 प्रभाव में नहीं थी।</p> <p>रहना (गाटा संख्या 179/2 रकबा 3.75 है०) गैसरा राँ नदी विषयगत खनन क्षेत्र में भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मन्त्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 के द्वारा जन सामान्य हेतु उपलब्ध कराये जाने तथा DEIAA के द्वारा दिनांक 04.09.2019 की बैठक में लिये गये निर्णय के अनुसार 5 नये क्षेत्र शामिल किये गये थे जिसमें रहना भी शामिल था। तत्समय Enforcement & Monitoring Guidelines for Sand Mining 2020 प्रभाव में नहीं थी।</p> <p>रहना (लॉट संख्या 3 गाटा संख्या 3, रकबा 8.05 है०) यमुना नदी विषयगत खनन क्षेत्र में भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मन्त्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 के द्वारा जन सामान्य हेतु उपलब्ध कराये गये निर्धारित अवधि में कोई सुझाव प्राप्त नहीं हुए। तत्समय Enforcement & Monitoring Guidelines for Sand Mining 2020 प्रभाव</p>

	<p>में नहीं थी।</p> <p>बरथाकोरसी (गाटा संख्या 01, रकबा 36.00 है0) यमुना नदी</p> <p>विषयगत खनन क्षेत्र में भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मन्त्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 के द्वारा जन सामान्य हेतु उपलब्ध कराये जाने तथा DEIAA के द्वारा दिनांक 04.09.2019 की बैठक में लिये गये निर्णय के अनुसार 5 नये क्षेत्र शामिल किये गये थे जिसमें बरथा कोरसी भी शामिल था। तत्समय Enforcement & Monitoring Guidelines for Sand Mining 2020 प्रभाव में नहीं थी।</p>
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1. मा0 कमेटी द्वारा कहा गया है कि DSR परिशिष्ट 10 के अनुसार नियमानुसार बना है बिल्कुल गलत है DSR में किसी भी नियम/नोटिफिकेशन का पालन नहीं किया गया है न कोई जाँच करायी गई है DSR नोटिफिकेशन 15.01.2016 के परिशिष्ट 10 के अनुसार नहीं है। नोटिफिकेशन दिनांक 15.01.2016 की प्रति संलग्नक नं0 02 है।
2. तथाकथित DSR जिसको 02.12.2017 को वैबसाईट पर आपत्ति मंगाना कथित किया गया है उसके ऊपर न तो कोई दिनांक दिया गया है न ही उसमें कोई खसरा नं0 लोगीट्यूट व लैटीट्यूट, लोकेशन नहीं दी गई है। न ही परिशिष्ट 10 के अनुसार किसी भी क्षेत्र की लम्बाई व चौड़ाई दी गई है। कोई replenishment study नहीं करायी गई है आपत्ति करने वाले को जानकारी ही नहीं है कि यह क्षेत्र कहाँ के लिए तैयार किये गये हैं।
3. उत्तर प्रदेश में भाजपा सरकार के गठन के बाद खनन नीति 17.08.2017 घोषित की गई और नीलामी का निर्णय लिया गया उसके अर्न्तगत विभिन्न खनन क्षेत्र घोषित किये गये लेकिन DSR नहीं बनाये गये जिसके लिए विभिन्न लोगों द्वारा माननीय राष्ट्रीय हरित अधिकरण में ओ0ए0 दायर किये गये और माँग की गई की नोटिफिकेशन दिनांक 15.01.2016 के प्रावधानों के अनुसार DSR बनाये बिना कोई नीलामी न की जाए। माननीय राष्ट्रीय हरित अधिकरण द्वारा संज्ञान लेते हुए तत्काल दिनांक 19.09.2017 को फाईल की गई दिनांक 29.09.2017 को नीलामी पर रोक लगायी गई ओ0ए0 नं0 557/2017 अन्जनी कुमार बनाम यूनियन ऑफ इन्डिया में सुनवाई के बाद स्पष्ट किया गया की ई0आई0ए0 नोटिफिकेशन 2006 के संशोधित प्रावधान दिनांक 15.01.2016 के अनुसार विस्तार से DSR के बिना क्षेत्र घोषित नहीं किये जा सकते और उसमें स्पष्ट किया गया की DSR बनाते हुए नदी तल के मामलों में Replenishment study किस प्रकार करनी है। लेकिन न तो DSR नोटिफिकेशन के अनुसार बनाया गया और न ही Replenishment study करायी गई माननीय एन0जी0टी0 के आदेशों का उल्लंघन किया गया।

“ BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO 557/2017

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Responding to it, the Learned Counsel for the State submits that the grant of tenders, as indicated in the prayers 2 to 9 will not affect the case on merit as there are several other stages to cross, as per the procedure prescribed. Be that as it may, as the State is declining to give any undertaking that they will restrain itself for opening the tenders to avoid any third party interest or any change in that factual situation, it is necessary to restrain the operation of the notice inviting E-tender as detailed in prayer 2 to 9 and taking any further steps till the next date of hearing be passed.

Accordingly, we pass the following order.

Until further orders the notice inviting E-Tender as detailed in prayer 2 to 9 is stayed. We reserve the liberty of the State to seek modification of the interim order.

Respondents shall file reply before the next date of hearing with advance copy to the applicant.”

“ BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW
DELHI

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85. We can notice that the Government of India acknowledging the relevance of District Survey Report in ensuring formulation of safe sustainable mining plan has incorporated and amended to sand mining management guidelines, 2006 in 2006 notification vide amendment dated 15.01.2016 for recognizing the importance of a District Survey Report by the said amendment in para 7(iii) incorporated which reads “Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals” in 2006 Notification besides other amendments. Relevant portion of the amendment is at annexure 2.

86. While giving the procedure for preparation of District Survey Report in appendix-X, Central Government in 2006 Notification has reiterated the laudable objective and essentiality of preparation of District Survey Report i.e. to identify areas of aggradations or depositions where mining could be allowed and identification of areas of erosion and proximity to infrastructural structure and installations where mining could be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

87. Appendix-X is therefore relevant that requires survey report shall be carried out by the District Environment Impact Assessment Authority i.e. DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department in the District. This bring to surface the un-doubtable importance of the District Survey Report and the onerous responsibility of DEIAA.

88. It is not in dispute, in the instance cases, the State of UP has not waited for the report of DEIAA while issuing E-Notice for E Tender for E-Biding in respect of various rivers for grant of mining lease. It has proceeded on its own volition on the basis of so called survey reports given to it by District Magistrate regarding evaluation of quantity and quality of minerals said to have been done by the District Officer. In other words they have by their own mechanism collected the evaluation and used it as prior material information for issuing E-Notice inviting E Tender for E-Biding.

89. It is not in dispute that the said report was not in public domain for 21 days before issuing E-Tender/E-Notice because that is different report than the District Survey Report referred to in the aforesaid guidelines issued by MoEF and the mandate of amended rules framed by the State Government under the provisions of MMRD Act. Therefore we are satisfied that the issuance of E-Notice by E-Tender on an in-sufficient material information of vital importance relating to environment when the State Government issues E-Notice inviting E-Tender for E-Biding for grant of mining lease. We may observe without expressing opinion on the competence of the State Government to issue E Tender inviting E-Notice for E-Biding which is under the provisions of Rule made under the provisions of MMRD Act which is not a schedule statute in the NGT Act we have examined its ultimate effect and the basis on which it is issued for ascertainment of its effect on the environment. In this regard the material on the basis on which such mining policy 2017 was framed for grant of mining lease needs a thorough judicial scrutiny.

90. The State of UP has not disputed as on the date of issuance of impugned E-Notices inviting E-Tender for E-Biding the District Survey Report was not in existence and same was not prepared by the DEIAA and that only material at had was survey report of evaluation submitted by District Officer that to be survey conducted during rainy season were there could not have been a realistic evaluation of quality and quantity of the minerals the importance of District Survey Report which we have held is of significance.

91. MoEF & CC vide notification dated 15th January, 2016 had amended the regulation/notification dated 14th September, 2006 in relation to carrying on of mining activities as stated above in terms of the Judgment of the Hon'ble Supreme Court in the case of Deepak Kumar and Himmat Singh Sekhawat judgment of this Tribunal and even in terms of the Notification of 2006 obtaining the prior Environmental Clearance to the carrying on of mining activity is held to be mandatory. Even the Notification of 15th January, 2006 does not change that status. In fact the Mining Rules framed by the State of UP in terms of U.P.Minor Mineral Concessions Rules 2017 it is mandatory to obtain environment Clearance prior to carrying on of any mining activity under the lease granted to minor-mineral by the State Government. In that sense we are examining the Mining Policy 2017 of the State of UP and the E-Notice issued only from the point of view of environmental protection. Rule 34 of the said Rules mandates that there should be sufficient safeguards provided for environmental protection and in that sense DSR is initial step. *Stricto sensu* we are not concerned with the tenders invited by the State Government under its mining policy which does not fall within the scope of jurisdiction of this Tribunal. However, the State in terms of its constitutional obligations contained in Article 48(A) read with the Principle of Sustainable Sand Mining, the very foundation of the Sand Mining Policy, 2017 of the State and the Judgment of the Tribunal, is obliged to provide due protection and safeguards for the environment protection before it can generate revenue by utilization of its natural resources. The State Government holds these assets in public interest. The Doctrine of Public Trust requires the State Government to ensure that the natural resources including sand mining is not permitted to be wasted opposed to the Principle of intergenerational equity. The mining policy does have deficiencies and does not incorporate all the provisions of Environmental protection as contemplated in the minor mineral rules of the State of UP. We are not concerned whether the State ought or ought not have invited tenders on the basis of so called surveys conducted under the mining rules but we are certainly concerned with that no environmental degradation is permitted as a result of indiscriminate unregulated mining without compliance to the laws enforce. Obtaining prior Environmental Clearance is not optional therefore, all other laws in other fields than environment must tilt in favour of the environmental laws and non should be permitted to carry on the activity of extraction of minor minerals including sand unless the requirement of environmental laws are fully satisfied.

92. The E-tender cum E- Auction in terms of Rule 23(iv) does give the power to the District officer to get evaluated for quality and quantity of the minerals for fixing the minimum bid. This exercise squarely falls within the ambit of commercial policy of the State Government under the provisions of the Mining Policy and but cannot form an exception to compliance of the environmental laws as contemplated under the Mining Rules of 2017 **as well as Appendix- x. Appendix-x while refereeing to Sustainable Sand Mining Guidelines also directs to ensure providing of the details as contemplated under the said Appendix. It states that the main object of preparation of District Survey Report is to ensure identification of areas of aggradations/deposition where mining can be allowed and identification of areas of erosion and proximity to infrastructural structures and installation where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining area. Thus, the environmental protection requires a strictly regulated mining in terms of area, quantity as well as most importantly replenishment thereof.**

93. It is true that under the Mining Policy/Rules the State is empowered to conduct survey for the purpose of inviting bids opine. The preparation of DSR and obtaining of Environmental Clearance is also a condition precedent to carrying on mining activity. It is for the State Government to ensure that there is no conflict between the two and they are balanced so

as to ensure that neither there is scope for illegal mining nor there should environmental degradation.

94. The information or data collected by the authorized officer of the State Government under Mining Act for inviting tenders would not be and cannot be the base for compliance of Appendix- x as it is not a substitute for the District Survey Report referred to which must be prepared by District Environment Impact Assessment Authority the body in terms of Appendix-x. In light of the above discussion we pass the following orders and directions:

1. we have already held that we are not concerned in deciding the merit or otherwise of the Mining Policy, 2017 framed by the State of UP an inviting of e-tender and e-auction as it falls beyond the jurisdiction of this Tribunal.

2. The data collection and declared for preparation of DSR shall take precedent over other data and would form the foundation for providing mining lease in terms of Appendix- x to the Notification dated 15th January, 2016 must be prepared by the statutory authority stated therein i.e. DEIAA prior to awarding of permits for carrying on mining activity in any part of the State of UP.

3. Upon finalization of the DSR in the manner prescribed 21 days notice shall be provided and objections if any file shall be considered in accordance with law.

4. Obtaining of Environmental Clearance shall be a condition precedent to the carrying on of the mining activity/execution of the lease. This be so for the environmental laws afore referred and even stipulated in the Rule 34(iv) of the Mining Rule, 2017

5. The State Government and all its agencies and instrumentalities would ensure that the protection and replenishment of natural resources including sand is duly provided for in the mining lease that would be granted by the State Government as required under Appendix-x to the notification dated 15th January, 2016.

6. The State Government and its instrumentalities shall also ensure that the terms and conditions of the Mining Lease would contain all the relevant clauses as stated in Appendix- and Notification dated 15th January, 2016 for carrying out sustainable mining.”

आदेश दिनांक 08.12.2017 की प्रति संलग्नक नं० 03 है।

4. दिनांक 09.01.2006 को जिला सहारनपुर की तहसील बेहट में बालू, बजरी पत्थर के खनन के लिए 40 लॉट की घोषणा की गई थी व 2 लॉट बालू की घोषणा की गई थी। जिसमें प्रत्येक लॉट का क्रम संख्या गाँव का नाम, तहसील, खसरा न० व क्षेत्रफल एकड़ में दिया गया जिसके अनुसार विभिन्न लाटों के खनन पट्टे आवंटित किये गये **42 लॉटों की अधिसूचना दिनांक 09.01.2006 की प्रति संलग्नक नं० 04 है।**
5. उपरोक्त बालू, बजरी, पत्थर के 40 लाटों में 5 लॉट फैजाबाद लॉट नं० 6 (हथनी कुण्ड बैराज के पास होने के कारण निरस्त कर दिये गये) हैदरपुर हिन्दुवाला (आर्मी की फायरिंग रेन्ज से खतरा होने के कारण लॉट निरस्त कर दिया गया) इन्द्रपुर तालड़ा (हाथी रिजर्व के पास होने के कारण व गाँव वालों के विरोध के कारण निरस्त कर दिया गया) अलीअकबरपुर (हाथी रिजर्व के पास होने के कारण व गाँव वालों के विरोध के कारण निरस्त कर दिया गया) शेरपुर पेलों लॉट नं० 2 (हाथी रिजर्व के पास होने के कारण व गाँव वालों के विरोध के कारण निरस्त कर दिया गया), लॉट में खनन बीच में रोक दिया गया या निरस्त कर दिया गया।
6. बचे हुए 35 लॉटों में खनन किया गया जिसके लिए 2011 में खनन पट्टा धारकों द्वारा पर्यावरण सहमति आवेदन किया गया और पर्यावरण सहमतियाँ प्राप्त की गईं।
7. वर्ष 2017 में तहसील बेहट के बालू, बजरी, पत्थर के उन्ही 35 लॉटों को ज्यों का त्यों लॉट नं० से DSR में दर्शाया गया उनके अतिरिक्त कोई लॉट न बढ़ाया गया न घटाया गया जबकि उनकी कोई जाँच या नाप तोल नहीं की गई। DSR में मौके पर कोई जाँच नहीं की गई है केवल आँख बन्द कर पुराना डाटा कोपी पेस्ट कर दिया गया है। जो लॉट कलस्टर में थे उनका कोई उल्लेख नहीं किया गया।
8. DSR के पेज 8 पर निम्न प्रकार कहा गया है कि
 - 1- Details of the Portential Mining area in Yamuna river in tabulated form.

Zone	Name of river	Tehsil	Location (Stretch)	Area	Remarks
C4	Khairon Wali River	Behat	Stretch along Khairon wali river		There is reserve forest in north of the C zone from which 5 km has been excluded from the mining area.
C5	Gaisra River	Behat	Stretch along Gaisra River		
C6	Badshahibag Rao River	Behat	Stretch along Bhadhahibhag Rao River		
C7	Sahjahanpur Rao River	Behat	Stretch along Sahjahnapur Rao River		
C8	Lalo River	Behat	Stretch along Lalo River		

Zone C4:- A stretch along Khairon wali River. River bed mineral is found in mixed state viz Sand, Bazri and Boulder. Area lies in tehsil Behat.

Zone C5:- A stretch along Gaisra River. River bed mineral is found in mixed state viz Sand, Bazri and Boulder. Area lies in tehsil Behat.

Zone C6:- A stretch along Badshahi bag Rao River. River bed mineral is found in mixed state viz Sand, Bazri and Boulder. Area lies in tehsil Behat.

Zone C7:- A stretch along Sahjahanpur Rao River. River bed mineral is found in mixed state viz Sand, Bazri and Boulder. Area lies in tehsil Behat.

Zone C8:- A stretch along Lalo River. River bed mineral is found in mixed state viz Sand, Bazri and Boulder. Area lies in tehsil Behat.

जिला सहारनपुर DSR में Zone C4 से Zone C8 तक खनन Nil दिखाया गया है उसके बाद Zone C4 से Zone C8 तक नदी में भी कोई खनन करने योग्य क्षेत्र व मात्रा का उल्लेख नहीं है। संसोधन में भी केवल खसरा नं० दिखाया गया है DSR के इस भाग में कोई संसोधन नहीं किया गया है यदि कोई क्षेत्र बढ़ाना था तो पूरे DSR में जहाँ जहाँ आवश्यकता थी पूरे की जाँच के बाद संसोधन करने पर पूरा DSR विरोधाभाषी है। नियमों के विरुद्ध है पर्यावरण का कोई ध्यान नहीं रखा गया है और गैसरा राव में रहना नया लॉट व बादशाहीबाग में मायापुर रूप, खैरों नदी में शेरपुर पेलों और हैदरपुर हिन्दुवाला लॉट नये घोषित किये गये ।

C1 to C8 तक के उत्तर में आरक्षित वन क्षेत्र पड़ता है आरक्षित वन क्षेत्र से 5 किमी० तक खनन क्षेत्र बाहर कर दिये गये है जबकि यह विवादित क्षेत्र लॉट नं० 03 रहना नया लॉट खसरा नं० 179/2, मायापुर रूपपुर खसरा नं 14/1, हैदरपुर उर्फ हिन्दुवाला, शेरपुर पेलों नया लॉट सभी हाथी रिजर्व व प्रस्तावित टाइगर रिजर्व के 1 किमी० के अन्दर आते है जबकि DSR में 5 किमी० तक के लॉट बाहर कर प्रतिबन्धित किये गये है। अपने आप में यह लॉट DSR के अनुसार खनन के लिए नीलाम नहीं किये जा सकते थे व पर्यावरण सहमति जारी नहीं की जा सकती है जिसमें स्पष्ट है DSR के पूर्व कोई जाँच नहीं की गई और न ही पालन किया गया। सहारनपुर DSR की प्रति ओ०ए० का संलग्न नं० 04 है।

9. DSR में दिनांक 26.10.2018 को शुद्धिपत्र जारी किया गया जिसमें लॉट नं० की पहचान करने के लिए पहली अधिसूचना दिनांक 09.01.2006 से खसरे नं० लिखे गये। उसमें कोई भी लॉगीटयूट व लैटीटयूट नहीं दिये गये। वह भी केवल तीन लॉट के खसरा नं० दिये गये सभी लॉटों के नहीं दिये गये और आज तक बाकी को नीलाम भी नहीं किया गया।

10. दिनांक 04.09.2019 को DSR में संसोधन कर 5 नये क्षेत्र जोड़े गये। जो पहले से ही राज्य सरकार द्वारा विभिन्न पर्यावरण के कारणों से निरस्त किये थे और जोड़ने से पूर्व कोई जाँच नहीं की गई यदि जाँच की गई है तो मा० कमेटी जाँच रिपोर्ट न्यायालय के समक्ष प्रस्तुत करती जो नहीं की गई है।

11. शुद्धिपत्र दिनांक 28.10.2018 द्वारा नया क्षेत्र नहीं जोड़ा जा सकता था। यह मा0 कमेटी में कब पास हुआ नहीं कहा जा सकता स्पष्ट है यह क्षेत्र DSR में नहीं थे, और उसमें नये क्षेत्र नहीं थे।
12. दिनांक 02.12.2017 को सूचना पट पर लगाया गया व बैबसाईट पर लगाया गया लेकिन DSR फाईनल कब किया गया कब जाँच की गई कोई विवरण का उल्लेख नहीं है। किस मिटिंग में पास किया गया जबकि परिशिष्ट 10 के अनुसार उसको पुनः जिला मा0 कमेटी द्वारा पास किया जाना आवश्यक है ऐसा कोई विवरण DSR पर मौजूद नहीं है। प्रार्थी द्वारा विवरण आर0टी0आई0 में मांगा गया लेकिन उपलब्ध नहीं कराया गया क्योंकि सब तथ्यों को छुपाया जा रहा है **आर0टी0आई0 प्रार्थना पत्र दिनांक 02.01.2020 की प्रति संलग्नक नं0 05** है। यदि रिकॉर्ड उपलब्ध है तो प्रार्थना पत्र में मांगी गई सूचना न्यायालय के समक्ष प्रस्तुत किया जाए सारी स्थिति स्पष्ट हो जाएगी।
13. नये लॉटों को दिनांक 06.12.2005 के द्वारा खनन पट्टे के लिए घोषणा की गई। जिनका मामला विभिन्न न्यायालयों में चला न्यायालय द्वारा एक तीन सदस्यों की मा0 कमेटी से मौके की जाँच करायी गई और रिपोर्ट में सभी क्षेत्र खनन योग्य नहीं पाये गये और राज्य सरकार के आदेश दिनांक 30.11.2006 के द्वारा निरस्त कर दिये गये। अब पुनः उन्ही क्षेत्रों को बिना किसी जाँच के नीलाम कर दिये गये है। **खनन क्षेत्र घोषणा नोटिस दिनांक 06.12.2005 व आदेश दिनांक 30.11.2006 की प्रति संलग्नक नं0 06** है।
14. दिनांक 04.09.2019 को 5 नये क्षेत्र जोड़ने को निर्णय लिया गया किसी कमेटी की रिपोर्ट पर DSR में बीच में कोई क्षेत्र जोड़ने का कोई प्रावधान नहीं है। क्योंकि क्षेत्र को जोड़ने पर दूसरे क्षेत्रों पर प्रभाव पड़ता है जबकि इन क्षेत्रों को पहले शासन द्वारा पर्यावरण की दृष्टि से निरस्त किये गये थे। कब मा0 कमेटी द्वारा फाईनल किया गया दिनांक 07.09.2019 को व साईट पर नीलाम करने के 21 दिन के लिए डाला गया दिनांक 16.09.2019 को सार्वजनिक सूचना जारी की गई उपरोक्त से स्पष्ट है कि DSR दिखावा है क्योंकि दिनांक 07.09.2019 को 21 दिन के लिए आपत्तियाँ मांगी गई और मात्र 8 दिन बाद ही क्षेत्र नीलाम के लिए जारी कर दिया गया जबकि 21 दिन की आपत्ति का समय समाप्त होने के बाद ही निर्णय लिया जा सकता था। **नीलाम नोटिस दिनांक 16.09.2019 की प्रति संलग्नक नं 07** है।
- 15.** DSR में क्षेत्रों को बिना किसी पहचान के शामिल किये गये है जैसे की शुद्धिपत्र द्वारा रहना खसरा नं0 179/2 लॉट को नया क्षेत्र जोड़ा गया है जिसको राज्य सरकार द्वारा वर्ष 2005 में भी पर्यावरण के कारणों से निरस्त किया गया है लेकिन बिना जाँच के जोड़ दिया गया और शुद्धिपत्र में कोई लॉगीट्यूट व लैटीट्यूट नहीं दिये गये है उसके बाद नीलामी सूचना के लॉगीट्यूट व लैटीट्यूट दिये गये जिसके अनुसार व क्षेत्र ग्राम फ़ैजाबाद के लॉट नं0 8 को ओवर लैप कर रहा है जिससे स्पष्ट है कि DSR व वास्तविक नीलाम क्षेत्रों में मिलान नहीं है जिसको गूगल मैप पर दिखाया गया है। गूगल मैप की प्रति संलग्नक नं0 30 है।
16. DSR में नुनियारी लॉट नं0 37 व 38 शामिल किये गये है लॉट नं0 38 को पुनः 2018 में शुद्धिकरण कर खसरा नं0 बढ़ाया गया है लेकिन कोई लैटीट्यूट व लॉगीट्यूट व लम्बाई, चौड़ाई कुछ भी विवरण नहीं दिया गया है लेकिन नीलाम नोटिस में लॉट 38 के लॉगीट्यूट व लैटीट्यूट दिये गये थे पूर्व में लॉट नं0 37 व 38 की पर्यावरण सहमति जारी हुई थी जिसमें लॉगीट्यूट व लैटीट्यूट दिये गये थे उसमें Replenishment study के लिए भी निर्देशित किया गया था। लेकिन DSR से पूर्व कोई Replenishment study नहीं करायी गई। इसके अतिरिक्त अब जो लॉट 38 नीलाम किया गया है पूर्व पर्यावरण सहमति के लॉगीट्यूट व लैटीट्यूट के अनुसार वह लॉट नं0 37 है। जिससे स्पष्ट है कि नीलामी लॉट नं0 38 के नाम पर लॉट 37 की नीलामी कर दी गई है जो एक बहुत बड़ी धोखाधड़ी है। जिसके आधार पर कहा जा सकता है कि DSR एक दिखावा मात्र है और नीलामी प्रक्रिया गैर कानूनी की गई है उपरोक्त स्थिति को गुगल मैप पर स्पष्ट किया गया है जो संलग्नक नं0 33 है।
17. DSR के अन्त में निम्न प्रकार उल्लेख है कि
“Details of existing mining leases in river bed in district Saharanpur.
At present not a single lease is in river bed area in district Saharanpur.”

जबकि जिला सहारनपुर में DSR में दिये गये। 32 लॉटों का नवीनीकरण दिनांक 23.11.2015 को राज्य सरकार द्वारा तीन वर्षों के लिए किये गये थे जो बाद में अभी तक निरस्त नहीं किये गये हैं 35 लॉट में से तीन लॉट नवीनीकरण नहीं किये गये जिसमें रहना लॉट नं0 03 व नुनियारी लॉट नं0 38 शामिल थे। **नवीनीकरण आदेश दिनांक 23.11.2015 की प्रति संलग्नक नं0 08 है।**

18. वर्ष 2018 में नवीनीकरण क्षेत्र के लॉट नं0 34 को नीलाम किया गया उस नीलाम प्रक्रिया पर मा0 सर्वोच्च न्यायालय द्वारा दिनांक 23.03.2018 में रोक लगाई गई थी **आदेश की प्रति संलग्नक नं0 09 है।** मामला अभी विचाराधीन है और उसके बाद नवीनीकरण सूची के खनन क्षेत्रों को नीलाम नहीं किया गया है। लॉट नं0 37 नवीनीकरण सूची में था इसलिए 38 लॉट के नाम पर 37 लॉट को नीलाम कर दिया गया है उपरोक्त तथ्यों से स्पष्ट है कि DSR बिना किसी जाँच के आँख बन्द कर दिखावे के लिए जारी किया गया जिसमें कोई कानूनी प्रक्रिया का भी पालन नहीं किया गया है और DSR निरस्त होने योग्य है।
19. माननीय न्यायालय के समक्ष प्रस्तुत रिपोर्ट में कहा गया है कि सभी खनन पट्टे गार्डलाईन्स 2020 से पूर्व ग्रान्ट किये गये हैं जो बिल्कुल गलत है अभी तक 7 खनन पट्टों में से 3 का खनन पट्टे निष्पादन किये गये हैं वह भी गार्डलाईन्स 2020 के बाद निष्पादन किये गये हैं 4 पट्टे अभी तक निष्पादित नहीं किये गये हैं 7 खनन पट्टों के विवरण की सूची निम्न प्रकार है—

क्रम सं0	लॉट नं0/गाँव का नाम	LOI का दिनांक	खनन पट्टा निष्पादन दिनांक	खनन पट्टा पंजीकरण दिनांक	पर्यावरण सहमति/TOR जारी दिनांक
1	मायापुर रूपपुर खसरा नं0 14/1 (नया लॉट)	28.12.2019	15.06.2020	27.07.2020	27.05.2020
2	रहना (गाटा संख्या 179/2, रकबा 3.75 है) गैसरा राँ नदी		06.06.2020	12.06.2020	27.05.2020
3	रहना (लॉट संख्या 3, गाटा संख्या 3, रकबा .05 है0) यमुना नदी	23.03.2020	20.06.2020	23.06.2020	30.06.2020
4	बरथा कोरसी (गाटा संख्या 01, रकबा 36.00 है) यमुना नदी	30.12.2019	...	...	30.06.2020
5	नुनियारी लॉट संख्या 38	05.06.2020	...	...	...
6	शेरपुर पेलों (नया लॉट)	14.01.2020	...	...	...
7	हैदरपुर हिन्दूवाला (नया लॉट)	14.01.2020	...	...	...

खनन पट्टा दिनांक 15.06.2020, 06.06.2020 व 20.06.2020 के सम्बन्धित भाग की प्रति साथ में संलग्नक नं 10 है।

उपरोक्त सूची से स्पष्ट है कि कोई भी खनन पट्टा गार्डलाईन्स 2020 से पूर्व स्वीकृत नहीं है और खनन पट्टा निष्पादन के बिना स्वीकृत नहीं कहा जा सकता और नये कानून आने पर खाली LOI का कोई प्रभाव नये कानून पर नहीं पड़ेगा। जिसको माननीय सर्वोच्च न्यायालय द्वारा निम्न प्रकार स्पष्ट किया गया है—

CIVIL APPEAL NO.4 OF 2016 RAMAKANT DWIVEDI ...APPELLANT VERSUS RAFIQ AHMAD & ORS. ...RESPONDENTS And CIVIL APPEAL NOS.4845-4846 OF 2015 WITH CIVIL APPEAL NOS.4847-4850 OF 2015 SULEKHAN SINGH & CO. & ORS ...APPELLANTS VERSUS STATE OF U.P. & ORS. ...RESPONDENTS

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Prima facie, we find no substance in the contention raised. In our opinion, once a notification dated 31.5.2012 had been issued

*declaring that all the vacant areas are available for grant of lease only under Chapter IV, no lease subsequent thereto under Chapter VI could be executed. **The area remains vacant till the execution of the lease deed. The Execution of the lease in the facts of the case has taken place after 31.5.2012. Mere***

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grant/approval in our opinion will not alter the legal position.

The concern of the Court is both, in respect of best use of natural resources by the State as well as for avoiding the degradation of environment, especially near the river beds."

उपरोक्त आदेश दिनांक 04.01.2016 की प्रति साथ में संलग्नक नं० 11 है।

20. उपरोक्त विवरण से स्पष्ट है कि खनन पट्टे गार्डलार्इन्स 2020 के बाद स्वीकृत हुए हैं इसके अतिरिक्त यहाँ यह स्पष्ट करना है कि replenishment study गार्डलार्इन्स 2020 के लागू होने से पूर्व भी नोटिफिकेशनों व न्यायालय के आदेशों के अर्न्तगत कराया जाना अनिवार्य है जिसको समय समय पर माननीय न्यायालयों द्वारा अपने आदेशों में स्पष्ट किया गया है लेकिन जिला सहारनपुर में कभी कोई replenishment study नहीं करायी गई और खनन पट्टे संचालित कराये गये हैं जिससे पर्यावरण को भारी क्षति पहुँची है।
21. राज्य सरकार द्वारा गार्डलार्इन्स 2020 के अनुसार DSR में सुधार के लिए दिनांक 12.06.2020 में कहा गया है और नया DSR बनने के बाद ही खनन क्षेत्रों के नीलाम करने के लिए आदेशित किया गया है। लेकिन पर्यावरण मन्त्रालय, नई दिल्ली द्वारा दिनांक 27.01.2020 को ई मेल के माध्यम से सभी राज्य सरकारों व स्टेट पर्यावरण कमेटी व एथॉरिटी को तत्काल प्रभाव से लागू करने के लिए कहा गया था मा० एन०जी०टी० के समक्ष पर्यावरण मन्त्रालय, भारत सरकार द्वारा ओ०ए० नं० 173/2018 के आदेश दिनांक 04.09.2018 सुदर्शन दास बनाम स्टेट ऑफ वेस्ट बंगाल के मामले में अपनी कम्पलार्इन्स रिपोर्ट में स्पष्ट किया गया इसलिए मा० कमेटी पर दिनांक 27.01.2020 के बाद गार्डलार्इन्स 2020 के प्रावधानों का पालन करना बाध्यता है लेकिन मा० कमेटी इन तथ्यों को गलत तरीके से प्रस्तुत कर रही है। रिपोर्ट दिनांक 04.09.2018 की प्रति संलग्नक नं० 12 है।
22. जिला सहारनपुर में माननीय एन०जी०टी० द्वारा ओ०ए० नं० 184/2013 में हाई पॉवर कमेटी का गठन किया गया था जिसमें अवैध खनन रोकने व यमुना नगर व सहारनपुर के खनन क्षेत्रों के लिए पर्यावरण क्षति रोकने व मोनिटरिंग करने के लिए संस्तुतियों की गई थी जो मा० एन०जी०टी० के आदेश से तत्काल प्रभाव से लागू की गई थी और उन्ही संस्तुति के आधार पर पर्यावरण मन्त्रालय भारत सरकार द्वारा गार्डलार्इन्स 2020 लागू की गई है और विशेष तौर पर कहा गया है कि हाई पॉवर कमेटी की रिपोर्ट पूर्ण भारत में लागू होगी। लेकिन जिला सहारनपुर में आज तक लागू नहीं की गई है इस सम्बन्ध में गार्डलार्इन्स 2020 का अवलोकन किया जा सकता है गार्डलार्इन्स की प्रति ओ०ए० का संलग्नक नं० 01 है।
23. मा० कमेटी रिपोर्ट दिनांक 13.08.2020 में कहा गया है कि DSR दिनांक 02.12.2017 के समय replenishment study की आवश्यकता नहीं थी और गार्डलार्इन्स 2020 तत्समय प्रभाव में नहीं थी बिल्कुल गलत है। replenishment study कराने का प्रावधान जिला सहारनपुर के लिए वर्ष 2011 में पर्यावरण मन्त्रालय, भारत सरकार द्वारा जारी पर्यावरण की सहमति की शर्तों में शामिल किया गया था कि आगे ठेका देने से पहले राज्य सरकार को replenishment study कराया जाना आवश्यक है। जो उसके द्वारा आज तक नहीं करायी गई है गार्डलार्इन्स 2016 गार्डलार्इन्स 2018 में व मा० न्यायालयों द्वारा समय समय पर replenishment study कराये जाने के आदेश दिये गये हैं गार्डलार्इन्स 2020 में पूर्व के प्रावधान को रखते हुए पुनः विस्तार से दौहराया गया है। जबकि प्राविधान replenishment study के पहले से लागू है। जो जिला सहारनपुर में उत्तर प्रदेश सरकार द्वारा आज तक नहीं करायी गई

है उसके बावजूद भी खनन पट्टों से खनन अनुमति दी गई व पर्यावरण सहमति आँख बन्द कर जारी की जा रही है। जिनका विस्तार से विवरण निम्न प्रकार है—

24. दिनांक 15.01.2016 को माननीय सर्वोच्च न्यायालय के निर्देशों के अनुपालन में ई0आई0ए0 नोटिफिकेशन 2006 में संशोधन कर लागू किया गया जिसमें 5 है0 से कम पर भी ई0आई0ए0 नोटिफिकेशन लागू किये गये और सभी जिलों में replenishment study कराने के बाद डिस्ट्रिक्ट सर्वे रिपोर्ट बनाकर क्षेत्र घोषित करने के लिए प्रावधानों को जोड़ते हुए लागू किया गया जो निम्न प्रकार है—

“7 (iii) Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals:

(a) The prescribed procedure for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals is given in Appendix X.

(b) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;

“APPENDIX VII

(See paragraph 3 A)

Qualifications and terms for the Experts in DEIAA and DEAC

1. **Qualification:** The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA or M Sc Degree or (ii) in case of Engineering/ Technology/ Architectural discipline, 4 years formal training course together with prescribed practical training in the field leading to a B. Tech/ B.E./ B. Arch. Degree, or (iii) Other professional degree (e.g. MBA etc.) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/ article ship and pass examinations conducted by the concerned professional associations (e.g. Chartered Accountancy) or (v) a University degree, followed by two years of formal training in a University or Service Academy (e.g. MBA/MPA etc.). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.
2. **Expert:** A professional fulfilling the above eligibility criteria with at least 10 years of relevant experience in the field or with an advanced degree (e.g. Ph. D) in a concerned field with at least 5 years of relevant experience.
3. **Age:** Below 70 years. However, in the event of non-availability of paucity of experts in a given field, the maximum age of a member may be allowed up to 75 years.
4. **Fields:** Experts in Mining, Geology, Hydrology, Remote Sensing, Environment Quality, Environment Impact Assessment Process, Risk Assessment, Life Sciences, Marine Sciences, Forestry and Wildlife, Environmental Economics, Bio-diversity, and River Ecology.
5. **Tenure:** The maximum tenure of expert members shall be for two terms of three years each.
6. The Expert Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

APPENDIX - X

[See paragraph 7 (iii) (a)]

PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area. The report shall have the following structure:

1. Introduction
2. Overview of Mining Activity in the District
- 3 **The List of Mining Leases in the District with location, area and period of validity**
4. Details of Royalty or Revenue received in last three years
5. **Detail of Production of Sand or Bajari or minor mineral in last three years**
6. Process of Deposition of Sediments in the rivers of the District
7. General Profile of the District
8. Land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.
9. Physiography of the District
10. Rainfall: month-wise
11. Geology and Mineral Wealth

In addition to the above, the report shall contain the following:

- (a) District wise detail of river or stream and other sand source.
 (b) District wise availability of sand or gravel or aggregate resources.
 (c) District wise detail of existing mining leases of sand and aggregates.

A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

Drainage system with description of main rivers

S. No.	Name of the River	Area drained (Sq. Km)	% Area drained in the District

Salient Features of Important Rivers and Streams:

S. No.	Name of the River or Stream	Total Length in the District (in Km)	Place of origin	Altitude at Origin

Portion of the River or Stream Recommended for Mineral Concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

Mineable Potential

Boulder (MT)	Bajari (MT)	Sand (MT)	Total Mineable Mineral Potential (MT)

Annual Deposition

S. No.	River or Stream name	Portion of the river or stream recommended for mineral concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

						pot enti al)
Total for the District						

A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation department, State Pollution Control Board or Committee, Forest department, Geology or mining officer **shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.**

Methodology adopted for calculation of Mineral Potential:

The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For example in some hill States mineral constituents like boulders, river born Bajri, sand up to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report **to be finalised within six months by the DEIAA.**

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

ई0आई0ए0 नोटिफिकेशन 2006 दिनांक 15.01.2016 की प्रति पूर्व का संलग्नक नं0 02 है।

- 25.मार्च 2016 में उपरोक्त नोटिफिकेशन को पूर्ण प्रभावी बनाने के लिए Sustainable Sand Mining Management Guidelines 15 March 2016 विस्तार से जारी की गई। जिसमें replenishment study का प्रावधान किया गया है DSR इसके बाद बनाया गया है लेकिन इसके प्रावधानों का पालन नहीं किया गया है जिस का मुख्य भाग निम्न प्रकार है।

“Sustainable Sand Mining Management Guidelines:-

SUSTAINABLE SAND AND GRAVEL MINING GUIDELINES

The broad principle on which any sustainable sand mining Guidelines / policy can be based is that river/ natural resources must be utilized for the benefit of the present and future generation, so river resources should be prudently managed and developed. The preparation of District Survey Report is an important initial step.

The Processes under the Guidelines:

(a) **Identification of areas of aggradation / deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited. Use of satellite imagery for identifying areas of sand deposit and quantity be done.**

(b) **Calculation of annual rate of replenishment and allowing time for replenishment after mining in area.**

(c) Identifying ways of scientific and systematic mining.

(d) Identifying measures for protection of environment and ecology.

(e) Determining measures for protection of bank erosion.

(f) **A bench mark (BM) with respect to mean sea level (MSL) should be made essential to in mining channel reaches (MCR). Below which no mining shall be allowed.**

(g) Identifying steps for conservation of mineral.

(h) **Permanent gauging facilities (for discharge and sediment both) should be made compulsory for the sites having excessive mining in consultation with Central Water Commission or any competent State Agency.**

(i) Implementing safeguards for checking illegal and indiscrete mining.

Following the above processes, to begin with it is important to prepare a survey document mapping the status of sand sources in a district. This survey should be conducted and report be

prepared for each district. Though it is an acceptable fact that rivers cut across districts and States and every river is an ecosystem in itself. But, keeping in view the fact that the district is the most established unit of administration at which this kind of survey, planning and monitoring can be ensured effectively, it is proposed that every district will prepare this document taking the river stretch in that district as an ecological unit and inventorising other sources of sand in the district.

Besides, the production of aggregate in a particular area is a function of availability of natural resources, the size of the population, the economy of the area and various developmental and infrastructural works being undertaken in the area.

The natural resources must be utilized in environment friendly manner in scientific and systematic way and with the objective of sustainable development the policy on the subject should have provisions for protection of environment & ecology. These factors can be accounted for in a most efficient manner at district level.

The sustainable mining plan needs to be dynamic. A survey should be carried out by the District Environment Impact Assessment Authority (DEIAA) with the assistance of Geology Department, Irrigation Department, Forest Department, Public Works Department, Ground Water Boards, Remote Sensing Department and Mining Department etc. in the district at regular intervals.

The survey shall contain:

- 1. District wise detail of river or stream and other sand source.**
- 2. District wise availability of sand or gravel or aggregate resources.**
- 3. District wise detail of existing mining leases of sand and aggregates.**

Based on this survey document, the action plan shall divide the river/ stream/ other sources of the District into the following categories:

1. River / Stream beds sections / other sources suitable for extraction of sand and aggregates.
2. River / Stream beds sections / other sources prohibited for extraction of sand and aggregates.

The river/ streams/ other sources of sand and aggregate are studied on following parameters:

a) Geomorphological studies

- i) Place of origin**
- ii) Catchment area.**
- iii) General profile of river stream.**
- iv) Annual deposition factor.**
- v) Replenishment.**
- vi) Total potential of minor mineral in the river bed.**

b) Geological studies

- i) Lithology of catchment area.
- ii) Tectonics and structural behavior of rocks.

c) Climatic Factors

- i) Intensity of rainfall.
- ii) Climate Zone.
- iii) Temperature variation

The following points to be considered while selecting the river / stream for mining besides the above parameters:

- i) A stable river is able to constantly transport the flow of sediments produced by watershed such that it's dimensions (width and depth) pattern and vertical profile are maintained without aggrading (building up) or degrading (scouring down).**
- ii) The amount of boulders, cobbles, pebbles, and sand deposited in river bed equals to the amount delivered to the river from catchment area and from bank erosion minus amount transported downstream each year.**
- iii) It is compulsive nature of river to meander in their beds and therefore they will have to be provided with adequate corridor for meandering without hindrance. Any attempt to diminish the width of the corridor (floodway) and curb the freedom to meander would prove counterproductive.**
- iv) Erosion and deposition is law of nature. The river stream has to complete its geomorphological cycles from youth, mature to old age.**
- v) River capturing is unavoidable.**
- vi) Fundamentally the lowest point of any stream is fixed by sea level.**

This survey document should be prepared in the district based on direct and indirect benefits of mining and identification of the potential threats to the river / stream beds in the district.

Besides, calculating the carrying capacity of the river / stream beds / other sources to find out maximum quantity available to be allowed for removal each year from the sources, it should also provide various measures to regulate sand and aggregate mining in a systemic way.

It has to provide for environmentally safe depth of mining and safeguards of banks by prescribing safe distance from banks. It is required that there should be a Sub-Divisional Committee which should visit each site and make recommendation. The Committee should comprise of Sub-Divisional Magistrate, Officers from Irrigation department, State Pollution Control Board or Committee, Forest department, Geology or mining officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

MANAGEMENT PLAN

1. River Bed Mining Recommendations:

a) Permit Mining Volume Based on Measured Annual Replenishment

In the first year following adoption of the management plan, a volume equal to the estimated annual replenishment could be extracted from the reach of channel. Replenishment (up to the elevation of the selected channel configuration) would need to occur before subsequent extraction could take place. The concept of annual replenishment accounts for the episodic nature of sediment transport. For example, during wet periods with high stream flows, and a high contribution of sediment from hill slopes and tributaries, monitoring data would show that sand and gravel bars are replenished quickly. During drought periods with low stream flow, and little sediment supply or transport, monitoring data would likely show that bars were replenished at a slower rate.

The use of monitoring data is essential in measuring when actual replenishment occurs. The use of the concept of annual replenishment protects long-term channel stability as well as aquatic and riparian habitat by extracting a volume sustainable by watershed processes.

l) An Annual Status and Trends Report:

This report should review permitted extraction quantities in light of results of the monitoring program, or as improved estimates of replenishment become available. The report should document changes in bed elevation, channel morphology, and aquatic and riparian habitat. The report should also include a record of extraction volumes permitted, and excavation location. Finally, recommendations for reclamation, if needed should be documented.

Sand Mining Management Guidelines 15 मार्च 2016 की प्रति संलग्नक नं० 13 है।

26. राजस्थान में नदी तल में 82 लॉटों में बिना Replenishment study के खनन किया जा रहा था। दिनांक 16.11.2017 को माननीय सर्वोच्च न्यायालय द्वारा समस्त खनन तत्काल बन्द कर दिया और आदेश किया गया की बिना Replenishment study पूर्ण हुए कोई खनन न किया जाए। जो अभी तक बन्द है। आदेश दिनांक 16.11.2017 निम्न प्रकार है।

“In Court, serious allegations have been made that the State of Rajasthan is complicit with the miners/quarry holders and sand and *bajri* is being mined with impunity. Without giving any credence to the allegations made until we hear from the Chief Secretary of Rajasthan on affidavit, we restrain all the 82 mining lease/quarry holders **from carrying out mining of sand and *bajri* unless a scientific replenishment study is completed and the matter is fully and dispassionately considered by the Ministry of Environment, Forest and Climate Change and an environmental clearance is granted or rejected.**

This order will come into force with immediate effect. List the matters after the affidavit from the Chief Secretary of Rajasthan is filed.”

आदेश दिनांक 16.11.2017 की प्रति संलग्नक नं० 14 है।

27. माननीय सर्वोच्च न्यायालय के आदेशों के बाद Replenishment study Report EAC कमेटी की दिनांक 8.01.2018 की मीटिंग में विचार किया गया जिसमें अधिकतर में वार्षिक उत्पादन क्षमता माईनिंग प्लान में दर्शायी गई थी अधिकतर उसमें कम पाई गई और मा0 कमेटी द्वारा केवल 25 प्रतिशत मात्रा की अनुमति की संस्तुति की गई लेकिन इसको माननीय सर्वोच्च न्यायालय द्वारा विश्वासनीय नहीं मानते हुए कोई खनन की अनुमति नहीं दी गई जिसका मुख्य भाग निम्न प्रकार है-

“11. The Committee made detailed deliberations on the issues mentioned in preceding paragraphs and noted that there is a requirement of identification of active mining area within leased river stretches and subsequent identification and preparation of cross-section for assessing replenishment of sand in coming years. Hence, mining permission is technically required to be granted so as to conduct replenishment studies in future and demonstrate the same to State Govt. to regulate mining of paleo deposits in future. Accordingly, EAC recommended mining of river sand/ *bajri* to up to **25%** capacity of the annual proposed production capacity subject to submission of information and undertaking as below:

- **DMG, State Government to submit demarcated river stretch through latitudes and longitudes (out of the total lease) where river sand/ *bajri* mining can be permitted based on available reserves and Original Ground Level (OGL) at each cross section in consultation with State Irrigation Department;**
- PPs and M/s CMPDI to submit latitudes and longitudes of the identified cross section, duly authenticated by State Government, which shall be used for replenishment study in future for calculation of replenishment amount/ rate;
- **PP to give undertaking that only Scrapers shall be used for mining to ensure that the mining depth be maintained as 1.0 meters (max.) from Original Ground**

Level and No other heavy machinery like bucket excavators, JCB machines etc. shall be used which may adversely impact the aquatic biota

- State Government of Rajasthan shall regulate the mining operations by PPs and submit report to MoEFCC on quarterly basis. It shall also be ensured that levelled cross section is made before the onset of next rainfall season.
- State Deptt. Of Mines & Geology and PPs are required to submit District Survey Report (DSR) in line with provisions made in Ministry's notification dated 15.01.2016.

EAC की मितिग दिनांक 08.01.2018 की प्रति संलग्नक नं0 15 है।

28. उत्तराखण्ड में भी नदियों के Replenishment study स्टेट एजेन्सी व एफ0आर0आई0 द्वारा करायी गई जिनको विश्वसनीय न मानते हुए श्री विजय वर्मा द्वारा माननीय राष्ट्रीय हरित अधिकरण में चुनौती दी गई उसमें सुनवायी के बाद दिनांक 26.02.2018 को आदेश दिया गया की जब तक किसी विश्वसनीय एजेन्सी से Replenishment study न करा ली जाए जब तक खनन प्रतिबन्धित रहेगा और जो रिपोर्ट एफ0आर0आई0 व स्टेट एजेन्सीयों द्वारा बनायी गई उनको माना नहीं गया। बल्कि केन्द्र सरकार के पर्यावरण मन्त्रालय द्वारा स्पष्ट किया गया की इस Replenishment study में कम से कम तीन वर्ष लगता है।

आदेश के मुख्य भाग निम्न प्रकार है-

“BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO 23/2016

DR. VIJAY VERMA VS UTTARAKHAND FOREST DEV. CORP. & ORS

We are also dissatisfied with the inaction on the part of the Ministry of Environment, Forest and Climate Change in failing to take further action on the Show Cause Notice issued to the respondents.

The Show Cause Notice issued to the Project Proponent by the Ministry of Environment, Forest and Climate Change itself is on the basis of opinion no mining activity would be permitted without thorough study of replenishment rate of the river in Uttarakhand.

The submission made today that because the second study report obtained by the Project Proponent from the Indian Institute of Soil and Water Conservation and Research Training Institute is available and hence MoEF directs to the suspend action on the Show Cause Notice can hardly be appreciated. The Study report submitted by Indian Institute of Soil and Water Conservation and Research Training Institute has no sanctity as it was not either directed by the Tribunal or MoEF has authorized it. It is not a report obtained by the Ministry of Environment, Forest and Climate Change, it is a report obtained at the instance of by the Project Proponent which shows permissibility undue influence. For the reason it is totally in conflict with the earlier report which itself was held to devoid of furnishing insight information.

In the circumstances we are satisfied that the first final report as the first study report on replenishment of river at least three years is suggested as mining period till it is conducted the mining should not be permitted. That recommendation in the first report cannot be negated by second report without support ground.

Besides MoEF has not produced copy of the Show Cause Notice which we had directed to produce on the previous date of hearing. Despite undertaking the said Show Cause Notice has not been filed. The Ministry therefore has to explain reason there for.

In the given circumstances as the Ministry itself has taken stand that till replenishment rate Study regarding replenishment of river is not done the mining activity cannot be permitted, binds Ministry of Environment, Forest and Climate Change and it has to restrain mining licenses till the study report is received. Thus we are of the opinion that mining activity cannot be permitted. Hence we hereby restrain any mining activity by the Project Proponent, its agent or any other agency or contractor from mining subject to further orders that may be passed. List this case on 16th April, 2018.

In the meanwhile we permit the Forest Research Institute to continue its study and keeping in mind the observation of this Tribunal and submit a report at the earliest.”

आदेश दिनांक 26.02.2018 की प्रति संलग्नक नं0 16 है।

29. उपरोक्त नोटिफिकेशन गार्डलाईन्स व माननीय सर्वोच्च न्यायालय के आदेशों का संज्ञान लेते हुए दिनांक 13 मार्च 2018 में वन एवं पर्यावरण मन्त्रालय, भारत सरकार ने सैण्ड मार्निंग फरेमवर्क विस्तार से जारी किया गया जिसमें DSR को बनाते समय Replenishment study किस प्रकार कर शामिल करना है पूर्ण विवरण दिया गया है मुख्य भाग पेज नं0 145 पर निम्न प्रकार है।

4.4 District Survey Report

Most of the States are lacking in terms of preparation of the District Survey Report which has been mandated by the MoEFCC through its 2016 notification.

District Survey Report is a document that needs to provide the estimates of total sand available in a district based on the annual deposition rate.

If DSR is properly prepared, it could give the total sand resources available in a district. Further, with the help of a scientific replenishment study the data on the

Table 32 Status of District Survey Reports State	Total No. of Districts	No of Sand Related Districts	DSR Status	Resource Estimation in DSR	Replenishme nt Study in DSR
Andhra Pradesh	13	12	0/13	No DSR	NA
Assam	33	33	0/33	No DSR	Not Applicable
Chhattisgarh	27	27	27/27	NO	No
Gujarat	33	32	32/33	Yes	No
Haryana	23	16	16/23	NA	NA
Karnataka	30	10	30/30	Yes	No
Madhya Pradesh	51	51	51/51	Yes	No
Maharashtra	36	34	36/36	NO	No
Punjab	22	16	22/22	Yes	No
Rajasthan	33	28	23/33	Yes	No
Tamil Nadu	32	30	30/32	NO	NA
Telangana	31	27	0/31	No DSR	NA
Uttar Pradesh	75	68	68/75	NA	NA
Uttarakhand*	13	13	13/13	Yes	No

amount of sand resource that can be extracted in the district without harming the balance of sand deposition in rivers can be derived. Further, if the DSRs of all the districts clubbed together can give us total resource estimation of sand in a State. And based on the resource and the estimated demand of sand, the State Governments can take a call on the number of sand bearing areas to be allotted for sand mining to meet the demand in the State.

Assam, Andhra Pradesh and Telangana have not prepared DSRs at all, however Andhra Pradesh and Telangana have evolved a system for identification and assessment of sand resources as per the existing WALT Act 2002 and WALT Rules, 2004. Chhattisgarh, Maharashtra and Tamil Nadu prepare the DSR but do not conduct resource assessment in the DSR. However, some of the States such Gujarat, Karnataka, Madhya Pradesh, Rajasthan and Uttarakhand prepare the DSR and conduct resource estimation as well. But none of the States has anything related to replenishment study in their DSRs. Below is the table, depicting the DSR status in the States.

*No DSR means DSR is not prepared by the State

**Uttarakhand's Forest Development corporation (UAFDC) has done replenishment study for some mines through Forest Research Institute (FRI), Dehradun.

Replenishment study should done across the States in all districts as per the method prescribed in the *Sustainable Sand Mining Guidelines 2016* of MoEFCC. **Some of the points that should be taken care of while conducting replenishment study are:**

- *The cross-section survey should cover a minimum distance of 1.0 km upstream and 1.0 km downstream of the potential reach for extraction.*
- *The sediment sampling should include the bed material and bed material load before, during and after extraction period.*
- ***Development of sediment rating curve at the upstream end of the potential reach using the surveyed cross- section.***
- *Using the historical or gauged flow rating curve, determination of suitable period of high flow that can replenish the extracted volume.*
- **Calculation of the extraction volume based on the sediment rating curve and high flow period after determining the allowable mining depth.**

The Apex Court has mandated the replenishment study to be conducted by all the States; however the States which are sand deficit should put more thrust on it as chances of environmental damage are more in those States.

One of the reasons for absence of replenishment study from the District Survey Reports in all the States is the lack of manpower to conduct the study.

उपरोक्त से स्पष्ट है कि DSR बनाये गये हैं लेकिन Replenishment study का विवरण नहीं है लेकिन यह अनिवार्य है। सैण्ड माईनिंग फरेमवर्क दिनांक 13.03.2018 की प्रति संलग्नक नं० 17 है।

30. उपरोक्त प्रावधानों को ध्यान में रखते हुए नदी तल व नदी तल के अतिरिक्त खनन क्षेत्रों के सम्बन्ध में पुनः माननीय उच्च न्यायालय के आदेशों से तत्काल दिनांक 25.07.2018 को स्पष्ट रूप से केन्द्र सरकार द्वारा नोटिफिकेशन जारी किया गया नोटिफिकेशन दिनांक 25.07.2018 साथ में संलग्नक नं० 18 है।
31. माननीय राष्ट्रीय हरित अधिकरण दिनांक 26.02.2018 को पी०एन०सी० बनाम विजय कुमार में माननीय सर्वोच्च न्यायालय सिविल अपील डायरी नं० 10561/2018 व सी०ए० नं० 3495/2018 में चुनौती दी गई थी जिसको माननीय सर्वोच्च न्यायालय द्वारा निरस्त कर दिया गया आदेश दिनांक 30.07.2018 संलग्नक नं० 19 है। जो निम्न प्रकार है—

“M/S PNC INFRATECH LTD Petitioner(s)
VERSUS
DR. VIJAY VERMA & ORS. Respondent(s)
WITH
C.A. No. 3495/2018
O R D E R

We are informed that the National Green Tribunal is in season of the matter. Pleadings are complete and the case is listed for hearing on 08.08.2018.

under these circumstances, we are not inclined to interfere with the impugned order passed by the National Green Tribunal. The civil appeals are accordingly dismissed.”

उक्त मामले में पर्यावरण मन्त्रालय द्वारा माननीय सर्वोच्च न्यायालय के समक्ष स्पष्ट किया गया है कि बिना DSR के कोई अनुमति नहीं दी जा सकती।

दिनांक 08.08.2018 को विजय वर्मा मामले में माननीय राष्ट्रीय हरित अधिकरण में सुनवायी हुई जिसमें खनन से रोक हटाने की माँग की गई लेकिन माननीय सर्वोच्च न्यायालय के आदेश के अनुसार निरस्त किया गया—

“BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW
DELHI

ORIGINAL APPLICATION NO 23/2016

DR. VIJAY VERMA VS UTTARAKHAND FOREST DEV. CORP. & ORS

This application has been filed by respondent no.1 for vacating the stay order dated 26-02-2018. The said order thereafter was challenged before the Hon’ble Supreme Court of India in Civil Appeal Diary No. 10561 of 2018 and C. A No.3495 of 2018. Those matters were finally decided on 30-07-2018 with the observations that

“we had been informed that NGT is in seisin of the matter wherein the pleadings are complete and the case is listed for hearing on 08-08-2018.” In these circumstances, the Hon’ble Supreme Court has declined to interfere with the interim order passed by the Tribunal. Therefore, we dispose of the M. A. No. 1230 of 2018 with the direction that both these appeals be listed for final hearing on 11th September, 2018.”

आदेश दिनांक 08.08.2018 की प्रति संलग्नक नं० 20 है।

32. जिला सहारनपुर के समस्त खनन क्षेत्रों के लिए समस्त खनन पट्टा धारकों द्वारा पर्यावरण मन्त्रालय में ई०आई०ए० नोटिफिकेशन 2006 के प्रावधानों के अर्न्तगत अनुमति प्राप्त करने के लिए आवेदन प्रस्तुत किये गये हैं और आवेदनों पर विचार करते हुए सशर्त अप्रैल 2011 व मई 2011 व जून 2011 की सभाओं में अनुमति प्रदान की गई और पर्यावरण सहमतियाँ प्रदान की गई जो राज्य सरकार पर बन्धनकारी है। सभी निर्णयों में निम्न शर्त लगाई गई जो पूरे जिले सहारनपुर के नदी तल के खनन क्षेत्रों के मामलों में आरोपित की गई जो निम्न प्रकार है—

“(i) The proponent will observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose,

awareness will be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.

(ii) A study shall be carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral, which may adversely affect the dynamics of the river. This study will be steered by the State Government, based on which the capacity of the mine will be decided by the concerned Department of the State Govt. while granting mine lease.

(iii) Effective safeguard measures shall be taken to ensure that the AAQ levels at various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.”

उपरोक्त शर्त भारत सरकार द्वारा सहारनपुर में पूर्व में ही लगा दी गई थी जिसके अनुसार नया खनन पट्टा स्वीकृत करने से पूर्व राज्य सरकार को Replenishment study, CWC से कराया जाना अनिवार्य था जो उत्तर प्रदेश सरकार द्वारा नहीं कराया गई और नये ठेके दे दिये गये जो अवैधानिक है।
सभाओं के मुख्य भाग सहारनपुर से सम्बन्धित खनन क्षेत्रों के निर्णयों से सम्बन्धित भाग संलग्नक नं० 21 है।

C- नेशनल पार्क व हाथी रिजर्व की दूरियाँ छुपाकर प्रतिबन्धित एरियाओं में खनन की अनुमति दी गई जिसमें वन विभाग की भी मिलिभगत थी।

1. रिपोर्ट दिनांक 13.08.2020 में मा० कमेटी द्वारा उक्त बिन्दु के सम्बन्ध में निम्न प्रकार से उल्लेख किया गया है—

क्र०सं०	बिन्दु	आख्या
2	The mining sites are within 1 K.M from Kalesar National Park and UP Elephant Reserve Which is prohibited as per MoEF and CC order dated 08-08-2019.	<p>मायापुर रूपपुर प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग के पत्र संख्या 31/14-1 सहारनपुर दिनांक 02.07.2019 द्वारा खनन क्षेत्र शेरपुर पेलों, मायापुर रूपपुर, रहना, हैदरपुर हिन्दुवाला अनापत्ति प्रमाण पत्र निर्गत किया गया। उक्त अनापत्ति प्रमाण पत्र में ग्राम मायापुर रूपपुर प्रस्तावित स्थल की आक्षरित वन क्षेत्र से दूरी 1.20 किमी० एवं कालेशर नेशनल पार्क से दूरी 15.70 किमी० है। (संलग्नक 6)</p> <p>रहना (गाटा संख्या 179/2 रकबा 3.75 है०) गैसरा रॉ नदी प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग के पत्र संख्या 31/14-1 सहारनपुर दिनांक 02.07.2019 द्वारा खनन क्षेत्र शेरपुर पेलों, मायापुर रूपपुर, रहना, हैदरपुर हिन्दुवाला अनापत्ति प्रमाण पत्र निर्गत किया गया। उक्त अनापत्ति प्रमाण पत्र में ग्राम रहना प्रस्तावित स्थल की आक्षरित वन क्षेत्र से हवाई दूरी 2.80 किमी० एवं कालेशर नेशनल पार्क से दूरी 7.80 किमी० है। (संलग्नक 6)</p> <p>रहना (लॉट संख्या 3 गाटा संख्या 3, रकबा 8.05 है०) यमुना नदी भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मन्त्रालय की अधिसूचना संख्या SO 1485 (E) दिनांक 22.04.2016 (संलग्नक 07) के पैरा 1(2) में कालेशर नेशनल पार्क एवं वाईल्ड लाईफ सेन्चुरी का कॉर्डिनेट्स दिया गया है तथा 1(5) में ईको सेन्सिटिव जोन में पड़ने वाले 31 ग्रामों का नाम दिया गया है जिसमें रहना अथवा कोई भी ग्राम जनपद सहारनपुर का नहीं है।</p> <p>बरथाकोरसी (गाटा संख्या 01, रकबा 36.00 है०) यमुना नदी</p>

		प्रभागीय निदेशक सामाजिक वानिकी वन प्रभाग के पत्र संख्या 4299/14-1, सहारनपुर दिनांक 17.06.2019 द्वारा खनन क्षेत्र बरथाकोरसी अनापत्ति प्रमाण पत्र निर्गत किया गया। उक्त अनापत्ति प्रमाण पत्र में ग्राम बरथा कोरसी प्रस्तावित खनन पट्टा क्षेत्र ग्राम बरथा कोरसी गाटा संख्या 1, की जी०पी०एस० रिडिंग A- N 30° 14' 37.1'' E 77° 31' 40.8'' है। जी०पी०एस० रिडिंग से खनन पट्टा क्षेत्र की दूरी 13.30 किमी० है। इसी प्रकार कालेशर नेशनल पार्क की जी०पी०एस० रिडिंग A- N 30° 18' 44.00'' E 77° 34' 26.9'' है। जी०पी०एस० रिडिंग के अनुसार राष्ट्रीय उद्यान से खनन पट्टा क्षेत्र की दूरी 8.83 किमी० है। (संलग्नक 8)
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2. जिला सहारनपुर के उत्तर में शिवालिक वन क्षेत्र है जिसको वर्ष 2009 में हाथी रिजर्व घोषित किया गया था और अभी हाल में उत्तर प्रदेश सरकार द्वारा शिवालिक टाईगर रिजर्व घोषित करने का प्रस्ताव भारत सरकार को भेजा गया है। इसके पूर्व में राजाजी नेशनल पार्क व टाईगर रिजर्व है और पश्चिम में कालेशर नेशनल पार्क है दोनों के बीच में हाथी व टाईगर के आने जाने के लिए रिजर्व है इसलिए पर्यावरण मन्त्रालय, भारत सरकार द्वारा "Tigers Copredators & Prey in India" नामक रिपोर्ट वैबसाईट पर दिनांक 22.04.2020 को जारी की गई है जिसमें शिवालिक क्षेत्र सहारनपुर की महत्व व रहना गाँव क्षेत्र का विवरण पेज 51 पर विस्तार से निम्न प्रकार दिया गया है।

“ Critical corridors, habitat connectivity and conservation

The western-most tiger distribution in this landscape ends in western Rajaji where two tigresses continue to be isolated since 2008. With tiger supplementation planned for western Rajaji it is important to ensure that this tiger reserve becomes a source to repopulate the Shivalik forest division of Uttar Pradesh and Kalesar wildlife sanctuary (WLS) of Haryana as forest connectivity is currently contiguous along the Shivalik hills from Western Rajaji to Kalesar WLS and into Himachal Pradesh (Fig 4.6). However, if tiger occupancy is to be encouraged in this empty landscape of about 700 km , restorative inputs are required to curtail poaching of prey, illegal timber extraction and livestock grazing. The village of Kalesar in Haryana, Bahral in Himachal Pradesh and Rehna in Uttar Pradesh are all expanding along the banks of the Yamuna with agriculture and urban sprawl threatening to choke the narrow corridor for wildlife (and potentially tigers). This connectivity is also important for the movement of elephants to Kalesar WLS.”

उपरोक्त के अनुसार रहना गाँव व उसके पास खनन अनुमति नहीं दी जा सकती है। रिपोर्ट की प्रति का मुख्य भाग साथ में संलग्नक नं० 22 है।

3. हाथी रिजर्व से 5 किमी० दूरी में पड़ने वाले क्षेत्रों का विवरण निम्न प्रकार है—

क्रम सं०	लॉट नं०/गाँव का नाम	प्रमुख सचिव वन्य जीव उत्तर प्रदेश द्वारा हाथी रिजर्व से प्रमाणित दूरियाँ	वन विभाग सहारनपुर द्वारा प्रमाणित दूरियाँ
1	मायापुर रूपपुर खसरा नं० 14/1 (नया लॉट) DSR के लॉट नं० 26 (लॉट 26 के बराबर में नया लॉट मायापुर रूपपुर स्थित है)	..... 0.963 किमी०	1.2 किमी०
2	रहना (गाटा संख्या 179/2, रकबा 3.75 है) गैसरा राँ नदी (वन विभाग द्वारा दूरी गलत दिखायी गई है लॉट नं० 08 से हाथी रिजर्व के बीच में पड़ता है वास्तविक दूरी लगभग 0.500 किमी० है)	..... 0.800 किमी०	2.8 किमी०
3	रहना (लॉट संख्या 3, गाटा संख्या 3, रकबा .05 है) यमुना नदी	0.110 किमी०	

4	शेरपुर पेलों (नया लॉट) DSR के लॉट नं0 01, ग्राम शेरपुर पेलों	..... 0.156 किमी0	0.550 किमी0
5	हैदरपुर हिन्दूवाला (नया लॉट) पुराना लॉट हैदरपुर हिन्दूवाला (यह लॉट फायरिंग रेन्ज के कारण निरस्त किया गया था)	.....	1.450 किमी0

4. DSR के पेज 8 पर कहा गया है कि C1 to C8 तक के उत्तर में आरक्षित वन क्षेत्र पड़ता है आरक्षित वन क्षेत्र से 5 किमी0 तक खनन क्षेत्र बाहर कर दिये गये है जबकि यह विवादित क्षेत्र लॉट नं0 03 रहना नया लॉट खसरा नं0 179/2 मायापुर रूपपुर खसरा नं 14/1, हैदरपुर उर्फ हिन्दुवाला, शेरपुर पेलों नया लॉट सभी हाथी रिजर्व व प्रस्तावित टाइगर रिजर्व के 1 किमी0 के अन्दर आते है जबकि DSR में 5 किमी0 तक के लॉट बाहर कर प्रतिबन्धित किये गये है। अपने आप में यह लॉट DSR के अनुसार खनन के लिए नीलाम नहीं किये जा सकते थे।
5. दिनांक 15.02.2019 को खनन विभाग द्वारा वन विभाग से अनापत्ति मांगी गई उनके द्वारा दो भागों में अनापत्ति दी गई एक दिनांक 17.06.2019 को वह क्षेत्र जो नेशनल पार्क व हाथी रिजर्व से दूर थे उसमें लॉगीट्यूट व लैटीट्यूट आंकित किये गये और दूरी स्पष्ट लिखी गई। दूसरे दिनांक 02.07.2019 उन क्षेत्रों के लिए जो हाथी रिजर्व के पास पड़ते थे और नेशनल पार्क के पास थे उनमें लॉगीट्यूट व लैटीट्यूट नहीं लिखा गया केवल दूरी लिखी गई जो गलत थी क्योंकि उसमें कोई बिन्दु नहीं लिखा गया रिपोर्ट में हाथी रिजर्व को आरक्षित वन दिखाया गया यह सब मिलिभगत थी। पर्यावरण मन्त्रालय, भारत सरकार द्वारा करायी गई जांच में चीफ वाईल्ड लाईफ वार्डन, उत्तर प्रदेश द्वारा नक्शे पर दूरी प्रमाणित की गई है जिन में लॉगीट्यूट व लैटीट्यूट लिखे गये है व हाथी रिजर्व से दूरियाँ लिखी गई है चीफ वाईल्ड लाईफ वार्डन के प्रमाण पत्र से स्पष्ट है कि शेरपुर पेलों लॉट नं 01 (हाथी रिजर्व से दूरी 156 मीटर,) लॉट नं 03 रहना (हाथी रिजर्व से दूरी 110 मीटर) फैजाबाद लॉट नं 8 (हाथी रिजर्व से दूरी 800 मीटर, यह लॉट रहना खसरा नं 179/2 और हाथी रिजर्व के बीच में पड़ता है), मायापुर रूपपुर लॉट नं 26 (हाथी रिजर्व से दूरी 963 मीटर, यह लॉट नये लॉट मायापुर रूपपुर खसरा नं 14/1 के बराबर में पड़ता है) उपरोक्त विवरण से स्पष्ट है कि घोषित लॉट हाथी रिजर्व व प्रस्तावित टाइगर रिजर्व की 1 किमी0 की दूरी के अन्दर अन्दर है। **दूरी प्रमाणित पत्र दिनांक 03.12.2010 मय नक्शों के साथ में संलग्नक नं0 23 है जो वन विभाग द्वारा जारी अनापत्ति दिनांक 02.07.2019 व 17.06.2019 रिपोर्ट दिनांक 09.08.2020 की प्रतियाँ संलग्नक नं0 24 है।** जो वन विभाग की अनापत्ति से मेल नहीं खाता है।
6. DSR में रहना का लॉट नं0 03 दो बार नीलाम किया जा चुका है और संसोधन द्वारा DSR में शामिल किया गया जबकि वह हथनीकुण्ड बैराज की अपस्ट्रीम में पड़ता है व कलेशर नेशनल पार्क की सीमा से सटा हुआ है। भारत सरकार, नई दिल्ली के नोटिफिकेशन नं0 SO 1485(E) दिनांक 22.04.2016 में कलेशर नेशनल पार्क की सीमा के लॉगीट्यूट व लैटीट्यूट 17अ पर दिये गये है जो निम्न प्रकार है—
लॉगीट्यूट 70 35 50 लैटीट्यूट 30 21 37 (नोटिफिकेशन दिनांक 22.04.2016 की प्रति ओ0 ए0 का संलग्नक नं0 08 है।)
खनन अनुभाग, जिला सहारनपुर द्वारा जारी ई निविदा के पत्रांक संख्या 1959/खनिज/2019.20 दिनांक 01.11.2019 में ग्राम रहना के लॉट में दिये गये क्षेत्र का जियोक्वार्टिनेट्स सी में दिये गये लॉगीट्यूट व लैटीट्यूट निम्न प्रकार है—
लॉगीट्यूट 77 35 50.38 लैटीट्यूट 30 21 37.95 (नीलाम नोटिस दिनांक 01.11.2019 की प्रति ओ0 ए0 का संलग्नक नं0 11 है)
रहना के नये लॉट खसरा नं0 179/2 से कलेशर नेशनल पार्क के पिल्लर नं0 15अ से 16अ के मध्य दूरी 500 मीटर है इसकी स्थिति भी गूगल मैप पर अंकित की गई है जिसका सत्यापन किया जा सकता है। कलेशर नेशनल पार्क के पिल्लरस के लॉगीट्यूट व लैगीट्यूट नोटिफिकेशन दिनांक 22.04.2016 से लिए गये है। **गूगल मैप संलग्नक नं0 25 है।**

उपरोक्त से स्पष्ट है कि रहना का लॉट नं० 03 कलेशर नेशनल पार्क की सीमा पर स्थित है कलेशर नेशनल पार्क व रहना के लॉट नं० 3 की सीमा का लॉगीट्यूट व लेटीट्यूट एक है 1 मीटर की भी दूरी नहीं है व रहना का नया लॉट खसरा नं० 179/2 मात्र 500 मीटर की दूरी पर है दोनो ही क्षेत्र प्रतिबन्धित सीमा के अन्दर आते है लेकिन दोनों में खनन लगातार हो रहा है जबकि न तो खनन पट्टा आवंटित किया जा सकता था और न ही पर्यावरण सहमति दी जा सकती थी क्योंकि माननीय सर्वोच्च न्यायालय द्वारा पूर्व से ही कोई भी खनन किसी भी नेशनल पार्क व सेन्चुरी से 1 किमी० तक प्रतिबन्धित किया हुआ है जिसको भारत सरकार द्वारा दिनांक 08.08.2019 स्पष्ट भी किया है (भारत सरकार के आदेश दिनांक 08.08.2019 की प्रति ओ० ए० का संलग्नक नं० 07 है) जो निम्न प्रकार है—

“iv. Proposals involving mining of minerals within the ESZ (or) one kilometre 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 04-08-2006 in the matter of T.N. Godavarman Thirumulpad Vs UOI in W.P (C) No 202 of 1995 and dated 21-04-2014 in the matter of Goa Foundation Vs UOI in W.P (C) No 435 of 2012.”

मा० कमेटी द्वारा रिपोर्ट दिनांक 13.08.2020 में सभी तथ्यों को जानबूझकर छुपाया गया है गलत रिपोर्ट न्यायालय के समक्ष प्रस्तुत की गई है।

7. DSR फाईनल होने से पूर्व खनन क्षेत्रों से नेशनल पार्क सेन्चुरी, हाथी रिजर्व, टाईगर रिजर्व, वैट लैण्ड व आरक्षित वन व संरक्षित वन की दूरी नक्शे पर अंकित कर (चाहे वह दूसरे राज्य में क्यों न पड़ता हो) चीफ वार्डलड लाईफ वार्डन से अनापत्ति लिया जाना आवश्यक किया जाए।

D- हथनी कुण्ड बैराज के अपस्ट्रीम में एफ०आर०आई० की रिपोर्ट जो मा० एन०जी०टी० द्वारा स्वीकार की गई तो भी उस प्रतिबाधित क्षेत्र में खनन अनुमति 2 लॉट में दी गई।

1. रिपोर्ट दिनांक 13.08.2020 में मा० कमेटी द्वारा उक्त बिन्दु के सम्बन्ध में निम्न प्रकार से उल्लेख किया गया है—

क०सं०	बिन्दु	आख्या
3	Mining is also in prohibited area being upstream of Hathnikund Barrage is Saharnapur.	<p>मायापुर रूपपुर प्रश्नगत मायापुर रूपपुर गाटा संख्या 14/1 रकबा 3.10 है० क्षेत्र बादशाही बाग राव नदी में पड़ता है जो यमुना नदी अथवा हथनीकुण्ड बैराज के अर्न्तगत नहीं आता है। रहना (गाटा संख्या 179/2 रकबा 3.75 है०) गैसरा रॉ नदी प्रश्नगत रहना गाटा संख्या 179/2 रकबा 3.75 है० क्षेत्र गैसरा रॉ नदी में पड़ता है जो यमुना नदी अथवा हथनीकुण्ड बैराज के अर्न्तगत नहीं आता है। रहना (लॉट संख्या 3 गाटा संख्या 3, रकबा 8.05 है०) यमुना नदी प्रश्नगत रहना लॉट संख्या 3 गाटा संख्या 3 क्षेत्र यमुना नदी में पड़ता है जो हथनीकुण्ड बैराज से 5.12 किमी० की दूरी पर है इसके अतिरिक्त यह अवगत कराना भी कि फॉरेस्ट रिसर्च इन्स्टीट्यूट देहरादून द्वारा प्रस्तुत आख्या दिनांक जनवरी 2017 इकोलॉजिकल डैमेज, असेसमेन्ट एंव ईको फारेस्ट प्लान की संस्तुति मिनिस्ट्री ऑफ एन्वायरमेंट फॉरेस्ट को प्रस्तुत की गई है। जिसके पृष्ठ संख्या 100 बिन्दु 7 की संस्तुति इस प्रकार है “The river tract upstream of hathnikund Barrage is important for wild life and birds due to its wetland character and habitat contiguity with Kalesar</p>

		<p>National Park in Haryana and Shivalik hill forests in Uttarakhand/Uttar Pradesh. Therefore it is suggested to close it altogether from mining activities and develop it as a wildlife habitat.”</p> <p>इस सम्बन्ध में अवगत कराना है कि फॉरेस्ट रिसर्च इन्स्टीट्यूट (FRI) का उपर्युक्त परामर्श मिनिस्ट्री ऑफ एन्वायर्मेन्ट फॉरेस्ट एण्ड क्लाइमेन्ट चेंज को प्रस्तुत किया गया है, जिसके सम्बन्ध में माननीय न्यायालय अथवा शासन स्तर से कोई आदेश प्राप्त नहीं हुआ।</p> <p>बरथाकोरसी (गाटा संख्या 01, रकबा 36.00 है0) यमुना नदी</p> <p>प्रश्नगत बरथाकोरसी गाटा संख्या 01 रकबा 36.00 है0 क्षेत्र यमुना नदी में पड़ता है हथनीकुण्ड बैराज से डाउन स्ट्रीम में स्थित है।</p>
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2. मा0 कमेटी की रिपोर्ट दिनांक 09.08.2020 में हथनीकुण्ड बैराज के प्रतिबन्ध के सम्बन्ध में निम्न प्रकार कहा गया है—

“ इस सम्बन्ध में कहा गया है कि फॉरेस्ट रिसर्च इन्स्टीट्यूट (FRI) का उपर्युक्त परामर्श मिनिस्ट्री ऑफ एनवायरमेंट फॉरेस्ट एण्ड क्लाइमेन्ट चेंज को प्रस्तुत किया गया है, जिसके सम्बन्ध में माननीय न्यायालय अथवा शासन स्तर से कोई आदेश प्राप्त नहीं हुआ है। ”

यह कथन गलत है क्योंकि एफ0आर0आई0 की रिपोर्ट ओ0ए0 नं0 184/2013 में प्रस्तुत की गई थी जिसमें किसी को कोई आपत्ति नहीं थी और एन0जी0टी0 के आदेश दिनांक 08.08.2018 के द्वारा स्वीकार कर और रिपोर्ट के अनुसार कार्यवाही करने को कहा जो निम्न प्रकार है जो ओ0ए0 संलग्नक नं0 17 है—

“ It is submitted on behalf of State of Uttar Pradesh that in pursuance of the order of this Tribunal dated 18-02-2016, a report of assesment of the value of ecological damage has been made. Since there is no objection to the report, the report will stand accepted. Appropriate action may accordingly be taken in terms of the said report by the concerned authority. ”

उपरोक्त क्षेत्र में रहना लॉट नं0 03 व रहना खसरा नं0 179/2 व मायापुर रूपपुर खसरा नं0 14/1 तीनों क्षेत्र उपरोक्त प्रतिबन्धित क्षेत्र में आते हैं। हथनीकुण्ड बैराज के साथ तीनों क्षेत्रों को गुगल मैप के साथ दर्शाया गया है। **गुगल मैप की प्रति साथ में संलग्नक नं0 26 है।**

सभी तथ्य मा0 कमेटी द्वारा छिपाये गये हैं जबकि सारा रिकॉर्ड मा0 कमेटी को न्यायालय के समक्ष रखा जाना चाहिए ताकि स्थिति स्पष्ट हो सके।

E- सभी लॉट कलस्टर में है लेकिन प्रमाण पत्र तथ्यों को छिपाकर गलत दिया गया कोई EIA/EMP कलस्टर की नहीं करायी गई।

1. रिपोर्ट दिनांक 13.08.2020 में मा0 कमेटी द्वारा उक्त बिन्दु के सम्बन्ध में निम्न प्रकार से उल्लेख किया गया है—

क0सं0	बिन्दु	आख्या
4	Cluster Impact Assessment has not been done as required.	<p>मायापुर रूपपुर</p> <p>मायापुर रूपपुर क्षेत्र के 500 मीटर की परिधि के अर्न्तगत कोई भी अन्य क्षेत्र का खनन पट्टा स्वीकृत अथवा संचालित नहीं है।</p> <p>रहना (गाटा संख्या 179/2 रकबा 3.75 है0) गैसरा रॉ नदी</p> <p>ग्राम रहना क्षेत्र के 500 मीटर की परिधि के अर्न्तगत कोई भी अन्य क्षेत्र का खनन पट्टा स्वीकृत अथवा संचालित नहीं है।</p>

		<p>रहना (लॉट संख्या 3 गाटा संख्या 3, रकबा 8.05 है0) यमुना नदी ग्राम रहना लॉट संख्या 3 क्षेत्र के 500 मीटर की परिधि के अर्न्तगत कोई भी अन्य क्षेत्र का खनन पट्टा स्वीकृत अथवा संचालित नहीं है।</p> <p>बरथाकोरसी (गाटा संख्या 01, रकबा 36.00 है0) यमुना नदी बरथाकोरसी जिसका उच्चतम ऑफरदाता के पक्ष में लेटर ऑफ इण्टेंट दिनांक 30.12.2019 को जारी किया गया (संलग्नक-9) क्लस्टर प्रमाण पत्र के अनुसार उत्तर प्रदेश की सीमा में 500 मीटर की परिधि के अर्न्तगत कोई अन्य क्षेत्र, खनन पट्टा स्वीकृत एवं संचालित नहीं है। जहाँ तक हरियाणा राज्य के खनन पट्टा क्षेत्र का सम्बन्ध है हरियाणा राज्य के जिला यमुनानगर के डिस्ट्रिक्ट सर्वे रिपोर्ट (DSR) के अनुसार बेलगढ़ क्षेत्र का कोई जियो कॉर्डिनेट्स का उल्लेख नहीं है (संलग्नक 10)। यमुनानगर के बेलगढ़ सीमा के अर्न्तगत स्वीकृत खनन क्षेत्र ग्राम बेलगढ़ साउथ जिसका स्टेट एन्वायरमेन्ट इक्विवैलेंट एस्समेन्ट एथॉरिटी ऑफ हरियाणा के पत्र SEIAA/HR/2016/475 दिनांक 27.06.2016 (संलग्नक 11) द्वारा ई0सी0 जारी किया गया है जिसमें क्षेत्र के तीन कॉर्डिनेट्स दिये गये हैं— A- N 30° 13' 29.01'' E 77° 30' 34.59'' B- N 30° 13' 10.29'' E 77° 30' 24.22'' C- N 30° 12' 41.01'' E 77° 30' 17.97'' उक्त क्षेत्र जनपद सहारनपुर के स्वीकृत खनन पट्टा क्षेत्र बरथाकोरसी से न्यूनतम <u>1.4 किमी0</u> से अधिक दूरी पर स्थित है। गुगल मानचित्र (संलग्नक-2)।</p>
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2. ई0आई0ए0 नोटिफिकेशन दिनांक 15.01.2016 में प्राविधान किया गया है कि यदि दो खनन क्षेत्रों के बीच में 500 मीटर से कम दूरी है तो वह क्षेत्र क्लस्टर में आयेंगे और उनकी ई0आई0ए0 किस प्रकार करायी जाएगी उसका प्राविधान नोटिफिकेशन में परिशिष्ट 11 में निम्न प्रकार दिया गया है—

APPENDIX - XI

[See paragraph 7 (iii) (b)]

PROCEDURE FOR ENVIRONMENTAL CLEARANCE FOR MINING OF MINOR MINERALS INCLUDING CLUSTER

The following policy shall be followed for environmental clearance of mining of minor minerals including cluster situation: -

(1). The data provided by the States (Sustainable Sand Mining Guidelines) shows that most of the mining leases for minor minerals are of lease area less than 5 hectare. It is also reported that in hill States getting a stretch in river with area more than 5 hectare is very uncommon. So the size of lease for minor minerals including river sand mining will be determined by the States as per their circumstances.

(2). The mining of minor minerals is mostly in clusters. The Environment Impact Assessment or Environment Management Plan are required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The Environment Impact Assessment or Environment Management Plan shall be prepared by the State or State nominated Agency or group of project proponents in the Cluster or the project proponent in the cluster.

(3). There shall be one public consultation for entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.

(4). Environmental clearance shall be applied for and issued to the individual project proponent. The individual lease holders in cluster can use the same Environment Impact Assessment or Environment Management Plan for application for environmental clearance. The cluster Environment Impact Assessment or Environment Management Plan shall be updated as per need keeping in view any significant change.

(5). The details of cluster Environment Impact Assessment or Environment Management Plan shall be reflected in each environmental clearance in that cluster and DEAC, SEAC, and EAC shall ensure that the mitigative measures emanating from the Environment Impact Assessment or Environment Management Plan study are fully reflected as environmental clearance conditions in the environmental clearance's of individual project proponents in that cluster.

(6). A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area.

3. कलस्टर प्रमाण पत्र जारी करने के लिए एक निर्धारित प्रफोरमा SEAC की वैबसाईट पर जारी किया गया है जिसकी प्रति संलग्नक नं० 27 है। जिसके बिन्दु ब) व अन्तिम घोषणा निम्न प्रकार है—

“ ब) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में कोई खनन क्षेत्र नहीं है। सम्बन्धित प्रकरण 0 से 5 हैक्टेयर तक है। अतः श्रेणी बी-2 से आच्छादित होता है।

यह भी प्रमाणित किया जाता है कि उपरोक्त विवरण में ई०ए०सी० भारत सरकार/एस०ई०आई०ए०ए०, यू०पी०/डी०ई०आई०ए०ए० से निर्गत पूर्व-पर्यावरणीय क्लीयरेन्स के गाटा/खण्ड संख्या को सम्मिलित कर लिया गया है।”

लेकिन जिला सहारनपुर में कलस्टर प्रमाण पत्र जारी करते समय जानबूझकर तथ्यों को छुपाने के लिए बिन्दु ब को निम्न प्रकार लिखा गया है—

“ ब) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में वर्तमान में कोई खनन पट्टा स्वीकृत/संचालित नहीं है। सम्बन्धित प्रकरण 05 हैक्टेयर से अधिक है। अतः परियोजना श्रेणी बी०-1 से आच्छादित होता है।” और नोटिफिकेशन के साथ एक कलस्टर सर्टिफिकेट का फोरमेट दिया गया है जिसमें केवल खनन क्षेत्र दिखाया जाना है चाहे वह प्रस्तारित है या संचालित है या स्वीकृत है लेकिन कलस्टर सर्टिफिकेट जारी करते हुए तथ्य छिपाने के लिए उसकी भाषा बदल दी गई है और शब्द स्वीकृत/संचालित किया गया यह एक धोखाधड़ी है जिससे स्पष्ट है कि सारा काम बड़ी मिलिभगत से हो रहा है।

इसके अतिरिक्त पूर्व में जारी पर्यावरण सहमतियों में वर्णित गाटा नं० व लॉट नं० को भी छुपाया गया है और प्रमाण पत्र गलत जारी किया गया है जिससे स्पष्ट है कि कलस्टर वाले क्षेत्रों को छुपाया गया है और कलस्टर प्रमाण पत्र गलत जारी किया गया है पर्यावरण सहमति में गलत प्रमाण पत्र जारी करने पर कार्यवाही का निम्न प्राविधान विशेष शर्त नं० 1 में दिया गया है—

“if the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate.”

4. कलस्टर प्रमाण पत्र में दिखाया गया है कि 500 मीटर में खनन पट्टा स्वीकृत नहीं है अथवा संचालित नहीं है और प्रमाण पत्र जारी किया है कि भारत सरकार द्वारा जारी पर्यावरण सहमति का विवरण शामिल बिल्कुल गलत है। उक्त तथ्य को मा० कमेटी द्वारा अपनी रिपोर्ट में बिना किसी जाँच के प्रमाणित करने की कोशिश की गई है कोई जाँच किसी भी प्रकार की नहीं की गई है।
5. जिला सहारनपुर में जिन लॉटों के बारे में कलस्टर प्रमाण पत्र जारी किया गया है और कहा गया है कि 500 मीटर में दूसरा कोई खनन क्षेत्र नहीं पड़ता है बिल्कुल गलत है। क्योंकि सभी लॉटों के 500 मीटर में दूसरे लॉट पड़ते हैं जो DSR में शामिल हैं व पूर्व में उनकी पर्यावरण सहमति जारी हुई है उनका विवरण निम्न प्रकार है—

क्रम सं०	लॉट नं०/गाँव का नाम	कलस्टर में पड़ने वाले क्षेत्र	क्षेत्रफल (है० में)	पूर्व में जारी पर्यावरण सहमति का दिनांक	कलस्टर में खनन क्षेत्रों के बीच की दूरी
1	मायापुर रूपपुर खसरा नं० 14/1 (नया लॉट)	मायापुर रूपपुर खसरा नं० 14/1 (नया लॉट) DSR का लॉट नं० 26 DSR का लॉट नं० 27	3.10 14.87 17.97	25.10.2012	नये लॉट से लॉट नं० 26 की दूरी 128 मीटर और लॉट नं० 26 से लॉट नं० 27 की दूरी 0 मीटर है

2	रहना (गाटा संख्या 179/2, रकबा 3.75 है) गैसरा रॉ नदी	रहना (गाटा संख्या 179/2, रकबा 3.75 है) गैसरा रॉ नदी DSR का लॉट नं0 8, ग्राम फैजाबाद	3.75 6.88 ----- 10.63	25.04.2011	दोनो लॉटों के बीच में 0 दूरी है बल्कि दोनों ओवर लैप कर रहे हैं चिन्हांकन ही गलत है।
3	रहना (लॉट संख्या 3, गाटा संख्या 3, रकबा .05 है) यमुना नदी	रहना (लॉट संख्या 3, गाटा संख्या 3, रकबा .05 है) यमुना नदी DSR का लॉट नं0 04 DSR का लॉट नं0 05 DSR का लॉट नं0 06	8.05 10.32 10.32 ----- 28.69	26.10.2012 25.10.2012	चारों लॉट एक दूसरे के 500 मीटर की दूरी से कम पर आते हैं। लॉट एक दूसरे से मिले हुए हैं।
4	बरथा कोरसी (गाटा संख्या 01, रकबा 36.00 है) यमुना नदी	बरथा कोरसी (गाटा संख्या 01, रकबा 36.00 है) यमुना नदी DSR का लॉट नं0 40, ग्राम असलमपुर बरथा बैलगढ साउथ, यमुनानगर हरियाणा बैलगढ नॉर्थ, यमुनानगर हरियाणा	36.00 36.38 28.00 44.00 ----- 144.38	18.10.2012 27.06.2016 13.05.2016	बरथा कोरसी से लॉट नं0 40 375 मीटर है व बरथा कोरसी से बैलगढ नॉर्थ 286 मीटर है लॉट नं0 40 से बैलगढ साउथ 23 मीटर है।
5	नुनियारी लॉट संख्या 38	नुनियारी लॉट संख्या 38 DSR का लॉट नं0 37	24.29 24.29 ----- 48.58	19.12.2011 23.02.2012	नये लॉट 38 से लॉट नं0 37 की दूरी 0 मीटर है, बल्कि दोनों ओवर लैप कर रहे हैं चिन्हांकन ही गलत है।
6	शेरपुर पेलों (नया लॉट)	शेरपुर पेलों (नया लॉट) DSR का लॉट नं0 01	7.00 7.69 ----- 14.69	26.10.2012	नये लॉट से DSR का लॉट नं0 01 की दूरी 468 मीटर है
7	हैदरपुर हिन्दूवाला (नया लॉट)	हैदरपुर हिन्दूवाला (नया लॉट)	4.20	...	हैदरपुर हिन्दुवाला के पुराने लॉट के बराबर में है।

6. **मायापुर रूपपुर खसरा नं0 14/1 (नया लॉट)**

उक्त लॉट DSR के लॉट नं0 26 मायापुर रूपपुर से मात्र 128 मीटर की दूरी पर है और खसरा नं0 14/1 लॉट नं0 26 का भाग है इसका सत्यापन नोटिफिकेशन दिनांक 09.01.2006 व राज्य सरकार आदेश दिनांक 30.11.2006 से किया जा सकता है लॉट नं0 26 के बराबर में DSR का लॉट नं0 27 है जिसकी पर्यावरण सहमति दिनांक 25.10.2012 को पर्यावरण मन्त्रालय, भारत सरकार द्वारा जारी की गई सभी लॉटों को गुगल मैप पर दिये गये लोगीट्यूट व लैटीट्यूट से मार्क किया गया है व दूरियों अंकित की गई है जिससे स्पष्ट है कि उक्त लॉट के कलस्टर में DSR के लॉट नं0 26 व 27 में आता है। प्रमाण पत्र गलत जारी किया गया है। कलस्टर का कुल क्षेत्रफल 5 है0 से अधिक है बी 1 श्रेणी में आता है जनसुनवायी होना आवश्यक है जो नहीं की गई है **गुगल मैप व पर्यावरण सहमति 25.10.2012 व पर्यावरण सहमति दिनांक 27.05.2020 की प्रति संलग्नक नं0 28 है।**

7. **रहना (गाटा संख्या 179/2 रकबा 3.75 है0) गैसरा रॉ नदी**

उक्त लॉट DSR के लॉट नं0 08, गाँव फैजाबाद के बराबर में है जिसकी पर्यावरण सहमति पर्यावरण मन्त्रालय की मा0 कमेटी द्वारा पास की गई थी यह लॉट भी कलस्टर में आता है जिसको गलत तरीके से कहा गया है कि 500 मीटर में कोई दूसरा खनन क्षेत्र नहीं है। बल्कि यह लॉट लोगीट्यूट लैटीट्यूट के अनुसार गाँव फैजाबाद के बाहर पड़ता है यह क्षेत्र गलत चिन्हित किया गया है और लॉट नं0 08 को ओवर लैप करता है। सभी लॉटों को गुगल मैप पर दिये गये लोगीट्यूट व लैटीट्यूट से मार्क किया गया है व दूरियों अंकित की गई है जिससे स्पष्ट है कि उक्त लॉट के कलस्टर में DSR के लॉट नं0 08 व खसरा नं0 179/2 में आता है। प्रमाण पत्र गलत जारी किया गया है। कलस्टर का कुल क्षेत्रफल 5 है0 से अधिक है बी 1 श्रेणी में आता है जनसुनवायी होना आवश्यक है जो नहीं की गई है **गुगल मैप व मिनट्स ऑफ मिटिंग 25.04.2011 व पर्यावरण सहमति 27.05.2020 की प्रति संलग्नक नं0 29 है।**

8. **रहना (लॉट संख्या 3, गाटा संख्या 3, रकबा 8.05 है0) यमुना नदी**

DSR का लॉट नं0 03 की सीमा लॉट नं0 04 से लगी है और 04 नं0 की लॉट नं0 05 से लगी है और 05 नं0 की लॉट नं0 06 से लगी है। लॉट नं0 04 व 05 की पर्यावरण सहमतियाँ पर्यावरण मन्त्रालय, भारत सरकार द्वारा दिनांक 25.10.2012 व 26.10.2012 को जारी की गई है। इसमें भी लॉट नं0 03, 04, 05, व 06 का कलस्टर है सभी लॉटों को गुगल मैप पर दिये गये लोगीट्यूट व लैटीट्यूट से मार्क किया गया है व दूरियों अंकित की गई है जिससे स्पष्ट है कि उक्त लॉट के कलस्टर में DSR के लॉट नं0 03, 04, 05, 06 में आता है। प्रमाण पत्र गलत जारी किया गया है। कलस्टर का कुल क्षेत्रफल 25 है0 से अधिक है बी 1 श्रेणी में आता है जनसुनवायी होना आवश्यक है जो नहीं की गई है **कलस्टर प्रमाण पत्र दिनांक 12.04.2020 गुगल मैप व पर्यावरण सहमति 25.10.2012 व 26.10.2012 व दिनांक 30.06.2020 की प्रति संलग्नक नं0 30 है।**

9. **बरथाकोरसी (गाटा संख्या 01 रकबा 36.00 है0) यमुना नदी**

उक्त लॉट बरथा कोरसी DSR के लॉट नं0 40 से मात्र 375 मीटर की दूरी पर पड़ता है जिसकी पर्यावरण मन्त्रालय, भारत सरकार द्वारा दिनांक 18.10.2012 को पर्यावरण सहमति जारी की गई थी उसके मात्र 23 मीटर की दूरी पर यमुनानगर, हरियाणा के DSR में पड़ने वाला बैलगढ़ साउथ (जो संचालित हो रहा है) व बरथा कोरसी से मात्र 286 मीटर दूरी पर बैलगढ़ नॉर्थ का लॉट स्वीकृत है इस प्रकार बरथा कोरसी लॉट के कलस्टर में DSR का लॉट नं0 40 असलमपुर बरथा व यमुनानगर का बैलगढ़ साउथ व बैलगढ़ नॉर्थ पड़ते हैं जो लगभग 144 है0 से भी ऊपर के हैं और नोटिफिकेशन 2018 के अनुसार 100 है0 से अधिक होने के कारण इसकी पर्यावरण सहमति केवल भारत सरकार, पर्यावरण मन्त्रालय से ही दी जा सकती है। इसका टोर दिनांक 30.06.2020 में SEAC द्वारा जारी किया गया है जो उसके अधिकार क्षेत्र में नहीं है जो निरस्त होने योग्य है। मा0 कमेटी द्वारा गलत तरीके से बैलगढ़ नार्थ से दूरी न बताकर बैलगढ़ साउथ से दूरी जानबूझकर बतायी गई है जिससे स्पष्ट है कि मा0 कमेटी द्वारा रिपोर्ट मा0 न्यायालय के समक्ष गलत प्रस्तुत की गई है। सभी लॉटों को गुगल मैप पर दिये गये लोगीट्यूट व लैटीट्यूट से मार्क किया गया है व दूरियों अंकित की गई है जिससे स्पष्ट है कि उक्त लॉट के कलस्टर में DSR के उपरोक्त क्षेत्र आते हैं। प्रमाण पत्र गलत जारी किया गया है। कलस्टर का कुल क्षेत्रफल 100 है0 से अधिक है 'ए' श्रेणी में आता है जनसुनवायी होना आवश्यक है जो नहीं की गई है इसके अतिरिक्त पर्यावरण सहमति पर्यावरण मन्त्रालय, भारत सरकार द्वारा ही दी जा सकती है।

जबकि टोर SEAC द्वारा जारी किया गया। कलस्टर प्रमाण पत्र दिनांक 12.03.2020 गुगल मैप, पर्यावरण सहमति 18.10.2012 व यमुनानगर के बैलगढ़ साउथ की पर्यावरण सहमति दिनांक 27.06.2016 व बैलगढ़ नॉर्थ की Approved Conservation Plan दिनांक 13.05.2016 व टोर दिनांक 30.06.2020 की प्रति संलग्नक नं0 31 है।

यहाँ पर स्पष्ट करना है कि यमुनानगर DSR में बैलगढ़ साउथ व बैलगढ़ नॉर्थ जो ब्लॉक है दोनों की स्वीकृत दिखाया गया है ओ0ए0 में दूरी नॉर्थ से दिखायी गई है। लेकिन मा0 कमेटी ने दूरी जानबूझकर मा0 न्यायालय को गुमराह करने के लिए साउथ से दिखायी है DSR यमुनानगर में दोनों दिखाये गये है प्रार्थी ने गुगल मैप लगाया था उसको स्पष्ट नहीं किया गया है। अपने को सही साबित करने के लिए बैलगढ़ साउथ की ई0सी0 को खोजी गई लेकिन ओ0ए0 में दी गई विवरण को छुपाया गया जिससे स्पष्ट है कि तथ्य छुपाये गये है। गार्ड लाईन्स 2020 के अनुसार राज्य की सीमा पर पड़ने वाले खनन क्षेत्रों का DSR दोनों की सहमति से बनना है व डाटा आदान प्रदान करना है। यमुना नगर DSR की प्रति मा0 कमेटी रिपोर्ट दिनांक 13.08.2020 संलग्नक नं0 10 है।

10. नुनियारी लॉट नं0 38

लॉट नं0 38 नीलामी के लिए 04.03.2020 को घोषणा की गई थी जिसकी नीलामी लॉक डाउन के दौरान की गई है और यह लॉट DSR के 37 के बराबर में है लॉट 37 की पर्यावरण सहमति व लॉट नं0 38 की पर्यावरण सहमति पूर्व में पर्यावरण मन्त्रालय द्वारा दिनांक 23.02.2012 व 19.12.2011 को जारी की गई है पर्यावरण सहमतियों में दिये गये लॉगीट्यूट व लैटीट्यूट के अनुसार राज्य सरकार द्वारा लॉट नं0 38 की बजाए 37 नीलाम किया गया है जिससे स्पष्ट होता है कि प्रशासन को कोई जानकारी खनन क्षेत्र की नहीं है और जो भी काम किया जा रहा है वह आँख बन्द कर किया जा रहा है। सभी लॉटों को गुगल मैप पर दिये गये लॉगीट्यूट व लैटीट्यूट से मार्क किया गया है व दूरियाँ अंकित की गई है जिससे स्पष्ट है कि उक्त लॉट के कलस्टर में DSR के उपरोक्त क्षेत्र आते है। प्रमाण पत्र गलत जारी किया गया है। कलस्टर का कुल क्षेत्रफल 25 है0 से अधिक है बी 1 श्रेणी में आता है कलस्टर प्रमाण पत्र दिनांक 07.04.2018, गुगल मैप, पर्यावरण सहमति 23.02.2012 व 19.12.2011 की प्रति संलग्नक नं0 32 है।

11. शेरपुर पेलों (नया लॉट)

उक्त लॉट DSR के लॉट नं0 01 शेरपुर पेलों के मात्र 468 मीटर दूरी पर स्थित है लॉट नं0 01 के पर्यावरण सहमति दिनांक 26.10.2012 को जारी की गई है इस क्षेत्र को पहले भी राज्य सरकार द्वारा निरस्त किया गया था लेकिन बिना किसी जाँच के पुनः नीलाम कर दिया गया। सभी लॉटों को गुगल मैप पर दिये गये लॉगीट्यूट व लैटीट्यूट से मार्क किया गया है व दूरियाँ अंकित की गई है जिससे स्पष्ट है कि उक्त लॉट के कलस्टर में DSR के उपरोक्त क्षेत्र आते है। प्रमाण पत्र गलत जारी किया गया है। कलस्टर का कुल क्षेत्रफल 5 है0 से अधिक है बी 1 श्रेणी में आता है जनसुनवायी होना आवश्यक है जो नहीं की गई है कलस्टर प्रमाण पत्र दिनांक 16.01.2020 गुगल मैप, पर्यावरण सहमति 26.10.2012 व दिनांक 30.06.2020 की प्रति संलग्नक नं0 33 है।

12. हैदरपुर हिन्दूवाला (नया लॉट)

नया लॉट वर्ष 2006 में भी स्वीकृत किया गया था लेकिन जाँच के बाद फायरिंग रेन्ज होने के कारण निरस्त कर दिया गया था जिसको पुनः नीलाम कर दिया गया उक्त लॉट के पास पहले लॉट नं0 14 स्वीकृत था लेकिन फायरिंग रेन्ज होने के कारण उसको निरस्त कर दिया गया था लेकिन उसी की कुछ दूरी पर यह नया लॉट बनाया गया है जो भी कलस्टर में आता है लेकिन उसके सही लॉगीट्यूट व लैटीट्यूट न होने के कारण दूरी का आंकलन नहीं किया गया है।

गुगल मैप, सिजरा मैप व कलस्टर प्रमाण पत्र दिनांक 05.03.2020 की प्रति संलग्नक नं0 34 है।

F- जिला सहारनपुर में लगातार सरकारी विभाग की मिलिभगत से अवैध खनन हुआ भारी पर्यावरण क्षति पहुँची है बिना किसी क्षति पूर्ति की पुनः खनन कराया जा रहा है लॉक डाउन में अवैध खनन हुआ है।

1. रिपोर्ट दिनांक 13.08.2020 में मा0 कमेटी द्वारा उक्त बिन्दु के सम्बन्ध में निम्न प्रकार से उल्लेख किया गया है—

क0सं0	बिन्दु	आख्या
5	The sand mining has been continuing even during the locked down period.	<p>मायापुर रूपपुर मायापुर रूपपुर का खनन पट्टा बादशाही बाग राव नदी में स्थित बालू, बजरी, बोल्टर (मिश्रित अवस्था में) स्वीकृत है जिसमें खनन कार्य लॉक डाउन की अवधि में नहीं हुआ है। दिनांक 15.06.2020 पट्टा अभिलेख का निष्पादन होने के उपरान्त खनन कार्य प्रारम्भ हुआ है। रहना (गाटा संख्या 179/2 रकबा 3.75 है0) गैसरा रॉ नदी रहना का खनन पट्टा गैसरा रॉ नदी में स्थित बालू, बजरी, बोल्टर (मिश्रित अवस्था में) स्वीकृत है जिसमें खनन कार्य लॉक डाउन की अवधि में नहीं हुआ है। दिनांक 06.06.2020 पट्टा अभिलेख का निष्पादन होने के उपरान्त खनन कार्य प्रारम्भ हुआ है। रहना (लॉट संख्या 3 गाटा संख्या 3, रकबा 8.05 है0) यमुना नदी रहना का खनन पट्टा यमुना नदी में स्थित बालू, बजरी, बोल्टर (मिश्रित अवस्था में) स्वीकृत है जिसमें खनन कार्य लॉक डाउन की अवधि में नहीं हुआ है। दिनांक 20.06.2020 पट्टा अभिलेख का निष्पादन होने के उपरान्त खनन कार्य प्रारम्भ हुआ है। बरथाकोरसी (गाटा संख्या 01, रकबा 36.00 है0) यमुना नदी बरथा कोरसी का खनन पट्टा यमुना नदी में स्थित बालू, बजरी, बोल्टर (मिश्रित अवस्था में) स्वीकृत है SEIAA से ई0सी0 प्राप्त न होने के कारण अभी कोई अग्रिम कार्यवाही नहीं की गई है। अतः खनन कार्य लॉक डाउन की अवधि में होने का कोई प्रश्न ही नहीं है।</p>

- 2.** मा0 कमेटी का उल्लेख करना की खनन बन्द पाया गया है गुमराह किया गया क्योंकि निरीक्षण 8 व 9 जौलाई को किया गया है और 1 जौलाई से 15 सितम्बर तक मानसून सीजन में पर्यावरण सहमति की शर्त के अनुसार खनन बन्द रहता है लेकिन जिला सहारनपुर में लगातार अवैध खनन चल रहा है। अवैध खनन जिला सहारनपुर में लगातार चल रहा है श्रीमान कमीशनर महोदय की अध्यक्षता में बनी कमेटी के द्वारा दिनांक 27.02.2020 को भी अवैध खनन पाया गया था रिपोर्ट की प्रति ओ0ए0 का संलग्नक नं0 20 है।
- 3.** मा0 कमेटी द्वारा तथ्य छुपाये गये हैं लॉक डाउन से पहले व लॉक डाउन के समय व लॉक डाउन के बाद में लगातार अवैध खनन होता रहा है इस तथ्य की जाँच श्रीमान कमीशनर महोदय सहारनपुर द्वारा स्वयं समय समय पर कमेटियाँ बनाकर करायी गई है जाँच के उपरान्त एक पत्र दिनांक 11.06.2020 को जिलाधिकारी सहारनपुर व वरिष्ठ पुलिस अधीक्षक सहारनपुर को भेजा गया है जिसमें स्पष्ट किया गया है कि प्रशासन व पुलिस की व खनन विभाग की मिलिभगत से लगातार अवैध खनन चल रहा है। यह तथ्य कमीशनर द्वारा स्वीकार किया जा रहा है लेकिन मा0 कमेटी के सदस्यों द्वारा अवैध खनन न होना कहा गया है जो गलत है। मा0 कमीशनर महोदय के पत्र दिनांक 11.06.2020 की प्रति साथ में संलग्नक नं0 35 है।
- 4.** जिला सहारनपुर में माननीय एन0जी0टी0 द्वारा ओ0ए0 नं0 184/2013 में हाई पॉवर कमेटी का गठन किया गया जिसकी जाँच में भारी पर्यावरण क्षति पायी गई 250 करोड़ का जुर्माना लगाया गया था और अवैध खनन रोकने के चैक पोस्टों का निर्माण करने का दोनों राज्यों द्वारा सहमति दी गई थी लेकिन मा0 एन0जी0टी0 के समक्ष हाई पॉवर कमेटी द्वारा दी गयी रिपोर्ट के आधार पर कोई चैक पोस्ट का निर्माण आज तक नहीं किया गया है जिस कारण मिलिभगत से लगातार अवैध खनन चल रहा है इससे हाई पॉवर कमेटी की संस्तुतियों व मा0 एन0जी0टी0 के आदेशों का उल्लंघन हुआ है।

H.लॉट नं0 03 रहना बिना ई0सी0 के खनन शुरू कराया गया। ई0सी0 एंव टोर गलत जारी किये गये है मा0 एन0जी0टी0 के आदेशों की अवहेलना की गई है –

1. रिपोर्ट दिनांक 13.08.2020 में मा0 कमेटी द्वारा उक्त बिन्दु के सम्बन्ध में निम्न प्रकार से उल्लेख किया गया है—

मायापुर रूपपुर

सम्यक विचारोपरान्त उच्चतम बोलीदाता श्री राजे"ा कुमार निवासी ग्राम गढी बीरबल इन्द्री जिला करनाल के पक्ष में दिनांक 28.12.2019 को लेटर ऑफ इन्टेन्ट (LOI) जारी किया गया है। तत्पश्चात SEIAA के पत्र संख्या 88/parya/SEIAA/5402/2019 दिनांक 27.05.2020 द्वारा ई0सी0 प्राप्त होने एंव समस्त औपचारिक प्रक्रियाओं का पालन करने के उपरान्त श्री राजे"ा कुमार के पक्ष में पट्टा विलेख का निष्पादन दिनांक 15.06.2020 को किया गया।

रहना (गाटा संख्या 179/2 रकबा 3.75 है0) गैसरा रॉ नदी

सम्यक विचारोपरान्त उच्चतम बोलीदाता श्री संजय भाटिया पुत्र स्व0 श्री आनन्द प्रका"ा भाटिया निवासी 1/472 रामचन्द्रपुरी, कुतुब"ौर सहारनपुर के पक्ष में दिनांक 07.01.2020 को लेटर ऑफ इन्टेन्ट (LOI) जारी किया गया है। तत्पश्चात SEIAA के पत्र संख्या 87/parya/SEIAA/5402/2019 दिनांक 27.05.2020 द्वारा ई0सी0 प्राप्त होने एंव समस्त औपचारिक प्रक्रियाओं का पालन करने के उपरान्त श्री संजय भाटिया के पक्ष में पट्टा विलेख का निष्पादन दिनांक 06.06.2020 को किया गया।

रहना (लॉट संख्या 3, गाटा संख्या 3 रकबा 8.05 है0) यमुना नदी

सम्यक विचारोपरान्त उच्चतम बोलीदाता श्री सत्येन्द्र कुमार पुत्र विरेन्द्र सिंह निवासी खैरा नजफगढ़, नई दिल्ली के पक्ष में दिनांक 23.01.2020 को लेटर ऑफ इन्टेन्ट (LOI) जारी किया गया है। तत्पश्चात SEIAA के पत्र संख्या 134/parya/SEAC/4294/2018 दिनांक 18.06.2020 द्वारा ई0सी0 प्राप्त होने एंव समस्त औपचारिक प्रक्रियाओं का पालन करने के उपरान्त श्री सतेन्द्र कुमार के पक्ष में पट्टा विलेख का निष्पादन दिनांक 20.06.2020 को किया गया।

बरथा कोरसी (गाटा संख्या 01 रकबा 36.00 है0) यमुना नदी

सम्यक विचारोपरान्त उच्चतम बोलीदाता श्री दीपक चौधरी प्रो0 स्टार माईन्स हकीकत नगर, सहारनपुर के पक्ष में दिनांक 30.12.2019 को लेटर ऑफ इन्टेन्ट (LOI) जारी की गयी है। तत्प"चात् SEIAA से ई0सी0 अपेक्षित हैं।

2. मा0 कमेटी द्वारा उपरोक्त विवरण के अनुसार रहना लॉट नं0 03 रहना नया लॉट व मायापुर रूपपुर की पर्यावरण सहमति जारी करना कथित किया गया है उक्त तीनों क्षेत्र हाथी रिजर्व व नेशनल पार्क के प्रतिबन्धित क्षेत्र में पड़ते है और 5 है0 से अधिक व कलस्टर में होने के कारण जनसुनवायी होना आवश्यक था जो नही करायी गई है और माननीय एन0जी0टी0 के आदेशों जो ओ0एं0 नं0 173/2018 व ओ0 ए0 नं0 186/2016 सतेन्द्र पाण्डेय बनाम पर्यावरण मन्त्रालय, पर्यावरण, वन एंव जलवायु परिवर्तन एंव अन्य व ओ0एम0 दिनांक 12.12.2018 का उल्लंघन किया गया है ओ0एम0 दिनांक 12.12.2018 की प्रति संलग्नक नं0 36 है।
3. जिला सहारनपुर के लॉट नं0 03 रहना में दिनांक 15.06.2020 को खनन शुरू कराया गया है जबकि 30.06.2020 को टोर जारी किया गया है टोर के बाद अभी तक कोई ई0सी0 जारी नही की गई है अर्थात बिना ई0सी0 के खनन शुरू करा दिया गया है। टोर दिनांक 30.06.2020 की प्रति साथ में संलग्नक नं 37 है।
4. लॉट नं0 03 रहना पूर्व में नीलाम किया गया था जिसको राहुल पंवार के नाम में स्वीकृत किया गया था राहुल पंवार के द्वारा पर्यावरण सहमति प्राप्त की गई थी जिसको सुनील

कुमार बनाम उ०प्र० सरकार ओ०ए० नं० 258/2018 में चुनौती दी गई थी। जिसमें SEIAA व राज्य सरकार द्वारा स्वयं गलती स्वीकार की गई थी और मा० एन०जी०टी० के आदेश दिनांक 29.03.2019 के द्वारा पर्यावरण सहमति पर रोक लगा दी गई है। **आदेश दिनांक 29.03.2019 की प्रति संलग्नक नं० 38 है।** उक्त आदेश को SEAC द्वारा भी संज्ञान लिया गया जिसमें वर्तमान मा० कमेटी के सदस्यों में श्री मैराजुददीन भी एक सदस्य थे। लेकिन अपनी जांच रिपोर्ट में उनके द्वारा इस तथ्य को छुपाया गया है जो माननीय न्यायालय की अवमानना की श्रेणी में आता है।

5. उपरोक्त आदेश दिनांक 19.03.2019 को राज्य सरकार द्वारा मा० सर्वोच्च न्यायालय में चुनौती दी गई लेकिन मा० सर्वोच्च न्यायालय द्वारा कोई भी रोक आदेश दिनांक 19.03.2019 पर नहीं लगायी गई और मामला अन्य मामलों के साथ मा० सर्वोच्च न्यायालय में विचाराधीन है। **मा० सर्वोच्च न्यायालय के आदेश दिनांक 29.07.2019 की प्रति संलग्नक नं० 39 है।**
6. उपरोक्त के बावजूद भी राज्य सरकार द्वारा उक्त लॉट को राहुल पंवार से निरस्त करते हुए बहुत कम कीमत पर पुनः नीलाम कर श्री सतेन्द्र के नाम आवंटित कर दिया गया है और SEAC, SEIAA द्वारा उपरोक्त सब मामलों पूर्व में जारी पर्यावरण सहमति के आधार पर पुनः श्री सतेन्द्र कुमार को खनन करने की अनुमति जारी की गई है जबकि उस पर्यावरण सहमति पर लगातार रोक आदेश लागू है। जिससे स्पष्ट है कि मा० एन०जी०टी० के आदेश की अवहेलना लगातार की जा रही है। ई०सी० को गलत ट्रांसफर किया गया ई०सी० ट्रांसफर का कोई प्रावधान नहीं है उसी दिन ई०सी० जारी और उसी दिन टोर जारी किया गया। मा० कमेटी द्वारा यह तथ्य जानबूझकर अपनी रिपोर्ट दिनांक 13.08.2020 में छुपाया गया है।
7. बरथा कोरसी लॉट के अर्न्तगत तीन लॉट और आते हैं और कलस्टर है जो 144 है० से ज्यादा का है और श्रेणी ए में आता है जिसकी पर्यावरण सहमति पर्यावरण मन्त्रालय, भारत सरकार द्वारा जारी की जा सकती है लेकिन मा० कमेटी द्वारा तथ्यों को छुपाकर DSR के लॉटों को अन्देखा करते हुए टोर दिनांक 30.06.2020 को seac द्वारा जारी किया हुआ है जो अधिकार क्षेत्र से बाहर है और निरस्त होने योग्य है। **टोर दिनांक 30.06.2020 की प्रति संलग्नक नं० 40 है।**
8. जिला सहारनपुर की पूर्व में पर्यावरण मन्त्रालय, भारत सरकार द्वारा जारी ई०सी० में लगायी गई शर्त का उल्लंघन किया गया है जिसमें कहा गया था की खनन पट्टे स्वीकृत करने से पूर्व राज्य सरकार सेन्ट्रल वॉटर कमीशन से replenishment study कराएगी। लेकिन नहीं करायी गई। 2 मीटर की अनुमति दी गई थी इनके द्वारा 3 मीटर की अनुमति दी गई है।
9. कलस्टर सर्टिफिकेट को फोरमेट बदलने के तथ्ये को अन्देखा किया गया और पूर्व में जारी पर्यावरण मन्त्रालय, भारत सरकार की पर्यावरण सहमतियों को अन्देखा किया गया।
10. प्रोजेक्ट प्रोपोनेट द्वारा जमा गलत डाटा को सही मानते हुए ई०सी० जारी की गई थी जो गलत था। किसी भी दूरी को सत्यापन नहीं कराया गया नेशनल पार्क व हाथी रिजर्व की दूरी गलत प्रस्तुत कर ई०सी० प्राप्त की गई।
11. ई०सी० व टोर में भी कोई replenishment study की कोई शर्त नहीं लगायी गई और न ही पहले करायी गई है।
12. DSR पर कोई ध्यान नहीं दिया गया क्योंकि DSR में आवश्यक तथ्यों का उल्लेख नहीं था और मुख्य रूप से आरक्षित वन क्षेत्र से 5 किमी० तक प्रतिबन्ध किया गया था लेकिन उसको अन्देखा करते हुए 5 किमी० के अन्दर 5 पर्यावरण सहमतियाँ जारी की गई है जो अपने आप में स्पष्ट करता है कि ई०सी० अॉख बन्द कर जारी की जा रही है।
13. पर्यावरण मन्त्रालय द्वारा जारी गाईडलाईन्स 2020, 27 जनवरी 2020 को मेल द्वारा को भेज दी गई थी और पूरे भारत वर्ष में लागू कर दी गई थी उसके बावजूद भी SEIAA व SEAC के प्रावधानों को अन्देखा कर पर्यावरण सहमतियाँ व टोर जारी किये गये हैं। किसी में भी replenishment study की कोई शर्त नहीं लगी है और न ही कोई replenishment study करायी गई है जबकि दूसरे राज्यों में replenishment study के बिना कोई पर्यावरण सहमतियाँ जारी नहीं की जा रही है। सभी ई०सी० गैर कानूनी है व निरस्त होने योग्य है।
14. सभी लॉट कलस्टर में है लेकिन किसी की EIA/EMP कलस्टर की नहीं बनी है सभी ई०सी० गलत जारी हुई और निरस्त होने योग्य है।

H- मा0 कमेटी द्वारा रिपोर्ट गलत दी गई है कोई जॉच मौके पर नहीं की गई है दोनों ही सदस्य मा0 एन0जी0टी0 ने अधिकृत नहीं किया है एक सदस्य SEAC का है और दूसरे सदस्य जिला प्रशासन अधिकारी है दोनों मामले से सम्बन्धित व्यक्ति है सम्बन्धित व्यक्ति कभी जॉच अधिकारी नहीं हो सकते हैं।

1. ओ0ए0 90/2020 में नीलाम नोटिस दिनांक 01.11.2019 व दिनांक 04.03.2020 में कुल 7 खनन क्षेत्रों को चुनौती दी गई थी।
मा0 कमेटी द्वारा मायापुर रूपपुर व रहना खसरा नं0 179/2 लॉट का जियो कार्डिनेट्स लीज डिड से लेकर दिये हैं। रहना लॉट 3 के नहीं दिये गये हैं क्योंकि वह कलेशर नेशनल पार्क की सीमा पर है और हैदरपुर हिन्दुवाला व शेरपुर पैलों, नुनियारी की कोई जॉच नहीं की गई तथ्यों को छिपाया गया है इसी प्रकार दूसरे लॉटों का विवरण नहीं दिया गया है।
2. मा0 कमेटी द्वारा अपनी रिपोर्ट में 08.07.2020 को तीन क्षेत्रों का निरीक्षण करना कथित किया गया है लेकिन रिपोर्ट में चार क्षेत्रों का विवरण दिया गया है। जिसमें बरथा कोरसी का विवरण बिना निरीक्षण के दिया गया है जिसमें स्पष्ट है कि उनके द्वारा बरथा कोरसी का मौके पर कोई निरीक्षण नहीं किया गया है।
3. ग्राम मायापुर रूपपुर का पट्टा निष्पादन दिनांक 15.06.2020 को दिखा कर माईनिंग 15.06.2020 को चालू करा दिया गया जबकि खनन पट्टा दिनांक 27.07.2020 को निष्पादित कर पंजीकृत कराया गया है बिना पंजीकरण कराये कोई खनन नहीं कराया जा सकता तथ्य को छुपाया गया और यह अवैध खनन कराया गया।
4. DSR दिनांक 02.12.2017 को जो आपत्तियाँ मंगाई गई उसमें यह क्षेत्र नहीं थे बाद में नहीं बढ़ाया जा सकता था। REPLENISHMENT STUDY की कन्डीशन नोटिफिकेशन 2016 में भी और जिला सहारनपुर में ई0 ए0 सी0 द्वारा वर्ष 2011 में ही लगायी गई थी जिस तथ्य को गलत तरीके से प्रस्तुत किया जा रहा है।
5. शेरपुर पैलों, हिन्दुवाला हैदरपुर, व नुनियारी क्षेत्र के बारे में कोई रिपोर्ट प्रस्तुत जानबूझ कर नहीं की गई है क्योंकि शेरपुर हिन्दुवाला हैदरपुर लॉट बिल्कुल एलिफेन्ट रिजर्व की बाउण्ड्री से लगा है व प्रस्तावित टाईगर रिजर्व की सीमा से लगा है व नुनियारी लॉट लॉक डाउन में चुपचाप नीलाम किया गया ई0सी0 पहले ही सुनील कुमार बनाम उत्तर प्रदेश राज्य सरकार में ओ0ए0 नं0 258/2018 में रोक लगायी गई है तथ्यों को छुपाया गया है।
6. यहाँ यह स्पष्ट करना है कि रिपोर्ट में मा0 कमेटी के एक सदस्य मैराजुददीन को SEIAA का सदस्य दिखाया गया है जबकि यह SEIAA के सदस्य नहीं है SEAC के सदस्य है। न्यायालय द्वारा SEIAA को आदेश दिया था यह न्यायालय के आदेशों की अवहेलना है और मा0 कमेटी के सदस्य द्वारा अपने को प्राधिकरण का सदस्य कहना अपने आप में न्यायालय की अवमानना है। इस प्रकरण में सभी ई0सी0 दिनांक 27.01.2020 के बाद जारी हुई है और प्रशासन ने DSR गलत बनाकर पट्टे गलत आवंटन किये गये हैं दोनों ही सदस्य पक्ष हैं इसलिए उनके द्वारा प्रस्तुत रिपोर्ट गलत है विश्वसनीय नहीं है। कभी भी एक पक्ष जॉच अधिकारी नहीं हो सकता है और ऊपर दिये गये तथ्यों से स्पष्ट है कि रिपोर्ट गलत है वह तथ्य छुपाये गये हैं और रिपोर्ट निरस्त होने योग्य है और पुनः जॉच उपरोक्त तथ्यों को शामिल करते हुए आदेश दिनांक 17.08.2020 के अनुपालन में मा0 न्यायालय के समक्ष प्रस्तुत किया जाना है।

उपरोक्त तथ्यों के आधार पर पर प्रार्थी निम्न प्रार्थना करता है।

- A. DSR निरस्त कर नया DSR गाईड लाइन्स 2020 के प्रावधानों का पालन करते हुए और Replenishment Study कराने के बाद ही खनन क्षेत्र नीलाम किये जाए।
- B. अभी तक स्वीकृत/जारी LOI खनन पट्टे निरस्त करते हुए खनन पर तत्काल रोक लगायी जाए।
- C. जिला सहारनपुर में अभी तक जो ई0सी0 व टोर जारी किये गये हैं उनको निरस्त किया जाए।

- D. SEIAA/SEAC के समक्ष गलत कलस्टर सर्टिफिकेट जारी करने वालों के विरुद्ध कानूनी कार्यवाही करायी जाए।
- E. जिन प्रशासनिक अधिकारी पुलिस व खनन विभाग द्वारा मिलिभगत कर अवैध खनन कराया जा रहा है उनके विरुद्ध भी कानूनी कार्यवाही होनी चाहिए।
- F. किसी भी खनन क्षेत्र को DSR में शामिल करने से पूर्व नेशनल पार्क सेन्चुरी वेट लैण्ड वन की दूरी नक्शे पर मय लॉगीट्यूट व लैटीट्यूट के चीफ वाईल्ड लाईफ वार्डन से प्रमाणित कराने के निर्देश दिये जाएं।

प्रार्थी

दिनांक: 22.08.2020

संलग्नक: उपरोक्तानुसार

प्रतिलिपि:

1. श्रीमान जिलाधिकारी महोदय
कलैक्ट्रेट, जिला सहारनपुर, उ0प्र0

प्रमोद पुत्र श्री रणजीत
मकान नं0 131, ग्राम वरसी
टिकरोल, सहारनपुर, उ0प्र0

Annexure No. 1

Item No. 24

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 90/2020

(With report dated 13.07.2020)

Pramod

Applicant(s)

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 17.08.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Mr. Ajit Sharma, Advocate

Respondent(s): Mr. Ankit Verma, Advocate for State of UP

ORDER

1. Grievance in this application is *inter - alia* is against District Survey report for riverbed sand mining in District Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management Guidelines, 2020. The mining sites are within 1 k.m. from Kalesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF&CC order dated 08.08.2019. Mining is also in prohibited area being upstream of Hathnikund Barrage in Saharanpur. Cluster Impact Assessment has not been done as required. The sand mining has been continuing even during the locked down period.

2. A report was sought from District Magistrate, Saharanpur and SEIAA, U.P. vide order dated 29.06.2020.

3. Accordingly, a report has been filed on 13.07.2020 to the effect that leases were granted prior to the Sustainable Sand Mining Guidelines, 2020. However, the fact remains that the replenishment study is required even *de hors* the said Guidelines, the objections of the applicant may be responded to by the Department. The applicant is at liberty to file a fresh representation before the District Magistrate, Saharanpur and SEIAA, U.P. within one week from today with reference to the report filed on 13.7.2020.

4. Let a fresh report be furnished by the District Magistrate, Saharanpur and SEIAA, U.P., dealing with the objections of the applicant, before the next 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.

List again on 06.10.2020.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

August 17, 2020
Original Application No. 90/2020
A

Annexure No. 2

16 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II]—SEC. 3(ii)

10 का.आ. 562(अ) तारीख 26 फरवरी 2014;

11 का.आ. 637(अ) तारीख 28 फरवरी 2014;

12. का.आ. 1599(अ) तारीख 25 जून 2014;

13. का.आ. 2601(अ) तारीख 7 अक्टूबर 2014;

14. का.आ. 2600(अ) तारीख 9 अक्टूबर 2014

15. का.आ. 3252(अ) तारीख 22 दिसंबर 2014;

16. का.आ. 382(अ) तारीख 3 फरवरी, 2015;

17. का.आ. 811(अ) तारीख 23 मार्च, 2015;

18. का.आ. 996(अ) तारीख 10 अंन 2015;

19. का.आ. 1142(अ) तारीख 17 अंन 2015;

20. का.आ. 1141(अ) तारीख 29 अंन 2015;

21. का.आ. 1834(अ) तारीख 6 जुलाई 2015:

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION**

New Delhi, the 15th January, 2016

S.O. 141(E).—Whereas in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section

(2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), a draft notification for making certain

amendments in the Environment Impact Assessment Notification, 2006, issued vide number S.O. 1533(E), dated the 14th

September 2006, was published under sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, vide number

S.O. 2588(E), dated 22nd September, 2015, inviting objections and suggestions from all persons likely to be affected

thereby, within a period of sixty days from the date of publication on which copies of Gazette containing the said

notification were available to the public:

And whereas, copies of said notification were made available to the public on 22nd September 2015;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have

been duly considered by the Central Government;

And whereas, in pursuance to the order of Hon'ble Supreme Court dated the 27th February, 2012 in I.A. No.12-

13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of

Haryana and Others etc., prior environmental clearance has now become mandatory for mining of minor minerals

irrespective of the area of mining lease,

And whereas, as a result of the above said Order of Hon'ble Supreme Court, the number of cases which are now

required to obtain prior environmental clearance has increased substantially;

And whereas, the Hon'ble National Green Tribunal, vide its order dated the 13th January, 2015 in the matter

regarding sand mining has directed for making a policy on environmental clearance for mining leases in cluster for minor

minerals;

And whereas, the State Governments have represented for streamlining the process of environmental clearance

for mining of minor mineral;

And whereas, the Ministry of Environment, Forest and Climate Change in consultation with State Governments has prepared Guidelines on Sustainable Sand Mining detailing the provisions on environmental clearance for cluster, creation of District Environment Impact Assessment Authority and proper monitoring of sand mining using information technology and information technology enabled services to track the mined out material from source to destination;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely:-

In the said notification:-

(a) in paragraph 2, after the words "in the said Schedule", the following words shall be inserted, namely:-

"and at District level the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category 'B2' for mining of minor minerals in the said Schedule";

(b) after paragraph 3, the following paragraph shall be inserted, namely:-

"3 A. District Level Environment Impact Assessment Authority:-

- (1) A District Level Environment Impact Assessment Authority hereinafter referred to as the DEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of four members including a Chairperson and a Member-Secretary.
 - (2) The District Magistrate or District Collector shall be the Chairperson of the DEIAA.
 - (3) The Sub-Divisional Magistrate or Sub-Divisional Officer of the district head quarter of the concerned district of the State shall be the Member-Secretary of the DEIAA.
 - (4) The other two members of the DEIAA shall be the senior most Divisional Forest Officer and one expert. The expert shall be nominated by the Divisional Commissioner of the Division or Chief Conservator of Forest, as the case may be. The term and qualifications of the expert fulfilling the eligibility criteria are given in Appendix VII to this notification.
 - (5) The members of the DEIAA who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert member.
 - (6) The District Level Expert Appraisal Committee hereinafter referred to as the DEAC shall comprise of eleven members, including a Chairman and a Member-Secretary.
 - (7) The senior most Executive Engineer, Irrigation Department in the district of respective State Governments or Union Territory Administrations shall be the Chairperson of the DEAC.
 - (8) The Assistant Director or Deputy Director of the Department of Mines and Geology or District Mines Officer or Geologist of the district shall be the Member-Secretary of the DEAC in that order.
 - (9) A representative of the State Pollution Control Board or Committee, senior most Sub-Divisional Officer (Forest) in the district, representative of Remote Sensing Department or Geology Department or State Ground Water Department, one occupational health expert or Medical Officer to be nominated by the District Magistrate or District Collector, Engineer from Zila Parishad, and three expert members to be nominated by the Divisional Commissioner or Chief Conservator of Forest, as the case may be, shall be the other members of the DEAC. The term and qualifications of the experts fulfilling the eligibility criteria are given in Appendix VII to this notification.
 - (10) The members of the DEAC who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert members.
 - (11) The District Magistrate or District Collector shall notify an agency to act as Secretariat for the DEIAA and the DEAC and shall provide all financial and logistic support for their statutory functions.
 - (12) The DEIAA and DEAC shall exercise the powers and follow the procedure as specified in the said notification, as amended from time to time.
 - (13) The DEAC shall function on the principle of collective responsibility and the Chairman shall endeavour to reach a consensus in each case and if consensus cannot be reached, the view of the majority shall prevail. "
- (c) in paragraph 4, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-
- "(iv) The 'B2' Category projects pertaining to mining of minor mineral of lease area less than or equal to five hectare shall require prior environmental clearance from DEIAA. The DEIAA shall base its decision on the recommendations of DEAC, as envisaged for this notification " .
- (d) for paragraph 5, the following paragraph shall be substituted, namely:-

"5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government, SEACs at the State or Union territory level and DEAC at the district level shall screen, scope and appraise projects or activity in category 'A', 'B1' and 'B2' and 'B2' projects for mining of minor minerals of lease area less than and equal to five hectare respectively. EAC, SEACs and DEACs shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union

THE MINING AND CONSERVATION ACT, 1952

territory Administration with identical composition. DEAC at the district level shall be constituted by the Central Government as per the composition given in paragraph 3 A.

(h) The Central Government may with the prior concurrence of the concerned State Governments or the Union territory Administration constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost.

(c) The EAC and SEAC shall be reconstituted after every three years.

(d) The authorised members of the EAC, SEACs and DEACs concerned, may inspect any site connected with the project or activity in respect of which the prior environmental clearance is sought for the purpose of screening or scoping or appraisal with prior notice of at least seven days to the project proponent who shall provide necessary facilities for the inspection.

(e) The EAC, SEACs and DEACs shall function on the principle of collective responsibility. The Chairperson shall endeavor to reach a consensus in each case and if consensus cannot be reached the view of the majority shall prevail."

(e) For paragraph 6, the following paragraph shall be substituted, namely:-

"6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made by the project proponent in the prescribed Form I annexed herewith and Supplementary Form IA, if applicable, as given in Appendix II after the identification of prospective site (s) for the project and/or activities to which the application relates; and in Form IM for mining of minor minerals up to five hectare under Category 'B2' projects, as given in Appendix VIII, before commencing any construction activity, or preparation of land, or mining at the site by the project proponent. The project proponent shall furnish along with the application, a copy of the pre-feasibility project report, in addition to Form I, Form IA, and Form IM, and in case of construction projects or activities item 8 of the Schedule, a copy of the conceptual plan shall be provided instead of pre-feasibility report."

(f) in paragraph 7,-

(i) in sub-paragraph (i), under the heading "I. Stage (1)- Screening:", the existing sub-paragraph shall be lettered as sub-paragraph "(A)" and after sub-paragraph as so lettered, the following sub-paragraph shall be inserted, namely:-

"(B) The cases as specified in Appendix IX shall be exempted from prior environmental clearance."

(ii) after sub-paragraph 7 (ii), the following sub-paragraph shall be inserted, namely:-

"7 (iii) Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals:

(a) The prescribed procedure for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals is given in Appendix X.

(b) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI."

(g) in paragraph 8,-

(i) for the letters and word "EAC or SEAC", the words and letters "EAC or SEAC or DEAC" shall be substituted;

(ii) for the words "Expert Appraisal Committee or State Level Expert Appraisal Committee" wherever they occur, the words "Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee" shall be substituted,

(h) in paragraph 9, in sub-paragraph (i)-

for the words "Expert Appraisal Committee or State Level Expert Appraisal Committee", the words "Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee" shall be substituted;

(i) in paragraph 10, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-

"(iv) The prescribed procedure for sand mining or river bed mining and monitoring is given in Appendix XII."

(j) in paragraph 11,-

for the words "Expert Appraisal Committee or State Level Expert Appraisal Committee", the words "Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee" shall be substituted.

(k) in the Schedule,-

(i) for item 1 (a) and the entries relating thereto, the following item and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
1(a)	(i) Mining of minerals	<p>≥50 ha of mining lease area in respect of non-coal mine lease</p> <p>>150 ha of mining lease area in respect of coal mine lease</p> <p>Asbestos mining</p>	<p><50 ha of mining lease area in respect of non-coal mine lease</p> <p><150 ha of mining lease area in respect of coal mine lease</p>	<p>General Conditions shall apply except.</p> <p>(i) for project or activity of mining of minor minerals of Category 'B2' (up to 25 ha of mining lease area);</p> <p>(ii) River bed mining projects on account of inter-state boundary.</p>

(12)	
	<p style="text-align: center;">irrespective of mining area</p>
	<p style="text-align: center;">All projects.</p>
	<p>(ii) Slurry pipelines (coal lignite and other ores) passing through national parks or sanctuaries or coral reefs, ecologically sensitive areas.</p>
	<p>Note:</p> <p>(1) Mineral prospecting is exempted.”;</p> <p>(2) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI”.</p> <p>(3) The mining leases which have obtained environmental clearance under Environment Impact Assessment Notification, 1994 and Environment Impact Assessment Notification, 2006 shall not require fresh environmental clearance during renewal provided the project has valid and subsisting environmental clearance.</p>

(b) after Appendix VI, the following appendices shall be inserted, namely:-

“APPENDIX VII

(See paragraph 3 A)

Qualifications and terms for the Experts in DEIAA and DEAC

1. **Qualification:** The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA or M.Sc. Degree or (ii) in case of Engineering/ Technology/ Architectural discipline, 4 years formal training course together with prescribed practical training in the field leading to a B. Tech/ B.E./ B. Arch. Degree, or (iii) Other professional degree (e.g. MBA etc.) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/ article ship and pass examinations conducted by the concerned professional associations (e.g. Chartered Accountant) or (v) a University degree, followed by two years of formal training in a University or Service Academy (e.g. MBA/MPA etc.). In selecting the individual professionals, experience gained by them in their respective fields will be taken into of.
2. **Expert:** A professional fulfilling the above eligibility criteria with at least 10 years of relevant experience in the field or with an advanced degree (e.g. Ph. D) in a concerned field with at least 5 years of relevant experience
3. **Age:** Below 70 years. However, in the event of non-availability or paucity of experts in a given field, the maximum age of a member may be allowed up to 75 years.
4. **Fields:** Experts in Mining, Geology, Hydrology, Remote Sensing, Environment Quality, Environment Impact Assessment Process, Risk Assessment, Life Sciences, Marine Sciences, Forestry and Wildlife, Environmental Economics, Bio-diversity, and River Ecology.

5. **Tenure:** The maximum tenure of expert members shall be for two terms of three years each
6. The Expert Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

APPENDIX VIII

(See paragraph 6)

FORM 1 M

APPLICATION FOR MINING OF MINOR MINERALS UNDER CATEGORY 'BT' FOR LESS THAN AND EQUAL TO FIVE HECTARE

(II) Basic Information

- (viii) Name of the Mining Lease site:
 (ix) Location / site (GPS Co-ordinates):
 (x) Size of the Mining Lease (Hectare):
 (xi) Capacity of Mining Lease (TPA):
 (xii) Period of Mining Lease:
 (xiii) Expected cost of the Project:
 (xiv) Contact Information:

Environmental Sensitivity

Sl. No.	Areas	Distance in kilometer / Details
1.	Distance of project site from nearest rail or road bridge over the concerned River, Ravulet, Nallah etc.	
2.	Distance from infrastructural facilities Railway line National Highway State Highway Major District Road Any Other Road Electric transmission line pole or tower Canal or check dam or reservoir or lake or ponds In-take for drinking water pump house Intake for Irrigation canal pumps	
3.	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	
4.	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	
5.	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	
6.	Inland, coastal, marine or underground waters	
7.	State, National boundaries	
8.	Routes or facilities used by the public for access to recreation or other tourism, pilgrim areas	
9.	Defence installations	
10.	Densely populated or built-up area, distance from or area human habitation	
11.	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)	
12.	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)	
13.	Areas already subjected to pollution or environmental damage (those where existing legal environmental standards are exceeded)	
14.	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)	

15.	Is proposed mining site located over or near fissure / fracture for ground water recharge	
16.	Whether the proposal involves approval or clearance under the following Regulations or Acts, namely:- (a) The Forest (Conservation) Act, 1980; (b) The Wildlife (Protection) Act, 1972; (c) The Coastal Regulation Zone Notification, 2011. If yes, details of the same and their status to be given	
17.	Forest land involved (hectares)	
18.	Whether there is any litigation pending against the project and/or land in which the project is propose to be set up? (a) Name of the Court (b) Case No (c) Orders or directions of the Court, if any, and its relevance with the proposed project.	

(Signature of Project Proponent
Along with name and address)

APPENDIX - IX

[See paragraph 7(i) (B)]

EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require prior environmental clearance, namely -

1. Extraction of ordinary clay or sand, manually, by the Kumbhars (Poter) to prepare earthen pots, lamp toys, etc. as per their customs.
2. Extraction of ordinary clay or sand, manually, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village
5. Community works like de-silting of village ponds or tanks, construction of village roads, ponds, bunds undertaken in Mahatma Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes, and community efforts.
6. Dredging and de-silting of dams, reservoirs, weirs, barrages, rivers, and canals for the purpose of their maintenance, upkeep and disaster management.
7. Traditional occupational work of sand by Vanjara and Chak in Gujarat vide notification number GU/90/16/ MCR-218968/5-CHH, dated the 14th February, 1990 of the Government of Gujarat
8. Digging of well for irrigation or drinking water
9. Digging of foundation for buildings not requiring prior environmental clearance
10. Excavation of ordinary earth or clay for plugging of any breach caused in canal, salt drain, water body, etc., to deal with any disaster or flood like situation upon orders of District Collector or District Magistrate.
11. Activities declared by State Government under legislations or rules as non-mining activity with concurrence of the Ministry of Environment, Forest and Climate Change, Government of India

APPENDIX - X

[See paragraph 7 (ii) (a)]

PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:

Identification of areas of aggradations or deposition where mining can be allowed, and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

1. Introduction
2. Overview of Mining Activity in the District
3. The List of Mining Leases in the District with location, area and period of validity
4. Details of Royalty or Revenue received in last three years
5. Detail of Production of Sand or Bajari or minor mineral in last three years
6. Process of Deposition of Sediments in the rivers of the District
7. General Profile of the District
8. Land Utilization Pattern in the District: Forest, Agriculture, Horticulture, Mining etc.

9. Physiography of the District
 10. Rainfall: month-wise
 11. Geology and Mineral Wealth

In addition to the above, the report shall contain the following

- (a) District wise detail of river or stream and other sand source
 (b) District wise availability of sand or gravel or aggregate resources.
 (c) District wise detail of existing mining leases of sand and aggregates

A survey shall be carried out by the DEJAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Gravel Water Boards or Remote Sensing Department or Mining Department etc. in the district.

Drainage system with description of main rivers

S. No.	Name of the River	Area drained (Sq. Km)	* Area drained in the District

Salient Features of Important Rivers and Streams:

S. No.	Name of the River or Stream	Total Length in the District (in Km)	Place of origin	Altitude at Origin

Portion of the River or Stream Recommended for Mineral Concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

Mineral Potential

Boulder (MT)	Bajri (MT)	Sand (MT)	Total Mineable Mineral Potential (MT)

Annual Deposition

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S. No.	River or Stream	Portion of the river or stream recommended for mineral concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)
Total for the District						

A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation department, State Pollution Control Board or Committee, Forest department, Geology or mining officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

Methodology adopted for calculation of Mineral Potential:

The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and locations, depth of mineable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For example in some hill States mineral constituents like boulders, river born Bajri, sand up

to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

APPENDIX - XI

(See paragraph 7 (ii) (b))

PROCEDURE FOR ENVIRONMENTAL CLEARANCE FOR MINING OF MINOR MINERALS INCLUDING CLUSTER

The following policy shall be followed for environmental clearance of mining of minor minerals including cluster situation:

- (1). The dam provided by the States (Sustainable Sand Mining Guidelines) shows that most of the mining leases for minor minerals are of lease area less than 5 hectare. It is also reported that in all States getting a stretch in river with area more than 5 hectare is very uncommon. So the size of lease for minor minerals including river sand mining will be determined by the States as per their circumstances.
- (2). The mining of minor minerals is mostly in clusters. The Environment Impact Assessment or Environment Management Plan are required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The Environment Impact Assessment or Environment Management Plan shall be prepared by the State or State nominated Agency or group of project proponents in the Cluster or the project proponent in the cluster.
- (3). There shall be one public consultation for entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.
- (4). Environmental clearance shall be applied for and issued to the individual project proponent. The individual lease holders in cluster can use the same Environment Impact Assessment or Environment Management Plan for application for environmental clearance. The cluster Environment Impact Assessment or Environment Management Plan shall be updated as per need keeping in view any significant change.
- (5). The details of cluster Environment Impact Assessment or Environment Management Plan shall be reflected in each environmental clearance in that cluster and DEAC, SEAC, and EAC shall ensure that the mitigative measures emanating from the Environment Impact Assessment or Environment Management Plan study are fully reflected as environmental clearance conditions in the environmental clearances of individual project proponents in that cluster.
- (6). A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area.
- (7). Form IM, Pre-Feasibility Report and mine plan for Category 'B2' projects for mining of minor minerals shall be prepared by the Registered Qualified Person or Accredited Consultants of Quality Council of India, National Accreditation Board for Education and Training. The Environment Impact Assessment or Environment Management Plan for Category 'A' and Category 'B1' projects shall be prepared by the accredited consultants of Quality Council of India, National Accreditation Board for Education and Training.
- (8). The SEIAAs shall have supervisory jurisdiction over the DEIAAs and decisions of DEIAA shall be reviewed by the SEIAA without prejudice to any provisions under any existing law.

Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals including cluster situation

Area of Lease (Hectare)	Category of Project	Requirement of EIA / EMP	Requirement of Public Hearing	Requirement of EC	Who can prepare EIA/EMP	Who will apply for EC	Authority to approve/ grant EC	Authority to monitor EC compliance
EC: Proposal of Sand Mining and other Minor Mineral Mining on the basis of individual mine lease								
0 - 5ha	'B2'	Form -IM, PFR and Approved Mine Plan	No	Yes	Project Proponent	Project Proponent	DEAC/ DEIAA	DEIAA SEIAA SPCB CPCB MoEFCC Agency

> 5 ha and < 25 ha	'B2'	Form -I, PFR and Approved Mine Plan and EMP	No	Yes	Project Proponent	Project Proponent	SEAC/ SEIAA	nominated by MoEFCC
≥ 25ha and < 50ha	'B1'	Yes	Yes	Yes	Project Proponent	Project Proponent	SEAC/ SEIAA	
≥ 50 ha	'A'	Yes	Yes	Yes	Project Proponent	Project Proponent	EAC/ MoEFCC	
EC Proposal of Sand Mining and other Minor Mineral Mining in cluster situation								
Cluster area of mine leases up to 5 ha	'B2'	Form -I, PFR and Approved Mine Plan	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA	DEIAA SEIAA SPCR CTCB MoEFCC Agency nominated by MoEFCC
Cluster area of mine leases > 5 ha and < 25 ha with no individual lease > 5 ha	'B2'	Form -I, PFR and Approved Mine Plan and one EMP for all leases in the Cluster	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA	
Cluster of mine leases of area ≥ 25 hectares with individual lease size < 50ha	'B1'	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	SEAC/ SEIAA	
Cluster of any size with any of the individual lease ≥ 50ha	'A'	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	EAC/ MoEFCC	

APPENDIX - XII

(See paragraph 10.4*)

PROCEDURE FOR MONITORING OF SAND MINING OR RIVER BED MINING

1. The security feature of Transport Permit shall be as under

- Printed on Indian Banks' Association (IBA) approved Magnetic Ink Character Recognition (MICR) Code paper.
- Unique Barcode.
- Unique Quick Response (QR) code
- Fragile Ink Background
- Invisible Ink Mark
- Void Pantograph.
- Watermark

2. Requirement at Mine Lease Site

- Small Size Plot (Up to 5 hectare): Android Based Smart Phone.

- (h) Large Size Plots (More than 5 hectare): CCTV camera, Personal Computer (PC), Internet Connection, Power Back up.
- (c) Access control of mine lease site
- (d) Arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used

3. Scanning of Transport Permit or Receipt and Uploading on Server:

- (a) Website: Scanning of receipt on mining site can be done through barcode scanner and computer using the software;
- (b) Android Application: Scanning on mining site can be done using Android Application using smart phone. It will require internet availability on SIM card.
- (c) SMS: Transport Permit or Receipt shall be uploaded on server even by sending SMS through mobile. Once Transport Permit or Receipt get uploaded, an unique invoice code gets generated with its validity period.

4. Proposed working of the system:

The State Mining Department should print the Transport Permit or Receipt with security features enumerated at Paragraph 1 above and issue them to the mine lease holder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferably with pre-fixed quantity, so the total quantity gets determined for the receipts issued.

When the Transport Permit or Receipt barcode gets scanned and invoice is generated, that particular barcode gets used and its validity time is recorded on the server. So all the details of transporting of mined out material can be captured on the server and the Transport Permit or Receipt cannot be reused.

5. Checking On Route:

The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to check the validity of Transport Permit or Receipt by scanning them using website, Android Application and SMS.

6. Breakdown of Vehicle:

In case the Vehicle breakdown, the validity of Transport Permit or Receipt shall be extended by sending SMS by driver in specific format to report breakdown of vehicle. The server will register this information and register the breakdown. The State can also establish a call centre, which can register breakdowns of such vehicles and extend the validity period. The subsequent restart of the vehicle also should be similarly reported to the server or call centre.

7. Tracking of Vehicles:

The route of vehicle from source to destination can be tracked through the system using check points, RFID Tags, and GPS tracking.

8. Alerts or Report Generation and Action Review:

The system will enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation, and total lifting. The system can be used to generate auto mails or SMS. This will enable the District Collector or District Magistrate to get all the relevant details and shall enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle shall be tracked.

The monitoring of mined out mineral, environmental clearance conditions and enforcement of Environment Management Plan will be ensured by the DEIAA, SEIAA and the State Pollution Control Board or Committee. The monitoring arrangements envisaged above shall be put in place not later than three months. The monitoring of enforcement of environmental clearance conditions shall be done by the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change and the agency nominated by the Ministry for the purpose."

[No. Z-1101A98/2014-LA-D (M)]

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14th September, 2016 and subsequently amended vide the following numbers :-

IN THE HIGH COURT OF JUDICATURE AT ALLAH BAD
LUCKNOW BENCH LUCKNOW

21

VERSUS The State of U.P. and others.

कार्यालय जिलाधिकारी, सहारनपुर

संख्या 506/खनिज

दिनांक 09. जनवरी. 2006

खनन पट्टा स्वीकृत करने हेतु क्षेत्रों की उपलब्धता की घोषणा

उपरोक्त उप खनिज (परिहार) नियमावली 1983 के अध्याय 2 के प्राविधानों के अन्तर्गत निम्नलिखित बालू, बजरी एवं कोल्डर के क्षेत्रों जो कि पूर्व में नीलामी खनन पट्टों पर स्वीकृत थे, को तीन वर्ष की अवधि के लिए खनन पट्टों पर स्वीकृत करने हेतु उपरोक्त नियमावली के नियम 24 के प्राविधानों के अन्तर्गत दिनांक 8.1.2006 को वापस ले लिया गया है। बालू, बजरी कोल्डर के निम्न क्षेत्रों को नियमावली 1983 के नियम 72 के प्राविधानों के अन्तर्गत प्रथम उपलब्ध घोषित किया जाता है।

2. खनन पट्टों हेतु प्रार्थना पत्र निर्धारित प्रपत्र एक एम. 1 में चार प्रतिशत में जिलाधिकारी कार्यालय (खनिज अनुभाग) सहारनपुर को द्वारा इस नोटिस के जारी होने के दिनांक से तीस दिन बाद अर्थात् दिनांक 14.2.2006 से सात कार्य दिवसों तक अर्थात् दिनांक 21.02.2006 तक प्राप्त किये जायेंगे।

खनन पट्टा दिये जाने के लिए प्रत्येक प्रार्थना पत्र के साथ निम्नलिखित होगा

1. एक हजार रुपये का शुल्क।
2. नियम 17 में विनिर्दिष्ट व्ययों से भिन्न अन्य प्रारम्भिक व्ययों को पूरा करने के लिए दो हजार रुपये की जमान और
3. भू-कर सर्वेक्षण मानचित्र (जी.डी.एस. सर्वे मैप) की चार प्रतिशत जिसमें यह क्षेत्र जिसके लिए प्रार्थना पत्र दिया गया है स्पष्ट रूप से चिह्नित हो और भू-कर सर्वेक्षण के अन्तर्गत न आने वाले ऐसे क्षेत्र की स्थिति में धरातल सर्वेक्षण मानचित्र (टोपोग्राफिकल सर्वे मैप) ऐसे

पमान पर जिलामे कम से कम 4 = 1 मीटर हो, की चार प्रतिशत जिलामे यह क्षेत्र जिनके लिए प्रार्थना पत्र दिया गया है, तीव्र विन्हीकृत हो।

4. जिलाधिकारी या ऐसे अधिकारी द्वारा जो जिलाधिकारी द्वारा प्राधिकृत किया जाये, जारी किया गया प्रमाण पत्र जिलामे यह दर्शाया गया हो कि प्रार्थना के विरुद्ध कोई खानन देय राशि बकाया नहीं है।

5. जहाँ पर प्रार्थनी स्थायी रूप से निवास करता है उस जिले में जिलाधिकारी द्वारा निर्गत बरिद प्रमाण पत्र ज्वानि प्रमाण पत्र एवं निवास प्रमाण पत्र।

3. प्रार्थनी अधिमान विनिश्चय हेतु निम्न बिन्दुओं पर भी अभिलेखी अस्था रूपना प्रस्तुत करेगा।

1. यदि प्रार्थनी धातु/मीरम का उत्खनन परम्परीगत व्यवसाय होने के 14 पर जिलाधिकारी द्वारा निर्गत प्रमाण पत्र।

2. प्रार्थनी का खानन सक्रियताओं में विशिष्ट ज्ञान अथवा अनुभव।

3. प्रार्थनी के वित्तीय संसाधन।

4. प्रार्थनी द्वारा सेवा योजित या सेवा योजित किये जाने वाले प्राथमिक कर्मचारी वर्ग (स्टाफ) की प्रकृति और गुणवत्ता।

5. किसी पूर्व पट्टे या खानन अनुज्ञा पत्र के आधार पर खानन सक्रियताओं को कार्यान्वित करने में और ऐसे पट्टे पर अनुज्ञा पत्र की शर्तों या उसके सम्बंध में किसी विधि के उपबंधों का पालन करने में प्रार्थनी का आचरण।

6. जायतकरारी भूमि होने की दृशा में सम्बन्धित अकारतकारों की लिखित सहमति।

4. किसी व्यक्ति विशेष को लिए प्राप्त आवेदन पत्रों या परीक्षण करने के उपरान्त नियमावली, 1983 के नियम 9 को प्राविधानों के अन्तर्गत अधिमान विनियमित किया जायेगा, परन्तु नियम 9 के उप नियम (2) में किसी बात के होते हुए भी नियम 9 के उप नियम (3) के प्राविधानों से अन्तर्गत नियम 9 के उप नियम (1) के उपबन्धों के अधीन रहते हुए राज्य सरकार किन्हीं विशेष कारणों से जो अभिलिखित किये जायेंगे किसी ऐसे प्रार्थी को जिसका प्रार्थना पत्र पहले प्राप्त हुआ हो, अधिमान में किसी ऐसे प्रार्थी को जिसका प्रार्थना पत्र बाद में प्राप्त हुआ हो, पट्टा दे सकती है।
5. खनन पट्टे की अवधि अधिकतम तीन वर्ष होगी तथा खनन पट्टे के प्रारम्भ होने का दिनांक खनन पट्टा मिलेख निष्पादित किये जाने का दिनांक या वार्षिक रूप से खनन प्रक्रिया प्रारम्भ किये जाने का दिनांक इनमें से जो भी पहले हो, होगा।
6. यदि मृत्यु या बीरम या बजरी या शेल्डिंग या इनमें से कोई भी किसी-किसी अवस्था में हो के लिए खनन पट्टा दिये जाने का आदेश दिया गया हो, वहां मार्चिक पट्टा बनराशि का पक्षीय प्रतिशत आदेश के दिनांक से सात दिन के भीतर या सात दिन के अन्तर्गत ऐसी अग्रतर अवधि के भीतर जैसे किस्तापिठारी अनुमति करें जमा कर दी जायेगी।
7. पपत्र एम. एम. 3 में या समान उरुफे समान प्रगत में, जैसे प्रत्येक मामल में परिस्थितियों द्वारा अपेक्षित हो, एक पट्टा मिलेख, उरुफे आदेश के संसूचना के दिनांक से एक माह के भीतर या ऐसी अग्रतर

अवधि से भीतर, जैसी राज्य सरकारी तर्ध अनुमति करे, निश्चित कर दिया जायेगा।

8. उपलब्ध रिक्त क्षेत्रों का खनन पट्टा वन विभाग से अनायास प्राप्त होने की दशा में स्वीकृत किये जायेंगे।

9. अन्य शर्तों की जानकारी कार्यालय से प्राप्त की जा सकती है।

उपलब्ध रिक्त क्षेत्रों का विवरण

क्र. सं.	खनिज का नाम	ब्लॉक	ग्राम	खलरा संख्या	क्षेत्रफल [एकड़]
1	बादल, बजरी, मोल्डर	वेहट	होर विली	430, 431, 438, 439, 434, 405, 408 / 1-204 / 1-403	19.00
2	बादल, बजरी, मोल्डर	वेहट	होर विली	438	7.00
3	बादल, बजरी, मोल्डर	वेहट	बडगा	3	19.80
4	बादल, बजरी, मोल्डर	वेहट	बडगा	1 म, 8म, 7म, 8म	25.50
5	बादल, बजरी, मोल्डर	वेहट	खना	1 म, 10म	25.50
6	बादल, बजरी, मोल्डर	वेहट	खैरवादि	19म, 20म, 26म, 27म, 28म, 41म, 29म	30.80
7	बादल, बजरी, मोल्डर	वेहट	खैरवादि	646 म	6.00
8	बादल, बजरी, मोल्डर	वेहट	खैरवादि	827म, 818, 823, 822, 836, 849, 851, 850म, 847म	17.00
9	बादल, बजरी, मोल्डर	वेहट	धायल इन्साइलपुर	155म	29.81
10	बादल, बजरी, मोल्डर	वेहट	धायल इन्साइलपुर	155म	30.00
11	बादल, बजरी, मोल्डर	वेहट	धायल इन्साइलपुर	393म	17.30
12	बादल, बजरी, मोल्डर	वेहट	गणेशपुर	101 / 1, 101 / 1 / 1	16.82

13	बाळू, वजरी, बोल्डर	वेडट	नीरगडाबाद	484/3, 485/1	31.00
14	बाळू, वजरी, बोल्डर	वेडट	ईदरपुर कर्फ विष्णुबस्ता	12, 13	10.40
15	बाळू, वजरी, बोल्डर	वेडट	जळीतपुर पेढी	354, 362, 381म, 383म	15.44
16	बाळू, वजरी, बोल्डर	वेडट	जळीतपुर पैली	367, 368, 383	12.35
17	बाळू, वजरी, बोल्डर	वेडट	अजाबपुर बधि अहलनास	1	58.00
18	बाळू, वजरी, बोल्डर	वेडट	छप्पा अहलनास	1/1	28.00
19	बाळू, वजरी, बोल्डर	वेडट	फवली अहलनास	1/1म	10.00
20	बाळू, वजरी, बोल्डर	वेडट	फवली अहलनास	1/1म	30.80
21	बाळू, वजरी, बोल्डर	वेडट	अलाबाद्दीन पुर बाँस अहलनास	1	45.00
22	बाळू, वजरी, बोल्डर	वेडट	छायनीपुर अहलनास	14, 15, 18, 18, 19, 20, 21, 22.	9.88
23	बाळू, वजरी, बोल्डर	वेडट	छायनीपुर अहलनास	1, 2, 3, 4 5म	9.88
24	बाळू, वजरी, बोल्डर	वेडट	अहलनास	21म, 22म	10.00
25	बाळू, वजरी, बोल्डर	वेडट	अब्दुल्लापुर	8:ख, 85	13.811
26	बाळू, वजरी, बोल्डर	वेडट	गावपुर रुपपुर	14/1म, 14/2म, 14/3म, 31/1म, 31/2/1म, 48म, 48म, 51म, 50/2म, 53म, 30म, 10म, 71म	23.00
27	बाळू, वजरी, बोल्डर	वेडट	गावपुर रुपपुर	42म, 43म, 44म, 56म, 88/1म, 85/2म, 42/81म, 56म, 88, 88म, 87, 83म, 84म, 284, 285, 286म, 288म, 287म, 288म	36.72

				287म, 288म, 271म, 274म, 276म, 278 277/1म 279म, 278म	
28	बालू, बजरी, बोल्डर	वेडेट	करीमपुर	80म, 122म, 133/3म, 120म, 128म, 127म, 129म, 122/1/2, 122/3, 124/1, 128म, 116/2	22.00
29	बालू, बजरी, बोल्डर	वेडेट	बादासपुर	2/1म, 2/2, 3,4/4/1म, 4/4/2,6म, 7म, 6/1म, 9/2, 17, 18म, 19म, 20म, 21म, 24, 25, 26, 27, 28म, 30म, 32म, 87, 6 8म, 82/3, 82/2	33.00
30	बालू, बजरी, बोल्डर	वेडेट	सुखवासीपुर	668म, 578म, 672म,	26.80
31	बालू, बजरी, बोल्डर	वेडेट	सुखवासीपुर	668म, 578म, 672म, 580म	48.32
32	बालू, बजरी, बोल्डर	वेडेट	बटुठारा	3, 8	10.40
33	बालू, बजरी, बोल्डर	वेडेट	कस्तुरीसिंह महापुर दरिली	848, 848, 847/2, 850	18.00
34	बालू, बजरी, बोल्डर	वेडेट	कालुसोला बसडीपुर	82, 83/1, 82, 85/1, 117/1, 116/1, 119/1, 120/1, 182/1	46.32
35	बालू, बजरी, बोल्डर	वेडेट	असीमपुर पुर	105म, 115म, 18म, 117म, 18म, 184म, 157म, 156, 158, 180म, 180, 178म, 165म, 118म, 186म,	18.00
35	बालू, बजरी, बोल्डर	वेडेट	बसुलपुर अर्ध दहली	1म	86.00
37	बालू, बजरी, बोल्डर	वेडेट	मुक्तिपुरी अडवाला	1/1/1	60.00
38	बालू, बजरी, बोल्डर	वेडेट	मुक्तिपुरी अडवाला	1/1/1	60.00
38	बालू, बजरी, बोल्डर	वेडेट	टटवाला	32, 33, 34, 35, 44, 48,47,48, 49, 50, 51, 52, 53, 54, 58, 57 58	23.00
40	बालू, बजरी, बोल्डर	वेडेट	असलपुर, बराह	1म	90.80

41	गांव	बेड	अफलासिवा	104, 104, 105	17.00
42	गांव	बेड	सहारनपुर	238, 239, 270, 271, 272, 273,	140.00
			बर्षा	274, 275, 279, 280, 281, 282,	
				283, 284, 285, 288, 287, 288,	
				290, 348, 349, 400, 401, 402,	
				403, 422, 424, 425, 445, 446,	
				447, 507, 509	

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जिलाधिकारी
सहारनपुर

सहायक जिलाधिकारी सहारनपुर

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. सचिव उत्तर प्रदेश उद्योग भूतत्व एवं अभियान सखनऊ।
2. निदेशक, भूतत्व एवं अभियान उत्तर प्रदेश लखनऊ।
3. उप सूचना निदेशक, सहारनपुर को व्यापक प्रकार प्रसार हेतु।
4. सम्बन्धित ग्राम प्रधान जनपद सहारनपुर।
5. सम्बन्धित ग्राम प्रधान जनपद सहारनपुर को इस अनुरोध के साथ प्रेषित की नोटिस की सूचना दुर्गा पिढवागर ग्राम सभा के सदस्यों को दें।
6. सम्बन्धित अध्यक्ष क्षेत्र पंचायत जनपद सहारनपुर को सूचनार्थ एवं प्रसार प्रसार हेतु।
7. माजिर सदर, कलेक्ट्रेट सहारनपुर को इस निर्देश के साथ कि पत्रिका की एक-एक प्रति कलेक्ट्रेट के सूचना पट पर तथा सुविधाजनक स्थानों पर तत्काल प्रेषित करें।
8. सहायक जिलाधिकारी को इस निर्देश के साथ कि तहसील के सूचना पट पर प्रेषित करें तथा व्यापक प्रकार प्रसार सुनिश्चित करें।

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सहायक जिलाधिकारी

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
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VERSUS _____
ANNEXURE NO (

कार्यालय जिलाधिकारी, सहारनपुर

संख्या :

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दिनांक

2006

खनन पट्टा स्वीकृत करने हेतु क्षेत्रों की उपलब्धता की घोषणा

उपरोक्त खनिज (परिहार) नियमवली 1963 उपरोक्त खनिज (परिहार) नियमवली 1963 के अध्याय 2 के प्रावधानों के अन्तर्गत निम्नलिखित पूर्व में नीलापी पर स्वीकृत खनन क्षेत्र के अतिरिक्त नथ चिन्हित बालू, बजरी एवं बाल्डर के क्षेत्रों को तीन वर्ष की अवधि के लिए खनन पट्टे पर स्वीकृत करने हेतु उक्त नियमवली के नियम 72 के प्रावधानों के अन्तर्गत उपलब्ध घोषित किया जाता है।

2. खनन पट्टे हेतु प्रार्थना पत्र निर्धारित प्रपत्र एम0एम0 1 में चार प्रतियां भेज जिलाधिकारी कार्यालय (खनिज अनुभाग) सहारनपुर के द्वारा इस नोटिस के जारी होने के दिनांक से तीस दिन बाद अर्थात् दिनांक 09.01.2006 से सात कार्य दिवसों तक अर्थात् दिनांक 18.01.2006 तक प्राप्त किये जायेंगे। खनन पट्टा दिय जाने के लिए प्रत्येक प्रार्थना पत्र के साथ निम्नलिखित होगा :-

- (1) १५ हजार रुपये का शुल्क।
- (2) निम्न 17 में विनिर्दिष्ट व्ययों से निम्न अन्य प्राश्निक व्ययों को पूरा करने के लिए दो हजार रुपये की रकम और
- (3) भू-कर सर्वेक्षण मानचित्र (क्रीडेस्टल एंड मैप) की बाह प्रतियां, जिसमें वह क्षेत्र जिसके लिए प्रार्थना पत्र दिया गया है, स्पष्ट रूप में चिह्नित हो और भू-कर सर्वेक्षण के अन्तर्गत न आने वाले ऐसे क्षेत्रों की स्थिति में परावल सर्वेक्षण मानचित्र (टोपोग्राफिकल सर्वे मैप), ऐसे पैमाने पर, जिसमें कम से कम 4" = 1 मील हो, की धार प्रतियां, जिसमें वह क्षेत्र जिसके लिए प्रार्थना पत्र दिया गया है, और

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- (4) जिलाधिकारी या ऐसे अधिकारी, द्वारा जो जिलाधिकारी द्वारा प्राधिकृत किया जाये, जारी किया गया प्रमाण पत्र जिसमें यह दर्शाया गया हो कि प्रार्थी के विरुद्ध कोई खनन देय राशि बकाया नहीं है।
- (5) जहां पर प्रार्थी स्थायी रूप से निवास करता है, उस जिले के जिलाधिकारी द्वारा निर्गत चरित्र प्रमाण पत्र, जाति प्रमाण पत्र एवं निवास प्रमाण पत्र।

3. प्रार्थी, अधिमान विनिश्चय हेतु निम्न बिन्दुओं पर भी अभिलेख अध्याय सूचना प्रस्तुत करेगा।

- (1) यदि प्रार्थी बालू / मौरम का उत्खनन परम्परागत व्यवसाय होने के आधार पर, अधिमान प्राप्त करने का इच्छुक है तब प्रपत्र एम०एम० 14 पर जिलाधिकारी द्वारा निर्गत प्रमाण पत्र।
- (2) प्रार्थी का खनन सक्रियाओं में दिशिष्ट ज्ञान अथवा अनुभव।
- (3) प्रार्थी के वित्तीय संसाधन।
- (4) प्रार्थी द्वारा सेवा योजित या सेवा योजित किये जाने वाले प्राविधिक कर्मचारी वर्ग (स्टाफ) की प्रकृति और गुणवत्ता।
- (5) कितनी पूर्ण पट्टे या खनन अनुज्ञा पत्र के आधार पर खनन सक्रियाओं को कार्यान्वित करने में और ऐसे पट्टे या अनुज्ञा पत्र की शर्तों या उसके सम्बन्ध में किसी विधि में उपबंधों का पालन करने में प्रार्थी का आदरण।
- (6) कार्याकारी भूमि होने की वहा में, सम्बन्धित कार्याकारी की लिखित सहमति।

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4. किरी खण्ड विरोध के लिए प्राप्त आवेदन पत्रों का परीक्षण करने के उपरान्त नियमावली, 1968 के नियम 9 के प्राविधानों के अन्तर्गत अधिमान विधिरेखल किया जायेगा, परन्तु नियम 9 के उप नियम (2) में किसी बात के होते हुए भी नियम 9 के उप नियम (3) के प्राविधानों के अन्तर्गत, नियम 9 के उप नियम (1) के उपबन्धों के अधीन रहते हुए राज्य सरकार किन्हीं विरोध कारणों से जो अनिलिखित किये जायेंगे, किसी ऐसे प्रार्थी को, जिसका प्रार्थना पत्र पहले प्राप्त हुआ हो, अधिमान में किसी ऐसे प्रार्थी को जिसका प्रार्थना पत्र बाद में प्राप्त हुआ हो, पट्टा दे सकती है।
5. खनन पट्टे की अवधि अधिकतम तीन वर्ष होगी तथा खनन पट्टे के प्रारम्भ होने का दिनांक, खनन पट्टा बिलेख विधायित किये जाने का दिनांक या वास्तविक रूप से खनन सक्रिया प्रारम्भ किये जाने का दिनांक इनमें से छोटी अवधि हो, होगा।
6. यदि बाढ़ या मौसम या भूजरी या बोल्टर या इनमें से कोई भी किसी-जुली अवस्था न हो, तो लिए खनन पट्टा दिये जाने का आदेश दिया गया हो, वहां वार्षिक पट्टा धनराशि का पच्चीस प्रतिशत, आदेश के दिनांक से सात दिन के भीतर या सात दिन से अनाधिक ऐसी अग्रतर अवधि के भीतर जैसे जिलाधिारी अनुमति करें, जमा कर दी जायेगी।
7. प्रपत्र एन०एम० 3 में या लगभग उसके समान प्रपत्र में, पौसा प्रत्येक मामले में परिस्थितियों द्वारा अपेक्षित हो, एक पट्टा बिलेख, उक्त आदेश के संसूचना के दिनांक से एक माह के भीतर या ऐसी अग्रतर अवधि के भीतर जैसी राज्य सरकार आवश्यक अनुमति करे, निष्पात कर दिया जायेगा।
8. अन्य शर्तों की जगहकारी कार्यालय से प्राप्त की जा सकती है।

अग्रतः

VPS

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उपलब्ध भूखंडों का विवरण

क्र.सं.	खनिज का नाम	श्रेणी	प्रकार	खण्ड संख्या	क्षेत्रफल (हे.सं.)
1	बालू, बजरी, बोल्टर	बेहद	इलीव पुन कर्ष लघोपन	33/2 / 6, 34/1, 35/1, 36/3/3, 38/1, 40/1/3, 41/1, 42, 64/1, 85/1, 74/1/5, 85/3/9/4	23.193
2	बालू, बजरी, बोल्टर	बेहद	रोरपुर पेंसी	13/2, 15, 17, 18, 20/1, 21, 22, 23/1/2, 24/4, 109, 108/4, 110/1, 125/2, 381, 373/2, 377/1, 378/2, 379/2	30.176
3	बालू, बजरी, बोल्टर	बेहद	रोरानपुर पेंसी	17, 18, 22, 100/3, 130/1, 129/3, 131/2, 132/1, 133, 151/1, 168/2, 179, 192, 194, 195, 196/6, 197/2, 198, 203, 208, 210/1, 211, 221, 23/1	23.156
4	बालू, बजरी, बोल्टर	बेहद	अली अकबरपुर	89/1, 90, 92, 128/1, 129/1/1, 180, 207/1/1, 209/1, 204/1, 205/1, 206/1, 211, 212, 213, 214, 215, 216	22.769
5	बालू, बजरी, बोल्टर	बेहद	नायापुर/रूपपुर	16/1, 31/1, 72/2/5, 72/2/8, 277/1, 85/1/1, 273, 368/2	37.346
6	बालू, बजरी, बोल्टर	बेहद	रिहना	5, 9, 173/2, 174, 175, 176, 177	15.286
7	बालू, बजरी, बोल्टर	बेहद	धरमपुर	11, 41/1, 83	3.177
8	बालू, बजरी, बोल्टर	बेहद	रुन्धपुर सालका	34, 48/1, 49/1, 71/1, 72/2, 83/1	13.915
9	बालू, बजरी, बोल्टर	बेहद	रोरपुर पेंसी हिल्सवाला	7/1, 8/1, 9/2, 10/3, 11/2, 19, 20, 21, 23, 56, 68/1, 68/2, 69, 71, 72/5, 99, 100, 101/2, 103/2, 104, 105/3, 106/2, 107/2, 108/2, 94/2	22.154

कमरा 5

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10	शालू, जजरी, चोकर	बेहद	बोखरी बहलोलपुर	210/3, 211/2, 216/2, 221/2, 811, 340/1, 3, 341/1, 388/2, 465, 477, 478, 484, 485, 486, 1154/12, 1155, 156/1, 2, 3 1157/3 से 15	59.437
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(निवेदिता शुक्ला वर्मा)
जिलाधिकारी,
सहारनपुर।

कार्यालय: जिलाधिकारी, सहारनपुर

संख्या: 579/खनिज

दिनांक: 06.12.2005

प्रति: निम्न को सूचनाएं एवं आवश्यक कार्यवाही हेतु प्रेषित -

- (1) सचिव, उत्तर प्रदेश, उद्योग, मूल्य एवं खादिकर्म, लखनऊ।
- (2) निदेशक, भूतत्व एवं खनिकर्म, उत्तर प्रदेश, लखनऊ।
- (3) वन सूचना निदेशक, सहारनपुर की व्यापक प्रचार प्रसार हेतु।
- (4) समन्वय अध्यक्ष, नगर पंचायत, जनेपद सहारनपुर।
- (5) सम्बन्धित ग्राम प्रधान, जनेपद सहारनपुर को इस अनुरोध के साथ प्रेषित कि नोटिस की सूचना कुशी पिटावाकर ग्राम सभा के सदस्यों को दें।
- (6) सम्बन्धित अध्यक्ष, क्षेत्र पंचायत, जनेपद सहारनपुर को सूचनाएं एवं प्रचार प्रसार हेतु।
- (7) नाकिर सहर, कलेक्ट्रेट, सहारनपुर को इस निर्देश के साथ कि विज्ञापन की एक-एक प्रति कलेक्ट्रेट के सूचना पट पर तथा सुविधाजनक स्थानों पर सा.ज.ए. लिपि जाये।
- (8) तहसीलदार बेहद को इस निर्देश के साथ कि तहसील के सूचना पट पर विज्ञापन तथा व्यापक प्रचार प्रसार सुनिश्चित करें।

जिलाधिकारी
सहारनपुर।

V.P.

(21)

(57)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
 LUCKNOW BENCH, LUCKNOW.
 WRIT PETITION NO. OF 2008
 VERSUS
ANNEXURE NO. II

श्री 2/10/08
 20/11/08

उत्तर प्रदेश शासन
 औद्योगिक विकास अनुभाग-8
 संख्या-5564/77-5-2006-111/08
 तख्तक: दिनांक 30 नवम्बर 2008

कार्यालय - शाप

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 11/16

सिविल विमानेविमस रिट याचिका संख्या-4878(एन/बी) वर्ष 2008, श्रीमती प्रकाश देवी बनाम उत्तर प्रदेश राज्य व अन्य को माननीय उच्च न्यायालय, लखनऊ में, अधिनियम क्रम से विस्तारित करते हुये निर्णय दिनांक 22 सितम्बर, 2008 तथा, विनियम निर्देश दिए हैं:-

"We expect that the State Government shall act in accordance with rules and would not be swayed by such frivolous complaints.

We further direct that the State shall take appropriate decision on the recommendations made by the District Magistrate dated 20-02-2008, in accordance with Law, keeping in mind the observations made above, expeditiously, say within a maximum period of fifteen days from the date of receipt of a certified copy of this order.

For the reasons stated above, the writ petition filed by Shamshad Khan is dismissed. The writ petition filed by Smt. Prakash Devi is allowed in part. No order as to costs."

2. माननीय उच्च न्यायालय द्वारा पारित निर्णय दिनांक 22 सितम्बर, 2008 की प्रमाणित प्रती, राधिका के पत्र दिनांक 14 नवम्बर, 2008 के साथ औद्योगिक विकास अनुभाग-8 में दिनांक 18 नवम्बर, 2008 को प्राप्त हुई थी।

3. प्रकरण के तथ्य संक्षेप में यह है कि उत्तर प्रदेश उप खनिज (परिहार) विनियमवली, 1983 के नियम 72 के प्रावधानों के अन्तर्गत, प्रान्तर सहारनपुर की तहसील केड में स्थित 10 नव् क्षेत्रों को प्रधानवार उप खनिजों के खनन हेतु खनन पट्टों पर स्वीकृत करने के लिये, उनकी समलक्षता, जिलाधिकारी, सहारनपुर में विज्ञापित संख्या- 879/खनिज, दिनांक 8 दिसम्बर, 2006 द्वारा घोषित की थी। उक्त विज्ञापित दिनांक 8 दिसम्बर, 2006 में तहसील केड के ग्राम- हबीबपुर एवं लखौवन रोहपुर पेता, सोरानपुर पेता, अली अकबरपुर, भयापुर/ कपूर, बहुरा, बरभन्ना, बन्नाय साकका, ठेकरपुर एवं डिनुवाला, कोठरी सहारनपुर में स्थित 10 क्षेत्र सम्मिलित हैं। उक्त उपरोक्त नोटिस दिनांक 8 दिसम्बर, 2006 को प्राप्त में, दिनांक 9 जनवरी, 2008 को 18 जनवरी, 2008 तक की अवधि में, जिलाधिकारी, सहारनपुर के कार्यालय में इच्छुक व्यक्तियों के आवेदन को प्राप्त हुये थे। आवेदन पत्र प्राप्त होने के उपरान्त, जिलाधिकारी, सहारनपुर ने अपने पत्र संख्या- 737/खनिज दिनांक 20 जनवरी, 2008 के द्वारा, संख्या 8.00 लाख अथवा उससे अधिक मूल्य के 9 क्षेत्रों के लिये, स्वीकृति के पूर्व शासन की सहमति प्राप्त करने हेतु शासन को प्रस्ताव प्रेषित किया था। उक्त प्रस्ताव पर माननीय विभागीय मंत्री जी का अनुमोदन प्राप्त करने के लिये, पत्रावली दिनांक 9 मार्च, 2008 को उनके समक्ष प्रस्तुत की गई थी। उपरोक्त के अतिरिक्त ग्राम बरभन्ना के एक क्षेत्र जो संख्या 5.00 लाख से कम वार्षिक मूल्यांकन का है, को लिये विदेशासय को स्वीकृति प्रेषित की गई है।

4. उक्त पत्रावली माननीय मंत्री जी के आदेश दिनांक 30 अगस्त, 2008 द्वारा अनुभाग को इस सूचना के साथ प्राप्त हुई कि विधायक क्षेत्रों के संक्षेप में श्री जगन्नाथ सिंह का शिकायती पत्र

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दिनांक 26 जुलाई 2006 एवं सर्वेधी मोहम्मद शमिल, मशपाल एवं मोहम्मद हुसाम का संयुक्त शिकायती पत्र दिनांक 19 अगस्त 2006 प्राप्त हुआ है, अतः उक्त शिकायती पत्रों में उल्लिखित तथ्यों की जोच संवत्तर पत्रपत्ती पुनः प्रस्तुत की जाये। माननीय विभागीय मंत्री जी के आदेश दिनांक 31 अगस्त, 2006 के अनुक्रम में शासकीय पत्र संख्या-800/77-8-2006-111/2006, दिनांक 31 अगस्त, 2006 द्वारा उक्त शिकायती पत्रों में उल्लिखित बिन्दुओं पर बिन्दुवार जोच आख्या जिलाधिकारी, सहारनपुर से अर्पित की।

3. माननीय उच्च न्यायालय ने अपने निर्णय दिनांक 22 सितम्बर, 2006, में निम्नलिखित महत्वपूर्ण अवधारण किये हैं:-

(a) "1963 Rule should provide any where that an applicant, in whose favour recommendation has not been made, can raise challenge to the recommendation made, as apparently an aggrieved person has been given a right of appeal or revision, as the case may be, under Rules 77 and 78 of the Rules against the grant and refusal of lease or renewal thereof."

(b) The object of seeking approval from the State Government before the District Magistrate grants lease, for an area which has lease money of more than Rs. 5 lacs appears to be that in the larger public interest, leases of such high magnitude should not be allowed to the grantee at the whims of the District Magistrate or in violation of the rules to the candidates, who do not deserve or are not suitable for the purpose or to those, who do not fulfill the essential conditions for the grant of such lease.

It is the satisfaction of the State to grant approval on the recommendations made by the District Magistrate for grant of lease, and while doing so, the State Government is fully empowered to look into the entire record and the details supplied by the District Magistrate. Not only this, the District Magistrate, while sending the recommendation in favour of one or the other person, is also obligated and it also does so, i.e. of giving detail of each and every applicant, his/her particulars, claim, conditions fulfilled and all other details, as are required to be fulfilled by the applicant. A comparative note is also prepared and the reasons for recommending lease in favour of a person and other not being eligible or suitable for the said lease, are also to be recorded by the District Magistrate.

Thus, entire information relevant for the purpose, is made available to the State Government by the District Magistrate under the statutory rules. If the State Government, on the material received and the information gathered, comes to the conclusion that recommendation of the District Magistrate cannot be accepted, the State Government is at liberty not to accept such recommendation and may also give reasons for not accepting the same.

It is a pure misconception, that the State Government, while approving the recommendation, would not look into the record, as may be necessary for the purpose and would not go through the details, as given by

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the District Magistrate mechanically. The State Government would also be within its authority to make any further enquiry, as may be required and as may be deemed proper, either by summoning any further record or by making enquiries otherwise.

The scheme of the rules aforesaid, cannot be interpreted, so as to delay the process of grant of lease on the basis of unsuccessful applications, particularly when such an applicant has a right to file appeal or revision, as the case may be, under Rule 77 and 78 of the Rules on the grant of lease or the renewal thereof in favour of any person.

(*) The noting prepared by the department under the signatures of the Deputy Secretary and accepted has made recommendations for approving the lease in favour of the person recommended and that no dues towards minor minerals were pending against him/her and his/her character was satisfactory; the no objection certificate of forest department has also been obtained and that writ petition no. 78666 of 2005: Wasid Vs. U.P. State and others in which earlier an interim order was passed by the Allahabad High Court on 31.10.06, has already been dismissed on 31.3.06 and, therefore, recommendations made by the District Magistrate may be approved.

(*) Action aforesaid persuades us to hold that filing of complaints by Kalyan Singh and Mohd. Rajit and others was is not their bonafide and was a simple device to obstruct the grant of lease in favour of the petitioner Smt. Prakash Devi.

(*) Having considered the facts and circumstances of the case and the legal position as per rules, we hold that the inaction on the part of the State Government, for such long period after receipt of recommendations on 20-2-06 could not be justified by the State, and there was absolutely no reason for not finalizing the approval."

6. माननीय उच्च न्यायालय द्वारा पारित निर्णय दिनांक 22 सितम्बर, 2006 के अनुपालन में पत्रावली में उपरोक्त अभिलेखों का परिशीलन कर प्रस्तावित क्षेत्रों के संबंध में स्वीकृति हेतु राज्य सरकार को पूर्ण सन्नति दिये जाने पर निर्णय किया जाना है।

7. माननीय विभागीय मंत्री जी के निर्देश दिनांक 30 अगस्त, 2006 के अनुपालन में शासकीय पत्र संख्या- 560/77-5-2006-111/2006, दिनांक 31 अगस्त, 2006 द्वारा शिलाचली में उक्त शिकायतों पर बिन्दुवा जीव आख्या अर्पित की गई थी। उक्त क्रम में जिलाधिकारी, सहारनपुर ने अपने पत्र संख्या- 1007/खनिज, दिनांक 11 नवम्बर, 2006 द्वारा जीव आख्या शासन विभागाध्यक्ष को भेजी थी, परन्तु माननीय उच्च न्यायालय

द्वारा पारित निर्णय दिनांक 22 सितम्बर, 2006 से उक्त शिकायतों पर अन्वेषण कि "Consequently the directive of the Minister for holding of enquiry on these complaints can also not be upheld, nor any such enquiry need be held." के सन्धान होने के पूर्व उक्त निर्णय दिनांक 22 सितम्बर, 2006 की प्रति, दिनांक 16 नवम्बर, 2006 को प्राप्त होने के पूर्व जिलाधिकारी, सहारनपुर द्वारा भेजी जा चुकी थी।

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2006 प्राप्त की गई थी, जिसमें विधायक क्षेत्रों को 2005 में पट्टों पर स्वीकृत करने हेतु पूर्व में प्रेषित संस्तुतियों में सम्मिलित किया जा चुका है।

8. माननीय उच्च न्यायालय में पारित निर्णय दिनांक 22 सितम्बर 2006 में राज्य सरकार द्वारा पूर्व संपत्ति दिये जाने की शर्तों के साथ में विनियम अस्थापित किया गया है -

"It is a pure misconception, that the State Government, while approving the recommendation, would not look into the record, as may be necessary for the purpose and would not go through the details, as given by the District Magistrate mechanically. The State Government would also be within its authority to make any further enquiries, as may be required and as may be deemed proper, either by summoning any further record or by making enquiries otherwise."

9. माननीय उच्च न्यायालय द्वारा प्रतिपादित उक्त सिद्धान्त को अन्तर्गत जिलाधिकारी महाराजपुर द्वारा प्रेषित प्रस्ताव दिनांक 23 फरवरी, 2006 पर सम्बन्धित विचार करने के उपरान्त शासकीय पत्र संख्या- 5372/77-S-2006-111/2006, दिनांक 23 नवम्बर, 2006 द्वारा लोक विहित में जिलाधिकारी, महाराजपुर से विस्तृत माहौल विवरण एवं आख्या उपलब्ध कराने की अपेक्षा की गई थी। उक्त के अन्तर्गत जिलाधिकारी, महाराजपुर ने दिनांक 6 दिसम्बर 2005 में उल्लिखित 10 क्षेत्रों की राकबा में निम्न 30-संख्याओं की एक राशिपत्र तैयार कर उनकी माहौल विधि प्राप्त करने के उपरान्त माहौल विधि/ आख्या अपने पत्र संख्या- 1104/खनिज, दिनांक 27 नवम्बर 2006 द्वारा शासन को विचारार्थ प्रेषित की है।

10. जिलाधिकारी, महाराजपुर द्वारा प्रेषित आख्या दिनांक 27 नवम्बर 2006 द्वारा प्रेषित क्षेत्रवार विधि निम्नवत् है -

क्र.सं.	क्षेत्र नाम	प्रस्तावित गांव एवं संख्या (दिनांक/पृ.)	स्थिति का विवरण	क्षेत्र का विवरण	अन्य विवरण
1.	हरीशपुर उपखण्ड तपोवन	33/2/0 34/3 56/1 36/3/3 38/1 40/1/1 41/1 42 64/1 66/1 174/1/ 5 185/3/ 9/8 12 किला	पंचायत की अनुपस्थिति के कारण क्षेत्र में शक्ति युक्त लोगों के कारण प्राथमिक स्तर से संतुष्ट नहीं है।	क्षेत्र का विवरण	उपलब्ध क्षेत्र की आकृति बताने वाली कोई भी नक्शा क्षेत्र को होने और कारखाने एवं सामग्री कुशादीकरण है। ध्यान से धूम्र शक्ति का कारण बड़े पैमाने पर होगा। गाटा संख्या-33/0/0 एवं 20/1 में उपलब्धता निश्चित नहीं है परन्तु इनकी उपलब्धता प्रमाणित करने के लिए इनके प्रमाण पत्रों पर स्वीकृत करने की आवश्यकता नहीं है। गाटा संख्या 33/0/0 एवं 20/1 में उपलब्धता निश्चित नहीं है। उपरोक्त कारण से इस क्षेत्र को दिनांक दिनांक 6 दिसम्बर, 2005 सुनिश्चित है।

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<p>2. होरपुर पैली</p>	<p>23 193 13/2 15 17 18 20/1 21 22 23/1/2 24/4 109 106/4 110/1 125/2 361 374/1 377/4 378/2 379/2 18 फीस 30.126</p>	<p>बैलबंद की अनुपस्थिति एवं एक पंजारी गिरफ्तारी मुक्त होने के कारण भावनात्मक दुःख-सुख विधात दिवाने कारण प्रस्तावित क्षेत्र सम्बन्धित एवं सम्बन्धित नहीं है।</p>	<p>उपरोक्त जो क्षेत्र-मुक्त विधात दिवाने कारण प्रस्तावित क्षेत्र सम्बन्धित एवं सम्बन्धित नहीं है।</p>	<p>प्रस्तावित क्षेत्र से जमीन मुक्ति आवासीय है तथा भारतीय सेना का अन्वेषण 1947 आइएन विधायक है। क्षेत्र को अल्प विभाग में बांटना एवं नतीजा क्षेत्र है। पर्यटन स्थानों में तथा निर्विवाद क्षेत्रों में जमीन मुक्ति (विशेष) विद्यमान परती हुये बाधा तथा। प्रस्तावित उ क्षेत्रों से एक क्षेत्रों को प्रकृत 15 903 हे० में मुक्त तथा में खनिज उपलब्ध है परन्तु तीन वर्ष की अवधि हेतु उपस्थापित है। क्षेत्र विभिन्न कारणों से अवेद्यमान होने के कारण वर्तमान में खान पट्टी पर स्वीकृत किया जाने हेतु उपस्थापित नहीं है।</p>
<p>3. होरपुर पैली</p>	<p>17 18 22 100/3 130/1 129/3 131/2 132/4 133 151/1 168/2 179 182 194 195 196/6 197/2 198 203 208 210/1</p>	<p>1. उपलब्ध खनिज क्षेत्रों का नाम है। 2. नदी का तट सुरक्षा हेतु जो एक छोटी रेखा की सीमा है। 3. उत्तर दिशा में बाधक बन है। 4. नदी क्षेत्र के गन्ध निवास एवं संस्थापित क्षेत्र है।</p>	<p>जो क्षेत्र-प्रस्तावित क्षेत्र की सीमा है। कारण निम्नप्रकार की 1963 के नियम 11 के अन्तर्गत 1 म. म. के अनुपस्थित नहीं है। सभी खण्डों की आपसी दूरी अधिक है। वैज्ञानिक खान</p>	<p>विकास दिनांक 8 दिसम्बर, 2008 के आदेश संख्या- 130/1, 129/3 एवं 198/8, उपलब्ध सीमा किये गये हैं। परन्तु राज्य अभिलेखों में सख्त आदेश संख्या उल्लिखित न होकर भूदा संख्या- 130/1, 129/3 एवं 198/7 उल्लिखित है जिसके कारण इस क्षेत्र को किये उपलब्धता सुचना मुक्ति पूर्ण है। संश्लेषित खण्डों की सम्बन्धित सीमा का अनुपालन निम्नप्रकार की 1963 के नियम 11 के अन्तर्गत 1 म. म. के अनुपस्थित नहीं है। भारतीय सेना के विद्यमान क्षेत्र सम्बन्धित पर स्वीकृत किये जाने योग्य नहीं है।</p>

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		211 221 231म 24 किला 23.156		सामान गेही है। स्वनिज की कटि निम्न श्रेणी की है।	
4.	अली अकबरपुर	89ग 90 92 128/1 129/1म 130 202/1म 203/1 204/1 205/2 206/1 211 212 213 214 215 216 17 किला 22.769	1 बील्डर उपलब्ध है। 2 बखशी, देवा किट्टी सुपल है जो अकबरपुर दृष्टिकोण से उपलब्ध नहीं है।	एक एक	1. गाँव की बीसवीं विसूत क्षेत्र एक एक सुपल है। निम्न को श्री फौल जमी में खड़े हैं तथा नदी किनारे उपलब्ध का नाम है। शरी क्षेत्र में बना बगीचे खड़े हैं। 2. गाँव संख्या- 128/1 उपलब्ध विक्रयित है परन्तु एतावत् अधिकतम में 149 गाँव संख्या- 128/2 अधिल है जिसके कारण विक्रयित क्षेत्र मुट्टिपूर्ण है। 3. शरी क्षेत्र में श्री राम सुपल एवं श्री राजेश सुपल का अधिकतम का नाम है जिसमें 180 एक एक है। 4. गाँव संख्या- 202/1 व 204/1 विक्रयित द्वारा विक्रयित है, परन्तु राज्य अधिकतम में अधिकतम नहीं है जिसके कारण विक्रयित मुट्टिपूर्ण है।
5.	मायापुर- रूपपुर	14/1 31/1 72/2/3 72/2/8 277/1 85/1म 273 305 8 किला 37.346	राजिना की उपलब्ध नहीं नगण्य है।	6. एक एक	1. उपलब्ध। क्षेत्र के पूर्ण एवं अधिकतम में उपलब्ध है। 2. शरी क्षेत्र उपलब्ध एवं मायापुर गाँव है। 3. गाँव संख्या- 31/1 में श्री माया विक्र एवं श्री राजेश, गाँव संख्या - 72/2/8 में श्री राजेश, गाँव संख्या- 277/1 में श्रीमती श्रीमती गाँव संख्या- 85/1में श्री तहसीर श्री इलियास एवं श्री प्रदीप एवं गाँव संख्या - 273 में श्रीमती सुपल एवं श्री सुपल को माया सुपल क्षेत्र खुदरे स्वीकृत है। 4. उपलब्ध क्षेत्र के पूर्ण एवं अधिकतम अधिकतम एवं श्री राजेश को नाम में एक एक खुदरे स्वीकृत है। 5. उपलब्ध क्षेत्र निम्न 11 में दिने गये मानक से अनुसार नहीं है। 6. गाँव संख्या- 14/1, संख्या 8.

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					<p>विशेष: यह भारतीय सेना की सीमा पर बंगला की पहिली सीमा पर स्थापित है। सीमा पर तैनात भारतीय सैनिक द्वारा सुरक्षाकार्य करते हैं जिसके कारण आवागमन प्रतिबंधित किया जाता है।</p> <p>- भारतीय सेना की सीमा की संवेदनशीलता को बृद्धिगत रखने इसके कारण परदा स्थापित किया जाता उचित प्रतीत नहीं हो रहा है।</p>
8.	इन्डपुर समूह	34 18/1 19/1 71/1 72/3 83/1 1 किलो 3.051	स्थिति की जालबन्दी है	2 खण्ड	<p>- प्रस्तावित क्षेत्र को खण्ड में बूट पर विभाजित है तथा क्षेत्र सम्पूर्ण रूप से अक्षय्य नदी है।</p> <p>- यह क्षेत्र प्रायः बंगला की सीमा पर, भारतीय सेना की सीमा से लगभग 2 किलोमीटर दूरी पर है। सीमा पर तैनात भारतीय सैनिक द्वारा सुरक्षाकार्य करते हैं जिसके कारण आवागमन प्रतिबंधित किया जाता है।</p> <p>- राष्ट्रीय ही विवादात्मक एक प्रमाण स्थल है तथा पूरा क्षेत्र इतिहासी दृष्टि से अक्षय्य नदी है। अन्य प्रायः क्षेत्रों के अंत-पार करण प्रणाली में सीमा को आते हैं। यदि कोई पर खण्ड कार्य करने की अनुमति प्रदान की जाती है तब उनकी संवेदनशीलता में अनुसंधान होगी।</p>
9.	हिसारपुर विस्तार	7/1 8/1 9/2 10/3 11/2 19 20 21 22 68 63/1 68/2	स्थिति की एकलक्षता	प्रस्तावित क्षेत्र 2 खण्डों में विभाजित है।	<p>1. प्रस्तावित क्षेत्र भारतीय सेना की सीमा को क्षीण है।</p> <p>2. भारतीय सेना को फायदेमंद रेंज को क्षीण है।</p> <p>3. दिनांक 28 नवम्बर 2000 को भारतीय सेना को सीमा की विस्तार प्रस्ताव प्रायः में गिरा था जिसके कारण अलग रूप में थी।</p> <p>4. अंत-पार का समग्र क्षेत्र इतिहासी से अक्षय्य नदी है।</p> <p>5. इसी प्रायः में भारत विस्तार - 12 से 20 के बीच संवेदनशीलता में अनुसंधान प्रदान की जाती है दिनांक 5 अप्रैल 2006 को</p>

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		69 71 72/3 98 100 101/2 103/2 104 106/3 106/2 107/2 108/2 94/2 28 किलो 22.154			<p>दिनांक 4 अप्रैल, 2006 तक के सिंचे खण्डन पदों पर स्वीकृत है।</p> <p>6. क्षेत्र पृथक-पृथक खण्डों में संगठित है तथा प्रत्येक खण्ड का अभाव है जिसके कारण विद्यमान क्षेत्र खण्ड पदों पर स्वीकृत किये जाने का आशंका नहीं है।</p> <p>7. कार्यवाही खण्ड पदों को प्रत्येक में प्रतिबद्धित किये जाने पर विचार किया जाये प्रामुखा होगा।</p>
10.	कोटरी बहलोलपुर	210/3 211/2 216/2 227/2 3 158/1,2,3 317 340/1 341/1 318/2 465 477 478 484 485 486 1154/12 1155 1157/3 से 15 10 किलो 59.437	धर्मिया उपलब्ध है।	3 खण्ड	<p>1. उपरोक्त क्षेत्र 3 पृथक-पृथक खण्डों में विभाजित है, जो अभी तक फल फल्टीगुअन नहीं है।</p> <p>2. उपलब्ध घोषित गाटा संख्या-3 में श्री अब्दुल हकीम खान का बगीचा खण्ड है एवं अग्ररुद, आम के वृक्ष खड़े हैं।</p> <p>3. धरमिया गाटा संख्या-158/1,2,3 सजसब अभिलेखों में उल्लिखित नहीं है परन्तु गाटा संख्या-158 उल्लिखित है जो गौहर (रायत) है।</p> <p>4. गाटा संख्या-317 से 1188 तक में विद्यत भूमि प्रधान भत्री समूह योजना कोटरी बहलोलपुर के धौलासुआँ सम्पर्क मार्ग के बाईं भूमि है जिसके कारण समूह से 60 मीटर तक खण्डन कार्य प्रतिबद्धित है।</p> <p>5. प्रस्तावित गाटा संख्या में गाटा संख्या 1154 से 1157 तक है परन्तु समूह गाटा उपलब्ध घोषित नहीं किया गया है।</p> <p>6. गाटा संख्या-1157/3 को 18 बीजफल 8.810 है0. पूरा क्षेत्र में एक पृथक खण्ड है। यह खण्ड समीपवर्ती गाटा से सादा हुआ है परन्तु इन खण्ड में उपरोक्त गाटा संख्या से संबंधित नहीं है।</p>

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				इस क्षेत्र को खनन पट्टे पर स्वीकृत किया जाना होगा परन्तु वर्तमान में विज्ञापित दिनांक 8 दिसम्बर, 2006 के अनुसार स्वीकृत किया जाना उचित नहीं है।
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11. जिलाधिकारी, सहायनपुर ने अपने पत्र दिनांक 27 नवम्बर, 2006 के द्वारा यह अवगत कराया है कि विज्ञापित दिनांक 8 दिसम्बर, 2006 के द्वारा प्रस्तावित 10 खानों के क्षेत्रों में संगठित छप्पों की विधि निम्नवत् है -

क्रमांक	खान का नाम	क्षेत्रफल (है. मी.)	छप्पों की संख्या
1	हुसैनपुर उत्तरी खान	23.193	4
2	शेरपुर पैली	20.128	4
3	गोहानपुर पैली	23.168	6
4	अली अकबरपुर	22.769	1
5	सायापुर छपपुर	37.345	6
6	दरगा	15.205	3
7	महकला	03.177	3
8	हजरतपुर तालड़ा	13.915	2
9	हिंदनपुर उत्तरी हिन्दुवाला	22.154	2
10	जाठरी बरतोलपुर	59.437	3

12. प्रदेश में बालू, नीरम, बजरी एवं बोल्टर को रिजल क्षेत्रों को उत्तर प्रदेश उप खनिज परिहायक विनियमों, 1983 के व्यवस्थाओं के अन्तर्गत परिहार पर स्वीकृत किया जाने विषयक शासनपत्र संख्या- 8687/77-5-2004-8.2004/95 टी.पी.सी. दिनांक 18 अक्टूबर, 2004 के प्रसार 3 के उप प्रसार 1 में निम्नलिखित निर्देश दिये गये हैं -

(1) रिजल क्षेत्रों का सर्वेक्षण करके खानों में संगठित किया जाना - रिजल क्षेत्रों का सर्वेक्षण भूगत - वं अधिकृत निदेशालय / जिलाधिकारी के इस प्रयोजन हेतु अधिकृत अधिकारियों द्वारा कराके क्षेत्रों को उपरोक्त प्रसार - 2 में दिये गये विरा निवेदनों के अधीन संगठित कर तथा उनको मानचित्र में स्पष्ट रूप में प्रदर्शित कर मानचित्रों की एक-एक प्रति संबंधित जिलाधिकारी एवं निदेशालय को अपने प्राधिकृत सहित उपलब्ध करायी जायेगी।

13. शा. आदेश दिनांक 18 अक्टूबर, 2004 के उपाय प्राधिकार से यह स्पष्ट है कि किसी भी क्षेत्र को खनन पट्टे पर स्वीकृत करने के पूर्व उपरोक्त गाटा सत्यापन से एक computer छप्प में संगठित करना चाहिये जिसमें उपलब्ध खनिज धराया मात्रा के उपलब्ध एवं तथा उपाय खनन कार्य किया जाना अन्य कारणों से प्रतिबंधित या सर्वेक्षणशील न हो।

14. जिलाधिकारी, सहायनपुर द्वारा प्रेषित गाटाधार विधि से यह स्पष्ट है कि गाटाओं में खनन कार्य की उपलब्धता मान्य है। कई गाटाओं में खनन कार्य है। गाटाओं में धूलारोपण एवं आसानी पट्टे विभिन्न व्यक्तियों के पक्ष में स्वीकृत है। प्राप्त प्राधिकार से यह भी परिलक्षित हो रहा है कि संबंधित खनिज क्षेत्रों की उपलब्धता मात्र राजस्व अभिलेखों में उल्लिखित नदी के अन्तर्गत पर की गई है। उपलब्धता सूचना निर्गत करने के पूर्व ऐसे क्षेत्रों का सर्वेक्षण भी नहीं

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कराया गया है जिसके कारण क्षेत्रों की आकृति उत्तर प्रदेश उप खनिज परिहार नियमावली, 1983 के नियम 11 के अन्तर्गत नहीं करी जा सकती है।

15. उत्तर प्रदेश उप खनिज परिहार नियमावली, 1983 के नियम 11 के प्रावधान विन्यस्त है:-

11- पट्टे पर दिने जाने वाले क्षेत्र की लम्बाई- चौड़ाई- खनन पट्टे का अर्थ किन्हीं क्षेत्रों की लम्बाई साधारणतया उसकी चौड़ाई के द्वाय गुने से अधिक नहीं होगी।

16. जिलाधिकारी, सहारनपुर द्वारा प्रेषित त्रिसदस्यीय समिति के प्रतिवेदन के अवलोकन से यह स्पष्ट रूप से परिलक्षित हो रहा है कि ग्राम हरीदपुर चर्क तपोवन में खण्ड संख्या- 34, चौरपुर पैलो में खण्ड संख्या- 1, ग्राम शेरगपुर पैलो में खण्ड संख्या-1, ग्राम हनुवा के खण्ड संख्या- 1 एवं 3 की लम्बाई, चौड़ाई से द्वाय गुना से कहीं अधिक है, जिसके कारण इन क्षेत्रों को खनन पट्टे पर स्वीकृत किये जाने के सिरे उनकी उपलब्धता घोषित नहीं की जानी चाहिये थी।

17. त्रिसदस्यीय समिति के प्रतिवेदन के अवलोकन से यह भी स्पष्ट है कि ग्राम हरीदपुर चर्क तपोवन में प्रस्तावित गाटा संख्या- 33/2/8 श्रीमती इलीना एवं फिरवीस तथा गाटा संख्या- 34/3 काश्तकारी, ग्राम चौरपुर पैलो के गाटा संख्या- 23 में श्रीमती जमलीदा, श्री सुशील कुमार श्री मदन कुमार, गाटा संख्या-24/4 में श्रीमती लक्ष्मिदा, श्रीमती शकुन्ता लदी व श्री सुशील कुमार, ग्राम शेरगपुर पैलो के गाटा संख्या-27/1 में श्री गणेश सिंह श्रीमती मेगला, गाटा संख्या- 72/2/8 में श्री लालू, गाटा संख्या- 277/1 में श्रीमती मीना, गाटा संख्या- 85/1 में श्री राहवीर, श्री इन्दिरा एवं श्री प्रमोद, गाटा संख्या- 273 में श्रीमती सुवमा एवं श्री सुवमा, ग्राम हनुवा के गाटा संख्या- 8 में श्री प्रहमपाल, श्री कली राम, श्री रणवीर श्री जयकिश, श्री विवेक पास, श्री मरण सिंह के पत्र में आस्थानी पट्टे अथवा फूलाचौपण / इचियाली पट्टे स्वीकृत है। इन गाटाओं में खनिज उपलब्धता नष्ट होने के साथ-साथ कृषि एवं फूलाचौपण किया जा रहा है। खनिज की उपलब्धता नष्ट होने की स्थिति में ही कृषि अथवा फूलाचौपण की सकता है परन्तु क्षेत्र की उपलब्धता घोषित करने के पूर्व इस बात पर भी ध्यान नहीं दिया गया है।

18. त्रिसदस्यीय समिति को प्रतिवेदन से यह तथ्य भी स्पष्ट हो रहा है कि ग्राम बड़कला की सीमा पर भारतीय सेना की चौकी स्थापित है, जो ग्राम बड़कला, इन्दपुर तालड़ा एवं इन्दपुर हिन्दूवाला में प्रस्तावित छ वन क्षेत्रों से 2 से 25 किमी० की दूरी पर है। भारतीय सेना की चौकी में सैनिक सैनिक उद्योग यंत्रों के क्षेत्रों में प्रवेश मुद्राभ्यास तथा फायरिंग करते हैं, जिस के कारण यहाँ आवागाम प्रतिबंधित किया जाता है। इन ग्रामों का सम्बन्ध क्षेत्र हरियाली द्वारा आच्छादित है। यह भी उल्लेख किया गया है कि दिनांक 24 नवम्बर, 2006 को भारतीय सेना का एक तोप का गोला 1 इन्दपुर हिन्दूवाला में गिरा था, जिसके कारण आग लग गई थी। भारतीय सेना का अस्थायी रस्ट कैंप भी स्थापित होने की सूचना उपलब्ध की गई है। अतः यह स्पष्ट है कि ग्राम बड़कला, इन्दपुर तालड़ा एवं इन्दपुर हिन्दूवाला में प्रस्तावित खनन क्षेत्र, खनन पट्टे पर स्वीकृत किये जाने हेतु भारतीय सेना की सुविधा के दृष्टिकोण से उपयुक्त नहीं है। त्रिसदस्यीय समिति ने यह भी प्रतिवेदन किया है कि वर्तमान में कार्यरत खनन पट्टों की भी भविष्य में प्रतिबंधित किये जाने पर विचार किया जाना उपयुक्त होगा।

19. त्रिसदस्यीय समिति द्वारा इस तथ्य को भी प्रतिवेदन किया गया है कि ग्राम चौरपुर पैलो में खनन पट्टे पर स्वीकृत किये जाने के लिए खनिज उपलब्धता नष्ट होने के साथ-साथ कृषि एवं फूलाचौपण किया जा रहा है। खनिज की उपलब्धता नष्ट होने की स्थिति में ही कृषि अथवा फूलाचौपण की सकता है परन्तु क्षेत्र की उपलब्धता घोषित करने के पूर्व इस बात पर भी ध्यान नहीं दिया गया है।

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अपेक्षापूर्वकता अनुभवित होने के साथ-साथ उनमें अयोग्य शिक्षण की सुविधा युक्त आजीवन विद्याभान रहेंगी, जिसके कारण प्रस्तावित क्षेत्रों को खनन पट्टों पर स्वीकृत किये जाने का अधिकार नहीं है।

20. शासन ने शासनपत्र संख्या - 2318/18-12-95-392/86, दिनांक 29 जून, 1985 द्वारा नदी तट से स्वतन्त्र रूप से पाये जाने वाले उपखनिजों का आगम्य स्पष्ट करती हुई यह कहा है कि नदी तट से अनन्य रूप से पाये जाने से आशय यह है कि उपखनिजों की विधिति यह रहती है कि ये नदी के प्रवाह से साथ-साथ ही अन्य पत्र आने से ही उपखनिज सुविधा की व्यवस्था करने होते हैं। शासनपत्र संख्या 2318/18-12-95-392/86, दिनांक 29 जून, 1985 के अन्तर्गत नदी तट से उपखनिजों की खनन पट्टों को प्रस्तावित 10 क्षेत्र इसी धरणी में आते हैं। इन क्षेत्रों में उपखनिजों की खनन पट्टों को स्वीकृत करना संभव है कि उनके लिए खनन। यदि उपखनिजों के प्रवाह पर एकत्रित है तो ऐसे क्षेत्र पर घुमाने की संकल्पना है परन्तु ऐसे क्षेत्रों पर कृषि अधिकाधिकार संभव नहीं है। प्रस्तावित क्षेत्रों के कई गांवों में कृषि अधिकाधिकार संभव होने के साथ प्रतिवेदित किये गये हैं तथा उपखनिज खनिजों की उपलब्धता जांचा जायी गई है।

21. त्रिसदस्यीय समिति ने यह तथ्य भी प्रतिवेदित किया है कि ग्राम अली अकबरपुर में प्रस्तावित क्षेत्र में बीथोबीथ विद्युत हार्ड टैरिफ आइडन गुजरती है तथा विद्युत के दो खाने नदी में बहते हैं। ग्राम रहना में प्रस्तावित क्षेत्रों के संबंध में यह तथ्य प्रतिवेदित किया गया है कि प्रस्तावित क्षेत्र में सिंचाई विभाग की खात एवं शक्ति बहने के लिए प्रस्तावित किया गया है कि यदि इन क्षेत्र में खनन कार्य अनुज्ञात किया जाता है, तो क्षेत्र में प्रवाहित हो रही खात एवं शक्ति का भी धो धरती की आशंका है।

22. इसी प्रकार त्रिसदस्यीय समिति ने यह तथ्य भी प्रतिवेदित किया है कि उपलब्धता विज्ञापित दिनांक 6 दिसम्बर 2003 में ऐसी गांव संख्याओं को भी प्रतिवेदित कर दिया गया है जो राज्य अभिलेखों में अंकित नहीं हैं, तथा गांव एलीबपुर वर्तमान संयुक्त गांव संख्या - 27/9/8 एवं 28/1 विज्ञापित दिनांक 6 दिसम्बर 2003 द्वारा घोषित नहीं की गई हैं। इसी ग्राम की प्रस्तावित गाटा संख्या - 23/0/6 राज्य अभिलेखों में उल्लिखित नहीं है। ग्राम सोहनपुर पैलो की गाटा संख्या - 130/1, 128/3 एवं 196/8 विज्ञापित है, परन्तु राज्य अभिलेखों में अंकित नहीं है। ग्राम अली अकबरपुर की गाटा संख्या - 128/1 विज्ञापित है, परन्तु राज्य अभिलेखों में यह उल्लिखित न होकर गाटा संख्या - 128/2 अंकित है। इसी ग्राम में गाटा संख्या - 203/1 व 204/1 विज्ञापित है, परन्तु राज्य अभिलेखों में ये उल्लिखित न होकर गाटा संख्या - 203/2 व 204/2 अंकित है। ग्राम कोटरी महलोलपुर में विज्ञापित गाटा संख्या - 3 खनन पट्टों पर स्वीकृत हेतु उपलब्ध घोषित किया गया है परन्तु सीके पर इस क्षेत्र में खनन है। ग्राम अलीअकबरपुर में ही प्रस्तावित गाटा संख्या - 156/1, 2, 3 राज्य अभिलेखों में अंकित नहीं है। राज्य अभिलेखों में गाटा संख्या - 156 उल्लिखित है, जो गीहर है। उपरोक्त विधिति से यह स्पष्ट है कि प्रस्तावित क्षेत्रों का संगठन वास्तविक स्थिति का साक्षात्कारी पूर्वक सर्वेक्षण कर नहीं किया गया है। इस प्रकार की सुविधा विद्याभान होने के कारण घोषित क्षेत्र की उपलब्धता सुचना विधिक दृष्टिकोण से त्रुटिपूर्ण हो गयी है।

23. त्रिसदस्यीय समिति ने अपने प्रतिवेदन में ग्राम कोटरी महलोलपुर में प्रस्तावित क्षेत्रों में से एक क्षेत्र जो गाटा संख्या - 1187/3 से 15, संख्या 8.819 डेक्टोर में खनिज की पर्याप्त उपलब्धता बतायी है। इस क्षेत्र को स्वतन्त्र रूप से संगठित न किये जाने के कारण इस क्षेत्र को पुनः उपलब्ध घोषित कर खनन पट्टा स्वीकृत करने की संकल्पना की है।

24. इस संबंध में यह उल्लेखनीय है कि उत्तर प्रदेश राज्य खनिज (परिष्कार) नियमावली, 1983 के विधान 6 के प्रावधानों के अन्तर्गत खनन अधिकारी को आवंटित क्षेत्र में से अनुपयुक्त क्षेत्रों को निरवकाश रूप से खनन पट्टा स्वीकृत करने का अधिकार प्राप्त है। चूंकि ग्राम कोटरी महलोलपुर के

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गाटा संख्या- 1157/3 से 15 में विधत 6.819 हेक्टेयर क्षेत्र खनन हेतु सभी पहलुओं से उपयुक्त है जिसके कारण इस खण्ड की सीमा तक राज्य सरकार को खनन पट्टा स्वीकृत किये जाने हेतु अपनी पूर्ण सहमति दिये जाने में कोई आशंका नहीं है।

25 जिलाधिकारी, सहारनपुर ने अपने पत्र संख्या-1087/खनिज, दिनांक 11 नवम्बर, 2006 द्वारा विद्यमान क्षेत्रों में पायी गयी कणियों को हगिल करने हुए यह अनिमित उल्लिखित किया है कि उस क्षेत्रों की उपलब्धता सूचना विज्ञापित किये जाने के पूर्व गहन सर्वेक्षण की आवश्यकता थी तथा विज्ञापित क्षेत्रों को कम्पैक्ट लाइट बनाये जाने चाहिये थे जो नहीं बनाये गये हैं। सर्वे रिपोर्ट और नौके की स्थिति में विन्यास है। जिलाधिकारी, सहारनपुर द्वारा यह संतुष्टि की गयी है कि विज्ञापित दिनांक 06.12.05 के क्रम में खनन पट्टा स्वीकृत करने हेतु पूर्व में प्रेषित कम्पैक्ट को यदि इन क्षेत्रों को गहन सर्वेक्षण के उपरान्त कम्पैक्ट लाइट बनाकर पुनः उनकी उपलब्धता विज्ञापित कर शर्त ब्यवस्थित किया जाये तब सम्भवतः नवीन क्षेत्रों से व्यवसायिक ढंग से खनन कार्य सम्पादित होगा जिसमें स्थूलतम पर्यावरण एवं पर्यावरणिकी के संतुलन को ध्यान में रखा जायेगा।

26. अतएव उपलब्धता विज्ञापित संख्या- 579/खनिज, दिनांक 6 दिसम्बर, 2005 द्वारा खनन पट्टे हेतु उपलब्ध घोषित किये गये सभी क्षेत्रों में से शान कोटली महलोलपुर के गाटा संख्या- 1157/3 से 15 संख्या 6.819 हेक्टेयर क्षेत्र को एक जायज खण्ड को छोड़ कर अन्य क्षेत्रों के लिये पूर्ण सहमति दिये जाने का औचित्य पूर्व प्रस्तर में उल्लिखित कारणों के आधार पर नहीं पाया गया है। शान कोटली महलोलपुर के गाटा संख्या- 1157/3 से 15 संख्या 6.819 हेक्टेयर को एक कम्पैक्ट खण्ड है तथा इसकी खनिज की पर्याप्त उपलब्धता होने एवं अन्य कोई प्रतिवृत्त लक्ष्य संशय में न आने के कारण राज्य सरकार की पूर्ण सहमति प्रदान की जाती है तथा अन्य क्षेत्रों को सम्बन्ध में राज्य सरकार की पूर्ण सहमति नहीं की जा रही है।

27. शान कोटली महलोलपुर द्वारा पारित विद्यमान निर्णय दिनांक 27 सितम्बर, 2006 के अनुसूचन में दिनांक 6 दिसम्बर, 2005 के अनुसूचन में जिलाधिकारी, सहारनपुर द्वारा पत्र संख्या- 737/खनिज, दिनांक 20 फरवरी, 2006 द्वारा शान कोटली पूर्ण सहमति प्राप्त करने हेतु भेजा गया प्रस्ताव, प्रस्तर 25 में किये अध्यादेशों के साथ एताद्वारा अन्तिम रूप में निस्तारित किया जाता है।

(एजन्सी के मुह) सचिव।

संख्या-5564 (1)/77-5-2006-111/2008, तददिन से।

प्रतिलिपि निम्न को सूत्रपाठ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- (1) जिलाधिकारी, सहारनपुर को इस निर्देश के साथ प्रेषित कि शास्त्र के उचित निर्णय के परिणाम में सभी आदेशों को उपयुक्त सूचना अपने रसर से विज्ञापित सुनिश्चित करें।
- (2) निदेशक, भूतल एवं खनिज उद्योग प्रदेश, लखनऊ।
- (3) जिलाधिकारी भूतल एवं खनिज विभाग, उत्तर प्रदेश, क्षेत्रीय कार्यालय, गानियाबाद।

84-11-06
29-11-06
29-11-06

आज्ञा से,
(नयन किशोर)
विशेष सचिव।

Annexure No. 3

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

.....

**ORIGINAL APPLICATION NO. 557/2017
(M.A. NO. 1120/2017 & M.A. NO. 1188/2017)**

AND

**ORIGINAL APPLICATION NO. 615 OF 2017
(M. A. NO. 1199/2017)**

AND

**ORIGINAL APPLICATION NO. 616 OF 2017
(M. A. NO. 1197/2017)**

AND

**ORIGINAL APPLICATION NO. 624/2017
(M.A. NO. 1205/2017)**

AND

**ORIGINAL APPLICATION NO. 631 OF 2017
(M.A. NO. 1210/2017)**

AND

**ORIGINAL APPLICATION NO. 633 OF 2017
AND**

ORIGINAL APPLICATION NO. 625/2017

AND

**ORIGINAL APPLICATION NO. 634 OF 2017
(M.A. NO. 1217 OF 2017 & 1218 OF 2017)**

AND

**ORIGINAL APPLICATION NO. 636/2017
(M. A. NO. 1229/2017 & M. A. NO. 1230/2017)**

AND

ORIGINAL APPLICATION NO. 639 OF 2017

AND

**ORIGINAL APPLICATION NO. 647 OF 2017
(M.A. NO. 1258 OF 2017 & M.A. NO. 1259 OF 2017)**

AND

**ORIGINAL APPLICATION NO. 648 OF 2017
(M. A. NO. 1260 OF 2017 AND M.A. NO. 1261 OF 2017)**

AND

**ORIGINAL APPLICATION NO.326 OF 2017
(M. A. NO. 584 OF 2017)**

IN THE MATTER OF:

Anjani Kumar
S/o Shivdeo Prasad Singh
R/o 23/24 Rohtas Enclave
Ravindra Palli Faizabad Road
Lucknow-226016

....APPLICANT

Versus

Union Territories, MoEf and the Ministry of Mines to give effect to the recommendations made by MoEF in its Report of March 2010 and the model guidelines framed by the Ministry of Mines, within a period of six months from today and submit their compliance reports.”

80. It is evident that the Hon'ble Supreme Court emphasized the absolute necessity to have an effective framework of mining plan which will take care of environmental issues and also evolve a long term “rational and sustainable” use of sustainable use of natural resource base. In view of such clear mandate the State of UP was required to give due regard and implement the recommendations made by MoEF in continuation of its earlier recommendation issued in the year 2010. Consequently, the Sustainable Sand Mining Management Guidelines, 2016 of MoEF gain importance. We have referred to it which is at annexure A.
81. The main objective of the Guidelines is to ensure “sustainable sand mining and maintain the ecology of the river and other sand resource”. The object would turn nugatory if due regard is not given. The Said Sand and Gravel Mining Guidelines provide a detailed procedure and safeguards for sustainable sand mining. It is material to note that great emphasis is laid in the guidelines for preparation of District Survey Report which is prescribed as an important initial step before formulating a mining policy. We have noticed that the State of UP is feeling comfortable for having issued Sand Mining Policy on 14.08.2017 prescribing certain guidelines and procedures even in those guidelines preparation of survey report documents, mapping, the

status of sand resources in district is an integral and essential part.

82. The process involved in the preparation of District Survey Report is detailed as hereunder:-

District Survey Report

“The processes under the Guidelines:

- (a) Identification of areas of aggradation/deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited. Use of satellite imagery for identifying areas of sand deposit and quantity be done.*
- (b) Calculation of annual rate of replenishment and allowing time for replenishment after mining in area.*
- (c) Identifying ways of scientific and systematic mining.*
- (d) Identifying measures for protection of environment and ecology.*
- (e) Determining measures for protection of bank erosion.*
- (f) A bench mark (BM) with respect to mean sea level (MSL) should be made essential to inmining channel reaches (MCR). Below which no mining shall be allowed.*
- (g) Identifying steps for conservation of mineral.*
- (h) Permanent gauging facilities (for discharge and sediment both) should be made compulsory for the sites having excessive mining in consultation with Central Water Commission or any competent State Agency.*
- (i) Implementing safeguards for checking illegal and indiscrete mining.”*

“The river/ stream/ other sources of sand and aggregate are studied on following parameters:

- a) Geomorphological Studies.*
 - i) Place of origin*
 - ii) Catchment area*
 - iii) General profile of river stream.*
 - iv) Annual deposition factor.*
 - v) Replenishment.*
 - vi) Total potential of minor mineral in the river bed.*
- b) Geological studies*
 - i) Lithology of catchment area.*
 - ii) Tectonics and structural behaviour of rocks.*
- c) Climate Zone.*
 - i) Intensity of rainfall*
 - ii) Climate zone.*
 - iii) Temperature variation.”*

83. It is important to note that above process shall be for preparing district report. We accept applicant's contention that it is so fundamental in nature that there must

be in its place the DSR before formulation of any mining policy in order to ensure safe and suitable sand mining.

84. We are clear in our mind that the Sand Mining Policy will be basically flawed if it permits tenders auction if it is issued before the identification of river/stream beds section/other sources which should be prohibited zones for extraction of sand and aggregates. Likewise the policy will defeat in its objective before identifying the measures for protection of environment and ecology in relevant districts while sand mining is carried on and safeguards for checking illegal and indiscrete mining in an area is preventive.
85. We can notice that the Government of India acknowledging the relevance of District Survey Report in ensuring formulation of safe sustainable mining plan has incorporated and amended to sand mining management guidelines, 2006 in 2006 notification vide amendment dated 15.01.2016 for recognizing the importance of a District Survey Report by the said amendment in para 7(iii) incorporated which reads “Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals” in 2006 Notification besides other amendments. Relevant portion of the amendment is at annexure 2.
86. While giving the procedure for preparation of District Survey Report in appendix-X, Central Government in 2006 Notification has reiterated the laudable objective and essentiality of preparation of District Survey Report i.e. to identify areas of aggradations or depositions where mining could be allowed and

identification of areas of erosion and proximity to infrastructural structure and installations where mining could be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

87. Appendix-X is therefore relevant that requires survey report shall be carried out by the District Environment Impact Assessment Authority i.e. DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department in the District. This bring to surface the un-doubtable importance of the District Survey Report and the onerous responsibility of DEIAA.

88. It is not in dispute, in the instance cases, the State of UP has not waited for the report of DEIAA while issuing E-Notice for E-Tender for E-Bidding in respect of various rivers for grant of mining lease. It has proceeded on its own volition on the basis of so called survey reports given to it by District Magistrate regarding evaluation of quantity and quality of minerals said to have been done by the District Officer. In other words they have by their own mechanism collected the evaluation and used it as a prior material information for issuing E-Notice inviting E-Tender for E-Bidding.

89. It is not in dispute that the said report was not in public domain for 21 days before issuing E-Tender/E-Notice because that is different report than the District Survey Report referred to in the aforesaid guidelines issued by MoEF and the mandate

of amended rules framed by the State Government under the provisions of MMRD Act. Therefore we are satisfied that the issuance of E-Notice by E-Tender on an in-sufficient material information of vital importance relating to environment when the State Government issues E-Notice inviting E-Tender for E-Bidding for grant of mining lease. We may observe without expressing opinion on the competence of the State Government to issue E-Tender inviting E-Notice for E-Bidding which is under the provisions of Rule made under the provisions of MMRD Act which is not a schedule statute in the NGT Act we have examined its ultimate effect and the basis on which it is issued for ascertainment of its effect on the environment. In this regard the material on the basis on which such mining policy 2017 was framed for grant of mining lease needs a thorough judicial scrutiny.

90. The State of UP has not disputed as on the date of issuance of impugned E-Notices inviting E-Tender for E-Bidding the District Survey Report was not in existence and same was not prepared by the DEIAA and that only material at had was survey report of evaluation submitted by District Officer that to be survey conducted during rainy season were there could not have been a realistic evaluation of quality and quantity of the minerals the importance of District Survey Report which we have held is of significance.

91. MoEF&CC vide notification dated 15th January, 2016 had amended the regulation/notification dated 14th September, 2006

in relation to carrying on of mining activities as stated above in terms of the Judgment of the Hon'ble Supreme Court in the case of Deepak Kumar and Himmat Singh Sekhawat judgment of this Tribunal and even in terms of the Notification of 2006 obtaining the prior Environmental Clearance to the carrying on of mining activity is held to be mandatory. Even the Notification of 15th January, 2006 does not change that status. In fact the Mining Rules framed by the State of UP in terms of U.P.Minor Mineral Concessions Rules 2017 it is mandatory to obtain environment Clearance prior to carrying on of any mining activity under the lease granted to minor-mineral by the State Government. In that sense we are examining the Mining Policy 2017 of the State of UP and the E-Notice issued only from the point of view of environmental protection. Rule 34 of the said Rules mandates that there should be sufficient safeguards provided for environmental protection and in that sense DSR is initial step. Stricto sensu we are not concerned with the tenders invited by the State Government under its mining policy which does not fall within the scope of jurisdiction of this Tribunal. However, the State in terms of its constitutional obligations contained in Article 48(A) read with the Principle of Sustainable Sand Mining, the very foundation of the Sand Mining Policy, 2017 of the State and the Judgment of the Tribunal, is obliged to provide due protection and safeguards for the environment protection before it can generate revenue by utilization of its natural resources. The State Government holds these assets in public interest. The Doctrine of Public Trust

requires the State Government to ensure that the natural resources including sand mining is not permitted to be wasted opposed to the Principle of intergenerational equity. The mining policy does have deficiencies and does not incorporate all the provisions of Environmental protection as contemplated in the minor mineral rules of the State of UP. We are not concerned whether the State ought or ought not have invited tenders on the basis of so called surveys conducted under the mining rules but we are certainly concerned with that no environmental degradation is permitted as a result of indiscriminate unregulated mining without compliance to the laws enforce. Obtaining prior Environmental Clearance is not optional therefore, all other laws in other fields than environment must tilt in favour of the environmental laws and non should be permitted to carry on the activity of extraction of minor minerals including sand unless the requirement of environmental laws are fully satisfied.

92. The E-tender cum E- Auction in terms of Rule 23(iv) does give the power to the District officer to get evaluated for quality and quantity of the minerals for fixing the minimum bid. This exercise squarely falls within the ambit of commercial policy of the State Government under the provisions of the Mining Policy and but cannot form an exception to compliance of the environmental laws as contemplated under the Mining Rules of 2017 as well as Appendix- x. Appendix-x while refereeing to Sustainable Sand Mining Guidelines also directs to ensure providing of the details as contemplated under the said

Appendix. It states that the main object of preparation of District Survey Report is to ensure identification of areas of aggradation/deposition where mining can be allowed and identification of areas of erosion and proximity to infrastructural structures and installation where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining area. Thus, the environmental protection requires a strictly regulated mining in terms of area, quantity as well as most importantly replenishment thereof.

93. It is true that under the Mining Policy/Rules the State is empowered to conduct survey for the purpose of inviting bids opine. The preparation of DSR and obtaining of Environmental Clearance is also a condition precedent to carrying on mining activity. It is for the State Government to ensure that there is no conflict between the two and they are balanced so as to ensure that neither there is scope for illegal mining nor there should environmental degradation.

94. The information or data collected by the authorized officer of the State Government under Mining Act for inviting tenders would not be and cannot be the base for compliance of Appendix- x as it is not a substitute for the District Survey Report referred to which must be prepared by District Environment Impact Assessment Authority the body in terms of Appendix-x. In light of the above discussion we pass the following orders and directions:

1. we have already held that we are not concerned in deciding the merit or otherwise of the Mining Policy, 2017 framed by the State of UP and inviting of e-tender and e-auction as it falls beyond the jurisdiction of this Tribunal.
2. The data collection and declared for preparation of DSR shall take precedent over other data and would form the foundation for providing mining lease in terms of Appendix- x to the Notification dated 15th January, 2016 must be prepared by the statutory authority stated therein i.e. DEIAA prior to awarding of permits for carrying on mining activity in any part of the State of UP.
3. Upon finalization of the DSR in the manner prescribed 21 days notice shall be provided and objections if any file shall be considered in accordance with law.
4. Obtaining of Environmental Clearance shall be a condition precedent to the carrying on of the mining activity/execution of the lease. This be so for the environmental laws afore-referred and even stipulated in the Rule 34(iv) of the Mining Rule, 2017
5. The State Government and all its agencies and instrumentalities would ensure that the protection and replenishment of natural resources including sand is duly provided for in the mining lease that would be granted by the State Government as required under Appendix-x to the notification dated 15th January, 2016.

6. The State Government and its instrumentalities shall also ensure that the terms and conditions of the Mining Lease would contain all the relevant clauses as stated in Appendix-x and Notification dated 15th January, 2016 for carrying out sustainable mining.

95. With the above directions, Original Application No. 557/2017 is disposed of along with connected Original Application No. 615 of 2017, Original Application No. 616 of 2017, Original Application No. 624/2017, Original Application No. 631 of 2017, Original Application No. 633 of 2017, Original Application No. 625/2017, Original Application No. 634 of 2017, Original Application No. 636/2017, Original Application No. 639 of 2017, Original Application No. 647 of 2017, Original Application No. 648 of 2017 and Original Application No.326 of 2017 with no order as to costs.

96. In view of the above all the miscellaneous applications are disposed of as the main applications stands disposed of.

Swatanter Kumar
Chairperson

Dr. Jawad Rahim
Judicial Member

Bikram Singh Sajwan
Expert Member

New Delhi
08th December, 2017

IN THE HIGH COURT OF JUDICATURE AT ALLAH BAD
LUCKNOW BENCH LUCKNOW

21

VERSUS The State of U.P. and others.

कार्यालय जिलाधिकारी, सहारनपुर

संख्या 595/खनिज

दिनांक 09. जनवरी, 2006

खनन पट्टा स्वीकृत करने हेतु क्षेत्रों की उपलब्धता की घोषणा

उ० प्र० उप खनिज (परिहार) नियमावली 1963 के अध्याय 2 के प्राविधानों के अन्तर्गत निम्नलिखित बालू, बजरी एवं बोल्टर के क्षेत्रों जो कि पूर्ण में नीलामी खनन पट्टे पर स्वीकृत थे, को तीन वर्ष की अवधि के लिए खनन पट्टे पर स्वीकृत करने हेतु उक्त नियमावली के नियम 24 के प्राविधानों के अन्तर्गत दिनांक 6.1.2006 को वापस ले लिया गया है। बालू, बजरी बोल्टर के निम्न क्षेत्रों को नियमावली 1963 के नियम 72 के प्राविधानों के अन्तर्गत प्रपत्र उपलब्ध घोषित किया जाता है।

2. खनन पट्टे हेतु प्रार्थना पत्र निर्धारित प्रपत्र एन. एम. 1 में चार प्रतियों में जिलाधिकारी कार्यालय (खनिज अनुभाग) सहारनपुर के द्वारा इस नोटिस के जारी होने के दिनांक से तीस दिन बाद अर्थात् दिनांक 14. 2.2006 से सात कार्य दिवसों तक अर्थात् दिनांक 21.02.2006 तक प्राप्त किये जायेंगे।

खनन पट्टा दिये जाने के लिए प्रत्येक प्रार्थना पत्र के साथ निम्नलिखित होगा।

1. एक हजार रुपये का शुल्क।
2. नियम 17 में विनिर्दिष्ट व्ययों से भिन्न अन्य प्रारम्भिक व्ययों को पूरा करने के लिए दो हजार रुपये की जमा और
3. भू-कर सर्वेक्षण मानचित्र (कैडैस्टर सर्वे मैप) की चार प्रतियों जिसमें वह क्षेत्र जिसके लिए प्रार्थना पत्र दिया गया है स्पष्ट रूप से चिन्होंकित हो और भू-कर सर्वेक्षण के अन्तर्गत न आने वाले ऐसे क्षेत्र की स्थिति में धरातल सर्वेक्षण मानचित्र (टोपोग्राफिकल सर्वे मैप), ऐसे

पैमाने पर जिसमें कम से कम 4 = 1 मील हो, की चार प्रतियाँ जिसमें वह क्षेत्र जिसके लिए प्रार्थना पत्र दिया गया है, ठीक चिन्होंकित हो।

4. जिलाधिकारी या ऐसे अधिकारी द्वारा जो जिलाधिकारी द्वारा प्राधिकृत किया जाये, जारी किया गया प्रमाण पत्र जिसमें यह दर्शाया गया हो कि प्रार्थी के विरुद्ध कोई खनन देय राशि बकाया नहीं है।

5. जहाँ पर प्रार्थी स्थायी रूप से निवास करता है उस जिले में जिलाधिकारी द्वारा निर्गत चरित्र प्रमाण पत्र जाति प्रमाण पत्र एवं निवास प्रमाण पत्र।

3. प्रार्थी अधिमान विनिश्चय हेतु निम्न बिन्दुओं पर भी अभिलेखों अथवा सूचना प्रस्तुत करेगा।

1. यदि प्रार्थी बालू/मौरम का उत्खनन परम्परीगत व्यवसाय होने के 14 पर जिलाधिकारी द्वारा निर्गत प्रमाण पत्र।

2. प्रार्थी का खनन संक्रियाओं में विशिष्ट ज्ञान अथवा अनुभव।

3. प्रार्थी के वित्तीय संसाधन।

4. प्रार्थी द्वारा सेवा योजित या सेवा योजित किये जाने वाले प्राविधिक कर्मचारी वर्ग (स्टाफ) की प्रकृति और गुणवत्ता।

5. किसी पूर्ण पदटे या खनन अनुज्ञा पत्र के आधार पर खनन संक्रियाओं को कार्यान्वित करने में और ऐसे पदटे पर अनुज्ञा पत्र की शर्तों या उसके सम्बंध में किसी विधि के उपबंधों का पालन करने में प्रार्थी का आचरण।

6. काश्तकरारी भूमि होने की दशा में सम्बन्धित काश्तकारों की लिखित सहमति।

4. किसी खण्ड विशेष के लिए प्राप्त आवेदन पत्रों या परीक्षण करने के उपरान्त नियमावली, 1963 के नियम 9 के प्राविधानों के अन्तर्गत अधिमान विनिश्चित किया जायेगा, परन्तु नियम 9 के उप नियम (2) में किसी बात के होते हुए भी नियम 9 के उप नियम (3) के प्राविधानों के अन्तर्गत नियम 9 के उप नियम (1) के उपबन्धों के अधीन रहते हुए राज्य सरकार किन्हीं विशेष कारणों से जो अभितिखित किये जायेंगे किसी ऐसे प्रार्थी को जिसका प्रार्थना पत्र पहले प्राप्त हुआ हो, अधिमान में किसी ऐसे प्रार्थी को जिसका प्रार्थना पत्र बाद में प्राप्त हुआ हो, पट्टा दे सकती है।
5. खनन पट्टे की अवधि अधिकतम तीन वर्ष होगी तथा खनन पट्टे के प्रारम्भ होने का दिनोंक खनन पट्टा बिलेख निष्पादित किये जाने का दिनोंक या वास्तविक रूप से खनन प्रक्रिया प्रारम्भ किये जाने का दिनोंक इनमें से जो भी पहले हो, होगा।
6. यदि बालू या मौरम या बजरी या बोल्टर या इनमें से कोई भी मिली-जुली आवस्था में हो के लिए खनन पट्टा दिये जाने का आदेश दिया गया हो, वहां वार्षिक पट्टा धनराशि का पच्चीस प्रतिशत आदेश के दिनोंक के सात दिन के भीतर या सात दिन के अनाधिक ऐसी अग्रतर अवधि के भीतर जैसे जिताधिकारी अनुमति करें, जमा कर दी जायेगी।
7. प्रपत्र एम. एम. 3 में या लगभग उसके समान प्रपत्र में, जैसे प्रत्येक मामले में परिस्थितियों द्वारा अपेक्षित हो, एक पट्टा बिलेख, उक्त आदेश के संसूचना के दिनोंक से एक माह के भीतर या ऐसी अग्रतर

अवधि के भीतर, जैसी राज्य सरकारी तदर्थ अनुमति करे, निष्पादित कर दिया जायेगा।

8. उपलब्ध रिक्त क्षेत्रों का खनन पट्टा वन विभाग से अनापत्ति प्राप्त होने की दशा में स्वीकृत किये जायेंगे।
9. अन्य शर्तों की जानकारी कार्यालय से प्राप्त की जा सकती है।

उपलब्ध रिक्त क्षेत्रों का विवरण

क्र० सं०	खनिज का नाम	तहसील	ग्राम	खसरा संख्या	क्षेत्रफल (एकड़)
1	बालू, बजरी, गोल्टर	बेहट	शोर पैली	430, 431, 428, 429, 434, 405, 406/1-204/1-403	19.00
2	बालू, बजरी, गोल्टर	बेहट	शोर पैली	438	7.00
3	बालू, बजरी, गोल्टर	बेहट	रहना	3	19.90
4	बालू, बजरी, गोल्टर	बेहट	रहना	1 म, 6म, 7म, 8म	25.50
5	बालू, बजरी, गोल्टर	बेहट	रहना	1 म, 10म	25.50
6	बालू, बजरी, गोल्टर	बेहट	फौजाबाद	19म, 20म, 26म, 27म, 28म, 41म, 29म	30.60
7	बालू, बजरी, गोल्टर	बेहट	फौजाबाद	696 म	6.00
8	बालू, बजरी, गोल्टर	बेहट	फौजाबाद	820म, 819, 823, 822, 838, 849, 851, 850म, 847म	17.00
9	बालू, बजरी, गोल्टर	बेहट	थापल इस्माइलपुर	1691द	29.81
10	बालू, बजरी, गोल्टर	बेहट	थापल इस्माइलपुर	15048	30.00
11	बालू, बजरी, गोल्टर	बेहट	थापल इस्माइलपुर	333क	17.30
12	बालू, बजरी, गोल्टर	बेहट	गणेशपुर	101/1, 101/1/1	16.92

13	बालू, बजरी, बोल्डर	बेहट	नौरगाबाद	494/3, 495/1	31.00
14	बालू, बजरी, बोल्डर	बेहट	ईदरपुर चर्क हिन्दुवाला	12, 13	10.40
15	बालू, बजरी, बोल्डर	बेहट	फतेहपुर पैलो	354, 362, 361म, 363म,	15.44
16	बालू, बजरी, बोल्डर	बेहट	फतेहपुर पैलो	367, 368, 363	12.35
17	बालू, बजरी, बोल्डर	बेहट	अकबरपुर बांस अहतमाल	1	58.00
18	बालू, बजरी, बोल्डर	बेहट	छज्जा अहतमाल	1/1	26.00
19	बालू, बजरी, बोल्डर	बेहट	गढ़री अहतमाल	1/1म	10.00
20	बालू, बजरी, बोल्डर	बेहट	गढ़री अहतमाल	1/1म	30.80
21	बालू, बजरी, बोल्डर	बेहट	अलाउद्दीन पुर बांस अहतमाल	1	45.00
22	बालू, बजरी, बोल्डर	बेहट	जयन्तीपुर अहतमाल	14, 15, 16, 18, 19, 20, 21, 22,	9.88
23	बालू, बजरी, बोल्डर	बेहट	जयन्तीपुर अहतमाल	1, 2, 3, 4, 5म	9.88
24	बालू, बजरी, बोल्डर	बेहट	अनमील	21म, 22म	10.00
25	बालू, बजरी, बोल्डर	बेहट	अब्दुल्लापुर	81ख, 85	13.80
26	बालू, बजरी, बोल्डर	बेहट	मायापुर रूपपुर	14/1म, 14/2म, 14/3म, 31/1म, 31/2/1म, 48म, 49म, 51म, 50/2म, 53म, 30म, 70म, 71म	23.00
27	बालू, बजरी, बोल्डर	बेहट	मायापुर रूपपुर	42म, 43म, 44म, 56म, 85/1म, 85/2म, 82/81म, 56म, 89, 88म, 87, 83म, 84म, 264, 265, 266म, 258म, 267म, 268म,	36.72

				267म, 269म, 271म, 274म, 275म, 276 277/1म 279म, 278म	
28	बालू, बजरी, बोल्डर	बेडट	बादशाहपुर	96म, 132म, 133/3म, 129म, 128म, 127म, 123म, 122/1/2, 122/3, 124/1, 125म, 118/2	22.00
29	बालू, बजरी, बोल्डर	बेडट	बादशाहपुर	2/1म, 2/2, 3,4/4/1म, 4/4/2,6म, 7म, 8/1म, 9/2, 17, 18म, 19म, 20म, 21म, 24, 25, 26, 27, 28म, 30म, 32म, 57, 5 9म, 62/3, 62/2	33.00
30	बालू, बजरी, बोल्डर	बेडट	खुसाहालीपुर	585म, 576म, 572म,	25.50
31	बालू, बजरी, बोल्डर	बेडट	खुसाहालीपुर	585म, 576म, 572म, 559म	48.32
32	बालू, बजरी, बोल्डर	बेडट	बकुला	3, 8	10.40
33	बालू, बजरी, बोल्डर	बेडट	कालूवाला जहानपुर दक्षिणी	845, 848, 847/2, 850	18.00
34	बालू, बजरी, बोल्डर	बेडट	कालूवाला बहाड़ीपुर	92, 93/1 82, 86/1, 117/1 118/1, 119/1, 120/1, 192/1	46.32
35	बालू, बजरी, बोल्डर	बेडट	अलीअकबर पुर	105म, 115म, 16म, 117म, 18म, 154म, 157म, 158, 159, 160म, 150, 179म, 180म, 119म, 186म,	15.00
36	बालू, बजरी, बोल्डर	बेडट	रसूलपुर उर्फ रसूली	1म	86.00
37	बालू, बजरी, बोल्डर	बेडट	मुनियारी अहममाल	1/1/1	60.00
38	बालू, बजरी, बोल्डर	बेडट	मुनियारी अहममाल	1/1/1	60.00
39	बालू, बजरी, बोल्डर	बेडट	टटीहल	32, 33, 34, 35, 44, 46,47,48, 49, 50, 51, 52, 53, 54, 56, 57, 58	23.00
40	बालू, बजरी, बोल्डर	बेडट	असलमपुर, बरथा	1म	90.60

41	बालू	बेहट	अकलासिया	104, 134, 105	17.00
42	बालू	बेहट	काहरपुर भरवा	238, 239, 270, 271, 272, 273, 274, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 290, 398, 399, 400, 401, 402, 403, 423, 424, 425, 445, 446, 447, 607, 608	140.00

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जिलाधिकारी
सहारनपुर

कार्यालय जिलाधिकारी सहारनपुर

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. सचिव उत्तर प्रदेश उद्योग भूतत्व एवं खनिकर्म लखनऊ।
2. निदेशक, भूतत्व एवं खनिकर्म उत्तर प्रदेश लखनऊ।
3. उप सूचना निदेशक, सहारनपुर, को व्यापक प्रचार प्रसार हेतु।
4. समस्त अध्यक्ष, नगर पंचायत जनपद सहारनपुर।
5. सम्बंधित ग्राम प्रधान जनपद सहारनपुर को इस अनुरोध के साथ प्रेषित की नोटिस की सूचना डुग्गी पिटवागर ग्राम सभा के सदस्यों को दें।
6. सम्बंधित अध्यक्ष क्षेत्र पंचायत जनपद सहारनपुर को सूचनार्थ एवं प्रचार प्रसार हेतु।
7. नाजिर सदर, कलेक्ट्रेट सहारनपुर को इस निर्देश के साथ कि वज्रिपति की एक-एक प्रति कलेक्ट्रेट के सूचना पट पर तथा सुविधाजनक स्थानों पर तत्काल चिपकायें।
8. तहसीलदार बेहट को इस निर्देश के साथ कि तहसील के सूचना पट पर चिपकायें तथा व्यापक प्रचार प्रसार सुनिश्चित करें।

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जिलाधिकारी
सहारनपुर

सत्यप्रतिलिपि

सेवा में,

श्रीमान अध्यक्ष
जिला स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण
(DEIAA) श्रीमान जिलाधिकारी महोदय
कलैक्ट्रेट, जिला सहारनपुर
उत्तर प्रदेश

विषय: सूचना के अधिकार अधिनियम 2005 के अर्न्तगत आवेदन पत्र प्रस्तुत है।

महोदय,

निवेदन इस प्रकार है कि जिला सहारनपुर, उत्तर प्रदेश के स्तरीय पर्यावरण निर्धारण प्राधिकरण DEIAA व जिला स्तरीय विशेषज्ञ आंकन समिति DEAC की किसी भी बैठक या कार्यवाही का कोई विवरण मन्त्रालय या जिले की वेबसाईट पर उपलब्ध नहीं है जबकि दूसरे जिलों का पर्यावरण सहमति पोर्टल उपलब्ध है और जिला सहारनपुर का भी नियमानुसार पोर्टल पर सारा विवरण उपलब्ध कराया जाना आवश्यक है। लेकिन कोई भी डाटा किसी भी प्रकार का पोर्टल पर उपलब्ध नहीं है। इसलिए निम्न सूचना उपलब्ध कराने का कष्ट करें।

1. जिला सहारनपुर में पर्यावरण वन और जलवायु परिवर्तन मन्त्रालय, नई दिल्ली की अधिसूचना संख्या 166 दिनांक 20.01.2016 के अनुपालन में कार्यालय के पत्र संख्या 118/खनिज/2015-2016 दिनांक 19.02.2016 द्वारा जिला स्तरीय पर्यावरण निर्धारण प्राधिकरण (DEIAA) का गठन करना कथित है। उक्त पत्र दिनांक 19.02.2016 की प्रति उपलब्ध करायें।
2. जिला सहारनपुर में दिनांक 19.02.2016 से आज तक जो (DEIAA) की बैठक हुई है उनके एजेन्डा व कार्यवृत्त की प्रतियाँ मय संलग्नकों सहित उपलब्ध करायें।
3. जिला सहारनपुर में दिनांक 19.02.2016 से आज तक जो (DEAC) की बैठक हुई है उनके एजेन्डा व कार्यवृत्त की प्रतियाँ मय संलग्नकों सहित उपलब्ध करायें।
4. जिला सहारनपुर के दिनांक 19.02.2016 से आज तक जो District Survey Report (DSR) सहारनपुर के लिए बनाये गये है या संसोधन किये गये है उनकी ड्राफ्ट प्रतियों की जो वेबसाईट पर 21 दिन के बाद अपलोड किये गये है मय संलग्नकों सहित उपलब्ध करायें।
5. 21 दिन के बाद Approved किया गया है उनकी Approved की DSR की प्रति मय हस्ताक्षरों वाली प्रति उपलब्ध करायें।
6. जिला सहारनपुर के DSR बनाने से पूर्व जो क्षेत्र के सर्वे व जाँच करायी गई है उनकी कार्यवाही की प्रतियाँ उपलब्ध करायें।
7. जिला सहारनपुर के DSR में दिनांक 26.10.2018 में पत्रांक संख्या 1964/डी0एस0आर0/सहारनपुर(खनन)/2018 के द्वारा संसोधन किया गया है। जिस बैठक में DEIAA व DEAC द्वारा यह संसोधन किया गया है उस बैठक के कार्यवृत्त की प्रति उपलब्ध करायें व इसे जिले की वेबसाईट पर कब लोड कराया गया है उसका दिनांक

उल्लेख करें जिस पत्रावली पर DSR संसोधन की कार्यवाही की गई है उस पत्रावली की पूर्ण नोटशीट की प्रति उपलब्ध करायें।

8. **जिला सहारनपुर के DSR में दिनांक 04.09.2019 के DSR की बैठक के कार्यवत की प्रति संलग्न है।** उक्त मिटिंग को बुलाने के लिए जो एजेन्डा जारी किया गया है। उसकी प्रति व उसके लिए एजेन्डा की प्रति भेजने की प्रति उपलब्ध करायें। जिस पत्रावली पर यह कार्यवाही DSR में क्षेत्र बढ़ाने की गई है उसकी नोटशीट की पूर्ण प्रति उपलब्ध करायें व उक्त पत्रावली पर जो आदेश व पत्र नोटिस जारी किये गये उनकी प्रतियाँ मय संलग्नक के उपलब्ध करायें।
9. नोटिफिकेशन दिनांक 20.01.2016 के अनुसार DEIAA के चार सदस्यों में एक विशेषज्ञ सदस्य को प्रभागीय आयुक्त या मुख्य वन परिरक्षक द्वारा 3 वर्ष के लिए नामनिर्दिष्ट किया जाना अनिवार्य है। **नोटिफिकेशन नं० 166 दिनांक 20.01.2016 की प्रति संलग्न है** व उसको बैठक के लिए फीस, यात्रा भत्ता, मंहगाई भत्ता आदि का भुगतान राज्य सरकार द्वारा किया जाना है।
10. उपरोक्त के सम्बन्ध में जिला सहारनपुर में बनी DEIAA के लिए विशेषज्ञ सदस्य को नामनिर्दिष्ट करने का आदेश प्रभागीय आयुक्त या मुख्य वन परिरक्षक द्वारा जारी किया जाना था। जो आदेश इस के लिए जारी किया गया है। उसकी प्रति उपलब्ध करायें यदि किसी विशेषज्ञ सदस्य को नामनिर्दिष्ट नहीं किया गया है तो स्पष्ट उल्लेख करें।
11. विशेषज्ञ सदस्य तीन वर्ष के लिए नामनिर्दिष्ट किया जाना था जिसका कार्यकाल जनवरी 2019 में समाप्त होने के बाद पुनः नामनिर्दिष्ट करने के आदेश की प्रति उपलब्ध करायें यदि नहीं किया गया है तो स्पष्ट उल्लेख करें।
12. DEIAA के उक्त सदस्य को राज्य सरकार द्वारा प्रत्येक बैठक की फीस व यात्रा भत्ता दिया जाना था जो भी भुगतान गैर सरकारी विशेषज्ञ सदस्य को किया गया है उसका बिल व भुगतान विवरण की प्रतियाँ उपलब्ध करायें।
13. उपरोक्त के सम्बन्ध में जिला सहारनपुर में बनी DEAC के लिए तीन विशेषज्ञ सदस्यों को नामनिर्दिष्ट करने का आदेश प्रभागीय आयुक्त या मुख्य वन परिरक्षक द्वारा जारी किया जाना था। जो आदेश इस के लिए जारी किया गया है। उसकी प्रति उपलब्ध करायें यदि किसी विशेषज्ञ सदस्य को नामनिर्दिष्ट नहीं किया गया है तो स्पष्ट उल्लेख करें।
14. DEIAA के तीन विशेषज्ञ सदस्यों को तीन वर्ष के लिए नामनिर्दिष्ट किया जाना था जिसका कार्यकाल जनवरी 2019 में समाप्त होने के बाद पुनः नामनिर्दिष्ट करने के आदेश की प्रति यदि नहीं किया गया है तो स्पष्ट उल्लेख करें।
15. उक्त सदस्यों को राज्य सरकार द्वारा प्रत्येक बैठक की फीस व यात्रा भत्ता दिया जाना था जो भी भुगतान गैर सरकारी विशेषज्ञ सदस्य को किया गया है उसका बिल व भुगतान विवरण की प्रतियाँ उपलब्ध करायें।
16. नोटिफिकेशन के बिन्दु 4 के अनुसार DEIAA को जो भी निर्णय लेना वह कमेटी DEAC की संस्तुति के बाद लिया जा सकता है। जो निम्न प्रकार है—

“ The Authority for the districts shall base its decision on the recommendations of the District Level Expert Appraisal Committee constituted under paragraph 5 of this notification ”

उपरोक्त के अनुसार जिला सहारनपुर में जो DSR बनाया गया व संसोधन किये गये उनको DEIAA द्वारा निर्णय DEAC द्वारा की गई संस्तुति के आधार पर किया जा सकता है इसलिए जिला सहारनपुर में बनाये गये DSR पर DEAC की संस्तुति की प्रति उपलब्ध करायें।

17. जिस रजिस्टर में DEIAA व DEAC के पत्राचार/आदेश/आवेदन आदि प्राप्त होने वाले व जारी करने वाले सभी को दर्ज किया जाता है उक्त रजिस्ट्रों की प्रति दिनांक 16.01.2016 से अभी तक की उपलब्ध कराने का कष्ट करें।
18. जिला सहारनपुर में DEIAA द्वारा या राज्य सरकार द्वारा यमुना नदी व अन्य बरसाती नदियों की Replanishment Study करायी गई है उसकी रिपोर्ट की प्रति उपलब्ध करायें और यदि नहीं करायी गई है तो स्पष्ट उल्लेख करें।
19. अपीलीय अधिकारी का नाम, पदनाम, पता, ई-मेल व फोन नं० भी उपलब्ध कराने का कष्ट करें।

अतः आपसे अनुरोध है कि मांगी गई सूचनाएं तत्काल भेजने का कष्ट करें आपकी अति कृपा होगी।

दिनांक: 02.01.2020

प्रार्थी

संलग्नक- 1. उपरोक्तानुसार

2. भारतीय पोस्टल आर्डर सं०

प्रमोद पुत्र श्री रणजीत
मकान नं० 131, ग्राम वरसी
टिकरोल, सहारनपुर, उ० प्र०

Annexure No. 6A

7

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW
WRIT PETITION NO. _____ OF 2005
VERSUS
ANNEXURE NO 1

कार्यालय जिलाधिकारी, सहारनपुर

तख्त : / खनिज दिनांक 2005

खनन पट्टा स्वीकृत करने हेतु क्षेत्रों की उपलब्धता की घोषणा

उ.प्र.0 उप खनिज (परिहार) नियमावली 1963 उ0प्र0 उप खनिज (परिहार) नियमावली 1963 के अध्याय 2 के प्राविधानों के अन्तर्गत निम्नलिखित सूच में नीलाभी पर स्वीकृत खनन क्षेत्र के अतिरिक्त नये चिह्नित बालू, बजरी एवं बोल्टर के क्षेत्रों को दो वर्ष की अवधि के लिए खनन पट्टे पर स्वीकृत करने हेतु उक्त नियमावली के नियम 72 के प्राविधानों के अन्तर्गत उपलब्ध घोषित किया जाता है।

2. खनन पट्टे हेतु प्रार्थना पत्र निर्धारित प्रपत्र एन0एन0 1 में चार प्रतियों में जिलाधिकारी कार्यालय (खनिज अनुभाग) सहारनपुर के द्वारा इस नोटिस के जारी होने के दिनांक से तीस दिन बाद अर्थात् दिनांक 09.01.2006 से सात कार्य दिवसों तक अर्थात् दिनांक 18.01.2006 तक प्राप्त किये जायेंगे।

खनन पट्टा दिया जाने के लिए प्रत्येक प्रार्थना पत्र के साथ निम्नलिखित होगा :-

- (1) 5 हजार रुपये का शुल्क।
- (2) नियम 77 में विनिर्दिष्ट व्ययों से निम्न अन्य प्रारम्भिक व्ययों को पूरा करने के लिए दो हजार रुपये की जमा और
- (3) भू-कर सर्वेक्षण मानचित्र (कंडेस्टल सर्वे मैप) की चार प्रतियाँ, जिसमें वा क्षेत्र, जिसके लिए प्रार्थना पत्र देना गया है स्पष्ट रूप से चिह्नित हो और भू-कर सर्वेक्षण के अन्तर्गत न आने वाले ऐसे क्षेत्रों की स्थिति में परावल सर्वेक्षण मानचित्र (टोपोग्राफिकल सर्वे मैप) ऐसे मामले पर, जिसमें क्षेत्र का आय 4' = 1 मील हो, की चार प्रतियाँ, जिसमें वा क्षेत्र जिसको लिए प्रार्थना पत्र दिया गया है चिह्नित

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निर्वाहित हों।

- (4) जिलाधिकारी या ऐसे अधिकारी, द्वारा जो जिलाधिकारी द्वारा प्राधिकृत किया जाये, जारी किया गया प्रमाण पत्र जिसमें यह दर्शाया गया हो कि प्रार्थी के विरुद्ध कोई खनन देय राशि बकाया नहीं है।
- (5) जहां पर प्रार्थी स्थायी रूप से निवास करता है, उस जिले के जिलाधिकारी द्वारा निर्गत चरित्र प्रमाण पत्र, जाति प्रमाण पत्र एवं निवास प्रमाण पत्र।
3. प्रार्थी अधिमान विनियम्य हेतु निम्न बिन्दुओं पर भी अभिलेख अथवा सूचना प्रस्तुत करेगा :

- (1) यदि प्रार्थी बालू / नौरतन का उल्लंघन परम्परागत व्यवसाय होने के आधार पर, अधिमान प्राप्त करने का इच्छुक है तब प्रपत्र एन०एन० 14 पर जिलाधिकारी द्वारा निर्गत प्रमाण पत्र।
- (2) प्रार्थी का खनन तकियाओं में विशिष्ट ज्ञान अथवा अनुभव।
- (3) प्रार्थी के वित्तीय संसाधन।
- (4) प्रार्थी द्वारा सेवा योजित या सेवा योजित किये जाने वाले प्राविधिक कर्मचारी वर्ग (स्टाफ) की प्रकृति और गुणवत्ता।
- (5) किसी पूर्व पट्टे या खनन अनुज्ञा पत्र के आधार पर खनन सक्रियताओं को कार्यान्वित करने में और ऐसे पट्टे या अनुज्ञा पत्र की शर्तों या उसके सम्बन्ध में किसी विधि या उपबंधों का पालन करने में प्रार्थी का आचरण।
- (6) कारतकारी भूमि होने की वशा में सम्बन्धित कारतकारी की लिखित सहमति।

क्रमशः 3

V.P.

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4. फिर : खण्ड विशेष के लिए प्राप्त आवेदन पत्रों का परीक्षण करने के उपरान्त नियमावली, 1963 के नियम 9 के प्राविधानों के अन्तर्गत अधिमान विनिश्चय किया जायेगा, परन्तु नियम 9 के उप नियम (2) में किसी बात के होते हुए भी नियम 9 के उप नियम (3) के प्राविधानों के अन्तर्गत, नियम 9 के एन नियम (1) के उपबन्धों के अधीन रहते हुए राज्य सरकार शिर्षी विशेष कारणों से जो अभिलिखित किये जायेंगे, किसी ऐसे प्रार्थी को, जिसका प्रार्थना पत्र पहले प्राप्त हुआ हो, अधिमान में किसी ऐसे प्रार्थी को जिसका प्रार्थना पत्र बाद में प्राप्त हुआ हो, पट्टा दे सकती है।
5. खनन पट्टे की अवधि अधिकतम तीन वर्ष होगी तथा खनन पट्टे के प्रारम्भ होने के दिनांक, खनन पट्टा बिलेख निष्पादित किये जाने का दिनांक या वस्तुनिष्ठ रूप से खनन संक्रिया प्रारम्भ किये जाने का दिनांक इनमें से जो भी पहला हो, होगा।
6. यदि इन्तू या मौरम या बजरी या थोल्डर या इनमें से कोई भी मिली-जुली अवस्था में हो, के लिए खनन पट्टा दिये जाने का आदेश दिया गया हो, वह वार्षिक पट्टा धनराशि का पच्चीस प्रतिशत, आदेश के दिनांक के सात दिन के भीतर या सात दिन से अन्तर्गत ऐसी अग्रतर अवधि के भीतर जैसे जिलाधिारी अनुमति करें, जमा कर दी जायेगी।
7. प्रपत्र एम०एम० 3 में या लगभग उसके समान प्रपत्र में, जैसा प्रत्येक मामले में परिस्थितियों द्वारा अपेक्षित हो, एक पट्टा बिलेख, उपर्युक्त आदेश के संसूचन के दिनांक से एक तरह के भीतर या ऐसी अग्रतर अवधि के भीतर, जैसी राज्य सरकार आदेश अनुमति करें, निष्पादित कर दिया जायेगा।
8. अन्य शर्तों की जानकारी कार्यालय से प्राप्त की जा सकती है।

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अपत्य रिक्त भूतों का विवरण

क्र.सं.	खनिज का नाम	खेती	ग्राम	खसरी सख्या	क्षेत्रफल (हे.)
1	बालू, बजरी, बोल्टर	खेती	हथौक पुर जफ नपोवन	33/2 / 5, 34/2, 36/1, 36/3/3, 38/1, 40/1/ 3, 41/1, 42, 64/1, 65/1, 174/1/ 6, 185/3/9/ 4	73.193
2	बालू, बजरी, बोल्टर	खेती	रंगपुर पेटी	13/2 15, 17, 18, 20/1, 21, 22, 23/1/2, 24/4, 109, 108/4, 110/1, 125/2, 361, 371/2, 377म, 378/2, 379/2	30.126
3	बालू, बजरी, बोल्टर	खेती	रंगपुर पेटी	17, 18, 22, 105/3, 130/1, 129/3, 131/2, 132म, 133, 151म, 168/2, 179, 192, 194, 195, 196/6, 197/2, 198, 203, 208, 210म, 211, 221, 231म	23.56
4	बालू, बजरी, बोल्टर	खेती	अली अयाबपुर	89म, 90, 92, 128/1, 129/1म, 120, 202/म, 203/1, 204/1, 205/2, 206/1, 211, 212, 213, 214, 215, 216	22.769
5	बालू, बजरी, बोल्टर	खेती	तायापुर/रूपपुर	14/1, 31/1, 72/2/5, 72/2/8, 277/1, 85/म, 273, 365/2	37.346
6	बालू, बजरी, बोल्टर	खेती	देहना	5, 9, 173/2, 174, 175, 176, 177	15.286
7	बालू, बजरी, बोल्टर	खेती	बखमला	11, 41/1, 133	3.177
8	बालू, बजरी, बोल्टर	खेती	हाडपुर सातडा	34, 48/1, 49/1, 71/1, 72/3, 83/1	13.915
9	बालू, बजरी, बोल्टर	खेती	हेलपुर जफ किन्दुवाला	7/1, 8/1, 9/2, 10/3, 11/2, 19, 20, 21, 23, 56, 60/1, 68/2, 69, 71, 72/3, 99, 100, 101/2, 103/2, 104, 105/3, 105/2, 107/2, 108/2, 94/2	22.154

अपत्य रिक्त भूतों का विवरण

V.P.

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10	बलू बजारी, रोहतास	घेहट	बोडरी बहसोलपुर	210/3, 211/2, 216/2, 221/2, 317, 340/1, 3, 341/1, 318/2, 465, 477, 478, 484, 485, 495 1154/12, 1155, 156/1, 2, 3 1157/3 से 15	59437
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(निवेदिता शुक्ला दाम्)

जिलाधिकारी,

सहारनपुर।

कार्यालय जिलाधिकारी, सहारनपुर

संख्या 579/अभिज

दिनांक : 06.12.2005

प्रतिनिधि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित -

- (1) सचिव, उत्तर प्रदेश, अयोग, मूलत एव खनिज, लखनऊ।
- (2) निदेशक, भूतल एवं खनिज, उत्तर प्रदेश लखनऊ।
- (3) उप सूचना निदेशक, सहारनपुर को व्यापक प्रचार प्रसार हेतु।
- (4) सनस्त अध्यक्ष, नगर पंचायत, जनपद सहारनपुर।
- (5) सम्बन्धित ग्राम प्रधान, जनपद सहारनपुर को इस अनुरोध के साथ प्रेषित कि गेटिंग की सूचना दुर्गा विद्यालय ग्राम सभा के सदस्यों को दे।
- (6) सम्बन्धित अध्यक्ष, क्षेत्र पंचायत, जनपद सहारनपुर को सूचनार्थ एवं प्रचार प्रसार हेतु।
- (7) नाज़िर सचिव, कलेक्ट्रेट, सहारनपुर को इस निर्देश के साथ कि विज्ञापित की एक-एक प्रति कलेक्ट्रेट के सूचना बट पर तथा सुविधाजनक स्थानों पर लक्षित चिपकाये।
- (8) तहसीलदार घेहट को इस निर्देश के साथ कि तहसील के सूचना बट पर चिपकाये तथा व्यापक प्रचार प्रसार सुनिश्चित करें।

जिलाधिकारी

सहारनपुर।

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW.
WRIT PETITION NO. OF 2006
VERSUS
ANNEXURE NO. II

की 28/10/06
30/11/06

उत्तर प्रदेश राजसन
औद्योगिक विकास अनुभाग-5
संख्या- 5564/ 77-8-2006-111/06
संलग्नक दिनांक 30 नवम्बर, 2006

कार्यालय - प्राय

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11/16

सिविल डिस्पोजिशन रिट याचिका संख्या-4878(पन/वी) वर्ष 2006, भीमशही प्रकाशी वंशी बनाम उत्तर प्रदेश राज्य व अन्य को, मामलीय उच्च न्यायालय, संलग्नक पत्र, संलग्नक में अंतिम रूप से निस्तारित करती हुये, निर्णय दिनांक 22 सितम्बर, 2006 द्वारा, निम्नवत् निर्देश दिये हैं:-

" We expect that the State Government shall act in accordance with rules and would not be swayed by such frivolous complaints.

We further direct that the State shall take appropriate decision on the recommendations made by the District Magistrate dated 20.02-2006, in accordance with Law, keeping in mind the observations made above, expeditiously, say within a maximum period of fifteen days from the date of receipt of a certified copy of this order.

For the reasons stated above, the writ petition filed by Shamshad Khan is dismissed. The writ petition filed by Smt. Bhakatu Devi is allowed in part. No order as to costs "

2. माननीय उच्च न्यायालय द्वारा पारित निर्णय दिनांक 22 सितम्बर, 2006 की प्रमाणित प्रति, याचिका के पत्र दिनांक 14 नवम्बर, 2006 के साथ औद्योगिक विकास अनुभाग-6 में दिनांक 16 नवम्बर, 2006 को प्राप्त हुई थी।

3. प्रकरण के सन्दर्भ में यह है कि उत्तर प्रदेश उप खनिज (परिहार) नियमावली, 1963 के नियम 72 के प्रावधानों के अन्तर्गत, जनपद राहातापुर की तहसील बेहट में स्थित 10 अड़ों के प्रयोगार्थ उप खनिजों के खनन हेतु खनन पट्टी पर स्वीकृत करने के लिये, उपरोक्त जनपद, जिलाधिकारी, सहायनपुर ने विक्रिपत्र संख्या- 879/खनिज, दिनांक 8 दिसम्बर, 2005 द्वारा घोषित की थी। उक्त विक्रिपत्र दिनांक 8 दिसम्बर, 2005 में, तहसील बेहट के ग्राम- हसीनपुर एवं तपोवन, होरपुर पेलो, सोहनपुर पेलो, अली अकरमपुर, भायापुर/ रूपपुर, रेहना, बकालिया, बन्सपुर तालुका, हीदरपुर एवं हिन्दुवावा, कोठरी महलोलपुर में स्थित 10 अड़ों सम्बन्धित हैं। उक्त उपरोक्त नोटिस दिनांक 8 दिसम्बर, 2006 को जन्म में, दिनांक 8 जनवरी, 2006 से 18 जनवरी, 2006 तक की अवधि में, जिलाधिकारी, सहायनपुर के कार्यालय में इच्छुक व्यक्तियों के आवेदन पत्र प्राप्त हुये थे। आवेदन पत्र प्राप्त होने के उपरान्त, जिलाधिकारी, राहातापुर ने अपने पत्र संख्या- 737/खनिज दिनांक 20 जनवरी, 2006 के द्वारा, करीब 500 लाख जधरा उसके अधिक मूल्य के 9 अड़ों के लिये, स्वीकृति के पूर्व शासन को सहमति प्राप्त करने हेतु शासन को प्रस्ताव प्रेषित किया था। उक्त प्रस्ताव पर मामलीय विभागीय मंत्री जी का अनुमोदन प्राप्त करने के लिये, पत्रावली दिनांक 0 मार्च, 2006 को उनके नामक धनतुल की गई थी।

उपरोक्त के अतिरिक्त ग्राम बडकला के एक क्षेत्र जो करीब 500 लाख में करीब वार्षिक मूल्यांकन का है के लिये निदेशालय को संसूक्ति प्रेषित की गई है।

4. उक्त मामलीय मामलीय मंत्री जी के आदेश दिनांक 30 मार्च, 2006 द्वारा अनुभाग को इस सूचना के माध्यम से प्राप्त हुई कि निम्नवत् क्षेत्रों के संबंध में श्री कल्याण सिंह का शिकायती पत्र

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दिनांक 28 जुलाई, 2006 एवं संबंधी पौढनाद रागिल, यशपाल एवं मोहम्मद इनाम का संयुक्त शिकायती पत्र दिनांक 14 अगस्त, 2006 प्राल हुआ है, अतः उक्त शिकायती पत्रों में उल्लिखित तथ्यों की ओर करारकर पत्रावली पुनः प्रस्तुत की जावे, माननीय टिनाणीय मंत्री जी के आदेश दिनांक 31 अगस्त, 2006 के अनुक्रम में शासकीय पत्र संख्या-260/77-5-2006-111/2006, दिनांक 31 अगस्त 2006 द्वारा उक्त शिकायती पत्रों में उल्लिखित बिन्दुओं पर बिन्दुवार जीव आर्य्य जिलाधिकारी, राहारनपुर से अपेक्षित थी।

5 माननीय उच्च न्यायालय ने अपने निर्णय दिनांक 22 सितम्बर, 2006, में निम्नलिखित महत्वपूर्ण उपायकारण किये हैं:-

(क) "1953 Rule do not provide any where that an applicant, in whose favour recommendation has not been made, can raise challenge to the recommendation made, as apparently an aggrieved person has been given a right of appeal or revision, as the case may be, under rules 77 and 78 of the Rules against the grant and refusal of lease or renewal thereof."

(ख) "The object of seeking approval from the State Government before the District Magistrate grants lease, for an area which has lease money of more than Rs. 5 lacs appears to be that in the larger public interest, leases of such high magnitude should not be allowed to the grantee, who do not deserve or are not suitable for the purpose or to those, who do not fulfill the essential conditions for the grant of such lease."

It is the satisfaction of the State to grant approval on the recommendations made by the District Magistrate for grant of lease, and while doing so, the State Government is fully empowered to look into the entire record and the details supplied by the District Magistrate. Not only this, the District Magistrate, while sending the recommendation in favour of one or the other person, is also obliged and it also does so, i.e. of giving detail of each and every applicant, his/her particulars, claim, conditions fulfilled and all other details, as are required to be fulfilled by the applicant. A comparative note is also prepared and the reasons for recommending lease in favour of a person and other not being eligible or suitable for the said lease, are also to be recorded by the District Magistrate.

This entire information relevant for the purpose, is made available to the State Government by the District Magistrate under the statutory rules. If the State Government, on the material received and the information gathered, comes to the conclusion that recommendation of the District Magistrate cannot be accepted, the State Government is at liberty not to accept such recommendation and may also give reason for not accepting the same.

It is a pure misconception, that the State Government, while approving the recommendation, would not look into the record, as may be necessary for the purpose. It would not go through the details, as given by

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The District Magistrate mechanically. The State Government would also be without its authority to make any further enquiries, as may be required and as may demand papers, either by summoning any further record or by making enquiries otherwise.

The scheme of the rules aforesaid, cannot be interpreted, so as to delay the process of grant of lease on the request of successful applicants, particularly when such an applicant has a right to file appeal or revision, as the case may be, under rule 77 and 78 of the Rules on the grant of lease or the renewal thereof in favour of any person.

(*) The report prepared by the department under the signatures of the Deputy Secretary and accepted has made recommendations for approving the lease in favour of the person recommended and that no dues towards minor minerals were pending against him/her and his/her character was satisfactory; the no objection certificate of forest department has also been obtained and that writ petition no. 78666 of 2005: Wasid Vs U P State and others in which earlier an interim order was passed by the Allahabad High Court on 31.06, has already been dismissed on 31.3.06 and, therefore, recommendations made by the District Magistrate may be approved.

(ii) Action aforesaid persuades us to hold that filing of complaints by Kalyan Singh and Mohd. Ragil and others was is not their bonafied act and was a simple device to obstruct the grant of lease in favour of the petitioner San. Prakash Devi.

(iii) Having considered the facts and circumstances of the case and the legal position as per rules, we hold that the inaction on the part of the State Government, for such long period after receipt of recommendations on 20-2-06 could not be justified by the State, and the there was absolutely no reason for not finalizing the approval."

6. भारतीय उच्च न्यायालय द्वारा पारित निर्णय दिनांक 22 सितम्बर, 2006 के अनुपालन में पत्राचार से उपलब्ध अभिलेखों का परीक्षण कर प्रस्तावित दोनों के संबंध में स्वीकृति हेतु राज्य सरकार को पूर्ण सहमति दीये जाने पर निर्णय लिया जाता है।

7. भारतीय विभागीय मंत्री जी के निर्देश दिनांक 30 अगस्त, 2008 के अनुपालन में शासकीय पत्र संख्या- 560/77-6-2008-111/2008, दिनांक 31 अगस्त, 2008 द्वारा शिकायती पत्रों में उल्लिखित शिकायतों पर विनूया जॉय अग्रिया अपेक्षित की गई थी। उक्त क्रम में जिलाधिकारी, सहारनपुर ने अपने पत्र संख्या- 1087/खनिज, दिनांक 11 नवम्बर, 2008 द्वारा जॉय अग्रिया शिकायत प्रेषित की थी परन्तु भारतीय उच्च न्यायालय

8. पारित निर्णय दिनांक 22 सितम्बर, 2006 में उल्लिखित अनुपालन कि "Consequently the directive of the Minister for holding of enquiry on these complaints can also not be upheld, nor any such enquiry need be held." के अनुपालन में पूर्ण सहमति निर्णय दिनांक 22 सितम्बर, 2008 की प्रती, दिनांक 18 नवम्बर, 2008 को प्राप्त होने के पूर्व जिलाधिकारी सहारनपुर द्वारा प्रेषित जॉय अग्रिया दिनांक 11 नवम्बर,

2006 प्राप्त हो गई थी, जिसका निष्पत्ता क्षेत्रों को जोड़ना पड़ता पर संतोखा करने हेतु पूर्व में प्रेषित संस्तुतियों में भौतिक दलितों स्थिति की गई है।

8. राजस्थान उच्च न्यायालय द्वारा जारी निर्देश दिनांक 22 नवम्बर 2006 में राज्य सरकार को सूचित किया जा चुका है कि सरकार के सचिव को निम्नलिखित अवगतित किया गया है -

"It is a point of misconception, that the State Government, while approving the recommendation, would not look into the record, as may be necessary for the purpose and would not go through the details, as given by the District Magistrate mechanically. The State Government would also be within its authority to make any further enquiries, as may be required and as may deemed proper, either by summoning any further record or by making enquiries otherwise."

9. भारतीय उच्च न्यायालय द्वारा प्रतिपादित उक्त निर्देशान्त के अन्तर्गत, जिलाधिकारी सहायपुर द्वारा प्रेषित प्रस्ताव दिनांक 20 फरवरी 2006 पर संश्लेषण करने के उपरान्त शासकीय पत्र संख्या- 5372/77-3-2006-111/2006, दिनांक 23 नवम्बर, 2006 द्वारा लोक हिल में जिलाधिकारी, सहायपुर से विकसित गादायार निवास एवं आश्रम उपलब्ध बनाने की अपेक्षा की गई थी। उक्त पत्र में जिलाधिकारी, सहायपुर ने प्रादिक दिनांक 6 दिसम्बर, 2005 में जिलाधिकारी 10 क्षेत्रों के साथ में जिलाधिकारी, सहायपुर को एक पत्रिका प्रेषित कर उक्त गादायार निवास बनाने के उपरान्त गादायार स्थिति/ आश्रम बनाने पर संख्या- 1104/अनित दिनांक 27 नवम्बर, 2006 द्वारा शासन को विचारार्थ प्रेषित की है।

10. जिलाधिकारी सहायपुर द्वारा प्रेषित आश्रम निर्देश दिनांक 27 नवम्बर, 2006 द्वारा प्रेषित शत्रवार स्थिति, निम्नलिखित है -

क्र.सं.	श्री. नाम	पता	प्राथमिक श्रेणी	स्थिति की अवस्था	की श्रेणी	श्रेणी	अवस्था
1.	हरीशचन्द्र लाल लपोवार	32/2/E 34/3 36/1 36/3/3 38/1 40/1/1 41/1 42 64/1 65/1 174/1/1 E 103/1/1 5/6 12 किला	3	बोर्डर क्षेत्र अनुपलब्धता	की श्रेणी	4	उपलब्ध क्षेत्र की आवृत्ति पताले नाले के रूप में है तथा क्षेत्र की शैली और कक्षा का नाम अनुपलब्ध है। स्थान में स्थिति की को सचिव बड़े पैमाने पर होगा। गादा संख्या-33/8/6 पर 22/1 की उपलब्धता निश्चित नहीं है परन्तु इनकी उपलब्धता प्रेषित किन्हीं शिवा इनकी खनन पढ़ते पर स्वीकृत करने की संस्तुति की गई है। गादा संख्या- 33/1/8 संस्तुति नाम-सचिव में उपलब्धता निमा है। उपलब्धता कारण से इस क्षेत्र की सिवा निम्नलिखित दिनांक 8 दिसम्बर, 2005 सुदृष्टि है।

2	<p>होरपु पैला</p> <p>23.193</p> <p>13/2</p> <p>15</p> <p>17</p> <p>18</p> <p>20/1</p> <p>21</p> <p>22</p> <p>23/1/2</p> <p>24/4</p> <p>109</p> <p>108/4</p> <p>110/1</p> <p>125/2</p> <p>367</p> <p>378/1</p> <p>379</p> <p>374/2</p> <p>373/2</p> <p>18 पैला</p> <p>30 पैला</p>	<p>वेल्डर की अनुपालनता एवं रेल, सड़की गिरावों युक्त कोरी के कारण प्राथमिक शक्ति से उत्पादन नहीं हो पाता है।</p>	<p>3 खण्ड जो दूर दूर स्थित हैं जिससे सारण प्रस्तावित क्षेत्र में एक एक जगह पर खाने की जगहों की संख्या</p>	<p>प्रस्तावित क्षेत्र के सटीक भूमि आबजदी है तथा भारतीय सैन्य को अस्वादी शरत कायदा स्थित है। क्षेत्र को अन्तर विभाग में सारण करना पसंद नहीं है। प्रस्तावित क्षेत्र में खाने की जगहों की संख्या के कारण तथा प्राथमिक शक्ति से उत्पादन नहीं हो पाता है। प्रस्तावित क्षेत्र में एक एक जगह पर खाने की जगहों की संख्या के कारण तथा प्राथमिक शक्ति से उत्पादन नहीं हो पाता है।</p>
3	<p>सोसापुर पैला</p> <p>17</p> <p>18</p> <p>22</p> <p>130/3</p> <p>130/1</p> <p>175/3</p> <p>131/2</p> <p>138</p> <p>133</p> <p>151म</p> <p>168/2</p> <p>179</p> <p>192</p> <p>164</p> <p>135</p> <p>186/6</p> <p>197/2</p> <p>188</p> <p>203</p> <p>208</p> <p>210म</p>	<p>1. उपलब्ध खनिज को मात्रा, माध्यम है। 2. सड़की का गलत स्थिति है जो एक मोटी रेखा की भीति है। 3. उत्तर दिशा में सारण करना नहीं है। 4. नदी क्षेत्र से एक विभाग का सारण नहीं है।</p>	<p>प्राथमिक शक्ति से उत्पादन नहीं हो पाता है। प्रस्तावित क्षेत्र में खाने की जगहों की संख्या के कारण तथा प्राथमिक शक्ति से उत्पादन नहीं हो पाता है।</p>	<p>विशेषी दिनांक 8 दिसंबर, 2005 में गाना संख्या - 130/1, 129/3 एवं 196/8, उपलब्ध भौतिक स्थिति को है, परन्तु राजस्व अभिलेखों में उक्त गाना संख्या उल्लिखित न होकर गाना संख्या - 130/1, 129/3 एवं 196/2 उल्लिखित है जिसके कारण इस क्षेत्र के लिये उपलब्धता सूचना भुंगे पूर्ण है। संगठित खण्डों की संख्या बढ़ाई का अनुयायन नियमावली, 1963 के नियम 11 के माध्यम से अनुयायन नहीं है। सभी खण्डों की मापदंडों की दृष्टि अधिक है। वैधानिक खाने</p>

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		21 22 23 24 कित 23.136		समान नहीं है। खरीद की गति मिल नहीं थी।	
4	अली अयाचरपुः	89 90 92 128 / 1 129 / - 130 202 / - 203 / 1 204 / 1 205 / 2 206 / 1 211 212 213 214 215 216 17 कित 22769	1. बिकर पत्रिका है। 2. राजी, रीत निकली मुफ्त है जो पत्रकारिता वृद्धिकोण से अनुभव नहीं है।	एक	1. नहीं कि वित्तियोग विद्या लोड रेखा लोड गुजरती है। विद्युत ले की पत्रिका में 200 है तथा नदी फिरने उपलब्ध का भाग है। राते मोत्र न संग धमीने खंडे है। 2. पाटा संख्या- 128/1 उपलब्ध विशेषित है परंतु उपलब्ध उपलब्धों में मात्र पाटा संख्या- 128/2 अभिले है जिसको कारण विज्ञापित क्षेत्र सुविपूर्ण है। 3. राते क्षेत्र में श्री राम कुमार एवं श्री राजेश कुमार का जोकास का भाग है जिसमें 150 पेज खंडे है। 4. पाटा संख्या- 203/1 व 204/1 विज्ञापित द्वारा विज्ञापित है परंतु उपलब्ध उपलब्धों में उपलब्ध नहीं है जिससे कारण विज्ञापित सुविपूर्ण है।
5.	गाया सुपुः	14 / 1 31 / 1 72 / 2 / 5 72 / 2 / 8 277 / 1 85 / 1 273 365 8 कित 37346	खरीद की उपलब्धता नाभव्य है।	8 खरीद में	1. प्रस्तावित क्षेत्र में सुवि एवं विज्ञापित में उपलब्ध है। 2. सभी खण्ड कागज एवं आदीपुत्रा नहीं है। 3. पाटा संख्या- 31/1 में श्री भारा विह एवं श्री मेभला, पाटा सं- 72/2/8 में श्री लाल, पाटा संख्या- 277/1 में श्रीमती सीमा पाटा संख्या- 85/1 में श्री तहरीर श्री इस्लाम एवं श्री प्रमोद एवं पाटा संख्या 273 में श्रीमती सुपुः एवं श्री सुपुः में श्री सुपुः के सुपुः के सुपुः पट्टे स्वीकृत है। 4. प्रस्तावित क्षेत्र के सभी सर्वे अमित जैन एवं श्री मनीष के पत्र में छानन पट्टे स्वीकृत है। 5. प्रस्तावित खण्ड नियम 11 में दिने गने मानक में अनुसार नहीं है। 6. पाटा संख्या- 14/1 संख्या 8.

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6	बजाला	5 6 173/1 174 175 176 177 7 किता 15 26a	उपलब्धता की उपलब्धता पथीरा नहीं है।	उपलब्ध	<p>002 से 100 से 200 से क्षेत्र विस्तार क्षेत्र में सम्मिलित है तथा सर्वो अधिक जल एवं शीतलन को पथीरा में स्वीकृत खनन पट्टे से आवृत्तित है अतः विस्तारित क्षेत्र सुदृश्य है।</p> <p>पथीरा संख्या 8 में सर्वो प्रथम चिह्न, कसीरवा, रणवीर, जयसिंह विन्गल, वरुण सिंह को पथी में आनासे पट्टे स्वीकृत है तथा कृषि हो रही है।</p> <p>- पथीरा संख्या- 173/2, 174, 175, 176 एवं 177 छातीनी में कठामा वर्ज है जिससे उपखनिज की उपलब्धता मर्याद है।</p> <p>- विस्तारित संख्या 18,208 से 0 है परन्तु गौरी पर 13,288 से क्षेत्र है।</p> <p>- पथीरा संख्या-5 एवं पथीरा संख्या- 172/2, 174, 176, 178, 177 को बीना पथीरा संख्या- 80 एवं 79 पर भी गठपुट अर्थात् व अन्य को पथीरा में खनन पट्टा स्वीकृत है।</p> <p>- प्रस्तावित क्षेत्र कावेरत एवं कान्डीगुजस नहीं है।</p> <p>- छपकी की संख्या- चौकाई का अनुपत्त 1 व 4 से निर्धारित मानक को अनुसर नहीं है।</p> <p>- विषयगत प्रस्तावित क्षेत्र में सिन्धु विभाग की मुतास में पथीरा कालकर खनन एवं शक्ति नहर प्रभावित हो रही है, जिसके कारण इन सुरक्षा के दृष्टिकोण रखते हुए खनन पट्टा स्वीकृत किया जाना उचित नहीं है।</p> <p>- उपरोक्त मुद्दों के कारण खनन मार्ग स्वीकृत किया जाता सम्भव नहीं है।</p>
7.	बजाला	11 41/1 133 3 किता 3677	उपलब्धता की उपलब्धता पथीरा नहीं है।	उपलब्ध	<p>- प्रस्तावित क्षेत्र के तहसील भारतीय सेना का क्षेत्र क्षेत्र स्थापित है।</p> <p>- क्षेत्र भारतीय सेना की कार्यरत क्षेत्र को सम्बन्ध है।</p> <p>15वीं छन्द कावेरत एवं कान्डीगुजस नहीं है तथा लम्बान 2</p>

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		69 71 72/3 90 100 101/2 103/2 104 105/3 106/2 107/2 108/2 04/2 25 कित्ता 22.154			<p>दिनांक 2 अगस्त, 2008 तक के लिए खान पट्टा पर स्वीकृत है।</p> <p>8. क्षेत्र पृथक्-पृथक् खण्डों में संगठित है तथा पट्टी मार्ग का अभाव है जिसके कारण निश्चयित क्षेत्र खान पट्टे पर स्वीकृत किये जाने का औचित्य नहीं है।</p> <p>7. कार्यरत खान पट्टों को शक्ति में प्रतिबन्धित किये जाने पर विचार किया जाना सम्भव होगा।</p>
10.	कोठरी बहलोसपुर	210/3 211/2 216/2 221/2 3 156/1,2,3 317 340/1 341/1 318/2 465 477 478 484 485 486 1154/12 1155 1157/3 री 15 18 कित्ता 29.437	संगीत उपलब्ध है।	3 मण्ड	<p>1. प्रस्तावित क्षेत्र 3 मण्ड पृथक्-पृथक् खण्डों में विभाजित है, जो सम्पूर्ण एवं का-लीगुयन नहीं है।</p> <p>2. उपलब्ध घोषित गाटा संख्या-3 में भी अस्तुतः 800 री का शरीर संख्या है एन अगस्त, आन के वृत्त लड़े है।</p> <p>3. प्रस्तावित गाटा संख्या-156/1,2,3 राजम अभिलेखों में उल्लिखित नहीं है परन्तु गाटा संख्या-156 उल्लिखित है जो गौडन (शरत) है।</p> <p>4. गाटा संख्या-317 से 1155 तक में स्थित भूमि प्रधान मंत्री संख्या योजना कोठरी बहलोसपुर से पीलापुडी सम्पूर्ण मार्ग से सटी भूमि है जिसके अन्तर्गत संख्या से 80 मीटर तक खान कार्य प्रतिबन्धित है।</p> <p>5. प्रस्तावित गाटा संख्या-1154 में री 15 का अभाव है परन्तु गाटा संख्या उपलब्ध घोषित नहीं किया गया है।</p> <p>6. गाटा संख्या-1157/3 से 18 क्षेत्रफल 0.610 हेक्टर, इस क्षेत्र में एक पृथक् खण्ड है। यह खण्ड समीपवर्ती री से सटा हुआ है परन्तु इस खण्ड की उपलब्धता संशय का संकेत नहीं देती है। शक्ति में</p>

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				इन क्षेत्रों को खनन पट्टे पर स्वीकृत किया जाना होगा परन्तु वर्तमान में विक्रयित दिनांक 8 दिसम्बर, 2008 के अनुसार स्वीकृत किया जाना उचित नहीं है।
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11. जिलाधिकारी, महारनपुर ने अपने पत्र दिनांक 27 नवम्बर, 2005 के द्वारा यह अवगत कराया है कि विक्रयित दिनांक 8 दिसम्बर, 2005 के द्वारा प्रस्तावित 10 ब्लॉकों के क्षेत्रों में समाहित खण्डों की विधिति निम्नवत् है-

क्र.सं.	ब्लॉक का नाम	क्षेत्रफल (हेक्. मी.)	खण्डों की संख्या
1	हथौदपुर उर्फ गणेशपुर	23,193	4
2	होसपुर पैले	30,128	4
3	गौरानपुर पैला	23,168	6
4	अनी अरका	22,789	1
5	मन्दापुर खण्ड	37,348	8
6	रानी	15,266	3
7	बड़कला	03,177	3
8	इन्दरपुर तालड़ा	13,915	2
9	हथौदपुर उर्फ हिन्दुवाला	22,154	2
10	काठरी बहलोलपुर	58,437	3

12. प्रदेश में बालू, मीरम, बजरी एवं कोरंडर के विगत क्षेत्रों को उत्तर प्रदेश उप खनिज परिहारक नियमावली, 1983 की व्यवस्थाओं के अन्तर्गत परिहार पर स्वीकृत किये जाने विषयक शासनोदेश संख्या- 5687/77-5-2004-8.204जे/95 टो0सी0, दिनांक 18 अक्टूबर, 2004 के प्रसार 3 के उप प्रसार 1ड में निम्नलिखित निर्देश दिये गये हैं:-

(1) विगत क्षेत्रों का सर्वेक्षण करके खण्डों में संगठित किया जाना - विगत क्षेत्रों का सर्वेक्षण भूतल्य एवं धनिकर्म निदेशालय/- जिलाधिकारी के इस पर्याप्त रूप में अधिकृत अधिकारियों द्वारा कतल क्षेत्रों को उपरोक्त प्रसार-2 में दिये गये दिशा निर्देशों के अधीन संगठित एवं तथा उनको संगठित में स्पष्ट रूप से बर्णन कर मानचित्रों की एक-एक प्रति संगठित जिलाधिकारी एवं निदेशालय को अपने प्रसिर्देन सहित उपलब्ध करायी जायेगी।

13. शा.नादेश दिनांक 18 अक्टूबर, 2004 के उक्त प्राविधान से यह स्पष्ट है कि किसी भी क्षेत्र को खनन पट्टे पर स्वीकृत करने के पूर्व उपरोक्त प्रा. संख्याओं से एक computer में संगठित करना आवश्यक है। जिनके उपलब्ध अतिरिक्त प्रा. संख्या में उपलब्ध हो तथा उक्त खनन करने किया जाना अन्य कारणों से प्रतिबंधित हो अर्थात् खनिज संसाधन में उप खनिज की उपलब्धता का अभाव है, कई कारणों से संभव है कि कई भागों में खनन पट्टे विनियम अन्तर्गत के पक्ष में स्वीकृत है। प्राप्त प्रतिवेदन में यह भी प्रतिबन्धित हो रहा है कि संगठित खनिज क्षेत्रों की उपलब्धता का राजस्व अधिकारियों में उचित विधि से अभाव पर ली गई है। उपलब्ध सूचना निर्गत करने के पूर्व ऐसी क्षेत्रों का सर्वेक्षण भी नहीं

14.

कराया गया है, जिसके कारण क्षेत्रों की आकृति उत्तर प्रदेश उप खनिज परिहार विभाग की 1963 के अधिनियम 11 के तहत गठन मानकों को भी पूरा नहीं करते हैं।

15. उत्तर प्रदेश उप खनिज परिहार विभाग, यल्मी, 1963 के अधिनियम 11 के प्रावधान निम्नवत् हैं -

16. पट्टे पर दिए जाने वाले क्षेत्र की लम्बाई- चौड़ाई- खनन पट्टे के आकार किन्ती क्षेत्र की लम्बाई साधारणतया उसकी चौड़ाई के द्वाग गुने से अधिक नहीं होगी।

17. जिलाधिकारी, महाराजपुर द्वारा प्रेषित विभागीय समिति के प्रतिवेदन के अन्वये क्षेत्र से यह स्पष्ट रूप से परिलक्षित है कि ग्राम हरीचपुर उसके तपोवन में खण्ड संख्या- 24, गोरपुर पैले में खण्ड संख्या- 1, ग्राम रोशनपुर पैले के खण्ड संख्या-1, ग्राम रकुवा के खण्ड संख्या- 1 एवं 2 की लम्बाई- चौड़ाई के द्वाग गुना से कहीं अधिक हैं, जिसके कारण इन खण्डों को खनन पट्टे पर स्वीकृत किये जाने के लिये इनकी उपलब्धता घोषित नहीं की जानी चाहिये थी।

18. त्रिसदस्यीय समिति के प्रतिवेदन के अन्वये क्षेत्र से यह भी स्पष्ट है कि ग्राम हरीचपुर वर्षा तपोवन में प्रस्तावित गाटा संख्या- 33/2/8 श्रीमती हसीना एवं फिरदौस तथा गाटा संख्या- 34/3 काननकुली, ग्राम गोरपुर पैले के गाटा संख्या- 23 में श्रीमती लक्ष्मीदा, श्री सुरील कुमार, श्री गदन कुमार, गाटा संख्या-24/4 में श्रीमती सलेलता, श्रीमती शकुन्ता देवी व श्री सुशील कुमारी, ग्राम रोशनपुर पैले के गाटा संख्या-25/1 में श्री माया बिन्दु श्रीमती मेखला, गाटा संख्या- 22/2/8 में श्री लालू, गाटा संख्या- 277/1 में श्रीमती भीमा, गाटा संख्या- 85/14 श्री तहसीर, श्री इलियास एवं श्री प्रमोद, गाटा संख्या- 273 में श्रीमती सुब्रमा एवं श्री सुष्मा, ग्राम रकुवा के गाटा संख्या- 8 में श्री ब्रह्मपाल, श्री कली राम, श्री रणवीर, श्री जयसिंह, श्री सिद्धि पाल, श्री सरण सिंह के पक्ष में, आरामी पट्टे अथवा वृक्षारोपण/ हरियाली पट्टे स्वीकृत हैं। इन गाटाओं में खनिज उपलब्धता नगण्य होने के साथ-साथ क्षुब्ध एवं वृक्षारोपण किया जा रहा है। खनिज की उपलब्धता नगण्य होने की स्थिति में ही क्षुब्ध अथवा वृक्षारोपण हो सकता है, परन्तु क्षेत्र की उपलब्धता घोषित करने के पूर्व इस बात पर भी ध्यान नहीं दिया गया है।

19. त्रिसदस्यीय समिति के प्रतिवेदन से यह तथ्य भी स्पष्ट हो रहा है कि ग्राम बड़कला की सीमा पर भारतीय सेना की पंक्ती स्थापित हैं, जो ग्राम बड़कला, इन्दौर तालड़ा एवं हैदरपुर हिन्दूवाला में परस्तावित चान क्षेत्रों से 2 से 2.5 किमी० की दूरी पर हैं। भारतीय सेना की पंक्ती में सैनिक सैनिक उक्त क्षेत्रों के प्रायः मुहल्ला तथा कामांग करते हैं, जिन के कारण यहाँ आवागमन प्रतिबन्धित किया जाता है। इन क्षेत्रों का समग्र क्षेत्र हरियाली द्वारा आच्छादित है। यह भी उल्लेख किया गया है कि दिनांक 24 नवम्बर, 2006 को भारतीय सेना का एक तोप का गोला, हैदरपुर हिन्दूवाला में गिरा था, जिसके कारण आग लग गई थी। भारतीय सेना का अस्थायी रस्त कौच भी स्थापित होने की सूचना उत्प्रेक्षित की गई है। अतः यह स्पष्ट है कि ग्राम बड़कला, इन्दौर तालड़ा एवं हैदरपुर हिन्दूवाला में प्रस्तावित खनन क्षेत्र, खनन पट्टे पर स्वीकृत किये जाने हेतु भारतीय सेना की मुद्दियां को दृष्टिकोण से उचित नहीं हैं। त्रिसदस्यीय समिति ने यह भी प्रतिवेदित किया है कि प्रस्तावित खनन पट्टों को भी नक्षिण में प्रतिबन्धित किये जाने पर विचार किया जाना उपयुक्त होगा।

20. त्रिसदस्यीय समिति द्वारा इस तथ्य को भी प्रतिवेदित किया गया है कि ग्राम गोरपुर पैले में खनन पट्टे पर स्वीकृत किये जाने के लिये क्षेत्रों की लम्बाई- चौड़ाई- खनन पट्टे के आकार किन्ती क्षेत्र की लम्बाई साधारणतया उसकी चौड़ाई के द्वाग गुने से अधिक नहीं होगी।

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गाटा संख्या- 1157/3 से 15 में स्थित 6.619 हेक्टेयर क्षेत्र खनन हेतु सभी पहलुओं से उपयुक्त है। इसके कारण इस खण्ड की सीमा तक राज्य सरकार को खनन पट्टा स्वीकृत किये जाने हेतु उचित पूर्ण सहमति दिये जाने में कोई बाधा नहीं है।

25 जिलाधिकारी, सहायनपुर ने अपने पत्र संख्या-1007/खनिज, दिनांक 11 नवम्बर, 2006 द्वारा विनयाग क्षेत्रों में पायी गयी कणियों को इंगित करते हुए यह अभिमत उक्तिविध किया है कि उक्त क्षेत्र को उपलब्धता सुचारु विकसित किये जाने में पूर्ण गहन सर्वेक्षण की आवश्यकता थी तथा विज्ञापित क्षेत्रों को कागजात तैयार कराये जाने चाहिये थे जो नहीं बनाये गये हैं। सर्वे रिपोर्ट और नौके की स्थिति में विनयाग है। जिलाधिकारी, सहायनपुर द्वारा यह संस्तुति की गयी है कि विज्ञापित दिनांक 06.12.05 के क्रम में खनन पट्टा स्वीकृत करने हेतु पूर्ण में प्रेषित संस्तुतियों को यदि इन क्षेत्रों को गहन सर्वेक्षण के उपरान्त कम्प्लेट तैयार कराकर पुनः उनकी उपलब्धता विज्ञापित कर 2.00 व्यंस्थापित किया जाये तब सम्भवतः नवीन क्षेत्रों से व्यवसायिक क्रम से खनन कार्य सम्पादित होगा जिसमें न्यूनतम पर्यावरण एवं परिसिध्दतियों के अनुपालन की क्षति होगी।

26 अतएव, उपलब्धता विज्ञापित संख्या- 579/खनिज, दिनांक 6 दिसम्बर 2006 द्वारा खनन पट्टे हेतु उपलब्ध घोषित किये गये सभी क्षेत्रों में से ग्राम कोठरी बहलोलपुर के गाटा संख्या- 1157/3 से 15 संख्या 6.618 हेक्टेयर क्षेत्र को एक कम्प्लेट खण्ड माने छोड़ कर अन्य क्षेत्रों के किये पूर्ण सहमति दिये जाने का औचित्य पूर्व प्रस्तर में उक्तिविधित कारणों के आधार पर नहीं पाया गया है। ग्राम कोठरी बहलोलपुर के गाटा संख्या- 1157/3 से 15 संख्या 6.619 हेक्टेयर जो एक कम्प्लेट खण्ड है तथा इसमें खनिज की पर्याप्त उपलब्धता होने पर उक्त क्षेत्रों को पूर्ण सहमति दी जा सकती है तथा अन्य क्षेत्रों के सम्बन्ध में राज्य सरकार की पूर्ण सहमति नहीं दी जा रही है।

27 जिलाधिकारी, सहायनपुर द्वारा शक्ति विधायक निर्मित दिनांक 22 दिसम्बर 2006 के अनुपालन में दिनांक 6 दिसम्बर, 2006 के अनुभाग 3 जिलाधिकारी सहायनपुर द्वारा पत्र संख्या- 137/खनिज, दिनांक 20 फरवरी, 2006 द्वारा शक्ति की पूर्ण सहमति प्राप्त करने हेतु भेजा गया प्रस्ताव, प्रस्तर 25 में किये अध्यापकों के साथ एतद्द्वारा अन्तिम रूप से विस्तारित किया जात है।

(सजनीश दुबे)
अधिव।

- संख्या- 51/अ.प. (1)/77-5-2006-111/2006, तददिनांक 31
- प्रतिनिधि निम्न की सूचीगत एवं आवश्यक धारणीयों हेतु प्रेषित :-
- (1) जिलाधिकारी सहायनपुर को इस निर्देश के साथ प्रेषित कि शासन के उक्त निर्देश के परिपेक्ष में सभी अवैधानिकों को उपयुक्त सूचना अपने क्षेत्र में विनयाग सुनिश्चित करें।
 - (2) डिप्टी सचिव, भूभाग एवं खनिज, उत्तर प्रदेश सरकार, लखनऊ।
 - (3) जिलाधिकारी, भूभाग एवं खनिज, उत्तर प्रदेश, क्षेत्रीय कार्यालय, साहिबगंज।

34-11-06
29-11-06
[Handwritten signature]

आज्ञा से,
(नवल किशोर)
विनय अधिव।

संख्या- 3575/85-2015-208/2014

प्रेषण

गेन्दन लाल,

संयुक्त सचिव,

उत्तर प्रदेश शासन।

संका में

जिलाधिकारी,

सहारनपुर।

मूद्रा एवं खानिकम् अनुभाग

लखनऊ दिनांक 23 नवम्बर, 2015

विषय- जनपद सहारनपुर के 32 खनन पट्टों के प्रथम नवीनीकरण से द्वितीय नवीनीकरण उपग्रह उपखनिज (परिहार) नियमावली, 1963 के नियम-8 (यथासंशोधित) (38वां संशोधन) के तहत पूर्व सहमति के सम्बन्ध में

महोदय,

उपरोक्त विषयक आपके पत्र संख्या-1318/खनिज/2015-16 दिनांक 08 अक्टूबर, 2015 के माध्यम से खनन पट्टों के प्रथम नवीनीकरण से द्वितीय नवीनीकरण हेतु प्राप्त प्रस्ताव के संदर्भ में मुझे यह कहने का निर्देश हुआ है कि उपग्रह उपखनिज (परिहार) नियमावली, 1963 के नियम-8 (यथासंशोधित) (38वां संशोधन) के प्राविधान के अधीन निम्नलिखित खनन पट्टों की कात्म-4 में अंकित प्रथम नवीनीकरण के शर्तों से द्वितीय नवीनीकरण आगामी 03 वर्ष की अवधि के लिए निम्न शर्तों के अधीन अनुमत्त किया जाता है -

क्र. सं.	पट्टाधारक का विवरण	पट्टा क्षेत्र	द्वितीय नवीनीकरण
1	श्री महेश्वर अली पुत्र श्री अब्दुल बहीद, नि:0 ग्राम मिर्जापुर पोस्ट, तहसील बेहल, जनपद सहारनपुर -2 श्री दिलशाद पुत्र श्री मकसूद नि:0 ग्राम मिर्जापुर पोस्ट, तहसील बेहल, जनपद सहारनपुर	लाट सं: -1, ग्राम शेरपुर पोली, रकबा 13.00 एकड़	दिनांक 19.11.2015 से आगामी 03 वर्ष लिए। तक
2	श्री महेश्वर अली पुत्र श्री अब्दुल बहीद, नि:0 ग्राम मिर्जापुर पोस्ट, तहसील बेहल, जनपद सहारनपुर -2 श्री दिलशाद पुत्र श्री मकसूद नि:0 ग्राम मिर्जापुर पोस्ट, तहसील बेहल, जनपद सहारनपुर	लाट सं: -4, ग्राम रहना, रकबा 25.50 एकड़	दिनांक 19.11.2015 से आगामी 03 वर्ष लिए।
3	श्री महेश्वर अली पुत्र श्री अब्दुल बहीद नि:0 ग्राम मिर्जापुर पोस्ट, तहसील बेहल, जनपद सहारनपुर -2 श्री दिलशाद पुत्र श्री मकसूद नि:0 ग्राम मिर्जापुर पोस्ट, तहसील बेहल, जनपद सहारनपुर	लाट सं: -5, ग्राम रहना, रकबा 25.50 एकड़	दिनांक 18.11.2015 से आगामी 03 वर्ष लिए।

4	1. श्री इनाम पुत्र श्री अब्दुल वहीद, नि० ग्रामक मिर्जापुर पो. तहसील बेहट, जनपद सहारनपुर-2 2. श्री महमूद आलम पुत्र श्री अब्दुल वहीद नि० ग्राम मिर्जापुर पो. तहसील बेहट, जनपद सहारनपुर	लाट सं० -12, ग्राम गणेशपुर, रकबा 16 92 एकड़	दिनांक 18.11.2015 से आगामी 03 वर्ष लिए।
5	1. श्री इनाम पुत्र श्री अब्दुल वहीद, नि० ग्रामक मिर्जापुर पो. तहसील बेहट, जनपद सहारनपुर-2 2. श्री महमूद आलम पुत्र श्री अब्दुल वहीद नि० ग्राम मिर्जापुर पो. तहसील बेहट, जनपद सहारनपुर	लाट सं० -13, ग्राम नीरगपुर, रकबा 31. 00 एकड़	दिनांक 14.8.2015 से आगामी 03 वर्ष लिए।
6	1. श्री इनाम पुत्र श्री अब्दुल वहीद, नि० ग्रामक मिर्जापुर पो. तहसील बेहट, जनपद सहारनपुर-2 2. श्री महमूद आलम पुत्र श्री अब्दुल वहीद नि० ग्राम मिर्जापुर पो. तहसील बेहट, जनपद सहारनपुर	लाट सं० -18 ग्राम अज्जा अहतामपुर, रकबा 26.00 एकड़	दिनांक 31.10.2015 से आगामी 03 वर्ष लिए।
7	1. श्री अमित जैन पुत्र श्री नरेन्द्र कुमार जैन, नि० 65, महावीर कालोनी, चितकाना रोड, सहारनपुर-2 श्री नसीम पुत्र श्री अब्दुल गफर नि० ग्राम मिर्जापुर पो. तहसील बेहट, सहारनपुर	लाट सं० -17 ग्राम अकबरपुर बांस, रकबा 36.00 एकड़	दिनांक 31.10.2015 से आगामी 03 वर्ष लिए।
8	1. श्री अमित जैन पुत्र श्री नरेन्द्र कुमार जैन, नि० 60, महावीर कालोनी, चितकाना रोड, सहारनपुर-2 श्री नसीम पुत्र श्री अब्दुल गफर नि० ग्राम मिर्जापुर पो. तहसील बेहट, सहारनपुर	लाट सं० 21 ग्राम अलाउद्दीनपुर बांस, रकबा 49.00 एकड़	दिनांक 31.10.2015 से आगामी 03 वर्ष लिए।
9	1. श्री अमित जैन पुत्र श्री नरेन्द्र कुमार जैन, नि० 66, महावीर कालोनी, चितकाना रोड, सहारनपुर-2 श्री नसीम पुत्र श्री अब्दुल गफर नि० ग्राम मिर्जापुर पो. तहसील बेहट, सहारनपुर	लाट सं० -27 ग्राम मायापुर रुपपुर, रकबा 36.72 एकड़	दिनांक 31.10.2015 से आगामी 03 वर्ष लिए।
10	1. श्री विकास अग्रवाल पुत्र श्री नाहर सिंह, नि० पुरान मकान 42 नया नं० 138/1, जयदेवी नगर, गढ़ रोड, पं० हात पता 12/10, आशीर्वाद एन्क्लेव, चरखेता रोड, देहरादून उत्तराखण्ड, 2. श्री वाजिद पुत्र श्री मी० इकबाल नि० ग्राम मिर्जापुर पो. तहसील बेहट, सहारनपुर	लाट सं० -29 ग्राम बादशाहपुर, रकबा 33.00 एकड़	दिनांक 28.11.2015 से आगामी 03 वर्ष लिए।
11	1. श्री महमूद अली पुत्र स्व० श्री अब्दुल वहीद, नि० ग्राम मिर्जापुर पो. तहसील बेहट, सहारनपुर-2 श्री मुकेश जैन पुत्र स्व० श्री नरेन्द्र कुमार जैन, नि० महावीर कालोनी, चितकाना रोड, सहारनपुर-3 श्री पुनीत जैन पुत्र स्व० श्री नरेन्द्र कुमार जैन, नि० न्यू कृष्ण नगर, चितकाना रोड, सहारनपुर हाल नि० महिन नगर जी०एन०एफ० रोड, देहरादून उत्तराखण्ड	लाट सं० -30 ग्राम रसुली उर्फ रसूलपुर, रकबा 06.00 एकड़	दिनांक 14.8.2015 से आगामी 03 वर्ष लिए।
12	1. श्री महमूद अली पुत्र स्व० श्री अब्दुल वहीद, नि० ग्राम मिर्जापुर पो. तहसील बेहट, सहारनपुर-2 श्री मुकेश जैन पुत्र स्व० श्री नरेन्द्र कुमार जैन, नि० महावीर कालोनी, चितकाना रोड, सहारनपुर-3 श्री पुनीत जैन पुत्र स्व० श्री नरेन्द्र कुमार जैन, नि० न्यू कृष्ण नगर, चितकाना रोड, सहारनपुर हाल नि०	लाट सं० -37 ग्राम मुनियारी अहतामपुर, रकबा 80.00 एकड़	दिनांक 14.8.2015 से आगामी 03 वर्ष लिए।

13	मोहित नगर जी०एम०एस० रोड देहरादून. उत्तराखण्ड	1 श्री महमूद अली पुत्र स्व० श्री अब्दुल वहीद, नि० ग्राम मिर्जापुर पोस्ट, तहसील बेहट, जनपद सहारनपुर-2 श्री युकेश जैन पुत्र स्व० श्री नरेन्द्र कुमार जैन, नि० धरवीर कालोनी, चिलकाना रोड, सहारनपुर-3 श्री सुनील जैन पुत्र स्व० श्री नरेन्द्र कुमार जैन, नि० न्यू इच्छा नगर, चिलकाना रोड सहारनपुर हाल नि० मोहित नगर जी०एम०एस० रोड, देहरादून, उत्तराखण्ड	लाट सं० -43 ग्राम जसलगपुर बरथा, रकबा 3060 एकड़	दिनांक 05.11.2015 से आगामी 03 वर्ष के लिए।
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14	श्री महमूद अली पुत्र श्री अब्दुल वहीद, नि० ग्राम मिर्जापुर पोस्ट, तहसील बेहट, जनपद सहारनपुर -2 श्री दिलशाद पुत्र श्री मकसूद नि० ग्राम मिर्जापुर पोस्ट, तहसील बेहट, जनपद सहारनपुर	लाट सं० -3, ग्राम रहना, रकबा 19.80 एकड़	दिनांक 05.4.2012 से आगामी 03 वर्ष के लिए।
15	श्री महमूद अली पुत्र श्री अब्दुल वहीद, नि० ग्राम मिर्जापुर पोस्ट, तहसील बेहट, जनपद सहारनपुर -2 श्री दिलशाद पुत्र श्री मकसूद नि० ग्राम मिर्जापुर पोस्ट, तहसील बेहट, जनपद सहारनपुर	लाट सं० -6, ग्राम फौजाबाद, रकबा 30.63 एकड़	दिनांक 05.4.2012 से आगामी 03 वर्ष के लिए।
16	श्री महमूद अली पुत्र श्री अब्दुल वहीद, नि० ग्राम मिर्जापुर पोस्ट, तहसील बेहट, जनपद सहारनपुर -2 श्री दिलशाद पुत्र श्री मकसूद नि० ग्राम मिर्जापुर पोस्ट, तहसील बेहट, जनपद सहारनपुर	लाट सं० -7, ग्राम फौजाबाद, रकबा 6.00 एकड़	दिनांक 05.4.2012 से आगामी 03 वर्ष के लिए।
17	श्री महमूद अली पुत्र श्री अब्दुल वहीद, नि० ग्राम मिर्जापुर पोस्ट, तहसील बेहट, जनपद सहारनपुर -2 श्री दिलशाद पुत्र श्री मकसूद नि० ग्राम मिर्जापुर पोस्ट, तहसील बेहट, जनपद सहारनपुर	लाट सं० -8, ग्राम फौजाबाद, रकबा 17.00 एकड़	दिनांक 05.4.2012 से आगामी 03 वर्ष के लिए।
18	श्री गौडनाम पुत्र श्री अब्दुल वहीद, नि० ग्रामक मिर्जापुर पोस्ट, तहसील बेहट, जनपद सहारनपुर -2 श्री महमूद आलम पुत्र श्री अब्दुल वहीद नि० ग्राम मिर्जापुर पोस्ट, तहसील बेहट, जनपद सहारनपुर	लाट सं० -10, ग्राम धापल इस्नाइलपुर, रकबा 30.00 एकड़	दिनांक 05.4.2012 से आगामी 03 वर्ष के लिए।
19	1 श्री गौडनाम पुत्र श्री अब्दुल वहीद, नि० ग्रामक मिर्जापुर पोस्ट, तहसील बेहट, जनपद सहारनपुर -2 श्री महमूद आलम पुत्र श्री अब्दुल वहीद नि० ग्राम मिर्जापुर पोस्ट, तहसील बेहट, जनपद सहारनपुर	लाट सं० -11, ग्राम धापल इस्नाइलपुर, रकबा 17.30 एकड़,	दिनांक 05.4.2012 से आगामी 03 वर्ष के लिए।
20	1 श्री गौडनाम पुत्र श्री अब्दुल वहीद, नि० ग्रामक मिर्जापुर पोस्ट, तहसील बेहट, जनपद सहारनपुर 2 श्री महमूद आलम पुत्र श्री अब्दुल वहीद नि० ग्राम मिर्जापुर पोस्ट, तहसील बेहट, जनपद सहारनपुर	लाट सं० -15 ग्राम फतेहपुर पेलो रकबा 15.44 एकड़	दिनांक 05.4.2012 से आगामी 03 वर्ष के लिए।

21	1 श्री सोहनम पुत्र श्री अब्दुल गहीर, नि० ग्रामक मिर्जापुर पोत तहसील बेहट, जनरद सहायनपुर 2 श्री महमूद आलम पुत्र श्री अब्दुल गहीर नि० ग्राम मिर्जापुर पोत, तहसील बेहट, जनरद सहायनपुर	लाट सं० -16, ग्राम फांडपुर पेडा, रकबा 12.35 एकड़	दिनांक 05.4.2012 आगामी 03 वर्ष के लिए
22	1 श्री अमित जैन पुत्र श्री नरेन्द्र कुमार जैन, नि० 66 महावीर कालोनी, चिलकाना रोड, सहायनपुर 2 श्री नसीम पुत्र श्री अब्दुल गफूर, नि० ग्राम मिर्जापुर पोत, तहसील बेहट, सहायनपुर	लाट सं० -20, ग्राम गढती अहममाल, रकबा, 30.00 एकड़	दिनांक 05.4.2012 आगामी 03 वर्ष के लिए
23	1 श्री अमित जैन पुत्र श्री नरेन्द्र कुमार जैन, नि० 66 महावीर कालोनी, चिलकाना रोड, सहायनपुर 2 श्री नसीम पुत्र श्री अब्दुल गफूर, नि० ग्राम मिर्जापुर पोत, तहसील बेहट, सहायनपुर	लाट सं० -22, ग्राम जयन्तीपुर बांस अहममाल, रकबा, 9.88 एकड़	दिनांक 05.4.2012 आगामी 03 वर्ष के लिए
24	1 श्री अमित जैन पुत्र श्री नरेन्द्र कुमार जैन, नि० 66 महावीर कालोनी, चिलकाना रोड, सहायनपुर 2 श्री नसीम पुत्र श्री अब्दुल गफूर, नि० ग्राम मिर्जापुर पोत, तहसील बेहट, सहायनपुर	लाट सं० -23, ग्राम जयन्तीपुर बांस अहममाल, रकबा, 9.68 एकड़	दिनांक 05.4.2012 से आगामी 03 वर्ष के लिए
25	1 श्री अमित जैन पुत्र श्री नरेन्द्र कुमार जैन, नि० 66 महावीर कालोनी, चिलकाना रोड, सहायनपुर 2 श्री नसीम पुत्र श्री अब्दुल गफूर, नि० ग्राम मिर्जापुर पोत, तहसील बेहट, सहायनपुर	लाट सं० -24, ग्राम जयन्तीपुर बांस अहममाल, रकबा, 19.00 एकड़	दिनांक 05.4.2012 से आगामी 03 वर्ष के लिए
26	1 श्री अमित जैन पुत्र श्री नरेन्द्र कुमार जैन, नि० 66 महावीर कालोनी, चिलकाना रोड, सहायनपुर 2 श्री नसीम पुत्र श्री अब्दुल गफूर, नि० ग्राम मिर्जापुर पोत, तहसील बेहट, सहायनपुर	लाट सं० -28, ग्राम भावपुर रुपपुर रकबा, 23.00 एकड़	दिनांक 05.4.2012 आगामी 03 वर्ष के लिए
27	1 श्री अमित जैन पुत्र श्री नरेन्द्र कुमार जैन, नि० 66 महावीर कालोनी, चिलकाना रोड, सहायनपुर 2 श्री नसीम पुत्र श्री अब्दुल गफूर, नि० ग्राम मिर्जापुर पोत, तहसील बेहट, सहायनपुर	लाट सं० -28, ग्राम बादशाहपुर रकबा, 22.00 एकड़	दिनांक 05.4.2012 आगामी 03 वर्ष के लिए
28	1 श्री विकास अग्रवाल पुत्र श्री गहर सिंह, नि० पुराना म० न० 42 नया न० 136/1, जयदेवी नगर, गड रोड, मरठ, हाल पता 12/10, आशीषाद एन्केलेव, चक्रोता रोड, देहरादून उत्तराखण्ड, 2 श्री वाजिद पुत्र श्री मी० इकबाल, नि० ग्राम मिर्जापुर पोत, तहसील बेहट	लाट सं० -30, ग्राम झुंरहालीपुर रकबा, 25.50 एकड़	दिनांक 05.4.2012 आगामी 03 वर्ष के लिए
29	1 श्री विकास अग्रवाल पुत्र श्री गहर सिंह, नि० पुराना म० न० 42 नया न० 136/1, जयदेवी नगर, गड रोड, मरठ, हाल पता 12/10, आशीषाद एन्केलेव, चक्रोता रोड, देहरादून उत्तराखण्ड, 2 श्री वाजिद पुत्र श्री मी० इकबाल, नि० ग्राम मिर्जापुर पोत, तहसील बेहट	लाट सं० -31, ग्राम झुंरहालीपुर रकबा, 48.32 एकड़	दिनांक 05.4.2012 आगामी 03 वर्ष के लिए
30	1 श्री विकास अग्रवाल पुत्र श्री गहर सिंह, नि० पुराना म० न० 42 नया न० 136/1, जयदेवी नगर, गड रोड, मरठ, हाल पता 12/10, आशीषाद एन्केलेव, चक्रोता रोड, देहरादून उत्तराखण्ड, 2 श्री वाजिद पुत्र श्री मी० इकबाल, नि० ग्राम मिर्जापुर पोत, तहसील बेहट	लाट सं० -33, ग्राम कनूवाला पहड़पुर रकबा, 18.30 एकड़	दिनांक 05.4.2012 आगामी 03 वर्ष के लिए

31	1 श्री विकास अग्रवाल पुत्र श्री नाहर सिंह, नि० पुराना म० नं० 42 तथा नं० 136/1, जयदेवी नगर, गढ़ रोड, मेरठ हास पता 12/10, अशीवाद एन्क्लेव, प्रकटेरा रोड, देहरादून उत्तराखण्ड 2 नं० गजिद पुत्र श्री मी० इकबाल नि० ग्राम मिर्जापुर पोल, तराई क्षेत्र	लाट सं० -34 ग्राम जालुवाला जहानपुर रवाडा, 48.32 एकड़	दिनांक 05.4.2012 आगामी 03 वर्ष के लिए
32	1 श्री विकास अग्रवाल पुत्र श्री नाहर सिंह, नि० पुराना म० नं० 42 तथा नं० 136/1, जयदेवी नगर, गढ़ रोड, मेरठ, हास पता 12/10, अशीवाद एन्क्लेव, प्रकटेरा रोड, देहरादून उत्तराखण्ड, 2 नं० गजिद पुत्र श्री मी० इकबाल नि० ग्राम मिर्जापुर पोल, तराई क्षेत्र	लाट सं० -39 ग्राम टटोहल, नकसा 23.00 एकड़	दिनांक 05.4.2012 आगामी 03 वर्ष के लिए

(1) खनन पट्टों का पट्टा वितेड का निष्पादन नियमावली, 1963 के नियम-14 प्रावधानों के अधीन किया जायेगा।

(2) उक्त अर्द्धि हेतु खनन की अनुमति देने से पूर्व यह सुनिश्चित कर लिया जाए कि उ०प्र० एप खनिज (परिहार) नियमावली, 1963 तथा संशोधित तथा उसके अधीन समय-समय पर निर्गत शासनदेशों का अनुपालन सुनिश्चित कर लिया जाये।

(3) मा० सर्वोच्च न्यायालय, मा० उच्च न्यायालय, इलाहाबाद एवं लखनऊ स्पर्धपीठ लखनऊ तथा अन्य सक्षम न्यायालय द्वारा पारित आदेशों, यदि कोई हो के अनुक्रम में नियमानुसार कार्यवाही भी सुनिश्चित कर ली जाये।

(4) नियमानुसार रायट्टी/शुल्क आदि, यदि कोई देय है, तो जमा कराने के उपरान्त ही खनन सकिया हेतु अनुमति दी जाये।

भरदीप

(गोन्दन लाल)
संयुक्त सचिव

ITEM NO.41

COURT NO.4

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).6689/2018

(Arising out of impugned final judgment and order dated 27-02-2018 in WC No. 8054/2018 passed by the High Court of Judicature at Allahabad)

WAJID ALI

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(WITH I.R. and IA No.36199/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.36198/2018-EXEMPTION FROM FILING O.T.)

Date : 23-03-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Yatindra Singh, Sr. Adv.
Mr. S.G. Hasnain, Sr. Adv.
Mr. Mohd. Zahid Hussain, Adv.
Mr. Kamal Mohan Gupta, AOR
Mr. Umang Tripathi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Exemption from filing C/C of the impugned judgment
and exemption from filing O.T. granted.

Issue notice.

In the meanwhile, there shall be a stay of the
auction insofar as the lease of the petitioner is
concerned, i.e., Lot No.34.

Validity unknown
Digitally signed by
MEENAKSHI KPHLI
Date: 2018.03.23
13:34:16 +05'30'
Reason:

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER



सत्यमेव जयते

INDIA NON JUDICIAL
Government of Uttar Pradesh

e-Stamp



Certificate No. : IN-UP07884628989745S
 Certificate Issued Date : 12-Jun-2020 06:42 PM
 Account Reference : NONACC (SV)/ up14105604/ SAHARANPUR/ UP-SM7
 Unique Doc Reference : SUBIN-UPUP14105604092926742892805
 Purchased by : RAJESH KUMAR SO RANBIR SINGH
 Description of Document : Article 35 Lease
 Property Description : LAND GATA NO. 14/1 AT VILLAGE MAYAPUR ROOPPUR, TEHSIL BEHAT DIST. SAHARANPUR AREA-3.10 HECT.
 Consideration Price (Rs.) :
 First Party : DISTRICT OFFICER SAHARANPUR
 Second Party : RAJESH KUMAR SO RANBIR SINGH
 Stamp Duty Paid By : RAJESH KUMAR SO RANBIR SINGH
 Stamp Duty Amount (Rs.) : 34,15,180
 (Thirty Four Lakh Fifteen Thousand One Hundred And Eighty only)



Please write or type in the box.

प्रपत्र- एम.एम. 6

खनन के लिए नीलाभी पट्टे का आदर्श प्रपत्र-(नियम 29)

यह अनुबन्ध आज दिनांक 15-06-2020 दिन शुक्रवार को उत्तर प्रदेश के राज्यपाल (जिन्हें आगे "राज्य सरकार" कहा गया है, जिसे पदावधि के अन्तर्गत यदि सन्दर्भ से ऐसा ग्राह्य हो, उत्तराधिकारी तथा अगिहस्ताकिली भी समझे जायेंगे), एक पक्ष और

जिला खनन अधिकारी
सहारनपुर

0010579519
जिला अधिकारी
सहारनपुर

यदि पट्टेदार व्यक्ति विशेष हो: श्री राजेश कुमार पुत्र श्री रणवीर सिंह निवासी गढ़ी बीरबल तहसील इन्ड्री जिला करगाल हरियाणा (व्यक्ति का नाम पता और व्यवसाय) जिसे आगे "पट्टेदार" कहा गया है, जिस पदावधि के अन्तर्गत, यदि सन्दर्भ से ऐसा ग्राह्य हो उसके दायद, निष्पादक, प्रशासक तथा प्रतिनिधि भी समझे जायेंगे) दूसरा पक्ष

उत्तर प्रदेश उपखनिज (परिहार) नियमावली, 1963 (जिसे आगे "उक्त नियमावली" कहा गया है) के अनुसार किये गये नीलामी में 68750 घन मीटर उपखनिज बालू/बजरी/बोल्डर के लिए पट्टेदार द्वारा ₹0 401/- प्रति घन मीटर की दर से प्रथम वर्ष हेतु ₹0 2,79,69,750/- तथा अनुवर्ती वर्षों में गत वर्ष की देय धनराशि पर 10 प्रतिशत वृद्धि करके देय होगा। राज्य सरकार द्वारा खनन पट्टे के लिए 05 वर्ष के निमित्त एतद्घीन लिखित अनुसूची के भाग-1 में वर्णित भूमि कुल रकबा 3.10 हे० पांच वर्षों के लिए स्वीकार कर लिया गया है और उसने/उन्होंने प्रतिभूति स्वरूप ₹0 89,92,438/- तथा प्रथम किस्त ₹0 55,93,950/- कोषागार चालान सं० बी 700031 दिनांक 06.02.2020 एवं चालान संख्या ए 900035 दिनांक 09.01.2020 द्वारा राज्य सरकार के पास जमा कर दी है।

यह इसका साक्ष्य है कि इस उपस्थापन-पत्र और निम्नलिखित अनुसूची द्वारा रक्षित और उसमें दिये गये पट्टेदार की ओर से भुगतान किये जाने वाले, फालन तथा सम्पादन किये जाने वाले स्वामित्वों, प्रसविदाओं तथा अनुबन्धों के प्रतिफल में राज्य सरकार एतद्द्वारा पट्टेदार को निम्नलिखित प्रदान और पट्टा-तरित करता है।

उपखनिज बालू/बजरी/बोल्डर (बादशाहीवाग राव गढ़ी) (यहां खनिज/खनिजों का उल्लेख किया जाय) जिन्हें आगे और अभिदिष्ट अनुसूची में "उक्त" "खनिज" कहा गया है, की समस्त खान तल्प (bed) संदर सीम्स (veins seams) जो उक्त अनुसूची के भाग-1 में अभिदिष्ट भूमि में या उसके नीचे स्थित हों, के साथ जिसके सम्बन्ध में उन प्रतिबन्धों तथा शर्तों के अधीन रहते हुए प्रयोग या उपयोग किया जायेगा। जो ऐसी स्वतंत्रताओं, अधिकारों तथा विशेष अधिकारों का प्रयोग तथा उपयोग करने के बारे में हो सिवाय इसके और इसमें से आरक्षित उक्त नियमावली में उल्लिखित स्वतंत्रताओं, अधिकार तथा विशेष अधिकार राज्य सरकार में पट्टान्तरित हो जायेंगे। दिनांक 15.06.2020 से 14.06.2026 (पांच वर्ष हेतु) की आगामी अवधि के लिए पट्टेदार की एतद्द्वारा दिए गए पदान्तरित ऐसे भू-गृहादि धारण करना, जिनसे खनिज निकालने लगे और राज्य सरकार को उक्त अनुसूची के भाग-2 में उल्लिखित स्वामित्वों का भुगतान उसमें निर्दिष्ट भिन्न-भिन्न समयों पर होने लगे, किन्तु प्रतिबन्ध यह है कि ऐसा उक्त भाग के उपबन्धों के अधीन हो और पट्टेदार एतद्द्वारा राज्य सरकार के साथ प्रसविदा करता है/ करते हैं और राज्य सरकार एतद्द्वारा पट्टेदार/

जिला खनन अधिकारी
सहारनपुर

पट्टेदारों के साथ प्रामाणिकता करती है, जैसा कि उक्त नियमावली में अभिव्यक्ति है और एतद्वारा इसके साथ दिये गये पक्षों के बीच परस्पर सहमत हुआ है और जैसा कि उक्त अनुसूची के भाग-3 में अभिव्यक्ति है।

(ऊपर अभिदिष्ट अनुसूची)

भाग-1

इस पट्टे का क्षेत्र

पट्टे का स्थान और क्षेत्र : यह रागस्त भू-खण्ड, जो जिला सहरनपुर की तहसील बेहट के अन्तर्गत स्थित ग्राम मायापुर रूपपुर के (बादशाहीबाग राव नदी) में (क्षेत्र तथा क्षेत्रों का विवरण) स्थित है और उसकी भू-कर सर्वेक्षण संख्याएँ गाटा सं० 14/1 रकबा 3.10 हे० क्षेत्रफल है और जिसका चित्रण इसमें संलग्न नक्शों में किया गया है और उसे लाल रंग से रंजित (coloured) किया गया है और जिसकी सीमाये निम्नलिखित हैं:-

खनन क्षेत्र का कोऑर्डिनेट्स:-

ग्राम	A	B	C	D
मायापुर	N-30°19'21.41"	N-30°19'17.62"	N-30°19'13.68"	N-30°19'17.44"
रूपपुर	E-77°38'26.35"	E-77°38'30.56"	E-77°38'25.07"	E-77°38'20.78"

और जिसे एतद्वारा "उक्त भू-खण्ड" कहा गया है।

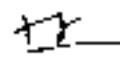
भाग-2

इस पट्टे द्वारा संरक्षित स्वामित्व

स्वामित्व की धनराशि : (1) पट्टेदार, इस पट्टे की अवधि में राज्य सरकार को पट्टे पर दिये गये क्षेत्र में उसके/उनके द्वारा हटाये गये मिश्रित उपखनिज बालू/बोल्डर/बजरी (यमुना नदी) के सम्बन्ध में निम्नलिखित स्वामित्व का भुगतान करेगा/करेंगे।




जिला खनन अधिकारी
सहरनपुर


जिला खनन अधिकारी
सहरनपुर

आवेदन सं०: 202008781085663

श्री सं० ।

रजिस्ट्रेशन सं० 4389

वर्ष: 2020

निष्पादन लेखपत्र वाद सुनने व समझने मजमून व प्राप्त घनतापि के प्रमाणानुसार उक्त

पट्टा श्रुति: 1

इस बात से संतुष्ट हो जाने पर कि इस लेखपत्र का निष्पादन श्री उपर जिम्माधिकारी द्वारा,

ने अपने पद के अधिकार से किया है इसलिए उनकी उपस्थिति और हस्ताक्षरों की आवश्यकता नहीं है और लेखपत्र रजिस्ट्रीकरण के लिए स्वीकार किया गया।



पट्टा गृहीतः ।

श्री राजेश कुमार, बघवीर सिंह

निवासी: गडी बौरबल तह० इन्दी जिला करनाल पद००००००
एच०आर०:03/0087893

व्यवसाय अन्य



ने निष्पादन स्वीकार किया । जिनकी पहचान

पहचानकर्ता: 1

श्री सुस्तकीस चौधरी, पुत्र श्री जगिद हसन

निवासी: कसेपुर खेडा तहसील यमुनातगर जिला 6662 1101
1486

व्यवसाय अन्य



पहचानकर्ता: 2

श्री कुलविन्दर, पुत्र श्री ईश्वर सिंह

निवासी: राठी बिरबल इन्दी करनाल आ००० 5936 891 74081

व्यवसाय अन्य



रजिस्ट्रीकरण अधिकारी के हस्ताक्षर

ने जी । प्रत्यक्षतः मद्र साक्षियों के निशान अगूठे नियमानुसार लिए गए हैं ।

टिप्पणी

निबंधक विभाग

(पंचम अनुसूची)

जमा की गयी ई-निविदा/ई-नीलाम की धनराशि जमा की अनुसूची

नियम - 27(3)

जमा की जाने वाली धनराशि का माह	माहवार देय धनराशि का विवरण				
	प्रथम वर्ष 2020-21 की किरा रा० 2,79,89,750/- रु० 55,93,850/- अधिम रूप से जमा	द्वितीय वर्ष 2021-22 किरा रा० 61,53,345/-	तृतीय वर्ष 2022-23 किरा रा० 67,66,680/-	चतुर्थ वर्ष 2023-24 किरा रा० 74,45,548/-	पंचम वर्ष 2024-25 किरा रा० 81,90,103/-
01, June	27,98,875/-	30,76,673/-	33,84,340/-	37,22,774/-	40,95,052/-
01, October	27,98,875/-	30,76,673/-	33,84,340/-	37,22,774/-	40,95,052/-
01, November	27,98,875/-	30,76,673/-	33,84,340/-	37,22,774/-	40,95,052/-
01, December	27,98,875/-	30,76,673/-	33,84,340/-	37,22,774/-	40,95,052/-
01, January	27,98,875/-	30,76,673/-	33,84,340/-	37,22,774/-	40,95,052/-
01, February	27,98,875/-	30,76,673/-	33,84,340/-	37,22,774/-	40,95,052/-
01, March	27,98,875/-	30,76,673/-	33,84,340/-	37,22,774/-	40,95,052/-
01, April	27,98,875/-	30,76,673/-	33,84,340/-	37,22,774/-	40,95,052/-
01, May	27,98,875/-	30,76,673/-	33,84,340/-	37,22,774/-	40,95,052/-

स्वामित्व कटौती आदि से मुक्त होगा : (2) (इस भाग में उल्लिखित स्वामित्व की किश्तों का भुगतान बिना किसी कटौतियों के राज्य सरकार को 0853- अलौह खनन तथा धातुकर्म उद्योग-102-खनिज रियायत शुल्क किराया और स्वत्व शुल्क, 01 खनिज रियायत शुल्क और स्वत्व शुल्क सरकारी कोषागार में जमा करके किया जायेगा तथा चालान की एक प्रति जिलाधिकारी को भेजी जायेगी।) नियम 58 (2) के अन्तर्गत कुल देय धनराशि के सापेक्ष प्रतिभूति धनराशि का सामायोजन करने के पश्चात अवशेष धनराशि का वसूली प्रमाण पत्र जारी किया जायेगा।

स्वामित्वों का समय पर भुगतान न किया जाये तो कार्यवाही की प्रक्रिया : (3) यदि किसी उपस्थान पत्र (present) की शर्तों और प्रातिबन्धों के अधीन राज्य सरकार को देय स्वामित्व की किसी किश्त का भुगतान पट्टेदार/पट्टेदारों द्वारा नियत समय के भीतर न किया जाये तो उसे ऐसे अधिकारी के, जिसे राज्य सरकार सामान्य विशिष्ट आज्ञा द्वारा निर्दिष्ट करें, प्रमाण पत्र पर उसी रीति से वसूल करी जा सकती है जैसे मालगुजारी का बकाया।

Ranjit

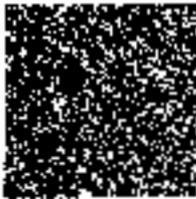
Ju
जिला खनन अधिकारी
बिलासपुर

td

INDIA NON JUDICIAL
Government of Uttar Pradesh

e-Stamp

Certificate No.	: IN-UP07635012062815S
Certificate Issued Date	: 20/07/2020
Account Reference	: NONACC (SVY up14105604/ SAHARANPUR/ UP-SHR
Unique Doc. Reference	: SUBIN-UPUP1410560409208910235879S
Purchased by	: SANJAY BHATIA SO ANAND PRAKASH
Description of Document	: Article 35 Lease
Property Description	: LAND GATA NO.179/2 AT VILLAGE REHNA TEHSIE BEHAT,SAHARANPUR
Consideration Price (Rs.)	:
First Party	: DISTRICT OFFICER SAHARANPUR
Second Party	: SANJAY BHATIA SO ANAND PRAKASH
Stamp Duty Paid By	: SANJAY BHATIA SO ANAND PRAKASH
Stamp Duty Amount(Rs.)	: 32,88,600 (Thirty Two Lakh Eighty Eight Thousand Six Hundred only)



Please write or type below this line.

प्रपत्र- एम.एम. 6

खनन के लिए नीलामी पट्टे का आदर्श प्रपत्र-(नियम 29)

उपरोक्त से निजाम किया
कर के अन्तर्गत जारी किया

श. वेद कुमार निजाम

यह अनुबन्ध आज दिनांक 06-06-2020 दिन शुक्रवार को उत्तर प्रदेश के राज्यपाल (जिन्हें आगे "राज्य सरकार" कहा गया है, जिसे पदावधि के अन्तर्गत यदि सन्दर्भ से ऐसा ग्राह्य हो, उत्तराधिकारी तथा अभिहस्तांकित भी समझे जायेंगे), एक पक्ष और

Sanjay Bhatia

जिला खनन अधिकारी

0010575852

Stamp Duty Alert: The stamp duty is levied on the value of the property as shown in the certificate. The stamp duty is payable by the purchaser of the property. The stamp duty is payable in cash or by demand draft. The stamp duty is payable to the Government of Uttar Pradesh. The stamp duty is payable to the Government of Uttar Pradesh. The stamp duty is payable to the Government of Uttar Pradesh.

यदि पट्टेदार व्यक्ति विशेष हो: श्री संजय माटिया पुत्र स्व० श्री आनन्द माटिया निवासी 1/472, रामचन्द्रपुरी, मैदा मिल फाटक, थाना कुतुबशेर, जनपद सहारनपुर (व्यक्ति का नाम पता और व्यवसाय) जिसे आगे "पट्टेदार" कहा गया है, जिस पदावधि के अन्तर्गत, यदि सन्दर्भ से ऐसा ग्राह्य हो उसके दायता, निष्पादक, प्रशासक तथा प्रतिनिधि भी समझे जायेंगे) दूसरा पक्ष

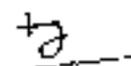
उत्तर प्रदेश उपखनिज (परिहार) नियमावली, 1963 (जिसे आगे "उक्त नियमावली" कहा गया है) के अनुसार किये गये गोलामी में 67500 घन मीटर उपखनिज बालू/बजरी/बोल्डर के लिए पट्टेदार द्वारा ₹0 399/- प्रति घन मीटर की दर से प्रथम वर्ष हेतु ₹0 2,89,32,500/- तथा अनुवर्ती वर्षों में गत वर्ष की देय धनराशि पर 10 प्रतिशत वृद्धि करके देय होगा। राज्य सरकार द्वारा खनन पट्टे के लिए 05 वर्ष के निमित्त एतद्द्वारा लिखित अनुसूची के भाग-1 में वर्णित भूमि कुल रकबा 3.75 है० पांच वर्षों के लिए स्वीकार कर लिया गया है और उराने/उन्होंने प्रतिभूति स्वरूप ₹0 87,33,125/- तथा प्रथम किस्ता ₹0 53,86,500/- कोषागार चालान सं० बी 700031 दिनांक 06.02.2020 एवं चालान संख्या ए 900040 दिनांक 09.01.2020 द्वारा राज्य सरकार के पास जमा कर दी है।

यह इसका साक्ष्य है कि द्वारा उपस्थापन-पत्र और निम्नलिखित अनुसूची द्वारा रक्षित और उसमें दिये गये पट्टेदार की ओर से भुगतान किये जाने वाले, पालन तथा सम्पादन किये जाने वाले स्वामित्व, प्रसविदाओं तथा अनुबन्धों के प्रतिफल में राज्य सरकार एतद्द्वारा पट्टेदार को निम्नलिखित प्रदान और पट्टान्तरित करता है।

उपखनिज बालू/बजरी/बोल्डर (यमुना नदी) (यहां खनिज/खनिजों का उल्लेख किया जाय) जिन्हें आगे और अभिदिष्ट अनुसूची में "उक्त" "खनिज" कहा गया है, की समस्त खान तल्प (bed) संदर सीन्स (veins seams) जो उक्त अनुसूची के भाग-1 में अभिदिष्ट भूमि में या उराके नीचे स्थित हो, के साथ जिराके सम्बन्ध में उन प्रतिबन्धों तथा शर्तों के अधीन रहते हुए प्रयोग या उपयोग किया जायेगा। जो ऐसी स्वतंत्रताओं, अधिकारों तथा विशेष अधिकारों का प्रयोग तथा उपयोग करने के बारे में हो सिवाय इसके और इसमें से आरक्षित उक्त नियमावली में उल्लिखित स्वतंत्रताओं, अधिकार तथा विशेष अधिकार राज्य सरकार में पट्टान्तरित हो जायेंगे। दिनांक 06-06-2020 से 05-06-2025 (पांच वर्ष हेतु) की आगामी अवधि के लिए पट्टेदार की एतद्द्वारा दिए गए पदान्तरित ऐसे भू-गृहादि धारण करना, जिनसे खनिज निकालने लगे और राज्य सरकार को उक्त अनुसूची के भाग-2 में उल्लिखित स्वामियों का भुगतान उसमें निर्दिष्ट भिन्न-भिन्न समयों पर होने लगे, किन्तु प्रतिबन्ध यह है कि ऐसा उक्त भाग के उपबन्धों के अधीन हो और पट्टेदार एतद्द्वारा राज्य




जिला खनन अधिकारी
सहारनपुर



एतद्द्वारा राज्य
कोई अवधि में पत्र
को पत्र
को पत्र
को पत्र

सरकार के साथ प्रसविदा करता है/ करती हैं और राज्य सरकार एतद्वारा पट्टेदार/ पट्टेदारों के साथ प्रसविदा करती है, जैसा कि उक्त नियमावली में अभिव्यक्ति है और एतद्वारा इसके साथ दिये गये पक्षों के बीच परस्पर सहमत हुआ है और जैसा कि उक्त अनुसूची के भाग-3 में अभिव्यक्ति है।

(ऊपर अभिविष्ट अनुसूची)

भाग-1

इस पट्टे का क्षेत्र

पट्टे का स्थान और क्षेत्र : यह समस्त भू-खण्ड, जो जिला सहारनपुर की तहसील बेहट के अन्तर्गत स्थित ग्राम रहना के नदी गैसरा रें में (क्षेत्र तथा क्षेत्रों का विवरण) स्थित है और उसकी भू-कर सर्वेक्षण संख्याएँ गाटा सं० 179/2 रकबा 3.75 हे० क्षेत्रफल है और जिसका चित्रण इसमें सलग्न नक्शों में किया गया है और उसे लाल रंग से रंजित (coloured) किया गया है और जिसकी सीमायें निम्नलिखित हैं:-

खनन क्षेत्र का कोऑर्डिनेट्स:-

ग्राम	A	B	C	D
रहना	N-30°19'56.61" E-77°36'32.69"	N-30°19'54.45" E-77°36'35.03"	N-30°19'47.72" E-77°36'20.40"	N-30°19'49.81" E-77°36'18.31"

और जिसे एतद्वारा "उक्त भू-खण्ड" कहा गया है।

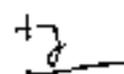
भाग-2

इस पट्टे द्वारा संरक्षित स्वामित्व

स्वामित्व की धनराशि - (1) पट्टेदार, इस पट्टे की अवधि में राज्य सरकार को पट्टे पर दिये गये क्षेत्र रें उराके/उनके द्वारा हटाये गये मिश्रित उपखनिज बालू/बोल्डर/बजरी (यगुना नदी) के राम्बन्ध में निम्नलिखित स्वामित्व का भुगतान करेगा/करेंगे।




जिला खनन अधिकारी
सहारनपुर



जिला खनन अधिकारी
सहारनपुर

आवेदन सं०: 20200701003954

वही सं०: 1

रजिस्ट्रेशन सं०: 3155

वर्ष: 2020

निष्पादन लेखपत्र कोद सुनने व समझने मजसुम व प्राप्त पत्राशि उ प्रलेखानुसार उक्त

पट्टा काता: 1

इस बात से संतुष्ट हो जाने पर कि इस लेखपत्र का निष्पादन श्री उ०प्र० राज्य सरकार से जिल्हाधिकारी स०पुर, ने अपने पद के अधिकार से किया है इसलिए उनकी उपरिलेखित और हस्ताक्षरों की आवश्यकता नहीं है और लेखपत्र रजिस्ट्रीकरण के लिए स्वीकार किया गया.



पट्टा नहीता: 1

श्री राजेश भाटिया, आनन्द भाटिया

निवासी: 1/472 रामधन्वपुरी मीट मिल फाटक वनपट्टा स०पुर आ०न० 9110 6382 7458

व्यवसाय: अन्य



ने निष्पादन स्वीकार किया। जिसकी पहचान

पहचानकर्ता: 1

श्री प्रिमाशु, पुत्र श्री मुकेश कुमार

निवासी: सतारपेपर मिल रोड टंगौर स०पुर आ०न० 9734 2580 0386

व्यवसाय: अन्य



पहचानकर्ता: 2

श्री मदीग खान, पुत्र श्री अ० हनिम खान

जि० सी० खाताखोडी बरकत कॉलोनी स०पुर आ०न० 7478 7774 3449

व्यवसाय: अन्य



रजिस्ट्रीकरण अधिकारी के हस्ताक्षर

राजेन्द्र कुमार
उप निबंधक : स०पुर
सहारनपुर

ने की। प्रत्यक्षतः मद्र साक्षियों के चिह्न अंगूठे निम्नानुसार लिए गए हैं।
दिग्गामी:

निबंधक सिद्धिक

(पंचम अनुसूची)

जमा की गयी ई-निविदा/ई-नीलाम की धनराशि जमा की अनुसूची

नियम - 27(3)

जमा की जाने वाली धनराशि का माह	माहवार देय धनराशि का विवरण				
	प्रथम वर्ष 2020-21 की किश्त रु०	द्वितीय वर्ष 2021-22 किश्त रु०	तृतीय वर्ष 2022-23 किश्त रु०	चतुर्थ वर्ष 2023-24 किश्त रु०	पंचम वर्ष 2024-25 किश्त रु०
01, June	2,69,32,500 /-	2,98,25,750 /-	3,26,88,326 /-	3,56,47,158 /-	3,84,31,874 /-
01, October	२६,९३,२५० /-	२९,६२,५७५ /-	३२,५६,८३३ /-	३५,६४,७१६ /-	३९,४३,१६८ /-
01, November	२६,९३,२५० /-	२९,६२,५७५ /-	३२,५६,८३३ /-	३५,६४,७१६ /-	३९,४३,१६८ /-
01, December	२६,९३,२५० /-	२९,६२,५७५ /-	३२,५६,८३३ /-	३५,६४,७१६ /-	३९,४३,१६८ /-
01, January	२६,९३,२५० /-	२९,६२,५७५ /-	३२,५६,८३३ /-	३५,६४,७१६ /-	३९,४३,१६८ /-
01, February	२६,९३,२५० /-	२९,६२,५७५ /-	३२,५६,८३३ /-	३५,६४,७१६ /-	३९,४३,१६८ /-
01, March	२६,९३,२५० /-	२९,६२,५७५ /-	३२,५६,८३३ /-	३५,६४,७१६ /-	३९,४३,१६८ /-
01, April	२६,९३,२५० /-	२९,६२,५७५ /-	३२,५६,८३३ /-	३५,६४,७१६ /-	३९,४३,१६८ /-
01, May	२६,९३,२५० /-	२९,६२,५७५ /-	३२,५६,८३३ /-	३५,६४,७१६ /-	३९,४३,१६८ /-

स्वामित्व कटौती आदि से मुक्त होगा : (2) (इस भाग में उल्लिखित स्वामित्व की किश्तों का भुगतान बिना किसी कटौतियों के राज्य सरकार को 0853- अलौह खनन तथा धातुकर्म उद्योग 102 -खनिज रियायत शुल्क किराया और स्वत्व शुल्क, 01 खनिज रियायत शुल्क और स्वत्व शुल्क सरकारी कोषागार में जमा करके किया जायेगा तथा चालान की एक प्रति जिलाधिकारी को भेजी जायेगी।) नियम 58 (2) के अन्तर्गत कुल देय धनराशि के सापेक्ष प्रातिभूति धनराशि का समायोजन करने के पश्चात् अवशेष धनराशि का वसूली प्रमाण पत्र जारी किया जायेगा।

स्वामित्वों का समय पर भुगतान न किया जाये तो कार्यवाही की प्रक्रिया : (3) यदि किसी उपस्थापन पत्र (present) की शर्तों और प्रतिबन्धों के अधीन राज्य सरकार को देय स्वामित्व की किसी किश्त का भुगतान पट्टेदार/पट्टेदारों द्वारा नियत समय के भीतर न किया जाये तो उसे ऐसे अधिकारी के जिसे राज्य सरकार सामान्य विशिष्ट आज्ञा द्वारा निर्दिष्ट करें, प्रमाण पत्र पर उसी रीति से वसूल की जा सकती है जैसे मालगुजारी का बकाया।



दिला धन अधिकारी
सहरनपुर

- 2

जिलाधिकारी
सहरनपुर



सत्यमेव जयते

(1)

INDIA NON JUDICIAL

Government of Uttar Pradesh



e-Stamp

181
198

Certificate No.	: IN-UP07717584883725S
Certificate Issued Date	: 20-Jun-2020 10:58 AM
Account Reference	: NONACC (SV)/ up14105604/ SAHARANPUR/ 14105604090954713S
Unique Doc. Reference	: SUBIN-UPUP14105604090954090954713S
Purchased by	: SATYENDER KUMAR SO VIRENDER SINGH
Description of Document	: Article 35 Lease
Property Description	: LAND LOT NO 3, AREA- 8.05 HECTI AT VILLAGE -REHNA, TEHSIL BEHAT, SAHARANPUR
Consideration Price (Rs.)	:
First Party	: DISTRICT OFFICER SAHARANPUR
Second Party	: SATYENDER KUMAR SO VIRENDER SINGH
Stamp Duty Paid By	: SATYENDER KUMAR SO VIRENDER SINGH
Stamp Duty Amount (Rs.)	: 30,81,500 (Thirty Three Lakh Eighty One thousand Five Hundred only)



Please write or type below this line

प्रपत्र- एम.एम. 6

खनन के लिए नीलामी पट्टे का आदर्श प्रपत्र-(नियम 29)

यह अनुबंध आज दिनांक 20.06.2020 दिन शनिवार को उत्तर प्रदेश के राज्यपाल (जिन्हें आगे "राज्य सरकार" कहा गया है, जिसे पदावधि के अंतर्गत यदि सन्दर्भ से ऐसा मान्य हो उत्तराधिकारों तथा अधीनस्थताकेती भी समझे जाएंगे), एक पक्ष और

जिला खनन अधिकारी
सहारनपुर

+91

9017579555

यदि पट्टेदार व्यक्ति विशेष हो: श्री सत्येन्द्र कुमार पुत्र श्री विरेन्द्र सिंह निवासी ग्राम व पोस्ट खैरा, नजफगढ़ नई दिल्ली (व्यक्ति का नाग पता और व्यवसाय) जिसे आगे "पट्टेदार" कहा गया है, जिसका पदावधि के अन्तर्गत, यदि सन्दर्भ से ऐसा ग्राह्य हो उसके वायाद, निष्पादक, प्रशासक तथा प्रतिनिधि भी सनझे जायेंगे) दूसरा पक्ष

उत्तर प्रदेश उपखनिज (परिहार) नियमावली, 1983 (जिसे आगे "उक्त नियमावली" कहा गया है) के अनुसार किये गये नीलामी में 1,38,462 घन मीटर उपखनिज बालू/बजरी/बोल्डर के लिए पट्टेदार द्वारा रू० 200/- प्रति घन मीटर की दर से प्रथम वर्ष हेतु रू० 2,76,92,400/- तथा अनुवर्ती वर्षों में गत वर्ष की देय धनराशि पर 10 प्रतिशत वृद्धि करके देय होगा। राज्य सरकार द्वारा खनन पट्टे के लिए 05 वर्ष के निमित्त एतदधीन लिखित अनुसूची के भाग 1 में वर्णित भूमि कुल रकबा 8.05 है० पांच वर्षों के लिए स्वीकार कर लिया गया है और उसने/उन्होंने प्रतिभूति स्वरूप रू० 69,23,100/- तथा प्रथम किस्त रू० 55,38,480/- कोषागार बालान सं० सी 500084 दिनांक 05.03.2020 एवं बालान संख्या बी 600091 दिनांक 06.02.2020 द्वारा राज्य सरकार के पास जमा कर दी है।

यह इसका साक्ष्य है कि इस उपस्थापन-पत्र और निम्नलिखित अनुसूची द्वारा रक्षित और उसमें दिये गये पट्टेदार की ओर से भुगतान किये जाने वाले, पालन तथा सम्पादन किये जाने वाले स्वामित्वों, प्रसंविदाओं तथा अनुबन्धों के प्रतिफल में राज्य सरकार एतद्वारा पट्टेदार को निम्नलिखित प्रदान और पट्टेदारान्तरित करता है।

उपखनिज बालू/बजरी/बोल्डर (यमुना नदी) (यहां खनिज/खनिजों का उत्खनन किया जाय) जिन्हें आगे और अभिदिष्ट अनुसूची में "उक्त" "खनिज" कहा गया है, की समस्त खान तलम (bed) संदर सीम्स (veins seams) जो उक्त अनुसूची के भाग-1 में अभिदिष्ट भूमि में या उसके नीचे स्थित हो, के साथ जिसके सम्बन्ध में उन प्रतिबन्धों तथा शर्तों के अधीन रहते हुए प्रयोग या उपयोग किया जायेगा। जो ऐसी स्वतंत्रताओं, अधिकारों तथा विशेष अधिकारों का प्रयोग तथा उपयोग करने के बारे में हो सिवाय इसके और इसमें से आरक्षित उक्त नियमावली में उल्लिखित स्वतंत्रताओं, अधिकार तथा विशेष अधिकार राज्य सरकार में पट्टेदारान्तरित हो जायेंगे। दिनांक 20-05-2020 से 19-05-2025 (पांच वर्ष हेतु) की आगामी अवधि के लिए पट्टेदार की एतद्वारा दिए गए पट्टेदारान्तरित ऐसे भू-गृहादि धारण करना, जिनसे खनिज निकालने लगे और राज्य सरकार को उक्त अनुसूची के भाग-2 में उल्लिखित स्वामित्वों का भुगतान उसमें निर्दिष्ट भिन्न-भिन्न राशियों पर होने लगे, किन्तु प्रतिबन्ध यह है कि ऐसा उक्त भाग के उपबन्धों के अधीन हो और पट्टेदार एतद्वारा राज्य सरकार के साथ प्रसंविदा करता है/ करते हैं और राज्य सरकार एतद्वारा पट्टेदार/

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सहारनपुर

Signature

(3)

पट्टेदारों के साथ प्रसंविदा करती है, जैसा कि उक्त नियमावली में अभिव्यक्ति है और एतद्वारा इसके साथ दिये गये पक्षों के बीच परस्पर सहमत हुआ है और जैसा कि उक्त अनुसूची के भाग-3 में अभिव्यक्ति है।

(ऊपर अभिदिष्ट अनुसूची)

भाग-1

इस पट्टे का क्षेत्र

पट्टे का स्थान और क्षेत्र : यह समस्त भू-खण्ड, जो जिला सहारनपुर की तहसील बेहत के अन्तर्गत स्थित ग्राम रहना के यमुना नदी में (क्षेत्र तथा क्षेत्रों का विवरण) स्थित है और उसकी भू-कर सर्वेक्षण संख्यायें गाटा सं० 03 लाट संख्या-3 रकबा 8.05 हे० क्षेत्रफल है और जिसका चित्रण इसमें संलग्न नक्शों में किया गया है और उरो लाल रंग से रंजित (coloured) किया गया है और जिसकी सीमाये निम्नलिखित है:-

खनन क्षेत्र का कोऑर्डिनेट्स:-

ग्राम	A	B	C	D
रहना	N-30°21'36.45" E-77°36'05.61"	N-30°21'29.62" E-77°36'0.26"	N-30°21'37.95" E-77°35'50.38"	N-30°21'41.71" E-77°36'02.50"

और जिसे एतद्वारा "उक्त भू-खण्ड" कहा गया है।

भाग-2

इस पट्टे द्वारा संरक्षित स्वामित्व

स्वामित्व की धनराशि : (1) पट्टेदार, इस पट्टे की अवधि में राज्य सरकार को पट्टे पर दिये गये क्षेत्र में उसके/उसके द्वारा हटाये गये मिश्रित उपखनिज बालू/बोल्डर/बजरी (यमुना नदी) के सम्बन्ध में निम्नलिखित स्वामित्व का भुगतान करेगा/करेगे।

Satish

[Signature]
जिला खनन अधिकारी
सहारनपुर

[Signature]

अवैधान सं०: 282800701004479

वही सं०: 1

रजिस्ट्रेशन सं०: 3470

वर्ष: 2020

निम्नान्न लेखक के सुनिर्णय सामझाने मजमून व प्राप्त धनराशि क प्रसंगानुसार अकाउंट

बंद करा गया है।

इस बात से संतुष्ट हो जाने पर कि इस लेखक का निम्नान्न श्री उत्तर प्रदेश सरकार द्वारा जिना खानम अधिकारी ने अपने पद के अधिकार से किया है इसलिए उनकी व्यक्तिगत और हस्ताक्षरों की आवश्यकता नहीं है और लेखक रजिस्ट्रीकरण के लिए स्वीकार किया गया।



पट्टा नुमाई: 1

श्री सत्येन्द्र कुमार, विरेन्द्र सिंह

निवासी: खैरा नजफगढ़ नई दिल्ली आ०न० 5528 0747 5738

व्यवसाय: अन्य



ने निम्नान्न स्वीकार किया। निम्नकी पहचान

पहचानकर्ता: 1

श्री वेदप्रकाश तिवारी, पुत्र श्री भूदय प्रसाद तिवारी

निवासी: हिम्मतनगर स०पुर आ०न० 8994 0305 2189

व्यवसाय: अन्य

पहचानकर्ता: 2



श्री शशि यादव, पुत्र श्री मंगल सिंह यादव

निवासी: सूरज निवास पालरा रोड नुरपुर झारसा संक० 68

बादशाहपुर गुजरात आ०न० 8634 1111 51028

व्यवसाय: अन्य



रजिस्ट्रीकरण अधिकारी के हस्ताक्षर

राजेश्वर कुमार (निर्वाही)

उप निरीक्षक: क्षेत्र

सहजपुर

ने की। प्रत्यक्षत-मद्र साक्षियों के निशान अंगूठे नियमानुसार लिए गए हैं।

टिप्पणी:

निबंधक सिद्धिक

(पंचम अनुसूची)

जमा की गयी ई-निविदा/ई-नीलाम की धनराशि जमा की अनुसूची

नियम - 27(3)

जमा की जाने वाली धनराशि का माह	माहवार देय धनराशि का विवरण				
	प्रथम वर्ष 2020-21 की किस्त रु०	द्वितीय वर्ष 2021-22 की किस्त रु०	तृतीय वर्ष 2022-23 की किस्त रु०	चतुर्थ वर्ष 2023-24 की किस्त रु०	पंचम वर्ष 2024-25 की किस्त रु०
	2,76,92,400/-	3,04,61,040/-	3,33,07,804/-	3,68,58,585/-	4,05,44,444/-
01, June	रु० 65,28,480/- अंतिम रूप से जमा	60,92,325/-	67,01,581/-	75,71,717/-	81,08,889/-
01, October	27,89,240/-	30,46,164/-	33,50,781/-	36,85,859/-	40,54,445/-
01, November	27,89,240/-	30,46,164/-	33,50,781/-	36,85,859/-	40,54,445/-
01, December	27,89,240/-	30,46,164/-	33,50,781/-	36,85,859/-	40,54,445/-
01, January	27,89,240/-	30,46,164/-	33,50,781/-	36,85,859/-	40,54,445/-
01, February	27,89,240/-	30,46,164/-	33,50,781/-	36,85,859/-	40,54,445/-
01, March	27,89,240/-	30,46,164/-	33,50,781/-	36,85,859/-	40,54,445/-
01, April	27,89,240/-	30,46,164/-	33,50,781/-	36,85,859/-	40,54,445/-
01, May	27,89,240/-	30,46,164/-	33,50,781/-	36,85,859/-	40,54,445/-

स्वामित्व कटौती आदि से मुक्त होगा : (2) (इस भाग में उल्लिखित स्वामित्व की किस्तों का भुगतान बिना किसी कटौतियों के राज्य सरकार को 0853 अलौह खनन तथा धातुकर्म उद्योग-102-खनिज रियायत शुल्क किराया और स्वत्व शुल्क, 01 खनिज रियायत शुल्क और स्वत्व शुल्क सरकारी कोषागार में जमा करके किया जायेगा तथा चालान की एक प्रति जिलाधिकारी को भेजी जायेगी।) नियम 58 (2) के अन्तर्गत कुल देय धनराशि के सापेक्ष प्रतिभूति धनराशि का समायोजन करने के पश्चात अवशेष धनराशि का वसूली प्रमाण पत्र जारी किया जायेगा।

स्वामित्वों का समय पर भुगतान न किया जाये तो कार्यवाही की प्रक्रिया : (3) यदि किसी उपस्थापन पत्र (present) की शर्तों और प्रतिबन्धों के अधीन राज्य सरकार को देय स्वामित्व की किसी किस्त का भुगतान पट्टेदार/पट्टेदारों द्वारा नियत समय के भीतर न किया जाये तो उसे ऐसे अधिकारी के, जिसे राज्य सरकार साभान्य विशिष्ट आज्ञा द्वारा निर्दिष्ट करें, प्रमाण पत्र पर उसी रीति से वसूल की जा सकती है जैसे मालगुजारी का बकाया।

Signature

Signature
जिला खनन अधिकारी
सहारनपुर

Signature

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**CIVIL APPEAL NO.4 OF 2016**
(ARISING OUT OF SLP (CIVIL) NO.28249 OF 2015)

RAMAKANT DWIVEDI ...APPELLANT

VERSUS

RAFIQ AHMAD & ORS. ...RESPONDENTS

J U D G M E N T**ADARSH KUMAR GOEL, J.**

1. Leave granted. This appeal has been preferred against order dated 18th June, 2015 passed by the High Court of Judicature at Allahabad in PIL No.35233 of 2015 granting an interim order against excavation of minor minerals by the appellant in respect of lease executed in his favour on 17th October, 2013.

2. In the impugned order, the High Court observed that lease granted to the appellant was in violation of its judgments dated 29th January, 2013 in ***Nar Narain Mishra versus The State of U.P.***¹ and dated 12th September,

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2014 **Sukhan Singh versus State of U.P.**². In **Nar Narain Mishra**, the operative part of the High Court order is as follows :

“In the result, all the writ petitions are disposed with the following directions :

1) *The prayers made by the petitioners/applicants for considering their applications for renewal of their mining leases which were pending on 31/5/2012, and the applications for grant of fresh leases which were pending on 31/5/2012 are refused.*

2) *The Government Order dated 26/7/2012 and all consequent steps taken thereunder are quashed.*

3) *Notices issued by the District Magistrate inviting applications by E-tendering consequent to the Government Order dated 31/5/2012, cannot be allowed to be finalized and are quashed with liberty to the respondents to issue fresh notice in accordance with law.*

4) *Parties shall bear their own costs.”*

3. According to the appellant, on 27th April, 2013, the pre-existing lease in his favour which expired on 18th November, 2010, was renewed for further period of three years upto 26th April, 2016. Approval was granted on 14th March, 2011 and environmental clearance was granted on 21st September, 2012. It is submitted that order of the Government dated 31st May, 2012 was not applicable and was later withdrawn on 22nd October, 2014 and thus, the lease was valid.

2 2014(11) ADJ 89

4. This submission though also supported by the State, cannot be accepted. The High Court has rightly held that the renewal was in pursuance of the Government Order dated 26th February, 2013 which itself was in conflict with the order of the High Court in **Nar Narain Mishra** (supra) as reiterated in **Sukhan Singh** (supra). In view of order of the High Court dated 29th January, 2013 in **Nar Narain Mishra (supra)** all pending applications as on 31st May, 2012 stood rejected. In the case of the appellant, environmental clearance was granted on 21st September, 2012 and renewal was granted on 27th April, 2013. Orders of the High Court in **Nar Narain Mishra** and **Sukhan Singh (supra)** which are not under challenge clearly debarred the grant of lease under Chapter II after 31st May, 2012. This aspect has been dealt with in greater detail in Civil Appeal Nos.4845-4846 of 2015 titled Sulekhan Singh & Co. versus State of U.P. with which the present appeal was tagged, which is being separately decided today. Stand of the State, to the contrary, can also not be appreciated. Reference may be made to the finding recorded by the High Court in the impugned order:

“A Division Bench in the case of Nar Narain Mishra v. State of U.P. and others reported in 2013 (2) ADJ 166, after interpreting the Government Order dated 31.5.2012 recorded as principle of law, that once notification has

been published by the State Government in exercise of powers under Rule 23 of the Rules 1963, for vacant areas being available for grant of leases under Chapter IV of Rules, 1963, no grant/renewal on the pending applications can be made, after 31.5.2012. The State was not satisfied with the legal position so explained. It came out with a Government Order dated 26.2.2013, which provided that pending applications, for renewal/grant in respect of which orders of approval have already been made by the State Government or by the competent authority shall not be controlled by the judgment in the case of Nar Narain Mishra (Supra) such cases may be processed further.

This Government Order dated 26.2.2013 came up for consideration before another Division Bench of this Court in the case of Sukkhan Singh v. State of U.P. and others reported in 2014 (11) ADJ 89. The Division Bench has held that the Government Order dated 26.2.2013 cannot deviate from the legal position, as has been explained in the case of Nar Narain Mishra (Supra).

It, therefore, follows that no application which was pending on 31.5.2012 can be proceeded with for grant/renewal of lease under Chapter II/VI of the Minor Minerals Concession Rules, 1963 after 31.5.2012. The grant, if any, after 31.5.2012 can only be made under Chapter IV of the Rules of 1963 Le. by e-auction or tendering. The State and its Officers have shown little or no respect to the orders of this Court.

xxx

Prima facie, we find no substance in the contention raised. In our opinion, once a notification dated 31.5.2012 had been issued declaring that all the vacant areas are available for grant of lease only under Chapter IV, no lease subsequent thereto under Chapter VI could be executed. The area remains vacant till the execution of the lease deed. The Execution of the lease in the facts of the case has taken place after 31.5.2012. Mere

grant/approval in our opinion will not alter the legal position.

The concern of the Court is both, in respect of best use of natural resources by the State as well as for avoiding the degradation of environment, especially near the river beds."

5. Last submission on behalf of the appellant is that on 22nd October, 2014 the State of U.P. has declared that the mining leases will be given under Chapter II and Order dated 31st May, 2012 was withdrawn. In the present case, lease was granted in violation of judgment of the High Court as already noted. Subsequent withdrawal of the Government order dated 31st May, 2012 could not benefit the appellant as on the date of grant of lease in favour of the appellant, the said Government order was operative.

6. In these circumstances, we do not find any ground to interfere with the impugned interim order and leave the issue on merits to be finally decided by the High Court.

7. The appeal is dismissed.

.....].

[ANIL R. DAVE]

.....].

[ADARSH KUMAR GOEL]

NEW DELHI
JANUARY 04, 2016

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.4845-4846 OF 2015

WITH

CIVIL APPEAL NOS.4847-4850 OF 2015

SULEKHAN SINGH & CO. & ORS ...APPELLANTS

VERSUS

STATE OF U.P. & ORS. ...RESPONDENTS

J U D G M E N T

ADARSH KUMAR GOEL, J

1. These appeals by special leave have been preferred against order dated 6th February, 2015 in Civil Misc. Review Application Nos.5064 and 5065 of 2015 and order dated 15th December, 2014 in Civil Misc. Writ Petition Nos.38034, 38064, 12622 and 12663 of 2014 passed by the High Court of Judicature at Allahabad.

2. The question for consideration is whether the High Court was justified in quashing mining lease granted in favour of the appellants vide orders dated 24th May, 2014

and 26th May, 2014 on the ground that the said leases were granted in violation of the Government Order (G.O.) dated 31st May, 2012. Under this order, mining leases could only be granted under Chapter IV of the U.P. Minor Minerals (Concession) Rules, 1963 (the Rules) by way of e-tendering in the interest of transparency and to safeguard the public revenue.

3. Appellants Sulekhan Singh and company were the petitioners in the High Court in Civil Miscellaneous Writ Petition Nos. 12663 of 2014. The appellants Manoj Kumar Sood and Makhan Singh were jointly the petitioners in the High Court in Civil Miscellaneous Writ Petition Nos. 12622 of 2014. They sought direction for grant of mining lease. Upon grant of lease in pursuance of interim order in their favour, Mohammad Aakil and Masihul Khan private respondents herein, sought cancellation of mining leases granted to the appellants.

4. The Mines and Mineral (Development and Regulation) Act, 1957 (MMDR) provides for development and regulation of mines and minerals. Section 15 provides for making rules by the State Governments for regulating grant of mining leases and other matters in respect of 'minor minerals'. The State of U. P. framed the Rules in

exercise of the said power. The Rules contain two sets of procedure for grant of mining lease. Chapter IV of the Rules provides for grant of lease by auction while Chapter II provides for grant of lease otherwise than by way of auction. Prior to 31st May, 2012, the leases were being granted in the State of Uttar Pradesh under Chapter II. G.O. dated 31st May, 2012 changed this practice, providing that:

“To bring transparency in connection of approval of mining lease in the state, the decision has been taken to grant lease through e-tendering system by inviting tenders under the provisions of chapter-4 of Uttar Pradesh Minor Minerals (Concession) Rules, 1963. By this step, by lifting the minor minerals on remission, the transparency would increase and along with that competition would take place and due to that State Government would get maximum rate.”

5. The above change of policy appears to be consistent with the position of law that State largesse ought to be distributed by non arbitrary method consistent with Article 14 of the Constitution³.

6. It is a matter of public knowledge that the Government of India appointed a Commission of Inquiry consisting of Shri Justice M.B. Shah, a former Judge of this

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(2012) 3 SCC 1 *Centre for Public Interest Litigation Vs. Union of India*; (2012) 10 SCC 1 *Natural Resources Allocation, in Re, Special Reference No.1 of 2012*; (2014) 9 SCC 516 *Manohar Lal Sharma Vs. Principal Secretary* and (2014) 6 SCC 590 *Goa Foundation Vs. Union of India*

Court, *inter alia*, to enquire into the deficiencies of management and regulatory and monitoring systems on account of which illegal mining could not be tackled, vide notification dated 22nd November, 2010. The Commission was also to suggest remedial measures. The said Commission gave its reports, including report dated March, 2012 (in respect of State of Goa), June, 2013 (in respect of the State of Odisha) and October, 2013 (in relation to the State of Jharkhand). In its report for the State of Goa, the Commission found that procedure for grant of lease/renewal of lease required streamlining for transparency. It was further suggested that the authority to decide the applications should be a committee headed by Additional Chief Secretary (instead of a lower rank officer) and should also have representatives from Departments of Mines, Revenue, Forest and Environment. It was also suggested that mining leases should be granted by public auction for transparency and increase in revenue of the State and also to check corruption/favoritism.

7. In its report submitted in June, 2013, in relation to the State of Orissa, referring to a letter of the Chief

Minister of Orissa, it was inter alia observed by the Shah Commission:

“Competitive bidding should be the general methodology for grant of lease of the finite valuable national resources.”

8. These developments led to policy changes to ensure fairness and transparency in allotment of mineral concessions and optimal utilization of mineral resources through sustainable mining practices. Policy changes include 2015 amendment to the MMDR and amendments to rules by some of the States, providing for auction as predominant way of giving mining leases.

9. The G.O. dated 31st May 2012, passed by the State of U. P. came to be challenged before the High Court *inter alia* on the ground that applications already made prior to 31st May, 2012 were required to be dealt with without applying the G.O. dated 31st May, 2012. This plea was rejected by the High Court vide its judgment dated 29th January, 2013 in **Nar Narain Mishra Vs. The State of U.P.**⁴. Special leave petition filed against the High Court judgment was dismissed by this Court⁵. The Division Bench of the High Court relied upon judgment of this Court

⁴ 2013(2) ADJ 166

⁵ SLP (Civil) No.14372/2013, dismissed on 3.3.2014.

in **State of Tamil Nadu Vs. M/s. Hind Stone**⁶ and held that pendency of application did not create any vested right for the application being considered otherwise than by way of order dated 31st May, 2012. The High Court upheld the stand of the State which was as follows :

“The State stand is that there is no inviolable rights of renewal in a lease and the right of consideration of the renewal and the claim of renewal of the lease have to be dealt with in accordance with the Rules as existing at the relevant time. It is submitted that declaration under Chapter IV having been issued all areas stand notified for settlement under Chapter IV, the renewal of lease cannot be granted since renewal can be granted only in accordance with the procedure prescribed under Chapter II which provision is no more applicable. When the State issued the Government Order on 31.5.2012 applying the same to all vacant areas, it intended to apply the Government Order on the areas which were not occupied. No exception has been provided in the Government order exclude out those areas in respect of which renewal applications are pending. An application for renewal of lease is in essence an application for grant of lease and same principle has to be applied with regard to applications which are pending for grant of lease and on similar analogy, if the submissions of the petitioners are to be accepted those areas on which applications for grant of lease have been submitted should also be kept out of purview of the Government Order dated 31.5.2012. No such intention or object is decipherable from the Government order. By subsequent Government Order dated 5.9.2012, the State Government has provided that those areas where renewal has been sanctioned or granted on or before 5.9.2012, shall not be settled under Chapter IV.”

6 1981 (2) SCC 205

10. The High Court also rejected the objection that the order dated 31st May, 2012 was required to be confined only to "Boulder" and did not extend to "Building Stone".

It was observed :

"Government Order dated 31/5/2012, uses the word "Boulder". However, the Government Order dated 31/5/2012, does not confine to the word "Boulder" which is found in the Riverbed. The word "Boulder" can be used for the minerals which is found in the Riverbed as well as the mineral which is found "In situ rock deposit". Petitioner's case in the writ petition is that since the word "Boulder" is found only in the Riverbed, the Government Order dated 31/5/2012, does not cover "Imarti Patthar" is misconceived since the Government Order dated 31/5/2012, does not confine the word "Boulder" to one which is found in the Riverbed. In this context a look of 1st Schedule and 2nd Schedule to the Rules, 1963 makes it clear that the word "Boulder" is included in the heading "Building Stone" as well as when found in mixed form in the Riverbed."

11. Further, following the judgment of this Court in **Deepak Kumar Vs. State of Haryana⁷**, the High Court directed that measures for protection of environment as noted by this Court be adopted while granting mining leases.

12. The High Court held that no direction for grant of a lease contrary to G.O. dated 31st May, 2012 could be issued and cancelled all applications pending on 31st May,

7 2012 (4) SCC 629

2012. The concluding part of the order of the High Court is as follows :

“In the result, all the writ petitions are disposed with the following directions:

5. *The prayers made by the petitioners/applicants for considering their applications for renewal of their mining leases which were pending on 31/5/2012, and the applications for grant of fresh leases which were pending on 31/5/2012 are refused.*
6. xxxxxxxx
7. *Notices issued by the District Magistrate inviting applications by e-tendering consequent to the Government Order dated 31/5/2012, cannot be allowed to be finalized and are quashed with liberty to the respondents to issue fresh notices in accordance with law.”*

13. In spite of the said judgment of the High Court, certain leases were granted in violation of G.O. dated 31st May, 2012 which came to be challenged before the High Court. Reiterating its view, in its judgment dated 12th September, 2014 in **Sukhan Singh versus State of U.P.**⁸, it was held that no pending application as on 31st May, 2012 could be taken cognizance of. It was held that :

“19. The basic position in law is that the mere filing of an application either for the grant of a lease or for the renewal of a lease does not confer a vested right for the grant or renewal of a lease and, an application has to be disposed of

on the basis of the rules as they stand on the date of the disposal of the application.

20. This being the clear position in law which has been enunciated in the judgment of the Supreme Court in State of Tamil Nadu (supra), it would be impermissible to accept the contention of the fourth respondent that its applications were liable to be disposed of, not on the basis of the provisions of Chapter IV but under Chapter II of the Rules. Besides, the acceptance of any such submission would be contrary to the law laid down by a Division Bench of this Court in Nar Narain Mishra (supra) which follows the decision of the Supreme Court."

14. It is in this background that the present matters were considered by the High Court. To seek an exception to G.O. dated 31st May, 2012, the appellants contended that they had already applied in pursuance of notice dated 18th July, 2009 in accordance with Chapter II of the Rules. When the said notice was cancelled and fresh notice dated 10th August, 2010 was issued, the appellants challenged the same. They were relegated to their departmental remedy. They challenged the order passed by the department again by another writ petition and the High Court directed the matter to be considered vide order dated 10th February, 2012. As the said order was prior to 31st May, 2012, appellant acquired a right to get lease as an exception to order dated 31st May, 2012. The High Court passed an interim order in their favour which led to the grant of mining leases on 24th May, 2014 and 26th May,

2014.

15. The stand of the appellants was held to be against the earlier High Court judgments. Thus, after hearing finally, the High Court rejected this plea as follows :

"It is not in dispute that their applications for grant of lease had not been disposed of prior to the date of declaration made under Rule 23 (1) of the Rules of 1963 and they had been granted the lease by means of order dated 24.05.2014 and 26.05.2014, after the date of declaration, i.e. 31.05.2012. In Nar Narain Mishra's case, this Court held that those petitioners, who have claimed mandamus for directing consideration of their lease renewal application, which were pending on 31.05.2012 could not be granted any relief. Similarly applications for grant of fresh lease under Chapter II of the Rules, 1963, which were pending on 31.05.2012 could also not be directed to be considered.

In Public Interest Litigation (PIL) No.31643 of 2014, Sukhan Singh vs. State of U.P. & 3 others. This Court has considered the judgment of the Hon'ble Supreme Court rendered in Deepak Kumar's case (supra) as well as judgment of this Court in Nar Narain Mishra's case (supra) and has held that "The basic position in law is that the mere filing of an application either for the grant of a lease or for the renewal of a lease does not confer a vested right for the grant or renewal of a lease and, an application has to be disposed of on the basis of the rules as they stand on the date of the disposal of the application."

16. Additionally, the appellants also argued that the G.O. dated 22nd October, 2014 cancelled G.O. dated 31st May, 2012 and decided to proceed with the grant of mining

leases under Chapter II instead of Chapter IV. It was submitted that in view of change of policy, G.O. dated 31st May, 2012 could not be taken into account. This plea was also rejected by the High Court as the amended policy dated 22nd October, 2014 could not be made applicable to the grant of lease at a time when the said revised policy was not in force. The High Court observed :

"Through supplementary affidavit, the respondent no.2 and 3 have brought on record the 37th Amendment of the Rules of 1963, which is called "The Uttar Pradesh Minor Mineral (Concession) (37th Amendment) Rules, 2014".

By this amendment, several directions issued by this Court as well as Hon'ble Supreme Court have been incorporated. The State Government has also issued a Government Order dated 22.10.2014 whereby provisions 2, 3 and 6 of the Rules of 1963 have been made applicable. The Government Order also requires a fresh exercise for grant of lease under the terms of Government order dated 22.10.2014 as well as under the provisions of 37th Amendment of the Rules of 1963. Several subsequent developments in the matter as has been made as discussed above, do not lead us to permit the respondents no.4 and 5 to operate their leases further."

17. When the matter came up for consideration before this Court, an interim order dated 15th May, 2015 was passed permitting the appellants to operate the mining leases in question. This appears to be on account of the fact that the State of U.P. supported the stand of the

appellants by filing affidavit dated 13th April, 2015 and submitted that “Building Stone” were not covered by G.O. dated 31st May, 2012. We now find that this stand is clearly contrary to the judgment of the High Court in **Nar Narain Mishra (supra)**.

18. On the other hand, Respondent No.4, the original writ petitioner before the High Court, has filed an affidavit objecting to the grant of leases in favour of the appellants under Chapter II and supported the view taken by the High Court. In its counter affidavit dated 8th May, 2015, the said respondent has pointed out that in view of earlier judgment of the High Court in **Nar Narain Mishra and Sukhan Singh (supra)** grant of mining lease under Chapter II was not permissible. The G.O. dated 31st May, 2012 covered “Building Stone” also. It was also submitted that mining lease of less than five hectares was not permissible in view of judgment of this Court in **Deepak Kumar (supra)** which also rendered lease in favour of the appellants illegal. It is further pointed out that Special Leave Petition (Civil) No.35075 of 2014 filed against the judgment dated 12th September, 2014 of the High Court of Judicature at Allahabad in Sukhan Singh was dismissed by this Court on 5th January, 2015.

19. We have considered the rival submissions and perused the record.

20. The plea of the appellants that they had acquired a vested right prior to G.O. dated 31st May, 2012 cannot be accepted. Order dated 31st May, 2012 was issued by the State of U.P. to bring about transparency and to safeguard the Government revenue and was consistent with the decisions of this Court in Article 14 of the Constitution. The validity thereof was upheld by the High Court in **Nar Narain Mishra (supra)**. The said judgment applied to the mineral in question as specifically laid down by the High Court. The High Court upheld the stand of the State that pendency of application did not create any right in favour of the appellants. All applications pending as on 31st May, 2012 stood rejected including the application of the appellants. Admittedly, the appellants did not make an application after the changed policy dated 22nd October, 2014 and thus the said G.O. had no application to the present case. We are not called upon to decide validity of order dated 22nd October, 2014 in cancelling order dated 31st May, 2012. This question can be gone into as and when raised.

21. In **Hind Stone** (supra), this Court observed:

“13. Another submission of the learned counsel in connection with the consideration of applications for renewal was that applications made sixty days or more before the date of GOMs No. 1312 (December 2, 1977) should be dealt with as if Rule 8-C had not come into force. It was also contended that even applications for grant of leases made long before the date of GOMs No. 1312 should be dealt with as if Rule 8-C had not come into force. The submission was that it was not open to the government to keep applications for the grant of leases and applications for renewal pending for a long time and then to reject them on the basis of Rule 8-C notwithstanding the fact that the applications had been made long prior to the date on which Rule 8-C came into force. While it is true that such applications should be dealt with within a reasonable time, it cannot on that account be said that the right to have an application disposed of in a reasonable time clothes an applicant for a lease with a right to have the application disposed of on the basis of the rules in force at the time of the making of the application. No one has a vested right to the grant or renewal of a lease and none can claim a vested right to have an application for the grant or renewal of a lease dealt with in a particular way, by applying particular provisions. In the absence of any vested rights in anyone, an application for a lease has necessarily to be dealt with according to the rules in force on the date of the disposal of the application despite the fact that there is a long delay since the making of the application. We are, therefore, unable to accept the submission of the learned counsel that applications for the grant or renewal of leases made long prior to the date of GOMs No. 1312 should be dealt with as if Rule 8-C did not exist.

22. Reiterating the decision in **Hind Stone** (supra), this Court in **Monnet Ispat & Energy Ltd. vs. Union of India**⁹ held as under:

“132.Minerals—like rivers and forests—are a valuable natural resource. Minerals constitute our national wealth and are vital raw material for infrastructure, capital goods and basic industries. The conservation, preservation and intelligent utilisation of minerals is not only the need of the day but is also very important in the interest of mankind and succeeding generations. Management of minerals should be in a way that helps in the country’s economic development and which also leaves for future generations to conserve and develop the

natural resources of the nation in the best possible way. For the proper development of economy and industry, the exploitation of natural resources cannot be permitted indiscriminately; rather the nation's natural wealth has to be used judiciously so that it may not be exhausted within a few years.

133.....*No person has any fundamental right to claim that he should be granted mining lease or prospecting licence or permitted reconnaissance operation in any land belonging to the Government. It is apt to quote the following statement of O. Chinnappa Reddy, J. in Hind Stone (SCC p. 213, para 6) albeit in the context of minor mineral,*

“6. ... The public interest which induced Parliament to make the declaration contained in Section 2 ... has naturally to be the paramount consideration in all matters concerning the regulation of mines and the development of minerals”.

He went on to say: (Hind Stone case, SCC p. 217, para 10)

“10. ... The statute with which we are concerned, the Mines and Minerals (Development and Regulation) Act, is aimed ... at the conservation and the prudent and discriminating exploitation of minerals. Surely, in the case of a scarce mineral, to permit exploitation by the State or its agency and to prohibit exploitation by private agencies is the most effective method of conservation and prudent exploitation. If you want to conserve for the future, you must prohibit in the present.”

23. It was further observed :

“182.7. The doctrine of promissory estoppel cannot be invoked in abstract. When it is sought to be invoked, the court must consider all aspects including the result sought to be achieved and the public good at large. The fundamental principle of equity must forever be present to the mind of the court. Absence of it must not hold the Government or the public authority to its promise, assurance or representation.”

XXXX

188.3 Where the decision of an authority is founded in public interest as per executive policy or law, the court would be reluctant to interfere with such decision by invoking the doctrine of legitimate expectation. The legitimate expectation doctrine cannot be invoked to fetter changes in administrative policy if it is in the public interest to do so.”

24. In view of the above, we do not find any merit in these appeals. We also do not approve the stand of the State of U.P. in supporting the appellants, as already mentioned.

25. Accordingly, the appeals are dismissed. Interim order granted by this Court stands vacated. The State will assess the extent of pecuniary advantage taken by the appellants under the interim order and recover the same from the appellants.



.....J.

[ANIL R. DAVE]

.....J.

[ADARSH KUMAR GOEL]

NEW DELHI
JANUARY 04, 2016

Annexure No. 12**Compliance Report**

Compliance of order dt. 04 Sep 2018
 in the matter
 O. A. No. 173 of 2018
 (Sudarsan Das Vs State of West Bengal & Others)
 Before the Hon'ble National Green Tribunal
 at New Delhi

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Submitted by

*Ministry of Environment, Forest & Climate Change
 Government of India*

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL AT NEW DELHI

O. A. NO. 173 OF 2018

SUDARSAN DAS

Vs.

STATE OF WEST BENGAL & OTHERS

COMPLIANCE REPORT ON BEHALF OF MOEF & CC IN VIEW OF
ORDER DATED 4TH SEPTEMBER, 2018

Most respectfully sheweth:

1. That vide order dated 4th September, 2018, Hon'ble National Green Tribunal (NGT) had directed the MOEF & CC to:

'DIRECTIONS TO MOEF & CC

25. *In view of above discussion, we are of the view that since the subject of mining is also required to be regulated for protection of environment and it is to take care of this requirement, MoEF&CC has issued directions from time to time under Section 3 and 5 of the Environment (Protection) Act, 1986. The MoEF&CC needs to revise its directions keeping in mind the following:*

- i Mining Surveillance System discussed in para 23 above be finalized in consultation with ISRO Hyderabad.*
- ii. Safeguards suggested in Sustainable Sand Mining Guidelines published by the MoEF&CC in the year 2016.*
- iii. Suggestions in the High Power Committee Report.*
- iv. Requirement of demarcation of boundaries being published in respect of different leases in public domain*
- v. Need to issue SOP laying down mechanism to evaluate loss to the ecology and to recover the cost of restoration of such damage from*

the legal or illegal miners. Such evaluation must include cost of mining material as well as cost of ecological restoration and net present value of future eco system services forgone.

- v. *Need to set up a dedicated institutional mechanism for effective monitoring of sand and gravel mining which may also take care of mining done without any Environmental Clearance as well as mining done in violation of Environmental Clearance conditions.*
- vi. *The Mining Department may make a provision for keeping apart atleast 25% of the value of mined material for restoration of the area affected by the mining and also for compensating the inhabitants affected by the mining.*
- vii. *One of the conditions of every lease of mine or minerals would be that there will be independent environmental audit atleast once in a year by reputed third party entity and report of such audit be placed in public domain.*
- ix. *In the course of such environmental audit, a three member committee of the local inhabitants will also be associated. Composition of three member's committee may preferably include ex-servicemen, former teacher and former civil servant. The Committee will be nominated by the District Magistrate."*

3. That the Hon'ble Tribunal vide its order dated 5th September, 2018 (O.A. 44/2016; *Mushtakeem Vs. MoEF & CC & Ors.*) observed the following:

*"Para 23. We have dealt with the identical issue relating to the illegal sand mining in the border districts in the State of West Bengal and Odisha in the order dated 04th September 2018 in **Sudarsan Das Vs. State of West Bengal & Ors.**, Original Application No. 173 of 2018. **We have directed the MoEF&CC to revise the***

*guidelines on the subject for an effective mechanism for sand mining, relevant portions of which are reproduced below: . . .**

4. That thereafter the Hon'ble Tribunal vide its order dated 5th April, 2019 (O.A. No. 362/2015, National Green Tribunal Bar Association & Anr Vs Union of India & Ors) observed the following

**49. The 2016 Guidelines need revision in the light of the report of High Powered Committee in September 2016, failure of Monitoring mechanism followed by State Boards, SEIAs, DEIAs and MSS system developed by Ministry of Mines & IBM with the assistance of BISAG and MAITY and other observations quoted in paras 12 to 15 above...*

50 As noted earlier in paras 17, 23, 27, 31 and 35, States of West Bengal, Odisha, Gujarat, Karnataka, Maharashtra, Punjab, Haryana and Uttar Pradesh are required to follow SSMG, 2016 as may be revised by MoEF&CC and even other States where illegal sand mining is taking place.

*The States may review the monitoring mechanism in terms of several directions of the Tribunal and guidelines of MoEF&CC.**

5. That in compliance of the order of Hon'ble NGT, a progress report dated 24th October 2019 was submitted by the MOEF & CC on 24th October, 2019. In the said report, MOEF & CC had tried to amalgamate in best possible way regarding all the issues in compliance of order dated 4th September, 2018 in its true letter and spirit. However, keeping in view the seriousness and gravity of the instant issue, in the report it was also submitted:

**..In absence of any response from MoM, a DO letter addressed to JS-MoM was issued by Joint Secretary-Imports Assessment on 30.09.2019 requesting for furnishing the status of*

compliance in view of the decision taken in the meeting held on 13.08.2019. It was followed by a reminder letter (Annexure ...11) and in absence of no response, a D.O. letter from Additional Secretary was issued on 18.10.2019. ..."

Copy of the progress report dated 24th October 2019 is attached herewith as **ANNEXURE- A1**.

6. That, MOEF & CC finalized the second progress report in compliance of the order dated 4th September, 2018 and the same was duly submitted before this Hon'ble Tribunal on 28.12.2019. Copy of the progress report dated 31st December, 2019 is attached herewith as **ANNEXURE- A2**.

7. That on 08.01.2020 in OA. No. 360/2015, Hon'ble Tribunal observed the following:

"7. ...MoEF&CC as a responsible body should have taken necessary steps which are not at all difficult to restore effective impact assessment and safeguards in terms of observations of this Tribunal. This does not involve any long or complicated procedure. We do not see any difficulty in officers of MoEF&CC in understanding the issue or executing the orders of this Tribunal, if there is will to do so. We hope that the said order will now be positively complied before the next date...."

8. That in compliance of slew of orders passed by this Hon'ble Tribunal as well as report of High Power Committee, MOEF & CC has incorporated all necessary suggestions including the experience derived from implementation of "Sustainable Sand Mining Management Guidelines 2016" and finalized the guidelines i.e., "Enforcement and

Monitoring Guidelines for Sand Mining, 2020". A copy of the same is attached herewith as **ANNEXURE- A3.**

9. That the "Enforcement and Monitoring Guidelines for Sand Mining" is supplemental & are to be read and implemented in sync with the "Sustainable Sand Mining Management Guidelines 2016". It is also submitted that in case any ambiguity or variation between the provisions of both these document arises, the provision made in "Enforcement & Monitoring Guidelines for Sand Mining" shall prevail.

10. That the new guidelines have been uploaded on the Ministry's website & Parivesh Portal on 27th January, 2020 for wider publicity and for implementation by the concerned stake holders. It is further submitted that all State Govt , SEIAA(s) & SPCB(s) have also been communicated on 27th January, 2020 via email. A copy of the email dated 27th January, 2020 is attached herewith as **ANNEXURE- A4.**

11. That, in view of direction issued by the Hon'ble Tribunal *to need to issue SOP laying down mechanism to evaluate loss to the ecology and to recover the cost of restoration*, it is humbly submitted that the Central Pollution Control Board (CPCB) has submitted the report which is under due consideration by the Hon'ble Tribunal in the same matter and is therefore yet to attain finality. However, the supplemental guidelines highlight the implementation of such provisions by concerned authority, as applicable.

12. That, MOEF & CC, being the nodal authority of Country for Environment, Forest and Climatic Change, is expected to examine and amalgamate all possible views from stakeholders while finalizing any guidelines which would become applicable for pan India. Accordingly,

MOEF & CC took considerable time in settling the guidelines in compliance of the order passed by this Hon'ble Tribunal in the instant case title. Unfortunately, some timeline given by the Hon'ble Tribunal in the above titled case as well as in other related cases could not be adhered to by MOEF & CC in past. However, the delay was neither intentional nor deliberate, but was solely on account of bonafide official and procedural difficulties.



SUSTAINABLE SAND MINING MANAGEMENT GUIDELINES 2016



पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

इंदिरा पर्यावरण भवन, जोर बाग रोड, नई दिल्ली-110 003

Ministry of Environment, Forest and Climate Change

Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi - 110 003

www.moef.nic.in



MANAGEMENT PLAN

1. River Bed Mining Recommendations:

a) Permit Mining Volume Based on Measured Annual Replenishment

In the first year following adoption of the management plan, a volume equal to the estimated annual replenishment could be extracted from the reach of channel. Replenishment (up to the elevation of the selected channel configuration) would need to occur before subsequent extraction could take place. The concept of annual replenishment accounts for the episodic nature of sediment transport. For example, during wet periods with high stream flows, and a high contribution of sediment from hill slopes and tributaries, monitoring data would show that sand and gravel bars are replenished quickly. During drought periods with low stream flow, and little sediment supply or transport, monitoring data would likely show that bars were replenished at a slower rate.

The use of monitoring data is essential in measuring when actual replenishment occurs. The use of the concept of annual replenishment protects long-term channel stability as well as aquatic and riparian habitat by extracting a volume sustainable by watershed processes.

b) Establish an Absolute Elevation below Which No Extraction May Occur (Minimum Enveloped Level or Redline).

The absolute elevation below which no mining could occur or "redline" would be surveyed on a site-specific basis in order to avoid impacts to structures such as bridges and to avoid vegetation impacts associated with down-cutting due to excessive removal of sediment. An extraction site can be determined after setting the deposition level at 1 m above natural channel thalweg elevation, as determined by the survey approved by mine plan approving authority.

c) Limit River Bed Extraction Methods to Bar Skimming

If mining is limited to the downstream end of the bar with a riparian buffer on both the channel and hill slope (or floodplain) side, bar skimming would minimise impacts. Other methods such as excavation of trenches or pools in the low flow channel lower the local base level, and maximise upstream (head cutting and incision) and downstream (widening and braiding) impacts. In addition, direct disturbance of the substrate in the low flow channel should be avoided. Trenching on bars may be beneficial in the future if the river becomes severely aggraded, flat, shallow and braided. Trenching of bars may initially impact a smaller area of riparian habitat than skimming - as a result of excavating deeper rather than shallow skimming of a large area. However, over the



long-term, the upstream and downstream effects of a trench on the bar or in the channel may offset any short-term benefit derived from this method.

d) Extract Sand and Gravel from the Downstream Portion of the Bar:

Retaining the upstream one to two thirds of the bar and riparian vegetation while excavating from the downstream one to two third of the bar is accepted as a method to promote channel stability and protect the narrow width of the low flow channel necessary for aquatic life. Sand and gravel would be re-deposited in the excavated downstream one to two thirds of the bar (or downstream of the widest point of the bar) where an eddy would form during sediment transporting flows. In contrast, if excavation occurs on the entire bar after removing existing riparian vegetation, there is a greater potential for widening and braiding of the low flow channel.

e) Concentrate Activities to Minimise Disturbance:

River bed extraction activities should be concentrated or localised to a few bars rather than spread out over many bars. This localisation of extraction will minimise the area of disturbance of upstream and downstream effects. Skimming decreases habitat and species diversity - these effects should not be expanded over a large portion of the area.

f) Review Cumulative Effects of Sand and Gravel Extraction:

The cumulative impact of all mining proposals should be reviewed on an annual basis to determine if cumulative riverine effects or effects to the estuary are likely.

g) Maintain Flood Capacity:

Flood capacity in the river should be maintained in areas where there are significant flood hazards to existing structures or infrastructure.

h) Establish a Long-term Monitoring Program:

Monitoring of changes in bed elevation and channel morphology, and aquatic and riparian habitat upstream and downstream of the extraction would identify any impacts of sand and gravel extraction to biologic resources. Long-term data collected over a period of decades as sand and gravel extraction occurs will provide data to use in determining trends.

i) Minimise Activities That Release Fine Sediment to the River:

No washing, crushing, screening, stockpiling, or plant operations should occur at or below the streams "average high water elevation," or the dominant discharge. These and similar activities have the potential to release fine sediments into the stream, providing habitat conditions harmful to local fish.



j) Retain Vegetation Buffer at Edge of Water and Against River Bank:

Riparian vegetation performs several functions essential to the proper maintenance of geomorphic and biological processes in rivers. It shields river banks and bars from erosion. Additionally, riparian vegetation, including roots and downed trees, serves as cover for fish, provides food source, works as a filter against sediment inputs, and aids in nutrient cycling. More broadly, the riparian zone is necessary to the integrity of the ecosystem providing habitat for invertebrates, birds and other wildlife.

k) The River Bed mining should only be allowed during the dry season.

No River bed mining should be permitted during rainy season (see Appendix 9).

l) An Annual Status and Trends Report:

This report should review permitted extraction quantities in light of results of the monitoring program, or as improved estimates of **replenishment** become available. The report should document changes in bed elevation, channel morphology, and aquatic and riparian habitat. The report should also include a record of extraction volumes permitted, and excavation location. Finally, recommendations for reclamation, if needed should be documented.

2. Off-Channel or Floodplain Extraction Recommendations

a) Floodplain Extraction should be set back from the Main Channel

In a dynamic alluvial system, it is not uncommon for meanders to migrate across a floodplain. In areas where sand and gravel occurs on floodplains or terraces, there is a potential for the river channel to migrate toward the pit. If the river erodes through the area left between the excavated pit and the river, there is a potential for "river capture," a situation where the low flow channel is diverted through the pit. In order to avoid river capture, excavation pits should set back from the river to provide a buffer, and should be designed to withstand the 100-year flood (100-year ARI). Adequate buffer widths and reduced pit slope gradients are preferred over engineered structures which require maintenance in perpetuity. Hydraulic, geomorphic, and geotechnical studies should be conducted prior to design and construction of the pit and bund. In addition to river capture, extraction pits create the possibility of stranding fish.

b) The maximum depth of Floodplain Extraction should remain above the Channel Thalweg

Floodplain pits should not be excavated below the elevation of the thalweg in the adjacent channel. This will minimise the impacts of potential river capture by limiting the potential for head cutting and the potential of the pit to trap sediment. A shallow excavation (above the water table) would provide a depression that would fill with



water part of the year, and develop seasonal wetland habitat. An excavation below the water table would provide deep water habitat.

c) Side Slopes of Floodplain Excavation Should Range from 3:1 to 10:1

Side slopes of a floodplain pit should be graded to a slope that ranges from 3:1 to 10:1. This will allow for a range of vegetation from wetland to upland. Steep side slopes excavated in floodplain pits on other systems have not been successfully reclaimed, since it is difficult for vegetation to become stabilised. Terrace pits should be designed with a large percentage of edge habitat with a low gradient which will naturally sustain vegetation at a variety of water levels.

d) Place Stockpiled Topsoil above the 25-year Return Period or ARI Level

Stockpiled topsoil can introduce a large supply of fines to the river during a flood event and degrade fish habitat. Storage above the 25-year flood (25-year ARI) inundation level is sufficient to minimise this risk.

e) Floodplain Pits Should Be Restored to Wetland Habitat or Reclaimed for Agriculture

The key to successful restoration or reclamation is to conserve or import adequate material to re-fill the pit, while ensuring that pit margins are graded to allow for development of significant wetland and emergent vegetation.

f) Establish a Long-term Monitoring Program

A long-term monitoring program should provide data illustrating any impacts to river stability, groundwater, fisheries, and riparian vegetation. The monitoring program should assess the success of any reclamation or restoration attempted.

g) An Annual Status and Trends Report

The status and trends report described previously should include a section on the hydrologic and biologic components of floodplain pit reclamation.

3. Extraction Methods

The important methods of sand and gravel mining operations are as below:

- a) Bar scalping or skimming** is extraction of sand and gravel from the surface of bars. This method generally requires that surface irregularities be smoothed out and that the extracted material be limited to what could be taken above an imaginary line sloping upwards and away from the water from a specified level above the river's water surface at the time of extraction (typically 0.3 - 0.6 m (1-2 ft)). Bar scalping is commonly repeated year after year. To maintain the hydraulic control provided to upstream by the Riffle head, the preferred method of bar scalping is now generally to leave the top one-third (approximately) of the bar undisturbed, mining only from the downstream two-



thirds.

b) Dry-Pit Channel Mining

Dry-pit channel mines are pits excavated within the active channel on dry intermittent or ephemeral stream beds. Dry pits are often left with abrupt upstream margins, from which head cuts are likely to propagate upstream.

c) Wet-Pit Channel Mining

Wet-pit mining involves excavation of a pit in the active channel below the surface water in a perennial stream or below the alluvial groundwater table.

d) Bar Excavation

A pit is excavated at the downstream end of the bar as a source of aggregate and as a site to trap sand and gravel. Upon completion, the pit may be connected to the channel at its downstream end to provide side channel habitat.

e) Channel-wide River bed Mining

In rivers with a highly variable flow regime, sand and gravel are commonly extracted across the entire active channel during the dry season. The bed is evened out and uniformly (or nearly so) lowered.

4. Reclamation Plans

Reclamation plans should include:

- a) A baseline survey consisting of existing condition cross-section data: Cross-sections must be surveyed between two documented endpoints set back from the top of bank, and elevations should be referenced to bench mark;
- b) The proposed mining cross-section data should be plotted over the baseline data to illustrate the vertical extent of the proposed excavation;
- c) The cross-section of the replenished bar should be the same as the baseline data. This illustrates that the bar elevation after the bar is replenished will be the same as the bar before extraction;
- d) A planimetric map showing the aerial extent of the excavation and extent of the riparian buffers;
- e) A planting plan developed by a plant ecologist familiar with the flora of the river for any areas such as roads that need to be restored;
- f) A monitoring plan: The appropriate reclamation plans can turn river-bed and floodplain sand and gravel mining operations into something perceived by the public as desirable.

ITEM NO.9

COURT NO.4

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).34811/2013

(Arising out of impugned final judgment and order dated 21-10-2013 in DBCMA No. 250/2013 21-10-2013 in DBCWP No. 13189/2012 passed by the High Court of Judicature for Rajasthan at Jaipur)

NAVEEN SHARMA

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN AND ORS.

Respondent(s)

WITH

SLP(C) No. 34134/2013 (XV)

(WITH Application for Direction ON IA 9/2017, Application for Direction ON IA 10/2017, IA No.119289/2017-impleading party and IA No.119291/2017-CLARIFICATION/DIRECTION and IA No.119298/2017-impleading party and IA No.119300/2017-CLARIFICATION/DIRECTION and IA No.120769/2017-impleading party and IA No.120772/2017-CLARIFICATION/DIRECTION)

C.A. No. 9703-9706/2013 (XVII)C.A. No. 17379-17380/2017 (XVII)

(WITH IA No.111271/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.111268/2017-EXEMPTION FROM FILING O.T. and IA No.111270/2017-APPROPRIATE ORDERS/DIRECTIONS and IA No.111269/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 16-11-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Irshad Ahmad, AOR

Mr. S.S. Shamsbery, AAG Rajasthan
Mr. Amit Sharma, Adv.
Mr. Sandeep Singh, Adv.
Mr. Ankit Raj, Adv.
Ms. Indira Bhakar, Adv.
Ms. Ruchi Kohli, AOR

Ms. Pragati Neekhara, AOR

Mr. Yashvardhan, Adv.

Mr. Ambuj Dixit, Adv.
Mr. Merusagar Samantaray, AOR

Dr. Surender Singh Hooda, AOR
Mr. Premtosh Mishra, Adv.

For Respondent(s) /
applicant(s)

Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Sarad Kumar Singhania, Adv.
Mr. Anis Kumar Gupta, Adv.
Mr. G.S. Makker, Adv.

Mr. C.A. Sundaram, Sr. Adv.
Mr. Harish Pandey, AOR
Mr. Himanshu Shekhar, Adv.

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Anand Varma, AOR
Mr. Sandeep Singh Shikhawat, Adv.
Ms. Shubhangini Jain, Adv.

Mr. Ansar Ahmad Chaudhary, AOR

Mr. D. K. Devesh, AOR

Dr. Surender Singh Hooda, AOR
Mr. Premtosh Mishra, Adv.

Ms. Ruchi Kohli, AOR

Mr. Sandeep Sekhawat, Adv.
Mr. Lal Pratap Singh, Adv.
Mr. Umesh Pratap Singh, Adv.
Mr. R. C. Kohli, AOR

Mrs. Rachna Gupta, Adv.
Ms. Alka Sinha, Adv.
Mr. Siddhant S. Malik, Adv.

Mr. Sanjeeb Panigrahi, AOR

Ms. Kiran Bhardwaj, AOR

Mr. Pradeep Misra, AOR
Mr. Suraj Singh, Adv.

Ms. K. Enatoli Sema, AOR
Mr. Edward Belho, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. K. Luikang Michael, Adv.

Mr. Vijay Panjwani, AOR

Mr. Ritesh Khatri, AOR

Ms. Nandini Sen, Adv.

Mr. Chanchal Kumar Ganguli, AOR

Ms. Rachana Srivastava, AOR

Mr. Sukrit R. Kapoor, adv.

Ms. Aruna Mathur, Adv.

Ms. Anuradha Arputham, Adv.

for M/S. Arputham Aruna And Co

Mr. M. R. Shamshad, AOR

Mr. Anil Grover, AAG

Mr. Vishal Chauhan, Adv.

Mr. Sanjay Kumar Visen, AOR

Mr. M. Shoeb Alam, AOR

Ms. Shibani Ghosh, AOR

Ms. G. Indira, adv.

Mr. K.V. Jagishvaran, Adv.

Mr. Bhupesh Narula, Adv.

UPON hearing the counsel the Court made the following
O R D E R

In these matters, SLP(C) No.34134 of 2013 (State of Rajasthan Vs. Nature Club of Rajasthan) should be taken as the main case. Accordingly, in the cause list this matter be shown as the main case.

We have heard learned counsel for the parties and we are horrified with what is happening in the State of Rajasthan with regard to *bajri* and sand mining/quarrying.

For several months, if not years, without any environmental clearance and without any scientific replenishment study, unabated mining is going on by 82 parties before us.

It is quite obvious that the Ministry of Environment, Forest and Climate Change is not concerned about the degradation of the environment in Rajasthan and what is even worse is that the State of Rajasthan is totally unconcerned about it.

In Court, serious allegations have been made that the State of Rajasthan is complicit with the miners/quarry holders and sand and *bajri* is being mined with impunity.

Without giving any credence to the allegations made until we hear from the Chief Secretary of Rajasthan on affidavit, we restrain all the 82 mining lease/quarry holders from carrying out mining of sand and *bajri* unless a scientific replenishment study is completed and the matter is fully and dispassionately considered by the Ministry of Environment, Forest and Climate Change and an environmental clearance is granted or rejected.

This order will come into force with immediate effect.

List the matters after the affidavit from the Chief Secretary of Rajasthan is filed.

C.A. No. 17379-17380/2017

Detag.

Reply be filed within four weeks.

List the matter immediately after four weeks.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER

**GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(IMPACT ASSESSMENT DIVISION)
NON-COAL MINING SECTOR**

**SUMMARY RECORD OF SPECIAL MEETING OF THE RECONSTITUTED COMMITTEE
OF THE EXPERT APPRAISAL COMMITTEE FOR ENVIRONMENTAL APPRAISAL OF
NON-COAL MINING PROJECTS CONSTITUTED UNDER EIA NOTIFICATION, 2006.**

The Special meeting of the Reconstituted Expert Appraisal Committee for Environmental Appraisal of Mining Projects (Non-Coal) of the Ministry of Environment, Forest and Climate Change was held on **January 08, 2018** *for consideration of Nineteen (19) proposals of River Sand/ Bajri Mining in the State of Rajasthan in pursuance of Hon'ble Supreme Court Judgment dated 16.11.2017.* The list of participants is annexed. After welcoming the Committee Members, discussion on the proposals were taken up.

Date: 08th January, 2018 (Monday)

- (1) Consideration of Nineteen (19) Environmental Clearance Proposals of River Sand/ Bajri Mining in the State of Rajasthan pursuant to the judgment of Hon'ble Supreme Court dated 16.11.2017 as per appraisal of Scientific Replenishment Study submitted by Project Proponents (PPs) - regarding**

A total of nineteen (19) PPs have submitted Scientific Replenishment Study Report prepared by the Central Mine Planning & Design Institute (CMPDI), a subsidiary of Coal India Limited engaged in providing Consultancy Services in the field of exploration, mining, coal preparation, coal utilisation and management, coal technology, coal / material handling arrangement, engineering, and environmental management. Apart from M/s CMPDI and PPs, the officials of the State Government of Rajasthan namely Shri Deepak Tanwar, Senior Mining Engineer, Bharatpur and Shri D. P. Gaur, Senior Mining Engineer, Jaipur were invited to attend the EAC meeting. The list of PPs is as below:

S. No.	Name of Leaseholder	Lease Area	District	Area (in Ha)	River
1	M/s Shekhawat Associates	Jahajpur	Bhilwara	1299.00	Banas
2	Shri Abhishek Choudhary	Asind	Bhilwara	1207.60a	Nekadi, Khari & Masi
3	Shri Sanjay Kumar Garg	Bhilwara	Bhilwara	1947.12	Banas & Kothari
4	Shri Sanjay Kumar Garg	Bijolia Mandalgarh	Bhilwara	1675.85	Banas, Beerach & Menali
5	Rajasthan FORT & PAL	Kapasan	Chittorgarh	335.03	Beerach
6	Shri Himmat Singh Shekhawat	Nathdwara	Rajsamand	773.28	Banas & Lapli
7	Shri Narottam Singh Jadaun	Rajsamand	Rajsamand	489.40	Banas, Gomti & Taleri
8	Shri Mangal Singh	Chouth ka Barwara	Sawai Madhopur	278.67	Banas
9	Shri Rahul Panwar	Malpura	Tonk	316.58	Masi
10	Shri Mangal Singh Solanki	Niwai	Tonk	104.78	Mansi & Bandi
11	M/s Shekhawat Associates	Peplu Masi	Tonk	889.93	Mansi
12	Shri Som Prakash	Peplu Banas	Tonk	3342.10	Banas
13	Shri Pradeep Kumar Sethi	Tonk	Tonk	2389.36	Banas
14	Shri Jaswant Singh	Raipur (Pali)	Pali	1677.00	Raipur, Luni, Sukri
15	M/s S.R. Associates	Deoli	Tonk	1667.78	Banas
16	Shri Mahendra Singh	Kotri	Bhilwara	1191.37	Banas & Kothari
17	Shri Vikramaditya Rathore	Hurda & Masuda	Bhilwara	544.03	Khari & Mansi
18	Shri Rajendra Singh	Deogarh	Rajsamand	339.62	Khari
19	Shri Mahender Singh Ratnawat	Udaipurvati	Jhunjhunu	2932.92	Kantli & Lohagarh

2. The Member Secretary apprised the Committee that the Hon'ble Supreme Court vide its judgment dated 16.11.2017 in the matter of SLP(C) No.34134 of 2013 (State of Rajasthan Vs Nature Club of Rajasthan) has restrained river sand/ bajri mining in the

State of Rajasthan in respect of 82 Letter of Intent (LoI) holders who had submitted their applications to the MoEFCC for grant of EC. The above 19 PPs are covered under 82 LoI holders who have been restrained from carrying out river sand/ bajri mining.

3. The Consultant, M/s CMPDI, on behalf of PPs submitted that it has carried out three-stage study to estimate the replenishment of sand in the State of Rajasthan, as mentioned below:

- In the first stage, preliminary study with field data collection was done. During the field visit, the installation of marked observation rods was undertaken in every leasehold area in the pre-monsoon period. The rise of river bed level in the post monsoon season was then ascertained. While installing the marked observation rods, it was also kept in mind that depending upon the rainfall intensity and duration, there may not be actual discharge in this particular year of 2017 and therefore, data from secondary sources might be required. In view of this, CMPDI has approached Central Water Commission (CWC), Ministry of Water Resources, Government of India, for getting the hydrological data from the observation stations CWC has in the study area of the State of Rajasthan. In addition to this CMPDI has also approached state agencies in Jaipur for getting the hydrological data for those rivers that are not covered by CWC.
- In the second stage, use of remote sensing technology for identification of watershed area relevant to each mine lease was done. In addition to this, the grain size analysis i.e. d_{10} , d_{30} , d_{50} and d_{60} , uniformity coefficient and coefficient of curvature was also determined as an input for estimation of bajri/sand replenishment of rivers under study. Use of Universal Soil Erosion Equation was also done to have an idea of the soil erosion from the river catchment area.
- In the third/ final stage of this study, analytical model study of bed load transport from the non-perennial rivers flowing through the mining lease areas was adopted. The data for this study was taken from field survey, Central Water Commission and approved mine plans of leases. The real time data of major rivers flowing in the state of Rajasthan is collected by CWC periodically through its well established hydrological network stations at critical observation points. This data along with field data was used in the Meyer-Peter's equation for calculation of bed load transport.

4. Based on the above study, M/s CMPDI estimated the annual replenishment of sand as below:

S. No.	Name of Lease holder	Lease Area (in Ha)	Estimated Bed Load (Tonnes /day)	Estimated Deposition/ Replenishment (Tonnes / day)	Sediment Load Deposition per month (in Tonnes)	Annual Replenishment (in Tonnes)	Estimated Annual Replenishment (in Million m ³)*
1	M/s Shekhawat Associates	1299.00	38977.73	31182.19	935465.70	2806397.10	2.00
2	Shri Abhishek Choudhary	1207.00	2933.97	263443.18	703295.33	2109886.00	1.51
3	Shri Sanjay Kumar Garg	1947.00	33757.01	27005.61	810168.39	2430505.20	1.74
4	Shri Sanjay Kumar Garg	1675.85	61169.15	48935.32	1468059.73	4404179.20	3.15
5	Rajasthan FORT & PAL	335.03	3320.55	2656.44	79693.33	239079.99	0.17
6	Shri Himmat Singh Shekhawat	773.28	72036.46	57629.17	1728875.06	5186625.19	3.70
7	Shri Narottam Singh Jadaun	489.40	50698.48	40558.78	1216763.51	3650290.52	2.61
8	Shri Mangal Singh	278.67	15826.57	12661.26	379837.72	1139513.17	0.81
9	Shri Rahul Panwar	316.58	5414.59	4331.68	129950.38	389851.15	0.28
10	Shri Mangal Singh Solanki	104.78	1484.14	1187.31	35619.36	106858.10	0.08
11	M/s Shekhawat Associates	889.93	5841.78	4673.42	140202.72	420608.18	0.30
12	Shri Som Prakash	3342.10	25754.12	20603.30	618099.09	1854297.28	1.32
13	Shri Pradeep Kumar Sethi	2389.36	31296.24	25037.00	751109.93	2253329.80	1.61
14	Shri Jaswant Singh	1677.00	12799.92	10239.94	307198.22	921594.67	0.66
15	M/s S.R. Associates	1667.78	23590.13	18872.11	566163.28	1698489.86	1.21
16	Shri Mahendra Singh	1191.37	58574.41	46859.52	1405785.80	4217357.39	3.01

S. No.	Name of Lease holder	Lease Area (in Ha)	Estimated Bed Load (Tonnes /day)	Estimated Deposition/ Replenishment (Tonnes / day)	Sediment Load Deposition per month (in Tonnes)	Annual Replenishment (in Tonnes)	Estimated Annual Replenishment (in Million m ³)*
17	Shri Vikramaditya Rathore	544.03	1953.11	1562.49	46874.72	140624.17	0.10
18	Shri Rajendra Singh	396.20	8198.25	6558.60	196758.03	590274.11	0.42
19	Shri Mahender Singh Ratnawat	2392.00	5543.10	4434.48	133034.45	399103.36	0.29

5. Based on the above replenishment estimations, M/s CMPDI has indicated the following status *vis-a-vis* annual planned production:

S. No.	Name of the Lessee	*Estimates Reserve (in Million m ³)	*Annual Production Capacity envisaged (as per mining plan in Million m ³)	Estimated Annual Replenishment (in Million m ³)	Replenishment Status vis-à-vis planned production
1	M/s Shekhawat Associates	42.54	3.00	2.00	Replenishment less than planned annual production
2	Shri Abhishek Choudhary	31.92	2.00	1.51	
3	Shri Sanjay Kumar Garg	28.23	1.60	1.74	Replenishment more than planned annual production
4	Shri Sanjay Kumar Garg	40.12	2.00	3.15	
5	Rajasthan FORT & PAL	7.81	0.10	0.17	
6	Shri Himmat Singh Shekhawat	30.87	0.20	3.70	
7	Shri Narottam Singh Jadaun	12.30	0.20	2.61	
8	Shri Mangal Singh	8.03	0.80	0.81	

S. No.	Name of the Lessee	*Estimates Reserve (in Million m ³)	*Annual Production Capacity envisaged (as per mining plan in Million m ³)	Estimated Annual Replenishment (in Million m ³)	Replenishment Status vis-à-vis planned production
9	Shri Rahul Panwar	5.72	0.80	0.28	Replenishment less than planned annual production
10	Shri Mangal Singh Solanki	2.46	0.36	0.08	
11	M/s Shekhawat Associates	27.51	2.80	0.30	
12	Shri Som Prakash	24.63	4.00	1.32	
13	Shri Pradeep Kumar Sethi	23.03	4.00	1.61	
14	Shri Jaswant Singh	13.58	0.85	0.66	
15	M/s S.R. Associates	23.65	4.73	1.21	
16	Shri Mahendra Singh	63.56	2.43	3.01	Replenishment more than planned annual production
17	Shri Vikramaditya Rathore	31.34	---	0.10	Variable production capacity
18	Shri Rajendra Singh	6.39	0.11	0.42	Replenishment more than planned annual production
19	Shri Mahender Singh Ratnawat	58.45	5.42	0.29	Replenishment less than planned annual production

6. The Committee noted that apart from the above estimations, M/s CMPDI has made certain conclusions and recommendations, the salient features of which are as below:-

- i. The rivers of Rajasthan are ephemeral in nature and not replenished annually as compared to perennial rivers and therefore, the concept of annual replenishment is not applicable. There is a need to consider appropriate change in the policy applicable for annual replenishment of rivers vis-à-vis mine capacity permits in case of Rajasthan.
- ii. Due to erratic and uncertain occurrence of rainfall in the State, there exists

appreciable variation in the amount of replenishment of the rivers. The replenishment achieved at one point of time may be utilized over more than a year depending upon requirement which needs to be considered while linking annual production with annual replenishment of the rivers in the State of Rajasthan.

- iii. As per their considered opinion, M/s CMPDI mentioned that there is a need to consider the concept of resource accounting of bajri/ sand in the rivers of Rajasthan and take the replenishment as a measure for resource augmentation. The permissible level of bajri/sand in each stretch need to be identified and each year, the resource augmentation based on the replenishment of the river need to be added onto it for updating the bajri/sand. Based on such estimation, quantum of further permits may be decided by State Government.
- iv. Apart from the above, system of Environment Accounting has also been propagated by United Nations (UN) with System of Environment – Economic Accounting 2012-Central Framework (SEEA-Central Framework) which is a statistical framework consisting of a comparable statistics and indicators for policy making etc. It is a tool that helps in tackling natural resource depletion and environmental degradation. For sand mining projects of Rajasthan, Physical Supply Use Tables (PSUT), as provided in SEEA-Central Framework of UN, may be utilized for sustainable use of sand mining and grant of mining permits. The mining lease in Rajasthan occurs in paleo sand deposits and use if PSUT will be appropriate in this case.
- v. The installation of observation points may be appropriately considered for determination of replenishment level in each tract of river under consideration. The observation points may be installed at strategic locations and rise in the level of Bajri/sand may be monitored.

7. The Committee noted the submissions of the Consultant and observed that the present exercise is essentially an empirical attempt of estimating sand replenishment from Meyer's Peter equation. The Committee also enquired about the extent of over-estimation already included in the formula vis-a-vis the actual figures. M/s CMPDI submitted that Meyer Peter's equation takes into account an overestimation of 25-30% on conservative basis. The Committee thus observed that the estimations arrived at by M/s CMPDI in Para 4 are already overstated in comparison to actual figures. However, the Committee also noted the submissions of M/s CMPDI that the sand/ bajri existing in the river beds in State of Rajasthan are paleo sand deposits rather than annually replenished sand as the rainfall

pattern is not regular in the state and therefore, does not lead to annual replenishment.

8. The Committee also interacted with the representatives of the State Government of Rajasthan and noted their submissions. The officials of State Government submitted that due to stoppage of river sand/ bajri mining in the State, many infrastructure projects (covering Government as well as Private) have come to a halt. Additionally, the State Government is also loosing revenue (royalty, license fee etc.). Further, being a mineral rich State, the said order has adversely affected the socio-economic situation w.r.t. loss of jobs/ livelihood etc.

9. After taking note of the submissions of M/s CMPDI, PPs and officials of the State Government of Rajasthan, the Committee observed that unregulated and unscientific river sand/ bajri/ gravel mining causes degradation of rivers, bank erosion, depletion of sand in the streambed, enlargement of river mouths & coastal inlets, threat to infrastructures like bridges, dams, guide banks etc. It adversely affects the fertility of adjoining agricultural land, groundwater profile & recharging, alters soil & moisture conditions, biodiversity, minimise sub-surface flow and causes channel instability. As these sand deposits are surrounded by agricultural fields, agricultural activity would be adversely affected. The Member Secretary informed that the Ministry had published Sustainable Sand Mining Guidelines in 2016 with an objective of sustainable sand extraction and its overall management including transportation. The guidelines had also emphasised on promotion of manufactured sand, artificial sand and alternative technologies in construction materials and processes through development of slag sand, sand from stone chips and its certification under BIS, so as to reduce the dependence on naturally occurring sand and gravel.

10. The Committee made detailed deliberations and observed that the river sand mining proposals for the State of Rajasthan cannot be governed by annual river replenishment studies alone and there is a need for caution in sand/ bajri mining of these paleo deposits. **The Committee also observed that M/s CMPDI has not presented its data in the Scientific Replenishment Study report as the same was accepted to be rough estimate and non-representative of the actual replenishment status.** Considering the irregular nature of the rainfall and resultant non-uniformity in arriving at the sand replenishment status, the following is noted:

- i. The DMG, Govt. of Rajasthan is required to demarcate the stretch of land (lease) in

consultation with State Irrigation Department on which it wants to permit river/ sand mining as the current practice of granting whole Tehsil as a lease is not viable from environmental point of view as it could impact the agricultural and groundwater profile over a large area;

- ii. Based on such area identification, DMG, PPs and M/s CMPDI are required to identify the cross section on which the replenishment study shall be undertaken for calculation of replenishment amount/ rate, as the case may be;
- iii. The areas for 'carrying out mining' and cross-sections for 'monitoring replenishment' are required to be demarcated through latitudes and longitudes along with the Original Ground Level (OGL) of the cross-section and shall be duly authenticated by DMG, Govt. of Rajasthan and State Irrigation Department respectively. The future replenishment assessment may be undertaken based on OGL duly authenticated by State Irrigation Department. No mining shall be carried outside the demarcated area;
- iv. The maximum depth of mining shall be restricted to **1.0 meters** from the OGL;
- v. PPs shall use only Scrapers for mining to ensure that the mining depth be maintained as **1.0 meters**. No other heavy machinery like bucket excavators, JCB machines etc. shall not be used for excavation/digging which may adversely impact the aquatic biota. The PP shall have to ensure that during the course of mining, a levelled cross section is made (to the extent possible) so that replenishment studies in future are carried out with ease and transparency and depth of deposited material is measured. The DMG, Rajasthan shall ensure that levelled cross section is made by PPs before the onset of next rainfall season and the same be communicated to MoEFCC.

11. The Committee made detailed deliberations on the issues mentioned in preceding paragraphs and noted that there is a requirement of identification of active mining area within leased river stretches and subsequent identification and preparation of cross-section for assessing replenishment of sand in coming years. Hence, mining permission is technically required to be granted so as to conduct replenishment studies in future and demonstrate the same to State Govt. to regulate mining of paleo deposits in future. Accordingly, EAC recommended mining of river sand/ bajri to up to **25%** capacity of the annual proposed production capacity subject to submission of information and undertaking as below:

- DMG, State Government to submit demarcated river stretch through latitudes and

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Appeal No. 23 of 2016
(M.A. No. 378/2016)
And
Appeal No. 49 of 2016
(M.A. No. 838/2016)

IN THE MATTER OF:

**Dr. Vijay Verma Vs. Uttarakhand Forest Development Corporation & Ors.
And
Dr. Vijay Verma Vs. Uttarakhand Forest Development Corporation & Ors.**

**CORAM : HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

Present:	Applicant:	Mr. M. C. Mehta, Ms. Katyayni, Ms. Mehak Rastogei, Advs
	Respondent No. 1 :	Dr. Vijendra Singh Mahndiyani, Ms. Pallavi and, Advs.
	Respondent No. 2:	Mr. Mukul Singh, Adv. for MoEF
	Respondent No. 5:	Mr. Mukesh erma, Adv. Mr. Rahul Verma, AAG with Mr. Jaswant Singh, Advs. for State of Uttarakhand Mr. Raj Kumar, Adv. with Ms. Preety LA. for Central Pollution Control Board
	Respondent no.4	Mr. Sanjay Katyal, Adv. Mr. Mukesh Verma, Adv. Mr. Varun Thakur, Mr. Brajesh Pandey Advs. for National Mission for Clean Ganga
	CPCB	Mr. Rajkumar Adv. with Ms. Preeti LA Ms. Deep Shikha Bharati, adv.

Date and Remarks	Orders of the Tribunal
Item Nos. 20 & 21 February 26, 2018 ss	<p>We have the presence of the Mr. M.C. Mehta Learned Counsel appearing for the applicant, the Learned Counsel appearing for the Ministry of Environment, Forest and Climate Change and the Learned Counsel appearing for the Project Proponent.</p> <p>It is submitted on behalf of Ministry of Environment, Forest and Climate Change that the report of the fresh study conducted by Indian Institute of Soil and Water Conservation and Research Training Institute was submitted to EAC for consideration. The EAC while considering the report has opined that field study is necessary and hence it would take some time. It seeks sufficient time to report further progress of the field study</p>

	<p>Item Nos. 20 & 21</p> <p>February 26, 2018</p> <p>ss</p>	<p>report. Mr. M.C. Mehta assertively contends the conduct of Ministry of Environment, Forest and Climate Change cannot be appreciated for the reason it has not complied with the direction of the Tribunal and failed to take notice of this Tribunal's dissatisfaction with regard to inaction on the part of the Government in the matter relating to the illegal mining being done by the Project Proponent. He submits that the Ministry of Environment, Forest and Climate Change has failed to take action as directed by this Tribunal against the Project Proponent which has accrued to the benefit of the Project Proponent to continue the illegality in mining activity. He refers to what transpired in the proceedings before this Tribunal resulting to order passed by the Tribunal on more than one occasion. He has referred to the affidavit filed on behalf of Ministry of Environment, Forest and Climate Change which is at Page No. 255/256, contending the solemn statement of Mr. Surender Kumar, Scientist 'G'/Advisor in the Ministry binds the Ministry of Environment, Forest and Climate Change. He submits the affidavit discloses, the Ministry has examined the report and had made a categorical statement regarding the findings of the report at para 6 of the affidavit which reads as hereunder:-</p> <p><i>"6. That the Drainage and Replenishment Study of mined areas of rivers of Uttarakhand prepared by Forest Research Institute, Dehradun was examined by the Ministry and it was observed that the report provides insufficient insight on whether mining can be allowed to continue or not because the date of the River Bed Meterial ("RBM") given is based on one time data collection. However, it is mentioned in the report that the RBM data for computing replenishment rate in various rivers of Uttarakhand is required to be taken at the same time of the year at least for three more years."</i></p>
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	<p>Item Nos. 20 & 21</p> <p>February 26, 2018</p> <p>ss</p>	<p>He submits having examined the report the Ministry opined that pending replenishment rate study mining will be impermissible and refers to para 7 of the report which reads as under:-</p> <p><i>“7. That the Ministry has issued Show Cause Notice (“SCN”) to the above mentioned projects on vide letter dated 18th July, 2017 as to why the ECs granted to them should not be revoked till a proper replenishment study for river Ganga and its tributaries is done. The copy of the same would be reproduced to the Hon’ble Tribunal once the SCNs have been issued to the Respondent. The copy of the same is annexed and marked herewith as “Annexure A”.</i></p> <p>Based on the above mentioned averments he submits that the Ministry has made its stand clear categorically declaring that until and unless the Study for three years is conducted regarding replenishment rate in the Uttarakhand rivers mining has to be restrained and no mining activity would be permitted. He submits the Ministry was fully satisfied that unless the Study regarding replenishment rate of the river in Uttarakhand is done as referred to in the report of the forest institute no mining activity would be permitted and consequently the Project Proponent cannot be allowed to illegal mining. He also refers to the statement in the affidavit that Ministry of Environment, Forest and Climate Change has issued Show Cause Notice to Respondent No. 1, the Project Proponent has to show cause why the Environment Clearance granted to it, shall not be revoked. He submits till date no further action has been taken by the Ministry which clearly indicates that the Ministry is inaction just to help the Project Proponent to commit illegal mining.</p>
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	<p>Item Nos. 20 & 21</p> <p>February 26, 2018</p> <p>ss</p>	<p>He would further submit that submission made to the Tribunal today that fresh study was conducted by the Indian Institute of Soil and Water Conservation and Research Training Institute and the same is under consideration by the EAC is another attempt to defeat the action initiated by the applicant. He further submits that no fresh Study report has ordered by this Tribunal and thus second report obtained from Indian Institute of Soil and Water Conservation and Research Training Institute cannot be taken into consideration.</p> <p>The Learned Counsel for the Project Proponent and Ministry of Environment, Forest and Climate Change opposed such contention of Mr. M.C. Mehta. The Learned Counsel for the Project Proponent submits that the Environment Clearance was issued in the year 2002 and since then the Project Proponent is in the process of mining which is legal and permissible. He submits as the first study conducted by the Forest Research Institute was not accepted by this Tribunal, the Project Proponent approached the Indian Institute of Soil and Water Conservation and Research Training Institute to conduct such study. The said institute, after conducting study has submitted the report which is now placed before the EAC. He submits that the second such report makes it clear that the mining can be permitted. He also contends sufficient material is brought out by the report which accrues the benefit of the Project Proponent supporting grant of Environmental Clearance.</p> <p>However, Learned Counsel for the Ministry of Environment, Forest and Climate Change submits that the first report of the Forest Research Institute was not</p>
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	<p>Item Nos. 20 & 21</p> <p>February 26, 2018</p> <p>ss</p>	<p>clear and did not give any insight on the issue relating to replenishment rate in the river, hence fresh report has to be obtained, which was brought to the notice of Tribunal on 10th January, 2018 in terms of the permission granted by this Tribunal that the First report has been placed before EAC.</p> <p>We have perused the record and find to our dismay that the Tribunal has already expressed anguish on the issuance of Environment Clearance to the Project Proponent as earlier as on 01st October, 2016 and subsequently on 23rd November, 2017. We have clearly observed that despite Environment Clearance having been kept in abeyance regular mining activity is going on which has not restrained by the Ministry. It was noticed that continuation of mining activity was never permitted by this Tribunal. Therefore, we are disturbed at the submission on behalf of the Ministry of Environment, Forest and Climate Change that this Tribunal on 10th January, 2018 we had permitted the Project Proponent to proceed with mining activity.</p> <p>We are also dissatisfied with the inaction on the part of the Ministry of Environment, Forest and Climate Change in failing to take further action on the Show Cause Notice issued to the respondents.</p> <p>The Show Cause Notice issued to the Project Proponent by the Ministry of Environment, Forest and Climate Change itself is on the basis of opinion no mining activity would be permitted without thorough study of replenishment rate of the river in Uttarakhand.</p> <p>The submission made today that because the second study report obtained by the Project Proponent</p>
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	<p>Item Nos. 20 & 21</p> <p>February 26, 2018</p> <p>ss</p>	<p>from the Indian Institute of Soil and Water Conservation and Research Training Institute is available and hence MoEF directs to the suspend action on the Show Cause Notice can hardly be appreciated. The Study report submitted by Indian Institute of Soil and Water Conservation and Research Training Institute has no sanctity as it was not either directed by the Tribunal or MoEF has authorized it. It is not a report obtained by the Ministry of Environment, Forest and Climate Change, it is a report obtained at the instance of by the Project Proponent which shows permissibility undue influence. For the reason it is totally in conflict with the earlier report which itself was held to devoid of furnishing insight information.</p> <p>In the circumstances we are satisfied that the first final report as the first study report on replenishment of river at least three years is suggested as mining period till it is conducted the mining should not be permitted. That recommendation in the first report cannot be negated by second report without support ground.</p> <p>Besides MoEF has not produced copy of the Show Cause Notice which we had directed to produce on the previous date of hearing. Despite undertaking the said Show Cause Notice has not been filed. The Ministry therefore has to explain reason therefor.</p> <p>In the given circumstances as the Ministry itself has taken stand that till replenishment rate Study regarding replenishment of river is not done the mining activity cannot be permitted, binds Ministry of Environment, Forest and Climate Change and it has to restrain mining licenses till the study report is received. Thus we are of</p>
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	<p>Item Nos. 20 & 21</p> <p>February 26, 2018</p> <p>ss</p>	<p>the opinion that mining activity cannot be permitted. Hence we hereby restrain any mining activity by the Project Proponent, its agent or any other agency or contractor from mining subject to further orders that may be passed.</p> <p>List this case on 16th April, 2018.</p> <p>In the meanwhile we permit the Forest Research Institute to continue its study and keeping in mind the observation of this Tribunal and submit a report at the earliest.</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Satyawan Singh Garbyal)</p> <p>26.02.2018</p>
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GOVERNMENT OF INDIA
MINISTRY OF MINES

Sand Mining Framework



March 2018

नरेन्द्र सिंह तोमर
NARENDRA SINGH TOMAR



सत्यमेव जयते

ग्रामीण विकास,
पंचायती राज और खान मंत्री
भारत सरकार
कृषि भवन, नई दिल्ली
MINISTER OF RURAL DEVELOPMENT,
PANCHAYATI RAJ AND MINES
GOVERNMENT OF INDIA
KRISHI BHAWAN, NEW DELHI



FOREWORD

Transparency, sustainability, equity and growth have been the cornerstones of the policies and procedures governing the industrial and other development activities of this Government. The Ministry of Mines have taken several policy initiatives to make available natural resources in transparent manner and their exploitation sustainable & economical using technological interventions. A paradigm shift occurred by way of a major step taken by the Ministry of Mines in bringing in the MMDR Amendment Act 2015 which brought in the Auction process for allocation of minerals. While clearly laying down the framework for Major minerals and some provisions for the minor minerals, the devolution of authority to the States for minor minerals is of substantial nature. Sand is a minor mineral.

Sand is an essential component for housing, infrastructure & construction activities. There have been various issues across the country in the mining activities related to sand i.e. environmental degradation, non-availability of sand, high sand prices, illegalities in sand mining, etc. To address these issues, a Committee chaired by the Union Secretary, Ministry of Mines comprising of officials of State Governments has been constituted to study the existing system of sand mining in various states and to submit a report.

Intensive consultations have been carried out with the State Government officials and other stakeholders. A sand mining framework has been prepared. This will help the States to frame their policies taking into consideration their objectives, endowments and state deployment of resources. A commendable work; I hope this report shall provide the framework to address the challenges which States face in addressing this important economic activity in their jurisdiction.

Narender Singh Tomar
15/3/18
(Narendra Singh Tomar)

हरिभाई परथीभाई चौधरी
HARIBHAI PARATHIBHAI CHAUDHARY

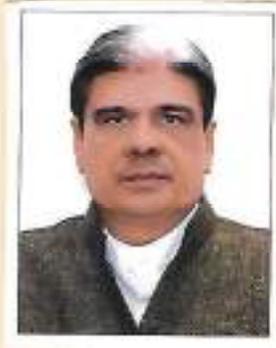


सत्यमेव जयते



खान एवम् कोयला राज्य मंत्रालय
भारत सरकार
नई दिल्ली-110011

Minister of State for Mines and Coal
Government of India
New Delhi-110011



Foreword

Sand is an essential mineral and is used along with cement primarily in construction and its demand is continuously increasing with increasing infrastructure development of the country. As per estimate, the demand of sand is increasing at the rate of 6-7%. Production and supply of sand is not uniform and its availability depends upon rain and replenishment rate of sand in rivers. Due to uncertainties in supply, the price of the material varies significantly with shortages tempting its illegal mining. Its supply from other sources is very scanty in India.

The issue of unregulated extraction has been a matter of concern for environmental sustainability. There have been various judicial interventions by the Hon'ble Supreme Court (SC) and National Green Tribunal (NGT) in regard to environment protection. To address these issues, a committee was formed under the chairmanship of Secretary (Mines), including officials from various State Governments to study the existing system of sand mining in various states and prepare a uniform set of framework that can be followed by states as per their suitability and applicability.

Based on this extensive exercise and deliberations of the committee, a Framework Document has been developed for assisting the States to arrive at an appropriate policy and administrative system for addressing the needs of this sector. The framework charts out suggestions for various elements of the process chains starting from objectives of the states, demand-supply situation, operations, monitoring, transportation, sales of sand etc.

We would look forward to expeditious and synchronised implementation of the suggested initiatives by various State Governments as per their local needs. This should greatly help in resolving the pertinent issues and to help in the growth of the infrastructure and construction sector.

Haribhai Chaudhary

(Haribhai.P.Chaudhary)

अरुन कुमार, भा.प्र.से.
सचिव
ARUN KUMAR, I.A.S.
Secretary



सत्यमेव जयते

भारत सरकार
खान मंत्रालय
शास्त्री भवन
डा. राजेन्द्र प्रसाद रोड़
नई दिल्ली-110 001
Government of India
Ministry of Mines
Shastri Bhavan
Dr. Rajendra Prasad Road
New Delhi-110 001
20th March, 2018

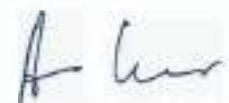


Preface

Sand is classified as a "minor mineral", as defined under MMDR Act, 1957. The legal and administrative control over minor minerals is devolved to the State Governments. The natural endowment of sand across many states is unable to meet the demand, coupled with the ease of extraction issues of environmental degradation, pricing and illegalities in sand mining have arisen. In consultation with the States, a committee was formed under the chairmanship of Secretary, Ministry of Mines, Government of India on 18.05.2017, for Sand mining.

2. Given the varying objectives of the States, their endowments, administrative structures, market dynamics, our approach was to provide a framework to assist states in arriving at the best possible options before them. States need to manage sand supplies keeping the environmental imperatives in mind. The framework in the report addresses the issues of State objectives, Demand- Supply assessment, measures to sand availability, allocation models, transportation and monitoring mechanism, suggestions for faster clearances/approvals and using IT interventions in the complete process chain of sand mining. This framework also lays emphasis on the alternatives of sand i.e; Manufactured sand, sand from mined overburden, and import of sand, for reducing our dependency on river sand. Best practices across States have been documented as a pointer for adoption, or further study which the States may need. I hope the States find this report useful.

3. I would also like to express my gratitude to the Committee members, our teams of officers and various stakeholders who gave their valuable time and support, which has made this report possible.


(ARUN KUMAR)



Acknowledgement

The *Sand Mining Framework* has been prepared after extensive study of systems in consultation with Mining Departments of the States and other stakeholders over a period of the last ten months. Detailed analysis of various policy and procedures of the states was done and best practices identified in the study. The framework assimilates the knowledge and experience of stakeholders, miners, technical institutions, and consumers. Framework suggestions are based on the objectives of sustainability, availability, affordability and transparency in sand mining, and to improve the effectiveness of monitoring of mining and also the transportation of mined out material. The policies and practices recommended in the framework may be adopted by the states with suitable customisations.

At the outset, I would like to extend my sincere gratitude to the Secretary, Ministry of Mines, Shri Arun Kumar for his constant guidance as the Chair of the committee. From laying down the contours of the study across different aspects, to the analysis and recommendations, his guidance was fundamental to the evolution of this comprehensive framework.

The task of the Committee has been quite onerous, and in discharging it every member contributed substantively in shaping this report. The contributions of all Committee members for this intense endeavour are gratefully acknowledged.

I would like to place it on record that the Sustainable Sand Mining Guidelines, 2016 of the MoEFCC and their circulars from time to time, give valuable documents and have been kept in the mind while preparing the framework. The co-operation and suggestions extended by the MoEFCC were of immense value, needless to state, environment concerns need to be carefully addressed while undertaking mining.

The support extended by the State Governments and the concerned institutions by providing the required data, inputs and insights is duly acknowledged. The Department of the State Governments and the Institutions that I would specifically like to mention are as follows-

1. Department of Mines & Geology, Andhra Pradesh
2. Directorate of Geology & Mining and Department of Environment and Forest, Assam
3. Directorate of Geology & Mining, Chhattisgarh
4. Commissioner of Geology & Mining, Gujarat
5. Mines and Geology Department, Haryana
6. Department of Mines & Geology, Karnataka
7. Directorate of Geology and Mining, Madhya Pradesh
8. Revenue and Forest Department, Maharashtra
9. Mining Department, Punjab
10. Department of Mines & Geology, Rajasthan
11. Department of Geology & Mining, Tamil Nadu
12. Department of Mines & Geology, Telangana
13. Directorate of Geology & Mining, Uttar Pradesh
14. Geology and Mining, Uttarakhand
15. Cement Manufacturing Association
16. National Council for Cement and Building materials (NCCBM)

I express my sincere gratitude to the team of officials from Indian Bureau of Mines (IBM) & Ministry of Mines, and consultants of WAPCOS, who have conducted the field visits and assisted in preparation of the report which comprises the following:

1. Ms Kirti, Assistant Director, Ministry of Mines
2. Shri Abhay Agrawal, Regional Controller of Mines, IBM
3. Shri Pushendra Gaur, Deputy Controller of Mines, IBM
4. Shri Satnam Singh, Consultant
5. Shri Manish Singla, Consultant
6. Shri Arvind Kumar Gahlot, Consultant
7. Shri Yash Raj Singh, Consultant

In essence, this report is the result of enormous efforts put in by the Chairman, Members, Consultants and the intellectual inputs drawn from a large number of experts and stakeholders. I gratefully appreciate and acknowledge all these inputs and support, without which this report would not have been possible.

New Delhi

(Prithul Kumar)
Member Secretary
Director, Ministry of Mines

Gujarat	Good use of IT	Offline	Medium	Medium
Haryana	Good use of IT	Offline	Low	Low
Karnataka	Good use of IT	Offline	Medium	Medium
Madhya Pradesh	Good use of IT	Online	Low	Low
Maharashtra	Good use of IT	Offline	Low	Low
Punjab	Good use of IT	Offline (Web)	Low	Medium
Rajasthan	Good use of IT	Offline	Low	Low
Tamil Nadu	Limited use of IT	Online (Web/APP)	Medium	Medium
Telangana	Limited use of IT	Online (Web/APP)	High	Medium
Uttar Pradesh	Good use of IT	Offline	Low	Low
Uttarakhand	Good use of IT	Offline	Low	Low

It can be seen from the above chart that the process in which the use of technology is most common is allocation of sand reaches. Further, Andhra Pradesh, Telangana and Tamil Nadu are making good use of IT in ordering, monitoring and transportation of sand in their States. Andhra Pradesh, Tamil Nadu and Telangana have developed web portals for ordering of sand in their States. All the sand carrying vehicles are registered with the State mining department. However, overall, Andhra Pradesh and Telangana have used IT relatively more intensely as compared to other States.

4.4 District Survey Report

Most of the States are lacking in terms of preparation of the District Survey Report which has been mandated by the MoEFCC through its 2016 notification. District Survey Report is a document that needs to provide the estimates of total sand available in a district based on the annual deposition rate.

If DSR is properly prepared, it could give the total sand resources available in a district. Further, with the help of a scientific replenishment study the data on the amount of sand resource that can

be extracted in the district without harming the balance of sand deposition in rivers can be derived. Further, if the DSRs of all the districts clubbed together can give us total resource estimation of sand in a State. And based on the resource and the estimated demand of sand, the State Governments can take a call on the number of sand bearing areas to be allotted for sand mining to meet the demand in the State.

Assam, Andhra Pradesh and Telangana have not prepared DSRs at all, however Andhra Pradesh and Telangana have evolved a system for identification and assessment of sand resources as per the existing WALT Act 2002 and WALT Rules, 2004. Chhattisgarh, Maharashtra and Tamil Nadu prepare the DSR but do not conduct resource assessment in the DSR. However, some of the States such Gujarat, Karnataka, Madhya Pradesh, Rajasthan and Uttarakhand prepare the DSR and conduct resource estimation as well. But none of the States has anything related to replenishment study in their DSRs. Below is the table, depicting the DSR status in the States.

Table 32 Status of District Survey Reports

State	Total No. of Districts	No of Sand Related Districts	DSR Status	Resource Estimation in DSR	Replenishment Study in DSR
Andhra Pradesh	13	12	0/13	No DSR	NA
Assam	33	33	0/33	No DSR	Not Applicable
Chhattisgarh	27	27	27/27	NO	No
Gujarat	33	32	32/33	Yes	No
Haryana	23	16	16/23	NA	NA
Karnataka	30	10	30/30	Yes	No
Madhya Pradesh	51	51	51/51	Yes	No
Maharashtra	36	34	36/36	NO	No
Punjab	22	16	22/22	Yes	No
Rajasthan	33	28	23/33	Yes	No

Tamil Nadu	32	30	30/32	NO	NA
Telangana	31	27	0/31	No DSR	NA
Uttar Pradesh	75	68	68/75	NA	NA
Uttarakhand**	13	13	13/13	Yes	No

*No DSR means DSR is not prepared by the State

**Uttarakhand's Forest Development corporation (UAFDC) has done replenishment study for some mines through Forest Research Institute (FRI), Dehradun.

Replenishment study should be done across the States in all districts as per the method prescribed in the *Sustainable Sand Mining Guidelines 2016* of MoEFCC. **Some of the points that should be taken care of while conducting replenishment study are:**

- The cross-section survey should cover a minimum distance of 1.0 km upstream and 1.0 km downstream of the potential reach for extraction.
- The sediment sampling should include the bed material and bed material load before, during and after extraction period.
- Development of sediment rating curve at the upstream end of the potential reach using the surveyed cross-section.
- Using the historical or gauged flow rating curve, determination of suitable period of high flow that can replenish the extracted volume.
- Calculation of the extraction volume based on the sediment rating curve and high flow period after determining the allowable mining depth.

The Apex Court has mandated the replenishment study to be conducted by all the States, however the States which are sand deficit should put more thrust on it as chances of environmental damage are more in those States.

One of the reasons for absence of replenishment study from the District Survey Reports in all the States is the lack of manpower to conduct the study.

4.5 Illegal Mining

India's sand mining issues tend to revolve around efforts to curb illegal mining. A number of steps have been taken by different State Governments to control illegal mining in sand.

Illegal mining in sand is basically of two types:

- Illegal extraction from the un-notified areas

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 25th July, 2018

S.O. 3611(E).—Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forest issued *vide* number S.O. 1533(E), dated the 14th September, 2006 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) (hereinafter referred to as the said notification) directions have been given regarding the prior environmental clearance;

And whereas, the Ministry of Environment, Forest and Climate Change has amended the said Notification *vide* S.O. 141 (E) dated 15th January, 2016 wherein the procedure for preparation of District Survey Report for minor mineral has been prescribed;

And whereas, the Hon'ble High Court of Jharkhand at Ranchi in its orders dated the 11th April, 2018 and 19th June, 2018 in W.P. (PIL) No. 1806 of 2015, in the matter of Court on its Own Motion Versus the State of Jharkhand & Others with W.P. (PIL) No. 290 of 2013, in the matter of Hemant Kumar Shilkarwar Versus the State of Jharkhand & Others, has *inter-alia* directed the preparation of District Survey Report for minor minerals other than Sand and Bajri or delegation of the powers for preparation of format of District Survey Report of minor minerals other than sand and bajri to the State Government and/or District Environment Impact Assessment Authority and District Expert Appraisal Committee;

And whereas, the Central Government hereby in the public interest dispense with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the Environment Protection Rules, 1986,

Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments to the notification of the Government of India, in the erstwhile Ministry of Environment and Forests *vide* number S.O. 1533(E), dated the 14th September, 2006, namely: -

In the said notification, for Appendix X, the following shall be substituted, namely: -

“APPENDIX - X

[See paragraph 7 (iii) (a)]

I. PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT FOR SAND MINING OR RIVER BED MINING

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following: -

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

- (1) Introduction;
- (2) overview of Mining Activity in the District;
- (3) the List of Mining Leases in the District with location, area and period of validity;
- (4) details of Royalty or Revenue received in last three years;
- (5) detail of Production of Sand or Bajri or minor mineral in last three years;
- (6) process of Deposition of Sediments in the rivers of the District;
- (7) general Profile of the District;
- (8) land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.;
- (9) physiography of the District;

- (10) rainfall: month-wise;
 (11) geology and Mineral Wealth.

In addition to the above, the report shall contain the following:

- (a) District wise detail of river or stream and other sand source;
 (b) District wise availability of sand or gravel or aggregate resources;
 (c) District wise detail of existing mining leases of sand and aggregates.

A survey shall be carried out by the District Environment Impact Assessment Authority with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

Drainage system with description of main rivers

S. No.	Name of the River	Area drained (Sq. Km)	% Area drained in the District
(1)			
(2)			

Salient Features of Important Rivers and Streams:

S. No.	Name of the River or Stream	Total Length in the District (in Km)	Place of origin	Altitude at Origin
(1)				
(2)				

Portion of the River or Stream Recommended for Mineral Concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

Mineral Potential

Boulder (MT)	Bajari (MT)	Sand (MT)	Total Mineable Mineral Potential (MT)

Annual Deposition

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S. No.	River or Stream	Portion of the river or stream recommended for mineral concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)
(1)						
(2)						
Total for the District						

A Sub-Divisional Committee comprising of (i) Sub-Divisional Magistrate, (ii) Officers from (a) Irrigation department, (b) State Pollution Control Board or Committee, (c) Forest department, (d) Geology or mining officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

Methodology adopted for calculation of Mineral Potential:

The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For Example, in some hill States mineral constituents like boulders, river born Bajri, sand up to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared in the district and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on the district's website for twenty-one days. The comments received shall be considered and if found correct, shall be incorporated in the final Report to be finalised within six months by the District Environment Impact Assessment Authority.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

II. PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT OF MINOR MINERALS OTHER THAN SAND MINING OR RIVER BED MINING

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty-one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report for minor minerals other than sand mining or River bed mining shall be as per structure mentioned below: -

FORMAT FOR PREPARATION OF DISTRICT SURVEY REPORT FOR MINOR MINERALS OTHER THAN SAND MINING OR RIVER BED MINING

- (1) Introduction;
- (2) overview of Mining Activity in the District;
- (3) general Profile of the District;
- (4) geology of the District;
- (5) drainage of Irrigation pattern;
- (6) land Utilisation Pattern in the District: Forest, Agricultural, Horticultural, Mining etc.;
- (7) surface Water and Ground Water scenario of the district;

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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(ii)]

(8) rainfall of the district and climatic condition;

(9) details of the mining leases in the District as per the following format: -

Sl. No.	Name of the Mineral	Name of the Lessee	Address & Contact No. of Lessee	Mining lease Grant Order No. & date	Area of Mining lease (ha)	Period of Mining lease (Initial)		Period of Mining lease (1 st /2 nd ...renewal)	
						From	To	Form	To
1	2	3	4	5	6	7	8	9	10

Date of commencement of Mining Operation	Status (Working/Non-Working/Temp. Working for dispatch etc.)	Captive/ Non-Captive	Obtained Environmental Clearance (Yes/No), If Yes Letter No with date of grant of EC.	Location of the Mining lease (Latitude & Longitude)	Method of Mining (Opencast/Underground)
11	12	13	14	15	16

(10) details of Royalty or Revenue received in last three years;

(11) details of Production of Minor Mineral in last three years;

(12) mineral Map of the District;

(13) list of Letter of Intent (LOI) Holders in the District along with its validity as per the following format :-

(14) total Mineral Reserve available in the District;

Sl. No.	Name of the Mineral	Name of the Lessee	Address & Contact No. of Letter of Intent Holder	Letter of Intent Grant Order No. & date	Area of Mining lease to be allotted	Validity of LoI	Use (Captive/ Non-Captive)	Location of the Mining lease (Latitude & Longitude)
1	2	3	4	5	6	7	8	9

(15) quality /Grade of Mineral available in the District;

(16) use of Mineral;

(17) demand and Supply of the Mineral in the last three years;

(18) mining leases marked on the map of the district;

(19) details of the area of where there is a cluster of mining leases viz. number of mining leases, location (latitude and longitude);

(20) details of Eco-Sensitive Area, if any, in the District;

- (21) impact on the Environment (Air, Water, Noise, Soil, Flora & Fauna, land use, agriculture, forest etc.) due to mining activity;
- (22) remedial Measures to mitigate the impact of mining on the Environment;
- (23) reclamation of Mined out area (best practice already implemented in the district, requirement as per rules and regulation, proposed reclamation plan);
- (24) risk Assessment & Disaster Management Plan;
- (25) details of the Occupational Health issues in the District. (Last five-year data of number of patients of Silicosis & Tuberculosis is also needs to be submitted);
- (26) plantation and Green Belt development in respect of leases already granted in the District;
- (27) any other information.

The District Environment Impact Assessment Authority (DEIAA) based on the nature and type of minor mineral in the District may include the additional parameters in the District Survey Report in consultation with the Department of Mines and Geology of the concerned State Government.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years”;

[F.No. L-11011/26/2018-IA-II (M)]

GYANESH BHARTI, Jt. Secy.

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended by :-

1. S.O. 1949 (E), dated the 13th November, 2006;
2. S.O. 1737 (E), dated the 11th October, 2007;
3. S.O. 3067 (E), dated the 1st December, 2009;
4. S.O. 695 (E), dated the 4th April, 2011;
5. S.O. 156 (E), dated the 25th January, 2012;
6. S.O. 2896 (E), dated the 13th December, 2012;
7. S.O. 674 (E), dated the 13th March, 2013;
8. S.O. 2204 (E), dated the 19th July 2013;
9. S.O. 2555 (E), dated the 21st August, 2013;
10. S.O. 2559 (E), dated the 22nd August, 2013;
11. S.O. 2731 (E), dated the 9th September, 2013;
12. S.O. 562 (E), dated the 26th February, 2014;
13. S.O. 637 (E), dated the 28th February, 2014;
14. S.O. 1599 (E), dated the 25th June, 2014;
15. S.O. 2601 (E), dated the 7th October, 2014;
16. S.O. 2600 (E), dated the 9th October, 2014;
17. S.O. 3252 (E), dated the 22nd December, 2014;
18. S.O. 382 (E), dated the 3rd February, 2015;
19. S.O. 811 (E), dated the 23rd March, 2015;
20. S.O. 996 (E), dated the 10th April, 2015;

21. S.O. 1142 (E), dated the 17th April, 2015;
22. S.O. 1141 (E), dated the 29th April, 2015;
23. S.O. 1834 (E), dated the 6th July, 2015;
24. S.O. 2571 (E), dated the 31st August, 2015;
25. S.O. 2572 (E), dated the 14th September, 2015;
26. S.O.141 (E), dated the 15th January, 2016;
27. S.O.648 (E), dated the 3rd March, 2016;
28. S.O. 2269 (E) dated the 1st July, 2016;
29. S.O. 2944 (E) dated the 14th September, 2016;
30. S.O. 3518 (E) dated the 23rd November 2016;
31. S.O. 3999 (E) dated the 9th December, 2016; and
32. S.O. 4241 (E) dated the 30th December, 2016.

RAKESH
SUKUL

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Annexure No. 19

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Diary No(s). 10561/2018

M/S PNC INFRATECH LTD

Petitioner(s)

VERSUS

DR. VIJAY VERMA & ORS.

Respondent(s)

WITH

C.A. No. 3495/2018

O R D E R

We are informed that the National Green Tribunal is in seisin of the matter. Pleadings are complete and the case is listed for hearing on 08.08.2018.

under these circumstances, we are not inclined to interfere with the impugned order passed by the National Green Tribunal.

The civil appeals are accordingly dismissed.

.....J.
[MADAN B. LOKUR]

.....J.
[DEEPAK GUPTA]

NEW DELHI;
July 30, 2018.

ITEM NO.5

COURT NO.3

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s) . 10561/2018

M/S PNC INFRATECH LTD

Petitioner(s)

VERSUS

DR. VIJAY VERMA & ORS.

Respondent(s)

WITH

C.A. No. 3495/2018 (XVII)

(FOR EX-PARTE STAY ON IA 48070/2018
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
48071/2018

FOR EXEMPTION FROM FILING O.T. ON IA 48072/2018
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 53568/2018)

Date : 30-07-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Farrukh Rasheed, AOR
Mr. Obaidullah, Adv.

Mr. Yatindra Singh, Sr. Adv.
Mr. Jitendra Mohan Sharma, Sr. Adv.
Mr. Ajit Sharma, AOR
Mr. Sandeep Singh, Adv.
Mr. Amir Khan, Adv.
Mr. Surjadipta Seth, Adv.

For Respondent(s) Dr. Ajay Veer Pundir, Adv.
Ms. Anu Gupta, AOR
Ms. Smriti Kumari, Adv.

Caveator-in-person

UPON hearing the counsel the Court made the following
O R D E R

The civil appeals are dismissed in terms of the signed order.

Pending applications are disposed of.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER

[signed order is placed on the file]

Annexure No. 20**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI****Execution Application No. 17 of 2016
(M.A. NO. 723 OF 2016)****In****Original Application No. 184 OF 2013
AND****Original Application No. 171 of 2016
(M.A. NO. 528 OF 2016)****AND****Original Application No. 176 of 2016
(Earlier O.A. No. 184/2013)
(M.A. No. 1252 of 2017& M.A. No. 1376 of 2017)****And****M.A. No. 425 of 2016****In****Original Application No. 184 of 2013****IN THE MATTER OF:****Pramod****(In Gurpreet Singh Bagga Vs. Ministry of Environment & Forest, & CC case)****Vs.****State of Uttar Pradesh & Ors.****And****Pramod Vs. State of Uttar Pradesh & Ors.****And****Gurpreet Singh Bagga Vs. MoEF & Ors.****And****Gurpreet Singh Bagga Vs. MoEF & Ors.****CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER****Present:**
Applicant: Mr. Alok Sangwan, Mr. Utkarsh Srivastava, Advs.
Respondents: Mr. Manish Kumar, Adv. for HP Govt.
Mr. Divya Prakash Pande, Adv. for MoEF
Mr. Divya Prakash Pande, Adv. for Ministry of
Environment, Forest and Climate Change
Mr. Om Prakash, Adv.
Mr. Anil Grover, AAG with Mr. Rahul Khurana &
Mishal Vij, Advs. for State of Haryana and HSPCB
Mr. Ankit Verma, Adv. for State of Uttar Pradesh
Ms. Aishwarya Bhati, AAG-UP

	Date and Remarks	Orders of the Tribunal
	Item Nos. 10 to 13 August 08, 2018 R	1. The matter of illegal mining in the flood plain of river Yamuna in the Districts of Yamuna Nagar, Haryana and Saharanpur, Uttar Pradesh was the subject matter of consideration by this Tribunal in judgment dated 18.02.2016. The Tribunal constituted a High Powered Committee headed by the Secretary, Ministry of Environment, Forest

	<p>Item Nos. 10 to 13</p> <p>August 08, 2018</p> <p>R</p>	<p>and Climate Change with the representatives of the States of Haryana and Uttar Pradesh. The States were required to submit mining plan consistent with the statutory provisions indicating the methodology to be followed for permitting mining on the river bed and conditions required to be imposed. The plan way to provide for check posts to ensure that there is no illegal transportation of mined material. It was directed that the mining should be in a semi-mechanised and scientific manner or non-mechanised manner. It should be in an environment friendly manner. It was expected that a regulated regime will be brought about the illegal mining which had already taken place, direction to recover environment compensation was also issued. There was also a direction for investigation and enquiry as to who was responsible for illegal mining, apart from those identified in the proceedings before this Tribunal.</p> <p>2. A status report has been filed before this Tribunal by Ministry of Environment, Forest and Climate Change on 15.09.2016 along with the report of High Powered Committee dated 19.05.2016. Recommendations in the High Powered Committee Report are that mining should be done in terms of the Mining Plan. Since in Saharanpur the investigation had not been completed, no mining should be permitted. Mining should be only after valid consent to operate and subject to compliance of the environmental clearance conditions which are to be enforced by the DEIAA, SPCB and Regional Offices of MoEF & CC. There should be quarterly meeting of District Level Task Forces for inter-state co-ordination. Recommendations have also been made for operating the</p>
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	<p>Item Nos. 10 to 13</p> <p>August 08, 2018</p> <p>R</p>	<p>check posts and recovery of ecological compensation.</p> <p>Submission has also been filed by the State of Uttar Pradesh stating that the State has submitted approved comprehensive mining plan for Saharanpur on 30.08.2017 which calls for lifting of the complete ban. The State of UP had submitted a mining plan to the MoEF & CC and the same has been filed before this Tribunal on 30.08.2017.</p> <p>An affidavit has also been filed by MoEF & CC on 31.08.2017, in response to the order of this Tribunal dated 18.07.2017. According to Ministry of Environment, Forest and Climate Change, the mining plans of Saharanpur district have been duly approved by the State Mining and Geology Department of Uttar Pradesh. The HPC has concurred with the same.</p> <p>In view of the above, we make it clear that the order of this Tribunal dated 18.02.2016 will not be a bar to mining in the District of Saharanpur in accordance with the conditions of the said order and consistent with the environmental laws. Whether or not the plan prepared for district Saharanpur is in accordance with the judgment or the environment laws is a subject matter which can be gone into in any appropriate proceedings, if raised.</p> <p>It is submitted on behalf of State of Uttar Pradesh that in pursuance of the order of this Tribunal dated 18.02.2016, a report of assessment of the value of ecological damage has been made. Since there is no objection to the report, the report will stand accepted. Appropriate action may accordingly be taken in terms of the said report by the concerned authority.</p>
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	<p>Item Nos. 10 to 13</p> <p>August 08, 2018</p> <p>R</p>	<p>The matter stands accordingly disposed of.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (Dr. Jawad Rahim)</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p>08.08.2018</p>
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Ministry of Environment & Forests
Division)

210
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SUMMARY RECORD OF THE 15TH MEETING OF EXPERT APPRAISAL COMMITTEE FOR ENVIRONMENTAL APPRAISAL OF MINING PROJECTS CONSTITUTED UNDER EIA NOTIFICATION, 2006.

The 15th meeting of the Expert Appraisal Committee for Environmental Impact Assessment of Mining Projects of the Ministry of Environment and Forests was held on May 25-27, 2011. The list of participants is annexed.

After welcoming the Committee Members, discussion on each of the agenda items was taken up ad-seriatim.

Item No. 1:

1.1 Confirmation of the minutes of the 14th Meeting.

The minutes of the 14th meeting were confirmed as circulated, however, the Committee observed that in respect of projects relating to mining of minor minerals from U.P. namely item nos. 2.38, 2.40, 2.41, 2.42, 2.43 and 2.45, the proposed study relating to replenishment of the mineral (siltation study), which was earlier stipulated in these projects may be steered by the State Government due to the sensitivities involved and the results obtained there from may be utilized by the State Government in fixing the quantity of mineral while granting the mining lease.

Further, the study also suggested some changes regarding observations of turtle nesting sites. Accordingly, the conditions earlier proposed in the last meeting will now be modified to read as under:

(i) The proponent will observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness will be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.

(ii) A study shall be carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral, which may adversely affect the dynamics of the river. This study will be steered by the State Government, based on which the capacity of the mine will be decided by the concerned Department of the State Govt. while granting mining lease.

1.2 Circulation of Office Memorandums issued by MoEF:

The three office memoranda namely; (i) Consideration of projects for grant of EC which involve forestland, dated 31st March, 2011, (ii) Procedure for consideration of proposal involving forests dated 26.4.2011 and (iii) Corporate Environment Responsibility dated 26.4.2011 were circulated to the members of the EAC and were briefly discussed so as to integrate the same while making recommendations on, as well as in formulating the TOR for various project proposals.

Item No. 2: Consideration of the Proposals listed in the Agenda:

2.1 Khondbond Iron and Manganese Ore Mine of M/s Tata Steel Ltd., village Khandbond, Tehsil Barbil, District Keonjhar, Orissa (Consultant: S.S. Environics (India) Pvt. Ltd., Bhubaneswar)

The proposal was considered by the Committee and the proponent made a presentation on the same. The proposal is for enhancement of production of iron ore from 5.4 million TPA (ROM) to 8.0 million TPA (ROM), manganese ore from 0.036 million TPA to 0.1 million TPA and a iron ore beneficiation plant of 8.0 million TPA throughput. TOR for this project were prescribed on 25.6.2008. Public hearing has been held on 29.10.2010. The earlier environmental clearance was granted on 28.3.2005. The mine lease area is 978.0 ha. In addition, 41.472 ha has been earmarked for transportation corridor. It includes 681.718 ha of reserved forests, 44.653 ha of Khesra forests and 110.386 ha of DLC land. Forestry clearance has been obtained for 453.15 ha (317 ha fresh + 136.15 ha broken up prior to 1980). The land requirement for the new beneficiation plant is 79.25 ha, which includes 33.25 ha for the tailing pond. Mine working will be opencast mechanized involving drilling and blasting. Life of the mine is 14 years for iron ore and 5 years for manganese ore. The ultimate working depth will be 567 m AMSL for iron ore and 515 m AMSL for manganese ore. There will be six dumps (four for iron and two for manganese ore). It is estimated that 2.4 million TPA of tailings will be generated. The peak water requirement is 800 m³/hour, which will be obtained from Kundra nallah. It was stated that no National Park / Sanctuary / Elephant Corridor are located within 10 km of the mine lease. A map duly authenticated by DFO cum Wildlife Warden, Keonjhar has been submitted in this regard. The compliance to the earlier EC conditions were

- c) Where data are presented in the report especially in tables, the period in which the data were collected and the sources should be indicated.
- d) Where the documents provided are in a language other than English, an English translation should be provided.
- e) The Questionnaire for environmental appraisal of mining projects as prescribed by the Ministry shall also be filled and submitted.
- f) Approved mine plan along with copy of the approval letter for the proposed capacity should also be submitted.
- g) While preparing the EIA report, the instructions for the proponents and instructions for the consultants issued by MoEF vide O.M. No. J-11013/41/2006-IA.II(I) dated 4th August, 2009, which are available on the website of this Ministry should also be followed.

The EIA report should also include (i) surface plan of the area indicating contours of main topographic features, drainage and mining area, (ii) geological maps and sections and (iii) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.

After preparing the draft EIA (as per the generic structure prescribed in Appendix-III of the EIA Notification, 2006) covering the above mentioned issues, the proponent will get the public hearing conducted and take further necessary action for obtaining environmental clearance in accordance with the procedure prescribed under the EIA Notification, 2006.

2.33 River Bed Mining (10.52 ha) of Sand, Bajri & Boulders (minor mineral) of M/s Mohd. Inam & Mahboob Aalam, village Chajjamal Ahatmaal, Tehsil Behat, District Saharanpur, U.P. (Consultant: J.M. Environet Pvt. Ltd., Gurgaon)

The proposal was considered by the Committee and the proponent made a presentation on the same. The proposal is for environmental clearance for mining of 54,000 TPA of sand, bajri, boulders (minor mineral) put together from the bed of river Yamuna in Chajjamal Ahatmaal village, District Saharanpur, U.P. TOR for this project were prescribed on 31.5.2010. Public hearing has been held on 19.11.2010. The proponent informed the Committee that the earlier lease for this project expired on 22.5.2011 and further renewal of this lease has been approved by the State Government. Accordingly, the proposal was considered for renewal of mine lease. The mine lease area is 10.52 ha. No forestland is involved. It has been considered as Category 'A' because of the inter-state boundary of U.P. and Haryana within 10 km. Elephant reserve boundary is at a distance of 8.1 km. The proponent have submitted a map authenticated by Chief Wildlife Warden in this regard. It is a violation case as the mine started functioning without obtaining requisite prior environmental clearance. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent have also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit. The issues raised during public hearing were also considered and discussed during the meeting. It was reported that there is no court case pending against the project.

Based on the presentation made and discussion held, the Committee recommended the project for environmental clearance subject to following conditions:-

- (i) The proponent will observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness will be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.
- (ii) A study shall be carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed

the siltation to avoid over exploitation of mineral, which may adversely affect the dynamics of the river. This study will be steered by the State Government, based on which the capacity of the mine will be decided by the concerned Department of the State Govt. while granting mine lease.

(iii) Effective safeguard measures shall be taken to ensure that the AAQ levels at various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.

2.34 River Bed Mining (8.06 ha) of Sand, Bajri & Boulders (minor mineral) of M/s Mahmood Ali & Dilshad, village Rahna, Tehsil Behat, District Saharanpur, U.P. (Consultant: J.M. Environet Pvt. Ltd., Gurgaon)

The proposal was considered by the Committee and the proponent made a presentation on the same. The proposal is for environmental clearance for mining of 1,26,000 TPA of sand, bajri, boulders (minor mineral) put together from the bed of river Yamuna in Rahna village, District Saharanpur, U.P. TOR for this project were prescribed on 31.5.2010. Public hearing has been held on 10.11.2010. The mine lease area is 8.06 ha. No forestland is involved. It has been considered as Category 'A' because of the inter-state boundary of U.P., Haryana and Uttarakhand within 10 km. Elephant reserve boundary is at a distance of 0.11 km. The proponent have submitted a map authenticated by Chief Wildlife Warden in this regard. It is a violation case as the mine started functioning without obtaining requisite prior environmental clearance. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent have also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit. The issues raised during public hearing were also considered and discussed during the meeting. It was reported that there is no court case pending against the project.

Based on the presentation made and discussion held, the Committee recommended the project for environmental clearance subject to following conditions:-

(i) The proponent will observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness will be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.

(ii) A study shall be carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral, which may adversely affect the dynamics of the river. This study will be steered by the State Government, based on which the capacity of the mine will be decided by the concerned Department of the State Govt. while granting mine lease.

(iii) Effective safeguard measures shall be taken to ensure that the AAQ levels at various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.

2.35 River Bed Mining (36.38 ha) of Sand, Bajri & Boulders (minor mineral) of M/s Mahmood Ali, Punit Jain & Mukesh Jain, village Aslampur Bartha, Tehsil Behat, District Saharanpur, U.P. (Consultant: J.M. Environet Pvt. Ltd., Gurgaon)

The proposal was considered by the Committee and the proponent made a presentation on the same. The proposal is for environmental clearance for mining of 1,08,000 TPA of sand, bajri, boulders (minor mineral) put together from the bed of river Yamuna in Aslampur Bartha village, District Saharanpur, U.P. TOR for this project were prescribed on 31.5.2010. Public hearing has been held on 10.11.2010. The proponent informed the Committee that the earlier lease for this project expired on 22.5.2011 and further renewal of this lease has been approved by the State Government. Accordingly, the proposal was considered for renewal of mine lease. The mine lease area is 36.38 ha. No forestland is involved. It has been considered as Category 'A' because of the inter-state boundary of U.P. and Haryana within 10 km. No National Park / Sanctuary / Elephant Reserve are reported within 10 km of the mine lease. The proponent have submitted a map authenticated by Chief Wildlife Warden in this regard. It is a violation case as the mine started functioning without obtaining requisite prior environmental clearance.

Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent have also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit. The issues raised during public hearing were also considered and discussed during the meeting. It was reported that there is no court case pending against the project.

Based on the presentation made and discussion held, the Committee recommended the project for environmental clearance subject to following conditions:-

(i) The proponent will observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness will be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.

(ii) A study shall be carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral, which may adversely affect the dynamics of the river. This study will be steered by the State Government, based on which the capacity of the mine will be decided by the concerned Department of the State Govt. while granting mine lease.

(iii) Effective safeguard measures shall be taken to ensure that the AAQ levels at various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.

2.36 River Bed Mining (10.32 ha) of Sand, Bajri & Boulders (minor mineral) of M/s Mahmood Ali & Dilshad, village Rahna, Tehsil Behat, District Saharanpur, U.P. (Consultant: J.M. Environet Pvt. Ltd., Gurgaon)

The proposal was considered by the Committee and the proponent made a presentation on the same. The proposal is for environmental clearance for mining of 1,08,000 TPA of sand, bajri, boulders (minor mineral) put together from the bed of river Yamuna in Rahna village, District Saharanpur, U.P. TOR for this project were prescribed on 31.5.2010. Public hearing has been held on 11.11.2010. The proponent informed the Committee that the earlier lease for this project expired on 22.5.2011 and further renewal of this lease has been approved by the State Government. Accordingly, the proposal was considered for renewal of mine lease. The mine lease area is 10.32 ha. No forestland is involved. It has been considered as Category 'A' because of the inter-state boundary of U.P. and Haryana within 10 km. Elephant Reserve boundary is reported at a distance of 0.545 km. The proponent have submitted a map authenticated by Chief Wildlife Warden in this regard. It is a violation case as the mine started functioning without obtaining requisite prior environmental clearance. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent have also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit. The issues raised during public hearing were also considered and discussed during the meeting. It was reported that there is no court case pending against the project.

Based on the presentation made and discussion held, the Committee recommended the project for environmental clearance subject to following conditions:-

(i) The proponent will observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness will be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.

(ii) A study shall be carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral, which may adversely affect the dynamics of the river. This study will be steered by the State Government, based on which the capacity of the mine will be decided by the concerned Department of the State Govt. while granting mine lease.

(iii) Effective safeguard measures shall be taken to ensure that the AAQ levels at various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.

2.37 River Bed Mining (10.32 ha) of Sand, Bajri & Boulders (minor mineral) of M/s Vikas Agarwal & Wajid Ali, village Khushhalipur, Tehsil Behat, District Saharanpur, U.P. (Consultant: J.M. Environet Pvt. Ltd., Gurgaon)

The proposal was considered by the Committee and the proponent made a presentation on the same. The proposal is for environmental clearance for mining of 72,000 TPA of sand, bajri, boulders (minor mineral) put together from the bed of river Solani in Khushhalipur village, District Saharanpur, U.P. TOR for this project were prescribed on 31.5.2010. Public hearing has been held on 12.11.2010. The mine lease area is 10.32 ha. No forestland is involved. It has been considered as Category 'A' because of the inter-state boundary of U.P. and Uttarakhand within 10 km. Elephant reserve boundary is at a distance of 1.14 km. Rajaji National Park is at a distance of 5.0 km. The proponent have submitted a map authenticated by Chief Wildlife Warden in this regard. It is a violation case as the mine started functioning without obtaining requisite prior environmental clearance. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent have also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit. The issues raised during public hearing were also considered and discussed during the meeting. It was reported that there is no court case pending against the project.

Based on the presentation made and discussion held, the Committee recommended the project for environmental clearance subject to following conditions:-

(i) The proponent will observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness will be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.

(ii) A study shall be carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral, which may adversely affect the dynamics of the river. This study will be steered by the State Government, based on which the capacity of the mine will be decided by the concerned Department of the State Govt. while granting mine lease.

(iii) Effective safeguard measures shall be taken to ensure that the AAQ levels at various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.

2.38 River Bed Mining (9.31 ha) of Sand, Bajri & Boulders (minor mineral) of M/s Amit Jain & Naseem, village Mayapur Rooppur, Tehsil Behat, District Saharanpur, U.P. (Consultant: J.M. Environet Pvt. Ltd., Gurgaon)

The proposal was considered by the Committee and the proponent made a presentation on the same. The proposal is for environmental clearance for mining of 1,08,000 TPA of sand, bajri, boulders (minor mineral) put together from the bed of river Badshahibagh Rao in Mayapur Rooppur village, District Saharanpur, U.P. TOR for this project were prescribed on 31.5.2010. Public hearing has been held on 19.11.2010. The mine lease area is 9.31 ha. No forestland is involved. It has been considered as Category 'A' because of the inter-state boundary of U.P., Haryana and Uttarakhand within 10 km. Elephant reserve boundary is at a distance of 0.963 km. The proponent have submitted a map authenticated by Chief

Wildlife Warden in this regard. It is a violation case as the mine started functioning without obtaining requisite prior environmental clearance. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent have also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit. The issues raised during public hearing were also considered and discussed during the meeting. It was reported that there is no court case pending against the project.

Based on the presentation made and discussion held, the Committee recommended the project for environmental clearance subject to following conditions:-

(i) The proponent will observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness will be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.

(ii) A study shall be carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral, which may adversely affect the dynamics of the river. This study will be steered by the State Government, based on which the capacity of the mine will be decided by the concerned Department of the State Govt. while granting mine lease.

(iii) Effective safeguard measures shall be taken to ensure that the AAQ levels at various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.

2.39 River Bed Mining (12.39 ha) of Sand, Bajri & Boulders (minor mineral) of M/s Amit Jain & Naseem, village Madti Ahatmaal, Tehsil Behat, District Saharanpur, U.P. (Consultant: J.M. Environet Pvt. Ltd., Gurgaon)

The proposal was considered by the Committee and the proponent made a presentation on the same. The proposal is for environmental clearance for mining of 72,000 TPA of sand, bajri, boulders (minor mineral) put together from the bed of river Yamuna in Madti Ahatmaal village, District Saharanpur, U.P. TOR for this project were prescribed on 31.5.2010. Public hearing has been held on 11.11.2010. The mine lease area is 12.39 ha. No forestland is involved. It has been considered as Category 'A' because of the inter-state boundary of U.P. and Haryana within 10 km. Elephant reserve boundary is at a distance of 6.5 km. The proponent have submitted a map authenticated by Chief Wildlife Warden in this regard. It is a violation case as the mine started functioning without obtaining requisite prior environmental clearance. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent have also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit. The issues raised during public hearing were also considered and discussed during the meeting. It was reported that there is no court case pending against the project.

Based on the presentation made and discussion held, the Committee recommended the project for environmental clearance subject to following conditions:-

(i) The proponent will observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness will be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.

(ii) A study shall be carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed

the siltation to avoid over exploitation of mineral, which may adversely affect the dynamics of the river. This study will be steered by the State Government, based on which the capacity of the mine will be decided by the concerned Department of the State Govt. while granting mine lease.

(iii) Effective safeguard measures shall be taken to ensure that the AAQ levels at various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.

2.40 River Bed Mining (18.75 ha) of Sand, Bajri & Boulders (minor mineral) of M/s Vikas Agarwal & Wajid Ali, village Khushhalipur, Tehsil Behat, District Saharanpur, U.P. (Consultant: J.M. Environet Pvt. Ltd., Gurgaon)

The proposal was considered by the Committee and the proponent made a presentation on the same. The proposal is for environmental clearance for mining of 72,000 TPA of sand, bajri, boulders (minor mineral) put together from the bed of river Solani in Khushhalipur village, District Saharanpur, U.P. TOR for this project were prescribed on 31.5.2010. Public hearing has been held on 15.11.2010. The mine lease area is 18.75 ha. No forestland is involved. It has been considered as Category 'A' because of the inter-state boundary of U.P. and Uttarakhand within 10 km. Elephant reserve boundary is at a distance of 1.42 km. Rajaji National Park is reported at a distance of 4.7 km. The proponent have submitted a map authenticated by Chief Wildlife Warden in this regard. It is a violation case as the mine started functioning without obtaining requisite prior environmental clearance. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent have also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit. The issues raised during public hearing were also considered and discussed during the meeting. It was reported that there is no court case pending against the project.

Based on the presentation made and discussion held, the Committee recommended the project for environmental clearance subject to following conditions:-

(i) The proponent will observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness will be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.

(ii) A study shall be carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral, which may adversely affect the dynamics of the river. This study will be steered by the State Government, based on which the capacity of the mine will be decided by the concerned Department of the State Govt. while granting mine lease.

(iii) Effective safeguard measures shall be taken to ensure that the AAQ levels at various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.

2.41 River Bed Mining (6.85 ha) of Sand, Bajri & Boulders (minor mineral) of M/s Mohd. Inam & Mahboob Aalam, village Ganeshpur, Tehsil Behat, District Saharanpur, U.P. (Consultant: J.M. Environet Pvt. Ltd., Gurgaon)

The proposal was considered by the Committee and the proponent made a presentation on the same. The proposal is for environmental clearance for mining of 45,000 TPA of sand, bajri, boulders (minor mineral) put together from the bed of river Lalo in Ganeshpur village, District Saharanpur, U.P. TOR for this project were prescribed on 31.5.2010. Public hearing has been held on 12.11.2010. The proponent informed the Committee that the earlier lease for this project expired on 22.5.2011 and further renewal of this lease has been approved by the State Government. Accordingly, the proposal was considered for renewal of mine lease. The mine lease area is 6.85 ha. No forestland is involved. It has been considered as Category 'A' because of the inter-state boundary of U.P. and Uttarakhand within 10 km. Elephant reserve boundary is at a distance of 0.427 km. Rajaji National Park is reported at a

distance of 2.0 km. The proponent have submitted a map authenticated by Chief Wildlife Warden in this regard. It is a violation case as the mine started functioning without obtaining requisite prior environmental clearance. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent have also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit. The issues raised during public hearing were also considered and discussed during the meeting. It was reported that there is no court case pending against the project.

Based on the presentation made and discussion held, the Committee recommended the project for environmental clearance subject to following conditions:-

(i) The proponent will observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness will be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.

(ii) A study shall be carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral, which may adversely affect the dynamics of the river. This study will be steered by the State Government, based on which the capacity of the mine will be decided by the concerned Department of the State Govt. while granting mine lease.

(iii) Effective safeguard measures shall be taken to ensure that the AAQ levels at various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.

2.42 River Bed Mining (34.82 ha) of Sand, Bajri & Boulders (minor mineral) of M/s Mahmood Ali, Punit Jain & Mukesh Jain, village Rasoolpur, Tehsil Behat, District Saharanpur, U.P. (Consultant: J.M. Environet Pvt. Ltd., Gurgaon)

The proposal was considered by the Committee and the proponent made a presentation on the same. The proposal is for environmental clearance for mining of 1,08,000 TPA of sand, bajri, boulders (minor mineral) put together from the bed of river Yamuna in Rasoolpur village, District Saharanpur, U.P. TOR for this project were prescribed on 31.5.2010. Public hearing has been held on 20.11.2010. The proponent informed the Committee that the earlier lease for this project expired on 22.5.2011 and further renewal of this lease has been approved by the State Government. Accordingly, the proposal was considered for renewal of mine lease. The mine lease area is 34.82 ha. No forestland is involved. It has been considered as Category 'A' because of the inter-state boundary of U.P. and Haryana within 10 km. No National Park / Sanctuary / Elephant Reserve is reported within 10 km of the mine lease. The proponent have submitted a map authenticated by Chief Wildlife Warden in this regard. It is a violation case as the mine started functioning without obtaining requisite prior environmental clearance. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent have also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit. The issues raised during public hearing were also considered and discussed during the meeting. It was reported that there is no court case pending against the project.

Based on the presentation made and discussion held, the Committee recommended the project for environmental clearance subject to following conditions:-

(i) The proponent will observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness will be created amongst the

mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.

(ii) A study shall be carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral, which may adversely affect the dynamics of the river. This study will be steered by the State Government, based on which the capacity of the mine will be decided by the concerned Department of the State Govt. while granting mine lease.

(iii) Effective safeguard measures shall be taken to ensure that the AAQ levels at various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.

Next Meeting:

It was decided that the next meeting will be held on June 21-23, 2011.

The meeting ended with a vote of thanks to the Chair.

Annexure

List of Participants

- | | | | |
|-----|---|---|------------------|
| 1. | Shri Mukunda Shenoy Nagar | - | Chairman |
| 2. | Dr. S. Subramanian | - | Vice Chairman |
| 3. | Shri K.S. Anandan | - | Member |
| 4. | Shri Vinay Mahajan | - | Member |
| 5. | Prof. C.K. Varshney | - | Member |
| 6. | Shri Sunil Peshin | - | Member |
| 7. | Shri Mihir Moitra | - | Member |
| 8. | Dr. B.K. Mishra | - | Member |
| 9. | Shri T.K. Joshi | - | Member |
| 10. | Shri Rajesh Srivastava | - | Member |
| 11. | Dr. S.K. Aggarwal, Director | - | Member Secretary |
| 12. | Dr. Satish C. Garkoti, Director | | |
| 13. | Representative of M/s Tata Steel Ltd. | | |
| 14. | Representative of M/s Hindalco Industries Ltd. | | |
| 15. | Representative of M/s Sarda Mines Pvt. Ltd. | | |
| 16. | Representative of M/s Yogita Allied & Calcine Products | | |
| 17. | Representative of M/s National Mineral Development Corporation Ltd. | | |
| 18. | Representative of M/s Orient Cement | | |
| 19. | Representative of M/s Maroon Engineers Consultants (P) Ltd. | | |
| 20. | Representative of M/s Rajesh Bajpae & Others | | |
| 21. | Representative of M/s SAIL | | |
| 22. | Representative of Shri Gopal Lal Agal | | |
| 23. | Representative of M/s Devkabai Velji | | |
| 24. | Representative of M/s Kalinga Mining Corporation | | |
| 25. | Representative of M/s Tata Refractories Ltd. | | |
| 26. | Representative of M/s Vyaghreshwar Mineral Industrial Producer's | | |
| 27. | Representative of M/s Modern Mineral Industry | | |
| 28. | Representative of M/s Divyajyothi Steels Ltd. | | |
| 29. | Representative of M/s VSL Mining Company Pvt. Ltd. | | |
| 30. | Representative of M/s Chettinad Cement | | |
| 31. | Representative of M/s Kirloskar Ferrous Industries Ltd. | | |
| 32. | Representative of M/s Thakur Industries | | |
| 33. | Representative of M/s Bharat Minerals | | |
| 34. | Representative of M/s Manmohan Mineral Industries Pvt. Ltd. | | |
| 35. | Representative of M/s Orissa Manganese & Minerals Ltd. | | |

36. Representative of M/s Mohd. Inam & Mahboob Aalam
37. Representative of M/s Mahmood Ali & Dilshad
38. Representative of M/s Mahmood Ali, Punit Jain & Mukesh Jain
39. Representative of M/s Vikas Agarwal & Wajid Ali
40. Representative of M/s Amit Jain & Naseem

2018



Status of

**TIGERS
COPREDATORS
& PREY IN INDIA**



मंत्री
पर्यावरण, वन एवं जलवायु परिवर्तन
सूचना एवं प्रसारण और
भारी उद्योग एवं लोक उद्यम
भारत सरकार



MINISTER
Environment, Forest & Climate Change
INFORMATION & BROADCASTING AND
HEAVY INDUSTRIES & PUBLIC ENTERPRISES
GOVERNMENT OF INDIA

प्रकाश जावड़ेकर
PRAKASH JAVADEKAR



Every four years, India takes stock of its tiger population. This exercise is of massive scale in terms of area covered and personnel involved. It uses cutting edge science and best technology to evaluate tiger habitat across 20 tiger bearing States of India. The status of tiger, co-predators and embodies the holistic approach to conservation in our country. The fourth cycle of the all India Tiger Estimation has been successfully completed and has shown significant numbers rise in tiger estimates. India has lived up to its global commitments in ensuring the protection and continued increase of its tiger population, which is currently around 3000 individuals (excluding cubs.) The tiger signifies the health of the forest, their ecosystem function and services. Thus, despite all the odd, the population pressures, pressing demand for the development and livelihoods, we have achieved this balance between modernization and conservation.

I compliment the entire team of the National Tiger Conservation Authority, Wildlife Institute of India, State Forest Departments and other stakeholders for this commendable achievement.

PRAKASH JAVADEKAR

Date: 22.04.2020

॥ प्लास्टिक नहीं, कपड़ा सही ॥

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UNION MINISTER OF STATE
Ministry of Environment,
Forest & Climate Change
Government of India



केन्द्रीय राज्य मंत्री
पर्यावरण, वन एवं जलवायु
परिवर्तन मंत्रालय
भारत सरकार

बाबुल सुप्रियो
Babul Supriyo



Tiger is our national and culture heritage and is therefore revered by many National as its National Animal. The success of India in conserving and doubling its wild tiger population in a span of about 12 years (much before the targeted year of 2022 as per St. Petersburg Declaration) is commendable especially when the tiger is highly threatened globally due to the high illegal demand of its body parts.

The Fourth Cycle of all India Tiger Estimation has been successfully completed and has shown an increase in the tiger numbers. Most tiger range countries who were in a better economic position have failed to protect the tiger, the success in India is largely attributable to the people, culture and religious tolerance and reverence to all life forms that co-habit this planet with us. I specifically applaud the effort of entire team of National Tiger Conservation Authority, Wildlife Institute of India and State forest department for this success.

The recovery of tiger populations signifies recovering ecosystems and their life support systems that are so important for mankind in India and on the planet.

BABUL SUPRIYO

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INTRODUCTION

Tigers, the top predators in an ecosystem, are vital in regulating and perpetuating ecological processes (Terborgh 1991, Sunquist et al. 1999). Ensuring the conservation of this top carnivore guarantees the well-being of forested ecosystems, the biodiversity they represent as well as water and climate security. However, the rise in organized poaching driven by an international demand for tiger parts and products, depletion of tiger prey and habitat loss have led to largely disconnected fragmented populations. Extant tiger populations are confined to less than 7% of their historical range in patchily distributed habitats across a range of 12 regional tiger conservation landscapes (TCLs) in southern, northern, and south-eastern Asia (Dinerstein et al. 2007). Of these, six global priority TCLs for long-term tiger conservation significance are present in the Indian subcontinent alone. Home to more than 80% of the global population of 3,159 adult free-ranging tigers (Goodrich et al. 2015) and harboring >60% of the global genetic variation in the species (Mondol et al. 2009), India plays a crucial role in accomplishing the objectives of the Global Tiger Recovery Plan that was ratified at the meeting of world leaders held at St. Petersburg (Russia) in 2010.

In India, tigers inhabit a wide variety of habitats ranging from the high mountains, mangrove swamps, tall grasslands, to dry and moist deciduous forests, as well as evergreen and shola forest systems. By virtue of this, tiger is not only a conservation icon but also acts as an umbrella species for majority of eco-regions in the Indian subcontinent. On the other hand, tigers need large undisturbed forested landscapes with ample prey to raise young and to maintain long-term genetic and demographic viability (Seidensticker et al. 1993, Karanth and Sunquist 1995). In a country with an increasing demand for land by an ever-growing population, conserving such a large carnivore demands innovative approaches to land use planning that maintains connectivity between tiger source populations in a metapopulation framework. The Project Tiger, that was initiated in 1973 aimed to harness the functional role of the tiger and its charisma to garner resources and public support for conserving representative ecosystems. Under the stewardship of Project Tiger, the initial number of nine tiger reserves (~18,278 km²) has now expanded to 50 tiger reserves (~72,749 km²) covering about 2.21% of India's geographical area. Nevertheless, many Tiger Reserves and Protected Areas in India are analogous to small islands in a vast sea of ecologically unsustainable land uses of varying degrees. Many tiger populations are confined within small Protected Areas and some have habitat corridors that permit tiger movement between them (Qureshi et al. 2014, Yumnam et al. 2014). However, most of the corridor habitats in India are not protected areas, and are degrading due to unsustainable human use and developmental projects.

For designing, implementing, and evaluating the success of any conservation program for an endangered species, it is vital to monitor the status, distribution, and trends in the populations of the target species. Scientific objectives aim to understand the dynamics of the monitored system, while management objectives seek to use such information for making informed decisions. In the recent past, scientists, governments and NGOs had increasingly recognized that monitoring should be a central and operational part of all conservation activities, because if one cannot measure and assess the impact of our actions on biodiversity conservation, one can never adapt practices or improve their effectiveness (Nichols et al. 2017). Hence, monitoring is a process, not a result, a means to an end rather than an end in itself. Monitoring tiger populations is thus synonymous with understanding the pulse of the forested ecosystems of the country, both spatially and temporally. Monitoring programs need to be holistic, addressing an array of parameters related to the survival of the species by using the blend of the best available science and technology while being practical to implement at large spatial scales. Any monitoring program is a compromise between what is required by science and what is logistically and cost effectively possible (Hutto and Young 2002).

Lions and tigers were traditionally tracked by professional *shikaris* from their pugmarks for *shikar*. After the first lion census, based on pugmark count, by Wynter-Blyth and Dharmakumarsinh (1950), Saroj Raj Choudhury, a forest officer from Odisha modified the approach for counting tigers (Choudhury 1970). Subsequently, several forest officials advocated and improvised on the pugmark method for tiger census (Panwar 1980, Sawarkar 1987, Singh 1999, Rishi 2010). Karanth et al. (2003) brought out several deficiencies of the pugmark census in light of modern science dealing with animal abundance estimation (Williams et al. 2002). But it was only after the Sariska debacle in 2004-05 (and subsequently in Panna in 2007-08), where despite total local extinction of tigers due to poaching, official records showed presence of substantial tigers based on the pugmark census. This disaster and its extensive media coverage prompted the Prime Minister of India to appoint the Tiger Task Force (TTF) with a mandate to develop a strategy for tiger conservation in India. Besides recommending the creation of the National Tiger Conservation Authority (NTCA), and amendment of the Wildlife (Protection) Act 1972, the TTF also suggested a country wide monitoring of tigers and their ecosystems based on modern scientific protocols developed by the Wildlife Institute of India in collaboration with Project Tiger Directorate and Madhya Pradesh Forest Department (Jhala et al. 2005). NTCA in collaboration with the State Forest Departments, Conservation NGOs and coordinated by the Wildlife Institute of India (WII), has conducted a National assessment for the "Status of Tigers, Co-predators, Prey and their Habitat" every four years since then. The first status assessment of 2006 was peer reviewed by international carnivore experts and the IUCN. The methodology (*vide* Methodology Chapter of the current report for more detail) used for these assessments was standardized after a pilot survey conducted in about 20,000 km² area of Satpura-Maikal landscape of Central India.

The parameters used to assess the Indian tiger population status are abundance, i.e., the number of individuals in a population occupying the same space at the same time, and density i.e. abundance scaled by area and spatial distribution. The first countrywide assessment was done in 2006 and it estimated India's tiger population to be 1,411 (SE range 1,165 to 1,675). Before this scientifically objective assessment, the official tiger number in India was estimated at 3,500 tigers. The 2006 assessment was spatially explicit and determined the extent and size of individual tiger populations and the status of habitat connectivity between these populations for the first time at a national scale (Jhala et al. 2008). During the 2006 exercise the Sundarban landscape was not assessed, as at that time, the protocol for sampling this hostile and unique tiger habitat had not been developed. The second and third assessments were carried out in 2010 and 2014 which estimated India's tiger population to have increased to 1,706 (1,520 to 1,909) and 2,226 (1,945 to 2,491) respectively (Jhala et al. 2011, 2015). These 2010 and 2014 assessments included the Sundarban tigers which accounted for 70 (64-90) and 76 (62-96) tigers.



The information generated by the earlier three cycles of tiger status evaluation exercises resulted in major changes in policy and management of tiger populations and provided scientific data to fully implement provisions of the Wildlife (Protection) Act 1972, as amended in 2006, in letter and spirit. The major outcomes that were direct or indirect consequence of information generated by the monitoring exercises were 1) tiger landscape conservation plans, 2) designation and notification of inviolate critical core and buffer areas of tiger reserves, 3) identification and declaration of new tiger reserves, 4) recognition of tiger landscapes and the importance of the corridors and

their physical delineation at the highest levels of governance (Yumnam et al. 2014), 5) integrating tiger conservation with developmental activities using the power of reliable information in a Geographic Information System database, 6) planning reintroduction and supplementation strategies for tigers and 7) to prioritize conservation investments to target unique vulnerable gene pools (Kolipakam et al. 2019). All these provide an opportunity to incorporate conservation objectives supported with sound science based data, on equal footing with economic, sociological, and other values in policy and decision making for the benefit of the society.

The fourth cycle of the assessment was undertaken in 2018 and 2019 using the best available science, technology and analytical tools. The unique feature of this cycle of assessment, in keeping up with "Digital India", is the development and use of innovative technological tools in collection and processing of data to reduce human errors. In this cycle, recording of primary field data digitally, through mobile phone application M-STIPES (Monitoring system for tigers - intensive protection and ecological status), that uses GPS to geotag photo-evidences and survey information, made this exercise more accurate. Further, it involved the development of innovative technology like automated segregation of camera trap photographs to species using artificial intelligence and neural network models (software CaTRAT- Camera Trap data Repository and Analysis Tool). Program ExtractCompare (Hiby et al. 2009) that fingerprints tigers from their stripe patterns was used to count the number of individual tigers.

Like the previous cycles, this time also the country was divided in five tiger occupied landscape complexes having unique geographical features and tiger populations:

1.

Shivalik and the Gangetic Plains landscape extends across the states of Uttarakhand, Uttar Pradesh and Bihar.



© K. Patel

2.

Central Indian and Eastern Ghats landscape extends across the states of Rajasthan, Madhya Pradesh, Chhattisgarh, Jharkhand, Maharashtra, Telangana, Andhra Pradesh, and Odisha.



© A. Kumar

3.

Western Ghats landscape extends across the states of Karnataka, Tamil Nadu, Goa, and Kerala.



© C. Sinha

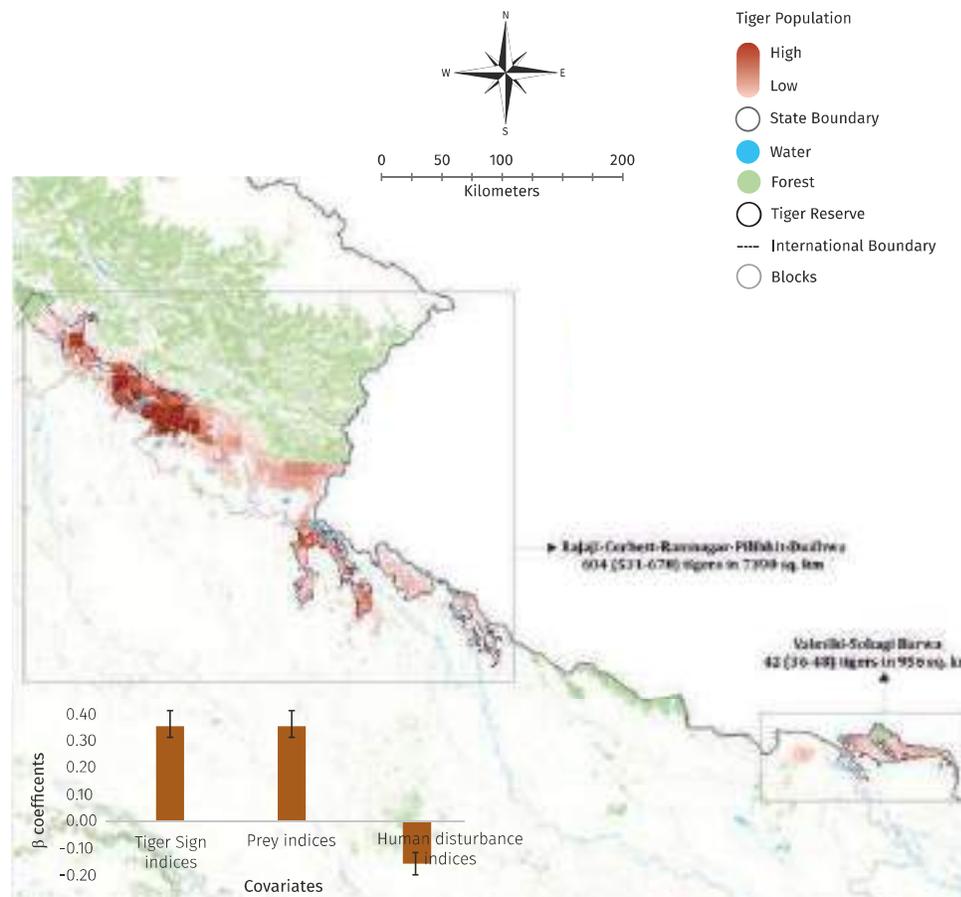
Tiger population extents and abundance across the Shivalik-Gangetic Plains Landscape

Mark-recapture population and density estimates of tigers based on camera-trapping were obtained for Rajaji TR, Lansdowne Forest Division, Bijnore Forest Division, Corbett TR, Ramnagar Forest Division, Terai East, Terai West, Terai Central, Nanital Forest Division, Champawat Forest Division, Haldwani Forest Division, Pilibhit TR, Katerniaghat Wildlife Sanctuary, Kishanpur Wildlife Sanctuary, Dudhwa National Park, Suhelwa Wildlife Sanctuary, Sohagibarwa Wildlife Sanctuary and Valmiki TR. Tiger densities in the Shivalik-Gangetic Plains ranged between 1.4 to 15 tigers per 100 km² (see site specific chapters). After joining contiguous grids with tiger presence, two tiger populations were identified within the Shivalik-Gangetic Plains (Fig 4.5). These include:

- The western most population of tigers in Rajaji TR along with Lansdowne FD, Corbett TR, Bijnore FD, Terai West FD, Ramnagar FD, Haldwani FD, Terai Central and East FDs and Pilibhit TR and Dudhwa TR having tiger occupancy in about 7,390 km² of forested habitat with an estimated population size of between 531-678 individuals. This contiguous population harbours one of the major source of tigers for Western TAL (Corbett TR) and along with tigers of Bardia NP (77) and Shuklaphanta NP (15) in Nepal (DWNP and DFSC 2018) constitutes the second largest tiger population in the world.
- The Valmiki-Sohagibarwa continuum spans across parts of India and Nepal (Chitwan National Park 89-102 tiger; DWNP and DFSC 2018) with 956 km² tiger occupancy on the Indian side with 36-48 individuals.

Figure 4.5

Spatially explicit tiger density modelled from camera traps-based capture-mark-recapture and covariates of tiger sign, prey, and human disturbance index. The graph inset shows the covariate coefficients.



Critical corridors, habitat connectivity and conservation

The western-most tiger distribution in this landscape ends in western Rajaji where two tigresses continue to be isolated since 2008. With tiger supplementation planned for western Rajaji it is important to ensure that this tiger reserve becomes a source to repopulate the Shivalik forest division of Uttar Pradesh and Kalesar wildlife sanctuary (WLS) of Haryana as forest connectivity is currently contiguous along the Shivalik hills from Western Rajaji to Kalesar WLS and into Himachal Pradesh (Fig 4.6). However, if tiger occupancy is to be encouraged in this empty landscape of about 700 km², restorative inputs are required to curtail poaching of prey, illegal timber extraction and livestock grazing. The village of Kalesar in Haryana, Bahral in Himachal Pradesh and Rehna in Uttar Pradesh are all expanding along the banks of the Yamuna with agriculture and urban sprawl threatening to choke the narrow corridor for wildlife (and potentially tigers). This connectivity is also important for the movement of elephants to Kalesar WLS.

The connectivity between eastern and western Rajaji (Chilla-Motichur corridor) has further deteriorated over the years despite sensitization and awareness. Mitigation measures have been proposed for the past 20 years. Implementation of these mitigations partially commenced with the construction of the flyover on the National Highway 58. However, this project has not been completed for the past several years and lies in a state of abandonment. In the meanwhile, urban sprawl extending from Rishikesh and Haridwar has almost joined the two cities as is evidenced from night light expansion between 2014 and 2018 (Fig. 4.6 a and b). Absence of tiger dispersal into western Rajaji since 2006 from the eastern part is due to loss of this corridor connectivity despite improvement in tiger abundance in eastern Rajaji. Curtailment of human disturbance along the Song river, river islands in the Ganga, and making underpasses for wildlife as mitigation for the Highway 58 and railway tracts are essential for the continued wildlife values of western Rajaji (tiger habitat of 257 km² with a good prey base). The supplementation of tigers into western Rajaji is a quick but short term solution. For long-term persistence in this area, connectivity with eastern Rajaji is vital.

Eastern Rajaji is connected to Corbett TR by the Lansdowne corridor and by the Haridwar and Bijnore Forest Divisions and this connectivity is crucial for the recovery and long-term viability of tiger populations in the western Terai landscape (Bisht et al. 2019). Both these corridors are impacted by the growing township of Kotdwar and the increase in traffic on National Highway 119 that connects Najibabad to Kotdwar. The integrity of the Lansdowne corridor is further threatened by the proposed Kandi road that will connect Kotdwar to Ramnagar through parts of Corbett TR (WII 2018) as discussions are still ongoing in various sectors on the alignment and mitigation measures for the same. Another proposed road from Laldhang to Kotdwar passing through Rajaji as an all season motorable public road would cut across the Haridwar-Bijnore corridor, further fragmenting this habitat (Sultan 2017). Rajaji TR is also connected to Jhilmil Jeel Conservation Reserve through the forests of Chidiyapur range but is traversed by State Highway 34 and the Eastern Ganga canal. Both these infrastructures require appropriate mitigation (WII 2016).

Wildlife habitat is contiguous across Lansdowne, Sonanadi WLS, and Corbett National Park.

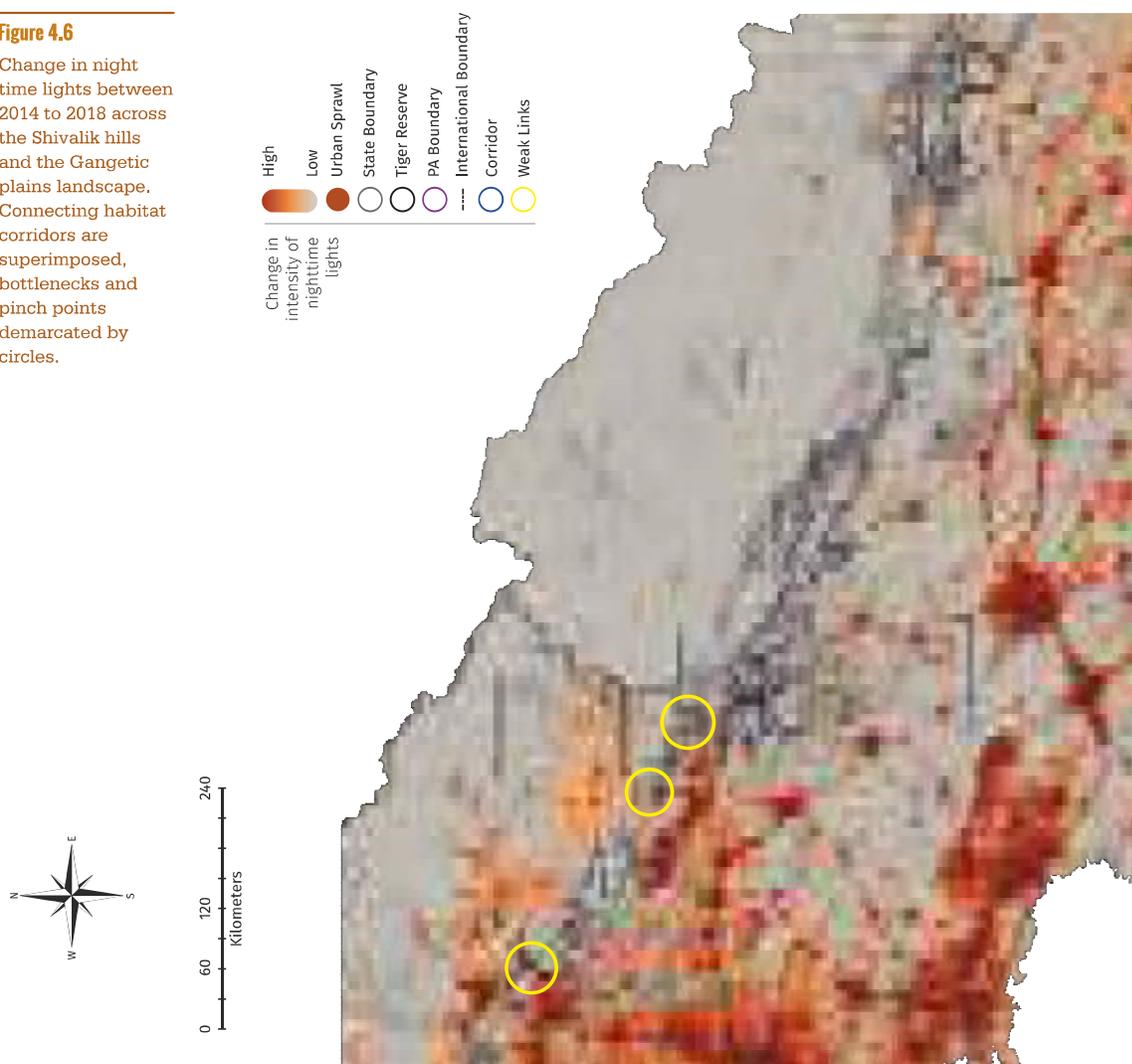
Subsequently, connectivity towards the east of Corbett TR is restricted by the township of Ramnagar and the linear development along National Highway 121 of resorts, township and private farms along the banks of the Kosi river. Only two corridors remain that connect Corbett forests with Ramnagar Forest Division. These are along the Garjia to Sunderkhal settlement on the northern side and Bijrani range of Corbett in the southern part. These linkages need to be fostered with restorative inputs wherein infrastructural development is mitigated with appropriate measures and encroachment strictly controlled. Resorts and private land owners need to be sensitized to remove fences that are impermeable to wildlife at critical points to permit passage through their property.

From Ramnagar Forest Division forest connectivity is continuous till the township of Haldwani. Forest connectivity of Haldwani division to the Shuklaphanta NP of Nepal terai is maintained by the Gola corridor forests along with Nandhaur WLS and Champawat division. However, this corridor is severely impacted by urban sprawl of Haldwani township, boulder mining and various human activities along with National Highway 87 and railway line to Kathgodam. This corridor connectivity is almost lost, and tigers possibly use the forests of lower Himalayas to move eastward (as evidenced from camera trap data of tigers from Rajaji and Corbett being photo-captured east of Haldwani township). Restoring the connectivity in the foothills and less hilly tracts of the Gola corridor is crucial for elephant movement that is currently almost curtailed and leads to conflict in the region. The Haldwani division is also connected to the Lagabhagga tall grassland forest mosaic by the Sharda river.

On the southern side the forests of Kilpura-Khatima corridor join with Pilibhit TR and Nepal (Churia hills and Bhrmagiri forests). The intervening matrix of grasslands, sugarcane fields along the flood plains of the Sharda river connect Dudhwa TR with Pilibhit and Lagabhagga-Shuklaphanta NP. Wildlife including tigers freely move across this habitat matrix and come into frequent conflict with humans due to loss of natural habitat. The river Mohana is an important link between Dudhwa and Katarniaghat. The Khata corridor along river Girwa connects Bardia NP (Nepal) with Katarniaghat and is frequently used by rhinos, elephants and tigers, while the river system allows gharial and Gangetic dolphin to move between India and Nepal. There is no habitat connectivity between Katarniaghat and Suhelwa WLS on the Indian side, but the forests of Bardia NP and Banke NP along the Churia hill forests of Nepal form a connecting corridor to Suhelwa WLS. Forests of Nepal along the Himalaya foot hills (Mahabharat Range) and the Churia hills connect Chitwan NP and Valmiki TR to the western Terai Arc Landscape. However, there seems to be little tiger movement between the Dudhwa-Pilibhit-Bardia complex and the Chitwan-Valmiki complex due to the large geographic distance and no remaining tiger presence in the intervening forests. This is also reflected in the genetic analysis where tigers from Valmiki (Kolipakam et al. 2019) and Chitwan stand out as a unique cluster in the Terai Arc Landscape. Major roads are planned along the border of India and Nepal, these will traverse crucial International corridors that are vital linkages for trans-boundary movement of wildlife including tigers and elephants between the Protected areas of India and Nepal. For some populations this movement is crucial to maintain genetic and demographic viability through metapopulation dynamics. Alignment of these roads should avoid traversing Protected Areas and corridors and ensure appropriate and adequate animal passage ways through mitigation where alternate alignment is not possible. National and international efforts and coordination are required to maintain permeability of these vital border corridors.

Figure 4.6

Change in night time lights between 2014 to 2018 across the Shivalik hills and the Gangetic plains landscape. Connecting habitat corridors are superimposed, bottlenecks and pinch points demarcated by circles.



Spatial Occupancy of Co-predators in Shivalik Gangetic Plains Landscape, 2018-19

Leopard

(*Panthera pardus*)

[Wildlife (Protection) Act 1972

Schedule I

IUCN Red List: Vulnerable

The population of leopards is contiguous across much of Uttarakhand, Uttar Pradesh and habitats in Nepal. Leopards extend their range from the Terai habitats into the higher reaches of the Himalayas. The recorded occupancy of leopards within forested areas of the Shivalik-Gangetic Plains landscape was 10,119 km². High tiger density areas like Corbett and Dudhwa TRs though occupied by leopards, had relatively low leopard sign intensity (Fig. 4.7).

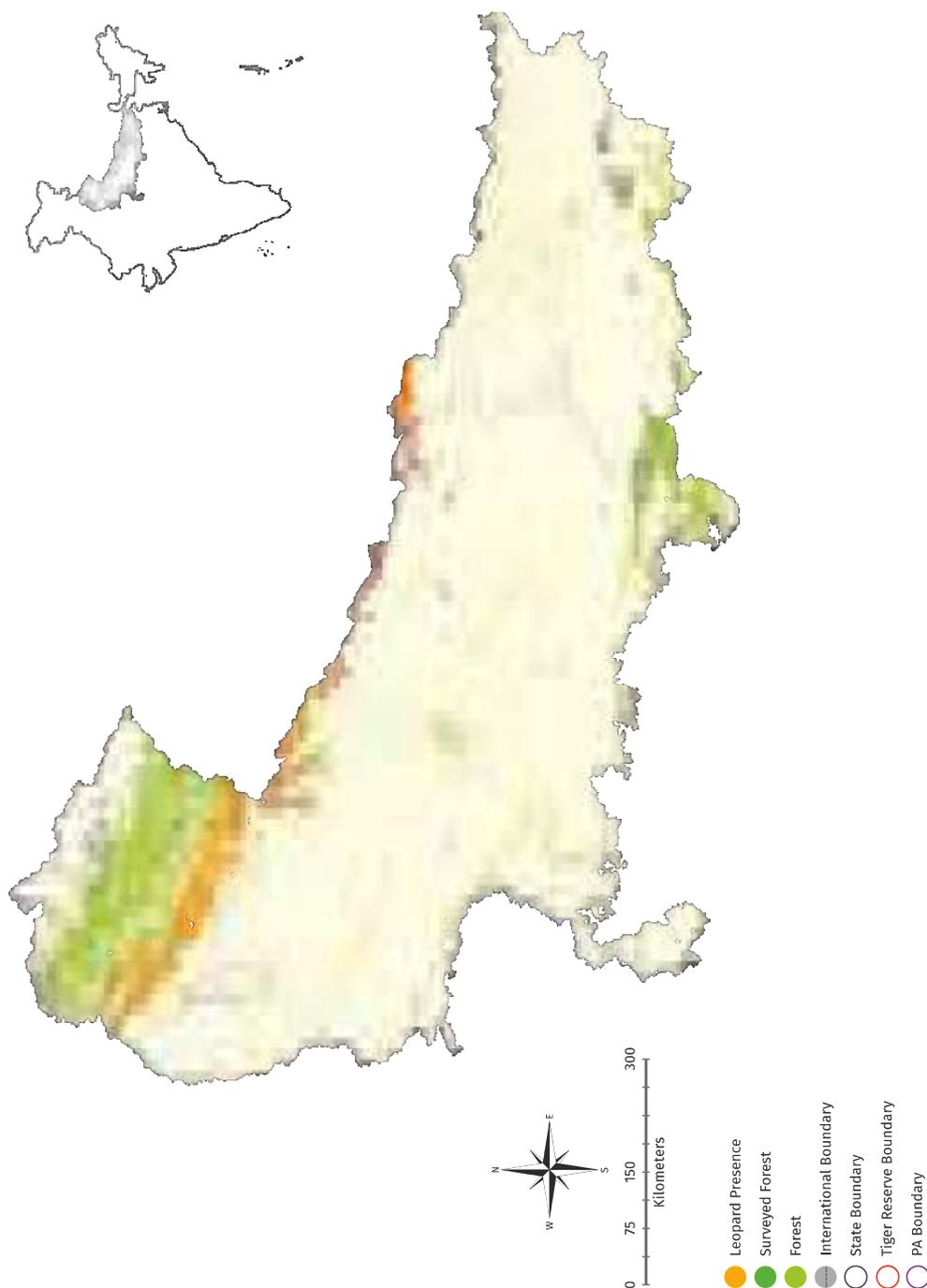


Figure 4.7
 Leopard
 distribution in
 Shivalik Gangetic
 Plains landscape,
 2018-19



सत्यमेव जयते



National Tiger Conservation Authority
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Wildlife Institute of India

Wildlife Institute of India
Chandrabani,
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Uttarakhand, India
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कार्यालय प्रमुख वन संरक्षक, वन्य जीव, उत्तर प्रदेश, लखनऊ।

पत्र संख्या- 1651 / 26-11 (रिजर्व-उत्तर) लखनऊ, दिनांक, दिसम्बर 03, 2010

सेवा में,

मेसर्स महमूद अली व दिलशाद,
मिर्जापुर पोल, तहसील-बेहात
जनपद-सहारनपुर-247001।

विषय:- Proposed River Bed mining Project of Sand, Bajri and Boulders (Minor Minerals), at Lot No. 1,3,4,5,6,8,9 at Tehsil Behat, District Saharanpur (U.P.) -NOC for operating the mine within 10 km radius of Elephant Reserve.

संदर्भ:- आपका आवेदन पत्र दिनांक 16.10.2010।

महोदय,

आपके उपरोक्त विषयक संदर्भित पत्र द्वारा River Bed mining Project of Sand, Bajri and Boulders (Minor Minerals), के Lot No. 1,3,4,5,6,8 एवं 9, Tehsil-Behat, District-Saharanpur (U.P.) के सम्बन्ध में उपलब्ध कराये गये लोकेशन मानचित्र पर पर्यावरण एवं वन मंत्रालय, भारत सरकार द्वारा जारी TOR के प्रस्तर 10 के अनुसार, उत्तर प्रदेश में स्थित "उत्तर प्रदेश हाथी रिजर्व" को दिखाकर अभिप्रमाणित करते हुए एतदसह आपके आवश्यक कार्यवाही हेतु संलग्न है। इन खनन स्थलों का विवरण निम्नानुसार है:-

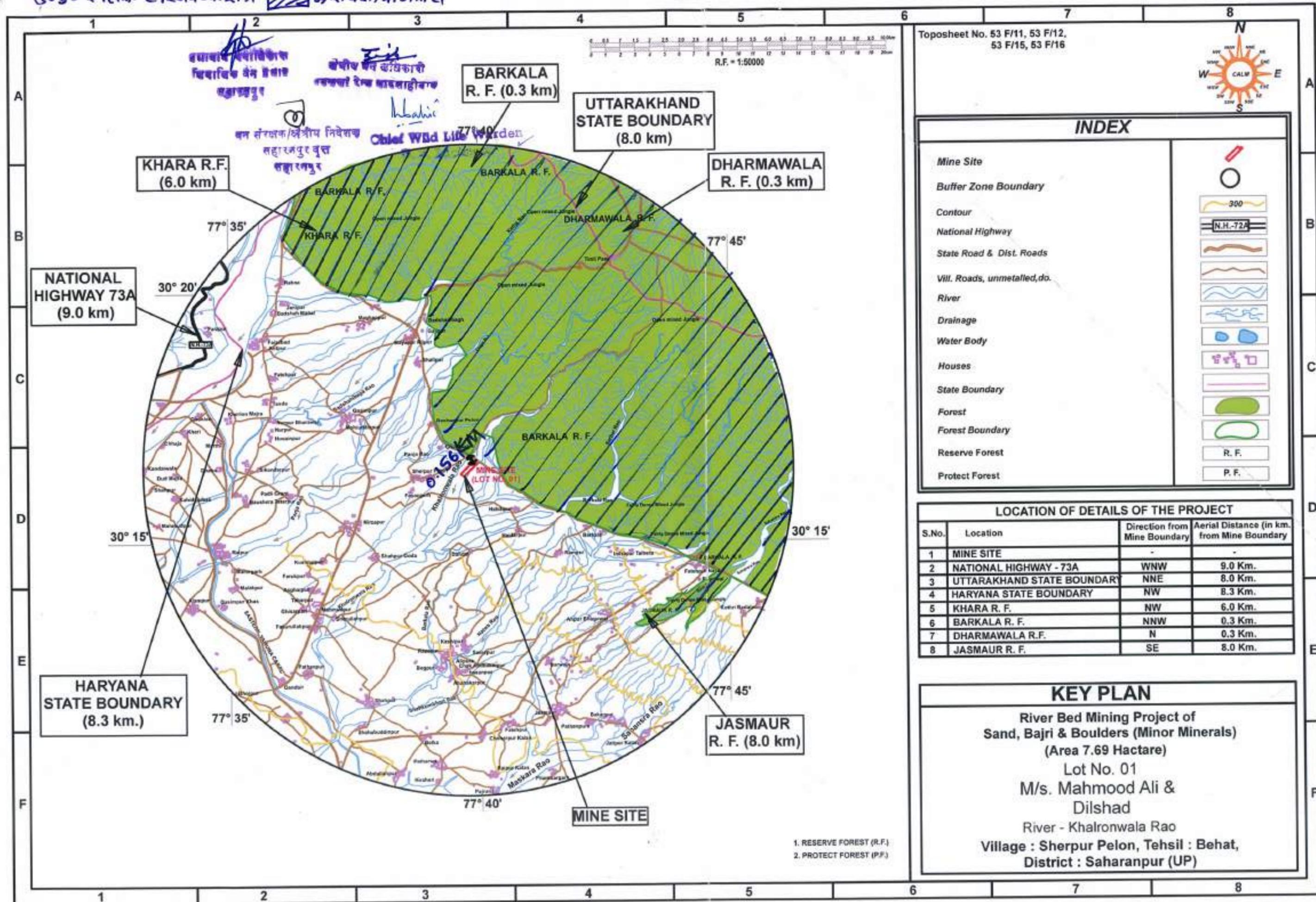
लॉट संख्या	स्थल का नाम	अक्षांश	देशान्तर	हाथी रिजर्व से निकटतम दूरी
1	2	3	4	5
1	शेरपुर पेलों	30°16'20.6" N to 30°16'37.8" N	77°39'37.2" E to 77°39'53.7" E	0.156 किमी
3	रहना	30°21'41.2" N to 30°21'43.6" N	77°35'56.2" E to 77°36'08.5" E	0.110 किमी
4	रहना	30°20'40.6" N to 30°21'44.8" N	77°35'37.4" E to 77°35'52.2" E	0.545 किमी
5	रहना	30°20'26.4" N to 30°20'46.0" N	77°35'28.2" E to 77°35'37.4" E	0.894 किमी
6	फैजाबाद	30°19'39.2" N to 30°20'14.9" N	77°35'24.6" E to 77°35'24.9" E	1.6 किमी
8	फैजाबाद	30°19'47.8" N to 30°19'51.1" N	77°36'15.5" E to 77°36'30.5" E	0.8 किमी
9	थापुल इस्माइलपुर	30°05'39.4" N to 30°05'52.6" N	77°48'33.6" E to 77°48'22.3" E	1.530 किमी

राजाजी नेशनल पार्क एवं अन्य सन्निकट अभ्यारण्य या राष्ट्रीय उद्यान या अन्य क्षेत्र, जो TOR के प्रस्तर 10 में उल्लिखित है तथा उत्तर प्रदेश में स्थित नहीं है, के सम्बन्ध में भारत सरकार के निर्देशों के अनुसार वांछित कार्यवाही हेतु सम्बन्धित राज्य के मुख्य वन्य जीव प्रतिपालक से सम्पर्क करने का कष्ट करें।

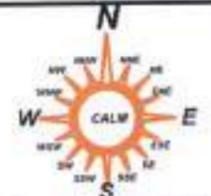
संलग्नक:- यथोपरि

भवदीय
hshii
(बी०के० पटनायक)
प्रमुख वन संरक्षक, वन्य जीव,
उत्तर प्रदेश, लखनऊ

पुष्पगोपाल मिश्र जीता है कि 30.90 एरिबेन्ट रिजर्व से रवतन सुप्रसन्न के लिखतलम डीरो 0156 लिं 0300
 30.90 एरिबेन्ट रिजर्व के सेना [Symbol] द्वारा दर्शाया गया है।



Toposheet No. 53 F/11, 53 F/12, 53 F/15, 53 F/16



INDEX

Mine Site	
Buffer Zone Boundary	
Contour	
National Highway	
State Road & Dist. Roads	
Vill. Roads, unmetalled, do.	
River	
Drainage	
Water Body	
Houses	
State Boundary	
Forest	
Forest Boundary	
Reserve Forest	
Protect Forest	

LOCATION OF DETAILS OF THE PROJECT

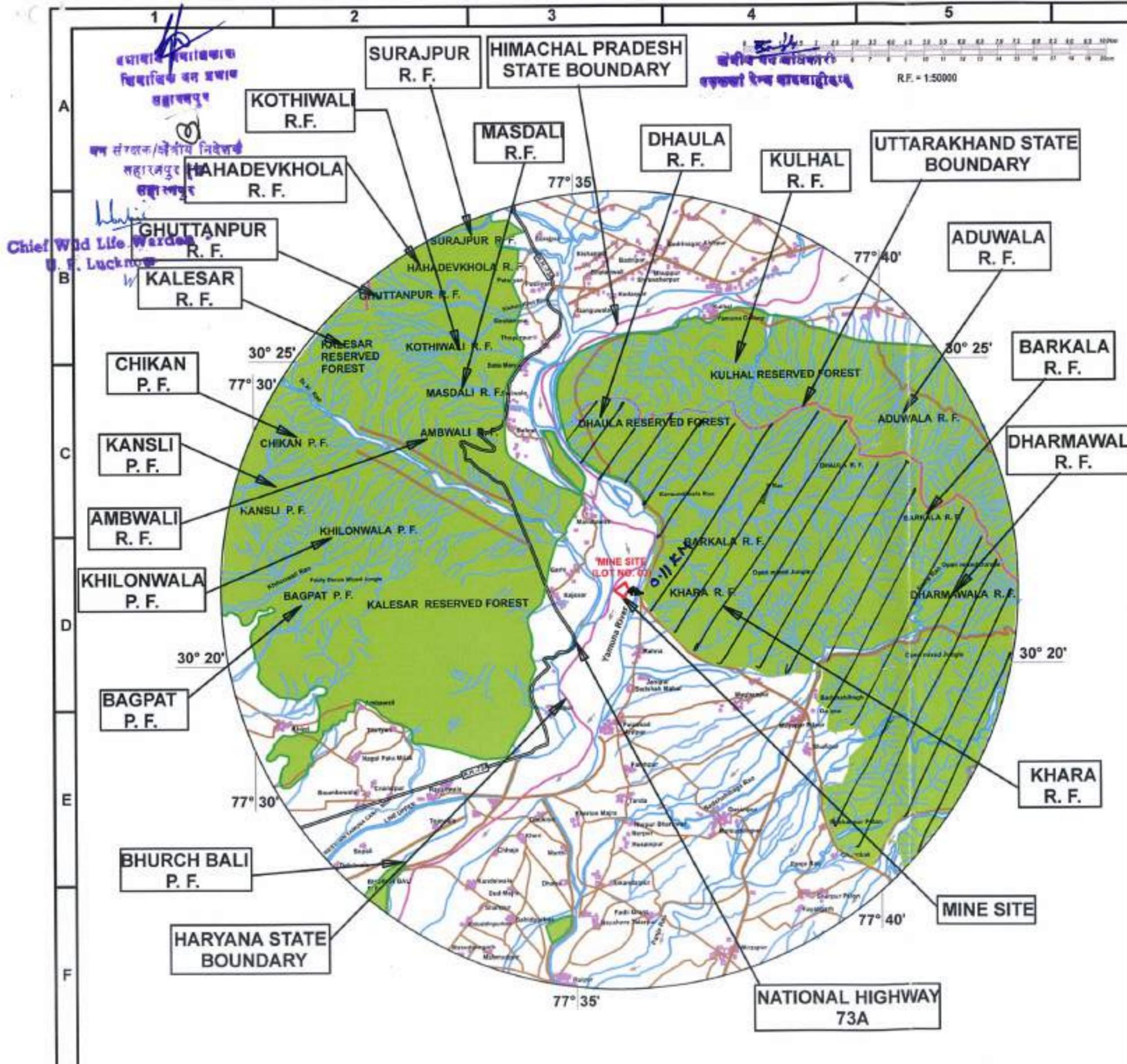
S.No.	Location	Direction from Mine Boundary	Aerial Distance (in km. from Mine Boundary)
1	MINE SITE	-	-
2	NATIONAL HIGHWAY - 73A	WNW	9.0 Km.
3	UTTARAKHAND STATE BOUNDARY	NNE	8.0 Km.
4	HARYANA STATE BOUNDARY	NW	8.3 Km.
5	KHARA R. F.	NW	6.0 Km.
6	BARKALA R. F.	NNW	0.3 Km.
7	DHARMAWALA R.F.	N	0.3 Km.
8	JASMAUR R. F.	SE	8.0 Km.

KEY PLAN

River Bed Mining Project of Sand, Bajri & Boulders (Minor Minerals)
 (Area 7.69 Hactare)
 Lot No. 01
 M/s. Mahmood Ali & Dilshad
 River - Khalronwala Rao
 Village : Sherpur Pelon, Tehsil : Behat,
 District : Saharanpur (UP)

1. RESERVE FOREST (R.F.)
 2. PROTECT FOREST (P.F.)

प्रमाणित बिना जाता है कि 3050 सीसेन्ट रिजर्व से खनन स्थल को निम्नतम दूरी 0.110 कि०मी० है।
 3050 सीसेन्ट रिजर्व का क्षेत्र  द्वारा दर्शाया गया है।



Toposheet No. 53 F/11,53 F/7

INDEX

Mine Site	
Buffer Zone Boundary	
Contour	
National Highway	
State Road & Dist. Roads	
Vil. Roads, unmetalled, do.	
River	
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Houses	
State Boundary	
Forest	
Forest Boundary	
Reserve Forest	
Protect Forest	
R. F.	
P. F.	

LOCATION OF DETAILS OF THE PROJECT

S.No.	Location	Direction from Mine Boundary	Aerial Distance (in km. from Mine Boundary)
1	MINE SITE	-	-
2	NATIONAL HIGHWAY - 73A	W	2.5 Km.
3	UTTARAKHAND STATE BOUNDARY	NNE	5.4 Km.
4	HARYANA STATE BOUNDARY	W	2.0 Km.
5	HIMACHAL STATE BOUNDARY	N	7.0 Km.
6	DHARMAWALA R. F.	E	8.0 Km.
7	ADUWALA R. F.	NE	8.6 Km.
8	KULHAL R. F.	NNE	6.0 Km.
9	DHAULA R. F.	N	3.5 Km.
10	SURAJPUR R.F.	NNW	9.0 Km.
11	HAHADEVKHOLA R.F.	NW	9.1 Km.
12	GHUTTANPUR R.F.	NW	9.2 Km.
13	KALESAR R.F.	NW	8.0 Km.
14	CHIKAN P.F.	WNW	4.0 Km.
15	KANSALI P.F.	WNW	7.0 Km.
16	KHILONWALA P.F.	W	2.0 Km.
17	BAGPAT P.F.	SW	2.5 Km.
18	MASDALI R. F.	NW	6.1 Km.
19	AMBWALI R. F.	NW	2.1 Km.
20	BHURCH BALI P.F.	SSW	9.0 Km.
21	KOTHIWALI R.F.	NNW	8.0 Km.
22	KHARA R. F.	E	0.5 Km.
23	BARKALA R. F.	NE	0.8 Km.

KEY PLAN

River Bed Mining Project of Sand, Bajri & Boulders (Minor Minerals) (Area 8.06 Hactare)
 Lot No. 03
M/s. Mahmood Ali & Dilshad
 River - Yamuna
 Village : Rahna, Tehsil : Behat,
 District : Saharanpur (UP)

कार्यालय प्रमुख वन संरक्षक, वन्य जीव, उत्तर प्रदेश, लखनऊ।

पत्र संख्या-1653 /26-11 (सं. अन्.) लखनऊ, दिनांक, दिसम्बर 03, 2010
सेवा में,

मेसर्स अमित जैन एण्ड नसीम,
मिर्जापुर पोल, तहसील-बेहात
जनपद-सहारनपुर-247001।

विषय:- Proposed River Bed mining Project of Sand, Bajri and Boulders (Minor Minerals), at Lot No. 17,20,21,24,25,26,27 at Tehsil Behat, District Saharanpur (U.P.) -NOC for operating the mine within 10 km radius of Elephant Reserve.

संदर्भ:- आपका आवेदन पत्र दिनांक 16.10.2010।

महोदय,

आपके उपरोक्त विषयक संदर्भित पत्र द्वारा River Bed mining Project of Sand, Bajri and Boulders (Minor Minerals), के Lot No. 17,20,21,24,25,26 एवं 27, Tehsil-Behat, District-Saharanpur (U.P.) के सम्बन्ध में उपलब्ध कराये गये लोकेशन मानचित्र पर पर्यावरण एवं वन मंत्रालय, भारत सरकार द्वारा जारी TOR के प्रस्तर 10 के अनुसार, उत्तर प्रदेश में स्थित "उत्तर प्रदेश हाथी रिजर्व" को दिखाकर अभिप्रमाणित करते हुए एतदसह आपके आवश्यक कार्यवाही हेतु संलग्न है। इन खनन स्थलों का विवरण निम्नानुसार है:-

लॉट संख्या	स्थल का नाम	अक्षांश	देशान्तर	हाथी रिजर्व से निकटतम दूरी
1	2	3	4	5
17	अकबरपुर	30°16'24.1" N to 30°07'57.7" N	77°32'40.5" E to 77°32'50.8" E	8.5 किमी
20	मढ़ती अहतमाल	30°17'30.01" N to 30°17'37.6" N	77°33'39.9" E to 77°34'05.3" E	6.5 किमी
21	अलाउद्दीनपुर बास अहतमाल	30°16'03.8" N to 30°16'30.1" N	77°32'26.1" E to 77°32'32.0" E	9.5 किमी
24	जयंतीपुर	30°09'16.8" N to 30°09'26.8" N	77°46'41.2" E to 77°46'46.2" E	5.060 किमी
25	अब्दुल्लापुर	30°09'46.6" N to 30°10'06.4" N	77°46'52.3" E to 77°46'57.9" E	5 किमी
26	मायापुर/ रूपपुर	30°18'59.0" N to 30°19'18.5" N	77°38'10.1" E to 77°38'18.2" E	0.963 किमी
27	मायापुर/ रूपपुर	30°18'40.8" N to 30°18'59.0" N	77°37'58.2" E to 77°38'10.1" E	1.52 किमी

राजाजी नेशनल पार्क एवं अन्य सन्निकट अभ्यारण्य या राष्ट्रीय उद्यान या अन्य क्षेत्र, जो TOR के प्रस्तर 10 में उल्लिखित है तथा उत्तर प्रदेश में स्थित नहीं है, के सम्बन्ध में भारत सरकार के निर्देशों के अनुसार वांछित कार्यवाही हेतु सम्बन्धित राज्य के मुख्य वन्य जीव प्रतिपालक से सम्पर्क करने का कष्ट करें।

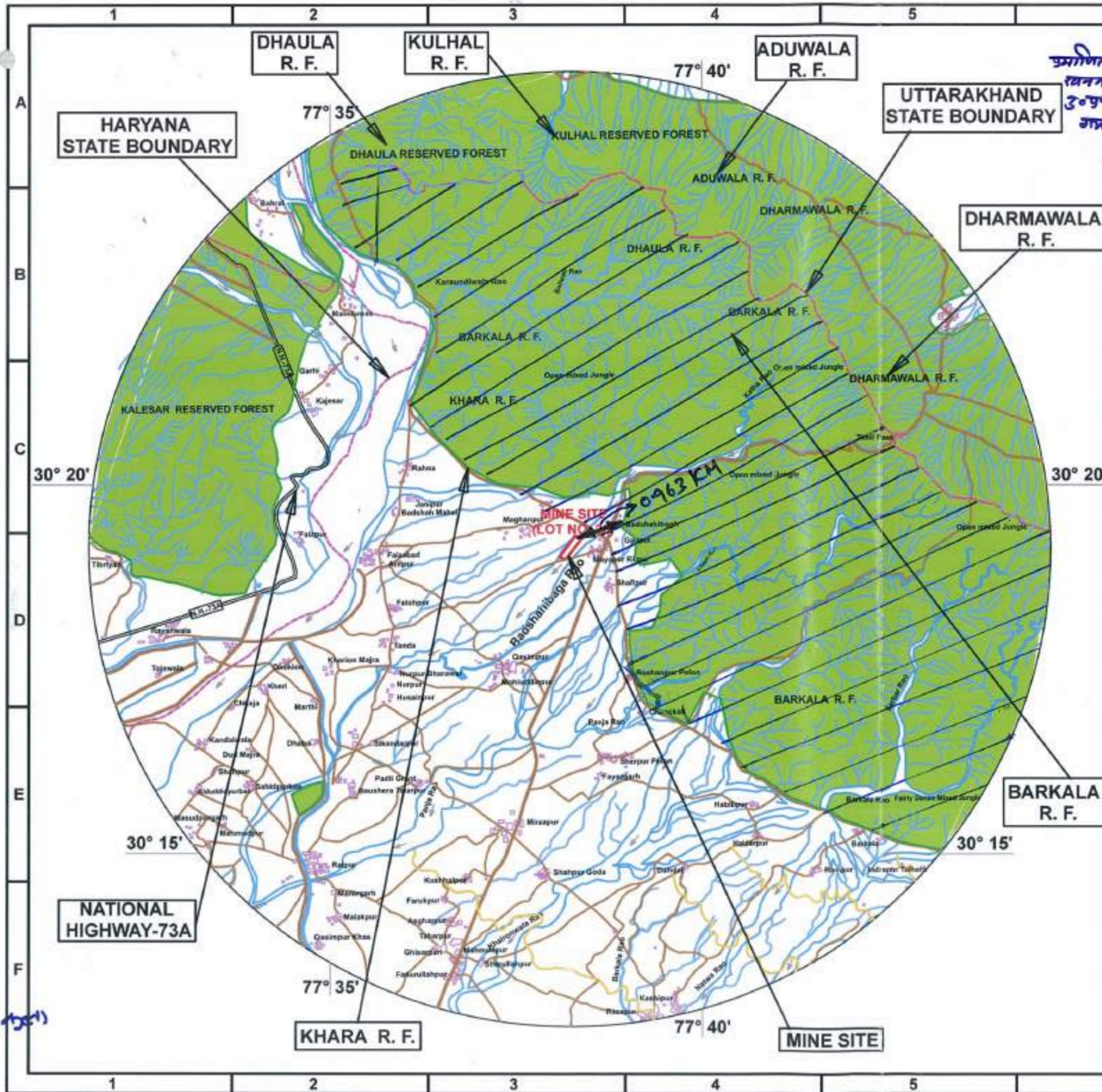
संलग्नक:- यथोपरि

भवदीय



(बी०के० पटनायक)

प्रमुख वन संरक्षक, वन्य जीव,
उत्तर प्रदेश, लखनऊ

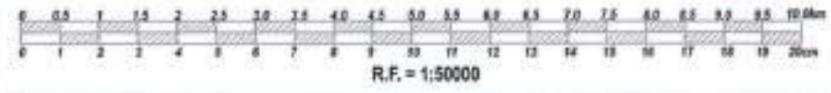


Toposheet No. 53 F/11, 53 F/12
 प्रमाणित विमान चित्रा है कि 3090 सीलफेन्ट रिजर्वि से
 खनन स्थल को निकलतम दूरी 0963 कि.मी. है।
 3090 सीलफेन्ट रिजर्वि का क्षेत्र कच्चा इलाका
 जमा है।



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Mine Site	संघीय वन अधिकारी रजिस्ट्रार केन्द्र बदायुन	
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National Highway	बधायाय बसाविकासी सिवाधिक वन ब्रह्मांड	
State Road & Dist. Roads	सहायक	
Vill. Roads, unmetalled, do.		
River	वन संरक्षक/क्षेत्रीय निदेशक सहारनपुर वृक्ष सहारनपुर	
Drainage		
Water Body		
Houses		
State Boundary	Chief Wild Life Warden U. P, Lucknow	
Forest		
Forest Boundary		



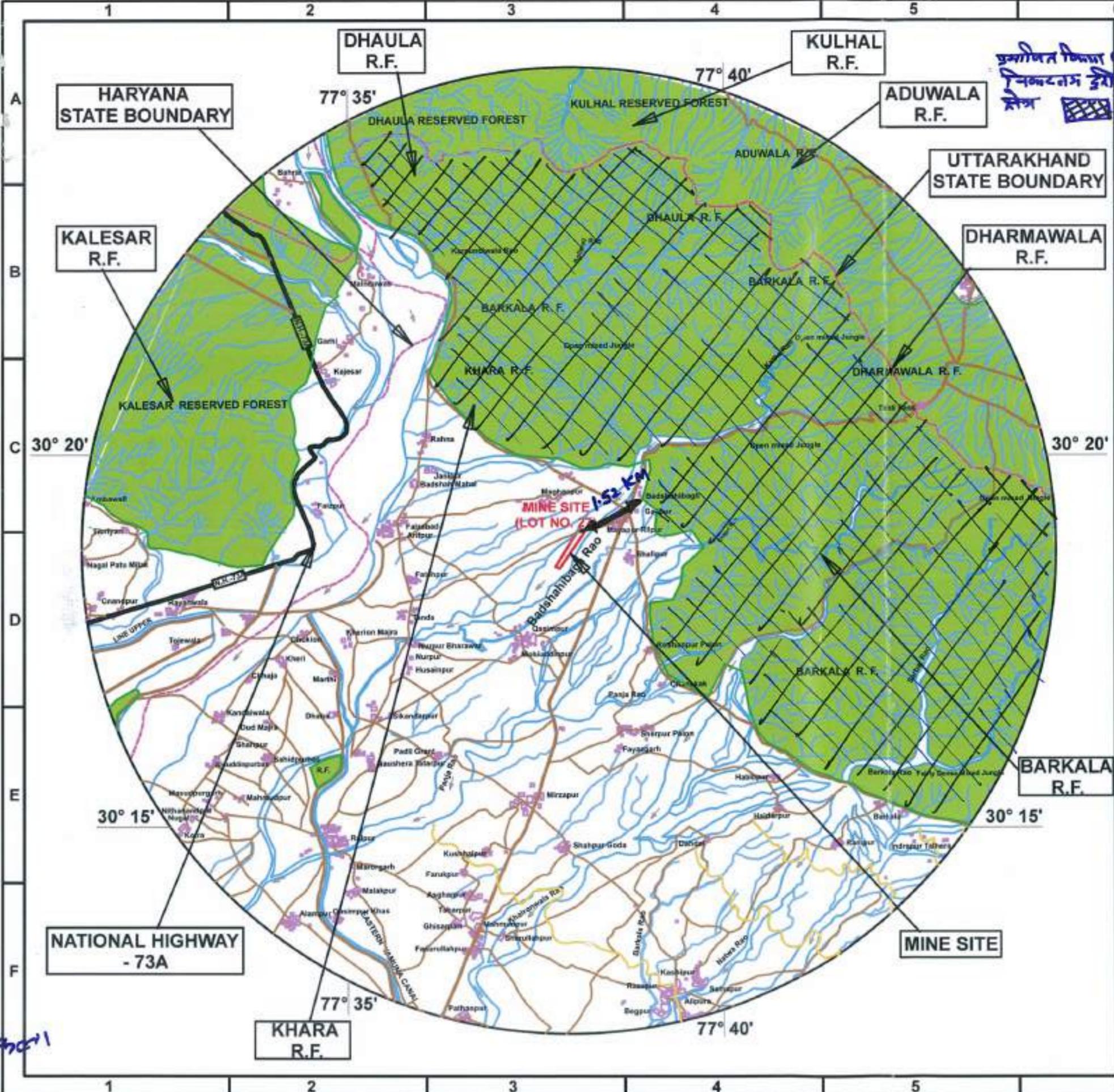
LOCATION OF DETAILS OF THE PROJECT

S.No	Location	Direction from Mine Boundary	Aerial Distance (in km.) from Mine Boundary
1	MINE SITE	-	-
2	NATIONAL HIGHWAY - 73A	E	5.8 Km.
3	UTTARAKHAND STATE BOUNDARY	NE	7.2Km.
4	HARYANA STATE BOUNDARY	NNW	5.0 Km.
5	DHAULA R.F.	NNW	9.0 Km.
6	KULHAL R.F.	NNE	7.4 Km.
7	ADUWALA R.F.	NNE	7.1 Km.
8	DHARMAWALA R.F.	SE	7.0 Km.
9	BARKALA R.F.	NNE	1.0 Km.
10	KHARA R.F.	N	2.0 Km.

KEY PLAN

River Bed Mining Project of
 Sand, Bajri & Boulders (Minor Minerals)
 (Area 9.31 Hactare)
 Lot No. 26
M/s. Amit Jain & Naseem
 River - Badshahibagh Rao
 Village : Mayapur, Rooppur, Tehsil : Behat, Pargana,
 Faizabad, District : Saharanpur (UP)

① d.s. 1/2011



Toposheet No. 53 F/11, 53 F/12
 प्रमाणित विमान चित्रा ६३०७० सीलेन्ट रिजर्वे री रकनत स्थलको निम्नतम डूरी १.५२ कि.मी. ०६३ ३०.१० सीलेन्ट रिजर्वे वन क्षेत्र द्वारा दखीपा गदा है।



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Contour	बिधाधिकारी
National Highway	बिधाधिकारी वन बिधाधिकारी
State Road & Dist. Roads	बिधाधिकारी
Vill. Roads, unmetalled, do.	बिधाधिकारी
River	बन संरक्षक/बिधाधिकारी निदेशक
Drainage	सहारनपुर वन सहारनपुर
Water Body	बिधाधिकारी
Houses	बिधाधिकारी
State Boundary	Chief Wild Life Wardea U. P., Lucknow
Forest	बिधाधिकारी
Forest Boundary	बिधाधिकारी



LOCATION OF DETAILS OF THE PROJECT			
S.No	Location	Direction from Mine Boundary	Aerial Distance (in km.) from Mine Boundary
1	MINE SITE	-	-
2	NATIONAL HIGHWAY - 73A	E	5.5 Km.
3	UTTARAKHAND STATE BOUNDARY	NNE	7.5 Km.
4	HARYANA STATE BOUNDARY	NNW	5.0 Km.
5	DHAULA R.F.	NNW	8.0 Km.
6	KULHAL R.F.	N	7.4 Km.
7	ADUWALA R.F.	NNE	8.5 Km.
8	DHARMAWALA R.F.	ENE	7.0 Km.
9	BARKALA R.F.	ESE	1.5 Km.
10	KHARA R.F.	NNW	2.0 Km.
11	KALESAR R.F.	W	6.0 Km.

KEY PLAN
 River Bed Mining Project of
 Sand, Bajri & Boulders (Minor Minerals)
 (Area 14.87 Hactare)
 Lot No. 27
 M/s. Amit Jain & Naseem
 River - Badshahibagh Rao
 Village : Mayanpur, Rooppur, Tehsil : Behat, Pargana,
 Faizabad, District : Saharanpur (UP)

Handwritten signature or initials in the bottom left corner.

संख्या - 6

कार्यालय प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग, सहारनपुर।
पत्रांक 3) / 14-1 सहारनपुर दिनांक 02 / 7) 2019

सेवा में

जिलाधिकारी,
सहारनपुर।

विषय— जनपद सहारनपुर में नये खनन पट्टा क्षेत्रों के सम्बन्ध में अनापत्ति प्रमाण पत्र उपलब्ध कराए जाने के सम्बन्ध में।

सन्दर्भ — आपका पत्रांक 2662 / खनन क्षेत्र / ई-टेण्डर / 2018-19 दिनांक 15.02.2019
महोदय,

उक्त संदर्भित पत्र द्वारा विषयांकित काम में अनापत्ति निर्गत किये जाने हेतु सम्बन्धित क्षेत्रीय वन अधिकारियों, तथा उप प्रभागीय वनाधिकारी, को प्रकरण में जांच कर अनापत्ति निर्गत किये जाने हेतु आख्या/संस्तुति प्रेषित किये जाने हेतु निर्देशित किया गया। जिसके क्रम में सम्बन्धित क्षेत्रीय वन अधिकारियों द्वारा निम्नानुसार अपनी संस्तुति/आख्या प्रेषित की गयी है :-

तालिका-1

क्र. सं.	तहसील	ग्राम	गाटा संख्या	क्षेत्रफल (हे०)	रेज	क्षेत्रीय वन अधिकारी की आख्या	उप प्रभागीय वनाधिकारी की आख्या/संस्तुति
1	2	3	4	5	6	7	8
1	बेहट		378/2, 379/2	07.00	बड़कला	क्षेत्रीय वन अधिकारी बड़कला के पत्रांक 139/14-दिनांक 26.6.2019 द्वारा आख्या प्रेषित की गयी है, जिसमें उल्लेख किया गया है कि प्रस्तावित स्थल की आरक्षित वन क्षेत्र से हवाई दूरी 0.55 कि०मी० एवं कलेसर नेशनल पार्क के ईको सेम्पिटिड जोन से दूरी 17.40 कि०मी० है, प्रकरण में अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।	अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।
2	बेहट		14/1	3.10	बड़कला	प्रस्तावित स्थल की आरक्षित वन क्षेत्र से हवाई दूरी 1.20 कि०मी० एवं कलेसर नेशनल पार्क के ईको सेम्पिटिड जोन से दूरी 16.00 कि०मी० है, प्रकरण में अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।	अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।
3	बेहट		179/2	3.75	बड़कला	प्रस्तावित स्थल की आरक्षित वन क्षेत्र से हवाई दूरी 0.90 कि०मी० एवं कलेसर नेशनल पार्क के ईको सेम्पिटिड जोन से दूरी 17.00 कि०मी० है, प्रकरण में अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।	अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।
4	बेहट		8/1, 19, 22	4.20	शाकुम्भरी	क्षेत्रीय वन अधिकारी, शाकुम्भरी के पत्रांक 14-1 दिनांक 20.6.2019 द्वारा आख्या प्रेषित की गयी है, जिसमें उल्लेख किया गया है कि प्रस्तावित स्थल की आरक्षित वन क्षेत्र से हवाई दूरी 1.45 कि०मी० एवं राजाजी टाईगर रिजर्व से दूरी 22.35 कि०मी० है। प्रकरण में अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।	अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।

अतः उपरोक्त तालिका में उक्त प्रकार के पत्रों की जांच करके उपरोक्त पत्रों के आधार पर अनापत्ति प्रमाण पत्र जारी करने हेतु निर्देशित किया गया है।

संदर्भित पत्र में उल्लिखित ग्राम फौजाबाद के गाटा संख्या-3 व 21/2 प्रथम खण्ड क्षेत्र 5.00 हे० एवं गाटा संख्या-17, द्वितीय खण्ड क्षेत्र 5.00 हे०, के सम्बन्ध में क्षेत्रीय वन अधिकारी बडकंला द्वारा अवगत कराया गया है कि प्रस्तावित क्षेत्र वर्तमान में गाटा नदी के तेज बहाव में है, गहरे पानी/तेज बहाव के कारण क्षेत्र को जी०पी०एस० लिये जा सके सम्भव नहीं है। इस प्रकार उक्त क्षेत्र की आरक्षित वन क्षेत्र एवं कलेक्टर नेशनल पार्क से दूरी का सही आंकलन वर्तमान में सम्भव न होने के कारण उक्त क्षेत्र (फौजाबाद, प्रथम खण्ड एवं द्वितीय खण्ड) में खनन कार्य हेतु अनापत्ति दिया जाना सम्भव नहीं हो पा रहा है।

विषयांकित क्रम निम्नांकित तालिका-2 में अंकित क्षेत्रों की जांच क्षेत्रीय वन अधिकारी मोहण्ड द्वारा अपने पत्रांक मे०/14 दिनांक 25.8.2019 द्वारा प्रेषित की गयी है, जिसका विवरण निम्नवत है-

तालिका-2

क्र० सं०	तहसील	ग्राम	गाटा संख्या	क्षेत्र (हे०)	रैंज	क्षेत्रीय वन अधिकारी की आख्या	उप प्रभागीय वनाधिकारी की आख्या/संस्तुति
1	2	3	4	5	6	7	8
1	बेहट	धापुल इस्माइल पुर	333क, 332, 2218ग.	4.251	मोहण्ड	प्रस्तावित क्षेत्र की आरक्षित वन से दूरी 875 मी० एवं राजाजी टाईगर रिजर्व से दूरी 3.58 कि०मी० है, इस प्रकार क्षेत्र राजाजी टाईगर रिजर्व की 10 कि०मी० दूरी क्षेत्र/ईको सेन्सिटिव क्षेत्र में आता है जिसके कारण प्रकरण में खनन हेतु असहमति दी गयी है।	अनापत्ति निर्गत किये जाने हेतु असहमति दी गयी है।
2	बेहट	फतेहपुर पेलियो	428/1 (प्रथम खण्ड)	10.00	मोहण्ड	प्रस्तावित क्षेत्र की आरक्षित वन से दूरी 1.17 मी० एवं राजाजी टाईगर रिजर्व से दूरी 4.94 कि०मी० है, इस प्रकार क्षेत्र राजाजी टाईगर रिजर्व की 10 कि०मी० दूरी क्षेत्र/ईको सेन्सिटिव क्षेत्र में आता है जिसके कारण प्रकरण में खनन हेतु असहमति दी गयी है।	अनापत्ति निर्गत किये जाने हेतु असहमति दी गयी है।
3	बेहट	फतेहपुर पेलियो	407/1 (द्वितीय खण्ड)	10.00	मोहण्ड	प्रस्तावित क्षेत्र की आरक्षित वन से दूरी 1.22 मी० एवं राजाजी टाईगर रिजर्व से दूरी 6.18 कि०मी० है, इस प्रकार क्षेत्र राजाजी टाईगर रिजर्व की 10 कि०मी० दूरी क्षेत्र/ईको सेन्सिटिव क्षेत्र में आता है जिसके कारण प्रकरण में खनन हेतु असहमति दी गयी है।	अनापत्ति निर्गत किये जाने हेतु असहमति दी गयी है।
4	बेहट	जयन्ती पुर अहतमाल	221	10.00	मोहण्ड	प्रस्तावित क्षेत्र की आरक्षित वन से दूरी 8.50 मी० एवं राजाजी टाईगर रिजर्व से दूरी 9.41 कि०मी० है, इस प्रकार क्षेत्र राजाजी टाईगर रिजर्व की 10 कि०मी० दूरी क्षेत्र/ईको सेन्सिटिव क्षेत्र में आता है जिसके कारण प्रकरण में खनन हेतु असहमति दी गयी है।	अनापत्ति निर्गत किये जाने हेतु असहमति दी गयी है।

अतः उक्त तालिका संख्या-2 में वर्णित क्षेत्र राजाजी टाईगर रिजर्व के 10 कि०मी० रेडियस/ईको सेन्सिटिव जॉन में होने के कारण तालिका संख्या-2 में अंकित क्रम संख्या 1 से 04 तक के क्षेत्रों में खनन कार्य हेतु अनापत्ति व्यक्त किया जाना सम्भव नहीं है।

भवदीय
(आर०बालाचन्द्रन)
प्रभागीय वनाधिकारी
शिवालिक वन प्रभाग
सहारनपुर

पत्रांक /14-1 दिनांकित।

प्रतिलिपि निम्नलिखित को सूचनाार्थ एवं विषयांकित क्रम में उनके द्वारा की गयी संस्तुति के क्रम में आवश्यक कार्यवाही हेतु प्रेषित।

- 1- उप प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग, सहारनपुर।
- 2- समस्त क्षेत्रीय वन अधिकारी, शिवालिक वन प्रभाग,

(आर०बालाचन्द्रन)
प्रभागीय वनाधिकारी
शिवालिक वन प्रभाग
सहारनपुर।

कलकत्ता - 8

कार्यालय प्रभागीय निदेशक, सामाजिक वानिकी प्रभाग, सहारनपुर।

पत्रांक
संवा नं.

4299/141 दिनांक, सहारनपुर 176-2019

जिलाधिकारी
सहारनपुर।
(खनन अनुभाग)

विषय- जनपद सहारनपुर में नये खनन पट्टा क्षेत्रों के संबंध में अनापत्ति प्रमाण पत्र उपलब्ध कराये जाने विषयक।

सन्दर्भ- आपका पत्रांक 2662/खनन क्षेत्र/ई-टेण्डर/2018-19 दिनांक 15.02.2019
महोदय,

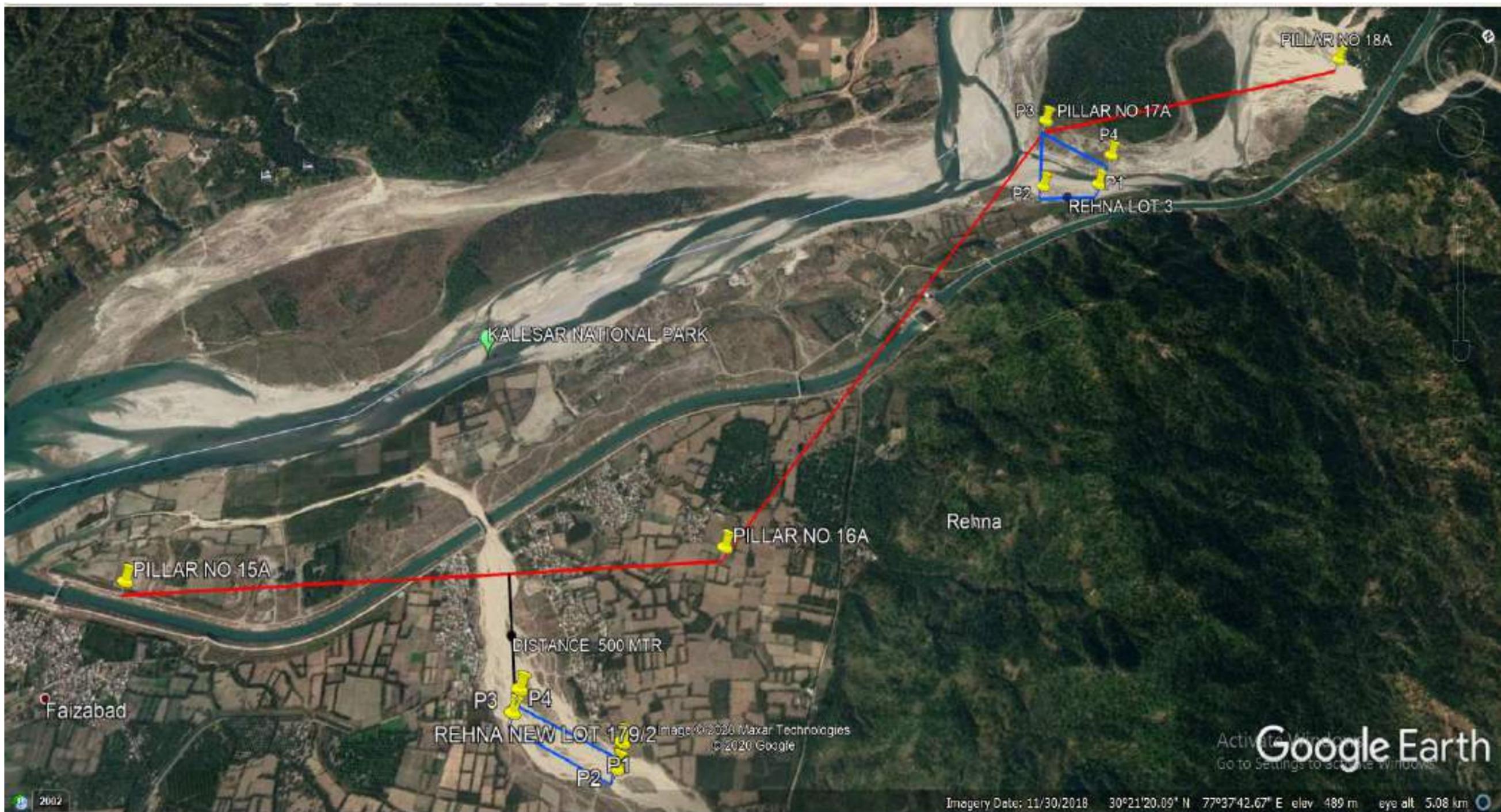
उपरोक्त सन्दर्भित पत्र के क्रम में क्षेत्रीय वनाधिकारी, बेहट द्वारा जॉंच कराई गई, उनके द्वारा अवगत कराया गया कि कि बेहट रेंज के अन्तर्गत ग्राम बरथा कोरसी के गाटा संख्या-01 क्षेत्रफल 36.00 हेक्टेयर की जॉंच आरक्षित वन क्षेत्र से एवं हरियाणा राज्य के कलेशर राष्ट्रीय उद्यान से दूरी के संबंध में की गई। जॉंच के दौरान शिवालिक वन प्रभाग के आरक्षित वन क्षेत्र मगनपुरा मुनारा संख्या -908 की जी०पी०एस्० N30°20'04.4" E077°37'04.0" है तथा ~~उक्त पट्टा क्षेत्र ग्राम बरथा कोरसी पहाड़ संख्या-01 की जी०पी०एस्० सिटिंग N30°12'37.1" E077°31'00.8" है। जी०पी०एस्० सिटिंग के अनुसार आरक्षित वन क्षेत्र के खनन कट्टा क्षेत्र की दूरी 13.90 किमी है। इसी प्रकार कलेसर राष्ट्रीय उद्यान की जी०पी०एस्० सिटिंग संख्या N30°41.8" E077°34'26.9" है। जी०पी०एस्० सिटिंग के अनुसार राष्ट्रीय उद्यान से खनन कट्टा क्षेत्र की दूरी 13.90 किमी है।~~ उपरोक्त भूमि पर वर्तमान में यमुना नदी का पानी बह रहा है। जॉंच के दौरान श्री सुखपाल सिंह, वन दरोगा, श्री शिव कुमार, सर्वेयर खनन विभाग, नौ० आशिक खान, लेखपाल राजस्व विभाग उपस्थित रहे।

भवदीय

(विजय सिंह)

प्रभागीय निदेशक
सामाजिक वानिकी प्रभाग
सहारनपुर

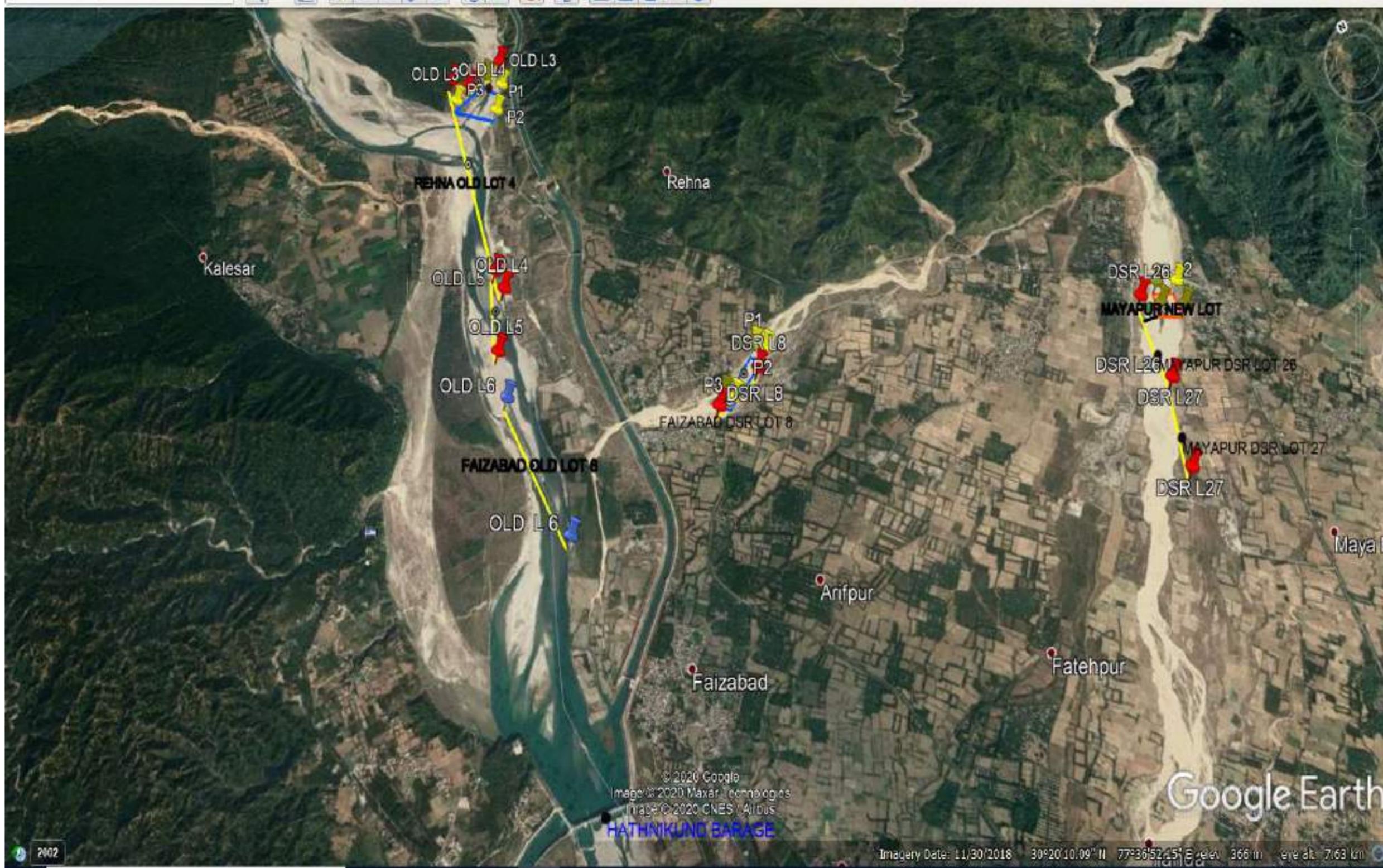
क्लेशर नेशनल पार्क की बाउण्ड्री पिल्लर नं0 15A, 16A, 17A, एवं 18A की बाउण्ड्री पिल्लर व रहना के लॉट नं0 03 व रहना (नया लॉट 179/2) का नक्शा



क्लेशर नेशनल पार्क पिल्लर नं0 15A, 16A, 17A, एवं 18A के लॉगीट्यूट व लैटीट्यूट नोटिफिकेशन दिनांक 22.04.2016 से लिए गये हैं व रहना लॉट नं0 03 व रहना नया लॉट नं खसरा नं0 179/2 के P1, P2, P3, P4 के लॉगीट्यूट व लैटीट्यूट निलाम नोटिस दिनांक 01.11.2019 से लिए गये हैं लॉट नं0 03 व क्लेशर नेशनल पार्क के पिल्लर नं0 17A की दूरी 0 मी0 है और रहना नया लॉट खसरा नं0 179/2 की क्लेशर नेशनल पार्क के पिल्लर नं0 15A व 16A के मध्य से दूरी 500 मीटर है। दोनों लॉट प्रतिबन्धित क्षेत्र में आते हैं।

Annexure No. 26
ANNEXURE NO.....

हथनीकुण्ड बैराज के अपर स्ट्रीम में पड़ने वाले रहना लॉट नं० 03 व रहना खसरा नं० 179/2 व मायापुर रूपपुर का नक्शा



कार्यालय जिलाधिकारी (खनन अनुभाग) जनपद.....

पत्रांक:

दिनांक:

क्लस्टर प्रमाण पत्र (यथा संशोधित दिनांक 29.08.2018)

प्रमाणित किया जाता है कि श्री/मे०.....को पत्रांक- दिनांक के माध्यम से गाटा सं०/खण्ड सं०- ग्राम- तहसील जनपद..... हेतु कुलहे० खनन क्षेत्र के संबंध में सहमति पत्र (एल०ओ०आई०) निर्गत किया गया है। अधोहस्ताक्षरी द्वारा पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार की ई०आई०ए० अधिसूचना, 2006(यथा संशोधित)/ई०आई०ए० अधिसूचना (यथा संशोधित) दिनांक 14.08.2018 के परिशिष्ट-11 में दिये गये प्राविधानों के अन्तर्गत उक्त खनन क्षेत्र का परीक्षण किया गया, जिसके अनुसार प्रश्नगत खनन क्षेत्र की स्थिति निम्नवत है:-

- अ) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में कोई खनन क्षेत्र नहीं है तथा ई०आई०ए० अधिसूचना (यथा संशोधित) दिनांक 14.08.2018 के परिशिष्ट-11 में दिये गये प्राविधानों के अनुसार 5 हे० से 25 हे० तक किन्तु एकल खण्ड 5 हे० से अधिक हो, का क्लस्टर नहीं बनता है। संबंधित प्रकरण ई०आई०ए० अधिसूचना की श्रेणी बी-2 से आच्छादित होता है।

अथवा

- ब) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र हैं:-
- 1) गाटा सं०-.....ग्राम..... खनन क्षेत्र हेक्टेअर
 - 2) गाटा सं०-.....ग्राम..... खनन क्षेत्र हेक्टेअर
 - 3)
- उक्त सभी खनन क्षेत्रों का कुल योग हेक्टेअर है जो कि 25 हे० से कम है। अतः ई०आई०ए० अधिसूचना (यथा संशोधित) दिनांक 14-08-2018 के परिशिष्ट-11 में दिये गये प्राविधानों के अनुसार श्रेणी बी-1 का क्लस्टर नहीं बनता है। संबंधित प्रकरण ई०आई०ए० अधिसूचना की श्रेणी बी-2 से आच्छादित होता है।

अथवा

- स) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र हैं:-
- 1) गाटा सं०-.....ग्राम..... खनन क्षेत्र हेक्टेअर
 - 2) गाटा सं०-.....ग्राम..... खनन क्षेत्र हेक्टेअर
 - 3)
- उक्त खनन क्षेत्रों का कुल योग हेक्टेअर है जो कि 25 हे० अथवा 25 हे० से अधिक है परन्तु एकल खण्ड 100 हे० से कम है। अतः ई०आई०ए० अधिसूचना (यथा संशोधित) दिनांक 14-08-2018 के परिशिष्ट-11 में दिये गये प्राविधानों के अनुसार 25 हे० से अधिक तथा 100 हे० से कम का क्लस्टर बनता है। संबंधित प्रकरण ई०आई०ए० अधिसूचना की श्रेणी बी-1 से आच्छादित होता है।

अथवा

- द) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में 100 हे० से अधिक निम्नांकित एकल खण्ड खनन क्षेत्र हैं:-
- 1) गाटा सं०-.....ग्राम..... खनन क्षेत्र हेक्टेअर
 - 2) गाटा सं०-.....ग्राम..... खनन क्षेत्र हेक्टेअर
 - 3)
- संबंधित प्रकरण ई०आई०ए० अधिसूचना की श्रेणी ए से आच्छादित होता है।

यह भी प्रमाणित किया जाता है कि उपरोक्त विवरण में ई०आई०ए०ए० भारत सरकार /एस०ई०आई०ए०ए० /डी०ई०आई०ए०ए० से निर्गत पूर्व-पर्यावरणीय क्लीयरन्स के गाटा/खण्ड संख्या को सम्मिलित कर लिया गया है एवं उक्त प्रमाण पत्र ई०आई०ए० अधिसूचना, 2006(यथा संशोधित)/अधिसूचना 14.08.2018 के परिशिष्ट-11 के प्राविधानों के अनुसार भवदीय,

(नाम

वरिष्ठ खनन अधिकारी/
खनन अधिकारी/खान निरीक्षक

कार्यालय जिलाधिकारी (खनन अनुभाग) जनपद.....

पत्रांक

दिनांक

क्लस्टर प्रमाण पत्र

प्रमाणित किया जात है कि श्री/मै०.....को पत्रांक- दिनांक के माध्यम से गाटा सं०/खण्ड सं०- ग्राम- तहसील जनपद..... हेतु कुल हे० खनन क्षेत्र के संबंध में सहमति पत्र (एल०ओ०आई०) निर्गत किया गया है। ओ० ए० न० 146/2016 सतेन्द पाण्डे बनाम पर्यावरण वन एवं जलवायु परिवर्तन, भारत सरकार व अन्य में म० राष्ट्रीय हरित न्याधिकरण द्वारा पारित आदेश दिनांक 13.09.2018 एवं पर्यावरण वन एवं जलवायु परिवर्तन भारत सरकार द्वारा जारी ओ०एम० संख्या-L-11D11/175/2018-IA-II(M) दिनांक 12.12.2018 के अनुसार प्रश्नगत खनन क्षेत्र की स्थिति निम्नवत है-

अ) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में कोई खनन क्षेत्र नहीं है। संबंधित प्रकरण 0 से 5 हेक्टेयर तक है। अतः श्रेणी बी-2 से आच्छादित होता है।

अथवा

ब) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में कोई खनन क्षेत्र नहीं है। संबंधित प्रकरण 5 हेक्टेयर से अधिक है। अतः परियोजना श्रेणी बी-1 से आच्छादित होता है।

अथवा

स) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र हैं-

- 1) गाटा सं०-.....ग्राम..... खनन क्षेत्र हेक्टेअर
- 2) गाटा सं०-.....ग्राम..... खनन क्षेत्र हेक्टेअर
- 3)

उक्त सभी खनन क्षेत्रों का कुल योग हेक्टेअर (05 हे० से कम) है अतः परियोजना श्रेणी बी-1 का क्लस्टर नहीं बनता है। संबंधित प्रकरण श्रेणी बी-2 से आच्छादित होता है।

अथवा

द) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र हैं-

- 1) गाटा सं०-.....ग्राम..... खनन क्षेत्र हेक्टेअर
- 2) गाटा सं०-.....ग्राम..... खनन क्षेत्र हेक्टेअर
- 3)

उक्त खनन क्षेत्रों का कुल योग हेक्टेअर (05 हे० से अधिक) है। संबंधित प्रकरण की श्रेणी बी-1 से आच्छादित होता है।

अथवा

ध) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में 100हे० से अधिक निम्नांकित एकल खनन क्षेत्र है-

- 1) गाटा सं०-.....ग्राम..... खनन क्षेत्र हेक्टेअर
- 2) गाटा सं०-.....ग्राम..... खनन क्षेत्र हेक्टेअर
- 3)

संबंधित प्रकरण श्रेणी ए से आच्छादित होता है।

यह भी प्रमाणित किया जाता है कि उपरोक्त विवरण में ई०ए०सी० भारत सरकार / ए०आई०आई०ए०, यू०पी०/डी०आई०आई०ए० से निर्गत पूर्व-पर्यावरणीय क्लीयरेन्स के गाटा/खण्ड संख्या को सम्मिलित कर लिया गया है भवदीय,

(नाम, हस्ताक्षर एवं मोहर)
वरिष्ठ खनन अधिकारी/
खनन अधिकारी/खान निरीक्षक

By Speed Post

No. J-11015/101/2010-IA.II(M)
Government of India
Ministry of Environment and Forests

534, Paryavaran Bhawan
CGO Complex, Lodhi Road,
New Delhi - 110 003
Dated the 25th October, 2012

To

✓ M/s Amit Jain S/o Late Sh Narendera Kumar Jain
66, Mahaveer Colony,
Chilkana Road
District Saharanpur - 247001 (Uttar Pradesh)

Subject: **River Bed Mining of Sand, Bajri & Boulders (minor Mineral) of M/s Amit Jain & Naseem, Village Mayapur Roopur, Tehsil Behat, District Saharanpur, U.P. (14.87 ha) : Lot No. 27 - Environmental clearance regarding.**

Sir

This has reference to your letter dated Nil on the subject mentioned above. The project was earlier prescribed Terms of Reference (TORs) by the Ministry of Environment and Forests on 31.05.2010 for undertaking detailed EIA study for the purpose of obtaining environmental clearance.

2. The proposal is for environmental clearance for production of 1,17,000 TPA of sand, bajri, boulder (minor mineral) put together from the bed of river Badshahibagh Rao in Village Mayapur Roopur, Tehsil Behat, District Saharanpur, U.P. The mine lease area 14.87 ha. The proposed mining area is reported lying between Latitude - 30° 18' 59.0" to 30° 18' 46.8" N and Longitude - 77° 37' 58.2" to 77° 38' 10.1" E in topo sheet No. 53F/11.; Lot No. 27; Khasra No.42M, 43M, 44M, 55M, 85/1M, 85/2M, 82,81M, 56M, 89, 88M, 87, 83M, 84M, 264, 265, 266M, 258M, 257M, 268M, 267M, 269M, 271M, 274M, 275M, 276, 277/1M, 279M, 278M. No forestland is involved. Elephant reserve boundary is at a distance of 1.52 km. The proponent has submitted a map authenticated by Chief Wildlife Warden in this regard. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent has also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit.

3. In order to maintain safety and stability of river banks 100 m or 10% of the width of the river whichever is more will be left intact or no mining zone. Water requirement will be 7KLD which will be sourced from nearby villages. The Mine lease of 14.87 ha had been

granted from 23.05.2008 to 22.05.2011 for 3 years which has now expired but the letter of intent for renewal of the said mine lease has been granted for further period of 3 years from the date of execution of mine lease vide letter date 13.5.2011 by the State Govt. of U.P. It was reported by the project proponent that there is no court case pending against the project. Cost of the Project is 8.07 Lakhs and EMP cost of the project is Rs. 1.00 Lakh (Capital), Rs. 0.25 Lakh (Recurring) for Socio-Economic welfare measures is Rs. 0.15 Lakh.(P-542/c). Public hearing has been held on 20.11.2010.

4. It has also been taken on record that this mine was in operation till 30.6.2011 and has been started in 23.05.2006 (date of lease deed) and hence no violation. Two writ petitions namely (i) 9416 (M/B) of 2010 filed by Mohd. Kausar Jah V/s Union of India & Ors. and (ii) W.P. No. 10025 of 2010 filed by Shyam Bahadur Sakhya V/s Union of India & Ors. in the Hon'ble High Court at Allahabad regarding operation of sand, bajri and boulder mines in the state of U.P. in particulars in the District Saharanpur without mandatory prior environmental clearance under EIA Notification, 2006. The Hon'ble court has passed an order dt. 29.4.2011 directing the mine lease holder for renewal as well new mine lease to obtain the following directions mandatory environmental clearance under the notification dt 14.9.2006 and allowed time till 30.6.2011 to carry on the mining operation and also directed State Govt. to ensure as on 1.7.2011 that no person anywhere in the State will carry out any mining activity of minor mineral. However, the owner of this mine was not a Petitioner/Respondent in the said W.Ps. as reported by him before the EAC. The project proponent has submitted that the mine is closed since 23.05.2011.

5. The Ministry has sought opinion from the Additional Solicitor General of India at Allahabad High Court on the point that the period of operating mines without requisite prior environmental clearance be treated as violation or it would imply that the Hon'ble court has condoned the violation and hence no criminal action can be entitled by invoking Section 19 of the Environment (Protection) Act, 1986 for filing complaint by virtue of the said order of the Hon'ble High Court against these lease holders.

6. The Additional Solicitor General of India at Allahabad High Court has opined that the "Once, the High Court has granted liberty to the petitioner to continue their mining operations till 30.6.2011. In his view this amounts to legalizing any mining operation conducted by the lease holders till 30.6.2011, therefore, it will be inappropriate for the Government for filling prosecution against very same miners till 30.06.2011. In view of the above, no prosecution can be lodged against the miners for their mining without environmental clearance done till 30.6.2011, after that date the law would be applicable on them.

7. In view of the above opinion of ASGI, there is no violation done by the proponent by doing mining till without obtaining requisite prior environmental clearance as it has been legalized by the Hon'ble High Court at Allahabad vide its order dt 29.4.2011. It is also reported by Additional District Magistrate, Officer-in-charge Mines, on behalf of Distt. Magistrate that the mine is reported to be closed since 01.07.2011 vide letter no. 1096-1/Mines/2012-13 dated 18th September 2012.

8. The Ministry of Environment and Forests has examined the application in accordance with the EIA Notification, 2006 and hereby accords environmental clearance under the provisions thereof to the above mentioned River Bed Mining of Sand, Bajri & Boulders (minor Mineral) of M/s Amit Jain & Naseem, Village Mayapur Roopur, Tehsil Behat, District Saharanpur, U.P. (14.87 ha) ; Lot No. 27, subject to implementation of the following conditions and environmental safeguards.

A. Specific conditions

- (i) Environmental clearance will be coterminous with the mine lease period and the proponent shall obtain fresh environmental clearance at the time renewal of mine lease in accordance with the provisions of the EIA Notification 2006 as amended subsequently.
- (ii) It shall be ensured that there shall be no mining of any type within 3m or 10% of the width whichever is more shall be left on both the banks (inward) of the river Yamuna to control and avoid erosion of river banks as provided in the Development Plan. Mining shall be as per the Development plan prepared for the project.
- (iii) The project proponent shall obtain Consent to establish and Consent to Operate from Uttar Pradesh Pollution Control Board and effectively implement all the conditions stipulated therein.
- (iv) The proponent shall observe every 15 days for nesting of any turtle in the area. Based on observation so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the state Wildlife department. For the purpose awareness shall be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.
- (v) A study shall be got carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral which may adversely affect the dynamics of the river. This study shall be steered by the state Government, based on which the capacity of the mine will be decided by the concerned department of the state Govt. while granting mine lease.
- (vi) The project proponent shall prepare the plan of mining in conformity with the mine lease conditions and the rules prescribed in this regard clearly showing the no work zone in the mine lease i.e. the distance from the bank of river to be left unworked, distances from the bridges etc. it shall be ensured that no mining shall be carried out during the monsoon season.
- (vii) Environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the Competent Authority.

Registered

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Vinod Khaidi-1, Ganga Nagar, Lucknow - 226 010

Phone : 91-522-2300 541. Fax : 91-522-2300 543

E-mail : doepil@up.gov.in

Website : www.seiaaup.org

To,

Shri Rajesh Kumar,
S/o Shri Ranveer Singh,
R/o Garhi Birwal, Tehsil- Indri,
District- Kannak, Mayapna.

Date: 27 May, 2020

Ref. No. 8.2 /P/2019/SEIAA/5402/2020

Sub: Environmental Clearance for Proposed Sand/Boulder Mining at Gata No.-14/1, Village- Mayapur Rooppur, Tehsil- Behal, District- Saharanpur, U.P., (Leased Area: 3.10 Ha).

Dear Sir,

Please refer to your application/letter dated 17-01-2020, 21-01-2020, 24-02-2020 addressed to the Secretary, SEAC, Directorate of Environment, U.P., Lucknow on the subject as above. The State Level Expert Appraisal Committee considered the matter in its meetings held on dated 26-02-2020 and SEIAA meeting 21-05-2020.

A presentation was made by the project proponent along with their consultant M/s Paramarsh (Servicing Environment and Development). The proponent, through the documents submitted and the presentation made, informed the committee that:-

1. The environmental clearance is sought for Sand/Boulder Mining at Gata No -14/1, Village- Mayapur Rooppur, Tehsil- Behal, District- Saharanpur, U.P., (Leased Area 3.10 Ha).
2. Salient features of the project as submitted by the project proponent

1. On-line proposal No.	SIA/UP/MIN/137322/2020		
2. File No. allotted by SEIAA, UP	5402		
3. Name of Proponent	Shri Rajesh Kumar S/o Shri Ranveer Singh		
4. Full correspondence address of proponent and mobile no.	R/o- Garhi Birwal, Tehsil- Indri, District- Kannak, Mayapna		
5. Name of Project	Sand/ Bnrl/ Boulder Mining Project		
6. Project location [Plot/ Khassa /Gata No.]	Gata No -14/1, Village- Mayapur Rooppur, Tehsil- Behal, District- Saharanpur, U.P.		
7. Name of River	Badshahibagh Rao		
8. Name of Village	Mayapur Rooppur		
9. Tehsil	Behal		
10. District	Saharanpur		
11. Name of Minor Mineral	Sand/ Bnrl/ Boulder		
12. Sanctioned Lease Area (in Ha.)	3.10 ha		
13. Mineable Area (in Ha.)	3.10 ha		
14. Zero level mRL	387 mRL		
15. Max & Min mrl within lease area	394 mRL - 391.0 mRL		
16. PMR Coordinates (Verified by DAMD)	Point	Latitude (N)	Longitude (E)
	A	30°39'19.38"N	77°38'25.06"E
	B	30°39'16.94"N	77°38'30.39"E
	C	30°39'11.31"N	77°38'27.63"E
	D	30°39'14.42"N	77°38'21.92"E
17. Total Geological Reserves	174,000 m ³		
18. Total Mineable Reserves	70,750 m ³		
19. Total Proposed Production (in five year)	3,48,750 m ³		
20. Propose Production for 5 years	Year	Production	
	1	69,750 m ³ Annum	
	2	69,750 m ³ Annum	
	3	69,750 m ³ Annum	
	4	69,750 m ³ Annum	
	5	69,750 m ³ Annum	
	Total	3,48,750 m ³	
21. Sanctioned Period of Mine lease	5 Year		
22. Production of mine/day	310 m ³		

ANNEXURE NO

लॉट नं0 8 व नये लॉट रहना खसरा नं0 179/2 का कलस्टर नक्शा



नया क्षेत्र रहना खसरा नं0 179/2 के P1, P2, P3, P4 दर्शाया गये है यह ई0सी0 दिनांक 27.05.2020 से लिए गये है DSR के लॉट 8 में फैजाबाद के लॉगीट्यूट व लैटीट्यूट मुख्य वन्य जीव प्रतिपालक दिनांक 03.12.2010 हाथी रिजर्व से दूरी प्रमाण पत्र दिनांक 03.12.2010 में 800 मीटर प्रमाणित की । जबकि नया लॉट लॉट नं0 8 से ऊपर है । दोनो लॉट ओवर लैप कर रहे है दोनो एक कलस्टर में है वास्तव में नया लॉट गाँव रहना में न होकर फैजाबाद में है ।

6/24/2011

Ministry of Environment & Forests (IA D

Ministry of Environment & Forests
Division)(IA

SUMMARY RECORD OF THE 14TH MEETING OF EXPERT APPRAISAL COMMITTEE FOR ENVIRONMENTAL APPRAISAL OF MINING PROJECTS CONSTITUTED UNDER EIA NOTIFICATION, 2006.

The 14th meeting of the Expert Appraisal Committee for Environmental Impact Assessment of Mining Projects of the Ministry of Environment and Forests was held on April 25-27, 2011. The list of participants is annexed.

After welcoming the Committee Members, discussion on each of the agenda items was taken up ad-seriatim.

Item No. 1:

1.1 Confirmation of the minutes of the 13th Meeting.

The minutes of the 13th meeting were confirmed as circulated.

Item No. 2: Consideration of the Proposals listed in the Agenda:

Dubna-Sakradih Iron & Manganese Ore Mining Project of M/s Orissa Mining Corporation Ltd., villages Handibhanga, Jampani, Badakalimati, Dubna, Purunadih, Naibaga and Basantpur, District Keonjhar, Orissa (Consultant: MECON, Ranchi)

The proposal was considered by the Committee and the proponent made a presentation on the same. The proposal is for renewal of mine lease which fell due in December, 2009 and enhancement of production of iron ore to 1.0 million TPA and manganese ore to 0.06 million TPA. The additional TOR for this project were prescribed on 22.12.2008. Public hearing has been held on 3.9.2009. The mine lease area is 1332.019 ha, which includes 1148.88 ha of forestland. No National Park / Sanctuary is reported within 10 km of the mine lease area. A map duly authenticated by DFO cum Wildlife Warden, Keonjhar Division has been submitted by the proponent. The mine is reported to be closed since 2007. It is a violation case as the proponent had started production of iron ore after 1994, without obtaining requisite prior environmental clearance. It was stated that temporary working permission has been granted for 253.229 ha of already broken up forestland and mine working will be restricted to the already broken up area. No private land is to be acquired for the project. The life of the mine for working within the already broken up area of 253.229 ha of area is estimated to be 6 to 7 years. Mine working will be opencast semi-mechanised. Peak water requirement is estimated as 289 kld, which will be obtained from Jalpa nadi. The ultimate working depth will be 509 m AMSL. The groundwater table is reported to vary between 410 ? 418 m AMSL. Mine working will not intersect groundwater table. It is estimated that 8.048 million m³ of OB will be generated. Backfilling is proposed, which will be commenced from 3rd year. It is estimated that about 189 ha of excavated area will be backfilled and afforested. The baseline AAQ data showed that the RSPM levels are higher side. It was also observed that the information and data contained in the EIA report and the mine plan do not reconcile especially in terms of equipment and machinery to be used and GLC values. The issues raised during public hearing were also considered and discussed in the meeting. It was reported that there is no court case pending against the project.

Based on the presentation made and discussions held, the Committee sought information on the following:-

The EIA report and the mine plan should be mutually consistent in terms of data and information.

6/24/2011

Ministry of Environment & Forests (IA D)

various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.

River Bed Mining (6.88 ha, Lot No. 8) of Sand, Bajri & Boulders (minor mineral) of M/s Mahmood Ali & Dilshad, village Faizabad, Tehsil Behat, District Saharanpur, U.P. (Consultant: J.M. Environet Pvt Ltd., Gurgaon)

The proposal was considered by the Committee and the proponent made a presentation on the same. The proposal is for environmental clearance for mining of 90,000 TPA of sand, bajri, boulders (minor mineral) put together from the bed of river Gejrarao in Faizabad village, District Saharanpur, U.P. TOR for this project were prescribed on 31.5.2010. Public hearing has been held on 18.11.2010. The mine lease area is 6.88 ha. No forestland is involved. It has been considered as Category 'A' because of the inter-state boundary of U.P. and Haryana and U.P. and Uttarakhand within 10 km. Elephant reserve boundary at a distance of 0.8 km. The proponent have submitted a map authenticated by Chief Wildlife Warden in this regard. It is a violation case as the mine started functioning without obtaining requisite prior environmental clearance. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent have also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit. The issues raised during public hearing were also considered and discussed during the meeting. It was reported that there is no court case pending against the project.

Based on the presentation made and discussion held, the Committee recommended the project for environmental clearance subject to following conditions:-

(i) The proponent will observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department.

(ii) A study shall be carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral, which may adversely affect the dynamics of the river.

(iii) Effective safeguard measures shall be taken to ensure that the AAQ levels at various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.

River Bed Mining (12.39 ha, Lot no. 6) of Sand, Bajri & Boulders (minor mineral) of M/s Mahmood Ali & Dilshad, village Faizabad, Tehsil Behat, District Saharanpur, U.P. (Consultant: J.M. Environet Pvt Ltd., Gurgaon)

The proposal was considered by the Committee and the proponent made a presentation on the same. The proposal is for environmental clearance for mining of 1,26,000 TPA of sand, bajri, boulders (minor mineral) put together from the bed of river Yamuna in Faizabad village, District Saharanpur, U.P. TOR for this project were prescribed on 31.5.2010. Public hearing has been held on 15.11.2010. The mine lease area is 12.39 ha. No forestland is involved. It has been considered as Category 'A' because of the inter-state boundary of U.P. and Haryana and U.P. and Uttarakhand within 10 km. Elephant

SARHARAT

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Viceroy Kowal-1, Ganga Nagar, Lucknow - 226 010

Phone : 91-522-2300541, Fax - 91-522-2300543

E-mail : doecuplko@yahoo.com

Website : www.seiaa.com

To,

Shri Sanjay Bhatiya,
S/o Late Shri Anand Prakash Bhatiya,
R/o 1/472, Ramchandrapur, Malda Mill Phatak,
Thana- Qutubshah,
District- Saharanpur, U.P-247001

Ref. No. 87 /Para/SEIAA/5468/2019Date: 27 May, 2020

Sub: Environmental Clearance for Proposed Building Stone (Sand, Bajri& Boulder) Mining at Gata No.- 179/2, Village- Rahna, Tehsil-Behat, Saharanpur, U.P. (Leased Area-3.75 ha).

Dear Sir,

Please refer to your application/letter dated 29-01-2020 & 24-02-2020 addressed to the Secretary, SEAC, Directorate of Environment, U.P., Lucknow on the subject as above. The State Level Expert Appraisal Committee considered the matter in its meetings held on dated 26-02-2020 and SEIAA meeting 21-05-2020.

A presentation was made by the project proponent along with their consultant M/s Paramarsh (Servicing Environment and Development). The proponent, through the documents submitted and the presentation made, informed the committee that:-

1. The environmental clearance is sought for Building Stone (Sand, Bajri& Boulder) Mining at Gata No.- 179/2, Village- Rahna, Tehsil-Behat, Saharanpur, U.P. (Leased Area-3.75 ha)
2. Salient features of the project as submitted by the project proponent

1. On-line proposal No.	SIA/UP/MIN/ 139435/2020		
2. File No. allotted by SEIAA, UP	5468		
3. Name of Proponent	Shri Sanjay Bhatiya		
4. Full correspondence address of proponent and mobile no.	S/O- Late Shri Anand Prakash Bhatiya R/O-1/472, Ramchandrapur, Malda Mill Phatak Thana- Qutubshah, District- Saharanpur (U.P.)		
5. Name of Project	River Bed Mining		
6. Project location (Plot/Khasra/Gata No.)	Gata No. 179/2, Village: Rahna, Tehsil- Behat, District- Saharanpur, State- Uttar Pradesh		
7 Name of River	River Galsara ra0		
8. Name of Village	Rahna,		
9 Tehsil	Behat		
10. District	Saharanpur		
11. Name of Major Mineral	River Bed Mining		
12. Sanctioned Lease Area (In Ha)	3.75 Ha		
13 Mineable Area (in Ha)	1.432 Ha		
14. Max & Min mRL within lease area	Max. mRL 355.0 m Min. mRL 349.90 M		
15. Pillar Coordinates (Verified by DMO)	PILLAR	LATITUDE	LONGITUDE
	A	30°19'56.61"N	77°36'32.68"E
	B	30°19'54.45"N	77°36'35.03"E
	C	30°19'47.77"N	77°36'20.40"E
	D	30°19'49.81"N	77°36'18.31"E
16 A. Total Geological Reserves	112500 m ³		
16 B. Total Mineable Reserves	57500 m ³		
17. Total Proposed Production (in per Month)	9325 cum		

Annexure No. 30
ANNEXURES NO.....

लॉट नं0 3 व लॉट नं0 4, 5, 6 का कलस्टर नक्शा



लॉट नं 03 के लॉगीट्यूट व लैटीट्यूट TOR दिनांक 30.06.2020 से लिए गये व लॉट नं 03 OLD व DSR लॉट नं 04 व DSR लॉट नं 05 के लॉगीट्यूट व लैटीट्यूट पहले से जारी पर्यावरण मन्त्रालय, भारत सरकार द्वारा जारी ई0सी0 दिनांक 25 व 26.10.2012 से व लॉट नं 06 मुख्य वन्य जीव संरक्षक के दूरी प्रमाण पत्र से लिए गये। लॉट नं 6 पहले ही हथनीकुण्ड के पास होने के कारण निरस्त किया गया था लेकिन DSR में कॉपी पेस्ट फिर भी किया गया है। लॉट नं 03 से लॉट नं 04 व लॉट नं 05 व लॉट नं 05 से लॉट नं 06 जुड़े है और 4 लॉटों का एक कलस्टर है चारों कलेशर नेशनल पार्क के 1 किमी0 के अन्दर आते है।

कार्यालय जिलाधिकारी, सहारनपुर।
(खनन अनुभाग)

3173
पत्रांक:- /खनिज /2020

दिनांक: 15 अप्रैल, 2020

क्लस्टर प्रमाण पत्र

प्रमाणित किया जाता है कि श्री सत्येन्द्र पुत्र श्री विरेन्द्र सिंह निवासी ग्राम व पोस्ट खैरा नजफगढ़, नई दिल्ली को पत्रांक:- 3357/खनन/2019-2020, दिनांक-23.01.2020 के माध्यम से खण्ड-3 लॉट संख्या-3 ग्राम-रहना, ताहसील-बेहट जनपद-सहारनपुर हेतु कुल रकबा 8.05 हे० खनन क्षेत्र के सम्बन्ध में सहमति पत्र (एल०ओआई०) निर्गत किया गया है। ओ०ए०नं०-188/2018 सतेन्द्र पाण्डे बनाम पर्यावरण वन, एवं जलवायु परिवर्तन, भारत सरकार व अन्य में मा० राष्ट्रीय न्यायिकरण द्वारा पारित आदेश दिनांक 13.08.2018 एवं पर्यावरण, वन एवं जलवायु परिवर्तन, भारत सरकार द्वारा जारी ओ०ए० नं० L-11011/175/2018-1A-II(M) दिनांक 12.12.2018 के अनुसार प्रश्नगत खनन क्षेत्र की स्थिति निम्नवत् है:-

अ) प्रश्नगत क्षेत्र की परिधि से 500 मीटर की दूरी में, वर्तमान में, कोई खनन पट्टा स्वीकृत/संचालित नहीं है। सम्बन्धित प्रकरण 0 से 05 हेक्टेयर तक है। अतः श्रेणी B-2 से आच्छादित होता है। (लागू नहीं)

अथवा

ब) प्रश्नगत क्षेत्र की परिधि से 500 मीटर की दूरी में, वर्तमान में, कोई खनन पट्टा स्वीकृत/संचालित नहीं है। सम्बन्धित प्रकरण 05 हेक्टेयर से अधिक है। अतः परियोजना श्रेणी बी०-1 से आच्छादित होता है।

अथवा

स) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र है:-

1) गाटा सं०-.....ग्राम..... खनन क्षेत्र..... हे०

2) गाटा सं०-.....ग्राम..... खनन क्षेत्र..... हे०

उक्त सभी खनन क्षेत्रों का कुल योग..... हे० (05 हे० से कम) है। अतः परियोजना श्रेणी बी०-1 का क्लस्टर नहीं बनता है। सम्बन्धित प्रकरण श्रेणी बी०-2 से आच्छादित होता है। (लागू नहीं)

अथवा

द) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र है:-

1) गाटा सं०-.....ग्राम..... खनन क्षेत्र..... हे०

2) गाटा सं०-.....ग्राम..... खनन क्षेत्र..... हे०

उक्त सभी खनन क्षेत्रों का कुल योग..... हे० (05 हे० से अधिक) है। अतः परियोजना श्रेणी बी०-1 का क्लस्टर नहीं बनता है। सम्बन्धित प्रकरण श्रेणी बी०-2 से आच्छादित होता है। (लागू नहीं)

अथवा

घ) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में 100 हे० से अधिक निम्नांकित एकल खण्ड क्षेत्र है:-

1) गाटा सं०-.....ग्राम..... खनन क्षेत्र..... हे०

2) गाटा सं०-.....ग्राम..... खनन क्षेत्र..... हे०

सम्बन्धित प्रकरण श्रेणी ए से आच्छादित होता है। (लागू नहीं)

यह भी प्रमाणित किया जाता है कि उपरोक्त विवरण में 10/20/सी० भारत सरकार/एल०ओआई०आई०ए०ए०, यू०पी०/डी०ई०आई०ए०ए० से निर्गत पूर्व-पर्यावरणीय स्वीयरेन्स के गाटा/खण्ड संख्या में सम्मिलित कर लिया गया है।

(आशीष कुमार)
खान अधिकारी
सहारनपुर।

By Speed Post

No. J-11015/123/2010-IA.II(M)
Government of India
Ministry of Environment and Forests

Paryavaran Bhawan
CGO Complex, Lodhi Road,
New Delhi - 110 003

Dated the 26th October, 2012

To

M/s Mahmood Ali S/o Late Sh. Abdul Waheed
R/o Village & Post Mirzapur Pole
Tehsil Behat
District Saharanpur - 247001 (Uttar Pradesh)

Subject: River Bed Mining of Sand, Bajri & Boulders (minor Mineral) of M/s Mahmood Ali and Dishad, Village Rahna, Tehsil Behat, District Saharanpur, U.P. (10.32 ha) : Lot No. 04 - Environmental clearance regarding.

Sir,

This has reference to your letter dated Nil on the subject mentioned above. The project was earlier prescribed Terms of Reference (TORs) by the Ministry of Environment and Forests on 31.05.2010 for undertaking detailed EIA study for the purpose of obtaining environmental clearance.

2. The proposal is for environmental clearance for renewal and production of 108,000 TPA of sand, bajri, boulder (minor mineral) put together from the bed of river Yamuna in Village Rahna, Tehsil Behat, District Saharanpur, U.P. The mine lease area 10.32 ha. The proposed mining area is reported lying between Latitude - 30° 20' 46.0" N to 30° 21' 44.8" N and Longitude - 77° 35' 37.4" E to 77° 35' 52.2" E in topo sheet No. S3F/11; Lot No. 04; Khasra No. 1M, 6M, 7M & 8M. No forestland is involved. Elephant reserve boundary is at a distance of 0.545 km. The proponent has submitted a map authenticated by Chief Wildlife Warden in this regard. It is a violation case as the mine started functioning without obtaining requisite prior environmental clearance. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent has also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit.

3. In order to maintain safety and stability of river banks 100 m or 10% of the width of the river whichever is more will be left intact or no mining zone. Water requirement will be 7KLD which will be sourced from nearby villages. The baseline AAQ data showed the

levels within permissible limit. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data, reports nesting of turtles in the region. The proponent has stated that as per decision of the Directorate of Geology and Mines, Govt. of U.P. dated 25.03.2011 there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit. It was reported that there was a court case relating to the procedure to be adopted for allocation of the mine i.e. auction Vs. renewal and hence it has no bearing to obtain environmental clearance. The Mine lease of 10.32 ha had been granted from 23.05.2008 to 22.05.2011 for 3 years which has now expired but the letter of intent for renewal of the said mine lease has been granted for further period of 3 years from the date of execution of mine lease vide letter date 13.5.2011 by the State Govt. of U.P. Public hearing has been held on 11.11.2010. It was reported by the project proponent that there is no court case pending against the project. Cost of the Project is 5.61 Lakhs and EMP cost of the project is Rs. 1.25 Lakh (Capital), Rs. 0.55 Lakh (Recurring) for Socio-Economic welfare measures is Rs. 0.55 Lakh.

4. The Ministry of Environment and Forests has examined the application in accordance with the EIA Notification 2006 and hereby accords environmental clearance under the provisions thereof to the above mentioned River Bed Mining of Sand, Bajri & Boulders (minor Mineral) of M/s Mahmood Ali and Dishad, Village Rahna, Tehsil Behat, District Saharanpur, U.P. (10.32 ha) Lot No. 04 - Environmental clearance regarding.

A. Specific conditions

- (i) Environmental clearance will be coterminous with the mine lease period and the proponent shall obtained fresh environmental clearance at the time renewal of mine lease in accordance with the provisions of the EIA Notification 2006 as amended subsequently.
- (ii) It shall be ensured that there shall be no mining of any type within 3m or 10% of the width whichever is more shall be left on both the banks (inward) of the river Yamuna to control and avoid erosion of river banks as provided in the Development Plan. Mining shall be as per the Development plant prepared for the project.
- (iii) The project proponent shall obtain Consent to establish and Consent to Operate from Uttar Pradesh Pollution Control Board and effectively implement all the conditions stipulated therein.
- (iv) Necessary Wildlife clearance, as applicable, shall also be obtained.
- (v) The proponent shall observe every 15 days for nesting of any turtle in the area. Based on observation so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the state Wildlife department. For the purpose awareness shall be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.
- (vi) A study shall be got carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral which may adversely affect the dynamics of the

river. This study shall be steered by the state Government, based on which the capacity of the mine will be decided by the concerned department of the state Govt. while granting mine lease.

- (vii) The project proponent shall prepare the plan of mining in conformity with the mine lease conditions and the rules prescribed in this regard clearly showing the no work zone in the mine lease i.e. the distance from the bank of river to be left unworked, distances from the bridges etc. it shall be ensured that no mining shall be carried out during the monsoon season.
- (viii) Effective safeguard measures shall be taken to ensure that the AAQ levels at various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.
- (ix) The project proponent shall ensure that wherever deployment of labour attracts the Mines Act, the provision thereof shall be strictly followed.
- (x) The project proponent shall ensure that wherever deployment of labour attracts the Mines Act, the provision thereof shall be strictly followed.
- (xi) Effective safeguard measures, such as water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
- (xii) The project proponent shall undertake adequate safeguard measures during extraction of river bed materials and ensure that due to this activity the hydro geological regime of the surrounding area shall not be affected. Regular monitoring of ground water level and quality shall be carried out around the mine lease area by establishing a network of existing wells and installing new piezometer during the mining operation. The periodic monitoring [(at least four times in a year - Pre Monsoon (April-May) Monsoon (August) Post Monsoon (November) winter (January); once in a each season)] shall be carried out in consultation with the state ground water board/ Central ground water authority and the data thus collected may be sent regularly to the ministry of Environment and Forests and its Regional Office Lucknow, the Central Ground water Authority and the Regional Director Central Ground water Board. If at any stage, it is observed that the ground water table is getting depleted due to the mining activity; necessary corrective measures shall be carried out.
- (xiii) The project proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of water (surface water & ground water), if any required for the project.
- (xiv) Appropriate imitative measures shall be taken to prevent pollution of the river in consultation with the State Pollution Control Board. It shall be ensured that there is no leakage of oil and grease in the river from the vehicles used for transportation.
- (xv) Vehicular emission shall be kept under control & regularly monitored. The mineral transportation shall be carried out through the cover trucks only &

By Speed Post

No. J-11015/100/2010-IA.II(M)
Government of India
Ministry of Environment and Forests

534, Paryavaran Bhawan
CGO Complex, Lodhi Road,
New Delhi - 110 002
Dated the 25th October, 2012

To

M/s Mahmood Ali S/o Late Sh. Abdul Waheed
R/o Village & Post Mirzapur Pole
Tehsil Behat
District Saharanpur - 247001 (Uttar Pradesh)

Subject: River Bed Mining of Sand, Bajri & Boulders (minor Mineral) of M/s Mahmood Ali and Dishad, Village Rahna, Tehsil Behat, District Saharanpur, U.P. (10.32 ha); Lot No. 05 - Environmental clearance regarding.

Sir,

This has reference to your letter dated Nil on the subject mentioned above. The project was earlier prescribed Terms of Reference (TORs) by the Ministry of Environment and Forests on 31.05.2010 for undertaking detailed BIA study for the purpose of obtaining environmental clearance.

2. The proposal is for environmental clearance for renewal and production of 90,000 TPA of sand, bajri, boulder (minor mineral) put together from the bed of river Yamuna in Village Rahna, Tehsil Behat, District Saharanpur, U.P. The mine lease area 10.32 ha. The proposed mining area is reported lying between Latitude - 30° 20' 26.4" N to 30° 20' 46.0" N and Longitude - 77° 35' 28.2" E to 77° 35' 37.4" E in topo sheet No. 53F/11; Lot No. 05; Khasra No. 1M & 10M. No forestland is involved. Elephant reserve boundary is at a distance of 8.5 km. The proponent has submitted a map authenticated by Chief Wildlife Warden in this regard. It is a violation case as the mine started functioning without obtaining requisite prior environmental clearance. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent has also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit.

3. In order to maintain safety and stability of river banks 100 m or 10% of the width of the river whichever is more will be left intact or no mining zone. Water requirement will

be 6KLD which will be sourced from nearby villages. The baseline AAQ data showed the levels within permissible limit. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data, reports nesting of turtles in the region. The proponent has stated that as per decision of the Directorate of Geology and Mines, Govt. of U.P. dated 25.03.2011 there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit. It was reported that there was a court case relating to the procedure to be adopted for allocation of the mine i.e. auction Vs. renewal and hence it has no bearing to obtain environmental clearance. The Mine lease of 10.32 ha had been granted from 23.05.2008 to 22.05.2011 for 3 years which has now expired but the letter of intent for renewal of the said mine lease has been granted for further period of 3 years from the date of execution of mine lease vide letter date 13.5.2011 by the State Govt. of U.P.. Public hearing has been held on 12.11.2010. It was reported by the project proponent that there is no court case pending against the project. Cost of the Project is 5.61 Lakhs and EMP cost of the project is Rs. 1.25 Lakh (Capital), Rs. 0.50 Lakh (Recurring) for Socio-Economic welfare measures is Rs. 0.50 Lakh.

4. The Ministry of Environment and Forests has examined the application in accordance with the EIA Notification 2006 and hereby accords environmental clearance under the provisions thereof to the above mentioned River Bed Mining of Sand, Bajri & Boulders (minor Mineral) of M/s Mahmood Ali and Dishad, Village Rahna, Tehsil Behat, District Saharanpur, U.P. (10.32 ha); Lot No. 05 subject to implementation of the following conditions and environmental safeguards.

A. Specific conditions

- (i) Environmental clearance will be coterminous with the mine lease period and the proponent shall obtained fresh environmental clearance at the time renewal of mine lease in accordance with the provisions of the EIA Notification 2006 as amended subsequently.
- (ii) It shall be ensured that there shall be no mining of any type within 3m or 10% of the width whichever is more shall be left on both the banks (inward) of the river Yamuna to control and avoid erosion of river banks as provided in the Development Plan. Mining shall be as per the Development plant prepared for the project.
- (iii) Necessary wildlife clearance, as applicable, shall also be obtained.
- (iv) The project proponent shall obtain Consent to establish and Consent to Operate from Uttar Pradesh Pollution Control Board and effectively implement all the conditions stipulated therein.
- (v) The proponent shall observe every 15 days for nesting of any turtle in the area. Based on observation so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the state Wildlife department. For the purpose awareness shall be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.

- (vi) A study shall be got carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral which may adversely affect the dynamics of the river. This study shall be steered by the state Government, based on which the capacity of the mine will be decided by the concerned department of the state Govt. while granting mine lease.
- (vii) The project proponent shall prepare the plan of mining in conformity with the mine lease conditions and the rules prescribed in this regard clearly showing the no work zone in the mine lease i.e. the distance from the bank of river to be left unworked, distances from the bridges etc. it shall be ensured that no mining shall be carried out during the monsoon season.
- (viii) Effective safeguard measures shall be taken to ensure that the AAQ levels at various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.
- (ix) The project proponent shall ensure that wherever deployment of labour attracts the Mines Act, the provision thereof shall be strictly followed.
- (x) The project proponent shall ensure that wherever deployment of labour attracts the Mines Act, the provision thereof shall be strictly followed.
- (xi) Effective safeguard measures, such as water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
- (xii) The project proponent shall undertake adequate safeguard measures during extraction of river bed materials and ensure that due to this activity the hydro geological regime of the surrounding area shall not be affected. Regular monitoring of ground water level and quality shall be carried out around the mine lease area by establishing a network of existing wells and installing new piezometer during the mining operation. The periodic monitoring [(at least four times in a year - Pre Monsoon (April-May) Monsoon (August) Post Monsoon (November) winter (January); once in a each season)] shall be carried out in consultation with the state ground water board/ Central ground water authority and the data thus collected may be sent regularly to the ministry of Environment and Forests and its Regional Office Lucknow, the Central Ground water Authority and the Regional Director Central Ground water Board. If at any stage, it is observed that the ground water table is getting depleted due to the mining activity; necessary corrective measures shall be carried out.
- (xiii) The project proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of water (surface water & ground water), if any required for the project.

State Level Environment Impact Assessment Authority, Uttar Pradesh

To,
 Sri Satyendra,
 S/o Virendra Singh,
 R/o Village & Post- Khairi Nazafgarh,
 New Delhi- 110043

Directorate of Environment, U.P.

Vasant Khand- I, Convent Nagar, Lucknow - 226010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : deuup@yaho.com

Website : www.deuup.com

Ref. No. 159 /Prya/SEAC/5668/2019

Date: 30 June, 2020

Subj: Terms of Reference for Sand/Bajari/Boulder Mining at Gata No.'-03, Lot No.'-03, Village- Rehna, Tehsil- Behat, District- Saharanpur, U.P. (Leased Area -8.05 Ha).

Dear Sir,

Please refer to your application/letter dated 11-05-2020 & 29-05-2020 addressed to the Secretary, SEAC, Directorate of Environment, U.P., Lucknow on the subject as above. The matter was considered by the State Level Expert Appraisal Committee in its meeting held on dated 02-06-2020 and SEAA in its meeting dated 12-06-2020.

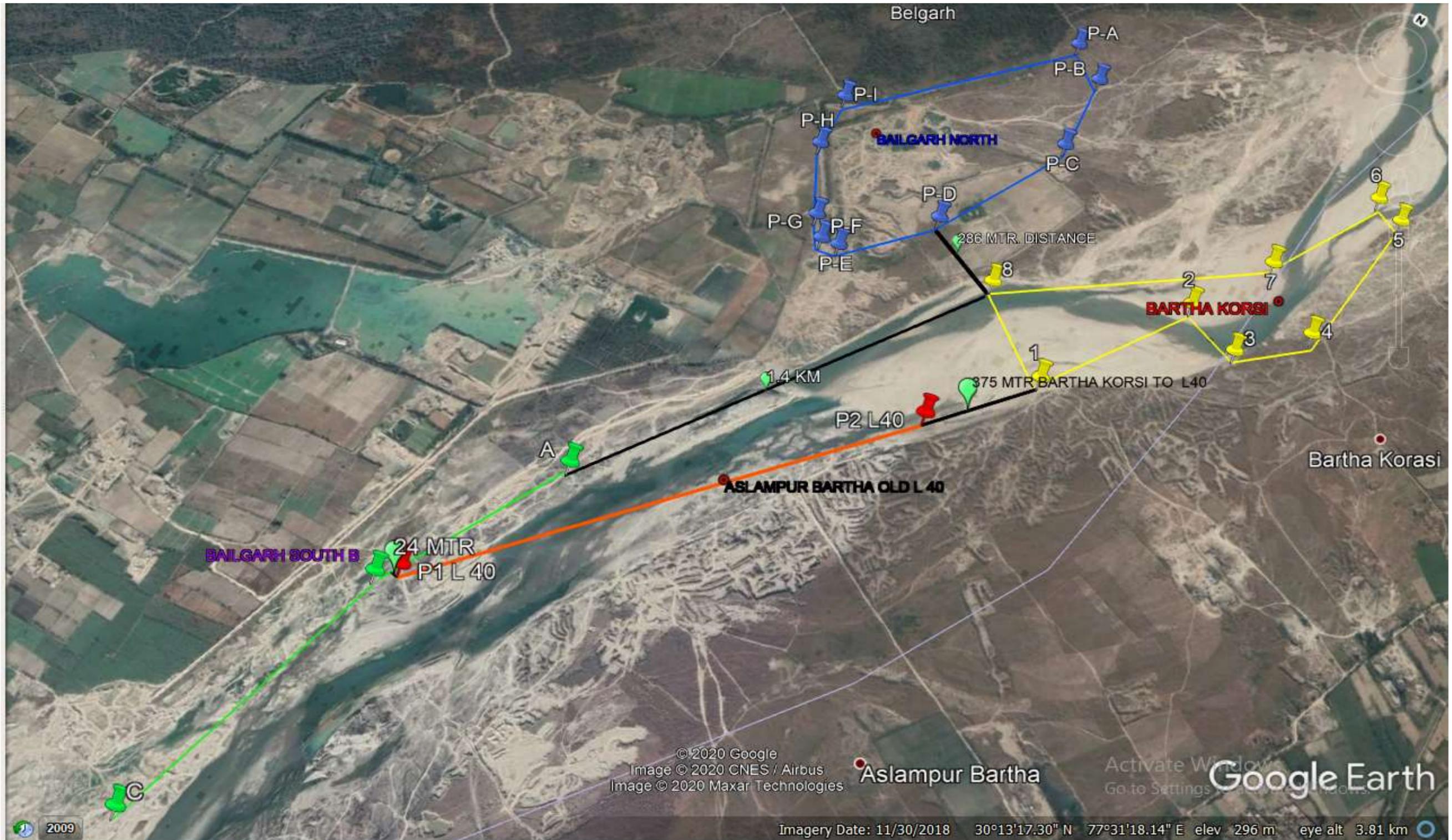
A presentation was made by the project proponent through video/tele-conferencing/ email in view of the Corona Virus Disease (Covid-19) along with their consultant M/s Ind Tech House Consult. The proponent, through the documents submitted and the presentation made informed the committee that:-

1. The environmental clearance is sought for Sand/Bajari/Boulder Mining at Gata No.'-03, Lot No.'-03, Village- Rehna, Tehsil- Behat, District- Saharanpur, U.P. (Leased Area -8.05 Ha).
2. Salient features of the project as submitted by the project proponent:

1.	Ort Use Proposal No.	SIA/UP/MIN 53103/2020		
2.	File No. allotted by SEIAA, UP	5660		
3.	Name of Proponent	Sri Satyendra		
4.	Full correspondence address of proponent and mobile no.	Village & Post -Khairi, Nazafgarh, New Delhi		
5.	Name of Project	Area- (8.05 Ha) For Sand/Bajari/Boulder Mining at Gata No.'-03, Lot No.'-03, Village- Rehna, Tehsil- Behat, District- Saharanpur, U.P. Sri Satyendra		
6.	Project Location (Plot, Khasra/Gata No.)	Gata No.'-03, Lot No.'-03		
7.	Name of Village	Rehna		
8.	Tehsil	Behat		
9.	District	Saharanpur		
10.	Name of Minor Mineral	Sand/Bajari/Boulder		
11.	Name of River	Yamuna River		
12.	Sanctioned Lease Area (in Ha.)	8.05 Ha.		
13.	Max. & Min mRL within lease area	346.0 mRL in SW & 353.0 mRL in E		
14.	Pillar Coordinates (Verified by DMO)	POINT	LATITUDE	LONGITUDE
		A	30°21'36.45"N	77°36'05.61"E
		B	30°21'29.62"N	77°36'01.76"E
		C	30°21'37.95"N	77°35'50.38"E
		D	30°21'42.16"N	77°36'02.59"E
15.	Total Geological Reserves	2,98,804m ³ /Annum		
16.	Total Mineable Reserve	1,46,514m ³ /Annum		
17.	Total Proposed Production in LOM	1,38,462m ³ /Annum		
18.	Proposed Production /year	Year	Production	
		1 st	1,38,462m ³ /Annum	
		2 nd	1,38,462m ³ /Annum	
		3 rd	1,38,462m ³ /Annum	
		4 th	1,38,462m ³ /Annum	

ANNEXURE NO -----

जिला सहारनपुर के DSL लॉट नं0 40 व नये लॉट बरथा कोरसी व यमुनानगर के बेलगढ़ साउथ व बेलगढ़ नॉर्थ के लॉटों का कलस्टर नक्शा



DSR के लॉट नं0 40 असलमपुर बरथा के लॉगीट्यूट व लैटीट्यूट पर्यावरण सहमति दिनांक 18.10.2012 से लिए गये है बरथा कोरसी के लॉगीट्यूट व लैटीट्यूट TOR दिनांक 30.06.2020 से लिए गये है बेलगढ़ साउथ के पर्यावरण सहमति दिनांक 27.06.2016 से लिए गये है और बेलगढ़ नॉर्थ के चीफ वाईल्ड लाईफ वार्डन द्वारा प्रमाणित कन्जर्वेशन प्लान दिनांक 13.05.2016 से लिए गए है। चोरो क्षेत्र कलस्टर में आते है।

कार्यालय जिलाधिकारी, सहारनपुर।
(खनन अनुभाग)

3676
पत्रांक- /खनिज /2020

दिनांक: 12 मार्च, 2020

कलस्टर प्रमाण पत्र

प्रमाणित किया जाता है कि मै0 स्टार माइन्स पला सी-3, इकीकत नगर निकट ओल्ड सेल्ट टैक्स ऑफिस सहारनपुर पार्टनर श्री दीपक चौधरी को पत्रांक- 3238 / खनिज / 2019-2020, दिनांक- 06 जनवरी 2020 के माध्यम से गाटा संख्या- 1 ग्राम-हरणाशौरही, तहसील-वेष्ट जनपद-सहारनपुर हेतु कुल सख्या 3600 हे0 खनन क्षेत्र के सम्बन्ध में सहायि पत्र (एल0ओ0आई0) निर्गत किया गया है। ओ0ए0नं0- 188 / 2018 सतेन्द्र पाण्डे बनाम पर्यावरण बन, एवं जलवायु परिवर्तन, भारत सरकार व अन्य में मा0 राष्ट्रीय न्याधिकरण द्वारा पारित आदेश दिनांक 13.09.2018 एव पर्यावरण बन एवं जलवायु परिवर्तन, भारत सरकार द्वारा जारी ओ0ए0नं0 नं0 L-11011/175/2018-IA-II(M) दिनांक 12.12.2018 के अनुसार प्रश्नगत खनन क्षेत्र की स्थिति निम्नवत् है:-

अ) प्रश्नगत क्षेत्र की परिधि से 500 मीटर की दूरी में, वर्तमान में, कोई खनन घट्टा स्वीकृत / संचालित नहीं है। सम्बन्धित प्रकरण 0 से 05 हेक्टेयर तक है। अतः श्रेणी B-2 से आच्छादित होता है। (लागू नहीं)
अथवा

ब) प्रश्नगत क्षेत्र की परिधि से 500 मीटर की दूरी में, वर्तमान में, कोई खनन घट्टा स्वीकृत / संचालित नहीं है। सम्बन्धित प्रकरण 05 हेक्टेयर से अधिक है। अतः परियोजना श्रेणी बी0-1 से आच्छादित होता है।

अथवा

ग) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र है-

1) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0

2) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0

उक्त सभी खनन क्षेत्रों का कुल योग..... हे0 (05 हे0 से कम) है। अतः परियोजना श्रेणी बी-1 का कलस्टर नहीं बनता है। सम्बन्धित प्रकरण श्रेणी बी-2 से आच्छादित होगा है। (लागू नहीं)

अथवा

द) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र है-

1) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0

2) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0

उक्त सभी खनन क्षेत्रों का कुल योग..... हे0 (05 हे0 से अधिक) है। अतः परियोजना श्रेणी बी-1 का कलस्टर नहीं बनता है। सम्बन्धित प्रकरण श्रेणी बी-2 से आच्छादित होता है। (लागू नहीं)

अथवा

ध) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में 100 हे0 से अधिक निम्नांकित एकल खण्ड क्षेत्र है:-

1) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0

2) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0

सम्बन्धित प्रकरण श्रेणी ए से आच्छादित होता है। (लागू नहीं)

यह भी प्रमाणित किया जाता है कि उपरोक्त विवरण में ई0ए0नं0 भारत सरकार/एस0आई0आई0ए0ए0, यू0पी0/डी0ई0आई0ए0ए0 से निर्गत पूर्व-पर्यावरणीय क्लीयरेन्स के गाटा/खण्ड सख्या में सम्मिलित कर लिया गया है।

(आशीष कुमार)

खान अधिकारी

सहारनपुर।

Page 1 of 9

By Speed Post

No. J-11015/111/2010-IA.II(M)
Government of India
Ministry of Environment and Forests

Paryavaran Bhawan
CGO Complex, Lodhi Road,
New Delhi - 110 003
Dated the 18th October, 2012

To

M/s Mohmood Ali S/o Late Shri Abdul Wahed
Village - Mirzapur Pole,
Tehsil behat
District Saharanpur - 247001 (Uttar Pradesh)

Subject: **River Bed Mining of Sand, Bajri & Boulders (minor Mineral) of M/s Mohmood Ali, Punset Jain & Mukesh Jain, Village Aslampur Bartha, Tehsil Behat, District Saharanpur, U.P. (36.38 ha) : Lot No. 40 - Environmental clearance regarding.**

Sir,

This has reference to your letter dated Nil on the subject mentioned above. The project was earlier prescribed Terms of Reference (TORs) by the Ministry of Environment and Forests on 31.05.2010 for undertaking detailed EIA study for the purpose of obtaining environmental clearance.

2. The proposal is for environmental clearance for production of 108,000 TPA of sand, bajri, boulder (minor mineral) put together from the bed of river Yamuna in Village Aslampur Bartha, Tehsil Behat, District Saharanpur, U.P. The mine lease area 36.38 ha. It has been considered as Category 'A' because of the Inter-State boundary of U.P. and Haryana States within 0.3 km. The proposed mining area is reported lying between Latitude - 30° 13' 12.1" to 30° 13' 51.6" N and Longitude - 77° 30' 26.1" to 77° 31' 05.0" E in topo sheet No. 53F/12.; Lot No. 40; Khasra No. 1M. No forestland is involved. Elephant reserve boundary is at a distance of 10 km. The proponent has submitted a map authenticated by Chief Wildlife Warden in this regard. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent has also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit.

3. In order to maintain safety and stability of river banks 100 m or 10% of the width of the river whichever is more will be left intact or no mining zone. Water requirement will be BKLD which will be sourced from nearby villages. The Mine lease of 36.38 ha had been granted from 23.05.2008 to 22.05.2011 for 3 years which has now expired but the letter of intent for renewal of the said mine lease has been granted for further period of 3 years from the date of execution of mine lease vide letter date 13.5.2011 by the State Govt. of U.P. It was reported by the project proponent that there is no court case pending against the project. Cost of the Project is 19.93 Lakhs and EMP cost of the project is Rs. 3.00 Lakh (Capital), Rs. 1.85 Lakh (Recurring) for Socio-Economic welfare measures is Rs. 1.85 Lakh. Public hearing has been held on 10.11.2010.

4. It has also been taken on record that this mine was in operation till 30.6.2011 and has been started in 23.05.2006 (date of lease deed) and hence no violation. Two writ petitions namely (i) 9416 (M/B) of 2010 filed by Mohd. Kausar Jah V/s Union of India & Ors. and (ii) W.P. No. 10025 of 2010 filed by Shyam Bahadur Sakhya V/s Union of India & Ors. in the Hon'ble High Court at Allahabad regarding operation of sand, bajri and boulder mines in the state of U.P. in particulars in the District Saharanpur without mandatory prior environmental clearance under EIA Notification, 2006. The Hon'ble court has passed an order dt. 29.4.2011 directing the mine lease holder for renewal as well new mine lease to obtain the following directions mandatory environmental clearance under the notification dt 14.9.2006 and allowed time till 30.6.2011 to carry on the mining operation and also directed State Govt. to ensure as on 1.7.2011 that no person anywhere in the State will carry out any mining activity of minor mineral. However, the owner of this mine was not a Petitioner/Respondent in the said W.Ps. as reported by him before the EAC. The project proponent has submitted that the mine is closed since 23.05.2011.

5. The Ministry has sought opinion from the Additional Solicitor General of India at Allahabad High Court on the point that the period of operating mines without requisite prior environmental clearance be treated as violation or it would imply that the Hon'ble court has condoned the violation and hence no criminal action can be entitled by invoking Section 19 of the Environment (Protection) Act, 1986 for filing complaint by virtue of the said order of the Hon'ble High Court against these lease holders.

6. The Additional Solicitor General of India at Allahabad High Court has opined that the "Once, the High Court has granted liberty to the petitioner to continue their mining operations till 30.6.2011. In his view this amounts to legalizing any mining operation conducted by the lease holders till 30.6.2011, therefore, it will be inappropriate for the Government for filing prosecution against very same miners till 30.06.2011. In view of the above, no prosecution can be lodged against the miners for their mining without environmental clearance done till 30.6.2011, after that date the law would be applicable on them.

7. In view of the above opinion of ASGI, there is no violation done by the proponent by doing mining till without obtaining requisite prior environmental clearance as it has been legalized by the Hon'ble High Court at Allahabad vide its order dt 29.4.2011. It is also

reported by Additional District Magistrate, Officer-in-charge Mines, on behalf of Distt. Magistrate that the mine is reported to be closed since 01.07.2011 vide letter no. 1096-1/Mines/2012-13 dated 18th September 2012.

B. The Ministry of Environment and Forests has examined the application in accordance with the EIA Notification, 2006 and hereby accords environmental clearance under the provisions thereof to the above mentioned River Bed Mining of Sand, Bajri & Boulders (minor Mineral) of M/s Mohmood Ali, Puneet Jain & Mukesh Jain, Village Aslampur Bartha, Tehsil Behat, District Saharanpur, U.P. (36.38 ha); Lot No. 40, subject to implementation of the following conditions and environmental safeguards.

A. Specific Conditions

- (i) Environmental clearance will be coterminous with the mine lease period and the proponent shall obtained fresh environmental clearance at the time renewal of mine lease in accordance with the provisions of the EIA Notification 2006 as amended subsequently.
- (ii) It shall be ensured that there shall be no mining of any type within 3m or 10% of the width whichever is more shall be left on both the banks (inward) of the river Yamuna to control and avoid erosion of river banks as provided in the Development Plan. Mining shall be as per the Development plant prepared for the project.
- (iii) The project proponent shall obtain Consent to establish and Consent to Operate from Uttar Pradesh Pollution Control Board and effectively implement all the conditions stipulated therein.
- (iv) Necessary wildlife clearance, as applicable, shall also be obtained.
- (v) The proponent shall observe every 15 days for nesting of any turtle in the area. Based on observation so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the state Wildlife department. For the purpose awareness shall be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.
- (vi) A study shall be got carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral which may adversely affect the dynamics of the river. This study shall be steered by the state Government, based on which the capacity of the mine will be decided by the concerned department of the state Govt. while granting mine lease.

STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY HARYANA
Bay No. 55-58, Prayatan Bhawan, Sector-2, PANCHKULA.

No. SEIAA/HR/2016/1425

Dated: 28.06.2016

To

M/s Meharipur Royalty Company,
 Punjab Stone Crusher, Mubarakpur-Ramgarh Road,
 VPO, Mubarakpur, District-Mohali (Punjab)

Subject: Environmental Clearance for Mining of Boulder, Gravel and Sand (Minor Minerals) Mines namely "Bailgarh South Block/YNR B2" over an area of 28.00 Ha. Falling in Village-Bailgarh, Tehsil-Chhachhrauli, District Yamuna Nagar, Haryana.

This has reference to your application transferred online by MoEF & CC, Govt to M. S. SEIAA on 16.04.2016; hard copy received on 21.04.2016 and subsequent letter dated 01.06.2016 seeking prior environmental clearance for the above project under the EIA Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification, 2006 and subsequent amendments on the basis of the mandatory documents enclosed with the application viz., Form-I, Pre-feasibility report, copy of approved Mining Plan, EIA/EMP on the basis of approved TOR and the additional clarifications furnished in response to the observations of the EAC of MoEF & CC, Govt and State Expert Appraisal Committee (SEAC) constituted by MoEF & CC, GOI vide their Notification 21.08.2015, in its meetings held on 06.05.2016 and 01.06.2016.

[2] The EAC/SEAC has examined the application and noted that the proposal is for Mining of Boulder, Gravel and Sand (Minor Minerals) Mines namely "Bailgarh South Block/YNR B2" Falling in Village-Bailgarh, Tehsil-Chhachhrauli, District Yamuna Nagar, Haryana over an area of 28.00 Ha. The Mines & Geology Department Haryana has granted for an area of 28.00 Ha "Bailgarh South Block/YNR B2" at Village-Bailgarh, Tehsil-Chhachhrauli, District Yamuna Nagar, Haryana vide LOI dated 19.06.2015. The project proponent has submitted approved mining plan dated 23.02.2016. The public hearing was conducted by HSPCB on 09.03.2016. The EAC/SEAC has appraised this project as category B-1. NOC from Forest Department has been obtained.

Brief details of the project:

1.	Category/Item no. (in schedule):	1 (a) B-1
2.	Location of Project	Village-Bailgarh, Tehsil-Chhachhrauli, District Yamuna Nagar, Haryana
3.	Project Details/Khasra No.	Mining of Boulder, Gravel and Sand (Minor Minerals) Mines namely "Bailgarh South Block/YNR B2" over an area of 28.00 Ha.
	Production capacity	13,00,000 TPA @173 Traps/day (25 MT)

4.	Project Cost:	8.50 Crore		
5.	Water Requirement & Source	45 KLD through Tankers		
		Dust suppression 25 KLD		
		Plantation 15 KLD		
		Drinking 3 KLD		
6.	Environment Management Plan Budget	34 Lakh		
7.	CSR Activates Budget	20 Lakh		
8.	Production	The proposed production for the five years is @ 13,00,000 TPA. The ultimate pit limit is 3 m bgl or 2 meter above water table which ever comes first.		
9.	Corner Coordinates of the lease area	Co-ordinator	Latitudes	Longitudes
		Lease area	N 30 ^o 13' 29.01" E 77 ^o 30' 34.59"	
			N 30 ^o 13' 10.29" E 77 ^o 30' 24.22"	
			N 30 ^o 12' 41.01" E 77 ^o 30' 17.97"	
10	Green field plantation	Year of Plantation		Proposed Plantation
		I Yr.	1000 Trees	
		II Yr.	1000 Trees	
		III Yr.	1000 Trees	
		IV Yr.	1000 Trees	
		V Yr.	1000 Trees	
11	Machinery required	Excavator, JCB, Tipers/Trucks, Water Tanker Light Vehicles/Geep and Maintenance Van		

The Authority in its 92nd meeting held on 15.06.2016 decided to agree with the recommendations of SEAC to accord Environment Clearance to this project by imposing the following conditions:-

A. SPECIFIC CONDITIONS:

- [1] This Environment Clearance is granted for the proposed production of Boulder, Gravel and Sand (Minor Minerals) for the five years @ 13,00,000 TPA. The ultimate pit limit is 3 m bgl or 2 meter above water table which ever comes first.

Co-ordinator	Latitudes	Longitudes
Lease area	N 30 ^o 13' 29.01"	E 77 ^o 30' 34.59"
	N 30 ^o 13' 10.29"	E 77 ^o 30' 24.22"
	N 30 ^o 12' 41.01"	E 77 ^o 30' 17.97"

- [2] The project proponent shall carry out mining activity strictly as per the approved Mining Plan.
- [3] Environmental Clearance is subject to obtaining clearance, under the Wildlife (Protection) Act, 1972 from the National Board of Wildlife, as applicable to the project.

Forest Department, Government of Haryana
O/o Additional P.C.C.F. cum Chief Wildlife Warden, Haryana
 Van Bhawan, C-18, Sector-6, Panchkula-134109 Phone/Fax 0172-2581224, E-mail- apccfwl@gmail.com

No. 1535

Dated 13-5-16

To,

M/s Calleis Realtech Private Limited,
 60, 2nd Floor, Vasant Marg,
 Vasant Vihar, New Delhi - 110057.

Subject: Mining of "Boulder, Gravel and Sand" (Minor Mineral) from mines/queries of "Yamunanagar-Bailgarh North Block-1" with production capacity of 2.14 Million TPA (ROM) in lease area of 44 ha by M/s Calleis Realtech Private Limited, located at Bailgarh Village, Chhachhrauli Tehsil, District-Yamunanagar, Haryana (44.0 ha) - prescribing TOR regarding.

The project site was inspected on 30-04-2016 by a team comprising Conservator of Forest (WL), Panchkula, DFO (T), Yamunanagar and DWLO, Panchkula:-

This is proposed Mining Project named as Sand Mining at Yamunanagar-Bailgarh North Block-1 and M/s Calleis Realtech Private Limited, 60, 2nd Floor, Vasant Marg, Vasant Vihar, New Delhi - 110057 is the applicant. Letter of intent has been issued by the Director Mines & Geology Department, Govt. of Haryana, vide Letter No. DMG/Hy/Cont/B. Garh North Block/YNR. B 1/2015/3910 dated 18.06.2015.

- 1 The proposed site is mining area lies in the riverbed of Yamuna River. The mine lease area is located at Village Bailgarh in Chhachhrauli, Distt. Yamunanagar, Haryana (44.00 ha.).
- 2 The project site is outside National Park, Sanctuary, Biosphere Reserve, Tiger/Elephant Reserve or notified Eco-sensitive zones falling within territory of in Haryana boundary (Map attached).
- 3 The Kalesar National Park and Wildlife Sanctuary situated near the project site but is outside the notified Eco-sensitive Zone boundaries of Kalesar National Park and Wildlife Sanctuary. The Eco-sensitive Zone of Kalesar National Park and Wildlife Sanctuary varies from 0-1000 meter from its boundary as per find notification dated 22-04-2016

catechu, *Storea robusta*, *Azadirachta indica*, *Prosopis juliflora*, *Bombax ceiba*, *Morus alba*, *Ficus bengalensis*, *Ficus religiosa*, *Syzygium cumini*, *Magnifera indica*, *Butea monosperma*, *Terminalia arjuna*, *Melia azadirach*, *Pongamia pinnata*, *Albizia lebbek*, *Tamarindus indica*, *Phoenix sylvestris*, *Moringa oleifera*, *Populus deltoides*, *Eucalyptus hybrid*, *Calotropis procera*, *Cyperus rotundus*, *Saccharum munia*, *Cannabis sativa*, *Ipomea comea*, *Zyziphus mauritiana* etc.

- 5 Prominent fauna of the area includes Indian Panther (*Panthera pardus*-schedule-I), Neelgai, (*Boselaphus tragocamelus*), Jackal (*Canis aureus*-schedule-II), Monitor Lizard (*Varanus bengalensis*-schedule-I, Part- II), Mongoose (*Herpestis edwardii*, schedule- II), Jungle-cat (*felis chaus*, Schedule-II), Pangolin (*Manis crassicauda*), Five striped palm squirrel (*Funambulus pennant*, schedule- IV), Indian Cobra (*Naja naja*), Wild pig (*Sus scrofa*), Sambar (*Cervus unicolor*), Chital (*Axis axis*), Indian Hare (*Lepus nigricollis*, Schedule-IV) Gray Partridges (*Francolinus pondicerianus*, Schedule-IV) Poned Heron (*Ardenia grayii*, Schedule -IV), Cattle Egrets (*Bubulcus ibis*, Schedule-IV), Peafowl (*Pavo cristatus* Schedule-I) Parrot (*Psitta culakramerl*, Schedule- IV), Small blur Kingfisher (*Alcedo atthis*, Schedule-IV), Rat Snake (*Ptyas mucosus*, Schedule-II) and aquatic life of Riverine Ecosystem.
- 6 The mining activities at proposed site will have negative impact on the local flora and fauna. The possible adverse impact includes hampering of natural & regeneration, uprooting of plants and rootstocks and disturbance & destruction and fragmentation of natural habitat of the local fauna, soil erosion stream bank erosion in addition to other pollution hazard and degradation of natural resources.
- 7 The committee has perused the conservation plan submitted by the project proponent. The conservation plan (copy attached) prepared for Schedule-I and Schedule-II animal found in the area is in order hence acceptable as it includes all the necessary interventions required for the conservation of the local fauna included in schedule I and II of Wildlife Protection Act, 1972. The species of Schedule-I and Schedule- II includes Leopard, Peafowl, Monitor lizard, Jackal, Jungle Cat, Mongoose, Indian Cobra and Rat snake. The interventions in the proposed conservation plan includes planting of tree groves, promotion of agro-forestry in the area, plantation of shelterbelt on the road/canals, construction of water ponds to providing drinking water to the

wildlife animals, planting of herb/shrub/bushes along the river bank, awareness generation among the laborer and local people. The proposed conservation plan will be implemented in a phased manner with a total cost of Rs. 20.00 lac within a period of seven (7) years. You are hereby directed to deposit the conservation plan cost with DWLO, Panchkula before implementation of work.

- 8 The clearance of the forest related laws, rules and instructions may be obtained from the Conservator of Forests (Forests Conservation).
- 9 The project proponent will seek necessary/mandatory permissions from the other concerned department as applicable and will not violate the Hon'ble Court order, if any.
- 10 The Project Proponent shall carry out mining operations strictly in accordance with the orders of the Hon'ble Supreme Court, dated the 4th August, 2006 in the matter of T.N. Godavaman Thirumulpad Vs. Union of India in Writ Petition (Civil) No. 202 of 1995 and dated the 21st April, 2014 in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No. 435 of 2012.
- 11 The project proponent shall furnish an undertaking on 100 rupees non judicial stamp paper regarding deposition of cost of conservation plan and other conditions mentioned in this letter. The undertaking must be duly signed by the authorized person of the firm and attested by notary.

Encl:- conservation plan.

Addl. P.C.C.F. cum
Chief Wildlife Warden,
Haryana, Panchkula.

Endst. No.

Dated

A copy is forwarded to following for information & necessary action :-

- 1 CF (Wildlife), Panchkula
- 2 DWLO, Panchkula
- 3 DFO (T), Yamunagar.

Encl:- conservation plan

Addl. P.C.C.F. cum
Chief Wildlife Warden,
Haryana, Panchkula.

STUDY OF FLORA AND FAUNA & ITS CONSERVATION PLAN FOR

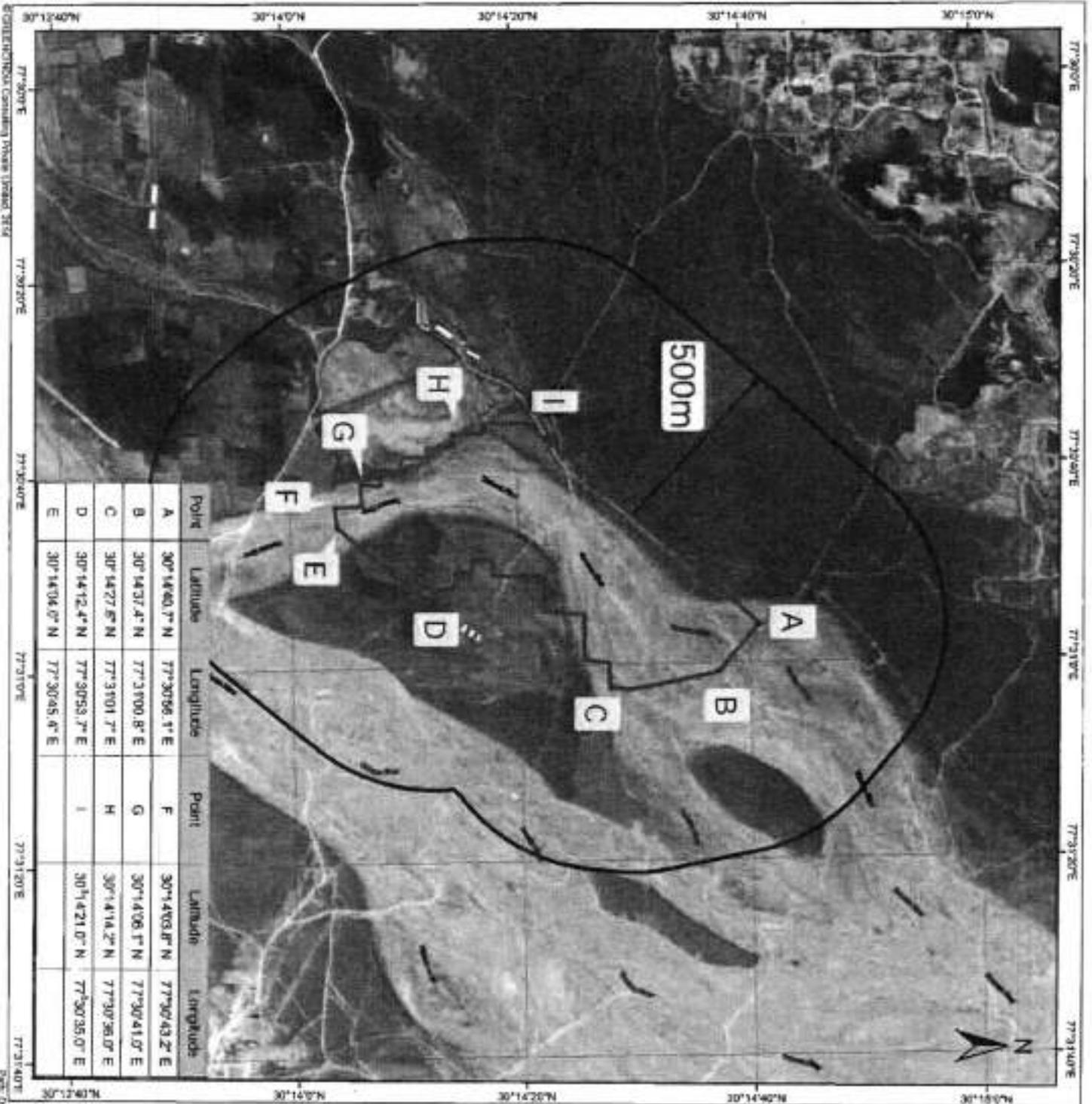
CARRYING OUT MINOR MINERAL MINING OF BOULDER, GRAVEL & SAND FROM MINER QUARRIES OF 'BAILGARH NORTH BLOCK / YNR B1' (44.9 Ha)

STUDY OF FLORA AND FAUNA**&****CONSERVATION PLAN****FOR****SCHEDULE I & II WILD ANIMALS****IN CORE AND BUFFER ZONE IN****MINOR MINERALS MINING OF BOULDER, GRAVEL AND SAND****AT****"BAILGARH NORTH BLOCK / YNR B1"****DISTRICT- YAMUNANAGAR, HARYANA****SUBMITTED BY****M/s Calleis Realtech Pvt. Ltd, New Delhi**

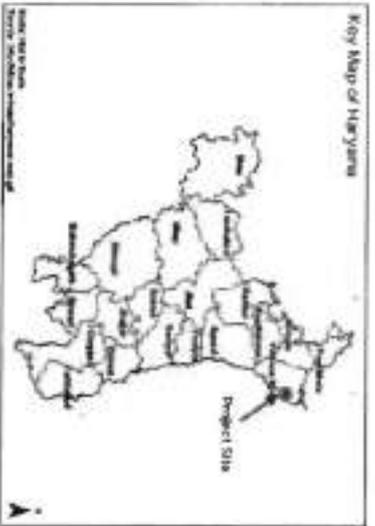
STUDY OF FLORA AND FAUNA & ITS CONSERVATION PLAN FOR

CARRYING OUT MINOR MINERAL MINING OF BOULDER, GRAVEL & SAND FROM MINES/QUARRIES OF 'BALGAM NORTH BLOCK / TMR BT' (44.6 Ha)

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Point	Latitude	Longitude	Point	Latitude	Longitude
A	30°14'40.7" N	77°30'56.1" E	F	30°14'03.8" N	77°30'43.2" E
B	30°14'37.4" N	77°31'00.8" E	G	30°14'06.1" N	77°30'41.0" E
C	30°14'27.8" N	77°31'01.7" E	H	30°14'14.2" N	77°30'36.0" E
D	30°14'12.4" N	77°30'58.7" E	I	30°14'21.0" N	77°30'35.0" E
E	30°14'04.0" N	77°30'45.4" E			



Legend
 Project Site
 500m Buffer

Source
 1. Open Street Map Map Data © OpenStreetMap contributors, Imagery © Mapbox
 2. Layout Plan provided by M/s. CRIL
 3. Google Satellite Imagery, 2014
 4. Data Provided by FAL (UP)

Software Used
 1. ArcGIS 10.1, 2. AutoCAD 2014, 3. ER Mapper 7, 4. Erdas Imagine 10

Figure 1.2: Co-ordinate of the Project Site

Project:
 Mining of Boulder, Gravel & Sand Mineral from Mine/
 Quarries of Yemumogor-Bolipoh North Block-1
 Village, Subana, Tezu, Chachindukh District, Vaniasang, Nagorno

Project Proponent:
 M/s. Collets Redlich Private Limited

Environment Consultant:
GAERACHINDIA Consulting Private Limited
 06-2012801 Old 501 Laby Dns 2 (Old), West Hill, Khasi Road
 Chachindukh, Tezu, Chachindukh District, Vaniasang, Nagorno

Graphic Scale:
 200 500 1000 2000 4000 8000 m

Drawn By: _____ **Checked By:** _____ **Approved By:** _____

Date: 17/07/2015 **23/07/2016**

Revision: 00 01

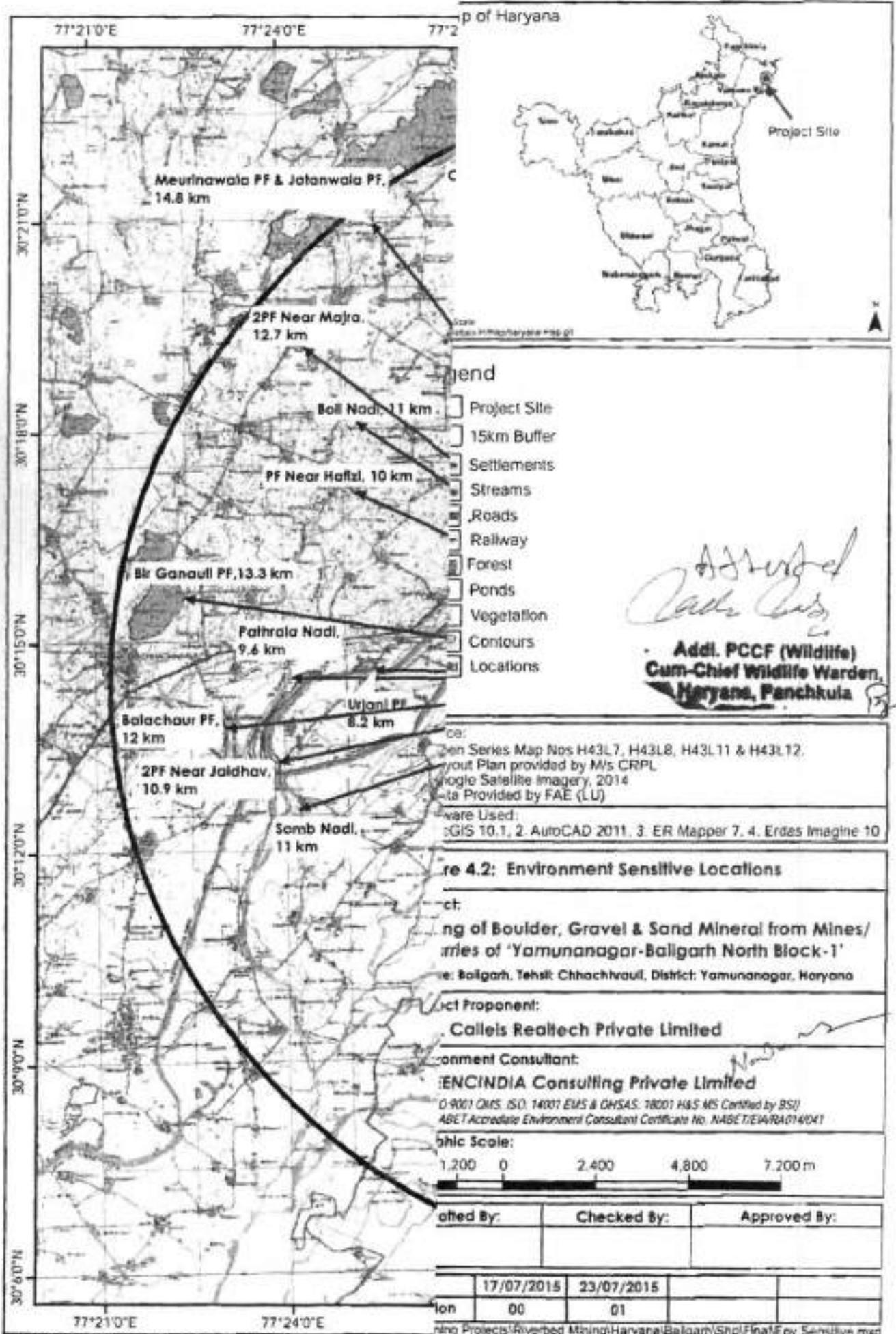


Figure 4.2: Environment Sensitive Locations

Mineral from Mines/
series of 'Yamunanagar-Baligarh North Block-1'
District: Yamunanagar, Haryana

Project Proponent:
Calleis Realtech Private Limited

Environment Consultant:
ENCINDIA Consulting Private Limited
ISO 9001 QMS, ISO 14001 EMS & OHSAS 18001 HAS MS Certified by BSI
ABET Accredited Environment Consultant Certificate No. NABET/EA/RA/014041



Prepared By:	Checked By:	Approved By:
17/07/2015	23/07/2015	
00	01	

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Viceroy Khand-1, Connaught Place, Lucknow - 226 016

Phone : 91-522-2300 341, Fax : 91-522-2300 563

E-mail : deap@up.gov.in

Website : www.seiaa.gov.in

To,

Sri Deepak Choudhary,
U/o C-3, Hakeemhat Nagar,
Near old Tax Office,
Sahasrampur, U.P.- 247001

Ref. No. 157 / Parys/SEAC/5653/2019

Date: 30 June, 2020

Sub: Terms of Reference for Sand/Bajari/Boulder Mining at Gata No.-1, Village- Bartha korsi, Tehsil- Behat, District- Saharanpur, U.P. M/s Star Mines (Leased Area -36.00 Ha)

Dear Sir,

Please refer to your application/letter dated 03-05-2020 & 29-05-2020 addressed to the Secretary, SEAC, Directorate of Environment, U.P., Lucknow on the subject as above. The matter was considered by the State Level Expert Appraisal Committee in its meeting held on dated 02-06-2020 and SEIAA in its meeting dated 02-06-2020.

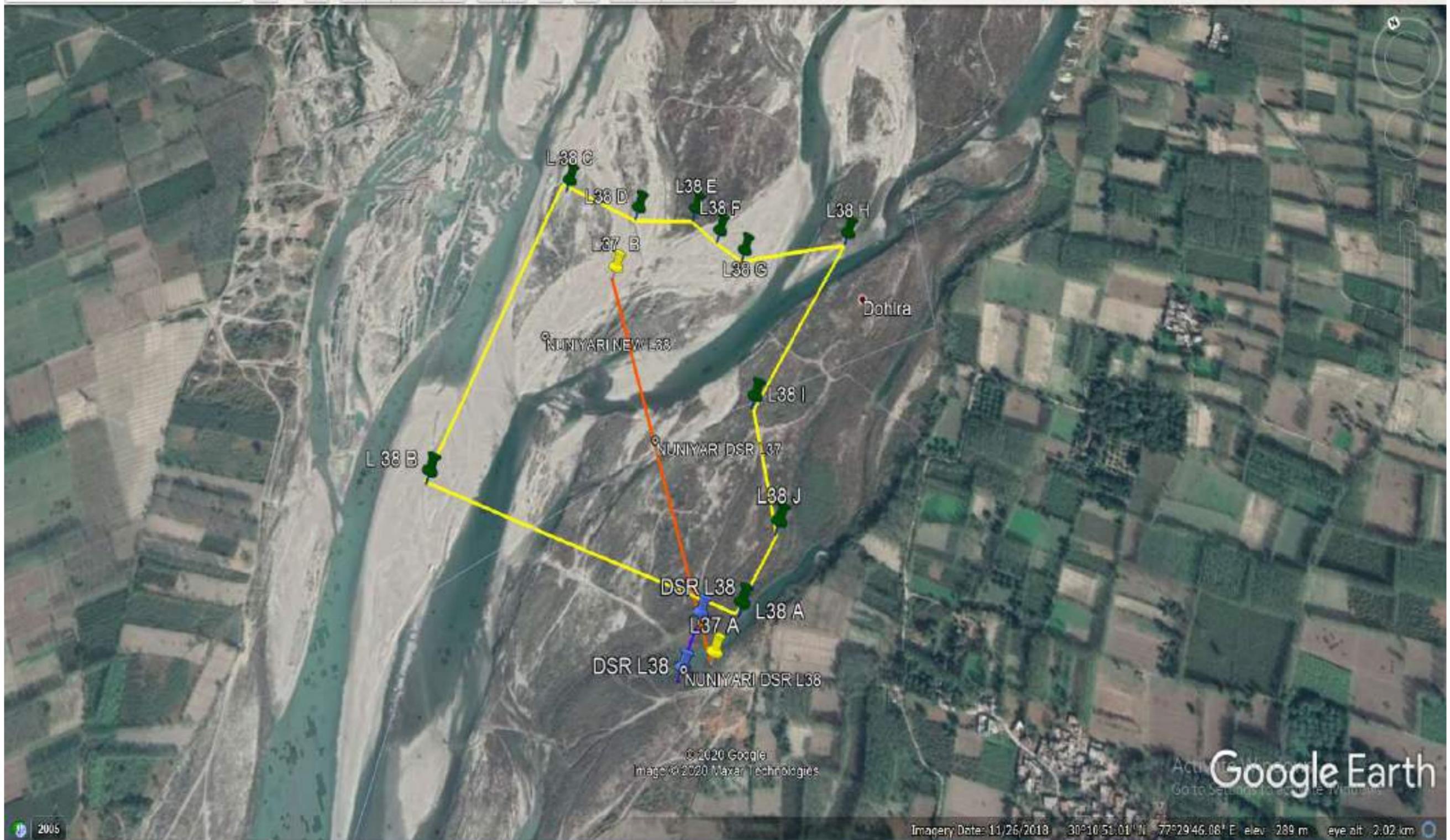
A presentation was made by the project proponent through video/tele-conferencing/ email in view of the Corona Virus Disease (Covid-19) along with their consultant M/s Ind Tech House Consult. The proponent, through the documents submitted and the presentation made informed the committee that:-

1. The environmental clearance is sought for Sand/Bajari/Boulder Mining at Gata No.-1, Village- Bartha korsi, Tehsil- Behat, District- Saharanpur, U.P. M/s Star Mines (Leased Area -36.00 Ha)
2. Salient features of the project as submitted by the project proponent:

1	On Line Proposal No.	SUA/UP/MIN 53028/2020		
2	File No. allotted by SEIAA, UP	5653		
3	Name of Proponent	M/s Star Mines Partner Sri Deepak Chaudhary		
4	Full correspondence address of proponent and mobile no	C-33, Hakeemhat Nagar, Near Old Sales Tax Office Saharanpur		
5	Name of Project	Area-36.00 Ha For Sand/Bajari/Boulder Mining at Gata No.-1, Village- Bartha korsi, Tehsil- Behat, District- Saharanpur, U.P. M/s Star Mines		
6	Project Location (Plot/Khasra/Gata No.)	Gata No.-1		
7	Name of Village	Bartha korsi		
8	Tehsil	Behat		
9	District	Saharanpur		
10	Name of River	Yamuna River		
11	Name of Minor Mineral	Sand/Bajari/Boulder		
12	Sanctioned Lease Area (in Ha.)	36.00 Ha.		
13	Max. & Min. MRL within lease area	304.0 mRL in & 297.0 mRL		
14	Pillar Coordinates (Verified by DMO)	Point	Latitude	Longitude
		A	30°14'0.94"N	77°31'13.91"E
		B	30°14'16.50"N	77°31'24.43"E
		C	30°14'13.69"N	77°31'31.19"E
		D	30°14'19.59"N	77°31'37.25"E
		E	30°14'37.10"N	77°31'40.80"E
		F	30°14'39.19"N	77°31'36.25"E
		G	30°14'26.08"N	77°31'29.05"E
		H	30°14'9.19"N	77°31'2.18"E
15	Total Geological Reserve:	12,51,498m ³ /Annum		
16	Total Mineable Reserve	7,67,814m ³ /Annum		
17	Total Proposed Production in LOI	7,56,000m ³ /Annum		
18	Proposed Production /year	Year	Production	

Annexure No. 32
ANNEXURE NO -----

लॉट नं0 38 व 37 का कलस्टर नक्शा



लॉट नं0 38 के लॉगीट्यूट व लैटीट्यूट नीलाम नोटिस से लिए गये है व DSR लॉट नं0 37 के लॉगीट्यूट व लैटीट्यूट पर्यावरण मन्त्रालय, भारत सरकार द्वारा जारी ई0सी0 दिनांक 23.02.2012 से लिए गये है। लॉट नं0 38, लॉट नं0 37 के अन्दर पड़ता है और वास्तविक लॉट नं0 38 जिसकी ई0सी0 पर्यावरण मन्त्रालय, भारत सरकार द्वारा दिनांक 19.12.2011 को जारी की गई व उसके बराबर में पड़ता है। लॉट नं 37 व लॉट नं 38 का कलस्टर बना है।

कार्यालय जिलाधिकारी (खनन अनुभाग) जनपद सहारनपुर।

पत्रांक:- 5/6 खनिज/2017-18

दिनांक:- 07.04.-2018

क्लस्टर प्रमाण पत्र

प्रमाणित किया जाता है कि श्री/मे० बजाड़ कान्द्रैक्टर प्र० श्री नसीम निवासी एस०सी०एफ० -35 सेकेंड प्लोर सरोजनी कालोनी फेस-1 यमुनानगर (हरियाणा) पिन न०-135001 को पत्रांक-420/खनिज/2017-18 दिनांक- 15.03.2018 के माध्यम से गारा सं०/खण्ड सं०-1/1/1 लॉट न०-38 ग्राम-नुनियारी अहतमाल तहसील-बेहट जनपद-सहारनपुर हेतु कुल-24.29 हे० खनन क्षेत्र के सम्बन्ध में सहमति पत्र (एल०ओ०आई०) निर्गत किया गया है। अधोहस्ताक्षरी द्वारा पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार की ई०आई०ए० अधिसूचना, 2006(यथा संशोधित)/ई०आई०ए० अधिसूचना 15.01.2016 के परिशिष्ट-11 में दिये गए प्राविधानों के अन्तर्गत उक्त खनन क्षेत्र का परीक्षण किया गया, जिसके अनुसार प्रश्नगत खनन क्षेत्र की स्थिति निम्नवत है-

प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में कोई खनन क्षेत्र स्वीकृत एवं संयोजित नहीं है तथा ई०आई०ए० अधिसूचना 15.01.2016 के परिशिष्ट-11 में दिये गए प्राविधानों के 25 हे० या उससे अधिक का क्लस्टर नहीं बनता है। सम्बन्धित प्रकरण ई०आई०ए० अधिसूचना की श्रेणी बी-2 से आच्छादेत है।

(पंकज कुमार सिंह)
खान अधिकारी
सहारनपुर

-2-

case relating to the procedure to be adopted for allocation of the mine i.e. auction Vs. renewal and hence it has no bearing to obtain environmental clearance. The mine lease of 24.29 ha had been granted from 23.5.2008 to 22.5.2011 for 3 years which has now expired but the renewal of the said mine lease has been granted for further period of 3 years from the date of execution of mine lease vide letter No. 50/Khanj dt 21.5.2011 by the District Magistrate, Saharanpur, U.P. Public hearing has been held on 20.11.2010. It was reported by the project proponent that there is no court case pending against the project. Cost of the project is Rs.13.20 Lakhs and EMP cost is Rs 2.00 lakh (Capital),Rs. 1.2 lakh (Recurring) . For Socio economic welfare measures is Rs. 2.00 Lakh.

3. The terms of reference for the project were issued on 31.5.2010 for preparation of EIA and EMP. The Public hearing was held on 20.11.2010 at Tehsil Conference Hall, Tehsil Behat, Distt. Saharanpur, U.P. by Uttar Pradesh Pollution Control Board. The proponent have stated that as per decision of the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 there is no provision for approval of mine plan for minor minerals other than In-situ rock deposit.

4. The proposal has been considered by the Expert Appraisal Committee (Mining) based on the project documents and has been recommended for the grant of environmental clearance for the above said mining project. Accordingly, the Ministry of Environment and Forests hereby accords environmental clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to strict compliance of the terms and conditions as follows:-

A. Specific conditions:

- (i) The environmental clearance will be coterminous with the mine lease period and the proponent shall obtain fresh environmental clearance at the time of renewal of mine lease in accordance with the provisions of the EIA Notification, 2006 as amended subsequently.
- (ii) It shall be ensured that there shall be no mining of any type within 100m or 10% of the width whichever is more on both the banks (inward) of the river Yamuna to control and avoid erosion of river banks as provided in the Development Plan. Mining shall be as per the Development plan prepared for this project.
- (iii) The project proponent shall obtain Consent to Establish and Consent to Operate from the Uttar Pradesh Pollution Control Board and effectively implement all the conditions stipulated therein.

-3-

- (iv) The proponent shall observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness shall be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.
- (v) A study shall be got carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral which may adversely affect the dynamics of the river. This study shall be steered by the State Government, based on which the capacity of the mine will be decided by the concerned Department of the State Govt. while granting mining lease.
- (vi) The project proponent shall prepare the plan of mining in conformity with the mine lease conditions and the Rules prescribed in this regard clearly showing the no work zone in the mine lease i.e. the distance from the bank of river to be left unworked, distance from the bridges etc. It shall be ensured that no mining shall be carried out during the monsoon season.
- (vii) Effective safeguard measures shall be taken to ensure that the AAQ levels at various locations including crushing zone, are within permissible limit as prescribed by CPCB. The standards prescribed for stone crushers shall be followed.
- (viii) The project proponent shall ensure that wherever deployment of labour attracts the Mines Act, the provision thereof shall be strictly followed.
- (ix) The project proponent shall undertake plantation/afforestation work by planting the native species in the nearby area adjacent to mine lease.
- (x) Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
- (xi) The project proponent shall undertake adequate safeguard measures during extraction of river bed material and ensure that due to this activity the hydro-geological regime of the surrounding area shall not be affected. Regular monitoring of ground water level and quality shall be carried out around the mine lease area by establishing a network of existing wells and installing new piezometers during the mining operation. The periodic monitoring [(at least four times in a year- pre-monsoon (April-May), monsoon (August), post-monsoon (November) and winter (January); once in each season)] shall be carried out in consultation with the State Ground

No. J-11015/115/2010-JA.1&M)
Government of India
Ministry of Environment and Forests

By Speed Post

Paryavaran Bhawan
CGO Complex, Lodhi Road,
New Delhi-110 003

Dated this: 19th December, 2011

To

M/s Mahmood Ali S/o Shri Abdul Waheed
Partner
Village & Post Mrzapur Pole
Tehsil Behat, Distt. Saharanpur- 247 001
Uttar Pradesh

Subject: River Bed Mining of Sand, Bajri & Boulders (Minor Mineral) River Yamuna of
M/s Mahmood Ali, Purni Jain & Mukesh Jain located at Village Nuhari
Aahmbal, District Saharanpur (24.29 ha), Lot No.38 - Environmental
clearance regarding.

Sir,

This has reference to your letter No. Nil dated 30.12.2010 on the subject mentioned above. The opinion of Addl. Solicitor General of India, Allahabad High Court at Lucknow Bench, received in reference to Hon'ble High Court at Allahabad order dated 29.4.2011 on sand mining in U.P., vide letter no. Nil dated 19.9.2011 was also considered.

2. The proposal is for environmental clearance for mining of 99,000 TPA of sand, bajri, boulders (minor mineral) in river bed of river Yamuna at Village Nuhari Aahmbal, District Saharanpur. The mine lease area is 24.29 ha. The proposed mining area is reported lying between Latitude - 30° 10' 59.5" to 30° 11' 01.3" N and Longitude - 77° 29' 21.5" to 77° 29' 23.5" E in topo sheet No. 53F/8. Lot No. 38, Khams no. 1/1/1. No forest land is involved. There is one protected forests within 10 km radius from mine lease boundary. No National Park, Wildlife sanctuary, Elephant Reserve/ corridors etc are not reported within 10 km. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3 - 6 m below river bed level. In order to maintain safety and stability of river banks at a distance of 3m or 10% of the width (inward) whichever is more will be left intact. Water requirement will be 7 KLD which will be sourced from nearby villages. It was also stated that no nesting of turtles was observed during their primary observation period although secondary data, reports nesting of turtles in the region. The mine lease of 24.29 ha has been granted from 05.04.2009 to 04.04.2012. Public hearing has been

-2-

held on 20.11.2010. It was stated by the proponent that there is no court case pending against the project. Cost of the project is Rs.30.18 Lakhs and EMP cost is Rs 1.00 lakh (Capital), Rs. 25,000.00 (Recurring) . For Socio economic welfare measures is Rs. 15000.00.

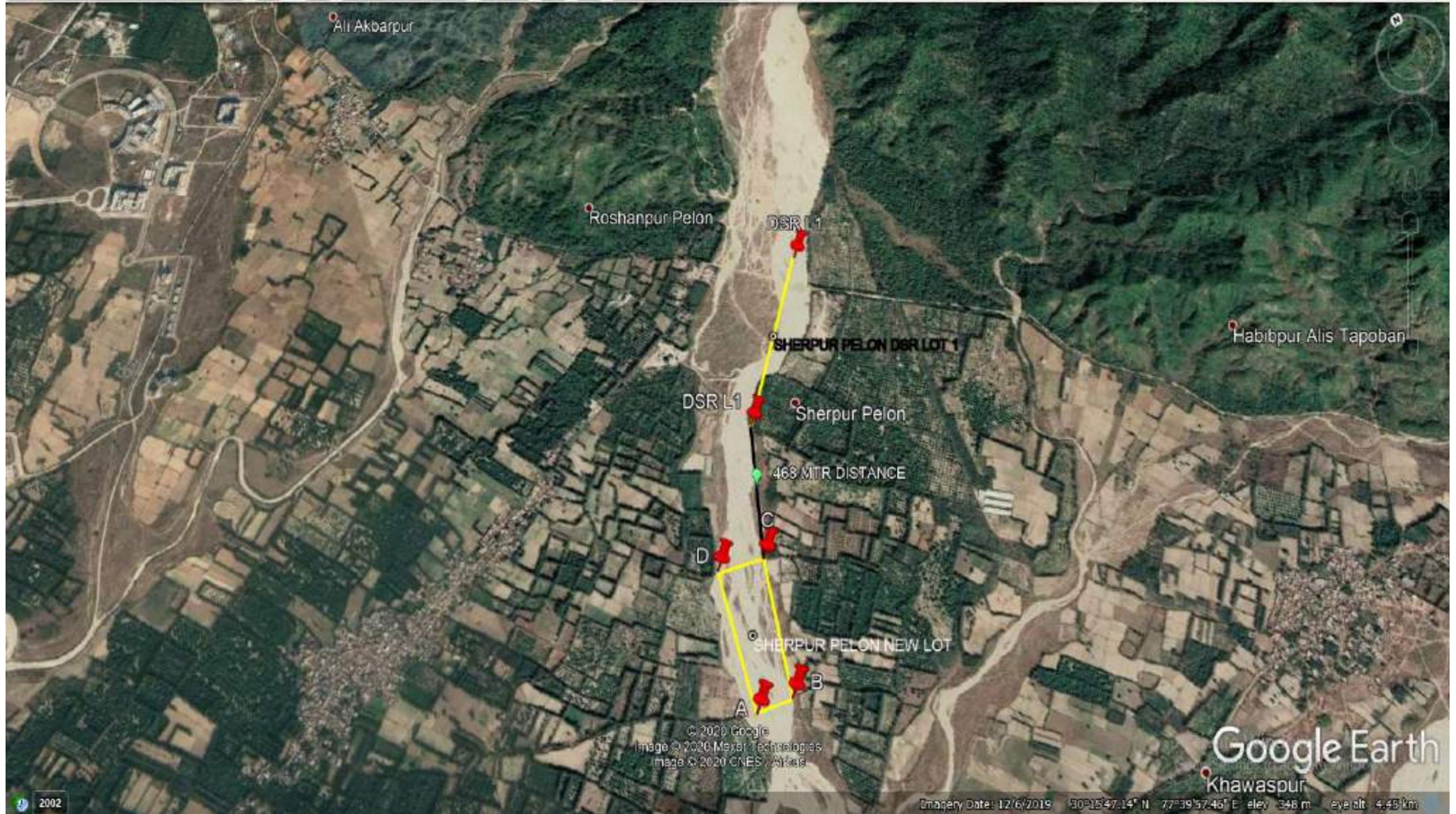
3. The terms of reference for the project were issued on 31.5.2010 for preparation of EIA and EMP. The Public hearing was held on 20.11.2010 at Tehsil Conference Hall, Tehsil Behat, Distt. Saharanpur, U.P. by Uttar Pradesh Pollution Control Board. The proponent have also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.3.2011 stating that there is no provision for approval of mine plan for minor minerals other than In-situ rock deposit.

4. The proposal has been considered by the Expert Appraisal Committee (Mining) based on the project documents and has been recommended for the grant of environmental clearance for the said Sand, baji & Boulders (Minor mineral) mining project. Accordingly, the Ministry of Environment and Forests hereby accords environmental clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 subject to strict compliance of the terms and conditions as follows:-

A. Specific conditions:

- (i) The environmental clearance will be coterminous with the mine lease period.
- (ii) It shall be ensured that no mining of any type is undertaken within 3m or 10% of the width of the river whichever is more from both the banks (inward) of the river Yamuna to control and avoid erosion of river banks.
- (iii) The project proponent shall obtain Consent to Establish and Consent to Operate from the Uttar Pradesh Pollution Control Board and effectively implement all the conditions stipulated therein.
- (iv) Environmental clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No. 460 of 2004, as may be applicable to this project.
- (v) The proponent shall observe every 15 days for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness shall be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.
- (vi) A study shall be got carried out through an expert agency like CWC relating to replenishment of the mineral (situation study) so as to ensure that the quantity of mineral to be removed does not exceed the situation to avoid over exploitation of mineral which may adversely affect the dynamics of the river. This study shall

DSR के लॉट नं0 01 शेरपुर पेलों व नये लॉट शेरपुर पेलों का कलस्टर नक्शा



शेरपुर पेलों नये लॉट के लॉगीट्यूट व लैटीट्यूट दिनांक 30.06.2020 से लिए गये है और DSR लॉट नं0 1 के लॉगीट्यूट व लैटीट्यूट पूर्व में जारी पर्यावरण मन्त्रालय, भारत सरकार द्वारा जारी ई0सी0 दिनांक 26.10.2012 से लिए गये है दोनो लॉटों के मध्य दूरी 468 मीटर है।

कार्यालय जिलाधिकारी, सहारनपुर।
(खनन अनुभाग)

3308
पत्रांक- /खनिज /2020

दिनांक: 16 जनवरी, 2020

क्लस्टर प्रमाण पत्र

प्रमाणित किया जाता है कि श्री आदेश पाण्डेय पुत्र श्री छोटेलाल पाण्डेय निवासी 35/36-अ, मान सरोवर, ग्रीन पार्क के पास हरुनगला तहसील व जिला बरेली को पत्रांक- 3275/खनन/2019-2020, दिनांक-14.01.2020 के माध्यम से गाटा संख्या- 378/2 व 379/2 ग्राम-शेरपुर पेलो, तहसील-बेहट जनपद-सहारनपुर हेतु कुल रकबा 7.00 हे० खनन क्षेत्र के सम्बन्ध में सहमति पत्र (एल०ओ०आई०) निर्गत किया गया है। ओ०ए०नं०- 188/2016 सतेन्द्र पाण्डे बनाम पर्यावरण वन, एवं जलवायु परिवर्तन, भारत सरकार व अन्य में मा० राष्ट्रीय न्याधिकरण द्वारा पारित आदेश दिनांक 13.09.2018 एवं पर्यावरण, वन एवं जलवायु परिवर्तन, भारत सरकार द्वारा जारी ओ०ए० नं० L-11011/175/2018-IA-II(M) दिनांक 12.12.2018 के अनुसार प्ररनगत खनन क्षेत्र की स्थिति निम्नवत् है-

अ) प्ररनगत क्षेत्र की परिधि से 500 मीटर की दूरी में, वर्तमान में, कोई खनन पट्टा स्वीकृत/संचालित नहीं है। सम्बन्धित प्रकरण 0 से 05 हेक्टेयर तक है। अतः श्रेणी B-2 से आच्छादित होता है। (लागू नहीं)
अथवा

ब) प्ररनगत क्षेत्र की परिधि से 500 मीटर की दूरी में, वर्तमान में, कोई खनन पट्टा स्वीकृत/संचालित नहीं है। सम्बन्धित प्रकरण 05 हेक्टेयर से अधिक है। अतः परियोजना श्रेणी बी०-1 से आच्छादित होता है।

अथवा

स) प्ररनगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र है-

- 1) गाटा सं०-.....ग्राम.....खनन क्षेत्र..... हे०
- 2) गाटा सं०-.....ग्राम.....खनन क्षेत्र..... हे०

उक्त सभी खनन क्षेत्रों का कुल योग..... हे० (05 हे० से कम) है। अतः परियोजना श्रेणी बी-1 का क्लस्टर नहीं बनता है। सम्बन्धित प्रकरण श्रेणी बी-2 से आच्छादित होता है। (लागू नहीं)

अथवा

द) प्ररनगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र है-

- 1) गाटा सं०-.....ग्राम.....खनन क्षेत्र..... हे०
- 2) गाटा सं०-.....ग्राम.....खनन क्षेत्र..... हे०

उक्त सभी खनन क्षेत्रों का कुल योग..... हे० (05 हे० से अधिक) है। अतः परियोजना श्रेणी बी-1 का क्लस्टर नहीं बनता है। सम्बन्धित प्रकरण श्रेणी बी-2 से आच्छादित होता है। (लागू नहीं)

अथवा

घ) प्ररनगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में 100 हे० से अधिक निम्नांकित एकल खण्ड क्षेत्र है-

- 1) गाटा सं०-.....ग्राम.....खनन क्षेत्र..... हे०
- 2) गाटा सं०-.....ग्राम.....खनन क्षेत्र..... हे०

सम्बन्धित प्रकरण श्रेणी ए से आच्छादित होता है। (लागू नहीं)

यह भी प्रमाणित किया जाता है कि उपरोक्त विवरण में ई०ए०सी० नोस्ट सरकार/एल०आई०आई०ए०ए०, यू०पी०/डी०आई०आई०ए०ए० से निर्गत पूर्व-पर्यावरणीय क्लीयरेंस के गाटा/खण्ड संख्या में सम्मिलित कर लिया गया है।

16/1/20
(आशीष कुमार)
खान अधिकारी
सहारनपुर।

By Speed Post

No. J-11015/124/2010-IA.II(M)
Government of India
Ministry of Environment and Forests

Paryavaran Bhawan
CGO Complex, Lodhi Road,
New Delhi - 110 003
Dated the 26th October, 2012

To

M/s Mahmood Ali S/o Late Shri Abdul Wahed
R/o Village & Post - Mirzapur Pole
Tehsil Behat
District Saharanpur - 247001
Uttar Pradesh

Subject: **River Bed Mining of Sand, Bajri & Boulders (minor Mineral) of M/s Mahmood Ali & Dilshad, Village Sherpur Pelon, Tehsil Behat, District Saharanpur, U.P. (7.69 ha) : Lot No. 1 - Environmental clearance regarding.**

Sir,

This has reference to your letter dated Nil on the subject mentioned above. The project was earlier prescribed Terms of Reference (TORs) by the Ministry of Environment and Forest on 31.05.2010 for undertaking detailed EIA study for the purpose of obtaining environmental clearance.

2. The proposal is for production of 45,000 TPA of sand, bajri, boulder (minor mineral) put together from the bed of river Khalraonwala Rao in Village Sherpur Pelon, Tehsil Behat, District Saharanpur, U.P. The mine lease area 7.69 ha. It has been considered to Category 'A' because of the Inter-State Boundary of U.P. and Uttrakhand at a distance of 8.0 km. U.P. and Haryana States at a distance of 8.3 km. The proposed mining area is reported lying between Latitude - 30° 16' 20.6" to 30° 16' 37.8" N and Longitude - 77° 39' 37.2" to 77° 39' 53.7" E in topo sheet No. 53F/11; Lot No. 1; Khasra No. 430, 431, 428, 429, 434, 405, 406/1, 406/1 & 403 No. forestland is involved. Elephant reserve boundary is at a distance of 0.156km. The proponent has submitted a map authenticated by Chief Wildlife Warden in this regard. Mine working will be semi-mechanised. Ultimate working depth will be 2 m from river bed level. Excavation will be done in half meter slice at a time with a maximum of 4 slices. The river bed water level is reported to be 3-6 m below river bed level. The baseline AAQ data showed the PM₁₀ values in the crushing zone were on higher side. It was also reported that no nesting of turtles was observed during their primary observation period although secondary data reports nesting of turtles in the region. The proponent has also submitted a letter from the Directorate of Geology and Mines, Govt. of U.P. dated 25.03.2011 stating that there is no provision for approval of mine plan for minor minerals other than in-situ rock deposit.

3. In order to maintain safety and stability of river banks 100 m or 10% of the width of the river whichever is more will be left intact or no mining zone. Water requirement will be 8KLD which will be sourced from nearby villages. The Mine Lease of 7.69 ha had been granted from 23.05.2008 to 22.05.2011 for 3 years which has now expired but the letter of intent for renewal of the said mine lease has been granted for further period of 3 years from the date of execution of mine lease vide letter date 13.05.2011 by the State Govt. of U.P. It was reported by the project proponent that there is no court case pending against the project. Cost of the Project is 4.18 Lakhs and EMP cost of the project is Rs. 1.50 Lakh (Capital), Rs. 0.40 Lakh (Recurring) for Socio - Economic welfare measures is Rs. 0.40 Lakh. Public hearing has been held on 08.11.2010.
4. It has also been taken on record that this mine was in operation till 30.06.2011 and has been started in 23.05.2006 (date of lease deed) and hence no violation. Two writ petitions namely (i) 9416(M/B) of 2010 filed by Mohd. Kausar Jah V/s Union of India & Ors. and (ii) W.P. No. 10025 of 2010 filed by Shyam Bahadur Sakhya V/s Union of India & Ors. in the Hon'ble High Court at Allahabad regarding operation of sand, bajri and boulder mines in the state of U.P. in particular in the District Saharanpur without mandatory prior environmental clearance under EIA Notification, 2006. The Hon'ble Court has passed an order dt. 29.04.2011 directing the mine lease holder for renewal as well new mine lease to obtain the following directions mandatory environmental clearance under the notification dt. 14.09.2006 and allowed time till 30.06.2011 to carry on the mining operation and also directed State Govt. to ensure as on 01.07.2011 that no person anywhere in the State will carry out any mining activity of minor mineral. However, the owner of this mine was not a Petitioner/Respondent in the said W.Ps. as reported by him before the EAC. The project proponent has submitted that the mine is closed since 23.05.2011.
5. The Ministry has sought opinion from the Additional Solicitor General of India at Allahabad High Court on the point that the period of operating mines without requisite prior environmental clearance be treated as violation or it would imply that the Hon'ble court has condoned the violation and hence no criminal action can be entitled by invoking Section 19 of the Environment (Protection) Act, 1986 for filing complaint by virtue of the said order of the Hon'ble High Court against these lease holders.
6. The Additional Solicitor General of India at Allahabad High Court has opined that the "Once, the High Court has granted liberty to the petitioner to continue their mining operation till 30.06.2011. In his view this amounts to legalizing any mining operation conducted by the lease holders till 30.06.2011, therefore, it will be inappropriate for the Government for filing prosecution against very same miners till 30.06.2011. In view of the above, no prosecution can be lodged against the miners for their mining without environmental clearance done till 30.06.2011, after that date the law would be applicable on them.
7. In view of the above opinion of ASGI, there is no violation done by the proponent by doing mining till without obtaining requisite prior environmental clearance as it has been legalized by the Hon'ble High Court at Allahabad vide its order dt 29.4.2011. It is also

reported by Additional District Magistrate, Officer-in-charge Mines, on behalf of Distt. Magistrate that the mine is reported to be closed since 01.07.2011 vide letter no. 1096-1/Mines/2012-13 dated 18th September 2012.

B. The Ministry of Environment and Forest has examined the application in accordance with the EIA Notification, 2006 and hereby accords environmental clearance under the provisions thereof to the above mentioned River Bed Mining of Sand Bajri & Boulders (minor Mineral) of M/s Mahmood Ali & Dilshad, Village Sherpur Pelon, Tehsil Behat, District Saharanpur, U.P. (7.69 ha); Lot No. 1, subject to implementation of the following conditions and environmental safeguards.

A. Specific Conditions

- (i) Environmental clearance will be coterminous with the mine lease period and the proponent shall obtained fresh environmental clearance at the time renewal of mine lease in accordance with the provisions of the EIA Notification 2006 as amended subsequently.
- (ii) It shall be ensured that there shall be no mining of any type within 3m or 10% of the width whichever is more shall be left on both the banks (inward) of the river Yamuna to control and avoid erosion of river banks as provided in the Development Plan. Mining shall be as per the Development plant prepared for the project.
- (iii) The project proponent shall obtain Consent to establish and Consent to Operate from Uttar Pradesh Pollution Control Board and effectively implement all the conditions stipulated therein.
- (iv) Necessary wildlife clearance, as applicable, shall also be obtained.
- (v) The proponent shall observe every 15 days for nesting of any turtle in the area. Based on observation so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the state Wildlife department. For the purpose awareness shall be created amongst the mine workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures.
- (vi) A study shall be got carried out through an expert agency like CWC relating to replenishment of the mineral (siltation study) so as to ensure that the quantity of mineral to be removed does not exceed the siltation to avoid over exploitation of mineral which may adversely affect the dynamics of the river. This study shall be steered by the state Government, based on which the capacity of the mine will be decided by the concerned department of the state Govt. while granting mine lease.

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Vineet Khand-1, Gami Nagar, Lucknow - 226 018

Phone : 91-522-2308 541, Fax : 91-522-2308 543

E-mail : deup@deup.gov.in

Website : www.seiaa.gov.in

To,

Sri Aadesh Pandey,
S/o Sri Chhappal Pandey,
R/o 35/36A, Milan Sarovar,
Near Green Park, Harunagala,
Bareilly, U.P. 243001

Ref. No. 165 /Parpa/SEAC/SESA/2019

Date: 30 June, 2020

Sub: Terms of Reference for Sand/Bajari/Boulder Mining at Gata No.-378/2 & 379/2, Village- Sharpur Peto, Tehsil- Behat, District- Saharanpur, U.P. (Leased Area -7.00 Ha).

Dear Sir,

Please refer to your application/letter dated 07-05-2020 & 29-05-2020 addressed to the Secretary, SEAC, Directorate of Environment, U.P., Lucknow on the subject as above. The matter was considered by the State Level Expert Appraisal Committee in its meeting held on dated 02-06-2020 and SEIAA in its meeting dated 12-06-2020.

A presentation was made by the project proponent through video/tele-conferencing/ email in view of the Corona Virus Disease (Covid-19) along with their consultants M/s Ind Tech House Consult. The proponent, through the documents submitted and the presentation made informed the committee that:-

1. The environmental clearance is sought for Sand/Bajari/Boulder Mining at Gata No.-378/2 & 379/2, Village- Sharpur Peto, Tehsil- Behat, District- Saharanpur, U.P. (Leased Area -7.00 Ha).
2. Salient features of the project as submitted by the project proponent:

3.	On Line Proposal No.	SA/UP/MM 53061/2020		
4.	File No. allotted by SEIAA, UP	5654		
5.	Name of Proponent	Sri Aadesh Pandey		
6.	Full correspondence address of proponent and mobile no.	35,36-A, Milan Sarovar, Near Green Park, Harunagala, Saharanpur		
7.	Name of Project	Area-7.00 Ha For Sand/Bajari/Boulder Mining at Gata No.-378/2 & 379/2, Village- Sharpur Peto, Tehsil- Behat, District- Saharanpur, U.P. Sri Aadesh Pandey		
8.	Project Location (Plot, Khata/Gata No.)	Gata No.-378/2 & 379/2		
9.	Name of Village	Sharpur Peto		
10.	Tehsil	Behat		
11.	District	Saharanpur		
12.	Name of River	Khurawan Ra River		
13.	Name of Minor Mineral	Sand/Bajari/Boulder		
14.	Sanctioned lease Area (in Ha.)	7.00 Ha.		
15.	Max. & Min mRL within lease area	548.0 mRL in & 356.0 mRL		
16.	Pillar Coordinates (Verified by DMO)	POINT	LATITUDE	LONGITUDE
		A	30°15'52.04"N	77°39'22.56"E
		B	30°15'51.84"N	77°39'27.43"E
		C	30°16'6.24"N	77°39'31.26"E
		D	30°16'7.38"N	77°39'25.07"E
17.	Total Geological Reserves	3,50,000m ³ /Annum		
18.	Total Mineable Reserve	1,00,412m ³ /Annum		
19.	Total Proposed Production in 10Y	1,97,500m ³ /Annum		
20.	Proposed Production /year	Year	Production	
		1 st	1,97,500m ³ /Annum	
		2 nd	1,97,500m ³ /Annum	
		3 rd	1,97,500m ³ /Annum	

ANNEXURE NO.....

हैदरपुर हिन्दूवाला का नक्शा



उक्त लॉट के लॉन्गिट्यूट व लैटीट्यूट निलामी नोटिस से लिए गये है।

BhuNaksha (Uttar Pradesh) Login

Home +
-

Location

State: Uttar Pradesh

ज़िला: 132 सहारनपुर

तहसील: 00701 रोहट

गाँव: 108898 हैदरपुर हिन्दुवाला

Land Types

Select All

- 1-क
- 6-1
- 6-2
- 2
- 4
- 5-1
- 6-4

Activate Windows
Go to Settings to activate Windows.

ज़िला: 132 सहारनपुर तहसील: 00701 रोहट गाँव: 108898 हैदरपुर हिन्दुवाला
(यदि प्रिन्ट आउट करने के लिए है। इसका उपयोग के साथ के रूप में उपयोग नहीं किया जा सकता है।) 3. भू-नक्शा की प्रमाणात प्रति के लिए कृपया जनपदीय अधिकारियों से संपर्क करें।

कार्यालय जिलाधिकारी, सहारनपुर।
(खनन अनुभाग)

पत्रांक:- 3628 / खनिज 2020

दिनांक: 05 मार्च, 2020

क्लस्टर प्रमाण पत्र

प्रमाणित किया जाता है कि मै० शाकुम्बरी माइन्स पता-12, केशव नगर, तुमाईश कैंप, सहारनपुर पार्टनर श्री विनोद धवन पुत्र श्री कशमीरी लाल को पत्रांक:- 3274/खनिज/2019-2020, दिनांक- 14 जनवरी 2020 के मध्यम से गाटा संख्या- 8/1, 19, 22 ग्राम-हैदरपुर हिन्दुवाला, तहसील-बेहट जनपद-सहारनपुर हेतु कुल 4.20 हे० खनन क्षेत्र के सम्बन्ध में सहमति पत्र (एल०ओ०आई०) निर्गत किया गया है। ओ०एन०- 188/2016 सतैन्द्र पाण्डे बनाम पर्यावरण वन एवं जलवायु परिवर्तन, भारत सरकार व अन्य में मा० राष्ट्रीय न्याधिकरण द्वारा पारित आदेश दिनांक 13.09.2018 एवं पर्यावरण, वन एवं जलवायु परिवर्तन, भारत सरकार द्वारा जारी ओ०एन० नं० L-11011/175/2018-LA-II(M) दिनांक 12.12.2018 के अनुसार प्रश्नगत खनन क्षेत्र की स्थिति निम्नवत् है:-

अ) प्रश्नगत क्षेत्र की परिधि से 500 मीटर की दूरी में, वर्तमान में, कोई खनन पट्टा स्वीकृत/संचालित नहीं है। सम्बन्धित प्रकरण 0 से 05 हेक्टेयर तक है। अतः श्रेणी B-2 से आच्छादित होता है।

अथवा

ब) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में कोई खनन क्षेत्र नहीं है। सम्बन्धित प्रकरण 05 हेक्टेयर से अधिक है। अतः परियोजना श्रेणी बी०-1 से आच्छादित होता है। (लागू नहीं)

अथवा

स) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र है:-

1) गाटा सं०-.....ग्राम.....खनन क्षेत्र..... हे०

2) गाटा सं०-.....ग्राम.....खनन क्षेत्र..... हे०

उक्त सभी खनन क्षेत्रों का कुल योग..... हे० (05 हे० से कम) है। अतः परियोजना श्रेणी बी०-1 का क्लस्टर नहीं बनता है। सम्बन्धित प्रकरण श्रेणी बी०-2 से आच्छादित होता है। (लागू नहीं)

अथवा

घ) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र है:-

1) गाटा सं०-.....ग्राम.....खनन क्षेत्र..... हे०

2) गाटा सं०-.....ग्राम.....खनन क्षेत्र..... हे०

उक्त सभी खनन क्षेत्रों का कुल योग..... हे० (05 हे० से कम) है। अतः परियोजना श्रेणी बी०-1 का क्लस्टर नहीं बनता है। सम्बन्धित प्रकरण श्रेणी बी०-2 से आच्छादित होता है। (लागू नहीं)

अथवा

च) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में 100 हे० से अधिक निम्नांकित एकल खण्ड क्षेत्र है:-

1) गाटा सं०-.....ग्राम.....खनन क्षेत्र..... हे०

2) गाटा सं०-.....ग्राम.....खनन क्षेत्र..... हे०

सम्बन्धित प्रकरण श्रेणी ए से आच्छादित होता है। (लागू नहीं)

यह भी प्रमाणित किया जाता है कि उपरोक्त विवरण में ई०ए०सी० भारत सरकार/ए०सी०आई०आई०ए०ए०, यू०पी०/डी०ई०आई०ए०ए० से निर्गत घूर्ण-पर्यावरणीय क्लीयरेंस के गाटा/खण्ड संख्या में सम्मिलित कर लिया गया है।

(मो० एजाज)
खान निरीक्षक
सहारनपुर।

प्रेषक,

आयुक्त,
सहारनपुर मण्डल,
सहारनपुर

सेवा में,

श्री अखिलेश सिंह,
जिलाधिकारी,
सहारनपुर

श्री दिनेश कुमार पी०
वरिष्ठ पुलिस अधीक्षक,
सहारनपुर

संख्या: S 87/पी०ए०

दिनांक: 11/06/2020

विषय: जनपद सहारनपुर में अवैध खनन/भण्डारण/परिवहन पर रोक लगाये जाने के सम्बन्ध में।

महोदय,

उत्तर प्रदेश शासन, भूतत्व एवं खनिकर्म विभाग, लखनऊ के कार्यालय ज्ञाप संख्या-430/86-2020 दिनांक 15.02.2020 के द्वारा जनपद सहारनपुर में हो रहे अवैध खनन की जाँच हेतु अप्रोहस्ताक्षरी की अध्यक्षता में सात सदस्यीय समिति का गठन किया गया था। गठित समिति द्वारा अवैध खनन के सम्बन्ध में जाँच कर संयुक्त जाँचाख्या दिनांक 27.02.2020 शासन को प्रेषित कर दी गयी थी। जाँच में यह तथ्य उजागर हुये थे कि तहसील बेहट के थाना मिर्जापुर, बेहट, बिहारीगढ़ में अवैध खनन हो रहा है तथा कई ऐसे स्टोन केशर भी संचालित पाये गये थे जिनके पास भण्डारण की अनुज्ञप्ति भी नहीं है और इनके द्वारा अवैध रूप से भण्डारण किया गया था। उक्त के कम में समिति की जाँचाख्या दिनांक 27.02.2020 की प्रति अप्रोहस्ताक्षरी के पत्र संख्या-320/पी०ए० दिनांक 07.03.2020 के साथ आपको इस आशय से सलमन कर प्रेषित की गयी थी कि अवैध खनन में संलिप्त पुलिस एवं प्रशासन के सभी दोषी अधिकारियों/कर्मचारियों को प्रशासनिक आधार पर तत्काल स्थानान्तरित करते हुये इनके विरुद्ध कार्यवाही की जाये तथा यह भी सुनिश्चित किया जाये कि जनपद में किसी भी दशा में स्टोन केशर स्वामियों द्वारा भण्डारण की आड़ में अवैध खनन ना किया जाये तथा ऐसे स्टोन केशर जिनके पास भण्डारण की अनुज्ञप्ति नहीं है, उनको तत्काल सील करने की कार्यवाही की जाये। सभी अधिकारियों/कर्मचारियों की जिम्मेदारी तय करते हुये सभी को कड़े निर्देश दे दिये जाये कि यदि भविष्य में कहीं भी अवैध खनन की पुष्टि होती है तो उनके विरुद्ध कठोर कार्यवाही की जायेगी। उक्तानुसार कार्यवाही कराते हुये कृत कार्यवाही की आख्या 10 दिन के भीतर उपलब्ध कराये जाने की अपेक्षा की गयी थी।

जिलाधिकारी सहारनपुर द्वारा इस सम्बन्ध में अभी तक भी कृत कार्यवाही की कोई आख्या उपलब्ध नहीं करायी गयी है। वरिष्ठ पुलिस अधीक्षक, सहारनपुर द्वारा अपने पत्र संख्या-117 दिनांक 21.03.2020 के द्वारा प्रकरण में आख्या प्रेषित की गयी है जो स्पष्ट न होकर सरसरी तौर पर प्रेषित की गयी है जिसमें दिये गये निर्देशों का अनुपालन किये जाने का भी स्पष्ट उल्लेख नहीं है जिस कारण यह स्वीकार किये जाने योग्य नहीं है।

उल्लेखनीय है कि अवैध खनन के सम्बन्ध में बार-बार स्पष्ट निर्देश दिये जाने के बावजूद भी मेरे सम्बन्ध विभिन्न माध्यमों से शिकायतें निरन्तर प्राप्त हो रही हैं जिनमें से कतिपय प्रकरणों में मेरे द्वारा जाँच भी करायी गयी। उदाहरण स्वरूप दिनांक 19.03.2020 को अपर आयुक्त (प्रशासन) सहारनपुर मण्डल, उप जिलाधिकारी नकुल एवं खनन अधिकारी सहारनपुर की संयुक्त टीम से गंगोह क्षेत्र में हो रहे अवैध खनन की जाँच करायी गयी (आवापति सलमन) जिसमें उल्लेख किया गया है कि इस क्षेत्र में पीकलेन मशीनों एवं

-2-

जे0सी0बी0 की सहायता से अवैध खनन हो रहा है। दिनांक 27 व 28 मई, 2020 को अपर आयुक्त प्रशासन, सहारनपुर मण्डल सहारनपुर एवं उप निदेशक, पिछडा वर्ग कल्याण सहारनपुर मण्डल से करायी गयी जाँच की संयुक्त जाँचाख्या दिनांक 28.05.2020 (छायाप्रति संलग्न) से भी विदित होता है कि जनपद में कतिपय स्टोन केशरों द्वारा अभी भी अवैध खनन किया जा रहा है।

विशेष रूप से यह भी उल्लेखनीय है कि खनन अधिकारी, सहारनपुर द्वारा भी अपने विभागीय कार्यों में कोई रुचि नहीं ली जा रही है। मेरे द्वारा दिनांक 27.05.2020 को खनन अधिकारी को निर्देशित किया गया था कि स्वयं स्थलीय निरीक्षण कर सभी स्टोन केशरों के सम्बन्ध में विस्तृत आख्या प्रस्तुत करें किन्तु उनके द्वारा मात्र एक पृष्ठ की सरसरी आख्या उपलब्ध करायी गयी है, जो बड़े ही खेद का विषय है।

अवैध खनन पर रोक लगाये जाने हेतु कई बार पत्र प्रेषित किये जाने के बावजूद भी लगातार अवैध खनन का जारी रहना इस बात की ओर संकेत करता है कि पुलिस/प्रशासन/खनन विभाग द्वारा अपने दायित्वों का निष्ठापूर्वक निर्वहन नहीं किया जा रहा जिससे अवैध खनन के कार्य में उनकी संलिप्तता स्पष्ट नजर आती है। इस स्थिति को कदापि उचित नहीं कहा जा सकता।

अतः पुनः अपेक्षित है अधोहस्ताक्षरी के पूर्व प्रेषित पत्र संख्या-320/पी0ए0 दिनांक 07.03.2020 में की गयी अपेक्षानुसार कार्यवाही करते हुये अपनी संयुक्त हस्ताक्षरित आख्या एक सप्ताह के भीतर अनिवार्य रूप से उपलब्ध कराना सुनिश्चित करें। साथ ही जिलाधिकारी सहारनपुर के स्तर से खनन अधिकारी, सहारनपुर को कारण बताओं नोटिस निर्गत किया जाये कि अपने विभागीय कार्यों में पर्याप्त रुचि न लेने तथा अपने पदेन दायित्वों के निर्वहन में लापरवाही बरतने के लिये क्यों न उन्हें प्रतिकूल प्रविष्टि प्रदान करते हुये उनके विरुद्ध कठोर कार्यवाही हेतु शासन का पत्र प्रेषित कर दिया जाये। उक्तानुसार खनन अधिकारी का स्पष्टीकरण प्राप्त कर अपनी संस्तुति सहित एक सप्ताह में उपलब्ध करायी जाये। प्रकरण में आपका व्यक्तिगत ध्यान एवं समयबद्धता विशेष रूप से अपेक्षित है।

संलग्नक : यथोक्त।

भवदीय,

(संजय कुमार)
आयुक्त,

सहारनपुर मण्डल, सहारनपुर

01/06

सहारनपुर को सूचनाार्थ एवं

आयुक्त,

सहारनपुर मण्डल, सहारनपुर

01/06

सोपनीय

सख्या एवं दिनांक तदैव।

प्रतिलिपि पुलिस उप महानिरीक्षक, सहारनपुर परिक्षेत्र, सहारनपुर को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

F. No. L-11011/175/2018-IA-II (M)
 Government of India
 Ministry of Environment, Forest & Climate Change
 Impact Assessment Division

3rd Floor, Vayu Wing,
 Indira Paryavaran Bhawan,
 Jorbagh Road, Aliganj,
 New Delhi-110 003
 Email: rb.jal@nic.in
 Phone/Fax: 011-24695362

Dated: 12th December 2018

Office Memorandum

Sub: Order dated 04th September, 2018 & 13th September, 2018 passed by the Hon'ble National Green Tribunal, New Delhi in O.A. No. 173 of 2018 & O.A. No. 186 of 2016 in the matters titled "Sudarsan Das Vs State of West Bengal & Ors" & "Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr." respectively- regarding.

This is with reference to the recent orders of the Hon'ble NGT dated 04th September, 2018 in the matter titled *Sudarsan Das Vs State of West Bengal & Ors* & and order dated 13th September, 2018 in the matter *Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr.* Copies of the orders are enclosed herewith for ready reference.

2. The Hon'ble NGT vide order dated 13th September, 2018 in O.A. No. 186 of 2016 (*Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr.*) has inter-alia directed as follows:-

(i) Providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling member Category B-2 at par with Category B-1 by SEAC/ SIEAA as well as for cluster situation wherever it is not provided;

(ii) Form-1M be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SEIAA instead of DEAC/DEIAA;

(iii) if a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance;

(iv) EIA and/or EMP be prepared for the entire cluster in terms of recommendation 5 (supra) of the Guidelines for the purpose of recommendations 6, 7 and 8 thereof;

Page 1 of 4

(v) revise the procedure to also incorporate procedure with respect to annual rate of replenishment and timeframe for replenishment after mining closure in an area;

(vi) the MoEF&CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining."

3. In view of the above, the undersigned is directed to forward the copy of the aforementioned order for necessary compliance and inform the Ministry about the action taken.

4. This issues with the approval of the Competent Authority.

Yours faithfully,

Encl: As above


(Dr. R.B. Lal)
Scientist 'E'

To,

1. The Chief Secretary, 1st Block, 1st Floor A.P Secretariat Office, Andhra Pradesh, Velagapudi - 522503
2. The Chief Secretary, Government of Arunachal Pradesh, Civil Secretariat, Itanagar - 791111
3. The Chief Secretary, Government of Assam, Block-C, 3rd Floor, Assam Sachivalaya, Guwahati-781006
4. The Chief Secretary, Government of Bihar, Main Secretariat Building, Patna-800015
5. The Chief Secretary, Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur-492002
6. The Chief Secretary, Government of Gujarat, Block No.1, 5th Floor, Sardar Bhawan, Sachivalaya, Gandhinagar-382010
7. The Chief Secretary, Government of Goa, Secretariat, Porvoin, Bardez, Goa - 403521
8. The Chief Secretary, 4th Floor, Haryana Civil Secretariat Sector-I, Chandigarh - 160019
9. The Chief Secretary, Government of Himachal Pradesh Secretariat, Shimla - 171002
10. The Chief Secretary, R. No. 2/7, 2nd, Floor Main Building Civil Secretariat, Jammu - 180001 R. No. 307, 3rd Floor Civil Secretariat, Srinagar - 190001
11. The Chief Secretary, Government of Jharkhand 1st Floor, Project Building, Dhurwa, Ranchi-834004
12. The Chief Secretary, Govt of Karnataka, Room No.321, Vidhana Soudha, Bengaluru- 560 001
13. The Chief Secretary, Government of Kerala Secretariat, Thiruvananthapuram - 695001
14. The Chief Secretary, Government of Madhya Pradesh MP Mantralaya, Vaidh Bhavan Bhopal - 462004

15. The Chief Secretary, Government of Maharashtra CS Office Main Building, Mantralaya 6th Floor, Madame Cama Road, Mumbai - 400032
16. The Chief Secretary, Government of Manipur South Block, Old Secretariat Imphal-795001
17. The Chief Secretary, Government of Meghalaya Main Secretariat Building Rilang Building, Room No. 321 Meghalaya Secretariat, Shillong - 793001
18. The Chief Secretary, Government of Mizoram New Secretariat Complex, Aizawl - 796001
19. The Chief Secretary, Government of Nagaland Civil Secretariat, Kohima-797004
20. The Chief Secretary, Government of Odisha General Administration Department, Odisha Secretariat, Bhubaneswar - 751001
21. The Chief Secretary, Government of Punjab, Chandigarh - 160001
22. The Chief Secretary, Government of Rajasthan Secretariat, Jaipur - 302005
23. The Chief Secretary, Government of Sikkim New Secretariat, Gangtok - 737101
24. The Chief Secretary, Government of Tamil Nadu Secretariat, Chennai - 600009
25. The Chief Secretary, Government of Telangana Block C, 3rd Floor, Telangana Secretariat Khairatabad, Hyderabad, Telangana
26. The Chief Secretary, Government of Uttar Pradesh 1st Floor, Room No. 110 Lal Bahadur Shastri Bhawan Uttar Pradesh Secretariat, Lucknow - 226 001
27. The Chief Secretary, Government of Tripura New Secretariat Complex, Secretariat-799010, Agartala West Tripura
28. The Chief Secretary, Government of Uttarakhand 4 Subhash Road, Uttarakhand Secretariat, Dehradun - 248001
29. The Chief Secretary, Government of West Bengal Nabanna, 13th Floor, 325, Sarat Chatterjee Road, Mandirata Shibpur, Howrah - 711102
30. The Chief Secretary, Andaman and Nicobar Administration Secretariat, Port Blair - 744101
31. The Chief Secretary, Secretariat, Moti, Silvassa, Daman - 396220
32. The Chief Secretary, Secretariat, Mob, Daman - 396 220
33. The Chief Secretary, Raj Bhawan, Chandigarh-160019
34. The Chief Secretary, Lakshadweep, Kavaratti - 682555
35. The Chief Secretary, Chief Secretariat, Goubert Avenue, Puducherry - 605001
36. The Chief Secretary, Delhi Secretariat, Ip Estate, Delhi - 110002, Near Indra Gandhi Indoor Stadium

Copy to:

1. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (SZ), Kendriya Sadan, 4th Floor, E&F Wings, 17th Main Road, Koramangala II Block, Bangalore-560034
2. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (WZ), E-5, Kendriya Paryavaran Bhawan, E-5 Area Colony, Link Road-3, Ravishanker Nagar, Bhopal-462016
3. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (EZ), A/3, Chandrasekharpur, Bhubaneswar-751023

4. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (SEZ), 1st and 2nd Floor, Hindustan Export Promotion Council, 34, Cathedral Garden Road, Nungambakam, Chennai-34
5. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NZ), Bays No. 24-25, Sector 31-A, Dakshin Marg, Chandigarh-160030
6. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NCZ), Pearson Road, P.P. New Forest, Forest Research Institute (FRI) Campus Dehradun-248006
7. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (CZ), Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow-226020
8. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur-440001
9. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (ECZ), Bungalow No. A-2, Shyamali Colony Ranchi-834002
10. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NEZ) Law-U-Sib, Lumbatngan, Near MTC Workshop, Shillong, Meghalaya-793021


(Dr. R.B. Lal)
Scientist 'E'

otcoy

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Vineet Khand-1, Gomti Nagar, Lucknow - 226 010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

To,

Shri Satyendra,
S/o Virendra Singh,
R/o Village & Post- Khaira Najafgarh,
New Delhi- 110043

Ref. No.....159...../Parya/SEAC/5660/2019

Date: 30 June, 2020

Sub: Terms of Reference for Sand/Bajari/Boulder Mining at Gata No.'-03, Lot No.'-03, Village- Rehna, Tehsil- Behat ,District- Saharanpur, U.P. (Leased Area -8.05 Ha).

Dear Sir,

Please refer to your application/letter dated 11-05-2020 & 29-05-2020 addressed to the Secretary, SEAC, Directorate of Environment, U.P., Lucknow on the subject as above. The matter was considered by the State Level Expert Appraisal Committee in its meeting held on dated 02-06-2020 and SEIAA in its meeting dated 12-06-2020.

A presentation was made by the project proponent through video/tele-conferencing/ email in view of the Corona Virus Disease (Covid-19) along with their consultant M/s Ind Tech House Consult. The proponent, through the documents submitted and the presentation made informed the committee that:-

1. The environmental clearance is sought for Sand/Bajari/Boulder Mining at Gata No.'-03, Lot No.'-03, Village- Rehna, Tehsil- Behat ,District- Saharanpur, U.P. (Leased Area -8.05 Ha).
2. Salient features of the project as submitted by the project proponent:

1.	On Line Proposal No.	SIA/UP/MIN 53103/2020		
2.	File No. allotted by SEIAA, UP	5660		
3.	Name of Proponent	Sri Satyendra		
4.	Full correspondence address of proponent and mobile no.	Village & Post-Khaira, Nazafgarh, New Delhi		
5.	Name of Project	Area- (8.05 Ha) For Sand/Bajari/Boulder Mining at Gata No.'-03, Lot No.'-03, Village- Rehna, Tehsil- Behat ,District- Saharanpur, U.P. Sri Satyendra		
6.	Project Location(Plot.Khsra/Gata No.)	Gata No.'-03, Lot No.'-03		
7.	Name of Village	Rehna		
8.	Tehsil	Behat		
9.	District	Saharanpur		
10.	Name of Minor Mineral	Sand/Bajari/Boulder		
11.	Name of River	Yamuna River		
12.	Sanctioned Lease Area (in Ha.)	8.05 Ha.		
13.	Max. & Min mRL within lease area	346.0 mRL in SW & 353.0 mRL in E		
14.	Pillar Coordinates (Verified by DMO)	POINT	LATTITUDE	LONGITUDE
		A	30°21'36.45"N	77°36'05.61"E
		B	30°21'29.62"N	77°36'0.26"E
		C	30°21'37.95"N	77°35'50.38"E
14.	Pillar Coordinates (Verified by DMO)	D	30°21'42.16"N	77°36'02.59"E
15.	Total Geological Reserves	2,98,804m ³ /Annum		
16.	Total Mineable Reserve	1,46,514m ³ /Annum		
17.	Total Proposed Production in LOI	1,38,462m ³ /Annum		
18.	Proposed Production /year	Year	Production	
		1 st	1,38,462m ³ /Annum	
		2 nd	1,38,462m ³ /Annum	
		3 rd	1,38,462m ³ /Annum	
18.	Proposed Production /year	4 th	1,38,462m ³ /Annum	

		5th	1,38,462m ³ /Annum
		Total	692310 m ³
19.	Sanctioned Period of Mine lease	5Years	
20.	Production of mine/day	615m ³ /Day	
21.	Method of Mining	Open cast Manual / Semi Mechanized Mining Method	
22.	No. of working days	225 Days	
23.	Working hours/day	8 Hours	
24.	No. of worker	46 Worker	
25.	No. of vehicles movement/day	68Trucks / Day (Depending on market demand)	
26.	Type of Land	Govt. Land	
27.	Ultimate of Depth of Mining	2.50 m	
28.	Nearest metalled road from site	2.37 Km	
29.	Water Requirement	PURPOSE	REQUIREMENT (KLD)
30.		Drinking	0.46 KLD
31.		Suppression of dust	12.00 KLD
32.		Plantation	3.13 KLD
33.		Others (if any)	
34.		Total	15.64 KLD(16.00 approx KLD)
35.	Name of QCI Accredited Consultant with QCI No and period of validity.	Ind Tech House Consult QCI No.94 Period of Validity- 31-01-2021	
36.	Any litigation pending against the project or land in any court	No	
37.	Details of 500 m Cluster Map & Certificate verified by Mining Officer	Letter No-3793/ Khanij /2020 Date- 12.04.2020	
38.	Details of Lease Area in approved DSR	(Sr. No': 4) Shuddhi Patra	
39.	Proposed CER cost	2% of total project cost ie Rs 1,36,575	
40.	Proposed EMP cost	19.67 Lakhs	
41.	Length and breadth of Haul Road	1000 mtr Length & 6m width haulage road	
42.	No. of Trees to be Planted	795 Trees	

3. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
4. This project does not attract any of the general conditions applicable on mining projects specified in EIA Notification 14/09/2006.
5. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
6. There is no litigation pending in any court regarding this project.
7. The project proposal falls under category-1(a) of EIA Notification, 2006 (as amended).

The committee discussed the matter and recommended to issue following terms of reference (TOR) for the preparation of EIA.

- 1) All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
- 2) Copy of all the analysis reports signed by analyst approved by NABL or MoEF&CC shall be annexed with the EIA report and original analysis reports should be presented at the time of presentation.
- 3) MOU signed between the project proponent and the consultant should be submitted.
- 4) The project proponent shall obtain the forest clearance and permission of Central and State Government as per law under the provisions of Forest (conservation) Act, 1980 and submit along with EIA.
- 5) The lease area its address and production per annum should match with as mentioned in DSR and Lol. In case there is any difference clarification/ amendment letter from competent authority shall be submitted along with EIA. EIA and public hearing shall be conducted as per the lease area its address and production per annum mentioned in DSR and Lol.

- 6) Public hearing shall be conducted as per EIA notification, 2006 (as amended).
- 7) SEIAA opined that the project proponent shall submit permission of CGWA or proposal for alternative source of fresh water.
- 8) Geo coordinates mentioned in Lol mismatch with form-1. Revised document should be submitted.
- 9) Latest Site Pit photographs (May-June, 2020) should be submitted with date and time.
- 10) Year-wise production details since 1994 should be given, clearly stating the highest production achieved in any one year prior to 1994. It may also be categorically informed whether there had been any increase in production after the EIA Notification 1994 came into force, w.r.t. the highest production achieved prior to 1994.
- 11) A copy of the document in support of the fact that the proponent is the rightful lessee of the mine should be given.
- 12) All documents including approved mine plan, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management, mining technology etc. and should be in the name of the lessee.
- 13) All corner coordinates of the mine lease area, superimposed on a High Resolution Imagery/ toposheet, topographic sheet, geomorphology and geology of the area should be provided. Such an Imagery of the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).
- 14) Information should be provided in Survey of India Toposheet in 1:50,000 scale indicating geological map of the area, geomorphology of land forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.
- 15) Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from State land use board or the concerned authority.
- 16) It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/ violation of the environmental or forest norms/ conditions? The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large, may also be detailed in the EIA Report.
- 17) Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of open cast mining, blasting study etc. should be detailed. The proposed safeguard measures in each case should also be provided.
- 18) The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc. should be for the life of the mine / lease period.
- 19) Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.
- 20) Details of the land for any Over Burden Dumps outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any, should be given.
- 21) A Certificate from the Competent Authority in the State Forest Department should be provided, confirming the involvement of forest land, if any, in the project area. In the event of any contrary claim by the Project Proponent regarding the status of forests, the site may be inspected by the State Forest Department along with the Regional Office of the Ministry to ascertain the status of forests, based on which, the Certificate in this regard as mentioned above be issued. In all such cases, it would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.
- 22) Status of forestry clearance for the broken up area and virgin forestland involved in the Project including deposition of net present value (NPV) and compensatory afforestation (CA) should be indicated. A copy of the forestry clearance should also be furnished.
- 23) Implementation status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.
- 24) The vegetation in the RF / PF areas in the study area, with necessary details, should be given.

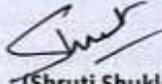
- 25) A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.
- 26) Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/ Elephant Reserves/(existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated, supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.
- 27) A detailed biological study of the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly indicating the Schedule of the fauna present. In case of any scheduled- I fauna found in the study area, the necessary plan alongwith budgetary provisions for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.
- 28) Proximity to Areas declared as 'Critically Polluted' or the Project areas likely to come under the 'Aravali Range', (attracting court restrictions for mining operations), should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Department should be secured and furnished to the effect that the proposed mining activities could be considered.
- 29) Similarly, for coastal Projects, A CRZ map duly authenticated by one of the authorized agencies demarcating LTL, HTL, CRZ area, location of the mine lease w.r.t CRZ, coastal features such as mangroves, if any, should be furnished. (Note: The Mining Projects falling under CRZ would also need to obtain approval of the concerned Coastal Zone Management Authority).
- 30) R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio-economic aspects should be discussed in the Report.
- 31) One season (non-monsoon) [i.e. March-May (Summer Season); October-December (post monsoon season) ; December-February (winter season)] primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled presented date-wise in the EIA and EMP Report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view the pre-dominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction. The mineralogical composition of PM10, particularly for free silica, should be given.
- 32) Air quality modeling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of mineral. The details of the model used and input parameters used for modeling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind roses showing pre-dominant wind direction may also be indicated on the map.
- 33) The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.
- 34) Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.
- 35) Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.
- 36) Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.

- 37) Based on actual monitored data, it may clearly be shown whether working will intersect groundwater. Necessary data and documentation in this regard may be provided. In case the working will intersect groundwater table, a detailed Hydro Geological Study should be undertaken and Report furnished. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.
- 38) Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be brought out.
- 39) Information on site elevation, working depth, groundwater table etc. Should be provided both in AMSL and bgl. A schematic diagram may also be provided for the same.
- 40) A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.
- 41) Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.
- 42) Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.
- 43) Conceptual post mining land use and Reclamation and Restoration of mined out areas (with plans and with adequate number of sections) should be given in the EIA report.
- 44) Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.
- 45) Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.
- 46) Measures of socio economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.
- 47) Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.
- 48) Public Hearing points raised and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.
- 49) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
- 50) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
- 51) A Disaster management Plan shall be prepared and included in the EIA/EMP Report.
- 52) Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.
- 53) Besides the above, the below mentioned general points are also to be followed:-
 - a) Executive Summary of the EIA/EMP Report
 - b) All documents to be properly referenced with index and continuous page numbering.
 - c) Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated.
 - d) Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using

the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project.

- e) Where the documents provided are in a language other than English, an English translation should be provided.
- f) The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted.
- g) While preparing the EIA report, the instructions for the Proponents and instructions for the Consultants issued by MoEF&CC vide O.M. No. J-11013/41/2006-IA.II(I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed.
- h) Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.
- i) As per the circular no. J-11011/618/2010-IA.II(I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.
- j) The EIA report should also include: (i) surface plan of the area indicating contours of main topographic features, drainage and mining area, (ii) geological maps and sections and (iii) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.

This is to request you to take further necessary action in matter as per provisions of Gazette Notification No. S.O. 1533(E) dated 14/09/2006, as amended. You are advised to submit the EIA/EMP incorporating recommendations of public hearing for further consideration of the matter as per procedure laid down in the Gazette Notification SO 1533(E) dated 14/09/2006 as amended. The matter will not be considered pending till your reply as above is received.


(Shrutika Shukla)
Nodal, SEIAA/
Deputy Director

No...../Parya/SEAC/5660/2019 Dated: As above

Copy with enclosure for Information and necessary action to:

1. The Principal Secretary, Department of Environment, Govt. of Uttar Pradesh, Lucknow.
2. Advisor, IA Division, Ministry of Environment, Forests & Climate Change, Govt. of India, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi.
3. Additional Director, Regional Office, Ministry of Environment & Forests, (Central Region), Kendriya Bhawan, 5th Floor, Sector-H, Aliganj, Lucknow.
4. District Magistrate, Saharanpur.
5. The Member Secretary, U.P. Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow.
6. Copy to Web Master/ guard file.


(Shrutika Shukla)
Nodal, SEIAA/
Deputy Director

Item No. 03

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Appeal No. 258/2018
(M.A. No. 1735/2018 & M.A. No. 1736/2018)

Sunil Kumar

Appellant(s)

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 29.03.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Appellant(s): Mr. Lakshmeesh S. Kamath, Advocate

For Respondent (s): Mr. Amit Tiwari, Advocate for R 2 & 4

ORDER

Issue for consideration is compliance of the order of this Tribunal dated 13.9.2018 requiring preparation of District Survey Report before issuance of the leases and recall of leases granted in violation of the said order.

Vide order dated 13.12.2018, a report was sought from the Uttar Pradesh State Environment Impact Assessment Authority which has been filed on 12.03.2019 accepting that the leases in question are hit by the order of this Tribunal dated 13.09.2018 in *Satendra Pandey Vs. Ministry of Environment, Forest and Climate Change & Anr., O.A. No. 186/2016.*

Learned Counsel for the State of Uttar Pradesh fairly states that appropriate remedial action will be now taken within one month

to recall the Environmental Clearance granted in violation of order of this Tribunal dated 13.9.2018. An appropriate order will be passed in the matter.

In view of above, if the Environmental Clearance is being acted upon, the same may not be acted upon till an appropriate order is passed by the concerned authority.

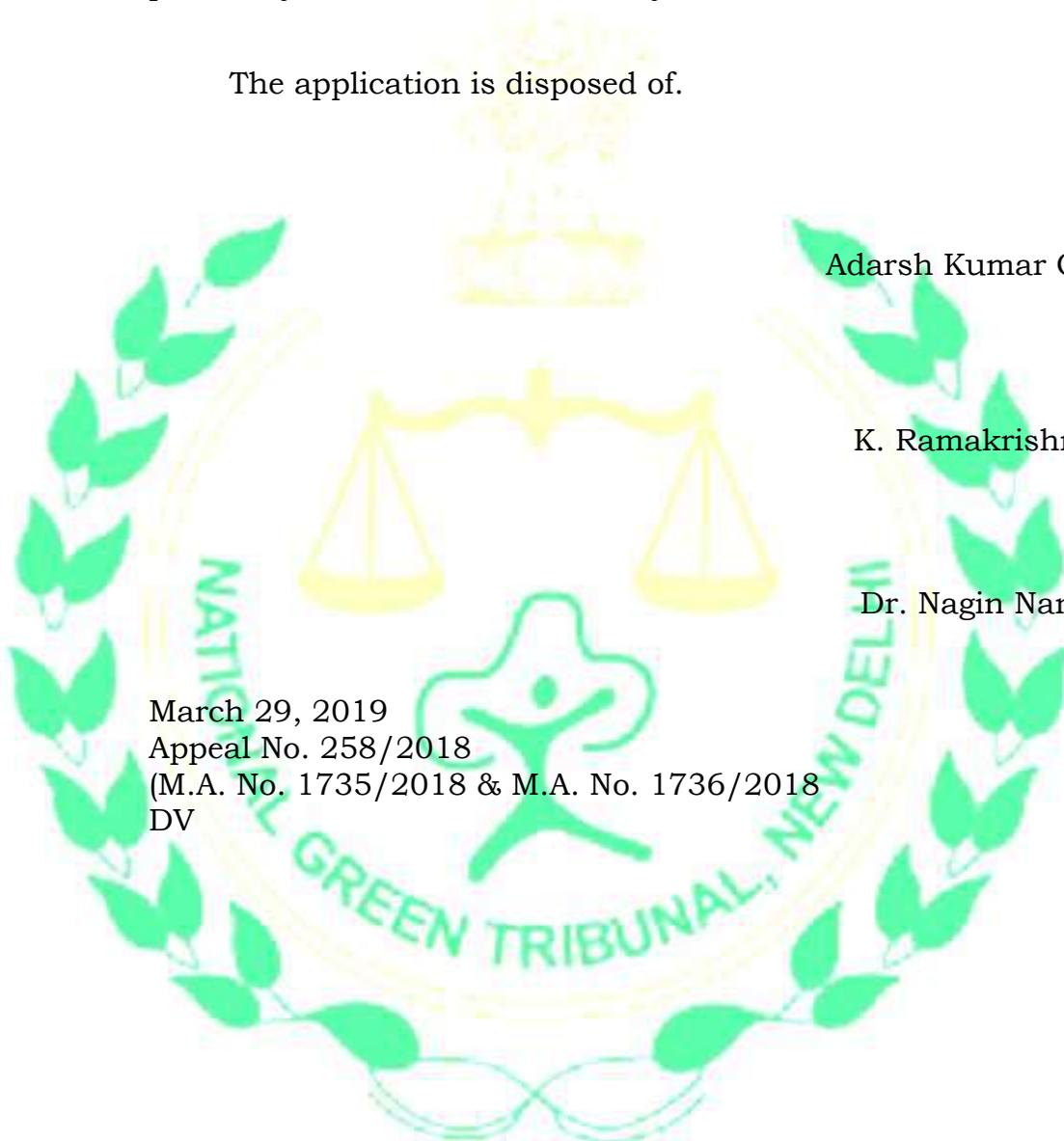
The application is disposed of.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 29, 2019
Appeal No. 258/2018
(M.A. No. 1735/2018 & M.A. No. 1736/2018
DV



REVISED

ITEM NO.12 + 63

COURT NO.10

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5735/2019

STATE OF UTTAR PRADESH & ORS.

Appellant(s)

VERSUS

PREM SINGH YADAV & ORS.

Respondent(s)

(IA No.106696/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.106694/2019-STAY APPLICATION)

WITH

C.A. NO. 5799/2019 (XVII)

(FOR ADMISSION AND I.R. AND IA NO. 107960/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO. 107961/2019-STAY APPLICATION)

Date : 29-07-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Appellant(s)

Mr. Pradeep Misra, AOR
Mr. Suraj Singh, Adv.
Ms. Nidhi Dwivedi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Issue notice.

Tag with Diary No. 16445/2019

Validity: 30 Days
MANISH SETHI
COURT MASTER (SH)
Date: 2019-08-01
16:28:06 IST
Reason:

(SAROJ KUMARI GAUR)
BRANCH OFFICER

ITEM NO.12 + 63

COURT NO.10

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5735/2019

STATE OF UTTAR PRADESH & ORS.

Appellant(s)

VERSUS

PREM SINGH YADAV & ORS.

Respondent(s)

(IA No.106696/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.106694/2019-STAY APPLICATION)

WITH

C.A. NO. 5799/2019 (XVII)

(FOR ADMISSION AND I.R. AND IA NO. 107960/2019 - EXEMPTION FROM
FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO. 107961/2019-STAY
APPLICATION)

Date : 29-07-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Appellant(s)

Mr. Pradeep Misra, AOR
Mr. Suraj Singh, Adv.
Ms. Nidhi Dwivedi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Issue notice.

Tag with SLP(C) No. 34831/2016.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Vineet Khand-1, Gomti Nagar, Lucknow - 226 010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : doeuplko@yahoo.com

Website : www.sciaaup.com

To,

Shri Deepak Chaudhari,
R/o C-3, Hakeetkat Nagar,
Near old Tax Office,
Saharanpur, U.P- 247001

Ref. No.....152...../Parya/SEAC/5653/2019

Date: 30 June, 2020

Sub: Terms of Reference for Sand/Bajari/Boulder Mining at Gata No.'-1, Village- Bartha korsi, Tehsil- Behat ,District- Saharanpur, U.P. M/s Star Mines (Leased Area -36.00 Ha)

Dear Sir,

Please refer to your application/letter dated 03-05-2020 & 29-05-2020 addressed to the Secretary, SEAC, Directorate of Environment, U.P., Lucknow on the subject as above. The matter was considered by the State Level Expert Appraisal Committee in its meeting held on dated 02-06-2020 and SEIAA in its meeting dated 12-06-2020.

A presentation was made by the project proponent through video/tele-conferencing/ email in view of the Corona Virus Disease (Covid-19) along with their consultant M/s Ind Tech House Consult. The proponent, through the documents submitted and the presentation made informed the committee that:-

1. The environmental clearance is sought for Sand/Bajari/Boulder Mining at Gata No.'-1, Village- Bartha korsi, Tehsil- Behat ,District- Saharanpur, U.P. M/s Star Mines (Leased Area -36.00 Ha)
2. Salient features of the project as submitted by the project proponent:

1.	On Line Proposal No.	SIA/UP/MIN 53028/2020			
2.	File No. allotted by SEIAA, UP	5653			
3.	Name of Proponent	M/s Star Mines Partner Sri Deepak Chaudhari			
4.	Full correspondence address of proponent and mobile no.	C-33, Hakikat Nagar, Near Old Sales Tax Office Saharanpur			
5.	Name of Project	Area-36.00 Ha For Sand/Bajari/Boulder Mining at Gata No.'-1, Village- Bartha korsi, Tehsil- Behat ,District- Saharanpur, U.P. M/s Star Mines			
6.	Project Location(Plot.Khsra/Gata No.)	Gata No.'-1			
7.	Name of Village	Bartha Korsi			
8.	Tehsil	Behat			
9.	District	Saharanpur			
10.	Name of River	Yamuna River			
11.	Name of Minor Mineral	Sand/Bajari/Boulder			
12.	Sanctioned Lease Area (in Ha.)	36.00 Ha.			
13.	Max. & Min mRL within lease area	304.0 mRL in & 297.0 mRL			
14.	Pillar Coordinates (Verified by DMO)		Point	Latitude	Longitude
			A	30°14'0.94"N	77°31'13.91"N
			B	30°14'16.50"N	77°31'24.43"N
			C	30°14'13.69"N	77°31'31.19"N
			D	30°14'19.59"N	77°31'37.85"N
			E	30°14'37.10"N	77°31'40.80"N
			F	30°14'39.19"N	77°31'36.25"N
			G	30°14'26.08"N	77°31'29.05"N
			H	30°14'9.19"N	77°31'2.18"N
15.	Total Geological Reserves	12,51,498m ³ /Annum			
16.	Total Mineable Reserve	7,67,814m ³ /Annum			
17.	Total Proposed Production in LOI	7,56,000m ³ /Annum			
18.	Proposed Production /year	Year	Production		

		1 st	7,56,000m ³ /Annum
		2 nd	7,56,000m ³ /Annum
		3 rd	7,56,000m ³ /Annum
		4 th	7,56,000m ³ /Annum
		5 th	7,56,000m ³ /Annum
		Total	37,80,000 m ³
19.	Sanctioned Period of Mine lease	5Years	
20.	Production of mine/day	3360m ³ /Day	
21.	Method of Mining	Open cast Manual / Semi Mechanized Mining Method	
22.	No. of working days	225 Days	
23.	Working hours/day	8 Hours	
24.	No. of worker	150 Worker	
25.	No. of vehicles movement/day	373Trucks / Day (Depending on market demand)	
26.	Type of Land	Govt. Land	
27.	Ultimate of Depth of Mining	3.00 m	
28.	Nearest metalled road from site	3.30 Km	
29.	Water Requirement	PURPOSE	REQUIREMENT (KLD)
		Drinking	1.50 KLD
		Suppression of dust	12.00 KLD
		Plantation	4.70 KLD
		Others (if any)	
		Total	18.20(18.00 approx KLD)
30.	Name of QCI Accredited Consultant with QCI No and period of validity.	Ind Tech House Consult QCI No.94 Period of Validity- 31-01-2021	
31.	Any litigation pending against the project or land in any court	No	
32.	Details of 500 m Cluster Map & Certificate verified by Mining Officer	Letter Nu-3676/ Khanij /2020 Date-12.03.2020	
33.	Details of Lease Area in approved DSR	(Sr. No': 5)	
34.	Proposed CER cost	2% of total project cost ie Rs 2,66,000	
35.	Proposed EMP cost	24.69 Lakhs	
36.	Length and breadth of Haul Road	1000 mtr Length & 6m width haulage road	
37.	No. of Trees to be Planted	1188 Trees	

3. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
4. This project does not attract any of the general conditions applicable on mining projects specified in EIA Notification 14/09/2006.
5. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
6. There is no litigation pending in any court regarding this project.
7. The project proposal falls under category-1(a) of EIA Notification, 2006 (as amended).

The committee discussed the matter and recommended to issue following terms of reference (TOR) for the preparation of EIA.

- 1) All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.

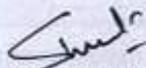
- 2) Copy of all the analysis reports signed by analyst approved by NABL or MoEF&CC shall be annexed with the EIA report and original analysis reports should be presented at the time of presentation.
- 3) MOU signed between the project proponent and the consultant should be submitted.
- 4) The project proponent shall obtain the forest clearance and permission of Central and State Government as per law under the provisions of Forest (conservation) Act, 1980 and submit along with EIA.
- 5) The lease area its address and production per annum should match with as mentioned in DSR and Lol. In case there is any difference clarification/ amendment letter from competent authority shall be submitted along with EIA. EIA and public hearing shall be conducted as per the lease area its address and production per annum mentioned in DSR and Lol.
- 6) Public hearing shall be conducted as per EIA notification, 2006 (as amended).
- 7) SEIAA opined that the project proponent shall submit permission of CGWA or proposal for alternative source of fresh water.
- 8) Latest Site Pit photographs (May-June, 2020) should be submitted with date and time.
- 9) Year-wise production details since 1994 should be given, clearly stating the highest production achieved in any one year prior to 1994. It may also be categorically informed whether there had been any increase in production after the EIA Notification 1994 came into force, w.r.t. the highest production achieved prior to 1994.
- 10) A copy of the document in support of the fact that the proponent is the rightful lessee of the mine, should be given.
- 11) All documents including approved mine plan, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management, mining technology etc. and should be in the name of the lessee.
- 12) All corner coordinates of the mine lease area, superimposed on a High Resolution Imagery/ toposheet, topographic sheet, geomorphology and geology of the area should be provided. Such an Imagery of the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).
- 13) Information should be provided in Survey of India Toposheet in 1:50,000 scale indicating geological map of the area, geomorphology of land forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.
- 14) Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from State land use board or the concerned authority.
- 15) It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/ violation of the environmental or forest norms/ conditions? The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large, may also be detailed in the EIA Report.
- 16) Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of open cast mining, blasting study etc. should be detailed. The proposed safeguard measures in each case should also be provided.
- 17) The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc. should be for the life of the mine / lease period.
- 18) Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.
- 19) Details of the land for any Over Burden Dumps outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any, should be given.
- 20) A Certificate from the Competent Authority in the State Forest Department should be provided, confirming the involvement of forest land, if any, in the project area. In the event of any contrary claim by the Project Proponent regarding the status of forests, the site may be inspected by the State Forest Department along with the Regional Office of the Ministry to ascertain the status of forests,

- based on which, the Certificate in this regard as mentioned above be issued. In all such cases, it would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.
- 21) Status of forestry clearance for the broken up area and virgin forestland involved in the Project including deposition of net present value (NPV) and compensatory afforestation (CA) should be indicated. A copy of the forestry clearance should also be furnished.
 - 22) Implementation status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.
 - 23) The vegetation in the RF / PF areas in the study area, with necessary details, should be given.
 - 24) A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.
 - 25) Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/ Elephant Reserves/(existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated, supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.
 - 26) A detailed biological study of the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly indicating the Schedule of the fauna present. In case of any scheduled- I fauna found in the study area, the necessary plan alongwith budgetary provisions for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.
 - 27) Proximity to Areas declared as 'Critically Polluted' or the Project areas likely to come under the 'Aravali Range', (attracting court restrictions for mining operations), should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Department should be secured and furnished to the effect that the proposed mining activities could be considered.
 - 28) Similarly, for coastal Projects, A CRZ map duly authenticated by one of the authorized agencies demarcating LTL, HTL, CRZ area, location of the mine lease w.r.t CRZ, coastal features such as mangroves, if any, should be furnished. (Note: The Mining Projects falling under CRZ would also need to obtain approval of the concerned Coastal Zone Management Authority).
 - 29) R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio-economic aspects should be discussed in the Report.
 - 30) One season (non-monsoon) [i.e. March-May (Summer Season); October-December (post monsoon season) ; December-February (winter season)] primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled presented date-wise in the EIA and EMP Report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view the pre-dominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction. The mineralogical composition of PM10, particularly for free silica, should be given.
 - 31) Air quality modeling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of mineral. The details of the model used and input parameters used for modeling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind roses showing pre-dominant wind

- direction may also be indicated on the map.
- 32) The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.
 - 33) Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.
 - 34) Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.
 - 35) Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.
 - 36) Based on actual monitored data, it may clearly be shown whether working will intersect groundwater. Necessary data and documentation in this regard may be provided. In case the working will intersect groundwater table, a detailed Hydro Geological Study should be undertaken and Report furnished. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.
 - 37) Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be brought out.
 - 38) Information on site elevation, working depth, groundwater table etc. Should be provided both in AMSL and bgl. A schematic diagram may also be provided for the same.
 - 39) A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.
 - 40) Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.
 - 41) Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.
 - 42) Conceptual post mining land use and Reclamation and Restoration of mined out areas (with plans and with adequate number of sections) should be given in the EIA report.
 - 43) Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.
 - 44) Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.
 - 45) Measures of socio economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.
 - 46) Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.
 - 47) Public Hearing points raised and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.
 - 48) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
 - 49) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.

- 50) A Disaster management Plan shall be prepared and included in the EIA/EMP Report.
- 51) Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.
- 52) Besides the above, the below mentioned general points are also to be followed:-
- Executive Summary of the EIA/EMP Report
 - All documents to be properly referenced with index and continuous page numbering.
 - Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated.
 - Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project.
 - Where the documents provided are in a language other than English, an English translation should be provided.
 - The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted.
 - While preparing the EIA report, the instructions for the Proponents and instructions for the Consultants issued by MoEF&CC vide O.M. No. J-11013/41/2006-IA.II(I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed.
 - Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.
 - As per the circular no. J-11011/618/2010-IA.II(I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.
 - The EIA report should also include: (i) surface plan of the area indicating contours of main topographic features, drainage and mining area, (ii) geological maps and sections and (iii) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.

This is to request you to take further necessary action in matter as per provisions of Gazette Notification No. S.O. 1533(E) dated 14/09/2006, as amended. You are advised to submit the EIA/EMP incorporating recommendations of public hearing for further consideration of the matter as per procedure laid down in the Gazette Notification SO 1533(E) dated 14/09/2006 as amended. The matter will not be considered pending till your reply as above is received.


(Shruti Shukla)
Nodal, SEIAA/
Deputy Director

No..... /Parya/SEAC/5653/2019 Dated: As above

Copy with enclosure for information and necessary action to:

- The Principal Secretary, Department of Environment, Govt. of Uttar Pradesh, Lucknow.
- Advisor, IA Division, Ministry of Environment, Forests & Climate Change, Govt. of India, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi.
- Additional Director, Regional Office, Ministry of Environment & Forests, (Central Region), Kendriya Bhawan, 5th Floor, Sector-H, Aliganj, Lucknow.
- District Magistrate, Saharanpur.
- The Member Secretary, U.P. Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow.
- Copy to Web Master/ guard file.

(Shruti Shukla)
Nodal, SEIAA/
Deputy Director

मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में विचाराधीन याचिका ओ0ए0सं0-90/2020 प्रमोद बनाम उ0प्र0 सरकार व अन्य में पारित आदेश दिनांक 17.08.2020 के सम्बन्ध में आख्या:-

उपरोक्त संदर्भित याचिका के सम्बन्ध में मा0 राष्ट्रीय हरित अधिकरण द्वारा नई दिल्ली द्वारा दिनांक 17.08.2020 को निम्न आदेश पारित किया गया है:-

- 1- Grievance in this application is inter - alia is against District Survey report for riverbed sand mining in District Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management Guidelines, 2020. The mining sites are within 1 K.M. from Kalesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF&CC order dated 08.08.2019. Mining is also in prohibited area being upstream of Hathnikund Barrage in Saharanpur. Cluster Impact Assessment has not been done as required. The sand mining has been continuing even during the locked down period. The above report shows that there is noncompliance of the direction as the task has been assigned to the Technical Committee at the District level which does not comprise of experts. The micro assessment of the area is required to be done with the involvement of experts.
- 2- A report was sought from District Magistrate, Saharanpur and SEIAA, U.P. vide order dated 29.06.2020.
- 3- Accordingly, a report has been filed on 13.07.2020 to the effect that leases were granted prior to the Sustainable Sand Mining Guidelines, 2020. However, the fact remains that the replenishment study is required even de hors the said Guidelines, the objections of the applicant may be responded to by the Department. The applicant is at liberty to file a fresh representation before the District Magistrate, Saharanpur and SEIAA, U.P. within one week from today with reference to the report filed on 13.07.2020.
- 4- Let a fresh report be furnished by the District Magistrate, Saharanpur and SEIAA, U.P., dealing with the objections of the applicant, before the next 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.

List again on 06.10.2020

मा0 न्यायालय के आदेशों के क्रम में SIEAA द्वारा अपने आदेश संख्या-400/पर्या0/ए0ई0आई0ए0ए0/90/2020 दिनांक 28.09.2020 द्वारा पूर्व में श्री मेराज उद्दीन सदस्य एस0ई0ए0सी0 तथा जिलाधिकारी द्वारा नामित प्रतिनिधि श्री विनोद कुमार अपर जिलाधिकारी (वि0/रा0) द्वारा याची की आपत्ति दिनांक 22.08.2020 पर अपनी रिपोर्ट प्रस्तुत करने का निर्देश दिया गया है। संलग्नक-1

उक्त के अनुपालन में जिलाधिकारी कार्यालय सहारनपुर के पत्र संख्या-5320/ए0सी0/2020-21 दिनांक 20.11.2020 द्वारा याची श्री प्रमोद कुमार को व्यक्तिगत सुनवाई हेतु दिनांक 24.11.2020 के पूर्वान्ह 11:00 बजे नियत की गयी थी, परन्तु याची निर्धारित तिथि व समय पर सुनवाई हेतु उपस्थित नहीं हुआ। निर्धारित समय पर उनके प्रतिनिधि श्री अजेश कुमार शर्मा एडवोकेट उपस्थित हुए तथा उनके द्वारा पुनः 22.08.2020 को प्रस्तुत प्रत्यावेदन की प्रति प्रस्तुत की गयी है। तदोपरान्त याची की आपत्ति दिनांक 22.08.2020 में इंगित बिन्दु पर विचार किया गया। याची प्रमोद द्वारा अपनी आपत्ति में मुख्य रूप से निम्न आपत्ति व्यक्त की गयी है:-

- 1- District Survey Report (DSR) नोटिफिकेशन दिनांक 15.01.2016 के व उसके परिशिष्ट 10 व 11 के व गाईड लाईन्स 2016 के अनुसार नहीं है। DSR से पूर्व या ई0सी0 से पूर्व आज तक कोई Replenishment study नहीं की गई व न ही करायी गई है। सभी खनन पट्टे, गाईड लाईन्स 2020 के बाद ग्रान्ट किये गये है।
- 2- हथनी कुण्ड बैराज के अपरस्ट्रीम में एफ0आर0आई0 की रिपोर्ट जो मा0 एन0जी0टी0 द्वारा स्वीकार की गई तो भी उस प्रतिबाधित क्षेत्र में खनन अनुमति 3 लॉट में दी गई।
- 3- नेशनल पार्क व हाथी रिजर्व की दूरियों छुपाकर प्रतिबाधित एरियाओं में खनन की अनुमति दी गई जिसमें वन विभाग की भी मिलिभगत थी।
- 4- सभी लॉट कलस्टर में है लेकिन प्रमाण पत्र तथ्यों को छिपाकर गलत दिया गया कोई EIA/EMP कलस्टर की नहीं करायी गई।

Handwritten signature

- 2-
- 5- जिला सहारनपुर में लगातार सरकारी विभाग के मिलिभगत से अवैध खनन हुआ है व भारी पर्यावरण क्षति पहुँची है बिना किसी क्षति पूर्ति किये हुए पुनः खनन कराया जा रहा है लॉक डाउन में अवैध खनन हुआ है।
 - 6- लॉट नं०-03 रहना में बिना ई०सी० के खनन शुरू कराया गया। ई०सी० एवं टोर गलत जारी किये गये हैं मा० एन०जी०टी० के आदेशों की अवहेलना की गई है।
 - 7- मा० कमेटी द्वारा रिपोर्ट गलत दी गई है कोई जॉच मौके पर नहीं की गई है दोनों ही सदस्य मा० एन०जी०टी० ने अधिकृत नहीं किया है एक सदस्य SEAC का है और दूसरा जिला प्रशासन अधिकारी है एक ई०सी० जारी करने वाली मा० कमेटी के सदस्य है और दूसरे सदस्य के द्वारा DSR में अवैध संशोधन कर खनन पट्टे स्वीकृत किये गये हैं दोनों सम्बन्धित है सम्बन्धित व्यक्ति कभी जॉच अधिकारी नहीं हो सकते हैं।

याची द्वारा अपने प्रत्यावेदन दिनांक 22.08.2020 में उपरोक्त 7 बिन्दुओं पर आपत्ति प्रस्तुत किया गया है। जिसका बिन्दुवार आख्या प्रस्तुत करने से पूर्व निम्नांकित तथ्य न्यायालय के समक्ष प्रस्तुत किया जाना उचित है। ओ०ए० 184/2013 गुरुप्रीत सिंह बग्गा बनाम एम०ओ०ई०एफ० बनाम उ०प्र० सरकार में पारित आदेश दिनांक 08.08.2018 के पैरा-2 में स्पष्ट रूप से उल्लेखित है कि:-

A status report has been filed before this Tribunal by Ministry of Environment, Forest and Climate change on 15-09-2016 along with the report of High Powered Committee dated 19-05-2016. Recommendations in the High Powered Committee Report are that mining should be done in terms of the Mining Plan. Since in Saharanpur the investigation had not been completed, no mining should be permitted. Mining should be only after valid consent to operate and subject to compliance of the environmental clearance conditions which are to be enforced by the DEIAA, SPCB and Regional Offices of MoEF & CC. There should be quarterly meeting of District Level Task Forces for inter-state co-ordination. Recommendations have also been made for operating the check posts and recovery of ecological compensation.

Submission has also been filed by the State of Uttar Pradesh stating that the State has submitted approved Comprehensive mining plan for Saharanpur on 30-08-2017 which calls for lifting of the complete ban. The State of UP had submitted a mining plan to the MoEF & CC and the same has been filed before this Tribunal on 30-08-2017.

An affidavit has also been filed by MoEF & CC on 31-08-2017, in response to the order of this Tribunal dated 18-07-2017. According to Ministry of Environment, Forest and Climate Change, the mining plans of Saharanpur district have been duly approved by the State Mining and Geology Department of Uttar Pradesh. The HPC has concurred with the same.

In view of the above, we make it clear that the order of this Tribunal dated 18-02-2016 will not be a bar to mining in the District of Saharanpur in accordance with the conditions of the said order and consistent with the environmental laws. संलग्नक-2

इस प्रकार जिला सहारनपुर का सक्षम अधिकारी द्वारा दिनांक 02.08.2017 का Approved Comprehensive Mining Plan मा० राष्ट्रीय हरित न्यायाधिकरण नई दिल्ली द्वारा स्वीकार करते हुए खनन पर लगाई गई रोक को हटा लिया गया है। Approved Comprehensive Mining Plan में उल्लेखित क्षेत्रों को जनपद सहारनपुर का जिला सर्वेक्षण रिपोर्ट तैयार कर आपत्ति एवं सुझाव हेतु कार्यालय के पत्र संख्या-3968/खनन/2017-18 दिनांक 02.12.2017 कलक्टेक्ट में इसकी एक प्रति रखते हुए नियमानुसार Public domain में 21 दिन हेतु रखा गया। जिला सर्वेक्षण रिपोर्ट दिनांक 02.12.2017 में उपलब्ध 37 क्षेत्रों में से 32 क्षेत्रों को छोड़ते हुए मात्र 5 क्षेत्रों जो हाईपावर कमेटी के रिपोर्ट से अच्छादित न होने के कारण शासनादेश संख्या-1954/86-20007 दिनांक 12.08.2017 में दिए गए निर्देशों के क्रम में क्षेत्रों को ई-निविदा सह ई-नीलामी के माध्यम से 5 वर्षीय खनन पट्टा पर उठाये जाने हेतु कार्यालय विज्ञप्ति संख्या-88/खनिज/2017-18 दिनांक 20.01.2018 जारी की गई। जिला स्तरीय पर्यावरण समाघात प्राधिकरण की बैठक दिनांक 04.09.2020 में लिए गए निर्णय के अनुसार 5 नये क्षेत्रों को जिला सर्वेक्षण रिपोर्ट में सम्मिलित करने का निर्णय लिया गया। जिसे कार्यालय के पत्र संख्या-1057/खनन/2019-20 दिनांक 07.09.2019 द्वारा 21 दिन हेतु आपत्ति एवं सुझाव हेतु Public domain में रखा गया। उक्त 5 नये क्षेत्रों को ई-निविदा सह ई-नीलामी के माध्यम से उठाये जाने हेतु कार्यालय के विज्ञप्ति संख्या-1719/खनिज/2019-20 दिनांक 16.09.2019 एवं विज्ञप्ति संख्या-1959/खनिज/2019-20 दिनांक 01.11.2019 द्वारा विज्ञप्ति जारी की गई है। स्वीकृत खनन क्षेत्र में SEIAA द्वारा पर्यावरण अनापत्ति प्रमाण पत्र प्राप्त करने के उपरान्त ही पट्टा विलेख का निष्पादन कराया गया है साथ ही खनन की अनुमति प्रदान की गई है। इस प्रकार मा० राष्ट्रीय हरित

[Signature]

अधिकरण नई दिल्ली के आदेश दिनांक 08.08.2018 का समादर करते हुए जनपद सहारनपुर में खनन कार्य संचालित किया जा रहा है।

आपत्ति बिन्दु संख्या-1 के सम्बन्ध में आख्या:-

यहाँ पर उल्लेखनीय है कि पूर्व में विज्ञापित क्षेत्र (क) यमुना नदी लाट संख्या-3 रहना 19.90 एकड़ में 04.04.2012 के पश्चात कोई खनन कार्य नहीं हुआ है।

(ख) लाट संख्या-34 कालूवाला पहाड़ीपुर 46.32 एकड़ में 03.04.2012 के पश्चात कोई खनन कार्य नहीं हुआ है।

(ग) यमुना नदी लाट संख्या-38 नुनयारी अहतमाल रकबा-60.00 एकड़ में भी 04.04.2012 के पश्चात कोई खनन कार्य नहीं हुआ है।

उपरोक्त तीनों क्षेत्रों में लगभग 7-8 वर्ष से कोई खनन कार्य नहीं हुआ है। अन्य 5 क्षेत्र विल्कुल नया है जिसमें कभी कोई खनन कार्य नहीं हुआ है। जनपद सहारनपुर में यमुना नदी व अन्य सहायक नदियों शिवालिक पर्वत श्रृंखला के Foothill में पड़ता है। इतनी लम्बी अवधि तक कोई खनन न होने के कारण प्रतिवर्ष बाढ़ के पश्चात बालू/बजरी/बोल्डर का जमाव होता रहा है। क्षेत्र में उपलब्ध खनिज एवं खनन योग्य मात्रा को ही विज्ञप्ति में शामिल किया गया है।

इस प्रकार शासनादेश दिनांक 12.08.2017 के अनुसार सम्पन्न ई-निविदा सह ई-नीलामी में उच्चतम ऑफरदाता को लेटर ऑफ इन्टेन्ट जारी किया गया। जिसका विवरण निम्नवत् है:- **संलग्नक-3**

उपरोक्त से स्पष्ट है कि क्षेत्र का सर्वेक्षण कराकर क्षेत्र को विज्ञापित किया गया है जो जिला सर्वेक्षण रिपोर्ट में उपलब्ध है। 7-8 वर्ष लम्बे अन्तराल के बाद ही क्षेत्र विज्ञापित किया गया है। इतनी लम्बी अवधि तक कोई खनन न होने से प्रतिवर्ष बाढ़ के पश्चात बालू/बजरी/बोल्डर का जमाव हुआ है। क्षेत्र में उपलब्ध खनिज की मात्रा एवं खनन योग्य मात्रा को ही विज्ञापित किया गया है। इस प्रकार सभी क्षेत्रों की विज्ञप्ति गार्ड लाईन 2020 जारी से पूर्व हुआ है तथा लेटर ऑफ इन्टेन्ट जारी किया गया है। इस प्रकार याची की आपत्ति निराधार है एवं विचार किये जाने योग्य नहीं है।

आपत्ति बिन्दु संख्या-2 के सम्बन्ध में आख्या:-

प्रश्नगत रहना गाटा संख्या-03 क्षेत्र यमुना नदी में पड़ता है जो हथनीकुण्ड बैराज से 5.12 किमी० दूरी पर है। इसके अतिरिक्त यह अवगत कराना भी कि फॉरेस्ट रिसर्च इन्स्टीट्यूट देहरादून द्वारा प्रस्तुत आख्या दिनांक जनवरी 2017 इकोलॉजिकल डैमेज, असेसमन्ट एवं ईको फॉरेस्ट को प्रस्तुत की गई है, जिसके पृष्ठ संख्या-100 बिन्दु 7 की संस्तुति इस प्रकार है "The river tract upstream of Hathnikund Barrage is important for wild life and birds due to its wetland character and habitat contiguity with Kalesar National Park in Haryana and Shivalik hill forests in Uttarakhand/Uttar Pradesh. Therefore it is suggested and develop it as a wildlife habitat.

इस सम्बन्ध में अवगत कराना है कि फॉरेस्ट रिसर्च इन्स्टीट्यूट (F.R.I) का उपर्युक्त परामर्श मिनिस्ट्री ऑफ एनवायरमेंट फॉरेस्ट एण्ड क्लाइमेट चेंज को प्रस्तुत किया गया है, जिसके सम्बन्ध में MOEF अथवा माननीय न्यायालय अथवा शासन स्तर से कोई आदेश प्राप्त नहीं हुआ है।

आपत्ति बिन्दु संख्या-3 के सम्बन्ध में आख्या:-

ग्राम रहना गाटा संख्या-179/2 क्षेत्रफल-3.75 है० गेसराराव नदी में पड़ता है प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग के पत्र संख्या-31/14-1 सहारनपुर दिनांक 02.07.2019 द्वारा खनन क्षेत्र शेरपुर पेलों, मायापुर रूपपुर, रहना, हैदरपुर हिन्दुवाला की अनापत्ति प्रमाण पत्र निर्गत की गयी है उक्त अनापत्ति प्रमाण पत्र में प्रश्नगत रहना 179/2 प्रस्तावित स्थल आरक्षित वन क्षेत्र से हवाई दूरी 2.80 कि०मी० तथा कालेशर नेशनल पार्क से 7.80 कि०मी० है। इस प्रकार याची द्वारा की गयी आपत्ति निराधार तथ्यों पर आधारित है।

आपत्ति बिन्दु संख्या-4 के सम्बन्ध में आख्या:-

जनपद में विज्ञापित क्षेत्रों में से मायापुर रूपपुर, हैदरपुर हिन्दुवाला, रहना-179/2, बरथा कोरसी, शेरपुर पेलों विल्कुल नये क्षेत्र है तथा रहना गाटा संख्या-3 व नुनियारी अहतमाल जो हाई पावर कमेटी की आख्या से अच्छादित नहीं थे। उन्ही क्षेत्रों की विज्ञप्ति जारी की गयी है तथा लेटर ऑफ इन्टेन्ट जारी किया गया है। जिला सर्वेक्षण रिपोर्ट में 32 क्षेत्रों को अभी तक कोई विज्ञप्ति जारी नहीं की गयी है ओर न अभी तक किसी को आवंटित किया गया है। अतः वर्तमान में उन 32 खनन पट्टा संचालित/कार्यरत न होने के कारण

शुद्धी

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आख्या दी गई है। इस प्रकार कोई भी तथ्य छुपाया नहीं गया है। याची का कथन निराधार है एवं विचार किये जाने योग्य नहीं है।

आपत्ति बिन्दु संख्या-5 के सम्बन्ध में आख्या:-

आयुक्त, सहारनपुर मण्डल, सहारनपुर की जांच आख्या 27.02.2020 के क्रम में शासन के निर्देश पर अवैध खननकर्ता के विरुद्ध कार्यवाही की गई है। जिनमें से तीन स्टोन क्रेशर स्वामियों का भण्डारण लाईसेंस निरस्त किया गया है। अन्य 7 अवैध खननकर्ता के विरुद्ध अवैध खनन पर देय स्वामित्व तथा अर्थदण्ड की वसूली की कार्यवाही की गई है। उक्त कार्यवाही लॉकडाउन की अवधि के पूर्व की है। अवैध खनन/परिवहन पर लगातार प्रवर्तन कार्य कराया गया है। इस प्रकार याची की आपत्ति निराधार है एवं विचार किये जाने योग्य नहीं है।

आपत्ति बिन्दु संख्या-6 के सम्बन्ध में आख्या:-

लाट संख्या-3 ग्राम रहना का खनन पट्टा SEIAA के पत्र संख्या-134/पर्या/ SEIAA /4294/2018 दिनांक 18.06.2020 द्वारा पूर्व में निर्गत पत्र संख्या-481/पर्या0/ SEIAA / 4294/2018 दिनांक 22.11.2018 में इंगित शर्तों के अधीन श्री सतेन्द्र कुमार के पक्ष में पर्यावरण स्वच्छता प्रमाण पत्र Transfer किया गया है। उक्त SEIAA का पत्र दिनांक 18.06.2020 प्राप्त होने के उपरान्त ही दिनांक 20.06.2020 को पट्टा विलेख का निस्पादन कराया गया है तथा कार्यालय के पत्र संख्या-4317/2020-21 दिनांक 23.06.2020 द्वारा खनन कार्य की अनुमति प्रदान की गई है। इस प्रकार याची की आपत्ति निराधार तथ्यों पर आधारित है जो विचार किये जाने योग्य नहीं है।

आपत्ति बिन्दु संख्या-7 के सम्बन्ध में आख्या:-

माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा पारित आदेश दिनांक 29.06.2020 के अनुपालन में SEIAA के पत्र संख्या 171/पर्या/एस0ईआई0ए0ए0/90/2020 दिनांक 03.07.2020 द्वारा निम्नलिखित समिति का गठन किया गया है:-

1. श्री मेराजुद्दीन SEIAA द्वारा नामित सदस्य
2. जिलाधिकारी द्वारा नामित श्री विनोद कुमार अपर जिलाधिकारी (वि0/रा0) सहारनपुर (संलग्नक-4)

इस प्रकार की याची की आपत्ति निराधार तथ्यों पर आधारित है तथा निरस्त किए जाने योग्य है।

माननीय राष्ट्रीय हरित प्राधिकरण में उठाये गये बिन्दुओं पर खनन पट्टा क्षेत्र के सम्बन्ध में विस्तृत आख्या

1- मायापुर रूपपुर (गाटा संख्या-14/1 रकबा 3.10हे0) बादशाहीबाग राव नदी

- भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 द्वारा कलेक्टर सूचना पट पर लगाया गया एवं जिले की वेबसाइट पर आपत्ति एवं सुझाव प्राप्त करने के उद्देश्य से 21 दिन हेतु पब्लिक डोमेन में रखा गया। (संलग्नक-05)
- उक्त निर्धारित अवधि में कोई भी आपत्ति एवं सुझाव प्राप्त नहीं हुए, परन्तु जिला सर्वेक्षण रिपोर्ट में गाटा संख्या संबंधी त्रुटि होने के कारण कार्यालय के पत्र संख्या 1964/डी0एस0आर0/सहारनपुर (खनन)/2018 दिनांक 26.10.2018 द्वारा शुद्धि पत्र जारी किया गया। (संलग्नक-06)
- यहाँ यह भी अवगत कराना समीचीन होगा कि पाँच नये क्षेत्र ग्राम शेरपुर पेलो, मायापुर रूपपुर, हैदरपुर हिन्दुवाला, रहना व बरथा कोरसी के संबंध में जिला स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण की बैठक दिनांक 04.09.2019 द्वारा 05 नये क्षेत्र को सम्मिलित करने हेतु समिति द्वारा निर्णय लिया गया, जिसे कार्यालय पत्र संख्या 1051/खनन/2019-20 दिनांक 07.09.2019 द्वारा जिले के वेबसाइट पर आपत्ति एवं सुझाव हेतु 21 दिन के लिए अपलोड किया गया। (संलग्नक-07)

सहारा

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- आपत्ति हेतु निर्धारित 21 दिन की अवधि बीत जाने के बाद भी कोई आपत्ति/सुझाव किसी भी माध्यम से प्राप्त नहीं हुआ।
 - भूतत्व एवं खनिकर्म निदेशालय द्वारा जारी शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 के क्रम नामित कार्यदायी एजेन्सी (एमएसटीसी-भारत सरकार का उपक्रम) को ई-निविदा सह ई-नीलामी के माध्यम से किये जाने हेतु सार्वजनिक सूचना विज्ञप्ति संख्या 1719/खनिज/2019-20 दिनांक 16.09.2019 एवं विज्ञप्ति संख्या 1959/खनिज/2019-20 दिनांक 01.11.2019 को जारी किया गया।
 - एमएसटीसी-भारत सरकार का उपक्रम द्वारा शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 का पालन करते हुए उच्चतम बोलीदाता की सूचना ई-मेल के माध्यम से दिनांक 16.12.2019 को उपलब्ध करायी गई। (संलग्नक-08)
 - सम्यक विचारोपरान्त उच्चतम बोलीदाता श्री राजेश कुमार निवासी ग्राम गढी बीरबल इन्द्री जिला करनाल के पक्ष में दिनांक 28.12.2019 को लेटर ऑफ़ इन्टेंट (LOI) जारी किया गया है। तत्पश्चात SEIAA के पत्र संख्या 88/parya/SEIAA/5402/2019 दिनांक 27.05.2020 द्वारा E.C. प्राप्त होने एवं समस्त औपचारिक प्रक्रियाओं का पालन करने के उपरान्त श्री राजेश कुमार के पक्ष में पट्टा विलेख का निष्पादन दिनांक 15.06.2020 को किया गया।

माननीय राष्ट्रीय हरित प्राधिकरण में उठाये गये बिन्दुओं के सम्बन्ध में आख्या

क्र०सं०	बिन्दु	आख्या
1	2	3
1	District Survey report for river bed sand mining in District Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management Guidelines, 2020.	विषयगत खनन क्षेत्र में भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 के द्वारा जन सामान्य हेतु उपलब्ध कराये गये तथा DEIAA के द्वारा दिनांक 04.09.2019 की बैठक में लिये गये निर्णय के अनुसार 5 नये क्षेत्र शामिल किये गये थे जिसमें मायापुर रूपपुर भी शामिल था। तत्समय Enforcement & Monitoring guidelines for Sand Mining 2020 प्रभाव में नहीं थी।
2	The mining sites are within 1 K.M. from Kalesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF & CC order dated 08.08.2019	प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग के पत्र संख्या 31/14-1 सहारनपुर दिनांक 02.07.2019 द्वारा खनन क्षेत्र शेरपुर पेलो, मायापुर रूपपुर, रहना, हैदरपुर हिन्दुवाला अनापत्ति प्रमाण पत्र निर्गत किया गया। उक्त अनापत्ति प्रमाण पत्र में ग्राम मायापुर रूपपुर प्रस्तावित स्थल की आक्षरित वन क्षेत्र से दूरी 1.20 कि०मी० एवं कालेशर नेशनल पार्क से दूरी 15.70 कि०मी० है। (संलग्नक-9)
3	Mining is also in prohibited area being upstream of Hathnikund Barrage is Saharanpur	प्रश्नगत मायापुर रूपपुर गाटा संख्या 14/1 रकबा 3.10हे० क्षेत्र बादशाही बाग राव नदी में पडता है जो यमुना नदी अथवा हथनीकुण्ड बैराज के अन्तर्गत नहीं आता है।
4	Cluster Impact Assessment has not been done as required.	मायापुर रूपपुर क्षेत्र के 500 मीटर की परिधि के अर्न्तगत कोई भी अन्य क्षेत्र का खनन पट्टा स्वीकृत अथवा संचालित नहीं है।
5	The sand mining has been continuing even during the	मायापुर रूपपुर का खनन पट्टा बादशाही बाग राव नदी में स्थित बालू, बजरी, बोल्डर (मिश्रित अवस्था में) स्वीकृत है

[Handwritten Signature]

locked down period

जिसमें खनन कार्य लॉक डाउन की अवधि में नहीं हुआ है। दिनांक 15.06.2020 पट्टा अभिलेख का निष्पादन होने के उपरान्त खनन कार्य प्रारम्भ हुआ है।

2- रहना (गाटा संख्या-179/2 रकबा 3.75हे0) गैसरा रॉ नदी

- भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 द्वारा कलेक्ट्रेट सूचना पट पर लगाया गया एवं जिले की वेबसाईट पर आपत्ति एवं सुझाव प्राप्त करने के उद्देश्य से 21 दिन हेतु पब्लिक डोमेन में रखा गया। (संलग्नक-05)
- उक्त निर्धारित अवधि में कोई भी आपत्ति एवं सुझाव प्राप्त नहीं हुए, परन्तु जिला सर्वेक्षण रिपोर्ट में गाटा संख्या संबंधी त्रुटि होने के कारण कार्यालय के पत्र संख्या 1964/डी0एस0आर0/सहारनपुर (खनन)/2018 दिनांक 26.10.2018 द्वारा उक्त शुद्धि पत्र जारी किया गया। (संलग्नक-06)
- यहाँ यह भी अवगत कराना समीचीन होगा कि पॉच नये क्षेत्र ग्राम शेरपुर पेलो, मायापुर रूपपुर, हैदरपुर हिन्दुवाला, रहना व बरथा कोरसी के संबंध में जिला स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण की बैठक दिनांक 04.09.2019 द्वारा 05 नये क्षेत्र को सम्मिलित करने हेतु समिति द्वारा निर्णय लिया गया, जिसे कार्यालय पत्र संख्या 1051/खनन/2019-20 दिनांक 07.09.2019 द्वारा जिले के वेबसाईट पर आपत्ति एवं सुझाव हेतु 21 दिन के लिए अपलोड किया गया। (संलग्नक-07)
- आपत्ति हेतु निर्धारित 21 दिन की अवधि बीत जाने के बाद भी कोई आपत्ति/सुझाव किसी भी माध्यम से प्राप्त नहीं हुआ।
- भूतत्व एवं खनिकर्म निदेशालय द्वारा जारी शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 के क्रम नामित कार्यदायी एजेन्सी (एमएसटीसी-भारत सरकार का उपक्रम) को ई-निविदा सह ई-नीलामी के माध्यम से किये जाने हेतु सार्वजनिक सूचना विज्ञप्ति संख्या 1719/खनिज/2019-20 दिनांक 16.09.2019 एवं विज्ञप्ति संख्या 1959/खनिज/2019-20 दिनांक 01.11.2019 को जारी किया गया।
- एमएसटीसी-भारत सरकार का उपक्रम द्वारा शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 का पालन करते हुए उच्चतम बोलीदाता की सूचना ई-मेल के माध्यम से दिनांक 16.12.2019 को उपलब्ध करायी गई। (संलग्नक-08)
- सम्यक विचारोपरान्त उच्चतम बोलीदाता श्री संजय भाटिया पुत्र स्व0 श्री आनन्द प्रकाश भाटिया निवासी 1/472 रामचन्द्रपुरी कुतुबशेर सहारनपुर के पक्ष में दिनांक 07.01.2020 को लेटर ऑफ़ इन्टेंट (LOI) जारी किया गया है। तत्पश्चात SEIAA के पत्र संख्या 87/parya/SEIAA/5402/2019 दिनांक 27.05.2020 द्वारा E.C. प्राप्त होने एवं समस्त औपचारिक प्रक्रियाओं का पालन करने के उपरान्त श्री संजय भाटिया के पक्ष में पट्टा विलेख का निष्पादन दिनांक 06.06.2020 को किया गया।

माननीय राष्ट्रीय हरित प्राधिकरण में उठाये गये बिन्दुओं के सम्बन्ध में आख्या

क्र0सं0	बिन्दु	आख्या
1	2	3
1	District Survey report for river bed sand mining in District Saharanpur which is said to be without conducting replenishment study as	विषयगत खनन क्षेत्र में भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 के

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	required under the Sand Mining Management Guidelines, 2020.	द्वारा जन सामान्य हेतु उपलब्ध कराये गये तथा DEIAA के द्वारा दिनांक 04.09.2019 की बैठक में लिये गये निर्णय के अनुसार 5 नये क्षेत्र शामिल किये गये थे जिसमें रहना भी शामिल था। तत्समय Enforcement & Monitoring guidelines for Sand Mining 2020 प्रभाव में नहीं थी।
2	The mining sites are within 1 K.M. from Kalesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF & CC order dated 08.08.2019	प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग के पत्र संख्या 31/14-1 सहारनपुर दिनांक 02.07.2019 द्वारा खनन क्षेत्र शेरपुर पेला, मायापुर रूपपुर, रहना, हैदरपुर हिन्दुवाला अनापत्ति प्रमाण पत्र निर्गत किया गया। उक्त अनापत्ति प्रमाण पत्र में ग्राम रहना प्रस्तावित स्थल की आक्षरित वन क्षेत्र से हवाई दूरी 2.80 कि०मी० एवं कालेशर नेशनल पार्क से दूरी 7.80 कि०मी० है। (संलग्नक-9)
3	Mining is also in prohibited area being upstream of Hathnikund Barrage is Saharanpur	प्रश्नगत रहना गाटा संख्या 179/2 रकबा 3.75हे० क्षेत्र गैसरा रॉ नदी में पडता है जो यमुना नदी अथवा हथनीकुण्ड बैराज के अन्तर्गत नहीं आता है।
4	Cluster Impact Assessment has not been done as required.	रहना क्षेत्र के 500 मीटर की परिधि के अन्तर्गत कोई भी अन्य क्षेत्र का खनन पट्टा स्वीकृत अथवा संचालित नहीं है।
5	The sand mining has been continuing even during the locked down period	रहना का खनन पट्टा गैसरा रॉ नदी में स्थित बालू, बजरी, बोल्टर (मिश्रित अवस्था में) स्वीकृत है जिसमें खनन कार्य लॉक डाउन की अवधि में नहीं हुआ है। दिनांक 06.06.2020 पट्टा अभिलेख का निष्पादन होने के उपरान्त खनन कार्य प्रारम्भ हुआ है।

3- रहना (लॉट संख्या-3 गाटा संख्या-3 रकबा-8.05हे०) यमुना नदी

- भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 द्वारा कलेक्टर सूचना पट पर लगाया गया एवं जिले की वेबसाईट पर आपत्ति एवं सुझाव प्राप्त करने के उद्देश्य से 21 दिन हेतु पब्लिक डोमेन में रखा गया। (संलग्नक-05)
- उक्त निर्धारित अवधि में कोई भी आपत्ति एवं सुझाव प्राप्त नहीं हुए, परन्तु जिला सर्वेक्षण रिपोर्ट में गाटा संख्या संबंधी त्रुटि होने के कारण कार्यालय के पत्र संख्या 1964/डी०एस०आर०/सहारनपुर (खनन)/2018 दिनांक 26.10.2018 द्वारा उक्त शुद्धि पत्र जारी किया गया। (संलग्नक-06)
- आपत्ति हेतु निर्धारित 21 दिन की अवधि बीत जाने के बाद भी कोई आपत्ति/सुझाव किसी भी माध्यम से भूतत्व एवं खनिकर्म कार्यालय, सहारनपुर को प्राप्त नहीं हुआ।
- भूतत्व एवं खनिकर्म निदेशालय द्वारा जारी शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 के क्रम नामित कार्यदायी एजेन्सी (एमएसटीसी-भारत सरकार का उपक्रम) को ई-निविदा सह ई-नीलामी के माध्यम से किये जाने हेतु सार्वजनिक सूचना विज्ञप्ति संख्या 88/खनिज/2017-18 दिनांक 20.01.2018 को जारी किया गया।
- एमएसटीसी-भारत सरकार का उपक्रम द्वारा शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 का पालन करते हुए उच्चतम बोलीदाता की सूचना ई-मेल के माध्यम से दिनांक 09.03.2018 को उपलब्ध करायी गई। सम्यक विचारोपरान्त कार्यालय के पत्र संख्या-423/खनिज/2017-18 दिनांक 15.03.2018 द्वारा लेटर ऑफ इण्टेंट जारी किया गया।

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उच्चतम बोलीदाता श्री राहुल पंवार द्वारा SEIAA के पत्र संख्या 481/parya/SEAC-4294/2018 दिनांक 22.11.2018 द्वारा ई0सी0 प्राप्त किया गया परन्तु पट्टा विलेख का निष्पादन न करने के कारण जिलाधिकारी सहारनपुर के कार्यालय आदेश संख्या-2623/ख0अनु0/ई-नीलामी/सहारनपुर दिनांक 08.02.2019 को स्वीकृत लेटर ऑफ इण्टेंट निरस्त किया गया।

- भूतत्व एवं खनिकर्म निदेशालय द्वारा जारी शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 के क्रम में नामित कार्यदायी एजेन्सी (एमएसटीसी-भारत सरकार का उपक्रम) को अन्य क्षेत्रों के अतिरिक्त पुनः रहना लॉट संख्या -3 का ई-निविदा सह ई-नीलामी के माध्यम से किये जाने हेतु सार्वजनिक सूचना विज्ञप्ति संख्या 1719/खनिज/2019-20 दिनांक 16.09.2019 एवं विज्ञप्ति संख्या 1959/खनिज/2019-20 दिनांक 01.11.2019 को किया गया।
- एमएसटीसी-भारत सरकार का उपक्रम द्वारा शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 का पालन करते हुए उच्चतम बोलीदाता की सूचना ई-मेल के माध्यम से दिनांक 16.12.2019 को उपलब्ध करायी।
- सम्यक विचारोपरान्त उच्चतम बोलीदाता श्री सत्येन्द्र कुमार पुत्र श्री विरेन्द्र सिंह निवासी खैरा नजफगढ नई दिल्ली के पक्ष में दिनांक 23.01.2020 को लेटर आफ इण्टेंट (LOI) जारी किया गया है। तत्पश्चात SEIAA के पत्र संख्या 134/parya/SEAC/4294/2018 दिनांक 18.06.2020 द्वारा E.C. प्राप्त होने एवं समस्त औपचारिक प्रक्रियाओं का पालन करने के उपरान्त श्री सत्येन्द्र कुमार के पक्ष में पट्टा विलेख का निष्पादन दिनांक 20.06.2020 को किया गया।

माननीय राष्ट्रीय हरित प्राधिकरण में उठाये गये बिन्दुओं के सम्बन्ध में आख्या

क्र0सं0	बिन्दु	आख्या
1	2	3
1	District Survey report for river bed sand mining in District Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management Guidelines, 2020.	विषयगत खनन क्षेत्र में भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 के द्वारा जन सामान्य हेतु उपलब्ध कराये गये निर्धारित अवधि में कोई सुझाव प्राप्त नहीं हुए। तत्समय Enforcement & Monitoring guidelines for Sand Mining 2020 प्रभाव में नहीं थी।
2	The mining sites are within 1 K.M. from Kalesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF & CC order dated 08.08.2019	भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना संख्या SO 1485 (E) दिनांक 22.04.2016 (संलग्नक-10) के पैरा-1(2) में कलेसर नेशनल पार्क एवं वाईड लाइफ सेन्चुरी का कॉआर्डिनेट्स दिया गया है तथा 1(5) में ईको सेन्सिटिव जोन में पड़ने वाले 31 ग्रामों का नाम दिया गया है, जिसमें रहना अथवा कोई भी ग्राम जनपद सहारनपुर का नहीं है।
3	Mining is also in prohibited area being upstream of Hathnikund Barrage in Saharanpur	प्रश्नगत रहना लॉट संख्या-3 गाटा संख्या-3 क्षेत्र यमुना नदी में पडता है जो हथनीकुण्ड बैराज से 5.12 किमी0 की दूरी पर है। इसके अतिरिक्त यह अवगत कराना भी कि फॉरेस्ट रिसर्च इन्स्टीट्यूट देहरादून द्वारा प्रस्तुत आख्या दिनांक जनवरी 2017 इकोलॉजिकल डैमेज, असेसमेन्ट एवं ईको फारेस्ट प्लान की संस्तुति मिनिस्ट्री ऑफ एन्वायरमेंट फॉरेस्ट को प्रस्तुत की गई है, जिसके पृष्ठ संख्या 100 बिन्दु 7 की संस्तुति इस प्रकार है "The river tract

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		<p>upstream of Hathnikund Barrage is important for wild life and birds due to its wetland character and habitat contiguity with Kalesar National Park in Haryana and Shivalik hill forests in Uttarakhand/Uttar Pradesh. Therefore it is suggested to close it altogether from mining activities and develop it as a wildlife habitat.</p> <p>इस सम्बन्ध में अवगत कराना है कि फॉरेस्ट रिसर्च इन्स्टीट्यूट (F.R.I) का उपर्युक्त परामर्श मिनिस्ट्री ऑफ एनवायरमेंट फॉरेस्ट एण्ड क्लाइमेट चेंज को प्रस्तुत किया गया है, जिसके सम्बन्ध में माननीय न्यायालय अथवा शासन स्तर से कोई आदेश प्राप्त नहीं हुआ।</p>
4	Cluster Impact Assessment has not been done as required.	रहना लॉट संख्या-3 क्षेत्र के 500 मीटर की परिधि के अर्न्तगत कोई भी अन्य क्षेत्र का खनन पट्टा स्वीकृत अथवा संचालित नहीं है।
5	The sand mining has been continuing even during the locked down period	रहना का खनन पट्टा यमुना नदी में स्थित बालू, बजरी, बोल्टर (मिश्रित अवस्था में) स्वीकृत है जिसमें खनन कार्य लॉक डाउन की अवधि में नहीं हुआ है। दिनांक 20.06.2020 पट्टा अभिलेख का निष्पादन होने के उपरान्त खनन कार्य प्रारम्भ हुआ है।

4- बरथाकोरसी (गाटा संख्या 01 रकबा 36.00हे0) यमुना नदी

- भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 द्वारा कलेक्टर सूचना पट पर लगाया गया एवं जिले की वेबसाइट पर आपत्ति एवं सुझाव प्राप्त करने के उद्देश्य से 21 दिन हेतु पब्लिक डोमेन में रखा गया। (संलग्नक-05)
- उक्त निर्धारित अवधि में कोई भी आपत्ति एवं सुझाव प्राप्त नहीं हुए, परन्तु जिला सर्वेक्षण रिपोर्ट में गाटा संख्या संबंधी त्रुटि होने के कारण कार्यालय के पत्र संख्या 1964/डी0एस0आर0/सहारनपुर (खनन)/2018 दिनांक 26.10.2018 द्वारा उक्त शुद्धि पत्र जारी किया गया। (संलग्नक-06)
- यहाँ यह भी अवगत कराना समीचीन होगा कि पॉच नये क्षेत्र ग्राम शेरपुर पेलो, मायापुर रूपपुर, हैदरपुर हिन्दुवाला, रहना व बरथा कोरसी के संबंध में जिला स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण की बैठक दिनांक 04.09.2019 द्वारा 05 नये क्षेत्र को सम्मिलित करने हेतु समिति द्वारा निर्णय लिया गया, जिसे कार्यालय पत्र संख्या 1051/खनन/2019-20 दिनांक 07.09.2019 द्वारा जिले के वेबसाइट पर आपत्ति एवं सुझाव हेतु 21 दिन के लिए अपलोड किया गया। (संलग्नक-07)
- आपत्ति हेतु निर्धारित 21 दिन की अवधि बीत जाने के बाद भी कोई आपत्ति/सुझाव किसी भी माध्यम से प्राप्त नहीं हुआ।
- भूतत्व एवं खनिकर्म निदेशालय द्वारा जारी शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 के क्रम नामित कार्यदायी एजेन्सी (एमएसटीसी-भारत सरकार का उपक्रम) को ई-निविदा सह ई-नीलामी के माध्यम से किये जाने हेतु सार्वजनिक सूचना विज्ञप्ति संख्या 1719/खनिज/2019-20 दिनांक 16.09.2019 एवं विज्ञप्ति संख्या 1959/खनिज/2019-20 दिनांक 01.11.2019 को जारी किया गया।

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- एमएसटीसी-भारत सरकार का उपक्रम द्वारा शासनादेश संख्या 1875/86-2017 दिनांक 14.08.2017 का पालन करते हुए उच्चतम बोलीदाता की सूचना ई-मेल के माध्यम से दिनांक 16.12.2019 को उपलब्ध करायी गई। (संलग्नक-08)
- सम्यक विचारोपरान्त उच्चतम बोलीदाता श्री दीपक चौधरी प्रो० स्टार माईनस हकीकत नगर सहारनपुर के पक्ष में दिनांक 30.12.2019 को लेटर ऑफ़ इन्टेंट (LOI) जारी किया गया है। तत्पश्चात SEIAA से E.C. अपेक्षित है।

माननीय राष्ट्रीय हरित प्राधिकरण में उठाये गये बिन्दुओं के सम्बन्ध में आख्या

क्र०सं०	बिन्दु	आख्या
1	2	3
1	District Survey report for river bed sand mining in District Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management Guidelines, 2020.	विषयगत खनन क्षेत्र में भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर जिलाधिकारी, सहारनपुर के पत्र संख्या 3968/खनन/2017-18 दिनांक 02.12.2017 के द्वारा जन सामान्य हेतु उपलब्ध कराये गये तथा DEIAA के द्वारा दिनांक 04.09.2019 की बैठक में लिये गये निर्णय के अनुसार 5 नये क्षेत्र शामिल किये गये थे जिसमें बरथाकोरसी भी शामिल था। तत्समय Enforcement & Monitoring guidelines for Sand Mining 2020 प्रभाव में नहीं थी।
2	The mining sites are within 1 K.M. from Kalesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF & CC order dated 08.08.2019	प्रभागीय निदेशक सामाजिक वानिकी वन प्रभाग के पत्र संख्या 4299/14-1 सहारनपुर दिनांक 17.06.2019 द्वारा खनन क्षेत्र बरथाकोरसी अनापत्ति प्रमाण पत्र निर्गत किया गया। उक्त अनापत्ति प्रमाण पत्र में ग्राम बरथाकोरसी प्रस्तावित खनन पट्टा क्षेत्र ग्राम बरथाकोरसी गाटा संख्या-1 की जी०पी०एस० रिडिंग A- N30° 14' 37.1" E77° 31' 40.8" है। जी०पी०एस० रिडिंग से खनन पट्टा क्षेत्र की दूरी 13.30 किमी० है। इसी प्रकार कालेशर नेशनल पार्क की जी०पी०एस० रिडिंग A- N30° 18' 44.00" E77° 34' 26.9" है। जी०पी०एस० रिडिंग के अनुसार राष्ट्रीय उद्यान से खनन पट्टा क्षेत्र की दूरी 8.83 कि०मी० है। (संलग्नक-11)
3	Mining is also in prohibited area being upstream of Hathnikund Barrage is Saharanpur	प्रश्नगत बरथाकोरसी गाटा संख्या 01 रकबा 36.00हे० क्षेत्र यमुना नदी में पडता है। हथनीकुण्ड बैराज से डाउन स्ट्रीम में स्थित है।
4	Cluster Impact Assessment has not been done as required.	बरथाकोरसी जिसका उच्चतम ऑफरदाता के पक्ष में लेटर ऑफ़ इन्टेंट दिनांक 30.12.2019 को जारी किया गया (संलग्नक-12)। क्लस्टर प्रमाण पत्र के अनुसार उत्तर प्रदेश की सीमा में 500 मीटर की परिधि के अन्तर्गत कोई अन्य क्षेत्र, खनन पट्टा स्वीकृत एवं संचालित नहीं है। जहां तक हरियाणा राज्य के खनन पट्टा क्षेत्र का सम्बन्ध है, हरियाणा राज्य के जिला यमुनानगर के डिस्ट्रिक्ट सर्वे रिपोर्ट (DSR) के अनुसार बेलगढ क्षेत्र का कोई जियो कॉर्डिनेटस का उल्लेख नहीं है (संलग्नक-13)। यमुनानगर

24/02/20

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		के बेलगढ सीमा के अन्तर्गत स्वीकृत खनन क्षेत्र ग्राम बेलगढ साउथ जिसका स्टेट एन्वायरमेंट इम्पैक्ट एस्समेंट अथोरिटी ऑफ हरियाणा के पत्र SEIAA/HR/2016/475 दिनांक 27.06.2016 (संलग्नक-14) द्वारा E.C. जारी किया गया है, जिसमें क्षेत्र के तीन कॉर्डिनेट्स दिये गये हैं:- A- N30° 13' 29.01" E77° 30' 34.59" B- N30° 13' 10.29" E77° 30' 24.22" C- N30° 12' 41.01" E77° 30' 17.97" उक्त क्षेत्र जनपद सहारनपुर के स्वीकृत खनन पट्टा क्षेत्र बरथाकोरसी से न्यूनतम 1.4 किमी० से अधिक दूरी पर स्थित है। गुगल मानचित्र (संलग्नक-15)
5	The sand mining has been continuing even during the locked down period	बरथाकोरसी का खनन पट्टा यमुना नदी में स्थित बालू बजरी, बोलडर (मिश्रित अवस्था में) स्वीकृत है SEIAA से ई०सी० प्राप्त न होने के कारण अभी कोई अग्रिम कार्यवाही नहीं की गयी है। अतः खनन कार्य लॉक डाउन की अवधि में होने का कोई प्रश्न ही नहीं है।

यहाँ पर माननीय न्यायालय के समक्ष यह भी संज्ञान में लाना है कि याची द्वारा "Enforcement & Monitoring guidelines for Sand Mining" 2020 के अनुसार डिस्ट्रिक्ट सर्वे रिपोर्ट तैयार करने का उल्लेख किया गया है।

जिसके संबंध में सादर संज्ञानित करना है कि उत्तर प्रदेश शासन के शासनादेश संख्या 865/86/2020-01(सा०)/2020 दिनांक 12.06.2020 द्वारा समस्त जिलाधिकारियों एवं निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०, लखनऊ को "Enforcement & Monitoring guidelines for Sand Mining" 2020 के अनुसार जिला सर्वेक्षण रिपोर्ट Modification (सुधार) के संबंध में निर्देश दिये गये हैं (संलग्नक-16)। शासनादेश दिनांक 12.06.2020 जारी होने के उपरान्त जनपद सहारनपुर में ई-निविदा सह ई-नीलामी संबंधी कोई कार्यवाही सम्पादित नहीं हुयी है।

माननीय राष्ट्रीय हरित प्राधिकरण के संज्ञान में समर्पित करना है कि जनपद सहारनपुर में बालू के दो खनन पट्टे तहसील सदर अन्तर्गत दरियाबरामद दिनांक 04.10.2019 से 03.10.2024 तक स्वीकृत है एवं तहसील नकुड स्थित ग्राम ढिक्काकलां दिनांक 16.11.2019 से 15.11.2024 तक स्वीकृत है। जिसमें बालू का खनन कार्य पट्टा विलेख के निष्पादन से प्रारम्भ है। दिनांक 23.03.2020 से सम्पूर्ण भारतवर्ष में लॉकडाउन प्रारम्भ हुआ था, जिसके कारण दिनांक 23.03.2020 से खनन सक्रिया बन्द हो गयी थी। लॉकडाउन की अवधि के दौरान जनपद सहारनपुर में कोई खनन सम्बन्धी कार्य नहीं हुआ है। शासन के पत्र संख्या 5जी०आई०/86-2020-14 (सामान्य)/2020 दिनांक 17.04.2020 कुछ शर्तों के साथ खनन कार्य प्रारम्भ करने का निर्देश प्राप्त हुआ (संलग्नक -17)। शासन के उक्त आदेश के अनुपालन में जिलाधिकारी कार्यालय के पत्र संख्या 3909/ख०अनु०/खनन लिपिक/2020 दिनांक 05.05.2020 से शासनादेशों में इंगित शर्तों के अन्तर्गत खनन कार्य प्रारम्भ किया गया। (संलग्नक-18)

उपरोक्त तथ्यों से स्पष्ट है कि याची द्वारा प्रस्तुत प्रत्यावेदन दिनांक 22.08.2020 निराधार तथ्यों पर आधारित होने के कारण विचार योग्य नहीं है अतः प्रश्नगत याचिका निरस्त किए जाने योग्य है।

(मेराज उद्दीन) 24/11/2020
SEIAA
द्वारा नामित सदस्य

(विनोद कुमार) 24/11/2020
अपर जिलाधिकारी (वित्त एवं राजस्व)
जिलाधिकारी, सहारनपुर
द्वारा नामित सदस्य

संख्या-1

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Vineet Khand-1, Gomti Nagar, Lucknow - 226 010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

पत्रांक : 171/पर्या0 / एस0ई0आई0ए0ए0/90/2020

दिनांक 23 सितम्बर, 2020

आदेश

मा0 राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली में ओ0 ए0 संख्या-90/2020 प्रमोद बनाम उत्तर प्रदेश राज्य व अन्य में दिनांक 17.08.2020 को आदेश पारित किया गया है, जिसके सुसंगत अंश निम्नवत् हैं:-

1. Grievance in this application is inter - alia is against District Survey report for riverbed sand mining in District Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management Guidelines, 2020. The mining sites are within 1 k.m. from Katesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF&CC order dated 08.08.2019. Mining is also in prohibited area being upstream of Hathnikund Barrage in Saharanpur. Cluster Impact Assessment has not been done as required. The sand mining has been continuing even during the locked down period. The above report shows that there is noncompliance of the direction as the task has been assigned to the Technical Committee at the District level which does not comprise of experts. The micro assessment of the area is required to be done with the involvement of experts.
2. A report was sought from District Magistrate, Saharanpur and SEIAA, U.P. vide order dated 29.06.2020
3. Accordingly, a report has been filed on 13.07.2020 to the effect that leases were granted prior to the Sustainable Sand Mining Guidelines, 2020. However, the fact remains that the replenishment study is required even de hors the said Guidelines, the objections of the applicant may be responded to by the Department. The applicant is at liberty to file a fresh representation before the District Magistrate, Saharanpur and SEIAA, U.P. within one week from today with reference to the report filed on 13.7.2020.
4. Let a fresh report be furnished by the District Magistrate, Saharanpur and SEIAA, U.P., dealing with the objections of the applicant, before the next 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.
List again on 06.10.2020

मा0 एन0जी0टी0 के आदेश दिनांक 29.06.2020 के अनुपालन में एस0ई0आई0ए0ए0 द्वारा अपने कार्यालय-ज्ञाप संख्या-171, दिनांक 03.07.2020 के माध्यम से निम्नवत् समिति का गठन किया गया है:-

1. श्री मेराज उद्दीन, एस0ई0आई0ए0ए0 द्वारा नामित प्रतिनिधि।
2. जिलाधिकारी, सहारनपुर अथवा उनके द्वारा नामित प्रतिनिधि।

उक्त समिति द्वारा प्रस्तुत संयुक्त अनुपालन आख्या, जो दिनांक 13.07.2020 को मा0 एन0जी0टी0 में दाखिल की गयी। तदनुसार संयुक्त आख्या के विरुद्ध एवं मा0 न्यायालय के आदेश दिनांक 17.08.2020 के क्रम में याची द्वारा प्रस्तुत आपत्ति दिनांक 22.08.2020 के सम्बन्ध में एस.ई.आई.ए.ए. द्वारा प्राधिकरण की बैठक, दिनांक 11.09.2020 में विचार-विमर्श कर प्रकरण को एस.ई.आई.सी. को कमेंट्स हेतु रिफरबैक किया गया, जिसपर समिति द्वारा बैठक दिनांक 25.09.2020 में विचार-विमर्श करते हुए निम्नवत् निर्णय लिया गया -

In view of above, the SEAC noted that as per letter no. 171/Parya/SEIAA/90/2020 dated 03/07/2020 to Member Secretary, SEIAA, U.P., the committee of Shri Meraj Uddin, nominated members of SEIAA and Shri Vinod Kumar, ADM (F&R) nominated member by District Magistrate, Saharanpur has already been constituted in this regard. The SEAC opined that the above joint committee

shall examine the objections raised by the applicant and will furnish a report within this month to SEIAA and District Magistrate, Saharanpur for filing before the Hon'ble NGT.

अतः उक्त निर्णय के क्रम में एस.ई.आई.ए.ए. एवं जिलाधिकारी, सहारनपुर द्वारा पूर्व में गठित समिति एस0ई0आई0ए0ए0 द्वारा नामित प्रतिनिधि (श्री मेराज उद्दीन सदस्य, एस0ई0ए0सी0) तथा जिलाधिकारी, सहारनपुर द्वारा नामित प्रतिनिधि (श्री विनोद कुमार, अपर जिलाधिकारी, वित्त एवं राजस्व) द्वारा याची की आपत्ति दिनांक 22.08.2020 पर अपनी रिपोर्ट तत्काल एस.ई.आई.ए.ए., उ0प्र0 एवं जिलाधिकारी, सहारनपुर को प्रस्तुत की जायेगी, जिससे ससमय मा0 न्यायालय के आदेशों का अनुपालन सुनिश्चित किया जा सके।

(आशीष तिवारी)
सदस्य सचिव,
एस0ई0आई0ए0ए0

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

1. जिलाधिकारी, सहारनपुर।
2. अध्यक्ष, एस0ई0आई0ए0ए0, विनीत खण्ड, गोमतीनगर, लखनऊ।
3. अध्यक्ष, एस0ई0ए0सी0, विनीत खण्ड, गोमतीनगर, लखनऊ।
4. श्री मेराज उद्दीन, सदस्य, एस0ई0ए0सी0।
5. जिला खनन अधिकारी, सहारनपुर।

(आशीष तिवारी)
सदस्य सचिव,
एस0ई0आई0ए0ए0

2/10/18 - 2

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Execution Application No. 17 of 2016
(M.A. NO. 723 OF 2016)

In

Original Application No. 184 OF 2013
AND

Original Application No. 171 of 2016
(M.A. NO. 528 OF 2016)

AND

Original Application No. 176 of 2016
(Earlier O.A. No. 184/2013)
(M.A. No. 1252 of 2017 & M.A. No. 1376 of 2017)

And

M.A. No. 425 of 2016

In

Original Application No. 184 of 2013

IN THE MATTER OF:

Pramod
(In Gurpreet Singh Bagga Vs. Ministry of Environment & Forest, & CC case)
Vs.

State of Uttar Pradesh & Ors. /

And

Pramod Vs. State of Uttar Pradesh & Ors. /

And

Gurpreet Singh Bagga Vs. MoEF & Ors. /

And

Gurpreet Singh Bagga Vs. MoEF & Ors. /

CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Present:

Applicant:

Respondents:

Mr. Alok Sangwan, Mr. Uttarakh Srivastava, Advs.
Mr. Manish Kumar, Adv. for HP Govt.
Mr. Divya Prakash Pande, Adv. for MoEF
Mr. Divya Prakash Pande, Adv. for Ministry of
Environment, Forest and Climate Change
Mr. Om Prakash, Adv.
Mr. Anil Grover, AAG with Mr. Rahul Khurana &
Mishal Vij, Advs. for State of Haryana and HSPCB
Mr. Ankit Verma, Adv. for State of Uttar Pradesh
Ms. Aishwarya Bhatti, AAG-UP

Date and Remarks	Orders of the Tribunal
<p>Item Nos. 10 to 13</p> <p>August 08, 2018</p>	<p>1. The matter of illegal mining in the flood plain of river Yamuna in the Districts of Yamuna Nagar, Haryana and Saharanpur, Uttar Pradesh was the subject matter of consideration by this Tribunal in judgment dated 18.02.2016.</p> <p>The Tribunal constituted a High Powered Committee headed by the Secretary, Ministry of Environment, Forest</p>

Item Nos.
10 to 13

August 08,
2018

▪

and Climate Change with the representatives of the States of Haryana and Uttar Pradesh. The States were required to submit mining plan consistent with the statutory provisions indicating the methodology to be followed for permitting mining on the river bed and conditions required to be imposed. The plan way to provide for check posts to ensure that there is no illegal transportation of mined material. It was directed that the mining should be in a semi-mechanised and scientific manner or non-mechanised manner. It should be in an environment friendly manner. It was expected that a regulated regime will be brought about the illegal mining which had already taken place, direction to recover environment compensation was also issued. There was also a direction for investigation and enquiry as to who was responsible for illegal mining, apart from those identified in the proceedings before this Tribunal.

2. A status report has been filed before this Tribunal by Ministry of Environment, Forest and Climate Change on 15.09.2016 along with the report of High Powered Committee dated 19.05.2016. Recommendations in the High Powered Committee Report are that mining should be done in terms of the Mining Plan. Since in Saharanpur the investigation had not been completed, no mining should be permitted. Mining should be only after valid consent to operate and subject to compliance of the environmental clearance conditions which are to be enforced by the DEIAA, SPCB and Regional Offices of MoEF & CC. There should be quarterly meeting of District Level Task Forces for inter-state co-ordination. Recommendations have also been made for operating the

Item Nos.
10 to 13

August 08,
2018

check posts and recovery of ecological compensation.

Submission has also been filed by the State of Uttar Pradesh stating that the State has submitted approved comprehensive mining plan for Saharanpur on 30.08.2017 which calls for lifting of the complete ban. The State of UP had submitted a mining plan to the MoEF & CC and the same has been filed before this Tribunal on 30.08.2017.

An affidavit has also been filed by MoEF & CC on 31.08.2017, in response to the order of this Tribunal dated 18.07.2017. According to Ministry of Environment, Forest and Climate Change, the mining plans of Saharanpur district have been duly approved by the State Mining and Geology Department of Uttar Pradesh. The HPC has concurred with the same.

In view of the above, we make it clear that the order of this Tribunal dated 18.02.2016 will not be a bar to mining in the District of Saharanpur in accordance with the conditions of the said order and consistent with the environmental laws. Whether or not the plan prepared for district Saharanpur is in accordance with the judgment or the environment laws is a subject matter which can be gone into in any appropriate proceedings, if raised.

It is submitted on behalf of State of Uttar Pradesh that in pursuance of the order of this Tribunal dated 18.02.2016, a report of assessment of the value of ecological damage has been made. Since there is no objection to the report, the report will stand accepted. Appropriate action may accordingly be taken in terms of the said report by the concerned authority.

<p>Item Nos. 10 to 13</p> <p>August 08, 2018</p> <p>R</p>	<p>The matter stands accordingly disposed of.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (Dr. Jawad Rahim)</p> <p>....., JM (S.P. Wangdi)</p> <p>....., EM (Dr. Nagin Nanda)</p> <p>08.08.2018</p>
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संलग्नक:-3

जनपद सहारनपुर में बालू/बजरी/बोल्डर(मिश्रित अवस्था में) स्वीकृत/संचालित खनन पट्टा क्षेत्रों की अद्यवधिक स्थिति:-

क्र० सं०	तहसील	खनिज नाम	का	क्षेत्र का नाम	गाटा सं०	क्षेत्रफल (हे० में)	उपखनिज की मात्रा (घ०मी० में)	विज्ञप्ति दिनांक	LOI का दिनांक	मार्डनिंग प्लान अनुमोदन का दिनांक	EC जारी का दिनांक	पट्टा निष्पादन/पट्टा अवधि	अभ्युक्ति
1	बेहट	बालू/बजरी/बोल्डर		मायापुर रूपपुर	14/1	3.10	69,750	16.09.2019 एवं पुनः 01.11.2019	28.12.2019	14.01.2020	27.05.2020	15.06.2020 से 14.06.2025 तक	कार्यरत
2	बेहट	बालू/बजरी/बोल्डर		रहना	179/2	3.75	67,500	16.09.2019 एवं पुनः 01.11.2019	07.01.2020	24.01.2020	27.05.2020	06.06.2020 से 05.06.2025 तक	कार्यरत
3	बेहट	बालू/बजरी/बोल्डर		रहना ताट नं० 3	3 लॉट सं०-3	8.05	1,38,462	16.09.2019 एवं पुनः 01.11.2019	23.01.2020	13.03.2020	18.06.2020	20.06.2020 से 19.06.2025 तक	कार्यरत
4	बेहट	बालू/बजरी/बोल्डर		हैदरपुर हिन्दुवाला	8/1, 19, 22	4.20	94,500	16.09.2019 एवं पुनः 01.11.2019	14.01.2020	26.02.2020	24.08.2020	06.10.2020 से 05.10.2025 तक	कार्यरत
5	बेहट	बालू/बजरी/बोल्डर		शेरपुर पेलों	378/2, 379/2	7.00	1,97,500	16.09.2019 एवं पुनः 01.11.2019	14.01.2020	13.03.2020	-	-	EC प्राप्त करने हेतु SIEAA में लम्बित है।
6	बेहट	बालू/बजरी/बोल्डर		बरथा कोरसी	1	36.00	7,56,000	16.09.2019 एवं पुनः 01.11.2019	30.12.2019	13.03.2020	-	-	EC प्राप्त करने हेतु SIEAA में लम्बित है।
7	बेहट	बालू/बजरी/बोल्डर		काठवाला पहाड़ीपुर	92, 93 94, 116/1, 117/1, 118/1, 119/1, 120/1, 192/1 लॉट सं० 34	18.75	3,37,955	20.01.2018	15.03.2018	-	-	-	EC प्राप्त करने हेतु SIEAA में लम्बित है।
8	बेहट	बालू/बजरी/बोल्डर		नुनियाशी अहतमाल	1/1/1 लॉट सं०-38	24.29	4,37,247	20.01.2018	15.03.2018	03.05.2019	22.11.2018	07.02.2019 से 06.02.2024 तक	दिनांक 18.12.2019 को निरस्त 2019 को निरस्त
9	बेहट	बालू/बजरी/बोल्डर		नुनियाशी अहतमाल	1/1/1 लॉट सं०-38	24.29	4,37,247	04.03.2020	05.06.2020	11.08.2020	-	-	EC प्राप्त करने हेतु SIEAA में लम्बित है।

नोट:- कम संख्या-8 पर अंकित क्षेत्र नुनियाशी अहतमाल की देय किस्त जमा न होने के कारण दिनांक 18.12.2019 को निरस्त किया गया है तथा दिनांक 04.03.2020 को पुनः विज्ञापित किया गया है।

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Vinnet Khand-1, Gomti Nagar, Lucknow-226 010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.in

पत्रांक : 171 / पर्या0 / एस0ई0आई0ए0ए0 / 90 / 2020

दिनांक 03 जुलाई, 2020

आदेश

मा0 राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली में ओ0 ए0 संख्या-90/2020 प्रमोद बनाम उ0प्र0 राज्य व अन्य में दिनांक 29.06.2020 को आदेश पारित किया गया है, जिसके सुसंगत अंश निम्नवत् है:-

... "We are of the view that a factual report needs to be called for in response to the above from a joint Committee comprising District Magistrate, Saharanpur and SEIAA, U.P. which may be furnished 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 PDF. The Nodal Agency will be SEIAA, U.P. for coordination and compliance.

A copy of this order be sent to the District Magistrate, Saharanpur and SEIAA, U.P. by e-mail for compliance.

The applicant may serve a set of papers to the District Magistrate, Saharanpur and SEIAA, U.P. and file an affidavit of service by email by 03.07.2020.

List for further consideration on 15.07.2020."

मा0 राष्ट्रीय हरित अधिकरण द्वारा पारित आदेश द्वारा निम्नवत् समिति का गठन किया जाता है:-

1. श्री मेराज उद्दीन, -एस0ई0आई0ए0ए0 द्वारा नामित प्रतिनिधि * --- अध्यक्ष
2. जिलाधिकारी, सहारनपुर अथवा उनके द्वारा नामित प्रतिनिधि --- सदस्य

मा0 एन0जी0टी0 के आदेश दिनांक 29.06.2020 के अनुक्रम में कार्यवाही कर, रिपोर्ट एक सप्ताह के अन्दर जमा की जायेगी।

(आशीष तिवारी)
सदस्य सचिव,
एस0ई0आई0ए0ए0

पुष्ठाकन सं0. 171 / पर्या0 / एस0ई0आई0ए0ए0 / 90 / 2020, तददिनांक:

प्रतिलिपि निम्नलिखित को सूचनार्थ एव आवश्यक कार्यवाही हेतु प्रेषित :-

1. निदेशक, भूतत्व एव खनिकर्म विभाग।
2. जिलाधिकारी, जनपद- सहारनपुर उ0प्र0।
3. सदस्य सचिव, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ।
4. अध्यक्ष, एस0ई0आई0ए0ए0, विनीत खण्ड, गोमतीनगर, लखनऊ।
5. अध्यक्ष, एस0ई0ए0सी0, विनीत खण्ड, गोमतीनगर, लखनऊ।
6. श्री मेराज उद्दीन, सदस्य एस0ई0ए0सी0।

(आशीष तिवारी)
सदस्य सचिव,
एस0ई0आई0ए0ए0

कार्यालय जिलाधिकारी, सहारनपुर

(खनन अनुभाग)

ख्या- 3258/खनन /2017-18

दिनांक:- 2 दिसम्बर 2017

जिला सूचना विज्ञान अधिकारी,
सहारनपुर नगर

भारत सरकार के वन पर्यावरण एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 के क0आ0.141(अ) के अनुरूप परिशिष्ट 10 के अनुसार जिला सर्वेक्षण रिपोर्ट तैयार कर कोलेक्टोरेट में इसकी एक प्रति रखते हुए पब्लिक डोमेन में रखा गया है। पब्लिक डोमेन हेतु जिले की वेबसाइट पर भी अपलोड करना सुनिश्चित करें जिससे की 21 दिनों में प्राप्त की जाने वाली टिप्पणी पर विचार करते हुये अग्रिम कार्यवाही की जा सके।

अपर ~~जिलाधिकारी~~ (वि0 एवं रा0) /
प्रभारी अधिकारी खनन,
सहारनपुर

प्रतिलिपि:-

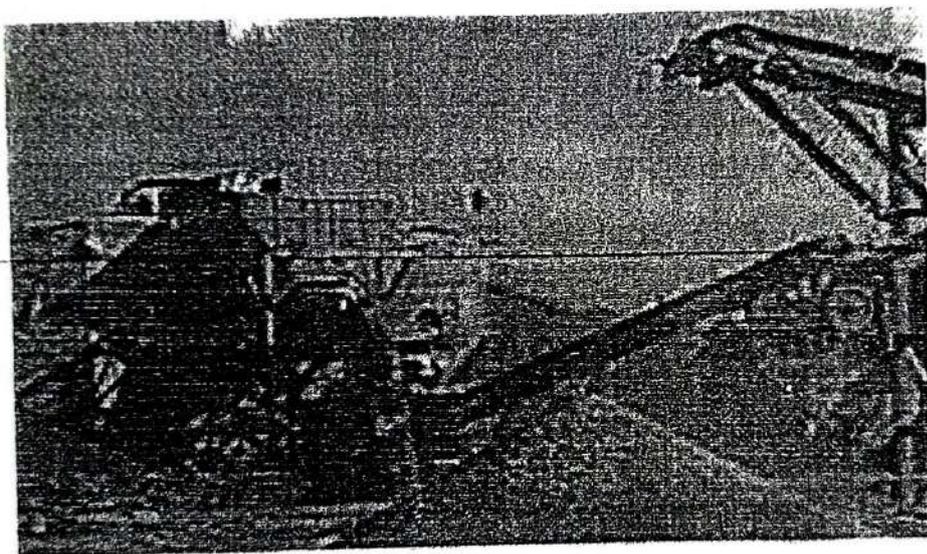
1. निदेशक भूतत्व एवं खनिकर्म लखनऊ, को सूचनार्थ।
2. प्रभारी अधिकारी क्षेत्रीय कार्यालय खनिज भवन लखनऊ को डी0एस0आर0 की प्रति सहित आवश्यक कार्यवाही हेतु प्रेषित।

अपर ~~जिलाधिकारी~~ (वि0 एवं रा0),
प्रभारी अधिकारी खनन,
सहारनपुर



DISTRICT SURVEY REPORT SAHARANPUR

AS PER NOTIFICATION MINISTRY OF ENVIORNMENT, FOREST AND CLIMATE CHANGE NEW DELHI, 15TH JANUARY, 2016 NO. S.O. 141(E).



Mines Officer
Saharanpur
Member Secretary (DEAC)

Ex. Engr. Irrigation
Saharanpur
Chairman (DEAC)

S.D.M(Sadar)
Saharanpur
Member Secretary(DEIAA)

D.F.O
Saharanpur
Member (DEIAA)

District Officer
Saharanpur
Chairman (DEIAA)

D.F.O
Sivalik Forest Div
Member (DEIAA)

INTRODUCTION

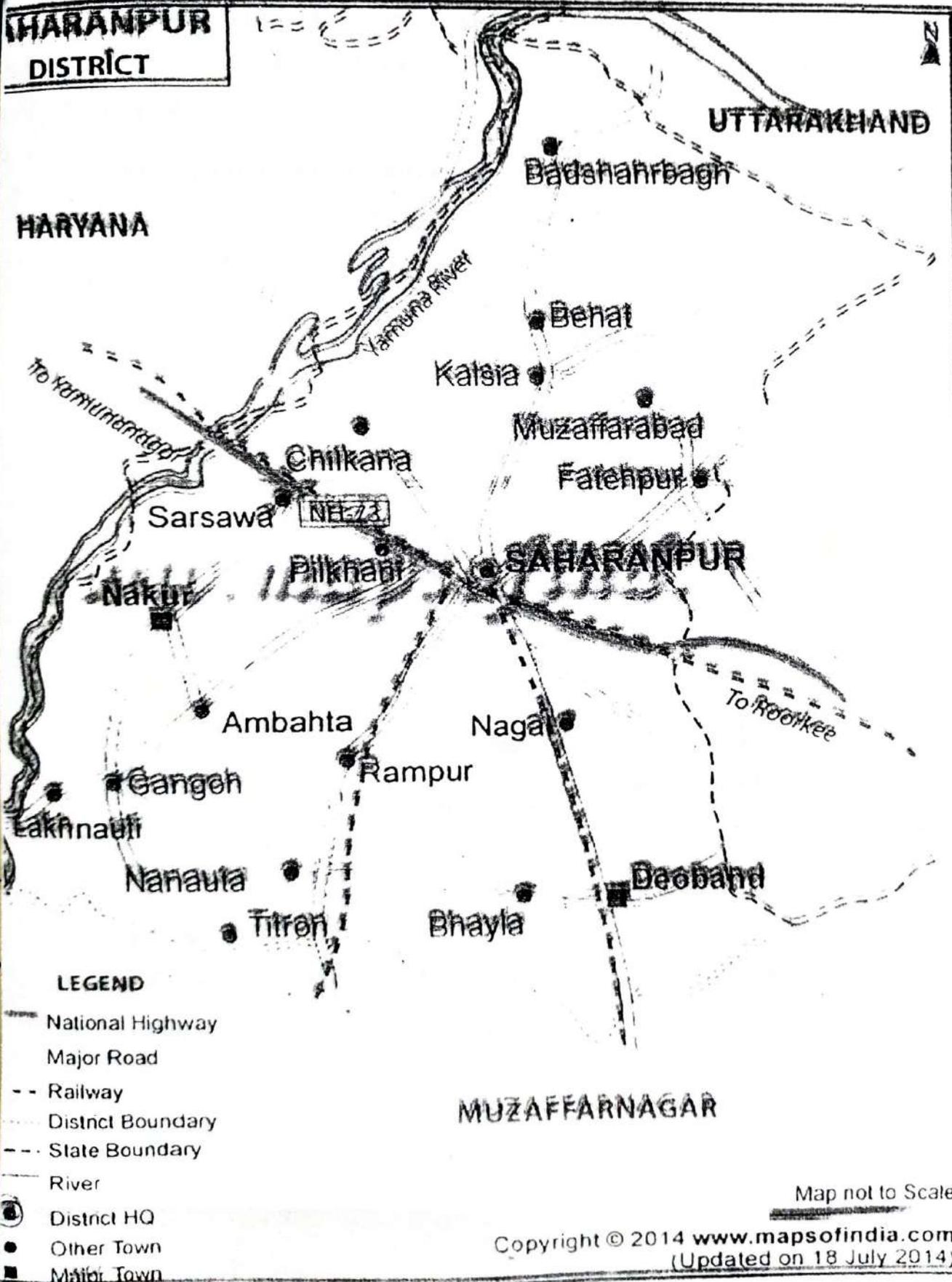
Ministry of Environment, forest and climate change, Government of India issued a gazette Notification No. S.O.141(E) dated 15-01-2016. In para 7(iii) of notification dated 15-01-2016 there is a provision for preparation of District Survey report for sand Mining or River Bed Mining and Mining of other Minor Minerals. The main objective of the preparation of District Survey Report (as per the sustainable sand Mining Guide Line) is to ensure Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in the area.

Saharanpur District in the northern most of the districts of Uttar Pradesh State, India. Bordering the State of Haryana, Himachal Pradesh and Uttarakhand and close to the foothills of shivalik range, it lies in the state of Uttar Pradesh. Saharanpur District forms part of Saharanpur Commissionary and it is commissionary Head Quarter. Pin code of Saharanpur is 247001. Saharanpur is famous in the World for its cottage industries, wood carving and historical heritage. Shakumbhari devi temple and Islamic education center Darul Ulum is famous in the World.

District Saharanpur lies in the extreme uppermost corner of Ganga Yamuna doab region. The District is bounded in west of river Yamuna & Haryana, Uttarakhand to the northern east and district Muzaffar Nagar and Shamli to its South. It extends from latitude $29^{\circ} 34'N$ - $30^{\circ}24'N$ Longitude $77^{\circ} 7'E$ - $78^{\circ} 12'E$ having an geographical area of 3860 Sq. Km.

District Saharanpur is well Connected with railway, Highways. Driving Distance between Saharanpur to India's capital New Delhi is 186 Km and aerial distance is 151 Km. Sarsawa Air port is in the district but it is not in commercial use. Jolly Grant Air Port in Uttarakhand is about 100 km from Saharanpur.

SAHARANPUR DISTRICT MAP



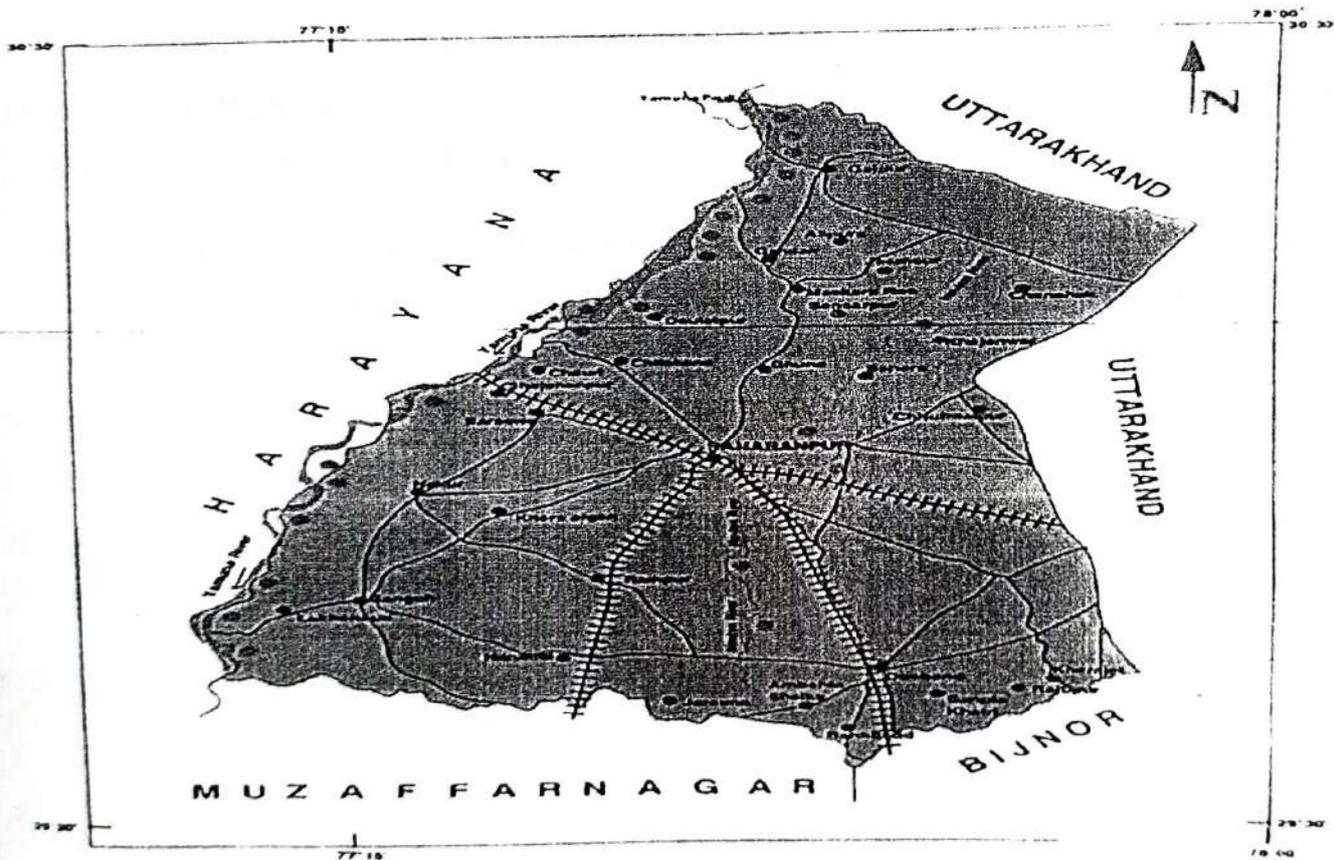
- 3 -

Geology of District Saharanpur

istrict Saharanpur lies in the extreme uppermost corner of Ganga Yamuna b region. The dirstrict is bounded in west by river Yammuna & Haryana, rakhand to the northeast and district Muzaggarnagar to its south. It extends n Latitude- 29°24' N & Longitude- 77°7' E-78°12'E having an geographical i of 3860 sq. km.

GEOLOGICAL & MINERAL MAP OF SAHARANPUR

SCALE 1:250,000



LEGEND

- Alluvium
- Fault
- Sandstone
- Bajri / Sand

- 4 -

area is mostly covered by recent river filled sediments. Sandstone are used in the north eastern part. Yamuna fault is present in the north along the Yamuna River.

LOCAL GEOLOGY:

This region does not have much potential in mineral resources except river bed materials. Boulders of Limestone and sand stone found in the river bed are the primary main minerals. Limestone is found in the Shivalik hills. Stones are hard enough to be used for building purposes and are found in Shivaliks streams. The white efflorescence which is known by the name of Rah is found in the low lying tract and in the canal irrigated areas.

River Sand, Bajari and Boulders found in river bed is an alluvium deposited as a result of transportation of the same from the upstream side as far as 100 km from where the river originates and sediments are river borne and got deposited along course of river bed and side materials along its course. So, these sediments are river borne and got deposited along course of river bed and its flood plains with bigger sized fraction at the floor with graded and finer/smaller fractions as upper layers.

The sequences of formation observed with varying thickness are as follows:

- Silt (inseparable from main body of sand)
- Sand (1 mm to 3mm size)
- Bajri (3mm to 6mm size)
- Boulders (Large size)

The depth extension of deposit is more than 5 m. as judged from trial pit. The southern part of the district is flood plain area and mainly comprises of alluvial soil.

Major Rivers- Yamuna, Hindon & its tributaries.

Mining of sand, Bajari and Boulders is being done since long time. River borne sediments are deposited all along the river-bed and are very well exposed on the surface. Moreover, these sediments are accumulated/ replenished every year during rainy season by river-waters to almost equal to extracted level and sometimes more depending on the intensity of rains on the upstream side.

-5-

adequate quantity of sand, Bajari & Boulders in mixed state reserves are available. Since regular sand lifting is practiced along the river course, and more or less same level is seen after rains, so it is understood that sediments load carried is near equal to what is lifted.

GEO-TECHNICAL ASPECT:

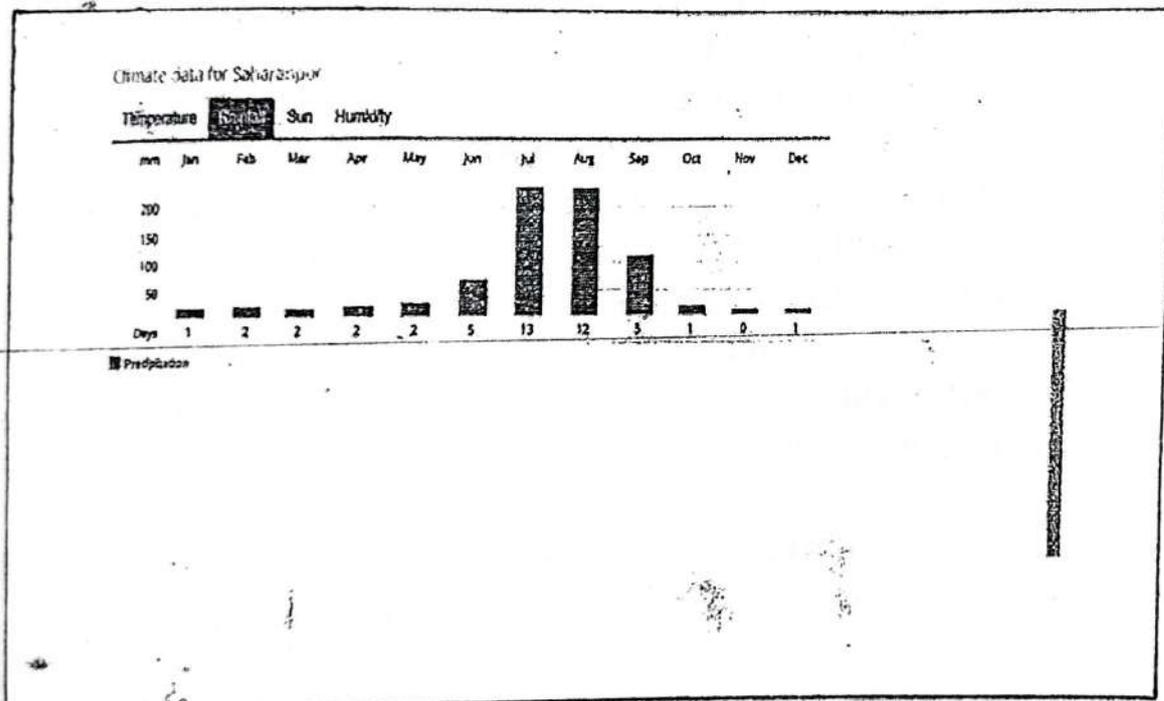
Structure of river bed and alluvial sand:-

The lease areas are allotted within the regular course of all 11 tributaries which are flooded in the rainy season. All the deposit comprises sand at upper most level. The sand is surrounded by boulders discoidal in shape having smooth surface. The thickness of deposit varies up to 5m from ground level.

During monsoon this bed replenished to large extent due to erosion by heavy flow in higher reach and as soon as the stream reaches in channel downward, shed their loads in river banks due to decrease in velocity and carrying capacity.

The area is dominated by medium to fine sand. geologically the area comprising of Terrace alluvium deposited in depositional terraces of old rivers the Alluvium may be differentiated into Older Alluvium consisting of oxidized (brown, yellow and khaki colour) sediments and Newer Alluvium comprising of un-oxidized (grey and khaki colour) sediments. The grains are sub-angular and the angularity of the grains of this category of sand decreases with depth.

AVERAGE RAIN FALL IN DISTRICT, SAHARANPUR



REVENUE & MINERAL PRODUCTION

The aim and object to carry-on mining operations within the region as well as in mining lots in the vicinity thereof happens to be imperative and unavoidable. According to experience and rough estimation of the District whatever quantity of minor minerals is extracted from the allotted lot during one year, part of the extracted quantity is automatically replenished every year by the River itself on account of its flow velocity and sediments brought along from upstream side. It is also submitted that if mining mineral is not at all effected in the region then the river-bed is likely to be raised in height with galloping speed leading to diluvium of river-banks and may lead to disturbance of environmental and ecological balance as well: where large areas of human habitation may become dangerously prone to inundation from river waters. Besides the above, the process mining of minor minerals (sand, bajri and boulders in mix state) is a constant source of revenue generation to the state government. It also not only ensures constant supply of building material for the development of society but also creates several opportunities of employment to the locals who are largely dependent on this activity.

Minerals- Only minor minerals viz. Sand, Bajri & Boulder are available in the river bed in district Saharanpur.

Mineral Based industries.

- (i) Stone crushers
- (ii) Screening plants

Last three years revenue of minor mineral in district saharanpur.

year	Revenue (In laks)
2014-15	1391.61
2015-16	952.93
2016-17	651.28
2017-18	810.00 (up to Nov, 2017)

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POTENTIAL RIVER BED MINING AREA OF SAHARANPUR DISTRICT

The district Saharanpur is predominantly covered with river bed mineral viz, sand, bajari & boulders, along river Yamuna & its tributaries. Whole district can be divided in to there potential mining zones viz A, B and C. Zone B has two sub zones B1 and B2 and Zone C has there sub zones C1, C2, C3, C4, C5, C6, C7 and C8.

1- Details of the Potential mining area in Yamuna river in tabulated form.

Zone	Name of river	Tehsil	Location (Strech)	Area	Remarks
A	Yamuna	Behat	From Utrakhand boundary in upstream to Todarpurin downstream.	1670 Heactare	There is Hathinikund Barraje in Yamuna river. For the safety of the barraje all parameters needs to strictly follow.
B1,	Yamuna	Sadar	Govindpur in upstream to Holdapur in downstream.	209 Hectare	There is Ambala highway and railway track in between block B1 and B2 from which 1 km in upstream and 1 km in downstream has been excluded from the mining area.
B2	Yamuna	Nakur	From Jharoli in upstream to Dhika Khurd in downstream.	840 Hectare	
C1	Kothari Rao	Behat	Stretch along Kothari Rao river	107 Hectare	There is reserve forest in north of the C zone from which 5 km has been excluded from the mining area.
C2	Kaluwala	Behat	Streach along kaluwala river	130 Hectare	
C3	Solani	Behat	Stretch along Solani river	130 Hectare	
C4	Khairon Wali River	Behat	Stretch along Khairon wali river		
C5	Gaisra River	Behat	Stretch along Gaisra River		
C6	Badshahi bag Rao River	Behat	Stretch along Bhadsahibhag Rao River		
C7	Sahjahnpur Rao River	Behat	Stretch along Sahjahnpur Rao River		
C8	Lalo River	Behat	Stretch along Lalo River		

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Mineral potential of the zone calculated on the basis of three meter depth of mineable mineral and the area for removal of mineral in a river to be 60 percent of the area as per the Ministry of Environment, Forest and Climate change, Government of India Guidelines of September, 2015.

ZONE -A: A stretch along Yamuna river from north to south starting in upstream from Uttarakhand boundary to Todarpur in downstream. In west of this zone there is Yamuna Nagar, State of Haryana. The area of the zone is 1670 Hectare and river bed mineral found in this zone in the form of mixed state viz. Sand, Bajri and Boulder. The Zone lies in Tehsil Behat of district Saharanpur. Mineral potential of the zone is 300 lakh cubic meter which has been calculated on the basis of three meter depth of mineable mineral and the area for removal of mineral in a river to be 60 percent of the area as per the Ministry of Environment, Forest and Climate change, Government of India Guidelines of September, 2015.

Zone B:-

Zone-B1:- A stretch along Yamuna river from Govindpur in upstream to Holdapur in downstream. The area of the zone is 209 Hectare and river bed mineral found in this zone is Sand. The zone lies in Tehsil Sadar of district Saharanpur. Mineral potential of the zone is 37 lakh cubic meter which has been calculated on the basis of three-meter depth of mineable mineral and the area for removal of mineral in a river to be 60 percent of the area as per the Ministry of Environment, Forest and Climate change, Government of India Guidelines of September, 2015.

Zone- B2 :- A stretch along Yamuna river from Jharoli in upstream to Dhika Khurd in downstream. The area of the zone is 840 Hectare and river bed mineral found in this zone is Sand. The Zone lies in Tehsil Nakur of district Saharanpur. Mineral potential of the zone is 151 lakh cubic meter which has been calculated on the basis of three meter depth of mineable mineral and the area for removal of mineral in a river to be 60 percent of the area as per the Ministry of Environment, Forest and Climate change, Government of India Guidelines of September, 2015.

Zone C:-

Zone- C1:- A stretch along Kothari Rao/Hinden river. The area of the zone is 107 Hectare and river bed mineral found in the form of mixed state viz. Sand, Bajri and Boulder. The Zone lies in Tehsil Behat of district Saharanpur. Mineral in a river to be 60 percent of the area as per the Ministry of Environment, Forest and Climate change, Government of India Guidelines of September, 2015.

Zone- C2:- A stretch along Kaluwala river. The area of the zone is 130 Hectare and river bed mineral found in the form of mixed state viz. Sand, Bajri and Boulder. The zone lies in Tehsil Behat of district Saharanpur. Mineral potential of the zone is 23 lakh cubic meter which has been calculated on the basis of three meter depth of mineable mineral and the area for removal of mineral in a river to be 60 percent of the area as per the Ministry of Environment, Forest and Climate change, Government of India Guidelines of September, 2015.

Zone-C3:- A stretch along Solani river. The area of the zone is 130 Hectare and river bed mineral found in the form of mixed state viz. Sand, Bajri and Boulder. The

Zone lies in Tehsil Behat of district Saharanpur. Mineral potential of the zone is 23 lakh cubic meter which has been calculated on the basis of three meter depth of the area as per the Ministry of Environment, Forest and Climate change, Government of India Guidelines of September, 2015.

Zone C4:- A stretch along Khairon Wali River. River bed mineral is found in mixed state viz Sand, Bazri and Bolder. Area lies in tehsil Behat.

Zone C5:- A stretch along Gaisra River. River bed mineral is found in mixed state viz Sand, Bazri and Bolder. Area lies in tehsil Behat.

Zone C6:- A stretch along Badshahi bag Rao River. River bed mineral is found in mixed state viz Sand, Bazri and Bolder. Area lies in tehsil Behat.

Zone C7:- A stretch along Sahjahnpur Rao River. River bed mineral is found mixed state viz Sand, Bazri and Bolder. Area lies in tehsil Behat.

Zone C8:- A stretch along Lalo River. River bed mineral is found in mixed state viz Sand, Bazri and Bolder. Area lies in tehsil Behat.

**Details of River bed mineral areas available for mineral concession
after getting environment clearance.**

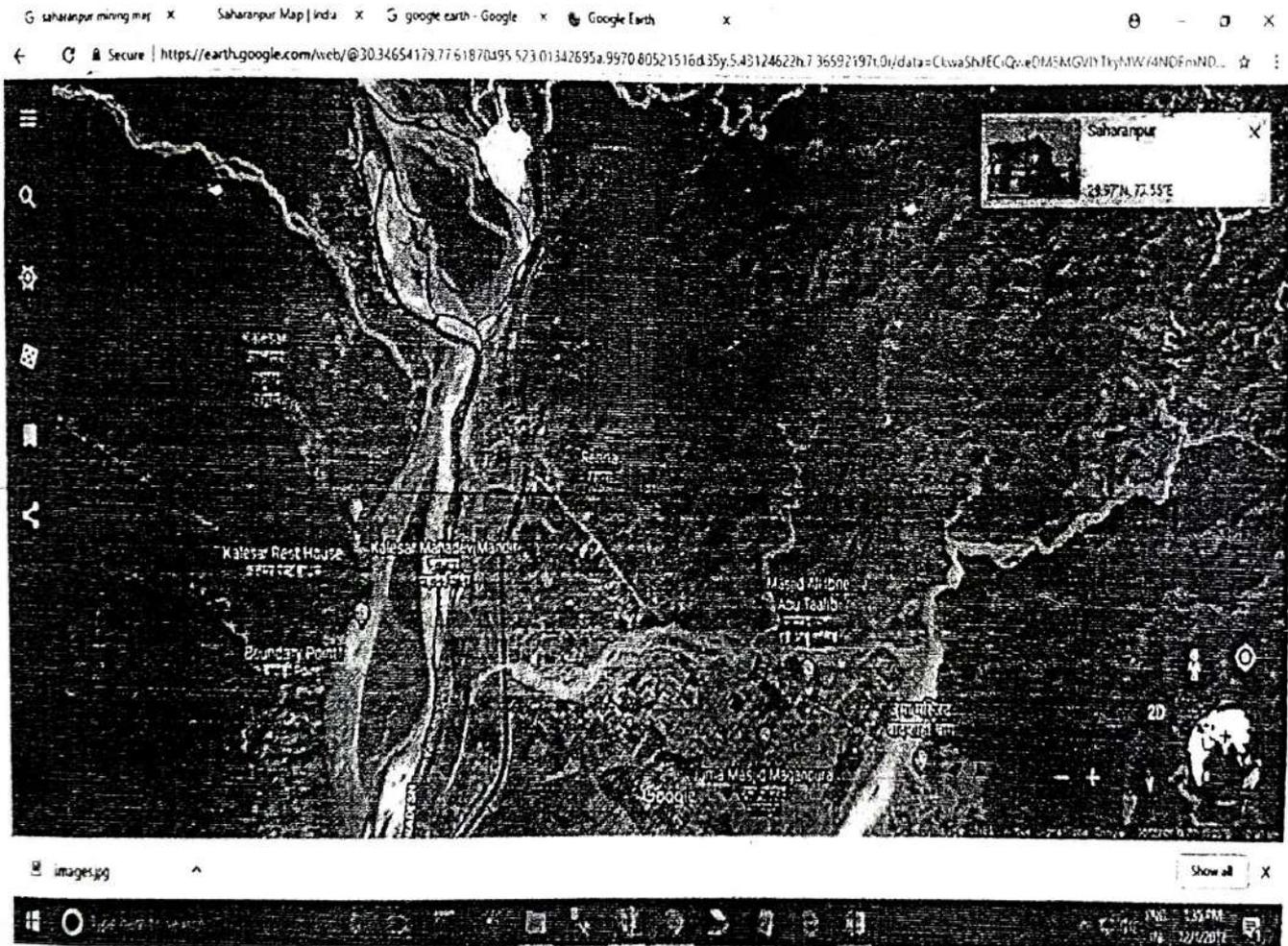
Sr. No.	Zone	Lot no.	Area in acres	Village	Mineable Mineral Potential (Qubic meter)
01	A	03	19.00	Rahana	1384.62
02	A	04	25.50	Rahana	1858.30
03	A	05	25.50	Rahana	1858.30
04	A	17	56.00	Akbarpur Bans	4080.97
05	A	18	26.00	Chhaja Ehtmal	1897.47
06	A	21	49.00	Allauddin purbas	3570.85
07	A	37	60.00	Nunyari Ehtmal	4372.47
08	A	40	90.60	Aslampur Bartha	6602.43
09	A	06	30.60	Faizabad	2229.96
10	A	20	30.60	Madhti Ehtmal	2229.96
11	A	36	86.00	Rasoolpur urf Rasooly	6267.21
12	A	38	60.00	Nuniyari Ehtmal	4372.47
13	A	39	23.00	Tatohal	1676.11
Total			581.8		
14	B1		130.00	Dariya Baramad	9473.68
15	B2		130.00	Dhikka Kalan	9473.68
Total			260.00		
16	C1	13	31.00	Naurangpur	2259.11
17	C2	24	19.00	Jyantipur Bans Ehtmal	1384.62
18	C2	34	46.32	Kaluwala Pahadipur	3375.55
19	C2	23	23.00	Jyantipur Bans Ehtmal	1676.11
20	C2	22	9.88	Jyantipur Ehtmal	7200.00
21	C2	33	16.00	Kaluwala jahanpur	11660.00
22	C3	10	30.00	Thapul Islamailpur	21862.3

Map showing rivers in which mineral sand, bajari and boulder in mix state is found in district Saharanpur.



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Map showing Yamuna river bed mineral area in village Rahena Lot no 3, 4, 5 in district Saharanpur.



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Map showing Yamuna river bed area in village Chajja Ehtmal lot no 18, Akbarpur Bans lot no. 17, Allaudeenpur Bans lot no. 21 in district Saharanpur.



-14-

Map showing Yamuna river bed area in village Aslampur Bartha lot no 40, Rasoolpur urf Rasooli lot no. 36 in district Saharanpur.



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Map showing yamuṇa river bed mineral area in village Nunyari ehtmal lot no.37, 38 & Tatohal lot no 39 in district Saharanpur.

Saharanpur Map | Index

www.maplandia.com/india/uttar-pradesh/saharanpur/saharanpur/

Location Map Map with Street View World Map with Countries



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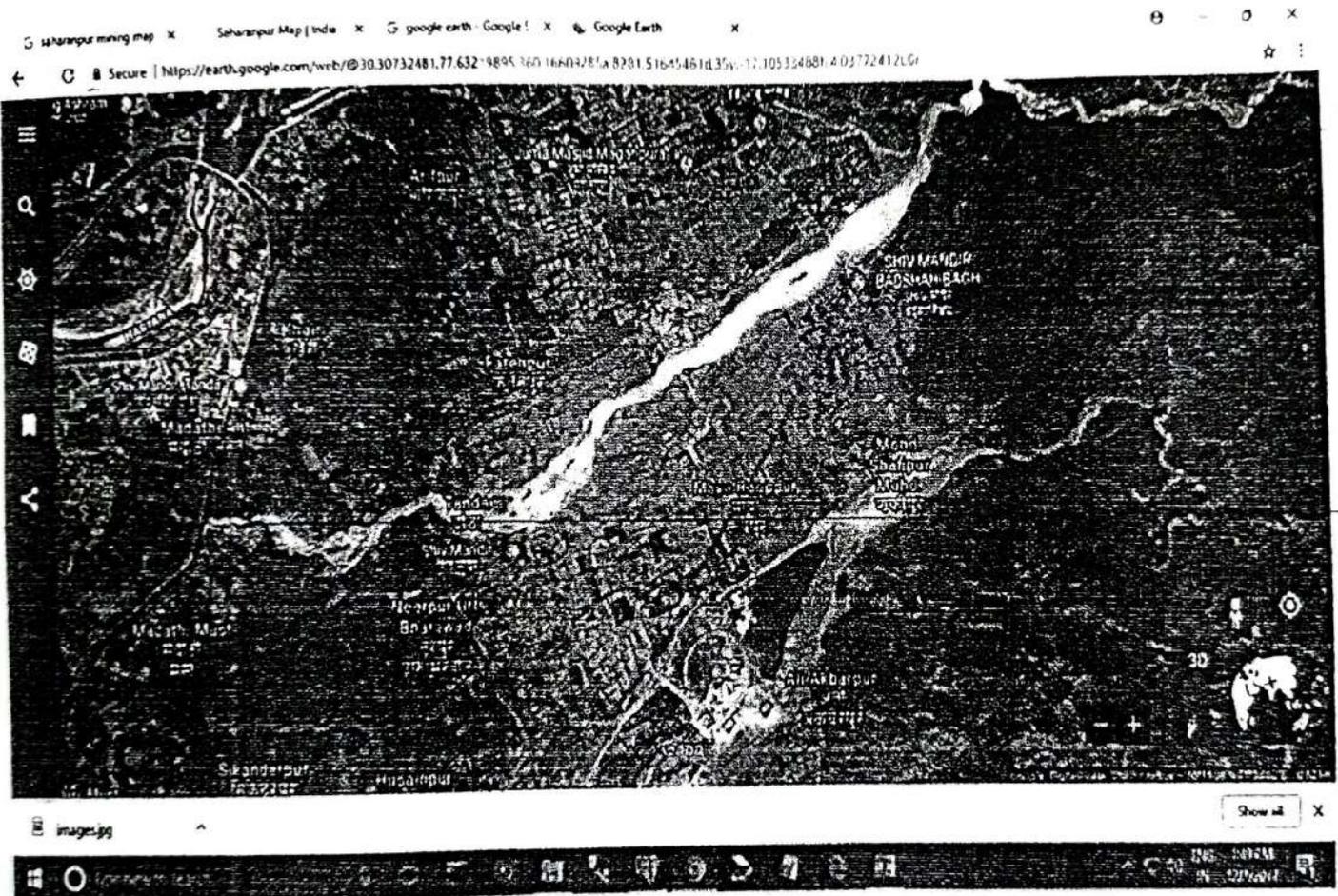


Taskbar area showing Start button, several application icons, and open windows including 'Saharanpur Map | ...', 'google earth - Micro...', and 'mking map'.

System tray area showing system clock and other background icons.

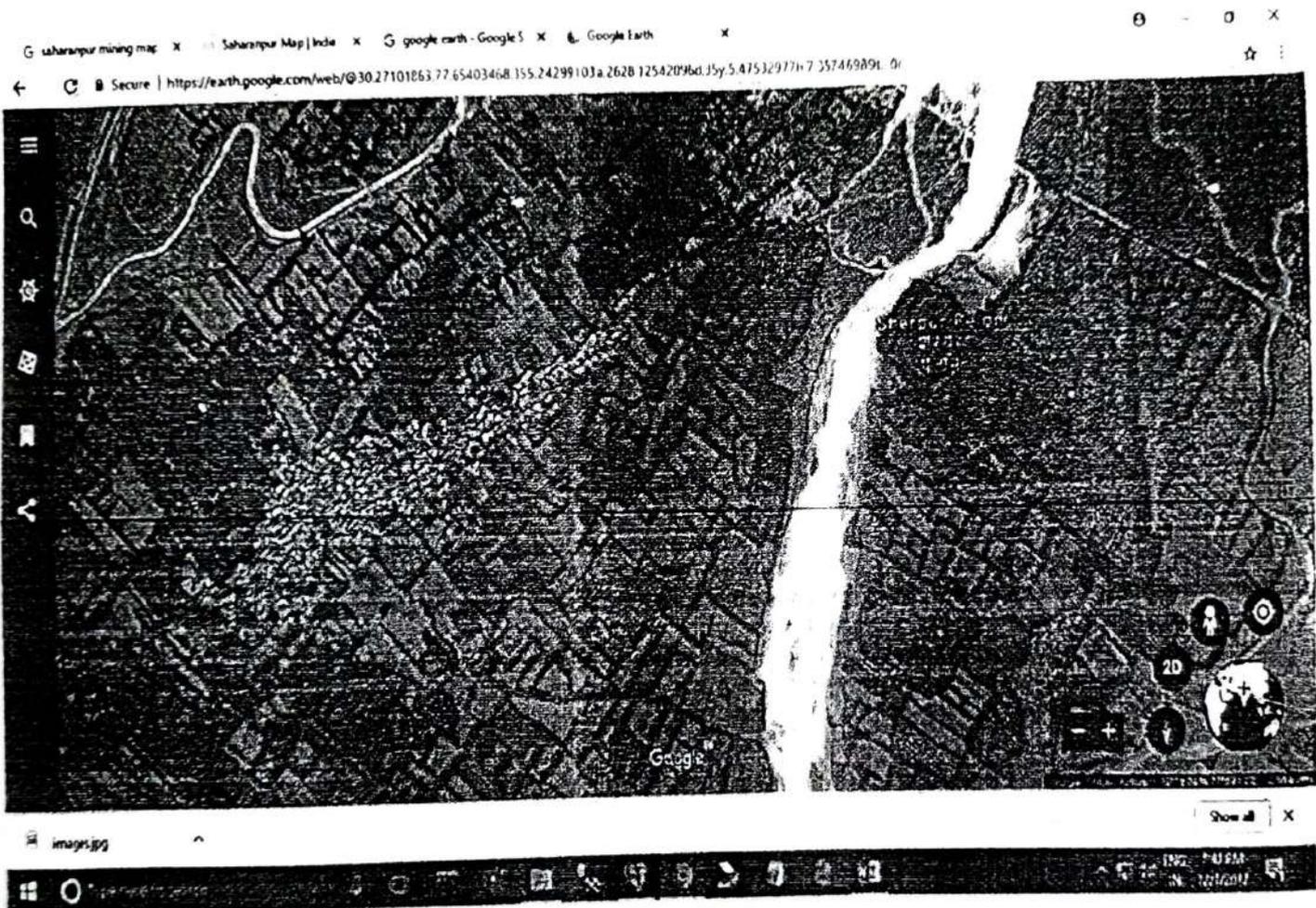
-17-

Map showing river sahanpur rao river bed mineral area in village fatehpur lot no.15, 16 in district Saharanpur.



-18-

Map showing Khairon wali riverbed mineral area village Sherpurpelo lot no.1 in district Saharanpur.

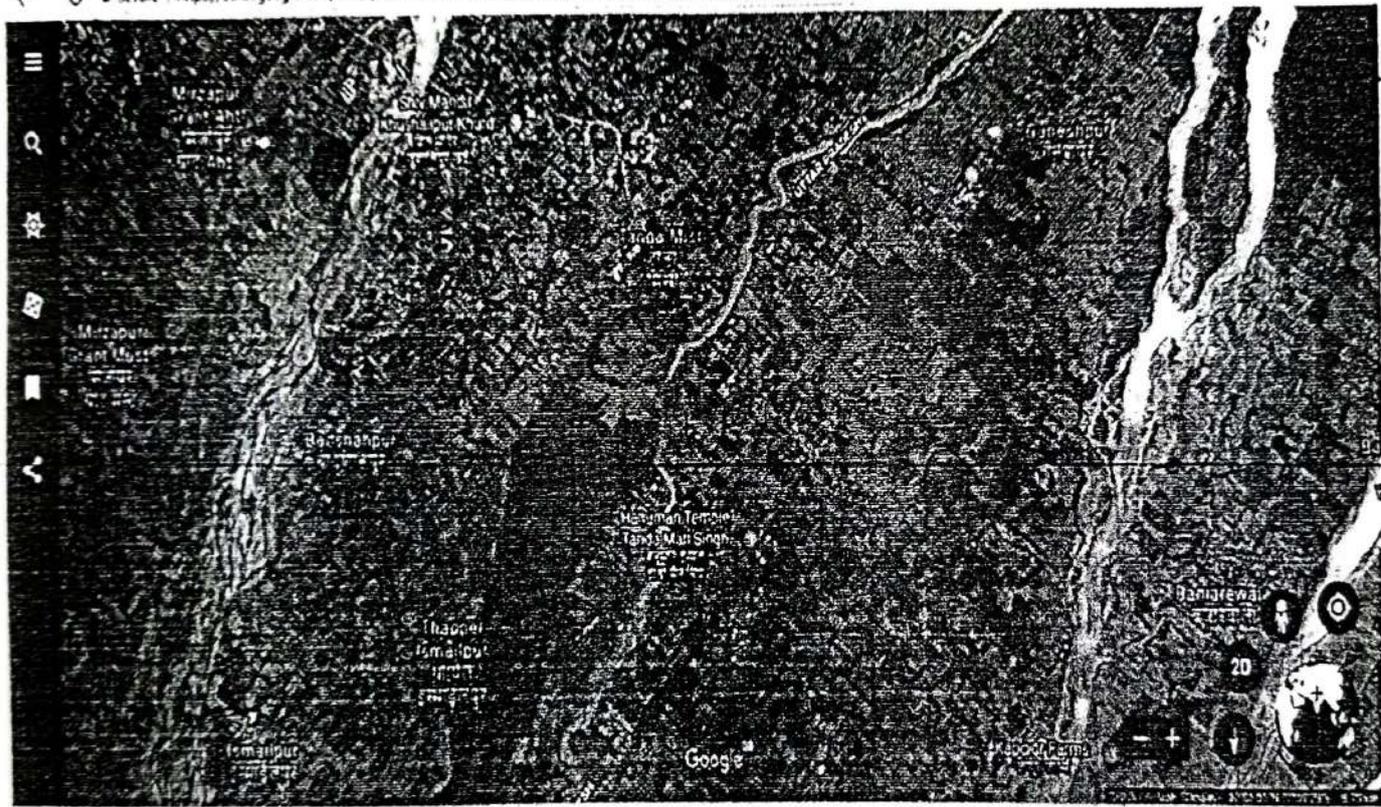


- 19 -

Map showing kaluwala river bed mineral area in village thapul ismailepur sub zone C2 lot no. 24, 34, 23, 22, 33 and solani river bed mineral area lot no.9, 10, 11, 25, 28, 29, 30, 31 and lalo river bed mineral lot no. 12 in district Saharanpur.

G saharanpur mining map X - Saharanpur Map | India X - G google earth - Google S X / Google Earth X

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Images gallery Show all X



- 20 -

23	C3	11	17.30	Thapul Islamailpur	126273
24	C3	25	13.80	Abdullapur	100567
25	C3	28	22.00	Badshahpur	160324
26	C3	30	25.50	Khushhalipur	185830
27	C3	31	46.32	Khushhalipur	337555
28	C3	29	33.00	Badshahpur	240486
29	C3	9	17.00	Thapal Ismailpur	123887
30	C4	1	19.00	Sherpur Pelo	138462
31	C5	7	6.00	Faizabad	43725
32	C5	8	17.00	Faizabad	123887
33	C6	26	23.00	Mayapur Rooppur	167611
34	C6	27	36.72	Mayapur, Rooppur	267595
35	C7	15	15.44	Fatehpur Pelo	112518
36	C7	16	12.35	Fatehpur Pelo	90000
37	C8	12	16.92	Ganeshpur	123304
Total			496.25		

Conditions to be imposed

- (a) As per provision of rule 41 (e) of UP minor mineral concession Rules, 1963, No mining shall be carried on at or to any point within a distance of 50 meter from any Railway line except with the previous written permission of the Railway administration concern or from any Reservoir, Canal or other Public work such as public road and building or inhabited site except within the previous written permission of the District Officer or any other officer authorized by the State Government in this behalf and otherwise than in accordance with such instructions and conditions either general or special, which may be attach such permission. The said distance of 50 meter shall be measure in case of Railway, Reservoir, Canal, or road horizontally from the outer toe of the bank or the outer edge of the cutting has the case may be and in case of a building horizontally from plinth thereof provided that the distance in the case of village road shall be 10 meters from the outer edge of the cutting.
- (b) As per the provision of Rule 41 (g) of UP minor mineral concession Rules, 1963, the lessee is bound to keep vigilance for not polluting the environment of the lease hold area and the nearby area in connection with mining operation and also maintain ecological balance of the area. If at any time it is found that the mining operation are leading to environment pollution or imbalance of ecology, then after giving an opportunity of being heard the lease may be prematurely terminated.
- (c) As per the G.O. No.- 8168A/9-1-90-(4)/General/89 dated 02.02.1990 of Nagar Vikas Vibhag, U.P. Government mining of sand and earth is prohibited within one kilometer from major bridges on both sides.
- (d) As per G.O. No.- 4805/18-12-92-121/91 dated 31.10.1992 of Udyog Anubhag-12 areas restricted for mining from any Dam or major bridge should be decided after discussion with PWD and Irrigation department concerned.
- (e) As per the provisions of Rule 34(4) of UP minor mineral concession Rules, 1963, mining operation shall in respect of sand or morrum or bajari or boulder or

any of these in mixed state exclusively found in river bed be undertaken in accordance with the mining plan, detailing yearly development schemes, aspect of reclamation and rehabilitation of mined out area including progressive mine closure scheme duly approved by the Director. Provided that the lessee shall start the mining operation after obtaining environmental clearance if required under the provisions of the Environment Impact Assessment Notification, dated September 14, 2006 issued by the Ministry of Environment & Forests, Government of India as amended from time to time. As per the Provisions of Rule 34(6) financial assurance has to be deposited by the lessee at the time of the execution of the lease at the rate of Rs. 25000 per acre that to minimum Rs. 2.00 lakh to ensure the undertaking for reclamation and rehabilitation of the area.

- (f) **As per the provisions of Rule 34(5) of UP minor mineral concession Rules, 1963** The mining lease deed will be executed only after approval of mining plan by the Director after which the lessee shall commence mining operations within six months from the date of execution of the lease deed and shall thereafter conduct such operations without deliberate intermission in a proper, skilful and workman like manner.
- (g) **As per the provisions of Rule 17 (1) of UP minor mineral concession Rules, 1963** when a mining lease is granted, arrangement shall be made by the Director for survey and demarcation of the area granted under the lease and then as per Rule 35 the lessee shall after the survey and demarcation of the area granted under the lease and before executing the lease deed, at his own expense, erect and at all times maintain and keeping good repair boundary marks and pillars necessary to indicate the demarcation shown in the lease deed.
- (h) **As per the provisions of Rule 41(h) of UP minor mineral concession Rules, 1963** the lessee shall not do any mining operation beyond the depth of 3 meters of water level which ever is less in the river bed and no mining shall be carried out in the safety zone so worked out by the District Officer.
- (i) Sand/ Gravel will be collected in slices of 1.0 m thickness up to a maximum depth of 3.0 m or river bed water level.

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- (j) Mining at the concave side of the river channel shall be avoided to prevent bank erosion; rather a thick barrier will be left this side.
- (k) Mining will be restricted minimum 7.5 m away (inward) from river bank but up to 10% of width of river whichever is higher as a safety barrier to minimize effect of river bank erosion and to avoid consequent channel migration. Plantation will be done on side of bank along side of lot area to prevent soil erosion and to get as a noise/dust arresters.
- (l) Mining shall be done from stream to river bank.
- (m) Between every mining lots or lease area a barrier of 100 meter should be left to check the river flow.

Turtle nesting areas

~~There are no turtle nesting areas in the stretches of the river of District Saharanpur.~~

Closed Season for mining

The India Meterological Department Nagpur, vide letter no. Nagpur RMC/CS-312 dated 18 Jan 2016 has provided the period of rainy season State wise. AS per the India Meterological Department report the period of rainy season viz normal dates of on set and withdrawal of southwest monsoon over India as State wise for the State of U.P. it is from 15th June to 1st October (3.5 month) and for the State of Haryana it is from 1st July to 15th September (2.5 month), Whereas for Saharanpur (Uttar Pradesh) and Yamuna Nagar (Haryana) it should be same.

PROVISION FOR MINERAL CONCESSION

Section 15 of MMDR Act 1957 empowers the respective State Government to make rules for regulating the grant of quarry leases, mining leases or other mineral concession in respect of minor minerals. In exercise of the powers conferred by subsection (1) of section 15 of the Mines and Minerals (Regulation & Development) Act, 1957, the Government of Uttar Pradesh has made the Uttar Pradesh Minor Mineral Concession Rules 1963, there are 3-ways of mineral concession for river bed minor minerals such as Sand, Bajari, Boulder.

1. Mining lease under Chapter-II.
2. Auction Lease under Chapter-IV.
3. Short term mining permit under Chapter VI.

As per the provision of Uttar Pradesh Minor Mineral Concession Rules, 1963, It is purview of the State Govt. to adopt mining lease or auction lease at one time and availability of the area is advertised under rule 72 accordingly. Period of lease of river bed mineral such as sand as sand, bajari, boulder was previously 3 years which has been amended and made to 5 years by 38th amendment dated 14.07.2015 in Uttar Pradesh Minor Mineral Concession Rules, 1963, in view of the judgment and order of Supreme Court dated 27.02.2012 in the matter of Deepak Kumar v/s State of Haryana.

4.1 Mining Lease:

In Mining lease lessee pays annual dead rent/ lease amount or royalty whichever is higher. Here lease amount of a lease area is decided on the basis of highest income received during last 3 years.

4.2 Auction Lease:

In auction lease, lessee pays a bid amount on annual basis and free to excavate any quantity of mineral within the limit of quantity specified in Environmental Clearance and on dead rent/lease amount or royalty is paid.

4.3 Short-term Mining Permit:

A short-term mining permit is granted for maximum six months for a fixed quantity of minerals for which royalty gets deposited in advance.

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Present Policy:-

State of U.P. has now come up with a new mining policy 2017. There are objects of the mining policy are summarized here in below:-

- (1) Sustainable socio-economic development.
- (2) Mineral conservation.
- (3) Maintaining balance of environment and ecology.
- (4) Technological interventions to prevent illegal mining and transportation.
- (5) Provisions of strong punishment against the persons involved in illegal mining and transportation.
- (6) Providing employment in the sector of employment and encouraging healthy competition in the mining sector.
- (7) Scientific development of minerals including utilization, marketing and human resource development.
- (8) Encourage private partnership and development of mining industry.
- (9) To explore the new minerals by using modern exploration techniques for the development of minerals.

- (10) Grating of concessions of minerals in a transparent manner through a transparent policy.
- (11) Simplifying the mining administration and making it more transparent/robust so as to make it corruption free.
- (12) To start developmental and beneficial schemes for person and areas affected by mining activities.

In pursuant to promulgation of the new mining policy 2017 State of U.P. amended its minor mineral concession rule 1963 vide notification no. 1956/LXXXVI-2017-56 (shamanaya) dated August 14, 2017.

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Details of existing mining leases in river bed in district Saharanpur

At present not a single lease is in river bed area in district Saharanpur.

संशोधन - 6

कार्यालय, जिला स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण, सहारनपुर

पत्रांक 1964 / डी0एस0आर0 / सहारनपुर(खनन) / 2018

दिनांक 26-10-2018

शुद्धिपत्र

संशोधित जिला सर्वेक्षण रिपोर्ट (DSR) सहारनपुर

जिला सर्वेक्षण रिपोर्ट सहारनपुर जो पूर्व में जिला स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण सहारनपुर द्वारा तैयार किया गया है, में गाटा संख्या सम्बन्धी त्रुटि को निम्नवत संशोधित किया जाता है:-

क्रमांक	तहसील	ग्राम	गाटा संख्या	क्षेत्रफल
1	सदर	दरिया बरामद	1/1	52.63 हे०
2	नकुड	ढिक्काकला	839,841 से 856, 858, 859,860,861,863,864,865, 866,867,871,872,888,889, 406,407	52.63 हे०
3	बेहट	नूनियारी अहतमाल	1/1/1 लाट नं०-38	24.29 हे०
4	बेहट	रहना	03 लाट नं०-3	8.05 हे०
5	बेहट	कालूवाला पहाड़ीपुर	92, 93/1, 94, 116/1, 117/1,118/1,119/1, 120/1,192/1 लाट नं०-34	18.75 हे०

जिला सर्वेक्षण रिपोर्ट (DSR) सहारनपुर में उक्तानुसार आंशिक संशोधन किया

जाता है।

(आलोक कुमार पाण्डेय)

जिलाधिकारी

सहारनपुर

o/c

कार्यालय जिलाधिकारी, सहारनपुर।
(खनन अनुभाग)

संख्या : 551/खनन/2019-20

दिनांक 07 सितम्बर, 2019

जिला सूचना विज्ञान अधिकारी
सहारनपुर।

भारत सरकार के वन पर्यावरण एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15.01.2016 में दिए गए निर्देशानुसार जिला सर्वेक्षण रिपोर्ट की प्रति दिनांक 02.12.2017 को जिले के वेबसाइट पर अपलोड किया गया था। जिला स्तरीय पर्यावरण समाघात प्राधिकरण की बैठक दिनांक 04.09.2019 में लिए गए निर्णय के अनुसार 5 नये क्षेत्रों को जिला सर्वेक्षण रिपोर्ट में सम्मिलित किये जाने का निर्णय लिया गया है। दिनांक 04.09.2019 को लिए गए निर्णय का कार्यवृत्त जिले की वेबसाइट पर अपलोड करना सुनिश्चित करें जिससे 21 दिनों में प्राप्त होने वाली टिप्पणियों पर विचार करते हुए अग्रिम कार्यवाही की जा सकें।

अपरजिलाधिकारी (वि०/रा०)
सहारनपुर।

प्रतिलिपि:-

1. निदेशक, भूतत्व एवं खनिकर्म को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
2. प्रभारी अधिकारी, क्षेत्रीय कार्यालय गाजियाबाद को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
3. नाजिर सदर को इस निर्देश के साथ प्रेषित है कि संलग्न कार्यवृत्त को सर्वसाधारण से टिप्पणी एवं सूझाव प्राप्त करने हेतु कलेक्ट्रेट के नोटिस बोर्ड पर चस्पा करने हेतु प्रेषित।

अपरजिलाधिकारी (वि०/रा०)
सहारनपुर।

सहारनपुर में यमुना नदी एवं अन्य नदियों में उपलब्ध बालू/बजरी/बोल्डर (मिश्रित पूर्व) के क्षेत्रों को खनन पट्टा पर दिए जाने के लिए जिला सर्वेक्षण रिपोर्ट में सम्मिलित करके हेतु दिनांक 04.09.2019 को पूर्वाह्न-11:00 बजे जिला स्तरीय पर्यावरण समाघात निवारण प्राधिकरण की बैठक की कार्यवृत्त:

उपस्थित अधिकारी के नाम व पद नाम

1. जिलाधिकारी, सहारनपुर	(अध्यक्ष)
2. प्रभागीय वनाधिकारी शिवालिक वन प्रभाग सहारनपुर	(सदस्य)
3. पर्यावरण निदेशक पर्यावरण निदेशालय उपपु क्षेत्रीय कार्यालय मेरठ	(सदस्य)
4. जिलाधिकारी, सहारनपुर	(सदस्य सचिव)
5. प्रभागीय निदेशक शिवालिक वन प्रभाग सहारनपुर	
6. सहायक अधिकारी सहारनपुर	(सदस्य)

भारत सरकार के पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना संख्या 125 दिनांक 15.01.2016 के परिशिष्ट-10 में जिला सर्वेक्षण रिपोर्ट तैयार करने की प्रक्रिया एवं इसकी आवश्यकता के क्षेत्रों को खनन पट्टा पर दिए जाने के लिए जिला सर्वेक्षण रिपोर्ट में सम्मिलित करके हेतु दिनांक 04.09.2019 को पूर्वाह्न-11:00 बजे जिला स्तरीय पर्यावरण समाघात निवारण प्राधिकरण की बैठक की कार्यवृत्त:

उपस्थित अधिकारी के नाम व पद नाम

भारत सरकार के पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना संख्या 125 दिनांक 15.01.2016 के परिशिष्ट-10 में जिला सर्वेक्षण रिपोर्ट तैयार करने की प्रक्रिया एवं इसकी आवश्यकता के क्षेत्रों को खनन पट्टा पर दिए जाने के लिए जिला सर्वेक्षण रिपोर्ट में सम्मिलित करके हेतु दिनांक 04.09.2019 को पूर्वाह्न-11:00 बजे जिला स्तरीय पर्यावरण समाघात निवारण प्राधिकरण की बैठक की कार्यवृत्त:

क्र. सं.	तहसील	ग्राम	गाटा संख्या	क्षेत्रफल	खनन हेतु खनिज की मात्रा (घ0मी में)
1	बहेट	शरपुर पली	378/2 व 379/2	7.000हे0	1,97,500
2	बहेट	मायापुर रूपपुर	14/1	3.10हे0	69,750
3	बहेट	हंदरपुर हिन्दुवाला	8/1, 19, 22	4.20हे0	94,500
4	बहेट	रहना	179/2	3.75हे0	67,500
5	बहेट	दश्या कोरसी	1	36.00हे0	7,56,000

उपरोक्त क्षेत्रों को जिला सर्वेक्षण रिपोर्ट में सम्मिलित किये जाने से पूर्व पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, नई दिल्ली की अधिसूचना दिनांक 15.01.2016 के प्राविधानों के अनुसार 21 दिनों तक नैतिक डामन में आमजन के सुझाव/आपत्ति हेतु जिले की वेबसाइट पर रखा जाना है। उपरोक्त संगत खनन पट्टा के क्रियान्वयन में पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार के नियमों का अनुपालन सुनिश्चित कर लिया जाय।

अतः उपरोक्त प्रस्ताव को पूर्व में अपलोडित जिला सर्वेक्षण रिपोर्ट के पृष्ठ संख्या 20 पर अंकित उपरोक्त क्षेत्रों को सम्मिलित किये जाने हेतु जिला स्तरीय पर्यावरण समाघात निवारण प्राधिकरण की बैठक की कार्यवृत्त में उक्त प्राविधानों के अन्तर्गत अनुमोदित किया जाता है।

सहायक अधिकारी

उपजिलाधिकारी सेंटर
सहारनपुर।
(सदस्य सचिव)

प्रभागीय वनाधिकारी
शिवालिक वन प्रभाग
सहारनपुर।
(सदस्य)

2019-15 - 8

E-Tender-cum-E-Auction of Sand/Morrum/Bajri/Insitu Rocks/Stone Chips in Uttar Pradesh

Report of Saharanpur District (Vigvapti Ref 1959 dtd 1.11.2019)

Block Details	Notified Royalty Rate	Highest IPO received in E-Tender	Highest Bid Received in E-Auction	Overall Highest Bid	Name & Address of Overall Highest Bidder
Block 1	110	121	257	257	ADESH PANDEY/131940 Address: man sarovar garden near green park harungla bareilly, BAREILLY 243001 Contact Person: ADESH PANDEY Telephone No: 9719466666 Email Id: adesh.rudraksh@gmail.com
Block 2	110	333	401	401	RAJESH KUMAR/133669 Address: VILLAGE GARHI BIRBAL INDRI, KARNAL 132054 Contact Person: RAJESH KUMAR Telephone No: 7645077777 Email Id: rajeshkumar2407@yahoo.com
Block 3	110	152	215	215	SHAKUMBAR MINES/100426 Address: H-12 NUMISH CAMP SAHARANPUR, SAHARANPUR 247001 Contact Person: VINOD DHAWAN Telephone No: 9259282013 Email Id: shakumbarmines.sre@gmail.com
Block 4	110	216	399	399	SANJAY BHATIA/133499 Address: 1 472 MAIDA MILL PHATAK RAM CHANDRA PURI LAXMI NAGAR, SAHARANPUR 247001 Contact Person: SANJAY BHATIA Telephone No: 9837040676 Email Id: sanjaymine01@gmail.com
Block 5	110	127	138	138	STAR MINES/130973 Address: C3 HAKIKAT NAGAR NEAR OLD SALES TAX OFFICE, SAHARANPUR 247001 Contact Person: BHANU KARNWAL Telephone No: 9634700492 Email Id: starminessaharanpur@gmail.com
Block 6	110	195	200	200	SATYENDER/133627 Address: VPO KHAIRA NAJAFGARH, NEW DELHI 110043 Contact Person: SATYENDER Telephone No: 8851544682 Email Id: satyender1811@yahoo.in



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Note: Prior to issuance of Letter of Intent (LOI) to the highest bidder:-

1. District may cross check above report with MSTC System Generated E-mail sent to the highest bidders.
2. Registration Documents and Solvency/BG of Bidders are required to be verified by district prior to issuance of LOI.
3. District may cross check above report with the Bid Sheet Copy of above Events which may be downloaded from district Tender Committee Member login on MSTC E-Portal. Discrepancy, if any, may please be reported to MSTC at upmines@mstcindia.co.in (0522-4244702)



(शालू सिंह, सहायक निदेशक)
मंत्रालय

Page 2/2

Note: Prior to issuance of Letter of Intent (LOI) to the highest bidder:-

1. District may cross check above report with MSTC System Generated E-mail sent to the highest bidders.
2. Registration Documents and Solvency/BG of Bidders are required to be verified by district prior to issuance of LOI.
3. District may cross check above report with the Bid Sheet Copy of above Events which may be downloaded from district Tender Committee Member login on MSTC E-Portal. Discrepancy, if any, may please be reported to MSTC at upmines@mstcindia.co.in (0522-4244702)



(*श्रीमान् ए. जयराज*)
 (16/12/19)
 (16/12/19)

Page 2/2

कार्यालय प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग, सहारनपुर।
पत्रांक 2) / 14-1 सहारनपुर दिनांक 02 / 7) 2019

सेवा में,

जिलाधिकारी,

सहारनपुर।

विषय:- जनपद सहारनपुर में नये खनन पट्टा क्षेत्रों के सम्बन्ध में अनापत्ति प्रमाण पत्र उपलब्ध करावै जाने के सम्बन्ध में।

सन्दर्भ :- आपका पत्रांक 2662/खनन क्षेत्र/ई-टेण्डर/2018-19 दिनांक 15.02.2019

महोदय,

उक्त सदरभित पत्र द्वारा विषयांकित कम में अनापत्ति निर्गत किये जाने हेतु सम्बन्धित क्षेत्रीय वन अधिकारियों तथा उप प्रभागीय वनाधिकारी, को प्रकरण में जांच कर अनापत्ति निर्गत किये जाने हेतु आख्या/संस्तुति प्रेषित किये जाने हेतु निर्देशित किया गया। जिसके कम में सम्बन्धित क्षेत्रीय वन अधिकारियों द्वारा निम्नानुसार अपनी संस्तुति/आख्या प्रेषित की गयी है :-

तालिका-1

क्र० सं०	तहसील	ग्राम	गाटा संख्या	क्षेत्रफल (हे०)	रेज	क्षेत्रीय वन अधिकारी की आख्या	उप प्रभागीय वनाधिकारी की आख्या/संस्तुति
1	2	3	4	5	6	7	8
1	बेहट	शेरपुर पैलो	378/2 व 379/2	07.00	बडकला	क्षेत्रीय वन अधिकारी बडकला के पत्रांक 139/14-दिनांक 26.8.2019 द्वारा आख्या प्रेषित की गयी है जिसमें उल्लेख किया गया है कि प्रस्तावित स्थल की आरक्षित वन क्षेत्र से हवाई दूरी 0.55 कि०मी० एवं कलेसर नेशनल पार्क के ईको सेन्सिटिव जोन से दूरी 17.40 कि०मी० है। प्रकरण में अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।	अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।
2	बेहट	मायापुर रूपपुर	14/1	3.10	बडकला	प्रस्तावित स्थल की आरक्षित वन क्षेत्र से हवाई दूरी 1.20 कि०मी० एवं कलेसर नेशनल पार्क के ईको सेन्सिटिव जोन से दूरी 15.70 कि०मी० है। प्रकरण में अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।	अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।
3	बेहट	रहना	179/2	3.75	बडकला	प्रस्तावित स्थल की आरक्षित वन क्षेत्र से हवाई दूरी 2.80 कि०मी० एवं कलेसर नेशनल पार्क के ईको सेन्सिटिव जोन से दूरी 7.80 कि०मी० है। प्रकरण में अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।	अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।
4	बेहट	हैदरपुर हिन्दूवाला	8/1, 19, 22	4.20	शाकुमरी	क्षेत्रीय वन अधिकारी शाकुमरी के पत्रांक मेमो/14 1 दिनांक 20.6.2019 द्वारा आख्या प्रेषित की गयी है जिसमें उल्लेख किया गया है कि प्रस्तावित स्थल की आरक्षित वन क्षेत्र से हवाई दूरी 1.45 कि०मी० एवं राजार्जी टाईगर रिजर्व से दूरी 22.35 कि०मी० है। प्रकरण में अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।	अनापत्ति निर्गत किये जाने हेतु संस्तुति की गयी है।

अतः उक्तानुसार तालिका-1 में वर्णित ग्राम शेरपुर पैलो के गाटा संख्या- 378/2 व 379/2, क्षेत्रफल-7.00 हे०, ग्राम मायापुर रूपपुर के गाटा संख्या 14/1 क्षेत्रफल-3.10 हे०, ग्राम रहना के गाटा संख्या- 179/2, क्षेत्रफल-3.75 हे०, ग्राम हैदरपुर हिन्दूवाला के गाटा संख्या 8/1, 19, 22 क्षेत्रफल 4.20 हे० में खनन कार्य हेतु सम्बन्धित क्षेत्रीय वन अधिकारियों एवं उप प्रभागीय वनाधिकारी शिवालिक द्वारा की गयी संस्तुति के आधार पर खनन अनापत्ति व्यक्त की जाती है।

Shi Letter :-

संदर्भित पत्र में उल्लिखित ग्राम फौजाबाद, के गाटा संख्या-3 व 21/2 प्रथम खण्ड क्षेत्र 6.00 हे० एवं गाटा संख्या 14, द्वितीय खण्ड क्षेत्र 5.00 हे०, के सम्बन्ध में क्षेत्रीय वन अधिकारी बड़कला द्वारा अवगत कराया गया है कि प्रस्तावित क्षेत्र वर्तमान में यमुना नदी के तेज बहाव में है, गहरे पानी/तेज बहाव के कारण क्षेत्र के जी०पी०एस० लिये जाया सम्भव नहीं है। इस प्रकार उक्त क्षेत्र की आरक्षित वन क्षेत्र एवं कलेसर नेशनल पार्क से दूरी का सही आंकलन वर्तमान में सम्भव न होने के कारण उक्त क्षेत्र (फौजाबाद, प्रथम खण्ड एवं द्वितीय खण्ड) में खनन कार्य हेतु अनापत्ति दिया जाना सम्भव नहीं हो पा रहा है।

विषयांकित कम निम्नांकित तालिका-2 में अंकित क्षेत्रों की जांच क्षेत्रीय वन अधिकारी मोहण्ड द्वारा अपने पत्रांक मेमो/14 दिनांक 25.6.2019 द्वारा प्रेषित की गयी है, जिसका विवरण निम्नवत है:-

तालिका-2

क्र० सं०	तहसील	ग्राम	गाटा संख्या	क्षेत्रफल (हे०)	रेज	क्षेत्रीय वन अधिकारी की आख्या	उप वनाधिकारी की आख्या/ संस्तुति	प्रभागीय की आख्या/ संस्तुति
1	2	3	4	5	6	7	8	9
1	बेहट	धापुल इस्माइल पुर	333क, 332, 2218ग.	4.251	मोहण्ड	प्रस्तावित क्षेत्र की आरक्षित वन से दूरी 875 मी० एवं राजाजी टाईगर रिजर्व से दूरी 3.56 कि०मी० है, इस प्रकार क्षेत्र राजाजी टाईगर रिजर्व की 10 कि०मी० दूरी क्षेत्र/ईको सेन्सिटिव क्षेत्र में आता है जिसके कारण प्रकरण में खनन हेतु असहमति दी गयी है।	अनापत्ति किये जाने हेतु असहमति दी गयी है।	निर्गत हेतु निर्गत की गयी है।
2	बेहट	फतेहपुर पेलियो	428/1 (प्रथम खण्ड)	10.00	मोहण्ड	प्रस्तावित क्षेत्र की आरक्षित वन से दूरी 1.17 मी० एवं राजाजी टाईगर रिजर्व से दूरी 4.94 कि०मी० है, इस प्रकार क्षेत्र राजाजी टाईगर रिजर्व की 10 कि०मी० दूरी क्षेत्र/ईको सेन्सिटिव क्षेत्र में आता है जिसके कारण प्रकरण में खनन हेतु असहमति दी गयी है।	अनापत्ति किये जाने हेतु असहमति दी गयी है।	निर्गत हेतु निर्गत की गयी है।
3	बेहट	फतेहपुर पेलियो	407/1, (द्वितीय खण्ड)	10.00	मोहण्ड	प्रस्तावित क्षेत्र की आरक्षित वन से दूरी 1.22 मी० एवं राजाजी टाईगर रिजर्व से दूरी 5.18 कि०मी० है, इस प्रकार क्षेत्र राजाजी टाईगर रिजर्व की 10 कि०मी० दूरी क्षेत्र/ईको सेन्सिटिव क्षेत्र में आता है जिसके कारण प्रकरण में खनन हेतु असहमति दी गयी है।	अनापत्ति किये जाने हेतु असहमति दी गयी है।	निर्गत हेतु निर्गत की गयी है।
4	बेहट	जयन्ती पुर अहतमाल	221	10.00	मोहण्ड	प्रस्तावित क्षेत्र की आरक्षित वन से दूरी 6.50 मी० एवं राजाजी टाईगर रिजर्व से दूरी 9.41 कि०मी० है, इस प्रकार क्षेत्र राजाजी टाईगर रिजर्व की 10 कि०मी० दूरी क्षेत्र/ईको सेन्सिटिव क्षेत्र में आता है जिसके कारण प्रकरण में खनन हेतु असहमति दी गयी है।	अनापत्ति किये जाने हेतु असहमति दी गयी है।	निर्गत हेतु निर्गत की गयी है।

अतः उक्त तालिका संख्या-2 में वर्णित क्षेत्र राजाजी टाईगर रिजर्व के 10 कि०मी० रेडियस/ईको सेन्सिटिव जोन में होने के कारण तालिका संख्या-2 में अंकित कम संख्या 1 से 04 तक के क्षेत्रों में खनन कार्य हेतु अनापत्ति व्यक्त किया जाना सम्भव नहीं है।

भवदीय

(आर०बी० चन्दन)
प्रभागीय वनाधिकारी
शिवालिक वन प्रभाग,
सहारनपुर

पत्रांक /14-1दिनांकित।

प्रस्तावित निर्माणाधीन को सूचनार्थ एव विषयांकित कम में उनके द्वारा की गयी संस्तुति के कम में आवश्यक कार्यवाही हेतु

- 1 उप प्रभागीय वनाधिकारी शिवालिक वन प्रभाग सहारनपुर।
- 2 सम्बन्धित क्षेत्रीय वन अधिकारी शिवालिक वन प्रभाग,

(आर०बी० चन्दन)
प्रभागीय वनाधिकारी
शिवालिक वन प्रभाग
सहारनपुर।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 22nd April, 2016

S.O. 1485(E).—Whereas, a draft notification was published in the Gazette of India, Extraordinary, vide notification of the Government of India in the Ministry of Environment, Forest and Climate Change number S.O. 2540(E), dated 17th September, 2015 inviting objections and suggestions from all persons likely to be affected thereby within the period of sixty days from date on which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the Gazette containing the said notification were made available to the public on the 17th September, 2015;

And whereas, objections and suggestions received from all persons and stakeholders in response to the draft notification have been duly considered by the Central Government;

And whereas, the Kalesar National Park and Kalesar Wildlife Sanctuary of about 100.88 square kilo meter are located on the junction of the four states, viz., Uttar Pradesh, Himachal Pradesh, Uttarakhand and Haryana, it falls in Shiwalik foot hills, and shares boundaries with two protected areas of two different states, namely, the Simbalbarha Wildlife sanctuary of Himachal Pradesh towards the North and the Rajaji National Park of Uttarakhand towards the East and Kalesar Wildlife Sanctuary is just towards the East-West of Kalesar National Park and as such there does not exist any physical barrier between the two and the entire area is very rich in plant and animal species and have historical, economic and medicinal significance and the Kalesar National Park and Kalesar Wildlife Sanctuary are rich in reptilian fauna which includes large monitor lizard, India rock python, King cobra, common krait, Red snake, Russel viper, Pit viper etc.;

And whereas, it is necessary to conserve and protect the area the extent and boundaries of which is specified in paragraph 1 of this notification around the protected area of the Kalesar National Park and Kalesar Wildlife Sanctuary as Eco-sensitive Zone from ecological and environmental point of view and to prohibit industries or class of industries and their operations and processes in the said Eco-sensitive Zone;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clauses (v) and (xiv) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies an area to the extent of upto 1900 meters from the boundary of the protected area of Kalesar National Park and Kalesar Wildlife Sanctuary within the State of Haryana as the Kalesar Eco-sensitive Zone (hereinafter referred to as the Eco-sensitive Zone) details of which are as under, namely:-

1. Extent and boundaries of Eco-sensitive Zone.—(1) The Eco-sensitive Zone varies from zero to 1900 meters from the boundary of Kalesar National Park and Kalesar Wildlife Sanctuary within the State of Haryana and the area of Eco-sensitive zone is 38.92 square kilo meter approximately. The co-ordinates of Kalesar National Park and Wildlife Sanctuary are given at Annexure-I.

(2) The Eco-sensitive Zone is bounded by 30°18'49.861"N latitude and 77°35'7.269"E longitude towards East-South (point No.14 of Annexure I map); 30°24'35.016"N latitude and 77°24'37.293"E longitude towards west (point No.1 of Annexure IA map); 30°18'2.561"N latitude and 77°32'26.990"E longitude towards South (point No. 12 of Annexure I map) and Simbalbara National Park of Himachal Pradesh is falling on the Northern side and on Eastern side of Yamuna River.

(3) The map of Eco-sensitive Zone boundary together with its latitudes and longitudes is appended as Annexure IA.

(4) The coordinates of Eco-sensitive Zone with its latitudes and longitudes are appended as Annexure II.

(5) The villages whose area or parts thereof falling within the Eco-sensitive Zone are, Ibrahimpur, Taharpur Kalan, Taharpur Khurd, Fakir Majra, Fatehgarh, Kot Mushtarka, Bachchon, Shahabuddinpur Kalan, Shahabuddinpur Khurd, Yarah, Sipanwala, Jatanwala, Darpur, Baniwala, Kansli, Chikan, Khilanwala, Bagpat, Khizri, Ambwali, Tibriyon, Nagalpatti Milak, Baumbewala, Chandpur, Rayanwala, Jhandu Oad, Faizpur, Kalesar, Garhi, Banjarwas, Mamduwas.

2. Zonal Master Plan for the Eco-sensitive Zone.- (1) The State Government shall, for the purpose of the Eco-sensitive Zone prepare, a Zonal Master Plan, within a period of two years from the date of publication of this notification in the Official Gazette, in consultation with local people in accordance with this notification.

(2) The Zonal Master Plan shall be approved by the competent authority in the State Government.

(3) The Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government in accordance with this notification and also in consonance with the relevant Central and State laws and the guidelines issued by the Central Government, if any.

(4) The Zonal Master Plan shall be prepared in consultation with all concerned State Departments, namely:-

- (i) Environment;
- (ii) Forest;
- (iii) Urban Development;
- (iv) Tourism;
- (v) Municipal;
- (vi) Revenue;
- (vii) Agriculture; and
- (viii) Haryana State Pollution Control Board,

for integrating environmental and ecological considerations into it.

(5) The Zonal Master Plan shall not impose any restriction on the approved existing land use, infrastructure and activities, as on the date of publication of this notification in the Official Gazette, unless so specified in this notification and the Zonal Master Plan shall factor in improvement of all infrastructure and activities to be more efficient and eco-friendly.

(6) The Zonal Master plan shall provide for restoration of denuded areas, conservation of existing water bodies, management of catchment areas, watershed management, groundwater management, soil and moisture conservation, needs of local community and such other aspects of the ecology and environment that need attention.

(7) The Zonal Master Plan shall demarcate all the existing worshipping places, village and urban settlements, types and kinds of forests, agricultural areas, fertile lands, green area, such as, parks and like places, horticultural areas, orchards, lakes and other water bodies.

(8) The Zonal Master Plan shall regulate development in Eco-sensitive Zone so as to ensure Eco-friendly development and livelihood security of local communities.

3. Measures to be taken by State Government.—The State Government shall take the following measures for giving effect to the provisions of this notification, namely:-

(1) **Land use.**—Forests, horticulture areas, agricultural areas, parks and open spaces earmarked for recreational purposes in the Eco-sensitive Zone shall not be used or converted into areas for commercial or industrial related development activities:

Provided that the conversion of agricultural lands within the Eco-sensitive Zone may be permitted on the recommendation of the Monitoring Committee, and with the prior approval of the State Government, to meet the residential needs of local residents, and for the activities listed against serial numbers 27, 35 and 40 in column (2) of the table in paragraph 4, namely:-

- (i) small scale industries not causing pollution;
- (ii) rainwater harvesting; and
- (iii) cottage industries including village artisans:

Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval of the State Government and without compliance of the

provisions of article 244 of the Constitution or the law for the time being in force, including the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007):

Provided also that any error appearing in the land records within the Eco-sensitive Zone shall be corrected by the State Government, after obtaining the views of the Monitoring Committee, once in each case and the correction of said error shall be intimated to the Central Government in the Ministry of Environment, Forest and Climate Change:

Provided also that the correction of error shall not include change of land use in any case except as provided under this sub-paragraph:

Provided also that there shall be no consequential reduction in green area, such as forest area and agricultural area and efforts shall be made to reforest the unused or unproductive agricultural areas.

(2) **Natural Springs.**—The catchment areas of all natural springs shall be identified and plans for their conservation and rejuvenation shall be incorporated in the Zonal Master Plan and the guidelines shall be drawn up by the State Government in such a manner as to prohibit development activities at or near these areas which are detrimental to such areas.

(3) **Tourism.**—(a) The activity relating to tourism within the Eco-sensitive Zone shall be as per the Tourism Master Plan, which shall form part of the Zonal Master Plan.

(b) The Tourism Master Plan shall be prepared by the Department of Tourism, Government of Haryana in consultation with the Department of Revenue and Forests, Government of Haryana.

(c) The activity of tourism shall be regulated as under, namely:-

(i) all new tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be in accordance with the eco-tourism guidelines issued by the National Tiger Conservation Authority, Ministry of Environment, Forest and Climate Change (as amended from time to time) with emphasis on eco-tourism, eco-education and eco-development and based on carrying capacity study of the Eco-sensitive Zone;

(ii) new construction of hotels and resorts shall not be permitted within the Eco-sensitive Zone;

(iii) till the Zonal Master Plan is approved, development for tourism and expansion of existing tourism activities shall be permitted by the concerned regulatory authorities based on the actual site specific scrutiny and recommendation of the Monitoring Committee.

(4) **Natural Heritage.**—All sites of valuable natural heritage in the Eco-sensitive Zone, such as the gene pool reserve areas, rock formations, waterfalls, springs, gorges, groves, caves, points, walks, rides, cliffs, etc. shall be identified and preserved and plan shall be drawn up for their protection and conservation, within six months from the date of publication of this notification and such plan shall form part of the Zonal Master Plan.

(5) **Man-made heritage sites.**—Buildings, structures, artefacts, areas and precincts of historical, architectural, aesthetic and cultural significance shall be identified in the Eco-sensitive Zone and plans for their conservation shall be prepared within six months from the date of publication of this notification and incorporated in the Zonal Master Plan.

(6) **Noise pollution.**—The Environment Department of the State Government shall draw up guidelines or, as the case may be regulations for the control of noise pollution in the Eco-sensitive Zone in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the rules made thereunder.

(7) **Air pollution.**—The Environment Department of the State Government shall draw up guidelines or, as the case may be regulations for the control of air pollution in the Eco-sensitive Zone in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the rules made thereunder.

(8) **Discharge of effluents.**—The discharge of treated effluent in Eco-sensitive Zone shall be in accordance with the provisions of the Water (Prevention and Control of Pollution) Act, 1974(6 of 1974) and the rules made thereunder.

(9) **Solid wastes.**—Disposal of solid wastes shall be as under:-

(i) the solid waste disposal in Eco-sensitive Zone shall be carried out as per the provisions of the Municipal Solid Waste (Management and Handling) Rules, 2000, published by the Government of India in the erstwhile Ministry of Environment and Forests *vide* notification number S.O. 908(E), dated the 25th September, 2000, as amended from time to time;

(ii) the local authorities shall draw up plans for the segregation of solid wastes into biodegradable and non-biodegradable components;

(iii) the biodegradable material shall be recycled preferably through composting or vermiculture;

(iv) the inorganic material shall be disposed of in an environmentally acceptable manner at site identified outside the Eco-sensitive Zone and no burning or incineration of solid wastes shall be permitted in the Eco-sensitive Zone.

(10) **Bio-medical waste.**—The bio-medical waste disposal in the Eco-sensitive Zone shall be carried out as per the provisions of the Bio-Medical Waste (Management and Handling) Rules, 1998, published by the Government of India in the erstwhile Ministry of Environment and Forests *vide* notification number S.O. 630(E), dated the 20th July, 1998, as amended from time to time.

(11) **Vehicular traffic.**—(a) The vehicular movement of traffic shall be regulated in a habitat friendly manner and specific provisions in this regard shall be incorporated in the Zonal Master Plan and till such time as the Zonal Master Plan is prepared and approved by the competent authority in the State Government.

(b) The Monitoring Committee shall monitor compliance of vehicular movement under the relevant Acts and the rules and regulations made thereunder.

4. List of activities prohibited or to be regulated within the Eco-sensitive Zone.—All activities in the Eco-sensitive Zone shall be governed by the provisions of the Environment (Protection) Act, 1986 (29 of 1986) and the rules made thereunder and shall be regulated in the manner specified in the table below, namely:—

TABLE

Sl. No.	Activity	Remarks
(1)	(2)	(3)
A. Prohibited Activities:		
1.	Commercial mining, stone quarrying and crushing units.	(a) All new and existing mining (minor and major minerals), stone quarrying and crushing units are prohibited except for the domestic needs of <i>bona fide</i> local residents. (b) The mining operations shall strictly be in accordance with the orders of the Hon'ble Supreme Court, dated the 4 th August, 2006 in the matter of T.N. Godavarman Thirumulpad Vs. Union of India in Writ Petition (Civil) No. 202 of 1995 and dated the 21 st April, 2014 in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No. 435 of 2012.
2.	Setting up of saw mills.	No new and expansion of existing saw mills shall be permitted within the Eco-sensitive Zone.
3.	Setting up of industries causing water or air or soil or noise pollution.	No new or expansion of polluting industries in the Eco-sensitive Zone shall be permitted.
4.	Use or production of any hazardous substances.	Prohibited (except as otherwise provided) as per applicable laws.
5.	Commercial establishment of hotels and resorts.	No new or expansion of existing commercial establishments such as hotels and resorts shall be permitted within the Eco-sensitive Zone.
6.	Commercial use of firewood.	Prohibited (except as otherwise provided) as per applicable laws.

कार्यालय प्रभागीय निदेशक, सामाजिक वानिकी प्रभाग, सहारनपुर।

पत्रांक 4299/141 दिनांक, सहारनपुर 17-6-2019

सेवा में

जिलाधिकारी
सहारनपुर।
(खनन अनुभाग)

विषय- जनपद सहारनपुर में नये खनन पट्टा क्षेत्रों के संबंध में अनापत्ति प्रमाण पत्र उपलब्ध कराये जाने विषयक।

सन्दर्भ- आपका पत्रांक 2662/खनन क्षेत्र/ई-टेण्डर/2018-19 दिनांक 15.02.2019
महोदय

उपरोक्त सन्दर्भित पत्र के क्रम में क्षेत्रीय वनाधिकारी, बेहट द्वारा जाँच कराई गई। उनके द्वारा अवगत कराया गया कि बेहट रेंज के अन्तर्गत ग्राम बरथा कोरसी के गाटा संख्या-01 क्षेत्रफल 36.00 हेक्टर की जाँच आरक्षित वन क्षेत्र से एवं हरियाणा राज्य के कलेशर राष्ट्रीय उद्यान से दूरी के संबंध में की गई। जाँच के दौरान शिवालिक वन प्रभाग के आरक्षित वन क्षेत्र मगनपुरा मुनारा संख्या -908 की जी०पी०एस० N30°20'04.4" E077°37'04.0" है तथा खनन पट्टा क्षेत्र ग्राम बरथा कोरसी गाटा संख्या-1 की जी०पी०एस० रिडिंग N30°14'37.1" E077°31'40.8" है। जी०पी०एस० रिडिंग के अनुसार आरक्षित वन क्षेत्र से खनन पट्टा क्षेत्र की दूरी 13.30 किमी है। इसी प्रकार कलेशर राष्ट्रीय उद्यान की जी०पी०एस० रिडिंग N30°18'44.0" E077°34'26.9" है। जी०पी०एस० रिडिंग के अनुसार राष्ट्रीय उद्यान से खनन पट्टा की दूरी 8.83 किमी है। उपरोक्त भूमि पर वर्तमान में यमुना नदी का पानी बह रहा है। जाँच के दौरान श्री सुखपाल सिंह वन दरोगा, श्री शिब कुमार, सर्वेयर खनन विभाग, मौ० आशिफ खान, लेखपाल राजस्व विभाग उपस्थित रहे।

भवदीय



(विजय सिंह)

प्रभागीय निदेशक
सामाजिक वानिकी प्रभाग
सहारनपुर

कार्यालय जिलाधिकारी, सहारनपुर।
(खनन अनुभाग)

संख्या - 12

संख्या- 3213 / खनन/2019-20

दिनांक- 30/12/2019

खनन पट्टा हेतु सहमति पत्र
(Letter of Intent)

मेसर्स स्टार माइन्स
पता सी-3, हकीकत नगर
निकट ओल्ड सेल्स टेक्स आफिस,
सहारनपुर
पार्टनर श्री दीपक चौधरी

शासनादेश संख्या 2168/86-2019-57(स)/2017टी0सी0-1 लखनऊ दिनांक 09.10.2019 के द्वारा प्रदेश में नदी तल में उपलब्ध उप खनिज बालू/मौरम/बजरी आदि के क्षेत्रों को ई-निविदा सह ई-नीलामी प्रणाली के माध्यम से पांच वर्ष की अवधि हेतु परिहार पर स्वीकृत किये जाने हेतु जनपद सहारनपुर के ग्राम बरथा कोरसी गाटा संख्या 1 क्षेत्रफल-36.00 हे० में 756000 घ०मी० बालू/बजरी/बोल्डर का खनन पट्टा स्वीकृत किये जाने हेतु विज्ञप्ति संख्या 1959/खनिज/2019-20 दिनांक 01.11.2019 एम०एस०टी०सी० के ई-ऑक्शन पोर्टल www.mstcecommerce.com पर अपलोड करते हुए ई-निविदा सह ई-नीलामी आमंत्रित की गयी थी। ई-निविदा सह ई-नीलामी की कार्यवाही राज्य सरकार द्वारा अधिकृत नोडल एजेंसी एम०एस०टी०सी० द्वारा निर्धारित समय अवधि में की गयी। एम०एस०टी०सी० के ई-मेल पत्र दिनांक 16.12.2019 द्वारा अवगत कराया गया है कि:-

तहसील	नदी का नाम	ग्राम का नाम	गाटा संख्या	क्षेत्रफल(हे०में)	उपखनिज की मात्रा (घ०मी०)
सदर	यमुना	बरथा कोरसी	1	36 हे०	7,56,000

उपरोक्त में आपके द्वारा ई-नीलामी में अधिकतम ऑफर रू० 138/- प्रति घनमीटर दी गयी है। आपके द्वारा ग्राम बरथा कोरसी हेतु बालू/बजरी/बोल्डर की मात्रा 7,56,000 घनमीटर की कुल धनराशि रू० 10,43,28,000/- प्रथम वर्ष हेतु दी गयी है।

- 1- निर्बन्धन एवं शर्तों का पालन करने के लिए प्रतिभूति के प्रथम वर्ष के लिए बोली की सकल धनराशि का 25 प्रतिशत प्रतिभूति की धनराशि रू० 2,60,82,000/- तथा 20 प्रतिशत धनराशि रू० 2,08,65,600/- प्रथम वर्ष की पहली किस्त के रूप में दो कार्य दिवसों के अन्दर खनन कार्यालय में बैंक ड्राफ्ट के माध्यम से जमा कराना होगा। आफरदाता द्वारा पूर्व में जमा प्री बिड अर्नेस्ट मनी रू० 2,07,90,000/- को समायोजित करते हुए अवशेष धनराशि रू० 2,61,57,600/- जमा करना होगा। यदि लेटर ऑफ इन्टेन्ट जारी करने के दो कार्य दिवसों में अवशेष धनराशि जमा करने में आप असफल होते हो तो आप द्वारा जमा अर्नेस्ट मनी राज्य सरकार के पक्ष में जब्त कर ली जाएगी तथा आफरदाता द्वारा इस संबंध में प्रस्तुत कोई शिकायत अथवा प्रत्यावेदन पर विचार नहीं किया जायेगा।
- 2 उपखनिज का पट्टा पांच वर्ष हेतु जारी किया जायेगा। प्रथम वर्ष की धनराशि रू० 10,43,28,000/- तथा अनुवर्ती वर्षों में प्रत्येक वर्ष पिछले वर्ष की ई-नीलामी की देय धनराशि पर 10 प्रतिशत की वृद्धि करते हुए देय होगी।
- 3- प्रथम वर्ष के लिये शेष 80 प्रतिशत पट्टा धनराशि एवं आगामी वर्षों के लिए पट्टा धनराशि 30प्र० उप खनिज परिहार नियमावली 1963 (यथा संशोधित) में निर्धारित पंचम अनुसूची के अनुसार राज्य सरकार समय समय पर निर्धारित प्रक्रिया के अनुसार देय होगी। देय किस्त की धनराशि जमा न करने की दशा में नियम 59 के अनुसार देय धनराशि पर नियमानुसार ब्याज सहित वसूल की जायेगी।
- 4- लेटर ऑफ इन्टेन्ट जारी होने के एक माह के अन्दर अनुमोदन हेतु खनन योजना निदेशक भूतत्व एवं खनिकर्म निदेशालय, 30प्र० लखनऊ के समक्ष प्रस्तुत किया जायेगा तथा अनुमोदित खनन



योजना प्राप्त होने के 15 दिन के अन्दर सक्षम प्राधिकरण के समक्ष पर्यावरण स्वच्छता प्रमाण पत्र हेतु प्रस्ताव प्रस्तुत किया जाना अनिवार्य होगा, अथवा नियम 59(1) के प्रावधानों के अन्तर्गत 10,000 प्रति दिन की शास्ति आरेपित किया जाएगा।

- 5- पट्टाधारक नियम 17 के प्राविधानों के अनुसार क्षेत्र का सीमांकन करायेंगे।
- 6- पर्यावरण अनापत्ति प्रमाण पत्र प्राप्ति के एक माह के भीतर पट्टा विलेख का निष्पादन कराकर खनन संक्रिया तत्काल प्रारम्भ की जानी होगी।
- 7- नियम 34(4) के अन्तर्गत पर्यावरण की स्वीकृति की प्रक्रिया के दौरान अपेक्षित समयावधि में, सक्षम प्राधिकारी द्वारा लगायी गयी आपत्तियों का परियोजना प्रस्तावक द्वारा समाधान करना अनिवार्य होगा। नियम 34(4) के उल्लंघन की दशा में जिला मजिस्ट्रेट नियम 59(7) के अन्तर्गत जारी लेटर ऑफ इन्टेन्ट निरस्त किया जा सकता है।
- 8- नियम 34(5) के अन्तर्गत पर्यावरण अनापत्ति प्रमाणपत्र निर्गत होने के उपरान्त एक माह के भीतर पट्टा विलेख का निष्पादन करना अनिवार्य होगा। नियम 34(5) के उल्लंघन की दशा में प्रस्तावक द्वारा जमा प्रथम किश्त एवं प्रतिभूमि धनराशि समपूहृत करते हुये जारी लेटर ऑफ इन्टेन्ट निरस्त किया जायेगा।
- 9- पट्टाधारक द्वारा नियम 35 के प्राविधानों के अन्तर्गत माइन्स क्लोजर प्लान तथा भारत सरकार वन एवं पर्यावरण मंत्रालय की अधिसूचना दिनांक 14.09.2006 सपटित अधिसूचना दिनांक 15.01.2016 तथा समय समय पर यथा संशोधित उपबन्धों के अधीन पर्यावरण अनापत्ति प्राप्त कर प्रस्तुत करेंगे।
- 10- पट्टाधारक द्वारा नियम 34 के अनुसार क्षेत्र के भूमि उद्धार एवं पुर्नवासन उपाय हेतु वित्तीय आश्वासन की धनराशि निर्धारित रीति से जमा करायेंगे।
- 11- पट्टाधारक द्वारा राज्य सरकार अथवा केन्द्र सरकार द्वारा समय पर निर्धारित कर व शुल्क यथा आयकर का दो प्रतिशत टी0सी0एस0 (वर्तमानदर) एवं 10 प्रतिशत धनराशि जिला सहारनपुर खनिज फाउण्डेशन न्यास में नियमानुसार जमा करायेंगे।
- 12- पट्टाधारक पट्टे के अधीन दिये गये क्षेत्र के सर्वेक्षण और सीमांकन के समय सीमांकित मानचित्र पर खनन पट्टा क्षेत्र का कॉर्डिनेट्स अंकित करेगा तथा पट्टा विलेख निष्पादन करने के पूर्व मे पट्टाधारक अपने स्वयं के व्यय पर ऐसे सीमा चिन्ह को और खम्भे लगायेगा जो पट्टा विलेख से संलग्न नक्शे में दर्शाये गये सीमांकन को इंगित करने को आवश्यक होगा।
- 13- पट्टा विलेख के निष्पादन के दिनांक छः माह के भीतर खनन संक्रियायें प्रारम्भ करेगा और तत्पश्चात् जानबुझकर कोई स्थागन किये बिना ऐसी खनन संक्रियाओं का संचालन उचित और दक्षतापूर्ण कुशल कारिगर की भांति करेगा।
- 14- पट्टाधारक नियम 35 के अनुसार वाहनों के प्रवेश व किसी पर निगरानी के लिए स्वयं के व्यय पर 360 डिग्री कोण पर दृश्यता रिकॉर्डिंग के योग्य चार आई0वी0आर0 सी0सी0टी0वी0 कैमरे लगाने सहित चैकपोस्ट/गेट का निर्माण करेगा। पट्टाधारक उक्त चैकपोस्ट/गेट पर आरएफआईडी स्कैनर भी रखेगा, जिससे सम्बन्धित खनन पट्टा क्षेत्र से उपखनिजों के परिवहन हेतु प्रयुक्त प्रत्येक यान के सापेक्ष निर्गत किये गये ई-प्रपत्र एम0एम0-11 पर अंकित बार कोड का डाटा पढने और सुरक्षित रखने की सुविधा होगी और उसका समुचित रूप से रख-रखाव करेगा एवं सदैव उसे चालू रूप से अनुरक्षित रखेगा। पट्टाधारक उक्त सीसीटीवी कैमरे और आरएफआईडी स्कैनरों द्वारा की गयी समस्त रिकॉर्डिंग को कम से कम तीस दिनों तक सुरक्षित रखेगा और नियम 66 के उपबन्धों के अधीन प्राधिकृत अधिकारी के द्वारा रिकॉर्डिंग मांगे जाने पर रिकार्ड को उपलब्ध करायेगा।
- 15- पट्टाधारक प्रत्येक वाहन को ई-एम0एम0-11 सही विवरण सहित जारी करेगा, प्रत्येक वाहन को निर्गत ई एम0एम0-11 जनित बार कोड को चैकगेट पर पढने तथा दर्ज डाटा सेव करने के लिए आरएफआईडी स्कैनर लगायेगा तथा सदैव उसका अनुरक्षण करेगा और सही एवं चालू दशा में रखेगा। उक्त का अनुपालन न करने की दशा में नियमावली 1963 के नियम 59 के अन्तर्गत शास्ति का भागीदार होगा।
- 16- माननीय राष्ट्रीय हरित अधिकरण के आदेश दिनांक 05.09.2018 के अनुपालन मे पट्टा धारक द्वारा खदान के निकासी स्थल पर तौल मशीन लगवाकर निदेशालय में स्थापित कमाण्ड सेन्टर में प्रयुक्त आर्टिफिशियल इन्टेलीजेन्स युक्त साफ्टवेयर में इन्टीग्रेट किया जायेगा। इन्टीग्रेटस में स्थित तौल मशीन में निम्न Features का होना आवश्यक है-

- (1) The Weight bridge device should use the MQTT protocol to transmit data.
 (2) The Weight bridge device should transmit data over the internet to IOT infrastucture in cloud.

- 17- पट्टाधारक तीन मीटर की गहराई अथवा जलस्तर में से जो कम हो से अधिक गहराई में खनन संक्रियायें नहीं करेगा।
 18- जिलाधिकारी द्वारा चिन्हित सुरक्षा क्षेत्र में खनन नहीं किया जाएगा।
 19- नदी की जल धारा में संक्शन लिफ्टर आदि मशीन द्वारा खनन कार्य नहीं किया जाएगा।
 20- स्वीकृत क्षेत्र के अन्दर जहाँ परिहवन प्रपत्र निर्गत किया जायेगा वहाँ पर खनिजों का विक्रय मूल्य प्रदर्शित किया जाएगा।
 21- यदि पट्टाधारक द्वारा नियमों व खनन पट्टा पर्यावरण स्वच्छता प्रमाण पत्र, खनन योजना आदि की शर्तों का उल्लंघन किया जाता है तो पट्टेदार को अपना मामला बताने की युक्तियुक्त अवसर प्रदान करने के पश्चात जिलाधिकारियों अथवा राज्य सरकार द्वारा पट्टा समाप्त किया जा सकता है।
 22- उ०प्र० उपखनिज परिहार नियमावली 1963 के नियम 67 के अधीन भूमि को स्वामियों को प्रतिकर पाने का अधिकार होगा, जो भू-स्वामियों एवं पट्टेधारक के मध्य तय होगा।
 23- पट्टा धारक द्वारा पर्यावरण स्वच्छता प्रमाण पत्र प्राप्त कर कार्यालय में जमा करने के उपरान्त ही अनुमति प्राप्त कर खनन प्रारम्भ किया जाएगा।
 24- राज्य सरकार अथवा केन्द्र सरकार द्वारा यदि नियमों/अधिनियमों में कोई संशोधन होता है अथवा कोई शर्त अथवा विधि प्रख्यापित की जाती है तो वह पट्टाधारक को मान्य होगा।
 25- माननीय उच्च न्यायालय, मा० राष्ट्रीय हरित अधिकरण अथवा माननीय सर्वोच्च न्यायालय द्वारा पारित आदेशों का पालन किया जायेगा।


 जिलाधिकारी
 सहारनपुर
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संख्या व दिनांक उपरोक्तानुसार

प्रतिलिपि:- 1-प्रमुख सचिव, भूतत्व एवं खनिकर्म शासन लखनऊ, को सादर सूचनार्थ।
 2-निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र० खनिज भवन लखनऊ को सूचनार्थ।




 जिलाधिकारी
 सहारनपुर
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DISTRICT SURVEY REPORT FOR SUSTAINABLE SAND MINING DISTT. YAMUNA NAGAR

The Boulder, Gravel and Sand are one of the most important construction materials. These minerals are found deposited in river bed as well as adjoining areas. These aggregates of raw materials are used in the highest volume on earth after water. Therefore, it is the need of hour that mining of these aggregates should be carried out in a scientific and environment friendly manner. In an endeavour to achieve the same, District Survey Report, apropos "the Sustainable Sand Mining Guidelines" is being prepared to identify the areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structural and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

1. Introduction:-

Minor Mineral Deposits:

- 1.1 Yamunanagar district of Haryana is located in north-eastern part of Haryana State and lies between 29° 55' to 30° 31' North latitudes and 77° 00' to 77° 35' East longitudes. The total area is 1756 square kilometers, in which there are 655 villages, 10 towns, 4 tehsils and 2 sub-tehsils. Large part of the district of Yamunanagar is situated in the Shiwalik foothills. The area of Yamuna Nagar district is bounded by the state of Himachal Pradesh in the north, by the state of Uttar Pradesh in the east, in west by Ambala district and south by Karnal and Kurukshetra Districts.
- 1.2 The district has a sub-tropical continental monsoon climate where we find seasonal rhythm, hot summer, cool winter, unreliable rainfall and immense variation in temperature. In winters, frost sometimes occurs during December and January. The district also gets occasional winter rains from cyclones. The rain fall is mostly restricted to rainy season. The district has Shivalik hills and foot hill rolling plain in the north and north- east, and flood - plain along the Yamuna River in the east and south- east. The

important rivers/ streams of the district are Yamuna, Sarasvati, Chautang, Rakshi, Somb, Boll, Fandi Rao etc.

- 1.3 Boulder, Gravel and Sand (Minor Minerals) finding use as construction material are found in the river bed areas and flood plain areas. The size and the concentration of material gradually reduce towards down stream as the heavy material of larger size settles with reduction in flow of water stream. The mineral deposits are found in villages of the districts located along the river or their flood plains and abandoned water courses/drains as well as along with foothills of the hilly terrains.
- 1.4 All rivers/drainage systems in the district Yamunanagar other than river Yamuna are seasonal rivers. Even the water of river Yamuna at Hathanikund Barrage is diverted partly towards Uttar Pradesh and Haryana through different Canal Systems for Irrigation purposes. In the main river bed area the water is released from Hathni Kund Barrage during rainy seasons. The water released in the river during rainy season brings huge quantity of Boulder, Gravel and Sand which gets deposits in the river bed area. The flood plains also have huge deposits of Boulder, Gravel and Sand up to a depth of 10-12 meter.
- 1.5 The river Yamuna acts as natural boundary between the State of Haryana and Uttar Pradesh. Part area of river Yamuna in the State of Uttar Pradesh and part area falls in the State of Haryana. Though, in general western part falls in Haryana and eastern part in Uttar Pradesh. But at certain places, the entire area of river (both side of river bank) falls in either of state. In other words there are areas of river where entire riverbed area falls within the jurisdiction of Haryana or Uttar Pradesh.
- 1.6 The Boulder, Gravel and Sand deposits are not found only in river Yamuna but also in the other rivers/tributaries of river Yamuna or rivulets like Yamuna, Chautang, Rakshi, Somb, Boll, Fandi Rao etc. passing through other parts of district Yamunanagar as well as in adjoining areas outside the river bed.

Minor Mineral Bearing Areas:-

- 1.7 The minor mineral deposits in the district Yamunanagar can be divided mainly in five categories
 - i. Areas in Yamuna riverbed.
 - ii. Areas outside river Yamuna bed.
 - iii. Sand bearing areas in Yamuna riverbed.
 - iv. Areas in river bed of other rivers like Chautang, Rakshi, Somb, Boll, Fandi Rao etc.
 - v. Areas outside/flood plains of other rivers.

2. Overview of Mining Activity in the District

Mode of grant of mineral concession

- 2.1 Before giving details of actual sites / number of sites or mineral concessions it would be appropriate to explain that the Mineral Concession in respect of minor minerals are granted as per the provisions of the State Rules, framed by the State Government in exercise of powers conferred under section 15 of the Mines and Minerals (D&R) Act, 1957.
- 2.2 The State of Haryana at the time of bifurcation opted prevailing Rules namely "Punjab Minor Mineral Concession Rules 1964". These Rules were amended from time to time as per policy of the State Government. The Hon'ble Supreme Court vide its order dated 27.02.2012 directed all State Governments to revise their State Rules making provisions in accordance with various recommendations contained in the report of the MoEF & CC, GoI, on mining of minor minerals and the Model draft guidelines issued by the Ministry of Mines, GoI.
- 2.3 Accordingly, the State of Haryana framed & notified on 20.06.2012 comprehensively revised Rules namely, the "Haryana Minor Mineral Concession, Stocking, Transportation of Minerals, and Prevention of Illegal Mining Rules, 2012", repealing the prevailing Rules namely "Punjab Minor Mineral Concession Rules 1964".
- 2.4 The mineral concessions in the Haryana are being granted in the form of "Mining Contract" or "Mining Lease" through competitive bidding process. The Mining Contracts are granted for a minimum period of 07 years and

maximum period of 10 years. Whereas the Mining Leases are granted for a minimum period of 10 years and maximum period of 20 years. In district Yamuna Nagar mineral concessions are/were granted in the form of Mining contracts for the period varying between 7 to 10 years. The contracts are being granted through open auction/ e-auction mode. The Mineral concessions are being granted subject to condition that actual mining operation shall be allowed only after environment Clearance is/are obtained from the competent authority as per requirement of EIA Notification dated 14.09.2206 of the MoEF & CC, Gol.

- 2.5 The mineral concession holders are required to prepare a detailed “**Mining Plan**” for their specific project through Registered Qualified Person and get in approved from authorized officer of the State Government. The exhaustive mining plan are prepared interalia giving details of mineral reserves, method of mining, extent of proposed mining and other related details. These are the projects specific details. Based on these details itself the project proponents/ mineral concession holders obtains environmental clearances.

3. Method of Mining and Conditions in which mining in river bed areas is to be allowed

- 3.1 The river bed areas apart from other related condition for mining are allowed to excavate minerals (Boulder, Gravel or Sand) to ensure safety of rivers bed structures and the adjoining areas on the following specific conditions:
- (i) No mining would be permissible in a river-bed up to a distance of five times of the span of a bridge on up-stream side and ten times the span of such bridge on down-stream side, subject to a minimum of 250 meters on the up-stream side and 500 meters on the down-stream side;
 - (ii) There shall be maintained an un-mined block of 50 meters width after every block of 1000 meters over which mining is undertaken or at such distance as may be directed by the Director or any officer authorized by him;
 - (iii) The maximum depth of mining in the river-bed shall not exceed three meters measured from the un-mined bed level at any point in time with proper bench formation;
 - (iv) Mining shall be restricted within the central $3/4^{\text{th}}$ width of the river/ rivulet;

- 3.2 **Note:** The above said conditions have been decided after detailed discussions and recommendations of the PWD (B & R) department and Irrigation department, Haryana.
- 3.3 As the mining in river bed remains restricted in the Central 3/4th part of the river bed, the area left on both side of the river bank not only ensures the safety of banks (bank cutting due to water stream) but also ensures that in the central part of river, water stream flows smoothly during rains and process of river meandering does not occur.
- 3.4 The light weight excavator/JCBs are being deployed to remove mineral from river bed up to maximum depth of 03 meter layer from general level of the bed. The mining in the river bed are undertaken in mechanized manner. At times the RQPs do refers the excavation in river bed mining through excavators as "Semi Mechanized Mining".
- 3.5 The mineral excavated is directly loaded in the vehicles/dumpers and the vehicle owners and drivers take away the mineral directly to the stone crushers or screening plants or consumers. In certain cases mineral concession holders stacks mineral on the river bank in case are not able to sell the material on actual mining itself.

4. Method of Mining in areas outside river bed:

- 4.1 The excavation of minerals (Boulder, gravel, Sand or Sand) found outside river bed areas are also being permitted. The opencast mining of Boulder, gravel & Sand or Sand from areas outside river bed is similar to that of any kind of open cast mining.
- 4.2 As the minerals (Boulder, gravel & Sand or Sand) are found in and adjoining river bed areas also, therefore, to ensure that mining from outside do not affect rivers, no mining is being permitted in an area up to a width of 500 meters from the active edges of embankments in case of river Yamuna, 250 meters in case of Tangri, Markanda and Ghaggar and 100 meters on either side of all other rivers/ rivulets.
- 4.3 The mineral excavation from areas outside river bed is being permitted subject to condition that a safety margin of two meters (**2m**) shall be maintained above the ground water table while undertaking mining and no mining operations shall be permissible below this level unless a specific permission is obtained

from the competent authority in this behalf. Further the depth of excavation of mineral shall not exceed nine meters (9m) at any point of time.

4.4 The method of excavation is such that the mining contractors deploys earth moving machineries and after removing the top layer of original soil, varying between 1 to 1.5 meters, stack the same separately. Thereafter removes the minor mineral deposits. After undertaking the mining i.e. removing of mineral layer up to a maximum depth of 09 meter, the top stacked soil is again spread back into the pit. The mined out area/ land is put to reuse for cultivation after spreading the top soil. The landowners/farmers give their land to the contractors for mining after getting compensation, mutually settled between the landowners and the mining contractor.

5. Method of Mining in river bed areas (semi-mechanized/mechanized or manual)

5.1 The Hon'ble NGT with regards to river bed mining has specifically desired to examine the mode of mining – shall the same be **semi mechanized /mechanized or manual**.

5.2 There is no specific definition of **Semi – Mechanized Mining**. The term Semi – mechanized mining in general is used where method of working in general are undertaken mechanically, however, some operations are also undertaken manually. Therefore, the semi mechanized mining or mechanized mining, is the same method of working. Sometime mechanized mining with light machines are also referred as semi- mechanized mining. The term semi mechanized mining is being used in general parlance where in the very same mining area in part area as per requirement manual mining is also undertaken along with mechanized mining of sand/river bed mining.

5.3 Whereas **Manual** mining operations are undertaken using conventional hand tools only like Spade, Pan, Crowbar etc. and operations are only labour intensive. As per requirement in manual mining lifting of sand and directly loading the sand in tractor trolleys etc. is being carried out through labours itself.

5.4 The **Mechanized** mining operations in respect of sand mining are undertaken with the help of excavator-cum-loaders. In this process sand is lifted/excavated from the river bed through excavator-cum-loaders and directly loaded in

dumpers or other mode of transport. The vehicles carrying the mineral from mines to site of use/ site of construction or sale stocks outside lease hold areas (*an independent business than that of mining*).

5.5 In the current scenario it is impractical to undertake manual mining because:-

- (i) The labours are not easily available;
- (ii) Manual mining cannot be undertaken in systematic and scientific manner as compared to mechanical mining which can be undertaken systematic/ scientific and controlled mining.
- (iii) In case of manual mining to achieve desired level of production more number of manpower would be required meaning thereby human interface within river bed area would increase and more ecological damage would be caused.

5.6 The method of mining even otherwise can not be uniform even for same area and all the methods have their own pros and cons, however, considering the current scenario wherever feasible mechanized (semi-mechanized or mechanized is same thing) mining should be preferred over manual method.

6. General Regulation relating to Mining

6.1 As per prevailing State Rules the Mineral Concession holders are required to get a Mining Plan for the area prepared from a "Registered Qualified Persons". The mining plan includes the area specific details along with the Mine Closure Plan (Progressive & Final) taking into consideration the details of the Geology and lithology of the area including the estimated mineral reserves of the area. Proposed method of mining/ development of mines, use of explosives and blasting operations, if any, stacking and disposal of minerals, mine-drainage pattern, handling of the overburden, location of weigh bridges, and mineral processing, if any. The extent of manual mining or mining with the use of machinery and mechanical devices along Level of Production (production from year-to-year for a period of five years), Mechanization, Type of Machinery to be used, nature and extent of the mineral body/ spot or spots where the mining operations are proposed to be undertaken; natural water courses, limits of mineral reserves and other forest areas and density of trees, if any, assessment of impact of mining activity on land surface and environment including air and water pollution i.e. the

environment management plan. In addition to this Mining plan also suggests the details of scheme of restoration/ rehabilitation of the area through afforestation, land reclamation, use of pollution control devices and such other measures as may be directed by the State Government from time to time.

- 6.2 The Mining Plan are to be got approved from the authorized officer of the State Government. Based on mining plan prior environmental clearance from the competent authority as per provisions of EIA Notification dated 14.09.2006 of MoEF & CC, GoI is obtained.
- 6.3 After obtaining the Environmental Clearances, to comply with requirement of Air Act, 1981 the Consent to Establish and "**Consent to Operate**" from State Pollution Control Board are also obtained before actual mining
- 6.4 The above said provisions mainly relates to mineral conservation and environmental protection. With regards to provisions related to safety in mines and welfare of labours provisions under the Mines Act, 1952 are ensured by the Directorate General Mines Safety, a department under the Ministry of Labour, Government of India.

7. Areas selected for Mining in District Yamuna Nagar

Background

- 7.1 As per rough estimate total area of rivers beds (all rivers and tributaries/rivulets) passing through district Yamuna Nagar is about **28 to 30 sq. km.** Further approximately about 90 sq km. area outside river bed is also having mineral deposits. A larger part of which is otherwise under various uses including agriculture. As regards selection of area for mining it may be pointed out that:-
 - (i) Earlier, (about 16-18 years back) mineral concession/mining contracts were being granted on revenue estate basis (without giving any specific details of areas), subject to various restrictions. The mineral concession holders used to undertake mining in areas after leaving restricted area.
 - (ii) Initially about **120 villages** were being offered for mining, however, over a period of time the number of villages/quarries reduced to about **67**, as area of some of the villages came under other

- restrictions either because of construction of some bridges on river bed or due to other development projects including habitation.
- (iii) The mode of grant of mining contracts of individual quarries/revenue estates in Yamuna Nagar district was changed in late nineties and instead granting individual quarries on contract, number of adjoining quarries were clubbed for the purpose of granting mineral concession. This mode was further changed and all minor mineral quarries of the district were given "as one unit". In this way they used to be a single contractor for all minor mineral quarries "**district as one unit**". In district Yamuna Nagar last such contract for "**district as one unit**" was granted on 11.04.2004 for a period up to 31.03.2009.
- (iv) Needless to state that such **mineral concession areas** used to have even the areas having no mineral deposits, the areas otherwise not permissible for mining. The mineral concession holders were under obligation to undertake mining only in the areas free from all restriction and as per prevailing Rules and Regulations. Mineral Concessions for minor Mineral prior to 14.09.2006 were not required to obtain environmental clearance.
- (v) The EIA notification dated 14.09.2006 became applicable for fresh contacts/ leases and in the year 2008 for grant of mineral concessions in respect of other areas in the State fresh auctions were notified subject to condition that mining will be allowed to be undertaken only after prior environmental clearance is obtained as per requirement of EIA notification dated 14.09.2006 of MoEF & CC, GoI. However, said condition was challenged by some prospective bidders on the plea that the notification dated 14.09.2006 was not applicable for mining of minor minerals.
- (vi) The operation of notification dated 14.09.2006 for mining of minor mineral was stayed by the Hon'ble Punjab and Haryana High Court vide its interim order dated 07.04.2008 in CWP No. 4578 of 2008- Chandi Mandir Stone Crusher Consumer Company Vs. Union of India and Others.

- (vii) The State could not have granted long term contracts during the pendency of said case because operation of the notification was under stay and in case long term contracts were granted the mineral concession holders would have claimed that at the time of grant the notification was not applicable for them or may have sought to cancel the contract.
- (viii) Subsequently, the Hon'ble High Court on 15.05.2009 while disposing of the above said writ petition (along with CWP no 20134 of 2004 Vijay Bansal v/s State) upheld that notification dated 14.09.2006 was applicable for mining of minor minerals also.
- (ix) However, as regards the process of obtaining the prior environmental clearance, the Hon'ble High Court directed the process to be followed in two parts. In the first stage, it was directed that the state of Haryana would submit the ToRs to the EAC and the EIA report will be prepared by Expert Appraisal Committee (EAC) in the MoEF, GoI before conducting the auctions. Subsequent to the holding of the auctions, the successful bidder shall obtain the prior environmental clearance from the competent authority.
- (x) The Hon'ble High Court, considering that some time would be required for completing the process as per above, and general public would face problems due to sudden closure of mining, permitted mining without environmental clearance for the period up to 28.02.2010.
- (xi) Accordingly, no long term contract in Yamuna Nagar area could be granted due to above litigation and after expiry of the last contract the mining operations was allowed in district Yamuna Nagar (as well as in other part of the state) for the period of up to 28.02.2010 without environmental clearance as per orders of Hon'ble High Court.
- (xii) However, the order dated 15.05.2009 of Hon'ble High Court relating to preparation of EIA report by the State Government was not acceptable to the MoEF, CC, GoI. The MoEF was of the view

that state being regulating agency cannot prepare the said report at its own. Therefore, the applications submitted by State of Haryana for approval of ToR were not considered.

- (xiii) The MoEF initially filed a Review Application before the Hon'ble High Court and thereafter SLP before the Hon'ble Supreme Court. During the pendency of said matter the state of Haryana neither could take further action relating to preparation of EIA report nor could auction its minor mineral areas for grant of mineral concessions subject to condition that Environmental Clearance shall be obtained by the project proponent.
- (xiv) The mining in district Yamuna Nagar /other parts of the State came to a grinding halt on 01.03.2010. The mining in the district Yamuna Nagar remained closed. The mining operations prior to 01.03.2010 were either undertaken by the contactors to whom contract was granted prior to 14.09.2006 or under special dispensation granted by the Hon'ble High Court to operate mines without Environment clearance till 01.03.2010.
- (xv) Subsequently, the Hon'ble Supreme Court on 28.10.2013 while disposing of the SLP No. 729 of 2011 of the MOEF & CC, GoI held that prior environmental clearance is to be obtained by the concerned mining lease holders and not by the State Government. In other words the process for obtaining prior environmental clearance was to be followed as prescribed by MoEF, CC, GoI under its notification dated 14.09.2006 as amended to time to time (uniformly applicable for country).
- (xvi) In view of above the State of Haryana in November, 2013 could issue notifications for grant of mineral concessions in various parts of the State including district Yamuna Nagar through open auctions to be held in December, 2013.

8. Areas Selected for mining in November/ December, 2013 and thereafter (the areas at present on contracts or to be granted on mining contracts)

- 8.1** In November, 2013 it was decided that instead of the auctioning all of minor

- mineral quarries of a district as a single unit, the same should be granted in the form of big mining units. The mineral concessions for district as one unit were found to be resulting in monopoly of a few in the business of mining in a district.
- 8.2 At the cost of repetition it is stated that mineral concession areas of large size blocks/units used to have even such areas which otherwise were not permissible for mining. The restricted area were not meant to be used for actual mining operations but otherwise permissible for subsidiary activities like installation/establishment of check posts/weighbridge etc.
 - 8.3 In December, 2013 a total of 16 Mining Blocks having contiguous area were carved out and were auctioned as 06 separate units (one unit was having number of blocks) having total area of 3601.62 hectares. The said mineral concessions were granted subject to condition that mining would be allowed to be commenced only after prior environmental clearance is obtained by the concerned mining contracts/LoI holders.
 - 8.4 The areas of each of these Mining Units except that of Unit No. 1 & Unit No. 2 are very large. However, subsequently 04 of the LoI holders got their bids cancelled through Hon'ble High Court. The area of such cancelled 04 large size contracts became available for fresh grant. It was decided to be auctioned afresh by carving our small size blocks as compared to large size areas auctioned in the December, 2013.
 - 8.5 The area available for actual mining out of area of above said 04 units and a few of other areas which earlier could have been offered due to some issues relating to access road etc., were notified for fresh grant by carving out **33 Mining Blocks**. While auctioning comparatively smaller blocks the total area available for grant of mineral concession got further reduced to **1221.91 hectare**.
 - 8.6 At Present 02 big Mining Units and 31 Mining Blocks, having total area of 1825 hectare have already attracted bids in auction/e-auctions.

9. Annual Capacity of Areas selected for mining of minor minerals

- 9.1 In order to make estimates of mineral deposits and mineable reserves of any mineral a detailed exploration is required to be undertaken. The economic life

of a mine based on the mineral estimates including current mining production plans are made on the basis of study taking into consideration the quantity and quality of the minerals extracted during the reporting time, changes in Economic Viability due to changes in prices and costs, development of relevant technology, newly imposed environment or other regulations, and data on exploration conducted concurrently with mining. It presents the current status of the deposits, providing a detailed and accurate, up-to-date statement on the reserves and the remaining resources.

- 9.2 However, in case of minor minerals like Boulder, Gravel and Sand as the same are available in abundance and estimates can be made on the basis of mineral seen at surface or through the area operated in past and on the basis of permissible limits to excavate minerals.
- 9.3 The minerals are non-renewable resources, however, minor minerals found in the river bed areas have peculiar condition relating to mineral reserves. The minerals removed from the river bed areas get replenished after every rainy season with minerals brought along with water from hilly areas. The mineral reserves for mining on replenishment remain almost same every year after rainy season.
- 9.4 On the other hand in case of areas outside river bed or any area used for mining, the mineral reserves reduce after every year after mining operations. Hence, total mineable reserves after mining gets depleted and the life of any mine also reduces. This is a normal practice for mineral reserve estimation for all types of mining activities other than river bed areas.
- 9.5 The mineral reserves for river bed areas are calculated on the basis of maximum depth of 3 meters. The area multiplied with depth gives volume and volume multiplied with bulk density gives the quantity in M.T. In case of river bed areas per hectare area, maximum availability of mineral for actual mining is 60,000 MT. However, as explained above the mineral excavated from river gets replenished after every year, therefore, the same quantity remains available for mining again and again.
- 9.6 In case of areas outside river bed the maximum depth of 9 meters from ground level is considered for calculation of capacity of a mine. The area multiplied with 09 gives the volume and volume multiplied with bulk density gives quantity of total mineral available in M.T. However, on an average half

meter to 1 meter layer is of ordinary earth, so actual mineral can be excavated up to maximum depth of about 08 meters per hectares area outside river bed in general provides 1,60,000 M.T. of mineral.

10. Capacity of Minor Mineral Mines/ Areas selected for mining

10.1 The capacity of any mining area mainly depends upon of mineable reserves, economical viability and demand of minerals. In most of the cases particularly in respect of minor minerals the mineral deposits are found in huge quantity. However, the demand of material depends upon other factors such as ongoing infrastructure projects and other related private constructions. The operation of other minor mineral mines in and around any area/mine is one of the important factors affecting the production plan.

To illustrate for example if total demand of particular area for construction material is "X" M.T. per annum, all operating mines in and around any particular area depending upon market forces would be supplying the material. Accordingly if operation in any of the mines stops, the demand of the market would be met by the remaining operating mines. In other words the production level of operating mines shall increase. The annual production plan is prepared by mining contractors/lease holders considering their maximum capacity. However, in all cases peak capacity in general may or may not be achieved at any point of time.

10.2 As per documents submitted by the Mineral Concessionaires maximum annual capacity of each of the 35 Mining Units/Blocks of District Yamuna Nagar, are given as under :

Sr. No.	Mining Unit/Block Location	Area (In Hect.)	Period (In yrs)	Name of Minor Minerals	Status of Granted of Mineral Concession	Annual Capacity as per EC/Mining Plant/TOR in lakh MT.	Present Status
Riverbed Mining Areas							
1.	Yamuna Nagar Unit-1 (Tajewala)	48.97	10	Gravel, Sand, Boulder	Yes	20.64	Yet to be Auctioned

Sr. No.	Mining Unit/Block Location	Area (In Hect.)	Period (In yrs)	Name of Minor Minerals	Status of Granted of Mineral Concession	Annual Capacity as per EC/Mining Plant/TOR in lakh MT.	Present Status
2.	Yamuna Nagar Unit-2 (28 village)	554.13	8	Gravel, Sand, Boulder	Yes	120.00	Working
3.	Bailgarh- South Block (YNR-B2)	28.00	9	Gravel, Sand, Boulder	Yes	13.00	Working
4.	Bailgarh North Block (YNR-B1)	44.00	7	Gravel, Sand, Boulder	Yes	21.44	EC/CTO Awaited
5.	Mandoli Ghaggar East Block (YNR B3)	20.18	10	Gravel, Sand, Boulder	Yes	8.58	Working
6.	Mandoli Ghaggar West Block (YNR B4)	25.56	7	Gravel, Sand, Boulder	Yes	11.91	Working
7.	Kanalsi Block (YNR B5)	44.14	09	Gravel, Sand, Boulder	Yes	19.50	Working
8.	Jairampur Jagir Block/YNR B6	33.58	10	Gravel, Sand, Boulder	Yes	15.20	EC/CTO Awaited
9.	Beer tapu Block (YNR B7)	14.45	7	Gravel, Sand, Boulder	Yes	6.15	Working
10.	Odhari North Block YNR-B8	10.00	9	Sand	No	4.50	Area under Consideration
11.	Odhari South Block YNR-B9	56.98	10	Sand	No	25.18	Area under Consideration
12.	Lapra Block/ YNR B10	34.28	7	Sand	Yes	15.30	EC/CTO Awaited
13.	Pobari Block (YNR B11)	23.05	9	Sand	Yes	11.00	Working
14.	Gumthala I North Block(YNR B16)	44.62	7	Sand	Yes	21.00	Working
15.	Gumthala South Block/YNR B-	49.67	09	Sand	Yes	21.88	Working
16.	Jathlana Block /YNR b12	101.27	10	Sand	Yes	36.00	Working

Sr. No.	Mining Unit/Block Location	Area (In Hect.)	Period (In yrs)	Name of Minor Minerals	Status of Granted of Mineral Concession	Annual Capacity as per EC/Mining Plant/TOR in lakh MT.	Present Status
17.	M T Karhera Block/ YNR B-13	67.79	07	Sand	Yes	29.60	EC/CTO Awaited
18.	Nagla Rangraan/ YNR B-14	89.48	9	Sand	Yes	38.60	EC/CTO Awaited
19.	Nagli Block/ YNR B-15	77.25	10	Sand	Yes	33.30	EC/CTO Awaited
20.	Dhanora Block/ YNR B-18	18.18	10	Sand	No	9.38	Yet to be Auctioned
		Totl.= 1385.58				Totl.=482.16	
Outside Riverbed Mining Areas							
21.	Bhood Kalan (YNR B19)	12.62	7	Gravel, Sand, Boulder	Yes	2.59	Temp. Closed Due to
22.	Bhood Majra (YNR B20)	9.95	7	Gravel, Sand, Boulder	Yes	2.00	Temp. Closed Due to
23.	Kohliwala (YNR B21 & 22)	13.59	8	Gravel, Sand, Boulder	Yes	2.50	Working
24.	Devdhar (YNR B24)	31.87	8	Gravel, Sand, Boulder	Yes	5.10	Working
25.	Malikpur Khadhar Block/YNR B- 28	23.20	8	Gravel, Sand, Boulder	Yes	4.00	Working
26.	Pipli Majra Block/ YNR B29, 30 &31	18.20	7	Gravel, Sand, Boulder	Yes	3.70	Working
27.	Jaidhari Block/ YNR B-33	48.60	08	Gravel, Sand, Boulder	Yes	9.10	Working
28.	Mandewala (YNR B-38)	15.00	8	Gravel, Sand, Boulder	Yes	22.80	EC/CTO Awaited
29.	Chuharpur Block/YNR B- 26&27	50.40	08	Gravel, Sand, Boulder	Yes	74.56	EC/CTO Awaited

Sr. No.	Mining Unit/Block Location	Area (In Hect.)	Period (In yrs)	Name of Minor Minerals	Status of Granted of Mineral Concession	Annual Capacity as per EC/Mining Plant/TOR in lakh MT.	Present Status
30.	Begampur (YNR b-37)	39.50	8	Gravel, Sand, Boulder	Yes	56.88	EC/CTO Awaited
31.	Jaidhar Block /YNR B-34	25.60	8	Gravel, Sand, Boulder	Yes	36.86	EC/CTO Awaited
32.	Nandgarh Block /YNR B36	29.60	8	Gravel, Sand, Boulder	Yes	46.22	EC/CTO Awaited
33.	Ismsilpur Block/YNR B32	50.50	08	Gravel, Sand, Boulder	Yes	76.96	EC/CTO Awaited
34.	Haldari Gujjar Block/YNR B-35	46.80	08	Gravel, Sand, Boulder	Yes	70.43	EC/CTO Awaited
35.	Galauri Block/ YNR B 39	24.00	08	Gravel, Sand, Boulder	Yes	4.40	Working
		Total= 439.43				Total= 418.1	
		G. Total area = 1825.01 hect.				G. Total=900.26	

10.3 The annual capacities of above mines have been ascertained on the basis of area available for mining and production plans suggested by the mineral concession holders under their Mining Plan/ Application for seeking Environment clearance. In case of the areas not granted till now, the average reserves had been taken into account. Further, the annual capacity of river bed areas is calculated on the basis of assumption that the quantity lifted during any year would get replenished after every rainy season. Whereas the capacity of areas outside river bed has been calculated on the basis to total mining reserves to be excavated during the period of mineral concession.

10.4 That as explained in for forging paras the demand of mineral is most crucial factor in deciding the actual production of any mine or area. In case of district Yamunanagar, the operation of minor mineral mines towards

Saharanpur side of U.P also has direct bearing. The total demand of mineral in these areas can be estimated on the basis of past production of minor minerals. During last 10 years the production of minor minerals excavated are tabulated as below:-

Year	Boulder/Gravel/Bajri	Sand	Total
1999-2000	8,68,970	2,44,100	11,12,070
2000-2001	9,81,050	3,02,100	12,83,150
2001-2002	12,30,050	4,66,700	16,96,750
2002-2003	37,43,286	10,40,300	47,83,586
2003-2004	25,40,800	-----	24,40,800
2004-2005	13,52,008	7,58,800	21,10,808
2005-2006	23,13,476	14,67,252	37,80,728
2006-2007	11,81,600	14,46,000	26,27,600
2007-2008	14,23,000	14,07,000	28,30,000
2008-2009	12,15,000	12,88,000	25,03,000
Total	1,68,49,240	63,67,052	2,52,69,492
Average	16,84,924	6,36,705	25,26,949

The perusal of above would show that on an average about 25 lakh M.T. minor mineral per annum was being excavated from minor mineral mines of district Yamunanagar. Most of the excavation is undertaken in the river bed areas where minerals excavated get replenished after rainy season due to fluvial action. Even annual demand after 2008-09, is considered to have been accelerated with a rate of 10% every year, the demand for present shall about 45-50 lakh M.T. per year. Approximately 75% of the minerals are likely to be excavated from river bed areas. Accordingly, it is estimated that about 25-30 lakh M.T. would be excavated from various parts of river bed areas, spread over approximately 1385 hectare having estimated capacity of 482 lac MT per annum. The requirement would be less than 10% of the annual capacity of all river bed areas used for actual mining.

The quantity of actual mineral to be excavated even remains at optimum level, the replenishment rate is still higher. Though there is no specific study available on the quantity of sedimentation/ replenishment but the same is directly proportionate to the area of catchments, Geological formation of the area of catchments, gradient and water flow of the river etc. The area in question is situated in the foothills of Shivalik range, being very young in Geological formation. The region is extremely important because it is the prime source of sediments, with a number of steep gradient torrents transport downstream to the

plan. The huge quantity of boulder and gravel settles immediately after reaching plane areas and thereafter fine sand gets deposited. The department is planning to study annual replenishment rate by taking time to time MRL readings of river bed areas.

11. DETAILS OF ROYALTY/REVENUE RECEIVED IN LAST THREE YEARS.

Sr.	Year	Revenue (In Rs)
1	2014-15	NIL (Mining Closed)
2	2015-16	NIL (Mining Closed)
3	2016-17	24,74,22,307/-

12. DETAILS OF PRODUCTION OF MINOR MINERAL OF LAST THREE YEARS.

Sr.	Year	Production (In MT)
1	2014-15	NIL (Mining Closed)
2	2015-16	NIL (Mining Closed)
3	2016-17	13,68,302-00

13. PROCESS OF DEPOSITION OF SEDIMENTS IN THE RIVER OF DISTRICT.

The deposition in a river bed is more pronounced during rainy season although the quantum of deposition varies from stream to stream depending upon numbers of factors such as catchment, lithology, discharge, river profile and Geomorphology of the river course. It has been observed that during rainy season all of the pits created due to excavation of minerals are completely filled up and as such the excavated area is replenished with new harvest of minerals.

In order to calculate the mineral deposits in the stream beds, the mineral constituents have been categorized as Clay, Silt, Sand, Gravel and Boulder. However during present calculation, the waste material i.e silt, clay which vary from 10 to 20% in different streams have been included in the total production. The mineral reserves have been included only upto 1.00 meter depth although there are some portions in the river beds such as channel bars, point bars and central islands where the annual deposition is raising the level of river bed thus causing shifting of the rivers towards banks resulting in to cutting of banks and at such locations, removal of this material upto the bed level is essential to control the river flow in

its central part to check the bank cutting. While calculating the mineral potentials, the mineral deposits lying in the sub-tributaries of that particular stream/river has not been taken into consideration. Since these mineral deposits are adding annually to the main river, the mineral deposits will be much more.

The important rivers/streams of the district are Yamuna, Somb, Boli, Sarasvati, Chautang, Rakshi, etc. Yamuna River rises from the snow-clad peaks of the middle Himalayas at Yamnotri, enters the district from its northeastern corner through a narrow corridor in the Siwaliks. River Yamuna enters plain area for the first time from Yamuna Nagar and running through the district which forms the eastern boundary with the neighboring District Saharanpur. This boundary is also a state boundary. The Somb river originates in the Shivalik hills near Adi Badri in Yamuna Nagar district on the border of Haryana and Himachal Pradesh State. Boli nadi joins the somb nadi near the Dadupur and after combining both nadi's join the Yamuna river at Mehar majra. The Historical river Saraswati also originates from the place named Adibadri in the district. The rakshi stream takes its birth in the rolling foot hill plains while the Chautang and Sarasvati rivers originate in the lower hills. Generally, the slope of the district is from north-east to south-west, in which direction of most of rivers/nadis/rainfed torrents flow down. The Higher area that is not flooded in rainy season is called Bangar and the lower flood prone area is called Khaddar.

14. GENERAL PROFILE OF THE DISTRICT.

Country	India
State	Haryana
Headquarters	Yamunanagar
Sub Divisions	Jagadhri, Bilaspur, Radaur
Tehsils	Jagadhri, Chhachhrauli, Bilaspur, Radaur
Sub Tehsils	Sadaura, Mustafabad, Khizrabad
Area	1,756 Sq. km (678 sq mi)
Population (2001)	
• Total	12,14,162
• Density	590/sq. km (1,500/sq mi)
Demographics	
• Sex ratio	862

Website	Official website (ynr.nic.in)
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15. LAND UTILIZATION PATTERN IN THE DISTRICT.

In District Yamuna Nagar, most of the areas are utilized for Agriculture and Horticulture, some area is used for Mining and rest of land is forest.

16. PHYSIOGRAPHY OF DISTRICT.

The district is divided into four Physiographic units:-

- Siwaliks
- Dissected Rolling Plains
- Interfluvial Plains
- Active and Recent Flood Plains
- Relict Plains

Siwaliks hills – Siwalik hill ranges occupy the northern fringe of Yamuna Nagar district and attain the height up to 950m AMSL. The hills are about 500m high with respect to the adjacent alluvial plains. These are characterized by the broad tableland topography that has been carved into quite sharp slopes by numerous ephemeral streams come down to the outer slopes of the Siwaliks and spread much of gravels boulders, pebbles in the beds of these streams.

Kandi Belt – A dissected rolling plain in the northern parts of district is a transitional tract between Siwalik Hills and alluvial plains. It is about 25 km wide and elevation varies between 250 and 375m AMSL.

Interfluvial plains – This tract is part of higher ground between Ghaggar and Chautang and includes high mounds and valleys. In general, the slope is from northeast to southwest.

Active and recent flood plains – This plain is narrow tract along river Yamuna in the district.

Relict wedge plain – This is almost in alignment to the surface water divide between the westward flowing Ghaggar and eastward flowing Yamuna River.

17. Rainfall data:- Months Wise

Monthly Normal Rainfall Averages of 5 year (2011-15) in Milimetre

Sr. no.	Month	2011-15
1	January	32.5
2	February	46.5
3	March	28.9
4	April	10.0
5	May	20.5
6	June	182.0
7	July	268.0
8	August	331.0
9	September	108.6
10	October	14.0
11	November	12.6
12	December	20.6
	Total	1075.2

18. GEOLOGY AND MINERAL WEALTH:-

The north-eastern and central part of Haryana is predominantly characterized by sedimentary lithology in the sub-Himalayan zone comprising Subathus, Dagshais, Kasaulis and Siwaliks. A general Regional Stratigraphic sequence in the area is given in the table.

Table: Regional Stratigraphic sequence

Age	Super Group	Group	Formation	Lithology
Holocene			Newer alluvium and Newer Aeolian Deposits	Gravel, Sand, Silt, Clay, Limestone, gypsum
Lower to upper Pleistocene			Older alluvium and older Aeolian deposits	Gravel, grey sand, silt clay brown sand, calcrete
Lower to Middle Pleistocene		Upper Siwalik	Boulder Conglomerates formation	Conglomerate, sand stone, silt. Clay
Upper Pliocene			Pinjore Formation	Coarse grit, red sand stone and clay,

				conglomerate
			Tat rot formation	Friable Sand Stone and variegated clay
	Middle Siwalik		Dhokpathar Formation	Brown Sandstone and variegated clay
			Nagri Formation	Hard grey sand Stone and minor shale
	Lower Siwalik		Nahan Formation	Course gritty, clay and red sandstone often calcareous, brownish shale with lignite lenticels greenish white quartzite
Lower Miocene	Sirmur		Kausauli Formation	Grey and stone, green shale and grey clay
			Dagsai Formation	Purple sand green sand stone, deep red gritty, clay, white sand stone with ferruginous concretions
Upper Eocene			Subathu Formation	Sandstone with grit clay. Impure fossiliferous limestone calcareous slate, greenish shale and dark brown quartzite
Pre-Proterozoic			Tunda pathar	Tickly bedded, stromatolite limestone with carboniferous shale and quartzite

19. District wise detail of river/stream and other sand sources:

S. No.	Name of River	Origin	End C.G. in	Width	Length in Ynr Distt.	Remarks
1	Yamuna River	Origin in Haryana	Gumthala	0.6KM	70KM	
2	Somb Nadi	Ranjitpur	Dadupur	0.06 KM	40KM	Meet in Dad

20. List of villages where minor minerals (Gravel, Boulder and Sand) are available.

- As per above at the para no. 10.2

21. Drainage system with description of main rivers

S. No.	Name of the river	Area drained (Sq. Km)	% Area drained
1	Yamuna River (1376 km)	21265	6.5

21.1 Salient Feature of Important Rivers and Streams:

S. No.	Name of the River or Stream	Total Length in the District (in Km)	Place of origin	Altitude at Origin
1	River Yamuna	70 Km	Yamnotri	3291 mts Or 10797 feet
2.	Somb Nadi	50 Km	Ranjitpur	

Portion of the River or Stream Recommended for Mineral Concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)
50 km	70	400 meters	2,40,00,000 Sqm	540 lakh MT

Mineral Potential

Boulder, Gravel, Sand (In lakh MT)	Sand (In lakh MT)	Total Mineable Mineral Potential (MT)
654.52	245.74	900.26

Annual Deposition

	236.42	245.74	482.16
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S. No.	River or Stream	Portion of the river or stream recommended for mineral concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

Total for the District	50 KM	70 KM	400	2,40,00,000 Sqm	540 MT	

22. Reclamation and Restoration of mining area and provision of Fund for the same:

- 22.1 As explained in foregoing paras mining in river bed areas takes place only up to a maximum depth of 3 meter from existing river bed level, that too in central 3/4th of the river bed. The material brought by the river due to fluvial action fills the void created in the process of excavation. In this way the area operated/ used for excavation of mineral from rivers gets reclaimed after every rainy season. Further, in the river bed areas there are no flora and fauna. Accordingly as such river bed mining does not create any ecological impact. The excavation of minerals from central part of the river in fact provides void/space for settlement of sediments without raising the river bed level.
- 22.2 As it is well known that rising of bed level results in river meandering (change of course) and in the present day the change of course of any river results in floods and damages. Though sometimes areas in and adjoining river banks are affected because of unforeseen circumstances/water stream due to heavy rains.
- 22.3 Further, the area outside river bed requires levelling reclamation and restoration after mining. The land owners take compensation from the mining contractors in lieu of surface rights. The areas after mining are levelled by the contractors or land owners (depending upon mutual settlement between the contractor and land owners) to make the land reusable for cultivation. In order to ensure that areas after mining in case needs reclamation/restoration are properly dealt/restored.
- 22.4 The State Rules, 2012 appropriately provide provisions of R&R Fund namely **"Mines and Mineral Development, Restoration and Rehabilitation Fund"**. The mineral concession holders are liable to deposit an amount equal to 10% of the dead rent or royalty or contract money paid to the state for Restoration and Rehabilitation works. Further, the state also contributes 5% of the amount received by it on account of the dead rent or royalty or contract

money in a financial year to the Fund. The Fund has been created only for funding of the restoration or reclamation or rehabilitation works in the sites affected by mining operations. The Fund can be used for creating common facilities for the benefit of community in and around areas where mining activities are undertaken, development of infrastructure facilities for orderly growth of the mining operations and allied activities and other related works/schemes.

22.5 In compliance with amendment in the Mines and Minerals (Development & Regulation) Act, 1957, vide which Section 9B has been inserted making it mandatory to form District Mineral Foundation (DMF) in each district, the State has recently (19.12.2017) notified Haryana District Mineral Foundation Rules-2017. The Foundations shall work for welfare and benefit of persons and areas affected due to mining operations. 1/3rd of the amount collected in **“Mines and Mineral Development, Restoration and Rehabilitation Fund”** shall be transferred in the **DMF Fund**. The projects to be carried out under **Pradhan Mantri Khanij Kshetra Kalyan Yojna** shall be implemented by the District Mineral Foundations.

22.6 The areas operated in past in the district Yamunanagar were restored (river bed filled up with sediments brought by fluvial action and areas outside river bed levelled by land owners for cultivation). However, some of the areas used for mining in land falling outside river bed were not put in use by private land owners after mining for the reasons known to them. The private land owners could not have been insisted for undertaking cultivation, in case they don't choose for the same. A few of the patches of such un-reclaimed areas are existing in and around crusher zone areas in village Ballewala, Diowala, Mandewala and Kohliwala. In this area over a period of time some rain water get collected and remains wet for quite long every year. The same had no ecological impact on the ecology of the area. As a matter of fact such areas are acting as water recharge zone as well as wet land.

Conclusion:

In district Yamunanagar a total of 1825.01 hectare area has been identified for mining of minor minerals under 35 mineral concessions (at para 10.2), though

STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY HARYANA
Bay No. 55-58, Prayatan Bhawan, Sector-2, PANCHKULA.

No. SEIAA/HR/2016/475

Dated: 27.06.2016

To

M/s Mubarikpur Royalty Company,
 Punjab Stone Crusher, Mubarikpur-Ramgarh Road,
 VPO-Mubarikpur, District-Mohali (Punjab)

Subject: Environmental Clearance for Mining of Boulder, Gravel and Sand (Minor Minerals) Mines namely "Bailgarh South Block/YNR B2" over an area of 28.00 Ha. Falling in Village-Bailgarh, Tehsil-Chhachhrauli, District Yamuna Nagar, Haryana.

This has reference to your application transferred online by MoEF & CC, GoI to M. S. SEIAA on 16.04.2016; hard copy received on 21.04.2016 and subsequent letter dated 01.06.2016 seeking prior environmental clearance for the above project under the EIA Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification, 2006 and subsequent amendments on the basis of the mandatory documents enclosed with the application viz., Form-1, Pre-feasibility report, copy of approved Mining Plan, EIA/EMP on the basis of approved TOR and the additional clarifications furnished in response to the observations of the EAC of MoEF & CC, GoI and State Expert Appraisal Committee (SEAC) constituted by MOEF & CC, GOI vide their Notification 21.08.2015, in its meetings held on 06.05.2016 and 01.06.2016.

[2] The EAC/SEAC has examined the application and noted that the proposal is for Mining of Boulder, Gravel and Sand (Minor Minerals) Mines namely "Bailgarh South Block/YNR B2" Falling in Village-Bailgarh, Tehsil-Chhachhrauli, District Yamuna Nagar, Haryana over an area of 28.00 Ha. The Mines & Geology Department Haryana has granted for an area of 28.00 Ha "Bailgarh South Block/YNR B2 at Village-Bailgarh, Tehsil-Chhachhrauli, District Yamuna Nagar, Haryana vide LOI dated 19.06.2015. The project proponent has submitted approved mining plan dated 23.02.2016. The public hearing was conducted by HSPCB on 09.03.2016. The EAC/SEAC has appraised this project as category B-1 NOC from Forest Department has been obtained.

Brief details of the project:

1.	Category/Item no. (in schedule):	1 (a) B-1	
2.	Location of Project	Village-Bailgarh, Tehsil-Chhachhrauli, District Yamuna Nagar, Haryana	
3.	Project Details Khasra No.	Mining of Boulder, Gravel and Sand (Minor Minerals) Mines namely "Bailgarh South Block/YNR B2" over an area of 28.00 Ha.	
	Production capacity	13,00,000 TPA @173 Trips/day (25 MT)	
4.	Project Cost	8.50 Crore	
5.	Water Requirement & Source	43 KLD through Tankers	
		Dust suppression	25 KLD
		Plantation	15 KLD
		Drinking	3 KLD
6.	Environment Management Plan Budget	34 lakh	
7.	CSR Activates Budget	20 Lakh	
8.	Production	The proposed production for the five years is @ 13,00,000 TPA. The ultimate pit limit is 3 m bgl or 2 meter above water table which ever comes first.	
9.	Corner Coordinates of the lease area	Co-ordinator	Latitudes
		Lease area	Longitudes
			N 30° 13' 29.01" E77° 30' 34.59"
			N 30° 13' 10.29" E77° 30' 24.22"
			N 30° 12' 41.01" E77° 30' 17.97"
10.	Green belt/ plantation	Year of Plantation	Proposed Plantation
		I Yr.	1000 Trees
		II Yr.	1000 Trees
		III Yr.	1000 Trees
		IV Yr.	1000 Trees
		V Yr.	1000 Trees
11.	Machinery required	Excavator, JCB, Tipers/Trucks, Water Tanker Light Vehicles/Geep and Maintaniance Van	

The Authority in its 92nd meeting held on 15.06.2016 decided to agree with the recommendations of SEAC to accord Environment Clearance to this project by imposing the following conditions:-

A SPECIFIC CONDITIONS:

- [1] This Environment Clearance is granted for the proposed production of Boulder, Gravel and Sand (Minor Minerals) for the five years @ 13,00,000 TPA. The ultimate pit limit is 3 m bgl or 2 meter above water table which ever comes first.

Co-ordinator	Latitudes	Longitudes
Lease area	N 30 ^o 13'29.01"	E77 ^o 30'34.59"
	N 30 ^o 13'10.29"	E77 ^o 30'24.22"
	N 30 ^o 12'41.01"	E77 ^o 30'17.97"

- [2] The project proponent shall carry out mining activity strictly as per the approved Mining Plan.
- [3] Environmental Clearance is subject to obtaining clearance, under the Wildlife (Protection) Act, 1972 from the National Board of Wildlife, as applicable to the project.
- [4] No mining activities will be allowed in forest area, if any, for which the Forest Clearance is not available.
- [5] The Project proponent shall obtain consent to Operate from the State Pollution control Board, Haryana and effectively implement all the conditions stipulated therein.
- [6] Project Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical examination of the workers engaged in the project and records maintained; also, Occupational health check-ups for workers having some ailments like BP, diabetes, habitual smokers, etc. shall be undertaken once in six months and necessary remedial/preventive measures taken accordingly. Recommendations of National Institute for labour for ensuring good occupational environment for mine workers would also be adopted.
- [7] Project Proponent shall appoint a Monitoring Committee to monitor the replenishment study, traffic management, levels of production, River Bank erosion and maintenance of Road etc.

- [8] The number of trips of the trucks shall not exceed 173 Trips/day (25 MT). Transport of minerals shall be done either by dedicated road or it should be ensured that the trucks/dumpers carrying the mineral should not be allowed to pass through the villages.
- [9] Project Proponent shall ensure that the road may not be damaged due to transportation of the mineral; and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and density.
- [10] Excavation will be carried out up to a maximum depth of 3 meters from surface of river bed one meter above from the ground water level of the River channel whichever is reached earlier.
- [11] The pollution due to transportation load on the environment will be effectively controlled & water sprinkling will also be done regularly. Vehicles with PUC only will be allowed to ply. The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Project should obtain 'PUC' certificate for all the vehicles from authorized pollution testing centre.
- [12] Washing of all transport vehicles should be done inside the mining lease.
- [13] Permanent pillars have to be constructed to demarcate width of extraction of Reserve of Minerals leaving 25% of River width from the bank with depth of 1.5m below the ground and 1.2 m above the ground to observe its stability.
- [14] There shall be planning, developing and implementing facility of rainwater harvesting measures on long term basis in consultation with Regional Director, Central Groundwater Board and implementation of conservation measures to augment ground water resources in the area in consultation with Central Ground Water Board.
- [15] The Project Proponent shall also take all precautionary measures during mining operation for conservation and protection of endangered flora/fauna, if any, spotted in the study area.
- [16] Main haulage road in the mine should be provided with permanent water sprinklers and other roads should be regularly wetted with water tankers fitted with sprinklers.

- [17] Provision shall be made for the housing of construction for labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- [18] No River sand mining shall be allowed in flowing water and no mining is allowed in rainy season.
- [19] The project proponent shall submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity/ production levels shall be decreased/ stopped accordingly till the replenishment is completed.
- [20] The project proponent shall ensure that no natural water course/water body shall be obstructed due to any mining operations.
- [21] The dumping site selected and proposed shall be used for over burden dump at the designated site within the lease area as per the approved mine plan. In no case the overburden should be dumped outside the lease area.
- [22] Garland drains shall be constructed to prevent the flow of the water in the dumps.
- [23] Green belt should be developed as per the proposed plantation as given in the proposal. Plantation should be carried out in phased manner.
- [24] Regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of SPM and RPM such as haul road, loading and unloading point and transfer points. It shall be ensured that the Ambient Air Quality Parameters conform to the norms prescribed by the CPCB.
- [25] Regular monitoring of ground water level and quality shall be carried out in and around the mine lease. The monitoring shall be carried out four times in a year-pre monsoon (April-May), monsoon (August), post monsoon (November); winter (January) and the data thus collected may be sent regularly to MOEF Regional Office, Chandigarh and Regional Director CGWB.

- [26] Data on ambient air quality and stack emissions shall be submitted to Haryana Pollution Control Board once in six months carried out by MOEF/NABL/CPCB/ Government approved lab.
- [27] Vehicular emissions shall be kept under control and regularly monitored. Measures shall be taken for maintenance of vehicles used in mining operations and in transportation of mineral. The vehicles shall be covered with a tarpaulin and shall not be overloaded. The project proponent shall ensure that the vehicle must have pollution under control certificate.
- [28] The project proponent shall take all precautionary measures during mining operations for conservation and protection of endangered fauna, if any, spotted in the study area. A plan for conservation shall be drawn and got approved from the Chief Wildlife Warden of the State before start of mining operations. Necessary allocation of funds for implementation of the conservation plan shall be made and the funds so allocated shall be included in the project cost. All the safeguard measures brought out in the wildlife conservation plan so prepared specific to the project site shall be effectively implemented. A copy of action plan may be submitted to the HSPCB and MOEF, Regional Office, Chandigarh within 3 months..
- [29] As envisaged, the Project Proponent shall invest at least an amount of Rs. 29.0 lakh per annum as cost for implementing various environmental protection measures including recurring expenses per year.
- [30] A sum of Rs. 20.0 Lakhs/annum shall be earmarked by the Project proponent for investment as CSR on socio economic up-liftment activities of the area particularly in the area of habitat, health or education, training programme of rural women & man provide the kit for employment generation. The proposal should contain provision for monthly medical camps, distributions of medicines and improvement in educational facilities in the nearby schools. Details of such activity along with time bound action plan be submitted to HSPCB/SEIAA Haryana before the start of operation.
- [31] Budgetary provision of Rs. 10.00 lakh per year earmarked for the labours working in the Mine for all necessary infrastructure facilities such as health

facility, sanitation facility, fuel for cooking, along with safe drinking water, medical camps and toilets for women, crèche for infants should be made and submitted to HSPCB at the time of CTE/CTO/SEIAA Haryana. The housing facilities should be provided for mining labours.

- [32] A Final Mine Closure Plan along with details of corpus fund shall be submitted to the SEIAA well within the stipulated period as prescribed in the minor mineral concession rules 2012..
- [33] The project proponent shall ensure that the EC letter as well as the status of compliance of EC conditions and the monitoring data are placed on company's website and displayed at the project site.
- [34] The project proponent shall ensure that loading in Trucks do not exceed the norms fixed by the Transport Department as per relevant rules.
- [35] The project proponent shall ensure approach roads are widened and strengthened as per requirements fixed by PWD and district administration before the start of the work.
- [36] The project proponent shall ensure supply of drinking water through RO.
- [37] The project proponent shall strictly adhere to the Sustainable Sand Mining Management guidelines issued by MoEF & CC, GoI on 15.03.2016 and shall ensure the compliance of the standard environmental conditions prescribed for the sand mining in the said guidelines; in addition to the conditions imposed in the environment clearance letter.
- [38] The project proponent shall carry out mining in semi mechanized manner using manpower, tractor, trucks, JCB and excavator for king transportation.

GENERAL CONDITIONS:

- [i] Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.
- [ii] Any change in mining technology/scope of working shall not be made without prior approval of the SEIAA.

- [iii] Any change in the calendar plan including excavation, quantum of mineral and waste shall not be made.
- [iv] Periodic monitoring of ambient air quality shall be carried out for PM₁₀, PM_{2.5}, SO₂ and NO_x monitoring. Location of the stations (minimum 6) shall be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring shall be decided in consultation with the Haryana State Pollution Control Board (HSPCB). Six monthly reports of the data so collected shall be regularly submitted to the HSPCB/CPCB including the MOEF, Regional office, Chandigarh.
- [v] Personnel working in dusty areas shall wear protective respiratory devices they shall also be provided with adequate training and information on safety and health aspects.
- [vi] Occupational health surveillance program of the workers shall be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
- [vii] The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year wise expenditure shall be reported to the HSPCB and the Regional office of MOEF located at Chandigarh.
- [viii] The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the northern Regional Office of MoEF, the respective Office of CPCB, HSPCB and SEIAA Haryana.
- [ix] The above conditions will be enforced, inter alia, under the provision of the Water (Prevention & Control of Pollution) Act, 1974 the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act 1991 (all amended till date) and rules made hereunder and also any other orders passed by the Honb'le Supreme Court of India High Court of Haryana and other Court of law relating to the subject matter.

- [x] The Project proponent should inform the public that the project has been accorded Environment Clearance by the SEIAA and copies of the clearance letter are available with the Haryana State Pollution Control Board & SEIAA. This should be advertised within 7 days from the date of issue of the clearance letter at least in two local newspapers that are widely circulated in the region and the copy of the same should be forwarded to SEIAA Haryana. A copy of Environment Clearance conditions shall also be put on project proponent's web site for public awareness.
- [xi] All the other statutory clearances such as the approvals for storage of diesel from the Chief Controller of Explosives, Fire department, Civil Aviation Department, Forest Conservation Act, 1980 etc. shall be obtained, as may be applicable, by Project Proponent from the competent authority before the start of mining operation.
- [xii] That the grant of this Environment Clearance is issued from the environmental angle only, and does not absolve the project proponent from the other statutory obligations prescribed under any other law or any other instrument in force. The sole and complete responsibility, to comply with the conditions laid down in all other laws for the time being in force, rests with the industry/unit/project proponent. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of National Green Tribunal Act, 2010.
- [xiii] The methodology of mining shall be strictly as per orders passed by Hon'ble NGT Hon'ble Supreme Court from time to time.
- [xiv] The Project Proponent shall not disturb/damage the position of studs in river bed and also not to damage the river banks and not to degrade the river bed in any manner.
- [xv] Any area which has been banned by any authority/courts shall not be used for mining activity.
- [xvi] Distance of mining to be maintained from Pucca Hydraulic structure/ Bridges shall be as per approved mining plan/ guideline issued by MoEF & CC/ Court Order.

- [xvii] Quantity of mining allowed in the river will be actual replenishment or mining allowed whichever is less.
- [xviii] The Project Proponent should set the Probable replenishment checked from the reputed institution.

Sd/-
Member Secretary,
State Level Environment Impact
Assessment Authority, Haryana, Panchkula.

Endst. No. IAA/HR/2016/476-9

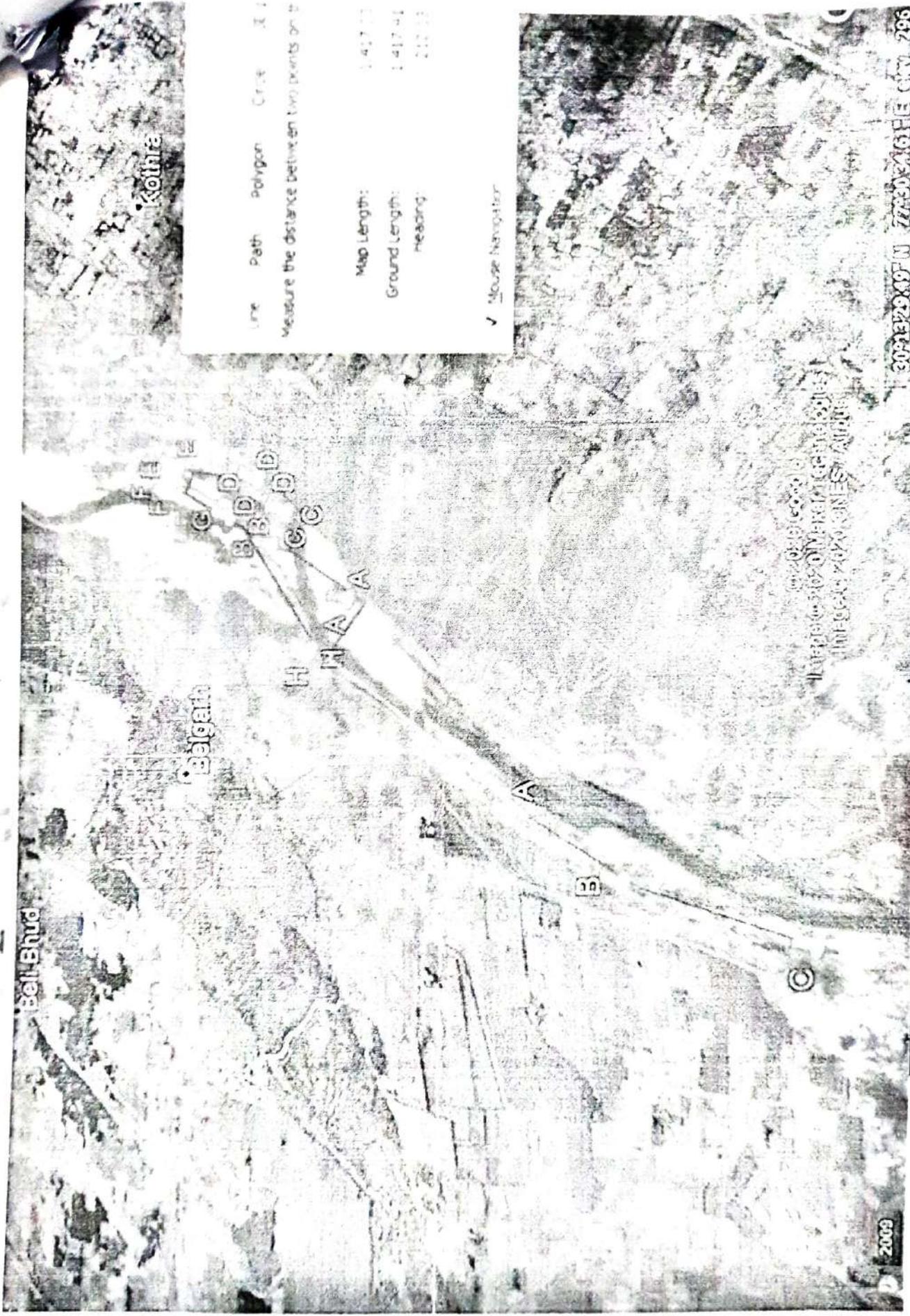
Dated: 27.06.2016

A copy of the above is forwarded to the following:

1. The Director (IA Division), MoEF&CC, GoI, Indra Paryavaran Bhavan, Zorbagh Road-New Delhi.
2. The Regional office, Ministry of Environment, Forests & Climate Change, Government of India, Bay's no. 24-25, Sector 31-A, Dakshin Marg, Chandigarh.
3. The Chairman, Haryana State Pollution Control Board, C-11, Sector-6, Pkl.
4. The Director General, Mines & Geology Department Haryana, Chandigarh.

Sd/-
Member Secretary,
State Level Environment Impact
Assessment Authority, Haryana, Panchkula.

21-02-2013 - 12



Line Path polygon Close X

Measure the distance between two points on a

Map Length:	1.417 77
Ground Length:	1.417 41
Heading:	212.53

✓ Mouse Navigator

Bell Bhand

Bajpath

Kothra

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 the Google Maps logo are trademarks of Google Inc.

20°32'29.09" N 77°03'41.61" E City 296

© 2009

Navigation and utility icons including a compass, a location pin, a magnifying glass, a home button, a back button, and a search button.

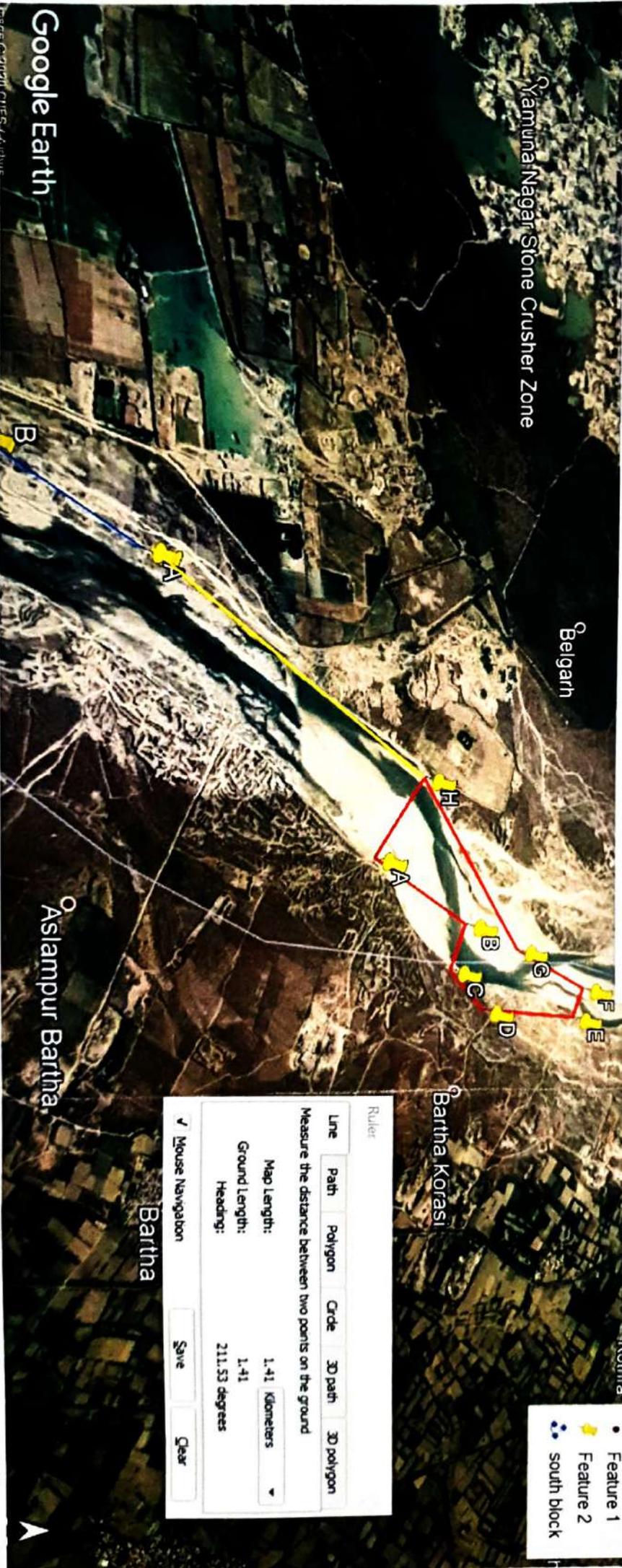
Google Earth Pro

File Edit View Tools Add Help

Map Options Resolution: Current (1280x624) Save Image...

Nearest Distance from Belgarh South(Haryana) to Bartha Korsi (UP)

Write a description for your map.



Legend

- Area
- Feature 1
- Feature 2
- south block

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map Length: 1.41 Kilometers

Ground Length: 211.53 degrees

Heading: 211.53 degrees

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संख्या- 86-2020-01(सा0)/2020

प्रपक,

डा0 रोशन जैकब,

सचिव,

उत्तर प्रदेश शासन,

सेवा में,

समस्त जिलाधिकारी,

उत्तर प्रदेश।

भूतत्व एवं खनिकर्म अनुभाग

लखनऊ: दिनांक 12 जून 2020

विषय: जिला सर्वेक्षण रिपोर्ट में Modification (सुधार) के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषय के सम्बन्ध में अवगत कराना है कि पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा बालू के सुव्यवस्थित खनन सम्बन्धी प्रक्रिया के सम्बन्ध में जनवरी 2020, में "Enforcement & Monitoring guidelines for Sand Mining" गाईडलाइन्स निर्गत की गई है। उक्त गाईडलाइन्स में Preparation of District Survey Report के प्रस्तर 4.1.1(a) में उल्लिखित है कि "District Survey Report for sand mining shall be prepared before the auction/e-auction/grant of the mining lease/Letter of Intent (LOI) by Mining Department or department dealing the mining activity in respective states."

2. उक्त गाईडलाइन के अनुसार खनन क्षेत्रों की ई-निविदा/ई-नीलामी/ई निविदा सह ई नीलामी/खनन पट्टे की स्वीकृति/आशय पत्र निर्गत करने से पूर्व राज्य सरकार द्वारा जिला सर्वेक्षण रिपोर्ट (DSR) तैयार किया जाना है। उक्त व्यवस्था अन्तर्गत भारत सरकार द्वारा पर्यावरण प्रभाव आंकलन (Environmental Impact Assessment) अधिसूचना/आदेश जारी होने तक जनपदों से प्राप्त जिला सर्वेक्षण रिपोर्ट में क्षेत्रों के प्रस्तावित/संशोधन संयोजन के लम्बित प्रस्तावों तथा नये प्रस्तावों के परीक्षण हेतु भूतत्व एवं खनिकर्म अनुभाग, उ0प्र0 शासन के आदेश सं0-790/86-2020-01(सा0)/2020 दिनांक 01.06.2020(छायाप्रति संलग्न) द्वारा तकनीकी समिति का गठन किया गया है।

3. उक्त के सन्दर्भ में अपेक्षित है कि अपने-अपने जनपदों में खनन हेतु उपयुक्त राजस्व ग्राम समाज एवं निजी भूमि पर उपलब्ध उपखनिजों के क्षेत्रों का गठन कर जिला सर्वेक्षण रिपोर्ट का प्रस्ताव अल्प अवधि हेतु जनपद की वेबसाइट पर अपलोड करके तत्सम्बन्धी विवरण अनुमोदन हेतु शासन एवं निदेशालय को उपलब्ध कराये। यदि किसी क्षेत्र के सम्बन्ध में आपत्ति प्राप्त होती है तो उसका भी निराकरण कर निराकरण आख्या से शासन एवं निदेशालय को अवगत कराये। इस सम्बन्ध में यह भी सुनिश्चित कर ले कि जिले में कोई खनन क्षेत्र रिक्त न रह पाये जिससे खनिज की उपलब्धता के साथ ही सम्भावित अवैध खनन का रोका जा सके।

अतः वर्णित स्थिति में मुझे यह कहने का निदेश हुआ है कि कृपया जनपदों में तैयार की गयी जिला सर्वेक्षण रिपोर्ट (DSR) यथाशीघ्र शासन को उपलब्ध कराने का कष्ट करें।

संलग्नकः—यथोक्त।

भवदीया,

(डा० रीशान जैकब)

सचिव,

संख्या: (1)/86-2020, तददिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. समस्त मण्डलायुक्त, उत्तर प्रदेश।
2. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र० लखनऊ।
3. समस्त जनपदीय ज्येष्ठ खान अधिकारी/खान अधिकारी/खान निरीक्षक।
4. गार्ड फाइल।

आज्ञा से,

(हृदय नारायण सिंह यादव)

अनु सचिव।

उत्तर प्रदेश शासन,
भूतत्व एवं खनिकर्म अनुभाग,
संख्या - /86-2020-01(सा0)/2020
लखनऊ दिनांक 01 जून, 2020
कार्यालय ज्ञाप

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा बालू के सुव्यवस्थित खनन सम्बन्धी प्रक्रिया के सम्बन्ध में जनवरी 2020, में "Enforcement & Monitoring guidelines for Sand Mining" गाइडलाइन्स निर्गत की गई है। उक्त गाइडलाइन्स के प्रस्तर 4.1.1(a) के अनुसार खनन क्षेत्रों की नीलामी/ई-नीलामी/खनन पट्टे की स्वीकृति/आशय पत्र निर्गत करने से पूर्व राज्य सरकार द्वारा जिला सर्वेक्षण रिपोर्ट (DSR) तैयार किया जाना है। अतः उक्त व्यवस्था के अन्तर्गत भारत सरकार द्वारा पर्यावरण प्रभाव आकलन (Environmental Impact Assessment) अधिपूचना/आदेश जारी होने तक जनपदों से प्राप्त जिला सर्वेक्षण रिपोर्ट में क्षेत्रों के प्रस्तावित संसाधन/संयोजन के लम्बित प्रस्तावों तथा नये प्रस्तावों के परीक्षण हेतु एतद्वारा निम्नवत् तकनीकी समिति गठित की जाती है -

1	मुख्य खान अधिकारी, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0	अध्यक्ष
2	संयुक्त निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0	सदस्य
3	अध्यक्ष राजस्व परिषद, उ0प्र0 द्वारा नामित अधिकारी	सदस्य
4	निदेशक, पर्यावरण निदेशालय, उ0प्र0 द्वारा नामित अधिकारी	सदस्य
5	प्रधान मुख्य वन संरक्षक, वन विभाग उ0प्र0 द्वारा नामित अधिकारी	सदस्य
6	प्रमुख अभियन्ता एवं विभागाध्यक्ष, सिचाई एवं जल संसाधन विभाग, उ0प्र0 द्वारा नामित अधिकारी	सदस्य
7	श्री माईनुद्दीन, भूवैज्ञानिक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0	सदस्य सचिव
8	श्री शशांक शर्मा, सहायक भूवैज्ञानिक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0	सदस्य

2 उक्त गाइडलाइन्स के अन्तर्गत जनपदों से प्राप्त प्रस्तावों का तकनीकी आधार पर परीक्षण कर समिति द्वारा सस्तुति सहित शासन को सन्दर्भित किया जायेगा।

डॉ० रोशन जैकब
सचिव।

संख्या: 790 (1)/86-2020-तद्दिनांक

उक्त प्रस्तावों के अन्तर्गत जनपदों से प्राप्त प्रस्तावों का तकनीकी आधार पर परीक्षण कर समिति द्वारा सस्तुति सहित शासन को सन्दर्भित किया जायेगा।

उक्त प्रस्तावों के अन्तर्गत जनपदों से प्राप्त प्रस्तावों का तकनीकी आधार पर परीक्षण कर समिति द्वारा सस्तुति सहित शासन को सन्दर्भित किया जायेगा।

आधार पर नामित करते हुये निदेशक, भूतत्व एवं खनिकर्म को अवगत कराने का कष्ट करें, ताकि समिति की बैठक यथाशीघ्र आहूत की जा सके।

- 3 निदेशक भूतत्व एवं खनिकर्म, उत्तर प्रदेश, लखनऊ को उनके पत्र सं०-1883/एम-228/2017(खनन नीति)(IV) दिनांक 20.02.2020 के सन्दर्भ में।
- 4 समिति के समस्त सदस्यगण (द्वारा निदेशक, भूतत्व एवं खनिकर्म, उ०प्र० लखनऊ)।
- 5 गार्ड फाईल।

आज्ञा स



(हृदय नारायण सिंह यादव)

अनु सचिव।

संख्या -05 अ. 3/86-2020-14(सामान्य)/2020

खनन -17

प्रेषक,

डॉ० रोशन जैकब,
सचिव
उ०प्र० शासन।

सेवा में,

समस्त जिलाधिकारी
उत्तर प्रदेश।

भूतत्व एवं खनिकर्म अनुभाग

लखनऊ, दिनांक 17, अप्रैल 2020

विषय :- प्रदेश में नोवेल कोरोना वायरस (कोविड-19) के संक्रमण से बचाव सुनिश्चित करते हुए खनन संकिया एवं खनिज परिवहन कार्य संचालित किये जाने के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषय के सम्बन्ध में अवगत कराना है कि गृह मंत्रालय, भारत सरकार द्वारा आदेश सं०-40-3/2020DM-I(A) दिनांक-15.04.2020 के माध्यम से जनसामान्य के कठिनाइया को देखते हुए चयनित अतिरिक्त गतिविधियों (Select Additional Activities), जिसमें खनिजों के उत्पादन/परिवहन सम्मिलित है, को दिनांक-20.04.2020 से अनुमति दिये जाने के निर्देश दिये गये है, का सन्दर्भ ग्रहण करने का कष्ट करें।

2. उक्त के दृष्टिगत मुझे यह कहने का निदेश हुआ है कि प्रदेश में चिन्हित कोविड-19 के हाटस्पॉट को छोड़कर शेष क्षेत्रों में निम्न व्यवस्थाओं को सम्मिलित करते हुए खनिजों का खनन/परिवहन कार्य प्रारम्भ किया जाये :-

1. नोवेल कोरोना वायरस की रोकथाम एवं नियंत्रण हेतु सोशल डिस्टेंसिंग तथा केन्द्र एवं राज्य सरकार द्वारा जारी गार्डलाईन के अनुसार न्यूनतम श्रमिकों के साथ मशीनों का उपयोग कर खनन क्षेत्रों में आवश्यकतानुसार खनन गतिविधियां संचालित की जाये।
2. खनिजों के खनन/परिवहन का कार्य संचालित किये जाने हेतु खनन परिहार धारको से खदानों में कोविड मैनेजमेंट के लिए किये जाने वाले सुरक्षा उपायों की सूचना प्राप्त किया जाये, जिसमें सोशल डिस्टेंसिंग, मशीन और कार्मिकों/श्रमिकों की तैनाती, नियोजित कार्मिकों/श्रमिकों हेतु सुरक्षा उपकरण की व्यवस्था, प्रयुक्त मशीनों और वाहनों के सैनेटाइजेशन आदि का उल्लेख हो।
3. वर्तमान में देशव्यापी लॉकडाउन के कारण खनिजों की मांग काफी कम है तथा दिनांक-01 जुलाई 2020 से प्रारम्भ होने वाले मानसून सत्र के दौरान खनिजों का खनन/परिवहन कार्य प्रतिबन्धित रहेगा। उक्त के दृष्टिगत प्रदेश में खनिजों की उपलब्धता सुनिश्चित करने हेतु वर्तमान में खनिजों का भण्डारण किया जाना आवश्यक है, जिसके लिए नये भण्डारण अनुज्ञप्ति/नवीनीकरण आवेदन पत्रों को नियमानुसार शीघ्रतापूर्वक स्वीकृत किया जाये।

4. शासकीय परियोजनाओं एवं अन्य महत्वपूर्ण परियोजनाओं के कार्यान्वयन के आधार पर खनिकों की आयुर्विधि की प्राथमिकता प्रदान की जाये।
5. वर्तमान में दिनांक-22.03.2020 से लाकडाउन के दौरान खनन परराज्य से खनन परिवहन का कार्य बन्द है। प्रदेश में खनन उद्योग एवं परिहारधारकों को पोषणार्थ किये जाने के उद्देश्य से यह निर्णय लिया गया है कि उत्तर प्रदेश सम्बन्धित (परिहार) नियमावली-1963 के नियम 44(ख) एवं नियम-68 में उल्लिखित प्रावधानों के अन्तर्गत माह अप्रैल-2020 का दस मासिक किस्त की छूट इस प्रतिबन्ध के साथ प्रदान किया जायेगा कि माह अप्रैल-2020 में परिवहन किये जाने वाली खनिज की मात्रा के आधार पर बिड दर के अनुसार अंतिम भुगतान प्राप्त की जायेगी।
6. खान मंत्रालय, भारत सरकार के निर्देश एवं तत्काल में भूतत्व एवं खनन विभाग, उत्तर प्रदेश द्वारा निर्गत शासनादेश एम0-04जी0आई0/86-2020 दिनांक-15.04.2020 के अनुसार कोविड-19 के संकमण पर प्रभावी नियंत्रण हेतु जनपद की परिस्थितियों एवं तात्कालिक आवश्यकता के अनुसार स्वास्थ्य सम्बन्धी सुविधाओं एवं प्रभावकारी आवश्यकताओं हेतु डी0एम0एफ0 निधि से जिलाधिकारी द्वारा व्यय किया जा सकता है।
3. अतः अनुरोध है कि उपरोक्तानुसार कार्यवाही सुनिश्चित करने का कष्ट करें।

भूतत्व

(डॉ० नरेश चक्रवर्ती)
सचिव।

संख्या (1)/86-2020-तददिनांक :

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित -

- (1) निर्देशक भूतत्व एवं खनिकर्म, उत्तर प्रदेश, लखनऊ को उनके पत्र संख्या 62 / एम0-228/2017-खनन नीति(कोविड)/(iv) दिनांक-15.04.2020 के अन्तर्गत।
- (2) समस्त मण्डलायुक्त, उत्तर प्रदेश।

आज्ञा से,

(डॉ० नरेश चक्रवर्ती)
सचिव।

कार्यालय जिलाधिकारी सहारपुर
(खनन अनुभाग)

पत्रांक 3404 / ख0अनु0 / खनन लिपिक / 2020

दिनांक 05/05/2020

आदेश

सचिव, उ0प्र0 शासन, भूतत्व एवं खनिकर्म अनुभाग, लखनऊ के आदेश संख्या 05जी0आई0/86-2020-14 (सामान्य) दिनांक 17.04.2020 द्वारा प्रदेश में नोवेल कोरोना वायरस (कोविड-19) के संक्रमण से बचाव सुरक्षित करते हुए खनन संक्रिया एवं खनिज परिवहन कार्य संचालित किये जाने के सम्बन्ध में जन सामान्य की कठिनाईयों को देखते हुये चयनित अतिरिक्त गतिविधियों जिसमें खनिज के उत्पादन/परिवहन सम्मिलित है, के लिये निर्देश जारी किये गये हैं। उक्त के अनुपालन में जनपद सहारनपुर में निम्न व्यवस्थाओं को सम्मिलित करते हुए शर्तों एवं प्रतिबन्धों के अन्तर्गत खनिजों के खनन/परिवहन किये जाने की अनुमति प्रदान की जाती है:-

- 1- नोवेल कोरोना वायरस की रोकथाम एवं नियंत्रण हेतु सोशल डिस्टेंसिंग तथा केन्द्र एवं राज्य सरकार द्वारा जारी गाईड लाईन के अनुसार न्यूनतम श्रमिकों के साथ मशीनों का उपयोग कर खनन क्षेत्रों में आवश्यकतानुसार खनन गतिविधियां संचालित की जायेंगी।
- 2- खनिजों के खनन/परिवहन का कार्य संचालित किये जाने हेतु खनन परिहार धारक/बालू भण्डारण अनुज्ञप्ति धारक से कोविड-19 के मैनेजमेंट के लिए किये जाने वाले सुरक्षा उपायों की सूचना दी जायेगी।
- 3- मशीन और कर्मिकों/श्रमिकों की तैनाती, नियोजित कर्मिकों/श्रमिकों हेतु सुरक्षा उपकरण की व्यवस्था में प्रयुक्त मशीनों और वाहनों के सेनेटाइजेशन आदि की व्यवस्था की जायेगी।
- 4- कोरोना वायरस के संक्रमण की रोकथाम, बचाव के दृष्टिगत सोशल डिस्टेंसिंग का पालन करें एवं दो कर्मिकों/श्रमिकों के मध्य कम से कम एक-एक मीटर की दूरी बनाये रखते हुए नियोजित कर्मिकों/श्रमिकों की सुरक्षा के दृष्टिगत मास्क/गमछा, सैनेटाइजर एवं हैण्डवास/साबुन का उपयोग अनिवार्य होगा।
- 5- पेयजल, साफ सफाई/स्वच्छता एवं शौचालय की भी समुचित ढंग से व्यवस्था सुनिश्चित कराई जायेगी, जिसमें खनन पट्टा क्षेत्र में तैनात कर्मिकों/श्रमिकों को किसी भी प्रकार की समस्या का सामना न करना पड़े।
- 6- कर्मिकों/श्रमिकों हेतु हाथ धोने के लिये साबुन एवं पानी की समुचित व्यवस्था की जाए।
- 7- कर्मिकों एवं श्रमिकों द्वारा होम मेड फेस मास्क/गमछा का प्रयोग करते हुए नाक व मुह को ढक कर रखा जाएगा।
- 8- मदिरा पान, धूमपान एवं तम्बाकू आदि का सेवन पूर्णतया प्रतिबन्धित रहेगा।
- 9- सर्दी, खाँसी, जुकाम से पीडित व्यक्ति को कार्य मुक्त रखा जाए एवं इसकी सूचना तत्काल उपजिलाधिकारी सहित मुख्य चिकित्साधिकारी एवं स्वास्थ्य अधिकारी, सहारनपुर को देना अनिवार्य होगा।
- 10- खनन संक्रिया में पूर्व से योजित श्रमिक जोकि लॉक डाउन के कारण बाहर नहीं गये हैं और कार्य स्थल पर ही रुके हैं, उन्हीं श्रमिकों से कार्य कराया जाये।
- 11- अपशिष्ट व कूड़ा कचरा आदि के निस्तारण के लिये बंद कूड़ेदान की व्यवस्था खनन क्षेत्र में अनिवार्य रूप से किया जाए।
- 12- आम जनमानस से आरोग्य सेतु ऐप (Arogya Setu App) मोबाईल में डाउन लोड कर उपयोग किये जाना अनिवार्य होगा।
- 13- कोविड-19 के संक्रमण से बचाव के सम्बन्ध में समय-समय पर जारी अन्य दिशा निर्देशों का पालन किया जाना अनिवार्य होगा।
- 14- खनन संक्रिया में लगे श्रमिक/मजदूर जनपद के चिन्हित Hot Spot Area से नहीं आएंगे।
- 15- जो भी श्रमिक/मजदूर खनन क्षेत्र में काम कर रहे हैं, उनके रहने और खाने की व्यवस्था सम्बन्धित पट्टेधारक द्वारा की जाएगी।

उक्त आदेश का कड़ाई से अनुपालन सुनिश्चित किया जाए। उपरोक्त शर्तों के पालन पाये जाने पर खनन संक्रियाओं को रोके जाने के साथ-साथ सम्बन्धित पट्टाधारक/संचालक के विरुद्ध भारतीय दण्ड संहिता की धारा 188 के तहत नियमानुसार कार्यवाही की जाएगी।

जिलाधिकारी
सहारनपुर

०/०

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

- 1-सचिव, भूतत्व एवं खनिकर्म विभाग, उ०प्र० शासन लखनऊ।
- 2-निदेशक, भूतत्व एवं खनिकर्म निदेशालय उ०प्र० खनिज भवन लखनऊ।
- 3- आयुक्त सहारनपुर मण्डल सहारनपुर।
- 4- पुलिस उप महानिरीक्षक सहारनपुर, मडण्ल सहारनपुर।
- 5- वरिष्ठ पुलिस अधीक्षक सहारनपुर
- 6- समस्त उपजिलाधिकारी/समस्त पुलिस क्षेत्राधिकारी सहारनपुर
- 7- क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड सहारनपुर
- 8- जिला सूचना अधिकारी, सहारनपुर को निःशुल्क प्रकाशनार्थ।
- 9- श्रम प्रवर्तन अधिकारी, सहारनपुर
- 10- सम्बन्धित खननपट्टाधारक/भण्डारण/अनुज्ञप्तिधारक/खनन अनुज्ञा पत्र धारक को अनुपालनार्थ प्रेषित।

जिलाधिकारी
सहारनपुर



कमांक:-

दिनांक:-

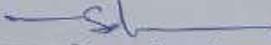
सेवा में,

S.H.O.
Partap Nagar

विषय:- इको सेंसेटिव जोन, नैशनल पार्क कलेसर रेन्ज में कलेसर ब्लॉक के निकट गांव
रेहणा- 2 व 3 सहारनपुर की भूमि का खनन करने बारे।

उपरोक्त विषय के सम्बन्ध में आपसे निवेदन है कि यमुना क्षेत्र में वन्य प्राणी विहार कलेसर की सीमा उत्तर प्रदेश की सीमा तक लगती है। जिसमें साथ लगते ही उत्तर प्रदेश में खनन कार्य हेतु कलेसर रेन्ज में कलेसर ब्लॉक के निकट गांव रेहणा- 2 व 3 सहारनपुर की भूमि का खनन हेतु आप द्वारा पट्टा जारी किया गया है। वन्य प्राणी विहार के साथ खनन कार्य करना गैर कानूनी है। भारत सरकार के आदेश दिनांक 08.08.2019 के अनुसार, IV. Proposals involving mining of minerals within the ESZ (or) one kilometer from the boundaries of National Parks and Sanctuaries whichever if higher is prohibited in accordance with the order Hon'ble Supreme Court dated 04.08.2006 in the matter of T.N. Godavarma 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, इस क्षेत्र में खनन नहीं करवाया जा सकता (फ़ैसले की प्रति साथ संलग्न)।

अतः आपसे अनुरोध है कि गांव रेहणा- 2 व 3 सहारनपुर में हो रहे अवैध खनन बारे वन रक्षक व वन दरोगा द्वारा इस कार्यालय को सूचित किया है कि पट्टाधारक सतेन्द्र कुमार द्वारा खनन का कार्य किया जा रहा है तथा खननकर्ता कलेसर गांव की तरफ यमुना नदी की ओर खनन कार्य करता जा रहा है। यमुना नदी के कारण सीमा का सही आकलन नहीं किया जा सकता है तथा आपको यह भी अवगत करवाना चाहते हैं कि इको सेंसेटिव जोन के 1 कि.मी. के अन्दर खनन करना पूर्णतः प्रतिबन्धित है तथा सतेन्द्र कुमार खनन कार्य 1 कि.मी. दूरी के अन्दर तक खनन करने लगा है। हमारे वन रक्षक व वन दरोगा द्वारा उनको रोकने पर वह गारपीट पर उतारू होने लगे हैं। आपसे अनुरोध है कि दोषियों के खिलाफ कानूनी कार्यवाही करने का कष्ट करें।


वन राजिक अधिकारी,
कलेसर।

पृ०कमांक:- 620

दिनांक:- 26-12-2020

एक प्रति उप वन संरक्षक, यमुनानगर की सेवा में भेजते हुये अनुरोध किया जाता है कि इस क्षेत्र की Joint Demarcation करवाने हेतु कार्यवाही करने की अनुकम्पा करें। रिपोर्ट आपकी सेवा में सूचनार्थ एवं आगामी कार्यवाही हेतु प्रेषित है।


वन राजिक अधिकारी,
कलेसर।

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Vineet Khand-1, Gomti Nagar, Lucknow - 226 010
Phone : 91-522-2300 541, Fax : 91-522-2300 543
E-mail : doeuplko@yahoo.com
Website : www.sciaaup.com

To,

Shri Adesh Pandey,
35/36 A Maan sarovar,
Near Green Park, Hamgala,
Bareilly, U.P- 243001

Ref. No. 618 /Parya/SEIAA/5988-5654/2020Date: 13 January, 2021

Sub: Environmental Clearance for Sand/Bajari/Boulder Mining at Gata No.'-378/2 & 379/2, Village- SherpurPelo, Tehsil- Behat ,District- Saharanpur, U.P. (Leased Area -7.00 Ha).

Dear Sir,

Please refer to your application/letter dated 07-05-2020, 29-05-2020, 25-11-2020, 04-12-2020 addressed to the Secretary, SEAC, Directorate of Environment, U.P., Lucknow on the subject as above. The State Level Expert Appraisal Committee considered the matter in its meetings held on dated 09-12-2020 and SEIAA meeting 04-01-2021.

A presentation was made by the project proponent along with their consultant M/s Ind Tech House Consult. The proponent, through the documents submitted and the presentation made informed the committee that:-

1. The environmental clearance is sought for Sand/Bajari/Boulder Mining at Gata No.'-378/2 & 379/2, Village- SherpurPelo, Tehsil- Behat ,District- Saharanpur, U.P. (Leased Area -7.00 Ha).
2. The terms of reference in the matter were issued by SEIAA, U.P. vide letter no. 165/Parya/SEAC/5654/2019 dated 30/06/2020.
3. The public hearing was organized on 19/10/2020. Final EIA report submitted by the project proponent on 25/11/2020.
4. Salient features of the project as submitted by the project proponent:

1.	On Line Proposal No.	SIA/UP/MIN/58589/2020		
2.	File No. allotted by SEIAA, UP	5988/5654		
3.	Name of Proponent	Sri AadeshPandey		
4.	Full correspondence address of proponent and mobile no.	35,36-A, MaanSarovar, Near Green Park, Harunagla, Saharanpur		
5.	Name of Project	Area-7.00 Ha For Sand/Bajari/Boulder Mining at Gata No.'-378/2 & 379/2, Village- SherpurPelo, Tehsil- Behat ,District- Saharanpur, U.P. Sri AadeshPandey		
6.	Project Location(Plot.Khsra/Gata No.)	Gata No.'-378/2 & 379/2		
7.	Name of Village	SherpurPelo		
8.	Tehsil	Behat		
9.	District	Saharanpur		
10.	Name of River	Khurawali Ra River		
11.	Name of Minor Mineral	Sand/Bajari/Boulder		
12.	Sanctioned Lease Area (in Ha.)	7.00 Ha.		
13.	Max. & Min mRL within lease area	348.0mRL in & 356.0 mRL		
14.	Pillar Coordinates (Verified by DMO)	POINT	LATTITUDE	LONGITUDE
		A	30°15'52.04"N	77°39'22.56"E
		B	30°15'51.84"N	77°39'27.43"E
		C	30°16'6.24"N	77°39'31.26"E
14.	Pillar Coordinates (Verified by DMO)	D	30°16'7.18"N	77°39'25.07"E
15.	Total Geological Reserves	3,50,000m ³ /Annum		
16.	Total Mineable Reserve	2,00,412m ³ /Annum		
17.	Total Proposed Production in LOI	1,97,500m ³ /Annum		
18.	Proposed Production /year	Year	Production	
		2021	1,97,500m ³ /Annum	
		2022	1,97,500m ³ /Annum	



E.C. for Sand/Bajari/Boulder Mining at Gata No.'-378/2 & 379/2, Village- SherpurPelo, Tehsil- Behat ,District- Saharanpur, U.P. (Leased Area -7.00 Ha).

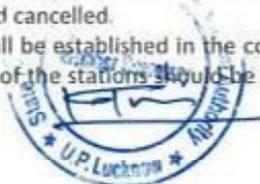
		3 rd	1,97,500m ³ /Annum
		4 th	1,97,500m ³ /Annum
		5 th	1,97,500m ³ /Annum
		Total	987500 m3
19.	Sanctioned Period of Mine lease	5Years	
20.	Production of mine/day	878m ³ /Day	
21.	Method of Mining	Open cast Manual / Semi Mechanized Mining Method	
22.	No. of working days	225 Days	
23.	Working hours/day	8 Hours	
24.	No. of worker	61 Worker	
25.	No. of vehicles movement/day	98Trucks / Day (Depending on market demand)	
26.	Type of Land	Govt. Land	
27.	Ultimate of Depth of Mining	3.00 m	
28.	Nearest metalled road from site	3.00Km	
29.	Water Requirement	PURPOSE	REQUIREMENT (KLD)
		Drinking	0.61 KLD
		Suppression of dust	7.20 KLD
		Plantation	0.92 KLD
		Others (if any)	
		Total	8.73KLD(9.00 approx KLD)
30.	Name of QCI Accredited Consultant with QCI No and period of validity.	Ind Tech House Consult QCI No.- NABET/EIA/1821/RA0098 Period of Validity- 31-01-2021	
31.	Any litigation pending against the project or land in any court	No	
32.	Details of 500 m Cluster Map & Certificate verified by Mining Officer	Letter No-3308/ Khanij /2020 Date-16.01.2020	
33.	Details of Lease Area in approved DSR	(Sr. No': 1)	
34.	Proposed CER cost	2% of total project cost ieRs 1,42,000	
35.	Proposed EMP cost	15.00 Lakhs	
36.	Length and breadth of Haul Road	600 mtr Length & 6m width haulage road	
37.	No. of Trees to be Planted	231 Trees	

5. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
6. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
7. There is no litigation pending in any court regarding this project.
8. The project proposal falls under category-1(a) of EIA Notification, 2006 (as amended).

Based on the recommendations of the State Level Expert Appraisal Committee meeting held on 09-12-2020 on the above said project, the State Level Environment Impact Assessment Authority meetings held on dated 04-01-2021 has decided to grant the Environmental Clearance to the title project for collection of 1,97,500m³ /Annum is proposed lease area 7 ha subject to effective implementation of the following General Conditions and specific conditions:

General condition:

1. This environmental clearance is subject to allotment of mining lease in favour of project proponent by District Administration/Mining Department.
2. Forest clearance shall be taken by the proponent as necessary under law.
3. Any addition of the mining area, change of Khasra numbers, enhancement of capacity, change in mining technology, modernization and scope of working shall again required prior environmental clearance as per EIA notification, 2006.
4. No change in the calendar plan including excavation, quantum of mineral and waste shall be made.
5. Mining will be carried out as per the approved mining plan. In case of any violation of mining plan, the Environmental Clearance given by SEIAA will stand cancelled.
6. Four ambient air quality monitoring stations shall be established in the core zone as well as in the buffer zone for RSPM, SPM, SO₂, NO_x monitoring. Location of the stations should be decided based on the meteorological

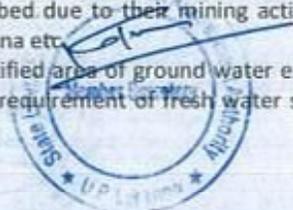


E.C. for Sand/Bajari/Boulder Mining at Gata No.'-378/2 & 379/2, Village- SherpurPelo, Tehsil- Behat ,District- Saharanpur, U.P.
(Leased Area -7.00 Ha).

- data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board. The monitored data for criteria pollutants shall be regularly up loaded on the company's website and also displayed at website.
7. Data on ambient air quality (RPM, SPM, SO₂, NO_x) should be regularly submitted to the Regional office, MoEF, Gol, Lucknow and the State Pollution Control Board / Central Pollution Control Board once in six months.
 8. Ambient air quality at the boundary of the mine premises shall conform to the norms prescribed in MoEF notification no. GSR/826(E) dt. 16.11.09.
 9. Fugitive dust emissions from all the sources shall be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points shall be provided and properly maintained.
 10. Measures shall be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. shall be provided with ear plugs / muffs and health records of the workers shall be maintained.
 11. Industrial waste water (workshop and waste water from the mine) should be properly collected, treated so as to conform to the standards prescribed under GSR 422 (E) dated 19th May, 1993 and 31st December, 1993 or as amended from time to time. Oil and grease trap shall be installed before discharge of workshop effluents.
 12. Personnel working in areas shall be provided with protective respiratory devices like mask and they shall also be imparted adequate training and information on safety and health aspects.
 13. Special measures shall be adopted to prevent the nearby settlements from the impacts of mining activities.
 14. The transportation of the materials shall be limited to day hours time only.
 15. Provision shall be made for the housing the labourers within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
 16. A separate Environmental Management Cell with suitable qualified personnel shall be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
 17. The Project Proponent shall inform to the Regional Office, MoEF, Gol, Lucknow and State Pollution Control Board regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
 18. The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year wise expenditure shall be reported to the MoEF, Gol, Lucknow and State Pollution Control Board
 19. The Regional Office, MoEF, Gol, Lucknow and State Pollution Control Board shall monitor compliance of the stipulated conditions. A complete set a documents including Environment Impact Assessment Report, Environmental Management Plan, Public hearing and other documents information should be given to Regional Office of the MoEF, Gol, Lucknow and State Pollution Control Board
 20. A copy of the environmental clearance shall be submitted by the Project Proponent to the Heads of the Local Bodies, Panchayat and Municipal Bodies as applicable in the matter.
 21. The Project Proponent shall advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Level Environment Impact Assessment Authority (SEIAA).
 22. The Project Proponent has to submit half yearly compliance report of the stipulated prior environmental clearance terms and conditions in hard and soft copy to the SEIAA,U.P. on 1st June and 1st December of each calendar year.
 23. The SEIAA may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
 24. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.

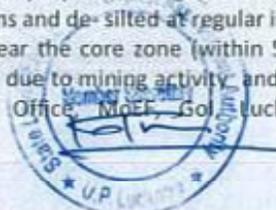
Specific Conditions:

1. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
2. The project proponent shall obtain the forest clearance and permission of Central and State Government as per law under the provisions of Forest (conservation) Act, 1980 before the start of work.
3. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
4. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources



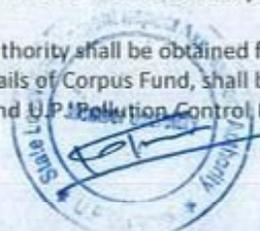
E.C. for Sand/Bajari/Boulder Mining at Gata No.'-378/2 & 379/2, Village- SherpurPelo, Tehsil- Behat ,District- Saharanpur, U.P.
(Leased Area -7.00 Ha).

- other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
5. At the time of operation, project proponent will comply with all the guidelines issued by Government of India/State Govt./District Administration related to Covid-19.
 6. This environmental clearance does not create or verify any claim of applicant on the proposed site/activity.
 7. In case it has been found that the E.C. obtained by providing incorrect information, submitting that the distance between the two adjoining mines is greater than 500mt. and area is less than 05ha, but factually the distance is less than 500 mt and the mine is located in cluster of area equal or more than 05ha, the E.C issued will stand revoked.
 8. This environmental clearance shall be subject to valid lease in favour of project proponent for the proposed mining proposals. In case, the project proponent does not have a valid lease, this environmental clearance shall automatically become null and void.
 9. The Environmental clearance will be co-terminus with the mining lease period/Mining Plan.
 10. Explosive cannot be stored on the site.
 11. A comprehensive EIA including mining areas within 15 K.M. to assess impact of the mining activity on the surrounding area shall be undertaken and report submitted to this Authority within one year.
 12. No two pits shall be simultaneously worked i.e. before the first is exhausted andreclamation work completed, no mineral bearing area shall be worked.
 13. After exhausting the first mine pit and before starting mining operations in the next pit, reclamation and plantation works in the exhausted pit shall be completed so as to ensure that reclamation, forest cover and vegetation are visible during the first year of mining operations in the next pit. This process will follow till the last pit is exhausted. Adequate rehabilitation of mined pit shall be completed before any new ore bearing area is worked for expansion.
 14. Adequate buffer zone shall be maintained between two consecutive mineral bearing deposits.
 15. Sprinkling of water on haul roads to control dust will be ensured by the project proponent.
 16. Green belt development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO / Agriculture Department. Herbs and shrubs shall also form a part of afforestation programmebesides tree plantation. The company shall involve local people for plantation programme. Details of year wise afforestation programme including rehabilitation of mined out area shall be submitted to the Regional Office, MoEF&CC, Gol, Lucknowevery year.
 17. Blast vibrations study shall be conducted and a observation report submitted to the Regional office, MoE&CC, Gol, Lucknow and UPPCB within six months. The report shall also include measures for prevention of blasting associated impact on nearby houses and agricultural fields.
 18. Controlled blasting techniques with sequential blasting shall be adopted. The blasting shall be carried out in the day time only.
 19. Appropriate arrangement for shelter and drinking water for the mining workers has to be ensured at the mining site.
 20. Maintenance of village roads used for transportation of minerals are to be done by the company regularly at its own expenses. The roads shall be black topped.
 21. Rain water harvesting shall be undertaken to recharge the ground water source.
 22. Status of implementation shall be submitted to the Regional Office, MoEF&CC, Gol, Lucknow and UP Pollution Control Board within six months and thereafter every year from the next consequent year.
 23. Self environmental audit shall be conducted annually. Every three years third party environmental audit shall be carried out.
 24. Measures for prevention and control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion shall be carried out with geo textile matting or other suitable material, and thick plantations of native trees and shrubs shall be carried out at the dump slopes. Dumps shall be protected by retaining walls.
 25. Trenches / garland drains shall be constructed at foot of dumps and coco filters installed at regular intervals to arrest silt from being carried to water bodies. Adequate number of Check Dams and Gully Plugs shall be constructed across seasonal/perennial nallahs, if any flowing through the ML area and silts arrested. De-silting at regular intervals shall be carried out.
 26. Garland drain of appropriate size, gradient and length shall be constructed for both mine pit and for waste dump and sump capacity shall be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity shall also provide adequate retention period to allow proper settling of silt material. Sedimentation pits shall be constructed at the corners of the garland drains and de-silted at regular intervals.
 27. Ground and surface water, if any in and near the core zone (within 5.0 km of the lease) shall be regularly monitored for contamination and depletion due to mining activity and records maintained. The monitoring data shall be submitted to the Regional Office, MoEF, Gol, Lucknow and U.P. Pollution Control Board



E.C. for Sand/Bajari/Boulder Mining at Gata No.'-378/2 & 379/2, Village- SherpurPelo, Tehsil- Behat ,District- Saharanpur, U.P.
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- regularly. Further, monitoring points shall be located between the mine and drainage in the direction of flow of ground water shall be set up and records maintained.
28. Fugitive dust generation shall be controlled. Fugitive dust emission shall be regularly monitored at locations of nearest human habitation (including schools and other public amenities located nearest to sources of dust generation as applicable) and records submitted to the Regional Office, MoEF&CC, Gol, Lucknow and U.P. Pollution Control Board regularly.
 29. Baseline data for ambient air quality shall be generated and maintained and RSPM level in ambient air in the nearby human habitation (villages) shall also be monitored along with other parameters.
 30. Corporate Environmental Responsibility (CER) shall be by the project proponent and the details of the various heads of expenditure to be submitted as per the guidelines provided in the recent CER notification No. 22-65/2017-IA.III dated 01/05/2018. Work to be executed with installation of five hand pumps for drinking water, solar light in villages of streets, construction of two numbers of toilets at the primary school with name displayed and address and details of beneficiary and gram pradhan along with phone number, photographs should be submitted to Directorate as well as to the District magistrate / Chief Development officers.
 31. Transportation of minerals shall be done by covering the trucks with tarpaulin or other suitable mechanism so that no spillage of mineral/dust takes place.
 32. Occupational health and safety measures for the workers including identification of work related health hazards, training on malaria eradication, HIV, and health effects on exposure to mineral dust etc. shall be carried out. Periodic monitoring for exposure to respirable mineral dust on the workers shall be conducted and records maintained including health records of the workers. Awareness programme for workers on impact of mining on their health and precautionary measures like use of personal equipments etc. shall be carried out periodically. Review of impact of various health measures shall be conducted followed by follow up action wherever required.
 33. The project proponent will ensure for providing employment to local people as per requirement, necessary protection measures around the mine pit and waste dump and garland drain around the mine pit and waste dump.
 34. Top soil / solid waste shall be stacked properly with proper slope and adequate safeguards and shall be utilized for backfilling (wherever applicable) for reclamation and rehabilitation of mined out area. Top soil shall be separately stacked for utilization later for reclamation and shall not be stacked along with over burden.
 35. Over burden (OB) shall be stacked at earmarked dump site(s) only and shall not be kept active for long period. The maximum height of the dump shall not exceed 20 m, each stage shall preferably be of maximum 10 m and overall slope of the dump shall not exceed 35°. The OB dump shall be backfilled. The OB dumps shall be scientifically vegetated with suitable native species to prevent erosion and surface run off.
 36. Monitoring and management of rehabilitated areas shall continue until the vegetation becomes self sustaining. Compliance status shall be submitted to the Regional Office, Ministry of Environment & Forests, Gol, Lucknow and U.P. Pollution Control Board on six monthly basis.
 37. Slope of the mining bench and ultimate pit limit shall be as per the mining scheme approved by Indian Bureau of Mines.
 38. Permission for abstraction of ground water shall be taken from Central Ground Water Board. Regular monitoring of ground and surface water sources for level and quality shall be carried out by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring shall be carried out four times in a year i.e. pre-monsoon (April-May), monsoon (August), post-monsoon (November) and winter (January) and the data thus collected shall be regularly sent to MoEF&CC, Central Ground Water Authority and Regional Director, Central Ground Water Board.
 39. The waste water from the mine shall be treated to conform to the prescribed standards before discharging in to the natural stream. The discharged water from the Tailing Dam, if any shall be regularly monitored and report submitted to the Regional Office, Ministry of Environment & Forests, Gol, Lucknow, Central Pollution Control Board and the State Pollution Control Board.
 40. Hydro geological study of the area shall be reviewed by the project proponent annually. In case adverse effect on ground water quality and quantity is observed mining shall be stopped and resumed only after mitigating steps to contain any adverse impact on ground water is implemented.
 41. Vehicular emissions shall be kept under control and regularly monitored. Vehicles used for transportation of minerals and others shall have valid permissions as prescribed under Central Motor Vehicle Rules, 1989 and its amendments. The vehicles transporting minerals shall be covered with a tarpaulin or other suitable enclosures so that no dust particles / fine matters escape during the course of transportation. No overloading of minerals for transportation shall be committed. The trucks transporting minerals shall not pass through wild life sanctuary, if any in the study area.
 42. Prior permission from the Competent Authority shall be obtained for extraction of ground water, if any.
 43. A final mine closure plan, along with details of Corpus Fund, shall be submitted to the Regional office, Ministry of Environment & Forests, Gol, Lucknow and U.P. Pollution Control Board 5 years in advance of final mine closure for approval.



E.C. for Sand/Bajari/Boulder Mining at Gata No.'-378/2 & 379/2, Village- SherpurPelo, Tehsil- Behat ,District- Saharanpur, U.P.
(Leased Area -7.00 Ha).

44. Project Proponent shall explore the possibility of using solar energy where ever possible.
45. Commitment towards CER has to be followed strictly.
46. Regular health check-up record of the mine workers has to be maintained at site in a proper register. It should be made available for inspection whenever asked.
47. Project Proponent has to strictly follow the direction/guidelines issued by MoEF&CC, CPCB and other Govt. Agencies from time to time.
48. The blasting will be done only after getting the permission from the Mining Department.

You shall also ensure that the proposed site is not a part of any no-development zone as required/prescribed/identified under law. In case of violation, this permission shall automatically deem to be cancelled. Also, in the event of any dispute on ownership or land use of the proposed site, this clearance shall automatically deem to be cancelled.

Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

The above stipulated conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along-with their amendments and rules made there under and also any other orders passed by the Hon'ble Courts of Law relating to the subject matter.

The project proponent will have to submit approved plans and proposals incorporating the conditions specified in the Environmental Clearance within 03 months of issuance of this clearance. The SEIAA/MoEF reserves the right to revoke the environmental clearance, if conditions stipulated are not implemented to the satisfaction of SEIAA/MoEF. SEIAA may impose additional environmental conditions or modify the existing ones, if necessary.

This is to request you to take further necessary action in matter as per provisions of Gazette Notification No. S.O. 1533(E) dated 14/09/2006, as amended and send regular compliance reports to the authority as prescribed in the aforesaid notification.



(Ashish Tiwari)
Member Secretary, SEIAA

Ref. No...../Parya/SEIAA/5988-5654/2019 Dated: As above

Copy for Information and necessary action to:

1. The Principal Secretary, Environment, U.P. Govt., Lucknow.
2. Advisor, IA Division, Ministry of Environment, Forests & Climate Change, Govt. of India, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi.
3. Additional Director, Regional Office, Ministry of Environment & Forests, (Central Region), Kendriya Bhawan, 5th Floor, Sector-H, Aliganj, Lucknow.
4. The Member Secretary, U.P. Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow.
5. District Magistrate, Saharanpur, U.P.
6. Director, Department of Geology & Mining, U.P. Lucknow.
7. Copy for Web Master/Guard file.

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(Ashish Tiwari)
Member Secretary, SEIAA