

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH SITTING AT NEW DELHI****ORIGINAL APPLICATION NO. 462 OF 2023****IN THE MATTER OF:**

RAJA RAM SINGH

.....APPLICANT

VERSUS

STATE OF U.P & ORS.

.....RESPONDENTS

I N D E X

<u>PARTICULARS</u>	<u>PG. NO.</u>
REPLY ON BEHALF OF RESPONDENT NO. 05 WITH SUPPORTING AFFIDAVIT	
<u>ANNEXURE RA-01</u> True copy of Pg. No. 06 of the joint committee report dated 30.10.2023	
<u>ANNEXURE RA-02</u> True copy of letter dated 18.12.2023	
<u>ANNEXURE RA-03</u> True copy of temporary LOI dated 11.05.2022	
<u>ANNEXURE RA-04</u> True copy of Challans dated 05.01.2023	
<u>ANNEXURE RA-05</u> True copy of LOI dated 10.03.2023	
<u>ANNEXURE RA-06</u> True copy of Khatauni of Gata no. 505	
<u>ANNEXURE RA-07</u>	

A copy data chart issued by Director of Geology and Mining, Uttar Pradesh	
<u>ANNEXURE RA-08</u>	
True copy of notification dated 15.01.2016	
<u>ANNEXURE RA-09</u>	
True copy of the notification dated 28.03.2020	
<u>ANNEXURE RA-10</u>	
True copy of notification dated 01.05.2020	
<u>ANNEXURE RA-11</u>	
True copy of O.M dated September 2020	
COPY OF VAKALATNAMA	

THROUGH,



SHARAD CHAUHAN
ADVOCATE-ON-RECORD
FOR R-05
CHAMBER NO. 203, M.C SETALVAD
CHAMBERS BLOCK, SUPRTEME COURT OF INDIA,
NEW DELHI-110001
8510052778
SHARADADVOCATE22@GMAIL.COM

DATED: 21.02.2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH SITTING AT NEW DELHI****ORIGINAL APPLICATION NO. 462 OF 2023****IN THE MATTER OF:**

RAJA RAM SINGH

.....APPLICANT

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STATE OF U.P & ORS.

.....RESPONDENTS

AND IN THE MATTER OF:**REPLY ON BEHALF OF RESPONDENT NO. 05 I.E SHRI****SATYANARAYAN S/O RAM AVTAR.**

1. That the present Original Application is filed before this Hon'ble Tribunal regarding the grievances of illegal mining in villages Majharath, Jaitpur, Nawabganj, Tehsil Tarbganj, District Gonda, illegal transportation of the extracted minor minerals by overloaded trucks numbering more than 700 everyday, storage and illegal sale of minor mineral measuring about 20 lakh cubic meters and damage caused to Patpar Ganj Bridge and Road by overloaded trucks.
2. Further Vide order dated 02.08.2023, this Tribunal constituted a Joint Committee comprising of Ministry of

Environment, Forest and Climate Change (MoEF&CC), Central Pollution Control Board (CPCB), National Mission for Clean Ganga (NMCG), Uttar Pradesh Pollution Control (UPPCB) and District Magistrate, Gonda and directed the same *inter alia* to look into the grievances of the applicant, verify the factual position, take appropriate remedial action by following due course of law and giving opportunity of being heard to the project proponent and submit its report within two months.

3. It is further submitted that the committee has visited the site in question on 21.09.2023 with all the designated members and filed their report on 30.10.2023 before the Hon'ble Tribunal. However as it was directed by the Hon'ble Tribunal as the present petition was a letter petition therefore the applicant who have written letter to Hon'ble Chairman of this Hon'ble Tribunal shall also be present with the committee to assist them to visit the places where he has alleged that rampant illegal mining is going on in the areas surroundings village Majharath and Jaitpur, Tehsil Tarabganj, district Gonda but the applicant was not present during joint

inspection and also not traceable when contacted by the joint committee.

FINDINGS OF THE COMMITTEE IN RESPECT OF
RESPONDENT NO. 05 I.E PROJECT PROPONENT

4. The joint committee in its report dated 30.10.2023 submitted that the project proponent i.e Mr. Satya Narayan S/o Ram Avtar, R/o Village Majharath, Tehsil Tarabganj, district Gonda, Uttar Pradesh was allotted a short term mining permit on his Bhumidhari land i.e on Gata No. 505 having an area of 0.4580 Hectare for the period of 13.03.2023 to 12.06.2023 to win the ordinary sand deposited due to flood in the river Sariyu, to the tune of 12,824 Cubic Meter for three months as per rule 52 of the Uttar Pradesh Minor Minerals (Concession) Rules, 2021 and issued the Letter of Intent to the project proponent on 10.03.2023.
5. The joint committee on Page No. 06 of their report dated 30.10.2023, specifically mentioned that in respect of short term mining lease there is no specific Guidelines or any Govt. order for obtaining any Environmental Clearance/ Consent

to Operate (C.T.O) by the project proponent, from SEIAA/UPPCB and the same has not been made mandatory by the mining department. A True copy of Pg. No. 06 of the joint committee report dated 30.10.2023 is annexed and marked as **ANNEXURE RA-01**.

6. Further as per the Additional Reply filed by the UPPCB dated 18.12.2023, it is submitted that the Chief Environmental Officer, UPPCB has issued a Show Cause notice dated 20.11.2023, regarding why not Environmental Compensation shall be imposed on project proponent, on the ground that the project proponent has not taken consent under Air Act in respect of short term mining lease for 3 months on Gata No. 505, village Majhratha, Gonda, Uttar Pradesh but inadvertently that was not replied by the answering respondent.

Further it is significant to point out that without going into the merits of the present short term mining lease and its terms and conditions the UPPCB has imposed the Environmental compensation to the tune of Rs. 5,75,000/- (*Five lakhs seventy five thousand rupees*) on the project

proponent vide letter dated 18.12.2023 by UPPCB. A true copy of letter dated 18.12.2023 is annexed and marked as **ANNEXURE RA-02.**

SUBMISSIONS OF THE ANSWERING RESPONDENT

7. It is most respectfully submitted that the District Magistrate, Gonda has allotted the short term mining lease to the answering respondent vide temporary LOI dated 11.05.2022 subject to the deposition of Rs. 16,67,120 (*sixteen lakhs sixty seven thousand one hundred and twenty rupees only*) and additional 10% i.e Rs. 1,66,712 (*one lakh sixty six thousand seven hundred and twelve rupees*) in the District Mineral Fund. A true copy of temporary LOI dated 11.05.2022 is annexed and marked as **ANNEXURE RA-03.**

It is further submitted in lieu of the abovementioned the answering respondent has deposited the one time royalty amount of Rs. 16,67,120/- and additional Rs. 1,66, 712/- as District Mineral Fund with the Govt. vide challan dated 05.01.2023. A true copy of Challans dated 05.01.2023 is annexed and marked as **ANNEXURE RA-04.**

8. It is further submitted that after submission of the aforementioned amount with the govt. treasury the District Magistrate Gonda, vide its letter dated 10.03.2023, has issued the final Letter Of Intent to the answering respondent with all the conditions which have to be complied by the answering respondent as in the case of short term mining lease of 3 months the LOI is the only guiding document for the project proponent in respect of term and condition of the lease. True copy of LOI dated 10.03.2023 is annexed and marked as **ANNEXURE RA-05**

9. It is submitted that the total mining lease period is of 3 months ranging from 13.03.2023 to 16.03.2023 for winning of total 12,824 cubic meter of ordinary sand in the deposited in Gata No. 505, village Majharath , District Gonda, due to floods in river Sariyu which registered in the name of answering respondent.

It is pertinent to point out at this juncture that the land of project proponent is situated adjacent to the river Sariyu and in the rainy season the river Sariyu flows in a very wide stream due to which all the

agriculture land of the villagers get submerged into the stream of Sariyu river as the land in question is situated approximately 400 meter away from the river for over two and half months and after removal of sand the said agriculture land become fit for cultivation and the owner of the agricultural land have to clear the silt/ sand accumulated over the land and for that under rule 52 of Uttar Pradesh Minor Minerals (Concession) Rules, 2021 impowers the District Magistrate of the concerned district that he can grant a short term mining lease (for three months)only to the person who is the lawful owner of the agriculture land near the stream of the river only to clear or desilt the land and to make it suitable for cultivation. A true copy of Khatauni of Gata no. 505 is annexed and marked as **ANNEXURE RA-06**.

10. It is further submitted that to winn the total quantity of ordinary sand i.e 12,824 cubic meter over the Gata No. 505, total 1559 MM-11 in number are issued in three months. A data chart issued by Director of Geology and

Mining, Uttar Pradesh is annexed and marked as

ANNEXED RA-07.

ISSUE REGARDING THE ENVIRONMENTAL CLEARANCE :

11. It is submitted that as per the notification dated 15.01.2016 of issued by MOEF and in its Appendix-09 (Para 7(i)(kha) at point no. 3, it is specifically mentioned that no Environmental Clearance is needed in the case of clearing of sand accumulated on the agricultural land by the land owner due to river flooding. A true copy of notification dated 15.01.2016 is annexed and marked as **ANNEXURE RA-08.**

12. The MOEF & CC has issued a Notification dated 28.03.2020 in which the clearing of sand from the agricultural field deposited due to flood is exempted from the category of mandatory Environmental Clearance. A true copy of the notification dated 28.03.2020 alongwith excerpts of Sustainable Sand Mining Guidelines,2016 is annexed and marked as **ANNEXURE RA-09.**

13. The letter dated 01.05.2020 issued by Secretary, Govt. of Uttar Pradesh to all the Commissioners and District

Magistrate in the state of Uttar Pradesh directing that as per the Appendix 09 (3) of Notification dated 28.03.2020 issued by MOEF & CC, that for clearance of deposited sand due to flood in the agricultural field of farmers no prior Environmental Clearance is required. A true copy of notification dated 01.05.2020 is annexed and marked as **ANNEXURE RA-10.**

14. Further the office memorandum dated September 2020 issued by MOEF & CC environment impact assessment division specifically states that for removal of sand from agricultural field need no prior Environmental Clearance. A true copy of O.M dated September 2020 is annexed and marked **as ANNEXURE RA-11.**
15. Therefore in the light of above facts and circumstances it is graciously submitted before this Hon'ble Tribunal, the project proponent being a farmer in the village do not know the intricacies of the Law of Land and various order and Notification of Govt of Uttar Pradesh and Govt. of India, regarding the mining operation guidelines and also at the time of issuance of the LOI by the District

Magistrate it was never brought in the knowledge of answering respondent about taking of Environmental Clearance etc. and not even received a single letter or any intimation from any concerned Govt. Department regarding the condition of taking CTO/ CTE for short term mining lease of three months period at the same time the Director Mining and Geology, Uttar Pradesh in Original Application No. 176 of 2022 titled as Aman Chaudhary vs U.O.I and Ors. has taken stand that CTO/CTE is not required for the mining of short term mining lease.

THROUGH,



SHARAD CHAUHAN

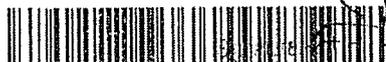
ADVOCATE-ON-RECORD

FOR RESP-05.



INDIA NON JUDICIAL

881



Government of Uttar Pradesh

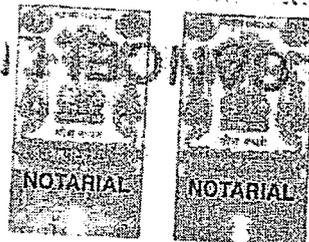
IN-UP70646485551568W - Satendra Kumar Kashyap

e-Stamp

ACC Code - UP14624804
ACC Address - NAWABGANJ GONDA
Licence No. - 212
Tahsil - TARABGANJ
District - GONDA

Certificate No. : IN-UP70646485551568W
 Certificate Issued Date : 20-Feb-2024 11:12 AM
 Account Reference : NEWIMPACC (SV)/ up14624804/ TARABGANJ/ UP-GND
 Unique Doc. Reference : SUBIN-UPUP1462480437531953571782W
 Purchased by : SATYANARAYAN SON OF RAM AVTAR
 Description of Document : Article 4 Affidavit
 Property Description : Not Applicable
 Consideration Price (Rs.) : 10
 (Ten only)
 First Party : SATYANARAYAN SON OF RAM AVTAR
 Second Party : Not Applicable
 Stamp Duty Paid By : SATYANARAYAN SON OF RAM AVTAR
 Stamp Duty Amount (Rs.) : 10
 (Ten only)

Notary
 Notary Tarabganj Gonda



BEFORE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, SITTING AT NEW DELHI

ORIGINAL APPLICATION NO. 462 OF 2023

IN THE MATTER OF :

RAJA RAM SINGH

.....APPLICANT

VERSUS

STATE OF U.P & ORS.

.....RESPONDENTS

AFFIDAVIT

I, Satya Narain, S/o Shri. Ram Avtar, aged 27 years, R/o Majharath, Gonda, Uttar Pradesh-271303, presently at Gonda, do hereby solemnly affirm and state as under:

1. That I am Respondent No. 05 in the above mentioned Original Application and I am fully conversant with the facts and circumstances of the case and I am competent to swear this affidavit.
2. That I have read and understood the contents of the Reply, hence swearing the present affidavit.
3. I state that the contents of the above Reply which has been drafted under my instructions are true and correct to the best of my knowledge and belief and the same is read over to me in my vernacular and no part of it is false and nothing material have been concealed therefrom.

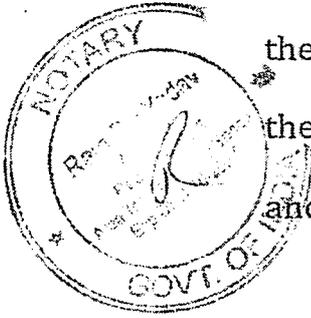
I, the undersigned, do hereby certify that the above is a true and correct copy of the original as filed in the office of the Registrar, National Green Tribunal, New Delhi.



DEPONENT

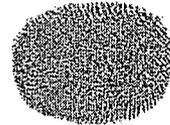
VERIFICATION

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

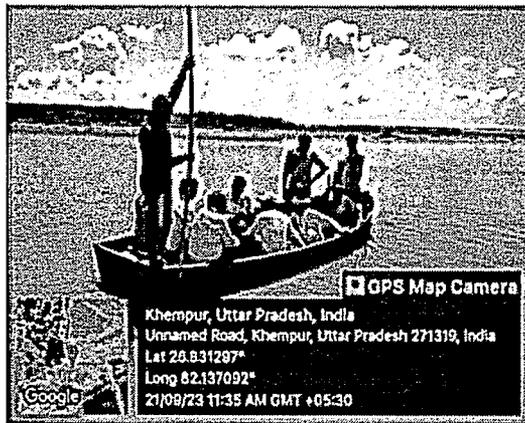


Verified at Gonda on the 20th day of February ,
2024.

Solemnly affirmed &
Declared before me
on
Rampal Yadav
Notary Public
Gonda (U.P.)
20/02/2024



DEPONENT



- 6.1.2. It is informed by the Mining Department, Gonda that mining leases has been allotted to Shri Satya Narayan S/o Shri Ram Avtar, R/o. Vill- Manjharath, Tehsil- Tarabganj, District- Gonda for removal of sand deposited in the agriculture land with validity period of 03 months. However, Environmental Clearances and consents are not been obtained for these activities as it has not been made mandatory by the Mining Department. The Letter of Intent issued by District Collector, Gonda is annexed (Annexure 04).
- 6.1.3. The residents informed that during the summer the mining activities are carried out and excavated material is transported through temporary road on agriculture land and thereafter by crossing the distributaries of the river which remains dry during the summer. Thereafter, small village road of length approx 05 km issued to reach the major road located at the Patpar Ganj Bridge.
- 6.1.4. Considering the condition and transportation capacity of the temporary and village road, movement of 700 trucks every day is not seems to be feasible.
- 6.1.5. The representative of Mr. Brij Bhushan Sharan Singh, Member Parliament told to the committee that they do not have any mining lease in the mentioned area of Majharath and Jaitpur villages nor have conducted any illegal mining operations.
- 6.1.6. As per document made available by Mining Department, Gonda, the mining lease had been issued in the name of Shri Satya Narayan S/o Shri Ram Avtar, R/o. Vill- Manjharath, Tehsil- Tarabganj, District- Gonda in Gata No. 505, area of 0.4580 Hectare land for three months only.



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

46

UTTAR PRADESH POLLUTION CONTROL BOARD

Ref. No. 1104408/C-6/सा0-791/ओ0एन0/462/12023

Date 12.12.23
ई-मेल/पंजीकृत

सेवा में,

श्री सत्यनरायन, पुत्र श्री राम अवतार,
निवासी ग्राम-माझाराठ, तहसील-तरबगंज
जनपद-गोण्डा।

Annexure No-2

विषय: श्री सत्यनरायन, पुत्र श्री राम अवतार, निवासी ग्राम-माझाराठ, तहसील-तरबगंज जनपद-गोण्डा खनन पट्टा धारक को राज्य बोर्ड द्वारा जारी कारण बताओ नोटिस दिनांक 20.11.2023 को निस्तारित किये जाने के सम्बन्ध में।

महोदय,

उपरोक्त विषयक राज्य बोर्ड के पत्रांक-एच.03092/सी0-6/सा0-791/ओ0एन0-462/2023 दिनांक 20.11.2023 का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा इकाई श्री सत्यनरायन, पुत्र श्री राम अवतार, निवासी ग्राम-माझाराठ, तहसील-तरबगंज जनपद-गोण्डा खनन पट्टा धारक के विरुद्ध राज्य बोर्ड से सहमति जल एवं वायु प्राप्त किये बिना ही खनन पट्टे का संचालन किये जाने के कारण रू0 6,250/- प्रतिदिन की दर से उल्लंघन अवधि (दिनांक 13.03.2023 से दिनांक 12.06.2023 तक) हेतु पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के सम्बन्ध में कारण बताओ नोटिस निर्गत किया गया था, जिसके संबंध में कोई उत्तर अथवा प्रत्यावेदन राज्य बोर्ड को प्राप्त नहीं हुआ है।

उक्त के परिप्रेक्ष्य में क्षेत्रीय अधिकारी, अयोध्या के पत्र दिनांक 13.12.2023 द्वारा संस्तुति आख्या प्रेषित की गई है। आख्यानुसार इकाई को जारी कारण बताओ नोटिस में उल्लिखित उल्लंघन अवधि दिनांक 13.03.2023 से दिनांक 12.06.2023 तक (कुल 92 दिन) के सापेक्ष रू0 6,250/- प्रतिदिन की दर से कुल अवधि 92 दिन हेतु रू0 5,75,000/- (रू0 पांच लाख पचहत्तर हजार मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुए कारण बताओ नोटिस दिनांक 20.11.2023 को निस्तारित किये जाने की संस्तुति की गई है।

अतः क्षेत्रीय अधिकारी की संस्तुति एवं उपरोक्त वर्णित तथ्यों को दृष्टिगत रखते हुये इकाई के विरुद्ध रू0 5,75,000/- (रू0 पांच लाख पचहत्तर हजार मात्र) पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुये कारण बताओ नोटिस दिनांक 20.11.2023 को सक्षम अधिकारी के अनुमोदनोपरान्त निम्न शर्तों के अधीन निस्तारित किया जाता है:-

1. इकाई के विरुद्ध 92 उल्लंघनकारी दिवस हेतु रू0 5,75,000/- (रू0 पांच लाख पचहत्तर हजार मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित की जाती है। उक्त पर्यावरणीय क्षतिपूर्ति धनराशि विलम्बतम् 15 दिवस में उ0प्र0 प्रदूषण नियंत्रण बोर्ड के यूनियन बैंक ऑफ इण्डिया, विभूति खण्ड, गोमती नगर, लखनऊ स्थिति बैंक के खाता संख्या 701502010002104 IFSC कोड UBIN 0570150 में जमा किया जाना सुनिश्चित किया जाये।

सक्षम अधिकारी द्वारा अनुमोदनोपरान्त पत्र निर्गमन हेतु अधिकृत

मुख्य पर्यावरण अधिकारी
(वृत्त-6)

प्रतिलिपि :- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. जिलाधिकारी, गोण्डा।
2. वरिष्ठ पुलिस अधीक्षक, गोण्डा।
3. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, अयोध्या।

मुख्य पर्यावरण अधिकारी
(वृत्त-6)

T.C/12V, Vibhuti Khand Gomti Nagar, Lucknow - 226010
Phone: 2720831, 2720828, 2720691 & 2720681 - Fax: 0522 - 2720764
Email: info@uppcb.in - Web Site: www.uppcb.com

BPM

mail sent
to Dec 2023

1. अनुज्ञा पत्र धारक संग्रह निये गये सभी खनिजों का लेखा रखेगा और एनदर्थ प्रतिनियुक्ति प्राधिकारी को ऐसे लेखों का निरीक्षण करने की अनुमति देगा।
2. 30प्र0 उप खनिज परिहार नियमावली 2021 नियम 41 (ड) का पालन किया जायेगा।
3. बाइ से आए हुए खनिजों को हटाने की अवधि 03 माह अथवा अनुमोदित खनन योजना में दी गयी मात्रा जो भी पहले पूर्ण हो, तक ही बंध रहेगा।
4. अनुमोदित खनन योजना में दी गयी शर्तों का प्रभावी पालन किया जायेगा।
5. 03 माह की अवधि में कोई विस्फार भी अनुमत्य नहीं होगा।
6. परिवहन विभाग द्वारा नियत मानकों के अनुरूप ही खनिजों का परिवहन किया जायेगा।
7. शासनादेश संख्या 1407/86-2017-107 (सामान्य) भूतल एवं खनिकर्म अनुभाग, लखनऊ दिनांक 11 जुलाई, 2017 में दिये गये निर्देशों के अनुसार ई अभिवहन प्रपत्र (एम0एम0-11) खनिजों को परिवहन करने वाले वाहनों को जारी किया जायेगा।
8. खनन/परिवहन कार्य 30 प्र0 उपखनिज (परिहार) नियमावली, 2021 तथा समय-समय पर निर्गत शासनादेशों में विहित शर्तों/प्राविधानों के अनुसार किया जायेगा।
9. अनुज्ञा पत्र धारक द्वारा 30प्र0 उपखनिज (परिहार) नियमावली, 2021 तथा खान एवं खनिज (विकास और विनियम) अधिनियम, 1957 का अनुपालन सुनिश्चित किया जायेगा।
10. अनुज्ञा पत्र धारक निर्धारित प्रपत्र E एम0एम0-11 से खनिजों का परिवहन करायेगा तथा सम्बन्धित विवरण पत्र एम0एम0-9 पर रखेगा एवं प्रतिनियुक्त अधिकारी को ऐसे लेखों का निरीक्षण करने की अनुमति देगा।
11. अनुज्ञा पत्र धारक किसी गार्बजनिज निर्माण को क्षति नहीं पहुंचायेगा।
12. खनन अनुज्ञा पत्र धारक किसी तीसरे पक्ष के दावे की क्षतिपूर्ति करना रहेगा और इन प्रकार के दावे उसके उत्पन्न होते ही स्वयं-निर्धारित करेगा।
13. अनुज्ञा पत्र की अवधि 03 माह या स्वीकृति मात्रा जो पहले समाप्त हो अनुज्ञा पत्र की अवधि समाप्त जायेगी।
14. अनुज्ञा पत्र धारक समय-समय पर शासन द्वारा निर्धारित-स्वामित्व राज्यस्व जमा करने के लिए बाध्य होगा।
15. अनुज्ञा पत्र धारक ऐसी रीति में खनन सक्रिय करेगा जिससे कोई सूदक, सार्वजनिक मार्ग, पुरत, सु-पुद्गादि सार्वजनिक सु-स्थल या सार्वजनिक संपत्ति पर कोई बाधा न पड़े या उसे क्षति न पहुंचे।
16. यदि अनुज्ञापत्रधारक दी गयी शर्तों का उल्लंघन करता है अथवा विवाद की स्थिति पैदा करता है तो अनुज्ञा पत्र निरस्त कर दिया जायेगा और जमा रायल्टी और जमा रायल्टी राज्य सरकार के पक्ष में जप्त कर अनुज्ञा पत्र धारक के अनुज्ञा पत्र में 30प्र0 उपखनिज (परिहार) नियमावली-2021 तथा खान और खनिज (विकास और विनियम) अधिनियम, 1957 की मुसंगत धाराओं के अन्तर्गत कार्यवाही किया जायेगा।
17. अनुज्ञापत्रधारक आवेदित स्थल से उपरी सतह पर जमा उपखनिज को अनुमोदित खनन योजना के अनुसार हटायेगा।
18. यदि खनन करते समय खनन स्थल से कोई अन्य उपखनिज निकलता है तो उसकी सूचना जिलाधिकारी/जिला खनन अधिकारी कांयक्षेत्र, Gonda को देगा तत्पश्चात् उपखनिज की मात्रा एवं रायल्टी का आकलन कर आवेदक से रायल्टी के रूप में वसूली की जायेगी।
19. यदि अनुज्ञा पत्र धारक दी गयी शर्तों का उल्लंघन करता है अथवा विवाद की स्थिति पैदा करता है तो अनुज्ञा पत्र निरस्त कर दिया जायेगा और जमा रायल्टी राज्य सरकार के पक्ष में जप्त कर अनुज्ञा पत्र धारक के विरुद्ध MOEF की मुसंगत धाराओं 30प्र0 उपखनिज (परिहार) नियमावली, 2021 तथा खान और खनिज (विकास और विनियम) अधिनियम, 1957 की मुसंगत धाराओं के अन्तर्गत कार्यवाही किया जायेगा।
20. जिलाधिकारी द्वारा दी गई अतिरिक्त शर्तों का पालन हेतु अनुज्ञापत्रधारक बाध्य होगा।

वित्तीय नियम संग्रह खण्ड-5 भाग-2

प्रपत्र संख्या-43ए(1)
(प्रस्तर 417 एवं 478 देखिए)कोषागार प्रपत्र-209(1)
रायपुर बाबू

धनराशि जमा करने का चालान फार्म

- उपकोषागार/बैंक का नाम व शाखा S. B. I. Gonda
- जिस व्यक्ति (पदनाम यदि आवश्यक हो) या संस्था के नाम से धनराशि जमा की जा रही है उसका नाम सत्य नारायण शोभा शर्मा, प. नवावगढ़ निवासी - माशु शेर, प. नवावगढ़, जिला गोंड
 - पता प. नवावगढ़, जिला गोंड
 - पंजीकरण संख्या/पक्ष का नाम व वाद संख्या (यदि आवश्यक हो) 505/5-45860
 - जमा की जा रही धनराशि का पूर्ण विवरण (धनराशि किस हेतु जमा की जा रही है तथा किस विभाग के पक्ष में जमा की जा रही है) (घातक को. 109 के. 101/2022/5 दि. 11-05-2022 के अंतर्गत प्राप्त, को. 101/2022/5 के अंतर्गत है)
 - चालान की सफल राशि
 - चालान की निबल राशि
 - लेखा शीर्षक का पूर्ण विवरण/लेखा शीर्षक की मुहर रायपुर 16,67,120=0
 - लेखा शीर्षक का 13 डिजिट कोड 10053-बलो शाह कम्प

मुख्य लेखा शीर्षक	उप मुख्य शीर्षक	लघु शीर्षक	उप शीर्षक	व्योरेवार शीर्षक	धनराशि अंकों में
0853	00	102	01	00	16,67,120=0

धनराशि (शब्दों में) : सोलह लाख सत्तर हजार एक सौ बीस केवल लेखी लक्ष, मात्र योग 16,67,120=0

चालान में लेखा शीर्षक की पुष्टि करने वाले
विभागीय अधिकारी के हस्ताक्षर मुहर सहित

जमाकर्ता/प्राप्तकर्ता/नामांकित हस्ताक्षर

चालान संख्या : A5000452

दिनांक : 05/01/2023

प्राप्त किया
उपकोषागार/बैंक की मुहर

जमापत्री / DEPOSIT / PAY IN SLIP



शाखा / Branch मन्सूरगढ़, जयपुर

दिनांक / Date 07.01.2023

एसबी/सीए/ओडी/सीसी/आरडी/टीएल/डीएल/बता सं./क्रेडिट कार्ड नं.
SB/CA/OD/CC/RD/TE/DL A/C No./Credit Card No.

50395202890

नाम / Name विद्या रघुनिधि

टेलीफोन सं./Tel. No. 9829123456

राशि / Amount 166712

रुपय शब्दों में / Rupees in words एक लाख छह हजार बारह

चेक सं./दिनांक/बैंक एवं खाता का नाम Cash/Cheque No./Date & Name Of Bank & Branch	₹	P
कुल / Total		

अधिकारी/ऑफिसर/एस डब्ल्यू ओ
Officer/Cashier/SWO

Do not share Your PIN/OTP/Card Details/
Password to any Person
Indian Bank Toll Free 1800 425 00 0000

कार्यालय जिलाधिकारी, गोंडा।

(खनिज अनुभाग)

पत्रांक :- 2477/ख0-अनुज्ञा/2022-23

दिनांक: 13/03/2023

खनन अनुज्ञा-पत्र (एमएम-10)

उ0प्र0 उपखनिज (परिहार) नियमावली-2021 के नियम-52 में उल्लिखित प्राविधानों के अन्तर्गत आनलाइन जारी सहमति पत्र(Letter of intent) पत्रांक संख्या-LOI/2022/5/11-05-2022 दिनांक 11.05.2022 द्वारा जनपद-गोंडा के तहसील-तरबगंज स्थित ग्राम- माझाराठ के आराजी गाटा संख्या-505 रकबा 0.4580 हेक्टेयर में कृषि भूमि पर जमा 12824.00 घनमीटर साधारण बालू को हटाने(खनन व परिवहन करने) के लिये खनन अनुज्ञा पत्र स्वीकृत किये जाने के निमित्त सम्बन्धित भूमिधर श्री सत्यनरायन पुत्र श्री रामऔतार निवासी ग्राम- माझाराठ, तहसील-तरबगंज जनपद-गोंडा के पक्ष में आशय पत्र (Letter of intent) निर्गत किया गया है। आवेदक/भूमिधर द्वारा आशय पत्र में दिये गये निर्देशों के अनुक्रम में रू0 130.00 प्रतिघनमीटर की दर से अनुज्ञप्त उपखनिज साधारण बालू की कुल मात्रा यानी 12,824.00 घनमीटर साधारण बालू पर देय रायल्टी की सम्पूर्ण धनराशि रू0 16,67,120.00 को चालान संख्या-A500045/दिनांक 05.01.2023 द्वारा अग्रिम रूप से जमा कर दिया गया है। उपरोक्त क्षेत्र को खनन परिहार पर 03 माह हेतु स्वीकृत किया जाना है।

अतः निम्नलिखित शर्तों के आधीन सम्बन्धित आवेदक/ भू-स्वामी (श्री सत्यनरायन पुत्र श्री रामऔतार निवासी ग्राम-माझाराठ, तहसील-तरबगंज जनपद-गोंडा) के पक्ष में 03 माह (दिनांक- 13/03/2023 से दिनांक 12/06/2023 तक) की अवधि के अन्दर उपरोक्त कृषि भूमि से 12,824.00 घनमीटर साधारण बालू का खनन व परिवहन करने हेतु अनुज्ञा पत्र निर्गत किया जाता है:-

क्र0 स0	क्षेत्र का विवरण				जियो कोऑर्डिनेट		अनुज्ञप्त उपखनिज (बालू/मोर म) की मात्रा (घनमीटर)	नियम-52(2) के अनुसार देय न्यूनतम रायल्टी की दर (रू0 प्रति घनमीटर)	देय रायल्टी की कुल धनराशि (रू0 में) (8x9)	देय डी0एम0एफ 0 की कुल धनराशि (रू0 में)
	तहसील	ग्राम	आराजी संख्या	क्षेत्रफल (हेक्टेयर)	NORTHING	EASTING				
1	2	3	4	5	6	7	8	9	10	
1	तरबगंज	माझाराठ	505	0.4580	A-26°49'18.58" B-26°49'18.11" C-26°49'14.93" D-26°49'12.71" E-26°49'12.96" F-26°49'16.53"	A-82°08'02.36" B-82°08'03.32" C-82°08'01.72" D-82°08'00.59" E-82°08'00.01" F-82°08'01.56"	12,824.00	130.00	16,67,120.00	16,67,12.00

शर्तें:

- 1- अनुज्ञा पत्र पूर्व निर्धारित 03माह की समाप्ति के दिनांक तक अथवा ऐसे दिनांक तक जबतक खनिज की अनुज्ञप्त मात्रा हटा न ली जाये, इनमें से जो भी पहले हो के लिये वैध रहेगा।
- 2- खनन अनुज्ञा पत्र के आधीन दिये गये क्षेत्र के सर्वेक्षण और सीमांकन के समय सीमांकित मानचित्र पर खनन पट्टा क्षेत्रों का कोऑर्डिनेट्स अंकित करायेगा।
- 3- खनन संक्रियाओं का संचालन उचित और दक्षपूर्ण कुशल कारीगर की भांति करेगे।
- 4- नियम-35 में उल्लिखित प्राविधानों के अनुसार परिवहन की निगरानी के लिए स्वयं के व्यय पर 360 डिग्री दृश्यता रिकॉर्डिंग के योग्य चार सी0सी0टी0वी0 कैमरा लगाने सहित एक चेक पोस्ट/गेट का निर्माण किया जायेगा। उक्त चेक पोस्ट/गेट पर आर0एफ0आई0डी0 स्कैन भी रखेगा, जिससे सम्बन्धित खनन पट्टा क्षेत्र में परिवहन हेतु प्रयुक्त प्रत्येक वाहन के सापेक्ष निर्गत किये गये प्रपत्र ई-एम0एम0 11 पर अंकित क्यू0आर0 कोड/बारकोड का डाटा पढ़ने और सुरक्षित रखने की सुविधा होगी और उसका समुचित रूप से रख-रखाव करेगा एवं संदेव उसे चालू रूप से अनुरक्षित रखेगा। उक्त सभी सी0सी0टी0वी0 कैमरे और आर0एफ0आई0डी0 स्कैनरो द्वारा की गयी समस्त रिकॉर्डिंग को कम से कम तीस दिन तक सुरक्षित रखेगा और नियम-67 के उपबन्धों के अधीन प्राधिकृत अधिकारी के द्वारा रिकॉर्डिंग मांगे जाने पर समस्त रिकॉर्ड उपलब्ध करायेगा। उक्त का अनुपालन न करने की दशा में नियमावली,2021 के नियम-60 के अन्तर्गत वह शास्ति का भागीदार होगा।

- 5- माननीय राष्ट्रीय हरित अधिकरण के आदेश दिनांक: 05.09.2018 के अनुपालन में पट्टाधारक द्वारा खनन क्षेत्र के निकासी स्थल पर तौल मशीन लगवा कर निदेशालय में स्थापित कमाण्ड सेन्टर में प्रयुक्त आर्टिफिशियल इन्टेलीजेन्स युक्त सॉफ्टवेयर में इन्टीग्रेट करायेगा। इन्टीग्रेट में स्थित तौल मशीन में निम्न Features का होना आवश्यक है:-
- (1) The weigh bridge device should use the MQTT protocol to transmit data.
 - (2) The weigh bridge device should transmit data over the internet to IOT infrastructure in cloud.
- 6- तीन मीटर अथवा जल स्तर, दोनों में से जो कम हो, से परे कोई खनन संक्रियायें नहीं की जायेगी।
- 7- उपखनिजो(साधारण बालू) का परिवहन प्रपत्र-ई0एमएम0-11 के माध्यम से किया जायेगा।
- 8- स्वीकृत क्षेत्र के अन्दर जहाँ परिवहन हेतु प्रपत्र ई-एम0एम0 11 निर्गत किया जायेगा, वहाँ पर खनिजों का विक्रय मूल्य प्रदर्शित किया जायेगा।
- 9- 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 परिहार धारक को मान्य होगी।
- 10- माननीय उच्च न्यायलय, मा0 राष्ट्रीय हरित अधिकरण अथवा माननीय सर्वोच्च न्यायलय द्वारा पारित आदेशों का पालन किया जायेगा।
- 11- जिलाधिकारी द्वारा चिन्हित सुरक्षा क्षेत्र में खनन कार्य नहीं किया जायेगा।


 जिलाधिकारी,
 गोण्डा।

पत्रांक व तद् दिनांक:-

प्रतिलिपि:- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

- 1- सचिव, भूतत्व एवं खनिकर्म विभाग, उ0प्र0 शासन, लखनऊ।
- 2- निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0, खनिज भवन, लखनऊ।
- 3- वरिष्ठ पुलिस अधीक्षक, गोण्डा।
- 4- अपर जिलाधिकारी(वि0/रा0)गोण्डा।
- 5- उपजिलाधिकारी तरबगंज जनपद गोण्डा।
- 6- क्षेत्रीय अधिकारी, भूतत्व एवं खनिकर्म विभाग, उ0प्र0, क्षेत्रीय कार्यालय, अयोध्या।


 जिलाधिकारी,
 गोण्डा।

कार्यालय जिलाधिकारी, गोंडा
(खनिज अनुभाग)

संयुक्त सीमांकन आख्या
जिलाधिकारी महोदय के आदेश सं-2.4.6.5/खनिज-30/2023 दिनांक 23.3.2023 के पक्ष में
के अनुपालन में मे0/श्री. सत्यनारायण पट्टाचार्य कोतार के पक्ष में
स्वीकृत ई-नीलाम खनन पट्टा/अनुज्ञा पत्र जनपद तहसील गोंडा स्थित ग्राम माजाराठ
के आराजी सं-5.2.5 खण्ड सं- रकबा/क्षेत्रफल 0.458 हेक्टर
हे0/एकड़ क्षेत्र का दिनांक 01.03.2023 को क्षेत्रीय लेखपाल/समस्त निरीक्षक श्री सी. रा. रा. द्वारा
के सहयोग से संदर्भ बिन्दु RP1. 265/369 निम्नलिखित संदर्भ बिन्दु से सीमांकन
थ्योडोलाइट/टोटल स्टेशन, हेण्ड हेल्ड जी0पी0एस0 द्वारा स्वीकृत खनन क्षेत्र को मौके पर स्वीकृत क्षेत्र के
सभी सीमा चिन्हों A, B, C, D, E, F को मौके पर चिन्हित कर दिया गया है। सीमांकन
कार्य से पट्टाधारक/अनुज्ञाधारक संतुष्ट एवं सहमत है। पट्टाधारक/प्रतिनिधि को चिन्हित सीमा चिन्हों पर
निर्धारित मापदण्ड के पक्का सीमा स्तम्भ का निर्माण कराकर फोटो सहित सात कार्य दिवस के भीतर जिला
कार्यालय को सूचित करने हेतु मौके पर निर्देशित किया गया है। मौके पर सीमा स्तम्भों को हेण्ड हेल्ड
जी0पी0एस0 से लिया गया अक्षांश/देशांतर निम्नवत है :-

बिन्दु	अक्षांश (Latitude)	देशांतर (Longitude)
A -	26° 49' 18.58" N	82° 08' 02.36" E
B -	26-49-18.11 N	82-08-03.52" E
C -	26-49-14.93 N	82-08-01.72 E
D -	26-49-12.71" N	82-08-00.59 E
E -	26-49-12.96 N	82-08-00.01
F -	26-49-16.53 N	82-08-01.56

स्वीकृत/सीमांकित क्षेत्र की चौहद्दी निम्नवत है :-

उत्तर- आ. सी. की सीमा।

दक्षिण- आ. सी. की सीमा।

पूरब- आ. सी. की सीमा।

पश्चिम- आ. सी. की सीमा।

कुलकुमार

सत्यनारायण पट्टाचार्य
खनन पट्टाधारक/
अनुज्ञाधारक या उसका
प्रतिनिधि

लेखपाल/सोनिरी
सी. रा. रा.

सर्वेक्षक/परि
01.3.2023

01/03/2023

सर्वेक्षक/परि
खान निरीक्षक/खान अधिकारी



उत्तर प्रदेश
Uttar Pradesh

खाता विवरण (अप्रमाणित प्रति)

ग्राम का नाम : माझाराठ परगना : (नवाबगंज) तहसील : सरखण्ड जनपद : गौहा फसली वर्ष : 1426-1431 भाग : 1 खाता संख्या : 00109

खतिदार का नाम / पिता पति संरक्षक का नाम / निवासा स्थान	खसरा संख्या	क्षेत्रफल (हे.)	अंश	दिप्पणी
श्रेणी : 1-क / भूमि जो संक्रमणीय भूमिधरो के अधिकार में हो।				
राज्य नरायन / राम औतार / नि. ग्राम	505	0.4580		
योग	1	0.4580		

कृपया उक्त खसरे की प्रास्थिति (मुखंड (गाटा) के बाद गस्त / विक्रय / भू-नक्शा / नामांतरण नहीं) हेतु खसरा संख्या पर क्लिक करें

Disclaimer: उक्त आंकड़े मात्र अवलोकनार्थ हैं, उक्त विवरण अप्रमाणित है, तहसील कांप्यूटर केन्द्र एवम सी.एस.सी/लोकवाणी केन्द्र से उद्धरण की प्रमाणित प्रति प्राप्त की जा सकती है।

Software Powered By: National Informatics Center, Uttar Pradesh State Unit, Lucknow.



NATIONAL
INFORMATICS
CENTRE



LESSEE						
Sr.No	Name of Lessee	Lessee Id	Aadhaar Number	Mineral Type	Gata Number	C
1	SATYA NARAYAN	314723090063	452848296670	Ordinary sand (Category-I)	505	
					Total:-	



LESSEE					
Gata Number	Challan Generated quantity	Used Quantity	Adjust Quantity	No of eMM11	
505	12824	12824	0	1559	
Total:-	12824	12824	0	1559	

- 10 का.आ. 562(अ) तारीख 26 फ़रवरी 2014;
11. का.आ. 637(अ) तारीख 28 फ़रवरी 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 दिसम्बर 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 अप्रैल 2015;
19. का.आ. 1142(अ) तारीख 17 अप्रैल 2015;
20. का.आ. 1141(अ) तारीख 29 अप्रैल 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 in 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 Administration 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 endeavor 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 constituted 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

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.

(b) 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 1 annexed herewith and Supplementary Form 1A, 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 1M 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 1, Form 1A, and Form 1M; 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	≥50 ha of mining lease area in respect of non-coal mine lease >150 ha of mining lease area in respect of coal mine lease Asbestos mining	<50 ha of mining lease area in respect of non-coal mine lease ≤150 ha of mining lease area in respect of coal mine lease	General Conditions shall apply except: (i) for project or activity of mining of minor minerals of Category ‘B2’ (up to 25 ha of mining lease area); (ii) River bed mining projects on account of inter-state boundary.

		irrespective of mining area		<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>
	(ii) Slurry pipelines (coal lignite and other ores) passing through national parks or sanctuaries or coral reefs, ecologically sensitive areas.	All projects.		

(l) 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

- 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/ articulation 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.
- 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.
- 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.
- 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 'B2' 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, Rivulet, 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 reservoirs 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 tourist, pilgrim areas	
9.	Defence installations	
10.	Densely populated or built-up area, distance from nearest 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 Kumhars (Potter) 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 Mahatama Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes, and community efforts.
6. Dredging and de-silting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of their maintenance, upkeep and disaster management.
7. Traditional occupational work of sand by Vanjara and Oads in Gujarat *vide* notification number GU/90(16)/MCR-2189(68)/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, nala, 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 (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)

Mineral Potential

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

Annual Deposition

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 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.

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.
- (7). Form 1M, 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 appraise/ 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 -1M, 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 -IM, PFR and Approved Mine Plan	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	DEIAA SEIAA SPCB CPCB 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 (iv)]

PROCEDURE FOR MONITORING OF SAND MINING OR RIVER BED MINING

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

- (a) Printed on Indian Banks' Association (IBA) approved Magnetic Ink Character Recognition (MICR) Code paper.
- (b) Unique Barcode.
- (c) Unique Quick Response (QR) code.
- (d) Fugitive Ink Background.
- (e) Invisible Ink Mark.
- (f) Void Pantograph.
- (g) Watermark.

2. Requirement at Mine Lease Site:

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

- (b) 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, a 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-11013/98/2014-IA-II (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, 2006 and subsequently amended *vide* the following numbers :-

1. S.O. 1737 (E) dated the 11th October, 2007;
2. S.O. 3067 (E) dated the 1st December, 2009;
3. S.O. 695 (E) dated the 4th April, 2011;
4. S.O. 2896 (E) dated the 13th December, 2012;
5. S.O. 674 (E) dated the 13th March, 2013;
6. S.O. 2204 (E) dated the 19th July 2013;
7. S.O. 2555 (E) dated the 21st August, 2013;
8. S.O. 2559 (E) dated the 22nd August, 2013;
9. S.O. 2731 (E) dated the 9th September, 2013;
10. S.O. 562 (E) dated the 26th February, 2014;
11. S.O. 637 (E) dated the 28th February, 2014;
12. S.O. 1599 (E) dated the 25th June, 2014;
13. S.O. 2601 (E) dated the 7th October, 2014;
14. S.O. 2600 (E) dated the 9th October, 2014;
15. S.O. 3252 (E) dated the 22nd December, 2014;
16. S.O. 382 (E) dated the 3rd, February, 2015;
17. S.O. 811 (E) dated the 23rd March, 2015;
18. S.O. 996 (E) dated the 10th April, 2015;
19. S.O. 1142 (E) dated the 17th April, 2015;
20. S.O. 1141 (E) dated the 29th April, 2015;
21. S.O. 1834 (E) dated the 6th July, 2015.

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 28th March, 2020

S.O. 1224(E).—WHEREAS, *vide* the Mineral Laws (Amendment) Act, 2020 (2 of 2020), the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) (hereinafter referred to as MMDR Act) has been amended with effect from the 10th day of January, 2020 and, *inter alia*, new section 8B relating to the provisions for transfer of statutory clearances has been inserted;

AND WHEREAS, sub-section (2) of section 8B of the MMDR Act provides that notwithstanding anything contained in this Act or any other law for the time being in force, the successful bidder of mining leases expiring under the provisions of sub-sections (5) and (6) of section 8A and selected through auction as per the procedure provided under this Act and the rules made thereunder, shall be deemed to have acquired all valid rights, approvals, clearances, licences and the like vested with the previous lessee for a period of two years;

AND WHEREAS, sub-section (3) of section 8B of the MMDR Act provides that notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land, in which mining operations were being carried out by the previous lessee, for a period of two years from the date of commencement of the new lease;

AND WHEREAS, in pursuance of the aforesaid amendment to the MMDR Act, the Central Government deems it necessary to align the relevant provisions of the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533 (E), dated the 14th September, 2006 (hereinafter referred to as the EIA Notification, 2006);

AND WHEREAS, the Ministry of Environment, Forest and Climate Change is in the receipt of representations for waiver of requirement of prior environmental clearance for borrowing of ordinary earth for roads; and manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community;

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, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of the rule 5 of the said rules, in public interest, and in supersession of the notification number S.O. 4307(E), dated the 29th November, 2019, hereby makes the following further amendments in the EIA Notification, 2006, namely:-

In the said notification,-

(i) in paragraph 11, after sub-paragraph (2), the following sub-paragraph shall be inserted, namely:-

“(3) The successful bidder of the mining leases, expiring under the provisions of sub-sections (5) and (6) of section 8A of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and selected through auction as per the procedure provided under that Act and the rules made thereunder, shall be deemed to have acquired valid prior environmental clearance vested with the previous lessee for a period of two years, from the date of commencement of new lease and it shall be lawful for the new lessee to continue mining operations as per the same terms and conditions of environmental clearance granted to the previous lessee on the said lease area for a period of two years from the date of commencement of new lease or till the new lessee obtains a fresh environmental clearance with the terms and conditions mentioned therein, whichever is earlier:

Provided that the successful bidder shall apply and obtain prior environmental clearance from the regulatory authority within a period of two years from the date of grant of new lease.”;

(ii) in the Schedule, against the item 1(a), in the column (5), after clause (2) of the Note, the following clause shall be inserted, namely:-

“(3) The evacuation or removal and transportation of already mined out material lying within the mining leases expiring under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), by the previous lessee, after the expiry of the said lease, shall not form the part of the mining capacity so permitted to the successful bidder, selected through auction as per the procedure provided under that Act and the rules made thereunder.”;

(iii) for Appendix-IX, the following Appendix shall be substituted, namely:-

“APPENDIX-IX

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 by manual mining, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand by manual mining, 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 or bunds undertaken in Mahatma Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes and community efforts.
6. Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc.
7. Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management.
8. Traditional occupational work of sand by Vanjara and Oads in Gujarat vide notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat.
9. Manual extraction of lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community.
10. Digging of wells for irrigation or drinking water purpose.
11. Digging of foundation for buildings, not requiring prior environmental clearance, as the case may be.
12. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nallah, drain, water body, etc., to deal with any disaster or flood like situation upon orders of the District Collector or District Magistrate or any other Competent Authority.
13. Activities declared by the State Government under legislations or rules as non-mining activity.”

[F. No. Z-11013/47/2018-IA.II (M)]

GEETA MENON, 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 vide the following numbers:-

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;



सत्यमेव जयते

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



**EXEMPTION OF CERTAIN CASES FROM BEING CONSIDERED
AS MINING FOR THE PURPOSE OF REQUIREMENT OF
ENVIRONMENTAL CLEARANCE**

Keeping in view the purpose, maintenance of infrastructure, abatement of disasters, customary easement and property rights, it is felt that following cases may not be treated as mining for the purpose of requirement of environmental clearance. The following cases shall not require prior environmental clearance, namely:-

1. Extraction of ordinary clay or sand, manually, by the Kumhars (Potter) 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 Mahatama Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes, and community efforts.
6. Dredging and de-silting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of their maintenance, upkeep and disaster management.
7. Traditional occupational work of sand by Vanjara and Oads in Gujarat vide notification number GU/90(16)/MCR-2189(68)/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, nala, 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.

संख्या- 446/81-7-2020-39(पर्या)/2014 टी0सी0-1

प्रेषक,

संजय सिंह,
सचिव,
उ0प्र0 शासन।

सेवा में,

- 1- समस्त अपर मुख्य सचिव/प्रमुख सचिव/सचिव,
उ0प्र0 शासन।
- 2- समस्त मण्डलायुक्त/जिलाधिकारी,
उत्तर प्रदेश।

पर्यावरण, वन एवं जलवायु परिवर्तन अनु0-7

लखनऊ: दिनांक: 01 मई, 2020

विषय-पर्यावरणीय अनापत्ति की अनिवार्यता में छूट के निर्णय के संबंध में।

महोदय,

उपरोक्त विषय के संबंध में मुझे यह कहने का निदेश हुआ है कि पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा निर्गत ई0आई0ए0 अधिसूचना 2006 (यथासंशोधित) सपटित अधिसूचना सं0-1224 (अ) दिनांक 28-03-2020 के परिशिष्ट-9 में निम्न क्रियाकलापों का पूर्व पर्यावरणीय सहमति की अपेक्षा से छूट प्रदान की गई है :-

1. मैनुअल खनन द्वारा साधारण मिट्टी या बालू की कुम्हारों द्वारा मिट्टी के घड़े, लैम्प, खिलौने, आदि बनाने के लिए उनकी प्रथाओं के अनुसार निकासी।
2. मैनुअल खनन द्वारा मिट्टी की टाइलें बनाने द्वारा जो मिट्टी की टाइलें बनाते हैं, के लिए साधारण मिट्टी या बालू की निकासी।
3. किसानों द्वारा बाढ़ के पश्चात् कृषि भूमि से बालू के जमाव को हटाना।
4. ग्राम पंचायत में अवस्थित स्रोतों से बालू और साधारण मिट्टी को वैयक्तिक उपयोग या ग्राम में समुदाय कार्य के लिए प्रथा के अनुसार खनन।
5. सामुदायिक कार्य जैसे ग्रामीण तालाबों या टैंकों से गाद हटाना, महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार और गारंटी स्कीमों, अन्य सरकारी स्कीमों, प्रायोजित तथा सामुदायिक प्रयासों द्वारा ग्रामीण सड़कों, तालाबों या बांधों का संनिर्माण।
6. सड़क, पाइपलाइन, आदि जैसे रेखीय परियोजनाओं के लिए साधारण मिट्टी की निकासी, निष्कासन या प्रयोग करना।
7. बांधों, तालाबों, मेड़ों, बैराजों, नदी और नहरों की उनके अनुरक्षित तथा आपदा प्रबंधन के प्रयोजन के लिए तलमार्जन और गाद निकालना।
8. गुजरात में गुजरात सरकार की तारीख 14 फरवरी, 1990 की अधिसूचना सं0-जीयू/90(16)/एमसीआर-2189(68)/5-सीएचएच द्वारा बंजारा और ओड द्वारा बालू के पारंपरिक उपजीविका कार्य।
9. पारंपरिक समुदाय द्वारा अंतर ज्वारीय क्षेत्र के भीतर चूने के गोलों (मृत भू-पटल), पवित्र स्थानों, आदि के मैनुअल निकासी।
10. सिंचाई या पेयजल के लिए कुओं की खुदाई।
11. यथास्थिति, ऐसे भवनों की नींव के लिए खुदाई जिनके लिए पूर्व पर्यावरणीय अनापत्ति अपेक्षित नहीं है।

12. जिला कलेक्टर या जिला मजिस्ट्रेट या किसी अन्य सक्षम प्राधिकारी के आदेश पर किसी नहर, नाला, ड्रेन, जल निकास, आदि में होने वाली दरार को भरने के लिए साधारण मिट्टी या बालू का उत्खनन ताकि किसी आपदा या बाढ़ जैसी स्थिति से निपटा जा सके।

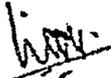
13. "ऐसे क्रियाकलाप, जिन्हें राज्य सरकार द्वारा विधान या नियमों के अधीन गैर खननकारी क्रियाकलाप के रूप में घोषित किया गया है।"

2- भूतत्व एवं खनिकर्म विभाग, उ०प्र० शासन द्वारा निर्गत अधिसूचना सं०-3204/86-2014-278-2011 दिनांक 22-10-2014 (उ०प्र० उप खनिज परिहार नियमावली 37वाँ संशोधन 2014) में किये गये प्राविधानों के अधीन यह उल्लेख किया गया है कि:-

"ईट एवं मिट्टी के बर्तन बनाने हेतु हस्तसंचालन से खुदाई द्वारा अथवा हस्तसंचालन से साधारण मृदा, सामान्य मिट्टी को निकालने की क्रिया, खनन सक्रियाओं के अन्तर्गत नहीं आएगी, प्रतिबन्ध यह है कि ऐसी खुदाई अथवा खनन के फलस्वरूप उत्पन्न गड्ढों की गहराई 02 मीटर से अधिक नहीं होगी"

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा निर्गत उपरोक्त ई०आई०ए० अधिसूचना दिनांक 28-3-2020 में उल्लिखित क्रियाकलापों में छूट के अन्तर्गत उ०प्र० उप खनिज परिहार नियमावली (37वाँ संशोधन) 2014 के प्राविधानों के अनुसार ईट बनाने हेतु हस्तचालित विधि से 02 मीटर की गहराई तक साधारण मृदा/सामान्य मिट्टी की खुदाई के लिये पूर्व पर्यावरणीय सहमति की आवश्यकता नहीं होगी।

3- अतः पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा निर्गत उक्त अधिसूचना दिनांक-28.03.2020 का अनुपालन सुनिश्चित करने का कष्ट करें।


(संजय सिंह)
सचिव।

संख्या-446(1)/81-7-2020-39(पयी)/2014 टी०सी०-1, तददिनांक।

प्रतिलिपि:- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. निदेशक, पर्यावरण, उ०प्र०, लखनऊ।
2. सदस्य सचिव, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
3. गार्ड फाइल।

आज्ञा से,
(भारत प्रसाद)
अनु सचिव।

F.No. 22-19/2020-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

Indira Paryavaran Bhawan,
Jor Bagh, Aliganj New Delhi - 110003
e-mail: sharath.kr@gov.in
Tel: 011-24695319

Dated: ____ September 2020

OFFICE MEMORANDUM

**Subject: Joint Communication from Special Procedures,
Office of the High Commissioner for Human Rights - Draft
EIA Notification - Reg.**

The Ministry is in receipt of an email from the Ministry of External Affairs regarding Joint Communication addressed to Hon'ble EAM from the Special Rapporteur wherein certain concerns were raised regarding some provisions of the draft EIA notification and its impact on the effectiveness and transparency of the environmental regulatory framework in India with environmental impacts that interfere with the full enjoyment of all relevant rights, including the rights to life, health, food, water and, sanitation, housing, culture and a safe, clean, healthy and sustainable environment.

2. The detailed point wise reply is provided below:

(i) Several exemptions such as Exemption of several large industries and projects from public consultation have been included in the draft notification which may cause environmental damage.

Reply: No exemptions have been given to large industries & projects from public consultation. In fact, in the Draft Environmental Impact Assessment (EIA) Notification, 2020 the number of activities, exempted from public hearing, has been reduced from 9 in EIA 2006 [Refer clause 7(III) of EIA 2006] to 7 activities in Draft EIA 2020 [Clause 14(2) of Draft EIA 2020]. In Draft EIA 2020, the public consultation has been proposed for exemption only in case of certain category of projects or activities in respect of MSME sector and projects adopting clean technology.

(ii) Draft notification does not require the publication of information or holding of public consultations for projects labelled by the Central Government as 'involving strategic consideration';

Reply: The categorization of projects under 'defence and other strategic

considerations' has also existed in EIA Notification 2006. This has not been changed. The said projects shall continue to be appraised and shall require EIA.

(iii) Concern regarding proposal to allow post-facto clearance of projects commenced without obtaining the required environmental clearance;

Reply: The draft EIA Notification 2020 does not provide for ex post facto clearance to violation cases. The environmental clearance, if issued, to the project shall only be prospective and shall be effective from the date of its issuance. Any violation of the EIA Notification, 2006, that is in force, under the Environment (Protection) Act, 1986 results in contravention under the Environment (Protection) Act, 1986 itself, thereby attracting the provisions of Section 15/19 of the said Act. Section 15 of the Environment (Protection) Act, 1986 provides for penalty or imprisonment or both for contravention of the Act. In the same manner, a violation of any provisions in the EIA, 2020 shall also attract the penal provisions of Section 15 of Environment (Protection) Act, 1986.

The Clause 22 (14) of the draft EIA Notification 2020 clearly specifies that the project proponent is liable for action under Section 15/19 of the Environment (Protection) Act, 1986 which provides for penalty or imprisonment or both in case of contravention of the Act. In addition, the draft notification also lays down additional liability on the project proponent for having caused damage to the environment through assessment of such damage and through remedial and community augmentation plans (reference clause 22(5) of the draft notification).

(iv) Draft notification extends projects' compliance reporting time frame from 6 months to 1 year including critical sector such as mining. At the same time, it reduces the period for the public to comment from 30 days to 20 days;

Reply: Under clause 20(4) of the draft, the frequency of submission of compliance reports changed from six-monthly to annually in order to align with the requirements of other Acts and Rules. However, there are provisions for late filing fee and deemed revocation of prior EC without prior notice in case of failure to submit reports for a period of three consecutive years. Therefore, while reducing the frequency on one hand stricter provisions have been introduced for better compliance.

Since, faster modes of communication channels through mobile telephony, social media, etc. are available to a wide cross section of the public & other stakeholders, the notice period for public comments has been proposed to be reduce from 30 days to 20 days.

Joint Communication further sought Government's observation on the

following matters for which reply is as below:

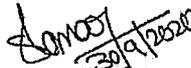
(i) Any additional information and comments on the issues raised;

Reply: Additional detailed information regarding the provisions of the draft EIA Notification is provided as annexure.

(ii) How do the provisions of the draft notification correspond with India's obligation under international law?

Reply: The draft EIA is not in contravention to the stand taken by India as a party to any International Treaty/Law. As envisaged in the treaties/laws, the draft EIA Notification 2020, inter-alia, promotes the environmental cause and sustainable development; removes redundancies; encourages modernization and less polluting options; brings defaulters into the environmental regime with requisite action, penalty and remediation; and introduces standardization and a technology driven process.

3. This issues with the approval of the competent authority.


 (Sharath Kumar Pallerla)
 Scientist 'F'/Director
 IA (Policy)

To

Smt. T. Uma,
 Deputy Secretary (UNES),
 Room No 1043, Jawaharlal Nehru Bhawan,
 Ministry of External Affairs, New Delhi

Annexure

Additional information on the issues raised

1. Public Hearing in draft EIA notification 2020.

Sl No.	Project or activities listed under 14(2) of EIA, 2020	Whether Public consultation exempted		Remarks
		Under EIA, 2006	Under EIA, 2020	
1	modernization of irrigation projects falling under the item 4 of the Schedule	Yes	Yes	No change
2	All projects falling under items 10(f), 16, 17, 19, 20, 21, 23, 24, 25,	Yes	Yes	No change

	27, 36, 40 of the schedule located within Notified Industrial Estates			
3	All projects falling under item 42 and 43 of the Schedule	Yes	Yes	No change
4	All Category 'B2' projects and activities	Yes	Yes	No change
5	All projects concerning national defence and security or involving other strategic considerations as determined by the Central Government	Yes	Yes	No change
6	all linear projects under item 31 and 38, in Border Areas	Yes	Yes	No change
7	All the off-shore projects located beyond the 12 Nautical Miles	No	Yes	No human population in the core and buffer areas

2. Requirement of environmental clearance

Sl No.	Project or activities listed under 26 of EIA, 2020	Whether prior environmental clearance exempted		Remarks
		Under EIA, 2006	Under EIA, 2020	
1	Extraction of ordinary clay or sand by manual mining, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs	Yes	Yes	No change. The exemption is only limited to extraction of ordinary clay or sand by manual mining, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. The exemption has been proposed in view of this being a small activity with low impact potential and carried for a particular occupation purpose.
2	Extraction of ordinary clay or sand by manual mining, by earthen tile makers who prepare earthen tiles	Yes	Yes	No change. The exemption is only limited to extraction of ordinary clay or sand by manual mining, by earthen tile makers who prepare earthen tiles. The exemption has been proposed in view of this being a small activity with low impact potential and carried for a particular occupation purpose

3	Removal of sand deposits on agricultural field after flood by farmers	Yes	Yes	No change. The exemption is only limited to removal of sand deposits on agricultural field after flood by farmers. This is an essential activity to make the field amenable for cultivation besides being small activity with low impact potential and carried for cultivation purpose
4	Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village	Yes	Yes	No change. The exemption is only limited to customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village. This is basically small activity with low impact potential and carried for a particular occupation purpose
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	Yes	Yes	No change. The exemption is only limited to 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 It ought to be appreciated that such community efforts are basically small activities, with low impact potential and carried out to upkeep and maintain the village infrastructure and employment in the rural areas
6	Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc	Yes	Yes	No change. The exemption is only limited to extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc. This is basically small activity required all along the length of the project. The activity has low impact potential and is to be encouraged to avoid transportation of the earth from longer distances.
7	Dredging and de-	Yes	Yes	No change. The exemption is

	silting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of their maintenance, upkeep and disaster management			being proposed in view of the very nature of activity being important for overall upkeep of the respective facilities viz dams, reservoirs, weirs, barrages, river, and canals. It may be appreciated that dredging and desilting is necessary for the purpose of their maintenance, upkeep and disaster management besides being small activity with low impact potential and carried to upkeep and maintain the village / agriculture infrastructure.
8	Traditional occupational work of sand by Vanjara and Oads in Gujarat vide notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat	Yes	Yes	No change. The exemption is only limited to traditional occupational work of sand by Vanjara and Oads in Gujarat which is basically a small activity with low impact potential and carried for a particular occupation purpose
9	Manual extraction of Lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional Community	Yes	Yes	No change. The exemption is only limited to manual extraction of Lime shells (dead shell), shrines, etc., within inter tidal zone by the traditional community. This is basically a small activity with low impact potential and carried for a particular occupation purpose
10	Digging of well for irrigation or drinking water purpose	Yes	Yes	No change. The exemption is only limited digging of well for irrigation or drinking water purpose. This is basically small activity, low impact potential and carried for a domestic purpose or irrigation purpose.
11	Digging of foundation for buildings, not requiring prior-EC or prior-EP, as the case may be	Yes	Yes	No change. The exemption is only limited digging of foundation for those buildings that themselves do not require prior-EC or prior-EP, as the case may be. This is basically a small

VAKALATNAMA
BEFORE HON'BLE NATIONAL GREEN TRIBUNAL
ORIGINAL APPLICATION NO. 462 OF 2023

IN Re :-

RAJA RAM SINGH.

Plaintiffs/Appellant/Petitioner/ Applicant

Versus

STATE OF UTTAR PRADESH & ORS.

Defendants/Respondent/Accused

KNOW ALL to whom these present shall come that I/We Satyamarayan the
abovenamed Respondent No. 05 do hereby appoint.

SHARAD CHAUHAN, ADVOCATE-ON-RECORD
ENROL NO. D/4297/2014

CHAMBER NO. 203, M.C SETALVAD CHAMBERS BLOCK, SUPREME BLOCK, SUPREME COURT OF INDIA
8510052778

(herein after called the advocates) to be my/our Advocate in the above-noted case authorize them :-

- To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.
- To sign file verify and present pleadings appeals cross-objections or petitions for executions review revision with or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of its stages subjects to payment of fees for each stage.
- To fill and take back documents to admit and/or deny the documents of opposite party.
- To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise in manner relating to the said case.
- To take execution proceedings.
- The deposit draw and receive money cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.



And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fees is paid. I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these present the contents of which have been understood by me/us on this 19th Day of December 2023

Accepted subject to terms of fees.

Advocate

SHARAD CHAUHAN
Advocate-on-Record
Supreme Court of India
Chamber: 203, Setalvad Block, Bhagwan Das Road
Supreme Court of India
New Delhi-110001
Mob.. 8510052778

(Satya Narayan)
CLIENT