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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 61 OF 2022**

IN THE MATTER OF:

ALL INDIA KAIMUR PEOPLE'S FRONTAPPLICANT
VERSUS
STATE OF UTTAR PRADESH & ORS....RESPONDENTS

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Dated: 11.07.2022

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 61 OF 2022**

IN THE MATTER OF:

ALL INDIA KAIMUR PEOPLE'S FRONTAPPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS....RESPONDENTS

**REPLY ON BEHALF OF M/s BCS ENTERPRISES/
RESPONDENT WITH AFFIDAVIT**

MOST RESPECTFULLY SHOWETH:

1. PRELIMINARY SUBMISSIONS

2. That the present Reply is being filed on behalf of M/s BCS Enterprises, through its Partner Mr. Chandra Bhushan Gupta, who has come to know of the pendency of the present Application very recently through the office of the Mines Officer, District Sonbhadra. It is pertinent to mention that neither any notice has been received to BCS Enterprises in the captioned Application nor has a copy of the present Original Application been served on BCS Enterprises, in the absence of which BCS Enterprises is largely unaware of the specific allegations which have been levelled by the Applicant in the present Original Application against BCS Enterprises.

3. That the only knowledge about the contents of the Original Application has been drawn by the Applicant through a perusal of order dated 23.03.2022 passed by this Hon'ble Tribunal in the captioned Application, wherein this Hon'ble Tribunal has inter-alia passed the following order:

“Grievance in this application is against illegal mining on the land of Chak Dam (Small village Dam) nala and railway pit, within the periphery of 50 meters from the land of dam, nala and railways in village Billi Markundi, Tehsil Obra, District Sonbhadra, in violation of Sustainable Sand Mining Guidelines and other environmental norms, including Mining Rules, 1963, by Respondents – Rajesh Kumar son of late Kaliram, Farida Begum wife of Imtiyaz Ahmad, Chopan, District Sonbhadra, M/s BCS Enterprises, Proprietor Chandra Bhushan Gupta, son of Ram Lakhan Gupta, Obra, District Sonbhadra and M/s Ishana Construction, Proprietor Afreena Khan wife of Ishtiyag, resident of village Billi Markundi, Obra, District Sonbhadra, UP.

2. Let the District Magistrate, Sonbhadra, Chief Development Officer, Sonbhadra and State PCB look into the grievance and take remedial action in accordance with law. The State PCB will be the nodal agency for coordination and compliance.

3. An action taken report may be furnished within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If any violations are noticed, apart from taking action in exercise of statutory powers, the said Authorities may also inform the violators about these proceeding so that they may place their viewpoint, if any, before the Tribunal.”

4. That at the outset, it is respectfully submitted that despite the directions contained in order dated 23.03.2022 passed by this Hon'ble Tribunal, no formal notice was issued to M/s BCS Enterprises by the authorities regarding the pendency of the captioned Original Application and it is very recently that M/s BCS Enterprises was informed orally by the office of Mines Officer, District Sonbhadra that the present Original Application is pending adjudication before this Hon'ble Tribunal.

5. That from the contents of order dated 23.03.2022, it appears that the Applicant has indulged in concealment of material facts and has made misleading submissions before this Hon'ble Tribunal qua the Answering Respondent/BCS Enterprises as no illegal mining has ever been done by BCS Enterprises

and the said submission will be made evident through the contents of the following paragraphs. It is also submitted that M/s BCS Enterprises has been working only after procuring all requisite permissions and clearances and has taken care to undertake its commercial operations with utmost responsibility.

6. That the Answering Respondent was granted a mining lease [for Dolostone mining] in respect of land measuring 4.86 acres, contained in Khasra Nos. 4419 Kha, 4419 Ga, 4422 Ka Mi, 4416 Ka, 7576, 7577 Kha and 4420 Mi at Village Billi Markundi, Tehsil Robertsganj, District Sonbhadra. The mining lease was granted for a period of ten years from 26.05.2016 to 25.05.2026.
7. That the Environmental Clearance was first issued in respect of the mine of the Answering Respondent on 18.05.2016 [with the permitted annual mining limit being 40,000 cubic meters] and thereafter, after submission of the revised mining plan, another Environmental Clearance was issued to the Answering Respondent on 26.05.2017, with the revised permitted annual mining limit being 1,00,000 cubic meters.

A true copy of Environmental Clearance dated 18.05.2016, granted to M/s BCS Enterprises, is

annexed and marked as ANNEXURE R-01(PG. NO. 16 TO 22).

A true copy of Environmental Clearance dated 26.05.2017, granted to M/s BCS Enterprises, is annexed and marked as ANNEXURE R-2.(PG. NO. 23 TO 29).

8. That regular inspections of the mining operations of the Answering Respondent are done by the authorities and there has never been any allegation of any illegal mining ever being done by the Answering Respondent, either outside its mining area or beyond the prescribed limit. One such inspection of the mine of the Answering Respondent had taken place on 04.02.2022 and therein certain discrepancies were indicated and it was observed that 2,739 cubic meters of minerals have been mined in excess, thereby projecting that there has been illegal mining by the Answering Respondent to the aforesaid extent. It is respectfully submitted that the contents of the inspection report dated 04.02.2022 do not divulge the facts and legal position to the full extent and present an incomplete picture, which shall be made clear from the following submissions.

9. The mining lease of the Answering Respondent operates from 26th May to 25th May in each calendar year, with the lease having been executed on 26.05.2016. As indicated earlier, the mining limit specified in the EC, granted in respect of the mining lease of the Answering Respondent, is 1,00,000 cubic meters. It is submitted that Royalty for the entire year is paid by the Answering Respondent in installments, with the first installment [12% of the mining limit specified in the EC] being paid in the first month of the mining year [May in the case of the Answering Respondent] and the rest of the installments being paid over the rest of the year. It is categorically submitted that Royalty for the entire mined material has been paid by the Answering Respondent to the authorities, in accordance with the legal provisions.

10. That it is also important to highlight some aspects of the manner in which the mining operations are carried out. At any given point of time, if analyzed on a real time basis, there is always a slight discrepancy between the figures of actual mined materials and figures available in the statutory MM-11 Forms because of the time lag between actual mining and generation of MM-11 Forms, which are generated only

after the mined material is sent to the crushing units and converted into *gittis*, which are then sold in the market. Hence, the difference of 2,739 cubic meters, as observed in the inspection dated 04.02.2022, is because of the fact that MM-11 Forms for the said material were yet to be generated, but the same would have been generated in due course. It is pertinent to mention that this figure of 2739 cubic meters is also within the permitted limit of 1,00,000 cubic meters, which the Answering Respondent is entitled to mine as per the conditions contained in its EC.

11. That however, since the Answering Respondent was threatened by the authorities with closure of his mining operation, the Answering Respondent, instead of contesting the findings and claims of the inspection team that the discrepancy in the quantum of mining and figures available in MM-11 Forms amounts to excess mining, decided to put a quietus to the issue and pay the penalty for the differential amount of 2739 cubic meters, as determined by the inspection team. It is relevant to mention that in the absence of such penalty, the MM-11 Forms for the differential figure of 2,739 cubic meters would have been generated in due

course, with the royalty for the same also getting adjusted in the next calendar month.

A true copy of inspection report dated 04.02.2022, along with the Challans deposited by the Answering Respondent, is annexed and marked as **ANNEXURE R-3.(PG. NO. 30 TO 33)**.

12. That it is submitted that because of the time lag between mining and generation of MM-11 Forms, although there is a possibility of minor differential occurring in the quantum of actual mined material and the figures reflected in the MM-11 Forms, such discrepancy is only a short term occurrence and in the long run, towards the end of the mining year, the quantum of actual mining completely reconciles with the figures reflected in the MM-11 Forms, which can be proved from the records available with the mining department. Further, it is respectfully submitted that the differential in the quantum of actual mining and figures reflected in MM-11 Forms, on a short term basis, cannot be termed as illegal mining by any stretch of imagination since the figures of actual mining and those reflected in the MM-11 Forms, in the case of the Answering Respondent, have always

reconciled at the end of the year and no mining, in excess of the permitted amount indicated in the EC, has ever been done by the Answering Respondent.

13. That since the Answering Respondent has not done any mining in excess of the annual limit specified in the EC, no charge of illegal mining can be levelled against the Answering Respondent and the Answering Respondent, in order to avoid a confrontation with the authorities, has already accepted and paid the penalty amount for the differential figure of 2,739 meters, as computed by the authorities.
14. That it is also submitted that there is absolutely no basis for the allegation that the Answering Respondent has ever done mining outside the area of its mining lease or close to the railway line and the said fact is also evidenced from the contents of the inspection report dated 21.05.2022, submitted by the authorities to this Hon'ble Tribunal. It is categorically stated that the Answering Respondent has never ventured outside the periphery of its mining area.
15. That there is a mention in the inspection report dated 04.02.2022 regarding two pillars along the boundary of the mining area of the Answering

Respondent being damaged. It is clarified that the same had happened during the normal course of operations and the same, along with the other deficiencies pointed out by the inspection team on 04.02.2022, in order to bring the operations of the lease completely in conformity with the Uttar Pradesh Mines and Minerals (Minor Mineral) Concession Rules, 2021, have already been rectified by the Answering Respondent. The mining of the Answering Respondent, in the period of these improvements, is currently suspended and will only resume after obtaining permission from the mining department. It is because of the current suspension of the lease to undertake improvements at the mining site that the Answering Respondent is not in a position to submit the M-11 Forms in respect of its lease, as the said Forms can only be obtained online after entering an OTP sent from the authorities and currently, because of the suspension of operations, the Answering Respondent's access to the online portal has been deactivated. However, this Hon'ble Tribunal can direct the authorities to produce the concerned records before this Hon'ble Tribunal, which will clearly show that there has neither has there been any mining done by

the Answering Respondent beyond the limit permitted in its EC nor has there been any mining done by the Answering Respondent outside its permitted area of operations.

16. That it is further submitted that there was an earlier mining lease, granted to one Mr. Satyajit Kumar, over Khasra Nos. 7536, 7577 over an area of 2.77 acres, during the period from 30.10.2001 to 29.10.2011, which was located close to the railway line in question. The inspection team has also recorded the said fact and it is submitted that the small pits, located close to the railway line, are a result of the mining done during the earlier mining lease. The Answering Respondent's mining operations have got no relation whatsoever with the same. The concerned area is located far away from the river bed so there is absolutely no possibility of any recharge taking place, through sedimentation, once the pits are created so the pits have been in existence since long, which can be substantiated through the records of the authorities and has also been noted by the inspection team.
17. That thus, it is clear from the above submissions that the Answering Respondent has neither indulged

in any mining outside the area of its mining lease nor has it done any mining beyond the limit specified in its EC. Hence, there is no question of any environmental damage, due to any illegal mining, being done by the Answering Respondent, which is operating in consonance with the terms and conditions of its EC.

18. That in such circumstances, it is respectfully prayed that there is no cause or reason for imposition of any environmental compensation on the Answering Respondent and the Original Application may kindly be dismissed, qua the Answering Respondent.

M/s BCS ENTERPRISES

THROUGH

Utkarsh Sharma

Sharad Chauhan

[UTKARSH SHARMA] [SHARAD CHAUHAN]

ADVOCATES

**139, SETALVAD BLOCK, LAWYERS' CHAMBERS,
SUPREME COURT, NEW DELHI-110001.**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH SITTING AT NEW DELHI
ORIGINAL APPLICATION NO. 61 OF 2022

IN THE MATTER OF :

ALL INDIA KAIMUR'S PEOPLES FRONT
THROUGH ITS VICE PRESIDENT ... APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.RESPONDENTS

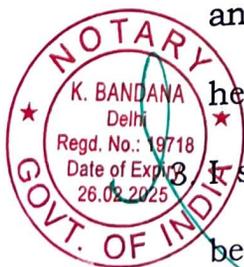
AFFIDAVIT

I, Chandra Bhushan Gupta, aged about 64 years, S/o Ram Lakhan Gupta, R/o 20/91, near Ayappa Mandir, Sector-8, Obra, Sonbhadra, Uttar Pradesh-231219 presently partner B.C.S Enterprises, presently at New Delhi do hereby solemnly affirm and state as under:

1. That I am authorized to represent the B.C.S Enterprises as a partner of B.C.S Enterprises in the abovementioned Original Application and I am fully conversant with the facts and circumstances of the case to the best of my knowledge and belief and as such competent to swear this affidavit in my official capacity.

2. That I have read and understood the contents of the accompanying reply and the same has read over to me and explained to me by my counsel in my vernacular and hence swearing the present affidavit.

I state that the contents of the above reply which has been drafted under my instructions and the contents are true and correct to the best of my knowledge and belief.



District Level Environment Management Authority, Sonbhadra

Office of the District Magistrate, Sonbhadra,
 Fax: 05444-224566 E-mail: deliasonbhadra@gmail.com

Ref. No. 22 /Parya/DEIAA/SBR/2016

Date: 18/05/2016

To,

M/s B.C.S. Enterprises
 Partner Sri Chandra Bhusan Gupta
 & Sri Shafiq Ahmad
 R/o-Village-obra, Teh.-Robertsganj,
 District-Sonebhadra, U.P.



Sub: Regarding Environmental Clearance for proposed Dolostone Mining Project at Gata No. 4419 Kha, 4419 Ga, 4422 KA MI, 4416 KA, 7576, 7577 KHA, 4420 MI Village-Billi Markundi, Tehsil-Robertsganj, Sonbhadra, U.P. (Leased Area-4-86 Acres)

Dear Sir,

Please refer to your letter dated 08/09/2015 addressed to the Chairman/Secretary, SEAC, Directorate of Environment, Lucknow. The Proposal Transferred to DEIAA Sonbhadra after MoEF Notification Dated 15/01/2016. The District Level Committee considered the matter in its meeting held on dated 29/04/2016. A presentation was made by the consultant M/s Ind Tech House Consult, Delhi along with the representative of the project proponent, through documents, presentation made during meeting dated 29/04/2016 and reply to the queries raised by the DEIAA SBR, has informed to DEIAA SBR that:

1. The environmental clearance is sought for Dolostone Mining project at Gata No. 4419 Kha, 4419 Ga, 4422 KA MI, 4416 KA, 7576, 7577 KHA, 4420 MI Village-Billi Markundi, Tehsil-Robertsganj, District-Sonebhadra, Uttar Pradesh (Leased area-4-86 acres).
2. Mining Lease area was granted by District Magistrate, Sonbhadra vide letter no.- 804/खनिज/2015 दिनांक 31.08.2015
3. 40,000 Cubicmeter Dolostone is proposed to mine annually according to approved mining plan and validity of mining plan is valid up to 5 years from the date of deed execution.
4. The water requirement will be limited to 1.30 KLD from water tanker and borewells for drinking, 2.00 KLD for sprinkling on haulage route for dust suppression and 1.00 KLD for plantation and others.
5. During operation the maximum no. of workers will not be more than 35.
6. The Project activity are not covered under general conditions, because its belong to B2 Category, under MoEF notification dated 15/01/2016 and 20/01/2016.
7. The mining will be opencast type and carried out semi mechanized.
8. The ultimate depth of mining will be restricted to 20 mtr/water level, whichever is less.
9. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.

(125)

Regarding the project no litigation is pending in any court.
 This project does not attract any of the general conditions applicable on mining project specified in EIA Notification 14/09/2006.

The Project proposal falls under B2 Category of MoEF Notification dated 15/01/2016 and 20/01/2016. Based on the above said project, the District Level Environment Impact Assessment Authority (meetings held on dated 29/04/2016) has decided to grant the Environmental Clearance to this project proposal subject to effective implementation of the following general and specific conditions:

General Conditions

1. This environmental clearance is subject to allotment of mining lease in favour of project proponent by District Administration/Mining Department.
2. Forest clearance shall be taken by the proponent as necessary under law.
3. Any addition of the mining area, change of Khasra numbers, enhancement of capacity, change in mining technology, modernization and scope of working shall again required prior environmental clearance as per EIA notification, 2006.
4. No change in the calendar plan including excavation, quantum of mineral and waste shall be made.
5. Mining will be carried out as per the approved mining plan. In case of any violation of mining plan, the Environmental Clearance given by DEIAA will stand cancelled.
6. Four ambient air quality monitoring stations shall be established in the core zone as well as in the buffer zone for RSPM, SPM, SO₂, NO_x monitoring. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board. The monitored data for criteria pollutants shall be regularly up loaded on the company's website and also displayed at website.
7. Data on ambient air quality (RSPM, SPM, SO₂, NO_x) should be regularly submitted to the Regional office, MoEF, Gol, Lucknow and the State Pollution Control Board/Central Pollution Control Board once in six months.
8. Ambient air quality at the boundary of the mine premises shall conform to the norms prescribed in MoEF notification no. GSR/826(E) dt. 16.11.2009.
9. Fugitive dust emissions from all the sources shall be controlled regularly. Water spraying arrangement on haul roads loading and unloading and at transfer points shall be provided and properly maintained.
10. Measures shall be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. shall be provided with ear plugs/muffs and health records of the workers shall be maintained.
11. Industrial waste water (workshop and waste water from the mine) should be properly collected, treated so as to conform to the standards prescribed under GSR 422 (E) dated 19th may, 1993 and 31st December, 1993 or as amended from time to time. Oil and grease trap shall be installed before discharge of workshop effluents.
12. Personal working in areas shall be provided with protective respiratory devices like mask and they shall also be imparted adequate training and information on safety and health aspects.

13. Special measures shall be adopted to prevent the nearby settlements from the impacts of mining activities.
14. The transportations of the materials shall be limited to day hours time only.
15. Provision shall be made for the housing the labourers within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
16. A separate Environmental Management Cell with suitable qualified personnel shall be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
17. The Project Proponent shall inform to the Regional Office, MoEF, G.O., Lucknow and State Pollution Control Board regarding date of financial closures and final approval of the project by the Concerned authorities and the date of start of land development work.
18. A copy of the environmental clearance shall be submitted by the Project Proponent to the Heads of the Local Bodies, Panchayat and Municipal Bodies as applicable in the matter.
19. The Project Proponent has to submit half yearly compliance report of the stipulated prior environmental clearance terms and conditions in hard and soft copy to the DEIAA, SBR. on 1st June and 1st December of each calendar year.
20. The DEIAA may alter/modify the above conditions or stipulate any further conditions in the interest of environment protection.
21. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.

Specific Conditions

1. Norms of Transport Department/PWD shall be strictly followed during transportation of minerals.
2. haul road shall be made motorable.
3. Forest NOC shall be obtained prior to start of work.
4. Corporate Social Responsibility (CSR) plan along with budgetary provision of 5% of the total cost shall be prepared and approved by Board of Directors of the company. A copy of resolution as above shall be submitted to the authority along with list of beneficiaries with their mobile nos./address.
5. This environmental Clearance does not create or verify any claim of applicant on the proposed site/activity.
6. This environmental clearance shall be subject to valid lease in favour of project proponent for the proposed mining proposals. In case, the project proponent does not have a valid lease, this environmental clearance shall automatically become null and void.
7. The Environmental clearance will be co-terminus with the mining lease period.
8. No two pits shall be simultaneously worked i.e. before the first is exhausted and reclamation work completed, no mineral bearing area shall be worked.

9. After exhausting the first mine pit and before starting mining operations in the next pit, reclamation and plantation works in the exhausted pit shall be completed so as to ensure that reclamation, forest cover and vegetation are visible during the first year of mining operations in the next pit. This process will follow till the last pit is exhausted. Adequate rehabilitation of mined pit shall be completed before any new ore bearing area is worked for expansion.
10. Adequate buffer zone shall be maintained between two consecutive mineral bearing deposits.
11. Sprinkling of water on haul roads to control dust will be ensured by the project proponent.
12. Green belt development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/Agriculture Department. Herbs and shrubs shall also form a part of afforestation programme besides tree plantation. The company shall involve local people for plantation Programme. Details of year wise afforestation programme including rehabilitation of mined out area shall be submitted to the Regional Office, MoEF, Gol, Lucknow and DEIAA SBR every year.
13. Blast vibration study shall be conducted and a observation report submitted to the the Regional Office, MoEF, Gol, Lucknow and UPPCB within six months. The report shall also include measures for prevention of blasting associated impact on nearby houses and agricultural fields.
14. Controlled blasting techniques with sequential blasting shall be adopted. The blasting shall be carried out in the day time only.
15. Appropriate arrangement for shelter and drinking water for the mining workers has to be ensured at the mining site.
16. Maintenance of village roads used for transportation of minerals are to be done by the company regularly at its own expenses. The roads shall be block topped.
17. Rain water harvesting shall be undertaken to recharge the ground water source.
18. Status of implementation shall be submitted to the Regional Office, MoEF, Gol, Lucknow, UP Pollution Control Board and DEIAA SBR within six months and thereafter every year from the next consequent year.
19. Measures for prevention and control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion shall be carried out with geo textile matting or other suitable material, and thick plantation of native trees and shrubs shall be carried out at the dump slopes. Dumps shall be protected by retaining walls.
20. Trenches/garland drains shall be constructed at foot of dumps and coeo filters installed at regular intervals to arrest silt from being carried to water bodies. Adequate number of Check Dams and Gully Plugs shall be constructed across seasonal/perennial nullahs, if any flowing through the MI. area and silts arrested. De-silting at regular intervals shall be carried out.
21. Garland drain of appropriate size, gradient and length shall be constructed for both mine pit and for waste dump and sump capacity shall be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity shall also

- provide adequate retention period to allow proper setting of silt material. Sedimentation pits shall be constructed at the corners of the garland drains and de-silted at regular intervals.
- Ground and surface water, if any in and near the core zone (within 5.0 km of the lease) shall be regularly monitored for contamination and depletion due to mining activity and records maintained. The monitoring data shall be submitted to the Regional Office, MoEF, Gol, Lucknow, U.P. Pollution Control Board and DEIAA SBR regularly. Further, monitoring points shall be located between the mine and drainage in the direction of flow of ground water shall be set up and records maintained.
23. Fugitive dust generation shall be controlled. Fugitive dust emission shall be regularly monitored at locations of nearest human habitation (including schools and other public amenities located nearest to sources of dust generation as applicable) and records submitted to the Regional Office, MoEF, Gol, Lucknow, U.P. Pollution Control Board and DEIAA SBR regularly.
 24. Baseline data for ambient air quality shall be generated and maintained and RSPM level in ambient air in the nearby human habitation (villages) shall also be monitored along with other parameters.
 25. Transportation of minerals shall be done by covering the trucks with tarpaulin or other suitable mechanism so that no spillage of mineral/dust takes place.
 26. Occupational health and safety measures for the workers including identification of work related health hazards, training on malaria eradication, HIV, and health effects on exposure to mineral dust etc. shall be carried out. Periodic monitoring for exposure to respirable mineral dust on the workers shall be conducted and records maintained including health records of the workers. Awareness programme for workers on impact of mining on their health and precautionary measures like use of personal equipments etc. shall be carried out periodically. Review of impact of various health measures shall be conducted followed by follow up action wherever required.
 27. The project proponent will ensure for providing employment to local people as per requirement, necessary protection measures around the mine pit and waste dump and garland drain around the mine pit and waste dump.
 28. Top soil/solid waste shall be stacked properly with proper slope and adequate safeguards and shall be utilized for backfilling (wherever applicable) for reclamation and rehabilitation of mined out area. Top soil shall be separately stacked for utilization later for reclamation and shall not be stacked along with over burden.
 29. Over burden (OB) shall be stacked at earmarked dump site (s) only and shall not be kept active for long period. The maximum height of the dump shall not exceed 20 m, each stage shall preferably be of maximum 10 m and overall slope of the dump shall not exceed 35°. The OB dump shall be backfilled. The OB dumps shall be scientifically vegetated with suitable native species to prevent erosion and surface run off.
 30. Monitoring and management of rehabilitated areas shall continue until the vegetation becomes self sustaining. Compliance status shall be submitted to the

- Regional Office, MoEF, Gol, Lucknow, U.P. Pollution Control Board and DEIAA SBR on six monthly basis.
31. Slope of the mining bench and ultimate pit limit shall be as per the mining scheme approved by Indian Bureau of Mines.
 32. Permission for abstraction of ground water shall be taken from Central Ground Water Board. Regular monitoring of ground and surface water sources for level and quality shall be carried out by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring shall be carried out four times in a year i.e.-monsoon (April-May), Monsoon (August), post-monsoon (November) and winter (January) and the data thus collected shall be regularly sent to MoEF, Central Ground Water Authority and Regional Director, Central Ground Water Board.
 33. The waste water from the mine shall be treated to conform to the prescribed standards before discharging in to the natural stream. The discharged water from the Tailing Dam, if any shall be regularly monitored and report submitted to the Regional Office, Ministry of Environment & Forest, Gol, Lucknow, Central Pollution Control Board and the State Pollution Control Board.
 34. Hydro geological study of the area shall be reviewed by the project proponent annually. In case adverse effect on ground water quality and quantity is observed mining shall be stopped and resumed only after mitigating steps to contain any adverse impact on ground water is implemented.
 35. Vehicular emissions shall be kept under control and regularly monitored. Vehicles used for transportation of minerals and others shall have valid permissions as prescribed under Central Motor Vehicle Rules, 1989 and its amendments. The Vehicles transporting minerals shall be covered with a tarpaulin or other suitable enclosures so that no dust particles/fine matters escape during the course of transportation. No overloading of minerals for transportation shall be committed. The trucks transporting minerals shall not pass through wild life sanctuary, if any in the study area.
 36. Prior permission from the Competent Authority shall be obtained for extraction of ground water, if any.
 37. A final mine closure plan, along with details of Corpus Fund, shall be submitted to the Regional Office, Ministry of Environment & Forest, Gol, Lucknow and U.P. Pollution Control Board 5 years in advance of final mine closure for approval.
 38. Project proponent shall explore the possibility of using solar energy where ever possible.
 39. Commitment towards CSR has to be followed strictly.
 40. Regular health check-up record of the mine workers has to be maintained at site in a proper register. It should be made available for inspection whenever asked.
 41. Project Proponent has to strictly follow the directions/guidelines issued by MoEF, CPCB and other Govt. Agencies from time to time.
 42. The blasting will be done only after getting the permission from the Mining-Department.

You are also directed to ensure that the proposed site is not a part of any no-development zone as required/prescribed/identified under law. In case of violation, this

ANNEXURE-R-2

District Level Environment Impact Assessment Authority, SonebhadraOffice of the District Magistrate, Sonebhadra,
Fax: 05444-224566 E-mail: deiaasonbhadra@gmail.com

Ref. No. 221 /Parya/DEIAA/SBR/2017

Date : 26, May, 2017

To,

M/s B.C.S. Enterprises
Partner Sri Chandra Bhusan Gupta
& Sri Shafiq Ahmad
R/o-Village-obra. Teh.-Robertsganj,
District-Sonebhadra. U.P.

Sub: Regarding Environmental Clearance for proposed Dolostone Mining Project at Gata No. 4419 Kha, 4419 Ga, 4422 KA MI, 4416 KA, 7576, 7577 KHA, 4420 MI Village-Billi Markundi, Tehsil-Robertsganj, Sonebhadra, U.P. (Leased Area-4-86 Acres)

Dear Sir,

Please refer to your letter dated 08/09/2015 addressed to the Chairman/Secretary, DEAC, Sonebhadra. The District Level Committee considered the matter in its Fifth meeting held on dated 22/04/2017. A presentation was made by the consultant M/s Ind Tech House Consult, Delhi along with the representative of the project proponent, through documents, presentation made during meeting dated 22/04/2017 and reply to the queries raised by the DEIAA SBR, has informed to DEIAA SBR that:

1. The environmental clearance is sought for Dolostone Mining project at Gata No. 4419 Kha, 4419 Ga, 4422 KA MI, 4416 KA, 7576, 7577 KHA, 4420 MI Village-Billi Markundi, Tehsil-Robertsganj, District-Sonebhadra, Uttar Pradesh (Leased area-4-86 acres).
2. Mining Lease area was granted by District Magistrate, Sonbhadra vide letter no.- 804 /खनिज / 2015 दिनांक 31.08.2015
3. 1,00,000 Cubicmeter Dolostone is proposed to mine annually according to approved mining plan and validity of mining plan is valid up to 5 years from the date of deed execution.
4. The water requirement will be limited to 1.30 KLD from water tanker and borewells for drinking, 2.00 KLD for sprinkling on haulage route for dust suppression and 1.00 KLD for plantation and others.
5. During operation the maximum no. of workers will not be more than 53.
6. The Project activity are not covered under general conditions, because its belong to B2 Category, under MoEF notification dated 15/01/2016 and 20/01/2016.
7. The mining will be opencast type and carried out semi mechanized.
8. The ultimate depth of mining will be restricted to 20 mtr/water level, whichever is less.
9. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
10. Regarding the project no litigation is pending in any court.
11. This project does not attract any of the general conditions applicable on mining project specified in EIA Notification 14/09/2006.

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12. The Project proposal falls under B2 Category of MoEF Notification dated 15/01/2016 and 20/01/2016, Based on the above said project, the District Level Environment Impact Assessment Authority (DLEIAA) (Five meetings held on dated 22/04/2017) has decided to grant the Environmental Clearance to this project proposal subject to effective implementation of the following general and specific conditions:

General Conditions

1. This environmental clearance is subject to allotment of mining lease in favour of project proponent by District Administration/Mining Department.
2. Forest clearance shall be taken by the proponent as necessary under law.
3. Any addition of the mining area, change of Khasra numbers, enhancement of capacity, change in mining technology, modernization and scope of working shall again required prior environmental clearance as per EIA notification, 2006.
4. No change in the calendar plan including excavation, quantum of mineral and waste shall be made.
5. Mining will be carried out as per the approved mining plan. In case of any violation of mining plan, the Environmental Clearance given by DEIAA will stand cancelled.
6. Four ambient air quality monitoring stations shall be established in the core zone as well as in the buffer zone for RSPM, SPM, SO₂, NO_x monitoring. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board. The monitored data for criteria pollutants shall be regularly up loaded on the company's website and also displayed at website.
7. Data on ambient air quality (RSPM, SPM, SO₂, NO_x) should be regularly submitted to the Regional office, MoEF, Gol, Lucknow and the State Pollution Control Board/Central Pollution Control Board once in six months.
8. Ambient air quality at the boundary of the mine premises shall conform to the norms prescribed in MoEF notification no. GSR/826(E) dt. 16.11.2009.
9. Fugitive dust emissions from all the sources shall be controlled regularly. Water spraying arrangement on haul roads loading and unloading and at transfer points shall be provided and properly maintained.
10. Measures shall be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. shall be provided with ear plugs/muffs and health records of the workers shall be maintained.
11. Industrial waste water (workshop and waste water from the mine) should be properly collected, treated so as to conform to the standards prescribed under GSR 422 (E) dated 19th may, 1993 and 31st December, 1993 or as amended from time to time. Oil and grease trap shall be installed before discharge of workshop effluents.
12. Personal working in areas shall be provided with protective respiratory devices like mask and they shall also be imparted adequate training and information on safety and health aspects.
13. Special measures shall be adopted to prevent the nearby settlements from the impacts of mining activities.
14. The transportations of the materials shall be limited to day hours time only.



15. Provision shall be made for the housing the labourers within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
 16. A separate Environmental Management Cell with suitable qualified personnel shall be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
 17. The Project Proponent shall inform to the Regional Office, MoEF, Gol, Lucknow and State Pollution Control Board regarding date of financial closures and final approval of the project by the Concerned authorities and the date of start of land development work.
 18. A copy of the environmental clearance shall be submitted by the Project Proponent to the Heads of the Local Bodies, Panchayat and Municipal Bodies as applicable in the matter.
 19. The Project Proponent has to submit half yearly compliance report of the stipulated environmental clearance terms and conditions in hard and soft copy to the DEIAA, SBR. on 1st June and 1st December of each calendar year.
 20. The DEIAA may alter/modify the above conditions or stipulate any further conditions in the interest of environment protection.
- Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.

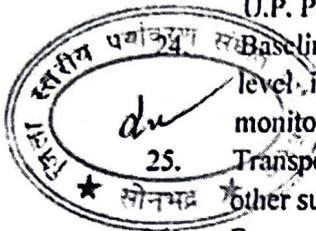
Specific Conditions

1. Norms of Transport Department/PWD shall be strictly followed during transportation of minerals.
2. haul road shall be made motorable.
3. Forest NOC shall be obtained prior to start of work.
4. Corporate Social Responsibility (CSR) plan along with budgetary provision of 5% of the total cost shall be prepared and approved by Board of Directors of the company. A copy of resolution as above shall be submitted to the authority along with list of beneficiaries with their mobile nos./address.
5. This environmental Clearance does not create or verify any claim of applicant on the proposed site/activity.
6. This environmental clearance shall be subject to valid lease in favour of project proponent for the proposed mining proposals. In case, the project proponent does not have a valid lease, this environmental clearance shall automatically become null and void.
7. The Environmental clearance will be co-terminus with the mining lease period.
8. No two pits shall be simultaneously worked i.e. before the first is exhausted and reclamation work completed, no mineral bearing area shall be worked.
9. After exhausting the first mine pit and before starting mining operations in the next pit, reclamation and plantation works in the exhausted pit shall be completed so as to ensure that reclamation, forest cover and vegetation are visible during the first year of mining operations in the next pit. This process will follow till the last pit is

- exhausted. Adequate rehabilitation of mined pit shall be completed before any new ore bearing area is worked for expansion.
10. Adequate buffer zone shall be maintained between two consecutive mineral bearing deposits.
 11. Sprinkling of water on haul roads to control dust will be ensured by the project proponent.
 12. Green belt development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO/Agriculture Department. Herbs and shrubs shall also form a part of afforestation programme besides tree plantation. The company shall involve local people for plantation Programme. Details of year wise afforestation programme including rehabilitation of mined out area shall be submitted to the Regional Office, MoEF, Gol, Lucknow and DEIAA SBR every year.
 13. Blast vibration study shall be conducted and a observation report submitted to the the Regional Office, MoEF, Gol, Lucknow and UPPCB within six months. The report shall also include measures for prevention of blasting associated impact on nearby houses and agricultural fields.
 14. Controlled blasting techniques with sequential blasting shall be adopted. The blasting shall be carried out in the day time only.
 15. Appropriate arrangement for shelter and drinking water for the mining workers has to be ensured at the mining site.
 16. Maintenance of village roads used for transportation of minerals are to be done by the company regularly at its own expenses. The roads shall be block topped.
 17. Rain water harvesting shall be undertaken to recharge the ground water source.
 18. Status of implementation shall be submitted to the Regional Office, MoEF, Gol, Lucknow, UP Pollution Control Board and DEIAA SBR within six months and thereafter every year from the next consequent year.
 19. Measures for prevention and control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion shall be carried out with geo textile matting or other suitable material, and thick plantation of native trees and shrubs shall be carried out at the dump slopes. Dumps shall be protected by retaining walls.
 20. Trenches/garland drains shall be constructed at foot of dumps and coco filters installed at regular intervals to arrest silt from being carried to water bodies. Adequate number of Check Dams and Gully Plugs shall be constructed across seasonal/perennial nallahs, if any flowing through the ML area and silts arrested. De-silting at regular intervals shall be carried out.
 21. Garland drain of appropriate size, gradient and length shall be constructed for both mine pit and for waste dump and sump capacity shall be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity shall also provide adequate retention period to allow proper setting of silt material. Sedimentation pits shall be constructed at the corners of the garland drains and de-silted at regular intervals.



22. Ground and surface water, if any in and near the core zone (within 5.0 km of the lease) shall be regularly monitored for contamination and depletion due to mining activity and records maintained. The monitoring data shall be submitted to the Regional Office, MoEF, Gol, Lucknow, U.P. Pollution Control Board and DEIAA SBR regularly. Further, monitoring points shall be located between the mine and drainage in the direction of flow of ground water shall be set up and records maintained.
23. Fugitive dust generation shall be controlled. Fugitive dust emission shall be regularly monitored at locations of nearest human habitation (including schools and other public amenities located nearest to sources of dust generation as applicable) and records submitted to the Regional Office, MoEF, Gol, Lucknow, U.P. Pollution Control Board and DEIAA SBR regularly.
24. Baseline data for ambient air quality shall be generated and maintained and RSPM level in ambient air in the nearby human habitation (villages) shall also be monitored along with other parameters.
25. Transportation of minerals shall be done by covering the trucks with tarpaulin or other suitable mechanism so that no spillage of mineral/dust takes place.
26. Occupational health and safety measures for the workers including identification of work related health hazards, training on malaria eradication, HIV, and health effects on exposure to mineral dust etc. shall be carried out. Periodic monitoring for exposure to respirable mineral dust on the workers shall be conducted and records maintained including health records of the workers. Awareness programme for workers on impact of mining on their health and precautionary measures like use of personal equipments etc. shall be carried out periodically. Review of impact of various health measures shall be conducted followed by follow up action wherever required.
27. The project proponent will ensure for providing employment to local people as per requirement, necessary protection measures around the mine pit and waste dump and garland drain around the mine pit and waste dump.
28. Top soil/solid waste shall be stacked properly with proper slope and adequate safeguards and shall be utilized for backfilling (wherever applicable) for reclamation and rehabilitation of mined out area. Top soil shall be separately stacked for utilization later for reclamation and shall not be stacked along with over burden.
29. Over burden (OB) shall be stacked at earmarked dump site (s) only and shall not be kept active for long period. The maximum height of the dump shall not exceed 20 m, each stage shall preferably be of maximum 10 m and overall slope of the dump shall not exceed 35° . The OB dump shall be backfilled. The OB dumps shall be scientifically vegetated with suitable native species to prevent erosion and surface run off.
30. Monitoring and management of rehabilitated areas shall continue until the vegetation becomes self sustaining. Compliance status shall be submitted to the Regional Office, MoEF, Gol, Lucknow, U.P. Pollution Control Board and DEIAA SBR on six monthly basis.



31. Slope of the mining bench and ultimate pit limit shall be as per the mining scheme approved by Indian Bureau of Mines.
32. Permission for abstraction of ground water shall be taken from Central Ground Water Board. Regular monitoring of ground and surface water sources for level and quality shall be carried out by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring shall be carried out four times in a year i.e.-monsoon (April-May), Monsoon (August), post-monsoon (November) and winter (January) and the data thus collected shall be regularly sent to MoEF, Central Ground Water Authority and Regional Director, Central Ground Water Board.
33. The waste water from the mine shall be treated to conform to the prescribed standards before discharging in to the natural stream. The discharged water from the Tailing Dam, if any shall be regularly monitored and report submitted to the Regional Office, Ministry of Environment & Forest, Gol, Lucknow, Central Pollution Control Board and the State Pollution Control Board.
34. Hydro geological study of the area shall be reviewed by the project proponent annually. In case adverse effect on ground water quality and quantity is observed mining shall be stopped and resumed only after mitigating steps to contain any adverse impact on ground water is implemented.
35. Vehicular emissions shall be kept under control and regularly monitored. Vehicles used for transportation of minerals and others shall have valid permissions as prescribed under Central Motor Vehicle Rules, 1989 and its amendments. The Vehicles transporting minerals shall be covered with a tarpaulin or other suitable enclosures so that no dust particles/fine matters escape during the course of transportation. No overloading of minerals for transportation shall be committed. The trucks transporting minerals shall not pass through wild life sanctuary, if any in the study area.
36. Prior permission from the Competent Authority shall be obtained for extraction of ground water, if any.
37. A final mine closure plan, along with details of Corpus Fund, shall be submitted to the Regional Office, Ministry of Environment & Forest, Gol, Lucknow and U.P. Pollution Control Board 5 years in advance of final mine closure for approval.
38. Project proponent shall explore the possibility of using solar energy where ever possible.
39. Commitment towards CSR has to be followed strictly.
40. Regular health check-up record of the mine workers has to be maintained at site in a proper register. It should be made available for inspection whenever asked.
41. Project Proponent has to strictly follow the directions/guidelines issued by MoEF, CPCB and other Govt. Agencies from time to time.
42. The blasting will be done only after getting the permission from the Mining-Department.

You are also directed to ensure that the proposed site is not a part of any no-development zone as required/prescribed/identified under law. In case of violation, this permission shall automatically deem to be cancelled. Also, in the event of any dispute on ownership of the proposed site, this permission shall automatically deem to be cancelled.

The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Courts of Law relating to the subject matter.

The Project proponent will have to submit approved plans and proposals incorporating the conditions specified in the Environmental Clearance within 03 months of issuance of this clearance.

The DEIAA SBR/MoEF reserves the right to revoke the environmental clearance, if any conditions stipulated are not implemented to the satisfaction of DEIAA SBR/MoEF. DEIAA SBR may impose additional environmental conditions or modify the existing ones, if necessary.

This is to request you to take further necessary action in matter as per provision of Gazette Notification No. S.O. 1533 (E) dated 14-09-2006 as amended and send regular compliance reports to the authority as prescribed in the aforesaid notification.



(Vishal Kumar Yadav)
S.D.M. (Sadar),
Member-Secretary,
DEIAA Sonbhadra, U.P.
dated as above.

No. /Parya/DEIAA/SBR/...../2017

Copy for information and necessary action to:

- 1- The Principal Secretary, Environment, Govt. of U.P., Lucknow.
- 2- The Principal Secretary, Geology and Mining, Govt. of U.P., Lucknow .
- 3- Director, Environment, Bibhuti Khand, Gomati Nagar, Lucknow.
- 4- Director, Geology and Mining, Lucknow.
- 5- District Magistrate, Sonbhadra.
- 6- Divisional Forest Officer, Sonbhadra .
- 7- Divisional Forest Officer, Kaimur Wild Life, Mirzapur.
- 8- Additional District Magistrate, Sonbhadra .
- 9- Sub Divisional Magistrate (Sadar), Sonbhadra.
- 10- Regional Pollution Control Officer, Sonbhadra.
- 11- District Mining Officer, Sonbhadra.
- 12- NIC Sonbhadra to upload on website.

(Vishal Kumar Yadav)
S.D.M. (Sadar),
Member-Secretary,
DEIAA Sonbhadra, U.P.

(T.C.)
Sharma

-: संयुक्त जॉच आख्या :-

निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र० लखनऊ के पत्र सं०-891/एम०-प्रवर्तन सोनभद्र/2020(11) दिनांक 11.01.2022 के क्रम में जिलाधिकारी महोदय, सोनभद्र के आदेश पत्र सं०-4921/खनिज/2022 दिनांक 18.01.2022 के द्वारा जनपद- सोनभद्र के तहसील- ओबरा स्थित ग्राम- बिल्ली मारकुण्डी में संचालित खनन पट्टों का भौतिक सत्यापन करने एवं पर्यावरण स्वच्छता प्रमाण-पत्र में खनन हेतु स्वीकृत अनुमन्य मात्रा से अधिक हुये खनन की जॉच हेतु संयुक्त टीम गठित करते हुये स्थलीय जॉच कर आख्या उपलब्ध कराये जाने के निर्देश दिये गये है।

उक्त निर्देश के अनुपालन में ग्राम-बिल्ली मारकुण्डी में स्वीकृत/संचालित खनन क्षेत्रों की जॉच/पैमाइस दिनांक 27.01.2022 से 04.02.2022 तक संयुक्त रूप से गठित टीम के सदस्यों द्वारा किया गया, जिसका विवरण निम्नवत है :-
 मे० बी०सी०एस० इंटर प्राइजेज पा०- श्री चन्द्र भूषण गुप्ता पुत्र श्री राम लखन गुप्ता निवासी ओबरा, जनपद- सोनभद्र एवं श्री शफीक अहमद पुत्र श्री सागीर अहमद निवासी- ओबरा, जनपद- सोनभद्र।

प्रश्नगत खनन पट्टा क्षेत्र में संयुक्त रूप से गठित टीम के सदस्यों द्वारा पट्टाधारक/प्रतिनिधि की उपस्थिति में पैमाइश/निरीक्षण की गयी। क्षेत्रीय लेखपाल द्वारा बताये गये क्षेत्र का सर्वेक्षक द्वारा जी०पी०एस०/टोटल स्टेशन मशीन के माध्यम से खनन की मात्रा की गणना किया गया। खनन पट्टा क्षेत्र में दो स्थान में खनन पिट्स बनाकर खनन कार्य किया जाना पाया गया। खनन पट्टे का विवरण एवं जॉच आख्या निम्न प्रकार है :-

पट्टाधारक का नाम	आराजी सं०	रकबा (एकड़ में)	पट्टा अवधि		ई०सी० में स्वीकृत मात्रा (घ०मी० प्रति वर्ष)	पट्टाधारक द्वारा जारी किये गये प्रपत्र ई० एम०एम०-11 के अनुसार खनिज की मात्रा (घ०मी० में)	संयुक्त जॉच आख्या के अनुसार वास्तविक खनन की मात्रा (घ०मी० में)	खनन पट्टा क्षेत्र से निकाली गयी अतिरिक्त खनिज की मात्रा (घ०मी० में) (8-7)	जी०पी०एस० रीडिंग
			दिनांक से	दिनांक तक					
1	2	3	4	5	6	7	8	9	10
मे० बी०सी०एस० इंटर प्राइजेज	4419ख, 4419ग, 4422क पि०, 4416क, 7576, 7577ख, 4420पि०	4.86	26.05. 2016	26.05. 2026	1,00,000	2,32,066	क्षेत्रफल x गहराई (1) 8820 x 26 = 2,29,320 m ³ (2) 1782 x 8 = 14,336 m ³ Total 2,43,656 m ³	11,590	A- 24°27'42.05" N, 83°1'17.65" E B- 24°27'42.52" N, 83°1'18.34" E C- 24°27'42.99" N, 83°1'19.01" E D- 24°27'43.46" N, 83°1'19.68" E E- 24°27'43.93" N, 83°1'20.35" E F- 24°27'44.40" N, 83°1'21.02" E G- 24°27'44.87" N, 83°1'21.69" E H- 24°27'45.34" N, 83°1'22.36" E I- 24°27'45.81" N, 83°1'23.03" E J- 24°27'46.28" N, 83°1'23.70" E K- 24°27'46.75" N, 83°1'24.37" E L- 24°27'47.22" N, 83°1'25.04" E M- 24°27'47.69" N, 83°1'25.71" E N- 24°27'48.16" N, 83°1'26.38" E O- 24°27'48.63" N, 83°1'27.05" E

स्वीकृत क्षेत्र के अंतर्गत खनन कार्य किये गये पिट-1 का जी०पी०एस० रीडिंग निम्नवत है :-

1	24°27'45.01"N, 83°1'17.30"E
2	24°27'44.28"N, 83°1'18.20"E
3	24°27'42.00"N, 83°1'18.00"E
4	24°27'40.34"N, 83°1'18.03"E
5	24°27'40.70"N, 83°1'16.40"E
6	24°27'42.36"N, 83°1'14.28"E
7	24°27'43.21"N, 83°1'15.34"E

स्वीकृत क्षेत्र में किये गये खनन पिट का क्षेत्रफल x गहराई

$$8820 \times 26 = 2,29,320.00 \text{ घ०मी०}$$

स्वीकृत क्षेत्र के अन्तर्गत खनन कार्य किये गये पिट-2 का जी०पी०एस० रीडिंग निम्नवत् है :-

1	24°27'41.88"N, 83°1'14.18"E
2	24°27'40.70"N, 83°1'15.40"E
3	24°27'38.21"N, 83°1'14.87"E
4	24°27'38.94"N, 83°1'14.54"E
5	24°27'40.30"N, 83°1'13.60"E
6	24°27'40.80"N, 83°1'13.48"E

स्वीकृत क्षेत्र में किये गये खनन पिट का क्षेत्रफल x गहराई

$$1.782 \times 8 = 14,336 \text{ घ०मी०}$$

इस प्रकार पट्टाधारक द्वारा अपने स्वीकृत खनन पट्टा क्षेत्र से 2,43,856 घ०मी० झेलो स्टोन बोल्डर का खनन/परिवहन किया गया है। स्वीकृत क्षेत्र में खनन का स्थिति मानचित्र पर अंकित कर संलग्न है। जांच के समय स्वीकृत पट्टा क्षेत्र में बोर्ड एवं सीमा स्तम्भ लगा पाया गया, जिसमें से दो सीमास्तम्भ क्षतिग्रस्त थे। खनन पट्टा क्षेत्र में बेंच का निर्माण कार्य कर खनन कार्य नहीं किया जा रहा है तथा गहराई के मानकों का अनुपालन भी नहीं किया जा रहा है।

दिनांक 16.11.2019 से दिनांक 17.11.2019 को प्रश्नगत क्षेत्र की जांच की गयी थी, जिसमें पट्टाधारक द्वारा स्वीकृत क्षेत्र के अन्तर्गत 8,175 घन मी० का अनुमन्य मात्रा से अधिक का खनन किये जाने की आख्या दी गयी थी तथा पुनः दिनांक 21.01.2021 से दिनांक 25.01.2021 को प्रश्नगत क्षेत्र की जांच की गयी थी, जिसमें पट्टाधारक द्वारा स्वीकृत क्षेत्र के अन्तर्गत 676 घन मी० का अनुमन्य मात्रा से अधिक का खनन किये जाने की आख्या दी गयी थी। इस प्रकार कुल 8,851 घन मी० खनन किये जाने की आख्या दी गयी थी, जिसके सम्बन्ध में पट्टाधारक द्वारा अधिरोपित वन्सराशि जमा कर दी गयी है। स्वीकृत क्षेत्र के अन्तर्गत दिनांक 04.02.2022 तक कुल $(2,43,656 - 8,851) = 2,34,805$ घन मी० का खनन किया गया है, जिसके सापेक्ष पट्टाधारक द्वारा 2,32,066 घन मी० का ई० एम० एम०-11 निर्गत किया गया पट्टाधारक द्वारा किये गये कुल खनन में से निर्गत किये गये ई० एम० एम०-11 की मात्रा को घटाने के उपरान्त कुल 2,739 घ०मी० का अवैध खनन/परिवहन किया गया है।

उपरोक्तानुसार अवैध खनन किये गये खनिज की मात्रा 2,739 घ०मी० पर रू० 160/- प्रति घन मी० की दर से दैय रायल्टी रू० 4,38,240/- एवं खनिज मूल्य रू० 21,91,200/- कुल रू० 26,29,440/- देय है।

आख्या सादर आवश्यक कार्यवाही हेतु प्रेषित है।


सर्वेक्षक,
खनिज विभाग, सोनमद।


खान निरीक्षक,
सोनमद।


खान अधिकारी,
सोनमद।


खान अधिकारी,
सोनमद।


ज्येष्ठ खान अधिकारी,
सोनमद।


उप जिलाधिकारी,
ओबरा-सोनमद।

वित्तीय नियम संग्रह खण्ड-6 भाग-2

कोषागार प्रपत्र-200(1)

प्रपत्र संख्या-43 ए (1)

(प्रस्तर, 417 एवं 478 देखिये)

धनराशि जमा करने का चालान फार्म

(कर्ज एवं अग्रिम अदायगी की धनराशि प्रपत्र संख्या-43 ए (2) द्वारा जमा की जायेगी)

उपकोषागार/बैंक का नाम व शाखा	SBI, Robertsganj				
1-जिस व्यक्ति (पदनाम यदि आवश्यक हो) या संस्था के नाम से धनराशि जमा की जा रही है उसका नाम व पता	गो वी०शी०एस० इण्टर प्राइमिज पा०-श्री चन्द्र भूषण गुप्ता पुत्र श्री राम लखन गुप्ता निवासी ओबरा, जनपद-सोनभद्र एवं श्री शाफीक अहमद पुत्र श्री सागीर अहमद निवासी-ओबरा, जनपद-सोनभद्र।				
2-पंजीकरण संख्या/पक्ष का नाम व वाद संख्या					
3-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)	खनन पट्टा क्षेत्र के अन्तर्गत 2,739 घन मी० गिट्टी/बोल्डर (डोलो स्टोन) के अवैध खनन/परिवहन किये जाने पर जिलाधिकारी महोदय के कारण बताओ नोटिस संख्या-6344/खनिज/2022 दिनांक 04.03.2022 के क्रम में अधिरोपित रायल्टी, खनिमुख मूल्य एवं अर्थदण्ड की कुल धनराशि रु० 26,79,440/- में से आंशिक धनराशि रु० 13,50,000/- को जमा किये जाने के सम्बन्ध में				
4-जमा की जा रही धनराशि	13,50,000/-				
5-लेखाशीर्ष का पूर्ण विवरण/मुहर	0853 -अलौह खनन तथा धातु कर्म उद्योग 00 - 800 -अन्य प्राप्तियां 01 -अन्य प्राप्तियां 0000 -				
6-लेखाशीर्ष का 13 डिजिट कोड					
न्यून लंबा शीर्ष	उप मुख्य शीर्ष	तृतीय शीर्ष	उप शीर्ष	ब्योरेवार शीर्ष	धनराशि (अंको में)
0 8 5 3	0 0	8 0 0	0 1	0 0	13,50,000/-
				योग:-	13,50,000/-
धनराशि (शब्दों में)	रु०	तेरह लाख पचास हजार मात्र।			
धनराशि शीर्ष की पुष्टि करने वाले विभागीय अधिकारी का हस्ताक्षर व मुहर			जमाकर्ता का नाम व हस्ताक्षर		
केवल उपकोषागार/बैंक के प्रयोगार्थ					
चालान संख्या:-	CF 00068			अंको में	13,50,000/-
दिनांक:-				शब्दों में	

15 MAR 2022

प्राप्त किया

प्राप्तकर्ता के हस्ताक्षर
उपकोषागार/बैंक प्रमुख
GOVT. TRANSFERशाखा प्रबन्धक
Branch Manager
Robertsganj

वित्तीय नियम रांघठ खण्ड-8 भाग-2

कोषागार प्रपत्र-200(1)

प्रपत्र संख्या-43 ए (1)

(प्रसार, 417 एवं 478 देखिये)

धनराशि जमा करने का चालान फार्म

(कर्ज एवं अग्रिम अदायगी की धनराशि प्रपत्र संख्या-43 ए (2) द्वारा जमा की जायेगी)

उपकोषागार/बैंक का नाम व शाखा	SBI, Robertsganj				
1-जिस व्यक्ति (पदनाम यदि आवश्यक हो) या संस्था के नाम से धनराशि जमा की जा रही है उसका नाम व पता	गै0 वी0रवी0एरा0 इण्टर प्राइ-नेम पा0-श्री चन्द्र भूषण गुप्ता पुत्र श्री राम लखन गुप्ता निगारी ओबरा, जनपद-सोनमद्र एवं श्री शफीक अहमद पुत्र श्री सागीर अहमद निवासी-ओबरा, जनपद-सोनमद्र।				
2-पंजीकरण संख्या/पक्ष का नाम व वाद संख्या					
3-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)	खनन पट्टा क्षेत्र के अन्तर्गत 2,739 घन मी0 गिट्टी/बोल्डर (डोलो स्टोन) के अवैध खनन/परिवहन किये जाने पर जिलाधिकारी महोदय के कारण बताओ नोटिस संख्या-8344/खनिज/2022 दिनांक 04.03.2022 के क्रम में अधिरोपित रायल्टी, खनिमुख मुल्य एवं अर्थदण्ड की अदशेष धनराशि रू0 13,29,440/- को जमा किये जाने के सम्बन्ध में				
4-जमा की जा रही धनराशि	13,29,440/-				
5-लेखाशीर्ष का पूर्ण विवरण/मुहर	0853 -अलौह खनन तथा धातु कर्म उद्योग 00 - 800 -अन्य प्राप्तियां 01 -अन्य प्राप्तियां 0000 -				
6-लेखाशीर्ष का 13 डिजिट कोड					
मुख्य लेखा शीर्ष	उप मुख्य शीर्ष	लघु शीर्ष	उप शीर्ष	ब्योरेवार शीर्ष	धनराशि (अंको में)
0 8 5 3	0 0	8 0 0	0 1	0 0	13,29,440/-
				योग:-	13,29,440/-
धनराशि (शब्दों में)	रू0	तेरह लाख उन्तीस हजार चार सौ चालीस मात्र।			
धनराशि शीर्ष की पुष्टि करने वाले विभागीय अधिकारी का हस्ताक्षर व मुहर					जमाकर्ता का नाम व हस्ताक्षर
केवल उपकोषागार/बैंक के प्रयोगार्थ					
चालान संख्या:-	C 000031			अंको में	1329440
दिनांक:-	22/03/22			शब्दों में	

27 MAR 2022

प्राप्त किया
जमाकर्ता के हस्ताक्षर
उपकोषागार/बैंक की मुहर(T.C)
Sharma

VAKALATNAMA
BEFORE HON'BLE NATIONAL GREEN TRIBUNAL



ORIGINAL APPLICATION NO. 61 OF 2022

IN Re :-

ALL INDIA KAIMUR PEOPLES FRONT THROUGH ITS VICE PRESIENT Plaintiffs/Appellant/Petitioner/ Applicant
Versus
STATE OF U.P & ORS. Defendants/Respondent/Accused

KNOW ALL to whom these present shall come that I/We..**CHANDRA BHUSHAN GUPTA PARTNER B.C.S ENTERPRISES.** the above-named. **RESPONDENT.** do hereby appoint.

UTKARSH SHARMA, SHARAD CHAUHAN, ADVOCATE

ENROL NO. D/4297/2014, UP/2599/2011

CHAMBER NO. 139, M.C SETALVAD CHAMBERS BLOCK, SUPREME BLOCK, SUPREME COURT OF INDIA

8510052778, 09312061203

(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 tried or heard and 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 withdrawal compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all 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 touching or in any 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 of 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 that 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 11th Day of JULY, 2022
SHARAD CHAUHAN
ADVOCATE
ALLAHABAD HIGH COURT
Accredited Advocate of fees.
Off: 1558, Pant Nagar, Khurram Nagar,
Lucknow-226022
Mobile : 8510052778

Advocate

Utkarsh Sharma

CLIENT