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Government of Jammu & Kashmir (UT)
District Mineral Office Geology & Mining Department Kupwara
email:-dmokup@gmail.com
Tel. No: 01955-253572

The Consultant (Judicial),
Hon'ble National Green Tribunal,
Principal Bench, New Delhi.

No: DMO/KUP/LC/24/124-126.

Dated:24-04-2024

Subject: OA No. 163/2024 titled Rasikh Rasool V/s Union Territory of Jammu & Kashmir & Ors.

Reference: Hon'ble NGT's Notice dated: 24th February 2024.

Sir,

In reference to the above noted subject, it is submitted that the Hon'ble National Green Tribunal vide its notice dated:24th February 2024 issued in the afore titled case

In this regard, kindly find enclosed herewith the Parawise reply as **Annexure-A.**

It is, as such, requested that the report may kindly be taken on record and placed before the Hon'ble NGT for kind consideration please.

Encl: A/A

Yours faithfully

Mohammad Burhan ud din
Mohammad Burhan ud din
District Mineral Officer
Geology & Mining Deptt
Kupwara

Copy to:-

1. Director Geology & Mining Deptt J&K Jammu for information please
2. Senior Law Officer, Mining Department, J&K Civil Secretariat, Jammu.

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

O.A NO: 163/2024

IN THE CASE OF:-

Rasikh Rasool Bhat

V/S

Union Territory of J & K & Ors.

IN THE MATTER OF: - Reply/ objections on behalf of respondents.

MAY IT PLEASE YOUR LORDSHIP: -

That the Answering respondents most humbly submit para wise reply
as under: -

1. That the above titled application filed by the applicant on the face of it does not disclose infringement of any rules or regulations.
2. That no cause of action has accrued to the applicant or any other person, as the disposal permission is made in consonance with S.O 1224(E) dated: 28-03-2020.
3. That the applicant has not come with clean hands before the Hon'ble National Green Tribunal and have tried to mislead the Hon'ble National Green Tribunal by sheer misrepresentation of facts as such, the application deserves to be dismissed on this ground alone.
4. That the applicant has not only suppressed but totally concealed the material facts from this Hon'ble NGT which is sufficient ground for dismissal of the present application which is under reply.

hmdm
District Mineral Officer
Geology & Mining Deptt
Kashmir

5. That it is respectfully submitted that Executive Engineer R & B (PWD) Handwara has communicated for providing of GSB for execution of Bangus road Phase-2nd KM 10 to 17 vide communication dated: 12-10-2023. Accordingly Executive Engineer, I & FC Division Handwara was requested to communicate identification and the feasibility of the site for disposal permit. The Executive Engineer, I & FC Handwara identified the site (**Copies of requisition and NOC's are enclosed**) for issuance of disposal permit for removal of 4992 Metric Tons of Nallahmukh vide disposal permit No. 153 in favour of Executive Engineer R & B, Handwara through JK Construction Company in consideration of payment of Rs. 1,65,485 on account of royalty etc vide GR No. 1080812 dated: 28-11-2023, under rules 56(2) (i) of J & K Minor Mineral Concession, Storage, Transportation Mineral and prevention of Illegal mining rules 2016, subject to strict terms and conditions in order to protect the environment and water bodies. Similarly, District Mineral Officer issued disposal permit No. 180 Dated: 08-01-2024 and disposal Permit No. 175 Dated: 01-01-2024 with the same terms and conditions for protection of ecology and environment.

(Copies of disposal permits are enclosed)

6. That the disposal permits were issued while keeping in mind the strategic importance of the National Project and with the purpose to prevent any damage or loss to the public and property which otherwise could be caused due to deposition of the material to the adjoining fields and the population.

Handwritten signature
District Mineral Officer
Geology & Mining Deptt.
Kashmir

In the premises, it is therefore requested that the application may kindly be dismissed, same shall serve the ends of Justice.


Answering Respondent,
District Mineral Officer,
Geology and Mining Department
Kupwara.

(Faint purple stamp: District Mineral Officer, Kupwara)

Pomgo full

Union Territory of Jammu and Kashmir
Office of the Executive Engineer R&B Division Handwara
Email : xenrnbhandwara@gmail.com

✓
The District Mining Officer
Geology & Mining Department
Kupwara

No: 8198-99.
Date : 20/10/2023

Sub: Extension of Permit No 116 Dated 19.10.2023 for Construction of Bangus road phase 2nd
Km 10th - 17th

Ref: - Your office letter No. DMO/Kup/DP/23/2360-67 dated 19/10/2023

Sir,

With reference to the above cited subject, in this context your good self is requested to extend the date of permit No 116 dated 19.10.2023 which had expired on 10.11.2023. The GSB material could not lifted from the site of Nallah Talri (Sultanpora to Galgazna) due to the public disturbances which had been resolved now by the intervention of Tehsildar Handwara and District Administration Kupwara .

Your good self is requested to extend the date of Permit from 10.11.2023 to 10.03.2024 .The terms and conditions of the permit will remain same. Your co-operation in this matter is highly Solicited

Sd/
Executive Engineer
R&B Division Handwara

[Signature]
Technical Officer To
Executive Engineer
R&B Division Handwara

Copy to:

1. Assistant Executive Engineer R&B Sub Division Handwara for Information and follow up action

Estts
 put up.
 hmdas
 16/11/23.

GOVERNMENT OF (UT) JAMMU AND KASHMIR

OFFICE OF THE EXECUTIVE ENGINEER R&B DIVISION HANDWARA

The District Mining & Geology Officer
 Kupwara

No. 7828-31
 Date: 04-11-23.

Subject:- Construction of Bungus Road Supply of material thereof from Dobighat site at Zachaldara.

Sir

Kindly recall the decision taken by the Worthy Deputy Commissioner Kupwara during her meeting in that regards undersigned alongwith Tehsildar, AEE I&FC, DDC Rajwar visited the site after long deliberation with local of the area it was consented upon that the material shall be lifted for use of Bungus road however, it was observed that there are huge boulders which needs to be removed/adjusted alongside of the land of the local in order to prevent soil erosion from sites.

It is to request to your kind self that the work cannot be executed unless an excavator not less than 210HP is required to be employed for said job. Kindly allow the same so, that no hindrance is created by the general public and the work is completed in time.

Yours faithfully



Executive Engineer

R&B Division Handwara

Copy to the:-

01. Superintending Engineer PWD R&B Circle Kupwara for information.
02. Tehsildar Handwara for Information sir.
03. SHO Handwara for information.

Government Of Jammu & Kashmir
Office Of The Assistant Executive Engineer Flood Control Sub Division
Handwara

The Executive Engineer
 Land FC Division
 Handwara

No.: - 246-47/FCSDH
 Dated: - 29-12-2023

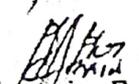
Subject: - Identification of alternative site for catering the material requirement of Bangus Road Phase 2nd KM 10th - 17th.

Reference: - 1. DMO Kupwara Letter No: - DMO/Kup/DP/23/3238 Dated. 28/12/2023 & Your Endorsement No: - 4056 Dated: - 28/12/2023.
2. This Office Letter No. 241FCSDH Dated. 27/12/2023 & Your Letter No. I&FCDH/4058-59 Dated. 25/12/2023.

Sir,

Kindly refer to the subject and reference cited above. In this context it is to submit that keeping in view the importance of project (Bangus Road), the site has been identified on Talri Nallah at village Chalpora near playground D/S Doodipora Bridge for lifting of balance quantity i.e. 48950 cft against Permit No. 153 Dated 28/11/2023 of (DMO Kupwara) subject to terms and conditions in vogue and already communicated to them and oblige.

Yours faithfully


 Assistant Executive Engineer
 Flood Control Sub Division
 Handwara

HA/EC


Copy to the: -

1. Tehsildar Handwara for information
2. JE concerned/ Task force team for follow up action and for strict compliance of proper supervision. This is with reference to your report.
3. File.

GOVERNEMENT OF JAMMU & KASHMIR
OFFICE OF THE EXECUTIVE ENGINEER IRRIGATION & F C
DIVISION HANDWARA

Fax/Phone: 01955- Email:-xenirrigationhandwara@gmail.com

The District Superintending Engineer,
 Hydrolic Circle Kupwara,
 H/Q Handwara

NO: 34103-06
 Dated 30-12-2023

Subject:- Identification of alternate site for catering the material requirements of Bangus road phase 2nd Km 10th -17 th

Reference:- DMO Geology and mining Deptt. Kupwara's Letter No:- DMO/KUP/DP/23/3189 Dt:- 26/12/2023
 & NO:- DMO/KUP/ DP/3238 dt:- 28/12/23

Sir.

With reference to the above cited letter no's wherein this office has been requested by the office of District mineral Officer Geology and Mining deptt. Kupwara to identify an alternative site for extraction of balance quantity (48950 Cfts) of Nallah material to be used for above cited project it is submitted that as per the report of AEE FCSD Handwara keeping in view the importance of the project (Bangus Road) the site has been identified on Talri Nallah at village Chalpora near playground D/S Doodipora Bridge for lifting of balance quantity (48950 Cfts) against permit No. 153 Dated:- 28/11/2023 issued by District Mineral Officer Geology and Mining Department Kupwara subject to the terms and conditions already in vogue & in addition to the condition that the cost of material shall be deducted from the bill etc by the concerned department executing the said project. Hence the report is submitted for favour of further necessary action under rules at your end please

Yours Faithfully,


 Executive Engineer,
 Irrigation & FC Division


 District Mineral Officer
 Handwara

Copy to the,-

- 1.Chief Engineer Kashmir I&FC Department Kashmir for favour of information.
- 2.District Minerl Officer geology and Mining Department Kupwara for information .
- 3.AEE Flood Control Sub Division Handwara for information and with the direction to ensure that no voilation of rules and terms and conditions already in vogue is reported at site & the said Nallah is not damaged / effected in any way .The same has been issued upon your recommendation submitted by your vide your letter No:- 246-47 /FCSDH Dated:- 29/12/2023.
4. file



GOVERNEMENT OF JAMMU & KASHMIR
OFFICE OF THE EXECUTIVE ENGINEER IRRIGATION & F C
DIVISION HANDWARA

Fax/Phone: 01955-

Email: xenirrigationhandwara@gmail.com

The District Mineral Officer,
 Geology & Mining Deptt.,
 Kupwara

NO:-I&FCDH/-

Dated: 28/12/2023.

4058-59

Subject:- Identification of alternative site for catering the material requirement of Bangus road phase 2nd KM 10th -17th.

Reference:- Your office letter No. :- DMO/KUP/DP/23/3189 Dated:- 26/12/2023.

Sir,

With reference to the above captioned letter No. wherein this office has been requested to identify the alternate feasible site for extraction of Nallah material for its use in execution of above cited project, It is stated that as per the report of Assistant Executive Engineer Flood Sub Division Handwara the dispute stands resolved with the assistance of Tehsildar Handwara and concerned Assistant Executive Engineer R&B Division Handwara & the available material from the spot stands lifted now. He has recommended to request your office to write down how much quantity of the material has been lifted and how much more is required as per the Permit No. 153 dated 28-11-2023. Issued by your office.

As sch. it is requested to kindly to convey the same so that further course of action as warranted under rules is taken accordingly.

Yours faithfully,


 Executive Engineer
 Irrigation & F C Division
 Handwara.

Copy to the: -

1. Assistant Executive Engineer Flood Control Sub-Division Handwara for information & necessary action. This is with. Ref. to his letter No. 241-FCSDH dated:- 27-12-2023.
2. File.

GOVERNEMENT OF JAMMU & KASHMIR
 OFFICE OF THE EXECUTIVE ENGINEER IRRIGATION & F C
 DIVISION HANDWARA

Fax/Phone: 01955-

Email: xenirrigationhandwara@gmail.com

The District Mineral Officer,
 Geology and Mining Department,
 Kupwara

No: 3022-23.

Date: 19-10-2023.

Subject :- Identification of feasible site from Nallah Talri (Sultanpura to Galgazna)

Reference:- Your Office Letter No:- DMO/KUP/23/2023 Dated:- 16/10/2023

Sir,

With reference to the above captioned subject letter no wherein this office has been requested to identify a feasible spot from Talri Nallah for extraction of river bed material (Sultanpura to Galgazna) for its use in the execution of Bangus road phase 2nd from km 10 th to 17 th ; it is submitted that as reported by the Assistant Executive Engineer Flood control Sub Division Handwara keeping in view the urgency of material required for the said developmental work one spot has been identified for said purpose on Talri Nallah at Bobigath . Furthermore he has recommended that NOC for such purpose be issued for removal of only 2000 MT only from said spot subject to the below mentioned terms and conditions;

- 1.No ditches shall be made .Only shoal deposition needs to be removed and away from the existing banks of Nallah
- 2.The banks of Nallah shall not get damaged during transportation of material
- 3 No hydraulic structure, offtake point of the khul etc may got damaged or disturbed during extraction of material
- 4.This office shall be not be responsible for any untoward incident (if any) that occurs on account of said extraction at site
- 5.The quantum of material to be taken way from the spot shall be sole responsibility of Geology and Mining Department
- 6.The NOC(if issued) shall be valid for single permit only and no change of site will be allowed
- 7.The concerned department shall be asked to deduct the cost of material from the bill of contractor .
- 8.In case of any voilation or local dispute arises on account of NOC (if issued) may be treated null and void

Yours Faithfully,

Executive Engineer,
 Irrigation & FC Division,
 Handwara

(Signature)

Copy to the:-

- 1) Assistant Executive Engineer for information and follow up action. This is to reference to your letter No. 193 FCS DH dated 19/10/2023

*6676
 Issued for
 2000 MTS removal.
 19.10.23*



Government of (UT) Jammu & Kashmir
OFFICE OF THE EXECUTIVE ENGINEER PWD(R&B) DIVISION HANDWARA

The District Mineral officer
Geology & Mining Kupwara

No: 7215-10.
Date: 12-10-2023.

Subject: Permission for lifting of river bed material (GSB) for construction of road
From Handwara to Bangus phase 2nd vide Chief Engineers letter no
CE/RBK/WS/14516-18 dated 02-08-2022.

Sir,

The road from Handwara to Bangus is allotted to MS JK Construction company prop. Haji Abdul Rashid Dar under this division, the said road requires GSB that is to be laid by the contractor, the undersigned has directed to the said contractor for obtaining river bed material from Sultanpora Galgazna bridge. So that work can be completed within the stipulated time frame.

It is once again requested to your good self to provide sub base material (GSB) for the said project. Whereas it needs sub base material of 4500 cum from KM 10th-17th.

Kindly provide the said material on immediate basis. The royalty for material shall be deposited by the said contractor as per norms.

Yours faithfully,


Executive Engineer
R&B Division Handwara.

Copy to the:

1. Superintending Engineer PW (R&B) circle kupwara for information
2. Additional Deputy commissioner Handwara for information
3. Assistant Executive Engineer R&B Sub division Handwara for information and follow up.

Government of Jammu and Kashmir
Office of the District Mineral Officer Kupwara

The
Executive Engineer
R&B Division Handwara.

Subject: Permission for lifting of river bed material (GSB) for construction of road from Handwara to Bangus 2nd Vide Chief Engineer's letter no: CE/RBKWS/14515-18 dated 02-08-2022
Reference: Your letter no: 9693-98 dated 28-11-2022

Sir,

Apropos to cited subject and reference, it is to inform your good self that the 70% area of district falls under reserve forest area and a limited area of district is available for mining. The fewer streams following through inhabited area of district are available for river bed mining. Frequent public assets like bridge and inhabitation limit scope of extraction from rivers in the district. The Handwara division has not in capacity to supply 1.3 lakh Mts of RBM for single project.

Keeping the necessity of project into consideration this office has identified two spots outside nalla in the area where Khak Bajri/Bal Mukh is available. It is suggested that the material be tested for its strength and if feasible the same material can be used for completion of projected mentioned supra. However the same can be done only after clarification/ consultation of stake holding departments.

Thanking you

Yours Faithfully

Nr. DMOL/KUP/DP/22/4004
dt. 01-12-2022

[Signature]
District Mineral Officer
Geology and Mining
Kupwara

Copy to:

1. Deputy Commissioner Kupwara for information and necessary action please

AE (Bangus)
[Signature]



Government of Jammu & Kashmir (UT)
District Mineral Office Geology & Mining Department Kupwara
email: dmokup@gmail.com
Tel. No: 01955-253572

(19)

DISPOSAL PERMIT

Permit No: 153

Dated: 28-11-2023

Valid Upto:-26-12-2023

Subject: Construction of Bangus road phase 2nd KM 10th-17th

Reference: Ministry of Environment Forest and Climate Change (MOEFCC) Notification vide S.O 1224 (E) Dt. 28th March 2020.

Order

Whereas Executive Engineer PWD (R&B) has communicated for providing of GSB for execution of bangus road phase 2nd KM 10th-17th vide his office letter No: 7215- 18 dated: 12-10-2023.

Whereas Executive Engineer R&B Handwara has communicated for extension of permit vide his office letter No: 8198-99 dated: 20-10-2023

Whereas Executive Engineer I&FC Handwara has communicated the feasibility of the site for lifting of the material from Nallah Talri at Dobighat vide his office letter No: 3022-23 dated: 19-10-2023

Whereas the Area Incharge Handwara has physically inspected the applied area and certified the availability of material to be removed by the applicant.

Whereas MOEFCC has issued a notification vide S.O 1224(E) dated 28th March 2020, where under in Appendix (IX), Dredging and de-silting of dams, reservoirs, weirs, barrages, rivers and canals for the purpose of their maintenance, upkeep and disaster management have been exempted from requirement of Environmental Clearances.

Keeping in view the nature of the work and time bound desiltation of the nallah, under Rule 56(2) (i) of the J&K Minor Mineral Concession, Storage, Transportation of minerals and prevention of illegal mining rules 2016, Disposal Permit is hereby granted in favour of Executive Engineer R&B Handwara through Jk Construction Company for removal of 4992 Mts N/Mukh in consideration of payment of Rs. 1,65,485.00 (Rupees One Lac Sixty Five Thousand Four Hundred and Eighty Five only) on account of advance Royalty and TCS applicable vide G.R No:1080812 dated:28-11- 2023

Subject to following terms and conditions:

- The Permit Holder will take all precautions for the protection of the environment and control of pollutions while removal of mineral at the site.
- The material so removed from the site is not supplied to any other agency or firm except the allotted projects and not to be used for commercial purpose.

Handwritten signature
District Mineral Office
Geology & Mining Dept.
Kupwara

P.R. /

- The Permit Holder will allow the Executive Staff and the officers of the Deptt. of Geology & Mining Deptt. to inspect, Check and measure the Minor Minerals at all stages including its transportation.
- The extraction/lifting of bed material be time bound i.e. 09:00 AM to 05:00 PM
- The Permit Holder shall abide by the provisions of Mines & Minerals (Development and Regulation) Act 1957 and rules made there under besides J&K mining rules 2016.
- Surrender this permit in original to this department after dispatching last consignment within a weeks' time.
- The process of extraction shall be restricted to a depth of 01 Mtr only. The permit Holder shall be strictly governed by Rule 60 of J&K Minor Mineral Concession, Transportation of Minerals and prevention of illegal Mining Rules 2016 failure of compliance/ any lapse/irregularities found during inspection shall be deemed to cancellation/Withdrawal of Disposal Permit without assigning any reasons forthwith.
- Stocking of the extracted material is strictly prohibited.
- Mechanical screening of the extracted material is strictly prohibited The Department shall not be responsible for any third party Claim.
- The validity of the permit shall be up to expiry of due date or consumption of the material, whichever is earlier

No: DMO/Kup/DP/23/ 2902-09
Dated: 28/11/2023

Handwritten Signature
Authorized Officer
District Mineral Officer
Geology & Mining Deptt.
Kupwara

Copy to the:

1. Deputy Commissioner Kupwara for favour of information please.
2. Joint Director (K) Geology & Mining Deptt Srinagar for information please.
3. Ex. Engineer R&B Division Handwara for favour of information and with the remarks that all dues except cost of material has been collected from the permit holder.
4. Executive Engineer I&FC Division Handwara for favour of information and necessary action please.
5. Tehsildar Handwara for favour of information please.
6. Station House Officer Handwara for favour of information please.
7. Area Incharge Handwara for information and necessary action.
8. JK Construction Company for information and compliance.
9. Office file

711



Government of Jammu & Kashmir (UT)
 District Mineral Office Geology & Mining Department Kupwara
 email:-dmokup@gmail.com
 Tel. No: 01955-253572

DISPOSAL PERMIT

Permit No: 180
 Dated: 08-01-2024

Valid Upto:-15-01-2024

Subject: Construction of Bangus road phase 2nd KM 10th-17th

Reference: Ministry of Environment Forest and Climate Change (MOEFCC) Notification vide S.O 1224 (E) Dt. 28th March 2020.

Order

Whereas Executive Engineer PWD (R&B) has communicated for providing of GSB for execution of bangus road phase 2nd KM 10th-17th vide his office letter No: 7215- 18 dated: 12-10-2023.

Whereas Executive Engineer R&B Handwara has communicated for extension of permit vide his office letter No: 8198-99 dated: 20-10-2023

Whereas Executive Engineer I&FC Handwara has communicated the feasibility of the site for lifting of the material from Nallah Talri at Chalpora near playground vide his office letter No: 4103-06 dated: 30-12-2023

Whereas the Area Incharge Handwara has physically inspected the applied area and certified the availability of material to be removed by the applicant.

Whereas MOEFCC has issued a notification vide S.O 1224(E) dated 28th March 2020, where under in Appendix (IX), Dredging and de-silting of dams, reservoirs, weirs, barrages, rivers and canals for the purpose of their maintenance, upkeep and disaster management have been exempted from requirement of Environmental Clearances.

Keeping in view the nature of the work and time bound desiltation of the nallah, under Rule 56(2) (i) of the J&K Minor Mineral Concession, Storage, Transportation of minerals and prevention of illegal mining rules 2016, Disposal Permit is hereby granted in favour of **Executive Engineer R&B Handwara** through **Jk Construction Company** for removal of 800 Mts N/Mukh from Nallah Talri at chalpora near playground, in consideration of payment of Rs. 26,520.00 (Rupees Twenty Six Thousand Five Hundred and Twenty only) on account of advance Royalty and TCS applicable vide G.R No:1082080 dated:08-01- 2024 Subject to following terms and conditions:

- The Permit Holder will take all precautions for the protection of the environment and control of pollutions while removal of mineral at the site.
- The permit holder shall utilize One JCB for extraction of the river bed material.

Handwritten signature
 District Mineral Officer
 Kupwara

- The material so removed from the site is not supplied to any other agency or firm except the allotted projects and not to be used for commercial purpose.
- The Permit Holder will allow the Executive Staff and the officers of the Deptt. of Geology & Mining Deptt. to inspect, Check and measure the Minor Minerals at all stages including its transportation.
- The extraction/lifting of bed material be time bound i.e. 09:00 AM to 05:00 PM
- The Permit Holder shall abide by the provisions of Mines & Minerals (Development and Regulation) Act 1957 and rules made there under besides J&K mining rules 2016.
- Surrender this permit in original to this department after dispatching last consignment within a weeks' time.
- The process of extraction shall be restricted to a depth of 01 Mtr only. The permit Holder shall be strictly governed by Rule 60 of J&K Minor Mineral Concession, Transportation of Minerals and prevention of illegal Mining Rules 2016 failure of compliance/ any lapse/irregularities found during inspection shall be deemed to cancellation/Withdrawal of Disposal Permit without assigning any reasons forthwith.
- Stocking of the extracted material is strictly prohibited.
- Mechanical screening of the extracted material is strictly prohibited The Department shall not be responsible for any third party Claim.
- The validity of the permit shall be up to expiry of due date or consumption of the material, whichever is earlier

No: DMO/Kup/DP/23/3372-79,
Dated: 08/01/2024


Authorized Officer
District Mineral Officer
Geology & Mining Deptt
Kupwara

*District Mineral Officer
Geology & Mining Deptt
Kupwara*

Copy to the:

- Deputy Commissioner Kupwara for favour of information please.
- Joint Director (K) Geology & Mining Deptt Srinagar for information please.
- Ex. Engineer R&B Division Handwara for favour of information and with the remarks that all dues except cost of material has been collected from the permit holder.
- Executive Engineer I&FC Division Handwara for favour of information and necessary action please.
- Tehsildar Handwara for favour of information please.
- Station House Officer Handwara for favour of information please.
- Area Incharge Handwara for information and necessary action.
- JK Construction Company for information and compliance.
- Office file



Government of Jammu & Kashmir (UT)
District Mineral Office Geology & Mining Department Kupwara

email:-dmokup@gmail.com

Tel. No: 01955-253572

10

DISPOSAL PERMIT

Permit No: 175

Dated: 01-01-2024

Valid Upto:-06-01-2024

Subject: Construction of Bangus road phase 2nd KM 10th-17th

Reference: Ministry of Environment Forest and Climate Change (MOEFCC) Notification vide S.O 1224 (E) Dt. 28th March 2020.

Order

Whereas Executive Engineer PWD (R&B) has communicated for providing of GSB for execution of bangus road phase 2nd KM 10th-17th vide his office letter No: 7215- 18 dated: 12-10-2023.

Whereas Executive Engineer R&B Handwara has communicated for extension of permit vide his office letter No: 8198-99 dated: 20-10-2023

Whereas Executive Engineer I&FC Handwara has communicated the feasibility of the site for lifting of the material from Nallah Talri at Chalpora near playground vide his office letter No: 4103-06 dated: 30-12-2023

Whereas the Area Incharge Handwara has physically inspected the applied area and certified the availability of material to be removed by the applicant.

Whereas MOEFCC has issued a notification vide S.O 1224(E) dated 28th March 2020, where under in Appendix (IX), Dredging and de-silting of dams, reservoirs, weirs, barrages, rivers and canals for the purpose of their maintenance, upkeep and disaster management have been exempted from requirement of Environmental Clearances.

Keeping in view the nature of the work and time bound desiltation of the nallah, under Rule 56(2) (i) of the J&K Minor Mineral Concession, Storage, Transportation of minerals and prevention of illegal mining rules 2016, Disposal Permit is hereby granted in favour of **Executive Engineer R&B Handwara** through **Jk Construction Company** for removal of 800 Mts N/Mukh from Nallah Talri at chalpora near playground, in consideration of payment of Rs. 26,520.00 (Rupees Twenty Six Thousand Five Hundred and Twenty only) on account of advance Royalty and TCS applicable vide G.R No:1082062 dated:01-01- 2024 Subject to following terms and conditions:

- The Permit Holder will take all precautions for the protection of the environment and control of pollutions while removal of mineral at the site.
- The permit holder shall utilize One JCB for extraction of the river bed material.

Handwritten signature

- The material so removed from the site is not supplied to any other agency or firm except the allotted projects and not to be used for commercial purpose.
- The Permit Holder will allow the Executive Staff and the officers of the Deptt. of Geology & Mining Deptt. to inspect, Check and measure the Minor Minerals at all stages including its transportation.
- The extraction/lifting of bed material be time bound i.e. 09:00 AM to 05:00 PM
- The Permit Holder shall abide by the provisions of Mines & Minerals (Development and Regulation) Act 1957 and rules made there under besides J&K mining rules 2016.
- Surrender this permit in original to this department after dispatching last consignment within a weeks' time.
- The process of extraction shall be restricted to a depth of 01 Mtr only. The permit Holder shall be strictly governed by Rule 60 of J&K Minor Mineral Concession, Transportation of Minerals and prevention of illegal Mining Rules 2016 failure of compliance/ any lapse/irregularities found during inspection shall be deemed to cancellation/Withdrawal of Disposal Permit without assigning any reasons forthwith.
- Stocking of the extracted material is strictly prohibited.
- Mechanical screening of the extracted material is strictly prohibited The Department shall not be responsible for any third party Claim.
- The validity of the permit shall be up to expiry of due date or consumption of the material, whichever is earlier

No: DMO/Kup/DP/23/3289-96
Dated: 01/01/2024


Authorized Officer
District Mineral Officer
Geology & Mining Deptt
Kupwara

Copy to the:

- Deputy Commissioner Kupwara for favour of information please.
- Joint Director (K) Geology & Mining Deptt Srinagar for information please.
- Ex. Engineer R&B Division Handwara for favour of information and with the remarks that all dues except cost of material has been collected from the permit holder.
- Executive Engineer I&FC Division Handwara for favour of information and necessary action please.
- Tehsildar Handwara for favour of information please.
- Station House Officer Handwara for favour of information please.
- Area Incharge Handwara for information and necessary action.
- JK Construction Company for information and compliance.
- Office file



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-28032020-218948
CG-DL-E-28032020-218948

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 1088]

नई दिल्ली, शनिवार, मार्च 28, 2020/चैत्र 8, 1942

No. 1088]

NEW DELHI, SATURDAY, MARCH 28, 2020/CHAITRA 8, 1942

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 28 मार्च, 2020

का.आ. 1224(अ).—खनिज विधि (संशोधन) अधिनियम 2020 (2020 का 2), खान और खनिज (विकास और विनियमन) अधिनियम, 1957 (1957 का 67) (जिसे इसमें इसके पश्चात् एमएमडीआर अधिनियम कहा गया है) द्वारा 10 जनवरी, 2020 से प्रभावी संशोधन किया गया है और अन्य बातों के साथ कानूनी निर्वाधन के अंतरण के लिए उपबंधों से संबंधित नई धारा 8ख का अंतःस्थापन किया गया है;

और, एमएमडीआर अधिनियम की धारा 8ख की उप-धारा (2) यह उपबंध करता है कि इस अधिनियम में या तत्समय प्रवृत्त किसी अन्य विधि में अंतर्विष्ट किसी बात के होते हुए भी, धारा 8क की उप-धारा (5) और उप-धारा (6) के उपबंधों के अधीन अवसान होने वाले खनन पट्टे का सफल बोली लगाने वाला और उस अधिनियम के अधीन या तद्दीन बनाए गए नियमों के अधीन उपबंधित प्रक्रिया के अनुसार नीलामी के माध्यम से अर्जित सभी विधिमान्य अधिकार, अनुमोदन, निकासी, अनुज्ञप्ति और इसी प्रकार दो वर्ष की अवधि के लिए पूर्ववर्ती पट्टेदार पर निहित होना समझा जाएगा;

और, एमएमडीआर अधिनियम की धारा 8ख की उप-धारा (3) यह उपबंध करता है कि तत्समय प्रवृत्त अन्य विधि में अंतर्विष्ट किसी बात के होते हुए भी, यह उस भूमि पर जिसमें नया पट्टा के प्रारंभ से दो वर्ष की अवधि के लिए पूर्ववर्ती पट्टेदार द्वारा खनन संक्रियाएं कार्यान्वित किए जा रहे थे, निरंतर खनन संक्रियाओं को नए पट्टेदार के लिए विधिपूर्ण किया जाएगा;

**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;