

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

ORIGINAL APPLICATION No. 403 OF 2019

IN THE MATTER OF:

Haider Khan Applicant
Versus
State of U.P.& others Respondents

REPLY ON BEHALF OF THE DISTRICT Officer, BANDA

1. That this Hon'ble Tribunal, vide order dated 30th September, 2021, was issue to pass the following directions:-

“ 6. So far, the Tribunal has required the statutory regulators to go into the matter and take action as per law, but since action taken is inadequate accountability of the Project Proponent (PP) as well as the authorities need to be determined. Notice be issued to the PP by e-mail as well as through the State PCB. Response, if any, may be filed within one month from today by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The concerned authorities may also file their action taken reports in same manner within one month. The PCB may coordinate with the concerned authorities of the State.”

2. That the District Officer was legally bound to impose the penalty upon the violator in accordance with the provisions of the Uttar Pradesh Minor minerals



(Concessions) Rules, 2021, as it exists today. The violator M/s R.S.I. Stone World, the lessee of the village Lahureta, district Banda and violator was found guilty for illegal mining from the outside area of mining lessee situate at Village lahureta, Tehsil Naraini, District Banda and had not installed the CCTV Camera exit point, hence a show-cause notice dated 02.06.2020 was issued to the violator and after considering his explanation of violator, order dated 19.09.2020 was passed and imposed Rs.1,45,04,350/= (Rupees one crore, forty-five lakhs, four thousand, three hundred fifty, upon violator as penalty, in accordance with law.

3. That the District Officer is always bound to act in accordance with law as well as in accordance with the statutory provisions, i.e. The Uttar Pradesh Minor Minerals (Concessions) Rules, 2021. Hence, unless and until there is no statutory provision for recovery of 10% amount of value of the mined mineral, then imposed is upon violator as penalty out of jurisdiction of the District Officer.
4. That in view of above, it is evident that this Hon'ble Tribunal may kindly consider the aforesaid aspect and then may be pleased to direct the District Officer, Banda for recovery of the amount from the violator.

PLACE - BANDA

DATE -


(ANURAG PATEL)
DISTRICT OFFICER,
BANDA.