

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1003/2024**

IN THE MATTER OF:

MR ASHOK KUMAR AND ANR SO

LATE SH DHARAM SINGH

...APPLICANT(s)

VERSUS

STATE OF UP

...RESPONDENT(s)

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| 1. | RESPONSE ON BEHALF OF DISTRICT MAGISTRATE IN COMPLIANCE TO THE ORDER DATED 05.12.2024 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI. | |
| 2. | A COPY OF THE ORDER DT. 05.12.2024 HAS BEEN ATTACHED HEREIN AS ANNEXURE A/1 | |
| 3. | A COPY OF THE LETTER DT. 31.12.2024 HAS BEEN ATTACHED HEREIN AS ANNEXURE A/2 | |
| 4. | A COPY OF THE LETTER DT. 04.12.2024 HAS BEEN ATTACHED HEREIN AS ANNEXURE A/3 | |
| 5. | A COPY OF THE SHOW CAUSE NOTICE DT. 24.12.2024 HAS BEEN ATTACHED HEREIN AS ANNEXURE A/4 | |

THROUGH COUNSEL



BHANWAR PAL SINGH JADON
STANDING COUNSEL FOR THE STATE OF U.P. (NGT)
EMAIL- bhanwar09jadon@gmail.com

DATE: 09.01.2025

PLACE: NOIDA

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1003/2024



IN THE MATTER OF:

MR ASHOK KUMAR AND ANR SO

LATE SH DHARAM SINGH

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VERSUS

STATE OF UP

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RESPONSE ON BEHALF OF DISTRICT MAGISTRATE IN
COMPLIANCE TO THE ORDER DATED 05.12.2024 PASSED BY THE
HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW
DELHI.

I, Indra Vikram Singh, aged about 55 years, s/o Late Sunder Singh R/o H.No. - 01, Civil Line, P.S. Sadar Bazaar, Tehsil, Shahjhanpur, District- Shahjhanpur posted as District Magistrate, Ghaziabad, U.P. do hereby solemnly affirm and state as under:

1. That I, the Deponent in the above captioned matter am fully conversant with the facts of the case and am competent and authorized to swear the present Reply.

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2. That I state that the contents of the Reply has been drafted by my counsel on my instructions and the contents of the same are true to my knowledge and nothing material has been concealed therefrom.
3. That, the present application has been registered under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as NGT Act, 2010).
4. That, the complainants have alleged that M/s. New Panthar Security Guard Service has got a mining permit/lease for sand mining at Yamuna riverbed i.e Gata No.303 mi, 313 mi, 290 mi, 301 mi, 303 mi, 304 mi, 314 mi, 297 mi, 298 mi, 302 mi, 311 mi, 312 mi, 313 mi & 314 mi situated at Khand No. 02, Village-Pachayra, Tehsil-Loni, Ghaziabad, U.P.
5. That, Hon'ble Tribunal considered the captioned matter on 04.11.2024 and constituted a Joint Committee comprising District Magistrate Ghaziabad; Divisional Forest Officer, Ghaziabad; Uttar Pradesh Pollution Control Board (hereinafter referred to as 'UPPCB'); and, Central Pollution Control Board (hereinafter referred to as 'CPCB') to visit the site and ascertain the allegation.
6. That, pursuant to aforementioned order dated 04.11.2024, the report of Joint Committee was filed on 04.12.2024. The Joint Committee has recommended the following compliances against Project Proponent as follows-
"4. Compliance of following salient requirements must be ensured by Project and Mining Department before allowing further mining:

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o Installation the boundary pillars as per co-ordinates & Environmental Clearance conditions.

o Adequate plantation in time bound manner as per Environmental Clearance conditions.

o Replenishment study of the area about mining deposits as per Environmental Clearance conditions.

o Hydrogeological study to ascertain the impact on river channel and water table as per Environmental Clearance condition (no 16).

5. Environmental compensation for illegal mining of 840 cubic meter quantity of ordinary sand may be levied as per Approach 2 scale approved by Hon'ble NGT vide order dated 26.02.2021 in the matter of OA No. 360/2015."

7. That as per the order dt. 05.12.2024, the Hon'ble National Green Tribunal directed the Respondents to submit their Responses/replies.

That the relevant portion of the order has been reproduced herein for ready reference:

"9. Learned counsel appearing for respective respondents pray for and allowed 3 weeks' time to file their responses/replies."

A Copy of the Order dt. 05.12.2024 has been attached herein as Annexure A/1.

8. That in compliance of the Order dated 05.12.2024 passed by the Hon'ble Tribunal, it is humbly submitted that directions were issued from the Office of the District Magistrate, Ghaziabad to the New Panther Security Guard Service, Prof. Shri Bani Singh i.e. the Project Proponent on 31.12.2024, directing the Project Proponent to ensure that the Replenishment Study, Hydrological Study and Plantation be carried out with immediate effect in

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compliance of the condition no. 16 and 19 of the EC letter dated 21.05.2021. It was further directed vide the above- mentioned letter, issued by the DM Office, that the report of the aforementioned studies and plantation be made available to the D.M. Office, Ghaziabad. Furthermore, the information regarding the same be provided to the UPPCB and SEIAA. *A Copy of the letter dt. 31.12.2024 has been attached herein as Annexure A/2.*

9. That it is respectfully submitted that a recommendation letter dt. 04.12.2024 was issued by U.P. Pollution Control Board to the office of Chief Environmental Officer, Uttar Pradesh Pollution Control Board, Lucknow regarding the imposition of environmental compensation on the Project Proponent for carrying out illegal mining of 840 cubic meter.

That the said amount of Environmental Compensation shall be imposed for illegal mining of ordinary sand as per the Approach 2 Scale NGT vide order dt. 26.02.2021 in the matter of O.A No. 360/2015.

That as per the said letter the compensation shall be imposed based upon the following formula:

Net Present Value (after netting out market value if illegally mined material)-NPV= PV- D

i.e. 8,47,365 - 1,95,720/- = Rs. 6,51,645/- (Rupees Six Lakhs Fifty One Thousand Six Hundred Forty- Five Only).

A Copy of the letter dt. 04.12.2024 has been attached herein as Annexure A/3.

10. Furthermore, U.P. Pollution Control Board has issued a Show Cause Notice dated 24.12.2024 to M/s New Panthar Security Guard Service, Proprietor- Shri Bani Singh S/o Shri Raghunath Singh, R/o. Salasar Complex, 306, Shankar Vihar Colony, Kuraishi, District-Aligarh, U.P. for the imposition

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of environmental compensation of Rs. 6,51,645/- (Six Lakh Fifty-One Thousand Six Hundred Forty Five only).

That the reply of show cause notice by project proponent is awaited and thereafter the expiry of the show cause notice period, further action will be taken accordingly.

A Copy of the Show Cause Notice dt. 24.12.2024 has been attached herein as Annexure A/4.

11. Hence, the present reply is being filed for the kind consideration and perusal of this Hon'ble Tribunal.

12. That I state that everything stated above has been stated by me in my official capacity on and derived from the official records and I state that nothing material has been concealed therefrom.



DEPONENT

VERIFICATION

Verified at GHAZIABAD on this 9th day of January, 2025, that the contents of the above affidavit from paragraphs 1 to 12 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

ATTESTED

(Sandesh Sharma)
Reg. No. 1136/98
NOTARY PUBLIC
Ghaziabad (U.P.)




DEPONENT

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Item No. 04

Court No. 2

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

ORIGINAL APPLICATION No. 1003/2024

MR ASHOK KUMAR AND ANR SO
LATE SH DHARAM SINGH

Applicant

Versus

State of UP

Respondent(s)

Date of hearing: 05.12.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Mr. Raj Kumar, Advocate for CPCB
Mr. Bhanwar Pal Singh Jadon, Mr. Harsh Vardhan Singh Rajawat and
Ms. Gargi Chaturvedi, Advocates for UPPCB and State of U.P.
Mr. S. P. Singh, Senior Advocate with Mr. Vithal Aditya and Mr. Shannu
Bhagel, Advocates for respondent no. 5 and 6

ORDER

1. On a letter petition dated 23.12.2023 sent by Ashok Kumar s/o late Sh. Dharam Singh and Karan Singh s/o late Sh. Ved Prakash, present application has been registered under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as NGT Act, 2010) in exercise of suo-moto jurisdiction, in view of law laid down by Supreme Court in **(2022) 13 SCC 401, Municipal Corporation of Greater Mumbai v. Ankita Singha & Ors.**

ATTESTED

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(Sandeep Sharma)
Reg. No. 1136/98
NOTARY PUBLIC
Chaziabad (U.P.)



2. Complainants have alleged that M/s. New Panthar Security Guard Service has got a mining permit/lease for sand mining at Yamuna river-bed i.e Gata No.303 mi, 313 mi, 290 mi, 301 mi, 303 mi, 304 mi, 314 mi, 297 mi, 298 mi, 302 mi, 311 mi, 312 mi, 313 mi & 314 mi situated at Khand No. 02, Village-Panchayat, Tehsil-Loni, Ghaziabad, UP.

3. Looking to complaint made, Tribunal considered matter on 04.11.2024 and found it appropriate to obtain a factual report by constituting a Joint Committee comprising District Magistrate Ghaziabad; Divisional Forest Officer, Ghaziabad; Uttar Pradesh Pollution Control Board (hereinafter referred to as 'UPPCB'); and, Central Pollution Control Board (hereinafter referred to as 'CPCB').

4. Joint Committee report has been submitted through CPCB and observations, conclusion and recommendations, made therein, read as under:-

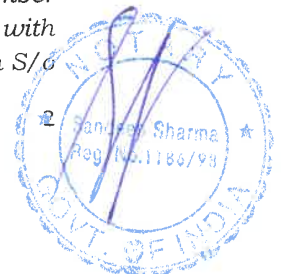
"4. General observation during the site visit of leased mining area at Village-Panchayara, Loni, Ghaziabad:

Observations based on site visit and records issued made available by UP PCB RO Ghaziabad and Mining Department Ghaziabad are as follows:

- *Environmental Clearance (herein to be referred as "EC") was granted for sand / moraminingby State level Environmental Impact Assessment Authority (SEIAA) Uttar Pradesh on 27.05.2021 to Shri Bani Singh, Salasar Complex, 306 Shankar Vihar Colony, Quaarsi, Aligarh-202001 (M/s New Panther Security Guard Service) vide letter no. 27/Parya/SEAC/5793/2019 dated 27.05.2021 for mineable area (8.512 Ha) out of total lease area as 12.512 Ha. The EC was further amended on 29.09.2021 vide letter no. 201/SEAC/5793/2019 dated 29.09.2021. (The copy of EC and amended EC is annexed as Annexure-2 and 3).*
- *Lease under Article 35 through e-stamp with Certificate Number IN- UP94105203936034T was registered on 08.10.2021 with M/s. New Panther Security Guard Service (Shri Bani Singh S/o*

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(Sandeep Sharma)
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NOTARY PUBLIC
Ghaziabad (U.P.)



Shri Raghunath Singh) for mining of 1,77,737 cubic meter (per annum) for 05 years at Tehsil-Loni Gram-Panchyarakhand Number 02 Gata No.303 mi, 313 mi, 290 mi, 301 mi, 303 mi, 304 mi, 314 mi, 297 mi, 298 mi, 302 mi, 311 mi, 312 mi, 313 mi & 314 mion 8.512 Hectare area. (Annexure-4)

- Consolidated Consent to Operate (CTO) and Authorization under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 was granted by UPPCB on 07.01.2023 for a period from 14.12.2022 to 30.12.2026. (Copy of Consolidated CTO is annexed as Annexure-5)
- The date of start of mine was 12.11.2021. A per portal of Directorate of Geology and Mining, Uttar Pradesh, the total quantity of mineral excavated from the start of mine is tabulated as below:

| Year | Quantity Permitted (m ³) | Quantity Excavated (m ³) |
|-------------------|--------------------------------------|--------------------------------------|
| Nov 2021-Oct 2022 | 177736.8 | 85851 |
| Nov 2022-Oct 2023 | 177736.8 | 81750 |
| Nov 2023-Oct 2024 | 177736.8 | 142402 |

The co-ordinates of mining areas are as below:

| Pillars | Latitude (N) | Longitude (E) |
|---------|------------------|------------------|
| A | 28°48' 1.02" N | 77° 12' 19.63" E |
| B | 28° 47'49.56" N | 77° 12' 17.52" E |
| B | 28° 47'39. 12" N | 77° 12'19.04" E |
| A' | 28° 47'39.35" N | 77° 12' 13.26" E |
| B' | 28° 47'48.74" N | 77° 12'10.86" E |
| C' | 28° 48'2.80" N | 77° 12'13.01" E |

- Mining Officer Ghaziabad informed last District Survey Report was prepared in 2017. It was amended on 02.03.2019 which included present lease area (copy of amendment is annexed as Annexure- 6). The draft for District Survey Report (2024) has been issued on 05.07.2024 in public domain and final DSR is under finalization by District Administration.
- Project Proponent informed that the replenishment study report was conducted during 2021-22 & 2022-23, however, the same was not made available to committee member during visit.
- During site visit on 30.11.2024 by joint committee, mining activity was not observed on the site. Project Proponent informed that mining activity was discontinued after 30.06.2024 (due to monsoon).

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period) and not started since 30.06.2024 to till date. Mining Officer Ghaziabad informed that transport permit has not been issued after 30.06.2024.

➤ A camp office and weigh bridge was observed constructed by project proponent. It was informed by project proponent that all machinery for mining activity are hired through third party and the same is not hired from 30.06.2024 onwards.

➤ During site visit by joint committee, winter migratory birds (Common swift or swallows, Sea gulls, Moorhen etc.) were observed (photographs attached).

5. Observation regarding issues raised in the compliant:

Issues raised related to mining violations:-

- The mining is being carried out beyond the allotted limit/Being carried out beyond the sanctioned Lease Area/Carrying out mining outside the coordinates/ works for more than the allotted time in a day / doing illegal mining work at night by taking out sand up to 100 feet below with the help of lifter boat machine (para 3)
- constructed a two dams (Bandh), (para 5)
- the proponent is mining the sand much deep from the bottom of the river, from approximately 20-30 feet below which is impermissible, with help of the poclain and other heavy machines, (para 7)
- carrying out illegal mining in No. 310-309,(para 10)
- making very deep pits by building a dam.(para 12)

Observation:-

- Mining activity was not observed on day of visit of joint committee. Project Proponent informed that mining activity was discontinued after 30.06.2024 (due to monsoon period) and not started since 30.06.2024 to till date. Mining Officer Ghaziabad informed that transport permit has not been issued after 30.06.2024. Excavation mark were not observed on the sand deposit in the mid of the river which also indicated that mining has not been carried out after monsoon.
- Illegal mining by project proponent has been observed earlier by District Authorities, a notice was issued to project proponent by Mining section, ADM Office Ghaziabad on dated 09.05.2024 for illegal mining of 840 cubic meter of ordinary sand out and accordingly fine was imposed on project proponent as per rules. (Annexure-7)

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Issues raised to Green belt development: -

- That the proponent was also required to plant 625 trees on both the sides of the haul road, (para 7)

Observation:-

- The project proponent informed that the trees were planted in mining lease area which were damaged during flooding in year 2023, however, no plantation was observed by the committee.

Issues raised to impact on Adjacent Agricultural Land:-

- Adjacent agricultural land situated on the banks of Yamuna are being affected and are in the danger of completely becoming an uncultivated land. (para 9)

Observations:-

- At present agriculture land near the lease area was not found affected.

Issues raised to Mine operation: -

- Breached the limit for the number of vehicle allowed to be deployed at the mining site, 34 vehicles are allowed, (para 4)
- Deploying heavy machineries, the use of poclain machines and other such machines (para 6)
- The proponent has not adopted the practice of regularly sprinkling the water during the transition of the vehicles, (para 8)

Observations:-

- Mining activity was not carried out on the day of visit. It was informed by Mining Officer Ghaziabad that transport permit has not been issued after 30.06.2024. Compliance of these points can be enforced during mining operation.

6. Conclusions/Recommendations:

1. The mining department should carry out vigil during day as well as night and ensure that no illegal mining takes place in Yamuna river.
2. The EC issued by SEIAA Uttar Pradesh stipulated the method of mining as opencast Semi-Mechanized therefore, heavy machinery and lifter boat should not be allowed near the river.
3. Stringent action should be taken against any persons found carrying out illegal mining. using heavy machinery and lifter boats near the river, and obstructing flow of the river.

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(Sandeep Sharma)
Reg. No. 1136/98
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Ghaziabad (U.P.)

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4. *Compliance of following salient requirements must be ensured by Project and Mining Department before allowing further mining:*

- o *Installation the boundary pillars as per co-ordinates & Environmental Clearance conditions.*
- o *Adequate plantation in time bound manner as per Environmental Clearance conditions.*
- o *Replenishment study of the area about mining deposits as per Environmental Clearance conditions.*
- o *Hydrogeological study to ascertain the impact on river channel and water table as per Environmental Clearance condition (no 16).*

5. *Environmental compensation for illegal mining of 840 cubic meter quantity of ordinary sand may belevied as per Approach 2 scale approved by Hon'ble NGT vide order dated 26.02.2021 in the matter of OA No. 360/2015."*

6. In the light of observations made by Joint Committee in the above report, we find it appropriate to implead following as respondents:-

1. Ministry of Environment, Forest and Climate Change, Government of India through Secretary, or Bagh Rd, Lodi Colony, New Delhi, Delhi 110003
2. State of UP, Ministry of Environment, Forest and Climate Change through Principal Secretary/Additional Chief Secretary, 17, Rana Pratap Marg, Lucknow, (U.P.), 226001
3. UP State Pollution Control Board through Member Secretary, Satyam, Vasundhara, Ghaziabad, Uttar Pradesh 201004
4. District Magistrate, Ghaziabad, Rajnagar, Ghaziabad-201001 (UP)
5. Bani Singh, Salasar Complex, 306, Shankar Vihar Colony, Quaarsi, Aligarh.
6. M/s New Panther Security Guard Services through its owner Bani Singh, Salasar Complex, 306, Shankar Vihar Colony, Quaarsi, Aligarh.

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(Sandeep Sharma)
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7. Notices on behalf of respondents 2, 3 and 4 have been accepted by Sh. Bhanwar Pal Singh Jadon, Advocate.
8. On behalf of respondents 5 and 6, notices have been accepted by Sh. Vithal Aditya, Advocate
7. Notice on behalf of respondent 1 has been accepted by Sh. Rajkumar, Advocate.
8. Hence, no formal issue of notice to respondents is necessary.
9. Learned counsel appearing for respective respondents pray for and allowed 3 weeks' time to file their responses /replies.
10. List this matter on 10.01.2025.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

December 05, 2024
ORIGINAL APPLICATION No. 1003/2024
AB

ATTESTED

(Sandeep Sharma)
Reg. No. 1136/98
NOTARY PUBLIC
Chaziabad (U.P.)

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कार्यालय जिलाधिकारी गाजियाबाद
(खनन अनुभाग)

नोटिस

संख्या: 186 /ख0लि0-गाजि0/2024-25

दिनांक: 31 / 12 / 2024

न्यू पैन्थर सिक्योरिटी गार्ड सर्विस
(पट्टाधारक ग्राम पचायरा खण्ड-2)
प्रो0 श्री बनी सिंह निवासी- सालासर काम्पलैक्स,
306, शंकर विहार कालोनी कुरैशी, अलीगढ़।

विषय:- Replenishment Study, Hydrological Study एवं Plantation कराये जाने के सम्बंध में।

उपरोक्त विषयक अवगत कराना है कि आपके पक्ष में निर्गत पर्यावरण स्वच्छता पत्र दिनांक 21.05.2021 में उल्लिखित शर्त सं0 16 व 19 के अनुसार Hydrological Study एवं Plantation तथा शासन के निर्देशों के अनुसार Replenishment Study का कार्य किया जाना है।

अतः आपको निर्देशित किया जाता है कि उपरोक्त के क्रम में Replenishment Study, Hydrological Study एवं Plantation की रिपोर्ट अविलम्ब कार्यालय में उपलब्ध कराते हुये उ0प्र0 प्रदूषण नियंत्रण बोर्ड, गाजियाबाद एवं सी0ई0आई0ए0ए0, लखनऊ को सूचित करना सुनिश्चित करें, यदि उक्त कार्य आप द्वारा नहीं कराया गया है, तो तत्काल Replenishment Study एवं Hydrological Study का कार्य सम्पादित कराते हुये रिपोर्ट अविलम्ब अधोहस्ताक्षरी को उपलब्ध कराना सुनिश्चित करें।

अपरजिलाधिकारी (वि0/रा0)
गाजियाबाद।

पत्र संख्या एवं दिनांक उपरोक्तानुसार।
प्रतिलिपि :-

1. जिलाधिकारी, गाजियाबाद महौदय को सादर सूचनार्थ प्रेषित।

अपरजिलाधिकारी (वि0/रा0)
गाजियाबाद।

ATTESTED

09 JAN 2025

(Sandeep Sharma)
Reg. No. 1136/98
NOTARY PUBLIC
Chaziabad (U.P.)



80
टिप्पणी एवं आदेश

कृपया मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 संख्या 1003/2024 Mr. Ashok Kumar & Anr Vs State of UP में पारित आदेश दिनांक 04.11.2024 (पताका 'क') के अंश निम्नवत् है:-

“.....2. Complainants have alleged that M/s. New Panthar Security Guard Service has got a mining permit/lease for sand mining at Yamuna riverbed i.e Gata No.303 mi, 313 mi, 290 mi, 301 mi, 303 mi, 304 mi, 314 mi, 297 mi, 298 mi, 302 mi, 311 mi, 312 mi, 313 mi & 314 mi situated at Khand No. 02, Village-Panchayat, Tehsil-Loni, Ghaziabad, UP. Mining activities are being carried out by proponent on a total lease area of 12.512 Ha (mineable area is 8.512 Ha). Mining has been conducted in violation of conditions of Environmental Clearance (hereinafter referred to as 'EC') granted by State Level Environment Impact Assessment Authority of State of UP (hereinafter referred to as 'SEIAA, UP') and they have dug out river-bed at the depth upto 100 feet with the help of lifter boat machine. Proponent has constructed two dams (Bandhas) so as to stop flow of water and thereby natural flow of water has been diverted affecting flora and fauna of the river and this is also affecting and damaging agricultural crop standing in the nearby agricultural land due to creation of obstruction in the smooth flow of river water. Proponent is also deploying heavy machinery such as poelain, etc., for mining activities and has also not carried out plantation as required in the EC. Complaint is supported with two videos and certain photographs appended to the complaint.

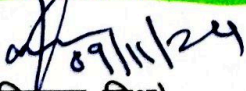
3. Looking to the allegation made in the original application, we are prima facie of the view that a substantial question relating to environment has arisen out of implementation of enactments mentioned in Scheduled-I of NGT Act, 2010, but, before taking any further action in the matter, we find it appropriate to obtain a factual report for which we constitute a Joint Committee comprising District Magistrate Ghaziabad; Divisional Forest Officer, Ghaziabad; Uttar Pradesh Pollution Control Board (hereinafter referred to as 'UPPCB'); and, Central Pollution Control Board (hereinafter referred to as 'CPCB').

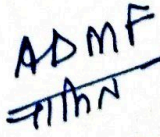
4. CPCB shall be nodal agency for coordination and compliance.

5. Above committee shall collect relevant information after visiting the site and submit factual report within one month.

6. List this matter on 05.12.2024.”

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 संख्या 1003/2024 Mr. Ashok Kumar & Anr Vs State of UP में पारित आदेश दिनांक 04.11.2024 का अनुपालन सुनिश्चित कराये जाने हेतु **जिला मजिस्ट्रेट, गाजियाबाद की ओर से प्रतिनिधि नामित करने की कृपा करें।**


(विकास मिश्र)
क्षेत्रीय अधिकारी
उ0प्र0 प्रदूषण नियंत्रण बोर्ड,
गाजियाबाद।


जिलाधिकारी महोदय
गाजियाबाद।



क्षेत्रीय कार्यालय-उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद
Regional Office, U.P. Pollution Control Board, Ghaziabad
Website- www.uppcb.gov.nic.in, e-mail:-roghaziabad@uppcb.in



संदर्भ संख्या : 2082/C.../N-23/2024

दिनांक 04/12/2024

सेवा में,

मुख्य पर्यावरण अधिकारी, वृत्त-1,
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
लखनऊ।

विषय: M/s New Panthar Security Guard Service, Proprietor - Shri Bani Singh S/o Shri Raghunath Singh, R/o-Salasar complex, 306, Shankar Vihar Colony, Kuralshi, District - Aligarh, U.P. द्वारा Yamuna River, Gata No. 303mi, 313mi, 290mi, 301mi, 303, 304mi, 314mi, 297mi, 298mi, 302mi, 311mi, 312mi, 313mi & 314mi, Khand No.- 2, Village: Pachayara, Tehsil Loni & District: Ghaziabad, State: Uttar Pradesh के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के सम्बन्ध में।

महोदय,

उपरोक्त विषयक मा० एन०जी०टी० में योजित ओ० संख्या 1003/2024 अशोक कुमार व अन्य बनाम स्टेट ऑफ यू०पी० में पारित आदेश दिनांक 04.11.2024 के अनुपालन में गठित संयुक्त समिति द्वारा दिनांक 30.11.2024 को प्रश्नगत परियोजना स्थल का निरीक्षण किया गया। संयुक्त निरीक्षण आख्या केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा मा० एन०जी०टी०, नई दिल्ली में दिनांक 04.12.2024 को दाखिल की गयी है, छायाप्रति संलग्न है। उक्त आख्या में संयुक्त समिति द्वारा परियोजना के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के सम्बन्ध में निम्नवत टिप्पणी की गयी है:-

“.....5. Environmental compensation for illegal mining of 840 cubic meter quantity of ordinary sand may belevied as per Approach 2 scale approved by Hon'ble NGT vide order dated 26.02.2021 in the matter of OA No. 360/2015.”

उपरोक्त की गयी संस्तुति के आधार पर इकाई के विरुद्ध पर्यावरणीय क्षतिपूर्ति की गणना आख्या संलग्न है। आख्यानुसार प्रश्नगत परियोजना के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु की गयी गणना के सम्बन्ध में विधिक अभिमत प्राप्त किये जाने एवं पुनः मूल्यांकन बोर्ड मुख्यालय स्तर पर किये जाने की संस्तुति सहित आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित की जा रही है।

संलग्नक:उपरोक्तानुसार।

भवदीय

क्षेत्रीय अधिकारी

ATTESTED

09 JAN 2025

(Sandeep Sharma)
Reg. No. 1136/98
NOTARY PUBLIC
Ghaziabad (U.P.)



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h (CASE)

क्षेत्रीय कार्यालय : आई०एन०एस०-2, सेक्टर-18, वसुन्धरा, गाजियाबाद-201012 फोन-0120-4160108
मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ 228010

M/s New Panthar Security Guard Service, Proprietor - Shri Bani Singh S/o Shri Raghunath Singh, R/o-Salasar complex, 306, Shankar Vihar Colony, Kuraishi, District - Aligarh, U.P. द्वारा Yamuna River, Gata No. 303mi, 313mi, 290mi, 301mi, 303, 304mi, 314mi, 297mi, 298mi, 302mi, 311mi, 312mi, 313mi & 314mi, Khand No.- 2, Village: Pachayara, Tehsil Loni & District: Ghaziabad, State: Uttar Pradesh के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के सम्बन्ध में।

मा0 एन0जी0टी0 में योजित ओ0 संख्या 1003/2024 अशोक कुमार व अन्य बनाम स्टेट ऑफ यू0पी0 में पारित आदेश दिनांक 04.11.2024 के अनुपालन में गठित संयुक्त समिति द्वारा दिनांक 30.11.2024 को प्रश्नगत परियोजना स्थल का निरीक्षण किया गया। संयुक्त निरीक्षण आख्या केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा मा0 एन0जी0टी0, नई दिल्ली में दिनांक 04.12.2024 को दाखिल की गयी है, छायाप्रति संलग्न है। उक्त आख्या में संयुक्त समिति द्वारा परियोजना के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के सम्बन्ध में निम्नवत टिप्पणी की गयी है:-

“.....5. Environmental compensation for illegal mining of 840 cubic meter quantity of ordinary sand may belevied as per Approach 2 scale approved by Hon’ble NGT vide order dated 26.02.2021 in the matter of OA No. 360/2015.”

As per approach 2, following formula, as mentioned by CPCB in the report, is taken for calculation:-

$$(PV) = \sum_{t=1}^5 \frac{(D + RT)}{(1 + r)^t}$$

Where:-

PV = Present Value

D = Market Value of illegally Mined Material

RT = Risk Factor

r = Discount

t = No. of years

Calculation of Market Value of Illegally Mined Material (D) = As per the report submitted by Mines Officer, Ghaziabad vide letter dated 04-12-2024 (Annexure -II), in District Ghaziabad, the bid value of mined material is Rs 233/- per M^3 and total illegal mining carried out by the said unit is 840 M^3

Hence, D = 233x840 = Rs-1,95,720/-

In the present scenario, severity as taken as severed hence, RF (Risk Factor) is considered to be 1.

Hence, Annual Value of Foregone Ecological Values D x RF = 1,95,720/-

It is assumed that the Benefits would occur only in the first year (in which illegal mining took place), while the ecological costs would continue to be felt over a period of time. NPV may be calculated for a period of 5 years.

Calculation of Discount r = Taking severity as severe, the discount rate as per CPCB is to be taken as 5%. Hence, r = 5%

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6 9 JAN 2025

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GOVT. OF INDIA

- Present Value of Foregone Ecological Values (@ 5% discount rate and over 5 Years)

$$(PV) = \sum \frac{(195720)}{(1+0.05)^1} + \frac{(195720)}{(1+0.05)^2} + \frac{(195720)}{(1+0.05)^3} + \frac{(195720)}{(1+0.05)^4} + \frac{(195720)}{(1+0.05)^5}$$

$$PV \text{ (in Rs.)} = 1,86,400 + 1,77,523.81 + 1,69,070.29 + 1,61,019.33 + 1,53,351.74$$

= 8,47,365.17/ say 8,47,365.00 (Rs. Eight Lakh Forty Seven Thousand Three Hundred Sixty Five only)

- Net Present Value (after netting out market value if illegally mined material) – NPV = PV - D

$$= 8,47,365 - 1,95,720/-$$

Rs 6,51,645/- (Rs. Six Lakh Fifty One Thousand Six Hundred Forty Five only)

उपरोक्त तथ्यों को दृष्टिगत रखते हुए प्रश्नगत परियोजना के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु की गयी उपरोक्त गणना के सम्बन्ध में विधिक अभिमत प्राप्त किये जाने एवं पुनर्मूल्यांकन बोर्ड मुख्यालय स्तर पर किये जाने की संस्तुति सहित आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रस्तुत है।

Anshul

(अंशुल शर्मा)

सहायक पर्यावरण अभियंता

Santosh

(कुँवर संतोष कुमार)

सहायक पर्यावरण अभियंता

क्षेत्रीय अधिकारी

[Signature]

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69 JAN 2025



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD



पत्रांक 1121718 / सी-1 / एनजीटी-289 / 2024

पंजीकृत
दिनांक 24-12-24

सेवा में,

M/s New Panthar Security Guard Service.
Proprietor - Shri Bani Singh S/o Shri Raghunath Singh,
R/o Salasar Complex, 306, Shankar Vihar Colony, Kuraishi,
District-Aligarh, U.P.

विषय: M/s New Panthar Security Guard Service, Proprietor - Shri Bani Singh S/o Shri Raghunath Singh, R/o Salasar Complex, 306, Shankar Vihar Colony, Kuraishi, District-Aligarh, U.P. द्वारा Yamuna River, Gata No.303mi, 313mi, 290mi, 301mi, 303, 304mi, 314mi, 297mi, 298mi, 302mi, 311mi, 312mi, 313mi & 314mi, Khand no.-2, Village:Pachayara, Tehsil Loni & District-Ghaziabad, State-Uttar Pradesh के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के संबंध में।

महोदय,

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 नं0-1003/2024 अशोक कुमार व अन्य बनाम स्टेट ऑफ यू0पी0 में पारित आदेश दिनांक 04.11.2024 के अनुपालन में गठित संयुक्त समिति द्वारा दिनांक 30.11.2024 को प्रश्नगत परियोजना का निरीक्षण किया गया। संयुक्त निरीक्षण आख्या केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा मा0 एन0जी0टी0, नई दिल्ली में दिनांक 04.12.2024 को दाखिल की गयी है। उक्त आख्या में संयुक्त समिति द्वारा परियोजना M/s New Panthar Security Guard Service, Proprietor - Shri Bani Singh S/o Shri Raghunath Singh, R/o Salasar Complex, 306, Shankar Vihar Colony, Kuraishi, District-Aligarh, U.P. द्वारा Yamuna River, Gata No.303mi, 313mi, 290mi, 301mi, 303, 304mi, 314mi, 297mi, 298mi, 302mi, 311mi, 312mi, 313mi & 314mi, Khand no.-2, Village:Pachayara, Tehsil Loni & District-Ghaziabad, State-Uttar Pradesh के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के संबंध में निम्नवत् टिप्पणी की गई है:-

"....5.Environmental compensation for illegal mining of 840 cubic meter quantity of ordinary sand may belevied as per Approach 2 scale approved by Hon'ble NGT vide order dated 26-02-2021 in the mattter of OA No. 360/2015."

उपरोक्त तथ्यों के दृष्टिगत क्षेत्रीय अधिकारी, गाजियाबाद द्वारा पत्रांक-2087/सी/एन-273/2024, दिनांक-शून्य में प्रश्नगत परियोजना के विरुद्ध केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा वर्णित सूत्र के अनुसार रू0 6,51,645/- (रुपया छः लाख इक्कावन हजार छः सौ पैतालिस मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की संस्तुति की गई है।

.....2/

टी.सी.-12बी., विभूति खण्ड,
गोमती नगर, लखनऊ-226010
ई-मेल-info@uppecb.com
वेबसाइट-www.uppecb.com

T.C.-12V., Vibhuti Khand,
Gouti Nagar, Lucknow-226010
E-mail: info@uppecb.com
Web Site: www.uppecb.com

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अतः क्षेत्रीय अधिकारी, गाजियाबाद द्वारा प्रेषित आख्या/संस्तुति तथा मा0 एन0जी0टी0 आयोग द्वारा पारित आदेश के आधार पर सक्षम अधिकारी से प्राप्त अनुगति के उपरान्त परियोजना के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने से पूर्व निम्न कारण बताओ नोटिस जारी किया जाता है:-

"यह कि क्यों न मा0 एन0जी0टी0 द्वारा परियोजना के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित करने हेतु निर्गत आदेश के आधार पर M/s New Panthar Security Guard Service, Proprietor - Shri Bani Singh S/o Shri Raghunath Singh, R/o Salasar Complex, 306, Shankar Vihar Colony, Kuraisi, District-Aligarh, U.P. द्वारा Yamuna River, Gata No.303mi, 313mi, 290mi, 301mi, 303, 304mi, 314mi, 297mi, 298mi, 302mi, 311mi, 312mi, 313mi & 314mi, Khand no.-2, Village:Pachayara, Tehsil Loni & District-Ghaziabad, State-Uttar Pradesh के विरुद्ध रू0 6,51,645/- (रूपया छः लाख इक्यावन हजार छः सौ पैतालिस मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाये?"

उपरोक्त पर अपना पक्ष/स्पष्टीकरण 15 दिन के अन्दर राज्य बोर्ड को प्रेषित किया जाना सुनिश्चित करें अन्यथा की स्थिति में आपके इकाई के विरुद्ध उपरोक्तानुसार पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुए नियमानुसार अग्रिम कार्यवाही प्रारम्भ कर दी जायेगी, जिसका सम्पूर्ण उत्तरदायित्व आपका स्वयं का होगा।

संलग्नक : क्षेत्रीय अधिकारी से प्राप्त आख्या की छायाप्रति।

सक्षम अधिकारी की अनुमति से निर्गत।

भवदीय,

(Handwritten Signature)

मुख्य पर्यावरण अधिकारी/भूत-1

प्रतिलिपि: क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, गाजियाबाद को इस निर्देश के साथ प्रेषित कि उद्योग को कारण बताओ नोटिस की प्रति अपने स्तर से प्राप्त कराकर पावती एवं निर्धारित समयावधि में अनुवर्ती आख्या स्पष्ट संस्तुति के साथ प्रेषित करना सुनिश्चित करें।

(Handwritten Signature)

मुख्य पर्यावरण अधिकारी/भूत-1

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09 JAN 2025