

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPLE BENCH AT NEW DELHI**

APPEAL No.: 23 OF 2021

IN THE MATTER OF:
PRAMOD

...APPELLANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

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THROUGH

RESPONDENT NO. 11


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Dated: 22 February 2022

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REPLY ON BEHALF OF RESPONDENT NO.11 (M/s.

SHANTI ENTERPRISES).

MOST RESPECTFULLY SHOWETH:

1. That the address of the answering respondent no.11, is the same as has been given in the memo of parties to the appeal and that of the counsel appearing for it has been mentioned below for effecting service.
2. That the contents of the captioned Appeal to the extent they are inconsistent with the submissions made herein after in this reply, are incorrect and denied. Unless any averment or contention made in the petition is specifically admitted or traversed in the present reply, the same may be treated as denied.
3. That the instant Appeal under reply is malicious in nature, contrary to verifiable material, sans legal justification & scientific basis, filed with an oblique motive and contrary to specific provisions of law besides in complete disregard of the Contract between the State of U.P. and the answering respondent.

4. That the applicant has levelled vague, irresponsible and obnoxious allegations not just against answering respondent out of spite but entire District Administration as also against State Government without any material in support thereof or to corroborate such wild imaginative allegations.
 5. That the absurd assertions in appeal as regards contraventions mentioned in para 'B' at pages 11 to 14 of the appeal paper-book are figment of imagination of applicant's own flight of fancy and it is aimed to sully the image of answering respondent and based on twisted facts & half-baked and suppression of material facts.
 6. The answering respondent is submitting its reply in the following sub-headings in order to render meaningful assistance and easy comprehension;
 - A. NON – MAINTAINABILITY OF THE CAPTIONED APPEAL BEING AN ABUSE / CONTEMPT OF AUTHORITY OF HON'BLE TRIBUNAL;**
 - B. FACTS LEADING TO GRANT OF EC IN FAVOUR OF ANSWERING RESPONDENT;**
 - C. POINTWISE REPLY TO ORDER DATED 21.10.2021;**
-
- A. NON – MAINTAINABILITY OF THE CAPTIONED APPEAL BEING AN ABUSE / CONTEMPT OF AUTHORITY OF HON'BLE TRIBUNAL;**
 - I. That the instant appeal, at the insistence of appellant, cannot be entertained since, 'grant of EC' to the respondent no. 11 by the State Level Environment Impact Assessment Authority (SEIAA), being apparently beyond the scope of section 16 of the National Green Tribunal Act, 2010.

- II. That besides above, the captioned appeal ostensibly filed by the appellant under guise of '*a person aggrieved*', although not even remotely concerned or affected by grant of EC, generation of revenue by State Government by granting mining permission or in the least; mining activity at designated site i.e. 'Gata no.1/1/1, Laat No.-38, Village-Nuniyari Aehtmal, Tehsil Behat, District Saharanpur, U.P. Apart from the fact that he is complete stranger and a scandalmonger, is acting as a stooge of 'mining mafia' in this proxy litigation initiated as if some community or social interest is hampered thereby approaching the tribunal as if in 'Public interest', presenting horrendous example of transgression of benign jurisdiction of this Hon'ble Tribunal.
- III. That in this protracted and bewildering appeal, the appellant has demonstrably failed to establish as to how the EC dated 17.09.2021 granted in favour of answering respondent is going to cause any adverse impact on the environment much less any loss or injury to appellant.
- IV. That the appeal fails to meet the basic minimum requirement for inviting intervention of the Hon'ble Tribunal, as envisaged in the Act of 2010.
- V. That the appeal under reply has miserably failed to indicate any preferential treatment given to answering respondent, procedural flaw, or non-adherence to the principle of sustainable development/growth and safeguarding State's Commercial Interest. Absence of these basic parameters renders the appeal completely sterile and non-maintainable in view of the established law on the subject.
- VI. That such like intermeddling of State's affairs misusing the benevolent jurisdiction of Courts under the guise of 'Public Interest Litigation' but is actually self-serving Proxy's interest' or 'Private Interest' that compelled the Hon'ble Supreme Court to devise certain

safeguards to firstly find out as to whether, if any, public interest is involved in such like matters. The instant appeal is one, which is not only devoid of any merit but also downrightly motivated one aimed to achieve personal mileage over the targeted answering respondent by its adversariesthat includes some disgruntled business rivals based on manufactured, imaginative non-existent grounds, due to malice against the appellant being the successful bidder leaving them behind in competition for which they were nurturing grudges / animosity.

The development of PIL has also uncovered its pitfalls and drawbacks. As a result, the apex court itself has been compelled to lay down certain guidelines to govern the management and disposal of PILs since abuse of PIL kept increasing alongwith its extended and multifaceted use attracted countless unscrupulous individuals to use PIL as a handy tool of harassment since frivolous cases could be filed without investment of heavy court fees as required in private civil litigation and deals could then be negotiated with the victims of stay orders obtained in the so-called PILs. With a view to regulate the abuse of its jurisdiction the Apex Court has framed certain guidelines (to govern the management and disposal of PILs.) The Court / Tribunal must be careful to see that the petitioner who approaches it is acting bona fide and not for personal gain, private profit or political or other oblique considerations. The court should not allow its judicial process to be abused by extortionist(s) and others to delay legitimate administrative action or to gain political objectives.

DOUBTFUL CREDENTIALS OF APPELLANT:-

- VII. That the appellant before this Hon'ble Tribunal seems to be a fictitious name, only pressed into service for running the extortion racket in Saharanpur, threatening every lease-holder or legal miner to embroil in frivolous court cases a fact galore from several petitions filed under this name before Hon'ble Allahabad High Court as also

this Tribunal. Most intriguing fact is that this Hon'ble Tribunal in O.A. No. 90/2020, titled Pramod vs. State of U.P., vide order dated 17.08.2020 was pleased to direct the appellant to file a representation before District Magistrate Saharanpur but he chose not to comply with those directions. This is fortified by the fact that none appeared in compliance of notices issued and served on the address of said Pramod by the District administration of Saharanpur, holding enquiring about alleged illegal mining in district, of which the said person is "torch bearer".

- VIII. That the appellant has failed to disclose his academic achievements – source of his expertise in complex field of Environmental Science, Ecology, Geology, Environmental Engineering or Conservation-in Geology based whereupon he assumes unto himself authority/license to comment on all and sundry aspects concerning mining and that too only in the District of Saharanpur. Pertinently, he never finds fault in mining activities (legal or illegal) in Yamunanagar, Haryana.
- IX. Appellant fails to disclose his proximity and/or hampered interest due to proposed mining at the designated site just so his own vocation or means of livelihood which affords him time and money to pursue and file these many cases before this Hon'ble Tribunal. Apart therefrom if at all he has filed any petition against mining activity in the State of Haryana because he has chosen to target only Saharanpur district which bears direct competition with miners (legal or illegal both) of Yamunanagar, Haryana. Stoppage of mining in Saharanpur bears a natural consequence of monopolization allowing them to dictate price as well as ensuring continuity of business.
- X. That the non-disclosure of applicant's own vocation coupled with voluminous material annexed with the application, unmistakably suggests that it is a proxy litigation, at the behest of people who felt aggrieved by their losing in the bidding process and now

apprehending curtailment of business although the State (acting through District Administration), in fact has fetched a substantial amount of revenue to the State Government but obviously, in the process, the applicant and his confederates failed to reap benefit of their misdemeanors.

- XI. The Hon'ble Supreme Court sounded a word of caution for Courts/Judicial tribunals in the case titled State of Uttaranchal v. Balwant Singh Chauhal reported as, (2010) 3 SCC 402 : at page 453;

“Abuse of Public Interest Litigation

143. Unfortunately, of late, it has been noticed that such an important jurisdiction which has been carefully carved out, created and nurtured with great care and caution by the courts, is being blatantly abused by filing some petitions with oblique motives. We think time has come when genuine and bona fide public interest litigation must be encouraged whereas frivolous public interest litigation should be discouraged. In our considered opinion, we have to protect and preserve this important jurisdiction in the larger interest of the people of this country but we must take effective steps to prevent and cure its abuse on the basis of monetary and non-monetary directions by the courts.

144. In *BALCO Employees' Union v. Union of India* [(2002) 2 SCC 333 : AIR 2002 SC 350] this Court recognised that there have been, in recent times, increasing instances of abuse of public interest litigation. Accordingly, the Court has devised a number of strategies to ensure that the attractive brand name of public interest litigation should not be allowed to be used for suspicious products of mischief. Firstly, the Supreme Court has limited standing in PIL to individuals “acting bona fide”. Secondly, the Supreme Court has sanctioned the imposition of “exemplary costs” as a deterrent against frivolous and vexatious public interest litigations. Thirdly, the Supreme Court has instructed the High Courts to be more selective in entertaining the public interest litigations.

145. In *S.P. Gupta case* [1981 Supp SCC 87 : AIR 1982 SC 149] this Court has found that this liberal standard makes it critical to limit standing to individuals “acting bona fide”. To avoid entertaining frivolous and vexatious petitions under the guise of PIL, the Court has excluded two groups of persons from obtaining standing in PIL petitions. First, the Supreme Court has rejected awarding standing to “meddlesome interlopers”.

Second, the Court has denied standing to interveners bringing public interest litigation for personal gain.”

Another landmark case on the point is *Chhetriya Pardushan Mukti Sangharsh Samiti v. State of U.P.*, (1990) 4 SCC 449;

“9. Having regard to the ugly rivalry here, we have no doubt that between the contestants, the court was misled and we must, therefore, proceed with caution. There was no fundamental right violation or could be violative if the allegations of the so-called champions on behalf of the society are scrutinised. We must protect the society from the so-called ‘protectors’. This application is legally devoid of any merit or principles of public interest and public protection. This application certainly creates bottlenecks in court, which is an abuse of process of this Court. We have, therefore, no hesitation in dismissing this application with the observations made herein.”

In the most recent case decided on 05.10.2021, *Shaikh Ansar Ahmad Md. Husain vs. State of Maharashtra* reported as 2021 SCC Online SC 867, it is held;

“27. There is no doubt, that public interest litigation is meant to be entertained, for bona fide causes, and not to aid either misguided individuals in their quest for publicity, or for wreaking vendetta on public officials or institutions. This court had (undoubtedly before the era of public interest litigation) emphasized the need to keep out “busybodies” who “have no interest in matters of public interest” in Jasbhai Desai v. Roshan Kumar and stated, about such individuals, that

“They masquerade as crusaders for justice. They pretend to act in the name of Pro Bono Publico, though they have no interest of the public or even of their own to protect. They indulge in the pastime of meddling with the judicial process either by force of habit or from improper motives. Often, they are actuated by a desire to win notoriety or cheap popularity; while the ulterior intent of some applicants in this category, may be no more than spooking the wheels of administration. The High Court should do well to reject the applications of such busybodies at the threshold.”

28. In Environment and Consumer Protection Foundation v. Union of India this court had underlined the purpose of public interest proceedings, and observed as follows:

“29. Why are the Action Plan and these directions necessary? We seem to be forgetting the power of Public Interest Litigation and therefore need to remind ourselves, from time to time, of its efficacy in providing social justice. Many years ago, this Court noted in People's Union for Democratic Rights v. Union of India (1982) 3 SCC 235 that : (SCC p. 240, para 2):

“2...Public interest litigation is brought before the court not for the purpose of enforcing the right of one individual against another as happens in the case of ordinary litigation, but it is intended to promote and vindicate public interest which demands that violations of constitutional or legal rights of large numbers of people who are poor, ignorant or in a socially or economically disadvantaged position should not go unnoticed and unredressed. That would be destructive of the rule of law which forms one of the essential elements of public interest in any democratic form of Government.”

A little later in the judgment, it was said : (SCC pp.24243, para 3)

“3....Millions of persons belonging to the deprived and vulnerable sections of humanity are looking to the courts for improving their life conditions and making basic human rights meaningful for them. They have been crying for justice but their cries have so far been in the wilderness. They have been suffering injustice silently with the patience of a rock, without the strength even to shed any tears.”

30. The advantage of public interest litigation is not only to empower the economically weaker sections of society but also to empower those suffering from social disabilities that may not necessarily be of their making. The widows of Vrindavan (and indeed in other ashrams) quite clearly fall in this category of a socially disadvantaged class of our society.

31. Placing empowerment in perspective, this Court noted in State of Uttaranchal v. Balwant Singh Chauhan (2010) 3 SCC 402 that (at SCC p. 427, para 43) the first phase of public interest litigation concerned itself primarily with the protection of the fundamental rights under Article 21 of the Constitution of “the marginalized groups and sections of the society who because of extreme poverty, illiteracy and ignorance cannot approach this Court or the High Courts.” We may add - the socially underprivileged groups. These are the people who have no real access to justice and in that sense are voiceless, and these are the people who need to be empowered and whose

cause needs to be championed by those who advocate social justice for the disadvantaged.

32. This recognition formed the basis of the decision of this Court in Delhi Jal Board v. National Campaign for Dignity & Rights of Sewerage & Allied Workers (2011) 8 SCC 568 wherein providing succour to the deprived sections of society was recognized as a "constitutional duty" of this Court. Referring to several judgments delivered by this Court, it was observed : (SCC p. 590, para 31)

"31. These judgments are a complete answer to the appellant's objection to the maintainability of the writ petition filed by Respondent 1. What the High Court has done by entertaining the writ petition and issuing directions for protection of the persons employed to do work relating to sewage operations is part of its obligation to do justice to the disadvantaged and poor sections of the society. We may add that the superior courts will be failing in their constitutional duty if they decline to entertain petitions filed by genuine social groups, NGOs and social workers for espousing the cause of those who are deprived of the basic rights available to every human being, what to say of fundamental rights guaranteed under the Constitution. It is the duty of the judicial constituent of the State like its political and executive constituents to protect the rights of every citizen and every individual and ensure that everyone is able to live with dignity."

In the present case, the motives are certainly ambiguous and immediately mala fide and opaque.

B. FACTS LEADING TO GRANT OF EC IN FAVOUR OF ANSWERING RESPONDENT: -

- I. That in order allay the confusion sought to be created by instant disrupter, the answering respondent is placing the correct indisputable facts in chronological order which are as follows;
 - a) The answering respondent declared successful bidder in the auction conducted by State Government vide notice dated 20.01.2018 in respect of Gata no.1/1/1, Laat No.-38, Village-Nuniyari Aehtmal, Tehsil Behat, District Saharanpur, U.P on

site admeasuring 24.29 hectares for excavation / mining of about 4,37,247 cubic meter per annum of Sand, Bajri and Boulder and has paid substantial consideration of more than Rs. 5 Crores in terms Letter of intent (LOI) as the e-auction bid price for first year. Copy of the auction result is at pg. 93 of appeal paper-book.

- b) The LOI was issued by District Administration in favour of answering respondent on 05.06.2020 for a period of five (5) years from the date of execution for mining.
- c) The 'Environment clearance' (EC) for one year was granted to the appellant by State Level Environment Impact Assessment Authority (SEIAA) on 17.09.2021 (impugned herein) for proposed Sand/Bajari/Boulder Mining. at Gata no.1/1/1, Laat No.-38, Village-Nuniyari Aehtmal, Tehsil Behat, District Saharanpur Uttar Pradesh for excavation of Sand, Bajri boulder on 'Conservative Estimate' basis, when in fact the replenishment of minerals per annum at the situs is manifold than the proposal of project proponent (answering respondent).It is indispensable to mention here that the EC in unequivocal terms, as first condition in specific conditions mentions,

“DSR lacks in replenishment study thus SEIAA decided to grant EC for a period of one year only. Project proponent should submit replenishment study, duly approved by the competent authority, for extension of EC beyond one year.”

The EC is at page 276 of appeal paper-book.

- d) In line with specific condition, the answering respondent got replenishment study conducted through Government accredited expert agency and submitted the same to the competent authorities for further necessary actions at their end in accord with the applicable rules and policy. It is apt to

mention here that answering respondent has got no further role, influence or control in the process which is entirely carried out by independent State Agencies based on their expertise / scientific study at situation of site of mining in question as per their established norms and in accord with Sand Mining Guidelines, 2020.

- e) Conscious of the fact that finalization of Replenishment Study is pending, the SEIAA in its 490th meeting held on 09.09.2021, having due regard and compliance of Hon'ble Tribunal's order dated 26.02.2021 in O.A. No. 360/2015, due to uncertainty and to avoid any critical condition, granted EC for only one year with the condition,

“Replenishment study, duly approved by the competent authority for approving DSR for the district should be submitted within one year stop in the absence of replenishment study, keeping in mind various orders issued by the Hon'ble NGT and development works in the state EC is accorded for a period of one year.”

Copy of the Minutes of Meeting dated 09.09.2021 is annexed herewith as **Annexure-A**.

- f) Thereafter the SEIAA in its 528th meeting held on 03.12.2021, keeping in view various factors and requirements, noted as follows in respect of the subject mining site;

“SEIAA opined that in light of SSMMG-2016 and EMGSM-2020 (start enforcement and monitoring guidelines-2020) issued by GoI, recommendation of oversight committee for the state of UP in the matter of O.A. no. 670/ 2018 submitted in the Hon'ble NGT on 05.09.2020 and recommendation of oversight committee for the state of UP in the matter of O.A.no. 360 of 2015 submitted in hon'ble NGT on 08.01.2021.Letter no. NGT-137/81-7-2021 dated 09.09.2021 issued by Chief Secretary GoUP and EC issued by MoEF & CC GoI vide letter number F.No. J-11015/227/2013-IA, II(M) dated 04.08.2020. It is evident that annual replenishment study is necessary to assess the riverbed material which will become available in coming years in the absence of annual replace

replenishment study stop it is not possible to grant EC beyond one year resource available for mining for first year is taken as correct mentioned in the mining plan thus no modification in the time period of EC granted is acceptable.”

Copy of the Minutes of Meeting dated 03.12.2021 is annexed herewith as **Annexure-B**.

- g) Further, having received the Replenishment Study the SEIAA in its 533rd meeting held on 09.12.2021 recorded; “replenishment study submitted by project proponent/consultant should be circulated to all chairman and members of SEIAA and SEAC and a joint meeting be organized, on online mode and the project proponent slash consultant be asked to make a presentation stop.”

Copy of the Minutes of Meeting dated 09.12.2021 is annexed herewith as **Annexure-C**.

- h) The answering respondent applied for and was granted CTE on 08.12.2021 and CTO on 15.12.2021. Copies of the CTE & CTO are annexed as **Annexure-D** & **Annexure-E** respectively.
- i) That the answering respondent also applied for grant of requisite permission before Central Ground Water Authority (CGWA) which is pending consideration. A copy of application dated 22.12.2021 filed by answering respondent and communications thereto are annexed as **Annexure-F (colly)**.
- j) Further, the State of UP in M.A. No. 36/2021 & M.A. No. 37/2021, as recorded in order dated 17.06.2021, has already updated Hon’ble Tribunal that “study is underway and will be completed soon and mining will be allowed consistent therewith” Copy of the order is annexed as **Annexure-G**.
- k) Importunately, despite having paid gigantic sum of royalty to the State Government, the answering respondent did not

started excavation pursuant to the EC granted in his favour (under challenge in the appeal herein) until all the requisite permission/legal rights were in place.

- II. That the above sequence of events clearly exhibits that the answering respondent is a bonafide business entity pursuing its enterprise in perfectly legal manner, having secured the lease rights in e-auction (being highest bidder) granted all requisite permissions by the concerned authorities, State Government for having paid the first year's royalty of about Rs. 5 Crores to the State exchequer. The testimonials submitted by respondent were duly verified by the State machinery before issuance of Letter of Intent (LOI) in its favour. It goes without saying and there is no plausible reason to doubt that the State Government has followed all applicable Rules & Guidelines in force at the time and have followed due procedure in accordance with law without ill-will and partisanship while granting the rights/lease/permission in favour of respondent. The appellant just happens to be a rabble-rouser, a non-entity with no credentials, actuated by malafide with a view to extort from answering respondent seeking cheap gains.
- III. Pertinently, the District Administration invited objections from general public against grant of mining rights in the subject lot for the proposed mining in this site and public hearing was held on 10.03.2021 which was given due publicity as per established procedure, however no objection of any sort from any quarter was received which prompted the authorities to proceed with the eventual rights in favour of answering respondent.
- IV. That the above evidence the fact that there is a contract between the State Government and the answering respondent for which due consideration has been paid to the exchequer and that there is no impediment or any reason, let alone frivolous unsupported assertions of appellant herein, in preventing respondent's reaping benefit of its investment.

In a very recent decision concerning commercial contracts between private parties and Government on one hand and grousing defeated bidders on other, the Hon'ble Supreme Court in case titled *Uflex Ltd. vs. Govt. of Tamil Nadu & Ors. Civil Appeal Nos. 4862 - 4863 of 2021* decided on 17.09.2021 and reported in 2021 SCC Online SC 738, held;

"The enlarged role of the Government in economic activity and its corresponding ability to give economic 'largesse' was the bedrock of creating what is commonly called the 'tender jurisdiction'. The objective was to have greater transparency and the consequent right of an aggrieved party to invoke the jurisdiction of the High Court under Article 226 of the Constitution of India (hereinafter referred to as the 'Constitution'), beyond the issue of strict enforcement of contractual rights under the civil jurisdiction. However, the ground reality today is that almost no tender remains unchallenged. Unsuccessful parties or parties not even participating in the tender seek to invoke the jurisdiction of the High Court under Article 226 of the Constitution. The Public Interest Litigation ('PIL') jurisdiction is also invoked towards the same objective, an aspect normally deterred by the Court because this causes proxy litigation in purely contractual matters.

2. The judicial review of such contractual matters has its own limitations. It is in this context of judicial review of administrative actions that this Court has opined that it is intended to prevent arbitrariness, irrationality, unreasonableness, bias and mala fide. The purpose is to check whether the choice of decision is made lawfully and not to check whether the choice of decision is sound. In evaluating tenders and awarding contracts, the parties are to be governed by principles of commercial prudence. To that extent, principles of equity and natural justice have to stay at a distance.¹

3. We cannot lose sight of the fact that a tenderer or contractor with a grievance can always seek damages in a civil court and thus, "attempts by unsuccessful tenderers with imaginary grievances, wounded pride and business rivalry, to make mountains out of molehills of some technical/procedural violation or some prejudice to self, and persuade courts to interfere by exercising power of judicial review, should be resisted."²

4. In a sense the Wednesbury principle is imported to the concept, i.e., the decision is so arbitrary and irrational that it can never be that any responsible authority acting reasonably

and in accordance with law would have reached such a decision. One other aspect which would always be kept in mind is that the public interest is not affected. In the conspectus of the aforesaid principles, it was observed in *Michigan Rubber v. State of Karnataka* under:

“23. From the above decisions, the following principles emerge:

(a) the basic requirement of Article 14 is fairness in action by the State, and non-arbitrariness in essence and substance is the heartbeat of fair play. These actions are amenable to the judicial review only to the extent that the State must act validly for a discernible reason and not whimsically for any ulterior purpose. If the State acts within the bounds of reasonableness, it would be legitimate to take into consideration the national priorities;

(b) fixation of a value of the tender is entirely within the purview of the executive and courts hardly have any role to play in this process except for striking down such action of the executive as is proved to be arbitrary or unreasonable. If the Government acts in conformity with certain healthy standards and norms such as awarding of contracts by inviting tenders, in those circumstances, the interference by Courts is very limited;

(c) In the matter of formulating conditions of a tender document and awarding a contract, greater latitude is required to be conceded to the State authorities unless the action of tendering authority is found to be malicious and a misuse of its statutory powers, interference by Courts is not warranted;

(d) Certain preconditions or qualifications for tenders have to be laid down to ensure that the contractor has the capacity and the resources to successfully execute the work; and

(e) If the State or its instrumentalities act reasonably, fairly and in public interest in awarding contract, here again, interference by Court is very restrictive since no person can claim fundamental right to carry on business with the Government.”

5

6. The burgeoning litigation in this field and the same being carried to this Court in most matters was the cause we set forth an epilogue in *Caretel Infotech Ltd. v. Hindustan Petroleum Corporation Limited*⁵ Even if it amounts to repetition, we believe

that it needs to be emphasized in view of the controversy arising in the present case to appreciate the contours within which the factual matrix of the present case has to be analysed and tested.

“37. We consider it appropriate to make certain observations in the context of the nature of dispute which is before us. Normally parties would be governed by their contracts and the tender terms, and really no writ would be maintainable under Article 226 of the Constitution of India. In view of Government and public sector enterprises venturing into economic activities, this Court found it appropriate to build in certain checks and balances of fairness in procedure. It is this approach which has given rise to scrutiny of tenders in writ proceedings under Article 226 of the Constitution of India. It, however, appears that the window has been opened too wide as almost every small or big tender is now sought to be challenged in writ proceedings almost as a matter of routine. This in turn, affects the efficacy of commercial activities of the public sectors, which may be in competition with the private sector. This could hardly have been the objective in mind. An unnecessary, close scrutiny of minute details, contrary to the view of the tendering authority, makes awarding of contracts by Government and Public Sectors a cumbersome exercise, with long drawn out litigation at the threshold. The private sector is competing often in the same field. Promptness and efficiency levels in private contracts, thus, often tend to make the tenders of the public sector a non-competitive exercise. This works to a great disadvantage to the Government and the public sector.

38. In Afcons Infrastructure Limited v. Nagpur Metro Rail Corporation Limited⁶, this Court has expounded further on this aspect, while observing that the decision-making process in accepting or rejecting the bid should not be interfered with. Interference is permissible only if the decision-making process is arbitrary or irrational to an extent that no responsible authority, acting reasonably and in accordance with law, could have reached such a decision. It has been cautioned that Constitutional Courts are expected to exercise restraint in interfering with the administrative decision and ought not to substitute their view for that of the administrative authority. Mere disagreement with the decision-making process would not suffice.

7. It may also be pertinent to note the principles elucidated in the case of Tata Cellular v. Union of India:

"94. The principles deducible from the above are:
 (1) The modern trend points to judicial restraint in administrative action.

(2) The court does not sit as a court of appeal but merely reviews the manner in which the decision was made.

(3) The court does not have the expertise to correct the administrative decision. If a review of the administrative decision is permitted it will be substituting its own decision, without the necessary expertise which itself may be fallible.

(4) The terms of the invitation to tender cannot be open to judicial scrutiny because the invitation to tender is in the realm of contract. Normally speaking, the decision to accept the tender or award the contract is reached by process of negotiations through several tiers. More often than not, such decisions are made qualitatively by experts.

(5) The Government must have freedom of contract. In other words, a fair play in the joints is a necessary concomitant for an administrative body functioning in an administrative sphere or quasi-administrative sphere. However, the decision must not only be tested by the application of Wednesbury principle of reasonableness (including its other facts pointed out above) but must be free from arbitrariness not affected by bias or actuated by mala fides.

(6) Quashing decisions may impose heavy administrative burden on the administration and lead to increased and unbudgeted expenditure."

Before concluding the Hon'ble Court observed;

43. The present dispute has its history in many prior endeavours by the original petitioners which have proved to be unsuccessful. It does appear that in a competitive market they have not been so successful as they would like to be. Merely because a company is more efficient, obtains better technology, makes more competitive bids and, thus, succeeds more cannot be a factor to deprive that company of commercial success on that pretext. It does appear to us that this is what is happening; that the two original petitioners are endeavouring to continuously create impediments in the way of the succeeding party merely because they themselves had not so succeeded. It is thus our view that the Division Bench has fallen into an error in almost sitting as an appellate authority on technology and

commercial expediency which is not the role which a Court ought to play.”

C. POINTWISE REPLY TO ORDER DATED 21.10.2021:-

- I. That the answering respondent submits pointwise response to Hon'ble Tribunals observation in following tabular chart for ease of appreciation;

Observations / response sought in order dated 21.10.2021	Response of Answering Respondent as it was on the date of Hon'ble Tribunal's observations:
<p>1. Chapter 5 of the Sand Mining Guidelines, 2020 issued by MoEF & CC mandate that River bed sand mining be permitted only after conducting a replenishment study as per the procedure prescribed therein. No replenishment study has been conducted on River Yamuna in District Saharanpur till date.</p>	<p>1. The E.C. has been issued in favour of respondent only for 1 year with Specific Condition – Clause 1 thereof reads as under :- “DSR lacks in replenishment study thus SEIAA decided to grant EC for a period of one year only. PP should submit replenishment study, duly approved by the competent authority, for extension of EC beyond one year”.</p> <p>2. Further, SEIAA in compliance to Chief Secretary letter dated 9.9.2021 in compliance to NGT Order dated 26.2.2021 in OA 360/2015 has already passed resolution that “due to uncertainty and to avoid any critical condition SEIAA is granting EC only for one year”.</p>

	<p>3. Further, State of UP in M.A. No. 36/2021 & M.A. No. 37/2021 has already updated NGT that “study is underway and will be completed soon and mining will be allowed consistent therewith” Copy annexed as Annexure-G.</p> <p>4. The Project proponent has conducted replenishment study as per the T&C of EC and submitted to SEIAA, District Magistrate and DGM which is pending review.</p>
<p>2. That previously also Environmental Clearance was issued in respect of the same mining site at Village Nuniyari, District, Saharanpur. That environmental clearance was challenged before this Hon’ble Tribunal in Appeal No. 258/ 2018 (Sunil Kumar Vs. State of Uttar Pradesh &Ors.) where vide order dt. 29.03.2019, the Tribunal recorded the submission of the State that it would recall the environmental clearance. This aspect has been completely ignored by U.P. SEIAA</p>	<p>The allegation is baseless and not-related to Respondent.</p> <p>1. The recalled EC belonged to previous lease holder. The recalled EC has not been transferred. The lease in favour of previous lease holder was also cancelled by DM Saharanpur.</p> <p>2. Thereafter, lease was published afresh for e-auction on by District Administration Saharanpur and Respondent was found capable fulfilling all the requirements hence, eventually granted LoI being the highest bidder.</p> <p>3. The Respondent has secured fresh EC by SEIAA, UP as per the provisions of EIA Notification-2006</p>

	(as amended).
<p>3. Cluster Certificate dt. 16.09.2020 is false since:</p> <p>a. It says that no lot exists within 500 meters when in fact Lot No.37, Vilage Nuniyari is adjacent.</p> <p>b. Certificate falsely states that no EC had earlier been issued for this Lot when in fact EC had earlier been issued.</p>	<p>1. The allegation is outrightly baseless made without regard to actual site position. Further, appellatant herein is no expert in the field and there is plausible whatsoever to prefer his imagination based on his delusional thought process.</p> <p>2. It is innately laughable to even imagine that maps prepared by appellatant (as stated in para 'E' at pg. 15) should be relied or preferred instead of official maps prepared by Government.</p> <p>3. The cluster certificate has been issued as per the format approved by SEIAA, UP. Which clearly states that there is no lease approved in terms of Lol and neither is under operation with 500 meter periphery of lease belonging to Respondent.</p> <p>4. The Lot No. 37 is non-operation and is under possession of State Government which has not been allocated to any lease holder.</p> <p>5. The project has been appraised by SEIAA,UP under B1</p>

	<p>Category.</p> <p>6. The definition of cluster is amply clear in EIA Notification – 2006 (and subsequent amendments).</p>
<p>4. No permission obtained for extraction of ground water. The EC itself states that 15,782 litres of water/ day is required for mining operations. (refer to Sr. No.27 of the EC)</p>	<p>The allegation is completely baseless and mis-leading.</p> <p>1. The Respondent has not commenced mining operation as on the date of filing appeal. However, certain clarifications have been issued by the concerned authorities, thereafter and those would be adhered to fully.</p> <p>2. The Respondent secured EC on 17.09.2021 and the lease deed has been dully executed in favour of the answering respondent.</p> <p>3. The Respondent has already obtained all the requisite permissions (CTE & CTO) under Air & Water Acts and so also assent of Central Ground Water Authority (CGWA) and did not start mining. The necessary permission are annexed with the instant reply.</p> <p>4. The Respondent further submits that since the project is under the notified area of ground</p>

	<p>water extraction, it shall explore alternate valid source of water demand through hiring tankers. which would also generate employment of local villagers in consultation with concerned Gram Pradhan.</p>
<p>5. No consent to operate obtained from the Uttar Pradesh Pollution Control Board.</p>	<p>The answering respondent has already secured all the required permissions from UPPCB and CGWA (Annexure-E, D & F) and despite that it did not commenced mining operation.</p>
<p>6. River Yamuna flows right through the centre of the mining area. It is submitted that while mining is permitted on the river bed but no mining area can contain a portion of the River itself.</p>	<ol style="list-style-type: none"> 1. It is submitted that the course (drainage pattern) of river Yamuna has a fluctuating tendency in Behat Tehsil of Saharanpur due to its peculiar geo-morphological conditions. The river keeps shifting season by season and is spread into small, big channels while it flows. 2. The dry river bed itself becomes part of entire active water channel in monsoon season when replenishment occurs. 3. The mining shall be done in dry river bed as per the provisions of approved Mining Plan, SSMG-2016 Guidelines, EMSM-2020 Guidelines and General Condition

	Clause No 6 & Specific Condition Clause No 55.
7. No due diligence conducted by U.P. SEIAA on the background of project proponent. Mr. Rajeev Bhatia, Partner of the Project Proponent, is a habitual defaulter and his earlier sand mining operations at Village Rehna, District Saharanpur conducted through his brother were stopped pursuant to order dt. 06.04.2021 passed by this Hon'ble Tribunal in O.A. No. 90/2020.	1. The allegation is malicious, made out of spite, fabricated and baseless and is non-environmental subject. Further, apart from the infantile nature of allegation and deduction sought by appellant, it is trite that no person can be held responsible for an action of his family member. 2. Moreover, the character certificates of Respondents were duly scrutinised and validated during evaluation of e-tender by district administration.

7. That the Petitioner most earnestly believes that this Hon'ble Tribunal would not hold answering respondent responsible when there is no fault on their part and that if the EC is interfered with then, the State would not be able to perform and honour its obligation and commitments made to its citizen besides honouring a contract for which it has already received a gigantic consideration.
8. It is most respectfully submitted that no fault can be found with the environment clearance dated 17.09.2021 and that the State is contractually bound to honor its contract granted in accordance and after following established procedure and in so far as the frivolous allegations are concerned, the same are factually wrong as stated above.

reputation and goodwill of the answering respondent. Hence, it is most respectfully submitted that the present appeal be dismissed forthwith with substantial costs.

Prayed Accordingly,

Through

M/S SHANTI ENTERPRISES

R. S. Gupta

PARTNER

Respondent no. 11

Yuvraj Sharma

Yuvraj Sharma

Advocate

Chamber No. 488, Lawyers Chamber Block-II,

Delhi High Court,

New Delhi - 110003

Phone: +91-9560195889

e-mail: yuvraj1993@gmail.com

New Delhi

Dated: *22* February 2022

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPLE BENCH AT NEW DELHI

APPEAL No.: 23 OF 2021

IN THE MATTER OF:

PRAMOD

....APPELLANT

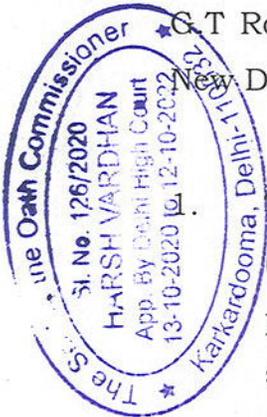
VERSUS

STATE OF UTTAR PRADESH &ORS.

....RESPONDENTS

AFFIDAVIT

I, Rajeev Bhatia S/O Anand Prakash Bhatia authorized representative and partner of Shanti enterprises, Aged about 55 years, R/o. Ram Chandrapuri G.T Road, Near Ram Tirath Marg, Saharanpur, U.P-274001, presently at New Delhi do hereby solemnly affirm and declare as under:-



That I am authorized representative and partner of respondent no.11 (M/s. Shanti enterprises), have gone through the official records pertaining to the present case in my official capacity as a partner, as such I have acquainted myself with the facts and circumstances of the case and hence, I am competent to depose in this regard.

2. That the contents of the accompanying reply have been drafted by my counsel as per my instruction and the contents of the same have been duly read over to me in vernacular and after fully understanding the contents of the same, I hereby state that the facts stated therein are all true and correct to the best of my knowledge and belief.
3. The contents of said reply may kindly be read as part and parcel of this affidavit also as the contents of the same have not been repeated herein for the sake of brevity.

affidavit also as the contents of the same have not been repeated herein for the sake of brevity.

- 4. That the Annexures filed herein are true and correct copies/English translations of their respective originals.

M/S SHANTI ENTERPRISES
R. Shanti
 DEPONENT PARTNER

Verification

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom. **23 FEB 2022**

Verified at New Delhi on this the February 2022.

M/S SHANTI ENTERPRISES
R. Shanti
 PARTNER
 DEPONENT

Identify the Deponent who has signed by thumb impression in my presence



CERTIFIED THAT THE DEPONENT:
 Shri/Smt./Km. *Rajeev Shastri*
 S/o, W/o, D/o, Sh. *A. K. Shastri*
 Identified by Shri/Smt. *Anupam Mishra*
 has solemnly affirmed by *me* at Delhi
 on **23 FEB 2022** at *1/22*
 that the *documents* which
 have been read over & explained to him/her
 are true & correct to his/her knowledge.

Oath Commissioner KKV Court, Delhi

23 FEB 2022

ANNEXURE – A**State Level Environment Impact Assessment Authority, Uttar Pradesh****Directorate of Environment, U.P.**

Vineet Khand-1, Gomti Nagar, Lucknow - 226 010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

Minutes of the 490th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 09.09.2021

The meeting of 490th State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 09.09.2021 at the Directorate of Environment. The following were present in the meeting:-

- | | |
|---------------------------|------------------------------|
| 1. Dr. Rajiv Kumar Garg | Chairman, SEIAA, U.P |
| 2. Shri Paras Nath | Member, SEIAA, U.P |
| 3. Shri Ajay Kumar Sharma | Member Secretary, SEIAA, U.P |

General discussion:-

SEIAA gone through the letter of Director, Geology and Mining Department, UP letter no. 434/M28/2012(Parya SWA)2019 TC dated 27.08.2021 and Secretary, Geology and Mining Department, UP letter no. 736/86-2020-14(SA)/2020TC dated 12/05/2020 regarding priority of ToR for mining projects of sand/morrum, building stone etc. Hence SEIAA opined to give preference to mining projects.

Agenda-A: -Complaints/letters –**1. Chief Secretary letter no. NGT- 137/81-7- 2021 dated 09.09.2021 regarding order dated 26.02.2021 passed by Hon'ble NGT in O.A. no. 360/2015**

SEIAA gone through the Chief Secretary letter no. NGT-137/81-7-2021 dated 09.09.2021 regarding order dated 26.02.2021 passed by Hon'ble NGT in O.A. no. 360/2015 which states that – "in the absence of replenishment studies and physical inspection before award, many times sites are awarded where there is no sand. The lease holder per force indulges in mining adjoining areas, some of which may be environmentally not very suitable. Before award of LOI physical inspection should be mandatory."

Due to uncertainty and to avoid any critical condition SEIAA is granting EC only for one year with the condition:-

1. Replenishment study, duly approved by the competent authority for approving DSR for the district should be submitted within one year. In the absence of replenishment study, keeping in mind various orders issued by Hon'ble NGT and development works in the State EC is accorded for a period of one year.

Agenda-B: -Replies- VIII**Agenda-C:- Minutes of 556th SEAC-1 Meeting Dated 06/08/2021****1. Stone (Khanda, Boulder, Gitti) at Araj No.1195/11 & 1219/11, Village-Digara, Tehsil-Sadar, Jhansi, Shri Pramod Kumar Gupta., Area-1.396 ha File No. 6336 Proposal No. SIA/UP/MIN/ 208009/2021**

SEIAA agreed with the recommendation of SEAC that the matter shall be discussed after submission of online information on prescribed portal.

ANNEXURE-B

State Level Environment Impact Assessment Authority, Uttar Pradesh**Directorate of Environment, U.P.**

Vineet Khand-I, Gomti Nagar, Lucknow - 226 010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

Minutes of the 528th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 03.12.2021

The meeting of 528th State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 03.12.2021 at the Directorate of Environment. The following were present in the meeting:-

1. Dr. Rajiv Kumar Garg	Chairman, SEIAA, U.P
2. Shri Paras Nath	Member, SEIAA, U.P
3. Shri Ajay Kumar Sharma	Member Secretary, SEIAA, U.P

Agenda-A: -Complaints/letters –

- 1- **Proposed Sand Mining Project at Ganga River Bed at Gata no- 01, khnad- 02, lease area of 11.424 ha Village- UnchgaonKhadar, Tehsil- Dibai, District- Bulandshahar, U.P. ,(Leased Area-11.424 Ha) File No. 4181/Proposal No. SIA/UP/MIN/23043/2018**

SEIAA gone through letter no 979/81-6-2021 dated 23 November 2021 of Department of Environment UP. SEIAA noted that the above project was taken in its meeting dated 26-10-2021 in which SEIAA gone through the e-mail of Shri Vanshdeep Dalmia dated 13.10.2021 and e-mail of Sehaj Sahyog Consultant Pvt. Ltd dated 11.10.2021 and opined that the above e-mail shall be referred to SEAC-2 to review the letter and give recommendation.

Agenda-B: Transfer

1. **Transfer of Proposed "River Bed Sand/Morrum at River Dhasan" Project at Gata No.-434 , Village- Kharwanch, Tehsil- Garautha, Distt. - Jhansi, U.P.,(Leased Area-24.281 Ha) M/s Vikram Construction Company, File No. 4011/Proposal No. (SIA/UP/MIN/72447/2018)**

SEIAA opined that Environmental Clearance will be transferred only after submission of an affidavit by project proponent and consultant stating that:-

1. No legal case is pending in any Court of Law against the above area.
2. EC being transferred has not been cancelled by any Court of Law/SEIAA/DEIAA.
3. EC being transferred is valid on the date of consideration.

Minutes of the 528th Meeting of the SEIAA, UP held on 03.12.2021

SEIAA gone through the letter of M/s Shushil Stone Industries dated 22.11.2021 regarding transfer of Environmental Clearance to the above project issued vide letter no. 223/Parya/SEAC/4011/2017 date 08.03.2018. SEIAA gone through file and documents and noted that the Environmental Clearance was issued to Shri Jagat Vikram Singh, M/S Vikram Construction Company Ream Nagar Road, Near Bharat Mandir, Chirgaon road, Jhansi, UP. SEIAA noted that the previous lease issued to Shri Jagat Vikram Singh was transferred to Shri Saurabh Gupta S/o Shri Urmila Charan Gupta 944 Civil lines, Jhansi for six months and another LOI was issued to M/s Shushil Stone Industries Prop. Smt. Anita Gupta W/o shri Shushil Kumar Gupta, R/o P-05, Ansal Palm Court, Medical College Jhansi vide letter no. 877/30-MMC/2021-22 dated 25.10.2021 for a period of 6 months. Hence SEIAA opined to transfer Environmental Clearance issued vide letter no. 223/Parya/SEAC/4011/2017 date 08.03.2018 from Shri Jagat Vikram to M/s Shushil Stone Industries Prop. Smt. Anita Gupta W/o shri Shushil Kumar Gupta, R/o P-05, Ansal Palm Court, Medical College Jhansi for six months and 97,500 m³ capacity, with the condition that the EC will not be transferred further and after 6 months the EC will be null and void. SEIAA added the following conditions:-

1. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
2. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
3. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.

Rest all the content of Environmental Clearance letter no. 223/Parya/SEAC/4011/2017 date 08.03.2018 shall remain same.

Area mentioned in the previous EC is being transferred only. If there is a change in geo-coordinates of the area then EC will be null and void.

Agenda-C: Minutes of 593rd SEAC-2 Meeting Dated 15/11/2021

1. **Riverbed Sand/bajri/boulder Mining at Gata No.- 1/1/1 Laat No.-3, Village Nuniyari Aehatmal, Tehsil Behat, District-Saharanpur, U.P., M/s Shanti Enterprises. File No. 6266/ Proposal No. SIA/UP/MIN/ 231830/2021**

SEIAA opined that in light of SSMMG-2016 and EMGSM-2020 (Enforcement and Monitoring Guidelines-2020) issued by Gol, recommendation of oversight committee for the state of UP in the matter of O.A. no. 670/2018 submitted in Hon'ble NGT on 05.09.2020 and recommendation of oversight committee for the state of UP in the matter of O.A. no. 360 of 2015 submitted in Hon'ble NGT on 08.01.2021. Letter no. NGT-137/81-7-2021 dated



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09.09.2021 issued by Chief Secretary GoUP and EC issued by MoEF&CC GoI vide letter no. F.No. J-11015/227/2013-IA. II(M) dated 04.08.2020. It is evident that annual replenishment study is necessary to assess the riverbed material which will become available in coming years in the absence of annual replenishment study. It is not possible to grant EC beyond one year resource available for mining for first year is taken as correct mentioned in the mining plan thus no modification in the time period of EC granted is acceptable.

2. Stone Mining at Arajai No.-1097, Khand No.-08, Village-Utiya, Tehsil- Sadar, District- Mahoba, U.P., area-0.809 ha. File No. 6022/Proposal No. SIA/UP/MIN/223448/2021

The SEIAA agreed with the recommendation of the SEAC to issue the additional ToRs to the title proposal for conducting EIA studies. The SEIAA also added the following points to TOR;-

- 1- All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
- 2- The lease area its address and production per annum should match with as mentioned in DSR and Lol. In case there is any difference clarification/ amendment letter from competent authority shall be submitted along with EIA. EIA and public hearing shall be conducted as per the lease area its address and production per annum mentioned in DSR and Lol.
- 3- Public hearing shall be conducted as per EIA notification, 2006 (as amended).
- 4- Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
- 5- SEIAA opined that the project proponent shall submit permission of CGWA or proposal for alternative source of fresh water.
- 6- KML file for the area and mining lease area should be provided.
- 7- Status of leases granted/to be granted in various mining khand along with production since the formulation of DSR, duly certified by the competent authority should be submitted.
- 8- In case project proponent intends to temporarily store mined out material or any tools, equipments or other material outside mine lease area then NOC from competent authority for doing so should be submitted and details of such area and associated Environmental impacts should be included in EIA-EMP report. This should also be clearly mentioned during public hearing.
- 9- Road network to be used by the project should be clearly shown on Survey of India toposheet in 1:50,000 scale. In case road network involves forest road, permission should be obtained from Forest Department and a copy of the same should be submitted at the time of appraisal of EIA-EMP report.
- 10- The project proponent should clearly spell out whether it is a green field or brown field project. In case it is a brown field project and -
 - (i) If the earlier and present lease holder are same then compliance report of previous EC should be submitted.
 - (ii) If the earlier and present lease holder are different then environmental footprint of the site and mitigation measures should be included in EIA-EMP report.



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- 11- In case of expansion / renewal of earlier EC, following information should be submitted
 - a. Status of compliance of earlier EC conditions by Integrated Regional Office, MoEFCC, Gol, Lucknow.
 - b. Copy of CTE and CTO issued by SPCB.
 - c. Status of submission of six-monthly compliance report to EC granted earlier
 - d. Court cases, if any.
 - 12- Observations raised in public hearing, replies submitted by project proponent, suitable modifications carried out in EIA-EMP report.
 - 13- Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 1,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants below Uttar Pradesh Forest Department's survival rate will be treated as violation of EC condition.
 - 14- Project Proponent in consultation with UPSPCB will establish required number of CAAQMS within a period of one year and submit geo-referenced map of these stations along with data on six-monthly basis.
3. Sand/Morrum Mining from Yamuna River bed at Khand No- 13/15 to 13/17, Village-Badahari, Tehsil- Manihanpur, District-Kausambhi., Area 27.17 Ha. File No. 5638/Proposal No. SIA/UP/MIN/223154/2021

The SEIAA agreed with the recommendation of the SEAC to issue the additional ToRs to the title proposal for conducting EIA studies. The SEIAA also added the following points to TOR:-

- 1- All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
- 2- The lease area its address and production per annum should match with as mentioned in DSR and Lol. In case there is any difference clarification/ amendment letter from competent authority shall be submitted along with EIA. EIA and public hearing shall be conducted as per the lease area its address and production per annum mentioned in DSR and Lol.
- 3- Public hearing shall be conducted as per EIA notification, 2006 (as amended).
- 4- SEIAA opined that the project proponent shall submit permission of CGWA or proposal for alternative source of fresh water.
- 5- KML file for the area and mining lease area should be provided.
- 6- Status of leases granted/to be granted in various mining khands along with production since the formulation of DSR, duly certified by the competent authority should be submitted.
- 7- In case project proponent intends to temporarily store mined out material or any tools, equipments or other material outside mine lease area then NOC from competent authority for doing so should be submitted and details of such area and

Minutes of the 528th Meeting of the SEIAA, UP held on 03.12.2021

- associated Environmental impacts should be included in EIA-EMP report. This should also be clearly mentioned during public hearing.
- 8- Road network to be used by the project should be clearly shown on Survey of India toposheet in 1:50,000 scale. In case road network involves forest road, permission should be obtained from Forest Department and a copy of the same should be submitted at the time of appraisal of EIA-EMP report.
 - 9- The project proponent should clearly spell out whether it is a green field or brown field project. In case it is a brown field project and -
 - (i) If the earlier and present lease holder are same then compliance report of previous EC should be submitted.
 - (ii) If the earlier and present lease holder are different then environmental footprint of the site and mitigation measures should be included in EIA-EMP report.
 - 10- In case of expansion / renewal of earlier EC, following information should be submitted
 - a. Status of compliance of earlier EC conditions by Integrated Regional Office, MoEFCC, Gol, Lucknow.
 - b. Copy of CTE and CTO issued by SPCB.
 - c. Status of submission of six-monthly compliance report to EC granted earlier
 - d. Court cases, if any.
 - 11- Observations raised in public hearing, replies submitted by project proponent, suitable modifications carried out in EIA-EMP report.
 - 12- Replenishment study, duly approved by the competent authority for approving DSR for the district should be submitted.
 - 13- Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 28,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants below Uttar Pradesh Forest Department's survival rate will be treated as violation of EC condition.
4. Township "Golf Country" at Plot No. TS-05, Sector-22D, Yamuna Expressway, Greater Noida., M/s Supertech Township Pvt. Ltd. File No. 1452/Proposal No. SIA/UP/MIS/232872/2021
SEIAA agreed with the recommendation of SEAC that the matter shall be discussed after submission of online information on prescribed portal.
5. Expansion of Group Housing Colony at Plot No.- GH-A, (GH-6 to GH-13) Housing Sector, Talanagri Industrial Area, Aligarh,U.P., M/s Ozone Promoters Pvt. Ltd. File No. 6498/ Proposal No. SIA/UP/MIS/224266/2021
SEIAA noted the comment of SEAC that the above project proposal has already been taken in 590th SEAC-1 meeting dated 09/11/2021.



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6. Common Bio-medical Waste Treatment Facility (CBWTF) at Khasra No.-1035, Village-Bhairesar, Kada, Tehsil- Sirathu, Kausambi., Shri Samridhi Karvariya, Director, M/s Topsy Turvy Retail Pvt.Ltd. File No. 5801/Proposal No. SIA/UP/MIS/56134/2020

SEIAA agreed with the recommendations of the SEAC to defer/ delist the file and open only after submission of online request on prescribed online portal.

7. Institutional Building (IT/ITES Building) at Plot No.-B-23, Sector-62, Noida, Shri Mukesh Kumar Arora, M/s Seven Star Infosoft Pvt. Ltd. File No. 6580/Proposal No. SIA/UP/MIN/229916/2021

SEIAA agreed with the recommendation of SEAC that the matter shall be discussed after submission of online information on prescribed portal.

8. Establishes of 01x120 KLPD Grain Based Distillery for manufacturing of Ethanol Unit under Distillery at Khasra No.- 47/1, 52, 51, 60, 54, Village- Binaura Khas, Tehsil-Puranpur, District-Pilibhit., Shri Anuj Agarawal, M/s Gangotri Refinery Pvt. Ltd. File No. 6581/ Proposal No. SIA/UP/IND2/228628/2021

SEIAA agreed with the recommendations of the SEAC to close/ delist the file as the project proponent did not appear and open only after submission of online request on prescribed online portal.

9. Proposed Commercial Project at Plot No. T-2, IBB-2, Shushant Golf City, Lucknow, UP. M/s Mahesh Infracon Pvt. Ltd. File No. 6589/Proposal No. SIA/UP/MIS/67758/2021

This is a real estate project which has operated without seeking environmental clearance. MoEFCC vide OM dated 07.07.2021 has issued standard operation procedure (SOP) for identification and handling of violation cases under EIA Notification, 2006. This OM was issued in light of Honorable NGT's judgments dated 03.06.2021 and 24.05.2021. Honorable Supreme Court vide their judgment dated 30.07.2021 has granted stay on the application of Honorable NGT order dated 03.06.2021. MoEFCC has taken a view that projects operating in violation cannot be considered under their OM dated 07.07.2021. MoEFCC has submitted affidavit, to this effect, on 17.09.2021 in Honorable Supreme Court in Civil Appeal No. 281 of 2021. All violation projects can be taken up only after OM dated 07.07.2021 (SOP) becomes effective. Further, through minutes of the meeting (circulated through email on 27.11.2021) held on 12.11.2021 under the chairmanship of Additional Secretary, MoEFCC, Gol para 5(iv) clearly states "As on date the SEIAA may not process any violation cases as per the provisions of SoP dated 7th July 2021 as it has been interim stayed by the Madurai Bench of the High Court of Madras in the matter W.P.(MD) No. 11757 of 2021 titled Fatima Vs Union of India."

SEIAA opined that Chairman, Members and Nodal Officers of both the SEACs need to be made aware of current status regarding processing of violation cases. Further, a reference should be made to MS, UPSPCB, DM, Lucknow, and VC, LDA that no construction should take place without valid EC and legal proceedings should be initiated against the project proponent.



Minutes of the 528th Meeting of the SEIAA, UP held on 03.12.2021

10. "Affordable Rental Housing Scheme" at Khasra No.- Nil, Deoghat, Jalwa Scheme Allahabad., Shri Saumitra Kumar, R/o-Refineries Division, Core 2, M/s Indian Oil Corporation Limited. File No. 6596/Proposal No. SIA/UP/MIS/229830/2021

SEIAA agreed with the recommendations of the SEAC to defer/ delist the file and open only after submission of online request on prescribed online portal. A letter shall be send to DM, Allahabad to ensure that no mining activity is started until valid EC is obtained.

11. Sand/ Morrum Mining from Ganga River Bed at Gata No.- 2153/1, Village- Adampur, Tehsil & District-Fatehpur, U.P., M/s Rajesh Mishra Construction and Suppliers, Area: 10.0 ha. File No. 5732/Proposal No. SIA/UP/MIN/54716/2020

SEIAA agreed with the recommendations of the SEAC to close/ delist the file as the project proponent did not appear and open only after submission of online request on prescribed online portal. A letter shall be send to DM, Fatehpur to ensure that no mining activity is started until valid EC is obtained.

12. Clinker Grinding Unit with Cement Production Capacity of 4.0 MTPA (Phase- I, 2.0 MTPA & Phase-II: 2.0 MTPA), D.G. Set-605 (MW) alongwith Railway Siding at Village-Somna, Tehsil: Gabhana, Allgarh, Shri Parmanand Patidar., M/s Wonder Cement Ltd. File No. 6616/ Proposal No. SIA/UP/IND/67748/2021

SEIAA agreed with the recommendation of the SEAC to issue the additional ToR;s to the title proposal for conducting EIA studies. The SEIAA also added the following points to TOR:-

- 1- All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
- 2- Copy of all the analysis reports duly signed by analyst approved by NABL or MoEF&CC shall be annexed with the EIA report and original analysis reports should be presented at the time of presentation.
- 3- MOU signed between the project proponent and the consultant should be submitted.
- 4- A certificate from Forest Department shall be obtained that no forest land is involved and if forest land is involved the project proponent shall obtain the forest clearance and permission of Central and State Government as per law under the provisions of Forest (conservation) Act, 1980 and submit along with EIA.
- 5- Public hearing shall be conducted as per EIA notification, 2006 (as amended).
- 6- SEIAA opined that the project proponent shall submit permission of CGWA or proposal for alternative source of fresh water.

Minutes of 594th SEAC-2 Meeting Dated 16/11/2021

1. Sand Mining from Feeka River bed at Gata No.-3mi, 4mi, & 5mi., Village-Sabalpur Alhatmali, Tehsil-Thakurdwara Moradabad, U.P., M/s Pushpendra Chaudhary, Area: 4.90 ha. File No. 6618/Proposal No. SIA/UP/MIN/227622/2021

SEIAA agreed with the recommendations of the SEAC to grant the prior Environmental Clearance to the proposed project along with all the general and specific conditions as suggested by the SEAC but the SEIAA replaces the specific condition regarding cluster

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certificate as "If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate" and adding following conditions:-

1. This EC is valid for one year only.
2. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
3. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
4. In the absence of replenishment study keeping in mind various orders issued by Hon'ble NGT and development works in the State EC is granted for a period of one year.
5. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
6. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 5,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
7. Project Proponent / Consultant has given an affidavit that the project area doesn't fall within the boundary of Critically Polluted Area (CPA). If the affidavit given by PP / Consultant is found to be false then EC will be cancelled and legal actions will be initiated against them. Further, mining should not commence without obtaining certificate from DM, Mirzapur that area doesn't attract CPA and a copy of the same should be submitted to SEIAA.
8. Permissible mining of river bed material (sand / bajri) shall be strictly limited to quantity and area mentioned in LOI or mining plan, whichever is lesser, and maximum mineable depth will be limited to as the approved mining plan. The permissible mineable material will be valid till one year from the date of transfer of the EC.
9. For subsequent period, PP shall submit fresh annual replenishment study to SEIAA, UP for amendment in EC for mineable quantity and maximum permissible depth for mining based on scientific findings of replenishment study. Such study shall be placed before SEAC for appraisal for next three years to assess rate of deposition and accordingly,

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mineable production capacity and depth can be prescribed based on trends analysis, provided it is found scientifically satisfactory by the SEAC. The placing of the study report SEAC is mandatory for initial three years.

2. Silica Sand Mining at Arazi No.-2 , Village- Lakhnauti, Tehsil-Bara, Prayagraj, M/s Chawla Silica Sand Trading Company, Area: 16.75 Ha. File No. 6621/5327/Proposal No. SIA/UP/MIN/67982/2019

SEIAA agreed with the recommendations of the SEAC to grant the prior Environmental Clearance to the proposed project for along with all the general and specific conditions as suggested by the SEAC adding following specific condition as follows:-

1. This EC is co-terminus with validity of current mine plan or current lease period whichever is earlier.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
5. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
6. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 17,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
7. Permissible mining of river bed material (sand / bajri) shall be strictly limited to quantity and area mentioned in LOI or mining plan, whichever is lesser, and maximum mineable depth will be limited to as the approved mining plan. The permissible mineable material will be valid till one year from the date of transfer of the EC.

3. Stone Mining at Arazi No.-2/4, Khand -02, Village- Jujhar, Chanpura, Tehsil-Sadar, Mahoba, Shri Girdhari Lal Kushwaha., area- 4.048 ha. File No. 6089/Proposal No. SIA/UP/MIN/59526/2020

SEIAA noted that the project has already been taken in its 521st meeting in which SEIAA has granted EC to the above project.

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4. Stone Mining at Araj No – 1537 □, Village- Bahuti, Tehsil- Marihan, District- Mirzapur, Shri Keshav Nath Tiwari, area- 2.0 ha. File No. 6622/Proposal No. SIA/UP/MIN/ 231920/ 2021

SEIAA agreed with the recommendation of SEAC that the matter shall be discussed after submission of online information on prescribed portal.

5. Stone Mining at Gata No.-712, Khand No.-08, at Village-Chikahra, Tehsil & District- Mahoba, Shri Anil Kumar Agarwal., Area -1.214 ha. File No. 6624/6179/Proposal No. SIA/UP/MIN/68282/2021

SEIAA noted that the project has already been taken in its 521st meeting in which SEIAA has granted EC to the above project.

6. "Sand Stone" at Araj No.-639, Village- Rampur Sakteshgarh, Tehsil- Chunar, Mirzapur, Shri Ajay Kumar Singh. Area -3.64 ha. File No. 6626/4807/Proposal No. SIA/UP/MIN/ 68120/2021

SEIAA agreed with the recommendations of the SEAC to grant the prior Environmental Clearance to the proposed project for along with all the general and specific conditions as suggested by the SEAC adding following specific condition as follows:-

1. This EC is co-terminus with validity of current mine plan or current lease period whichever is earlier.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
5. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
6. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 4,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants



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- should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
9. Permissible mining of river bed material (sand / bajri) shall be strictly limited to quantity and area mentioned in LOI or mining plan, whichever is lesser, and maximum mineable depth will be limited to as the approved mining plan. The permissible mineable material will be valid till one year from the date of transfer of the EC.
 10. For subsequent period, PP shall submit fresh annual replenishment study to SEIAA, UP for amendment in EC for mineable quantity and maximum permissible depth for mining based on scientific findings of replenishment study. Such study shall be placed before SEAC for appraisal for next three years to assess rate of deposition and accordingly, mineable production capacity and depth can be prescribed based on trends analysis, provided it is found scientifically satisfactory by the SEAC. The placing of the study report SEAC is mandatory for initial three years.
 11. Project Proponent / Consultant has given an affidavit that the project area doesn't fall within the boundary of Critically Polluted Area (CPA). If the affidavit given by PP / Consultant is found to be false then EC will be cancelled and legal actions will be initiated against them. Further, mining should not commence without obtaining certificate from DM, Mirzapur that area doesn't attract CPA and a copy of the same should be submitted to SEIAA.
 12. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.
 13. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
7. Sand Mining from Yamuna River bed at Gata No.138, Village-Bichhawali Kanchhar, Tehsil-Sikandara, District-Kanpur Dehat, Shri Satya Prakash Gupta., M/s Vaishno Agro Industries, Area-24.24 Ha. File No. 6124/Proposal No. SIA/UP/MIN/59852/2021

SEIAA agreed with the recommendations of the SEAC to grant the prior Environmental Clearance to the proposed project for along with all the general and specific conditions as suggested by the SEAC adding following specific condition as follows:-

1. This EC is valid for one year only.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining



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activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.

5. In the absence of replenishment study keeping in mind various orders issued by Hon'ble NGT and development works in the State EC is granted for a period of one year.
 6. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
 7. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 25,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
 8. Permissible mining of river bed material (sand / bajri) shall be strictly limited to quantity and area mentioned in LOI or mining plan, whichever is lesser, and maximum mineable depth will be limited to as the approved mining plan. The permissible mineable material will be valid till one year from the date of transfer of the EC.
 9. For subsequent period, PP shall submit fresh annual replenishment study to SEIAA, UP for amendment in EC for mineable quantity and maximum permissible depth for mining based on scientific findings of replenishment study. Such study shall be placed before SEAC for appraisal for next three years to assess rate of deposition and accordingly, mineable production capacity and depth can be prescribed based on trends analysis, provided it is found scientifically satisfactory by the SEAC. The placing of the study report SEAC is mandatory for initial three years.
8. **Stone Mining at Gata No.-1097, Khand No.- 09, Village- Utayan, Tehsil-Sadar, Mahoba, Shri Devendra Kumar Gupta. area-0.809 ha. File No. 5982/Proposal No. SIA/UP/MIN/58260/2020**
- SEIAA noted that the project has already been taken in its 521st meeting in which SEIAA has granted EC to the above project.
9. **Proposed Project "IT Park" at Plot No.-2, Knowledge Park- III, Greater Noida., Shri Sahil Gupta, M/s Dhampur Alco-Chem Pvt. Ltd. File No. 6631/Proposal No. SIA/UP/MIS/234086/2021**
- SEIAA noted that SEAC has granted EC to the above project. SEIAA gone through file and documents and found that some existing datas has been submitted by the project proponent. Hence SEIAA opined that the project proponent shall submit certified compliance report from IRO, MoEF&CC.
10. **Earth Mining at Gata No.-1288, 1289, Village- Katesar, Tehsil- Laharpur, District- Sitapur., Shri Pawan Kumar, Area: 0.562 ha. File No. 6130/Proposal No. SIA/UP/MIN/193274/2021**
- SEIAA noted the comments of SEAC that validity of mining mentioned in salient features point no. 17 should be read as 03 months. Rest all of the contents mentioned in minutes dated 30/07/2021 shall remain same.

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SEIAA agreed with the recommendations of the SEAC to grant the prior Environmental Clearance to the proposed project along with all the general and specific conditions as suggested by the SEAC but the SEIAA replaces the specific condition regarding cluster certificate as "If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate" and adding following conditions:-

1. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
2. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
3. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 1,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.

11. Sand Stone Mining from Araji No.-2098, Khand No.-A, at Village- Bhatauti, Tehsil-Meja, Prayagraj., Shri Tauseef Ahmed, area-6.073 ha. File No. 6330/Proposal No. SIA/UP/MIN/633344/2021

SEIAA noted the comments of SEAC that the geo-coordinates of the project are as follows and the same will be considered by SEIAA:

Pillars	Latitude(N)	Longitude(E)
A	25° 9'0.86"N	82° 2'43.52"E
B	25° 9'1.06"N	82° 2'46.80"E
C	25° 8'50.66"N	82° 2'49.37"E
D	25° 8'48.47"N	82° 2'46.59"E
E	25° 8'49.01"N	82° 2'44.32"E
F	25° 8'47.19"N	82° 2'42.51"E
G	25° 8'47.54"N	82° 2'40.72"E

SEIAA agreed with the recommendation of the SEAC to issue the additional ToRs to the title proposal for conducting EIA studies. The SEIAA also added the following points to TOR;-

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- 1- All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
- 2- The lease area its address and production per annum should match with as mentioned in DSR and Lol. In case there is any difference clarification/ amendment letter from competent authority shall be submitted along with EIA. EIA and public hearing shall be conducted as per the lease area its address and production per annum mentioned in DSR and Lol.
- 3- Public hearing shall be conducted as per EIA notification, 2006 (as amended).
- 4- Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
- 5- SEIAA opined that the project proponent shall submit permission of CGWA or proposal for alternative source of fresh water.
- 6- KML file for the area and mining lease area should be provided.
- 7- Status of leases granted/to be granted in various mining khands along with production since the formulation of DSR, duly certified by the competent authority should be submitted.
- 8- In case project proponent intends to temporarily store mined out material or any tools, equipments or other material outside mine lease area then NOC from competent authority for doing so should be submitted and details of such area and associated Environmental impacts should be included in EIA-EMP report. This should also be clearly mentioned during public hearing.
- 9- Road network to be used by the project should be clearly shown on Survey of India toposheet in 1:50,000 scale. In case road network involves forest road, permission should be obtained from Forest Department and a copy of the same should be submitted at the time of appraisal of EIA-EMP report.
- 10- The project proponent should clearly spell out whether it is a green field or brown field project. In case it is a brown field project and -
 - (i) If the earlier and present lease holder are same then compliance report of previous EC should be submitted.
 - (ii) If the earlier and present lease holder are different then environmental footprint of the site and mitigation measures should be included in EIA-EMP report.
- 11- In case of expansion / renewal of earlier EC, following information should be submitted
 - a. Status of compliance of earlier EC conditions by Integrated Regional Office, MoEFCC, Gol, Lucknow.
 - b. Copy of CTE and CTO issued by SPCB.
 - c. Status of submission of six-monthly compliance report to EC granted earlier
 - d. Court cases, if any.
- 12- Observations raised in public hearing, replies submitted by project proponent, suitable modifications carried out in EIA-EMP report.
- 13- Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 7,000

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plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants below Uttar Pradesh Forest Department's survival rate will be treated as violation of EC condition.

12. Sand Stone Mining from Araj No.-2098, 1745 at Village- Bhatauti, Tehsil-Meja, District- Prayagraj., Shri Vinay Kumar area-12.145 ha. File No. 6331/Proposal No. SIA/UP/MIN/633332/2021

SEIAA noted the comments of SEAC that the geo-coordinates of the project are as follows and the same will be considered by SEIAA:

Pillars	Latitude(N)	Longitude(E)
A	25° 9'17.79"N	82° 3'15.15"E
B	25° 9'14.61"N	82° 3'23.44"E
C	25° 9'9.21"N	82° 3'22.13"E
D	25° 9'6.66"N	82° 3'27.12"E
E	25° 8'58.56"N	82° 3'25.38"E
F	25° 9'2.74"N	82° 3'16.09"E
G	25° 9'7.75"N	82° 3'17.76"E
H	25° 9'10.68"N	82° 3'13.60"E

SEIAA agreed with the recommendation of the SEAC to issue the additional ToRs to the title proposal for conducting EIA studies. The SEIAA also added the following points to TOR;-

- 1- All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
- 2- The lease area its address and production per annum should match with as mentioned in DSR and Lol. In case there is any difference clarification/ amendment letter from competent authority shall be submitted along with EIA. EIA and public hearing shall be conducted as per the lease area its address and production per annum mentioned in DSR and Lol.
- 3- Public hearing shall be conducted as per EIA notification, 2006 (as amended).
- 4- Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
- 5- SEIAA opined that the project proponent shall submit permission of CGWA or proposal for alternative source of fresh water.
- 6- KML file for the area and mining lease area should be provided.
- 7- Status of leases granted/to be granted in various mining khands along with production since the formulation of DSR, duly certified by the competent authority should be submitted.
- 8- In case project proponent intends to temporarily store mined out material or any tools, equipments or other material outside mine lease area then NOC from competent authority for doing so should be submitted and details of such area and associated Environmental impacts should be included in EIA-EMP report. This should also be clearly mentioned during public hearing.

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- 9- Road network to be used by the project should be clearly shown on Survey of India toposheet in 1:50,000 scale. In case road network involves forest road, permission should be obtained from Forest Department and a copy of the same should be submitted at the time of appraisal of EIA-EMP report.
- 10- The project proponent should clearly spell out whether it is a green field or brown field project. In case it is a brown field project and -
 - (i) If the earlier and present lease holder are same then compliance report of previous EC should be submitted.
 - (ii) If the earlier and present lease holder are different then environmental footprint of the site and mitigation measures should be included in EIA-EMP report.
- 11- In case of expansion / renewal of earlier EC, following information should be submitted
 - a. Status of compliance of earlier EC conditions by Integrated Regional Office, MoEFCC, Gol, Lucknow.
 - b. Copy of CTE and CTO issued by SPCB.
 - c. Status of submission of six-monthly compliance report to EC granted earlier
 - d. Court cases, if any.
- 12- Observations raised in public hearing, replies submitted by project proponent, suitable modifications carried out in EIA-EMP report.
- 13- Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 13,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants below Uttar Pradesh Forest Department's survival rate will be treated as violation of EC condition.

**Nodal Officer
SEIAA, UP**



**(Ajay Kumar Sharma)
Member-Secretary
SEIAA**

**(Paras Nath)
Member
SEIAA**

**(Dr. Rajiv Kumar Garg)
Chairman
SEIAA**

ANNEXURE - C
State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Vineet Khand-1, Gomti Nagar, Lucknow-226 010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

Minutes of the 533rd Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 09.12.2021

The meeting of 533rd State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 09.12.2021 at the Directorate of Environment. Following were present in the meeting:-

- | | |
|---------------------------|---|
| 1. Dr. Rajiv Kumar Garg | Chairman, SEIAA, U.P |
| 2. Shri Paras Nath | Member, SEIAA, U.P (in-person) |
| 3. Shri Ajay Kumar Sharma | Member Secretary, SEIAA, U.P |

Nodal Officer SEIAA brought to the notice of the SEIAA that the Department of Environment, Forest and Climate Change, GoUP vide letter no. 1229/81-7-2021-103(Parya)/2007 TC dated 24.11.2021 (copy enclosed) has desired as follows –

‘राज्य स्तरीय पर्यावरण प्रभाव प्राधिकरण में जनपद महोबा व अन्य जनपदों ने पत्थर खनन सम्बन्धी पर्यावरणीय अनापत्ति के लम्बित प्रकरणों के सम्बन्ध में दिनांक 25.11.2021 को विशेष बैठक आयोजित कर लम्बित प्रकरणों के निस्तारण के सम्बन्ध में नियमानुसार आवश्यक कार्यवाही सुनिश्चित कराते हुए कृत कार्यवाही से शासन को अविलम्ब अवगत कराने का कष्ट करें।’

Secretary, Department of Geology and Mining, GoUP vide letter no. 736/86-2020-14(SA)/2020TC dated 12/05/2020(copy enclosed) has desired as follows –

मानसून अवधि में विकास कार्यों के साथ-साथ जनसामान्य को उचित दर पर खनिज की उपलब्धता सुनिश्चित कराया जाना आवश्यक है। अतः प्राथमिकता के आधार बालू/मोरंग क्षेत्रों हेतु उक्त अनुलम्बित पर्यावरण अनापत्तिको शीघ्र अतिशीघ्र निर्गत कराने का कष्ट करें।

In the light of the above letters dated 24.11.2021 & 12.05.2021 agenda approved by MS, SEIAA is hereby put up for the consideration of SEIAA. Nodal officer, SEIAA placed files and documents related to below mentioned projects before SEIAA.

Nodal Officer, SEIAA-UP informed that in light of minutes of the meeting of joint meeting of SEIAA, SEAC-1 & SEAC-2 held on 22.06.2021, minutes of the below mentioned projects appraised by SEAC-2 have been vetted by SEAC-1.

Agenda-A: -Complaints/letters –Nil

Agenda-B:- Replies-

Minutes of the 533rd Meeting of the SEIAA, UP held on 09.12.2021

1. Stone (Khanda, Boulder, Gitti& Ballast Mining at Gata No.-291, (Khand No.-02New), Village- Majhol, Tehsil- CharKhari, Mahoba., ShriRakesh Kumar Goswami., Area- 0.809 ha. File No.6284 Proposal No. SIA/UP/MIN/ 205741/2021

SEIAA noted that the above project was taken in its 483rd meeting dated 23.08.2021 in which SEIAA opined that amendment in DSR should be signed by competent authority. SEIAA also found that two mining plan approval letter has been submitted by project proponent bearing the same letter no. but the dates are different and in one letter minable quantity per annum is mentioned and in another quantity is not mentioned. Hence SEIAA opined that the project proponent shall clarify the same. The project proponent has submitted his reply vide letter dated 03.09.2021 along with amendment in DSR vide letter no. 154/MMC-30-khanij dated 12.05.2021. After reviewing the reply SEIAA agreed with the recommendation of the SEAC to grant the above project but **EC will be issued only when the project proponent submits certified lease map.** SEIAA agreed with the recommendations of the SEAC to grant the prior Environmental Clearance to the proposed project along with all the general and specific conditions as suggested by the SEAC but the SEIAA replaces the specific condition regarding cluster certificate as "If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate" and adding following conditions:-

1. This EC is co-terminus with validity of current mine plan or current lease period whichever is earlier.
2. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
3. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
4. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
5. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 1,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should



Minutes of the 533rd Meeting of the SEIAA, UP held on 09.12.2021

not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.

6. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.
 7. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
 8. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
2. Soil Excavation at Gata No.-1038, 1033, 1035, 1036, 1045, 1046, 1047, Village-Aata, Tehsil-Sadar, Unnao. Shri Ankit., Area-0.8377 Ha). File No. 6323/ Proposal No. SIA/UP/MIN/213842/2020

SEIAA noted that the project has already been taken in its 511th meeting in which SEIAA has granted EC to the above project.

3. Sand/ Bajari/Boulder Mining at Gata No.-378/2 & 379/2, Village- SherpurPelo, Tehsil-Behat, District- Saharanpur, U.P., Shri Aadesh Pandey., Area 7.00 Ha. File No. 5988/5654/Proposal No. SIA/UP/MIN/58589/2020

Replenishment study submitted by project proponent/consultant should be circulated to all Chairman and members of SEIAA and SEAC and a joint meeting be organized, on online mode and the project proponent/consultant be asked to make a presentation.

4. Sand/Bajri/Boulder mining from Yamuna River bed at Gata No.-1/1/1, Laat No.-03, Village-NuniyariAehatmal, Tehsil-Behat, Saharanpur., Shri Dhanpal Singh & Shri Rajeev Bhatia, M/s Shanti Enterprises., Area-24.29 Ha. File No. 6266/5850/Proposal No. SIA/UP/MIN/62194/2020

Replenishment study submitted by project proponent/consultant should be circulated to all Chairman and members of SEIAA and SEAC and a joint meeting be organized, on online mode and the project proponent/consultant be asked to make a presentation.

5. Badkala River Sand/Bajari/Boulder Mining at Khand No./Gata No.-8/1, 19, & 22, Village-HaiderpurHinduwala, Tehsil- Behat, Distt.-Saharanpur,U.P., Area: 4.20 Ha. File No. 5590/Proposal No. SIA/UP/MIN/147716/2020

Replenishment study submitted by project proponent/consultant should be circulated to all Chairman and members of SEIAA and SEAC and a joint meeting be organized, on online mode and the project proponent/consultant be asked to make a presentation.



Minutes of the 533rd Meeting of the SEIAA, UP held on 09.12.2021

6. Granite Mining at Gata No.- 1876, Khand No.- 04, Village- Girawan, Naraini, Banda, Shri Suresh Pratap Singh, M/s Bajrang Road Lines, Area-1.21 ha File No. 6559/ 6104 Proposal No. SIA/UP/MIN/ 67411/2021

SEIAA noted that the above project was taken in its 527th meeting in which inadvertently the following condition was added – “but the SEIAA replaces the specific condition regarding cluster certificate as “If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate” which should be deleted and following additional condition should be added:-

1. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.

Agenda-B: - Minutes of 590th SEAC-2 Meeting Dated 09/11/2021

1. Stone Mining at Gata No.-478/2, Khand No.-02 New, Village-Bilbai, Tehsil & District- Mahoba, Shri Dinesh Chandra Gupta, Area -2.024 ha. File No. 6571/6178/Proposal No. SIA/UP/MIN/59764/2021

SEIAA noted that the project has already been taken in its 521st meeting in which SEIAA has granted EC to the above project.

2. Soil Excavation at Gata No.- 50, Village- ShahpurBujurg, Dhanaura, Amroha, Pawan Chauhan, M/s. Jai Bhole Nath, Area: 1.7250 Ha. File No. 6577/Proposal No. SIA/UP/MIN/229800/2021

SEIAA agreed with the recommendation of SEAC that the matter shall be discussed after submission of online information on prescribed portal.

3. Sand Mining from Koshi Riverbed at Gata No. 236, 237, 238, 240 & 245, Village- Rampur Dhamman, Tehsil – Tanda, Rampur, Shri Brahmopal Singh,, Area: 1.721 Ha. File No. 6578/Proposal No. SIA/UP/MIN/229510/2021

SEIAA noted that the project has already been taken in its 527th meeting.

4. Stone Mining at Gata No.-277, Khand No.- 02, at Village-Silari, Tehsil-Moth, Jhansi, U.P., Shri AnoopParecha, area-1.416 ha. File No. 6584/Proposal No. SIA/UP/MIN/203180/2021

SEIAA noted that the project has already been taken in its 524th meeting in which SEIAA has granted EC to the above project.

5. Stone Mining at Gata No.-2 Mi, 4 Mi, 3, 5, 6 Mi, at Village- ChakgauraBisen, Post Post-Nakti, Mishrauli, Mirzapur, U.P., Shri Satya Prakash Singh, Lease area-0.525 ha. File No. 6585/Proposal No. SIA/UP/MIN/217188/2021



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SEIAA noted that the project has already been taken in its 524th meeting in which SEIAA has granted EC to the above project.

6. Stone Mining at Gata No.-1097, Khand No.- 01, Village- Utiyan, Tehsil-Sadar, Mahoba, U.P., Smt. RatnaJadaun, area-1.214 ha. File No. 6090/Proposal No. SIA/UP/MIN/ 59536/2020
SEIAA noted that the project has already been taken in its 521st meeting in which SEIAA has granted EC to the above project.

7. Sand Mining at Gata No.- 1 Gh, Village- KothriGauriya, Tehsil- Sirauligauspur, Barabanki, Shri Md. Azam,, Area-2.1833 ha. File No. 6595/Proposal No. SIA/UP/MIN/231464/2021
SEIAA noted that the project has already been taken in its 527th meeting in which SEIAA has granted EC to the above project.

8. Sand Mining at Gata No. 259 □, 258 □ & 258 □, Village/Ghat-Chivarahiya, Tehsil-Naugarh, Siddharth Nagar, Shri Sunil Kumar Jaiswal, Area: Area-2.32 Ha. File No. 6599/Proposal No. SIA/UP/MIN/231984/2021
SEIAA noted that the project has already been taken in its 527th meeting in which SEIAA has granted EC to the above project.

9. Sand Mining from Ram Ganga river bed at Gata No: 365, Village-KamalpurMafi, Tehsil - Kanth, Moradabad, Shri Rajesh Kumar Gupta, M/s R. K. Construction and Supplier, Area - 3.919 ha. File No. 6607/Proposal No. SIA/UP/MIN/227678/2021
SEIAA noted that the project has already been taken in its 527th meeting in which SEIAA has granted EC to the above project.

10. Stone Mining at Arajil No.-122, Khand No.-04,, Village: Chitaiyan, Tehsil: Sadar, Mahoba, Shri Arun Kumar Dubey, Area - 1.012 ha. File No. 6611/Proposal No. SIA/UP/MIN/67254/2021
SEIAA noted that the project has already been taken in its 521st meeting in which SEIAA has granted ToR to the above project.

11. "Sand/Morrum Mining" from Yamuna River Bed at Khasra/Gata No.- 1152, 1087, 1155, 1153, 1156, 1157, 1158, 1159, 1160, 1154, 1171, 1163 & 1164, Village- Hardauli, Tehsil- Ghatampur, Kanpur Nagar, U.P., Shri Khwajalftikhar Uddin, M/s SarangInfratech, Area: 14.0 ha. File No. 6300/Proposal No. SIA/UP/MIN/62646/2021
SEIAA noted that the project has already been taken in its 527th meeting in which SEIAA has granted ToR to the above project.

12. Expansion of Group Housing Colony at Plot No.- GH-A, (GH-6 to GH-13) Housing Sector, Talanagri Industrial Area, Aligarh, U.P., M/s Ozone Promoters Pvt. Ltd. File No. 6498/Proposal No. SIA/UP/MIS/224266/2021
SEIAA agreed with the recommendations of the SEAC to grant the prior Environmental Clearance to the proposed project along with all the general and specific conditions as

A

Minutes of the 533rd Meeting of the SEIAA, UP held on 09.12.2021

suggested by the SEAC. In addition to the conditions imposed by SEAC the SEIAA added following additional specific conditions:-

- 1- The project proponent shall submit within the next 3 months the details of solar power plant and solar electrification details within the project.
 - 2- The project proponent shall ensure to plant broad leaf trees and their maintenance. The CPCB guidelines in this regard shall be followed.
 - 3- The project proponent shall submit within the next 3 months the details on quantification of year wise CER activities along with cost and other details. CER activities must not be less 2% of the project cost. The CER activities should be related to mitigation of Environmental Pollution and awareness for the same.
 - 4- The project proponent shall submit within the next 3 months the details of estimated construction waste generated during the construction period and its management plan.
 - 5- The project proponent shall submit within the next 3 months the details of segregation plan of MSW.
 - 6- The project proponent shall ensure that waste water is properly treated in STP and maximum amount should be reused for gardening flushing system and washing etc. For reuse of water for irrigation sprinkler and drip irrigation system shall be installed and maintained for proper function. Part of the treated sewage, if discharged to sewer line, shall meet the prescribed standards for the discharge.
 - 7- Under any circumstances untreated sewage shall not be discharged to municipal sewer line.
 - 8- The project proponent will ensure that proper dust control arrangements are made during construction and proper display board is installed at the site to inform the public the steps taken to control air pollution as per the Construction and Demolition Waste Management Rules.
 - 9- The project proponent shall install micro solar power plants, toilets in nearby villages, public place or school from CER fund of the project for which E.C is granted in addition to and water harvesting pits and carbon sequestration parks / designed ecosystems.
 - 10- A certificate from Forest Department shall be obtained that no forest land is involved and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
 - 11- If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
 - 12- Project Proponent will display, on project's / company's website the EC granted to the project and six monthly compliance status of EC conditions. Further, Project Proponent will make available, every six months, to all the buyers / residents of this project a copy of the EC granted to this project and the compliance status of EC conditions.
13. बरेली-लखनऊ हाइवे पर बन रहे हाउसिंग प्राजेक्ट "ओम रेजिडेन्सी" द्वारा पर्यावरण संरक्षण अधिनियम, 1986 का उल्लंघन करते हुए बिना पूर्व-पर्यावरणीय अनापत्ति एवं CTE व CTO प्राप्त किये बिना निर्माण कार्य

AP

Minutes of the 533rd Meeting of the SEIAA, UP held on 09.12.2021

करने के संबंध में श्री बृज नारायण मिश्रा) संजय नगर, बरेली-लखनऊ बाईपास, जिला-बरेली, उ०प्र० के शिकायती पत्र दिनांक 02-11-2021 पर विचार-विमर्श।

SEIAA took note of comments recorded by SEAC in their minutes of meeting and decided further to send a reference to MS UP PCB for enquiring into the matter and take appropriate legal action. SEIAA opined that a letter shall be send to DM and VC, Bareilly Development Authority that no construction takes place without valid EC and incase the construction has been carried out without valid EC, so appropriate legal action shall be taken.

14. Stone Mining at Gata No.- 19, Khand No.-03, Village- Dunara, Tehsil & District-Mahoba, U.P., Leased Area -2.226 ha. File No. 6117/Proposal No. SIA/UP/MIN/59754/2020

SEIAA noted that the project has already been taken in its 521st meeting in which SEIAA has granted EC to the above project.

Nodal Officer
SEIAA, UP



(Ajay Kumar Sharma)
Member-Secretary
SEIAA

(Paras Nath)
Member
SEIAA

(Dr. Rajiv Kumar Garg)
Chairman
SEIAA



UTTAR PRADESH POLLUTION CONTROL BOARD
Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.com, Website: www.uppcb.com

Validity Period :24/11/2021 To 23/11/2026

Ref No. - 138853/UPPCB/Saharanpur(UPPCBRO)/CTE/SAHARANPUR/2021

Dated:- 08/12/2021

To ,

Shri DHANPALSINGH RAJEEVBHATIA
M/s MS SHANTI ENTERPRISES
 Gata no 1/1/1 Laa no. 38, V- Nuniyari Achatmal, Behat Saharanpur,SAHARANPUR,247662
 SAHARANPUR

Sub : Consent to Establish for New Unit/Expansion/Diversification under the provisions of Water (Prevention and control of pollution) Act, 1974 as amended and Air (Prevention and control of Pollution) Act, 1981 as amended.

Please refer to your Application Form No.- 13711598 dated - 05/10/2021. After examining the application with respect to pollution angle, Consent to Establish (CTE) is granted subject to the compliance of following conditions :

1. Consent to Establish is being issued for following specific details :

A- Site along with geo-coordinates :

B- Main Raw Material :

Main Raw Material Details		
Name of Raw Material	Raw Material Unit Name	Raw Material Quantity
River bed Sand/Bajri/Boulder	Cubic Meters/Year	437247

C- Product with capacity :

Product Detail	
Name of Product	Product Quantity
River bed Sand/Bajri/Boulder	0.065

D- By-Product if any with capacity :

By Product Detail			
Name of By Product	Unit Name	Licence Product Capacity	Install Product Capacity
none	Metric Tonnes/Day	0	0

2. Water Requirement (in KLD) and its Source :

Source of Water Details		
Source Type	Name of Source	Quantity (KL/D)

3. Quantity of effluent (In KLD) :

Effluent Details	
Source Consumption	Quantity (KL/D)

4. Fuel used in the equipment/machinery Name and Quantity (per day) :

Fuel Consumption Details		
Fuel	Consumption(tpd/kld)	Use

5. For any change in above mentioned parameters, it will be mandatory to obtain Consent to Establish again. No further expansion or modification in the plant shall be carried out without prior approval of U.P. Pollution Control Board.

For any change in above mentioned parameters, it will be mandatory to obtain Consent to Establish again. No further expansion or modification in the plant shall be carried out without prior approval of U.P. Pollution Control Board.

2. You are directed to furnish the progress of Establishment of plant and machinery, green belt, Effluent Treatment Plant and Air pollution control devices, by 10th day of completion of subsequent quarter in the Board.

3. Copy of the work order/purchase order, regarding instruction and supply of proposed Effluent Treatment Plant/Sewerage Treatment Plant /Air Pollution control System shall be submitted by the industry till 23/11/2026 to the Board.

4. Industry will not start its operation, unless CTO is obtained under water (Prevention and control of Pollution) Act, 1974 and Air (Prevention and control of Pollution) Act, 1981 from the Board.

5. It is mandatory to submit Air and Water consent Application, complete in all respect, four months before start of operation, to the U.P. Pollution Control Board.

6. Legal action under water (Prevention and control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 may be initiated against the industry With out any prior information, in case of non compliance of above conditions.

Specific Conditions:

1. This CTE is valid only for Mining of Sand/Bajri/Boulder-437247 cubic Meter /Annum.
2. Industry shall abide by directions given by Hon'ble Supreme Court, High Court, National Green Tribunals, Central Pollution Control Board and Uttar Pradesh Pollution Control Board for protection and safeguard of environment from time to time.
3. To control the dust emission proper size water sprinkler and dust arrester shall be installed and its operation will be essential during the process period.
4. In case of D.G. Set operation it will ensured that any type of emission will not be the cause of public nuisance and environmental deterioration. The Canopy and proper exhaust stack shall maintained according to resides and human settlement of nearby area.
5. Industry shall comply the all condition of Environmental Clearance issued by SEIAA dated-17.09.2021.
6. The ground water shall be abstracted after obtaining NOC from the SGWA and submit the copy to the Board within 3 months.
7. The Board reserves the right to revoke this consent to establish which is being granted to the said industry at any time in case if the industry is violating any of the conditions of the consent to establish.
8. In case of violation of above mentioned conditions or any public complaint the CTE shall be withdrawn in accordance with law.
9. Industry shall submit first compliance report with respect to conditions imposed within 30 days of issue of this permission.
10. Industry shall submit monitoring reports of all stacks and ambient air quality from a certified/approved laboratory under E.P. Act 1986 within a month of starting the commercial production in the plant.
11. Industry shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986.
12. The unit shall obtain prior consents in the event of any addition of new emission generation sources such as- Boiler/ Furnace/ Heaters/ D.G. Sets or alteration of existing emission sources in accordance with section- 21/22 of air Act 1981 (as amended respectively).
13. Industry shall not use more than 1 KLD water per day for domestic purpose. Water shall not be used in any manufacturing process in the industry.
14. Industry shall bound by the directions/orders passed by Hon'ble National Green Tribunal in Appeal No. 23/2021 (IA No-186/2021) from time to time.
15. This CTE will automatically stand cancelled on receipt of any complaint in future and on confirmation of investigation in the course of the complaint and non compliance of the directions/orders passed by Hon'ble National Green Tribunal in Appeal No. 23/2021 (IA No-186/2021) from time to time.
16. Mining shall be done only after conducting replenishment study as per Hon'ble National Green Tribunal order dated-21.10.2021 in Appeal No. 23/2021 (IA No-186/2021). This CTE shall be subject to the order to be passed in Appeal No. 23/2021 (IA No-186/2021) by Hon'ble NGT.
17. The mining work should be done by the project proponent in such a way that the contour of the river is not changed.
18. Mining should not be done by the project proponent after sunset or at night.
19. Minimum 33% of the land on which industry is established will be covered by the plantation of tall trees of suitable species as per the guidelines set up by the Board vide its Office Order

no.H16405/220/2018/02 dt. 16/02/2018. The copy of this guideline is available at URL http://www.uppcb.com/pdf/Green-Belt-Guidle_160218.pdf. Beside this, the unit will install 5 additional saplings within the campus with protection measures for ensuring their survival.

Please note that consent to Establish will be revoked, in case of, non compliance of any of the above mentioned conditions. Board reserves its right for amendment or cancellation of any of the conditions specified above. Industry is directed to submit its first compliance report regarding above mentioned specific and general conditions till 08/01/2022 in this office. Ensure to submit the regular compliance report otherwise this Consent to Establish will be revoked.

**NISHI KUMAR
CHAUHAN**

Digitally signed by NISHI KUMAR
CHAUHAN
Date: 2021.12.08 11:33:38 +05'30'

Chief Environmental Officer (Circle 3)

Dated:- 08/12/2021

Copy To -

Regional Officer, U.P. Pollution Control Board, Saharanpur to ensure the compliance of the conditions imposed in the certificate.

NISHI KUMAR CHAUHAN Digitally signed by NISHI KUMAR CHAUHAN
Date: 2021.12.08 11:34:05 +05'30'

Chief Environmental Officer (Circle 3)



UTTAR PRADESH POLLUTION CONTROL BOARD
Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010
Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.com, Website: www.uppcb.com

CONSENT ORDER

Ref No. - 144582/UPPCB/Saharanpur(UPPCBRO)/CTO/water/SAHARANPUR/2021

Dated : 15/12/2021

To ,

Shri DHANPALSINGH RAJEEVBHATIA
M/s MS SHANTI ENTERPRISES
Gata no 1/1/1 Laat no. 38, V- Nuniyari Aehatmal,,SAHARANPUR,247662
SAHARANPUR

Sub : Consent under Section 25/26 of The Water (Prevention and control of Pollution) Act, 1974 (as amended) for discharge of effluent to M/s. MS SHANTI ENTERPRISES

Reference Application No :14379164

Dated :15/12/2021

1. For disposal of effluent into water body or drain or land under The Water (Prevention and control of Pollution) Act,1974 as amended (here in after referred as the act) M/s. MS SHANTI ENTERPRISES is hereby authorized by the board for discharge of their industrial effluent generated through ETP for irrigation/river through drain and disposal of domestic effluent through septic tank/soak pit subject to general and special conditions mentioned in the annexure ,in refrence to their foresaid application .
2. This consent is valid for the period from 13/12/2021 to 31/12/2025 .
3. In spite of the conditions and provisions mentioned in this consent order UP Pollution Control Board reserves its right and powers to reconsider/amend any or all conditions under section 27(2) of the Water (Prevention and Control of Pollution) Act, 1974 as amended .

This consent is being issued with the permission of competent authority .

For and on behalf of U.P. Pollution Control Board

NISHI KUMAR CHAUHAN Digitally signed by NISHI KUMAR CHAUHAN
Date: 2021.12.15 17:45:17 +05'30'

Chief Environmental Officer (Circle 3)

Enclosed : As above
(condition of consent):

Copy to: Regional Officer, U.P. Pollution Control Board, Saharanpur to ensure the compliance of the conditions imposed in the certificate.

NISHI KUMAR CHAUHAN Digitally signed by NISHI KUMAR CHAUHAN
Date: 2021.12.15 17:45:26 +05'30'

Chief Environmental Officer (Circle 3)

U.P. POLLUTION CONTROL BOARD, LUCKNOW

Annexure to Consent issued to M/s.MS SHANTI ENTERPRISES vide

Consent Order No. 14379164/ Water

Dated : 15/12/2021

CONDITIONS OF CONSENT

1. This consent is valid only for the approved production capacity of Mining of Sand/Bajri/Boulder-437247 cubic Meter /Annum. .
2. The quantity of maximum daily effluent discharge should not be more than the following :

Effluent Discharge Details			
S.No	Kind of Effluent	Maximum daily discharge,KL/day	Treatment facility and discharge point
1	Domestic	0.78 KLD	Septic Tank

3. Arrangement should be made for collection of water used in process and domestic effluent separately in closed water supply system. The treated domestic and industrial effluent if discharged outside the premises, if meets at the end of final discharge point, arrangement should be made for measurement of effluent and for collecting its sample. Except the effluent informed in the application for consent no other effluent should enter in the said arrangements for collection of effluent. It should also be ensured that domestic effluent should not be discharged in storm water drain .
- 4(a) The domestic effluent should be treated in treatment plant so that the should be in conformity with the following norms dated treated effluent .

Domestic Effluent		
S.No	Parameter	Standard
1	Quantity of Discharge	0.5 KLD

- 4(b). The industrial effluent should be treated in treatment plant so that the treated effluent should be in conformity with the following norms. .

Industrial Effluent		
S.No	Parameter	Standard

5. Effluent generated in all the processes, bleed water, cooling effluent and the effluent generated from washing of floor and equipments etc should be treated before its disposal with treated industrial effluent so that it should be according to the norms prescribed under The Environment (Protection) Act,1986 or otherwise mandatory .
6. The other pollutant for which norms have not been prescribed, the same should not be more than the norms prescribed for the water used in manufacturing process of the industry .
7. The method for collecting industrial and domestic effluent and its analysis should be as per legal Indian standards and its subsequent amendments/standards prescribed under The Environment (Protection) Act, 1986.
8. The treated domestic and industrial effluent be mixed (as per the provisions of Condition No. 2) and disposed of on one disposal point. This common effluent disposal point should have arrangement for flow meter/V Notch for measuring effluent and its log book be maintained .
9. The Unit will file the renewal application at least 2 months prior to the expiry of this Order.

Specific Conditions:

1. This CTO is valid only for Mining of Sand/Bajri/Boulder-437247 cubic Meter /Annum.
2. Industry shall comply the all condition of Environmental Clearance issued by SEIAA dated-17.09.2021.
3. The ground water shall be abstracted after obtaining NOC from the SGWA and submit the copy to the Board within 3 months.
4. Industry shall bound by the directions/orders passed by Hon'ble National Green Tribunal in Appeal No. 23/2021 (IA No-186/2021) from time to time.
5. Mining shall be done only after conducting replenishment study as per Hon'ble National Green Tribunal order dated-21.10.2021 in Appeal No. 23/2021 (IA No-186/2021).
6. This CTO shall be subject to the order to be passed in Appeal No. 23/2021 (IA No-186/2021) by Hon'ble NGT.
7. Industry shall abide by directions given by Hon'ble Supreme Court, High Court, National Green Tribunals, Central Pollution Control Board and Uttar Pradesh Pollution Control Board for protection and safeguard of environment from time to time.
8. The industry shall establish Miyawaki forest inside the factory in sufficient area.
9. Industry shall comply with the conditions of CTE issued by the board on 08.12.2021.
10. To control the dust emission proper size water sprinkler and dust arrester shall be installed and its operation will be essential during the process period.
11. The Board reserves the right to revoke this CTO which is being granted to the said industry at any time in case if the industry is violating any of the conditions of the consent to establish.
12. In case of violation of above mentioned conditions or any public complaint the CTO shall be withdrawn in accordance with law.
13. Industry shall submit first compliance report with respect to conditions imposed within 30 days of issue of this permission.
14. Industry shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986.
15. The unit shall obtain prior consents in the event of any addition of new emission generation sources such as- Boiler/ Furnace/ Heaters/ D.G. Sets or alteration of existing emission sources in accordance with section- 21/22 of air Act 1981 (as amended respectively).
16. Industry shall not use more than 0.78 KLD for domestic purpose, 5.914 KLD for dust suppression and 9.088 KLD for plantation. Water shall not be used in any manufacturing process in the industry.
17. This CTO will automatically stand cancelled on receipt of any complaint in future and on confirmation of investigation in the course of the complaint and non compliance of the directions/orders passed by Hon'ble National Green Tribunal in Appeal No. 23/2021 (IA No186/2021) from time to time.
18. The mining work should be done by the project proponent in such a way that the contour of the river is not changed.
19. Mining should not be done by the project proponent after sunset or at night.
20. Industry shall be bound to comply the direction issued by Hon'ble Supreme Court, High Court and NGT time to tome.
21. Minimum 33% of the land on which industry is established will be covered by the plantation of tall trees of suitable species as per the guidelines set up by the Board vide its Office Order

no.H16405/220/2018/02 dt. 16/02/2018. The copy of this guideline is available at URL http://www.uppcb.com/pdf/Green-Belt-Guidle_160218.pdf. Beside this, the unit will install 5 additional saplings within the campus with protection measures for ensuring their survival.

Issued with the permission of competent authority .

For and on behalf of U.P. Pollution Control Board .

NISHI KUMAR CHAUHAN

Digitally signed by NISHI KUMAR
CHAUHAN
Date: 2021.12.15 17:45:38 +05'30'

Chief Environmental Officer (Circle 3)

ANNEXURE - F**GROUND WATER DEPARTMENT**

(Namami Gange & Rural Water Supply Department)

Ministry of Jal Shakti

Government of Uttar Pradesh

59**Form 8 (A)/फॉर्म 8 (ए)****APPLICATION FOR OBTAINING GRANT OF AUTHORIZATION/NO OBJECTION CERTIFICATE FOR SINKING OF PROPOSED WELL IN NON-NOTIFIED AREA
प्रस्तावित कूप की बोरिंग हेतु प्राधिकार/अनापत्ति प्रमाणपत्र प्राप्त करने के लिए आवेदन**(Any Commercial or Industrial or Infrastructural or Bulk user)
(वाणिज्यिक अथवा औद्योगिक अथवा अवसंरचनात्मक अथवा सामूहिक उपयोक्ता)[Under Section 14 of the Uttar Pradesh Ground Water Management and Regulation Bill, 2019]
[धारा 14, उत्तर प्रदेश भूगर्भ जल प्रबंधन तथा विनियमन बिल, 2019 के अधीन]

Applicant's Details आवेदक का विवरण			
Type of Applicant आवेदक का प्रकार	Behalf of Firm/Company	Application Number आवेदन संख्या	SRNP1221NIN0052
Application Date आवेदन तिथि		22/12/2021	
Name of the Applicant आवेदक का नाम	DHANPALSINGH RAJEEVBHATIA		
Mobile No. मोबाइल नंबर	9870770238	Email ID. ईमेल आईडी	shantienterprises2429@gmail.com
Date of Birth जन्मतिथि	05/11/1976	Gender लिंग	Male
Nationality राष्ट्रीयता	Indian	ID as Address Proof निवास प्रमाण हेतु आईडी	Aadhaar Card
Aadhaar Card Number	8154-3117-8141	Uploaded Aadhaar Card अपलोड किया गया आधार कार्ड	Download
House No./Flat No./Building No. मकान सं0/फ्लैट सं0/भवन सं0	basant vihar, chhutmalpur, saharanpur		
City/Town/Post Office नगर/कस्बा/पोस्ट ऑफिस	SAHARANPUR	State राज्य	Uttar Pradesh
District जनपद	SAHARANPUR	Pin Code पिन कोड	247662
Designation पद	Authorized Signatory	Company Name कंपनी का नाम	SHANTI ENTERPRISES
Company Address कंपनी का पता	GATA No.1/1/1,LAT No.38,NUNIYARI BEHAT SAHARANPUR	Authorization Letter प्राधिकार पत्र	Download
Details of Proposed Well प्रस्तावित कूप का विवरण			
District जनपद	Saharanpur	Block ब्लॉक	SADHULI KADEEM
Plot No./Khasra No. प्लॉट संख्या/खसरा संख्या	GATA No.1/1/1,LAT No.38,VILL-NUNIYARI	Municipality/Municipal Corporation नगर पालिका/नगर निगम	Yes

Ward No./Holding No. वॉर्ड संख्या/होल्डिंग संख्या	AHATMAL BEHAT SAHARANPUR U.P.	Uploaded Land Details अपलोड किया गया भूमि का विवरण	Download	
Particulars of The Proposed Well प्रस्तावित कूप का ब्यौरा				
Date of Construction/Sinking of Well कूप की निर्माण तिथि	10/01/2022	Type of the Well कूप का प्रकार	Tube Well/Boring	
Housing Pipe If Any यदि कोई है	Yes	Approx. Length of Housing Pipe (In Meter) हाउसिंग पाईप की अनुमानित लंबाई (मीटर में)	20.00	
Approx. Diameter of Housing Pipe (mm) हाउसिंग पाईप का अनुमानित व्यास (मिलीमीटर में)	100.00	Material of the Housing Pipe & Blank Pipe हाउसिंग पाईप एवं ब्लैंक पाईप की सामग्री	PVC	
Strainer Details स्ट्रेनर का विवरण				
Material of Strainer स्ट्रेनर की सामग्री	PVC	Number of Strainer(s) स्ट्रेनर की संख्या	1	
S.No. क्रम संख्या	Strainer Installed at what Depth from Ground Level (in Meter) स्ट्रेनर, भू-स्तर से कितनी गहराई पर स्थापित है (मीटर में)	Strainer Installed upto what Depth from Ground Level (in Meter) स्ट्रेनर, भू-स्तर से कितनी गहराई तक स्थापित है (मीटर में)	Length (In meter) लंबाई (मीटर में)	Diameter (In millimeter) व्यास (मिलीमीटर में)
1	9.00	15.00	6.00	100.00
Approx. Depth of Well (In meter) कूप की अनुमानित गहराई (मीटर में)	20.00	Whether there has been Any Adverse Report Regarding Water Quality of the Well? क्या कूप के जल की गुणवत्ता के संबंध में कोई प्रतिकूल रिपोर्ट है?	No	
Give Particulars Regarding Water Quality of the Well कूप की जलीय गुणवत्ता का विवरण दें	N/A			
Details of Proposed Pumping Device प्रस्तावित पंपिंग उपकरण का विवरण				
Type of Pump to be Used प्रयोग किये जाने वाले पंप का प्रकार	Submersible	Pump Capacity (In m ³ /hr) पंप क्षमता (m ³ /hr)	5.00	
Horse Power (H.P.) हॉर्स पावर (एच.पी.)	1.00			
Operational Device परिचालन उपकरण	Electric Motor	Date of Energization विद्युतीकरण तिथि	10/01/2022	
Details of Utilization of Well कूप के उपयोग का विवरण				
Purpose of the Proposed Well प्रस्तावित कूप का उद्देश्य?	Industrial	Annual Running Hours वार्षिक उपयोग (घंटे में)	750.00	
Daily Running Hours दैनिक उपयोग (घंटे में)	3.00	Whether the Water Supplied in Well Area Through Pipe Water Supply or Not? क्या क्षेत्र में जल की आपूर्ति पाइप जलापूर्ति के माध्यम से होती है?	No	

Please Submit Mode of Treatment of Waste Water/Effluent (For Industries) अपशिष्ट जल की उपचार प्रणाली भरें (उद्योग हेतु)		No	
Whether Rain Water Harvesting Structure has been Constructed within the Premises? क्या परिसर में वर्षा जल संचयन संरचना का निर्माण किया गया है?	No	Any Other Information Which You Would Like to Furnish कोई अन्य जानकारी जो आप प्रदान करना चाहते हैं:	N/A
Maximum Allowable Annual Extraction of Ground Water:			3750
affidavit on non judicial stamp paper of Rs. 10/- regarding non availability of water supply from local government agencies in cases where ground water requirement is up to 10 m ³ /day	Download	Certificate regarding non/ partial availability of fresh water/ treated waste water supply from the concerned local government water supply agency in cases where requirement of ground water is more than 10m ³ /day	Download
Ground water quality data of bore well/ tube well/ dug well in respect of existing industries from NABL accredited laboratories/Government approved laboratories	Download	Proposal for rain water harvesting/ recharge within the premises as per Model Building Bye Laws issued by Ministry of Housing & Urban Affairs	Download
Impact Assessment report: All projects extracting/proposing to extract ground water in excess of 100 m ³ /day in Notified and non-notified areas shall have to mandatorily submit impact assessment report of existing/ proposed ground water withdrawal on the ground water regime and also socio-economic impacts report prepared by accredited consultants. Pro-forma for the report is given in Annexure-1.	Download		
Does industry come under MSME? क्या उद्योग MSME के अंतर्गत आता है ?	Yes		
MSME Certificate No. एमएसएमई प्रमाणपत्र संख्या	UP640010250	MSME Certificate Issuance Date एमएसएमई प्रमाणपत्र के निर्गमन की तिथि	22/11/2021
MSME Certificate Validity एमएसएमई प्रमाणपत्र की वैधता	21/11/2026	Uploaded MSME Certificate अपलोड किया गया एमएसएमई प्रमाणपत्र	Download
Type of MSME एमएसएमई का प्रकार	Micro		

I do hereby declare that the particulars furnished herein above are correct and true . I understand that in case any of the information and particulars is found to be incorrect at any stage of scrutiny and investigation or thereafter, my application/registration is liable to be rejected/cancelled .

मैं एतद्वारा घोषित करता हूँ कि ऊपर दिये गए विवरण सही व सत्य हैं। मैं जानता हूँ कि यदि जांच पड़ताल के दौरान किसी भी स्तर पर उपरोक्त विवरण असत्य पाये गए तो मेरा आवेदन/रजिस्ट्रीकरण अस्वीकृत/निरस्त किए जाने योग्य होगा।

I Agree/सहमत

Note/नोट

- Separate application form should be used for registration of each individual well.
- The application form should be completed in all respect before submission. Incomplete applications are liable for rejection. Any correction or alteration shall be duly authenticated.
- In case any of the particulars/information is found to be incorrect at any stage of verification or scrutiny, the application is liable for rejection.
- In case any of the particulars/ information furnished is found to be incorrect at any stage even after issue of the AUTHORIZATION/ NO_OBJECTION CERTIFICATE FOR SINKING OF NEW WELL, same shall be liable for cancellation.
- Please write 'N.A.' against those items which are not applicable.
- Please attach the following documents along with the application:
 - (a) Document showing proof of ownership of land;
 - (b) Photocopy of Aadhaar card / voter ID / ration card / any other proof of identification
 - (c) Map showing location of the proposed well, which have been referred to in item no.2(a), (b)and(c).
 - (d) Affidavit referred to in item no. 7(i) or 7(ii), as the case may be (if required)
- **Additional Documents to be submitted with the application**
- **(I) For Industrial User**
 - (a) An affidavit on non judicial stamp paper of Rs. 10/- regarding non availability of water supply from local government agencies in cases where ground water requirement is up to 10 cubic meter/day.
 - (b) Certificate regarding non/ partial availability of fresh water/ treated waste water supply from the concerned local government water supply agency in cases where requirement of ground water is more than 10 cubic meter/day.
 - (c) Ground water quality data of bore well/ tube well/ dug well in respect of existing industries from NABL accredited laboratories/Government approved laboratories.
 - (d) Proposal for rain water harvesting/ recharge within the premises as per Model Building Bye Laws issued by Ministry of Housing & Urban Affairs.
 - (e) Impact Assessment report: All projects extracting/proposing to extract ground water in excess of 100 m³/day in Notified and non-notified areas shall have to mandatorily submit impact assessment report of existing/ proposed ground water withdrawal on the ground water regime and also socio-economic impacts report prepared by accredited consultants. Pro-forma for the report is given in Annexure-1.
- **(II) For Commercial User**
 - (a) In cases where dewatering is involved, submission of impact assessment report prepared by a consultant on the ground water situation in the area giving detailed plan of pumping, proposed usage of pumped water and comprehensive impact assessment of the same on the ground water regime shall be mandatory. The report should highlight environmental risks and proposed management strategies to overcome any significant environmental issues such as ground water level decline, land subsidence etc.
 - (b) An affidavit on non judicial stamp paper of Rs. 10/- regarding non availability of water from any other source in case water is required for construction in safe and semi critical areas.
 - (c) Certificate from a government agency regarding non availability of treated sewage water for construction within 10 km radius of the site in notified areas.
 - (d) Certificate of non-availability of water from local government water supply agency in respect of all categories of assessments units for commercial use.
 - (e) Details of water requirement computed as per National Building Code, 2016 (Annexure I), taking into account recycling/ reuse of treated water for flushing etc. (in case of completed infrastructure projects for commercial use).
 - (f) Completion certificate from the concerned agency for infrastructure projects requiring water for commercial use.
- The District Ground Water Management Council reserves the right to ask for any other document(s) from the owner applicant for examination of the merit of the case.

ANNEXURE-G

63

Item No. 01

Court No. 1

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

(By Video Conferencing)

M.A. No. 36/2021 & M.A. No. 37/2021

In

Original Application No. 90/2020

Pramod

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Rajesh Kumar

Applicant in MAs

Date of hearing: 17.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Ms. Ranu Purohit, Advocate for Applicant in MA Nos. 36-37/2021

Respondent(s): Mr. Ajit Sharma, Advocate for original Applicant
Mr. Ankit Verma, Advocate for State of UP

ORDER

1. These applications seek clarification/impleadment in a disposed of matter involving illegal sand mining in District Saharanpur. The Tribunal directed carrying out of replenishment study and to suitably restrict mining pending such study. The operative part of the order is as follows:

" xxx.....xxx.....xxx
7. Accordingly, we direct that replenishment study may now be got conducted by the State, in accordance with the earlier orders of this Tribunal within three months and further mining be allowed consistent with the replenishment study. Till such study is carried out, mining may be suitably restricted. No mining be allowed upstream of Hathrikund Barrage in villages Mayapur and Rehna unless permissibility of such mining is found to be conducive to the environment and there is valid ground to ignore the opinion of the FRI."

2. According to the applicant, he has paid the lease money and is being granted mining lease. The order of this Tribunal was result of collusion between the parties to his detriment. Clarification is also sought that the mining operations can be carried out in area not falling in Yamuna River bed and Hatnikund Barrage region.

3. The application is opposed by the learned Counsel for the State of UP as well as the original applicant.

4. As earlier held in the order sought to be 'clarified', replenishment study is pre requisite for permitting mining in any area. The Tribunal referred earlier detailed judgment to that effect dated 26.02.2021 in OA No. 360/2015, *National Green Tribunal Bar Association v. Virender Singh (State of Gujarat) and other connected matters*. Learned Counsel for the State of UP states that such study is underway and will be completed soon and mining will be allowed consistent therewith. It is difficult to accept that no such study is required for areas other than Yamuna River bed and Hatnikund Barrage region. In these circumstances, we do not find any justification to entertain these applications.

The applications will stand disposed of accordingly.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 17, 2021
M.A. No. 36/2021 & M.A. No. 37/2021
In Original Application No. 90/2020
DV

IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

APPEAL No.: 23/ 2021

65

In the Matter of:-

Pramod

...Complainant

VERSUS

State of Uttar Pradesh & Ors & ORS.

...Respondent

KNOW All to whom these presents come that I Rajiv Bhatia S/o Anand Prakash Bhatia R/o
Ram Bhadrachari, G.T. Road, NEAR Ram Tirath Marg the above named Respondent No. 11
appoint; Saharanpur - UP 274001

Yuvraj Sharma

Advocate (Enrl. No. D/3922/2017)

Chamber No. 488, Lawyers Chamber Block-II, Delhi High Court, New Delhi -
110003

Phone: +91-9560195889

e-mail: yuvraj1993@gmail.com

hereinafter called Advocate to be my Advocates in the above noted case and authorize them:

To act, appear and plead in the above noted case in this Court or any other Court in which the same be tried or heard and also in the Appellate Courts.

To sign, file, verify and present pleadings, replications, appeals, cross-objections, or petitions for executions, review, revision, restoration, withdrawal, compromise or other petitions, replies, objections or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stage.

To file and take back documents.

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 out execution proceedings.

To deposit, draw and receive money, cheques and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course to prosecution of the said case.

To appoint, instruct any other legal practitioner authorizing him to exercise the power and authorities hereby conferred upon the Advocate whenever he may think fit to do so and sign the power of attorney on my/our behalf.

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

And I/We undertake that I/we or my/our duly authorized agents would appear in Court all hearings will confirm the Advocates for appearance when case is called.

And I/We the undersigned to hereby agree not to hold the Advocate or their substitute responsible to the result of the said case, consequence for his absence from the court when the said case is called up for hearing or any negligence of the said advocates or his substitute.

And I/We the undersigned to hereby agree that in the event of the whole or any part to the fee agreed by me/us to the Advocates remaining unpaid they shall have option to abstain themselves from appearing in the court and I/we shall be liable for all the consequences.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us this 22 Day of February 2021

Accepted subject to the terms of fees.

(.....) (.....) & (.....)
Advocates

M/S SHANTI ENTERPRISES

Parate
Client PARTNER



Yuraj Sharma <lawchambersofyuvrajsharma@gmail.com>

Service of REPLY by R-11 in Pramod vs. State of Uttar Pradesh Appeal No. 23 of 2021

Yuraj Sharma <lawchambersofyuvrajsharma@gmail.com>
To: sharma.ajit@gmail.com

Mon, Feb 28, 2022 at 8:47 PM

To
Sh. Ajit Sharma

Please Find Attached the copy of a Reply on behalf of Respondent No. 11 (M/s Shanti Enterprises) in the captioned matter presently under adjudication before The Hon'ble Principal Bench, NGT. Delivery of this email shall be deemed to be the receipt of acknowledgment. A copy of this email is being filed as Proof Of Service along with the Reply.

Thank You

Yuvraj Sharma
Advocate
+91-9560195889

[Quoted text hidden]

 **CA-R11-Pramod Vs. State of U.P. - Appeal No.23_2021.pdf**
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