

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI
ORIGINAL APPLICATION NO. 203 OF 2025**

IN THE MATTER OF:

RAM MILAN

...Applicant

VERSUS

STATE OF UTTAR PRADESH & ORS.

...Respondents

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	REPLY ON BEHALF OF RESPONDENT NO.13 M/S SHRI PRASHANT KUMAR GUPTA ALONG WITH AFFIDAVIT	1-11
2.	ANNEXURE R/1. The copy of the Environment Clearance dated 29.04.2024.	12-22
3.	ANNEXURE R/2 (colly). The copy of the representations dated 20.10.2024, 26.11.2024, 11.01.2025, 30.05.2025 submitting the demand amount under protest.	23-26
4.	ANNEXURE R/3. Copy of the letter dated 25.08.2025 by the District Mining Officer cancelling the mining lease of the Answering Respondent.	27-30

5.	ANNEXURE R/4 Copy of the representation dated 08.04.2026 filed before the District Magistrate, Banda challenging the impugned demand notices.	31
6.	Vakalatnama- already on record	

06.05.2026
New Delhi

FILED BY: -

RAHUL KHURANA, HASIL JAIN, ISHAN SHARMA

Advocates

Off: A-174 A, 2nd Floor, Defence Colony

New Delhi-110024

M. 9811894060, 7838707338

rkhuranalegal@gmail.com, advjain25@gmail.com

1012

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**REPLY ON BEHALF OF RESPONDENT NO.13 M/S SHRI
PRASHANT KUMAR GUPTA**

MOST RESPECTFULLY SHOWETH:

1. That the present reply is being filed on behalf of Prashant Kumar Gupta, arrayed as respondent no.13 in the above Original Application, in response to the Original Application founded on the letter petition of the Applicant and the Joint Committee Report filed pursuant to the order dated 27.05.2025 passed by this Hon'ble Tribunal.
2. At the outset, the answering respondent denies the generalized and sweeping allegations in the letter petition that leaseholders, including the answering respondent, are habitually indulging in illegal mining, over-extraction, night-time operations, use of prohibited heavy machinery and violation of environmental safeguards causing "environmental imbalance" in the Bundelkhand river stretches. The allegations are vague, based primarily on newspaper reports and non-specific to this respondent, and hence are not admitted.

1013

3. It is respectfully submitted that the answering respondent was operating under valid statutory permissions and that there was no allegation in the Joint Committee Report that mining operations of this respondent were being carried out in violation of environmental clearance (EC) or consent conditions, or that any continuing environmental harm is being caused at present.

4. That M/S Shri Prashant Kumar Gupta , in respect of part of Gata No. 333/7, Block No. 1, situated at Village Marouli Khadar, Tehsil and District Banda, was issued a Letter of Intent dated 08.03.2019; thereafter obtained approval of the mining plan vide communication dated 27.04.2023; and further holds a valid Environmental Clearance granted by State Environment Impact Assessment Authority Uttar Pradesh vide letter No. EC24B001UP/14265 dated 29.04.2024.

The copy of the Environment Clearance dated 29.04.2024 is annexed as **ANNEXURE R/1**.

5. According to joint Inspection Report dated 01.07.2025 the allegation of illegal mining has been mentioned in respect of Prashant Gupta which are as under:-
 - (a) Imposed Rs. 12,62,700/- as Loss of Revenue upon the respondent no.-13 on 19.10.2024 and respondent no.13- has deposited above mentioned amount chalan no.-AKV240022185 dated 19.10.2024 under protest that such is always under order of the Court.

 - (b) Imposed Rs. 20,98,800/- as Loss of Revenue upon the respondent no.-13 on 26.11.2024 and respondent no.13- has deposited above mentioned amount chalan no.-AKV240026063 dated 26.11.2024 under protest that such is always under order of the Court.

1014

(c) Imposed Rs. 31,26,600/- as Loss of Revenue upon the respondent no.-13 on 04.01.2025 and respondent no.13- has deposited above mentioned amount Rs. 15,00,000/- chalan no.-AKV250000702 dated 08.01.2025 and Rs. 16,26,600/- challan no.-AKV250001039 dated 11.01.2025 under protest that such is always under order of the Court.

(d) Imposed Rs. 10,97,500/- as Loss of Revenue upon respondent no.-13 on 22.05.2025 and respondent no.13- has deposited above mentioned amount chalan no.-AKV250015906 dated 30.05.2025 under protest that such is always under order of the Court.

The copy of the representations dated 20.10.2024, 26.11.2024, 11.01.2025, 30.05.2025 submitting the demand amount under protests is annexed as **ANNEXURE R/2 (colly)**.

(e) Imposed Rs 17,49,050 vide notice dated 02.07.2025. for alleged illegal mining/transportation outside the leased area. That the Respondent did not deposit the said amount for the reason that such imposition in a series without any reasons and show cause notices and without considering the stand of the Respondent are wrong and unfair on part of the authorities.

6. That upon non deposition of the above amount, the District Officer Banda cancelled the mining lease vide Order no. 2048/Khanij-30, Banda dated 25.08.2025 and forfeited the remaining security amount Rs. 3,63,78,529/-. It is submitted that no show cause notice has been issued to the Respondent before cancelling the Mining Lease and is this in violation of principles of natural justice.

The copy of the letter dated 25.08.2025 by the District Mining Officer cancelling the mining lease of the Respondent is annexed as **ANNEXURE R/3**.

1015

7. The answering respondent no.13 has deposited sum of Rs 75,45,600/- under protest against the impugned afore stated demand notices.
8. In this context, it is respectfully submitted that a representation dated 08.04.2026 has been duly filed before the District Magistrate, Banda, challenging the impugned demand notices. It is further stated that the Respondent, under compelling circumstances, deposited the amounts as demanded under protest, as the concerned department used to withheld the OTP required for generation of MM-11, which would have otherwise resulted in substantial financial losses to the Respondent. And in such circumstances, the Respondent had no remedy except the deposition of amount. The said representation has been preferred before the District Magistrate, Banda, seeking appropriate consideration and adjudication of issue regarding the legality of amount demanded in the impugned demand notices.

The copy of the representation dated 08.04.2026 filed before the District Magistrate, Banda challenging the impugned demand notices is annexed as **ANNEXURE R/4**.

9. It is humbly submitted that the project proponent was working within the regulated framework and under the close scrutiny and continuous supervision of the statutory authorities.
10. The core grievance raised in the letter petition is not against any specific act of Prashant Kumar Gupta but against alleged systemic illegality – illegal mining at night, use of heavy machinery, mining below the permissible depth and below water table, non-sprinkling of water and transportation of quantities allegedly above the prescribed limit in various blocks in districts Jhansi, Jalaun, Hamirpur

and Banda. The newspaper cuttings and Forms E-MM-11 relied upon by the applicant refer to several blocks and lessees, but no specific incident or material is placed on record to show that Prashant Kumar Gupta is conducting operations at night, using heavy machinery in violation of EC conditions or mining below 3 meters below water table.

11. That the standards and safeguards highlighted by the applicant in his letter – namely:

- prohibition of mining before sunrise and after sunset;
- prohibition on use of heavy machinery;
- prohibition on mining below 3 metres or below the water table, whichever is earlier; and
- requirement of water sprinkling on haul roads and near mining site.

12. It is submitted that these conditions are already incorporated in the EC, mining lease deed, consent conditions and the applicable mining and environmental regulations. The answering respondent was strictly adhering to these conditions and has not committed any violations.

13. As regards the instances in Marouli Khadar Block No. 1 (Banda) mentioned by the applicant (where certain quantities of alleged illegal/excess mining are cited), as also observations of the Joint Committee Report referring to the answering respondent, on the basis of joint inspections by Revenue, Police and Mining Departments, resulting in issuance of notices alleging illegal/excess mining and corresponding demands of royalty/compensation, the same are already the subject-matter of proceedings under the U.P. Minor-Mineral (Prevention) Rules,

1017

2021 and the Mines and Minerals (Development and Regulation) Act, 1957 before the competent mining authorities. In several cases, the answering respondent has deposited the demanded amounts under protest and submitted representation as stated above. It is humbly submitted that these regulatory/revenue proceedings cannot be treated as conclusive proof of environmental violations in the absence of any finding in the Joint Committee Report of actual, persisting environmental damage attributable to this respondent.

14.It is humbly submitted that the Joint Committee Report, while detailing various actions taken by the Mining Department in respect of alleged excess/illegal mining, does not record any present finding that Prashant Kumar Gupta is carrying out mining in the river stream, below the permitted depth, at night hours or with prohibited machinery, or that its operations are causing demonstrable "environmental imbalance" in the concerned river stretch. Nor does the Committee recommend any project-specific closure or suspension of operations qua this respondent. On the contrary, the recommendations are general and apply uniformly to all leases in Hamirpur and Banda.

15.In these circumstances, it is respectfully submitted that the applicant's generalized apprehensions and newspaper-based allegations cannot, by themselves, justify coercive directions specifically against the answering respondent in the absence of concrete evidence of violation of EC/Consent conditions by this respondent.

PRAYER

In light of the above facts and circumstances it is respectfully prayed before the Hon'ble Tribunal that the present Original Application may kindly be disposed of against the Answering Respondent.

06.05.2026

Banda

प्रशांत कुमार गुप्ता

M/S SHRI PRASHANT KUMAR GUPTA

Respondent no. 13

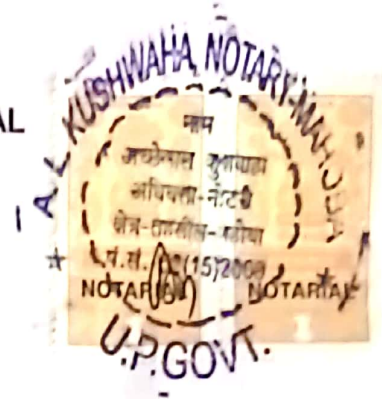
Through

R Khurana

Counsel

5809/2026 1019

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 203 OF 2025



In the Matter of:

RAM MILAN

.... Applicant

Versus

STATE OF UTTAR PRADESH & Ors.

...Respondent(s)

I, Prashant Gupta (Director of Company), M/s. Shri Prashant Kumar Gupta, Gata No.- Part of 333/7, Block No.1, village – Marauli, Khadar, District Banda do hereby solemnly affirm and state as under:

1. That I, the deponent herein, is well conversant with the facts and circumstances of the present case and has been impleaded as Respondent No.13.
2. That I have gone through the contents of the accompanying reply which has been drafted under my instructions.

प्रशान्त गुप्त उपाधी

Deponent

VERIFICATION

Verified at on this 6th day of May, 2026 that the contents of above affidavit are true and correct to the best of my knowledge and on the basis of the information derived from the official records which I believe to be true, and no material fact has been concealed therein.

प्रशान्त गुप्त उपाधी

Deponent

06/05/26
नोटरी-महोबा
डॉ पी० लखनर
अधिकरण नं-12(18)2008

IDENTIFIED

06/05/26



उत्तर प्रदेश UTTAR PRADESH

51AA 468943



affidavit Document Swarnipyt in
 before me by Sri/Smt. Prasant Kishore
 S/o. W/o. K. S. Kishore No. Wazuli Khoda
 Tan. Barde Dist. Barde
 contents of affidavit document have been
 read over and explained
 to him/them which is admitted to him/them
 he/they is/are satisfied by Sri-
 The prescribed fee is charged.

06-05-26
 A.L. KUSHWAHA
 Advocate/Notary
 Mahoba
 P.O. Mahoba

ENVIRONMENTAL
CLEARANCE

Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment
Authority(SEIAA), UTTAR PRADESH)

To,

The
 PRASHANT GUPTA
 GHANDHINAGAR MAHOBA TEHSIL AND DISTRICT MAHOBA -210427

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC) in respect of project submitted to the SEIAA vide proposal number SIA/UP/MIN/407299/2022 dated 07 Dec 2022. The particulars of the environmental clearance granted to the project are as below.

- | | |
|--------------------------------------------|----------------------------|
| 1. EC Identification No. | EC24B001UP141265 |
| 2. File No. | 7426-6915 |
| 3. Project Type | New |
| 4. Category | B |
| 5. Project/Activity including Schedule No. | 1(a) Mining of minerals |
| 6. Name of Project | Sand/Morrum Mining Project |
| 7. Name of Company/Organization | PRASHANT GUPTA |
| 8. Location of Project | UTTAR PRADESH |
| 9. TOR Date | N/A |

The project details along with terms and conditions are appended herewith from page no 2 onwards.

Date: 29/04/2024

(e-signed)
 Sanjeev Kumar Singh (IFS)
 Member Secretary
 SEIAA - (UTTAR PRADESH)

Note: A valid environmental clearance shall be one that has EC identification number & E-Sign generated from PARIVESH. Please quote identification number in all future correspondence.

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PARIVESH

(Pro-Active and Responsive Facilitation by Interactive,
 and Virtuous Environmental Single-Window Hub)





1022

State Level Environmental Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.
Vineet Khand-1, Gomti Nagar, Lucknow- 226010
E-Mail- doeuplko@yahoo.com, seiaaup@yahoo.com
Phone no- 0522-2300541

Reference- MoEFCC Proposal no SIA/UP/MIN/407299/2022 & SEIAA, U.P File no-7426/6915

Sub: Environmental Clearance for Sand/Morrum Mining” on the riverbed of River Ken at Gata No. Part of 333/7 (Khand No. 01), Village- Marauli Khadar, Tehsil- Banda, District- Banda, U.P.,(Leased Area 17.2802 Ha.)

Dear Sir,

This is with reference to your application / letter 02-02-2022, 21-03-2022, 07-12-2022, 17-01-2023, 02-03-2024, 28-12-2023 above mentioned subject. The matter was considered by 797th SEAC in meeting held on 12-10-2023 and 808th SEIAA in meeting held on 08-04-2024.

A presentation was made by the project proponent along with their consultant M/s Environmental Research and Analysis, Lucknow (U.P) to SEAC on 12-10-2023.

Project Details Informed by the Project Proponent and their Consultant

The project proponent, through the documents and presentation gave following details about their project –

1. The environmental clearance is sought for Riverbed “Sand/Morrum Mining” on the riverbed of River Ken at Gata No. Part of 333/7 (Khand No. 01), Village- Marauli Khadar, Tehsil- Banda, District- Banda, U.P.,(Leased Area 17.2802 Ha.)
2. The Terms of Reference in the matter were issued by SEIAA, U.P vide Letter No.. 46/Parya/SEIAA/6915/2022 on dated 06/05/2022
3. The Public Hearing was organized on 26/08/2022. Final EIA Report was submitted by the Project Proponent on 07/12/2022.
4. Salient features of the project as submitted by the project proponent:

1. On-line proposal No.	SIA/UP/MIN/407299/2022		
2. File No. allotted by SEIAA, U.P	7426/6915		
3. Name of Proponent	Shri Prashant Kumar Gupta S/o Shri Ramkishan Gupta		
4. Full correspondence address of proponent and mobile no.	Gandhi Nagar, Mahoba Tehsil & District- Mahoba (U.P.) Pincode- 210427		
5. Name of Project	Sand/Morrum Mining Project		
6. Project location (Plot/Khasra/Gata No.)	Gata No. -Part of 333/7 (Khand No-1)		
7. Name of River	Ken River bed		
8. Name of Village	Marauli Khadar		
9. Tehsil	Banda		
10. District	Banda (U.P.)		
11. Name of Minor Mineral	Sand/Morrum Mining Project		
12. Sanctioned Lease Area (in Ha.)	17.2802 Ha		
13. Mineable Area (in Ha.)	15.5244 Ha. (Safety Margin 1.7558 Ha.)		
14. Zero level mRL	88 mRL		
15. Max. & Min mrl within lease area	The highest RL & lowest RL found within the lease area is 95 m in the south direction & 92m in the north-east direction.		
16. Pillar Coordinates (Verified by DMO)	Pillar	Latitude(N)	Longitude(E)
	A	25°33'45.81"N	80°17'16.98"E

1023

		25°33'45.25"N	80°17'27.89"E
	C	25°33'47.29"N	80°17'38.95"E
	D	25°33'33.07"N	80°17'40.39"E
	E	25°33'38.95"N	80°17'25.06"E
	F	25°33'38.12"N	80°17'25.04"E
	G	25°33'41.10"N	80°17'15.94"E
	H	25°33'42.58"N	80°17'15.51"E
17. Total Geological Reserves	6,91,208 m ³		
18. Sanction Quantity as per LOI	3,45,604 m ³ per year as per LOI		
19. Total Proposed Production (in five year)	17,28,020 m ³ in five year		
20. Proposed Production/year	3,45,604 m ³ per year as per LOI		
21. Sanctioned Period of Mine lease	5 Years as per LOI		
22. Monitoring Period	1 st March 2022-31 st May 2022 (pre- monsoon)		
23. Method of Mining	Open cast, Semi-Mechanized		
24. No. of working days	250		
25. Working hours/day	8 hours/day		
26. No. Of workers	78		
27. No. Of vehicles movement/day	106-108 Vehicles movement/day		
28. Type of Land	Sand/Morrum Mining Project		
29. Ultimate Depth of Mining	2.5 m		
30. Nearest metalled road from site	NH- 335 at 6.67 km towards South East direction from the project site.		
31. Water Requirement	PURPOSE		REQUIREMENT (KLD)
	Drinking water		0.88 KLD
	Dust suppression		3.78 KLD
	Plantation		0.09 KLD
	Others (if any)		-
	Total		4.75 KLD approx
32. Name of QCI Accredited Consultant with QCI No and period of validity.	M/s Environmental Research and Analysis, Lucknow (U.P) Certificate No. NABET/ EIA/ 1922/RA 0200(Rev 01) Extension Validity Till: 21.01.2024		
33. Any litigation pending against the project or land in any court	No		
34. Details of 500 m Cluster Map & certificate issued by Mining Officer	Letter No. 44/ Khanij-30/Banda) on Date- 13/01/2022		
35. Details of Lease Area in approved DSR	Corrigendum Letter No:1375/Khanij-30, Banda dated 13/08/2019		
36. Proposed EMP cost	Rs 23,76,560/-		
37. Proposed Total Project cost	Rs. 16,00,00,000/-		
38. Length and breadth of Haul Road	420 m length and 6 m width		
39. No. of Trees to be Planted	90		

5. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
6. This project does not attract any of the general conditions applicable on mining projects specified in EIA Notification 14/09/2006.
7. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
8. There is no litigation pending in any court regarding this project.
9. The project proposal falls under category-1(a) of EIA Notification, 2006 (as amended).

1024

Based on the recommendations of the State Level Expert Appraisal Committee Meeting (SEAC) held on 12-10-2023 the State Level Environment Impact Assessment Authority (SEIAA) in its Meeting held 08-04-2024 and decided to grant the Environmental Clearance to the title project for collection of 3,45,604 m³ for lease area of 17.2802 ha subject to effective implementation of the following General Conditions and specific conditions:-

General Conditions:

1. This environmental clearance is subject to allotment of mining lease in favour of project proponent by District Administration/Mining Department.
2. Forest clearance shall be taken by the proponent as necessary under law.
3. Any change in mining area, khasra numbers, entailing capacity addition with change in process and or mining technology, modernization and scope of working shall again require prior Environmental Clearance as per the provisions of EIA Notification, 2006 (as amended).
4. Precise mining area will be jointly demarcated at site by project proponent and officials of Mining/Revenue department prior to starting of mining operations. Such site plan, duly verified by competent authority along-with copy of the Environmental Clearance letter will be displayed on a hoarding/board at the site. A copy of site plan will also be submitted to SEIAA within a period of 02 months.
5. Mining and loading shall be done only within day hours' time.
6. No mining shall be carried out in the safety zone of any bridge and/or embankment.
7. It shall be ensured that standards related to ambient air quality/effluent as prescribed by the Ministry of Environment & Forests are strictly complied with. Water sprinklers and other dust control majors should be applied to take-care of dust generated during mining operation. Sprinkling of water on haul roads to control dust will be ensured by the project proponent.
8. All necessary statutory clearances shall be obtained before start of mining operations. If this condition is violated, the clearance shall be automatically deemed to have been cancelled.
9. Parking of vehicles should not be made on public places.
10. No tree-felling will be done in the leased area, except only with the permission of Forest Department.
11. No wildlife habitat will be infringed.
12. It shall be ensured that excavation of minor mineral does not disturb or change the underlying soil characteristics of the river bed /basin, where mining is carried out.
13. It shall be ensured that mining operation of Sand/Moram will not in any way disturb the, velocity and flow pattern of the river water significantly.
14. It shall be ensured that there is no fauna dependant on the river bed or areas close to mining for its nesting. A report on the same, vetted by the competent authority shall be submitted to the RO, PCB and SEIAA within 02 months.
15. Primary survey of flora and fauna shall be carried out and data shall be submitted to the RO, PCB and SEIAA within six months.
16. Hydro-geological study shall be carried out by a reputed organization/institute within six months and establish that mining in the said area will not adversely affect the ground water regime. The report shall be submitted to the RO, PCB and SEIAA within six months. In case adverse impact is observed /anticipated, mining shall not be carried out.
17. Adequate protection against dust and other environmental pollution due to mining shall be made so that the habitations (if any) close by the lease area are not adversely affected. The status of implementation of measures taken shall be reported to the RO, UPPCB and SEIAA and this activity should be completed before the start of sand mining.
18. Need-based assessment for the nearby villages shall be conducted to study economic measures which can help in improving the quality of life of economically weaker section of society. Income generating projects/tools such as development of fodder farm, fruit bearing orchards, vocational training etc. can form a part of such program me. The project proponent shall provide separate budget for community development activities and income generating programmes.

1025

19. Green cover development shall be carried out following CPCB guidelines including selection of plant species and in consultation with the local DFO/Horticulture Officer.
20. Separate stock piles shall be maintained for excavated top soil, if any, and the top soil should be utilized for green cover/tree plantation.
21. Dispensary facilities for first-aid shall be provided at site.
22. An Environmental Audit should be annually carried out during the operational phase and submitted to the SEIAA.
23. The District Mining Officer should quarterly monitor compliance of the stipulated conditions. The project proponent will extend full cooperation to the District Mining Officer by furnishing the requisite data/information/monitoring reports. In case of any violations of stipulated conditions the District Mining Officer will report to SEIAA.
24. The project proponent shall submit six monthly reports on the status of compliance of the stipulated environmental clearance conditions including results of monitored data (both in hard & soft copies) to the SEIAA, the District Officer and the respective Regional Office of the State Pollution Control Board by 1st June and 1st December every year.
25. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parisad/ Municipal Corporation and Urban Local Body.
26. Transportation of materials shall be done by covering the trucks / tractors with tarpaulin or other suitable mechanism to avoid fugitive emissions and spillage of mineral/dust.
27. Waste water, from temporary habitation campus be properly collected & treated before discharging into water bodies the treated effluent should conform to the standards prescribed by MoEF/CPCB.
28. Measures shall be taken for control of noise level to the limits prescribed by C.P.C.B.
29. Special Measures shall be adopted to protect the nearby settlements from the impacts of mining activities. Maintenance of Village roads through which transportation of minor minerals is to be undertaken, shall be carried-out by the project proponent regularly at his own expenses.
30. Measure for prevention & control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion, if any, shall be carried-out with geo textile matting or other suitable material.
31. Under corporate social responsibility a sum of 5% of the total project cost or total income whichever is higher is to be earmarked for total lease period. Its budget is to be separately maintained. CER component shall be prepared based on need of local habitant. Income generating measures which can help in upliftment of poor section of society, consistent with the traditional skills of the people shall be identified. The programme can include activities such as development of fodder farm, fruit bearing orchards, free distribution of smokeless Chula etc.
32. Possibility for adopting nearest three villages shall be explored and details of civic amenities such as roads, drinking water etc proposed to be provided at the project proponent's expenses shall be submitted within 02 months from the date of issuance of Environment Clearance.
33. The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Integrated Regional Office, MoEF&CC, Gol, Lucknow, SEIAA, U.P and UPPCB.
34. Action plan with respect to suggestion/improvement and recommendations made and agreed during Public Hearing shall be submitted to the District mines Officer, concern Regional Officer of UPPCB and SEIAA within 02 months.
35. Environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority, if applicable to this project.
36. The proponent shall observe every 15 day for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness shall be created amongst the workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures. In this regards the safety notified zone should be left so that the habitat/nesting area is undisturbed.

1026

37. The project proponent shall undertake adequate safeguard measures during extraction of river bed material and ensure that due to this activity the hydro geological regime of the surrounding area shall not be affected.
38. The project proponent shall obtain necessary prior permission of the competent Authorities for withdrawal of requisite quantity of water (surface water and groundwater), required for the project.
39. Appropriate mitigative measures shall be taken to prevent pollution of the river in consultation with the State Pollution Control Board. It shall be ensured that there is no leakage of oil and grease in the river from the vehicles used for transportation.
40. Vehicular emissions shall be kept under control and regularly monitored. The vehicles carrying the mineral shall not be overloaded.
41. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. (MoEF circular Dated : 22-09-2008 regarding stipulation of condition to improve the living conditions of construction labour at site).
42. Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects. Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
43. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parishad/ Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
44. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Integrated Regional Office, MoEF&CC, GoI, Lucknow by e-mail.
45. The green cover development/tree plantation is to be done in an area equivalent to 20% of the total leased area either on river bank or along road side (Avenue Plantation).
46. Debris from the river bed will be collected and stored at secured place and may be utilized for strengthen the embankment.
47. Safety measures to be taken for the safety of the people working at the mine lease area should be given, which would also include measure for treatment of bite of poisonous reptile/insect like snake.
48. Periodical and Annual medical checkup of workers as per Mines Act and they should be covered under ESI as per rule.

Specific Conditions:

1. District Mining Officer shall ensure that if mineable quantity mentioned in LOI is amended as per replenishment study report the project proponent shall seek amended/fresh EC.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied with.
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 Van Sanrakshan evam Samvardhan Adhinyam, 2023 and submit before the start of work.
4. The mining lease holders shall ensure to comply with mine reclamation plan as submitted.
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.

1027

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 district plantation committee, for planting at least 18,000 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. Also, the coordinates of area earmarked for plantation should be clearly spelt and polygon should be attached and submitted within a month. 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. The project proponent shall ensure that water bodies do not get polluted due to mining activity.
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.
9. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
10. The project proponent shall install rooftop solar plant in one school in the vicinity of project area and construct toilets especially in girls' school as part of CER activity.
11. **Project Proponent shall submit the Six-monthly Compliance on the Environment Clearance condition prescribed in the Prior Environment Clearance letter as per MoEF&CC OM F.no- IAS-22/01/2022-IA-III (E-172624) Dated 14-06-2022.**
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.
14. Large number of mining projects are ongoing as well as new mining leases are coming up in the district. A reference be sent to DGM and MS, SPCB for preparing mitigation plan for controlling air pollution in the district especially in mining areas.
15. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.
16. This EC shall be subject to any order from any court/tribunal or any guidelines issued by MOEFCC
17. Next year the project proponent shall submit online replenishment study report along with 06 monthly compliance report.
18. **The quantity mentioned in Lol or quantity mentioned in replenishment study, whichever is less, would be maximum quantity which project proponent may extract. It will be ensured by District Administration and Geology and Mining Department.**
19. Directorate of Geology and Mining will ensure conduct of replenishment study from reputed institution for subsequent years in compliance of Hon'ble NGT orders.
20. NOC from Irrigation Department/ Concerning Authority regarding river bed mining to be obtained before start of mining activity.
21. 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 District plantation committee, for planting at least (as per the project) plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provisions 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.
22. The project proponent shall install solar light in their site office.

23. During the submission of 6 monthly compliance reports, the project proponent should make sure that the periodically taken site photographs should also be annexed along with the compliance report.
24. Preference should be given to indigenous local species as per the consultation of the local district Forest Officer.
25. Link Road from the quarry site to the main road shall be constructed as an all-weather road with blacktopping and maintained by the project proponent.
26. Vehicular emissions should be kept under control and regularly monitored. Suitable measures shall be taken for proper maintenance of vehicles used in a quarry operation and transportation.
27. The project proponent should explore the possibilities of rainwater harvesting.
28. Agreement/ Consent between project proponent and competent authority/ landowner for haulage road from lease site to link road.
29. Latest technology (water sprinklers/ tankers) to be adopted for mitigating dust at source points in lease area and haulage road during operational activity/vehicular movement.
30. As per the proposed plan, plantation with area specific plant species, number of plants to be planted and report of green belt development to be submitted to the concerning department
31. Water requirement details along with source of water and the permission/ agreement with the concerning authority/ water supplying agencies to be submitted.
32. Submit the Hydrological study report of lease area that the quantity given in Lol will be mined without affecting the geo-hydrology of the River.
33. The Environmental clearance will be co-terminus with the mining lease period/mining plan whichever is less.
34. At the time of operation, project proponent will comply with all the guidelines issued by Government of India/State Govt./District Administration related to Covid-19.
35. Environment management in according to environmental status and impact of the project.
36. During the school opening and closing time transportation of minerals will be restricted.
37. Selection of plants for green belt should be on the basis of pollution removal index. Project proponent should ensure survival of tree saplings. Mortality should be replaced from time to time.
38. No mining activity should be carried out in-stream channel as per SSMMG, 2016.
39. Pakkamotorable haul road to be maintained by the project proponent.
40. A separate Environmental Management Cell with suitable qualified personnel shall be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
41. Permission from the competent authority regarding evacuation route should be taken.
42. One month monitoring report of the area for air quality, water quality, Noise level. Besides flora & fauna should be examined twice a week and be submitted within 45 days for a record.
43. Provision for cylinder to workers should be made for cooking.
44. The capacity of trucks/tractor for loading purpose will be in tonnes as per Transport Department applicable norms and standard fixed by the Government.
45. Approach road kaccha is to be made motarable and tree saplings to be planted on both sides of the road. Width of the haul road shall be more than 6 meter.
46. Indigenous plants should be planted according to CPCB guidelines and in consultation with local Divisional Forest Officer.
47. The project proponent shall in 2 years conduct detailed replenishment study duly authenticated by a QCI-NABET accredited consultant, and the District Mines Officer.
48. Provision for two toilets and hand pumps should be made at mining site.
49. Drinking water for workers would be provided by tankers.
50. Mining should be done by Bar scalping methods extraction (typically 0.3 -0.6 m or 1 - 2 ft) as per sustainable sand mining management guidelines 2016.
51. A buffer/safe zone shall be maintained from the habitation as per mining guidelines.
52. Corporate Environmental Responsibility (CER) plan shall be prepared by the project proponent and the details of the various heads of expenditure to be submitted as per the guidelines provided in the recent CER notification No. 22-65/2017-IA.III dated 01/05/2018.

53. Health/Insurance card, Medical claim, regular health check-up camps, facilities shall be provided to the regular/temporary/Contractual or any base workers. Copy of receipt shall be produced to the Directorate of Environment along with the compliance report.
54. Measure for conservation of water through rainwater harvesting and cleaning and maintenance of natural surface water bodies of the nearby areas may be considered as one of the activity in CER.
55. The excavated mining material should be carried and transported in such a way that no obstruction to the free flow of water takes place. Suitable measure should be taken and details to be provided to concern Department.
56. Submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity / production levels shall be decreased / stopped accordingly till the replenishment is completed.
57. The project proponent shall ensure that if the project area falls within the eco-sensitive zone of National park/ Sanctuary prior permission of statutory committee of National board for wild life under the provision of Wildlife (Protection) Act, 1972 shall be obtained before commencement of work.
58. If in future this lease area becomes part of cluster of equal to or more than 05 ha. then additional conditions based on the EIA shall be imposed. The lease holder shall mandatorily follow cluster 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 law shall be initiated against the authority issuing the cluster certificate.
59. Project falling within 10 KM area of Wild Life Sanctuary is to obtain a clearance from National Board Wild Life (NBWL) even if the eco-sensitive zone is not earmarked.
60. To avoid ponding effect and adverse environmental conditions for sand mining in area, progressive mining should be done as per sustainable sand mining management guidelines 2016.
61. In case it has been found that the E.C. obtained by providing incorrect information, submitting that the distance between the two adjoining mines is greater than 500mt. and area is less than 05 ha, but factually the distance is less than 500 mt and the mine is located in cluster of area equal or more than 05 ha, the E.C issued will stand revoked.
62. The project proponent shall in 2 years conduct detailed replenishment study duly authenticated by a QCI-NABET accredited consultant, and the District Mines Officer which shall form the basis for midterm review of conditions of Environmental Clearance.
63. The mining work will be open-cast and manual/semi mechanized (subject to orders). Heavy machine such as excavator, scooper etc. should not be employed for mining purpose. No drilling/blasting should be involved at any stage.
64. It shall be ensured that there shall be no mining of any type within 03 m or 10% of the width which-ever is less, shall be left on both the banks of precise area to control and avoid erosion of river bank. The mining is confined to extraction of sand/moram from the river bank only.
65. The project proponent shall undertake adequate safeguard measures during extraction of river bank material and ensure that due to this activity the hydro-geological regime of the surrounding area shall not be affected.
66. The project proponent shall adhere to mining in conformity to plan submitted for the mine lease conditions and the Rules prescribed in this regard clearly showing the no work zone in the mine lease i.e. the distance from the bank of river to be left un-worked (Non mining area), distance from the bridges etc. It shall be ensured that no mining shall be carried out during the monsoon season.
67. The project proponent shall ensure that wherever deployment of labour attracts the Mines Act, the provision thereof shall be strictly followed.
68. The project proponent will provide personal protective equipment (PPE) as required, also provide adequate training and information on safety and health aspects. Periodical medical examination of the workers engaged in the project shall be carried out and records maintained. For the purpose, schedule of health examination of the workers should be drawn and followed accordingly.

69. The critical parameters such as PM10, PM2.5, SO2 and NOx in the ambient air within the impact zone shall be monitored periodically. Further, quality of discharged water if any shall also be monitored [(TDS, DO, pH, Fecal Coliform and Total Suspended Solids (TSS)].
70. Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads.
71. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
72. The extended mining scheme will be submitted by the proponent before expiry of present mining plan.
73. Four ambient air quality-monitoring stations should be established in the core zone as well as in the buffer zone for monitoring PM10, PM2.5, SO2 and NOx. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board.
74. Common road for transportation of mineral is to be maintained collectively. Total cost will be shared/worked out on the basis of lease area among users.
75. Proponent will provide adequate sanitary facility in the form of mobile toilets to the labours engaged for the project work.
76. Solid waste material viz., gutkha pouchs, plastic bags, glasses etc. to be generated during project activity will be separately storage in bins and managed as per Solid Waste Management rules.
77. Natural/customary paths used by villagers should not be obstructed at any time by the activities proposed under the project.
78. Digital processing of the entire lease area in the district using remote sensing technique should be done regularly once in three years for monitoring the change of river course by Directorate of Geology and Mining, Govt. of Uttar Pradesh. The record of such study to be maintained and report be submitted to Integrated Regional Office, MoEF&CC, Gol, Lucknow, SEIAA, U.P. and UPPCB.
79. The project authorities shall advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the SEIAA at <http://www.seiaaup.in> and a copy of the same shall be forwarded to the Integrated Regional Office, MoEF&CC, Gol, Lucknow, CPCB, State PCB.
80. The MoEF&CC/SEIAA or any other competent authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
81. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
82. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 11 of the National Environment Appellate Authority Act, 1997.
83. Waste water from potable use be collected and reused for sprinkling.
84. A width of not less than 50 meter or 10% width of river can be restricted for mining activities from river bank. A condition can be imposed that mining will be done from river activities from river bank. You shall also ensure that the proposed site is not a part of any no-development zone as required/prescribed/identified under law.

In case of violation, this permission shall automatically deem to be cancelled. Also, in the event of any dispute on ownership or land use of the proposed site, this clearance shall automatically deem to be cancelled.

Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

1031

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

The project proponent will have to submit approved plans and proposals incorporating the conditions specified in the Environmental Clearance within 03 months of issuance of this clearance. The SEIAA/MoEF reserves the right to revoke the environmental clearance, if conditions stipulated are not implemented to the satisfaction of SEIAA/MoEF. SEIAA may impose additional environmental conditions or modify the existing ones, if necessary.

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

Copy, through email, for information and necessary action to –

1. **Additional Chief Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, Lucknow (email – psforest2015@gmail.com)**
2. **Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, 3rd Floor, Prithvi-Block, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003 (email – sudheer.ch@gov.in)**
3. **Deputy Director General of Forests (C), Integ rated Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector “H”, Aliganj, Lucknow – 226020 (email – rocz.lko-mef@nic.in)**
4. **District Magistrate, Banda.**
5. **Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email – ms@uppcb.com)**
6. **Copy to Web Master for uploading on PARIVESH Portal.**
7. **Copy for Guard File.**

(Sanjeev Kumar Singh)
Member Secretary, SEIAA

Signature Not Verified

Digitally signed by: Sanjeev Kumar Singh (IFS)
Designation: Member Secretary
Date and Time: 4/29/2024 7:13:28 PM

1032

सेवा में,

जिला अधिकारी/जिला खनिज अधिकारी,

जनपद - बाँदा (उ०प्र०)

विषय: नोटिस संख्या 3431 दिनांक 19.10.2024 के संदर्भ में प्रार्थना पत्र।

महोदय,

सविनय निवेदन है कि प्रार्थी प्रशांत कुमार गुप्ता को आपके कार्यालय द्वारा नोटिस संख्या 3431/खनिज-30, दिनांक 19.10.2024 प्रेषित किया गया है। उक्त नोटिस के संबंध में प्रार्थी निम्नलिखित निवेदन करना चाहता है-

1. यह कि प्रार्थी द्वारा खनन कार्य अपने पूर्व निर्धारित एवं स्वीकृत क्षेत्र में ही किया गया है।
2. यह कि प्रार्थी द्वारा किसी भी वाहन में निर्धारित मात्रा से अधिक बालू/मोरम का परिवहन कभी नहीं किया गया है। अतः पिट्स में अधिक मात्रा में दर्शाई गई खनन मात्रा तर्कसंगत एवं न्यायोचित प्रतीत नहीं होती है।
3. यह कि प्रार्थी की ओटीपी दिनांक 20.10.2024 को बंद कर दी गई, जिसके कारण प्रार्थी को बिना किसी सुनवाई का अवसर दिए खनन कार्य बंद करना पड़ा। इस कारण खनन कार्य के संचालन हेतु प्रार्थी के पास धनराशि जमा करने के अतिरिक्त कोई अन्य विकल्प नहीं बचा।
4. यह कि खनिज विभाग द्वारा ओटीपी बंद किए जाने के कारण प्रार्थी नोटिस संख्या 3431/खनिज-30, बाँदा दिनांक 19.10.2024 में मांगी गई धनराशि जमा करने को विवश है। प्रार्थी उक्त धनराशि अंडर प्रोटेस्ट (Under Protest) जमा कर रहा है, जो कि उक्त नोटिस के निस्तारण एवं माननीय न्यायालय/सक्षम प्राधिकारी के अंतिम निर्णय के अधीन होगी।

अतः महोदय से विनम्र निवेदन है कि उपर्युक्त तथ्यों को दृष्टिगत रखते हुए प्रार्थी के विरुद्ध जारी उक्त नोटिस को निरस्त/पुनर्विचार करने की कृपा करें।

दिनांक: — 20.10.24

स्थान: — बाँदा

प्रार्थी

प्रशांत कुमार गुप्ता

M/s आदिनाथ एसोसिएट्स

पता: मरौली खण्ड नं. 01

मोबाइल:



सेवा में,

1033

जिला अधिकारी / जिला खनिज अधिकारी,

जनपद - बाँदा, उत्तर प्रदेश

विषय: नोटिस संख्या 3984/खनिज-30, बाँदा दिनांक 26.11.2024 के संदर्भ में प्रार्थना पत्र।

महोदय,

सविनय निवेदन है कि आपके कार्यालय से नोटिस संख्या 3984/खनिज-30, बाँदा दिनांक 26.11.2024 निर्गत किया गया है, जिसमें प्रार्थी के खनन क्षेत्र के अंतर्गत 2332 घनमीटर अतिरिक्त खनन किया जाना अंकित किया गया है। उक्त आरोपों के संबंध में प्रार्थी निम्नलिखित निवेदन प्रस्तुत करना चाहता है—

1. यह कि प्रार्थी द्वारा खनन कार्य अपने स्वीकृत एवं निर्धारित खनन क्षेत्र तथा निर्धारित मात्रा के अनुरूप ही किया गया है।
2. यह कि प्रार्थी द्वारा बालू/मोरम का परिवहन करने वाले वाहनों में निर्धारित मात्रा से अधिक सामग्री कभी नहीं दी गई है। अतः निर्धारित खनन क्षेत्र में अधिक मात्रा में खनन किया जाना संभव नहीं है। इस प्रकार लगाया गया आरोप पूर्णतः असत्य एवं निराधार है।
3. यह कि उक्त नोटिस निर्गत होने के साथ ही बिना किसी प्रकार का सुनवाई का अवसर प्रदान किए खनिज विभाग द्वारा प्रार्थी के खनन पट्टे की ओटीपी दिनांक 26.11.2024 को बंद कर दी गई, जिसके कारण प्रार्थी को अपूर्ण क्षति हुई है। बिना सुनवाई का अवसर दिए ओटीपी बंद किया जाना न्याय के नैसर्गिक सिद्धांतों (Principles of Natural Justice) का उल्लंघन है।
4. यह कि खनन पट्टे की ओटीपी बंद होने के कारण प्रार्थी का खनन कार्य पूर्णतः बंद हो गया है, जिसके चलते प्रार्थी के पास मांग की गई धनराशि जमा करने के अतिरिक्त अन्य कोई विकल्प शेष नहीं रह गया है।
5. यह कि प्रार्थी अपना खनन कार्य बंद होने के कारण विवश होकर मांग की गई धनराशि जमा कर रहा है, जो कि अंडर प्रोटेस्ट (Under Protest) जमा की जा रही है तथा यह धनराशि उक्त नोटिस के निस्तारण एवं सक्षम न्यायालय/प्राधिकारी के अंतिम न्यायिक निर्णय के अधीन होगी।

अतः महोदय से निवेदन है कि सम्बंधित प्रकरण का न्यायिक निस्तारण करने कि

कृपा करें।

दिनांक 26/11/24

धन्यवाद

प्रार्थी

प्रशान्त कुमार गुप्ता

आदिनाथ एसोसिएट्स

पता - मरौली खण्ड नं. 01

मोबाइल _____



जिला अधिकारी / जिला खनिज अधिकारी, 1034

जनपद - बाँदा, उत्तर प्रदेश

विषय: नोटिस संख्या 4454/खनिज-30, बाँदा दिनांक 04.01.2024 के संदर्भ में प्रार्थना पत्र।

महोदय,

सविनय निवेदन है कि प्रार्थी को आपके कार्यालय से निर्गत नोटिस संख्या 4454/खनिज-30, बाँदा दिनांक 04.01.2024 के माध्यम से यह अवगत कराया गया है कि प्रार्थी के खनन क्षेत्र में 1471 घनमीटर अतिरिक्त खनन कार्य किया गया है तथा खनन क्षेत्र के बाहर 2003 घनमीटर अवैध खनन प्रदर्शित किया गया है।

उक्त आरोपों के संबंध में प्रार्थी निम्नलिखित निवेदन प्रस्तुत करना चाहता है-

1. यह कि प्रार्थी द्वारा अपने स्वीकृत खनन क्षेत्र के अंतर्गत निर्धारित मात्रा के अनुसार ही खनन कार्य किया गया है तथा विधि के किसी भी नियम एवं उपबंधों का उल्लंघन नहीं किया गया है।
2. यह कि प्रार्थी के खनन क्षेत्र से बालू/मोरंग का परिवहन करने वाले वाहन दूर-दूर के जनपदों में जाते हैं, जिनमें सदैव निर्धारित मात्रा के अनुसार ही सामग्री विक्रय की जाती है। अतः निर्धारित खनन मात्रा से 1471 घनमीटर अधिक बालू का परिवहन किया जाना किसी भी प्रकार संभव नहीं है। अतः यह आरोप पूर्णतः असत्य एवं निराधार है।
3. यह कि नोटिस में प्रार्थी के खनन क्षेत्र से लगभग 150 मीटर दूर 2003 घनमीटर अवैध खनन दर्शाया गया है, जो कि किसी भी प्रकार संभव नहीं है। उक्त स्थान पर पूर्व में ही मारौली खंड संख्या-2 स्थित है, जहाँ विगत वर्षों के पिट्स एवं मार्ग के चिन्ह विद्यमान हैं, जिनका प्रार्थी से कोई भी संबंध नहीं है।
4. यह कि प्रार्थी के खनन पट्टे की ओटीपी बिना किसी प्रकार का सुनवाई का अवसर प्रदान किए दिनांक 07.01.2025 को बंद कर दी गई, जिसके कारण प्रार्थी का विधिवत संचालित व्यवसाय पूर्णतः अवरुद्ध हो गया तथा प्रार्थी को अपूर्ण्य आर्थिक क्षति हुई है।
5. यह कि उक्त परिस्थितियों में प्रार्थी को विवश होकर नोटिस में मांगी गई धनराशि जमा करनी पड़ रही है। प्रार्थी माँगी गई धनराशि इस शर्त के साथ जमा कर रहा है कि जमा धनराशि नोटिस के निस्तारण एवं न्यायिक निर्णय के आधीन होगी।

अतः महोदय से निवेदन है कि सम्बंधित प्रकरण को नोटिस निरस्त करते हुए निस्तारित करने की कृपा करे।

दिनांक 11/1/2025



11/01/2025

प्रार्थी

प्रशान्त कुमार गुप्ता

आदिनाथ एसोसिएट्स

पता - मरौली खण्ड नं. 01

मोबाइल _____

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सेवा में,

श्रीमान जिला अधिकारी / जिला खनिज अधिकारी,

जनपद - बाँदा, उत्तर प्रदेश

विषय: नोटिस संख्या 964/खनिज-30, बाँदा दिनांक 22.05.2025 के संदर्भ में प्रार्थना पत्र।

महोदय,

सविनय निवेदन है कि प्रार्थी प्रशांत कुमार गुप्ता को आपके कार्यालय द्वारा नोटिस संख्या 964/खनिज-30, बाँदा दिनांक 22.05.2025 प्रेषित किया गया है। उक्त नोटिस में प्रार्थी के खनन क्षेत्र के बाहर 1219.5 घनमीटर अवैध खनन दर्शाया गया है। इस संबंध में प्रार्थी निम्नलिखित निवेदन प्रस्तुत करना चाहता है-

1. प्रार्थी द्वारा हमेशा खनन कार्य अपने पूर्व निर्धारित एवं स्वीकृत खनन क्षेत्र में ही किया गया है तथा सभी विधि एवं नियमों का पूर्ण रूप से पालन किया गया है।
2. प्रार्थी ने अपने खनन क्षेत्र के बाहर किसी भी प्रकार का अवैध खनन नहीं किया है।
3. प्रार्थी के खनन क्षेत्र में पूरे वर्ष के लिए बालू की पर्याप्त मात्रा उपलब्ध थी, अतः क्षेत्र के बाहर खनन करने का कोई औचित्य नहीं है।
4. नोटिस में उल्लिखित क्वार्टिजिनेट विगत वर्षों में संचालित मरौली खंड संख्या-2 के अंतर्गत आते हैं, जो उक्त खंड के संचालन के दौरान हुए थे। इसका प्रार्थी से कोई लेना-देना नहीं है।
5. खनिज विभाग द्वारा प्रार्थी को धनराशि जमा करने के निर्देश दिए गए हैं। अन्यथा प्रार्थी के वर्तमान खनन पट्टे की ओटीपी बंद करने की चेतावनी दी गई है। इस कारण प्रार्थी विवश होकर धनराशि जमा कर रहा है, जो कि नोटिस के निस्तारण एवं सक्षम न्यायालय/प्राधिकारी के निर्णय के अधीन होगी।

अतः महोदय से निवेदन है कि उपर्युक्त तथ्यों को दृष्टिगत रखते हुए प्रकरण का न्यायोचित निस्तारण करने की कृपा करें।

दिनांक: 30/5/2025

स्थान: बाँदा

30/5/25

भवदीय

प्रशांत कुमार गुप्ता

प्रशांत कुमार गुप्ता

आदिनाथ एसोसिएट्स

पता - मरौली खण्ड नं. 01

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प्रस्तावक द्वारा अनुमोदित खनन योजना दिनांक 29.01.2022 एवं पर्यावरण स्वच्छता प्रमाण-पत्र सं०-EC24B001UP141265 File No. 7426-6915 दिनांक 29.04.2024 प्राप्त कर प्रस्तुत किया गया था, जिसमें 3,45,604 घन मी० प्रतिवर्ष खनन योग्य मात्रा अंकित है। उक्त को दृष्टिगत रखते हुये समस्त औपचारिकताओं के उपरान्त प्रश्नगत खनन पट्टा क्षेत्र का पट्टा विलेख का निष्पादन दिनांक 05.10.2024 को किया गया, जिसकी अवधि दिनांक 05.10.2024 से 04.10.2029 (05 वर्ष) तक है। पट्टा विलेख का निष्पादन होने के उपरान्त पट्टेधारक द्वारा खनन एवं परिवहन का कार्य प्रारम्भ किया गया।

प्रश्नगत खनन पट्टे की संयुक्त जांच राजस्व विभाग, पुलिस विभाग व खनिज विभाग की संयुक्त टीम द्वारा दिनांक 18.10.2024 को की गयी, जिसमें खनन पट्टा क्षेत्र में 1403 घन मी० बालू/मोरम का अतिरिक्त खनन/परिवहन होना पाया गया। अतः उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियम-3, 58, 72 तथा खान एवं खनिज (विकास एवं विनियमन) अधिनियम-1957 की धारा-4 व 21 का उल्लंघन होने की दशा में कार्यालय के पत्र सं०-3431/खनिज-30 बांदा दिनांक 19.10.2024 द्वारा पट्टाधारक को नोटिस निर्गत करते हुये कुल राजस्व की क्षति रू० 12,62,700/- से अवगत कराया गया। पट्टाधारक द्वारा उक्त आरोपित धनराशि रू० 12,62,700/- चालान नं०-AKV240022185 दिनांक 19.10.2024 द्वारा जमा किया गया।

पुनः खनन पट्टे की संयुक्त जांच राजस्व विभाग, पुलिस विभाग व खनिज विभाग की संयुक्त टीम द्वारा दिनांक 24.11.2024 को की गयी, जिसमें खनन पट्टा क्षेत्र में 2332 घन मी० बालू/मोरम का अतिरिक्त खनन/परिवहन होना पाया गया। अतः उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियम-3, 58, 72 तथा खान एवं खनिज (विकास एवं विनियमन) अधिनियम-1957 की धारा-4 व 21 का उल्लंघन होने की दशा में कार्यालय के पत्र सं०-3984/खनिज-30 बांदा दिनांक 26.11.2024 द्वारा पट्टाधारक को नोटिस निर्गत करते हुये कुल राजस्व की क्षति रू० 20,98,800/- से अवगत कराया गया। पट्टाधारक द्वारा उक्त आरोपित धनराशि रू० 20,98,800/- चालान नं०-AKV240026063 दिनांक 26.11.2024 द्वारा जमा किया गया।

उक्त खनन पट्टे की संयुक्त जांच राजस्व विभाग, पुलिस विभाग व खनिज विभाग की संयुक्त टीम द्वारा दिनांक 26.12.2024 को की गयी, जिसमें खनन पट्टा क्षेत्र में 1471 घन मी० बालू/मोरम का अतिरिक्त खनन/परिवहन तथा खनन पट्टा क्षेत्र के बाहर 2003 घन मी० बालू/मोरम का अवैध खनन/परिवहन होना पाया गया। अतः उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियम-3, 58, 72 तथा खान एवं खनिज (विकास एवं विनियमन) अधिनियम-1957 की धारा-4 व 21 का उल्लंघन होने की दशा में कार्यालय के पत्र सं०-4454/खनिज-30 बांदा दिनांक 04.01.2025 द्वारा पट्टाधारक को नोटिस निर्गत करते हुये कुल राजस्व की क्षति रू० 31,26,600/- से अवगत कराया गया। पट्टाधारक द्वारा उक्त आरोपित धनराशि रू० 31,26,600/- को चालान नं०-AKV250000702 दिनांक 08.01.2025 रू० 15,00,000/- व चालान नं०-AKV250001039 दिनांक 11.01.2025 रू० 16,26,600/- द्वारा जमा किया गया।

पुनः खनन पट्टे की संयुक्त जांच राजस्व विभाग व खनिज विभाग की संयुक्त टीम द्वारा दिनांक 19.05.2025 को की गयी, जिसमें खनन पट्टा क्षेत्र के बाहर 1219.50 घन मी० बालू/मोरम का अवैध खनन/परिवहन होना पाया गया। अतः उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियम-3, 58, 72 तथा खान एवं खनिज (विकास एवं विनियमन) अधिनियम-1957 की धारा-4 व 21 का उल्लंघन होने की दशा में कार्यालय के पत्र सं०-964/खनिज-30 बांदा दिनांक 22.05.2025 द्वारा पट्टाधारक को नोटिस निर्गत करते हुये कुल राजस्व की क्षति रू० 10,97,500/- से अवगत कराया गया। पट्टाधारक द्वारा उक्त आरोपित धनराशि रू० 10,97,500/- चालान नं०-AKV250015906 दिनांक 30.05.2025 द्वारा जमा किया गया।

प्रश्नगत खनन पट्टे की संयुक्त जांच राजस्व विभाग व खनिज विभाग की संयुक्त टीम द्वारा दिनांक 27.06.2025 को की गयी, जिसमें खनन पट्टा क्षेत्र के बाहर 1804.50 घन मी० बालू/मोरम का अवैध खनन/परिवहन होना पाया गया। अतः उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियम-3, 58, 72 तथा खान एवं खनिज (विकास एवं विनियमन) अधिनियम-1957 की धारा-4 व 21 का उल्लंघन होने की दशा में कार्यालय के पत्र सं०-1589/खनिज-30 बांदा दिनांक 02.07.2025 द्वारा पट्टाधारक को नोटिस निर्गत करते हुये कुल राजस्व की क्षति रू० 17,49,050/- से अवगत कराया गया। पट्टाधारक द्वारा उक्त नोटिस के सम्बन्ध में कोई स्पष्टीकरण प्रस्तुत नहीं किया गया और न ही धनराशि जमा की गयी।

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उपरोक्त के अतिरिक्त कतिपय जांचोपरान्त पट्टाधारक के खनन पट्टा क्षेत्र से लदे कुल 02 वाहनों को ओवरलोड पाये जाने पर कार्यालय के नोटिस सं०-4905 दिनांक 21.02.2025 (01 वाहन) व नोटिस सं०-4906 दिनांक 21.02.2025 (01 वाहन) निर्गत करते हुये कुल देय शास्ति की धनराशि रू० 50,000/- जमा करने के निर्देश दिये गये किन्तु पट्टाधारक द्वारा उक्त देय धनराशि जमा नहीं की गयी तथा विभागीय पोर्टल upmdss.in पर उपलब्ध डाटा के अनुसार पट्टाधारक द्वारा खनन क्षेत्र से वे-ब्रिज के माध्यम से परिवहन किये गये वाहनों के सम्बन्ध में Volume mismatch के 25 प्रकरणों में 96,264/- व बिना ई0एम0एम0-11 के वे-ब्रिज से निकले 36 वाहनों के सम्बन्ध में रू० 15,57,018/- कुल धनराशि रू० 16,53,282/- आरोपित हुई थी, जिसकी प्रकरणवार नोटिस पट्टाधारक को रजिस्टर्ड/ईमेल के माध्यम से प्रेषित की गयी किन्तु पट्टाधारक द्वारा उक्त देय धनराशि जमा नहीं की गयी।

पट्टेधारक द्वारा नोटिस दिनांक 02.07.2025 के उपरान्त भी अभी तक अवैध खनन की धनराशि जमा नहीं की गयी है। पट्टाधारक द्वारा किया गया उक्त कृत्य उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियमों व निष्पादित खनन पट्टा विलेख में उल्लिखित शर्तों का स्पष्ट उल्लंघन है।

उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियम-59(1) में प्राविधानित है कि "राज्य सरकार या उसके द्वारा इस निमित्त प्राधिकृत कोई अधिकारी, पट्टेदार पर इस बात की सूचना तामील करने के पश्चात की वह सूचना प्राप्त होने के दिनांक से तीस दिन के भीतर राज्य सरकार को देय स्वामित्व (रायल्टी) सहित पट्टे के अधीन देय कोई धनराशि या अपरिहार्य भाटक का भुगतान करें, यदि उस भुगतान के लिए निश्चित दिनांक से पन्द्रह दिन के भीतर उसका भुगतान न किया गया हो, तो खनन पट्टा समाप्त कर सकता है। यह अधिकार पट्टेदार से ऐसे देयों को भू-राजस्व के बकाया के रूप में वसूली करने के राज्य सरकार के अधिकार के अतिरिक्त होगा और उसपर कोई प्रतिकूल प्रभाव नहीं पड़ेगा।

(2) इस नियमावली के उपबन्धों को प्रतिकूल प्रभाव डाले बिना उपनियम-(1) के अधीन नोटिस की अवधि की समाप्ति के पश्चात इस नियमावली के अधीन राज्य सरकार के प्रति देय किसी भाटक स्वामित्व, सीमांकन शुल्क और किन्हीं अन्य देयों पर 18 प्रतिशत प्रति वर्ष की दर से साधारण ब्याज प्रभारित किया जा सकता है।

प्रतिबन्ध यह है कि जिला मजिस्ट्रेट कुल देय धनराशि के सापेक्ष प्रतिभूति धनराशि का समायोजन करने के पश्चात अवशेष धनराशि की वसूली हेतु वसूली प्रमाण-पत्र जारी करेगा।"

उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियम-61(2) में प्राविधानित है कि "यदि उप नियम (1) अथवा नियम-59 के अधीन पट्टा समाप्त कर दिया जाता है तो पट्टेदार का नाम जिला अधिकारी द्वारा दो वर्ष से अनधिक ऐसी अवधि के लिए जैसा कि वह उचित समझे, काली सूची में डाल सकता है, जो विभाग की वेबसाइट पर अपलोड की जायेगी और ऐसी अवधि के दौरान उसको इस नियमावली के अधीन कोई खनिज परिहार अनुमत्य नहीं होगा। इस संबंध में, यथास्थिति, खनन पट्टे के रजिस्टर में या नीलाम रजिस्टर के अभ्युक्ति वाले स्तम्भ में एक प्रविष्टि अंकित कर दी जायेगी।"

तदनुसार खनन पट्टाधारक के ऊपर कार्यालय अभिलेखों के अनुसार खनन पट्टाधारक द्वारा प्रथम वर्ष की किश्त की धनराशि के सापेक्ष टी०सी०एस० की धनराशि रू० 31,86,469/- व डी०एम०एफ० की धनराशि रू० 1,59,32,345/- देय/बकाया है तथा खनन पट्टाधारक के ऊपर उपरोक्तानुसार अवैध खनन/ओवरलोडिंग के उल्लंघन में देय शास्ति शुल्क आदि की बकाया धनराशि क्रमशः रू० 17,49,050 + रू० 50,000 + 16,53,282 = कुल धनराशि रू० 34,52,332/- बकाया है।

उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियम-59 के अनुसार जमा प्रतिभूति की धनराशि रू० 3,98,30,861/- को कुल बकाया पट्टा धनराशि में समायोजित किया जाना नियमानुसार है। इस प्रकार नियम-59 के अन्तर्गत अवैध खनन/ओवरलोडिंग की कुल बकाया धनराशि रू० 34,52,332/- को जमा प्रतिभूति की धनराशि से समायोजित किये जाने के उपरान्त (3,98,30,861 - 34,52,332) = रू० 3,63,78,529/- प्रतिभूति की धनराशि बचती है। पट्टाधारक द्वारा उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियम-3, 58 व 72 तथा निष्पादित खनन पट्टा विलेख में उल्लिखित शर्तों का उल्लंघन किये जाने के कारण प्रतिभूति की अवशेष धनराशि रू० 3,63,78,529/- राज्य सरकार के पक्ष में जब्त किया जाता है एवं टी०सी०एस० की धनराशि रू० 31,86,469/- व डी०एम०एफ० की धनराशि रू० 1,59,32,345/- बकाया/देय है।

(4)

अतः पट्टाधारक द्वारा उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियम-59 व 61 एवं खनन पट्टा विलेख की शर्तों के उल्लंघन किये जाने के कारण उक्त नियम में निहित व्यवस्था के अनुसार पट्टेधारक के पक्ष में जनपद बाँदा की तहसील बाँदा स्थित ग्राम-मरौलीखादर के गाटा सं०-333/7 का भाग (खण्ड सं०-01) कुल रकबा 17.2802 हे० में केन नदी क्षेत्र अन्तर्गत स्वीकृत बालू/गोरम के 05 वर्षीय (05.10.2024 से 04.10.2029 तक) खनन पट्टा को तत्काल प्रभाव से निरस्त करते हुये 02 वर्ष हेतु काली सूची में डाला जाता है तथा उपरोक्त बकाया टी०सी०एस० की धनराशि रू० 31,86,469/- व डी०एम०एफ० की धनराशि रू० 1,59,32,345/- की वसूली भू-राजस्व के बकाये की भांति नियमानुसार देय तिथि से ब्याज सहित जमा कराने हेतु पृथक-पृथक वसूली प्रमाण-पत्र जारी किया जाये।

(जे० सीमा)
जिलाधिकारी,
बाँदा।

कार्यालय जिलाधिकारी, बाँदा।
(खनिज अनुभाग)

पत्रांक 2048 /खनिज-30, बाँदा

दिनांक : 25/08/2025

प्रतिलिपि : निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. सचिव, भूतत्व एवं खनिकर्म विभाग, उ०प्र० शासन, लखनऊ।
2. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०, खनिज भवन, लखनऊ।
3. समस्त जिलाधिकारी, उत्तर प्रदेश।
4. श्री प्रशान्त कुमार गुप्ता पुत्र श्री राम किशन गुप्ता निवासी-14, पेट्रोल पंप के पास, गांधी नगर महोबा, तहसील व जिला महोबा।

J. N. N. N.
25/08/2025
जिलाधिकारी
बाँदा।

सेवा में,

श्रीमान् जिलाधिकारी महोदया,
जनपद- बाँदा।

1040

ANNEXURE R/4

31

विषय:- बालू/मौरंग खनन पट्टा मरौली खादर खण्ड संख्या- 1 पर अवैध खनन के मद में आरोपित एवं अधिरोपित धनराशि के प्रकरण के निस्तारण के सन्दर्भ में।

महोदया,

निवेदन करना है कि प्रशान्त कुमार गुप्ता पुत्र श्री रामकिशन गुप्ता निवासी गाँधीनगर महोबा के पक्ष में एक बालू/मौरंग का खनन पट्टा खण्ड संख्या- 1 ग्राम मरौली खादर तहसील बाँदा जनपद बाँदा में संचालित था।

प्रार्थी पर नोटिस संख्या- 3431/खनिज-30 बाँदा दिनांक 19.10.2024 के द्वारा रुपये 12,62,700/- (बारह लाख बासठ हजार सात सौ), नोटिस संख्या 3984/खनिज-30 बाँदा दिनांक 26.11.2024 के द्वारा रुपये 20,98,800/- (बीस लाख अठान्चे हजार आठ सौ), नोटिस संख्या- 4454/खनिज-30 बाँदा दिनांक 04.01.2025 के द्वारा रुपये 31,26,600/- (इकतीस लाख छब्बीस हजार छः सौ) एवं नोटिस संख्या 964/खनिज-30 बाँदा दिनांक 22.05.2025 के द्वारा रुपये 10,97,500/- (दस लाख संतान्चे हजार पाँच सौ) की धनराशि अवैध खनन के आरोप में अधिरोपित की गई थी और प्रत्येक नोटिस के बाद तत्काल प्रार्थी का विभागीय ओ0टी0पी0 पोर्टल बंद कर दिया। जिससे प्रत्येक बार प्रार्थी का खनन कार्य बाधित हुआ। जिसके कारण प्रार्थी को मजबूरीवश प्रत्येक बार अधिरोपित धनराशि सशर्त जमा करनी पड़ी। फिर भी प्रार्थी को भारी आर्थिक हानि उठानी पड़ी। प्रार्थी ने कोई भी अवैध खनन नहीं किया है, जिसके सम्बन्ध में महोदय को स्पष्टीकरण दिया गया है, परन्तु आज तक प्रकरण का निस्तारण नहीं किया गया है।

अतः श्रीमान् जी से अनुरोध है कि नोटिस संख्या 3431/ खनिज-30 बाँदा दिनांक 19.10.2024, नोटिस संख्या 3984/खनिज-30 बाँदा दिनांक 26.11.2024, नोटिस संख्या 4454/खनिज-30 बाँदा दिनांक 04.01.2025 एवं नोटिस संख्या 964/खनिज-30 बाँदा दिनांक 22.05.2025 में उल्लिखित अवैध खनन/अधिरोपित धनराशि प्रकरण की जाँच कराकर धनराशि वापिस कराने का कष्ट करें।

धन्यवाद।

दिनांक- 08.04.2026

प्रार्थी

प्रशान्त कुमार गुप्ता
पुत्र श्री रामकिशन गुप्ता
निवासी गाँधीनगर महोबा
आदिनाथ एसोसिएट्
(मरौली खण्ड संख्या-01)