

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

**ORIGINAL APPLICATION NO. 1251 OF 2024**

**IN THE MATTER OF:**

Anees Ali ...Applicant

Versus

State of Uttar Pradesh & Ors. ...Respondents

**NDOH: 27.02.2025**

**INDEX**

S.NO.	PARTICULARS	PAGE NO.
1.	Reply on behalf of Respondent No. 6, M/s Saharanpur Mines along with supporting Affidavit.	1-14
2.	<b><u>ANNEXURE R-1</u></b> A Copy of the E-Auction notice dated 22.08.2023 issued by the Respondent No. 2, District Magistrate, Saharanpur.	15-23
3.	<b><u>ANNEXURE R-2</u></b> A copy of the Letter of Intent (LOI) dated 17.11.2023 issued to the answering Respondent under the E-Auction Notice dated 22.08.2023.	24-25
4.	<b><u>ANNEXURE R-3</u></b> A copy of the letter issued by the Directorate of Geology and Mining, UP approving the Mining Plan in respect of the answering Respondent.	26-27

5.	<b><u>ANNEXURE R-4</u></b> A copy of the Minutes of the Joint meeting of SEIAA and SEAC, UP dated 2.02.2024 along with SOP for Sand mining.	28-39
6.	<b><u>ANNEXURE R-5</u></b> A Copy of the Minutes of the Joint Meeting of SEAC-1 and SEAC-2, UP dated 03.05.2024.	40-44
7.	<b><u>ANNEXURE R-6</u></b> A Copy of the 814 <sup>th</sup> Minutes of the Meeting dated 24.05.2024 of the SEIAA, UP.	45
8.	<b><u>ANNEXURE R-7</u></b> A Copy of the letter dated 7.06.2024 sent by SEIAA, UP to Director, Directorate of Geology and Mining, UP.	46-47
9.	<b><u>ANNEXURE R-8</u></b> A Copy of the MOM dated 16.01.2025 by the SEAC, UP.	48-51
10.	<b><u>ANNEXURE R-9</u></b> A Copy of the OA No. 389 of 2024 being ' <i>Raj Kumar v State of UP</i> ' challenging to the E-Auction Notice dated 22.08.2023.	52-98
11.	<b><u>ANNEXURE R-10</u></b> A Copy of the Order dated 07.05.2024 passed by this Hon'ble Tribunal in OA No. 389 of 2024 being ' <i>Raj Kumar v State of UP</i> '.	99-101
12.	<b><u>ANNEXURE R-11</u></b> A Copy of the Order dated 27.08.2024 passed by the Hon'ble Supreme Court in Civil Appeal (Diary) No. 35609/2024 titled ' <i>Raj Kumar v. State of UP</i> '.	102-103

13.	<p><b><u>ANNEXURE R-12 (COLLY)</u></b></p> <p>A Copy of the Orders dated 09.12.2022, 12.12.2023 &amp; 27.02.2024 passed by this Hon'ble Court in '<i>Department of Industries and Mines v Subhash Bhai Ishwar Bhai Parmar &amp; Anr</i>', Civil Appeal 8945 of 2022.</p>	104-110
14.	Proof of Service	105

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FILED ON: 25.02.2025

PLACE: NEW DELHI

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

**ORIGINAL APPLICATION NO. 1251 OF 2024**

**IN THE MATTER OF:**

Anees Ali ...Applicant

Versus

State of Uttar Pradesh & Ors. ...Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 6, M/S  
SAHARANPUR MINES**

TO,

THE HON'BLE CHAIRPERSON AND HIS COMPANION JUDGES  
OF THE LEARNED NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH, NEW DELHI.

THE HUMBLE REPLY OF THE ANSWERING RESPONDENT  
NO 6 HEREIN:

**MOST RESPECTFULLY SHOWETH:**

1. That the present Original Application is filed challenging the E-Auction Notice dated 22.08.2023 for auction of two river bed mining sites on River Yamuna located in District Saharanpur, Uttar Pradesh.
2. This Hon'ble Tribunal vide Order dated 24.10.2024 issued notice in the present matter and vide its subsequent Order dated

17.02.2025 permitted the answering Respondent herein to file a Reply.

3. At the very outset the answering Respondent submits that the averments made in the present OA are concocted, misleading, baseless and factually incorrect and are thus denied in *toto* except specifically admitted hereinafter.

**BRIEF FACTS:**

4. The Brief facts and circumstances, relevant for the purposes of the present Reply and to enable this Hon'ble Tribunal to effectively and efficaciously adjudicate the present matter, are as under:
  - a. That in September 2006, the MOEF issued the parent EIA Notification dated 14.09.2006.
  - b. The MOEF issued Notification dated 15.01.2016 and 20.01.2016 which amended the EIA, 2006 by *inter-alia* stipulating the procedure for Preparation of a District Survey Report (DSR) for Sand Mining or River Bed Mining and Mining of other Minerals by newly constituted District Environmental Impact Assessment Authority (*hereinafter referred to as "DEIAA"*) and District Expert Appraisal Committee (*hereinafter referred to as "DEAC"*) at the District level in each State.
  - c. That a DSR for District Saharanpur was prepared by the DEAC & DEIAA, UP in the year 2017, in terms of the

MOEF Notifications dated 15.01.2016 and the SSMG, 2016 Guidelines.

- d. The MOEF in supplement and addition to the Sustainable Sand Mining Management Guidelines, 2016 issued the Enforcement & Monitoring Guidelines for Sand Mining, 2020 (*hereinafter referred to as 'the EMGSM, 2020'*) which stipulated for preparation of a DSR.
- e. The Hon'ble Supreme Court vide its Judgment dated 10.11.2021 in *Pawan Kumar* took note of the Judgment passed by this Hon'ble Tribunal in the case of Satendra Pandey and modified the procedure for preparation of a DSR and directed that the same be prepared by a Sub-Divisional Committee comprising of (i) Sub-Divisional Magistrate, (ii) Officers from Irrigation Department (iii) SPCB (iv) Forest Department (v) Geology or Mining Officer.
- f. The State of UP vide Order dated 1.06.2022 constituted a Sub-Divisional Committee to prepare and finalize the DSR in District, Saharanpur. The said Sub-Divisional Committee duly prepared the updated DSR for District Saharanpur and uploaded the same on the District website portal on 13.01.2023.
- g. The Director, Geology and Mining Department vide its letter dated 27.03.2023 approved the updated DSR for Saharanpur.

- h. The District Collector, Saharanpur issued an E-Auction Notice dated 13.02.2023 for mining of RBM in 14 Sand Ghats in District Saharanpur in accordance with the DSR prepared by the Sub-Divisional Committee. Under the said E-Auction Notice dated 13.02.2023, LOIs were issued in respect to 12 Sand Blocks and no bidders were found in respect of two sand ghats.
- i. The District Collector, Saharanpur issued the Impugned E-Auction Notice dated 22.08.2023 for mining of RBM in 2 Sand Ghats in District Saharanpur. The two sand Ghats sought to be auctioned under the Impugned E-Auction did not find any bidders under the E-Auction Notice dated 13.02.2023 and were freshly Auctioned under the Impugned Auction Notice.  
A Copy of the E-Auction notice dated 22.08.2023 issued by the Respondent No. 2, District Magistrate, Saharanpur is enclosed herein and marked as **Annexure R-1 [at page 15 to 23 ]**.
- j. The answering Respondent No. 6 participated in the E-Auction Notice dated 22.08.2023 and the District Magistrate, Saharanpur issued Letters of Intent (LOI) in favour of the answering Respondent on 17.11.2023.  
A copy of the Letter of Intent (LOI) dated 17.11.2023 issued to the answering Respondent under the E-Auction Notice dated 22.08.2023 is enclosed herewith as **Annexure R-2 [at page 24 to 25 ]**.

- k. That pursuant to said LOI, the answering Respondents No. 6 have paid and deposited substantial advance royalty to the tune of Rs. 14.14 Crores which includes the Earnest money of Rs. 7.85 Crores & first installment (Royalty) of Rs. 6.28 Crores.
- l. The Mining Plan submitted by the answering Respondent was duly approved by the Directorate of Geology and Mining, UP on 7.03.2024.  
A copy of the letter issued by the Directorate of Geology and Mining, UP approving the Mining Plan in respect of the answering Respondent is enclosed herewith as **Annexure R-3 [at page 26 ]**.
- m. That the SEIAA and SEAC, UP held a Joint Meeting on 2.02.2024 and adopted a detailed Standard Operating Procedure (SOP) regarding preparation and updation of DSR for Sand mining and/or R.B.M which was formulated and made effective with immediate effect throughout the State of UP.  
A copy of the Minutes of the Joint meeting of SEIAA and SEAC, UP dated 2.02.2024 along with SOP for Sand mining is enclosed herewith as **Annexure R-4 [at Pages 28 to 39 ]**.
- n. The SEAC-1 and SEAC-2, UP vide its Joint Meeting held on 03.05.2024 evaluated and appraised the DSR for District Saharanpur that was prepared in January 2023, in accordance

with the SOP dated 02.02.2024, and approved the said DSR for District Saharanpur.

It is trite to submit that the Revised/ updated DSR for Saharanpur prepared in the year 2022 was approved for a period of 3 years in respect of 21 Areas which included the 2 Mining Areas auctioned vide the E-Tender/Auction Notice dated 22.08.2023.

The SEAC-1 and SEAC-2 before approving the DSR further observed that *“the leases are getting over replenished and requires removal of deposits to maintain channel of river. The maximum leases are fresh for which LOI has been issued to project proponents who are in the process of securing EC”*.

A Copy of the Minutes of the Joint Meeting of SEAC-1 and SEAC-2, UP dated 03.05.2024 is enclosed herewith as **Annexure R-5 [at page 40 to 44 ]**.

- o. The SEIAA, UP vide its 814<sup>th</sup> Minutes of the Meeting dated 24.05.2024 agreed with the recommendation of SEAC and approved the DSR for District Saharanpur.

Subsequently, the units of quantity in the DSR were replaced from MT/year with cubic metres as given in the LOIs, in terms of the letter dated 7.06.2024 sent by SEIAA, UP to Director, Directorate of Geology and Mining, UP.

A Copy of the 814<sup>th</sup> Minutes of the Meeting dated 24.05.2024 of the SEIAA, UP is enclosed herewith as **Annexure R-6 [at page 45 ]**.

A Copy of the letter dated 7.06.2024 sent by SEIAA, UP to Director, Directorate of Geology and Mining, UP is enclosed herewith as **Annexure R-7 [at page 46 to 47]**.

- p. The answering Respondent after the final approval of the DSR by the SEAC/SEIAA applied for a prior EC in terms of the EIA, 2006. The SEAC/SEIAA granted Terms of Reference (TOR) on 16.08.2024 whereinafter the answering Respondent got a detailed Environmental Impact Assessment Study (EIA) along with an Environmental Management Plan (EMP) conducted. The said EIA Study was put up for Public hearing consultation by the UPPCB whereafter a final EIA submitted by the answering Respondent. Ergo, the SEAC, UP on 16.01.2025 has recommended grant of Environmental Clearance in favour of the answering Respondent.

A Copy of the MOM dated 16.01.2025 by the SEAC, UP is enclosed herewith as **Annexure R-8 [at page 48 to 51 ]**.

- q. That the Applicant herein in October, 2024 i.e. after almost 14 months of issuance of the E-Auction Notice dated 22.08.2023, and 11 months after issuance of the LOI in favour of the answering Respondent, filed the present OA

*interalia* seeking quashing of the E-Auction Notice dated 22.08.2023.

That in furtherance of the abovementioned facts and circumstances, the answering Respondent seeks to place its Reply on the grounds and issues raised in the present OA.

### **PRELIMINARY OBJECTION**

#### **Barred by Limitation**

5. The present OA has been filed under Section 14 of the NGT Act, in October, 2024, i.e. almost 14 months after the issuance of the Impugned E-Auction Notice dated 22.08.2023. The present OA is thus filed much beyond the limitation period of 6 months prescribed under Section 14 of the NGT Act, and is hence grossly barred by limitation, and ought to be dismissed on this ground alone.

#### **Challenge the Impugned E-Auction Notice has been rejected by this Hon'ble Tribunal – Principles of Res judicata**

6. The present E-Auction Notice was a subject matter of challenge (*along with certain other Auction Notices in the State of UP*) before this Hon'ble Tribunal on the same ground as raised herein, in OA No. 389 of 2024 being '*Raj Kumar v State of UP*', a fact suppressed and concealed in the present OA.
7. This Hon'ble Tribunal vide its Order dated 07.05.2024 in OA No. 389 of 2024 rejected the challenge to the Impugned Auction Notice

and certain others and held that if the Auction notices have already been acted upon and LOI's have been issued to the successful bidders then the challenge to the auction notice will not survive without challenging the subsequent action of challenging the LOIs thus granted.

The Relevant portion of the Order dated 07.05.2024 is as under:

*“4. ...In addition we also note that if the auction notices have already been acted upon and successful bidder has been selected/lease deed is issued to the successful bidder/LOI then the challenge to the auction notice itself may not survive without challenging the subsequent action...”*

A Copy of the OA No. 389 of 2024 being ‘Raj Kumar v State of UP’ challenging to the E-Auction Notice dated 22.08.2023 is enclosed herewith as **Annexure R-9 [at page 52 to 98 ]**.

A Copy of the Order dated 07.05.2024 passed by this Hon'ble Tribunal in OA No. 389 of 2024 being ‘Raj Kumar v State of UP’ is enclosed herewith as **Annexure R-10 [at page 99 to 101]**.

8. The Final Order dated 7.05.2024 passed by this Hon'ble Tribunal was challenged before the Hon'ble Supreme Court in Civil Appeal (Diary) No. 35609/2024, and the Hon'ble Apex Court vide its Order dated 27.08.2024 dismissed by the said Civil Appeal. Thus the Order dated 7.05.2024 passed by this Hon'ble Tribunal has

merged with the Order of the Hon'ble Apex Court (in Civil Appeal) and has thus attained finality.

A Copy of the Order dated 27.08.2024 passed by the Hon'ble Supreme Court in Civil Appeal (Diary) No. 35609/2024 titled '*Raj Kumar v. State of UP*' is enclosed herewith as **Annexure R-11 [at page 102 to 103]**.

### SUBMISSION ON MERIT

9. It is respectfully submitted that the answering Respondents pursuant to the Auction Notice was granted LOI on 17.11.2023 and thereafter deposited huge and substantial advance Royalties to the tune of Rs. 14.14 Crores which has been lying deposited with the Mining Department for the last 14 months.
10. The Mining plans submitted by the answering Respondents have also been approved, TOR for EC granted, EIA study conducted, Public hearing conducted, Final EIA submitted & SEAC recommended for grant of EC, and thus quashing the E-Auction Notice dated 22.08.2023 at this belated stage (OA filed after 14 months of issuance of Auction Notice) would cause serious and irreparable harm to the answering Respondents. The Answering Respondent apart from depositing Rs. 14.14 Crores with the Mining Department has also incurred an additional sum of Rs. 10 Lakhs towards the above purpose.
11. The Applicant herein has filed the present OA without challenging the subsequent LOIs granted to the answering Respondents, and thus in terms of the decision of this Hon'ble Court in Raj Kumar,

the challenge to the Auction notice dated 22.08.2023 ought not to be entertained, in view of the well settled principle of *Res Judicata*.

12. That it is an admitted fact that no mining has been conducted by the answering Respondents before the approval of the DSR by the Expert bodies. It is further evident that the E-Auction Notice was issued on the basis of a newly prepared DSR by the Sub-Divisional Committee, and not in the absence thereof, and that the very same DSR (*without any changes to the two Mining blocks auctioned under the E-Auction Notice dated 13.02.2024*) has been approved by the SEAC/SEIAA, UP.

Apropos, permitting the LOI to proceed in furtherance of the E-Auction Notice dated 22.08.2023 would not cause any damage to the Environment, in as much as, no mining has been undertaken till date, and subsequent Mining activities would be done in accordance with law, and after obtaining a prior EC and CTO/CTE.

13. The answering Respondents respectfully submit that quashing the E-Auction Notice dated 22.08.2023 at this belated stage would create a situation of *chaos* and be an exercise in futility, in as much as the Mining department can issue the very same E-Auction Notice, for the same quantity, on the same terms and conditions, in respect to the same two Mining Blocks the very next day. This would invariably cause a huge loss to the public exchequer and further hamper the availability of sand in the District resulting in mushrooming of illegal mining.

14. The Hon'ble Supreme Court in '*Department of Industries and Mines v Subhash Bhai Ishwar Bhai Parmar & Anr*', Civil Appeal 8945 of 2022 vide Order dated 27.02.2024 set aside the Judgment dated 29.02.2022 in OA No. 34 of 2022 (WZ) being '*Subhash Bhai Ishwar Bhai Parmar v State of Gujarat & Ors*' passed by this Hon'ble Tribunal wherein the Hon'ble Tribunal had quashed Auction notices issued in the State of Gujarat without the preparation of a DSR. The Hon'ble Supreme Court accepted the prayer of State of Gujarat that a fresh Notice Inviting Tender (NIT) may not be issue and granted liberty to the State of Gujarat with the NIT's, where District Survey Reports have been duly approved. A Copy of the Orders dated 09.12.2022, 12.12.2023 & 27.02.2024 passed by this Hon'ble Court in '*Department of Industries and Mines v Subhash Bhai Ishwar Bhai Parmar & Anr*', Civil Appeal 8945 of 2022 is enclosed herewith as **Annexure R-12 [Colly] [at Pages 104 to 110]**.
15. The Applicant submits that the Judgment relied upon by the Applicant in the case of Gaurav Kumar was filed within the period of limitation and before the grant of LOI, approval of Mining Plan, grant of TOR for EC/ recommendation for grant for EC by SEAC and thus is distinguishable. The case of Gaurav Kumar pertained to E-Auction Notice dated 13.02.2023 wherein 12 persons were granted LOIs thereunder. The Respondent was granted LOI under the E-Auction Notice dated 22.08.2023 which was not challenged in the case of Gaurav Kumar.

16. It is submitted that the two Sand Blocks that are a subject matter of the E-Auction dated 22.08.2023, as per the SEAC Joint Meeting dated 3.05.2023 are getting over replenished and require removal of deposits to maintain channel of river.

Therefore, in view of the averments made hereinabove, the answering Respondent humbly prays that the present OA be dismissed being barred by limitation and Res judicata, and/or on merits. This Hon'ble Tribunal may also be pleased to direct, if it deems fit and proper, that thought the Auction Notice dated 22.08.2023 for District Saharanpur. It is submitted that the answering Respondent is filing the present Reply, reserving its right to file a detailed para-wise Reply/ Additional Reply to bring on record subsequent events, as and when directed and required by this Hon'ble Tribunal.

Filed by:



[VANSHDEEP DALMIA]

Advocate for the Answering Respondent No. 6

Filed on: 25.02.2025

Place: New Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, DELHI

ORIGINAL APPLICATION NO. 1251 OF 2024

IN THE MATTER OF:

ANEES ALI

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS

...RESPONDENTS

AFFIDAVIT

I, Sanjay Chaudhary S/o Vijendra Singh aged about 49 years R/o House No. 1217/2 C, Shivam Nagar, Ganeshpur, Roorkee, Haridwar, Uttarakhand – 247667 do hereby solemnly affirm and declare as under: \_

1. That I am the Partner in Respondent M/s Saharanpur Mines firm in the above Original Application and I am well conversant with the facts and circumstances of the case and competent to depose the present Affidavit. ✓

2. That I have read and understood the contents of the accompanying Reply which has been drafted on my instructions and I say that the facts stated therein are true to my knowledge. ✓

3. That the averments of facts stated herein above are true to my knowledge, no part of it is false and nothing material has been concealed therefrom. ✓

For SAHARANPUR MINES

DEPONENT *Sanjay Chaudhary*  
Partner

VERIFICATION:-

Verified at *Saharanpur (U.P.)* on this *17<sup>th</sup>* day February 2025, that the contents of the present affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Identified by

*Sanjay Chaudhary*  
I certify that on...  
...presented this affidavit  
...and admitted it on oath after  
...understanding  
Saharanpur  
J P INDIA  
*Vijay Kumar*  
Advocate & Notar.  
*17-2-25*

For SAHARANPUR MINES

DEPONENT *Sanjay Chaudhary*  
Partner

**कार्यालय जिलाधिकारी, Saharanpur**  
**(खनन अनुभाग)**

पत्रांक :-UP/Saharanpur/No-1416, Dated: 22-08-2023

दिनांक :-22-08-2023

**ई-निविदा सह ई-नीलामी आमंत्रण सूचना**

सर्वसाधारण को सूचित किया जाता है की जनपद Saharanpur में नदी तल में उपलब्ध Sand or Bajri or Boulder RBM के रिक्त क्षेत्रों को उत्तर प्रदेश उपखनिज (परिहार) नियमावली-2021 के नियम-23(1) के अंतर्गत ई-निविदा सह ई-नीलामी प्रणाली के माध्यम से उक्त नियमावली के अध्याय-4 के तहत खनन पट्टा पर स्वीकृत किये जाने हेतु उपलब्धता घोषित करते हुए इच्छुक व्यक्तियों/संस्थाओं को निम्नवत शर्तों व कालयोजना/अवधि में ई-निविदा सह ई-नीलामी आमंत्रित किया जाता है:-

**1. क्षेत्र का विवरण:-**

क्र.सं०	एरिया कोड	उपखनिज का नाम	नदी का नाम	क्षेत्र का विवरण				जियोकोर्डिनेट		नियमावली 2021 के अनुसूची-1 के अनुसार रायल्टी दर (रु० प्रति घन मी)	खनन योग्य आंकलित उप खनिज की मात्रा (घन मी० प्रति वर्ष)	प्रथम वर्ष में आंकलित मात्रा की कुल रायल्टी रु० में	अर्नेस्ट मनी (कॉलम 13 में अंकित सकल धनराशि का 25 प्रतिशत रु० में)
				तहसील	ग्राम/एरिया कोड	गाटा सं०/खंड सं०/जोन सं०	क्षेत्रफल (हे० में)	अक्षांश	देशांतर				
1	1089820501	Sand or Bajri or Boulder RBM	Yamuna	Behat	Shahzadpur Bans Aht - 108982	1	13.0000	A- 30°-15'24.84" B- 30°-15'12.32" C- 30°-15'16.91" D- 30°-15'28.43"	A- 77°-31'57.01" B- 77°-31'47.88" C- 77°-31'36.94" D- 77°-31'48.83"	110	234000	25740000.00	6435000.00
2	1089880501	Sand or Bajri or Boulder RBM	Yamuna	Behat	Aslampur Bartha - 108988	1/1M	36.6000	A- 30°-13'45.87" B- 30°-13'23.05" C- 30°-13'13.45" D- 30°-13'16.67" E- 30°-13'50.98"	A- 77°-31'9.07" B- 77°-30'53.85" C- 77°-30'42.33" D- 77°-30'36.6" E- 77°-30'57.8"	110	658800	72468000.00	18117000.00

2.ई-निविदा सह ई-नीलामी द्वारा नदी तल स्थिति उपखनिज के खनन पट्टा अधिकतम अवधि 05 वर्ष के लिये स्वीकृत किये जायेंगे। पट्टे की अवधि की गणना खनन पट्टा विलेख निष्पादन की तिथि से की जाएगी।

3.ई-निविदा सह ई-नीलामी की बिड/बोली उप खनिज की प्रति घन मीटर के लिए दी जाएगी, जो उ०प्र० उपखनिज (परिहार) नियमावली-2021 के अनुसूची-1 में निर्धारित रायल्टी की दर से कम नहीं होगी। इससे भिन्न बिड/बोली दिए जाने पर बिड/बोली स्वीकार नहीं की जायेगी तथा प्रीबिड अर्नेस्ट मनी जप्त कर ली जाएगी प्राप्त उच्चतम बिड/बोली की दर (रूपया प्रति घन मी०) को क्षेत्र में आंकलित मात्रा (घन मी०) से गुणा कर प्रथम वर्ष की नीलामी की देय धनराशि आगणित की जायेगी।

4.ई-निविदा सह ई-नीलामी दो चरणों में होगी। प्रथम चरण में ई-निविदा संपन्न की जायेगी जिसके दौरान सभी बिडर्स को एक बार ई-निविदा (e-tender) देने का मौका प्रदत्त होगा जो पुनरीक्षित (Revise) नहीं किया जा सकेगा। ई-निविदा में प्राप्त उच्चतम निविदा को आधार मूल्य (Floor Price) मानते हुए द्वितीय चरण में ई-नीलामी कराया जायेगा, जिसके दौरान बिडर्स ई नीलामी हेतु निर्धारित तिथि एवं अवधि में ई-बोली दे सकता है। ई-नीलामी के दौरान केवल उच्चतम बोली को ही प्रदर्शित किया जायेगा जिसको देखते हुए विडर अपना बोली पुनरीक्षित कर बढ़ा सकते है।

5.किसी क्षेत्र के ई-निविदा सह ई-नीलामी हेतु बिडर्स को बिड में भाग लेने से पूर्व प्री बिड अर्नेस्ट मनी जमा करना अनिवार्य होगा, जिसकी गणना क्षेत्र में वार्षिक आंकलित खनन योग्य मात्रा एवं उपखनिज की रायल्टी दर से गुणा कर प्राप्त धनराशि का 25 प्रतिशत होगा।

6.एम०एस०टी०सी० लि० (भारत सरकार का उपक्रम) को सेवा प्रदाता के रूप में चयनित किया गया है, जिसके द्वारा राज्य सरकार की ओर से ई-निविदा सह ई-नीलामी की कार्यवाही सम्पादित की जाएगी। ई-निविदा सह ई-नीलामी द्वारा परिहार पर देने की सम्पूर्ण प्रक्रिया ऑनलाइन एम०एस०टी०सी० के ई-ऑक्शन पोर्टल [www.mstcecommerce.com](http://www.mstcecommerce.com) पर की जाएगी।

7.इच्छुक आवेदकों के लिए ऑनलाइन बिड/बोली हेतु class III Singing type डिजिटल सिग्नेचर सर्टिफिकेट (DSC) होना आवश्यक है। एम०एस०टी०सी० के उपरोक्त पोर्टल पर जाकर अर्ह आवेदक अपने पंजीकरण की कार्यवाही पूर्ण करने के पश्चात् ही ई-निविदा सह ई-नीलामी में भाग ले सकेंगे। ई-निविदा सह ई-नीलामी की सम्पूर्ण प्रक्रिया के दौरान डी०एस०सी० की वैधता बनाये रखने की जिम्मेदारी आवेदक की होगी।

8.पंजीकृत आवेदक निर्धारित पोर्टल पर प्रत्येक क्षेत्र के लिए अलग अलग आवेदन शुल्क एवं प्रत्येक क्षेत्र हेतु निर्धारित अर्नेस्ट मनी एम०एस०टी०सी० के पोर्टल पर प्रदर्शित प्रक्रिया के अनुसार एम०एस०टी०सी० के पेमेंट गेटवे के माध्यम से जमा करना होगा। किसी व्यक्ति/फर्म/कंपनी के पक्ष में पूर्व से 02 (दो) क्षेत्र या कुल 50 हेक्टेयर क्षेत्रफल से बिड अधिक के खनन पट्टे धारित होने पर वे बिड में भाग नहीं ले सकेंगे। इच्छुक व्यक्ति/फर्म/कंपनी (आवेदक) ई-निविदा सह ई-नीलामी में भाग लेने के लिए सरकार के पक्ष में रु०-15,000 (रु० पन्द्रह हजार) का आवेदन शुल्क एम०एस०टी०सी० पेमेंट गेटवे के माध्यम से जमा करना होगा, जो अप्रतिदेय (Non refundable) होगा।

9.ई-निविदा सह ई-नीलामी में भाग लेने हेतु इच्छुक व्यक्ति/फर्म/कंपनी को एम०एस०टी०सी० में पंजीकरण कराना अनिवार्य होगा। पंजीकरण हेतु व्यक्ति/फर्म/कंपनी को ई-ऑक्शन पोर्टल [www.mstcecommerce.com](http://www.mstcecommerce.com) पर उपलब्ध ऑनलाइन फॉर्म भरना पड़ेगा जिसके दौरान बिडर्स अपने लिए स्वयं जनित यूजर आई०डी० एवं पासवर्ड बनायेंगे। इस ऑनलाइन पंजीयन के उपरांत बिडर्स को एम०एस०टी०सी० को ऑनलाइन फॉर्म भेजना अनिवार्य होगा, साथ ही बिडर्स को वार्षिक पंजीकरण शुल्क डी०एस०टी० सहित रु०-2,360 (रु० दो हजार तीन सौ साठ मात्र) एम०एस०टी०सी० पेमेंट गेटवे के माध्यम से ऑनलाइन देय होगा। अनिवार्य अभिलेख एवं वार्षिक पंजीकरण शुल्क की प्राप्ति के पश्चात् ही बिडर्स का लागिन आई०डी०, पासवर्ड एवं अकाउंट एम०एस०टी०सी० के निर्धारित पोर्टल पर चालू (Activate) होगा। पूर्व में पंजीकृत बिडर्स जिसके पंजीकरण की अवधि वैध है, उन्हें पंजीकरण शुल्क देना नहीं होगा परन्तु नए नियमों के अनुसार आवश्यक अभिलेख यथा हैसियत प्रमाण पत्र आदि

**10.पंजीकरण हेतु विडर्स द्वारा स्वप्रमाणित निम्न अभिलेख/प्रमाण पत्र स्कैन कर एम0एस0टी0सी0 के पोर्टल पर अपलोड करना अनिवार्य होगा :-**

- 1) आवेदक के आधार कार्ड की प्रति, फर्म की दशा में फर्म के भागीदारों के आधार कार्ड की प्रति तथा कंपनी के मामले में कॉर्पोरेट अफेयर्स मंत्रालय भारत सरकार द्वारा निर्गत कंपनी के प्रबंध निदेशक का Director Identification Number (DIN) के प्रमाण पत्र की प्रति।
- 2) आवेदक का अद्वितीय चरित्र प्रमाण पत्र, फर्म के मामले में भागीदारों के अद्वितीय चरित्र प्रमाण की प्रति तथा कंपनी के मामले में प्रबंध निदेशक का इस आशय का शपथ पत्र की कंपनी को किसी अपराधिक वाद में दण्डित नहीं किया गया है। चरित्र प्रमाण पत्र उस जिले जिलाधिकारी द्वारा प्रदत्त होगा, जहाँ आवेदक स्थाई रूप से निवास करता है।
- 3) आवेदक का पैनकार्ड की प्रति, फर्म या कंपनी के मामले में उसका पैनकार्ड एवं जी0एस0टी0 नं0 की प्रति।
- 4) बैंक खाते का विवरण, जिससे ई-निविदा सह ई-नीलामी से सम्बंधित समस्त वित्तीय हस्तांतरण किया जायेगा, यथा बैंक का नाम, खाता संख्या आई0एफ0एस0सी0 कोड, तथा एक निरस्त चेक की प्रति।
- 5) जिलाधिकारी अथवा प्राधिकृत अधिकारी द्वारा जारी किया गया खनन देय बकाया न होने का प्रमाण पत्र। जहाँ आवेदक राज्य के भीतर कोई खनिज परिहार धारित नहीं करता है वहाँ इस आशय का शपथ पत्र की प्रति।
- 6) स्वयं का हैसियत प्रमाण पत्र अथवा हैसियत प्रमाण पत्र के साथ बैंक गारन्टी, जो बोली की धनराशि के 25 प्रतिशत की कीमत से कम न हो।

**11.एम0एस0टी0सी0 द्वारा भूतत्व एवं खनिकर्म निदेशालय की वेबसाइट से वसूली प्रमाण पत्र एवं ब्लैक लिस्ट की सूची से मिलान करने के उपरान्त केवल उन्ही व्यक्ति/फर्म/कम्पनी का पंजीकरण किया जायेगा, जो उत्तर प्रदेश उपखनिज (परिहार) नियमावली-2021 के प्राविधानों के अन्तर्गत अर्ह हों। नियम-26 के अनुसार निम्नलिखित व्यक्ति/फर्म/कम्पनी ई-निविदा सह ई-नीलामी प्रक्रिया में भाग नहीं ले सकते हैं:-**

- 1) जो भारतीय राष्ट्रिक नहीं है।
- 2) जिसके विरुद्ध खनिज देय बकाया है।
- 3) जिसने उस जिले के जिलाधिकारी अथवा राज्य सरकार द्वारा प्राधिकृत अधिकारी जहाँ वह स्थाई रूप से निवास करता है से चरित्र प्रमाण पत्र प्राप्त नहीं कर लिया है। शर्त यह है कि उक्त चरित्र प्रमाण पत्र पुलिस सत्यापन के आधार पर दिया गया हो।
- 4) जिसने अपने आधार कार्ड की प्रति प्रस्तुत न की हो।
- 5) जिसका नाम काली सूची में दर्ज हो।
- 6) फर्म/कम्पनी के मामले में जिसने पैनकार्ड तथा जी0एस0टी0 पंजीकरण प्रमाण पत्र प्रस्तुत न किया हो।
- 7) जिसने हैसियत प्रमाण पत्र अथवा हैसियत प्रमाण पत्र के साथ बैंक गारन्टी, जो बोली की धनराशि का 25 प्रतिशत की कीमत से कम न हो प्रस्तुत न किया हो।

**12.ऑनलाईन ई-निविदा डालने तथा ई-नीलामी की बोलने की विधि का पूर्ण विवरण सेवा प्रदाता संस्था एम0एस0टी0सी0 के वेब पोर्टल [www.mstcecommerce.com](http://www.mstcecommerce.com) पर प्रदर्शित की जायेगी।**

**13.ई-निविदा सह ई-नीलामी में भाग लेने के लिये इच्छुक व्यक्ति/फर्म/कम्पनी को प्रत्येक क्षेत्र के लिये पृथक-पृथक रु0-15000 (रु0 पन्द्रह हजार मात्र) का शुल्क जो अप्रतिदेय होगा तथा अर्नेस्ट मनी जो विज्ञप्ति में क्षेत्र के नाम सम्मुख अंकित हों, जमा किया जाना होगा।**

**14.सफल बोलीदाता/निविदादाता को छोड़कर शेष बोलीदाता/निविदादाता द्वारा जमा बयाने की धनराशि (अर्नेस्ट मनी) पंजीकरण के समय दिये गये बैंक खाते में वापस कर दी जायेगी। आवेदक द्वारा पंजीकरण के समय दिये गये बैंक खाते में बदलाव मान्य नहीं किया जायेगा। विशेष परिस्थितियों में निदेशक, भूतत्व एवं खनिकर्म निदेशालय के अनुमोदन उपरान्त बैंक खाते का बदलाव किया जा सकता है।**

**15.जहाँ किसी भी कारण से ई-निविदा सह ई-नीलामी की प्रक्रिया पूरी न हो वहाँ कम से कम 07 दिन की अल्प अवधि की नोटिस देने के पश्चात् पुनः ई-निविदा सह ई-नीलामी की जा सकती है।**

**16.अधिकतम दो खनन पट्टे या 50 हे0 से अधिक के क्षेत्र को, उ0प्र0 राज्य में किसी व्यक्ति/फर्म/कम्पनी के पक्ष में स्वीकृत नहीं किया जायेगा। यदि किन्हीं परिस्थितियों में एक व्यक्ति/फर्म/कम्पनी द्वारा अपने पक्ष में दो खनन पट्टे या 50 हे0 से अधिक के खनन पट्टे स्वीकृत करा लिया जाता है, तो अन्त में स्वीकृत खनन पट्टे निरस्त कर पट्टा अन्तर्गत जमा सम्पूर्ण धनराशि जब्त कर ली जायेगी तथा केवल प्रारम्भ के दो क्षेत्र अथवा 50 हे0 के खनन पट्टे ही अनुमन्य होंगे। परन्तु यदि आवेदक स्वयं अपने पक्ष में दो खनन पट्टे या 50 हे0 से अधिक के खनन पट्टे हेतु जारी लेटर आफ इन्टेन्ट की सूचना देता है, तो उक्त सीमा के अन्तर्गत कोई भी खनन पट्टा क्षेत्र के चयन का उसे अधिकार होगा तथा शेष क्षेत्रों की जमा धनराशि पुष्टि के उपरान्त यथावत वापस कर दी जायेगी।**

**17.ई-निविदा सह ई-नीलामी की प्रक्रिया:-**

1) ई-निविदा सह ई-नीलामी दो चरणों में की जायेगी। प्रथम चरण में केवल ई-निविदा विज्ञापन में निर्धारित तिथि एवं समय के अन्तर्गत डाली जायेगी। विड की दर प्रत्येक उपखनिज के लिये प्रतिघन मीटर के लिये दी जायेगी जो सम्बन्धित उपखनिज के लिये नियमावली-2021 के अनुसूची-1 में उल्लिखित रायल्टी की दर से कम नहीं होगा। विज्ञप्ति के अनुसार क्षेत्रवार प्राप्त ई-निविदा को एक साथ न खोलकर पृथक-पृथक खोला जायेगा। प्रत्येक क्षेत्र के प्रथम चरण की ई-निविदा खोलने के तत्काल 02 घण्टे बाद द्वितीय चरण की ई-नीलामी की कार्यवाही प्रारम्भ की जायेगी।

2) प्रथम चरण की समाप्ति के उपरान्त निम्नानुसार प्रक्रिया अपनायी जायेगी:-

(क) यदि प्रथम चरण में एक ही विड प्राप्त होती है और उक्त विड (ऑफर) में प्रति घन मीटर दिया गया दर नियमावली-2021 के प्रथम अनुसूची में उस उपखनिज के लिये निर्धारित रायल्टी दर से अधिक है तथा शेष शर्तें पूर्ण करता हो तो जिलाधिकारी द्वारा उस निविदा दाता के पक्ष में लेटर आफ इन्टेन्ट जारी किया जायेगा।

(ख) यदि प्रथम चरण में केवल एक ही विड प्राप्त होता है और उक्त विड (आफर) में प्रति घन मीटर में दिया गया दर नियमावली-2021 के प्रथम अनुसूची में उस उपखनिज के लिये निर्धारित रायल्टी दर से अधिक परन्तु 400 प्रतिशत से कम है तो जिलाधिकारी क्षेत्र की भौगोलिक स्थिति, खनिज की उपलब्धता, खनिज की गुणवत्ता, उपखनिज का बाजार मूल्य, उस क्षेत्र में खनिज की मांग, क्षेत्र में अवैध खनन की सम्भावना, राजस्व की प्राप्ति आदि पर विचार करते हुये स्वविवेक से एकल निविदादाता के पक्ष में लेटर आफ इन्टेन्ट जारी करने अथवा न करने के सम्बन्ध में निर्णय लेगा।

(ग) यदि प्रथम चरण में एक से अधिक परन्तु पाँच या पाँच से कम विड प्राप्त होता है तो सभी विड कर्ता द्वितीय चरण की ई-नीलामी की प्रक्रिया में भाग लेने हेतु अर्ह होंगे तथा द्वितीय चरण के अधिकतम बोलीदाता के पक्ष में जिलाधिकारी द्वारा लेटर आफ इन्टेन्ट जारी किया जायेगा।

(घ) यदि पाँच से अधिक विड/आफर प्राप्त होते हैं तब केवल पाँच सर्वाधिक निविदाकार ही द्वितीय चरण की ई-नीलामी में भाग लेने हेतु अर्ह होंगे तथा द्वितीय चरण के अधिकतम बोलीदाता के पक्ष में ही जिलाधिकारी द्वारा लेटर आफ इन्टेन्ट जारी किया जायेगा।

- 3) उपरोक्त प्रस्तर-17(2)(ग)(घ) के अनुसार प्रथम चरण के योग्य बोलीदाता द्वितीय चरण की नीलामी में भाग ले सकते हैं।
- 4) द्वितीय चरण में ई-नीलामी की प्रक्रिया की जायेगी। ई-नीलामी की प्रक्रिया प्रथम चरण की अग्रसारित प्रक्रिया होगी, जिसमें प्रथम चरण में प्राप्त उच्चतम बिड/आफर द्वितीय चरण की ई-नीलामी के लिये न्यूनतम बोली (Floor Price) स्वतः निर्धारित हो जायेगी।
- 5) ई-नीलामी की प्रक्रिया जो ई-निविदा खोलने के के तत्काल दो घण्टे बाद प्रारम्भ होगी, में इच्छुक एवं अर्ह व्यक्ति/फर्म/कम्पनी बोली में कई बार भाग ले सकता है। ई-नीलामी की ऑनलाइन प्रक्रिया में स्क्रीन पर अधिकतम बोली प्रदर्शित होती रहेगी और प्रदर्शित बोली से अधिक बोली ऑनलाइन ही दिया जा सकता है।
- 6) निर्धारित समय के पश्चात् बोली बन्द हो जायेगी और उसके उपरान्त कोई बोली नहीं दिया जा सकता है। बोली के अन्तिम समय में यदि कोई और बोली प्राप्त होती है तो नीलामी की बोली का समय स्वतः 05 मिनट के लिये बढ़ जायेगा। यह प्रक्रिया तब तक जारी रहेगी जब तक 05 मिनट के अन्तराल में कोई और बोली प्राप्त नहीं होती है।
- 7) ई-निविदा सह ई-नीलामी की कालयोजना एवं अवधि निम्नानुसार सम्पादित की जायेगी:-

प्री-बिड अर्नेन्ट मनी जमा करने की अवधि	ई-निविदा से पूर्व एम0एस0टी0सी0 में अपेक्षित प्री बिड ईएमडी एवं आवेदन शुल्क एम0एस0टी0सी0 वेबसाइट पर वर्णित दिशा निर्देशों के अनुसार जमा करने की जिम्मेदारी बोलीदाता की है एवं बोलीदाता यह सुनिश्चित कर लें।	
प्रथम चरण ई-निविदा (ई-टेंडर) की अवधि	03-10-2023 ( 10:00 बजे) से 06-10-2023 ( 17:00 बजे) तक	
विज्ञप्ति में क्षेत्र क्रमांक संख्या	प्रथम चरण में प्राप्त ई-निविदा (बिड) का खोला जाना व मूल्यांकन	द्वितीय चरण की ई-नीलामी
1	09-10-2023 10:00 से 12:00 तक	09-10-2023 12:00 से 14:00 तक
2	09-10-2023 13:00 से 15:00 तक	09-10-2023 15:00 से 17:00 तक

- 8) परिणाम की घोषणा एवं उसका प्रदर्शन:-

(क) प्रथम चरण की निविदा प्रक्रिया का परिणाम निविदाकार (Tenderer) के लॉगिन पर प्रदर्शित होगा। प्रथम चरण के निविदा प्रक्रिया के समापन के पश्चात् अधिकतम निविदा धनराशि (बिडिंग एमाउन्ट) प्रदर्शित की जायेगी। सभी निविदाकार द्वितीय चरण की बोली हेतु वे योग्य हैं अथवा नहीं को भी लॉगिन कर जान सकते हैं।



(ख) एकल निविदा के मामलों को छोड़कर शेष मामलों में द्वितीय 18 की ई-नीलामी समाप्त होने के उपरान्त प्राप्त अधिकतम बोली उसके बोलीदाता का विवरण एम0एस0टी0सी0 के निर्धारित पोर्टल पर प्रदर्शित किया जायेगा।

**18. पट्टे का दिया जाना:**नियमावली के नियम-28 के प्राविधानों के अनुसार ई-निविदा सह ई-नीलामी के मामले में उस बोली या प्रस्ताव को उपरोक्त प्रस्तर-17(2) में दिये गये प्रक्रिया के अनुसार जिलाधिकारी स्वीकार करेंगे। जिलाधिकारी द्वारा सफल एवं नियमानुसार अर्ह बोलीदाता/निविदादाता को उनके द्वारा प्रस्तुत मूल अभिलेख के सत्यापन के एक सप्ताह के अन्दर लेटर आफ इन्टेंट निर्गत किया जायेगा।

**19.ई-नीलामी समाप्त होने के पश्चात् 03 कार्य दिवस के अन्दर सफल बोलीदाता को अपने मूल अभिलेख का सत्यापन उस जनपद के जिलाधिकारी, जहां क्षेत्र स्थित है, के द्वारा कराना होगा। अभिलेख-सत्यापन के पश्चात् ही जिलाधिकारी द्वारा आशय पत्र (लेटर आफ इन्टेंट) जारी किया जायेगा। सत्यापन में यदि कोई अभिलेख अथवा प्रमाण पत्र कूटरचित, असत्य अथवा गलत पाया जाता है तो लेटर आफ इन्टेंट जारी नहीं किया जायेगा तथा बयाने की धनराशि (अर्नेस्ट मनी) जब्त कर ली जायेगी।**

**20.लेटर आफ इन्टेंट में निम्न विवरण होंगे :-**

- 1) प्रथम वर्ष के लिये देय नीलामी धनराशि की गणना पट्टा क्षेत्र के लिये विज्ञप्ति में आंकलित मात्रा घन मीटर को ई-निविदा/ई-नीलामी की दर रुपया घन प्रति मीटर से गुणा कर निकाली जायेगी। खनन पट्टा के अनुवर्ती वर्षों में प्रत्येक वर्ष पिछले वर्ष की नीलामी की देय धनराशि पर 10 प्रतिशत की वृद्धि की जायेगी।
- 2) सफल बोलीदाता/निविदादाता, पट्टे की निर्वन्धनों और शर्तों का यथोचित पालन करने के लिये प्रतिभूति के रूप में प्रथम वर्ष के लिये बोली/निविदा की सकल धनराशि का 25 प्रतिशत और स्वामित्व की पहली किस्त के रूप में प्रथम वर्ष के लिये बोली/निविदा की सकल धनराशि का 20 प्रतिशत दो कार्य दिवसों के अन्दर जमा करेगा। बयाने की धनराशि (अर्नेस्ट मनी) प्रथम किस्त में समायोजित कर ली जायेगी।
- 3) पट्टे के प्रथम वर्ष की शेष किस्ते एवं अनुवर्ती वर्षों में बोली/निविदा के आधार पर प्रथम वर्ष के लिये निर्धारित सकल धनराशि पर प्रत्येक वर्ष विगत वर्ष से 10 प्रतिशत वृद्धि के साथ नियमावली-2021 के पंचम अनुसूची के अनुसार जमा की जायेगी। पूर्व के परिहारधारको द्वारा पंचम अनुसूची प्रक्रिया अन्तर्गत धनराशि जमा करने के अनुरोध पर जिलाधिकारी द्वारा कार्यवाही की जायेगी।
- 4) पट्टाधारक नियम-17 के प्राविधानों के अनुसार क्षेत्र का सीमांकन करायेगा जिसमें सीमा बिन्दुओं का जिओ-कोऑर्डिनेटस भी इंगित किया जायेगा तथा नियम-36 के अनुसार सीमा स्तम्भ लगायेगा और इसका सदैव अनुरक्षण करेगा।
- 5) प्रत्येक पट्टाधारक द्वारा नियम-35 के अनुसार क्षेत्र के भूमि-उद्धार और पुर्नवासन उपाय हेतु वित्तीय अश्वासन की धनराशि निर्धारित रीति से जमा करेगा।
- 6) आशय पत्र (लेटर आफ इन्टेंट) जारी होने के एक माह के भीतर अनुमोदन हेतु देय प्रतिभूति एवं प्रथम किस्त की धनराशि जमा के प्रमाण सहित खनन योजना निदेशक, भूतत्व एवं खनिकर्म के समक्ष प्रस्तुत किया जायेगा तथा अनुमोदित खनन योजना प्राप्त होने के एक माह के भीतर सक्षम प्राधिकरण के समक्ष पर्यावरण स्वच्छता प्रमाण पत्र हेतु प्रस्ताव प्रस्तुत किया जाना अनिवार्य होगा।
- 7) पर्यावरण स्वच्छता प्रमाण पत्र प्राप्ति के एक माह के भीतर पट्टा विलेख का निष्पादन कराकर खनन संक्रियां तत्काल प्रारम्भ की जानी होगी।

**21.सफल बोलीदाता/निविदादाता द्वारा धनराशि जमा करने की रीति :**

- 1) पट्टे की अधिकतम अवधि 05 वर्ष होगी, परन्तु बोली/निविदा की धनराशि प्रथम वर्ष के लिये मानी जायेगी। जिलाधिकारी द्वारा निर्धारित मात्रा यदि पर्यावरण स्वच्छता प्रमाण पत्र में अनुमन्य मात्रा से भिन्न होने पर पर्यावरण स्वच्छता प्रमाण पत्र की मात्रा अनुमन्य होगी। पट्टा क्षेत्र हेतु अनुमन्य मात्रा को प्रथम वर्ष के लिये प्राप्त बोली की दर से गुणा कर प्रथम वर्ष हेतु नीलामी की धनराशि निर्धारित की जायेगी। अनुवर्ती वर्षों में प्रत्येक वर्ष पिछले वर्ष की दर पर 10 प्रतिशत की वार्षिक वृद्धि की जायेगी तथा तदनुसार प्रथम वर्ष एवं अनुवर्ती वर्षों के लिये पट्टा धनराशि नियमावली-2021 के पंचम अनुसूची के अनुसार पट्टाधारक द्वारा जमा की जायेगी।
- 2) लेटर आफ इन्टेंट प्राप्त होने के उपरान्त सफल बोलीदाता/निविदादाता द्वारा 25 प्रतिशत प्रतिभूति जमा एवं 20 प्रतिशत प्रथम किस्त अर्थात् पट्टे के प्रथम वर्ष के लिये निर्धारित पट्टा धनराशि का 45 प्रतिशत के समतुल्य धनराशि सम्बन्धित जनपद में विभाग के निर्धारित लेखाशीर्षक में लेटर आफ इन्टेंट जारी होने के दो कार्य दिवसों के अन्दर प्री विड अर्नेस्ट मनी समायोजित करते हुये जमा किया जाना होगा। प्रीविड अर्नेस्ट मनी की धनराशि एम0एस0टी0सी0 द्वारा सम्बन्धित जनपद के जिलाधिकारी को चेक/ड्राफ्ट के माध्यम से अथवा आनलाईन हस्तान्तरित की जायेगी। यदि सफल बोलीदाता/निविदादाता उक्त धनराशि जमा करने में असफल होता है तो उसके द्वारा जमा अर्नेस्ट मनी जब्त कर ली जायेगी और उसके द्वारा इस सम्बन्ध में कोई शिकायत अथवा प्रत्यावेदन विचार योग्य नहीं होगा।
- 3) प्रथम वर्ष के लिये शेष 80 प्रतिशत पट्टा धनराशि एवं आगामी वर्षों के लिये पट्टा धनराशि नियमावली में निर्धारित पंचम अनुसूची के अनुसार पट्टाधारक द्वारा जमा की जायेगी। उक्त अनुसूची में नियत तिथि के अनुसार देय धनराशि जमा न करने की दशा में नियम-59 के अनुसार देय धनराशि ब्याज सहित वसूल की जायेगी।
- 4) पट्टाधारक द्वारा पट्टा धनराशि के किश्तों के सापेक्ष राज्य सरकार अथवा केन्द्र सरकार द्वारा समय-समय पर निर्धारित कर एवं शुल्क यथा आयकर विभाग का टी0सी0एस0, जिला खनिज फाउण्डेशन (डी0एम0एफ0) आदि नियमानुसार जमा किया जायेगा।

**22.शर्तें :-**

खनन पट्टा की अवधि 05 वर्ष के लिये स्वीकृत किये जायेंगे। पट्टे की अवधि की गणना खनन पट्टा विलेख निष्पादन की तिथि से की जायेगी।

ई निविदा सह ई नीलामी की बिड/बोली उपखनिज की प्रति घन मीटर के लिए दी जायेगी, जो उ0प्र0 उपखनिज (परिहार) नियमावली-2021 के अनुसूची-1 में निर्धारित रायल्टी की दर से कम नहीं होगी। इससे भिन्न बिड/बोली दिये जाने पर बिड/बोली स्वीकार नहीं की जायेगी तथा प्री विड अर्नेस्ट मनी जब्त कर ली जायेगी। प्राप्त उच्चतम बिड/बोली की दर (रूपया प्रति घन मी0) को क्षेत्र में आंकलित मात्रा (घन मी0) से गुणा कर प्रथम वर्ष की नीलामी की देय धनराशि आगणित की जायेगी, जिसे पट्टा के अनुवर्ती वर्षों में प्रत्येक वर्ष पिछले वर्ष की नीलामी की देय धनराशि पर 10 प्रतिशत की वृद्धि की जायेगी।

ई निविदा सह ई नीलामी दो चरणों में होगी। प्रथम चरण में ई निविदा सम्पन्न की जायेगी जिसके दौरान सभी बिडर्स को एक बार ई-निविदा (E-Tender)देने का मौका प्रदत्त होगा जो पुनरीक्षित (revise) नहीं किया जा सकेगा। ई निविदा में प्राप्त उच्चतम निविदा को आधार मूल्य (Floor

Price) मानते हुए द्वितीय चरण में ई-नीलामी कराया जायेगा, जिसके दौरान बिडर्स ई-नीलामी हेतु निर्धारित तिथि एवं अवधि में ई-बिड दे सकता है। ई-नीलामी के दौरान केवल उच्चतम बोली को ही प्रदर्शित किया जायेगा जिसको देखते हुए बिडर अपना बिड पुनरीक्षित कर बढ़ा सकते हैं।

किसी क्षेत्र के ई निविदा सह ई नीलामी हेतु बिडर्स को बिड में भाग लेने से पूर्व प्री बिड अर्नेस्ट मनी जमा करना अनिवार्य होगा, जिसकी गणना क्षेत्र में वार्षिक आंकलित खनन योग्य मात्रा एवं उपखनिज की रायल्टी दर से गुणा कर प्राप्त धनराशि का 25 प्रतिशत होगा।

एम0एस0टी0सी0 लि0 (भारत सरकार का उपक्रम) को सेवा प्रदाता के रूप में चयनित किया गया है, जिसके द्वारा राज्य सरकार की ओर से ई-नीलामी की कार्यवाही सम्पादित की जायेगी। ई-निविदा सह ई-नीलामी द्वारा परिहार पर देने की सम्पूर्ण प्रक्रिया ऑनलाईन एम0एस0टी0सी0 के ई-आक्शन पोर्टल [www.mstcecommerce.com](http://www.mstcecommerce.com) पर की जायेगी।

इच्छुक आवेदकों के लिए ऑनलाईन बिड/बोली हेतु Class III Signing Type डिजिटल सिग्नेचर सर्टिफिकेट (DSC) होना आवश्यक है। एम एस टी सी के उपरोक्त पोर्टल पर जाकर अर्ह आवेदक अपने पंजीकरण की कार्यवाही पूर्ण करने के पश्चात ही ई-निविदा सह ई-नीलामी में भाग ले सकेंगे। ई-निविदा सह ई-नीलामी की सम्पूर्ण प्रक्रिया के दौरान डी0एस0सी0 की वैधता बनाये रखने की जिम्मेदारी आवेदक की होगी।

पंजीकृत आवेदक निर्धारित पोर्टल पर ऑनलाईन अधिकतम 02 (दो) क्षेत्र या कुल 50 हेक्टेयर क्षेत्रफल के लिए बिड में भाग ले सकेगा परन्तु उसे प्रत्येक क्षेत्र के लिए अलग-अलग आवेदन शुल्क एवं प्रत्येक क्षेत्र हेतु निर्धारित अर्नेस्ट मनी एम0एस0टी0सी0 लि0 के पोर्टल पर प्रदर्शित प्रक्रिया के अनुसार एम0एस0टी0सी0 के पेमेन्ट गेटवे के माध्यम से जमा करना होगा। किसी व्यक्ति/फर्म/कम्पनी के पक्ष में पूर्व से 02 (दो) क्षेत्र या कुल 50 हेक्टेयर क्षेत्रफल से अधिक के खनन पट्टे धारित होने पर वह बिड में भाग नहीं ले सकेगा। इच्छुक व्यक्ति/फर्म/कम्पनी (आवेदक) को ई-निविदा सह ई-नीलामी में भाग लेने के लिए सरकार के पक्ष में ₹0 15,000/- (₹0 पंद्रह हजार) का आवेदन शुल्क एम0एस0टी0सी0 पेमेन्ट गेटवे के माध्यम से जमा करना होगा, जो अप्रतिदेय (Non-Refundable) होगा।

ई-निविदा सह ई-नीलामी में भाग लेने हेतु इच्छुक व्यक्ति / फर्म/ कम्पनी को एम0 एस0 टी0 सी0 में पंजीकरण करना अनिवार्य होगा। पंजीकरण हेतु व्यक्ति/फर्म/कम्पनी को ई-आक्शन पोर्टल [www.mstcecommerce.com](http://www.mstcecommerce.com) पर उपलब्ध ऑनलाईन फार्म भरना पड़ेगा जिसके दौरान बिडर्स अपने लिए स्वयं जनित यूजर आई0डी0 एवं पासवर्ड बनायेंगे। इस ऑनलाईन पंजीयन के उपरान्त बिडर्स को एम0एस0टी0सी0 द्वारा भेजा गया सूचना ई मेल प्राप्त होगा, जिसके पश्चात बिडर्स को आवश्यक अभिलेख स्कैन कर एम0एस0टी0सी0 को ऑनलाईन भेजना अनिवार्य होगा। साथ ही बिडर्स को वार्षिक पंजीकरण शुल्क जी.एम.टी सहित ₹0 2,360 (₹0 दो हजार तीन सौ साठ मात्र) एम0एस0टी0सी0 पेमेन्ट गेटवे के माध्यम से ऑनलाईन देय होगा। अनिवार्य अभिलेख एवं वार्षिक पंजीकरण शुल्क की प्राप्ति के पश्चात् ही बिडर्स का लॉगिन आई0डी0, पासवर्ड एवं एकाउन्ट एम0एस0टी0सी0 के निर्धारित पोर्टल पर चालू (Activate) होगा। पूर्व में पंजीकृत बिडर्स, जिनके पंजीकरण की अवधि वैध है, उन्हें पंजीकरण शुल्क देना नहीं होगा, परन्तु नये नियमों के अनुसार उनके द्वारा आवश्यक अभिलेख यथा हैसियत प्रमाण पत्र आदि प्रस्तुत किया जाना अनिवार्य होगा, जिसके पश्चात् ही उनका पंजीकरण चालू (Activate) हो पायेगा।

पंजीकरण हेतु बिडर्स द्वारा स्वप्रमाणित निम्न अभिलेख/प्रमाण पत्र स्कैन कर एम0एस0टी0सी0 के पोर्टल पर अपलोड करना अनिवार्य होगा:-

(1) आवेदक के आधार कार्ड की प्रति, फर्म की दशा में फर्म के भागीदारों के आधार कार्ड की प्रति तथा कम्पनी के मामले में कारपोरेट अफेयर्स मंत्रालय भारत सरकार द्वारा निर्गत कम्पनी के प्रबन्ध निदेशक का Director Identification Number (DIN) के प्रमाण-पत्र की प्रति।

(2) आवेदक का अद्यावधिक चरित्र प्रमाण पत्र, फर्म के मामले में भागीदारों के अद्यावधिक चरित्र प्रमाण पत्र की प्रति तथा कम्पनी के मामले में प्रबन्ध निदेशक का इस आशय का शपथ पत्र कि कम्पनी को किसी अपराधिक वाद में दण्डित नहीं किया गया है। चरित्र प्रमाण पत्र उस जिले के जिलाधिकारी द्वारा प्रदत्त होगा, जहाँ आवेदक स्थायी रूप से निवास करता है।

(3) आवेदक का पैन कार्ड की प्रति, फर्म या कम्पनी के मामले में उसका पैन कार्ड एवं जी0एस0टी0 नं0 की प्रति।

(4) बैंक खाते का विवरण, जिससे ई निविदा सह ई नीलामी से सम्बन्धित समस्त वित्तीय हस्तान्तरण किया जायेगा, तथा बैंक का नाम, खाता संख्या आई0एफ0एस0सी0 कोड, तथा एक निरस्त चेक की प्रति।

(5) जिलाधिकारी अथवा प्राधिकृत अधिकारी द्वारा जारी किया गया खनन देय वकाया न होने का प्रमाण पत्र जहाँ आवेदक राज्य के भीतर कोई खनिज परिहार धारित नहीं करता है वहाँ इस आशय का शपथ पत्र की प्रति।

(6) आवेदक को स्वयं का हैसियत प्रमाण पत्र अथवा हैसियत प्रमाण पत्र के साथ बैंक गारन्टी जो बोली की धनराशि के 25 प्रतिशत की कीमत से कम न हो, प्रस्तुत किया जाये।

एम0एस0टी0सी0 द्वारा भूत्व एवं खनिकर्म निदेशालय की वेबसाईट से वसूली प्रमाण पत्र एवं ब्लैक लिस्ट की सूची से मिलान करने के उपरान्त केवल उन्हीं व्यक्ति/फर्म/कम्पनी का पंजीकरण किया जायेगा जो उत्तर प्रदेश उपखनिज (परिहार) नियमावली-2021 के प्रावधानों के अन्तर्गत अर्ह हो। नियम-26 के अनुसार निम्नलिखित व्यक्ति/फर्म/कम्पनी ई-निविदा सह ई-नीलामी प्रक्रिया में भाग नहीं ले सकते हैं:-

(1) जो भारतीय राष्ट्रिक नहीं है।

(2) जिसके विरुद्ध खनिज देय वकाया है।

(3) जिसने उस जिले के जिलाधिकारी अथवा राज्य सरकार द्वारा प्राधिकृत अधिकारी जहाँ वह

स्थायी रूप से निवास करता है से चरित्र प्रमाण पत्र प्राप्त नहीं कर लिया है। शर्त यह है

कि उक्त चरित्र प्रमाण पत्र पुलिस मत्यापन के आधार पर दिया गया हो।

(4) जिसने अपने आधार कार्ड की प्रति प्रस्तुत न की हो।

(5) जिसका नाम काली सूची में दर्ज हो।

(6) फर्म/कम्पनी के मामलों में जिसने पैनकार्ड तथा जी0एस0टी0 पंजीकरण प्रमाण पत्र प्रस्तुत न किया हो।

(7) आवेदक को स्वयं का हैसियत प्रमाण पत्र अथवा हैसियत प्रमाण पत्र के साथ बैंक गारन्टी जो बोली की

ऑनलाईन ई-निविदा डालने तथा ई-नीलामी बोलने की विधि का पूर्ण विवरण सेवा प्रदाता संस्था एम0एस0टी0सी0 के वेब पोर्टल [www.mstcecommerce.coM](http://www.mstcecommerce.coM) पर देखा जा सकता है।

ई-निविदा सह ई-नीलामी में भाग लेने के लिए इच्छुक व्यक्ति/फर्म/कम्पनी को प्रत्येक क्षेत्र के लिए पृथक-पृथक ₹0 15000 (₹0 पन्द्रह हजार मात्र) का शुल्क और अप्रतिदेय होगा तथा अर्नेस्ट मनी जो विज्ञप्ति में क्षेत्र के नाम सम्मुख अंकित हो, जमा किया जाना होगा।

सफल बोलीदाता/ निविदादाता को छोड़कर शेष बोलीदाता/निविदादाता द्वारा जमा बयानों की धनराशि (अर्नेस्ट मनी) यथावत उसी बैंक खाते में वापस कर दी जायेगी। आवेदक द्वारा पंजीकरण के समय दिए गए बैंक खाते में बदलाव मान्य नहीं किया जाएगा। विशेष परिस्थितियों में निदेशक भूतत्व एवं खनिकर्म निदेशालय के अनुमोदन उपरान्त बैंक खाते का बदलाव किया जा सकता है।

जहां किसी भी कारण से ई-निविदा सह ई-नीलामी की प्रक्रिया पूरी न हो वहां कम से कम 07 दिन की अल्प अवधि की नोटिस देने के पश्चात् पुनः ई-निविदा सह ई-नीलामी की जा सकती है।

अधिकतम दो खनन पट्टे या 50 हे0 से अधिक क्षेत्र को उ0प्र0 राज्य की किसी व्यक्ति/फर्म/कम्पनी के पक्ष में स्वीकृत नहीं किया जाएगा। यदि किन्हीं परिस्थितियों में एक व्यक्ति/फर्म/कम्पनी द्वारा अपने पक्ष में दो खनन पट्टा या 50 हे0 से अधिक खनन पट्टे स्वीकृत करा लिया जाता है तो अन्त में स्वीकृत खनन पट्टा निरस्त कर पट्टा अन्तर्गत जमा सम्पूर्ण धनराशि जब्त कर ली जाएगी, तथा केवल प्रारम्भ के दो क्षेत्र अथवा 50 हे0 के खनन पट्टे ही अनुमन्य होंगे। परन्तु यदि स्वयं अपने पक्ष में दो खनन पट्टे या 50 हे0 से अधिक के खनन पट्टे हेतु जारी लेटर ऑफ इन्टेण्ट की सूचना देता है तो उक्त सीमा के अन्तर्गत कोई भी खनन पट्टा क्षेत्र के चयन का उसे अधिकार होगा तथा शेष क्षेत्र की जमा धनराशि पुष्टि के उपरान्त यथावत वापस कर दी जाएगी।

ई- निविदा सह ई-नीलामी की प्रक्रिया:-

(1) ई निविदा सह ई नीलामी दो चरणों में की जायेगी। प्रथम चरण में केवल ई निविदा विज्ञापन में निर्धारित तिथि एवं समय के अन्तर्गत डाली जायेगी। बिड/रायल्टी की दर प्रत्येक उपखनिज के लिए प्रति घनमीटर के लिए दी जायेगी जो सम्बन्धित उपखनिज के लिए नियमावली-2021 के अनुसूची-1 में उल्लिखित रायल्टी की दर से कम नहीं होगा। विज्ञप्ति के अनुसार क्षेत्रवार प्राप्त ई-निविदा को एक साथ न खोलकर पृथक-पृथक खोला जाएगा। प्रत्येक क्षेत्र के प्रथम चरण की ई-निविदा खोलने के तत्काल 02 घण्टे बाद द्वितीय चरण की ई-नीलामी की कार्यवाही प्रारम्भ की जाएगी।

(2) प्रथम चरण की समाप्ति के उपरान्त निम्नानुसार प्रक्रिया अपनायी जायेगी:-

(क) ई-निविदा सह ई-नीलामी की प्रक्रिया अन्तर्गत बालू, मोरम बजरी आदि के क्षेत्रों के परिहार पर स्वीकृति हेतु निर्गत शासनादेश दिनांक 14.08.2017/09.10.2019 एवं ईमारती पत्थर यथा खण्डा, गिट्टी, बोलडर आदि के क्षेत्रों को परिहार पर स्वीकृति हेतु निर्गत शासनादेश दिनांक 12.12.2017/09.10.2019 में उल्लिखित है कि यदि प्रथम चरण में एक ही बिड प्राप्त होती है तो ईमारती पत्थर के मामले में निर्धारित रायल्टी दर से 200 प्रतिशत यथा बालू/मौरम के मामले में 400 प्रतिशत से अधिक दर प्राप्त होने पर निविदा स्वीकृत की जायेगी तथा यदि उक्त से कम धनराशि प्राप्त होती है तो जिलाधिकारी क्षेत्र की भौगोलिक स्थिति, खनिज की उपलब्धता, खनिज की गुणवत्ता, उपखनिज का बाजार मूल्य, उस क्षेत्र में खनिज की मांग, क्षेत्र में अवैध खनन की सम्भावना, राजस्व की प्राप्ति आदि पर विचार करते हुये स्वविवेक से एकल निविदादाता के पक्ष में लेटर ऑफ इन्टेण्ट जारी करने अथवा न करने के सम्बन्ध में निर्णय लेंगे।

(ख) यदि प्रथम चरण में एक से अधिक परन्तु पाँच या पाँच से कम बिड प्राप्त होता है तो सभी बिड कर्ता द्वितीय चरण की ई-नीलामी की प्रक्रिया में भाग लेने हेतु अर्ह होंगे तथा द्वितीय चरण के अधिकतम बोलीदाता के पक्ष में जिलाधिकारी द्वारा लेटर आफ इन्टेण्ट जारी किया जायेगा।



(ग) यदि पाँच से अधिक बिड/आफर प्राप्त होते हैं तब केवल पाँच सर्वोच्च निविदाकार ही द्वितीय चरण की ई नीलामी में भाग लेने हेतु अर्ह होंगे तथा द्वितीय चरण के अधिकतम बोलीदाता के पक्ष में ही जिलाधिकारी द्वारा लेटर आफ इन्टेंट जारी किया जायेगा।

(3) उपरोक्त प्रस्तर-17 (2)(ग), (घ) के अनुसार प्रथम चरण के योग्य बोलीदाता द्वितीय चरण की ई-नीलामी में भाग ले सकते हैं।

(4) द्वितीय चरण में ई नीलामी की प्रक्रिया की जायेगी। ई नीलामी की प्रक्रिया प्रथम चरण की अग्रसारित प्रक्रिया होगी, जिसमें प्रथम चरण में प्राप्त उच्चतम बिड/आफर द्वितीय चरण की ई नीलामी के लिए न्यूनतम बोली (Floor Price) स्वतः निर्धारित हो जायेगी।

(5) ई-नीलामी की प्रक्रिया जो ई-निविदा खोलने के तत्काल दो घण्टे बाद प्रारम्भ होगी, में इच्छुक एवं अर्ह व्यक्ति/फर्म/कम्पनी बोली में कई बार भाग ले सकता है। ई-नीलामी की ऑनलाइन प्रक्रिया में स्क्रीन पर अधिकतम बोली प्रदर्शित होती रहेगी और प्रदर्शित बोली से अधिक बोली ऑनलाइन ही दिया जा सकता है।

(6) निर्धारित समय के पश्चात् बोली बन्द हो जायेगी और उसके उपरान्त कोई बोली नहीं दिया जा सकता है। बोली के अन्तिम समय में यदि कोई और बोली प्राप्त होती है तो नीलामी की बोली का समय स्वतः 05 मिनट के लिए बढ़ जायेगा। यह प्रक्रिया तब तक जारी रहेगी जब तक 05 मिनट के अन्तराल में कोई और बोली प्राप्त नहीं होती है।

(7) ई निविदा सह ई नीलामी की कालयोजना एवं अवधि निम्नानुसार सम्पादित की जायेगी:-

प्री-बिड ई0एम0डी0 एवं आवेदन शुल्क जमा करने की अन्तिम तिथि ई निविदा से पूर्व एम0एस0टी0सी0 में अपेक्षित प्री-बिड ई0एम0डी0 एवं आवेदन शुल्क, एम0एस0टी0सी0 की वेबसाइट पर वर्णित दिशा निर्देशों के अनुसार बोलीदाता द्वारा जमा करना अनिवार्य होगा।

प्रेस विज्ञप्ति का दिनांक 01.09.2023

प्रथम चरण में ई-निविदा (ई-टेण्डर) की अवधि दिनांक 03.10.2023 पूर्वान्ह 10:00 बजे से 06.10.2023 साँय 5:00 बजे तक

प्रथम चरण में प्राप्त ई-निविदा (बिड) का खोला जाना एवं उसका मूल्यांकन दिनांक 09.10.2023 को पूर्वान्ह 10:00 बजे से क्रमांक 01 पर विज्ञापित क्षेत्र

अपरान्ह 01:00 बजे से क्रमांक 02 पर विज्ञापित क्षेत्र

द्वितीय चरण की ई-नीलामी की अवधि दिनांक 09.10.2023 को

अपरान्ह 12:00 बजे से अपरान्ह 02:00 बजे तक क्रमांक 01 पर विज्ञापित क्षेत्र

अपरान्ह 03:00 बजे से अपरान्ह 05:00 बजे तक क्रमांक 02 पर विज्ञापित क्षेत्र

(8) परिणाम की घोषणा एवं उसका प्रदर्शन:

क. प्रथम चरण की ई-निविदा प्रक्रिया का परिणाम निविदाकार (Tenderer) के लॉगिन पर प्रदर्शित होगा। प्रथम चरण के ई-निविदा प्रक्रिया के समापन के पश्चात् अधिकतम निविदा धनराशि (बिडिंग एमाउन्ट) प्रदर्शित की जायेगी। सभी निविदाकार द्वितीय चरण की बोली हेतु वे योग्य हैं अथवा नहीं को भी लॉगिन कर जान सकते हैं।

ख. एकल निविदा के मामलों को छोड़कर शेष मामलों में द्वितीय चरण की ई-नीलामी समाप्त होने के उपरान्त प्राप्त अधिकतम बोली उसके बोलीदाता का विवरण एम0एस0टी0सी0 के निर्धारित पोर्टल पर प्रदर्शित किया जायेगा।

पट्टे का दिया जाना:- नियमावली के नियम-28 के प्रावधानों के अनुसार ई-निविदा सह ई-नीलामी के मामले में उस बोली या प्रस्ताव को उपरोक्त प्रस्तर-17(2) में दिये गये प्रक्रिया के अनुसार जिलाधिकारी स्वीकार करेंगे जो उच्चतम हों। जिलाधिकारी द्वारा सफल एवं नियमानुसार अर्ह बोलीदाता/निविदादाता को उनके द्वारा प्रस्तुत मूल अभिलेख के सत्यापन के एक सप्ताह के अन्दर लेटर आफ इन्टेंट निर्गत किया जायेगा।

ई-नीलामी समाप्त होने के पश्चात् 03 कार्य दिवस के अन्दर सफल बोलीदाता को अपने मूल अभिलेख का सत्यापन उस जनपद के जिलाधिकारी जहाँ क्षेत्र स्थित है के द्वारा अथवा निदेशक, भूतत्व एवं खनिकर्म, निदेशालय के द्वारा कराना होगा। निदेशक द्वारा मूल अभिलेख के सत्यापन की स्थिति में अभिलेख-सत्यापन की आख्या ई-मेल के माध्यम से संबंधित जिलाधिकारी को प्रेषित की जायेगी। अभिलेख-सत्यापन के पश्चात् ही जिलाधिकारी द्वारा लेटर आफ इन्टेंट जारी किया जायेगा। सत्यापन में यदि कोई अभिलेख अथवा प्रमाण पत्र कूटरचित, असत्य अथवा गलत पाया जाता है तो लेटर आफ इन्टेंट जारी नहीं किया जायेगा तथा बयाने की धनराशि (अनैस्ट मनी) जब्त कर ली जायेगी।

लेटर आफ इन्टेंट में निम्न विवरण होंगे :-

(1) प्रथम वर्ष के लिए देय नीलामी धनराशि की गणना पट्टा क्षेत्र के लिए विज्ञप्ति में आकलित मात्रा घन मी0 को निविदा/नीलामी की दर रूपया घन प्रति मी0 से गुणा कर निकाली जायेगी। खनन पट्टा के अनुवर्ती वर्षों में प्रत्येक वर्ष पिछले वर्ष की नीलामी की देय धनराशि पर 10 प्रतिशत की वृद्धि की जायेगी।

(2) सफल बोलीदाता/निविदादाता, पट्टे की निर्बन्धनों और शर्तों का यथोचित पालन करने के लिए प्रतिभूति के रूप में प्रथम वर्ष के लिए बोली/निविदा की सकल धनराशि का 25 प्रतिशत और स्वामित्व की पहली किश्त के रूप में प्रथम वर्ष के लिए बोली/निविदा की सकल धनराशि का 20 प्रतिशत दो कार्यदिवसों के अन्दर जमा करेगा। बयाने की धनराशि (अनैस्ट मनी) प्रथम किश्त में समायोजित कर ली जायेगी।

(3) पट्टे के प्रथम वर्ष की शेष किश्ते एवं अनुवर्ती वर्षों में बोली/निविदा के आधार पर प्रथम वर्ष के लिए निर्धारित सकल धनराशि पर प्रत्येक वर्ष विगत वर्ष से 10 प्रतिशत वृद्धि के साथ नियमावली-2021 के पंचम अनुसूची के अनुसार जमा की जायेगी।

(4) पट्टाधारक नियम-17 के प्राविधानों के अनुसार क्षेत्र का सीमांकन करायेगा (जिसमें सीमा बिन्दुओं का जीओ को आर्डिनेट्स भी इंगित किया जायेगा) तथा नियम-36 के अनुसार सीमा-स्तम्भ लगायेगा एवं इसका अनुरक्षण करेगा।

(5) चयनित आवेदक नियम-35 के प्राविधानों के अन्तर्गत निर्धारित अवधि के अन्दर खनन योजना, माइन्स क्लोजर प्लान एवं भारत सरकार के वन एवं पर्यावरण मंत्रालय की अधिसूचना दिनांक-14.09.2006 सपठित अधिसूचना दिनांक 15.01.2016 (Sustainable Sand Mining

(6) प्रत्येक पट्टाधारक द्वारा नियम-35 के अनुसार क्षेत्र के भूमि-उद्धार और पुर्नवासन उपाय हेतु वित्तीय आश्वासन की धनराशि निर्धारित रीति से जमा करेगा।

(7) लेटर आफ इन्टेन्ट जारी होने के एक माह के अन्दर अनुमोदन हेतु देय प्रतिभूति एवं प्रथम किस्त की धनराशि जमा होने के प्रमाण सहित खनन योजना निदेशक, भूतत्व एवं खनिकर्म के समक्ष प्रस्तुत किया जायेगा तथा अनुमोदित खनन योजना प्राप्त होने के 1 माह के अन्दर सक्षम प्राधिकरण के समक्ष पर्यावरण स्वच्छता प्रमाण पत्र हेतु प्रस्ताव प्रस्तुत किया जाना अनिवार्य होगा अन्यथा नियम 60(1) के प्राविधानों के अन्तर्गत प्रस्तावक पर रूपये 10,000.00 प्रति दिन की शास्ति आरोपित की जायेगी।

(8) पर्यावरण अनापत्ति प्रमाण पत्र प्राप्ति के एक माह के भीतर पट्टा विलेख का निष्पादन कराकर खनन संक्रिया तत्काल प्रारम्भ की जानी होगी।

(9) नियम 35(4) के अन्तर्गत पर्यावरण की स्वीकृति की प्रक्रिया के दौरान अपेक्षित समयावधि में, सक्षम प्राधिकारी द्वारा लगायी गयी आपत्तियों का परियोजना प्रस्तावक द्वारा समाधान करना अनिवार्य होगा। नियम 35(4) के उल्लंघन की दशा में जिला मजिस्ट्रेट नियम 60(7) के अन्तर्गत जारी लेटर ऑफ इन्टेन्ट निरस्त किया जा सकता है।

(10) नियम 35(5) के अन्तर्गत पर्यावरण अनापत्ति प्रमाणपत्र निर्गत होने के उपरान्त एक माह के भीतर पट्टा विलेख का निष्पादन करना अनिवार्य होगा। नियम 35(5) के उल्लंघन की दशा में प्रस्तावक द्वारा जमा प्रथम किस्त एवं प्रतिभूमि धनराशि समपूत करते हुये जारी लेटर ऑफ इन्टेन्ट निरस्त किया जायेगा।

21. सफल बोलीदाता/निविदादाता द्वारा धनराशि जमा करने की रीति

(1) स्वीकृत पट्टे की अवधि 05 वर्ष होगी, परन्तु बोली/निविदा की धनराशि प्रथम वर्ष के लिए मानी जायेगी। प्रत्येक अनुवर्ती वर्ष में पिछले वर्ष से 10 प्रतिशत वृद्धि के साथ आगामी वर्ष में पट्टा धनराशि देय होगी। प्रथम वर्ष एवं अनुवर्ती वर्षों के लिए पट्टा-धनराशि-नियमावली-2021 के पंचम अनुसूची के अनुसार पट्टाधारक द्वारा जमा की जायेगी।

(2) आशय पत्र (लेटर आफ इन्टेन्ट) प्राप्त होने के उपरान्त सफल बोलीदाता/निविदादाता द्वारा 25 प्रतिशत प्रतिभूति जमा एवं 20 प्रतिशत प्रथम किस्त अर्थात् पट्टे के प्रथम वर्ष के लिए निर्धारित पट्टा धनराशि के 45 प्रतिशत के सतुल्य धनराशि (जिसमें प्री विड अर्नेस्ट मनी समायोजित हो) सम्बन्धित जनपद में भूतत्व एवं खनिकर्म विभाग में लेटर ऑफ इन्टेन्ट जारी होने के दो कार्य दिवसों के अन्दर जमा किया जाना होगा। प्री विड अर्नेस्ट मनी की धनराशि एम0एस0टी0सी0 लि0 द्वारा सम्बन्धित जनपद के जिलाधिकारी को चेक/ड्राफ्ट के माध्यम से/आनलाईन हस्तांतरित की जायेगी। यदि सफल बोलीदाता/निविदादाता उक्त धनराशि जमा करने में असफल होता है तो उसके द्वारा जमा अर्नेस्ट मनी जब्त कर ली जायेगी और उसके द्वारा इस सम्बन्ध में कोई शिकायत अथवा प्रत्यावेदन विचार योग्य नहीं होगा।

(3) प्रथम वर्ष के लिए शेष 80 प्रतिशत पट्टा धनराशि एवं आगामी वर्षों के लिए पट्टा धनराशि नियमावली में निर्धारित पंचम अनुसूची के अनुसार राज्य सरकार द्वारा समय पर निर्धारित प्रक्रिया के अनुसार पट्टाधारक द्वारा जमा की जायेगी। उक्त अनुसूची में नियत तिथि के अनुसार देय धनराशि जमा न करने की दशा में नियम-59 अनुसार देय धनराशि ब्याज सहित वसूल की जायेगी।

(4) पट्टाधारक द्वारा राज्य सरकार अथवा केन्द्र सरकार द्वारा समय समय पर निर्धारित कर एवं शुल्क यथा आयकर विभाग का टी0सी0एस0, जिला खनिज फाउण्डेशन(डी0एम0एफ0) आदि नियमानुसार जमा किया जायेगा।

शर्तें:-

(1) ई निविदा सह ई निलामी में भाग लेने से पूर्व क्षेत्र में आंकलित उपखनिज की मात्रा एवं खनन स्थल के लिए पहुँच मार्ग आदि के सम्बन्ध में मौके का निरीक्षण कर बिडर स्वयं आश्वस्त हो ले। ई निविदा सह ई निलामी में भाग लेने के पश्चात् इस सम्बन्ध में किसी भी प्रकार का दावा स्वीकार नहीं किया जायेगा।

(2) पट्टाधारक पट्टे के अधीन दिये गये क्षेत्र के सर्वेक्षण और सीमांकन के समय सीमांकित मानचित्र पर खनन पट्टा क्षेत्र का कार्डिनेट्स अंकित करेगा तथा पट्टा विलेख निष्पादन करने के पूर्व पट्टाधारक अपने स्वयं के व्यय पर ऐसे सीमा चिन्ह को और खम्बे को लगायेगा जो पट्टा विलेख से संलग्न नक्शे में दर्शाये गये सीमांकन को इंगित करने के लिए आवश्यक होगा।

(3) पट्टा अभिलेख के निष्पादन के दिनांक पट्टाधारक तत्काल खनन संक्रियायें प्रारम्भ करेगा और तत्पश्चात् जान बूझकर कोई स्थगन किये बिना ऐसी खनन संक्रियाओं का संचालन उचित और दक्षतापूर्ण रीति से कुशल कारीगर की भांति करेगा।

(4) पट्टा धारक नियम-36 के अनुसार वाहनों के प्रवेश व निकासी पर निगरानी के लिए स्वयं के व्यय पर 360 डिग्री कोण पर दृश्यता रिकार्डिंग के योग्य चार सी0सी0टी0वी0 कैमरा लगाने सहित चेक पोस्ट/गेट का निर्माण करेगा। पट्टाधारक उक्त चेक पोस्ट/गेट पर आर0एफ0आई0डी0 स्कैनर भी रखेगा, जिससे संबन्धित खनन पट्टा क्षेत्र से उपखनिजों के परिवहन हेतु प्रयुक्त प्रत्येक यान के सापेक्ष निर्गत किये गये ई-प्रपत्र एम0एम0-11 पर अंकित बार कोड का डाटा पढ़ने और सुरक्षित रखने की सुविधा होगी और उसका समुचित रूप से रख-रखाव करेगा एवं सदैव उसे चालू रूप में अनुरक्षित रखेगा। पट्टाधारक उक्त सी0सी0टी0वी0 कैमरे और आर0एफ0आई0डी0 स्कैनरों द्वारा की गयी समस्त रिकार्डिंग को कम से कम 30 दिनों तक सुरक्षित रखेगा और नियम-67 के उपबन्धों के अधीन प्राधिकृत अधिकारी के द्वारा रिकार्ड मांगे जाने पर उक्त रिकार्डिंग को उपलब्ध करायेगा।

(5) पट्टाधारक प्रत्येक वाहन को ई-एम0एम0-11 सही विवरण सहित जारी करेगा। प्रत्येक वाहनों को निर्गत ई-एम0एम0-11 पर जनित बार कोड को चेक गेट पर पढ़ने तथा दर्ज डाटा सेव करने के लिए आर0एफ0आई0डी0 स्कैनर लगायेगा तथा सदैव उसका अनुरक्षण करेगा और उन्हे सही एवं चालू दशा में रखेगा। उक्त का अनुपालन न करने की दशा में नियमावली-2021 के नियम-60 के अन्तर्गत शास्ति का भागीदार होगा।

(6) माननीय राष्ट्रीय हरित अधिकरण के आदेश दिनांक 05.09.2018 के अनुपालन में पट्टा धारक द्वारा खदान के निकासी स्थल पर तौल मशीन लगाकर निदेशालय में स्थापित कमाण्ड सेन्टर में प्रयुक्त आर्टिफिशियल इन्टेलिजेन्स युक्त सॉफ्टवेयर में इन्टीग्रेट किया जायेगा। इन्टीग्रेट में स्थित तौल मशीन में निम्न Features का होना आवश्यक है:-

1. The weigh bridge device should use the MQTT Protocol to transmit data.

2. The weigh bridge device should transmit data over the internet to IOT infrastructure in cloud.

- (7) पट्टेदार 03 मीटर की गहराई अथवा जलस्तर में से जो कम हो, से अधिक गहराई में खनन संक्रियाये नहीं करेगा।
- (8) जिलाधिकारी द्वारा चिन्हित सुरक्षा क्षेत्र में खनन नहीं किया जायेगा।
- (9) नदी की जल धारा में सक्शन, मशीन, लिफ्टर आदि मशीनों द्वारा खनन कार्य नहीं किया जायेगा।
- (10) स्वीकृत क्षेत्र के अन्दर जहाँ परिवहन प्रपत्र निर्गत किया जायेगा, वहाँ पर खनिजों का विक्रय मूल्य प्रदर्शित करेगा।
- (11) यदि पट्टाधारक द्वारा नियमों व खनन पट्टा, पर्यावरण स्वच्छता प्रमाण पत्र, खनन योजना आदि की

शर्तों का उल्लंघन किया जाता है तो पट्टेदार को अपना मामला बताने की युक्ति अवसर प्रदान करने के पश्चात् जिलाधिकारी अथवा राज्य सरकार द्वारा पट्टा समाप्त किया जा सकता है।

- (12) भारत सरकार द्वारा निर्धारित मानकों के अनुसार पट्टेधारक द्वारा खनिजों की लोडिंग की जायेगी।
- (13) नियमों एवं शर्तों के उल्लंघन के परिणामस्वरूप यदि कोई वाद अथवा अपराधिक प्रक्रिया योजित होती है तो इसकी सम्पूर्ण जिम्मेदारी पट्टाधारक की होगी एवं यदि इस सम्बन्ध में कोई व्यय होता है तो उसका वहन पट्टाधारक द्वारा किया जायेगा।
- (14) राज्य सरकार अथवा केन्द्र सरकार द्वारा यदि नियमों/अधिनियमों में कोई संशोधन होता है अथवा कोई शर्त अथवा विधि प्रख्यापित की जाती है तो वह पट्टाधारकों को मान्य होगा।
- (15) पट्टाधारक द्वारा पर्यावरण स्वच्छता प्रमाण पत्र कार्यालय में अंजमा कराने के उपरान्त अनुमति प्राप्त कर खनन कार्य आरम्भ किया जायेगा।
- (16) मा0 उच्च न्यायालय, मा0 राष्ट्रीय हरित अधिकरण अथवा मा0 सर्वोच्च न्यायालय द्वारा पारित आदेशों का पालन किया जायेगा।
- (17) पट्टाधारक द्वारा नियमानुसार जल (प्रदूषण निवारण तथा नियन्त्रण) अधिनियम-1974 यथासंशोधित एवं वायु प्रदूषण निवारण तथा नियन्त्रण) अधिनियम-1981 यथासंशोधित के अर्न्तगत उ0 प्र0 प्रदूषण नियन्त्रण बोर्ड से सहमति प्राप्त किया जाना होगा।

जिलाधिकारी  
Saharanpur |

#### पत्रांक व दिनांक तदैव।

प्रतिलिपि:-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. सचिव भूतत्व एवं खनिकर्म, उ0प्र0 शासन लखनऊ।
2. निदेशक, भूतत्व एवं खनिकर्म निदेशालय उ0प्र0 लखनऊ।
3. आयुक्त सहारनपुर मण्डल, सहारनपुर।
4. प्रभारी अधिकारी, क्षेत्रीय कार्यालय भूतत्व एवं खनिकर्म विभाग, गाजियाबाद।
5. शाखा प्रबंधक, एम0एस0टी0सी0 लि0 सेकेण्ड सेन्टर कोर्ट बिल्डिंग पार्क रोड हजरतगंज लखनऊ-226010।
6. निदेशक, सूचना उ0प्र0 लखनऊ को इस अनुरोध के साथ प्रेषित कि व्यापक प्रचार प्रसार हेतु उक्त विज्ञप्ति 02 दैनिक समाचार पत्रों (दैनिक जागरण एवं अमर उजाला) में दिनांक 01-09-2023 को अथवा उससे पूर्व विज्ञापित करने का कष्ट करें।
7. जिला, सूचना अधिकारी, सहारनपुर इस आशय से प्रेषित की जनपद की वेबसाईट पर अपलोड करना सुनिश्चित करें।

जिलाधिकारी  
Saharanpur |

Digitally signed by District Magistrate, Saharanpur  
Date: 2023.09.28 16:02:51  
Saharanpur  
District Magistrate

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ANNEXURE R-2

172

## कार्यालय जिलाधिकारी, Saharanpur

(खनन-अनुभाग)  
खनन पट्टा हेतु सहमति पत्र (Letter of Intent)

पत्रांक: LOI/2023/11/17-11-2023 00:00:00/239705

दिनांक: 17-11-2023

उ. . उपखनिज (परिहार) नियमावली, 2021 के नियम २३ के अंतर्गत खनन पट्टा के सहमति पत्र से सम्बंधित।

## निविदाकर्ता का संक्षिप्त विवरण

निविदाकर्ता का नाम	SAHARANPUR MINES (mstc/SAHARANPUR MINES/396667)
निविदाकर्ता का पता	GURUKUL BHAWAN GANGA ENCLAVE NEAR MALVIYA CHOWK , ROORKEE
निविदाकर्ता का मोबाइल न०	9690020266
खनन पट्टा की अवधि	60 माह अथवा मात्रा जो पहले पूर्ण हो।

## भूमि का विवरण

एरिया कोड	जनपद	तहसील	ग्राम/मोहल्ला	गाटा (प्लॉट) संख्या	क्षेत्रफल/मात्रा
1089880501	Saharanpur	Behat	Aslampur Bartha - 108988	1/1M	36.6000 हे० / 658800.00 घन मी०

## देय धनराशि

अनुज्ञात उपखनिज	अनुज्ञात मात्रा	उच्चतम बिड दर (₹)	प्रथम वर्ष की देय धनराशि (₹)	अर्नेस्ट मनी (प्रथम वर्ष की देय धनराशि का 25%) (₹)	प्रथम वर्ष की प्रथम किस्त (प्रथम वर्ष की देय धनराशि का 20%) (₹)	प्रीबिड समायोजित अवशेष धनराशि (₹)	देय DMF (₹)	देय TCS (₹)	अन्य
Sand or Bajri or Boulder RBM	658800.00 घन मी०	477.00	314247600.0000	78561900.0000	62849520.0000	123294420.00	31424760.00	6284952.00	0.00
		कुल	314247600.0000	78561900.0000	62849520.0000	123294420.00	31424760.00	6284952.00	0.00

अतः आपसे अपेक्षा की जाती है कि उपरोक्त देय धनराशि ३ कार्य दिवस के अंदर जमा करा कर चालान की मूल प्रति upminemitra.in पोर्टल पर अपने लॉगिन से अपलोड करें ताकि आपको नियमानुसार खनन पट्टा निर्गत करने की कार्यवाही की जा सके।

आवेदक द्वारा अनुलग्नक-1 शर्तों का अनुपालन किया जाना आवश्यक है।

Digitally signed by DINESH CHANDRA  
Date: 2023.11.17 18:53:06  
Saharanpur  
District Magistrate

- निर्बंधनों एवं शर्तों का पालन करने के लिये प्रतिभूति के प्रथम वर्ष के लिये बोली की सकल धनराशि का 25 प्रतिशत प्रतिभूति की धनराशि रु0 7,85,61,900/- तथा 20 प्रतिशत धनराशि रु0 6,28,49,520/- प्रथम कथत के रूप में दो कार्य दिवसों के अन्दर खनन कार्यालय में बैंक ड्राफ्ट अथवा आनलाईन पोर्टल UPRAJKOSH के माध्यम से जमा करना होगा। आफरदाता द्वारा पूर्व में जमा प्री बिड अर्नेस्ट मनी रु0 1,81,17,000/- को समायोजित करते हुये अवशेष धनराशि रु0 12,32,94,420/- जमा करना होगा। यदि लेटर आफ इन्टेन्ट जारी करने के दो कार्य दिवसों में अवशेष धनराशि जमा करने में आप असफल होते है तो आप द्वारा जमा अर्नेस्ट मनी राज्य सरकार के पक्ष में जन्त कर ली जायेगी तथा आफरदाता द्वारा इस संबंध में प्रस्तुत कोई शिकायत अथवा प्रत्यावेदन पर विचार नहीं किया जायेगा।
- लेटर आफ इन्टेन्ट जारी होने के एक माह के अन्दर अनुमोदन हेतु देय प्रतिभूति एवं प्रथम किस्त की धनराशि जमा होने के प्रमाण सहित खनन योजना निदेशक, भूतत्व एवं खनिकर्म के सम प्रस्तुत किया जायेगा तथा अनुमोदित खनन योजना प्राप्त होने के 1 माह के अन्दर सक्षम प्राधिकरण के समक्ष पर्यावरण स्वच्छता प्रमाण पत्र हेतु प्रस्ताव प्रस्तुत किया जाना अनिवार्य होगा अन्यथा नियम 60(1) के प्राविधानों के अन्तर्गत प्रस्तावक पर रूपये 10,000.00 प्रति दिन की शास्ति आरोपित की जायेगी।
- स्वीकृत पट्टे की अवधि 05 वर्ष होगी, परन्तु बोली/निविदा की धनराशि प्रथम वर्ष के लिए मानी जायेगी। प्रत्येक अनुवर्ती वर्ष में पिछले वर्ष से 10 प्रतिशत वृद्धि के साथ आगामी वर्ष में पट्टा धनराशि देय होगी। प्रथम वर्ष एवं अनुवर्ती वर्षों के लिए पट्टा-धनराशि-नियमावली-2021 के पंचम अनुसूची के अनुसार पट्टाधारक द्वारा जमा की जायेगी।
- थम वर्ष के लिए शेष 80 प्रतिशत पट्टा धनराशि एवं आगामी वर्षों के लिए पट्टा धनराशि नियमावली में निर्धारित पंचम अनुसूची के अनुसार राज्य सरकार द्वारा समय पर निर्धारित प्रक्रिया के अनुसार पट्टाधारक द्वारा जमा की जायेगी। उक्त अनुसूची में नियत तिथि के अनुसार देय धनराशि जमा न करने की दशा में नियम-59 अनुसार देय धनराशि व्याज सहित वसूल की जायेगी।
- पट्टाधारक नियम-17 के प्राविधानों के अनुसार क्षेत्र का सीमांकन करायेगा (जिसमें सीमा विन्दुओं का जीओ को आर्डिनेट्स भी इंगित किया जायेगा) तथा नियम-36 के अनुसार सीमा-स्तम्भ लगायेगा एवं इसका अनुरक्षण करेगा।
- पर्यावरण अनापत्ति प्रमाण पत्र प्राप्ति के एक माह के भीतर पट्टा विलेख का निष्पादन कराकर खनन संक्रिया तत्काल प्रारम्भ की जानी होगी।
- नियम 35(4) के अन्तर्गत पर्यावरण की स्वीकृति की प्रक्रिया के दौरान अपेक्षित समयावधि में, सक्षम प्राधिकारी द्वारा लगायी गयी आपत्तियों का परियोजना प्रस्तावक द्वारा समाधान करना अनिवार्य होगा। नियम 35(4) के उल्लंघन की दशा में जिला मजिस्ट्रेट नियम 60(7) के अन्तर्गत जारी लेटर ऑफ इन्टेन्ट निरस्त किया जा सकता है।
- नियम 35(5) के अन्तर्गत पर्यावरण अनापत्ति प्रमाणपत्र निर्गत होने के उपरान्त एक माह के भीतर पट्टा विलेख का निष्पादन करना अनिवार्य होगा। नियम 35(5) के उल्लंघन की दशा में प्रस्तावक द्वारा जमा प्रथम किश्त एवं प्रतिभूति धनराशि समपूहृत करते हुये जारी लेटर ऑफ इन्टेन्ट निरस्त किया जायेगा।
- चयनित आवेदक नियम-35 के प्राविधानों के अन्तर्गत निर्धारित अवधि के अन्दर खनन योजना, माइन्स क्लोजर प्लान एवं भारत सरकार के वन एवं पर्यावरण मंत्रालय की अधिसूचना दिनांक-14.09.2006 सपठित अधिसूचना दिनांक 15.01.2016 (Sustainable Sand Mining Management Guideline-2016 (SSMG-2016) and Enforcement & Monitoring Guidelines for Sand Mining-2020 published by MoEF&CC) के दिशा निर्देशा तथा समय-समय पर यथा संशोधित उपबन्धों के अधीन पर्यावरण अनापत्ति प्राप्त कर उसे प्रस्तुत करेगा।
- प्रत्येक पट्टाधारक द्वारा नियम-35 के अनुसार क्षेत्र के भूमि-उद्धार और पुर्नवासन उपाय हेतु वित्तीय आश्वासन की धनराशि निर्धारित रीति से जमा करेगा।
- पट्टाधारक द्वारा राज्य सरकार अथवा केन्द्र सरकार द्वारा समय समय पर निर्धारित कर एवं शुल्क यथा आयकर विभाग का दो प्रतिशत टी0सी0एस0, जिला खनिज फाउण्डेशन(डी0एम0एफ0) आदि नियमानुसार जमा कया जायेगा।
- पट्टाधारक पट्टे के अधीन दिये गये क्षेत्र के सर्वेक्षण और सीमांकन के समय सीमांकित मानचित्र पर खनन पट्टा क्षेत्र का कार्डिनेट्स अंकित करेगा तथा पट्टा विलेख निष्पादन करने के पूर्व पट्टाधारक अपने स्वयं के व्यय पर ऐसे सीमा चिन्ह को और खम्बे को लगायेगा जो पट्टा विलेख से संलग्न नक्शे में दर्शाये गये सीमांकन को इंगित करने के लिए आवश्यक होगा।
- पट्टा अभिलेख के निष्पादन के दिनांक पट्टाधारक तत्काल खनन संक्रियायें प्रारम्भ करेगा और तत्पश्चात् जान बूझकर कोई स्थगन किये बिना ऐसी खनन संक्रियाओं का संचालन उचित और दक्षतापूर्ण रीति से कुशल कारीगर की भांति करेगा।
- पट्टा धारक नियम-36 के अनुसार वाहनों के प्रवेश व निकासी पर निगरानी के लिए स्वयं के व्यय पर 360 डिग्री कोण पर दृश्यता रिकार्डिंग के योग्य चार सी0सी0टी0वी0 कैमरा लगाने सहित चेक पोस्ट/गेट का निर्माण करेगा। पट्टाधारक उक्त चेक पोस्ट/गेट पर आर0एफ0आई0डी0 स्कैनर भी रखेगा, जिससे संबन्धित खनन पट्टा क्षेत्र से उपखनिजों के परिवहन हेतु प्रयुक्त प्रत्येक यान के सापेक्ष निर्गत किये गये ई-प्रपत्र एम0एम0-11 पर अंकित वार कोड का डाटा पढ़ने और सुरक्षित रखने की सुविधा होगी और उसका समुचित रूप से रख-रखाव करेगा एवं सदैव उसे चालू रूप में अनुरक्षित रखेगा। पट्टाधारक उक्त सी0सी0टी0वी0 कैमरे और आर0एफ0आई0डी0 स्कैनरों द्वारा की गयी समस्त रिकार्डिंग को कम से कम 30 दिनों तक सुरक्षित रखेगा और नियम-67 के उपबन्धों के अधीन प्राधिकृत अधिकारी के द्वारा रिकार्ड मांगे जाने पर उक्त रिकार्डिंग को उपलब्ध करायेगा।
- पट्टाधारक प्रत्येक वाहन को ई-एम0एम0-11 सही विवरण सहित जारी करेगा। प्रत्येक वाहनों को निर्गत ई-एम0एम0-11 पर जनिट वार कोड को चेक गेट पर पढ़ने तथा दर्ज डाटा सेव करने के लिए आर0एफ0आई0डी0 स्कैनर लगायेगा तथा सदैव उसका अनुरक्षण करेगा और उन्हे सही एवं चालू दशा में रखेगा। उक्त का अनुपालन न करने की दशा में नियमावली-2021के नियम-60 के अन्तर्गत शास्ति का भागीदार होगा।
- माननीय राष्ट्रीय हरित अधिकरण के आदेश दिनांक 05.09.2018 के अनुपालन में पट्टा धारक द्वारा खदान के निकासी स्थल पर तौल मशीन लगवाकर निदेशालय में स्थापित कमाण्ड सेंटर में प्रयुक्त आर्टिफिशियल इन्टेलीजेन्स युक्त साफ्टवेयर में इन्टीग्रेट किया जायेगा। इन्टीग्रेटस में स्थित तौल मशीन में निम्न Features का होना आवश्यक है:-
- 1- The weigh bridge device should use the MQTT protocol to transmit data.
- 2- The weigh bridge device should transmit data over the internsmmit data over the internet to IOT infrastructure in cloud.
- पट्टेदार 03 मीटर की गहराई अथवा जलस्तर में से जो कम हो, से अधिक गहराई में खनन संक्रियाये नहीं करेगा।
- जिलाधिकारी द्वारा चिन्हित सुरक्ष क्षेत्र में खनन नहीं किया जायेगा।
- नदी की जल धारा में सक्शन मशीन लिफ्टर आदि मशीनों द्वारा खनन कार्य नहीं किया जायेगा।
- स्वीकृत क्षेत्र के अन्दर जहाँ परिवहन प्रपत्र निर्गत किया जायेगा, वहाँ पर खनिजों का विक्रय मूल्य प्रदर्शित करेगा।
- यदि पट्टाधारक द्वारा नियमों व खनन पट्टा, पर्यावरण स्वच्छता प्रमाण पत्र, खनन योजना आदि की शर्तों का उल्लंघन किया जाता है तो पट्टेदार को अपना मामला बताने की युक्ति अवसर प्रदान करने के पश्चात् जिलाधिकारी अथवा राज्य सरकार द्वारा पट्टा समाप्त किया जा सकता है।
- भारत सरकार द्वारा निर्धारित मानकों के अनुसार पट्टेधारक द्वारा खनिजों की लोडिंग की जायेगी।
- नियमों एवं शर्तों के उल्लंघन के परिणाम स्वरूप यदि कोई वाद अथवा अपराधिक प्रक्रिया योजित होती है तो इसकी सम्पूर्ण जिम्मेदारी पट्टाधारक की होगी एवं यदि इस सम्बन्ध में कोई व्यय होता है तो उसका वहन पट्टाधारक द्वारा किया जायेगा।
- राज्य सरकार अथवा केन्द्र सरकार द्वारा यदि नियमों/अधिनियमों में कोई संशोधन होता है अथवा कोई शर्त अथवा विधि प्रख्यापित की जाती है तो वह पट्टाधारकों को मान्य होगा।
- पट्टाधारक द्वारा पर्यावरण स्वच्छता प्रमाण पत्र कार्यालय में जमा कराने के उपरान्त अनुमति प्राप्त कर खनन कार्य आरम्भ किया जायेगा।
- मा0 उच्च न्यायालय, मा0 राष्ट्रीय हरित अधिकरण अथवा मा0 सर्वोच्च न्यायालय द्वारा पारित आदेशों का पालन किया जायेगा।
- पट्टाधारक द्वारा नियमानुसार जल (प्रदूषण निवारण तथा नियन्त्रण) अधिनियम-1974 यथासंशोधित एवं वायु प्रदूषण निवारण तथा नियन्त्रण) अधिनियम-1981 यथासंशोधित के अन्तर्गत उ0 प्र0 प्रदूषण नियन्त्रण बोर्ड से सहमति प्राप्त किया जाना होगा।
- आपके द्वारा कार्यालय में प्रस्तुत अभिलेखों का सत्यापन सम्बन्धित जनपद के अधिकारी के पास प्रेषित किये गये है। प्रपत्रों में किसी प्रकार की अनियमितता पाये जाने पर सहमति पत्र (LOI) स्वतः निरस्त माना जाएगा, जिसके लिये आप स्वयं उत्तरदायी होंगे।
- स्टाम्प विभाग के द्वारा निर्धारित स्टाम्प शुल्क पट्टाधारक जमा कराने के लिए बाध्य होगा।

प्रेषक,

निदेशक,  
भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०,  
खनिज भवन, लखनऊ।

सेवा में

जिलाधिकारी  
Saharanpur

संख्या :-

2024/1/15/313009

दिनांक :- 2024-03-07

विषय :-

पट्टाधारक श्री M/s SAHARANPUR MINES AUTHORISED PARTNER-SANJAY CHAUDHARY के पक्ष में स्वीकृत जनपद Saharanpur में तहसील Behat ग्राम-Aslampur bartha गाटा सं०-1/1M Khand-1 क्षेत्रफल 36.6000 हे० में उपखनिज सैण्ड/बजरी/बोल्डर मिला आ (आर० बी० एम०), के खनन पट्टे हेतु प्राप्त खनन योजना का अनुमोदन के संबंध में।

महोदय,

उपर्युक्त विषय के संदर्भ में सूचित करना है कि उक्त संदर्भित क्षेत्र के संबंध में पट्टाधारक श्री M/s SAHARANPUR MINES AUTHORISED PARTNER-SANJAY CHAUDHARY द्वारा प्रस्तुत खनन योजना का अनुमोदन उत्तर प्रदेश उप-खनिज (परिहार) नियमावली, 2021 के नियम-35 के उपनियम (2) के अधीन प्रदत्त अधिकारों का प्रयोग करते हुये दिनांक 2024-03-07 को कर दिया गया है।

1-

“खनन योजना” का अनुमोदन निम्नलिखित शर्तों के अधीन किया गया है:-

(अ)

“खनन योजना” का अनुमोदन खनन पट्टा विलेख निष्पादन के दिनांक से आगामी 60 (माह में) अवधि तक के लिए अनुमोदित किया जाता है। खनन क्षेत्र से 658800.00 घन मी० प्रतिवर्ष खनिज का उत्पादन अनुमन्य किया गया है।

(ब)

अनुमोदित अवधि में किये गये खनन कार्य के निरीक्षण के उपरान्त यदि खनन योजना में संशोधन हेतु आदेश दिये जाते हैं, तब संशोधित खनन योजना प्रस्तुत करने का पूर्ण उत्तरदायित्व पट्टेदार का होगा।

(स)

आबद्ध नियोजित श्रमिकों को सुरक्षात्मक उपकरण प्रदान करने तथा सुरक्षित खनन कार्य करने हेतु सभी आवश्यक सावधानियां बरतने का दायित्व पट्टेदार का होगा।

(द)

अनुमोदित खनन योजना की एक-एक प्रमाणित प्रति संबंधित जिलाधिकारी कार्यालय एवं निदेशालय के क्षेत्रीय कार्यालय में अभिलेखार्थ यथाशीघ्र प्रस्तुत करने का दायित्व भी पट्टेदार का होगा।

(च)

अनुमोदित खनन योजना में विनिहित प्रक्रिया के अनुसार पट्टेदार द्वारा खनन कार्य न किये जाने के पाये जाने पर पट्टेदार के विरुद्ध पट्टे की शर्त का उल्लंघन माना जायेगा और तदनुसार कार्यवाही की जायेगी।

(छ)

खनन योजना को निम्नलिखित अतिरिक्त शर्तों के साथ अनुमोदित किया जाता है:-

1. बेंच की ऊँचाई अधिकतम 01 मी० एवं चौड़ाई न्यूनतम 10 मी० होनी चाहिए। खनन कार्य जीरो लेवल से ऊपर की ओर किया जायेगा।

2. खनन कार्य अधिकतम 03 मी० की गहराई तक या पानी निकलने के तल, जो भी कम हो तक किया जायेगा।

3. खनन पट्टा स्थल पर फ्रूट एड बॉक्स व स्ट्रेचर रखे जायें।

4. श्रमिकों के लिये श्रमिक विश्राम गृह उनके पीने के पानी आदि की समुचित व्यवस्था की जायें।

5. खनन क्षेत्र से मुख्य मार्ग तक जाने वाले पहुँच मार्ग (कच्चे मार्ग) पर नियमित रूप से जल का छिड़काव किया जायेगा, ताकि वाहनों के आवागमन से उत्पन्न धूल को उड़ने से रोका जा सके।

6. जहाँ तक व्यवहारिक हो नदी से तटबन्ध की ओर खनन किया जायेगा।

**175** 7. पर्यावरण स्वच्छता के संबंध में भारत सरकार/राज्य सरकार द्वारा समय-समय पर जारी दिशानिर्देशों एवं माननीय न्यायालय के आदेशों का अनुपालन किया जायेगा।

2- अस्तु आपसे अनुरोध है कि अनुमोदित खनन योजना की संलग्न मूल प्रति सम्बन्धित पट्टेदार को अनुपालन हेतु उपलब्ध करा कर उनसे प्राप्ति रसीद प्राप्त कर निदेशालय को भिजवाने का कष्ट करें।

भवदीय

(नवीन कुमार दास)

सयुक्त निदेशक।

Digitally signed by NAVEEN KUMAR DAS  
Date: 2024.03.07 15:25:38

संख्या : - 2024/1/15/313009 (1)/मा0 प्लान , तद् दिनांक

तिलिपि : निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- खान अधिकारी, भूतत्व एवं खनिकर्म विभाग, उ0 0, जनपद- **Saharanpur**
- 2- पट्टाधारक श्री M/s SAHARANPUR MINES AUTHORISED PARTNER-SANJAY CHAUDHARY नि0 तहसील **Behat** जनपद Saharanpur
- 3- खनन अनुभाग, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0, लखनऊ।

भवदीय

(नवीन कुमार दास)

सयुक्त निदेशक।

Digitally signed by NAVEEN KUMAR DAS  
Date: 2024.03.07 15:25:39



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## ANNEXURE-R-4

## Minutes of the Joint meeting of SEIAA and SEAC, U.P. held on 02.02.2024

The Joint Meeting of State Environment Impact Assessment Authority (SEIAA) & State Expert Appraisal Committee (SEAC-1&2) was held in Directorate of Environment, U.P. on 02.02.2024, following members were present in the meeting:

1. Smt. Mamta Sanjeev Dubey	Chairman, SEIAA, U.P
2. Shri Rajive Kumar	Chairman, SEAC-1
3. Dr. Harikesh Bahadur Singh	Chairman, SEAC-2
4. Shri Ashish Tiwari	Member Secretary, SEAC-1&2
5. Shri Sanjeev Kumar Singh	Member Secretary, SEIAA, U.P
6. Shri Paras Nath	Member, SEIAA, U.P
7. Dr. Brij Bihari Awasthi	Member, SEAC-1
8. Shri Umesh Chandra Sharma	Member, SEAC-1
9. Dr. Ratan Kar	Member, SEAC-1
10. Shri Om Prakash Srivastava	Member, SEAC-1
11. Dr. Amrit Lal Halder	Member, SEAC-2
12. Dr. Dineshwar Prasad Singh	Member, SEAC-2
13. Shri Tansar Ullah Khan	Member, SEAC-2
14. Prof. Jaswant Singh	Member, SEAC-2
15. Dr. Shiv Om Singh	Member, SEAC-2
16. Shri Amit Kaushik	Joint Director, Mining Directorate, UP
17. Dr. Ajai Mishra	MEMBER SEAC-1

In the joint committee following agenda were discussed and resolved:-

**Agenda-1 - Regarding procedure for approval of D.S.R. (District Survey Report)**

1. The detailed Standard Operating Procedure (S.O.P.) regarding preparation and modification of D.S.R. for Sand Mining or R.B.M. and for in-situ rocks were discussed and formulated.
2. It was resolved that the Secretariat shall forward the approved SOP for preparation and modification of D.S.R. for Sand Mining or R.B.M. and for in-situ rocks to Director – Geology & Mining for its effective implementation by respective Districts. (SOP attached as Annexure1 &2)
3. It was further resolved that all DSR received by SEIAA/SEAC shall be forwarded to D.G.M. by Member Secretary/Nodal officer SEAC for comments and suggestions.

**Agenda-2 - Regarding grant of Standard-TOR as per MoEF&CC O.M. dated 6-May-2022**

1. It was deliberated that Standard-TOR issued by MoEF&CC can be issued by MS-SEAC adding some additional conditions approved by SEIAA/SEAC, on the basis of experience gained in past 1 to 2 years.
2. In case of Mining of Minor Mineral Projects, the Standard-TOR can be granted on case to case basis, as per MoEFCC circular F. No. IA3-22/15/2022-IA-3 dated 06.05.2022 Mining Department, UP will certify whether the case under consideration is a green field project or a brown field project. If the case under consideration is a brown field project then details of previous E.C. should also be submitted by Mining Department.



(Shri Sanjeev Kumar Singh)  
Member Secretary, SEIAA



(Shri Ashish Tiwari)  
Member Secretary, SEAC-1&2

# STANDARD OPERATING PROCEDURE

**Preparation/Modification of D.S.R. for Sand Mining or R.B.M. by**

**District Level Sub-Divisional Committee and**

**its Appraisal/Approval by SEAC/SEIAA, U.P.**

**Issued by – Joint Committee of SEAC, SEIAA and DGM, U.P.**

**Background and Scope of Work:** - The SOP has been prepared as per MoEF&CC, GoI, Notification No. S.O. 141(E), dated 15-Jan-2016, S.O. 3611 (E), dated 25-July-2018, Sustainable Sand Mining Management Guidelines 2016 and Enforcement & Monitoring Guidelines for Sand Mining 2020 & Hon'ble Supreme Court Judgement passed in Civil Appeal – 3661-3662 of 2020 in the matter of State of Bihar and Others Vrs. Pawan Kumar and MoEF&CC, GoI letter dated 04/12/2023 regarding DSR.

**Short Titles:-**

<b>Detailed Title</b>	<b>Short Title to be read hereafter</b>
Sustainable Sand Mining Management Guidelines 2016	SSMMG-2016
Enforcement & Monitoring Guidelines for Sand Mining -2020	EMGSM-2020
District Level Sub-Divisional Committee	SDC
Hon'ble Supreme Court Judgement delivered in Civil Appeal – 3661-3662 of 2020 in the matter of State of Bihar and Others Vs. Pawan Kumar and Others Etc.	Pawan Kumar
State Level Expert Appraisal Committee	SEAC
State Level Environment Impact Assessment Authority	SEIAA
District Survey Report	DSR

• Procedure for Preparation of DSR by respective District of Uttar Pradesh

Sl. No / Step	Details	Action Required
1	<p>Formation of Sub-Divisional Committee (SDC) in the district by District Magistrate comprising Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geological or Mining Officer.</p> <p><i>Reference – Para 14(i) of the Hon'ble Supreme Court Judgement delivered in Civil Appeal – 3661-3662 of 2020 in the matter of State of Bihar and Others Vs. Pawan Kumar and Others Etc.</i></p>	<ul style="list-style-type: none"> <li>• D.M. shall issue an Office Memorandum regarding nomination and formation of Sub-Divisional committee in the district.</li> </ul>
2	<p><b>Preparation of DSR</b> – DSR which is a technical document shall be prepared in line with the MoEF&amp;CC Notification, dated 15/01/20216, dated 25-July-2018 and ESMMG 2020. The contents of DRAFT DSR shall be as under:-</p> <ul style="list-style-type: none"> <li>• <b><u>Contents of Report</u></b> <ol style="list-style-type: none"> <li>1. Introduction</li> <li>2. Overview of Mining Activity in the District (brief history of old working, pre-existing and proposed mining activities).</li> <li>3. List of Mining Leases in the District with location, area and period of validity.</li> <li>4. Details of Royalty or Revenue received in last three years.</li> <li>5. Detail of Production of Sand/Morrum/RBM or other minor mineral in last three years.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>• The sub-divisional committee (SDC) will prepare the draft DSR. If required the SDC may take help/assistance of QCI/NABET Consultants, DGM Approved Exploration Agencies as per Government Order ref. no 1659/86-2023 dated 17-May-2023 issued by Secretary Geology &amp; Mining.</li> <li>• Additionally, the SDC may also take help/assistance of renowned academic institutions/ Universities</li> </ul>

	<p>6. Process of deposition of sediments in the Rivers of the District (River Geometry).</p> <p>7. General Profile of the District.</p> <p>8. Land utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.</p> <p>9. Physiography of the District.</p> <p>10. Rainfall: month-wise.</p> <p>11. Geology and Mineral Wealth.</p> <p>12. The report shall also contain:-</p> <p>a) District wise detail of river or stream and other sand source;</p> <p>b) District wise availability of sand or gravel or aggregate resources;</p> <p>c) District wise detail of existing mining leases of sand and aggregates.</p> <p>13. Drainage system with description of main rivers</p> <p>a) Name of the river.</p> <p>b) Area drained (sq. km)</p> <p>c) Percentage area drained in the District.</p> <p>14. Salient Features of Important Rivers and Streams:-</p> <p>a) Name of the river or stream.</p> <p>b) Total length in the district.(in Km.)</p> <p>c) Place of origin.</p> <p>d) Altitude at origin.</p> <p>e) Portion of the river or stream recommended for mineral concession.</p>	<p>having domain expertise in Environment/ Geology and Mining.</p> <ul style="list-style-type: none"> <li>• It will be the responsibility of SDC/hired agency to collect primary and secondary data, DSR drafting with Annexure-I to Annexure-VII and conduct presentation before SEAC/SEIAA and DGM.</li> <li>• Whenever a new lease is identified for adding in the DSR, the SDC/hired agency will follow the entire procedure every time on the basis of existing DSR. The validity of amended or modified DSR will be upto the validity of the original DSR.</li> <li>• The SDC/hired agency will update the data in the revised DSR with reference to the primary DSR. Special focus on collection of latest data will be done w.r.t. landuse pattern,</li> </ul>
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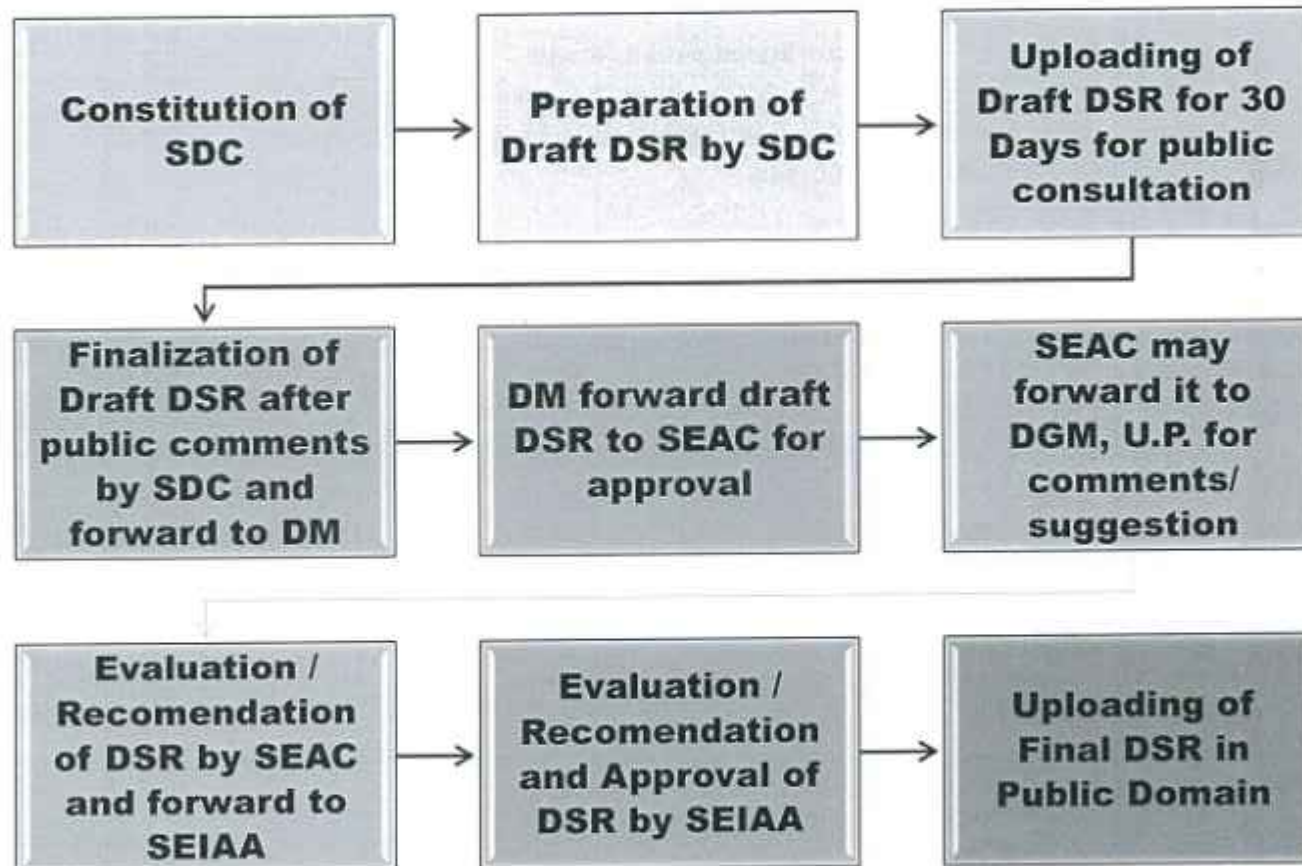
<p>f) Length of area recommended for mineral concession.(in Kms)  g) Average width of area recommended for mineral concession (in meters)  h) Area recommended for mineral concession (in square meter)  i) Mineable mineral potential (in metric tonne) (60% of total mineral potential)</p> <p>15. Mineral Potential:-  a) Boulder (MT)  b) Bajari (MT)  c) Sand (MT)  d) Total Mineable Mineral Potential (MT)</p> <p>16. Annual Deposition:-  a) River or Stream.  b) Portion of the river or stream recommended for mineral concession.  c) Length of area recommended for mineral concession.(in Kms)  d) Average width of area recommended for mineral concession (in meters)  e) Area recommended for mineral concession (in square meter)  f) Mineable mineral potential (in metric tonne) (60% of total mineral potential)  g) Total for the District</p> <ul style="list-style-type: none"> <li>• After this <b>Annexure-I to Annexure-IV</b> shall also be prepared as per the format provided in Enforcement &amp; Monitoring Guidelines for Sand Mining-2020, which will be enclosed as annexure to the Draft DSR</li> </ul>	<p>rainfall, IMD data, river geometry, updated geology (if any), water table, population data etc. as such parameters generally change in every 5 years.</p> <ul style="list-style-type: none"> <li>• The source of secondary data used in DSR should have proper citation reference and in case primary data has been collected, then the name and details of experts involved in collection and synthesis and interpretation of data will be mentioned in the DSR.</li> <li>• It should be specifically ensured that DSR is the district specific environmental document in which all the environmental and safety parameters as per the guidelines and notifications should be covered and reflected in the DSR document.</li> <li>• For this a district specific mineral resource map shall be prepared in</li> </ul>
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	<p><i>(Reference – Page- 64 to 67 of EMGSM-2020)</i></p> <ul style="list-style-type: none"> <li>• Lease wise NOC will be taken from Irrigation and Forest Department and Deposit Verification/Estimation reports shall also be prepared by SDC.</li> <li>• The proposed lease should clearly identify and mark the mineable deposit on satellite image/drone image.</li> <li>• The mineable resource is to be calculated based on field investigation, geology of the catchment area, site conditions locations, depth of mineral availability and other geomorphic features. The mineable resource should be 50 to 60 % of the total resource available.</li> </ul>	<p>which the drainage patterns of rivers along with explored mineral resources shall be reflected.</p>
3	<p>Once the Draft DSR and Annexure 1 to IV is prepared, then all the SDC members evaluate and approve it, which will be uploaded in the District Website for 30 days for public comments/objections as well as DM/ADM/MO office.</p> <p><i>For this the notification should be issued by District Authority about draft DSR for suggestions/comments /objections from public in minimum two newspapers having wide circulation. Date of uploading and last date of receiving suggestions/comments/objections should be clearly mentioned in the notification.</i></p> <p><i>(Reference - EMGSM- -2020, Para 4.1.1 (clause – O &amp; P; Page-19)</i></p>	<p>For this a letter to the District Information Office will be issued for uploading the draft DSR in District Website for 30 days.</p>
4	<p>The Draft DSR shall be withdrawn from District Website after 30 days and SDC Members shall conduct a joint meeting to mitigate/resolve the public comments/objections received, if any. <i>(Reference - EMGSM- -2020, Para 4.1.1 (clause – p; Page-19)</i></p>	<p>For this a joint meeting of SDC Members is required for final draft DSR examination/evaluation.</p>

	<i>In case no objection/comments are received then Mining Officer will issue a Certificate that no comments/objections have been received in the period of uploading.</i>	
5	Thereafter, the draft DSR shall be finalized including Annexure-I to Annexure-VII which will be signed by all SDC Members and then forwarded to D.M. for perusal and approval.	For this a recommendation of SDC Members is required who will finalize the draft DSR and forward it to the D.M.
6	<ul style="list-style-type: none"> <li>• The DM shall forward the proposed DSR to SEAC for examination and approval.</li> <li>• The Member Secretary/Nodal Officer will forward it to DGM, U.P. for comments and suggestions. The SEAC will evaluate after getting the comments and suggestions of DGM, U.P.</li> <li>• The SEAC may invite a representative of DGM, U.P. to assist SEAC in appraisal of the draft DSR.</li> <li>• The SEAC will evaluate and recommend for approval of the draft DSR on the basis of SDC recommendations as well as DGM, U.P. comments/suggestions.</li> <li>• The SEIAA may approve the draft DSR on the basis of recommendations of SEAC.</li> </ul> <p><i>Reference – (Para 14(I &amp; ii) of the Hon’ble Supreme Court Judgement delivered in Civil Appeal – 3661-3662 of 2020 in the matter of State of Bihar and Others Vrs. Pawan Kumar and Others Etc.)</i></p>	<ul style="list-style-type: none"> <li>• The DM of respective district shall send the draft DSR, along with following documents</li> </ul> <p><u>Following shall be the Annexures of the DM letter:-</u></p> <ol style="list-style-type: none"> <li>1. Primary DSR which requires addition/modification.</li> <li>2. Draft Modified/ Revised DSR Document.</li> <li>3. Annexure-1 to VII.</li> <li>4. Lease wise NOC from Irrigation and Forest Department.</li> <li>5. Revenue report and resource evaluation/ reserve estimation.</li> <li>6. Notification regarding the constitution of the SDC.</li> <li>7. Minutes of the SDC about draft</li> </ol>

		<p>DSR.</p> <p>8. Office order for uploading the draft DSR in the district website for a period of 30 days along with newspaper notification.</p> <p>9. Minutes of the SDC recommending draft DSR.</p>
7	<ul style="list-style-type: none"> <li>• The SEAC shall examine the draft DSR within a period of 6 weeks and its report shall be forwarded to SEIAA.</li> <li>• The SEIAA on receipt of SEAC recommendation report shall consider the grant of approval of DSR within a period of 6 weeks.</li> </ul> <p><i>Reference – (Para 14(I &amp; ii) of the Hon'ble Supreme Court Judgement delivered in Civil Appeal – 3661-3662 of 2020 in the matter of State of Bihar and Others Vrs. Pawan Kumar and Others Etc.)</i></p>	<p>The DSR being a public document after approval shall be signed with seal (<i>in each page of DSR</i>) by the competent authority of SEIAA and will be uploaded in the respective district portal within a week.</p>

## Process Flow Chart



### Checklist for examination / approval of DSR by SEAC/SEIAA of Uttar Pradesh

Sl. No	Checklist/ Examination Details	Yes / No
1	Office Order of DM/ADM regarding formation of Sub-Divisional Committee in District	
2	DSR technical document signed by all the Sub-Divisional Members having following annexure: 1. Primary DSR which requires addition/modification. 2. Draft Modified/ Revised DSR Document. 3. Annexure-1 to VII. 4. Lease wise NOC from Irrigation and Forest Department. 5. Revenue report and resource evaluation/ reserve estimation. 6. Notification regarding the constitution of the SDC. 7. Minutes of the SDC about draft DSR. 8. Office order for uploading the draft DSR in the district website for a period of 30 days along with newspaper notification. 9. Minutes of the SDC recommending draft DSR.	
4	Office Order of DM/ADM/Competent Authority regarding uploading of Draft DSR in District Website for 30 days for public comments/objections.	
5	Period/Dates of DSR uploaded in District Website.	
6	Minutes of joint meeting of Sub-Divisional Members to mitigate/resolve the public comments/objections received, if any. After 30 days.	
7	Lease wise NOC from Irrigation and Forest Department.	
8	Deposit verification/estimation Report, Revenue report	

**Minutes of the Joint Meeting of SEAC -1 and SEAC-2, U.P. held on 03/05/2024**

The Joint Meeting of State Expert Appraisal Committee (SEAC – 1 & 2) was held in Directorate of Environment, U.P. on 03/05/2024, following members were in the meeting:

1. Shri Rajive Kumar,	Chairman, SEAC-1
2. Dr. Harikesh Bahadur Singh,	Chairman, SEAC-2
3. Shri Ashish Tiwari,	Member-Secretary, SEAC - 1 & 2
4. Dr. Ajai Mishra,	Member, SEAC-1
5. Shri Om Prakash Srivastava,	Member, SEAC-1
6. Shri Umesh Chand Sharma,	Member, SEAC-1
7. Dr. Ratan Kar,	Member, SEAC-1
8. Dr. Brij Bihari Awasthi,	Member, SEAC-1
9. Dr. Amrit Lal Haldar,	Member, SEAC-2
10. Shri Tanzar Ullah Khan,	Member, SEAC-2
11. Prof. Jaswant Singh,	Member, SEAC-2
12. Dr. Shiv Om Singh,	Member, SEAC-2
13. Shri Subhash Singh,	Mining Officer, Saharanpur
14. Shri Deveshwar Kain	Senior Assistant, Mining Office, Saharanpur
15. Shri Vimlesh Jaiswal,	DGM, Lucknow
16. Dr. Anju Verma,	DGM, Lucknow

The Nodal Officers welcomed the Chairman's, Members and Officers of Mining Department in the meeting which was conducted via dual-mode (virtually/physically).

In the Joint committee meeting of SEAC-1 and SEAC-2 following agenda were discussed and resolved:-

**Agenda: - Evaluation/Appraisal of District Survey Report (DSR) of District Saharanpur.**

**Background:**

In the joint meeting of SEIAA, SEAC-1 & SEAC-2 the detailed Standard Operating Procedure was formulated for the preparation and modification of D.S.R. for Sand Mining or R.B.M., as well as in-situ rocks, which was send to Director, Geology and Mining by SEIAA. This SoP was prepared in accordance with various guidelines such as MoEF&CC, GoI, Notification No. S.O. 141(E) dated 15-Jan-2016, S.O. 3611 (E) dated 25-July-2018, Sustainable Sand Mining Management Guidelines 2016, Enforcement & Monitoring Guidelines for Sand Mining 2020, and the Hon'ble Supreme Court Judgement passed in Civil Appeal – 3661-3662 of 2020 in the matter of State of Bihar and Others Vrs. Pawan Kumar, along with MoEF&CC, GoI letter dated 04/12/2023.

The District Magistrate, Saharanpur submitted the draft DSR vide its letter no. 2613/kha anu/DSR/2023-24, dated 18/12/2023 for evaluation /appraisal/approval before SEIAA/SEAC. The draft DSR was forwarded to the Director – Geology & Mining by Secretariat for comments and suggestions. The Director, Geology & Mining has provided his comments and suggestions vide letter no. 85/DSR, dated 19/04/2024 and mentioned as follows:

“...उत्तर प्रदेश शासन द्वारा गठित तकनीकी समिति एवं निदेशालय स्तर पर गठित समिति द्वारा जनपद सहारनपुर द्वारा प्रस्तुत ड्राफ्ट डी0एस0आर0 का परीक्षण किया गया। परीक्षण में प्रस्ताव Sustainable Sand Mining Management Guideline-2016, पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15-01-2016 एवं दिनांक 25-4-2018 Enforcement

and Monitoring Guidelines for Sand Mining -2020 एवं SEIAA/SEAC द्वारा जारी SOP के अनुरूप पाया गया....”

The Secretariat put up this DSR in joint meeting of SEAC-1 & SEAC-2 in dated 03/05/2024. During the meeting a presentation was given by Shri Subhash Singh, Mining Officer along with other senior officers of DGM.

#### **Evaluation/Appraisal in Joint Meeting of SEAC-1 & SEAC-2 on 03/05/2024**

Joint meeting of SEAC-1 & SEAC-2 was convened on 03/05/2024 for evaluation/appraisal of DSR of District-Saharanpur. Based on the documents submitted, a presentation on DSR Saharanpur for minor mineral River Bed Material - RBM (Sand/Bajri/Boulder) / Sand Mining-2022 was made by Shri Subhash Singh, District Mining Officer- Saharanpur along with Senior Officials of D.G.M. –UP.

Para wise response and compliance as per the “Standard Operating Procedure” formulated by the Joint committee of SEAC/SEIAA was presented before the SEAC-1&2. On the basis of documents and presentation the following facts have emerged:-

1. The initial District Survey Report of District-Saharanpur having 37 areas was prepared in Year- 2017 in line with the MoEF Notification dated 15-Jan-2016.
2. Thereafter the updated DSR of District-Saharanpur was prepared by Sub-Divisional Committee of District-Saharanpur in Year-2022 and total 22 areas have been proposed.
3. It was informed that out of 22 areas in the updated DSR, NOC for 01 area (Village – Rahena, Lot No-3, area 8.050 ha.) has not been provided by Forest Department. Accordingly, the revised DSR Saharanpur now has total 21 Areas. Lease wise area, gata/khand no., proposed minable quantity, geo-coordinates are proposed in Annexure-1 to Annexure-7 of proposed DSR.
4. As per the information provided vide District Magistrate, Saharanpur letter no. 3154/kha anu/DSR/2023-24, dated 28/03/2024 the DSR was uploaded in public domain for more than 30 days and 03 complaints were received in this period and 01 PIL was filed by the complainant. The details of complaint and its disposal is narrated as under:-

SL.NO	Complaint/PIL details	Details of reply/disposal
1	Shri Daljeet Singh of Yamunanagar Haryana vide letter dated 18.01.2022 submitted 20 points complaint letter on issues related to revision of DSR in 5 years, wrong process of e-tender, non compliance of Hon'ble Supreme Court order in Deepak Kumars Vs State of Haryana, separate DSR for each minor mineral required, non-compliance of formats, non-compliance of Hon'ble Supreme Court order in The State of Bihar Vs Pawan Kumar, Cluster Analysis, requirement of replenishment studies and stake holding of DSR with adjoining district in case of inter-state/inter-district boundaries.	The District Magistrate vide letter no. 2016/Kha Anu/Shikayat-DSR2022-2023 dated 27/02/2023 responded point wise reply and compliances to Shri Daljeet Singh of Yamunanagar Haryana as per the comments provided by Sub-Divisional Committee and disposed the complaint.
2	Shri Gaurav Kumar of Yamunanagar Haryana vide letter dated 25.01.2022 submitted 19 points complaint letter and	The District Magistrate vide letter no. 2017/Kha Anu/Shikayat-DSR2022-2023 dated 27/02/2023

	the issues were identical as mentioned in Sl. No.1	responded point wise reply and compliances to Shri Gaurav Kumar of Yamunanagar Haryana as per the comments provided by Sub-Divisional Committee and disposed the complaint.
3	Shri Sumit Singh Rana of Yamunanagar Haryana submitted 14 points complaint letter and the issues were identical as mentioned in Sl. No.1. Apart from this various NGT orders specific to DSR and Sand Mining were cited in the complaint letter.	The District Magistrate vide letter no. 2064/Kha Anu/Shikayat-DSR2022-2023 dated 03/03/2023 responded point wise reply and compliances to Shri Gaurav Kumar of Yamunanagar Haryana and disposed the complaint.
4	Civil Writ PIL no. 595/2023 Sumit Singh Rana Vs State of U.P and Ors.	The Hon'ble High Court vide order date 28/03/2023 dismissed the petition of Shri Sumit Singh Rana. The operative para of the same is as under:- <i>"At this stage, in this circumstances , interference claimed under Article 226 of the Constitution of India is declined. Present petition is accordingly dismissed, leaving it open to the petitioner to approach National Green Tribunal"</i>

5. The Updated DSR of District-Saharanpur has been also examined by the Director, Directorate of Geology & Mining, U.P.
6. Lease wise NOC from Forest and Irrigation Department for 21 areas has been obtained for existing and proposed leases.

**SEAC Deliberation:**

1. **SEAC asked about the current scenario/status of the leases as DSR was updated in year-2022?**
  - District Mining Officer, Saharanpur vide letter dated 03/05/2024 informed the DSR of district Saharanpur was prepared in year-2022 after conducting replenishment studies in which the reserves were calculated on the basis of replenishment in the post-monsoon – 2022 scenario. Lease wise replenishment studies were also conducted in year – 2023 which depicts that the rate of replenishment is good in the area. Geologically the area is part of shivalik region and there is no significant change in the formation of leases. The leases are getting over replenished and requires removal of deposits to maintain channel of river. The maximum leases are fresh for which LoI has been issued to project proponents who are in the process of securing E.C.
2. **SEAC asked about the status of utilization of DMF Funds?**
  - District Mining Officer Saharanpur informed that funds amounting to Rs. 9.32 Crores approx. have been allotted and phase wise utilized since 2017 from DMF funds which were used as per the objectives of DMF Rules.

3. **SEAC while evaluating presentation suggested that lease should be demarcated after each monsoon period.**
  - District Mining Officer Saharanpur informed that as a matter of practice the lease holders are directed to get demarcation of lease after each monsoon period and erect pillars (in case damaged in monsoon) under the supervision of Mining and Revenue officials. A demarcation report in this aspect is prepared and issued to lease holder.
4. **SEAC suggested that composite digital mapping of all the leases should be done and displayed in the district website.**
  - District Mining Officer Saharanpur informed that mapping of lease has been done in SOI toposheet, Drainage pattern sheet, Google satellite images and cadastral revenue maps. It was informed that the concept of uploading composite digital mapping of all the leases shall be implemented and uploaded in district web site along with approval of DSR of SEIAA/SEAC.
5. **SEAC asked on the method adopted for verification of mineral deposits which are recommended in DSR?**
  - District Mining Officer Saharanpur informed that pre and post monsoon replenishment studies were conducted by Sub-Divisional committee prior preparing DSR. The studies included physical survey, DGPS survey and Drone based survey in pre and post monsoon periods. Accordingly lease wise recommendation reports were made as compliances.
6. **SEAC suggested that demarcation report of the lease only includes corner pillar coordinates and should also mention details of non-working/restricted zone in case active water channel is observed in the lease while conducting demarcation?**
  - District Mining Officer Saharanpur informed that as per the Rule of UPMPCR-2021, geo-coordinates of the lease area are published in e-tender and initial demarcation report of corner pillar coordinates is issued to project proponent along with LoI and Lease Map. The RQP/Consultant prepares the surface and geological maps in mine plan in which the features of non-working/restricted zone is presented. The DGM-Lucknow after satisfaction approves such mine plans and such zones are shown in EIA and salient features of E.C. under workable / non-workable area category.
7. **SEAC asked about the further mineral development in district Saharanpur?**
  - Shri Deveshwar Kain, Senior Assistant, Mining Office, Saharanpur informed that three new areas has been identified in the district which has mineral potential. The SEAC informed that Sub-Divisional Committee has to follow the entire procedure every time, in case any new lease is identified, as per SOP issued by SEIAA/SEAC.

**The joint committee after detailed deliberation recommended to approve the District Survey Report (DSR) of District-Saharanpur along with following conditions:**

1. The period of validity of Revised DSR Saharanpur-2022 shall be for the remaining balance period of 03 years from the date of its approval.
2. The submitted DSR has 22 areas. NOC for 01 area (Village – Rahena, Lot No-3, area 8.050 ha.) has not been provided by Forest Department. Accordingly, approval of only 21 areas (except Village – Rahena, Lot No-3, area 8.050 ha.) is recommended in the revised DSR Saharanpur.
3. If any new lease is identified, its validity will be co-terminous with the validity period of current DSR and Sub-Divisional Committee will follow the entire procedure every time on the basis of existing DSR.

4. After approval of DSR from SEIAA, the District Administration shall upload the DSR in public domain along with Lease Wise Digital Maps showing the status of deposits and pillar wise coordinates of existing and proposed areas.
5. The District Administration shall utilize the District Mineral Foundation Funds as per notification no. 866/86-2017-132/2016 dated 15/05/2017 issued by Department of Geology and Mining, Government of U.P. or any modification in it by competent authority.
6. The District Administration shall periodically conduct audits of operative mine leases using drone based survey and take corrective measures in case of adverse observations and a quarterly report on this shall be send to SEIAA as compliance.

The meeting ended with a vote of thanks of Chairman.

(Ashish Tiwari)  
Member Secretary, SEAC-1 & 2

(Dr. Ajai Mishra)  
Member, SEAC-1

(Dr. Brij Bihari Awasthi)  
Member, SEAC-1

(Dr. Ratan Kar)  
Member, SEAC-1

(Umesh Chandra Sharma)  
Member, SEAC-1

(Om Prakash Srivastava)  
Member, SEAC-1

(Dr. Amrit Lal Haldar)  
Member, SEAC-2

(Tanzar Ullah Khan)  
Member, SEAC-2

Prof. Jaswant Singh)  
Member, SEAC-2

(Dr. Shiv Om Singh)  
Member, SEAC-2

(Rajive Kumar)  
Chairman, SEAC-1

(Dr. Harikesh Bahadur Singh)  
Chairman, SEAC-2

**Nodal, SEAC-1 & Nodal, SEAC-2**

MoM prepared by Secretariat in consultation with Chairman & Members on the basis of decisions taken by joint committee during the meeting.

*Va Di*

## 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 814<sup>th</sup> Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 24-05-2024

The meeting of 814<sup>th</sup> State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 24.05.2024 the Directorate of Environment. The following were present in the meeting:-

- |                             |                              |
|-----------------------------|------------------------------|
| 1. Smt. Mamta Sanjeev Dubey | Chairman, SEIAA, U.P         |
| 2. Shri Paras Nath          | Member, SEIAA, U.P           |
| 3. Shri Sanjeev Kumar Singh | Member Secretary, SEIAA, U.P |

#### Agenda-A

#### 1. District Survey Report of Saharanpur.

SEIAA agreed with the recommendation of SEAC to approve the District Survey Report (DSR) of District- Saharanpur along with following conditions:-

1. Mining Department, UP is advised to develop a mechanism for issuing online Lol.
2. As per MoEFCC notification S. O. 141(E) dated 15.01.2016- The District Survey Report shall be prepared for each minor mineral in the district separately. Hence, DSR for each minor mineral should be submitted separately.
3. The study for mineral availability and its finding should be uploaded on District website.
4. SEIAA noted that in draft DSR unit of quantity is not similar, like under list of potential mining lease (existing and proposed) rivers and cluster and contiguous detail, total excavation is given in MT/Year whereas in final list of cluster geological reserve is given in cubic meter, hence a clarification must be submitted and it should be same as given in Lol.

#### **Nodal Officer**

#### **SEIAA, UP**

MoM prepared by Secretariat in consultation with Chairman & Members on the basis of decisions taken by SEIAA during the meeting.

(Smt. Mamta Sanjeev Dubey)  
Chairman  
SEIAA

*SK*

(Sanjeev Kumar Singh)  
Member-Secretary  
SEIAA

(Paras Nath)  
Member  
SEIAA

*Va Di*

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## ANNEXURE R-7

From,

**Member Secretary,**  
State Level Environment  
Impact Assessment Authority,  
Uttar Pradesh Vineet Khand-1,  
Gomti Nagar, Lucknow.

To,

**Director, Directorate of Geology and Mining,**  
Uttar Pradesh Khanij Bhawan,  
Lucknow.

Letter No.159/Environment/DSR/Saharanpur/2024

Date: 07 June 2024

**Subject:** Regarding approval of District Survey Report (DSR).

Madam,

Please refer to your letter No. 85/DSR dated 19-04-2024 regarding the above subject, along with which the draft DSR of District-Saharanpur was attached in original form and sent for necessary action.

The draft DSR of Saharanpur district was listed for appraisal in the joint meeting of the State Level Environmental Assessment Committee (SEAC-182) dated 03-05-2024 and was recommended for approval by the

State Level Assessment Committee with certain conditions. Thereafter, in the 814th meeting of the State Level Environmental Impact Assessment Authority (SEIAA) dated 24-05-2024, the DSR of Saharanpur was approved with the condition that, in addition to other conditions-

SEIAA noted that in draft DSR unit of quantity is not similar, like under list of potential mining lease (existing and proposed) rivers and cluster and contiguous detail, total excavation is given in MT/Year whereas in final list of cluster geological reserve is given in cubic meter, hence a clarification must be submitted and it should be same as given in Lol.

It is requested that the units sent by the Mining Officer, Saharanpur by e-mail dated 03-06-2024 be replaced in DSR.

Yours sincerely,

(Sanjeev Kumar Singh)

**Member Secretary, SEIAA**

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**6. “Sand/ Bajri/ Boulder Excavation Project” at Gata No. – 1/1 M, Village – Aslampur Bartha (Khand-1), Tehsil – Behat & District - Saharanpur, Uttar Pradesh, (Leased area 36.60 Ha.), 9502/9019/SIA/UP/MIN/513360/2024**

The consultant informed the committee that they are strictly following the rules, regulations and other instructions of QCI/NABET. A presentation was made by the project proponent along with their consultant M/s Environmental Research and Analysis, Lucknow (U.P).

During the presentation the committee asked the project proponent/consultant that any litigation pending against the project proposal or the project affected with the Hon’ble NGT O.A. No. 188/2023 (Gaurav Kumar Vs State of Uttar Pradesh & Ors.). The project proponent submitted an affidavit dated 16/01/2025 and informed the committee as follows:

1. That I have applied for Environmental Clearance of Sand/Bajri/Boulder (RBM) mining project on Yamuna River located at Village-Aslampur Bartha, Gata No. 1/1M, Tehsil-Behat, District-Saharanpur, Uttar Pradesh, Sanctioned Lease Area 36.00 Ha.
2. That the Online Proposal No. SIA/UP/MIN/513360/2024 and file No. is 9502/9019.
3. That the above applied project having online Proposal No. SIA/UP/MIN/513360/2024 and file No. is 9502/9019 is not affected with the order dated 02/09/2024 passed by Hon’ble NGT in O.A. No. 188/2023 – Gaurav Kumar Vs. State of Uttar Pradesh & Ors.
4. That there is no litigation pending against the present proposal in any court/tribunal.

Based on the documents submitted and presentation made by the project proponent along with the consultant, the following facts have emerged: -

1. The Environmental Clearance is sought for “Sand/ Bajri/ Boulder Excavation Project” at Gata No. – 1/1 M, Village – Aslampur Bartha (Khand-1), Tehsil – Behat & District - Saharanpur, Uttar Pradesh, (Leased area 36.60 Ha.).
2. The terms of reference in the matter were issued by SEIAA, U.P. vide TOR Identification no. TOR24B0107UP5119196, dated 03/09/2024
3. The Public Hearing was organized on 19/11/2024. Final EIA report submitted by the project proponent on 05/12/2024.
4. Salient features of the project as submitted by the project proponent:

1.	On-line proposal No.	SIA/UP/MIN/513360/2024		
2.	File no. allotted by SEIAA, UP	9502/9019		
3.	Name of proponent	M/s Saharanpur Mines Sanjay Chaudhary (Authorized Partner)		
4.	Full correspondence address of proponent.	R/O-Gurukul Bhawan Ganga Enclave Near Malviya Chowk Roorkee, Haridwar, Uttarakhand		
5.	Name of Project	Sand/Bajri/Boulder Excavation (RBM) Mining Project		
6.	Project location (Gata No.)	1/1M		
7.	Name of Village	Aslampur Bartha (Khand-1)		
8.	Tehsil	Behat		
9.	District.	Saharanpur (UP)		
10.	Name of Minor Mineral	Sand/Bajri/Boulder (RBM)		
11.	Sanction Lease Area (in Ha.)	36.60 Ha		
12.	Max. & Min mRL within lease area	Maximum & Minimum mRL 299 mRL & 295mRL respectively		
13.	Pillar Coordinates (Verified by DMO)	Pillar	Latitude(N)	Longitude(E)
		A	30°13'45.87"N	77°31'09.07"E
		B	30°13'23.05"N	77°30'53.85"E
		C	30°13'13.45"N	77°30'42.33"E
		D	30°13'16.67"N	77°30'36.60"E
	E	30°13'50.98"N	77°30'57.80"E	
14.	Total Geological Reserves	10,24,556 m <sup>3</sup>		
15.	Total Mineable Reserves	3,29,445 m <sup>3</sup>		

16.	Total Proposed Production (in five year)	32,94,000 m <sup>3</sup> per year	
17.	Proposed production / year	6,58,800 m <sup>3</sup> for 5 year	
18.	Sanction Period of Mine lease	5 years	
19.	No. of workers	Approximately 43 workers	
20.	Type of Land	Government Land	
21.	Ultimate depth of mining	3.0 m as per approved mining plan	
22.	Nearest metalled road from Site	About 5.75 kms NE major district road present near the Site.	
23.	Water requirement	PURPOSE	REQUIREMENT (KLD)
		Drinking water	0.53
		Dust suppression	5.4
		Plantation	0.185
		Others (if any)	-
	Total	6.113 KLD	
24.	Name of QCI Accredited Consultant with QCI No. and period of validity.	Environmental Research and Analysis, Lucknow (U.P) Certificate No. NABET/ EIA/ 24-27/RA 0341_Rev.01 Valid up to 21/01/2027	
25.	Any litigation pending against the project or land in any court.	No	
26.	Detail of 500 m Cluster certificate verified by mining officer	Letter No.2709/ Khanij/ 2023-24, Date- 05/01/2024	
27.	Detail of Lease Area in approved DSR	Letter No.- 159/पर्या डीएस आर सहारनपुर 2024 on Dated-07/06/2024 In DSR Details of Lease given on Page No. 10 of 36, S.No. 20	
28.	Proposed EMP cost	Rs 13,94,630/-	
29.	Length and breadth of Haul Road	300 m length and 6 m width	
30.	No. of Trees to be planted.	185	
31.	Monitoring Period.	1 <sup>st</sup> March 2024 to 31 <sup>st</sup> May 2024	

5. Action Plan as per Ministry's O.M. dated 30/09/2020:

Sr. No.	Particulars	Estimated Cost	Numbers/Quantity	Total Cost
1	Installation of 2 solar panel on rooftop of primary school & 2 Solar light on village Haul road in village Aslampur bartha tehsil behat & district- Saharanpur, U.P (as per Specific TOR point 1.2 under point no. 17)	Rs. 25000 per piece of solar panel	Total 4 piece	1,00,000
2	Construction of 1 Toilet in Girls Primary school of village Aslampur bartha tehsil behat & district- Saharanpur, U.P. (as per Specific TOR point 1.2 under point no. 17)	Rs. 20000 per Toilet	Rs. 20000	20,000
3	Health Check-up camps for the workers as well as villagers of village Aslampur bartha tehsil behat & District- Saharanpur, U.P.	-	-	40,000
4	Haul Road Maintenance	-	-	40,000
Total Developmental Budget				2,00,000/-

6. 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.
7. This project does not attract any of the general conditions applicable on mining projects specified in EIA Notification 14/09/2006.
8. 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.
9. There is no litigation pending in any court regarding this project.
10. The project proposal falls under category-1(a) of EIA Notification, 2006 (as amended).

The consultant (EIA Coordinator) also submitted an affidavit dated 02/01/2025 mentioning is as follows:

1. I, Dr. R.K. Sharma, EIA Coordinator of M/s Environmental Research and Analysis, Lucknow (U.P.), Accreditation Certificate No. NABET/ EIA/24-27/RA 0341\_Rev.01, valid till-21/01/2027.
2. I have prepared EIA/EMP report for the Proposal No. SIA/UP/ MIN/513360/2024, (FILE NO. 9502/9019), M/s Saharanpur Mines, Authorised Partner- Sanjay Chaudhary, R/o- Gurukul Bhawan Ganga Enclave Near Malviya Chowk Roorkee, Haridwar, Uttarakhand, of Proposed Project of riverbed “Sand/Bajri/Boulder (RBM) Mining Project” on the riverbed of River Yamuna at Gata No. 1/1M, Mining Lease Area 36.60 hectares situated in Village-Aslampur Bartha (Khand -1), Tehsil- Behat & District- Saharanpur, Uttar Pradesh with my team.
3. I have personally visited the site of proposal and certify that no Mining activity has been undertaken on the project site for the present proposal.
4. I have satisfied with that all the necessary data/information required for EIA/EMP presentations are true and correct.
5. I certify that this project proposal has been uploaded for the first time on Parivesh Portal.
6. I certify that there will be no mismatch between information/data provided on the online application submitted on Parivesh Portal and the hard copy/presentation which will be submitted after acceptance of application.
7. I state that all the ToR Points have been complied and all the issues raised during Public Hearing have been properly addressed in EIA report.
8. The EIA/EMP report for the Proposal is prepared by my team as per guidelines laid down by QCI/NABET.

#### **RESOLUTION AGAINST AGENDA NO. 06**

**The committee discussed the matter and recommended grant of environmental clearance for the proposal as above alongwith standard environmental clearance conditions prescribed by MoEF&CC, Govt. of India. The committee also stipulated following specific conditions:**

#### **Specific Conditions:**

1. The environmental clearance will be co-terminus with the validity of the lease period mentioned in the LoI or co-terminus with the validity of current mine plan whichever is earlier, after this period the EC will automatically become null and void.
2. The quantity mentioned in LoI 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. Directorate of Geology and Mining will ensure conduct of replenishment study from reputed institution for subsequent years in compliance of Hon’ble NGT orders.
3. NOC from Irrigation Department/ Concerning Authority regarding river bed mining to be obtained before start of mining activity.
4. No mining activity should be carried out in-stream channel as per SSMMG, 2016.
5. 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.
6. An Environmental Audit should be annually carried out during the operational phase and submitted to the SEIAA.
7. Project Proponent should submit working 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.

8. The project proponent shall install solar lights in their project area to minimise the consumption of electricity.
9. 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.
10. Preference should be given to indigenous local species as per the consultation of the local district Forest Officer Expert Agency in this field
11. 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.
12. 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.
13. The project proponent should explore the possibilities of rainwater harvesting in the premises of project area
14. Agreement/ Consent between project proponent and competent authority/ landowner for haulage road from lease site to link road.
15. 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.
16. 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. 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.
17. Water requirement details along with source of water and the permission/ agreement with the concerning authority/ water supplying agencies to be submitted.
18. Submit the Hydrological study report of lease area that the quantity given in LoI will be mined without affecting the geo-hydrology of the River.
19. Environment management in according to environmental status and impact of the project.
20. During the school opening and closing time transportation of minerals will be restricted.
21. Pakkamotorable haul road to be maintained by the project proponent.
22. 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.
23. The capacity of trucks/tractor for loading purpose will be in tonnes as per Transport Department applicable norms and standard fixed by the Government.
24. Provision for two toilets and hand pumps should be made at mining site.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.

*Na xi*

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

**MEMORANDUM OF APPLICATION**

(Under Section 14 read with Section 15 of the National Green Tribunal)

**ORIGINAL APPLICATION NO. 389 OF 2024**

**IN THE MATTER OF:**

**RAJ KUMAR**

Aged 51 years,  
S/o Chandrabal  
R/o SOOP, Rajpur, Baraut, Soop Baghpat,  
Uttar Pradesh 250623

**...APPLICANT**

**Versus**

- 1. STATE OF UTTAR PRADESH**  
Through Principal Secretary  
Department of Geology & Mining  
Khanji Bhawan 27/8  
Raja Mohan Rai Marg  
Lucknow, Uttar Pradesh-2266001  
[dgmupexp@gmail.com](mailto:dgmupexp@gmail.com)
- 2. UP STATE POLLUTION CONTROL BOARD [UPPCB]**  
Through Chairman  
Building No. TC-12V Vibhuti Khand,  
Gomti Nagar Lucknow, UP-226010  
[chairman@uppcb.in](mailto:chairman@uppcb.in)
- 3. STATE EXPERT APPRIASAL COMMITTEE, UP (SEAC)**  
Through Member Secretary  
SEAC-1 Raghusatyam,  
B-2/4, Vijyant Khand, Gomti Nagar,  
Lucknow-226010  
[chairman.seac1@gmail.com](mailto:chairman.seac1@gmail.com)
- 4. STATE ENVIRONMENT IMPACT ASSESSMENT  
AUTHORITY,UP (SEIAA)**  
Through Member Secretary  
UP Vinnet Khand-1, Gomti Nagar

Lucknow, UP-226010  
[msseiaaup@gmail.com](mailto:msseiaaup@gmail.com)

- 5. UNION OF INDIA**  
Through MOEF  
Secretary, Paryavaran Bhawan  
Jor Bagh Road, New Delhi  
110003  
[Secy-moef@nic.in](mailto:Secy-moef@nic.in)

.... **RESPONDENTS**

TO,

THE HON'BLE CHAIRPERSON  
AND HIS HON'BLE COMPANION MEMBERS  
NATIONAL GREEN TRIBUNAL

THE HUMBLE APPLICATION OF THE APPLICANT

**MOST RESPECTFULLY SHOWETH:**

1. The address of the Applicant's counsel is given below for the service of notices of this application. The addresses of the Respondents No. 1-5 are given above for service of notices of the application.
2. The Applicant is a resident of District Bhagpat, State of UP and is filing the present Original Application being deeply concerned about the current state of affairs regarding illegal mining and non-compliance of statutory notifications/guidelines issued by the MOEF, despite the various Judgments passed by the Hon'ble

Supreme Court and this Hon'ble Tribunal. The Environment being a party in *absentia* cannot pursue its own interests and the hence the instant application to ensure that such illegal mining and rampant flouting of environmental norms are prevented and checked with a direction to comply with the existing environmental regulations forthwith.

3. The instant Original Application raises certain important *substantial questions relating to the environment* under Section 14 and 15 of the National Green Tribunal Act, 2010, due to the issuance of 156 Impugned E-Tenders/ Auction Notices in 28 Districts in the State of UP without preparation and finalization of a District Survey Report (**DSR**) which is a mandatory requirement and a *Sine qua non* before granting any E-Auction Notice/EC/mining lease(s) under the provisions of the Environmental Impact Assessment dated 14.09.2006 (**EIA, 2006**) as amended by the MOEF by its Notification dated 15.01.2016, and the Judgment dated 10.11.2022 passed by the Hon'ble Supreme Court in *State of Bihar v. Pawan Kumar*.

The Applicant submits that the issuance of Environmental clearances and Mining leases pursuant to the 156 Impugned E-Auction Notices also contravenes the decision passed by this Hon'ble Tribunal in *Gaurav Kumar v. State of U.P.*, OA No. 188 of 2023 where by order dated 08.11.2023 in an identical case where E-Auction Notice was issued before preparation and finalization of DSR pertaining to District Saharanpur, UP, this Tribunal has directed ECs not to be issued without the leave of this Hon'ble Tribunal.

4. The Applicant seeks an appropriate Order quashing the Impugned 156 E-Auction Notices issued in the 28 Districts which are issued without preparation and finalization of the District Survey Report atoll, and the consequent Environmental Clearances (ECs) and Mining leases, if any issued under the said 156 E-Auction/ Tender Notices/ NITs.

The Respondent State be further directed to identify the potential sand mining area, and only thereafter auction

the same by issuing fresh E-tenders and issue ECs in accordance with the finalized District Survey Report.

5. The present application further *inter alia* seeks issuance of a time bound direction to the Respondent No. 1, State of UP to prepare and finalize a District Survey Report for all the Districts in State of UP (including the 28 Districts in which the Impugned NITs have been issued) in accordance with the MOEF Notification dated 15.01.2016 as per procedure directed to be followed by the Supreme Court in *State of Bihar Vs Pawan Kumar*.
6. The Hon'ble Supreme Court in the case of *State of Bihar vs. Pawan Kumar* in Civil Appeal No. 3661-3661 of 2019, has held that a valid District Survey Report is a *sine qua non* and mandatory pre-condition before issuance of a valid tender and that no mining can take place or EC be issued till such DSR is finalized as per the foregoing judgment in Pawan Kumar, which is as follows:

*“10. It could thus be seen that in accordance with the 2020 guidelines, the DSR is required to be prepared **before** the auction/e-auction/ grant of mining lease by*

*Mining Department or Department dealing with mining activity in the respective states...*

*14. We therefore find it appropriate to substitute the directions issued by the Tribunal vide Judgment and Order dated 14<sup>th</sup> October, 2020, with the following directions:-*

- (i) The exercise of preparation of DSR for the purpose of mining in the State of Bihar in all the districts shall be undertaken afresh. The draft DSRs shall be prepared by the sub-divisional committees consisting of the Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geological or mining officer. The same shall be prepared by undertaking site visits and also by using modern technology. The said draft DSRs shall be prepared within a period of 6 weeks from the date of this order. After the draft DSRs are prepared, the District Magistrate of the concerned District shall forward the same for examination and evaluation by the SEAC. The same shall be examined by the SEAC within a period of 6 weeks and its report shall be forwarded to the SEIAA within the aforesaid period of 6 weeks from the receipt of it. The SEIAA will thereafter consider the grant of approval to such DSRs within a period of 6 weeks from the receipt thereon; “*

The Hon'ble Supreme Court in *Pawan Kumar* relied upon the Enforcement Guidelines, 2020 and directed that the same is mandatory and has to be followed. The Hon'ble Supreme Court laid particular emphasis on the

importance of public consultation before the DSR is held to be valid.

7. The Applicant raises the following substantial questions relating to the environment in the instant OA:-

- a) Whether the issuance of the 156 Impugned E-Tenders/ NITs without preparation and finalization of a District Survey Report is absolutely illegal and in violation of the Judgment passed by the Hon'ble Supreme Court in State of Bihar Vs Pawan Kumar, and this Hon'ble Tribunal in NGT Bar Association & Rupesh Pethe, and in direct contravention of the MOEF Notification dated 15.01.2016 and the Sustainable Sand Mining Guidelines, 2016 and 2020 where it was held that the preparation of a District Survey Report is integral and essential conditional precedent, which is not only fundamental but a must, prior to holding an e auction and issuance of EC?
- b) Whether the State of UP ought to prepare and finalize a District Survey Reports in a time bound manner in terms of the directions passed by the Hon'ble Supreme Court in State of Bihar v. Pawan Kumar?
- c) Whether the 156 E-auctions Notices issued in the 28 Districts and the Mining lease & ECs issued thereunder are in violation of the judgment of this Hon'ble Tribunal in Gaurav Kumar v. State of U.P and Ors dated 8.11.2023?

- d) Whether the ECs issued and Mining operation being conducted in the 28 Districts pursuant to the 156 Impugned E-Auction notices ought to be stalled till the preparation and finalization of a valid DSR by SEAC/SEIAA UP in the foregoing districts and thereafter be appraised afresh?
  - e) Whether the principles of natural justice for impleadment of all the LOI holders/ Mining lease holders under the 156 Impugned NITs can be excluded and exempted by applying the 'useless formality theory'?
8. That the Present OA challenges the very issuance of the 156 E-Auction/ tender notices on the sole ground that they were issued **before** and without preparation of a District Survey Report which is mandatory required to be in place beforehand.

Therefore, impleading the successful applicants, LOI holders, Mining lease holders would be an exercise in futility and the principles of natural justice would not be applicable in the present case as the only issue or fact to be determined is whether such E-Auctions/ NITs could have been issued without or before finalization of a DSR.

9. The Applicant herein respectfully submits that under the '*useless formality theory*' such successful applicants, LOI holders, Mining lease holders are not required to be impleaded or heard as the Respondent State is a party to ascertain whether DSRs have been prepared before issuance of such E-Auctions/ NIT or not. Hence, the principles of natural justice are not required to be complied with when it will lead to an empty formality since no factual position other than indicated above is required and the legal implication of such E-Auction Notices and NITs being prepared without an existing DSR cannot be controverted in light of the Judgment passed by the Supreme Court in State of Bihar v. Pawan Kumar, various Judgments passed by this Hon'ble Tribunal and the MOEF Guidelines, 2016 & 2020.
10. The Hon'ble Supreme Court in *Ashok Kumar Sonkar vs UOI*, 2007 (4) SCC 54 has held that the principles of Natural Justice cannot be put in a straightjacket formula and ought to be in circumstantial flexibility,

and do not apply when the same are unnecessary and an exercise in futility.

The above Judgment is quoted as follows:

*“27. It is also, however, well-settled that it cannot be put any straight jacket formula. It may not be in a given case applied unless a prejudice is shown. It is not necessary where it would be a futile exercise.*

*28. A court of law does not insist on compliance of useless formality. It will not issue any such direction where the result would remain the same, in view of the fact situation prevailing or in terms of the legal consequences. Furthermore in this case, the selection of the appellant was illegal. He was not qualified on the cut off date. Being ineligible to be considered for appointment, it would have been a futile exercise to give him an opportunity of being heard*

*29. In Aligarh Muslim University and Others v. Mansoor Ali Khan the law is stated in the following terms : (SCC p. 540, para 25)*

*“25. The useless formality theory, it must be noted, is an exception. Apart from the class of cases of admitted or indisputable facts leading only to one conclusion referred to above, there has been considerable debate on the application of that theory in other cases. The divergent views expressed in regard to this theory have been elaborately considered by this Court in M.C. Mehta<sup>15</sup> referred to above. This Court surveyed the views expressed in various judgments in England by Lord Reid, Lord Wilberforce, Lord Woolf, Lord Bingham, Megarry, J. and Staughton, L.J. etc. in various cases and also views expressed by leading writers like Profs. Garner, Craig, de Smith, Wade, D.H. Clark etc. Some of them have said that orders passed in violation must always be quashed for otherwise the court will be prejudging the issue. Some others have said that there is no such absolute rule and prejudice must be shown. Yet, some others have applied*

*via media rules. We do not think it necessary in this case to go deeper into these issues. In the ultimate analysis, it may depend on the facts of a particular case."*

30. In *Karnataka State Road Transport Corporation and Another v. S.G. Kotturappa and Another* this Court held: (SCC p. 420, para 24)

*"The question as to what extent, principles of natural justice are required to be complied with would depend upon the fact situation obtaining in each case. The principles of natural justice cannot be applied in vacuum. They cannot be put in any straitjacket formula. The principles of natural justice are furthermore not required to be complied with when it will lead to an empty formality. What is needed for the employer in a case of this nature is to apply the objective criteria for arriving at the subjective satisfaction. If the criteria required for arriving at an objective satisfaction stands fulfilled, the principles of natural justice may not have to be complied with, in view of the fact that the same stood complied with before imposing punishments upon the respondents on each occasion and, thus, the respondents, therefore, could not have improved their stand even if a further opportunity was given"*

31. In *Punjab National Bank and Others v. Manjeet Singh and Another*, this Court opined:

*"The principles of natural justice were also not required to be complied with as the same would have been an empty formality. The court will not insist on compliance with the principles of natural justice in view of the binding nature of the award. Their application would be limited to a situation where the factual position or legal implication arising thereunder is disputed and not where it is not in dispute or cannot be disputed. If only one conclusion is possible, a writ would not issue only because there was a violation of the principle of natural justice."*

Furthermore, the Hon'ble Supreme Court in *Ramavatar Pareek v. Rajasthan Public Service Commission* wherein the examination system was in question, examined the necessity of hearing all the examinees affected if the examination is declared illegal and held as below:

*“14. This is not a case of any particular examinee who was charged with adoption of unfair means. It is not a question of charging anyone individually with unfair means but to condemn the examination for adoption of scaling of marks, it is not necessary for the Court to give an opportunity to all the examinees examination as a whole is declared to be illegal. It is not the case of any of the petitioners that the High Court, while deciding D.B. Civil Writ Petition No. 825 of 2010 and other cognate matters had charged any of them of adopting unfair means. The scaling of marks was adopted by RPSC which was heard in the matter. Therefore, the plea that the petitioners should have been heard before declaring result and recommendation made by RPSC as void ab initio has no substance.*

*15. It is not disputed by the petitioners that the declaration of result after oral interviews and recommendation by R.P.S.C. to the State Government was quite contrary to the interim order dated 18- 02- 2010 passed in *Sharwan Kumar v. Rajasthan Public Service Commission*<sup>6</sup> and other cognate petitions. It is also not disputed that scaling of marks was declared to be illegal by the Rajasthan High Court vide judgment dated 27-10-2009 rendered in *Sarita Noushad v Rajasthan Public Service Commission*<sup>5</sup> filed by Sarita Naushad against R.P.S.C. and others and other cognate petitions. Even if the petitioners had been issued notice and heard, they could have hardly pleaded that the declaration of final result and recommendation to the State Government were not contrary to the interim order*

*dated 18-2-2010 passed in Sharwan Kumar v. Rajasthan Public Service Commission<sup>6</sup> and other matters or that the scaling method adopted by RPSC was not declared to be illegal by the Division Bench of Rajasthan High Court in Sarita Noushad v. Rajasthan Public Service Commission<sup>5</sup> and other cognate matters.*

*16. It is well settled that if upon admitted or indisputable facts only one conclusion is possible then in such a case, the principle that breach of natural justice was in itself prejudice would not apply. If no other conclusion is possible on admitted facts it is not necessary to quash the order which was passed in violation of natural justice. Thus, the argument that the conclusion namely declaration of final result and recommendation by R.P.S.C. were void ab-initio was not binding upon the petitioners has no substance.”*

The Applicant further relies on the Judgment of the Hon'ble Supreme Court in *MC Mehta v. UOI*, 1996 (6) SCC 237 where it was held that:

*“22... Before we go into the final aspects of this contention, we would like to state that cases relating to breach of natural justice do also occur where all facts are not admitted or are not all beyond dispute. In the context of those cases, there is a considerable case law and literature as to whether relief can be refused even if the court thinks that the case of the applicant is not one of 'real substance' or that there is no substantial possibility of his success or that the result will not be different, even if natural justice is followed...”*

11. The Applicant further submits that he is not aware of the details of such successful Applicants, LOI holders,

Mining lease holders under the 156 Impugned E-Auction/ Tenders which may be in thousand, and the information of the same is only available with the Respondent State. Also, impleading all such person would be highly complicated and a cumbersome process which would also result in inordinate delay in the decision of the present OA, and defeat the very purpose of the present OA.

It is submitted that the only question to be answered in the present OA is whether the Impugned NITs were issued after a valid DSR and in terms thereof, which can be answered by the Respondent State. Thus impleading all such person will not have any bearing on the OA and they would not have anything more to contribute other than reveal to the existence of a valid DSR or not.

However, if this Hon'ble Tribunal is still of the view that such successful applicants, LOI holders, Mining lease holders are to be heard and to be impleaded, the Respondent State can be directed to implead them, or inform such persons of the present proceedings.

Alternatively, the Applicant may be permitted to give a Public Notice in an English and Hindi daily newspaper(s) having wide circulation throughout the State of UP and those interested be permitted to approach this Hon'ble Tribunal.

12. The MOEF issued the Amendment Notification dated 15.01.2016, inserting Clause 7 (iii)(a) in the EIA Notification dated 14.09.2006 which required for the '*Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minerals*' as per Appendix X.

This District Survey Report (DSR) was required to be prepared by a newly constituted District Expert Appraisal Committee (DEAC) & District Environmental Impact Assessment Authority (DEIAA) at the District level in each State in terms of the newly added Appendix VII.

One of the most important objectives of preparing a District Survey Report was to identify 'no mining zones'

where Mining operations despite the availability of Minor Mineral would not be permitted.

Under Appendix X, such detailed survey and assessment was to be carried out by the newly constituted District Environmental Impact Assessment Authority (DEIAA) with the assistance of the Geology Department or Irrigation Department or Forest Department or Public works department or Ground water Boards or mining department of the said District.

A true copy of the Notification dated 15.01.2016 issued by MOEF is annexed as **Annexure-A-1 [at page 63 to 73]**.

13. The Respondent No. 5, MOEF issued the Sustainable Sand Mining Management Guidelines, 2016 (*SMMG, 2016*). One of the main objectives stated in the SMMG, 2016 was the preparation of the District Survey Report that would *'identify the areas of aggradation/ deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations wherein mining should be prohibited'*.

14. This Hon'ble Tribunal in the case of *Anjani Kumar v. State of U.P.*, 2017 SCC Online NGT 979 by its Judgment dated 8.12.2017 held that a District Survey Report (DSR) is a *pre-requisite* and a conditional precedent before the grant of any mining leases of sand and bajri, which is as under:

*“65. Thus there is merit in the contention of the applicant that the District Survey Report is not only an important act but it should be conducted **prior** to sanctioning of the permission/concession.*

*71. In other words it is evident that **absence of the factual District Survey Report** after due inspection grant of mining lease will be in **conflict of the environmental laws** as sand mining lease could be granted in an area only when aspect of replenishment of miner mineral especially in river sand is clearly established.*

*84... It is material to note that great emphasis is laid in the guidelines for preparation of District Survey Report which is prescribed as an important **initial** step before formulating a mining policy.*

*86. It is important to note that above process shall be for preparing district report. We accept applicant's contention that it is **so fundamental in nature that there must be in its place the DSR before formulation of any mining policy in order to ensure safe and suitable sand mining.**”*

15. That in 2017-2018 DSRs were prepared in the 28 Districts by the defunct DEAC/DEIAA which have admittedly lapsed after 5 years.
16. This Hon'ble Tribunal by its Judgment dated 13.09.2018 in the case of *Satendra Pandey vs. UOI*, partly quashed the Notifications dated 15.01.2016, including quashing DEIAA and DEAC.

This Hon'ble Tribunal by its subsequent order dated 11.12.2018 in Execution Application No. 55 of 2018 stated that DEIAA & DEAC do not possess the expertise and scientific knowledge to assess environmental implications and the same are not consistent with the Sustainable Sand Mining Management Guidelines, 2016. Accordingly, the MOEF was directed to take steps to revise the procedure laid down in the Notification dated 15.01.2016.

17. The MOEF issued the Sand Mining Guidelines, 2020 which after relying upon the direction and Judgments passed by this Hon'ble Tribunal regarding the mandatory requirement of a prior DSR, required that

such DSRs are prepared before issuance of an E-Auction/ Tender Notice.

Certain important Clauses in the 2020 Guidelines on DSR are as under:

#### **“4.0 Requirement for Monitoring & Enforcement**

**ii)** *The Mining lease auctioned by State government as per their Minor Concession Rules are granted by Letter of Intent (LOI) but it has been observed that many of the sites are not suitable w.r.t. environmental aspects. In most of the cases, the unplanned grant of mining lease leads to formation of cluster and/or contiguous cluster of small mining leases which sometimes is difficult to regulate and monitor. In order to address such issues, more emphasis is required on the preparation of District Survey Report and its format for reporting.*

**4.1.1** ... *Considering the importance of district Survey Report, the Ministry of Environment Forest & Climate Change, after consultation with experts dealing with mining related matters, formulated the following guidelines for the preparation of comprehensive District Survey Report for Sand Mining.*

*a) District Survey Report for sand mining shall be prepared **before** the auction/ e-auction/ grant of the mining lease/letter of Intent (LOI) by Mining department or department dealing in the mining activity in the respective states.*

*c) District Survey Report is to be prepared in such a way that it not only identified the mineral bearing area but also define the mining and no mining zones considering various environmental and social factors.*

**4.2 Grant of Letter of Intent of those Mining leases which are falling in potential mining zone**

The State Government shall issue letter of intent as per procedure laid down in their Minor Mineral Concession Rules with due consideration of final district Survey report.

**8.1. Pre-requisite for starting sand Mining operation**

*i) All district to prepare a comprehensive mining plan as per the provisions of District Survey Report. These Reports shall be put on the website of District Administration. No mining shall be allowed in the area which not been identified in the comprehensive mining plan of the District*

A Copy of the Sustainable Sand Mining Management Guidelines, 2020 issued by the Respondent, MOEF is annexed as **Annexure-A-2 [at page 74 to 174 ]**.

18. This Hon'ble National Green Tribunal (NGT), Eastern Zone, vide its detailed Judgment dated 14.10.2020 in the case titled *Pawan Kumar v. State of Bihar* considered the issue of preparation of DSR in light of the DEAC/DEIAA having become defunct post the decision in *Satendra Pandey* Judgment and held such DSRs to be invalid in law and quashed the E-Tender/NIT issued on the basis of such defective and invalid DSRs. It was further directed that the DSR be prepared by an Expert accredited by the National

Accreditation Board of Education and Training/ Quality Control Council of India (NABET/QCCI) in terms of the MOEF OM dated 16.03.2010, and thereafter the same be verified by the District Magistrate, and lastly evaluated by the Expert body i.e. the SEAC/ SEIAA.

A Copy of the Judgment dated 14.10.2020 passed by this Hon'ble Tribunal, EZ in the case titled '*Pawan Kumar v. State of Bihar*' is enclosed herein and marked as **Annexure A-3 [at page 175 to263 ]**.

19. This Hon'ble Tribunal by its Judgment dated 4.11.2020 in *Rupesh Pethe v. State of MP*, in O.A. No. 726 of 2018 held that the procedure for preparation of DSR as directed in *Pawan Kumar* be followed pan India.
20. This Hon'ble Tribunal, Principal Bench by its Judgment dated 26.02.2021 in the case of *NGT Bar Association v. Virender Singh*, OA No. 360 of 2015 again issued directions to all States/ UTs to prepare DSRs in terms of the Judgment dated 14.10.2020 in the case of *Pawan Kumar* and the Order dated 4.11.2020 passed in the case of *Rupesh Pethe*, which is as under:

*“27. We direct all the States/ UTs to strictly follow the SSMG-2016 read with EMGSM-2020 reinforced by mechanism for preparation of DSRs (in terms of directions of this Tribunal dated 14.10.2020 in Pawan Kumar, supra and 04.11.2020 in Rupesh Pethe, Supra), Environment Management Plans, replenishment studies, mine closure plans, grant of EC (in terms of directions dated 13.09.2018 in Satendra Pandey, supra)...”*

A Copy of the Judgment dated 26.02.2021 passed by this Hon’ble Tribunal, Principal Bench in the case titled ‘NGT Bar Association v. Virender Singh’, OA No. 360/2015 is annexed as **Annexure A-4 [at page 264 to 303]**

21. The Hon’ble Supreme Court by its Judgment dated 10.11.2021 in Civil Appeal No. 3661, State of Bihar Vs Pawan Kumar has held that DSR has to be prepared by a Sub-Divisional Committee and approved by the SEIAA before conducting an e-auction.

*“10. It could thus be seen that in accordance with the 2020 guidelines, the DSR is required to be prepared **before** the auction/e-auction/grant of mining lease by Mining Department or Department dealing with mining activity in the respective States.”*

Thereafter vide Order dated 18.01.2022 in Civil Appeal No. 3661 of 2020 the Hon’ble Supreme Court held that tender process was modified by the Hon’ble Court vide

order dated 10.11.2021 and no tender holder can claim a vested right holding that:

*“18. Insofar as the other applicants in I.A. Nos.154740-154741 of 2021 and I.A. No.165173 of 2021 are concerned, though they were successful bidders in the tender process conducted in the year 2019, in view of the order passed by the Tribunal dated 14th October 2020, which was modified by this Court vide order dated 10th November 2021, they also cannot claim a vested right to do the mining activities.”*

A copy of the Judgment passed by the Hon’ble Supreme Court dated 10.11.2021 in State of Bihar Vs Pawan Kumar Order in Civil Appeal No. 3661 of 2020 is annexed as **Annexure-A-5 [at page 304 to318 ]**.

22. The Director of Mining & Geology along with District Magistrates for the respective districts, issued 156 Impugned E-Auction/ E-Tender Notice permitting execution of Mining leases in 28 Districts in the State of UP, namely, Aligarh, Ambedkar Nagar, Ayodhya, Baghpat, Banda, Basti, Chitrakoot, Farrukhabad, Fatehpur, Gautum Budh Nagar, Hamirpur, Hardol, Jalaun, Jhansi, Kanpur Dehat, Kanpur Nagar, Kasganj, Kaushambi, Kheri, Kushinagar, Lakhimpur Kheri,

Lalitpur, Mirzapur, Prayagraj, Rampur, Saharanpur, Siddharth Nagar and Sonbhadra.

Under the Impugned 156 E-Auction Notices, Letter of Intents have been issued to various project proponent wherein in respect of certain Impugned Notices grant of ECs are pending, whereas in certain cases ECs have been issued and Mining operations are being conducted by project proponents, without preparation and/or finalize of a District Survey Report.

The following 28 Districts (“28 Districts”) wherein the 156 Impugned E-Auction/ Tender;/ NITs have been issued between 2021-2024 without a valid DSR prepared by a Sub-Divisional Committee, and the same are being challenged by way of the present Application, are as follows:

<b>S. NO.</b>	<b>DISTRICT</b>	<b>DATE OF IMPUGNED E-TENDERS</b>	<b>YEAR OF DSR</b>	<b>DSR PREPARED BY</b>
1.	Aligarh	19.05.2022 17.11.2022	Not Mentioned in the DSR	DEIAA

2.	Ambedkar Nagar	09.05.2022 15.12.2023	15/11/2017	DEAC
3.	Ayodhya	04.01.2022 21.11.2022 04.01.2023 16.02.2023 21.02.2023	21/12/2017	DEAC
4.	Baghpat	09.11.2022 02.01.2023 03.04.2023	18/11/2017	DEIAA & DGM
5.	Banda	08.09.2020 26.11.2020 13.01.2021 08.02.2021 02.06.2021 13.07.2021 26.10.2021 17.12.2021 06.04.2022 21.11.2022 09.01.2023 27.01.2023 04.02.2023 17.05.2023 21.06.2023	23/11/2017	DEIAA

		16.10.2023 23.12.2023 29.12.2023		
6.	Basti	07.01.2021 01.03.2021 18.06.2021 07.12.2022 09.02.2023 06.04.2023	12/12/2017	DEIAA & DGM
7.	Chitrakoot	16-10-2020 02-03-2021 14.12.2021 19.04.2022 26.11.2022 27.01.2023 01.06.2023	13/11/2017	DEIAA & DEAC
8.	Farrukhabad	08.06.2022 03.04.2023	1/1/2018	DEIAA , DEAC
9.	Fatehpur	29.07.2020 04.09.2020 29.01.2021 07.12.2023 18.12.2023 09.01.2024	31/10/2018	DEIAA , DEAC & DGM

		29.01.2024 05.02.2024		
10.	Gautam Budh Nagar	13.03.2023	Nov 2017	DEIAA
11.	Hamirpur	21.04.2022 26.11.2022 13.12.2022 09.02.2023 25.02.2023 24.03.2023 16.08.2023 10.10.2023 06.12.2023	23/09/2017	DEIAA
12.	Hardol	02.12.2022 28.01.2023 02.03.2023	Not Mentioned in the DSR	DEIAA & DGM
13.	Jalaun	16.06.2020 21.09.2021 01.01.2022 12.04.2022 23.05.2022 19.12.2022 20.02.2023 28.08.2023 30.10.2023	Not Mentioned in the DSR	DEIAA & DEAC

		16.12.2023 23.12.2023 10.01.2024		
14.	Jhansi	23.11.2020 18.01.2021 01.03.2023	Not Mentioned in the DSR	DEIAA & DGM
15.	Kanpur Dehat	14.12.2020 16.11.2022 11.01.2023 01.03.2023 15.05.2023 06.10.2023	6/11/2017	DEIAA & DEAC
16.	Kanpur Nagar	27.01.2021 16.07.2021 25.05.2022 02.03.2023	Not Mentioned in the DSR	DEIAA & DEAC
17.	Kasganj	23.05.2023	1/5/2018	DEIAA & DEAC
18.	Kaushambhi	17.10.2020 08.01.2021 30.01.2021 01.12.2021 11.05.2022 09.06.2022 19.11.2022 16.02.2023	23/10/2017	DEIAA & DEAC

		30.10.2023 02.01.2024 30.01.2024		
19.	Kheri	19.01.2023	13/12/2017	Mining Dept. – Kheri
20.	Kushinagar	19.11.2022	2017	DEIAA
21.	Lakhimpur Kheri	25.04.2022 16.11.2022	13/12/2017	Mining Dept. – Kheri
22.	Lalitpur	31.07.2020 29.01.2021 25.08.2021 16.12.2021 06.05.2022	26/12/2019	NA
23.	Mirzapur	04.12.2020 13.10.2021 27.04.2022 03.12.2022 25.02.2023	22/6/2019	Mining Department – Mirzapur
24.	Prayagraj	10.07.2020 20.08.2020 22.12.2020 16.01.2021 24.02.2021 24.03.2021 26.09.2021	24/4/2018	DEIAA

		23.10.2021 09.12.2021 17.06.2022 08.08.2022 16.11.2022 09.01.2023 10.02.2023 01.06.2023 01.07.2023 01.11.2023 08.02.2024		
25.	Rampur	15.02.2021 26.11.2021	Not mentioned in the DSR	Mining Officer – Rampur
26.	Saharanpur	31.12.2021 13.02.2023 22.08.2023	2022	Sub-Divisional Committee
27.	Siddharth Nagar	20.06.2021 05.05.2022 27.06.2022 01.04.2023 22.07.2023	27/12/2017	DEIAA / Regional Office – DGM
28.	Sonbhadra	27.01.2021 17.06.2021 06.08.2021 09.09.2021	28/11/2018	DEIAA / DEAC

		13.12.2021		
		15.12.2021		
		31.12.2021		
		04.01.2022		
		18.04.2022		
		05.11.2022		
		10.01.2024		
	<b>Total</b>	<b>156</b>		

Copies of the 156 Impugned E-Tenders/ Auction Notices/ NIT's in respect of the 28 Districts which are being sought to be quashed are annexed as **Annexure-A-6 [Colly] [at page 319 to 509 ]**.

23. This Hon'ble Tribunal, CZ (Special Bench) in Prabhat Mohan Pandey v. MP SEIAA vide its detailed Judgment dated 22.02.2022 again directed that DSR is to be prepared before E-Auction in accordance with the directions issued by the Hon'ble Supreme Court in *Pawan Kumar v. State of Bihar*.

The directions are as follows:

*"34. We have gone through the orders and directions passed by the Hon'ble Supreme Court of India vide*

*Order dated 10.11.2021 in Civil Appeal No. 3661-3662 of 2020 in State of Bihar v. Pawan Kumar, wherein in the case of Bihar, certain directions were issued and substituted with reference to preparation of DSR. We deem it appropriate that the guideline and directions issued by the Hon'ble Supreme Court of India vide Order referred above are fully applicable in the present matter and the State authorities are directed to act in accordance with direction issued by the Apex Court till the finalization of the DSR.*"

A Copy of the Judgment dated 22.02.2022 passed by this Hon'ble Tribunal, CZ in the case titled '*Prabhat Mohan Pandey v. MP SEIAA*', Appeal No. 25/2021 is annexed as **Annexure A-7 [at page510 to577 ]**.

24. The Hon'ble Supreme Court in another case being *Mangal Singh Bundela v State of Madhya Pradesh & Ors* where the E-Auction was issued before the finalization of the DSR, by its Order dated 20.07.2022 directed that '*no mining shall be carried out in the terms of the e-auction without finalizing the DSR*'. The said matter is pending adjudication before the Hon'ble Supreme Court.

A Copy of the Order dated 20.07.2022 passed by the Hon'ble Supreme Court in *Mangal Singh Bundela vs*

State of Madhya Pradesh & Ors', CA No. 4593/2022 is annexed as **Annexure A-8 [at page 578 to579 ]**.

25. This Hon'ble National Green Tribunal by its recent Order dated 8.11.2023 in *Gaurav Kumar Vs State of UP* and Ors directed that ECs will not be issued to the bidders who succeeded in the E-auction by the competent authority without the leave of the Hon'ble Tribunal, since the DSR was not finalized and approved by the SEAC/SEIAA, UP.

A copy of the Order dated 8.11.2023 in *Gaurav Kumar Vs State of UP* and Ors, OA No. 188 of 2023 is annexed as **Annexure-A-9 [at page 580 to582 ]**.

26. The SEIAA and SEAC, UP held a Joint Meeting on 2.02.2024 adopted a detailed Standard Operating Procedure (SOP) regarding preparation and updation of DSR for Sand mining or R.B.M which was formulated and made effective with immediate effect throughout the State of UP.

A copy of the Minutes of the Joint meeting of SEIAA and SEAC, UP dated 2.2.2024 and the Standard Operating

Procedure (SOP) for preparation of DSR for Sand mining is annexed as **Annexure-A-10 [at page 583 to 594 ]**.

27. The Respondent SEAC/SEIAA despite generic directions passed by this Hon'ble Tribunal on 8.11.2023 in the case of *Gaurav Kumar* which are applicable throughout the State of UP, has granted Environmental Clearances (ECs) in the Districts of Hamirpur, Kaushambi, and Banda between 27.12.2023 and 26.02.2024 without preparation of valid DSR by the Sub-Divisional Committee, let alone being finalized by the SEAC/SEIAA, UP.

Copies of the ECs issued in Harimpur, Kaushambhi, Banda Districts between 27.12.2023-26.02.2024 without a valid DSR is are annexed as **Annexure-A-11 [Colly] [at page 595 to 628 ]**.

Hence the present Original Application.

### **GROUND**

The present Application is filed on following among other grounds which the Applicant might take at the time of the hearing of the case:

- A. Because, the Respondents have failed to formulate and prepare a District Survey Report (DSR) for the 28 Districts in consonance with the MOEF Notification dated 15.01.2016, the Sustainable Mining Management Rules, 2016, the Sustainable Mining Management Rules, 2020, the judgment of the Hon'ble Supreme Court in State of Bihar v. Pawan Kumar in Civil Appeal No. 3661-3661 of 2019 as well as the Order of this Hon'ble Tribunal dated 08.11.2023 in Gaurav Kumar Vs State of UP and Ors.

That that a DSR is mandatorily required being a conditional precedent before grant of any mining lease and/or issuance of E-tender notice and/or EC. It is submitted that any e-auction notice or EC issued in the absence of a DSR is legally unsustainable, making the entire process vitiated, illegal and a nullity.

- B. Because the Respondents have failed to appreciate the Judgment passed by the Hon'ble Supreme Court in State of Bihar v. Pawan Kumar in Civil Appeal No. 3661-3661 of 2019 whereby it has highlighted the

importance and relevance of the DSR to be prepared in accordance with the SSMG 2020 and how it is mandatorily incumbent on the State government to start the process of issuing EC and granting mining lease after the preparation of the DSR and in sync thereof.

- C. Because this Hon'ble Tribunal passed an Order dated 8.11.2023 wherein it directed that ECs will not be issued to the parties where DSR was not valid without the leave of the Tribunal. However, the SEAC/SEIAA have issued ECs in various District (Hamirpur, Banda, Kaushambi) in absence of a valid DSR, even after the decision in Gaurav Kumar.
- D. Because mining operations in certain Sand area under the 156 Impugned NITs is being conducted in violation of the Order dated 20.07.2022 passed by the Hon'ble Supreme Court in Mangal Singh Bundela v. State of MP, CA No. 4593 of 2022 where it was directed as under:

*“Pending further orders, there shall be direction that no mining shall be carried out in terms of the e-auction dated 16.11.2021 without finalizing the District Survey Report”.*

- E. Because the Respondents have violated the provisions of the Sustainable Mining Management Guidelines, 2016 and 2020 wherein the MOEF has strenuously enumerated the mandatory requirement of preparation of a District Survey Report as per Appendix X of the EIA Notification, 2006 (as amended vide Notification dated 15.01.2016) identifying the potential mining areas in the respective district and only thereafter initiated the process of E-auction. It is submitted that the MOEF Guidelines of 2020 categorically in Clause 4.2 states that *“the State Government shall issue letter of intent as per procedure laid down in their Minor Mineral Concession Rules with due consideration of final district Survey report”* and further in Clause 8.1 states that *“All district to prepare a comprehensive mining plan as per the provisions of District Survey Report. These Reports shall be put on the website of District Administration. No mining shall be allowed in the area which not been*

identified in the comprehensive mining plan of the District”

- F. Because the Hon’ble Supreme Court vide Judgment dated 10.11.2021 in Civil Appeal No. 3661, State of Bihar Vs Pawan Kumar has held that DSR has to be prepared and be approved by the SEIAA before conducting e-auction. State of Bihar Vs Pawan Kumar Order dated 30.05.2022 in Civil Appeal No. 3661 of 2020 wherein the Hon’ble has stated that only after finalizing the fresh DSRs there will be no impediment on the State to issue fresh tenders with immediate effect. Thereafter vide Order dated 18.01.2022 in Civil Appeal No. 3661 of 2020 the Hon’ble Supreme Court held that tender process was modified by the Hon’ble Court vide order dated 10.11.2021 and no tender holder can claim a vested right or hold ECs.
- G. BECAUSE the Applicant seeks intervention of this Hon’ble Tribunal to prevent mining without a final DSR, which should be prepared in terms of the 2020 Guidelines on Sand Mining.

- H. Because, without prejudice to the above, it is submitted that no DSRs have been prepared in the 28 Districts whose 156 E-Tenders Notices are being impugned herein by the Sub-Divisional Committee, let alone being approved by the SEAC/SEIAA. Hence, DSRs if any prepared by any other agency in the said 28 Districts are non-est being de hors the procedure directed to be followed by the Hon'ble Supreme Court in Pawan Kumar.
- I. Because the Sustainable Sand Mining Guidelines, 2016 & Enforcement Monitoring Guidelines for Sand Mining, 2020 issued by the Ministry of Environment Forest and Climate Change requires a periodic replenishment studies and regular updation of DSR within a span of 5 years. As per the Notification S.O.3611 (E). dated 25<sup>th</sup> Jul'18, under Appendix – X, Section I last para says that *“The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. **The Report shall be updated once every five years**”* Thus since no replenishment was done in the previous 5 years, severe

damage can be caused to the river banks where sand mining is taking place without updated replenishment studies as quoted herein.

*“5.0 REPLENISHMENT STUDY The need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessive sand extraction. Mining within or near riverbed has a direct impact on the stream's physical characteristics, such as channel geometry, bed elevation, substratum composition and stability, in-stream roughness of the bed, flow velocity, discharge capacity, sediment transport capacity, turbidity, temperature etc. Alteration or modification of the above attributes may cause an impact on the ecological equilibrium of the riverine regime, disturbance in channel configuration and flow-paths. This may also cause an adverse impact on in-stream biota and riparian habitats. It is assumed that the riparian habitat disturbance is minimum if the replenishment is equal to excavation for a given stretch. Therefore, to minimize the adverse impact arising out of sand mining in a given river stretch, it is imperative to have a study of replenishment of material during the defined period.”*

- J. Because it is a well settled established principle of law that in cases where the entire process of a selection is illegal each person who's declared as a successful participant need not be heard individually to declare the selection process illegal (**Ramavtar Prateek Vs Rajasthan Public Service Commission (2014) 13 SCC**

**385 Ashok Kumar Sonkar Vs Union of India (2007)4SCC 53).** Thus, every individual project proponent who have been issued LOIs/ ECs or Mining leases under the 156 Impugned E-Auction in the 28 districts have not been made a party in the present application.

- K. The Hon'ble Supreme Court in the cases of **N.D. Jayal v UOI.**, (2004) 9 SCC 362, **Vellore Citizens Welfare Forum v. UOI**, 1996 (5) SCC 647, **MC Mehta v. UOI**, 2002 (4) SCC 356 observed that the balance between environmental protection and developmental activities could only be maintained by strictly following the principle of 'sustainable development.' This is a development strategy that caters the needs of the present without negotiating the ability of upcoming generations to satisfy their needs. The strict observance of sustainable development will put us on a path that ensures development while protecting the environment, a path that works for all peoples and for all generations. It is a guarantee to the present and a bequeath to the future. All environmental related developmental activities

*should benefit more people while maintaining the environmental balance. This could be ensured only by the strict adherence of sustainable development without which life of coming generations will be in jeopardy.”*

### **LIMITATION**

The present composite OA is filed under Section 14 and 15 of the NGT Act. The cause of action in the present case arose after the Judgment dated 10.11.2020 passed by the Hon'ble Supreme Court in Pawan Kumar whereby the 156 Impugned E-Auction Notices/ NITs were illegally issued without preparation of a DSR as per the procedure stipulated by the Hon'ble Supreme Court.

Mining operations under the said 156 Impugned E-Auction Notices are undergoing in violation of the prevalent and existing law which ought to be remedied and stopped by exercise of powers under Section 15 of the NGT Act.

The present OA is within the period of limitation of 5 years as stipulated under Section 15 of the NGT Act, and also within the limitation period prescribed under Section 14 since the cause of action is even otherwise continuing and subsisting.

28. That the Applicant has not filed any other petition before this Tribunal or other Court praying for the below mentioned reliefs.

**INTERIM PRAYER**

In light of the above stated facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass the following orders:

- i. No Environmental Clearances or Mining Leases shall be executed, and no Mining operation be permitted under ECs already granted, till preparation of a DSR by the Sub-Divisional Committee and finalization by the Expert bodies i.e. SEAC/SEIAA, UP as per the Judgment passed by the Hon'ble Supreme Court in Pawan Kumar and order dated 08.11.2023 in Gaurav Kumar Vs State of UP and Ors; and
- ii. Restrain the Respondents from granting any Environmental Clearance/ Mining leases or permit Mining operations under the 156 Impugned E-tenders/ NIT in any of the 28 Districts without preparation of a

DSR by the Sub-Divisional Committee and finalization by the Expert bodies i.e. SEAC/SEIAA, UP.

**In light of the above stated facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass the following orders:**

- i. Direct the State Government to prepare a fresh District Survey Reports for the 28 Districts mentioned in Para 21 of the present OA, by the Sub-Divisional Committee and approved by SEAC/SEIAA, UP, in terms of the SOP dated 02.02.2024, in compliance of the directions passed by the Hon'ble Supreme Court in Pawan Kumar, and this Hon'ble Tribunal in Anjani Kumar, Rupesh Pethe and NGT bar Association; and
- ii. Pass an order quashing the 156 Impugned tender notices/ NITs annexed in Annexure 6, as illegal and having been issued without preparation of a valid DSR: and
- iii. Direct the State government to conduct a replenishment study, with the assistance of a reputed remote sensing

agency, prior to auctioning mines for mining of minor minerals for the 28 districts; and

- iv. Direct Respondents to pay the costs of the present Application to the Appellant; and
- v. Pass any other orders as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.

**FOR THIS ACT OF KINDNESS THE APPLICANT AS IN  
DUTY BOUND SHALL EVER PRAY.**

*Sadapurna Mukherjee* Filed by:

**[SADAPURNA MUKHERJEE]**  
ADVOCATE FOR THE APPLICANT  
D-2 GREEN PARK EXTENSION  
NEW DELHI 110016

Filed on:08.04.2024

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
(Under Section 14 read with Section 15 of the National Green Tribunal  
Act, 2010)

ORIGINAL APPLICATION NO. 389 OF 2024

**IN THE MATTER OF:**

Raj Kumar

...APPLICANT

Versus

State of Uttar Pradesh and Ors

...RESPONDENTS

**AFFIDAVIT**

I, Raj Kumar, aged about 51 years, S/o Chandrabal, R/o Soop, Soop  
Rajpur, Baraut, Soop, Baghpat, Uttar Pradesh- 250623 a do hereby  
solemnly affirm and state as under :-

1. That I am the Applicant in the above Application and I am well acquainted with all the facts and circumstances of the case and am competent to swear the instant affidavit.
2. That I have read and understood the contents of the accompanying Application / Petition from paras \_\_\_ to \_\_\_ which has been drawn at my instance and I say that the statements stated therein are true to my knowledge and as derived from the records of the case, and are believed to be true according to the legal advice received by me.
3. That the annexures accompanying the present Application / Petition are true copies of their respective originals.

*राज कुमार*

**DEPONENT**

**VERIFICATION:**

Verified at \_\_\_\_\_ on this, \_\_\_\_\_ day of \_\_\_\_\_ that  
the averments of facts stated herein above are true and correct to my  
knowledge and nothing material has been concealed therefrom.

**KALEEM AHMAD**  
Advocate  
Reg. No.-10533/01  
Ch.-63, Civil Court, SRE  
Mob.-9359206230

*राज कुमार*

**DEPONENT**



Certified true on \_\_\_\_\_  
by \_\_\_\_\_  
at \_\_\_\_\_  
before me and attested this on \_\_\_\_\_  
after hearing and understanding its  
content.  
Saharanpur  
U.P. INDIA  
*6/9/24*

**कार्यालय जिलाधिकारी, Saharanpur**  
**(खनन अनुभाग)**

पत्रांक :-UP/Saharanpur/No-1416, Dated: 22-08-2023

दनांक :-22-08-2023

**ई-निविदा सह ई-नीलामी आमंत्रण सूचना**

सर्वसाधारण को सूचित किया जाता है की जनपद Saharanpur में नदी तल में उपलब्ध Sand or Bajri or Boulder RBM के रिक्त क्षेत्रों को उत्तर प्रदेश उपखनिज (परिहार) नियमावली-2021 के नियम-23(1) के अंतर्गत ई-निविदा सह ई-नीलामी प्रणाली के माध्यम से उक्त नियमावली के अध्याय-4 के तहत खनन पट्टा पर स्वीकृत किये जाने हेतु उपलब्धता घोषित करते हुए इच्छुक व्यक्तियों/संस्थाओं को निम्नवत शर्तों व कालयोजना/अवधि में ई-निविदा सह ई-नीलामी आमंत्रित किया जाता है:-

**1. क्षेत्र का विवरण:-**

क्र०सं०	एरिया कोड	उपखनिज का नाम	नदी का नाम	क्षेत्र का विवरण				जियोकोर्डिनेट		नियमावली 2021 के अनुसूची-1 के अनुसार रायल्टी दर (रु० प्रति घन मी)	खनन योग्य आंकलित उप खनिज की मात्रा (घन मी० प्रति वर्ष)	प्रथम वर्ष में आंकलित मात्रा की कुल रायल्टी रु० में	अर्नेस्ट मनी (कॉलम 13 में अंकित सकल धनराशि का 25 प्रतिशत रु० में)
				तहसील	ग्राम/एरिया कोड	गाटा सं०/खंड सं०/जोन सं०	क्षेत्रफल (हे० में)	अक्षांश	देशांतर				
1	1089820501	Sand or Bajri or Boulder RBM	Yamuna	Behat	Shahzadpur Bans Aht - 108982	1	13.0000	A- 30°-15'24.84" B- 30°-15'12.32" C- 30°-15'16.91" D- 30°-15'28.43"	A- 77°-31'57.01" B- 77°-31'47.88" C- 77°-31'36.94" D- 77°-31'48.83"	110	234000	25740000.00	6435000.00
2	1089880501	Sand or Bajri or Boulder RBM	Yamuna	Behat	Aslampur Bartha - 108988	1/1M	36.6000	A- 30°-13'45.87" B- 30°-13'23.05" C- 30°-13'13.45" D- 30°-13'16.67" E- 30°-13'50.98"	A- 77°-31'9.07" B- 77°-30'53.85" C- 77°-30'42.33" D- 77°-30'36.6" E- 77°-30'57.8"	110	658800	72468000.00	18117000.00

2. ई-निविदा सह ई-नीलामी द्वारा नदी तल स्थिति उपखनिज के खनन पट्टा अधिकतम अवधि 05 वर्ष के लिये स्वीकृत किये जायेंगे। पट्टे की अवधि की गणना खनन पट्टा विलेख निष्पादन की तिथि से की जाएगी।

3. ई-निविदा सह ई-नीलामी की बिड/बोली उप खनिज की प्रति घन मीटर के लिए दी जाएगी, जो उ०प्र० उपखनिज (परिहार) नियमावली-2021 के अनुसूची-1 में निर्धारित रायल्टी की दर से कम नहीं होगी। इससे भिन्न बिड/बोली दिए जाने पर बिड/बोली स्वीकार नहीं की जायेगी तथा प्रीबिड अर्नेस्ट मनी जब्त कर ली जाएगी प्राप्त उच्चतम बिड/बोली की दर (रूपया प्रति घन मी०) को क्षेत्र में आंकलित मात्रा (घन मी०) से गुणा कर प्रथम वर्ष की नीलामी की देय धनराशि आगणित की जायेगी।

4. ई-निविदा सह ई-नीलामी दो चरणों में होगी। प्रथम चरण में ई-निविदा संपन्न की जायेगी जिसके दौरान सभी बिडर्स को एक बार ई-निविदा (e-tender) देने का मौका प्रदत्त होगा जो पुनरीक्षित (Revise) नहीं किया जा सकेगा। ई-निविदा में प्राप्त उच्चतम निविदा को आधार मूल्य (Floor Price) मानते हुए द्वितीय चरण में ई-नीलामी कराया जायेगा, जिसके दौरान बिडर्स ई नीलामी हेतु निर्धारित तिथि एवं अवधि में ई-बोली दे सकता है। ई-नीलामी के दौरान केवल उच्चतम बोली को ही प्रदर्शित किया जायेगा जिसको देखते हुए बिडर अपना बोली पुनरीक्षित कर बढ़ा सकते है।

5. कसी क्षेत्र के ई-निविदा सह ई-नीलामी हेतु बिडर्स को बिड में भाग लेने से पूर्व प्री बिड अर्नेस्ट मनी जमा करना अनिवार्य होगा, जिसकी गणना क्षेत्र में वार्षिक आंकलित खनन योग्य मात्रा एवं उपखनिज की रायल्टी दर से गुणा कर प्राप्त धनराशि का 25 प्रतिशत होगा।

6. एम०एस०टी०सी० लि० (भारत सरकार का उपक्रम) को सेवा प्रदाता के रूप में चयनित किया गया है, जिसके द्वारा राज्य सरकार की ओर से ई-निविदा सह ई-नीलामी की कार्यवाही सम्पादित की जाएगी। ई-निविदा सह ई-नीलामी द्वारा परिहार पर देने की सम्पूर्ण प्रक्रिया ऑनलाइन एम०एस०टी०सी० के ई-ऑक्शन पोर्टल [www.mstcecommerce.com](http://www.mstcecommerce.com) पर की जाएगी।

7. इच्छुक आवेदकों के लिए ऑनलाइन बिड/बोली हेतु class III Singing type डिजिटल सिग्नेचर सर्टिफिकेट (DSC) होना आवश्यक है। एम०एस०टी०सी० के उपरोक्त पोर्टल पर जाकर अर्ह आवेदक अपने पंजीकरण की कार्यवाही पूर्ण करने के पश्चात् ही ई-निविदा सह ई-नीलामी में भाग ले सकेंगे। ई-निविदा सह ई-नीलामी की सम्पूर्ण प्रक्रिया के दौरान डी०एस०सी० की वैधता बनाये रखने की जिम्मेदारी आवेदक की होगी।

8. पंजीकृत आवेदक निर्धारित पोर्टल पर प्रत्येक क्षेत्र के लिए अलग अलग आवेदन शुल्क एवं प्रत्येक क्षेत्र हेतु निर्धारित अर्नेस्ट मनी एम०एस०टी०सी० के पोर्टल पर प्रदर्शित प्रक्रिया के अनुसार एम०एस०टी०सी० के पेमेंट गेटवे के माध्यम से जमा करना होगा। किसी व्यक्ति/फर्म/कंपनी के पक्ष में पूर्व से 02 (दो) क्षेत्र या कुल 50 हेक्टेयर क्षेत्रफल से बिड अधिक के खनन पट्टे धारित होने पर वे बिड में भाग नहीं ले सकेंगे। इच्छुक व्यक्ति/फर्म/कंपनी (आवेदक) ई-निविदा सह ई-नीलामी में भाग लेने के लिए सरकार के पक्ष में रु०-15,000 (रु० पन्द्रह हजार) का आवेदन शुल्क एम०एस०टी०सी० पेमेंट गेटवे के माध्यम से जमा करना होगा, जो अप्रतिदेय (Non refundable) होगा।

9. ई-निविदा सह ई-नीलामी में भाग लेने हेतु इच्छुक व्यक्ति/फर्म/कंपनी को एम०एस०टी०सी० में पंजीकरण कराना अनिवार्य होगा। पंजीकरण हेतु व्यक्ति/फर्म/कंपनी को ई-ऑक्शन पोर्टल [www.mstcecommerce.com](http://www.mstcecommerce.com) पर उपलब्ध ऑनलाइन फॉर्म भरना पड़ेगा जिसके दौरान बिडर्स अपने लिए स्वयं जनित यूजर आई०डी० एवं पासवर्ड बनायेंगे। इस ऑनलाइन पंजीयन के उपरांत बिडर्स को एम०एस०टी०सी० को ऑनलाइन फॉर्म भेजना अनिवार्य होगा, साथ ही बिडर्स को वार्षिक पंजीकरण शुल्क जी०एस०टी० सहित रु०-2,360 (रु० दो हजार तीन सौ साठ मात्र) एम०एस०टी०सी० पेमेंट गेटवे के माध्यम से ऑनलाइन देय होगा। अनिवार्य अभिलेख एवं वार्षिक पंजीकरण शुल्क की प्राप्ति के पश्चात् ही बिडर्स का लागिण आई०डी०, पासवर्ड एवं अकाउंट एम०एस०टी०सी० के निर्धारित पोर्टल पर चालू (Activate) होगा। पूर्व में पंजीकृत बिडर्स जिसके पंजीकरण की अवधि वैध है, उन्हें पंजीकरण शुल्क देने के बाद ही पंजीकरण हेतु आवश्यक अभिलेख यथा हैसियत प्रमाण पत्र आदि

## ANNEXURE R-10

Item No.14

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**Original Application No. 389/2024  
(IA No. 210/2024)

Raj Kumar

Applicant

Versus

State of Uttar Pradesh &amp; Ors.

Respondent(s)

Date of hearing: 07.05.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Sadapurna Mukherjee, Adv. for Applicant

Respondent: Ms. Priyanka Swami, Adv. for SEIAA, UP  
Mr. Amit Shukla, Adv. for UPPCB  
Mr. Thakur Sumit, Adv. for MoEF & CC  
Mr. Mukesh Verma, Adv. for Mining Department, State of UP**ORDER**

1. In this Original Application, the grievance of the applicant is against the steps taken by respondent no. 1 to 5 in respect of the mining lease without there being any District Survey Report in the State of UP. The plea is that the DSR was prepared in the year 2017 which expired in the year 2022 and thereafter, no replenishment study has been done, no fresh DSR has been prepared yet respondent authorities are proceeding with the auction of the mines.

2. When the matter was taken up on 23.04.2024, it was brought to the notice of the Counsel for the applicant that applicant had challenged 156 old tender notices which were already acted upon and the Counsel for the applicant had fairly submitted that she was not pressing the prayer clause 2 challenging those notices.

3. Now, I.A. No. 210/2024 has been filed by the applicant seeking clarification/modification of the order dated 23.04.2024 taking the plea that on 23.04.2024, Counsel for the applicant had given up the challenge to 44 e-auction/tender notices issued before 10.11.2021 and had not given up the challenge to remaining 112 e-auctions/tender notices issued after 10.11.2021. The breakup has been done on the basis of the date of judgment of the Hon'ble Supreme Court dated 10.11.2021 in the case of *State of Bihar & Ors. vs. Pawan Kumar & Ors., Civil Appeal No. 3661-3662 of 2020*.

4. On consideration of above submission, we find that statement made by the Counsel for the applicant on 23.04.2024, recorded in paragraph 2 of that order was very clear that she was not pressing the prayer clause 2 of the OA. That apart, we also notice that the challenge to the notices which were issued long back in the year 2020, 2021, 2022, 2023 has become time barred. In addition we also note that if the auction notices have already been acted upon and successful bidder has been selected/lease deed is issued to the successful bidder/LOI then the challenge to the auction notice itself may not survive without challenging the subsequent action. Hence, we are of the view that no case is made out for clarification/modification of the order dated 23.04.2024. I.A. No. 210/2024 is accordingly rejected.

5. The Tribunal by order dated 23.04.2024 had issued notice to the respondents and directed the applicant to serve the respondents and file affidavit of service. The affidavit of service filed by the applicant does not contain the proof of service.

6. From the perusal of the cause title, we find that none of the concerned District Magistrates have been impleaded. The grievance is in

respect of non-preparation of the DSR which is the responsibility of the District Magistrate of the concerned District. When it was pointed out to Learned Counsel for the applicant, she has submitted that she will implead the concerned District Magistrates. Hence, we permit Counsel for the applicant to implead the concerned District Magistrates in the OA within one week and serve them and file affidavit of service at least one week before the next date of hearing.

7. Learned Counsel for the respondents seeks four week's time to file the reply.

8. List on 20.08.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 07, 2024  
Original Application No. 389/2024  
(IA No. 210/2024)  
SN

## IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO \_\_\_\_\_ OF 2024

(Diary No 35609/2024)

Raj Kumar

... Appellant

Versus

State of Uttar Pradesh &amp; Ors

... Respondents

**ORDER**

- 1 We find no error in the order of the National Green Tribunal dated 7 May 2024 in IA No 210 of 2024 in Original Application No 389 of 2024.
- 2 The appeal is accordingly dismissed.
- 3 Pending application, if any, stands disposed of.

.....CJI.  
[Dr Dhananjaya Y Chandrachud]

.....J.  
[J B Pardiwala]

.....J.  
[Manoj Misra]

New Delhi;  
August 27, 2024

GKA

Signature Not Verified

Digitally signed by  
Gulshan Kumar Arora  
Date: 2024.08.29  
16:22:32 IST  
Reason: 

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 35609/2024

(Arising out of impugned final judgment and order dated 07-05-2024  
in IA No. 210/2024 passed by the National Green Tribunal)

RAJ KUMAR

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No.179140/2024-CONDONATION OF DELAY IN FILING and IA No.179138/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.179137/2024-APPROPRIATE ORDERS/DIRECTIONS and IA No.179135/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES )

Date : 27-08-2024 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Devadatt Kamat, Adv.  
Mr. Nar Hari Singh, AOR  
Ms. Sambhavi Singh, Adv.  
Mr. Revanta Solanki, Adv.  
Mr. Hruday Bajentri, Adv.  
Mr. Vasudev Sharan Swain, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

- 1 Delay condoned.
- 2 We find no error in the order of the National Green Tribunal dated 7 May 2024 in IA No 210 of 2024 in Original Application No 389 of 2024.
- 3 The appeal is accordingly dismissed.
- 4 Pending application, if any, stands disposed of.

(GULSHAN KUMAR ARORA)  
AR-CUM-PS

(POOJA SHARMA)  
COURT MASTER

(Signed order is placed on the file)

Vasudev  
\\TRUE COPY\\

CIVIL APPEAL NO(S). 8945/2022

DEPARTMENT OF INDUSTRIES AND MINES

APPELLANT(S)

VERSUS

SUBHASH BHAI ISHWAR BHAI PARMAR &amp; ORS.

RESPONDENT(S)

(IA No. 186238/2022 - DELETING THE NAME OF PETITIONER/RESPONDENT,  
IA No. 186233/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT, IA No. 186234/2022 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES, IA No. 186232/2022 - STAY APPLICATION)

Date : 09-12-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s)

Mr. Tushar Mehta, Ld. SG  
Ms. Aishwarya Bhati, ASG  
Mr. Parth Bhatt, Adv.  
Ms. Swati Ghildiyal , AOR  
Ms. Devyani Bhatt, Adv.  
Mr. B.L.N. Shivani, Adv.  
Ms. Shreya Jain, Adv.

For Respondent(s)

UPON hearing the counsel, the Court made the following  
O R D E R

Issue notice, returnable in the month of March 2023.

Tag with Civil Appeal No. 8551/2022.

After the District Survey Reports are approved, it will be  
open to the appellant to file an appropriate application for  
directions before this Court.

Signature Not Verified  
Digitally signed by  
NIRMALA NEGI  
Date: 2022.12.10  
14:59:36 IST  
Reason: 

(POOJA SHARMA)  
COURT MASTER (SH)

(R.S. NARAYANAN)  
COURT MASTER (NSH)

ITEM NO.35

COURT NO.3

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SCivil Appeal No. 8945/2022

DEPARTMENT OF INDUSTRIES AND MINES

Appellant(s)

VERSUS

SUBHASH BHAI ISHWAR BHAI PARMAR &amp; ORS.

Respondent(s)

(IA No. 186238/2022 - DELETING THE NAME OF PETITIONER/RESPONDENT, IA No. 186233/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 186234/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 186232/2022 - STAY APPLICATION)

Date: 12-12-2023 This matter was called on for a hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Appellant(s)

Ms. Aishwarya Bhati, A.S.G.  
Ms. Swati Ghildiyal, AOR  
Ms. Devyani Bhatt, Adv.  
Ms. Parth Bhatt, Adv.

For Respondent(s)

Ms. Aastha Mehta, Adv.  
Ms. Deepanwita Priyanka, AOR  
Ms. Prerna Mohapatra, Adv.  
Ms. Yasha Goyal, Adv.

UPON hearing the counsel, the Court made the following  
O R D E R

We are drawn to paragraph 15 of the affidavit-cum-status report filed on behalf of the State of Gujarat.

The learned Additional Solicitor General will ascertain whether the Government of Gujarat would like to revive the earlier

uses/licenses or undertake a fresh e-auction exercise. While making the decision, the State of Gujarat will also consider the revenue/commercial perspective.

Let an affidavit in the above regard be filed within fifteen days from today.

Re-list in February 2024.

(DEEPAK GUGLANI)  
AR-cum-PS

(R.S. NARAYANAN)  
ASSISTANT REGISTRAR

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 8945 of 2022

DEPARTMENT OF INDUSTRIES AND MINES

APPELLANT(S)

VERSUS

SUBHASH BHAI ISHWAR BHAI PARMAR & ORS.

RESPONDENT(S)

O R D E R

Application for deletion of the respondent no. 3 is allowed, subject to all just exceptions.

Permission to file application(s) for impleadment is allowed.

Application(s) seeking impleadment is allowed, subject to all just exceptions.

The State of Gujarat has filed an affidavit in terms of the order dated 12.12.2023.

Without making any comments on the affidavit filed by the State of Gujarat, we accept the prayer that a fresh Notice Inviting Tender (NIT) may not be issued. The State of Gujarat is, therefore, at liberty to proceed in accordance with law, where District Survey  
ports have been duly approved.

Signature Not Verified  
Digitally signed by  
Deepak Gujral  
Date: 2024.03.02  
13:42:17 IST  
Reason: 

The impugned judgment is set aside and the appeal is allowed in the above terms.

Pending application(s), if any, shall stand disposed of.

.....J.  
(SANJIV KHANNA)

.....J.  
(DIPANKAR DATTA)

NEW DELHI;  
FEBRUARY 27, 2024.

ITEM NO.14

COURT NO.2

SECTION XVII

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**CIVIL APPEAL NO. 8945 of 2022**

DEPARTMENT OF INDUSTRIES AND MINES

APPELLANT(S)

VERSUS

SUBHASH BHAI ISHWAR BHAI PARMAR &amp; ORS.

RESPONDENT(S)

(IA No. 149444/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 186238/2022 - DELETING THE NAME OF PETITIONER/RESPONDENT, IA No. 186233/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 17111/2024 - INTERVENTION/IMPLEADMENT, IA No. 186234/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 186232/2022 - STAY APPLICATION)

Date : 27-02-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Appellant(s)

Ms. Aishwarya Bhati, A.S.G.  
Ms. Swati Ghildiyal, AOR  
Ms. Parth Bhatt, Adv.  
Ms. Devyani Bhatt, Adv.  
Ms. Shreya Singh, Av.  
Ms. Shivani B., Adv.

For Respondent(s)

Ms. Aastha Mehta, Adv.  
Ms. Deepanwita Priyanka, AOR  
Ms. Prerna Mohapatra, Adv.  
Ms. Yasha Goyal, Adv.

Mr. Subodh Kr. Pathak, Adv.  
Mr. Shashi Ranjan, Adv.  
Mr. Anirudh Singh Katoch, Adv.  
Mr. Pawan Kumar Sharma, Adv.  
Mr. Dharmendra Kumar Sinha, AOR

Mr. Mahabir Singh, Sr. Adv. (N/P)  
Mr. Ram Naresh Yadav, AOR  
Mr. Sarvesh Kumar, Adv.  
Mr. Pushpinder Kumar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Application for deletion of the respondent no. 3 is allowed,  
subject to all just exceptions.

Permission to file application(s) for impleadment is allowed.

Application(s) seeking impleadment is allowed, subject to all  
just exceptions.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)  
AR-cum-PS

(R.S. NARAYANAN)  
ASSISTANT REGISTRAR

(signed order is placed on the file)

259

105



Dalmia Law Office <dalmialawoffices@gmail.com>

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**Reply filed on behalf of Respondent No. 6 in OA No. 1251 of 2024 being 'Anees Ali v State of UP'**

1 message

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**Dalmia Law Office** <dalmialawoffices@gmail.com>

Tue, Feb 25, 2025 at 12:27 PM

To: Ajit Sharma <sharma.ajit@gmail.com>

Dear Sir ,

Kindly find the attached reply filed on behalf of Respondent No 6 in the above captioned matter.

Regards

Chambers of Vanshdeep Dalmia  
Advocate on Record  
O: 206, Jor Bagh, New Delhi-110003  
M: +91-9810077085

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 **Final Reply - Anees Ali - saharanpur mines.pdf**  
24988K