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BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 1025/2024

SURENDER SINGH PARIHAR

APPLICANT

VERSUS

STATE OF U.P. & ORS.

RESPONDENT(S)

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THROUGH

Priyanka

Place: New Delhi
Date:05/01/2026

Priyanka swami
Standing Counsel For SEIAA, U.P.
Advocate
F-13, Jangpura, New Delhi 110014
E-mail: advpriyankaswami@gmail.com

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REPLY ON BEHALF OF SEIAA, U.P. WITH AFFIDAVIT

MOST RESPECTFULLY SHOWETH:

- 1.** That the issues raised in the Original Application pertain to alleged non-compliance of the conditions of Environmental Clearance granted to the Project Proponent for mining activities at Village Kharwanch, Tehsil Garautha, District Jhansi, Uttar Pradesh.
- 2.** That pursuant to consideration of the Joint Committee Report, the matter was placed before the State Level Environment Impact Assessment Authority, Uttar Pradesh in its meeting held on 26.12.2025, wherein the findings relating to non-compliance of Environmental Clearance conditions and Consent conditions were duly examined.

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3. That upon due deliberation, SEIAA, U.P. recorded its satisfaction that the Project Proponent had not complied with the conditions of the Environmental Clearance and that mining activities were being carried out in an unsystematic and haphazard manner, as recorded in the minutes of the Authority's meeting dated 26.12.2025. **True copy of minutes of the 935th meeting dated 26.12.2025 is attached herewith and marked as Annexure-01**
4. That consequently, SEIAA, U.P. resolved to issue a Show Cause Notice to the Project Proponent calling upon it to explain as to why the Environmental Clearance bearing Identification No. EC-218001UP188973 dated 26.11.2021 should not be cancelled for non-compliance of Environmental Clearance conditions.
5. That in furtherance of the aforesaid decision, a Show Cause Notice dated 02.01.2026 was duly issued by the Member Secretary, SEIAA, U.P. to the Project Proponent, granting time to submit its reply within the stipulated period, the intimation of the same was also sent to the Director, Department of Geology and Mining, Lucknow; the District Magistrate, Jhansi; and the Regional Officer, Uttar Pradesh Pollution Control Board, Jhansi, for implementation on ground. **True copy of show cause notice dated 02.01.2026 is attached herewith and marked as Annexure-02 (Colly.)**

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6. That the State Environment Impact Assessment Authority, Uttar Pradesh (SEIAA, U.P.), vide its communications dated 02.01.2026, addressed to the District Magistrate, Jhansi, the Director, Directorate of Geology and Mining, Uttar Pradesh, and the Regional Officer, Uttar Pradesh Pollution Control Board, Jhansi, called upon the said authorities to take necessary action strictly in accordance with the applicable statutory provisions and to intimate the action taken to the SEIAA. It is further submitted that copies of the aforesaid communications were duly served upon the Project Proponent at its registered address through Speed Post.
7. That the aforesaid actions demonstrate due compliance with the directions of this Hon'ble Tribunal and establish that SEIAA, U.P. has acted strictly in accordance with the Environmental Impact Assessment Notification, 2006 and other applicable environmental laws.
8. That the present reply is filed bona fide in compliance with the directions of this Hon'ble Tribunal and no material fact has been concealed therefrom.

THROUGH



Place: New Delhi
Date: 05/01/2026

Priyanka swami
Standing Counsel For SEIAA, U.P.
Advocate
F-13, Jangpura, New Delhi 110014
E-mail: advpriyankaswami@gmail.com

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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1025/2024

SURENDER SINGH PARIHAR**APPLICANT****VERSUS****STATE OF U.P. & ORS.****RESPONDENT(S)****AFFIDAVIT**

I, Vidhyotma Bharti, aged about 49 years w/o Dr. G.L. Nigam is presently posted as Assistant Director, Regional Office, Noida, Directorate of Environment, U.P., having an office at E-12/1, Noida, U.P., presently at New Delhi, do hereby solemnly affirm and declare as under: -

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit on behalf of Member Secretary, SEIAA before this Tribunal.
2. That the accompanying Reply has been drafted by our counsel upon my instructions.
3. That the contents of the accompanying Reply are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.



4. That the Deponent will continue to extend her full cooperation and shall abide by any further directions that the Hon'ble Tribunal may issue.

I identified the deponent who has signed in my presence
Adv. Brijendra Sekari
21/447/10
VERIFICATION



V. Shrivastava

DEPONENT

Verified on solemn affirmation at New Delhi on this 05 JAN 2026 day of 2026, that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom

V. Shrivastava
DEPONENT

ATTESTED
NOTARY PUBLIC
(INDIA)

05 JAN 2026

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 935th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 26-12-2025 Part-B

The meeting of 935th State Level Environment Impact Assessment Authority, UP (SEIAA) was held online on 26.12.2025 the Directorate of Environment. The following were present in the meeting: -

1. Shri Anupam Gupta
2. Shri Amit Chandra
3. Shri Manish Mittal

- Chairman, SEIAA, U.P
Member, SEIAA, U.P
Member Secretary, SEIAA, U.P

1. **Hon'ble NGT Order dated 17.07.2025 in O.A No. 1025/2024 Surender Singh Parihar Vs State of Uttar Pradesh, Secretary & Ors.**
Sand/Morrum Mining Project at Dhasan River, Gata No.- 908 Na, Khand No.- 2, Village: Kharwanch, Tehsil Garautha & District: Jhansi, State: Uttar Pradesh., Shri Dinesh Kumar, M/s Bharosa Sarkar Contractor Suppliers., Area: 20 ha. File no. 5542/SIA/UP/ MIN/51345/2020.

SEIAA gone through the Hon'ble NGT order dated 05.11.2024 in Original Application No. 1025/2024 Surender Singh Parihar Vs State of Uttar Pradesh, Secretary & Ors. Operative part of the order is as follow:-

"...4. We accordingly constitute a Joint Committee comprising District Magistrate, Jhansi; Uttar Pradesh State Pollution Control Board; and Central Pollution Control Board

5. Central Pollution Control Board shall be Nodal Authority for coordination and compliance of this order.

6. Said Committee shall collect relevant information, visit the site, examine compliance of conditions of environmental clearance and consent and submit a factual report within six weeks..."

SEIAA also gone through the Hon'ble NGT order dated 17.07.2025 in Original Application No. 1025/2024 operative part of the order is as follow:-

"...4. Report dated 21.01.2025 of the Joint Committee was filed by the CPCB.

11. In their responses, respondents no. 2 and 6 shall specifically mention action taken/to be taken with respect to the deficiencies pointed 3 out and recommendations made by the Joint Committee and compliance of EC/consent condition/environmental norms by the project proponent..."

The report of joint committee states as follows:-

"...4.17 The project proponent has not carried out adequate plantation in compliance of CTO & EC condition.



- 4.18 The project proponent has not carried out primary survey of flora and fauna, Hydro-geological study as per EC conditions.
- 4.19 The project proponent has not obtained NOC for ground water abstraction from SGWA as per condition of CTO granted by UPPCB
- 4.20 Mining is permitted upto the depth of 03m or upto water level, whichever comes first. At the time of inspection, it was observed that mining was done in most part of the lease area and due to mining water had come on top surface, due to which river water was seen to have widened at some points along the stretch of river. The excavations were done in unsystematic and haphazard manner, which may hamper the natural flow of the river. Mining pits were found filled with water hence, depth of mining pit could not be measured
- 4.21 The applicant alleged that no CCTV has been installed. During visit, it was observed that the PP has installed two weighing bridge. One weighing bridge has been installed at Village-Kharwanch (Jhansi). Which is adjacent to the mining site. Another weighing bridge has been installed at Village Gandhar (Hamirpur), which is located approx.11 km away from the mining sites. CCTV cameras (02 nos at each weighing bridge) and one PTZ camera each was found installed at both weighing bridge areas
- 4.22 It is informed by the mining officer, weighing bridge at Village-Gandhar (Hamirpur) is used as main route for transportation of sand/morum by the PP.
- 4.23 It is informed by the mining officer, both weighing bridge and CCTV cameras are linked with Mining Department. During visit, PTZ camera at Village-Kharwanch (Jhansi) was found non-operational. Mining Department has imposed for a penalty of Rs 6,50,000.00/- in this regard vide letter number 973/30MMC/2024-25 dated 17/12/2024. While, remaining cameras were found operational. Copy of letter is annexed as Annexure No. XI.
- 4.24 As per NGT order, the applicant has alleged that heavy Poclairn machines is being used for extracting Morum from the stream of river. During visit, mining activity was not carried out. Hence, committee could not verify the same.
- 4.25 As per NGT order, the applicant has alleged that the transport of mineral is by overloaded vehicles and mineral is transported uncovered causing emission of dust and resulting air pollution. During visit, mining activity was not carried out. Hence, committee could not verify the same
- 4.26 The compliance status of CCA and EC is annexed as Annexure No. XII

5 Recommendations:

It is evident from above observation that the PP has not complied with the conditions of the EC granted by SEIAA as well as CTO granted by UPPCB (4.17 to 4.19 above) and the mining has been carried out in unsystematic and haphazard manner (observation 4.20 above)..."



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Hence SEIAA opined to issue a show cause notice to the project proponent regarding non-compliance of Environmental Clearance conditions as submitted by the joint committee. Project proponent is required to clarify the above within 15 days- As to why EC Identification No. - EC21B001UP188973 dated 26.11.2021 should not be cancelled.

A letter shall also be send to DM, Jhansi, DGM and RO, UPPCB to take necessary action as per statutory provisions.


(Shri Anupam Gupta)
Chairman
SEIAA


(Shri Manish Mittal)
Member-Secretary
SEIAA


(Shri Amit Chandra)
Member
SEIAA

ANNEXURE -02 (COLLY)

mail

speed-post

Show-cause Notice

To,

Shri Dinesh Kumar,
M/s Bharosa Sarkar Contractor & Suppliers,
Village- Bharosa, Tehsil- Moth,
District- Jhansi, U.P.

Ref. No.....67...../Parya/SEIAA/5542/2020

Date: 02 January, 2026

विषय: Environmental Clearance for Proposed Sand/Morrum Mining Project at Dhasan River, Gata No.- 908 Na, Khand No.- 2, Village: Kharwanch, Tehsil Garautha & District: Jhansi, M/s Bharosa Sarkar Contractor Suppliers., Area: 20 ha. File no- 5542 को कारण-बताओ नोटिस।

महोदय,

राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण द्वारा आहूत 935 वी बैठक दिनांक 26.12.2025 में निम्नानुसार निर्णय लिया गया-

SEIAA gone through the Hon'ble NGT order dated 05.11.2024 in Original Application No. 1025/2024 Surender Singh Parihar Vs State of Uttar Pradesh, Secretary & Ors. Operative part of the order is as follow:-

"...4. We accordingly constitute a Joint Committee comprising District Magistrate, Jhansi; Uttar Pradesh State Pollution Control Board; and Central Pollution Control Board

5. Central Pollution Control Board shall be Nodal Authority for coordination and compliance of this order.

6. Said Committee shall collect relevant information, visit the site, examine compliance of conditions of environmental clearance and consent and submit a factual report within six weeks..."

SEIAA also gone through the Hon'ble NGT order dated 17.07.2025 in Original Application No. 1025/2024 operative part of the order is as follow:-

"...4. Report dated 21.01.2025 of the Joint Committee was filed by the CPCB.

11. In their responses, respondents no. 2 and 6 shall specifically mention action taken/to be taken with respect to the deficiencies pointed 3 out and recommendations made by the Joint Committee and compliance of EC/consent condition/environmental norms by the project proponent..."

The report of joint committee states as follows:-

"...4.17 The project proponent has not carried out adequate plantation in compliance of CTO & EC condition.

- 4.18 The project proponent has not carried out primary survey of flora and fauna, Hydro-geological study as per EC conditions.
- 4.19 The project proponent has not obtained NOC for ground water abstraction from SGWA as per condition of CTO granted by UPPCB
- 4.20 Mining is permitted upto the depth of 03m or upto water level, whichever comes first. At the time of inspection, it was observed that mining was done in most part of the lease area and due to mining water had come on top surface, due to which river water was seen to have widened at some points along the stretch of river. The excavations were done in unsystematic and haphazard manner, which may hamper the natural flow of the river. Mining pits were found filled with water hence, depth of mining pit could not be measured
- 4.21 The applicant alleged that no CCTV has been installed. During visit, it was observed that the PP has installed two weighing bridge. One weighing bridge has been installed at Village-Kharwanch (Jhansi). Which is adjacent to the mining site. Another weighing bridge has been installed at Village Gandhar (Hamirpur), which is located approx.11 km away from the mining sites. CCTV cameras (02 nos at each weighing bridge) and one PTZ camera each was found installed at both weighing bridge areas
- 4.22 It is informed by the mining officer, weighing bridge at Village-Gandhar (Hamirpur) is used as main route for transportation of sand/morum by the PP.
- 4.23 It is informed by the mining officer, both weighing bridge and CCTV cameras are linked with Mining Department. During visit, PTZ camera at Village-Kharwanch (Jhansi) was found non-operational. Mining Department has imposed for a penalty of Rs 6,50,000.00/- in this regard vide letter number 973/30MMC/2024-25 dated 17/12/2024. While, remaining cameras were found operational. Copy of letter is annexed as Annexure No. XI.
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- 4.26 The compliance status of CCA and EC is annexed as Annexure No. XII

5 Recommendations:

It is evident from above observation that the PP has not complied with the conditions of the EC granted by SEIAA as well as CTO granted by UPPCB (4.17 to 4.19 above) and the mining has been carried out in unsystematic and haphazard manner (observation 4.20 above)..."

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Hence SEIAA opined to issue a show cause notice to the project proponent regarding non-compliance of Environmental Clearance conditions as submitted by the joint committee. Project proponent is required to clarify the above within 15 days- As to why EC Identification No. - EC21B001UP188973 dated 26.11.2021 should not be cancelled.

उपरोक्त निर्णय के क्रम में पर्यावरण स्वच्छता प्रमाण-पत्र दिनांक 26.11.2021 में वर्णित सामान्य शर्तों का उल्लंघन किये जाने के कारण आपको कारण बताओ नोटिस निर्गत किया जाता है कि क्यों न पर्यावरण निदेशालय, उ०प्र० के पत्रांक EC Identification No. - EC21B001UP188973 File No. - 5542 दिनांक 26.11.2021 द्वारा निर्गत पूर्व पर्यावरण स्वीकृति को निरस्त कर दिया जायें।

उपरोक्त कारण बताओ नोटिस का उत्तर पत्र प्राप्ति से 15 दिन के अन्दर सुसंगत दस्तावेजों सहित प्रेषित करना सुनिश्चित करें। निर्धारित अवधि में संतोषजनक उत्तर प्राप्त न होने पर पर्यावरण निदेशालय, उ०प्र० के पत्रांक EC Identification No. - EC21B001UP188973 File No. - 5542 दिनांक 26.11.2021 द्वारा निर्गत पूर्व पर्यावरण स्वीकृति को निरस्त करने की कार्यवाही प्रारम्भ कर दी जायेगी, जिसके लिये आप स्वयं उत्तरदायी होंगे।

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भवदीय,

 (मनीष मि्तल)
 आई०एफ०एस०
 सदस्य सचिव,
 एस०ई०आई०ए०



प्रेषक,

सदस्य सचिव,
एस0ई0आई0ए0ए0,
गोमती नगर, लखनऊ।

सेवा में,

1. निदेशक, भूतत्व एवं खनिकर्म विभाग, लखनऊ।
2. जिलाधिकारी, झांसी।
3. क्षेत्रीय अधिकारी, उ0प्र0प्रदूषण नियंत्रण बोर्ड, झांसी।

पत्रांक : 68 /पर्या./5542/2025

दिनांक 02 जनवरी, 2026

विषय:- Sand/Morrum Mining Project at Dhasan River, Gata No.- 908 Na, Khand No.- 2, Village: Kharwanch, Tehsil Garautha & District: Jhansi, State: Uttar Pradesh., Shri Dinesh Kumar, M/s Bharosa Sarkar Contractor Suppliers., Area: 20 ha. File no. 5542/SIA/UP/MIN/51345/2020 के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषय पर राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण, उ0प्र0 की 935वीं बैठक दिनांक 26.12.2025 में विचार कर निम्नवत् निर्णय लिया गया :-

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"...4. We accordingly constitute a Joint Committee comprising District Magistrate, Jhansi; Uttar Pradesh State Pollution Control Board; and Central Pollution Control Board

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Hence SEIAA opined to issue a show cause notice to the project proponent regarding non-compliance of Environmental Clearance conditions as submitted by the joint committee. Project proponent is required to clarify the above within 15 days- As to why EC Identification No. - EC21B001UP188973 dated 26.11.2021 should not be cancelled.

A letter shall also be send to DM, Jhansi, DGM and RO, UPPCB to take necessary action as per statutory provisions.

प्राधिकरण की बैठक में लिये गये निर्णय के आलोक में सम्बन्धित कार्यवृत्त की प्रति इस अनुरोध के साथ प्रेषित है कि उक्त के सम्बन्ध में आवश्यक कार्यवाही करते हुये कृत कार्यवाही से इस कार्यालय को अवगत कराने का कष्ट करें।

संलग्नक- यथोक्त।

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भवदीय,

(मनीष मिश्रा)

आई०एफ०एस०

सदस्य सचिव,

एस०ई०आई०ए०ए०

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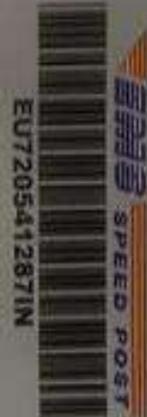
APPLICATION FOR PRIOR ENVIRONMENTAL CLEARANCE

S. No.	Item	Details
1.	<p>Whether it is a violation case and application is being submitted under Notification No. S.O.804(E) dated 14.03.2017 ?</p> <p>Details of Project:</p> <p>(a) Name of the project(s)</p> <p>(b) Name of the Company / Organisation</p> <p>(c) Registered Address</p> <p>(d) Legal Status of the Company</p>	<p>No</p> <p>M/s Bharosa Sarkar Contractor and Suppliers located Gata No. 908 Na (Khand No. 2), Village- Kharwanch, Tehsil- Garautha, District- Jhansi, (U.P.)</p> <p>M/S BHAROSA SARKAR CONTRACTOR AND SUPPLIERS</p> <p>Village- Kharwanch, Tehsil- Garautha, District- Jhansi, Uttar Pradesh,,Jhansi,Uttar Pradesh-284203</p> <p>Private</p>
2.	<p>Address for the correspondence:</p> <p>(a) Name of the Applicant</p> <p>(b) Designation (Owner/ Partner/ CEO)</p> <p>(c) Address</p> <p>(d) Pin code</p> <p>(e) E-mail</p> <p>(f) Telephone No.</p> <p>(g) Fax No.</p> <p>(h) Copy of documents in support of the competence/authority of the person making this application to make application on behalf of the User Agency .</p>	<p>Dinesh Kumar</p> <p>Owner</p> <p>Village- Kharwanch, Tehsil- Garautha, District- Jhansi, Uttar Pradesh,,Garautha,Jhansi,Uttar Pradesh-284203</p> <p>284203</p> <p>bharosasarkar@gmail.com</p> <p>522-4007470</p> <p>Annexure-Uploaded Copy of documents in support of the competence/authority.</p>
3.	<p>Category of the Project/Activity as per Schedule of EIA Notification, 2006:</p> <p>(a) Major Project/Activity</p> <p>(b) Minor Project/Activity</p> <p>(c) Category</p> <p>(d) Proposal Number</p> <p>(e) Master Proposal Number(Single Window)</p> <p>(f) EAC concerned (for category A Projects only)</p> <p>(g) Project Type</p>	<p>1(a) Mining of minerals</p> <p>NIL</p> <p>B1</p> <p>SIA/UP/MIN/51345/2020</p> <p>SW/221244/2021</p> <p>Non-Coal Mining</p> <p>Fresh EC</p>
4.	<p>Location of the Project:</p> <p>(a) Plot/Survey/Khasra No.</p> <p>(b) Pincode</p> <p>(c) Bounded Latitudes (North)</p> <p>From</p> <p>Degree</p> <p>Minutes</p> <p>Second</p> <p>From</p> <p>Degree</p> <p>Minutes</p> <p>Second</p> <p>(d) Bounded Longitudes (East)</p> <p>From</p> <p>Degree</p> <p>Minutes</p> <p>Second</p> <p>From</p> <p>Degree</p> <p>Minutes</p> <p>Second</p> <p>(e) Survey of India Topo Sheet No.</p> <p>(f) Uploaded Topo Sheet File</p> <p>(g) Maximum Elevation Above Means Sea Level(AMSL)</p> <p>(h) Uploaded (kml) File</p> <p>(i) Distance of Nearest HFL from the project boundary within the study area</p> <p>(j) Seismic Zone</p>	<p>908Na (Khand No. 2)</p> <p>284203</p> <p>25</p> <p>42</p> <p>18.60</p> <p>25</p> <p>43</p> <p>45.00</p> <p>79</p> <p>22</p> <p>42.50</p> <p>79</p> <p>23</p> <p>23.30</p> <p>540/5 & 540/6</p> <p>Copy of Topo Sheet File</p> <p>124</p> <p>Copy of Kml File </p> <p>112.98</p> <p>3</p>

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