

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
IA NO. 744 - 745 OF 2023
IN
ORIGINAL APPLICATION NO. 591 OF 2023**

IN THE MATTER OF:-

SATISH

...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT FORESTS

& CLIMATE CHANGE & ORS.

...RESPONDENTS

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 THROUGH
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Date: 01.05.2024

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**Reply on behalf of respondent No. 03 i.e. State Level Environment
Impact Assessment Authority, U.P. ("SEIAA")**

MOST RESPECTFULLY SHOWETH: -

PRELIMINARY SUBMISSIONS:

- I. At the outset, the answering respondent denies each and every allegation, contention and/or insinuation contained in the instant Application, which is contrary to and/or inconsistent with what is stated hereinafter. In any event, nothing contained in the Application which is not specifically admitted herein, be deemed to have been admitted, for want of denials or otherwise.
- II. Ministry of Environment and Forest, Govt. of India through its notification dated 14/09/2006 (as amended) has made it mandatory to obtain Prior Environmental Clearance prior to establishment or

expansion of any such project or activity which is listed in the schedule of notification.

Environmental clearance shall be required for:

- a) All new projects or activities listed in the Schedule to this notification.
- b) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- c) Any change in product-mix in an existing manufacturing unit included in Schedule beyond the specified range.
- d) Objective of this process is to impose certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts.

III. The environmental clearance shall be taken from Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level, the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity. The State Environment Impact Assessment Authority (SEIAA) shall base its decision on the recommendations of a State level Expert Appraisal Committee (SEAC).

- IV. The SEIAA and SEAC, Uttar Pradesh have been constituted by Ministry of Environment and Forest & CC, Govt. of India vide notification bearing no. S.O 3338(E) dt. 16.10.2017 and subsequently reconstituted through notification bearing no. S.O. 2276(E) dated 11/06/2021
- V. Directorate of Environment, Govt. of U.P. has been declared to function as Secretariat to these statutory bodies i.e. SEIAA and SEAC by State Government.
- VI. All such project proposals received to the SEIAA, UP for Prior Environmental Clearance are dealt according to the EIA Notification, 2006 (as amended).

Reply on Merits:

1. It is submitted an online application made on 29.09.2021 for Environmental Clearance (EC) for “Ordinary Sand Mining Project” at Gata No. 259Ga, 258 Ga & 258Kha, Village/Ghat-Chivarahiya, Tehsil-Naugarh, District- Siddharthnagar, U.P., Shri Sunil Kumar Jaiswal” Vide Proposal No. SIA/UP/MIN/231984/2021 under 1(a) category of EIA notification 2006 (as amended). The hard copy of the application was received on 02.11.2021. The case was considered by SEAC in its 590th meeting dt. 09.11.2021. During the meeting, the project proponent along with his consultant made presentation. The committee discussed the matter and recommended grant of Environmental Clearance for the project proposal along with general and specific conditions. Copy of minutes of 590th SEAC, Meeting held on 09.11.2021 is being filed herewith and marked as **Annexure no.01**

2. Subsequently, the case was considered in 527th SEIAA meeting dt. 02.12.2021 wherein State Level Environment Impact Assessment Authority agreed with recommendation of SEAC-2 to grant Environmental Clearance to the project. Copy of minutes of 527th SEIAA meeting held on 02.12.2021 is being filed herewith and marked as **Annexure no.02**
3. Further, SEIAA, issued Environmental Clearance for proposed project to effective implementation of general and specific condition imposed vide EC Identification no EC21B001UP153109 dated: 14.12.2021.

Copy of Environmental Clearance letter dated 14.12.2021 is being filed herewith and marked as **Annexure no.03**

4. It is also required to submit that the geo-coordinates mentioned in environmental clearance letter dated 14/12/2021 are same as the geo-coordinates mentioned in application (Form-1, Pre-feasibility Report), approved mining plan and presentation documents submitted by project proponent.
5. After the grant of EC, a complaint letter dated 07.11.2022 of Shri Satish, S/o Shri Barkhu, Kotiya Degar, Siddharthnagar, U.P. regarding the “Ordinary Sand Mining Project” at Gata No. 259Ga, 258 Ga& 258Kha, Village/Ghat-Chivarahiya, Tehsil-Naugarh, District- Siddharthnagar, U.P., Shri Sunil Kumar Jaiswal” for cancellation of illegal environmental clearance dated 14.12.2021 granted on the basis of fraud and mis-leading information by PP/Consultant was received.
6. Subsequently, the compliant letter was considered in 672nd SEIAA meeting dated 18.11.2022 wherein State Level Environment Impact Assessment Authority refer back to SEAC with following observation :-

“SEIAA gone through the letter of Mr. Satish dated 07-11-2022 regarding the above subject. SEIAA opined to refer the letter to SEAC-2 for necessary action as this project is being evaluated by them.”

Copy of minutes of 672nd SEIAA meeting held on 18.11.2022 is being filed herewith and marked as **Annexure no.04**

7. Subsequently, the said complaint dated 07.11.2022 & 28.10.2022 considered in 716th meeting dated 07.01.2023. The committee discussed the matter and made following observation :-

The committee has gone through the complaint letter dated 28/10/2022 of Shri Satish, S/o shri Barkhu, Kotiya Degar, Siddharthnagar, U.P. and decided to share the aforesaid complaint letter with the Project Proponent/Consultant to submit points-wise reply to the complaint made by the complainant.

The matter will be discussed after receipt of points-wise reply from the Project Proponent/Consultant.

Copy of minutes of 716th SEAC, Meeting held on 07.01.2023 is being filed herewith and marked as **Annexure no.05**

8. Subsequently, the project was considered in 697th SEIAA meeting dated 22.02.2023 wherein the State Level Environment Impact Assessment Authority agreed with the recommendations of the SEAC. Copy of minutes of 697th SEIAA, Meeting held on 22.02.2023 is being filed herewith and marked as **Annexure no.06**
9. Subsequently, the project was considered in 799th SEAC meeting dated 16.10.2023. The committee discussed the matter and made following observation :-

“...The matter listed again in SEAC meeting and the committee found that the project proponent/consultant has not submitted their reply.

Mr. Virendra Kumar on behalf of project proponent and Mr. Shikhar Srivastava, Consultant, M/s Earthvision India Associate Consultants present before the committee and committee directed to submit reply of compliant immediately. After receiving of reply from project proponent/consultant the matter will be listed in next meeting till then EC Identification no. EC21B001UP153109, dated 14/12/2021 for Sand Mining at Gata No. 259 Ga, 258 Ga, & 258 Kha, Village/Ghat-Chivarahiya, Tehsil-Naugarh, Siddharth Nagar, U.P., (Leased Area-2.32 Ha.) should be kept in abeyance.”

Copy of minutes of 799th SEAC, Meeting held on 16.10.2023 is being filed herewith and marked as **Annexure no.07**

10. Subsequently, the project was considered in 766th SEIAA meeting dated 25.10.2023 and made following observation:-

SEIAA agreed with the recommendations of the SEAC to keep EC Identification no. EC21B001UP153109, dated 14/12/2021 for Sand Mining at Gata No. 259 Ga, 258 Ga, & 258 Kha, Village/Ghat-Chivarahiya, Tehsil-Naugarh, Siddharth Nagar, U.P., (Leased Area-2.32 Ha.) in abeyance.

Copy of minutes of 766th SEAC, Meeting held on 25.10.2023 is being filed herewith and marked as **Annexure no.08**

11. Further, SEIAA, issued a letter no. 647/Parya/SEIAA/6599/2020, dated 10.11.2023 to keep EC Identification no. EC21B001UP153109, dated 14/12/2021 for Sand Mining at Gata No. 259 Ga, 258 Ga, & 258 Kha,

Village/Ghat-Chivarahiya, Tehsil-Naugarh, Siddharth Nagar, U.P.,
(Leased Area-2.32 Ha.) in abeyance till further orders.

Copy of letter dated 10.11.2023 is being filed herewith and marked as
Annexure no.09

12. Subsequently, the project was considered in 809th SEAC meeting dated 17.11.2023. The committee discussed the matter and made following observation :-

“...The committee has gone through the file and documents and observed that the project proponent/consultant has not submitted the reply of complaint letters till date.

The complainant Shri Satish, S/o Shri Barkhu, Kotiya Degar, Siddharthnagar, U.P. 272205, Mobile No. 7521941661, Aadhar No. 947812612654 present before the SEAC meeting and submitted an affidavit dated 25/10/2023 through which they have informed is as follows:

“...अवगत कराना है कि मैं सतीश पुत्र श्री बरखू कोटिया दीगर, सिद्धार्थनगर का निवाशी हूँ तथा राजगीर मिस्त्री का काम करता हूँ। मेरे गाँव के जानने वाले लोग मेरा आधार कार्ड मोबाइल सिम निकलवाने के लिए धोखे से लिये थे। मेरा नाम व आधार कार्ड का उपयोग करके मेरे नाम से उक्त वाद संख्या-591/2023 फर्जी तरीके से मुकदमा दाखिल कर दिया गया है जबकि मेरा हस्ताक्षर नहीं है। उपरोक्त मुकदमा पुनः दिनांक 07/12/2023 को सुनवाई हेतु लगा है। आपसे अनुरोध है कि उक्त मुकदमा खारिज करने की कृपा करें।”

The committee also observed that another complainant letter dated 04/11/2023 in name of Shri Satish received in Directorate of Environment, Vineet Khand, Gomti Nagar, Lucknow through speed post wherein:

“...You are required to immediately take action in the matter being a respondent in the NGT case and immediately pass orders to concerned authorities to stop the illegal mining in absence of which the liability of supporting violation shall remain with yourself.”

In view of above, the SEAC w of the opinion that the SEIAA may sent a letter to District Magistrate, Siddharthnagar on priority to provide the factual report within 05 days on the issues raised in compliant letters. The matter will be discussed in next meeting after receipt of factual report. Copy of minutes of 809th SEAC, Meeting held on 17.11.2023 is being filed herewith and marked as **Annexure no.10**

13. Subsequently, the project was considered in 777th SEIAA meeting dt. 21.11.2023 and made following observation:-

SEIAA agreed with the recommendation of SEAC to send a letter to District Magistrate, Siddharthnagar on priority to provide the factual report within 05 days on the issues raised in compliant letters. The matter will be discussed after receipt of factual report.

Copy of minutes of 777th SEIAA, Meeting held on 21.11.2023 is being filed herewith and marked as **Annexure no.11**

14. In continuation of 677th SEIAA meeting dated 21.11.2023, Directorate of Environment UP, has issued vide letter no. 686/Parya/6599/2022 dated: 30.11.2023 to District Magistrate, Sidharthnagar, U.P. Concerned copy of letter dated 30.11.2023 is being filed herewith and marked as **Annexure no.12**
15. District Magistrate, Sidharthnagar vide its letter no. 1072/Khanan Sahayak/2023-24, dated 07/12/2023 provided the factual report in

compliance of above letter. Copy of letter dated 07.12.2023 is being filed herewith and marked as **Annexure no.13**

16. The project proponent submitted an online EC amendment application on 16.12.2023 for “amendment in issued EC Identification No. EC21B001UP153109, dated 14.12.2023 for proposed Sand Mining at Gata No. 259 Ga, 258 Ga, & 258 Kha, Village/Ghat-Chivarahiya, Tehsil-Naugarh, Siddharth Nagar, U.P., (Leased Area-2.32 Ha.)” Vide Proposal No. SIA/UP/MIN/307406/2023 under 1(a) category of EIA notification 2006 (as amended).
17. The case was considered by SEAC in its 823rd meeting dated 09.01.2024. During the meeting, the project proponent along with his consultant made presentation. The committee discussed the matter and made following observation :-

The Secretariat informed the committee that the matter was earlier discussed in 809th SEAC meeting dated 17/11/2023 and decided is as follows:

“The complainant Shri Satish, S/o Shri Barkhu, Kotiya Degar, Siddharthnagar, U.P. 272205, Mobile No. 7521941661, Aadhar No. 947812612654 present before the SEAC meeting and submitted an affidavit dated 25/10/2023 through which they have informed is as follows:

“...अवगत कराना है कि मैं सतीश पुत्र श्री बरखू कोटिया दीगर, सिद्धार्थनगर का निवाशी हूँ तथा राजगीर मिस्त्री का काम करता हूँ। मेरे गाँव के जानने वाले लोग मेरा आधार कार्ड मोबाइल सिम निकलवाने के लिए धोखे से लिये थे। मेरा नाम व आधार कार्ड का उपयोग करके मेरे नाम से उक्त वाद संख्या-591/2023 फर्जी तरीके से मुकदमा दाखिल कर दिया गया है जबकि मेरा हस्ताक्षर नहीं है। उपरोक्त मुकदमा पुनः दिनांक 07/12/2023 को सुनवाई हेतु लगा है।

आपसे अनुरोध है कि उक्त मुकदमा खारिज करने की कृपा करें।”

The committee also observed that another complainant letter dated 04/11/2023 in name of Shri Satish received in Directorate of Environment, Vineet Khand, Gomti Nagar, Lucknow through speed post wherein:

“...You are required to immediately take action in the matter being a respondent in the NGT case and immediately pass orders to concerned authorities to stop the illegal mining in absence of which the liability of supporting violation shall remain with yourself.”

In view of above, the SEAC is of the opinion that the SEIAA may sent a letter to District Magistrate, Siddharthnagar on priority to provide the factual report within 05 days on the issues raised in compliant letters.”

In view of above decision, the Secretariat sent a letter no. 686/Parya/6599/2023, dated 30/11/2023 to District Magistrate, Siddharthnagar to provide factual report on the issues raised in complaint letter. District Magistrate, Siddharthnagar vide its letter no. 1072/Khanan Sahayak/2023-24, dated 07/12/2023 provided the factual report in compliance of above letter and mentioned is as follows:

“...जनपद सिद्धार्थनगर के तहसील नौगढ़ क्षेत्रान्तर्गत रिक्त साधारण बालू खनन क्षेत्र ग्राम-चिवरहिया के गाटा संख्या-259ग, 258ग, 258ख, क्षेत्रफल 2.32 हे० का 05 वर्षीय खनन पट्टा व्यवस्थापन हेतु इस कार्यालय द्वारा विज्ञप्ति संख्या 139/खनन सहा०/विज्ञप्ति-बालू/2021-2022, दिनांक 20.06.2021 आमंत्रित की गयी थी। उक्त विज्ञप्ति के क्रम में सर्वोच्च बोलीदाता श्री सुनील कुमार जायसवाल पुत्र श्री छोटेलाल जायसवाल निवासी-ग्राम टडिया, बाजार, थाना जोगिया उदयपुर, सिद्धार्थनगर के पक्ष में आशय पत्र (एल०ओ०आई०) पत्र सं०-201/खनन सहा०, दिनांक 17.08.2021 तत्कालीन जिलाधिकारी महोदय द्वारा सशर्त निर्गत किया गया। उक्त के क्रम में उक्त क्षेत्र हेतु श्री

सुनील कुमार जायसवाल द्वारा EC Identification No. EC21B001UP153109 दिनांक 14.12.2021 सक्षम स्तर से प्राप्त जिलाधिकारी कार्यालय में प्रस्तुत किया गया। तत्पश्चात उक्त विज्ञापित क्षेत्र का खनन पट्टा विलेख दिनांक 03.01.2022 को निष्पादित हुआ। शिकायती पत्र दिनांक 02.11.2023 के साथ संलग्न SEAC की बैठक दिनांक 16.10.2023 के Minutes के क्रम में जिलाधिकारी कार्यालय में उपलब्ध अभिलेखों में पाया गया कि पट्टेदार श्री सुनील कुमार द्वारा तत्समय सक्षम स्तर से प्राप्त कर जिलाधिकारी कार्यालय में प्रस्तुत किये गये। अनुमोदित खनन योजना एवं पर्यावरण अनापत्ति (ई0सी0) में अंकित जिओ-कोआर्डिनेट्स, उक्त खनन क्षेत्र व्यवस्थापन हेतु जिलाधिकारी कार्यालय द्वारा आमंत्रित विज्ञप्ति संख्या 139/खनन सहा0/विज्ञप्ति-बालू/2021-2022, दिनांक 20.06.2021, उक्त क्षेत्र की सीमांकन आख्या दिनांक 30.12.2021 एवं निष्पादित पट्टा विलेख दिनांक 03.01.2022 में अंकित जिओ-कोआर्डिनेट्स से भिन्न होने के कारण जिलाधिकारी महोदय द्वारा श्री सुनील कुमार के पक्ष में निष्पादित बालू खनन क्षेत्र चिवरहिया के गाटा संख्या-259ग, 258ग, 258ख, क्षेत्रफल 2.32 हे0 का खनन/परिवहन, जिलाधिकारी कार्यालय के पत्रांक-1044/खनन सहायक/2023-24, दिनांक 23.11.2023 द्वारा तत्काल प्रभाव से प्रतिबन्धित करते हुए, संशोधित अद्यतन खनन योजना एवं पर्यावरण अनापत्ति सक्षम स्तर से प्राप्त कर, जिलाधिकारी कार्यालय सिद्धार्थनगर में प्रस्तुत करने हेतु निर्देशित किया गया है। वर्तमान में मौके पर साधारण बालू खनन/परिवहन पूर्णतय: बन्द है।”

The matter was again listed in 823rd SEAC meeting dated 09/01/2024. 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 Earthvision India Associate Consultants. The project proponent submit the following point wise reply of the compliant letter:

1. दिनांक 20.06.2021 को ई-टेंडर प्रकाशित हुआ था, जिसमें कोआर्डिनेट अंकित था परन्तु लेटर आफ इन्डेंट दिनांक 17.08.2021 में कोआर्डिनेट अंकित नहीं था जिसके कारण माइनिंग प्लान बनाते समय टर्कण त्रुटिवश गलत कोआर्डिनेट अंकित हो गया है एवं तदनुसार ई0सी0 हेतु आवेदन में भी माइनिंग प्लान वाले गलत कोआर्डिनेट अंकित हो गये इसी के फलस्वरूप ई0सी0 में माइनिंग प्लान एवं आवेदन वाले कोआर्डिनेट अंकित हुए हैं।

उल्लेखनीय है कि गाटा सं0-259ग, 258ग, 258ख, क्षेत्रफल 2.3200हे0 में जिस क्षेत्र में माइनिंग की गई है वह सीमांकन आख्या तथा टेंडर में प्रकाशित कोआर्डिनेट के अनुसार ही है।

2. दूसरा आरोप है कि उक्त गाटा नो मेन्स लैण्ड इन्टरनेशनल बार्डर पर स्थित है। इसके संबंध में अवगत कराना है कि एस0डी0एम0 के पत्र सं0- 3068/आशुलि/2023-24 दिनांक 22.11.2023 द्वारा अवगता कराया गया है कि उक्त खनन क्षेत्र नो मेन्स लैण्ड में नहीं है। यह खनन क्षेत्र भारतीय सीमा के अन्दर पाया गया है।
3. शिकायतकर्ता का आरोप है कि उक्त गाटे का रिप्लेसमेन्ट स्टडी नहीं कराया गया है इस संबंध में रिप्लेसमेन्ट स्टडी की फोटोप्रति संलग्न है।
4. उक्त क्षेत्र के सीमांकित नक्शे में जो बिन्दू A,B,C,D दर्शाया गया है उसका क्रमांक A,B,C,D के स्थान पर त्रुटिवश B, A, D, C गलत अंकित हो गया था, जिसके संबंध में दिनांक 25 नवम्बर 2023 को उक्त क्षेत्र के नक्शे में अंकित बिन्दू संशोधित कराकर सही बिन्दू के अनुसार खान अधिकारी एवं अपर जिलाधिकारी महोदय द्वारा सत्यापित नक्शे की कापी संलग्न की जा रही है।

जिलाधिकारी सिद्धार्थनगर के पत्र दिनांक 23.11.2023 के निर्देशानुसार संशोधित माइनिंग प्लान, निदेशक, भूतत्व एवं खनिकर्म विभाग से अनुमोदित कराकर एस0ई0आई0ए0ए0 के पोर्टल पर फार्म-4 को ई0सी0 लेटर में कोआर्डिनेट संशोधन के लिये ऑनलाईन आवेदन कर दिया था।

ज्ञातव्य हो कि एस0ई0ए0सी0 की बैठक दिनांक 17.11.2023 को शिकायतकर्ता श्री सतीश स्वयं कमेटी के समक्ष उपस्थित होकर तथा एफिडेविट प्रस्तुत कर बताया कि शिकायत पर मेरे फर्जी हस्ताक्षर है। तत्संबंधी कार्यवृत्त की फोटोप्रति पर संलग्न है।

आपको पुनः अवगत कराना है कि जनपद सिद्धार्थनगर की तहसील-नौगढ़ क्षेत्रान्तर्गत साधारण बालू खनन क्षेत्र ग्राम- चिवरहिया के गाटा सं0-259ग, 258ग, 258ख क्षेत्रफल 2.3200हे0 में सीमांकन आख्या व टेण्डर में प्रकाशित कोआर्डिनेट तथा अपर जिलाधिकारी, सिद्धार्थनगर के पत्र दिनांक 28.11.2023 में अंकित कोआर्डिनेट पर ही खनन कार्य हुआ था। त्रुटिवश माइनिंग प्लान के केवल कोआर्डिनेट गलत अंकित हो गया था।

आपसे सादर निवेदन है कि उक्त ई0सी0 दिनांक 14.12.2021 के क्रम में उपरोक्तानुसार (टेण्डर व सीमांकन आख्या में अंकित कोआर्डिनेट) के अनुसार संशोधित कोऑर्डिनेट जारी करने की कृपा करें ताकि खनन कार्य किया जा सके।”

The project proponent also informed the committee that they have already submitted online amendment application through Parivesh Portal on 16/12/2023. The project proponent requested the committee to

amend the geo coordinates mentioned in environmental clearance letter dated 14/12/2021 as per given details:

Pillar No	Latitude (N)	Longitude (E)
A	27° 23'10.00"N	83° 15'12.50"E
B	27° 23'09.70"N	83° 15'09.70"E
C	27° 23'00.20"N	83° 15'06.80"E
D	27° 23'00.60"N	83° 15'09.10"E

The committee discussed the matter in light factual report provided by District Magistrate vide letter dated 07/12/2023 and reply submitted by the project proponent/consultant. Hence, the committee recommended to amend the geo coordinates mentioned in EC Identification No. EC21B001UP153109, dated 14/12/2021 as per above details. All the other contents mentioned in EC Identification No. EC21B001UP153109, dated 14/12/2021 shall remain the same.

Copy of minutes of 823rd SEAC, Meeting held on 09.01.2024 is being filed herewith and marked as **Annexure no.14**

18. Subsequently, the case was considered in 795th SEIAA meeting dt. 09.02.2024 wherein State Level Environment Impact Assessment Authority agreed with recommendation of SEAC-1 to amend the geo coordinates mentioned in EC Identification No. EC21B001UP153109,

dated 14.12.2021 to the project. Copy of minutes of 795th SEIAA meeting held on 09.02.2024 is being filed herewith and marked as **Annexure no.15**

19. Further, SEIAA issued amendment in geo-coordinates letter for proposed project vide its letter no. 217/Parya/SEIAA/6599/2023, dated 20.02.2024.

Copy of amendment letter dated 20.02.2024 is being filed herewith and marked as **Annexure no.16**

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- i. Dismiss the present application with Exemplary cost Or
- ii. Pass any such other order as may deem fit.

 THROUGH
PRIYANKA SWAMI
 Advocate
 Counsel for SEIAA, U.P.
 F- 13, Ground Floor,
 Jangpura Extension,
 New Delhi- 110014

Date: 01.05.2024

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

IA NO. 744 - 745 OF 2023

IN

ORIGINAL APPLICATION NO. 591 OF 2023

IN THE MATTER OF:-

SATISH

...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT FORESTS

& CLIMATE CHANGE & ORS.

...RESPONDENTS

AFFIDAVIT

Affidavit of Sh. Anurag Kumar Yadav, aged about 48 years s/o Sh. P.N.Singh, presently posted as Deputy Director, Directorate of Environment, Regional Office, Noida having office at E-12/1, Noida, Uttar Pradesh. **Presently at New Delhi**

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 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 there from.




DEPONENT



VERIFICATION

Verified on solemn affirmation at New Delhi on this 01 MAY 2024 day of May, 2024, 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 there from.


DEPONENT

Prigya
I identify the deponent who
has signed in my presence

01 MAY 2024
ATTESTED
NOTARY PUBLIC
(INDIA)

8. Sand Mining at Gata No. 259 ग, 258 ग & 258 ख, Village/Ghat-Chivarahiya, Tehsil-Naugarh, Siddharth Nagar, Shri Sunil Kumar Jaiswal, Area: Area-2.32 Ha. File No. 6599/Proposal No. SIA/UP/MIN/231984/2021

A presentation was made by the project proponent along with their consultant M/s Earthvision India Associate Consultants. The proponent, through the documents submitted and the presentation made informed the committee that:-

1. The environmental clearance is sought for Sand Mining at Gata No. 259 ग, 258 ग & 258 ख, Village/Ghat-Chivarahiya, Tehsil-Naugarh, Siddharth Nagar, U.P., (Leased Area-2.32 Ha.).
2. Salient features of the project as submitted by the project proponent:

1.	On-line proposal No.	SIA/UP/MIN/231984/2021			
2.	File No. allotted by SEIAA,UP	6599			
3.	Name of Proponent	Shri Sunil Kumar Jaiswal S/o- Shri Chhotelal Jaiswal			
4.	Registered Address	R/o-Vill.-Tandiya Bazar, Thana-Jogiya Udaipur, District- Siddharthnagar (U.P.)			
5.	Full correspondence address of proponent and mobile no.	R/o-Vill.-Tandiya Bazar, Thana-Jogiya Udaipur, District- Siddharthnagar (U.P.)			
		E-mail ID-skjaiswalsand@gmail.com			
6.	Name of Project	"Chivarahiya Ordinary Sand Mine"			
7.	Project location Khasra No	Gata No. 259ग, 258ग & 258ख			
8.	Name of Village	Chivarahiya			
9.	Tehsil	Naugarh			
10.	District	Siddharthnagar, Uttar Pradesh.			
11.	Name of Minor Mineral	Ordinary Sand			
12.	Total Area (in Ha.)	2.32 Ha.			
13.	Total Workable Area (in Ha.)	1.80 Ha.			
14.	Pillar Coordinates (Verified by DMO)	GATA NO	PILLAR	LATITUDE	LONGITUDE
		259GA	A	27°15'59.44"N	83°10'21.73"E
			B	27°16'5.02"N	83°10'22.56"E
			C	27°16'2.69"N	83°10'25.59"E
			D	27°15'59.61"N	83°10'26.37"E
		258GA	a	27°15'54.73"N	83°10'21.12"E
			b	27°15'59.20"N	83°10'21.59"E
			c	27°15'59.33"N	83°10'26.32"E
			d	27°15'55.11"N	83°10'25.33"E
		258KHA	A	27°15'50.80"N	83°10'20.25"E
			B	27°15'54.50"N	83°10'21.06"E
			C	27°15'54.82"N	83°10'25.15"E
			D	27°15'49.50"N	83°10'22.67"E
15.	Period of agreement between Project proponent & Land Owner	5 Years			
16.	Mine Plan approval details	Letter No. 2021/9/10/85530 Dated 28/09/2021 (attached as Annx)			
17.	Validity of Mine Plan	5 Years			
18.	Total Proposed Production	34800 Cubic Meter			
19.	Proposed Production/Day	145 cum/day			
20.	Method of Mining	Opencast/ Semi Mechanized			
21.	No. of workers	30 Workers			
22.	Type of Land	Govt. Land			
23.	Ultimate Depth of Mining	2.0 m			
24.	Water Requirement		Purpose	Detail	Avg. Demand/Day

		Portable Tanker	Drinking@15 lpcd/worker	30 workers x 15 lpcd = 450 lpcd	0.45 KLD
			Land reclamation / plantation @5 Lit/Tree	200Trees x 5 lpcd = 1000 lpcd	1.0 KLD
			Dust suppression @2Lit/Sq.m (Twice in a day)	Haul Road Area 600 m ² = 600 m ² x2lpcd/Sq.m = 1200 lpcd	1.2 KLD
		Total			2.65 KLD
25.	Name of QCI Accredited Consultant with QCI No and period of validity	M/s Earthvision India Associate Consultants, QCI NABET/EIA/2124/IA 0077 Valid till 24.02.2024			
26.	Any litigation pending against the project or land in any court	No			
27.	Areas which are important or sensitive for ecological reasons – Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests, protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, migration	None			
28.	Areas occupied by sensitive manmade land uses (hospitals, schools, places of worship, community facilities)	There are number of areas occupied by sensitive man made land uses within 15 km of radius Only schools, small hospital and temples are present.			
29.	Details of 500 m Cluster certificate & Map Verified by Mining Officer	Letter No. 198/Khanan Sahayak/2021-22 Dated 15-09-2021 (Attached as Annx)			
30.	Proposed CER cost	Rs. 2.42175 Lakhs			
31.	Proposed EMP cost	Rs. 7.375 Lakhs			
32.	No. of Trees to be Planted.	200			
33.	Detail of CTE/CTO issued by UPPCB	NA			

3. The mining would be restricted to the unsaturated zone only above the phreatic water table and will not intersect the groundwater table at any point in time.
4. The mining operation will not be carried out in the safety zone of any bridge or embankment or eco-fragile zone such as the habitat of any wild fauna.
5. There is no litigation pending in any court regarding this project.
6. The project proposal falls under category-1(a) of EIA Notification, 2006 (as amended).

RESOLUTION AGAINST AGENDA NO. 08

The committee discussed the matter and recommended grant of environmental clearance for the project proposal along with general and specific conditions as annexed at Annexure-2 to these minutes.

Annexure-2**General and Specific Conditions for Sand/Morum Mining Proposals****General Conditions:**

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

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

35. Environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority, if applicable to this project.
36. The proponent shall observe every 15 day for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness shall be created amongst the workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures. In this regards the safety notified zone should be left so that the habitat/nesting area is undisturbed.
37. The project proponent shall undertake adequate safeguard measures during extraction of river bed material and ensure that due to this activity the hydro geological regime of the surrounding area shall not be affected.
38. The project proponent shall obtain necessary prior permission of the competent Authorities for withdrawal of requisite quantity of water (surface water and groundwater), required for the project.
39. Appropriate mitigative measures shall be taken to prevent pollution of the river in consultation with the State Pollution Control Board. It shall be ensured that there is no leakage of oil and grease in the river from the vehicles used for transportation.
40. Vehicular emissions shall be kept under control and regularly monitored. The vehicles carrying the mineral shall not be overloaded.
41. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. (MoEF circular Dated : 22-09-2008 regarding stipulation of condition to improve the living conditions of construction labour at site).
42. Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects. Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
43. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parishad/Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
44. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Integrated Regional Office, MoEF&CC, GoI, Lucknow by e-mail.
45. The green cover development/tree plantation is to be done in an area equivalent to 20% of the total leased area either on river bank or along road side (Avenue Plantation).
46. Debris from the river bed will be collected and stored at secured place and may be utilized for strengthen the embankment.
47. Safety measures to be taken for the safety of the people working at the mine lease area should be given, which would also include measure for treatment of bite of poisonous reptile/insect like snake.
48. Periodical and Annual medical checkup of workers as per Mines Act and they should be covered under ESI as per rule.

Specific Conditions:

1. The Environmental clearance will be co-terminus with the mining lease period.

2. At the time of operation, project proponent will comply with all the guidelines issued by Government of India/State Govt./District Administration related to Covid-19.
3. Environment management in according to environmental status and impact of the project.
4. During the school opening and closing time transportation of minerals will be restricted.
5. 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.
6. No mining activity should be carried out in-stream channel as per SSMMG, 2016.
7. Pakka motorable haul road to be maintained by the project proponent.
8. 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.
9. Permission from the competent authority regarding evacuation route should be taken.
10. One month monitoring report of the area for air quality, water quality, Noise level. Besides flora & fauna should be examined twice a week and be submitted within 45 days for a record.
11. Provision for cylinder to workers should be made for cooking.
12. The capacity of trucks/tractor for loading purpose will be in tonnes as per Transport Department applicable norms and standard fixed by the Government.
13. Approach road kaccha is to be made motarable and tree saplings to be planted on both sides of the road. Width of the haul road shall be more than 6 meter.
14. Indigenous plants should be planted according to CPCB guidelines and in consultation with local Divisional Forest Officer.
15. The project proponent shall in 2 years conduct detailed replenishment study duly authenticated by a QCI-NABET accredited consultant, and the District Mines Officer.
16. Provision for two toilets and hand pumps should be made at mining site.
17. Drinking water for workers would be provided by tankers.
18. 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.
19. A buffer/safe zone shall be maintained from the habitation as per mining guidelines.
20. Corporate Environmental Responsibility (CER) plan shall be prepared by the project proponent and the details of the various heads of expenditure to be submitted as per the guidelines provided in the recent CER notification No. 22-65/2017-IA.III dated 01/05/2018.
21. Health/Insurance card, Medical claim, regular health check-up camps, facilities shall be provided to the regular/temporary/Contractual or any base workers. Copy of receipt shall be produced to the Directorate of Environment along with the compliance report.
22. Measure for conservation of water through rainwater harvesting and cleaning and maintenance of natural surface water bodies of the nearby areas may be considered as one of the activity in CER.
23. The excavated mining material should be carried and transported in such a way that no obstruction to the free flow of water takes place. Suitable measure should be taken and details to be provided to concern Department.
24. Submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity / production levels shall be decreased / stopped accordingly till the replenishment is completed.
25. The project proponent shall ensure that if the project area falls within the eco-sensitive zone of National park/ Sanctuary prior permission of statutory committee of National board for wild life under the provision of Wildlife (Protection) Act, 1972 shall be obtained before commencement of work.
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. Project falling within 10 KM area of Wild Life Sanctuary is to obtain a clearance from National Board Wild Life (NBWL) even if the eco-sensitive zone is not earmarked.
28. To avoid ponding effect and adverse environmental conditions for sand mining in area, progressive mining should be done as per sustainable sand mining management guidelines 2016.

29. 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.
30. The project proponent shall in 2 years conduct detailed replenishment study duly authenticated by a QCI-NABET accredited consultant, and the District Mines Officer which shall form the basis for midterm review of conditions of Environmental Clearance.
31. The mining work will be open-cast and manual/semi mechanized (subject to order of Hon'ble NGT/Hon'ble Courts (s)). Heavy machine such as excavator, scooper etc. should not be employed for mining purpose. No drilling/blasting should be involved at any stage.
32. It shall be ensured that there shall be no mining of any type within 03 m or 10% of the width whichever is less, shall be left on both the banks of precise area to control and avoid erosion of river bank. The mining is confined to extraction of sand/moram from the river bank only.
33. The project proponent shall undertake adequate safeguard measures during extraction of river bank material and ensure that due to this activity the hydro-geological regime of the surrounding area shall not be affected.
34. The project proponent shall adhere to mining in conformity to plan submitted for the mine lease conditions and the Rules prescribed in this regard clearly showing the no work zone in the mine lease i.e. the distance from the bank of river to be left un-worked (Non mining area), distance from the bridges etc. It shall be ensured that no mining shall be carried out during the monsoon season.
35. The project proponent shall ensure that wherever deployment of labour attracts the Mines Act, the provision thereof shall be strictly followed.
36. The project proponent will provide personal protective equipment (PPE) as required, also provide adequate training and information on safety and health aspects. Periodical medical examination of the workers engaged in the project shall be carried out and records maintained. For the purpose, schedule of health examination of the workers should be drawn and followed accordingly.
37. The critical parameters such as PM10, PM2.5, SO2 and NOx in the ambient air within the impact zone shall be monitored periodically. Further, quality of discharged water if any shall also be monitored [(TDS, DO, pH, Fecal Coliform and Total Suspended Solids (TSS)].
38. Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads.
39. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
40. The extended mining scheme will be submitted by the proponent before expiry of present mining plan.
41. Four ambient air quality-monitoring stations should be established in the core zone as well as in the buffer zone for monitoring PM10, PM2.5, SO2 and NOx. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board.
42. Common road for transportation of mineral is to be maintained collectively. Total cost will be shared/worked out on the basis of lease area among users.
43. Proponent will provide adequate sanitary facility in the form of mobile toilets to the labours engaged for the project work.
44. Solid waste material viz., gutkha pouchs, plastic bags, glasses etc. to be generated during project activity will be separately storage in bins and managed as per Solid Waste Management rules.
45. Natural/customary paths used by villagers should not be obstructed at any time by the activities proposed under the project.
46. Digital processing of the entire lease area in the district using remote sensing technique should be done regularly once in three years for monitoring the change of river course by Directorate of Geology and Mining, Govt. of Uttar Pradesh. The record of such study to be maintained and report be submitted to Integrated Regional Office, MoEF&CC, GoI, Lucknow, SEIAA, U.P. and UPPCB.
47. The project authorities shall advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the

clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the SEIAA at <http://www.seiaaup.in> and a copy of the same shall be forwarded to the Integrated Regional Office, MoEF&CC, GoI, Lucknow, CPCB, State PCB.

48. 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.
49. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
50. 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.
51. Waste water from potable use be collected and reused for sprinkling.
52. 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.

Minutes of the 527th Meeting of the SEIAA, UP held on 02.12.2021

conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate" and adding following conditions:-

1. In the absence of replenishment study keeping in mind various orders issued by Hon'ble NGT and development works in the State, EC is transferred for a period of one year.
 2. Permissible mining of river bed material (sand / bajri) shall be strictly limited to quantity and area mentioned in LOI or mining plan, whichever is lesser, and maximum mineable depth will be limited to as the approved mining plan. The permissible mineable material will be valid till one year from the date of transfer of the EC.
 3. For subsequent period, PP shall submit fresh annual replenishment study to SEIAA, UP for amendment in EC for mineable quantity and maximum permissible depth for mining based on scientific findings of replenishment study. Such study shall be placed before SEAC for appraisal for next three years to assess rate of deposition and accordingly, mineable production capacity and depth can be prescribed based on trends analysis, provided it is found scientifically satisfactory by the SEAC. The placing of the study report SEAC is mandatory for initial three years.
 4. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
 5. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
 6. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
 7. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 3,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
4. Sand Mining at Gata No. 259 □, 258 □ & 258 □, Village/Ghat-Chivarahiya, Tehsil-Naugarh, Siddharth Nagar, Shri Sunil Kumar Jaiswal, Area: Area-2.32 Ha. File No. 6599/Proposal No. SIA/UP/MIN/231984/2021

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




Minutes of the 527th Meeting of the SEIAA, UP held on 02.12.2021

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

1. In the absence of replenishment study keeping in mind various orders issued by Hon'ble NGT and development works in the State, EC is transferred for a period of one year.
 2. Permissible mining of river bed material (sand / bajri) shall be strictly limited to quantity and area mentioned in LOI or mining plan, whichever is lesser, and maximum mineable depth will be limited to as the approved mining plan. The permissible mineable material will be valid till one year from the date of transfer of the EC.
 3. For subsequent period, PP shall submit fresh annual replenishment study to SEIAA, UP for amendment in EC for mineable quantity and maximum permissible depth for mining based on scientific findings of replenishment study. Such study shall be placed before SEAC for appraisal for next three years to assess rate of deposition and accordingly, mineable production capacity and depth can be prescribed based on trends analysis, provided it is found scientifically satisfactory by the SEAC. The placing of the study report SEAC is mandatory for initial three years.
 4. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
 5. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
 6. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
 7. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 3,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
5. Sand Mining from Ram Ganga river bed at Gata No: 365, Village-KamalpurMafi, Tehsil - Kanth, Moradabad, Shri Rajesh Kumar Gupta, M/s R. K. Construction and Supplier, Area - 3.919 ha. File No. 6607/Proposal No. SIA/UP/MIN/227678/2021

SEIAA agreed with the recommendations of the SEAC to grant the prior Environmental




ENVIRONMENTAL
CLEARANCE

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

To,

The Owner
 SHRI SUNIL KUMAR JAISWAL
 Village- Tandiya Bazar -272207

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

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC) in respect of project submitted to the SEIAA vide proposal number SIA/UP/MIN/231984/2021 dated 29 Sep 2021. The particulars of the environmental clearance granted to the project are as below.

- | | |
|--|--------------------------------|
| 1. EC Identification No. | EC21B001UP153109 |
| 2. File No. | 6599 |
| 3. Project Type | New |
| 4. Category | B2 |
| 5. Project/Activity including Schedule No. | 1(a) Mining of minerals |
| 6. Name of Project | Chivarahiya Ordinary Sand Mine |
| 7. Name of Company/Organization | SHRI SUNIL KUMAR JAISWAL |
| 8. Location of Project | Uttar Pradesh |
| 9. TOR Date | N/A |

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

Date: 14/12/2021

(e-signed)
 Member Secretary
 Member Secretary
 SEIAA - (Uttar Pradesh)

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

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 and Virtuous Environmental Single-Window Hub)*





State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Vineet Khand-1, Gomti Nagar, Lucknow- 226010

E-Mail- doeuplko@yahoo.com, seiaaup@yahoo.com

Phone no- 0522-2300541

Reference- MoEFCC Proposal no- SIA/UP/MIN/231984/2021 & SEIAA, U.P File no- 6599

Sub: Environmental Clearance is sought for Sand Mining at Gata No. 259 ग, 258 ग & 258 ख, Village/Ghat-Chivarahiya, Tehsil-Naugarh, Siddharth Nagar, U.P., (Leased Area-2.32 Ha.).

Dear Sir,

This is with reference to your application / letter dated 29-09-2021, 20-1-2021 & 02-11-2021 on above mentioned subject. The matter was considered by SEAC in meeting held on 09-11-2021 and SEIAA in meeting held on 02-12-2021.

A presentation was made by the project proponent along with their consultant M/s Earthvision India Associate Consultants to SEAC on 02-12-2021.

Project Details Informed by the Project Proponent and their Consultant

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

1. The environmental clearance is sought for Sand Mining at Gata No. 259 ग, 258 ग & 258 ख, Village/Ghat-Chivarahiya, Tehsil-Naugarh, Siddharth Nagar, U.P., (Leased Area-2.32 Ha.).
2. Salient features of the project as submitted by the project proponent:

1.	On-line proposal No.	SIA/UP/MIN/231984/2021			
2.	File No. allotted by SEIAA,UP	6599			
3.	Name of Proponent	Shri Sunil Kumar Jaiswal S/o- Shri Chhotelal Jaiswal			
4.	Registered Address	R/o-Vill.-Tandiya Bazar, Thana-Jogiya Udaipur, District- Siddharthnagar (U.P.)			
5.	Full correspondence address of proponent and mobile no.	R/o-Vill.-Tandiya Bazar, Thana-Jogiya Udaipur, District- Siddharthnagar (U.P.)			
		E-mail ID-skjaiswalsand@gmail.com			
6.	Name of Project	"Chivarahiya Ordinary Sand Mine"			
7.	Project location Khasra No	Gata No. 259ग, 258ग & 258ख			
8.	Name of Village	Chivarahiya			
9.	Tehsil	Naugarh			
10.	District	Siddharthnaga, Uttar Pradesh.			
11.	Name of Minor Mineral	Ordinary Sand			
12.	Total Area (in Ha.)	2.32 Ha.			
13.	Total Workable Area (in Ha.)	1.80 Ha.			
14.	Pillar Coordinates (Verified by DMO)	GATA NO	PILLAR	LATITUDE	LONGITUDE
		259GA	A	27°15'59.44"N	83°10'21.73"E
			B	27°16'5.02"N	83°10'22.56"E
			C	27°16'2.69"N	83°10'25.59"E
			D	27°15'59.61"N	83°10'26.37"E
		258GA	a	27°15'54.73"N	83°10'21.12"E

			b	27°15'59.20"N	83°10'21.59"E	
			c	27°15'59.33"N	83°10'26.32"E	
			d	27°15'55.11"N	83°10'25.33"E	
		258KHA	A	27°15'50.80"N	83°10'20.25"E	
			B	27°15'54.50"N	83°10'21.06"E	
			C	27°15'54.82"N	83°10'25.15"E	
			D	27°15'49.50"N	83°10'22.67"E	
15.	Period of agreement between Project proponent & Land Owner	5 Years				
16.	Mine Plan approval details	Letter No. 2021/9/10/85530 Dated 28/09/2021 (attached as Annx)				
17.	Validity of Mine Plan	5 Years				
18.	Total Proposed Production	34800 Cubic Meter				
19.	Proposed Production/Day	145 cum/day				
20.	Method of Mining	Opencast/ Semi Mechanized				
21.	No. of workers	30 Workers				
22.	Type of Land	Govt. Land				
23.	Ultimate Depth of Mining	2.0 m				
24.	Water Requirement		Purpose	Detail	Avg. Demand/Day	
		Portable Tanker	Drinking@15 lpcd/worker	30 workers x 15 lpcd = 450 lpcd	0.45 KLD	
			Land reclamation / plantation @5 Lit/Tree	200Trees x 5 lpcd = 1000 lpcd	1.0 KLD	
			Dust suppression @2Lit/Sq.m (Twice in a day)	Haul Road Area 600 m ² = 600 m ² x2lpcd/Sq.m = 1200 lpcd	1.2 KLD	
		Total			2.65 KLD	
25.	Name of QCI Accredited Consultant with QCI No and period of validity	M/s Earthvision India Associate Consultants, QCI NABET/EIA/2124/IA 0077 Valid till 24.02.2024				
26.	Any litigation pending against the project or land in any court	No				
27.	Areas which are important or sensitive for ecological reasons – Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests, protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, migration	None				

28.	Areas occupied by sensitive manmade land uses (hospitals, schools, places of worship, community facilities)	There are number of areas occupied by sensitive man made land uses within 15 km of radius Only schools, small hospital and temples are present.
29.	Details of 500 m Cluster certificate & Map Verified by Mining Officer	Letter No. 198/Khanan Sahayak/2021-22 Dated 15-09-2021 (Attached as Annx)
30.	Proposed CER cost	Rs. 2.42175 Lakhs
31.	Proposed EMP cost	Rs. 7.375 Lakhs
32.	No. of Trees to be Planted.	200
33.	Detail of CTE/CTO issued by UPPCB	NA

- The mining would be restricted to the unsaturated zone only above the phreatic water table and will not intersect the groundwater table at any point in time.
- The mining operation will not be carried out in the safety zone of any bridge or embankment or eco-fragile zone such as the habitat of any wild fauna.
- There is no litigation pending in any court regarding this project.
- The project proposal falls under category-1(a) of EIA Notification, 2006 (as amended).

Based on the recommendations of the State Level Expert Appraisal Committee (SEAC) Meeting (SEAC) held on 09-11-2021 the State Level Environment Impact Assessment Authority (SEIAA) in its Meeting dated 02-12-2021 decided to grant the Environmental Clearance to the title project for collection of 34800 m³ /annum for lease area of 2.32 ha subject to effective implementation of the following General Conditions and specific conditions:

General Conditions:

- This environmental clearance is subject to allotment of mining lease in favour of project proponent by District Administration/Mining Department.
- Forest clearance shall be taken by the proponent as necessary under law.
- Any change in mining area, khasra numbers, entailing capacity addition with change in process and or mining technology, modernization and scope of working shall again require prior Environmental Clearance as per the provisions of EIA Notification, 2006 (as amended).
- Precise mining area will be jointly demarcated at site by project proponent and officials of Mining/Revenue department prior to starting of mining operations. Such site plan, duly verified by competent authority along-with copy of the Environmental Clearance letter will be displayed on a hoarding/board at the site. A copy of site plan will also be submitted to SEIAA within a period of 02 months.
- Mining and loading shall be done only within day hours' time.
- No mining shall be carried out in the safety zone of any bridge and/or embankment.
- It shall be ensured that standards related to ambient air quality/effluent as prescribed by the Ministry of Environment & Forests are strictly complied with. Water sprinklers and other dust control majors should be applied to take-care of dust generated during mining operation. Sprinkling of water on haul roads to control dust will be ensured by the project proponent.
- All necessary statutory clearances shall be obtained before start of mining operations. If this condition is violated, the clearance shall be automatically deemed to have been cancelled.
- Parking of vehicles should not be made on public places.
- No tree-felling will be done in the leased area, except only with the permission of Forest Department.
- No wildlife habitat will be infringed.
- It shall be ensured that excavation of minor mineral does not disturb or change the underlying soil characteristics of the river bed /basin, where mining is carried out.

13. It shall be ensured that mining operation of Sand/Moram will not in any way disturb the, velocity and flow pattern of the river water significantly.
14. It shall be ensured that there is no fauna dependant on the river bed or areas close to mining for its nesting. A report on the same, vetted by the competent authority shall be submitted to the RO, PCB and SEIAA within 02 months.
15. Primary survey of flora and fauna shall be carried out and data shall be submitted to the RO, PCB and SEIAA within six months.
16. Hydro-geological study shall be carried out by a reputed organization/institute within six months and establish that mining in the said area will not adversely affect the ground water regime. The report shall be submitted to the RO, PCB and SEIAA within six months. In case adverse impact is observed /anticipated, mining shall not be carried out.
17. Adequate protection against dust and other environmental pollution due to mining shall be made so that the habitations (if any) close by the lease area are not adversely affected. The status of implementation of measures taken shall be reported to the RO, UPPCB and SEIAA and this activity should be completed before the start of sand mining.
18. Need-based assessment for the nearby villages shall be conducted to study economic measures which can help in improving the quality of life of economically weaker section of society. Income generating projects/tools such as development of fodder farm, fruit bearing orchards, vocational training etc. can form a part of such program me. The project proponent shall provide separate budget for community development activities and income generating programmes.
19. Green cover development shall be carried out following CPCB guidelines including selection of plant species and in consultation with the local DFO/Horticulture Officer.
20. Separate stock piles shall be maintained for excavated top soil, if any, and the top soil should be utilized for green cover/tree plantation.
21. Dispensary facilities for first-aid shall be provided at site.
22. An Environmental Audit should be annually carried out during the operational phase and submitted to the SEIAA.
23. The District Mining Officer should quarterly monitor compliance of the stipulated conditions. The project proponent will extend full cooperation to the District Mining Officer by furnishing the requisite data/information/monitoring reports. In case of any violations of stipulated conditions the District Mining Officer will report to SEIAA.
24. The project proponent shall submit six monthly reports on the status of compliance of the stipulated environmental clearance conditions including results of monitored data (both in hard & soft copies) to the SEIAA, the District Officer and the respective Regional Office of the State Pollution Control Board by 1st June and 1st December every year.
25. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parisad/ Municipal Corporation and Urban Local Body.
26. Transportation of materials shall be done by covering the trucks / tractors with tarpaulin or other suitable mechanism to avoid fugitive emissions and spillage of mineral/dust.
27. Waste water, from temporary habitation campus be properly collected & treated before discharging into water bodies the treated effluent should conform to the standards prescribed by MoEF/CPCB.
28. Measures shall be taken for control of noise level to the limits prescribed by C.P.C.B.
29. Special Measures shall be adopted to protect the nearby settlements from the impacts of mining activities. Maintenance of Village roads through which transportation of minor minerals is to be undertaken, shall be carried-out by the project proponent regularly at his own expenses.
30. Measure for prevention & control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion, if any, shall be carried-out with geo textile matting or other suitable material.

31. Under corporate social responsibility a sum of 5% of the total project cost or total income whichever is higher is to be earmarked for total lease period. Its budget is to be separately maintained. CER component shall be prepared based on need of local habitant. Income generating measures which can help in upliftment of poor section of society, consistent with the traditional skills of the people shall be identified. The programme can include activities such as development of fodder farm, fruit bearing orchards, free distribution of smokeless Chula etc.
32. Possibility for adopting nearest three villages shall be explored and details of civic amenities such as roads, drinking water etc proposed to be provided at the project proponent's expenses shall be submitted within 02 months from the date of issuance of Environment Clearance.
33. The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Integrated Regional Office, MoEF&CC, GoI, Lucknow, SEIAA, U.P and UPPCB.
34. Action plan with respect to suggestion/improvement and recommendations made and agreed during Public Hearing shall be submitted to the District mines Officer, concern Regional Officer of UPPCB and SEIAA within 02 months.
35. Environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority, if applicable to this project.
36. The proponent shall observe every 15 day for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness shall be created amongst the workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures. In this regards the safety notified zone should be left so that the habitat/nesting area is undisturbed.
37. The project proponent shall undertake adequate safeguard measures during extraction of river bed material and ensure that due to this activity the hydro geological regime of the surrounding area shall not be affected.
38. The project proponent shall obtain necessary prior permission of the competent Authorities for withdrawal of requisite quantity of water (surface water and groundwater), required for the project.
39. Appropriate mitigative measures shall be taken to prevent pollution of the river in consultation with the State Pollution Control Board. It shall be ensured that there is no leakage of oil and grease in the river from the vehicles used for transportation.
40. Vehicular emissions shall be kept under control and regularly monitored. The vehicles carrying the mineral shall not be overloaded.
41. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. (MoEF circular Dated : 22-09-2008 regarding stipulation of condition to improve the living conditions of construction labour at site).
42. Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects. Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
43. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parishad/ Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
44. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of

compliance of environmental clearance conditions and shall also be sent to the Integrated Regional Office, MoEF&CC, GoI, Lucknow by e-mail.

45. The green cover development/tree plantation is to be done in an area equivalent to 20% of the total leased area either on river bank or along road side (Avenue Plantation).
46. Debris from the river bed will be collected and stored at secured place and may be utilized for strengthen the embankment.
47. Safety measures to be taken for the safety of the people working at the mine lease area should be given, which would also include measure for treatment of bite of poisonous reptile/insect like snake.
48. Periodical and Annual medical checkup of workers as per Mines Act and they should be covered under ESI as per rule.

Specific Conditions:

1. "If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate.
2. In the absence of replenishment study keeping in mind various orders issued by Hon'ble NGT and development works in the State, EC is transferred for a period of one year.
3. Permissible mining of river bed material (sand / bajri) shall be strictly limited to quantity and area mentioned in LOI or mining plan, whichever is lesser, and maximum mineable depth will be limited to as the approved mining plan. The permissible mineable material will be valid till one year from the date of transfer of the EC.
4. For subsequent period, PP shall submit fresh annual replenishment study to SEIAA, UP for amendment in EC for mineable quantity and maximum permissible depth for mining based on scientific findings of replenishment study. Such study shall be placed before SEAC for appraisal for next three years to assess rate of deposition and accordingly, mineable production capacity and depth can be prescribed based on trends analysis, provided it is found scientifically satisfactory by the SEAC. The placing of the study report SEAC is mandatory for initial three years.
5. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
6. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 3,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.

9. The Environmental clearance will be co-terminus with the mining lease period.
10. At the time of operation, project proponent will comply with all the guidelines issued by Government of India/State Govt./District Administration related to Covid-19.
11. Environment management in according to environmental status and impact of the project.
12. During the school opening and closing time transportation of minerals will be restricted.
13. 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.
14. No mining activity should be carried out in-stream channel as per SSMMG, 2016.
15. Pakka motorable haul road to be maintained by the project proponent.
16. 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.
17. Permission from the competent authority regarding evacuation route should be taken.
18. One month monitoring report of the area for air quality, water quality, Noise level. Besides flora & fauna should be examined twice a week and be submitted within 45 days for a record.
19. Provision for cylinder to workers should be made for cooking.
20. The capacity of trucks/tractor for loading purpose will be in tonnes as per Transport Department applicable norms and standard fixed by the Government.
21. Approach road kaccha is to be made motarable and tree saplings to be planted on both sides of the road. Width of the haul road shall be more than 6 meter.
22. Indigenous plants should be planted according to CPCB guidelines and in consultation with local Divisional Forest Officer.
23. The project proponent shall in 2 years conduct detailed replenishment study duly authenticated by a QCI-NABET accredited consultant, and the District Mines Officer.
24. Provision for two toilets and hand pumps should be made at mining site.
25. Drinking water for workers would be provided by tankers.
26. 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.
27. A buffer/safe zone shall be maintained from the habitation as per mining guidelines.
28. Corporate Environmental Responsibility (CER) plan shall be prepared by the project proponent and the details of the various heads of expenditure to be submitted as per the guidelines provided in the recent CER notification No. 22-65/2017-IA.III dated 01/05/2018.
29. Health/Insurance card, Medical claim, regular health check-up camps, facilities shall be provided to the regular/temporary/Contractual or any base workers. Copy of receipt shall be produced to the Directorate of Environment along with the compliance report.
30. Measure for conservation of water through rainwater harvesting and cleaning and maintenance of natural surface water bodies of the nearby areas may be considered as one of the activity in CER.
31. The excavated mining material should be carried and transported in such a way that no obstruction to the free flow of water takes place. Suitable measure should be taken and details to be provided to concern Department.
32. Submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity / production levels shall be decreased / stopped accordingly till the replenishment is completed.
33. The project proponent shall ensure that if the project area falls within the eco-sensitive zone of National park/ Sanctuary prior permission of statutory committee of National board for wild life under the provision of Wildlife (Protection) Act, 1972 shall be obtained before commencement of work.
34. 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.

35. Project falling within 10 KM area of Wild Life Sanctuary is to obtain a clearance from National Board Wild Life (NBWL) even if the eco-sensitive zone is not earmarked.
36. To avoid ponding effect and adverse environmental conditions for sand mining in area, progressive mining should be done as per sustainable sand mining management guidelines 2016.
37. 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.
38. The project proponent shall in 2 years conduct detailed replenishment study duly authenticated by a QCI-NABET accredited consultant, and the District Mines Officer which shall form the basis for midterm review of conditions of Environmental Clearance.
39. The mining work will be open-cast and manual/semi mechanized (subject to order of Hon'ble NGT/Hon'ble Courts (s)). Heavy machine such as excavator, scooper etc. should not be employed for mining purpose. No drilling/blasting should be involved at any stage.
40. It shall be ensured that there shall be no mining of any type within 03 m or 10% of the width which-ever is less, shall be left on both the banks of precise area to control and avoid erosion of river bank. The mining is confined to extraction of sand/moram from the river bank only.
41. The project proponent shall undertake adequate safeguard measures during extraction of river bank material and ensure that due to this activity the hydro-geological regime of the surrounding area shall not be affected.
42. The project proponent shall adhere to mining in conformity to plan submitted for the mine lease conditions and the Rules prescribed in this regard clearly showing the no work zone in the mine lease i.e. the distance from the bank of river to be left un-worked (Non mining area), distance from the bridges etc. It shall be ensured that no mining shall be carried out during the monsoon season.
43. The project proponent shall ensure that wherever deployment of labour attracts the Mines Act, the provision thereof shall be strictly followed.
44. The project proponent will provide personal protective equipment (PPE) as required, also provide adequate training and information on safety and health aspects. Periodical medical examination of the workers engaged in the project shall be carried out and records maintained. For the purpose, schedule of health examination of the workers should be drawn and followed accordingly.
45. The critical parameters such as PM10, PM2.5, SO2 and NOx in the ambient air within the impact zone shall be monitored periodically. Further, quality of discharged water if any shall also be monitored [(TDS, DO, pH, Fecal Coliform and Total Suspended Solids (TSS))].
46. Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads.
47. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
48. The extended mining scheme will be submitted by the proponent before expiry of present mining plan.
49. Four ambient air quality-monitoring stations should be established in the core zone as well as in the buffer zone for monitoring PM10, PM2.5, SO2 and NOx. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board.

50. Common road for transportation of mineral is to be maintained collectively. Total cost will be shared/worked out on the basis of lease area among users.
51. Proponent will provide adequate sanitary facility in the form of mobile toilets to the labours engaged for the project work.
52. Solid waste material viz., gutkha pouchs, plastic bags, glasses etc. to be generated during project activity will be separately storage in bins and managed as per Solid Waste Management rules.
53. Natural/customary paths used by villagers should not be obstructed at any time by the activities proposed under the project.
54. Digital processing of the entire lease area in the district using remote sensing technique should be done regularly once in three years for monitoring the change of river course by Directorate of Geology and Mining, Govt. of Uttar Pradesh. The record of such study to be maintained and report be submitted to Integrated Regional Office, MoEF&CC, Gol, Lucknow, SEIAA, U.P. and UPPCB.
55. The project authorities shall advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the SEIAA at <http://www.seiaaup.in> and a copy of the same shall be forwarded to the Integrated Regional Office, MoEF&CC, Gol, Lucknow, CPCB, State PCB.
56. 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.
57. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
58. 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.
59. Waste water from potable use be collected and reused for sprinkling.
60. A width of not less than 50 meter or 10% width of river can be restricted for mining activities from river bank. A condition can be imposed that mining will be done from river activities from river bank.

You shall also ensure that the proposed site is not a part of any no-development zone as required/prescribed/identified under law. In case of violation, this permission shall automatically deem to be cancelled. Also, in the event of any dispute on ownership or land use of the proposed site, this clearance shall automatically deem to be cancelled.

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

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

The project proponent will have to submit approved plans and proposals incorporating the conditions specified in the Environmental Clearance within 03 months of issuance of this clearance.

The SEIAA/MoEF reserves the right to revoke the environmental clearance, if conditions stipulated are not implemented to the satisfaction of SEIAA/MoEF. SEIAA may impose additional environmental conditions or modify the existing ones, if necessary.

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

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

1. The Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, Lucknow (email – soenvups@rediffmail.com)
2. Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, 3rd Floor, Prithvi-Block, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003 (email – sudheer.ch@gov.in)
3. Deputy Director General of Forests (C), Integrated Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector “H”, Aliganj, Lucknow – 226020 (email – roc2.lko-mef@nic.in)
4. Director, Geology & Mining, Uttar Pradesh, Khanij Bhawan 27/8, Raja Ram Mohan Rai Marg, Lucknow-226001 (email - dgmupexp@gmail.com)
5. District Magistrate, Siddharth Nagar, Uttar Pradesh.
6. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email – ms@uppcb.com)
7. Copy to Web Master for uploading on PARIVESH Portal.
8. Copy for Guard File.

(Ajay Kumar Sharma)
Member Secretary, SEIAA



Signature Not Verified

Digitally signed by Member Secretary
Member Secretary
Date: 12/14/2021 1:09:05 PM
Page 11 of 11

Minutes of the 672nd Meeting of the SEIAA, UP held on 18.11.2022

Agenda B- Replies

1. Letter of Mr. CB Singh dated 29-10-2022 regarding intimation under provision of CAVET for sand mining lease at khand no. 23/19, village- Bhedi Kharka, Tehsil- Sarila, Hamirpur

SEIAA gone through the letter of Mr. CB Singh dated 29-10-2022 regarding the above subject. SEIAA opined to refer the letter to DM, Hamirpur and DGM, UP, Nodal, Officer to put up the letter whenever the above case of EC transfer is put in SEIAA.

2. Letter of Mr. Suresh Chandra Yadav dated 03-11-2022 regarding presentation of incorrect data.

SEIAA gone through the letter of Mr. Suresh Chandra Yadav dated 03-11-2022 regarding the above subject. SEIAA opined to refer the letter to SEAC-2 for necessary action as this project is being evaluated by them.

3. Letter of Mr. Satish dated 07-11-2022 regarding cancellation of illegal Environmental Clearance letter dated 14.12.2021 granted for file 6599 bearing EC identification no. EC218001UP153109, as EC granted on the basis of fraud and misleading information by PP/consultant.

SEIAA gone through the letter of Mr. ^{Satish Sir} Suresh Chandra Yadav dated 07-11-2022 regarding the above subject. SEIAA opined to refer the letter to SEAC-2 for necessary action as this project is being evaluated by them.

Agenda D- 696th SEAC-1 Meeting Dated 20/10/2022

1. Building Stone, Khanda, Boulder, Ballast (Gitty) (Granite) Mining Project Araj No. 989, Khand No.- 15, Village-Makarbai, Tehsil- Sadar, District- Mahoba, M/s Shraddha Infrastructure, Shri Mahendra Kumar Pandey, Area- 1.214 Ha. File No. 6883/Proposal No. SIA/UP/MIN/71237/2022

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by SEAC-1 adding following specific conditions:-

1. Validity period of this EC is 5 years from the date of issue as the Lol has been issued for a period of 5 years or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.

A

9. Letter of Mr. Suresh Chandra Yadav dated 03-11-2022 regarding presentation of incorrect data.

The Secretariat informed the committee that the matter was earlier discussed in 672nd SEIAA meeting dated 18/11/2022 wherein:

“SEIAA gone through the letter of Mr. Suresh Chandra Yadav dated 03-11-2022 regarding the above subject. SEIAA opined to refer the letter to SEAC-2 for necessary action as this project is being evaluated by them.”

As per the decision of SEIAA, the matter was listed in 715th SEAC meeting dated 07/01/2023. The committee has gone through the file and documents and observed that the above letter of Mr. Suresh Chandra Yadav is not available in the file. Hence, the committee requested the SEIAA to provide the above letter to SEAC for necessary action.

10. Letter of Mr. Satish dated 07-11-2022 regarding cancellation of illegal Environmental Clearance letter dated 14.12.2021 granted for file 6599 bearing EC identification no. EC21B001UP153109, as EC granted on the basis of fraud and misleading information by PP/consultant.

The Secretariat informed the committee that the matter was earlier discussed in 672nd SEIAA meeting dated 18/11/2022 wherein:

“SEIAA gone through the letter of Mr. Satish dated 07-11-2022 regarding the above subject. SEIAA opined to refer the letter to SEAC-2 for necessary action as this project is being evaluated by them.”

As per the decision of SEIAA, the matter was listed in 715th SEAC meeting dated 07/01/2023. The committee has gone through the complaint letter dated 28/10/2022 of Shri Satish, S/o Shri Barkhu, Kotiya Degar, Siddharthnagar, U.P. and decided to share the aforesaid complaint letter with the Project Proponent/Consultant to submit points-wise reply to the complaint made by the complainant.

The matter will be discussed after receipt of points-wise reply from the Project Proponent/Consultant.

11. Ordinary Soil Mining Project at Gata No.- 3, 61, 59 mi, Village- Chak Hamidpur, Tehsil-Kanth, District-Moradabad, U.P., (Leased Area : 3.1290 ha). File No. 7488/Proposal no. SIA/UP/MIN/412012/2022

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 Earthvision India Associate Consultants. 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 Ordinary Soil Mining Project at Gata No.- 3, 61, 59 mi, Village- Chak Hamidpur, Tehsil-Kanth, District-Moradabad, U.P., (Leased Area: 3.1290 ha).
2. Salient features of the project as submitted by the project proponent:

1.	On-line proposal No.	SIA/UP/MIN/412012/2022
2.	File No. allotted by SEIAA,UP	7488
3.	Name of Proponent	Shri Atul Kumar Singh S/o Shri Raju Singh
4.	Registered Address	R/o- Village- Bhatawali, Tehsil & District- Moradabad, Uttar Pradesh.
5.	Full correspondence address of proponent and mobile no.	R/o- Village- Bhatawali, Tehsil & District- Moradabad, Uttar Pradesh.
		Mobile no.-
		E-mail ID-
6.	Name of Project	Ordinary Soil Mining Project

geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.

- 17- Along with the EIA-EMP report, PP / consultant will also submit in tabular form as to how they have addressed entire ToR while preparing draft EIA-EMP report for PH. Further, PP / consultant will submit in tabular form as to how they have addressed issues raised during public hearing and have incorporated the same in final EIA-EMP report. A presentation to this effect should be made before SEAC at the time of EIA-EMP presentation.
- 18- Project Proponent in consultation with UPSPCB will establish required number of CAAQMS within a period of one year and submit geo-referenced map of these stations along with data on six-monthly basis.

6- Letter of Mr. Suresh Chandra Yadav dated 03-11-2022 regarding presentation of incorrect data.

SEIAA took note of the comments of SEAC.

7- Letter of Mr. Satish dated 07-11-2022 regarding cancellation of illegal Environmental Clearance letter dated 14.12.2021 granted for file 6599 bearing EC identification no. EC21B001UP153109, as EC granted on the basis of fraud and misleading information by PP/consultant.

SEIAA took note of the comments of SEAC.

8- Ordinary Soil Mining Project at Gata No.- 3, 61, 59 mi, Village- Chak Hamidpur, Tehsil-Kanth, District-Moradabad, U.P., (Leased Area : 3.1290 ha). File No. 7488/Proposal no. SIA/UP/MIN/412012/2022

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by SEAC but **EC will be issued after submission of notarized agreement between lease holder and land owner.** SEIAA replaces the specific condition regarding cluster certificate as "If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate" and adding following conditions:-

1. Validity period of this EC is 3 months from the date of issue as the Lol has been issued for a period of 3 months or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
3. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due



The committee has gone through the compliant letter dated 13/06/2023 of Mr. Raju Singhal, letter dated 21/08/2023 & 10/10/2023 of Mr. Vijay Kumar and Govt. of U.P. letter dated 28/06/2023 and opined that the above letters should be shared to Mr. Manoj Kumar, PRO, M/s Synergy Waste Management Pvt. Ltd. with the direction to submit point wise reply of all complaint letters as well as reply of queries raised by SEIAA in its meeting dated 14/09/2023. After getting the reply from project proponent the matter will be put in next SEAC meeting.

2. Discussion on Hon'ble NGT, New Delhi O.A. No. 561/2023 (I.A. No. 744/2023 & I.A. No. 745/2023 Satish Vs. MoEF&CC, & Ors. order dated 05/10/2023, File No. 6599.

The Secretariat informed the committee that the matter was earlier discussed in 672nd SEIAA meeting dated 18/11/2022 wherein:

"SEIAA gone through the letter of Mr. Satish dated 07-11-2022 regarding the above subject. SEIAA opined to refer the letter to SEAC-2 for necessary action as this project is being evaluated by them."

As per the decision of SEIAA, the matter was listed in 715th SEAC meeting dated 07/01/2023. The committee has gone through the complaint letter dated 28/10/2022 of Shri Satish, S/o Shri Barkhu, Kotiya Degar, Siddharthnagar, U.P. and decided to share the aforesaid complaint letter with the Project Proponent/Consultant to submit points-wise reply to the complaint made by the complainant.

The matter will be discussed after receipt of points-wise reply from the Project Proponent/Consultant. Subsequently the matter was listed in 697th SEAC meeting dated 22/02/2023 and agreed with the recommendation of SEAC."

The matter listed again in SEAC meeting and the committee found that the project proponent/consultant has not submitted their reply.

Mr. Virendra Kumar on behalf of project proponent and Mr. Shikhar Srivastava, Consultant, M/s Earthvision India Associate Consultants present before the committee and committee directed to submit reply of compliant immediately. After receiving of reply from project proponent/consultant the matter will be listed in next meeting till then EC Identification no. EC21B001UP153109, dated 14/12/2021 for Sand Mining at Gata No. 259 Ga, 258 Ga, & 258 Kha, Village/Ghat-Chivarahiya, Tehsil-Naugarh, Siddharth Nagar, U.P., (Leased Area-2.32 Ha.) should be kept in abeyance.

(Dr. Brij Bihari Awasthi)
Member

(Umesh Chandra Sharma)
Member

(Dr. Ratan Kar)
Member

(Om Prakash Srivastava)
Member

(Dr. Ajai Mishra)
Member

(Rajive Kumar)
Chairman

(Ashish Tiwari)
Member-Secretary, SEAC

2. **Discussion on Hon'ble NGT, New Delhi O.A. No. 561/2023 (I.A. No. 744/2023 & I.A. No. 745/2023 Satish Vs. MoEF&CC, & Ors. order dated 05/10/2023, File No. 6599.**
SEIAA agreed with the recommendations of the SEAC to keep EC Identification no. EC21B001UP153109, dated 14/12/2021 for Sand Mining at Gata No. 259 Ga, 258 Ga, & 258 Kha, Village/Ghat-Chivarahiya, Tehsil-Naugarh, Siddharth Nagar, U.P., (Leased Area-2.32 Ha.) in abeyance.
3. **Namami Gange Sewa Foundation letter regarding -Common Biomedical Waste Management & Recycling Facility at Plot No.- 18 KHA/01, Village Kuruhul, District Sonbhadra, Shri Gaurav Singh, M/s Sonbhadra Biomedical Waste Solutions., 7988/ 5726/SIA/UP/INFRA2/433350/2023.**
SEIAA gone through the letter dated 30.06.2023 regarding the above subject and opined to refer the letter to SEAC for review.
4. **CPC Power India Pvt. Ltd. letter regarding- Common Bio Medical Waste Treatment Facility (CBWTF) VRBA Bio Waste Solution Pvt. Ltd. E-46, Industrial Area, Ramnagar, Phase-1, District- Chandauli, Shri Ratan Deo Singh, M/s VRBA Bio Waste Solution Pvt. Ltd., 7624/7222/SIA/UP/INFRA2/417371/2023.**
SEIAA gone through the letter dated 29.06.2023 regarding the above subject and opined to refer the letter to SEAC for review.
5. **MoEFCC letter dated 28.06.2023 regarding CTE of Common Bio Medical Waste Treatment Facility (CBWTF) VRBA Bio Waste Solution Pvt. Ltd. E-46, Industrial Area, Ramnagar, Phase-1, District- Chandauli, Shri Ratan Deo Singh, M/s VRBA Bio Waste Solution Pvt. Ltd., 7624/7222/SIA/UP/INFRA2/417371/2023.**
SEIAA gone through the letter dated 28.06.2023 regarding the above subject and opined to refer the letter to UPPCB for necessary action.
6. **Letter of M/s Bala Ji Trading Co. dated 27.06.2023 regarding adjustment of royalty.**
SEIAA gone through the letter dated 27.06.2023 regarding the above subject and opined to refer the letter to DGM for necessary action.
7. **Group Housing Project "Nirala Aspire" at Plot No. GH-03, Sector-16, Greater Noida, U.P., Shri Iftikhar Ahmed, M/s Nirala Housing Pvt. Ltd., File No. 7794/ Proposal No. SIA/UP/ INFRA2/ 426001/2023.**
SEIAA noted that this project has operated in violation without seeking EC under MoEF, GoI Notification S.O. 1533(E) dated 14.09.2006. SEIAA agreed with the recommendation of the SEAC to issue additional ToR to the title proposal for conducting EIA studies under the provisions of MoEFCC, GoI vide OM no. 22-21/2020-IA.III dated 07.07.2021 which has laid down Standard Operating Procedure (SoP) for Identification and handling of violation cases. SEIAA also added the following points to ToR-
 1. The State Government/SPCB to take action against the project proponent under the provisions of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted EC.
 2. Direction to be issued under section 5 of the Environment (Protection) Act, 1986 to stop the violating activities till the EC is obtained.
 3. The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.
 4. Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR).
 5. Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.



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

To,

The Owner
Shri Sunil Kumar Jaiswal
Village- Tandiya Bazar, Thana-Jogiya Udaipur,
District- Siddharthnagar (U.P.) -272207

Ref. No.....⁶⁴⁷...../Parya/SEIAA/6599/2020

Date: 10 November, 2023

Sub: Abeyance ^{of} Environmental Clearance for Sand Mining at Gata No. 259 ग, 258 ग & 258 ख,
Village/Ghat-Chivarahiya, Tehsil-Naugarh, Siddharth Nagar, U.P., (Leased Area-2.32 Ha.).

Dear Sir,

SEIAA in its meeting dated 25-10-2023, discussed on Hon'ble NGT, New Delhi O.A. No. 591/2023 (I.A. No. 744/2023 & I.A. No. 745/2023 Satish Vs. MoEF&CC, & Ors. order dated 05/10/2023 and SEIAA agreed with the recommendations of the SEAC to keep EC Identification no. EC21B001UP153109, dated 14/12/2021 for Sand Mining at Gata No. 259 Ga, 258 Ga, & 258 Kha, Village/Ghat-Chivarahiya, Tehsil-Naugarh, Siddharth Nagar, U.P., (Leased Area-2.32 Ha.) in abeyance till further Orders.

This is for your information and necessary action in accordance with provision of EIA notification 2006 (as amended).

AJAY
KUMAR
SHARMA

Digitally signed by
AJAY KUMAR
SHARMA
Date: 2023.11.10
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(Ajay Kumar Sharma)
Member Secretary, SEIAA

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

1. The Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, Lucknow (email – soenvups@rediffmail.com)
2. Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, 3rd Floor, Prithvi-Block, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003 (email – sudheer.ch@gov.in)
3. Deputy Director General of Forests (C), Integrated Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow – 226020 (email – rocz.lko-mef@nic.in)
4. District Magistrate Siddharthnagar.
5. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email – ms@uppcb.com)
6. Shri Sharad Gupta, 24, Heerabagh Colony, Dayal bagh Agra. 282005
7. Copy to Web Master for uploading on PARIVESH Portal.

AJAY KUMAR
SHARMA

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Date: 2023.11.10 18:08:18
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(Ajay Kumar Sharma)
Member Secretary, SEIAA

Minutes of 809th SEAC-1 Meeting Dated 17/11/2023

The 809th meeting of SEAC-1 was held in the Directorate of Environment, U.P. through dual-mode (physically/virtually) at 10:00 AM on 17/11/2023. Following members participated in the meeting:

- | | | |
|----|-----------------------------|-----------------------------|
| 1. | Shri Rajive Kumar, | Chairman, SEAC |
| 2. | Dr. Ratan Kar, | Member, SEAC-1 |
| 3. | Shri Om Prakash Srivastava, | Member, SEAC-1 (through VC) |
| 4. | Dr. Brij Bihari Awasthi, | Member, SEAC-1 |
| 5. | Shri Umesh Chandra Sharma, | Member, SEAC-1 |
| 6. | Shri Ashish Tiwari, | Member-Secretary, SEAC-1 |

The Chairman welcomed the members to the 809th SEAC-1 meeting which was conducted via dual-mode (virtually/physically). Nodal Officer, SEAC-1 informed the committee that the agenda has been approved by the Member Secretary, SEAC-1/Director, Directorate of Environment. Nodal Officer, SEAC-1 placed the agenda items along with the available file and documents before the SEAC-1.

The Secretariat informed the committee that the important Hon'ble NGT matters listed in the meeting and separate minutes of the under given matter is required to be sent to SEIAA for necessary action. The committee agreed to it.

1. Discussion on Hon'ble NGT, New Delhi O.A. No. 591/2023 (I.A. No. 744/2023 & I.A. No. 745/2023 Satish Vs. MoEF&CC, & Ors. order dated 05/10/2023, File No. 6599.

The Secretariat informed the committee that the matter was earlier discussed in 672nd SEIAA meeting dated 18/11/2022 wherein:

"SEIAA gone through the letter of Mr. Satish dated 07-11-2022 regarding the above subject. SEIAA opined to refer the letter to SEAC-2 for necessary action as this project is being evaluated by them."

As per the decision of SEIAA, the matter was listed in 715th SEAC meeting dated 07/01/2023. The committee has gone through the complaint letter dated 28/10/2022 of Shri Satish, S/o Shri Barkhu, Kotiya Degar, Siddharthnagar, U.P. and decided to share the aforesaid complaint letter with the Project Proponent/Consultant to submit points-wise reply to the complaint made by the complainant.

The matter will be discussed after receipt of points-wise reply from the Project Proponent/Consultant. Subsequently the matter was listed in 697th SEAC meeting dated 22/02/2023 and agreed with the recommendation of SEAC."

The matter listed again in SEAC meeting and the committee found that the project proponent/consultant has not submitted their reply.

Mr. Virendra Kumar on behalf of project proponent and Mr. Shikhar Srivastava, Consultant, M/s Earthvision India Associate Consultants present before the committee and committee directed to submit reply of compliant immediately. After receiving of reply from project proponent/consultant the matter will be listed in next meeting till then EC Identification no. EC21B001UP153109, dated 14/12/2021 for Sand Mining at Gata No. 259 Ga, 258 Ga, & 258 Kha, Village/Ghat-Chivarahiya, Tehsil-Naugarh, Siddharth Nagar, U.P., (Leased Area-2.32 Ha.) should be kept in abeyance.

The SEIAA in its 766th meeting dated 25/10/2023 agreed with the recommendation of SEAC and keep the EC Identification no. EC21B001UP153109, dated 14/12/2021 in abeyance vide its letter no. 647/Parya/SEIAA/6599/2020, dated 10/11/2023.

The matter was again listed in 809th SEAC meeting dated 17/11/2023 and project proponent along with consultant present before SEAC. The committee has gone through the file and documents and observed that the project proponent/consultant has not submitted the reply of complaint letters till date.

The complainant Shri Satish, S/o Shri Barkhu, Kotiya Degar, Siddharthnagar, U.P. 272205, Mobile No. 7521941661, Aadhar No. 947812612654 present before the SEAC meeting and submitted an affidavit dated 25/10/2023 through which they have informed is as follows:

“...अवगत कराना है कि मैं सतीश पुत्र श्री बरखू, कोटिया दीगर, सिद्धार्थनगर का निवाशी हूँ तथा राजगीर मिस्त्री का काम करता हूँ। मेरे गाँव के जानने वाले लोग मेरा आधार कार्ड मोबाइल सिम निकलवाने के लिए धोखे से लिये थे। मेरा नाम व आधार कार्ड का उपयोग करके मेरे नाम से उक्त वाद संख्या-591/2023 फर्जी तरीके से मुकदमा दाखिल कर दिया गया है जबकि मेरा हस्ताक्षर नहीं है। उपरोक्त मुकदमा पुनः दिनांक 07/12/2023 को सुनवाई हेतु लगा है।

आपसे अनुरोध है कि उक्त मुकदमा खारिज करने की कृपा करें।”

The committee also observed that another complainant letter dated 04/11/2023 in name of Shri Satish received in Directorate of Environment, Vineet Khand, Gomti Nagar, Lucknow through speed post wherein:

“...You are required to immediately take action in the matter being a respondent in the NGT case and immediately pass orders to concerned authorities to stop the illegal mining in absence of which the liability of supporting violation shall remain with yourself.”

In view of above, the SEAC is of the opinion that the SEIAA may sent a letter to District Magistrate, Siddharthnagar on priority to provide the factual report within 05 days on the issues raised in compliant letters.

The matter will be discussed in next meeting after receipt of factual report.

(Dr. Brij Bihari Awasthi)
Member

(Umesh Chandra Sharma)
Member

(Dr. Ratan Kar)
Member

(Om Prakash Srivastava)
Member

(Ashish Tiwari)
Member-Secretary, SEAC

(Rajive Kumar)
Chairman

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 777th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 21-11-2023

The meeting of 777th State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 21.11.2023 the Directorate of Environment. The following were present in the meeting:-

1. Smt. Mamta Sanjeev Dubey,
2. Shri Paras Nath,
3. Shri Ajay Kumar Sharma,

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

Agenda-A - Minutes of 809th SEAC-1 Meeting Dated 17/11/2023

1. Discussion on Hon'ble NGT, New Delhi O.A. No. 591/2023 (I.A. No. 744/2023 & I.A. No. 745/2023 Satish Vs. MoEF&CC, & Ors. order dated 05/10/2023, File No. 6599.

SEIAA agreed with the recommendation of SEAC to send a letter to District Magistrate, Siddharthnagar on priority to provide the factual report within 05 days on the issues raised in compliant letters. The matter will be discussed after receipt of factual report.

Agenda- B- Letter/Reply

- 1- Moef &CC letter no- 20/1/2021-HSMD compliant of M/s Santosh Medical College & Hospital Dated 13-09-2023.

SEIAA gone through the letter of Director (HSMD) MoEFCC Dated 13.09.2023 regarding the above subject and opined to refer the letter to UPPCB for necessary action.

- 2- Request the letter in M/s Bamdev Smart Solution Pvt. Common Bio-medical Waste Treatment Facility (CBWTF) at Khasra No.- 925 & 1612 at Gram/Village -Rasulpur, Pargana- Salon, Tehsil- Unchahar, District- RaeBareli, Shri Hari Om Sharan Dwivedi, M/s Ferrosang Enviro Solutions Private Limited (FESPL), 7994/7637/SIA/UP/INFRA2/433652/2023.

SEIAA gone through the letter of Bamdev Smart Solution Pvt. Ltd. Dated 18.08.2023 regarding the above subject and opined to refer the letter to UPPCB for necessary action.

- 3- Moef & CC letter no- VII/ENV/SCL-UP/848/59 Dated 08-08-2023 Expansion of Group Housing Project "Greenshire" at Plot No. GH-03, Sector-2, Greater Noida, U.P., M/s Nirala Projects Pvt. Ltd., Shri Iftikhar Ahmed., File No. 7955/7704/ Proposal No. SIA/UP/INFRA2/432153/2023.

SEIAA gone through the letter of IRO, MoEFCC letter no.VII/Env/SCL-UP/848/59 Dated 08.08.2023 regarding the above subject and opined to refer the letter to UPPCB for necessary action and a copy to project proponent.

- 4- Moef & CC letter no- VII/ENV/SCL-UP/2877/205 Dated 24-07-2023 Group Housing Project "Nirala Aspire" at Plot No. GH-03, Sector-16, Greater Noida, U.P., Shri Iftikhar Ahmed, M/s Nirala Housing Pvt. Ltd., File No. 7794/ Proposal No. SIA/UP/INFRA2/426001/2023.

SEIAA gone through the letter of IRO, MoEFCC letter no.VII/Env/SCL-UP/2877/205 Dated 24.07.2023 regarding the above subject and opined to refer the letter to UPPCB for necessary action and a copy to project proponent.

प्रेषक,
निदेशक,
पर्यावरण निदेशालय, उ०प्र०,
विनीत खण्ड-1, गोमती नगर, लखनऊ-226010

सेवा में,
जिलाधिकारी,
सिद्धार्थनगर, उ०प्र०।

पत्रांक : 686 / पर्या. / 6599 / 2023

दिनांक 30 नवम्बर, 2023

विषय:- **Discussion on Hon'ble NGT, New Delhi O.A. No. 591/2023 (I.A. No. 744/2023 & I.A. No. 745/2023 Satish Vs. MoEF&CC, & Ors. order dated 05/10/2023, File No. 6599. के सम्बन्ध में।**

महोदय,

कृपया उपरोक्त प्रस्ताव पर राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति की बैठक दिनांक 17.11.2023 में विचार कर निम्नवत् संस्तुति की गई :-

The Secretariat informed the committee that the matter was earlier discussed in 672nd SEIAA meeting dated 18/11/2022 wherein:

"SEIAA gone through the letter of Mr. Satish dated 07-11-2022 regarding the above subject. SEIAA opined to refer the letter to SEAC-2 for necessary action as this project is being evaluated by them."

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आपसे अनुरोध है कि उक्त मुकदमा खारिज करने की कृपा करें।”

The committee also observed that another complainant letter dated 04/11/2023 in name of Shri Satish received in Directorate of Environment, Vineet Khand, Gomti Nagar, Lucknow through speed post wherein:

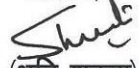
“...You are required to immediately take action in the matter being a respondent in the NGT case and immediately pass orders to concerned authorities to stop the illegal mining in absence of which the liability of supporting violation shall remain with yourself.”

In view of above, the SEAC is of the opinion that the SEIAA may sent a letter to District Magistrate, Siddharthnagar on priority to provide the factual report within 05 days on the issues raised in compliant letters.

समिति की संस्तुति के आधार पर राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण, उ०प्र० की बैठक दिनांक 21.11.2023 में तटस्थ सहमति रखी गयी।

प्राधिकरण/समिति की बैठको में लिये गये निर्णय के आलोक में सम्बन्धित कार्यवृत्त की प्रति इस अनुरोध के साथ प्रेषित है कि उक्त के सम्बन्ध में factual report 05 दिनों में उपलब्ध करवाने का कष्ट करें। प्रश्नगत प्रकरण मा० एन० जी० टी० में सुनवाई हेतु दिनांक 07.12.2023 सूचीबद्ध है।

संलग्नक— यथोक्त।

भवदीया,

 (श्रुति शुक्ला)
 उप निदेशक/नोडल,
 एस०ई०आई०ए०ए०

2002

823

14/12/2023

प्रेषक,

जिलाधिकारी
सिद्धार्थनगर।

सेवा में,

निदेशक,
पर्यावरण निदेशालय, उ०प्र०,
विनीत खण्ड-1, गोमती नगर
लखनऊ-226010।

विषय:- Discussion on Hon'ble NGT, New Delhi O.A. No 591/2023 (I.A No 744/2023 & I.A No 745/2023 Satish vs. MoEF&CC, & Ors.) order dated 05/10/2023, File No 6599 के सम्बन्ध में।

पत्रांक: 1072/खनन सहायक/2023-24

दिनांक 07 दिसम्बर 2023

कृपया उपर्युक्त विषयक अपने पत्रांक-686/पर्या०/6599/2023 दिनांक 30.11.2023 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा प्राधिकरण/समिति की बैठकों में लिये गये निर्णय के आलोक में, उक्त के सम्बन्ध में Factual report उपलब्ध कराने की अपेक्षा की गयी है।

उक्त के सम्बन्ध में अवगत कराना है कि कार्यालय के पत्र सं०-1070/खनन सहायक/2023-24 दिनांक 06.12.2023 द्वारा उपजिलाधिकारी नौगढ़ एवं खान अधिकारी सिद्धार्थनगर से जांच करायी गयी। उनके द्वारा संयुक्त रूप से जांच आख्या दिनांक 06.12.2023 प्रस्तुत की गयी। उपजिलाधिकारी नौगढ़ एवं खान अधिकारी सिद्धार्थनगर की संयुक्त जांच आख्या इस पत्र के साथ मूल रूप से संलग्न कर प्रेषित है।

संलग्नक-यथोपरि।

DD(D)
SC
15.12.23
Imp
DDA (S)
18/12/23
मु. SEAC-1 के 22/12/23

भवनीय

(पवन अग्रवाल)
जिलाधिकारी
सिद्धार्थनगर।

पत्रांक:- /तददिनांकित

प्रतिलिपि:- निदेशक भूतत्व एवं खनिकर्म निदेशालय उ०प्र० खनिज भवन लखनऊ को सूचनार्थ प्रेषित।

जिलाधिकारी
सिद्धार्थनगर।

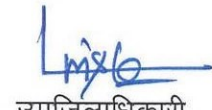
संयुक्त जांच आख्या

कार्यालय जिलाधिकारी सिद्धार्थनगर के पत्र सं०-1070/खनन सहायक/2023-24 दिनांक 06.12.2023 के सम्बन्ध में तथ्यात्मक आख्या निम्नवत है:-

जनपद सिद्धार्थनगर के तहसील नौगढ़ क्षेत्रान्तर्गत रिक्त साधारण बालू खनन क्षेत्र ग्राम-चिवरहिया के गाटा सं०-259ग, 258ग, 258ख, क्षेत्रफल 2.32हे० का 05 वर्षीय खनन पट्टा व्यवस्थापन हेतु इस कार्यालय द्वारा विज्ञप्ति संख्या 139/खनन सहा०/विज्ञप्ति- बालू/2021-22 /दिनांक 20.06.2021 आमंत्रित की गयी थी। उक्त विज्ञप्ति के क्रम में सर्वोच्च बोलीदाता श्री सुनील कुमार जायसवाल पुत्र श्री छोटेलाल जायसवाल निवासी-ग्राम टडिया, बाजार, थाना जोगिया उदयपुर, सिद्धार्थनगर के पक्ष में आशय पत्र (एल०ओ०आई०) पत्र सं०-201/खनन सहा०/दिनांक 17.08.2021 तत्कालीन जिलाधिकारी महोदय द्वारा सशर्त निर्गत किया गया है। उक्त के क्रम में उक्त क्षेत्र हेतु श्री सुनील कुमार जायसवाल द्वारा E.C Identification No- EC21B001UP153109 दिनांक 14.12.2021 सक्षम स्तर से प्राप्त जिलाधिकारी कार्यालय में प्रस्तुत किया गया। तत्पश्चात उक्त विज्ञापित क्षेत्र का खनन पट्टा विलेख दिनांक 03.01.2022 को निष्पादित हुआ। शिकायती पत्र दिनांक 02.11.2023 के साथ संलग्न SEAC की बैठक दिनांक 16.10.2023 के Minutes के क्रम में, जिलाधिकारी कार्यालय में उपलब्ध अभिलेखों में पाया गया कि पट्टेदार श्री सुनील कुमार द्वारा तत्समय सक्षम स्तर से प्राप्त कर, जिलाधिकारी कार्यालय में प्रस्तुत किये गये। अनुमोदित खनन योजना एवं पर्यावरण अनापत्ति (ई०सी०) में अंकित जिओ-कोआर्डिनेट्स, उक्त खनन क्षेत्र व्यवस्थापन हेतु जिलाधिकारी कार्यालय द्वारा आमंत्रित विज्ञप्ति सं०-139/खनन सहायक/ विज्ञप्ति-बालू/मोरम/2021-22 दिनांक 20 जून 2021, उक्त क्षेत्र की सीमांकन आख्या दिनांक 30.12.2021 एवं निष्पादित पट्टा विलेख दिनांक 03.01.2022 में अंकित जिओ-कोआर्डिनेट्स से भिन्न होने के कारण जिलाधिकारी महोदय द्वारा श्री सुनील कुमार के पक्ष में निष्पादित बालू खनन क्षेत्र चिवरहिया के गाटा सं०-259ग, 258ग, 258ख, क्षेत्रफल 2.32हे० का खनन/परिवहन, जिलाधिकारी कार्यालय के पत्रांक-1044/खनन सहायक/2023-24 दिनांक 23.11.2023 द्वारा तत्काल प्रभाव से प्रतिबन्धित करते हुए, संशोधित अद्यतन खनन योजना एवं पर्यावरण अनापत्ति सक्षम स्तर से प्राप्त कर, जिलाधिकारी कार्यालय सिद्धार्थनगर में प्रस्तुत करने हेतु निर्देशित किया गया है। वर्तमान में मौके पर साधारण बालू खनन/परिवहन पूर्णतयः बन्द है।

उपरोक्तानुसार तथ्यात्मक आख्या सादर सेवा में प्रेषित है।


खान अधिकारी
सिद्धार्थनगर।


उपजिलाधिकारी
तहसील-नौगढ़ 06/12/2023

13. "Paras Avenue" at Plot No.- C3H1, Sector-129, Noida, ShriVijender Kumar,M/s. Ambit Buildwell Private Limited., 7357/SIA/UP/MIS/306841/2023

RESOLUTION AGAINST AGENDA NO. 13

The above project proposal has already been discussed in 822nd SEAC meeting dated 08/01/2024. Hence, no action is required in the matter.

14. "Ordinary Sand Mining Project", at Gata No.- 259ग, 258ग & 258ख, Village/Ghat-Chivarahiya, Tehsil-Naugarh, District- Siddharthnagar, Shri Sunil Kumar Jaiswal., 6599/SIA/UP/MIN/307406/2023

The Secretariat informed the committee that the matter was earlier discussed in 809th SEAC meeting dated 17/11/2023 and decided is as follows:

"The complainant Shri Satish, S/o Shri Barkhu, Kotiya Degar, Siddharthnagar, U.P. 272205, Mobile No. 7521941661, Aadhar No. 947812612654 present before the SEAC meeting and submitted an affidavit dated 25/10/2023 through which they have informed is as follows:

"...अवगत करना है कि मैं सतीश पुत्र श्री बरखू कोटिया दीगर, सिद्धार्थनगर का निवासी हूँ तथा राजगीर मिस्त्री का काम करता हूँ। मेरे गाँव के जानने वाले लोग मेरा आधार कार्ड मोबाइल सिम निकलवाने के लिए धोखे से लिये थे। मेरा नाम व आधार कार्ड का उपयोग करके मेरे नाम से उक्त वाद संख्या-591/2023 फर्जी तरीके से मुकदमा दाखिल कर दिया गया है जबकि मेरा हस्ताक्षर नहीं है। उपरोक्त मुकदमा पुनः दिनांक 07/12/2023 को सुनवाई हेतु लगा है।

आपसे अनुरोध है कि उक्त मुकदमा खारिज करने की कृपा करें।"

The committee also observed that another complainant letter dated 04/11/2023 in name of Shri Satish received in Directorate of Environment, Vineet Khand, Gomti Nagar, Lucknow through speed post wherein:

"...You are required to immediately take action in the matter being a respondent in the NGT case and immediately pass orders to concerned authorities to stop the illegal mining in absence of which the liability of supporting violation shall remain with yourself."

In view of above, the SEAC is of the opinion that the SEIAA may sent a letter to District Magistrate, Siddharthnagar on priority to provide the factual report within 05 days on the issues raised in compliant letters."

In view of above decision, the Secretariat sent a letter no. 686/Parya/6599/2023, dated 30/11/2023 to District Magistrate, Siddharthnagar to provide factual report on the issues raised in complaint letter. District Magistrate, Siddharthnagar vide its letter no. 1072/Khanan Sahayak/2023-24, dated 07/12/2023 provided the factual report in compliance of above letter and mentioned is as follows:

"...जनपद सिद्धार्थनगर के तहसील नौगढ़ क्षेत्रान्तर्गत रिक्त साधारण बालू खनन क्षेत्र ग्राम-चिवरहिया के गाटा संख्या-259ग, 258ग, 258ख, क्षेत्रफल 2.32 हे० का 05 वर्षीय खनन पट्टा व्यवस्थापन हेतु इस कार्यालय द्वारा विज्ञप्ति संख्या 139/खनन सहा०/विज्ञप्ति-बालू/2021-2022, दिनांक 20.06.2021 आमंत्रित की गयी थी। उक्त विज्ञप्ति के क्रम में सर्वोच्च बोलीदाता श्री सुनील कुमार जायसवाल पुत्र श्री श्री छोटेला जयसवाल निवासी-ग्राम टडिया, बाजार, थाना जोगिया उदयपुर, सिद्धार्थनगर के पक्ष में आशय पत्र (एल०ओ०आई०) पत्र सं०-201/खनन सहा०, दिनांक 17.08.2021

तत्कालीन जिलाधिकारी महोदय द्वारा सशर्त निर्गत किया गया। उक्त के क्रम में उक्त क्षेत्र हेतु श्री सुनील कुमार जायसवाल द्वारा EC Identification No. EC21B001UP153109 दिनांक 14.12.2021 सक्षम स्तर से प्राप्त जिलाधिकारी कार्यालय में प्रस्तुत किया गया। तत्पश्चात उक्त विज्ञापित क्षेत्र का खनन पट्टा विलेख दिनांक 03.01.2022 को निष्पादित हुआ। शिकायती पत्र दिनांक 02.11.2023 के साथ संलग्न SEAC की बैठक दिनांक 16.10.2023 के Minutes के क्रम में जिलाधिकारी कार्यालय में उपलब्ध अभिलेखों में पाया गया कि पट्टेदार श्री सुनील कुमार द्वारा तत्समय सक्षम स्तर से प्राप्त कर जिलाधिकारी कार्यालय में प्रस्तुत किये गये। अनुमोदित खनन योजना एवं पर्यावरण अनापत्ति (ई0सी0) में अंकित जिओ-कोऑर्डिनेट्स, उक्त खनन क्षेत्र व्यवस्थापन हेतु जिलाधिकारी कार्यालय द्वारा आमंत्रित विज्ञप्ति संख्या 139/खनन सहा0/विज्ञप्ति-बालू/2021-2022, दिनांक 20.06.2021, उक्त क्षेत्र की सीमांकन आख्या दिनांक 30.12.2021 एवं निष्पादित पट्टा विलेख दिनांक 03.01.2022 में अंकित जिओ-कोऑर्डिनेट्स से भिन्न होने के कारण जिलाधिकारी महोदय द्वारा श्री सुनील कुमार के पक्ष में निष्पादित बालू खनन क्षेत्र चिवरहिया के गाटा संख्या-259ग, 258ग, 258ख, क्षेत्रफल 2.32 हे0 का खनन/परिवहन, जिलाधिकारी कार्यालय के पत्रांक-1044/खनन सहायक/2023-24, दिनांक 23.11.2023 द्वारा तत्काल प्रभाव से प्रतिबन्धित करते हुए, संशोधित अद्यतन खनन योजना एवं पर्यावरण अनापत्ति सक्षम स्तर से प्राप्त कर, जिलाधिकारी कार्यालय सिद्धार्थनगर में प्रस्तुत करने हेतु निर्देशित किया गया है। वर्तमान में मौके पर साधारण बालू खनन/परिवहन पूर्णतः बन्द है।”

The matter was again listed in 823rd SEAC meeting dated 09/01/2024. 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 Earthvision India Associate Consultants. The project proponent submit the following point wise reply of the compliant letter:

1. दिनांक 20.06.2021 को ई-टेंडर प्रकाशित हुआ था, जिसमें कोऑर्डिनेट अंकित था परन्तु लेटर आफ इन्डेंट दिनांक 17.08.2021 में कोऑर्डिनेट अंकित नहीं था जिसके कारण माईनिंग प्लान बनाते समय टंकण त्रुटिवश गलत कोऑर्डिनेट अंकित हो गया है एवं तदनुसार ई0सी0 हेतु आवेदन में भी माईनिंग प्लान वाले गलत कोऑर्डिनेट अंकित हो गये इसी के फलस्वरूप ई0सी0 में माईनिंग प्लान एवं आवेदन वाले कोऑर्डिनेट अंकित हुए हैं।

उल्लेखनीय है कि गाटा सं0-259ग, 258ग, 258ख, क्षेत्रफल 2.3200हे0 में जिस क्षेत्र में माईनिंग की गई है वह सीमांकन आख्या तथा टेंडर में प्रकाशित कोऑर्डिनेट के अनुसार ही है।

2. दूसरा आरोप है कि उक्त गाटा नो मेन्स लैण्ड इन्टरनेशनल बार्डर पर स्थित है। इसके संबंध में अवगत कराना है कि एस0डी0एम0 के पत्र सं0- 3068/आशुलि/2023-24 दिनांक 22.11.2023 द्वारा अवगता कराया गया है कि उक्त खनन क्षेत्र नो मेन्स लैण्ड में नहीं है। यह खनन क्षेत्र भारतीय सीमा के अन्दर पाया गया है।
3. शिकायतकर्ता का आरोप है कि उक्त गाटे का रिप्लेसमेंट स्टडी नहीं कराया गया है इस संबंध में रिप्लेसमेंट स्टडी की फोटोप्रति संलग्न है।
4. उक्त क्षेत्र के सीमांकित नक्शे में जो बिन्दू A,B,C,D दर्शाया गया है उसका क्रमांक A,B,C,D के स्थान पर त्रुटिवश B, A, D, C गलत अंकित हो गया था, जिसके संबंध में दिनांक 25 नवम्बर 2023 को उक्त क्षेत्र के नक्शे में अंकित बिन्दू संशोधित करकर सही बिन्दू के अनुसार खान अधिकारी एवं अपर जिलाधिकारी महोदय द्वारा सत्यापित नक्शे की कापी संलग्न की जा रही है।

जिलाधिकारी सिद्धार्थनगर के पत्र दिनांक 23.11.2023 के निर्देशानुसार संशोधित माईनिंग प्लान, निदेशक, भूतत्व एवं खनिकर्म विभाग से अनुमोदित करकर एस0ई0आई0ए0ए0 के पोर्टल पर फार्म-4 को ई0सी0 लेटर में कोऑर्डिनेट संशोधन के लिये ऑनलाईन आवेदन कर दिया था।

ज्ञातव्य हो कि एस0ई0ए0सी0 की बैठक दिनांक 17.11.2023 को शिकायतकर्ता श्री सतीश स्वयं कमेटी के समक्ष उपस्थित होकर तथा एफिडेविट प्रस्तुत कर बताया कि शिकायत पर मेरे फर्जी हस्ताक्षर हैं। तत्संबंधी कार्यवृत्त की फोटोप्रति पर संलग्न है।

आपको पुनः अवगत कराना है कि जनपद सिद्धार्थनगर की तहसील-नौगढ़ क्षेत्रान्तर्गत साधारण बालू खनन क्षेत्र ग्राम- चिवरहिया के गाटा सं०-259ग, 258ग, 258ख क्षेत्रफल 2.3200हे० में सीमांकन आख्या व टेण्डर में प्रकाशित कोआर्डिनेट तथा अपर जिलाधिकारी, सिद्धार्थनगर के पत्र दिनांक 28.11.2023 में अंकित कोआर्डिनेट पर ही खनन कार्य हुआ था। त्रुटिवश माइनिंग प्लान के केवल कोआर्डिनेट गलत अंकित हो गया था।

आपसे सादर निवेदन है कि उक्त ई०सी० दिनांक 14.12.2021 के क्रम में उपरोक्तानुसार (टेण्डर व सीमांकन आख्या में अंकित कोआर्डिनेट) के अनुसार संशोधित कोआर्डिनेट जारी करने की कृपा करें ताकि खनन कार्य किया जा सके।”

The project proponent also informed the committee that they have already submitted online amendment application through Parivesh Portal on 16/12/2023. The project proponent requested the committee to amend the geo coordinates mentioned in environmental clearance letter dated 14/12/2021 as per given details:

Pillar No	Latitude (N)	Longitude (E)
A	27° 23'10.00"N	83° 15'12.50"E
B	27° 23'09.70"N	83° 15'09.70"E
C	27° 23'00.20"N	83° 15'06.80"E
D	27° 23'00.60"N	83° 15'09.10"E

RESOLUTION AGAINST AGENDA NO. 14

The committee discussed the matter in light factual report provided by District Magistrate vide letter dated 07/12/2023 and reply submitted by the project proponent/consultant. Hence, the committee recommended to amend the geo coordinates mentioned in EC Identification No. EC21B001UP153109, dated 14/12/2021 as per above details. All the other contents mentioned in EC Identification No. EC21B001UP153109, dated 14/12/2021 shall remain the same.

15. Expansion of Exiting Rolling Mill Plan located at Village- Godni, Pargana- Basahi, Tehsil & District- Bahraich, Shri Sanjay Kumar Jain, M/s Sudhesh Industries Pvt. Ltd., 6991/SIA/UP/IND/307490/2023

The Secretariat informed the committee that the terms of reference for the above project was issued by SEIAA, U.P. vide letter no. 123/Parya/SEIAA/6991/2022, dated 12/07/2022 for the Production of 1,80,000 MTPA M.S Billets/Ingots by installation of Induction furnace 2x 30 MT Capacity and Expansion of Re Rolling Unit from 18000 MTPA to 1,68,000 MTPA M.S Bar/TMT Bars for at Khasra 217, Village-Godani Basahi, Bahraich., Shri Sanjay Kumar Jain, M/s Sudhesh Industries Pvt. Ltd. The project proponent submitted an online TOR amendment application on Parivesh Portal on 20/12/2023 through which they have informed that in the Form-1, Pre-feasibility report, the location of project has been erroneously mentioned as Khasra no. 217, Godani Basahi, Bahraich, U.P. whereas the actual site details are Gata nos. 92, 93, 94, 88, 91, 95, 107, 108, 109, 110, 111, 112, 113, 103, 102, 67Ka, 68, 74, 75, 78, 79, 81, 82, 80, 87, 64, 66, 67Ga, 96, 69, 72, 70, 71, 73, 128, 129, 99, 77, 83, 84, 85, 90 in Village Godni Basahi, Bahraich, U.P. The project proponent requested the committee to amend the site details mentioned in terms of reference letter dated 12/07/2022 as per details given below:

Geo coordinates mentioned in TOR letter	Proposed amendment in Geo coordinates
Production of 1,80,000 MTPA M.S Billets/Ingots by installation of Induction furnace 2x 30 MT Capacity and Expansion	Production of 1,80,000 MTPA M.S Billets/Ingots by installation of Induction furnace 2x 30 MT Capacity

7. The project proponent shall ensure that water bodies do not get polluted due to mining activity and in consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepare a conservation and management plan for rejuvenation and management of all water bodies within periphery of 5 km. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
 8. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
 9. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
 10. The project proponent shall install rooftop solar plant in one school in the vicinity of project area and construct toilets especially in girls' school as part of CER activity.
 11. Project Proponent shall submit the Six-monthly Compliance on the Environment Clearance condition prescribed in the Prior Environment Clearance letter as per MoEF&CC OM F.no- IAS-22/01/2022-IA-III (E-172624) Dated 14-06-2022.
13. "Paras Avenue" at Plot No.- C3H1, Sector-129, Noida, ShriVijender Kumar,M/s. Ambit Buildwell Private Limited., 7357/SIA/UP/MIS/306841/2023.
SEIAA noted that the project proposal has already been taken. Hence, no action is required in the matter.
14. "Ordinary Sand Mining Project", at Gata No.- 259^त, 258^त & 258^ख, Village/Ghat- Chivarahiya, Tehsil-Naugarh, District- Siddharthnagar, Shri Sunil Kumar Jaiswal., 6599/SIA/UP/MIN/307406/2023
SEIAA agreed with the recommendation of SEAC to amend the geo coordinates mentioned in EC Identification No. EC21B001UP153109, dated 14/12/2021 as per above details. All the other contents mentioned in EC Identification No. EC21B001UP153109, dated 14/12/2021 shall remain the same.
15. Expansion of Exiting Rolling Mill Plan located at Village- Godni, Pargana- Basahi, Tehsil & District- Bahraich, Shri Sanjay Kumar Jain, M/s Sudhesh Industries Pvt. Ltd., 6991/SIA/UP/IND/307490/2023.
SEIAA agreed with the recommendation of SEAC to amend the site detail of the project in terms of reference letter dated 12/07/2022 as per above details. All the other contents mentioned in terms of reference letter dated 12/07/2022 shall remain the same.
16. Bhedi Khurd Sand/Morrum Mining Project on Betwa River at Gata No.-1396 G, Khand No.- 05,Village- Bhedi Khurd, Tehsil- Kalpi, District- Jalaun, Uttar Pradesh, Area 20.243 ha., 8571/7632/SIA/UP/MIN/455178/2023.
SEIAA agreed with the recommendation of SEAC that the project proponent will submit NOC from Forest Department/competent authority regarding the crocodile habitat. SEIAA may send a letter to DFO, Jalaun in this regard and copy of the letter also send to District Magistrate, Jalaun and DGM, U.P. for information and necessary action.

State Level Environment Impact Assessment Authority, Uttar Pradesh

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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

To,

Shri Sunil Kumar Jaiswal,
Village- Tandiya Bazar, Thana- Jogiya Udaipur,
District- Siddharthnagar, U.P-272207

Ref. No. 217/Parya/SEIAA/6599/2023

Date: 20 February, 2024

Sub: Amendment in proposed Ordinary Sand Mining Project", at Gata No.- 259ग, 258ग & 258ख, Village/Ghat-Chivarahiya, Tehsil-Naugarh, District- Siddharthnagar.

Reference- MoEFCC Proposal no- SIA/UP/MIN/307406/2023 File no- 6599

Dear Sir,

This is with reference to your application / letter dated 26-12-2023, 28-12-2023, 02-02-2024 on above mentioned subject. The matter was considered 823rd SEAC meeting held on 09-01-2024 and 795th SEIAA meeting held on 09-02-2024.

The project proponent informed the committee that they have already submitted online amendment application through Parivesh Portal on 16/12/2023. The project proponent requested the committee to amend the geo coordinates mentioned in environmental clearance letter dated 14/12/2021 as per given details:

Pillar No	Latitude (N)	Longitude (E)
A	27° 23'10.00"N	83°15'12.50"E
B	27° 23'09.70"N	83°15'09.70"E
C	27° 23'00.20"N	83°15'06.80"E
D	27° 23'00.60"N	83°15'09.10"E

The SEAC discussed the matter in light factual report provided by District Magistrate vide letter dated 07/12/2023 and reply submitted by the project proponent/consultant. Hence, the committee recommended to amend the geo coordinates mentioned in EC Identification No. EC21B001UP153109, dated 14/12/2021 as per above details.

All the other contents mentioned in EC Identification No. EC21B001UP153109, dated 14/12/2021 shall remain the same.

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

(Sanjeev Kumar Singh)
Member Secretary, SEIAA

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

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

(Sanjeev Kumar Singh)
Member Secretary, SEIAA