

Action Taken Report against the defaulter Project Proponents by the committee constituted by Hon'ble NGT in the matter of O.A. No. 61/2022 All India Kaimur People's Front Vs. State of Uttar Pradesh & Ors.

Hon'ble NGT in the matter vide its order dated 23.03.2022 directed the following:-

....."1. Grievance in this application is against illegal mining on the land of Chak Dam (Small village Dam) nala and railway pit, within the periphery of 50 meters from the land of dam, nala and railways in village Billi Markundi, Tehsil Obra, District Sonbhadra, in violation of Sustainable Sand Mining Guidelines and other environmental norms, including Mining Rules, 1963, by Respondents - Rajesh Kumar son of late Kaliram, Farida Begum wife of Imtiyaz Ahmad, Chopan, District Sonbhadra, M/s. BCS Enterprises, Proprietor Chandra Bhushan Gupta son of Ram Lakhan Gupta, Obra, District Sonbhadra and M/s. Ishana Construction, Proprietor Afreena Khan wife of Ishtiyag Khan, resident of Village Billi Markundi, Obra, District Sonbhadra, U.P.

2. Let the District Magistrate, Sonbhadra, Chief Development Officer, Sonbhadra and State PCB look into the grievance and take remedial action in accordance with law. The state PCB will be the nodal agency for coordination and compliance.

3. An action taken report may be furnished within two month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If any violations are noticed, apart from taking action in exercise of statutory powers, the said Authorities may also inform the violators about these proceeding so that they may place their viewpoint, if any, before the Tribunal."

Accordingly, the following members were nominated by the concerned departments for the said committee:-

1. Shri Ashutosh Kumar Dubey,
Additional District Magistrate(NGRWS),
Sonbhadra :- Nominee of District Magistrate, Sonbhadra.
2. SDM, Obra, Sonbhadra
3. Sr. Mining Officer, Sonbhadra. } :- Nominee of CDO, Sonbhadra.
4. Shri T.N. Singh, Regional Officer,
U.P. Pollution Control Board, Sonbhadra :- Nominee of SPCB, Lucknow.

Nominated committee members had conducted field visit on 21.05.2022 to review the factual position in the matter. The factual status of the concerned mining leases as mentioned in the writ was verified during the site visit. The facts found in field visit and the records made available to the committee was submitted in the Hon'ble NGT by email at judicial-ngt@gov.in.

Viewing the status report of the committee, Hon'ble NGT vide its order dated August 16, 2022 has directed the following:-

....."10. Accordingly, we accept the facts found as per the report, showing illegal mining by the PPs for which accountability of the said PPs is required to be fixed. Apart from recovery of royalty and penalty under the Mining Rules, compensation for damage to the environment is also required to be assessed and recovered as per law, particularly judgments of the Hon'ble Supreme Court in Common Cause Vs. Union of India & Ors, (2017) 9 SCC 499 and Goa Foundation Vs. Union of India & Ors. (2014) 6 SCC 590, to the effect that under section 21(5) of the MMDR Act, 1957, the entire value of the mined material is to be recovered, in addition to compensation for damage to the environment.

11. Accordingly, we direct the District Magistrate and State PCB to take further steps in the matter in accordance with law, preferably within three months. Since environmental offices fall in the schedule to the PMLA Act, ED is free to consider if any action is warranted on their part under the law.

In compliance of the Hon'ble NGT order dated 16.08.2022, State PCB directed the undersigned vide its letter No. **H80290/C-2/Vidhi Anubhag/NGT-183/2022** dated **26.08.2022** to coordinate with District Magistrate, Sonbhadra and accordingly Action Taken Report be submitted in Hon'ble NGT within time frame of the above said order dated **16.08.2022**.

The undersigned coordinated with District Magistrate and it was directed by the District Magistrate concerned that Environmental Compensation of the reported illegal mining by the concerned Project Proponent be imposed and submit the report in Hon'ble NGT.

To comply the direction of Hon'ble NGT, a letter was sent by this office vide Ref. No. **G002260/O.A. No. 61/2022** to Senior Mines Officer, Sonbhadra to provide necessary documentary proof for permitted quantity of the mined minerals, total extraction of the minerals, market value of the material in M.T. or in cubic meter as well as risk factor for computation of the E.C. as per "**Recommendations on Scale of Compensation to deal with the cases of illegal Sand Mining**" by Central Pollution Control Board but till date no response has been received so far from Mining Department. Taking the cognizance of time frame of the order, the **Environmental Compensation** was calculated as per documents provided earlier by the Mining Department as have already been submitted on dated 25.05.2022 in Hon'ble NGT for the following questioned mines leases.

Sl. No.	Name of Lease Holder	Area	Aaraji No.	Period	Quantity of Mineral/Year
1.	Shri Rajesh Kumar S/o. Late Kaliram, R/o. Chopan, Distt. Sonbhadra and Smt. Farida Begum W/o. Shri Imtiyaz Ahmad R/o. Chopan, Distt. Sonbhadra.	1.85 Acre	7586, 7590, 7584	01.12.2016 to 30.11.2026	15,000 Cubic meter
2.	M/s. B.C.S. Enterprises, Partner Shri Chandra Bhushan Gupta S/o. Shri Ram Lakhn Gupta R/o. Obra, Distt. Sonbhadra and Shri Shafik Ahmad S/o. Shri Sagir Ahmad R/o. Obra, Distt. Sonbhadra.	4.86 Acre	4419Kha, 4419Ga, 4422Ka Mi, 4416Ka, 7576, 7577Kha, 4420 Mi	26.05.2016 to 25.05.2026	40,000 Cubic meter
3.	M/s. Ishana Construction, Partner Smt. Afreena Khan W/o. Shri Istiyak Khan, R/o. Vill. Billi-Markundi, Obra, Distt. Sonbhadra.	5.80 Acre	5355Ka, 5359, 5361, 5363Ka, 5351Ka, 5352, 5353, 5354, 5362, 5355Kha, 5356, 5357Kha and 5351Kha	27.05.2016 to 26.05.2026	40,000 Cubic meter

The Environmental Compensation is being described as follows:-

I. Shri Rajesh Kumar S/o. Late Kaliram, R/o. Chopan, Distt. Sonbhadra and Smt. Farida Begum W/o. Shri Imtiyaz Ahmad R/o. Chopan, Distt. Sonbhadra.

1. That, the said mines lease is operational since 01.12.2016.
2. That, the Project Proponent had obtained CTO from State PCB which is valid till 31.12.2025.
3. That, as per report submitted by the Mines Department, Sonbhadra, the mines lease holder has excavated 1821 Cubic meter + 3854 Cubic meter + 15150 Cubic meter and 15200 Cubic meter (Total 36,025 Cubic meter) dolostone boulders in illegal manner.
4. That, the Compliance report of the E.C. as well as CTO has not been submitted by the proponent till date.
5. That, the mines lease holder has excavated the chak Dam situated on Araji No. 7585 Area 0.1010 hect. and Araji No.7587 Area 0.0760 hect. as per inspection report of the Committee.

Based on the above mentioned facts, the Environmental Compensation has been calculated as follows:-

Compensation charge (In Rs.) = D x (1+RF+DF)

Where, D = Z x Market Value of the material per MT or m³

DF = 0.3, if Z/X=0.11 to 0.40

0.6, if Z/X=0.41 to 0.70

1, if Z/X>=0.71

RF = 0.25, 0.50, 0.75, 1.00 as per risk level mentioned below:-

Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1

In Present Case:-

Total Permitted Quantity in Environmental Clearance (X)	= 15500 m ³ /Year
Total Extraction (Y)	= 51525 m ³
Excess Extraction (Z), (Z=Y-X)	= 36025 m ³
(Note:- To know the market value in this region, a letter vides G002260/O.A. No.61/2022 dated 24.09.2022 was sent to Mining Officer, Sonbhadra. Till date no response has been received in this office, hence the market value was surveyed in the region as per conversation with M/s Yogi Baba Stone Crusher, Raspahadi, Sonbhadra-Shri Atul Raghuvanshi, M/s Krishna Industries Dala, Sonbhadra-Shri Ajay Yadav, M/s Pooja Stone Works, Dala, Sonbhadra-Shri Pradumanya Kumar Singh and M/s Kaimur Stone Works, Raspadi, Sonbhadra- Shri Washir Ahmed. As per survey the Market value of the Boulders mine varies from Rs.600 to Rs. 850 per cubic meter depending upon the quality of the boulders and season.)	
Market value of illegally mined material (D) (Market value of the material as Rs.725/- per m ³)	D = Z x Market Value of the material = 36025 x 725 = 26118125 (Taking the average values as per rate quoted above)
Risk Factor (RF)	RF = 0.5, As per risk level=2, (Viewing the mining activity/safety of mining)
Deterrence Factor (DF)	DF=1, As per Z/X=36025/15500 =2.32
Environmental Compensation/charge (in Rs.)	= D x (1+RF+DF) = 26118125 x (1+0.5+1) = 26118125 x 2.5 = Rs.6,52,95,310.00 (after round off) (Six Crore fifty two lakh ninety five thousand three hundred ten only)

6. The calculation sheet of the EC has been sent to H.O. vide Letter Ref.No. **G002365/O.A. No. 61/2022** dated **25.10.2022** to impose EC. Board has issued show cause notices on 02.12.2022 prior to imposing Environmental Compensation (EC) to M/s Rajesh Kumar S/o. Late Kaliram vide letter no. H85024/C-2/NGT-59/22 dated 02.12.2022 (**annexed as annexure no.1**)

II. M/s. B.C.S. Enterprises, Partner Shri Chandra Bhushan Gupta S/o. Shri Ram Lakhani Gupta R/o. Obra, Distt. Sonbhadra and Shri Shafik Ahmad S/o. Shri Sagir Ahmad R/o. Obra, Distt. Sonbhadra.

1. That, the said mining lease is operational since 26.05.2016.
2. That, the Project Proponent has not obtained CTO from State PCB.
3. That, as per report submitted by the Mines Department, Sonbhadra, the mines lease holder has excavated 2739 Cubic meter dolostone boulders in illegal manner and has submitted penalty of Rs. 26,79,440.00 in the Mining Department, Sonbhadra.
4. That, the Compliance report of the E.C. has not been submitted by the proponent till date.

Based on the above mentioned facts, the Environmental Compensation has been calculated as follows:-

Compensation charge (In Rs.) = D x (1+RF+DF)

Where, D = Z x Market Value of the material per MT or m³

DF= 0.3, if Z/X=0.11 to 0.40

0.6, if Z/X=0.41 to 0.70

1, if Z/X>=0.71

RF=0.25, 0.50, 0.75, 1.00 as per risk level mentioned below:-

Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1

In Present Case:-

Total Permitted Quantity in Environmental Clearance (X)	= 40000 m ³ /Year
Total Extraction (Y)	= 42739 m ³
Excess Extraction (Z), (Z=Y-X)	= 2739 m ³
(Note:-To know the market value in this region, a letter vides G002260/O.A. No.61/2022 dated 24.09.2022 was sent to Mining Officer, Sonbhadra. Till date no response has been received in this office, hence the market value was surveyed in the region as per conversation with M/s Yogi Baba Stone Crusher, Raspahadi, Sonbhadra-Shri Atul Raghuvanshi, M/s Krishna Industries Dala, Sonbhadra-Shri Ajay Yadav, M/s Pooja Stone Works, Dala, Sonbhadra-Shri Pradumanya Kumar Singh and M/s Kaimur Stone Works, Raspadi, Sonbhadra- Shri Washir Ahmed. As per survey the Market value of the Boulders mine varies from Rs.600 to Rs. 850 per cubic meter depending upon the quality of the boulders and season.)	
Market value of illegally mined material (D) (Market value of the material as Rs.725/- per m ³)	D = Z x Market Value of the material = 2739 x 725 = 1985775 (Taking the average values as per rate quoted above)
Risk Factor (RF)	RF = 0.5, As per risk level=2, (Viewing the mining activity/safety of mining)
Deterrence Factor (DF)	DF = 0.3, As per Z/X=2739/40000 =0.06
Environmental Compensation/charge (in Rs.)	= D x (1+RF+DF) = 1985775 x (1+0.5+0.3) = 1985775 x 1.8 = Rs.35,74,395.00 (Thirty five lakh seventy four thousand three hundred ninety-five only)

5. The calculation sheet of the EC has been sent to H.O. vide Letter Ref.No. **G002365/O.A. No. 61/2022** dated **25.10.2022** to impose EC. Board has issued show cause notices on 02.12.2022 prior to imposing Environmental Compensation (EC) to M/s B.C.S. Enterprises, Partner Shri Chandra Bhushan Gupta vide letter no. H85023/C-2/NGT-59/22 dated 02.12.2022 (**annexed as annexure no.2**)

III. M/s. Ishana Construction, Partner Smt. Aafreena Khan W/o. Shri Istiyak Khan, R/o. Vill. Billi-Markundi, Obra, Distt. Sonbhadra.

1. That, the said mining lease is operational since 27.05.2016.
2. That, the Project Proponent has not obtained CTO from State PCB which is valid till date 31.12.2025.
3. That, as per report submitted by the Mines Department, Sonbhadra, the mines lease holder has excavated 817 Cubic meter and 15732 cubic meter (Total 16549 cubic meter) dolostone boulders in illegal manner and has submitted penalty of Rs. 8,34,320.00 in the Mining Department, Sonbhadra.
4. That, the Compliance report of the E.C. as well as CTO has not been submitted by the proponent till date.

Based on the above mentioned facts, the Environmental Compensation has been calculated as follows:-

$$\text{Compensation charge (In Rs.)} = D \times (1+RF+DF)$$

Where, $D = Z \times \text{Market Value of the material per MT or m}^3$

DF= 0.3, if $Z/X=0.11$ to 0.40

0.6, if $Z/X=0.41$ to 0.70

1, if $Z/X \geq 0.71$

RF= 0.25, 0.50, 0.75, 1.00 as per risk level mentioned below:-

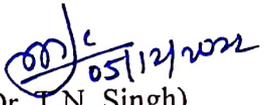
Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1

In Present Case:-

Total Permitted Quantity in Environmental Clearance (X)	= 40000 m ³ /Year
Total Extraction (Y)	= 565419 m ³
Excess Extraction (Z), (Z=Y-X)	= 16549 m ³
(Note:- To know the market value in this region, a letter vides G002260/O.A. No.61/2022 dated 24.09.2022 was sent to Mining Officer, Sonbhadra. Till date no response has been received in this office, hence the market value was surveyed in the region as per conversation with M/s Yogi Baba Stone Crusher, Raspahadi, Sonbhadra-Shri Atul Raghuvanshi, M/s Krishna Industries Dala, Sonbhadra-Shri Ajay Yadav, M/s Pooja Stone Works, Dala, Sonbhadra-Shri Pradumanya Kumar Singh and M/s Kaimur Stone Works, Raspadi, Sonbhadra- Shri Washir Ahmed. As per survey the Market value of the Boulders mine varies from Rs.600 to Rs. 850 per cubic meter depending upon the quality of the boulders and season.)	
Market value of illegally mined material (D) (Market value of the material as Rs.725/- per m ³)	$D = Z \times \text{Market Value of the material}$ = 16549 x 725 = 11998025 (Taking the average values as per rate quoted above)
Risk Factor (RF)	RF = 0.5, As per risk level=2, (Viewing the mining activity/safety of mining)
Deterrence Factor (DF)	DF = 0.6, As per $Z/X=16549/40000=0.4$

Environmental Compensation/charge (in Rs.)	$= D \times (1+RF+DF)$ $= 11998025 \times (1+0.5+0.6)$ $= 11998025 \times 2.1$ $= \text{Rs.2,51,95,852.00}$ (after round off) (Two crore fifty one lakh ninety five thousand eight hundred fifty two only)
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5. The calculation sheet of the EC has been sent to H.O. vide Letter Ref.No. **G002365/O.A. No. 61/2022** dated **25.10.2022** to impose EC. Board has issued show cause notices on 02.12.2022 prior to imposing Environmental Compensation (EC) to M/s. Ishana Construction, Partner Smt. Aafreena Khan vide letter no. H85022/C-2/NGT-59/22 dated 02.12.2022 (**annexed as annexure no.3**)


(Dr. T.N. Singh)
Regional Officer
U.P. Pollution Control Board
Sonbhadra



Annexure No - 1
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ सं.
Ref. No.

सेवा में,

M/s Rajesh Kumar S/o Late Kaliram,
R/o. Chopan, Tehsil-Obra, Sonbhadra and
Smt. Farida Begam W/o Imtiyaj Ahmad, R/o. Chopan,
Sonbhadra.

दिनांक

Date

पंजीकृत

यह कि उद्योग M/s Rajesh Kumar S/o Late Kaliram, R/o. Chopan, Tehsil-Obra and Smt. Farida Begam W/o Imtiyaj Ahmad, R/o. Chopan, Sonbhadra जिसे आगे उद्योग कहा जायेगा, जो डोलो स्टोन बोल्टर के खनन हेतु उपरोक्त वर्णित स्थल पर स्थापित/संचालित है तथा वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा-40 के अर्न्तगत एक कम्पनी है।

क्षेत्रीय अधिकारी द्वारा प्रेषित आख्या एवं संस्तुति दिनांक 25.10.2022 के अनुसार M/s Rajesh Kumar S/o Late Kaliram, R/o. Chopan, Tehsil-Obra and Smt. Farida Begam W/o Imtiyaj Ahmad, R/o. Chopan, Sonbhadra द्वारा स्वीकृत खनन पट्टा क्षेत्र आराजी संख्या-7586 एवं 7590, (क्षेत्रफल-1.84 एकड़) ग्राम, विल्ली मारकुण्डी, तहसील ओबरा, जनपद सोनभद्र में 36025 घन मीटर डोलो स्टोन बोल्टर का अवैध खनन किया गया है।

The above referred mining lease is operational at Arazi no. 7586, 7590 and 7590, Area-1.84 Acre, Village-Billi-Markundi, Tehsil-Obra, District-Sonbhadra for mining of Dolo Stone Boulders. The mining lease holder of above mentioned project has excavated the Dolo Stone Boulders in illegal manner, as per the report submitted by the Mining Department, Sonbhadra. The mining leaseholder has excavated the stone boulder of 1821m³, 3854m³, 15150m³ and 15200m³ (total volume =36025m³) in illegal manner as per our earlier joint report submitted in Hon'ble NGT.

Based on above mentioned facts, the Environmental Compensation has been computed as per the "Recommendation on Scale of Compensation to deal with the cases of illegal Sand Mining submitted to Hon'ble NGT, Principal Bench, New Delhi on 29th January, 2020 and as per order of Hon'ble NGT in O.A. No. 360/2015 dated 05.04.2019".

$$\text{Compensation charge (In Rs.)} = D \times (1+RF+DF)$$

$$\text{Where, } D = Z \times \text{Market Value of the material per MT or m}^3$$

$$DF = 0.3, \text{ if } Z/X = 0.11 \text{ to } 0.40$$

$$0.6, \text{ if } Z/X = 0.41 \text{ to } 0.70$$

$$1, \text{ if } Z/X \geq 0.71$$

$$RF = 0.25, 0.50, 0.75, 1.00 \text{ as per risk level mentioned below:-}$$

Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1

In Present Case:-

Total Permitted Quantity in Environmental Clearance (X)	= 15500 m ³ /Year
Total Extraction (Y)	= 51525 m ³
Excess Extraction (Z), (Z=Y-X)	= 36025 m ³
Market value of illegally mined material (D) (Market value of the material as Rs.725/- per m ³)	D = Z x Market Value of the material = 36025 x 725 = 26118125 (Taking the average values as per rate quoted above)

टी.सी. - 12 वी, विभूति खण्ड, गोमती नगर,

लखनऊ - 226010

दूरभाष : 0522-2720828, 2720831

फैक्स : 0522-2720764, 2720676

ई-मेल : info@uppcb.com

वेबसाइट : www.uppcb.com

T.C.-12 V, Vibhuti Khand, Gomti Nagar,
Lucknow - 226 010

Phone : 0522-2720828, 2720831

Fax : 0522-2720764, 2720676

E-mail : info@uppcb.com

Website : www.uppcb.com Stone closure order

Risk Factor (RF)	RF = 0.5, As per risk level=2, (Viewing the mining activity/safety of mining)
Deterrence Factor (DF)	DF=1, As per Z/X=36025/15500 =2.32
Environmental Compensation/charge (in Rs.)	= D x (1+RF+DF) = 26118125 x (1+0.5+1) = 26118125 x 2.5 = Rs.6,52,95,310.00 (after round off) (Six Crore fifty two lakh ninety-five thousand three hundred ten only)

क्षेत्रीय कार्यालय द्वारा प्रेषित आख्या एवं संस्तुति दिनांक 25.10.2022 के द्वारा आपके इकाई पर निर्धारित मात्रा से अधिक खनन किये जाने हेतु धनराशि रूपये 6,52,95,310.00/- (रु० छः करोड़, बावन लाख पनचानबे हजार तीन सौ दस मात्र) पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस जारी किये जाने की संस्तुति की गयी है।

उपरोक्त वर्णित तथ्यों के दृष्टिगत सक्षम अधिकारी के अनुमोदनोपरान्त इकाई के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु निम्नानुसार कारण बताओ नोटिस जारी किया जाता है :-

1. यह कि क्यों न M/s Rajesh Kumar S/o Late Kaliram, R/o. Chopan, Tehsil-Obra and Smt. Farida Begam W/o Imtiyaj Ahmad, R/o. Chopan, Sonbhadra के विरुद्ध स्वीकृत खनन पट्टा क्षेत्र से बाहर अवैध खनन कार्य किये जाने के कारण धनराशि धनराशि रूपये 6,52,95,310.00/- (रु० छः करोड़, बावन लाख पनचानबे हजार तीन सौ दस मात्र) पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाए।

उपरोक्त के संबंध में अपना स्पष्टीकरण इस पत्र प्राप्ति के 15 दिन के अन्दर बोर्ड मुख्यालय को प्रेषित करें, अन्यथा की स्थिति में उपरोक्तानुसार इकाई के विरुद्ध धनराशि रूपये 6,52,95,310.00/- (रु० छः करोड़, बावन लाख पनचानबे हजार तीन सौ दस मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जायेगी जिसका सम्पूर्ण उत्तरदायित्व स्वयं उद्योग एवं उद्योग स्वामी का होगा।

सक्षम अधिकारी के अनुमोदनोपरान्त निर्गत

मुख्य पर्यावरण अधिकारी, (वृत्त-2)

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

1. जिलाधिकारी, सोनभद्र ।
2. क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, सोनभद्र को इस निर्देश के साथ प्रेषित कि अपने स्तर से भी कारण बताओ नोटिस की प्रति उद्योग स्वामी को प्राप्त कराते हुए, पावती एवं जारी कारण बताओ नोटिस के संबंध में उद्योग का अद्यतन निरीक्षण कर आख्या 15 दिन के अन्दर बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करें।

मुख्य पर्यावरण अधिकारी, (वृत्त-2)

Annexure No-2

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड UTTAR PRADESH POLLUTION CONTROL BOARD



संदर्भ सं० 4/25023
Ref. No.

दिनांक 2/12/22
Date:

दिनांक 2/12/22
Date:

सेवा में,

पंजीकृत

M/s B.C.S. Enterprises, Pro.-Shri Chandra Bhushan Gupta S/o Shri Ramlakhan Gupta,
R/o- Obra, District-Sonbhadra, and
Shir Shafik Ahmad, R/o- Obra,
District-Sonbhadra.

यह कि उद्योग M/s B.C.S. Enterprises, Pro.-Shri Chandra Bhushan Gupta S/o Shri Ramlakhan Gupta, R/o- Obra, District-Sonbhadra and Shir Shafik Ahmad, R/o- Obra, District-Sonbhadra जिसे आगे उद्योग कहा जायेगा, जो डोलो स्टोन बोल्डर के खनन हेतु उपरोक्त वर्णित स्थल पर स्थापित/संचालित है तथा वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा-40 के अर्न्तगत एक कम्पनी है।

क्षेत्रीय अधिकारी द्वारा प्रेषित आख्या एवं संस्तुति दिनांक 25.10.2022 के अनुसार M/s B.C.S. Enterprises, Pro.-Shri Chandra Bhushan Gupta S/o Shri Ramlakhan Gupta, R/o- Obra, District-Sonbhadra and Shir Shafik Ahmad, R/o- Obra, District-Sonbhadra द्वारा स्वीकृत खनन पट्टा क्षेत्र आराजी संख्या-4419ख, 4419ग, 4422क मि, 4416क, 7577ख एवं 4420मि, (क्षेत्रफल-4.86 एकड़) ग्राम, बिल्ली मारकुण्डी, तहसील ओबरा, जनपद सोनभद्र में 2739 घन मीटर डोलो स्टोन बोल्डर का अवैध खनन किया गया है।

The above referred mining lease is operational at Arazi no. 4419Kh, 4419G, 4422K Mi, 4416K, 7577 Kh, 4420Mi, Area-4.86 Acre, Village-Billi-Markundi, Tehsil-Obra, District-Sonbhadra for mining of Dolo Stone Boulders. The mining lease holder of above mentioned project has excavated the Dolo Stone Boulders illegally in the lease area, as per the report submitted by the Mining Department, Sonbhadra. The mining leaseholder has excavated the Dolo Stone Boulders of 2739m³ in illegal manner, as per our earlier joint report submitted in Hon'ble NGT.

Based on above mentioned facts, the Environmental Compensation has been computed as per the "Recommendation on Scale of Compensation to deal with the cases of illegal Sand Mining submitted to Hon'ble NGT, Principal Bench, New Delhi on 29th January, 2020 and as per order of Hon'ble NGT in O.A. No. 360/2015 dated 05.04.2019".

Compensation charge (In Rs.) = D x (1+RF+DF)

Where, D = Z x Market Value of the material per MT or m³

DF= 0.3, if Z/X=0.11 to 0.40

0.6, if Z/X=0.41 to 0.70

1, if Z/X>=0.71

RF=0.25, 0.50, 0.75, 1.00 as per risk level mentioned below:-

Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1

In Present Case:-

Total Permitted Quantity in Environmental Clearance (X)	= 40000 m ³ /Year
Total Extraction (Y)	= 42739 m ³
Excess Extraction (Z), (Z=Y-X)	= 2739 m ³

टी.सी. - 12 वी, विभूति खण्ड, गोमती नगर,
लखनऊ - 226 010
दूरभाष : 0522-2720828, 2720831
फैक्स : 0522-2720764, 2720676
ई-मेल : info@uppcb.com
वेबसाइट : www.uppcb.com

T.C.-12 V, Vibhuti Khand, Gomti Nagar,
Lucknow - 226 010
Phone : 0522-2720828, 2720831
Fax : 0522-2720764, 2720676
E-mail : info@uppcb.com
Website : www.uppcb.com

Stone closure order

Market value of illegally mined material (D) (Market value of the material as Rs.725/- per m ³)	D = Z x Market Value of the material = 2739 x 725 = 1985775 (Taking the average values as per rate quoted above)
Risk Factor (RF)	RF = 0.5, As per risk level=2, (Viewing the mining activity/safety of mining)
Deterrence Factor (DF)	DF = 0.3, As per Z/X=2739/40000 =0.06
Environmental Compensation/charge (in Rs.)	= D x (1+RF+DF) = 1985775 x (1+0.5+0.3) = 1985775 x 1.8 = Rs.35,74,395.00 (Thirty five lakh seventy four thousand three hundred ninety-five only)

क्षेत्रीय कार्यालय द्वारा प्रेषित आख्या एवं संस्तुति दिनांक 25.10.2022 के द्वारा आपके इकाई पर निर्धारित मात्रा से अधिक खनन किये जाने हेतु धनराशि रूपये 35,74,395.00 (Thirty five lakh seventy four thousand three hundred ninety-five only) पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस जारी किये जाने की संस्तुति की गयी है।

उपरोक्त वर्णित तथ्यों के दृष्टिगत सक्षम अधिकारी के अनुमोदनोपरान्त इकाई के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु निम्नानुसार कारण बताओ नोटिस जारी किया जाता है :-

1. यह कि क्यों न M/s B.C.S. Enterprises, Pro.-Shri Chandra Bhushan Gupta S/o Shri Ramlakhan Gupta, R/o- Obra, District-Sonbhadra and Shafik Ahmad, R/o- Obra, District-Sonbhadra के विरुद्ध स्वीकृत खनन पट्टा क्षेत्र से बाहर अवैध खनन कार्य किये जाने के कारण धनराशि रूपये 35,74,395.00 (Thirty five lakh seventy four thousand three hundred ninety-five only) पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाए।

उपरोक्त के संबंध में अपना स्पष्टीकरण इस पत्र प्राप्ति के 15 दिन के अन्दर बोर्ड मुख्यालय को प्रेषित करें, अन्यथा की स्थिति में उपरोक्तानुसार इकाई के विरुद्ध धनराशि रूपये 35,74,395.00 (Thirty five lakh seventy four thousand three hundred ninety-five only) की पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जायेगी जिसका सम्पूर्ण उत्तरदायित्व स्वयं उद्योग एवं उद्योग स्वामी का होगा।

सक्षम अधिकारी के अनुमोदनोपरान्त निर्गत

मुख्य पर्यावरण अधिकारी, (वृत्त-2)

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

1. जिलाधिकारी, सोनभद्र ।
2. क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, सोनभद्र को इस निर्देश के साथ प्रेषित कि अपने स्तर से भी कारण बताओ नोटिस की प्रति उद्योग स्वामी को प्राप्त कराते हुए, पावती एवं जारी कारण बताओ नोटिस के संबंध में उद्योग का अद्यतन निरीक्षण कर आख्या 15 दिन के अन्दर बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करें।

मुख्य पर्यावरण अधिकारी, (वृत्त-2)

सदस्य सं/1/45622
Ref. No. 1572/NGT-59/22
सेवा में,

दिनांक 2-10-22
Date

पंजीकृत

M/s Eshana Construction, Pro.-Shrimati Aafrina Khan W/o Shri Istiyak Khan,
R/o- Village Billi-Markundui, Obra,
Sonbhadra.

यह कि उद्योग M/s Eshana Construction, Pro.-Shrimati Aafrina Khan W/o Shri Istiyak Khan, R/o-
Village Billi-Markundui, Obra, Sonbhadra जिसे आगे उद्योग कहा जायेगा, जो डोलो स्टोन बोल्टर के खनन हेतु
उपरोक्त वर्णित स्थल पर स्थापित/संचालित है तथा वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा-40
के अन्तर्गत एक कम्पनी है।

क्षेत्रीय अधिकारी द्वारा प्रेषित आख्या एवं संस्तुति दिनांक 25.10.2022 के अनुसार M/s Eshana Construction,
Pro.-Shrimati Aafrina Khan W/o Shri Istiyak Khan, R/o- Village Billi-Markundui, Obra, Sonbhadra द्वारा
स्वीकृत खनन पट्टा क्षेत्र आराजी संख्या-5355क, 5359ख, 5363के, 5351क, 5352, 5353, 5354, 5362, 5355ख, 5356,
5357ख, एवं 5351ख, (क्षेत्रफल-5.80 एकड़) ग्राम, दिल्ली मारकुण्डी, तहसील ओबरा, जनपद सोनभद्र में 16549 घन
मीटर डोलो स्टोन बाल्टर का अवैध खनन किया गया है।

The above referred mining lease is operational at Arazi no.5355K, 5359Kh, 5361, 5363K, 5351K,
5352, 5353, 5354, 5362, 5355Kh, 5356, 5357Kh and 5351Kh, Area-5.80 Acre, Village-Billi-Markundi, Tehsil-
Obra, District-Sonbhadra for mining of Dolo Stone Boulders. The mining lease holder of above mentioned
project has excavated the Dolo Stone Boulders illegally in and outside the lease area of the concerned
lease mine holder, as per the report submitted by the Mining Department, Sonbhadra. The mining
leaseholder has excavated the Dolo Stone Boulder of 15732m³ and 817m³ (total volume=16549m³) in
illegal manner as per our earlier joint report submitted in Hon'ble NGT.

Based on above mentioned facts, the Environmental Compensation has been computed as per the
"Recommendation on Scale of Compensation to deal with the cases of illegal Sand Mining submitted to
Hon'ble NGT, Principal Bench, New Delhi on 29th January, 2020 and as per order of Hon'ble NGT in O.A.
No. 360/2015 dated 05.04.2019".

Compensation charge (In Rs.) = D x (1+RF+DF)

Where,

D = Z x Market Value of the material per MT or m³

DF= 0.3, if Z/X=0.11 to 0.40

0.6, if Z/X=0.41 to 0.70

1, if Z/X>=0.71

RF= 0.25, 0.50, 0.75, 1.00 as per risk level mentioned below:-

Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1

In Present Case:-

Total Permitted Quantity in Environmental Clearance (X)	= 40000 m ³ /Year
Total Extraction (Y)	= 565419 m ³
Excess Extraction (Z), (Z=Y-X)	= 16549 m ³

Market value of illegally mined material (D) (Market value of the material as Rs.725/- per m ³)	D = Z x Market Value of the material = 16549 x 725 = 11998025 (Taking the average values as per rate quoted above)
Risk Factor (RF)	RF = 0.5, As per risk level=2, ∴ (Viewing the mining activity/safety of mining)
Deterrence Factor (DF)	DF = 0.6, As per Z/X=16549/40000 =0.4
Environmental Compensation/charge (in Rs.)	= D x (1+RF+DF) = 11998025 x (1+0.5+0.6) = 11998025 x 2.1 = Rs.2,51,95,852.00 (after round off) (Two crore fifty-one lakh ninety-five thousand eight hundred fifty two only)

क्षेत्रीय कार्यालय द्वारा प्रेषित आख्या एवं संस्तुति दिनांक 25.10.2022 के द्वारा आपके इकाई पर निर्धारित मात्रा से अधिक खनन किये जाने हेतु धनराशि रूपये **2,51,95,852.00 (Two crore fifty-one lakh ninety-five thousand eight hundred fifty two only)** पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस जारी किये जाने की संस्तुति की गयी है।

उपरोक्त वर्णित तथ्यों के दृष्टिगत सक्षम अधिकारी के अनुमोदनोपरान्त इकाई के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु निम्नानुसार कारण बताओ नोटिस जारी किया जाता है :-

1. यह कि क्यों न M/s Eshana Construction, Pro.-Shrimati Aafrina Khan W/o Shri Istiyak Khan, R/o- Village Billi-Markundui, Obra, Sonbhadra के विरुद्ध स्वीकृत खनन पट्टा क्षेत्र से बाहर अवैध खनन कार्य किये जाने के कारण धनराशि धनराशि रूपये **2,51,95,852.00 (Two crore fifty-one lakh ninety-five thousand eight hundred fifty two only)** पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाए।

उपरोक्त के संबंध में अपना स्पष्टीकरण इस पत्र प्राप्ति के 15 दिन के अन्दर बोर्ड मुख्यालय को प्रेषित करें, अन्यथा की स्थिति में उपरोक्तानुसार इकाई के विरुद्ध धनराशि रूपये **2,51,95,852.00 (Two crore fifty-one lakh ninety-five thousand eight hundred fifty two only)** की पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जायेगी जिसका सम्पूर्ण उत्तरदायित्व स्वयं उद्योग एवं उद्योग स्वामी का होगा।

सक्षम अधिकारी के अनुमोदनोपरान्त निर्गत

मुख्य पर्यावरण अधिकारी, (वृत्त-2)

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

1. जिलाधिकारी, सोनभद्र।
2. क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, सोनभद्र को इस निर्देश के साथ प्रेषित कि अपने स्तर से भी कारण बताओ नोटिस की प्रति उद्योग स्वामी को प्राप्त कराते हुए, पावती एवं जारी कारण बताओ नोटिस के संबंध में उद्योग का अद्यतन निरीक्षण कर आख्या 15 दिन के अन्दर बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करें।

मुख्य पर्यावरण अधिकारी, (वृत्त-2)