

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 1373/2024

IN THE MATTER OF:

News Item titled "How sand miners laid road across Yamuna between Delhi and Ghaziabad" appearing in the Times of India dated 30.11.2024

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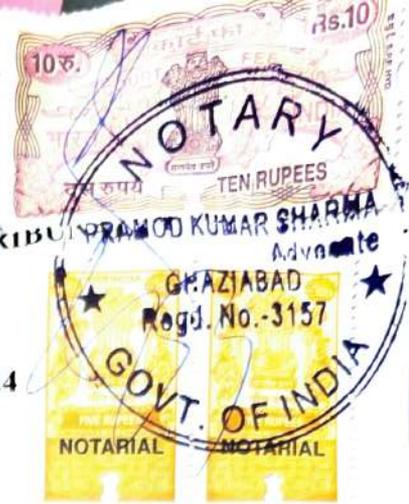
DATE: 16.04.2025

PLACE: GHAZIABAD

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 1373/2024

IN THE MATTER OF:

News Item titled "How sand miners laid road across Yamuna between Delhi and Ghaziabad" appearing in the Times of India dated 30.11.2024

RESPONSE ON BEHALF OF THE DISTRICT MAGISTRATE,
GHAZIABAD IN COMPLIANCE OF THE ORDER DATED 16.12.2024
PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI.

I, Deepak Meena, aged about 39 years, S/o R.C. Meena presently posted as Ghaziabad, District Magistrate, Ghaziabad, U.P., do hereby solemnly affirm and state on oath as under:

1. That I, the Deponent in the above captioned matter am fully conversant with the facts of the case and is competent and authorized to swear the present report.



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2. That I state that the contents of the reply have been drafted by my counsel on my instructions and the contents of the same are true to my knowledge and nothing material has been concealed therefrom.
3. That the present matter has been suo-motu registered by this Hon'ble National Green Tribunal, Principal Bench, New Delhi (hereinafter Hon'ble Tribunal) on the basis of the news item titled "How sand miners laid road across Yamuna between Delhi and Ghaziabad" appearing in the Times of India dated 30.11.2024 regarding the increasing scale of illegal mining in the Yamuna floodplain between Alipur in North Delhi and Panchayara in Ghaziabad.
4. That the above captioned matter was last listed for hearing on 16.12.2024, wherein the Hon'ble Tribunal directed the respondents to file their responses.
5. In pursuance of the aforesaid direction, the response on behalf of District Magistrate, Ghaziabad is herein as under.

RELATED PROCEEDINGS IN O.A. NO. 1003/2024

6. That it is respectfully submitted that a similar matter is already pending before this Hon'ble Tribunal in O.A. No. 1003/2024 titled *Mr. Ashok*



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Kumar and Anr. vs. State of U.P. & Ors.. That in the said matter, this Hon'ble Tribunal, vide order dated 14.11.2024, constituted a Joint Committee comprising the District Magistrate, Ghaziabad; Divisional Forest Officer, Ghaziabad; Central Pollution Control Board (CPCB); and Uttar Pradesh Pollution Control Board (UPPCB), wherein CPCB was designated as the nodal agency.

A Copy of the order dt. 14.11.2024 has been annexed herewith as ANNEXURE A-1.

II. JOINT COMMITTEE REPORT AND FINDINGS

7. That Joint Committee report dt. 04.12.2024 in O.A. 1003/2024 was submitted through CPCB, and the Hon'ble Tribunal recorded the same in its order dated 05.12.2024.

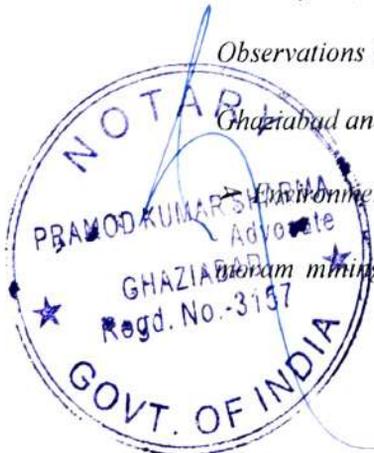
The relevant portion of the order dt. 05.12.2024 has been reproduced herein for ready reference:

"4. Joint Committee report has been submitted through CPCB and observations, conclusion and recommendations, made therein, read as under:-

"4. General observation during the site visit of leased mining area at Village-Panchayara, Loni, Ghaziabad:

Observations based on site visit and records issued made available by UP PCB RO Ghaziabad and Mining Department Ghaziabad are as follows:

Environmental Clearance (herein to be referred as "EC") was granted for sand / baram mining by State level Environmental Impact Assessment Authority (SEIAA)



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Uttar Pradesh on 27.05.2021 to Shri Bani Singh, Salasar Complex, 306 Shankar Vihar Colony, Quarsi, Aligarh-202001 (M/s New Panther Security Guard Service) vide letter no. 27/Parya/SEAC/5793/2019 dated 27.05.2021 for mineable area (8.512 Ha) out of total lease area as 12.512 Ha. The EC was further amended on 29.09.2021 vide letter no. 201/SEAC/5793/2019 dated 29.09.2021. (The copy of EC and amended EC is annexed as Annexure-2 and 3).

➤ Lease under Article 35 through e-stamp with Certificate Number IN-UP94105203936034T was registered on 08.10.2021 with M/s. New Panther Security Guard Service (Shri Bani Singh S/o Shri Raghunath Singh) for mining of 1,77,737 cubic meter (per annum) for 05 years at Tehsil-Loni Gram-Panchyarakhand Number 02 Gata No.303 mi, 313 mi, 290 mi, 301 mi, 303 mi, 304 mi, 314 mi, 297 mi, 298 mi, 302 mi, 311 mi, 312 mi, 313 mi & 314 mion 8.512 Hectare area. (Annexure-4)

➤ Consolidated Consent to Operate (CTO) and Authorization under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 was granted by UPPCB on 07.01.2023 for a period from 14.12.2022 to 30.12.2026. (Copy of Consolidated CTO is annexed as Annexure-5)

➤ The date of start of mine was 12.11.2021. A per portal of Directorate of Geology and Mining, Uttar Pradesh, the total quantity of mineral excavated from the start of mine is tabulated as below:

Year	Quantity Permitted (m ³)	Quantity Excavated (m ³)
Nov 2021-Oct 2022	177736.8	85851
Nov 2022-Oct 2023	177736.8	81750



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Nov 2023-Oct 2024	177736.8	142402
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The co-ordinates of mining areas are as below:

Pillars	Latitude (N)	Longitude (E)
A	28°48'1.02" N	77°12'19.63" E
B	28°47'49.56" N	77°12'17.52" E
B	28°47'39.12" N	77°12'19.04" E
A'	28°47'39.35" N	77°12'13.26" E
B'	28°47'48.74" N	77°12'10.86" E
C'	28°48'2.80" N	77°12'13.01" E

➤ Mining Officer Ghaziabad informed last District Survey Report was prepared in 2017. It was amended on 02.03.2019 which included present lease area (copy of amendment is annexed as Annexure- 6).

The draft for District Survey Report (2024) has been issued on 05.07.2024 in public domain and final DSR is under finalization by District Administration.

➤ Project Proponent informed that the replenishment study report was conducted during 2021-22 & 2022-23, however, the same was not made available to committee member during visit.

➤ During site visit on 30.11.2024 by joint committee, mining activity was not observed on the site. Project Proponent informed that mining activity was discontinued after 30.06.2024 (due to monsoon period) and not started since 30.06.2024 to till date.

Mining Officer Ghaziabad informed that transport permit has not been issued after



15.07.2025

➤ A camp office and weigh bridge was observed constructed by project proponent. It was informed by project proponent that all machinery for mining activity are hired through third party and the same is not hired from 30.06.2024 onwards.

➤ During site visit by joint committee, winter migratory birds (Common swift or swallows, Sea gulls, Moorhen etc.) were observed (photographs attached).

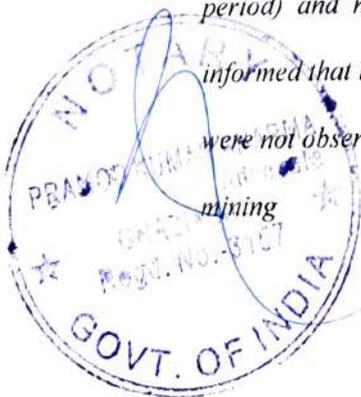
5. Observation regarding issues raised in the compliant:

Issues raised related to mining violations:-

- The mining is being carried out beyond the allotted limit/Being carried out beyond the sanctioned Lease Area/Carrying out mining outside the coordinates/ works for more than the allotted time in a day / doing illegal mining work at night by taking out sand up to 100 feet below with the help of lifter boat machine (para 3)
- constructed a two dams (Bandh), (para 5)
- the proponent is mining the sand much deep from the bottom of the river. from approximately 20-30 feet below which is impermissible, with help of the poclain and other heavy machines, (para 7)
- carrying out illegal mining in No. 310-309,(para 10)
- making very deep pits by building a dam.(para 12)

Observation:-

- Mining activity was not observed on day of visit of joint committee. Project Proponent informed that mining activity was discontinued after 30.06.2024 (due to monsoon period) and not started since 30.06.2024 to till date. Mining Officer Ghaziabad informed that transport permit has not been issued after 30.06.2024. Excavation mark were not observed on the sand deposit in the mid of the river which also indicated that



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has not been carried out after monsoon.

- Illegal mining by project proponent has been observed earlier by District Authorities, a notice was issued to project proponent by Mining section, ADM Office Ghaziabad on dated 09.05.2024 for illegal mining of 840 cubic meter of ordinary sand out and accordingly fine was imposed on project proponent as per rules. (Annexure-7)

Issues raised to Green belt development: -

- That the proponent was also required to plant 625 trees on both the sides of the haul road. (para 7)

Observation:-

- The project proponent informed that the trees were planted in mining lease area which were damaged during flooding in year 2023, however, no plantation was observed by the committee.

Issues raised to impact on Adjacent Agricultural Land:-

- Adjacent agricultural land situated on the banks of Yamuna are being affected and are in the danger of completely becoming an uncultivated land. (para 9)

Observations:-

- At present agriculture land near the lease area was not found affected.

Issues raised to Mine operation: -

- Breached the limit for the number of vehicle allowed to be deployed at the mining site, 34 vehicles are allowed, (para 4)

- Deploying heavy machineries, the use of poclain machines and other such machines (para 6)

- The proponent has not adopted the practice of regularly sprinkling the water during the transition of the vehicles, (para 8)



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Observations:-

- Mining activity was not carried out on the day of visit. It was informed by Mining Officer Ghaziabad that transport permit has not been issued after 30.06.2024.

Compliance of these points can be enforced during mining operation.

6. Conclusions/Recommendations:

1. The mining department should carry out vigil during day as well as night and ensure that no illegal mining takes place in Yamuna river.
2. The EC issued by SEIAA Uttar Pradesh stipulated the method of mining as opencast Semi-Mechanized therefore, heavy machinery and lifter boat should not be allowed near the river.
3. Stringent action should be taken against any persons found carrying out illegal mining. using heavy machinery and lifter boats near the river, and obstructing flow of the river.
4. Compliance of following salient requirements must be ensured by Project and Mining Department before allowing further mining:
 - o Installation the boundary pillars as per co-ordinates & Environmental Clearance conditions.
 - o Adequate plantation in time bound manner as per Environmental Clearance conditions.
 - o Replenishment study of the area about mining deposits as per Environmental Clearance conditions.
 - o Hydrogeological study to ascertain the impact on river channel and water table as per Environmental Clearance condition (no 16).

5. Environmental compensation for illegal mining of 840 cubic meter quantity of ordinary sand may belevied as per Approach 2 scale approved by Hon'ble NGT vide



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order dated 26.02.2021 in the matter of OA No. 360/2015."

A Copy of the order dt. 05.12.2024 has been annexed herewith as
ANNEXURE A-2.

**III. TIMELINE OF INSPECTIONS BY MINING DEPARTMENT
AND ACTIONS**

i. Visit on 03.05.2024:

8. That during an inspection conducted by the District Mining Officer on 03.05.2024, it was found that the Project Proponent in the said matter had illegally excavated approximately 840 cubic meters of ordinary sand beyond the sanctioned lease area of Pachaiyra Khand-2.

A Copy of inspection report dated 03.05.2024 has been annexed herewith as **ANNEXURE A-3.**

ii. Imposition of Penalty:

9. Subsequently, the Additional District Magistrate, Ghaziabad, vide letter dated 09.05.2024, imposed a penalty of Rs. 8,27,000/- on the Project Proponent.

A Copy of ADM's letter dated 09.05.2024 has been annexed herewith as

ANNEXURE A-4.



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10. That additionally, the Additional District Magistrate, vide letter dated 28.12.2024, requested the District Magistrate, Aligarh, to recover the amount of Rs. 8,27,600/- as land revenue along with an annual interest of 18%, since the said site falls under the jurisdiction of the District Magistrate, Aligarh. That the said amount is bifurcated as under:

- Rs. 54,600/- (Royalty Payable)
- Rs. 2,73,000/- (Mineral Value)
- Rs. 5,00,000/- (Penalty - Shaman Shulk)

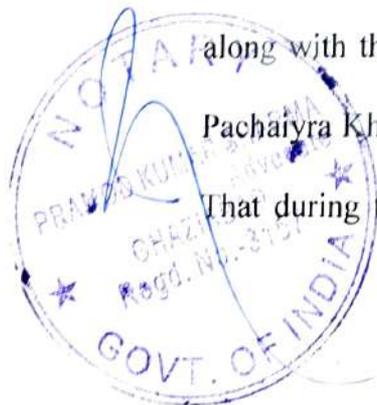
Copy of the Letter dt. 28.12.2024 has been annexed herewith as
ANNEXURE A-5.

11. That in compliance with the aforementioned recovery demand notice dated 09.05.2024, the Project Proponent has deposited the said amount along with interest through Challan No. AKV250005375, dated 13.02.2025.

A photocopy of the challan dt. 13.02.2025 has been annexed herewith as
ANNEXURE A-6.

iii. Visit on 14.05.2024:

12. That on 14.05.2024, at around 2:00 AM, the Mining Officer, Ghaziabad along with the Tehsildar of Loni conducted an inspection in the area of Pachaiyra Khand -I under the jurisdiction of Police Station Tronica City. That during the inspection, two JCB machines, two tractors, and seven



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trollies were found involved in illegal mining at the said site. Upon seeing the inspection team, the driver of one of the JCBs fled toward Delhi, where the machine got stuck in the river within Delhi territory. That all the vehicles were seized and handed over to Police Station Tronica City. That an FIR No. 0251 dated 01.06.2024 was registered against these vehicles.

A Copy of the FIR dt. 01.06.2024 has been annexed herewith as **ANNEXURE A-7.**

iv. Inspections on 12.10.2024 and 17.10.2024:

13. That pursuant to complaints of the locals with respect to illegal mining at the said site, inspections were conducted on 12.10.2024 and 17.10.2024 upon the directions of the Deponent. That during the said inspections, mining was found to be stopped in Pachaiyra (Khand-1) due to expiration of the Environmental Clearance Certificate and as per NGT judgement dt. 05.08.2024 in the matter of Ompal & Ors. Vs State of U.P. & Ors (OA 160 of 2022).

The relevant portion of the judgement dt. 05.08.2024 has been reproduced herein for ready reference:

"(iii) The Director, Mining and Geology, Uttar Pradesh is directed to ensure that mining leased site is closed/reclaimed as per Environmental Management Plan and no illegal mining takes place in the same."



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That mining at Pachaiyra (Khand-2) was also found to be completely halted due to waterlogging.

Copies of the inspection reports dt. 12.10.2024 and 17.10.2024 have been annexed herewith as **ANNEXURE A-8**.

A Copy of the order dt. 05.08.2024 has been annexed herewith as **ANNEXURE A-9**.

v. **Joint Inspection by Three Member Committee on 24.11.2024 and Directions Issued**

14. That with respect to complaints received from local residents regarding illegal mining and river diversion activities, a three-member committee was constituted vide letter dated 13.11.2024. The committee comprised of the Senior Surveyor, Regional Office, Ghaziabad, the Mining Officer, Headquarters, Lucknow, and the Assistant Geologist, Headquarters, Lucknow.

15. Accordingly, on 24.11.2024, the three member committee, accompanied by the Revenue Inspector, the village head of Pachaira, and the complainants, conducted a site inspection. It was observed that no mining activity was taking place in Khand-1 (Environmental Clearance had expired on 31.01.2023) or in Khand-2.



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16. Further, on inspecting the area of alleged river diversion via boat along with a complainant namely Mr. Dinesh, it was found that an attempt had been made at the Delhi side by putting wooden planks to redirect the flow of the Yamuna river towards the main stream. As per the complainants, this was done to protect standing vegetable crops from potential water damage.

17. In view of the sensitive nature of the site and the possibility of future unauthorized interventions, the Mining Officer, Ghaziabad, was instructed to maintain constant surveillance and monitoring in the area to prevent any illegal or environmentally harmful activity.

A Copy of the inspection report dt. 24.11.2024 has been annexed herewith as ANNEXURE A-10.

IV. IMMEDIATE SITE INSPECTION CONDUCTED PURSUANT TO THE ARTICLE DT. 30.11.2024

18. That pursuant to the publication of a news article by the *Times of India* on 30.11.2024, titled "*How sand miners laid road across Yamuna between Delhi and Ghaziabad*", the Mining Officer, Ghaziabad conducted a night inspection on the same day at 2:00 AM of the said mining lease areas at Village Pachaiyra to verify the facts reported therein.



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19. During the inspection, it was found that no dam or embankment existed in Pachaiyra Khand-2, where mining activity had already been suspended. However, on the north-eastern boundary of Khand-1, which had been inactive due to expiry of the Environmental Clearance, a partially constructed embankment was observed.

20. That recognizing the potential for environmental disruption and alteration of the river flow, the said partial embankment was immediately dismantled, and steps were taken to restore the natural flow of the Yamuna river without delay.

V. ACKNOWLEDGEMENT IN THE ARTICLE DT. 02.12.2024
AND NEWS PAPER DT. 03.12.2024

21. That with respect to the aforementioned actions taken on 30.11.2024, an article dt. 02.12.2024 was published by the *Times of India* on 02.12.2024, which stated as follows:

“After a TOI report on Nov 30 revealed sand miners had built a road to join two banks of Yamuna between Delhi and Ghaziabad and make a way for excavators, local authorities rushed to the site at Panchayara village in Loni and demolished the pathway.



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Police were spotted near Yamuna. They halted all construction and cleared sandbags that had been positioned across the river. Although such activities have been happening for four years, this is the first time there has been an official reaction."

This article serves as contemporaneous evidence of the proactive steps taken by the district administration in addressing the concerns raised in the media and ensuring strict compliance with environmental and regulatory mandates.

A Copy of the Article dt. 02.12.2024 has been annexed herewith as **ANNEXURE A-11.**

22. That the said issue was also published in the newspaper Navbharat Times dt. 03.12.2024, which stated as under:

*“लोनी के पचायरा गांव में यमुना नदी में बालू खनन के लिये नदी में धारा रोकने के लिये बनाई गई मेड़ को खनन विभाग की टीम ने मशीनों से हटा दिया है।
दिल्ली में हो रहे अवैध खनन और बांध बनाने से यू०पी० एरिया में यमुना की धारा मोड़ने के मामले में अब दिल्ली प्रशासन को भी अवगत कराया गया है। दोनों प्रदेशों के अधिकारी आपसी तालमेल से अवैध खनन को रोकेंगे। क्योंकि दिल्ली उनके कार्यक्षेत्र से बाहर है।”*

A Copy of the Newspaper Publication dt. 03.12.2024 has been annexed herewith as **ANNEXURE A-12.**



VI. COMMUNICATIONS TO AUTHORITIES IN DELHI

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23. That a letter dt. 30.11.2024 was written by the Mining Department to the the Assistant Police Commissioner, Sub-Division, Samaypur Badli, Outer North Delhi. That vide the said letter the Assistant Police Commissioner, Sub-Division, Samaypur Badli, Outer North Delhi was informed about the illegal mining being conducted at the Delhi side area in the Yamuna River and requested to take action against the illegal miners. The response with respect to the said letter is still awaited as of date.

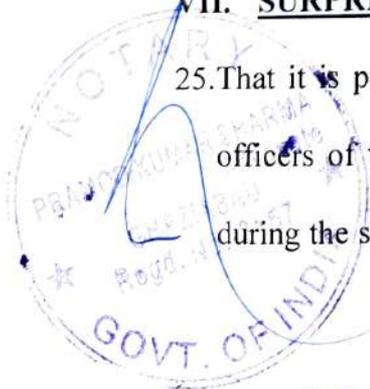
A Copy of the letter dt. 30.11.2024 has been annexed herewith as **ANNEXURE A-13.**

24. That subsequently, the Mining Department, Ghziabad vide letter dt. 04.12.2024 had informed the District Magistrate, North-East Delhi about the alteration of the Yamuna River flow towards Uttar Pradesh due to illegal mining from the Delhi side and was requested to take necessary action.

A Copy of the letter dt. 04.12.2024 has been annexed herewith as **ANNEXURE A-14.**

VII. SURPRISE VISIT ON 17.12.2024:

25. That it is pertinent to mention that a surprise visit as conducted by the officers of the Mining Department on 17.12.2024 at the said site. That during the said inspection, it was observed that near Pachaiyra village, on



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the Delhi-Uttar Pradesh border, between the villages of Tehri Daulatpur and Sungarpur in Delhi, ordinary sand was being mined by partially damming the Yamuna river. During the visit, one JCB operator (identity unknown) and one tractor with trolley driver (identity unknown) escaped taking advantage of the darkness. One tractor with trolley bearing chassis number MBNBEBDYZLNJ0327, driven by Rakesh, was caught transporting approximately 14 cubic meters of ordinary sand illegally. The said vehicle was seized and handed over to the custody of Police Station Tronica City, and an FIR No. 0622 dated 17.12.2024 was registered against the said vehicles and unknown drivers/owners.

A Copy of the FIR dt. 17.12.2024 has been annexed herewith as **ANNEXURE A-15.**

VIII. SURPRISE VISIT ON 11.01.2025:

26. That again on 11.01.2025, the Mining officers conducted a surprise inspection in the Badarpur-Harampur area. During the inspection, illegal mining of ordinary sand was found being carried out on the banks of the Yamuna River near the Delhi-Uttar Pradesh border. Two tractors with trolleys were seized at the site and an FIR No. 0016 dated 11.01.2025 was registered at Police Station Tronica City.

A Copy of the FIR dt. 11.01.2025 has been annexed herewith as

ANNEXURE A-16.



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IX. TRIBUNAL'S STAY ORDER DT. 14.02.2025:

27. Subsequently, this Hon'ble Tribunal vide order dt. 14.02.2025 restrained the project proponent from carrying out any further mining in the mining lease sites in question till further orders.

A Copy of the order dt. 14.02.2025 has been annexed herewith as **ANNEXURE A-17.**

X. COMPLIANCE OF THE ORDER DT. 14.02.2025

28. That in pursuance of the aforementioned order, District Magistrate, Ghaziabad has written a letter dt. 25.02.2025 to the Project Proponent. That vide the said letter, the Project Proponent has been directed to not to undertake any mining activity in the aforementioned lease area in future. That if any mining activity is found to be carried out in the lease area, it shall be deemed a violation of the Hon'ble Tribunal's orders.

A Copy of the letter dt. 25.02.2025 has been annexed herewith as **ANNEXURE A-18.**

29. That subsequently, UPPCB, vide its letter dated 25.02.2025, imposed an Environmental Compensation of Rs. 6,51,645/- upon M/s New Panther Security Guard Service for the said illegal mining activity.



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A Copy of UPPCB letter dated 25.02.2025 has been annexed herewith as **ANNEXURE A-19.**

XI. SUBSEQUENT MONITORING:

30. That regular monitoring of the said site in question is conducted by the concerned authorities.

31. That the Mining Department had recorded a video dt. 11.03.2025, of the Delhi side where the mining was being carried out illegally by using heavy mechanised machinery (suction lifter). The said fact is also highlighted in the media report dt. 28.03.2025.

A Copy of the photo and video dt. 11.03.2025 has been annexed herewith as **ANNEXURE A-20.**

A Copy of the report dt. 28.03.2025 has been annexed herewith as **ANNEXURE A-21.**

32. That a recent surprise inspection of the sand mining lease area at Village Pachaiyra (Khand-2) was conducted on **29.03.2025** by the Mining Officer, Ghaziabad, in the presence of the Senior Surveyor, Regional Office, Ghaziabad, to verify compliance with the Hon'ble Tribunal's order dated 14.02.2025. During the said inspection, it was found that no mining activity or illegal construction, such as *Bandh* obstructing the Yamuna's natural



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flow, was present within the lease area. The site showed no fresh signs of mining, confirming adherence to the Tribunal's directions.

A Copy of the inspection report and photographs are annexed herewith as **ANNEXURE A-22.**

33. That UPPCB had conducted also conducted a recent inspection at the said site on 05.04.2025 to check if any mining activity is still going. That during the said inspection, the observations of the officials are as under:

- a) That no mining activity was carried out by the Project Proponent at the site in question during the said inspection.
- b) The approach path was observed to be there at the said site and the river Yamuna was found to be flowing evenly. That the said path was found to be constructed in sand and no use of sandbags, wooden planks or plastic bags was noticed. That the said path was earlier used for the transportation purposes.

A Copy of the inspection report dt. 05.04.2025 has been annexed herewith as **ANNEXURE A-23.**

A Copy of the drawn map of the said site has been annexed herewith as **ANNEXURE A-24.**



76 APR 2025

XII. CURRENT STATUS OF MINING

34. That it is pertinent to mention that as per the approved District Survey Report for District Ghaziabad, there are two sand mining lease areas (Khand-1 and Khand-2) in Pachaira Village. That Pachayara-1 has been closed since last 2 years upon the directions of the Hon'ble Tribunal vide order dt. 05.08.2024 in the matter of Ompal & Ors. Vs. State of U.P. & Ors. (OA 160 of 2022).

35. That Pachayara-2 is currently completely shut down in compliance with the Hon'ble NGT's order dated 14.02.2025 and the directions of the District Magistrate vide letter dt. 25.02.2025.

36. It is most respectfully submitted that the District Administration, Ghaziabad has acted swiftly and decisively in compliance with the orders of this Hon'ble Tribunal. All mining activities within its jurisdiction have been thoroughly investigated, appropriate penalties have been imposed, and further operations have been suspended in full adherence to legal and environmental standards. However, **illegal mining at the Delhi side** remains a cause of concern despite repeated intimation to the concerned authorities. That District Administration, has been repeatedly trying to communicate with the Delhi Authorities with respect to the said issue but no response has been received yet.



16 APR 2025

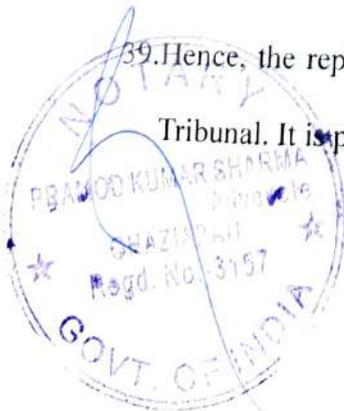
XIII. RECENT COMMUNICATION TO DELHI ADMINISTRATION

37. That the Deponent has written a letter dated 20.03.2025 to the District Magistrate, North-East Delhi. That the said letter highlights that despite repeated imitations to the Delhi administration, illegal sand mining from the Delhi side of the Yamuna River continues unabated. It expresses concern that such ongoing illegal activities adversely affects legitimate leaseholders who operate in compliance with the law and deposit requisite revenue. Accordingly, vide the said letter it was requested to the Delhi authorities to take immediate action to curb illegal mining activities and instruct local police officials to maintain strict vigilance in the affected areas.

A Copy of the letter dt. 20.03.2025 has been annexed herewith as **ANNEXURE A-25.**

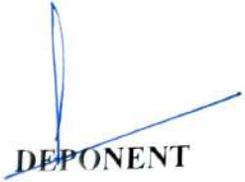
38. That the Deponent undertakes to continue monitoring and following environmental regulations in strict accordance with the law and directions issued by this Hon'ble Tribunal.

39. Hence, the reply is being submitted for the kind perusal of this Hon'ble Tribunal. It is prayed that the same be taken on record.



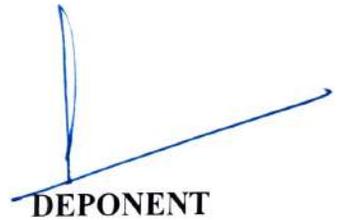
16 APR 2025

40. That I state that everything stated above has been stated by me in official capacity on and derived from the official records and I state that nothing material has been concealed therefrom.


DEPONENT

VERIFICATION

Verified at Ghaziabad on this 6 APR 2025 day of April, 2025, that the contents of the above affidavit from paragraphs 1 to 38 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.


DEPONENT



ATTESTED
S. No. 05 Dated. 16.04.2025
Certified that Documents/Affidavit of Shri. Deepak Meens, 39th
Identified by Shri. 16.04.2025 Shri. R.C. Meens
Dist. Magistrate.
Ghaziabad (U.P.)

16 APR 2025
PRAMOD KUMAR SHARMA
Regd. No. 3157, Govt. of India
Notary Public, Ghaziabad

16 APR 2025

Item No. 04

Court No. 2

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

Original Application No. 1003/2024

Mr. Ashok Kumar & Anr.

Applicant(s)

Versus

State of UP

Respondent

Date of hearing: 04.11.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: None

ORDER

1. On a letter petition dated 23.12.2023 sent by Ashok Kumar s/o late Sh. Dharam Singh and Karan Singh s/o late Sh. Ved Prakash, present application has been registered under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as NGT Act, 2010) in exercise of *suo-moto* jurisdiction, in view of law laid down by Supreme Court in **(2022) 13 SCC 401, Municipal Corporation of Greater Mumbai v. Ankita Singha & Ors.**

2. Complainants have alleged that M/s. New Panthar Security Guard Service has got a mining permit/lease for sand mining at Yamuna river-bed i.e Gata No.303 mi, 313 mi, 290 mi, 301 mi, 303 mi, 304 mi, 314 mi, 297 mi, 298 mi, 302 mi, 311 mi, 312 mi, 313 mi & 314 mi situated at Khand No. 02, Village-Panchayat, Tehsil-Loni, Ghaziabad, UP.

Mining activities are being carried out by proponent on a total lease area of 12.512 Ha (mineable area is 8.512 Ha). Mining has been conducted in violation of conditions of Environmental Clearance (hereinafter referred to as '**EC**') granted by State Level Environment Impact Assessment Authority of State of UP (hereinafter referred to as '**SEIAA, UP**') and they have dug out river-bed at the depth upto 100 feet with the help of lifter boat machine. Proponent has constructed two dams (Bandhas) so as to stop flow of water and thereby natural flow of water has been diverted affecting flora and fauna of the river and this is also affecting and damaging agricultural crop standing in the nearby agricultural land due to creation of obstruction in the smooth flow of river water. Proponent is also deploying heavy machinery such as poclairn, etc., for mining activities and has also not carried out plantation as required in the EC. Complaint is supported with two videos and certain photographs appended to the complaint.

3. Looking to the allegation made in the original application, we are *prima facie* of the view that a substantial question relating to environment has arisen out of implementation of enactments mentioned in Scheduled-I of NGT Act, 2010, but, before taking any further action in the matter, we find it appropriate to obtain a factual report for which we constitute a Joint Committee comprising District Magistrate Ghaziabad; Divisional Forest Officer, Ghaziabad; Uttar Pradesh Pollution Control Board (hereinafter referred to as '**UPPCB**'); and, Central Pollution Control Board (hereinafter referred to as '**CPCB**)

4. CPCB shall be nodal agency for coordination and compliance.

5. Above committee shall collect relevant information after visiting the site and submit factual report within one month.

6. List this matter on 05.12.2024.

7. A copy of this order be forwarded to Members of the Joint Committee by email for compliance.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

November 04, 2024
Original Application No. 1003/2024
JG.

Item No. 04

Court No. 2

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

ORIGINAL APPLICATION No. 1003/2024

MR ASHOK KUMAR AND ANR SO
LATE SH DHARAM SINGH

Applicant

Versus

State of UP

Respondent(s)

Date of hearing: 05.12.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Mr. Raj Kumar, Advocate for CPCB
Mr. Bhanwar Pal Singh Jadon, Mr. Harsh Vardhan Singh Rajawat and
Ms. Gargi Chaturvedi, Advocates for UPPCB and State of U.P.
Mr. S. P. Singh, Senior Advocate with Mr. Vithal Aditya and Mr. Shannu
Bhagel, Advocates for respondent no. 5 and 6**ORDER**

1. On a letter petition dated 23.12.2023 sent by Ashok Kumar s/o late Sh. Dharam Singh and Karan Singh s/o late Sh. Ved Prakash, present application has been registered under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as NGT Act, 2010) in exercise of suo-moto jurisdiction, in view of law laid down by Supreme Court in **(2022) 13 SCC 401, Municipal Corporation of Greater Mumbai v. Ankita Singha & Ors.**

2. Complainants have alleged that M/s. New Panthar Security Guard Service has got a mining permit/lease for sand mining at Yamuna river-bed i.e Gata No.303 mi, 313 mi, 290 mi, 301 mi, 303 mi, 304 mi, 314 mi, 297 mi, 298 mi, 302 mi, 311 mi, 312 mi, 313 mi & 314 mi situated at Khand No. 02, Village-Panchayat, Tehsil-Loni, Ghaziabad, UP.

3. Looking to complaint made, Tribunal considered matter on 04.11.2024 and found it appropriate to obtain a factual report by constituting a Joint Committee comprising District Magistrate Ghaziabad; Divisional Forest Officer, Ghaziabad; Uttar Pradesh Pollution Control Board (hereinafter referred to as '**UPPCB**'); and, Central Pollution Control Board (hereinafter referred to as '**CPCB**').

4. Joint Committee report has been submitted through CPCB and observations, conclusion and recommendations, made therein, read as under:-

“4. General observation during the site visit of leased mining area at Village-Panchayara, Loni, Ghaziabad:

Observations based on site visit and records issued made available by UP PCB RO Ghaziabad and Mining Department Ghaziabad are as follows:

- *Environmental Clearance (herein to be referred as "EC") was granted for sand / moramminingby State level Environmental Impact Assessment Authority (SEIAA) Uttar Pradesh on 27.05.2021 to Shri Bani Singh, Salasar Complex, 306 Shankar Vihar Colony, Quaarsi, Aligarh-202001 (M/s New Panther Security Guard Service) vide letter no. 27/Parya/SEAC/5793/2019 dated 27.05.2021 for mineable area (8.512 Ha) out of total lease area as 12.512 Ha. The EC was further amended on 29.09.2021 vide letter no. 201/SEAC/5793/2019 dated 29.09.2021. (The copy of EC and amended EC is annexed as Annexure-2 and 3).*
- *Lease under Article 35 through e-stamp with Certificate Number IN- UP94105203936034T was registered on 08.10.2021 with M/s. New Panther Security Guard Service (Shri Bani Singh S/o*

Shri Raghunath Singh)for mining of 1,77,737 cubic meter (per annum) for 05 years at Tehsil-Loni Gram-Panchyarakhand Number 02 Gata No.303 mi, 313 mi, 290 mi, 301 mi, 303 mi, 304 mi, 314 mi, 297 mi, 298 mi, 302 mi, 311 mi, 312 mi, 313 mi & 314 mion 8.512 Hectare area. (Annexure-4)

- *Consolidated Consent to Operate (CTO) and Authorization under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 was granted by UPPCB on 07.01.2023 for a period from 14.12.2022 to 30.12.2026. (Copy of Consolidated CTO is annexed as Annexure-5)*
- *The date of start of mine was 12.11.2021. A per portal of Directorate of Geology and Mining, Uttar Pradesh, the total quantity of mineral excavated from the start of mine is tabulated as below:*

Year	Quantity Permitted (m ³)	Quantity Excavated (m ³)
Nov 2021-Oct 2022	177736.8	85851
Nov 2022-Oct 2023	177736.8	81750
Nov 2023-Oct 2024	177736.8	142402

The co-ordinates of mining areas are as below:

Pillars	Latitude (N)	Longitude (E)
A	28°48' 1.02" N	77° 12' 19.63" E
B	28° 47'49.56" N	77° 12' 17.52" E
B	28° 47'39. 12" N	77° 12'19.04" E
A'	28° 47'39.35" N	77° 12' 13.26" E
B'	28° 47'48.74" N	77° 12'10.86" E
C'	28° 48'2.80" N	77° 12'13.01" E

- *Mining Officer Ghaziabad informed last District Survey Report was prepared in 2017. It was amended on 02.03.2019 which included present lease area (copy of amendment is annexed as Annexure- 6). The draft for District Survey Report (2024) has been issued on 05.07.2024 in public domain and final DSR is under finalization by District Administration.*
- *Project Proponent informed that the replenishment study report was conducted during 2021-22 & 2022-23, however, the same was not made available to committee member during visit.*
- *During site visit on 30.11.2024 by joint committee, mining activity was not observed on the site. Project Proponent informed that mining activity was discontinued after 30.06.2024 (due to monsoon*

period) and not started since 30.06.2024 to till date. Mining Officer Ghaziabad informed that transport permit has not been issued after 30.06.2024.

➤ A camp office and weigh bridge was observed constructed by project proponent. It was informed by project proponent that all machinery for mining activity are hired through third party and the same is not hired from 30.06.2024 onwards.

➤ During site visit by joint committee, winter migratory birds (Common swift or swallows, Sea gulls, Moorhen etc.) were observed (photographs attached).

5. Observation regarding issues raised in the compliant:

Issues raised related to mining violations:-

- The mining is being carried out beyond the allotted limit/ Being carried out beyond the sanctioned Lease Area/ Carrying out mining outside the coordinates/ works for more than the allotted time in a day / doing illegal mining work at night by taking out sand up to 100 feet below with the help of lifter boat machine (para 3)
- constructed a two dams (Bandh), (para 5)
- the proponent is mining the sand much deep from the bottom of the river, from approximately 20-30 feet below which is impermissible, with help of the poclain and other heavy machines, (para 7)
- carrying out illegal mining in No. 310-309, (para 10)
- making very deep pits by building a dam. (para 12)

Observation:-

- Mining activity was not observed on day of visit of joint committee. Project Proponent informed that mining activity was discontinued after 30.06.2024 (due to monsoon period) and not started since 30.06.2024 to till date. Mining Officer Ghaziabad informed that transport permit has not been issued after 30.06.2024. Excavation mark were not observed on the sand deposit in the mid of the river which also indicated that mining has not been carried out after monsoon.
- Illegal mining by project proponent has been observed earlier by District Authorities, a notice was issued to project proponent by Mining section, ADM Office Ghaziabad on dated 09.05.2024 for illegal mining of 840 cubic meter of ordinary sand out and accordingly fine was imposed on project proponent as per rules. (Annexure-7)

Issues raised to Green belt development: -

- *That the proponent was also required to plant 625 trees on both the sides of the haul road, (para 7)*

Observation:-

- *The project proponent informed that the trees were planted in mining lease area which were damaged during flooding in year 2023, however, no plantation was observed by the committee.*

Issues raised to impact on Adjacent Agricultural Land:-

- *Adjacent agricultural land situated on the banks of Yamuna are being affected and are in the danger of completely becoming an uncultivated land. (para 9)*

Observations:-

- *At present agriculture land near the lease area was not found affected.*

Issues raised to Mine operation: -

- *Breached the limit for the number of vehicle allowed to be deployed at the mining site, 34 vehicles are allowed, (para 4)*
- *Deploying heavy machineries, the use of poclain machines and other such machines (para 6)*
- *The proponent has not adopted the practice of regularly sprinkling the water during the transition of the vehicles, (para 8)*

Observations:-

- *Mining activity was not carried out on the day of visit. It was informed by Mining Officer Ghaziabad that transport permit has not been issued after 30.06.2024. Compliance of these points can be enforced during mining operation.*

6. Conclusions/Recommendations:

1. *The mining department should carry out vigil during day as well as night and ensure that no illegal mining takes place in Yamuna river.*
2. *The EC issued by SEIAA Uttar Pradesh stipulated the method of mining as opencast Semi-Mechanized therefore, heavy machinery and lifter boat should not be allowed near the river.*
3. *Stringent action should be taken against any persons found carrying out illegal mining. using heavy machinery and lifter boats near the river, and obstructing flow of the river.*

4. *Compliance of following salient requirements must be ensured by Project and Mining Department before allowing further mining:*
- *Installation the boundary pillars as per co-ordinates & Environmental Clearance conditions.*
 - *Adequate plantation in time bound manner as per Environmental Clearance conditions.*
 - *Replenishment study of the area about mining deposits as per Environmental Clearance conditions.*
 - *Hydrogeological study to ascertain the impact on river channel and water table as per Environmental Clearance condition (no 16).*
5. *Environmental compensation for illegal mining of 840 cubic meter quantity of ordinary sand may belevied as per Approach 2 scale approved by Hon'ble NGT vide order dated 26.02.2021 in the matter of OA No. 360/2015.”*

6. In the light of observations made by Joint Committee in the above report, we find it appropriate to implead following as respondents:-

1. Ministry of Environment, Forest and Climate Change, Government of India through Secretary, or Bagh Rd, Lodi Colony, New Delhi, Delhi 110003
2. State of UP, Ministry of Environment, Forest and Climate Change through Principal Secretary/Additional Chief Secretary, 17, Rana Pratap Marg, Lucknow, (U.P.), 226001
3. UP State Pollution Control Board through Member Secretary, Satyam, Vasundhara, Ghaziabad, Uttar Pradesh 201004
4. District Magistrate, Ghaziabad, Rajnagar, Ghaziabad-201001 (UP)
5. Bani Singh, Salasar Complex, 306, Shankar Vihar Colony, Quaarsi, Aligarh.
6. M/s New Panther Security Guard Services through its owner Bani Singh, Salasar Complex, 306, Shankar Vihar Colony, Quaarsi, Aligarh.

7. Notices on behalf of respondents 2, 3 and 4 have been accepted by Sh. Bhanwar Pal Singh Jadon, Advocate.

8. On behalf of respondents 5 and 6, notices have been accepted by Sh. Vithal Aditya, Advocate

7. Notice on behalf of respondent 1 has been accepted by Sh. Rajkumar, Advocate.

8. Hence, no formal issue of notice to respondents is necessary.

9. Learned counsel appearing for respective respondents pray for and allowed 3 weeks' time to file their responses /replies.

10. List this matter on 10.01.2025.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

December 05, 2024
ORIGINAL APPLICATION No. 1003/2024
AB

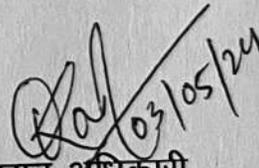
जांच आख्या

आज दिनांक 03.05.2024 को बालू खनन पट्टा क्षेत्र ग्राम पचायरा खण्ड-2, गाटा सं० 303मि०, 313मि०, 290मि०, 301मि०, 303, 304मि०, 314मि०, 297मि०, 298मि०, 302मि०, 311मि०, 312मि०, 313मि०, 314मि० रकबा 8.512 है०, जो दिनांक 12.11.2021 से 11.11.2026 तक मै० न्यू पेन्थर सिक्योरिटी गार्ड सर्विस प्रो० श्री बनी सिंह के पक्ष में स्वीकृत है, का औचक निरीक्षण किया गया।

जांच के समय पट्टाधारक के पक्ष में स्वीकृत क्षेत्र के बाहर उत्तर पश्चिम दिशा में एक पिट देखा गया, जिसकी चौड़ाई 28 मीटर x लम्बाई 30 मीटर x गहराई 1.00 मीटर थी। उक्त से स्पष्ट है कि पट्टाधारक द्वारा अपने स्वीकृत क्षेत्र से बाहर जाकर लगभग 840 घ०मी० साधारण बालू का अवैध खनन किया गया है, जो उ०प्र० उपखनिज (परिहार) नियमावली 2021 के नियम 3 तथा खान एवं खनिज (विकास एवं विनिमय) अधिनियम 1957 की धारा 4 का उल्लंघन है एवं उ०प्र० उपखनिज (परिहार) नियमावली 2021 के नियम 58 तथा खान एवं खनिज (विकास एवं विनिमय) अधिनियम 1957 की धारा 21 के अर्न्तगत दण्डनीय अपराध है।

अतः पट्टाधारक द्वारा किये गये लगभग 840 घ०मी० साधारण बालू की रायल्टी, खनिज मूल्य एवं नियमानुसार अर्थदण्ड अधिरोपित किये जाने की संस्तुति सहित उपरोक्त जांच आख्या सेवा में सादर प्रेषित है।

संलग्नक:- जांच के समय लिये गये फोटोग्राफ्स।


03/05/24
खान अधिकारी
गाजियाबाद।

नोटिस

संख्या: 1824 / ख0लि0-अवैध खनन / 2024-25

दिनांक: 09 / 05 / 2024

न्यू पैन्थर सिक्योरिटी गार्ड सर्विस
(पट्टाधारक ग्राम पचायरा खण्ड-2)
प्रो श्री बनी सिंह निवासी- सालासर काम्पलैक्स,
306, शंकर विहार कालोनी कुरैशी
अलीगढ़ ।

विषय:- बालू खनन पट्टा क्षेत्र ग्राम पचायरा खण्ड-2 में लगभग 840 घ0मी0 साधारण बालू का अवैध खनन किये जाने के सम्बंध में।

अवगत कराना है कि खान अधिकारी, गाजियाबाद की जांच आख्या दिनांक 03.05.2024 द्वारा अवगत कराया गया है कि आपके पक्ष में स्वीकृत बालू खनन पट्टा ग्राम पचायरा खण्ड-2 का दिनांक 03.05.2024 को औचक निरीक्षण किया गया। निरीक्षण के दौरान देखा गया कि आपके द्वारा अपने स्वीकृत क्षेत्र से बाहर जाकर उत्तर पश्चिम दिशा में 840 घ0मी0 साधारण बालू का अवैध खनन किया गया है, जिस पर देय रायल्टी रू0 54,600/- खनिमुख मूल्य रू0 2,73,000/- कुल धनराशी रू0 3,27,600/- एवं शमन शुल्क रू0 5,00,000/- देय होता है।

आपका यह कृत्य उ0प्र0 उपखनिज (परिहार) नियमावली 2021 के नियम 3 तथा खान एवं खनिज (विकास एवं विनियम) अधिनियम 1957 की धारा 4 का उल्लंघन है एवं उ0प्र0 उपखनिज (परिहार) नियमावली 2021 के नियम 58 तथा खान एवं खनिज (विकास एवं विनियम) अधिनियम 1957 की धारा 21(5) के अन्तर्गत दण्डनीय अपराध है। उक्त अपराध एवं निकाले गये खनिज पर अर्थदण्ड तथा रायल्टी सहित खनिज मूल्य वसूले जाने का प्रावधान है।

यह भी अवगत कराना है कि पूर्व में आपके विरुद्ध निर्गत Weighment Without e MM-11 के 284 ई-नोटिस की कुल आंकलित धनराशि रू0 81,67,653/- में आप द्वारा रू0 40,00,000/- जमा कराया गया था, जिसमें शेष धनराशि रू0 41,67,653/- को जमा कराये जाने हेतु आप द्वारा 15 दिवस का समय प्रदान किये जाने का अनुरोध किया था। आप द्वारा तत्दिनांक तक भी उक्त शेष धनराशि जमा नहीं करायी गयी है

अतः आपको निर्देशित किया जाता है कि आप द्वारा किये गये 840 घ0मी0 साधारण बालू के अवैध खनन पर देय रायल्टी रू0 54,600/- खनिमुख मूल्य रू0 2,73,000/- कुल धनराशी रू0 3,27,600/- एवं शमन शुल्क रू0 5,00,000/- एवं ई-नोटिस की शेष धनराशि रू0 41,67,653/-को 15 दिन के अन्दर जमा कराना सुनिश्चित करें, अन्यथा की स्थिति में उक्त धनराशि को नियमानुसार भू-राजस्व के रूप में वसूला जायेगा।

5/5/24

अपरजिलाधिकारी (वि0/रा0)
गाजियाबाद।

aj/c

पत्र सं०:- 17/ /ख०अनु०/आर०सी०/गाजि०/22-23
वसूली मांग पत्र

दिनांक: 28/12/2024

सेवा में,

जिलाधिकारी,
अलीगढ़।

महोदय

कृपया अवगत कराना है कि मै० न्यू पेन्थर सिक्योरिटी गार्ड सर्विस प्रो० श्री बनी सिंह निवासी- सालासर काम्पलैक्स, 306, शंकर विहार कालोनी, कुरैशी, अलीगढ़ के पक्ष में ग्राम पचायरा खण्ड-2 तहसील लोनी गाटा सं० 303मि०, 313मि०, 290मि०, 301मि०, 303, 304मि०, 314मि०, 297मि०, 298मि०, 302मि०, 311मि०, 312मि०, 313मि०, 314मि० रकबा 8.512 हे० खनन योग्य मात्रा 177737 घ०मी० वार्षिक का बालू खनन पट्टा 05 वर्ष की अवधि (दिनांक 12.11.2021 से 11.11.2026 तक) के लिये स्वीकृत एवं निष्पादित है।

पट्टाधारक श्री बनी सिंह द्वारा अपने सीमांकित क्षेत्र से बाहर जाकर अवैध साधारण बालू खनन मात्रा 840 घ०मी० की रायल्टी रू० 54,600/-, खनिज मूल्य रू० 2,73,000/- एवं शमन शुल्क रू० 5,00,000/-, कुल धनराशि रू० 8,27,600/- को 18 प्रतिशत वार्षिक ब्याज के साथ भू-राजस्व के रूप में वसूल किये जाने के आदेश दिये गये हैं। न्यू पेन्थर सिक्योरिटी गार्ड सर्विस प्रो० श्री बनी सिंह जनपद अलीगढ़ की निवासी है तथा इनकी चल अचल सम्पत्ति आपके क्षेत्रान्तर्गत आती है।

अतः मै० न्यू पेन्थर सिक्योरिटी गार्ड सर्विस प्रो० श्री बनी सिंह निवासी- सालासर काम्पलैक्स, 306, शंकर विहार कालोनी, कुरैशी, अलीगढ़ से अपने सीमांकित क्षेत्र से बाहर जाकर अवैध साधारण बालू खनन मात्रा 840 घ०मी० की रायल्टी रू० 54,600/-, खनिज मूल्य रू० 2,73,000/- एवं शमन शुल्क रू० 5,00,000/-, कुल धनराशि रू० 8,27,600/- को 18 प्रतिशत वार्षिक ब्याज के साथ (ब्याज की गणना दिनांक 04.05.2024 से की जायेगी) वसूली कराते हुये जिलाधिकारी गाजियाबाद के पक्ष में बैंक ड्राफ्ट तैयार कर उपलब्ध कराने का कष्ट करें।

28/12/24

अपरजिलाधिकारी (वि०/रा०)
गाजियाबाद।

CHALLAN**(अलौह खनन तथा धातु कर्म उद्योग, उ०प्र०)****Government of Uttar Pradesh**

Uttar Pradesh Treasury Form-209(1) - Challan for Depositing Money

[To be submitted through Net-Payment]

Challan No.: AKV250005375	Challan Date: 13/02/2025
Assessment Year: 2024-2025	Tax Period: ANNUAL
Name of the Bank:	
Unique Id:	
Depositor Name:	New Panther Security Guard Services
Depositor Address:	Bani Singh Pachayara Khand 2 Loni Ghaziabad

Head	Description	Serial No.	Amount (in Rs.)
085300800010000	अन्य प्राप्तियां	4	951740.00
	Totals of the above heads	--	951740.00

A SUM OF Rs. 951740.00 AGAINST THE HEADS MENTIONED ABOVE --[THROUGH NET-PAYMENT TRANSACTION]-- ON HAS BEEN DEPOSITED BY THE DEPOSITOR.

(Depositor Remarks->Illegal Mining Pachayara Khand 2)

THE BANK REFERENCE NO. RECEIVED AFTER THE TRANSACTION IS : CPAEUPVBC9, Scroll Date:-13/02/2025

N.C.R.B (एन.सी.आर.बी)
I.I.F.-I (एकीकृत जाँच फार्म -I)

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)
प्रथम सूचना रिपोर्ट
(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (जिला): ग्रामीण (कमिश्नरेट गाजियाबाद)

P.S. (थाना): ट्रोनिका सिटी

Year (वर्ष): 2024

FIR No.(प्र.सू.रि. सं.): 0251

Date & Time of FIR(प्र.सू.रि. की दिनांक/समय): 01/06/2024 19:10

S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	भा दं सं 1860	379
2	खान एवं खनिज (विकास का विनियमन) अधिनियम 1957	4
3	खान एवं खनिज (विकास का विनियमन) अधिनियम 1957	21
4	उत्तर प्रदेश उपखनिज (परिहार) नियमावली, 2021	3(1)
5	उत्तर प्रदेश उपखनिज (परिहार) नियमावली, 2021	58
6	उत्तर प्रदेश उपखनिज (परिहार) नियमावली, 2021	72(1)

3.(a) Occurrence of offence (अपराध की घटना) :

1. Day मंगलवार
(दिन):

Date From 14/05/2024
(दिनांक से):

Date To 14/05/2024
(दिनांक तक):

Time Period पहर 1
(समय अवधि):

Time From 02:00 बजे
(समय से):

Time To 02:00
(समय तक): बजे

(b) Information received at P.S. (थाना जहां सूचना प्राप्त हुई):

Date 01/06/2024 Time (समय): 19:10 बजे
(दिनांक):

(c) General Diary Reference (रोजनामचा संदर्भ):

Entry No. 041 Date & Time 01/06/2024 19:10 बजे
(प्रविष्टि सं.): (दिनांक और समय):

4. Type of Information (सूचना का प्रकार): लिखित

5. Place of Occurrence (घटनास्थल):

Direction and distance from P.S. उत्तर - पश्चिम, Beat No.
1. (a) (थाना से दूरी और दिशा): 07 किमी (बीट सं.):
(b) Address यमुना नदी ग्राम पचायरा क्षेत्र
(पता):

(c) In case, outside the limit of this Police Station, then
(यदि थाना सीमा के बाहर है तो):

Name of P.S. District(State)
(थाना का नाम): (ज़िला (राज्य)):

6.Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):

(a) Name (नाम): किरनपाल गौतम

(b) Father's/Husband's Name(पिता / पति का

(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1979

(d) Nationality (राष्ट्रीयता): भारत

(e) UID No. (यूआईडी सं.):

(f) Passport No.(पासपोर्ट सं.):

Date of Issue (जारी करने की तिथि):

Place of Issue (जारी करने का स्थान):

(g) Id details (Ration Card,Voter ID Card,Passport,UID No.,Driving License, PAN)

S.No.(क्र.सं.)	Id Type (पहचान पत्र का प्रकार)	Id Number (पहचान संख्या)
1		

(h) Address (पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	वर्तमान पता	क्षेत्रीय लेखपाल ग्राम पचायरा ,ग्रामीण (कमिश्नरेट गाजियाबाद), उत्तर प्रदेश,भारत
2	स्थायी पता	क्षेत्रीय लेखपाल ग्राम पचायरा ,ग्रामीण (कमिश्नरेट गाजियाबाद), उत्तर प्रदेश,भारत

(i) Occupation (व्यवसाय):

(j) Phone number (दूरभाष सं.):

Mobile (मोबाइल सं.): 91-8700063290

7.Details of known/suspected/unknown accused with full particulars

(ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या):

S.No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address (वर्तमान पता)
1	जेसीबी व ट्रैक्टर ट्रली चालक अज्ञात व्यक्ति उपरोक्त के			1. अज्ञात, अज्ञात

8. Reasons for delay in reporting by the complainant/informant

(शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S.No. (क्र.सं.)	Property Category (संपत्ति श्रेणी)	Property Type (सम्पत्ति का प्रकार)	Description (विवरण)	Value (In Rs/-) (मूल्य (रु में))

10. Total value of property (In Rs/-)-सम्पत्ति का कुल मूल्य(रु)**11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण सं., यदि कोई हो):**

S.No.	UIDB Number

12. First Information contents (प्रथम सूचना तथ्य):

नकल तहरीर सेवा में, प्रभारी निरीक्षक, थाना टोनिका सिटी, गाजियाबाद महोदय, अवगत कराना है कि दिनांक 14.05.2024 की रात्रि 02.00 बजे थाना टोनिका सिटी के ग्राम पचायरा में उपजिलाधिकारी लोनी, तहसीलदार लोनी एवं खनन अधिकारी लोनी की संयुक्त टीम द्वारा यमुना नदी का आकस्मिक रूप से निरीक्षण किया गया। निरीक्षण के दौरान यमुना नदी में 02 जेसीबी मशीन, 02 ट्रैक्टर एवं 07 ट्रली मौके पर खनन करते हुए पाये गये। जाँच टीम को देखकर उक्त खननकर्ता 02 जेसीबी मशीनों में से एक जेसीबी मशीन चालक, मशीन को लेकर दिल्ली की ओर भाग गया, जहाँ उक्त मशीन दिल्ली प्रदेश की सीमा के अन्तर्गत नदी में फस गयी है। उक्त मशीन के संबंध में कार्यवाही हेतु दिल्ली पुलिस/प्रशासन को सूचित किया गया। मौके से खनन कार्यों में संलिप्त व्यक्ति रात्रि में अन्धेरे का लाभ उठाकर फरार हो गये। जच टीम द्वारा मौके से 01 जेसीबी मशीन (इंजन सं H00394753), 02 ट्रैक्टर (रजि नं0 HR-10 AC-1627 एवं ट्रैक्टर महिन्द्रा 575 लाल बिना नम्बर) एवं 07 ट्रली जब्त की गयी, जिन्हे स्थानीय पुलिस के सुपुर्द किया जा चुका है। प्रश्नगत प्रकरण की जाँच के दौरान पाया गया कि उक्त खनन गतिविधियों में संलिप्त व्यक्तियों को कोई खनन पट्टा खनन हेतु स्वीकृत नहीं है, घटना में मौके से फरार अज्ञात व्यक्तियों द्वारा उक्त जेसीबी मशीन एवं ट्रैक्टर-ट्रली द्वारा उपखनिज साधारण बालू का चोरी से अवैध खनन/परिवहन किया जा रहा था, जो खान एवं खनिज (विकास व विनियमन) अधिनियम, 1957 की धारा 4 व 21 तथा उप्र उपखनिज (परिहार) नियमावली, 2021 के नियम 3,

58 व 72 का उल्लंघन है एवं दण्डनीय अपराध है। अतः अनुरोध है कि उपखनिज साधारण बालू का चोरी से अवैध खनन/परिवहन में शामिल उक्त अज्ञात व्यक्तियों एवं वाहन स्वामियों के विरुद्ध सुसंगत धाराओं में प्राथमिकी दर्ज करने का कष्ट करे। ह0 अपठित 01/6/2024 (किरनपाल गौतम) क्षेत्रीय लेखपाल ग्राम पचायरा तहसील लोनी M.No. 8700063290 नोट मैं है0का0 215 रोहित कुमार प्रमाणित करता हूँ कि प्राप्त तहरीर के आधार पर मुकदमा उपरोक्त की कायमी व चिक मेरे द्वारा शब्द ब शब्द बोल बोलकर थाना हाजा के कम्प्यूटर पर सीसीटीएनएस पर का0 2090 नितिन कुमार द्वारा टंकित करायी गयी अलावा तकनीकी त्रुटि के।

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है।)

- (1) **Registered the case and took up the investigation:** (प्रकरण दर्ज किया गया और जांच के लिए लिया गया) or (या)
- (2) **Directed (Name of I.O.)** Mukesh Kumar **Rank** SI (Sub-Inspector) (जांच अधिकारी का नाम): (पद):

No. 0952492292 **to take up the Investigation** (सं.): (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

- (3) **Refused investigation due to** (जांच के लिए):

or (के कारण इंकार किया या)

- (4) **Transferred to P.S.** **District** (थाना): (ज़िला):
on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित) .

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant free of cost. (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी।)

R.O.A.C.(आर. ओ .ए .सी.)

14 Signature/Thumb impression of the complainant / informant.(शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान):

15 Date and time of dispatch to the court
(अदालत में प्रेषण की दिनांक और समय):

**Signature of Officer in charge,
Police Station**

(थाना प्रभारी के हस्ताक्षर)

Name THANA INCHARGE

Rank SI (Sub-Inspector)

No. 9454405104

Attachment to item 7 of First Information Report

(प्रथम सूचना रिपोर्ट के मद 7 संलग्नक):

Physical features, deformities and other details of the suspect/accused:

(If known / seen)

(संदिग्ध / अभियुक्त की शारीरिक विशेषताएँ, विकृतियाँ और अन्य विवरण :

(यदि ज्ञात / देखा गया))

S.No.(क्र.सं.)	Sex (लिंग)	Date/Year of Birth (जन्म तिथि / वर्ष)	Build (बनावट)	Height (cms.) (कद (से.मी.))	Complexion (रंग)	Identification Mark (s) (पहचान चिन्ह)
1	2	3	4	5	6	7
1	अज्ञात					
Deformities/ Peculiarities		Teeth (दाँत)	Hair (बाल)	Eyes (आँखें)	Habit(s) (आदतें)	Dress Habit(s) (पहनावा)
8		9	10	11	12	13
Language /Dialect (भाषा/बोली)	Place Of (का स्थान)					Others (अन्य)
	Burn Mark (जले हुए का निशान)	Leucoder ma (लुकोदेर्मा (सफ़ेद धब्बे))	Mole (मस्सा)	Scar (घाव)	Tattoo (गूदे हुए का)	
14	15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

(यह क्षेत्र तभी दर्ज किए जाएंगे यदि शिकायतकर्ता / सूचनाकर्ता संदिग्ध / अभियुक्त के बारे में कोई एक या उससे अधिक जानकारी देता है |)

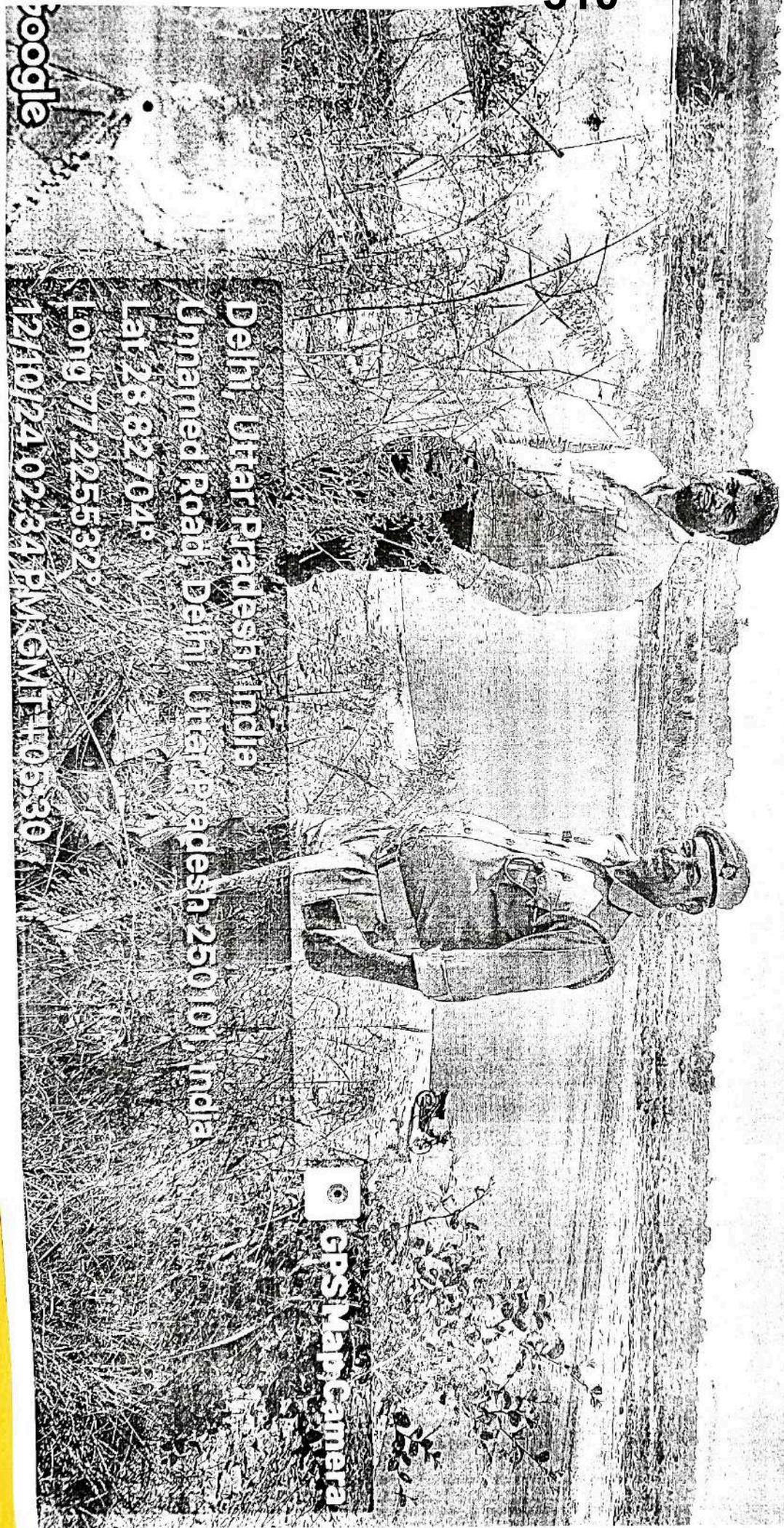
जांच आख्या

जनपद गाजियाबाद के तहसील लोनी क्षेत्र में स्वीकृत बालू खनन पट्टा क्षेत्रों ग्राम पचायरा खण्ड-1 व खण्ड-2 का दिनांक 12.10.2024 को औचक निरीक्षण किया गया। निरीक्षण आख्या निम्नवत् है :-

निरीक्षण के दौरान ग्राम पचायरा खण्ड-1 में पर्यावरण स्वच्छता प्रमाण पत्र की अवधि समाप्त होने तथा मा0 न्यायालय एन0जी0टी0 के आदेशों के कम खनन कार्य बंद पाया गया। बालू खनन पट्टा क्षेत्र ग्राम पचायरा खण्ड-2 का अधिकांश खनन क्षेत्र जलमग्न होने को कारण मौके पर खनन कार्य पूर्णतः बंद पाया गया। मौके पर लिये गये फोटो ग्राफ्स संलग्न है।

अतः उपरोक्त जांच आख्या सेवा में सादर प्रेषित है।

खान अधिकारी
गाजियाबाद।
12/10/24



Delhi, Uttar Pradesh, India

Unnamed Road, Delhi, Uttar Pradesh 250101, India

Lat: 28.82704°

Long: 77.225532°

12/10/24 02:34 PM GMT+05:30



GPS Map Camera

Google

511

Google

Delhi, Uttar Pradesh, India
Unnamed Road, Delhi, Uttar Pradesh 250104, India
Lat: 28.827066
Long: 77.225549
12/10/24 02:34 PM GMT +05:30

GPS Map Camera



स्थलीय जांच आख्या

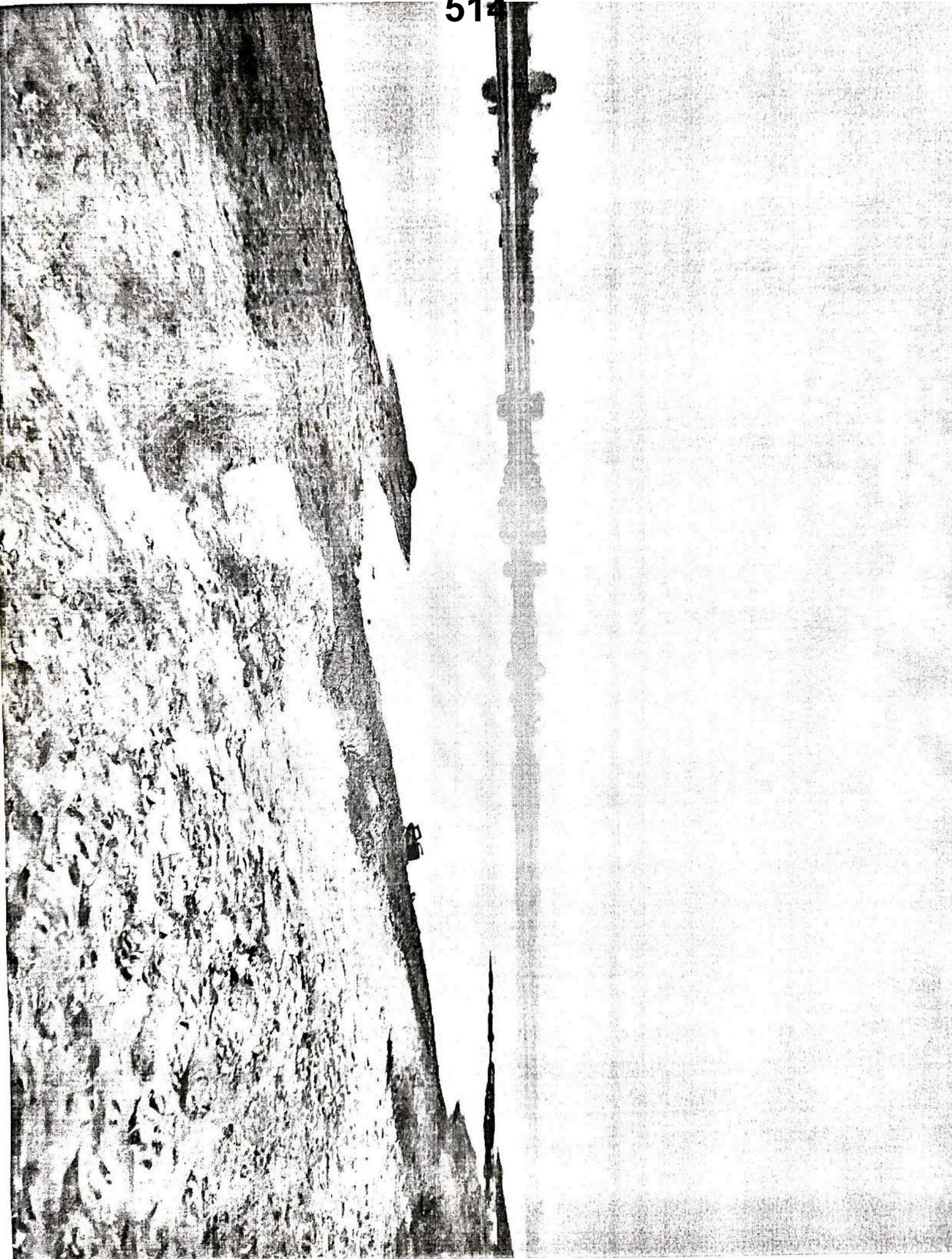
तहसील लोनी क्षेत्र में स्वीकृत बालू खनन पट्टा क्षेत्रों ग्राम पचायरा खण्ड-1 व खण्ड-2 का दिनांक 17.10.2024 को रात्रि में लगभग 12.00 बजे औचक निरीक्षण किया गया। निरीक्षण आख्या निम्नवत् है :-

निरीक्षण के दौरान ग्राम पचायरा खण्ड-1 में पर्यावरण स्वच्छता प्रमाण पत्र की अवधि समाप्त होने के कारण खनन कार्य बंद पाया गया। बालू खनन पट्टा क्षेत्र ग्राम पचायरा खण्ड-2 का अधिकांश खनन क्षेत्र जलमग्न होने के कारण मौके पर खनन कार्य पूर्णतः बंद पाया गया। मौके पर कोई मशीन नहीं पायी गयी। मौके पर लिये गये फोटो ग्राफ्स संलग्न है।

उपरोक्त जांच आख्या सेवा में सादर प्रेषित है।

S. S. S.
17/10/24
खान अधिकारी
ग्राजियाबाद।





Item No. 01

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.160/2022
(I.A. No. 860/2023 & I.A. No. 75/2023)

IN THE MATTER OF:

1. Om Pal and others,

Residents of Village Pachayra, Tehsil Loni,
District Ghaziabad,
Uttar Pradesh.

...Applicants

Versus

1. State of Uttar Pradesh,

Through Chief Secretary,
Government of Uttar Pradesh,
101, 'B' Block, Lok Bhawan,
U.P. Secretariat, Lucknow – 226001.
Email: csup@nic.in.

2. The Director,

Directorate of Mining and Geology, Uttar Pradesh,
Raja, Khanij Bhawan 27/8, Ram Mohan Rai Marg,
Lucknow, Uttar Pradesh 226001.
Email: dgmupexp@gmail.com.

3. Uttar Pradesh Pollution Control Board,

Building No. TC-12V,
Vibhuti Khand, Gomti Nagar,
Lucknow-226 010, U.P.
Email: ms@uppcb.in.

4. District Magistrate, Ghaziabad,

Office of the District Magistrate,
Rajnagar, Ghaziabad-201001, U.P.
Email: dmgha@nic.in.

5. Mr. Mumtaz Ali,

S/o Mr. Fakir Mohammad, Resident of Mohammadabad,
District Jyotiba Phule Nagar, Uttar Pradesh,
(Project Proponent).

...Respondents

Counsel for the Applicants:

Mr. S. P. Singh Senior Advocate alongwith applicant.

Counsel for the Respondents:

Mr. Bhanwar Singh Jadon, Mr. Chetan Jadon and Mr. Hardik Saxena, Advocates for respondent no. 1-State of U.P.

Mr. Mukesh Verma, Advocate for respondent no. 2- Mining Department.

Mr. Utkarsh Tripathi Mining Officer.

Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for respondent no. 3-UPPCB.

Mr. R. P. Mehrorta Senior Advocate with Ms. Pallavi Pratap, Ms. Muskan Jain and Mr. Apoorv Srivastava, Advocates for respondent no. 5.

PRESENT:

HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER

HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Judgment Reserved on:- 13.03.2024

Judgment pronounced on :- 05.08.2024

Application is registered based on a complaint received by post.

Judgment

PRONOUNCED BY: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JM

1. Mr. Ompal and other residents of Village Pachayra, Tehsil Loni, District Ghaziabad have sent by post the present letter petition, which has been treated and registered as original application.

2. The applicants have complained in the letter petition about illegal sand mining at Khasra no. 8, 9, 10, 11, 12, 13, 37, 38 etc. in river bed of River Yamuna in village Pachayra Khand-1, Tehsil Loni, District Ghaziabad, Uttar Pradesh by contractor Mr. Mumtaz Ali in violation of environmental norms.

3. The relevant part of the letter petition enumerating grievances of the applicants reads as under:

“विषय- ग्राम पचायरा खण्ड-1 में बालू खनन पटटेदार द्वारा भूस्वामीओं की बिना लिखित सहमति मुआवजा दिये बिना तथा शासनादेशों, पर्यावरण

स्वच्छता प्रभाव की शर्तों/नियमों / स्वीकृति आदेश/पट्टा अनुबन्ध की शर्तों तथा मा० न्यायालय एन०जी०टी० की शर्तों का सरेआम उल्लंघन कर प्रतिबन्धित पौकलैन मशीनों द्वारा स्वीकृत क्षेत्र से बाहर, यमुना नदी तल से नीचे 15-20 फुट गहराई खुदाई कर भारी मात्रा में अवैध खनन कर राज्य सरकार को राजस्व की भारी क्षति पहुँचाने के संबंध में।

X

X

X

X

निवेदन यह है कि आपके द्वारा / जिलाधिकारी महोदय द्वारा ग्राम पचायरा में खसरा नम्बर 8, 9, 10, 11, 12, 13, 37, 38 आदि में बालू खनन का पट्टा दिया गया है आपके द्वारा दिये गये अनुउपयुक्त बालू खनन हेतु मुमताज अली ठेकेदार को जो बालू खनन हेतु दिया गया है पिछले वर्ष उक्त ठेकेदार ने बिना किसानों की सहमति के ही जबरन खनन शुरू कर दिया प्रार्थीगणों की भूमि ग्राम पचायरा व दिल्ली प्रदेश की सीमा के गांवों से लगती है जहाँ होम डिपार्टमेन्ट भारत सरकार वर्ष 1884 के नियम व शासनादेश व खनन विभाग की रिपोर्ट के अनुसार दोनों प्रदेशों की सीमा यमुना नदी की गहराई धारा को माना गया है उक्त ठेकेदार मुमताज अली पिछले वर्ष शासनादेश, स्वच्छता प्रमाण पत्र, पट्टा अनुबन्ध की शर्तों, सिंचाई विभाग, व मा० न्यायालय एन०जी०टी० की शर्तों का लगातार उल्लंघन करते प्रतिबन्धित पौकलैन मशीनों द्वारा स्वीकृत के बाहर सिंचाई विभाग की प्रतिबन्धित सीमा 600 मीटर के अन्दर के खसरा नम्बर/क्षेत्र में भारी मात्रा में अवैध खनन किया गया था जिस पर खनन विभाग / राजस्व विभाग द्वारा भारी मात्रा में अवैध खनन स्थलीय जांच रिपोर्ट / रायल्टी की वसूली की कार्यवाही की गयी।

उक्त ठेकेदार द्वारा उक्त बड़ी-बड़ी पौकलैन मशीनों द्वारा यमुना नदी के किनारों को काटकर 15-20 फुट गहराई तक खुदाई कर अवैध खनन किया गया था। जिससे यमुना नदी अपनी मुख्य धारा से हटकर उत्तर प्रदेश की तरफ प्रतिबन्धित सीमा 600 मीटर के अन्दर आ गयी जिससे उत्तर प्रदेश की भूस्वामियों की भूमि यमुना पार दिल्ली की तरफ चली गयी जिसकी शिकायते हम भूस्वामियों ने कई बार की थी परन्तु ठेकेदार की मिलीभगत सांठ गांठ से कोई कार्यवाही नहीं हुई।

फिर अब माह अक्टूबर 2021 के बाद पुनः उक्त ठेकेदार बिना किसानों की लिखित सहमति के ही खनन कार्य शुरू कर रहा है उक्त ठेकेदार ने यमुना नदी की धारा को मोड़ कर/अवरूद्ध कर दिल्ली प्रदेश की तरफ कर दिया है जिससे कभी भी उ०प्र० सरकार व दिल्ली सरकार व हम भूस्वामी में टकराव उत्पन्न हो सकता है।

यह भी अवगत कराना है कि कि उक्त स्वीकृत क्षेत्र अधिकतर जल मग्न है स्वीकृत क्षेत्र में आपके द्वारा अंकित 3,23,600 घन मीटर बालू उपलब्ध ही नहीं है। उक्त ठेकेदार शासनादेशों, पट्टा अनुबन्ध की शर्तों पर्यावरण व मान्य न्यायालय एन०जी०टी० की शर्तों का पूरा पूरा उल्लंघन कर स्वीकृत क्षेत्र से बाहर तथा यमुना नदी की मुख्य धारा को काटते हुए प्रतिबन्धित क्षेत्र में बड़ी बड़ी पोपलेन मशीनों से दिन-रात 24 घण्टे पुनः यमुना नदी के जल स्तर/तल से नीचे 15-20 फुट गहराई तक भारी मात्रा में अवैध किया जायेगा जो पूर्ण रूप से अवैध खनन की श्रेणी होगा।

पुनः यह भी अवगत कराना है कि उक्त स्वीकृत क्षेत्र में ना तो पिलर / सीमा स्तम्भ है न ही कैमरे है। उक्त ठेकेदार द्वारा बालू के खाली व भरे ट्रकों को धर्मकांटे पर बिना तुलाई के ही ओवरलोड भरकर लगभग 25 घनमीटर की बालू भरकर दिन रात 24 घण्टे बेची जाती है। जो रवत्रा पर्ची एम०एम० 11 में लगभग 12 घनमीटर ही अंकित

कर दर्शाया जाता है। धर्मकांटे की वजन की कोई पर्ची नहीं दी जाती है। केवल धर्मकांटा दिखावे के लिये ही रखा है। मुख्य रूप से अवगत कराना है कि हम भूस्वामियों / ग्रामवासियों की भूमि में स्वीकृत क्षेत्र में तथा स्वीकृत क्षेत्र के बाहर बड़ी-बड़ी पोपलेन मशीनों (जो नीचे खुदाई करती है) दिन रात 24 घण्टे को चलाने से रोकने के लिए जो पर्यावरण/ मान्य न्यायालय एन०जी०टी० / स्वीकृती आदेश / पट्टा अनुबंध की शर्तों तथा सिंचाई विभाग की शर्तों का उल्लंघन करने का कारण बनती है। यह मशीने लोडर नहीं है बल्कि 40 फुट नीचे यमुना नदी तल की गहराई में खुदाई कर यमुना नदी की धारा को बदलकर पक्की भूमि की कटाई कर जनहानि, पशुहानि, भूमिहानि, जीवहानि आदि को क्षति पहुँचाती है। जिससे माह अक्टुबर में मशीन से खुदाई करने से हुए गड्ढे में एक व्यक्ति की डुबकर मौत हो गयी थी।

अतः श्रीमान जी से सानुरोध प्रार्थना है कि ग्राम पचायरा में खण्ड 1 में भूस्वामियों को मुआवजा / लिखित सहमति के उपरान्त ही खनन की अनुमति / ओ०टी०पी० दी जाये तथा स्वीकृत आदेश / पट्टा आदेश की शर्तों पर्यावरण स्वच्छता प्रमाण पत्र, मा० न्यायालय, एन०जी०टी० महोदय तथा सिंचाई विभाग की शर्तों का उल्लंघन न हो सके इसके लिए प्रतिबंधित पोपलेन मशीनों को चलाने से रोकने की कृपा करें। ताकि जनहानि, पशुहानि, भूमिहानि, जीव जन्तु की हानि तथा उ०प्र०- दिल्ली प्रदेश की सीमा विवाद उत्पन्न न हो सके तथा भूमि दिल्ली प्रदेश की सीमा में न चली जाए।”

4. In view of the seriousness of the allegations made in the application, this Tribunal, vide order dated **10.03.2022**, constituted a Joint Committee comprising of Uttar Pradesh Pollution Control Board (UPPCB) and District Magistrate-Ghaziabad, Uttar Pradesh and directed the same to look into the grievances of the applicant and submit factual and action taken report within three months. The relevant part of the order reads as under:-

“ Having regard to the seriousness of the allegations, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the State PCB, and District Magistrate-Ghaziabad (Uttar Pradesh). The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks and undertake site visit and look into the grievance of the applicant. Factual and action taken report may be furnished within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.”

5. In compliance thereof, the Joint Committee inspected the site on **04.04.2022**. Compliance Report alongwith Joint Inspection Report of the Joint Committee was filed by Regional Officer, UPPCB, Ghaziabad vide email dated

25.05.2022. The relevant part of the compliance report reads as under:

“Report of the Joint Committee submitted in compliance to Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi Order dated 10-03-2022 in OA No-160/2022 Ompal & Ors. Versus State of Uttar Pradesh & Anr.

X

X

X

X

During inspection it was informed by the representative of Mining department that sand mining permission has been granted in favour of Late Shri Fakir Mohammad resident- Mohammadabad, District-Jyotiba Phule Nagar- 244235 for a period of 05 years for total area of 16.183 in gata number 8m, 9m, 10m, 11m, 12m, 13m, 17m, 18m, 19m, 20m, 21m, 22m, 25m, 26m. of village Pachayra block-1 , 27m, 30m, 37m, 38m, 39m, 40m, 41m, 53m, 54m, 55m, 56m, 57m, 237m, 238m, 239m, 240mm of village- Pachayara khand-1, tehsil- Loni, Ghaziabad.

The joint team conducted the site inspection of the area in question in the presence of the complainant Shri Ompal to ascertain issues raised by the complainant with regards to degradation of environment and violation of environmental laws. Point-wise compliance status with respect to complaint is as follows: -

a. Complaint has been made by the complainant Shri Ompal that illegal sand mining is being done by the lessee Shri Mumtaz Ali in Khasra No. 8, 9, 10, 11, 12, 13, 37 and 38.

It was observed by the Joint Committee that, the above mentioned Khasras come under the sanctioned lease area in favour of Mr. Mumtaz Ali. Mining work is being done by Mr. Mumtaz Ali in his approved area, which does not come under the category of illegal mining.

b. Complaint has been made by the complainant Mr Ompal that illegal sand mining is being done by Mr. Mumtaz Ali lessee in the mining area of village Pachayra Khand-1 by doing 15-20 feet deep pit-

It was noticed by the Joint Committee that a part of the sanctioned lease area is presently submerged and no pothole was found in the dry area.

c. Complaint has been made by the complainant that the work of mining and loading of sand is being done by the lessee by heavy machines-

It was noticed by the Joint Committee that the work of mining and loading of sand is being done by the excavator cum loading machine in the order of the Directorate's letter no. 414/M (Mining Policy)/2018 dated 21.06.2019 by the lessee.

d. Complain has been made by the complainant that due to mining by the lessee, the Yamuna River has shifted within a distance of 600 meters from the bandh- In

relation to the above complaint, it is to be informed that on the basis of a joint investigation of Irrigation Department, Revenue Department and Mining Department at the time of lease settlement, the lease section has been formed as per the guidelines of the Irrigation Department. During the investigation by the joint team, it was noticed on the spot that the mining work was being done by the lessee within the same geo-coordinates in which mining permission is sanctioned. The boundary pillars of the approved mining lease are located in the same place 600 meters from the pusta of the Irrigation Department.

As per the Joint report, complaints made by the complainant is baseless, a copy of the Joint report along with relevant documents is annexed as **Annexure-1**.

6. The relevant part of the Joint Inspection Report of the Joint Committee reads as under:-

“संयुक्त जांच आख्या

मा० एन०जी०टी नई दिल्ली में योजित OA No. 160/2022 Om Pal & Ors. Versus State of Uttar Praesh & Anr. में पारित आदेश दिनांक 10.03.2022, द्वारा उ०प्र० प्रदूषण नियंत्रण बोर्ड तथा जिलाधिकारी गाजियाबाद की संयुक्त समिति के माध्यम से बालू खनन पट्टा ग्राम पचायरा खण्ड-1 के खसरा सं० 8, 9, 10, 11, 12, 13, 37 व 38 में अवैध बालू खनन की जांच किये जाने के आदेश दिये गये। उक्त आदेश के अनुपालन में उ०प्र० प्रदूषण नियंत्रण बोर्ड जनपद गाजियाबाद के प्रतिनिधि के रूप में श्री बी०के० सिंह, सहायक पर्यावरण अभियंता, उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद तथा जिलाधिकारी गाजियाबाद के आदेश दिनांक 15.03.2022 के द्वारा अपरजिलाधिकारी (वि०/रा०) गाजियाबाद को नामित किया गया। कार्यालय अपरजिलाधिकारी (वि०/रा०) गाजियाबाद के पत्र सं० 2247/एन०जी०टी०-142/ओपन-160/2022 दिनांक 26.03.2022, द्वारा जिला खनन अधिकारी, गाजियाबाद एवं तहसीलदार लोनी को उपरोक्त आदेश के अनुपालन में बालू खनन पट्टा ग्राम पचायरा खण्ड-1 में अवैध बालू खनन की जाँच के समय अपने अधीनस्थ स्टाफ एवं आवश्यक अभिलेखी सहित उपस्थित रहने हेतु निर्देशित किया गया।

दिनांक 04.04.2022 को अपरजिलाधिकारी (वि०/रा०) गाजियाबाद, ज्येष्ठ खान अधिकारी गाजियाबाद, सहायक पर्यावरण अभियंता, उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद, तहसीलदार लोनी, सर्वेक्षक क्षेत्रीय कार्यालय गाजियाबाद, क्षेत्रीय कानूनगो एवं क्षेत्रीय लेखपाल द्वारा प्रश्रगत क्षेत्र का स्थलीय निरीक्षण शिकायतकर्ता श्री ओमपाल की उपस्थिति में किया गया, जिसकी जांच आख्या निम्नवत् है-

जनपद गाजियाबाद के तहसील लोनी के अन्तर्गत ग्राम पचायरा खण्ड-1 के गाटा सं० 8मि०, 9मि०, 10नि०, 11 मि०, 12 मि०, 13नि०, 17मि०, 18, 19, 20मि०, 21मि०, 22मि०, 25मि०, 26मि०, 27मि०, 30 मि०, 37मि०, 38नि०, 39मि०, 40 मि०, 41मि०, 53मि०, 54मि०, 55मि०, 56मि०, 57मि०, 237मि०, 238मि०, 239 मि०, 240नि० के रकबा 16.183 हे० में 05 वर्ष की अवधि के लिये बालू खनन श्री मुमताज अली पुत्र स्व० श्री फकीर मौहम्मद निवासी- मौहम्मदाबाद, जनपद-ज्योतिबा फूले नगर- 244235 के पक्ष में स्वीकृत एवं संचालित है।

शिकायतकर्ता श्री ओमपाल द्वारा शिकायत की गयी है कि पट्टेधारक श्री मुमताज अली द्वारा खसरा सं० 8, 9, 10, 11, 12, 13, 37 व 38 में 15-20 फीट गहरे गडढे करके अवैध बालू खनन किया जा रहा है, साथ ही पट्टेधारक द्वारा भारी मशीनों द्वारा बालू खनन कर लोडिंग का कार्य किया जा रहा है, जिसके कारण पट्टेधारक द्वारा खनन करने से यमुना नदी बंधे से 600 मीटर की दूरी के अन्दर शिफ्ट हो गयी है।

उक्त शिकायत के सम्बंध में जांच के समय पाया गया कि उपरोक्त उल्लिखित खसरा सं० श्री मुमताज अली के पक्ष में स्वीकृत पट्टा क्षेत्र के अर्न्तगत आते हैं। श्री मुमताज अली द्वारा अपने स्वीकृत क्षेत्र में खनन कार्य किया जा रहा है, जो अवैध खनन की श्रेणी में नहीं आता है। स्वीकृत पट्टा क्षेत्र का एक हिस्सा वर्तमान में जलमग्न है एवं जो क्षेत्र सूखे में है उसमें किसी भी प्रकार का गडढा नहीं पाया गया। भारी मशीनों के सम्बंध में गठित टीम ने देखा कि जाँच के समय पट्टाधारक द्वारा निदेशालय के पत्र सं० 414/एम० (खनन नीति)/2018 दिनांक 21.06.2019 में उल्लेखित मशीन द्वारा कार्य किया जा रहा है। (निदेशालय के पत्र दिनांक 21.06.2019 की छायाप्रति एवं उ०प्र० उपखनिज (परिहार) नियमावली, 2021 के नियम-35 की छायाप्रति संलग्न है।)

उक्त शिकायत के सम्बंध में अवगत कराना है कि पट्टा व्यवस्थापन के समय सिंचाई विभाग, राजस्व विभाग एवं खनन विभाग की संयुक्त जांच के आधार पर सिंचाई विभाग के गार्ड लाईन के अनुसार की पट्टा खण्ड बना है। संयुक्त टीम द्वारा जांच के समय मौके पर देखा गया कि व्यवस्थापन के समय जो जियोकार्डिनेट्स है, उसी जियोकार्डिनेट्स के अन्दर ही पट्टेधारक द्वारा खनन का कार्य किया जा रहा है। सिंचाई विभाग के पुस्ता से 600 मीटर के बाहर ही स्वीकृत खनन पट्टे के सीमास्तम्भ यथा स्थान स्थित है।

X

X

X

X”

7. This Tribunal considered the Compliance Report and the Joint Inspection Report of the Joint Committee on **12.07.2022** and noticed the deficiencies therein and in view thereof by order of even date directed the Joint Committee to submit further factual and action taken report. The relevant part of order dated **12.07.2022** reads as under:-

“4. We have gone through the report. It is pertinent to observe that in the letter petition, the applicants had complained that the Project Proponent was illegally mining beyond permitted area and permitted depth by use of prohibited machines without written consent of the applicants and without payment of compensation to them in accordance with order passed by Hon’ble High Court of Allahabad in W.P No. 3101 of 2010 titled Sripal Vs. State of Uttar Pradesh and others. The applicants have complained that pillars and cameras have not been installed and the sand mined is transported without weighing on any weighment bridge and without submitting weighment slip in over loaded trucks containing 25 cubic meters sand against ‘rawana parchi’ recording transported quantity as 12 cubic meters. The applicants have claimed that earlier the Project Proponent had illegally mined within prohibited area of 600 meters notified by Irrigation

Department for which heavy penalty/royalty was recovered by Mining/Revenue Department. The applicants have mentioned that one person died in October 2021 due to drowning in the pit created by machine used for mining. Vide order dated 10.03.2022, this Tribunal had directed the Joint Committee to look into the grievances of the applicants but while submitting its report the Joint Committee has not looked into the allegations regarding alleged incident of illegal mining by the Project Proponent and recovery of penalty/royalty by Mining/Revenue Department, alleged incident of death of one person by drowning in the pit created by the machine used for mining and alleged requirement of written consent and payment of compensation under order of Hon'ble High Court of Allahabad and non-compliance thereof by the Project Proponent. The Joint Committee had submitted in the report that pillars were installed and the Project Proponent was mining by using permitted machine within the permitted area ruling out illegal mining by the Project Proponent but the Joint Committee has not attached any document regarding the mining lease, photographs of the pillars, cameras and weighment bridge installed and also of the machines used by the Project Proponent. The Joint Committee has not mentioned the particulars of machines permitted to be used and actually used on the spot and has also not attached map showing tallying of geo-coordinates of the mining sites leased out with sites actually mined by the Joint Committee.

6. In these facts and circumstances, we consider it appropriate to direct the Joint Committee to look into these aspects and verify the factual position and take appropriate remedial action by following due process of law and submit further factual and action taken report.”

8. Pursuant thereto, the Joint Committee inspected the site on **03.11.2022** and submitted report vide email dated **11.11.2022**. The relevant part of the report reads as under:

“संयुक्त जांच आख्या

कृपया मा० न्यायालय एन०जी०टी० नई दिल्ली में योजित OA No.-160/2021 OM Pal & Ors. Vs State of Uttar Pradesh Anr. में पारित आदेश दिनांक 12.07.2022 के अनुपालन में पट्टाधारक श्री मुमताज अली पुत्र स्व० श्री फकीर मौहम्मद निवासी -मौहम्मदाबाद, जनपद-ज्योतिबा फूले नगर- 244235 के पक्ष में स्वीकृत उपखनिज बालू खनन पट्टा क्षेत्र जनपद गाजियाबाद के तहसील लोनी अन्तर्गत ग्राम पचायरा खण्ड-1 के गाटा सं० 8मि०, 9मि०, 10मि०, 11 मि०, 12 मि०, 13मि०, 17 मि०, 18, 19, 20मि०, 21मि०, 22मि०, 25मि०, 26 मि०, 27मि०, 30मि०, 37मि०, 38मि०, 39मि०, 40 मि०, 41 मि०, 53मि०, 54मि०, 55 मि०, 56 मि०, 57 मि०, 237मि०, 238 मि०, 239मि०, 240 मि० रकबा 16.183 है० मात्रा 323600 घ०मी० प्रतिवर्ष पट्टा अवधि दिनांक 14.10.2020 से 13.10.2025 तक की संयुक्त जांच खान अधिकारी, गाजियाबाद एवं सहायक पर्यावरण अभियंता, उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद के साथ दिनांक 03.11.2022 को की गयी। मा० न्यायालय एन०जी०टी० नई दिल्ली द्वारा पारित आदेश दिनांक 12.07.2022 के अनुपालन में बिन्दुवार आख्या निम्नवत् है-

1. स्थलीय जांच में उक्त पट्टा क्षेत्र में खनन कार्य बंद पाया गया। यहाँ यह अवगत कराना है कि मानसून सत्र (दिनांक 01.07.2022 से 30.09.2022 तक) में खनन कार्य बंद हो गया था, जो वर्तमान में शुरू नहीं हुआ है। मानसून सत्र में यमुना नदी में जल स्तर बढ़ जाने एवं पट्टा क्षेत्र में माह 01 जुलाई, 2022 अर्थात् पिछले 04 माह से ही खनन कार्य बंद होने के कारण पट्टा क्षेत्र के सीमाचिन्ह मिट गये हैं। पट्टा क्षेत्र में खनन कार्य शुरू होने से पूर्व यह सुनिश्चित किया जायेगा कि पट्टा क्षेत्र को जियो कार्डिनेट के अनुसार व्यवस्थित करते हुये सीमा बिन्दु के पिलर और कैमरा पुनः लगाया जाये। स्वीकृत खनन पट्टे का जियो कार्डिनेट संलग्न है। (संलग्नक-1)
2. स्थलीय जांच में खनन पट्टा क्षेत्र से कुछ दूरी पर तौल मशीन Weighment Bridge लगा हुआ पाया गया, जिसके फोटोग्राफ्स संलग्न हैं। खनन कार्य शुरू होने से पूर्व उक्त Weighment Bridge का केलीग्रेशन कराया जाना आवश्यक है। (संलग्नक-2)
3. याचिकाकर्ता द्वारा दायर याचिका में यह कथन किया गया है कि पट्टाधारक द्वारा खनन कार्य से बने गड्ढे में गिरने से किसी व्यक्ति की मृत्यु हो गयी थी। इस सम्बंध में यह अवगत कराना है कि इस प्रकार की घटना की कोई सूचना कभी भी खान अधिकारी, गाजियाबाद के संज्ञान में नहीं आयी है। याचिकाकर्ता द्वारा उक्त घटना के सम्बंध में साक्ष्य सहित विवरण भी प्रस्तुत नहीं किया गया है। उक्त के कारण याचिकाकर्ता के कथन की पुष्टि किया जाना सम्भव नहीं है।
4. याचिकाकर्ता द्वारा मा० उच्च न्यायालय, इलाहाबाद द्वारा पारित आदेश के क्रम में Compensation दिलाये जाने का कथन किया गया है। यहाँ यह अवगत कराना है कि याचिकाकर्ता द्वारा मा० उच्च न्यायालय, इलाहाबाद द्वारा पारित आदेश के क्रम में Compensation दिलाये जाने हेतु किसी प्रकार का प्रत्यावेदन खनन विभाग, गाजियाबाद के कार्यालय में प्रस्तुत नहीं किया गया है। याचिकाकर्ता द्वारा मा० उच्च न्यायालय, इलाहाबाद द्वारा पारित आदेश के क्रम में Compensation दिलाये जाने हेतु यदि कोई प्रत्यावेदन प्रस्तुत किया जाता है तो उस पर नियमानुसार कार्यवाही की जायेगी।
5. याचिकाकर्ता द्वारा पट्टाधारक पर प्रतिबन्धित क्षेत्र में खनन किये जाने व इस सम्बन्ध में विभाग द्वारा पैनाल्टी / रायल्टी वसूली किये जाने के सम्बन्ध में कथन किया गया है, जिस सम्बन्ध में अवगत कराना है कि खनन पट्टा स्वीकृतिक दिनांक 14.10.2020 के उपरान्त संयुक्त टीम द्वारा 18.03.2021 को पट्टा क्षेत्र का स्थलीय निरीक्षण किया गया, जिसमें पट्टाधारक द्वारा पट्टा क्षेत्र से बाहर पश्चिम दिशा में खनन किया जाना पाया गया था, जिसके क्रम में पट्टाधारक ऊपर रु० 69,07,160.00 की धनराशि पैनाल्टी के रूप में अधिरोपित की गयी है। इस सम्बन्ध में पट्टाधारक द्वारा जारी नोटिस के विरुद्ध मा० न्यायालय आयुक्त, मेरठ मण्डल, मेरठ के समक्ष वाद योजित किया गया। पट्टाधारक द्वारा योजित वाद को मा० न्यायालय आयुक्त, मेरठ मण्डल, मेरठ द्वारा बलहीन होने के कारण निरस्त कर दिया गया। पट्टाधारक पर आरोपित पैनाल्टी की धनराशि रु० 69,07,160.00 को जमा करने हेतु पुनः नोटिस प्रेषित किया गया। वर्तमान में उक्त राशि को वसूला नहीं गया है। वसूली कार्यवाही प्रचलित है। मा० राष्ट्रीय हरित अधिकरण में आवेदन उपरान्त अथवा निरीक्षण दिनांक 08.04.2022 में किसी प्रकार का अवैध खनन नहीं पाया गया है।
6. पूर्व की जांच आख्या दिनांक 08.04.2022 (संलग्नक-३) के अनुसार सिंचाई विभाग, राजस्व विभाग एवं खनन विभाग की संयुक्त जांच के आधार पर सिंचाई विभाग के गार्डइलाईन के अनुसार ही पट्टा खण्ड बना है तथा पट्टाधारक द्वारा पट्टा सीमा क्षेत्र में खनन कार्य किया गया है। वर्तमान में खनन पट्टा क्षेत्र में खनन कार्य बंद है। पट्टाधारक को स्वीकृत खनन अनुमति में मात्र 03 मी० गहराई तक खनन व उ०प्र० उपखनिज (परिहार) नियमावली, 2021 में अनुमन्य मशीनों द्वारा ही कार्य किये जाने की अनुमति दी गयी है। पट्टाधारक द्वारा खनन कार्य शुरू करने पर यह सुनिश्चित किया जायेगा कि नियमानुसार वर्गीकृत मशीन एवं गहराई के अनुसार पट्टा सीमा क्षेत्र के अन्दर खनन कार्य किया जायेगा।

पट्टा क्षेत्र की स्थलीय जांच दिनांक 03.11.2022 में पट्टा क्षेत्र की मौके पर लिये गये फोटोग्राफ्स संलग्न हैं। (संलग्नक-4)“

9. In its report, the Joint Committee had mentioned that the mining work was lying closed during monsoon period from **01.07.2022** to **30.09.2022** and that environmental compensation of Rs. 69,07,160/- had been imposed on the project proponent and the proceedings for recovery thereof are pending. In its report the Joint Committee had also mentioned that no documents have been furnished by the applicant regarding the death of a person in the mining pit and non-compliance with the orders passed by Hon'ble High Court of Judicature at Allahabad.

10. Vide order dated **16.11.2022**, this Tribunal impleaded State of Uttar Pradesh through the Chief Secretary, Government of Uttar Pradesh; the Director, Directorate of Mining and Geology, Uttar Pradesh; Uttar Pradesh Pollution Control Board (UPPCB); the District Magistrate, Ghaziabad and the Project Proponent-Mr. Mumtaz Ali S/o Mr. Fakir Mohammad, resident of Mohammadabad, District Jyotiba Phule Nagar, Uttar Pradesh as respondents no. 1 to 5 and notices were ordered to be served on respondents.

11. By order dated **16.11.2022** the Project Proponent was restrained from carrying out any further mining from the mining site in question till further orders to the contrary. The relevant part of the order reads as under :

“11. In view of the facts and circumstances of the case particularly the fact that the project proponent is alleged to have previously indulged in illegal mining for which environmental compensation has been imposed regarding which recovery proceeding are pending and the mandate of Section 20 of the National Green Tribunal Act, 2010 to apply inter alia precautionary and polluter pays principles, the project proponent is restrained from carrying out any further mining from the mining site in question till further orders to the contrary.

12. The District Magistrate and Senior Superintendent of Police, Ghaziabad are directed to take all requisite steps for ensuring that no illegal mining take place in the mining site in question.”

12. Additional Director, Directorate of Geology and Mining, Uttar Pradesh filed compliance report vide email dated **06.12.2022** that in compliance of the injunctive order passed by this Tribunal the District Magistrate, Ghaziabad had vide order dated **18.11.2022** prohibited mining by respondent no. 5 till further orders.

13. The Project Proponent filed **Civil Appeal No. 8872/2022** titled **Mumtaz Ali Vs. Ompal and Others** before Hon'ble Supreme Court in which following interim order was passed by Hon'ble Supreme Court on **02.12.2022** :-

“The proceedings before the National Green Tribunal are re-listed on 08.12.2022. Learned Counsel for the appellant has drawn our attention to the reports, which, he states, are in his favour. He submits that given these facts, the direction passed that the appellant should stop mining would cause immense prejudice to the appellant. Conditions can be imposed to ensure mining in accordance with rules, as the reports indicate that the appellant has been complying with the rules.”

14. The Project Proponent filed I.A. No. 319/2022 for passing an order in compliance of the interim order dated **02.12.2022** of Hon'ble Supreme Court and allowing the project proponent to continue the mining in accordance with rules. I.A. No. 319/2022 was allowed by this Tribunal vide order dated **08.12.2022** and injunctive order dated **16.11.2022** was vacated and the project proponent was allowed to carry out the mining strictly in accordance with rules and in compliance with the conditions imposed at the time of grant of EC by SEIAA and CTE/CTO by UPPCB and the statutory environmental norms. The relevant part of the order reads as under:-

“9. It is evident from the interim order passed by Hon'ble Supreme Court that conditions can be imposed to ensure mining in accordance with rules. The project proponent has represented before Hon'ble Supreme Court that the project proponent had been complying with the rules as reported by the Joint Committee constituted by the Tribunal. However, it is pertinent to observe that the Joint Committee and even UPPCB did not undertake comprehensive assessment and monitoring with regard to the compliance by the project proponent with the conditions imposed by the State Level Environment Impact Assessment Authority, Uttar

Pradesh (SEIAA) at the time of granting Environmental Clearance (EC) to the said project proponent, more particularly, conditions no. 15, 16, 19, 33, 34 and 46 which read as under:-

“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.

X X X X

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.

X X X X

33. 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.

34. 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 Ministry of Environment and Forests and its Regional Office located at Lucknow, SEIAA, U.P. and UPPCB... ”

10. Similarly, status of compliance by the project proponent with the consent conditions imposed at the time of grant of CTE/CTO by UPPCB has also not been verified properly. As per the conditions imposed at the time of grant of EC by SEIAA, an environmental audit was required to be carried out annually during the operational phase of the mining and submitted to the SEIAA and the District Mining Officer was required to quarterly monitor the compliance of stipulated conditions. On being questioned, Mr. Sunny Kaushal, Mining Officer, Ghaziabad, who appeared before this Tribunal through VC, could not give any satisfactory answer regarding such annual audit and quarterly monitoring.

11. Mr. Ravi Prakash Mehrotra, Senior Advocate, appearing for the project proponent has submitted that the project proponent will ensure strict compliance with the conditions imposed by SEIAA and consent conditions by UPPCB and will also deposit, under protest, the amount of environmental compensation, in the eventuality of revision petition filed by the project proponent being decided against him, within 30 days of such decision, without prejudice to availing further remedies in accordance with law.

12. In view of the interim order dated 02.12.2022 passed by Hon'ble Supreme Court and the undertaking given by learned Senior Counsel for the project proponent, I.A. No. 319/2022 is allowed and an injunctive order dated 16.11.2022 is vacated and the project proponent is allowed to carry out the mining strictly in accordance with rules and in compliance with the conditions imposed at the time of grant of EC by SEIAA and CTE/CTO by UPPCB and the statutory environmental norms."

15. No affidavit regarding point- wise compliance of the conditions imposed at the time of grant of EC by SEIAA and CTE/CTO by UPPCB and the statutory environmental norms was filed by respondent no.5 within one month with the consequence that the Director, Mining and Geology, State of Uttar Pradesh and UPPCB did not verify the factual position and submit status report regarding compliance with the conditions imposed at the time of grant of EC by SEIAA and CTE/CTO by UPPCB and the statutory environmental norms within two months. On the other hand, I.A. No. 75/2023 was filed by respondent no. 5-Project Proponent on **10.03.2023** for placing on record the documents in compliance of order dated **08.12.2022**. **I.A. No. 75/2023 was allowed vide order dated 27.03.2023 and the documents mentioned therein were taken on record.**

16. Joint Status report was filed by the AEE and RO, UPPCB, Ghaziabad and Senior Mining Officer, Ghaziabad vide email dated **24.03.2023**.

17. This Tribunal noticed the violations by respondent no. 5 and vide order dated **27.03.2023** directed respondent no. 5 to desist from carrying out any further mining activity in the mining site leased out to it. Environmental clearance if any granted by SEIAA, Uttar Pradesh to respondent no. 5 in respect of the above said mining site was also ordered to remain in abeyance till further orders to the contrary. Relevant part of order dated **27.03.2023** reads as under :

"11. We have gone through the compliance report filed by the Project Proponent and the joint status report filed on behalf of the Director, Mining and Geology, State of Uttar Pradesh and UPPCB. We find that

our order has been observed more in breach than in compliance. Vide order dated 08.12.2022, we directed the Project Proponent to file compliance report within one month but the Project Proponent has filed I.A 75/2023 on 10.03.2023 after expiry of more than three months. Vide order dated 08.12.2022, the Director, Mining and Geology, State of Uttar Pradesh and UPPCB were directed to verify compliance status and file status reports within two months but the Joint Status Report has been filed on 24.03.2023 after expiry of more than three months. Vide order dated 16.11.2022 the Project Proponent was restrained from carrying out further mining against which the Project Proponent filed appeal before Hon'ble Supreme Court by misrepresenting the facts regarding compliance with the environmental norms while relying upon the reports submitted by the Joint Committee before this Tribunal to be in his favour but as per the Joint Status Report now filed before this Tribunal there are serious environmental violations on the part of the Project Proponent who had not even obtained CTE/CTO from UPPCB prior to 05.01.2023. We find the present case to be a classical example of inaction/non- application of mind and also misrepresentation of facts before this Tribunal by the concerned State Authorities/the Joint Committee. In its report dated 25.05.2022, the Joint Committee did not mention the relevant facts regarding particulars of EC, validity period of the lease as well as grant of CTE/CTO by UPPCB and merely reported in well-crafted manner that there was no illegal mining. In its report filed vide email dated 11.11.2022, the Joint Committee mentioned that the lease was valid from 14.10.2020 to 13.10.2025 but did not mention the relevant facts regarding particulars of EC and also grant of CTE/CTO by UPPCB. It is stated before this Tribunal that the Project Proponent obtained CTO in January 2023 from UPPCB. There was serious violation of the environmental laws/norms as the Project Proponent commenced and carried out mining without obtaining CTE/CTO from the UPPCB which fact was completely ignored by the State Authorities for extraneous consideration. In the Joint Status Report now filed on behalf of the Director, Mining and Geology, State of Uttar Pradesh and UPPCB serious violations on the part of the Project Proponent have been mentioned but the Joint Status Report has been prepared and submitted after expiry of the EC and discontinuance of the mining and no justification has been given for not carrying out of requisite inspection for verification of the compliance status during continuance of the mining.

12. In the present case EC is stated to have been transferred in favour of the Project Proponent which was valid upto 31.01.2023 but lease dead was executed in favour of the Project Proponent which is valid from 14.10.2020 to 13.10.2025 and was not executed for period co-terminus with EC.

13. The Project Proponent is stated to have applied to SEIAA for grant of EC for further mining in terms of the lease dead but this Tribunal is not informed as to what is the present status thereof.

14. In view of the mandate in Section 20 of the National Green Tribunal Act, 2010 requiring this Tribunal to apply precautionary principle and also the provisions made in Section 19 (4) (j) of the National Green Tribunal Act, 2010 empowering this Tribunal to require any person to cease and desist from committing or causing any violation of any enactment specified in Schedule I thereof, respondent no. 5 is directed to desist from carrying out any further mining activity in the mining site leased out to it and environmental clearance if any granted by SEIAA, Uttar Pradesh to respondent no. 5

in respect of the above said mining site shall also remain in abeyance till further orders to the contrary.

15. The District Magistrate and the Senior Superintendent of Police, Ghaziabad are also directed to take appropriate steps to ensure that no illegal mining takes place in the mining site in question.

16. List for further consideration on 26.04.2023.

17. In view of the facts and circumstance of the case, we also consider personal appearance of the Director, Mining and Geology, State of Uttar Pradesh and the Member Secretary, UPPCB, before this Tribunal on the date fixed to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on that date.”

18. In compliance of above referred order, Ms. Roshan Jacob, Director, Mining and Geology, U.P. and Mr. Ajay Sharma, Member Secretary, UPPCB appeared before this Tribunal through VC on **26.04.2023** and submitted that NoC/consent from UPPCB was not required by the Project Proponent for sand mining.

19. Vide order dated **26.04.2023** Ms. Roshan Jacob, Director, Mining and Geology, U.P. and Mr. Ajay Sharma, Member Secretary, UPPCB were directed to file their detailed response affidavits with regard to their submission that consent from UPPCB was not required by the Project Proponent for sand mining. Respondent no. 5 was also directed to file his reply/response.

20. In compliance of order dated **26.04.2023**, affidavits were filed by the Member Secretary, UPPCB vide email dated **19.05.2023** and by the Director, Mining and Geology, U.P. vide email dated **22.05.2023**. In their affidavits the Member Secretary, UPPCB and the Director, Mining and Geology, U.P. also mentioned that no mining activity is taking place but the application of the Project Proponent for EC is pending.

21. Vide order dated **30.05.2023** this Tribunal noticed that the case also involves the question as to whether mining lease deed can be executed by the District Magistrate on behalf of the State beyond the validity period of EC

granted by SEIAA and the parties were given opportunity to file their response in respect of the above said question if so desired.

22. Reply was filed by District Magistrate, Ghaziabad vide email dated **01.01.2024**. The relevant part of the reply is reproduced below:-

“कृपया उपरोक्त विषयक जनपद गाजियाबाद के तहसील लोनी स्थित बालू खनन पट्टा ग्राम पचायरा खण्ड-1 पट्टाधारक श्री मुमताज अली के विरुद्ध मा० न्यायालय राष्ट्रीय हरित प्राधिकरण, नई दिल्ली में योजित ओ०ए० नं० 160/2022, ओमपाल व अन्य बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 17.10.2023 का संदर्भ ग्रहण करने का कष्ट करें, जिसके कार्यकारी अंश निम्नवत् है :-

“1. Vide order dated 30.05.2023 this Tribunal directed filling of response regarding the aspect involved as to whether mining lease deed can be executed by the District Magistrate on behalf of the State beyond the validity period of EC granted by SEIAA. No response has been filed by the District Magistrate, Ghaziabad.

इस सम्बंध में बालू खनन पट्टा पचायरा खण्ड-1 तहसील लोनी का विवरण निम्नवत् है -

1. इस कार्यालय के विज्ञप्ति सं० 864 दिनांक 05.03.2020 द्वारा जनपद गाजियाबाद के तहसील लोनी स्थित बालू खनन क्षेत्र ग्राम पचायरा खण्ड-1 गाटा सं० 8 मि०, 9मि०, 10 मि०, 11मि०, 12 मि०, 13मि०, 17 मि०, 18, 19, 20मि०, 21 मि०, 22मि०, 25 मि०, 26मि०, 27मि०, 30 मि०, 37मि०, 38 मि०, 39 मि०, 40 मि०, 41 मि०, 53मि०, 54 मि०, 55मि०, 56मि०, 57मि०, 237मि०, 238 मि०, 239मि०, 240 मि० रकबा 16.183 हे० बालू मात्रा 323600 घ०मी० प्रति वर्ष को 05 वर्ष की अवधि हेतु बालू खनन पट्टा पर स्वीकृत किये जाने के लिये ई-निविदा सह ई-नीलामी प्रणाली के माध्यम से विज्ञापित किया गया।

2 उपरोक्त विज्ञप्ति के कम में श्री मुमताज अली निवासी मौहम्मदाबाद पोस्ट बिजौरा ज्यातिबा फूले नगर-244235 द्वारा उच्चतम बोली रू० 206/- प्रति घनमीटर प्रस्तुत की गयी, जिस पर स्वीकृति उपरान्त श्री मुमताज अली के पक्ष में 05 वर्षीय बालू खनन पट्टा स्वीकृत किये जाने हेतु आशय पत्र सं० 990 दिनांक 23.06.2020 जारी किया गया।

3. श्री मुमताज अली के पक्ष में निर्गत आशय पत्र की शर्तों के अन्तर्गत नियत धनराशि जमा कराने के उपरान्त पट्टाधारक द्वारा हस्तारित पर्यावरण स्वच्छता प्रमाण पत्र सं० 293/पर्या/एस०ई०ए०सी०/3886/2018 दिनांक 10.09.2020 इस कार्यालय में प्रस्तुत किया गया। (संलग्नक-1)

4. पट्टाधारक द्वारा प्रस्तुत पर्यावरण स्वच्छता प्रमाण पत्र के संबंध में अवगत कराना है कि उक्त पर्यावरण स्वच्छता प्रमाण पत्र पूर्व पट्टाधारक श्री गुरबाज सिंह पुत्र श्री मेजर सिंह निवासी-बी-6/1379, मार्डन कालोनी, जगधारी, जिला हरियाणा के नाम स्वीकृत था, जिसकी पट्टा अवधि दिनांक 01.02.2018 से दिनांक 31.01.2023 तक थी। पट्टाधारक श्री गुरबाज सिंह द्वारा पट्टा विलेख की शर्तों का उल्लंघन करने के कारण स्वीकृत बालू खनन पट्टा को तत्कालीन जिलाधिकारी महोदय के आदेश दिनांक 30.03.2018 द्वारा निरस्त कर दिया गया।

5. राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण, उ०प्र०, लखनऊ द्वारा श्री गुरबाज सिंह के पक्ष में स्वीकृत पर्यावरण स्वच्छता प्रमाण पत्र दिनांक 12.01.2018 में उल्लिखित समस्त शर्तों को यथावत रखते हुये श्री मुमताज अली के पक्ष में पर्यावरण स्वच्छता प्रमाण पत्र दिनांक 10.09.2020 हस्तारित किया गया। (संलग्नक-2)

6. श्री मुमताज अली द्वारा उक्त हस्तांतरित पर्यावरण स्वच्छता प्रमाण पत्र (Transferred EC) को कार्यालय में प्रस्तुत किया गया, जिसके क्रम में श्री मुमताज अली के पक्ष में दिनांक 21.10.2020 को पट्टा विलेख का निष्पादन तत्कालीन जिलाधिकारी द्वारा उत्तर प्रदेश उपखनिज (परिहार) नियमावली, 1963 यथा संशोधित नियमावली, 2021 के नियम- 35 (5) में दिये गये प्राविधानों के अन्तर्गत किया गया। नियम 35 (5) में दिये गये प्राविधान निम्नवत् है :-

"नियम 35-(5)- खनन पट्टा विलेख का निष्पादन, इस निमित्त राज्य सरकार द्वारा अधिसूचना द्वारा प्राधिकृत अधिकारी द्वारा सम्यक रूप से खनन योजना अनुमोदित किये जाने के उपरान्त और प्रस्तावक के पक्ष में पर्यावरण अनापत्ति प्रमाण पत्र जारी किये जाने के दिनांक से एक माह के भीतर किया जायेगा। खनन संक्रिया नदी तल खनिज के पट्टेदार हेतु तत्काल एवं अन्य खनिजों के पट्टेदार द्वारा पट्टा विलेख के निष्पादन के दिनांक से 03 (तीन) माह के भीतर प्रारम्भ की जायेगी और पट्टेदार तत्पश्चात् जानबूझकर कोई स्थगन किये बिना ऐसी खनन संक्रियाओं का संचालन, उचित और दक्षतापूर्ण रीति से तथा कुशल कारीगर की भाँति करेगा:

प्रतिबंध यह है कि सरकार द्वारा विधि संगत ढंग से या किसी विधिक कार्यवाही के अनुसार खनन पट्टा/अनुज्ञा पत्र समाप्त करने या पट्टा/अनुज्ञा पत्र धारक द्वारा अभ्यर्पण किये जाने पर, ऐसे पट्टा/अनुज्ञा पत्र धारक के पक्ष में स्वीकृत पर्यावरणीय अनापत्ति उस विधिक व्यक्ति को अन्तरित की जा सकेगी, जिसके पक्ष में ऐसा पट्टा/अनुज्ञा पत्र उसकी वैधता अवधि में तय किया गया हो।"

7. उपरोक्त के सम्बंध में पट्टाधारक श्री मुमताज अली द्वारा पर्यावरण स्वच्छता प्रमाण पत्र की अवधि समाप्त होने के पश्चात् खनन पट्टा की ओ०टी०पी० निदेशालय से बंद कर दी गयी है तथा पट्टाधारक स्वीकृत खनन क्षेत्र में खनन कार्य बंद कर दिया गया है। वर्तमान में पट्टाधारक श्री मुमताज अली द्वारा पुनः पर्यावरण स्वच्छता प्रमाण पत्र प्राप्त किये जाने हेतु आवेदन किया जा चुका है, जो विचाराधीन है।

अतः उपरोक्तानुसार आख्या सेवा में सादर प्रेषित है। "

23. Vide order dated **30.05.2023** the Project Proponent was directed to file additional reply giving details of CSR/EMP activities carried out by the Project Proponent along with all supporting bills/receipt/documents and also to file copies of annual audit statement and CSR statements filed by him before Director, Mining and Geology, U.P.

24. However respondent no. 5-Project Proponent did not file any additional reply giving details of CSR/EMP activities carried out by the Project Proponent along with all supporting bills/receipt/documents and did not file copies of annual audit statement and CSR statements filed by him before Director, Mining and Geology, U.P.

25. In the course of interaction Mr. Ajay Sharma, Member Secretary, UPPCB mentioned that environmental compensation of **Rs. 83,17,34,132/-** was imposed out of which amount of **Rs. 53,70,000/-** had been realized.

26. Vide order dated **17.10.2023** this Tribunal sought response from the State of Uttar Pradesh as to why amount of environmental compensation imposed remains unrealized for very long periods even after receipt of the reference from the UPPCB for realization of the same and as to why the amount for remediation of environmental damage caused by the violators be not incurred by the State of Uttar Pradesh immediately on receipt of such references for remediation of the damage caused to the environment before the same results in irreversible damage to the ecology and bio-diversity. The amount so spent by the Uttar Pradesh may be recovered from the violators as arrears of land revenue in accordance with law.

27. In compliance thereof response was filed on behalf of State of Uttar Pradesh vide email dated **10.01.2024**.

28. I.A. No. 860/2023 has been filed by respondent no. 5 for vacating the stay order dated **27.03.2023**. The relevant part of the IA is reproduced below:-

“1. That the applicant by means of present application is praying to Hon’ble Green Tribunal to vacate the order of stay dated 27.03.2023 directing the applicant to desist from carrying out any further mining activity in the mining site leased out to it.

2. That the O.A. 160/2022 was registered based on a complaint letter received by post in which the Hon’ble NGT passed a brief order and forming a Joint Committee, extract of the Order is below:-

“Having regard to the seriousness of the allegations, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the State PCB, and District Magistrate-Ghaziabad (Uttar Pradesh). The State PCB will be the nodal agency for coordination and compliance. The Joint Committee may meet within four weeks and undertake site visit and look into the grievance of the applicant. Factual and action taken report may be furnished within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.”

*True copy of the order dated 10.03.2022 is annexed as **Annexure A-1**.*

3. That the Hon’ble NGT vide order dated 16.11.2022, issued notices to the State of Uttar Pradesh through the Chief Secretary, Government of Uttar Pradesh; the Director, Directorate of Mining and Geology, Uttar Pradesh; UPPCB; the District Magistrate, Ghaziabad and the applicant was to restrain from carrying out

any mining from the mining site in question till further orders to the contrary.

*A true copy of order dated 16.11.2022 is annexed as **Annexure A-2.***

4. That being aggrieved of Stay order dated 16.11.2022, the applicant filed Civil Appeal No. 8872/2022 titled as Mumtaz Ali Vs. Ompal & Ors. before the Hon'ble Supreme Court and vide order dated 02.12.2022 the Hon'ble Supreme Court passed the following order:-

"The proceedings before the National Green Tribunal are re-listed on 08.12.2022. Learned Counsel for the appellant has drawn our attention to the reports, which, he states, are in his favour. He submits that given these facts, the direction passed that the appellant should stop mining would cause immense prejudice to the appellant. Conditions can be imposed to ensure mining in accordance with rules, as the reports indicate that the appellant has been complying with the rules."

*A true copy order dated 02.12.2022 passed by the Hon'ble Supreme Court in Civil Appeal No. 8872/2022 is annexed as **Annexure A-3.***

5. That the applicant filed an I.A. No. 319/2022 for passing order in compliance with order of Hon'ble Supreme Court which the Hon'ble NGT allowed vide order dated 08.12.2022 vacated the injunctive order dated 16.11.2022 passing the following order:-

"12. In view of the interim order dated 02.12.2022 passed by Hon'ble Supreme Court and the undertaking given by learned Senior Counsel for the project proponent, I.A. No. 319/2022 is allowed and an injunctive order dated 16.11.2022 is vacated and the project proponent is allowed to carry out the mining strictly in accordance with rules and in compliance with the conditions imposed at the time of grant of EC by SEIAA and CTE/CTO by UPPCB and the statutory environmental norms."

And further directed the applicant:

"13. However, the project proponent to file an affidavit regarding point wise compliance of the conditions imposed at the time of grant of EC by SEIAA and CTE/CTO by UPPCB and the statutory environmental norms within one month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF and the Director, Mining and Geology, State of Uttar Pradesh and UPPCB are directed to thereupon verify the factual position and submit status report regarding compliance with the conditions imposed at the time of grant of EC by SEIAA and CTE/CTO by UPPCB and the statutory environmental norms within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF."

*A true copy of the order dated 08.12.2022 is annexed as **Annexure A-4.***

6. That the applicant filed an I.A. 75/2023 for placing on record the documents in compliance of order dated 08.12.2022 and the same was taken on record. That further the Joint Status report was also filed by the AEE and RO, UPPCB, Ghaziabad and Senior Mining Officer, Ghaziabad vide email dated 24.03.2023. That the Hon'ble NGT after going through the compliance observed that there were serious violation environmental laws/norms and that the applicant is carrying out mining without obtaining CTE/CTO from UPPCB. That the Joint Status

Report contained serious infringements on the part of the Joint Committee and the Hon'ble NGT vide order dated 27.03.2023 in violation of enactment specified in Schedule I, again directed the applicant to desist from carrying out any mining activity in the mining site.

*A true copy of order dated 27.03.2023 is annexed as **Annexure A-5**.*

7. That it is submitted that the Applicant has strictly abide with the directions imposed by the Hon'ble National Green Tribunal vide order dated 27.03.2023. In such situation for ends of justice it is necessary that the order of stay granted by this Hon'ble Court should be vacated.

8. That in such circumstances this application has been filed for vacating the order of stay. Unless the order of stay is vacated the applicant will suffer irreparable loss and injury which cannot be compensated. As such for ends of justice the order of stay may be vacated.

9. That this application filed by the Applicant for vacating the order of stay is filed bonafide.

10. That the Applicant is therefor approaching this Hon'ble Tribunal bringing the aforesaid facts to its notice and praying as under:

PRAYER

Wherefore it is most humbly prayed that your Lordships would graciously be pleased to:-

- i. Vacate the stay order passed on 27.03.2023 in Original Application No. 160/2022 by this Hon'ble Court, and;*
- ii. Pass any other order or directions as deemed suitable in the facts and circumstances of the case."*

29. Written Submissions/Reply to I.A. No. 860/2023 was filed by respondent no. 2-Director, Mining and Geology, Uttar Pradesh vide email dated **11.03.2024**. In its reply respondent no. 2--Director, Mining and Geology, Uttar Pradesh referred to the Joint Status Report regarding compliance of EC/consent conditions and environmental norms and prayed that this Tribunal may pass such order on above said I.A. No. 860/2023 as it may deem fit.

30. Reply to above said IA has been filed by respondent no. 3-UPPCB vide email dated **11.03.2024**. In its reply UPPCB referred to Joint Status Report where in environmental violations on the part of Project Proponent were observed and mentioned that the mining activity was carried out by the Project Proponent prior to **05.01.2023** without obtaining CTO from UPPCB but the Project Proponent had obtained CTO from UPPCB on **05.01.2023** which is valid from

05.01.2023 to 31.12.2026. In its reply UPPCB has also mentioned that environment compensation of Rs. 55,00,000/- (Fifty-Five Lakhs only) was imposed on project proponent vide letter No. H99983/C-1/Samanya-1326/ParyaChatipurthi/2023 dated **28.08.2023** for carrying mining activity without CTO. It was also mentioned in the reply that the Environmental Clearance for said land expired on **31.01.2023** and the Project Proponent stopped the mining activity since **31.01.2023**.

31. We have heard arguments addressed by learned Counsel for the parties and gone through the material on record. In the course of hearing we have also interacted with the Officers who appeared before us physically or through VC in compliance with orders passed in this regard.

32. Learned Senior Counsel for the applicants has reiterated the submissions made in the Original Application.

33. Learned Senior Counsel for respondent no. 5 has submitted that the Project Proponent carried out mining in accordance with EC and CTO conditions and in compliance with the environmental norms and also submitted the requisite returns and statements to the concerned authorities. Mining was stopped by the Project Proponent after expiry of the EC. Application of the Project Proponent for renewal of the EC is pending with UPSEIAA which is not being further processed by UPSEIAA due to injunctive order dated **27.03.2023** and the same may be vacated.

34. Learned Counsel for respondents no. 1 and 4 and learned Counsel for respondent no. 2 have submitted that respondent no. 5 violated EC and CTO conditions and also indulged in illegal mining. Mining is lying closed after expiry of the EC. Application for grant of EC is pending before UPSEIAA. This Tribunal may pass such orders as considered appropriate. Learned Counsel for respondent no. 3 has submitted that the Project Proponent violated EC/CTO

conditions and environmental norms as mentioned in Joint Status Report and responses/reports filed by UPPCB. Mining activity was carried out by the Project Proponent prior to **05.01.2023** without obtaining CTO from UPPCB and the Project Proponent obtained CTO from UPPCB on **05.01.2023**. Environmental compensation of Rs. 55,00,000/- (Fifty-Five Lakhs only) was imposed on Project Proponent vide letter No. H99983/C-1/Samanya-1326/ParyaChatipurti/2023 dated **28.08.2023** for carrying mining activity without CTO which is under challenge by the Project Proponent. The Environmental Clearance for the land leased out expired on **31.01.2023**. Mining is lying closed after expiry of the EC. Application of respondent no. 4-Project Proponent for grant of EC is pending before UPSEIAA. This Tribunal may pass such orders as it deems fit.

35. On due consideration of the submissions made by learned Counsels for the parties and perusal of the material on record we are of the considered view that intervention by this Tribunal is warranted for issuance of the directions and for the reasons hereinafter mentioned.

36. It may be observed that in the letter petition applicants Ompal and other residents of Village Pachayra, Tehsil Loni, District Ghaziabad, Uttar Pradesh complained about following grievances:-

- (i) the Project Proponent was illegally mining beyond permitted area;
- (ii) the Project Proponent was illegally mining beyond permitted depth;
- (iii) the Project Proponent was illegally mining by use of prohibited machinery;
- (iv) the Project Proponent was illegally mining without written consent of the applicants and other land owners without payment of compensation to them in accordance with order passed by Hon'ble High Court of Allahabad in **W.P No. 3101 of 2010** titled **Sripal Vs. State of Uttar Pradesh and others;**

- (v) pillars and cameras have not been installed;
- (vi) the sand mined is transported without weighing on any weighment bridge and without submitting weighment slip;
- (vii) the sand mined is transported in over loaded trucks containing 25 cubic meters sand against 'rawana parchi' recording transported quantity as 12 cubic meters;
- (viii) the Project Proponent had illegally mined earlier for which heavy penalty/royalty was recovered by Mining/Revenue Department; and
- (ix) one person died in **October 2021** due to drowning in the pit illegally created by use of prohibited machinery for mining.

37. Vide order dated **10.03.2022**, this Tribunal had directed the Joint Committee to look into the grievances of the applicants and to submit its factual and action taken report. Joint Inspection Report of the Joint Committee was filed by Regional Officer, UPPCB, Regional Office, Ghaziabad vide email dated **25.05.2022**. The relevant part of the report has been reproduced in earlier part of this judgment.

38. This Tribunal considered the report on **12.07.2022**. A perusal of the Report showed that while submitting its Report the Joint Committee did not look into the allegations regarding (i) alleged incident of illegal mining by the Project Proponent and recovery of penalty/royalty by Mining/Revenue Department, (ii) alleged incident of death of one person by drowning in the pit created by the machine used for mining and (iii) alleged non-compliance with respect to requirement of written consent and payment of compensation under orders of Hon'ble High Court of Allahabad.

39. This Tribunal also noticed that the Joint Committee had submitted in the report that (i) pillars were installed and the (ii) Project Proponent was mining by using permitted machinery within the permitted area ruling out illegal mining by the Project Proponent but the Joint Committee has not attached any

document regarding the mining lease, photographs of the pillars, cameras and weighment bridge installed and also of the machinery used by the Project Proponent. The Joint Committee has not mentioned the particulars of machinery permitted to be used and actually used on the spot and has also not attached map showing tallying of geo-coordinates of the mining sites leased out with sites actually mined by the Project Proponent.

40. Vide order dated **12.07.2022**, this Tribunal directed the Joint Committee to look into these aspects and verify the factual position and take appropriate remedial action by following due process of law and submit further factual and action taken report.

41. In compliance thereof the Joint Committee inspected the site on **03.11.2022**. Report of the Joint Committee was filed vide email dated **11.11.2022**. The relevant part of the report has been reproduced in earlier part of this Judgment.

42. In its report, the Joint Committee mentioned that the mining had been stopped due to inundation of the mining site by the river and had not recommenced and that environmental compensation of Rs. 69,07,160/- had been imposed on the Project Proponent for illegal mining and the proceedings for recovery thereof are pending. In its report the Joint Committee also mentioned that no documents have been furnished by the applicant regarding the death of a person in the mining pit and no application for payment of compensation in compliance with the orders passed by Hon'ble High Court of Judicature at Allahabad had been submitted.

43. Vide order dated **16.11.2022**, the Project Proponent was restrained from carrying out any further mining from the mining site in question till further orders to the contrary. The relevant part of the order reads as under:

“11..In view of the facts and circumstances of the case particularly the fact that the project proponent is alleged to have previously

indulged in illegal mining for which environmental compensation has been imposed regarding which recovery proceeding are pending and the mandate of Section 20 of the National Green Tribunal Act, 2010 to apply inter alia precautionary and polluter pays principles, the project proponent is restrained from carrying out any further mining from the mining site in question till further orders to the contrary

12. The District Magistrate and Senior Superintendent of Police, Ghaziabad are directed to take all requisite steps for ensuring that no illegal mining takes place in the mining site in question.”

44. The Project Proponent filed **Civil Appeal No. 8872/2022** titled **Mumtaz Ali Vs. Ompal and Others** before Hon'ble Supreme Court and the following interim order was passed by Hon'ble Supreme Court on **02.12.2022**:-

“The proceedings before the National Green Tribunal are re-listed on 08.12.2022. Learned Counsel for the appellant has drawn our attention to the reports, which, he states, are in his favour. He submits that given these facts, the direction passed that the appellant should stop mining would cause immense prejudice to the appellant. Conditions can be imposed to ensure mining in accordance with rules, as the reports indicate that the appellant has been complying with the rules.”

45. The Project Proponent filed I.A. No. 319/2022 for passing an order in compliance of the interim order dated **02.12.2022** of Hon'ble Supreme Court and allowing the Project Proponent to continue the mining in accordance with rules. Vide order dated **08.12.2022** I.A. No. 319/2022 was allowed and injunctive order dated **16.11.2022** was vacated and the Project Proponent was allowed to carry out the mining strictly in accordance with rules and in compliance with the conditions imposed at the time of grant of EC by SEIAA and CTE/CTO by UPPCB and the statutory environmental norms.

46. Accordingly, vide order dated **08.12.2022**, the Project Proponent was directed to file an affidavit regarding point-wise compliance of the conditions imposed at the time of grant of EC by SEIAA and CTO by UPPCB and the statutory environmental norms within one month and the Director, Mining and Geology, State of Uttar Pradesh and UPPCB were directed to thereupon

verify the factual position and submit status report regarding compliance with the conditions imposed at the time of grant of EC by SEIAA and CTO by UPPCB and the statutory environmental norms within two months.

47. However, the Project Proponent did not file affidavit regarding point-wise compliance of the conditions imposed at the time of grant of EC by SEIAA and CTO by UPPCB and the statutory environmental norms within one month as directed vide order dated **08.12.2022**. On the other hand, I.A. No. 75/2023 was filed by respondent no. 5-Project Proponent on **10.03.2023** for placing on record the documents in compliance of order dated **08.12.2022**. I.A. No. 75/2023 was allowed and the documents mentioned therein were taken on record.

48. Joint Status report was filed by the AEE and RO, UPPCB, Ghaziabad and Senior Mining Officer, Ghaziabad vide email dated **24.03.2023** highlighting violations by respondent no.5-Project Proponent of the conditions imposed at the time of grant of EC by SEIAA and CTO by UPPCB and the statutory environmental norms.

49. We have gone through the compliance report filed by the Project Proponent and the Joint Status Report filed on behalf of the Director, Mining and Geology, State of Uttar Pradesh and UPPCB. We find that our order was observed more in breach than in compliance. By order dated **08.12.2022**, we directed the Project Proponent to file compliance report within one month but the Project Proponent filed I.A. No. 75/2023 on **10.03.2023**. Similarly, by above mentioned order, the Director, Mining and Geology, State of Uttar Pradesh and UPPCB were directed to thereupon verify compliance status and file status reports within two months but the Joint Status Report has also been filed on **24.03.2023**.

50. In the Joint Status Report filed on behalf of the Director, Mining and Geology, State of Uttar Pradesh and UPPCB it has been mentioned that in pursuance to order dated **08.12.2022** the above-mentioned order of this Tribunal, the Project Proponent did not provide copy of proof of submission of compliance status in this Tribunal and copy of additional affidavit dated **06.03.2023** was given in Mining Department, Ghaziabad on **16.03.2023** on which the officers of Mining Department, Ghaziabad and Regional Office, UPPCB, Ghaziabad carried out Joint Inspection of the mining site on **17.03.2023** to ascertain factual status with regard to compliance of conditions imposed in the Environmental Clearance as claimed by the Project Proponent. No mining was being done on site at the time of inspection. Further mining was carried out only for a period of twenty days between **12.01.2023** to **31.01.2023** and was stopped thereafter as the Environment Clearance for said parcel of land expired on **31.01.2023**.

51. We find explanation furnished by the Director, Mining and Geology, State of Uttar Pradesh and UPPCB to be wholly unsatisfactory as in case of not filing of any such affidavit within the stipulated period the Director, Mining and Geology, State of Uttar Pradesh and UPPCB ought to have brought the fact of such non-compliance to the notice of this Tribunal and ought to have verified compliance status by periodical inspections.

52. Compliance of orders passed by this Tribunal cannot be left to the mercy of the project proponents and the concerned authorities. Such non-compliance with the orders passed by this Tribunal need to be visited with exemplary costs for non-compliance with order dated **08.12.2022** to maintain the sanctity thereof. Accordingly, respondent no. 5 is directed to deposit amount of ₹ 2,00,000/- (Rs. Two Lakhs only) as costs with the Member Secretary, Uttar Pradesh Legal Services Authority within one month. The amount of costs shall

be utilized for providing legal aid to eligible persons from the State of Uttar Pradesh intending to approach this Tribunal for adjudication of civil cases involving substantial questions relating to environment arising out of implementation of the enactments specified in the first schedule to the National Green Tribunal Act, 2010 (NGT Act 2010) . It is clarified that in case of failure of respondent no. 5 to deposit the amount of costs, the Member Secretary, Uttar Pradesh Legal Services Authority shall be entitled to recover the amount of costs by filing execution petition for execution of the order passed by this Tribunal before the Civil Court of competent jurisdiction in accordance with the provisions made in Section 25 of the NGT Act 2010.

53. Even though in the six monthly compliance report of stipulated conditions of environmental clearance for river bed sand/morrum mining filed by way of I.A. No. 12/2024 respondent no. 5-Project Proponent has claimed compliance of the conditions imposed at the time of grant of EC by SEIAA and CTO by UPPCB and the statutory/environmental norms but in the Joint Status Report Mr. Navneet Pandey, AEE, UPPCB, Ghaziabad, Mohd. Mahboob, Senior Mining Officer, Ghaziabad and Mr. Utsav Sharma, Regional Officer, UPPCB Regional Office, Ghaziabad, who verified the compliance status as claimed by respondent no. 5, have mentioned serious violations of the EC/CTO conditions and environmental norms by respondent no. 5. The relevant part of the joint status report is reproduced as under:

“COMPLIANCE OF STIPULATED GENERAL AND SPECIFIC CONDITIONS OF ENVIRONMENTAL CLEARANCE

Part-A -General conditions:-

<i>Poi nt no.</i>	<i>General conditions as per Environment clearance issued</i>	<i>Compliance as per PP</i>	<i>Compliance on Site</i>
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1.	<i>This environmental clearance is subject to allotment of mining lease in favour of project proponent by District Administration/Mining Department</i>	<i>The Mining lease documents are completely compatible with Environment Clearance document.</i>	<i>PP has stopped work on site since 31.01.2023 as mining lease cease to exist.</i>
2.	<i>Forest clearance shall be taken by the proponent as necessary under law.</i>	<i>The land is non forest land. Already the Letter of intent was granted to us after getting NOC form forest department</i>	<i>Forest clearance is not applicable on present site.</i>
3.	<i>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)</i>	<i>Agreed</i>	<i>To be complied at the time of mining in the area. Mining to be done strictly in Khasra Numbers listed in Lol and EC.</i>
4.	<i>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</i>	<i>Agreed</i>	<i>Neither Site plan nor copy of EC was displayed on site.</i>
5.	<i>Mining and loading, shall be done only within day hours time.</i>	<i>Mining has been done in daytime only and single shift operation</i>	<i>Mining was found closed at the time of inspection.</i>
6.	<i>No mining shall be carried out in the safety zone of any bridge and/or embankment</i>	<i>Mining has had been done with due respect to mining guideline, No mining has been done in safety zone of any bridge and or embankment</i>	<i>Mining was found closed at the time of inspection.</i>

7.	<p>It shall be ensure 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 measures should he 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</p>	<p>The environmental quality parameters are within standards specified by CPCB as evident from test reports already attached with this compliance report. Sprinkling of water has been regularly practiced on haul roads and loading/unloading points during working period</p>	<p>Ambient standards are not met in entire District. Anti-smog gun was found installed on site at the time of inspection. Same was not in operation as mining was closed. No sprinkler tanker observed on- site. PP has annexed a photograph of sprinkler along with their response. Same needs to be verified at the time of operations.</p>
8.	<p>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.</p>	<p>Agreed</p>	<p>PP has obtained CTO from Board on 05.01.2023 Thus, the said condition was violated as mining was started before obtaining CTO.</p>
9.	<p>Parking of vehicles should not be made on public places.</p>	<p>There is limited movement of vehicles as the workers are from nearby villages they are using cycles but the employee coming through other vehicles has been instructed not to park near public places.</p>	<p>Very light vehicular movement observed in the area.</p>
10.	<p>No tree-felling will be done in the leased area, except only with the permission of Forest Department</p>	<p>The lease area is devoid of trees thus no cutting of trees has been done</p>	<p>No tree plantation observed in the mining lease area.</p>
11.	<p>It shall be ensure that excavation of miner mineral does not disturb or change the underlying soil characteristics of</p>	<p>The mining has been practiced as per the depth restricted in</p>	<p>No mining activity was observed at the time of inspection.</p>

	<i>the river bed /basin, where mining is carried out.</i>	<i>Environmental clearance issued.</i>	
12.	<i>It shall be ensured that mining operation of Sand/Morram will not in any way disturb the, velocity and flow pattern of the river water significantly</i>	<i>Mining has been done in river bed area no river stream channel disturbed, eventually no velocity and flow pattern of the river has been disturbed due mining</i>	<i>Mining was found closed at the time of inspection.</i>
13.	<i>It shall be ensured that there is no fauna dependent 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.</i>	<i>No fauna dependent on river bed or areas close to the mining for its nesting has been reported in the lease area.</i>	<i>Compliance report vetted by competent authority not submitted in the concerned Regional Office of the State Board</i>
14.	<i>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.</i>	<i>The Environmental clearance has been issued for mining upto ultimate depth of 3.0m.No ground water intersection has been done during mining.</i>	<i>Hydro geological study report by competent organization/institute not submitted in the concerned Regional Office of the State Board</i>
15.	<i>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.</i>	<i>Adequate protection measures have been made to avoid further environmental pollution. There is no habitation on or close to the project site.</i>	<i>Report not submitted in the concerned Regional Office of the State Board</i>
16.	<i>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 programme.The</i>	<i>As per letter issued by gram Pradhan claiming that Under Corporate Responsibility programmes project has is stitching and distributed blankets to economically weaker people of</i>	<i>Pictures dated 04.01.2023 enclosed in the reply. No record of earlier activities with regards to socio-economic measures submitted.</i>

	<i>project proponent shall provide separate budget for community development activities and income generating programmes</i>	<i>village Pachayara (Gram Pradhan letter & pictures enclosed).</i>	
17.	<i>Green cover development shall be carried out following CPCB guidelines including selection of plant species and in consultation with the local DFO/Horticulture Officer.</i>	<i>Project proponent has planted 300 saplings at community land at different places in village pachayara. (Pictures enclosed and gram Pradhan letter also enclosed)</i>	<i>Pictures dated 04.01.2023 enclosed in the reply received. Considering the period of lease, no substantial plantation observed on site or in the area.</i>
18.	<i>Separate stock piles shall be maintained for excavated top soil, if any, and the top soil should be utilized for green cover/tree plantation</i>	<i>The lease area is river bed, no topsoil cover in the lease area</i>	<i>No mining activity observed on site at the time of inspection.</i>
19.	<i>Dispensary facilities for first- aid shall be Provided at site.</i>	<i>Agreed</i>	<i>Dispensary facility not provided on site.</i>
20	<i>An Environmental Audit should be annually carried out during the operational phase and submitted to the SEIAA</i>	<i>agreed</i>	<i>No record of audit report submitted.</i>
21.	<i>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.</i>	<i>Agreed</i>	<i>At present the under signed i.e. Mohd. Mahboob, Senior Mines officer has taken charge of district Ghaziabad from 21-02-2023 and even before then the concern mining activity has ceased due to expiration of E.C.</i>
22.	<i>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.</i>	<i>Agreed,</i>	<i>Six monthly reports on the status of compliance of the stipulated environmental clearance conditions including results of monitored data no submitted as required.</i>
23.	<i>A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parisad/ Municipal Corporation and Urban local Body.</i>	<i>Agreed</i>	<i>Proof of receipt not provided at the time of inspection nor given in compliance report.</i>

24.	<i>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.</i>	Agreed	<i>No mining observed on site. Can be verified when the site is in operation.</i>
25	<i>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.</i>	<i>No temporary habitation proposed onsite, the labours hired are from nearby villages</i>	<i>No test report in this regards submitted.</i>
26.	<i>Measures shall be taken for control of noise level to the lands prescribed by CPCB</i>	Agreed	<i>No test report regarding same submitted during operation submitted.</i>
27.	<i>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.</i>	Agreed	<i>No record regarding same submitted during operation submitted.</i>
28.	<i>Measure for prevention & control of soil erosion and management of soil shall be undertaken. Protection of dumps against erosion, if any, shall be carried out with geo textile matting or other suitable material.</i>	Agreed	<i>No record or photographic evidence regarding same submitted.</i>
29.	<i>Project Proponent shall explore the possibility of using solar energy wherever possible.</i>	Agreed	<i>No solar panel observed on site.</i>

30.	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. CSR 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.	As per letter issued by gram Pradhan claiming that Under Corporate environment Responsibility programmes project proponent has distributed stitching Machines and distributed blankets to Economically weaker people of village Pachayara (Gram Pradhan letter & Pictures enclosed). Project proponent has also got installed handpumps in village Pachayara (pictures enclosed)	Detailed regarding work done under different heads, cost incurred and sustainability as well as quality of these works should be submitted by the PP. Also, same report work under heads, should be verified by competent authority and certificate with regards to completion of work be issued to PP.
31.	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.	Agreed	No record or photographic evidence regarding same submitted.
32.	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 Ministry of Environment and Forests and its Regional Office located at Lucknow. SEIAA, U P and UPPCB	Agreed	No report with regards to expenditure of funds earmarked for environmental protection submitted in Regional Office, UPPCB.
33.	Action plan with respect to suggestion/improvement months	The suggestion made by public hearing panel and public has implemented.	Action Plan not submitted in Regional Office, UPPCB.
34.	Environmental clearance is subject to obtaining clearance under the Wild Life Protection, Act. 1972 from the competent authority, if applicable to this project.	Agreed	Not Required
35.	The proponent shall observe every 15 day for nesting of any turtle in the area. Based on the observations so made, if turtle	No nesting sites has been observed till date	Not observed.

	<i>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.</i>		
36.	<i>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.</i>	<i>Adequate safeguard measures has been adopted, Mining has been done strictly in adherence to EC issued & no hydro geological regime of the Surrounding area has been affected.</i>	<i>No mining observed at the time of inspection. Needs to be verified during operation phase.</i>
37.	<i>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.</i>	<i>No ground water withdrawal of water done onsite the water requirement has been done by water tankers supplied form local vendors</i>	<i>No borewell observed on site.</i>
38.	<i>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</i>	<i>Agreed</i>	<i>Needs to be verified during operation phase. Mitigation Measure Plan not submitted in UPPCB.</i>
39.	<i>Vehicular emissions shall be kept under control and regularly monitored; the vehicles carrying the mineral shall not be overloaded.</i>	<i>Agreed, The vehicles used for transportation are PUC certified.</i>	<i>Needs to be verified during operation phase.</i>
40.	<i>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 STD, safe drinking water, medical health cafe, creche etc (MoEF circular Dated 22.09. 2008 regarding stipulation of condition to</i>	<i>The labour has been hired from locals, no requirement of accommodation onsite thus no temporary hutment/constructi on has been done, however for daily workers bio- toilets provision has been</i>	<i>No labour was present on site. Small temporary hutment of 3-4 huts observed on site.</i>

	<i>improve living conditions of construction labour at site)</i>	<i>made. Safe drinking water has had been provided by water tankers and first-aid kit has also been made available onsite</i>	
41.	<i>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</i>	<i>Agreed</i>	<i>Needs to be verified during operation phase.</i>
42.	<i>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</i>	<i>Agreed</i>	<i>Proof of receipt not submitted.</i>
43.	<i>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 Regional Office of the Ministry of Environment and forests, Lucknow by e- mail</i>	<i>Agreed</i>	<i>Not submitted.</i>
44.	<i>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)</i>	<i>Plantation has been done along approach road and community places in village pachayara, (pictures enclosed)</i>	<i>No such plantation observed on site on the approach road.</i>

45.	<i>Debris from the river bed will be collected and stored at secured place and may be utilized for strengthen the embankment.</i>	<i>Agreed</i>	<i>No Mining activity was observed at the time of inspection.</i>
46.	<i>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.</i>	<i>Agreed</i>	<i>Needs to be verified during operation phase. On-site dispensary needs to be made operational.</i>
47.	<i>Periodical and Annual medical Checkup of workers as per Mines Act and they should be covered under ESI as per rule</i>	<i>Agreed</i>	<i>No record submitted.</i>

Part B- Specific conditions

Sl no.	Specific conditions as per environment clearance issued	Compliance as per PP	Compliance on Site
01	<i>Project proponent should ensure all sapling should survive any mortality will be replaced.</i>	<i>Agreed</i>	<i>Report with regards to mortality rate and replacement done thereof not submitted.</i>
02	<i>Site photographs should be submitted with date and time.</i>	<i>Site photographs enclosed</i>	<i>Camera was found Installed near weigh bridge but may not be Operational as there was no mining activity going on.</i>
03	<i>Provision for small cylinder to workers should be made for cooking.</i>	<i>Workers are from local villages, no cooking provision done onsite, workers have been carrying lunchbox with them</i>	<i>Needs to be verified During operation phase. On-site cooking provisions not available.</i>

04	<i>The capacity of trucks/tractor for loading purpose will be in tonnes as per PWD and Transport Department applicable norms and standard fixed by the Government.</i>	<i>Trucks/tractors loading in tonnes as per Transport Department applicable norms and standard fixed by the Government.</i>	<i>Compliance report need to be submitted by PP along with vehicle details.</i>
05	<i>Provide suitable mask to the workers.</i>	<i>Agreed</i>	<i>Needs to be verified during operation phase.</i>
06	<i>Approach road kaccha is to be made motarable and tree saplings to be planted on both sides of the road</i>	<i>Approach road has been strengthened and plantation carried out</i>	Not complied.
07	<i>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</i>	<i>Agreed</i>	No such study has been undertaken by project proponent.
08	<i>Provision for two toilets and hand pumps should be made at mining site.</i>	<i>Provision of bio-toilets has been made onsite, and for drinking water facility water tankers has been made available (picture of water tanker enclosed)</i>	<i>Bio-toilets not observed on site as site closed since 30/01/2023.</i>
09	<i>Drinking water for workers would be provided by tankers.</i>	<i>Water tanker provision has been made onsite</i>	<i>Proof of purchase needs to be submitted.</i>
10	<i>Mining will be carried only according to the approved mining plan.</i>	<i>Mining is based on approved mining plan</i>	<i>No Mining activity was observed at the time of inspection.</i>

11	A buffer/safe tone shall be maintained from the habitation as per mining guidelines	Mining site is quite away from settlement & proper buffer zone has been maintained as per mining guideline	No Mining activity was observed at the of inspection.
12	Total Project Cost has been submitted as Rs. 1,10,36,850/-. A CSR plan with minimum Rs. 5,51,842/- work to be executed with installation of five hand pumps for drinking water, solar light in villages of streets, construction of two numbers of toilets at the primary school with name displayed and address and details of beneficiary and gram Pradhan along with phone number, photographs should be submitted to Directorate as well as to the District magistrate/Chief Development Officers, Ghaziabad, U.P.	Agreed	Proof of receipt of Plan in Directorate as well as to the District magistrate/Chief Development Officers office not furnished.
13	Detail of works under CSR which has to be executed as above is to be submitted with an affidavit to Directorate as well as to the District magistrate/Chief development officers, Ghaziabad, U.P.	Agreed	Proof of receipt not furnished.
14	Health/insurance card, Medical claim, regular health Checkup 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.	Health checkup camps being organized annually for health check up of workers	Documentary and photographic evidence proof of such camps not furnished by PP.

15	<i>The Environmental clearance will be co-terminus with the mining lease period.</i>	<i>Agreed</i>	<i>That the EC granted to the PP was transferred EC whose validity was co-terminus with the earlier lease deed granted to one Gurbaj Singh which has expired on 31-01-2023 hence making the EC void.</i>
16	<i>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</i>	<i>Project site is not in eco-sensitive zone</i>	<i>Site not in notified eco-sensitive zone</i>
17	<i>Geo coordinates should be verified by Director. DGM/District Magistrate/ Regional Mining Officer/ NHA and should be submitted SEIAA/SEAC, Secretariat as earliest</i>	<i>Verified Geo-coordinates by mining officer Ghaziabad has been submitted to SEIAA/SEAC, UP</i>	<i>Has not been submitted.</i>
18	<i>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 500m and area is less than 25ha, but factually the distance is less than 500 m and the mine is located in cluster of area equal or more than 25ha, the E C issued will stand revoked</i>	<i>Agreed</i>	<i>Area in less than 25 Hac.</i>
19	<i>The project proponent shall in 2 years conduct detailed replenishment study duly authenticated by a OCI, NABET accredited consultant, and the District Mines Officer which shall form the basis for midterm review of conditions of Environmental Clearance.</i>	<i>Agreed</i>	<i>No Such study has been conducted by Project proponent.</i>

20	<i>The mining work will be open-cast and exclusively manual. No mechanical work or drilling/blasting should be involved at any stage</i>	<i>Agreed</i>	<i>No Mining activity was observed at the time of inspection.</i>
21	<i>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 over river bank. The mining is confined to extraction of sand/moram from the river bank only</i>	<i>Mining has been done as per SSMG guideline 2016</i>	<i>No Mining activity was observed at the time of inspection.</i>
22	<i>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</i>	<i>Mining depth is above ground water table. No intersection of ground water table done</i>	<i>No Mining activity was observed at the time of inspection.</i>
23	<i>The project proponent shall adhere to mining in conformity to plan submitted for the mine lease conditions and the Rules prescribed a 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 aerial, distance from the bridges etc. It shall be ensured that no mining shall be carried out during the monsoon season.</i>	<i>I strictly adhere to plan submitted for mining was and rules prescribed. No mining has been carried out in monsoon season</i>	<i>No Mining activity observed at the time of inspection.</i>

24	<i>The project proponent shall ensure that wherever deployment of labour attracts the Mines Act, the provision thereof shall be strictly followed</i>	<i>I strictly adhere that applicable Mines Act, the provision thereof strictly followed</i>	<i>No Mining activity was observed at the time of inspection.</i>
25	<i>The project proponent will provide personal protective equipments (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.</i>	<i>Personnel protective equipment's has been provided to workers</i>	<i>Needs to be verified at the time of operation. Documentary/Photo graphic proof of same not furnished by PP.</i>
26	<i>The critical parameters such as PM 10, PM2.5, SO2 and NOx in the ambient air within the impact zone shall be monitored periodically. Further, quality of discharged water it any shall also be monitored [TDS, DO, PH, Fecal coliform & Total suspended solids (TSS)].</i>	<i>Environmental parameters has been monitored and reports are attached herewith</i>	<i>One time reporting does not meet requirement of EC. Routine reports need to be furnished by PP.</i>
27	<i>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.</i>	<i>Regular water sprinkling carried out in critical areas prone to air pollution and having high levels of particulate matter (letter issued by Gram Pradhan Pachayara also claimed the same enclosed with)</i>	<i>Needs to be verified at the time of operation.</i>
28	<i>It should be ensured that the Ambient Air Quality/ parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.</i>	<i>Ambient Air Quality/ parameters conform to the norms prescribed by the Central Pollution Control Board in this regard</i>	<i>Ambient standards are not met in the area due to external factors as well. Plan to mitigate air pollution sources at the time of operation needs to be furnished.</i>

29	The extended mining scheme Will be submitted by the Proponent before expiry of present mining plan.	Agreed	Mining Plan is yet to expired.
30	Four ambient air quality monitoring stations should be established in the core zone as well as in the buffer zone for monitoring PM 10, 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	Agreed, Monitoring test reports enclosed	Documentary/Photographic proof of same not furnished. No stations observed on site at the time of inspection.
31	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	Agreed	being ensured by irrigation department.
32	Proponent will provide adequate sanitary facility in the form of mobile toilets to the labours engaged for the project work.	Agreed	No labour found on site as mining was closed. Need to be verified at the time of operation. No bio toilet was found on site.
33	Solid waste material with gutkha pouch, plastic bags, glasses etc to be generated during project activity will be separate, storage in bins and managed as per Solid Waste Management rules.	Agreed	No separate bin system found on site.
34	Green area/belt to be developed along haulage road in consultation of Gram Sabha/Panchayat	Agreed, Plantation has been done along approach road and community places in village Pachayara, (pictures enclosed)	Not observed
35	Natural/customary paths used by villagers should not be obstructed at any time by the activities Proposed under the project	Plantation has been Done along approach road and community places in village pachayara, (pictures enclosed)	Needs verification during operation phase.

36	Digital processing of the entire lease area in the district using remote sensing technique should be done regular, 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 Regional office of MoEF, SEIAA, U.P. and UPPCB.	Agreed	Report not submitted in Regional Office, UPPCB
37	A copy of clearance letter will Be marked to concerned Panchayat / local NGO, if any, From whom suggestion / representation has been received while processing the proposal. The clearance letter shall also be put on the website of the company.	Agreed	Proof of receipt not furnished
38	State Pollution Control Board Shall display a copy of the Clearance letter at the Regional office, District Industry Centre and Collector's office/Tehsildar's Office for 30 days.	Agreed	Copy furnished through SEIAA and put up on notice board of the Regional Office.
39	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 Regional Office of the Ministry located in Lucknow, CPCB, State PCB	Agreed	Proof of advertisement not furnished.
40	The MoEF/SEIAA or any other Competent authority may alter/modify the above conditions or stipulate any further condition in the interest of environment Protect,	Agreed	Need no comment

41	<i>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.</i>	<i>Agreed</i>	<i>Need no comment</i>
42	<i>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.</i>	<i>Agreed</i>	<i>Need no comment</i>
43	<i>Waste water from potable use be collected and reused for sprinkling.</i>	<i>Agreed</i>	<i>Need verification during operation phase. No such mechanism observed on site.</i>
44	<i>During the school opening and closing time vehicle movement will be restricted.</i>	<i>Agreed</i>	<i>Need verification during operation phase.</i>
	<i>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 rent of any dispute on owners, or land use of the proposed site, this clearance shall automatically deem to be cancelled.</i>	<i>I assure that the project site is not located in no development zone</i>	<i>Present issue pertains to addition of Khasra in Mining Lease without obtaining NOC from the land owner, the applicant in present case.</i>

45	<i>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.</i>	<i>Agreed</i>	<i>Need no comment</i>
46	<i>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.</i>	<i>Agreed</i>	<i>Need no comment</i>
47	<i>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</i>	<i>Agreed</i>	<i>Need no comment</i>

54. It is evident from the Joint Status Report that respondent no. 5-Project Proponent has not complied with material conditions imposed in EC issued by UPSEIAA and CTO granted by UPPCB which have been highlighted by us in

the above table.

55. Specific conditions were imposed at the time of grant of EC for earmarking of 5 % of the total Project costs or total income whichever is higher towards CSR component and respondent no. 5 Project Proponent was directed to carry out the CSR activity as mentioned in EC issued by UPSEIAA and also CTO granted by UPPCB. Respondent no. 5-Project Proponent filed some photographs showing distribution of blanket and swing machines etc., but details regarding the CSR activities carried out and utilization of the budget amount earmarked for the same were not mentioned. The Project Proponent was directed to file additional reply giving details of CSR/EMP activities carried out by the Project Proponent along with all supporting bills/receipt/documents and also to file copies of annual audit statement and CSR statements filed by him before Director, Mining and Geology, Uttar Pradesh. No reply has been filed the Project Proponent giving details of CSR/EMP activities carried out by the Project Proponent along with all supporting bills/receipt/documents and also copies of annual audit and CSR statements filed by him before Director, Mining and Geology, Uttar Pradesh.

56. Condition was imposed on Respondent no. 5-Project Proponent that green cover development shall be carried out by following CPCB guidelines including selection of plant species and in consultation with the local DFO/Horticulture officer. The green cover development/tree plantation was to be done in an area equivalent to 20 % of the total leased area either on river bank or along road side (Avenue Plantation). Respondent no. 5-Project Proponent has claimed to have planted 300 saplings in community land in village Pachayra and to have carried out plantation along approach road and community places in village Pachayra and produced some photographs showing carrying out of plantation by him but in the Report of the Joint Committee it has been

mentioned that considering the period of lease no substantial plantation has been observed on site or in the area and no such plantation as claimed by respondent no. 5-Project Proponent was observed on site on the approach road.

57. We find the present case to be a glaring example of (i) non-compliance with the statutory provisions, EC and CTO conditions and environmental norms and also failure to discharge the statutory obligations on the part of the Project Proponent, (ii) willful avoidance of enquiry into the relevant facts, deliberate suppression of material facts and misrepresentation of relevant facts before this Tribunal by the Joint Committee and (iii) negligence, non-application of mind and inaction on the part of concerned State Authorities as evidenced by the following facts and circumstances:

- (i) Vide order dated 16.11.2022, the Project Proponent was restrained from carrying out further mining against which the Project Proponent filed appeal before Hon'ble Supreme Court by misrepresenting the facts regarding compliance with the environmental norms while relying upon the reports submitted by the Joint Committee before this Tribunal to be in his favour but as per the Joint Status Report subsequently filed before this Tribunal there are serious environmental violations on the part of the Project Proponent who had not even obtained CTE/CTO from UPPCB prior to **05.01.2023**.
- (ii) In its report filed vide email dated **25.05.2022**, the Joint Committee did not mention the relevant facts regarding EC, validity period of the lease as well as grant of CTE/CTO by UPPCB and merely reported in well-crafted manner that there was no illegal mining without referring to earlier incident of illegal mining.
- (iii) In its report filed vide email dated **11.11.2022**, the Joint Committee mentioned that the lease was valid from **14.10.2020** to **13.10.2025** but

did not mention the relevant facts regarding EC and also grant of CTE/CTO by UPPCB.

- (iv) There were serious violations of the environmental laws/norms and the Project Proponent commenced and carried out mining without obtaining CTE/CTO from the UPPCB which fact was completely ignored by the State Authorities for extraneous consideration.
- (v) In the Joint Status Report now filed on behalf of the Director, Mining and Geology, State of Uttar Pradesh and UPPCB serious violations on the part of the Project Proponent have been mentioned but the Joint Status Report has been prepared and submitted after expiry of the EC and discontinuance of the mining and no justification has been given for not carrying out requisite inspections for verification of the compliance status during continuance of the mining.
- (vi) In the present case EC is stated to have been transferred in favour of the Project Proponent which was valid upto **31.01.2023** but lease deed was executed in favour of the Project Proponent which is valid from **14.10.2020** to **13.10.2025** and was not executed for period co-terminus with EC.
- (vii) The Project Proponent is stated to have applied to SEIAA for grant of EC for further mining in the land in question leased out in his favour but this Tribunal is not informed as to what is the basis and purport thereof.

58. Ms. Roshan Jacob, Director, Mining and Geology, U.P. and Mr. Ajay Sharma, Member Secretary, UPPCB, who appeared before this Tribunal through VC on **26.04.2023** submitted that NoC/consent from UPPCB was not required by the Project Proponent for sand mining. Ms. Roshan Jacob, Director, Mining and Geology, U.P. and Mr. Ajay Sharma, Member Secretary, UPPCB were directed to file their detailed response affidavits in this regard. Respondent no. 5-Project Proponent was also directed to file his

reply/response.

59. In compliance of order dated **26.04.2023**, Affidavits were filed by the Member Secretary, UPPCB vide email dated **19.05.2023** and by the Director, Mining and Geology, U.P. vide email dated **22.05.2023** but no reply/response was filed by respondent no.5.

60. In his affidavit the Member Secretary, UPPCB has submitted that pursuant to remarks made in the final List issued by CPCB on **07.03.2016** of Orange Category of Industrial Sectors, no categorization had been made by the MoEF&CC for excavation of sand from the river bed till date and sand mining is not covered in any of the categorization viz. Red/Orange/Green and White. Relevant part of the affidavit is reproduced below:

“ AFFIDAVIT ON BEHALF OF MEMBER SECRETARY, UTTAR PRADESH POLLUTION CONTROL BOARD IN PURSUANCE TO THE ORDER DATED 26.04.2023 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL

- X X X X
3. That the Hon'ble Tribunal vide its order dated 27.03.2023 directed the project proponent to desist from carrying out any further mining activity in the mining site till further orders and directed Director, Mining and Geology and Member Secretary, UPPCB to appear in person on the next dated fixed.
4. That as mentioned in the order dated 27.03.2023 passed by this Hon'ble Tribunal the State Board has given the consent to operate to the project proponent regarding the site in question for the period of 05.01.2023 to 31.12.2026. The copy of the order dated 05.01.2023 is being annexed herewith as Annexure-1 to this affidavit.
5. That in the final List issued by CPCB on 07.03.2016 of Orange Category of Industrial Sectors the following comment regarding "Excavation of sand from the river bed" has been mentioned. "There are specific remarks in respect of some of the industrial sectors. These sectors are either merged with other relevant sectors or deleted due to duplication /vague category. The details are as follows:-

Sl. no	Origin at Sl. No	Industry Sector	Original Category	Remarks
1	24	Excavation of sand form the River	0	Since such type of activities cause

		<i>Bed (excluding manual excavation)</i>		<i>ecological disturbances, the instructions issued by the Government from time to time be followed. To be categorized by MoEF&CC</i>
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6. That pursuant to remarks made in categorization of sector, uptill now no categorization has been made by the MoEF&CC for excavation of sand from the river bed, therefore, the sand mining is not covered in any of the categorization viz. Red/ Orange/ Green and White.

7 That further it is stated that the State Board has issued the Show Cause notice for imposition of Environmental Compensation for total 550 defaulter days {the period of 22.10.2020 to 01.05.2021 (192 defaulter days) and for 15.11.2021 to 07.11.2022 (358 defaulter days)}. The show cause notice regarding environmental compensation for the mining during the period in which activity progressed without CTE/ CTO is issued @ of Rs. 10,000/- per day i.e. Environmental Compensation of Rs. 55,00,000/- vide letter dated 25.04.2023. The copy of the letter is being annexed herewith and marked as Annexure no-2 to this affidavit.

8. That further it is stated that the show cause letter regarding the Environmental Compensation has been received by project proponent on 09.05.2023 as per Indian Postal Track Report, but till ate the project proponent has not replied to the show cause letter dated 25.04.2023.

9. That the project proponent himself closed down the mining activities. Presently no mining activity is in operation. The joint inspection report dated 19.04.2023, conducted by the joint committee of the mining officer and sub divisional magistrate, Loni is being annexed herewith as Annexure No.-3 to this affidavit.

10. That further in pursuance to the order passed by this Hon'ble Tribunal the inspection has been carried by the officials of the State Board on 18.05.2023 and during the inspection the mining found closed at site in question. A Copy of inspection report dated 18.05.2023 is being annexed herewith as Annexure No.-4 to this affidavit.”

61. In her affidavit the Director, Mining and Geology, U.P. also submitted that since no categorization has been made by the MoEF&CC for excavation of sand from the riverbed, therefore, the sand mining is not covered under the categorization of the industrial Sector and that in the said mining operations, neither anything is added to the water nor is anything released, so water or air does not get polluted. The relevant part of the affidavit is reproduced below:

“Affidavit of Compliance.

X

X

X

X

3. That, regarding obtaining NoC/consent from UPPCB for sand mining, it is humbly submitted that For harmonization of Classification of Industries under Red/Orange/Green/White Categories CPCB vide letter dated 19.08.2015 forwarded a copy of draft document on revised concept of categorization of industrial sectors to all SPCBs, PCCs and concerned ministries. CPCB further issued modified directions to revise/prepare categories of industrial sector in Red, Orange, Green and White as per final report to all SPCBs/PCCs on 07.03.2016.

(i) That is further worthwhile to mention here that in compliance to the directions issued by CPCB, UPPCB in its meeting dated 29.03.2016 adopted the same categorizations of industries and issued letter dated 18.04.2016 to all concerned controlling officers of the UPPCB and Regional officers of the UPPCB to comply the same. A true copy of the letter dated 18.04.2016. That there are two additional notes in the list of Industrial Sectors mentioned in the final report and Note (ii) is being quoted as below;

SI.No.	Origin at SI. No.	Industry Sector	Original Category	Remarks
1	24	Excavation of sand from the River Bed (excluding manual excavation)	0	Since such type of activities cause ecological disturbances, the instructions issued by the Government from time to time be followed. To be categorized by MoEF&CC

(ii) That at Serial No. 1 which was originally at SI.No 24 regarding excavation of Sand from the riverbed (excluding manual excavation), it has been mentioned in remark column that such type of activities cause ecological disturbances, the instructions issued by the Government (MoEF&CC) from time be followed. So, excavation of Sand from the riverbed (excluding manual excavation) has to be categorized by MoEF&CC separately.

(iii) That pursuant to remarks made in categorization of sector up till now no categorization has been made by the MoEF&CC for excavation of sand from the riverbed therefore the

sand mining is not covered under the categorization of the industrial Sector. It is also submitted that as per the MOEF&CC, EIA notification 2006, EC has been obtained in this particular case and also in case of sand mining across the state.

(iv) under the provision of Water Act 1974 and Air Act 1981, Industries, which causes underground/surface water and Air pollution, requires CTE / CTO from concerning SPCB. But in the case of Sand Mining no fugitive emissions are released. It is to be mentioned that neither permanent structure of any kind is erected during the mining operations of Sand/Morrum situated in the river bed nor heavy machinery are used in the mining operations. In the said mining operations, neither anything is added to the water nor is anything released, so water or air does not get polluted.

X

X

X

X”

62. This Tribunal has passed order dated **30.05.2023** in **O.A No. 176/2022** titled as **Aman Chaudhary Vs. Union of India & Ors** that sand mining from river bed mandatorily requires CTE and CTO from SPCBs/PCCs and for reasons of gravity the detailed reasons and operative part of the order are not reproduced here which may be read as part of this Judgment.

63. It may also be observed here that in his affidavit the Member Secretary, UPPCB has taken contradictory stands as on the one hand affidavit filed by him implies that sand mining from river bed does not require CTE/CTO from UPPCB but on the other hand the same mentions the Project Proponent to be non-compliant on the ground that CTE/CTO had not been taken from UPPCB. Such contradiction by itself not only points out lack of transparency and accountability but also negates impartiality and integrity in the working of the UPPCB subjecting the same to serious doubt of being animated by ulterior motives and extraneous considerations. UPPCB has allowed river bed sand mining without obtaining of CTE and CTO under the pretext of non-categorization by MOEF&CC but at the same time proceeded to issue show cause notices for imposition of environmental compensation to and pass orders for imposition of environmental compensation on some of the project

proponents on the ground of not obtaining of CTE/CTO by them without taking any action against the majority of the similarly placed project proponents for not obtaining of CTE/CTO by them and has not monitored compliance of conditions imposed by MOEF&CC or UPSEIAA and allowed riverbed sand mining to be carried out despite serious violations of the EC conditions which warranted cancellation of EC and mining leases.

64. In **O.A. no. 360/2015 National Green Tribunal Bar Association Vs. Virender Singh (State of Gujarat)** this Tribunal vide order dated **26.02.2021** issued the following directions:-

“ Enforcement of Monitoring Mechanism and review by the Chief Secretary at State level and Secretary MoEF&CC at National level

27. We direct all the States/UTs to strictly follow the SSMG-2016 read with EMGSM-2020 reinforced by mechanism for preparation of DSRs (in terms of directions of this Tribunal dated 14.10.2020 in Pawan Kumar, supra and 04.11.2020 in Rupesh Pethe, supra), Environment Management Plans, replenishment studies, mine closure plans, grant of EC (in terms of direction dated 13.09.2018 in Satendra Pandey, supra), assessment and recovery of compensation (as per discussion in Para 25), seizure and release of vehicles involved in illegal mining (in terms of order dated 19.02.2020 in Mushtakeem, supra), other safeguards against violations, grievance redressal, accountability of the designated officers and periodical review at higher levels. As already noted, EMGSM-2020 contemplates extensive use of digital technology, including remote sensing.

28. We further direct that periodic inspection be conducted by a five-members Committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Where CPCB regional office is not available, if MoEF&CC regional office is available, its Regional Officer will be included in the Committee. Where neither CPCB nor MoEF&CC regional office exists, Chairman, SEIAA will tie up with the nearest institution of repute such as IIT to nominate an expert for being included in the Committee. Such inspection must be conducted at least thrice for each lease i.e. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any. The reports of such inspections be acted upon and placed on

website of the SEIAA. Every lessee, undertaking mining, must have an environment professional to facilitate sustainable mining in terms of the mining plan and environmental norms. This be overseen by the SEIAA. Environment Departments may also develop an appropriate mobile App for receiving and redressing the grievances against the sand mining, including connivance of the authorities and also a mechanism to fix accountability of the concerned officers. Recommendations of the Oversight Committee for the State of UP quoted earlier may be duly taken into account.

The mechanism must provide for review at the level of the Chief Secretary at least once in every quarter, in a meeting with all concerned Departments in the State. The Chief Secretary UP may ensure further action in the light of the report of the Oversight Committee.

Similarly, at National level, such review needs to be conducted atleast once in a year by the Secretary, Environment in coordination with the Secretaries Mining and Jalshakti Ministries the CPCB.

Publication of Annual Reports

29. We further direct all the States/UTs to publish their annual reports on the subject and such annual reports may be furnished to MoEF&CC by 30th April every year giving status till 31st March. First such report as on 31.03.2022 may be filed with the MoEF&CC by all the States/UTs on or before 30.04.2022. The report may also be simultaneously posted on the website of the Environment

Department of the States/UTs. Based on such reports, MoEF&CC may consider supplementing its Guidelines from time to time. The MoEF&CC may prepare a consolidated report considering the reports from the States/UTs and publish its own report on the subject, preferably by 31st May every year.

Interaction at National Level

30. We direct the Secretary MoEF to convene a meeting in coordination with the CPCB and Mining and Jalshakti Ministries of Central Government and such other experts/individuals at National level and representatives of States within three months for interaction on the subject which may be followed by such meetings being convened by the Chief Secretaries in all States in next three months. Holding of such meetings will provide clarity on enforcement strategies and help protection of environment.”

65. In the present case there is nothing on record to show that any such periodical inspections were conducted and the reports of such inspections

were acted upon and placed on website of UPSEIAA; any mobile application was developed as directed for receiving and redressing the grievances against the sand mining, including connivance of the authorities and also a mechanism to fix accountability of the concerned officers; any annual reports have been prepared, submitted and uploaded on website on the website of the Environment Department of the State of Uttar Pradesh. Under the EC conditions the District Mining Officer was required to quarterly monitor compliance of the stipulated conditions and to report violations to UPSEIAA. There is nothing to show such quarterly monitoring of compliance status and reporting of violations to UPSEIAA by the District Mining Officer. The Director, Mining and Geology, Uttar Pradesh has also failed to ensure compliance with the provisions of Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act 1957) and Rules framed under the same and the Sustainable Sand Mining Management Guidelines, 2016 (SSMMG 2016) and the Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM 2020) by making periodical inspections and verifying compliance with the same. No response giving the requisite details of periodical inspections for verification of the compliance status with respect to compliance with MMDR Act 1957, the SSMMG 2016 and EMGSM 2020 has been filed by the Director, Mining and Geology, Uttar Pradesh.

66. In the present case the Director, Mining and Geology, Uttar Pradesh and UPPCB have also failed to ensure compliance by respondent no.5 with EC/CTO conditions and allowed respondent no. 5 to carry out mining despite such non-compliance without taking any action for such non-compliance. We are of the considered view that by making periodical inspections for monitoring compliance status with respect to compliance of the EC and CTO consent conditions and environmental norms and by taking of remedial action on the basis thereof the Director, Mining and Geology, Uttar Pradesh and UPPCB

would have prevented illegal mining and environmental violations and consequent environmental damage. In the facts and circumstances of the case the Director, Mining and Geology, Uttar Pradesh and UPPCB are also liable for payment of environmental compensation for remediation of the environmental damage caused by respondent no. 5 Project Proponent which would have been prevented by periodical monitoring and taking of remedial action by them. However, by taking a lenient view the Director, Mining and Geology, Uttar Pradesh and UPPCB are directed to pay nominal amount of ₹ 1 Lakh each as environmental compensation. The amount of environmental compensation be deposited by the Director, Mining and Geology, Uttar Pradesh and UPPCB with the Central Pollution Control Board within one month. The amount of environmental compensation shall be utilized for restoration of environment in the affected area. It is clarified that in case of failure of the Director, Mining and Geology, Uttar Pradesh and UPPCB to deposit the amount of costs, the Member Secretary, CPCB shall be entitled to recover the amount of costs by filing execution petition for execution of the order passed by this Tribunal before the Civil Court of competent jurisdiction in accordance with the provisions made in section 25 of the NGT Act 2010.

67. EC was granted by UPSEIAA in favour of Gurbaj Singh s/o Major Singh resident of B6/1379, Modern Colony, Jagadhari, Haryana. As per Specific Condition no. 15 the environmental clearance was co-terminus with the mining lease period. Lease in favour of said Gurbaj Singh was valid from **01.02.2018** to **31.01.2023**. Lease in favour of said Gurbaj Singh was cancelled by the District Magistrate, Ghaziabad by order dated **30.03.2018**. Subsequently, EC was transferred in favour of respondent no.5-Mumtaz Ali on **10.09.2020**. Lease deed was executed by the District Magistrate, Ghaziabad in favour of respondent no.5-Mumtaz Ali on **21.10.2020** for period of five years with validity upto **20.10.2025**. UPPCB granted CTO to respondent no. 5 on

05.01.2023 with validity upto **31.12.2026**.

68. Questions arise as to permissibility of execution of lease deed by the District Magistrate, Ghaziabad with validity upto **20.10.2025** beyond the period of EC which was to expire on **31.01.2023** and grant of CTO by UPPCB with validity upto **31.12.2026** beyond the period of EC which was to expire on **31.01.2023** and lease deed which was to expire on **20.10.2025**.

69. Opportunity was granted to the District Magistrate, Ghaziabad and UPPCB to file response in this regard.

70. Reply has been filed by District Magistrate, Ghaziabad vide email dated **01.01.2024**. The relevant part of the reply is reproduced below:-

“कृपया उपरोक्त विषयक जनपद गाजियाबाद के तहसील लोनी स्थित बालू खनन पट्टा ग्राम पचायरा खण्ड-1 पट्टाधारक श्री मुमताज अली के विरुद्ध मा० न्यायालय राष्ट्रीय हरित प्राधिकरण, नई दिल्ली में योजित ओ०ए० नं० 160/2022, ओमपाल व अन्य बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 17.10.2023 का संदर्भ ग्रहण करने का कष्ट करें, जिसके कार्यकारी अंश निम्नवत् है :-

“1. Vide order dated 30.05.2023 this Tribunal directed filling of response regarding the aspect involved as to whether mining lease deed can be executed by the District Magistrate on behalf of the State beyond the validity period of EC granted by SEIAA. No response has been filed by the District Magistrate, Gaziabad.

इस सम्बंध में बालू खनन पट्टा पचायरा खण्ड-1 तहसील लोनी का विवरण निम्नवत् है -

1. इस कार्यालय के विज्ञप्ति सं० 864 दिनांक 05.03.2020 द्वारा जनपद गाजियाबाद के तहसील लोनी स्थित बालू खनन क्षेत्र ग्राम पचायरा खण्ड-1 गाटा सं० 8 मि०, 9 मि०, 10 मि०, 11 मि०, 12 मि०, 13 मि०, 17 मि०, 18, 19, 20 मि०, 21 मि०, 22 मि०, 25 मि०, 26 मि०, 27 मि०, 30 मि०, 37 मि०, 38 मि०, 39 मि०, 40 मि०, 41 मि०, 53 मि०, 54 मि०, 55 मि०, 56 मि०, 57 मि०, 237 मि०, 238 मि०, 239 मि०, 240 मि० रकबा 16.183 हे० बालू मात्रा 323600 घ०मी० प्रति वर्ष को 05 वर्ष की अवधि हेतु बालू खनन पट्टा पर स्वीकृत किये जाने के लिये ई-निविदा सह ई-नीलामी प्रणाली के माध्यम से विज्ञापित किया गया।

2 उपरोक्त विज्ञप्ति के कम में श्री मुमताज अली निवासी मौहम्मदाबाद पोस्ट बिजौरा ज्यातिबा फूले नगर-244235 द्वारा उच्चतम बोली रू० 206/- प्रति घनमीटर प्रस्तुत की गयी, जिस पर स्वीकृति उपरान्त श्री मुमताज अली के पक्ष में 05 वर्षीय बालू खनन पट्टा स्वीकृत किये जाने हेतु आशय पत्र सं० 990 दिनांक 23.06.2020 जारी किया गया।

3. श्री मुमताज अली के पक्ष में निर्गत आशय पत्र की शर्तों के अन्तर्गत नियत धनराशि जमा कराने के उपरान्त पट्टाधारक द्वारा हस्तारित पर्यावरण स्वच्छता प्रमाण पत्र सं०

293/पर्या/एस०ई०ए०सी०/3886/2018 दिनांक 10.09.2020 इस कार्यालय में प्रस्तुत किया गया। (संलग्नक-1)

4. पट्टाधारक द्वारा प्रस्तुत पर्यावरण स्वच्छता प्रमाण पत्र के संबंध में अवगत कराना है कि उक्त पर्यावरण स्वच्छता प्रमाण पत्र पूर्व पट्टाधारक श्री गुरबाज सिंह पुत्र श्री मेजर सिंह निवासी-बी-6/1379, मार्टन कालोनी, जगधारी, जिला हरियाणा के नाम स्वीकृत था, जिसकी पट्टा अवधि दिनांक 01.02.2018 से दिनांक 31.01.2023 तक थी। पट्टाधारक श्री गुरबाज सिंह द्वारा पट्टा विलेख की शर्तों का उल्लंघन करने के कारण स्वीकृत बालू खनन पट्टा को तत्कालीन जिलाधिकारी महोदया के आदेश दिनांक 30.03.2018 द्वारा निरस्त कर दिया गया।

5. राज्य स्तरीय पर्यावरण समाघात निर्धारण प्राधिकरण, उ०प्र०, लखनऊ द्वारा श्री गुरबाज सिंह के पक्ष में स्वीकृत पर्यावरण स्वच्छता प्रमाण पत्र दिनांक 12.01.2018 में उल्लिखित समस्त शर्तों को यथावत रखते हुये श्री मुमताज अली के पक्ष में पर्यावरण स्वच्छता प्रमाण पत्र दिनांक 10.09.2020 हस्तांतरित किया गया। (संलग्नक-2)

6. श्री मुमताज अली द्वारा उक्त हस्तांतरित पर्यावरण स्वच्छता प्रमाण पत्र (Transferred EC) को कार्यालय में प्रस्तुत किया गया, जिसके क्रम में श्री मुमताज अली के पक्ष में दिनांक 21.10.2020 को पट्टा विलेख का निष्पादन तत्कालीन जिलाधिकारी द्वारा उत्तर प्रदेश उपखनिज (परिहार) नियमावली, 1963 यथा संशोधित नियमावली, 2021 के नियम- 35 (5) में दिये गये प्राविधानों के अन्तर्गत किया गया। नियम 35 (5) में दिये गये प्राविधान निम्नवत् है :-

"नियम 35-(5)- खनन पट्टा विलेख का निष्पादन, इस निमित्त राज्य सरकार द्वारा अधिसूचना द्वारा प्राधिकृत अधिकारी द्वारा सम्यक रूप से खनन योजना अनुमोदित किये जाने के उपरान्त और प्रस्तावक के पक्ष में पर्यावरण अनापत्ति प्रमाण पत्र जारी किये जाने के दिनांक से एक माह के भीतर किया जायेगा। खनन संक्रिया नदी तल खनिज के पट्टेदार हेतु तत्काल एवं अन्य खनिजों के पट्टेदार द्वारा पट्टा विलेख के निष्पादन के दिनांक से 03 (तीन) माह के भीतर प्रारम्भ की जायेगी और पट्टेदार तत्पश्चात् जानबूझकर कोई स्थगन किये बिना ऐसी खनन संक्रियाओं का संचालन, उचित और दक्षतापूर्ण रीति से तथा कुशल कारीगर की भाँति करेगा:

प्रतिबंध यह है कि सरकार द्वारा विधि संगत ढंग से या किसी विधिक कार्यवाही के अनुसार खनन पट्टा/अनुज्ञा पत्र समाप्त करने या पट्टा/अनुज्ञा पत्र धारक द्वारा अभ्यर्पण किये जाने पर, ऐसे पट्टा/अनुज्ञा पत्र धारक के पक्ष में स्वीकृत पर्यावरणीय अनापत्ति उस विधिक व्यक्ति को अन्तरित की जा सकेगी, जिसके पक्ष में ऐसा पट्टा/अनुज्ञा पत्र उसकी वैधता अवधि में तय किया गया हो।"

7. उपरोक्त के सम्बंध में पट्टाधारक श्री मुमताज अली द्वारा पर्यावरण स्वच्छता प्रमाण पत्र की अवधि समाप्त होने के पश्चात् खनन पट्टा की ओ०टी०पी० निदेशालय से बंद कर दी गयी है तथा पट्टाधारक स्वीकृत खनन क्षेत्र में खनन कार्य बंद कर दिया गया है। वर्तमान में पट्टाधारक श्री मुमताज अली द्वारा पुनः पर्यावरण स्वच्छता प्रमाण पत्र प्राप्त किये जाने हेतु आवेदन किया जा चुका है, जो विचाराधीन है।

अतः उपरोक्तानुसार आख्या सेवा में सादर प्रेषित है। "

71. In his reply, the District Magistrate, Ghaziabad has referred to Rule 35 (5) of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963. The above said Rule permits execution of the lease deed in favor of the person, to whom EC is transferred, limited to the period of validity of the EC. Since the EC was valid upto **31.01.2023**, lease deed in favor of respondent no. 5-Project Proponent could be executed under the above said Rule for the period from **21.10.2020** to **31.01.2023**. No other statutory provision enabling execution

of the lease deed for the period of five years extending beyond the validity period of transferred EC has been referred to in the response filed by the District Magistrate, Ghaziabad and has been referred to or pointed out even during hearing of the arguments by learned Counsel for respondent no. 4- District Magistrate, Ghaziabad and by respondent no. 5-Project Proponent.

72. In the very nature of things CTE/CTO cannot be granted by SPCB/UTPCC beyond the period of EC and lease and CTE/CTO has to be coterminous with EC/Lease. UPPCB has also not referred to and pointed out any statutory provision or official memorandum justifying grant of CTO for period upto **31.12.2026** extending beyond the validity period of EC upto **31.01.2023** and validity period of lease upto **20.10.2025**.

73. Consequently, lease deed executed by the District Magistrate, Ghaziabad with validity upto **20.10.2025** extending to period beyond the validity period of EC upto **31.01.2023** and CTO granted by UPPCB with validity upto **31.12.2026** extending to period beyond the validity period of EC and also validity period of lease will be illegal and of no consequential effect to confer any validity beyond **31.01.2023**.

74. Member Secretary, UPPCB and the Director, Mining and Geology, U.P. have both stated that no mining activity is taking place but the application of the Project Proponent for EC clearance is stated to be pending.

75. This Tribunal vide order dated **27.03.2023** directed respondent no. 5-Project Proponent to desist from carrying out any further mining activity in the mining site leased out to it and environmental clearance if any granted by SEIAA, Uttar Pradesh to respondent no. 5-Project Proponent in respect of the above said mining site was ordered to remain in abeyance till further orders to the contrary. Relevant part of the order reads as under:

“14. In view of the mandate in Section 20 of the National Green Tribunal Act, 2010 requiring this Tribunal to apply precautionary principle and also the provisions made in Section 19 (4) (j) of the National Green Tribunal Act, 2010 empowering this Tribunal to require any person to cease and desist from committing or causing any violation of any enactment specified in Schedule I thereof, respondent no. 5 is directed to desist from carrying out any further mining activity in the mining site leased out to it and environmental clearance if any granted by SEIAA, Uttar Pradesh to respondent no. 5 in respect of the above said mining site shall also remain in abeyance till further orders to the contrary.

15. The District Magistrate and the Senior Superintendent of Police, Ghaziabad are also directed to take appropriate steps to ensure that no illegal mining takes place in the mining site in question.”

76. It may be observed here that respondent no. 5 was served with a show cause notice bearing letter No. 1453/Kha. Anu. -Ghazi./2020-21 dated **05.02.2021** regarding illegal mining outside the lease area. The District Magistrate, Ghaziabad passed order dated **20.05.2021** directing the respondent no. 5 to deposit Rs. 69,07,160/- for illegal mining outside his lease area. Respondent no. 5 filed Appeal No. 764 of 2021 against order dated **20.05.2021** before the Commissioner, Meerut Division, Meerut under Rule 77 of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963 who vide order dated **16.02.2022** dismissed the appeal and upheld order dated **20.05.2021**. Respondent no. 5 filed Revision No. 20(R)/SM/2023 against order dated **16.02.2022** before the Secretary, Department of Geology and Mining, Uttar Pradesh under Rule 80 of the Uttar Pradesh Minor Minerals (Concession) Rules, 2021 which was dismissed vide order dated **02.02.2023**. On **08.12.2022** Mr. Ravi Prakash Mehrotra, Senior Advocate, appearing for the Project Proponent had submitted that the Project Proponent will ensure strict compliance with the conditions imposed by SEIAA and consent conditions by UPPCB and will also deposit, under protest, the amount of environmental compensation, in the eventuality of revision petition filed by the Project Proponent being decided against him, within 30 days of such decision, without prejudice to availing further remedies in accordance with law. Respondent

no.5-Project Proponent has not produced any document to show deposit of the penalty amount in terms of the undertaking. On the other hand Respondent no.5-Project Proponent filed **Writ Petition (C) No. 1843/2023** titled as **Mumtaz Ali Vs. State of Uttar Pradesh and others** against order dated **02.02.2023** passed by the Secretary, Department of Geology and Mining, Uttar Pradesh, order dated **16.02.2022** passed by the Commissioner, Meerut Division, Meerut and order dated **20.05.2021** passed by the District Magistrate, Ghaziabad.

77. It is also pertinent to mention here that show cause notice dated **25.04.2023** was issued to respondent no. 5 by UPPCB for imposition of environmental compensation of Rs. 55,00,000/- and pursuant to said show cause notice, order for imposition of environmental compensation of Rs. 55,00,000/- was passed by UPPCB on **28.08.2023**. Reference for realization of the amount of compensation was made to the District Magistrate, Ghaziabad vide letter dated **21.09.2023** which remained pending. Respondent no.5-Project Proponent filed **Writ Petition (c) No. 10340/2023** titled as **Mumtaj Ali Vs. State of Uttar Pradesh and others** challenging order dated **28.08.2023** before Hon'ble Allahabad High Court which is pending.

78. In the course of hearing during interaction, Mr. Ajay Sharma, Member Secretary, UPPCB mentioned that environmental compensation of Rs. 83,17,34,132/- had been imposed out of which amount of Rs. 53,70,000/- has been realized.

79. This Tribunal observed that environmental Compensation, which is imposed by the UPPCB in compliance with directions issued by Hon'ble Supreme Court and this Tribunal for restoration of environment and remediation of environmental damage caused, remains unrealized and unutilized for long periods of time during which the environmental damage

caused continues unabated which may become irreversible and sought response from the State of Uttar Pradesh as to why the amount for remediation of environmental damage caused by the violators be not incurred by the State of Uttar Pradesh immediately on receipt of such references for remediation of the damage caused to the environment before the same results in irreversible damage to the ecology and bio-diversity and the amount so spent by the Uttar Pradesh may be recovered from the violators as arrears of land revenue in accordance with law.

80. Reply has been filed by state of Uttar Pradesh vide email dated **10.01.2024**. The relevant part of the reply is reproduced below:-

“RESPONSE ON BEHALF OF STATE OF UTTAR PRADESH, IN COMPLIANCE TO THE ORDER DATED 17.10.2023 PASSED BY HON'BLE NGT PRINCIPAL BENCH, NEW DELHI IN ORIGINAL APPLICATION NO. 160 OF 2022 IN RE: OM PAL & ORS. VERSUS STATE OF UP & ORS.

X X X X

2. That on 04.01.2024 a review meeting has been held under the Chairmanship of Additional Chief Secretary, Environment, Forest and Climate Change Department, Uttar Pradesh regarding the progress of compliance of directions passed by Hon'ble Tribunal. The true copy of Minutes of Meeting dated 04.01.2024 is being annexed herewith as **Annexure No.-1** to this response.

3. That during the course of above meetings, the Uttar Pradesh Pollution Control Board, hereinafter referred as UPPCB, has informed that ₹ 86,60,00,948/- amount of environmental compensation has been imposed against the defaulter Mining Units in Uttar Pradesh, out of which ₹ 76,90,000/- environmental compensation has been recovered/realized and for ₹ 30,38,45,716/- the respective mining units have taken stay from Hon'ble Supreme Court/Hon'ble High Court. For remaining amount ₹ 55,44,65,232/- of environmental compensation, UPPCB vide different letters has requested to concerned District Magistrates to recover/realize the amount of environmental compensation as a arrears of land revenue in accordance with law.

4. That it is pertinent to mention here that the UPPCB has imposed the Environmental Compensation in compliance to the orders passed by this Hon'ble Tribunal and also in pursuance to the order/direction passed by Commission for Air Quality

Management (CAQM) and against for non-compliance of Environmental Laws.

5. *That it is also informed by the officials of UPPCB that Environmental Compensation amounting of ₹ 58.14 Cr. has been recovered/realized from the defaulter units, in which ₹ 10.63 Cr. has been recovered in compliance of the orders passed by this Hon'ble Tribunal and ₹ 1.25 Cr. and ₹ 46.26 Cr. has been recovered in compliance to the order passed by Commission for Air Quality Management (CAQM) and for noncompliance of Environmental Laws, respectively.*

6. *That further, following decisions have been taken during the course of meeting dated 04.01.2024:*

i. *That the Environmental Compensation recovered in pursuance to the order passed by the Hon'ble Tribunal shall be utilized as per the Guideline prepared by the Central Pollution Control Board herein after referred as CPCB. The true copy of Guideline prepared by the CPCB for Utilization of Environmental Fund is being annexed herewith as **Annexure No.-2** to this response.*

ii. *That the monthly progress report regarding the recovery of Environmental Compensation as arrears of Land Revenue by the concerned District Magistrates shall be furnished to the UPPCB and the same shall be compiled and forwarded to the State of UP by UPPCB on a prescribed format as mentioned in the Minutes of Meeting dated 04.01.2024, contained as annexure no.-2 to this response.*

iii. *That regarding to the recovery of the Environmental Compensation stayed by the Hon'ble Supreme Court and Hon'ble High Court, the UPPCB shall immediately move a Stay Vacation application before the concern courts through a panel of advocates.*

iv. *That for the speedy recovery of Environmental Compensation by the concerned District Magistrates the issue shall be requested to be included in the agenda of monthly progress meeting of District Magistrates/Commissioners under the Chairmanship of Chief Secretary. UPPCB shall submit the proposal along with progress of recovery of Environmental Compensation to the Government.*

v. *That the Corpus Fund will be established with the amount of Environmental Compensation already recovered/realized by UPPCB for non-compliance of Environmental Laws as mentioned in para 5.*

vi. *That the Corpus Fund shall be utilized for the immediate remediation of environmental damages caused by the violators in accordance to the Guideline prepared by the CPCB for Utilization of Environmental Fund after decision to do so by a committee having following members;*

a) *Officer nominated by the Additional Chief Secretary, Environment, Forest and Climate Change Department, Uttar Pradesh not below the rank of Secretary (Chairman)*

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b) Officer nominated by the Member Secretary, Central Pollution Control Board (Member)

c) Member Secretary, Uttar Pradesh Pollution Control Board (Convener)

The aforesaid committee shall give financial approval to the action plan for remediation of environmental damages and the whole work shall be accomplished in accordance to the Guideline prepared by the CPCB for Utilization of Environmental Fund through Corpus Fund.

7. That it has been decided during the meeting that direction of Hon'ble NGT may be sought on above decisions.

Therefore, the response of the State of Uttar Pradesh is placed before this Hon'ble National Green Tribunal for perusal and kind consideration.

81. The Chief Secretary, Government of Uttar Pradesh is directed to issue appropriate instructions within three months to all the concerned Revenue Officers to recover the amount of environmental compensation from the polluters as arrears of land revenue expeditiously preferably within six months from the date of receipt of reference from UPPCB for recovery thereof as arrears of land revenue. However, in cases in which amount of environmental compensation is not so recovered within the period of six months from the polluters and paid to UPPCB due to any negligence/inaction/un-reasonable delay on the part of the concerned Revenue Officers, it will be appropriate that the State of Uttar Pradesh bears the cost of restoration/protection of environment and thereafter recovers the same from the polluters.

82. In the application the applicants have made allegations that respondent no. 5-Project Proponent did not pay compensation to the applicants and other land owners in terms of order passed by Hon'ble Allahabad High Court in **Writ Petition (C) No. 3101/2010** titled as **Sripal Vs. State of U.P. & others.** vide order dated **12.07.2022** the Joint Committee was directed to look into this aspect but the Joint Committee did not look into this aspect and merely submitted that the applicant did not submit any application for payment of compensation in terms of such order and if any such application is submitted

appropriate action will be taken. A reference to revenue record pertaining to the land leased out for mining to respondent no.5-Project Proponent available on Uttar Pradesh Government website Bhulekh shows ownership of villagers and other persons on some of the khasra numbers thereof and question of their entitlement to payment of compensation arises in the present case.

83. Rule 67 of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963, which bars owner of land from putting any restriction on mining operation and entitles him to raise demand of compensation, reads as under:-

“67. No restriction etc. to be imposed by owner of land on mining operation except demand of compensation: (1) No person, who has right in any capacity on the land covered by a mining lease or mining permit, shall be entitled to impose any prohibition or restriction on the mining operations by the holder of such lease or permit of such land or to demand any sum by way of premium or royalty for the removal of minor mineral. Provided that such person shall be entitled to get annual compensation from the said holder of mining lease or permit for the use of surface of the land for mining operations, as may be agreed upon between them. (2) Where the holder of a mining lease or permit and the owner of the surface of the land could not agree upon the amount of annual compensation and a dispute arises in respect thereof, it shall be determined by the District Officer in such manner that: (a) in the case of agricultural land, the amount of annual compensation shall be worked out on the basis of the average annual net income from the cultivation of similar land for the past three years, and (b) In the case of non-agricultural land, the amount of annual compensation shall be worked out on the basis of average annual letting value of similar land for the previous three years,”

84. In view of above rule land owners/persons having right in any capacity on the land covered by the mining lease in favour of respondent no.5-Project Proponent will be entitled to get annual compensation from respondent no.5-Project Proponent for the use of the surface of the land for mining operation as per agreement with respondent no. 5-Project Proponent or determination by the District Officer in accordance therewith.

85. The District Magistrate, Ghaziabad is directed to look into the aspect of entitlement of the applicants or other land owners/persons having any right

in the land in question as per revenue record to payment of compensation in accordance with Rule 67 of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963 and directions issued by Hon'ble Allahabad High Court and to take appropriate action/pass appropriate order to ensure payment of compensation to such eligible persons in accordance with the above-said rule and directions issued by Hon'ble Allahabad High Court.

86. In the present case one of the grievances of the applicants is extraction of minor mineral by respondent no. 5 from mining lease area by use of impermissible heavy machinery.

87. This Tribunal vide interim order dated **23.12.2015** passed in **O.A. No. 517 of 2015** titled as **Sandeep Kumar V/s MoEF & CC, Gol** and **O.A. No. 550 of 2015** titled as **Virender Kumar V/s MoEF & CC, Gol** restrained all the riverbed contractors from carrying out mechanical mining in riverbed but subsequently in **O.A. No. 44/2016** titled as **Mushtakeem Vs. MoEF & CC & Ors** relating to the method of mining in the riverbed (mechanical or non-mechanical) decided on **05.09.2018** all concerned riverbed contractors were allowed to undertake mining as per EC.

88. In **O.A. No. 44/2016** titled as **Mushtakeem Vs. MoEF & CC & Ors**, MOEF&CC suggested that the excavators with bucket capacity of 1 cubic meter and maximum boom length of 3 meters should be used for river bed mining and flood plain mining and the excavators used for river bed mining and flood plain mining should be tyre mounted only.

89. However, it appears that no office memorandum has been issued by MOEF&CC and no guidelines have been issued by CPCB about the machinery which can be used and the machinery which cannot be used for river bed mining and also about the transport vehicles which can be used and the

transport vehicles which cannot be used for transportation of mined minor mineral. As per current practice, the machinery and the transport vehicles as mentioned in Environment Management Plan are allowed to be used without any genuine assessment regarding the impact of such machinery and transport vehicles on river ecology and aquatic life and on approach roads and air pollution.

90. It may also be observed here that as per the largely prevalent current practice State Mining and Geology Departments approve manual and Semi-Mechanized mining as per Environment Management Plans submitted by the prospective mining lease/permit holders. In some States Excavator with bucket capacity of 1 cubic meter and maximum boom length of 3 meters is permitted for river bed mining and flood plain mining. In some States use of Poclain is permitted for loading/unloading of mined minor mineral. Invariably in original applications allegations are made regarding use of heavy machinery and heavy transport vehicles which are denied by concerned authorities and project proponents and even Joint Committees constituted by this Tribunal overlook the issue and do not collect relevant evidence for verifying the factual position. In the present case also in its report the Joint Committee has merely mentioned that respondent no. 5 is using machinery in accordance with letter dated **21.06.2019** issued by the Director, Mining and Geology, Uttar Pradesh without producing photographs of the machinery and vehicles used by respondent no.5.

91. The relevant part of the letter dated **21.06.2019** issued by the Director, Mining and Geology, Uttar Pradesh is reproduced below:-

*“विषय- उपखनिज बालू मॉरम के खनन व निकासी में मशीनों के प्रयोग के संबंध में।
 X X X X
 उपर्युक्त विषय के संबंध में अवगत करना है कि जगपदों में नदी तल में उपलब्ध उपखनिज बालू मॉरम के स्वीकृत खनन पट्टा क्षेत्रों का आकस्मिक निरीक्षण के दौरान यह तथ्य प्रकाश में आया है कि खनन पट्टाधारगर्ने द्वारा बालू खनन एवं*

निकासी में मानक के विपरीत अत्यधिक भारी मशीनी या प्रयोग किया जा रहा है। वन पर्यावरण एवं जलवायु परिवर्तन मंत्रालय भारत सरकार नई दिल्ली के दिशा निर्देश एवं मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित विभिन्न आदेशों में यह स्पष्ट किया गया है कि बालू खनन में प्रयुक्त एक्सवेटर कम लोडिंग मशीन की Boom Length तीन मीटर एवं Bucket Capacity एक घनमीटर से अधिक न हो परन्तु खनन पट्टा धारकों द्वारा Poclain आदि कम्पनियों के भारी मशीन का प्रयोग कर अत्यधिक गहराई में बालू का खनन किये जाने से पर्यावरण एवं पारिस्थितिकी पर कुप्रभाव पड़ने की सम्भावना है। अधिक खनन के कारण बालू की ओवरलोडिंग को बढ़ावा मिलता है।

अतः आपसे अपेक्षा है कि नदी तल में बालू एवं मोरम के खनन में मानक से अधिक Boom Length के एक्सवेटर कम लोडिंग मशीन का प्रयोग न हो, यह अपने स्तर से सुनिश्चित करने का कष्ट करें।”

92. As per current practice transport vehicles are also permitted by the Mining and Geology Departments. In the State of Uttar Pradesh a circular dated **03.06.2019** was issued by Directorate of Geology & Mining mentioning different loading capacities of trucks as summarized under: -

SL.No	Type of Vehicle	Defined Quantity	Quantity in Cubic meter
1	6 Tyre Truck	18500 Kg or 12.5 Ton	8.00
2	10 Tyre Truck	28000 Kg or 18 Ton	12.00
3	12Tyre Truck	35000 Kg or 24 Ton	16.00
4	14 Tyre Truck	42000 Kg or 30 Ton	20.00

93. MOEF&CC is directed to examine the issue and issue appropriate directions within three months in exercise of its powers under the Environment (Protection) Act, 1986 regarding the machinery which can be used and the machinery which cannot be used for river bed mining/flood plain mining and also regarding the transport vehicles which can be used and the transport vehicles which cannot be used for transportation of mined minor minerals.

94. I.A. No. 860/2023 has been filed by respondent no. 5 for vacation of the stay order dated **27.03.2023**. The relevant part of above said I.A. has been reproduced in earlier part of this Judgment.

95. Replies have been filed by respondent no. 2-Director, Mines and Geology,

Uttar Pradesh and respondent no. 3-UPPCB vide separate emails dated **11.03.2024**.

96. In **Civil Appeal No. 3611/2020** titled as **Pawan Kumar Vs. State of Bihar** Hon'ble the Supreme Court of India vide order dated **10.11.2021** held that in accordance with the 2020 Guidelines, the DSR is required to be prepared before auction/e-auction/ grant of Mining lease by Mining Department or department dealing with mining activity in the respective States.

97. In **Anjani Kumar Vs. State of U.P. 2017 SCC Online NGT 979** this Tribunal vide its Judgment dated **08.12.2017** held that a District Survey Report (DSR) is a pre-requisite and condition precedent to the grant of any mining leases of sand and bajri.

98. It may be observed here that we have found in some cases coming before this Tribunal that the conditions imposed in EC issued by UPSEIAA and CTE/CTO granted by UPPCB are not complied with by the Project Proponents who also indulge in illegal mining. Penalty imposed for illegal mining and environmental compensation imposed for violation of environmental norms are challenged by way of filing appeals/revisions or writ petitions before Hon'ble Allahabad High Court/Hon'ble Supreme Court decision of which may take long time. The defaulter Project Proponents continue with mining activities without remediating the violations and ensuring compliance with EC/CTE/CTO conditions and environmental norms. The Director, Mining and Geology, Uttar Pradesh, UPSEIAA and UPPCB are directed to ensure compliance by the Project Proponents with EC/CTE/CTO conditions and environmental norms by way of requisite monitoring and periodical inspections and taking prompt action in respect of violations reported. It will be appropriate that the Director, Mining and Geology, Uttar Pradesh, UPSEIAA and UPPCB take into

consideration past violations, non-compliance with EC/CTE/CTO conditions and environmental norms, non-payment of environmental compensation imposed and non-remediation of environmental damage caused before grant of any fresh EC or grant of fresh CTE/CTO or renewal thereof in favour of the defaulting Project Proponents in respect of the same or any other new Project.

99. UPSEIAA is directed to ensure that application for environmental clearance filed by respondent no.5-Project Proponent is considered in accordance with the SSMMG 2016 and EMGSM 2020 and directions issued by Hon'ble Supreme Court and this Tribunal and also on the basis of DSR prepared and approved after following the prescribed procedure including conducting of requisite replenishment studies.

100. Interim order dated **27.03.2023** passed by this Tribunal to the effect that environmental clearance if any granted by SEIAA, Uttar Pradesh to respondent no. 5 in respect of the above said mining site shall also remain in abeyance till further orders to the contrary is vacated and **I.A. No. 860/2023 is allowed to that extent.**

101. In view of the above discussion, the original application is disposed of with issuance of the following directions in exercise of the powers under Section 15 of the NGT Act 2010:-

- (i) Respondent no. 5 is directed to deposit amount of ₹ 2 Lakhs as costs with the Member Secretary, Uttar Pradesh Legal Services Authority within one month for failure to file compliance affidavit within one month as directed by order dated 08.12.2022. The amount of costs shall be utilized for providing legal aid to eligible persons from the State of Uttar Pradesh intending to approach this Tribunal for adjudication of civil cases involving substantial questions relating to

environment arising out of implementation of the enactments specified in the first schedule to the National Green Tribunal Act, 2010. It is clarified that in case of failure of respondent no. 5 to deposit the amount of costs, the Member Secretary, Uttar Pradesh Legal Services Authority shall be entitled to recover the amount of costs by filing execution petition for execution of the order passed by this Tribunal before the Civil Court of competent jurisdiction in accordance with the provisions made in Section 25 of the National Green Tribunal Act, 2010.

- (ii) The Director, Mining and Geology, Uttar Pradesh and Member Secretary, UPPCB are directed to pay amount of ₹ 1 Lakh each as environmental compensation for failure to conduct periodical inspections and monitor compliance as per EC/CTE/CTO conditions and directions issued by Hon'ble Supreme Court and this Tribunal. The amount of environmental compensation be deposited by the Director, Mining and Geology, Uttar Pradesh and UPPCB with the Central pollution control Board within one month. The amount of environmental compensation shall be utilized for restoration of environment in the affected area. It is clarified that in case of failure of the Director, Mining and Geology, Uttar Pradesh and UPPCB to deposit the amount of costs, the Member Secretary, CPCB shall be entitled to recover the amount of costs by filing execution petition for execution of the order passed by this Tribunal before the Civil Court of competent jurisdiction in accordance with the provisions made in section 25 of the NGT Act 2010.
- (iii) The Director, Mining and Geology, Uttar Pradesh is directed to ensure that mining leased site is closed/reclaimed as per

Environmental Management Plan and no illegal mining takes place in the same.

- (iv) The Director, Mining and Geology, Uttar Pradesh, UPSEIAA and UPPCB are directed to ensure compliance by the Project Proponents with EC/CTE/CTO conditions and environmental norms by way of requisite monitoring and periodical inspections and taking prompt action in respect of violations reported. The Director, Mining and Geology, Uttar Pradesh, UPSEIAA and UPPCB are also directed to take into consideration past violations, non-compliance with EC/CTE/CTO conditions and environmental norms, non-payment of environmental compensation imposed and non-remediation of environmental damage caused before grant of any fresh EC or grant of fresh CTE/CTO or renewal thereof in favour of the defaulting Project Proponents in respect of the same or any other new Project.
- (v) UPSEIAA is directed to ensure that application for environmental clearance filed by respondent no.5-Project Proponent, which is pending with it, is considered in accordance with the SSMMG 2016 and EMGSM 2020 and directions issued by Hon'ble Supreme Court and this Tribunal and also on the basis of DSR prepared and approved after following the prescribed procedure including conducting of requisite replenishment studies.
- (vi) The District Magistrate, Ghaziabad is directed to look into the aspect of entitlement of the applicants or other land owners/persons having any right in the land in question as per revenue record to payment of compensation in accordance with Rule 67 of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963 and directions issued by Hon'ble Allahabad High Court and to take appropriate action/pass

appropriate order to ensure payment of compensation to such eligible persons in accordance with the above-said rule and directions issued by Hon'ble Allahabad High Court.

(vii) The Chief Secretary, Government of Uttar Pradesh is directed to issue appropriate instructions within three months to all the concerned Revenue Officers to recover the amount of environmental compensation from the polluters as arrears of land revenue expeditiously preferably within six months from the date of receipt of reference from UPPCB for recovery thereof as arrears of land revenue. However, in cases in which amount of environmental compensation is not so recovered within the period of six months from the polluters and paid to UPPCB due to any negligence/inaction/un-reasonable delay on the part of the concerned Revenue Officers, it will be appropriate that the State of Uttar Pradesh bears the cost of restoration/protection of environment and thereafter recovers the same from the polluters.

(viii) MOEF&CC is directed to examine the matter regarding the machinery which can be used and the machinery which cannot be used for river bed mining/flood plain mining and also regarding the transport vehicles which can be used and the transport vehicles which cannot be used for transportation of mined minor minerals and issue appropriate directions in this regard in exercise of its powers under the Environment (Protection) Act, 1986 within three months.

102. Any person having any grievance may move this Tribunal for clarification/modification of this order and also for further directions in the matter.

103. A copy of this Judgment be sent to the Secretary, MoEF & CC, the Chief Secretary, Government of Uttar Pradesh, the Member Secretary, UPSEIAA, the Member Secretary, UPPCB, the Director, Mining and Geology, Uttar Pradesh and the District Magistrate, Ghaziabad by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 05th, 2024
AG

निदेशालय के पत्र सं० 1587/एम०-शिकायत/2024 दिनांक 13.11.2024 द्वारा श्री कृष्ण दत्त त्यागी (मो० नं०-7291949963) व सगरत किसान ग्राम तोहड़ी दौलतापुर दिल्ली 36 (राजस्व), निवासी- (इब्राहिमपुर हिरनकी दिल्ली-36), के शिकायती पत्र में उल्लिखित बिन्दुओं की जांच कर आख्या प्रस्तुत करने हेतु 03 सदस्यीय समिति का गठन कर संयुक्त आख्या प्रस्तुत करने हेतु निर्देशित किया गया है। उक्त निर्देशों के अनुपालन में सदस्य समिति द्वारा आज दिनांक 24.11.2024 को ग्राम पचायरा, तहसील लोनी, जनपद गाजियाबाद में पहुंचकर शिकायतकर्ता को दूरभाष पर सम्पर्क कर उपस्थित होने के लिये अवगत कराया गया। मौके पर खान अधिकारी गाजियाबाद, क्षेत्रीय लेखपाल, राजस्व निरीक्षक, ग्राम पचायरा ग्राम प्रधान पचायरा व शिकायतकर्ता पक्ष के श्री दिनेश त्यागी, श्री प्रवीन त्यागी, श्री रविन्द्र त्यागी, श्री राकेश त्यागी, श्री धीरज त्यागी निवासी- इब्राहिमपुर हिरनकी दिल्ली, मौके पर उपस्थित रहें (संलग्नक 1)। शिकायत में उल्लिखित बिन्दुओं की निरीक्षण आख्या निम्नवत् है:-

1. निरीक्षण में पाया गया कि ग्राम पचायरा तहसील लोनी जनपद गाजियाबाद में बालू खनन पट्टा क्षेत्र पचायरा खण्ड-1 श्री मुमताज अली पुत्र स्व० श्री फकीर मौहम्मद के पक्ष में अवधि दिनांक 21.10.2020 से 20.10.2025 तक व पचायरा खण्ड-2 न्यू पेन्थर सिक्योरिटी गार्ड सर्विस प्रो० बनी सिंह के पक्ष में अवधि दिनांक 12.11.2021 से 11.11.2026 तक स्वीकृत है। वर्तमान में दोनों खनन पट्टा क्षेत्र आंशिक रूप से यमुना नदी में जलमग्न है। खनन पट्टा क्षेत्र पचायरा खण्ड-1 का स्वच्छता प्रमाणपत्र की अवधि दिनांक 31.01.23 को समाप्त हो जाने के कारण उक्त तिथि से खनन कार्य बन्द है। वर्तमान में खनन पट्टा क्षेत्र पचायरा खण्ड-2 में भी खनन कार्य संचालित नहीं होना पाया गया। उक्त क्षेत्र में यमुना नदी की धारा परिवर्तित करने के संबंध में जनपद स्तर पर शिकायत प्राप्त हुई थी जिसके संबंध में पचायरा खण्ड-2 के पट्टाधारक को कार्यालय पत्र संख्या 60/ख० लि०-अवैध खनन/2024-25 द्वारा नोटिस दिनांक 18.11.2024 जारी है (संलग्नक 2)। मौके पर शिकायतकर्ता पक्ष के श्री दिनेश त्यागी के साथ नाँव की राहायता से यमुना नदी के बीच जाकर निरीक्षण किया गया, जिसमें पाया कि नदी की बीच धारा से दिल्ली की तरफ लकड़ी की बल्ली गाड़कर व प्लास्टिक की पन्नी लगाकर अस्थायी रूप से पानी को मुख्य धारा की तरफ मोड़ा गया है (संलग्नक 3), जिसके संबंध में शिकायतकर्ता पक्ष के व्यक्ति द्वारा बताया गया कि जलमग्न क्षेत्र से पानी मोड़कर हमारे द्वारा प्लेज की फसल लगायी गयी है। मौके पर खान अधिकारी गाजियाबाद को क्षेत्र में निरन्तर निगरानी रखने हेतु निर्देशित किया गया।

2. शिकायत में उल्लिखित किया गया है कि वर्ष 1908-1909 के समझौते (शिकायत के साथ संलग्न अभिलेख (संलग्नक 4)) के अनुसार उत्तर प्रदेश सरकार इस प्रकार की जमीनो पर पट्टों की नीलामी नहीं कर सकती। उक्त अभिलेखों के सम्बंध में राजस्व टीम के द्वारा अवगत कराया गया कि जमींदारी विनाश अधिनियम 1950 लागू होने के पश्चात् उक्त अभिलेख निष्प्रभावी हो गये है। इस संबंध में शिकायतकर्ता द्वारा वर्तमान समय में खतौनी/स्वामित्व के भूमि अभिलेख मांगे जाने पर उपलब्ध नहीं कराये गये।

3. शिकायत में उल्लिखित किया गया है कि "दिनांक 19.10.2024 एवं 25.10.2024 की रात्रि में 4-5 जे०सी०वी० मशीनों द्वारा यू०पी० पुलिस/प्रशासन से मिलकर यमुना नदी की धारा को दिल्ली की तरफ मोड़ने की कोशिश की। दिल्ली पुलिस द्वारा मौके पर जाकर अवैध खनन को रोकने की कोशिश की, जिस पर उत्तर प्रदेश, पचायरा गाँव की तरफ से कई राउन्ड फायरिंग की फिर ये लोग जे०सी०वी० मशीन को लेकर भाग गये" उक्त घटना के सम्बंध में साक्ष्य/अभिलेख मांगे जाने पर शिकायतकर्ताओं द्वारा उपलब्ध नहीं कराया



गया है न ही खनन कार्यालय, गाजियाबाद में कोई अभिलेख/आख्या उपलब्ध होना बताया गया।

4. शिकायत में संलग्न किया गया डी0एर10 पाटिल, एडयोकेट, गा0 उच्च न्यायालय के लीगल नोटिस दिनांक 16.11.2024, जो कि गा0 राज्यपाल, दिल्ली, प्रमुख राधिय, दिल्ली, जिलाधिकारी, अल्हीपुर, दिल्ली व डी0सी0पी0 नोर्थ रागयपुर बदली, दिल्ली को सम्बोधित है. (संलग्नक 5) यह गा0 उच्च न्यायालय, दिल्ली में दिनांक 02.02.2023 को योजित रिट याचिका सं0 1328/2023 रविन्द्र वनाग राज्य सरकार एन0सी0टी0 दिल्ली व अन्य में पारित आदेश दिनांक 27.03.2023 से सम्बोधित है (संलग्नक 6)। उक्त रिट याचिका की सुनवाई आदेश दिनांक 02.02.2023 के विन्दु संख्या 2 में उल्लिखित किया गया है कि -

The present petition has been filed seeking appropriate directions to stop illegal sand mining at the Yamuna River bank area near Village- Hiranki, Delhi where according to the Petitioner, illegal sand mining is taking place near Sank No. 4, Sank No. 17 and Down stream of Sank No. 17 of the marginal embankment along River Yamuna by deployment of Hydraulic Excavator and Dumpers by sand mafia as mentioned in the prayer.

उक्त रिट याचिका की सुनवाई आदेश दिनांक 27.03.2023 के विन्दु संख्या 4(2)(4) में उल्लिखित किया गया है कि -

2. That before the filing of this writ petition, a case vide FIR no 182/23 U/s-379 IPC & 21 (4) of Mines and Minerals Act & 5/15 Environment Act dated 29/01/23 has already been registered on the statement of beat staff IIC Ashish batch no 1986/OND PS Alipur, the same is pending investigation.

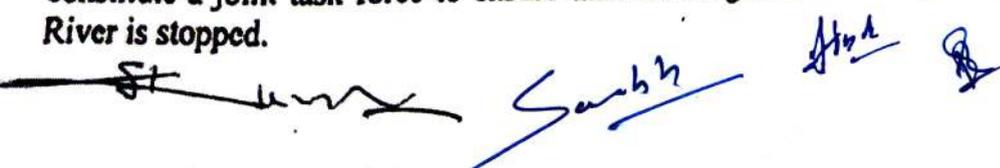
4. That, during special drive dated 14/03/23, 02 tractors and a trolley has been seized and a case FIR No 254/23 Us 379/411/34 IPC & 21.1 Environment Act has been registered in this regard and three persons namely 1. Amit s/o Naresh R/o H no 69 Tyagi mohalla Village Hiranki Delhi 2. Gaurav S/o Sunder Tyagi R/o H no 34 Tyagi Mohalla Village Hiranki Delhi and 3. Raja Kumar S/o Shiv Narayan R/o Muzaffarpur Bihar have been arrested in this case and were produced before Rohini Court. During interrogation, all three accused disclosed that they all are living in Village Hiranki and two of them are native to village Hiranki. Amit and Gaurav disclosed that their agricultural land falls near Yamuna River and while doing farming at their agricultural land, they secretly do illegal sand mining in late night hours.

लीगल नोटिस दिनांक 16.11.2024 संलग्न कर शिकायत में उल्लिखित किया गया है कि मा0 उच्च न्यायालय द्वारा दिल्ली पुलिस व यू0पी0 पुलिस/प्रशासन को टास्क वनाकर (संयुक्त रूप से) इस अवैध खनन रोकने हेतु निर्देशित किया गया है। इस संबंध में रिट याचिका की सुनवाई आदेश दिनांक 27.03.2023 (संलग्नक 6) के विन्दु संख्या 4(3) 8,9 में उल्लिखित किया गया है कि :-

3. It is submitted that the other side of Yamuna river as compared to the jurisdiction of PS Alipa, falls under the jurisdiction of U.P Police, Further it is submitted and during enquiry, it revealed that a lease deed was executed between DM Ghaziabad and New Penther Security Guard Services Prop Bani Singh dated 08/10/21 in respect of which Sand Mining is being carried out by the use of hydraulic excavators and JCB machines on the U.P side of Yamuna River. The said information with respect to above mentioned fact has already been given to S.D.M/Alipur. A letter has also been sent to DM Gaziabad and DM Bhagpat to verify the enclosed Lease agreement dated-08.10.2021.

8. Moreover, what is of enormous concern to the court, is the reference in paragraph 3 of the status report, to a lease deed entered into between the District Magistrate, Gaziabad and New Penther Security Guard Services Prop Bani Singh, which is permitting use of hydraulic excavators and JCB machines.

9. In these circumstances, it is directed that the DCP of the concerned area of Outer North- Mr. Ravi Kumar Singh shall coordinate with the concern of the U.P. police and constitute a joint task force to ensure that the illegal sand mining on the banks of Yamuna River is stopped.



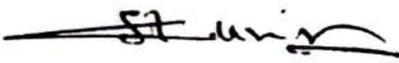
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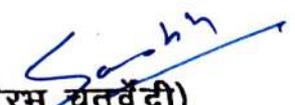
उक्त रिट याचिका सं० 1328/2023 रविन्द्र वनाम राज्य सरकार एन०सी०टी० दिल्ली व अन्य में दिल्ली के हिरनकी गावों के पास यमुना नदी तट क्षेत्र में अवैध रेत खनन को रोकने के लिये उचित निर्देश देने की मांग करते हुये की गयी जिसमें पारित आदेश दिनांक 27.03.2023 में प्रतिवादी द्वारा दाखिल की गयी स्टेटस रिपोर्ट में अवगत कराया गया है कि अवैध खनन के प्रकरण में एफ०आई०आर० सं० 254/2023 दर्ज की गयी है, जिसके जांच के दौरान गिरफ्तार किये गये अभियुक्त अमित पुत्र नरेश, गौरव त्यागी पुत्र सुरेन्द्र त्यागी, जो कि त्यागी मोहल्ला, ग्राम हिरनकी, दिल्ली के निवासी है एवं राजकुमार पुत्र शिवनारायण निवासी- बिहार के द्वारा अपने ब्यान दिल्ली पुलिस को दर्ज कराये गये कि हमारे कृषि भूमि यमुना नदी निकट क्षेत्र में है और वह अपनी कृषि भूमि पर खेती करते समय देर रात में चोरी-छिपे अवैध रेत खनन करते है। यमुना नदी के पार का क्षेत्र यू०पी० पुलिस के अधिकार क्षेत्र में आता है। इन परिस्थितियों में DCP of the concerned area of Outer North व यू०पी० के संबंधित SSP के साथ समन्वय करेंगे। एक संयुक्त टास्क फोर्स का गठन कर यमुना नदी के किनारे पर अवैध खनन की रोक जाये।

खनन कार्यालय गाजियाबाद में उपलब्ध अभिलेखानुसार क्षेत्र/प्रकरण से सम्बंधित तथ्य :-

दिनांक 14.05.2024 की रात्री 02:00 बजे उपजिलाधिकारी लोनी, तहसीलदार लोनी, एवं खनन अधिकारी, गाजियाबाद द्वारा ग्राम पचायरा में आकस्मिक निरीक्षण किया गया, जिसमें 02 जे०सी०बी०, 02 ट्रैक्टर, 07 ट्रॉली मौके पर अवैध खनन करते पाये गये थे, जिस सम्बंध एफ०आई०आर० सं० 0251/2024 थाना ट्रॉनिका सिटी में दिनांक 01.06.2024 को दर्ज कराया गया है, (संलग्नक 7) जिसमें अवगत कराया गया है कि खननकर्ता 02 जे०सी०बी० मशीन लेकर दिल्ली की ओर लेकर भाग गया, जहाँ उक्त मशीन दिल्ली प्रदेश की सीमा के अन्तर्गत फँस गयी, उक्त मशीन के सम्बंध में कार्यवाही हेतु दिल्ली पुलिस एवं प्रशासन को सूचित किया गया था। प्रश्नगत प्रकरण की जाँच के दौरान पाया गया कि उक्त खनन गतिविधियों में संलिप्त व्यक्तियों को कोई पट्टा खनन हेतु स्वीकृत नहीं है।

जांच आख्या सेवा में सादर प्रेषित है।


(शिवकुमार)
वरिष्ठ सर्वेक्षक
क्षेत्रीय कार्यालय, गाजियाबाद


(सौरभ चतुर्वेदी)
खान अधिकारी
गाजियाबाद


(श्री शिव दयाल सिंह- I)
खान अधिकारी,
मुख्यालय, लखनऊ


(डॉ० रंजना सिंह)
सहायक भूवैज्ञानिक,
मुख्यालय, लखनऊ

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Govt dismantles sand miners' road across Yamuna

TNN | Dec 2, 2024, 11:44 AM IST



NOIDA: After a TOI report on Nov 30 revealed sand miners had built a road to join two banks of the Yamuna between Delhi and Ghaziabad and make way for excavators, local authorities rushed to the site at Panchayara village in Loni and demolished the pathway.

The road had been laid by tethering wooden planks to the river bed, filling them up with sandbags and then with sand to make it look like any other part of the heavily silted river. The road was built by the official lease holder for sand mining in the area, who had told TOI he had done nothing wrong.

There were other violations of lease conditions like taking heavy machinery to the banks that the TOI report had pointed out. It

wasn't clear what action had been initiated against the lease holder.

"Construction work was stopped and sandbags were removed on Saturday. We will be inspecting the area frequently to make sure no such work starts again. We have also written to the Delhi authorities to take action as the sand miners are constructing a bridge on the Delhi side," said Rajendra K Shukla, sub divisional magistrate, Loni.

Panchayara, which locals call Pachera, has a 12-hectare riverbank area, of which eight hectares have been officially allocated for mining for a five-year term. According to a mining department official, the mining lease covers a 15km stretch along the Yamuna in Loni, encompassing Pachera, Badarpur, and Nauraspur villages. Rules don't permit any mining right on the riverbed. Neither is the use of heavy machines allowed. On the

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floodplain, excavations are not permitted beyond a depth of 3 metres, and the lessee must ensure the flow of the river is not impeded in any way.

"Police were spotted near Yamuna. They halted all construction and cleared sandbags that had been positioned across the river. Although such activities have been happening for four years, this is the first time there has been an official reaction," said Pradeep Tyagi, who owns an agricultural patch on the Delhi side of the Yamuna, across Pachera.

ए बालू खनन के लिए माफिया ने यमुना में बनाई मेड़ तोड़ी गई

Jitendra Singh

■ एनबीटी न्यूज, गाजियाबाद

लोनी के पचायरा गांव में यमुना नदी में बालू खनन के लिए नदी में धारा रोकने के लिए बनाई गई मेड़ को खनन विभाग की टीम ने मशीनों से हटा दिया है। बता दें कि खनन के पट्टा धारकों

लोगों की शिकायत के बाद खनन विभाग ने शनिवार को निरीक्षण कर की कार्रवाई



अधिकारियों के कार्रवाई के बाद बेरोकटोक बहती यमुना

और अवैध खनन माफियाओं की ओर से यमुना नदी में जल की धारा को रोककर मेड़ बनाने की शिकायत लोगों ने खनन अधिकारियों से की थी। इसके बाद खनन विभाग के अधिकारियों ने बीते शनिवार को निरीक्षण कर पूर्व में बनाई गई मेड़ को हटा दिया।

खनन अधिकारी सौरभ चतुर्वेदी ने बताया कि लोनी के पचायरा गांव में बालू खनन करने वाले सरकारी पट्टा धारकों के खिलाफ नदी में मेड़ बनाकर धारा रोकने की शिकायत मिली थी। इसके बाद पट्टा धारकों को नोटिस देकर मेड़ बनाने का काम रुकवा दिया गया था। इसके बाद शनिवार को आधी अधूरी बनी मेड़ को भी विभाग की ओर से मशीनों से हटा दिया गया है। वहीं, पट्टा धारकों के अलावा

ग्रामीणों की यमुना में पट्टे वाली जमीनों के मालिकों को अवैध खनन रोकने को कहा गया है। सरकारी पट्टा धारकों को चेतावनी दी गई है कि किसी भी सूरत में अवैध तरीके से खनन नहीं करने दिया जाएगा। खनन विभाग की टीम अब यमुना में लगातार गश्त करेगी और अवैध खनन करने वालों के खिलाफ कठोर कार्रवाई करेगी। दिल्ली में हो रहे अवैध खनन और बांध बनाने से यूपी एरिया में यमुना की धारा मोड़ने के मामले में अब दिल्ली प्रशासन को भी अवगत कराया गया है। दोनों प्रदेशों के अधिकारी आपसी तालमेल से अवैध खनन को रोकेंगे। क्योंकि दिल्ली उनके कार्यक्षेत्र से बाहर है।



यहां से हटाया गया माफियाओं द्वारा किया गया था अतिक्रमण

कार्यालय जिलाधिकारी गाजियाबाद
खनन अनुभाग

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पत्र सं० :- 93 / ख0अनु0-गाजि0 / 2023-24

दिनांक: 30/11/2024

सहायक पुलिस आयुक्त,
सब-डिविजन, समयपुर बदली,
आउटर नोर्थ दिल्ली।

विषय:- दिल्ली की ओर अवैध खनन कर यमुना की धारा को उत्तर प्रदेश की तरफ परिवर्तित करने के सम्बंध में।

महोदय,

उपरोक्त विषयक श्री सुमित मन्डार व अन्य ग्रामवासी ग्राम पचायरा के शिकायती प्रार्थना पत्र दिनांक 16.11.2024 द्वारा अवगत कराया गया है कि दिल्ली के कुछ लोग (प्रवीन, रविन्दर, अशोक, करनसिंह आदि) द्वारा जनपद गाजियाबाद के तहसील लोनी अन्तर्गत यमुना नदी में स्वीकृत बालू खनन पट्टा क्षेत्र ग्राम पचायरा खण्ड-1 व पचायरा खण्ड-2 के मध्य दिल्ली की ओर पोकलेन मशीन एवं लिफ्टर का प्रयोग करके बालू का अवैध खनन किया जा रहा है तथा यमुना नदी की धारा को परिवर्तित करने का प्रयास भी किया जा रहा है।

यहाँ अवगत कराना है कि जनपद गाजियाबाद के तहसील लोनी में 02 बालू खनन पट्टा क्रमशः (1) पचायरा खण्ड-1 व (2) पचायरा खण्ड-2 05 वर्ष की अवधि के लिये स्वीकृत है, जिनमें बालू खनन पट्टा पचायरा खण्ड-1 पर्यावरण स्वच्छता प्रमाण पत्र की अवधि समाप्त होने का कारण बंद है तथा बालू खनन पट्टा पचायरा खण्ड-2 को अधिकांश खनन क्षेत्र जलमग्न होने के कारण बंद है। इस प्रकार जनपद गाजियाबाद के स्वीकृत बालू खनन पट्टा क्षेत्र में वर्तमान में खनन कार्य बंद है। अवैध खनन के सम्बंध में प्राप्त शिकायतों की जांच किये जाने पर प्रायः देखा गया है कि दिल्ली की ओर से कुछ व्यक्तियों द्वारा रात्रि में बालू का अवैध खनन किया जाता है, जिस पर पूर्व में कार्यवाही भी की गयी थी, जिसमें 01 जे0सी0बी0 दिल्ली की ओर भाग गयी थी, जिसके सम्बंध में सम्बंधित थाने को सूचित भी किया गया था। इसके अतिरिक्त अवैध खनन/परिवहन पर कार्यवाही के दौरान दिल्ली की ओर से साधारण बालू का अवैध परिवहन किया जाना देखा गया है, परन्तु अन्य राज्य की सीमा होने के कारण उक्त वाहनों पर अधोहस्ताक्षरी के स्तर से कार्यवाही किया जाना सम्भव नहीं हो पाता है।

अतः उपरोक्त शिकायती प्रार्थना पत्र दिनांक 16.11.2024 की छायाप्रति इस पत्र के साथ संलग्न कर इस आशय से प्रेषित है कि उक्त शिकायती पत्र में उल्लिखित तथ्यों की जांच कर यमुना नदी क्षेत्र में दिल्ली की ओर किये जा रहे अवैध खनन को रूकवाते हुये अवैध खननकर्ताओं के विरुद्ध कार्यवाही कराने एवं सम्बंधित थानाध्यक्षों को निगरानी रखने हेतु निर्देशित करने का कष्ट करें।

अपरजिलाधिकारी (वि०/रा०)
गाजियाबाद।

पत्र सं० एवं दिनांक उपरोक्तानुसार।
प्रतिलिपि:-

1. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०, लखनऊ को सादर सूचनार्थ प्रेषित।
2. जिलाधिकारी गाजियाबाद महोदय को सादर सूचनार्थ प्रेषित।

अपरजिलाधिकारी (वि०/रा०)
गाजियाबाद।

प्रेषक,

जिलाधिकारी,
गाजियाबाद

(14)

सेवा में,

जिलाधिकारी,
नार्थ -ईस्ट
नई दिल्ली

संख्या 102 / खनिज अनु0-गाजि0 / 24-25

दिनांक 04 / दिसम्बर, 2024

विषय :- दिल्ली की ओर अवैध खनन कर यमुना की धारा को उत्तर प्रदेश की तरफ परिवर्तित करने के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक श्री सुमित मन्डार व अन्य ग्रामवासी ग्राम पचायरा के शिकायती प्रार्थना पत्र दिनांक 16-11-2024 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा अवगत कराया गया है कि " दिल्ली के कुछ लोग (प्रवीन, रविन्दर, अशोक, करन सिंह आदि) द्वारा जनपद गाजियाबाद के तहसील लोनी अन्तर्गत यमुना नदी में स्वीकृत बालू खनन पट्टा क्षेत्र ग्राम पचायरा खण्ड-1 व पचायरा खण्ड-2 के मध्य दिल्ली की ओर पोकलेन मशीन एव लिफ्टर का प्रयोग करके बालू का अवैध खनन कर रहे हैं तथा उनके द्वारा यमुना नदी की धारा को परिवर्तित करने का प्रयास किया जा रहा है।

यहाँ अवगत कराना है कि जनपद गाजियाबाद की तहसील लोनी में 02 बालू खनन पट्टे क्रमशः (1) पचायरा खण्ड-1 व (2) पचायरा खण्ड-2, 05 वर्ष की अवधि के लिये स्वीकृत हैं, जिनमें बालू खनन पट्टा पचायरा खण्ड-1 में पर्यावरण स्वच्छता प्रमाण पत्र की अवधि समाप्त होने के कारण खनन कार्य बन्द है तथा बालू खनन पट्टा पचायरा खण्ड-2 का अधिकांश खनन क्षेत्र जलमग्न होने के कारण उसमें भी खनन कार्य बन्द है। इस प्रकार जनपद गाजियाबाद के स्वीकृत बालू खनन पट्टा क्षेत्रों में वर्तमान में खनन कार्य पूर्णतः बन्द है।

खान अधिकारी, गाजियाबाद द्वारा निरन्तर अवैध खनन/परिवहन में की जा रही जाँच कार्यों के सम्बन्ध में अवगत कराया गया है कि जाँच के दौरान देखा गया कि यमुना नदी में दिल्ली की ओर से बालू की बोरियों एवं बॉस बल्ली की सहायता से बाँध जैसी संरचना तैयार कर रात्रि में साधारण बालू का अवैध खनन किया जा रहा है, जिस कारण यमुना नदी की प्राकृतिक सम्पदा एवं नदी की जलधारा पर प्रतिकूल प्रभाव पड़ रहा है।

अतः उपरोक्त शिकायती प्रार्थना पत्र दिनांक 16-11-2024 की छायाप्रति इस पत्र के साथ संलग्न कर इस आशय से प्रेषित है कि उक्त शिकायती पत्र में उल्लिखित तथ्यों की जाँच कराकर यमुना नदी क्षेत्र में दिल्ली की ओर से किये जा रहे अवैध खनन को रूकवाते हुए अवैध खननकर्ताओं के विरुद्ध दण्डात्मक कार्यवाही कराने एवं सम्बन्धितों को सतत निगरानी रखने हेतु निर्देशित करने का कष्ट करें। साथ ही कृत कार्यवाही से अवगत भी कराने का कष्ट करें।

भवदीय,

(इन्द्र विक्रम सिंह),
जिलाधिकारी,
गाजियाबाद

FIRST INFORMATION REPORT
(Under Section 173 B.N.S.S)

ANNEXURE
A-15

11

प्रथम सूचना रिपोर्ट
(धारा 173 बी एन एस एस के तहत)

1. District/Unit (जिला/इकाई): P.S. (थाना): टोनिका Year (वर्ष): 2024
ग्रामीण (कमिश्नरेट गाजियाबाद) सिटी
FIR No. (प्र.सू.रि. सं.): 0622 Date and Time of FIR (प्र.सू.रि. की दिनांक और समय): 17/12/2024 20:06 घंटे

2. S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	खान एवं खनिज (विकास का विनियमन) अधिनियम 1957	21
2	खान एवं खनिज (विकास का विनियमन) अधिनियम 1957	4
3	भारतीय न्याय संहिता (बी एन एस), 2023	303(2)

3. (a) Occurrence of offence (अपराध की घटना):

1 Day (दिन): मंगलवार	Date from (दिनांक से): 17/12/2024	Date To (दिनांक तक): 17/12/2024
Time Period (समय अवधि): पहर 1	Time From (समय से): 00:00 बजे	Time To (समय तक): 00:00 बजे

(b) Information received at P.S. (थाना जहां सूचना प्राप्त हुई): Date (दिनांक): 17/12/2024 Time (समय): 20:06 बजे

(c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.): 066

Date and Time

(दिनांक और

समय):

17/12/2024

20:06 बजे

4. Type of Information (सूचना का प्रकार): लिखित

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): पूर्वोत्तर, 05 कि. मी. Beat No. (बीट सं.):

(b) Address (पता): ग्राम पचायरा क्षेत्र ,

(c) In case, outside the limit of this Police Station, then Name of P.S. (यदि थाना सीमा के बाहर है तो थाना का नाम):

District (State) (जिला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता / सूचनाकर्ता):

(a) Name (नाम): सौरभ चतुर्वेदी

(b) Father's/Husband's Name (पिता/पति का नाम):

(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1994 (d) Nationality (राष्ट्रीयता): भारत

(e) UID No. (यूआईडी सं.):

(f) Passport No. (पासपोर्ट सं.):

Date of Issue (जारी करने की दिनांक): Place of Issue (जारी करने का स्थान):

(g) ID Details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) (पहचान विवरण (राशन कार्ड ,मतदाता कार्ड ,पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पैन कार्ड))

S. No. (क्र.सं.) ID Type (पहचान पत्र का प्रकार) ID Number (पहचान संख्या)

6) Occupation (व्यवसाय):

(i) Address (पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
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1 वर्तमान पता

खान अधिकारी, गाजियाबाद, उत्तर प्रदेश, भारत

2 स्थायी पता

खान अधिकारी, गाजियाबाद, उत्तर प्रदेश, भारत

(ii) Phone number (दूरभाष सं.):

Mobile (मोबाइल सं.): 91-88875XXXXX

7. Details of known / suspected / unknown accused with full particulars (ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या): 0

S. No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address(वर्तमान पता)
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8. Reasons for delay in reporting by the complainant / informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S. No. (क्र.सं.)	Property Category (सम्पत्ति श्रेणी)	Property Type (सम्पत्ति के प्रकार)	Description (विवरण)	Value(In Rs/-) (मूल्य (रु में))
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10. Total value of property (In Rs/-) (सम्पत्ति का कुल मूल्य(रु में)):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण सं., यदि कोई हो):

S. No. (क्र.सं.)	UIDB Number (यू.डी.प्रकरण सं.)
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First Information contents (प्रथम सूचना तथ्य):

नकल तहरीर टाइप शुदा हिन्दी वादी..... सेवा में, प्रभारी निरीक्षक, थाना ट्रोनिका सिटी, कमिश्नरेट गाजियाबाद। विषय:- प्रथम सूचना रिपोर्ट दर्ज कर आवश्यक कार्यवाही किये जाने के सम्बन्ध में। महोदय, कृपया अवगत कराना है कि दिनांक 17.12.2024 को अधोहस्ताक्षरी द्वारा होमगार्ड श्री अजय कुमार, श्री दिनेश कुमार, सोहनवीर सिंह व श्री गगन के साथ ग्राम पचायरा क्षेत्र का औचक निरीक्षण किया गया। निरीक्षण के दौरान ग्राम पचायरा के समीप दिल्ली व उत्तर प्रदेश सीमा पर ग्राम तेहरी दौलतपुर, दिल्ली व ग्राम सुंगरपुर, दिल्ली के मध्य यमुना नदी की धारा में आंशिक बांध बनाकर साधारण बालू का खनन होता देखा गया। कार्यवाही के दौरान 01 जेसीबी वाहन चालक अज्ञात व 01 ट्रैक्टर मय ट्रली वाहन चालक अज्ञात अंधेरे का फायदा उठाकर मौके से फरार हो गये, मौके पर 01 ट्रैक्टर मय ट्रली चेसिस सं MBNBEBDYZLNJ0327 वाहन चालक राकेश को साधारण बालू का अवैध परिवहन करते हुये पकड़ा गया, जिसमें लगभग 14 घमी साधारण बालू लदी थी। उक्त वाहन को पकड़कर थाना ट्रोनिका सिटी में खड़ा कराया गया है। अतः उक्त वाहन ट्रैक्टर मय ट्रली चेसिस सं MBNBEBDYZLNJ0327 मय उपखनिज 14 घमी साधारण बालू सहित अपनी अभिरक्षा में लेते हुये वाहन चालक राकेश, वाहन स्वामी अज्ञात तथा फरार जेसीबी व ट्रैक्टर मय ट्रली वाहन चालक/स्वामी अज्ञात के विरुद्ध यमुना नदी में आंशिक बांध बनाकर खनिज सम्पदा की चोरी करने एवं खान एवं खनिज (विकास एवं विनियम) अधिनियम 1957 की धारा 4 व 21 तथा सरकारी राजस्व को क्षति पहुँचाने व भारतीय न्याय संहिता 2023 की सुसंगत धाराओं में प्रथम सूचना रिपोर्ट दर्ज कर आवश्यक कार्यवाही करने का कष्ट करें। भवदीय, sd अपठित 17/12/24 (सौरभ चतुर्वेदी) खान अधिकारी गाजियाबाद। नोट - मैं है0का0 1526 मुसब्बिर हुसैन प्रमाणित करता हूँ कि प्राप्त तहरीर के आधार पर मुकदमा उपरोक्त की कायमी व मुकदमा मेरे द्वारा शब्द ब शब्द बोल बोलकर थाना हाजा के कम्प्यूटर पर सीसीटीएनएस पर का0 3730 अनुज चौधरी द्वारा टंकित करायी गयी।

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है.):

(1)

Registered the case and took up the investigation (प्रकरण दर्ज किया गया और जांच के लिए लिया गया): THANA INCHARGE TRONICA CITY (उपनिरीक्षक/ अवर निरीक्षक)/9454405104 or (या)

(2) Directed (Name of I.O.) (जांच अधिकारी का Rank (पद): नाम):

No. (सं.): to take up the Investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

(3) Refused investigation due to (जांच के लिए): or (के कारण इंकार किया या)

(4) Transferred to P.S. (थाना): District (ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित).

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.

(शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी)

R.O.A.C. (आर.ओ.ए.सी.)

Signature of Officer in charge,
Police Station (थाना प्रभारी के
हस्ताक्षर)

14. Signature / Thumb impression
of the complainant / informant
(शिकायतकर्ता / सूचनाकर्ता के
हस्ताक्षर / अंगूठे का निशान)

Name (नाम): THANA
INCHARGE TRONICA CITY

Rank (पद): SI (Sub-Inspector)

No. (सं.): 9454405104

15. Date and time of dispatch to the court (अदालत में प्रेषण की दिनांक और समय):

FIRST INFORMATION REPORT

(Under Section 173 B.N.S.S)

प्रथम सूचना रिपोर्ट

(धारा 173 बी एन एस एस के तहत)

1. District/Unit (जिला/इकाई): ग्रामीण (कमिश्नरेट गाजियाबाद) P.S. (थाना): ट्रोनिका सिटी Year (वर्ष): 2025
 FIR No. (प्र.सू.रि. सं.): 0016 Date and Time of FIR (प्र.सू.रि. की दिनांक और समय): 11/01/2025 14:55 घंटे

S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	भारतीय न्याय संहिता (बी एन एस), 2023	303(2)
2	खान एवं खनिज (विकास का विनियमन) अधिनियम 1957	4
3	खान एवं खनिज (विकास का विनियमन) अधिनियम 1957	21

3. (a) Occurrence of offence (अपराध की घटना):

1 Day (दिन): शनिवार Date from (दिनांक से): 11/01/2025 Date To (दिनांक तक): 11/01/2025
 Time Period (समय अवधि): पहर 1 Time From (समय से): 00:00 बजे Time To (समय तक): 00:00 बजे

(b) Information received at P.S. (थाना जहां सूचना प्राप्त हुई): Date (दिनांक): 11/01/2025 Time (समय): 14:48 बजे

(c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.): 039

Date and Time
(दिनांक और
समय):

11/01/2025

14:48 बजे

4. Type of Information (सूचना का प्रकार): लिखित

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): पूर्व, 5 कि. मी.

Beat No. (बीट सं.):

(b) Address (पता): गांव बदरपुर,

(c) In case, outside the limit of this Police Station, then Name of P.S. (यदि थाना सीमा के बाहर है तो थाना का नाम):

District (State) (जिला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता / सूचनाकर्ता):

(a) Name (नाम): श्री सौरभ चतुर्वेदी

(b) Father's/Husband's Name (पिता/पति का नाम):

(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1985 (d) Nationality (राष्ट्रीयता): भारत

(e) UID No. (यूआईडी सं.):

(f) Passport No. (पासपोर्ट सं.):

Date of Issue (जारी करने की दिनांक): Place of Issue (जारी करने का स्थान):

(g) ID Details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) (पहचान विवरण (राशन कार्ड, मतदाता कार्ड, पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पैन कार्ड))

S. No.
(क्र.सं.)

ID Type (पहचान पत्र का प्रकार)

ID Number (पहचान संख्या)

(h) Occupation (व्यवसाय):

(i) Address (पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	वर्तमान पता	खान अधिकारी गाजियाबाद, उत्तर प्रदेश, भारत
2	स्थायी पता	खान अधिकारी गाजियाबाद, उत्तर प्रदेश, भारत

(j) Phone number (दूरभाष सं.): Mobile (मोबाइल सं.): 91-88875XXXXX

7. Details of known / suspected / unknown accused with full particulars (ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या): 0

S. No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address(वर्तमान पता)

8. Reasons for delay in reporting by the complainant / informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S. No. (क्र.सं.)	Property Category (सम्पत्ति श्रेणी)	Property Type (सम्पत्ति के प्रकार)	Description (विवरण)	Value(In Rs/-) (मूल्य (रु में))

10. Total value of property (In Rs/-) (सम्पत्ति का कुल मूल्य(रु में)):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण सं., यदि कोई हो):

S. No. (क्र.सं.)	UIDB Number (यू.डी.प्रकरण सं.)

12. First Information contents (प्रथम सूचना तथ्य):

सेवा मे प्रभारी निरीक्षक थाना ट्रानिका सिटी कमिश्नरेट, गाजियाबाद विषय- प्रथम सूचना रिपोर्ट दर्ज कर आवश्यक कार्यवाही किए जाने के संबंध मे । महोदय कृपया अवगत कराना है कि दिनांक 11/01/2025 को अधोहस्ताक्षरी द्वारा होमगार्ड श्री अजय कुमार , श्री सोहनवीर सिंह, श्री दिनेश कुमार एवं श्री महेश कुमार के साथ ग्राम बदरपुर हरमपुर क्षेत्र का औचक निरीक्षण किया गया निरीक्षण के दौरान ग्राम बदरपुर हरमपुर के समीप दिल्ली उत्तर प्रदेश की सीमा पर यमुना तट पर साधारण बालू का अवैध खनन होता देखा गया । कार्यवाही के दौरान 01 ट्रैक्टर लोडर चालक अज्ञात अधरे का फायदा उठाकर फरार हो गया ,मौके पर 01 ट्रैक्टर मय ट्रौली चैसिस न0 MBNGAANUURRC-15948 मय उपखनिज साधारण बालू मात्रा 14 घन मी0 एवं 01 ट्रौली मय साधारण बालू मात्रा 8.75 घन मी0 को अवैध परिवहन करते हुए पकडा गया । उक्त वाहनो के चालक मौके से फरार हो गये तथा होमगार्ड द्वारा चलवाकर थाना ट्रानिकासिटी मे खडा कराया गया है । अतः उक्त वाहनो 01 ट्रैक्टर मय ट्रौली चैसिस न0 MBNGAANUURRC-15948 मय उपखनिज 14 घन मी0 साधारण बालू एवं 01 ट्रौली मय उपखनिज 8.75 घन मी0 अपनी अभिरक्षा मे लेते हुए वाहन स्वामी अज्ञात का फरार ट्रैक्टर लोडर वाहन चालक/ स्वामी अज्ञात के विरुद्ध यमुना नदी से खनिज संपदा की चोरी करने एवं खान एवं खनिज (विकास एवं विनियमन) अधिनियम 1967 की धारा 4 व 21 तथा सरकारी राजस्व को क्षति पहुंचाने व भारतीय न्याय संहिता 2023 की सुसंगत धाराओ मे प्रथम सूचना रिपोर्ट दर्ज कर आवश्यक कार्यवाही करने की कष्ट करे। ह0 अंग्रेजी अपठित 11-01-25 भवदीय (सौरभ चतुर्वेदी) खान अधिकारी गाजियाबाद 88875XXXXX-- नोट- मैं है0का0 1526 मुसब्बिर हुसैन प्रमाणित करता हूँ कि प्राप्त तहरीर के आधार पर मुकदमा उपरोक्त की कायमी व मेरे द्वारा शब्द ब शब्द बोल बोलकर थाना हाजा के कम्प्यूटर पर सीसीटीएनएस पर म0है0का0 511 किरन द्वारा टंकित करायी गयी । अलावा तकनीकि त्रुटि के।

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है.):

(1)

Registered the case and took up the investigation (प्रकरण दर्ज किया गया और जांच के लिए लिया गया): THANA INCHARGE TRONICA CITY (उपनिरीक्षक/ अवर निरीक्षक)/9454405104 or (या)

(2) Directed (Name of I.O.) (जांच अधिकारी का Rank (पद): नाम):

No. (सं.): to take up the Investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

(3) Refused investigation due to (जांच के लिए): or (के कारण इंकार किया या)

(4) Transferred to P.S. (थाना): District (ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित).

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.

(शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी)

R.O.A.C. (आर.ओ.ए.सी.)

Signature of Officer in charge,
Police Station (थाना प्रभारी के
हस्ताक्षर)

14. Signature / Thumb impression
of the complainant / informant
(शिकायतकर्ता / सूचनाकर्ता के
हस्ताक्षर / अंगूठे का निशान)

Name (नाम): THANA
INCHARGE TRONICA CITY
Rank (पद): SI (Sub-Inspector)
No. (सं.): 9454405104

15. Date and time of dispatch to the court (अदालत में प्रेषण की दिनांक और समय):

Item No.02

Court No. 2

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

Original Application No.1003/2024

Mr. Ashok Kumar and Anr.

Applicants

Versus

State of U.P & Ors.

Respondents

Date of hearing: 14.02.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the applicant.

Respondents: Mr. Bhanwar Pal Singh Jadon, Mr. Harshwardhan Singh Rajawat, Ms. Gargi Chaturvedi and Ms. Anjali Sharma, Advocates for DM Ghaziabad and UPPCB.
Mr. S P Singh Senior Advocate with Ms. Shannu Bhagel Advocate for project proponent.
Mr. Raj Kumar, Advocate for CPCB (through VC).

ORDER

1. The applicant-Ashok Kumar and Karan Singh sent letter petition dated 23.12.2023 complaining about mining by M/s. New Panter Security Gard Service in land in gata numbers mentioned in the letter petition in violation of the norms.
2. The above said letter petition has been treated and registered as original application for exercise of suo moto jurisdiction.
3. Vide order dated 04.11.2024 this Tribunal constituted a Joint Committee to collect the relevant information and submit its report.
4. Report dated 04.12.2024 was filed by CPCB vide email dated 04.12.2024. The Joint Committee did not make any observation regarding the averments made in the complaint as mining activity had been

discontinued since 30.06.2024 and was not resumed till date of its visit on 30.11.2024. In its report the Joint Committee made observation that illegal mining made by the Project Proponent regarding which notice dated 09.05.2024 had been issued by ADM, Ghaziabad. The Joint Committee made prospective recommendations in the report.

5. In the course of hearing response dated 09.01.2025 has been filed by DM, Ghaziabad and responses dated 09.01.2025 and 13.02.2025 have been filed by UPPCB. In its response UPPCB has mentioned about issuance of show cause notice dated 24.12.2024 for imposition of environmental compensation of Rs. 6,51,645/- and making of recommendation vide letter dated 11.02.2025 to CEO, Circle I, UPPCB regarding imposition of UPPCB on respondents no. 5 and 6.

6. Respondents no. 5 and 6 have filed affidavit dated 27.01.2025 denying the averments regarding mining in violation of environmental norms/illegal mining made in the original application.

7. The applicants have sent two video CDs alongwith their letter petition the applicant has also enclosed photographs showing construction of Bandh and instream mining.

8. We have seen the video CDs which show that the Project Proponent had constructed Bandh in river Yamuna obstructing flow of water and had also carried out instream mining which amounts to utter violation of environmental norms for mining.

9. Learned Counsels for respondents no. 3, 4, 5 and 6 have submitted that copies of the video CDs have not been provided to them and they cannot respond to the same in the absence thereof.

10. Copies of the video CDs may be provided to respondents no. 3, 4, 5 and 6 on furnishing of empty pen-drive and the data in the video CDs sent by the applicants with the letter petition may be thereafter copied and made available to respondents no. 3, 4, 5 and 6 and also other respondents as the case may be.

11. Respondents no. 3, 4, 5 and 6 are directed to file additional responses with reference to the factual position shown in the video CDs.

12. In view of the serious violation of environmental norms as depicted by the video CDs sent by the applicants with the letter petition and provision of Section 20 of the National Green Tribunal Act, 2010 mandating this Tribunal to apply the precautionary principle and in exercise of powers under Section 19 (4) (j) of the National Green Tribunal Act, 2010, respondents no. 5 and 6 are restrained from carrying out any further mining in the mining lease sites in question till further orders of this Tribunal to the contrary.

13. The District Magistrate, Ghaziabad and the Commissioner of Police Ghaziabad are directed to take all requisite steps for ensuring that no illegal mining takes place in the mining lease sites in question.

14. List on 07.03.2025 for further consideration.

15. A copy of this order be sent to The District Magistrate, Ghaziabad and the Commissioner of Police Ghaziabad by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 14th, 2025
O.A. No.1003/2024
M

पत्र सं० :- १४७ /ख०अनु०-गाजि०/२४-२५

दिनांक: २५/०२/ २०२५

आदेश

न्यू पैन्थर सिक्योरिटी गार्ड सर्विस
(पट्टाधारक ग्राम पचायरा खण्ड-२)
प्रो० श्री बनी सिंह निवासी- सालासर काम्पलैक्स,
३०६, शंकर विहार कालोनी कुरैशी, अलीगढ़।

विषय:- मा० न्यायालय एन०जी०टी० में योजित याचिका सं० OA No. 1003/2024 Mr. Ashok Kumar and Anr. Versus State of U.P. & Ors. में पारित आदेश दिनांक 14.02.2025 के अनुपालन के संबंध में।

उपरोक्त विषयक अवगत कराना है कि आपके पक्ष में जनपद गाजियाबाद के तहसील लोनी अन्तर्गत ग्राम पचायरा खण्ड-२ गाटा सं० ३०३मि०, ३१३मि०, २९०मि०, ३०१मि०, ३०३, ३०४मि०, ३१४मि०, २९७मि०, २९८मि०, ३०२मि०, ३११मि०, ३१२मि०, ३१३मि०, ३१४मि० रकबा ८.५१२ हे० में दिनांक १२.११.२०२१ से ११.११.२०२६ तक ०५ वर्ष की अवधि के लिये स्वीकृत एवं निष्पादित किया गया था।

आपके पक्ष में स्वीकृत उक्त खनन पट्टा के सम्बंध में मा० न्यायालय एन०जी०टी० में याचिका सं० OA No. 1003/2024 Mr. Ashok Kumar and Anr. Versus State of U.P. & Ors. योजित की गयी है, जिसमें मा० न्यायालय एन०जी०टी०, नई दिल्ली द्वारा आदेश दिनांक १४.०२.२०२५ (छायाप्रति संलग्न), जो कार्यालय में दिनांक २५.०२.२०२५ को प्राप्त हुआ है, के बिन्दू सं० १२ में निम्नवत् आदेश पारित किया गया है:-

12. In view of the serious violation of environmental norms as depicted by the video CDs sent by the applicants with the letter petition and provision of Section 20 of the National Green Tribunal Act, 2010 mandating this Tribunal to apply the precautionary principle and in exercise of powers under Section 19 (4) (j) of the National Green Tribunal Act, 2010, respondents no. 5 and 6 are restrained from carrying out any further mining in the mining lease sites in question till further orders of this Tribunal to the contrary.

उपरोक्तानुसार मा० न्यायालय के आदेश दिनांक १४.०२.२०२५ द्वारा आपके पक्ष में स्वीकृत एवं निष्पादित बालू खनन पट्टा क्षेत्र ग्राम पचायरा खण्ड-२, तहसील लोनी में बालू खनन कार्य को प्रतिबंधित कर दिया गया है।

अतः मा० न्यायालय एन०जी०टी०, नई दिल्ली द्वारा पारित आदेश दिनांक १४.०२.२०२५ के क्रम में आपके पक्ष में स्वीकृत उपखनिज बालू के खनन पट्टा क्षेत्र तहसील लोनी अन्तर्गत ग्राम पचायरा खण्ड-२ गाटा सं० ३०३मि०, ३१३मि०, २९०मि०, ३०१मि०, ३०३, ३०४मि०, ३१४मि०, २९७मि०, २९८मि०, ३०२मि०, ३११मि०, ३१२मि०, ३१३मि०, ३१४मि० रकबा ८.५१२ हे० में खनन कार्य को अग्रिम आदेशों तक के लिये तत्काल प्रभाव से प्रतिबंधित किया जाता है तथा

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आपको निर्देशित किया जाता है कि उक्त खनन पट्टा क्षेत्र में किसी प्रकार का खनन कार्य न किया जाये। यदि आपके खनन पट्टा क्षेत्र में कोई भी खनन संक्रिया होती पायी जाती है, तो उसे मा0 न्यायालय के आदेशों की अवमानना मानते हुये आपके विरुद्ध वैधानिक कार्यवाही की जायेगी, जिसके लिये आप स्वयं उत्तरदायी होंगे।

संलग्नक:- यथोक्त।

जिलाधिकारी
गाजियाबाद।

पत्र सं0 एवं दिनांक उपरोक्तानुसार।

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

1. सचिव, भूतत्व एवं खनिकर्म विभाग, उत्तर प्रदेश शासन, लखनऊ।
2. आयुक्त, मेरठ मण्डल, मेरठ।
3. पुलिस आयुक्त, गाजियाबाद।
4. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0, लखनऊ।
5. रजिस्ट्रार, मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली।
6. अपरजिलाधिकारी (वि0/रा0), गाजियाबाद।
7. पुलिस उप आयुक्त (ग्रामीण), गाजियाबाद।
8. उपजिलाधिकारी लोनी।
9. सहायक पुलिस आयुक्त, लोनी।
10. खान अधिकारी, गाजियाबाद।
11. थानाध्यक्ष, लोनी/ट्रोनिका सिटी।

जिलाधिकारी
गाजियाबाद।



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD



पत्रांक-एच2496/सी-1/एनजीटी-289/2024/2025

दिनांक-25/12/24

सेवा में,

M/s New Panthar Security Guard Service,
Proprietor - Shri Bani Singh S/o Shri Raghunath Singh,
R/o Salasar Complex, 306, Shankar Vihar Colony, Kurashi,
District-Allgarh, U.P.
Mobile-9979898281

विषय: M/s New Panthar Security Guard Service, Proprietor - Shri Bani Singh S/o Shri Raghunath Singh,
R/o Salasar Complex, 306, Shankar Vihar Colony, Kurashi, District-Allgarh, U.P. द्वारा Yamuna
River, Gata No.303mi, 313mi, 290mi, 301mi, 303, 304mi, 314mi, 297mi, 298mi, 302mi, 311mi,
312mi, 313mi & 314mi, Khand no-2, Villages:Pachayara, Tehsil Loni & District-Ghaziabad, State-
Uttar Pradesh के विरुद्ध जारी कारण बताओ नोटिस दिनांक 24.12.2024 की प्रति के संबंध में।

प्रति,

मां राष्ट्रीय हरित अधिकरण, नई दिल्ली में संजित ओएओ नं०-1003/2024 अशोक कुमार व अन्य बनाम
स्टेट ऑफ यूपी में धारित आवेश दिनांक 04.11.2024 के अनुपालन में गठित संयुक्त समिति द्वारा दिनांक
08.11.2024 को प्रश्नगत परियोजना का निरीक्षण किया गया। संयुक्त निरीक्षण आख्या केंद्रीय प्रदूषण नियंत्रण बोर्ड
द्वारा मां एनओडीओ, नई दिल्ली में दिनांक 04.12.2024 को दाखिल की गयी है। उक्त आख्या में संयुक्त समिति
द्वारा परियोजना M/s New Panthar Security Guard Service, Proprietor - Shri Bani Singh S/o Shri Raghunath
Singh, R/o Salasar Complex, 306, Shankar Vihar Colony, Kurashi, District-Allgarh, U.P. द्वारा Yamuna River,
Gata No.303mi, 313mi, 290mi, 301mi, 303, 304mi, 314mi, 297mi, 298mi, 302mi, 311mi, 312mi, 313mi &
314mi, Khand no-2, Villages:Pachayara, Tehsil Loni & District-Ghaziabad, State-Uttar Pradesh के विरुद्ध
पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के संबंध में निम्नवत् टिप्पणी की गई है:-

"...5.Environmental compensation for illegal mining of 840 cubic meter quantity of ordinary sand
may belevied as per Approach 2 scale approved by Hon'ble NGT vide order dated 26-02-2021 in the
matter of OA No. 360/2015."

उपरोक्त के अनुक्रम में बोर्ड मुख्यालय के पत्रांक-एच2496/सी-1/एनजीटी-289/2024, दिनांक
24.12.2024 द्वारा इकाई के विरुद्ध कुल रू० 6,51,645/- की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के संबंध
में कारण बताओ नोटिस निर्गत किया गया है।

क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद द्वारा पत्रांक-2496/सी/
एन-273/2024, दिनांक-11.02.2025 द्वारा प्रेषित आख्या में अवगत कराया गया है कि इकाई को जारी कारण
बताओ नोटिस के परिप्रेक्ष्य में इकाई द्वारा कोई प्रतिउत्तर कार्यालय में प्राप्त नहीं है। क्षेत्रीय अधिकारी, गाजियाबाद
द्वारा इकाई के विरुद्ध कुल रू० 6,51,645/- की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के संबंध में जारी
कारण बताओ नोटिस दिनांक 24.12.2024 की धुष्टि किये जाने की संस्तुति की गई है।

---2/

टी.सी.-12वीं, विभूति खण्ड,
गोमती नगर, लखनऊ-226010
ई-मेल- info@uppcb.com
वेबसाइट- www.uppcb.gov.in

T.C.-12V, Vibhuti Khand,
Gomti Nagar, Lucknow-226010
E-mail: info@uppcb.com
Web Site: www.uppcb.gov.in



वत: क्षेत्रीय अधिकारी, गाजियाबाद द्वारा प्रेषित आख्या/संस्तुति दिनांक 11.02.2025 के अनुसार नया राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओएओ नं०-1003/2024 अशोक कुमार व अन्य बनाम स्टेट ऑफ़ यूएपी में पारित आदेश दिनांक 04.11.2024 के अनुपालन में सक्षम अधिकारी के अनुमोदनपत्रादा परियोजना M/s New Panthar Security Guard Service, Proprietor - Shri Bani Singh S/o Shri Raghunath Singh, R/o Salasar Complex, 306, Shankar Vihar Colony, Kuratshi, District-Ahgarh, U.P. द्वारा Yamuna River, Gata No.303mi, 313mi, 290mi, 301mi, 303, 304mi, 314mi, 297mi, 298mi, 302mi, 311mi, 312mi, 313mi & 314mi, Khand no.-2, Village:Pachayara, Tehsil Loni & District-Ghaziabad, State-Uttar Pradesh के विरुद्ध रु० 8,51,845/- (रुपया छः लाख इक्कावन हजार छः सौ पैतालिस मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किया जाता है एवं निर्देशित किया जाता है कि रु० 8,51,845/- (रुपया छः लाख इक्कावन हजार छः सौ पैतालिस मात्र) की पर्यावरणीय क्षतिपूर्ति की धनराशि का भुगतान राज्य बोर्ड के Dedicated Account जिसका payment gateway का URL: <https://erp.e-shiksha.net/DirectFeesv3/UPPCB> तथा Nature of Pollution-Air pollution एवं EC imposed in compliance-NGT Order पर एक सप्ताह के अन्दर जमा कराना सुनिश्चित करें। जमा की गयी धनराशि का साक्ष्य क्षेत्रीय कार्यालय, गाजियाबाद एवं बोर्ड मुख्यालय, लखनऊ को भी प्रेषित करना सुनिश्चित करें।

सक्षम अधिकारी की अनुमति से निर्गत।

OK मुख्य पर्यावरण अधिकारी, वृत्त-1

प्रतिलिपि:- निम्नलिखित को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित -

1. जिलाधिकारी, गाजियाबाद।
2. क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद को इस निर्देश के साथ प्रेषित कि परियोजना के विरुद्ध अधिरोपित पर्यावरणीय क्षतिपूर्ति को राज्य बोर्ड के खाते में जमा कराया जाना सुनिश्चित करें।

OK मुख्य पर्यावरण अधिकारी, वृत्त-1

OK



 **GPS Map Camera**



Panchayara, Uttar Prad...

, Tehari Dawlatpur, Panchayara, Uttar Pradesh 201102, India

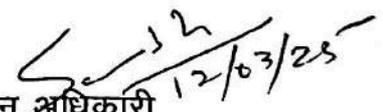
Lat 28.80503° Long 77.205655°

11/03/2025 04:57 PM GMT +05:30

जांच आख्या

मा० न्यायालय एन०जी०टी०, नई दिल्ली में योजित याचिका सं० OA No. 1003/2024 Mr. Ashok Kumar and Anr. Versus State of U.P. & Ors. में पारित आदेश दिनांक 14.02.2025 के अनुपालन में दिनांक 11.03.2025 को सायं लगभग 05.00 बजे बालू खनन पट्टा क्षेत्र ग्राम पचायरा (खण्ड-2) का औचक निरीक्षण किया गया।

निरीक्षण के दौरान बालू खनन क्षेत्र ग्राम पचायरा खण्ड-2 में मा० न्यायालय एन०जी०टी०, नई दिल्ली के आदेश दिनांक 14.02.2025 के अनुपालन में खनन कार्य पूर्णतः बंद पाया गया, परन्तु यमुना नदी के दूसरी ओर दिल्ली की तरफ काफी बड़े स्तर पर नदी की जलधारा में सक्शन पम्प, लिफ्टर व नॉव आदि की सहायता से साधारण बालू का अवैध खनन होता देखा गया। दिल्ली की ओर किये जा रहे साधारण बालू के अवैध खनन के सम्बंध में कई बार दिल्ली प्रशासन को अवगत कराया गया परन्तु अवैध खननकर्ताओं द्वारा खुले-आम निरन्तर अवैध खनन किया जा रहा है, जिस कारण मा० एन०जी०टी० में उ०प्र० राज्य की छवि भी धुमिल होती है एवं जो खनन पट्टे जनपद में नियमानुसार राजस्व जमा कर कार्य करते हैं, उन पर प्रतिकूल प्रभाव पड़ता है। अतः यमुना नदी की जलधारा में दिल्ली की ओर से किये जा रहे साधारण बालू के अवैध खनन पर अंकुश लगाया जाना अति आवश्यक है। मौके पर लिये गये फोटोग्राफ्स संलग्न हैं।


खान अधिकारी
गाजियाबाद।
12/03/25

प्रेषक,

ज्येष्ठ खान अधिकारी,
गाजियाबाद।

सेवा में,

जिलाधिकारी,
गाजियाबाद।

पत्र सं०:- 347 / ख०अनु०-गाजि० / 24-25

दिनांक: 29/03/2025

विषय:- जनपद गाजियाबाद में स्वीकृत बालू खनन पट्टे की जांच के सम्बंध में।

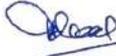
महोदय,

मा० न्यायालय एन०जी०टी०, नई दिल्ली में योजित याचिका सं० OA No. 1003/2024 Mr. Ashok Kumar and Anr. Versus State of U.P. & Ors. में पारित आदेश दिनांक 14.02.2025 का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा जनपद गाजियाबाद में स्वीकृत बालू खनन पट्टा ग्राम पचायरा खण्ड-2, गाटा सं० 303मि०, 313मि०, 290मि०, 301मि०, 303, 304मि०, 314मि०, 297मि०, 298मि०, 302मि०, 311मि०, 312मि०, 313मि०, 314मि० रकबा 8.512 है०, जो दिनांक 12.11.2021 से 11.11.2026 तक मै० न्यू पेन्थर सिक्योरिटी गार्ड सर्विस प्रो० श्री बनी सिंह के पक्ष में स्वीकृत है के विरुद्ध प्रस्तुत वीडियो सी.डी के जांच के आदेश दिए गए थे।

उपरोक्त आदेश के क्रम में दिनांक 29.03.2025 को बालू खनन पट्टा क्षेत्र ग्राम पचायरा (खण्ड-2) का स्थलीय निरीक्षण किया गया, जांच आख्या दिनांक 29.03.2025 इस पत्र के साथ संलग्न कर महोदय की सेवा में सादर अवलोकनार्थ प्रेषित है।

संलग्नक:- यथोपरि।

भवदीय,

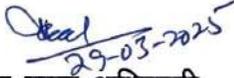

29-03-2025
(जनार्दन प्रसाद द्विवेदी)
ज्येष्ठ खान अधिकारी,
गाजियाबाद।

जांच आख्या

मा0 न्यायालय एन0जी0टी0, नई दिल्ली में योजित याचिका सं0 OA No. 1003/2024 Mr. Ashok Kumar and Anr. Versus State of U.P. & Ors. में पारित आदेश दिनांक 14.02.2025 के अनुपालन में दिनांक 29.03.2025 को वरिष्ठ सर्वेक्षक, क्षेत्रीय कार्यालय गाजियाबाद के साथ बालू खनन पट्टा क्षेत्र ग्राम पचायरा (खण्ड-2) का औचक निरीक्षण किया गया।

निरीक्षण के दौरान बालू खनन क्षेत्र ग्राम पचायरा खण्ड-2 में मा0 न्यायालय एन0जी0टी0, नई दिल्ली के आदेश दिनांक 14.02.2025 के अनुपालन में खनन कार्य पूर्णतः बंद पाया गया। निरीक्षण के दौरान बालू पट्टा क्षेत्र ग्राम पचायरा (खण्ड-2) में नदी की धारा में किसी प्रकार का बांध बना नहीं देखा गया न ही खनन किये जाने के कोई नये चिन्ह परिलक्षित हुए। आवेदक श्री अशोक कुमार द्वारा मा0 एन0जी0टी0 में प्रस्तुत विडियों में दिखाये गये क्षेत्र का विवरण न होने तथा समय व दिनांक न होने के कारण प्रश्नगत विडियों की पुष्टि किया जाना सम्भव नहीं है।

मौके पर लिये गये फोटोग्राफ्स सहित आख्या सेवा में सादर प्रेषित हैं।


29-03-2025
ज्येष्ठ खान अधिकारी
गाजियाबाद।

619



Panchayara, Uttar Pradesh, India

Unnamed Road, Tehari Dawlatpur,
Panchayara, Uttar Pradesh 201102,
India



Lat 28.803883° Long 77.205148°
29/03/25 04:21:57 PM

620



Panchayara, Uttar Pradesh, India

Unnamed Road, Tehari Dawlatpur,
Panchayara, Uttar Pradesh 201102,
India



Lat 28.803837° Long 77.205154°
29/03/25 04:21:48 PM

621



Panchayara, Uttar Pradesh, India

Unnamed Road, Tehari Dawlatpur,
Panchayara, Uttar Pradesh 201102,
India



Lat 28.803821° Long 77.205133°

29/03/25 04:21:45 PM

622



Panchayara, Uttar Pradesh, India

**Unnamed Road, Tehari Dawlatpur,
Panchayara, Uttar Pradesh 201102, India**

Lat 28.803705° Long 77.205035°

29/03/25 04:20:52 PM



Response/Reply on behalf of Uttar Pradesh Pollution Control Board with respect to Hon'ble National Green Tribunal, New Delhi order dated 16.12.2024 passed in case of O.A. No. 1373/2024 suo moto action on the News Item titled "How sand miners laid road across Yamuna between Delhi and Ghaziabad" appearing in the Times of India dated 30.11.2024.

1-Background:-

Hon'ble NGT in reference to O.A. No. 1373/2024 suo moto action on the News Item titled "How sand miners laid road across Yamuna between Delhi and Ghaziabad" appearing in the Times of India dated 30.11.2024 vide order dated 16.12.2024 has given following direction:-

".....2. The matter relates to the increasing scale of illegal mining in the Yamuna floodplain between Alipur in North Delhi and Panchayara in Ghaziabad. As per the article, sand miners in the region have been building makeshift roads across the Yamuna River, which have enabled them to transport excavators and carry out mining operations in the floodplains. The article highlights that these roads are often constructed by placing wooden planks and sandbags across the riverbed are not authorized under any mining leases and are causing considerable damage to the fragile ecosystem of the river. This practice is part of a longstanding pattern where miners bridge the Yamuna every winter, only for the roads to be washed away by monsoon floods, before being rebuilt the following year.

3. The article alleges that the river's banks have also been plundered by the sand mafia, damaging its ecology and making it prone to large-scale encroachment. The article states that rules don't permit mining on the riverbed, and the use of heavy machines is not allowed. On the floodplain, excavations are not permitted beyond a depth of 3 metres, and the lessee must ensure the flow of the river is not impeded in any way.

4. Furthermore, the article alleges that sand mining itself can be severely detrimental to a river for several reasons. It could increase a river's gradient, lead to excessive sediment transport, erosion and damage to instream habitat, erosion along the banks and changes even in the morphology of a river. Moreover, the

construction of temporary roads with polypropylene bags could further disrupt a river's ecosystem. These activities can alter the riverbed, increase erosion, change its course, and even lead to flooding.

9. Issue notice to the above respondents for filing their response/reply by way of affidavit at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

10. List on 14.04.2025.....”

2-Compliance:-

The matter relates to the increasing scale of illegal mining in the Yamuna floodplain between Alipur in North Delhi and Panchayara in Ghaziabad. In compliance of the aforesaid direction the Hon'ble NGT inspection of site in question Panchayara falling under the jurisdiction of District Ghaziabad was carried out by officials from Regional Office, Uttar Pradesh Pollution Control Board, Ghaziabad on 05.04.2025.

3-Observation:-

The observations based on the site visit and available records are as under:-

- (i) District Administration, Ghaziabad has issued a mining permit/lease for sand mining to project proponent M/s New Panther Security Guard Service situated at Gata No. 303mi, 313mi, 290mi, 301mi, 303mi, 304mi, 314mi, 297 mi, 298 mi, 302mi, 311mi, 312mi, 313mi & 314mi, Khand-02, Village-Panchayara, Tehsil-Loni, Ghaziabad, Uttar Pradesh.
- (ii) During inspection no mining activity was found being carried out in the mining lease site in question by project proponent M/s New Panther Security Guard Service. Further in compliance of Hon'ble NGT order dated 14.02.2025 passed in O.A. No. 1003/2024 Shri Ashok Kumar and Anr Versus State of Uttar Pradesh & Ors. mining activities was

discontinued after 25.02.2025. During inspection photographs under taken as follow:-



- (i) During visit it was observed that the mining contractor has made a approach path with sands at river bed for accessing different part of their mining area for excavators and transport vehicles. During visit no obstruction in river flow was observed and river is flowing evenly. Further, whether any temporary path is allowed to be constructed in the Yamuna river bed by sand miner for facilitating excavator/transportation of the mined material and other activities, it would be appropriate to obtain report from the Mining Department, Ghaziabad in this regard. During inspection photographs under taken as follow:-



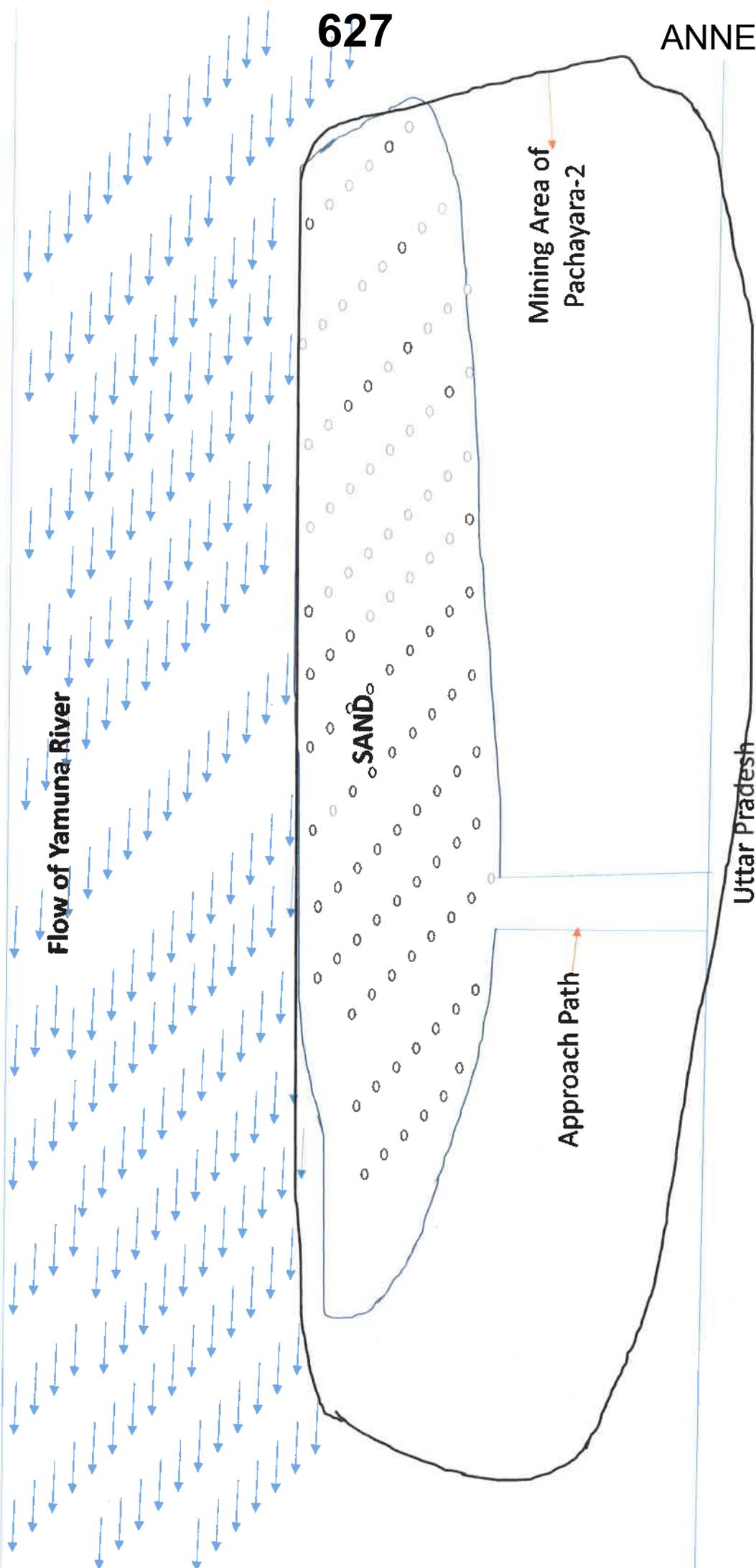
- (ii) It is also pertinent to mention that illegal mining by project proponent had been observed earlier during inspection conducted by District Mining Officer on dated 03.05.2024 for excavation of unauthorized 840 cubic meter of ordinary sand outside the prescribed/leased area. Subsequently Additional District Magistrate, Ghaziabad vide its letter dated 09.05.2024 for illegal mining of 840 cubic meter of ordinary sand has imposed fine of Rs. 8,27,000/- on project proponent. The copy of letter dated 09.05.2024 is attached as **Annexure-R/1**.
- (iii) It is also submitted that in pursuant to the order of Hon,ble NGT in the matter of O.A. No. 1003/2024 Shri Ashok Kumar and Anr Versus State of Uttar Pradesh & Ors UPPCB vide letter dated 25.02.2025 has also imposed an environmental Compensation Rs. 6,51,645.00 on project proponent M/s New Panther Security Guard Service for carrying out illegal mining of unauthorized 840 cubic meter ordinary sand. The copy of letter dated 25.02.2025 is attached as **Annexure-R/2**.

The above report in the said matter is submitted for kind perusal and necessary action.


(N.K. Pandey)
A.E.E.
UPPCB


(Vipul Kumar)
A.E.E.
UPPCB

DELHI



Flow of Yamuna River

SAND

Mining Area of Pachayara-2

Approach Path

Uttar Pradesh

15

प्रेषक,

जिलाधिकारी,
गाजियाबाद।

सेवा में,

जिलाधिकारी,
नोर्थ ईस्ट दिल्ली।

पत्र सं० :- 321 / ख०अनु०-गाजि० / 2024-25

दिनांक: 20/03/2025

विषय:- दिल्ली की ओर से अवैध खनन किये जाने करने के सम्बंध में।

महोदय,

कृपया उपरोक्त विषयक इस कार्यालय के पत्र सं० 102 / खनिज अनु०-गाजि० / 24-25 दिनांक 04.12.2024 व 93 / ख०अनु०-गाजि० / 2023-24 दिनांक 30.11.2024 (छायाप्रति संलग्न) का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा यमुना नदी में दिल्ली की ओर से किये जा रहे साधारण बालू के अवैध खनन के सम्बंध में अवगत कराते हुये अवैध खननकर्ताओं के विरुद्ध कार्यवाही किये जाने का अनुरोध किया गया था।

उपरोक्त के सम्बंध में यहाँ पुनः अवगत कराना है कि दिनांक 17.02.2025 को खान अधिकारी, गाजियाबाद एवं क्षेत्रीय लेखपाल द्वारा ग्राम नौरसपुर तहसील लोनी क्षेत्र का निरीक्षण किया गया। निरीक्षण के दौरान पाया गया कि उत्तर प्रदेश की सीमा से बाहर ग्राम सुंगरपुर, दिल्ली की ओर लगभग 12000 घ०मी० साधारण बालू का अवैध खनन किया गया है। उक्त अवैध खनन आपके सीमा क्षेत्र में किया गया है तथा उक्त अवैध खनन के सम्बंध में आपके स्तर से कार्यवाही किया जाना अपेक्षित है।

उक्त के अतिरिक्त खान अधिकारी गाजियाबाद द्वारा मा० न्यायालय एन०जी०टी०, नई दिल्ली में योजित याचिका सं० OA No. 1003/2024 Mr. Ashok Kumar and Anr. Versus State of U.P. & Ors. में पारित आदेश दिनांक 14.02.2025 के अनुपालन में दिनांक 11.03.2025 को सायं लगभग 05.00 बजे बालू खनन पट्टा क्षेत्र ग्राम पचायरा (खण्ड-2) का औचक निरीक्षण किया गया। निरीक्षण के दौरान बालू खनन क्षेत्र ग्राम पचायरा खण्ड-2 में मा० न्यायालय एन०जी०टी०, नई दिल्ली के आदेश दिनांक 14.02.2025 के अनुपालन में खनन कार्य पूर्णतः बंद पाया गया, परन्तु यमुना नदी के दूसरी ओर दिल्ली की तरफ काफी बड़े स्तर पर नदी की जलधारा में सक्शन पम्प, लिफ्टर व नॉव आदि की सहायता से साधारण बालू का अवैध खनन होता देखा गया। दिल्ली की ओर किये जा रहे साधारण बालू के अवैध खनन के सम्बंध में कई बार दिल्ली प्रशासन को अवगत कराया गया परन्तु अवैध खननकर्ताओं द्वारा खुले-आम निरन्तर अवैध खनन किया जा रहा है, जिस कारण मा० एन०जी०टी० में उ०प्र० राज्य की छवि भी धुमिल होती है एवं जो खनन पट्टे जनपद में नियमानुसार राजस्व जमा कर कार्य करते हैं, उन पर प्रतिकूल प्रभाव पड़ता है। अतः यमुना नदी की जलधारा में दिल्ली की ओर से किये जा रहे साधारण बालू के अवैध खनन पर अंकुश लगाया जाना अति आवश्यक है।

अतः उपरोक्त के दृष्टिगत आपसे पुनः अनुरोध है कि यमुना नदी क्षेत्र में दिल्ली की ओर से किये जा रहे अवैध खनन को रूकवाते हुये अवैध खननकर्ताओं के विरुद्ध कार्यवाही कराने एवं सम्बंधित थानाध्यक्षों को निगरानी रखने हेतु निर्देशित करने का कष्ट करें।

संलग्नक:- जांच के दौरान लिये गये फोटो व विडियो।

20/3/2025
जिलाधिकारी
गाजियाबाद।