

**HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

**ORIGINAL APPLICATION NO. 89/2025 (WZ)**

**Premnath Singh** ..... **Applicant**

VERSUS

**Govt. of Maharashtra, and** ..... **Respondents**  
**Ors.**

**REJOINDER TO THE AFFIDAVIT OF  
REPLY FILED BY RESPONDENT NO. 1  
AND 2 DATED 17/09/2024  
BY APPLICANT  
(PREMNATH SINGH)**

**INDEX ON NEXT PAGE**

Date : **03/10/2025**

Place : **Pune**

Filed by :



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**CONTACT DETAILS**

**.... Applicant**

**1 Premnath Singh**

**VERSUS**

**.... Respondents**

**1 District Collector, Chandrapur**

**2 District Mining Officer, Chandrapur**

**\*\*\***

## ABBREVIATIONS

Short form	Full Form
DEAC	District Expert Appraisal Committee
DEIAA	District Environment Impact Assessment Authority
DSR	District Survey Report
EAC	Expert Appraisal Committee
EC	Environmental Clearance Letter
EIA	Environment Impact Assessment
EMP	Environmental Management Plan
LOI	Letters of Intent
MoEF&CC MoEFCC	Ministry of Environment, Forest and Climate Change.
MPCB	Maharashtra Pollution Control Board
NGT	National Green Tribunal
OA	Original Application
SEAC	State Expert Appraisal Committee
SEIAA	State Environment Impact Assessment Authority
WZ	Western Zone

**MOST RESPECTFULLY  
SUBMITTED**

**1.** I, Premnath Singh, the Applicant in the above-mentioned Original Application, most respectfully submit this rejoinder to the affidavit in reply filed by Respondent Nos. 1 and 2, dated 17/09/2025. The applicant denies the statement and submission made by the Respondents in their affidavit in reply dated 07/09/2025 and 17/09/2025. I reiterate and reaffirm the contentions made in my original application and wish to address the misleading and erroneous statements put forth by the respondents.

**2.** The Applicant submits the summary response on the following Points.

A. Rebuttal on the Validity of Environmental Clearance (EC).

B. Misleading Statements on Tender Process and DSR.

C. Violation of Mandatory Procedures and Supreme Court Mandates

## A. Rebuttal on the Validity of Environmental Clearance (EC)

**3.** The respondents' reply attempts to create a false narrative by presenting a flawed chronology of events to justify their illegal actions. They claim that at no stage was mining undertaken without a valid EC and mining plan. However, this is directly contradicted by their own submitted documents.

- i. The EC letters themselves (Annexure-A2 in my original application and Exhibit-5 in the respondents' reply) clearly state that the "validity of Environmental Clearance is subject to the validity of the approved mining plan".
- ii. The mining plan that existed at the time of the EC issuance on **10/10/2024** and **11/10/2024** expired on **30/09/2024** [**AX. B: Mining Plan dated 01/11/2023** ■]
- iii. The new mining plan was only approved later on **17/02/2025**, with a validity until **30/09/2025**.
- iv. This timeline demonstrates a clear gap that the EC was granted when the approved mining plan had already expired, i.e., the EC was '*void ab initio*'. Therefore, the condition for the EC's validity was not met at the time of its issuance.

The subsequent approval of a new mining plan on 17/02/2025 does not retroactively validate the invalid EC. The respondent's assertion that the EC's validity is "co-terminus" with the mining plan under the MoEF&CC Notification of 12/04/2022 is an incorrect interpretation. This notification clarifies that the EC is valid for the "project life as laid down in the mining plan approved". A lapsed mining plan cannot confer validity to an EC.

- v. Further, the Applicant submits that the shelter mentioned under the MOEFCC notification dated 12/04/2022 and OM dated 13/12/2022, used by the Respondents, is completely mistaken. The notification clearly supports the Applicant's submission. Respondent has misinterpreted both documents.

**Notification dated 12/04/2022:**

**(Page No.4)**

*"(iv) The prior Environmental Clearance granted for mining projects shall be valid for the project life as laid down in the mining plan approved and renewed by competent authority, from time to time, subject to a maximum of thirty years, whichever is earlier:"*

**Office Memorandum 13/12/2022: (Page No.2,**

**Point No. i):**

*“Provided that the period of validity of Environmental Clearance with respect to the of valid type of Projects and Activities listed at Para 1 above may be extended in respect Environmental Clearance, by the regulatory authority concerned, by a maximum period of years as indicated at Para No. 1 Column (D) above, if an application is made in the laid down proforma to the regulatory authority by the applicant as per the provisions of EIA Notification 2006: Provided further that the regulatory authority may also consult the concerned **Expert Appraisal Committee** before grant of such extension.”*

The Applicant further submits that, on a perusal of the aforesaid references, it is evident and may be conclusively inferred that the same pertain exclusively to major minerals only, and that sand mining does not constitute a material or considerable part thereof.

## Comparative Information regarding Mining minerals:

Sr.	Feature	Major Mineral Mining	Sand Mining (Ordinary Sand)
1	Mineral type	Minerals include high-value fuel minerals (e.g., coal), metallic minerals (e.g., iron ore, copper), atomic minerals, and other non-metallic minerals.	Minerals are common, low-value construction materials, including ordinary sand, gravel, and ordinary clay.
2	Primary Governing Authority	<p><u>Lease permissions:</u> The Central Government plays a significant role, with the Mines and Minerals (Development and Regulation) (MMDR) Act, 1957, regulating concessions.</p> <p><u>Regulatory oversight:</u> The Indian Bureau of Mines (IBM) oversees major mineral mining, ensuring systematic development and conservation.</p>	<p><u>Lease permissions:</u> State governments have the primary authority to make rules for granting mining leases and for regulating minor minerals, under Section 15 of the MMDR Act. <u>Regulatory oversight:</u> State mining and geology departments are responsible for controlling and preventing illegal sand mining.</p>
3	Lease Period	The Mines and Minerals (Development and Regulation) Amendment Act, 2015, set the lease period for major minerals at a fixed 50 years, with no provision for renewal.	The lease period is significantly shorter and determined by state-level rules, often ranging from 1 to 5 years.
4	EC Category (EIA Notification, 2006)	Generally, Category 'A' or 'B1', depending on the lease area and production capacity.	Generally Category 'B2' or sometimes 'B1', depending on area and cluster size (often requiring a lower-level appraisal).

Sr.	Feature	Major Mineral Mining	Sand Mining (Ordinary Sand)
5	EC Granting Authority	<p><u>Central Level:</u> The Ministry of Environment, Forest and Climate Change (MoEFCC), through its Expert Appraisal Committee (EAC), grants EC for large projects (e.g., leases over 100 or 250 hectares).</p> <p><u>State Level:</u> State-level authorities may handle smaller-scale major mineral projects.</p>	<p><u>District Level:</u> District-level authorities, such as the District Expert Appraisal Committee (DEAC) and District Environment Impact Assessment Authority (DEIAA), handle most sand mining cases. This is pursuant to a 2012 Supreme Court order mandating EC for minor minerals and subsequent delegation by the MoEFCC.</p>
6	EC period	<p>The Environmental Clearance for mining projects under the EIA Notification, 2006, is typically valid for 30 years. This was confirmed by an Office Memorandum in 2015, stating that existing ECs remain valid for up to 30 years, subject to the lease period.</p>	<p>The EC validity period for minor mineral projects is determined by the relevant EC authority. In many cases, it is aligned with the shorter lease duration, and extensions may be subject to review.</p>
7	Probable environmental hazard	<p><u>Large-scale and long-term impacts:</u> Extensive landscape alteration, deforestation, large waste dumps (overburden), and high energy consumption. Risks include air and water pollution from toxic minerals, soil contamination, subsidence, and impacts on biodiversity over large areas.</p>	<p><u>Localized and immediate impacts:</u> Causes riverbank erosion, changes in river course, depletion of the groundwater table, and degradation of water quality. It can destroy aquatic habitats and increase flooding risks locally.</p>

Sr.	Feature	Major Mineral Mining	Sand Mining (Ordinary Sand)
8	Applicable EC/EIA notification	The EIA Notification, 2006 (as amended) governs the Environmental Clearance process for mining projects. The relevant Ministry of Mines Office Memorandum of 20/03/2015 clarifies EC validity and renewals for mines.	The EIA Notification, 2006 (as amended) applies to minor mineral mining. After the Supreme Court's 2012 judgment, the MoEFCC issued guidance requiring EC for all minor mineral mining and delegated authority to the district level for smaller projects.
9	Key EC Prerequisite/ Judicial Mandate	Detailed Environmental Impact Assessment (EIA) / Environmental Management Plan (EMP). Public Hearing is mandatory for Category A and some B1 projects.	Requires a District Survey Report (DSR) and a crucial Replenishment/Recharge Study to assess annual replenishment capacity. EC is legally dependent on non-extraction beyond the replenishment rate (as mandated by the Supreme Court in Deepak Kumar case).

## **B. Misleading Statements on Tender Process and DSR**

**4.** The respondents' affidavit is silent on the critical fact that a prior similar e-auction notice was withdrawn before the Hon'ble Nagpur Bench of the Bombay High Court for the very same reason, that was a lack of a valid EC. The issuance of a new e-tender notice on 06/05/2025 on the "same set of

facts" shows a disregard for the High Court's directive and a blatant attempt to circumvent environmental regulations.

**5.** Furthermore, the respondents' claim that a District Survey Report (DSR) was published for public comment is insufficient. A DSR is an initial, crucial step before formulating a mining policy. Every DSR may have different gut numbers or survey numbers or an area of mining, depending on the availability of the sand. As per the Sustainable Sand Mining Management Guidelines 2016, incorporated into the EIA Notification 2006, the draft DSR must be made public for 21 days. The respondents' reply fails to provide evidence that this was properly followed for all the sand ghats in question. They merely state that a DSR was published and no objections were received, but do not provide proof of a transparent process or a final approved DSR

### **C. Violation of Mandatory Procedures and Supreme Court Mandates**

**6.** The respondents' affidavit attempts to brush aside other critical violations as "incorrect dates" and "unreliable" photographs.

- i. Applicant has already submitted the Geo-tagged images to the Hon'ble Bench at the

time of the first argument, and on the basis of those images only, this Hon'ble Bench directed Respondents no. 1 and 2 to submit the reply on the illegal mining activity. **[AX. D: Geo-tagged images of illegal mining activity ■]**

- ii. The acceptance letters were issued for the period **2025-26**, which clearly attempts to bypass the need for a fresh EC.
- iii. The tender notice stipulated a lease period only until **September 2025**. The allotment orders permitting excavation from 23/05/2025 to 10/06/2025 and the subsequent acceptance letters show an attempt to avoid future EC requirements by misrepresenting the lease period.
- iv. The allegation that mandatory pre-possession formalities, including the installation of CCTV cameras, were bypassed in haste has not been adequately addressed in the reply. The respondents' own documents (Exhibit-11) show that they were directed to take action on 09/06/2025, which indicates that these formalities were not completed prior to the commencement of work.

- v. The Respondents' own document (Exhibit-12) confirms that they have now submitted an application for the extension of the EC and mining plan for the next two years (2025-27), which proves that they recognize the insufficiency of the existing clearances for the current period.
- vi. The entire tender process and excavation activities are in clear violation of the Hon'ble Supreme Court's pronouncements in the case of **Deepak Kumar vs. State of Haryana (2012)**. This judgment mandates EC as a precondition for minor mineral extraction, which the respondents have failed to ensure. **[AX. A: SC judgment on Deepak Kumar vs. State of Haryana (2012) ■]**
- vii. Also in ***Gaurav Kumar vs. State of Uttar Pradesh & Ors. (NGT OA No. 188/2023, September 2, 2024)***: The NGT addressed the challenge to the e-auction notice (dated 13/02/2023) for river bed mining sites in **Saharanpur District**, U.P., on the grounds that the last valid DSR expired in 2022 and only a draft DSR existed at the time of auction. The Tribunal cited the **2020 Sand Mining Guidelines** and the Supreme Court's *Pawan Kumar* judgment, which mandate the

**preparation of a DSR before the auction/e-auction/grant of LOI.** Finding that the final DSR approval by SEAC and SEIAA occurred *after* the auction notice, the NGT concluded that the notice and subsequent Letters of Intent (LOIs) were **bad in law and set them aside.** To ensure continuous sand supply, the NGT **permitted the State of U.P., through its agency** (like UP State Mining Corporation), to carry out mining in the interim, ensuring all environmental concerns are met. The Tribunal also noted the misleading title of the new DSR ("Updated DSR"), which suggested continuity where none existed after the 2017 DSR's lapse. AND In the Appeal against this order of the NGT, **Hon'ble Supreme Court held that, (Supreme Court Order: *State of Uttar Pradesh & Anr. vs. Gaurav Kumar & Ors. (Civil Appeal No. 14170 of 2024, May 8, 2025)*** The Supreme Court **upheld the NGT's decision**, dismissing appeals by the State of U.P. and LOI holders, emphasizing **zero tolerance for unauthorised sand mining.** The core finding was that the e-auction notice dated 13.02.2023 for sand mining in Saharanpur was **illegal** because it was issued in the absence of a **valid, final, and subsisting District**

**Survey Report (DSR).** The Court reiterated that a '**draft DSR**' is **untenable** and virtually non-existent for granting Environmental Clearance (EC), which must be based on a final DSR. The judgment stressed the **mandatory nature of the DSR**, which must be prepared and updated every **five years** to serve as the benchmark for EC applications, reports, and project appraisal. The decision reaffirms the legal framework, including the **EIA Notifications of 2006 (as amended) and 2016** and the **2020 Guidelines for Sand Mining**, which necessitate strict adherence to environmental safeguards. [AX. C: SC judgment and NGT Order in "State of Uttar Pradesh & Anr. vs. Gaurav Kumar & Ors" 2025 ■]

The reply from the District Collector (R-1) and District Mining Officer (R-2), therefore, fails to provide a legally sound defence for the illegalities. The actions taken by them have caused and continue to cause environmental degradation in the district

Place: **Pune**  
Date: **03/10/2025**

  
×  
**Premnath Singh**  
**DEPENDENT**

**BEFORE ME**  
  
**SUNIL D. AWARE**  
NOTARY  
GOVT. OF INDIA  
Chinchwad, Pune-411 033.

**03 OCT 2025**

Noted & Registered  
at-Serial Number -

601/2025



Deepak Kumar Etc vs State Of Haryana & Ors.Etc on 27 February, 2012

## Deepak Kumar Etc vs State Of Haryana & Ors.Etc on 27 February, 2012

**Equivalent citations: AIR 2012 SUPREME COURT 1386, 2012 (4) SCC 629, 2012 AIR SCW 1954, 2013 (2) AJR 158, 2012 (3) SCALE 96, (2012) 1 CLR 657 (SC), (2012) 2 JCR 251 (SC), (2012) 112 ALLINDCAS 54 (SC), 2012 (112) ALLINDCAS 54, AIR 2012 SC (CIVIL) 1128, (2012) 4 KER LJ 289, (2012) 3 SCALE 96, (2012) 4 CIVLJ 156, (2012) 114 CUT LT 7**

**Bench: Chandramauli Kr. Prasad, K.S. Radhakrishnan**

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. Nos.12-13 of 2011

IN

SPECIAL LEAVE PETITION (C) NO. 19628-19629 OF 2009

Deepak Kumar etc.

...Petitioners

Versus

State of Haryana and Others etc.

...Respondents

WITH

SLP(C) Nos. 729-731/2011, 21833/2009, 12498-499/2010, SLP(C) CC... 16157/2011 & CC 18235/2011

## O R D E R

K. S. Radhakrishnan, J.

I.A. Nos. 12-13 of 2011 are allowed. SLP (C) Nos.12498- 12499 of 2010 be detagged and be listed after two weeks.

The Department of Mines and Geology, Government of Haryana issued an auction notice dated 3.6.2011 proposing to auction the extraction of minor mineral boulder, gravel and sand quarries of an area not exceeding 4.5 hectares in each case in the District of Panchkula, auction notices dated 8.8.2011 in the District of Panchkula, Ambala and Yamuna Nagar exceeding 5 hectares and above, quarrying minor mineral, road metal and masonry stone mines in the District of Bhiwani, stone, sand mines in the District of Mohindergarh, slate stone mines in the District of Rewari, and also in the Districts of Kurukshetra, Karnal, Faridabad and Palwal, with certain restrictions for quarrying in the river beds of Yamuna, Tangri, Markanda, Ghaggar, Krishnavati River basin, Dohan River basin etc. The validity of those auction notices is under challenge before us, apart from the complaint of illegal mining going on in the State of Rajasthan and Uttar Pradesh.

2. When the matter came up for hearing on 25.11.2011, we passed an order directing the CEC to make a local inspection with intimation to MoEF, State of U.P., Rajasthan and Haryana with regard to the alleged illegal mining going on in the States of Uttar Pradesh, Rajasthan and also with regard to the areas identified for mining in the State of Haryana and submit a report. We also directed the CEC to examine whether there has been an attempt to flout EIA Notification dated 14.9.2006 by breaking the homogeneous area into pieces of less than 5 hectares. CEC was also directed to examine whether the activities going on in that area have any adverse environmental impact.

3. CEC, in response to our order, submitted a detailed report on 4.1.2012. However, the report is silent with regard to the disturbing trend of serious illegal and unrestricted upstream, in-stream and flood plain sand mining activities and the prevailing degree of degradation of the sites and the environment, especially on the river beds mentioned earlier.

Report of CEC however states that the auction notice also refer to mining leases of less than 5 hectares and hence no environmental clearance need be obtained as per the MoEF notification dated 14.9.2006. No light is also thrown on the question whether there has been, in fact, an attempt to flout the notification dated 14.9.2006 by breaking the homogeneous area into pieces of less than 5 hectares and the possible environmental or ecological impact on quarrying of minor minerals.

4. Mr. Patwalia, learned senior counsel appearing for the petitioners, submitted that CEC report is silent about those aspects and also whether 1 km. distance has been maintained between the mining blocks of less than 5 hectares. Learned counsel also submitted that mining areas earmarked are at the foothills of fragile Himalayan ranges known as Shivalik hills, which are spread over the Districts of Panchkula, Ambala and Yamuna Nagar and the illegal and excessive mining has caused serious environmental degradation and ecological impact, and no Environmental Impact Assessment has ever taken place in areas earmarked for mining especially on the river beds.

5. Shri Gopal Subramaniam, learned senior counsel appearing for the State of Haryana, submitted that the State has taken adequate and effective precautions to maintain 1 km. separation between mining blocks of less than 5 hectares each and that the auction notice dated 3.6.2011 itself has imposed strict restrictions on quarrying in the river beds so also the auction notice dated 8.8.2011. Further, it was pointed out that the notification dated 14.9.2006 would not apply for quarrying minor minerals from areas of less than 5 hectares and therefore, no environmental impact assessment needs to be undertaken either at the instance of the State Government or the Project Proponent.

6. Shri Mohan Jain, learned Additional Solicitor General, appearing for the MoEF submitted that the grant or allotment of mining licence/lease of smaller plots of less than five hectares should not be encouraged from the environmental point of view and that the applicability of EIA notification of 2006, has to be seen in its letter and spirit so as to ensure environmental safeguards in place and implemented for sustainable mining. Learned counsel also assured, if environmental clearance is sought for covering a mining area of less than five hectares, the same shall be immediately attended to and necessary clearance would be granted in accordance with law.

7. We have no materials before us to come to the conclusion that the removal of minor mineral boulder, gravel, sand quarries etc. covered by the auction notices dated 3.6.2011 and 8.8.2011, in the places notified therein and also in the river beds of Yamuna, Ghaggar, Tangri, Markanda, Krishnavati river basin, Dohan river basin etc. would not cause environmental degradation or threat to the biodiversity, destroy riverine vegetation, cause erosion, pollute water sources etc. Sand mining on either side of the rivers, upstream and in-stream, is one of the causes for environmental degradation and also a threat to the biodiversity. Over the years, India's rivers and Riparian ecology have been badly affected by the alarming rate of unrestricted sand mining which damage the ecosystem of rivers and the safety of bridges, weakening of river beds, destruction of natural habitats of organisms living on the river beds, affects fish breeding and migration, spells disaster for the conservation of many bird species, increases saline water in the rivers etc. Extraction of alluvial material from within or near a streambed has a direct impact on the stream's physical habitat characteristics. These characteristics include bed elevation, substrate composition and stability, in-stream roughness elements, depth, velocity, turbidity, sediment transport, stream discharge and temperature. Altering these habitat characteristics can have deleterious impacts on both in-stream biota and the associated riparian habitat. The demand for sand continues to increase day by day as building and construction of new infrastructures and expansion of existing ones is continuous thereby placing immense pressure on the supply of the sand resource and hence mining activities are going on legally and illegally without any restrictions. Lack of proper planning and sand management cause disturbance of marine ecosystem and also upset the ability of natural marine processes to replenish the sand.

8. We are expressing our deep concern since we are faced with a situation where the auction notices dated 3.6.2011 and 8.8.2011 have permitted quarrying mining and removal of sand from in-stream and upstream of several rivers, which may have serious environmental impact on ephemeral, seasonal and perennial rivers and river beds and sand extraction may have an adverse effect on bio-diversity as well. Further it may also lead to bed degradation and sedimentation having a

negative effect on the aquatic life.

Rivers mentioned in the auction notices are on the foothills of the fragile Shivalik hills. Shivalik hills are the source of rivers like Ghaggar, Tangri, Markanda etc. River Ghaggar is a seasonal river which rises up in the outer Himalayas between Yamuna and Satluj and enters Haryana near Pinjore, District Panchkula, which passes through Ambala and Hissar and reaches Bikaner in Rajasthan. River Markanda is also a seasonal river like Ghaggar, which also originates from the lower Shivalik hills and enters Haryana near Ambala. During monsoon, this stream swells up into a raging torrent, notorious for its devastating power, as also, river Yamuna.

9. We find that it is without conducting any study on the possible environmental impact on/in the river beds and else-

where the auction notices have been issued. We are of the considered view that when we are faced with a situation where extraction of alluvial material within or near a river bed has an impact on the rivers physical habitat characteristics, like river stability, flood risk, environmental degradation, loss of habitat, decline in biodiversity, it is not an answer to say that the extraction is in blocks of less than 5 hectares, separated by 1 kilometre, because their collective impact may be significant, hence the necessity of a proper environmental assessment plan. Possibly this may be the reason that in the affidavit filed by the MoEF on 23.11.2011 along with the annexure-2 report, the following stand has been taken:

"The Ministry is of the opinion that where the mining area is homogenous, physically proximate and on identifiable piece of land of 5 ha or more, it should not be broken into smaller sizes to circumvent the EIA Notification, 2006 as the EIA Notification, 2006 is not applicable to the mining projects having lease area of less than 5 ha. The Report of Committee on Minor Minerals, under the Chairmanship of the Secretary (E&F) with representatives of various state Governments as members including the State of Haryana and Rajasthan recommended a minimum lease size of 5 ha for minor minerals for undertaking scientific mining for the purpose of integrating and addressing environmental concerns. Only in cases of isolated discontinued mineral deposits in less than 5 ha, such mining leases may be considered keeping in view the mineral conservation."

Situations referred to earlier prevail not only in the State of Haryana but also in the neighbouring and other States of the country as well and those issues had come up for serious deliberations before the Government of India, on various occasions.

10. Government of India was receiving various reports regarding the adverse impacts on riverbeds and groundwater due to quarrying/mining of minerals. The Mines and Minerals (Development & Regulation) Act 1957 empowers the State Governments to make rules in respect of minor minerals. It was noticed that proposals for mining of major minerals typically undergo environment impact assessment and environmental clearance procedure, but due attention has not been given to environmental aspects of mining of minor minerals. Environmental Impact Assessment Notification

of 1994 did not apply to the mining of minor minerals, noticing that minor minerals were brought under the ambit of the Environmental Impact Assessment Notification of 2006 and as per the said notification mining of minerals with a lease area of 5 hectares and above require prior environmental clearance. MoEF's attention was drawn to several instances across the country regarding damage to lakes, riverbeds and groundwater leading to drying up of water beds and causing water scarcity on account of quarry/mining leases and mineral concessions granted under the Mineral Concession Rules framed by the State Governments under Section 15 of the Mines and Minerals (Development and Regulation) Act 1957. MoEF noticed that less attention was given on environmental aspects of mining of minor minerals since the area was small, but it was noticed that the collective impact in a particular area over a period of time might be significant. Taking note of those aspects, MoEF constituted a Core Group under the Chairmanship of the Secretary (E&F) to look into the environmental aspects associated with mining of minor minerals, vide its order dated 24.03.2009. The terms of reference to the Group were as under:

- (i) To consider the environmental aspects of mining of minor minerals (quarrying as well as river beds mining) for their integration into the mining process.
- (ii) Specific safeguard measures required to minimize the likely adverse impacts of mining on environment with specific reference to impact on water bodies as well as groundwater so as to ensure sustainable mining.
- (iii) To evolve model guidelines so as to address mining as well as environmental concerns in a balanced manner for their adoption and implementation by all the mineral producing States.

The Group held its first meeting on 7.7.2009 and discussed the impact that may be caused by quarrying/mining of minor minerals on riverbeds and ground waters. It was noticed that individual mines of minor minerals being small in size may have insignificant impact, however, their collective impacts, taking into consideration various mines on a regional scale, is significantly adverse. It was, therefore, felt necessary to consider various aspects since appropriate guidelines have to be issued on the basis of the report of the Committee. The issues which were brought up for consideration were; (i) the need to re-look the definition of minor mineral, (ii) minimum size of lease for adopting eco friendly scientific mining practices, (iii) period of lease, (iv) cluster of mine approach for addressing and implementing EMP in case of small mines, (v) depth of mining to minimize adverse impact on hydrological regime, (vi) requirement of mine plan for minor minerals, similar to major minerals, and

(vii) reclamation of mined out area, post mine land use, progressive mine closure plan etc.

11. Comments and inputs from various States and Experts were also invited so as to prepare a report for consideration of the MoEF. Based on the discussion held and subsequent inputs received, a draft report was prepared and circulated to all members for their further inputs. Report was further discussed on 29.1.2010 for its finalization. The observations/comments made during the meeting were incorporated in the report and it was again circulated to all members for their consideration.

The report so circulated was ultimately finalized. The decision taken by the MoEF affects generally the mining of minor minerals including the riverbed mining throughout the country. For an easy reference, we may extract the issues and recommendations made by the MoEF, which are as follows:

"4.0 ISSUES AND RECOMMENDATIONS 4.1 Definition of Minor Mineral:

The term minor mineral is defined in clause (e) of Section 3 of MMDR Act, 1957 as "minor mineral means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes and any other material which the Central Government may, by Notification in the Gazette of India declare to be a minor mineral". The term 'ordinary sand' used in clause (e) of Section 3 of the MMDR Act, 1957 has been further clarified in rule 70 of the MCR, 1960 as "sand shall not be treated as minor mineral when used for any of the following purposes namely: (i) purposes of refractory and manufacture of ceramic, (ii) metallurgical purposes, (iii) optical purposes,

(iv) purposes of stowing in coal mines, (v) for manufacture of silvitrete cement, (vi) manufacture of sodium silicate and (vii) manufacture of pottery and glass.

Additionally, the Central Government has declared the following minerals as minor minerals: (i) boulder, (ii) shingle, (iii) chalcedony pebbles used for ball mill purposes only, (iv) limeshell, kankar and limestone used in kilns for manufacture of lime used as building material, (v) murrum, (vi) brick-earth, (vii) fuller's earth, (viii) bentonite,

(ix) road metal, (x) reh-matti, (xi) slate and shale when used for building material, (xii) marble, (xiii) stone used for making household utensils, (xiv) quartzite and sandstone when used for purposes of building or for making road metal and household utensils, (xv) saltpeter and (xvi) ordinary earth (used or filling or levelling purposes in construction or embankments, roads, railways building).

It may thus be observed that minerals have been classified into major and minor minerals based on their end use rather than level of production, level of mechanization, export and import etc. There do exist some minor mineral mines of silica sand and limestone where the scale of mechanization and level of production is much higher than those of industrial mineral mines.

Further, in terms of the economic cost and revenue, it has been estimated that the total value of minor minerals constitutes about 10% of the total value of mineral production whereas the value of non metallic minerals comprises only 3%. It is, therefore, evident that the operation of mines of minor minerals need to be subject to some regulatory parameters as that of mines of major minerals.

Further, unlike India there does not exist any such system based on end usage in other countries for classifying minerals into major and minor categories. Thus, there is a need to re-look at the definition of "minor"

minerals per se.

It is, therefore, recommended that Ministry of Mines along with Indian Bureau of Mines, in consultation with the State Governments may re-examine the classification of minerals into major and minor categories so that the regulatory aspects and environment mitigation measures are appropriately integrated for ensuring sustainable and scientific mining with least impacts on environment.

#### 4.2 Size of the Mine Lease:

Area for grant of mine lease varies from State to State. Maximum area which can be held under one or more mine lease is 2590 ha or 25.90 sq.miles in Jammu & Kashmir. Rajasthan prescribed a minimum limit of 1 ha for a lease. Maximum area prescribed for permit is 50x50 m. In most of the States area of permit is not specified in the rules. It has recently been observed by Punjab and Haryana High Court in its order dated 15.5.2009 that State Government are apparently granting short term permits by dividing the mining area into small zones in effect avoids environmental norms.

There is, thus a need to bring uniformity in the extent of area to be granted for mine lease so as to ensure that eco friendly scientific mining practices can be adopted. It is recommended that the minimum size of mine lease should be 5 ha. Further, preparation of comprehensive mine plan for contiguous stretches of mineral deposits by the respective State Governments may also be encouraged. This may suitably be incorporated in the Mineral Concession Rules, 1960 by Ministry of Mines.

#### 4.3 Period of Mine Lease:

The period of lease varies from State to State depending on type of concessions, minerals and its end use. The minimum lease period is one year and maximum 30 years. Minerals like granite where huge investments are required, a period of 20 years is generally given with the provisions of renewal. Permits are generally granting for short periods which vary from one month to a maximum one year. In States like Haryana, minor mineral leases are auctioned for a particular time period. Mining is considered to be capital intensive industry and considerable time is lost for developing the mine before it attains the status of fully developed mine. If the tenure of the mine lease is short, it would encourage the lessee to concentrate more on rapid exploitation of mineral without really undertaking adequate measures for reclamation and rehabilitation of mined out area, posing thereby a serious threat to the environment and health of the workers and public at large.

There is thus, a need to bring uniformity in the period of lease. It is recommended that a minimum period of mine lease should be 5 years, so that eco friendly scientific and sustainable mining practices are adopted. However, under exceptional

circumstances arising due to judicial interventions, short term mining leases / contracts could be granted to the State Agencies to meet the situation arising there from.

#### 4.4 Cluster of Mine Approach for Small Sized Mines:

Considering the nature of occurrence of minor mineral, economic condition of the lessee and the likely difficulties to be faced by Regulatory Authorities in monitoring the environmental impacts and implementation of necessary mitigation measures, it may be desirable to adopt cluster approach in case of smaller mine leases being operated presently. Further, these clusters need be provided with processing/crusher zones for forward integration and minimizing excessive pressure on road infrastructure. The respective State Governments / Mine Owners Associations may facilitate implementation of Environment Management Plans in such cluster of mines. 4.5 Requirement of Mine Plan for Minor Minerals:

At present, most of the State Governments have not made it mandatory for preparation of mining plan in respect of minor minerals. In some States like Rajasthan, eco friendly mining plans are prepared, which are approved by the State Mining Department.

The eco friendly mining plans so prepared, though conceptually welcome, are observed to be deficient and need to be made comprehensive in a manner as is being done for major minerals. Besides, the aspects of reclamation and rehabilitation of mined out areas, progressive mine closure plan, as in vogue for major minerals could be introduced for minor minerals as well.

It is recommended that provision for preparation and approval of mine plan, as in the case of major minerals may appropriately be provided in the Rules governing the mining of minor minerals by the respective State Governments. These should specifically include the provision for reclamation and rehabilitation of mined out area, progressive mine closure plan and post mine land use.

#### 4.6 Creation of Separate Corpus for Reclamation / Rehabilitation of Mines of Minor Minerals:

Mining of minor minerals, in our country, is by and large unorganized sector and is practiced in haphazard and unscientific manner. At times, the size of the leasehold is also too small to address the issue of reclamation and rehabilitation of mined out areas. It may, therefore, be desirable that before the concept of mine closure plan for minor minerals is adopted, the existing abandoned mines may be reclaimed and rehabilitated with the involvement of the State Government. There is thus, a need to create a separate corpus, which may be utilized for reclamation and rehabilitation of mined out areas. The respective State Governments may work out a suitable mechanism for creation of such corpus on the 'polluter pays' principle. An organizational structure may also need to be created for undertaking and monitoring these activities.

#### 4.7 Depth of Mining:

Mining of minerals, whether major or minor have a direct bearing on the hydrological regime of the area. Besides, affecting the availability of water as a resource, it also affects the quality of water through direct run of going into the surface water bodies and infiltration / leaching into groundwater. Further, groundwater withdrawal, dewatering of water from mine pit and diversion of surface water may cause surface and sub surface hydrologic systems to dry up. An ideal situation would require that quarrying should be restricted to unsaturated zone only above the phreatic water table and should not intersect the groundwater table at any point of time. However, from the point of view of mineral conservation, it may not be desirable to impose blanket ban on mining operation below groundwater table.

It is, therefore, recommended that detailed hydro-geological report should be prepared in respect of any mining operation for minor minerals to be undertaken below groundwater table. Based on the findings of the study so undertaken and the comments / recommendations of Central Ground Water Authority / State Ground Water Board, a decision regarding restriction on depth of mining for any area should be taken on case to case basis.

#### 4.8 Uniform Minor Mineral Concession Rules:

The economic value of the minor minerals excavated in the country is estimated to contribute to about 9% of the total value of the minerals whereas the non metallic minerals contribute to about 2.8%. Keeping in view the large extent of mining of minor minerals and its significant potential to adversely affect the environment, it is recommended that Model Mineral Concession rules may be framed for minor minerals as well and the minor minerals may be subjected to a simpler regulatory regime, which is, however, similar to major minerals regime.

#### 4.9 River Bed Mining:

4.9.1 Environment damage being caused by unregulated river bed mining of sand, bazaris and boulders is attracting considerable attention including in the courts. The following recommendations are therefore made for the river bed mining.

(a) In the case of mining leases for riverbed sand mining, specific river stretches should be identified and mining permits/lease should be granted stretch wise, so that the requisite safeguard measures are duly implemented and are effectively monitored by the respective Regulatory Authorities.

(b) The depth of mining may be restricted to 3m/water level, whichever is less.

(c) For carrying out mining in proximity to any bridge and/or embankment, appropriate safety zone should be worked out on case to case basis, taking into account the structural parameters, locational

aspects, flow rate etc. and no mining should be carried out in the safety zone so worked out.

#### 5.0 Conclusion:

Mining of minor minerals, though individually, because of smaller size of mine leases is perceived to have lesser impact as compared to mining of major minerals.

However, the activity as a whole is seen to have significant adverse impacts on environment. It is, therefore, necessary that the mining of minor minerals is subjected to simpler but strict regulatory regime and carried out only under an approved framework of mining plan, which should provide for reclamation and rehabilitation of the mined out areas. Further, while granting mining leases by the respective State Governments "location of any eco-fragile zone(s) within the impact zone of the proposed mining area, the linked Rules/Notifications governing such zones and the judicial pronouncements, if any, need be duly noted. The Union Ministry of Mines along with Indian Bureau of Mines and respective State Governments should therefore make necessary provisions in this regard under the Mines and Minerals (Development and Regulation) Act, 1957, Mineral Concession Rules, 1960 and adopt model guidelines to be followed by all States. " (emphasis supplied) The report clearly indicates that operation of mines of minor minerals needs to be subjected to strict regulatory parameters as that of mines of major minerals. It was also felt necessary to have a re-look to the definition of "minor" minerals per se. The necessity of the preparation of "comprehensive mines plan" for contiguous stretches of mineral deposits by the respective State Governments may also be encouraged and the same be suitably incorporated in the Mineral Concession Rules, 1960 by the Ministry of Mines. Further, it was also recommended that States, Union Territories would see that mining of minor minerals is subjected to simpler but strict regulatory regime and carried out only under an approved framework of mining plan, which should provide for reclamation and rehabilitation of mined out areas. Mining Plan should take note of the level of production, level of mechanisation, type of machinery used in the mining of minor minerals, quantity of diesel consumption, number of trees uprooted, export and import of mining minerals, environmental impact, restoration of flora and host of other matters referred to in 2010 rules. A proper framework has also to be evolved on cluster of mining of minor mineral for which there must be a Regional Environmental Management Plan. Another important decision taken was that while granting of mining leases by the respective State Governments, location of any eco-fragile zone(s) within the impact zone of the proposed mining area, the linked Rules/Notifications governing such zones and the judicial pronouncements, if any, need to be duly noted.

12. The Minister for (E & F) wrote DO letter dated 1st June, 2010 to all the Chief Ministers of the States to examine the report and to issue necessary instructions for incorporating the recommendations made in the report in the Mineral Concession

Rules for mining of minor minerals under Section 15 of Mines and Mineral (Development and Regulation) Act, 1957. Following are the key recommendations re-iterated in the letter:

"(1) Minimum size of mine lease should be 5 ha. (2) Minimum period of mine lease should be 5 years. (3) A cluster approach to mines should be taken in case of smaller mines leases operating currently. (4) Mine plans should be made mandatory for minor minerals as well.

(5) A separate corpus should be created for reclamation and rehabilitation of mined out areas. (6) Hydro-geological reports should be prepared for mining proposed below groundwater table. (7) For river bed mining, leases should be granted stretch wise, depth may be restricted to 3m/water level, whichever is less, and safety zones should be worked out.

(8) The present classification of minerals into major and minor categories should be re-examined by the Ministry of Mines in consultation with the States."

13. The Ministry of Mines, Govt. of India sent a communication No.296/7/2000/MRC dated 16.05.2011 called "Environmental aspects of quarrying and of minor minerals - Evolving of Model Guidelines" along with a draft model guidelines calling for inputs before 30. 06. 2011. Draft rules called Minor Minerals Conservation and Development Rules, 2010 were also put on the website. Further, it may be noted Section 15(1A)(i) of the Act specifies the manner in which rehabilitation of flora and other vegetation, such as trees, shrubs and the like destroyed by reasons of any quarrying or mining operations shall be made in the same area or in any other area once selected by the State Government, whether by way of reimbursement of the cost of rehabilitation or otherwise by the persons holding the quarrying or mining lease.

14. We are of the view that all State Governments / Union Territories have to give due weight to the above mentioned recommendations of the MoEF which are made in consultation with all the State Governments and Union Territories. Model Rules of 2010 issued by the Ministry of Mines are very vital from the environmental, ecological and bio-diversity point of view and therefore the State Governments have to frame proper rules in accordance with the recommendations, under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957.

15. Quarrying of river sand, it is true, is an important economic activity in the country with river sand forming a crucial raw material for the infrastructural development and for the construction industry but excessive in-stream sand and gravel mining causes the degradation of rivers. In-

stream mining lowers the stream bottom of rivers which may lead to bank erosion. Depletion of sand in the streambed and along coastal areas causes the deepening of rivers which may result in destruction of aquatic and riparian habitats as well. Extraction of alluvial material as already mentioned from within or near a streambed has a direct impact on the stream's physical habitat characteristics.

16. We are of the considered view that it is highly necessary to have an effective framework of mining plan which will take care of all environmental issues and also evolve a long term rational and sustainable use of natural resource base and also the bio-assessment protocol. Sand mining, it may be noted, may have an adverse effect on bio-diversity as loss of habitat caused by sand mining will effect various species, flora and fauna and it may also destabilize the soil structure of river banks and often leaves isolated islands. We find that, taking note of those technical, scientific and environmental matters, MoEF, Government of India, issued various recommendations in March 2010 followed by the Model Rules, 2010 framed by the Ministry of Mines which have to be given effect to, inculcating the spirit of Article 48A, Article 51A(g) read with Article 21 of the Constitution.

17. The State of Haryana and various other States have not so far implemented the above recommendations of the MoEF or the guidelines issued by the Ministry of Mines before issuing auction notices granting short term permits by way of auction of minor mineral boulders, gravel, sand etc., in the river beds and elsewhere of less than 5 hectares. We, therefore, direct to all the States, Union Territories, MoEF and the Ministry of Mines to give effect to the recommendations made by MoEF in its report of March 2010 and the model guidelines framed by the Ministry of Mines, within a period of six months from today and submit their compliance reports.

18. Central Government also should take steps to bring into force the Minor Minerals Conservation and Development Rules 2010 at the earliest. State Governments and UTs also should take immediate steps to frame necessary rules under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 taking into consideration the recommendations of MoEF in its Report of March 2010 and model guidelines framed by the Ministry of Mines, Govt. of India. Communicate the copy of this order to the MoEF, Secretary, Ministry of Mines, New Delhi, Ministry of Water Resources, Central Government Water Authority, the Chief Secretaries of the respective States and Union Territories, who would circulate this order to the concerned Departments.

19. We, in the meanwhile, order that leases of minor mineral including their renewal for an area of less than five hectares be granted by the States/Union Territories only after getting environmental clearance from the MoEF.

Ordered accordingly.

.....J. (K.S. Radhakrishnan) .....J. (Chandramauli Kr. Prasad) New Delhi February 27, 2012

T.C

No. MLV/Misc./432/2023/ 3475  
 Directorate of Geology and Mining,  
 Government of Maharashtra,  
 "Khanij Bhavan", 27, Shivaji Nagar,  
 Cement Road, Nagpur-440010  
 Dated :- 01 NOV 2023

To, ✓  
 District Mining Officer,  
 District Collectorate,  
 Chandrapur.

**Sub.:-** Approval of Mining Plan with Progressive Mine Closure Plan of Sand Ghat of District Chandrapur in the State of Maharashtra.

**Ref.:-** 1) Government of Maharashtra, Revenue & Forest Department G.R. Dt.28/01/2022.  
 2) RQP letter dated 17/10/2023.

Sir,

In exercise of the power conferred by Government of Maharashtra vide industries, Energy and Labour department, Mumbai, Notification No. MNG/1004/P.K. 610/ Ind-9 dated 16/6/2004 under rule 22(BB) of Mineral Concession Rules 1960, Mineral (Excluding Atomic and Hydrocarbon Energy) Concession Revised Rule, 2021 and vide Directorate of Geology and Mining, Government of Maharashtra, Nagpur Notification No. STC/265/4/1157 dated 11/04/2023. I hereby approve the said mining plan subject to following condition :-

Sr. No	Name of Project Proponent	Name of Sand Ghat	Name of River	Taluka	Nearest Gut No.	Area in Ha.
1	District Mining Officer, Chandrapur.	Chaklikhitvada	Andhari	Gondpipri	178,179,180	4.90
2	District Mining Officer, Chandrapur.	Vitthalvada Yenbothala	Wainganga	Gondpipri	356, 357, 358, 359	4.90
3	District Mining Officer, Chandrapur.	Aarvi	Wardha	Gondpipri	172/2, 171, 161/2	1.05
4	District Mining Officer, Chandrapur.	Dhaba	Dhaba Nalla	Gondpipri	369	2.10
5	District Mining Officer, Chandrapur.	Hivra-1	Hivra Nalla	Gondpipri	297, 298, 280	1.50
6	District Mining Officer, Chandrapur.	Chak Somanpalli	Chak Somanpalli Nalla	Gondpipri	104, 105	1.20

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*Shunika*

7	District Mining Officer, Chandrapur.	Chak ballarpur-1	Andhari	Pombhurna	26	2.50
8	District Mining Officer, Chandrapur.	Chak ballarpur-2	Andhari	Pombhurna	314	2.40
9	District Mining Officer, Chandrapur.	Velwa chak	Andhari	Pombhurna	56,57,58,61,63,67	2.88
10	District Mining Officer, Chandrapur.	Jungaon	Wainganga	Pombhurna	7,8,718	1.25
11	District Mining Officer, Chandrapur.	Ashta	Andhari	Pombhurna	329,331,332	1.50
12	District Mining Officer, Chandrapur.	Thergaon Rai.	Andhari	Pombhurna	36,37	1.25
13	District Mining Officer, Chandrapur.	Pipri	Wardha	Chandrapur	26,27,28,30,31,34,35,36	4.50
14	District Mining Officer, Chandrapur.	Nakoda	Wardha	Chandrapur	52,53,54	2.75
15	District Mining Officer, Chandrapur.	Ajaypur-Gondsavari	Andhari	Chandrapur	Ajaypur-163/1, 163/2, 164, 165, 168,170 Gondsavari-29,31,32,33,34	1.95
16	District Mining Officer, Chandrapur.	Kolari	Wainganga	Brahmpuri	75,78,79,80	4.80
17	District Mining Officer, Chandrapur.	Belgaon Jani	Wainganga	Brahmpuri	270,272,286,287/1, 287/2, 292	4.50
18	District Mining Officer, Chandrapur.	Arhernavargaon - Bhaleshwar	Wainganga	Brahmpuri	242,241,240,811, 812	4.50
19	District Mining Officer, Chandrapur.	Arhernavargaon - Chikhaldhokda	Wainganga	Brahmpuri	820,825,826,827, 828, 829	4.50
20	District Mining Officer, Chandrapur.	Arhernavargaon (Awadi)-1	Wainganga	Brahmpuri	1050, 1051/1, 1051/2, 1051/3, 1052, 1053,1054	4.50
21	District Mining Officer, Chandrapur.	Pimpalgaon	Wainganga	Brahmpuri	257, 258, 259, 260, 261,262, 263	4.50

22	District Mining Officer, Chandrapur.	Halda-1	Wainganga	Brahmpuri	89, 90, 91, 96, 97, 959, 958, 954	4.80
23	District Mining Officer, Chandrapur.	Halda-2	Wainganga	Brahmpuri	915, 933, 934, 935, 936, 937, 938, 950, 951	4.50
24	District Mining Officer, Chandrapur.	Halda-3	Wainganga	Brahmpuri	912, 910, 909	2.50
25	District Mining Officer, Chandrapur.	Saundri	Wainganga	Brahmpuri	198, 197, 200	2.00
26	District Mining Officer, Chandrapur.	Bodhegaon	Wainganga	Brahmpuri	169, 171, 172	2.50
27	District Mining Officer, Chandrapur.	Ranmochan	Wainganga	Brahmpuri	148, 136, 135, 134, 127, 131, 132, 129, 125	4.50
28	District Mining Officer, Chandrapur.	Kharkada	Wainganga	Brahmpuri	166, 167, 168, 169, 170	3.00
29	District Mining Officer, Chandrapur.	Aawalgaon	Wainganga	Brahmpuri	598, 601, 602, 605, 606, 607	4.92
30	District Mining Officer, Chandrapur.	Chinchgaon	Wainganga	Brahmpuri	205, 204, 176, 175, 174	4.50
31	District Mining Officer, Chandrapur.	Mul-Aakapur	Uma	Mul	Mul-242, 241, 240, 239/1, 239/2 Aakapur- 117, 114, 112, 111	1.80
32	District Mining Officer, Chandrapur.	Rajoli	Uma	Mul	935, 922/1, 907/1	2.10
33	District Mining Officer, Chandrapur.	Dongargaon	Uma	Mul	228, 236	1.20
34	District Mining Officer, Chandrapur.	Kosambi	Uma	Mul	242, 243, 244, 245, 410	4.50
35	District Mining Officer, Chandrapur.	Haladi Gavanna	Uma	Mul	68, 70, 71, 69	1.20
36	District Mining Officer, Chandrapur.	Bhejgaon	Uma	Mul	168, 177, 178, 179	2.40

37	District Mining Officer, Chandrapur.	Chaknaleshwar	Uma	Mul	97, 98, 99, 100, 102, 97/1, 97/2, 97/3	1.20
38	District Mining Officer, Chandrapur.	Naleshwar Mokasa	Andhari	Mul	231, 229, 228, 227	1.12
39	District Mining Officer, Chandrapur.	Chakdahegaon	Uma	Mul	171, 168	1.25
40	District Mining Officer, Chandrapur.	Bormala-1	Wainganga	Savali	680, 682, 683, 684, 685, 686, 753	4.90
41	District Mining Officer, Chandrapur.	Bormala-2	Wainganga	Savali	59, 58, 701, 700, 699, 698, 697	2.00
42	District Mining Officer, Chandrapur.	Samda Buj	Wainganga	Savali	630, 629, 628, 649, 648	2.40
43	District Mining Officer, Chandrapur.	Sakhari	Wainganga	Savali	178/3, 177, 179, 180, 181	4.90
44	District Mining Officer, Chandrapur.	Londholi	Wainganga	Savali	640, 641, 642, 645, 646, 627, 635, 634, 628, 625, 463	4.50
45	District Mining Officer, Chandrapur.	Bamdo	Vena	Warora	54, 55, 58, 59, 62, 63, 64, 72	4.80
46	District Mining Officer, Chandrapur.	Dindoda(Soit)	Wardha	Warora	139, 140, 141	2.00
47	District Mining Officer, Chandrapur.	Tulana-2	Wardha	Warora	394, 393, 363	1.44
48	District Mining Officer, Chandrapur.	Karanji	Wardha	Warora	145, 146, 147, 148, 149	2.10
49	District Mining Officer, Chandrapur.	Pipri De.	Wardha	Bhadravati	45, 46, 47, 48/2, 49, 50, 52, 53, 54, 55, 56, 57	4.50
50	District Mining Officer, Chandrapur.	Ralegaon Rith	Wardha	Bhadravati	6/1, 7, 10, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25	4.50
51	District Mining Officer, Chandrapur.	Parodhi-1	Irai	Bhadravati	128, 129, 130, 131, 154, 156	1.05
52	District Mining Officer, Chandrapur.	Jena Nivali	Jena Nivali-Kansa nalla	Bhadravati	117, 187, 185, 37, 43, 44	2.00

53	District Mining Officer, Chandrapur.	Lalchichbodi	Uma	Sindevahi	74, 75, 76, 77, 80	3.00
54	District Mining Officer, Chandrapur.	Ladbori	Bokad Doh	Sindevahi	115, 114, 113, 112, 111	1.12
55	District Mining Officer, Chandrapur.	Kalamgaon Tukum	Uma	Sindevahi	145, 146, 246, 247/1, 247/2, 249, 301	1.05
56	District Mining Officer, Chandrapur.	Saradpar	Uma	Sindevahi	411/1	3.80
57	District Mining Officer, Chandrapur.	Virva	Uma	Sindevahi	252, 248, 247, 246, 245, 244	1.57
58	District Mining Officer, Chandrapur.	Mohadi	Uma	Sindevahi	171, 169, 168, 170, 167, 165	1.12
59	District Mining Officer, Chandrapur.	Kolashi Khurd	Painganga	Korpana	6, 7, 8	3.15
60	District Mining Officer, Chandrapur.	Kolashi Bu.	Painganga	Korpana	11, 12	1.60
61	District Mining Officer, Chandrapur.	Karvai-1	Painganga	Korpana	2, 3	2.40
62	District Mining Officer, Chandrapur.	Tamshi Rith	Wardha	Korpana	15, 16, 19, 22	1.75
63	District Mining Officer, Chandrapur.	Kag	Uma	Chimur	83, 84, 85, 103/3	1.20
64	District Mining Officer, Chandrapur.	Usegaon	Uma	Chimur	310, 311, 312, 313, 146	2.75
65	District Mining Officer, Chandrapur.	Daheli	Wardha	Ballarpur	15, 16, 17, 18, 19, 22	2.40

1. The mining plan along with PMCP is approved without prejudice to any other laws that applicable to mine/area of sand ghat from time to time whether made by Central or State government or any other authority.
2. That this approval of mining plan along with PMCP does not in any way imply the approval of the Government in terms of any other provisions of the Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013 including environment protection Act.-1986 and the Rules made there under.

3. Relevant clearances should be obtained as per Environment protection Act.-1986 and EIA notification dated 21/01/1994 and 04/09/2006.
4. It is further clarified that the approval of the mining plan along with PMCP is subject to the provisions of forest (conservation) Act-1980, Forest conservation rules, 2003 and other relevant status, order and guidelines of Supreme Court, High Court and NGT as may be applicable to the lease area from time to time.
5. The execution of mining plan along with PMCP shall be subject to vacation of prohibitory order/notices, if any.
6. This department does not undertake any responsibility regarding correctness of the boundaries of the lease area shown on the ground with reference to lease map and other plans furnished by the lessee.
7. That if anything found to be concealed, in the contents of mining Plan and the proposal for rectification has not been made, the approval shall be deemed to have been withdrawn with immediate effect.
8. That mining plan along with PMCP is approved without prejudice to any other order or directions for any court of competent jurisdiction.
9. The financial assurance should be submitted to District Collectorate before the execution of the said mining lease/sand ghat as per rule 30 of Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013.
10. This approval of proposed mining operations and associated activities is restricted to the mining lease area/sand ghat only.
11. The DMO is directed to verify the sand mining activity, vis-à-vis the royalty paid by the sand ghat allottee/lessee. The difference of the royalty, if any should be recovered.
12. The approval of mining plan is for manual method of mining using spade/pawda and labours only.
13. The mining plan is approved with regards to mining of sand Lease purpose allotted by competent authority as per MMME(D&R) Rules, 2013 & sustainable sand management guidelines, 2020.
14. The Mining plan is approved with regards to mining of sand subject to compliance of New Sand Mining Auction Guidelines dated 3<sup>rd</sup> September 2019.
15. The mining plan is approved with regards to mining of Sand subject to compliance of "a stable river is able to constantly transport the flow of sediments produced by water shed such that the dimension (Width and Depth) pattern and vertical profile are maintained without aggrading (building up) or degrading (Sourcing down)"
16. The mining plan is approved with regard to mining of sand subject to compliance " amount of boulders, cobbles, pebbles and sand deposited in the river bed equals to the amount delivered to the river from catchment area and from bank erosion minus amount transported downstream each river"
17. The mining plan is approved with regard to mining of sand subject to compliance of "erosion and deposition is law of nature. The river stream has to complete its geomorphological cycles from youth, mature to old age"
18. The mining plan is approved with regards to mining of sand subject to compliance of "River capturing is unavoidable"
19. Whatever production capacity of the area in consideration is allotted by auction in the mining plan, it is recommended to restrict the annual production as per Environment Department

- Guidelines. Hence you are not permitted to excavate annual production of the material(Sand) beyond prescribed limit by Environment department and collector's order
20. Approval of mining plan is subject to rules to be framed by State Government with respect to sand and same shall be abided to the lease holder / allottee of Sand Ghat.
  21. The approval is without prejudice to any other order or direction from any court of competent jurisdiction.
  22. The approval is given for the received proposal as applicable from this date onward and valid upto 30/09/2024 or till excavation of sand permitted in the approved mining plan whichever is earlier.
  23. At any stage, it is observed that the information furnished in the documents are incorrect or misrepresented the facts, the approval of the documents shall be revoked with immediate effect.
  24. The approval of mining plan is subject to compliance and to fulfill the requirements as mentioned in MoEF&CC notification S.O. 141(E) dated 15<sup>th</sup> January,2016, MoEF &CC Sustainable Sand Management Guidelines, 2020.
  25. The approval of the above sand mining plan is subject to compliance and to fulfill the requirement as mentioned in Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013 & MoEF & CC's Sustainable Sand Management Guidelines. 2020.

**Encl:-** Approved Mining Plan (65 Copies)

  
Director (I/c)

Directorate of Geology and Mining,  
Government of Maharashtra, Nagpur.

**Copy to:-**

- 1) The Collector, Collector Office, Chandrapur along with the copy of approved mining plan.
- 2) Dy. Director, Directorate of Geology & Mining, Regional Office, Chandrapur.
- 3) Shri. Gauri Shankar Narayan, R/o 155, Professor Colony, Sadar Thana, District- Hazaribagh, Jharkhand-825301



Director (I/c)  
Directorate of Geology and Mining,  
Government of Maharashtra, Nagpur.

T.C



State Of Uttar Pradesh vs Gaurav Kumar on 8 May, 2025

**State Of Uttar Pradesh vs Gaurav Kumar on 8 May, 2025****Author: Pamidighantam Sri Narasimha****Bench: Pamidighantam Sri Narasimha**

2025 INSC 650

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 14170 OF 2024

STATE OF UTTAR PRADESH &amp; ANR.

VERSUS

GAURAV KUMAR &amp; ORS.

WITH

CIVIL APPEAL NO. 14933 OF 2024

WITH

CIVIL APPEAL NO. 14000 OF 2024

JUDGMENT

PAMIDIGHANTAM SRI NARASIMHA, J.

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1. Affirmation: We unequivocally uphold the law and the regulations governing sand mining, demanding zero tolerance for unauthorized activities, strict adherence to these regulations is non-negotiable.

1.1. Unregulated sandmining disrupts riverine ecosystems, alters natural flow patterns, and leads to erosion and habitat loss. Aquatic biodiversity suffers as spawning grounds are destroyed and water quality deteriorates. The destabilisation of riverbanks increases flooding, risking human life and animal habitat alike. Moreover, the illicit sand trade often operates under the shadow of organised crime, undermining the rule of law and weakening governance structures. Therefore, absolute standards with get tough policies, strict enforcement and quick accountability are compelling for effective regulatory control.

1.2. We have upheld the decision of National Green Tribunal<sup>1</sup> quashing e-auction notice dated 13.02.2023 issued by the State Government for sand mining and the consequent grant of Letters of Interest (LOIs) in favour of successful bidders on the ground that the auction was conducted in the absence of a valid, final and a subsisting District Survey Report (DSR). We have also held that a Draft DSR is not tenable. A draft DSR can never be the basis for a recommendation by the District Level Expert Appraisal Committee (DEAC) and for the District Level Environment Impact Assessment Authority (DEIAA) for B2 category projects pertaining to mining of 1 Hereinafter, “NGT”.

minor minerals lease area less than or equal to five hectares to grant environment clearance.

2. Facts: District Magistrate, Saharanpur issued notice inviting e-tenders on 13.02.2023 for sand gravel, boulders, etc. available in the riverbed in Saharanpur district under the U.P. Sub Mineral (Remedy) Rules, 2021. Questioning the legality and validity of the e-auction notice, respondent no. 1, a resident of Haryana approached the National Green Tribunal by filing an original application invoking section 14 and 18 of the National Green Tribunal Act contending that the e-auction notice is illegal as there was no District Survey Report (DSR) as on that date. It was his contention that the last DSR for the Saharanpur district of 2017 expired in the year 2022. Thereafter, steps were taken to prepare a DSR for the succeeding 5 years for Saharanpur district, but only a draft DRS was ready by 13.01.2023. However, even before its finalization, the impugned e-auction notice was issued by District Magistrate, Saharanpur on 13.02.2023 which according to the respondent no. 1 is illegal and unsustainable in law.

3. Proceedings before the NGT leading to Civil Appeals & Submissions: NGT vide order dated 13.03.2023 constituted a Joint Committee comprising of Central Pollution Control Board (CPCB), State Pollution Control Board (UPPCB) and District Magistrate, Saharanpur (D.M.) to collect relevant information and submit a factual report. The Joint Committee submitted its report on 10.07.2023 indicating that pursuant to the e-auction notice dated 13.02.2023 Letters of Interest (LOI) were issued with respect to 14 sites for river bed mining. Accordingly, the NGT impleaded the parties holding LOIs as party respondents to the original application.

3.1. Pending further proceedings before the NGT, the State Expert Appraisal Committee (SEAC) considered the draft DSR and accorded its approval on 03.05.2024 and then, the State Environment Impact Assessment Authority (SEIAA) granted its approval to the fresh DSR in its 814th meeting on 24.05.2024. 3.2. However, in view of the fact that the last subsisting DSR issued in 2017 expired after five years, i.e. by 2022 and that only a draft DSR dated 13.01.2023 was subsisting when the impugned e-auction notice dated 13.02.2023 was issued, the NGT quashed the auction on the ground that it is in violation of the legal mandate under the 2006 EIA Notification, as amended in 2006, 2018 and also the Enforcement and Monitoring Guidelines for Sand Mining, 2020 and decision of this Court in State of Bihar v. Pawan Kumar<sup>2</sup>. 3.3. Questioning the legality and validity of the judgment of the NGT, 3 appeals are filed before us. The first Civil Appeal No. 14170 of 2024 is by the State of U.P., represented by Ld. ASG Aishwarya Bhati, assisted by Mr. Vishnu Shankar Jain. In the other Civil Appeal No. 14933 of 2024 and Civil Appeal No. 14000 of 2024 by M/s Vedanta Associates and Nutressaorganics India Pvt. Ltd., LOI holders, we have also heard Mr. Ranjit Kumar,

Sr. Advocate, ably assisted by Mr. Vanshdeep Dalmia and also Mr. S.P. Singh, Sr. Advocate respectively.

3.4. Having considered submissions of the Ld. Counsels for the appellants in detail and having examined the relevant documents and material on record we had agreed with the reasoning and the conclusions drawn by the NGT and therefore proceeded to dismiss the civil appeals<sup>3</sup>. By way of this judgment, we supply detailed reasons for our decision.

4. Sandmining and its impact on Environment: Sand holds significant ecological and environmental value. Coastal dunes, 2 (2022) 3 SCC 102. Hereinafter, “Pawan Kumar”.

<sup>3</sup> By order dated 12.02.2025.

river, and seabeds act as natural buffers against storms, floods, and rising sea levels, thereby enhancing climate resilience. Sand also supports vital ecosystems by providing habitat for numerous plant and animal species, including microorganisms crucial to nutrient cycling and water purification. Its role in maintaining the structural integrity of freshwater and marine systems underscores its contribution to biodiversity and environmental sustainability. As such, the stewardship of sand resources is not only an economic imperative but also an ecological necessity.

4.1. As per a study <sup>4</sup> undertaken by the United Nations Environment Programme (UNEP), approximately 50 billion tonnes of aggregate sand and gravel are reportedly removed globally each year. With the rapid increase in global population and urbanization, the demand for sand continues to rise at an unprecedented rate. <sup>5</sup> Consequently, it has become the most extracted mineral on the planet, with billions of tons being mined annually from riverbeds, lakes, coastlines, and deltas. <sup>4</sup> UNEP (2019). Sand and sustainability: Finding new solutions for environmental governance of global sand resources : synthesis for policy makers. United Nations Environment Programme, Nairobi.

<sup>5</sup> Yi Han, et al., ‘Ecological impacts of unsustainable sand mining: urgent lessons learned from a critically endangered freshwater cetacean’, Proceedings of the Royal Society, 2023. 4.2. The rate at which we are mining sand, for whatsoever purposes, is much higher than the replenishment rate. This imbalance between consumption and natural replenishment is what becomes the cause of worry. <sup>6</sup> The geological processes that produce sand—like the weathering of rocks and the movement of sediments through rivers cannot match the rate at which we’re extracting sand from nature. Further, human interventions, such as damming rivers or diverting their natural courses block the natural downstream flow of sediment. As a result, sand fails to reach the places where it would normally accumulate, the river deltas and coastal areas. Beaches are wearing away faster than natural forces can restore them, and riverbeds are being emptied more quickly than upstream erosion can replenish them. <sup>7</sup> 4.3. The need for development, and the concerns to preserve ecology stands at crossroads when it comes to the issue of sand mining. The urgent need is to raise awareness that while sand is a crucial resource for economic and industrial development, it also <sup>6</sup> Marco Hernandez, Simon Scarr & Katy Daigle, The Messy Business of Sand Mining Explained, REUTERS (Feb. 18, 2021), <sup>7</sup> E.S. Rentier & L.H. Cammeraat, The environmental impacts of river sand mining, Science of The Total Environment, Volume 838, Part 1, 2022, plays a vital role in

climate resilience and preserving healthy ecosystems.

4.4. While a complete ban on sand mining would certainly restore ecology and preserve environment, we all know that such a measure is impractical. Way ahead is sustainable development with effective regulation. While development may be necessity for societal progress, it must be pursued with a balanced approach that prioritizes environmental conservation.<sup>8</sup> It is imperative for regulatory authorities to design an effective and an efficient regulatory regime and implement it by maintaining absolute standards and strict enforcement<sup>9</sup>.

5. Legal Framework: We will now refer to the legal framework concerning mining and its regulation in India. The mining sector forms the backbone of key industries such as steel, cement, 8 Naveen Kumar, Sand Mining in India – Grain of Despair: Failure of Regulatory Machinery, 2023 SCC OnLine Blog OpEd 44.

<sup>9</sup> At the same time, while only so much can come from the regulatory side, we must also endeavor to explore alternatives to sand mining. Researchers from the University of Geneva (UNIGE) and the Sustainable Minerals Institute at the University of Queensland (UQ) have identified a sustainable alternative to natural sand, termed “ore-sand”.<sup>9</sup> Derived from mineral processing waste, ore-sand offers a dual solution to two pressing global challenges: the growing demand for sand and the massive accumulation of mining waste, which currently amounts to 30–60 billion tonnes annually. By repurposing what was once considered discarded material, ore-sand not only reduces environmental pressure on natural ecosystems but also promotes a circular economy. According to experts like UNIGE’s Pascal Peduzzi and UQ’s Daniel Franks, this innovation can significantly cut down on mine tailings while providing a responsible, scalable sand resource. If adopted widely, ore-sand could help shift the global construction industry toward more sustainable and environmentally conscious practices. petroleum, petrochemicals, fertilizers, power generation and of course, for erection of civil infrastructure. Government of India Act, 1935 placed the subject of “mines” and “development of minerals” under the control of Central Legislature and Provincial Legislature vide Entry 36, List I and Entry 23, List II. However, there was no dedicated legislation to deal with issues of mining. With the advent of the Constitution, Entry 54 of List I<sup>10</sup> and Entry 23 List II<sup>11</sup> became the source of legislative competence to enact laws developing and regulating mining. Parliament enacted the Mines and Minerals (Regulation and Development) Act, 1957. <sup>12</sup> Section 2 13 of MMRD Act is the declaration that it is expedient in the public interest that the Union should take under its control regulation of mines and development of minerals as indicated in Schedule I. However, the scope of this enactment was limited to development and regulation of mines and minerals, with no special emphasis on the environmental concerns. Hence, recourse has to be made to the environmental legislations such as the Water Act, 1974, Air 10 54 (List I): Regulation of mines and minerals development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.

<sup>11</sup> 23 (List II) Regulation of mines and minerals development subject to the provisions of List I with respect to regulation and development under the control of the Union. <sup>13</sup> Section 2. Declaration as to expediency of Union Control. □It is hereby declared that it is expedient in the public interest that

the Union should take under its control the regulation of mines and the development of minerals to the extent hereinafter provided. Act, 1981 and the Environment Protection Act, 1986, and policies such as the National Mineral Policy, 2008, followed by the National Mineral Policy, 2019.

6. Environment Protection Act, 1986: The Environment Protection Act, 1986<sup>14</sup>, is an overarching legislation governing the field of environment protection. The object of the 1986 Act is to “provide for the protection and improvement of environment and for matters connected there with”. Section 3<sup>15</sup> enable the Central Government to take such measures as are deemed or necessary for the purpose of protecting and improving the quality of the environment and also preserving, controlling and abating<sup>15</sup> 3. Power Of Central Government To Take Measures To Protect And Improve Environment.-

(1) Subject to the provisions of this Act, the Central Government, shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing controlling and abating environmental pollution.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include measures with respect to all or any of the following matters, namely:--

.....

(3) The Central Government may, if it considers it necessary or expedient so to do for the purpose of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.

environmental pollution. Section 5<sup>16</sup> gives the Central Government the power to issue directions.

7. EIA Notifications: In exercise of powers under section 3(2)(v) read with the Environment Protection Rules, 1986, the Ministry of Environment, Forest and Climate Change (MoEFCC) issued an important notification, popularly referred to as the EIA Notification 1994.

8. EIA Notification, 1994: The EIA Notification was a landmark regulation that made environmental clearance mandatory for certain industrial and developmental projects, including mining. It introduced a structured process for assessing the potential environmental consequences of proposed projects before granting approval. It was stipulated that the expansion or modernization of any activity, where such expansion would result in an increase in the existing pollution load or the

establishment of a new project listed under Schedule I of the said Notification, shall not be undertaken in any part of India without obtaining prior

5. Power To Give Directions.- Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may , in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

Explanation--For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) stoppage or regulation of the supply of electricity or water or any other service. Environmental Clearance (EC) from the Central Government, in accordance with the procedure prescribed therein. This regulatory required project proponents to conduct an Environmental Impact Assessment (EIA), obtain public feedback, and implement mitigating measures to minimize environmental damage. It established a structured procedure for the grant of EC to ensure that industrial and developmental projects adhere to environmental safeguards. As per Para 2 of the Notification, any individual or entity intending to undertake a new project, or seeking expansion or modernization of an existing industry or project, as specified in Schedule I, was required to submit an application to the Secretary, MoEFCC.

8.1 Schedule I of the Notification enumerated 29 categories of projects that necessitated prior EC. Notably, Item 20 pertained specifically to mining projects, thereby bringing such activities under the purview of environmental regulation. This provision underscored the legislative intent to subject mining operations to rigorous environmental scrutiny, ensuring that mineral extraction did not proceed without due assessment of its impact on our ecology. Para 2 provided that in respect of mining projects, amongst others, the project proponent shall intimate the Government of the location site, and it may grant clearance after conducting necessary investigation and survey.

9. EIA Notification, 2006: Twelve years after the EIA Notification 1994, MoEFCC issued the present notification EIA Notification, 2006 17. Para 2 of the 2006 Notification reads as under;

“2. Requirements of prior Environmental Clearance (EC):-

The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category ‘A’ in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category ‘B’ in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.” 9.1 Projects under the 2006 Notification were categorized into Category ‘A’ and Category ‘B’ based on spatial extent of potential impact on human health and natural and manmade resources. For projects included under Category A, EC from Central Government 17 Hereinafter, “2006 Notification”.

is mandated. As far as projects categorized under Category B are concerned, the EC shall be obtained from a new body created, the State Environmental Impact Assessment Authority, SEIAA. Further, Paras 5, 6 and 7 gives a detailed procedure for grant of prior EC. The same are extracted below for ready reference:

"5. Screening, Scoping and Appraisal Committees:

The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every' month.

- (a) The composition of the EAC shall be as given in Appendix VI.

The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;

- (b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitutes one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;

- (c) The EAC and SEAC shall be reconstituted after every three years;

- (d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessity facilities for the inspection;

- (e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of

the majority shall prevail.

#### 6. Application for Prior Environmental Clearance (EC):

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1 A if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1 A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

#### 7. Stages in the Prior Environmental Clearance (EC) Process for New Projects:

7(i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:

- Stage (1) Screening (Only for Category 'B' projects and activities)
- Stage (2) Scoping
- Stage (3) Public Consultation
- Stage (4) Appraisal .....

9.2 Under Para 8, the appropriate authority can either grant or reject prior EC. Para 9 deals with the tenure and validity of an EC and Para 10 provides for post grant monitoring. The Appendix III enumerates the generic structure of an EIA application and its essentials.

9.3 Over the years, amendments were brought about in this EIA Notification, 2006 for the purpose of strengthening the EC norms and laying down further procedures for close scrutiny. For the present purpose, we are not concerned with other details, except to indicate herein the background in which amendments leading to requirement of District Survey Report, with which we are concerned, are incorporated in the notification. The starting point for this can be said to be the decision of this Court in Deepak Kumar v. State of Haryana 18.

10. Deepak Kumar v. State of Haryana: Validity of certain mining leases granting permission for sand mining in violation of environment norms in the State of Haryana came up for consideration before this Court. Deprecating the practice of issuing auction notice without conducting necessary studies to analyse the impact such mining will have on the ecology, this Court held;

“8..... Sand mining on either side of the rivers, upstream and instream, is one of the causes for environmental degradation and also a threat to the biodiversity. Over the years, India's rivers and riparian ecology have been badly affected by the alarming rate of unrestricted sand mining which

damage the ecosystem of rivers and the safety of bridges, weakening of riverbeds, destruction of natural habitats of organisms living on the riverbeds, affects fish breeding and migration, spells disaster for the conservation of many bird species, increases saline water in the rivers, etc.

9. Extraction of alluvial material from within or near a streambed has a direct impact on the stream's physical habitat characteristics. These characteristics include bed elevation, substrate composition and stability, instream roughness elements, depth, velocity, turbidity, sediment transport, stream discharge and temperature. Altering these habitat characteristics can have deleterious impacts on both instream biota and the associated riparian habitat. The demand for sand continues to increase day by day as building and construction of new infrastructures and expansion of existing ones is continuous thereby placing immense pressure on the supply of the sand resource and hence mining activities are going on 18 (2012) 4 SCC 629. Hereinafter, "Deepak Kumar". legally and illegally without any restrictions. Lack of proper planning and sand management cause disturbance of marine ecosystem and also upset the ability of natural marine processes to replenish the sand.

10. We are expressing our deep concern since we are faced with a situation where the auction notices dated 3-6-2011 and 8-8- 2011 have permitted quarrying, mining and removal of sand from instream and upstream of several rivers, which may have serious environmental impact on ephemeral, seasonal and perennial rivers and riverbeds and sand extraction may have an adverse effect on biodiversity as well. Further, it may also lead to bed degradation and sedimentation having a negative effect on the aquatic life. The rivers mentioned in the auction notices are on the foothills of the fragile Shivalik Hills. Shivalik Hills are the source of rivers like Ghaggar, Tangri, Markanda, etc. River Ghaggar is a seasonal river which rises up in the outer Himalayas between Yamuna and Satluj and enters Haryana near Pinjore, District Panchkula, which passes through Ambala and Hissar and reaches Bikaner in Rajasthan. River Markanda is also a seasonal river like Ghaggar, which also originates from the lower Shivalik Hills and enters Haryana near Ambala. During monsoon, this stream swells up into a raging torrent, notorious for its devastating power, as also, River Yamuna.

11. We find that it is without conducting any study on the possible environmental impact on/in the riverbeds and elsewhere the auction notices have been issued. We are of the considered view that when we are faced with a situation where extraction of alluvial material within or near a riverbed has an impact on the river's physical habitat characteristics, like river stability, flood risk, environmental degradation, loss of habitat, decline in biodiversity, it is not an answer to say that the extraction is in blocks of less than 5 ha, separated by 1 km, because their collective impact may be significant, hence the necessity of a proper environmental assessment plan.

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25. Quarrying of river sand, it is true, is an important economic activity in the country with river sand forming a crucial raw material for the infrastructural development and for the construction industry but excessive instream sand and gravel mining causes the degradation of rivers. Instream mining lowers the stream bottom of rivers which may lead to bank erosion. Depletion of sand in the streambed and along coastal areas causes the deepening of rivers which may result in destruction of

aquatic and riparian habitats as well. Extraction of alluvial material as already mentioned from within or near a streambed has a direct impact on the stream's physical habitat characteristics.

26. We are of the considered view that it is highly necessary to have an effective framework of mining plan which will take care of all environmental issues and also evolve a long-term rational and sustainable use of natural resource base and also the bio- assessment protocol. Sand mining, it may be noted, may have an adverse effect on biodiversity as loss of habitat caused by sand mining will affect various species, flora and fauna and it may also destabilise the soil structure of river banks and often leaves isolated islands. We find that, taking note of those technical, scientific and environmental matters, MoEF, Government of India, issued various recommendations in March 2010 followed by the Model Rules, 2010 framed by the Ministry of Mines which have to be given effect to, inculcating the spirit of Article 48-A and Article 51-A(g) read with Article 21 of the Constitution.” (emphasis supplied) 10.1 The above quoted observations became the jurisprudential basis for evaluating the DSR for gauging the impact assessment of sand-mining on the ecology and the environment in general even at the district level.

11. EIA Notification 2016: Following the decision of this Court in Deepak Kumar (supra) the Government amended the EIA Notification 2006 to introduce special procedure with respect to river bed mining, sand mining and mining of minor minerals. The preamble of this notification is important even for considering the nature, scope and ambit of the DSR which has fallen for our consideration. The relevant portion of the preamble is as under;

“And whereas, in pursuance to the order of Hon’ble Supreme Court dated the 27th February, 2012 in I.A. No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of Haryana and Others etc., prior environmental clearance has now become mandatory for mining of minor minerals irrespective of the area of mining lease; And whereas, as a result of the above said Order of Hon’ble Supreme Court, the number of cases which are now required to obtain prior environmental clearance has increased substantially;

And whereas, the Hon’ble National Green Tribunal, vide its order dated the 13th January, 2015 in the matter regarding sand mining has directed for making a policy on environmental clearance for mining leases in cluster for minor minerals; And whereas, the State Governments have represented for streamlining the process of environmental clearance for mining of minor mineral;

And whereas, the Ministry of Environment, Forest and Climate Change in consultation with State Governments, has prepared Guidelines on Sustainable Sand Mining detailing the provisions on environmental clearance for cluster, creation of District Environment Impact Assessment Authority and proper monitoring of sand mining using information technology and information technology enabled services to track the mined out material from source to destination;

Now, therefore, in exercise of the powers conferred by sub- section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub- rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:-

In the said notification,- (a) in paragraph 2, after the words "in the said Schedule", the following words shall be inserted, namely:- "and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category 'B2' for mining of minor minerals in the said Schedule";

(b) after paragraph 3, the following paragraph shall be inserted..."

12. Establishment of District Level Environment Impact Assessment Authority (DEIAA) & District Expert Appraisal Committee (DEAC) under Para 3A: As is evident from the above extracted portion of the preamble to the EIA Notification 2016, two bodies namely, the DEIAA and DEAC have been established by inserting Para 3A to the EIA Notification, 2006 for grant of EC to a newly introduced category (by amending para 2), called category B2. The amended Para 3A establishing DEIAA and DEAC, is extracted herein below for ready reference;

"3A. District Level Environment Impact Assessment Authority:

(1) A District Level Environment Impact Assessment Authority hereinafter referred to as the DEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of four members including a Chairperson and a Member-Secretary. (2) The District Magistrate or District Collector shall be the Chairperson of the DEIAA.

(3) The Sub-Divisional Magistrate or Sub-Divisional Officer of the district head quarter of the concerned district of the State shall be the Member-Secretary of the DEIAA.

(4) The other two members of the DEIAA shall be the senior most Divisional Forest Officer and one expert. The expert shall be nominated by the Divisional Commissioner of the Division or Chief Conservator of Forest, as the case may be. The term and qualifications of the expert fulfilling the eligibility criteria are given in Appendix VII to this notification. (5) The members of the DEIAA who are serving officers of the concerned State Government or the Union territory Administration shall be ex-officio members except the expert member.

(6) The District Level Expert Appraisal Committee hereinafter referred to as the DEAC shall comprise of eleven members, including a Chairman and a Member-Secretary.

(7) The senior most Executive Engineer, Irrigation Department in the district of respective State Governments or Union territory Administration shall be the Chairperson of the DEAC. (8) The Assistant Director or Deputy Director of the Department of Mines and Geology or District Mines Officer or Geologist of the district shall be the Member-Secretary of the DEAC in that order. (9) A representative of the State Pollution Control Board or Committee, senior most Sub-Divisional Officer (Forest) in the district, representative of Remote Sensing Department or Geology

Department or State Ground Water Department, one occupational health expert or Medical Officer to be nominated by the District Magistrate or District Collector, Engineer from Zila Parishad, and three expert members to be nominated by the Divisional Commissioner or Chief Conservator of Forest, as the case may be, shall be the other members of the DEAC. The term and qualifications of the experts fulfilling the eligibility criteria are given in Appendix VII to this notification.

10) The members of the DEAC who are serving officers of the concerned State Government or the Union territory Administration shall be ex-officio members except the expert members.

(11) The District Magistrate or District Collector shall notify an agency to act as Secretariat for the DEIAA and the DEAC and shall provide all financial and logistic support for their statutory functions.

(12) The DEIAA and DEAC shall exercise the powers and follow the procedure as specified in the said notification, as amended from time to time.

(13) The DEAC shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case and if consensus cannot be reached, the view of the majority shall prevail.";

13. New category called Category B2 for sandmining in districts was introduced through para 4(iv): Paragraph 4 of the EIA notification 2006 relating to categorization of projects and activities was also amended and category B2 falling within the jurisdiction of the DEIAA, acting on the decision and recommendation of DEAC is introduced. Relevant portion of para 4(iv) is as under;

“4. Categorization of projects and activities:

(i)

(ii)

(iii)

(iv) The 'B2' Category projects pertaining to mining of minor mineral of lease area less than or equal to five hectare shall require prior environmental clearance from DEIAA. The DELAA shall base its decision on the recommendations of DEAC, as constituted for this notification.”

14. Preparation of District Survey Report Introduced through Para 7(iii): Para 7 of the EIA Notification 2006 has already been reproduced. It relates to the process before grant of EC. While 7(i) related to process for new projects, which comprises of four stages namely, screening, scoping, public consultation and appraisal respectively; para 7(ii) relates to process for expansion or modernisation or change of project mix in existing projects. It is in this very paragraph that the amendment introduces para 7(iii). Introduction of para 7(iii) for the first time contemplated,

preparation of DSR for sand mining or river bed mining and mining of other minor minerals. Para 7(iii) reads as under;

“7. Stages in the Prior Environmental Clearance (EC) Process for New Projects

(i) ....

(ii) ...

(iii) Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals:

(a) The prescribed procedure for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals is given in Appendix X.

(b) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”

15. Procedure for preparation of DSR introduced through Appendix X: Procedure for preparation of the above referred DSR under para 7(iii) is laid down in great detail in Appendix X to the notification. Appendix X, apart from laying down the detailed procedure, also declares that the, “District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.” Appendix X is as follows;

“PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

1. Introduction
2. Overview of Mining Activity in the District
3. The List of Mining Leases in the District with location, area and period of validity
4. Details of Royalty or Revenue received in last three years

5. Detail of Production of Sand or Bajari or minor mineral in last three years
6. Process of Deposition of Sediments in the rivers of the District
7. General Profile of the District
8. Land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.
9. Physiography of the District
10. Rainfall: month-wise
11. Geology and Mineral Wealth In addition to the above, the report shall contain the following:
  - (a) District wise detail of river or stream and other sand source.
  - (b) District wise availability of sand or gravel or aggregate resources.
  - (c) District wise detail of existing mining leases of land and aggregates.

A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

Drainage system with description of main rivers \*\*\* Methodology adopted for calculating mineral potential The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For example in some hill States mineral constituents like boulders, river born Bajri, sand up to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.” (emphasis supplied)

16. Challenge to the Notification 2016 the direction of NGT in Satendra Pandey's case: Environmental concerns were expressed that the amendments brought about by the EIA notification 2016 did not translate into action the mandate of this Court's decision in Deepak Kumar (supra). These concerns were considered by the NGT in Satendra Pandey v. MoEFCC 19 wherein the following directions were issued.

“22. For all these reasons, we direct that the procedure laid down in the impugned Notification be brought in consonance and in accord with the directions passed in the case of Deepak Kumar (supra) by (i) providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling under Category B-2 at par with Category B-1 by SEAC/SIEAA as well as for cluster situation wherever it is not provided; (ii) Form-1M be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SEIAA instead of DEAC/DEIAA; (iii) if a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance; (iv) EIA and/or EMP be prepared for the entire cluster in terms of recommendation 5 (supra) of the Guidelines for the purpose of recommendations 6, 7 and 8 thereof; (v) revise the procedure to also incorporate procedure with respect to annual rate of replenishment and time frame for replenishment after mining closure in an area; (vi) the MoEF & CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present 19 2018 SCC OnLine NGT 2388.

Value of Ecological Services forgone because of illegal or unscientific mining.”

17. EIA Notification for prescribing procedure for preparation of DSR of minor minerals other than sandmining and river bed mining: A further amendment was introduced to the EIA Notification, 2006 as amendment by the EIA Notification 2016 for the purpose of prescribing a separate procedure for preparing DSR for minor minerals other than sand mining and river bed mining through notification dated 25.07.2018. This amendment introduces Part II to Appendix X which reads as under;

II. PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT OF MINOR MINERALS OTHER THAN SAND MINING OR RIVER BED MINING The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report for minor minerals other than sand mining or River bed mining shall be as per structure mentioned below:

#### FORMAT FOR PREPARATION OF DISTRICT SURVEY REPORT FOR MINOR MINERALS OTHER THAN SAND MINING OR RIVER BED MINING

##### 1) Introduction

- 2) overview of Mining Activity in the District;
- 3) general profile of the district;
- 4) geology of the district;
- 5) drainage of irrigation pattern;
- 6) land utilization pattern in the district: forest, agricultural, horticultural, mining etc;
- 7) surface water and ground water scenario of the district;
- 8) rainfall of the district and climatic condition;
- 9) details of the mining leases in the district.....
- 10) details of royalty or revenue received in last three years;
- 11) details of production of minor minerals in last three years;
- 12) mineral map of the district;
- 13) list of Letter of Intent (LOI) Holders in the district along with its validity....
- 14) total mineral reserve available in the District.
- 15) quality/grade of mineral available in the District;
- 16) use of mineral;
- 17) demand and Supply of the Mineral in the last three years;
- 18) mining leases marked on the map of the district;
- 19) details of the area of where there is a cluster of mining leases viz. number of mining leases, location (latitude and longitude);
- 20) details of Eco-sensitive Area, if any, in the District;
- 21) impact on the Environment (Air, Water, Noise, Soil, Flora & Fauna, land use, agriculture, forest etc.) due to mining activity;
- 22) remedial Measures to mitigate the impact of mining on the Environment;

- 23) reclamation of Mined out area (best practice already implemented in the district, requirement as per roles and regulation, proposed reclamation plan);
- 24) risk Assessment & Disaster Management Plan;
- 25) details of the Occupational Health issues in the District. (Last five-year data of number of patients of Silicosis & Tuberculosis is also needs to be submitted);
- 26) plantation and Green Belt development in respect of leases already granted in the District;
- 27) any other information.

18. Enforcement and Monitoring Guidelines for Sand Mining, 2020: It is important to mention at this stage the MoEFCC has also issued the Sustainable Sand Mining Management Guidelines, 2016 20 and the Enforcement and Monitoring Guidelines for Sand Mining, 2020 21. The 2020 Guidelines does not replace the 2016 Guidelines, rather, they both supplement and complement each other.

18.1 Building on the 2016 Guidelines, MoEFCC came with the 2020 Guidelines. One of the key objectives with which the said guidelines were framed was to regulate the sand and gravel mining in the country. Para 4.1.1 deals with preparation of DSR. It is recognized therein that, “preparation of District Survey Report is a very important step and sustainable sand mining in any part of the country will depends on the quality of District Survey Report.” A detailed procedure is given in para 4.1.1, the relevant portion of which is extracted as under;

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

b) The first step is to develop the inventory of the River Bed Material and Other sand sources in the District. In order to make the inventory of River Bed Material, a detailed survey of the 20 Hereinafter, “2016 Guidelines”.

21 Hereinafter, “2020 Guidelines”.

district needs to be carried out, to identify the source of River Bed Material and alternative source of sand (M-Sand). The source will include rivers, de-siltation of reservoir/dams, Patta lands/Khatedari Land, M-sand etc. ....

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

d) Identification of the source of Sand & M-Sand.....

e) Defining the sources of Sand/M-Sand in the district is the next step for identification of the potential area of deposition/aggradation wherein mining lease could be granted..... \*\*\*

p) Public consultation-The Comments of the various stakeholders may be sought on the list of mining lease to be auctioned. The State Government shall give an advertisement in the local and national newspaper for seeking comments of the general public on the list of mining lease included in the DSR. The DSR should be placed in the public domain for at least one month from the date of publication of the advertisement for obtaining comments of the general public. The comments so received shall be placed before the sub-divisional committee for active consideration. The final list of sand mining areas [leases to be granted on riverbed & Patta land/Khatedari land, desiltation location (ponds/lakes/dams), M-Sand Plants (alternate source of sand)] after the public hearing needs to be defined in the final DSR in the format as per Annexure-V. The details regarding cluster and contiguous cluster needs to be provided in Annexure-VI. The details of the transportation need to be provided in Annexure- VII.”

19. Decision of this Court in State of Bihar v. Pawan Kumar 22: Considering the mandatory requirement of preparation of DSR, which shall form the basis for grant of EC for sand mining 22 (2022) 2 SCC 348. Hereinafter, “Pawan Kumar”. in any districts, this Court specifically directed appraisal by SEIAA and SEAC as under;

16.2. Needless to state that while preparing DSRs and the appraisal thereof by SEAC and SEIAA, it should be ensured that a strict adherence to the procedure and parameters laid down in the policy of January 2020 should be followed.

19.1 Further, noting the existence of the Enforcement and Monitoring Guidelines for Sand Mining, 2020, the Court directed as under;

“12. It could thus be seen that in accordance with the 2020 Guidelines, the DSR is required to be prepared before the auction/e-auction/grant of mining lease by Mining Department or Department dealing with mining activity in the respective States. It is further provided that the potential site for mining having its impact on the forest, protected area, habitation and bridges should be avoided. For this, a Sub-Divisional Committee is required to be formed which, after the site visit, is required to decide regarding the suitability of the sites for mining. The Sub- Divisional Committee is further required to record its reasons for selecting the mining lease in the patta land. Various details are required to be given in the annexures appended to the said policy.

13. It is further to be noted that Appendix X of the Notification dated 15-1-2016, issued by MoEF and CC also provides for composition of the Sub-Divisional Committee:

“A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geology or Mining Officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.”

14. It is to be noted that with the advent of modern technology, various technological gadgets like drones and satellite imaging, etc. can be used for identification of the potential sites and preparation of the DSR and also to check misuse and unauthorised mining.” (emphasis supplied).

19.2 We have also noted that the NGT has been taking a consistent stand about the mandatory requirement of a DSR being a condition precedent to carry mining activity. 23 Further, the decision of the NGT that DSR should be the basis for an application for grant of an EC and that an application without DSR is incomplete cannot be processed or proceeded further is correct in law. 24 We may add that a ‘draft DSR’ is virtually a non-existing DSR for purpose of grant of environmental clearance.

20. Conclusion: Having considered the regulatory regime introduced from time to time, increasing the width as well as the depth of scrutiny before granting an environmental clearance for sand mining, we are of the opinion that there is a mandatory requirement of preparation of a DSR. The DSR shall form the basis for application of environmental clearance. It shall also be the basis for preparation of reports and also appraisal of the projects. Another important facet of DSR is that it shall be prepared for all the districts and the draft is to be placed in the public domain. There is a requirement for keeping a copy of DSR in Collectorate. It must also be posted on the district’s website for 21 days. After 23 Anjani Kumar v. State of U.P., 2017 SCC OnLine NGT 979. 24 Raza Muzaffar Bhat v. SEIAA, J&K, Appeal No. 24/2022, NGT, Principal Bench. comments are received, they shall be considered and if found correct, they will be incorporated in the final report. The final DSR will then be finalized within 6 months by the DEIAA. The lifetime of the report is five years. After five years the existing DSR will not be tenable and a new DSR will have to be prepared and finalized. The purpose and object of prescribing a lifetime of five years for subsistence of a DSR is for the reason that the position of ecology and the environment is rapidly changing and the position that exists five years back, may not subsist for later days. It is true that it might have changed even before the expiry of five years but a reasonable estimate, to work as a benchmark is a policy consideration. May be a precautionary principle, it is not only legal and valid but is also mandatory. It must be enforced strictly and with all vigor.

21. We conclude by holding that:

- (i). A District Survey Report is a document of seminal importance as it enables informed decision making.
- (ii). Preparation of a DSR as per the procedure prescribed for its preparation under Appendix X, read with para 7(iii)(a), is required to be followed meticulously.
- (iii). A valid and a subsisting DSR alone can be the basis for an application for grant of EC. A draft DSR is untenable for grant of an EC.
- (iv). Preparation of reports and appraisal of projects by DEIAA and DEAC shall be on the basis of a valid and a subsisting DSR.

(v). DEIAA and DEAC are recognized as the authorities fastened with the statutory duty of preparing the DSR every five years and this duty compels them to have a comprehensive and a real time perspective of the environment position of the district including its eco-

sensitivity and other fragilities.

22. For the reasons stated above, we reiterate our decision of dismissing these civil appeals against the judgment and order passed by the NGT holding that the e-auction notice dated 13.02.2023 is illegal and contrary to law.

.....J. [PAMIDIGHANTAM SRI NARASIMHA] .....J.  
[MANOJ MISRA] NEW DELHI;

MAY 08, 2025

Item No. 10

Court No. 1

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

Original Application No. 188/2023  
(IA No. 386/2024, IA No. 92/2023, IA No  
91/2023, IA No. 76/2023)

Gaurav Kumar

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of completion of hearing and reserving of order: 20.08.2024

Date of Pronouncement of order: 02.09.2024

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

Applicant: Mr. Ajit Sharma & Mr. Kanchan Kumar, Advs. for Applicant

Respondent: Mr. Pinaki Misra, Senior Advocate with Mr. Ankit Verma, Adv.  
for the State of Uttar Pradesh  
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)  
Ms. Richa Kapoor & Ms. Atika Singh, Advs. for MoEF & CC  
Mr. Vanshdeep Dalmia, Mr. Shubham Karnwal & Ms. Anisha Jain, Advs.  
for R - 6 to 17

## ORDER

1. In this Original Application, applicant has challenged the auction notice dated 13.02.2023 for auction of various sites identified for river bed sand mining in District Saharanpur, Uttar Pradesh on the ground that the District Survey Report (DSR) for District Saharanpur was prepared in the year 2017 which was valid for five years and has lapsed in 2022. Thereafter, no fresh DSR was prepared and without there being any final DSR, the impugned auction notices have been issued which cannot be sustained. The applicant has also challenged the draft DSR, Saharanpur dated 13.01.2023 on various grounds of procedural irregularity.

2. The Tribunal by order dated 13.03.2023 had constituted a joint Committee with a direction to the Committee to visit the site, collect relevant information and submit a factual report before the Tribunal. The joint Committee had submitted the report dated 10.07.2023 disclosing that all the proposed sites under challenge were auctioned for River Bed Mining (RBM). 11 sites are located on river Yamuna and remaining sites are located on Perennial River. It discloses that LOIs were issued in respect of the 14 sites. It was further found by the joint Committee that the mining activity cannot be started till necessary approval from all concerned Department such as Environmental Clearance, NOC from Ground Water Department, CTE, CTO from SPCB etc. is obtained.

3. The Tribunal had considered the report of the joint Committee on 06.11.2023 and had noted that the report did not disclose if the fresh DSR was prepared by SEIAA, UP.

4. The Tribunal on 08.11.2023 had found that LOIs were issued to 12 intending lease holders in May and August, 2023. Accordingly, these 12 intending lease holders were impleaded and applicant was directed to serve them. The Tribunal by interim order dated 08.11.2023 had also directed that ECs will not be issued to the newly added respondents by the competent authority without the leave of the Tribunal.

5. The order of the Tribunal dated 08.11.2023 was subject matter of challenge before the Hon'ble Supreme Court in Civil Appeal No. 4611/2024. The said Civil Appeal was disposed of by Hon'ble Supreme Court vide order dated 01.04.2024 noting that the Appellant's therein (M/s Doon Mines and Minerals and Ors.) had moved the Tribunal for clarification of the order dated 08.11.2023. While disposing of the Civil

Appeal, Hon'ble Supreme Court had required the Tribunal to take up the application for clarification expeditiously.

6. The Tribunal by order dated 25.04.2024 had disposed of the modification/clarification application by clarifying that it was implicit in the order dated 08.11.2023 that the proceedings for grant of EC can continue in the meanwhile.

7. The Tribunal on 07.05.2024 took note of the fact that the fresh DSR for District Saharanpur was considered and approved in the joint Committee meeting of SEAC-1 and SEAC-2 on 03.05.2024 and forwarded to SEIAA for approval and the meeting of SEIAA was fixed for 03.05.2024. Thus, the undisputed position before the Tribunal was that the impugned auction notice was issued before approval of the DSR Saharanpur by SEAC and SEIAA. Hence, the Tribunal by order dated 07.05.2024 had modified the earlier interim order and restrained the official respondents from taking any further action in furtherance to the impugned auction notice dated 13.02.2023 in favour of any of the respondent-Project Proponents.

8. The UPPCB on 07.11.2023 had filed certain documents unsupported by any application or reply. The applicant had filed objection to the report of the joint Committee. MoEF&CC has also filed the response placing on record the relevant notifications and orders. The Project Proponent-M/s Doon Mines and Minerals and the other Project proponents- respondent nos. 6 to 17 have also filed their replies placing on record their stand and opposing the prayer made in the OA.

9. A separate reply has been filed by respondent no. 3, SEIAA (UP) reiterating the legal position that DSR for sand mining shall be prepared

before auction/e-auction/granting mining lease/LOI by the Mining Department.

10. With consent, we have heard Learned Counsel for all the parties at length.

11. The undisputed factual position on record is that the DSR for District Saharanpur was prepared in the year 2017 which has been placed on record as Annexure-A to the OA. This DSR was valid for a period of five years and it has lapsed in the year 2022. Fresh DSR for District Saharanpur was not prepared and finalized immediately after lapse of earlier DSR in 2022. A draft DSR for District Saharanpur was prepared on 13.01.2023. The draft DSR was approved in the joint meeting of SEAC-1 and SEAC-2 on 03.05.2024 and it was sent for approval to SEIAA. During the course of hearing, we have been informed that SEIAA has approved the DSR in its 814<sup>th</sup> Meeting dated 24.05.2024. Meaning thereby, undisputedly, no final DSR with due approval of SEAC and SEIAA was available when the impugned auction notice dated 13.02.2023 was issued. At that stage, only the draft DSR of District Saharanpur dated 13.01.2023 was issued which was yet to be considered and approved by SEAC and SEIAA and finalized by SEIAA.

12. In the aforesaid undisputed factual background, the question which arise for consideration is if impugned auction notice dated 13.02.2023 could be issued by the District Magistrate, Saharanpur for auctioning the sand mines in question without there being any final DSR for the District Saharanpur.

13. It is not in dispute that the DSR is mandatorily required for the purpose of sand mining in a District. MoEF&CC has issued "Enforcement

and Monitoring Guidelines for Sand Mining, 2020” which in clear terms provides that:

*“Considering the importance of district survey report, the Ministry of Environment Forest and climate change, after consultation with experts dealing with mining-related matters, formulated the following guidelines for the preparation of comprehensive District Survey Report for sand mining.*

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

14. MoEF&CC exercising the powers conferred by Section 3 (2) (v) (i) of the Environment (Protection) Act, 1986 had issued the Notification dated 15.01.2016 amending earlier Notification dated 14.09.2006 providing for the procedure for the preparation of the DSR and making it clear that – **“The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The report shall be updated once every five years.”**

15. Hon’ble Supreme Court while considering the issue of preparation of DSR for District Banka in *Civil Appeal No. 3661-3662/2020* in the matter of *State of Bihar & Ors. vs. Pawan Kumar and Ors.* by order dated 10.11.2021 had taken note of the Sand Mining Guidelines, 2020 and held as under:-

***“10. It could thus be seen that in accordance with the 2020 guidelines, the DSR is required to be prepared before the auction/e-auction/grant of mining lease by Mining Department or Department dealing with mining activity in the respective States. It is further provided that the potential site for mining having its impact on the forest, protected area, habitation and bridges should be avoided. For this, a sub-divisional committee is required to be formed which, after the site visit, is required to decide regarding the suitability of the sites for mining. The sub-divisional committee is further required to record its reasons for selecting the mining lease in the patta land. Various details are required to be given in the annexures appended to the said policy.”***

16. In the matter of Pawan Kumar (Supra), the Hon'ble Supreme Court had directed preparation of the fresh DSR in all the District of Bihar for the purpose of mining and had also directed appraisal of SEAC and SEIAA while preparing the DSR by holding as under:-

*“(ii) Needless to state that while preparing DSRs and the appraisal thereof by SEAC and SEJAA, it should be ensured that a strict adherence to the procedure and parameters laid down in the policy of January 2020 should be followed;”*

17. Hence, in view of the Sand Mining Guidelines, 2020 and the judgment of the Hon'ble Supreme Court in the matter of Pawan Kumar (Supra), it is clear that before finalizing the DSR, appraisal of SEAC and SEIAA is necessary and the procedure and parameters prescribed in the policy of 2020 is required to be strictly adhered to and that the DSR in accordance with Sand Mining Guidelines, 2020 is necessary before auctioning/e-auctioning/granting mining lease by the Mining Department.

18. The Tribunal had also considered this issue in the matter of *Dinesh Kumar vs. Mining Officer, Seoni & Ors. in O.A. No. 41/2022 (CZ)* decided on 13.09.2022 wherein the Tribunal after taking note of the Sand Mining Guidelines, 2020 had held as under:-

*“20. State of Madhya Pradesh in its rules named Madhya Pradesh Sand (Mining, Transportation, Storage and Trading) Rules, 2019 has provided the procedure for procurement of mining leases in State with the statutory permissions in accordance with the environmental rules as contained in Chapter-6 Section 12 which has been quoted above. In addition to above, the MoEF & CC, in supplement and addition to the Sustainable Sand Mining Management Guidelines, 2016 issued the Sustainable Sand Mining Management Guidelines, 2020 giving importance to the DSR and monitoring mechanism. The guidelines issued in 2020 in point no.4.1.1 (A) requires that DSR for sand mining shall be prepared before the auction/e-auction/ grant of the mining lease/ Letter of Intent (LOI) by Mining Department or department dealing in the mining activity in the respective state. The DSR is to be prepared in such a way that it not only identified the*

*mineral bearing area but also define the mining and no mining zones considering various environmental and social factors. The State Government shall issue Letter of Intent as per procedure laid down in there Mine and Mineral Concession Rules with due consideration of final DSR and that all districts have been required to prepare a comprehensive mining plan as per the provisions of District Survey Report and these report shall be put on the website of district administration. No mining shall be allowed in the area which had not been identified in the comprehensive mining plan of the district.”*

19. Hence, we find that in view of Sand Mining Guidelines of 2020 and the judgment of the Hon’ble Supreme Court in the case of Pawan Kumar (Supra) the auction of the sand mines cannot be done in the absence of the valid DSR, therefore, an auction notice issued without there being a valid DSR is bad in law and cannot be sustained.

20. A plea has been raised by the Counsel for the respondent that the auction notice was issued on the basis of the draft DSR which has subsequently been approved by SEAC and SEIAA, therefore, such auction notice should be upheld. In the present case undisputedly on the date of issuance of the auction notice, there was no valid DSR. Only draft DSR was existing which was not approved by SEAC or SEIAA when the auction notice was issued. SEAC and SEIAA are required to duly consider the draft DSR and they can appropriately modify it to ensure that it is in line with the Environmental requirements and it does not result in damage to environment, or river ecology by permitting improper sand mining. Therefore, merely on the basis of the draft DSR, before its approval by the SEAC and SEIAA, the District Authorities cannot be permitted to auction the sand mines.

21. A plea has also been raised that respondent-Project Proponent may be allowed to do the sand mining on the basis of the LOI issued to them to ensure regular supply of sand in the market. A similar situation had arisen before the Hon’ble Supreme Court in the matter of Pawan Kumar

(Supra) wherein Hon'ble Supreme Court in order to mitigate the difficulty had permitted the State Government to carry on the mining activity through the State Mining Corporation by directing as under:-

*“(iii) Until further orders, we permit the State Government to carry on mining activities through Bihar State Mining Corporation for which it may employ the services of the contractors. However, while doing so, the State Government shall ensure that all environmental concerns are taken care of and no damage is caused to the environment.”*

22. Somewhat, similar situation prevails in the present case also.

23. At this stage, it is worth noting that another OA No. 98/2024, *Vivek Pandey vs. Ministry of Environment Forest and Climate Change through its Secretary* relating to District Pilibhit of UP involving the same issue was connected with this OA and when the legal position in respect of unsustainability of the auction notice before finalization of the DSR was brought on record, the District Magistrate, Pilibhit had withdrawn the auction notice and taken the stand before the Tribunal that fresh auction notice will be issued after preparation of DSR and its approval. Therefore, on 07.05.2024, that OA was disposed of recording the stand of the District Magistrate, Pilibhit but in this OA, adjournment was sought by taking the technical plea seeking opportunity to file the reply and this OA remained pending.

24. We also take note of the fact that the fresh DSR has been titled as “Updated District Survey Report(DSR)- Saharanpur (River Bed Mining)-Year 2022” which is a misleading title because after the expiry of the DSR of 2017, the draft DSR was published on 13.01.2023 and the said draft DSR has been approved by SEIAA on 24.05.2024. Therefore, there was no continuity between old expired DSR and new subsequent DSR. Thus, it appears that to artificially fill in the gap, when no DSR for District

Saharanpur was existing after expiry of the earlier DSR in 2022, the misleading title to the fresh DSR has been given. Hence, respondents are expected to correct the title of new DSR-Saharanpur.

25. In view of the above analysis, we hold as under:-

- (i) The e-auction notice dated 13.02.2023 and the consequential action of issuance of LOI etc. in pursuance thereto is bad in law having been issued without there being any valid and final DSR for the District. Hence, the e-action notice dated 13.02.2023 and the consequential action is set aside. The concerned District Magistrate is permitted to take fresh steps for e-auction of the sand mining based upon the final DSR as approved by SEIAA.
- (ii) Since, it is a monsoon season at present, therefore, normally no sand mining activity is carried out in this season. However, if the sand mining season starts before the finalization of the fresh auction, to maintain continuous supply of sand, the State of UP through its agency such as UP State Mining Corporation is permitted to carry out the sand mining activity in the sites concerned. For this purpose, it may employ the services of the contractor by ensuring that all environmental concerns are taken care of and no damage is caused to the environment.
- (iii). The applicant has also challenged the draft DSR dated 13.01.2023 but in the meanwhile, the final DSR has been approved by SEIAA on 24.05.2024, therefore, challenge to the draft DSR does not survive. It will be open to the

applicant to challenge the final DSR for Saharanpur in accordance with law, if he so desires.

26. The OA is accordingly dismissed.

27. All pending IAs will stand disposed of accordingly. I.A. No. 386/2024 filed by District Magistrate, Saharanpur seeking modification of the order dated 07.05.2024 also does not survive which is accordingly rejected.

Prakash Shrivastava, CP

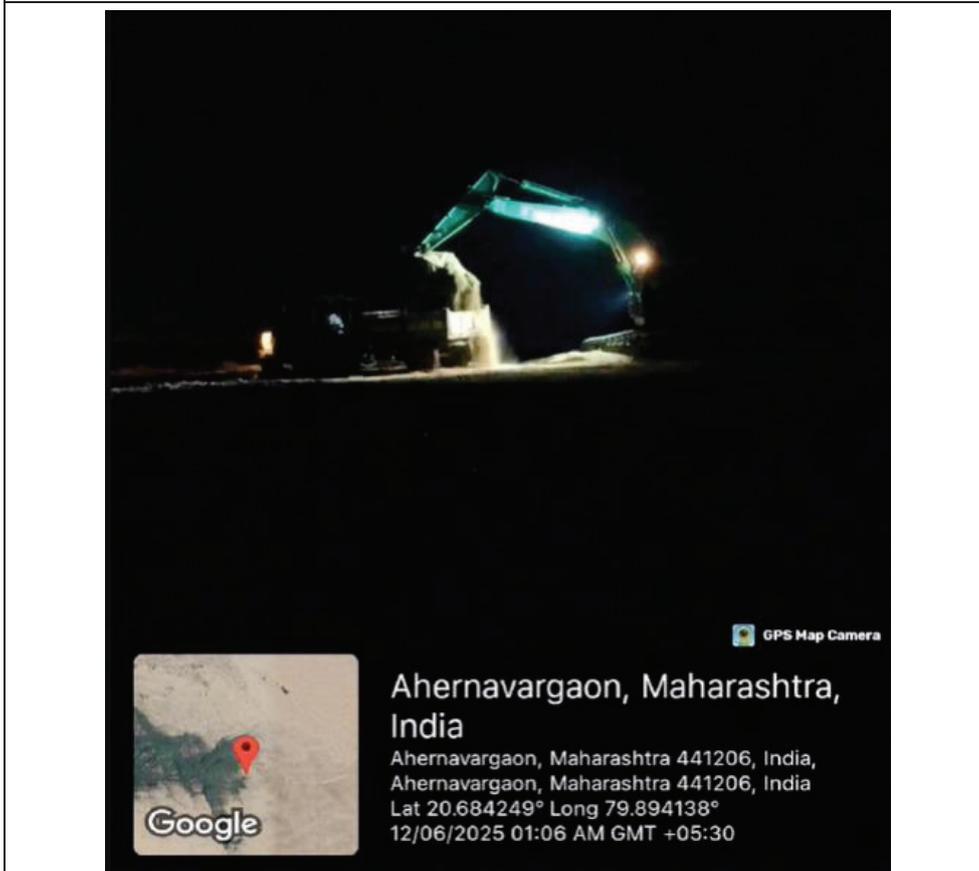
Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 02, 2024  
Original Application No. 188/2023  
(IA No. 386/2024, IA No. 92/2023, IA No  
91/2023, IA No. 76/2023)  
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**Video Link:-**

<https://drive.google.com/drive/folders/1p5G4mVjZSCi-AbkCW-drj56MmOCM-KW9?usp=sharing>

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F.No. 1A3-22/28/2022-1A.111 [E 181584]  
 Government of India  
 Ministry of Environment, Forest and Climate Change  
 Impact Assessment Division

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Indira Paryavaran Bhawan  
 3rd Floor, Vayu Wing, Jor Bagh Road  
 Ali Ganj, New Delhi-110003

Dated: 13<sup>th</sup> December, 2022

OFFICE MEMORANDUM

**Subject:** Clarification on the amendment to EIA Notification 2006 issued vide S.O. No. 1807(E) dated 12/04/2022 with regard to validity of Environment Clearance - regarding.

The Ministry of Environment, Forest and Climate Change (MoEF&CC) vide notification no. S.O. No. 1807(E) dated 12/04/2022 amended the provisions of EIA Notification, 2006 regarding validity of Environment Clearance as mentioned below:

Type of Project	Earlier EC validity (Years) (A)	Further extendable for (Years) (B)	Increased EC validity (Years) (C)	Further extendable for (Years) (D)
River Valley projects	10	3	13	2
Nuclear projects	7	3	15	5
Projects other than River Valley, Nuclear and Mining Projects	7	3	10	1
Mining Projects	30		30 (Subject to adequacy of EIA/EMP to be reviewed every 5 years after 30 Years)	20

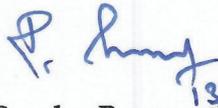
2. The Ministry is in receipt of representations from different stakeholders seeking clarification on the validity of Environment Clearance for different developmental projects in pursuance to the aforementioned Notification. The matter has been examined and it is to clarify that the applicability of the Notification is as under:

- i. The validity of the Environmental Clearances, which had not expired as on the date of publication of Notification i.e. 12/04/2022, shall stand automatically extended to respective increased validity as mentioned at para no. 1 column (C) above:

*Provided that the period of validity of Environmental Clearance with respect to the type of Projects and Activities listed at Para 1 above may be extended in respect of valid Environmental Clearance, by the regulatory authority concerned, by a maximum period of years as indicated at Para No. 1 Column (D) above, if an application is made in the laid down proforma to the regulatory authority by the applicant as per the provisions of EIA Notification 2006:*

*Provided further that the regulatory authority may also consult the concerned Expert Appraisal Committee before grant of such extension.*

- ii. The Environment Clearances for which the project proponents have submitted the application for extension of validity as per the provisions of the EIA Notification 2006 as on the date of publication of Notification i.e. 12/04/2022, shall stand automatically extended to respective increased validity as mentioned at Para no. 1 column (C) above.
3. This is issued with the approval of Competent Authority.

  
13/12/22  
(Sundar Ramanathan)  
Scientist 'E'

To

1. Chairman, Central Pollution Control Board (CPCB)
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
5. All the Officers of IA Division

**Copy for information to:**

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. Sr.PPS to Secretary (EF&CC)
4. Sr.PPS to AS (TK) / AS (NPG)
5. Sr.PPS to JS (SKB)
6. Website, MoEF&CC
7. Guard file.



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

\*\*\*



**Minutes of Agenda of 279 meeting of SEIAA Day 3 (Part E1) State Environment Im  
 pact Assessment Authority meeting held from 13/08/2024 to 13/08/2024**

Date: 19/09/2024

**MoM ID:** EC/MOM/SEIAA/405045/8/2024  
**Agenda ID:** EC/AGENDA/SEIAA/405045/8/2024  
**Meeting Venue:** 217 - Annex mantralaya, Mumbai  
**Meeting Mode:** Hybrid  
**Date & Time:**

13/08/2024	09:15 AM	05:30 PM
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**1. Opening remarks**

N/A
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**2. Confirmation of the minutes of previous meeting**

N/A
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**3. Details of proposals considered by the committee**

Day 1 -13/08/2024

**3.1. Agenda Item No 1:**

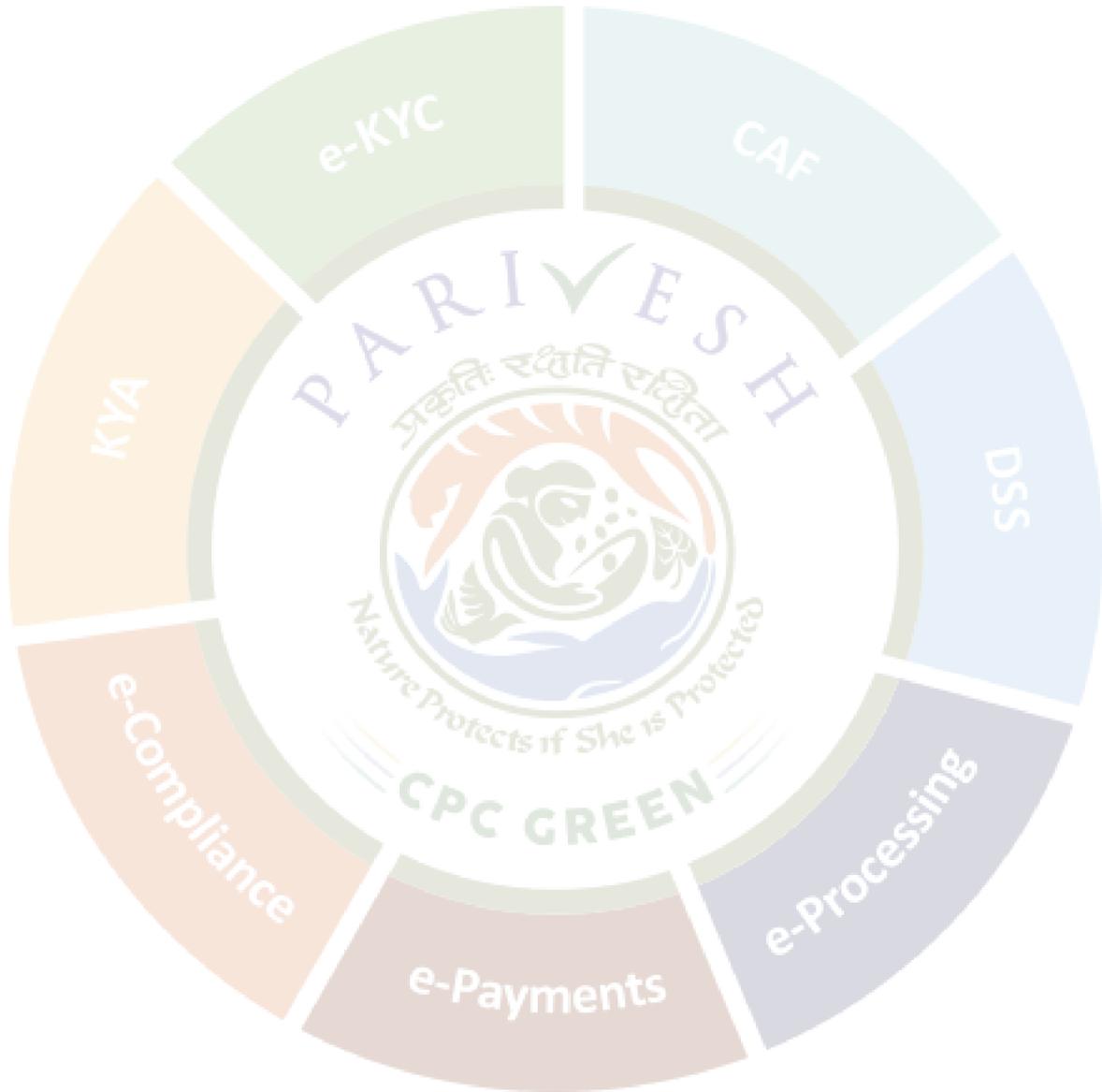
**3.1.1. Details of the proposal**

Anhernawargaon Chikhaldhokla Sand Ghat, Area 4.50 ha, Gut. no. 820, 825, 826, 827, 828, 829, Village Anhera wargaon Chikhaldhokla, Tehsil Brahmपुर, District Chandrapur by DISTRICT MINING OFFICER, CHANDR APUR located at CHANDRAPUR, MAHARASHTRA			
<b>Proposal For</b>		Mining EC Under 5 Ha	
<b>Proposal No</b>	<b>File No</b>	<b>Submission Date</b>	<b>Activity (Schedule Item)</b>
SIA/MH/MIN/464859/2024	SIA/MH/MIN/464859/2024	19/06/2024	Mining of minerals (1(a))

T.C

3.1.2. Deliberations by the committee in previous meetings

Date of SEAC 1 :26/06/2024



**Deliberations of SEAC 1 :****Deliberation:**

The proposal was apprised on the basis of information presented by the District Mining Officer, Chandrapur i.e. Project Proponent, Additional Collector, Chandrapur and their accredited consultant M/s. N.S. Envirotech Laboratories and Consultant.

During the deliberations with the Project Proponent (PP) and consultant regarding the necessary Certificates, NoCs, Govt Permissions, and clearances required for the project execution, the Project Proponent submitted that the following steps were taken over the time. The details are outlined below.

1. District Survey Report of Jalgaon district was approved & published on December,2023
2. Mining Plan was approved by D.G&M, Nagpur, dated:01/11/2023.
3. Site does not fall within Eco Sensitive Zone, Eco Sensitive Area & Notified Forest.
4. As per approved Mining Plan total quantity of sand available is 23,852 brass & life of sand ghat is one (1) year.
5. There is no cluster formation more than 5 ha. in the proposed sand ghats and cluster certificate dated: 29/01/2024 submitted.
6. The notice/advertisement of the public hearing was published in one local as well as one national newspaper on 12/12/2023.
7. Public hearing was conducted on 13/01/2024 and copy of MOM is submitted.

**Table B.: Information regarding EMP, CER budget & Amenities etc.**

S. No.	Particulars/Items	Control Measures	Capital Cost (In Rs.)	Recurring Cost (In Rs.)
1.	Dust generation due to transportation material by. of tractor trolley & transportation of mineral	Environmental Monitoring (Air, Water, Noise etc.)	45,000/-	—
		Water Sprinkling	-	40,000/-
		Sand carrying trolleys will be Covered with Tarpaulin	10000/-	—
2.	Road maintenance	Proper Maintenance of Haul Road	2,40,000/-	40,000/-
3.	Green Belt Development	Along River Bank	4,45,500/-	40,000/-
		Along haul road		
4.	Security	Display Boards and other security measures (CCTV, Fencing etc)	70,000/-	—
5.	Occupational Health	Provision of PPE Kits and Periodic health check-up, Temporary Shed, etc.	90,300/-	—

6.	Mobile toilet	Mobile toilets will be made available near mine's office away from the river	50,000/-	-
<b>Total</b>			<b>9,50,800/-</b>	<b>1,20,000/-</b>
<b>EMP Total Cost (In Rs.) 10,70,800/-</b>				

**8. CER Plan: Proposed cost – Rs. 2.86 Lakhs. Details as below:**

S No.	Budget Allocated	Budget (In INR)
1	Installation of one water tank in nearby village	80,000
2	Providing books and uniforms to nearby village school	50,000
3	Needed Repairing work with consultation of Grampanchayat	50,000
4	Community Infrastructure Development (Benches for ZP School with consultation with Grampanchayat)	1,56,224
<b>Total</b>		<b>2,86,224</b>

During deliberation, committee noted that the validity of mining plan is one (1) year i.e. from 1/11/2023 to 31/10/2024. Committee also noted that NOC & Tharav received from Grampanchayat is for 2023-2024. Committee further noted that PP has applied for sand mining for 2024-2025. Therefore, Committee is of opinion that PP should obtain revised mining plan & revise NOC as well as Tharav from concerned Grampanchayat for proposed sand mining for 2024-2025.

**3.1.3. Deliberations by the SEIAA in current meetings**

**Deliberation in SEIAA-**

Proposal was recommended to SEIAA in 277<sup>th</sup> meeting of SEAC-1 for grant of Environment Clearance. SEIAA consider the proposal in its 279<sup>th</sup> meeting, SEIAA after deliberation decided to grant Environment Clearance subject to following conditions-

1. DMO to adhere to the conditions stipulated by SEAC-1 as mentioned in Annexure-I
2. District Collector to personally monitor/ ensure strict compliance of the condition mentioned in SEAC deliberation.

**SEIAA Decision-**

SEIAA after deliberation decided to grant Environment Clearance.

**3.1.4. Recommendation of SEIAA**

Approved

**3.1.5. Details of Environment Conditions**

## 3.1.5.1. Specific

Specific Conditions	
1.	<p><b><u>EC Conditions for the Proposed Sand Ghats</u></b></p> <p>After deliberations, SEAC1 hereby recommends the proposed project proposal for prior Environmental Clearance subject to compliance with all conditions stipulated herein. These conditions are in accordance with the provisions and guidelines issued by Ministry of Environment Forest &amp; Climate Change (MOEF &amp; CC) from time to time. Compliance with these conditions is mandatory prior to the commencement or execution of any work at the project site. The Project Proponent/lessee, District Collector &amp; District Mining Officer is required to adhere to the following conditions and submit compliance report to the concern authority in the Annexure-I attached herewith.</p> <p><b>Conditions adhered to the District collector and District Mining Officer (Sand ghats) :</b></p> <p>DC and DMO shall adhere to the provisions stipulated in the Sustainable Sand Mining Guidelines issued by the MoEF &amp; CC, Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013 and Sand Extraction policy issued time to time by Revenue and Forest Department, GoM.</p> <p>DC and DMO shall ensure that no violation of any order with respect to the sand mining activity by any competent court (Particularly directions given by Hon'ble Supreme Court of India and Hon'ble NGT in various petitions.)</p> <p>To submit compliance report on the issues raised in Public Hearing along with actions plan and budget provisions.</p> <p>DMO should submit duly signed undertaking that they will comply all issues of the Public Hearing.</p> <p>To demarcate the proposed sand ghat with clear geo-referencing with infrastructure and facilities as proposed in layout.</p> <p>Shall ensure that proper approach road for sand ghat and sand depot be identified and demarcated.</p> <p>The transportation route must be outside from the village/habitation.</p> <p><b>Conditions adhered to the Project Proponent/ Lease holder (Sand ghats) :</b></p> <p>All necessary NOC's /permissions required for the project must be obtained from the competent authority.</p> <p>To adhere to the provisions stipulated Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013 and guidelines issued by MOEF &amp; CC as applicable to the project.</p> <p>To submit compliance report on the issues raised in Public Hearing along with actions plan and budget provisions.</p> <p>Should submit duly signed undertaking that they will comply all issues of the Public Hearing.</p>

To finalise the location of sand depots, parking places with proper entry and exit along with space for workers rest area.

To demarcate proper approach road with adequate capacity and the road should not be passing through any village/habitat.

To identify the central 3/4<sup>th</sup> part of the river on map where is sand deposition and remaining 1/4<sup>th</sup> area kept as no-mining area.

To install permanent boundary pillars at the identified area of the aggradation and deposition outside of the bank of the river and mining is allowed only by manual method and no mechanical/electrical/power driven devices shall be used for sand mining.

Mining activity shall not be done below the depth as approved in the mining plan.

- . Mining activity shall not be carried out before sunrise and after sunset.
- . Natural flow of river water should not be diverted.
- . To ensure that the distance of mining activities area from the river bank shall be  $\frac{1}{4}$  of the river bed width and should not be less than 7.5 meters or whichever is higher.
- . Sand shall not be extracted up to a distance of 1 KM from bridges and highways on both sides or five times (5x) of the span (x) of the bridge, public civil structure on the upstream side and ten times (10x) the span of such bridge on the downstream side subject to minimum 250 meters on the upstream side and 500 meters on the downstream side.
- . It is mandatory to provide First Aid facility, medical/health checkup and insurance cover to all workers/employees.
- . To provide movable toilets/bio-toilets to the workers at sight.
- . Implementation of the Environment Management Plan (EMP) as per the lease agreement is mandatory throughout the lease period.
- . The financial provision/budget reserved for the EMP and CER should be utilised for the same activity and should transfer unutilised budget if any to the District Mining Fund account.
- . To implement a plan of bamboo plantation along the river bank area adjacent to sandghat.
- . Green cover plantation saplings must be 3-4 feet height.
- . Sand ghat should have only one entry and exit point in case where more than one entry and exits are requires then all such points must have digital monitoring facilities with 24/7 CCTV coverage and the footage shall be submitted to District Collector.
- . Transportation vehicles to be tracked from the destination by using checkpoints, RFID tags and GPS tracking.
- . To ensure that no movement of heavy vehicles, dumpers etc in the river bed.

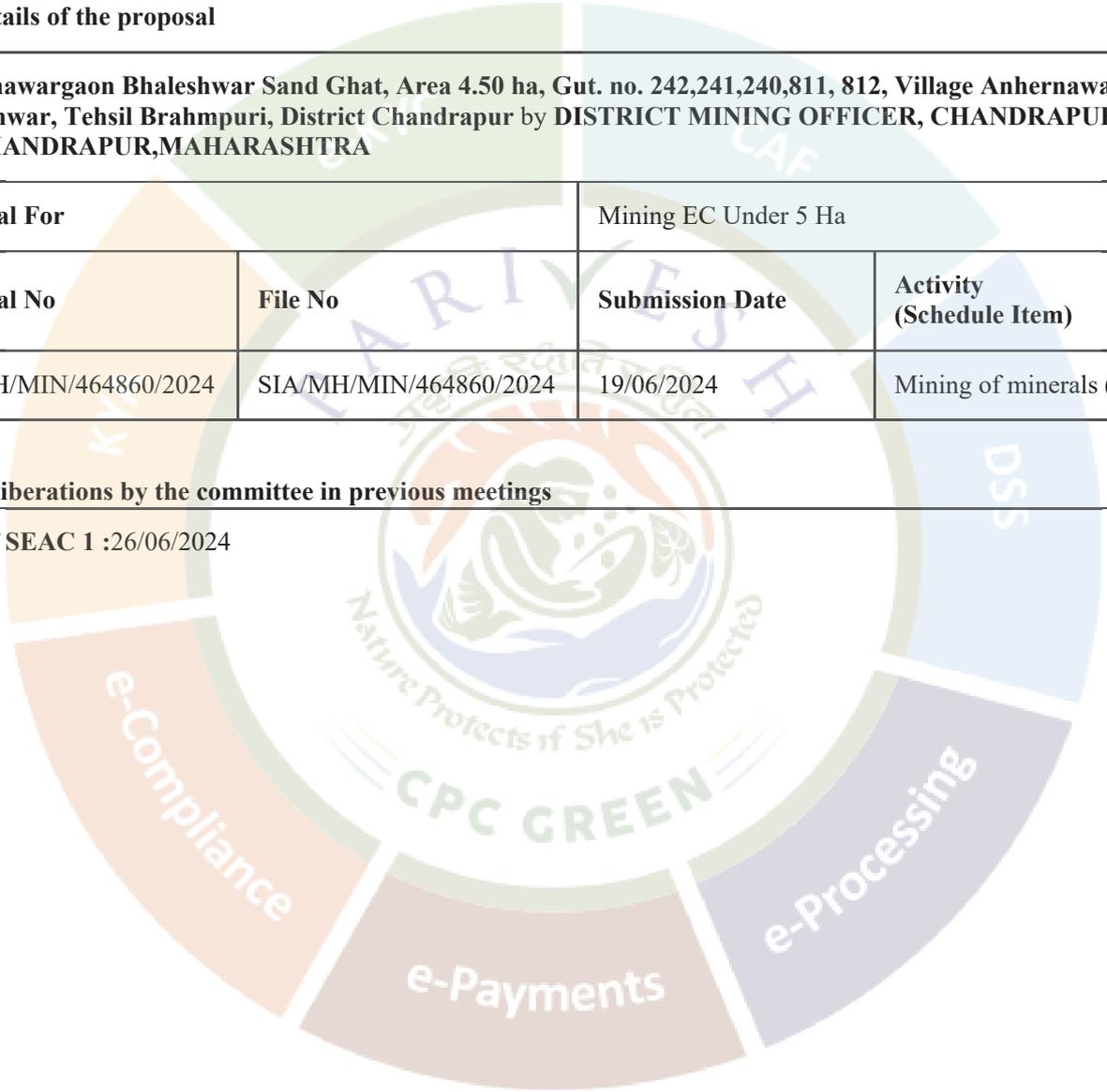
	<p>. To ensure no damage is caused to any Fauna and its nesting close to sand ghat.</p> <p>. It is mandatory to use water sprinklers on the roads to avoid dust particulate matter pollution.</p> <p>. Public roads should not be used for parking of transportation vehicles.</p> <p><b><u>Decision:</u></b> Recommended</p>
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### 3.2. Agenda Item No 2:

#### 3.2.1. Details of the proposal

<b>Anhernawargaon Bhaleshwar Sand Ghat, Area 4.50 ha, Gut. no. 242,241,240,811, 812, Village Anhernawargaon Bhaleshwar, Tehsil Brahmpuri, District Chandrapur by DISTRICT MINING OFFICER, CHANDRAPUR located at CHANDRAPUR, MAHARASHTRA</b>			
<b>Proposal For</b>		Mining EC Under 5 Ha	
<b>Proposal No</b>	<b>File No</b>	<b>Submission Date</b>	<b>Activity (Schedule Item)</b>
SIA/MH/MIN/464860/2024	SIA/MH/MIN/464860/2024	19/06/2024	Mining of minerals (1(a))

#### 3.2.2. Deliberations by the committee in previous meetings

	<p><b>Date of SEAC 1 :26/06/2024</b></p> 
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### 3.23.1. Details of the proposal

<b>Ranmochan Sand Ghat, Gut. no. 148,136,135,134, 127,131,132,129, 125, Village Ranmochan, Tehsil Brahmpuri, District Chandrapur by DISTRICT MINING OFFICER, CHANDRAPUR located at CHANDRAPUR,MAHARASHTRA</b>			
<b>Proposal For</b>		Mining EC Under 5 Ha	
<b>Proposal No</b>	<b>File No</b>	<b>Submission Date</b>	<b>Activity (Schedule Item)</b>
SIA/MH/MIN/463589/2024	SIA/MH/MIN/463589/2024	19/06/2024	Mining of minerals (1(a))

### 3.23.2. Deliberations by the committee in previous meetings

**Date of SEAC 1 :26/06/2024**

The diagram is a circular infographic for CPC GREEN. It consists of a central circle with the Parivesh logo and the motto 'प्रकृति रक्षति रक्षिते' (Nature Protects if She is Protected). Surrounding this are seven colored segments, each representing a different service or process: e-KYC (green), CAF (light blue), DSS (blue), e-Processing (purple), e-Payments (brown), e-Compliance (orange), and KYA (yellow). The text 'CPC GREEN' is written across the bottom of the central circle.

**Deliberations of SEAC 1 :****Deliberation:**

The proposal was appraised on the basis of information presented by the District Mining Officer, Chandrapur i.e. Project Proponent, Additional Collector, Chandrapur and their accredited consultant M/s. N.S. Envirotech Laboratories and Consultant.

During the deliberations with the Project Proponent (PP) and consultant regarding the necessary Certificates, NOCs, Govt Permissions, and clearances required for the project execution, the Project Proponent submitted that the following steps were taken over the time. The details are outlined below.

1. District Survey Report of Jalgaon district was approved & published on December,2023
2. Mining Plan was approved by D.G&M, Nagpur, dated:01/11/2023.
3. Site does not fall within Eco Sensitive Zone, Eco Sensitive Area & Notified Forest.
4. As per approved Mining Plan total quantity of sand available is 15,901 brass & life of sand ghat is one (1) year.
5. There is no cluster formation more than 5 ha. in the proposed sand ghats and cluster certificate dated: 29/01/2024 submitted.
6. Grampanchayat has given NOC with Tharav dated: 13/10/2023.
7. The notice/advertisement of the public hearing was published in one local as well as one national newspaper on 12/12/2023.
8. Public hearing was conducted on 13/01/2024 and copy of MOM is submitted.
- 9.

**Table B.: Information regarding EMP, CER budget & Amenities etc.**

Sr.No.	Component	Description	Capital Cost (In Rs.)	Recurring Cost (In Rs.)
1.	Dust generation due to transportation material by. of tractor trolley & transportation of mineral	Environmental Monitoring (Air, Water, Noise etc.)	45,000/-	—
		Water Sprinkling	-	40,000/-
		Sand carrying trolleys will be Covered with Tarpaulin	10000/-	—
2.	Road maintenance	Proper Maintenance of Haul Road	1,60,000/-	40,000/-
3.	Green Belt Development	Along River Bank	4,45,500/-	40,000/-
		Along haul road		
4.	Security	Signages and security	70,000/-	—
5.	Occupational Health	Periodic health check-up (1000 Rs. / Employee)	90,300/-	—
6.	Mobile toilet	Mobile toilets will be made available near mine's office away from the river	50,000/-	—
<b>Total</b>			<b>8,70,800/-</b>	<b>1,20,000/-</b>
<b>EMP Total Cost (In Rs.) 9,90,800/-</b>				

10. CER Plan: **Proposed cost Rs. 1,90,812 - Details as below:**

S. N	Budget Allocated	Budget (In INR)

o.		
1	Installation of one water tank in nearby village	80,000
2	Providing books and uniforms to nearby village school	25,000
3	Street light for Village with consultation of Grampanchayat	25,000
4	Community Infrastructure Development (Benches for ZP School with consultation with Grampanchayat)	60,812
	<b>Total</b>	<b>1,90,812</b>

During deliberation, committee noted that the validity of mining plan is one (1) year i.e. from 1/11/2023 to 31/10/2024. Committee also noted that NOC & Tharav recived from Grampanchayat is for 2023-2024. Committee further noted that PP has applied for sand mining for 2024-2025. Therefore, Committee is of opinion that PP should obtain revise mining plan & revise NOC as well as Tharav from concerned Grampanchayat for proposed sand mining for 2024-2025.

### 3.23.3. Deliberations by the SEIAA in current meetings

#### Deliberation in SEIAA-

Proposal was recommended to SEIAA in 277<sup>th</sup> meeting of SEAC-1 for grant of Environment Clearance. SEIAA consider the proposal in its 279<sup>th</sup> meeting, SEIAA after deliberation decided to grant Environment Clearance subject to following conditions-

1. DMO to adhere to the conditions stipulated by SEAC-1 as mentioned in Annexure-I
2. District Collector to personally monitor/ ensure strict compliance of the condition mentioned in SEAC deliberation.

#### SEIAA Decision-

SEIAA after deliberation decided to grant Environment Clearance.

### 3.23.4. Recommendation of SEIAA

Approved

### 3.23.5. Details of Environment Conditions

#### 3.23.5.1. Specific

#### **Specific Condition**

1. **EC Conditions for the Proposed Sand Ghats**  
After deliberations, SEAC1 hereby recommends the proposed project proposal for prior Environmental Clearance subject to compliance with all conditions stipulated herein. These conditions are in accordance with the provisions and guidelines issued by Ministry of Environment Forest & Climate Change (MOEF & CC) from time to time. Compliance with these conditions is mandatory prior to the commencement or execution of any work at the project site. The Project Proponent/lessee, District Collector & District Mining Officer is required to adhere to the following conditions and submit compliance report to the concern authority in the Annexure-I attached herewith.

**Conditions adhered to the District collector and District Mining Officer (Sand ghats) :**

DC and DMO shall adhere to the provisions stipulated in the Sustainable Sand Mining Guidelines issued by the MoEF & CC, Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013 and Sand Extraction policy issued time to time by Revenue and Forest Department, GoM.

DC and DMO shall ensure that no violation of any order with respect to the sand mining activity by any competent court (Particularly directions given by Hon'ble Supreme Court of India and Hon'ble NGT in various petitions.)

To submit compliance report on the issues raised in Public Hearing along with actions plan and budget provisions.

DMO should submit duly signed undertaking that they will comply all issues of the Public Hearing.

To demarcate the proposed sand ghat with clear geo-referencing with infrastructure and facilities as proposed in layout.

Shall ensure that proper approach road for sand ghat and sand depot be identified and demarcated.

The transportation route must be outside from the village/habitation.

**Conditions adhered to the Project Proponent/ Lease holder (Sand ghats) :**

All necessary NOC's /permissions required for the project must be obtained from the competent authority.

To adhere to the provisions stipulated Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013 and guidelines issued by MOEF & CC as applicable to the project.

To submit compliance report on the issues raised in Public Hearing along with actions plan and budget provisions.

Should submit duly signed undertaking that they will comply all issues of the Public Hearing.

To finalise the location of sand depots, parking places with proper entry and exit along with space for workers rest area.

To demarcate proper approach road with adequate capacity and the road should not be passing through any village/habitat.

To identify the central 3/4<sup>th</sup> part of the river on map where is sand deposition and remaining 1/4<sup>th</sup> area kept as no-mining area.

To install permanent boundary pillars at the identified area of the aggradation and deposition outside of the bank of the river and mining is allowed only by manual method and no mechanical/electrical/power driven devices shall be used for sand mining.

Mining activity shall not be done below the depth as approved in the mining plan.

1. Mining activity shall not be carried out before sunrise and after sunset.
2. Natural flow of river water should not be diverted.
3. To ensure that the distance of mining activities area from the river bank shall be  $\frac{1}{4}$  of the river bed width and should not be less than 7.5 meters or whichever is higher.
4. Sand shall not be extracted up to a distance of 1 KM from bridges and highways on both sides or five times (5x) of the span (x) of the bridge, public civil structure on the upstream side and ten times (10x) the span of such bridge on the downstream side subject to minimum 250 meters on the upstream side and 500 meters on the downstream side.
5. It is mandatory to provide First Aid facility, medical/health checkup and insurance cover to all workers/employees.
6. To provide movable toilets/bio-toilets to the workers at sight.
7. Implementation of the Environment Management Plan (EMP) as per the lease agreement is mandatory throughout the lease period.
8. The financial provision/budget reserved for the EMP and CER should be utilised for the same activity and should transfer unutilised budget if any to the District Mining Fund account.
9. To implement a plan of bamboo plantation along the river bank area adjacent to sandghat.
10. Green cover plantation saplings must be 3-4 feet height.
11. Sand ghat should have only one entry and exit point in case where more than one entry and exits are requires then all such points must have digital monitoring facilities with 24/7 CCTV coverage and the footage shall be submitted to District Collector.
12. Transportation vehicles to be tracked from the destination by using checkpoints, RFID tags and GPS tracking.
13. To ensure that no movement of heavy vehicles, dumpers etc in the river bed.
14. To ensure no damage is caused to any Fauna and its nesting close to sand ghat.
15. It is mandatory to use water sprinklers on the roads to avoid dust particulate matter pollution.
16. Public roads should not be used for parking of transportation vehicles.

**Decision:**

Recommended

**3.24. Agenda Item No 24:**

T.C

**3.24.1. Details of the proposal**