

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI*****Reply Affidavit on behalf of Project Proponent*****In ref.****Original Application No.295 of 2024****Abhishek Shukla****..... Applicant****Versus****State of UP & Others****..... Respondents****Index**

S.No.	Particulars	ANNEXURE	Page No.
1.	Reply Affidavit on behalf of Project Proponent	-	1-16
2.	EC dated 15-01-2021	1	17-22
3.	CTO dated 28-02-2023	2	23-27
4.	Order dated 18-12-2023	3	28-29
5.	Order dated 06-02-2024	4	30-43
6.	Reply/compliance report dated 09-04-2024	5	44-45
7.	Vakalatnama	-	46-47

Dated : 15 April, 2024

(MANOJ KUMAR)**Advocate****Counsel for Project Proponent****E.No. UP1502/78, COP No. 193761****GF-1, Shubh Apartment 489/211****Vivekanandpuri, Fajabad Road,****Lucknow-226007****Email-manojkumar.dgm@gmail.com**

2. That the Project Proponent had obtained the approval on the mining plan from the Director, Geology & Mining U.P. Lucknow and thereafter obtained the environmental clearance from State Level Environment Impact Assessment Authority, Uttar Pradesh Lucknow “(hereinafter called as ‘SEIAA’) and thereafter the mining lease deed was executed on 01-03-2021 by the District Officer, Banda in favour of the Project Proponent and deed was registered on 15-03-2021 in the office of the Sub Registrar Naraini Distt. Banda.

The copy of the said EC dated 15-01-2021 and copy of CTO dated 28-02-2023 are being annexed herewith as **Annexure No.1** and **Annexure No.2** respectively.

3. That by way of present letter petition the applicant complaining about illegal mining blasting and crushing in violation of environmental norms in villages Jarar, Chhaneha Purwa, Raghwa Purwa, Girwan. Patraha Tehsil Naraini, District Banda.
4. That the applicant vide complaint dated 12-03-2023 has also submitted that six mining leases have been allotted in two hills in the area situate of village Jarar and five crushers have been established in Village Jarar and Chhaneha Purwa and mining is



[Handwritten signature]

being done by resorting to illegal blasting which has resulted in damage to the houses of villagers, the applicant further alleged that the crushers are being operated day and night and the crushers do not have any boundary wall. There is no sprinkling of water during operation thereof. The crushers are causing dust and noise pollution due to which the residents are suffering from 'Asthma' and other diseases. Illegal blasting has also affected old temples located on the hills. Illegal mining and blasting are also adversely affecting the wildlife in the area. The roads to the above said villages have been damaged by the over loaded vehicles used for transportation of excavated minor minerals.

5. That on the application dated 12-03-2023, submitted by the applicant, this Hon'ble Tribunal vide order dated 01-08-2023 constituted a joint committee comprising of representative of Director, Geology & Mining U.P. Pollution Control Board, Lucknow. District Magistrate, Banda to verify the factual position and take appropriate remedial action and factual and action taken report may be submitted within one month by e-mail before this Hon'ble Tribunal.



6. That in compliance of order dated 01-08-2023 the joint committee visited the site from 17-08-2023 to 18-08-2023 and vide his joint inspection report 30-08-2023 following recommendation have been made :-

“21.1) The mining department can be asked to restrict the mining activities in those mines wherein the required minimum distance criteria are not meeting. If mining is allowed on allotted near vicinity of habitant, habitant will be relocated to other specific place with consultation of nearby villagers/ civil society.

21.2) The mining department can be asked to restrict the mining activities in part of hill where temple is located. If mining is permitted at this place, the temple and habitant will be relocated to other specific place with consultation of nearby villagers/ civil society/priest of temple.

21.3) The mining department can be asked to restrict the mining activities through blasting in those mines who have not taken permission by DGMS for use blasting and mechanical instrument/machine.



21.4) *The mining department can be asked to restrict the provision made for construction the main village road by DMF fund.*

21.5) *UPPCB can be asked to take necessary action against the stone crusher who have not operated the dust suppression system during the operation of stone crusher.*

21.6) *The Project proponent can be asked to maintain the village road near these mining sites.*

21.7) *The Project proponent can be asked for blasting will be done in allowed time duration with one-inch holes and proper safety arrangement after obtaining the valid permission of the DGMS and Department of Mines.*

21.8) *The Project proponent of mining lease and stone crusher can be asked to strictly comply with the conditions prescribed in the Environmental Clearance/ consent/ mining lease allotment letter and submit the status to the concerned authorities regularly.”*



7. That in the case of Special Leave Petition (c) No.-19628-19629 of 2009, Deepak Kumar etc Vs. State of Hariyana and other etc

fyg

the Hon'ble Supreme Court vide order dated 27-02-2012 was pleased to pass following direction :-

“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 getting environmental clearance from MOEF.”

In compliance of the aforesaid direction dated 27-02-2012 given by the Hon'ble Supreme Court, the Project Proponent after getting approval of the Director, Geology & Mining U.P. Lucknow on the mining plan, applied for environmental clearance before SEIAA, and EC was granted by the SEIAA after conducting Public hearing vide letter No.-631/Parya/SEIAA/6033-5062/2020 dated 15-01-2021 in favour of the Project Proponent.

8. That after execution of lease deed the Project Proponent also obtained consolidated consent to operate the mines under section-25 of the water (Prevention & Control of Pollution) Act 1974 and section-21 of the Air (Prevention & Control of Pollution) Act 1981 vide letter dated 28-02-2023 from Uttar



Pradesh Pollution Control Board Lucknow which already annexed herewith as ANNEXURE No.2 to this reply affidavit.

9. That the Project Proponent is conducted mining operation under the super vision of Mines Foreman shri Vikash Singh, appointed by the DGMS Regional Office, Varansi vide order dated 18-12-2023.

The copy of the said order dated 18-12-2023, issued by DGMS is being annexed herewith as **ANNEXURE No.3** to this reply.

10. That the Director, DGMS Regional Office, Varansi submitted its report dated 01-02-2024 with mentioning therein that permissions for conducting blasting in mines are required to be obtained from DGMS under the MMR 1961 in the following special circumstances :-

- (i) Permission for conducting deep hole blasting (blasting with holes more that 3 m in depth), as required under Regulation 106(2)(b) of the MMR 1961.
- (ii) Permission for using explosives in non-cartridge form or for using more than one type of explosives (other than fuse or detonator) in the same hole (for example use of



[Handwritten signature]

ANFO, SMS, SME along with cast booster), as required under Regulation 155(1) and 162(5) of the MMR 1961; and

- (iii) Permission for blasting within danger zone of 300 m from permanent building or structure of permanent nature, not belonging to the owner of the mine, by using more than 2 kg of aggregate maximum explosive charge in all holes fired at one time or more than 2 kg of maximum explosive charge in each hole where blasting is done with delay detonators or other means and that there is a delay of at least half a second between successive shots fired, as required under Regulation 164(1B). However, if the shortest distance from the place of firing to any part of such building or structure is less than 50 meters, prior permission for blasting is required to be obtained under Regulation 164(1B) of the MMR 1961 irrespective of the amount of the charge used.



For blasting in mine under circumstances other than the above, no permission is required to be obtained

A handwritten signature in blue ink, appearing to be "Rajesh", written below the text.

from DGMS under the MMR 1961 and the blasting may be carried out in the mine by observing the precautions as prescribed under the provisions of Regulations 153-170 and other provisions of the MMR 1961.

In view of above it is evident that there are no requirement for obtaining permission for blasting from DGMS if blasting is done less than 3 m depth hole which is doing by the Project Proponent.

- 11.** That DGMS Regional Office Varansi vide order dated 06-02-2024 also granted permission for deployment of Heavy Earth Moving Machineries (HEMM) to the project proponent.

The copy of said order dated 06-02-2024 is being Annexed as **Annexure No.4** to this reply.

- 12.** That DGMS Regional office Varansi vide notice dated 07-03-2024 informed the project proponent that :-

- (1) The side of the opencast on west side was not properly benched, sloped and secured by the **previous lease holder** to prevent danger due to fall of sides. The height of top bench on west side was found about 38m, which is more than the stipulated bench height of 6m.



[Handwritten signature]

Hereby give you Notice to rectify the aforesaid contravention within 3 months from the date of issue of this letter i.e. on or before 06-06-2024.

Work of removal of dangers shall be subject to the following conditions being strictly complied with –

- a) Benches of height not more than 6 m and breath thereof not less than the height shall be formed by working from top downward only.
- b) No person shall be engaged at the quarry floor or at the bottom of the high wall, or on ledges made in the high walls.
- c) Work of removing the dangers, shall be done in the mine under personal supervision of a duly qualified manager and the same shall be kept suspended whenever the manager is absent for any reason whatsoever.
- d) All approaches to the bottom of high wall sides and also the top edges of such highwalls shall be



dig

kept securely and effectively fenced so as to prevent any inadvertent entry of persons.

13. That the project proponent is excavating the mineral in accordance with the terms and condition of the E.C and consolidated consent issued under Section-25 of the water (Prevention & Control of Pollution) Act 1974 and Section-21 of the Air (Prevention & central of Pollution) Act 1981 and DGMS itself mentioned that sloped and secured by the previous lease holder and the project proponent is obeying the directions of DGMS. It is further submitted that the project proponent has already file reply/compliance report dated 09-04-2024.

The reply/compliance report dated 09-04-2024 is being annexed as **ANNEXURE No.5** to this reply affidavit.

14. That the committee interacted with the applicant & villagers and also visited the point of concerns raised in the application. It was observed by the committee during the site visist, details are given as below :-

“7.1) The main habitation of village-Jarar is situated 135 meters away from the nearest allotted lease mining on hill of village-Jarar, but some houses are made near the



allotted lease M/s Safdar Ali S/o Late Shri Farzand Ali, Gata No.-2450, Khand No.-03, at Village-Jarar. Temple is situated 235 meters away from the allotted lease mining on other part of hill of village-Jarar.

7.2) The main habitation of village-Girwan is situated 175 meters away from the allotted lease Bundelkhand Rocks, Gata No.-1876, (Khand No.09, Village-girwan), 36 meters away from the allotted lease (Sangram Singh, Gata No.1876, Khand No. 01, Vill-Girwan), 139 meters away from the allotted lease (Bajrang Road Lines, Gata No.-1876, Khand No,-03, Village-Girwan) and 90 meters away from the allotted lease (Bajrang Road Lines, Gata No.-1876, Khand No.-04, Village-girwan) on hill of village-Girwan but some houses are made near the allotted lease M/s Sangram Singh, Gata No.-1876, Khand Mo.-01, Vill. Girwan, Bajrang Road Lines, Gata No.-1876, Khand No.-03, Village-Girwan.

Temple is situated 70 meters away from the allotted lease (Bundelkhand Rocks, Gata No.-1876, Khand No.-09, Village-Girwan). Temple is situated 53



[Handwritten signature]

meters away from the allotted lease mining (M/s Sangram Singh, Gata No.-1876, Khand No.-01, Village-Girwan) on other part of hill of village-Girwan. It is reported by Mine Officer, Banda that mining lease of M/s Sangram Singh, Gata No.-1876, Khand No.-01, Vill-Girwan, Gata is allotted on same hill part where temple is made but mining is not in operation.

7.3) Gaushala is situated 100 meters away from the allotted lease mining area on hill of village-Girwan.

7.4) The main habitation of village-Badokhar Khurd (Pataraha) is situated 75 meters away from the nearest allotted lease mining on hill of village-Badokhar Khurd (Pataraha), Temple is situated 100 meters away from allotted lease mining Kuwar Vinod Raja, Gata No.-332, Khand No.-01, Vill. Badokhar Khurd on hill of village Badokhar Khurd.

7.5) It was informed by the villagers to committee member during the visit that blasting work in lease area is done in any time with 4 inches holes by lessee and stone pieces are falling on his home and effected the animal



Signature

and human being. But it was informed by lease holders that blasting is done in allowed time duration between 2.0 PM to 3.0 PM with one-inch holes and proper safety.

7.6) Crack in home could not been shown by applicant to committee members.

7.7) During the committee visit, stone pieces were not found in agriculture field and habitant area. The possibility of vibrations due the blasting at nearby houses of villagers and falling the stone pieces in nearby agriculture field and habitant area during blasting cannot be ruled out.

7.8) During the committee visit, village Road was not found in good condition due to movement of heavy vehicles.

7.9) Wild animal was not appeared on hill/lease area during committee visit.

7.10) The Agricultural lands are surrounded by most of these mining lease areas and the mining activities in such close vicinity can affect the crop yield in these areas. Similarly, the boulder stones can be thrown into these crop during the blasting operations for mining.

7.11) 05 stone crushers were identified in village-Jarar (Chhaneha Purwa, Raghwapurwa), out of 5 stone crushers 4 stone crushers were found in operation and one stone crusher was found under construction.”



[Handwritten signature]

15. That from the perusal of the recommendations of the joint committee it is undisputed fact that 75 meter is far from habitation of village Badokhar Khurd (Pataraha) and Temple is situated 100 meter away from allotted lease area of the deponent. It is also pertain to mention here that the provision of rule 42(e) of the Uttar Pradesh Minor Minerals (Concession) Rules 2021 is permitted to the lessee to do the mining operation out of distance of 50 meters from any public pleasure ground and the lease of the deponent is situate to much far distance from habitation of Village Badokhar Khurd (Pataraha) and all norms are being followed by the deponent and there are no complaint regarding working of the project proponent and deponent also submitted compliance report to the Uttar Pradesh Pollution Control Board Lucknow on 25-08-2023.

16. That in view of aforesaid averment there is no violation which require interference of this Hon'ble Tribunal against the



deponent as per reports submitted before this Hon'ble Tribunal
by the joint committee.

VERIFICATION:

I, the above named deponent do verify that the content of
my above affidavit are true to the best of knowledge and belief
and there is nothing concealed therefrom.

Verified at Banda on this 15 day of April 2024.


Deponent



Sr. No (23) From
Solemnly Affirmed Presented before me
by Sri..... कोंचिवानंद राजा
whom the Contents of this
Affidavite have been read over satisfactory
who is Identified by Sri..... विवेक कुमार चौधरी
Received Rs. 5/- as my Fees
Dated 13/4/24
O. C. No 1000

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Vincent Khand-1, Gomti Nagar, Lucknow-226 010

Phone: 91-522-2300 541, Fax: 91-522-2300 543

E-mail: docuplko@yahoo.com

Website: www.seiaaup.com

To,

Shri Kunwar Vinod Raja,
MIGB-74, Near BSNL Tower, Indira Nagar,
District- Banda, U.P- 210129

Ref. No. 631 /Parya/SEIAA/6033-5062/2020

Date: 15 January, 2021

Sub: Environmental Clearance for Building Stone (Khanda, Gitti & Boulder) Mine at Gata No.-332, Khand No.-01, Village- Badokhar Khurd, Naraini, Banda, U.P. (Leased Area-1.61 ha.).

Dear Sir,

Please refer to your application/letter dated 16-09-2019, 04-10-2019, 11-12-2020 & 24-12-2020 addressed to the Secretary, SEAC, Directorate of Environment, U.P., Lucknow on the subject as above. The State Level Expert Appraisal Committee considered the matter in its meetings held on dated 28-12-2020 and SEIAA meeting 11-01-2021.

A presentation was made by the project proponent along with their consultant M/s Paramarsh (Servicing Environment and Development). The proponent, through the documents submitted and the presentation made informed the committee that:-

- The environmental clearance is sought for Building Stone (Khanda, Gitti & Boulder) Mine at Gata No.-332, Khand No.-01, Village- Badokhar Khurd, Naraini, Banda, U.P. (Leased Area-1.61 ha.).
- The terms of reference in the matter were issued by SEIAA, U.P. vide letter no. 529/Parya/SEAC/5062/2019 dated 16/01/2020.
- The public hearing was organized on 02/07/2020. Final EIA report submitted by the project proponent on 11/12/2020.
- Salient features of the project as submitted by the project proponent:

1. On-line proposal No.	SIA/UP/MIN/58348/2019		
2. File No. allotted by SEIAA, UP	6033 & 5062		
3. Name of Proponent	Shri Kunwar Vinod Raja S/o Late Shri Ramkripal Singh		
4. Full correspondence address of proponent and mobile no.	R/o- M.I.G.B, 74, Near BSNL Tower, Indira Nagar, District- Banda, U.P.		
5. Name of Project	Granite (Gitti, Khanda & Boulders) Mining Project		
6. Project location (Plot/ Khasra /Gata No.)	Gata No.- 332 (Khand No.- 01)		
7. Name of Village	Badokhar Khurd		
8. Tehsil	Naraini		
9. District	Banda		
10. Name of Minor Mineral	Granite (Gitti, Khanda & Boulders)		
11. Sanctioned Lease Area (in Ha.)	1.61 ha.		
12. Mineable Area (in Ha.)	1.61 ha.		
13. Max. & Min mrl within lease area	183.0 mRL- 147.0 mRL		
14. Pillar Coordinates (Verified by DMO)	Pillars	Latitude (N)	Longitude (E)
	A	25° 19' 39.68"	80° 22' 32.68"
	B	25° 19' 41.72"	80° 22' 30.03"
	C	25° 19' 43.25"	80° 22' 31.93"
	D	25° 19' 42.60"	80° 22' 32.61"
	E	25° 19' 44.45"	80° 22' 36.76"
	F	25° 19' 43.42"	80° 22' 38.03"
15. Total Geological Reserves	9,46,170 m ³		
16. Total Mineable Reserves	2,75,752 m ³		
17. Total Proposed Production (in five year)	80,500 m ³		
18. Proposed Production for 5 years			Production
			16,100 m ³
			16,100 m ³

Signature

E.C. for Building Stone (Khanda, Gitti & Boulder) Mine at Gata No.-332, Khand No.-01, Village-Badokhar Khurd, Naraini, Banda, U.P. (Leased Area-1.61 ha.).

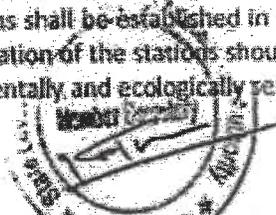
	3 rd	16,100 m ³
	4 th	16,100 m ³
	5 th	16,100 m ³
	Total	80,500 m ³
19. Sanctioned Period of Mine lease	20 Years	
20. Production of mine/day	53.67 m ³	
21. Method of Mining	Opencast Semi-Mechanized	
22. No. of working days	300 days	
23. Working hours/day	8 Hours/Day	
24. No. Of workers	33	
25. No. Of vehicle movement /day	6	
26. Type of Land	Govt. land Non- Agricultural	
27. Ultimate Depth of Mining	12 Meter	
28. Nearest metalled road from site	0.3 km	
29. Water Requirement.	PURPOSE	REQUIREMENT (KLD)
	Drinking	0.40
	Suppression of dust	1.80
	Plantation	0.20
	Others(if any)	---
Total	2.40	
30. Name of QCI Accredited Consultant with QCI No and period of validity.	M/s Paramarsh (Servicing Environment and Development), Lucknow, U.P. QCI/NABET/EIA/1821/RA0120 Validity- May 01, 2021	
31. Any litigation pending against the project or land in any court	No	
32. Details of 500 m Cluster Map & certificate Verified by Mining Officer	Sanctioned from DM Office, Banda vide letter no. 1016/khanij-30, Bnada, dated 15, June 2019	
33. Details of Lease Area in approved DSR	Correction Letter Sanctioned from DMO, Banda vide Letter No. 1374/khanij-30, Banda, Dated 13 th August, 2019 Page No.- 01, S.No.- 05	
34. Proposed CER cost	1.25 Lakh	
35. Proposed EMP cost	12.56 Lakh	
36. Length and breadth of Haul Road.	Length- 0.3 Km, Width- more than 6.0 m	
37. No. of Trees to be Planted	182	

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

Based on the recommendations of the State Level Expert Appraisal Committee meeting held on 28-12-2020 on the above said project, the State Level Environment Impact Assessment Authority meetings held on dated 11-01-2021 has decided to grant the Environmental Clearance to the title project for collection of 15,100 m³/annum is proposed lease area 1.61 ha subject to effective implementation of the following General Conditions and specific conditions:

General condition:

1. This environmental clearance is subject to allotment of mining lease in favour of project proponent by District Administration/Mining Department.
2. Forest clearance shall be taken by the proponent as necessary under law.
3. Any addition of the mining area, change of Khasra numbers, enhancement of capacity, change in mining technology, modernization and scope of working shall again required prior environmental clearance as per EIA notification, 2006.
4. No change in the calendar plan including excavation, quantum of mineral and waste shall be made.
5. Mining will be carried out as per the approved mining plan. In case of any violation of mining plan, the Environmental Clearance given by SEIAA will stand cancelled.
6. Four ambient air quality monitoring stations shall be established in the core zone as well as in the buffer zone for RSPM, SPM, SO₂, NO_x monitoring. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring



Handwritten signature in blue ink.

E.C. for Building Stone (Khanda, Gitti & Boulder) Mine at Gata No.-332, Khand No.-01, Village- Badokhar Khurd, Naraini, Banda, U.P. (Leased Area-1.61 ha.).

7. should be undertaken in consultation with the State Pollution Control Board. The monitored data for criteria pollutants shall be regularly up loaded on the company's website and also displayed at website.
8. Data on ambient air quality (RPM, SPM, SO₂, NO₂) should be regularly submitted to the Regional office, MoEF, Gol, Lucknow and the State Pollution Control Board / Central Pollution Control Board once in six months.
9. Ambient air quality at the boundary of the mine premises shall conform to the norms prescribed in MoEF notification no. GSR/826(E) dt. 16.11.09.
10. Fugitive dust emissions from all the sources shall be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points shall be provided and properly maintained.
11. Measures shall be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. shall be provided with ear plugs / muffs and health records of the workers shall be maintained.
12. Industrial waste water (workshop and waste water from the mine) should be properly collected, treated so as to conform to the standards prescribed under GSR 422 (E) dated 19th May, 1993 and 31st December, 1993 or as amended from time to time. Oil and grease trap shall be installed before discharge of workshop effluents.
13. Personnel working in areas shall be provided with protective respiratory devices like mask and they shall also be imparted adequate training and information on safety and health aspects.
14. Special measures shall be adopted to prevent the nearby settlements from the impacts of mining activities.
15. The transportation of the materials shall be limited to day hours time only.
16. Provision shall be made for the housing the labourers within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
17. A separate Environmental Management Cell with suitable qualified personnel shall be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
18. The Project Proponent shall inform to the Regional Office, MoEF, Gol, Lucknow and State Pollution Control Board regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
19. The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year wise expenditure shall be reported to the MoEF, Gol, Lucknow and State Pollution Control Board
20. The Regional Office, MoEF, Gol, Lucknow and State Pollution Control Board shall monitor compliance of the stipulated conditions. A complete set a documents including Environment Impact Assessment Report, Environmental Management Plan, Public hearing and other documents information should be given to Regional Office of the MoEF, Gol, Lucknow and State Pollution Control Board
21. A copy of the environmental clearance shall be submitted by the Project Proponent to the Heads of the Local Bodies, Panchayat and Municipal Bodies as applicable in the matter.
22. The Project Proponent shall advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Level Environment Impact Assessment Authority (SEIAA).
23. The Project Proponent has to submit half yearly compliance report of the stipulated prior environmental clearance terms and conditions in hard and soft copy to the SEIAA, U.P. on 1st June and 1st December of each calendar year.
24. The SEIAA may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
25. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.

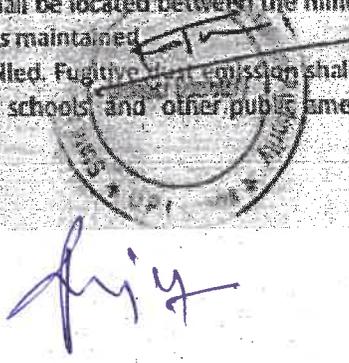
Specific Conditions:

1. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
2. The project proponent shall obtain the forest clearance and permission of Central and State Government as per law under the provisions of Forest (conservation) Act, 1980 before the start of work.
3. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
4. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources



E.C. for Building Stone (Khand, Gitti & Boulder) Mine at Gate No.-332, Khand No.-01, Village- Badokhar Khurd, Naraini, Banda, U.P. (Leased Area-1.61 ha).

- other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
5. At the time of operation, project proponent will comply with all the guidelines issued by Government of India/State Govt./District Administration related to Covid-19.
 6. This environmental clearance does not create or verify any claim of applicant on the proposed site/activity.
 7. This environmental clearance shall be subject to valid lease in favour of project proponent for the proposed mining proposals. In case, the project proponent does not have a valid lease, this environmental clearance shall automatically become null and void.
 8. The Environmental clearance will be co-terminus with the mining lease period.
 9. Explosive cannot be stored on the site.
 10. A comprehensive EIA including mining areas within 15 K.M. to assess impact of the mining activity on the surrounding area shall be undertaken and report submitted to this Authority within one year.
 11. No two pits shall be simultaneously worked i.e. before the first is exhausted and reclamation work completed, no mineral bearing area shall be worked.
 12. After exhausting the first mine pit and before starting mining operations in the next pit, reclamation and plantation works in the exhausted pit shall be completed so as to ensure that reclamation, forest cover and vegetation are visible during the first year of mining operations in the next pit. This process will follow till the last pit is exhausted. Adequate rehabilitation of mined pit shall be completed before any new ore bearing area is worked for expansion.
 13. Adequate buffer zone shall be maintained between two consecutive mineral bearing deposits.
 14. Sprinkling of water on haul roads to control dust will be ensured by the project proponent.
 15. Green belt development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO / Agriculture Department. Herbs and shrubs shall also form a part of afforestation programme besides tree plantation. The company shall involve local people for plantation programme. Details of year wise afforestation programme including rehabilitation of mined out area shall be submitted to the Regional Office, MoEF&CC, GoI, Lucknow every year.
 16. Blast vibrations study shall be conducted and a observation report submitted to the Regional office, MoEF&CC, GoI, Lucknow and UPPCB within six months. The report shall also include measures for prevention of blasting associated impact on nearby houses and agricultural fields.
 17. Controlled blasting techniques with sequential blasting shall be adopted. The blasting shall be carried out in the day time only.
 18. Appropriate arrangement for shelter and drinking water for the mining workers has to be ensured at the mining site.
 19. Maintenance of village roads used for transportation of minerals are to be done by the company regularly at its own expenses. The roads shall be black topped.
 20. Rain water harvesting shall be undertaken to recharge the ground water source.
 21. Status of implementation shall be submitted to the Regional Office, MoEF&CC, GoI, Lucknow and UP Pollution Control Board within six months and thereafter every year from the next consequent year.
 22. Measures for prevention and control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion shall be carried out with geo textile matting or other suitable material, and thick plantations of native trees and shrubs shall be carried out at the dump slopes. Dumps shall be protected by retaining walls.
 23. Trenches / garland drains shall be constructed at foot of dumps and coco filters installed at regular intervals to arrest silt from being carried to water bodies. Adequate number of Check Dams and Gully Plugs shall be constructed across seasonal/perennial nallahs, if any flowing through the ML area and silts arrested. De-silting at regular intervals shall be carried out.
 24. Garland drain of appropriate size, gradient and length shall be constructed for both mine pit and for waste dump and sump capacity shall be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity shall also provide adequate retention period to allow proper settling of silt material. Sedimentation pits shall be constructed at the corners of the garland drains and de-silted at regular intervals.
 25. Ground and surface water, if any in and near the core zone (within 5.0 km of the lease) shall be regularly monitored for contamination and depletion due to mining activity and records maintained. The monitoring data shall be submitted to the Regional Office, MoEF, GoI, Lucknow and U.P. Pollution Control Board regularly. Further, monitoring points shall be located between the mine and drainage in the direction of flow of ground water shall be set up and records maintained.
 26. Fugitive dust generation shall be controlled. Fugitive dust emission shall be regularly monitored at locations of nearest human habitation (including schools and other public amenities located nearest to sources of dust



F.C. for Building Stone (Khanda, Gitti & Boulder) Mine at Gata No.-332, Khand No.-01, Village-Badokhar Khurd, Naraini, Banda, U.P. (Leased Area-1.61 ha.)

- generation as applicable) and records submitted to the Regional Office, MoEF&CC, Govt, Lucknow and U.P. Pollution Control Board regularly.
27. Baseline data for ambient air quality shall be generated and maintained and RSPM level in ambient air in the nearby human habitation (villages) shall also be monitored along with other parameters.
 28. Corporate Environmental Responsibility (CER) shall be by the project proponent and the details of the various heads of expenditure to be submitted as per the guidelines provided in the recent CER notification No. 22-65/2017-IA.III dated 01/05/2018. Work to be executed with installation of five hand pumps for drinking water, solar light in villages of streets, construction of two numbers of toilets at the primary school with name displayed and address and details of beneficiary and gram pradhan along with phone number, photographs should be submitted to Directorate as well as to the District magistrate / Chief Development officers.
 29. Transportation of minerals shall be done by covering the trucks with tarpaulin or other suitable mechanism so that no spillage of mineral/dust takes place.
 30. Occupational health and safety measures for the workers including identification of work related health hazards, training on malaria eradication, HIV, and health effects on exposure to mineral dust etc. shall be carried out. Periodic monitoring for exposure to respirable mineral dust on the workers shall be conducted and records maintained including health records of the workers. Awareness programme for workers on impact of mining on their health and precautionary measures like use of personal equipments etc. shall be carried out periodically. Review of impact of various health measures shall be conducted followed by follow up action wherever required.
 31. The project proponent will ensure for providing employment to local people as per requirement, necessary protection measures around the mine pit and waste dump and garland drain around the mine pit and waste dump.
 32. Top soil / solid waste shall be stacked properly with proper slope and adequate safeguards and shall be utilized for backfilling (wherever applicable) for reclamation and rehabilitation of mined out area. Top soil shall be separately stacked for utilization later for reclamation and shall not be stacked along with over burden.
 33. Over burden (OB) shall be stacked at earmarked dump site(s) only and shall not be kept active for long period. The maximum height of the dump shall not exceed 20 m, each stage shall preferably be of maximum 10 m and overall slope of the dump shall not exceed 35°. The OB dump shall be backfilled. The OB dumps shall be scientifically vegetated with suitable native species to prevent erosion and surface run off.
 34. Monitoring and management of rehabilitated areas shall continue until the vegetation becomes self sustaining. Compliance status shall be submitted to the Regional Office, Ministry of Environment & Forests, Govt, Lucknow and U.P. Pollution Control Board on six monthly basis.
 35. Slope of the mining bench and ultimate pit limit shall be as per the mining scheme approved by Indian Bureau of Mines.
 36. Permission for abstraction of ground water shall be taken from Central Ground Water Board. Regular monitoring of ground and surface water sources for level and quality shall be carried out by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring shall be carried out four times in a year i.e. pre-monsoon (April-May), monsoon (August), post-monsoon (November) and winter (January) and the data thus collected shall be regularly sent to MoEF&CC, Central Ground Water Authority and Regional Director, Central Ground Water Board.
 37. The waste water from the mine shall be treated to conform to the prescribed standards before discharging in to the natural stream. The discharged water from the Tailing Dam, if any shall be regularly monitored and report submitted to the Regional Office, Ministry of Environment & Forests, Govt, Lucknow, Central Pollution Control Board and the State Pollution Control Board.
 38. Hydro geological study of the area shall be reviewed by the project proponent annually. In case adverse effect on ground water quality and quantity is observed mining shall be stopped and resumed only after mitigating steps to contain any adverse impact on ground water is implemented.
 39. Vehicular emissions shall be kept under control and regularly monitored. Vehicles used for transportation of minerals and others shall have valid permissions as prescribed under Central Motor Vehicle Rules, 1989 and its amendments. The vehicles transporting minerals shall be covered with a tarpaulin or other suitable enclosures so that no dust particles / fine matters escape during the course of transportation. No overloading of minerals for transportation shall be committed. The trucks transporting minerals shall not pass through wild life sanctuary, if any in the study area.
 40. Prior permission from the Competent Authority shall be obtained for extraction of ground water, if any.
 41. A final mine closure plan, along with details of Corpus Fund, shall be submitted to the Regional office, Ministry of Environment & Forests, Govt, Lucknow and U.P. Pollution Control Board 5 years in advance of final mine closure for approval.
 42. Project Proponent shall explore the possibility of using solar energy where ever possible.
 43. Commitment towards CER has to be followed strictly.



[Handwritten signature]

E.C. for Building Stone (Khand, Gitti & Boulder) Mine at Gata No.-332, Khand No.-01, Village- Badokhar Khurd, Naraini, Banda, U.P. (Leased Area-1.61 ha.).

44. Regular health check-up record of the mine workers has to be maintained at site in a proper register. It should be made available for inspection whenever asked.
45. Project Proponent has to strictly follow the direction/guidelines issued by MoEF&CC, CPCB and other Govt. agencies from time to time.
45. The blasting will be done only after getting the permission from the Mining Department.

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

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

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

The project proponent will have to submit approved plans and proposals incorporating the conditions specified in the Environmental Clearance within 03 months of issuance of this clearance. The SEIAA/MoEF reserves the right to revoke the environmental clearance, if conditions stipulated are not implemented to the satisfaction of SEIAA/MoEF. SEIAA may impose additional environmental conditions or modify the existing ones, if necessary.

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



(Ashish Tiwari)
Member Secretary, SEIAA

Ref. No. /Parya/SEIAA/6033-5062/2019 Dated: As above

Copy for information and necessary action to:

1. The Principal Secretary, Environment, U.P. Govt., Lucknow.
2. Advisor, IA Division, Ministry of Environment, Forests & Climate Change, Govt. of India, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi.
3. Additional Director, Regional Office, Ministry of Environment & Forests, (Central Region), Kendriya Bhawan, 5th Floor, Sector-H, Aliganj, Lucknow.
4. The Member Secretary, U.P. Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow.
5. District Magistrate, Banda, U.P.
6. Director, Department of Geology & Mining, U.P. Lucknow.
7. Copy for Web Master/Guard file.

(Ashish Tiwari)
Member Secretary, SEIAA

(Handwritten signature)



Uttar Pradesh Pollution Control Board

Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.in, Website: www.uppcb.com

164710/UPPCB/Banda(UPPCBRO)/CTO/both/BANDA/2022

Date: 28/02/2023

To,
M/s
KUNWAR VINOD RAJA
Gata No. 332, Khand No-01, (Area-1.61 Hac.) Vill. Badokhar Khurd,
Tehsil-Naraini, BANDA, 210129

Application Id-
17846870

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981

CCA is hereby granted to KUNWAR VINOD RAJA located at Gata No. 332, Khand No-01, (Area-1.61 Hac.) Vill. Badokhar Khurd, Tehsil-Naraini, BANDA, 210129. subject to the provisions of the Water Act, Air Act and the orders that may be made further and subject to following terms and conditions :-

1. This CCA KUNWAR VINOD RAJA granted for the period from 28/02/2023 to 31/12/2027 and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Building Stone (Gitti, Boulder, Khanda)	16100	Cubic Meters/Year

2. Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-

(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	1.0 KLD	Septic Tank	Soak Pit

(ii) Trade Effluent Treatment and Disposal :-The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
-------	-----------	----------

(iv) Sewage Treatment and Disposal :- The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be

(v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
-------	------------	-----------

3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	Dust emission during manual mining, transportation and loading/unloading of Building Stone (Gitti, Boulder, Khanda).			Particulate Matter	water sprinkling system and Green Belt for controlling dust emission.

Emmission Quality Standards

S No.	Stack no	Parameters	Standards
1		Particulate Matter	Ambient Air Standard as per E(P) Act 1986.

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

(i) Environment Statement in Form No. 1 of Environment (Protection) Rules, 1986

[Handwritten signature]

- (ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.
5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.
6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will result in legal action under the aforesaid Acts and Rules.
7. In compliance to the G.O 1011/81-7-2021-09 (Writ)/2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.
8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point
12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as

Specific Conditions:-

1. This consent is valid for production of Building Stone (Gitti, Boulder, Khanda)- 16100 Cu Meter/Year by opencast and semi mechanized mining in 1.61 hectare leased area at Gata No. 332, Khand No-01, Village-Badokhar Khurd, Tehsil-Naraini, BANDA.
2. Mining unit shall comply with the conditions of Environmental Clearance issued by State Level Environment Impact Assessment Authority (SEIAA) vide Letter No. 631/Parya/SEIAA/6033-5062/2020 dated 15.01.2021 and submit its compliance report to UPPCB.
3. If the lease agreement expires prior to 31-12-2027, then the validity of this CTO shall stand expired simultaneously with the expiry of mining lease.
4. Mining shall be done as per EC issued by SEIAA and directions given by Mining Department/District Administration.
5. Unit shall develop and maintain green belt as per the conditions of Environmental Clearance.
6. Unit shall not withdrawal ground water for any industrial activity without obtaining necessary permission from UPGWA.
7. The domestic effluent shall be treated through septic tank/soak pit or provide mobile toilet facility. Industry shall maintain ZLD.
8. Unit shall make water sprinkling arrangement through Tankers for dust suppression at different sources of dust emission during mining, transportation, loading and unloading of Building Stone (Gitti, Boulder, Khanda).
9. Unit should operate and maintain installed water sprinkler system effectively and continuously to achieve the standards prescribed under E(P) Rules, 1986.
10. Unit shall submit Ambient air monitoring reports of NABL accredited laboratory on quarterly basis to the Board.
11. All trucks, tractors used in transportation of Building Stone (Gitti, Boulder, Khanda) shall be covered by canvas sheet to prevent dust emission.
12. Water will be sprayed after loading activity (if Building Stone (Gitti, Boulder, Khanda) collected could be dry condition)
13. The dust suppression measures like water spraying will be done on the haul roads and working areas.
14. Industry should comply with the provisions of Hazardous and Other waste (Management & Trans boundary Movement) Rules 2016.
15. Solid waste should be disposed in such manner, so that no water, air and soil pollution takes place.
16. Industry shall abide by directions given by Hon'ble Court, MoEF&CC, Central Pollution Control Board and UPPCB for protection and safe guard of environment from time to time.
17. The unit shall submit the latest copy of Audited Balance Sheet/C.A. Certificate (Fixed Assets+ Current Assets - Current Liabilities) for verification of the Consent fee payable by the industry within 15 days. In case CTO fee dues then it shall be submitted to the Board immediately.
18. Consent fees if revised, shall be payable by industry from the date of its applicability.
19. Industry shall comply with the relevant provisions of Environmental Laws.
20. If closure order is issued by CPCB or UPPCB against the unit, then CTO issued earlier will remain suspended during the closure period and after ensuring the compliance and after revocation of closure order, the CTO will automatically be effective with additional conditions mentioned in the closure revocation order.

**RAJENDRA
SINGH**

Digitally signed by RAJENDRA
SINGH
Date: 2023.03.01 15:35:27 +05'30'

Chief Environmental Officer (circle-2)

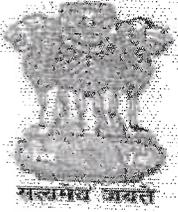


Regional Officer, UPPCB, Banda with direction to send the compliance report of CTO conditions on quarterly basis.

RAJENDRA SINGH
Digitally signed by RAJENDRA SINGH
Date: 2023.03.01 15:35:44 +05'30'

Chief Environmental Officer (circle-2)





भारत सरकार
Govt. of India
श्रम एवं रोजगार मंत्रालय
Ministry of Labour & Employment
खान सुरक्षा महानिदेशालय
Directorate-General of Mines Safety



NO: 51251360|NZ|Varanasi Region|Perm|2023|260919

Varanasi, Date: 18/12/2023

प्रेषक:

खान सुरक्षा निदेशक

वाराणसी क्षेत्र, वाराणसी।

सेवा में:

श्री विकास सिंह, खान फोरमैन

बड़ोखर खुर्द ग्रेनाइट (गिट्टी, खण्डा, व बोल्डर) खदान

(गाटा सं० 332, खण्ड सं०-01, क्षे०-1.61 हे०),

मालिक - श्री कुँवर विनोद राजा पत्र स्व० रामकृपाल सिंह,

ग्राम- बड़ोखर खुर्द, तहसील- नरैनी,

जनपद- बांदा (उत्तर प्रदेश)

श्रम पहचान सं० (LIN) :- 2469941224

विषय: धात्विक खान विनियम, 1961 के विनियम 34(6) के अन्तर्गत खान प्रबन्धक के रूप में कार्य करने का प्राधिकरण

महोदय,

कृपया उपरोक्त विषय पर आपके ऑनलाइन आवेदन आई० डी०: 260919, दिनांक 02.12.2023 को संदर्भित करें।

आपके आवेदन पत्र में दी गई जानकारी के आधार पर विषयवस्तु का अवलोकन करते हुये उस पर विचार किया गया है। मैं, धात्विक खान विनियम, 1961 के विनियम 34(6) के उपबंधों के अधीन मुख्य खान निरीक्षक (जो खान सुरक्षा महानिदेशक के रूप में भी पदनामित हैं) के प्रदत्त शक्तियों का प्रयोग करते हुये और खान अधिनियम, 1952 की धारा 6(1) के अधीन मुख्य खान निरीक्षक (जो खान सुरक्षा महानिदेशक के रूप में पदनामित हैं) द्वारा प्रदत्त प्राधिकरण के आधार पर श्री विकास सिंह, खान फोरमैन सक्षमता प्रमाण-पत्र धारक को मालिक - श्री कुँवर विनोद राजा की बड़ोखर खुर्द ग्रेनाइट (गिट्टी, खण्डा व बोल्डर) खदान (गाटा सं० 332, खण्ड सं०-01, क्षे०-1.61 हे०), में दिनांक 17.12.2024 तक की अवधि के लिये निम्नलिखित शर्तों पर खान प्रबन्धक के रूप में कार्य करने के लिये प्राधिकृत करता हूँ:-

1. No underground working shall be made.
2. Employment of work persons in the mine shall not exceed 75 in all.
3. Work in the mines shall be done during day light hours only.
4. No deep hole blasting shall be carried out in the mine.

- No Heavy Earth Moving Machinery shall be used in mine without obtaining permission from this Directorate.
6. Work in the mines shall be supervised by you & the same shall remain suspended during your absence from the mine on account of leave or otherwise.
 7. A Mining Mate shall exercise personal supervision of operations connected with mining.
 8. No blasting shall be carried out in the mine except by a blaster duly appointed by the owner for the purpose as required by the provisions of Regulation 160 of the Metalliferous Mines Regulations, 1961.
 9. This authorization shall be deemed to have revoked, if any of the condition subject to which this authorization has been granted, is violated or not complied with.
 10. The above authorization may be amended or withdrawn at any time if considered necessary in the interest of safety.
 11. This authorization is being issued without prejudice to any other provisions of the law which may be or may become applicable at any time.
 12. Your special attention is drawn towards precautions as stipulated under Regulation 164(1), (1A) & (1B) of the Metalliferous Mines Regulation, 1961 for strict compliance.
 13. This authorization shall be deemed to have revoked, if at any time your Mine Foreman Certificate No. FRE/5284, dated 01.02.2023 is found invalid / false.

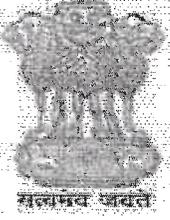
Your Faithfully



SHYAM SUNDAR PRASAD (DIRECTOR - VARANASI REGION)

THIS IS A SYSTEM GENERATED DOCUMENT, DOES NOT REQUIRE ANY SIGNATURE.





भारत सरकार
Govt. of India
श्रम एवं रोजगार मंत्रालय
Ministry of Labour & Employment
खान सुरक्षा महाविदेशालय
Directorate-General of Mines Safety



NO: 51251360|NZ|Varanasi Region|Perm|2024|261615

Varanasi, Date: 06/02/2024

प्रेषक,

खान सुरक्षा निदेशक

वाराणसी क्षेत्र, वाराणसी।

सेवा में,

श्री कुँवर विनोद राजा, पुत्र स्व० रामकृपाल सिंह

मालिक- बड़ोखर खुर्द ग्रेनाइट (गिट्टी, खण्डा एवं बोल्टर) खदान

(गाटा सं० 332, खण्ड सं० – 01, रकबा- 1.61 हे०)

निवासी-एम०आई० जी० बी०, 74 बी०एस०एन०एल० टॉवर के पास,

इंदिरा नगर, जिला- बांदा (उ० प्र०) 220001

श्रम पहचान सं० (LIN) :- 2469941224

विषय: Permission under Reg.106(2)(b) of the Metalliferous Mines Regulations, 1961, for deployment of Heavy Earth Moving Machineries (HEMM) without deep hole drilling & blasting at Badokhar Khurd (Gitti, Khanda & Boulder) Mine (Gata No. 332, Khand No. 01, Area- 1.61 Hect.) belonging to Kunwar Vinod Raja.

महोदय,

Please refer to your online application ID: 261615 dated 26.12.2023 on the above subject, enclosing therewith Surface Plan No. BADOKHAR/BANDA/KVR/DGMS/HEMM/02, dated 11.07.2023 and Director of Geology & Mining, Govt. of UP's letter No. 763/MP/16 dated 13.08.2019 approving Mining Plan under UP Minor Minerals (Development) Rules 1963.

The matter has been considered in light of information furnished by you in your application and accompanying plans. By virtue of the powers conferred on the Chief Inspector of Mines (also designated as Director-General of Mines Safety) under Regulation 106(2)(b) of the Metalliferous Mines Regulations, 1961, and by virtue of the authorization granted to me by the Chief Inspector of

Mines (also designated as Director-General of Mines Safety) under Section 6(1) of Mines Act, 1952, I hereby permit you for **deployment of Heavy Earth Moving Machineries (HEMM) without deep hole drilling & blasting at Badokhar Khurd (Gitti, Khanda & Boulder) Mine (Gata No. 332, Khand No. 01, Area- 1.61 Hect.) belonging to Kunwar Vinod Raja in the area bounded by points A, B, C, D, E, F & A as shown on the enclosed Surface Plan No., BADOKHAR/BANDA/KVR/DGMS/HEMM/02, date of Survey 11.07.2023, subject to the following conditions strictly being complied with**

1. GENERAL

1.1 Except where otherwise provided for in this relaxation/permission, all relevant provisions of the Metalliferous Mines Regulations, 1961, relating to opencast workings, explosives & shot firing and use of machinery shall be strictly complied with.

1.2. **No deep hole drilling and blasting shall be conducted in the mine without obtaining separate permission for the purpose under Reg.106(2)(b) of the Metalliferous Mines Regulations, 1961.**

1.3 (a) **No blasting shall be conducted in the mine within the danger zone of 300m from any permanent building or structure not belonging to the owner without obtaining permission under Reg.164 (1A) (C) & (1B)(a) of the Metalliferous Mines Regulations, 1961, except with the aggregate maximum charge in all the holes fired at one time not exceeding two kilograms or with the maximum charge of two kilograms in each hole if the blasting is done with delay detonators or other means and there is delay of at least half a second between the successive shots fired. Provided that if the shortest distance from the place of firing to any part of such structures is less than 100 m, irrespective of the amount of the charge, no blasting shall be done except with a permission obtained from this Directorate for the purpose. To ensure adherence to above restrictions, the shot holes of diameter more than that compatible for the explosive cartridges of 32mm diameter shall not be used.**

(b) No blasting shall be conducted using SME/SMS/ANFO explosive without having valid permission obtained under Regulation 155(1) & 162(5) of Metalliferous Mines Regulations, 1961.

1.4 No blasting in the mine shall be carried out within 300m of public/village roads till such time the blasting incharge has ensured that no persons/vehicles passes on such roads during the time of blasting. For the purpose, drop barrier shall be provide on both side of such road at a distance of 300m from the place of firing of shots in the proposed limit of quarry and during blasting, guard shall be posted on the barrier and persons/vehicles shall not be allowed to pass on the said road during blasting and till the time all clear after blasting is obtained.

1.5 Blasting shall be conducted only after ensuring that persons including blaster within 500m radial distance from place of firing of shot holes have taken proper shelter. The persons/employees of the nearby mines, crushers, dwelling, and structures are belonging or not belonging to owner lying within 500m radial distance shall also been withdrawn outside danger zone or removed to proper blasting shelter.

1.6 The owner shall indemnify occupants/owners of the houses/ dwellings/buildings or other structures of public authority concerned, if any, against the dangers to those properties or injury to them or other persons arising out of operations conducted under this permission.

1.7 No work shall be carried out in the mine beyond daylight hours.

1.8 No working shall be made or extended within 45 m of any building/structure of permanent nature not belonging to owner of the mine without permission in writing from this Directorate under Regulation 109 of the Metalliferous Mines Regulations, 1961

Prudh

1.9 No working shall be made in any spot lying within horizontal distance of 15 m from either bank of the Canal or any stream, nallah, etc without obtaining permission in writing from this Directorate under Regulation 127 of the Metalliferous Mines Regulations, 1961. Adequate protection against inrush of Nallah water in the mine shall be provided and maintained.

1.10 During heavy rain, the Manager or senior most mine official present in the mine, shall go round the surface area of the mine to check vulnerable point and effectiveness of the safety measures. Standing orders for withdrawn of persons from the mine in case of apprehended danger should be framed and enforced.

1.11 Garland drains of adequate size shall be provided on the surface on the periphery of the opencast workings to divert rain water from flowing into the mine.

1.12 Travelling roads for manual work persons separate from the haul roads shall be provided in the mine.

1.13 This Directorate shall be informed as soon as the mining operations are commenced in accordance this condition governing and intimation about temporary discontinuance or completion of mining operations shall and be sent promptly and in any case not later than one month thereof.

2.0 OPENCAST WORKINGS:

2.1 Height and Width of Benches

2.1.1 The height of benches in Alluvium shall not be more than 3.0m and that in overburden, ore body or other rock formation shall not be more than the digging height of the machine used for digging, excavation or removal or 6.0 m whichever is less.

2.1.2 The quarrying operation shall be conducted from top downwards only and no men & machines shall be deployed at the bottom of high bench if any.

2.1.3 Width of any bench shall not be less than (i) the width of the widest machine plying on the bench plus 2.0 metres, or (ii) three times the width of the largest truck/tipper plus 5.0 metres if trucks/tippers ply on the bench, or (iii) the height of the bench, whichever is more.

2.1.4 The slope of the benches formed to work the mine shall not exceed 60° from horizontal.

2.1.5 When persons are employed within 10 m of the working face, adequate precautions shall be taken to ensure their safety by dressing the sides of the bench.

2.1.6 Plying of HEMM or tipping trucks on the same bench where men are to work, travel or rest shall be avoided.

2.1.7 Travelling roads for manual work persons separate from the haul roads shall be provided in the mine.

2.2 ROADS FOR TRUCKS AND DUMPERS AND FOR OTHER VEHICLES

2.2.1 All haul roads for trucks/dumpers/mobile machinery shall be maintained in good condition.

2.2.2 Wherever practicable, all haul roads for trucks/dumpers/tippers shall be arranged to provide one-way traffic.

2.2.3 No road shall be of a width less than "three times the width of the largest vehicle plus 5.0m" plying on that road.

2.2.4 Definite turn-outs, crossing points, and waiting points shall be designated and demarcated by proper sign boards for the guidance of drivers.

2.2.5 All corners and bends in haul roads for HEMM/trucks/tippers shall be so designed, made and kept maintained that the operators and drivers of vehicles plying on the road have clear view along the road, for a distance of not less than three times the braking distance of largest HEMM when plying at the rated speed, as fixed by the manager.

2.2.6 Where visibility for a distance as above cannot be ensured, separate lanes shall be provided at all corners and bends in haul roads of widths not less than **"2 times the width of the largest vehicle plus 3.0m"** plying on that road. The lanes shall be **separated by a strong divider** for up and down traffic.

2.2.7 No haul road for HEMM/dumpers/trucks/ tippers shall have a gradient steeper than 1 in 16 at any place and gradient of ramps over a distance of 10m shall not be steeper than 1 in 10.

2.2.8 Where any part of the road exists above the level of the surrounding area, a strong parapet wall or embankment, **not less than 1.0m wide at the top with sides sloping on either side, and of height not less than the diameter of the tyre of the largest truck/tipper plying on it**, shall be provided and kept maintained to prevent any out of control vehicle getting off the road and rolling down.

2.2.9 Warning notices and road signs shall be posted along the haul roads at appropriate places like crossings, curves etc. for guidance of drivers of trucks/tippers. At every curve, a parapet wall or vertical posts shall be provided to help the drivers to keep the trucks/tippers on the track.

2.3 SPOIL BANKS/ OVERBURDEN DUMPS & FENCING AROUND OC WORKINGS

2.3.1(a) Spoils, overburden or debris shall be deposited at places belonging to the mine and duly approved by the manager in writing.

(b) Spoils, overburden shall not be deposited, beneath transmission, telephone or power lines or within 45m of any other public structure like roads, railways, etc.

(c) The slope of a spoil bank face shall be determined by natural angle of repose of the material being deposited, but shall in no case exceed 37.5 degrees from the horizontal. The spoil bank face shall not be retained by artificial means at an angle in excess of its natural angle of repose.

2.3.2(a) The spoil, overburden or debris shall not be deposited within 45m of railway line, public road, other public works or other structures of permanent nature, not belonging to management.

(b) A suitable fence shall be erected between any railway line/road/buildings/structures not belonging to the management, and the toe of every active spoil bank so as to prevent un-authorized persons from approaching the spoil bank.

2.3.3 No persons shall, or shall be permitted to approach the toe of an active spoil bank where he may be endangered from material rolling down the face. Suitable warning signs at conspicuous places shall also be displayed.

2.3.4 The periphery around the limits of opencast workings, and edges of benches of the opencast workings shall be kept fenced in accordance with DGMS Circular No 11 of 1959.

3.0 SUPERVISION

3.1(a) A person possessing the qualifications prescribed under Regulation 34 of the Metalliferous Mines Regulations, 1961, shall be appointed as the manager of the mine to look after HEMMs operation.



(b) This permission shall stand revoked as soon as the qualified manager ceases to work in the mine. Deployment of Heavy Earth Moving Machineries (HEMM) shall be suspended in absence of the manager with aforesaid qualification.

(c) The manager shall not be appointed in any other mine in any capacity whatsoever.

3.2 Adequate number of supervisors including duly qualified mine foremen and mining mates shall be appointed to assist the manager. The Manager, mine foremen, and mining mate(s) shall be responsible to see that all work in the mine is carried on in strict compliance of the Mines Act, rules, regulations and the orders made there-under. They shall also supervise transport and loading operations being done by the contractor(s), if any.

3.3 The aggregate horse power of the machinery used in such opencast workings of the mine shall not exceed 500. As per the approved Mining Plan of this mine, number of excavators to be required in this mine is 1 (one). Hence, not more than one excavator with total horse power not exceeding 200 and equipment attached there to shall be deployed in the mine.

3.4 The Manager and the Mine Foremen appointed if any shall in particular –

a. make frequent inspections of the areas placed under his charge, check any unsafe conditions/practices in operations being conducted, and shall ensure that all operations are conducted in a safe and efficient manner,

b. not allow any person to work or allow any HEMM to be deployed above or under any overhanging edges or places where there is indication of impending slide, until such danger has been removed,

c. ensure that every person engaged in dressing operations on benches or required to work at height is provided with, and he uses safety belt of a type approved by the Chief Inspector of Mines,

d. ensure that all loose material is removed from high wall(s) before drillers are engaged on the lower bench,

e. ensure that parapet walls/berms/embankments along the haul roads and dump/stock-pile edges are properly maintained,

f. frame a “Code of Traffic Rules & Procedures” for movement of HEMM, and of “Code of Practice” for prevention of injuries to persons engaged at loading and unloading points, in tipping operations on stock piles, dumping of overburden in dump yards, etc., and ensure strict compliance and adherence of the same by all.

g. ensure compliance of stipulations of conditions governing grant of this permission and other provisions of the Regulations, Rules, bye-laws, orders, and circulars issued from time to time, as maybe applicable.

3.5 HEMM/equipments deployed in the mine, including ones deployed through contractual agencies, if any, shall be placed under the charge of an engineer to ensure their adequate inspection, examination, and maintenance in a safe working order.

3.6 The engineer/competent person(s) appointed shall –

a. inspect & examine all machines and equipments and satisfy himself that they are in sound and safe working order.

b. not allow any machine, equipment to be used, if it is found defective.

c. ensure that every machine/equipment is used in a safe and efficient manner

d. ensure that each operation/activity concerning repair, maintenance and operation of machinery/equipment is carried on in a safe and efficient manner.

3.7 The manager shall issue a copy of regulations, rules, bye-laws and orders made there-under and a code specifying duties and responsibilities to all mine-officials, i.e., to Foremen, Mining Mates, Engineer(s), Supervisors, Technicians, Fitters, Mechanics, Machine Operators, helpers, loading supervisors etc., which affect him, in a language understood by them.

3.8 It shall be the responsibility of the Manager, Foremen, Mining Mates, Engineer(s), and Supervisors to ensure that all persons working in the mine, and those working on machines/equipments etc. work as per the code and all machines and equipments etc. are installed, operated and maintained in safe working condition.

4.0. EXAMINATION, REPAIR & MAINTENANCE OF MACHINES

4.1(a) A code of practice for inspection, examination and repair of all machines and equipment shall be drawn up by the Engineer in consultation with the Manager and implemented. The code of instructions furnished by the manufacturers in the matter of maintenance of various machinery and preventive maintenance schedules for each type of machinery and vehicle shall be strictly followed.

(b) **Every HEMM and drill shall be thoroughly examined by an engineer or a competent person at the commencement of every shift and shall be maintained in good and safe working condition.** The engineer or mechanic or foreman or other authorized competent persons shall personally inspect and test every machine & vehicle paying special attention to the following details -

i. that the brakes and horn or other warning devices are in working order,

ii. that the lighting fixtures are in proper working order, if the machine is required to work beyond day-light hours.

iii. In case of trucks/tippers, special attention shall be paid to safe working order of brakes, steering system, horn, audio-visual reversing alarm, rear view mirrors, head & tail lights, side indicator lamps, hazard lights, and other safety devices prescribed by the manufacturer and circulars issued by DGMS.

iv. He shall not permit the vehicle or machine to be taken out for work nor shall he drive the vehicle unless he is satisfied that it is mechanically sound and in efficient working order.

(c) A record of examination and maintenance carried out in accordance with the above shall be maintained in a bound paged register, which shall be signed by the competent person or engineer.

4.2 (a) **Every machine shall be allocated at least one day in every week for its maintenance, when it shall be thoroughly examined & inspected by a competent person or an engineer, who shall satisfy himself that it is mechanically sound and is in safe and efficient working order, before it is allowed to be re-deployed.**

(b) A report of every maintenance made under clause (a) shall be recorded in a bound paged book kept for the purpose, and shall be signed and dated by competent person making the inspection and countersigned by the Engineer.

4.3 (a) If the engineer or competent person making an inspection notices any defect in any machinery, the said machinery shall not be used until the defect has been remedied.

(b) Any defect in any machinery, reported by its operator, shall be promptly attended to.

4.4 Any machinery found to be in an unsafe operating condition shall be tagged at the operator's position; "Out of Service, Do not Use" and its use shall be prohibited until the unsafe condition has been corrected.

4.5 All repairs to a machine shall be done at a location which provides a safe place for the persons engaged on repairs.

4.6 (a) Except for testing, trial or adjustment, which must necessarily be done while the machine is in motion, every machine shall be shut down, and positive means taken to prevent its operation, before any repair, maintenance or lubrication is undertaken on it.

(b) Any machinery, equipment or part thereof which is suspended or held apart by use of slings, hoists, or jacks shall be substantially blocked or cribbed, before men are permitted to work underneath or between the same.

5.0 DRILLING OF HOLES FOR BLASTING

5.1 All drills shall be provided with wet drilling arrangement or with a device, duly approved by the Chief Inspector of Mines, to prevent atmosphere getting charged with dust, which shall be kept in operation during drilling operations and it shall be maintained in efficient working order. No dry drilling operation shall be carried on.

5.2 All moving parts of the drill shall be adequately guarded and it shall be ensured that such guards remain in place before the machine is put in operation.

5.3 Every drill shall be placed under the charge of a competent person for its operation, duly authorised in writing by the manager, herein called the 'Operator'.

5.4 At the beginning of his shift, the drill operator shall examine the drilling equipment and satisfy himself that-

(a) all hose connections are in order; and,

(b) the drill is in safe working condition and all safety devices are in place and functional

(c) persons keep clear of the drill and drill stem while the drill is in motion;

(d) persons do not work under suspended tools when tools are removed from the holes,

(e) all finished drill holes are properly plugged so as avoid possible injury to any one accidentally stepping onto the hole.

5.5 The area where drilling is to be done shall be thoroughly cleaned of loose rocks and debris and position of every hole to be drilled shall be distinctly marked by the shot-firer/blasting officer, so as to be readily seen by the drillers.

5.6 No drilling shall be commenced in an area where blast-holes have been fired, until the blaster has made a thorough examination of all places, including remaining butts of old deep holes, for unexploded charges that the drill rod may strike.

5.7 No drill rod or pick shall be inserted in butts of old holes even if an examination under clause 5.6 has failed to reveal presence of explosives.

5.8 Drilling and charging of holes shall not be carried out in the same area at the same time.

5.9 Drilling operations shall not be carried on simultaneously on two benches, at places directly one above the other.

6.0 DESIGN, OPERATION AND MAINTENANCE OF SHOVELS/ PAYLOADERS/ DOZERS

6.1 Every shovel/pay-loader/dozer shall be provided with all function cut-off switch, efficient warning devices, provisions for limiting hydraulic cylinders, front and rear lights, effective brakes, and seat belt of a type prescribed by the manufacturer at operator's seat.

6.2 To minimize fire hazard, every shovel/pay-loader/dozer shall be equipped with fire resistant hydraulic hoses and fire-resistant sleeves/conduits housing cables/wires, turbo-charger guard, vent valve on top of hydraulic tanks, and a baffle plate between hot zone and cold zone.

6.3 Every shovel/pay-loader/dozer shall be so designed as to afford the operator clear and uninterrupted vision all around and shall be provided with retracting ladder, and suitable portable fire extinguishers.

6.4 The operator's cabin of the HEMM shall be well designed and substantially built so as to ensure adequate protection to the operator against heat, dust, noise etc. and at the same time provided adequate safety to the operator in the event of roll-over or overturning of HEMM.

6.5 Every shovel, pay-loader, and dozer shall be placed under the charge of a competent person for its operation, duly authorised in writing by the manager, herein called the 'Operator'.

6.6 (a) The Operator shall not take out the machine for work nor shall he work the machine, unless he is satisfied of its safe working order.

(b) The operator shall keep the cab window clean so as to ensure clear vision at all times.

(c) The operator shall not operate the machine when persons in proximity may be endangered.

(d) The operator shall not swing the bucket over-passing the trucks/tippers when they are being loaded. He shall swing the bucket over the body of the truck/tippers whilst loading and not over the cab, unless the cab is protected by a substantially strong cover.

6.7 The walkways in or about the cab of any shovel, excavator, and pay-loader shall be kept free of loose tools, grease containers or other materials that might fall or give rise to tripping hazard.

6.8 Before leaving the machine, the operator shall lower the bucket to the ground.

6.9 No person other than the operator or his helper so authorised in writing by the manager, shall ride on a shovel, pay-loader, or dozer during its normal operation. The operator shall not allow any unauthorised person to ride on the machine.

6.10 No person shall be permitted to ride in the bucket of a shovel or a pay-loader.

6.11 When not in use, the shovel, pay-loader, dozer shall be moved to and stood on stable ground.

6.12 When being operated in soft or unstable ground, every shovel shall be supported on mats, heavy planks or poles as to distribute the load of the machine over larger area and prevent its toppling.

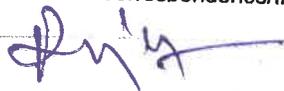
6.13 If more than one excavator/shovel/ pay-loader is in use in any area, either on the same bench or on different benches, the machines shall be so spaced that there is not less than 30m distance from the swing range of the boom of other excavator/shovel/pay-loader, there is adequate space for safe

operation of each of the equipment, and there is no danger from flying or falling pieces of stones from one machine to the other.

7.0 DESIGN, OPERATION & MAINTENANCE OF TRUCKS & TIPPERS

7.1 Every truck/tipper shall be provided with following safety features:

- (a) efficient fail-safe service brake, and a parking brake,
- (b) efficient secondary brake so that the truck/tipper can be stopped in an emergency, or in the event of failure of service brake,
- (c) an efficient speed retarder or an exhaust brake to keep in check the speed of the vehicle during its down-gradient travel,
- (d) proper seat equipped with seat belts of a type prescribed by the manufacturer for driver, and separate seat(s), also duly equipped with seat belts, for person(s) other than operator/driver, if such person(s) authorised to ride in the truck/tipper,
- (e) a substantially strong cabin guard extension over the driver's/operator's cabin,
- (f) alarm or an indicator to warn the operator that the truck/tipper/dumper body is still in lifted position
- (g) rear view mirrors of adequate size on either side of the vehicle,
- (h) blind-spot mirrors to enable the operator to have clear visibility of blind area in and around the truck/tipper,
- (i) automatically operated audio-visual alarm of an approved type which gets switched on no sooner the gear lever is shifted in "reverse" position;
- (j) efficient horn & side indicator lights;
- (k) efficient head-lights & tail lights, if the truck/tipper/dumper/equipment is required to work beyond day-light hours,
- (l) blinking type of hazard warning lights on all sides of the truck/tipper which, irrespective of engine's running can be switched on in case the truck/tipper down or is stopped/stationed/parked on haul road or in operational area of other trucks/tippers,
- (m) retro reflective reflectors on all sides,
- (n) speed limiting device to restrict the speed of the tipper/truck to maximum as fixed by the manager,
- (o) propeller shaft guard,
- (p) fire resistant hydraulic hoses in hot zones and fire-resistant sleeves/conduits housing electrical cables/wires,
- (q) mechanical steering locking to prevent untoward movement of steering wheel and tyre for safety of persons attending the dumper/tipper/truck whilst its engine is running,
- (r) mechanical type anti-collision device, such as tail-gate protection, bumper extension, etc., to protect operator from head on and head to tail collision,



7.2 The audio-visual alarm provided on trucks/tippers shall be of such intensity which is not less than 5dB(A) above the surrounding noise level.

7.3 Every truck/tipper shall be operated by a competent person authorized in writing by the manager herein called the 'operator/driver'.

7.4 No person other than the driver or the manager or any person authorised in writing by the manager shall ride on a truck/tipper.

7.5 (a) Before commencing work, the driver shall personally check the truck/tipper for oil(s), fuel & water levels, tyre inflation, and general cleanliness, and inspect and test the vehicle, paying special attention to the following details:

- (i) that all brakes, speed retarder, and steering system are in proper working order;
- (ii) that proper seat and seat belt is provided on driver's/operator's seat
- (iii) that all safety features and warning devices are in working order;
- (iv) that rear view mirrors are provided;
- (v) that all lights are in working order, if the vehicle is required to work after day-light hours.

(b) The driver/operator shall not take out the vehicle for work nor shall he drive the vehicle, unless he is satisfied that it is mechanically sound and in efficient working order.

(c) He shall wear the seat belt before starting the vehicle and shall also ensure that other person(s), if so authorised to ride the vehicle, are properly seated and also wear safety belts.

(d) The driver shall keep the cab window clean so as to ensure clear vision at all times.

(e) The driver shall ensure that parking brake is on, before stopping the engine.

(f) The driver shall handle the truck/tipper carefully and keep it under control at all times. He shall negotiate downhill gradients in low gear and apply retard brakes so that minimum of braking is required.

(g) He shall not drive too fast, shall avoid distractions and shall drive defensively. He shall not attempt to overtake another vehicle unless he can see clearly area enough ahead to be sure that he can pass it safely without exceeding the speed limit, and that area ahead is free of any road intersection or junction. He shall also sound audible warning signal before overtaking and shall not attempt to pass the other vehicle until he has received a proper audible signal in reply.

(h) When approaching an excavator, the driver of the truck/tipper shall sound the audible warning signal and shall not attempt to pass the excavator until he has received a proper signal in reply.

(i) The driver shall not operate the truck/tipper in reverse unless he has a clear view of the area behind the vehicle. He shall give an audible warning signal before reversing the truck/tipper. As far as possible, loaded trucks, tippers or dumpers shall not be reversed on gradients.

(j) The driver shall not drive 'nose to tail' particularly behind a vehicle with twin rear wheels from which a stone piece wedged between the tyres may fly back into the windscreen of his vehicle.

- (k) He shall sound audible warning while approaching blind corners or any other points where person may walk in front unexpectedly.
- (l) The driver shall see that the vehicle is not overloaded and that material is not loaded in a manner as to project horizontally beyond the sides of the vehicle's body and that any material projecting beyond the front or rear is indicated by the red flag during day and a red light after day-light hours.
- (m) The driver shall not allow any unauthorised person to ride on the vehicle. He shall also not allow more than the authorised number of persons to ride on the vehicle. He shall not permit any person to ride on the board/cabin platform of a running truck/tipper.
- 7.6 Sufficient stop blocks shall be provided at every tipping point and these shall be used on every occasion, material is dumped.
- 7.7 Code of Traffic Rules framed by the Manager shall be adopted and followed during movement of all trucks/tippers. They shall be prominently displayed at relevant places in the opencast workings and on truck/dumpers roads.
- 7.8 When not in use, every truck/tipper shall be moved to and parked at proper parking place(s) which shall be on level ground and away from working area of other mobile equipment. The truck or tipper shall not be parked at a place where it cannot be observed.
- 7.9 No person shall, or shall be permitted to, work on the chassis of a truck or tipper, with the body in a raised position unless the truck's/tipper's body has been securely blocked in position. The hoist mechanism shall not be depended upon to hold the body of the truck/tipper in a raised position.
- 7.10 No person other than those authorised shall be permitted to enter or remain in any dumping yard, loading and unloading points and turning points.
- 7.11 In respect of every truck/tipper or class of trucks/tippers, the maximum load to be hauled shall be determined and notified to operators/drivers by the Manager. Speed limits at which such loads can be hauled shall also be determined and fixed by the Manager, depending on the road gradient, direction of movement, road construction etc., and notices/sign boards specifying the same shall be posted along the haul road at appropriate places/sections.

8.0 OTHER GENERAL REQUIREMENTS FOR MACHINERY DEPLOYED IN THE MINE

- 8.1 The stability test of HEMM shall be carried out atleast once in year and after every major overhaul by an independent agency.
- 8.2 All cranes, including overhead cranes shall be subjected to proof-load test by an agency having expertise in this regard once at least every year and record thereof shall be kept maintained.
- 8.3 Non-destructive testing of the equipment and of the lifting ropes, sheaves/pulleys, etc., shall be done by an agency having expertise in this regard once at least every year, and record thereof shall be kept maintained.
- 8.4 All apparatus used as or forming part of the equipment, like pressure vessels, air receivers, etc., shall be subjected to hydraulic test and NDT at intervals not exceeding three years. Such tests shall be done by an agency having expertise in this regard, and record thereof shall be kept maintained.
- 8.5 While inflating tyres, suitable protective cages shall be used. Tyres shall in no case be inflated by sitting either in the front of it or on top of the same. The locking ring of every tyre shall be

periodically examined and shall also be examined on every instance the tyre is inflated. A record of such examination shall be kept maintained in a bound paged book kept for the purpose, duly signed by the person making the inspection and countersigned by the engineer.

9.0 TESTING OF BRAKES

9.1 Brakes of every truck, tipper and any other wheeled trackless machine shall be tested atleast once in two weeks, in a manner as indicated below:

(a) **SERVICE BRAKE TEST:** The brake shall be tested as specified by the manufacturer of the vehicle or on a specified gradient and speed when the vehicle is fully loaded. The vehicle should stop within a distance as specified by the OEM when the brake is applied, which shall be obtained from the manufacturer of the vehicle.

(b) **PARKING BRAKE TEST:** The parking brake shall be capable to hold the vehicle for a period of at least ten minutes when it is fully loaded and placed at the maximum gradient of roadway on which it is permitted to ply.

9.2 A record of every such test carried on every dumper/truck/tipper/other mobile HEMM shall be kept maintained in a bound paged book which shall be signed by the person carrying out the tests and shall be countersigned by the engineer and the manager. In case any defect in braking system is observed in any equipment/HEMM, such equipment/HEMM shall be taken off from operation and record thereof shall be kept maintained.

9.3 All of the above procedure and precautionary measures regarding i.e. testing of brakes including service brake, retard brake, parking brake and steering shall comply the provisions as stipulated in DGMS Technical Circular Nos. 36/1972, 03/1981 and 04/2012 i.e. Service brake, Retard brake, parking brake and steering shall be tested with accelerating the engine to 1400 RPM, 1300 RPM, 1200 RPM and 1000 RPM respectively.

10.0 PROTECTIVE EQUIPMENT

10.1 Every person working in the mine shall be provided with, and shall use, a helmet and protective footwear of a type approved by the Chief Inspector of Mines.

10.2 Every person permitted to work on height or at any place having inclination of 45 degrees or more, from where he is likely to slip or overbalance, shall be provided with, and shall use, a full body harness of a type possessing valid BIS licence and approved by the Chief Inspector of Mines.

11.0 PRECAUTIONS AGAINST DUST

11.1 Adequate arrangements to allay dry dust, by wetting, shall be made on haul roads and benches where mobile HEMM, trucks and tippers operate.

11.2 All drills shall be provided with wet drilling arrangement or with a device, duly approved by the Chief Inspector of Mines, to prevent atmosphere getting charged with dust, which shall be kept in operation during drilling operations and it shall be maintained in efficient working order. No dry drilling operation shall be carried on.

12.0 USE OF ELECTRICAL MACHINES/EQUIPMENT

12.1 No electrically operated machine, equipment or accessory shall be energised, commissioned and used without prior approval of the competent authority under the relevant provisions of Central Electricity Authority (Measures Relating to Safety & Electric Supply) Regulations, 2010.

13.0 GENERAL

- 13.1 Suitable steps shall be taken by all appropriate means to reduce the exposure of workers to any excessive noise and vibration. Guidelines given in DGMS {Tech.} Circular No.18 of 1975 may be followed.
- 13.2 Trucks, tippers and other heavy vehicles, not belonging to management shall not be allowed in the mine premises without a valid pass issued by the competent authority of the mine. Before the pass is issued the mine engineer/competent person shall check the roadworthiness of such vehicle. In order to check the entry of such vehicle in the mine premises, properly manned check gate shall be provided at the mine entrance where the record of entry & exit of each vehicle shall be maintained. At the check gate the license of the drivers shall also be checked for eliminating the possibility of unlicensed persons driving the vehicle.
- 13.3 Contractor's workers employed in the mine, if any, shall be provided closer and competent supervision. They shall be provided relevant training and other job related briefings. The drivers of the vehicle belonging to contractors entering the mine premises shall be explained the salient provisions of "Traffic Rules".
- 13.4 No manual workers shall be employed on any bench and on the next lower bench where HEMM is deployed. They shall be employed only after withdrawal of HEMM and only at the places where benches conform to the requirement of Regulation 106(1), 106(4) and 106(5) of the Metalliferous Mines Regulations, 1961.
- 13.5 Stipulations of circulars applicable for surface & opencast workings issued and which may be issued by Director General of Mines Safety from time to time shall be complied with.
- 14.0 Please note that this permission is subject to the following additional conditions:**
- 14.1 In the event of any change in the circumstances connected with this permission/ exemption which is likely to endanger the life of persons employed in the mine or the mine, the mining operations for which this permission has been granted shall be stopped forthwith and intimation thereof shall be sent to this Directorate. The said mining operation shall not be resumed without express and fresh permission in writing from this Directorate.
- 14.2 If at any time any one of the conditions, subject to which this permission/exemption has been granted, is violated or not complied with, this permission/exemption shall be deemed to have been revoked with immediate effect.
- 14.3 This permission/exemption may be amended or withdrawn at any time if considered necessary in the interest of safety and is being issued under Regulation 106 (2) (b) of MMR, 1961, only, without prejudice to any other provisions of law which may be or may become applicable at any time.
- 14.4 This Directorate shall be informed as soon as the mining operations are commenced in accordance with the above permission/exemption. Intimation about completion of the mining operations should also be sent promptly and in any case not later than one month thereof.
- 15.0 Unless renewed, this permission/relaxation shall be valid for a period of 5 (five) years from the date of issue of this letter or validity of lease period whichever is earlier.**

Your Faithfully



SHYAM SUNDAR PRASAD (DIRECTOR - VARANASI REGION)



Date: 09.04.2024

To,

The Director of Mines Safety,
Varanasi Region, Varanasi

Subject: Violations pointed out by Shri K Rajeev Krishna Kumar, Director of Mines Safety Varanasi Region, Varanasi, during their inspection on 26/02/2024 at Barokharkurd Granite (Gitti, Khanda, Boulder) Mine, Gata No. 332, Khand No. 1, Area 1.61 Ha., (LIN: 2469941224) of Shri Kunwar Vinod Raja, Village- Barokharkurd, PS- Girwan, Tehsil- Naraini, District- Banda (Uttar Pradesh).

Reference: - Letter No. S29013/V.R.(N.Z.)/ BN-38/2024/Banda/555, dated 07.03.2024

Respected Sir,

We would like to acknowledge the receipt of your letter regarding the above-captioned subject. We have thoroughly reviewed the violations that were pointed out and would like to provide you with a point-by-point reply/compliance on the matter: -

S. No.	Violation	Compliance Status
1.0	Reg. 106(2) (a) & (3) of MMR, 1961: The side of the opencast on west side was not properly benched, sloped and secured by the previous lease holder to prevent dangers due to fall of sides. The height of top bench on west side was found about 38m, which is more than the stipulated bench height of 6m.	We will be constructing a strong berm to restrict entry to the area, ensuring that no work is conducted without the proper safety precautions in place. Additionally, we are working on properly benching, sloping, and securing the benches of the mine to prevent any potential dangers from falling sides. The safety of our workers and visitors is our top priority, and we will not resume work in that area until we are confident that it is safe to do so. We assure you that we take compliance with regulations seriously and will continue to adhere to all necessary protocols.
2.0	Reg. 111 (2) of MMR 1961: Excavation was found extended within 7.5m of the lease boundary of the mine on north and south of the mine. All such excavations shall be immediately stopped.	We would like to clarify that the mentioned workings do not belong to our operations. It is old working. However, we assure that the mine working will not be extend within 7.5 m of mines boundary.
3.0	Reg.115 (5) (a) of MMR, 1961: The approaches to the toe of the high benches was not adequately fenced to prevent inadvertent entry of any person or machinery to avoid dangers due to fall of sides.	We will arrange to fence the working as soon as possible until then we will provide strong berm near the toe of the high benches to restrict the entries of any person and machineries.
4.0	Reg. 164 (1B) of MMR, 1961: Hutments and houses not belonging to the owner of the mine were found existed at about 115m 75m, 100m, 180m and 210m away from the north, east, north-east, south-west and north-west boundaries of the mine respectively within the blasting danger zone of 300m. Two temples were found existed at about 100m and 250m away from the south and north-east boundaries of the mine. A 11 KV HT power transmission line was existed at about 140 m away from the west boundary of the mine. No blasting shall be conducted in the mine within danger zone of 300 m from any permanent surface structures not belonging to the owner without obtaining permission under Regulation 164(1B)(a), except with the limited aggregate maximum charge in all holes fired at one time not in excess	We have engaged the services of a professional surveyor, who has assisted us in accurately demarcating the danger zone from any structure not belonging to the mine owner. Furthermore, we would like to emphasize that we remain fully committed to complying with all regulations and guidelines set forth under Regulation 164 of the MMR 1961

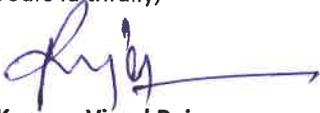
	of 2 kg or if the blasting is done with delay detonators or other means and that there is a delay of at least half a second between successive shots fired, maximum charge of two kilograms can be used in each hole. Provided that irrespective of the amount of explosives used, no blasting shall be done at any place in the mine which is within 50 m any such permanent surface structures.	
4.0	Rule 29B of Mines Rules, 1955: The persons employed in the mine were not undergone initial or periodical medical examination.	We wanted to inform you that we have prepared a list of workmen who require the initial/periodical medical examination. We are currently in the process of finding a qualified doctor to complete these examinations. Kindly provide us with 45 days to ensure that all workmen undergo the necessary medical examinations. Your cooperation in this matter is greatly appreciated.
5.0	Rule 6 of MVTR, 1966: The persons employed in the mine were not imparted vocational training.	As a small mining firm, we are currently in the process of arranging vocational training for our workmen. Once we have identified a suitable centre, we will promptly arrange for the vocational training of our workmen. Ensuring the safety and well-being of our employees is a top priority for us, and we are committed to providing them with the necessary training to excel in their roles.

Submitted the same for your kind perusal and order.

Thank you for your attention to this matter. We remain committed to upholding the highest standards of compliance within our organization and look forward to your guidance.

Thanking you,

Yours faithfully,



Kunwar Vinod Raja

Mines Owner

Barokharkhurd Granite (Gitti, Khanda, Boulder) Mine

District- Banda (Uttar Pradesh)



46

V A K A L A T N A M A

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No.295 of 2024**

Abhishek Shukla

..... **Applicant**

Versus

State of U.P. & others

..... **Respondents**

KNOW ALL to whom these present shall come that We, Kunwar Vinod Raja, Son of Late Sri Ram Kripal Singh, aged 45 years, Resident of House No. MIG B-74, Near BSNL Tower, Mohalla-Indra Nagar, Town-Banda, District-Banda (U.P.), the above Project Proponent, do hereby appoint (herein after called the advocate to be out Advocate in the above noted case authorise him:-

MANOJ KUMAR, Advocate (U.P.1502/78), COP No. 193761, GF-1, Shubh Apartment, Vivekanandpuri, Faizabad Road, Lucknow, Mobile no.09532100117

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court, including High Court subject to payment of fees separately for each Court by us. To sign, file, and present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents, as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents of admit and/or deny the documents of opposite party.

To withdraws or compromise the said case or submit to arbitration any differences or disputes that jay arise touching or in any manner relating to the said case. To take execution proceedings. To deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things, which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to

exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as our own acts, as if done by us to all intents and purposes.

And we undertake that we or our duly authorized agent would appear in the Court on all hearings and will inform the Advocate for appearance when the case is called.

And we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And we the undersigned do hereby agree that in the even of the whole or part of the fee agreed by us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. We hereby agree that once the fee is paid, we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition of three years or part thereof.

IN WITNESS WHEREOF We do hereunto set our hand to these presents the contents of which have been understood by us on this¹⁵..... day of April, 2024.

Accepted subject to the terms of fees.


Advocate

MANOJ KUMAR
Advocate
G.F.-1, Shubh Apartment,
489/211, Vivekanandpuri,
Fajjabad Road, Lucknow-226007


1- Client

2- Client