

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI*****Reply Affidavit on behalf of respondent No.4*****In ref.****Original Application No.1254 of 2024****Rupendra Singh.****..... Applicant****Versus****State of UP & Others****..... Respondents****Index**

S.No.	Particulars	Annexure	Page No.
1	Reply Affidavit on behalf of respondent No.4	-	1-15
2	A copy of the notice/order dated 12-03-2024 along with translated copy	1	16-18
3	A copy of the explanation dated 29 august 2024 along with translated copy	2	19-28
4	A copy of the cancelation order dated 26-02-2025 along with translated copy	3	29-37
5	ID of the deponent (Respondent no.4)	4	38
6	Vakalatnama	-	39-40

Dated : 11 September, 2025


(MANOJ KUMAR)
Advocate

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SR. No
4975/2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.1254 of 2024

IN THE MATTER OF :-

Rupendra Singh

..... Applicant

Versus

State of UP & Others

..... Respondents

REPLY AFFIDAVIT ON BEHALF OF Respondent No.4

I, Dhanraj Singh, Son of Sri Shivraj Singh, aged 44 years, resident of House No. 42, Mochipura, Kabrai Tehsil and District- Mahoba (U.P.), the deponent do hereby solemnly affirm and State on oath as under :-

1. That before giving paragraph wise reply to the application sum facts and circumstances are very vital for proper adjudication of the matter in respect of respondent no.4 which are mention as under,

(1) That the deponent was the mining lease holder for an area of 2.024 hectare, situate at village-Pahra, Tahsil & District Mahoba on gata no. 1939 (Block no.1 New), for

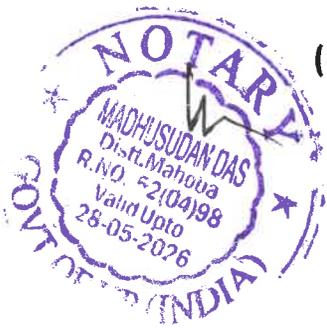


धनराज सिंह

excavation of building stone annual estimated quantity of 20,240 cubic meter at the rate Rs, 226-/ per cubic meter. The deponent participated in e-auction proceeding and offer highest bid which was found satisfactory bid and than the District Officer Mahoba accepted the bid provisionally and issue the Letter of Intent (LOI) dated-13-08-2018 to the deponent.

(2) That after receiving Letter of Intent dated 13-08-2018 the mining plan prepared by the recognized person from the Indian Bureau of Mines and submitted for approval before The Director for Geology and Mining U.P. Lucknow by the deponent and thereafter obtain approval of mining plan applied for environmental clearance from the concern competent authority after obtain of the environmental clearance and subsequently mining lease deed was executed in the favour of the deponent on 02 march 2019 for a period of ten years i.e. 01 march 2029.

(3) That on 12 march 2024 unfortunately on the mining lease area an accident has been took place and four workers

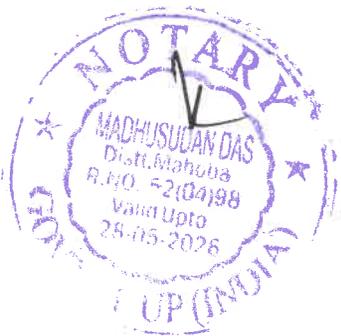


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die. The Senior Mines Officer Mahoba along with other officers inspected the Mining area and submitted its report before the District Officer Mahoba, that lease holder have not supervise the mines with the help of Mines Manager and then the District Officer Mahoba, vide order dated 12-03-2024 restrain the mining operation till the further order.

A copy of the notice/order dated 12-03-2024 with translated copy are being annexed herewith as **Annexure no.1** to this affidavit.

(4) That in pursuance of notice/order dated 12-03-2024 the deponent submitted his explanation dated 29 august 2024, with the assertion that the near relative of the deceased persons are satisfied and with the mutual consent decided compensation has already been paid and they are at this time satisfied and no objection affidavits and already submitted their affidavit before the police and District Administration however FIR has been lodged against the deponent.



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(5) That the deponent further submitted that the section-3 of Mines Act 1952 provide as under :-

“3. Act not to apply in certain cases-

(1) *The provisions of this Act except those contained in*

(Secs. 7, 8, 9, 40, 45 and 46) shall not apply to-

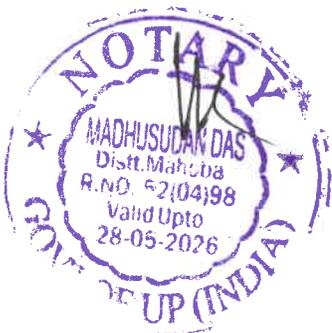
(a) *Any mine or part thereof in which excavation is being made for prospecting purposes only and not for the purpose of obtaining minerals for use or sale*

Provided that –

(i) *Not more than twenty persons are employed on any one day in connection with any such excavation.*

(ii) *The depth of the excavation measured from its highest to its lowest point nowhere exceeds six meters or, in the case of an excavation for coal, fifteen meters, and*

(iii) *No part of such excavation extends below superjacent ground, or*



महसुदान दास

(b) Any time engaged in the extraction of kankar murrum, laterite, boulder, gravel, shingle, ordinary sand (excluding kaolin, china clay, white clay or fire clay), building stone (state), road metal, earth, fullers earth (marl chalk) and lime stone.

Provided that-

(i) The working do not extend below superjacent ground, or

(ii) Where it is an open cast working-

(a) The depth of the excavation measured from its highest to its lowest point nowhere exceeds six meters.

(b) The number of persons employed on any one day does not exceed fifty, and

(c) Explosives are not used in connection with the excavation.”

It has also mentioned that the compromise was done with Shri Santram and Smt Hiramani



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parents of the deceased shri Kuldeep Raikwar @ Pyarelal and paid compensation of Rs. 14.00 Lakh vide compromise dated 18.03.2024, with shri Ramrattan Kushwa and Smt Asha parent of the deceased Shri Premchandra Kushwaa and paid compensation of Rs. 13,25,000/- (Thirteen lakh twenty five thousand) vide compromise dated 19.03.2025, with Smt Rekha wife of Shri Sitaram parent of the deceased Rammilan Kushwaha and paid compensation of Rs. 15.00 Lakh vide compromise dated 18.03.2024, Shri Chunnu Ahirwar and his wife Smt Anita prents of the deceased Shri Ramphal Ahirwar and paid compensation of Rs. 16.00 Lakh vide compromise dated 14.03.2024 and shri Dhirendra Singh @ Dhiru son of Shri Ramvishal Singh resident of village Basrehi police station Mataundh district



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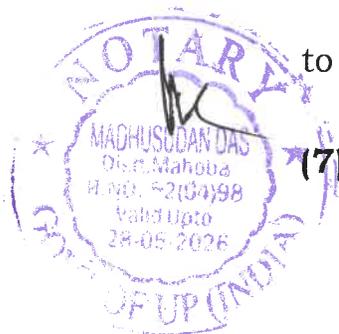
Banda under medical reimbursement dated 18.03.2024 respectively.”

A copy of the explanation dated 29 august 2024 along with translated copy are being annexed here with as **Annexure no.2** to this affidavit

- (6) That the District Officer Mahoba without having any authority under the provisions of the Uttar Pradesh Minor Mineral (Concession) Rule-2021 on the ground that mining lease holder violated the term and condition of the lease deed and have not provided safety tools to their worker's hence the mining lease was cancelled with immediate affect and also seized the security amount of Rs. 11,45,760.00 vide order no 1896/M.M.C.-30-khanij/2024-25 dated 26-02-2025

A copy of the cancelation order dated 26-02-2025 and translated copy are being annexed here with as **Annexure no.3**

to this affidavit



- (7) That aggrieved with the aforesaid order dated 26-02-2025 passed by the District Officer Mahoba, the deponent

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approach the Hon'ble High Court vide writ-C no. 14147 of 2025, Dhanraj Singh vs - The State Of U.P. And 2 Others and the Hon'ble High Court Allahabad pleased to pass the following order on dated 08-05-2025:-

- "1. Learned Standing Counsel prays for and is granted ten days time to file a counter affidavit.*
- 2. Rejoinder affidavit may be filed within one week, thereafter.*
- 3. List after expiry of the aforesaid period."*

Till then no order has been passed by the Hon'ble High Court and writ petition is still pending.

- (8)** That the subjected mines is not in operation with effect from 12-03-2024 hence the question of polluting the nearby area to the lease area does not arise, however it is submitted the rule-42 of the Uttar Pradesh Minor Mineral (Concession)

Rule-2021 provide as under :-

"42. Restriction and conditions as to exercise of the liberties, powers and privileges of-



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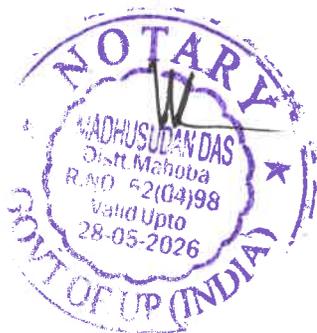
The holder of a lease shall exercise the liberties, power and privileges mentioned in Rule 41 subject to the following restrictions and condition :

(a) Nothing shall be erected or setup and no surface operations shall be carried on –

(1) in or upon any public pleasure ground, burning or burial ground or any place held (sacred) by class of persons or house or village site, public road or other place which may be declared by the District Officer as public place and,

(2) in such a manner as to injure or prejudicially affect any building work, property or rights of other persons:

(b) No land shall be used for surface operations by persons, which is already occupied by persons, other than the State Government, for works or purpose not included in the lease:

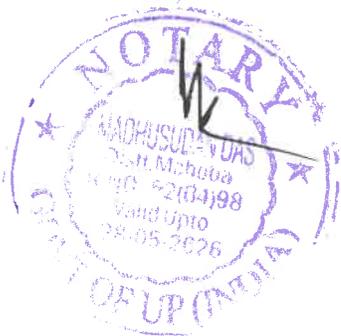


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(c) No right of way, well or tank, shall be interfered with:

(d) No entry shall be made on any reserved, protected or vested forest without the previous sanction in writing of the Divisional Forest Officer nor shall any trees or timber be felled, cut or used without obtaining the sanction in writing of that Officer nor otherwise than in accordance with such conditions as the State Government may impose in the behalf:

(e) No mining operation shall be carried on at or to any point within a distance of 50 meter from any railway line except with the previous written permission of the Railway, Administration concern, or from any reservoir, canal or other public works, such as public road and buildings or inhabited site except with the previous written permission of the District Officer or any other

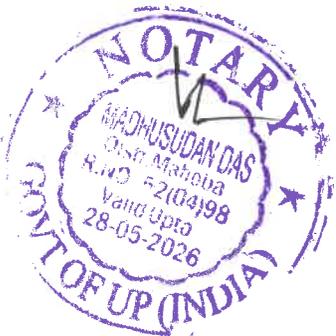


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officer authorized by the State Government in this behalf and otherwise than in accordance with such instruction and conditions either general or special, which may be attached to such permission. The said distance of 50 meters shall be measured in case of railway, reservoir, canal or road horizontally from the outer toe of the Bank or the outer edge of the cutting as the case may be, and in case of a building horizontally from plinth thereof:

Provided that the distance in the case of a village road shall be 10 meters from the outer edge of the cutting: and

Explanation- for the purpose of this sub-rule the expression 'public road', shall mean a road which has been constructed after being artificially surfaced as district from a track resulting from repeated use, and 'village road'



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will include any track shown in the revenue record as village road:

(f) The existing and future holders of Government lease or permit in respect of any land which is comprised in or adjoins or is reached by the land held by the lease shall be allowed reasonable facilities of the access thereto. In case any loss or damage is caused by such lease or permit holders by exercise of this liberty a fair compensation (as may be mutually agreed upon or in the event of disagreement as may be decided by the State Government) shall be payable therefor by such lease or permit-holder to the lessee:

(g) The lessee is bounded to keep vigilance for not polluting the environment of the lease-hold area and nearby area in connection with mining operation and also maintain ecological balance of



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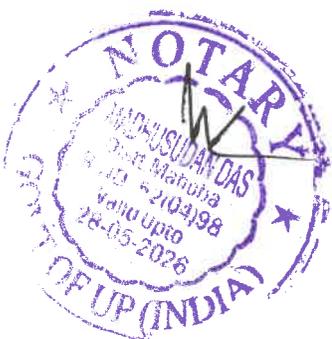
the area, If at any time it is found that the mining operation are leading to environment pollution or imbalance of ecology, then after giving an opportunity of being heard, the lease may be prematurely terminated.

(h) (1) The lessee shall not do any mining operation beyond the depth of three meters or water level whichever is less in the river bed and no mining shall be carried out in the safety zone so worked out by the District Officer:

Provided that no mining shall be carried out into the water stream with the help of suction machine or the lifter, etc.

(2) Lease/permit holder will display the rate of sale price at the place where eMM-11/MM-11 is issued:

Provided that if in the opinion of the State Government the maximum rate of sale price is to



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be fixed, if may be districted to the concession holder.

- (i) The lessee shall be bound to undertake the loading of minerals in his approved lease area in accordance with the norms laid down by the Government of India.

In view of above of statutory provisions, it is evident that mining operation can be done above 50 meters distance from the public pleasure ground and inhabited or residential area and the judgment namely Apeel No. 03 of 2020, Sabarmati Major kamdar Sahkari Mandi Ltd. and Ors. Vs, State of Gujrat and ors. dated 30-09-2020 passed by this Hon'ble Tribunal is related to the river bed sand mining which is not applicable in building stone matter, but the applicant wrongly cited the aforesaid judgment dated 30-09-2020.



चनराज सिंह

(9) That the deponent has not running any stone crusher unit in village Pahara or other nearby areas and the stone crusher unit of the deponent have been already closed by the U.P. Pollution Control Board since 2015, hence in view of aforesaid averment the paragraph of the application filled by the applicant are misconceived and emphatically denied.

2. That in view of above it is evident that the correct facts had not submitted by the applicant by way of instant application. The aforesaid application liable to be dismissed in the interest of justice.

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 on this 10 day of September 2025.



Handwritten signature in blue ink

Deponent

Handwritten signature of the deponent in blue ink

Madhu Sudan Das Chaudhary
Advocate/Notary
Mahoba(U.P.) Reg No.-403/7

Sworn before me by
Sri/Smt Shantraj Singh Yoshi Raj Singh
S/o, W/o. _____ R/o _____
Tah. _____ Dist. _____ The Kochipura Kabbair
contents of affidavit/document have been read
over and explained to him/her which is admitted
to him/them he/they is/are identified by Sri self Tant Dasy Mahoba

Madhusudan Das
Advocate, Notary, Mahoba
R.No. 2104/1998
Valid upto 28-05-2026

Handwritten signature of the notary in blue ink
10.9.2025

पत्र सं- 2478/एम0एम0सी0-30/खनिज/2023-24

दिनांक 12/03/2024

नोटिस

श्री धनराज सिंह पुत्र श्री शिवराज सिंह,
निवासी-विद्येक नगर कबरई,
तहसील व जनपद- महोबा।

आपके पक्ष में जनपद महोबा की तहसील सदर स्थित ग्राम पहरा की आराजी सं0 1939 खण्ड सं0 01 नया एकवा 2.024 हे0 क्षेत्र पर दिनांक 02.03.2019 से दिनांक 01.03.2029 तक 10 वर्ष की अवधि हेतु ईभारती पत्थर यथा प्रेनाइट खण्ड, मिट्टी, चोल्डर का खनन पट्टा स्वीकृत/निष्पादित है। स्वीकृत उक्त खनन पट्टा क्षेत्र में हुई आकस्मिक दुर्घटना पर दिनांक 12.03.2024 को ज्येष्ठ खान अधिकारी व खान निरीक्षक, महोबा द्वारा स्थलीय निरीक्षण किया गया। प्रस्तुत निरीक्षण आख्या में उल्लेख किया गया है कि-

1. उक्त खनन पट्टा क्षेत्र के निरीक्षण के दौरान उपस्थित ग्रामवासियों एवं श्रमिकों से घटित घटना के सम्बन्ध में पूछताछ की गयी जिससे ज्ञात हुआ कि खनन पट्टा क्षेत्र में मिट्टी व पत्थर ढहने के कारण श्रमिक 1-श्री प्रेमचन्द्र कुशवाहा पुत्र श्री रामरतन कुशवाहा निवासी-ज्योरहा थाना जुझार जनपद-छतरपुर म0प्र0 2-श्री रामफूल अहिरवार पुत्र श्री चुन्नू अहिरवार निवासी-ग्राम पहरा तहसील व जनपद-महोबा 3-श्री राममिलन कुशवाहा पुत्र श्री सीताराम निवासी-ग्राम पहरा तहसील व जनपद-महोबा 4-श्री कुलदीप रैकवार उर्फ प्यारेलाल पुत्र श्री सन्तराम रैकवार निवासी-ग्राम नहदौरा तहसील व जनपद-महोबा की मृत्यु हो गयी तथा एक व्यक्ति श्री धीरेन्द्र सिंह उर्फ धीरू पुत्र श्री रामविशाल सिंह निवासी-ग्राम बसरेही थाना मटौध जनपद-बांदा घायल है।
2. उक्त दुर्घटना, फेस व बेंच के ऊपरी हिस्से में लटकते हुए पत्थरों की सुरक्षित झड़ाई नहीं करने एवं सुरक्षा मानकों का पालन न किये जाने के कारण घटित हुई।
3. मौके पर खनन कार्य खान प्रबन्धक की अनुपस्थिति में कराया जाना पाया गया है। मौके पर श्रमिकों की सुरक्षा हेतु कोई सुरक्षा उपकरण नहीं पाया गया।
4. स्वीकृत क्षेत्र पर सीमास्तम्भ स्थापित नहीं पाये गये।

उक्त से स्पष्ट है कि प्रश्नगत दुर्घटना आपकी लापरवाही के कारण घटित हुई है जिससे उक्त श्रमिकों की मृत्यु हुई है इससे स्पष्ट होता है कि आप द्वारा खनन पट्टा क्षेत्र में खान सुरक्षा निदेशालय द्वारा जारी सुरक्षा मानकों एवं अनुमोदित खनन योजना में दी गयी शर्तों का पालन न करते हुए खनन कार्य किया जा रहा है जिससे उक्त दुर्घटना घटित हुई है। उक्त घटित दुर्घटना के सम्बन्ध में आप द्वारा इस कार्यालय को भी सूचित नहीं किया गया है। आपका उक्त कृत्य उत्तर प्रदेश उपखनिज (परिहार) नियमावली-2021 के नियम 46 तथा खनन पट्टा विलेख की शर्तों का स्पष्ट उल्लंघन है।

अतः उपरोक्त तथ्यों के दृष्टिगत आपके पक्ष में स्वीकृत उक्त खनन पट्टा क्षेत्र से खनन/परिवहन कार्य को अग्रिम आदेशों तक प्रतिबन्धित करते हुए निर्देशित किया जाता है कि नोटिस प्राप्ति के एक सप्ताह के अन्दर उक्त दुर्घटना के सम्बन्ध में साक्ष्य सहित अपना स्पष्टीकरण प्रस्तुत करना सुनिश्चित करें। यदि नियत अवधि में आप द्वारा स्पष्टीकरण प्रस्तुत नहीं किया जाता है तो यह समझा जायेगा कि इस सम्बन्ध में आपको कुछ नहीं कहना है, तदनुसार आपके विरुद्ध नियमानुसार अग्रिम कार्यवाही की जायेगी जिसके लिए आप स्वयं उत्तरदायी होंगे।

(मृदुल चौधरी)
जिलाधिकारी,
महोबा

-पत्रांक व तददिनांक :-

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

- 1- निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0 खनिज भवन, लखनऊ।
- 2- निदेशक, खान सुरक्षा निदेशालय, क्षेत्रीय कार्यालय (भारत सरकार), गाजियाबाद क्षेत्र, गाजियाबाद को इस आशय से प्रेषित कि अपने स्तर से जाँच कराकर नियमानुसार कार्यवाही करें।

(Email- gzbregion.dgms@gmail.com)

जिलाधिकारी,
महोबा



धनराज सिंह

Office of District Officer, Mahoba.
(Mineral section)

Notice

Letter No. 2498/mmc-30/mineral/2023-24 dated 12/03/2024

Shri Dhanraj Singh son of Shri Shivraj Singh
Resident of Vivek Nagar Kabrai
Tehsil and district- Mahoba.

The Mining lease of building stone like granite, khanda, bolder is approved/executed in your favour for 10 years from 02.03.2019 up to 01.03.2029 on aragi No. 1939 khand No. 01 new area 2.024 hectare situated at village Pahra Tehsil Sadar District Mahoba. Due to sudden accident occurred on said sanctioned mining lease area on 12.03.2024 the Senior Mines Officer and Mining Inspector Mahoba inspected the site. It has been mentioned in the submitted inspection report that :-

1. During inspection of said mining lease the villagers and worker presented on site were asked regarding the said incident whereby it came to the knowledge that due to collapsed of the earth and stone in the mining lease area, worker 1- Shri Premchandra Kushwaha son of Shri Ramrattan Kushwaha resident of Jyoraha police station Jujhar district Chhatarpur MP. 2- Shri Ramphool Ahirwar son of Chunnu Ahirwar resident of village Pahra Tehsil and district Mahoba 3- Shri Rammilan Kushwaha son of Sitaram resident of village Pahra Tehsil and District Mahoba 4- Shri Kuldeep Raikwar @ Payarelal son of Shri Santram Raikwar resident of village Nahdaura tehsil and district Mahoba died and one person Shri Dharendra Singh @ Dhiru son of Shri Ramvishal Singh resident of village Basrehi police station Mataundha district Banda has injured.

2. The said accident was taken place due to not providing safely tools and stones hanging in the upper portion of face and bench and not complying with the safety standard.

3. The mining activities were found on the spot in the absence of the mining manager. No safety tools were found on the spot for the safety of the workers.

— धनराज सिंह



4. The boundary poll were not found to be installed on the approve area.

It is clear from the aforesaid that the said accident was taken place due to your negligence whereby the said workers have died. It is clear that you are doing done the mining activities in the mining lease area without complying with the safety standard issued by the mining safety directorate and conditions prescribed in the approved mining scheme whereby the said accident was taken place. Regarding the said accident you have not informed this office. Your said conduct is clear violation of rule 46 of the Uttar Pradesh Minor Minerals (concession) rule 2021 and conditions of the mining lease deed.

Therefore looking the aforesaid facts it is directed to restrict the mining /transportation activities from the mining lease area approved in your favour that you may ensure to submit your explanation along with evidence regarding said accident within one week from receiving notice. If you are submitted your explanation within the said period, it would be deemed that you have nothing to say. Accordingly further action will be taken against you as per rule for which you yourself will be responsible.

Sd/ 12/03/2024

(Mardul Chaudhari)
District Officer
Mahoba.

Letter and date as aforesaid:-

Copy to the following for information and necessary action:-

1. The Director, the Geology and Mining Directorate UP Mineral Bhawan, Lucknow.
2. Director Mining Safety Directorate, Regional Office(Govt. of India) Ghaziabad Region, Ghaziabad to get done inquire in its level.



धनराज सिंह

District Officer
Mahoba.

दिनांक : 29 अगस्त, 2024

सेवा में,

श्रीमान जिलाधिकारी,
महोबा

विषय— जनपद महोबा की तहसील सदर के ग्राम पहरा की आराजी संख्या-1939 (खण्ड संख्या-01 नया) में स्थित 2.024 हेक्टेयर क्षेत्र में इमारती पत्थर यथा ग्रेनाइट खण्डा, गिट्टी, बोल्टर के खनन हेतु दिनांक 02.03.2019 से 01.03.2029 तक की अवधि के लिये स्वीकृत खनन पट्टा क्षेत्र में दिनांक 12.03.2024 को आकस्मिक दुर्घटना के घटित होने पर स्पष्टीकरण प्रस्तुत करने के लिये दिये गये निर्देशों के अनुपालन में विनम्र स्पष्टीकरण।

महोदय,

उपरिलिखित विषयक आपके कार्यालय के पत्र संख्या-2478/एम0एम0सी0-30-खनिज/2023-24 दिनांक 12.03.2024, जिसके द्वारा विषयगत आकस्मिक दुर्घटना के सम्बन्ध में साक्ष्य सहित स्पष्टीकरण प्रस्तुत करने के निर्देश दिये गये हैं, का कृपया सन्दर्भ ग्रहण करने की कृपा करें।

2— आपके उक्त आदेश दिनांक 12.03.2024 के विनम्र अनुपालन में उल्लेख करना है कि विषयगत खनन क्षेत्र में सुरक्षा के सभी पहलुओं पर सम्यक विचारोपरान्त उचित प्रबन्ध होने पर भी विषयगत दुर्घटना स्वभाविक रूप से विना अंदेशे के घटित हुई है। इस आकस्मिक दुर्घटना के लिये न तो पट्टेदार और न ही खदान में कार्य करने वाले श्रमिक दोषी हैं, क्योंकि सभी श्रमिक एवं पट्टेदार स्वयं अपने शरीर को सुरक्षित रखने के प्रयोजन से सजग होकर ही कार्य कर रहे थे। खनन पट्टा क्षेत्र में दिनांक 12.03.2024 को समय अपरान्ह 12:30 बजे बिना किसी अंदेशे के एकदम से चट्टाने खिसकी जिसमें श्रमिक-1, श्री प्रेमचन्द्र कुशवाहा पुत्र श्री रामरतन कुशवाहा निवासी-ग्राम ज्योराहा थाना जुझार जनपद छतरपुर (म0प्र0), श्रमिक-2 श्री रामफूल अहिरवार पुत्र श्री चुन्नु अहिरवार निवासी-ग्राम पहरा तहसील व जनपद महोबा, श्रमिक-3 श्री राममिलन कुशवाहा पुत्र श्री सीताराम निवासी-ग्राम पहरा तहसील व जनपद महोबा, श्रमिक-4 श्री कुलदीप रैकवार उर्फ प्यारेलाल पुत्र श्री संन्तराम रैकवार निवासी-ग्राम नहदौरा तहसील व जनपद महोबा की मृत्यु हो गई एवं श्रमिक-5 श्री धीरेन्द्र सिंह उर्फ धीरू पुत्र श्री रामविशाल सिंह निवासी ग्राम बसरेही थाना मटौंध जनपद-बांदा घायल हो गये, जो वर्तमान में सुरक्षित है। पट्टेदार का यह उत्तरदायित्व है कि जैसे ही दुर्घटना घटे वह जिला प्रशासन को तुरन्त सूचना दें, परन्तु दुर्घटना घटने के कारण स्पष्टीकरण प्रस्तुतकर्ता उनके इलाज

— श्री नराम सिंह



इत्यादि का प्रबन्ध करने में लग गया तथा मुझ स्पष्टीकरण प्रस्तुतकर्ता के मुनीम श्री लोकेन्द्र सिंह चौहान पुत्र श्री लल्लू सिंह निवासी कबरई तहसील व जनपद महोबा ने दुर्घटना होने के एक घण्टे के अन्दर लिखित सूचना थाना कबरई में उपलब्ध करा दी थी। अतः यह स्पष्ट है कि मुझ स्पष्टीकरण प्रस्तुतकर्ता ने अपने मुनीम के माध्यम से थाना कबरई को अतिशीघ्र दुर्घटना की सूचना दे दी गयी थी, परन्तु खनिज विभाग को स समय सूचना न दिये जाने के लिये मैं स्पष्टीकरण प्रस्तुतकर्ता विना शर्त क्षमा याचना कर रहा है।

3— विषयगत खनन क्षेत्र के सम्बन्ध में मुझ स्पष्टीकरण प्रस्तुतकर्ता ने पूर्व पर्यावरणीय अनापत्ति दिनांक 01.12.2019 एवं सी0टी0ओ0 दिनांक 05.06.2023 खान सुरक्षा महा निदेशालय से खान प्रबन्धक की तैनाती दिनांक 05.07.2024 आदि प्राप्त कर लिये गये हैं जिनकी छाया प्रतियां समेकित रूप से संलग्नक—एक के रूप में यहां संलग्न की जा रही है। यहां यह भी उल्लेख करना है कि खान अधिनियम—1952 की धारा—3 के प्राविधानों के अन्तर्गत यदि बारूद के द्वारा विस्फोट किये बिना तथा एक दिन में 50 श्रमिकों से कम व्यक्तियों को सेवा योजित करने तथा उच्च स्थान से नीचे के बिन्दु 06 मीटर से अधिक दूरी पर स्थित न होने एवं ‘**open cast mining**’ होने की दशा में खान अधिनियम—1952 के प्राविधान प्रयोज्य नहीं होते हैं। धारा—3 के प्राविधान के सुसंगत अंश निम्न लिखित है :—

“3. Act not to apply in certain cases-

(1) *The provisions of this Act except those contained in (Secs. 7, 8, 9, 40, 45 and 46) shall not apply to-*

(a) *Any mine or part thereof in which excavation is being made for prospecting purposes only and not for the purpose of obtaining minerals for use or sale*

Provided that -

(i) *Not more than twenty persons are employed on any one day in connection with any such excavation.*

(ii) *The depth of the excavation measured from its highest to its lowest point nowhere exceeds six meters or, in the case of an excavation for coal, fifteen meters, and*



चन्द्रप्रसाद सिंह

- (iii) No part of such excavation extends below superjacent ground, or
- (b) Any time engaged in the extraction of kankar murrum, laterite, boulder, gravel, shingle, ordinary sand (excluding kaolin, china clay, white clay or fire clay), building stone (state), road metal, earth, fullers earth (marl chalk) and lime stone.

Provided that-

- (i) The working do not extend below superjacent ground, or
- (ii) Where it is an open cast working-
- (a) The depth of the excavation measured from its highest to its lowest point nowhere exceeds six meters.
- (b) The number of persons employed on any one day does not exceed fifty, and
- (c) Explosives are not used in connection with the excavation.

4- यहाँ यह भी उल्लेख करना है कि मृतक श्री कुलदीप रैकवार उर्फ प्यारेलाल के पिता श्री सन्तराम एवं उनकी माता श्रीमती हीरामनी को रु0 14.00 लाख प्रतिकर के रूप में भुगतान कर दिये जाने पर समझौता दिनांक 18.03.2024, मृतक श्री प्रेमचन्द्र कुशवाहा पुत्र श्री रामरतन कुशवाहा एवं उनकी माता श्रीमती आशा को रु0 13,25,000.00 (रु0 तेरह लाख पच्चीस हजार) भुगतान करने पर समझौता दिनांक 19.03.2024, मृतक श्री राममिलन कुशवाहा पुत्र श्री सीताराम की पत्नी श्रीमती रेखा को रु0 15.00 लाख प्रतिकर के रूप में समझौता दिनांक 18.03.2024, मृतक श्री रामफल अहिरवार पुत्र श्री चुन्नु अहिरवार एवं उनकी पत्नी श्रीमती अनीता को रु0 16.00 लाख प्रतिकर के रूप में समझौता दिनांक 14.03.2024 एवं श्री धीरेन्द्र सिंह उर्फ धीरू पुत्र श्री रामविशाल सिंह निवासी ग्राम बसरेही थाना मटौंध जनपद-बांदा के चिकित्सीय प्रतिपूर्ति करने की शर्त के अधीन दिनांक 18.03.2024 से हो गया है।

उक्त समझौताओं की छाया प्रतियां समेकित रूप से संलग्नक-दो के रूप में यहाँ संलग्न की जा रही है।

—धनराज सिंह



5— इसी संदर्भ में यह भी उल्लेख करना है कि प्रथम सूचना रिपोर्ट दिनांक 12.03.2024 के विरुद्ध शपथकर्ता ने माननीय उच्च न्यायालय इलाहाबाद में Criminal writ petition no.-7672 वर्ष 2024 धनराज सिंह बनाम उत्तर प्रदेश राज्य व 3 अन्य प्रस्तुत की थी, जिस पर माननीय उच्च न्यायालय इलाहाबाद ने निर्णय दिनांक 20.05.2024 पारित कर निम्न लिखित निर्देश दिये गये हैं :-

1. *Heard learned counsel for the petitioner and learned AGA for the State-respondents.*
2. *Learned counsel for the petitioner submits that death of four labours during mining operation has occurred due to natural calamity. Counsel for the petitioner submits the petitioner has paid compensation to the family members of the deceased since he was the licence holder of the mining operations. The police investigation is still going on.*
3. *Learned AGA has opposed the submissions and has stated that the four labours have died on account of negligence on the part of the petitioner.*
4. *This writ petition is disposed of with direction that till cognizance is taken on the police report by the court below, the petitioner shall not be arrested pursuant to the impugned F.I.R. dated 12.03.2024, registered as Case Crime No. 66 of 2024, under Sections- 304 IPC and 60 (2) of U.P. Minor Minerals (Concession) Rules, 2021, Police Station Kabrai, District Mahoba. subject to cooperation in on going investigation.*
5. *The investigating Officer will conclude the investigation within a period of 60 days.*

6— इसी संदर्भ में यह भी विनम्रतापूर्वक उल्लेख करना है कि वर्तमान में पट्टेदार/स्पष्टीकरण प्रस्तुतकर्ता खनन पट्टा के संचालन हेतु सभी शर्तों एवं मानकों को पूरा कर रहा है तथा मृतक श्रमिकों को समझौतानुसार धनराशि की प्रतिपूर्ति कर दी गई है एवं आपराधिक प्रकरण में नियमानुसार जांच चल रही है, जिसके कारण खनन कार्य प्रतिबंध रखने से एक ओर राजस्व की क्षति होगी और वहीं दूसरी ओर श्रमिकों को

— धनराज सिंह



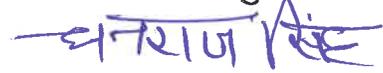
राजगार के अवसरों का अभाव होगा। जो वर्तमान परिवेश में समाज के हित में नहीं होगा।

अतः विनम्र प्रार्थना है कि विषयगत खनन पट्टा क्षेत्र से खनन/परिवहन करने हेतु लगाये गये प्रतिबन्ध को समाप्त करने की कृपा करें।

स्पष्टीकरण प्रस्तुतकर्ता आपकी इस महान दया के लिये सदा अभारी रहेगा।

संलग्नक : यथोपरि।

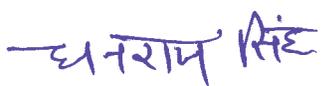
स्पष्टीकरण प्रस्तुतकर्ता



(धनराज सिंह)

पुत्र श्री शिवराज सिंह,
निवासी-विवेक नगर, कबरई,
तहसील व जनपद महोबा (उ०प्र०)





Date 29 August 2024

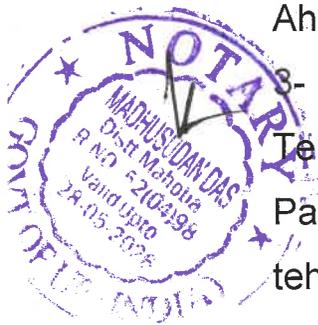
To,
The District Officer
Mahoba.

Subject: Humble explanation in compliance of the direction, issued by yourself regarding sudden accident occurred on 12.03.2024 in mining lease area sectioned for period 02.03.2019 up to 01.03.2029 for mining of building stone like granite khand and boulder in 2.024 hectare area situate in Aragi no. 1939 (khand No.01 New) at village Pahra Tehsil Sadar District Mahoba.

Sir,

It has been directed through aforesaid subjected vide notice and order office letter No. 2478/mmc-30- mineral/2023-24 dated 12.03.2024 to submit explanation along with evidence regarding the unnatural accident, Please acknowledge the aforesaid context.

2- In compliance of yours aforesaid order dated 12.03.2024 I want to say that despite having proper management after due consideration on all point of safety in the said mining area, said accident was taken place naturally without anticipation. Neither the lessee nor the worker working in the mining is guilty for this sudden accident because all workers and lessee themselves were working carefully with intention to keep their body safe. At 12.30 o' clock on 12.03.2024 rocks suddenly moved without any anticipation in the mining lease area wherein worker 1- Shri Premchandra Kushwaha son of Shri Ramrattan Kushwaha resident of Jyoraha police station Jujhar district Chhatarpur (MP.) worker 2- Shri Ramphool Ahirwar son of Chunnu Ahirwar resident of village Pahra Tehsil and district Mahoba, worker 3- Shri Rammilan Kushwaha son of Sitaram resident of village Pahra Tehsil and District Mahoba, worker 4- Shri Kuldeep Raikwar @ Payarelal son of Shri Santram Raikwar resident of village Nahdaura tehsil and district Mahoba died and worker -5 Shri Dharendra Singh @ Dhiru son of Shri Ramvishal Singh resident of village Basrehi



— धनराज सिंह

police station Mataundha district Banda has injured who is safe at present. It is responsibility of lessee that as soon as the accident took place he may inform immediately to the district administration but due to the accident the clarification presenter was busy in management of their treatment etc and my clerk Shri Lokendra Singh Chauhan son of Shri Lallu Singh resident of Kabrai tehsil and district Mahoba got available written information in police station Kabrai within one hour from the accident. Therefore it is clear that I producer of explanation got informed the police station Kabrai immediately regarding accident through my clerk but I am seeking unconditional apology for not giving in time information to the mining department.

3- Regarding the said mining area I clarification presenter has got earlier environment clearance on 01.12.2019 and CTO on 05.06.2023 from Director General mining and safety, deployment of mining manager on 05.07.2024 etc of which photo copies are being enclosed as annexure-1 collectively. Here it is necessary to mention that under the provision of section 3 of the Mines Act 1952 if the mining is done without explosion by gunpowder and less than 50 workers are employed in a day and the lower point is located at a distance of more than 6 meter from the higher place and in case of open caste mining the provisions of the mining Act 1952 are not applicable. The relent part of the provision of section 3 as follow.

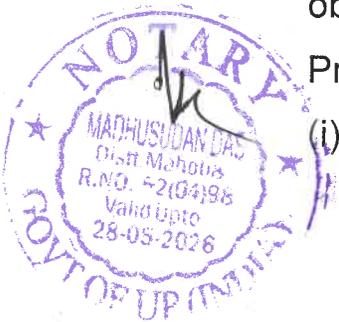
// 3. Act not to apply in certain cases.

(1)The provisions of this act expect those contained in (secs. 7,8,9,40,45 and 46) shall not apply to-

(a) Any mine or part thereof in which excavation is being made for prospecting purposes only and not for the purpose of obtaining minerals for use or sale.

Provided that-

(i) Not more than twenty persons are employed on any one day in connection with any such excavation.



चतराज सिंह

- (ii) The depth of the excavation measured from it highest to its lowest point nowhere exceeds six meters or in the case of an excavation for coal, fifteen meters and
- (iii) No part of such excavation extends below superjacent grounds, or
- (b) Any time engaged in the extraction of kankar murrum, laterite, boulder, gravel, shingle, ordinary sand (excluding kaolin, china clay, white clay or fire clay) building stone (state) road metal, earth, fullers earth (marl chalk) and lime stone.

Provided that –

- (i) That working do not extend below superjacent ground, or
- (ii) Where it is an open caste working-
 - (a)The depth of the excavation measured from it highest to its lowest point nowhere exceeds six meters.
 - (b)The number of person employed on any on day does not exceed fifty, and
 - (c)Explosives are not used in connection with the excavation.”

//true copy”

4- It has to be mentioned here that the compromise was done with Shri Santram and Smt Hiramani parents of the deceased shri Kuldeep Raikwar @ Pyarelal and paid compensation of Rs. 14.00 Lakh vide compromise dated 18.03.2024, with shri Ramrattan Kushwa and Smt Asha parent of the deceased Shri Premchandra Kushwaa and paid compensation of Rs. 13,25,000/- (Thirteen lakh twenty five thousand) vide compromise dated 19.03.2025, with Smt Rekha wife of Shri Sitaram parent of the deceased Rammilan Kushwaha and paid compensation of Rs. 15.00 Lakh vide compromise dated 18.03.2024, Shri Chunnu Ahirwar and his wife Smt Anita prents of the deceased Shri Ramphal Ahirwar and paid compensation of Rs. 16.00 Lakh vide compromise dated 14.03.2024 and shri Dharendra Singh @ Dhiru son of Shri Ramvishal Singh resident of village Basrehi police station Mataundh district Banda under medical reimbursement dated 18.03.2024 respectively.

—धनराज सिंह



Photo copies of said compromise are being enclosed as annexure -2.

5- In this context b it is mentioned that the deponent had filed criminal writ petition 7672 of 2024 Dhanraj Singh vs State of Uttar Pradesh and 3 other against the first information report dated 12.03.2024 on which the Hon'ble High Court Allahabad passed the following direction vide judgment dated 20.05.2024.

"1. Heard learned counsel for the petitioner and learned AGA for the State-respondents.

2. Learned counsel for the petitioner submits that death of four labours during mining operation has occurred due to natural calamity. Counsel for the petitioner submits the petitioner has paid compensation to the family members of the deceased since he was the license holder of the mining operations. The police investigation is still going on.

3. Learned AGA has opposed the submissions and has stated that the four labours have died on account of negligence on the part of the petitioner.

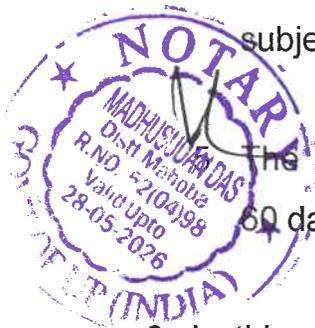
4. This writ petition is disposed of with direction that till cognizance is taken on the police report by the court below, the petitioner shall not be arrested pursuant to the impugned F.I.R. dated 12.03.2024, registered as Case Crime No. 66 of 2024, under Section-304 IPC and 60 (2) of U.P. Minor Minerals (Connection) Rules, 2021, Police Station Kabrai, District Mahoba, subject to cooperation in ongoing investigation.

The Investigation Officer will conclude the investigation within a period of 60 days."

//True copy//

6- In this context it has to be mentioned with due respect that at present the lessee /clarification presenter is fulfilling all condition and norms for operation of the mining lease and as per compromise the deceased workers has been paid compensation and in criminal case investigation is going on. Thus restriction of mining activities would cause revenue one hand and other hand there would be lack of opportunity of labour employment which would not be in the interest of society in the present atmosphere.

धनराज सिंह



It is respectfully prayed that that restriction imposed on mining/transportation from the said mining lease area be set aside.

Clarification presenter be very obliged for this act.

Annexure: as per above

Clarification presenter

(Dhanraj Singh)
Son of shri Shivraj Singh
Resident of Vivek Nagar Kabrai
Tehsil and district Mahoba (UP).

//English Translation//



—धनराज सिंह

कार्यालय जिलाधिकारी महोबा
(खनन अनुभाग)

29

पत्रांक 1896/एम0एम0सी0-30-खनिज/2024-25

दिनांक 26/02/2025

आदेश

भूतत्व एवं खनिकर्मा अनुभाग, उमप्र0 शारान, लखनऊ के शारानादेश संख्या-3236/ 86-2017 दिनांक 12.12.2017 द्वारा प्रदेश में इमारती पत्थर तथा खण्डा, गिट्टी, मोल्डर पटिया, लाल गोरम आदि(ग्रेनाइट आयासी पत्थर को छोड़कर) के रिक्त क्षेत्रों को उमप्र0 उपखनिज (परिहार) नियमावली 1963 के 43वें संशोधन के अध्याय-4 के अन्तर्गत ई-निविदा राह ई-नीलाभी के माध्यम से जनपद-महोबा की तहसील महोबा स्थित ग्राम-पहरा के गाटा संख्या-1939 खण्ड संख्या 01 रकबा 2.024 हेक्टेयर में उपखनिज इमारती पत्थर, खण्डा, गिट्टी, मोल्डर मात्रा 20240 घनमीटर प्रतिवर्ष हेतु सर्वाधिक बोली रू0 226/-प्रति घनमीटर की दर से श्री धनराज सिंह निवासी विवेक नगर, कबरई जिला महोबा के पक्ष में दिनांक 02.03.2019 से 01.03.2029 तक 10 वर्ष की अवधि के लिए खनन पट्टा स्वीकृत/निष्पादित है।

- (2) पट्टाधारक द्वारा उक्त खनन पट्टा क्षेत्र में अनुमोदित खनन योजना के अनुसार खनन संक्रियाएं न करने के कारण दिनांक 12.03.2024 को दुर्घटना घटित हुई, जिसमें श्रमिक 1-श्री प्रेमचन्द कुशवाहा पुत्र श्री रामरतन कुशवाहा निवासी ज्योरहा थाना जुझार जनपद छतरपुर म0प्र0 2-श्री रामफूल अहिरवार पुत्र श्री चून्नु अहिरवार निवासी ग्राम पहरा तहसील व जनपद महोबा 3- श्री राममिलन कुशवाहा पुत्र श्री सीताराम निवासी ग्राम पहरा तहसील व जनपद महोबा 4- श्री कुलदीप रैकवार उर्फ प्यारेलाल पुत्र श्री सन्तराम रैकवार निवासी ग्राम नहदौरा तहसील व जनपद महोबा की मृत्यु हो गयी तथा एक व्यक्ति श्री धीरेन्द्र सिंह उर्फ धीरू पुत्र श्री रामविशाल सिंह निवासी बसरेही थाना मटौध जनपद बांदा घायल हो गये।
- (3) पट्टाधारक श्री धनराज सिंह निवासी विवेक नगर, कबरई जिला महोबा के पक्ष में स्वीकृत खनन पट्टा क्षेत्र ग्राम पहरा गाटा संख्या 1939 खण्ड संख्या 01 नया रकबा 2.024हे0 में दिनांक 12.03.2024 को दुर्घटना के उपरान्त खान निरीक्षक एवं ज्येष्ठ खान अधिकारी द्वारा संयुक्त रूप जाँच कर आख्या दिनांक 12.03.2024 प्रस्तुत की गयी, जिसमें अवगत कराया गया कि:-
- I- उक्त खनन पट्टा क्षेत्र का निरीक्षण के दौरान उपस्थित ग्रामवासियों एवं श्रमिकों से घटित घटना के सम्बन्ध में पूछताछ की गयी जिससे ज्ञात हुआ कि खनन पट्टा क्षेत्र में गिट्टी व पत्थर ढहने के कारण श्रमिक 1-श्री प्रेमचन्द कुशवाहा पुत्र श्री रामरतन कुशवाहा निवासी ज्योरहा थाना जुझार जनपद छतरपुर म0प्र0 2-श्री रामफूल अहिरवार पुत्र श्री चून्नु अहिरवार निवासी ग्राम पहरा तहसील व जनपद महोबा 3-श्री राममिलन कुशवाहा पुत्र श्री सीताराम निवासी ग्राम पहरा तहसील व जनपद महोबा 4-श्री कुलदीप रैकवार उर्फ प्यारेलाल पुत्र श्री सन्तराम रैकवार निवासी ग्राम नहदौरा तहसील व जनपद महोबा की मृत्यु हो गयी तथा एक व्यक्ति श्री धीरेन्द्र सिंह उर्फ धीरू पुत्र श्री रामविशाल सिंह निवासी बसरेही थाना मटौध जनपद बांदा घायल है।
 - II - उक्त दुर्घटना, फंस व बेंच के ऊपरी हिस्से में लटकते हुए पत्थरों की सुरक्षित झड़ाई नहीं करने एवं सुरक्षा मानकों का पालन न किये जाने के कारण घटित हुई।
 - III- मौके पर खनन कार्य खान प्रबन्धक की अनुपस्थिति में कराया जाना पाया गया है। मौके पर श्रमिकों की सुरक्षा हेतु कोई सुरक्षा उपकरण नहीं पाया गया।
 - IV- स्वीकृत क्षेत्र पर सीमास्तम्भ स्थापित नहीं पाये गये।
- (4) घटना के क्रम में पट्टाधारक को विरूद्ध भा0द0सं0 1860 की धारा 304 एवं उत्तर प्रदेश उपखनिज (परिहार) नियमावली 2021 नियम-60(2) के अन्तर्गत थाना कबरई में प्रथम सूचना रिपोर्ट संख्या 0066 दर्ज करायी गयी तथा कार्यालय पत्र संख्या 2498/एम0 एम0सी0-30/खनिज/2023-24 दिनांक 12.03.2024 द्वारा घटना के दृष्टिगत खनन पट्टा क्षेत्र से खनन/परिवहन कार्य को अग्रिम आदेशों तक प्रतिबन्धित करते हुए स्पष्टीकरण प्रस्तुत करने के निर्देश दिये गये, जिसकी प्रति निदेशक, खान सुरक्षा निदेशालय गाजियाबाद क्षेत्र गाजियाबाद को जाँच कराकर नियमानुसार कार्यवाही हेतु भी भेजा गया तथा कार्यालय पत्र संख्या 1799/जे0ए0/2023-24 दिनांक 12 मार्च, 2024 द्वारा घटना की मजिस्ट्रीयल जाँच हेतु अपर जिलाधिकारी (वि0/रा0) महोबा की अध्यक्षता में टीम गठित की गयी, गठित द्वारा प्रस्तुत जाँच आख्या में उल्लेख किया गया कि "दिनांक 12.03.2024 को ग्राम पहरा थाना कबरई जनपद महोबा में खनन क्षेत्र गाटा संख्या 1939 खण्ड संख्या 01 में पहाड़ के ऊपरी भाग से गिट्टी/पत्थर अचानक गिरने से कार्य कर रहे 04 व्यक्तियों की मलमे में दबने से मृत्यु हो गयी। जाँच में खनन कार्य सम्बन्धित नियमों का पालन



-धनराज सिंह

न करने के लिए पट्टेधारक दोषी है। जिसके द्वारा खनन सम्बन्धी मापदण्डों/मानकों, धात्विक खान विनियम के विनियमों, पट्टा विलेख में इंगित शर्तों में मुख्य रूप से भाग-3 सामान्य उपबन्ध नियम-1, 12 व 13 तथा खनन योजना की शर्तों का उल्लंघन किया गया है।" जिसे शासन को कार्यालय पत्र संख्या 1841/एम0एम0सी0-30 दिनांक 13.02.2025 द्वारा आवश्यक कार्यवाही हेतु प्रेषित किया गया।

- (5) कार्यालय पत्र संख्या 15/एम0एम0सी0-30-मानवाधिकार/2024-25 दिनांक 05.04.2024 द्वारा निदेशक, खान सुरक्षा महानिदेशालय, गाजियाबाद क्षेत्र गाजियाबाद से सुरक्षा मानकों की जाँच कराने हेतु पत्र प्रेषित किया गया। उक्त के क्रम में खान सुरक्षा निदेशक, गाजियाबाद क्षेत्र, गाजियाबाद द्वारा अपने पत्र संख्या निदेशक/गाजियाबाद क्षेत्र/2024/459 दिनांक 10.04.2024 द्वारा अवगत कराया गया कि " यह कार्यालय खान अधिनियम, 1952 के अर्न्तगत बने नियमों व विनियमों के अधीन खान में कार्यरत श्रमिकों की सुरक्षा से संबंधित कार्य करता है। खनन में घटित दुर्घटना की जाँच खान अधिनियम, 1952 के रोकेशन 23 के अनुसार जाँच की जाती है। उपरोक्त दुर्घटना की जाँच पूर्ण होने के पश्चात जाँच रिपोर्ट खान सुरक्षा महानिदेशालय मुख्यालय धनबाद में जमा की जायगी। उपरोक्त दुर्घटना की जाँच रिपोर्ट खान सुरक्षा महानिदेशालय मुख्यालय धनबाद से प्राप्त की जा सकती है।" पत्र के साथ PREMINARY REPORT ON FATAL ACCIDENT में उल्लेख किया गया है कि Action Taken: an Order under Section 22(3) of the Mines Act, 1952 prohibiting employment of persons in the Pahara Stone Mine(Araji No. 1939 Khand 01) of Shri Dhanraj Singh was issued vide Lt. No. निदेशक/गाजियाबाद क्षेत्र/महोबा/Order US 22(3)/2023/323 गाजियाबाद, दिनांक 26-03-2024"
- (6) कार्यालय पत्रांक 16/एम0एम0सी0-30-खनिज/2024-25 दिनांक 05.04.2024 द्वारा श्रम प्रवर्तन अधिकारी महोबा को जाँच उपलब्ध कराने हेतु पत्र प्रेषित किया गया। श्रम प्रवर्तन अधिकारी महोबा ने अपने कार्यालय पत्र संख्या 63/का0श्र0प्र0अधि0महोबा/2023-24 दिनांक 10.04.2024 द्वारा अवगत कराया गया कि " उक्त घटना के क्रम में मेरे द्वारा घटना स्थल पर दिनांक 13.03.2024 को पहुँचकर स्थलीय जाँच की गयी जिसमें पाया गया कि घटना स्थल पर श्रमिकों की सुरक्षा मानकों की अनदेखी की जा रही थी एवं श्रमिकों की सुरक्षा हेतु कोई सुरक्षा उपकरण नहीं उपलब्ध कराये जा रहे और न ही श्रमिकों के सुरक्षा के प्रबन्ध है।"
- (7) जिलाधिकारी महोबा द्वारा श्री धनराज सिंह को दिनांक 12.03.2024 को उनके पट्टा क्षेत्र में खनन की प्रक्रिया के समय हुई दुर्घटना के सम्बन्ध में कारण बताओं नोटिस दी गयी, जिसके सम्बन्ध में श्री धनराज सिंह द्वारा अपना उत्तर दिनांक 29.08.2024 प्रस्तुत किया गया। इसी प्रकरण में मजिस्ट्रेटीयल जाँच करायी गयी, जिसकी आख्या दिनांक 24.12.2024 जिलाधिकारी कार्यालय में प्राप्त हुई जिस पर ज्येष्ठ खान अधिकारी महोबा से आख्या प्राप्त की गयी, ज्येष्ठ खान अधिकारी द्वारा पत्र संख्या 1836/एम0एम0सी0-30-खनिज/2024-25 दिनांक 11.02.2025 को आख्या प्रस्तुत कर अवगत कराया गया कि "पट्टाधारक श्री धनराज सिंह द्वारा खनन की प्रक्रिया में किये गये अनुबन्ध एवं उत्तर प्रदेश उपखनिज (परिहार) नियमावली 2021 के नियमों का उल्लंघन किया गया है, जिसके कारण श्री धनराज सिंह को खनन पट्टा संचालन की अनुमति दिया जाना उचित प्रतीत नहीं होता है।"

मजिस्ट्रेटीयल जाँच आख्या दिनांक 24.12.2024 पर ज्येष्ठ खान अधिकारी, महोबा से दिनांक 11.02.2025 को आख्या प्राप्त की गयी। ज्येष्ठ खान अधिकारी की आख्या प्राप्त होने के उपरान्त इस कार्यालय के नोटिस दिनांक 17-02-2025, जिसके साथ मजिस्ट्रेटीयल जाँच आख्या दिनांक 24-12-2024 एवं ज्येष्ठ खान अधिकारी की जाँच आख्या दिनांक 11-02-2025 संलग्न की गयी थी, के द्वारा श्री धनराज सिंह को सुनवाई/पक्ष रखने हेतु पूर्ण अवसर प्रदान करने के लिए दिनांक 25.02.2025 तिथि नियत की गयी। श्री धनराज सिंह पट्टेधारक द्वारा दिनांक 25-02-2025 को 01.00 बजे अपरान्ह में जिलाधिकारी कार्यालय में उपस्थित होकर लिखित रूप से अपने राक्ष्य/अभिलेख प्रस्तुत किये गये। पट्टेधारक के उपरोक्त प्रस्तुत उत्तर दिनांक 25.02.2025 पर ज्येष्ठ खान अधिकारी महोबा से आख्या प्राप्त की गयी, जिसके क्रम में ज्येष्ठ खान अधिकारी महोबा द्वारा दिनांक 25.02.2025 को अपनी आख्या प्रस्तुत कर अवगत कराया गया है कि "दिनांक 25-02-2025 को प्रस्तुत प्रत्यावेदन में ऐसा कोई नया बिन्दु नहीं है, जो पुनः विचार किये जाने योग्य हो। अतः दिनांक 11-02-2025 की जाँच आख्या के आधार पर पट्टाधारक श्री धनराज सिंह द्वारा खनन की प्रक्रिया में किये गये अनुबन्ध एवं उत्तर प्रदेश उपखनिज (परिहार) नियमावली 2021 के नियमों का उल्लंघन किया गया है, जिसके कारण श्री धनराज सिंह को खनन पट्टा संचालन की अनुमति दिया जाना उचित प्रतीत नहीं होता है।"



धनराज सिंह

श्री धनराज सिंह द्वारा दिये गये उत्तर दिनांक 29.08.2024, 08.11.2024 एवं दिनांक 25.02.2025, मजिस्ट्रेटरीयल जॉच आख्या दिनांक 24.12.2024 ज्येष्ठ खान अधिकारी द्वारा दी गयी आख्या दिनांक 11.02.2025 व 25.02.2025 का अध्ययन एवं अवलोकन किया गया। श्री धनराज सिंह के पक्ष में स्वीकृत खनन पट्टा क्षेत्र ग्राम पहरा के गाटा संख्या 1939 खण्डा संख्या 1 रकबा 2.024 हे० के सम्बन्ध में किये गये पट्टाविलेख दिनांक 02.03.2019 के भाग-3 सामान्य उपबन्ध-1 "यदि पट्टेदार उत्तर प्रदेश उप खनिज (परिहार) नियमावली, 1963 के किसी नियम या इस पट्टे की किसी प्रसंविदा तथा किसी शर्त को भंग करे तो राज्य सरकार खनन पट्टा समाप्त कर सकती है और प्रतिभूति जमा पूर्णतः यां अंशतः जब्त कर सकती है, किन्तु प्रतिबन्ध यह है कि पट्टा समाप्त किये जाने के पूर्व पट्टेदार को उन्हें भंग करने का स्पष्टीकरण देने के लिए यथोचित अवसर दिया जायेगा।"

उपबन्ध-12 "यदि पट्टेदार द्वारा नियमों व खनन पट्टा, पर्यावरण स्वच्छता प्रमाण पत्र, खनन योजना आदि की शर्तों का उल्लंघन किया जाता है तब पट्टेदार को अपना मामला बताने की युक्ति युक्त अवसर प्रदान करने के पश्चात जिलाधिकारी, महोबा अथवा राज्य सरकार द्वारा पट्टा समाप्त किया जा सकता है।"

उपबन्ध-13 "पट्टेदार द्वारा किये गये खनन/परिवहन से जन-धन की हानि की दशा में ऐसी हानि के लिये पूर्ण रूप से वह उत्तरदायी होगा।" का उल्लेख किया गया है एवं उत्तर प्रदेश उपखनिज (परिहार) नियमावली-1963 के नियम-60 (1) में उल्लिखित है कि "पट्टेदार द्वारा इन नियमों या पट्टे में दी गई या दी गई समझी जाने वाली शर्तों और प्रसंविदाओं के, सिवाय उनके, जो स्वामित्व, भाटक या राज्य सरकार को देय अन्य धनराशियों के भुगतान से संबंधित हों, भंग या उल्लंघन किये जाने की दशा में राज्य सरकार पट्टेदार को अपना मामला बताने को युक्तियुक्त अवसर प्रदान करने के पश्चात पट्टा समाप्त कर सकती है। यह अधिकार नियम 59 के उपबंधों के अतिरिक्त होगा और इसका उस पर कोई प्रतिकूल प्रभाव नहीं पड़ेगा।"

अतः मजिस्ट्रेटरीयल जॉच रिपोर्ट दिनांक 24.12.2024 एवं ज्येष्ठ खान अधिकारी महोबा की जॉच रिपोर्ट दिनांक 11.02.2025 व दिनांक 25.02.2025 में उल्लिखित तथ्यों के आलोक में श्री धनराज सिंह पुत्र स्व० श्री शिवराज सिंह निवासी विवेक नगर कबरई हाल निवासी मु० इन्दिरानगर, कबरई थाना कबरई तहसील व जिला महोबा के पक्ष में उ०प्र० उपखनिज (परिहार) नियमावली 1963 के अध्याय-4 व शासनादेश संख्या 3236 दिनांक 12.12.2017 के अधीन ई-नीलामी सह ई-निविदा के माध्यम से दिनांक 02.03.2019 से 01.03.2029 तक 10 वर्ष हेतु स्वीकृत इमारती पत्थर (खण्डा, गिट्टी, बोलडर) का खनन पट्टा क्षेत्र जनपद महोबा की तहसील महोबा स्थित ग्राम पहरा के गाटा संख्या 1939 खण्डा संख्या 1 रकबा 2.024 हे० क्षेत्र को तत्काल प्रभाव से निरस्त करते हुए खनन क्षेत्र को रिक्त घोषित किया जाता है तथा पट्टा विलेख की शर्तों एवं उत्तर प्रदेश उपखनिज (परिहार) नियमावली 1963 के नियमों के उल्लंघन की दशा में जमा प्रतिभूति की धनराशि रु० 11,45,760.00 राज्य सरकार के पक्ष में जब्त की जाती है।

जिलाधिकारी
महोबा।

संख्या व दिनांक उक्त।

प्रतिलिपि- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

- 1- सचिव, भूतत्व एवं खनिकर्म, उत्तर प्रदेश शासन लखनऊ।
- 2- निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र० लखनऊ।
- 3- प्रभारी अधिकारी (खनिज) महोबा।
- 4- क्षेत्रीय प्रभारी अधिकारी, भूतत्व एवं खनिकर्म विभाग, प्रयागराज।
- 5- ज्येष्ठ खान अधिकारी, महोबा को इस निर्देश के साथ प्रेषित कि प्रश्नगत खनन पट्टा क्षेत्र की Lease Id Deactivate तत्काल करें।
- 6- तहसीलदार महोबा को इस निर्देश के साथ प्रेषित कि उक्त नोटिस की तामीली कराकर तामिला रिपोर्ट तत्काल कार्यालय को उपलब्ध कराना सुनिश्चित करें।
- 7- श्री धनराज सिंह पुत्र स्व० श्री शिवराज सिंह निवासी विवेक नगर कबरई हाल निवासी मु० इन्दिरानगर, कबरई थाना कबरई तहसील व जिला महोबा मो० नं० 9695547030 ई-मेल आई०डी०- dhanrajji2017@gmail.com

जिलाधिकारी
महोबा।



धनराज सिंह

**Office of District Officer Mahoba
(Mining Section)**

Letter No. 1896/mmc-30-mining/2024-25 date 26/02/2025

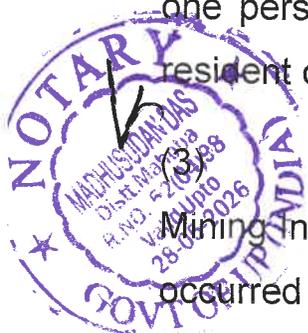
ORDER

The mining lease of gata No. 1939 khand No. 01 rakba 2.024 hectare for minor Mineral building stone, like khanda, bolder, Grit, Bolder, red morrum etc. quantity 20240 cubic meter per annum highest bid Rs. 226/ per cubic meter situate in village Pahra tehsil and district Mahoba through e tender cum auction under chapter -4 of 43rd amendment of UP Minor Mineral (concession) rules 1963 has been sanctioned/executed for the period 10 year from 02.03.2019 up to 01.03.2029 in the favour of Shri Dhanraj Singh resident of Vivek Nagar Kabrai District Mahoba on the vacant areas of State for the building stone like piece, crushed stone, bolder, red morum etc. (other than granite dimension stone) through the government order No. 3236/86-2017 dated 12.12.2017 issued by the Government of Uttar Pradesh. Geology and mining Section, UP Government, Lucknow.

(2) the accident was taken place on 12.03.2024 due to not caring out mining activities as per the mining scheme approved in the said mining lease area wherein worker 1- Shri Premchandra Kushwaha son of Shri Ramrattan Kushwaha resident of Jyoraha police station Jujhar district Chatarpur MP 2- Shri Ramphool Ahirwar son of Shri Chunnu Ahirwar resident o village Pahra tehsil and district Mahoba 3- Shri Rammilan Kushwaha son of Shri Sitaram resident of village Pahra tehsil and district Mahoba 4- Shri Kuldeep Rainkwar @ Pyarelal son of Shri Santram Rainkwar resident of village Nahdaura tehsil and district Mahoba died and one person shri Dharendra Singh @ Dhiru son of Shri Ramvishal Singh resident of Basrehi police station Mataudh district Banda got injured.

(3) The joint inquiry report dated 12.03.2024 was submitted by the Mining Inspector and Senior Mining Officer after accident dated 12.03.2024 occurred in village Pahra gata No. 1939 khand No. 1 New rakba 2.024 hectare approved mining lease area in the favour of the lease holder Shri

सहायक सीई



Dhanraj Singh resident of Vivek Nagar Kabrai District Mahoba wherein it is was mentioned that:-

I- During inspection of said mining lease area the villagers and workers present were asked about the said accident whereby it came to know that due to collapse of the earth and stone in the mining lease area, worker 1- Shri Premchandra Kushwaha son of Shri Ramrattan Kushwaha resident of Jyoraha police station Jujhar district Chhatarpur MP 2- Shri Ramphool Ahirwar son of Shri Chunnu Ahirwar resident of village Pahra tehsil and district Mahoba 3- Shri Rammillan Kushwaha son of Sitaram resident of village Pahra tehsil and district Mahoba 4- Shri Kuldeep Raikwar @ Pyarelal son of Shri Santram Raikwar resident of village Nahdaura tehsil and district Mahoba died and one person shri Dharendra Singh @ Dhiru son of Shri Ramvishal Singh resident of Basrehi police statin Mataudh district Banda got injured.

II- The said accident was taken place due to not proning safely the stones hanging in the upper portion of face and bench and not complying with the safety standard.

III- The mining activities were found on the spot in the absence of the mining manager. No safety tools were found on the spot for the safety of the workers.

IV- The boundary poll were not found to be installed on the sanctioned area.

(4). First information report No. 0066 was got registered under section 304 of PIC 1860 ad Uttar Pradesh Minor Mineral (concession) rule 2021 against the lease holder in the said accident and keeping view of the incident and restricting mining/transportation from the mining lease area by the office letter No. 2498 /mmc-30/mineral/2023 -24 dated 12.03.2024 the direction has given to submit explanation and its copy was sent to the Director Mining safety Directorate Ghaziabad region, for getting done inquiry and take action as per rule and a team was constituted in the chairmanship of additional District Officer (f/r) for the magisterial inquiry of the incident through office letter No. 1799/ja/2023-24 dated 12 March 2024,

सुनील सिंह

it has been mentioned in the inquiry report submitted by the team that on 12.03.2024 in village Pahra police station Kabrai district Mahoba 04 persons working died due to sudden collapse of earth/stone from the upper portion of mountain in the gata No. 1939 khand no. and pressed under debris. The lease holder is guilty of not complying with the concerned mining rules. Who has violated norms/standard, regulations of metallic mines, conditions mentioned in the lease deed specially from part -3 general provision rule-1,12 and 13 and conditions of mining scheme which was sent to the government through office letter No. 1841/mmc-30 dated 13.02.2024 for necessary action.

(5). Proposal was sent through office letter No. 15/mmc-30 human right/2024-25 dated 05.04.2024 to the Director, the Directorate General of Mining safety, Ghaziabad region for getting done inspection of safety norms. In continuation of the aforesaid, the Mining safety Director, Ghaziabad Region Ghaziabad has informed through its letter No. director/Ghaziabad region/2024/459 dated 10.04.2024 that this office works regarding safety of workers working in the mining under rules and regulation made under the Mining Act 1952. The inquiry of accident occurred in the mining is done as section 23 of the mining Act 1952. After completion of inquiry aforesaid accident, the inquiry report will be submitted in the Mining Safety Directorate General Head Office Dhanbad. The inquiry report of aforesaid accident can be received from the mining safety Directorate General Head Office Dhanbad. It has been mentioned preliminary report on fatal accident along with letter that Action taken: an order under section 22(3) of the Mines Act 1952 prohibiting employment of persons in the Pahara stone Mine (Araji No. 1939 Khand 01) of Shri Dhanraj Singh was issued vide Lt. No. Director/Ghaziabad Region /Mahoba/order US22(3)/2023/323Ghaziabad dated 26.03.2024.

(6) A letter vide office letter No. 16/mmc-30-mine/2024-25 dated 05.04.2024 was sent to the Labour Enforcement Officer Mahoba for getting available inquiry. The Labour Enforcement Officer Mahoba has informed through its office letter No. 63/K.Sra>Pra.Adhi. Mahoba/2023-24 dated 10.04.2024 that in the continuation of said incident I reached on the spot on 13.03.2024 and made the site inspection wherein it was found that the

ए.राज सिंह

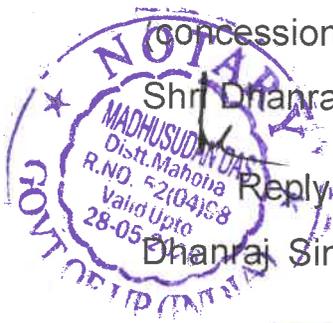
safety norms of Labour on the site is being ignored and no safety tool are being got available for the safety of the labourer and nor there is any arrangement for labour safety.

(7). The District Officer Mahoba served show cause notice to Shri Dhanraj Singh on 12.03.2024 regarding the accident occurred at the time of mining in his lease area. Regarding this Shri Dhanraj Singh has submitted his reply on 29.08.2024. Magisterial inquiry was got done in this case. its report was received in the office of District Officer on 24.12.2024 on which report was sought from senior mining officer Mahoba. Senior mining officer submitted report through its letter No. 1836/mmc-30-mineral /2024-25 dated 11.02.2025 and informed that the lease holder Shri Dhanraj Singh has violated agreement executed in the mining process and rules of UP Minor Mineral (concession) Rules 2021 thus it would not proper to permit Shri Dhanraj Singh to operate mining lease.

On the magisterial inquiry report dated 24.12.2024, report was sought on 11.02.2025 from the senior Mining Officer, Mahoba. After receiving report of the senior mining officer, notice of this office was enclosed along with the magisterial inquiry report date 24.12.2024 and inquiry report of the senior mining officer dated 11.02.2025 and date 25.02.2025 was fixed for giving full opportunity of hearing to Shri Dhanraj Singh. Shri Dhanraj Singh lease holder submitted his evidence/documents in writing being present in the office of District Officer on 25.02.2024 at 1.00 noon. Report was sought from the senior mining officer Mahoba on the aforesaid reply dated 25.02.2025 submitted by the lease holder. In that context the senior mining officer Mahoba submitted its report on 25.02.2025 and informed that on 25.02.2025 no such new issued has come the present representation which is liable to reconsider. Therefore on the basis of report dated 11.02.2025 the lease holder Shri Dhanraj Singh has violated agreement executed in the mining process and rules of UP Minor Mineral (concession) Rules 2021. Thus it does not appear to be proper to permit Shri Dhanraj Singh to operate the mining lease.

Reply dated 29.08.2024, 8.11.2024 and 25.02.2025 submitted by Shri Dhanraj Singh, magisterial inquiry report dated 24.12.2024, report dated

धनराज सिंह



11.02.2025 and 25.02.2025 submitted by the Senior Mining Officer were perused. Part-3 General provision -1 of lease deed dated 02.03.2019 executed regarding gata no. 1939 khand no.1 rakba 2.024 hectare mining lease area approved in the favour Shri Dhanraj Singh in village Pahra- " if the lease holder violates any rule of Uttar Pradesh Minor Mineral (concession) Regulation 1963 or any agreement of this lease and any condition, the State Government can terminate the mining lease and the deposited surety can be forfeited fully or partially but this is restriction that before terminating lease, reasonable opportunity of hearing will be given to the lease holder regarding explanation of termination."

Provision-12 " if the lease holder violates conditions of rules and mining lease, environment clearance certificate, mining scheme etc, after giving reasonable opportunity to show cause to the lease holder, the District Officer, Mahoba or state government can terminate the lease."

Provision-13 " in case of loss of life and property due to minging /transportation done by the lessee, he will be responsible fully for such loss, has been mentioned and it has been mentioned in rule 60(1) of Uttar Pradesh Minor Mineral (concession) rules 1963 that in case of breach or violation of the condition and covenants given or deemed to be given in these rules or lease , except those which relate to payment of ownership, rent or other amount due to the state government the state government may terminate the lease after giving the lessee a reasonable opportunity to explants his case. This right shall be addition to the provision of rules 59 and will not have any adverse effect on it.

In view of the aforesaid facts mentioned in the magisterial inquiry report dated 24.12.2024 and inquiry report dated 11.02.2025 and 25.02.2025 of senior mining officer Mahoba, terminating mining lease area of building stone (khanda, crushing stone, bolder) on gata no. 1939 khand no.1 rakba 2.024 hectare situated at village Pahara tehsil and district Mahoba approved for period of 10 years from 02.03.2019 up to 01.03.2029 through UP Minor Mineral (concession) rules 1963 chapter-4 and e auction cum e tender under government order No. 3236 dated 12.12.2017 in the favour of Shri Dhanraj Singh son of late Shri Shivraj Singh resident of Vivek

— श्रीधर सिंह



Nagar Kabrai at present resident of Mo. Indiranagar Kabrai police station Kabrai tehsil and district Mahoba and mining area is declared as vacant. The deposited surety Rs.11,45,760/- is forfeited in case of violation of condition of the lease deed and Uttar Pradesh Minor Mineral (concession) Rules 1963 in favour of State Government.

District Officer
Mahoba

No. and date as above.

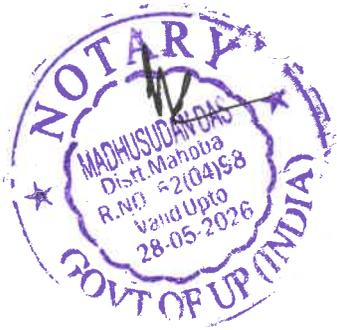
Copy to the following for information and necessary action.

1. Secretary geology and mining ,Uttar Pradesh Government Lucknow.
2. Director Geology and mining Directorate UP Lucknow.
3. In Charge Officer (mining) Mahoba.
4. Regional In Charge Office geology and mining department Prayagraj.
5. Senior mining officer, Mahoba with this direction that the lease Id of disputed mining lease area be deactivate immediately.
6. Tehsildar Mahobad with this direction to get served said notice and ensure to make available service report to this office.
7. Shri Dhanraj Singh son of late Shri Shivraj Singh resident of Vivek Nagar Kabrai at present resident of Mo. Indira Nagar Kabrai police station Kabrai tehsil and district Mahoba mobile No. 9695547030 email id dhanraajji2017@gmail.com.

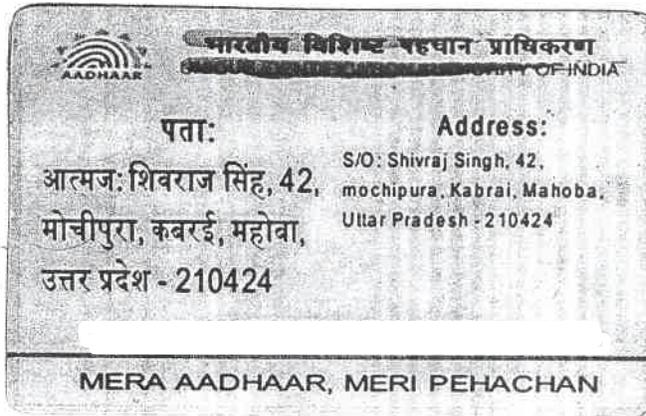
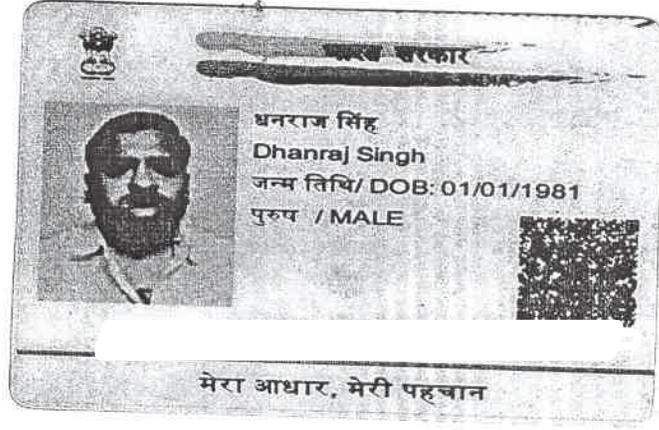
Sd/-

District Officer Mahoba.

//English Translation//



धनराज सिंह



धनराज सिंह



39

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.1254 of 2024**

Rupendra Singh.

..... **Applicant**

Versus

U.P. PCB & others

..... **Respondents**

KNOW ALL to whom these present shall come that We, Dhanraj Singh, Son of Sri Shivraj Singh, aged 44 years, resident of House No. 42, Mochipura, Kabrai] Tehsil and District- Mahoba (U.P.), duly authorized on behalf of Project Proponent, do hereby appoint (herein after called the advocate to be our 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. The 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

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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 this(10)..... day of September, 2025.

Accepted subject to the terms of fees.

Advocate



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

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Client

