

प्रेषक,

कहकशां नसीम,
अपर सचिव
उत्तराखण्ड शासन।

सेवा में,

Deepak Bora,
Panel Advocate,
Chamber No. 17,
New lawyers Chambers, Sctalvad block
Supreme Court of India, New Delhi-01,
M.N.-9971578987

पर्यावरण संरक्षण एवं जलवायु परिवर्तन अनुभाग

देहरादून: दिनांक: 24 मई, 2025

विषय:- मा.राष्ट्रीय हरित प्राधिकरण, नई दिल्ली में योजित मूल आवेदन संख्या-1360/2024 प्रेम प्रकाश थपलियाल बनाम उत्तराखण्ड राज्यादि के संबंध में।

महोदय,

उपरोक्त विषयक कृपया न्याय विभाग, उत्तराखण्ड शासन द्वारा निर्गत वकालतनामा संख्या-यू.ओ.-165/XXXVI-A-3/2025-15(12)2025, दिनांक 15.04.2025 का संदर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से प्रश्नगत वाद में आपको राज्य सरकार का पैनल अधिवक्ता आबद्ध किया गया है।

2- अतः इस संबंध में मुझे यह कहने का निदेश हुआ है कि मा.राष्ट्रीय हरित प्राधिकरण, नई दिल्ली में योजित मूल आवेदन संख्या-1360/2024 में मा.प्राधिकरण द्वारा दिनांक 25.02.2025 को पारित आदेश के अनुपालन में शासन द्वारा अनुमोदित Way of Affidavit को मा.प्राधिकरण में समयबद्ध रूप से दाखिल किये जाने हेतु अग्रेत्तर आवश्यक कार्यवाही करने का कष्ट करें।

संलग्नक:-यथोपरि।

भवदीया,

(कहकशां नसीम)
अपर सचिव।

संख्या एवं दिनांक-तदैव।

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

- (1) सदस्य सचिव, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून।
- (2) निदेशक, भू-तत्व एवं खनिकर्म इकाई, देहरादून।

(कहकशां नसीम)
अपर सचिव।

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

Original Application No. 1360/2024

In the Matter of:-

Prem Prakash Thapliyal

--- Applicant

Vs.

State of Uttarakhand & Ors.

--- Respondents

NDOH: 27.05.2025

Index

SL. No.	Particulars	Pg. No.
1.	Reply by way of Affidavit on behalf Of Additional Secretary, Department of Environment Conservation and Climate Change in lieu of the order dated 25.02.2025	
4.	Annexure A: Letter No. 225/XXXVIII-1-2025-15(12)2025 dated 23/04/2025 by the Additional Secretary, Department of Environment, Forest and Climate Change.	
2.	Annexure B: Letter No. 980 dated 20.05.2025 issued by the Department of Geology and Mining.	
3.	Annexure C: Letter No. UKPCB/HO/S.-183- 889/2025/291 dated 19.05.2025 issued by the Member Secretary, UKPCB.	

Filed By

DEEPAK BORA

Counsel for the State of Uttarakhand

17, New Lawyers Chambers,

Setalvad Block,

Supreme Court of India

New Delhi-110001

Mobile No. 9971578987

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

Original Application No. 1360/2024

In the Matter of:-

Prem Prakash Thapliyal

--- Applicant

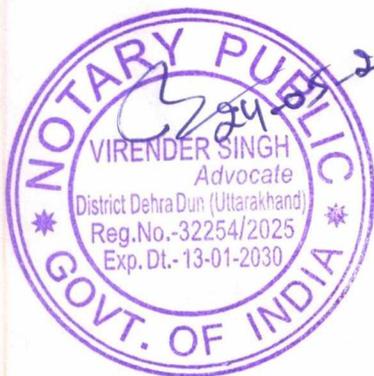
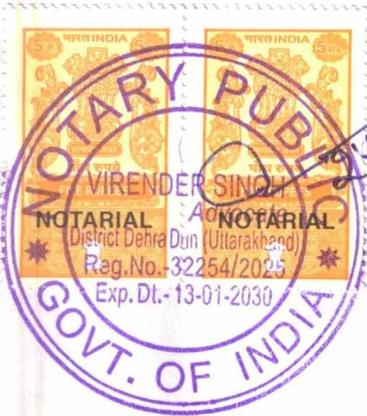
Vs.

State of Uttarakhand & Ors.

--- Respondents

Reply by way of Affidavit on behalf Of Additional Secretary,
Department of Environment Conservation and Climate
Change in lieu of the order dated 25.02.2025

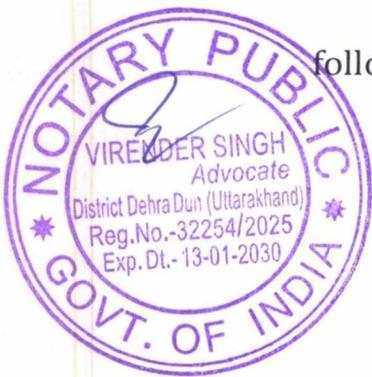
Affidavit of Kahkashan Naseem, aged about 44 years, D/o Late Shri Abdul Sattar Ansari, presently posted as Additional Secretary, Department of Environment, Forest and Climate Change, Government of Uttarakhand, on behalf of the Department of Environment and Forest.



Deponent

I, the above-named deponent does hereby solemnly affirm and state on oath as under: -

1. That the deponent herein is presently posted as Additional Secretary, Department of Environment, Forest and Climate Change, Government of Uttarakhand and is well conversant with the facts and circumstances of the present matter and is duly authorised by the competent authority to sign and swear this instant affidavit.
2. That the present affidavit is being filed in compliance with the direction of the Hon'ble National Green Tribunal vide its order dated 25.02.2025 passed in the above-mentioned Original Application No. 1360/2024, wherein the Hon'ble Tribunal was pleased to issue notice to the respondents and directed that reply by way of affidavit be filed prior to the next date of hearing. The relevant para of the above-said order is as follows:-



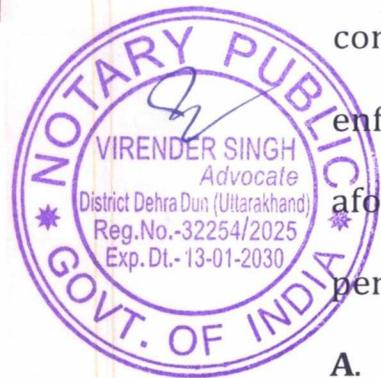
"3. Issue notice to the respondents for filing the reply by way of affidavit. Applicant is directed to serve the respondents and file the affidavit of service at least one week before the next date of hearing."

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3. That in compliance to the directions issued by the competent authority, the Additional Secretary, Department of Environment and Forest, Government of Uttarakhand, was pleased to issue an official communication dated 23/04/2025 bearing Letter No. 225/XXXVIII-1-2025-15(12)/2025. The said letter was addressed to the Secretary, Department of Geology and Mining, as well as to the Member Secretary, Uttarakhand Pollution Control Board (UKPCB). Through this communication, the Additional Secretary formally sought detailed information regarding the present status of the matter and the degree of compliance with the earlier binding orders passed by the Hon'ble National Green Tribunal (NGT) and the Hon'ble Supreme Court of India. The Principal Secretary specifically called for a clear and comprehensive account of the steps taken, if any, towards enforcement of the said judicial directives. A copy of the aforementioned letter is enclosed herewith for the kind perusal of this Hon'ble Tribunal and is marked as **Annexure A**.

4. That in response to the above-referenced letter, the Secretary, Department of Geology and Mining, and the Member

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Secretary, UKPCB, submitted their respective replies through their official communications dated 20.05.2025 and 19.05.2025, bearing Letter No. 980 and Letter No. UKPCB/HO/S.-183-889/2025/291, respectively. Copies of these replies are annexed herewith and are marked as **Annexure B** and **Annexure C**. In these communications, both authorities have sought to clarify the current factual position and compliance status with respect to the directions of the Hon'ble Supreme Court and the Hon'ble NGT. The details furnished in the said replies provide significant insight into the matter and the same are reiterated and incorporated herein for the record and consideration of this Hon'ble Tribunal:

- a) It is most respectfully submitted that all mining activities in the Doon Valley are governed by the statutory and regulatory framework laid down under various notifications and rules, and that the State Government and its authorities have taken and are taking all necessary actions in compliance with the applicable environmental safeguards.

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- b) That mining activities in the Doon Valley are governed by the Doon Valley Notification dated 01.02.1989 issued by the Ministry of Environment and Forests, Government of India. As per Clause (1) of the said Notification, no mining activity shall be undertaken in the Doon Valley without prior approval of the Union Ministry of Environment, Forest and Climate Change (MoEF&CC).
- c) That the above Notification was subsequently amended vide Notification dated 06.01.2020, which reaffirmed the requirement of obtaining prior approval from MoEF&CC before commencement of any mining activity.
- d) The latest Doon Valley Notification Amendment, 2025, issued by the MoEF&CC, has also retained the provision mandating prior environmental clearance from the Union Ministry before any mining operation.
- e) That the Central Pollution Control Board (CPCB) vide its office memorandum dated 07.01.2016 and further categorization dated 2025 has classified mining of



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sand/riverbed material from riverbeds and floodplains (excluding manual excavation) as follows:

1. Cluster mining (where lease areas are within 500m of each other) with area more than 5 hectares: RED category.
 2. Standalone mining leases of up to 5 hectares (not part of a cluster): ORANGE category.
- f) That the classification is based on the potential for ecological disturbance rather than the pollution index, and this classification has been duly adopted in the regulatory framework applicable in the State of Uttarakhand.
- g) It is further submitted that the consent to establish (CTE) and consent to operate (CTO) under the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, are granted by the Uttarakhand Pollution Control Board only after the grant of Environmental Clearance (EC) by the competent authority.
- h) For riverbed mining projects falling under Category B2, the competent authority is the State Environment



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Impact Assessment Authority (SEIAA), which acts based on the recommendations of the State Expert Appraisal Committee (SEAC).

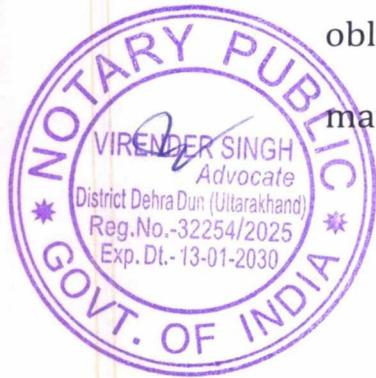
- i) That in coordination with the Directorate of Geology and Mining, the Uttarakhand Pollution Control Board, and the District Administrations, regularly undertakes field inspections, joint verifications, and satellite surveillance to monitor compliance with mining regulations.
- j) That wherever violations are detected, necessary enforcement actions including closure, imposition of penalties, and cancellation of leases are initiated in accordance with the applicable laws.
- k) It is respectfully submitted that pursuant to the Hon'ble Tribunal's directions in OA No. 692/2022 (Junaid Ayyubi vs. State of Uttarakhand & Ors.), joint committees have been constituted and compensation has been directed to be assessed on "Polluter Pays" principle.
- l) The Garhwal Mandal Vikas Nigam (GMVN) had previously operated several mining lots. After judicial scrutiny, the GMVN surrendered two lots which were



[Handwritten signature]

subsequently divided into 07 new lots and re-tendered with stringent pre-conditions, including requirement of fresh ECs, NBWL permissions (where applicable), demarcation and safe distance stipulations, as well as prior consent from the Pollution Control Board.

5. It is further submitted with utmost respect that the Department of Forest and Environment bears no statutory responsibility or administrative authority with regard to the specific grievances raised by the applicant in the present Original Application pending before the Hon'ble Tribunal. The issues in question fall outside the purview of the said department's jurisdiction, and accordingly, no direct role or obligation can be attributed to it in the context of the subject matter of the proceedings.



PRAYER

In view of the above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) Take on record the present affidavit filed by the Department of Forest and Environment;

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b) Pass such other order(s) as this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case.



DEPONENT

VERIFICATION

I, the deponent above named, do hereby verify that the contents of paragraphs 1 to 15 are true and correct to my personal knowledge and belief and nothing material has been concealed therefrom.

Verified at Dehradun on this 24th day of May, 2025.

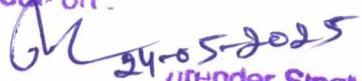


DEPONENT



SR. No. 273
Date 24-05-2025

This affidavit is sworn before me by
Sri. Kahkashan Naseem
who is identified by Sri. Hitesh Chhetri (C.O)
at Dehradun on .


24-05-2025
Virender Singh
Advocate & Notary, Dehradun

संख्या- 225 /XXXVIII-1-2025-15(12)2025

शीर्ष प्राथमिकता /कोर्ट-केस

प्रेषक,

कहकशां नसीम,

अपर सचिव

उत्तराखण्ड शासन।

सेवा में,

1. सचिव, खनन विभाग, उत्तराखण्ड शासन।
2. सदस्य सचिव, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून।

पर्या, संरक्षण एवं जलवायु परिवर्तन अनु. देहरादून: दिनांक: 23 अप्रैल, 2025
विषय:- मा0 राष्ट्रीय हरित प्राधिकरण, नई दिल्ली में योजित मूल आवेदन संख्या-1360/
2024 प्रेम प्रकाश थपलियाल बनाम उत्तराखण्ड राज्य एवं अन्य के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक मा0 राष्ट्रीय हरित प्राधिकरण, नई दिल्ली में योजित मूल आवेदन संख्या-1360/2024 प्रेम प्रकाश थपलियाल बनाम उत्तराखण्ड राज्य एवं अन्य में न्याय विभाग के वकालतनामा संख्या-165/XXXVI-A-3/2025-15(12)2025-Environment, दिनांक 15.04.2025 (छायाप्रति सलग्न) द्वारा श्री दीपक बोरा को पैनल अधिवक्ता नामित किया गया है।

2- अतः न्यायिक सलाहकार, मा0 राष्ट्रीय हरित प्राधिकरण, नई दिल्ली के पत्र दिनांक 05.03.2025 की प्रति प्रेषित करते हुए मुझे यह कहने का निदेश हुआ है कि कृपया प्रश्नगत वाद में मा.प्राधिकरण द्वारा पारित आदेश दिनांक 25.02.2025 के अनुक्रम में अपने-अपने विभाग से सम्बन्धित सुस्पष्ट वांछित आख्या/सूचना (एक सप्ताह के भीतर) शासन को उपलब्ध कराने का कष्ट करें।

प्रश्नगत प्रकरण में दिनांक 27.05.2025 को सुनवाई नियत होने के दृष्टिगत आपका व्यक्तिगत ध्यान भी अपेक्षित है।

भवदीया,

(कहकशां नसीम)

अपर सचिव।

संख्या एवं दिनांक-तदैव।

प्रतिलिपि:- श्री दीपक बोरा, पैनल अधिवक्ता, चैम्बर नं0-17, न्यू लॉयर चैम्बर्स, सीतलवाद ब्लॉक, सुप्रीम कोर्ट ऑफ इण्डिया, नई दिल्ली को न्याय विभाग द्वारा निर्गत वकालतनामा की मूलप्रति सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

(कहकशां नसीम)

अपर सचिव।

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मुख्यालय
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड
"गौरा देवी पर्यावरण भवन"

46बी, आई.टी. पार्क, सहस्त्रधारा रोड़, देहरादून

E-mail : ukpeblegalcell@gmail.com, दूरभाष : 0135-2607092

पत्रांक : यूकेपीसीबी/एच.ओ./सा0-183-889/2025/291,

दिनांक 19.05.2025

सेवा में,

अपर सचिव

पर्यावरण संरक्षण एवं जलवायु परिवर्तन अनु0

उत्तराखण्ड शासन, देहरादून।

विषय:- मा0 राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन सं0 1360/2024 प्रेम प्रकाश थपलियाल बनाम उत्तराखण्ड राज्य एवं अन्य के सम्बन्ध में।

महोदया,

उपरोक्त विषयक इस कार्यालय के पत्रांक यूकेपीसीबी/एच.ओ./सा0-183-889/2025/188 दिनांक 30.04.2025 का सन्दर्भ ग्रहण करना चाहें। दून घाटी अधिसूचना संशोधन 2025 के क्रम में पुनः अवगत कराना है कि:-

1. दून वैली नोटिफिकेशन 1989:- Mining approval of the union Ministry of Environment & Forest Must be obtained before starting any mining activity.
2. दून वैली नोटिफिकेशन संशोधित 2020:- पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की अधिसूचना 06.01.2020 द्वारा दून घाटी नोटिफिकेशन में निम्न संशोधित प्राविधान खनन हेतु किये गये:- "किसी भी खनन किया कलाप को शुरू करने के पहले संघ पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की मंजूरी अधिप्राप्त करनी होगी।" दून घाटी अधिसूचना के नवीनतम संशोधन 2025 में भी उक्त प्रावधान में कोई परिवर्तन नहीं है।
3. दून वैली नोटिफिकेशन संशोधन 2020 व 2025 में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा दिनांक 07.01.2016 के लाल, नारंगी, हरी/सफेद क्षेत्रों में किए गये औद्योगिक वर्गीकरण (समय-समय पर संशोधित) को लागू किया गया। वर्तमान में 2025 में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा नवीन श्रेणी वार विभाजन जारी किया गया है।
4. केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा रिवर बैड माइनिंग का श्रेणी निर्धारण निम्न प्रकार किया गया है।

RBM Mining Area	Category	Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation)
Mining lease area more than 5 hectares or Mining lease area up to 5 hectares which is part of cluster mining.	Red	i. Sand/Riverbed material mining from riverbed and its floodplains may cause ecological disturbances, erosion of riverbed, change in hydro-geological conditions & river ecosystem, etc. ii. Cluster mining means that the distance of mining lease area is less than 500 m from periphery of another lease area.
Standalone mining lease area up to five hectares in areas (not a part of any cluster mining)	Orange	iii. This categorization is made considering the ecological damages and not based on pollution potential/index. iv. Cluster mining as defined in 'Enforcement & Monitoring Guidelines for Sand Mining, 2020', issued by (MoEF &CC).

SO-Env
24/5/25

DS (Env.)

सूचनार्थ सादर प्रेषित।

1629/AS(Env)/2025
22/05/2025

भवदीय

(डा0 पराग मधुकर धकाते)
सदस्य सचिव

DS-Env Clean Environment and Healthy Life Style
स्वच्छ पर्यावरण व स्वस्थ जीवन शैली

24/5/25

Headquarters
Uttarakhand Pollution Control Board
"Gaura Devi Paryavaran Bhawan"
46B, IT Park, Sahastradhara Road, Dehradun
E-mail: skpchlegalcell@gmail.com, Phone 0135-2607092

Letter No.: UKPCB/HO/S.-183-889/2025/291,

Dated 19.05.2025

To,
Additional Secretary
Environment Protection and Climate Change Section
Uttarakhand Government, Dehradun.

Subject:- Regarding original application no. 1360/2024 filed in
Hon'ble National Green Tribunal in the matter of Prem Prakash
Thapliyal vs State of Uttarakhand and others.

Madam.

In respect of the above subject, reference may be made to this office's
letter No. UKPCB/HO/SA-183-889/2025/188 dated 30.04.2025. In

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the context of Doon Valley Notification Amendment 2025, it is to be informed once again that:-

1. Doon Valley Notification 1989: Mining approval of the union Ministry of Environment & Forest Must be obtained before starting any mining activity.

2. Doon Valley Notification Amendment 2020: The following amendment provisions have been made in the Doon Valley Notification for mining by the notification of the Ministry of Environment, Forest and Climate Change dated 06.01.2020: "Prior to starting any mining activity, the approval of the Union Ministry of Environment, Forest and Climate Change has to be obtained." There is no change in the said provision in the latest amendment 2025 of the Doon Valley Notification.

3. The industrial classification (as amended from time to time) made by the Central Pollution Control Board in red, orange, green / white categories dated 07.01.2016 was implemented in the Doon Valley Notification Amendment 2020 and 2025. Presently in 2025, new category wise division has been issued by the Central Pollution Control Board.

4. The category of river bed mining has been determined by the Central Pollution Control Board as follows.

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RBM Minin Area	Cate o	
Mining lease area more than 5 hectares or Mining lease area up to 5 hectares which is part of cluster minin	Red	<p>Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation)</p> <p>i. Sand/Riverbed material mining from riverbed and its floodplains may cause ecological disturbances, erosion of riverbed, change in hydro-geological conditions & river ecosystem, etc.</p> <p>ii. Cluster mining means that the distance of mining lease area is less than 500 m from periphery of another lease area.</p> <p>iii. This categorization is made considering the ecological damages and not based on pollution potential/index.</p> <p>iv. Cluster mining as defined in 'Enforcement & Monitoring Guidelines for Sand Mining, 2020', issued by (MoEF</p>
Standalone mining lease area up to five hectares in areas (not a part of any cluster mining)	Orange	

Regards.

Yours faithfully

(Dr. Parag Madhukar Dhakate)

Member Secretary





फ़ॉ-450/XXXX/111-1-25
मुख्यालय
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड
"गौरा देवी पर्यावरण भवन"
46बी, आई.टी. पार्क, सहस्त्रधारा रोड़, देहरादून
E-mail : ukpcblegalcell@gmail.com, दूरभाष : 0135-2607092

पत्रांक : यूकेपीसीबी / एच.ओ. / सा10-183-889 / 2025 / 188

दिनांक 30.04.2025

सेवा में,

अपर सचिव
पर्यावरण संरक्षण एवं जलवायु परिवर्तन अनु०
उत्तराखण्ड शासन, देहरादून।

विषय:- मा10 राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन सं० 1360/2024 प्रेम प्रकाश थपलियाल बनाम उत्तराखण्ड राज्य एवं अन्य के सम्बन्ध में।

महोदया,

उपरोक्त विषयक वाद जो कि River Bed Mining in Doon Valley से सम्बन्धित है अवगत करवाना है कि दून घाटी में River Bed के खनन हेतु निम्नवत प्राविधान है।

1. दून वैली नोटिफिकेशन 1989:- Mining approval of the union Ministry of Environment & Forest Must be obtained before starting any mining activity.
2. दून वैली नोटिफिकेशन संशोधित 2020:- पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की अधिसूचना 06.01.2020 द्वारा दून घाटी नोटिफिकेशन में निम्न संशोधित प्राविधान खनन हेतु किये गये।
 - (i) केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा दिनांक 07.01.2021 के लाल, नारंगी, हरी/सफेद क्षेत्रों में किए गये औद्योगिक वर्गीकरण को लागू किया गया।
 - (ii) किसी भी खनन किया कलाप को शुरू करने के पहले संघ पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की मंजूरी अधिप्राप्त करनी होगी।
3. केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा रिवर बैड माइनिंग का श्रेणी निर्धारण निम्न प्रकार किया गया है।

Sl. No.	Sl. No. (As per CPCB Document)	Non-industrial Operations	Category	Remarks
1	63	Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation)		i. Sand/Riverbed material mining from riverbed and its floodplains may cause ecological disturbances, erosion of riverbed, change in hydro-geological conditions & river ecosystem, etc.
		(i) Mining lease area more than 5 hectares or Mining lease area up to 5 hectares which is part of cluster mining.	Red	ii. Cluster mining means that the distance of mining lease area is less than 500 m from periphery of another lease area.
		(ii) Standalone mining lease area up to five hectares in areas (not a part of any cluster mining)	Orange	iii. This categorization is made considering the ecological damages and not based on pollution potential/index.

4. रिवर बैंड माइनिंग हेतु पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय से पर्यावरणीय स्वीकृति प्राप्त किये जाने का प्राविधान है जिस पर राज्य में Category B-2 परियोजनाओं हेतु SEIAA द्वारा स्वीकृति की जाती है।
 5. पर्यावरणीय स्वीकृति के उपरान्त ही राज्य बोर्ड द्वार जल/वायु अधिनियमों के अन्तर्गत सहमति दी जाती है।
- सूचनार्थ सादर प्रेषित।

भवदीय



(डा० पराग मधुकर धकाते)
सदस्य सचिव



उत्तराखण्ड शासन
 औद्योगिक विकास(खनन) अनुभाग-1
 संख्या: 1245/VII-A-1/2025-09(26)/2025
 देहरादून: दिनांक: 20 मई, 2025

अपर सचिव,
 पर्याप्त संरक्षण एवं जलवायु परिवर्तन अनु०,
 उत्तराखण्ड शासन।

कृपया पर्याप्त संरक्षण एवं जलवायु परिवर्तन अनु०, उत्तराखण्ड शासन के पत्र संख्या 434/XXXVIII-1/2025-15(12)/2025, दिनांक 07.05.2025 के संदर्भ में मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित मूल आवेदन संख्या 1360/2024 प्रेम प्रकाश थपलियाल बनाम उत्तराखण्ड राज्य व अन्य में खनन विभाग से अपेक्षित आख्या/सूचना के कम में निदेशक, भूतत्व एवं खनिकर्म निदेशालय के पत्र संख्या 980, दिनांक 20.05.2025 द्वारा उपलब्ध करायी गयी आख्या/सूचना संलग्न कर प्रेषित की जा रही है।

अतः उपरोक्तानुसार खनन विभाग की आख्या/सूचना के आधार पर प्रश्नगत वाद में निर्धारित समयान्तर्गत अपेक्षित कार्यवाही किये जाने हेतु सम्बन्धित को निर्देशित करने का कष्ट करें।

संलग्नक-यथोक्त।

[Handwritten Signature]

DS/So (Env.)

[Handwritten Signature]
 (लक्ष्मण सिंह)
 अपर सचिव

21/05/25

(नारकेश्वर यादव)
 निजी सचिव-
 अपर सचिव
 वन एवं पर्यावरण
 उत्तराखण्ड शासन

1611/A-SC ENV/2025
 21/05/2025

Sh. K.S. ASWAL
 21/05/25
[Handwritten Signature]

[Handwritten Signature]

प्रेषक,

निदेशक,
भूतत्व एवं खनिकर्म निदेशालय,
उत्तराखण्ड, "खनिज भवन" भोपालपानी,
देहरादून।

सेवा में,

सचिव,
खनन,
उत्तराखण्ड शासन।

संख्या 980 /उप0ख0(ईनि)-V/मू0खनि0निदेशा0/रिट/2025-26,

दिनांक 20 मई, 2025

विषय :- मा0 राष्ट्रीय हरित प्राधिकरण, नई दिल्ली में योजित मूल आवेदन संख्या 1360/2024 प्रेम प्रकाश थपलियाल बनाम उत्तराखण्ड राज्य एवं अन्य के सम्बन्ध में।

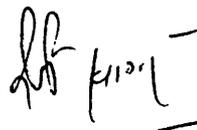
महोदय,

कृपया उपरोक्त विषयक शासन के पत्र संख्या 1074/VII-A-1/2025-09(26)/2025, दिनांक 02 मई, 2025 एवं अनुस्मारक पत्र संख्या 1148/VII-A-1/2025-09(26)/2025, दिनांक 14 मई, 2025 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा मा0 राष्ट्रीय हरित प्राधिकरण, नई दिल्ली में योजित मूल आवेदन संख्या 1360/2024 प्रेम प्रकाश थपलियाल बनाम उत्तराखण्ड राज्य एवं अन्य में मा0 प्राधिकरण द्वारा पारित आदेश दिनांक 25 फरवरी, 2025 के अनुक्रम में विभागीय आख्या/सूचना तत्काल शासन को उपलब्ध कराये जाने हेतु निर्देशित किया गया है। उक्त याचिका में याचीकर्ता के द्वारा मा0 न्यायालय से निम्न अनुतोष पारित करने का अनुरोध किया गया:-

- Quash the impugned tender notification date 21.11.2024
- Direct that no mining shall take place in the Doon Valley in contravention the provisions of the Doon Valley Notification, 1989
- Direct the Constitution of an Expert Committee to examine the ecological status of the Doon Valley and suggest methods for the sustainable development of the region.
- Direct that all crusher and mining along the river bed in Uttarakhand may be banned and further inspection as to other illegal mining activities along the riverbed may be ordered.
- Direct that data and compliance be called for all riverbed in Uttarakhand mining in surrounding areas.
- Pass any other order that this Hon'ble Tribunal may deem fit and proper in the peculiar fact & circumstances of the present case.

उक्त के सम्बन्ध में अवगत कराना है कि:-

- अवगत कराना है कि पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार की अधिसूचना दिनांक 01 फरवरी, 1989 के द्वारा जारी दून वैली नोटिफिकेशन के बिन्दु ii. के अनुसार Mining - Approval of the Union Ministry of Environment & Forests must be obtained before starting any mining activity.
- पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार की अधिसूचना दिनांक 06 जनवरी, 2020 के द्वारा दून वैली नोटिफिकेशन की मूल अधिसूचना दिनांक 01 फरवरी, 1989 में संशोधन किया गया है, जिसके बिन्दु संख्या 02(ii) के अनुसार Mining-Approval of the Union Ministry of Environment, Forest and Climate Change must be obtained before starting any mining activity".
- अवगत कराना है कि मा0 राष्ट्रीय हरित प्राधिकरण नई दिल्ली में योजित MA No. 121 of 2023 Junaid Ayubi में दिनांक 30.01.2023 को पारित आदेश का अंश निम्नवत है:-


20/5/2025
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"15. In view of above, it is safe to conclude that mining in lots 21/1, 21/2 and 21/3 is illegal. Transfer of mining rights by GMVN to Manoj Joshi and Vinod Negi are without transfer of EC, in violation of EIA notification dated 14.9.2006, issued under EP Act, 1986.

16. Accordingly, we allow these applications and direct closing of mining in above areas forthwith. Joint Committee of CPCB, State PCB and District Magistrate, Dehradun may assess and recover compensation on polluter pays principle for illegal mining, following due process which may be utilized for scientific closure of the mining activities as per Mine Closure Plan and other norms. We have noted that as per EC conditions for lot No. 21/1, 356 trucks per day with 10 tonnes of mined material (equal to 3560 tonnes per day) is allowed. Even if the value of mined material is taken at Rs. 1000 per ton, it will amount to Rs. 35 Lakhs per day for 3560 tonnes and roughly 100 crores per year. Data in respect of other lots has to be compiled. Actual figure may be worked out by the Committee. Since contractors to whom mining rights have been transferred by GMVN have not appeared and may also be affected, irrespective of their independent rights to contest the proceedings, we give them liberty to move this Tribunal, if they are so aggrieved. The applications are disposed of".

मा० राष्ट्रीय हरित प्राधिकरण नई दिल्ली में योजित MA No. 121 of 2023 Junaid Ayubi में दिनांक 30.01.2023 को पारित आदेश के विरुद्ध मा० उच्चतम न्यायालय नई दिल्ली में श्री मुकेश जोशी द्वारा योजित Civil Appea No. 5041-5044 and Civil Appeal nOP. 4287 of 2023 में पारित आदेश दिनांक 07.08.2023 का अंश निम्नवत है:-

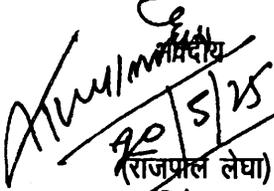
We make it clear as far as the issue of compensation is concerned, if an adverse order is passed by the Tribunal, the appellant can always challenge the same in accordance with law. As and when Environmental Clearance is transferred in the name of the appellant, it will be open for the appellant to apply for modification of the impugned judgment.

4. प्रश्नगत याचिका में याचीकर्ता के द्वारा मा० उच्चतम न्यायालय नई दिल्ली के उक्त आदेश के क्रम में गढवाल मण्डल विकास निगम लि० के द्वारा पट्टा संचालक श्री मनोज जोशी, श्री विनोद नेगी आदि के पक्ष में पर्यावरणी अनुमति हस्तान्तरित की गयी है। अवगत कराना है कि प्रबन्ध निदेशक, गढवाल मण्डल विकास निगम लि० के पत्र संख्या 423/दस/तीन-10/2024-25 दिनांक 09 अगस्त, 2024 के द्वारा राजस्व खनन लॉट युमना 21/1 एवं 21/3 को शासन को समर्पित किया गया। तदोपरान्त औद्योगिक विकास (खनन) अनुभाग-1, उत्तराखण्ड शासन के पत्र संख्या 1302/VII-A-1/2024/05(32)/2018 दिनांक 27 अगस्त, 2024 के द्वारा हुए प्रश्नगत लॉटों का उत्तराखण्ड उपखनिज (परिहार) नियमावली 2023 यथा संशोधित 2024 के सुसंगत प्राविधानों के अधीन उक्त राजस्व खनन लॉटों के आवंटन के सम्बन्ध में नियमानुसार अग्रततर कार्यवाही किये जाने हेतु निर्देशित किया गया एवं तत्क्रम में उक्त खनन लॉटों के 07 अलग-अलग खनन लॉट बनाते हुए निदेशालय के ई-निविदा सह ई-नीलामी आमंत्रण सूचना संख्या 4655/उ०ख०/मू०खनि०नि०/ई०नीला०/2024-25 दिनांक 25 अक्टूबर, 2024 एवं पुनः निदेशालय के ई-निविदा आमंत्रण प्रपत्र संख्या 5244 दिनांक 20 नवम्बर, 2024 के द्वारा पुर्ननिविदा आमंत्रित की गयी, जिसके क्रम में 07 खनन लॉटों के खनन पट्टे के आवंटन हेतु सफल निविदाकारों के पक्ष में आशय पत्र (Letter of Intent) वांछित अनुमतियों की प्राप्ति के लिए निर्गत किया गया। निगम द्वारा समर्पित उक्त लॉटों में पूर्व में ई०आई०ए० नोटिफिकेशन-2006 के अनुसार पर्यावरणीय अनुमति एवं नेशनल बोर्ड ऑफ वाइल्ड लाइफ (NBWL) से अनुमति प्राप्त थी।
5. यह भी अवगत कराना है कि गढवाल मण्डल विकास निगम लि० के पक्ष में पूर्व में स्वीकृत उक्त खनन लॉटों सहित उक्त क्षेत्र में पूर्व में 09 खनन लॉट संचालित थे (सूची संलग्न) जोकि नेशनल पार्क/सेन्चुरी आदि की 10 कि०मी० के परिधि के अन्तर्गत होने के कारण उक्त लॉटों हेतु सम्बन्धित पट्टाधारकों के द्वारा नेशनल बोर्ड ऑफ वाइल्ड लाइफ (NBWL) से अनुमति प्राप्त की गयी है। प्रश्नगत याचिका में उल्लिखित खनन क्षेत्र गढवाल

मण्डल विकास निगम द्वारा समर्पित 02 खनन लॉटों को 07 खनन लॉटों में बांटकर कर ई-निविदा की पारदर्शी प्रक्रिया के अन्तर्गत आशय पत्र पर सर्शत आवंटन किया गया है जिसमें खनन पट्टा स्वीकृति से पूर्व आशयपत्र धारक के द्वारा EIA Notification 2006 के अन्तर्गत प्राप्त पर्यावरणीय अनुमति, वन संरक्षण अधिनियम 1980 के अन्तर्गत वांछित अनुमति यदि लागू है, वन्यजीव संरक्षण अधिनियम-1972 के अन्तर्गत राष्ट्रीय वन्यजीव बोर्ड (NBWL) की वांछित अनुमति यदि लागू है तथा स्वीकृत खनन पट्टों में चुगान कार्य करने से पूर्व खनन क्षेत्र की नदी के दोनों किनारों से सुरक्षित दूरी छोड़ते हुए सीमाबन्धन एवं पिलरबन्दी की कार्यवाही के उपरान्त राज्य पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड से Consent to Establish (CTE) & Consent to Operate (CTO) की अनुमति प्राप्त की जानी है।

अतः उपरोक्त के क्रम में मा0 राष्ट्रीय हरित प्राधिकरण, नई दिल्ली में योजित मूल आवेदन संख्या 1360 /2024 प्रेम प्रकाश थपलियाल बनाम उत्तराखण्ड राज्य एवं अन्य के सम्बन्ध में सूचना उपरोक्तानुसार अग्रोत्तर कार्यवाही हेतु सादर प्रेषित है।

संलग्नक:- उपरोक्तानुसार।


20/5/25
राजप्रताप लेघा
निदेशक



जनपद देहरादून के तहसील विकासनगर के आसन कंजर्वेशन क्षेत्रान्तर्गत स्वीकृत खनन पट्टों का विवरण :-

क्र० सं०	पट्टाधारक का नाम/पता	आवदित क्षेत्र	क्षेत्रफल (है०में)	शासनादेश संख्या व दिनांक	स्वीकृत अवधि (कब से कब तक)	उपखनिज की मात्रा (टन में)	NBWL की अनुमति प्राप्त संख्या व तिथि
1	श्री शुभम शर्मा पुत्र श्री अरुण शर्मा निवासी सिनोला देहरादून।	ढकरानी	2.6015 है०	886 दिनांक 27 मई, 2014	दिनांक 19.06.2014 से दिनांक 18.06.2019	32,419	F.NO.6-181/2018 WL Date 31.01.2019
2	श्री नफीस अहमद पुत्र श्री अब्दुल हसन निवासी ग्राम तिमली तहसील विकासनगर जनपद देहरादून।	ढकरानी	2.748 है०	1228 दिनांक 04.09.2014	दिनांक 19.12.2014 से दिनांक 18.12.2019	78,318	F.NO.6-148/2018 WL Date 31.11.2018
3	श्री अरुण कुमार शर्मा पुत्र श्री ओम प्रकाश शर्मा निवासी लाईन जीवनगढ़ पो०ओ० अम्बाडी, विकासनगर देहरादून।	ढकरानी	1.93 है०	1681 दिनांक 01 अगस्त, 2013	दिनांक 13.03.2014 से दिनांक 12.03.2019	1,78,490	F.NO.6-4/2022 WL Date 21.01.2022
4	श्री जगवीर सिंह पुत्र स्व० श्री जीत सिंह निवासी धर्मावाला एवं जितेन्द्र सिंह धवन पुत्र श्री भगवान दास धवन निवासी 144 फर्स बाजार शाहदरा दिल्ली।	ग्राम नवाबगढ़	1.913 है०	515 दिनांक 02.05.2015	दिनांक 08.06.2015 से दिनांक 07.06.2020	54,521	F.NO.6-13/2017 WL Date 05.04.2017
5	श्री विजय ठाकुर पुत्र स्व० श्री सुरेन्द्र सिंह ठाकुर निवासी वार्ड नं० -8 अस्पताल रोड़ विकासनगर देहरादून।	ढकरानी	2.578 है०	1625 18 दिसम्बर, 2014 एवं संशोधित 1656 दिनांक 24.12.2014	दिनांक 08.05.2015 से दिनांक 05.05.2020	73,473	F.NO.6-173/2021 WL Date 30.12-2021
6	श्री जनक सिंह रावत पुत्र श्री सुन्दर सिंह रावत निवासी ग्राम कुनारा जनपद उत्तरकाशी।	नवाबगढ़	1.7676 है०	653 दिनांक 28.07.2015	दिनांक 13.10.2020 से दिनांक 12.10.2025	37,782.75	F.NO.6-181/2018 WL Date 31.01.2019
7	प्रबन्ध निदेशक, गढवाल मण्डल विकास निगम देहरादून। खनन लॉट संख्या 21/1	डाकपत्थर, नवाबगढ़, मण्डी गंगमेवा एवं भीमावाला	123.19 है० मध्ये 114.79 है०	3170 दिनांक 05.02.2019	दिनांक 05.02.2019 से दिनांक 04.02.2024	746601.62	F.NO.6-148/2018 WL Date 31.11.2018
8	प्रबन्ध निदेशक, गढवाल मण्डल विकास निगम देहरादून। खनन लॉट संख्या 21/3	ढकरानी मण्डी गंगमेवा	68.364 है० मध्ये 58.614 है०	2042 दिनांक 03.01.2017	दिनांक 03.01.2017 से दिनांक 02.01.2022	514428.64	F.NO.6-148/2018 WL Date 31.11.2018
9	प्रबन्ध निदेशक, गढवाल मण्डल विकास निगम देहरादून। खनन लॉट संख्या 23/3	कुल्हाल	10.50 है०	1894 दिनांक 24.12.2020	खनन पट्टे की समाप्ति दिनांक 22.12.2020 से 05 वर्ष तक	1,00,000	F.NO.6-119/2017 WL Date 26.07.2017

No.-487/XXXVIII-1-2025-15(12)/2025

From,
Kahakshan Naseem,
Additional Secretary.
Government of Uttarakhand.

To.
Deepak Bora,
Panel Lawyer,
Chamber No. 17
New lawyer Chambers,
Shetalwad Block, Supreme Court of India,
New Delhi-110001.
E-ID-adv.deepakbora/@gmail.com

Environment. Conservation and Climate Change Section.

Dehradun: Date:- 21st May, 2025

Subject: Original application number-1360/2024 filed in Hon'ble National Green Tribunal, New Delhi in relation to Prem Prakash Thapliyal vs. State of Uttarakhand and others.

Sir,

In respect of the above subject, please refer to Vakalatnama No. 165/XXXVI-A-3/2025-15(12)2025, dated 15.04.2025 of the Department of Justice, Government of Uttarakhand, by which you have been engaged as a panel advocate of the State Government in the said original application.

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2- In this regard, while sending the photocopy of letter number-1245, dated 20.05.2025 of Additional Secretary, Industrial Development (Mining) Section-1, Uttarakhand Government and letter number-183-889/2025 of Member Secretary, Uttarakhand Pollution Control Board, Dehradun, dated 30.04.2025 along with attachments, I have been directed to say that in the original application number-1360/2024 in question, please prepare a counter affidavit on behalf of respondent number-01 (Secretary Forest and Environmental Protection and Climate Change Department, in compliance with the order passed by the Hon'ble Authority on 05.03.2025 Uttarakhand Government), and make it available for the approval of the government.

Yours sincerely,
(Kahkashan Naseem)
Additional Secretary.

Number and date-then.

Copy: Sent to Member Secretary, Uttarakhand Pollution Control Board and Director, Directorate of Earth and Mining, Dehradun with the instruction to ensure that required cooperation/desired documents are made available to the panel advocate as mentioned above.

(Kahkashan Naseem)
Additional Secretary.



Headquarters
Uttarakhand Pollution Control Board
"Gaura Devi Paryavaran Bhawan"
46B, IT Park, Sahastradhara Road, Dehradun
E-mail: skpchlegalcell@gmail.com, Phone 0135-2607092

Letter No.: UKPCB/HO/SA-183-889/2025/188

Date 30.04.2025

To,
Additional Secretary
Environmental Protection and Climate Change Section
Government of Uttarakhand, Dehradun.

Subject: - Original Application No. 1360/2024 filed in Hon'ble
National Green Tribunal in the matter of Prem Prakash Thapliyal v.
the State of Uttarakhand and others.

Madam,

Regarding the above mentioned case which is related to River Bed
Mining in Doon Valley, it is to be informed that there are following
provisions for River Bed mining in Doon Valley.

1. Doon Valley Notification 1989- Mining approval from the union
Ministry of Environment & Forest Must be obtained before starting
any mining activity.



2. Doon Valley Notification Amendment 2020- By the notification of the Ministry of Environment, Forest and Climate Change dated 06.01.2020, the following amended provisions for mining were made in the Doon Valley Notification.

(i) The industrial classification into Red, Orange, Green/White zones as done by Central Pollution Control Board on 07.01.20216 has been implemented.

(ii) Clearance of the Union Ministry of Environment, Forest and Climate Change shall be obtained before commencing any mining activity.

3. River bed mining has been categorised by the Central Pollution Control Board as follows.

Sl. No.	Sl. No. (As per Document)	Non-industrial Operations	Category	Remarks
1	63	Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation)		Sand/Riverbed mining from riverbed and its floodplains may cause ecological disturbances, erosion of riverbed, change in hydro-geological conditions & river ecosystem, etc. i]. Cluster mining means that the distance of mining lease area is less than 500 m from periphery of another lease iii. This categorization is made considering the ecological damages and not based on pollution potential/index.
		(i) Mining lease area more than 5 hectares or Mining lease area up to 5 hectares which is part of cluster mining.	Red	
		(ii) Standalone mining, lease area up to five hectares in areas (not a part of any cluster mining)	Orange	

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4. There is a provision for obtaining environmental clearance from the Ministry of Environment, Forest and Climate Change for river bed mining, on which approval is given by SEIAA for Category B-2 projects in the state.

5. Consent under Water/Air Acts is given by the State Board only after environmental clearance.

Regards.

Yours

(Dr. Parag Madhukar Dhakate)

Member Secretary



Uttarakhand Government
Industrial Development (Mining) Section-1

Nos. 1245/VII-A-1/2025-09(26)/2025

Dehradun: Dated 20th May, 2025

Additional Secretary,
Environment Protection and Climate Change Section,
Uttarakhand Government.

Please refer to the letter No. 434/XXXVIII-1/2025-15(12)/2025, dated 07.05.2025 of the Environment Protection and Climate Change, Government of Uttarakhand. In the original application No. 1360/2024 filed in the Hon'ble National Green Tribunal, New Delhi in the matter of report/information required from the Mining Department, Prem Prakash Thapliyal vs. State of Uttarakhand and others, the report/information provided by the letter No. 980, dated 20.05.2025 of the Director, Directorate of Geology and Mining is being enclosed and sent.

Therefore, on the basis of the above report/information of the Mining Department, please direct the concerned to take the required action in the case in question within the prescribed time.

Attachment-As mentioned.

(Lakshman Singh)
Additional Secretary



1245/V11-A-1/25

From,
Director,
Directorate of Geology and Mining,
Uttarakhand, "Mineral Bhawan" Bhopalpani,
Dehradun.

To,
Secretary,
mining,
Uttarakhand Government.

No. 980/ Sub-Inspector (En)-V/ ___/Writ/2025-26,

Dated 20th May,2025

Subject:- Original application number 1360/2024 filed with Hon'ble National Green Tribunal, New Delhi in the matter of Prem Prakash Thapliyal v. State of Uttarakhand and others.

Sir,

Please refer to the Government letter No. 1074/VII-A-1/2025-09(26)/2025, dated May 02, 2025 and reminder letter No. 1148/VII-A-1/2025-09(26)/2025, dated May 14, 2025, by which the Hon'ble National Green Tribunal, New Delhi has been directed to immediately provide the departmental report/information to the Government in



continuation of the order dated 25 February, 2025 passed by the Hon'ble Authority in the original application number 1360/2024 in Prem Prakash Thapliyal vs. State of Uttarakhand and others. In the said petition, the petitioner requested the Hon'ble Court to pass the following relief:-

- i. Quash the impugned tender notification date 21.11.2024
- ii. Direct that no mining shall take place in the Doon Valley in contravention the provisions of the Doon Valley Notification, 1989
- iii. Direct the Constitution of an Expert Committee to examine the ecological status of the Doon Valley and suggest methods for the sustainable development of the region.
- iv. Direct that all crusher and mining along the river bed in Uttarakhand may be banned and further inspection as to other illegal mining activities along the riverbed may be ordered.
- v. Direct that data and compliance be called for all riverbed in Uttarakhand mining in surrounding areas.
- vi. Pass any other order that this Hon'ble Tribunal may deem fit and proper in the peculiar fact & circumstances of the present case.

In this regard it is to be informed that:-

1. It is to be informed that as per point 1 of the Doon Valley Notification issued by the Ministry of Environment, Forests and Climate Change, Government of India, dated February 01, 1989, Mining Approval of the Union Ministry of Environment & Forests must be obtained before starting any mining activity.



2. The original notification dated 1st February, 1989 of the Doon Valley Notification has been amended by the Notification dated 6th January, 2020 of the Ministry of Environment, Forest and Climate Change, Government of India, as per point number 02(ii) of which "Mining-Approval of the Union Ministry of Environment, Forest and Climate Change must be obtained before starting any mining activity".

3. It is to be informed that the excerpt of the order passed on 30.01.2023 in MA No. 121 of 2023 Junaid Ayubi in Hon'ble National Green Tribunal, New Delhi is as follows-

"15. In view of above, it is safe to conclude that mining in lots 21/1, 21/2 and 21/3 is illegal. Transfer of mining rights by GMVN to Manoj Joshi and Vinod Negi are without transfer of EC, in violation of EIA notification dated 14.9.2006, issued under EP Act, 1986.

16. Accordingly, we allow these applications and direct closing of mining in above areas forthwith. Joint Committee of CPCB, State PCB and District Magistrate, Dehradun may assess and recover compensation on polluter pays principle for illegal mining, following due process which may be utilized for scientific closure of the mining activities as per Mine Closure Plan and other norms. We have noted that as per EC conditions for lot No. 21/1, 356 trucks per day with 10 tonnes of mined material (equal to 3560 tonnes per day) is allowed. Even if the value of mined material is taken at Rs. 1000 per ton, it will amount to Rs. 35 Lakhs per day for 3560 tonnes and roughly 100 crores per year. Data in respect of other lots has to be compiled. Actual figure may be worked out by the Committee. Since contractors to whom mining rights have been transferred by GMVN have not appeared and may also be affected, irrespective of their independent rights to contest the proceedings, we give them liberty to move this Tribunal, if they are so aggrieved. The applications are disposed of".



Following is the extract of the order dated 07.08.2023 passed in Civil Appea. No. 5041-5044 and Civil Appeal nOP. 4287 of 2023 filed by Shri Mukesh Joshi in the Hon'ble Supreme Court, New Delhi against the order dated 30.01.2023 passed in MA No. 121 of 2023 Junaid Ayubi filed in Hon'ble National Green Tribunal, New Delhi-

We make it clear as far as the issue of compensation is concerned, if an adverse order is passed by the Tribunal, the appellant can always challenge the same in accordance with law. As and when Environmental Clearance is transferred in the name of the appellant, it will be open for the appellant to apply for modification of the impugned judgment.

4. In the petition in question, in pursuance of the aforesaid order of the Hon'ble Supreme Court, New Delhi, the environmental clearance has been transferred by Mandal Vikas Nigam Ltd. in favour of lease operator Mr. Manoj Joshi, Mr. Vinod Negi etc. It is to be informed that by letter number 423/ten/three-10/2024-25 dated 09 August, 2024 of Managing Director, Garhwal Mandal Vikas Nigam Ltd., revenue mining lots Yamuna 21/1 and 21/3 were dedicated to the government. Thereafter, Industrial Development (Mining) Section-1, Uttarakhand Government, vide letter No. 1302/VII-A-1/2024/05 (32)/2018 dated 27 August, 2024, directed to take further action as per rules regarding allotment of the said revenue mining lot under the relevant provisions of Uttarakhand Sub Mineral (Prevention) Rules 2023 as amended in 2024 and in sequence, by creating 07 separate mining lots of the said mining lots, re-tender was invited by the Directorate's e-tender cum e-auction invitation notice number 4655/U.K./ Bhoo.Mining.Ni./E.Auction/2024-25 dated 25 October, 2024 and again by the Directorate's e-tender invitation form number 5244 dated 20 November, 2024, for which in this sequence Letter of



Intent was issued in favour of successful tenderers for allotment of mining lease of 07 mining lots for obtaining the desired permissions. The said lots dedicated by the corporation had previously received environmental clearance as per EIA Notification-2006 and permission from National Board of Wild Life (NBWL).

5. It is also to be informed that including the above mining lots approved earlier in favour of Garhwal Mandal Vikas Nigam Ltd., 09 mining lots were previously operating in the said area (list enclosed) which are within the 10 km radius of National Park / Sanctuary etc., permission has been obtained from the National Board of Wild Life (NBWL) by the concerned lease holders for the said lots. By dividing the 02 mining lots dedicated by Garhwal Mandal Vikas Nigam into 07 mining lots, allotment has been made on conditional basis on Letter of Intent under a transparent process of e-tendering, wherein, before approval of mining lease, environmental clearance obtained by the Letter of Intent holder under EIA Notification 2006, desired permission under Forest Protection Act 1980, if applicable, desired permission of National Board for Wildlife (NBWL) under Wildlife Protection Act 1972, if applicable, and before starting operation in the approved mining leases, after the process of demarcation and pillaring, leaving a safe distance from both banks of the river in the mining area, Consent to Establish (CTE) & Consent to Operate (CTO) permission from State Environment Protection and Pollution Control Board has to be obtained.

Therefore, in continuation of the above, information regarding the original application number 1360/2024 Prem Prakash Thapliyal vs. State of Uttarakhand and others filed in the Hon'ble National Green Tribunal, New Delhi is respectfully sent for further action as above.



Attachment: As above.

(Rajpal Legha)

Director

A handwritten signature in black ink, appearing to be the name 'Rajpal Legha', located below the typed name and title.

Details of approved mining leases under Asan Conservation Area of Tehsil Vikasnagar of Dehradun district –

	Name/Address of the lessee	applied area	Area	No. and date of the order	Approved period (from- to)	Quantity of minerals (in Ton)	No. and date as per NBWL
1	Shri Shubham Sharma S/o Shri Arun Sharma R/o Sinila Dehradun.	Dakrani	2.6015	No. 866 Date: 27.05.2014	Date: 19.06.2014 to Date: 18.06.2019	32,419	F.NO.6-181/2018 WL Date 31.01.2019
2	Shri Nafees Ahmed S/o Shri Abdul Hasan R/o village Timli tehsil Vikasnagar district Dehradun.	Dakrani	2.748	No. 1228 Date: 04.09.2014	Date: 19.12.2014 to Date: 18.12.2019	78,318	F.NO.6-148/2018 WL Date 31.11.2018
3	Shri Arun Kumar Sharma S/o Shri On Prakark Sharma R/o Line Jeevagarh PO Ambadi, Vikasnagar Dehradun.	Dakrani	1.93	No. 1681 Date: 01.08.2013	Date: 13.03.2014 to Date: 12.03.2019	1,778,490	F.NO.6-4/2022 WL Date 21.01.2022
4	Shri Jagveer Singh S/o late Shri Jeet Singh R/o Dharmawala and Jitendra Singh Dhawan S/o Shri Bhagwan Das Dhawan R/o 144 Fars Bazar Shahdara Delhi.	Village Navavgarh	1.913	No. 515 Date: 02.05.2015	Date: 08.06.2015 to Date: 07.06.2020	54,521	F.NO.6-13/2017 WL Date 05.04.2017



5	Shri Vijay Thakur S/o Late Shri Surendra Singh Thakur R/o Ward No. Hospital Road Vikasnagar Dehradun.	Dakrani	2.578	No. 1625 Date: 18.12.2014 And amende: No. 1656 Date: 24.12.2014	Date: 06.05.2015 to Date: 05.05.2020	73,473	F.NO.6- 173/2021 WL Date 30.12-2021
6	Shri Janak Singh Rawat S/o Shri Sundar Singh Rawat R/o village Kunara, Janpad Uttarkashi.	Nawabgarh	1.7676	No. 653 Date: 28.07.2015	Date: 13.10.2020 to Date: 12.10.2025	37,782.75	F.NO.6- 181/2018 WL Date 31.oi.2019
7	Managing Director, Garhwal Mandal Development Corporation Dehradun. Mining Lot No. 21/1	Dakpathar, Nawabgarh, Mandi Gangmewa and Bhimawala	123.19 114.79	No. 3170 Date: 05.02.2019	Date: 05.02.2019 to Date: 04.02.2024	746601.62	F.NO.6- 148/2018 WL Date 31.11.2018
8	Managing Director, Garhwal Mandal Development Corporation, Dehradun. Mining Lot No. 21/3	Dakrani Mandi Gangabhewa	68.364 58.614	No. 2042 Date: 03.01.2017	Date: 03.01.2017 to Date: 02.01.2022	514428.64	F.NO.6- 148/2018 WL Date 31.11.2018
9	Managing Director, Garhwal Mandal Development Corporation Dehradun. Mining Lot No. 23/3	kulhaal	10.50	No. 1894 Date: 24.12.2020	5 years from the Date: of closing- 22.12.2020	1,00,000	F.NO.6- 119/2017 WL Date 26.07.2017

