

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

O.A. No. 422 OF 2023

IN THE MATTER OF:

ABHISHEK SHUKLA

...APPLICANT

VERSUS

STATE OF U.P AND OTHERS

...RESPONDENTS

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RESPONDENT NO. 17

THROUGH

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Mahoba
Dated: 10.01.24

22/01/24

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IN THE MATTER OF:

ABHISHEK SHUKLA

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STATE OF U.P. AND OTHERS

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AFFIDAVIT IN BEHALF OF RESPONDENT NO.17 IN RESPONSE TO
THE CAPTIONED APPLICATION AND THE REPORT OF THE JOINT
COMMITTEE DATED 8TH SEPTEMBER, 2023.

I, Deepali Singh W/o Mr. K.P. Singh , R/o Ashirwad Palace,
Nayapura Naikana , Tehsil Mahoba, District Mahoba, Uttar Pradesh
210427, proprietor of the firm M/s Bundelkhand Rocks solemnly affirm
and declare as under:

1. The Deponent is the director of **Respondent No.17** in the above mentioned Application and as such is well conversant with the facts of the case and duly authorised and competent to swear and

depose this affidavit.

10/01/24
नोटरी-महाबा
श्री पी० सरकार
पंजीकरण नं०-52(10)2009

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10/01/24 2

2. The present Affidavit is being filed in terms of the order dated 8th december, 2023 passed by this Hon'ble Tribunal in captioned O.A no. 422 of 2023, wherein the recently imploded respondents were granted 1 month to file their response thereto. The notice in the application was received by the deponent on 30.11.2023 and the present affidavit is being submitted accordingly.

3. By way of the duly **registered lease dated 28.07.2022** executed by the government of the sate of Uttar Pradesh, the deponent has been granted mining lease for an area of **0.50 Hectares situated** at Gata No. 1876, **Khand No. 9**, Village Girwan, Tehsil Naraini, District Banda, Uttar Pradesh, for excavation of building stone for a period of ten years for the quantity of **5000 cubic meter per annum**.

4. The said **lease deed dated 28.07.2022** was executed in favour of the deponent after due approval of the **mining plan** issued by the Directorate of Geology and Mines, Lucknow and further obtaining the necessary Environment Clearance from the state level impact assessment Authority (**SEIAA**) **issued on 07.05.2022** under **EC Identification No. EC22B001UP110835**.

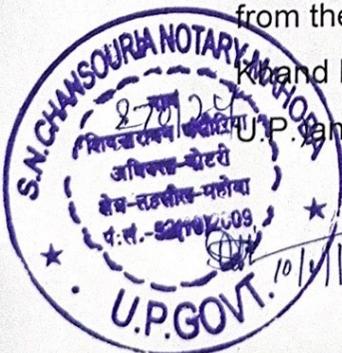
ANNEXURE 1

Pursuant thereto, the deponent had also obtained the Consolidated **Consent to Operate dated 26.02.2023** from the



Uttar Pradesh Pollution Control Board which is **valid till 31.12.2027. ANNEXURE 2**

6. It is respectfully submitted that the aforementioned facts with respect to the permissions obtained by the deponent also stand duly confirmed by the report of the joint committee constituted by this Hon'ble Tribunal in the captioned application vide Order dated 1st August, 2023.
7. It is submitted that the deponent is carrying on operations of mining/excavation at the allotted **mining site Gata No.1876 Khand No. 09**, Village Girwan, Tehsil Naraini, District Banda, Uttar Pradesh in terms of the permissions and clearances as specifically aforementioned and has also regularly submitted the six-monthly compliance reports in terms of the Environment Clearance.
8. Its is further submitted that as per the Report of the Joint Committee constituted under the directions of this Hon'ble Tribunal dated 08.09.2023 confirms that there is no violation on the part of the deponent which may warrant any interference of any concerned authority or this Hon'ble Tribunal. Moreover, with respect to the proximity to abadi/civilisation or any fear of damage to the temple in proximity to the mining site of the deponent, It is respectfully submitted that the said joint committee report records that the main **habitation of the village is situated 175 meters** from the allotted lease (M/s Bundelkhand rocks Gata No: 1876 Khand No: 9. Village Girwan ,Tehsil Naraini, Dist. Banda, U.P. and the **temple is 70 meters** from the nearest mining lease



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(M/s Bundelkhand rocks Gata No: 1876 Khand No: 9. Village
Girwan ,Tehsil Naraini, Dist. Banda, U.P.)

9. It is respectfully submitted that in terms of rule 42(e) of the Uttar Pradesh Minor Minerals (Concession) Rules, 2021, Mining operations are permitted outside of a minimum distance of **50 meters** from any such habitation.
10. The Deponent has not carried any illegal mining by way of blasting without the permission of concerned authorities and has till date maintained all necessary compliances with the respective authorities .
11. The Deponent further undertakes to endeavour to comply with any further conditions or recommendations that may be prescribed by the Joint Committee or this Hon'ble Tribunal

VERIFICATION

Verified on this 10th day of January, 2024 at Mahoba that the contents of the above Affidavit have been explained to me in vernacular language and are true and correct to my knowledge, no part thereof is false and nothing material has been there from.



DEPONENT

ENVIRONMENTAL
CLEARANCE

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

To,

The Owner
M/S BUNDELKHAND ROCKS
R/o- Ashirwaad Palace, Nayapura Naikana, Tehsil/District- Mahoba U.P. -
210427

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity
under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC)
in respect of project submitted to the SEIAA vide proposal number
SIA/UP/MIN/64010/2021 dated 02 Mar 2022. The particulars of the environmental
clearance granted to the project are as below.

- | | |
|---|--|
| 1. EC Identification No. | EC22B001UP110835 |
| 2. File No. | 6369 |
| 3. Project Type | New |
| 4. Category | B1 |
| 5. Project/Activity including
Schedule No. | 1(a) Mining of minerals |
| 6. Name of Project | Proposed Granite, Khandas, Boulder
"Gitti Mining Project" at Gata No: 1876
(Khand No. 09), Area: 0.5 ha, Village:
Girwan, Tehsil: Naraini, District: Banda,
U.P. |
| 7. Name of Company/Organization | M/S BUNDELKHAND ROCKS |
| 8. Location of Project | Uttar Pradesh |
| 9. TOR Date | 27 Oct 2021 |

The project details along with terms and conditions are appended herewith from page
no 2 onwards.

Date: 07/05/2022

(e-signed)
Member Secretary
Member Secretary
SEIAA - (Uttar Pradesh)

PARIVESH

(Pro-Active and Responsive Facilitation by Interactive,
and Virtuous Environmental Single-Window Hub)



*Note: A valid environmental clearance shall be one that has EC identification
number & E-Sign generated from PARIVESH. Please quote identification
number in all future correspondence.*

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State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.
Vineet Khand-1, Gomti Nagar, Lucknow- 226010
E-Mail- doeuplko@yahoo.com, seiaaup@yahoo.com
Phone no- 0522-2300541

Reference- MoEFCC Proposal no- SIA/UP/MIN/64010/2021 & SEIAA, U.P File no-6369

Sub: Environmental Clearance is sought for Granite, Khandas, Boulder, Gitti Mining at Gata No:1876 (Khand No.09), Village: Girwan, Naraini, Banda, U.P., (Leased Area: 0.5 ha.), M/s Bundelkhand Rocks.

Dear Sir,

This is with reference to your application / letter dated 19-06-2021, 31-08-2021, 02-03-2022, 07-04-2022 on above mentioned subject. The matter was considered by SEAC in meeting held on 11-04-2022 and SEIAA in meeting held on 29-04-2022.

A presentation was made by the project proponent along with their consultant M/s Globus Environment Engineering Services to SEAC on 11-04-2022.

Project Details Informed by the Project Proponent and their Consultant

The project proponent, through the documents and presentation gave following details about their project –

1. The environment clearance is sought for Granite, Khandas, Boulder, Gitti Mining at Gata No:1876 (Khand No.09), Village: Girwan, Naraini, Banda, U.P., (Leased Area: 0.5 ha.), M/s Bundelkhand Rocks.
2. The terms of reference in the matter were issued by SEIAA, U.P. vide letter no. 285/Parya/SEIAA/6369/2021, dated 27/10/2021.
3. The public hearing was organized on 06/01/2022 at Tehsil Auditorium, Naraini, Banda. Final EIA report submitted by the project proponent on 02/03/2022.
4. Salient features of the project as submitted by the project proponent:

1. On-line proposal No.	SIA/UP/MIN/64010/2021
2. File no. allotted by SEIAA, UP	6369
3. Name of Proponent	M/s Bundelkhand Rocks Smt. Deepali Singh W/o Shri K.P Singh.
4. Full correspondence address of proponent and mobile no.	R/o Ashirwaad Palace, Nayapura Naikhana, Tehsil & District: Mahoba U.P.
5. Name of Project	"Granite, Khandas, Gitti, Boulder" Mining Project
6. Project location (Plot/Khasra/Gata No.)	Gata No. – 1876, Khand No.-09
7. Name of River	-
8. Name of Village	Girwan
9. Tehsil	Naraini
10. District	Banda, U.P.
11. Name of Minor Mineral	Granite, Khandas, Gitti, Boulder
12. Sanctioned Lease Area (in Ha.)	Total Lease Area: 0.5 Ha
13. Mineable Area (in Ha.)	0.5 Ha
14. Zero Level mRL	-
15. Max. & Min mRL within lease area	Highest Point :159mRL

	Lowest Point :149mRL	
16. Pillar Coordinates (Verified by DMO) (Source: Verified Khasra Map)	Sanction Lease Area Co-ordinate	
	Pillars	Latitude (N)
	A	25°18'36.64"N
	B	25°18'37.02"N
	C	25°18'34.30"N
	D	25°18'33.69"N
	Longitude (E)	
	A	80°23'0.92"E
	B	80°23'3.07"E
	C	80°23'4.63"E
	D	80°23'2.49"E
17. Total Geological Reserves (Source: Approved Mining Plan)	2,08,980 m ³	
18. Total Mineable Reserves (Source: Approved Mining Plan)	74,958 m ³	
19. Total Proposed Production (in five years)	25,000 m ³	
20. Proposed Production/year	5,000 m ³ per annum	
21. Sanctioned Period of Mine lease	10 years	
22. Method of Mining	Opencast, semi-mechanized	
23. No. of Working days	260 Days	
24. Working hours/day	8 -10 hours/day	
25. No. Of Workers	26	
26. No. of vehicles movement/day	1 Units (Assumed Loading Capacity: 40 T/Unit)	
27. Type of Land	State Government Land	
28. Ultimate Depth of Mining	12 m (159 mRL – 147 mRL) (Source: Approved Mining Plan)	
29. Nearest metalled road from site	450 m	
30. Water Requirement	Purpose	Requirement (KLD)
	Drinking	0.130
	Suppression of Dust	6.3
	Plantation	1.0
	Total	7.43
31. Name of QCI Accredited Consultant with QCI No. and period of validity.	GLOBUS ENVIRONMENT ENGINEERING SERVICES Certificate No. NABET/EIA/1821/IA0034, Valid Till June 23/2022	
32. Any litigation pending against the project or hand in any court	No	
33. Details of 500 m Cluster Map & certificate issued by Mining Officer	Cluster certificate issued by DMO (Mining Section) Banda.पत्रांक :3795/खनिज-30/Banda, दिनांक: 09.02.2021	
34. Details of Lease Area in approved DSR	Letter.No.1374/30/खनिज-30/ Banda, दिनांक: 13. 08. 2019 Sr. No.-34.	
35. Proposed CER Cost	Rs. 3.09 Lakhs (5% of the total Project Cost)	
36. Proposed EMP Cost	Rs. 25.69 Lakhs	
37. Length and width of Approach Road	Approach Road Length 450 m & Width 7 m	
38. No. of Trees to be Planted	500 Trees	

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

Based on the recommendations of the State Level Expert Appraisal Committee (SEAC) Meeting (SEAC) held on 11-04-2022 the State Level Environment Impact Assessment Authority (SEIAA) in its Meeting dated 29-04-2022 decided to grant the Environmental Clearance to the title project for collection of 5,000 m³ per annum lease area of 0.5 ha subject to effective implementation of the following General Conditions and specific conditions:-

General Conditions:

1. This environmental clearance is subject to allotment of mining lease in favour of project proponent by District Administration/Mining Department.
2. Forest clearance shall be taken by the proponent as necessary under the law.
3. Any addition of the mining area, change of Khasra numbers, enhancement of capacity, change in mining technology, modernization, and scope of working shall again require prior environmental clearance as per EIA notification, 2006.
4. No change in the calendar plan including excavation, the quantum of mineral and waste shall be made.
5. Mining will be carried out as per the approved mining plan. In case of any violation of the mining plan, the Environmental Clearance given by SEIAA will stand cancelled.
6. Four ambient air quality monitoring stations shall be established in the core zone as well as in the buffer zone for RSPM, SPM, SO₂, NO_x monitoring. The location of the stations should be decided based on the meteorological data, topographical features, and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board. The monitored data for criteria pollutants shall be regularly uploaded on the company's website and also displayed on the website.
7. Data on ambient air quality (RPM, SPM, SO₂, NO_x) should be regularly submitted to the Regional office, MoEF, Gol, Lucknow, and the State Pollution Control Board / Central Pollution Control Board once in six months.
8. Ambient air quality at the boundary of the mine premises shall conform to the norms prescribed in MoEF notification no. GSR/826(E) dated 16.11.09.
9. Fugitive dust emissions from all the sources shall be controlled regularly. Water spraying arrangement on haul roads, loading and unloading, and at transfer points shall be provided and properly maintained.
10. Measures shall be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. shall be provided with earplugs/muffs and health records of the workers shall be maintained.
11. Industrial wastewater (workshop and wastewater from the mine) should be properly collected, treated to conform to the standards prescribed under GSR 422 (E) dated 19th May 1993 and 31st December 1993 or as amended from time to time. Oil and grease traps shall be installed before the discharge of workshop effluents.
12. Personnel working in areas shall be provided with protective respiratory devices like masks and they shall also be imparted adequate training and information on safety and health aspects.
13. Special measures shall be adopted to prevent the nearby settlements from the impacts of mining activities.
14. The transportation of the materials shall be limited to the day hours' time only.
15. Provision shall be made for housing the laborers within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, safe drinking water, medical health care, crèche, etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
16. A separate Environmental Management Cell with suitably qualified personnel shall be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
17. The Project Proponent shall inform the Regional Office, MoEF, Gol, Lucknow, and State Pollution Control Board regarding the date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.

18. The funds earmarked for environmental protection measures shall be kept in a separate account and shall not be diverted for other purposes. The year-wise expenditure shall be reported to the MoEF, Gol, Lucknow, and State Pollution Control Board
19. The Regional Office, MoEF, Gol, Lucknow, and State Pollution Control Board shall monitor compliance with the stipulated conditions. A complete set of documents including Environment Impact Assessment Report, Environmental Management Plan, Public hearing, and other documents information should be given to the Regional Office of the MoEF, Gol, Lucknow, and State Pollution Control Board
20. A copy of the environmental clearance shall be submitted by the Project Proponent to the Heads of the Local Bodies, Panchayat, and Municipal Bodies as applicable in the matter.
21. The Project Proponent shall advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Level Environment Impact Assessment Authority (SEIAA).
22. The Project Proponent has to submit a regular half-yearly compliance report of the stipulated prior environmental clearance terms and conditions in hard and soft copy to the SEIAA, U.P. on 1st June and 1st December of each calendar year.
23. The SEIAA may alter/modify the above conditions or stipulate any further condition in the interest of environmental protection.
24. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.

Specific Conditions:

1. Validity period of this EC is 5 years from the date of issue as the Lol has been issued for a period of 5 years or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
5. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
6. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 1,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate



- notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
9. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 5 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
 10. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
 11. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, Gol, Lucknow.
 12. Proposed plantation plan with area specific plant species, number of plants to be planted and place of plantation as per the plan submitted by project proponent to be implemented.
 13. Proponent shall make a notarized agreement/ consent of competent authority/ landowner for haulage road from lease site to link road.
 14. The proponent/ consultant should adopt a facility for safe disposal of municipal solid waste and human excreta.
 15. Proponent/ Consultant should implement the latest technology for mitigating dust at source points in lease area and haulage road during operation activity/vehicular movement.
 16. The project proponent shall install solar light in their site office.
 17. During the submission of 6 monthly compliance reports, the project proponent should make sure that the periodically taken site photographs should also be annexed along with the compliance report.
 18. The maximum height of the bench should be 06 meters and the width of the bench should be at least twice the height of the bench as per the mine plan approval letter by DGM, U.P
 19. In case the blasting is proposed during a mining operation, the project proponent needs to assess its impact on the displacement of human beings/wild animals/birds/other species, and the suitable measures proposed and taken for their rehabilitation and resettlement need to be clearly described in first 6 monthly compliance report.
 20. The project proponent shall submit a final mine closure plan/Exit protocol for rehabilitation of mined-out land to match its surrounding land use 3years before the closure of the mine to SEIAA, UP and Department of Mines and Geology, UP for approval. The project proponent shall ensure the implementation of the approved plan under the supervision of the Dept. of Mines and Geology.
 21. The project proponent shall plan and implement collection drain and siltation basins of adequate size to arrest the silt and sediment flow from the quarry area. The surface runoff rainwater harvesting and other water conservation measures on a long-term basis are to be taken in consultation with the Central/State Groundwater Board. The water so collected should be utilized for watering the haulage area, roads, and green belt development, etc.
 22. The project proponent shall take all suitable measures to prevent pollution of groundwater and nearby water bodies in consultation with the State Pollution Control Board and consent to operate (if applicable) should be obtained from the State Pollution Control Board before the start of production from the mine.
 23. Link Road from the quarry site to the main road shall be constructed as an all-weather road with blacktopping and maintained by the project proponent.
 24. Vehicular emissions should be kept under control and regularly monitored. Suitable measures shall be taken for proper maintenance of vehicles used in a quarry operation and transportation.
 25. The project proponent should explore the possibilities of rainwater harvesting.
 26. At the time of operation, the project proponent will comply with all the guidelines issued by the Government of India/State Govt./District Administration related to Covid-19.

27. This environmental clearance does not create or verify any claim of the applicant on the proposed site/activity.
28. In case it has been found that the E.C. obtained by providing incorrect information, submitting that the distance between the two adjoining mines is greater than 500mt. and the area is less than 05ha, but factually the distance is less than 500 mt, and the mine is located in the cluster of area equal to or more than 05ha, the E.C issued will stand revoked.
29. This environmental clearance shall be subject to a valid lease in favor of the project proponent for the proposed mining proposals. In case, the project proponent does not have a valid lease, this environmental clearance shall automatically become null and void.
30. The Environmental clearance will be co-terminus with the mining lease period/Mining Plan. The Mining plan approved by the Dept. of Mines and Geology shall be strictly implemented and shall not be operated beyond the validity period.
31. Explosive cannot be stored on the site. The Project proponent shall take approval from Chief Controller of Explosive, if applicable for use or storage of explosive or any such materials.
32. A comprehensive EIA including mining areas within 15 K.M. to assess the impact of the mining activity on the surrounding area shall be undertaken and a report submitted to this Authority within one year.
33. No two pits shall be simultaneously worked i.e. before the first is exhausted and reclamation work completed, no mineral bearing area shall be worked.
34. After exhausting the first mine pit and before starting mining operations in the next pit, reclamation and plantation work in the exhausted pit shall be completed to ensure that reclamation, forest cover, and vegetation are visible during the first year of mining operations in the next pit. This process will follow till the last pit is exhausted. Adequate rehabilitation of mined pit shall be completed before any new ore-bearing area is worked for expansion.
35. An adequate buffer zone shall be maintained between two consecutive mineral-bearing deposits.
36. The sprinkling of water on haul roads to control dust will be ensured by the project proponent.
37. Green belt development shall be carried out considering CPCB guidelines including the selection of plant species and in consultation with the local DFO / Agriculture Department. Herbs and shrubs shall also form a part of the afforestation programme besides tree plantation. The company shall involve local people in the plantation programme. Details of year-wise afforestation programme including rehabilitation of mined-out area shall be submitted to the Integrated Regional Office, MoEF&CC, Gol, Lucknow every year.
38. Blast vibrations study shall be conducted and an observation report submitted to the Integrated Regional Office, MoEF&CC, Gol, Lucknow and UPPCB within six months. The report shall also include measures for the prevention of blasting associated impact on nearby houses and agricultural fields.
39. Controlled blasting techniques with sequential blasting shall be adopted. The blasting shall be carried out in the daytime only. The project proponent shall ensure prevention of displacement of human beings/wild animals/birds etc. and in case any such displacement is caused due to blasting/mining operation by any chance the project proponent shall take suitable measures for their rehabilitation and resettlement.
40. Appropriate arrangement for shelter and drinking water for the mining workers has to be ensured at the mining site.
41. Maintenance of village roads used for transportation of minerals is to be done by the company regularly at its own expenses. The link roads from mining area to main road shall be constructed as all-weather road with black topping and maintained by the project proponent.
42. The surface runoff rain water harvesting/rain water recharge and water conservation measures will be taken by project proponent in consultation with central /State ground water Board .The project proponent shall plan and implement collection drain and siltation basins of adequate size to arrest the silt and sediment flows from the mining area. The supernatant of the siltation basin and rain water harvested water shall be utilized for watering the haulage area, roads and green belt development etc.

43. Status of implementation shall be submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and UP Pollution Control Board within six months and thereafter every year from the next consequent year.
44. The self-environmental audit shall be conducted annually. Every three years third-party environmental audit shall be carried out.
45. Measures for prevention and control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion shall be carried out with geotextile matting or other suitable material, and thick plantations of native trees and shrubs shall be carried out at the dump slopes. Dumps shall be protected by retaining walls.
46. Trenches/garland drains shall be constructed at foot of dumps and coco filters installed at regular intervals to arrest silt from being carried to water bodies. An adequate number of Check Dams and Gully Plugs shall be constructed across seasonal/perennial nallahs if any flowing through the ML area and silts arrested. De silting at regular intervals shall be carried out.
47. Garland drain of appropriate size, gradient, and length shall be constructed for both mine pit and waste dump and sump capacity shall be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity shall also provide an adequate retention period to allow proper settling of silt material. Sedimentation pits shall be constructed at the corners of the garland drains and de silted at regular intervals.
48. Ground and surface water, if any in and near the core zone (within 5.0 km of the lease) shall be regularly monitored for contamination and depletion due to mining activity and records maintained. The monitoring data shall be submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and U.P. Pollution Control Board regularly. Further, monitoring points shall be located between the mine, and drainage in the direction of flow of groundwater shall be set up and records maintained.
49. Fugitive dust generation shall be controlled. Fugitive dust emission shall be regularly monitored at locations of nearest human habitation (including schools and other public amenities located nearest to sources of dust generation as applicable) and records submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and U.P. Pollution Control Board regularly.
50. Baseline data for ambient air quality shall be generated and maintained and RSPM level in ambient air in the nearby human habitation (villages) shall also be monitored along with other parameters.
51. Corporate Environmental Responsibility (CER) shall be by the project proponent and the details of the various heads of expenditure are to be submitted as per the guidelines provided in the recent CER notification No. 22-65/2017-IA.III dated 01/05/2018. Work to be executed with the installation of five hand pumps for drinking water, solar light in villages of streets, construction of two numbers of toilets at the primary school with name displayed and address and details of the beneficiary and gram Pradhan along with phone number, photographs should be submitted to Directorate as well as to the District Magistrate / Chief Development officers.
52. Transportation of minerals shall be done by covering the trucks with tarpaulin or other suitable mechanisms so that no spillage of mineral/dust takes place.
53. Occupational health and safety measures for the workers including identification of work-related health hazards, training on malaria eradication, HIV, and health effects on exposure to mineral dust, etc. shall be carried out. Periodic monitoring for exposure to respirable mineral dust on the workers shall be conducted and records maintained including the health records of the workers. Awareness programmes for workers on the impact of mining on their health and precautionary measures like the use of personal protective equipment etc. shall be carried out periodically. A review of the impact of various health measures shall be conducted followed by follow-up action wherever required.
54. The project proponent will ensure for employing local people as per requirement, necessary protection measures around the mine pit and waste dump, and garland drain around the mine pit and waste dump.
55. Topsoil / solid waste shall be stacked properly with proper slope and adequate safeguards and shall be utilized for backfilling (wherever applicable) for reclamation and rehabilitation of the

- mined-out area. Topsoil shall be separately stacked for utilization later for reclamation and shall not be stacked along with overburden.
56. Overburden (OB) shall be stacked at the earmarked dump site(s) only and shall not be kept active for long period. The maximum height of the dump shall not exceed 20 m, each stage shall preferably be of a maximum of 10 m and the overall slope of the dump shall not exceed 35°. The OB dump shall be backfilled. The OB dumps shall be scientifically vegetated with suitable native species to prevent erosion and surface runoff.
 57. Monitoring and management of rehabilitated areas shall continue until the vegetation becomes self-sustaining. Compliance status shall be submitted to the Regional Office, Ministry of Environment & Forests, Gol, Lucknow, and U.P. Pollution Control Board on a six-monthly basis.
 58. The slope of the mining bench and ultimate pit limit shall be as per the mining scheme approved by the Indian Bureau of Mines.
 59. Permission for the abstraction of groundwater shall be taken from Central Ground Water Board. Regular monitoring of ground and surface water sources for level and quality shall be carried out by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring shall be carried out four times in a year i.e., premonsoon (April/May), monsoon (August), post-monsoon (November), and winter (January), and the data thus collected shall be regularly sent to MoEF&CC, Central Ground Water Authority, and Regional Director, Central Ground Water Board.
 60. The wastewater from the mine shall be treated to conform to the prescribed standards before discharging into the natural stream. The discharged water from the Tailing Dam, if any shall be regularly monitored and report submitted to the Integrated Regional Office, MoEF&CC, Gol, Lucknow, Central Pollution Control Board, and the State Pollution Control Board.
 61. Hydrogeological study of the area shall be reviewed by the project proponent annually. In case the adverse effect on groundwater quality and quantity is observed mining shall be stopped and resumed only after mitigating steps to contain any adverse impact on groundwater is implemented.
 62. Vehicular emissions shall be kept under control and regularly monitored. Vehicles used for transportation of minerals and others shall have valid permissions as prescribed under Central Motor Vehicle Rules, 1989 and its amendments. The vehicles transporting minerals shall be covered with a tarpaulin or other suitable enclosures so that no dust particles / fine matters escape during the period of transportation. No overloading of minerals for transportation shall be committed. The trucks transporting minerals shall not pass through the wildlife sanctuary if any in the study area.
 63. Prior permission from the Competent Authority shall be obtained for the extraction of groundwater if any.
 64. A final mine closure plan, along with details of Corpus Fund, shall be submitted to the Integrated Regional Office, MoEF&CC, Gol, Lucknow and U.P. Pollution Control Board 5 years in advance of final mine closure for approval.
 65. Project Proponent shall explore the possibility of using solar energy where ever possible.
 66. Commitment towards CER has to be followed strictly.
 67. Regular health checkup record of the mineworkers has to be maintained at the site in a proper register. It should be made available for inspection whenever asked.
 68. Project Proponent has to strictly follow the direction/guidelines issued by MoEF&CC, CPCB, and other Govt. Agencies from time to time.
 69. The blasting will be done only after getting permission from the Mining Department.

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

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

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

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

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

Copy, through email, for information and necessary action to –

1. The Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, Lucknow (email – soenvups@rediffmail.com)
2. Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, 3rd Floor, Prithvi-Block, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003 (email – sudheer.ch@gov.in)
3. Deputy Director General of Forests (C), Integrated Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow – 226020 (email – roc.lko-mef@nic.in)
4. Director, Geology & Mining, Uttar Pradesh, Khanij Bhawan 27/8, Raja Ram Mohan Rai Marg, Lucknow-226001 (email - dgmupexp@gmail.com)
5. District Magistrate, Banda, Uttar Pradesh.
6. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email – ms@uppcb.com)
7. Copy to Web Master for uploading on PARIVESH Portal.
8. Copy for Guard File.

(Ajay Kumar Sharma)
Member Secretary, SEIAA

Validity unknown

Digitally signed by Member Secretary
Member Secretary
Date: 5/7/2022 3:37:40 PM
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Uttar Pradesh Pollution Control Board
 Building, No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010
 Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.in, Website: www.uppcb.com

172616/UPPCB/Banda(UPPCBRO)/CTO/both/BANDA/2022

Date: 26/02/2023

To,

M/s

M/S BUNDELKHAND ROCKS

Gata No- 1876, (Khand No.09),(Leased Area 0.5 ha.), Village Girwan,
 Tehsil-Naraini, District-Banda, U.P.-210001

Application Id-
 19024516

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

CCA is hereby granted to M/S BUNDELKHAND ROCKS located at Gata No- 1876, (Khand No.09),(Leased Area 0.5 ha.), Village Girwan, Tehsil-Naraini, District-Banda, U.P.-210001. subject to the provisions of the Water Act, Air Act and the orders that may be made further and subject to following terms and conditions :-

1. This CCA M/S BUNDELKHAND ROCKS granted for the period from 26/02/2023 to 31/12/2027 and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Granite Khanda, Gitti, Boulder	5000	Cubic Meters/Year

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

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

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

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

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

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

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
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(iv) Sewage Treatment and Disposal :- The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be

dispatched immediately.

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

S No.	Parameters	Standards
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3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

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

Air Pollution Source Details

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

Emission Quality Standards

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

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

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

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

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

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

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

- (i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.
- (ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.
5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.
6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will result in legal action under the aforesaid Acts and Rules.
7. In compliance to the G.O 1011/81-7-2021-09 (Writ)/2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.
8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

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

Specific Conditions:-

1. This consent is valid for production of Granite Khanda, Gitti, Boulder- 5000 Cu Meter/Year by opencast and semi mechanized mining in 0.5 hectare leased area at Gata No-1876 (Khand No.09), Village- Girwan, Naraini, Banda.
2. Mining unit shall comply with the conditions of Environmental Clearance issued by State Level Environment Impact Assessment Authority (SEIAA) vide EC Identification No. EC22B001UP110835 dated 07.05.2022 and submit its compliance report to UPPCB.
3. If the lease agreement expires prior to 31-12-2027, then the validity of this CTO shall stand expired simultaneously with the expiry of mining lease.
4. Mining shall be done as per EC issued by SEIAA and directions given by Mining Department/District Administration.
5. Unit shall develop and maintain green belt as per the conditions of Environmental Clearance.
6. Unit shall not withdrawal ground water for any industrial activity without obtaining necessary permission from UPGWA.
7. The domestic effluent shall be treated through septic tank/soak pit or provide mobile toilet facility. Industry shall maintain ZLD.
8. Unit shall make water sprinkling arrangement through Tankers for dust suppression at different sources of dust emission during mining, transportation, loading and unloading of Granite Khanda, Gitti, Boulder.
9. Unit should operate and maintain installed water sprinkler system effectively and continuously to achieve the standards prescribed under E(P) Rules, 1986.
10. Unit shall submit Ambient air monitoring reports of NABL accredited laboratory on quarterly basis to the Board.
11. All trucks, tractors used in transportation of Granite Khanda, Gitti, Boulder shall be covered by canvas sheet to prevent dust emission.
12. Water will be sprayed after loading activity (if Granite Khanda, Gitti, Boulder collected could be dry condition)
13. The dust suppression measures like water spraying will be done on the haul roads and working areas.
14. Industry should comply with the provisions of Hazardous and Other waste (Management & Trans boundary Movement) Rules 2016.
15. Solid waste should be disposed in such manner, so that no water, air and soil pollution takes place.
16. Industry shall abide by directions given by Hon'ble Court, MoEF&CC, Central Pollution Control Board and UPPCB for protection and safe guard of environment from time to time.
17. The unit shall submit the latest copy of Audited Balance Sheet/C.A. Certificate (Fixed Assets+ Current Assets - Current Liabilities) for verification of the Consent fee payable by the industry within 15 days. In case CTO fee dues then it shall be submitted to the Board immediately.
18. Consent fees if revised, shall be payable by industry from the date of its applicability.
19. Industry shall comply with the relevant provisions of Environmental Laws.
20. If closure order is issued by CPCB or UPPCB against the unit, then CTO issued earlier will remain suspended during the closure period and after ensuring the compliance and after revocation of closure order, the CTO will automatically be effective with additional conditions mentioned in the closure revocation order.

Chief Environmental Officer (circle-2)

Copy to:

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

Chief Environmental Officer (circle-2)

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

O.A. No. 422 OF 2023

IN THE MATTER OF:

ABHISHEK SHUKLA

...APPLICANT

VERSUS

STATE OF U.P. AND OTHERS

...RESPONDENTS

VAKALATNAMA

KNOW All to whom these presents shall come that I, Deepali Singh, the proprietor of M/s Bundelkhand Rocks Gata No.1876 Khand No. 09, Village Girwan, Tehsil Naraini, District Banda, Uttar Pradesh ,Respondent no. 17 do hereby appoint

YASHOVARMAN

Advocate for Petitioner

1019,Naurang House ,K.G. Marg,Connaughtplace,New Delhi, Pin:110001

Email:officeofyashovarman@gmail.com,Phn: 9716911111

Advocate Yashovarman (hereinafter called Advocate) to be my Advocate in the above noted case and authorisethem :

1. To sign, file, verify and present pleadings, cross objections or any petitions , for execution, review , rectification, revision, restoration, withdrawal, compromise or other petitions, replies, objections or affidavits or any other documents deemed necessary or proper for the prosecution of the said case in all its stages.
2. To act, appear, plead in the above noted case before this Hon'ble Court subject to payment of their fees;
3. To file and take back documents;
4. To withdraw, or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any matter relating to the said case;
To take out execution proceedings;
5. To deposit, draw and receive money, cheque 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.
6. To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the advocate whenever they may think it to do so and to sign the power of attorney on my behalf.

And I the undersigned, do hereby agree to ratify and confirm acts done by the advocate or his substitute in the matter as my own acts as if done by me to all intents and purposes.

And I the undersigned, undertake that I or my duly authorised agent would appear in court on all hearings and will inform the advocate for appearance, when the case is called.

And I the undersigned, do hereby agree not to hold the advocates or his substitute responsible for the result of the said case in consequence of his absence from the court when the said case is called up for hearings, or for any negligence of the said is Called for hearings, or for any negligence of the said advocate or substitute.

And I the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me 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. If any costs are allowed for an adjournment, the advocate would be entitled to the same. The fee settled is only for the above case and court.

IN WITNESS WHEREOF I do hereunto set my hand to these presents the content of which have been understood by me on this 10th day of January, 2024.


D/1027/2023
ADVOCATE


CLIENT

ADVOCATE YASHOVARMAN
1019 Naurang House, Cannaught Pl. ce
New Delhi-110001, Ph.- 9716911111
officeofyashovarma@gmail.com