

**BEFORE THE NATIONAL GREEN TRIBUNAL
SITTING AT NEW DELHI**

MEMORANDUM OF APPLICATION

(Under Sec. 14 read with Sec. 15 and 18(1) of the National
Green Tribunal Act, 2010)

O.A. NO.176 OF 2022

IN THE MATTER OF:

Aman Chaudhary

..... APPLICANT

VERSUS

Union of India & Others

..... RESPONDENTS

REPLY ON BEHALF OF RESPONDENT No.2

Compilation – I

PAPER BOOK

(FOR INDEX KINDLY SEE INSIDE)

PALLAVI PRATAP

Advocate for the Respondent No.2

ENROL NO. UP/1246/2010

A-90, LGF South Ex-II, New Delhi

Mob: 9999990078

Email: pallavipratap@hotmail.com

**BEFORE THE NATIONAL GREEN TRIBUNAL
SITTING AT NEW DELHI**

MEMORANDUM OF APPLICATION

(Under Sec. 14 read with Sec. 15 and 18(1) of the National Green
Tribunal Act, 2010)

O.A. NO.176 OF 2022

IN THE MATTER OF:

Aman Chaudhary

..... APPLICANT

VERSUS

Union of India & Others

.... RESPONDENTS

INDEX

<u>Sl.No.</u>	<u>Particulars</u>	<u>Pages</u>
----------------------	---------------------------	---------------------

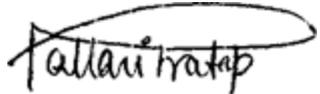
COMPILATION I

- | | | |
|----|-------------------------------------|-------|
| 1. | Reply on behalf of Respondent No.2. | 1-10 |
| 2. | Affidavit in support of the reply. | 11-12 |

Place: New Delhi
Dated: 31.01.2023


RESPONDENT No.2

Through



PALLAVI PRATAP

Advocate for the Respondent No.2

ENROL NO. UP/1246/2010

A-90, LGF South Ex-II, New Delhi

Mob: 9999990078

Email: pallavipratap@hotmail.com

**BEFORE THE NATIONAL GREEN TRIBUNAL
SITTING AT NEW DELHI**

MEMORANDUM OF APPLICATION

(Under Sec. 14 read with Sec. 15 and 18(1) of the National
Green Tribunal Act, 2010)

O.A. NO.176 OF 2022

Aman Chaudhary

..... APPLICANT

VERSUS

Union of India & Others

..... RESPONDENTS

REPLY ON BEHALF OF THE RESPONDENT NO. 2

MOST RESPECTFULLY SHOWETH:

The respondent no. 2 above named most respectfully
showeth as under:-

1. That the answering Respondent has been impleaded
as respondent no. 2 in the above noted Original
Application *vide* order dated 16.08.2022 passed by
this Hon'ble Tribunal.
2. That the applicant has filed the instant Original
Application with a sole objective of deliberately
misleading this Hon'ble Tribunal to believe that the
respondent no. 2 has been indulged in illegal sand

mining and further alleging that a bridge has been constructed by the respondent no. 2 in river Ganga dividing it into two streams whereas it is blatant falsehood to misguide this Hon'ble Tribunal.

3. That before submitting a para wise objection to this Original Application, the applicant seeks leave of this Hon'ble Tribunal to submit relevant facts for the adjudication of this present Original Application.
4. That the Respondent no. 2 had participated in the E-Tender cum E-Auction and being the highest bidder was granted a letter of intent for Gata no. 2Mi, area of 10.50 Hectare, Village Katari Sunaudha, Tehsil Bilhaur, District Kanpur Nagar for a total quantity of 2,10,000 cubic meter per year. True copy of the Letter of Intent no. 1111/ *tees-up khanij*/2017 dated 12.12.2017 is filed herewith as **Annexure No.1.**
5. That pursuant to the Letter of Intent, the Respondent no. 2 deposited the amount and got the mining plan prepared and ultimately was granted Environmental Clearance on 12.02.2018. True copy of the Environmental Clearance dated 12.02.2018 is filed herewith as **Annexure No.2.**

6. That after obtaining the Environmental Clearance in the respect of the aforesaid, the mining lease deed was executed in favour of the Respondent no. 2 for a period of 5 years on 07.04.2018. True copy of the lease deed is annexed herewith as **Annexure No. 3.**
7. That *vide* order dated 03.02.2021 the mining activity of the Respondent no. 2 was stopped on the charge of illegal mining and demand was raised.
8. That being aggrieved by the order dated 03.02.2021, Respondent no. 2 preferred a statutory revision bearing Revision no. 48(R)/SM/2021 (*M/s Vaishnavi Enterprises v Director, Directorate of Geology and Mines*) under Rule 78 of the Uttar Pradesh Minor Minerals (Concession) Rules, 1963, which was dismissed *vide* an order dated 09.08.2021.
9. That being aggrieved by the order dated 09.08.2021 passed in Revision No. 48 (R)/SM/2021, the Respondent no. 2 filed a Writ Petition No. 18966 (M/S) of 2021 (*M/s Vaishnavi Enterprises through its Proprietor Sri Nagendra Singh versus State of U.P Thru. Secy. Geology and Mining, Lko & Ors*) before the Hon'ble High Court of Judicature at Allahabad in

which this Hon'ble Court *vide* judgment and order dated 22.09.2021 was pleased to grant an interim protection on the condition that the Respondent no. 2 has to deposit 50% of the amount and furnish a security for the remaining 50 % before the District Magistrate, Kanpur Nagar within a period of three weeks. True copy of the interim order dated 22.09.2021 is annexed herewith as **Annexure No. 4.**

10. That pursuant to this Hon'ble Court's order dated 22.09.2021, the Respondent no. 2 deposited an amount of Rs.1,20,00,000/- (Rupees One Crore, Twenty Lacs) before the District Magistrate, Kanpur Nagar through a Challan no. AKV210012782 dated 20.11.2021 and further furnished a security for the remaining 50 % amount before the District Magistrate, Kanpur Nagar.
11. That post-deposit of the aforesaid amount and the security by the Respondent no. 2, the District Magistrate, Kanpur Nagar *vide* letter no. 1067 *tees-upkhanij/* 2021 dated 13.12.2021 granted the permission to the Respondent no. 2 to resume their mining activities for Gata no. 2Mi, having area of

10.50 Hectare situated in Village Katari Sunaudha, Tehsil Bilhaur, District Kanpur Nagar. True Copy of the letter no. 1067 *tees-upkhanij/2021* dated 13.12.2021 is annexed herewith as **Annexure No. 5.**

12. That the Respondent no. 2 resumed their mining activities from 17.12.2021 in pursuance to the letter no. 1067 *tees-upkhanij/2021* dated 13.12.2021 and undertook the mining operations till 31.05.2022.
13. That on an inspection held by the office of the District Magistrate, Kanpur Nagar, the mining activity of the Respondent no. 2 was stopped from 31.05.2022 and till date the Respondent no. 2 are not carrying on any mining.
14. That the respondent no. 2 seeks leave of this Hon'ble Tribunal to submit the paragraph-wise reply of the Original Application as under:
15. That in reply to the contents of paragraph number 1 of the original application it is respectfully submitted that the allegations of Air and Water pollution levelled against the Respondent no. 2 are unsound. It is further submitted that the Respondent no. 2

was operating his mining lease after the grant of a valid Environmental Clearance dated 12.02.2018. Furthermore, an Environmental Clearance can be issued only after various stages of decision making process have been completed. Requirements such as conducting a public hearing, screening, scoping and appraisal or components of the decision making process which ensure that the likely impacts of the industrial/mining activity of expansion of an industrial/mining activity are considered in the decision making calculus.

16. That in reply to the contents of paragraph number 2 of the original application it is respectfully submitted that the Respondent no. 2 operated on his mining lease after the grant of a valid Environmental Clearance and has never indulged in any Illegal Mining. Furthermore, no charge of illegal mining as ever been established upon the Respondent no. 2. It is further submitted that the Respondent no. 2 did not indulge in any illegal mining as the Respondent no. 2 only commenced the mining in the area leased

to the Respondent no. 2 and further only resumed his mining activities from 17.12.2021 in pursuance to the letter no. 1067 *tees-upkhanij/* 2021 dated 13.12.2021 after getting due permission from the District Magistrate, Kanpur Nagar.

17. That in reply to the contents of paragraph number 3 of the original application the averments made in previous paragraphs of this instant objection are reiterated.
18. That in reply the contents of paragraph number 4 of the original application it is respectfully submitted that the allegations made by the applicant regarding the construction of a bridge in river Ganga dividing it into two streams is false and baseless. In this regard it is further submitted that even in the report of the Joint Committee dated 10.08.2022, the findings clearly state that according to Google Earth Timeline map of dated 25.03.2018 and 18.04.2019, no such temporary bridge was observed.
19. That in reply the contents of paragraph number 5 of the original application it is respectfully submitted

that the Respondent no. 2 has carried out the mining in compliance to the various guidelines enunciated in the judicial pronouncements of the Hon'ble Supreme Court of India.

20. That the contents of paragraph number 6 of the original application the averments made in previous paragraphs of this instant objection are reiterated, it is further submitted that the mining lease area of the Respondent no. 2 is situated at a distance of 900 meters from the river Ganga and the same can be ascertained from the previous inspection report dated 06.12.2020 hence the question of carrying activity in "Eco Sensitive and Prohibited Zone" does not arise. Furthermore, no charge of illegal mining has ever been established upon the Respondent no. 2 and it is evident from the joint inspection report dated 10.08.2022 that no such bridge was ever constructed by the Respondent No. 2.
21. That in reply the contents of paragraph number 7 of the original application need no reply.

22. In view of these glaring facts, it is the respectful submission of the answering Respondent No. 2, that the claim of the applicant cannot be sustained and deserves to be dismissed outright with exemplary costs, so as to dissuade such motivated claims from being made in the future

23. For the foregoing reasons, none of the prayers/reliefs prayed by the applicant deserve to be granted. It is the respectful submission of the Respondent No. 2 that the present application filed before this Hon'ble tribunal deserves to be dismissed with exemplary costs.

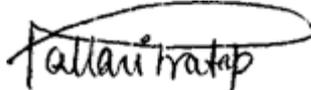
(A) Pass any such other order or orders as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.

Dated: 31.01.2023

New Delhi


Respondent no. 2

Through



PALLAVI PRATAP
Advocate for the Respondent No.2
ENROL NO. UP/1246/2010
A-90, LGF South Ex-II, New Delhi
Mob: 9999990078

106

Email: pallavipratap@hotmail.com

VERIFICATION

I, Nagendra Singh, Son of Shri Ravendra Singh, Resident of 113 MIG-2 Mahabalipuram, Kanpur Nagar, State of Uttar Pradesh -208017, do hereby verify that the contents of paragraph 1 to 10 are true to my personal knowledge and para 11 to 23 believed to be true on legal advice and that I have not suppressed any material facts.

Place: New Delhi



Dated: 31.01.2023 Signature of the Respondent No.2



**BEFORE THE NATIONAL GREEN TRIBUNAL
SITTING AT NEW DELHI**

MEMORANDUM OF APPLICATION

(Under Sec. 14 read with Sec. 15 and 18(1) of the
National Green Tribunal Act, 2010)

O.A. NO.176 OF 2022

Aman Chaudhary

..... APPLICANT

VERSUS

Union of India & Others

..... RESPONDENTS

AFFIDAVIT

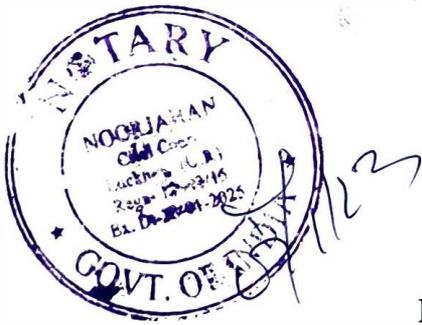
I, Nagendra Singh ,Son of Shri Ravendra Singh,
Resident of 113 MIG-2 Mahabalipuram, Kanpur Nagar,
State of Uttar Pradesh -208017, do hereby solemnly
affirm and declare as under:-



1. That I am the Respondent No.2 and proprietor of Respondent No. 2 firm as such I am conversant with the facts of the case and thus competent to affirm this affidavit.

2. That I have read the contents of the accompanying Reply including facts in brief, grounds etc. from pages 1 to 10..and have understood the same.
3. That the facts stated therein are true and correct to the best of my knowledge and belief and nothing material has been suppressed.
4. That I have instructed my Advocate and a reply has been prepared by my advocate on my instructions as stated above.
5. That the annexures filed herewith are true and correct copies/English translations of their respective originals.


Deponent



VERIFICATION

I, abovenamed deponent do hereby verify that the contents of the above affidavit are true to my personal knowledge and belief and that I have not suppressed any material facts.

Verified at Lucknow on 08th day of January 2023


Deponent

Sworn and Verified before me.

4/10/23
NOORJAHAN
Civil Court
Lucknow (U.P.)
Regd. No. 103/2016
Est. On 20/01/2023

I know & identify the deponent / Exponent who has signed / put his T.S. before me

08/1/23

**BEFORE THE NATIONAL GREEN TRIBUNAL
SITTING AT NEW DELHI
MEMORANDUM OF APPLICATION**

(Under Sec. 14 read with Sec. 15 and 18(1) of the National Green
Tribunal Act, 2010)

O.A. NO.176 OF 2022

IN THE MATTER OF:

Aman Chaudhary

..... APPLICANT

VERSUS

Union of India & Others

..... RESPONDENTS

COMPILATION II

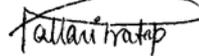
S.NO.	PARTICULARS	PAGES
1.	<u>Annexure No. 1</u> True copy of the Letter of Intent no. 1111/ <i>tees-up khanij/2017</i> dated 12.12.2017	13-14
2.	<u>Annexure No.2</u> True copy of the Environmental Clearance dated 12.02.2018	15-22
3.	<u>Annexure No.3</u> True copy of the lease deed	23-31
4.	<u>Annexure No.4</u> True copy of the interim order dated 22.09.2021	32-35
5.	<u>Annexure No.5</u> True Copy of the letter no. 1067 <i>tees-upkhanij/2021</i> dated 13.12.2021	36
6.	Application for exemption from filing Official translation with affidavit.	37-41

Place: New Delhi

Dated: 31.01.2023

Through


RESPONDENT No.2



PALLAVI PRATAP

Advocate for the Respondent No.2

ENROL NO. UP/1246/2010

A 90, LGF South Ex II, New Delhi

Mob: 9999990078

Email: pallavipratap@hotmail.com

110

कार्यालय जिलाधिकारी, कानपुर नगर।
(खनन अनुभाग)

पत्रांक: / / / / तीस-उप खनिज / 2017

दिनांक: दिसम्बर, 2, 2017

में 0 वैष्णवी इन्टर प्राइजेज,
श्री नागेन्द्र सिंह
निवास-एम0आई0जी0-2 महावलीपुरम
कानपुर नगर।

सहमति-पत्र (लेटर ऑफ इण्डेन्ट)

भूतत्व एवं खनिकर्म विभाग, उ0प्र0 शासनादेश सं0-1875/86-2017-57(सामान्य)/2017टी0सी0 1 दिनांक 14.08.2017 के द्वारा प्रदेश में नदी तल में उपलब्ध उपखनिज यथा साधारण बालू/मौरम आदि के रिक्त क्षेत्रों पर उ0प्र0 उपखनिज (परिहार) नियमावली 1963 के प्राविधानों के अर्न्तगत ई-टेन्डरिंग प्रणाली के माध्यम से जनपद कानपुर नगर के तहसील बिल्हौर के ग्राम सुनौड़ा गाटा सं0-2मि0 क्षेत्रफल 10.5 हे0 कटरी सुनौड़ा में प्रथम वर्ष हेतु 210000 घनमीटर साधारण बालू को ई-निविदा के माध्यम माईनिंग परमिट स्वीकृत किये जाने हेतु विज्ञप्ति सं0-985 दिनांक 03.11.2017 को ई-निविदा एम0एस0टी0सी के पोर्टल पर अपलोड करते हुये ई-निविदा आमंत्रित की गई थी। उ0प्र0 उप खनिज परिहार नियमावली 1963 के अनुसूची 01, जिसमें जनपद कानपुर नगर में उपलब्ध साधारण बालू द्वितीय श्रेणी में वर्गीकृत है। भूतत्व एवं खनिकर्म विभाग उ0प्र0 शासन के शासनादेश दिनांक 19.01.2016 के द्वारा जनपद कानपुर नगर में स्थित साधारण बालू की रायल्टी रू0 65.00 प्रति घनमीटर निर्धारित है। एम0एस0टी0सी0 लखनऊ द्वारा प्रेषित मेल के अनुसार ब्लाक तृतीय कटरी सुनौड़ा स्थित खनन क्षेत्र के लिये आप द्वारा निर्धारित रायल्टी रू0 65 प्रति घनमीटर के सापेक्ष रू0 92 प्रति घनमीटर दिये जाने हेतु निविदा प्रस्तुत की है, जो सर्वोच्च है। आप द्वारा सुनौड़ा हेतु निर्धारित सरकारी निविदा मूल्य के 25 प्रतिशत अर्थात् आर्नेस्ट रू0 34,12,500/- (चौतीस लाख वारह हजार पांच सौ रू0) एम0एस0टी0सी में जमा की गयी है। आप द्वारा वाली गयी सर्वोच्च निविदा 92-00 प्रति0घनमीटर की दर से प्रथम वर्ष हेतु कुल रू0 1,93,20,000/- होती है।

उपरोक्त क्षेत्र हेतु आप सर्वोच्च दर प्रस्तुत करने वाले आवेदक है आप द्वारा ई-निविदा उक्त क्षेत्र के लिये एम0एस0टी0सी0द्वारा चयनित की गयी है अतः आपको निर्देशित किया जाता है कि उपरोक्त शासनादेश के अनुसार शेष समस्त औपचारिकतायें एम0एस0टी0सी0 से सम्पर्क कर पूर्ण करायें तथा भारत सरकार के वन, पर्यावरण एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 14.09.2006 के साथ अनुवर्ती अधिसूचना दिनांक 15.01.2016 में उल्लिखित प्राविधानों के अर्न्तगत खनन की अनुमति दिये जाने हेतु, सक्षम स्तर से पर्यावरण स्वच्छता प्रमाण पत्र एवं अनुमोदित खनन योजना प्राप्त कर इस कार्यालय में तत्काल प्रस्तुत करे जिससे अग्रिम कार्यवाही की जा सके।

पत्र संख्या- / तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. अपर मुख्य सचिव, भूतत्व एवं खनिकर्म, लखनऊ, उ0प्र0 के सादर सूचनार्थ।
2. निदेशक, भूतत्व एवं खनिकर्म उ0प्र0, लखनऊ के सादर सूचनार्थ।
3. एम0एस0टी0सी0 लखनऊ को आवश्यक कार्यवाही हेतु।



(सुरेन्द्र सिंह)

जिलाधिकारी, कानपुर नगर।

(सुरेन्द्र सिंह)

जिलाधिकारी, कानपुर नगर।

111
कार्यालय जिलाधिकारी, कानपुर नगर।
(खनन अनुभाग)

पत्रांक: 36 / तीस-उप खनिज / 2018

दिनांक 14.08.2017

मे० वैष्णवी इन्टर प्राइजेज,
प्रो० श्री नागेन्द्र सिंह
नि० एम०आई०जी०-2 महाबलीपुरम,
जनपद कानपुर नगर।

संशोधित सहमति-पत्र (लेटर ऑफ इण्डेन्ट)

भूतत्व एवं खनिकर्म विभाग, उ०प्र० शासनादेश सं०-1875/86-2017-57(सामान्य) / 2017टी०सी० दिनांक 14.08.2017 के द्वारा प्रदेश में नदी तल में उपलब्ध उपखनिज यथा साधारण बालू/मौरम आदि के रिक्त क्षेत्रों पर उ०प्र० उपखनिज (परिहार) नियमावली 1963 के प्राविधानों के अर्न्तगत ई-टेन्डरिंग प्रणाली के माध्यम से जनपद कानपुर नगर के तहसील बिल्हौर के ग्राम कटरी सुनौड़ा के गाटा सं०-2मि० क्षेत्रफल 10.5हे० 5 वर्ष हेतु प्रथम वर्ष में 210000 घनमीटर साधारण बालू को ई-निविदा के माध्यम माईनिंग पट्टा स्वीकृत किये जाने हेतु विज्ञप्ति सं०-985 दिनांक 03.11.2017 को ई-निविदा एम०एस०टी०सी० के पोर्टल पर अपलोड करते हुये ई-निविदा आमंत्रित की गई थी। भूतत्व एवं खनिकर्म विभाग, के अधिसूचना संख्या-243/86-2016-200-777टी०सी०-11 लखनऊ दिनांक 19.01.2016 में जनपद कानपुर नगर में उपलब्ध साधारण बालू प्रथम श्रेणी में वर्गीकृत है जिसकी रायल्टी रू० 65.00 प्रति घनमीटर निर्धारित है। एम०एस०टी०सी० लखनऊ द्वारा प्रेषित मेल के अनुसार साधारण ब्लाक तृतीय कटरी सुनौड़ा स्थित खनन क्षेत्र के लिये आप द्वारा निर्धारित रायल्टी रू० 65 प्रति घनमीटर के सापेक्ष रू० 92 प्रति घनमीटर दिये जाने हेतु निविदा प्रस्तुत की है, जो सर्वोच्च है। आप द्वारा कटरी सुनौड़ा हेतु निर्धारित सरकारी निविदा मूल्य के 25 प्रतिशत अर्थात् आर्नेस्ट रू० 34,12,500/- (चौतिस लाख बारह हजार पांच सौ रू०) एम०एस०टी०सी० में जमा की गयी है। आप द्वारा बोली गई सर्वोच्च निविदा 92 रू० प्रतिघनमीटर की दर से प्रथम वर्ष हेतु कुल रू० 1,93,20,000/- होती है।

उपरोक्त क्षेत्र हेतु आप सर्वोच्च दर प्रस्तुत करने वाले आवेदक हैं, आपकी ई-निविदा उक्त क्षेत्र के लिये एम०एस०टी०सी० द्वारा चयनित की गयी है। अतः आपको निर्देशित किया जाता है कि उपरोक्त शासनादेश के अनुसार शेष समस्त औपचारिकतायें एम०एस०टी०सी० से सम्पर्क कर पूर्ण कराये तथा भारत सरकार के वन, पर्यावरण एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 14.09.2006 के साथ अनुवर्ती अधिसूचना दिनांक 15.01.2016 में उल्लिखित प्राविधानों के अर्न्तगत खनन की अनुमति दिये जाने हेतु, सक्षम स्तर से पर्यावरण स्वच्छता प्रमाण पत्र एवं अनुमोदित खनन योजना प्राप्त कर इस कार्यालय में तत्काल प्रस्तुत करें, जिससे अग्रिम कार्यवाही की जा सकें।

पत्र संख्या- / तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. अपर मुख्य सचिव, भूतत्व एवं खनिकर्म, लखनऊ, उ०प्र० को सादर सूचनार्थ।
2. निदेशक, भूतत्व एवं खनिकर्म उ०प्र०, लखनऊ को सादर सूचनार्थ।
3. एम०एस०टी०सी० लखनऊ को आवश्यक कार्यवाही हेतु।



(सुरेन्द्र सिंह)
जिलाधिकारी, कानपुर नगर।

(सुरेन्द्र सिंह)
जिलाधिकारी, कानपुर नगर।

Uploaded on
www.seiaaup.in

Directorate of Environment, U.P.

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

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

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.in

To,

Shri Nagendra Singh,
M/s Vaishnavi Enterprises,
R/o MIG-02, Mahabalipuram,
Kanpur Nagar, U.P- 288017

Ref. No. 174 /Parya/SEAC/4026/2017

Date 12 February, 2018

Sub: Environmental Clearance for ordinary sand mining project at Gata no. 2mi Village-Katari Sunaudha , Tehsil- Bilhaur, District-Kanpur Nagar, U.P area 26.0 acres (10.50 ha)

Dear Sir,

Please refer to your application/letter dated 02-02-2018 addressed to the Secretary, SEAC/Director, Directorate of Environment, U. P. The State Level Expert Appraisal Committee considered the matter in its meetings held on dated 06/02/2018.

A presentation was made by the representative of the project proponent along with their consultant M/s Ind Tech House Consult. The proponent, through the documents submitted and the presentation made, informed the committee that:

- 1- The environmental clearance is sought for ordinary Sand Mining Project At Gata No. 2mi Village-Katari Sunaudha , Tehsil- Bilhaur, District-Kanpur Nagar, u.p area 26.0 acres (10.50 ha)
- 2- The LOI of Mining area granted to M/s Vaishnavi Enterprises Sri Nagendra Singh project proponent on dated 18/01/2018 as per letter vide no 36/30-UP-Khanij/2018 .
- 3- The period of Mining Lease is for 5 Years from the date of Execution
- 4- Mining plan has been approved on dated 22.01.2018 and prepared by Sri U.P.S. Chauhan RQP/DDN/165/2005/A
- 5- Projects Details:-

Name of Mineral	Ordinary Sand
Plot/Khasra No	Gatano/Khand No-2MI
Lease Hold Area	10.50 Ha (26.0 Acre)
Proposed annual Capacity	2,10,000 M ³ Per Annum
Type of Land	Non-Forest Land
Method of Mining	Manual Mining/ Semi Mechanised
Location of the Project	Village- Katari Sunaudha Tehsil Bilhaur District Kanpur Nagar State-U.P

6- Mine details:-

Reserves Details	Units	
Lease Area	1,05,000	M ²
Geological Reserves(considering 3.0m depth)	3,15,000	M ³
Peripheral Buffer Area 7.5 m	13,663	M ²
Total Mineable Area after Leaving 7.5m Buffer	91,337	M ²
Total Mineable/ Saleable Reserves (considering 3m Depth)	2,10,000	M ³
Highest Point	122.0 in NE	mRL
Lowest Point	117.0 in SW	mRL

7- The total water requirement for the project is 166 KLD



E.C. for Ordinary Sand Mining Project At Khand No/Gata No. 2mi Village-Katari Sunaudha, Tehsil- Bilhaur, District- Kanpur Nagar, U.P Area 26.0 Acres (10.50 Ha)

- 8- The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
- 9- This project does not attract any of the general conditions applicable on mining projects specified in EIA Notification 14/09/2006.
- 10- The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
- 11- There is no litigation pending in any court regarding this project.
- 12- The project proposal falls under category-1(a) of EIA Notification, 2006 (as amended).

Based on the recommendations of the State Level Expert Appraisal Committee (meeting held on 06/02/2018) on the above said project, the State Level Environment Impact Assessment Authority (meetings held on dated 08/02/2018) has decided to grant the Environmental Clearance to the title project for collection of 2,10,000 M³ Per Annum, is proposed from mining lease area 10.50 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 law.
3. Any change in mining area, khasra numbers, entailing capacity addition with change in process and or mining technology, modernization and scope of working shall again require prior Environmental Clearance as per the provisions of EIA Notification, 2006 (as amended).
4. Precise mining area will be jointly demarcated at site by project proponent and officials of Mining/Revenue department prior to starting of mining operations. Such site plan, duly verified by competent authority along-with copy of the Environmental Clearance letter will be displayed on a hoarding/board at the site. A copy of site plan will also be submitted to SEIAA within a period of 02 months.
5. Mining and loading shall be done only within day hours time.
6. No mining shall be carried out in the safety zone of any bridge and/or embankment.
7. It shall be ensured that standards related to ambient air quality/effluent as prescribed by the Ministry of Environment & Forests are strictly complied with. Water sprinklers and other dust control majors should be applied to take-care of dust generated during mining operation. Sprinkling of water on haul roads to control dust will be ensured by the project proponent.
8. All necessary statutory clearances shall be obtained before start of mining operations. If this condition is violated, the clearance shall be automatically deemed to have been cancelled.
9. Parking of vehicles should not be made on public places.
10. No tree-felling will be done in the leased area, except only with the permission of Forest Department.
11. No wildlife habitat will be infringed.
12. It shall be ensured that excavation of minor mineral does not disturb or change the underlying soil characteristics of the river bed /basin, where mining is carried out.
13. It shall be ensured that mining operation of Sand/Moram will not in any way disturb the, velocity and flow pattern of the river water significantly.
14. It shall be ensured that there is no fauna dependant on the river bed or areas close to mining for its nesting. A report on the same, vetted by the competent authority shall be submitted to the RO, PCB and SEIAA within 02 months.
15. Primary survey of flora and fauna shall be carried out and data shall be submitted to the RO, PCB and SEIAA within six months.
16. Hydro-geological study shall be carried out by a reputed organization/institute within six months and establish that mining in the said area will not adversely affect the ground water regime. The report shall be submitted to the RO, PCB and SEIAA within six months. In case adverse impact is observed /anticipated, mining shall not be carried out.

17. Adequate protection against dust and other environmental pollution due to mining shall be made so that the habitations (if any) close by the lease area are not adversely affected. The status of implementation of measures taken shall be reported to the RO, UPPCB and SEIAA and this activity should be completed before the start of sand mining.
18. Need-based assessment for the nearby villages shall be conducted to study economic measures which can help in improving the quality of life of economically weaker section of society. Income generating projects/tools such as development of fodder farm, fruit bearing orchards, vocational training etc. can form a part of such program me. The project proponent shall provide separate budget for community development activities and income generating programmes.
19. Green cover development shall be carried out following CPCB guidelines including selection of plant species and in consultation with the local DFO/Horticulture Officer.
20. **Separate stock piles shall be maintained for excavated top soil, if any, and the top soil should be utilized for green cover/tree plantation.**
21. Dispensary facilities for first-aid shall be provided at site.
22. An Environmental Audit should be annually carried out during the operational phase and submitted to the SEIAA.
23. The District Mining Officer should quarterly monitor compliance of the stipulated conditions. The project proponent will extend full cooperation to the District Mining Officer by furnishing the requisite data/information/monitoring reports. In case of any violations of stipulated conditions the District Mining Officer will report to SEIAA.
24. The project proponent shall submit six monthly reports on the status of compliance of the stipulated environmental clearance conditions including results of monitored data (both in hard & soft copies) to the SEIAA, the District Officer and the respective Regional Office of the State Pollution Control Board by 1st June and 1st December every year.
25. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parisad/ Municipal Corporation and Urban Local Body.
26. Transportation of materials shall be done by covering the trucks / tractors with tarpaulin or other suitable mechanism to avoid fugitive emissions and spillage of mineral/dust.
27. **Waste water**, from temporary habitation campus be properly collected & treated before discharging into water bodies the treated effluent should conform to the standards prescribed by MoEF/CPCB.
28. Measures shall be taken for control of noise level to the limits prescribed by C.P.C.B.
29. Special Measures shall be adopted to protect the nearby settlements from the impacts of mining activities. Maintenance of Village roads through which transportation of minor minerals is to be undertaken, shall be carried-out by the project proponent regularly at his own expenses.
30. Measure for prevention & control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion, if any, shall be carried-out with geo textile matting or other suitable material.
31. Project Proponent shall explore the possibility of using solar energy wherever possible.
32. Under corporate social responsibility a sum of 5% of the total project cost or total income whichever is higher is to be earmarked for total lease period. Its budget is to be separately maintained. CSR component shall be prepared based on need of local habitant. Income generating measures which can help in upliftment of poor section of society, consistent with the traditional skills of the people shall be identified. The programme can include activities such as development of fodder farm, fruit bearing orchards, free distribution of smokeless Chula etc.



115

33. Possibility for adopting nearest three villages shall be explored and details of civic amenities such as roads, drinking water etc proposed to be provided at the project proponent's expenses shall be submitted within 02 months from the date of issuance of Environment Clearance.
34. The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Ministry of Environment and Forests and its Regional Office located at Lucknow, SEIAA, U.P and UPPCB.
35. Action plan with respect to suggestion/improvement and recommendations made and agreed during Public Hearing shall be submitted to the District mines Officer, concern Regional Officer of UPPCB and SEIAA within 02 months.
36. Environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority, if applicable to this project.
37. The proponent shall observe every 15 day for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness shall be created amongst the workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures. In this regards the safety notified zone should be left so that the habitat/nesting area is undisturbed.
38. The project proponent shall undertake adequate safeguard measures during extraction of river bed material and ensure that due to this activity the hydro geological regime of the surrounding area shall not be affected.
39. The project proponent shall obtain necessary prior permission of the competent Authorities for withdrawal of requisite quantity of water (surface water and groundwater), required for the project.
40. Appropriate mitigative measures shall be taken to prevent pollution of the river in consultation with the State Pollution Control Board. It shall be ensured that there is no leakage of oil and grease in the river from the vehicles used for transportation.
41. Vehicular emissions shall be kept under control and regularly monitored. The vehicles carrying the mineral shall not be overloaded.
42. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. (MoEF circular Dated : 22-09-2008 regarding stipulation of condition to improve the living conditions of construction labour at site).
43. Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects. Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
44. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parishad/ Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
45. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Regional Office of the Ministry of Environment and Forests, Lucknow by e-mail.
46. The green cover development/tree plantation is to be done in an area equivalent to 20% of the total leased area either on river bank or along road side (Avenue Plantation).

47. Debris from the river bed will be collected and stored at secured place and may be utilized for strengthen the embankment.
48. Safety measures to be taken for the safety of the people working at the mine lease area should be given, which would also include measure for treatment of bite of poisonous reptile/insect like snake.
49. Periodical and Annual medical checkup of workers as per Mines Act and they should be covered under ESI as per rule.

Specific Conditions

1. Project proponent should ensure survival of tree samplings. Mortality should be replaced from time to time.
2. Site photographs should be submitted with date and time within 15 days.
3. One month monitoring report of the area for air quality, water quality, Noise level, Flora & Fauna should be conducted twice a week and be submitted within 45 days for a record.
4. Provision for cylinder to workers should be made for cooking.
5. The capacity of trucks/tractor for loading purpose will be in tonnes as per Transport Department applicable norms and standard fixed by the Government.
6. Provide suitable mask to the worker.
7. Approach road kaccha is to be made motarable and tree samplings to be planted on both sides of the road.
8. Indigenous plants should be planted according to CPCB guidelines and in consultation with local Divisional Forest Officer.
9. The project proponent shall in 2 years conduct detailed replenishment study duly authenticated by a QCI-NABET accredited consultant, and the District Mines Officer which shall form the basis for midterm review of conditions of Environmental Clearance.
10. Provision for two toilets and hand pumps should be made at mining site.
11. Drinking water for workers would be provided by tankers.
12. Mining should be done Bar scalping or skimming methods extraction (typically 0.3 -0.6 m or 1 - 2 ft) as per sustainable sand mining management guidelines 2016.
13. A buffer/safe zone shall be maintained from the habitation as per mining guidelines.
14. Total Project Cost has been submitted as Rs. 81.0 Lac. A CSR plan with minimum 5% work to be executed with installation of five hand pumps for drinking water, solar light in villages of streets, construction of two numbers of toilets at the primary school with name displayed and address and details of beneficiary and gram pradhan along with phone number, photographs should be submitted to Directorate as well as to the District magistrate / Chief Development officers, Kanpur nagar, U.P.
15. Detail of works under CSR which has to be executed as above is to be submitted with an affidavit to Directorate as well as to the District magistrate / Chief Development officers, Kanpur nagar, U.P.
16. Health/Insurance card, Medical claim, regular health check-up camps, facilities shall be provided to the regular/temporary/Contractual or any base workers. Copy of Receipt shall be produced to the Directorate of Environment along with the compliance report.
17. Measure for conservation of water rainwater harvesting and cleaning and maintenance of natural surface water bodies of the nearby areas may be considered as one of the activity in CSR.
18. The excavated mining material should be carried and transported in such a way that no obstruction to the free flow of water takes place, suitable measure to be taken and details to be provided to concerned Department.
19. Width of the haul road shall be more than 6 meter.
20. The Environmental clearance will be co-terminus with the mining lease period.



21. Project falling within 10 KM area of Wild Life Sanctuary is to obtain a clearance from National Board Wild Life (NBWL) even if the eco-sensitive zone is not earmarked.
22. To avoid ponding effect and adverse environmental conditions for sand mining in area, progressive mining should be done as per sustainable sand mining management guidelines 2016.
23. Geo coordinates should be verified by Director, DGM/District Magistrate/Regional Mining Officer/NHAI and should be submitted to SEIAA/SEAC, Secretariat as earliest.
24. 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 area is less than 25ha, but factually the distance is less than 500 mt and the mine is located in cluster of area equal or more than 25ha, the E.C issued will stand revoked.
25. The project proponent shall in 2 years conduct detailed replenishment study duly authenticated by a QCI-NABET accredited consultant, and the District Mines Officer which shall form the basis for midterm review of conditions of Environmental Clearance.
26. The mining work will be open-cast and manual/semi mechanized (subject to order of Hon'ble NGT/Hon'ble Courts (s)). No drilling/blasting should be involved at any stage.
27. It shall be ensured that there shall be no mining of any type within 03 m or 10% of the width which-ever is less, shall be left on both the banks of precise area to control and avoid erosion of river bank. The mining is confined to extraction of sand/moram from the river bank only.
28. The project proponent shall undertake adequate safeguard measures during extraction of river bank material and ensure that due to this activity the hydro-geological regime of the surrounding area shall not be affected.
29. The project proponent shall adhere to mining in conformity to plan submitted for the mine lease conditions and the Rules prescribed in this regard clearly showing the no work zone in the mine lease i.e. the distance from the bank of river to be left un-worked (Non mining area), distance from the bridges etc. It shall be ensured that no mining shall be carried out during the monsoon season.
30. The project proponent shall ensure that wherever deployment of labour attracts the Mines Act, the provision thereof shall be strictly followed.
31. The project proponent will provide personal protective equipment (PPE) as required, also provide adequate training and information on safety and health aspects. Periodical medical examination of the workers engaged in the project shall be carried out and records maintained. For the purpose, schedule of health examination of the workers should be drawn and followed accordingly.
32. The critical parameters such as PM10, PM2.5, SO2 and NOx in the ambient air within the impact zone shall be monitored periodically. Further, quality of discharged water if any shall also be monitored [(TDS, DO, pH, Fecal Coliform and Total Suspended Solids (TSS))].
33. Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads.
34. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
35. The extended mining scheme will be submitted by the proponent before expiry of present mining plan.
36. Four ambient air quality-monitoring stations should be established in the core zone as well as in the buffer zone for monitoring PM10, PM2.5, SO2 and NOx. 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.

37. Common road for transportation of mineral is to be maintained collectively. Total cost will be shared/worked out on the basis of lease area among users.
38. Proponent will provide adequate sanitary facility in the form of mobile toilets to the labours engaged for the project work.
39. Solid waste material viz., gutkha pouchs, plastic bags, glasses etc. to be generated during project activity will be separately storage in bins and managed as per Solid Waste Management rules.
40. Green area/belt to be developed along haulage road in consultation of Gram Sabha/Panchyat.
41. Natural/customary paths used by villagers should not be obstructed at any time by the activities proposed under the project.
42. Digital processing of the entire lease area in the district using remote sensing technique should be done regularly once in three years for monitoring the change of river course by Directorate of Geology and Mining, Govt. of Uttar Pradesh. The record of such study to be maintained and report be submitted to Regional office of MoEF, SEIAA, U.P. and UPPCB.
43. A copy of clearance letter will be marked to concerned Panchayat / local NGO, if any, from whom suggestion / representation has been received while processing the proposal. The clearance letter shall also be put on the website of the company.
44. State Pollution Control Board shall display a copy of the clearance letter at the Regional office, District Industry Centre and Collector's office/Tehsildar's Office for 30 days.
45. The project authorities 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 Pollution Control Board and also at web site of the SEIAA at <http://www.seiaaup.in> and a copy of the same shall be forwarded to the Regional Office of the Ministry located in Lucknow, CPCB, State PCB.
46. The MoEF/SEIAA or any other competent authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
47. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
48. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 11 of the National Environment Appellate Authority Act, 1997.
49. Waste water from potable use be collected and reused for sprinkling.
50. During the school opening and closing time vehicle movement will be restricted.
51. A width of not less than 50 meter or 10% width of river can be restricted for mining activities from river bank. A condition can be imposed that mining will be done from river activities from river bank.

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.

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.

Copy for Information and necessary action to:

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


(Ashish Tiwari)
Member Secretary, SEIAA



120

VAISHNA SINGH CHAUHAN
 Immigration
 Stock Holding Corporation of India
 15/813, Krishna Nagar, Ground Floor
 Conch Lines, New Delhi-110004



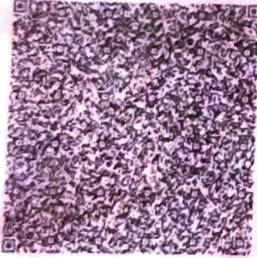
सत्यमेव जयते

INDIA NON JUDICIAL

Government of Uttar Pradesh

e-Stamp

Certificate No.	: IN-UP04338561636656Q
Certificate Issued Date	: 28-Mar-2018 11:28 AM
Account Reference	: SHCIL (FI)/ upshcil01/ KANPUR/ UP-KNP
Unique Doc. Reference	: SUBIN-UPUPSHCIL01052141275062650
Purchased by	: VAISHNAVI ENTERPRISES
Description of Document	: Article 35 Lease
Property Description	: SAND BLOCK NO- 2 MI, KATRI SUNAUDHA, TEHSIL- BILHAUR, DISTT- KANPUR NAGAR, AREA- 10.5 HECT
Consideration Price (Rs.)	:
First Party	: U P GOVERNMENT THROUGH D M DISTT KANPUR NAGAR
Second Party	: VAISHNAVI ENTERPRISES
Stamp Duty Paid By	: VAISHNAVI ENTERPRISES
Stamp Duty Amount(Rs.)	: 23,60,000 (Twenty Three Lakh Sixty Thousand only)



Please write or type below this line.....

प्रपत्र-एम0एम0-6

खनन पट्टे का आर्दश मॉडल प्रपत्र (नियम-29)

यह अनुबन्ध आज दिनांक 07.04.2018 को उत्तर प्रदेश के राज्यपाल (जिन्हें आगे 'राज्य-सरकार' कहा गया है, जिस पदावली में यदि सन्दर्भ से ऐसा ग्राह्य हो उत्तराधिकारी तथा अभिहस्तांकित भी समझे जायेंगे)

(दिनेश कुमार)
 खात्र अधिकारी जिलाधिकारी (वि०/रा०)
 कानपुर नगर कानपुर नगर

एक पक्ष
 0005789428
 कानपुर नगर

Statutory Alert:

1. The authenticity of this Stamp Certificate should be verified at "www.shcilstamp.com". Any discrepancy in the details on this Certificate and as available on the website renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority

और मे० वैष्णवी इन्टर प्राइजेज प्रो० नागेन्द्र सिंह निवासी-113 एम०आई०जी०-2 महाबलीपुरम कानपुर नगर (जिसे आगे "पट्टेदार" कहा गया है, जिस पदावली में यदि सन्दर्भ में ऐसा ग्राह्य हो, उसके दायद, निष्पादक, प्रशासक और प्रतिनिधि भी सम्मिलित समझे जायेंगे)

दूसरा पक्ष

उत्तर प्रदेश उपखनिज (परिहार) नियमावली-1963 जिसे आगे "उक्त नियमावली" कहा गया है के अनुसार किये गये ई-निविदा सह ई-नीलामी में 2,10,000 घनमीटर (प्रतिवर्ष) साधारण बालू के लिये पट्टेदार द्वारा ₹0 92.00 प्रति घनमीटर की दर से प्रथम वर्ष हेतु ₹0 1,93,20,000/- तथा अनुवर्ती वर्षों में गत वर्ष की देय धनराशि पर 10 प्रतिशत वृद्धि करके देय होगा। राज्य सरकार द्वारा खनन पट्टे के लिये 5 वर्ष के निमित्त एतद्धीन लिखित अनुसूची-द्वितीय में वर्णित भूमि ग्राम-कटरी सुनौडा के खसरा/गाटा संख्या- 2मि रकबा-10.5 हे० के लिये स्वीकार कर लिया गया है और उन्होंने प्रतिभूति स्वरूप राज्य सरकार के पास ₹0 48,30,000/- की धनराशि जमा कर दी है।

यह इस बात का साक्ष्य है कि इस उपस्थापन पत्र और निम्नलिखित अनुसूची द्वारा रक्षित और उसमें दिये गये और पट्टेदार की ओर से भुगतान किये जाने वाले पालन तथा सम्पादन किये जाने वाले, स्वामित्वों, प्रसंविदाओं तथा अनुबन्धों के प्रतिफल में राज्य सरकार एतद्द्वारा पट्टेदार को निम्नलिखित प्रदान और पट्टान्तरित करता है। गंगा नदी में उपलब्ध, साधारण बालू जिन्हें आगे अभिदिष्ट अनुसूची में "उक्त खनिज" कहा गया है की समस्त खान, तल्य (Beds), संदर सीम्स (Viens seams) जो उक्त अनुसूची के भाग-1 में अभिदिष्ट भूमि में या उसके नीचे स्थित हो, के साथ, जिसके सम्बन्ध में उन प्रतिबन्धों तथा शर्तों के अधीन रहते हुए प्रयोग या उपयोग किया जायेगा, जो ऐसी स्वतन्त्रताओं, अधिकारों तथा विशेषाधिकारों का प्रयोग तथा उपयोग करने के बारे में हो सिवाय इसके और इसमें से आरक्षित उक्त नियमावली में उल्लिखित स्वतन्त्रताओं, अधिकार तथा विशेषाधिकारों राज्य सरकार में पट्टान्तरित हो जायेंगे। दिनांक 07-04-2018 से दिनांक 06-04-2023 तक 05 वर्ष की आगामी अवधि के लिए पट्टेदार को एतद्द्वारा दिये गये और पट्टान्तरित ऐसे भू-गृहादि धारण करना, जिनसे खनिज निकलने लगे और राज्य सरकार को उक्त अनुसूची के भाग-2 में उल्लिखित स्वामित्वों का भुगतान उसमें निर्दिष्ट भिन्न-भिन्न समयों पर होने लगे किन्तु प्रतिबन्ध यह है कि ऐसा उक्त भाग के उपबन्धों के अधीन हो और पट्टेदार एतद्द्वारा राज्य सरकार के साथ प्रसंविदा करता है और राज्य सरकार एतद्द्वारा पट्टेदार के साथ प्रसंविदा करती है, जैसा कि उक्त नियमावली में अभिव्यक्त है और एतद्द्वारा इसके साथ दिये गये पक्षों के बीच परस्पर सहमत हुआ है और जैसा कि उक्त अनुसूची के भाग 3 में अभिव्यक्त है।

उपर अभिदिष्ट अनुसूची

भाग-2

इस पट्टे का क्षेत्रफल

पट्टे का क्षेत्रफल और स्थान-वह समस्त भू-खण्ड जो जनपद-कानपुर नगर, तहसील-बिल्हौर, और थाना चौबेपुर के अन्तर्गत परगना-बिल्हौर में स्थान ग्राम-कटरी सुनौडा के खसरा संख्या/गाटा संख्या-2मि रकबा-10.5 हे० जो इसके साथ संलग्न नक्शे में चिन्हित है और उसे लाल रंग से रजित (Colour) किया गया है और जिसकी सीमायें तथा अक्षांश व देशान्तर निम्नलिखित हैं:-

खसरा/गाटा संख्या- 2मि	उत्तर- गाटा संख्या 2 का शेष भाग दक्षिण-गाटा संख्या 13 व 15 का भाग पूर्व- गाटा संख्या-2 का शेष भाग पश्चिम-गाटा संख्या-2 का शेष भाग (A) N 26°40'58" E 80°14'35.5" (B) N 26°41'2.52" E 80°14'41.59" (C) N 26°40'56.29" E 80°14'46.27" (D) N 26°40'50.4" E 80°14'51.07" (E) N 26°40'42.61" E 80°14'59.73" (F) N 26°40'39.45" E 80°14'55.65" (G) N 26°40'41.29" E 80°14'48.77" (H) N 26°40'43.24" E 80°14'47.7" (I) N 26°40'55.65" E 80°14'38.84"
--------------------------	--

और जिसे एतद्द्वारा "उक्त भूखण्ड" कहा गया है।

(दिनेश कुमार)
खाय अधिकारी
कानपुर नगर

अपर जिलाधिकारी (वि०/र०)
कानपुर नगर

जिलाधिकारी
कानपुर नगर

1. स्वामित्व की घनराशि : पट्टेदार इस पट्टे की अवधि में राज्य सरकार को पट्टे पर दिये गये क्षेत्र में उसके द्वारा हटाये गये सभी साधारण बालू के सम्बन्ध में नियमावली के वृत्थ अनुसूची में दी गयी व्यवस्था के अनुसार निम्नानुसार स्वामित्व का भुगतान करेगा।

क्र० सं०	पट्टा वर्ष	प्रतिभूति छोड़कर घनराशियों का योग	देय घनराशियों के जमा करने की अनुसूची	देय घनराशि (रु० में)	देय तिथि
1.	प्रथम वर्ष	प्रतिभूति छोड़कर प्रथम किश्त (25%)	मद	48,30,000	अंतिम जमा
2.	"	द्वितीय किश्त (25%)		48,30,000	अंतिम जमा
3.	"	तृतीय किश्त (25%)		48,30,000	01.07.2018
4.	"	चतुर्थ किश्त (25%)		48,30,000	01.10.2018
5.	प्रतिभूति छोड़कर प्रथम वर्ष में देय			48,30,000	01.01.2019
6.	द्वितीय वर्ष	प्रथम किश्त (25%)		1,93,20,000	
7.	"	द्वितीय किश्त (25%)		53,13,000	01.04.2019
8.	"	तृतीय किश्त (25%)		53,13,000	01.07.2019
9.	"	चतुर्थ किश्त (25%)		53,13,000	01.10.2019
10.	द्वितीय वर्ष में देय घनराशियों का योग			53,13,000	01.01.2020
11.	तृतीय वर्ष	प्रथम किश्त (25%)		2,12,52,000	
12.	"	द्वितीय किश्त (25%)		58,44,300	01.04.2020
13.	"	तृतीय किश्त (25%)		58,44,300	01.07.2020
14.	"	चतुर्थ किश्त (25%)		58,44,300	01.10.2020
15.	तृतीय वर्ष में देय घनराशियों का योग			58,44,300	01.01.2021
16.	चतुर्थ वर्ष	प्रथम किश्त (25%)		2,33,77,200	
17.	"	द्वितीय किश्त (25%)		64,28,730	01.04.2021
18.	"	तृतीय किश्त (25%)		64,28,730	01.07.2021
19.	"	चतुर्थ किश्त (25%)		64,28,730	01.10.2021
20.	चतुर्थ वर्ष में देय घनराशियों का योग			64,28,730	01.01.2022
21.	पंचम वर्ष	प्रथम किश्त (25%)		2,57,14,920	
22.	"	द्वितीय किश्त (25%)		70,71,603	01.04.2022
23.	"	तृतीय किश्त (25%)		70,71,603	01.07.2022
24.	"	चतुर्थ किश्त (25%)		70,71,603	01.10.2022
25.	पंचम वर्ष में देय घनराशियों का योग			70,71,603	01.01.2023
26.	प्रतिभूति छोड़कर पाँच वर्षों में देय			2,82,86,412	
27.	घनराशियों का योग			11,79,50,532	

2. स्वामित्व कटौती आदि से मुक्त होगा : इस भाग में उल्लिखित स्वामित्व की किश्तों का भुगतान बिना किसी कटौतियों के राज्य सरकार को निर्धारित लेखा शीर्षक "0853, अलौह खनन एवं धातु कर्म उद्योग" पर सरकारी कोषागार में जमा करके किया जायेगा तथा चालान की एक प्रति जिलाधिकारी को भेजी जायेगी।
3. स्वामित्व का समय पर भुगतान न किया जाये तो कार्यवाही की प्रक्रिया : यदि इस उपस्थापना पत्र (Presents) की शर्तों और प्रतिबन्धों के अधीन राज्य सरकार को देय स्वामित्व की किसी किश्त का भुगतान पट्टेदार द्वारा नियत समय के भीतर न किया जाये, तो उसे ऐसे अधिकारी के जिसे राज्य सरकार सामान्य या विशिष्ट आज्ञा द्वारा निर्दिष्ट करे, प्रमाण पत्र पर उसी रीति से वसूल की जा सकती है, जैसे मालगुजारी का बकाया।

(दिनेश कुमार)
खास्य अधिकारी
कानपुर नगर

अपर जिलाधिकारी (वि०/स०)
कानपुर नगर

जिलाधिकारी
कानपुर नगर

1. नियमों, प्रसंविदाओं और शर्तों को भंग करने पर पट्टा समाप्त किया जा सकता है : यदि पट्टेदार उत्तर प्रदेश उप खनिज (नगरिकार) नियमावली-1963 के किसी नियम या इस पट्टे की किसी प्रसंविदा तथा किसी शर्त को भंग करे तो राज्य सरकार पट्टा समाप्त कर सकती है और प्रतिभूति जमा को पूर्णतः या अंशतः जब्त कर सकती है किन्तु प्रतिबन्ध यह है कि पट्टा समाप्त किए जाने की पूर्व पट्टेदार को उन्हें भंग करने का स्थगनीकरण देने के लिए गंभीरित अवसर दिया जायेगा।
2. पट्टेदार पट्टे की समाप्ति पर अपनी सम्पत्तियों को हटायेगा/हटावेंगे :
पट्टेदार इस उपस्थापन पत्र (प्रज्नेन्शन) के आधार पर दोग स्तमितियों का पहले भुगतान और उन्मोचन कर चुकने पर, उक्त अवधि की समाप्ति पर या उसके शीघ्रतर समाप्ति पर या तत्पश्चात् तीन कलेण्डर मास के भीतर (जबतक कि पट्टा इस भाग के खण्ड-1 के अधीन समाप्त न कर दिया जाये) और उस दशा में किसी समय ऐसी समाप्ति के कम से कम एक कलेण्डर मास में और अधिक से अधिक तीन कलेण्डर मास में अपने लाभ के लिए ऐसे सभी या किसी मशीन, संयंत्र, भवन संरचनायें और अन्य निर्माण कार्य, और अस्थायी आवास स्थानों (convenience) को उखाड़ सकता है और हटा सकता है, जो उक्त भूमि में या उसपर पट्टेदार द्वारा रखे गये हों।
3. पट्टे की समाप्ति के पश्चात् तीन मास के अधिक समय तक छोड़ी गयी सम्पत्ति की जब्त : यदि उक्त अवधि की समाप्ति या उसके शीघ्रतर समाप्ति के प्रभावी होने के पश्चात् तीन कलेण्डर मास के अन्त में उक्त भूमि में या उस पर कोई इंजन, मशीन, संयंत्र, भवन, संरचनायें तथा अन्य निर्माण कार्य, और अस्थायी आवास-स्थान या अन्य सम्पत्ति रहे तो उनके संबध में, यदि वे ऐसे लिखित नोटिस देने के पश्चात् जिसमें जिलाधिकारी द्वारा पट्टेदार से उन्हें हटाने की अपेक्षा की गयी हो, एक कलेण्डर मास के भीतर पट्टेदार/पट्टेदारों द्वारा न उठाये जाए तो यह समझा जाएगा कि वे राज्य सरकार की सम्पत्ति हो गयी है और किसी प्रतिकर का भुगतान किए बिना या उसके संबध में पट्टेदार/पट्टेदारों को कोई हिसाब दिए बिना, उसकी बिक्री या निस्तारण ऐसे रीति से किया जा सकता है, जो राज्य सरकार उचित समझे।
4. नोटिस :- इस उपस्थापन पत्र द्वारा पट्टेदार को दिये जाने के लिए अपेक्षित प्रत्येक नोटिस उक्त भूमि पर रहने वाले ऐसे व्यक्ति को लिखित रूप से दिया जायेगा, जिसे पट्टेदार ऐसी नोटिस प्राप्त करने के लिए नियुक्त करे और यदि इस प्रकार कोई नियुक्ति न की गयी हो तो ऐसी प्रत्येक नोटिस पट्टेदार को रजिस्ट्रीकृत डाक द्वारा इस पट्टे में उसके अभिलिखित पते पर या भारत में ऐसे पते पर भेजा जायेगा, जिसे पट्टेदार समय-समय पर लिखित रूप में राज्य सरकार को नोटिसों को प्राप्त करने के लिए दे और प्रत्येक ऐसी तामील पट्टेदार पर उचित तथा वैध तामील समझी जायेगी और उसके सम्बन्ध में उसके द्वारा न तो आपत्ति की जायेगी और न उसे उपाहुत (challenged) किया जायेगा।

अतिरिक्त शर्तें

1. पट्टा अभिलेख के निष्पादन के दिनांक से छः माह के भीतर खनन सक्रियायें प्रारम्भ करेगा और तत्पश्चात् जान बूझकर कोई स्थगन किये बिना ऐसी खनन सक्रियाओं का संचालन उचित और दक्षतापूर्ण रीति के कुशल कारीगर की भांति करेगा।
2. पट्टेदार नियम-35 के अनुसार वाहनों के प्रवेश व निकासी पर निगरानी के लिये स्वयं के व्यय पर 360 डिग्री कोण पर दृश्यता रिकार्डिंग के योग्य चार सी0सी0टी0वी0 कैमरा लगाने सहित चेक पोस्ट/गेट का निर्माण करेगा। पट्टेदार उक्त चेक पोस्ट/गेट पर आर0एफ0आई0डी0 स्कैनर भी रखेगा, जिससे सम्बन्धित खननपट्टा क्षेत्र से उपखनिजों के परिवहन हेतु प्रयुक्त प्रत्येक यान के सापेक्ष निर्गत किये गये ई-प्रपत्र एम0एम0-11 पर अंकित बार कोड का डाटा पढ़ने और सुरक्षित रखने की सुविधा होगी और उसका समुचित रूप से रख-रखाव करेगा एवं सदैव उसे चालू रूप में अनुरक्षित रखेगा। पट्टेदार उक्त सी0सी0टी0वी0 कैमरे और आर0एफ0आई0डी0 स्कैनरों द्वारा की गयी समस्त रिकार्डिंग को कम से कम 30 दिनों तक सुरक्षित रखेगा और नियम-66 के उपबन्धों के अधीन प्राधिकृत अधिकारी के द्वारा रिकार्ड मांगे जाने पर उक्त रिकार्डिंग को उपलब्ध करायेगा।
3. पट्टेदार प्रत्येक वाहन को ई-एम0एम0-11 सही विवरण सहित जारी करेगा। प्रत्येक वाहनों को निर्गत ई-एम0एम0-11 पर जनित बार कोड को चेक गेट पर पढ़ने तथा दर्ज डाटा सेव करने के लिये आर0एफ0आई0डी0 स्कैनर लगायेगा तथा सदैव उसका अनुरक्षण करेगा और उन्हें सही एवं चालू दशा में रखेगा। उक्त का अनुपालन न करने की दशा में नियमावली-1963 के नियम-59 के अन्तर्गत शास्ति का भागीदार होगा।

(दिनेश कुमार)
खात्र अधिकारी
कानपुर नगर

अपर जिलाधिकारी (वि0/रा0)
कानपुर नगर

जिलाधिकारी
कानपुर नगर

124

पट्टा अनुबंध वित्त

प्रतिफल- 210000 स्टाम्प शुल्क- 2360000 बाजारी मूल्य - 0 पंजीकरण शुल्क - 20000 प्रतिलिपिकरण शुल्क - 60 योग - 20060

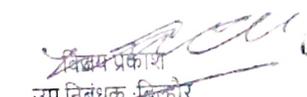
श्री जिलाधिकारी कानपुर नगर द्वारा
दिनेश कुमार अधिकृत पदाधिकारी/ प्रतिनिधि,
खान अधिकारी
व्यवसाय : नौकरी
निवासी : कानपुर नगर




दिनेश कुमार अधिकृत
पदाधिकारी/ प्रतिनिधि

श्री. जिलाधिकारी कानपुर नगर द्वारा
ने यह लेखपत्र इस कार्यालय में दिनांक 07/04/2018
एवं 02:20:35 PM बजे
निबंधन हेतु पेश किया।

रजिस्ट्रीकरण अधिकारी के हस्ताक्षर


विक्रम प्रकाश
उप निबंधक बित्तहौर
कानपुर नगर




4. पट्टेदार 03 मीटर की गहराई तक खनन करने के लिए स्तर में से जो कम हो, से अधिक गहराई में खनन सक्रिय नहीं करेगा।
5. जिलाधिकारी द्वारा चिन्हित सुरक्षा क्षेत्र में खनन नहीं किया जायेगा।
6. नदी की जल धारा से सेक्शन मशीन, लिफ्ट आदि मशीनों द्वारा खनन कार्य नहीं किया जायेगा।
7. स्वीकृत क्षेत्र के अन्दर जहाँ परिवहन प्रपत्र निर्गत किया जायेगा, वहाँ पर खनिजों का विक्रय मूल्य प्रदर्शित करेगा।
8. यदि पट्टेदार द्वारा नियमों व खननपट्टा, पर्यावरण स्वच्छता प्रमाण-पत्र खनन योजना, लेटर आफ इन्टेन्ट आदि की शर्तों का उल्लंघन किया जाता है तो पट्टेदार को अपना मामला बताने की युक्ति युक्त अवसर प्रदान करने के पश्चात् जिलाधिकारी अथवा राज्य सरकार द्वारा पट्टा समाप्त किया जा सकता है।
9. खनन / परिवहन में जनधन की हानि की समस्त जिम्मेदारी पट्टेदार की होगी।
10. मा0 उच्च न्यायालय, मा0 राष्ट्रीय हरित प्राधिकरण अथवा मा0 सर्वोच्च न्यायालय द्वारा पारित आदेशों का पालन किया जायेगा।
11. नियमों एवं शर्तों के उल्लंघन के परिणामस्वरूप यदि कोई वाद अथवा अपराधिक प्रक्रिया योजित होती है, तो इसकी सम्पूर्ण जिम्मेदारी पट्टेदार की होगी एवं यदि इस सम्बन्ध में कोई व्यय होता है तो उसका वहन पट्टेदार द्वारा किया जायेगा।
12. राज्य सरकार अथवा केन्द्र सरकार द्वारा यदि नियमों/अधिनियमों में कोई संशोधन होता है अथवा कोई शर्त अथवा विधि प्रख्यापित की जाती है तो वह पट्टेदार को मान्य होगा।
13. पट्टेदार द्वारा राज्य अथवा केन्द्र सरकार द्वारा समय-समय पर निर्धारित कर एवं शुल्क यथा आयकर विभाग का टी0सी0एस0, जिला खनिज फाउण्डेशन (डी0एम0एफ0) नियमानुसार जमा किया जायेगा।
14. पट्टेदार को खनन क्षेत्र में पहुँच मार्ग का निर्माण स्वयं करना होगा तथा यदि तृतीय पक्ष द्वारा कोई विवाद उत्पन्न किया जाता है, तो उसके लिये वह स्वयं जिम्मेदार होंगे।
15. पट्टेदार को उत्तर प्रदेश उपखनिज (परिहार) नियमावली 1963 यथा संशोधित एवं सुसंगत शासनादेशों एवं माननीय न्यायालयों के आदेशों को अक्षरशः पालन करना होगा।
16. पट्टेदार स्वीकृत एवं चिन्हित खनन क्षेत्र से बाहर किसी भी दशा में खनन कार्य नहीं करेगा, साथ ही मा0 उच्च न्यायालय, मा0 राष्ट्रीय हरित प्राधिकरण अथवा मा0 सर्वोच्च न्यायालय द्वारा पारित आदेशों का पालन करेगा।
17. पट्टेदार नियमावली 1963 के नियम-73 के प्रावधानों के अन्तर्गत पूर्ववर्ती त्रैमास के संबंध में प्रत्येक वर्ष जुलाई, अक्टूबर, जनवरी और अप्रैल के द्वितीय सप्ताह में प्रपत्र एम0एम0-12 में जिलाधिकारी और निदेशालय के क्षेत्रीय कार्यालय को त्रैमासिक विवरणी प्रस्तुत करेगा तथा विनिर्दिष्ट समय के भीतर विवरण प्रस्तुत करने में विफल होने पर रू0 2,000.00 की शारित का भागी होगा तथा पट्टेदार की ऐसी चूक, खनन पट्टा विलेख की शर्तों का उल्लंघन माना जायेगा।
18. खनन कार्य करने के दौरान यदि कोई अन्य खनिज/उपखनिज प्राप्त होता है तो उसकी सूचना पट्टेदार तत्काल जिला कार्यालय तथा भूतत्व एवं खनिकर्म विभाग (उ0प्र0) के क्षेत्रीय कार्यालय एवं निदेशालय को देगा।
19. पट्टेदार को पट्टाकृत क्षेत्र में खनिज के समुचित विकास हेतु वैज्ञानिक ढंग से खनन कार्य करते हुए पर्यावरण की सुरक्षा हेतु खनिज/उपखनिज का खनन व निकासी करने के उपरांत क्षेत्र का समतलीकरण कर वहाँ वृक्षारोपण करना होगा।
20. स्वीकृत क्षेत्र में स्थायी सीमा स्तम्भ लगाने के बाद ही खनन कार्य करने की अनुमति दी जायेगी।
21. खनन पट्टा स्वीकृति के पश्चात् भविष्य में वन विभाग या किसी अन्य विभाग द्वारा शर्तों के विपरीत कार्य करने के कारण आपत्ति किये जाने पर उक्त नियमावली 1963 के नियम 60 के अधीन युक्तियुक्त अवसर दिये जाने के पश्चात् खनन पट्टा निरस्त किया जायेगा।
22. पट्टेदार द्वारा खनन क्षेत्र तक पहुँच मार्ग स्वयं के व्यय पर बनाया जायेगा। यदि खनिजों के परिवहन हेतु किसी काश्तकार की भूमि से होकर रास्ते का निर्माण किया जाता है तो सम्बन्धित काश्तकार की लिखित सहमति सम्बन्धी अभिलेख जिला क्वैरी कार्यालय, कानपुर नगर में प्रस्तुत करना अनिवार्य होगा। रास्ते के निर्माण में होने वाले व्यय के लिए राज्य सरकार का कोई उत्तरदायित्व नहीं होगा।
23. खनन स्थल से निकाले गये खनिज पदार्थ का अभिवहन वन विभाग की लिखित सहमति के बिना वन मार्ग से नहीं किया जायेगा।
24. स्वीकृत खनन पट्टा क्षेत्र की परिधि के बाहर कोई अवैध खनन पाये जाने पर उक्त नियमावली 1963 के नियम 60 के अधीन युक्तियुक्त अवसर दिये जाने के पश्चात् खनन पट्टा निरस्त किया जायेगा।

(दिनेश कुमार)
खाद्य अधिकारी
कानपुर नगर

अपर जिलाधिकारी

जिलाधिकारी
कानपुर नगर

126

निष्पादन लेखपत्र बाद सुनने व समझने मजसूम व अपराधी रु प्रलेखानुसार उक्त
पदटा दाता: 1

श्री जिलाधिकारी कानपुर नगर के द्वारा दिनेश कुमार, खान
अधिकारी

निवासी: कानपुर नगर

व्यवसाय: नौकरी

पदटा गृहीता: 1



श्री मे० वैष्णवी इन्टर प्राइजेज के द्वारा प्रो नागेन्द्र सिंह,

निवासी: 113 एम0आई0जी0-2 महाबलीपुरम कानपुर नगर

व्यवसाय: व्यापार



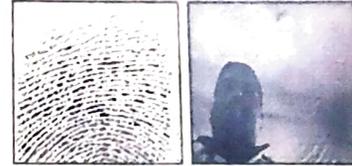
ने निष्पादन स्वीकार किया। जिनकी पहचान
पहचानकर्ता: 1

श्री हेमन्त सिंह, पुत्र श्री राना सिंह

निवासी: काशीपुर कानपुर देहात

व्यवसाय: व्यापार

पहचानकर्ता: 2



श्री शरद पाण्डेय, पुत्र श्री स्व यदुनाथ प्रसाद

निवासी: 111/43 अशोक नगर कानपुर नगर

व्यवसाय: नौकरी



रजिस्ट्रीकरण अधिकारी के हस्ताक्षर

ने की। प्रत्यक्षतः भद्र साक्षियों के निशान अंगूठे नियमानुसार
लिए गए है।
टिप्पणी:

विजय प्रकाश
उप निबंधक: बिल्हौर
कानपुर नगर

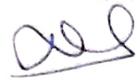


- 25. स्वीकृत खनन पट्टा क्षेत्र के भीतर किसी प्रतिबंधित क्षेत्र (यदि कोई हो) में खनन कार्य नहीं किया जायेगा। ऐसे प्रतिबंधित क्षेत्र में खनन पाये जाने पर नियमावलीखर खनन पट्टा समाप्त किया जा सकता है।
- 26. शीकर वेड माइनिंग की स्थिति में खनन की गहराई 03 (तीन) मीटर अथवा वाटर लेवल में से जो न्यूनतम हो, तक ही किया जायेगा।
- 27. 30प्र0 उपखनिज (परिहार) नियमावली 1983 के नियम-34(4) के अनुसार जिरेशालय द्वारा अनुमोदित खनन योजना में उल्लिखित शर्तों का पालन पट्टेदार को किया जाना आवश्यक होगा।

स्टाम्प शुल्क :-

पौंच वर्षों में देय कुल पट्टा धनराशि ₹0 11,79,50,532/- (प्रथम वर्ष में देय कुल पट्टा धनराशि ₹0 1,93,20,000+ द्वितीय वर्ष में देय कुल पट्टा धनराशि ₹0 2,12,52,000 + तृतीय वर्ष में देय कुल पट्टा धनराशि ₹0 2,33,77,200 + चतुर्थ वर्ष में देय कुल पट्टा धनराशि ₹0 2,57,14,920+ पंचम वर्ष में देय कुल पट्टा धनराशि ₹0 2,82,88,412) एवं प्रतिभूति के मद में जमा धनराशि ₹0 34,27,500 के मद में जमा धनराशि पर देय स्टाम्प शुल्क की कुल धनराशि ₹0 23,00,000 जरिये ई-स्टाम्प प्रमाण पत्र संख्या IN-UP04338561636656Q दिनांक 28.03.2018 तथा ₹0 2500.00 का माघायण स्टाम्प पत्र के रूप में उत्तर प्रदेश राज्य सरकार के पक्ष में अदा किया गया है।

इसके साक्ष्य के रूप में उपर्युक्त पत्र एतदधीन आयी हुई शीटों से उपर उल्लिखित दिन और वर्ष को निष्पादित किया गया है।
उत्तर प्रदेश के राज्यपाल के लिए और उनकी ओर से-

1. 
2. **(दिनेश कुमार)**
3. **खास अधिकारी** अपर जिलाधिकारी (वि०/रा०)
कानपुर नगर, कानपुर नगर द्वारा हस्ताक्षरित-


जिलाधिकारी,
कानपुर नगर

1.   

2.  

की उपस्थिति में पट्टेदार द्वारा हस्ताक्षरित :-
पट्टेदार - **पवन कुमार**


पट्टाधारक
का हस्ताक्षर





बही संख्या 4213 के पृष्ठ 57 से 3239 पर दिनांक 04/2018 को रजिस्ट्रीकृत किया गया।

128

रजिस्ट्रीकरण अधिकारी के हस्ताक्षर

विजय प्रकाश
उप निबंधक : बिल्हौर
कानपुर नगर

2/04



Court No. 19
129

Case :- MISC. SINGLE No. - 18966 of 2021

Petitioner :- M/S Vaishnavi Enterprises Thru. Prop. Nagendra Singh

Respondent :- State Of U.P. Thru. Secy. Geology & Mining, Lko. & Ors.

Counsel for Petitioner :- Pushpila Bisht, Gagan Katyayan

Counsel for Respondent :- C.S.C.

Hon'ble Jaspreet Singh, J.

Heard Sri J.N. Mathur, learned Senior Counsel assisted by Ms. Pushpila Bisht, learned counsel for the petitioner and Sri Rakesh Bajpai, learned counsel for the State-respondents.

By means of the instant petition, the petitioner assails the order dated 09.08.2021 passed in Revision No. 48 (R)/SM/2021 whereby the Revisional Authority has upheld the order dated 14.01.2021 passed by the Director, Directorate of Geology and Mining as well as the order dated 03.02.2021 passed by the District Magistrate/District Officer, Kanpur Nagar.

The submission of learned Senior counsel for the petitioner is that in pursuance of the show cause notice dated 22.12.2020, the petitioner was called upon to reply within a period of 15 days regarding an alleged charge of illegal mining. It is submitted that the aforesaid show cause notice is based upon an inspection said to have been conducted by the Authorities on 12.12.2020, however, no notice of the same was given to the petitioner.

It is further urged that later another inspection was made on 11.01.2020 which is followed by another inspection dated 13.01.2021. Taking note of the aforesaid, the respondent no. 2 passed the order dated 14.01.2021 holding that the charge of illegal mining against the petitioner was prima facie established and also directed the respondent no. 3 to pass appropriate orders restraining further mining in respect of the lease granted to the petitioner.

It is also urged that in furtherance of the order dated 14.01.2021, the respondent no. 3 has passed the order dated 03.02.2021 wherein it has relied upon the aforesaid inspections as mentioned above and an amount of Rs. 2,39,06,360/- have been found outstanding against the petitioner for illegal mining and the same was required to be deposited within a period of 15 days.



Being aggrieved against the aforesaid orders dated 14.01.2021 and 03.02.2021, the petitioner preferred a Revision before the State in terms of Rule 78 of the Uttar Pradesh Mining Mineral (Concession) Rules, 1963. It is further submitted that the Revision also came to be dismissed by means of order dated 09.08.2021.

The submission of learned Senior Counsel for the petitioner is that the order dated 03.02.2021 passed by the respondent no. 3 is primarily based on the order dated 14.01.2021 passed by the Director i.e. respondent no. 2. These two orders which were under challenge in the aforesaid revision was decided by the same person who was the Director. It is submitted that under the Rules of 1963, the revisional power is conferred upon the State to hear the Revision both against the orders passed by the District Officer as well as against the order passed by the Director.

It is in this view of the matter where the Revision was before the same person who as Director had passed the order dated 14.01.2021, hence, it was not appropriate for the said person to sit over its own order in Revision.

It has also been urged that the entire proceedings are based on the show cause notice dated 22.12.2020 which in turn is based on the inspection dated 12.12.2020. The petitioner has not been afforded adequate opportunity of hearing, inasmuch as, the inspection dated 12.12.2020 was behind their back. Moreover, their reply to the show cause has also not been considered.

It is also urged that the subsequent inspections were also not informed to the petitioner and even while passing the order dated 14.01.2021, no notice was issued especially when it was accompanied by evil consequences of prohibiting the petitioner to carry out the mining as well as the order dated 03.02.2021 which imposed a huge penalty for the alleged charge of illegal mining. It is in the aforesaid backdrop it is submitted that the manner in which the entire proceedings have been held are violative of principles of natural justice and arbitrary and thus requires interference.

Sri Bajpai, learned counsel appearing for the State-respondent submits that in so far as the inspection is concerned, it was on the instance of the petitioner, an application was moved on 16.12.2020 required demarcation to be done. The demarcation order was passed on 12.01.2021 in furtherance thereof the demarcation was actually done on 13.01.2021.

It is further urged that the aforesaid demarcation was done in



131
presence of the representative of the petitioner and moreover even adequate opportunity was granted to the petitioner while issuing a show cause notice dated 22.12.2020, it was open for the petitioner to have responded but since they did not respond to the same, accordingly, the State Authorities have proceeded. Once, it was found that the petitioner had indulged in illegal mining, the penalty for such act was calculated and in terms thereof the impugned order dated 03.02.2021 has been passed. The Revisional Court also noticed the same and did not find favour with the submissions of the petitioner, hence, accordingly, the revision was dismissed.

It has also been urged by Sri Bajpai that in so far as the issue of illegal mining is concerned it was established in the first inspection dated 12.12.200 which was also corroborated in the subsequent inspection held on 12.01.2020.

As far as the plea raised by the petitioner that Revision has been decided by the same Authority who was acting as the Director who had passed the order impugned dated 14.01.2021, it is submitted that in light of the decision of the Apex Court in the case of *J. Mohapatra and Company and Another Vs. State of Orissa and Another* reported in *1984 (4) SCC 103*; *P.T. Dinakaran Vs. Judges Inquiry Committee and Others* reported in *2011 (8) SCC 380* and *Union Of India and Others Vs. Vipin Kumar Jain and Others* reported in *2005 (9) SCC 579*, the said plea is not available.

It is urged that first and foremost the petitioner did not raise this issue before the Revisional Authority and therefore it amounts to waiver. It is further urged that by raising this plea for the first time in the Writ Petition and not before the Revisional Authority, it also indicates delay in raising the aforesaid plea and thus for all the reasons it is not sufficient to set aside the order simplicitor on the aforesaid plea.

Having heard the learned counsel for the parties and from the perusal of the record, apparently, the matter requires consideration.

In the aforesaid facts and circumstances, let the State file a counter affidavit within a period of two weeks. The petitioner shall have two weeks thereafter to file its rejoinder affidavit.

List this matter on **08.11.2021**.

As a matter of interim protection, it is provided that in case if the petitioner deposits 50% of the amount and furnish a security for the remaining 50 % before the District Magistrate, Kanpur



132
Nagar within a period of three weeks, the impugned orders shall remain stayed.

Order Date :- 22.9.2021
Asheesh



कार्यालय जिलाधिकारी, कानपुर नगर।
(खनन अनुभाग)

पत्र संख्या 1067 तीस-उपखनिज/2021

दिनांक:दिसम्बर, 12, 2021

आदेश

माननीय उच्च न्यायालय इलाहाबाद, खण्ड पीठ लखनऊ द्वारा रिट याचिका संख्या -18966/2021 मेसर्स वैष्णवी इण्टरप्राइजेज प्रो० नागेन्द्र सिंह बनाम उ०प्र० शासन व अन्य में पारित आदेश दिनांक 22.09.2021 के मुख्य कार्यकारी अंश निम्नवत् है-

As a matter of interim protection, it is provided that in case if the petitioner deposits 50 percent of the amount and furnish a security for the remaning 50 percent before the District Magistrate, kanpur nagar within a period of three weeks, the impugned orders shall remain stayed.

उक्त आदेश के अनुपालन में पट्टाधारक मेसर्स वैष्णवी इण्टरप्राइजेज प्रो० श्री नागेन्द्र सिंह निवासी 113 एम०आई०जी०-2, महावलीपुरम थाना कल्यानपुर कानपुर द्वारा पट्टा क्षेत्र के बाहर गाटा संख्या-1मि० के रकबा 5.4219हे० से 54219 घनमीटर साधारण बालू के अवैध खनन की कुल धनराशि रू०-2,39,06,360.00 का 50 प्रतिशत धनराशि रू०-1,20,00,000.00 चालान संख्या-AKV 210012782 दिनांक 20.11.2021 द्वारा राजकोष में जमा करा दिया गया है तथा 50 प्रतिशत धनराशि रू०-1,19,53,180.00 की जमानत के तौर पर 03 वाहनो कमशः यू०पी०-78डी० टी०-8726, यू०पी०-78एफ०एन०-7953 व यू०पी०-78 एफ०एन०-7954 की मूल पंजीयन अभिलेख एवं एक अन्य वाहन HUNDAI कम्पनी की R215L Smart Hydraulik Excavater की मूल बीजक प्रस्तुत की गयी। जिनके कराये गये मूल्य निर्धारण के अनुसार उक्त 04 वाहनो की कुल वर्तमान कीमत रू०-1,11,16,600.00 थी, जो 50 प्रतिशत धनराशि से रू०-8,36,580.00 कम थी। जमानत की धनराशि कम होने पर मे० वैष्णवी इण्टरप्राइजेज प्रो० श्री नागेन्द्र सिंह द्वारा दिनांक 01.11.2021 को वाहन रोड रोलर यू०पी०-78 जी०एन०-6250 जिसकी वर्तमान कीमत रू० 18,90,000/- की मूल पंजीयन पुस्तक कार्यालय में प्रस्तुत कर किया जा चुका है। पट्टाधारक द्वारा मा० न्यायालय के उक्त आदेश दिनांक 22.09.2021 के अनुपालन उपरान्त जिलाधिकारी महोदय के अनुमोदन आदेश दिनांक 11.12.2021 के कम पट्टाधारक मेसर्स वैष्णवी इण्टरप्राइजेज प्रो० श्री नागेन्द्र सिंह निवासी 113 एम०आई०जी०-2, महावलीपुरम थाना कल्यानपुर कानपुर तहसील बिल्हौर के ग्राम कटरी सुनौडा की गाटा संख्या-2मि० रकबा 10.50हे० स्वीकृत क्षेत्र में साधारण बालू खनन/परिवहन करने की अनुमति प्रदान जाती है। पट्टाधारक को उ०प्र० उपखनिज (परिहार) नियमावली, 2021 एवं पट्टाविलेख की शर्तों का अनुपालन करना होगा।

(अतुल कुमार)

अपर जिलाधिकारी(नगर)
कानपुर नगर।

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

- 1-सचिव महोदया, भूतत्व एवं खनिकर्म अनुभाग, उ०प्र० शासन, लखनऊ।
- 2-निदेशक महोदया, भूतत्व एवं खनिकर्म निदेशालय उ०प्र०, लखनऊ।
- 3-जिलाधिकारी महोदय, सादर सूचनार्थ।
- 4-पुलिस अधीक्षक आउटर, कानपुर नगर।
- 5-अपर जिलाधिकारी (वि०/रा०), कानपुर नगर।
- 6-उप जिलाधिकारी बिल्हौर, कानपुर नगर।
- 7-पट्टाधारक मेसर्स वैष्णवी इण्टरप्राइजेज प्रो० श्री नागेन्द्र सिंह निवासी 113, एम०आई०जी०-2, महावलीपुरम थाना कल्यानपुर कानपुर को अनुपालनार्थ।



अपर जिलाधिकारी(नगर)
5 कानपुर नगर।

**BEFORE THE NATIONAL GREEN TRIBUNAL
SITTING AT NEW DELHI**

MEMORANDUM OF APPLICATION

(Under Sec. 14 read with Sec. 15 and 18(1) of the National
Green Tribunal Act, 2010)

I.A. NO. /2023

IN

O.A. NO.176 OF 2022

IN THE MATTER OF:

Aman Chaudhary

..... APPLICANT

VERSUS

Union of India & Others

..... RESPONDENTS

**APPLICATION FOR EXEMPTION FROM FILING ENGLISH
TRANSLATION.**

To,

The answering Respondent No. 2 above named most
respectfully showeth as under:-

1. That the applicant has filed the instant Original Application with a sole objective of deliberately misleading this Hon'ble Tribunal to believe that the respondent no. 2 has been indulged in illegal sand mining and further alleging that a bridge has been constructed by the respondent no. 2 in river Ganga.

2. That the applicant is filing the instant Preliminary Objections to the Original Application without English translation of Annexures No.1, 3 & 5 which are in vernacular language i.e. in Hindi.
3. That the applicant is filing the present application for exemption from filing English translation of Annexures No.1, 3 & 5 for the reasons stated herein above mentioned as such the instant application of the applicant may be allowed in the interest of justice.
4. That the applicant is therefore approaching this Hon'ble Court bringing the aforesaid facts to its notice and praying as under.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:-

- A. Allow the application for exemption from filing the English translation of Annexures No.1, 3 & 5 in the interest of justice.



B. Pass any such other order or orders as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.

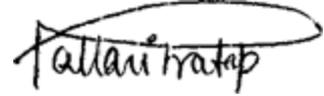


APPLICANT-RESPONDENT No.2

New Delhi

Through

Dated: 31.01.2023



PALLAVI PRATAP

Advocate for the Respondent No.2

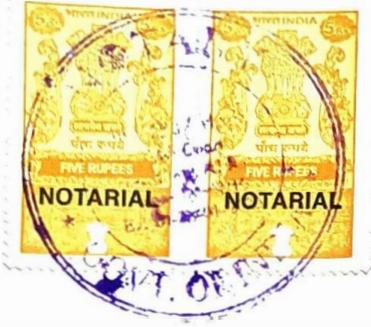
ENROL NO. UP/1246/2010

A-90, LGF South Ex-II, New Delhi

Mob: 9999990078

Email: pallavipratap@hotmail.com





**BEFORE THE NATIONAL GREEN TRIBUNAL
SITTING AT NEW DELHI**

I.A. NO. OF 2022

IN

MEMORANDUM OF APPLICATION

(Under Sec. 14 read with Sec. 15 and 18(1) of the
National Green Tribunal Act, 2010)

O.A. NO.176 OF 2022

Aman Chaudhary

..... APPLICANT

VERSUS

Union of India & Others

..... RESPONDENTS

AFFIDAVIT

I, Nagendra Singh ,Son of Shri Ravendra Singh,
Resident of 113 MIG-2 Mahabalipuram, Kanpur Nagar,
State of Uttar Pradesh -208017, do hereby solemnly
affirm and declare as under:-

1. That I am the Respondent No.2 and proprietor of
Respondent No. 2 firm as such I am conversant
with the facts of the case and thus competent to
affirm this affidavit.



2. That I have read the contents of the accompanying application including facts in brief, grounds etc. from pages 1 to and have understood the same.
3. That the facts stated therein are true and correct to the best of my knowledge and belief and nothing material has been suppressed.
4. That I have instructed by Advocate and the Application has been prepared by my Advocate on my instructions as stated above.
5. That the Annexures filed herewith are true and correct copies/ English translations of their respective originals.

Verified at Lucknow on 08th day of January 2023


DEPONENT



VERIFICATION

I above named deponent do hereby verify that the contents of the above affidavit are true and correct to the


DEPONENT

