

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

**ORIGINAL APPLICATION NO. 142 OF 2022**

**IN THE MATTER OF:**

JAYANT KUMAR

....APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE  
CHANGE & ORS.

....RESPONDENTS

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Dated: 14.07.2022

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....RESPONDENTS

**REPLY TO REPORT SUBMITTED BY THE JOINT  
COMMITTEE ON BEHALF OF RESPONDENT NOS. 5 AND 6  
WITH AFFIDAVIT**

**MOST RESPECTFULLY SHOWETH:**

**PRELIMINARY SUBMISSIONS**

1. That the present Reply is being filed on behalf of Respondent No. 5 [M/s Sai Ram Enterprises], through its Partner Mr. Chandra Bhushan Gupta, and Respondent No. 6 [M/s C.S. Infra-Construction Ltd.], through its Managing Director Mrs. Pushpa Singh.
2. At the outset, it is pertinent to mention that the Applicant herein is an extortionist, associated with an organization by the name of All India Kaimur People's Front, who had been blackmailing Respondent Nos. 5 and 6 since sometime and had been threatening them that he will somehow get their Environmental Clearances cancelled if a huge sum of money is not paid to him. Respondent Nos. 5 and 6 refused to wilt down under the Applicant's pressure and declined to give

him any money. Further, apprehending that the Applicant shall misuse the process of this Hon'ble Tribunal, Respondent Nos. 5 and 6 lodged caveats before this Hon'ble Tribunal, the same being Caveat No. 1/2022 and 2/2022, on 24.01.2022.

3. That acting on his threat, the Applicant filed the present Original Application before this Hon'ble Tribunal. However, despite the Respondent Nos., 5 and 6 being on caveat, the copy of the Original Application was not served on the Answering Respondents by the Applicant, presumably to prevent the Answering Respondents from exposing the mala-fide manner in which the Applicant has approached this Hon'ble Tribunal and the misleading, extraneous and ill-conceived grounds and submissions which may have been pleaded in the Original Application by the Applicant. It is respectfully submitted that any indulgence granted by this Hon'ble Tribunal to such unscrupulous litigants shall amount to an abuse of the process of law and travesty of justice.

4. That the present Original Application was listed for admission before this Hon'ble Tribunal on 28.02.2022, when the Answering Respondents, despite being present before this Hon'ble Tribunal, were not in a position to provide proper assistance to this Hon'ble Tribunal, in the

absence of a copy of the Original Application, because of which the Answering Respondents were largely unaware of the specific allegations which have been levelled by the Applicant in the present Original Application against the Answering Respondents.

5. That this Hon'ble Tribunal, vide order dated 28.02.2022, disposed of the caveats filed by the Answering Respondents, by observing that at this stage, the Tribunal is not passing any interim order but is only calling for a report from the concerned authorities and asking them to look into the grievance of the Applicant. It is pertinent to mention that because of the above, the Answering Respondents have not been served with a copy of the Original Application even till date and are thus not in a position to respond to the averments made in the Original Application. However, the Answering Respondents, through the order dated 28.02.2022 passed by this Hon'ble Tribunal, have come to know that they have been arrayed as Respondent Nos. 5 and 6 respectively in the present Original Application.

6. That from the contents of order dated 28.02.2022, wherein the grievance raised by the Applicant in the Original Application has been highlighted, it appears that the Applicant has indulged in concealment of material facts and has made misleading submissions before this Hon'ble

Tribunal qua the Answering Respondents, as there is no legal infirmity in the grant of mining leases to the Answering Respondents by the State of Uttar Pradesh and there has been no violation of the judgment passed by the Hon'ble Supreme Court of India in the case of Deepak Kumar vs State of Haryana &Ors [(2012) 4 SCC 629]. It is categorically stated that the Environmental Clearances were granted to the Answering Respondents in conformity with the legal regime existing at the relevant time, along with hundreds of other Environmental Clearances granted to various other lease holders all over the State, all of which have stood the test of time. The said submission of the Answering Respondents will be made evident through the contents of the following paragraphs. It is also submitted that the Answering Respondents have been working only after procuring all requisite permissions and clearances and have taken care to undertake their commercial operations with utmost responsibility.

7. That a public advertisement was published by the office of the District Magistrate, Sonbhadra on 01.06.2008, informing the public at large about the grant of mining leases in six blocks of land, with four blocks being in Khasra No. 7536 Ga and two blocks being in Khasra No. 5593 Ka, in Sonbhadra, through the process of e-tender cum e-auction. The plots of land, over which the mining

leases were proposed to be given, were carved out by the State of Uttar Pradesh, through the District Magistrate, Sonbhadra, after obtaining No Objection Certificates from the Divisional Forest Officer, Obra Forest Division, Sonbhadra as well as from the Divisional Forest Officer, Kaimur Wildlife Sanctuary Division. It is apposite to mention that the Answering Respondents were in no manner involved in the process of earmarking plots of land for grant of mining leases and the same was done by the State Government of Uttar Pradesh, after conducting detailed surveys and after taking into consideration the topography of the land and the economic viability of each plot of land for mining.

8. That pursuant to the auction notice, the Answering Respondents submitted their bids for their chosen plots of land and Respondent No. 5 emerged as the successful bidder in respect of land measuring 4.97 acres, contained in Khasra Nos. 7536 Ga [Block-1], situated at Village Billi Markundi, Tehsil Robertsganj, District Sonbhadra. Similarly, Respondent No. 6 emerged as the successful bidder in respect of land measuring 4.00 acres, contained in Khasra Nos. 7536 Ga [Block-3], situated at Village Billi Markundi, Tehsil Robertsganj, District Sonbhadra.
9. That subsequently, after the completion of formalities, the Answering Respondents were issued the Letters of Intent by

Q

the District Magistrate, Sonbhadra on 20.08.2018, subsequent to which the Answering Respondents applied for the grant of Environmental Clearance [EC] before the District Level Environment Impact Assessment Authority [DEIAA], Sonbhadra, in terms of EIA Notification dated 15.01.2016, which stipulated that for mining leases over areas less than 5 hectares, the appropriate authority for grant of EC shall be DEIAA. Hence, at the time of applying for the EC, the Answering Respondents followed, to the letter, the existing legal regime for grant of EC, as indicated in the EIA Notification dated 15.01.2016, which had not been stayed or set aside by any court or authority till that time, fulfilling all the requirements under the same.

10. That after the consideration of the application submitted by the Answering Respondents, DEIAA was pleased to grant EC's to the Answering Respondents in respect of Block-1 and Block-3 respectively, situated in Khasra No. 7536 Ga, on 23.10.2018. It is pertinent to mention that although by order dated 13.09.2018 passed in Original Application No. 186/2016, titled Satendra Pandey vs Ministry of Environment, Forest and Climate Change & Anr., this Hon'ble Tribunal reached the conclusion that the regime of grant of EC's stipulated in EIA Notification dated 15.01.2016 is not consistent with the decision of the Hon'ble Supreme Court in Deepak Kumar case, this Hon'ble

Tribunal, by its order dated 13.09.2018, did not set aside or stay the EIA Notification dated 15.01.2016 and only directed that the procedure laid down in the EIA Notification dated 15.01.2016 be brought in consonance and in accord with the directions passed in the case of Deepak Kumar case.

A true copy of order dated 13.09.2018 passed by this Hon'ble Tribunal in O.A. No. 186/2016 is annexed and marked as **ANNEXURE R-1**.

11. That pursuant to the directions passed by this Hon'ble Tribunal, it was only on 12.12.2018 that an Office Memorandum was issued by the MoEF & CC, directing the authorities concerned all over the country to abide by the directions contained in the order passed by this Hon'ble Tribunal and to follow the regime indicated therein for grant of EC's. Subsequently, acting in compliance of O.M. dated 12.12.2018 issued by MoEF & CC, in a joint meeting of the State Environment Impact Assessment Authority [SEIAA], Uttar Pradesh and State Expert Appraisal Committee [SEAC], Uttar Pradesh, held on 05.02.2019, a decision was taken that all mining cases of minor minerals, having area of 0 to 5 Hectares, will be appraised by UP-SEIAA for grant of Environment Clearance.

A true copy of Office Memorandum dated 12.12.2018 issued by MoEF & CC, Government of India is annexed and marked as **ANNEXURE R-2.**

A true copy of Joint Meeting Minutes of UP-SEIAA and UP-SEAC, held on 05.02.2019, is annexed and marked as **ANNEXURE R-3.**

12. That it is respectfully submitted that neither in the O.M. dated 12.12.2018 issued by MoEF & CC nor in the decision taken by UP-SEIAA and UP-SEAC on 05.02.2019, has a mention been made regarding retrospective effect being given to these directions or any of these directions having any sort of effect on the validity of the EC's which already stand granted by DEIAA in accordance with the earlier prevalent legal regime. It is no longer res-integra that unless specifically indicated, even if a legal regime is changed subsequently, that has no bearing whatsoever on the validity of the decisions taken under the earlier legal regime. The said fact is also reflected in the Report filed by the concerned authorities in the present Original Application, wherein it has been specifically mentioned that the EC's dated 23.10.2018, granted to the Answering Respondents in respect of their mining leases, were granted at a time when DEIAA was legally working and hence the EC's issued in favor of the Answering Respondents are valid and have been

granted in accordance with law, as prevalent at the relevant time.

**13.** That thus, from the above submissions, it is manifestly clear that the EC's granted in favor of the Answering Respondents suffer from no legal infirmity and have been granted in consonance with the prevalent legal regime, after due adherence to the applicable procedure. It is also pertinent to mention that the scope of the EIA Notification dated 15.01.2016 and the order dated 13.09.2018 passed by this Hon'ble Tribunal, as well as that of the O.M. dated 05.02.2019 issued by MoEF & CC and the decision dated 05.02.2019 taken by UP-SEIAA and UP-SEAC, is restricted only to the manner in which the EC is to be granted in respect of a particular mining project and the procedure to be followed therein and has got absolutely no relation or bearing on the date of registration of the mining lease. Hence, in the case of the EC's granted to the Answering Respondents, the relevant date of consideration is 23.10.2018, when the EC's were granted to the Answering Respondents, and the law prevalent at that time, and the date of registration of the mining leases [05.10.2020 and 06.11.2020 respectively] has got no relevance at all.

**14.** That the Answering Respondents will also seek the liberty of this Hon'ble Tribunal to throw light on the reasons for the

delay which occurred in the registration of the leases of the Answering Respondents, subsequent to the grant of EC's in their favor. It is most respectfully submitted that six mining leases, including those granted in favor of the Answering Respondents, were granted in District Sonbhadra pursuant to the e-tender cum e-auction notice issued by the District Magistrate, Sonbhadra on 01.06.2018.

15. That one of the six mining leases, granted in favor of Neelkanth Mining, was registered on 12.12.2018 itself. However, pursuant to order dated 04.01.2019 passed by this Hon'ble Tribunal in Original Application No. 781 of 2018, titled as Amit Pandey vs State of U.P and Ors., wherein this Hon'ble Tribunal had directed that order dated 13.07.2018 passed in Original Application No. 429/2016, titled All India Kaimur People's Front vs State of Uttar Pradesh & Ors, be complied with, an order dated 05.02.2019 was passed by the District Magistrate, Sonbhadra, suspending the operation of the lease registered in favor of Neelkanth Mining and stating that the rest of the mining leases, including those of the Answering Respondents, shall not be given effect to [registered]. A report to this effect was also submitted by the Commissioner, Mirzapur, Uttar Pradesh to this Hon'ble Tribunal, in O.A. No. 781/2018. The said

report was accepted by this Hon'ble Tribunal and O.A. No. 781/2018 was disposed of by order dated 25.03.2019.

16. That the premise behind the order dated 13.07.2018 passed by this Hon'ble Tribunal in O.A. No. 429/2016, which was subsequently followed by this Hon'ble Tribunal in O.A. No. 781/2018, was that mining leases, granted over land, which was covered under Notification issued under Section 4 of the Indian Forest Act, 1927, and in respect of which a Notification under Section 20 of the Indian Forest Act has not been issued, shall stand cancelled.

17. That however, since this Hon'ble Tribunal had erred in not appreciating the fact that some tracts of land, including the land over which mining leases had been granted in favor of the Answering Respondents, were excluded from the purview of Section 4 Notification under the settlement proceedings, concluded in terms of the judgment passed by the Hon'ble Supreme Court in Writ Petition (Crl.) No. 1061 of 1982, titled Banvasi Seva Ashram vs State of U.P. &Ors [reported as (1986) 4 SCC 753], on the ground that the said lands were recorded as 'pahad' (uncultivable waste land belonging to the revenue department) at the time of issuance of the Notification under Section 4 and were not forest land, the Answering Respondents, along with several other leaseholders, challenged the orders dated 13.07.2018

and 25.03.2019 passed by this Hon'ble Tribunal before the Hon'ble Supreme Court, with the lead matter being Civil Appeal No. 12202/2018 and the Civil Appeal filed by the Answering Respondents being Civil Appeal No. 5257/2019.

- 18.** That during the pendency of the Civil Appeals, the Hon'ble Supreme Court observed that the entire controversy, regarding what is forest land and what is not, has been created because of non-issuance of Notification under Section 20 of the Indian Forest Act, 1927 by the State of Uttar Pradesh since the last several years. Accordingly, the Hon'ble Supreme Court directed the State of Uttar Pradesh to issue a Notification under Section 20 of the Indian Forest Act in respect of the concerned area. The Notification under Section 20 of the Indian Forest Act came to be issued by the State of Uttar Pradesh only on 15.06.2020, a fact which was noted by the Hon'ble Supreme Court in its order on 15.07.2020. After the issuance of Notification under Section 20 of the Indian Forest Act, it became categorically clear that the land, in respect of which mining leases were granted to the Answering Respondents, was not forest land.

A true copy of order dated 05.06.2020 passed by the Hon'ble Supreme Court in Civil Appeal No. 12202/2018 is annexed and marked as **ANNEXURE R-4**.

A true copy of order dated 15.07.2020 passed by the Hon'ble Supreme Court in Civil Appeal No. 12202/2018 is annexed and marked as **ANNEXURE R-5**.

19. That it was only subsequent to the order dated 15.07.2020 passed by the Hon'ble Supreme Court, taking the Notification under Section 20 on record, that the decks were cleared for lifting of the embargo imposed by order dated 05.02.2019 passed by the District Magistrate, Sonbhadra, restraining the registration of the mining leases of the Answering Respondents. It was only after the completion of formalities and after receiving the go-ahead from the State Government that the mining leases of the Answering Respondents came to be registered on 05.10.2020 and 06.11.2020 respectively. It is pertinent to mention that in its judgment dated 28.10.2020, disposing of the Civil Appeals filed by the lease holders, including the Answering Respondents, the Hon'ble Supreme Court clearly noted that no fault could be attributed to the leaseholders for the cancellation/suspension of their mining leases on account of orders passed by this Hon'ble Tribunal.

20. That the above submissions make it evident that no fault could be attributed to the Answering Respondents for the delay which occurred in registration of their mining leases and the same occurred only due to the pendency of the

judicial proceedings before the Hon'ble Supreme Court, in which it has been specifically noted that the lease holders were not at fault. Further, as already stated above, the relevant date of consideration for the purpose of determining as to whether the legal regime in grant of EC has been followed or not, since that is the scope of application of the Deepak Kumar judgment, the order dated 13.09.2018 passed by this Hon'ble Tribunal, the O.M. dated 12.12.2018 issued by MoEF & CC and the decision dated 05.02.2019 taken by UP-SEIAA and UP-SEAC, is 23.10.2018, the date of grant of EC's in favor of the Answering Respondents. The date of registration of the mining lease [05.10.2020 and 06.11.2020] is not relevant at all for the purpose of determining the validity of the EC.

**21.** That it is also apposite to mention that the instant Original Application appears to raise a challenge against the Environmental Clearances dated 23.10.2018, granted to the Answering Respondents by DEIAA, whereas under the provisions of the National Green Tribunal Act, 2010, an Environmental Clearance can only be challenged by way of an Appeal under Section 16 (h) of the Act, which has to be filed within a period of 30 days from the grant of the Environmental Clearance and which, at any rate, cannot be filed after 60 days, as per the express mandate of the Act and as per the law settled by this Hon'ble Tribunal in a

catena of judgments. Although the Answering Respondents do not have the copy of the present Original Application and are not aware of the exact date on which the present Application has been filed, it is evident that the Application has been filed much beyond the period of 60 days from the date of grant of Environmental Clearance to the Answering Respondents[more than three years] and an attempt has been made to bypass the hurdle of limitation in challenging the Environmental Clearance by cloaking the challenge in the garb of an Original Application rather than an Appeal, which is not permissible. The Original Application deserves to be dismissed at the outset on this ground alone.

- 22.** That without prejudice to the above objection, it is clear from the above submissions that even on merits, the EC's granted to the Answering Respondents do not suffer from any legal infirmity and have been granted in accordance with the legal regime prevalent at the time. Thousands of other EC's have been granted in the State of Uttar Pradesh and in other parts of the country in accordance with the legal regime established by the EIA Notification dated 15.01.2016 and interfering with the validity of such EC's, on the basis of a subsequent change in legal regime, which came into effect only from 12.12.2018, will open a pandora's box and lead to utter chaos.

23. That it is also relevant to mention that by letter dated 12.01.2022 addressed to the District Magistrate, Sonbhadra, Respondent No. 6 has already surrendered its mining lease, on account of the fact huge losses were being caused to Respondent No. 6 during the operation of the mining lease.

A true copy of Surrender Letter dated 12.01.2022, addressed by Respondent No. 6 to District Magistrate, Sonbhadra, is annexed and marked as **ANNEXURE R-6**.

24. That in such circumstances, it is respectfully prayed that there is no cause or reason for interference by this Hon'ble Tribunal and the Original Application may kindly be dismissed, qua the Answering Respondents.

**M/s SAI RAM ENTERPRISES / RESPONDENT NO. 5**  
**M/s C.S. INFRA-CONSTRUCTION LTD. / RESPONDENT NO. 6**  
**THROUGH**

**[UTKARSH SHARMA] [SHARAD CHAUHAN]**  
**ADVOCATES**  
**139, SETALVAD BLOCK, LAWYERS' CHAMBERS,**  
**SUPREME COURT, NEW DELHI-110001.**

**PLACE: NEW DELHI**

**DATE: 14.07.2022**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH SITTING AT NEW DELHI  
ORIGINAL APPLICATION NO. 142 OF 2022

**IN THE MATTER OF :**

JAYANT KUMAR ... APPLICANT

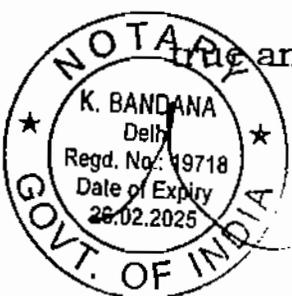
**VERSUS**

MOEF & CC AND ORS. ....RESPONDENTS

**AFFIDAVIT**

I, Chandra Bhushan Gupta, aged about 64 years, S/o Ram Lakhan Gupta, R/o 20/91, near Ayappa Mandir, Sector-8, Obra, Sonbhadra, Uttar Pradesh-231219 presently partner M/s Sai Ram Enterprises, presently at New Delhi do hereby solemnly affirm and state as under:

1. That I am authorized to represent Respondent no. 05 in the abovementioned Original Application and I am fully conversant with the facts and circumstances of the case to the best of my knowledge and belief and as such competent to swear this affidavit in my official capacity.
2. That I have read and understood the contents of the accompanying reply and the same has read over to me and explained to me by my counsel in my vernacular and hence swearing the present affidavit.
3. I state that the contents of the above reply which has been drafted under my instructions and the contents are true and correct to the best of my knowledge and belief.



Handwritten signature in Hindi script.

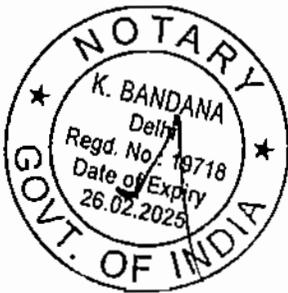
**DEPONENT**

**VERIFICATION**

I the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on the 13<sup>th</sup> day of July, 2022.

IDENTIFIED

**DEPONENT****THROUGH,****( UTKARSH SHARMA, SHARAD CHAUHAN )****ADVOCATE**

13 JUL 2022

**ATTESTED**  
**NOTARY PUBLIC, DELHI  
GOVT. OF INDIA**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH SITTING AT NEW DELHI  
ORIGINAL APPLICATION NO. 142 OF 2022

IN THE MATTER OF :

JAYANT KUMAR

... APPLICANT

**VERSUS**

MOEF & CC AND ORS.

....RESPONDENTS

AFFIDAVIT

I, Smt. Pushpa Singh, aged about 50 years, W/o Shri. Uma Shankar Singh, R/o Village & Post Khanwar, Rasra, District Ballia, Uttar Pradesh-221711 presently Managing Director M/s C.S Infraconstruction Ltd. presently at New Delhi do hereby solemnly affirm and state as under:

1. That I am authorized to represent Respondent no. 06 in the abovementioned Original Application and I am fully conversant with the facts and circumstances of the case to the best of my knowledge and belief and as such competent to swear this affidavit in my official capacity.
2. That I have read and understood the contents of the accompanying reply and the same has read over to me and explained to me by my counsel in my vernacular and hence swearing the present affidavit.
3. I state that the contents of the above reply which has been drafted under my instructions and the contents are true and correct to the best of my knowledge and belief.



गुप्त सिंह

**DEPONENT**

**VERIFICATION**

I the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

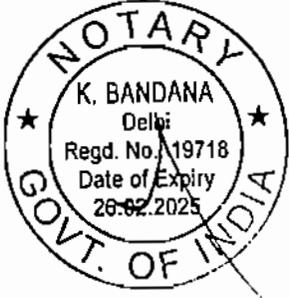
Verified at New Delhi on the 13<sup>th</sup> day of July, 2022.

IDENTIFIED

पुष्पा सिंह

**DEPONENT**THROUGH, *Utkarsh Sharma**Sharad Chauhan*

( UTKARSH SHARMA, SHARAD CHAUHAN )

**ADVOCATE**

13 JUL 2022

ATTESTED

*[Signature]*  
 NOTARY PUBLIC, DELHI  
 GOVT. OF INDIA

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 186/2016  
(M.A. No. 350/2016)  
And  
Original Application No. 200/2016  
And  
Original Application No. 580/2016  
(M.A. No. 1182/2016)  
And  
Original Application No. 102/2017  
And  
Original Application No. 404/2016  
(M.A. No. 758/2016, M.A. No. 920/2016,  
M.A. No. 1122/2016, M.A. No. 12/2017 & M.A. No. 843/2017)  
And  
Original Application No. 405/2016  
And  
Original Application No. 520 of 2016  
(M.A. No. 981/2016, M.A. No. 982/2016 & M.A. No. 384/2017)

IN THE MATTERS OF:

Satendra Pandey  
Vs.  
Ministry of Environment, Forest & Climate Change & Anr.  
And  
Rajeev Suri Vs. Union of India  
And  
Badal Singh Vs. Union of India & Ors.  
And  
Nature Club of Rajasthan (NGO) Vs. Union of India & Ors.  
And  
Naresh Zargar Vs. Ministry of Environment & Forest and Anr.  
And  
Rajeev Suri Vs. Union of India & Anr.  
And  
Vikrant Tongad Vs. Union of India

CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Present: Applicant:

Respondents

Mr. Rahul Choudhary and Ms. Meera Gopal,  
Adv. in Original Application No. 388/2018  
Mr. Divya Prakash Pande, Adv. for Ministry of  
Environment, Forest and Climate Change  
Dr. Abhishek Atrey, Adv. for Ministry of  
Environment, Forest and Climate Change  
Mr. Amit Tiwari, Adv. for State of Uttar Pradesh  
Mr. Ashok Kumar Sharma and Mr. Kshitij  
Mudgal, Advs.  
Mr. V.K. Shukla, and Ms. Vijay Lakshmi, Advs.  
for State of MP, State Environment Impact  
Assessment Authority & Mining Corporation  
Mr. Rahul Pratap, Adv. for Ministry of  
Environment, Forest and Climate Change  
Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh  
Rajpal and Mr. Vikramjeet Singh, Advs. for  
State of Rajasthan

Date and Remarks	Orders of the Tribunal
<p data-bbox="431 263 548 317">Item Nos. 07 to 14</p> <p data-bbox="431 344 548 397">September 13, 2018</p> <p data-bbox="451 411 529 438">DV &amp; AT</p>	<p data-bbox="578 276 1284 1056">1. By this application, the applicant has sought to assail Notifications dated 15.01.2016, 20.01.2016 and 01.07.2016 amending the EIA Notification dated 14.09.2006 on the ground that the procedure for obtaining Environmental Clearance in respect of mining of minor minerals for areas from 0 to 25 ha has been diluted by bringing it within B-2 category projects and exempting such category from Public Consultation, Environment Impact Assessment (EIA) and Environment Management Plan (EMP) which was in contravention of the judgment of the Hon'ble Supreme Court in <i>Deepak Kumar Vs. State of Haryana &amp; Ors.: (2012) 4SCC 629</i> and also of this Tribunal in <i>Original Application No. 123 of 2014</i> dated 13.01.2015.</p> <p data-bbox="578 1110 1284 1540">2. The crux of the case of the applicant is that while in <i>Deepak Kumar</i> case (supra) it had been held that all mining leases in respect of its size would require to obtain Environmental Clearance and be subjected to strict regulatory framework as that of all major minerals, the impugned Notifications, more particularly 15.01.2016, exempts the necessity of having EIA and Public Consultation for areas upto 25 ha.</p> <p data-bbox="578 1607 1284 1916">3. According to the applicant the impugned Notification dated 15.01.2016 provided exemption of the rigors of the necessity of EIA and EMP even for areas ranging from 5 to 25 ha when in the earlier Notifications it was necessary from 5 to 50 ha. It was contended that the Hon'ble Supreme Court had expressed its concern on</p>

<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV &amp; AT</p>	<p>dispensing with the necessity of obtaining Environmental Clearance and the other requirements cognate thereto for areas less than 5 ha in the case of <i>Deepak Kumar</i> (supra).</p> <p>4. Further contention was that B-category as it stood originally, was broken to B-1 and B-2 categories by bringing areas of mining of minerals from 25 ha to 50 ha within B-1 category and 0 to 25 ha as B-2 category. For B-2 category, the authority prescribed for grant of Environmental Clearance is now the District Environment Impact Assessment Authority (DEIAA) which would base its decision on the recommendations of District Expert Appraisal Committee (DEAC).</p> <p>5. Further contentions of the applicant in assailing the Notification dated 15.01.2016 are as follows:</p> <p>a) Form-1M, prescribed in the impugned Notification dated 15.01.2016, required to be submitted for mining of minor minerals upto 5 ha under Category B-2 projects provided in Appendix-VII, is generic seeking only basic details pertaining to the lease holder and the mine with perfunctory information on the environmental effect of the project which was in contrast to Form-1 which is required to be filled up for all other categories which is comprehensive seeking detailed information on environmental implications of the project.</p> <p>b) B-2 projects of 0 - 5 ha under individual and cluster category are exempted from requirements of preparing an Environment Impact Assessment</p>
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	<p><b>Item Nos.</b> <b>07 to 14</b></p> <p><b>September</b> <b>13, 2018</b></p> <p><b>DV &amp; AT</b></p>	<p>Report (EIA) and Environment Management Plan (EMP) and those greater than 5 ha and less than or equal to 25 ha are exempted from preparing Environment Impact Assessment Report (EIA) both with respect to individual Mine Lease and cluster situation. No such exemption has been provided in para 7 (i) of the EIA Notification, 2006 under Stage (2) - Scoping which stipulates such requirement, but it has been done away with now at Appendix-XI of Notification dated 15.01.2016.</p> <p>c) EIA/EMP is an integral and most critical component of Environmental Clearance as it is only through the EIA that the potential impacts and risks of a project can be assessed and mitigation measures formulated and adopted in the EMP. By exempting EIA/EMP, critical environmental aspects like anticipated environmental impacts, mitigation measures and additional studies involving public consultation, risk assessment, social impact assessment and rehabilitation and resettlement action plans, stand exempted. These requirements provided under Appendix-III, defeats the very purpose of the Notification and the Environment (Protection) Act, 1986.</p> <p>d) The District Level Environment Impact Assessment Authority (DEIAA) and District Level Expert Appraisal Committee (DEAC) comprises mostly of officers/bureauerats who have no</p>
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<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV &amp; AT</p>	<p>expertise and scientific knowledge to assess environmental implications, and have been conferred with excessive and uncanalized power devoid of any guidelines. Even the power to appoint the Expert Members vested upon the authorities in the DEIAA and DEAC are unguided whereas there is an extensive elaborations with regard to qualifications, skill sets and competencies for the members of SEAC and SEIAA.</p> <p>6. Based, <i>inter-alia</i>, upon the aforesaid grounds, the applicant seeks a direction for quashing the impugned Notifications.</p> <p>7. Mr. Divya Prakash Pande, Ld. Counsel for MoEF&amp;CC in his arguments, at the outset, raised objection as to the maintainability of the application on the ground of jurisdiction of the Tribunal to grant relief for quashing the impugned notifications. It is contended that the decision of this Court in the case of <i>S.P. Muthuraman v. Union of India</i>, in O.A. No. 676 of 2017 (Earlier O.A. No. 37/2015) whereby the Tribunal has held that it had the jurisdiction to pass such orders has since been challenged before the Hon'ble Supreme Court in Civil Appeal No. 7191-7192 of 2015 and is yet to be decided and, by implication of the orders passed by the Hon'ble Supreme Court, operation of the impugned judgement stands stayed.</p> <p>8. On the merits of the application, it is submitted that Notification dated 15<sup>th</sup> January, 2016 which is sought to</p>
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<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV &amp; AT</p>	<p>be assailed, had been passed by the MoEF&amp;CC in exercise of its powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986. The notification was issued after due deliberations with various stakeholders and the State Governments over the draft notification in respect thereof issued on 22<sup>nd</sup> September, 2015 and, after a committee constituted <i>vide</i> letter dated 3<sup>rd</sup> December, 2015 to examine the comments/suggestions submitted by them, had submitted its report. The impugned Notification provides for DIEAA/DEAC in the districts which also includes appointment of Officers/bureaucrats as experts in the two bodies. The impugned Notification is further justified by the Learned Counsel contending that as the Executive Engineer, Irrigation Department has been made part of the DEAC as he deals with the rivers and canals in the district and, therefore, has the best information and knowledge about sand and gravel deposits in the districts. The Forest Department officials are also part of these committees who have the ability to do value addition in forest areas or areas adjoining the forest having deposits of minor minerals.</p> <p>9. Upon consideration of the fact and circumstances set out in the original application and upon hearing the Ld. Counsel for parties, we find that the impugned Notification dated 15<sup>th</sup> January, 2016 is not consistent with the decision of the Hon'ble Supreme Court in the case of <i>Deepak Kumar (supra)</i>. We find substance in the</p>
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<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV &amp; AT</p>	<p>submissions of the Ld. Counsel for the applicant that while breaking category B of the mines to B-1 &amp; B-2 may not <i>per se</i> be bad, it certainly dilutes the stringent requirement of lease areas upto 25 ha being exempted from the necessity of submitting EIA and EMP for grant of Environmental Clearance. It is undisputed that the impugned Notification is issued with the object to comply with the directions passed in the case of <i>Deepak Kumar (supra)</i>. This case had arisen as the EIA Notification dated 14<sup>th</sup> September, 2006 was being flouted by breaking homogenous areas into picces of less than 5 ha in the States of Uttar Pradesh, Rajasthan and Haryana, as the notification then did not require Environmental Clearance for areas less than 5 ha. The Hon'ble Supreme Court after noting the serious deleterious effect of quarrying, mining and removal of sand in-stream and up-stream of rivers to the environment, in paragraphs 9 and 10 (of SCC) held as follows:</p> <p><i>"9. Extraction of alluvial material from within or near a streambed has a direct impact on the stream's physical habitat characteristics. These characteristics include bed elevation, substrate composition and stability, in-stream roughness elements, depth, velocity, turbidity, sediment transport, stream discharge and temperature. Altering these habitat characteristics can have deleterious impacts on both in-stream biota and the associated riparian habitat. The demand for sand continues to increase day by day as building and construction of new infrastructures and expansion of existing ones is continuous thereby placing immense pressure on the supply of the sand resource and hence mining activities are going on legally and illegally without any restrictions. Lack of proper planning and sand management cause disturbance of marine ecosystem and also upset the ability of natural marine processes to replenish the sand.</i></p> <p><i>10. We are expressing our deep concern since we are faced with a situation where the</i></p>
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<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV &amp; AT</p>	<p>auction notices dated 3-6-2011 and 8-8-2011 have permitted quarrying mining and removal of sand from in-stream and upstream of several rivers, which may have serious environmental impact on ephemeral, seasonal and perennial rivers and river beds and sand extraction may have an adverse effect on biodiversity as well. Further it may also lead to bed degradation and sedimentation having a negative effect on the aquatic life. The rivers mentioned in the auction notices are on the foothills of the fragile Shivalik hills. Shivalik hills are the source of rivers like Ghaggar, Tangri, Markanda etc. River Ghaggar is a seasonal river which rises up in the outer Himalayas between Yamuna and Satluj and enters Haryana near Pinjore, District Panchkula, which passes through Ambala and Hissar and reaches Bikaner in Rajasthan. River Markanda is also a seasonal river like Ghaggar, which also originates from the lower Shivalik hills and enters Haryana near Ambala. During monsoon, this stream swells up into a raging torrent, notorious for its devastating power, as also, river Yamuna.</p> <p>11. We find that it is without conducting any study on the possible environmental impact on/in the river beds and elsewhere the auction notices have been issued. We are of the considered view that when we are faced with a situation where extraction of alluvial material within or near a riverbed has an impact on the rivers physical habitat characteristics, like river stability, flood risk, environmental degradation, loss of habitat, decline in biodiversity, it is not an answer to say that the extraction is in blocks of less than 5 hectares, separated by 1 km, because their collective impact may be significant, hence the necessity of a proper environmental assessment plan."</p> <p>10. The Hon'ble Supreme Court also took note of the fact that the MoEF&amp;CC had constituted a Core Group under the Chairmanship of the Secretary (Environment &amp; Forcst) to look into the environment aspects associated with mining of the minor minerals vide order dated 24<sup>th</sup> March, 2009 with specific terms and conditions. The Core Group after consideration of various issues including cluster of mine approach for addressing and implementing EMP in case of small mines, submitted a report on 29<sup>th</sup></p>
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<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV &amp; AT</p>	<p>January, 2010 with the recommendation to permit mining of minor minerals under strict regulatory regime and carried out only under an approved framework of mining plan which should provide for reclamation and rehabilitation of mine areas. For smaller mine lease areas a cluster approach was recommended. It was directed that the States should adopt the recommendations and the model guidelines framed by the Ministry of Mines, namely the Model Rules, 2010.</p> <p>11. In pursuance of the directions, the impugned Notification dated 15<sup>th</sup> January, 2016, was ultimately issued. The MoEF&amp;CC Notification dated 14<sup>th</sup> December, 2006 as it stood earlier prescribed for two categories of projects and activities as Category A and Category B based on the spatial extent of potential impacts, potential impacts on human health and natural and man-made resources. Stage (1)-Screening that provides for Category 'B' projects or activities, entail scrutiny of an application seeking prior Environment Clearance made in Form 1 by the concerned State Level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of EIA for appraisal prior to grant of Environment Clearance depending upon the nature and location specificity of the project. It further provides that the project requiring EIA report would be termed as Category 'B-1' and remaining projects as Category 'B-2' that would not require EIA report. Discretion to make such categorization was left upon the MoEF&amp;CC and to issue appropriate guidelines from time to time. This</p>
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<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV &amp; AT</p>	<p>provision was a subject matter of challenge in the case of <i>Himmat Singh Shekhawat v. State of Rajasthan</i>, 2015 ALL (I) NGT Reporter (1) DEL 44 by which it was upheld as having been issued by the Ministry as a Subordinate Legislation. However, the office memorandums dated 24<sup>th</sup> June, 2013 and 24<sup>th</sup> December, 2013 prohibiting grant of Environment Clearance to the mine areas of less than 5 ha was quashed as being in conflict with the aforesaid provision.</p> <p>12. The only contention that require for us to consider in this case is as to whether the Notification dated 15<sup>th</sup> January, 2016 would satisfy the spirit of the directions issued in the case of <i>Deepak Kumar (supra)</i>. As already noted, EIA Notification dated 14<sup>th</sup> September, 2006 under the Schedule provided thereto require all mining lease area of equal to and up to 50 ha to seek Environment Clearance requiring to submit EIA for appraisal from the SEIAA.</p> <p>13. The impugned Notification dated 15<sup>th</sup> January, 2016, however, would clearly indicate that Category B has been split into category B1 and B2 and again, category B2 has been further split into areas of 0-5 ha and 5-25 ha. While 0-5 ha has been exempted from the requirement of EIA/Public Consultation, such exemption has also been provided even for mining areas of 5 ha to 25 ha with the DEAC and the DEIAA as the prescribed authority for evaluation and grant of Environmental Clearance. Category B-1 being mining areas of 25 ha to 50 ha, the authorities prescribed are the SEAC and SEIAA. For falling in excess of 50 ha being Category-A, it is the EAC and the</p>
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	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV &amp; AT</p>	<p>MoEF&amp;CC.</p> <p>14. The procedure for grant of the Environment Clearance by the DEIAA for areas between 0 to 5 ha falling under Category 'B-2' is found prescribed in paragraphs 6, 7(iii) (a) and 7(iii) (b) of the impugned Notification read with appendices VIII, X and XI. The Schematic Presentation of Requirement of Environment Clearance of Minor Minerals including cluster situation provided in a table to Appendix XI would substantiate indubitably that even for areas between 5 to 25 ha, no EIA and Public Hearing is required and in cluster situation also, the requirement of EIA and Public Hearing have been exempted.</p> <p>15. Introduction of such procedure, in our view, is clearly not consistent with the directions contained in the case of <i>Deepak Kumar (supra)</i> and the spirit behind such direction. By the provision, mining area upto from 5 ha to 25 ha has been completely exempted from the EIA and Public Consultation. For areas of 5 ha and below, apart from the exemption, it has been made only subject to a separate procedure of preparing a District Survey Report (DSR). These provisions quite apparently are more mine-centric rather than striving a balance between mining and environment especially with regard to Form-1M which needs to be made more elaborate incorporating environment related aspects.</p> <p>16. The Sustainable Sand Mining Management Guidelines, 2016 prepared by the MoEF&amp;CC has also deprecated the procedure as will appear from below which</p>
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	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV &amp; AT</p>	<p>is contained in the chapter on "The Issues and Management of Mining in Cluster":-</p> <p>"It is seen that the categorization of mines into 'B1' and 'B2' category in which Category 'B2' leases are being exempted from the requirement of Environment Impact Assessment, Environment Management Plan, and Public Consultation for grant of EC, in many cases now the mining leases are being given for 25 hectares or less. This defeats the purpose and intent of Hon'ble Supreme Court Judgment which orders environment clearance for all mining leases irrespective of size. The environment clearance without Environment Impact Assessment, Environment Management Plan, and Public Consultation does not serve the purpose of environment clearance which is to ensure environmentally sustainable and socially responsible mining. So if a cluster or individual lease size exceeds 5 hectare, the EIA/ EMP should be completed in the process of grant of prior environment clearance."</p> <p>17. Thus, even according to the Sustainable Sand Mining Management Policy issued by the MoEF&amp;CC by dispensing with Public Hearing, the judgment of the Hon'ble Supreme Court in the case of <i>Deepak Kumar (supra)</i> will stand defeated.</p> <p>18. We also find that parameters for consideration while preparing District Mining Plan (DMP) and District Survey Report (DSR) are only for the purpose of ascertaining whether an area is fit for mining which are quite different from the parameters laid down for EIA. The consideration of the view point of the public by keeping DSR in public domain is not a substitute of Public Hearing for consideration of the view point of the public for EIA.</p> <p>19. With specific reference to mining in cluster, the Report of the Committee of Secretaries, Ministry of Environment, Forest and Climate Change, 2010 recommended as follows:</p>
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	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV &amp; AT</p>	<p><i>"Considering the nature of occurrence of minor mineral, economic condition of the lessee and the likely difficulties to be faced by Regulatory Authorities in monitoring the environmental impacts and implementation of necessary mitigation measures, it may be desirable to adopt cluster approach in case of smaller mine leases being operated presently."</i></p> <p>20. This report which is a part of the Sustainable Sand Mining Management Guidelines, 2016 finds reinforcement in the Chapter "The Issues and Management of Mining in Cluster" referred to earlier where it has inter-alia been recommended as under:</p> <p><i>"The Hon'ble Supreme Court, NGT, SEAC/EAC and the Project Proponents have raised issue of cluster in mine lease allotment and environment clearance for the same, so following conditions need to be ensured for cluster of mines:</i></p> <ol style="list-style-type: none"> <li><i>1. To address the concern of adverse impact of minor mineral mining on environment it is proposed that all mining activity including river sand mining (above 5 hectare individual or cluster) will need to prepare Environment Impact Assessment Report and Environment Management Plan before grant of environment clearance. These reports (EIA / EMP) can be prepared by the State or State nominated Agency / the Project Proponent (s).</i></li> <li><i>2. As can be seen from the data provided by the States most of the mining leases for minor minerals are of lease area less than 5 hectare. It is also reported that in hill states getting a stretch in river with area more than 5 hectare is very uncommon. So the size of lease for minor minerals including river sand mining will be determined by the States as per their circumstances.</i></li> <li><i>3. The EIA Notification, 2006 does not provide for cluster EC, it provides for issuance of EC to individual project proponents and the same has also been upheld in the judgment of Hon'ble Supreme Court in Vijay Bansal vs. State of Haryana case. So EC will have to be applied for and issued to the individual project proponent.</i></li> <li><i>4. A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area.</i></li> <li><i>5. The mining of minor minerals is mostly in clusters. The Environment Impact Assessment or Environment Management</i></li> </ol>
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<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV &amp; AT</p>	<p>Plan are required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The Environment Impact Assessment or Environment Management Plan shall be prepared by the State or State nominated Agency or group of project proponents in the Cluster or the project proponent in the cluster.</p> <p>6. The individual lease holders in cluster can use the same Environment Impact Assessment or Environment Management Plan for application for environmental clearance. The cluster Environment Impact Assessment or Environment Management Plan shall be updated as per need keeping in view any significant change.</p> <p>7. There shall be one public consultation for entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.</p> <p>8. The details of cluster Environment Impact Assessment or Environment Management Plan shall be reflected in each environmental clearance in that cluster and District Expert Appraisal Committee (DEAC), SEAC, and EAC shall ensure that the mitigative measures emanating from the Environment Impact Assessment or Environment Management Plan study are fully reflected as environmental clearance conditions in the environmental clearances of individual project proponents in that cluster.</p> <p>9. ....</p> <p>10. ....</p> <p>11. ....</p> <p>21. Dispensing with the requirement of Public Hearing which forms a part of the Public Consultation under Stage-III of the Environmental Clearance process under EIA Notification, 2006 for areas measuring 0 to 25 ha for individual mine areas and in cluster situation where public hearing has been provided, has resulted in gross dilution of EIA Notification dated 14<sup>th</sup> September, 2006. Such dilution would, in our view, result in its misuse by unscrupulous elements and the situation would revert</p>
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<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV &amp; AT</p>	<p>back to the lawless state prevailing prior to the decision in the case of <i>Deepak Kumar (supra)</i>. Stringent measures are, therefore, necessary if the rampant exploitation of the minor minerals is to be curbed. This apparently was also the view of the Hon'ble Supreme Court in the case of <i>Deepak Kumar (supra)</i>.</p> <p>22. For all these reasons, we direct that the procedure laid down in the impugned Notification be brought in consonance and in accord with the directions passed in the case of <i>Deepak Kumar (supra)</i> by (i) providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling under Category B-2 at par with Category B-1 by SEAC/ SIEAA as well as for cluster situation wherever it is not provided; (ii) Form-1M be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EG by SEIAA instead of DEAC/DEIAA; (iii) if a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance; (iv) EIA and/or EMP be prepared for the entire cluster in terms of recommendation 5 (supra) of the Guidelines for the purpose of recommendations 6, 7 and 8 thereof; (v) revise the procedure to also incorporate procedure with respect to annual rate of replenishment and timeframe for replenishment after mining closure in an area; (vi) the MoEF&amp;CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining.</p>
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23. We have permitted retention of 0-5 ha as a category keeping in view that some States grant isolated single lease of 5 ha and less not falling in cluster situation for which stringent requirements in Form-1M will serve the purpose of providing safeguards for protection of the environment and sustainable mining of minor minerals. This is particularly true in smaller and mountainous States as will also appear from condition no. 2 under "The Issues and Management of Mining in Cluster" referred to earlier in para 20 of this order.

24. It is reiterated that any attempt to split the lease area for the purpose of avoiding the applicable regulatory regime shall be viewed seriously. This in our view will be in the interest of the environment as deliberated in detail in the case of *Deepak Kumar (supra)* and would also satisfy the Precautionary Principle and the Principle of Sustainable Development contemplated under Section 20 of the National Green Tribunal Act, 2010.

25. The MoEF&CC shall, therefore, take appropriate steps to revise the procedure laid down in the impugned Notification dated 15<sup>th</sup> January, 2016 in terms of the above directions and observations so that it is conformity with the letter and spirit of the directions passed by the Hon'ble Supreme Court in *Deepak Kumar (supra)*.

The applications stand disposed of.

....., CP  
(Adarsh Kumar Goel)

....., JM  
(Dr. Jawad Rahim)

	<p>Item Nos. 07 to 14</p> <p>September 13, 2018</p> <p>DV &amp; AT</p>	<p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p>13.09.2018</p>
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T.C  
*[Signature]*



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Dated: 12<sup>th</sup> December 2018

Office Memorandum

Sub: Order dated 04<sup>th</sup> September, 2018 & 13<sup>th</sup> September, 2018 passed by the Hon'ble National Green Tribunal, New Delhi in O.A. No. 173 of 2018 & O.A. No. 186 of 2016 in the matters titled "Sudarsan Das Vs State of West Bengal & Ors" & "Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr." respectively— regarding.

This is with reference to the recent orders of the Hon'ble NGT dated 04<sup>th</sup> September, 2018 in the matter titled *Sudarsan Das Vs State of West Bengal & Ors* & and order dated 13<sup>th</sup> September, 2018 in the matter *Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr.* Copies of the orders are enclosed herewith for ready reference.

2. The Hon'ble NGT *vide* order dated 13<sup>th</sup> September, 2018 in O.A. No. 186 of 2016 (*Satendra Pandey Vs Ministry of Environment Forest & Climate Change & Anr*) has inter-alia directed as follows:-

(i) Providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling member Category B-2 at par with Category B-1 by SEAC/SEIAA as well as for cluster situation wherever it is not provided;

(ii) Form-1M be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SEIAA instead of DEAC/DEIAA;

(iii) if a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance;

(iv) EIA and/or EMP be prepared for the entire cluster in terms of recommendation 5 (*supra*) of the Guidelines for the purpose of recommendations 6, 7 and 8 thereof;

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(v) revise the procedure to also incorporate procedure with respect to annual rate of replenishment and timeframe for replenishment after mining closure in an area;

(vi) the MoEF&CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining."

3. In view of the above, the undersigned is directed to forward the copy of the aforementioned order for necessary compliance and inform the Ministry about the action taken.

4. This issues with the approval of the Competent Authority.

Yours faithfully,

Encl: As above

  
(Dr. R.B. Lal)  
Scientist 'E'

To,

1. The Chief Secretary, 1<sup>st</sup> Block, 1<sup>st</sup> Floor A.P Secretariat Office, Andhra Pradesh, Velagapudi - 522503
2. The Chief Secretary, Government of Arunachal Pradesh, Civil Secretariat, Itanagar - 791111
3. The Chief Secretary, Government of Assam, Block-C, 3<sup>rd</sup> Floor, Assam Sachivalaya, Guwahati-781006
4. The Chief Secretary, Government of Bihar, Main Secretariat Building, Patna-800015
5. The Chief Secretary, Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur-492002
6. The Chief Secretary, Government of Gujarat, Block No.1, 5th Floor, Sardar Bhawan, Sachivalaya, Gandhinagar-382010
7. The Chief Secretary, Government of Goa, Secretariat, Porvolum, Bardez, Goa - 403521
8. The Chief Secretary, 4th Floor, Haryana Civil Secretariat Sector-I, Chandigarh - 160019
9. The Chief Secretary, Government of Himachal Pradesh Secretariat, Shimla - 171002
10. The Chief Secretary, R. No. 2/7, 2nd, Floor Main Building Civil Secretariat, Jammu - 180001 R. No. 307, 3rd Floor Civil Secretariat, Srinagar - 190001
11. The Chief Secretary, Government of Jharkhand 1st Floor, Project Building, Dhurwa, Ranchi-834004
12. The Chief Secretary, Govt of Karnataka, Room No.321, Vidhana Soudha, Bengaluru- 560 001
13. The Chief Secretary, Government of Kerala Secretariat, Thiruvananthapuram - 695001
14. The Chief Secretary, Government of Madhya Pradesh MP Mantralaya, Vaidyan Bhavan Bhopal - 462004

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15. The Chief Secretary, Government of Maharashtra CS Office Main Building, Mantralaya 6th Floor, Madame Cama Road, Mumbai - 400032
  16. The Chief Secretary, Government of Manipur South Block, Old Secretariat Imphal-795001
  17. The Chief Secretary, Government of Meghalaya Main Secretariat Building Rilang Building, Room No. 321 Meghalaya Secretariat, Shillong - 793001
  18. The Chief Secretary, Government of Mizoram New Secretariat Complex, Aizwal - 796001
  19. The Chief Secretary, Government of Nagaland Civil Secretariat, Kohima-797004
  20. The Chief Secretary, Government of Odisha General Administration Department, Odisha Secretariat, Bhubaneswar - 751001
  21. The Chief Secretary, Government of Punjab, Chandigarh - 160001
  22. The Chief Secretary, Government of Rajasthan Secretariat, Jaipur - 302005
  23. The Chief Secretary, Government of Sikkim New Secretariat, Gangtok - 737101
  24. The Chief Secretary, Government of Tamil Nadu Secretariat, Chennai - 600009
  25. The Chief Secretary, Government of Telangana Block C, 3rd Floor, Telangana Secretariat Khairatabad, Hyderabad, Telangana
  26. The Chief Secretary, Government of Uttar Pradesh 1st Floor, Room No. 110 LalbahadurSastri Bhawan Uttar Pradesh Secretariat, Lucknow - 226 001
  27. The Chief Secretary, Government of Tripura New Secretariat Complex, Secretariat-799010, Agartala West Tripura
  28. The Chief Secretary, Government of Uttarakhand 4 Subhash Road, Uttarakhand Secretariat, Dehradun - 248001
  29. The Chief Secretary, Government of West Bengal Nabanna, 13th Floor, 325, Sarat Chatterjee Road, MandirtalaShibpur, Howrah - 711102
  30. The Chief Secretary, Andaman and Nicobar Administration Secretariat, Port Blair - 744101
  31. The Chief Secretary, Secretariat, Moti, Silvassa, Daman - 396220
  32. The Chief Secretary, Secretariat, Moti, Daman - 396 220
  33. The Chief Secretary, Raj Bhawan, Chandigarh-160019
  34. The Chief Secretary, Lakshadweep, Kavaratti - 682555
  35. The Chief Secretary, Chief Secretariat, Goubert Avenue, Puducherry - 605001
  36. The Chief Secretary, Delhi Secretariat, 1p Estate, Delhi - 110002, Near Indra Gandhi Indoor Stadium

**Copy to:**

1. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (SZ), Kendriya Sadan, 4<sup>th</sup> Floor, E&F Wings, 17<sup>th</sup> Main Road, Koramangala II Block, Bangalore-560034
2. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (WZ), E-5, Kendriya Paryavaran Bhawan, E-5 Area Colony, Link Road-3, Ravishankar Nagar, Bhopal-462016
3. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (EZ), A/3, Chandersekharpur, Bhubaneswar-751023

4. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (SEZ), 1<sup>st</sup> and 2<sup>nd</sup> Floor, Handloom Export Promotion Council, 34, Cathedral Garden Road, Nungambakkam, Chennai-34
5. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NZ), Bays No. 24-25, Sector 31 A, Dakshin Marg, Chandigarh-160030
6. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NCZ), Pearson Road, P.P. New Forest, Forest Research Institute (FRI) Campus Dehradun-248006
7. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (CZ), Kendriya Bhawan, 5<sup>th</sup> Floor Sector "H", Aliganj, Lucknow-226020
8. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur-440001
9. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (ECZ), Bungalow No. A-2, Shyamali Colony Ranchi-834002
10. Addl. Principal Chief Conservator of Forests (C), Ministry of Environment, Forest & Climate Change, Regional Office (NEZ) Law-U-Sib, Lumbatngen, Near MTC Workshop, Shillong, Meghalaya-793021

  
(Dr. R.B. Lal)  
Scientist 'E'

ot/coy

(T.C.)  


**Joint meeting minutes of SEIAA and SEAC held on 05/02/2019**

A Joint meeting of SEIAA and SEAC was held on 05/02/2019 for deciding the strategy related to the Hon'ble NGT, Principal Bench, New Delhi order dated 13/09/2018 and MoEF&CC, GoI O.M. No. L-11011/175/2018-IA-II (M) dated 12/12/2018. The SEIAA and SEAC gone through these orders and found that Hon'ble NGT (PB), New Delhi vide order dated 13/09/2018 in OA No. 186/2016-Satyendra Pandey V/s MoEF&CC, GoI and others has inter-alia directed as follows:

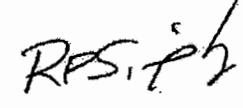
- (i) Providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling under Category B-2 at par with Category B-1 by SEAC/SEIAA as well as for cluster situation wherever it is not provided;
- (ii) Form-1M be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SEIAA instead of DEAC/DEIAA;
- (iii) If a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance;
- (iv) EIA and/or EMP be prepared for the entire cluster in terms of recommendation 5 (supra) of the Guidelines for the purpose of recommendations 6, 7 and 8 thereof;
- (v) Revise the procedure to also incorporate procedure with respect to annual rate of replenishment and timeframe for replenishment after mining closure in an area;
- (vi) The MoEF&CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining.

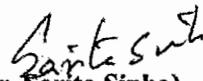
As per above order of Hon'ble NGT (Principal Bench), Ministry of Environment, Forest & Climate Change (MoEF&CC), Govt. of India vide Office Memorandum F.No. L-11011/175/2018-IA-II (M) dated 12/12/2018, had directed the compliance of the above direction of Hon'ble NGT. Beside this, Hon'ble NGT (Principal Bench) in its order dated 11/12/2018 in OA 520/2016 has suspended the activities of issuing EC by DEIAA/DEAC for minor minerals as per MoEF&CC Notification dated 15/01/2016 till a fresh Notification is issued by Ministry.

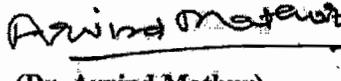
Therefore, in compliance of MoEF&CC, GoI, OM dated 12/12/2018, it is decided that all mining cases of minor minerals having 0 to 5 ha area will be appraised by UP-SEIAA for Environmental Clearance. All concerned project proponents will apply to UP-SEIAA in Form-1 with other required supporting documents on online MoEF&CC website [www.environmentclearance.nic.in](http://www.environmentclearance.nic.in) to process the application for grant of prior environmental clearance with immediate effect till further order.

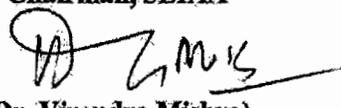
  
(Shri Ashish Tiwari, IFS)  
Member-Secretary, SEIAA

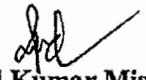
  
(Dr. (Smt.) Madhu Bhargava))  
Member, SEIAA

  
(Prof. Rana Pratap Singh),  
Chairman, SEIAA

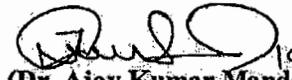
  
(Dr. Sarita Sinha)  
Member

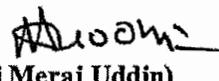
  
(Dr. Arvind Mathur)  
Member

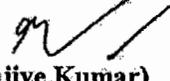
  
(Dr. Virendra Mishra)  
Member

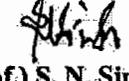
  
(Dr. Pramod Kumar Mishra)  
Member

  
(Dr. Richhpal Singh Sangu)  
Member

  
(Dr. Ajoy Kumar Mandal)  
Member

  
(Shri Meraj Uddin)  
Member

  
(Shri Rajive Kumar)  
Member

  
(Dr. (Prof.) S. N. Singh)  
Chairman, SEAC

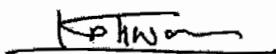
ADDENDUM

**SUBJECT:-** Joint meeting minutes of SEIAA and SEAC held on 05/02/2019

This is for information that following Addendum are being made in last Paragraph of joint meeting Minutes of SEIAAUP and SEACUP held on 05.02.2019.

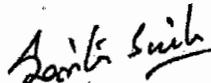
In the last Paragraph, i.e. "Therefore, in compliance of MoEF&CC, GoI, OM dated 12/12/2018, it is decided that all mining cases of minor minerals having 0 to 5 ha area will be appraised by UP-SEIAA for Environmental Clearance. All concerned project proponents will apply to UP-SEIAA in Form-1 with other required supporting documents on online MoEF&CC website www.environmentclearance.nic.in to process the application for grant of prior environmental clearance with immediate effect till further order." **should be read as below-**

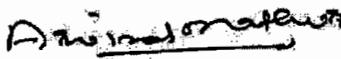
"Therefore, in compliance of MoEF&CC, GoI, OM dated 12/12/2018, it is decided that all mining cases of minor minerals having 0 to 5 ha area will be appraised by UP-SEIAA for Environmental Clearance. All concerned project proponents will apply to UP-SEIAA in Form-1 with other required supporting documents on online MoEF&CC website www.environmentclearance.nic.in to process the application for grant of prior environmental clearance with immediate effect till further order. It has also been decided that mining area from 05 ha to 25 ha earlier falling under category B-2 will be treated as category B-1 as per NGT order dated 13/09/2018 and MoEF&CC, Govt. of India O.M. dated 12/12/2018 and shall follow all the aspects of EIA including Public Hearing/Public Consultation etc."

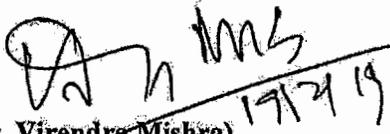
  
(Shri Ashish Tiwari, IFS)  
Member-Secretary, SEIAA

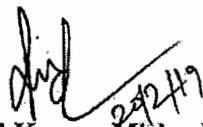
  
(Dr. (Smt.) Madhu Bhardwaj)  
Member, SEIAA

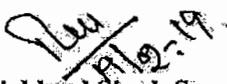
  
(Prof. Rana Pratap Singh),  
Chairman, SEIAA

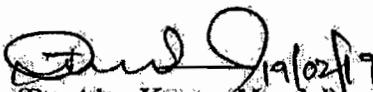
  
(Dr. Sarita Sinha)  
Member

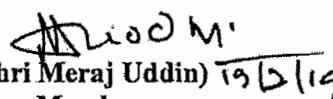
  
(Dr. Arvind Mathur)  
Member

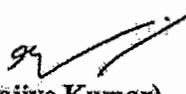
  
(Dr. Virendra Mishra)  
Member  
19/2/19

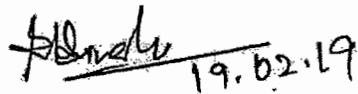
  
(Dr. Pramod Kumar Mishra)  
Member  
22/2/19

  
(Dr. Richhpal Singh Sangu)  
Member  
19/2-19

  
(Dr. Ajoy Kumar Mandal)  
Member  
19/02/19

  
(Shri Meraj Uddin) 19/2/19  
Member

  
(Shri Rajive Kumar)  
Member

  
(Dr. (Prof.) S. N. Singh)  
Chairman, SEAC  
19.02.19

(T.C)



ITEM NO.1

Virtual Court 7

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 12202/2018

DHARMENDRA KUMAR SINGH

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH &amp; ORS.

Respondent(s)

(FOR DIRECTION

WITH C.A. No. 11368/2018

(IA No. 57660/2019 - CLARIFICATION/DIRECTION

C.A. No. 8804-8805/2019

C.A. No. 5257/2019

IA No.80139/2019-EXTENSION OF EX-PARTY STAY

C.A. No. 5093/2019

C.A. No. 7002/2019

IA No.129675/2019-EX-PARTE STAY

Date : 05-06-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s)

Mr. Ranjit Kumar, Sr. Adv.  
Mr. Utkarsh Sharma, AOR  
Mr. Sharad Chauhan, Adv.Mr. S.P. Singh, Sr. Adv.  
Ms. Mrinal Gopal Elker, AOR  
Mr. Rounak Parekh, Adv.

Mrs. Rachna Gupta, AOR

For Respondent(s)

Mr. Tushar Mehta, SG  
Mr. Raghvendra Singh, Sr. Adv. AG  
Ms. Aishwarya Bhati, Sr. Adv.  
Mr. Rajeev Kumar Dubey, Adv.  
Mr. Kamendra Mishra, AORMr. Atmaram N.S. Nadkarni, ASG  
Mr. Rajan Kr. Chaurasia, Adv.  
Mr. Nishesh Sharma, Adv.

Validity unknown

Digitally signed by  
ASHA SUNDARAL  
Date: 2020.06.05  
17:29:41 +05'30'  
Reason:

Ms. Suhasini Sen, Adv.  
Mr. Gurmeet Singh Makker, AOR

Mr. T. N. Singh, AOR  
Mr. Vikas Kumar Singh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Mr. Tushar Mehta, learned Solicitor General appearing for the State of Uttar Pradesh submits that the draft notification in pursuance to what was observed on the last date of hearing on 25.2.2020 is ready but has drawn our attention to an additional affidavit affirmed on 27.5.2020 filed by respondent Nos.2,3,8 and 9/State to the effect that there is some apprehension that in view of the order dated 20.11.1986 in Writ Petition (Cr1.)No.1061 of 1982, the same may not be treated as a violation of the orders of this Court. Thus, a formal order is solicited from this Court for permission to issue notification.

We see no reason for any such apprehension but in any case in view of the State Government having volunteered to issue notification now, we formally permit the issuance of such notification under Section 20 of the Indian Forest Act, 1927 and an undertaking is given to this Court on behalf of the State that the same will be issued within a maximum period of one week from today.

The undertaking is taken on record.

Learned counsel for the appellant states that the only other issue which survives for consideration is that

the period when the mining leases were not permitted to operate, the period of lease should be extended.

In respect of the aforesaid, Mr. Mehta states that he will obtain the requisite instructions from the State Government, by which date the notification would also have been issued.

List on 14.7.2020.

(ASHA SUNDRIYAL)  
AR-CUM-PS

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR

(T.C)  


ITEM NO.1 Virtual Court 6

ANNEXURE-R-5  
SECTION XVII

49

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 12202/2018

DHARMENDRA KUMAR SINGH

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(FOR DIRECTION

IA No. 63684/2019 - EXEMPTION FROM FILING O.T.

IA No. 63672/2019 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

WITH C.A. No. 11368/2018

(IA No. 57660/2019 - CLARIFICATION/DIRECTION

IA No. 50301/2019 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 8804-8805/2019

C.A. No. 5257/2019

C.A. No. 5093/2019

(IA No. 149662/2019 - EXEMPTION FROM FILING O.T.

IA No. 104744/2019 - EXEMPTION FROM FILING O.T.

IA No. 104740/2019 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

IA No. 149661/2019 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 7002/2019

(IA No.129677/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.129675/2019-EX-PARTE STAY and IA No.129682/2019-  
EXEMPTION FROM FILING O.T. and IA No.129673/2019-PERMISSION TO FILE  
APPEAL and IA No.129680/2019-PERMISSION TO FILE LENGTHY LIST OF  
DATES and IA No.129683/2019-PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

Date : 15-07-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MS. JUSTICE INDU MALHOTRA

Validity-unknown

Digitally signed by  
ASHA KUMARIAL  
Date: 2020.07.26  
17:31:17  
Reason:

Appellant(s)

Mr. Utkarsh Sharma, AOR

Mr. Sharad Chauhan, Adv.

Mrs. Rachna Gupta, AOR

Ms. Mrinal Gopal Elker, AOR

For Respondent(s) Mr. V. Shekhar, Sr. Adv.  
Mr. Raghvendra Singh, Sr. Adv./AG  
Mr. Rajeev Kumar Dubey, Adv.  
Mr. Kamendra Mishra, AOR

Mr. T. N. Singh, AOR

Mr. Rajan Kumar Chaurasia, Adv.  
For Mr. Gurmeet Singh Makker, AOR

UPON hearing the counsel the Court made the following  
O R D E R

An adjournment slip has been circulated by the learned counsel for the State of Uttar Pradesh. Learned counsel, however, states that the undertaking given to this Court on 5<sup>th</sup> June, 2020 has been complied with inasmuch as the Notification was issued on 15<sup>th</sup> June, 2020.

The only other issue which remains as noticed in the last order is the extension of the lease for the period the mining leases were not permitted to operate. Learned counsel assures us that a decision would be taken within a maximum period of fifteen days from today. He also expressed some apprehensions about the interdicts by the High Court. We see no reason for such apprehensions and we had clarified all these aspects on the last date. It is the State Government which has to take a decision and thereafter this Court can give its imprimatur to the decision which will be taken by the State Government and

thus, the High Court interdicts would not come in the way.

51

List in the week commencing 4<sup>th</sup> August, 2020.

(ANITA MALHOTRA)  
COURT MASTER

(ANITA RANI AHUJA)  
ASSISTANT REGISTRAR

(T.C)  


ANNEXURE-R-6 52

सेवा में,

श्रीमान् जिलाधिकारी महोदय/  
ज्येष्ठ खानअधिकारी महोदय,  
सोनभद्र।

विषय:- नीलाम खनन पट्टा मे0 सी0 एस0 इन्फ्राकन्सट्रक्शन लिमिटेड पता ग्राम व पोस्ट-खनवार, जनपद-बलिया पिन-221711, मैनेजिंग डायरेक्टर श्रीमती पुष्पा सिंह, खनन पट्टा स्थित ग्राम-बिल्ली मारकुण्डी, आराजी संख्या-7536ग मि0, खण्ड-3, रकबा-4.00 हेक्टेयर को अभ्यर्पित (सरेण्डर) कराने के सम्बन्ध में।

महोदय,

निवेदन पूर्वक अवगत कराना है कि जनपद-सोनभद्र के तहसील-ओबरा स्थित ग्राम-बिल्ली मारकुण्डी के आराजी संख्या-7536ग मि0, खण्ड-3, रकबा-4.00 हेक्टेयर क्षेत्र पर उपखनिज डोलो स्टोन (गिट्टी/बोल्डर) का 10 वर्षीय नीलाम खनन पट्टा जिसकी अवधि दिनांक 06.11.2020 से दिनांक 05.11.2030 तक के लिए है, मे0 सी0 एस0 इन्फ्राकन्सट्रक्शन लिमिटेड पता ग्राम व पोस्ट-खनवार, जनपद-बलिया पिन-221711, के पक्ष में स्वीकृत है।

निवेदन के साथ अवगत कराना है कि प्रार्थिनी नीलाम खनन पट्टा उपरोक्त का संचालन खनन पट्टा निष्पादन के दिनांक 06.11.2020 से लेकर दिनांक 05.11.2021 तक अर्थात् प्रथम खनन पट्टा वर्ष तक किया है। एक वर्ष तक नीलाम खनन पट्टे के व्यवसायिक संचालन के दौरान खनन पट्टे से प्राप्त होने वाले आय एवं उसपर किये गये व्यय के लेखा-जोखा से प्रार्थिनी को यह ज्ञात हुआ की इस पट्टे के संचालन से फर्म को काफी आर्थिक क्षति हो रही है एवं भविष्य में भी इसको संचालित रखे जाने पर फर्म को हानि उठानी पड़ेगी। अतः फर्म के आर्थिक हित को ध्यान में रखते हुए प्रार्थिनी ने फर्म के पक्ष में स्वीकृत उपखनिज डोलो स्टोन के नीलाम खनन पट्टे में खनन/परिवहन कार्य को माह नवम्बर 2021 से बन्द करा दिया है एवं इसे अभ्यर्पित (सरेण्डर) कराना चाहती है। प्रार्थिनी ने इस बाबत द्वितीय पट्टा वर्ष की प्रथम किश्त की धनराशि रू0- 1,44,00,000/- चालान संख्या- AKD220005699 दिनांक- 11.01.2022 (संलग्न) से जमा कर दिया है।

For C. S. Infraconstruction Limited  
पुष्पा सिंह  
Managing Director

C.S. Infraconstruction Limited

Registered Office: C-10, Sector-10, Gurgaon District, Haryana, India Pin-122002

Corporate Office: C-10, Sector-10, Gurgaon District, Haryana, India Pin-122002

Branch Office: C-10, Sector-10, Gurgaon District, Haryana, India Pin-122002

Branch Office: C-10, Sector-10, Gurgaon District, Haryana, India Pin-122002

Branch Office: C-10, Sector-10, Gurgaon District, Haryana, India Pin-122002



**VAKALATNAMA**  
BEFORE HON'BLE NATIONAL GREEN TRIBUNAL

54

ORIGINAL APPLICATION NO. 142 OF 2022

IN Re :-

JAYANT KUMAR

Plaintiffs/Appellant/Petitioner/ Applicant

Versus

MOEF & CC AND ORS.

Defendants/Respondent/Accused

KNOW ALL to whom these present shall come that I/We ...CHANDRA BHUSHAN GUPTA, PARTNER M/S SAI RAM ENTERPRISES  
.....the above-named.....RESPONDENT NO. 05..... do hereby appoint.

UTKARSH SHARMA, SHARAD CHAUHAN, ADVOCATE  
ENROL NO. D/4297/2014, UP/2599/2011  
CHAMBER NO. 203, M.C. SETALVAD CHAMBERS BLOCK, SUPREME BLOCK, SUPREME COURT OF INDIA  
8510052778, 09312061203  
(herein after called the advocates) to be my/our Advocate in the above-noted case authorize them :-

- To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.
- To sign file verify and present pleadings appeals cross-objections or petitions for executions review revision withdrawal compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.
- To fill and take back documents to admit and/or deny the documents of opposite party.
- To withdraw or compromise the said case or submit to arbitration any differences or disputes the manner relating to the said case.
- To take execution proceedings.
- The deposit draw and receive money cheques, cash and grant receipts hereof and to do all other necessary to be done for the progress and in the course of the prosecution of the said case.
- To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority of Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.



And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his sub Advocate on our own acts, as if done by me/us to all intents and purpose.

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

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

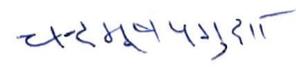
And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fees is paid. I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more that 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these present the contents of which have been understood by me/us on this.....13<sup>th</sup>..... Day of JULY 2022

Accepted subject to terms of fees.

  
**SHARAD CHAUHAN**  
ADVOCATE  
SUPREME COURT OF INDIA  
Chamber-203, M.C. Setalvad Block  
Bhagwan Das Road  
Supreme Court of India, Delhi-110001  
Mobile : 8510052778

  
Utkarsh Sharma

  
CLIENT

**VAKALATNAMA**  
BEFORE HON'BLE NATIONAL GREEN TRIBUNAL  
ORIGINAL APPLICATION NO. 142 OF 2022

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IN Re :-

JAYANT KUMAR

Plaintiffs/Appellant/Petitioner/ Applicant

Versus

MOEF & CC AND ORS.

Defendants/Respondent/Accused

KNOW ALL to whom these present shall come that I/We ..PUSHPA SINGH, MANAGING DIRECTOR M/S C.S INFRACONSTRUCTION LTD. ....the above-named.....RESPONDENT NO. 06..... do hereby appoint.

UTKARSH SHARMA, SHARAD CHAUHAN, ADVOCATE

ENROL NO. DI/4297/2014, UP/2599/2011

CHAMBER NO. 203, M.C SETALVAD CHAMBERS BLOCK, SUPREME BLOCK, SUPREME COURT OF INDIA

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- To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and act as Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

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Accepted subject to terms of fees.

Utkarsh Sharma

Advocate

**SHARAD CHAUHAN**  
ADVOCATE  
SUPREME COURT OF INDIA  
Chamber-203, M.C. Setalvad Block  
Bhagwan Das Road  
Supreme Court of India, New Delhi-1100  
Mobile : 8510052778

CLIENT

पुष्पा सिंह

