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BEFORE THE NATIONAL GREEN TRIBUNAL AT PRINCIPAL

BENCH: NEW DELHI

OA NO. 1356 /2024

Objection/Reply on Behalf of Respondent No. 6.

IN THE MATTER OF

BABLU

APPLICANT

VERSUS

STATE OF U.P & ORS

RESPONDENTS

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Date: 13-05-25

~~Place - Delhi~~
Place - Delhi

FILED BY:-

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BEFORE THE NATIONAL GREEN TRIBUNAL AT PRINCIPAL BENCH:

NEW DELHI

OA NO. 1356/2024

IN THE MATTER OF:

BABLU

APPLICANT

VERSUS

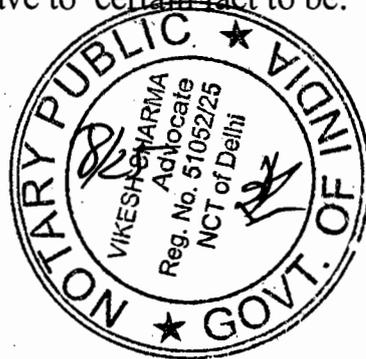
STATE OF UP & ORS

RESPONDENTS

REPLY TO THE OA ON BEHALF OF RESPONDENT NO 6

I, ARUN KUMAR, S/O SHRI AKHILESHWAR PRASAD, R/O Village Khiratia
Post Ovara Tehsil Robert's gang District Sonbhadra Uttar Pradesh 231219,
presently at Delhi do hereby solemnly affirm and declare as under:

1. That the deponent is the Respondent no 6 in the present OA and such being conversant with the facts and circumstances of the present case and competent to swear this affidavit.
2. That before giving the Para wise reply of the OA the Answering Respondent craves leave to certain fact to be:



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presented before this Hon'ble Tribunal which are very necessary for the adjudication of the present case:-

a) Respondent no. 6 is mining lease holder of Boulder /Dolo Stone, for the period of 31.05.2016 to 30.05.2026, of the arazi no. 5471, 5472k, 5424, 5425, 5426, 5427k, 5428 & 5429, area- 4.99 Acres of the Village- Billi Markundi, Tehsil- Robertsganj, District- Sonbhadra along with more than 30 other minning lease holders who are also operating at the same Billi Markundi pahadi.

b) That on 20.05.2016 the Environmental Clearance has been granted to the answering respondent by the District Environment Impact Assessment Authority, District- Sonbhadra which has already been appended as **Annexure no. 1 of the O.A.**

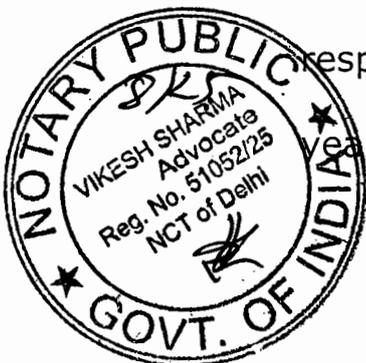
c) That the mining activity of all the valid mining lease holders (more than 30) including the answering respondent had been stopped in compliance of an interim order dated 12.05.2017 passed in W. P. PIL no. 18769 of 2017, All India Kaimoor People Front Vs State of U.P. & Others. The said interim order in the



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above mentioned case was vacated by the Hon'ble High Court on **07.03.2019**, thereafter in the pursuance of the stay vacation order dated 07.03.2019 the District Magistrate, Sonbhadra issued the letter for the mining lease operation on 01.04.2019. Ultimately on 30.09.2024, the above mentioned PIL has been dismissed by the division bench of the Hon'ble Allahabad High Court. It is pertinent to mention here that the answering respondents along with all the other mining lease holders were not able to operate from 12.05.2017 to 01.04.2019. A true/photo copy of the high court Allahabad stay order dated 12.05.2017, stay vacation order dated 07.03.2019 and dismissal order dated 30.09.2024 of the PIL no. 18769 of 2017, All India Kaimoor People Front Vs State of U.P. & Others is being filed herewith and marked as **Annexure no. 1** to this reply.

d) That the Environmental Clearance was granted to the respondent no. 6 on 20.05.2016 for the period of 10 years by the DEIAA, Sonbhadra, but judgment and



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order passed by N.G.T. in Satendra Kumar case validity of E.C. granted by the DEIAA is under challenged and that is still pending before the Supreme Court and the time period of the EC has been extended from time to time by the Hon'ble Supreme Court and presently it is valid till 26.05.2025. A true copy of the order dated 12.11.2024 passed by Hon'ble Supreme Court in Civil Appeal no. 3799-3800 of 2019, Union of India Vs Rajiv Suri, in which the Hon'ble Apex Court has extended the time for the completion of the reappraisal by the State Environment Impact Assessment Authority till 31.03.2025 and also directed for the continuance of the mining activities, order dated **27.01.2025 passed by the Hon'ble Supreme Court in Civil Appeal dairy no. 57955 of 2024, Arun Kumar Vs Ministry of Environment, Forest & Climate change & Others,** and the order dated 27.03.2025 by which the Hon'ble Apex Court extended the interim order up to



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26.05.2025 is being filed herewith and marked as **Annexure no. 2** to this reply.

e) That after following all the procedure of the law, in the 890th meeting held on 25.04.2025 State Level Environment Impact Assessment Authority (SEIAA), U.P. gave its recommendations which has been approved by the SEIAA in a meeting held on 25.04.2025. A true/photocopy of the minutes of agenda of the meeting held on 05.05.2025 by the SEIAA is being filed herewith and marked as **Annexure no. 3** to this reply.

PARA WISE REPLY

3. That the contents of the paragraph no. 1 of the O.A. is totally misconceived, incorrect, hence vehemently denied, further the answering respondent submits that the applicant of the O.A. is a blackmailer and through this O.A. also he is blackmailing the respondent no. 6. Earlier also he had filed a similar O.A. with the similar cause of action and



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on 29.07.2024 (**Annexure no. 13 of the O.A.**). it is pertinent to mention here that there is no illegal mining is being done by the answering respondent and he is operating on the EC which is approved by the Hon'ble Supreme Court and also the applicant is not an aggrieved person at all.

4. That the contents of paragraph no. 2 of the O.A. has been admitted and further developments has already been mentioned in the preceding paragraphs of this reply and if the Hon'ble tribunal asks, the detailed judgement of the NGT and that of Hon'ble Supreme Court will be provided at the time of the arguments.
5. That the contents of the paragraph no. 3 of the O.A. is totally misconceived, incorrect, hence vehemently denied, further the answering respondent submits that the mining lease area is the bhumidhari land of the deponent along with the other co sharers and as per the provisions of the Mines & Minerals Act, 1957 and U.P. Minor Minerals Concession Rules, 1963, the mining leases have been granted and the validity and legality has also been



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approved by the division bench of the Hon'ble Allahabad High Court in the orders mentioned in earlier paragraphs.

6. That the contents of the paragraph no. 4 of the O.A. is totally misconceived, incorrect, hence vehemently denied, further the answering respondent submits that no order for the penalty has ever been passed against him under the provisions provided under U.P. Minor Minerals Concession Rules, 1963 & Rules 2021. A show cause notice was issued against the respondent no. 6 on 12.02.2021 against which an appeal no. C202416000001104 under rule 79 of Rules 2021 has been filed before the commissioner, Vindhyanchal Mandal and next hearing is fixed on 29.05.2025 and against a show cause notice dated 05.03.2022, the deponent filed **Writ Petition no. 8648 of 2022**, Arun Kumar Vs State of U.P. & Others which has been allowed and the show cause notice has been set aside by the Hon'ble high court on 20.04.2022. A true copy of the order dated 20.04.2022 passed by high court Allahabad and memo of appeal no. C202416000001104 is being filed herewith and marked as **Annexure no. 4** to this reply.



A handwritten signature in black ink, appearing to read 'Vikesh Sharma', written over the notary seal.

7. That the contents of the paragraphs no. 5, 6, 7, 8, 9, 10 & 11 of the O.A. are not admitted as stated, hence denied, and suitable reply has already been given in the preceding paragraphs of this reply and the orders of the Hon'ble Apex Court and approval of E.C. by SEIAA has already being appended along with this reply.

8. That the contents of the paragraphs no. 12 & 13 of the O.A. are not admitted as stated, hence denied, it is contrary to each other as the applicant says that respondent is selling the MM 11 permits and also saying he is doing illegal mining, both the things are contrary to each other.

9. That the contents of the paragraphs no. 14(a) of the O.A. are not admitted as stated, hence denied, in reply thereto the answering deponent states that the mining pit is not more than the 20 meters from the surface, it only appears so because the pit is situated on the Billi Markundi pahadi which is situated at the higher altitude from the rest of the land and due to this reason only the pit appears to be of more than 20 meters and in the raining season the water



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occurs in the pit and also the deponent states that

the area of the deponent is more than 4 acres but the mining operation is being done in less than 2 acres of the whole land and the Hon'ble tribunal if feels necessary can verify this fact at any time.

10. That the contents of the paragraphs no. 14 (b) of the O.A. are not admitted as stated, hence denied, the respondent no. 6 has not violated any provisions of the Metalliferous Mines Regulations, 1961 and till date there have been no casualty of any kind on the site of the deponent.

11. That the contents of the paragraphs no. 14 (c) of the O.A. are not admitted as stated, hence denied, the respondent no. 6 has not violated section 25 of the water act.

12. That the contents of the paragraphs no. 14 (d) of the O.A. are not admitted as stated, hence denied, further for the development of the green belt, the DMF are there and they are developing the same and in that scheme money is deposited by all the mining lease holders.

13. That the contents of the paragraph no. 14(e) of the O.A. is totally misconceived, hence denied, as per the CPCB, which is already annexed with the O.A. at page no. 180, the distance of 50 meters has already given in the state of



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U.P. for the Minor Minerals mining and also under rule 42(e), the distance is 50 meters only. **Rule 42(e):-**

"(e) no mining operation shall be carried on at or to any point within distance 50 metres from any railway line except with the previous written permission of the Railway Administration concern, or from any reservoir, canal or other public works, such as public roads and buildings or inhabited site except with the previous written permission of the District Officer or any other officer authorized by the State Government in this behalf and otherwise than in accordance with such instructions and conditions either general or special, which may be attached to such permission. The said distance of 50 metres shall be measured in case of railway, reservoir canal or road horizontally from the outer toe of the bank or the outer edge of the cutting, as the case may be, and in case of a building horizontally from plinth thereof:

Provided that the distance in the case of a village road shall be 10 metres from the outer edge of the cutting: and Explanation- For the purpose of this sub-rule, the expression 'public road', shall mean a road which has been constructed after being artificially surfaced as distinct from a track



30/10/2025

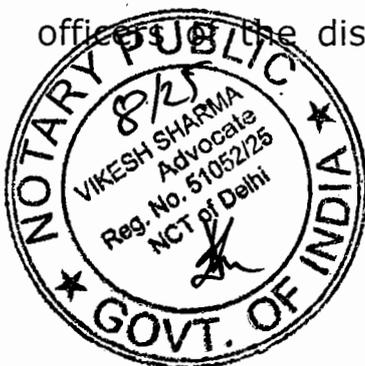
resulting from repeated use, and 'village road' will include any track shown in the revenue record as village road:".

14. That the contents of the paragraph no. 14(f) of the O.A. is totally misconceived, hence denied.

15. That the contents of the paragraph no. 15 of the O.A. is matter of record, need no comments.

16. That the contents of the paragraph no. 16 & 17 of the O.A. is totally misconceived, hence denied, suitable reply has already been given in the preceding paragraphs of this reply.

17. That the contents of the paragraph no. 18 of the O.A. is totally misconceived, hence denied, the answering respondent has not violated any provisions of law but the applicant has filed this O.A. for his personal monetary gains as such this O.A. may be dismissed by this Hon'ble Tribunal with cost. That the geographical situation of the Billi Markundi is something different from the other mining areas and the state officers are also authorized and the mining operation of the whole area is monitored by the office of the district as such there is no chance of any



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irregularities and violation of the law. And in spite of this if it appears to the court and officer to fulfill any condition answering respondent is ready to comply forthwith.

18. That the present affidavit on behalf of the respondent no-6 is submitting before this Hon,ble Tribunal for kind perusal and consideration

[Signature]
I Identified the deponent who has signed in my presence.

[Signature]
Deponent

Verification:

Verified at ^{New Delhi} ~~Prayagraj~~ on 10 day of May , 2025 that the contents of this affidavit are true and correct and nothing material has been concealed therefrom.



[Signature]
Deponent

CERTIFIED THAT THE DEONENT
Shri/Smt/Km *Shri. Kamal Chandra Akhildhara Prasad*
S/o, W/o, D/o *Village Kirtanagar, Post Gwal, Tehsil*
R/o *Bokasiganj, Dist Sambhaln U.P.*
Identified by *[Signature]*
has solemnly affirmed before me at Delhi
on *10/05/25* at Sl. No. *23R19*
that the contents of the affidavit which have
been read & explained to him are true and
correct to his knowledge.

Notary Public, Delhi

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BEFORE THE NATIONAL GREEN TRIBUNAL AT PRINCIPAL
BENCH: NEW DELHI

ANNEXURE No. - 1

OA NO. 1356 /2024

Objection/Reply on Behalf of Respondent No. 6.

IN THE MATTER OF

BABLU

APPLICANT

VERSUS

STATE OF U.P & ORS

RESPONDENTS

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 18769 of 2017

Petitioner :- All India Kaimoor Peoples Front At Village

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Narendra Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Dilip B. Bhosale, Chief Justice

Hon'ble Yashwant Varma, J.

Heard Mr. Anoop Trivedi, learned counsel holding for Mr. Narendra Srivastava, learned counsel for the petitioner, Mr. M.D. Singh Shekhar, learned Senior Counsel assisted by Mr. R.D. Tiwari and Mr. P.K. Kesari, learned counsel for the respondent and Mr. R.K.S. Chauhan, learned Chief Standing Counsel-II for the respondent-State.

Counsel for the petitioner has already carried out the amendment as per our order dated 5.5.2017.

Issue notice to all the added respondent except respondent No.8, returnable on 22.5.2017. In addition to Court notice, the petitioner to serve notice to all the added respondent except respondent No.8, by registered post with AD/Speed Post/Courier and to file proof of service.

Insofar as respondent No.8 is concerned, Mr. P.K. Kesari, learned counsel, submits that he has instructions to appear on his behalf. He also seeks time to file counter affidavit. S.O. to 22.5.2017.

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Till then, none of the private respondents shall carry on any mining operations on the basis of the lease agreements/deeds executed in their favour by the official respondents. The District Magistrate-respondent No.3 shall ensure that the private respondents stop mining operations forthwith.

Order Date :- 12.5.2017
VMA

(Dilip B Bhosale, CJ)

(Yashwant Varma, J)

Reserved on 27.2.2019

Delivered on 7.3.2019

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 18769 of 2017

Petitioner :- All India Kaimoor Peoples Front At Village

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Narendra Srivastava, ,Shashi Kant Dwivedi

Counsel for Respondent :- C.S.C.,Anil Kumar Srivastava,Arvind

Srivastava,Ashwani Kumar Srivastava,Birendra Singh,Devbrat

Mukherjee,Madan Lal Srivastava,Pradyumna Kumar,Ram Dayal

Tiwari,Ratnesh Kumar Srivastava,Sanjay Kumar Srivastava,Suresh

Chandra Pandey,Syed Rafat Ali

With

Case :- WRIT - C No. - 26911 of 2017

Petitioner :- Ram Pravesh Yadav

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ashok Kumar Srivastava,Achal Singh

Counsel for Respondent :- C.S.C.

With

Case :- WRIT - C No. - 26915 of 2017

Petitioner :- Ramjanam Singh And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ashok Kumar Srivastava,Achal Singh

Counsel for Respondent :- C.S.C.

With

Case :- WRIT - C No. - 26984 of 2017

Petitioner :- Shashi Vaishya

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Madan Lal Srivastava

Counsel for Respondent :- C.S.C.

With

Counsel for Respondent :- C.S.C.

With

Case :- WRIT - C No. - 27226 of 2017

Petitioner :- Rishi Kumar Tiwari

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Madan Lal Srivastava

Counsel for Respondent :- C.S.C.

With

Case :- WRIT - C No. - 27227 of 2017

Petitioner :- Maa Vindhya Stone Crushing Company And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Amit Saxena, Madan Lal Srivastava

Counsel for Respondent :- C.S.C.

With

Case :- WRIT - C No. - 27846 of 2017

Petitioner :- Anand Kumar Shukla

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ashok Kumar Srivastava, Achal Singh

Counsel for Respondent :- C.S.C.

With

Case :- WRIT - C No. - 36854 of 2017

Petitioner :- Achintya Kumar Tripathi

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Adarsh Bhushan, Sr. Advocate

Counsel for Respondent :- C.S.C.

Hon'ble Govind Mathur, Chief Justice

Hon'ble Saurabh Shyam Shamsery, J.

(Delivered by Hon'ble Govind Mathur, C.J.)

One Sri Rakesh Kumar by way of filing Writ-C No. 14522 of 2016 sought an order to restrain the Government of Uttar Pradesh

sought to challenge the advertisement dated 30.01.2016 issued by the District Magistrate, Sonbhadra.

In the petition aforesaid, it was contended that, on 30.05.2012, Government of Uttar Pradesh ordered that in entire State of Uttar Pradesh, the grant of leases in respect of minor minerals for sand, moram, bajari and boulder would be in accordance with the provisions contained in Chapter IV of the Rules, 1963 by following the process of e-tendering. By another Government order dated 22.10.2014, the order dated 31.05.2012 was recalled to the extent of extraction of minor minerals from river beds. The Collector, Sonbhadra under the Advertisement dated 30.01.2016 invited application for allotment of lease of minor minerals ignoring the e-tendering process in light of Government order dated 22.10.2014. The Court, while hearing the Writ-C No. 14522 of 2016, *prima facie*, was of the view that the Government order dated 22.10.2014 is having application only to the excavation of minor minerals from river beds and the order dated 31.05.2012 was withdrawn only to that extent. The Court being of such view issued an *ad interim* injunction restraining the State and other competent respondents from taking any steps in pursuance of the advertisement dated 30.01.2016. Alleging non-compliance of the interim direction dated 05.04.2016, instant petition for writ is preferred to have an appropriate writ, order or direction to declare lease agreements/deeds issued on different dates between 23.05.2016 to 01.06.2016.

The allegation of the petitioner is that the respondent-State shifted its policy decision as contained in the Government order dated 31.05.2012 without any rhyme and reason by reverting back

agreement executed on its behalf are in flagrant violation of the Rules, 1963. The decision of the Government of Uttar Pradesh is also in violation of the interim direction dated 05.04.2016 given by this Court in Writ-C No. 14522 of 2016 and that has caused a huge loss to the State Exchequer. The deviation from e-tendering process, as per the petitioner, is introduced with certain oblique motives.

Heard learned counsel for the petitioner and learned counsels for the respondents at length.

On 27.02.2019, this Court reserved judgment for pronouncement of the same today, i.e., 07.03.2019. While going through the record, we noticed that the response made by the State Government to the petitions is quite sketchy and that is not giving all necessary details with regard to the issue under consideration. Though a parawise reply to the writ petition has been filed, nothing has been stated in entire counter affidavit as to why the Government ignored the e-tendering process in the matter.

Looking to the nature of allegations made in the petition for writ, we deem it appropriate to examine the original record of the notings of the State Government taking a decision to adopt a procedure other than e-tendering. For the purpose, the matter requires further hearing.

Let this petition for writ be listed on 10.04.2019.

The respondent-State, in the meanwhile, may file a supplementary affidavit to the writ petition with better particulars and shall also make available the record referred in preceding paragraph for perusal of the Court.

By an order dated 12.05.2017, a Division Bench of this Court

in their favour by the official respondents. The District Magistrate-respondent No. 3 shall ensure that the private respondents stop mining operations forthwith."

It is submitted by learned counsels appearing on behalf of the respondents that the private respondents have spent a huge money for excavation of mineral in pursuance of the lease deeds executed in their favour and, as such, the interim order is causing irreparable loss and injury to them. It is also stated that the respondents – Mine Operators shall be liable to pay royalty on excavated minor mineral and, on basis of that, the total amount of excavated minor mineral can very well be quantified and, in the event of acceptance of the writ petition, the loss caused to the State Exchequer, if any, can very well be compensated in monetary terms. The interim order, therefore, deserves to be vacated. The interim order, if remains in currency, would be causing huge loss to State revenue also. In entirety, as per the respondents, the balance of convenience too is in favour of vacation of the interim order.

Per contra, as per learned counsel for the petitioner, the lease deeds being granted in violation of the interim order passed by this Court in Writ-C No. 14522 of 2016 deserves to remain un-operated.

Having considered the entire issue from all aspects, we are of the view that continuance of the interim order is causing huge loss to the State revenue, therefore, it would not be appropriate to keep that in currency any more. The main contention of the petitioner is also to protect the State revenue. This anxiety of the petitioner can very well be satisfied by putting necessary checks on private respondents. Suffice to mention that interim order dated 05.04.2016 passed in Writ-C No. 14522 of 2016 is no more in existence as the writ petition

operations in pursuance of the lease granted. The private respondents – Mine Operators while undertaking mining operations shall maintain a complete record of the mineral excavated and the royalty paid to the State Government on monthly basis. They shall also file a return month by month relating to excavation of minor mineral and the royalty paid to the State Government before the respondent – Director, Geology and Mining, Lucknow, who in turn shall file a complete statement of returns before the Court, if asked for.

Order Date :- 7.3.2019
Shubham

(Saurabh Shyam Shamsbery, J.) (Govind Mathur, C.J.)

Neutral Citation No. - 2024:AHC:159749-DB

Reserved

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 18769 of 2017

Petitioner :- All India Kaimoor Peoples Front

Respondent :- State of U.P. and others

Counsel for Petitioner :- Anoop Trivedi (Sr.Adv.) with Narendra Srivastava, Irfanul Huda, Shashi Kant Dwivedi

Counsel for Respondent :- M.C. Chaturvedi (A.A.G.), Ramanand Pandey (A.C.S.C.), Arvind Singh (A.C.S.C.), Rajiv Singh (S.C.), M.D. Singh Shekhar (Sr.Adv.) with Ram Dayal Tiwari, Devbrat Mukherjee, Shailesh Kumar Pathak, Pradeep Kumar Tripathi, Sanjay Kumar Yadav, Anil Kumar Srivastava, Arvind Srivastava, Ashwani Kumar Srivastava, Birendra Singh, Madan Lal Srivastava, Pradyumna Kumar, Rashid Ali, Ratnesh Kumar Srivastava, Sanjay Kumar Srivastava, Shiv Bahadur Singh, Suresh Chandra Pandey, Syed Rafat Ali

Hon'ble Arun Bhansali, Chief Justice

Hon'ble Vikas Budhwar, J.

(Per : Arun Bhansali, CJ)

1. Heard Sri Anoop Trivedi, Senior Advocate, assisted by Sri Narendra Srivastava, for the petitioner and Mr. Irfanul Huda for applicant/intervenor; and Sri M.C. Chaturvedi, A.A.G., Sri Ramanand Pandey, A.C.S.C., Sri Arvind Singh, A.C.S.C., Sri. Rajiv Singh, S.C., Sri M.D. Singh Shekhar, Senior Advocate, assisted by Sri Ram Dayal Tiwari, Advocate, Sri Devbrat Mukherjee, Sri Shailesh Kumar Pathak, Sri Pradeep Kumar Tripathi and Sri Sanjay Kumar Yadav, Advocates, for respondents.

2. This writ petition has been filed as a public interest litigation on 27.04.2017 seeking the following reliefs:

“(i) Issue a writ, order or direction, in the nature of certiorari, calling for records of the case and quashing the illegal lease

matter, in respect of the corruption of more than 15 crore rupees committed by them causing huge loss to public exchequer as well as about contemptuous attitude towards order of this Hon'ble Court, shown by the said respondents.

(iii) issue a writ, order or direction, in the nature of mandamus commanding the appropriate authority to recover the entire amount from the respondents nos.5, 6 and 7 which has been caused to public exchequer, due to the corrupt and contemptuous attitude of the said respondents.

(iv) issue any other order or direction which this Hon'ble Court may deem fit, under the facts and circumstances of the present case.

(v) award the cost of the present writ petition to the petitioner."

3. It is, *inter alia*, indicated in the petition that the petitioner is a Non Governmental Organization (N.G.O.) performing several social and public interest activities throughout the country, particularly in the State of Uttar Pradesh, specifically relating to the protection of forest and environment, which is getting adversely affected due to illegal activities.

4. It is further indicated that cause of action for filing the petition arose on account of State Government having made a paradigm shift in its policy decision, as contained in Government Order dated 31.05.2012, by taking a u-turn and reverting back to grant of mining lease in respect of minor minerals in accordance with Chapter II of the U.P. Minor Minerals (Concession) Rules, 1963 ('the Rules'). It is claimed that the change of procedure has given a go-bye to earlier avowed declaration about transparency and fairness as warranted by Public Trust doctrine and is going to cause immense loss of revenue to State exchequer.

5. It is elaborated that under Chapter II of the Rules, the grantee is only liable to pay royalty and dead rent which is far less than what is earned by the Government by way of bid money by resorting to

leases of minor minerals irrespective of its source only by way of auction in terms of Chapter IV of the Rules. The G.O. dated 16.03.1999 came to be superseded by G.O. dated 30.12.2000, *inter alia*, providing that instead of auction procedure, the lease shall be granted as per procedure prescribed under Chapters II, III and VI of the Rules by inviting applications subject to payment of royalty and dead rent. It is then contended that on 31.05.2012 (Annexure-3) State issued another G.O. for settling the mining leases under Chapter IV of the Rules, i.e., by e-auction or tendering.

7. - It is claimed that the G.O. dated 31.05.2012 applied to all types of mining leases to be granted by the State whether found in river bed or in situ. The said aspect was determined by a Division Bench in **Nar Narain Mishra Vs. State of U.P. and others : 2013 (2) ADJ 166** wherein, *inter alia*, the Division Bench came to the conclusion that the plea raised that the G.O. dated 31.05.2012 does not cover 'in situ' and 'building stone' is misconceived as the G.O. dated 31.05.2012 does not confine the same to minerals found in river bed.

8. The policy to allot mining leases through e-auction/tendering was again changed in the year 2014 vide G.O. dated 22.10.2014 (Annexure-4) by providing that mining lease of minor minerals found in river bed shall be granted by procedure prescribed under Chapter IV. Qua the G.O. dated 22.10.2014, the plea raised is that the said G.O. only applies to minerals found in river bed and not to minerals found in situ.

9: It is then alleged that despite enforcement of Government Orders dated 31.05.2012 and 22.10.2014, the District Magistrate, Sonbhadra issued several advertisements in different dates, i.e., 14.05.2015, 06.06.2015 16.09.2015 and 30.01.2016 for grant of

10. The above advertisements were challenged vide Writ Petition No. 14522 of 2016 (Rakesh Kumar Vs. State of U.P. and others). An interim order dated 05.04.2016 (Annexure-6) was passed whereby an ad-interim injunction restraining the State and respondent no. 3 from taking any steps in pursuance of the advertisement dated 30.01.2016 was granted. It is claimed that despite the interim order dated 05.04.2016, the then District Magistrate in connivance with respondents no. 6 and 7 issued fresh leases in favour of several persons on the basis of G.O. dated 30.12.2000. A list of 22 such mining leases has been indicated. It is indicated that in few writ petitions, interim orders were granted against such lease holders.

11. It is then alleged that the Writ Petition No. 14522 of 2016, wherein interim order was granted, came to be withdrawn on 02.08.2016 and other writ petitions challenging grant of lease were withdrawn on 22.03.2017 and 18.04.2017.

12. It is then submitted that thereafter the petitioner-N.G.O. filed detailed representation making allegations against respondents no. 5, 6 and 7 and informing that the State has been put to huge loss on account of allotment of leases by inviting applications instead of e-tendering, however, as nothing was done, the present writ petition was filed seeking reliefs, as noticed hereinbefore.

13. A Division Bench of this Court by order dated 12.05.2017 restrained the private respondents from carrying out any mining operation on the basis of lease agreement/deed executed in their favour by the official respondents and District Magistrate was directed to ensure that the private respondents stop mining operations forthwith.

14. It may also be noticed at this stage that another Division Bench

Writ-C No. 14522 of 2016 on account of its withdrawal was no more in existence, vacated the interim order dated 12.05.2017.

15. During the pendency of the present petition, an intervention/impleadment application has been filed on behalf of Hemant Tiwari, son of Sant Lal Tiwari seeking to place on record details of the lease-deeds and their tenure periods and the judgment dated 28.10.2020 of Hon'ble Supreme Court in **Dharmendra Kumar Singh Vs. State of U.P. : Civil Appeal No. 12202 of 2018** arising out of orders passed by National Green Tribunal.

16. Learned counsel for the petitioner and applicant in the intervention application made vehement submissions that G.O. dated 31.05.2012 specifically provides for grant of leases in respect of minor minerals sand, moram, bajari and bolder in accordance with the provisions contained in Chapter IV of the Rules by following the process of e-tendering. It is contended that by G.O. dated 22.10.2014, the G.O. dated 31.05.2012 was recalled only to the extent of excavation of minor minerals from river beds. The Collector, Sonbhadra invited applications for allotment of lease of minor minerals ignoring the e-tendering process. The Court while hearing Writ-C No. 14522 of 2016 was *prima facie* of the view that the Government Order dated 22.10.2014 is applicable only to excavation of minor minerals from river bed and the G.O. dated 31.05.2012 was withdrawn only to that extent and, as such, restrained the State to take steps pursuant to the advertisement dated 30.01.2016. However, in gross violation/non compliance of the interim order dated 05.04.2016, leases have been granted on different dates between 23.05.2016 to 01.06.2016. Submissions have been made that the G.O. dated 31.05.2012 has been altered without any rhyme and reasons and that the action of the respondents is in flagrant violation of the Rules.

IV of the Rules and comply with the requirement of e-tendering process. The said policy came to be reversed by G.O. dated 30.12.2000. The G.O. dated 16.03.1999 was withdrawn. However, the same came to be revived by G.O. dated 31.05.2012 which specifically pertains to "प्रदेश में बालू, मौरम, बजरी एवं बोल्डर के रिक्त क्षेत्रों" whereby again Chapter IV was applied, i.e., e-tendering process was implemented. Again a reversal took place on 22.10.2014. However, the same was confined to minerals found in river bed whereafter the advertisements for allotment instead of auction/e-tendering was issued which were *ex facie* contrary to the G.O. dated 31.05.2012. The Division Bench in Writ-C No. 14522 of 2016, noticing the fact that the G.O. dated 22.10.2014 was only in regard to excavation of minor minerals from river bed and that the G.O. dated 30.12.2000 would have no application, passed the restraint order qua advertisement dated 30.01.2016, however, ignoring the said interim order and in its violation, respondents have made allotment, which deserve to be set aside. It was emphasized that G.O. dated 31.05.2012 stood interpreted in the case of **Nar Narain Mishra (supra)** wherein it was held that the *Imarti Patthar*/building stone is also covered by the said G.O. It was submitted that in **Sukhan Singh Vs. State of U.P. and others : 2014 (11) ADJ 89**, it was laid down that on issuance of G.O. dated 31.05.2012, the grant of mining leases, both fresh as well as renewals, have to be abide by Chapter IV of the Rules.

18. In **Sulekhan Singh and Company and others Vs. State of U.P. and others : Civil Appeal No. 4845 of 2015** decided on 04.01.2016, quashing of mining leases on the ground that the same were granted in violation of the Government Order dated 31.05.2012 was upheld. Reference has also been made to the order dated 09.09.2016 passed in **DIT No. 22482 of 2016 - Amer Singh Vs. State of U.P.** wherein the

19. Further reference has been made to the order passed in the case of **Dharmendra Kumar Singh (supra)**. It has been emphasized that in teeth of G.O. dated 31.05.2012 and its interpretation in the case of **Nar Narain Mishra (supra)** by the Division Bench, the action of the respondents in issuing the advertisement and allotting the mining leases is *ex facie* against the law, specifically in view of the fact that the advertisement dated 30.01.2016 itself was stayed by the Division Bench noticing the non applicability of the G.O. dated 30.12.2000 and therefore, the petition be allowed.

20. Learned counsel appearing for some of the respondents, Mr. M.D. Singh 'Shekhar', Senior Advocate, made submissions that the PIL is based on para-5 and 6 of the writ petition, which essentially seeks to question the policy decision of the State in withdrawing the G.O. dated 31.05.2012. It was emphasized that Hon'ble Supreme Court in **Natural Resources Allocation, In re, Special Reference No. 1 of 2012 : (2012)10 SCC 1**, has laid down that the Court cannot conduct a comparative study of various methods of distribution of natural resources and suggest the most efficacious mode, if there is one universal efficacious method in the first place and that it respects the mandate and wisdom of the executive for such matters.

21. Reference was also made to **Goa Foundation Vs. Union of India : (2014) 6 SCC 590** wherein Hon'ble Supreme Court, with reference to the provisions of Mines and Minerals (Development & Regulation) Act, 1957 and the Mineral Concession Rules, observed that it is for the State Government to decide as a matter of policy in what manner leases of the mineral resources would be granted.

22. It was emphasized that Rules 23 and 24 of the Rules provide for applicability of e-tendering and withdrawal of the area from the said

and others : (2019) 2 SCC 505 wherein it was observed that the Government has to take care of the policy matters.

23. Learned Senior Advocate further emphasized that none of the Government Orders/policy has been challenged in the petition and, therefore, once the State, exercising powers under the relevant Government Orders, has taken steps, in absence of challenge to the said Government Orders/policy, no relief can be claimed. Learned Senior Counsel emphasized that by G.O. dated 22.10.2014, the applicability of G.O. dated 31.05.2012 was withdrawn and, therefore, no case is made out. Submissions have been made that reliance can not be placed on prima face observations made by the Division Bench granting interim order and that once the writ petition stood withdrawn, no reliance can be placed on grant of the interim order.

24. Learned counsel, Mr. Devbrat Mukherjee, made submissions that the G.O. dated 31.05.2012 whether applied to river bed minerals or to in situ also, has lost significance in view of the G.O. dated 26.02.2013 wherein the G.O. dated 31.05.2012 has been clarified to indicate that the same pertained only to river bed minerals and, therefore, the submissions based on G.O. dated 31.05.2012, without reference to the G.O. dated 26.02.2013, is wholly misplaced. Learned counsel indicated that the G.O. dated 30.12.2000 only pertained to *Imarti Patthar*, i.e., in situ rock and that the same was never withdrawn. What was withdrawn was only the river bed minerals related G.O. dated 30.12.2000. It was sought to be emphasized that the G.O. dated 31.05.2012, relied on by the petitioner, only pertains to the river bed minerals and the same has to be read along with the clarification dated 26.02.2013. The G.O. dated 22.10.2014 is specifically confined to river bed minerals and not to previously existing G.O. relating to in situ rocks. With reference to the *Mishra*

U.P. and others : Writ- C No. 30066 of 2017, decided on 18.02.2020. It was submitted that taking note of the G.O. dated 26.02.2013 which clarify the G.O. dated 31.05.2012 restraining its applicability to the minerals found in river bed, it was laid down that the granite building stone is not covered in G.O. dated 31.05.2012. Submissions have been made that the order in the case of **Peethambra Granite Private Ltd. (supra)** has become final and in light of G.O. dated 26.02.2013 the determination made in the case of **Nar Narain Mishra (supra)** now cannot be taken into consideration for determination of the present case.

25. Learned A.A.G. made detailed submissions and took the Court through the Government Orders since 16.03.1999. Learned counsel submitted that the G.O. dated 16.03.1999 pertained to applicability of Chapter IV to both river bed and in situ minerals. However, on 30.12.2000, two separate Government Orders were issued. While G.O. No. **6706/77-5-2000-8 (204)/1995** pertained to river bed minerals, G.O. No. **6706-I/77-5-2000-8(204)/95** pertained to in situ minerals (*Imarti Patthar*) and by both the Government Orders qua in situ as well as river bed minerals, Chapter II of the Rules was made applicable. Again on 02.11.2002, G.O. No. **6706/77-5-2000-8 (204)/1995 (supra)** pertaining to river bed minerals only was withdrawn, which procedure, i.e., Chapter II, was again re-introduced by G.O. dated 16.10.2004 making specific reference to river bed minerals.

26. On 31.05.2012, G.O. was issued again resorting to e-tendering process though no reference was made to the same being applicable only to river bed minerals. However, it is submitted that the same was applicable to river bed minerals only in view of the changes which were made over the policy pertaining to river bed minerals as in terms

(supra), on 26.02.2013 the above position was clarified and that the G.O. dated 31.05.2012 has to be read along with G.O. dated 26.02.2013 and not in isolation. Learned counsel referred to G.O. dated 22.10.2014 wherein again reference was made to river bed minerals as by the said G.O. dated 31.05.2012 qua the river bed minerals again Chapter II was made applicable.

27. Learned counsel referred to Mining Policy-2017 to indicate the minerals types wherein 'in situ' and 'river bed' minerals have been separately indicated and that now it has been provided by separate G.Os. dated 14.08.2017 and 12.12.2017 that leases for river bed and in situ minerals would be allotted through e-auction, respectively.

28. Learned Counsel emphasized that procedure for allotment of leases for in situ minerals continued till 2017 whereas for river bed the same changed from time to time. It was submitted that the orders/judgments relied on have not taken into consideration the provisions of G.O. dated 26.02.2013, which for the first time has been taken into consideration in the case of **Peethambra Granite Private Ltd. (supra)**. It was submitted that on 22.10.2014, when the G.O. was issued for river bed minerals, both the G.Os. dated 31.05.2012 and 26.02.2013 were withdrawn which clearly indicates the existence and relevance of the G.O. at the relevant time.

29. Submissions have been made that allegations made regarding violation of the interim order granted by this Court, whereby the advertisement dated 30.01.2016 was stayed is wholly baseless inasmuch none of the lease has been granted pursuant to the advertisement dated 30.01.2016 and an affidavit in this regard by the Secretary (Mining) has already been placed on record wherein the advertisement number and date of the each mining lease granted,

13.05.2015, 24.04.2015 and 03.12.2015 and three cases pertain to renewal of the lease.

30. Further submissions have been made that after the G.O. dated 22.10.2014 with respect river bed minerals, advertisements were issued which were challenged in **Gulab Chandra Mishra Vs. State : 2015 (3) ADJ 478** whereby the writ petitions were allowed and directions were given for execution of lease pursuant to the G.O. dated 22.10.2014 against which Special Leave Petition was filed before Hon'ble Supreme and matter was remanded back to the High Court. After remand, **Writ-C No. 1498 of 2015 (Gulab Chandra Mishra Vs. State)** was again decided on 01.05.2017 permitting the State to proceed with the implementation of interim mining policy as embodied in G.O. dated 22.04.2017 pursuant to which Mining Policy-2017 was framed, dealing with the subject matter. It was prayed that the petition be dismissed.

31. Learned Government Counsel relied on judgment in **NHPC Ltd. Vs. State of Himachal Pradesh : AIR 2023 SC 4457** to support the G.O. dated 26.02.2013 and **State of Bihar and others Vs. Ramesh Prasad Verma : (2017) 5 SCC 665** to contend that an instrument, if clarificatory, declaratory or explanatory in nature, will generally have retrospective operation.

32. Learned Counsel appearing for the petitioner, in response to the plea raised by the respondents referring to G.O. dated 26.02.2013, made submissions that the said G.O. cannot put the judgment in **Nar Narain Mishra (supra)** at naught. Submissions have been made that Special Leave Petition filed against the judgment in the case of **Nar Narain Mishra (supra)**, though was dismissed by Hon'ble Supreme Court on 03.03.2014, the G.O. dated 26.02.2013 was not placed

case of **Peethambra Granite (supra)** has been distinguished in **Dharmendra Kumar (supra)**. It has been reiterated that once interim order dated 05.04.2016 was passed, there was no occasion to grant lease deeds, which is contemptuous. Submissions have been made that once vide interim order dated 05.04.2016, advertisement dated 30.01.2016 has been stayed, it cannot be construed that the respondents shall proceed in respect of other advertisements. In respect of the plea that G.O. No.6706-I dated 30.12.2000 was not withdrawn by G.O. dated 31.05.2012, submissions have been made that in case the said plea had any substance, there was no occasion to rely on the G.O. dated 22.10.2014 while issuing the advertisement in question. It was submitted that the plea sought to be raised by the State has no substance.

33. Learned counsel for the applicant in the intervention application submitted that issuance of G.O./corrigendum dated 26.02.2013 amounts to overreaching the judicial verdicts. Similar submissions pertaining to non citing of the said G.O. in the SLP arising out of judgments in **Nar Narain Mishra (supra)**, **Sukhan Singh (supra)** and **Sulekhan Singh (supra)** were reiterated. The plea pertaining to G.O. No.6706-I dated 30.12.2000 was thrashed in view of the subsequent conduct in not relying on the said plea at earlier stage.

34. We have considered the submissions made by counsel for the parties and have perused the material available on record.

35. At the outset, it may be noticed that the petitioner has based the plea on G.O. dated 31.05.2012, judgment in **Nar Narain Mishra (supra)** and subsequent judgments in **Sukhan Singh (supra)** and **Sulekhan Singh (supra)** and an interim order passed in Writ-C No.14522 of 2016 dated 05.04.2016, wherein certain observations

36. The respondents, besides relying on G.O. No.6706-I dated 30.12.2000, have primarily relied on G.O. dated 26.02.2013 and the fact that Writ-C No.14522 of 2016 stood withdrawn on 02.08.2016.

37. The manner of disposal of natural resources have all along been a subject of perception and the Government, from time to time, has been taking stand in favour of or against the method of disposal, i.e., through allotment or auction. The State has been changing its policy pertaining to mode of grant of mining leases between Chapter-II of the Rules, which is based on payment of royalty and dead rent, and Chapter-IV of the Rules, wherein the area may be leased out by auction or by tender or by auction-cum-tender. For the present purpose, the policy declared through G.O. dated 16.03.1999 adopted Chapter-IV for the purpose of grant of mining leases, i.e., through auction etc. On 30.12.2000, two separate G.Os. 6706 and 6706-I came to be issued. While G.O. No. 6706 pertained to minor minerals available in river bed, the G.O. No. G.O.6706-I pertained to *Imarti Patthar* (building stones) and both the G.Os. provided for adopting mode for grant of mining lease, as provided under Chapter-II, i.e., based on payment of royalty and dead rent. Whereafter G.O. dated 02.11.2002 specifically superseded G.O. No. 6706 pertaining to minor minerals available in river bed and applied Chapter-IV to the said minor minerals. On 16.10.2004 again, pertaining to river bed minerals, Chapter-II was made applicable, i.e., policy of grant of leases based on royalty and dead rent was adopted.

38. Whereafter the subject G.O. dated 31.05.2012 came to be issued. The said G.O. made reference to applicable policy for grant of mining leases, i.e., Chapter-II and a decision was taken to grant leases under Chapter-IV by auction through e-tendering. The said G.O. did not refer to any of the previous Notification/G.O.

(supra), wherein writ petitioners, claiming grant/renewal of mining leases questioned the validity of G.O. dated 31.05.2012.

40. In the said judgment, a plea was raised that leases in respect of *Imarti Patthar* (building stones) were not covered by G.O. dated 31.5.2012. The Division Bench dealt with the said aspect as under:

"74. One of the submissions raised by Pushpila Bisht is that the "Imarti Patthar" or "Building Stone" is not covered by the Government Order dated 31/5/2012. In Writ Petition No.56827/2012, reference has been made to the Government Order dated 05/7/2012, by which a tender document has been annexed in paragraph 13 in which "Imarti Patthar" has been mentioned.

75. Petitioner's case in the writ petition is that the "Imarti Patthar" or the "Building Stone" is an "In situ rock deposit" which has been defined in Rule 2 (3-a) of the Rules, 1963. It is submitted that the Government Order dated 31/5/2012, uses the word "Boulder" which refers to large stones which are displaced from its place of origin and are found in the River Bed whereas the "Imarti Patthar" are "In situ rock deposit" and are not found in the river bed, hence they cannot be covered under the Government Order dated 31/5/2012.

76. Government Order dated 31/5/2012, uses the word "Boulder". However, the Government Order dated 31/5/2012, does not confine to the word "Boulder" which is found in the Riverbed. The word "Boulder" can be used for the minerals which is found in the Riverbed as well as the mineral which is found "In situ rock deposit". Petitioner's case in the writ petition is that since the word "Boulder" is found only in the Riverbed, the Government Order dated 31/5/2012, does not cover "Imarti Patthar" is misconceived since the Government Order dated 31/5/2012, does not confine the word "Boulder" to one which is found in the Riverbed. In this context a look of 1st Schedule and 2nd Schedule to the Rules, 1963 makes it clear that the word "Boulder" is included in the heading "Building Stone" as well as when found in mixed form in the Riverbed. Item No. 5 of the 1st Schedule and Item No. 4 of the 2nd Schedule, both uses the word "Boulder" as building stones as well as when found in mixed form in the Riverbed. Item No. 5 of the 1st Schedule and Item No. 4 of the 2nd Schedule of the Rules, 1963 are quoted below:

"FIRST SCHEDULE

Minerals	Rate of Royalty
1.	2.
1.....	
2.....	
3.....	
4.....	
5. Building Stone	Rs. 180.00 per cubic metre
(i) Sized dimensional stone including slabs and ashlar	

- (iii) *Khandas and Boulders* (a)Rs.33.00 per cubic metre of Granite and Dolostone sized up to 25 cm. x 25 cm. x 25 cm.
(b)Rs.30.00 per cubic metre of sandstone and quartzite sized up to 25 cm. x 25 cm. x 25 cm.

SECOND SCHEDULE

(See Rule 22)

Name of Minor Mineral	Name of Districts	Rate of dead rent per acre per annum
1	2	3
1.....		
2.....		
3.....		
4. Such Building Stone, Ballast, Bajri and ordinary Sand as are found in mixed form in the river bed	Bijnor, Sharanpur, Bahraich, Lakhimpur Kheri and other districts, if any.	Boulder Rs. 8000.00 Bajri Rs. 8000.00 Ordinary Sand Rs. 4,000.00. The separate rate will be charged on each minerals."

Thus the above argument of the learned counsel for the petitioners cannot be accepted."

41. The said judgment was delivered on 29.01.2013. It appears that authorities became wiser on account of the above determination made by the Division Bench and issued G.O. dated 26.02.2013, which, *inter alia*, reads as under:

"लखनऊ: दिनांक: 26 फरवरी, 2013

विषय:- प्रदेश में बालू, मौरंग, बजरी एवं बोल्टर के रिक्त क्षेत्रों को उ०प्र० उपखनिज परिहार नियमावली, 1963 के अध्याय-4 के प्राविधानों के अंतर्गत ई-टेन्डरिंग प्रणाली के माध्यम से परिहार पर स्वीकृत किये जाने के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक शासनादेश संख्या-1277/86-12-278/2011, दिनांक 31 मई, 2012 के संबंध में मुझे यह कहने का निदेश हुआ है कि शासनादेश में जहां-जहां भी उप खनिजों एवं खनिजों का उल्लेख किया गया है, वहाँ-वहाँ उक्त से "नदी तल में अनन्य रूप से मिली-जुली अवस्था में पायी जाने वाली बालू या मौरंग या बजरी या बोल्टर या इसमें से कोई भी मिली-जुली अवस्था में हो" समझा जायेगा।

2. अतएव शासनादेश संख्या-1277/86-12-278/2011, दिनांक 31 मई, 2012 को उपर्युक्त सीमा तक संशोधित किया जाता है।

विवेक वाष्णीय
विशेष सचिव।"

G.O. dated 31.05.2012 in effect taking out in situ minerals/*Imarti Patthar*/building stones from its purview, the said G.O. was not cited/relied on in subsequent litigations i.e. the SLP arising out of judgments in **Nar Narain Mishra (supra)**, **Sukhan Singh (supra)** and **Sulekhan Singh (supra)**.

43. The policy dated 31.5.2012 again came to be changed by G.O. dated 22.10.2014, whereby with specific reference to the G.Os. dated 31.05.2012 and 26.02.2013 and with specific reference with regard to minor minerals found in river bed, withdrawal of the said G.Os. was issued again applying Chapter-II to river bed minerals. The relevant portion reads as under:

"लखनऊ: दिनांक: 22 अक्टूबर, 2014

विषय:- नदी तल में उपलब्ध उप खनिज यथा बालू, मौरम, बजरी, बोलडर अथवा जो मिली-जुली अवस्था में अनन्य रूप से नदी तल में पाये जाते हैं, के रिक्त क्षेत्रों को उत्तर प्रदेश उप खनिज (परिहार) नियमावली, 1963 (यथासंशोधित) की व्यवस्थाओं के अन्तर्गत परिहार पर स्वीकृत किये जाने के सम्बन्ध में।

महोदय,

उपर्युक्त विषय के संदर्भ में मुझे यह कहने का निदेश हुआ है कि उत्तर प्रदेश उप खनिज (परिहार) नियमावली, 1963 के नियम-24 के प्राविधानों के अन्तर्गत नियमावली, 1963 के नियम- 23 के उपनियम- (1) के अन्तर्गत शासनादेश संख्या- 1277/ 86-2012-278/2011, दिनांक 31.05.2012 एवं अनुवर्ती शासनादेश संख्या - 382(1)/ 86-2013-278/ 2011, दिनांक 26.02.2013, शासनादेश संख्या- 1710/ 86-2014-278/2011, दिनांक 09.06.2014 एवं शासनादेश संख्या-1710(1)/ 86-2014-278/2011, दिनांक 08.07.2014 द्वारा की गयी सामान्य घोषणाओं को तात्कालिक प्रभाव से एतद्द्वारा वापस लिये जाने की राज्यपाल महोदय सहर्ष स्वीकृति प्रदान करते हैं।

... ..
... .. "

44. In view of the fact that the G.O. dated 26.02.2013 was specifically referred to and was withdrawn in relation to river bed minerals by G.O. dated 22.10.2014, the doubt sought to be raised during the course of submissions pertaining to existence of the said G.O., specially in view of the fact that the same was not cited at any earlier stage, i.e., in cases relating to **Nar Narain Mishra (supra)**,

45. Once the G.O. dated 22.10.2014 was issued, the advertisements were issued for grant of mining leases, which came to be challenged in Writ-C No.14522 of 2016 and an interim order dated 05.04.2016 was granted restraining the State from taking any step pursuant to the advertisement dated 30.01.2016. The Division Bench, granted the interim order with certain observations vide order dated 05.04.2016, which reads as under :

“The petitioner in these proceedings under Article 226 of the Constitution seeks an order restraining the State Government from granting mining leases in respect of minor minerals by any procedure other than the process of e-tendering prescribed under Chapter IV of the Uttar Pradesh Minor Mineral (Concession) Rules 1963. The petitioner has also sought to challenge an advertisement dated 30 January 2016 issued by the Collector and District Magistrate, Sonbhadra.

On 31 May 2012, a Government Order was issued, by which it was envisaged that in respect of the entire State of Uttar Pradesh, the grant of leases in respect of minor minerals for sand, moram, bajari and boulder would be in accordance with the provisions contained in Chapter IV of the Rules of 1963 by following the process of e-tendering. For that purpose, the entire area of the State was declared to be vacant. On 22 October 2014, a Government Order was issued, the subject of which relates to the extraction of minor minerals of the aforesaid nature from river beds. The Government Order dated 22 October 2014 purports to recall, inter alia, the Government Order dated 31 May 2012. However, it is clear that the subject matter of this Government Order is only in regard to the extraction of minor minerals from river beds. The advertisement which has been issued by the Collector, Sonbhadra on 30 January 2016 seeks to place reliance on a Government Order dated 30 December 2000 for inviting applications for the allotment of leases of minor minerals in the tehsil of Robertsganj.

The submission of the learned Standing Counsel appearing on behalf of the State is that, upon the issuance of the Government Order dated 22 October 2014, the earlier Government Order dated 31 May 2012 stands recalled, as a result of which the requirement of e-tendering is abrogated and the applicability of Chapter IV of the Rules of 1963 is done away with.

Prima facie, in our view, this is an incorrect reading of the Government Order dated 22 October 2014. The Government Order dated 22 October 2014 applies only to the excavation of minor

*Be that as it may, at this stage, we find, prima facie, that the action of the Collector and District Magistrate, Sonbhadra in issuing an advertisement, placing reliance on a Government Order dated 30 December 2000 was misconceived. Once the Government Order was issued on 31 May 2012 by which Chapter IV was applied across the State, there would be no occasion then to fall back on the provisions contained in the Government Order dated 30 December 2000. We may note at this stage that the issue of river bed minerals which was governed by Rule 9A is a separate matter altogether in respect of which a special leave petition is pending before the Supreme Court arising out of a judgment of this Court dated 3 April 2015 in **Gulab Chandra Mishra Vs State of Uttar Pradesh, 2015 (3) ADJ 478 (DB)**. The issue which is dealt with in relation to Rule 9A does not arise in these proceedings.*

Consequently, we direct both the Principal Secretary (Mining) as well as the Collector and District Magistrate, Sonbhadra to file their counter affidavits within four weeks from today.

In the meantime, we issue an ad-interim injunction restraining the State and the third respondent from taking any steps in pursuance of the advertisement dated 30 January 2016.

List on 5 May 2016.”

46. As would be seen, the interim order was premised on the basis that the G.O. dated 31.05.2012 pertained to grant of lease in respect of minor minerals in accordance with the provisions contained in Chapter-IV and the G.O. dated 22.10.2014 was confined to excavation of minor minerals from river beds and only to that extent the G.O. dated 31.05.2012 was withdrawn. The fact that G.O. dated 31.05.2012 stood clarified/rectified/amended by G.O. dated 26.02.2013, was not brought to the notice of the Court, though the same was specifically indicated in the G.O. dated 22.10.2014. The above writ petition itself, wherein the interim order was granted, came to be withdrawn on 02.08.2016. From the stand, which has been taken and reiterated by the State, it is claimed that the interim order pertained to the advertisement dated 30.01.2016 and none of the leases, which were granted and have been challenged on the ground of the same being in violation of the interim order, pertains to the advertisement dated

47. The effect of G.O. dated 26.02.2013 came to be noticed by the Coordinate Bench of this Court in the case of **Peethambra Granite Pvt. Ltd (supra)**, wherein it was, *inter alia*, observed as under:

“Sri Manish Goyal, learned Additional Advocate General referring to the provisions of Rule 23 of the Rules, 1963 submitted that the order of 31.05.2012 is a declaration under Rule 23 and is not a Government Order.

Even if that be so, it has been brought to our notice that another order was issued on 26.02.2013 particularly clarifying the Government Order of 31.05.2012 and restricting its applicability to Sand or Morrum or Bajri or Boulder found in the riverbed and amends the Government Order dated 31.05.2012 to that extent.

We have already noted above that though the District Magistrate has sought a clarification from the State Government in this regard but no such clarification was issued by the State Government and therefore, in order to know the stand of the State, we by our order dated 01.11.2019 requested the learned Additional Advocate General to present before us the stand of the State Government in the present matter on the subject of 'Granite' as a minor mineral and leases which have already been granted in December, 2013 to the petitioner.

In response to our order, Sri Manish Goyal, learned Additional Advocate General placed before us instructions of the State Government dated 16.11.2019 through an affidavit dated 26.11.2019 which acknowledges that with respect to minor mineral, namely, 'Granite' leases were granted or old leases were renewed and further clarifies that in the letter of 31.05.2012 minor minerals, Sand or Morrum or Bajri or boulder found in the riverbed in mixed form has been mentioned but 'Granite-Building Stone is not included in the Government order of 31.05.2012 and that the instructions dated 16.11.2019 specifically in paragraph 5 mentions that grant of leases or renewal of leases or stoppage of work under leases already renewed was only because of the interim order dated 20.06.2016 passed by the High Court in the case of Vijay Kumar Dwivedi (supra). Therefore, it is quite clear from the instructions dated 16.11.2019 that Granite-Building Stone' is not included in the letter of 31.05.2012 which was clarified by the subsequent Government Order of 26.02.2013.”

48. From the above facts situation, it is apparent that the G.O. No.6706-I dated 30.12.2000 pertained to policy for grant of mining lease for in situ rock/building stone, i.e., under Chapter-II, the subsequent G.Os. dated 02.11.2002 and 16.10.2004, indicating change in policy, were confined to river bed minerals. The G.O. dated 31.5.2012, though initially did not confine its application to the river bed minerals. the same came to be clarified by G.O. dated 26.02.2013

to apply for in situ rock/building stones. The fact that the G.O. dated 26.02.2013 was not cited, despite forming part of G.O. dated 22.10.2014, does not take away its effect of clarifying/declaring the scope of G.O. dated 31.05.2012, i.e., G.O. dated 31.05.2012 was confined to river bed minerals.

49. In view of the above facts coupled with the fact that pursuant to the advertisement dated 30.01.2016, which was stayed vide interim order dated 05.04.2016, no lease was granted during the period of stay, the entire plea sought to be raised in the present writ petition in public interest cannot be countenanced. The very fact that G.O. dated 26.02.2013 has not been challenged, the submissions made that the G.O. dated 26.02.2013 could not have been issued by the respondents after judgment in the case of **Nar Narain Mishra (supra)**, apparently has no basis. Further once the defect in/absence of a particular aspect in G.O. dated 31.05.2012 was noticed by the respondents, may be after the judgment in the case of **Nar Narain Mishra (supra)**, the issuance of clarification/rectification was well within its domain, as laid down in the case of **NHPC Ltd. (supra)**.

50. In view of the above discussion, we do not find any reason to issue any direction, as sought by the petitioner in the present writ petition, filed as public interest litigation, and the same is, therefore, dismissed.

51. All interim orders stand vacated.

Order Date :- 30-09-2024

P.Sri.

(Vikas Budhwar, J) (Arun Bhansali, CJ)

कार्यालय जिलाधिकारी, सोनभद्र।

(खनिज अनुभाग)

पत्रांक 10 / खनिज / आदेश / 2019

दिनांक 01/04/2019

श्री अरूण कुमार पुत्र श्री अखिलेश्वर प्रसाद
निवासी ग्राम-खैरटिया, पो0-ओबरा, तहसील-रावर्टसगंज,
जनपद-सोनभद्र।

आपके पक्ष में जनपद सोनभद्र के तहसील रावर्टसगंज स्थित ग्राम-बिल्ली मारकुण्डी के आराजी संख्या-5471, 5472क, 5424, 5425, 5426, 5427क, 5428, 5429 में रकबा-4.99 एकड़ पर दिनांक 31.05.2016 से दिनांक 30.05.2026 तक अर्थात् 10 वर्ष की अवधि हेतु गिट्टी/बोल्डर (डोलो स्टोन) का खनन पट्टा स्वीकृत है।

जनहित याचिका संख्या-18769/2017 आल इण्डिया कैमूर पिपुल्स फ्रंट बनाम उ०प्र० राज्य व अन्य में पारित मा० उच्च न्यायालय के आदेश दिनांक 12.05.2017 के अनुपालन में इस कार्यालय के आदेश संख्या-239/खनिज/2017 दिनांक 15.05.2017 द्वारा आपके खनन पट्टे में अग्रिम आदेश तक खनन संक्रिया को रोक दिया गया है। उक्त याचिका में सुनवाई के पश्चात मा० उच्च न्यायालय, इलाहाबाद द्वारा दिनांक 07.03.2019 को पुनः निम्नलिखित आदेश पारित किये गये हैं:-

Accordingly, the interim order dated 12.05.2017 is vacated. The private respondents may be permitted to go ahead with mining operations in pursuance of the lease granted. The private respondents - Mine Operators while undertaking mining operations shall maintain a complete record of the mineral excavated and the royalty paid to the State Government on monthly basis. They shall also file a return month by month relating to excavation of minor mineral and the royalty paid to the State Government before the respondent - Director, Geology and Mining, Lucknow, who in turn shall file a complete statement of returns before the Court, if asked for.

प्रभागीय वनाधिकारी, ओबरा द्वारा मा० उच्च न्यायालय के उक्त आदेश दिनांक 07.03.2019 का समाचार पत्रों में प्रकाशित खबरों का संज्ञान लेते हुए अवगत कराया गया कि मा० एन०जी०टी० द्वारा पारित आदेश दिनांक 13.07.2017 एवं इस सम्बन्ध में शासन स्तर पर हुए बैठक में दिये गये निर्देश का उल्लेख कर हुए यह अवगत कराया है कि ऐसी भूमि, जो भारतीय वन अधिनियम, 1927 के धारा-4 के अन्तर्गत विज्ञापित रहें हैं, में खनन कार्य सरकार की अनुमति प्राप्त न ही किया जा सकता है।

मा० उच्च न्यायालय के उक्त आदेश के अनुपालन हेतु खनन पट्टा क्षेत्रों के धारा-4 में विज्ञापित होने अथवा न होने के परीक्षण हेतु कार्यालय आदेश संख्या-3076/खनिज/2019 दिनांक 15.03.2019 द्वारा खान अधिकारी, प्रभागीय वनाधिकारी, ओबरा द्वारा नामित अधिकारी (एस०डी०ओ०, फारेस्ट चोपन) श्री सुशील कुमार यादव, डिप्टी कलेक्टर, मुख्यालय की एक टीम गठित की गई। टीम द्वारा की गयी परीक्षणोंपरान्त अपनी आख्या दिनांक 29.03.2019 को प्रस्तुत व

(2)

गयी है, जिसके अनुसार आपके खनन पट्टा से आच्छादित आराजी संख्याएं धारा-4 में विज्ञापित नहीं रहे हैं।

अतः उपरोक्त तथ्यों के आधार पर मा० उच्च न्यायालय के आदेश दिनांक 07.03.2019 के अनुपालन में आपको अपने स्वीकृत खनन पट्टा क्षेत्र के अन्तर्गत निम्नलिखित शर्तों के अधीन खनन एवं परिवहन की अनुमति प्रदान की जाती है:-

शर्त:-

1. खनिजों के परिवहन हेतु वन भूमि का प्रयोग नहीं किया जायेगा।
2. इस सम्बन्ध में मा० न्यायालय, मा० एन०जी०टी० अथवा मा० सर्वोच्च न्यायालय द्वारा कोई आदेश पारित किया जाता है तो वह मान्य होगा।

3/03/19.
(अंकित कुमार अग्रवाल)
जिलाधिकारी,
सोनभद्र।

पत्रांक व तद दिनांक:-

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

1. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०, लखनऊ।
2. आयुक्त, विन्ध्याचल मण्डल, मीरजापुर।
3. प्रभागीय वनाधिकारी, ओबरा वन प्रभाग, ओबरा, सोनभद्र।
4. उपजिलाधिकारी, सदर, सोनभद्र।
5. पुलिस क्षेत्राधिकारी, ओबरा, सोनभद्र।

जिलाधिकारी,
सोनभद्र।

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BEFORE THE NATIONAL GREEN TRIBUNAL AT PRINCIPAL
BENCH: NEW DELHI

ANNEXURE No. - 2

OA NO. 1356/2024

Objection/Reply on Behalf of Respondent No. 6.

IN THE MATTER OF

BABLU

APPLICANT

VERSUS

STATE OF U.P & ORS

RESPONDENTS

ITEM NO.188+186

COURT NO.1

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 Nos. 3799-3800/2019

UNION OF INDIA

Appellant(s)

VERSUS

RAJIV SURI

Respondent(s)

WITH

Diary No(s). 51295/2024 (XVII)

(IA No. 254486/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 254487/2024 - EXEMPTION FROM FILING O.T.

IA No. 254484/2024 - PERMISSION TO FILE APPEAL

IA No. 254485/2024 - STAY APPLICATION)

Diary No(s). 51360/2024 (XVII)

(IA No. 255693/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 256833/2024 - INTERVENTION APPLICATION

IA No. 255691/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 255682/2024 - PERMISSION TO FILE APPEAL

IA No. 255689/2024 - STAY APPLICATION)

Diary No(s). 16286/2019 (XVII)

(IA No. 75962/2019 - CONDONATION OF DELAY IN FILING

IA No. 75964/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 16445/2019 (XVII)

(IA No. 98398/2019 - AMENDMENT OF APPEAL / PETITION / I.A.

IA No. 98393/2019 - AMENDMENT OF APPEAL / PETITION / I.A.

IA No. 75739/2019 - CONDONATION OF DELAY IN FILING

IA No. 75742/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 98402/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 75740/2019 - STAY APPLICATION)

Signature Not Verified

Diary No. 5735/2019 (XVII)

(IA No. 106696/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 106694/2019 - STAY APPLICATION)

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babita_singh
Date: 2024.11.14
16:53:11
Reason:

C.A. No. 5799/2019 (XVII)

(IA No. 107960/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 22672/2020 - EXEMPTION FROM FILING O.T.

IA No. 107961/2019 - STAY APPLICATION)

C.A. No. 7436/2019 (XVII)

(IA No. 136523/2019 - EX-PARTE STAY

IA No. 136526/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 136525/2019 - EXEMPTION FROM FILING O.T.)

C.A. No. 2626/2020 (XVII)

(IA No. 29632/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 29631/2020 - GRANT OF INTERIM RELIEF)

Diary No(s). 6611/2020 (XVII)

(IA No. 40823/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 40820/2020 - CONDONATION OF DELAY IN FILING

IA No. 40822/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 40821/2020 - STAY APPLICATION)

C.A. No. 8181-8182/2023 (XVII)

(IA No.253124/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.253123/2023-STAY APPLICATION and IA No.253122/2023-PERMISSION TO FILE APPEAL)

C.A. No. 7981-7982/2023 (XVII)

(IA No.254601/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.256200/2023-STAY APPLICATION)

C.A. No. 8183-8184/2023 (XVII)

(IA No.256199/2023-ADDITION / DELETION / MODIFICATION PARTIES and IA No.256195/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.256192/2023-STAY APPLICATION and IA No.256196/2023-EXEMPTION FROM FILING O.T. and IA No.256191/2023-PERMISSION TO FILE APPEAL)

C.A. No. 8185-8186/2023 (XVII)

(IA No.258849/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.258851/2023-STAY APPLICATION and IA No.258852/2023-EXEMPTION FROM FILING O.T. and IA No.258848/2023-PERMISSION TO FILE APPEAL)

C.A. No. 188-189/2024 (XVII)

(FOR ADMISSION and I.R. and IA No.268411/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.268412/2023-STAY APPLICATION and IA No.268413/2023-EXEMPTION FROM FILING O.T. and IA

No.268409/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Diary No(s). 51281/2024 (XVII)

(IA No. 256829/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 254464/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 254465/2024 - EXEMPTION FROM FILING O.T.

IA No. 256928/2024 - INTERVENTION/IMPLEADMENT

IA No. 254463/2024 - PERMISSION TO FILE APPEAL

IA No. 254462/2024 - STAY APPLICATION)

CIVIL APPEAL Diary No. 51761/2024

Date : 12-11-2024 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJAY KUMAR

For Appellant(s)

Mr. Deepak Prakash, AOR
Mr. Sriram P., Adv.
Mr. Nachiketa Vajpayee, Adv.
Ms. Divyangna Malik, Adv.
Ms. Merlyn J. Rachel, Adv.
Ms. Vishnu Priya, Adv.
Mr. Vardaan Kapoor, Adv.
Mr. Rahul Suresh, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Suhashini Sen, Adv.
Mr. Abhishek Atrey, Adv.
Ms. Aakanksha Kaul, Adv.
Mr. S K Singhania, Adv.
Mr. Pranay Ranjan, Adv.
Ms. Swarupama Chaturvedi, Adv.

Mr. Sunil Roy, AOR

Mr. Manish Tiwari , AOR
Mrs. Namami Seth, Adv.
Mr. R K Tanwar, Adv.
Mr. P L Pandey, Adv.
Mr. Aman Sharma, Adv.
Mr. Vinay Pratap Singh, Adv.
Mr. Nihar Ranjan Singh, Adv.

Mr. Tushar Mehta, Solicitor General
Ms. Aishwarya Bhati, A.S.G.

Mr. Shiv Mangal Sharma, A.A.G.
Mr. Saurabh Rajpal, Adv.
Mr. Amogh Bansal, Adv.
Ms. Nidhi Jaswal, AOR

Ms. Shraddha Deshmukh, AOR
Mr. Sanchit Singh, Adv.
Mr. Sushrut Sharma, Adv.

Mr. Vinod Kumar Shukla, Adv.
Mr. Sugam Mishra, Adv.
Mr. Om Prakash Sapra, Adv.
Mrs. Barnali Basak, Adv.
Mr. Abhaya Nath Das, Adv.
Mr. B C Bhatt, Adv.
Mr. Kishor Kumar Mishra, Adv.
Mr. Satish Kumar, AOR

Mr. Saurabh Mishra, Sr. Adv.
Mr. Sarad Kumar Singhanian, Adv.
Mr. Sunny Choudhary, AOR

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.
Ms. Nidhi Dwivedi, Adv.
Mr. Ajay Kumar Pandey, Adv.

Mr. Vanshdeep Dalmia, AOR
Ms. Anisha Jain, Adv.
Ms. Shanbhavi Singh, Adv.

Ms. Srishti Agnihotri, AOR

Mr. Atmaram N S Nadkarni, Sr. Adv.
Ms. Usha Nandini V., AOR
Mr. Alex M Scaria, Adv.
Mr. John Thomas Arakal, Adv.

Mr. Saurabh Mishra, Sr. Adv.
Ms. Vanshaja Shukla, AOR

For Respondent(s) Mr. Vanshdeep Dalmia, AOR

Mr. Gurmeet Singh Makker, AOR

Mr. Sunny Choudhary, AOR

Respondent-in-person

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Mr. Avijit Roy, AOR

Mr. Salvador Santosh Rebello, AOR

Mrs. Mona K. Rajvanshi, AOR

Mr. Anurag Kashyap, Adv.

Mr. Sudeep Kumar, AOR

Mr. Shiv Mangal Sharma, A.A.G.

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Ms. Shalini Singh, Adv.

Mr. Saurabh Rajpal, Adv.

Mr. Sandeep Kumar Jha, AOR

Mr. Ankur S. Kulkarni, Adv.

Mr. Nirnimesh Dube, Adv.

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Ms. Uditha Chakravarthy, Adv.

Ms. Priya Bhalerao, Adv.

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M/s. Lex Regis Law Offices, AOR

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Ms. Natasha Sahrawat, Adv.

Ms. Deepali Bhanot, Adv.

Mr. Gautam Barnwal, Adv.

Mr. Rudraksh Pandey, Adv.

Ms. Alisha Roy, Adv.

Mr. Jose Abraham, AOR

Mr. Arvind Kumar, AOR

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Mr. Nirnimesh Dube, Adv.

Mr. Susheel Joseph Cyriac, Adv.

Ms. Uditha Chakravarthy, Adv.

Ms. Priya Bhalerao, Adv.

Mr. Varun Kanwal, Adv.

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Ms. Kalpana Tirpathi, Adv.
Ms. Mansi Mehta, Adv.
Ms. Sumita Hazarika, AOR

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Mr. Nakul Dewan, Sr. Adv.
Ms. Usha Nandini V., AOR
Mr. Alex M Scaria, Adv.
Mr. John Thomas Arakal, Adv.
Ms. Saritha Thomas, Adv.
Mr. John Thomas Arakkal, Adv.

Ms. Srishti Agnihotri, AOR

Mr. P.V. Dinesh, Sr. Adv.
Mr. Mukund P. Unny, AOR
Mr. Anna Oommen., Adv.

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

Delay is condoned, permission to file appeal(s) is granted and the appeals are admitted, subject to curing of defects, if any.

Issue notice in all the appeals where it has not been issued till date. However, the same will be subject to curing of defects, if any. Notice will be served by all modes, including *dasti*.

We have heard the learned counsel for the parties at some length. Keeping in view the peculiar facts and circumstances of the present case, we extend the time for completion of re-appraisal by the State Environment Impact Assessment Authorities¹ till 31.03.2025. This direction will apply in the cases where the Environment Clearance² is valid, as mining activity can only continue during the period of validity of the EC.

1 For short "SEIAA".

2 For short "EC".

There may be parties who have not applied to SEIAA for such re-appraisal. They may do the same within a period of three weeks from today.

The State Governments will also ensure that SEIAA, where not constituted, are constituted within a period of six weeks from today.

Re-list in the week commencing 27.01.2025.

On the next date of hearing, the appeals will be taken up in the first five matters in the list of regular matters on the Board.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

ITEM NO.11

COURT NO.1

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 Diary No. 57955/2024

[Arising out of impugned final judgment and order dated 08-08-2024 in OA No. 142/2022 passed by the National Green Tribunal]

ARUN KUMAR

Petitioner(s)

VERSUS

MINISTRY OF ENVIRONMENT FOREST AND
CLIMATE CHANGE & ORS.

Respondent(s)

(IA No. 20108/2025 - CONDONATION OF DELAY IN FILING, IA No. 20114/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 20113/2025 - EXEMPTION FROM FILING O.T., IA No. 20121/2025 - PERMISSION TO FILE APPEAL and IA No. 20110/2025 - STAY APPLICATION

Date : 27-01-2025 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Sunil Kumar Siingh, Adv.
Mr. S.K. Pathak, Adv.
Mr. Pramod Tiwari, Adv.
Mr. Vivek Tiwari, Adv.
Ms. Priyanka Dubey, Adv.
Mr. Bhavya Goyal, Adv.
Ms. Nidhi Jain, Adv.
Dr. Vinod Kumar Tewari, AOR

For Respondent(s) :

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

Permission to file the appeal is granted.

Issue notice on the application for condonation of delay as

Signature Not Verified
Digital Signature by
Deepak Gupta
Date: 2025.01.28
18:59:04 IST
Reason:

as on the appeal.

Notice will be served by all modes, including *dasti*.

Tag with Civil Appeal Nos. 3799-3800/2019 titled "*Union of India vs. Rajiv Suri*" and other connected matters.

Interim order(s) passed in the aforesaid appeals will also apply to the present case.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

ITEM NO.115

COURT NO.1

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 Nos. 3799-3800/2019

UNION OF INDIA

Appellant(s)

VERSUS

RAJIV SURI

Respondent(s)

(IA No. 40984/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 25220/2020 - EXEMPTION FROM FILING O.T., IA No. 25216/2020 - INTERVENTION APPLICATION, IA No. 20802/2020 - INTERVENTION APPLICATION, IA No. 231676/2023 - INTERVENTION APPLICATION, IA No. 30471/2020 - INTERVENTION APPLICATION, IA No. 26413/2020 - INTERVENTION APPLICATION, IA No. 25321/2020 - INTERVENTION/IMPLEADMENT, IA No. 19886/2020 - INTERVENTION/IMPLEADMENT, IA No. 173224/2019 - INTERVENTION/IMPLEADMENT, IA No. 155288/2019 - INTERVENTION/IMPLEADMENT, IA No. 115183/2019 - INTERVENTION/IMPLEADMENT and IA No. 40987/2019 - STAY APPLICATION)

WITH

W.P.(C) No. 1342/2018 (PIL-W)

(FOR EXEMPTION FROM FILING O.T. ON IA 188059/2024)

C.A. No. 13009-13010/2024 (XVII)

(FOR CONDONATION OF DELAY IN FILING ON IA 75962/2019 and FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 75964/2019)

C.A. No. 13007/2024 (XVII)

(FOR CONDONATION OF DELAY IN FILING ON IA 75739/2019, FOR STAY APPLICATION ON IA 75740/2019, FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 75742/2019, FOR AMENDMENT OF APPEAL / PETITION / I.A. ON IA 98393/2019, FOR AMENDMENT OF APPEAL / PETITION / I.A. ON IA 98398/2019 and FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 98402/2019)

C.A. No. 5735/2019 (XVII)

(FOR STAY APPLICATION ON IA 106694/2019 and FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 106696/2019)

C.A. No. 5799/2019 (XVII)

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 107960/2019, FOR STAY APPLICATION ON IA 107961/2019 and FOR EXEMPTION FROM FILING O.T. ON IA 22672/2020)

Signature No. [redacted]
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Deepa, Gujran
Date: 2025.03.27
17:54:15
Reason: [redacted]

C.A. No. 7436/2019 (XVII)

(FOR EX-PARTE STAY ON IA 136523/2019, FOR EXEMPTION FROM FILING O.T. ON IA 136525/201 and FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 136526/2019)

C.A. No. 2626/2020 (XVII)

(IA No. 29632/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 29631/2020 - GRANT OF INTERIM RELIEF)

C.A. No. 12492-12498/2024 (XVII)

(FOR CONDONATION OF DELAY IN FILING ON IA 40820/2020, FOR STAY APPLICATION ON IA 40821/2020, FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 40822/2020 and FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 40823/2020)

C.A. No. 8181-8182/2023 (XVII)

(FOR STAY APPLICATION ON IA 253123/2023, FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 253124/2023 and FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 46932/2024)

C.A. No. 7981-7982/2023 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 254601/2023 and FOR STAY APPLICATION ON IA 256200/2023)

C.A. No. 8183-8184/2023 (XVII)

(FOR STAY APPLICATION ON IA 256192/2023, FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 256195/2023, FOR EXEMPTION FROM FILING O.T. ON IA 256196/2023 and FOR ADDITION / DELETION / MODIFICATION PARTIES ON IA 256199/2023)

C.A. No. 8185-8186/2023 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 258849/2023, FOR STAY APPLICATION ON IA 258851/2023 and FOR EXEMPTION FROM FILING O.T. ON IA 258852/2023)

C.A. No. 188-189/2024 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 268411/2023, FOR STAY APPLICATION ON IA 268412/2023 and FOR EXEMPTION FROM FILING O.T. ON IA 268413/2023)

C.A. No. 12476/2024 (XVII)

(IA No.254464/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.254462/2024-STAY APPLICATION and IA No.254465/2024-EXEMPTION FROM FILING O.T., IA No. 256829/2024 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 254465/2024 - EXEMPTION FROM FILING O.T.)

C.A. No. 12477/2024 (XVII)

(IA No.254486/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.254485/2024-STAY APPLICATION and IA No.254487/2024-EXEMPTION FROM FILING O.T. and IA No. 254487/2024 - EXEMPTION FROM

FILING O.T.)

C.A. No. 12478/2024 (XVII)

(FOR STAY APPLICATION ON IA 255689/2024, FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 255691/2024, FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 255693/2024, FOR INTERVENTION APPLICATION ON IA 256833/2024, FOR INTERVENTION APPLICATION ON IA 260515/2024 and FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 260520/2024)

C.A. No. 14391-14393/2024 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 285694/2024 and FOR EX-PARTE STAY ON IA 287697/2024)

C.A. No. 13927-13929/2024 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 275851/2024 and FOR EX-PARTE STAY ON IA 275852/2024)

C.A. No. 14338/2024 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 272947/2024 and FOR STAY APPLICATION ON IA 272948/2024)

Diary No(s). 57955/2024 (XVII)

(IA No. 20108/2025 - CONDONATION OF DELAY IN FILING, IA No. 20114/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 20113/2025 - EXEMPTION FROM FILING O.T. and IA No. 20110/2025 - STAY APPLICATION)

Date : 27-03-2025 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Appellant(s) :

Ms. Srishti Agnihotri, AOR
Ms. Sanjana Grace Thomas, Adv.
Ms. Tara Elizabeth Kurien, Adv.

Mr. Atmaram N.S. Nadkarni, Sr. Adv.
Mr. Nakul Dewan, Sr. Adv.
Mr. P.B. Krishnan, Sr. Adv.
Ms. Usha Nandini V., AOR
Mr. Biju P. Raman, Adv.
Ms. Saritha Thomas, Adv.
Mr. John Thomas Arakal, Adv.
Ms. Ashima Guptha, Adv.

Ms. Aishwarya Bhati, A.S.G.
Ms. Swarupama Chaturvedi, Sr. Adv.
Ms. Ruchi Kohli, Sr. Adv.

Mr. Gurmeet Singh Makker, AOR
Ms. Suhashini Sen, Adv.
Mr. Abhishek Atrey, Adv.
Ms. Aakanksha Kaul, Adv.
Mr. S.K. Singhania, Adv.
Mr. Pranay Ranjan, Adv.
Mr. Annirudh Sharma-II, Adv.
Mr. Mohd. Akhil, Adv.

Mr. Sunil Roy, AOR

Mr. Sunil Kumar Singh, Adv.
Mr. S.K. Pathak, Adv.
Mr. Pramod Tiwari, Adv.
Mr. Vivek Tiwari, Adv.
Ms. Priyanka Dubey, Adv.
Ms. Saumya Mishra, Adv.
Dr. Vinod Kumar Tewari, AOR

Mr. Sriram P., AOR

Mr. Deepak Prakash, AOR
Mr. Nachiketa Vajpayee, Adv.
Ms. Divyangna Malik, Adv.
Ms. Jyoti Pandey, Adv.
Mr. Rahul Suresh, Adv.
Ms. Shivangi Rajawat, Adv.

Mr. Manish Tiwari, AOR

Mr. Tushar Mehta, S.G.
Mr. Shiv Mangal Sharma, A.A.G.
Mr. Saurabh Rajpal, Adv.
Mr. Amogh Bansal, Adv.
Ms. Nidhi Jaswal, AOR

Ms. Shraddha Deshmukh, AOR
Mr. Sanchit Singh, Adv.

Mr. Vinod Kumar Shukla, Adv.
Mr. Sugam Mishra, Adv.
Ms. Anjana Sharma, Adv.
Ms. Swagoti Batchas, Adv.
Mr. Om Prakash, Adv.
Ms. Swati Mishra, Adv.
Ms. Arina Bhattacharjee, Adv.
Mr. Kishor Kumar Mishra, Adv.
Ms. Renu Pandey, Adv.
Mr. Satish Kumar, AOR

Mr. Prashant Bhushan, Adv.

Mr. Pranav Sachdeva, AOR
Mr. Jatin Bhardwaj, Adv.
Mr. P. Rohit Ram, Adv.
Mr. Abhay Nair, Adv.

Ms. Garima Parshad, Sr. A.A.G.
Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.

Mr. Vanshdeep Dalmia, AOR
Ms. Anisha Jain, Adv.
Ms. Shambhavi Singh, Adv.

Mr. Sarad Kumar Singhania, AOR

Mr. Saurabh Mishra, Sr. Adv.
Ms. Vanshaja Shukla, AOR
Mr. Siddhant Yadav, Adv.

For Respondent(s) :

Mr. Vanshdeep Dalmia, AOR
Ms. Anisha Jain, Adv.
Ms. Shambhavi Singh, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Arvind Kumar Sharma, AOR

Respondent-in-person

Mr. Amit Anand Tiwari, Sr. A.A.G./Sr. Adv.
Mr. Sabarish Subramanian, AOR
Mr. Devyani Gupta, Adv.
Mr. Saushriya Havelia, Adv.
Mr. Tanvi Anand, Adv.
Mr. Vishnu Unnikrihsnan, Adv.
Ms. Jahnavi Taneja, Adv.
Mr. Danish Saifi, Adv.

Ms. Baani Khanna, AOR
Mr. Robin Singh, Adv.
Mr. Kapil Balwani, Adv.
Ms. Tejal Nagauri, Adv.

Mr. Sarthak Raizada, Adv.
Mr. Pashupathi Nath Razdan, AOR
Mr. Nirmal Kumar Ambastha, Adv.

Mr. Ajit Sharma, AOR

Mr. Nachiketa Joshi, A.A.G./Sr. Adv.

Mr. Amit Sharma, A.A.G.
Mr. Sarad Kumar Singhanian, AOR
Mr. Padmesh Mishra, Adv.

Mr. Omkar Deshpande, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Avijit Roy, AOR

Mrs. Mona K. Rajvanshi, AOR
Mr. Anurag Kashyap, Adv.

Ms. Garima Parshad, Sr. A.A.G./Sr. Adv.
Mr. Sudeep Kumar, AOR
Mr. Abhishek Saket, Adv.
Ms. Manisha, Adv.
Ms. Rupali, Adv.

Mr. Raghav Sharma, Adv.
Mr. Jaskirat Pal Singh, Adv.
Mr. Pranjal Pandey, Adv.
Mr. Parimal Bhatia, Adv.
Mr. Salvador Santosh Rebello, AOR
Ms. Kritika, Adv.

Mr. Guntur Pramod Kumar, AOR

Mrs. Aishwariya Bhati, A.S.G.
Mrs. Swarupama Chaturvedi, Sr. Adv.
Mrs. Ruchi Kohli, Sr. Adv.
Mr. Mukesh Kumar Maroria, AOR
Mrs. Rukmini Bobde, Adv.
Mr. Shuvodeep Roy, Adv.
Mr. Ishaan Sharma, Adv.

Mr. Sunny Choudhary, AOR

Mr. Sandeep Kumar Jha, AOR
Mr. Shiv Mangal Sharma, A.A.G.
Ms. Nidhi Jaswal, Adv.

Mr. Atmaram N.S. Nadkarni, Sr. Adv.
Mr. Nakul Dewan, Sr. Adv.
Mr. P.B. Krishnan, Sr. Adv.
Mr. Johnthomas Arakal, Adv.
Ms. Usha Nandini V., AOR
Mr. Biju P Raman, Adv.
Ms. Saritha Thomas, Adv.
Mr. John Thomas Arakal, Adv.

Ms. Srishti Agnihotri, AOR
Ms. Sanjana Grace Thomas, Adv.
Ms. Tara Elizabeth Kurien, Adv.

Ms. Parul Shukla, AOR

Ms. Sumita Hazarika, AOR
Ms. Kalpana Tirpathi, Adv.
Mr. Lalgoulen Kipgen, Adv.
Mr. Prakhar Gupta, Adv.

Mr. P.V. Dinesh, Sr. Adv.
Mr. Mukund P. Unny, AOR
Mr. Harish V., Adv.
Ms. Anna Oommen, Adv.
Mr. Sanjay Nair, Adv.

Mr. Siddhartha Dave, Sr. Adv.
Mr. Ankur S. Kulkarni, Adv.
Mr. Nirnimesh Dube, Adv.
Mr. Anirudh Anand, Adv.
Mr. Varun Kanwal, Adv.
Ms. Divyansha Gajallewar, Adv.
M/s. Lex Regis Law Offices, AOR

Mr. Abhinay, AOR
Ms. Kirti Vyas, Adv.
Ms. Parul Khurana, Adv.

Mr. Anand Varma, AOR
Ms. Apoorva Pandey, Adv.
Ms. Adyasha Nanda, Adv.

Mr. Nishit Agrawal, AOR

Mr. Sriram Parakkat, Adv.
Mr. M.S. Vishnu Sankar, Adv.
Mr. Sreenath S., Adv.
Ms. Viddusshi, Adv.
Ms. Maneesha Sunilkumar, Adv.
Ms. H. Haritha, Adv.
Mr. Anandhu S. Nair, Adv.
M/s. Lawfic, AOR

Mr. Gaurav Khanna, AOR

Mr. Jose Abraham, AOR

Mr. Arvind Kumar, AOR

Mr. Siddhartha Dave, Sr. Adv.

Mr. Ankur S. Kulkarni, Adv.
Mr. Nirnimesh Dube, Adv.
Mr. Anirudh Anand, Adv.
Mr. Varun Kanwal, Adv.
Ms. Divyansha Gajallewar, Adv.
M/s. Lex Regis Law Offices, AOR

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

The interim order dated 12.11.2024, subject to further orders to be passed by this Court, shall continue to operate for the next two months, that is, up to 26.05.2025.

We clarify that the interim order will not apply to cases wherein the State Environment Impact Assessment Authorities¹ have considered applications and rejected the same.

However, it would be open to the parties to challenge the decision of the SEIAAs and in case, any interim stay order or favourable order is passed, the same has to be given effect to.

The matters will remain on the Board and retain their position.

Service in some of the matters is not complete. The same will be completed.

(DEEPAK GUGLANI)
AR-CUM-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

1 "SEIAA", for short

ITEM NO.111

COURT NO.1

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 Nos. 3799-3800/2019

UNION OF INDIA

Appellant(s)

VERSUS

RAJIV SURI

Respondent(s)

(IA No. 40984/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 25220/2020 - EXEMPTION FROM FILING O.T., IA No. 231676/2023 - INTERVENTION APPLICATION, IA No. 30471/2020 - INTERVENTION APPLICATION, IA No. 26413/2020 - INTERVENTION APPLICATION, IA No. 25216/2020 - INTERVENTION APPLICATION, IA No. 20802/2020 - INTERVENTION APPLICATION, IA No. 19886/2020 - INTERVENTION/IMPLEADMENT, IA No. 173224/2019 - INTERVENTION/IMPLEADMENT, IA No. 155288/2019 - INTERVENTION/IMPLEADMENT, IA No. 115183/2019 - INTERVENTION/IMPLEADMENT, IA No. 25321/2020 - INTERVENTION/IMPLEADMENT and IA No. 40987/2019 - STAY APPLICATION)

WITH

W.P.(C) No. 1342/2018 (PIL-W)

(FOR EXEMPTION FROM FILING O.T. ON IA 188059/2024)

C.A. No. 13009-13010/2024 (XVII)

(FOR CONDONATION OF DELAY IN FILING ON IA 75962/2019 and FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 75964/2019)

C.A. No. 13007/2024 (XVII)

(FOR CONDONATION OF DELAY IN FILING ON IA 75739/2019, FOR STAY APPLICATION ON IA 75740/2019, FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 75742/2019, FOR AMENDMENT OF APPEAL / PETITION / I.A. ON IA 98393/2019, FOR AMENDMENT OF APPEAL / PETITION / I.A. ON IA 98398/2019 and FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 98402/2019)

C.A. No. 5735/2019 (XVII)

(FOR STAY APPLICATION ON IA 106694/2019 and FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 106696/2019)

C.A. No. 5799/2019 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 107960/2019, FOR STAY APPLICATION ON IA 107961/2019 and FOR EXEMPTION FROM FILING O.T. ON IA 22672/2020)

C.A. No. 7436/2019 (XVII)

(FOR EX-PARTE STAY ON IA 136523/2019, FOR EXEMPTION FROM FILING O.T. ON IA 136525/2019 and FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 136526/2019)

C.A. No. 2626/2020 (XVII)

(IA No. 29632/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 29631/2020 - GRANT OF INTERIM RELIEF)

C.A. No. 12492-12498/2024 (XVII)

(FOR CONDONATION OF DELAY IN FILING ON IA 40820/2020, FOR STAY APPLICATION ON IA 40821/2020, FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 40822/2020 and FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 40823/2020)

C.A. No. 8181-8182/2023 (XVII)

(FOR STAY APPLICATION ON IA 253123/2023, FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 253124/2023 and FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 46932/2024)

C.A. No. 7981-7982/2023 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 254601/2023 and FOR STAY APPLICATION ON IA 256200/2023)

C.A. No. 8183-8184/2023 (XVII)

(FOR STAY APPLICATION ON IA 256192/2023, FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 256195/2023, FOR EXEMPTION FROM FILING O.T. ON IA 256196/2023 and FOR ADDITION / DELETION / MODIFICATION PARTIES ON IA 256199/2023)

C.A. No. 8185-8186/2023 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 258849/2023, FOR STAY APPLICATION ON IA 258851/2023 and FOR EXEMPTION FROM FILING O.T. ON IA 258852/2023)

C.A. No. 188-189/2024 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 268411/2023, FOR STAY APPLICATION ON IA 268412/2023 and FOR EXEMPTION FROM FILING O.T. ON IA 268413/2023)

C.A. No. 12476/2024 (XVII)

(IA No.254464/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.254462/2024-STAY APPLICATION and IA No.254465/2024-EXEMPTION FROM FILING O.T., IA No. 256829/2024 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 256928/2024 - INTERVENTION/IMPLEADMENT)

C.A. No. 12477/2024 (XVII)

(IA No.254486/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.254485/2024-STAY APPLICATION and IA No.254487/2024-EXEMPTION FROM FILING O.T. and IA No. 254487/2024 - EXEMPTION FROM FILING O.T.)

C.A. No. 12478/2024 (XVII)

(FOR STAY APPLICATION ON IA 255689/2024, FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 255691/2024, FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 255693/2024, FOR INTERVENTION APPLICATION ON IA 256833/2024, FOR INTERVENTION APPLICATION ON IA 260515/2024 and FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 260520/2024)

C.A. No. 14391-14393/2024 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 285694/2024 and FOR EX-PARTE STAY ON IA 287697/2024)

C.A. No. 13927-13929/2024 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 275851/2024 and FOR EX-PARTE STAY ON IA 275852/2024)

C.A. No. 14338/2024 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 272947/2024 and FOR STAY APPLICATION ON IA 272948/2024)

Diary No(s). 57955/2024 (XVII)

(IA No. 20108/2025 - CONDONATION OF DELAY IN FILING, IA No. 20114/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 20113/2025 - EXEMPTION FROM FILING O.T. and IA No. 20110/2025 - STAY APPLICATION)

Date : 01-05-2025 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Appellant(s) :

Mr. Tushar Mehta, S.G. (N/P)
Mr. Shiv Mangal Sharma, A.A.G.
Mr. Saurabh Rajpal, Adv.
Ms. Nidhi Jaswal, AOR

Mr. Gopal Sankaranarayanan, Sr. Adv.
Ms. Shraddha Deshmukh, AOR
Ms. Shreya Nair, Adv.
Ms. Smruthi Gangadhar, Adv.
Ms. Smruthi Gandadhar, Adv.
Mr. Sanchit Singh, Adv.

Mr. Vinod Kumar Shukla, Adv.
Mr. Sugam Mishra, Adv.
Mr. Abhaya Nath Das, Adv.
Ms. Anjana Sharma, Adv.
Mr. Bhupendra Pathak, Adv.
Mr. Mohammed Abrar Ahmed Khan, Adv.

Mr. Boya Kranthi Naidu, Adv.
Mr. Kishor Kumar Mishra, Adv.
Dr. Aditya Mishra, Adv.
Mr. Satish Kumar, AOR

Mr. Prashant Bhushan, Adv.
Mr. Pranav Sachdeva, AOR
Mr. Jatin Bhardwaj, Adv.
Mr. Abhay Nair, Adv.
Mr. P. Rohit Ram, Adv.
Ms. Neha Rathi, Adv.

Ms. Garima Parshad, Sr. Adv./Sr. A.A.G. (N/P)
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Respondent-in-person

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Mr. Mukund P. Unny, AOR
Mr. Harish V, Adv.
Mr. Sanjay Nair S., Adv.
Ms. Anna Oommen, Adv.

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

Learned counsel for the parties have drawn our attention to the fact that the interim order passed by this Court is operative till 26.05.2025.

Re-list in the week commencing 19.05.2025, for appropriate orders.

We clarify that all the interlocutory applications will be considered and decided in accordance with law.

I.A. No. 108509/2025 in Civil Appeal No. 12476/2024

Issue notice to the non-applicants including the State Environment Impact Assessment Authority¹, Rajasthan, returnable in the week commencing 21.07.2025.

Notice will be served by all modes, including *dasti*.

In case the applicant was unable to upload the application forms for re-appraisal of the environment clearance in terms of the order dated 12.11.2024, in view of the retirement of the members of

1 "SEIAA", for short

the SEIAA, it will be open to the SEIAA to consider the said applications in accordance with law within a period of two months from the date this order is communicated to them.

The above direction will obviously not apply in case the applicant and others could have uploaded the application forms for permission in their entirety, though the SEIAA itself was not functional as the tenure of the members had come to an end.

I.A. No. 110523/2025 in Civil Appeal Nos. 12492-12498/2024

Issue notice to the non-applicants, returnable in the week commencing 21.07.2025.

Notice will be served by all modes, including *dasti*.

Reply may be filed by the Ministry of Environment, Forest and Climate Change², within three weeks from today.

Rejoinder affidavit, if any, may be filed within two weeks after service of the reply.

In case the applicants are entitled to some relief in terms of their applications for re-appraisal of environment clearance submitted before the MoEF&CC, the said exercise can be undertaken though the present application is pending before this Court.

Steps will be taken to constitute SEIAA for the State of Kerala, within a period of six weeks from today.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

2 "MoEF&CC", for short

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BEFORE THE NATIONAL GREEN TRIBUNAL AT PRINCIPAL

BENCH: NEW DELHI

ANNEXURE No. _- 3

OA NO. 1356/2024

Objection/Reply on Behalf of Respondent No. 6.

IN THE MATTER OF

BABLU

APPLICANT

VERSUS

STATE OF U.P & ORS

RESPONDENTS

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



Minutes of Agenda of the 890th State Level Environment Impact Assessment Authority, UP (SEIAA) Meeting dated 25.04.2025 State Environment Impact Assessment Authority meeting held from 25/04/2025 to 25/04/2025 Date: 05/05/2025

MoM ID: EC/MOM/SEIAA/995927/4/2025
Agenda ID: EC/AGENDA/SEIAA/995927/4/2025
Meeting Venue: Directorate of Environment, Vineet Khand-1, Gomti Nagar, Lucknow
Meeting Mode: Hybrid
Date & Time:

25/04/2025	11:00 AM	03:00 PM
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1. Opening remarks

The meeting of 890th State Level Environment Impact Assessment Authority, UP (SEIAA) was held online on 25.04.2025 the Directorate of Environment.

2. Confirmation of the minutes of previous meeting

N/A

3. Details of proposals considered by the committee

Day 1 -25/04/2025

3.1. Agenda Item No 1:

3.1.1. Details of the proposal

Proposed Project of Khanda-Boulder/ Gitti (Dolostone) Mine at Gata No 5471, 5472 ka., 5424, 5425, 5426, 5427 k a., 5428, 5429, area 2.02 ha in Village- Billi Markundi, Tehsil- Obra, District- Sonbhadra, Uttar Pradesh of Shri Arun Kumar by ARUN KUMAR located at SONBHADRA,UTTAR PRADESH			
Proposal For		Mining EC Under 5 Ha	
Proposal No	File No	Submission Date	Activity (Schedule Item)
SIA/UP/MIN/489581/2025	9617	20/01/2025	Mining of minerals (1(a))

3.1.2. Deliberations by the committee in previous meetings

Date of SEAC 1 :25/02/2025

Deliberations of SEAC 1 :



The committee discussed the matter and recommended grant of environmental clearance for the proposal as above alongwith standard environmental clearance conditions prescribed by MoEF&CC, Govt. of India.

3.1.3. Deliberations by the SEIAA in current meetings

SEIAA opined to accept the recommendation of SEAC and grant EC to the said project along with all the general and specific conditions as suggested by SEAC taking into consideration discussion held in SEIAA meeting no. 597 dated 05.05.2022 regarding reply of SEAC-1 and SEAC-2 for compliance/action taken on TOR/Public hearing, adding following specific conditions:-

3.1.4. Recommendation of SEIAA

Approved

3.1.5. Details of Environment Conditions

3.1.5.1. Specific

Environmental Attributes

- | | |
|----|--|
| 1. | <ol style="list-style-type: none"> 1. The environmental clearance will be co-terminus with the validity of the lease period mentioned in the LoI or co-terminus with the validity of current mine plan whichever is earlier, after this period the EC will automatically become null and void. 2. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or District plantation committee, for planting at least (as per the project) plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provisions for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition. 3. The project proponent shall install solar lights in their project area to minimise the consumption of electricity. 4. During the submission of 6 monthly compliance reports, the project proponent should make sure that the periodically taken site photographs should also be annexed along with the compliance report. 5. Preference should be given to indigenous local species as per the consultation of the local district Forest Officer/Expert Agency in this field. 6. The maximum height of the bench should be 06 meters and the width of the bench should be at least twice the height of the bench as per the mine plan approval letter by DGM, U.P. 7. In case the blasting is proposed during a mining operation, the project proponent needs to assess its impact on the displacement of human beings/wild animals/birds/other species, and the suitable measures proposed and taken for their rehabilitation and resettlement need to be clearly described in first 6 monthly compliance report. 8. The project proponent shall submit a final mine closure plan/Exit protocol for rehabilitation of mined-out land to match its surrounding land use 3 years before the closure of the mine to SEIAA, UP and Department of Mines and Geology, UP for approval. The project proponent shall ensure the implementation of the approved plan under the supervision of the Dept. of Mines and Geology. 9. The project proponent shall plan and implement collection drain and siltation basins of adequate size to |
|----|--|

- arrest the silt and sediment flow from the quarry area. The surface runoff rainwater harvesting and other water conservation measures on a long-term basis are to be taken in consultation with the Central/State Groundwater Board. The water so collected should be utilized for watering the haulage area, roads, and green belt development, etc.
10. The project proponent shall take all suitable measures to prevent pollution of groundwater and nearby water bodies in consultation with the State Pollution Control Board and consent to operate (if applicable) should be obtained from the State Pollution Control Board before the start of production from the mine.
 11. Project proponent is directed to invest the CER amount as per the proposal and submit the compliance report regularly to the concerned authority/Directorate of environment.
 12. Link Road from the quarry site to the main road shall be constructed as an all-weather road with blacktopping and maintained by the project proponent.
 13. Vehicular emissions should be kept under control and regularly monitored. Suitable measures shall be taken for proper maintenance of vehicles used in a quarry operation and transportation.
 14. The project proponent should explore the possibilities of rainwater harvesting.
 15. Agreement/ Consent between project proponent and competent authority/ landowner for haulage road from lease site to link road.
 16. Latest technology (water sprinklers/ tankers) to be adopted for mitigating dust at source points in lease area and haulage road during operational activity/vehicular movement.
 17. As per the proposed plan, plantation with area specific plant species, number of plants to be Planted and report of green belt development to be submitted to the Forest Department, UPPCB and Directorate of Environment, UP.
 18. In case it has been found that the E.C. obtained by providing incorrect information, submitting that the distance between the two adjoining mines is greater than 500mt. and the area is less than 05 ha, but factually the distance is less than 500 mt, and the mine is located in the cluster of area equal to or more than 05 ha, the E.C issued will stand revoked.
 19. Explosive cannot be stored on the site. The Project proponent shall take approval from Chief Controller of Explosive, if applicable for use or storage of explosive or any such materials.
 20. Blast vibrations study shall be conducted and an observation report submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and UPPCB within six months. The report shall also include measures for the prevention of blasting associated impact on nearby houses and agricultural fields.
 21. Controlled blasting techniques with sequential blasting shall be adopted. The blasting shall be carried out in the daytime only. The project proponent shall ensure prevention of displacement of human beings/wild animals/birds etc. and in case any such displacement is caused due to blasting/mining operation by any chance the project proponent shall take suitable measures for their rehabilitation and resettlement.
 22. Maintenance of village roads used for transportation of minerals is to be done by the company regularly at its own expenses. The link roads from mining area to main road shall be constructed as all-weather road with black topping and maintained by the project proponent.
 23. The self-environmental audit shall be conducted annually. Every three years third-party environmental audit shall be carried out.
 24. Measures for prevention and control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion shall be carried out with geotextile matting or other suitable material, and thick plantations of native trees and shrubs shall be carried out at the dump slopes. Dumps shall be protected by retaining walls.
 25. Ground and surface water, if any in and near the core zone (within 5.0 km of the lease) shall be regularly monitored for contamination and depletion due to mining activity and records maintained. The monitoring data shall be submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and U.P. Pollution Control Board regularly. Further, monitoring points shall be located between the mine, and drainage in the direction of flow of groundwater shall be set up and records maintained.
 26. Fugitive dust generation shall be controlled. Fugitive dust emission shall be regularly monitored at locations of nearest human habitation (including schools and other public amenities located nearest to sources of dust generation as applicable) and records submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and U.P. Pollution Control Board regularly.
 27. Overburden (OB) shall be stacked at the earmarked dump site(s) only and shall not be kept active for long period. The maximum height of the dump shall not exceed 20 m, each stage shall preferably be of a maximum of 10 m and the overall slope of the dump shall not exceed 35°. The OB dump shall be backfilled. The OB dumps shall be scientifically vegetated with suitable native species to prevent erosion and surface runoff.
 28. The slope of the mining bench and ultimate pit limit shall be as per the mining scheme approved by the Indian Bureau of Mines.
 29. Prior permission from the Competent Authority shall be obtained for the extraction of groundwater if any.
 30. A final mine closure plan, along with details of Corpus Fund, shall be submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and U.P. Pollution Control Board 5 years in advance of final mine closure

for approval.

1. The blasting will be done only after getting permission from the Mining Department/competent authority.

Validity of this EC is 30.05.2026 as per the validity of the lease period.

If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate.

Only approved explosives and proper technique should only be used for blasting, to avoid loud sound and cracks in nearby buildings.

During DSR formulation a sub-committee is formed at District level and representative of Forest Department is a member in this sub-committee, so it is expected that they examine the issue of distance of forest area from the mining lease as well as distance of protected area from the mining lease. Hence, A certificate signed by an officer not below the rank of ACF shall be submitted along with the EIA that the project does not lie with-in any protected area, National park, sanctuary and ESZ and no forest land is involved and if forest land is involved the project proponent shall obtain the forest clearance and permission of Central and State Government as per law under the provisions of Van Sanrakshan evam Samvardhan Adhiniyam, 2023 and submit along with EIA.

Mine reclamation plan should be prepared for using the mine void for productive use in consultation with local administration and gram-panchayat.

Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area and around adjacent village/habitation. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.

The mining lease holders shall ensure to comply with mine reclamation plan as submitted.

2. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate legally valid water sources and permission from the competent authority shall be obtained to use it.

9. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or district plantation committee, for planting at least 3,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area and will make provision for maintenance for 5 years.

10. Also, the coordinates of area earmarked for plantation should be clearly spelt out and polygon should be attached and submitted within a month. Plantation of saplings shall be carried out in earmarked area as part of tree plantation campaign "Ek Ped Ma Ke Naam" and the details of the same shall be uploaded in the Meri LiFE Portal (<https://merilife.nic.in>) as per OM no. F.No.IA3-22/3/2024-IA.III (E-241594) dated 24.07.2024.

Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.

The project proponent shall ensure that water bodies do not get polluted due to mining activity.

Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.

Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.

The project proponent shall install rooftop solar plant in one school in the vicinity of project area and construct toilets especially in girls' school as part of CER activity.

Since large number of mining projects are ongoing as well as new mining leases are coming up in the district, CAAQMS shall be installed in consultation with UPPCB.

	<p>17. Project Proponent shall submit the Six-monthly Compliance on the Environment Clearance condition prescribed in the Prior Environment Clearance letter as per MoEF&CC OM F.no- IAS-22/01/2022-IA-III (E-172624) Dated 14-06-2022.</p> <p>18. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.</p> <p>This EC shall be subject to any order from any court/tribunal or any guidelines issued by MOEFCC.</p> <p>In case of violation of any EC conditions, this EC is liable to be cancelled based on report/recommendation of DM/IRO/UPPCB.</p>
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3.1.5.2. Standard

1(a)	Mining of minerals
null	
1.	The Project Proponent shall carryout plantation/ afforestation in backfilled and reclaimed area of mining lease, around water body, along the roadsides, in community areas etc. by planting the native species in consultation with the State Forest Department/ Agriculture Department/ Rural development department/ Tribal Welfare Department/ Gram Panchayat such that only those species be selected which are of use to the local people. The CPCB guidelines in this respect shall also be adhered. The density of the trees should be around 2500 saplings per Hectare. Adequate budgetary provision shall be made for protection and care of trees.
1.	The Project Proponent shall make necessary alternative arrangements for livestock feed by developing grazing land with a view to compensate those areas which are coming within the mine lease. The development of such grazing land shall be done in consultation with the State Government. In this regard, Project Proponent should essentially implement the directions of the Hon'ble Supreme Court with regard to acquisition of grazing land. The sparse trees on such grazing ground, which provide mid-day shelter from the scorching sun, should be scrupulously guarded/ protected against felling and plantation of such trees should be promoted.
Statutory compliance	
1.	The Project Authorities should widely advertise about the grant of this EC letter by printing the same in at least two local newspapers, one of which shall be in vernacular language of the concerned area. The advertisement shall be done within 7 days of the issue of the clearance letter mentioning that the instant project has been accorded EC and copy of the EC letter is available with the State Pollution Control Board/Committee and web site of the Ministry of Environment, Forest and Climate Change (www.parivesh.nic.in). A copy of the advertisement may be forwarded to the concerned MoEFCC Regional Office for compliance and record.
1.	The State Government concerned shall ensure that mining operation shall not be commenced till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of Judgment of Hon'ble Supreme Court dated 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in matter of Common Cause versus Union of India & Ors.
1.	The Project proponent complies with all the statutory requirements and judgment of Hon'ble Supreme Court dated 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in matter of Common Cause versus Union of India & Ors before commencing the mining operations.
1.	The Project Proponent shall inform the MoEF&CC for any change in ownership of the mining lease. In case there is any change in ownership or mining lease is transferred. PP needs to apply for transfer of EC as per provisions of the para 11 of EIA Notification, 2006 as amended from time to time.
1.	State Pollution Control Board/Committee shall be responsible for display of this EC letter at its Regional office, District Industries Centre and Collector's office/ Tehsildar's Office for 30 days.

1.	A copy of EC letter will be marked to concerned Panchayat / local NGO etc. if any, from whom suggestion / representation has been received while processing the proposal.
1.	The Project Proponent shall follow the mitigation measures provided in MoEFCC's Office Memorandum No. Z-11013/57/2014-IA.II (M), dated 29th October, 2014, titled "Impact of mining activities on Habitations-Issues related to the mining Projects wherein Habitations and villages are the part of mine lease areas or Habitations and villages are surrounded by the mine lease area."
Statutory compliance	
1.	The project proponent shall obtain forest clearance under the provisions of Forest (Conservation) Act, 1986, in case of the diversion of forest land for non-forest purpose involved in the project.
1.	This Environmental Clearance (EC) is subject to orders/ judgment of Honble Supreme Court of India, Honble High Court, Honble NGT and any other Court of Law, Common Cause Conditions as may be applicable.
1.	The project proponent shall prepare a Site-Specific Conservation Plan & Wildlife Management Plan and approved by the Chief Wildlife Warden. The recommendations of the approved Site-Specific Conservation Plan / Wildlife Management Plan shall be implemented in consultation with the State Forest Department. The implementation report shall be furnished along with the six-monthly compliance report. (in case of the presence of Schedule-I species in the study area).
1.	The project proponent shall obtain Consent to Establish / Operate under the provisions of Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974 from the concerned State Pollution Control Board/ Committee.
1.	The project proponent shall obtain authorization under the Hazardous and other Waste Management Rules, 2016 as amended from time to time.
1.	The project proponent shall obtain the necessary permission from the Central Ground Water Authority, in case of drawl of ground water / from the competent authority concerned in case of drawl of surface water required for the project.
1.	The project proponent shall obtain clearance from the National Board for Wildlife, if applicable.
Air quality monitoring and preservation	
1.	The project proponent shall install 24x7 continuous emission monitoring system at process stacks to monitor stack emission with respect to standards prescribed in Environment (Protection) Rules 1986 as amended from time to time and connected to SPCB and CPCB online servers and calibrate these system from time to time according to equipment supplier specification through labs recognised under Environment (Protection) Act, 1986 or NABL accredited laboratories. Monitor fugitive emissions in the plant premises.
1.	The project proponent shall monitor fugitive emissions in the plant premises at least once in every quarter through labs recognised under Environment (Protection) Act, 1986. 9) The project proponent shall install system to carryout Continuous Ambient Air Quality monitoring for common/criterion parameters relevant to the main pollutants released (e.g., PM10 and PM2.5 in reference to PM emission, and SO2 and NOx in reference to SO2 and NOx emissions) within and outside the plant area at least at four locations (one within and three outside the plant area at an angle of 120 each). covering upwind and downwind directions.
1.	The project proponent shall install system to carryout Continuous Ambient Air Quality monitoring for common/criterion parameters relevant to the main pollutants released (e.g., PM10 and PM2.5 in reference to PM emission, and SO2 and NOx in reference to SO2 and NOx emissions) within and outside the plant area at least at four locations (one within and three outside the plant area at an angle of 120 each).covering upwind and downwind directions.
1.	Effective safeguard measures for prevention of dust generation and subsequent suppression (like regular water sprinkling, metalled road construction etc.) shall be carried out in areas prone to air pollution wherein high levels

	of PM10 and PM2.5 are evident such as haul road, loading and unloading point and transfer points. The Fugitive dust emissions from all sources shall be regularly controlled by installation of required equipments/ machineries and preventive maintenance. Use of suitable water-soluble chemical dust suppressing agents may be explored for better effectiveness of dust control system. It shall be ensured that air pollution level conform to the standards prescribed by the MoEFCC/ Central Pollution Control Board.
1.	The Project Proponent shall install a minimum of 3 (three) online Ambient Air Quality Monitoring Stations with 1 (one) in upwind and 2 (two) in downwind direction based on long term climatological data about wind direction such that an angle of 120° is made between the monitoring locations to monitor critical parameters, relevant for mining operations, of air pollution viz. PM10, PM2.5, NO2, CO and SO2 etc. as per the methodology mentioned in NAAQS Notification No. B-29016/20/90/PCI/I, dated 18.11.2009 covering the aspects of transportation and use of heavy machinery in the impact zone. The ambient air quality shall also be monitored at prominent places like office building, canteen etc. as per the site condition to ascertain the exposure characteristics at specific places. The above data shall be digitally displayed within 03 months in front of the main Gate of the mine site.
Air quality monitoring and preservation	
1.	The project proponent shall submit monthly summary report of continuous stack emission and air quality monitoring and results of manual stack monitoring and manual monitoring of air quality /fugitive emissions to Regional Office of MoEF&CC, Zonal office of CPCB and Regional Office of SPCB along with six-monthly monitoring report.
1.	Design the ventilation system for adequate air changes as per ACGIH document for all tunnels, motor houses, Oil Cellars.
1.	The project proponent use leak proof trucks/dumpers carrying ore and other raw materials and cover them with tarpaulin.
Air quality monitoring and preservation	
1.	Wind shelter fence and chemical spraying shall be provided on the raw material stock piles.
1.	Appropriate Air Pollution Control (APC) system shall be provided for all the dust generating points including fugitive dust from all vulnerable sources, so as to comply prescribed stack emission and fugitive emission standards.
Water quality monitoring and preservation	
1.	The project proponent shall submit monthly summary report of continuous effluent monitoring and results of manual effluent testing and manual monitoring of ground water quality to Regional Office of MoEF&CC, Zonal office of CPCB and Regional Office of SPCB along with six-monthly monitoring report.
1.	The project proponent shall install 24x7 continuous effluent monitoring system with respect to standards prescribed in Environment (Protection) Rules 1986 as amended from time to time and connected to SPCB and CPCB online servers and calibrate these system from time to time according to equipment supplier specification through labs recognised under Environment (Protection) Act, 1986 or NABL accredited laboratories.
1.	The water balance/water auditing shall be carried out and measure for reducing the consumption of water shall be taken up and reported to the Regional Office of the MoEF&CC and State Pollution Control Board/Committee.
1.	Project Proponent shall regularly monitor and maintain records w.r.t. ground water level and quality in and around the mine lease by establishing a network of existing wells as well as new piezo-meter installations during the mining operation in consultation with Central Ground Water Authority/ State Ground Water Department. The Report on changes in Ground water level and quality shall be submitted on six-monthly basis to the Regional Office of the Ministry, CGWA and State Groundwater Department / State Pollution Control Board.
1.	Industrial waste water (workshop and waste water from the mine) should be properly collected and treated so as to conform to the notified standards prescribed from time to time. The standards shall be prescribed through Consent

	to Operate (CTO) issued by concerned State Pollution Control Board (SPCB). The workshop effluent shall be treated after its initial passage through Oil and grease trap.
Water quality monitoring and preservation	
1.	Adhere to Zero Liquid Discharge
1.	Sewage Treatment Plant shall be provided for treatment of domestic wastewater to meet the prescribed standards.
1.	The project proponent shall provide the slime disposal facility with impervious lining and collection wells for seepage. The water collected from the slime pond shall be treated and recycled.
1.	The project proponent shall monitor regularly ground water quality at least twice a year (pre and post monsoon) at sufficient numbers of piezometers/sampling wells in the plant and adjacent areas through labs recognised under Environment (Protection) Act, 1986 and NABL accredited laboratories.
1.	Project Proponent shall plan, develop and implement rainwater harvesting measures on long term basis to augment ground water resources in the area in consultation with Central Ground Water Board/ State Groundwater Department. A report on amount of water recharged needs to be submitted to Regional Office MoEFCC annually.
1.	Quality of polluted water generated from mining operations which include Chemical Oxygen Demand (COD) in mines run-off; acid mine drainage and metal contamination in runoff shall be monitored along with Total Suspended Solids (TDS), Dissolved Oxygen (DO), pH and Total Suspended Solids (TSS). The monitored data shall be uploaded on the website of the company as well as displayed at the project site in public domain, on a display board, at a suitable location near the main gate of the Company. The circular No. J- 20012/1/2006-IA.II (M) dated 27.05.2009 issued by Ministry of Environment, Forest and Climate Change may also be referred in this regard.
1.	In case, immediate mining scheme envisages intersection of ground water table, then Environmental Clearance shall become operational only after receiving formal clearance from CGWA. In case, mining operation involves intersection of ground water table at a later stage, then PP shall ensure that prior approval from CGWA and MoEFCC is in place before such mining operations. The permission for intersection of ground water table shall essentially be based on detailed hydro-geological study of the area.
1.	The Project Proponent shall undertake regular monitoring of natural water course/ water resources/ springs and perennial nallahs existing/ flowing in and around the mine lease including upstream and downstream. Sufficient number of gullies shall be provided at appropriate places within the lease for management of water. The parameters to be monitored shall include their water quality vis-à-vis suitability for usage as per CPCB criteria and flow rate. It shall be ensured that no obstruction and/ or alteration be made to water bodies during mining operations without justification and prior approval of MoEFCC. The monitoring of water courses/ bodies existing in lease area shall be carried out four times in a year viz. pre- monsoon (April May), monsoon (August), post-monsoon (November) and winter (January) and the record of monitored data may be sent regularly to Ministry of Environment, Forest and Climate Change and its Regional Office, Central Ground Water Authority and Regional Director, Central Ground Water Board, State Pollution Control Board and Central Pollution Control Board. Clearly showing the trend analysis on six-monthly basis.
1.	The project proponent shall make efforts to minimise water consumption in the steel plant complex by segregation of used water, practicing cascade use and by recycling treated water.
1.	The project proponent shall practice rainwater harvesting to maximum possible extent.
1.	Garland drains and collection pits shall be provided for each stock pile to arrest the run-off in the event of heavy rains and to check the water pollution due to surface run off.
Noise monitoring and prevention	
1.	Noise level survey shall be carried as per the prescribed guidelines and report in this regard shall be submitted to Regional Officer of the Ministry as a part of six-monthly compliance report.

1.	The ambient noise levels should conform to the standards prescribed under E(P)A Rules, 1986 viz. 75 dB(A) during day time and 70 dB(A) during night time.
Noise and vibration monitoring and prevention	
1.	The Project Proponent shall take measures for control of noise levels below 85 dBA in the work environment. The workers engaged in operations of HEMM, etc. should be provided with ear plugs /muffs. All personnel including laborers working in dusty areas shall be provided with protective respiratory devices along with adequate training, awareness and information on safety and health aspects. The PP shall be held responsible in case it has been found that workers/ personals/ laborers are working without personal protective equipment.
1.	The illumination and sound at night at project sites disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. PPs must ensure that the biological clock of the villages is not disturbed; by orienting the floodlights/ masks away from the villagers and keeping the noise levels well within the prescribed limits for day /night hours.
Noise and vibration monitoring and prevention	
1.	The peak particle velocity at 500m distance or within the nearest habitation, whichever is closer shall be monitored periodically as per applicable DGMS guidelines.
Mining plan	
1.	The Project Proponent shall adhere to approved mining plan, inter alia, including, total excavation (quantum of mineral, waste, over burden, inter burden and top soil etc.); mining technology; lease area; scope of working (method of mining, overburden & dump management, O.B& dump mining, mineral transportation mode, ultimate depth of mining, concurrent reclamation and reclamation at mine closure; land-use of the mine lease area at various stages of mining scheme as well as at the end-of-life; etc.).
Energy Conservation measures	
1.	Provide solar power generation on roof tops of buildings, for solar light system for all common areas, street lights, parking around project area and maintain the same regularly;
1.	Provide LED lights in their offices and residential areas.
Mining plan	
1.	The land-use of the mine lease area at various stages of mining scheme as well as at the end-of-life shall be governed as per the approved Mining Plan. The excavation vis-à-vis backfilling in the mine lease area and corresponding afforestation to be raised in the reclaimed area shall be governed as per approved mining plan. PP shall ensure the monitoring and management of rehabilitated areas until the vegetation becomes self-sustaining. The compliance status shall be submitted half-yearly to the MoEFCC and its concerned Regional Office.
Waste management	
1.	Kitchen waste shall be composted or converted to biogas for further use.(to be decided on case to case basis depending on type and size of plant)
1.	The waste oil, grease and other hazardous waste shall be disposed of as per the Hazardous & Other waste (Management & Transboundary Movement) Rules, 2016.
Land reclamation	
1.	Catch drains, settling tanks and siltation ponds of appropriate size shall be constructed around the mine working, mineral yards and Top Soil/OB/Waste dumps to prevent run off of water and flow of sediments directly into the

	water bodies (Nallah/ River/ Pond etc.). The collected water should be utilized for watering the mine area, roads, green belt development, plantation etc. The drains/ sedimentation sumps etc. shall be de-silted regularly, particularly after monsoon season, and maintained properly.
1.	Check dams of appropriate size, gradient and length shall be constructed around mine pit and OB dumps to prevent storm run-off and sediment flow into adjoining water bodies. A safety margin of 50% shall be kept for designing of sump structures over and above peak rainfall (based on 50 years data) and maximum discharge in the mine and its adjoining area which shall also help in providing adequate retention time period thereby allowing proper settling of sediments/ silt material. The sedimentation pits/ sumps shall be constructed at the corners of the garland drains.
Land reclamation	
1.	The slope of dumps shall be vegetated in scientific manner with suitable native species to maintain the slope stability, prevent erosion and surface run off. The selection of local species regulates local climatic parameters and help in adaptation of plant species to the microclimate. The gullies formed on slopes should be adequately taken care of as it impacts the overall stability of dumps. The dump mass should be consolidated with the help of dozer/ compactors thereby ensuring proper filling/ leveling of dump mass. In critical areas, use of geo textiles/ geo-membranes / clay liners / Bentonite etc. shall be undertaken for stabilization of the dump.
1.	The Overburden (O.B.), waste and topsoil generated during the mining operations shall be stacked at earmarked OB dump site(s) only and it should not be kept active for a long period of time. The physical parameters of the OB / waste dumps / topsoil dump like height, width and angle of slope shall be governed as per the approved Mining Plan and the guidelines/circulars issued by D.G.M.S. The topsoil shall be used for land reclamation and plantation.
Green Belt and EMP	
1.	Green belt shall be developed in an area equal to 33% of the plant area with a native tree species in accordance with CPCB guidelines. The greenbelt shall inter alia cover the entire periphery of the plant
Transportation	
1.	The Main haulage road within the mine lease should be provided with a permanent water sprinkling arrangement for dust suppression. Other roads within the mine lease should be wetted regularly with tanker-mounted water sprinkling system. The other areas of dust generation like crushing zone, material transfer points, material yards etc. should invariably be provided with dust suppression arrangements. The air pollution control equipments like bag filters, vacuum suction hoods, dry fogging system etc. shall be installed at Crushers, belt-conveyors and other areas prone to air pollution. The belt conveyor should be fully covered to avoid generation of dust while transportation. PP shall take necessary measures to avoid generation of fugitive dust emissions.
Transportation	
1.	No Transportation of the minerals shall be allowed in case of roads passing through villages/ habitations. In such cases, PP shall construct a 'bypass' road for the purpose of transportation of the minerals leaving an adequate gap (say at least 200 meters) so that the adverse impact of sound and dust along with chances of accidents could be mitigated. All costs resulting from widening and strengthening of existing public road network shall be borne by the PP in consultation with nodal State Govt. Department. Transportation of minerals through road movement in case of existing village/ rural roads shall be allowed in consultation with nodal State Govt. Department only after required strengthening such that the carrying capacity of roads is increased to handle the traffic load. The pollution due to transportation load on the environment will be effectively controlled and water sprinkling will also be done regularly. Vehicular emissions shall be kept under control and regularly monitored. Project should obtain Pollution Under Control (PUC) certificate for all the vehicles from authorized pollution testing centers. [If applicable in case of road transport].
Green Belt and EMP	
1.	The project proponent shall prepare GHG emissions inventory for the plant and shall submit the programme for

	reduction of the same including carbon sequestration including plantation.
Public hearing and Human health issues	
1.	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, creche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
Public hearing and Human health issues	
1.	Occupational health surveillance of the workers shall be done on a regular basis and records maintained as per the Factories Act.
1.	The project proponent shall carry out heat stress analysis for the workmen who work in high temperature work zone and provide Personal Protection Equipment (PPE) as per the norms of Factory Act.
1.	Emergency preparedness plan based on the Hazard identification and Risk Assessment (HIRA) and Disaster Management Plan shall be implemented.
Green Belt	
1.	The Project Proponent shall develop greenbelt in 7.5m wide safety zone all along the mine lease boundary as per the guidelines of CPCB in order to arrest pollution emanating from mining operations within the lease. The whole Green belt shall be developed within first 5 years starting from windward side of the active mining area. The development of greenbelt shall be governed as per the EC granted by the Ministry irrespective of the stipulation made in approved mine plan.
Corporate Environment Responsibility	
1.	Self-environmental audit shall be conducted annually. Every three years third party environmental audit shall be carried out.
Public hearing and human health issues	
1.	Project Proponent shall make provision for the housing for workers/labors or shall construct labor camps within/outside (company owned land) with necessary basic infrastructure/ facilities like fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche for kids etc. The housing may be provided in the form of temporary structures which can be removed after the completion of the project related infrastructure. The domestic waste water should be treated with STP in order to avoid contamination of underground water.
Corporate Environment Responsibility	
1.	All the recommendations made in the Charter on Corporate Responsibility for Environment Protection (CREP) for the Mineral Beneficiation plants shall be implemented.
1.	The company shall have a well laid down environmental policy duly approve by the Board of Directors. The environmental policy should prescribe for standard operating procedures to have proper checks and balances and to bring into focus any infringements/deviation/violation of the environmental / forest /wildlife norms/ conditions. The company shall have defined system of reporting infringements / deviation / violation of the environmental / forest I wildlife norms / conditions and / or shareholders / stake holders. The copy of the board resolution in this regard shall be submitted to the MoEF&CC as a part of six-monthly report.
Corporate Environment Responsibility	
1.	The Project Proponent shall submit the time- bound action plan to the concerned regional office of the Ministry within 6 months from the date of issuance of environmental clearance for undertaking the activities committed during public consultation by the project proponent and as discussed by the EAC, in terms of the provisions of the

	MoEF&CC Office Memorandum No.22-65/2017-IA.III dated 30 September, 2020. The action plan shall be implemented within three years of commencement of the project.
1.	A separate Environmental Cell both at the project and company head quarter level, with qualified personnel shall be set up under the control of senior Executive, who will directly to the head of the organization.
1.	Action plan for implementing EMP and environmental conditions along with responsibility matrix of the company shall be prepared and shall be duly approved by competent authority. The year wise funds earmarked for environmental protection measures shall be kept in separate account and not to be diverted for any other purpose. Year wise progress of implementation of action plan shall be reported to the Ministry/Regional Office along with the Six Monthly Compliance Report.
Miscellaneous	
1.	The project authorities must strictly adhere to the stipulations made by the State Pollution Control Board and the State Government.
1.	The project proponent shall submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company.
1.	The Project Authorities should inform to the Regional Office regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
1.	The above 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 Supreme Court of India/High Court and any other Court of Law relating to the subject matter.
1.	Concealing factual data failure to comply with any or submission of false/ fabricated data and of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
1.	The Project Proponent shall submit six monthly compliance reports on the status of the implementation of the stipulated environmental safeguards to the MOEFCC & its concerned Regional Office, Central Pollution Control Board and State Pollution Control Board.
1.	The Ministry or any other competent authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
Miscellaneous	
1.	The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP report, commitment made during Public Hearing and also that during their presentation to the Expert Appraisal Committee.
1.	44) The project proponent shall upload the status of compliance of the stipulated environment clearance conditions, including results of monitored data on their website and update the same on half-yearly basis.
1.	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 16 of the National Green Tribunal Act, 2010.
1.	The project proponent shall submit six-monthly reports on the status of the compliance of the stipulated environmental conditions on the website of the ministry of Environment, Forest and Climate Change at environment clearance portal.

1.	No further expansion or modifications in the plant shall be carried out without prior approval of the Ministry of Environment, Forests and Climate Change (MoEF&CC).
1.	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 16 of the National Green Tribunal Act, 2010.
1.	In pursuant to Ministry's O.M No 22-34/2018-IA.III dated 16.01.2020 to comply with the direction made by Honble Supreme Court on 8.01.2020 in W.P. (Civil) No 114/2014 in the matter Common Cause vs Union of India, the mining lease holder shall after ceasing mining operations, undertake regrassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.
1.	The Project Proponent shall prepare digital map (land use & land cover) of the entire lease area once in five years purpose of monitoring land use pattern and submit a report to concerned Regional Office of the MoEF&CC.
1.	A separate 'Environmental Management Cell' with suitable qualified manpower should be set-up under the control of a Senior Executive. The Senior Executive shall directly report to Head of the Organization. Adequate number of qualified Environmental Scientists and Mining Engineers shall be appointed and submit a report to RO, MoEF&CC.
1.	The concerned Regional Office of the MoEF&CC shall randomly monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the MoEF&CC officer(s) by furnishing the requisite data / information / monitoring reports.
Miscellaneous	
1.	The project proponent shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities, commencing the land development work and start of production operation by the project.
1.	The above 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 Supreme Court of India/High Court and any other Court of Law relating to the subject matter.
1.	The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
1.	The project proponent shall monitor the criteria pollutants level namely; PM10, SO2, NOx (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the projects and display the same at a convenient location for disclosure to the public and put on the website of the company.
1.	The project proponent shall make public the environmental clearance granted for their project along with the environmental conditions and safeguards at their cost by prominently advertising it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days and in addition this shall also be displayed in the project proponents website permanently.
Corporate Environment Responsibility (CER)	
1.	The Project Proponent shall submit the time-bound action plan to the concerned regional office of the Ministry within 6 months from the date of issuance of environmental clearance for undertaking the activities committed during public consultation by the project proponent and as discussed by the EAC, in terms of the provisions of the MoEF&CC Office Memorandum No.22-65/2017-IA.III dated 30 September, 2020. The action plan shall be implemented within three years of commencement of the project.

4. Any Other Item(s)

N/A

5. List of Attendees

Sr. No.	Name	Designation	Email ID	Remarks
1	Mrs Mamta Sanjeev Dube y	Chairman, SEIAA	cha*****@gmail.com	
2	Shri Parasnath	SEIAA Member	mem*****@gmail.com	
3	Mr Ajay Kumar Sharma	Member Secretary, SEIAA	mss*****@gmail.com	

Signature Not Verified

Digitally Signed by: Mr Ajay Kumar
Sharma
Member Secretary, SEIAA

Date: 05/05/2025

BEFORE THE NATIONAL GREEN TRIBUNAL AT PRINCIPAL

BENCH: NEW DELHI

ANNEXURE No. _- 4

OA NO. 1356 /2024

Objection/Reply on Behalf of Respondent No. 6.

IN THE MATTER OF

BABLU

APPLICANT

VERSUS

STATE OF U.P & ORS

RESPONDENTS

कार्यालय जिलाधिकारी, सोनभद्र।

(खनिज अनुभाग)

पत्रांक 6358/खनिज/2022

दिनांक 05/03/2022

श्री अरुण कुमार पुत्र श्री अखिलेश्वर प्रसाद
निवासी ग्राम-खैरटिया, पो0-ओबरा, तहसील-ओबरा,
जनपद--सोनभद्र।

कारण बताओ नोटिस

आपके पक्ष में जनपद सोनभद्र के तहसील-ओबरा स्थित ग्राम-बिल्ली मारकुण्डी के आराजी संख्या-5471, 5472क, 5424, 5425, 5426, 5427क, 5428, 5429 रकबा-4.99 एकड़ क्षेत्र पर गिट्टी/बोल्डर (डोलो स्टोन) का 10 वर्षीय खनन पट्टा दिनांक 31.05.2016 से दिनांक 30.05.2026 तक की अवधि के लिए स्वीकृत है।

उप जिलाधिकारी, ओबरा, सोनभद्र की संयुक्त जाँच आख्या दिनांक 04.02.2022 के अनुसार आप द्वारा अपने स्वीकृत खनन पट्टा क्षेत्र में कुल 1,64,188 घन मी0 गिट्टी/बोल्डर (डोलो स्टोन) का खनन किया है, जिसके सापेक्ष 1,57,332 घन मी0 गिट्टी/बोल्डर (डोलो स्टोन) हेतु ई एम0एम0-11 जनरेट किया है। खनन पट्टा क्षेत्र में अतिरिक्त मात्रा का खनन किये जाने के कारण आप द्वारा पूर्व में 833 घन मी0 अवैध खनन की रायल्टी जमा की है। इस प्रकार आप द्वारा 6,023 घन मी0 गिट्टी/बोल्डर (डोलो स्टोन) का अवैध खनन/परिवहन किया गया है तथा खनन पट्टा क्षेत्र के 02 सीमा स्तम्भ क्षतिग्रस्त पाये गये। खनन पट्टा क्षेत्र में बेंच का निर्माण कार्य कर खनन कार्य नहीं किया जा रहा है तथा गहराई के मानकों का अनुपालन भी नहीं किया जा रहा है।

आप द्वारा उ0प्र0 उप खनिज (परिहार) नियमावली, 2021 के नियम-3, 36, 58, 72 खान एवं खनिज (विकास एवं विनियमन) अधिनियम, 1957 की धारा-4 व 21 का उल्लंघन किया गया है, जो दण्डनीय अपराध है। आपके उक्त कृत्य हेतु आपका खनन कार्य तत्काल प्रभाव से प्रतिबन्धित करते हुए अधिरोपित धनराशि जमा किये जाने तक ई एम0एम0-11 के निर्गमन हेतु ओ0टी0पी0 बन्द किया जाता है।

आप द्वारा किये गये अवैध खनन 6,023 घन मी0 पर रू0 160/- प्रति घन मी0 की दर से रायल्टी रू0 9,63,680/-, खनिमुख मूल्य रू0 48,18,400/-, नियम-58 के अन्तर्गत अर्थदण्ड रू0 25,000/- एवं नियम-60(3) के अधीन अर्थदण्ड रू0 25,000/- अर्थात् कुल रू0 58,32,080/- (रुपये अठ्ठावन लाख बत्तीस हजार अस्सी मात्र) अधिरोपित की जाती है।

अतः आपको निर्देशित किया जाता है कि 07 दिवस के अन्दर उपरोक्तानुसार अधिरोपित धनराशि जमा करते हुए उपरोक्त कृत्य के सम्बन्ध में अपना स्पष्टीकरण प्रस्तुत करें। अन्यथा की स्थिति में आपके खनन पट्टे के विरुद्ध नियमानुसार कार्यवाही रांस्थित करते हुये उक्त धनराशि को भू-राजस्व की भाँति वसूल करने की कार्यवाही की जायेगी।

(टी0के0 शिबु)
जिलाधिकारी,
सोनभद्र।

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 8648 of 2022

Arun Kumar

.....Petitioner

Through :- Mr. Devbrat Mukherjee, Advocate

v/s

State of U.P. and others

.....Respondents

Through :- Mr. Alok Kumar Singh, Standing Counsel for the
respondents

**CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE
HON'BLE PIYUSH AGRAWAL, JUDGE**

ORDER

1. The purported show cause notice dated March 5, 2022, which is in the form of an order, vide which the mining activity of the petitioner has been stopped and he has been directed to deposit certain amount besides filing his explanation to the show cause notice, has been impugned in the present writ petition.

2. Learned counsel for the petitioner submitted that, in fact, the impugned show cause notice dated March 5, 2022 is not a show cause notice rather an order, hence grant of opportunity of hearing is merely an eyewash. It is nothing else but a post-decisional hearing where the final opinion has already been expressed by the District Magistrate, Sonbhadra. In fact, on account of his illegal activities resulting in harassment of licencees of mining, the District Magistrate was placed under suspension. The prayer is for quashing of the aforesaid show cause notice.

3. Learned counsel for the respondents could not dispute the fact that on perusal of the impugned show cause notice dated March 5, 2022, it is evident that even final direction has been issued in the form of payment of certain amount of licence fee or penalty besides stopping the mining

activity of the petitioner. He submitted that as it is mentioned in the impugned show cause notice that the petitioner may file his explanation. In case he files his explanation, the same shall be considered by the District Magistrate, Sonbhadra as a new officer has been appointed.

4. After hearing learned counsel for the parties, in our opinion, the impugned show cause notice is not merely a show cause notice seeking explanation from the petitioner rather it is in the form of an order as, while giving opportunity to the petitioner to show cause, direction has also been issued to stop mining activity and deposit the amount of royalty of minor minerals as also the penalty. The amount has finally been determined which could not be. Since the show cause notice is in the form of an order as it has finally determined the action to be taken, therefore, hearing in such circumstances can be termed to be an eyewash.

5. Considering the aforesaid facts, in our opinion, the direction issued by the District Magistrate, Sonbhadra in the show cause notice dated March 5, 2022 for stopping the mining activity of the petitioner and depositing certain amount, deserves to be set aside.

6. Ordered accordingly.

7. The petitioner may submit his explanation to the show cause notice dated March 5, 2022 on which, after affording opportunity of hearing, the competent authority shall be at liberty to pass order and, if aggrieved, the petitioner shall be at liberty to avail of appropriate remedy in accordance with law.

8. The petition is, accordingly, disposed of.

(Piyush Agrawal, J.) (Rajesh Bindal, C.J.)

Allahabad
20.04.2022
AHA/Kuldeep

Whether the order is speaking : Yes/No

Whether the order is reportable : Yes/No

न्यायालय श्रीमान् आयुक्त महोदय विन्ध्याचल मण्डल मीरजापुर

अपील संख्या

सन् 2024

अरुण कुमार पुत्र श्री अखिलेश्वर प्रसाद निवासी ग्राम-खैरटिया,
पोस्ट-ओबरा, तहसील-ओबरा (राबर्ट्सगंज), जनपद-सोनभद्र।

.....अपीलकर्ता

बनाम

1. उ०प्र० सरकार लखनऊ।
2. जिलाधिकारी (सोनभद्र) खनिज अनुभाग।
3. खान अधिकारी सोनभद्र।

.....विपक्षीगण

उक्त माइन्स अपील उ०प्र० उपखनिज (परिहार) नियमावली 2021 के नियम 79 उ०प्र० उपखनिज (परिहार) नियमावली 1963 के नियम 77 विरुद्ध प्रेषित कथित नोटिस 12-02-21 जिलाधिकारी सोनभद्र (खनिज अनुभाग) पत्रांक 542/खनिज /2021 के विरुद्ध निम्नलिखित आधारों पर प्रेषित की जा रही है।

अपील का मूल्य 8,24,680/-रु० (आठ लाख चौबीस हजार छह सौ अस्सी रु०) अर्थदण्ड सहित।

कोर्ट फीस का भुगतान 2500/-रु०

चालान संख्या AKV 240003188

दिनांक 07-02-2024

अपीलकर्ता निम्नलिखित आधारों पर निवेदन करता है कि :-

- दफा 1. यहकि कथित नोटिस द्वारा प्रतिपक्षी नम्बर-2 दिनांकित 12-02-2021 विधि विरुद्ध तथा पत्रावली पर उपलब्ध तथ्यों से सर्वथा विपरीत होने के कारण खारिज किए जाने योग्य है।
- दफा 2. यहकि हम अपीलाण्ट वैध रूप से ग्राम-बिल्ली मारकुण्डी, परगना -अगोरी, तहसील-राबर्टसगंज, जनपद-सोनभद्र में स्थित आराजी संख्या 5471, 5472क, 5424, 5425, 5426, 5427क, 5428, 5429 रकबा 4.99एकड़ क्षेत्र के गिट्टी/बोल्डर (डोलोस्टोन) का 10 वर्षीय खनन पट्टा जो दिनांक 31-05-2016 से 30-05-2026 तक खनन हेतु खनन पट्टा स्वीकृत है। हम अपीलाण्ट द्वारा वैध रूप से खनन/परिवहन का कार्य पट्टा की शर्तों का अनुपालन करते हुए किया है व किया जा रहा है। इस आधार पर भी कथित नोटिस दिनांक 12-02-2021 निरस्त किए जाने योग्य है।
- दफा 3. यहकि हम अपीलाण्ट वैध रूप से खनन/परिवहन का कार्य पट्टा की शर्तों के अनुरूप तथा उसका अनुपालन करते हुए किया जा रहा है। हम अपीलाण्ट द्वारा कत्तई स्वीकृत पट्टों क्षेत्र के अलावा स्वीकृत खनन एरिया के बाहर जाकर कोई खनन/परिवहन का कार्य नहीं किया जो भी आरोप प्रतिपक्षी संख्या 2 द्वारा बजरिए कथित नोटिस लगाए गए हैं तथा अपीलार्थी पर जो अर्थदण्ड आरोपित किया गया है मात्र हम अपीलार्थी को परेशान व हैरान करने के उद्देश्य से किया गया है। इस आधार पर भी कथित नोटिस निरस्त किए जाने योग्य है।

दफा 4. यहकि हम अपीलान्ट के नामौजूदगी में दिनांक 21-01-2021 व दिनांक 25-01-2021 के मध्य राजस्व विभाग एवं खनिज विभाग के अधिकारियों/कर्मचारियों द्वारा संयुक्त जॉच टीम बनाई गई। संयुक्त टीम की जॉच आख्या दिनांक 30-01-2021 जो भी आरोप आरोपित किए गए हैं वे बिलकुल गलत हैं। हम अपीलान्ट द्वारा जो भी खनन दिनांक 19-04-2021 से दिनांक 25-01-2021 के बीच में किया गया है, स्वीकृत खनन पट्टा के ही क्षेत्र में किया गया है, उसके बाहर नहीं किया गया है, चूंकि हम अपीलान्ट द्वारा स्वीकृत खनन एरिया के अलावा बाहर जाकर अवैध खनन/परिवहन नहीं किया गया है जिससे रायल्टी देने का प्रश्न ही नहीं उठता, तथा स्वीकृत खनन एरिया में सीमा स्तंभों का अनुरक्षण हम अपीलान्ट द्वारा खनन पट्टा की शर्तों के अनुरूप किया गया है। इस आधार पर भी कथित नोटिस खारिज होने योग्य है।

दफा 5. यहकि संयुक्त टीम की जॉच आख्या दिनांक 30-01-2021 के अनुसार हम अपीलान्ट के ऊपर दिनांक 19-09-2019 से दिनांक 25-01-2021 के मध्य 102307 घ0मी0 हेतु एम0एम0 11 जारी किए गए हैं जबकि खनन स्थल पर मौजूद गड्ढों की पैमाइश के अनुसार 103140 घ0मी0 पत्थर का खनन किया हुआ पाया गया। अपने आप में भ्रमात्मक आख्या प्रस्तुत की गई है। जॉच तो 21-01-2021 से 25-01-2021 के मध्य किया गया है। कब किया गया इसका उल्लेख नहीं है तथा भ्रमात्मक आख्या पर विश्वास कर जो कथित नोटिस प्रतिपक्षी संख्या-2 द्वारा जारी की गई है वह निराधार होने के कारण खारिज होने योग्य है।

- दफा 6. यहकि संयुक्त टीम द्वारा जो आख्या प्रस्तुत किया गया उसमें यह कहीं भी अंकित नहीं किया गया है, जिससे यह सिद्ध हो सके कि बिना रायल्टी भुगतान किए 833 घन मीटर पत्थर का खनन किया। बिना साक्ष्य के यह नहीं सिद्ध हो पाता है कि संयुक्त जॉच टीम द्वारा जो आख्या प्रस्तुत की गई है वह मौका न देखकर एक जगह बैठ कर हम अपीलान्ट को परेशान व जेर-बार करने के नीयत से मनगढन्त तथ्यों पर आधारित झूठी आख्या के आधार पर कथित नोटिस प्रतिपक्षी संख्या-2 द्वारा निर्गत की गई है वह काबिले खारिजा के है।
- दफा 7. यहकि कथित नोटिस नैसर्गिक न्याय के विपरीत है। इस आधार पर भी कथित नोटिस दिनांक 12-02-2021 खारिज होने योग्य है।
- दफा 8. यहकि माननीय उच्च न्यायालय इलाहाबाद द्वारा पारित निर्णय दिनांक 16-12-2016 से यह स्पष्ट है कि लगाए गए आरोप प्रमाणित करने हेतु विश्वसनीय साक्ष्य आरोपित उद्धृत करना न्यायहित में अति आवश्यक है, परन्तु हम अपीलान्ट/पट्टेदार को किसी भी प्रकार के साक्ष्य प्रतिवादी संख्या-2 व 3 द्वारा उपलब्ध नहीं कराए गए जिससे यह स्पष्ट हो कि हम अपीलान्ट द्वारा अवैधानिक खनन व परिवहन किया गया है। इस आधार पर भी नोटिस विधि सम्मत न होने के कारण खण्डित किए जाने योग्य है।
- दफा 9. यहकि निगरानी संख्या 128(RSM)/SM/2021 BOARO Entertprises Limited बनाम निदेशक, भूतत्व एवं खनिकर उ०प्र० लखनऊ ने जिलाधिकारी बांदा समान प्रकार के दिनांक 24-02-2021 द्वारा शासन द्वारा निम्नानुसार अवधारित किया गया है -

“ निगरानीकर्ता के विद्वान अधिवक्ता को दिनांक 04-02-2022 को विस्तारपूर्वक सुना गया तथा पत्रावली पर उपलब्ध जिलाधिकारी बांदा द्वारा प्रस्तुत प्रस्तरवार आख्या एवं सुसंगत अभिलेखों का अवलोकन किया गया निगरानीकर्ता के पक्ष में स्वीकृत खण्ड संख्या-5 में मौरंग की मात्रा 1 वर्ष हेतु 3,00,000 घन मीटर स्वीकृत है। निदेशालय की जॉच टीम द्वारा निगरानीकर्ता के स्वीकृत खण्ड संख्या-5 के उत्तर पूर्व दिशा में स्वीकृत क्षेत्र से बांहर 4,453 हेक्टेअर तथा खण्ड संख्या-6 के उत्तर पश्चिम दिशा में स्वीकृत क्षेत्र से बाहर 1,11,325 घन मीटर बालू का अवैध खनन/परिहन किया गया है परन्तु जॉच टीम द्वारा ऐसा कोई ठोस साक्ष्य प्रस्तुत नहीं किया गया है जिससे यह प्रमाणित हो कि उक्त अवैध खनन निगरानीकर्ता द्वारा ही स्वीकृत क्षेत्र के बाहर से किया गया है। निगरानीकर्ता के खनन पट्टा क्षेत्र में खनन हेतु मौरम की काफी मात्रा अवशेष बची हुई है। इस प्रकार स्वीकृत क्षेत्र के बाहर निगरानीकर्ता द्वारा अवैध खनन किए जाने की पुष्टि न होने कारण संदेह का लाभ दिया जा सकता है। इस प्रकार आरोपित रायल्टी एवं खनन मूल्य वसूली न्यायंगत प्रतीत नहीं होती है। अतः जिलाधिकारी बांदा द्वारा पारित आदेश दिनांक 26-4-2021 निरस्त करते हुए निर्देशित किया जाता है कि जिलाधिकारी फतेहपुर द्वारा इंगित ओवरलोडिंग देय शास्ति एवं अन्य-अन्य देयताओं को जमा कराते हुए खनन पट्टा का अवशेष अवधि तक पुनः संचालन की अनुमति प्रदान की जावे। खनन पट्टा संचालन के दौरान खनन पट्टा द्वारा कोई अनियमितता/खनन पट्टा की शर्तों का उल्लंघन करता है तो जिलाधिकारी नियमानुसार कार्यवाही करने के लिए उत्तरदायी है।

दफा 10. यहकि कथित नोटिस दिनांक 12-02-2021 में दण्डात्मक धनराशि आरोपित किया जाना विधिसंगत नहीं है। यदि कथित नोटिस में दण्डात्मक धनराशि आरोपित की जाती है तब वह कथित नोटिस न होकर आदेश की परिभाषा से आच्छादित हो जाएगी एवं ऐसी दशा में पट्टेदार/अपीलाण्ट द्वारा स्पष्टीकरण प्रस्तुत करने का कोई औचित्य नहीं रह जाता। कथित नोटिस में हम अपीलाण्ट को स्पष्टीकरण भी प्रस्तुत करने के लिए नहीं कहा गया है बल्कि कथित नोटिस में निर्देशित किया गया है कि उपरोक्तानुसार अधिरोपित कुल धनराशि रू0 8,24,680/- को नोटिस प्राप्ति के 15 दिन के भीतर खनिज लेखा शीर्षक में जमा कर जमा चालान की मूल प्रति खनन कार्यालय में उपलब्ध करा दें अन्यथा की स्थिति में अपीलाण्ट के खनन पट्टे के विरुद्ध नियमानुसार कार्यवाही संस्थित करते हुए उक्त धनराशि को भू0 राजस्व की भौति वसूल करने की कार्यवाही की जाएगी। इस आधार पर कथित नोटिक दिनांक 12-02-2021 नोटिस न होकर आदेश है तथा सभी विधियों में एक पक्षीय आदेश निरस्त होने योग्य होता है तथा एकपक्षीय आदेश सर्वथा नैसर्गिक न्याया के विपरीत होता है।

दफा 11. यहकि हम अपीलाण्ट के विरुद्ध बार-बार अवैध खनन व परिवहन के विषय में कारण बताओ नोटिस/नोटिस दिया जाना व भारी धनराशि मय अर्थदण्ड अधिरोपित किया जाना उत्पीड़न की कार्यवाही को स्पष्ट रूप से दर्शाता है। इस आधार पर भी न्यायहित में कार्यालय जिलाधिकारी सोनभद्र (खनिज अनुभाग) द्वारा जारी कथित नोटिस दिनांकित 12-02-2021 खारिज होने योग्य है।

दफा 12. यहकि सयुक्त जॉच आख्या दिनांक 30-01-2021 के अनुक्रम में निदेशक भूतत्व एवं अनुक्रम उ0प्र0 लंखनऊ के पत्र संख्या-2144/एम0-प्रवर्तन सोनभद्र/2020 दिनांक 08 फरवरी 2021 के द्वारा ऊपर लिखित अतिरिक्त मात्रा के खनन के संबंध में रायल्टी , खनिमुख मूल्य के साथ-साथ नियमावली 1963 के नियम 35 का उल्लंघन किए जाने के मामले में नियम 59 के अधीन कार्यवाही किए जाने के निर्देश दिए गए हैं जबकि माननीय उ0प्र0 उपखनिज (परिहार) नियमावली 1963 में 2021 में संशोधन किया गया है और उस संशोधन के अनुसार नियमावली 1963 के अन्तर्गत कोई भी कार्यवाही हम अपीलाण्ट के ऊपर अधिरोपित नहीं की जा सकती है अगर अधिरोपित भी की गई है तो हम अपीलाण्ट द्वारा नियमावली 1963 के नियम 35 व 59 के तहत किसी भी प्रकार का उल्लंघन नहीं किया है तथा पट्टा क्षेत्र के अन्दर ही खनन व परिवहन का कार्य किया गया है।

दफा 13. यहकि हम अपीलाण्ट के पक्ष में निर्गत पट्टा क्षेत्र के अलावा पट्टा क्षेत्र के बाहर किसी भी प्रकार का खनन या परिवहन का कार्य नहीं किया गया है न तो रायल्टी देने का अधिकारी है तथा अवैध खनन न होने के कारण उ0प्र0 उपखनिज (परिहार) नियमावली 1963 के नियम 59(3) के अधीन अर्थदण्ड ही आरोपित की जा सकती है। इस आधार पर भी कथित नोटिस निरस्त किए जाने योग्य है।

दफा 14. यहकि खान और खनिज (विकास और विनियमन) अधिनियम अपराधों के संज्ञान के विषय में धारा-22 में निम्न प्राविधान बनाए गए हैं :-

धारा-22 - कोई न्यायालय इस अधिनियम या तदधीन बनाए गए किन्हीं नियमों के अधीन दण्डनीय किसी अपराध का संज्ञान केन्द्रीय सरकार या राज्य सरकार द्वारा इस निमित्त प्राधिकृत व्यक्ति द्वारा किए गए लिखित परिवाद पर ही करेगा अन्यथा नहीं।

धारा-23 - खान तथा खनिज (विनियमन एवं विकास) अधिनियम 1957 में निम्न प्राविधान हैं -

धारा-23(क)(1) - इस अधिनियम अथवा तदधीन बनाए गए किन्हीं नियमों के अधीन दण्डनीय किसी अपराध का अभियोजन के संस्थित किए जाने के पूर्व या पश्चात उस व्यक्ति द्वारा प्रशमन जो उस अपराध के बारे में धारा-22 के अधीन न्यायालय से परिवाद करने के लिए प्राधिकृत है सरकार के खाते में जमा किए जाने के लिए उस व्यक्ति को उतनी राशि के संदाय पर किया जा सकेगा जितनी वह व्यक्ति विनिर्दिष्ट करे।

दफा 15. यहकि विधिक प्रक्रिया के तहत जो प्रावधान बनाए गए हैं उसके परिप्रेक्ष्य में प्रतिपक्षी संख्या-2 या अन्य प्राधिकृत किसी अधिकारी किसी लिखित परिवाद पर या अन्य सरकार द्वारा प्राधिकृत क्षेत्राधिकार प्रदान किए गए मजिस्ट्रेट के द्वारा भी संज्ञान लिया जा सकेगा। उ0प्र0 उपखनिज (परिहार) नियमावली 2021 के नियम 59 तथा खान और खनिज विकास एवं विनियमन अधिनियम 1957 की धारा-21 के तहत दण्डात्मक कार्यवाही प्रतिपक्षी संख्या-2 नहीं कर सकता बिना क्षेत्राधिकार के बिना आदेश पारित किया जाना तथा अर्थदण्ड आरोपित किया जाना विधिसंगत नहीं है। इस आधार पर भी प्रश्नगत कथित नोटिस निरस्त किए जाने योग्य है।

दफा 16. यहकि कथित नोटिस प्राप्त हो जाने के बाद हम अपीलाण्ट द्वारा माननीय उच्च न्यायालय इलाहाबाद जाकर अपने अधिवक्ता से मिला तथा सारी समस्या से अवगत कराते हुए प्रतिपक्षी संख्या-2 द्वारा पारित कथित नोटिस दिनांकित 12-02-2021 की प्रति दिया और अधिवक्ता महोदय द्वारा हम अपीलाण्ट से हस्ताक्षर वगैरह करा लिया गया तथा याचिका दाखिल करने हेतु फीस तथा उचित खर्च भी अपीलाण्ट द्वारा मुहैया करा दिया गया। हम अपीलाण्ट फोन पर कई बार वकील साहब से सम्पर्क किया तब वह सांत्वना देते रहे लेकिन समय ज्यादा बीत जाने पर हम अपीलाण्ट स्वयं वकील साहब के पास गया और पूछा, तब उन्होंने हम अपीलकर्ता की कथित नोटिस मय कागजात दिनांक 06-02-2024 को वापस कर कहा कि उक्त नोटिस के विषय में न्यायालय आयुक्त विन्ध्याचल मण्डल में अपील दाखिल करने की सलाह दी। श्रीमान् जी अपील प्रस्तुत करने में अगर किसी प्रकार की देरी पाई जावे तो उसे धारा-5 मियाद अधिनियम का लाभ दिया जाकर हुई देरी माफकर अपील अन्दर मियाद मानकर सुनवाई किया जाना आवश्यक व न्यायसंगत है।

अतः श्रीमान् जी से निवेदन है कि हम अपीलाण्ट द्वारा अपील प्रस्तुत करने में अगर किसी प्रकार की देरी पाई जावे तो उसे धारा-5 भारतीय मियाद अधिनियम का लाभ दिया जाकर हुई देरी माफकर अपील अन्दर मियाद मानकर अपील स्वीकार किया जाकर कार्यालय जिलाधिकारी खनिज अनुभाग पत्रांक 542/खनिज/2021 पत्रावली तलब कर कथित नोटिस

दिनांक 12-02-2021 निरस्त किया जाकर जिलाधिकारी (प्रतिपक्षी संख्या-2) द्वारा इंगित अवैध खनन रायल्टी एवं अन्य-अन्य देयताएँ मु0 8,24,680 रू0 जो चालान संख्या D700445 द्वारा दिनांक 07-04-2021 को जमा कराया गया है उसे प्रतिपक्षी संख्या-2 से वापस दिलाए जाने की कृपा की जाए और अपील का निस्तारण गुण-दोष के आधार पर करने की कृपा करें जिससे अपीलकर्ता की अपूर्णनीय क्षति नहीं हो सके।

दिनांक :-

अपीलकर्ता/अधिवक्ता