

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
SITTING AT NEW DELHI
ORIGINAL APPLICATION NO. 266 OF 2025**

IN THE MATTER OF:

DR. AMIT KUMAR

.....APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

.....RESPONDENT(S)

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THROUGH



SANJAY JAIN, AMBER JAIN

ADVOCATES FOR RESPONDENT NO. 8

D-611, ADDITIONAL BUILDING,

SUPREME COURT OF INDIA, NEW DELHI

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PLACE: NEW DELHI

DATE: 26.11.2025

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.....RESPONDENT(S)

**REPLY TO THE REJOINDER DATED 31.08.2025 FILED BY THE
APPLICANT TO THE REPLY DULY FILED BY THE RESPONDENT
NO.8 IN THE CAPTIONED MATTER**

MOST RESPECTFULLY SHOWETH: -

1. That the instant Reply (“**Reply**”) is being filed to the Rejoinder dated 31.08.2025 filed by the Applicant to the Reply duly filed by the Respondent No.8 in the captioned matter.
2. At the outset, it is submitted that all averments furnished by the Applicant in the Rejoinder and the contemporaneous allegations levelled/contained therein are vehemently denied by the Respondent No.8 in toto as being nugatory, misconstrued, fallacious and erroneous. That none of the averments and the allegations contained therein should be deemed to have

been admitted herein by the Respondent No.8 merely for a want of specific denial/traverse.

3. That the contents of the Reply filed by the Respondent No.8 in the captioned matter are being reaffirmed/reiterated in the present Reply to the Rejoinder dated 31.08.2025 filed by the Applicant and are not being reproduced/reiterated herein to avoid pleonasm and for the sake of brevity of the present Reply. That the same may be deemed to have been incorporated herein as an inalienable part of this instant Reply.
4. That the contents of the Rejoinder filed by the Applicant to the Reply duly filed by the Respondent No.8 in the captioned matter are fallacious, delusive, unsubstantiated and vexatious and are mere surmises and conjectures seem to have been borne out of the whims and fancies of the Applicant. That the same are hence fervently denied by the Applicant in toto unless otherwise specifically and expressly admitted by the Respondent No.8 herein save and except what are matters of record and formal submissions of law. That the Respondent No.8 is specifically addressing each of the submissions and the allegations contained therein levelled by the Applicant vide filing of its Rejoinder dated 31.08.2025 by preferring counter submissions in a para-wise response.

Para - Wise Reply:

1. The averments averred in Para 1 of the Rejoinder filed by the Applicant are a matter of record, however the concomitant allegations levelled therein are baseless and misconceived and are vehemently denied in toto by the Respondent No.8. That it is the undeterred stand of the Respondent No.8 LLP as explicitly averred in its Reply filed before this Hon'ble Tribunal

in the captioned matter that the assimilation of the Respondent No.8 LLP is being undertaken by its management and the stakeholders in strict compliance and absolute adherence with the mandatory compliances and conditions elucidated in the Standard Operating Procedure for Recycling of Waste Tyre Scrap for the recovery of Tyre Pyrolysis Oil, Pyro Gas and Char in Tyre Pyrolysis Oil (TPO) Units dated 16.01.2024 (herein after referred to as the ‘**SOP**’) issued by the Central Pollution Control Board under the auspices of the Ministry of Environment, Forest and Climate Change, Government of India, only subsequent to the obtainment of all necessary permissions and approvals from the relevant Government Authorities and the Uttar Pradesh Pollution Control Board (herein after referred to as ‘**UPPCB**’) duly issuing the Consent To Establish dated 21.10.2024 in favour of the Respondent No.8 LLP for the establishment of a Continuous Type TPO Unit at the concerned land parcel(s). That the unfounded, unsubstantiated and baseless allegation(s) of the Respondent No.8 establishing its Plant facility in contravention to the provisions entailed in the SOP and the same being undertaken by its stakeholders by encroaching upon public resources namely the Irrigation Department Drain and a Government road are mere surmises and conjectures seem to have been borne out of the whims and fancies of the Applicant and have been dealt with at length by the Respondent No.8 in the following Paras of this instant Reply as the Applicant has specifically raised the same issues in the Paras entailing the Objections/Submissions in its Rejoinder filed before this Hon’ble Tribunal in the captioned matter .

2. The averments averred in Para 2 of the Rejoinder filed by the Applicant are a matter of record and hence warrant no Reply.

3. The averments averred in Para 3 of the Rejoinder filed by the Applicant are formal submissions of law and hence warrant no Reply. However, the contemporaneous allegations levelled therein are vehemently denied by the Respondent No.8 in toto. It is the unequivocal stand of the Respondent No.8 that the Reply Affidavit of the Respondent No.8 duly filed in the captioned matter contains no factual inaccuracies, neither does it furnish incorrect distance measurements of the concerned areas, social infrastructure and environmental assets when measured from the Plant facility of the Respondent No.8 LLP nor has the Respondent No.8 encroached upon any public resources specifically the Irrigation Department Drain and a public road. It is the unequivocal stand of the Respondent No.8 that no unauthorized felling of trees whether specifically protected under a legislation or otherwise rooted at the land parcels where the Respondent No.8 is undertaking the establishment of its LLP facility has been undertaken by the Respondent No.8 or its management and the Respondent No.8 LLP has no knowledge of the same. The total number of trees rooted at the concerned land parcels post the Respondent No.8 LLP taking vacant possession of the concerned land parcels after the execution of the Sale Deeds for the transfer of the title pertaining to the same and prior and subsequent to the Respondent No.8 commencing the establishment of its LLP facility remains to be the same/unaltered. The Applicant in his Application and the Rejoinder filed before this Hon'ble Tribunal in the captioned matter has not found it necessary to prefer even a shred of evidence to substantiate his flimsy claims and in the absence of the same the baseless allegations levelled therein hold no water.
4. The averments averred in Para 4 of the Rejoinder filed by the Applicant are formal submissions of law and hence warrant no Reply. However, it would

not be out of place to assure this Hon'ble Tribunal that the Respondent No.8 has complied with all environmental norms and regulations mandated to be complied with to undertake the effective establishment of its LLP facility and undertake its concurrent operations at the concerned land parcels in letter and in spirit while effectuating the assimilation of its LLP facility and has ensured that the same is culminated by complying with all norms and regulations essential for safeguarding public resources in a manner that ensures the effective balancing of industrial and ecological interests.

5. The averments averred in Para 5 of the Rejoinder filed by the Applicant are baseless and misconceived and are vehemently denied in toto by the Respondent No.8. On bare perusal and conjoint reading of the closure report of the Tehsil Department Complaint annexed by the Applicant in his Rejoinder and filed by the Complainant therein and the 'Upasthithi Patra' duly annexed by the Applicant in his Rejoinder, it is perspicuous that the portion of the Irrigation Department drain passing through Khasra No.458 i.e. the land parcel where the Respondent No.8 is undertaking the establishment of its LLP facility and the dispute(s) pertaining to the same was attended to and resolved by the competent Authorities on 17.12.2024 itself. The same also expressly states that the Respondent No.8 LLP has kept the structure of the Irrigation Department drain outside of the LLP Plant facility structure. It is noteworthy to mention here that the Irrigation Department drain passes through the LLP premises and not the Plant facility or Factory Structure of the Respondent No.8 LLP. That the Respondent No.8 in its Reply preferred before this Hon'ble Tribunal did acknowledge the presence of a portion of an Irrigation Department drain structure in the vicinity of the concerned land parcels where the Respondent No.8 is burgeoning its LLP facility. However, the Respondent

No.8 had also expressly averred that the establishment activities being undertaken by the Respondent No.8 in furtherance to culminate the establishment of its Plant facility has caused no adverse impact(s) on the Irrigation Department drain structure and that the future activities that the Respondent No.8 shall undertake to realise the culmination of the establishment of its Plant facility and the conduct of its concurrent operation(s) shall in no manner disturb, alter, degrade or adversely impact the structure or the functionality of the Irrigation Department drain. At this juncture, it is noteworthy to mention that on bare perusal of the guidelines published by the Central Pollution Control Board Control namely The Control of Air Pollution (Grant, Refusal or Cancellation of Consent) Guidelines, 2025 (herein after referred to as the '**Guidelines**') , Chapter 3 duly envisaging the criteria to be fulfilled by an Entity for undertaking the establishment of an Industrial Plant, and upon further scrutiny of Para 9 Point 3 Sub Point d which expressly provides that the '*natural or storm drain passing through the location of the Industrial plant shall not be disturbed*' it can be satisfactorily inferred that there is no bar whether express or implied in undertaking the establishment of an Industrial Plant in an area which has an irrigation drain structure in its vicinity provided the same is not 'disturbed'. As, far as the as the mention of the Chak Marg by the Applicant in Khasra No. 456 is concerned the Respondent No.8 LLP does not have the title for the mentioned land parcel and the same is not a part of the LLP premises of the Respondent No.8 LLP. Also, on bare perusal of the Najri Naksha that the Applicant has annexed in his Rejoinder in furtherance to substantiate his claim that a Chak Marg passing through the premises of the Respondent No.8 LLP facility has been encroached upon by installation of metal gates by the Respondent No. LLP it can be satisfactorily confirmed that the same is erroneous. It is the unequivocal stand of the Respondent No.8 LLP that the establishment of it Plant facility

has not led to any kind of encroachment upon any Chak Marg or a Public Road as fatuously alleged by the Applicant. It is also pertinent to mention that the issue pertaining to the encroachment of the Chak Marg had not been raised by the Applicant in his Original Application preferred before this Hon'ble Tribunal as it is evident that the concerns pertaining to the Irrigation Department drain and the Chak Marg raised by the Complainant therein had effectively been addressed and resolved by the relevant authorities, and the same had been duly acknowledged by the stakeholders involved and that the 'Upasthithi Patra' annexed by the Applicant in his Rejoinder does not entail a view contrary to the same. That the Applicant in dearth of cogent grounds to effectively present his shoddy Application while Forum shopping is trying to mislead this Hon'ble Tribunal by mispresenting crucial facts and raising grievances preferred in Complaints already settled by the competent Authorities presenting them to be unresolved and subsisting ones. That it is the undeterred stand of the Respondent No.8 that the status quo with respect to the Irrigation Department drain structure has been and shall be maintained by the Respondent No.8 as per the directions of the Relevant Authorities and that the establishment of the Respondent No.8 LLP facility has not led to any encroachment or created any unwarranted obstruction(s) of any sought with respect to the Irrigation department Drain Structure or the Chak Marg .The Applicant in dearth of relevant grounds to prefer his Application before this Hon'ble Tribunal is re-raising issues that already stand settled and resolved and the same is a sheer wastage of the precious judicial time of this Hon'ble Tribunal and an obnoxious component of a well-designed vendetta put in place to create unwarranted impediments in the path of the Respondent No. 8 to undertake and successfully culminate the establishment of its LLP facility. A True Copy of the Guidelines issued by the CPCB is annexed herewith as **ANNEXURE – I**.

6. The averments averred in Para 6 of the Rejoinder filed by the Applicant are baseless and misconceived and are vehemently denied in toto by the Respondent No.8. That it is the undeterred stand of the Respondent No.8 LLP that the requirement of fulfilment of the siting criteria envisaged under Point 2.1 in the SOP is applicable exclusively on new /proposed ABAP Type TPO Units i.e. Advanced Batch Automated Process Units only and as averred in its Reply filed by the Respondent No.8 before this Hon'ble Tribunal it is being reiterated that the Respondent No.8 is undertaking the establishment of a Continuous Type TPO Unit and not an ABAP Type TPO Unit, hence, the above-mentioned siting criteria is not applicable on the LLP facility of the Respondent No.8 LLP. The only applicable criteria for site consideration to be fulfilled by the Respondent No.8 LLP is what is applicable specifically on Continuous Type TPO Units i.e. that the minimum plot area of the Respondent No.8 LLP facility should be equal to or more than 7000 square meters as envisaged under **point vi)** mentioned under the heading of 'Following are the criteria for site consideration for new **UNITS**'. At this juncture it is imperative to mention that the Respondent No.8 is undertaking the establishment of its LLP facility over a plot area sprawling over 90590 Square metres and the Pyrolysis Plant is being established over an area of 16164 Sq. meters. Assuming without admitting that the LLP facility of the Respondent No.8 LLP is to be established in an industrial area(s)/land as specifically mentioned for the ABAP Type TPO Units only in the SOP, the Respondent No.8 had duly before and prior to undertaking the commencement of the establishment of its Plant facility preferred an Application dated 23.08.2024 in furtherance to seek the alteration of the nature of the permitted usage of its land parcels to legally utilize the concerned land parcels for industrial purposes and the same was done before the Sub Divisional Magistrate in accordance with the provisions envisaged under Section 80 of the Uttar Pradesh Land

Revenue Code, 2006. That on bare perusal of the contents of the Application duly preferred by the Applicant before the Sub divisional magistrate it is perspicuously evident that the Application preferred by the Applicant therein/ Respondent No.8 herein clearly states the same is being preferred in furtherance to seek permission and to enable the Respondent No.8 to utilize the concerned land parcels for 'Udyogic' i.e. for *industrial purposes*. That the Applicant in his Application and Rejoinder filed before this Hon'ble Tribunal is misleading this Hon'ble Tribunal by wrongly averring and making use of terms like 'designated', and 'industrial zone' when the same find no mention in the SOP itself. On bare perusal of the contents of the SOP recorded under point 2.1 it is perspicuous that the same states that new/proposed ABAP type units shall be permitted only in industrial areas/**land**. However, the Applicant in his Reply and Rejoinder has very conveniently omitted that the ABAP Type Units can be permitted to be established on **Industrial Land(s)** also and has maliciously represented before this Hon'ble Tribunal that the same can be established in an **industrial area/zone or designated industrial area/zone** when the SOP itself does not even find mention of the words 'designated' or 'zone'. As far as the averment of the Applicant to the extent that the classification of an area as an industrial zone can be 'created' only under the Uttar Pradesh Industrial Development Act, 1976 is concerned, the same is erroneous in toto. The classification of an area as Industrial Development Area is undertaken and culminated by the appropriate State Government pursuant to which, the State Government may constitute an Authority to be called (name of area) industrial development Authority for such industrial development area and the Uttar Pradesh Industrial Area Development Act, 1976 provides for the constitution of such an Authority for the development of certain areas in the state into industrial urban township and for matters connected therewith, pertaining to areas notified

to be an Industrial Development Area by the State Government. However, if a parcel of land or area does not fall within the purview of that Industrial Development Area as declared by the State Government and the title holder of the same intends to utilize it for industrial purposes the same is duly permitted subject to the fulfilment of the conditions entailed in the relevant provisions of the Uttar Pradesh Revenue Code, 2006. That on bare perusal of Sections 80 and specifically Section 80(2) of the Code, it becomes further perspicuous that the Code mandates that any person intending to utilize an agricultural parcel of land for industrial purposes in the near future shall apply for the same vide preference of an Application under the said provision and the competent Authority may thereby either permit the land to be used for the intended non-agricultural purpose or reject the Application seeking the same and the title holder of the land shall then be bound to commence the non-agricultural activity within 5 years of passing of the Order pronounced under Section 80(2) of the Code lest the same shall stand lapsed. That the Order passed by the Sub-Divisional Magistrate under Section 80(2) of the Code has duly been annexed by the Respondent No.8 in its Reply filed before this Hon'ble Tribunal in the captioned matter. That pursuant to undertaking the culmination of the construction of its LLP facility, the Respondent No.8 LLP shall then apply for a Declaration under Section 80(1) as mandated under the Code and the same shall be granted subject to the conditions envisaged under Section 80(7) and other relevant provision of the Code. Furthermore, upon further scrutiny of Section 80(8) it becomes perspicuous that in cases where the declaration sought pertains to a parcel of land or part thereof falling under the area notified under any Urban or Industrial Development Authority, only then is the prior permission of the concerned Development Authority mandatory for pronouncement of such a declaration. Hence, assuming without admitting that the siting criteria envisaged under Point 2.1 of the SOP applicable

exclusively on ABAP Type TPO Units is applicable on the Respondent No.8 LLP also even then the Respondent No.8 LLP is compliant with the provisions and conditions recorded in the SOP. A True Copy of the Uttar Pradesh Revenue Code, 1976 and the Application preferred by the Respondent No.8 LLP in furtherance to seek a declaration to utilize the concerned land parcel(s) for industrial purpose(s) under Section 80(1) of the Code is being annexed herewith as ANNEXURE - II 'Colly'.

7. The averments averred in Para 7 of the Rejoinder filed by the Applicant are baseless and misconceived and are vehemently denied in toto by the Respondent No.8. That on bare perusal of the contents of the Reply filed by the Respondent No.8 before this Hon'ble Tribunal it becomes evident that nowhere has the Respondent No.8 stated or averred that the map of the Plant Facility of the Respondent No.8 was certified by the Department of Legal Metrology and the averment pertaining to the certification obtained from the Department of Legal Metrology was with respect to the certification mandatorily required by the Respondent No.8 for the installation of a weigh bridge at its Plant facility. The Map annexed as Annexure R8- 'Colly' by the Respondent No.8 in its Reply duly filed before this Hon'ble Tribunal pertains to the **proposed Factory Plan** that has been duly approved by the competent Authority i.e. the Deputy Director Factory, Meerut after following the due process established by law. That no material facts either pertaining to the Irrigation Department drain or the Chak Marg were concealed from the relevant Authorities to get the same approved as baselessly alleged by the Applicant. That the presence of the Irrigation Department drain and the Chak Marg in the vicinity of the concerned land parcels is public information accessible and present in the public domain, hence the question of concealing the same does not arise. The issues pertaining to the Irrigation Department drain and

the Chak Marg raised by the Applicant in the present Para of his Rejoinder have been dealt with at length in the preceding Paras of this Reply and are not being reiterated for the sake of brevity of the present Reply and to avoid pleonasm.

8. The averments averred in Para 8 of the Rejoinder filed by the Applicant are baseless and misconceived and are vehemently denied in toto by the Respondent No.8. That it is the unequivocal stand of the Respondent No.8 that the distances stated by the Respondent No.8 in its Reply filed before this Hon'ble Tribunal in the captioned matter are correct and are an accurate real time representation of the distances as measured in between the concerned areas, infrastructure and environmental assets and the Plant facility of the Respondent No.8. The same can be further satisfactorily inferred and confirmed upon the scrutiny of the contents of the Inspection Report annexed by the UPPCB in its Reply filed before this Hon'ble Tribunal in the captioned-matter. The same records the exact coordinates pertaining to the Plant facility of the Respondent No.8 LLP and the distances of the concerned areas, infrastructure and environmental assets duly measured and verified by the competent Authority. That the Applicant while purporting that the satellite imagery depicts that the measurement of the stated distances are inaccurate and the concerned areas, infrastructure and environmental assets are much closer to the Plant facility of the Respondent No.8 LLP than as averred by the Respondent No.8 LLP in its Reply, has blatantly failed in furnishing even an iota of evidence to substantiate the same or annex any satellite imagery which he relies upon and which form the precarious basis of levelling of his malevolent allegation before requesting this Hon'ble Tribunal to invest its time and resources to ascertain the same. Furthermore, on bare perusal of Chapter 3 Para 9 of the Guidelines it is further perspicuous that the Respondent No.8

LLP is in due harmony with the guidelines entailed therein and the procedure to be adhered to by an entity for the selection of the location of an industrial Plant. The distances in between the LLP facility of the Respondent No.8 LLP and the concerned areas, environmental assets and infrastructure fall well within the permitted range for an Orange category industry being established and undertaking future operations at the concerned land parcels without any effluent generation. It is also imperative to mention that the Bidoli- Gangoh Road that finds mention in the averments of the Applicant has till date not been declared to be a highway. As, mentioned in its Reply filed before this Hon'ble tribunal the management of the Respondent No.8 LLP is undertaking the establishment of its LLP facility in strict compliance with the conditions and the regulations elucidated in the SOP dated 16.01.2024 and the conditions enumerated in the CTE dated 21.10.2024 duly obtained by the Respondent No.8 LLP from the UPPCB the same being essential to ensure an environmentally sound establishment and conduct of future operation(s) at its LLP facility. Hence, the establishment of the same can be by no means and bound be construed to be detrimental for the concerned areas, infrastructure and the environmental assets or pernicious to the environmental health standards prevailing in the vicinity of the LLP facility.

9. The averments averred in Para 9 of the Rejoinder filed by the Applicant are baseless and misconceived and are vehemently denied in toto by the Respondent No.8. That contrary to the vilifying averments preferred by the Applicant in his Rejoinder the Respondent No.8 in its Reply has expressly and specifically denied the allegation of any unauthorized felling of trees whether specifically protected under a legislation or otherwise to

effectively counter the baseless allegation levelled by the Applicant against the Respondent No.8 in his Original Application. That the Sale Deeds pertaining to the above-mentioned land parcels where the Respondent No.8 is undertaking the establishment of its LLP facility cannot be considered as the canonical document to be referred to or the inconsistency in the total number of trees recorded in the said Deeds and the actual number of trees present at the land parcels of the Respondent No.8 LLP cannot be held to be the sole basis/ground when/for proving the offence of unauthorized felling of trees to have been committed by the Respondent No.8. That upon a mere glance at the timeline of the Google Satellite Imagery that precisely shows the real time status of the Green Cover present at the concerned land parcels it can be further affirmed that the total number of trees rooted at the concerned land parcels where the Respondent No.8 is undertaking the assimilation of its LLP facility, post the Respondent No.8 LLP taking vacant possession of the concerned land parcels and prior and subsequent to the Respondent No.8 commencing the establishment of its LLP facility remains to be the same/unaltered till date. It is the unequivocal stand of the Respondent No.8 that no felling of trees whether specifically protected under a legislation or otherwise rooted at the land parcels where the Respondent No.8 is undertaking the establishment of its LLP facility has been undertaken by the Respondent No.8 or its management and the Respondent No.8 LLP has no knowledge of the same. At this juncture it is crucial to apprise this Hon'ble Tribunal of the fact that the Regional Forest Office, Shamli pursuant to the admission of the Original Application in the captioned matter was pleased to conduct an inspection on 30.08.2025 at the LLP facility of the Respondent No.8 and pursuant to the same observed that six (6) Jamun Trees were not present at the concerned land parcels of the Respondent No.8 LLP but the presence of same were duly recorded in the Sale Deeds effectuated for the sale of the concerned land parcels. The

competent Authority pursuant to the conduct of the inspection registered a Range Case bearing nomenclature RC N0.20/2025/2026 against the Respondent No.8 LLP and concurrently issued notice upon the Respondent No.8 LLP to mark its presence before the competent Authority granting it with an opportunity to be heard and to counter the allegations levelled against it post conduct of the above-mentioned inspection. That the Respondent No.8 LLP pursuant to marking its presence before the competent Authority in accordance with the due process established by law was provided with an opportunity to compound the allegations levelled against the Respondent No.8 LLP in the in the Range Case registered against the Respondent No. 8 LLP on the ‘suspicion’ and ‘there being a reason to believe’ that the Respondent No.8 LLP might have committed the offence of felling of trees on the sole basis that there was a discrepancy in the count of Jamun trees mentioned in the Sale Deeds pertaining to the concerned land parcels and the actual number of Jamun Trees rooted at the said land parcels. The same was done and undertaken in accordance with the provision envisaged under Section 15 of the Uttar Pradesh Protection of Trees Act, 1976. The germane portion of the said provision is being replicated herein under:

“15

*1) The State Government may by notification authorise any officer to accept from any person against whom there is **reason to believe** that he has committed offence under this Act in respect of any tree other than a tree situate in a forest, grove or public premises, such sum of money not exceeding 1 [ten thousand rupees] by way of composition for the offence which such person **is suspected** to have committed.*

(2) On the payment of such sum of money to any such Officer, the suspected person if in custody, shall be released and no further proceedings under this Act shall be taken against such person and notwithstanding anything contained in Section 14, such officer may on payment of such amount, not exceeding 2[ten thousand rupees] as he may in the circumstances of the case think fit, release the property seized under this Act.”

5. That the Respondent No.8 LLP has duly paid a composition amount of Rs. Sixty Thousand Only (Rs.60,000/-) in furtherance to compound the allegations levelled against it in the mentioned Range Case and the same have been successfully compounded in accordance with the provisions envisaged under the Uttar Pradesh Protection of Trees Act,1976 in harmony with the due process established by law. As far as the spiteful averment of the Applicant alleging that the plantation of the saplings undertaken by the Respondent No.8 LLP in and around the vicinity of its Plant facility area is an afterthought plantation undertaken by the Respondent No.8 LLP to cover up ‘an illegality’ is concerned the Respondent No.8 has already stated in its Reply filed before this Hon’ble Tribunal in the captioned matter that the requirement to do develop a green belt equivalent to 20 metre wide or 33% of the total land area whichever is minimum is a mandatory precondition recorded in the CTE dated 21.10.2024 issued by the UPPCB in favour of the Respondent No.8 LLP to permit the Respondent No.8 to undertake the establishment of its LLP facility and the plantation of the saplings was undertaken by the Respondent No.8 in furtherance to duly comply with the same as fulfilment of the same is also mandatorily essential for the successful issuance of the Consent To Operate by the UPPCB in favour of the Respondent No.8 LLP prior to the Respondent No.8 LLP commencing operations of its Plant facility and not to cover up

any 'illegality' as fatuously alleged by the Applicant in his Rejoinder submissions. That the Respondent No.8 has already effectively undertaken the Plantation of 1100 trees in the vicinity of its Plant facility and intends to undertake the plantation of more than 15,000 (Fifteen Thousand Trees) in an around the vicinity of its Plant facility to duly burgeon a green belt near the Plant facility premises in harmony with the conditions recorded in the CTE dated 21.10.2024 issued by the UPPCB prior to the Respondent No.8 applying for the CTO and commencing Plant Operations.

A True Copy of the Google Satellite Imagery duly depicting the green cover pertaining to the land parcels where the establishment of the Respondent No.8 LLP is being undertaken, the Notice issued and served upon the Respondent No.8 LLP by the Regional Forest Office, Shamli pertaining to RA Case 20/2025-26 and the Composition Amount Acknowledgement Receipt duly issued in favour of the Respondent No.8 LLP in furtherance to compound the allegations levelled against the Respondent No.8 LLP vide registration of RA Case 20/2025-2026 by the Regional Forest Office, Shamli are being annexed herewith as ANNEXURE-III 'Colly'.

PRAYER

In the view of the aforesaid, it is therefore most respectfully prayed that this Hon'ble Tribunal, may in the interest of Justice and Equity graciously be pleased to:

- a. Dismiss the present Application bearing case no. O. A. 266/2025.

- b. Award Litigation costs incurred by the Respondent No.8 LLP in favour of the Respondent No.8 LLP and against the Applicant.
- c. Any such further Orders that this Hon'ble Tribunal may deem fit in the light of facts and circumstances of the present case.

THROUGH



SANJAY JAIN, AMBER JAIN

RUCHIKA BHAN

ADVOCATES FOR RESPONDENT NO. 8

D-611, ADDITIONAL BUILDING,

SUPREME COURT OF INDIA, NEW DELHI

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PLACE: NEW DELHI

DATE: 26.11.2025

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,

SITTING AT NEW DELHI

ORIGINAL APPLICATION NO. 266 OF 2025

IN THE MATTER OF:

Dr. Amit Kumar

.....Applicant

VERSUS

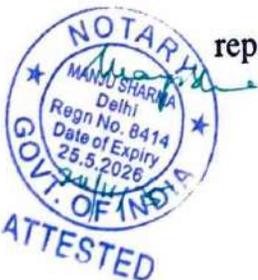
State of Uttar Pradesh & Ors.

.....Respondent(s)

AFFIDAVIT

I, Anshuman Bhaskar, S/o- Mrs. Ruby Bhaskar, aged about 29 years, R/o- G001, MRV Homes, Sector 69, Gurugram-122101, presently at Delhi, do hereby solemnly affirm and depose as under:

1. That I am the Authorized Representative for the Respondent No.8 LLP in the captioned matter and well versed with the facts and circumstances of the present case and as such I am competent to swear and depose the present Affidavit. That the contents of the accompanying Reply shall be read as part and parcel of the present Affidavit and the same have not been repeated herein for the sake of brevity.



2. That the accompanying Reply and present Affidavit have been drafted by my counsel under my instructions and I have read and understood the contents of the same. The same are true and correct to the best of my knowledge and no part thereof is false and nothing material has been concealed therefrom.
3. That the Annexures with the Reply are true copies of their respective originals.


DEPONENT

VERIFICATION

Verified at New Delhi on this 24th day of November, 2025, that the contents of Para 1 to 3 of the above Affidavit are true to the best of my knowledge, no part of it is false and nothing material has been concealed therefrom.


ATTESTED


DEPONENT

CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO APPEARS PERFECT TO UNDERSTAND & AFFIRM / DEPOSE BEFORE ME AT DELHI ON 24/11/25 IDENTIFIED BY

✓ IDENTIFIED THE EXECUTANT / DEPONENT WHO HAS SIGNED IN MY PRESENCE

Amban Jaw Adh
Mob. 9911965371

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 29 जनवरी, 2025

सा.का.नि. 84(अ).— केन्द्रीय सरकार वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 (1981 का 14) की धारा 21 क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रदूषण नियंत्रण बोर्ड के साथ परामर्श करने के पश्चात्, निम्नलिखित दिशा-निर्देश बनाती है, अर्थात्:-

अध्याय 1
प्रारंभिक

1. संक्षिप्त नाम और प्रारंभ.- (1) इन दिशा निर्देशों का संक्षिप्त नाम वायु प्रदूषण नियंत्रण (सहमति प्रदान, इंकार या रद्द) दिशा निर्देश, 2025 है।

(2) ये राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. परिभाषाएँ. (1) इन दिशा निर्देशोंमें, जब तक कि संदर्भ अन्यथा अपेक्षित न हो,-

(क) "अधिनियम" से वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 अभिप्रेत है;

(ख) "केन्द्रीय बोर्ड" से जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1974 (1974 का 6) की धारा 3 के अधीन गठित केन्द्रीय प्रदूषण नियंत्रण बोर्ड अभिप्रेत है;

(ग) "शुल्क" से संस्थापित या संचालित करने हेतु अनुमति प्रदान करने हेतु राज्य बोर्डों द्वारा प्रभारित शुल्क अभिप्रेत है।

(घ) "प्ररूप" से इन नियमों के साथ संलग्न प्रथम अनुसूची के अधीन निर्धारित प्ररूप अभिप्रेत है;

(ड.) "औद्योगिक संयंत्र" से कोई ऐसा संयंत्र अभिप्रेत है जिसका प्रयोग किसी औद्योगिक या व्यापारिक प्रयोजन हेतु किया जाता है और जो वायुमंडल में वायु प्रदूषण उत्सर्जित करता हो;

(च) 'लाल', 'नारंगी', 'हरा' और 'नीला' संकेद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा समय-समय पर श्रेणीकृत औद्योगिक क्षेत्रों/कार्यकलापों की श्रेणियां अभिप्रेत हैं।

(छ) "अनुसूची" से इन दिशा निर्देशों के साथ संलग्न अनुसूची से है;

(ज) "राज्य बोर्ड" में संघ राज्य क्षेत्र प्रदूषण नियंत्रण समिति भी सम्मिलित है।

(झ) उन शब्दों और पदों के जो इन दिशा निर्देशों में प्रयुक्त हैं और परिभाषित नहीं हैं किंतु अधिनियम या नियमों में परिभाषित हैं जो वही अर्थ होंगे जो क्रमशः अधिनियम और इन नियमों में दिया गया है।

अध्याय 2

सहमति हेतु आवेदन और फीस

3. सहमति हेतु आवेदन का प्ररूप और फीस.- (1) अधिनियम की धारा 21 के अधीन औद्योगिक संयंत्र की स्थापना करने या प्रचालन करने के लिए सहमति हेतु प्रत्येक आवेदन प्रथम अनुसूची में दिए गए प्ररूप में किया जाएगा और उसमें औद्योगिक संयंत्र का विवरण तथा प्ररूप में दिए गए अन्य विवरण अंतर्विष्ट होंगे और साथ में इन दिशा-निर्देशों के पैरा 5 के प्रावधानों के अनुसार राज्य सरकार या संघ राज्य क्षेत्र प्रशासन, जो भी मामला हो, यथा यथाविनिर्दिष्ट फीस भी संलग्न करनी होगी।

(2) अधिनियम की धारा 21 के अधीन विधिमान्यता अवधि समाप्त होने के चार मास पूर्व प्रचालन हेतु सहमति के नवीनीकरण के लिए आवेदन प्रस्तुत करने पर फीस में पांच प्रतिशत की छूट प्रदान की जाएगी।

(3) अधिनियम की धारा 21 के अधीन अनुमति के नवीकरण के लिए प्रत्येक आवेदन हेतु नीचे दी गई सारणी में विनिर्दिष्ट दर से विलम्ब फीस का भुगतान करना होगा:

सारणी

क्र.सं.	आवेदन करने की अवधि	विलम्ब फीस के रूप में अतिरिक्त फीस
(1)	(2)	(3)
1	विधिमान्यता अवधि के 120 से 45 दिनों तक	फीस का 25 प्रतिशत
2	45 दिनों से विधिमान्यता समाप्त होने तक	फीस का 50 प्रतिशत
3	विधिमान्यता समाप्त होने के बाद।	फीस का 100 प्रतिशत

4. सहमति की विधिमान्यता अवधि.- (1) स्थापना करने की सहमति, इसके प्रदान किए जाने की तारीख से पांच वर्ष की अवधि के लिए विधिमान्य होगी।

(2) पांच वर्ष की विधिमान्यता अवधि को धारक द्वारा आवेदन किये जाने पर अधिकतम दो वर्ष की अवधि के लिए बढ़ाया जा सकेगा, जिससे स्थापना के लिए सहमति प्रदान किये जाने की तारीख से विधिमान्यता की कुल अवधि सात वर्ष हो जाएगी।

(3) परिचालन के लिए सहमति निम्नलिखित अवधि के लिए विधिमान्य होगी-

- (क) लाल प्रवर्ग के औद्योगिक संयंत्र के मामले में पांच वर्ष;
- (ख) नारंगी प्रवर्ग के औद्योगिक संयंत्र के मामले में दस वर्ष;
- (ग) हरित प्रवर्ग के औद्योगिक संयंत्र के मामले में, पंद्रह वर्ष ।
- (घ) नीला प्रवर्ग के औद्योगिक संयंत्र के मामले में अतिरिक्त दो वर्ष

5. सहमति के लिए फीस-- (1) स्थापित या संचालित करने के लिए अनुमति हेतु फीस राज्य सरकार या संघ राज्य क्षेत्र प्रशासन द्वारा निर्दिष्ट की जाएगी जो दूसरी अनुसूची में यथानिर्दिष्ट फीस से अधिक नहीं होगी।

(2) द्वितीय अनुसूची के अधीन विनिर्दिष्ट की गयी फीस की रकम अधिकतम है और राज्य सरकार, इस संबंध में राज्य बोर्ड द्वारा निर्धारित फीस की न्यूनतम रकम के अधीन कम फीस निर्धारित कर सकेगी तथा फीस की कोई न्यूनतम सीमा नहीं होगी, यह सीमा राज्य बोर्ड द्वारा वांछित किसी भी स्तर की हो सकेगी।

(3) फीस की रकम में पैरा 5(1) में निर्धारित सीमा के भीतर विद्यमान फीस की रकम से दस प्रतिशत से अधिक की वृद्धि नहीं की जा सकेगी तथा दो वर्ष में एक बार से अधिक वृद्धि नहीं की जा सकेगी:

परंतु फीस की रकम में कितनी ही बार कमी की जा सकेगी।

6. सहमति के लिए आवेदन की जांच करने की प्रक्रिया। (1) सहमति के लिए आवेदन प्राप्त होने पर, राज्य बोर्ड अपने किसी अधिकारी को, ऐसे अन्य अधिकारियों के साथ, जो आवश्यक हों, आवेदक या अधिभोगी के नियंत्रण के अधीन किसी स्थान या परिसर का दौरा करने और निरीक्षण करने के लिए, आवेदन में दी गई विशिष्टियों की सत्यता या अन्यथा का सत्यापन करने के लिए या ऐसी अतिरिक्त विशिष्टियों या जानकारी प्राप्त करने के लिए, जो ऐसे अधिकारी की राय में आवश्यक हो, प्रतिनियुक्त कर सकेगा।

(2) उप-पैरा (1) में निर्दिष्ट अधिकारी, उस प्रयोजनार्थ, ऐसे किसी स्थान या परिसर का निरीक्षण कर सकेगा जहां चिमनी से ठोस, तरल या गैसीय उत्सर्जन होता हो या परिसर के भीतर किसी भी स्थान से गैर-इरादतन (फ्यूजिटिव) उत्सर्जन होता हो और ऐसा अधिकारी आवेदक या अधिभोगी से नियंत्रण उपस्कर या प्रणालियों या उसके किसी भाग से संबंधित कोई योजना, विनिर्देश या अन्य डेटा प्रस्तुत करने की मांग कर सकता है, जिसे वह आवश्यक समझता है।

(3) उप-पैरा (1) में निर्दिष्ट अधिकारी आवेदक के किसी भी परिसर का दौरा करने से पहले आवेदक को ऐसा करने के अपने आशय की सूचना देगा।

(4) आवेदक ऐसे अधिकारी को सभी सूचनाएं उपलब्ध कराएगा तथा निरीक्षण के लिए उचित रूप से आवश्यक सभी सुविधाएं उपलब्ध कराएगा।

(5) उप-पैरा (1) में निर्दिष्ट अधिकारी, निरीक्षण करने से पहले या उसके पश्चात्, आवेदक से मौखिक रूप से या लिखित रूप में ऐसी अतिरिक्त जानकारी या स्पष्टीकरण देने या उसके समक्ष ऐसे दस्तावेज प्रस्तुत करने की अपेक्षा कर सकेगा, जिन्हें वह आवेदन की जांच के प्रयोजनार्थ आवश्यक समझे और उस प्रयोजनार्थ आवेदक या उसके प्राधिकृत अभिकर्ता को राज्य बोर्ड के कार्यालय में बुला सकेगा।

7. खतरनाक और अन्य अपशिष्टों के लिए साझी सहमति और प्राधिकार.- खतरनाक एवं अन्य अपशिष्टों के प्रबंधन के लिए अधिनियम की धारा 21 के अधीन सहमति प्रदान करने के लिए एकल-चरणीय प्रक्रिया अपनाई जाएगी जिसमें सहमति के

साथ ही समय-समय पर यथासंशोधित परिसंकटमय एवं अन्य अपशिष्ट (प्रबंधन एवं सीमापार संचलन) नियम, 2016 के तहत प्राधिकार भी प्रदान किया जाएगा।

8. सहमति प्रदान करने की अवधि.- (1) अधिनियम की धारा 21 के अधीन प्रत्येक आवेदन पर, आवेदन प्राप्ति की तारीख से नीचे दी गई सारणी में निर्दिष्ट अवधि के भीतर सभी मामलों में सहमति प्रदान की जाएगी या आवेदन इंकार किया जाएगा:

सारणी

क्र.सं.	आवेदन	अवधि (दिनों में)		
		लाल	नारंगी	हरा
(1)	(2)	(3)	(4)	(5)
1	स्थापना करने के लिए सहमति प्रदान करना या आवेदन इंकार करना	60	45	30
2	प्रचालन हेतु सहमति प्रदान करना या आवेदन इंकार करना, पहली बार	90	60	30
3	सहमति का नवीनीकरण या विस्तार या संशोधन की सहमति प्रदान करना या आवेदन इंकार करना	120	60	30

(2) यदि सहमति के लिए आवेदन पर राज्य बोर्ड द्वारा उप-पैरा (1) के अधीन विनिर्दिष्ट अवधि के भीतर निर्णय नहीं लिया जाता है, तो मामले को पैरा 15 के अधीन गठित राज्य स्तरीय निगरानी समिति को अग्रेषित किया जा सकेगा, जो आवेदन की प्राप्ति की तारीख से तीस दिन के भीतर उसका निपटान करेगी।

(3) यदि उप-पैरा (2) के अधीन आने वाले आवेदन के मामले में राज्य बोर्ड का सदस्य सचिव मामले को समिति के समक्ष प्रस्तुत करेगा।

(4) समिति ऐसे आवेदन पर निर्णय करते समय, सहमति प्रदान करने या आवेदन इंकार करने में विलम्ब के कारणों पर विचार करेगी तथा जहां विलम्ब के कारण न्यायोचित नहीं होंगे, वहां समुचित अनुशासनिक कार्रवाई की सिफारिश करेगी तथा राज्य बोर्ड ऐसे निर्णय की अनुपालना करेगा। समिति अधिनियम की धारा 39ख के अधीन संबंधित न्यायनिर्णायक अधिकारी के समक्ष अधिनियम के उल्लंघन का मामला प्रस्तुत करने की भी सिफारिश कर सकेगी।

अध्याय 3

औद्योगिक संयंत्र की स्थापना करने के लिए मानदंड

9. स्थान के चयन की प्रक्रिया.- (1) केन्द्रीय सरकार के मत में, औद्योगिक आयोजना और विनिर्माण प्रक्रिया में हुए प्रौद्योगिकीय और वैज्ञानिक विकास को ध्यान में रखते हुए, किसी स्थान पर औद्योगिक संयंत्र स्थापित करने पर प्रतिबंध लगाया जा सकेगा जिससे संवेदनशील क्षेत्रों, जैसे राष्ट्रीय उद्यानों, अभयारण्यों, आर्द्रभूमियों और पुरातत्व स्मारकों को संरक्षित किया जा सके।

(2) औद्योगिक संयंत्र, यथास्थिति केन्द्रीय सरकार या राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, द्वारा निर्धारित संबंधित मानदंडों का अनुपालन करेगा।

(3) औद्योगिक संयंत्र स्थापित करते समय निम्नलिखित न्यूनतम दूरी बनाए रखी जाएगी, अर्थात:-

(क) निम्नलिखित प्रवर्ग के औद्योगिक संयंत्र की स्थापना के मामले में राजस्व अभिलेखों के अनुसार सतही जल निकास (बाढ़ मैदान/एचएफएल/लाल रेखा) की निकटतम सीमा से-

(i) लाल प्रवर्ग के, पांच सौ मीटर से परे;

(ii) नारंगी प्रवर्ग-

(क) बहिस्त्रावी उत्सर्जन के मामले में, पचहत्तर मीटर से परे;

(ख) बिना बहिस्त्रावी उत्सर्जन के मामले में, तीस मीटर से परे;

(iii) हरा प्रवर्ग, तीस मीटर से परे;

(ख) निम्नलिखित प्रवर्ग के औद्योगिक संयंत्र के मामले में बस्ती, शैक्षणिक संस्थान, पूजा स्थल, पुरातात्विक स्मारकों, राष्ट्रीय उद्यान, आरक्षित वन, विरासत स्थल से -

(i) लाल प्रवर्ग के, पांच सौ मीटर से परे;

(ii) नारंगी प्रवर्ग के, दो सौ मीटर से परे;

(iii) हरी प्रवर्ग के, एक सौ मीटर से परे।

(ग) राज्य बोर्ड यह सुनिश्चित करेगा कि औद्योगिक संयंत्र अन्य विधियों, विनियमों और विनियमनों तथा अधिसूचनाओं का अनुपालन करे।

(घ) औद्योगिक संयंत्र के स्थान से होकर गुजरने वाले प्राकृतिक या तूफानी (स्टॉर्म) नाले को बाधित नहीं किया जाएगा।

अध्याय 4

सहमति प्रदान, इंकार या रद्द करना

10. स्थापना करने के लिए सहमति प्रदान करना.-- (1) अधिनियम की धारा 21 के अधीन औद्योगिक संयंत्र की स्थापना करने के लिए सहमति हेतु प्रत्येक आवेदन प्ररूप 1 में किया जाएगा और उसमें औद्योगिक संयंत्र का विवरण होगा तथा उसके साथ नए संयंत्र हेतु तथा औद्योगिक संयंत्र के प्रारंभ होने से पूर्व विस्तार, आधुनिकीकरण, उत्पाद या प्रक्रिया में परिवर्तन के मामले में फीस भी संलग्न होगी।

(2) औद्योगिक संयंत्र पैरा 9 के अधीनविनिर्दिष्ट स्थान संबंधी मानदंडों की अनुपालना करेगा।

(3) किसी भी औद्योगिक संयंत्र को गैर-अनुरूप क्षेत्रों या प्रतिबंधित या निषिद्ध क्षेत्रों में स्थापित करने की अनुमति नहीं दी जाएगी।

(4) सहमति के लिए आवेदन प्राप्त होने पर, राज्य बोर्ड अपने किसी अधिकारी को, यथावश्यक ऐसे अन्य अधिकारियों के साथ, आवेदक या अधिभोगी के नियंत्रणाधीन किसी स्थान, जगह या परिसर का दौरा करने और निरीक्षण करने के लिए, आवेदन में दी गई विशिष्टियों की सत्यता या अन्यथा का सत्यापन करने के लिए या ऐसी अतिरिक्त विशिष्टियां या जानकारी प्राप्त करने के लिए, जो ऐसे अधिकारी की राय में आवश्यक हो, प्रतिनियुक्त कर सकेगा।

(5) उप-पैरा (4) के अधीन दिये गये रिपोर्ट के आधार पर अधिनियम की धारा 21 की उपधारा (4) के अधीन निम्नलिखित शर्तों के साथ सहमति प्रदान की जाएगी, अर्थात्:-

(i) राज्य बोर्ड द्वारा यथा अनुमोदित विनिर्देशों वाले नियंत्रण उपस्कर उद्योग स्थापित किये जाने हेतु प्रस्तावित परिसर में संस्थापित और प्रचालित किए जाएंगे;

(ii) नियंत्रण उपस्कर को हर समय सुचारू स्थिति में रखा जाएगा;

- (iii) इस संबंध में राज्य बोर्ड द्वारा अनुमोदित विनिर्देशों वाली चिमनी, जहां भी आवश्यक हो, ऐसे परिसरों में स्थापित की जाएगी; तथा
- (iv) राज्य बोर्ड द्वारा इस संबंध में विनिर्दिष्ट की जाने वाली ऐसी अन्य शर्तें।
- (6) उप-पैरा (5) में विनिर्दिष्ट शर्तों की अनुपालना राज्य बोर्ड द्वारा इस संबंध में विनिर्धारित ऐसी अवधि के भीतर की जाएगी।

11. प्रचालन हेतु सहमति प्रदान करना। --- (1) एक बार औद्योगिक संयंत्र के अपेक्षित प्रदूषण नियंत्रण प्रणाली के साथ स्थापित हो जाने और प्रचालन के लिए तैयार हो जाने के पश्चात, अधिभोगी को प्रचालन के लिए सहमति प्राप्त करनी होगी।

(2) अधिनियम की धारा 21 के अधीन औद्योगिक संयंत्र को प्रचालित करने की सहमति का प्रत्येक आवेदन प्ररूप 2 में करना होगा और जिसमें निम्नलिखित विवरण देना होगा तथा निम्नलिखित रिपोर्ट के साथ प्रचालन की सहमति प्रदान करने हेतु फीस भी संलग्न करनी होगी, अर्थात्:-

- (क) स्थापना की सहमति में प्राकल्पन की विनिर्धारित शर्तों की अनुपालना रिपोर्ट;
- (ख) पर्यावरणीय स्वीकृति, यदि लागू हो, में विनिर्धारित शर्तों की अनुपालना रिपोर्ट।

(3) प्रचालन की सहमति के लिए आवेदन प्राप्त होने पर, राज्य बोर्ड अपने किसी अधिकारी को, यथावश्यक ऐसे अन्य अधिकारियों के साथ, आवेदक या अधिभोगी के नियंत्रणाधीन किसी स्थान या परिसर का दौरा करने और निरीक्षण करने के लिए, आवेदन में दी गई विशिष्टियों की सत्यता या अन्यथा का सत्यापन करने के लिए या ऐसी अतिरिक्त विशिष्टियां या जानकारी प्राप्त करने के लिए, जो ऐसे अधिकारी की राय में आवश्यक हो, प्रतिनियुक्त कर सकेगा।

(4) प्रत्येक व्यक्ति को, उप-पैरा (3) के अधीन दी गई रिपोर्ट के आधार पर अधिनियम की धारा 21 की उपधारा (4) के अधीन प्रचालन की सहमति निम्नलिखित शर्तों के साथ प्रदान की जाएगी, अर्थात्:-

- (i) राज्य बोर्ड द्वारा अनुमोदित ऐसे विनिर्देशों वाले नियंत्रण उपस्कर उस परिसर में प्रचालित किए जाएंगे जहां उद्योग लगाया गया हो;
- (ii) विद्यमान नियंत्रण उपस्कर, यदि कोई हो, को राज्य बोर्ड के अनुमोदन के बिना परिवर्तित या प्रतिस्थापित नहीं किया जाएगा;
- (iii) खंड (i) या खंड (ii) में विनिर्दिष्ट नियंत्रण उपस्कर को हर समय सुचारू स्थिति में रखा जाएगा;
- (iv) राज्य बोर्ड द्वारा यथानुमोदित विनिर्देशों वाली चिमनी, जहां लागू हो, का परिसर में प्रचालन और रखरखाव किया जाएगा; तथा उसे ऑनलाइन सतत उत्सर्जन निगरानी प्रणाली से जोड़ा जाएगा।

(5) उप-पैरा (4) में संदर्भित शर्तों की अनुपालनाराज्य बोर्ड द्वारा इस संबंध में विनिर्दिष्ट अवधि के भीतर करनी होगी।

(6) संचालन की सहमति में सहमति की विधिमान्यता अवधि निर्दिष्ट की जाएगी।

12. प्रचालन हेतु सहमति का नवीनीकरण।--- (1) अधिनियम की धारा 21 के अधीन प्रचालन हेतु सहमति के नवीनीकरण के लिए प्रत्येक आवेदन प्ररूप 2 में किया जाएगा और इसमें निम्नलिखित का विवरण होगा तथा प्रचालन हेतु सहमति के नवीनीकरण के लिए फीस भी संलग्न होगा, अर्थात्:-

- (क) प्रचालन की सहमति में विनिर्धारित शर्तों का अनुपालना रिपोर्ट।
- (ख) पर्यावरणीय स्वीकृति, यदि लागू हो, में निर्धारित शर्तों का अनुपालना रिपोर्ट।
- (ग) पर्यावरण (संरक्षण) नियम, 1986 के अधीन यथा विनिर्दिष्ट पर्यावरणीय विवरण प्रस्तुत करना;
- (घ) खतरनाक और अन्य अपशिष्ट (प्रबंधन और सीमापार आवागमन) नियम, 2016 के अधीन यथा विनिर्दिष्ट वार्षिक विवरणी प्रस्तुत करना; और
- (ङ) विनिर्माण प्रक्रिया, उत्पादन क्षमता, प्रदूषण भार, उत्सर्जन में कोई परिवर्तन नहीं करने संबंधी घोषणा।

(2) प्रचालन की सहमति के नवीनीकरण के लिए आवेदन प्राप्त होने पर, राज्य बोर्ड अपने किसी अधिकारी को, यथावश्यक ऐसे अन्य अधिकारियों के साथ, आवेदक या अधिभोगी के नियंत्रणाधीन किसी स्थान या परिसर का दौरा करने और निरीक्षण करने के लिए, आवेदन में दी गई विशिष्टियों की सत्यता या अन्यथा का सत्यापन करने के लिए या ऐसी अतिरिक्त विशिष्टियां या जानकारी प्राप्त करने के लिए, जो ऐसे अधिकारी की राय में आवश्यक हो, प्रतिनियुक्त कर सकेगा।

(3) प्रत्येक व्यक्ति को, उप-पैरा (2) के अधीन दी गई रिपोर्ट के आधार पर अधिनियम की धारा 21 की उपधारा (4) के अधीन निम्नलिखित शर्तों के साथ प्रचालन की सहमति प्रदान की जाएगी, अर्थात्:-

(i) राज्य बोर्ड द्वारा यथाअनुमोदित ऐसे विनिर्देशों वाले नियंत्रण उपस्कर उस परिसर में प्रचालित किए जाएंगे जहां उद्योग लगाया गया हो;

(ii) विद्यमान नियंत्रण उपस्कर, यदि कोई हो, को राज्य बोर्ड के अनुमोदन के बिना परिवर्तित या प्रतिस्थापित नहीं किया जाएगा;

(iii) खंड (i) या खंड (ii) में विनिर्दिष्ट नियंत्रण उपस्कर को हर समय सुचारू स्थिति में रखा जाएगा;

(iv) राज्य बोर्ड द्वारा अनुमोदित विनिर्देशों के अनुसार चिमनी, जहां भी लागू हो, का परिसर में प्रचालन और रखरखाव किया जाएगा; तथा उसे ऑनलाइन सतत उत्सर्जन निगरानी प्रणाली से जोड़ा जाएगा।

(4) उप-पैरा (3) में संदर्भित शर्तों की अनुपालनाराज्य बोर्ड द्वारा इस संबंध में नियत ऐसी अवधि के भीतर की जाएगी।

(5) प्रदान की गई सहमति में सहमति की विधिमान्यता विनिर्दिष्ट की जाएगी।

13. सहमति से इंकार और रद्द करना.— (1) राज्य बोर्ड, जिस अवधि के लिए सहमति दी गयी थी, उस अवधि की समाप्ति से पूर्व इसे रद्द कर सकेगा या सहमति की समाप्ति पर, यदि जिन शर्तों के अधीन सहमति दी गई थीवे पूरी नहीं होने पर नवीनीकरण करने से इंकार कर सकेगा।

(2) सहमति को निम्नलिखित में से किसी भी आधार पर इंकार या रद्द किया जा सकेगा, अर्थात् :---

(i) यदि औद्योगिक संयंत्र ऐसे औद्योगिक संयंत्र की अवस्थिति से संबंधित मानदंडों को पूरा नहीं करे;

(ii) ऐसी सहमति की शर्तों की अनुपालन न की जाए;

(iii) पूर्व पर्यावरणीय स्वीकृति के अधीन शर्तों की अनुपालन न की जाए;

(iv) उनकी प्रक्रिया और उसके प्रचालन में परिवर्तन आने पर;

(v) उत्सर्जन मानकों की अनुपालन न किए जाने पर तथा वायु प्रदूषण नियंत्रण उपस्करों, गैर-इरादतन (फ्यूजिटिव) उत्सर्जन नियंत्रण प्रणालियों या किसी अन्य निर्धारित उपस्कर आदि को उन्नत करने में विफल रहने पर;

(vi) न्यायालय के निदेशों, दिशा-निर्देशों, अधिसूचनाओं और मानक प्रचालन प्रक्रियाओं की अनुपालन नहीं किए जाने पर।

(vii) पर्यावरण या मानव स्वास्थ्य को गंभीर क्षति पहुंचाने वाले अपशिष्ट या उत्सर्जन का आकस्मिक बहिस्काव होने पर;

(viii) दुर्घटना घटित होने पर जिसके परिणामस्वरूप विद्यमान प्रणालियों और पर्यावरण को क्षति पहुँची हो;

(ix) किसी भी समय लागू विधि के अधीन यथा-अपेक्षित किसी भी फीस, पर्यावरण क्षतिपूर्ति या बैंक गारंटी का भुगतान न किये जाने पर;

(x) औद्योगिक संयंत्र को किसी निषिद्ध क्षेत्र में प्रस्तावित किये जाने या स्थापित किये जाने पर;

(xi) औद्योगिक संयंत्र से संबंधित अपूर्ण जानकारी या झूठी जानकारी प्रस्तुत करने या किसी भी महत्वपूर्ण तथ्य को छिपाए जाने पर;

(xii) किसी भी अन्य लागू नियमों और विनियमों के उपबंधों का उल्लंघन किए जाने पर।

(3) सहमति देने से इंकार या रद्द करने से पहले संबंधित व्यक्ति को सुनवाई का उचित अवसर दिया जाएगा।

(4) सहमति देने से इंकार या रद्द करने के कारणों को लिखित रूप में दर्ज किया जाएगा और जिस व्यक्ति को सहमति देने से इंकार किया गया है, उसे, यथोचित, आवश्यक निर्देशों के साथ विधिवत सूचित किया जाएगा।

अध्याय 5 निगरानी समिति

14. राष्ट्रीय स्तर की निगरानी समिति--- (1) राष्ट्रीय स्तर पर निम्नलिखित सदस्यों वाली एक निगरानी समिति इन दिशा निर्देशों के कार्यान्वयन की देखरेख और निगरानी करेगी, अर्थात:-

(क) पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में भारत सरकार के अपर सचिव या संयुक्त सचिव, जो अधिनियम से संबंधित कार्य देखते हों - अध्यक्ष;

(ख) केंद्रीय बोर्ड के सदस्य सचिव - सदस्य,

(ग) तीन राज्य बोर्डों के सदस्य सचिव, जिन्हें केन्द्रीय सरकार तीन वर्ष की अवधि के लिए चक्रानुक्रम से नामनिर्दिष्ट करेगी - सदस्य।

(घ) केंद्र सरकार के अनुमोदन से समिति द्वारा किसी अन्य सदस्य को सहयोजित किया जा सकेगा।

(2) निगरानी समिति की प्रत्येक तीन महीने में कम से कम एक बैठक होगी।

15. राज्य स्तरीय निगरानी समिति---(1) राज्य स्तर पर निम्नलिखित सदस्यों वाली एक निगरानी समिति इन दिशा निर्देशों के कार्यान्वयन की देखरेख और निगरानी करेगी, अर्थात:-

(क) राज्य सरकार या राज्य या संघ राज्यक्षेत्र के पर्यावरण विभाग का प्रभारी सचिव-अध्यक्ष;

(ख) राज्य बोर्ड के सदस्य सचिव-सदस्य;

(ग) राज्य सरकार के राज्य पर्यावरण विभाग द्वारा नामित कोई अधिकारी – सदस्य सचिव

(घ) केन्द्रीय बोर्ड का क्षेत्राधिकार रखने वाला क्षेत्रीय निदेशक - सदस्य।

(2) निगरानी समिति अपने समक्ष प्रस्तुत किये गये मामलों का भी निपटान करेगी।

(3) निगरानी समिति की प्रत्येक कैलेंडर मास में कम से कम एक बैठक होगी।

अध्याय 6 प्रकीर्ण

16. इन दिशा निर्देशों के कार्यान्वयन के लिए पोर्टल- केंद्रीय बोर्ड, राज्य बोर्डों के साथ परामर्श से, इन दिशा निर्देशों के प्रयोजनार्थ, इन दिशा निर्देशों के लागू होने की तारीख से अधिमानतः छह मास के भीतर और अधिकतम एक वर्ष की अवधि में एक ऑनलाइन पोर्टल विकसित करेगा।

2) पोर्टल चालू होने के पश्चात, अधिनियम की धारा 21 के अधीन सहमति प्रदान करने, इसके नवीनीकरण, सत्यापन, साइट निरीक्षण, इंकार या रद्द करने सहित, के लिए सभी आवेदन ऐसे पोर्टल पर संसाधित और निपटाये जाएंगे।

(3) पोर्टल विकसित होने तक, अधिनियम की धारा 21 के अधीन सहमति प्रदान करने, इसके नवीनीकरण, सत्यापन, साइट निरीक्षण, इंकार या रद्द करने सहित, के लिए सभी आवेदन वास्तविक रूप से निपटाये जा सकते हैं।

(4) पोर्टल इन दिशा निर्देशों के प्रबंधन और कार्यान्वयन के संबंध में एकल बिंदु डेटा भंडार के रूप में कार्य करेगा।

(5) केंद्रीय बोर्ड स्थापना करने या प्रचालन के लिए सहमति हेतु प्राप्त आवेदनों से मिलने वाली फीस की पांच प्रतिशत रकम, सेवा फीस के रूप में ले सकेगा, जिसे अधिनियम की धारा 33 के अनुसार केंद्रीय प्रदूषण नियंत्रण कोष में जमा किया जाएगा।

17. अतिरिक्त शर्तें राज्य बोर्ड स्थानीय शर्तों और नीतियों के अनुसार, सहमति में अतिरिक्त शर्तें सम्मिलित कर सकेगा, किंतु इन दिशा निर्देशों में विनिर्दिष्ट किसी भी शर्त या मानक का शिथिल नहीं करेगा।

18. उल्लंघन— इन दिशा निर्देशों के किसी भी उपबंध की अनुपालना करने में विफल रहने की स्थिति में, उल्लंघन करने वाले व्यक्ति के विरुद्ध इस अधिनियम की धाराओं के अधीन कार्यवाही की जा सकेगी।

पहली अनुसूची

[पैरा 2(1)(ख), पैरा 3(1), पैरा 10(1), पैरा 11(2) और पैरा 12(1) देखें]

आवेदन का प्ररूप

प्ररूप।

[पैरा 10(1) देखें]

वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 की धारा 21 के अधीन औद्योगिक संयंत्र की स्थापना करने के लिए सहमति हेतु आवेदन

प्रेषक

सेवा में,

सदस्य सचिव

-----राज्य प्रदूषण नियंत्रण बोर्ड/समिति

महोदय,

मैं/हम मैसर्स _____ के _____ स्थान में स्थित उसके स्वामित्व वाली भूमि/परिसर से निम्नलिखित विवरण के अनुसार वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 (1981 का 14) की धारा 21 के अधीन औद्योगिक संयंत्र स्थापित करने के लिए सहमति या उत्पाद, प्रचालन या प्रक्रिया या वायु प्रदूषकों के उपचार और उत्सर्जन में संशोधन करने के लिए सहमति हेतु आवेदन करता/करती हूँ/करते हैं।

आवेदक द्वारा भरा जाए।

भाग क: साधारण

क्र. सं.	आवश्यक विवरण	:																									
1.0	परियोजना विवरण :																										
1.1	परियोजना / उद्योग / टीएसडीएफ का नाम	:																									
1.2	परियोजना प्रस्ताव	:	नयी / विस्तार																								
1.3	पर्यावरण स्वीकृति का विवरण	:																									
1.4	साइट / इकाई का पता	:	<table border="1"> <tr> <td>प्लॉट/सर्वे सं.</td> <td>:</td> <td></td> </tr> <tr> <td>गाँव</td> <td>:</td> <td></td> </tr> <tr> <td>तहसील</td> <td>:</td> <td></td> </tr> <tr> <td>ज़िला</td> <td>:</td> <td></td> </tr> <tr> <td>राज्य/संघ राज्यक्षेत्र</td> <td>:</td> <td></td> </tr> <tr> <td>पिन कोड</td> <td>:</td> <td></td> </tr> </table>	प्लॉट/सर्वे सं.	:		गाँव	:		तहसील	:		ज़िला	:		राज्य/संघ राज्यक्षेत्र	:		पिन कोड	:							
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राज्य/संघ राज्यक्षेत्र	:																										
पिन कोड	:																										
2.0	आवेदक/अधिभोगी का विवरण:																										
2.1	आवेदक/अधिभोगीका नाम	:																									
2.2	पदनाम	:																									
2.3	अधिभोगीकी राष्ट्रीयता	:																									
2.4	पत्राचार का पता	:	<table border="1"> <tr> <td>प्लॉट / सर्वे सं./ गली</td> <td>:</td> <td></td> </tr> <tr> <td>गांव / कस्बा / शहर</td> <td>:</td> <td></td> </tr> <tr> <td>तहसील</td> <td>:</td> <td></td> </tr> <tr> <td>ज़िला</td> <td>:</td> <td></td> </tr> <tr> <td>राज्य/संघ राज्यक्षेत्र</td> <td>:</td> <td></td> </tr> <tr> <td>पिन कोड</td> <td>:</td> <td></td> </tr> </table>	प्लॉट / सर्वे सं./ गली	:		गांव / कस्बा / शहर	:		तहसील	:		ज़िला	:		राज्य/संघ राज्यक्षेत्र	:		पिन कोड	:							
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राज्य/संघ राज्यक्षेत्र	:																										
पिन कोड	:																										
2.5	संयंत्रप्रमुख का संपर्क विवरण और वैकल्पिक विवरण	:	<table border="1"> <tr> <td>नाम और पदनाम:</td> <td>:</td> <td>1.</td> </tr> <tr> <td></td> <td>:</td> <td>2.</td> </tr> <tr> <td>ई-मेल पता</td> <td>:</td> <td>1.</td> </tr> <tr> <td></td> <td>:</td> <td>2.</td> </tr> <tr> <td>लैंडलाइन नंबर</td> <td>:</td> <td>1.</td> </tr> <tr> <td></td> <td>:</td> <td>2.</td> </tr> <tr> <td>मोबाइल नंबर</td> <td>:</td> <td>1,</td> </tr> <tr> <td></td> <td>:</td> <td>2.</td> </tr> </table>	नाम और पदनाम:	:	1.		:	2.	ई-मेल पता	:	1.		:	2.	लैंडलाइन नंबर	:	1.		:	2.	मोबाइल नंबर	:	1,		:	2.
नाम और पदनाम:	:	1.																									
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मोबाइल नंबर	:	1,																									
	:	2.																									
3.0	कंपनी की विधिक स्थिति :																										
3.1	वैयक्तिक / स्वामित्व प्रतिष्ठान/ साझेदारी फर्म / संयुक्त परिवार प्रतिष्ठान/ प्राइवेट लिमिटेड कंपनी /	:																									

		सार्वजनिक लिमिटेड कंपनी / विदेशी कंपनी / सीमित देयता भागीदारी। टिप्पण : रजिस्ट्रीकरण संख्या और प्राधिकार का उल्लेख किया जाए।		
	3.2	केन्द्रीय सरकार/राज्य सरकार/ केन्द्रीय सार्वजनिक क्षेत्र का उपक्रम/राज्य सार्वजनिक क्षेत्र का उपक्रम/संयुक्त उद्यम (निजी+सरकारी), (सरकार+सरकारी), (निजी+निजी)	:	
4.0		परियोजना/उद्योग/ कार्यकलाप का स्थान :		
	4.1	स्थान	:	KML अपलोड करें
	4.2	परिवद्ध अक्षांश (उत्तर) (दशमलव के बाद 8 अंक तक)	:	अक्षांश से
			:	अक्षांश तक
	4.3	परिवद्ध देशांतर (पूर्व) (दशमलव के बाद 8 अंक तक)	:	से
			:	तक
	4.4	संरक्षित क्षेत्र के पारिस्थितिकीय संवेदनशील क्षेत्र, तटीय विनियमन क्षेत्र, जैवमंडल, जलाशय, वन, मैंग्रोव, नदियों, पुरातात्विक स्मारकों, गंभीर रूप से प्रदूषित क्षेत्र, गैर-प्राप्ति शहर, प्रदूषित नदी खंड, हिल स्टेशन (600 मीटर से अधिक ऊंचाई), प्रमुख कस्बों और शहरों में अवस्थित	:	
	4.5	भारत सर्वेक्षण टोपो संख्या	:	
	4.6	भूमि विवरण (पंचायत, तहसील, जिला के अनुसार)	:	स्वामित्व / पट्टे पर
			:	कुल क्षेत्रफल (हेक्टेयर में)
			:	क) गैर-वन भूमि (हेक्टेयर में)
			:	ख) वन भूमि (हेक्टेयर में)
			:	पट्टे पर होने की स्थिति में वार्षिक पट्टा मूल्य रु.
			:	निर्मित क्षेत्रफल (वर्ग मीटर में)
			:	हरा पट्टी कवर- कुल क्षेत्रफल का प्रतिशत
	4.7	भूमि का विस्तार वर्ग मीटर में	:	स्वामित्व-कृषि भूमि
			:	औद्योगिक
			:	परिवर्तित
			:	औद्योगिक क्षेत्र
			:	ग) आवेदित और गैर-आवेदित

				घ) आवेदित और आवंटित	:	
				ड.) पट्टे पर	:	
5.0	परियोजना / उद्योग / कार्यकलाप की प्रवर्ग और वर्गीकरण:					
5.1	उद्योग का प्रवर्ग (लाल, नारंगी और हरा)	:	प्रवर्ग	:		
			प्रदूषण सूचकांक	:		
5.2	औद्योगिक क्षेत्र / प्रकार	:				
5.3	अत्यधिक प्रदूषणकारी / 17 प्रवर्ग / अन्य	:				
5.4	पूंजी निवेश के आधार पर उद्योग का पैमाना (सूक्ष्म/लघु/मध्यम/दीर्घ)	:	कुल पूंजी निवेश (रु.)	:		
			पैमाना / वर्गीकरण	:		
5.5	उत्पाद / उप-उत्पाद विनिर्माण क्षमता (टीपीडी / टीपीए)	:	उत्पाद / उप-उत्पाद	:	क्षमता	
				:		
				:		
				:		
5.6	विनिर्माण क्षमता के लिए कच्चे माल/रसायनों की खपत (टीपीडी और टीपीए)	:	कच्चा माल	:	खपत	
				:		
				:		
				:		
5.7	प्रक्रिया प्रवाह चार्ट और सामग्री संतुलन, प्रौद्योगिकी के लाभ आदि सहित संक्षिप्त विनिर्माण प्रक्रिया।	:	संलग्न किया जाए।			
5.8	उत्पादन आरंभ होने की तारीख / अपेक्षित तारीख	:				
5.9	नियोजित/नियोजित किये जाने वाले लोगों की संख्या	:				
5.10	उद्योग की शिफ्ट / साप्ताहिक अवकाश	:	शिफ्ट (I / II / III) और घंटों में	:		
			साप्ताहिक अवकाश के दिन	:		
5.11	एमएसआईएचसी नियमों के अनुसार खतरनाक रसायनों का उपयोग	:	क्र. सं.	रसायन	एचए स कोड	भंडारण क्षमता
			1.			दैनिक खपत
			2.			
			3.			
5.12	पीएलआई अधिनियम, 1991 के तहत बीमा	:	क) पॉलिसी सं. और पॉलिसी लेने वाला वर्ष : ख) बीमा कंपनी : ग) वैधता : घ) हानिपूर्ति सीमा (रु.) :			

ड) ईआरएफ को योगदान (रु.)

भाग ख: अपशिष्ट जल पहलू

6.0		जल उपभोग और अपशिष्ट जल उत्सर्जन	
6.1	जल का स्रोत	:	भूजल / नदी / औद्योगिक एस्टेट आपूर्ति / निजी टैंकर / समुद्र / पुनर्चक्रित / कोई अन्य, यदि कोई हो
6.2	अनुमति देने वाला प्राधिकारी एवं अनुमत मात्रा	:	प्राधिकारी: मात्रा :
6.3	विनिर्माण क्षमता के लिए जल की खपत (केएलडी)	:	
6.4	विनिर्माण क्षमता के लिए जल उपयोग। (विभिन्न बिंदुओं पर टीडीएस सहित मात्रा दर्शाते हुए जल शेष संलग्न करें)	:	प्रयोजन : केएलडी
		:	घरेलू :
		:	प्रक्रिया :
		:	बायलर :
		:	अन्य उपयोगिताएँ (कृपया निर्दिष्ट करें) :
6.5	विनिर्माण प्रक्रिया के लिए अपशिष्ट जल उत्सर्जन (केएलडी)	:	केएलडी
	विभिन्न स्रोतों से अपशिष्ट जल	:	प्रयोजन : केएलडी
6.6	अपशिष्ट जल उपचार प्रणालियाँ	:	अपशिष्ट का प्रकार : केएलडी उपचार प्रणाली
		:	जैव-अपघटनीय :
		:	गैर-जैव-अपघटनीय :
		:	बायलर ब्लोडाउन :
		:	अन्य उपयोगिताएँ :
		:	कोई अन्य :
		:	कुल : :
6.7	सीवेज उपचार संयंत्र विवरण	:	क्र.सं. एसटीपी की क्षमता : केएलडी
		:	1. :
		:	2. :
	उपचारित अपशिष्ट के निपटान की विधि	:	
6.8	सीवेज उपचार संयंत्र विवरण	:	क्र.सं. एसटीपी की क्षमता : केएलडी
		:	1. :
		:	2. :

7.3	डी.जी. सेट	:	क्र.सं.	केवी ए	ध्वनिक स्थिति	ऊंचाई (मी)
7.4	उपरोक्त मदों में सम्मिलित न की गई कोई भी प्रासंगिक जानकारी	:				

भाग घ: खतरनाक अपशिष्ट पहलू

(खतरनाक अपशिष्ट उत्पन्न करने वाले औद्योगिक प्रतिष्ठानों के मामले में अपेक्षित जानकारी)

8.0	खतरनाक अपशिष्ट प्रबंधन					
8.1	खतरनाक अपशिष्ट उत्पन्न करने की प्रक्रिया	:	क्र.सं.	प्रक्रिया	अनुसूची I का खंड	मात्रा/वार्षिक
8.2	हेतु सहमति/ प्राधिकृति आवश्यक है	:	क्र.सं.	गतिविधि	:	कृपया टिक करें
			1.	उत्पादन	:	
			2.	संग्रह	:	
			3.	भंडारण	:	
			4.	परिवहन	:	
			5.	रिसेप्शन	:	
			6.	पुनः उपयोग	:	
			7.	रीसाइक्लिंग	:	
			8.	पुनर्प्राप्ति	:	
			9.	पूर्व प्रसंस्करण	:	
			10.	सह प्रसंस्करण	:	
			11.	उपयोग	:	
			12.	उपचार	:	
			13.	निपटान	:	
			14.	भस्मीकरण	:	
8.3	तकनीकी क्षमताएं/सुविधाएं	:	क्र.सं.	क्षमताएं	:	
			1.	भंडारण क्षेत्र	:	
			2.	भंडारण मात्रा	:	

			3.	भंडारण की विधि	:	
			4.	विशेष हैंडलिंग आवश्यकता, यदि कोई हो	:	
			5.	आपातकालीन प्रतिक्रिया प्रक्रिया	:	
			6.	लीचेट उपचार	:	
8.4	अपशिष्ट की प्रकृति (विशेषताएं) एवं मात्रा	:	क) प्रति वर्ष प्रबंधित: ख) किसी भी समय संग्रहीत:			
8.5	इन नियमों के अनुसार खतरनाक रसायनों के विनिर्माण, भंडारण और आयात नियम, 1989 के अंतर्गत परिभाषित खतरनाक रसायनों के भंडारण से उत्पन्न खतरनाक और अन्य अपशिष्ट।	:				
8.6	उपरोक्त मदों में शामिल न की गई कोई भी प्रासंगिक जानकारी	:				

भाग ड : भुगतान विवरण

9.0	भुगतान विवरण		
9.1	भुगतान विधि	:	ऑनलाइन/ऑफलाइन
9.2	ऑनलाइन के मामले में लेन-देन का विवरण	:	लेन-देन संख्या: दिनांक: स्थिति:
9.3	ऑफलाइन के मामले में ड्राफ्ट का विवरण	:	राशि (रु): ड्राफ्ट संख्या: के पक्ष में: बैंक का नाम: दिनांक:
9.4	भुगतान किए गए फीस की रकम	:	रु. _____

घोषणा

- क) मैं/हम घोषणा करते हैं कि उपरोक्त जानकारी मेरे/हमारे सर्वोत्तम ज्ञान के अनुसार सत्य और सही है। मैं/हम जानते हैं कि किसी भी प्रकार की मिथ्या जानकारी वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा 38(च) के अंतर्गत दंडनीय है।
- ख) मैं/हम यह स्वीकृत करते हैं कि कच्चे माल, उत्पाद, विनिर्माण प्रक्रिया और उपचार और/या अपशिष्ट, उत्सर्जन, खतरनाक अपशिष्ट आदि के निपटान के संबंध में इस आवेदन में बताई गई बातों में गुणवत्ता और मात्रा में किसी भी परिवर्तन के मामले में; सहमति के लिए एक नया आवेदन किया जाएगा और जब तक नवीन सहमति प्रदान नहीं दी जाती है, तब तक

कोई परिवर्तन नहीं किया जाएगा। मैं/हम अवगत हैं कि धारा 21 का उल्लंघन, वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 के सुसंगत प्रावधानों के अंतर्गत दंडनीय है।

ग) मैं/हम इसके साथ एक शपथ पत्र प्रस्तुत करते हैं जिसके आधार पर मुझे/हमें स्थापना हेतु सहमति जारी की जाएगी और मैं/हम वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा 39 या किसी भ्रामक/गलत प्रस्तुति के अंतर्गत जिम्मेदार ठहराए जाएंगे।

घ) मैं/हम राज्य बोर्ड द्वारा कोई अन्य जानकारी मांगे जाने के एक मास के भीतर प्रस्तुत करने का वचन देते हैं।

दिनांक:

अधिभोगी/

स्थान:

अधिकृत हस्ताक्षरकर्ता का नाम और हस्ताक्षर

स्थापना हेतु सहमति प्रदान करने के लिए संलग्न किए जाने वाले अनिवार्य दस्तावेज :

1. लाइसेंस/प्रमाणपत्र:

क. कंपनी की विधिक प्रस्थिति:

- भागीदारी/स्वामित्व/कंपनी आदि; (या)
- एसएसआई/एमएसएमई प्रमाण पत्र (उद्योग आधार)/उद्यमिता ज्ञापन, यदि लागू हो;

ख. परियोजना का स्थान:

- औद्योगिक क्षेत्र: संबंधित औद्योगिक क्षेत्र विकास बोर्ड/निगम से आवंटन पत्र/भूमि कब्जा प्रमाण पत्र; या
- औद्योगिक क्षेत्र के अनिरीवत: संबंधित प्राधिकरण से रजिस्ट्रीकृत भूमि विलेख/भूमि रूपांतरण प्रमाण पत्र/संपत्ति के किराए/पट्टा पर होने की स्थिति में किराया (या) पट्टा समझौता;

ग. खनन परियोजना: खान एवं भूविज्ञान विभाग द्वारा प्रदत्त खनिज खनन पट्टा अनुमति, यदि लागू हो;

घ. पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) के अधीन जारी भारत सरकार की अधिसूचना संख्या का.आ. 1533 (अ), तारीख 14 सितम्बर, 2006 के अधीन केन्द्रीय सरकार या राज्य पर्यावरण प्रभाव आकलन प्राधिकरण द्वारा प्रदान की गई पर्यावरणीय मंजूरी, यदि लागू हो;

ड. निवेश: प्रस्तावित पूंजी निवेश के बारे में चार्टर्ड अकाउंटेंट प्रमाणपत्र।

2. तकनीकी विवरण:

- पर्यावरण प्रभाव आकलन रिपोर्ट, जो पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) के अधीन जारी भारत सरकार की अधिसूचना संख्या का.आ. 1533 (अ), दिनांक 14 सितंबर, 2006 के अधीन केन्द्रीय सरकार या राज्य पर्यावरण प्रभाव आकलन प्राधिकरण को प्रस्तुत की गई हो; या
- परियोजना रिपोर्ट जिसमें विनिर्माण प्रक्रिया (फ्लो चार्ट के साथ लिखित), कच्चा माल, उत्पाद, उप-उत्पाद, भूमि सीमा, विभिन्न प्रयोजनों के लिए जल स्रोत और खपत, विभिन्न गतिविधियों से अपशिष्ट जल उत्पादन, अपशिष्ट उपचार संयंत्र (फ्लो डायग्राम के साथ लिखित), जल संतुलन, प्रयुक्त ईंधन, उत्सर्जन के स्रोत और प्रस्तावित वायु प्रदूषण नियंत्रण उपकरण, डी. जी. सेट और प्लांट लेआउट योजना के साथ परिसंकटमय और अन्य अपशिष्ट उत्पादन सम्मिलित हो।

फॉर्म II

[पैरा 11 (2) और 12 (1) देखिए]

वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 की धारा 21 के अधीन औद्योगिक संयंत्र संचालित करने की सहमति के लिए आवेदन

द्वारा

सेवा में

सदस्य सचिव

_____ राज्य प्रदूषण नियंत्रण बोर्ड/समिति

श्रीमान,

मैं/हम औद्योगिक संयंत्र प्रचालन हेतु सहमति या वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 (1981 का 14) की धारा 21 के अधीन सहमति के नवीकरण या संशोधित उत्पाद के लिए प्रचालन या प्रक्रिया या उपचार तथा वायु प्रदूषकों के उत्सर्जन या उत्सर्जन को जारी रखने के लिए सहमति हेतु आवेदन करते हैं।

मैसर्स _____ के स्वामित्व वाली भूमि/परिसर
स्थान _____

नीचे दिए गए ब्यौरे के अनुसार:

आवेदक द्वारा भरा जाना है

भाग क: साधारण

क्र.सं.	अपेक्षित ब्यौरा	:	
1.0	परियोजना का ब्यौरा :		
1.1	परियोजना का नाम/उद्योग/टीएसडीएफ	:	
1.2	परियोजना प्रस्ताव	:	विस्तार/नवीनीकरण/विधिमान्यता विस्तार/अंतरण
1.3	पर्यावरण मंजूरी का ब्यौरा	:	
1.4	साइट / यूनिट का पता	:	प्लॉट/सर्वे नंबर
		:	गांव
		:	तहसील
		:	जिला
		:	राज्य/संघ शासित प्रदेश
		:	पिन कोड

2.0		आवेदक/अधिभोगी ब्यौरा:																									
2.1	आवेदक / अधिभोगी का नाम	:																									
2.2	पदनाम	:																									
2.3	अधिभोगी की राष्ट्रीयता	:																									
2.4	पत्राचार पता	:	<table border="1"> <tr> <td>प्लॉट/ सर्वे नंबर/ सड़क का नाम</td> <td>:</td> <td></td> </tr> <tr> <td>गांव/कस्बा/शहर</td> <td>:</td> <td></td> </tr> <tr> <td>तहसील/तालुक</td> <td>:</td> <td></td> </tr> <tr> <td>जिला</td> <td>:</td> <td></td> </tr> <tr> <td>राज्य/संघ राज्य क्षेत्र</td> <td>:</td> <td></td> </tr> <tr> <td>पिन कोड</td> <td>:</td> <td></td> </tr> </table>	प्लॉट/ सर्वे नंबर/ सड़क का नाम	:		गांव/कस्बा/शहर	:		तहसील/तालुक	:		जिला	:		राज्य/संघ राज्य क्षेत्र	:		पिन कोड	:							
प्लॉट/ सर्वे नंबर/ सड़क का नाम	:																										
गांव/कस्बा/शहर	:																										
तहसील/तालुक	:																										
जिला	:																										
राज्य/संघ राज्य क्षेत्र	:																										
पिन कोड	:																										
2.5	वैकल्पिक ब्यौरा के साथ प्लॉट प्रमुख का संपर्क ब्यौरा	:	<table border="1"> <tr> <td>नाम और पदनाम:</td> <td>:</td> <td>1.</td> </tr> <tr> <td></td> <td></td> <td>2.</td> </tr> <tr> <td>ई-मेल पता</td> <td>:</td> <td>1.</td> </tr> <tr> <td></td> <td></td> <td>2.</td> </tr> <tr> <td>लैंडलाइन नंबर</td> <td>:</td> <td>1.</td> </tr> <tr> <td></td> <td></td> <td>2.</td> </tr> <tr> <td>मोबाइल नंबर</td> <td>:</td> <td>1,</td> </tr> <tr> <td></td> <td></td> <td>2.</td> </tr> </table>	नाम और पदनाम:	:	1.			2.	ई-मेल पता	:	1.			2.	लैंडलाइन नंबर	:	1.			2.	मोबाइल नंबर	:	1,			2.
नाम और पदनाम:	:	1.																									
		2.																									
ई-मेल पता	:	1.																									
		2.																									
लैंडलाइन नंबर	:	1.																									
		2.																									
मोबाइल नंबर	:	1,																									
		2.																									
3.0		कंपनी की विधिक प्रास्थिति:																									
3.1	वैयक्तिक / स्वामित्व समर्थान/ साझेदारी फर्म/ संयुक्त परिवार समर्थान / प्राइवेट लिमिटेड कंपनी/ पब्लिक लिमिटेड कंपनी/ विदेशी कंपनी/ सीमित दायित्व भागीदारी। टिप्पण: रजिस्ट्रीकरण संख्या और प्राधिकरण का उल्लेख किया जाए।	:																									
3.2	केन्द्रीय सरकार/राज्य सरकार/केन्द्रीय सार्वजनिक सेक्टर उपक्रम/राज्य सार्वजनिक सेक्टर उपक्रम/संयुक्त उद्यम (निजी+सरकारी), (सरकारी+सरकारी), (निजी+निजी)	:																									
4.0		परियोजना/ उद्योग/ क्रियाकलाप का अवस्थान :																									
4.1	अवस्थान	:	केएमएल अपलोड करें																								
4.2	परिबद्ध अक्षांश (उत्तर) (दशमलव के पश्चात 8 अंक)	:	<table border="1"> <tr> <td>से</td> <td>:</td> <td></td> </tr> <tr> <td>तक</td> <td>:</td> <td></td> </tr> </table>	से	:		तक	:																			
से	:																										
तक	:																										
4.3	परिबद्ध देशांतर (पूर्व) (दशमलव के पश्चात 8 अंक)	:	<table border="1"> <tr> <td>से</td> <td>:</td> <td></td> </tr> <tr> <td>तक</td> <td>:</td> <td></td> </tr> </table>	से	:		तक	:																			
से	:																										
तक	:																										

4.4	संरक्षित क्षेत्र, तटीय विनियमन क्षेत्र, जैवमंडल, जलाशय, वन, कच्छ वनस्पति, नदियाँ, पुरातात्विक स्मारक, गंभीर रूप से प्रदूषित क्षेत्र, गैर-प्राप्ति शहर, प्रदूषित नदी खंड, हिल स्टेशन (ऊँचाई > 600 मीटर), प्रमुख कस्बे और शहरों के पारिप्रास्थितिकी-संवेदी क्षेत्र में स्थित	:			
4.4	भारतीय सर्वेक्षण टोपो शीट संस्था	:			
4.5	भूमि ब्यौरा (पंचायत, तहसील, जिले के अनुसार)	:	स्वामित्व/पट्टे पर	:	
			कुल क्षेत्रफल हेक्टेयर में	:	
			क) गैर-वन (हेक्टेयर में)	:	
			ख) वन (हेक्टेयर में)	:	
			वार्षिक पट्टा मूल्य, पट्टा रुपए की दशा में	:	
			निर्माण क्षेत्र वर्ग मीटर में	:	
			हरित पट्टी का आवरण कुल क्षेत्रफल के % में	:	
4.6	वर्ग मीटर में भूमि सीमा	:	स्वयं-कृषि	:	
			औद्योगिक	:	
			संपरिवर्तित	:	
			औद्योगिक क्षेत्र	:	
			क) आवेदन किया और आबंटित नहीं किया गया	:	
			ख) आवेदन किया और आबंटित किया गया	:	
			ग) पट्टे पर दिया गया	:	
5.0	प्रवर्ग और परियोजना/ उद्योग/ क्रियाकलाप का वर्गीकरण:				
5.1	उद्योग का प्रवर्ग (लाल, नारंगी और हरा)	:	प्रवर्ग	:	
			प्रदूषण सूचकांक	:	
5.2	औद्योगिक क्षेत्र/ प्रकार	:			
5.3	अत्यधिक प्रदूषणकारी/ 17 प्रवर्ग/ अन्य	:			
5.4	पूंजी विनिर्दान के आधार पर उद्योग का पैमाना (सूक्ष्म/लघु/मध्यम/बड़ा)	:	कुल पूंजी विनिर्दान (रु.)	:	
			पैमाना/वर्गीकरण	:	
5.5	उत्पाद/ उप-उत्पाद विनिर्माण क्षमता (टीपीडी/टीपीए)	:	उत्पाद/उप-उत्पाद	:	क्षमता
				:	
				:	
				:	

5.6	विनिर्माण क्षमता के लिए कच्चे माल/ रसायन खपत (टीपीडी और टीपीए)	:	कच्चा माल		:	खपत			
5.7	प्रक्रिया प्रवाह चार्ट और सामग्री संतुलन, प्रौद्योगिकी का लाभ आदि के साथ संक्षिप्त विनिर्माण प्रक्रिया।	:	उपाबंध किया जाए						
5.8	उत्पादन आरंभ होने की तारीख/ अपेक्षित तारीख	:							
5.9	नियुक्त होने वाले/नियुक्त लोगों की संख्या	:							
5.1 0	उद्योग शिफ्ट/साप्ताहिक छुट्टी	:	शिफ्ट्स (I / II / III) और घंटों में		:				
			दिनों में साप्ताहिक छुट्टी		:				
5.1 1	एमएसआईएचसी नियमों के अनुसार परिसंकटमय रसायनों का उपयोग	:	क्र.सं.	रसायन	एचएस कोड	भंडारण क्षमता	दैनिक उपभोग		
			1.						
			2.						
			3.						
5.1 2	पी एल आई अधिनियम , 1991 के तहत बीमा	:	क. बीमा संख्या और क्रमांक (जिसके लिए लिया गया) ख. बीमा कंपनी ग. वैधता घ. क्षतिपूर्ति सीमा (रु. में) ड. ई आर एफ़ में योगदान (रु. में)						

भाग ख: अपशिष्ट जल पहलू

6.0	जल खपत और अपशिष्टजल उत्पादन								
6.1	जल स्रोत	:	भूजल/ नदी/ औद्योगिक संपदा आपूर्ति/ निजी टैंकर/ समुद्र/ पुनर्नवीनीकरण/ कोई अन्य, यदि कोई हो						
6.2	अनुमति प्रदानकर्ता प्राधिकारी और अनुमत मात्रा	:	प्राधिकरण: मात्रा:						
6.3	विनिर्माण क्षमता हेतु जल खपत (केएलडी)	:							
6.4	विनिर्माण क्षमता के लिए जल उपयोग। (विभिन्न बिंदुओं पर टीडीएस के साथ मात्रा दिखाते हुए जल संतुलन उपबंध करें)	:	प्रयोजन	:	केएलडी				
			घरेलू	:					
			प्रक्रिया	:					
			बॉयलर	:					
			अन्य उपयोगिताएँ (कृपया विनिर्दिष्ट करें)	:					

6.5	विनिर्माण प्रक्रिया के लिए अपशिष्ट जल उत्पादन (केएलडी)	:	केएलडी			
	विभिन्न स्रोतों से अपशिष्ट जल	:	प्रयोजन	:	केएलडी	
		:	घरेलू	:		
		:	प्रक्रिया	:		
		:	बॉयलर	:		
		:	अन्य उपयोगिताएँ (कृपया विनिर्दिष्ट करें)	:		
6.6	अपशिष्ट जल उपचार प्रणाली	:	बहिःस्राव का प्रकार	:	केएलडी	उपचार प्रणाली
			जैव-अपघटनीय	:		
			गैर-जैव-अपघटनीय	:		
			बॉयलर ब्लोडाउन	:		
			अन्य प्रसाधन	:		
			कोई अन्य	:		
			कुल	:		
6.7	मल उपचार संयंत्र(संयंत्रों) का ब्यौरा	:	क्र.सं.	एसटीपी की क्षमता	:	केएलडी
			1.			
			2.			
	उपचारित बहिःस्राव के निपटान की रीति	:				
6.8	बहिःस्राव उपचार संयंत्र ब्यौरा	:	क्र.सं.	ईटीपी की क्षमता	:	केएलडी
			1.			
			2.			
	उपचारित बहिःस्राव के निपटान की रीति	:				
6.9	उपचारित अपशिष्ट जल हौदी, गार्ड तालाब, यदि कोई हो, की क्षमता	:				
6.10	प्रत्येक इकाई प्रचालन/प्रक्रिया की इनलेट/आउटलेट विशेषताओं के साथ उपचार स्कीम का स्कीमबद्ध आरेख	:	उपाबद्ध किया जाए।			
6.11	प्रक्रिया/मानकों के अनुसार पीएच, एसएस, टीडीएस और मुख्य आयनों, वीओडी/सीओडी, तेल और ग्रीस तथा सुसंगत धातुओं और पोषक तत्वों के संबंध में उपचार पूर्व और पश्चात अपशिष्ट की गुणवत्ता (अंतिम आउटलेट पर)। (ईपीए मान्यता प्राप्त प्रयोगशाला से अनुपचारित और उपचारित अपशिष्ट की विक्षेपण रिपोर्ट उपबंध करें) टिप्पण: प्रस्तावित इकाई के लिए अपशिष्ट की अपेक्षित विशेषताएं प्रस्तुत करें	:	उपाबद्ध किया जाए।			

7.3	डी.जी. सेट	:	क्र.सं.	केवी ए	ध्वनिक प्रास्थिति	ऊंचाई (मी)
7.4	प्रक्रिया/मानकों के अनुसार पीएम, एसओ2, एनओएक्स तथा अन्य सुसंगत वायु प्रदूषकों के संबंध में स्रोत उत्सर्जन (उपचार/नियंत्रण से पहले) तथा उपचार/नियंत्रित उत्सर्जन (स्टैक/वेंट पर) के बाद की गुणवत्ता। (ईपीए मान्यता प्राप्त प्रयोगशाला से स्टैक उत्सर्जन की विश्लेषण रिपोर्ट उपबंध करें) टिप्पण: प्रस्तावित इकाई के लिए उत्सर्जन की अपेक्षित विशेषताएँ प्रस्तुत करें।	:	उपबंध किया जाएं			
7.5	गंधयुक्त यौगिक, यदि कोई हो और उपलब्ध कराए गए नियंत्रण उपाय	:				
7.6	उपचार/नियंत्रण-निष्पादन और पर्यावरण-अनुपालन निगरानी और रिपोर्टिंग प्रणाली का ब्यौरा	:				
7.7	उपरोक्त मदों में शामिल न की गई कोई सुसंगत जानकारी	:				

भाग घ: परिसंकटमय अपशिष्ट पहलू

(परिसंकटमय अपशिष्ट उत्पादन करने वाले औद्योगिक स्थापनों के मामले में आवश्यक जानकारी)

8.0	परिसंकटमय अपशिष्ट प्रबंधन					
8.1	परिसंकटमय अपशिष्ट उत्पादन करने की प्रक्रिया	:	क्र.सं.	प्रक्रिया	अनुसूची I का खंड	मात्रा/वार्षिक
8.2	के लिए सहमति आवश्यक	:	क्र.सं.	क्रियाकलाप	:	कृपया टिक करें
			1.	उत्पादन	:	
			2.	संग्रह	:	
			3.	भंडारण	:	
			4.	परिवहन	:	
			5.	रिसेप्शन	:	
			6.	पुनः उपयोग	:	
			7.	रीसाइक्लिंग	:	
			8.	पुनर्बहाली	:	

			9.	पूर्व-प्रसंस्करण	:	
			10.	सह-प्रसंस्करण	:	
			11.	उपयोग	:	
			12.	उपचार	:	
			13.	निपटान	:	
			14.	भस्मीकरण	:	
8.3	तकनीकी क्षमताएं/सुविधाएं	:	क्र.सं.	क्षमताएं	:	
			1.	भंडारण क्षेत्र	:	
			2.	भंडारण मात्रा	:	
			3.	भंडारण की विधि	:	
			4.	विशेष हैंडलिंग आवश्यकता, यदि कोई हो	:	
			5.	आपातकालीन प्रतिक्रिया प्रक्रिया	:	
			6.	लीचेट उपचार	:	
8.4	अपशिष्ट की प्रकृति (विशेषताएं) और मात्रा	:	क. प्रति वर्ष प्रबंधित: ख. किसी भी समय भंडारित:			
8.4	उपरोक्त अपशिष्टों के प्रबंधन/निपटान की रीति	:	क्र.सं.	निपटान	:	कृपया टिक करें
			1.	औद्योगिक इकाई के भीतर सुरक्षित भंडारित	:	
			2.	संयंत्रों में उपयोग (यदि नहीं, तो कृपया उपयोग का ब्यौरा प्रदान करें)	:	
			3.	सामान्य टीएसडीएफ	:	
				राज्य के भीतर	:	
				राज्य के बाहर	:	
			4.	अन्य	:	
8.5	वास्तविक उपयोगकर्ताओं/ टीएसडीएफ तक एच.डब्ल्यू. के परिवहन की व्यवस्था	:				
8.6	सभी अपशिष्टों के सुरक्षित प्रचालन के लिए प्रदान किए गए पर्यावरण सुरक्षा उपायों और पर्यावरण सुविधाओं का ब्यौरा;	:				
8.7	इन नियमों के अनुसार परिसंकटमय रसायनों के विनिर्माण, भंडारण और आयात नियम, 1989 के अधीन परिभाषित परिसंकटमय रसायनों के भंडारण से उत्पादित परिसंकटमय और अन्य अपशिष्ट।	:				

8.8	उपचार, भंडारण और निपटान सुविधा (टीएसडीएफ) प्रचालकों के लिए	<p>1. कृपया निम्नलिखित सुविधाओं का ब्यौरा प्रदान करें:</p> <p>क) लेआउट मानचित्र के साथ साइट का अवस्थान ख) अपशिष्ट का सुरक्षित भंडारण और भंडारण क्षमता ग) उपचार प्रक्रियाएँ और उनकी क्षमताएँ घ) सुरक्षित लैंडफिल ङ) भस्मीकरण, यदि कोई हो च) लीचेट संग्रह और उपचार प्रणाली छ) अग्निशमन प्रणाली ज) निगरानी सहित पर्यावरण प्रबंधन स्कीम और झ) जनरेटर से अपशिष्ट परिवहन की व्यवस्था।</p> <p>2. कृपया टीएसडीएफ साइट पर की गई किसी भी अन्य क्रियाकलापों का ब्यौरा प्रदान करें:</p>
<p>टिप्पण:</p> <p>1. प्राधिकरण के नवीनीकरण की दशा में पिछले प्राधिकरण संख्या और तारीखों तथा पिछले तीन वर्षों के वार्षिक रिटर्न की प्रतियाँ प्रदान करें, जिसमें पूर्व पर्यावरण मंजूरी की शर्तों के संबंध में अनुपालन रिपोर्ट, जहाँ भी लागू हो, शामिल हो।</p> <p>2. आपातकालीन प्रतिक्रिया स्कीम (ईआरपी) की प्रति प्रदान करें, जिसमें सीपीसीबी के मार्ग दर्शक सिद्धांतों में विनिर्दिष्ट आपातकालीन प्रास्थितियों (जैसे रिसाव या रिसाव या आग) से निपटने के लिए प्रक्रियाओं का समाधान किया जाना चाहिए। इस तरह की ईआरपी में निम्नलिखित शामिल होंगे, लेकिन सीमित नहीं होंगे:</p> <ul style="list-style-type: none"> ➤ घटनाओं को नियंत्रित करना ताकि प्रभावों को कम किया जा सके और व्यक्तियों, पर्यावरण और संपत्ति के लिए खतरे को सीमित किया जा सके; ➤ व्यक्तियों और पर्यावरण की सुरक्षा के लिए आवश्यक उपायों को लागू करना; ➤ घटनाओं में स्थितियों को नियंत्रित करने और उनके परिणामों को सीमित करने के लिए की जाने वाली कार्रवाइयों का ब्यौरा, जिसमें उपलब्ध सुरक्षा उपकरणों और संसाधनों का ब्यौरा शामिल है; ➤ कर्मचारियों को उन कर्तव्यों में प्रशिक्षण देने की व्यवस्था करना जिन्हें उनसे पूर्ति की अपेक्षा की जाती है; ➤ संबंधित अधिकारियों और आपातकालीन सेवाओं को सूचित करने की व्यवस्था; और ➤ ऑफ-साइट उपशमन कार्रवाई के साथ सहायता प्रदान करने की व्यवस्था। <p>3. परिसंकटमय और अन्य अपशिष्ट के प्रबंधन समय रिसाव, लीकेज या आग लगने की प्रास्थिति में बैंक गारंटी जमा करने के दायरे सहित सभी उपबंधों का पालन करने के लिए शपथ या उद्घोषणा करना।</p>		
8.9	प्री-प्रोसेसर या सह-प्रोसेसर के पुनर्चक्रणकर्ताओं या परिसंकटमय और अन्य अपशिष्टों के उपयोगकर्ताओं के लिए	<p>क) घरेलू स्रोतों या आयातित या दोनों से प्रति वर्ष प्राप्त विभिन्न अपशिष्टों की प्रकृति और मात्रा ख) जिला उद्योग केंद्रीय या किसी अन्य अधिकृत सरकारी अभिकरण द्वारा जारी रजिस्ट्रीकरण के अनुरूप स्थापित क्षमता ग) भंडारण क्षमता सहित अपशिष्टों के सुरक्षित भंडारण का ब्यौरा प्रदान करें। घ) प्रक्रिया ब्यौरा जिसमें उपकरण ब्यौरा, इनपुट और आउटपुट (इनपुट अपशिष्ट, रसायन, उत्पाद, उप-उत्पाद, उत्पादन अपशिष्ट, उत्सर्जन, अपशिष्ट जल, आदि) दर्शाने वाली प्रक्रिया</p>

			प्रवाह पत्रक शामिल है। ड) उत्पादों या उप-उत्पादों के अंतिम उपयोगकर्ताओं का ब्यौरा प्रदान करें। च) अपशिष्ट निपटान की रीति सहित प्रदूषण नियंत्रण प्रणालियों जैसे कि अपशिष्ट उपचार संयंत्र, स्क्रबर आदि का ब्यौरा प्रदान करें। छ) व्यावसायिक स्वास्थ्य और सुरक्षा उपायों का ब्यौरा प्रदान करें। ज) क्या प्रतिष्ठान केंद्रीय प्रदूषण नियंत्रण बोर्ड के दिशा निर्देशोंके अनुसार स्थापित की गई है? यदि हाँ, तो दिशा निर्देशोंके अनुपालन पर एक रिपोर्ट प्रदान करें। झ) प्रतिष्ठान तक अपशिष्ट के परिवहन की व्यवस्था:
8.10	उपरोक्त मदों में शामिल न की गई कोई भी सुसंगत जानकारी	:	

भाग ड: भुगतान ब्यौरा

9.0	भुगतान ब्यौरा		
9.1	भुगतान का प्रकार	:	ऑनलाइन/ऑफलाइन
9.2	ऑनलाइन की दशा में संव्यवहार का ब्यौरा	:	संव्यवहार संख्या: तारीख: प्रास्थिति:
9.3	ऑफलाइन की दशा में ड्राफ्ट का ब्यौरा	:	रकम (रु.): ड्राफ्ट संख्या: के पक्ष में: बैंक का नाम: तारीख:
9.4	संदत फीस की रकम	:	रु. _____

घोषणा

- क) मैं/हम घोषणा करते हैं कि उपरोक्त जानकारी मेरे/हमारे सर्वोत्तम ज्ञान के अनुसार सत्य और सही है। मैं/हम जानते हैं कि किसी भी प्रकार की मिथ्यापरक जानकारी वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 की धारा 38(च) के अधीन दंडनीय है।
- ख) मैं/हम एतद्वारा यह स्वीकृत करते हैं कि कच्चे माल, उत्पाद, विनिर्माण प्रक्रिया और उपचार और/या अपशिष्ट, उत्सर्जन, परिसंकटमय अपशिष्ट आदि के निपटान के संबंध में इस आवेदन में बताई गई बातों में गुणवत्ता और मात्रा में किसी भी परिवर्तन के मामले में; सहमति के लिए एक नया आवेदन किया जाएगा और जब तक नवीन सहमति प्रदान नहीं दी जाती है, तब तक कोई परिवर्तन नहीं किया जाएगा। मैं/हम अवगत हैं कि धारा 21 का उल्लंघन, वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 के सुसंगत उपबंधों के अधीन दंडनीय है।
- ग) मैं/हम इसके साथ एक शपथ पत्र प्रस्तुत करते हैं जिसके आधार पर मुझे/हमें स्थापना हेतु सहमति जारी की जाएगी और मैं/हम वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 की धारा 39 या किसी भ्रामक/गलत प्रस्तुति के अधीन जिम्मेदार ठहराए जाएंगे।
- घ) मैं/हम राज्य बोर्ड द्वारा कोई अन्य जानकारी मांगे जाने के एक माह के भीतर प्रस्तुत करने का वचन देते हैं।

तारीख:

स्थान:

अधिभोगी/
अधिकृत हस्ताक्षरकर्ता का नाम और हस्ताक्षर

प्रचालन हेतु सहमति प्रदान करने के लिए संलग्न किए जाने वाले अनिवार्य दस्तावेज:

1. अनुज्ञप्तियां / प्रमाणपत्र:

(क) कंपनी की विधिक प्रास्थिति:

- i. साझेदारी / स्वामित्व / कंपनी आदि; या
- ii. एसएसआई / एमएसएमई प्रमाणपत्र (उद्योग आधार) / उद्यमिता ज्ञापन, यदि लागू हो;

(ख) परियोजना का अवस्थान:

- i. औद्योगिक क्षेत्र: संबंधित औद्योगिक क्षेत्र विकास बोर्ड/ निगम से आवंटन पत्र/ भूमि धारण प्रमाण पत्र; या
- ii. औद्योगिक क्षेत्र से इतर: संबंधित प्राधिकरण से रजिस्ट्रीकृत भूमि विलेख / भूमि संपरिवर्तन प्रमाणपत्र / यदि संपत्ति किराए / पट्टे पर हो तो, किराया (या) पट्टा करार;

(ग) खनन परियोजना: खान और भूविज्ञान विभाग द्वारा प्रदान की गई खनिज खनन पट्टा अनुमति, यदि लागू हो;

(घ) पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29 वां) के अधीन जारी भारत सरकार की अधिसूचना संख्या एसओ 1533 (ई), तारीख 14 सितम्बर, 2006 के अधीन, यदि लागू हो, केंद्रीय सरकार या राज्य पर्यावरण समाघात निर्धारण प्राधिकरण द्वारा दी गई पर्यावरणीय स्वीकृति;

(ङ) विनिर्द्धान: प्रस्तावित पूंजी **विनिर्द्धान** के संबंध में चार्टर्ड अकाउंटेंट प्रमाण पत्र।

2. तकनीकी ब्यौरा:

i. पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29 वां) के अधीन जारी भारत सरकार की अधिसूचना संख्या एसओ 1533 (ई), तारीख 14 सितंबर, 2006 के अधीन केंद्रीय सरकार या राज्य पर्यावरण समाघात निर्धारण प्राधिकरण को प्रस्तुत की गई पर्यावरण समाघात निर्धारण रिपोर्ट; या

ii. परियोजना रिपोर्ट जिसमें विनिर्माण प्रक्रिया (फ्लो चार्ट सहित ब्यौरा), कच्चा माल, उत्पाद, उप-उत्पाद, भूमि विस्तार, विभिन्न प्रस्कीमर्थ जल स्रोत और खपत, विभिन्न क्रियाकलापों से अपशिष्ट जल उत्सर्जन, बहिःस्राव उपचार संयंत्र (फ्लो डायग्राम सहित ब्यौरा), जल शेष, प्रयुक्त ईंधन, उत्सर्जन के स्रोत और प्रस्तावित वायु प्रदूषण नियंत्रण उपकरण, डीजी सेट और परिसंकटमय तथा अन्य अपशिष्ट उत्पादन के साथ-साथ संयंत्र खाका स्कीम शामिल हो।

3. स्थापना करने के लिए सहमति / विस्तार और नवीनीकरण के लिए सहमति, यथा लागू, की अनुपालन रिपोर्ट।

दूसरी अनुसूची
[पैरा 3(1) देखिए]

क. सहमति के लिए प्रयोज्य वार्षिक शुल्क

1. पूंजी विनिद्वान स्लैब.- पूंजी विनिद्वान स्लैब निम्नानुसार हैं: -

- (क) 1 करोड़ रुपये और उससे कम
- (ख) 1 करोड़ रुपये से अधिक किंतु 10 करोड़ रुपये से अधिक नहीं
- (ग) 10 करोड़ रुपये से अधिक किंतु 50 करोड़ रुपये से अधिक नहीं
- (घ) 50 करोड़ रुपये से अधिक किंतु 250 करोड़ रुपये से अधिक नहीं
- (ङ) 250 करोड़ रुपये से अधिक किंतु 500 करोड़ रुपये से अधिक नहीं
- (च) 500 करोड़ रुपये से अधिक किंतु 1000 करोड़ रुपये से अधिक नहीं
- (छ) 1000 करोड़ रुपये से अधिक

2) औद्योगिक संयंत्र के लिए वार्षिक फीस - (क) उद्योग के लिए सहमति प्रदान करने हेतु फीस का निर्धारण पूंजी विनिद्वान और औद्योगिक संयंत्र के वर्गीकरण के आधार पर निम्नलिखित सूत्र के अनुसार किया जाता है, अर्थात:-

$$\text{सीएफ} = \text{सीआई} * \text{एस एफ} * \text{पीआईएफ}$$

जहाँ-

- सीएफ : सहमति के लिए वार्षिक फीस (रु. में / विधिमान्यता अवधि)
- सीआई : पूंजी विनिद्वान (रु. में)
- एस एफ : पैमाना कारक (पूंजी विनिद्वान पर आधारित)
- पीआईएफ : प्रदूषण सूचकांक कारक (श्रेणी के आधार पर)

ख) पूंजी विनिद्वान स्लैब के अनुसार पैमाना कारक (एस एफ) निम्नलिखित है: -

क्र. सं. (1)	पूंजी विनिद्वान (2)	कारक(एसएफ) (3)
(i)	1 करोड़ रु. और उससे कम	0.100%
(ii)	1 करोड़ रुपये से अधिक किंतु 10 करोड़ रु. से अधिक नहीं	0.080%
(iii)	10 करोड़ रुपये से अधिक किंतु 50 करोड़ रु. से अधिक नहीं	0.060%
(iv)	50 करोड़ रुपये से अधिक किंतु 250 करोड़ रु. से अधिक नहीं	0.040%

(v)	250 करोड़ रुपये से अधिक किंतु 500 करोड़ रु. से अधिक नहीं	0.030%
(vi)	500 करोड़ रुपये से अधिक किंतु 1000 करोड़ रु. से अधिक नहीं	0.020%
(vii)	1000 करोड़ रु. से अधिक	0.010%

(ग) उद्योगों के वर्गीकरण के आधार पर प्रदूषण सूचकांक कारक (पीआईएफ) इस प्रकार हैं-

क्र. सं.	औद्योगिक श्रेणी	पीआईएफ
(1)	(2)	(3)
(i)	हरित	1.00
(ii)	नारंगी	1.50
(iii)	लाल	2.00

(घ) पिछले स्लैब की अधिकतम फीस को अगले स्लैब की मूल फीस के रूप में रखा जाए और स्केल फैक्टर (एसएफ) अंतर रकम पर लागू होगा। ब्यौरा निम्नानुसार है: -

वार्षिक फीस (सीएफ): पिछले स्लैब की अधिकतम फीस + {(सीआई का अंतर)* एसएफ*पीआईएफ}

(ड.) सहमति प्रदान करने के लिए उद्योग / गतिविधि के लिए न्यूनतम वार्षिक फीस, हरा, नारंगी और लाल श्रेणी के लिए क्रमशः रु. 5000, रु. 7500, रु. 10,000 होगी।

3. स्थानीय निकायों और अवसंरचना परियोजनाओं (आवासीय और अन्य) के लिए वार्षिक फीस- (क) भारत सरकार की अधिसूचना संख्या एसओ 1533 (अ), के अधीन कवर की गई अवसंरचना परियोजनाओं के संबंध में स्थापित करने के लिए वार्षिक फीस का निर्धारण करने के उद्देश्य से पूंजी निवेश दिनांक 14 सितंबर, 2006 को, समय समय पर संशोधित, स्थापना चरण के दौरान पूंजी निवेश पर आधारित होगा। इसे आवासीय (स्टैंडअलोन अपार्टमेंट/ कॉम्प्लेक्स), लेआउट, एकीकृत परियोजनाएं, वाणिज्यिक कॉम्प्लेक्स, कार्यालय कॉम्प्लेक्स, शैक्षणिक संस्थान, टाउनशिप और स्थानीय निकाय जल आपूर्ति और सीवरेज बोर्ड शामिल हैं। स्थापना हेतु सहमति के लिए वार्षिक फीस औद्योगिक संयंत्रों के लिए अपनाए गए फार्मूले के अनुसार की जाएगी, जैसा कि उपर्युक्त पैरा 2 में दिया गया है।

ख) उपर्युक्त उप-पैरा (क) में परियोजनाओं के प्रचालन की सहमति के लिए वार्षिक फीस उत्सर्जित/ उपचारित मल की मात्रा पर आधारित होगी :

क्र. सं.	उत्सर्जित और उपचारित मल	प्रचालन की सहमति के लिए वार्षिक फीस	
		स्थानीय निकाय और आवासीय (रु.)	आवासीय से इतर (रु.)
(1)	(2)	(3)	(4)
1	10 केएलडी तक	5,000	7,500
2	10 से 50 केएलडी तक	15,000	22,500
3	50 से 100 केएलडी तक	25,000	37,500
4	100 से 300 केएलडी तक	35,000	52,500
5	300 से 500 केएलडी तक	55,000	82,500
6	500 केएलडी से 1 एमएलडी तक	65,000	97,500

7	1 से 5 एमएलडी तक	75,000	1,12,500
8	5 से 10 एमएलडी तक	1,00,000	15,00,00
9	10 से 25 एमएलडी तक	2,00,000	30,00,00
10	25 एमएलडी से अधिक	4,00,000	60,00,00

4. खनन परियोजनाओं के लिए वार्षिक फीस – (क) खनन परियोजना/क्रियाकलाप हेतु सहमति प्रदान करने के लिए वार्षिक फीस खनन किए जाने वाले खनिज की स्वीकृत क्षमता, खनिज के प्रकार, खनन क्षेत्र और खनन के प्रकार पर आधारित है। फीस का परिकलन निम्नलिखित सूत्र का उपयोग करते हुए किया जाएगा-

$$\text{सीएफ} = \text{सीसी} * \text{एमएफ} * \text{एएफ} * \text{टीएमएफ}$$

जहाँ,

- सीएफ: वार्षिक सहमति फीस (रु. / वार्षिक)
- सीसी: खनन किए जाने वाले खनिज की स्वीकृत क्षमता (टन / वार्षिक)
- एमएफ: खनिज कारक (खनिज के प्रकार के आधार पर)
- एएफ: क्षेत्र कारक (खनन क्षेत्र के आधार पर रु. में)
- टीएमएफ: खनन कारक का प्रकार (खनन के प्रकार के आधार पर)

टिप्पण- न्यूनतम फीस : रु. 5000 प्रतिवर्ष

(ख) उत्खनित किये गए खनिज के प्रकार पर आधारित खनिज कारक है :

क्र. सं.	खनिज पदार्थ	खनिज कारक (एमएफ)
1	मैंगनीज, क्रोमाइट, स्टीटाइट, बैराइट्स, अभ्रक, सोना, यूरेनियम, चांदी, तांबा, सीसा, जस्ता	1
2	लोहा, बॉक्साइट, कोयला	0.8
3	डोलोमाइट, चूना पत्थर, जिप्सम, फेल्डस्पार, गार्नेट, क्वार्ट्ज, सिलिका स्टेट स्टोन, बेंटोनाइट, पायरोपाइलाइट, ग्रेफाइट, फॉस्फोराइट, कले- चीन, व्हाइट, फायर और बॉल	0.6
4	अन्य खनिज जैसे स्टोन क्वारी, ग्रेनाइट, संगमरमर, नदी रेत / नदी तल सामग्री आदि	0.4

(ग) उत्खनन क्षेत्र के आधार पर क्षेत्र कारक (एएफ) हैं :

क्र.सं.	पट्टे पर क्षेत्र (हेक्टेयर में)	क्षेत्र कारक (एएफ)
1.	5 तक	1.0
2.	5 से ऊपर 25 तक	1.2
3.	25 से ऊपर 100 तक	1.4

4.	100 से ऊपर 500 तक	1.6
5.	500 से ऊपर	1.7

(घ) खनन के प्रकार पर आधारित खनन कारक का प्रकार (टीएमएफ)

क्र.सं.	खनन का प्रकार	खनन कारक के प्रकार (टीएमएफ)
1.	खुली खनन	1.25
2.	भूमिगत खनन	1.00

5. कॉफी पलिंग क्रियाकलापों के लिए वार्षिक फीस – (क) प्रचालन क्षमता को पृथक रखते हुए पलिंग (वेट और ड्राई पलिंग) के प्रकारों को ध्यान में रखते हुए बुनियादी फीस और पलिंग कारक के आधार पर कॉफी पलिंग के लिए वार्षिक फीस का निर्धारण किया जाएगा।

$$\text{सीएफ} = \text{बीएफ} * \text{पीएफ}$$

जहाँ,

- सीएफ : फीस (रु. / वार्षिक)
- बीएफ : मूल फीस (रु. 2500 प्रतिवर्ष)
- पीएफ : पलिंग कारक (पलिंग के प्रकार के आधार पर)

(ख) पलिंग के प्रकार के आधार पर पलिंग कारक (पीएफ):

क्र. सं.	पलिंग के प्रकार	पलिंग कारक (पीएफ)
1	2	3
1	वेट पलिंग	1.25
2	ड्राई पलिंग	1.00

6. जलीय कृषि क्रियाकलापों के लिए वार्षिक फीस - लीज होल्ड क्षेत्र के आधार पर एक्का कल्चर के लिए वार्षिक फीस का निर्धारण किया जाएगा और फीस निम्नानुसार है :

क्र. सं.	लीज होल्ड क्षेत्र	फीस (रु. में)
1	5 हेक्टेयर तक	शून्य
2	5 से 25 हेक्टेयर के बीच	रु. 5,000
3	25 से 100 हेक्टेयर तक	रु. 25,000
4	100 हेक्टेयर से अधिक	रु.1,00,000

7. एकमात्र स्रोत के रूप में डीजल जनरेटर रखने वाले स्थापनों के लिए वार्षिक फीस – ऐसे औद्योगिक संयंत्रों, जिनमें डीजल जनरेटर वायु प्रदूषण का एकमात्र स्रोत है, के लिए वार्षिक फीस निम्नलिखित है-

क्र. सं.	डीजल जनरेटर की कोटि	फीस (रुपये में)
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1	2	3
1.	≥ 250 केवीए	शून्य
2.	250 केवीए से ≤ 500 केवीए	रु .1,000
3.	500 केवीए से ≤ 1 एमवीए	रु .2,000
4.	> 1 एमवीए	रु. 5,000

8. औद्योगिक संयंत्रों को प्रोत्साहन- जल, वायु और भूमि प्रदूषण को कम करने, प्राकृतिक संसाधनों (उत्पादन की प्रति इकाई संसाधन खपत) के संरक्षण के लिए पर्यावरण संरक्षण उपाय अपनाने वाले और सर्वोत्तम प्रौद्योगिकियों, स्वच्छ प्रौद्योगिकी का उपयोग करते हुए पर्यावरण की रक्षा के लिए केंद्रीय बोर्ड या राज्य बोर्ड के निदेशों के बिना स्वैच्छिक पहल करने वाले, राष्ट्रीय या स्थान विशेष के मानकों से कम प्रदूषण स्तर की उपलब्धि हासिल करने वाले औद्योगिक संयंत्रों की पहचान की जाएगी। केंद्रीय बोर्ड से परामर्श करने के पश्चात राज्य बोर्डों द्वारा आगे और प्रोत्साहन दिया जा सकेगा।

ख. स्थापना की सहमति के लिए फीस – स्थापना की सहमति के लिए फीस इस अनुसूची में यथा निर्धारित सहमति की वार्षिक फीस के दो गुने से अधिक नहीं होगी।

ग. संचालन की सहमति के लिए फीस : संचालन की सहमति के लिए फीस इन दिशानिर्देशों के पैरा 4(3) में दी गई सहमति की वार्षिक फीस और सहमति की अवधि को गुणा करके निर्धारित की गई फीस से अधिक नहीं होगी।

[फा.सं.क्यू-15012/1/2022-सीपीडब्ल्यू (ई-240803)]

वेद प्रकाश मिश्रा, संयुक्त सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New delhi, the,29th January, 2025

G.S.R. 84(E)- In exercise of the powers conferred by section 21A of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), the Central Government, after consultation with Central Pollution Control Board, hereby makes the following guidelines, namely: -

CHAPTER 1 PRELIMINARY

1. Short title and commencement. - (1) These guidelines may be called the Control of Air Pollution (Grant, Refusal or Cancellation of Consent) Guidelines, 2025.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. (1) In these guidelines, unless the context otherwise requires, -

- (a) "Act" means the Air (Prevention and Control of Pollution) Act, 1981;
- (b) "Central Board" means the Central Pollution Control Board constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (c) "Fee" means fee charged by State Boards for granting consent to establish or operate,
- (d) "Form" means a form set out under the First Schedule appended to these rules,
- (e) "Industrial plant" means any plant used for any industrial or trade purpose and emitting any air pollution into the atmosphere;
- (f) 'Red', 'Orange', 'Green' and 'Blue' are categories of industrial sectors / activities as categorised by Central Pollution Control Board from time to time.
- (g) "Schedule" means a Schedule appended to these guidelines;
- (h) "State Board" includes the Union Territory Pollution Control Committee.
- (i) The words and expression used but not defined in these guidelines and defined in the Act or rules shall have the meaning respectively assigned to them in Act and rules.

CHAPTER 2 APPLICATION FOR CONSENT AND FEES

3. Form of application for consent and fees. - (1) Every application for consent to establish or operate an industrial plant under section 21 of the Act shall be made in the Form set out under the First Schedule and shall contain the particulars of the industrial plant and such other particulars as set out in the Form and also shall be accompanied by the fee as specified by state government or Union Territory Administration, as the case may be in accordance with provisions of para 5 of these guidelines.

(2) Every application under section 21 of the Act shall be provided five per cent rebate on fees for submitting application for renewal of consent to operate four months prior to the expiry of the validity period.

(3) Every consent renewal application under section 21 of the Act shall be liable to pay late fee, at the rate specified in the Table below:

TABLE

Sl. No.	Period of applying	One time additional fee as late fee
(1)	(2)	(3)
1	Between 120 - 45 days of the validity	25 % of the fee.
2	Between 45 days to till the validity	50 % of the fee.
3	After expiry of validity	100 % the fee.

4. Validity period of consent. - (1) The consent to establish shall be valid for a period of five years from the date it is granted.

(2) The validity period of five years may be extended by a maximum period of two years, if an application is made in this regard, thereby making the total period of validity seven years from the date of grant of consent to establish.

(3) The consent to operate shall be valid for a period of-

- (a) five years, in case of industrial plant of red category;
- (b) ten years, in case of industrial plant of orange category;
- (c) fifteen years, in case of industrial plant of green category.
- (d) Additional two years, in case of blue category

5. The fee for Consent --- (1) The fee for consent to establish or operate shall be specified by the state government or union territory administration which shall not be more than that specified in the second schedule.

(2) The amount of fee specified under the Second Schedule is the upper limit of such fee and the State Government may prescribe any lower amount of fee in this regard and there shall be no lower limit for fee, which may be of any level.

(3) The amount of fee shall not be increased by more than ten per cent from the existing amount of fee within the limit prescribed in para 5(1) and shall not be increased more than once in two years:

Provided that the amount of fee may be reduced any number of times.

6. Procedure for making enquiry on application for consent. (1) On receipt of an application for consent, the State Board may depute any of its officers, accompanied by such other officers as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier, for verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information, which in the opinion of such officer are essential.

(2) The officer referred to in sub-paragraph (1), for that purpose, may inspect any place or premises where solid, liquid or gaseous emission from the chimney or fugitive emissions from any location within the premises are discharged, and such officer may require the applicant or the occupier to furnish to him any plans, specifications or other data relating to control equipment or systems or any part thereof that he considers necessary.

(3) The officer referred to in sub-paragraph (1) shall, before visiting any of the premises of the applicant, give notice to the applicant of his intention to do so.

(4) The applicant shall furnish to such officer all information and provide all facilities for inspection as reasonably may be necessary.

(5) The officer referred to in sub-paragraph (1) may, before or after carrying out the inspection, require the applicant to furnish him orally or in writing such additional information or clarification or to produce before him such document as he may consider necessary for the purpose of investigation of the application and may for that purpose summon the applicant or his authorised agent to the office of the State Board.

7. Common Consent and authorization for hazardous and other wastes. -A single-step procedure shall be adopted for granting consent under section 21 of the Act along with authorization under the Hazardous and other wastes (Management and Transboundary movement) Rules, 2016, as amended from time to time, for managing hazardous and other wastes.

8. Period for granting consent. - (1) Every application under section 21 of the Act shall be granted or refused consent from the date of receipt of application in all respects within the period specified in the table below:

TABLE

Sl. No.	Application	Period (in days)		
		Red	Orange	Green
(1)	(2)	(3)	(4)	(5)
1	Grant or refusal of consent to establish	60	45	30
2	Grant or refusal of consent to operate, first time	90	60	30
3	Grant or refusal of renewal of consent or expansion or amendment	120	60	30

(2) In case the application for consent is not decided by the State Board within the period specified under sub-paragraph (1), the case shall be referred to State Level Monitoring Committee constituted under paragraph 15 which shall dispose of the application within thirty days from the date of its receipt.

(3) In case of an application falling under sub-paragraph (2), the Member Secretary of the State Board shall present the case before the Committee.

(4) While deciding on such application, the Committee shall look into causes of delay in grant or refusal of the consent and recommend appropriate disciplinary action where the reasons of delay are not justified and the State Board shall comply with such decision. The Committee may also recommend presenting the case for contravention of the Act before concerned adjudicating officer under section 39B of the Act.

CHAPTER 3 CRITERIA FOR ESTABLISHMENT OF INDUSTRIAL PLANT

9. Procedure for selection of location. - (1) Restrictions on establishing an industrial plant at a location may be imposed taking into account the technological and scientific developments that have taken place in industrial planning and manufacturing process in order to protect the sensitive areas, such as national parks, sanctuaries, wetlands and archaeological monuments.

(2) The industrial plant shall comply with respective criteria fixed by the Central Government or the State Government or the Union territory Administration, as the case may be.

(3) While establishing an industrial plant, the following minimum distance shall be maintained, namely:-

(a) from the nearest boundary of surface water body (flood plain/ HFL/Red line) as per the revenue records in case of industrial plant of-

- (i) red category, beyond five hundred meters;
- (ii) orange category,
 - (A) with effluent generation, beyond seventy-five meters;
 - (B) without effluent generation, beyond thirty meters;
- (iii) green category, beyond thirty meters;

(b) from the settlement, educational institute, worship place, archaeological monuments, national park, reserve forest, heritage site, in case of industrial plant of-

- (i) red category, beyond five hundred meters;
- (ii) orange category, beyond two hundred meters;
- (iii) green category, beyond one hundred meters.

(c) The State Board shall ensure that other laws, rules, and regulations, and notifications are complied with by the industrial plant.

(d) The natural or storm drain passing through the location of industrial plant shall not be disturbed.

CHAPTER 4 GRANT, REFUSAL OR CANCELLATION OF CONSENT

10. Grant of consent to establish. - (1) Every application for consent to establish an industrial plant under section 21 of the Act shall be made in Form I and shall contain the particulars of the industrial plant and also shall be accompanied by the fee for new plant and in case of expansion, modernisation, change of products or process before commissioning of the industrial plant.

(2) The industrial plant shall comply with criteria relating to location specified under paragraph 9.

(3) No industrial plant shall be allowed to set up in non-conforming areas or restricted or prohibited areas.

(4) On receipt of an application for consent, the State Board may depute any of its officers, accompanied by such other officers as may be necessary, to visit and inspect any location, place or premises under the control of the applicant or the occupier, for verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information, which in the opinion of such officer are essential.

(5) Consent shall be granted with following conditions under sub- section (4) of section 21 of the Act, based on the report made under sub-paragraph (4), namely:-

- i. the control equipment of such specifications as the State Board may approve shall be installed and operated in the premises where the industry is proposed to be carried on;
- ii. the control equipment shall be kept at all times in good running condition;
- iii. the chimney, wherever necessary, of such specifications as the State Board may approve in this behalf shall be erected in such premises; and
- iv. such other conditions as the State Board, may specify in this behalf.

(6) The conditions referred to in sub-paragraph (5) shall be complied with within such period as the State Board may fix in this behalf.

11. Grant of consent to operate. --- (1) Once the industrial plant established with the requisite pollution control system and ready to operate, the occupier is required to obtain consent to operate.

(2) Every application of consent to operate an industrial plant under section 21 of the Act shall be made in Form II and shall contain the particulars of the following and also shall be accompanied by fees for grant of consent to operate, with the following reports, namely: -

- (a) Compliance report of conditions stipulated in the consent to establish;
- (b) Compliance report of the conditions stipulated in the environment clearance, if applicable.

(3) On receipt of an application for consent to operate, the State Board may depute any of its officers, accompanied by such other officers as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier, for verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information, which in the opinion of such officer are essential.

(4) Consent to operate shall be granted with following conditions under sub-section (4) of the section 21 of the Act, based on the report made under sub- paragraph (3), namely:-

- i. the control equipment of such specifications as approved by the State Board shall be operated in the premises where the industry is carried on;
- ii. the existing control equipment, if any, shall not be altered or replaced without the approval of the State Board;
- iii. the control equipment referred to in clause (i) or clause (ii) shall be kept at all times in good running condition;

(iv) chimney, wherever necessary, of such specifications as approved by the State Board shall be operated and maintained in the premises; and shall be connected to online continuous emission monitoring system, as applicable.

(5) The conditions referred to in sub-paragraph (4) shall be complied with within such period as the State Board may specify in this behalf.

(6) Consent to operate granted shall specify the validity period of the consent.

12. Renewal of consent to operate. - (1) Every application for renewal of the consent to operate under section 21 of the Act shall be made in Form II and shall contain the particulars of the following and also shall be accompanied by fee for renewal of the consent to operate, namely:-

- a. compliance report of conditions stipulated in the consent to operate
- b. compliance report of the conditions stipulated in the environment clearance, if applicable
- c. submission of Environmental Statement as specified under the Environment (Protection) Rules, 1986;
- d. submission of annual returns as specified under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016; and

(e) declaration on no change in the manufacturing process, production capacity, pollution load, emissions.

(2) On receipt of an application for renewal of the consent to operate, the State Board may depute any of its officers, accompanied by such other officers as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier, for verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information, which in the opinion of such officer are essential.

(3) Consent to operate shall be granted with following conditions under sub-section (4) of the section 21 of the Act, based on the report made under sub- paragraph (2), namely:-

- i. the control equipment of such specifications as approved by the State Board shall be operated in the premises where the industry is carried on;
- ii. the existing control equipment, if any, shall not be altered or replaced without the approval of the State Board;
- iii. the control equipment referred to in clause (i) or clause (ii) shall be kept at all times in good running condition;
- iv. chimney, wherever necessary, of such specifications as approved by the State Board shall be operated and maintained in the premises; and shall be connected to online continuous emission monitoring system, as applicable.

(4) The conditions referred to in sub-paragraph (3) shall be complied with within such period as the State Board may fix in this behalf.

(5) Renewal of Consent granted shall specify the validity period of the consent.

13. Refusal and cancellation of consent. - (1) The State Board may cancel such consent before expiry of the period for which it is granted or refuse the renewal of the consent expiry if the conditions subject to which such consent has been granted are not fulfilled.

(2) The consent may be refused or cancelled on any of the following grounds, namely: -

- i. the industrial plant does not satisfy the criteria relating to location of such industrial plant;

- ii. non-compliance of conditions of such consent;
- iii. non-compliance of the conditions under the prior environment clearance;
- iv. variation in their process and its operations;
- v. non-compliance of the emission standards and failure to upgrade the air pollution control devices, fugitive emission control systems or any other prescribed equipment, etc.;
- vi. non-compliance of court directions, guidelines, notifications and standard operating procedures;
- vii. accidental discharges of effluent or emission causing grave injury to the environment or human health;

(viii) occurrence of accident resulting in damage to the existing systems and environment;

(ix) non-payment of any fee, environmental compensation or bank guarantee as may be required under any law for the time in force;

(x) industrial plant is proposed or set up in a prohibited area;

(xi) submission of incomplete information or false information or concealment of any material facts pertaining to the industrial plant;

(xii) violations of the provisions of any other applicable rules and regulations.

(3) Before refusing or cancelling a consent, a reasonable opportunity of being heard shall be given to the person concerned.

(4) The reasons for refusal or cancellation of the consent shall be recorded in writing and duly communicated to the person to whom the consent is refused with necessary directions, as deemed fit.

CHAPTER 5 MONITORING COMMITTEE

14. National Level Monitoring Committee. - (1) A monitoring committee at national level consisting of the following members shall oversee and monitor the implementation of these guidelines, namely: -

- a. Additional Secretary or Joint Secretary to the Government of India in the Ministry of Environment, Forests and Climate Change, dealing with the Act-Chairman;
- b. Member Secretary of the Central Board – Member secretary
- c. Member Secretaries of five State Boards to be nominated by the Central Government by rotation for three years -Member.
- d. any other member as may be co-opted by the committee with the approval of the central government.

(2) The monitoring committee shall have at least one meeting in every quarter of the year.

15. State Level Monitoring Committee. - (1) A monitoring committee at state level consisting of the following members shall oversee and monitor the implementation of these guidelines, namely:

-

- a. Secretary to the State Government in-charge of the Department of Environment of the State or Union territory- Chairman;
- b. Member Secretary of the State Board- Member,
- c. An officer of the state Environment Department nominated by state Government – Member Secretary
- d. Regional Director of the Central Board having jurisdiction - Member.

(2) The monitoring committee shall also dispose of the matters presented before it.

(3) The monitoring committee shall have at least one meeting in every calendar month.

CHAPTER 6 MISCELLANEOUS

16. Portal for implementation of these guidelines. - The Central Board, in consultation with the State Boards, develop an online portal for the purposes of these guidelines, preferably within six months, and not later than one year from the date of notification of these guidelines.

2) After the portal is operational, all applications for grant of consent under section 21 of the Act, its renewal, verification, site inspection, refusal or cancellation, shall be processed and disposed of only through such portal, in all states and union territories.

(3) Till the portal becomes operational, applications for grant of consent under section 21 of the Act, including its renewal, verification, site inspection, refusal or cancellation may be processed through the existing arrangement in accordance with these guidelines.

(4) The portal shall act as a single point data repository with respect to management and implementation of these guidelines.

(5) The Central Board may charge five per cent of the fee received with applications for consent to establish and operate, as service fee which shall be credited to the fund of the Central Pollution Control Board in accordance with the section 33 of the Act.

17. Additional conditions. The State Board may incorporate additional conditions in the consent in accordance with local conditions and policies, but shall not relax any of the conditions or standards specified in these guidelines.

18. Violations. -- In case of failure to comply with any of the provisions of these guidelines, the person in violation shall be liable to action under provisions of the Act.

THE FIRST SCHEDULE

[See paragraphs 2(1)(d), 3(1), 10(1), 11(2) and 12(1)]

FORMATE FOR APPLICATION**FORM I**

[See paragraph 10(1)]

APPLICATION FOR CONSENT TO ESTABLISH AN INDUSTRIAL PLANT, UNDER SECTION 21 OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981**From**

To

The Member Secretary
 -----State Pollution Control Board / Committee

Sir,

I / We hereby apply for consent to establish an industrial plant under section 21 of the Air (Prevention and Control of Pollution) Act, 1981, (14 of 1981) or for consent to amended product, operation or process, or treatment and emission of air pollutants.

from a land / premises owned by M/s. _____

at location _____

as per the details given below:

TO BE FILLED IN BY APPLICANT
PART A: GENERAL

S. No.	Required Details	:	
1.0	Project Details :		
1.1	Name of the Project / Industry / TSDF	:	
1.2	Project Proposal	:	New / Expansion
1.3	Details of Environment Clearance	:	

1.4	Address of the Site / Unit	:	Plot / Survey No	:	
			Village	:	
			Tehsil	:	
			District	:	
			State / UT	:	
			Pin code	:	
2.0	Details of Applicant / Occupier:				
2.1	Name of the Applicant / Occupier	:			
2.2	Designation	:			
2.3	Nationality of the Occupier	:			
2.4	Correspondence Address	:	Plot / Survey No/	:	
			Street Name	:	
			Village / Town / City:	:	
			Tehsil / Taluk	:	
			District	:	
			State / UT	:	
			Pin code	:	
2.5	Contact Details of Plant Head with: Alternate details	:	Name	&:	1.
			Designation:	:	2.
			e-mail address	:	1.
				:	2.
			Landline Number	:	1.
				:	2.
			Mobile Number	:	1,
				:	2.
3.0	Legal Status of the Company :				
3.1	Individual / Proprietary concern /: Partnership firm/ Joint family concern / Private Limited Company / Public Limited Company / Foreign Company / Limited Liability Partnership. <i>Note: Registration Number and Authority shall be mentioned.</i>	:			
3.2	Central Govt. / State Govt./ Central: PSU / State PSU / Joint Venture (Pvt. + Govt.), (Govt.+ Govt.), (Pvt.+ Pvt.)	:			
4.0	Location of the Project / Industry / Activity :				
4.1	Location	:	Upload KML		
4.2	Bounded Latitudes (North) (8 digit after decimal)	:	From	:	
			To	:	

4.3	Bounded Longitudes (East) (8 digit after decimal)	:	From	:	
			To	:	
4.4	Located in Eco-Sensitive Zone of: Protected Area, Coastal Regulation Zone, Biosphere, Reservoir, Forests, Mangroves, Rivers, Archeological monuments, Critically Polluted Area, Non- attainment Cities, Polluted River Stretch, Hill stations (altitude > 600M), Major towns and Cities	:			
4.5	Survey of India Topo Sheet: Number	:			
4.6	Land details (as per Panchayat, Tehsil, District)	:	Owned / Leased	:	
			Total Area in Ha	:	
			a. Non – Forest in Ha	:	
			b. Forest in Ha	:	
			Annual Lease Value, in case of: Leased in Rs.	:	
			Build up Area in Sq. M.	:	
			Green Belt cover in % of total area	:	
4.7	Extent of Land in Sq. m	:	Own-Agricultural	:	
			Industrial	:	
			Converted	:	
			Industrial Area	:	
			c. Applied and not: allotted	:	
			d. Applied and allotted	:	
			e. Leased	:	
5.0	Category & Classification of the Project / Industry / Activity :				
5.1	Category of Industry (Red, Orange, and Green)	:	Category	:	
			Pollution Index	:	
5.2	Industrial Sector / Type	:			
5.3	Grossly Polluting / 17 Category / Others	:			
5.4	Scale of Industry based on Capital: Investment (Micro/ Small / Medium / Large)	:	Total Capital Investment (Rs.)	:	
			Scale / Classification	:	

5.5	Products / By-Products: manufacturing capacity (TPD / TPA)	Products / By-products	:	Capacity		
			:			
			:			
			:			
			:			
5.6	Raw Materials / Chemicals Consumption for manufacturing capacity (TPD & TPA)	Raw Materials	:	Consumption		
			:			
			:			
			:			
5.7	Brief manufacturing Process with process flow chart and Material Balance, Advantage of Technology etc.	To be Annexed				
5.8	Date / Expected date of commencement of production					
5.9	Number of people to be employed / employed					
5.10	Industry Shifts / Weekly off	Shifts (I / II / III) & in Hours	:			
		Weekly off in days	:			
5.11	Use of Hazardous Chemicals as per: MSIHC Rules	S. No	Chemicals	HS Code	Storage capacity	Daily consumption
		1.				
		2.				
		3.				
5.12	Insurance under PLI Act, 1991	a. Policy No. & Year for which taken: b. Insurance Company: c. Validity: d. Indemnity Limit (Rs) : e. Contribution to ERF (Rs):				

PART B: WASTEWATER ASPECTS

6.0	Water Consumption and Wastewater Generation			
6.1	Source of Water	:	Ground Water / River / Industrial Estate Supply / Private Tanker / Sea / Recycled / Any other, if any	
6.2	Authority Granting permission: & Quantity permitted	:	Authority: Quantity :	
6.3	Water Consumption (KLD) for: manufacturing capacity	:		
6.4	Water Usage for: manufacturing capacity.	:	Purpose	KLD
		:	Domestic	

	(Attach Water Balance showing quantity with TDS at different points)	Process	:	
		Boiler	:	
		Other Utilities (pl. specify)	:	
6.5	Wastewater Generation (KLD) for manufacturing process	KLD		
	Wastewater from various sources	Purpose	:	KLD
		Domestic	:	
		Process	:	
		Boiler	:	
		Other Utilities (pl. specify)	:	
6.6	Wastewater Treatment systems:	Type of Effluent	:	KLD
		Bio-degradable	:	
		Non-Biodegradable	:	
		Boiler blowdown	:	
		Others Utilities	:	
		Any other	:	
		Total	:	
6.7	Details Sewage Treatment Plant(s)	S. No.	Capacity of STPs	:
		1		
		2		
	Mode of disposal of treated effluent			
6.8	Details Effluent Treatment Plant (s)	S. No.	Capacity of ETPs	:
		1		
		2		
	Mode of disposal of treated effluent			
6.9	Capacity of treated effluent sump, Guard Pond, if any			
6.10	Schematic diagram of the treatment scheme with inlet / outlet characteristics of each unit operation / process	To be Annexed		
6.11	Name of River / Creek, Estuary / Drain (owner of sewer) / Sea / Land / connected to ETP			
6.12	Any relevant information not covered in the above items			

PART C: AIR EMISSION ASPECTS*(Information required in case of industrial establishments having chimneys)*

7.0		Type of Fuels								
7.1	Fuel Consumption per Hour and TPD for manufacturing capacity	S. No	Fuel	Quantity	Ash%	S%				
		1	Coal							
		2	Diesel							
		3	Furnace Oil							
		4	Natural Gas							
		5	Wood							
		6	Others, if any							
7.2	Details of Stack (Process, fuel, D.G): a. Number of stacks and vents with height and diameter (m) b. Quality and quantity of stack emissions from each stack and vent c. Major industrial processes / sources of fugitive emission d. Brief account of air pollution control units to deal with the emission	Stack	Attached to	Fuel	Height (m)	Diameter (m)	Pollutants	Control system	Port Hole & Platform	
7.3	A. G. Sets	S. No.	KVA	Acoustic status	Height (m)					
7.4	Any relevant information not covered in the above items									

PART D: HAZARDOUS WASTE ASPECTS*(Information required in case of industrial establishments generating Hazardous Waste)*

8.0		Hazardous Waste Management			
8.1	Process generating Hazardous waste	S. No.	Process	Clause of Schedule I	Quantity/Annum

8.2	Consent / Authorization: required for		S. No.	Activity	: Please tick
			1.	Generation	:
			2.	Collection	:
			3.	Storage	:
			4.	Transportation	:
			5.	Reception	:
			6.	Reuse	:
			7.	Recycling	:
			8.	Recovery	:
			9.	Pre-processing	:
			10.	Co-processing	:
			11.	Utilization	:
			12.	Treatment	:
			13.	Disposal	:
			14.	Incineration	:
8.3	Technical Capabilities / Facilities		S. No.	Capabilities	:
			1.	Storage Area	:
			2.	Storage Quantity	:
			3.	Method of storage	:
			4.	Special handling requirement, if any	:
			5.	Emergency Response Procedure	:
			6.	Leachate treatment	:

8.4	Nature (Characteristics of wastes) and quantity of waste	a. Handled per annum: b. Stored at any time:
8.5	Hazardous and other wastes generated as per these rules from storage of hazardous chemicals as defined under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989.	
8.6	Any relevant information not covered in the above items	

PART E: PAYMENT DETAILS

9.0	Payment Details	
9.1	Payment Mode	: Online / Offline
9.2	Transaction Details in case of online	: Transaction No: Date: Status:
9.3	Draft details in case of offline	: Amount (Rs): Draft No: In favour of: Bank Name: Date:
9.4	Amount of Fee paid	: Rs. _____

DECLARATION

- I / We declare that the above furnished information is true and correct to the best of my / our knowledge. I / We am / are aware that furnishing any wrong information is punishable under Section 38(f) of the Air (Prevention & Control of Pollution) Act, 1981.
- I / We hereby submit that in case of any change from what is stated in this application in respect of raw materials, products, process of manufacture and treatment and/or disposal of effluent, emission, hazardous wastes etc. in quality and quantity; a fresh application for Consent shall be made and until the grant of fresh Consent is granted, no change shall be made. I / We am/are aware that the violations of Section 21 attract penal provisions under the relevant provisions of the Air (Prevention & Control of Pollution) Act, 1981.
- I / We herewith submit an affidavit on the basis of which consent for establishment will be issued to me/us and I / We will be held responsible under Section 39 of the Air (Prevention & Control of Pollution) Act, 1981 or any misleading / wrong representation.
- I / We undertake to furnish any other information within one month of its being called by the State Board.

Date:**Place:****Name & Signature of the Occupier/
Authorized Signatory**

Mandatory Documents to be enclosed for grant of Consent to Establish:

1. **Licenses / Certificates:**
 - a. **Legal Status of Company:**
 - i. Partnership / Proprietary / Company etc.; (or)
 - ii. SSI / MSME Certificate (Udyog Aadhar) / Memorandum of Entrepreneurship, if applicable;
 - b. **Location of the Project:**
 - i. Industrial Area: Allotment letter from the respective Industrial Area Development Board / Corporation / Land Possession Certificate; or
 - ii. Other than Industrial Area: Registered Land Deed / Land Conversion Certificate from concerned Authority / Rent (or) Lease Agreement in case of the property is on rent / lease;
 - c. **Mining Project:** Mineral Mining Lease permission granted by the Department of Mines & Geology, if applicable;
 - d. **Environmental Clearance** granted by Central Government or State Environment Impact Assessment Authority, if applicable, under the notification of the Government of India number S.O.1533 (E), dated the 14th September, 2006 issued under the Environment (Protection) Act, 1986 (29 of 1986);
 - e. **Investment:** Chartered Accountant Certificate about proposed Capital Investment.
2. **Technical Details:**
 - i. Environmental Impact Assessment Report, submitted to the Central Government or State Environment Impact Assessment Authority under the notification of the Government of India number S.O.1533 (E), dated the 14th September, 2006 issued under the Environment (Protection) Act, 1986 (29 of 1986); or
 - ii. Project report comprising manufacturing process (write up with flow chart), raw materials, products, by-products, extent of land, water source and consumption for various purpose, wastewater generation from various activity, Effluent Treatment Plant (write up with flow diagram), Water Balance, Fuel used, Sources of emission and Air Pollution Control Devices proposed, D.G. sets and Hazardous and Other Waste Generation along with Plant layout plan.

FORM II

[See paragraphs 11 (2) and 12 (1)]

APPLICATION FOR CONSENT TO OPREATE AN INDUSRTIAL PLANT, UNDER SECTION 21 OF THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981

From

To

The Member Secretary
 _____ State Pollution Control Board / Committee

Sir,

I / We hereby apply for Consent to operate an industrial plant or renewal of consent under section 21 of the Air (prevention & control of pollution) act, 1981 (14 of 1981) or for amended product, operation or process, or treatment and emission or continuation of emission of air pollutants.

from _____ a _____ land _____ / _____ premises _____ owned _____ by
 M/s. _____

at _____ location-

as per the details given below:

**TO BE FILLED IN BY APPLICANT
 PART A: GENERAL**

S. No.	Required Details	:	
1.0	Project Details :		
1.1	Name of the Project / Industry / TSDF	:	
1.2	Project Proposal	:	Expansion / Renewal / Validity Extension / Transfer
1.3	Details of Environment Clearance:	:	
1.4	Address of the Site / Unit	:	Plot / Survey No
		:	Village
		:	Tehsil
		:	District
		:	State/UT
		:	Pin code
2.0	Applicant / Occupier Details :		
2.1	Name of the Applicant / Occupier	:	
2.2	Designation	:	
2.3	Nationality of the Occupier	:	

2.4	Correspondence Address	:	Plot / Survey No/:	
			Street Name	
			Village / Town / City:	
			Tehsil /Taluk	
			District	
			State / UT	
			Pin code	
2.5	Contact Details of Plant Head: with Alternate details	:	Name &: Designation:	1. 2.
			e-mail address	1. 2.
			Landline Number	1. 2.
			Mobile Number	1, 2.
3.0	Legal Status of the Company :			
3.1	Individual / Proprietary concern /: Partnership firm/ Joint family concern / Private Limited Company / Public Limited Company / Foreign Company / Limited Liability Partnership. <i>Note: Registration Number and Authority shall be mentioned.</i>	:		
3.2	Central Govt. / State Govt./ Central PSU / State PSU / Joint Venture (Pvt. + Govt.), (Govt.+ Govt.), (Pvt.+ Pvt.)	:		
4.0	Location of the Project / Industry / Activity :			
4.1	Location	:	Upload KML	
4.2	Bounded Latitudes (North) (8 digit after decimal)	:	From	
			To	
4.3	Bounded Longitudes (East) (8 digit after decimal)	:	From	
			To	
4.4	Located in Eco-Sensitive Zone of: Protected Area, Coastal Regulation Zone, Biosphere, Reservoir, Forests, Mangroves, Rivers, Archeological monuments, Critically Polluted Area, Non-attainment Cities, Polluted River Stretch, Hill	:		

	stations (altitude > 600 M), Major towns and Cities			
4.4	Survey of India Topo Sheet: Number			
4.5	Land details (as per Panchayat, Tehsil, District)	Owned / Leased	:	
		Total Area in Ha	:	
		a. Non – Forest in Ha	:	
		b. Forest in Ha	:	
		Annual Lease Value, in case of Leased in Rs.	:	
		Build up Area in Sq. M.	:	
		Green Belt cover in % of total area	:	
4.6	Extent of Land in Sq. m	Own-Agricultural	:	
		Industrial	:	
		Converted	:	
		Industrial Area	:	
		a. Applied and not allotted	:	
		b. Applied and allotted	:	
		c. Leased	:	
5.0	Category & Classification of the Project / Industry / Activity :			
5.1	Category of Industry (Red, Orange, and Green)	Category	:	
		Pollution Index	:	
5.2	Industrial Sector /Type	:		
5.3	Grossly Polluting / 17 Category / Others	:		
5.4	Scale of Industry based on Capital Investment (Micro/ Small / Medium / Large)	Total Capital Investment (Rs.)	:	
		Scale / Classification	:	
5.5	Products / By-Products: manufacturing capacity (TPD/ TPA)	Products / By-products	:	Capacity
			:	
			:	
			:	
			:	
5.6	Raw Materials / Chemicals Consumption for manufacturing capacity (TPD & TPA)	Raw Materials	:	Consumption
			:	
			:	
			:	

5.7	Brief manufacturing Process with process flow chart and Material Balance, Advantage of Technology etc.	:	To be Annexed				
5.8	Date / Expected date of commencement of production	:					
5.9	Number of people to be employed / employed	:					
5.10	Industry Shifts / Weekly off	:	Shits (I / II / III) & in Hours	:			
			Weekly off in days	:			
5.11	Use of Hazardous Chemicals as per MSIHC Rules	:	S. No	Chemicals	HS Code	Storage capacity	Daily consumption
			1.				
			2.				
			3.				
5.12	Insurance under PLI Act, 1991	:	a. Policy No. & Year for which taken: b. Insurance Company: c. Validity: d. Indemnity Limit (Rs) : e. Contribution to ERF (Rs):				

PART B: WASTEWATER ASPECTS

6.0	Water Consumption and Wastewater Generation					
6.1	Source of Water	:	Ground Water / River / Industrial Estate Supply / Private Tanker / Sea / Recycled / Any other, if any			
6.2	Authority Granting permission & Quantity permitted	:	Authority: Quantity :			
6.3	Water Consumption (KLD) for manufacturing capacity	:				
6.4	Water Usage for manufacturing capacity. (Attach Water Balance showing quantity with TDS at different points)	:	Purpose	:	KLD	
			Domestic	:		
			Process	:		
			Boiler	:		
			Other Utilities (pl. specify)	:		
6.5	Wastewater Generation (KLD) for manufacturing process	:	KLD			
	Wastewater from various sources	:	Purpose	:	KLD	
			Domestic	:		
			Process	:		
			Boiler	:		
			Other Utilities (pl. specify)	:		

6.6	Wastewater Treatment systems :	Type of Effluent :	KLD	Treatment System
		Bio-degradable :		
		Non-Biodegradable :		
		Boiler blowdown :		
		Others Utilities :		
		Any other		
		Total :		
6.7	Details Sewage Treatment Plant(s)	S. No.	Capacity of STPs	: KLD
		1.		
		2.		
	Mode of disposal of treated effluent			
6.8	Details Effluent Treatment Plant (s)	S. No.	Capacity of ETPs	: KLD
		1.		
		2.		
	Mode of disposal of treated effluent			
6.9	Capacity of treated effluent: sump, Guard Pond, if any			
6.10	Schematic diagram of the treatment scheme with inlet / outlet characteristics of each unit operation / process	To be Annexed		
6.11	Quality of Effluent before & after treatment (at the final outlets) in respect of pH, SS, TDS and constituting major ions, BOD/COD, Oil & Grease, and relevant metals and nutrients as per the process/ standards. (Attach analysis report of untreated and treated effluent from the EPA recognized Lab) Note: For proposed unit furnish expected characteristics of the effluent	To be Annexed.		
6.12	Name of River / Creek, Estuary / Drain (owner of sewer) / Sea / Land / connected to ETP			
6.13	Details of Solid Wastes: separately for 'Hazardous' and 'Other' wastes covered under H&OW Rules, 2016 and other	To be Annexed		

	solid wastes not covered under H&OW Rules, 2016, including their management system	
6.14	Details of treatment-performance and environmental-compliance monitoring and reporting system	To be Annexed
6.15	Any relevant information not covered in the above items	

PART C: AIR EMISSION ASPECTS

(Information required in case of industrial establishments having chimneys)

7.0	Type of Fuels								
7.1	Fuel Consumption per Hour and TPD for manufacturing capacity	S. No	Fuel	Quantity	Ash%	S%			
		1.	Coal						
		2.	Diesel						
		3.	Furnace Oil						
		4.	Natural Gas						
		5.	Wood						
		6.	Others, if any						
7.2	Details of Stack (Process, fuel, D.G): a. Number of stacks and vents with height and diameter (m) b. Quality and quantity of stack emissions from each stack and vent c. Major industrial processes / sources of fugitive emission d. Brief account of air pollution control units to deal with the emission								
	Stack	Attached to	Fuel	Height (m)	Diameter (m)	Pollutants	Control system	Port Hole & Platform	
7.3	<ul style="list-style-type: none"> G. Sets 					S. No.	KVA	Acoustic status	Height (m)
7.4	Quality of source emission: (before treatment/ control) and after treatment/ controlled emission (at stacks/vents) in					To be Annexed			

	respect of PM, SO ₂ , NO _x , and other relevant air pollutants as per the process/ standards. (Attach analysis reports of stack emissions from the EPA recognized Lab) Note: For proposed unit furnish expected characteristics of the emissions	
7.5	Odorous compounds, if any and: control measures provided	
7.6	Details of treatment/control: performance and environmental-compliance monitoring and reporting system	
7.7	Any relevant information not: covered in the above items	

PART D: HAZARDOUS WASTE ASPECTS*(Information required in case of industrial establishments generating Hazardous Waste)*

8.0	Hazardous Waste Management				
8.1	Process generating Hazardous: waste	S. No.	Process	Clause of Schedule I	Quantity/ Annum
8.2	Consent / Authorization: required for	S. No.	Activity	:	Please tick
		1.	Generation	:	
		2.	Collection	:	
		3.	Storage	:	
		4.	Transportation	:	
		5.	Reception	:	
		6.	Reuse	:	
		7.	Recycling	:	
		8.	Recovery	:	
		9.	Pre-processing	:	
		10.	Co-processing	:	
		11.	Utilization	:	
		12.	Treatment	:	
		13.	Disposal	:	
		14.	Incineration	:	

8.3	Technical Capabilities / Facilities	<table border="1"> <thead> <tr> <th data-bbox="730 170 836 208">S. No.</th> <th data-bbox="836 170 1118 208">Capabilities</th> <th data-bbox="1118 170 1155 208">:</th> <th data-bbox="1155 170 1433 208"></th> </tr> </thead> <tbody> <tr> <td data-bbox="730 208 836 246">1.</td> <td data-bbox="836 208 1118 246">Storage Area</td> <td data-bbox="1118 208 1155 246">:</td> <td data-bbox="1155 208 1433 246"></td> </tr> <tr> <td data-bbox="730 246 836 284">2.</td> <td data-bbox="836 246 1118 284">Storage Quantity</td> <td data-bbox="1118 246 1155 284">:</td> <td data-bbox="1155 246 1433 284"></td> </tr> <tr> <td data-bbox="730 284 836 322">3.</td> <td data-bbox="836 284 1118 322">Method of storage</td> <td data-bbox="1118 284 1155 322">:</td> <td data-bbox="1155 284 1433 322"></td> </tr> <tr> <td data-bbox="730 322 836 405">4.</td> <td data-bbox="836 322 1118 405">Special handling: requirement, if any</td> <td data-bbox="1118 322 1155 405">:</td> <td data-bbox="1155 322 1433 405"></td> </tr> <tr> <td data-bbox="730 405 836 488">5.</td> <td data-bbox="836 405 1118 488">Emergency Response: Procedure</td> <td data-bbox="1118 405 1155 488">:</td> <td data-bbox="1155 405 1433 488"></td> </tr> <tr> <td data-bbox="730 488 836 526">6.</td> <td data-bbox="836 488 1118 526">Leachate treatment</td> <td data-bbox="1118 488 1155 526">:</td> <td data-bbox="1155 488 1433 526"></td> </tr> </tbody> </table>	S. No.	Capabilities	:		1.	Storage Area	:		2.	Storage Quantity	:		3.	Method of storage	:		4.	Special handling: requirement, if any	:		5.	Emergency Response: Procedure	:		6.	Leachate treatment	:	
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4.	Special handling: requirement, if any	:																												
5.	Emergency Response: Procedure	:																												
6.	Leachate treatment	:																												
8.4	Nature (Characteristics of wastes) and quantity of waste	<p>a. Handled per annum: b. Stored at any time:</p>																												
8.4	Mode of Management / Disposal of above Wastes	<table border="1"> <thead> <tr> <th data-bbox="730 674 836 712">S. No.</th> <th data-bbox="836 674 1118 712">Disposal</th> <th data-bbox="1118 674 1155 712">:</th> <th data-bbox="1155 674 1433 712">Please tick</th> </tr> </thead> <tbody> <tr> <td data-bbox="730 712 836 795">1.</td> <td data-bbox="836 712 1118 795">Secured storage: within industrial unit</td> <td data-bbox="1118 712 1155 795">:</td> <td data-bbox="1155 712 1433 795"></td> </tr> <tr> <td data-bbox="730 795 836 943">2.</td> <td data-bbox="836 795 1118 943">Utilization with in: the plants (if not, please provide details of utilization)</td> <td data-bbox="1118 795 1155 943">:</td> <td data-bbox="1155 795 1433 943"></td> </tr> <tr> <td data-bbox="730 943 836 1025" rowspan="3">3.</td> <td data-bbox="836 943 1118 981">Common TSDF</td> <td data-bbox="1118 943 1155 981">:</td> <td data-bbox="1155 943 1433 981"></td> </tr> <tr> <td data-bbox="836 981 1118 1019">Within the State</td> <td data-bbox="1118 981 1155 1019">:</td> <td data-bbox="1155 981 1433 1019"></td> </tr> <tr> <td data-bbox="836 1019 1118 1057">Outside the State</td> <td data-bbox="1118 1019 1155 1057">:</td> <td data-bbox="1155 1019 1433 1057"></td> </tr> <tr> <td data-bbox="730 1057 836 1095">4.</td> <td data-bbox="836 1057 1118 1095">Others</td> <td data-bbox="1118 1057 1155 1095">:</td> <td data-bbox="1155 1057 1433 1095"></td> </tr> </tbody> </table>	S. No.	Disposal	:	Please tick	1.	Secured storage: within industrial unit	:		2.	Utilization with in: the plants (if not, please provide details of utilization)	:		3.	Common TSDF	:		Within the State	:		Outside the State	:		4.	Others	:			
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	Within the State	:																												
	Outside the State	:																												
4.	Others	:																												
8.5	Arrangement for transportation: of H.W. to actual users / TSDF																													
8.6	Details of the environmental: safeguards and environmental facilities provided for safe handling of all the wastes;																													
8.7	Hazardous and other wastes: generated as per these rules from storage of hazardous chemicals as defined under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989.																													
8.8	For Treatment, storage and: disposal facility (TSDF) operators	<p>1. Please provide details of the facility including:</p> <p>a. Location of site with layout map b. Safe storage of the waste and storage capacity c. Treatment processes and their capacities d. Secured landfills e. Incineration, if any f. Leachate collection and treatment system g. Firefighting systems</p>																												

		<p>h. Environmental management plan including monitoring and</p> <p>i. Arrangement for transportation of waste from generators.</p> <p>2. Please provide details of any other activities undertaken at the TSDF site:</p>
<p>Note:</p> <ol style="list-style-type: none"> 1. In case of renewal of authorization previous authorization numbers and dates and provide copies of annual returns of last three years including the compliance reports with respect to the conditions of Prior Environmental Clearance, wherever applicable. 2. Provide copy of the Emergency Response Plan (ERP) which should address procedures for dealing with emergency situations (viz. Spillage or release or fire) as specified in the guidelines of CPCB. Such ERP shall comprise the following, but not limited to: <ul style="list-style-type: none"> • Containing and controlling incidents so as to minimise the effects and to limit danger to the persons, environment and property; • Implementing the measures necessary to protect persons and the environment; • Description of the actions which should be taken to control the conditions at events and to limit their consequences, including a description of the safety equipment and resources available; • Arrangements for training staff in the duties which they are expected to perform; • Arrangements for informing concerned authorities and emergency services; and • Arrangements for providing assistance with off-site mitigatory action. 3. Provide undertaking or declaration to comply with all provisions including the scope of submitting bank guarantee in the event of spillage, leakage or fire while handling the hazardous and other waste 		
8.9	For Recyclers or pre-processors or co-processors or users of hazardous or other wastes	<ol style="list-style-type: none"> a. Nature and quantity of different wastes received per annum from domestic sources or imported or both b. Installed capacity as per registration issued by the District Industries Centre or any other authorized Government agency. c. Provide details of secured storage of wastes including the storage capacity. d. Process description including process flow sheet indicating equipment details, inputs and outputs (input wastes, chemicals, products, by-products, waste generated, emissions, waste water, etc.). e. Provide details of end users of products or by-products.

			<p>f. Provide details of pollution control systems such as Effluent Treatment Plant, scrubbers, etc. including mode of disposal of waste</p> <p>g. Provide details of occupational health and safety measures:</p> <p>h. Has the facility been set up as per Central Pollution Control Board guidelines? If yes, provide a report on the compliance with the guidelines.</p> <p>i. Arrangements for transportation of waste to the facility:</p>
8.10	Any relevant information not covered in the above items		

PART E: PAYMENT DETAILS

9.0		Payment Details	
9.1	Payment Mode	:	Online / Offline
9.2	Transaction Details in case of online	:	Transaction No: Date: Status:
9.3	Draft details in case of offline	:	Amount (Rs): Draft No: In favour of: Bank Name: Date:
9.4	Amount of Fee paid	:	Rs. _____

DECLARATION

- I / We declare that the above furnished information is true and correct to the best of my / our knowledge. I / We am / are aware that furnishing any wrong information is punishable under Section 38(f) of the Air (Prevention & Control of Pollution) Act, 1981.
- I / We hereby submit that in case of any change from what is stated in this application in respect of raw materials, products, process of manufacture and treatment and/or disposal of effluent, emission, hazardous wastes etc. in quality and quantity; a fresh application for Consent shall be made and until the grant of fresh Consent is granted, no change shall be made. I / We am/are aware that the violations of Section 21 attract penal provisions under the relevant provisions of the Air (Prevention & Control of Pollution) Act, 1981.
- I / We herewith submit an affidavit on the basis of which consent for establishment will be issued to me/us and I / We will be held responsible under Section 39 of the Air (Prevention & Control of Pollution) Act, 1981 or any misleading / wrong representation.
- I / We undertake to furnish any other information within one month of its being called by the State Board.

Date:

Place: **Name & Signature of the Occupier/
Authorized Signatory**

Mandatory Documents to be enclosed for grant of Consent to Operate:

1. Licenses / Certificates:

(a) Legal Status of Company:

- i. Partnership / Proprietary / Company etc.; or
- ii. SSI / MSME Certificate (Udyog Aadhar) / Memorandum of Entrepreneurship, if applicable;

(b) Location of the Project:

- i. Industrial Area: Allotment letter from the respective Industrial Area Development Board / Corporation / Land Possession Certificate; or
- ii. Other than Industrial Area: Registered Land Deed / Land Conversion Certificate from concerned Authority / Rent (or) Lease Agreement in case of the property is on rent / lease;

(c) Mining Project: Mineral Mining Lease permission granted by the Department of Mines SS & Geology, if applicable;

(d) Environmental Clearance granted by Central Government or State Environment Impact Assessment Authority, if applicable, under the notification of the Government of India number S.O.1533 (E), dated the 14th September, 2006 issued under the Environment (Protection) Act, 1986 (29 of 1986);

(e) Investment: Chartered Accountant Certificate about proposed Capital Investment.

2. Technical Details:

i. Environmental Impact Assessment Report, submitted to the Central Government or State Environment Impact Assessment Authority under the notification of the Government of India number S.O.1533 (E), dated the 14th September, 2006 issued under the Environment (Protection) Act, 1986 (29 of 1986); or

ii. Project report comprising manufacturing process (write up with flow chart), raw materials, products, by-products, extent of land, water source and consumption for various purpose, wastewater generation from various activity, effluent treatment plant (write up with flow diagram), Water Balance, Fuel used, Sources of emission and air pollution control devices proposed, D.G. sets and hazardous and other waste generation along with plant layout plan.

3. Compliance report of the consent to establish / consent to operate for expansion and renewal, as applicable.

THE SECOND SCHEDULE

[See paragraph 3(1)]

A. Annual Fees applicable for Consent:

- 1. Capital investment slabs.** - The Capital Investment slabs are as follows: -

- (a) Rs. 1 Crore and below
- (b) Exceeding Rs. 1 Crore but not exceeding Rs. 10 Crore
- (c) Exceeding Rs. 10 Crore but not exceeding Rs.50 Crore
- (d) Exceeding Rs. 50 Crore but not exceeding Rs.250 Crore
- (e) Exceeding Rs. 250 Crore but not exceeding Rs.500 Crore
- (f) Exceeding Rs. 500 Crore but not exceeding Rs.1000 Crore
- (g) Exceeding Rs. 1000 Crore

2. **Annual Fee for Industrial plants.** – (a) The annual fee for grant of consent is determined based on the capital investment and categorization of the industrial plant, using the following formula, as follows: -

$$CF = CI * SF * PIF$$

Where,

- CF : Annual Fee for consent (in Rs.)
- CI :CapitalInvestment(inRs.)
- SF : Scale Factor (based on **Capital Investment**)
- PIF : Pollution Index Factor (based on category)

(b) The Scale Factor (SF) according to capital investment slabs is as under: -

S. No.	Capital Investment	SF
(1)	(2)	(3)
(i)	Rs. 1 Crore and below	0.100%
(ii)	Exceeding Rs. 1 Crore but not exceeding Rs.10 Crores	0.080%
(iii)	Exceeding Rs. 10 Crores but not exceeding Rs.50 Crores	0.060%
(iv)	Exceeding Rs. 50 Crores but not exceeding Rs.250 Crores	0.040%
(v)	Exceeding Rs. 250 Crores but not exceeding Rs.500 Crores	0.030%
(vi)	Exceeding Rs. 500 Crores but not exceeding Rs.1000 Crores	0.020%
(vii)	Exceeding Rs. 1000 Crores	0.010%

(c) The Pollution Index Factor (PIF) based on categorization of Industry is as under: -

S. No.	Category of Industrial	PIF
(1)	(2)	(3)
(i)	Green	1.00

(ii)	Orange	1.50
(iii)	Red	2.00

(d) The maximum annual fee of the preceding slab shall serve as the base fee for the next slab, with the Scale Factor (SF) applicable on the difference amount. The details are as under: -

$$\text{Annual Fee (CF)} = \text{Max. fee of the preceding slab} + \{(\text{Diff. of CI}) * \text{SF} * \text{PIF}\}$$

(e) The minimum annual fee for grant of consent shall be Rs.5,000, Rs. 7,500 and Rs. 10,000 for Green, Orange and Red Category industry / activity respectively.

3. Annual Fee for local bodies and infrastructure projects (residential and others).

- (a) The capital investment for the purpose of determining annual fee for consent to establish w.r.t. infrastructure projects, as covered under the notification of the Government of India number S.O.1533 (E), dated the 14th September, 2006, as amended from time to time, shall be based on the capital investment during the establishment phase. This includes Residential (Standalone Apartment / complexes), Layouts, Integrated projects, Commercial Complex, Office Complex, Education Institutions, Township and Local Body including Water Supply and Sewerage Board. The annual fee for Consent to Establish shall be calculated using the formula adopted for the industrial plants, as above at para. 2 above.

(b) The annual fee for consent to operate of the projects at sub para (a) above, shall be based on the quantity of sewage generated / handled, as given below: -

S. No.	Sewage generated / handled	Annual Fee for Consent to Operate	
		Local Bodies and Residential (Rs.)	Other than Residential (Rs.)
(1)	(2)	(3)	(4)
1	Up to 10 KLD	5,000	7,500
2	Above 10 - 50 KLD	15,000	22,500
3	Above 50 - 100 KLD	25,000	37,500
4	Above 100 - 300 KLD	35,000	52,500
5	Above 300 - 500 KLD	55,000	82,500
6	Above 500 - 1 MLD	65,000	97,500
7	Above 1 to 5 MLD	75,000	1,12,500
8	Above 5 to 10 MLD	1,00,000	15,00,00
9	Above 10 MLD to 25 MLD	2,00,000	30,00,00
10	Above 25 MLD	4,00,000	60,00,00

4. Annual Fees for mining projects. – (a) The annual fee for grant of consent for mining project / activity will be determined based on the consented capacity of the

mineral to be mined, the type of mineral, the mining area, and the type of mining. The fee shall be calculated using the following formula -

$$CF = CC * MF * AF * TMF$$

Where,

- CF: Annual Consent fees (in Rs.)
- CC: Consented Capacity of Mineral to be mined (in Tonne / Annum)
- MF: Mineral Factor (based on type of Mineral)
- AF: Area Factor (in Rs. based on mining area)
- TMF: Type of Mining Factor (based on type of mining)

Note: Minimum fees: Rs. 5,000 per annum

(b) The Mineral Factor (MF) based on type of mineral mined are:

S. No.	Minerals	Mineral Factor (MF)
1	Manganese, Chromite, Steatite, Barites, Mica, Gold, Uranium, Silver, Copper, Lead, Zinc	1.0
2	Iron, Bauxite, Coal	0.8
3	Dolomite, Limestone, Gypsum, Feldspar, Garnet, Quartz, Silica State Stone, Bentonite, Pyropylite, Graphite, Phosphorite, Clays – China, White, Fire and Ball	0.6
4	Other minerals such as stone quarry, Granite, Marble, River Sand / River bed material etc.	0.4

(c) The Area Factor (AF) based on mining area:

S. No.	Lease hold area in ha	Area Factor (AF)
1	Up to 5	1.0
2	Above 5 to 25	1.2
3	Above 25 to 100	1.4
4	Above 100 to 500	1.6
5	Above 500	1.7

(d) The Type of Mining Factor (TMF) based on types of mining:

S. No.	Types of Mining	Types of Mining Factor (TMF)
1	Open cast mining	1.25
2	Underground mining	1.00

5. Annual Fees for coffee pulping activities. - (a) The annual fee for coffee pulping shall be determined on the basic fee and pulping factor, taking into account the types of pulping (i.e. wet and dry pulping) irrespective of capacity of operation, as it is a seasonal production. The fees is calculated using the following formula -

$$CF = BF * PF$$

Where,

- CF: Fee (in Rs)
- BF: Basic Fee (i.e. Rs. 2,500 per annum)
- PF: Pulping Factor (based on type of pulping)

(b) The Pulping Factor (PF) based on the type of pulping:

S. No.	Types of Pulping	Pulping Factor (PF)
1	2	3
1	Wet pulping	1.25
2	Dry pulping	1.00

6. **Annual Fees for Aqua Culture activities.** – The annual fee for aqua culture shall be determined based on the lease hold area, and the fees as follows : -

S. No.	Lease hold area	Fees (Rs.)
1	Up to 5 Ha	Nil
2	Between 5 to 25 Ha	5,000
3	Above 25 to 100 Ha	25,000
4	More than 100 Ha	1,00,000

7. **Annual Fees for establishment having diesel generator as the only source.** For any industrial plant having diesel generator set as the only source of air pollution, the annual fee will be as under-

S. No.	Rating of diesel generator set	Fee (Rs.)
1	2	3
1	≥ 250 KVA	Nil
2	250 KVA to ≤500 KVA	1,000
3	500 KVA to ≤1 MVA	2,000
4	>1 MVA	5,000

8. **Incentives to industrial plants.** - The industrial plants that adopt environmental conservation measures to reduce water, air and land pollutions, conserve natural resources (resource consumption per unit production) and undertake voluntary initiatives without directions of the Central Board or State Board to protect the environment using best technologies, cleaner technology, achieving levels below the national or location specific standards, shall be identified. Further Incentives may be given by the State Board after consulting the Central Board.

B. Fee for consent to Establish: The fee for obtaining consent to establish shall not exceed twice the annual fee of consent as prescribed in this Schedule.

- C. Fee for consent to operate:** The fee for obtaining consent to operate shall not be more than that determined by multiplying annual fee of consent and period of consent as given in para 4(3) of these guidelines.

[F.No.Q-15012/1/2022-CPW](e-240803)

VED PRAKASH MISHRA , Jt. Secy.

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UTTAR PRADESH REVENUE CODE, 2006
(U.P. Act No. 8 of 2012) [12th December, 2012]

**An
Act**

to consolidate and amend the law relating to land tenures and land revenue in the State of Uttar Pradesh and to provide for matters connected therewith and incidental thereto

IT IS HEREBY enacted in the 57th Year of Republic of India as follows:

CHAPTER I
(PRELIMINARY)

1.Short title, extent and commencement- (1) This Act may be called the Uttar Pradesh Revenue Code, 2006.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force on such date¹ as the State Government may, by notification, appoint, and different dates may be appointed for different areas or for different provisions of this Code.

2. Applicability of the Code. - The provisions of this Code, except Chapters VIII and IX shall apply to the whole of Uttar Pradesh, and Chapters VIII and IX shall apply to the areas to which any of the enactments specified at serial numbers 19 and 25 of the First Schedule was applicable on the date immediately preceding their repeal by this Code.

3. Extension of the Code to new areas.- (1) Where after the commencement of this Code, any area is added to the territory of Uttar Pradesh, the State Government may, by notification, extend the whole or any provision of this Code, to such area.

(2) Where any notification is issued under sub-section (1), the provisions of any Act, rule or regulation in force in the area referred to in the said sub-section, which are inconsistent with the provisions so applied, shall be deemed to have been repealed.

(3) The State Government may, by a subsequent notification, amend, modify or alter any notification issued under sub-section (1).

4. Definition- In this Code-

(1) 'abadi' or 'village abadi' means such area in a village which, on the date of commencement of this Code, is being used for the purposes of residence of its inhabitants or for purposes ancillary thereto such as sahan and green trees, wells etc. or which may have been or be hereafter reserved for such use;

(2) 'agriculture' includes horticulture, animal husbandry, pisciculture, flower farming, bee keeping and poultry farming;

1. Vide Noti. No.1879/1-1-2015-15(1)/1998-19 T.C.III, Date 18-12-2015 Sec.1,4,5,6,7,8,9,10,11,12,13,14, 15,16, 17,18, 19, 233 and 234 of the U.P. Revenue Code, 2006 shall come into force on dated 18-12-2015 and remaining provisions of said Act shall into force on dated 11-2-2016.

(3) **'agricultural labourer'** means a person whose main source of livelihood is manual labour on agricultural land;

(4) **'bank'** shall have the meaning assigned to it in the Uttar Pradesh Regulation of Money Lending Act, 1976;

(5) **'Bhumi Prabandhak Samiti'** means a Bhumi Prabandhak Samiti constituted under section 28-A of the U.P. Panchayat Raj Act, 1947;

(6) **'Board'** means the Board of Revenue constituted or deemed to be constituted under section 7;

(7) **'charitable institution'** means any establishment, undertaking, organisation or association formed for a charitable purpose, and includes a specific endowment;

(8) **'collector'** means an officer appointed as such by the State Government under sub-section (1) of section 12, and shall include-

(a) **an Additional Collector** appointed by the State Government under sub section (2) of the said section; and

(b) **an Assistant Collector** of the first class empowered by the State Government by notification to discharge all or any of the functions of a Collector under this Code;

(9) **'Consolidated Gaon Fund'** means the Consolidated Gaon Fund constituted under section 69;

[¹(10)] . family, in relation to a tenure-holder, means himself or herself and his wife or her husband or third gender spouse, as the case may be, (other than a judicially separated wife or husband or third gender spouse), minor sons and minor daughters other than married daughters and third gender minor issue.

Explanation- Third Gender means such a person who is of a gender different from the male or female gender.

(11) **'grove land'** means any specific part of land in a holding having trees (not including papaya or banana plants) planted thereon in such manner that they preclude, or when full grown will preclude, the land or any considerable portion thereof from being used primarily for any other purpose, and the trees on such land shall constitute a grove;

(12) **'holding'** means a parcel of lands held under one tenure or one lease, engagement or grant;

(13) **'improvement'**, in relation to a holding, means any work which adds materially to the value of the holding which is suitable thereto and consistent with the purpose for which it is held and which, if not executed on the holding, is either executed directly for its benefit or is, after execution, made directly beneficial to it, and, subject to the foregoing provisions, includes-

(i) the construction of tanks, wells, water channels, embankments and other works for storage, supply or distribution of water for agricultural purposes;

1. subs. by U.P.Act No. 28 of 2020, sec 2

- (ii) the construction of works for the drainage of land or for the protection of land from floods, or from erosion or other damage from water;
- (iii) the planting of trees and the reclaiming, clearing, enclosing, leveling or terracing of land;
- (iv) the erection of buildings on, or in the vicinity of the holding elsewhere than in an abadi or urban area, required for the convenient or profitable use or occupation of the holding; and
- (v) the renewal or reconstruction of any of the foregoing works, or alteration therein or additions thereto;

(14) **'land'**, except in Chapters VII and VIII and sections 80, 81 and section 136, means land held or occupied for purposes connected with agriculture;

(15) **'land holder'** means the person to whom rent is or but for a contract, express or implied, would be payable;

(16) **"Revenue Court"** means all or any of the following authorities (that is to say) the Board and all members thereof, Commissioners, Additional Commissioners, Collectors, Additional Collectors, Chief Revenue Officers, Assistant Collectors, Settlement Officers, Assistant Settlement Officers, Record Officers, Assistant Record Officers, Tahsildars, Tahsildars (Judicial) and Naib Tahsildars;

(17) **"Revenue Officer"** means the Commissioner, an Additional Commissioner, the Collector, an Additional Collector, the Chief Revenue Officer, the Sub-Divisional Officer, an Assistant Collector, the Settlement Officer, an Assistant Settlement Officer, the Record Officer, an Assistant Record Officer, the Tahsildar, the Tahsildar (Judicial), the Naib Tahsildar and the Revenue Inspector;

(18) **'Sub-Divisional Officer'** means the Assistant Collector in charge of the Tahsil;

(19) **'taungya plantation'** means the system of afforestation in which the plantation of trees is, in the earlier stages, done simultaneously with the cultivation of agricultural crops which ceases, when trees so planted begin to form a canopy, rendering the cultivation of agricultural crops impossible;

(20) **'village'** means any local area whether compact or otherwise, recorded as a village in the revenue records of the district concerned, and includes an area which the State Government may, by general or special notification, declare to be a village;

(21) **'village artisan'** means a person whose main source of livelihood is manufacture or repair of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto, and includes a carpenter, weaver, potter, blacksmith, silversmith, goldsmith, barber, washerman, cobbler or any other person who normally earns his livelihood by practising a craft either by his own labour or by labour of any member of his family in any village;

(22) words and expressions **'Gaon Fund'**, **'Gram Sabha'** and **'Gram Panchayat'** shall have the meanings assigned to them in the U.P. Panchayat Raj Act, 1947;

(23) **‘agricultural year’** means an year which begins from the first day of July and ends on thirtieth day of June of a calendar year. It is also characterised as **‘fasli year’**;

(24) **‘intermediary’** with reference to any estate means a proprietor, underproprietor, sub-proprietor, thekedar, permanent lessee in Avadh and permanent tenure-holder of such estate or part thereof;

(25) **‘lease’** in relation to mines and minerals shall include a sub-lease, a prospecting lease and an agreement to lease or sublet, and ‘lessee’ shall be construed accordingly;

(26) **‘decree’** shall have the meaning assigned to it in the Code of Civil Procedure, 1908 (Act no.V of 1908);

(27) **‘State Government’** means the Government of Uttar Pradesh;

(28) **‘Central Government’** shall have the meaning assigned to it in section 3 of the General Clauses Act, 1897 (Act no.X of 1897);

(29) **‘Minjumla number’** means a shajra number denoting a component part of a field which has theoretically been partitioned but physically has not been partitioned.

CHAPTER II REVENUE DIVISIONS

5. Division of State into revenue areas.- For the purposes of this Code, the State shall be divided into revenue areas comprising of divisions which may consist of two or more districts, and each district may consist of two or more Tahsils and each Tahsil may consist of one or more parganas, and each pargana may consist of two or more villages.

6. Constitution of revenue areas.- (1) The State Government may, by notification, specify-

- (i) the districts which constitute a division;
- (ii) the tahsils which constitute a district;
- (iii) the villages which constitute a tahsil.

(2) The State Government may, by notification, alter the limits of any revenue area referred to in sub-section (1) by amalgamation, re-adjustment, division or in any other manner whatsoever, or abolish any such revenue area and may name and alter the name of any such revenue area, and in any case where any area is renamed, then all references in any law or instrument or other document to the area under its original name shall be deemed to be references to the areas as renamed unless expressly provided otherwise:

Provided that before passing any order under this sub-section on any proposal to alter the limits of any revenue area, the State Government shall publish, in the prescribed manner, such proposals for inviting objections, and shall take into consideration any objection to such proposals.

(3) The Collector may, by an order, published in the prescribed manner, arrange the

villages in a tahsil into Lekhpal circles and the Lekhpal circles into Revenue Inspector circles and specify also the headquarters of each Revenue Inspector within his Circle.

(4) The divisions, districts, tahsils, parganas, Revenue Inspector circles, Lekhpal circles and villages, as existing at the commencement of this Code shall, until altered under the preceding sub-sections, be deemed to be the revenue areas specified under this section.

Chapter III

BOARD AND THE REVENUE OFFICERS

7. Board of Revenue.- (1) There shall be a Board of Revenue for Uttar Pradesh consisting of a Chairman and such other members as the State Government may, from time to time, appoint:

Provided that the Board as constituted and functioning immediately before the commencement of this Code shall be deemed to be the Board constituted under this section.

(2) (deleted).

(3) No person shall be qualified for appointment as: –

(a) an Administrative Member of the Board, unless he has held an office not lower in rank than that of a Commissioner;

(b) a Judicial Member of the Board, unless he has held an office not below the rank of a Collector.

(4) The State Government may, at the time of making the appointment or at any time subsequent thereto, designate any member, as Judicial Member of the Board, and any such member shall be allotted only judicial business.

8. Jurisdiction of the Board.- (1) The Board shall be the Chief Controlling Authority-

(a) in all matters relating to disposal of cases, appeals or revisions; and

(b) subject to the superintendence, direction and control of the State Government, in all other matters provided in this Code.

(2) Subject to the provisions of the sub-section (1), the Board shall exercise, perform and discharge powers, functions and duties conferred upon it by or under this Code or any other law for the time being in force.

(3) The State Government may authorise any member of the Board to exercise, perform and discharge either generally or in respect of any particular locality or matter, all or any of the powers, functions and duties conferred or imposed on the Board.

9. Power to distribute business. - (1) Subject to such rules or orders as the State Government may make or issue, the Board may distribute its business amongst its members as the Board may deem fit. Chairman may constitute bench or benches consisting of more than one member for disposal of a particular case or class of cases.

(2) All orders made or decrees passed by a member of the Board in accordance with such distribution shall be deemed to be orders or decrees, as the case may be, of the Board.

10. Decisions of the Board. - (1) Where any proceeding coming under the consideration of the Board on appeal or in revision is heard by a Bench composed of two or more members, the case shall be decided in accordance with the opinion of such members or of the majority, if any, of such members.

(2) Where the members of the Board constituting the Bench are equally divided in opinion as to the decision of a case, it shall be heard by a larger Bench to be constituted by the Chairman, and the case shall be decided in accordance with the opinion of the members constituting such Bench or of the majority, if any, of such members.

(3) All decisions given by a member sitting singly, or by a Division Bench comprising two members or a larger Bench constituted as aforesaid shall be deemed to be decisions of the Board.

11. Commissioners and Additional Commissioners.- (1) The State Government shall appoint in each division a Commissioner, who shall, within his division, exercise the powers and discharge the duties conferred and imposed on a Commissioner by or under this Code or any other law for the time being in force, and shall exercise authority over all the revenue officers in his division.

(2) The State Government may appoint one or more Additional Commissioners in one or more Divisions.

(3) An Additional Commissioner shall exercise such powers and discharge such duties of Commissioner in such cases or classes of cases as the State Government or, in the absence of any direction from the State Government, the Commissioner of the division may direct.

(4) The provisions of this Code and every other law for the time being applicable to a Commissioner shall apply to the Additional Commissioner when exercising powers or discharging any duties under this section, as if he were the Commissioner of the Division.

(5) The State Government may, at the time of making the appointment or at any time subsequent thereto, designate any Additional Commissioner, as Additional Commissioner (Judicial), and any such Additional Commissioner (Judicial) shall be allotted only judicial business. Such an Additional Commissioner (Judicial) shall exercise such powers and discharge such duties of Commissioner in such cases or classes of cases as the State Government, or in the absence of any direction from the State Government, the Commissioner of the Division, may direct.

12. Collectors and Additional Collectors. - (1) The State Government shall appoint, in each district, a Collector who shall be in-charge of the revenue administration thereof and shall exercise all the powers and discharge all the duties conferred and imposed on a Collector by or under this Code or any other law for the time being in force.

(2) The State Government may appoint one or more Additional Collectors in a district.

(3) An Additional Collector shall, subject to the direction 'and control of the State Government or of the Collector', exercise all powers and discharge all duties of Collector.

(4) The provisions of this Code and every other law for the time being applicable to the Collector shall apply to the Additional Collector when exercising powers or discharging any duties under this section, as if he were the Collector of the district.

(5) The State Government may, at the time of making the appointment or at any time subsequent thereto, designate any Additional Collector, as Additional Collector (Judicial), and any such Additional Collector (Judicial) shall be allotted only judicial business. Such an Additional Collector (Judicial) shall exercise such powers and discharge such duties of Collector in such cases or classes of cases as the State Government, or in the absence of any direction from the State Government, the Collector of the District, may direct.

13. Sub-Divisional Officers and Additional Sub-Divisional Officers.-(1)

The State Government may appoint in each district as many persons as it thinks fit to be Assistant Collectors of the first or second class.

(2) The State Government may place an Assistant Collector first class incharge of one or more sub-divisions of a district, and such an officer shall be called the Assistant Collector first class incharge of a sub-division or a Sub-Divisional Officer.

(3) The officers referred to in sub-section (1) or sub-section (2) shall exercise all the powers and discharge all the duties conferred and imposed upon them by or under this Code or any other law for the time being in force, subject to the control of the Collector.

(4) The State Government may designate an Assistant Collector first class appointed to a district to be an Additional Sub-Divisional Officer for one or more tahsils of the district.

(5) Subject to the provisions of this Code, the Additional Sub-Divisional Officer shall exercise such powers and discharge such duties of a Sub-Divisional Officer in such cases or classes of cases as the State Government, or in the absence of any direction from the State Government, the Collector may direct.

(6) The State Government may, at the time of making the appointment or at any time subsequent thereto, designate any Assistant Collector first class, as Sub-Divisional Officer (Judicial) for one or more tahsils, and any such Sub-Divisional Officer (Judicial) shall be allotted only judicial business. Such a Sub-Divisional Officer (Judicial) shall exercise such powers and discharge such duties of a Sub-Divisional Officer in such cases or classes of cases as the State Government, or in the absence of any direction from the State Government, the Collector, may direct.

14. Tahsildars and Tasildars Judicial. - (1) The State Government may appoint in each district as many persons as it thinks fit to be Tahsildars and Tahsildar Judicial.

(2) Subject to the provisions of this Code, the Tahsildar and Tahsildar Judicial shall exercise such powers and discharge such duties as the State Government or the Board, and in the absence of any directions from the State Government or the Board, the Collector may direct.

15. Naib-Tahsildars.- The State Government may appoint in each district as many

persons as it thinks fit to be Naib-Tahsildars who shall exercise the power and perform the duties conferred or imposed on them by or under this Code or under any other law for the time being in force.

16. Revenue Inspectors and Lekhpals.- (1) The Collector may appoint in each tahsil one or more Revenue Inspectors for the proper supervision, maintenance and correction of the village records, and for such other duties as the State Government may, from time to time, by general or special order specify.

(2) The Collector may appoint in each tahsil, as many Lekhpals for the preparation, maintenance and correction of the village records, and for such other duties as the State Government may from time to time by general or special order, specify.

17. Combination of Offices. - It shall be lawful for the State Government or the authority competent to appoint, as the case may be, to appoint one and the same person, being otherwise competent according to law for any two or more of the offices provided for in this Chapter or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise, as it may deem expedient.

18. Recovery of money, papers and other Government property.- (1) The Collector may in cases in which there is claim outstanding on any revenue officer or on any person formerly employed as such in his district for public money or papers or other property of the State Government in his charge, by order, for reasons to be recorded, require the money, or the particular papers or property detained to be delivered either immediately to the bearer of the said order or to such person on such date and at such place as the order may specify.

(2) If the officer or other person aforesaid does not comply as directed, the Collector shall impose a penalty of two hundred and fifty rupees each day till the direction is complied with, so however, total amount of such penalty shall not exceed twenty five thousand rupees:

Provided that the officer or other person, as the case may be, shall be given a reasonable opportunity of hearing before any penalty is imposed on him.

(3) Imposition of penalty under sub-section (2) shall not bar the prosecution for any offence or recovery of money, papers and other government property under any law for the time being in force.

19. Other power of Revenue Officers. - (1) When any power is exercisable or any duty is dischargeable by any officer or authority under this Code, such power or duty may be exercised or discharged by any superior officer or authority as well.

(2) The revenue officers appointed under this Code shall, subject to the control of the State Government, exercise such other powers and discharge such other duties, as the State Government may, by any general or special order, direct.

BOUNDARIES AND BOUNDARY MARKS

20. Fixation and demarcation of boundaries. - (1) Boundaries of all villages in the State and of all survey numbers in a village shall be fixed and demarcated by boundary marks.

(2) The boundary marks shall, subject to the provisions hereinafter contained in this Chapter, be of such specifications and shall be constructed and maintained in such manner as may be prescribed.

21. Obligation regarding maintenance and repair of boundary marks.-

(1) Every tenure-holder shall be responsible to maintain and repair at his cost the boundary marks lawfully erected in his holding or on the boundary thereof.

(2) The Gram Panchayat shall be responsible to maintain and repair at its cost the boundary marks, other than those mentioned in sub-section (1), lawfully erected in the villages situate within its jurisdiction.

22. Destruction etc. of boundary marks. - (1) If any boundary mark lawfully erected in a Lekhpal circle is destroyed, removed or damaged, then the concerned Lekhpal shall be bound promptly to report the matter to the Naib Tahsildar.

(2) The Naib Tahsildar shall make an inquiry in respect of such report and shall submit his recommendation to the Sub-Divisional Officer.

23. Power to require erection, repair or renewal of boundary marks. -

(1) The Sub-Divisional Officer may, on receipt of the recommendations of the Naib Tahsildar under section 22, or otherwise, require a Gram Panchayat in relation to a village and a tenure holder in relation to his holding, to erect or restore proper boundary marks or to repair or replace the same in such manner as may be prescribed.

(2) Where the Gram Panchayat or a tenure holder fails to erect, restore, repair or replace the boundary marks as required under sub-section (1), the Sub-Divisional Officer may cause such boundary marks to be erected, restored, repaired or replaced, as the case may be, and recover the cost thereof from such Gram Panchayat or the tenure holder in the manner prescribed.

24. Disputes regarding boundaries. - (1) The Sub-Divisional Officer may, on his own motion or on an application made in this behalf by a person interested, decide, by summary inquiry, any dispute regarding boundaries on the basis of existing survey maps or, where they have been revised in accordance with the provisions of the Uttar Pradesh Consolidation of Holdings Act, 1953, on the basis of such maps, but if this is not possible, the boundaries shall be fixed on the basis of actual possession.

(2) If in the course of an inquiry into a dispute under sub-section (1), the Sub-Divisional Officer is unable to satisfy himself as to which party is in possession or if it is shown that

possession has been obtained by wrongful dispossession of the lawful occupant, the Sub-Divisional Officer shall

(a) in the first case, ascertain by summary inquiry who is the person best entitled to the property, and shall put such person in possession;

(b) in the second case, put the person so dispossessed in possession, and for that purpose use or cause to be used such force as may be necessary and shall then fix the boundary accordingly.

(3) Every proceeding under this section shall, as far as possible, be concluded by the Sub-Divisional Officer within three months from the date of the application.

(4) Any person aggrieved by the order of the Sub-Divisional Officer may prefer an appeal before the Commissioner within thirty days of the date of such order. *The order of the Commissioner shall, [subject to the provisions of section 210], be final.*

25. Rights of way and other easements.- In the event of any dispute arising as to the route by which a tenure holder or an agricultural labourer shall have access to his land or to the waste or pasture land of the village (other than by the public roads, paths or common land) or as to the source from or course by which he may avail himself of irrigational facilities, the Tahsildar may, after such local inquiry as may be considered necessary, decide the matter with reference to the prevailing custom and with due regard to the convenience of all the parties concerned. He may direct the removal of such obstacle and may, for that purpose, use or cause to be used such force as may be necessary and may recover the cost of such removal from the person concerned in the manner prescribed.

26. Removal of obstacle. - If the Tahsildar finds that any obstacle impedes the free use of a public road, path or common land of a village or obstructs the road or water course or source of water, he may direct the removal of such obstacle and may, for that purpose, use or cause to be used such force as may be necessary and may recover the cost of such removal from the person concerned in the manner prescribed.

27. Revisional powers of Sub-Divisional Officer.- The Sub-Divisional Officer may call for the record of any case decided by the Tahsildar under section 25 or 26, for the purpose of satisfying himself as to the legality or propriety of such decision, and may, after affording opportunity of hearing to the parties concerned, pass such orders as he thinks fit:

Provided that no application under this section shall be entertained after the expiry of a period of thirty days from the date of the order sought to be revised.

28. Order not to debar from establishing any right of easement.- No order made under this Chapter shall debar any person from establishing such right of easement or customary right as he may claim by a civil suit.

1. Subs. by U.P. Act No. 7 of 2019, sec 2

CHAPTER V

MAINTENANCE OF VILLAGE RECORDS

29. List of villages.- (1) The Collector shall prepare and maintain a register, in the form prescribed, containing list of all villages in his district and shall show therein-

- (a) the areas which are liable to fluvial action;
- (b) the areas which have precarious cultivation; and
- (c) such other particulars as may be prescribed.

(2) The register shall be revised every five years or at such longer intervals as may be prescribed.

30. Maintenance of Map and Field Book.-(1) The Collector shall maintain, in the manner prescribed, a map and a field book (khasra) for each such village and shall cause to be recorded therein, annually, or at such longer intervals as may be prescribed, all changes in the boundaries of the village or survey numbers, and shall also cause to be corrected, any errors or omissions which are, from time to time, detected in such map or field book (khasra).

(2) The minjumla number shall be divided physically in the manner prescribed and revenue records including map and khasra shall be corrected accordingly.

31 Record of Rights.-(1) The Collector shall maintain, in the form and manner prescribed, a record of rights (khatauni) for each village, which shall contain the following particulars, namely

- (a) the names of all tenure holders together with survey numbers or plot numbers held by them and their areas;
- (b) the nature or extent of the respective interests including shares of such persons and the conditions or liabilities, if any, attaching thereto;
- (c) the rent or revenue, if any, payable by or to any such person;
- (d) particulars of all land (other than holdings) belonging to or vested in the State Government, Central Government, Gram Panchayat or a local authority;
- (e) such other particulars as may be prescribed.

(2) Shares of the co-tenure holders shall be determined in the manner prescribed.

32 Correction of records.- (1) Subject to the control of the Collector, the Sub-Divisional Officer, the Tahsildar, or the Revenue Inspector shall record, in the manner hereinafter provided in this Chapter, all changes in the record of rights (Khatauni), the field book (Khasra) and the map that may take place, and all transactions that may affect any of the rights or interests recorded, and correct therein any errors proved to have been made in the records previously prepared:

Provided that order for correction in map shall be passed by the Collector.

(2) No application for correction of error under sub-section (1) where the claim is based solely on possession as well as involving intricate question of title shall be maintainable.

33. Mutation in cases of succession.-(1) Every person obtaining possession of any land by succession shall submit report of such succession to the Revenue Inspector of the circle in which the land is situate in such form as may be prescribed.

(2) On receipt of a report under sub-section (1) or on facts otherwise coming to his knowledge, the Revenue Inspector shall-

(a) if the case is not disputed, record such succession in the record of rights (Khatauni);

(b) in any other case, make such inquiry as may appear to him to be necessary and submit his report to the Tahsildar;

(3) Any person whose name has not been recorded by Revenue Inspector or who is aggrieved by the order passed by the Revenue Inspector under clause (a) or (b) of sub-section (2) may move an application before Tahsildar.

(4) The provisions of this section shall *mutatis mutandis* apply to every person admitted as a Bhumidhar with non-transferable rights or as an asami by the Bhumi Prabandhak Samiti in accordance with the provisions of this Code or any enactment repealed by it.

34. Duty to report in cases of transfer.-(1) Every person obtaining possession of any land by transfer, other than a transfer referred to in sub-section (3) of section 33 shall report such transfer, in the manner prescribed, to the Tahsildar of the Tahsil in which the land is situate.

Explanation.- For the purposes of this section, the word 'transfer' includes a family settlement.

(2) State Government may fix a scale of fees for getting entry recorded in the record of rights on the basis of transfer. A fee in respect of any such entry shall be payable by the person in whose favour the entry is to be made.

35. Mutation in cases of succession or transfer.-(1) On the receipt of a report under section 33 or section 34, or upon facts otherwise coming to his knowledge, the Tahsildar shall issue a proclamation and make such inquiry as appears to be necessary and-

(a) if the case is not disputed, he shall direct the record of rights (Khatauni) to be amended accordingly;

(b) (deleted);

(c) if the case is disputed, he shall decide the dispute and direct, if necessary, the record of rights (khatauni) to be amended accordingly.

(2) Any person aggrieved by an order of the Tahsildar under sub-section (1) may prefer an appeal to the Sub-Divisional Officer within a period of thirty days from the date of such order.

36. Intimation of transfer and deposit of land revenue.-(1) Notwithstanding anything contained in section 34, where any document purporting to create, assign or extinguish any title to or any charge on land or in respect of which a record of rights (Khatauni) is prepared, is registered under

the Registration Act, 1908 the registering authority shall send intimation to the Tahsildar within whose jurisdiction such land is situate in such form and within such time, as may be prescribed.

(2) Notwithstanding anything contained in this Chapter, no order for correction of records under section 32 and no order for recording succession under section 33 and no amendment of record of rights (khatauni) under section 35 and no correction under section 38 shall be recorded, unless the amount of land revenue due up-to-date in respect of the land to which such order relates has been deposited.

37. Bar against certain suits.-No suit or other proceeding shall lie in any revenue court at the instance of any person obtaining possession of any land by succession or transfer, until he has made a report under section 33 or section 34, as the case may be.

38. Correction of error and omission.- (1) An application for correction of any error or omission in the map, filed-book (Khasra) or record of rights (Khatauni) shall be made to the Tahsildar in the manner prescribed.

(2) On receiving an application under sub-section (1) or on any error or omission otherwise coming to his knowledge, the Tahsildar shall make such inquiry as may appear to him to be necessary, and refer the case along with his report to the Collector in the case of map correction and the Sub-Divisional Officer in matter of other correction.

(3) The case shall be decided by the Collector or the Sub-Divisional Officer, as the case may be, after considering any objection filed and evidence produced before him or before the Tahsildar.

(4) Any person aggrieved by an order of the Collector or the Sub-Divisional Officer, as the case may be, under sub-section (3), may prefer an appeal to the Commissioner within a period of thirty days from the date of such order, and the decision of the Commissioner shall, [*subject to the provisions of section 210*], be final.

(5) Any forged or manipulated entry in the map, the khasra or the record of rights (khatauni) may be expunged under this section.

(6) Notwithstanding anything contained in other provisions of this Code, the Revenue Inspector may correct any undisputed error or omission in the record of rights (khatauni) or *khasra* in such manner and after making such inquiry, as may be prescribed.

Explanation. - The power to correct any error or omission under this section shall not be construed to include the power to decide a dispute involving question of title.

39. Certain orders of revenue officers not to debar a suit.-No order passed by a Revenue Inspector under section 33, or by a Tahsildar under sub-section (1) of section 35 or by a Sub-Divisional Officer under sub-section (3) of section 38 or by a Commissioner under sub-section (4) of section 38 shall debar any person from establishing his rights to the land by means of a suit

1. Subs. by U.P. Act No. 7 of 2019, sec 3

under section 144.

40. Presumption as to entries.- All entries in the record of rights (Khatauni) prepared in accordance with the provisions of this Code shall be presumed to be true, until the contrary is proved.

41. Kisan Bahi. - (1) Every time when a record of rights (Khatauni) is prepared under this Chapter, the Collector shall as soon as may be, cause to be supplied to every tenure-holder, a Kisan Bahi containing such particulars as may be prescribed.

(2) The Kisan Bahi shall be a consolidated pass-book for all the holdings held by a tenure-holder in the district.

(3) In the case of a joint holding, it shall be sufficient for the purpose of this section if Kisan Bahi is supplied only to such one or more of the recorded co-tenure holders as may apply for it.

(4) The tenure holder shall be liable to pay such cost for the Kisan Bahi and in such manner as may be prescribed.

(5) Every person holding Kisan Bahi shall, from time to time, be entitled, without any extra payment, to get the amendments made in the record of rights (Khatauni) incorporated in his Kisan Bahi.

(6) Whenever a bank or other public financial institution advances loan to a tenure holder on the basis of a representation of the tenure holder that he is a holder of the holdings recorded in the Kisan Bahi, it shall endorse the details of the loan so advanced in the Kisan Bahi.

(7) The tenure holder shall also submit to such bank or other financial institution an affidavit declaring that he has not taken any other loan (which remains wholly or partly unpaid) on the security of the holdings comprised in the Kisan Bahi nor has he transferred the holding or any share therein to any person in any other manner whatsoever.

(8) Any tenure holder who in such an affidavit makes any statement which is false and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

(9) Such bank or other financial institution shall also endorse the final repayment of the loan on the Kisan Bahi.

42. Duty to produce information or documents.-Every person whose rights, interests or obligations are required to be or have been entered in any record or register maintained under this Chapter shall be bound, on the requisition of any revenue officer engaged in compiling or revising such record or register, to furnish or produce for his inspection, within such time as may be specified, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power.

REVISION OF VILLAGE RECORDS

43. Notification of record and survey operations.-(1) Whenever the State Government is of opinion that in any district or other local area, a revision of records or a re-survey, or both is necessary, it shall publish a notification to that effect, and thereupon such district or area shall be deemed to be under record operation or survey operation or both, as the case may be.

(2) The State Government may, by notification in the gazette, order that a survey operation or a record operation of abadi or village abadi or both shall be made in the manner prescribed.

(3) The State Government may, by a subsequent notification, amend or cancel the notification issued under sub-section (1) or sub-section (2), or declare the operation to be closed.

44. Record Officer and Assistant Record Officer.-(1) The State Government may appoint a Record Officer who shall be in-charge of the record operation or the survey operation or both and may also appoint as many Assistant Record Officers as it may deem fit.

(2) The Assistant Record Officer shall, for so long as the notification under subsection

(1) or sub-section (2) of section 43 is in force, exercise the powers conferred on him by this Code and shall discharge such other duties as may be entrusted to him by the Record Officer.

45. Power of Record Officer during record or survey operation.-Where any district or other local area is under record or survey operation, the powers conferred by sections 23 to 26 shall be exercised by the Record Officer.

46. Revision of records during record operation. - When any district or other local area is under record operation, the Record Officer shall cause to be revised, for each village comprised therein, the field book (khasra) and the record of rights (khatauni) or the record of abadi or village abadi.

47. Revision of records during survey operation.- When any district or other local area is under survey operation, the Record Officer shall cause to be prepared for each village comprised therein, a map, and thereafter, proceed to revise the field book (Khasra) and the record of rights (Khatauni) or the record of abadi or village abadi, as the case may be.

48. Powers of Record Officer as to erection of boundary marks. - When any local area is under survey operation the Record Officer may issue a proclamation directing all Gram Panchayat and Bhumidhars to erect, within fifteen days such boundary marks, as he may think necessary to define the limits of the villages and fields and in default, he may cause such boundary marks to be erected, and the Collector shall recover the cost of their erection from the Gram Panchayats or Bhumidhars concerned.

49. Procedure of revision of map and records.-(1) For revising the map and records under sections 46 and 47, the Record Officer shall, subject to the provisions of sub-sections (2) to (8), cause to be carried out survey, map correction, field to field *partal* and test and verification of current record of rights (Khatauni) in accordance with the procedure prescribed.

(2) After the test and verification of the current record of rights, the Naib-Tahsildar shall correct clerical mistakes and errors, if any, in such records, and shall cause to be issued to the concerned tenure holders and other persons interested, notices containing relevant extracts from the current record of rights and such other records as may be prescribed showing their rights and liabilities in relation to land and mistakes and disputes discovered during the operations mentioned in sub-section(1).

(3) Any person to whom notice under sub-section (2) has been issued may within twenty one days of the receipt of notice, file before the Naib-Tahsildar objections in respect thereof disputing the correctness or nature of the entries in such records or extracts.

(4) Any person interested in the land may also file objection before the Naib-Tahsildar at any time before the dispute is settled in accordance with sub-section(5), or before the Assistant Record Officer, at any time before the objections are decided in accordance with sub-section (6).

(5) The Naib-Tahsildar shall-

(a) where objections are filed in accordance with sub-section (3) or sub-section (4), after hearing the parties concerned; and

(b) in any other case, after making such inquiry as he may deem necessary; correct the mistake, and settle the dispute, by conciliation between the parties appearing before him, and pass order on the basis of such conciliation.

(6) The record of all cases which cannot be disposed of by the Naib-Tahsildar by conciliation as required by sub-section (5), shall be forwarded to the Assistant Record Officer who shall dispose of the same, in accordance with the procedure laid down in section 24 and where the dispute involves a question of title, he shall decide the same after a summary inquiry.

(7) Where after the summary inquiry under sub-section (6), the Assistant Record Officer is satisfied that the land in dispute belongs to the State Government or a local authority, he shall cause the person in unauthorized occupation of such land to be evicted and may, for that purpose, use or cause to be used such force as may be necessary.

(8) Any person aggrieved by an order of the Assistant Record Officer made under sub-section (6) or sub-section (7) may prefer an appeal within thirty days from the date of such order to the Record Officer in the manner prescribed and every order of the Record Officer on such appeal shall subject to the provision of section 210, be final.

50. Finalisation of record of rights.- After the revision of map or records in accordance with section 49, the Assistant Record Officer shall confirm or amend the record of rights (Khatauni) under his dated signature.

51. Preparation of new record of rights. - The Assistant Record Officer shall thereafter prepare, for each village in the area under the record or survey operation, the records specified in sections

30 and 31 on the basis of the record of rights (Khatauni) referred to in section 50 and the records so prepared shall be maintained by the Collector in place of the records previously existing.

52. Procedure for villages where no records are available.- (1) The provisions of this Chapter shall, *mutatis mutandis*, apply to a record operation or survey operation in respect of every such village or part thereof, where no map or other record referred to in section 46 or section 47 is available, and for this purpose, the Record Officer shall follow such procedure as may be prescribed.

(2) The provisions of this Chapter shall, *mutatis mutandis*, apply to record operation and survey operation of abadi or village abadi.

53. Presumption as to the entries. - All entries in the record of rights (Khatauni) prepared in accordance with the provisions of this Chapter shall be presumed to be true until the contrary is proved.

CHAPTER VII

OWNERSHIP OF LAND AND OTHER PROPERTIES

54. Title of State in all lands etc.- All public roads, lanes and paths, bridges, ditches, dykes and fences on or beside them, the bed of rivers, streams, nallas, lakes, ponds and tanks and all canals and water channels, and all standing and flowing water, and all lands wherever situated, which are not owned by any person, and except insofar as any rights of any persons may be established in or over the same, and except as may be otherwise provided in any law for the time being in force, are hereby declared, with all rights in or over the same, or appertaining thereto, to be the property of the State Government:

Provide that nothing in this section shall be deemed to affect the rights of any person subsisting in any such property immediately before the date of commencement of this Code.

55. Mines and minerals.- (1) Notwithstanding anything contained in this Code, the right to operate or work in any mine or to extract any mineral there from shall be governed by the Mines and Minerals (Development and Regulations) Act, 1957.

(2) Every lessee of building or land, leased or deemed to have been leased out by the State Government under any of the enactments repealed by this Code, for the purposes connected with the working or extraction of any mine or mineral, and operating on the date of commencement of this Code, shall, subject to the terms and conditions of the lease aforesaid, continue to retain possession thereof on payment of such rent as was in force on the date of such commencement.

56. Rights in trees. - (1) All trees existing on any holding or grove shall, subject to the provisions of this Code or any other law for the time being in force, be deemed to belong to the person who holds such holding or grove.

(2) All trees existing on the boundary of any holdings shall be deemed to belong jointly to the persons who hold the holdings on either side of such boundary.

(3) All trees in abadi or in any unoccupied land belonging to or held by any person immediately before the date of commencement of this Code shall continue to belong to such person and be held subject to any other law for the time being in force and to any rules made under this Code.

(4) Subject to the provisions of section 57, all trees, brushwood, jungle or other natural product, wherever growing or planted, other than the trees referred to in sub-section (1) to (3) shall, with effect from the date of commencement of this Code be deemed to be the property of the State Government.

Explanation. - For the purposes of this section, and section 59, the expression 'unoccupied land' means the land in a village other than the land held by tenureholders.

57. Fruit bearing trees.- (1) Where before the commencement of this Code, any fruit bearing tree was planted by any person on either side of any public road or path or canal with the permission in writing of any revenue officer or any officer of the Forest or Public Works Department or Irrigation Department of the State Government, not below the rank of a Tahsildar or an Assistant Conservator of Forest or an Assistant Engineer, as the case may be, then, notwithstanding that such land vests in the State Government, such person and his legal representative shall be entitled to the fruits of such trees without payment of any charges whatsoever.

(2) Any person desiring to plant a fruit bearing tree after the commencement of this Code, on either side of any public road or path or canal may do so with the permission in writing of the Collector or any other officer authorised by the State Government in this behalf, and the provisions of sub-section (1) shall apply to the trees so planted.

(3) The right conferred under this section shall be heritable but the person planting the fruit bearing tree or his heirs shall have no right on the corpus of such tree or in the land on which it stands.

58. Disputes to be decided by the Collector. - (1) Where any dispute arises in respect of any property referred to in section 54 or section 56 or section 57 or in respect of any right to such property, such dispute shall be decided by the Collector.

(2) Any person aggrieved by any order passed under sub-section (1) may file an appeal before the Commissioner within thirty days from the date of order.

CHAPTER VIII

**(MANAGEMENT OF LAND AND OTHER PROPERTIES BY
GRAM PANCHAYAT OR OTHER LOCAL AUTHORITY)**

59. Entrustment of land etc. to Gram Panchayats and other local authorities.- (1) The State Government may, by general or special order to be published in the manner prescribed, entrust all

or any of the things specified in subsection (2), which vest in the State Government, to a Gram Panchayat or other local authority for the purposes of superintendence, preservation, management and control in accordance with the provisions of this Code.

(2) The following things may be entrusted to a Gram Panchayat or other local authority under subsection (1), namely-

- (i) lands, whether cultivable or otherwise, except land for the time being comprised in any holding or grove;
- (ii) grove standing on the Gram Panchayat land, pasture land, graveyard, cremation ground, manure pits, Khaliyans, Chakroads, link roads, sector roads, land in river bed, road, Sadak Khanti, Sullage farm;
- (iii) forests and fisheries;
- (iv) trees, other than trees in a holding or on the boundary of a holding or in a grove or abadi, or any trees on unoccupied land;
- (v) hats, bazaars, melas, tanks, ponds, water-channels, private ferries, pathways and abadi sites;
- (vi) subject to the provisions of the Treasure Trove Act, 1878, any properties specified in section 55 and belonging to the State Government.

(3) Every land and other thing-

- (a) vested in a Gram Panchayat or any other local authority under the provisions of the Uttar Pradesh Consolidation of Holdings Act, 1953, or the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960;
- (b) placed under the charge of a Gram Panchayat or any other local authority under any of the enactments repealed by this Code;
- (c) otherwise coming into possession of a Gram Panchayat or other local authority, either before or after the commencement of this Code; shall be deemed to be entrusted to such Gram Panchayat or other local authority, as the case may be, with effect from the date of commencement of this Code or from the date of such coming into its possession, for the purpose of superintendence, preservation, management and control, in accordance with the provisions of this Code.

(4) The State Government may, by a subsequent order to be published in the manner prescribed,-

[¹(a)] (i) add to, amend, vary or rescind any earlier order issued under sub-section(1)

(ii) convert any land entrusted or deemed to be entrusted or transferred to any Gram Panchayat or local authority, which is not covered under sub-section (1) of section 77 to a land covered under sub-section (1) of section 77.

1.Subs. by U.P. Act No. 28 of 2020, Sec 3(1)

(b) transfer to any other Gram Panchayat or other local authority, any land or other thing entrusted or deemed to be entrusted under sub-section (1) or subsection (3) for superintendence, preservation, management and control;

[¹ (c)] (i) resume any land or other thing so entrusted or deemed to be entrusted, or transferred to any Gram Panchayat or local authority on such terms and conditions as prescribed;

(ii) add to, amend, vary or rescind any earlier order issued under clause(i)

(d) impose conditions and restrictions subject to which the powers of superintendence, preservation, management and control under this section shall be exercised.

(5) Where any of the things specified in sub-section (2) has been entrusted or deemed to have been entrusted to a Gram Panchayat, and the village or any part thereof in which such things are situated lies outside the circle of the Gram Panchayat, such Gram Panchayat or its Bhumi Prabandhak Samiti shall, subject to any general or special order issued by the State Government in this behalf, perform, discharge and exercise the functions, duties and powers assigned, imposed or conferred by or under this Code or the U.P. Panchayat Raj Act, 1947 on a Gram Panchayat or a Bhumi Prabandhak Samiti as if that village or part also lay within that circle.

(6) Where any of the things specified under sub-section (2) has been entrusted or deemed to be entrusted to a local authority other than the Gram Panchayat, the provisions of this Chapter shall mutatis mutandis apply to such local authority.

[²**Explanation**]: For the purpose of this section the word “Local Authority” includes kshetra Panchayat, Zila Panchayat, Town area, Notified Area, Cantonment Area, Nagar Panchayat, Nagar Palika, Nagar Mahapalika, Nagar Nigam, Noida Vikas Pradhikaran, Greater Noida Vikas Pradhikaran, Yamuna Expressway Vikas Pradhikaran or any Industrial township declared as an industrial development area under the Uttar Pradesh Industrial Area Development act, 1976 under artical 243-Q of the Constitution of India.

60. Superintendence, management and control by Bhumi Prabandhak Samiti. -(1) Subject to the provisions of this Code, every Bhumi Prabandhak Samiti shall be charged, for and on behalf of the Gram Panchayat, with the superintendence, preservation, management and control of all land and other things entrusted or deemed to be entrusted to that Gram Panchayat under section 59 or over which such Gram Panchayat is entitled to take possession under this Code or any other law for the time being in force.

(2) Without prejudice to the generality of the foregoing provisions, the functions and duties of the Bhumi Prabandhak Samiti shall include:-

1. Subs. by U.P. Act No. 28 of 2020, Sec 3(2)

2. Ins. by U.P. Act No. 4 of 2021, Sec 2

- (a) the settlement and management of land;
- [¹(b)] the preservation, maintenance and development of forests, trees and pastures.
- (c) the maintenance and development of abadi sites and village communications;
- (d) the management of hats, bazaars and melas;
- (e) the maintenance and development of fisheries and tanks;
- (f) the development of cottage industries;
- (g) the development and improvement of agriculture;
- (h) the conduct and prosecution of suits and proceedings by or against the Gram Panchayat; and
- (i) such other matters as may be prescribed.

61. Management of village tanks.- Where a tank in any village is entrusted or deemed to be entrusted to any Gram Panchayat under section 59, then, notwithstanding anything contained in any contract or grant or and law for the time being in force, its management by such Gram Panchayat shall be regulated by the following conditions, namely:-

- (a) where the area of the tank measures 0.5 acre or less, it shall be reserved for public use by the inhabitants of the village;
- (b) where the area of the tank exceeds 0.5 acres, the Bhumi Prabandhak Samiti shall, with the previous approval of the Sub-Divisional Officer, let it out in the manner prescribed.

Explanation. - For the purpose of this section, the term ‘tank’, includes talab, pond, pokhar and other land covered with water.

62. Conduct of suits and legal proceedings.- (1) Subject to the provisions of sub-section (2) and such other conditions as may be prescribed, the Chairman or such members of the Bhumi Prabandhak Samiti as may be authorised in this behalf by such Samiti, may sign any document and do all other things for the proper conduct and prosecution of suits and other proceedings for and on behalf of the Gram Panchayat.

(2) No suit or other proceedings to which any Gram Panchayat is a party shall be compromised or withdrawn on behalf of such Gram Panchayat, unless such compromise or withdrawal is approved by a resolution of the Bhumi Prabandhak Samiti and prior sanction of the Sub-Divisional Officer is obtained.

63. Land which may be allotted for abadi sites.- (1) The Sub-Divisional Officer may of his own motion or on the resolution of the Bhumi Prabandhak Samiti earmark the following classes of land for the provision of abadi sites for allotment to persons specified in section 64:-

- (a) all lands entrusted or deemed to be entrusted to a Gram Panchayat under clause (i) of sub-section (2) of section 59;
- (b) all lands coming into possession of Gram Panchayat under any other provisions of this Code.

1. Subs. by U.P.Act No. 28 of 2020, Sec 4

(2) Notwithstanding anything contained in any other provision of this Code or in the U.P. Panchayat Raj Act, 1947, the Bhumi Prabandhak Samiti may, with the previous approval of the Sub-Divisional Officer, allot the following classes of land for the purposes of building houses:-

- (a) any vacant land referred to in sub-section (1);
- (b) any land earmarked for abadi sites under the Uttar Pradesh Consolidation of Holdings Act, 1953;
- (c) any land acquired under the provisions of Land Acquisition Act, 1894 (Act No.1 of 1894) and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013).

64. Allotment of abadi sites.-(1) The following order of preference shall be observed in making allotment of land referred to in section 63:-

- (a) an agricultural labourer or a village artisan residing in the Gram Sabha and belonging to a scheduled caste or scheduled tribes or other backward classes or a person of general category living below poverty line as determined by the State Government;
- (b) any other agricultural labourer or a village artisan residing in the Gram Sabha;
- (c) any other person residing in the Gram Sabha and belonging to a scheduled caste or scheduled tribe or other Backward Classes or a person of general category living below poverty line as determined by the State Government:

Provided that preference will be given to widow and physically handicapped person within same category.

Explanation.- For the purposes of this sub-section-

- (one) “other backward class” means the backward classes of citizens specified in Schedule-I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 (U.P. Act No.4 of 1994);
- (two) “person of general category living below poverty line” means such persons as may be determined from time to time by the State Government.

(2) In making an allotment under this section, preference shall be given to a person who either holds no house or has insufficient accommodation considering the requirements of his family.

(3) Every land allotted under this section shall be held by the allottee on such terms and conditions as may be prescribed:

Provided that if the allottee is a married man and his wife is alive, she shall be co-allottee of equal share in the land so allotted.

65. Delivery of possession to allottee.- (1) Where any land referred to in section 63 has been allotted for building a house under section 64, and any person other than an allottee is in occupation of such land in contravention of the provisions of this Code, the Sub-Divisional

Officer may, of his own motion and shall, on the application of the allottee, put the allottee in possession of such land, and may, for that purpose, use or cause to be used such force as he may consider necessary.

(2) Where any person, after being evicted under this section, reoccupies the land or any part thereof, without lawful authority, he shall be punished with imprisonment for a term which may extend to two years but which shall not be less than three months and also with fine which may extend to three thousand rupees:

Provided that the Court convicting the accused may, while passing the sentence, direct that the whole or such portion of the fine that may be recovered as the court considers proper be paid to the allottee as damages for use and occupation.

(3) Where in any proceeding under sub-section (2), the Court, at any stage after cognizance of the case has been taken, is satisfied by affidavit or otherwise that-

(a) the accused is in occupation of the land to which such proceeding relates, in contravention of the provisions of this Code, and

(b) the allottee is entitled to the possession of such land, the Court may, summarily, evict the accused from such land pending the final determination of the case, and may put the allottee in possession of such land.

(4) Where in any proceeding under sub-section (2), the accused is convicted, the interim order passed under sub-section (3) shall be confirmed by the Court.

(5) Where, in any proceeding under sub-section (2), the accused is acquitted or discharged and the Court is satisfied that the person so acquitted or discharged is entitled to be put back in possession over such land, the Court shall, on the application of such person, direct that delivery of possession be made to him.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under sub-section (2) may be tried summarily.

(7) For the purpose of speedy trial of offences under this section, the State Government may, in consultation with the High Court, by notification constitute special Courts each consisting of an officer not below the rank of Sub-Divisional Magistrate, who shall, subject to the provisions of the Code of Criminal Procedure, 1973, exercise in relation to such offence, the powers of the Judicial Magistrate of the First Class.

(8) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act No.2 of 1974), every offence punishable under sub-section (2) shall be cognizable and non-bailable.

66. Inquiry into irregular allotment of abadi sites.-(1) The Collector may, of his own motion and shall, on the application of any person aggrieved by an allotment of land made under section 64, inquire in the manner prescribed into such allotment and if he is satisfied that the allotment is

irregular, he may cancel the allotment, and thereupon, the right, title and interest of the allottee and of every other person claiming through him in the land allotted shall cease.

(2) No application under sub-section (1) shall be entertained, if it is made after the expiration of the period of three years from the date of allotment.

(3) Every order of the Collector made under this section shall, ¹[subject to the provisions of section 210], be final.

67. Power to prevent damage, misappropriation and wrongful occupation of Gram Panchayat property.- (1) Where any property entrusted or deemed to be entrusted under the provisions of this Code to a Gram Panchayat or other local authority is damaged or misappropriated, or where any Gram Panchayat or other authority is entitled to take possession of any land under the provisions of this Code and such land is occupied otherwise than in accordance with the said provisions, the Bhumi Prabandhak Samiti or other authority or the Lekhpal concerned, as the case may be, shall inform the Assistant Collector concerned in the manner prescribed.

(2) Where from the information received under sub-section (1) or otherwise, the Assistant Collector is satisfied that any property referred to in sub-section (1) has been damaged or misappropriated, or any person is in occupation of any land referred to in that sub-section in contravention of the provisions of this Code, he shall issue notice to the person concerned to show cause why compensation for damage, misappropriation or wrongful occupation not exceeding the amount specified in the notice be not recovered from him and why he should not be evicted from such land.

(3) If the person to whom a notice has been issued under sub-section (2) fails to show cause within the time specified in the notice or within such extended time as the Assistant Collector may allow in this behalf, or if the cause shown is found to be insufficient, the Assistant Collector may direct that such person shall be evicted from the land, and may, for that purpose, use or cause to be used such force as may be necessary, and may direct that the amount of compensation for damage or misappropriation of the property or for wrongful occupation, as the case may be, be recovered from such person as arrears of land revenue.

(4) If the Assistant Collector is of opinion that the person showing cause is not guilty of causing the damage or misappropriation or wrongful occupation referred to in the notice under sub-section (2), he shall discharge the notice.

(5) Any person aggrieved by an order of the Assistant Collector under sub-section (3) or sub-section (4), may within thirty days from the date of such order, prefer an appeal to the Collector.

(6) Notwithstanding anything contained in any other provision of this Code, and subject to the provisions of this section every order of the Assistant Collector under this section shall, subject to

1. Subs. by U.P. Act No. 7 of 2019, Sec 4

the provisions of sub-section (5) be final.

(7) The procedure to be followed in any action taken under this section shall be such as may be prescribed.

Explanation. - For the purposes of this section, the word 'land' shall include the trees and buildings standing thereon.

67-A Certain house sites to be settled with existing owners thereof.- (1) If any person referred to in sub-section (1) of section 64 has built a house on any land referred to in section 63 of this Code, not being land reserved for any public purpose, and such house exists on the November 29, 2012, the site of such house shall be held by the owner of the house on such terms and conditions as may be prescribed.

(2) Where any person referred to in sub-section (1) of section 64, has built a house on any land held by a tenure holder (not being a government lessee) and such house exists on November 29, 2000, the site of such house, notwithstanding anything contained in this Code, be deemed to be settled with the owner of such house by the tenure holder on such terms and conditions as may be prescribed.

Explanation. - For the purpose of sub-section (2), a house existing on November 29, 2000, on any land held by a tenure holder, shall, unless the contrary is proved, be presumed to have been built by the occupant thereof and where the occupants are members of one family by the head of that family.

68. Gaon Fund.- (1) All sums received under this Code by a Gram Sabha, Gram Panchayat or a Bhumi Prabandhak Samiti shall be credited to the Gaon Fund:

Provided that the amount of damages or compensation recovered under section 67 shall be credited to the Consolidated Gaon Fund.

(2) The Gaon Fund constituted under the enactments repealed by this Code and subsisting immediately before the commencement of such Code shall be deemed to have been constituted under this section.

(3) The Gaon Fund shall be operated in such manner and shall be applied for such purposes as may be prescribed.

69. Consolidated Gaon Fund.-(1) There shall be established for each district, a Consolidated Gaon Fund to which the following amounts shall be credited, namely-

- (a) The amount referred to in the proviso to sub-section (1) of section 68;
- (b) All contributions received by the Collector under sub-section (2);
- (c) Such other amounts as may be prescribed.

(2) Every Gram Panchayat in a district shall pay to the Collector annually such percentage, not exceeding twenty five, as the State Government may from time to time notify, of the total amount credited to the Gaon Fund under section 67, in the manner prescribed.

(3) The Consolidated Gaon Fund shall be operated by the Collector and may be applied for the following purposes namely-

- (a) the payment of fees and allowances, if any, of the lawyers appointed under section 72;
- (b) the payment of expenses incurred in connection with the conduct and prosecution of suits, applications or other proceedings by or against the Gram Panchayat or the Bhumi Prabandhak Samiti under this Code;
- (c) ¹[the payment of expenses incurred on protection, preservation and development of lands of common utility]; and
- (d) the payment of any other sum which the State Government may by general or special order declare to be an appropriate charge on such fund.

(4) The Consolidated Gaon Funds constituted under any of the enactments repealed by this Code and subsisting immediately before its commencement shall be deemed to have been constituted under this section.

(5) The State Government may, by notification in the gazette, direct that a Consolidated Gaon Fund shall be established also for each tahsil for the purpose and in the manner prescribed.

70. Orders and directions of the State Government and the Collector.-

(1) The State Government and, subject to its control, the Collector may issue such orders or directions to the Bhumi Prabandhak Samiti as may appear to be necessary for purposes of this Code.

(2) It shall be the duty of the Bhumi Prabandhak Samiti and its office bearers to forthwith carry out the orders and comply with the directions issued under sub section (1).

71. Alternative arrangement.- If at any time the Collector is satisfied that-

- (a) the Bhumi Prabandhak Samiti has failed without reasonable cause or excuse to discharge its duties or to perform the functions imposed or assigned to it by or under this Code; or
- (b) circumstances have so arisen that the Bhumi Prabandhak Samiti is or may be rendered unable to discharge the duties or perform the functions imposed or assigned by or under this Code; or
- (c) it is otherwise expedient or necessary to do so;

he may, direct that the duties, powers and functions of such Bhumi Prabandhak Samiti under the Code, shall, notwithstanding anything contained in any other law for the time being in force, be discharged, exercised and performed by an officer not below the rank of a Naib-Tahsildar and for such period and subject to such restrictions as may be specified:

Provided that reasonable opportunity of hearing shall be given to the Bhumi Prabandhak Samiti before issuing any direction under this section.

1. Subs. by U.P. Act No. 7 of 2019, Sec 5

72. Standing Counsel and other lawyers.— (1) The State Government may, on such terms and conditions and in such manner as may be prescribed, appoint-

(a) one or more Standing Counsel (Revenue) each at Allahabad High Court and Lucknow Bench thereof;

(b) one or more Standing Counsel (Revenue) each for Board of Revenue Allahabad and Lucknow;

[¹(c)] one or more Divisional Government Counsel (Revenue) for the divisional head-quarters who shall also look after the work related to Circuit Courts of the Board, (wherever Circuit Courts exist at Division level); and

(d) one District Government Counsel (Revenue) and one or more Additional District Government Counsel (Revenue) for the district head-quarter.

(2) The Collector may, on such terms and conditions and in such manner as may be prescribed appoint not more than two Panel Lawyers (Revenue) for every tahsil.

(3) Subject to the provisions of sub-section (2) of section 62, the legal practitioners appointed under sub-section (1) or sub-section (2) may plead or act, without any written authority, on behalf of any Gram Sabha, Gram Panchayat or Bhumi Prabandhak Samiti in any Court or authority for which he is so appointed.

(4) No Gram Sabha, Gram Panchayat or Bhumi Prabandhak Samiti shall engage any legal practitioner other than one appointed under this section without prior permission of the Collector.

(5) Notwithstanding anything contained in the Court Fees Act 1870 (Act No.7 of 1870) no Court fee shall be payable on any vakalatnama or memo of appearance filed by any legal practitioner appointed under this section.

(6) The legal practitioners appointed under this section shall not be competent to plead or act against any Gram Sabha, Gram Panchayat or Bhumi Prabandhak Samiti before any Court for which he is so appointed.

(7) The State Government may, by notification in the gazette, issue any direction, for monitoring of cases filed by or against Gram Panchayat, Gram Sabha or Bhumi Prabandhak Samiti and performance based annual appraisal of Panel Advocates appointed under this Code or the enactments repealed by it, and also for appointing any law officer for the aforesaid purpose.

73. Representation of Gram Panchayat.—(1) In any suit or other proceedings under this Code, the Gram Panchayat shall be represented-

(a) in proceeding before the Collector or in a Civil Court, by the District Government Counsel (Revenue);

1. Subs. by U.P. Act No. 7 of 2019, Sec 6

(b) in proceeding before the Commissioner, by the Divisional Government Counsel (Revenue), and;

(c) in proceeding before the Board or the High Court by the separate Standing Counsel (Revenue) of Lucknow or Allahabad, as the case may be.

(2) Nothing in this chapter shall preclude the State Government or the Collector from appointing special counsel for the conduct of any suit or proceeding to which any Gram Panchayat is party on such terms and conditions as may be prescribed.

CHAPTER IX

TENURES

74. Classes of tenures.- There shall be following classes of tenure holders, namely-

- (a) Bhumidhar with transferable rights;
- (b) Bhumidhar with non-transferable rights;
- (c) Asami; and
- (d) Government lessee.

75. Bhumidhar with transferable rights.- Every person belonging to any of the following classes, shall be called bhumidhar with transferable rights and shall have all the rights and be subject to all the liabilities conferred or imposed upon such bhumidhar by or under this Code namely,

- (a) Every person who was a bhumidhar with transferable rights immediately before the date of commencement of this Code;
- (b) Every person who in any other manner acquires, on or after the said date, the rights of such a bhumidhar under or in accordance with the provisions of this Code or under any other law for the time being in force.

76. Bhumidhar with non-transferable rights.- (1) Every person belonging to any of the following classes shall be called a bhumidhar with non-transferable rights and shall have all the rights and be subject to all the liabilities conferred or imposed upon such bhumidhar by or under this Code namely:-

- (a) every person who was a bhumidhar with non-transferable rights immediately before the date of commencement of this Code;
- (b) every person who is admitted as a bhumidhar with non-transferable rights on or after the said date by the Bhumi Prabandhak Samiti to any land under or in accordance with the provisions of this Code;
- (c) every person who is allotted any land on or after the said date under the provisions of the Uttar Pradesh Bhoodan Yajna Act, 1952;

(d) every person who is allotted any land on or after the said date under the provisions of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960;

(dd) every person who was an asami in possession of land not covered by section 77 of this Code, immediately before the date of the commencement of this Code and had been recorded as such in class-3 of the annual register (khatauni) of 1407 Fasli:

Provided that where the land in possession of a person, together with any other land, held by him in Uttar Pradesh exceeds the ceiling area determined under the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, the rights of a Bhumidhar with non-transferable rights shall accrue in favour of such person in respect of so much area of the first mentioned land, as together with such other land held by him, does not exceed the ceiling area applicable to him, and the said area shall be demarcated in the prescribed manner in accordance with the principles laid down in the aforesaid Act;

(e) every person who in any other manner acquires on or after the said date, the rights of such a bhumidhar under or in accordance with the provisions of this Code, or any other law for the time being in force.

(2) Every person who was a bhumidhar with non-transferable rights immediately before the commencement of this Code and had been such bhumidhar for a period of five years or more, shall become bhumidhar with transferable rights on such commencement.

(3) Every person who was a bhumidhar with non-transferable rights on the commencement referred to in sub-sections (1) and (2) or becomes bhumidhar with non-transferable rights after such commencement shall become bhumidhar with transferable rights after expiry of five years from his becoming bhumidhar with non-transferable right.

(4) Notwithstanding anything contained in any other provisions of this Code, if any person transfers land by sale after becoming bhumidhar with transferable rights under sub-section (2) or sub-section (3), he shall not be eligible for lease of any land vested in the Gram Panchayat or the State Government or the surplus land defined in the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960.

77. Bhumidhari rights not to accrue in certain lands.- (1) Notwithstanding anything contained in this Code or any other law for the time being in force; no person shall acquire the rights of a bhumidhar in the following land:-

(a) Khaliyan, manure pits, pasture land or land normally used as burial or cremation ground;

(b) land covered by water and used for the purpose of growing singhara or other produce;

(c) land situate in the bed of a river and used for casual or occasional cultivation;

(d) such tracts of shifting or unstable cultivation which the State Government may by notification specify;

- (e) land declared by the State Government to be intended or set apart for taungya plantation and notified as such;
- (f) grove land entrusted or deemed to be entrusted to a Gram Panchayat or any other local authority under section 59;
- (g) land included in sullage farm or trenching ground entrusted or deemed to be entrusted to a Gram Panchayat or any other local authority under section 59;
- (h) land acquired or held for a public purpose or a work of public utility;
- (i) land covered by a pond, tank or lake, or forming part of an embankment, bandh or bhita; and
- (j) any other land which the State Government may, by notification, specify in this behalf.

Explanation.- The expression ‘public purpose’, in clause (h) shall include:

- (i) land set apart for military encamping ground;
- (ii) land included within railway or canal boundaries;
- (iii) land acquired and held by a local authority for its own purposes;
- (iv) land referred to in section 29-C of the Uttar Pradesh Consolidation of Holdings Act, 1953; or
- (v) land reserved by a Gram Panchayat for the purposes of public utility.

¹[(2)] Notwithstanding anything to the contrary contained in other provisions of this Code, where any land or part thereof specified in sub-section(1) of this section is, surrounded by or, in between, or on the edges and necessary for public purpose, the plot or plots of land purchased, acquired or resumed for public purpose, the State Government may change the class of such public utility land, and if class of such public utility land is changed, any other land equivalent to or more than that of the aforesaid public utility land, shall be reserved for the same purpose in the same or any nearby Gram Panchayator local authority, as the case may be or the State Government may permit the exchange thereof under section 101 of this Code in the manner prescribed.

Provided that the class of any public utility land may be changed only in exceptional cases on such terms and conditions, as may be prescribed. The reason for changing the class of public utility land shall be recorded in writing.

(3) The State Government, while changing the class of the land or permitting the exchange of the same under section 101 of the Code, shall consider the location, public utility and suitability of the land proposed to be reserved or exchanged.

(4) If class of land is changed under sub-section (2) of this section, the Collector shall order the record of rights (Khatauni) and the map to be corrected accordingly.

Explanation:- The expression ‘public purpose’, in sub-section (2) of this section means, *mutatis mutandis*, ‘the public purpose’ as defined in clause (za) of section 3 of Right to Fair

1.Subs. by U.P. Act No. 28 of 2020 Sec 5

Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act no.30 of 2013).

78. Asami.- Every person belonging to any of the following classes, shall be called an asami, and shall have all the rights and be subject to all the liabilities conferred or imposed upon such asami by or under this Code, namely:-

- (a) subject to the provisions of clause (dd) of sub-section (1) of section 76 of this Code, every person who was an asami immediately before the date of commencement of this Code;
- (b) every person who is admitted as an asami on or after the said date by the Bhumi Prabandhak Samiti to any land under or in accordance with the provisions of this Code;
- (c) every person who is admitted as lessee on or after the said date, by a bhumidhar of any land under or in accordance with the provisions of this Code;
- (d) every person who in any other manner acquires the rights of an asami under or in accordance with the provisions of this Code or any other law for the time being in force.

79. Right of Bhumidhars to exclusive possession.- (1) A bhumidhar with transferable rights shall, subject to the provision of this Code, have the right to exclusive possession of all land of which he is such a bhumidhar and to use it for any purpose whatsoever.

(2) a bhumidhar with non transferable rights shall, subject to the provisions of this Code, have the right to exclusive possession of all land of which he is such a bhumidhar, and to use such land for any purpose connected with agriculture.

¹[80] **Use of holding for Industrial, Commercial or Residential purposes.**-

(1) Where a bhumidhar with transferable rights uses his holding or part thereof, for industrial, commercial or residential purposes, the Sub-Divisional Officer may, suomotu or on an application moved by such bhumidhar, after making such enquiry as may be prescribed, either make a declaration that the land is being used for the purpose not connected with agriculture or reject the application. The Sub-Divisional Officer shall take a decision on the application within forty five working days from the date of receipt of the application. In case the application is rejected, the Sub-Divisional Officer shall state the reasons in writing for such rejection and inform the applicant of his decision.

²[Provided that if the application for declaration is accompanied with the prescribed fee and in case of joint holding, no objection of co-tenure holders is attached in case of co-tenure holder and if the declaration is not made by the Sub-Divisional Officer with forty-five days as aforesaid, then the declaration shall be deemed to have been made. Tehsildar will make a record

1. Subs .by U.P. Act No. 7 of 2019, Sec 8

2. Proviso Ins .by U.P. Act No. 28 of 2020, Sec 6

of it in the revenue records, with the comment "subject to the order of the Sub-Divisional Officer".

If any affected party wants to file an objection in relation to the said declaration, it may file an objection in the competent court].

(2) Where a bhumidhar with transferable rights proposes to use in future his holding or part thereof, for industrial, commercial or residential purposes, the Sub-Divisional Officer may on an application moved by such bhumidhar, after making such enquiry as may be prescribed, either make a declaration that the land may be used for the purpose not connected with agriculture or reject the application, within forty five working days from the date of receipt of the application. In case the application is rejected, the Sub-Divisional officer shall state the reasons in writing of such rejection and inform the applicant of his decision:

¹[Provided that for declaration under this sub-section there must exist a boundary wall surrounding the holding or part thereof, which is proposed to be used for such purpose./

Provided further that if the bhumidhar fails to start the proposed non agricultural activity within a period of five years from the date of declaration under this sub-section, then the declaration under sub-section (2) for the holding or part thereof shall lapse:

Provided also that a declaration under this sub-section (2) shall not amount to change of land use and the land shall continue to be treated as agricultural land only. However, the bhumidhar shall be entitled to obtain loan and other necessary permissions, clearances etc. for the activity or project, proposed on the holding or part thereof, for which declaration under this sub-section has been obtained.

(3) A bhumidhar possessing declaration under sub-section (2) for his holding or part thereof, may apply to Sub-Divisional officer for converting declaration under sub-section(2) to a declaration under sub-section (1), after completion of construction activity or start of the proposed non-agricultural activity, within a period of five years from declaration under sub-section (2). On receipt of such an application, the Sub-Divisional officer, after making such enquiry as necessary, shall approve or reject the application within a period of 15 days from the receipt of the application. In case of rejection, he shall record in writing the reasons for such rejection.

Provided that for conversion of declaration under sub-section (2) to a declaration under sub-section (1), the bhumidhar shall be liable to pay only the balance amount of fee payable, calculated at prevailing circle rate, after adjusting the amount already paid by him for declaration under sub-section (2) earlier.

(4) No application for a declaration under sub-section (1) or (2), moved by any co-bhumidhar having undivided interest in bhumidhari land shall be maintainable, unless application is moved

1. Omitted by U.P. Act No. 4 of 2021, Sec 3

by all the co-bhumidhars of such bhumidhari land. In case only one of the co-bhumidhar wants to get a declaration for his share in the land with joint interest, then such an application shall be entertained only after the respective shares of the co-bhumidhars in the land have been divided in accordance with the provisions of law.

(5) The application for declaration [under sub-section (1) or sub-section(2)] shall contain such particulars and shall be made in such manner as may be prescribed.

(6) Where the application under sub-section (1) or sub-section (2) is made in respect of a part of the holding, the sub-divisional officer may, in the manner prescribed, demarcate such part for purposes of such declaration.

(7) No declaration under this section shall be made by the sub-divisional officer, if he is satisfied that the land or part thereof is being used or is proposed to be used for a purpose which is likely to cause a public nuisance or to affect adversely public order, public health, safety or convenience or which is against the uses proposed in the master plan.

(8) In case the land or part thereof for which a declaration under this section is being sought falls within the area notified under any Urban or Industrial Development Authority, then prior permission of the concerned Development Authority shall be mandatory.

(9) The State Government may fix the scale of fees for declaration under this section and different fees may be fixed for different purposes:

Provided that if the applicant uses the holding or part thereof, for his own residential purpose, no fee shall be charged for the declaration under this section."

81. Consequences of declaration.- Where a declaration has been made under ¹[sub section (1) of section 80] the following consequences shall, in respect of such holding or part to which it relates ensue:

(a) All restrictions imposed by or under this chapter in respect of transfer of land shall cease to apply to the bhumidhar with transferable rights;

(b) Notwithstanding anything contained in chapter XI, the land shall, with effect from the commencement of the agricultural year following the date of declaration, be exempted from payment of land revenue;

(c) The bhumidhar shall, in the matter of devolution be governed by the personal law to which he is subject.

82. Cancellation of declaration.- (1) Whenever any holding or part thereof in respect of which a declaration has been made under section 80 is used for any purpose connected with agriculture, the Sub-Divisional Officer may, of his own motion or on an application made in that behalf and after making such inquiry as may be prescribed, cancel such declaration.

1. Subs. by U.P. Act No. 7 of 2019, Sec 9

(2) where a declaration is cancelled under sub-section (1) the following consequences shall, in respect of the holding or part to which it relates ensue namely:

(a) the holding or part shall become subject to all restrictions imposed by or under this chapter in matters of transfer and devolution;

(b) the holding or part shall become liable to payment of land revenue with effect from the commencement of the agriculture year in which the order for cancellation of the declaration is made:

Provided that until any land revenue is reassessed on such holding or part in accordance with the provisions of this Code, the land revenue payable or deemed to be payable in respect of such holding or part before the grant of declaration under section 80 shall be deemed to be the land revenue payable in respect of such holding or part,

(c) where the land is in possession of any person other than the bhumidhar thereof on the basis of a contract or lease, and the terms of such contract or lease are inconsistent with the provisions of this Code, such contract or lease shall, to the extent of the inconsistency, become void and the person in possession shall be liable to ejection on the suit of the bhumidhar:

Provided that a mortgage with possession existing on the date of the cancellation of the declaration shall, to the extent of the amount due and secured on such land, be deemed to be substituted by a simple mortgage carrying such rates of interest as may be prescribed;

83. Recording of declaration or cancellation.—Every declaration under section 80 or cancellation under section 82 shall be recorded in record of rights in the manner as may be prescribed and even after declaration under section 80, the mutation order on the basis of transfer or succession shall be passed in the manner prescribed.

84. Right of an asami for exclusive possession of his holding.— An asami shall, subject to the provisions of this Code, have the right to exclusive possession of all land comprised in his holding and to use such land for any purpose connected with agriculture:

Provided that no asami shall be entitled to use any land declared by the State Government by notification to be intended or set apart for taungya plantation, for any purpose other than cultivation and raising of crops.

85. Consequences of using the land in contravention of the provisions of this Code- (1) Where a bhumidhar with non-transferable rights uses his holding or part thereof, in contravention of the provisions of section 79, he shall, notwithstanding anything contained in any other provision of this Code, be liable to ejection from such holding or part on the suit of the Gram Panchayat.

(2) Where an asami uses his holding or part thereof for any purpose not permitted by section 84, he shall, notwithstanding anything contained in any other provision of this Code, be liable to ejection from such holding or part, on the suit of the land holder.

(3) A decree for ejection under this section may direct payment of damages equivalent to the cost of works which may be required to restore the land to its original condition.

86. Extinction of interest of bhumidhar with non-transferable rights or asami.-

Where a bhumidhar with non-transferable rights or an asami has been ejected from any holding or part thereof in accordance with section 85, all rights and interest of such bhumidhar or asami in such holding or part together with any improvements made therein shall stand extinguished.

87. Improvement not to be removed.- (1) It shall be lawful for a bhumidhar to make any improvement in the land of which he is bhumidhar for cultivation of such land or for more convenient use thereof.

(2) where the right, title or interest of any tenure holder in any holding or part is extinguished under or in accordance with the provisions of this Code, he shall not be entitled to remove or appropriate any improvement made by him under subsection(1).

TRANSFERS

88. Transferability of a bhumidhar's interest.- (1) The interest of a bhumidhar with transferable rights shall, subject to the provisions of this Code, be transferable.

(2) Save as otherwise expressly provided by this Code or any other law for the time being in force, the interest of a bhumidhar with non-transferable rights or an asami in any holding shall not be transferable.

89. Restrictions on transfer by bhumidhar.-(1) No bhumidhar shall have the right to transfer any holding or part thereof where such transfer contravenes or is likely to contravene the provisions of sub-section (2) or sub-section (3).

(2) Subject to the provisions of sub-section (3), no person shall have the right to acquire by purchase or gift any holding or part thereof from a bhumidhar with transferable rights, where the transferee shall, as a result of such acquisition, become entitled to land which together with land, if any, held by such transferee and where the transferee is a natural person, also together with land, if any, held by his family shall exceed 5.0586 hectares in Uttar Pradesh.

¹[**Explanation**]. ²[the expression 'person' in this sub-section means natural or legal person.]

³[(3)] The State Government or an officer authorized for this purpose under this Act may approve an acquisition or purchase done or proposed to be done, in excess of the limits specified in sub-section (2), if such acquisition or purchase is in favour of a registered firm, company, partnership firm, limited liability partnership firm, trust, society or any educational or a charitable

1. Ins. by U.P. Act No. 28 of 2020, Sec 7(1)

2. Omitted by U.P. Act No. 4 of 2021, Sec 4

3. Subs. by U.P. Act No.7 of 2019, Sec 10

institution: and if it is of opinion that the acquisition or purchase would be in public interest and likely to generate economic activities (other than agricultural) and provide employment. In such case, the provisions of the Uttar Pradesh Imposition of Ceiling on Land Holding Act, 1960 shall not apply to such acquisition.

¹[Provided that where the land has been acquired or purchased by a registered firm, company partnership firm, limited liability partnership firm, trust, society or any other educational or a charitable institution, without obtaining prior approval under this sub- section or sub- section (3) of section 154 of the uttar pradesh zamindari abolition and land reforms act, 1950 as enacted before the repeal, the state government or an officer authorized for this purpose under this act may give its approval for regularizing such acquisition or purchase after payment of an amount as fine which shall be ten percent of the cost of the land in excess of the limit prescribed under sub-section (2) calculated as per the circle rate prevailing at the time of making the application.

Provided further that where the State Government is satisfied that any transfer has been made in the public interest under various promotion investment policies or for the projects being encouraged by the State Government, for the establishment of private universities and medical colleges, it may exempt any such transferee from the payment of fine under this sub section].

(4) Permission under sub-section (3) for acquisition or purchase of land by a registered firm, company, partnership firm, limited liability partnership firm, trust, society or any educational or a charitable institution in excess of limits prescribed under sub-section (2) shall be granted, on the conditions and in the manner prescribed, under sub-section (2) shall be granted, on the conditions and in the manner prescribed, by:-

- (i) The Collector concerned for acquisition or purchase of land upto 20.2344 hectares;
- (ii) The Commissioner concerned for acquisition or purchase of land more than 20.2344 hectares and upto 40.4688 hectares;
- (iii) The State Government for acquisition or purchase of land more than 40.4688 hectares.

Provided that if the applicant fails to set up the project within a period of five years from the date of grant of permission under sub-section (3), the same shall lapse and the land acquired or purchased in excess of the limit prescribed under sub-section (2) shall vest in the State and the consequences of section 105 shall become applicable.

Provided further that the State Government may extend the period of permission granted under sub section (3) for a further period of maximum three years, after recording reasons for the same."

1. Subs. by U.P. Act No. 8 of 2021, Sec 5

90. Persons other than Indian nationals not to acquire land.-

Notwithstanding anything contained in this Code or in any other law for the time being in force, no person, other than an Indian citizen, shall have the right to acquire any land, by sale or gift, or in any other manner involving transfer of possession in his favour, without prior permission in writing from the State Government.

Explanation. - For the purposes of this section, the expression “an Indian citizen” includes any company or association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by Indian citizens.

91. Restrictions on transfer by mortgage.- No bhumidhar shall have right to mortgage any holding or its part where possession of the mortgaged property is transferred or agreed to be transferred to the mortgagee as security for the amount of mortgage advanced or to be advanced or for interest thereon.

92. Mortgage of land by bhumidhar with non-transferable rights. -Subject to the provisions of this Code, the interest of a bhumidhar with non-transferable rights in any holding or its part may be-

(a) transferred by mortgage without possession as security for a loan taken or to be taken from the State Government or a bank or a cooperative society or the U.P. State Agro Industrial Corporation Ltd., or any other financial institution owned and controlled by such Government;

(b) sold in execution of a decree of any Court regarding the matter referred to in clause (a) or in proceedings for collection of land revenue under Chapter XII.

93. Transfer of possession for securing money shall be deemed to be a sale.- If any bhumidhar transfers possession of any holding or part thereof for the purpose of securing any money advanced by way of loan or in lieu of interest on such loan, then, notwithstanding anything contained in any law or contract or document of transfer, the transaction shall be deemed at all times and for the purposes of this Code, to be a sale to the transferee, and to every such sale, the provisions of section 89 shall apply.

[94]. Lease by a Bhumidhar. (1) A Bhumidhar may lease out his holding or any part thereof to Lease by a any person, firm, company, partnership firm, limited liability Bhumidhar partnership firm, trust, society or any other legal entity for agriculture or for setting up a solar energy plant. Such lease shall be known as the private lease by a bhumidhar.

(2) Private lease by a Bhumidhar means a contract based on an agreement, with mutually agreed terms and conditions, between Lessor, who may be a Bhumidhar and the Lessee who wishes to undertake agricultural activities or set up a solar energy plant, by which the Lessor grants permission to the Lessee to use the land or holdhig or any part thereof for agricultural purposes or

1. Subs. by U.P. Act No. 7 of 2019, Sec 11

for establishment of solar energy plant, against a consideration in cash or kind or a share of produce, payable to the Lessor as per the lease agreement.

(3) **Period of private lease by a bhumidhar**— maximum period of the private lease by a Bhumidhar shall not exceed fifteen years at a time.

Provided that, after the expiration of the first lease period, the duration of lease period may be further extended by mutual consent of the Lessor and the Lessee:

Provided further that for purpose of establishing a solar energy plant, the maximum period may be upto thirty years.

(4) **Conditions of the private Lease by a bhumidhar**- The terms and conditions of the private lease by a bhumidhar shall be as mutually agreed between the Lessor and Lessee. The general conditions of the lease shall be in the manner as may be prescribed."

¹[95]. **Lease- how made, its termination and any dispute arising therto.** Private lease by a bhumidhar may be oral or in writing or Registered.

(1) Private Lease by a bhumidhar for a single crop or its termination for period upto one year may be either oral or in writing. Lease agreement for period exceeding one year shall be made by a registered instrument only.

(2) **Private Lease by a bhumidhar to be recorded in remarks column of Record of Rights** - In case of written or registered lease agreement, a copy of the agreement or deed shall be made available to Revenue Inspector concerned, who shall pass order for recording the details of the private lease by a bhumidhar lease agreement (names and other details of Lessor and Lessee; date of agreement; period of lease; proposed use of land; and annual lease rent) in the Remarks column of Record of Rights (khatauni).

(3) **Private Lease by a bhumidhar shall not create any type of Tenancy Right**- An agreement of private lease by a Bhumidhar either registered under the Registration Act 1908 or countersigned by a Revenue Officer or Gram Pradhan or notarized by a Notary or oral, shall not create or confer any rights or interest in favour of the Lessee over the leased land, including protected tenancy or occupancy right or any other right against eviction or lease termination, other than those contained in this Act or Rules, the lease agreement shall not be used by the Lessee to establish and permanent right over the leased land in any Court of Law.

(4) **Resumption of Land**- After expiration of the private lease by a bhumidhar period of or termination of such private lease, the instrument of private lease by a bhumidhar shall be a nullify and if the period of such private lease is not extended, the leased land shall automatically revert to the Lessor and the Lessee shall hand over peaceful possession of the land, free from all

1. Subs. by U.P. Act No. 7 of 2019, Sec 12

encumbrances, to the Lessor and shall cease to have any right, title or interest in the land so leased out.

***Explanation-** Regardless of any dispute, arising out of private lease made under Section 94, pending before any Court of Law, the Lessor shall be entitled to get peaceful possession of the leased land after the expiration of the private lease period and the Lessee shall have no right to retain possession over the leased land.*

(5) Effect of Private Lease by a bhumidhar - The-Provisions contained in the Code regarding private lease by a bhumidhar shall not have retrospective effect.

(6) Termination of the private lease by a bhumidhar -

(a) Unless extended by mutual consent between the Lessor and Lessee, the private lease agreement would terminate on expiry of the private lease period mentioned in the agreement,

(b) In case of non-payment of consideration amount or annual lease rent by the Lessee by the due date, or if any Of the terms and conditions of the I private lease are violated by him, the private lease by a bhumidhar agreement may be terminated by the Lessor, prior to-expiry of the lease period, after giving due notice to the Lessee in writing.

(c) In case the private lease agreement is proposed to be terminated prematurely by the Lessor, then the Lessee shall be entitled to remove such structures, maninery eft. that were created or installed by the Lessee on the . leased land. The Lessee would also be entitled to recover such damages and compensation from the Lessor, as agreed upon and laid down in the private lease agreement.

(d) In case the Lessee wishes to terminate the lease agreement prematurely or surrenders the land during the private lease by a bhumidhar period, then he shall have to give at least six months' notice to the Lessor and shall also be liable to pay the annual rent for the remaining part of the year to the Lessor, in addition to such other compensation, as agreed upon and laid down in the private lease by a bhumidhar agreement or as prescribed.

(e) In case after expiration of the private lease by a bhumidhar period or termination of the lease agreement, the Lessee fails to handover peaceful possession of the leased land to the Lessor, the Lessee shall be treated as unauthorised occupant and shall be liable to be ejected from the leased land. The Lessee shall also be liable to pay such penal rent or damages to the Lessor for the period of unauthorised occupation, as provided in the private lease by a bhumidhar agreement, in addition to the cost of such ejection.

(f) The Lessor and Lessee may terminate the private, lease by a bhumidhar on mutually agreed terms at any time.

(7) Disputes arising out of the private lease by a bhumidhar-

(a) In an event of a dispute arising out of the private lease agreement by a bhumidhar, or any terms and conditions thereof; the Lessee and the Lessor shall make all efforts to amicably resolve

and settle the dispute amongst themselves or if mutually agreed, by using mediation by a third party arbitrator or Gram Panchayat or Village Revenue Committee.

(b) If the dispute is not settled through the mechanism mentioned in clause (a) either party may file a petition before the Sub-Divisional Officer.

(c) The Sub-Divisional Officer shall adjudicate the dispute using the summary procedure within a period of thirty days of its institution.

(d) An appeal against the order, other than an interim order, passed by a Sub-Divisional Officer, shall lie before the Commissioner. The decision of Commissioner shall subject to the provision of section 210, be final."

¹[96]. [* * *]

²[97]. [* * *]

98. Restrictions on transfer by bhumidhars belonging to a scheduled caste.- (1) Without prejudice to the provisions of this Chapter, no bhumidhar belonging to a scheduled caste shall have the right to transfer, by way of sale, gift, mortgage or lease any land to a person not belonging to a scheduled caste, except with the previous permission of the Collector in writing:

Provided that the permission by the Collector may be granted only when-

(a) the bhumidhar belonging to a scheduled caste has no surviving heir specified in clause (a) of sub-section (2) of section 108 or clause (a) of section 110, as the case may be; or

(b) the bhumidhar belonging to a scheduled caste has settled or is ordinarily residing in the district other than that in which the land proposed to be transferred is situate or in any other State for the purpose of any service or any trade, occupation, profession or business; or

(c) the Collector is, for the reasons prescribed, satisfied that it is necessary to grant the permission for transfer of land.

(2) For the purposes of granting permission under this section the Collector may make such inquiry as may be prescribed.

99 .Restrictions on transfer by bhumidhars of scheduled tribes. – Without prejudice to the provisions of this Chapter, no bhumidhar belonging to a scheduled tribe shall have the right to transfer, by way of sale, gift, mortgage or lease any land to a person not belonging to a scheduled tribe.

100. Mortgage by members of scheduled caste and scheduled tribes.- A bhumidhar or an asami belonging to a scheduled caste or a scheduled tribe may, notwithstanding anything contained in any other provision of this Code, transfer his interest in any holding or part, by mortgage without possession as security for a loan taken or to be taken from the State Government or any institution referred to in clause (a) of section 92.

1 . Omitted by U.P. Act No. 7 of 2019, Sec 13

2. Omitted by U.P. Act No. 7 of 2019, Sec 13

101. Exchange.- (1) Notwithstanding anything in section 77 of this Code, any bhumidhar may with prior permission in writing of the Sub-Divisional Officer exchange his land with the land-

(a) held by another bhumidhar; or

(b) entrusted or deemed to be entrusted to any Gram Panchayat or a local authority under section 59.

(2) The Sub-Divisional Officer shall refuse permission under sub-section (1) in the following cases, namely-

(a) if the exchange is not necessary for the consolidation of holdings or securing convenience in cultivation; or

(b) if the difference between the valuation, determined in the manner prescribed, of the lands given and received in exchange exceeds ten per cent of the lower valuation; or

¹ [Provided that permission for exchange may be granted even if the valuation of private land offered for exchange is more than ten percent of the value of the public land].

(c) if the difference between the areas of the land given and received in exchange exceeds twenty-five per cent of the lesser area; or

²[**Provided that** permission for exchange may be granted even if the area of private land offered for exchange is more than twenty five percent of the area of the public land].

(d) in the case of land referred to in clause (b) of sub-section (1), if it is reserved for planned use, or is land in which bhumidhari rights do not accrue; or

(e) if the land is not located in same or adjacent village of the same tahsil:

Provided that the State Government may permit the exchange with land mentioned in clause (d) aforesaid, on the conditions and in the manner, prescribed.

(3) Nothing in this section shall be deemed to empower any person to exchange his undivided interest in any holding, except where such exchange is in between two or more co-sharers.

(4) Nothing in the Registration Act, 1908 (Act No.16 of 1908), shall apply to an exchange in accordance with this section.

102. Consequences of exchange.- Where an exchange is made in accordance with section 101-

(a) the parties to the exchange shall have the same rights in the land received in exchange as they had in the land given;

(b) the Sub-Divisional officer shall order the record of rights (Khatauni) to be corrected accordingly; and

(c) the amount of land revenue assessed, payable or deemed to be payable for the land so exchanged shall not be affected thereby.

1.Proviso inserted by U.P. Act No. 28 of 2020, Sec 8

2.Proviso inserted by U.P. Act No. 28 of 2020, Sec 8

¹[103]. [* * *]

²[104]. **Transfer in contravention of this Code to be void.**- Every Lease or transfer of interest in any holding or part thereof made by a bhumidhar or any asami in contravention of the provisions of this Code shall be void."

105. Consequences of transfer by bhumidhar in contravention of the Code.- (1) Where transfer of interest in any holding or part made by a bhumidhar is void under section 104, the following consequences shall, with effect from the date of such transfer, ensue, namely:-

(a) the subject matter of such transfer shall vest in the State Government free from all encumbrances;

(b) the trees, crops, wells and other improvements, existing on such holding or part shall vest in the State Government free from all encumbrances;

(c) the interests of the transferor and the transferee in the properties specified in clauses (a) and (b) shall stand extinguished;

(d) the extinction of interest of the transferor under clause (c) shall operate to extinguish the interest of any asami holding under him.

³[(e)] the provisions of this section shall not apply to any lease made under section 94.

(2) Where any land or other property has vested in the State Government under sub section (1) it shall be lawful for the Collector to take over possession of such land and other property, and to direct that any person occupying such land or property be evicted there from, and for that purpose, the Collector may use or cause to be used such force as may be necessary and the provisions of section 59 *mutatis mutandis* shall apply to such property.

106. Consequences of transfer made by asami in contravention of this Code.-Where transfer of interest in any holding or part made by an asami is void under section 104, such asami shall be liable to ejection on the suit of the Gram Panchayat or other land holder, as the case may be, in accordance with the provisions of this Code.

DEVOLUTION

107. Bequest by bhumidhar or asami.-(1) Subject to the provisions of subsection (2), a bhumidhar with transferable rights may bequeath his interest in any holding by will.

(2) In relation to a bhumidhar with transferable rights belonging to a scheduled caste or scheduled tribe, the provisions of sections 98 and 99 shall apply to the making of bequests as they apply to transfer during life time.

(3) Every will made under this section shall, notwithstanding anything contained in any law, custom or usage, be in writing, attested by two witnesses and registered.

1. Omitted by U.P. Act No.7 of 2019, Sec 14

2. Subs.by U.P. Act No.7 of 2019, Sec 15

3. Subs.by U.P. Act No.7 of 2019, Sec 16

(4) No bhumidhar with non-transferable rights or asami shall have the right to bequeath his interest in any holding by will.

(5) A bequest made in contravention of the provisions of this section shall be void.

108. General order of succession to male bhumidhar, asami or government lessee.- (1)

Subject to the provisions of section 107, where a bhumidhar, asami or government lessee, being a male ¹[**third gender**] dies, his interest in his holding shall devolve upon his heirs being the relatives specified in sub-section (2) in accordance with the following principles, namely:-

(i) the heirs specified in any one clause of sub-section (2) shall take simultaneously in equal shares;

(ii) the heirs specified in any preceding clause of sub-section (2) shall take to the exclusion of all heirs specified in succeeding clauses, that is to say, those in clause (a) shall be preferred to those in clause (b), those in clause (b) shall be preferred to those in clause (c) and so on, in succession;

(iii) if there are more widows than one, of the bhumidhar, asami or government lessee, or of any predeceased male lineal descendant, who would have been an heir, if alive, all such widows together shall take one share;

(iv) the widow or widowed mother or the father's widowed mother or the widow of any predeceased male lineal descendant who would have been an heir, if alive, shall inherit only if she has not remarried.

²[(2)] The following relatives of the male third gender Bhumidhar, asami or government lessee are heirs subject to the provisions of sub section (1), namely:

(a) Widow, or third gender spouse, unmarried daughters, third gender issue and the male lineal descendants in the male line of descent per stirpes:

Provided that the widow, unmarried daughters, third gender issue and sons howsoever shall inherit per stirpes the share which would have devolved upon the predeceased son had he been alive;

(b) Mother and father;

(c) Married daughter;

(d) Brother, unmarried sister, third gender sibling being respectively the son and daughter, third gender issue of the same father as the deceased, and son, unmarried daughter, third gender issue of predeceased brother, the predeceased brother, having been the son of the same father as the deceased.

(e) Son's daughter and third gender issue;

(f) Father's mother and father's father;

(g) Daughter's son, third gender issue and unmarried daughter;

1. Subs. by U.P.Act No. 28 of 2020, Sec 9(2)

- (h) Married sister;
- (i) Half sister, being the daughter of the same father as the deceased;
- (j) Sister's son, third gender issue and unmarried daughter;
- (k) Half sister's son, third gender issue and unmarried daughter the sister having been the daughter of the same father as the deceased;
- (l) Brother's son's son, third gender issue and unmarried daughter;
- (m) Father's father's son, third gender issue and unmarried daughter;
- (n) Father's father's son's son, third gender issue and unmarried daughter;
- (o) Mother's mother's son, third gender issue and unmarried daughter.

109. Succession to woman inheriting interest as a female heir.-Where before or after the commencement of this Code, any woman inherits the interest of a male ¹[third gender] bhumidhar, asami or government lessee in any holding, and such woman dies, marries or remarries after such commencement, then, her interest in the holding shall, subject to the provisions of sections 107 and 112 devolve upon the nearest surviving heir of the last male ¹[third gender] bhumidhar, asami or government lessee, as the case may be.

Explanation. - The expression 'nearest surviving heir' in this section means the heir ascertained in accordance with section 108.

Provided that if any woman inheriting as a daughter, who has surviving heirs specified in clause (a) of section 110 of this Code, dies, her interest in the holding shall devolve upon heirs specified in clause (a) of section 110.

² [110]. **Succession to woman holding otherwise than as a female heir-** Where any female bhumidhar asami or a government lessee dies, after the commencement of this code, then her interest in any holding or its part shall subject to the provisions of section 107 to 109, devolve, in accordance with the order of succession given below.

(a) Son, third gender issue, unmarried daughter, son's son, third gender issue, and unmarried daughter, son's son's son, third gender issue and unmarried daughter, predeceased son's widow, and predeceased son's predeceased son's widow, in equal shares as per stripes:

Provided firstly that the nearer shall exclude the remoter in the same branch:

Provided secondly that a widow who has remarried, shall be excluded.

- (b) Husband or married third gender spouse;
- (c) Married daughters;
- (d) Daughter's son, third gender issue and unmarried daughter;
- (e) Father;

1. Ins. by U.P. Act No. 28 of 2020, Sec 10

2. Subs. by U.P. Act No. 28 of 2020, Sec 11

- (f) Widow mother;
- (g) Brother being the son of the same father as the deceased, third gender sibling being the issue of the same father as the deceased and brother's son, third gender issue and unmarried daughter as per stirpes;
- (h) Unmarried sister;
- (i) Married sister;
- (j) Sister's son, third gender issue and unmarried daughter.

111. Savings as to religious endowments. etc. - Nothing in this Chapter shall be construed to apply to the devolution of management of a Hindu devasthan, math or debutter property or of a Muslim waqf comprising any holding, which shall continue to be governed by such personal or other law as may be applicable to it.

112. Interest of co-tenure-holders to pass by survivorship.- (1) Where before or after the commencement of this Code, two or more co-widows inherit the interest of a male tenure-holder, and any one of them dies or remarries after such commencement without leaving any heir entitled to succeed in accordance with section 108, the interest of such co-widow shall pass by survivorship to the surviving widow, and where there are two or more surviving co-widows, then to the surviving co-widows in equal shares.

(2) Where any land is held by two or more co-tenure holders, and any one of them dies after the commencement of this Code without leaving any heir entitled to succeed under sections 108 to 110, the interest of such co-tenure holder shall pass to the surviving co-tenure holders in equal shares.

113. Persons other than Indian citizens and persons of Indian origin not to inherit.- Notwithstanding anything contained in this Code or any other law for the time being in force, no person other than an Indian citizen and person of Indian origin who has acquired citizenship of any other country shall be entitled to acquire any land or any interest therein either by bequest or by inheritance.

114. Other conditions regarding devolution.- The devolution of interest in any holding under this Chapter shall be subject to the following conditions :-

- (a) If a bhumidhar, asami or government lessee dies intestate, and at the time of his death, a child was in the womb who was subsequently born alive, then such child shall have the same right to inherit as if he or she had been born before the death of such bhumidhar, asami or government lessee and the inheritance shall be deemed to vest in such a case with effect from the date of death of such bhumidhar, asami or government lessee;
- (b) Where two persons have died in circumstances rendering it uncertain whether either of them and if so which survived the other, then for purposes of devolution of interest in any holding, it shall be presumed, until the contrary is proved, that the younger survived the elder;

(c) A person who commits murder of a bhumidhar, asami or government lessee, or abets the commission of such murder, shall be disqualified from inheriting the interest of the deceased in any holding;

(d) If any person is disqualified from inheriting the interest in the holding of any bhumidhar, asami or government lessee under clause (c), such interest shall devolve as if the disqualified person had died before the death of such bhumidhar, asami or government lessee.

Explanation.-In this section, the expression 'murder' means any offence punishable under section 302, section 304, section 304-B, section 305 or section 306 of the Indian Penal Code.

115. Escheat. - (1) Where a bhumidhar or an asami holding land from a Gram Panchayat dies without known heirs, the Sub-Divisional Officer may take possession of the land held by such bhumidhar or asami, and may lease it for a period of one agricultural year at a time, in the manner prescribed.

(2) The terms and conditions of every lease under sub-section (1) shall be such as may be prescribed.

(3) if within three years of the date on which the Sub-Divisional Officer takes possession of the land any claimant applies for the land being restored to him, the Sub-Divisional Officer may, after such inquiry as he thinks fit, allow or reject his claim.

(4) Any person aggrieved by an order rejecting his claim under sub-section (3) may, within one year from the date of communication of such order to him, file a suit for declaration of his rights under section 144.

(5) The Sub-Divisional Officer shall continue to lease out the land in accordance with sub-sections (1) and (2) till the suit referred to in sub-section (4) is finally decided.

(6) If no claimant appears within three years from the date of taking possession of the land by the Sub-Divisional Officer, or if the claimant whose claim has been rejected under sub-section (3) does not file a suit in accordance with sub-section (4), or the suit, if filed is finally dismissed, then the land shall be deemed to have vested in the Gram Panchayat or the local authority under section 59 with effect from the following date, namely-

(a) where no claimant appears, from the date of expiry of the three years period referred to in sub-section (3); or

(b) where the claimant does not file a suit for declaration, from the date of expiry of the one year period referred to in sub-section (4); or

(c) where the suit filed by the claimant under sub-section (4) is finally dismissed, from the date of such final dismissal.

(7) Where any claimant succeeds in any claim under sub-section (3) or in any suit filed under sub-section (4), he shall, notwithstanding anything contained in any law for the time being in force, be

entitled to possession of the land and to the rent realised from the lessee after deducting all arrears of land revenue due in respect of such land and the expenses of its management.

116. DIVISION Suit for division of holding. - (1) A bhumidhar may sue for the division of the holding of which he is a co-sharer.

(2) In every such suit, the Court may also divide the trees, wells and other improvements existing on such holding but where such division is not possible, the trees, wells and other improvements aforesaid and valuation thereof shall be divided and adjusted in the manner prescribed.

(3) One suit may be instituted for the division of more holdings than one where all the parties to the suit other than the Gram Panchayat are, jointly interested in each of the holdings.

(4) to every suit under this section, the Gram Panchayat concerned shall be made a party.

117. Duty of Court in suits for division of holding.- (1) In every suit for division of holding under section 116 the Court of Assistant Collector shall-

(a) follow such procedure as may be prescribed;

(b) apportion the land revenue payable in respect of each such division.

(2) A division of holding referred to in section 116 shall not affect the joint liability of the tenure-holders thereof in respect of the land revenue payable before the date of the final decree.

SURRENDER AND ABANDONMENT

118.Surrender by bhumidhar.- (1) A bhumidhar may surrender his interest in any holding or any part thereof by giving an application in writing to the Tahsildar intimating his intention to do so and by giving up possession thereof to him whether or not such holding is let.

(2) Where only part of a holding has been surrendered, the Tahsildar shall apportion the land revenue payable by such bhumidhar.

119. Surrender by asami. - An asami may surrender his interest in any holding (but not any part thereof) by giving notice in writing to the land holder intimating his intention to do so, and by giving up possession thereof to him.

120. Effect of surrender. - (1) A bhumidhar or asami shall be deemed to have surrendered any land held by him, with effect from the date when possession over such land is given up in accordance with section 118 or section 119.

(2) Where any land is so surrendered :

(a) by an asami, his right, title or interest in such land shall be deemed to have been extinguished from the date of such surrender;

(b) by a bhumidhar, the right, title and interest of such bhumidhar and of every other person claiming through him in such holding or its part shall be deemed to have been extinguished from the said date.

121 Liability for rent or revenue in case of surrender.-Notwithstanding the provisions of sections 118 to 120, the bhumidhar, or asami shall continue to be liable to pay the land revenue or the rent, as the case may be, for the holding in respect of the agricultural year next following the date of surrender, unless the notice of surrender was given before the first day of April.

122. Abandonment by bhumidhar. - (1) If a bhumidhar does not pay the land revenue and does not use the land for agriculture for a continuous period of three agricultural years and has left the village in which he usually resides and whose whereabouts are not known, then the Collector may, after such inquiry, as he may deem necessary, take possession of the land held by such bhumidhar.

(2) Where the Collector has taken possession of any land under sub-section (1), he may let it out on behalf of the bhumidhar for a period of one agricultural year at a time in the manner prescribed.

(3) If the bhumidhar or any other person lawfully entitled to the land claims it within a period of three years from the commencement of the agricultural year next following the date on which the Collector took possession thereof, it shall be restored to him on payment of dues, if any, and on such terms and conditions as the Collector may think fit.

(4) Where no claim is preferred under sub-section (3) or if any claim is preferred but is disallowed, the Collector shall make an order declaring the holding abandoned.

(5) Every order of the Collector under sub-section (4) shall be published in the manner prescribed and shall, subject to the result of any suit under section 144, be final.

(6) Nothing in this section shall apply to any holding held by a bhumidhar in whose favour a declaration has been made under section 80 where such declaration continues to be in force.

123. Consequence of abandonment.- Where any holding has been abandoned under section 122, the following consequences shall ensue, namely-

(a) the holding shall vest absolutely in the State Government free from all encumbrances;

(b) the bhumidhar concerned shall cease to have any right, title or interest in such holding;

(c) the bhumidhar concerned shall continue to be liable for land revenue due in respect of such holding for the agricultural year during which the order referred to in sub-section (4) of the said section was made.

124. Delivery of possession to Gram Panchayat.- (1) When the interest of a bhumidhar in any land is extinguished under the provisions of this Code or any other law for the time being in force, the Sub-Divisional Officer may, on the application of the Gram Panchayat concerned evict any person in unauthorized occupation of such land and deliver possession thereof to the Gram Panchayat in such manner as may be prescribed.

(2) The provisions of sub-section (1) shall *mutatis mutandis* apply to the eviction of an asami holding land from a Gram Panchayat, or from a bank under sub-section

(2) of section 95.

LEASE OF LAND BY GRAM PANCHAYAT

125. Admission by Bhumi Prabandhak Samiti to land entrusted to Gram Panchayat.- The Bhumi Prabandhak Samiti may, with the previous approval of the Sub-Divisional Officer, admit any person as 63 (a) bhumidhar with non-transferable rights to any land entrusted or deemed to be entrusted to the Gram Panchayat under section 59 other than land specified in section 77;

(b) asami to any land specified in section 77 except in clause (a) or clause (h) or (i) thereof where such land is entrusted or deemed to be entrusted to the Gram Panchayat under section 59 other than a tank specified in clause (a) of section 61.

126. Order of preference in admission to land by Bhumi Prabandhak Samiti.- (1) In the admission of any person to land as bhumidhar with non-transferable rights or as asami under section 125, hereinafter in this Chapter referred to as allotment of land, the Bhumi Prabandhak Samiti shall observe the following order of preference:-

(a) A landless widow, sons, unmarried daughters or parents residing in the Gram Sabha of a person who has lost his life while in active service in the Armed Forces of the Union;

(b) A landless person residing in the Gram Sabha who has become wholly disabled while in active service in the Armed Forces of the Union;

(c) A landless agricultural labourer residing in the Gram Sabha and belonging to a scheduled caste or scheduled tribe, other backward class or a person of general category living below poverty line as determined by the State Government;

(d) Any other landless agricultural labourer residing in the Gram Sabha;

(e) A landless person residing in the Gram Sabha who has retired or been released or discharged from service in the Armed Forces of the Union, otherwise than as an officer;

(f) A landless freedom fighter residing in the Gram Sabha, who has not been granted political pension;

(g) Any bhumidhar or asami residing in the Gram Sabha and holding land less than 1.26 hectares;

(h) Any other landless agricultural labourer belonging to a scheduled caste or scheduled tribe, other backward class or a person of general category living below poverty line as determined by the State Government not residing in the Gram Sabha but residing in the Nyaya Panchayat circle referred to in section 42 of Uttar Pradesh Panchayat Raj Act, 1947.

¹[Provided that preference shall be given to widow and physically disabled persons].

Explanation.- For the purposes of this sub-section-

(i) 'allotment' includes any allotment made under the corresponding provisions of any enactment repealed by this Code;

1. Proviso Ins. by U.P. Act No. 28 of 2020, Sec 12

(ii) (deleted);

(iii) a person shall be deemed to be 'landless' if he or his spouse or their minor children, and where the allottee is himself a minor, then his parents hold no land on the date of allotment or within two years immediately preceding the said date;

(iv) the expression 'freedom fighter' means a person so defined in the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Ex-Serviceman) Act, 1993;

(v) "other backward class" means the backward classes of citizens specified in Schedule-I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 (U.P. Act No.4 of 1994);

(vi) "person of general category living below poverty line" means such persons as may be determined from time to time by the State Government.

(2) The land that may be allotted under sub-section (1) shall not exceed such area as together with the land held by him as bhumidhar or asami immediately before the allotment would aggregate to 1.26 hectares.

127. Consequences of allotment. - (1) Where any land is allotted to a person in accordance with sections 125 and 126 and any tree or other improvement exists on such land, then unless the contrary intention appears, such tree or improvement shall also be deemed to be allotted to the person concerned along with the land.

(2) The allottee shall hold the land so allotted on such terms and conditions as may be prescribed:

Provided that if the allottee is a married man and his wife is alive, she shall be co-allottee of equal share in the land so allotted.

128. Cancellation of allotment and lease.- (1) the Collector may, of his own motion and shall on the application of any person aggrieved, inquire in the manner prescribed into any allotment and if he is satisfied that the allotment is in contravention of the provisions of this Code or any of the enactments repealed by this Code or the rules made there under, he may cancel the allotment and the lease, if any.

¹[(1-A)] Under the provisions of sub section (1), an application may be moved in the case of an allotment or lease of land made before or after the commencement of this code, within five years from the date of such allotment of lease.

(2) Where the allotment or lease of any land is cancelled under sub-section (1), the following consequences shall ensue, namely-

1. Subs. by U.P. Act No. 28 of 2020, Sec 13

(a) the right, title and interest of the allottee or lessee or any other person claiming through him in such land and in every tree or other improvement existing thereon shall cease, and the same shall revert to the Gram Panchayat;

(b) the Collector may direct delivery of possession over such land, tree or improvement forthwith to the Gram Panchayat after ejection of every person holding or retaining possession thereof and may for that purpose use or cause to be used such force as may be necessary.

(3) Where in proceedings for cancellation of allotment or lease referred to in clause (b) of sub-section (1) the Collector is satisfied that any land referred to in section 77 excepting clause (a) or clause (h) or (i) thereof has been allotted to any person as bhumidhar with non-transferable rights, he may instead of cancelling the allotment, or lease, direct that the allottee or lessee shall be treated as an asami under clause (b) of section 125.

(4) Every order made by the Collector under this section shall, subject to the provisions of section 210, be final.

(5) The provisions of sections 5 and 49 of the Uttar Pradesh Consolidation of Holdings Act, 1953 shall not apply to the proceedings under this section.

129. Restoration of possession to allottee or the Government lessee.- (1) Where any person is admitted to any land in accordance with section 125, or where any land is let out to any person by the State Government, and any person, other than the allottee or lessee, is in occupation of such land in contravention of the provisions of this Code, the Assistant Collector may, of his own motion, and shall, on the application of the allottee or the lessee, as the case may be, put him in possession of such land, and may for that purpose use or cause to be used such force as he considers necessary.

(2) The provisions of sub-section (2) to (8) of section 65 shall *mutatis mutandis* apply in relation to reoccupation of any land or part thereof after possession has been delivered under sub-section (1).

EJECTION

130. Bhumidhars not to be ejected. - No bhumidhar shall be liable to ejection from the land held by him except as provided by or under this Code.

131. Suit for ejection etc. against asami.- (1) No asami shall be liable to ejection from the land held by him, except on the suit of the landholder or Gram Panchayat, which may be filed on one or more of the following grounds, namely-

(a) that the interest of the asami in the land held by him has extinguished under the provisions of this Code;

(b) that the asami was holding land from year to year or for a period which has already expired or will expire before the end of the current agricultural year;

(c) that the asami is using the land for any purpose not permitted by section 84;

(d) that the land holder was suffering from any of the disabilities referred to in sub-section (1) of section 95 and either his disability has ceased or he wishes to bring the land under his personal cultivation;

(e) that the asami was in arrears of rent for a period of more than one year and has failed to pay the same to the land holder within a period of thirty days despite service of a notice of demand;

(f) that the asami has transferred the whole or part of the land held by him in contravention of the provisions of this Code.

(2) No notice to quit to the asami shall be necessary before filing a suit under this section.

(3) The land holder may in a suit for ejectment also claim arrears of rent.

(4) A land holder may, without suing for ejectment sue the asami for arrears of rent.

132. Right to crops and trees.-(1) Where in execution of a decree passed in a suit under section 131, an asami is ejected, and the Court is satisfied that any ungathered crops or trees belonging to the judgment debtor exist on the land, the Court shall, notwithstanding anything contained in the Code of Civil Procedure, 1908, proceed in the following manner:

(a) if the amount due from the judgment-debtor is equal to or greater than the value of such crops or trees, the Court shall deliver the possession of the land with the crops and trees to the decree holder, and all rights of the judgment-debtor in or upon such crops or trees shall therefore pass to the decree-holder;

(b) if the amount due from the judgment-debtor is less than the value of such crops or trees, and –

(i) the decree-holder pays the difference between such amount and the value to the judgment – debtor, the Court shall deliver possession of the land to the decree holder and all rights of the judgment-debtor in such crops or trees shall therefore pass to the decree-holder,

(ii) the decree-holder does not pay such difference the judgment-debtor shall have the right of tending, gathering or removing such crops or trees or fruits of such trees, until such crops or trees have been gathered or removed or die or are cut down, as the case may be, paying such compensation for the use and occupation of land as the court may fix.

(2) The court executing the decree may, on the application of any party, determine the value of the crops or trees and the compensation payable by the judgment debtor under the provisions of sub-section (1).

133. Suit for injunction, compensation etc.- The Gram Panchayat, or the landholder may, in lieu of suing for ejectment of an asami under section 131, file a suit in the Court of Sub-Divisional Officer:

(a) for injunction restraining him from putting the land to any unauthorised use or causing any waste or damage to it;

(b) for compensation for such use, waste or damage; or

(c) for repair of the waste or damage caused to the land.

134. Ejectment of persons occupying land without title. - (1) Where a person takes or retains possession of any land forming part of the holding of any bhumidhar or asami otherwise than in accordance with the provisions of the law for the time being in force and without the consent of such bhumidhar or asami, such person shall be liable to ejectment on the suit of the bhumidhar or asami concerned, and shall also be liable to pay damages at the rate prescribed.

(2) To every suit relating to any land referred to in sub-section (1), the State Government and Gram Panchayat shall be impleaded as necessary parties.

135. (Deleted).

136. Ejectment of trespassers of Gram Panchayat land.- (1) Notwithstanding anything contained in other provisions of this Code, the Sub- Divisional Officer may, of his own motion or on the application of the Gram Panchayat or other local authority, eject any person taking or retaining possession of any land specified in sub-section (2), if such possession is in contravention of the provisions of this Code and is without the consent of such Gram Panchayat or the local authority and shall also be liable to pay damages at the rates prescribed.

(2) The provisions of sub-section (1) shall apply to the following categories of land, namely-

(a) any land entrusted or deemed to be entrusted to any Gram Panchayat or local authority under the provisions of this Code or any other law for the time being in force;

(b) any land over which a Gram Panchayat or local authority is entitled to take possession under the provisions of this Code;

(c) any land which belongs to or is owned or held by a Gram Panchayat or local authority;

(d) that the asami is holding land specified in clause (d) or clause (e) of section 77

and that the cultivation of crops in such land has become impossible;

(e) that the asami was admitted to the land under clause (b) of section 125 of the Gram Panchayat proposes to use it for a public purpose.

(3) No person shall be evicted from any land under this section unless adequate opportunity to show cause has been afforded to him.

(4) In evicting a person under this section, the Sub-Divisional Officer may use or cause to be used such force as may be necessary.

Explanation. - For the purposes of this section, the word 'land' includes trees and other improvements existing on such land.

137. Remedies for wrongful ejectment.- (1) An asami ejected or apprehending ejectment from or prevented from obtaining possession of any land otherwise than in accordance with the provisions of any law for the time being in force, may sue the person so ejecting him, trying to eject him or keeping him out of possession (i) for possession of the land; or (ii) for compensation for wrongful dispossession.

(2) When a decree is passed for compensation for wrongful dispossession but not for possession, the compensation awarded shall be for the whole period during which the asami was entitled to remain in possession.

RENT

138. Rent payable by an Asami. - Subject to such restrictions and conditions as may be prescribed, an asami shall, on being admitted to the occupation of any land, be liable to pay such rent as may be agreed upon between him and his land holder or the Gram Panchayat, as the case may be.

139. Application for fixation of rent. - (1) Where any person is in occupation of any land as an asami, without the rent being agreed upon, the asami or his land holder may apply to the Tahsildar for fixation of rent.

(2) On receipt of an application under sub-section (1), the Tahsildar shall make an inquiry in such manner as may be prescribed, and shall fix the rent in accordance with the rules made under this Code.

(3) The rent fixed under sub-section (2) shall be payable by the asami with effect from the date when he occupied the land as such asami.

(4) any person aggrieved by an order of the Tahsildar under sub-section (2) may file an appeal to the Sub-Divisional Officer, and notwithstanding anything contained in other provisions of this Code, the order of the Sub-Divisional Officer shall be final.

140. Remission for calamity by Court decreeing claim for arrears.- (1) Where the Court hearing a suit for recovery of arrears of rent is satisfied that the holding was substantially decreased by diluvion or otherwise, or the produce thereof was substantially diminished by drought, hail, deposit of sand or other calamity during the period for which the arrear is claimed, it may allow such remission from the rent, as may appear to it to be just:

Provided that no such remission shall be deemed to vary the rent payable by the asami otherwise than for the period in respect of which it is made.

(2) Where a Court allows remission under sub-section (1), the State Government or any authority empowered by it in this behalf, shall order consequential remission in the land revenue in accordance with such principles as may be prescribed.

141. Commutation of rent.- (1) Where the rent in respect of any holding is payable otherwise than in cash, the Assistant Collector may, of his own motion, or on the application of the Gram Panchayat or the person by or to whom the rent is payable, commute the rent in the manner prescribed.

(2) The rent commuted under sub-section (1) shall be payable from the first day of July following the date of the order of commutation unless the order provides for some other date.

142. Recovery of arrears of rent from asami of Gaon Panchayat, etc.- Arrears of rent due from an asami holding land from Gram Panchayat or other local authority either before or after the commencement of this Code, shall be recoverable as an arrear of land revenue.

143. Power to write off arrears.- The whole or any part of the arrears of rent, in respect of any land or other property entrusted or deemed to be entrusted to a Gram Panchayat or other local authority under the provisions of this Code may, in such circumstances as may be prescribed, be written off as irrecoverable by the Bhumi Prabandhak Samiti or by the local authority, as the case may be, by resolution passed in that behalf:

Provided that no resolution passed by a Bhumi Prabandhak Samiti shall take effect until it is confirmed by the Sub-Divisional Officer.

DECLARATORY SUITS

144. Declaratory suits by tenure holders. - (1) Any person claiming to be a bhumidhar or asami of any holding or part thereof, whether exclusively or jointly with any other person, may sue for a declaration of his rights in such holding or part.

(2) In every suit under sub-section (1) instituted by or on behalf of:-

- (a) a bhumidhar, the State and the Gram Panchayat shall be necessary parties;
- (b) an asami, the land-holder shall be a necessary party.

145. Declaratory suit by Gram Panchayat. - Notwithstanding anything to the contrary contained in section 34 of the Specific Relief Act, 1963, the Gram Panchayat may institute a suit against any person claiming to be entitled to any right in any land for the declaration of the right of such person in such land, and the Court may, in its discretion make a declaration of the right of such person, and the Gram Panchayat need not in such suit ask for any further relief.

146. Provision for injunction.- If in the course of a suit under section 144 or 145, it is proved by affidavit or otherwise-

- (a) that any property, trees or crops standing on the land in dispute is in danger of being wasted, damaged or alienated by any party to the suit; or
- (b) that any party to the suit threatens or intends to remove or dispose of the said property, trees or crops in order to defeat the ends of justice, the Court may grant a temporary injunction, and where necessary, also appoint a receiver.

CHAPTER X

GOVERNMENT LESSEES

147. Definition of Government lessee.- Every person who holds any land on lease from the State Government, whether such lease was granted before or after the commencement of this Code, shall be called a Government lessee in respect of such land.

148. Government lessee's right to hold land. - Notwithstanding anything contained in this Code, every Government lessee shall be entitled to hold such land in accordance with the terms and conditions of the lease.

149. Ejectment of Government lessee.- A Government lessee may be evicted from the land held by him on one or more of the following grounds, namely-

(a) that he has failed to pay the rent or any other sum due under the lease within six months from the date on which it became due;

(b) that he has used such land for any purpose other than that for which it was granted;

(c) that the term of his lease has expired or the lease has been cancelled;

(d) that he has contravened any terms or conditions of the lease.

150. Provisions of U.P. Act No.22 of 1972 to apply. - The provisions of the Uttar Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 1972 shall, *mutatis mutandis*, apply to the eviction of Government lessee as they apply to the unauthorized occupants within the meaning of that Act, and the Sub- Divisional Officer shall be deemed to be the prescribed authority for the purposes of that Act.

151. Trespass on land held by a Government lessee. - (1) If a person takes or retains possession over any land, let out to a Government lessee, otherwise than in accordance with the terms and conditions of the lease and without the consent of such lessee, such person shall be liable to ejectment on the suit of the Government lessee concerned and shall also be liable to pay damages at the rates prescribed.

(2) The State Government shall be made a party, but the Gram Panchayat shall not be a necessary party to a suit instituted under sub-section (1).

(3) If a suit for eviction referred to in sub-section (1) is not instituted by a Government lessee or a decree for eviction obtained in any such suit is not executed within the period of limitation provided therefor, then the following consequences shall, with effect from the expiry of such period ensue, namely-

(a) the person taking or retaining possession over the land let out to the Government lessee shall be liable to eviction in accordance with section 150;

(b) the right, title and interest of the Government lessee in such land shall stand extinguished and the term of his lease shall be deemed to have expired.

152. Dues recoverable as arrear of land revenue. - Arrears of rent or any other sum due from a Government lessee may be recovered as an arrear of land revenue.

ASSESSMENT OF LAND REVENUE

153. Land held by bhumidhar liable to payment of land revenue.- (1) All lands held by a bhumidhar, wherever situate and to whatever purpose applied, shall be liable to assessment (by such authority and in such manner as may be prescribed) and payment of land revenue to the State Government:

Provided that the State Government may, by notification exempt any land, whether wholly or partially, from such liability on such terms and conditions as it may think fit.

(2) Land revenue may be assessed on land, notwithstanding that it has been exempted under the proviso to sub-section (1).

(3) No length of occupation shall release any land from the liability to payment of land revenue.

(4) Notwithstanding anything contained in sub-section (1), sub-section (2) or subsection(3) the following lands shall be exempted from the payment of land revenue, namely-

(a) land occupied by buildings other than improvement;

(b) grave-yards and cremation grounds.

154. Land revenue payable by bhumidhar. - (1) Every person, who held any land as a bhumidhar from before the date of commencement of this Code, shall pay and continue to pay to the State Government, the same amount of land revenue which he was liable to pay in respect of such land for the agricultural year preceding the year in which this Code comes into force.

(2) Every person, who after such commencement, acquires bhumidhari rights in any land shall, subject to the provisions of this Code, pay to the State Government the same amount of land revenue which was payable in respect of such land, immediately before the date of such acquisition.

(3) Every person who after such commencement, acquires bhumidhari rights in any land, where no land revenue was payable in respect of such land immediately before the date of such acquisition, shall be liable to pay land revenue determined by the Sub-Divisional Officer in accordance with such principles as may be prescribed.

155. Variation of land revenue. - Notwithstanding anything contained in this Chapter, the land revenue payable by a bhumidhar may be varied in the manner prescribed on the ground of an increase or decrease in the area of his holding or in the productivity of the land comprised therein by fluvial action or other natural cause.

156. Exemption of land revenue in certain cases.- Notwithstanding anything contained in this Code, every member of a family, the total area of land held by whose members as bhumidhar, does not exceed 1.26 hectares (3.125 acres) shall be exempted from the liability to pay land revenue to the State Government.

157. Remission or suspension of land revenue on the occurrence of agricultural calamity.-

(1) Notwithstanding anything contained in this Code, the State Government may, on the occurrence of an agricultural calamity affecting the crops of any village or part of a village, remit or suspend, for any period, the whole or any part of the land revenue of any holding affected by such calamity.

(2) The State Government may likewise remit or suspend, for any period, the rent payable by an asami to the Gram Panchayat, in a village or part where such calamity has occurred.

158. Power of State Government to remit rent in certain cases. – Whenever the land revenue is increased or decreased under section 155 or is remitted or suspended under section 157, the State Government may increase or decrease or, as the case may be, remit or suspend the whole or part of any rent payable by an asami, other than an asami of a Gram Panchayat.

159. Consequences of suspension of rent.- Where the payment of any rent has been suspended under section 157-

(a) the period during which such suspension continues shall be excluded in computing the period of limitation allowed for a suit for recovery of the rent; and

(b) no suit or application shall lie, for the period of such suspension, for its recovery.

160. Annual enquiry of revenue free land. - (1) The Collector shall inquire annually into the case of all lands exempted from the payment of land revenue.

(2) If the exemption has been granted on any condition and the same has been broken, he shall report the matter to the Board for orders, and the orders of the Board thereon shall be final.

161. Rounding off the amount of land revenue. - Where the amount payable on account of land revenue or any instalment thereof involves a fraction of a rupee, the same shall be rounded off to the nearest rupee, and for this purpose, where such amount contains a part of a rupee, then if such part is fifty paise or more, it shall be increased to one rupee, and if such part is less than fifty paise, it shall be ignored.

162 Finality of orders. - Every order of the State Government under this Chapter shall be final and shall not be called in question in any Court.

COLLECTION OF LAND REVENUE

163. Land revenue to be the first charge. - (1) The land revenue assessed on any holding shall be the first charge on such holding, and also on trees or buildings standing thereon or the rents, profits or produce thereof.

(2) The claim of the State Government in respect of any other sum recoverable as arrears of land revenue shall have priority over all unsecured claims on any land against the holder thereof.

164. Bhumidhars to be jointly and severally liable. - All co-bhumidhars of any holding shall be jointly and severally liable to the State Government for the payment of land revenue for the time being assessed thereon and all persons succeeding whether by devolution or otherwise to the interest of such bhumidhars shall be liable for all arrears of land revenue due in respect of such land.

165. Land Revenue when becomes due and payable.- The land revenue leviable in respect of an agricultural year shall become due on the first day of that year, and shall be payable at such times, in such instalments, to such persons, at such places and in such manner as may be prescribed.

166 Arrangements for collection of land revenue. - The State Government may make such arrangement and employ such agency for the collection of land revenue as it may deem fit.

167. Defaulters. - Any land revenue due and not paid on or before the date specified in section 165 becomes there from an arrear and the persons liable for its payment shall become defaulters.

168. Certified account to be evidence of arrears. - A statement of account certified by the Tahsildar shall, for the purposes of this Chapter, be conclusive evidence of the existence of the arrear of land revenue, of its amount and of the person who is the defaulter.

169. Writ of demand. - As soon as an arrear of land revenue has become due, a writ of demand may be issued by the Tahsildar against the defaulter calling upon him to appear or to pay the amount within a time to be specified.

170. Process for recovery of arrears.- (1) An arrear of land revenue remaining unpaid within the time specified in the writ of demand, may be recovered by any one or more of the following processes, namely-

- (a) by arrest and detention of the defaulter;
- (b) by attachment and sale of his movable property including agricultural produce;
- (c) by attachment of any bank account or locker of the defaulter;
- (d) by attachment of the land in respect of which the arrear is due;
- (e) by lease or sale of the land in respect of which the arrear is due;
- (f) by attachment and sale of other immovable property of the defaulter;
- (g) by appointing a receiver of any property, movable or immovable, of the defaulter.

Explanation. - For the removal of doubts, it is hereby declared that two or more processes hereinbefore mentioned may be issued and enforced simultaneously or one after the other.

(2) Sums of money recoverable as arrears of land revenue, but not due in respect of any specific land, may be recovered by processes under this section from any immovable property of the defaulter including any holding of which he is a bhumidhar.

171. Arrest and detention.- (1) Any person committing default in payment of an arrear of land revenue may be arrested and detained in custody in the Tahsil lock-up and if there is no such lock-up, at such other place as may be prescribed, for a period not exceeding fifteen days, unless the arrears are sooner paid.

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable to arrest or detention for an arrear of land revenue, where and for so long as such person-

(a) is a woman or a minor, or a senior citizen of 65 years or more, or a person as referred to in section 95(1) (a);

(b) belongs to the Armed Forces of the Union;

(c) is exempt under section 133, 135 or 135-A of the Code of Civil Procedure, 1908.

(3) No person shall be detained in custody under this section, unless the officer issuing the arrest warrant has reason to believe that the process of detention will compel the payment of the whole or a substantial portion of the arrears.

(4) The officer issuing the arrest warrant may withdraw such warrant, if the defaulter pays or undertakes to pay the whole or substantial portion of the arrears and furnishes adequate security therefor.

(5) Notwithstanding anything contained in sub-section (1), no defaulter shall be arrested, unless the amount sought to be recovered exceeds fifty thousand rupees.

172. Attachment and sale of movable property.-(1) The Sub-Divisional Officer may attach and sell movable properties of the defaulter including agricultural produce.

(2) The following properties shall be exempted from attachment under sub-section

(1) and sale under sub-section (5), namely-

(a) the necessary wearing apparel, cooking vessels, beds and bedding of the defaulter, his wife and children and such personal ornaments as, in accordance with the religious usage, cannot be parted with by any woman;

(b) tools of a village artisan and, if the defaulter is an agriculturist, his implements of husbandry (except an implement driven by mechanical power) and such cattle and seed as may in the opinion of the attaching officer be necessary to enable him to earn his livelihood as such;

(c) articles set apart exclusively for the use of religious worship.

Explanation -I. - For the purposes of this sub-section, the expression “agriculturist” means a person who cultivates the land personally and who depends for his livelihood mainly on the income from agricultural land.

Explanation -II.- For the purposes of Explanation I, a person shall be deemed to cultivate land personally, if he cultivates land-

(a) by his own labour;

(b) by the labour of any member of his family; or

(c) by servants or labourers on wages payable in cash or in kind or both.

(3) Where any movable property is attached by actual seizure and the defaulter furnishes security to the satisfaction of the attaching officer, the property so attached shall be left in the custody of the defaulter. In case the defaulter is not available at the time of the attachment or if he is available but fails to furnish security to the satisfaction of the attaching officer, the attached property may be left in the custody of any responsible person who is willing to undertake its custody:

Provided that in the case of live-stock, it may be removed to the nearest pound if neither the defaulter furnishes such security nor any responsible person is willing to undertake its custody.

(4) The person who undertakes the custody of any movable property under subsection

(3) shall execute a bond (supurdnama) in the prescribed form (which shall be exempt from stamp duty) and shall preserve and maintain such property and produce it wherever required. The supurdar shall be liable for all damages or loss caused to the property given in his custody or for failure to produce it when required. Such damages or loss shall be determined by the Sub-Divisional Officer and shall be recoverable from the supurdar as arrears of land revenue.

(5) If the amount of arrears is not paid within a period of thirty days from the date of attachment of movable properties under this section, the Sub-Divisional Officer may sell the same in the manner prescribed.

173. Attachment of bank account and locker of the defaulter.-The attachment of any bank account of the defaulter shall, so far as possible, be made by serving a garnishee order on the manager in charge of the branch of the bank concerned in the manner laid down in Rules, 46, 46-A and 46-B of Order XXI contained in the First Schedule to the Code of Civil Procedure, 1908, and in the case of a locker hired by the defaulter, the same shall be sealed in the presence of such manager who shall, thereafter, await further orders of the Sub-Divisional Officer regarding preparation of inventory of its contents and their ultimate disposal.

174. Attachment of holding.-(1) The Collector may attach any land in respect of which any arrears of land revenue is due.

(2) Where the amount of arrears in respect of which attachment was made under sub-section (1) is paid, such attachment shall stand withdrawn.

(3) If the amount of arrears is not paid within a period of thirty days from the date of such attachment, the Collector may proceed in accordance with the provisions of section 175 or section 176, as the case may be.

175 Lease of holding. - (1) Where any land is attached under section 174 the Collector may, notwithstanding anything contained in this Code, but subject to such conditions as may be prescribed, let out the same for such period not exceeding ten years (commencing from the first day of July next following) as he deems fit, to any person other than the defaulter.

(2) The person to whom any land is let out under sub-section (1) shall be bound to pay the whole of the arrears due in respect of such land and to pay the land revenue, during the period of lease, at the rate payable by the defaulter in respect of such land immediately preceding its attachment.

(3) If during the period of lease, the lessee commits default in payment of any amount due under the lease, and no other person is to take the land on lease for the remaining period thereof, then such amount may be recovered from such lessee by any one or more of the processes mentioned in section 170 and the lease shall be liable to be determined.

(4) Upon the expiry of the period of lease, the land shall be restored to the tenure holder concerned free of any claim on the part of the State Government for any arrear of revenue in respect of such land.

176. Sale of holding.-(1) Where a suitable person is not forthcoming to take on lease the land attached under section 174, or where the lease of such land is determined under section 175, the Collector may sell the whole or any part of such land in such manner as may be prescribed and appropriate the sale proceeds in accordance with section 200.

(2) The Collector shall report to the Board of Revenue every sale of land under sub-section (1).

177. Attachment and sale of other immovable property.- Notwithstanding anything contained in any law for the time being in force, the Collector may realize any arrears of land revenue by attachment and sale of the interest of a defaulter in any other immovable property belonging to such defaulter:

Provided that the house or other building (with materials and sites thereof) and the land immediately appurtenant thereto belonging to an agriculturist and occupied by him shall be exempted from attachment under this section.

Explanation.- For the purposes of this section, the expression 'agriculturist' shall have the meaning assigned to it in section 172.

178. Appointment of receiver.- (1) Where any arrear of land revenue is due from any defaulter, the Collector may by order-

(a) appoint, for such period as he may deem fit, a receiver of any movable or immovable property of the defaulter;

(b) remove any person from the possession or custody of the property and commit the same to the possession, custody or management of the receiver;

(c) confer upon the receiver all such powers as to bringing and defending suits and for the realization, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof,

the application and disposal of such rents and profits, and the execution of documents, as the defaulter himself has, or such those powers as the Collector thinks fit.

(2) Nothing in this section shall authorise the Collector to remove from the possession or custody of property any person to whom the defaulter has not a present right to remove.

(3) The Collector may, from time to time, extend the duration of appointment of the receiver.

(4) No order under sub-section (1) or sub-section (3) shall be made except after giving notice to the defaulter to show cause, and after considering any representation that may be received by the Collector in response to such notice.

Provided that an interim order under sub-section (1) or sub-section (3) may be made at any time before or after the issue of such notice.

Provided further that where an interim order is made before the issue of such notice, the order shall stand vacated, if no notice is issued within two weeks from the date of the interim order.

(5) The provisions of Rules 2 to 4 of Order XL contained in the First Schedule to the Code of Civil Procedure, 1908 shall *mutatis mutandis* apply in relation to a receiver appointed under this section.

(6) The receiver shall function subject to the control of Collector and furnish such information, returns or statements as the Collector may deem fit.

(7) The Collector may by order passed in writing and without assigning any reason, remove any receiver at any time before the expiry of the term of such receiver and appoint any other person as receiver in his place, if he is satisfied that continuance of that receiver shall not be desirable or expedient on ground of inefficiency, gross negligence, wilful default, disobedience, misconduct, serious omission, or misappropriation of any property. A person removed from the receivership under this section shall not be entitled to claim any damages or compensation on the ground of his removal.

(8) The Collector shall have power to determine, after giving opportunity to the receiver, what loss, if any, has been caused by the wilful default, disobedience, misconduct, serious omission or gross negligence of, or on account of any misappropriation by the receiver and to recover the amount of loss from receiver as an arrear of land revenue.

(9) The rent, profits or any other income from the property shall, after defraying the expenses of management including the remuneration of the receiver, be adjusted towards discharge of the arrears, and the balance, if any, shall be paid to the defaulter.

(10) As soon as the arrears are discharged under sub-section (9) or otherwise, the Collector shall restore the property to the defaulter.

179. Procedure of recovery. - For the purposes of collection of land revenue or other dues recoverable as arrears of land revenue, in accordance with this Chapter, the recovery officer shall follow such procedure as may be prescribed.

180 Recovery of costs and collection charges. - (1) The costs of any of the processes mentioned in sections 170 to 178 including costs of arrest and detention shall be such as may be prescribed.

(2) The State Government may impose collection charges at a rate, not exceeding ten percent of the amount due, as may be prescribed;

Provided that no collection charges shall be payable if the amount due is paid before arrest of the defaulter or before sale of the attached property, as the case may be.

(3) Such costs and collection charges may be added to and be recoverable in the same manner as an arrear of land revenue.

181. Recovery proceedings against legal representatives etc.-(1) If at any time before or after the commencement of any proceedings for the recovery of any arrears of land revenue under this Chapter, the defaulter dies, the proceedings(except arrest and detention) may be commenced or continued against the legal representatives of the defaulter as if the legal representatives were themselves be defaulter:

Provided that such legal representatives shall be liable only to the extent of the property of the deceased which has come to his or her hands.

(2) Where any person has become surety for the amount due from the defaulter, he may be proceeded against under this Chapter as if he were himself be defaulter.

ATTACHMENT AND SALE OF IMMOVABLE PROPERTIES

182.Attachment of immovable property.-(1) Every process of attachment of any immovable property under section 174 or section 177, or for lease of any land under section 175 shall be issued by the Collector.

(2) Every such attachment shall be effected in the manner prescribed in Order XXI, Rule 54 of the First Schedule to the Code of Civil Procedure, 1908.

183. Objection against attachment.- (1) Where any claim is preferred by any person other than the defaulter or any person claiming under him in respect of any property attached under this Chapter, the Collector may, after an inquiry, held after reasonable notice, admit or reject such claim:

Provided that no such claim shall be entertained:

(a) where, before the claim is preferred, the property attached has already been sold; or

(b) where the Collector considers that the claim is designedly or unnecessarily delayed; or

(c) where the claim is preferred after 30 days from the date of attachment.

(2) The person against whom an order is made under sub-section (1) may, within sixty days from the date of the order, prefer an appeal before the Commissioner to establish the right which he claims to the property attached but subject to the result of such appeal, if any, the order of the Collector shall be final.

184. Proclamation of sale.- (1) Where any immovable property is sought to be sold under the provisions of this Chapter, the Collector or an Assistant Collector authorised by him, shall issue a proclamation of the intended sale in the form prescribed, specifying therein-

- (a) the details of the property sought to be sold;
- (b) the estimated value, reserve price and circle rate of such property;
- (c) the land of revenue, if any, payable therefor;
- (d) the encumbrances, if any;
- (e) the amount of arrears for the recovery of which the property is sought to be sold;
- (f) the date, time and place of the intended sale; and
- (g) such other particulars as the Collector may think necessary.

(2) Where the area of the land sought to be sold exceeds 5.0586 hectares, a single proclamation may be issued under sub-section (1), but the actual sale shall be made in lots of 1.26 hectares or more.

(3) No sale shall take place until the expiry of twenty-one days from the date on which the proclamation is issued under this section.

(4) A copy of the proclamation shall be served on the defaulter.

185. Affixation of proclamation.- A copy of the sale proclamation referred to in section 184 shall be affixed in each of the following places:-

- (a) the office of the Collector;
- (b) the office of the Tahsildar of the tahsil in which the property is situate;
- (c) some other public building in the village or the area in which the property is situate;
- (d) the dwelling house of the defaulter.

186. Sale when and by whom made. - (1) Every such sale shall be made by the Collector or by the Assistant Collector authorized by him.

(2) No sale shall take place on a Sunday or other holiday notified for State Government offices.

(3) The Sale Officer may, from time to time, postpone the sale for any sufficient reason.

(4) Where a sale is postponed for a period longer than twenty one days, or where the property is resold for default in payment of the purchase money, a fresh proclamation shall be issued in the form prescribed for the original sale.

187. Stoppage of the sale.-If the defaulter pays the arrears in respect of which the property is to be sold together with the cost of the process at any time before the date fixed for the sale, the officer conducting the sale shall stop such sale.

188. Prohibition to bid. - (1) No officer having any duty to perform in connection with any such sale and no person employed by or subordinate to such officer shall, directly or indirectly, bid for or acquire or attempt to acquire the property sold or any interest therein.

(2) Where no bid is offered up to the amount for which the sale has been ordered, the Collector may order for bid up to the amount of such arrears.

189 Deposit by purchaser and re-sale on default.-(1) The person declared to be the purchaser shall be required to deposit immediately twenty-five per cent of the amount of his bid, and in default of such deposit, the property shall be forthwith re-sold, and such person shall be liable for the expenses incurred on the first sale and any deficiency in price occurring on re-sale, and the same may be recovered from him by the Collector as if the same were an arrear of land revenue.

(2) A deposit under sub-section (1) may be made either in cash or by a demand draft (issued by a scheduled bank) or partly in cash and partly by such draft.

Explanation. - For the purposes of this section, the expression 'demand draft' includes a banker's cheque.

190. Deposit of purchase money.- The balance amount of the purchase money shall be paid by the purchaser on or before the fifteenth day from the date of the sale in the office of the Collector or at the district treasury or sub-treasury, and in case of default-

(a) the property shall be re-sold; and

(b) the deposit made under section 189 shall be forfeited to the State Government.

191. Auction sale of land held by Scheduled Caste or Scheduled Tribe.-

Where the right, title or interest of a person belonging to a scheduled caste or scheduled tribe in any land is sold by public auction under or in accordance with the provisions of this Code, and any other person belonging to such caste or tribe pays an amount equal to the amount of the highest bid and a sum equal to one percent amount of the purchase money for payment to the purchaser, within a period of thirty days from the date of such auction, then, notwithstanding anything contained in any other provision of this Code or any other law for the time being in force, the person so offering the amount shall be entitled to preference in the matter of sale over and above any person not belonging to such caste or tribe:

Provided that if there are more persons than one making such deposit, bids shall be called from them on the spot, and the highest bidder shall be entitled to such preference.

Provided further that where the auction sale in favour of highest bidder is not confirmed due to the preference under this section, he shall be entitled to receive back the money deposited by him plus an amount equivalent to one percent of such money deposited for that purpose.

192. Application to set aside the sale on deposit of arrears.- (1) Any person whose holding or other immovable property has been sold under this Chapter may, at any time within thirty days from the date of sale, apply to the Collector for setting aside the sale, on his depositing, in the office of the Collector or at the district treasury or sub-treasury-

- (a) for payment to the purchaser, a sum equal to one percent of the purchase money; and
- (b) for payment on account of the arrear, the amount specified in the sale proclamation, less any amount which may, since the date of such proclamation, have been paid on that account;
- (c) the cost of the processes of sale including the collection charges, if any.

(2) If the amount has been deposited in accordance with sub-section (1) the Collector shall set aside the sale.

(3) Where a person has applied for setting aside the sale under this section, he shall not be entitled to make or prosecute an application under section 193.

193. Application to set aside sale for irregularity.- (1) At any time within thirty days from the date of sale, the defaulter or the auction purchaser or any other person whose interests are affected by such sale, may apply to the Commissioner to set aside the sale on the ground of any material irregularity or mistake in publishing or conducting it.

(2) No sale shall be set aside under sub-section (1), unless the applicant proves to the satisfaction of the Commissioner that he has sustained substantial injury by reason of such irregularity or mistake.

(3) Subject to revision in the Revenue Board the order of the Commissioner under this section shall be final.

194. Confirmation of sale.- (1) On the expiration of thirty days from the date of sale, if no application is made under section 192 or section 193, or if such application has been made and rejected by the Collector or the Commissioner, as the case may be, the Collector shall, subject to the provisions of sub-section (2), confirm the sale.

(2) Where in a sale of immovable property made under this Chapter, the amount of purchase money-

- (a) exceeds rupees fifty lakh; or
- (b) is less than the reserve price or the amount of arrears specified in the sale proclamation, then the Collector shall report the matter to the Commissioner, who may confirm the sale or may pass such orders as he thinks fit.

(3) Every order of the Collector or the Commissioner under this section shall be final.

195. Setting aside of sale by Collector or Commissioner.-Notwithstanding anything contained in section 192, section 193 or section 194, if the Collector or the Commissioner, as the case may be, has reason to believe that the sale of an immovable property made under this Chapter ought to

be set aside he may, after notice to the auction purchaser to show cause, if any, set aside the sale for the reasons to be recorded in writing.

196. Bar of claims against in certain cases. - If no application under section 193 is made within the time specified therein, all claims regarding irregularity or mistake in publishing or conducting the sale shall be barred.

197. Refund of purchase money.- Where the sale of any property is set aside under section 192 or section 193, the purchaser shall be entitled to receive back his purchase money, plus, in the case mentioned in section 192, an amount equivalent to one percent of such money deposited for that purpose by the defaulter.

198 Certificate of sale. - (1) After a sale has been confirmed in accordance with section 194, the Collector shall grant to the purchaser a certificate, in the form prescribed, specifying the property sold and the name of the person who at the time of sale was declared to be its purchaser.

(2) The certificate, duly signed and sealed by the Collector shall be deemed to be a valid transfer of the property specified therein, and it need not be registered as a conveyance, except as provided in section 89 of the Registration Act, 1908.

(3) The property specified in the certificate shall be deemed to have vested in the purchaser on the date when it was sold, and not on the date when the sale was confirmed.

199. Certified purchaser to be put in possession. - (1) The Collector shall put the person declared to be the purchaser of such property into possession, and for that purpose, he may use or cause to be used such force as may be necessary.

(2) Nothing in this section shall authorise the Collector to remove from the possession of any property any person whom the defaulter had, before the issue of process, no present right to remove.

200. Application of sale proceeds.- Where the sale of a property has been confirmed under section 194, the proceeds of the sale shall be utilised in the following order-

- (a) for meeting the cost of the process and the collection charges, if any;
- (b) for payment of the arrears for the recovery whereof the property was sold;
- (c) the balance, if any, shall be paid to the defaulter.

201. Summary ejectment of unauthorized occupants.- Any person taking or retaining possession of any land or other property attached, leased or sold under this Chapter otherwise than in accordance with the provisions of said Chapter may be summarily ejected by the Collector who may use or cause to be used such force as may be necessary.

202. Bar of suits. - Subject to the provisions of section 203, no suit or other proceedings shall lie in any Civil Court in respect of any assessment or collection of land revenue or the recovery of any sum recoverable as an arrear of land revenue.

203. Payment before suit. - Whenever proceedings are taken under this Chapter against any person for the recovery of any arrear of land revenue, he may pay the amount claimed to the recovery officer, and upon such payment the proceedings shall be stayed, and the person against whom such proceedings were taken may,

notwithstanding anything contained in any other provisions of this Code, sue the State Government in the Civil Court for the recovery of amount so paid.

204. Other payments not to be a valid discharge. - No payment on account of rent or other dues in respect of any land attached under this Chapter, made after such attachment, by the asami or any other person in possession thereof to any person other than the revenue officer authorized in this behalf, shall operate as valid discharge.

205. Applicability of the Chapter.- The provisions of this Chapter shall apply to the recovery of all arrears of land revenue and all other sums recoverable as an arrear of land revenue whether due before or after the commencement of this Code.

CHAPTER XIII

JURISDICTION AND PROCEDURE OF REVENUE COURTS

206. Jurisdiction of civil Courts and revenue courts. - (1) Notwithstanding anything contained in any law for the time being in force, but subject to the provisions of this Code, no Civil Court shall entertain any suit, application or proceeding to obtain a decision or order on any matter which the State Government, the Board, any Revenue Court or revenue Officer is, by or under this Code, empowered to determine, decide or dispose of.

(2) Without prejudice to the generality of the provisions of sub-section (1), and save as otherwise expressly provided by or under this Code-

(a) no Civil Court shall exercise jurisdiction over any of the matters specified in the Second Schedule; and

(b) no Court other than the revenue Court or the revenue officer specified in column 3 of the Third Schedule shall entertain any suit, application or proceeding specified in column 2 thereof.

(3) Notwithstanding anything contained in this Code, an objection that a Court or officer mentioned in sub-section (2)(b) had or had no jurisdiction with respect to any suit, application or proceeding, shall not be entertained by any appellate, revisional or executing Court, unless the objection was taken before the Court or officer of the first instance, at the earliest opportunity, and in all cases where issues are settled at or before such settlement, and unless there has been a consequent failure of justice.

207. First appeal. - (1) Any party aggrieved by a final order or decree passed in any suit, application or proceeding specified in column 2 of the Third Schedule, may prefer a first appeal to

the court or officer specified against it in column 4, where such order or decree was passed by a Court or officer specified against it in column 3 thereof.

(2) A first appeal shall also lie against an order of nature specified-

(a) in section 47 of the Code of Civil Procedure, 1908; or

(b) in section 104 of the said Code; or

(c) in Order XLIII, Rule 1 of the First Schedule to the said Code.

(3) The period of limitation for filing a first appeal under this section shall be thirty days from the date of the order or decree appealed against.

208. Second Appeal.- (1) Where in any suit, application or proceeding specified in column 2 of the Third Schedule, any final order or decree is passed in any first appeal filed under section 207, and any party to such appeal is aggrieved by it, such party may prefer a second appeal to the Court specified against it column 5.

(2) The Appellate Court shall not entertain a second appeal unless it is satisfied that the case involves a substantial question of law.

(3) The period of limitation for filing a second appeal under this section shall be ninety days from the date of the order or decree appealed against.

209. Bar against certain appeals.- Notwithstanding anything contained in sections 207 and 208, no appeal shall lie against any order or decree-

(a) made under Chapter XI of this Code;

(b) granting or rejecting an application for condonation of delay under section 5 of Limitation Act, 1963;

(c) rejecting an application for revision;

(d) granting or rejecting an application for stay;

(e) remanding the case to any subordinate Court;

(f) where such order or decree is of an interim nature;

(g) passed by Court or officer with the consent of parties; or

(h) where has been passed ex-parte or by default:

Provided that any party aggrieved by order passed ex-parte or by default, may move application for setting aside such order within a period of thirty days from the date of the order;

Provided further that no such order shall be reversed or altered without previously summoning the party in whose favour order has been passed to appear and be heard in support of it.

210. Power to call for the records.-(1) The Board or the Commissioner may call for the record of any suit or proceeding decided by any sub-ordinate Revenue Court in which no appeal lies, for the purpose of satisfying itself or himself as to the legality or propriety of any order passed in such suit or proceeding, and if such subordinate Court appears to have-

(a) exercised a jurisdiction not vested in it by law; or

(b) failed to exercise a jurisdiction so vested; or

(c) acted in the exercise of such jurisdiction illegally or with material irregularity;

the Board, or the Commissioner, as the case may be, may pass such order in the case as it or he thinks fit.

(2) If an application under this section has been moved by any person either to the Board or to the Commissioner, no further application by the same person shall be entertained by the other of them.

Explanation. - For the removal of doubt it is, hereby, declared that when an application under this section has been moved either to the Board or to the Commissioner, the application shall not be permitted to be withdrawn for the purpose of filing the application against the same order to the other of them.

(3) No application under this section shall be entertained after the expiry of a period of sixty days from the date of the order sought to be revised or from the date of commencement of this Code, whichever is later.

211. Board's power of review. - (1) The Board may, of its own motion or on the application of any party interested, review any order passed by itself and pass such orders in reference thereto as it thinks fit.

(2) No order shall be reviewed under sub-section (1), except on the following grounds-

(a) discovery of any new and important matter or evidence;

(b) some mistake or error apparent on the face of record;

(c) any other sufficient reason.

(3) Orders passed on review shall not be reviewed.

(4) An application under sub-section (1), for review of any order, may be moved within sixty days from the date of such order.

212. Power to transfer cases- (1) Where it appears to the Board that it will be expedient for the ends of justice to do so, it may direct that any case be transferred from one revenue officer to another revenue officer of an equal or superior rank in same district or any other district.

(2) The Commissioner, the Collector or the Sub-Divisional Officer may make over any case or class of cases arising under the provisions of this Code or any other enactment for the time being in force, for decision from his own file to any revenue officer sub-ordinate to him and competent to decide such case or class of cases, or may withdraw any case or class of cases from any such revenue officer and may deal with such case or class of cases himself or refer the same for disposal to any other revenue officer competent to decide such case or class of cases.

213. State Government to be necessary party in certain cases.-Subject to the provisions of this Code or the rules made there under, the State Government shall be made a party to any suit instituted by or against the Gram Panchayat or local authority under this Code.

214. Applicability of Code of Civil Procedure, 1908 and Limitation Act, 1963.- Unless otherwise expressly provided by or under this Code, the provisions of the Code of Civil Procedure, 1908 and the Limitation Act, 1963 shall apply to every suit, application or proceedings under this Code.

215. Orders not to be invalid on account of irregularity in procedure. -

No order passed by a revenue officer shall be reversed or altered in appeal or revision on account merely of any error, omission or irregularity in the summons, notice, proclamation, warrant or order or other proceedings before or during any inquiry or other proceedings under this Code, unless such error, omission or irregularity has in fact occasioned a failure of justice.

216. Service of notice.- Any notice or other document required or authorized to be served under this Code may be served either:-

- (a) by delivering it to the person on whom it is to be served; or
- (b) by registered post addressed to that person at his usual or last known place of abode; or
- (c) in case of an incorporated company or body, by delivering it or sending it by registered post addressed to the secretary or other principal functionary of the company or body at its principal office; or
- (d) in any other manner laid down in this Code of Civil Procedure, 1908 for service of summons.

217. Revenue Courts to have no power to adjudicate upon the validity of enactment. -

Notwithstanding anything contained in the provisions of this Code, the Board or any other Revenue Court shall have no jurisdiction in respect of a matter which involves a question as to the validity of the provisions of this Code or any other law for the time being in force or any rule or notification made or issued there under.

MISCELLANEOUS

218. Power to exempt from the provisions of the Code.-The State Government may, by notification, exempt any land owned by it or by the Central Government or by any local authority from the application of all or any of the provisions of this Code, and may likewise cancel or modify any such notification.

219. Delegation.- The State Government may, by notification, delegate to the Board or any other officer or authority subordinate to it, any of the powers conferred on it by this Code, other than the power to make rules, to be exercised subject to such restrictions and conditions as may be specified in the notification.

220. Power to enter upon land.-Subject to such conditions or restrictions that may be prescribed, any officer appointed under this Code may enter at any time upon any land with such public servants as he considers necessary, for carrying out any of his duties under this Code, or any other law for the time being in force.

221. Right to inspect and obtain copies.-All documents, statements, records and registers prepared or maintained under this Code or the rules framed there under shall be open to inspection during such hours and subject to such conditions and on payment of such fees as may be prescribed, and any person shall on payment of the prescribed fee, be entitled to obtain the certified copy of the such document or any portion of any such document, statement, record or register.

222. Computation of areas in certain districts.- For the purposes of computing the area fixed under any of the provisions of this Code, one and a half hectares of land shall count as one hectare in the following area :-

(a) Jhansi division and Chitrakoot division;

(b) trans-Jamuna portions of Allahabad, Etawah, Agra and Mathura districts;

(c) District Sonbhadra;

(d) Tappa Upraudh and Tappa Chaurasi (Balai Pahar) of tahsil Sadar in district Mirzapur; and

(e) Pargana Sakteshgarh and the villages mentioned in the Fourth Schedule in hilly pattis of parganas Ahraura and Bhagwat of tahsil Chunar and pargana Bhagwat of tahsil Madihan of Mirzapur district.

223. Mode of recovery of fines etc. - Any fee, fine, cost, expense, penalty or compensation payable to or recoverable by the State Government, a Gram Panchayat or other local authority under this Code or any other law for the time being in force may, without prejudice to any other mode of recovery, be realised as if it were an arrear of land revenue.

224. Power to call for statement.-(1) Where any revenue officer considers it necessary for the enforcement of the provisions of this Code, it may call upon any tenure holder or any person in possession of any land to furnish within such time as may be specified, a statement containing the nature and extent of his interest in the land held or possessed by him as well as by members of his family.

(2) The tenure holder or other person referred to in sub-section (1) may also be called upon to disclose the name and address of any other person possessing any interest in such land including the nature and extent of such interest.

225. Protection of action taken in good faith. - (1) No officer or servant of the State Government shall be liable in any civil or criminal proceeding in respect of any act done or purporting to be done under this Code or any rules made there under, if the act was done in good faith and in the course of execution of the duties or the discharge of functions imposed by or under this Code.

(2) No suit or other proceeding shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions of this Code or by anything done or intended to be done in good faith in pursuance of the provisions of this Code or any rules made there under.

225-A Determination of questions in summary proceeding.-Notwithstanding anything contained in other provisions of this Code, all the questions arising for determination in any summary proceeding under this Code shall be decided upon affidavits, in the manner prescribed:

Provided that if Revenue Court or Revenue Officer is satisfied that the cross examination of any witness, who has filed affidavit, is necessary, it or he may direct to produce the witness for such cross examination.

225-B Lodging of Caveat.-(1) Where an application is expected to be made in any suit, appeal, revision or other proceeding under this Code, any person claiming the right to oppose the application, may, either personally or through his counsel, after serving a copy of caveat through registered post on the person by whom the application is expected to be made, lodge a caveat in the court in respect thereof.

(2) Where a caveat has been lodged and notice thereof has been served, the applicant shall, when presenting the application in court, furnish proof of having given prior notice in writing to the caveator or his counsel of the date on which the application is proposed to be presented.

(3) If any caveat is filed under this section, the entry of the same shall be made in the register of caveat in the manner prescribed.

225-C Constitution of Committee. - (1) Notwithstanding anything to the contrary contained in any other provisions of this Code or the Rules made thereunder, the Collector shall constitute, such

Committee at Gram Panchayat level, as may be notified by the State Government from time to time to assist in the disposal of cases and redressal of grievances in the manner prescribed.

(2) Every committee constituted under sub-section (1) shall consist of a Chairman and four other members, who shall be nominated or designated in the manner prescribed:

Provided that in each such committee, there shall be at least one Woman member, one member belonging to the Scheduled Castes or the Scheduled Tribes and one member belonging to the Other Backward Class.

225-D Power of an Assistant Collector of First Class not in charge of a subdivision.-

An Assistant Collector of the first class not in charge of a subdivision of a District shall exercise all or any of the powers conferred on an Assistant Collector of the first class in charge of a subdivision in such cases or classes of cases as the Collector may, from time to time, refer to him for disposal.

225-E Powers of Assistant Collector of second class.- Assistant Collectors of the second class shall have power to investigate and report on such cases as the Collector or Assistant Collector in charge of a sub-division of a district may, from time to time, commit to them for investigation and report.

225-F Consolidation of cases.- (1) Where more cases than one involving substantially the same question for determination and based on the same cause of action are pending in different courts, they shall, on application being made by any party to the court to which all the courts concerned are subordinate, be transferred and consolidated in one court and decided by a single judgment.

(2) When two or more suits or proceedings are pending in the same court, and the court is of opinion that it is expedient in the interest of justice, it may by order direct their joint trial, whereupon all such suits and proceedings may be decided upon the evidence in all or any of such suits or proceedings.

CHAPTER XV

PENALTIES

226. Penalty for encroachment etc.- (1) Any person who,-

(a) encroaches upon or causes any obstruction to the use of any public road (including chak road), path or common land of a village; or

(b) fails to comply with any order or direction made by the Sub-Divisional Officer under sub-section (1) of section 23; or

(c) fails to comply with any order or direction made by the Tahsildar under section 25 or section 26; or

(d) fails to comply with any order made under section 42 or section 48; shall be liable to a fine which in a case referred to in clause (a) shall not be less than one thousand rupees and not exceed

ten thousand rupees and in any other case shall not be less than five hundred rupees and not exceed five thousand rupees.

(2) Every person referred to in sub-section (1) may be required by the Sub-Divisional Officer or the Tahsildar, as the case may be, to execute a personal bond for such sum not exceeding fifteen thousand rupees as the officer concerned may deem fit for abstaining from the repetition of such act or failure.

227. Damages for destruction etc. of boundary marks.- (1) if any person wilfully destroys or injures or without lawful authority removes any boundary marks lawfully erected under Chapter IV or under any other law for the time being in force, he may be ordered by the Tahsildar to pay such amount not exceeding one thousand rupees for each mark so destroyed, injured or removed, as may in the opinion of the Tahsildar be necessary to defray the expense of restoring the same and of rewarding the informant, if any.

(2) The recovery of damages under sub-section (1) shall not debar prosecution for any offence under the Indian Penal Code in respect of such destruction, injury or removal.

228. Penalty for cutting or removing trees illegally.- (1) Every person who cuts, removes or otherwise appropriates any tree or any portion thereof which is the property of the State Government or any local authority or a Gram Panchayat, without any authority therefor shall be liable to pay the value thereof, which shall be recoverable from him in addition to any penalty to which he may be liable under the provisions of this Code for the occupation of the land or otherwise, and notwithstanding any criminal proceedings which may be instituted against him in respect of such cutting, removal or appropriation.

(2) The Collector may, at any time, direct the confiscation of any tree or portion thereof referred to in sub-section (1).

229. Penalty for not furnishing required statement or information etc.- Every person who:-

(a) fails to furnish any statement or information lawfully required under the provisions of this Code; or

(b) furnishes any statement or information which is false and which he has reasons to believe to be false; or

(c) obstructs the Collector or any other revenue officer or Gram Panchayat in taking possession of any land in accordance with the provisions of this Code; or

(d) obstructs any officer or public servant in doing any of the acts specified in section 220;

shall, on conviction, be liable to imprisonment which may extend to two years or with fine or with both.

REPEAL AND SAVINGS

230. Repeal. - (1) The enactments specified in the First Schedule are hereby repealed.

(2) Notwithstanding anything contained in sub-section (1), the repeal of such enactments shall not affect-

(a) the continuance in force of any such enactment in the State of Uttarakhand;

(b) the previous operation of any such enactment or anything duly done or suffered there under; or

(c) any other enactment in which such enactment has been applied, incorporated or referred to; or

(d) the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title or obligation or liability already acquired, accrued or incurred (including, in particular, the vesting in the State of all estates and the cessation of all rights, title and interest of all the intermediaries therein), or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted or the proof of any past act or thing; or (e) any principle or rule of law or established jurisdiction, form or course of pleading, practice or procedure or existing usage, custom, privilege, restriction, exemption, office or appointment:

Provided that anything done or any action taken (including any rules, manuals, assessments, appointments and transfers made, notifications, summonses, notices, warrants, proclamation issued, powers conferred, leases granted, boundary marks fixed, records of rights and other records prepared or maintained, rights acquired or liabilities incurred) under any such enactment shall, insofar as they are not inconsistent with the provisions of this Code, be deemed to have been done or taken under the corresponding provisions of this Code, and shall continue to be in force accordingly, unless and until they are superseded by anything done or action taken under this Code.

231 Applicability of the Code to pending proceedings. - (1) Save as otherwise expressly provided in this Code, all cases pending before the State Government or any Revenue Court immediately before the commencement of this Code, whether in appeal, revision, review or otherwise, shall be decided in accordance with the provisions of the appropriate law, which would have been applicable to them had this Code not been passed.

(2) All cases pending in any civil court immediately before the commencement of this Code which would under this Code be exclusively triable by a revenue court, shall be disposed of by such civil court according to the law in force prior to the date of such commencement.

232. Power to remove difficulties.- (1) The State Government may, for the purposes of removing any difficulty, particularly in relation to the transition from the provisions of the enactments repealed by this Code to the provisions of this Code, by a notified order, direct that the provisions of this Code shall, during such period as may be specified in the order, have effect subject to such

adaptations, whether by way of modification, addition or omission as it may deem necessary or expedient;

Provided that no such order shall be made after two years from the date of commencement of this Code.

(2) Every order made under sub-section (1) shall be laid before both the Houses of the State Legislature, as soon as may be after it is made.

(3) No order made under sub-section (1) shall be called in question in any Court on the ground that no difficulty as is referred to in that sub-section existed or was required to be removed.

233. Rules. - (1) The State Government may, by notification, make rules for carrying out the purposes of this Code.

(2) Without prejudice to the generality of the foregoing power, such rules may also provide for-

(i) The terms and conditions of service of the Chairman and other members of the Board;

(ii) Regulating the distribution of business of the Board and making territorial division of its jurisdiction;

(iii) Guidelines for alteration, abolition or creation of revenue areas;

(iv) The procedure for demarcation of boundaries, the specification, construction and maintenance of boundary marks, levy and recovery of cost thereof;

(iv-A) The procedure for survey operation and record operation including demarcation of abadi by the use of available modern technology and digitalization process;

(v) The procedure of preparation and maintenance of maps, documents, statements, records and registers under this Code, procedure for their inspection and supply of certified copies or extracts thereof;

(vi) The procedure for submission of reports about succession and transfer, by the registering authority to the Tahsildar and for revision of village records, including proceedings for mutation and correction of village records;

(vii) The procedure for preparation, supply and maintenance of Kisan Bahi and matters connected therewith, including fees to be charged therefor;

(viii) The procedure regarding plantation of trees on the sides of public roads, paths or canals and determination of disputes regarding trees in abadi and unoccupied land;

(ix) The protection, preservation and disposal of properties belonging to or vested in the State Government, Gram Panchayat or other local authority, including determination of compensation for damages misappropriation or wrongful occupation thereof;

(x) The principles for assessment of land revenue, including its variation, remission, suspension and apportionment;

(xi) The procedure for collection of land revenue and other public moneys, and the matters connected with the execution of various processes therefor, including the fixation of costs and collection charges;

(xii) The procedure regarding fixation and commutation of rent, including circumstances in which the arrears of rent could be written off;

(xiii) The procedure for appointment of legal practitioners in litigation relating to a Gram Panchayat or a Bhumi Prabandhak Samiti, and the terms and conditions of such appointment;

(xiv) The procedure relating to conduct and prosecution of suits, appeals and other proceedings, including the procedure of conducting various inquiries under the provisions of this Code;

(xv) The procedure for granting lease by the Collector, cancellation of such lease and eviction of unauthorized occupants from the land belonging to the State Government, Gram Panchayat and local authority;

(xvi) The procedure regarding allotment of land entrusted to the Gram Panchayat, restoration of possession to the allottee and cancellation of such allotment;

(xvii) The duties of any officer or authority having jurisdiction under this Code and the procedure to be followed by him;

(xviii) Imposition of limits of time within which any act specified under this Code has to be performed;

(xix) The fees to be paid in respect of suits, appeals, applications and other proceedings under this Code;

(xx) The regulation of fishing in rivers, lakes, ponds and tanks entrusted to a Gram Panchayat or other local authority;

(xxi) The regulation of pasture lands, cremation or burial grounds, and catching, hunting and shooting of animals and birds in villages;

(xxii) Any other matter for which rules are required to be or may be made under this Code.

(3) The rules and orders made by the State Government or the Board before the commencement of this Code, under any of the enactments repealed and in force on the date of such commencement, shall, except to the extent of inconsistency with the provisions thereof, continue to be in force, until they are rescinded, altered or substituted in accordance with the provisions of this Code.

(4) It shall be lawful for the State Government, in making rules under this section, to prescribe that any person committing a breach of the same shall in addition to any other consequences that would ensue from such breach, be punishable with such fine not exceeding twenty five thousand rupees as the officer or authority specified for the purpose may deem fit to impose.

234 Regulations.- (1) Subject to the provisions of this Code and the rules made there under, the Board may, with the previous approval of the State Government, make regulations-

(a) governing the procedure of the Revenue Courts and the revenue officers in respect of suits, applications and proceedings under this Code; and (b) containing directions for the preparation, maintenance and supervision of land records and matters connected therewith;

(c) prescribing the duties of Tahsildars and Naib-Tahsildars, and regulating their postings, transfers and their appointment in temporary vacancies;

(d) procedure for issuing licences to the petition writers;

(e) such other matters as may be prescribed by rules.

(2) All regulations made in accordance with sub-section (1) shall have the force of law.

(3) The Revenue Court Manual, the Land Records Manual, Collection Manual and Land Revenue (Survey and Record Operation) Rules, 1978, in force on the date of commencement of this Code, shall continue to remain in force, to the extent they are not inconsistent with the provisions of this Code, until amended, rescinded or repealed by any regulations made under this section.

(See Sections 2 and 230)

LIST-A

Enactments of general applications

Serial No.	Name of enactments repealed
1.	The United Provinces Revenue Officers Regulations, 1803
2.	The Bengal Indigo Contracts Regulation, 1823 (Bengal Regulation No.6 of 1823)
3.	The Bengal Indigo Contracts Regulation Act, 1830 (Bengal Regulation No.5 of 1830)
4.	The Bengal Land Revenue (Settlement and Deputy Collectors) Regulation, 1833 (Bengal Regulation No.9 of 1833)
5.	The Bengal Indigo Contracts Act, 1836 (Act No.10 of 1836)
6.	The Bundelkhand Alienation of Land Act, 1903 (Act No.2 of 1903)
7.	Benaras Family Domains Act, 1904 (Act No.III of 1904)
8.	Uttar Pradesh Merged States (Application of Law) Act, 1950 (Act No.8 of 1950)
9.	Dudhi Robertsganj (District Mirzapur) Agriculturist Debts Relief Act, 1951 (U.P. Act No.32 of 1951)
10.	The United Provinces Land Revenue Act, 1901
11.	The Pargana of Kaswar Raja Act, 1911
12.	The Pargana of Kaswar Raja Act, 1915
13.	The Gorakhpur Goraits Act, 1919
14.	The United Provinces Board of Revenue Act, 1922
15.	The U.P. Abatement of Rent Suits Act, 1938
16.	The U.P. Hindu Women's Right to Property (Extention to Agricultural Lands) Act, 1947
17.	The U.P. Village Abadi Act, 1947
18.	The U.P. Agricultural Tenants (Acquisition of Privileges) Act, 1949
19.	The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950
20.	The Rampur Stay of Ejectment Suits and Proceedings Act, 1951
21.	The U.P. Commutation of Rent (Regulation of Proceedings) Act, 1952
22.	The U.P. Stay of Suits and Proceedings (Mirzapur) Act, 1952
23.	The Uttar Pradesh Land Reforms (Supplementary) Act, 1952
24.	The Rampur Thekedari and Pattedari Abolition Act, 1953
25.	The Uttar Pradesh urban Areas Zamindari Abolition and Land Reforms Act, 1956
26.	The Uttar Pradesh Land Reforms (Evacuee Land) Act, 1957
27.	The Uttar Pradesh Government Estates Thekedari Abolition Act, 1958

28. The U.P. Recovery of Government Dues (Acquired Estates and Determined Leases) Act, 1960
29. The U.P. Malguzari Tatha Lagan Par Apatik Adhibhar Adhiniyam, 1965
30. The Uttar Pradesh Board of Revenue (Regulation of Procedure) Act, 1966
31. The Uttar Pradesh Government Estates Thekedari Abolition (Re-enactment and Validation) Act, 1970
32. The Uttar Pradesh Land Tenures (Regulation of Transfer) (Re-enactment and Validation) Act, 1972

LIST-B

Enactments having special reference to territories now comprised in the State of Uttarakhand

Serial No.	Name of enactments repealed
1.	Almora Honorary Assistant Collector's Decrees and Orders Validating Act, 1938
2.	Jaunsar-Bawar Security of Tenure and Land Records Act, 1952
3.	Kumaun Agricultural Lands (Miscellaneous Provision) Act, 1854
4.	Jaunsar-Bawar Pargana (District Dehra Dun) Revenue Officials (Special Powers) Act, 1958
5.	Jaunsar-Bawar Zamindari Abolition and Land Reforms Act, 1956
6.	Kumkum and Uttarakhand Zamindari Abolition and Land Reforms Act, 1960
7.	Kumaun and Garhwal Water (Collection, Retention and Distribution) Act, 1975

(See Sections 206 (2)(a))

Matters excluded from the jurisdiction of the Civil Court

1. Any question regarding the determination of boundaries or fixing of boundary marks.
2. Any claim to question a decision determining abadi made by the Collector.
3. Any claim to have any entry made in any revenue records or to have any such entry omitted, amended or substituted.
4. Any question regarding the assessment, remission or suspension of land revenue or rent.
5. Any claim connected with or arising out of the collection by the State Government or the enforcement by such Government of any process for the recovery of land revenue or any sum recoverable as an arrear of land revenue under this Code or any other law for the time being in force.
6. Any claim against the vesting of any property in the State Government, Gram Panchayat or other local authority under this Code.
7. Any question relating to the levy or imposition of the fine, cost, expense, charge, penalty or compensation under this Code.
8. Any question regarding reinstatement of a bhumidhar or asami wrongfully ejected or dispossessed from any land.
9. Any claim to compel the performance of any duty imposed by this Code on any revenue officer appointed under this Code.
10. Any question, relating to division, creation, amalgamation, abolition or readjustment of revenue areas and Lekhpal's circles under Chapter II.
11. Any question relating to the allotment of land referred to in section 64 or section 125 or cancellation of such allotment.
12. Any claim to question a direction issued by the Collector under section 71.
13. Any claim to question the delivery of possession over any land and part thereof referred to in section 124, or the eviction of any person under section 134 or section 201.
14. Any claim to question the validity of any order made by the State Government under Chapter XI.
15. Any claim regarding possession over any land.
16. Any claim to establish the rights of a co-tenure holder in respect of any land.

(See Sections 206, 207 and 208)

Section	Description of suit, application or proceedings	Court or Officer of original jurisdiction	First Appeal	second Appeal
1	2	3	4	5
24	Boundary and boundary marks	Sub-Divisional Officer	Commissioner	---
35	Mutation case	Tahsildar	Sub-Divisional Officer	NIL
54, 56 57	Disputes relating to trees	Collector	Commissioner	---
67	Eviction of illegal occupier from Gram Panchayat land	Assistant Collector	Collector	---
82(2) (C)	Suit for ejectment by a bhumidhar against the person in possession of any land on the basis of a contract or lease	Sub-Divisional Officer	Commissioner	Board
85(1)	Suit for ejectment by Gram Panchayat against a bhumidhar with non-transferable right	Do	Do	Do
85(2)	Suit for ejectment by a land holder against an asami	Do	Do	Do
96(2)	Suit for partition by a disabled cosharer	Do	Do	Do
116	Suit for division of a holding	Do	Do	Do
131(1)	Suit for ejectment of an asami	Do	Do	Do

131(4)	Suit for recovery of arrears of rent against an asami	¹ [Sub-Divisional Officer]	Collector	Nil
133	Suit for injunction, compensation etc.	² [Sub-Divisional Officer]	Collector	Nil
134	Suit for ejection against a person occupying land without title or for damages or for both	Sub-Divisional Officer	Commissioner	Board
137(1)	Suit for possession, compensation or injunction	Do	Do	Do
139(1)	Application for fixation of rent	Tahsildar	Sub-Divisional Officer	NIL
141(1)	Application for commutation of rent	Sub-Divisional Officer	Collector	Nil
144	Suit for declaration by bhumidhar or asami	Do	Commissioner	Board
145	Suit for declaration by bhumidhar or asami	Do	Do	Do
151(1)	Suit by a Government lessee for ejection or for damages or both	Do	Do	Do

Note.- The suits appearing in the entries relating to section 82(2)(c) to section 131(1), sections 134, 137(1) and section 139(1) to section 151 (1) may be heard and decided also by any Assistant Collector, First Class (other than the Sub-Divisional Officer) to whom the case may be transferred by general or special order of the Collector.

1. Subs. by U.P. Act No. 7 of 2019, Sec 20

2. Subs. by U.P. Act No. 7 of 2019, Sec 20

(See Section 222)

LIST "A"

(List of villages of Pargana Ahraura)

- | | |
|-------------------|--------------------|
| 1. Amdih | 11. Kutlupur |
| 2. Baghor | 12. Lohra |
| 3. Baghri | 13. Maddhupur |
| 4. Bagtara | 14. Majhui |
| 5. Bat | 15. Mubarakpur |
| 6. Bhawanipur | 16. Magnar Haraiya |
| 7. Dhotwa | 17. Pavahi |
| 8. Ghurahi | 18. Sukrut |
| 9. Khamalhria | 19. Takia |
| 10. Khan Arzampur | |

LIST "B"

(List of villages of Pargana Bhagwat)

- | | |
|------------------|-------------------|
| 1. Ban Imlis, | 10. Nibia, |
| 2. Jargal Mahal, | 11. Rampur Barho, |
| 3. Semra Barho, | 12. Sonbarsa, |
| 4. Khatkharia, | 13. Bisumpura, |
| 5. Koharadih, | 14. Khamhria, |
| 6. Talar, | 15. Purainia, |
| 7. Chit Bisram, | 16. Nikerika, |
| 8. Padarwa, | 17. Dhansiria, |
| 9. Hinauta, | 18. Garhwa. |
-

प्रिंट



उ० प्र० राजस्व संहिता, 2006 (यथा संशोधित 2016) की धारा 80 के अन्तर्गत घोषणा हेतु आवेदन

[आर सी प्रपत्र 25, देखें नियम 85 (1)]



कंप्यूटरीकृत आवेदन सं० : T802024041282

समक्ष उप-जिलाधिकारी

तहसील - ऊन

जिला - शामली

आवेदन की स्थिति - निस्तारित, दिनांक 17/09/2024 आदेश देखें

भाग -1 (क)

आवेदक भूमिधर का विवरण

1.01	आवेदक भूमिधर का नाम:	MANISHKUMAR AGARWAL
1.02	पिता / पति / संरक्षक का नाम :	OM PRAKASH AGARWAL
1.03	आवेदक का पता :	सकौती तह० ऊन जिला शामली हाल नि० फरीदाबाद हरियाणा
1.04	आवेदक का मोबाइल नम्बर :	XXXXXXX2970

1.05	क्या धारा 80(1)के अन्तर्गत घोषणा हेतु प्रस्तावित भूमि का सम्मिलित खाता है ?	हाँ
1.06	यदि सम्मिलित खाता है तो क्या सभी सह-खातेदारों की सहमति के व्यक्तिगत शपथ - पत्र प्राप्त हैं ?	हाँ
1.07	क्या सभी सह-खातेदारों द्वारा हस्ताक्षरित नज़री नक्शा प्राप्त हैं ?	हाँ
1.08	आवेदक द्वारा प्रस्तावित गाटे पर किया जा रहा गैर कृषिक उपयोग ।	औद्योगिक

भाग -2 (क)

गैर - कृषिक उपयोग हेतु घोषणा के लिए प्रस्तावित गाटे / गाटों का विवरण

2.01	जिला:	शामली
2.02	तहसील:	ऊन
2.07	खाते में सम्मिलित गाटों की संख्या जिनके सम्बन्ध में घोषणा प्रस्तावित है	6

क्रम संख्या	राजस्व ग्राम	खाता संख्या	गाटा संख्या	गाटे का यूनीक कोड	गाटे का कुल क्षेत्रफल (हे०)	हिस्सा क्षेत्रफल (हे०)	क्या गाटे के सम्पूर्ण क्षेत्रफल की घोषणा	गाटे का क्षेत्रफल जिसको गैर कृषिक घोषित	वर्तमान भू-उपयोग	प्रस्तावित भूमि का कलेक्टर द्वारा निर्धारित सर्किल रेट (गैर कृषिक घोषणा हेतु शुल्क (1 प्रतिशत) जो जमा
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1	2	3	4	5	6	7	8	9	10	11	11
1	सकौती	00056	464	1105140464000012	2.8690	2.8690	सम्पूर्ण	2.8690	औद्योगिक	7700000.00	220913.00
2	सकौती	00056	459	1105140459000012	0.9800	0.9800	सम्पूर्ण	0.9800	औद्योगिक	7700000.00	75460.00
3	सकौती	00056	454म	1105140454200112	0.5840	0.5840	सम्पूर्ण	0.5840	औद्योगिक	7700000.00	44968.00
4	सकौती	00056	454मि	1105140454200212	1.8030	1.8030	सम्पूर्ण	1.8030	औद्योगिक	7700000.00	138831.00
5	सकौती	00056	457	1105140457000012	2.0030	2.0030	सम्पूर्ण	2.0030	औद्योगिक	7700000.00	154231.00
6	सकौती	00056	455	1105140455000012	0.8200	0.8200	सम्पूर्ण	0.8200	औद्योगिक	7700000.00	63140.00
न्यायलय फीस											50
कुल फीस											697593

भाग -3 (क)**सह-खातेदारों का विवरण****भाग -4 (क)****घोषणा की जाने वाली भूमि की विधिक स्थिति**

4.01	क्या उदघोषणा जाने वाली भूमि के सम्बन्ध में उत्तर प्रदेश के किसी भी राजस्व न्यायालय में किसी धारा के अन्तर्गत कोई वाद विचाराधीन है ?	नहीं
	यदि हाँ तो वाद की कम्प्यूटरीकृत वाद संख्या	--
4.02	क्या प्रस्तावित गाटे / गाटों के उपयोग के सन्दर्भ में धारा 133 द० प्र० सं० के अन्तर्गत पूर्व में कोई वाद संस्थित हुआ था ?	नहीं
	न्यायालय का नाम :	--
	वाद संख्या :	--
	क्या सक्षम न्यायालय द्वारा पारित कोई आदेश / निषेधाज्ञा वर्तमान में प्रभावी है ?	नहीं
	आदेश का दिनांक :	--
4.03	क्या प्रस्तावित गाटे / गाटों के उपयोग के सन्दर्भ में धारा 133 द० प्र० सं० के अन्तर्गत कोई वाद वर्तमान में प्रचलित है ?	नहीं
	न्यायालय का नाम :	--
	वाद संख्या :	--
	क्या सक्षम न्यायालय द्वारा पारित कोई आदेश / निषेधाज्ञा वर्तमान में प्रभावी है ?	नहीं
	आदेश का दिनांक :	--
4.04	क्या धारा 80 (1) के अन्तर्गत घोषणा हेतु प्रस्तावित गाटे / गाटों की अवस्थिति किसी स्थानीय निकाय अथवा प्राधिकरण द्वारा घोषित किसी महायोजना/टाउनशिप/औद्योगिक प्राधिकरण के अन्तर्गत है ?	नहीं
	यदि हाँ तो घोषणा हेतु प्रस्तावित गाटे / गाटों का उस घोषित महायोजना/टाउनशिप/औद्योगिक प्राधिकरण में प्रस्तावित प्रयोजन अथवा भू-उपयोग क्या है ?	--
	क्या घोषणा किये जाने वाले गाटा / गाटों का प्रस्तावित उपयोग घोषित महायोजना महायोजना/ टाउनशिप/औद्योगिक प्राधिकरण के अनुरूप है ?	--
	वर्तमान में उपयोग क्या है ?	--

भाग -5

आवेदन पत्र के संलग्नक

1	सभी सह-खातेदारों की सहमती का व्यक्तिगत शपथ -पत्र
2	कलेक्टर द्वारा निर्धारित अद्यतन सर्किल रेट का दस्तावेज
3	अपडेटेड खतौनी की प्रमाणित प्रतिलिपि
4	अपडेटेड खसरा की प्रमाणित प्रतिलिपि
5	सभी सह-खातेदारों द्वारा हस्ताक्षरित नज़री नक्शा (चौहद्दी सहित)

शुल्क भुगतान स्थिति

भुगतान स्थिति (Paid Status):	Paid	धनराशि :	697600.00
बैंक रिफरेन्स संख्या :	240914196800739	चालान संख्या :	240914196800739
भुगतान तिथि :	2024-09-14		

घोषणा: मैं प्रमाणित करता हूँ / करती हूँ कि मेरी जानकारी के अनुसार उपरोक्त प्रविष्टियां सही हैं, एवं मेरे द्वारा कोई संगत तथ्य छिपाया नहीं गया है।

दिनांक : 23/08/2024

आवेदनकर्ता के हस्ताक्षर

नाम - MANISHKUMAR AGARWAL

मोबाइल न० - 9235632970

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Shakumbhri Temple शाकुम्भरी मंदिर



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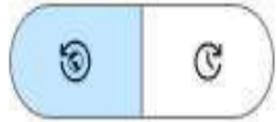




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Kumbhari Temple
कुम्भरी मंदिर





नोटिस

सेवा में,

नाम आदिदेवा कर्बत रल रल पी

पता बिड़ोली तौलता मार्ग रा. सखौली, जिला-शामली, त. ऊन, जिला-शामली

आपको बजरिए नोटिस सूचित किया जाता है कि दिनांक 28/08/2025 को स्थल.. बिड़ोली तौलता मार्ग रा. सखौली में माननीय NGT में वाद दायर OA संख्या 266/2025 के अनुसार जांच की गई थी जिस में आप के द्वारा बैनामा के कागजात प्रस्तुत किए गए थे। उक्त बैनामा के अनुसार मौके पर 06 जामुन के वृक्ष नहीं मिले थे जिसका वन अपराध संख्या RC.No. 20/2025-2025-28/08/25 इजरा किया गया है। इसलिए उक्त वन अपराध के सम्बन्ध में आप अपना पक्ष रखना चाहते हैं तो नोटिस प्राप्ति के दो दिवस के अन्दर कार्यालय क्षेत्रीय वनाधिकारी ऊन, स्थित झिंझाना में उपस्थित हो कर अपना पक्ष रखें अन्यथा आपके विरुद्ध एक अन्य मुकदमा पंजीकृत करते हुए माननीय न्यायालय में प्रति परीक्षण के लिए भेज दिया जाएगा जिसके लिए आप स्वयं जिम्मेदार होंगे।

28/08/25
Rohit Kumar
सहायक अधिकारी
शामली

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वन विभाग सहारनपुर क्षेत्र उत्तर प्रदेश

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आदिबेवा बजार रूख रूख पिप छिडाली - चौखाना मार्ग ग्राम
समीची थाना सिंधाना जिला शामली

से मुबलिया रूपये 60,000/- (साठ हजार मात्र)

बाबत रेंज ब्रेक सं० - 20/2025-26 का प्रतिष्ठा प्राप्त किये।

J. L. L.

क्षेत्रीय वन अधिकारी
वन अधिकारी

रुन.शामली

दिनांक

13/11/2025