

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

**O.A. No. 791 of 2024**

Ajit Pal Singh

**Applicant**

Versus

State of Haryana and others

**Respondents**

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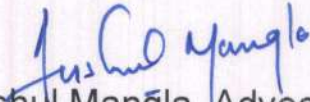
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NEW DELHI

Respondent No. 10

DATED: 25.09.2024

Through Counsel

  
Anshul Mangla, Advocate

H. No. 477, Sector-12, Panchkula

[anshul.mangla16@gmail.com](mailto:anshul.mangla16@gmail.com)

82830-97167

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**Respondents**

Reply on behalf of Respondent No. 10 i.e.  
M/s P.S. Buildtech.

**RESPECTFULLY SHOWETH:**

1. That the answering respondent is a proprietorship concern and is filing the present reply through its proprietor i.e. Sh. Kulwinder Singh S/o Sh. Tarlochan Singh R/o House No. 62, Sector 15, HUDA, Jagadhri, Distt. Yamunanagar (Haryana).

**PRELIMINARY SUBMISSIONS:**

2. That the answering respondent had participated in the e-auction dated 05.11.2015 and 06.11.2015 conducted by the Mines and Geology Department, Haryana in pursuance of auction notice dated 30.09.2015. The answering respondent had submitted bid to the tune of Rs. 9,34,00,000/- for the purpose of seeking grant of mining contract for Jathlana Mining Block (YNR B-12), District Yamunanagar.

3. That the bid submitted by the answering respondent was the highest bid and the acceptance was communicated by the Department by way of issuance of Letter of Intent dated 30.11.2015. A copy of the Letter of Intent dated 30.11.2015 is attached herewith as **Annexure R-10/1**.
4. That the bare perusal of the Letter of Intent shall reveal that the period of the contract was 10 years which was to commence either from the date of grant of Environmental Clearance or from the expiry of 12 months from the date of issuance of Letter of Intent, whichever is earlier. In this regard, **Condition No. 3(i)** is reproduced herein below for ready reference:
  - (i) *The period of contract shall be 10 years and the same shall commence with effect from the date of grant of environmental clearance by competent authority or on expiry of a period of 12 months from the date of this communication of acceptance of highest bid/issuance of "Letter of Intent", whichever is earlier;*
5. That in pursuance of issuance of the Letter of Intent, the answering respondent had executed the mining contract with the Department on 26.07.2016 and the duration of the mining contract was 10 years to be reckoned as per condition No. 3(i) of the Letter of Intent. In this regard, a copy of the Mining Contract dated 26.07.2016 is attached herewith as **Annexure R-10/2**.
6. That it shall be imperative to state that in compliance of the provisions of Haryana State Mining Rules, 2012, the

answering respondent had submitted the Mining Plan and Progressive Mine Closure Plan with the Department and the approval was granted on 10.06.2016. A copy of the approval letter dated 10.06.2016 is attached herewith as **Annexure R-10/3.**

7. That it shall be imperative to state that the answering respondent had submitted the Terms of Reference (TOR) with the Competent Authority for the purpose of seeking grant of environmental clearance. The Competent Authority had considered the TOR in its meeting dated January, 20-22.2016 and the same were approved by way of Letter dated 08.02.2016.
8. That after the approval of the TOR, the EIA study was conducted. Thereafter, the answering respondent submitted application dated 11.06.2016 with the Competent Authority for the purpose of seeking Environmental Clearance in terms of Notification dated 14.09.2006 issued by MOEF and CC, GOI. The Competent Authority, after due discussion and deliberation, granted Environmental Clearance to the answering respondent by way of Letter dated 17.03.2017. A copy of Environmental Clearance dated 17.03.2017 is **Annexure R-10/4.**
9. That the bare perusal of the Environmental Clearance shall reveal that the duration of the mine was specifically noted to be 10 years as per the Letter of Intent dated 30.11.2015. In

this regard, the relevant extract of the Environmental Clearance is reproduced herein below for ready reference:

6. *The copy of LOI is issued by Department of Mines & Geology, Govt. of Haryana vide Letter No. DMG/HY/Cont./Jathlana Block/ YNR B-12/2015/10070 dated 30.11.2015. Life of mine is 10 years. The Mine Plan was approved by Department of Mines and Geology, Haryana vide Letter No. DMG/HY/MP/Jathlana Block/YNR B-12/2015/3110 dated 10.06.2016. The proposed project is for mining of Sand by open cast semi-mechanized at Yamuna River Tehsil-Radaur and Distt. Yamuna Nagar, Haryana with proposed production capacity of 45,00,000 TPA of Sand. The total geological reserve is 60,76,200 Metric Tons and total mineable reserve is 45,40,200 Metric Tons. Mine lease area will be worked in blocks and the ultimate depth will be 3 m. The replenishment with respect to the production capacity was analysed as per the Dandy-Bolton's equation. Sand will be transported by trucks of 25 Tons capacity and 200 dumpers will be deployed for transportation of minerals. Total water requirement for the project is 70 KLD. Total man power requirement for the project is 120.*
10. That for all intents and purposes, the environmental clearance was granted to the answering respondent for a period of 10 years i.e. the period co-terminus with the duration of the mine.

**EIA notifications with regards to validity of EC:**

11. That it shall be imperative to state that as per the original EIA Notification dated 14.09.2006, the validity of the Environmental Clearance was prescribed in paragraph No. 9

of the notification. The relevant extract of the original Notification dated 14.09.2006 is as follows:

**9. Validity of Environmental Clearance (EC):**

*The “Validity of Environmental Clearance” is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operation in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant – within the validity period, together with an updated Form I, and Supplementary Form IA, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.*

Copy of the EIA Notification dated 14.09.2006 is attached herewith as **Annexure R-10/5**.

12. That as per Paragraph No. 9 of the original EIA Notification dated 14.09.2006, the validity of the EC in case of mining projects was *project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years*. Hence, as per the original Notification, the validity of the EC in case of mining projects was co-terminus with the life of the mine subject to a maximum of thirty years.
13. That as per the knowledge of the answering respondent, the paragraph No.9 of EIA Notification dated 14.09.2006 was amended by way of Notification dated 29.04.2015. As per the Notification dated 29.04.2015, the validity of EC for the projects other than river valley projects and mining projects was increased from 5 years to 7 years. In so far as the mining projects are concerned, there was no change in the validity of the EC. A copy of Notification dated 29.04.2015 is attached herewith as **Annexure R-10/6**.
14. That thereafter, paragraph No. 9 of EIA Notification dated 14.09.2006 was amended by way of Notification dated 14.09.2016. As per the Notification dated 14.09.2016, paragraph No. 9 of the notification was substituted. However, with regards to the mining projects, there was no change with regards to the validity period of the EC. A copy of Notification dated 14.09.2016 is attached herewith as **Annexure R-10/7**.

15. That a combined reading of the aforesaid notifications shall reveal that on the date of submission of the application for grant of environmental clearance as well as on the date of issuance of EC, the validity of the EC was co-terminus with the life of the mining project; and in the present case, the same was for a period of 10 years.
16. That it shall be imperative to state that on 12.04.2022, MOEF and CC, GOI issued another notification whereby the paragraph No. 9 of EIA Notification dated 14.09.2006 was further amended. As per the Notification dated 12.04.2022, the validity of the EC was to be calculated from the date of the execution of the mining lease and the validity shall be for the project life as mentioned in the approved mining plan and renewed by Competent Authority from time to time subject to a maximum of 30 years, whichever is earlier. A copy of Notification dated 12.04.2022 is **Annexure R-10/8**.
17. That on 13.12.2022, MOEF and CC issued an Office Memorandum providing clarification with regards to the Notification dated 12.04.2022. As per the Office Memorandum, the validity of the original EC in case of mining projects shall be upto a maximum of 30 years. A copy of Office Memorandum dated 13.12.2022 is **Annexure R-10/9**.
18. That as per the knowledge and belief of the answering respondent, the perusal of the aforesaid Notification and the Office Memorandum makes it apparent that the EC dated

17.03.2017 is valid till the duration of the mining project i.e. 10 years. Hence, as on date, the EC dated 17.03.2017 is valid for all means and purposes.

**EIA notifications with regards to category of mining projects:**

19. That as per the original EIA notification dated 14.09.2006, entry No. 1(a) of the Schedule appended with the notification provided for two categories of mining projects i.e. Category A (the mining lease area is greater than or equal to 50 hectares) and Category B (the mining lease area is less than 50 hectares and greater than or equal to 5 hectares).
20. That as per the knowledge of the answering respondent the Schedule appended the EIA Notification dated 14.09.2006 was amended by way of Notification dated 15.01.2016. As per the said Notification, the following categories of mining projects were prescribed:

<b>Sr. No.</b>	<b>Category of mining project</b>	<b>Area of mining lease</b>	<b>Competent Authority</b>
1.	Category A	≥ 50 hectares	EAC/MOEF and CC
2.	Category B1	≥ 25 hectares & < 50 hectares	SEAC/SEIAA
3.	Category B2	≥ 5 hectares & < 25 hectares	SEAC/SEIAA
4.	Category B2	0 - 5 hectares	DEAC/DEIAA

A copy of Notification dated 15.01.2016 is attached herewith as **Annexure R-10/10**.

21. That as per the knowledge of the answering respondent, the Schedule appended to the EIA Notification dated 14.09.2006 was further amended by way of Notification dated 14.08.2018. As per the Notification dated 14.08.2018, the area of the mining lease in case of mining projects under Category A and Category B were increased. As per the said Notification, the following categories of mining projects were prescribed:

<b>Sr. No.</b>	<b>Category of mining project</b>	<b>Area of mining lease</b>	<b>Competent Authority</b>
1.	Category A	> 100 hectares	EAC/MOEF and CC
2.	Category B1	≥ 25 hectares & ≤ 100 hectares	SEAC/SEIAA
3.	Category B2	> 5 hectares & < 25 hectares	SEAC/SEIAA
4.	Category B2	0 - 5 hectares	DEAC/DEIAA

In this regard, a copy of Notification dated 14.08.2018 is attached as **Annexure R-10/11**.

22. That a combined reading of the aforesaid Notifications make it apparent that the mining project of the answering respondent does not fall within "Category B2" which only covers those mining projects where the mining lease area is either less than 5 hectares or is between 5 to 25 hectares.

23. That it shall be pertinent to mention that the answering respondent had commenced the mining operations on the mining lease area w.e.f. 24.08.2017. The answering respondent, in compliance of the provisions of Haryana State Mining Rules, 2012, had submitted a Draft Mining Scheme (with Review) with the Mines and Geology Department, Haryana by way of Letter dated 13.01.2021 which is attached herewith as **Annexure R-10/12**.
24. That thereafter, the answering respondent had submitted a Reminder dated 25.05.2023 with the Department and the same is attached herewith as **Annexure R-10/13**.
25. That in response thereto, the Department had issued a Letter dated 21.07.2023 and had pointed out discrepancies in the Draft Mining Scheme (with Review) as submitted by the answering respondent on 13.01.2021. In response thereto, the answering respondent made the necessary compliance and submitted the Draft Mining Scheme (after rectification) by way of Letter dated 25.07.2023. A copy of the Letters dated 21.07.2023 and 25.07.2023 are attached as **Annexure R-10/14**.
26. That it shall be imperative to state that the Department had further pointed out short comings in the draft mining scheme by way of Letter dated 16.08.2023. The answering respondent, after rectification of the same, submitted the Draft

Mining Scheme alongwith Letter dated 22.08.2023. A copy of Letter dated 22.08.2023 is **Annexure R-10/15**.

27. That thereafter, the Department considered the Draft Mining Scheme (with Review) and approved the same by way of Letter dated 24.08.2023. The approval was granted for a period of 5 years. A copy of the approval Letter dated 24.08.2023 is **Annexure R-10/16**.

28. That it is submitted that the Environmental Clearance dated 17.03.2017 granted to the answering respondent was valid for a period of 10 years; and the answering respondent has been conducting mining operations on the basis of a valid Environmental Clearance. Moreover, the answering respondent has ensured complete compliance of the conditions of the EC as well as the statutory provisions for the purpose of conducting the mining operations in a fair and legal manner.

29. That it is further submitted that the applicant, in the Original Application, has not approached this Hon'ble Tribunal with clean hands and has concealed the true and material facts from this Hon'ble Tribunal. The reference to the Notification dated 15.01.2016 and SSMMG, 2016, especially page No. 99 of the paperbook, is completely misconceived on account of the fact that the ceiling of 5 years with regards to the validity of the EC is applicable only with regards to the mining projects which fall within Category B2 i.e. Mining Lease

Area less than 25 hectares. However, the present case is not covered under Category B2 since the mining lease area is more than 100 hectares and the aforesaid condition of the guidelines is squarely inapplicable.

30. That it is submitted that the EC granted to the answering respondent by MOEF and CC by way of Letter dated 17.03.2017 was valid for a period of 10 years i.e. the period co-terminus with the life of the mining project. Furthermore, the answering respondent had ensured complete compliance of the conditions of the EC as well as the statutory provisions and had conducted the mining operations in a fair and legal manner. The answering respondent has not conducted any sort of illegal mining operations and has not violated any statutory provisions or the permissions/clearances.

31. That in the light of the submissions made herein above, it is submitted that the Original Application is without any merits and the same is liable to be dismissed with exemplary costs.

**REPLY ON MERITS:**

1. That the contents of paragraph No. 1 does not require any reply being formal in nature.
2. That the contents of paragraph No. 2 does not require any reply being formal in nature.

3. That the contents of paragraph No. 3 are a matter of record in so far as the same refers to the provisions of the Act of 2010. The rest of the contents are denied being false. It is submitted that the applicant has not disclosed his antecedents and the bonafides in the original application; and there is nothing to even remotely suggest that the applicant is interested in the protection of the environment.
4. That the contents of paragraph No. 4 are denied since there is no substantial questions relating to the environment which are involved in the present case. It is submitted that the original application is not maintainable and is liable to be rejected.
5. That the contents of paragraph No. 5 are denied since there is no substantial questions relating to the environment involved in the present case. The original application is not maintainable and the case does not fall within the purview of Section 14 of the National Green Tribunal Act, 2010. Hence, this Hon'ble Tribunal does not have the requisite jurisdiction in the present case.
6. That the contents of paragraph No. 6 are denied being false and baseless. It is submitted that the answering respondent is conducting the mining operations in accordance with the statutory Rules and Regulations and there is no illegal mining or violation of any environmental law by the answering respondent. It is further submitted that the answering

respondent is conducting the mining operations in pursuance of the Order dated 25.04.2023 passed by the Ld. ACS-cum-Appellate Authority, Mines and Geology Department. It is further submitted that the answering respondent has paid all the contractual dues including the R&R fund to the Department as per the agreed terms and conditions. There is no violation of any environmental law or regulation by the answering respondent.

7. That the reply to the contents of sub-paragraphs of Paragraph No. 7 are as follows:
  - i. That the contents of sub-paragraph No. i are a matter of record in so far as the EIA Notification dated 14.09.2006 is concerned.
  - ii. That the contents of sub-paragraph No. ii refers to statutory provisions of MMDR Act, 1957. Hence, no reply is required.
  - iii. That the contents of sub-paragraph No. iii are a matter of record in so far as the judgment of the Hon'ble Supreme Court in SLP (Civil) No. 19628-19629 of 2019 titled as Deepak Kumar v/s State of Haryana and others.
  - iv. That the contents of sub-paragraph No. iv are a matter of record in so far as the notification dated 15.01.2016 vide Annexure A-1 is concerned.
  - v. That the contents of sub-paragraph No. v are a matter of record in so far as the Sustainable Sand Mining Management Guidelines, 2016 are concerned. However, it is submitted that reference to Condition No.

(iii) (d) at page No. 51 of the Sustainable Sand Mining Management Guidelines, 2016 is completely misconceived since the same is applicable only in cases where the mining lease area is between 5 hectares and 25 hectares. It is not applicable in the present case since the mining lease area is more than 100 hectares. In this regard, the preliminary submissions are reiterated.

- vi. That the contents of sub-paragraph No. vi are a matter of record in so far as the Notification dated 25.07.2018 is concerned.
- vii. That the contents of sub-paragraph No. vii are a matter of record in so far as the Enforcement and Monitoring Guidelines for Sand Mining, 2020 vide Annexure A-4 are concerned.
- viii. That the contents of sub-paragraph No. viii refers to the order of this Hon'ble Tribunal in OA No. 173 of 2018. Hence, no reply needs to be submitted.
- ix. That the contents of sub-paragraph No. iv refers to the judgment of the Hon'ble High Court. Hence, no reply needs to be submitted.
- x. That the contents of sub-paragraph No. x refers to the order of this Hon'ble Tribunal. Hence, no reply needs to be submitted.
- xi. That the contents of sub-paragraph No. xi refers to the order of this Hon'ble Tribunal. Hence, no reply needs to be submitted.

- xii. That the contents of sub-paragraph No. xii refers to the judgment of the Hon'ble Supreme Court. Hence, no reply needs to be submitted.
8. That the contents of paragraph No. 8 are a matter of record. However, it is submitted that as per point No. 6 of the environmental clearance dated 17.03.2017, the life of the mine was stated to be 10 years which was in consonance with the Letter of Intent dated 30.11.2015. In view of the notifications issued by MoEF and CC, the environmental clearance dated 17.03.2017 was valid for a period of 10 years. In this regard, the contents of preliminary submissions are reiterated.
9. That the contents of paragraph No. 9 are a matter of record in so far as sustainable sand mining management guidelines is concerned. However, it is submitted that the reference to the guidelines in the present case is completely misconceived since the clause with regards to the validity of EC for a period of 5 years is applicable only in those cases where the mining lease area is between 5 hectares and 25 hectares. In so far as the answering respondent is concerned, the environmental clearance is valid for a period of 10 years. In this regard, the contents of preliminary submissions are reiterated.
10. That the contents of paragraph No. 10 are denied being false and baseless. It is submitted that the environmental clearance granted in favour of the answering respondent is

still valid and the answering respondent is operating under a valid EC.

11. That the contents of paragraph No. 11 are a matter of record. However, it is clarified that the answering respondent is issuing the e-ravaana bills after getting itself registered on the e-ravaana portal established by the Department.
12. That the contents of paragraph No. 12 are denied being false and baseless. In this regard, the contents of preliminary submissions and preceding paragraphs are reiterated.
13. That the contents of paragraph No. 13 are denied being false and baseless.
14. That the contents of paragraph No. 14 are denied being false and baseless. It is submitted that the applicant has failed to disclose his bonafides; and the original application is without any merits.

**REPLY TO THE GROUNDS:**

- A. To G. That the contents of paragraph No. A to G, except the reference to the judgments/orders passed by this Hon'ble Tribunal and other Courts, are denied since no ground is made out in favour of the applicant to grant any relief claimed in the Original Application and the grounds set forth are liable to be rejected. The contents of the preliminary submissions and reply on merits are reiterated in this regard.

H. That the contents of paragraph No. H are denied being false.

It is submitted that the balance of convenience is not in favour of the applicant and the Original Application is liable to be rejected.

I. That the contents of paragraph No. I are denied for want of knowledge. The applicant may kindly be put to strict proof regarding the same.

**LIMITATION:**

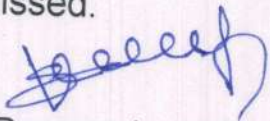
The contents of the paragraph relating to limitation are denied being false since the Original Application is barred by limitation. The Original Application is liable to be rejected on this score alone.

**PRAYER:**

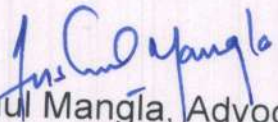
In the light of the submissions made herein above, it is most respectfully prayed that there is no merit in the Original Application and the same is liable to be dismissed.

NEW DELHI

DATED: 25.09.2024

  
Respondent No. 10

Through Counsel

  
Anshul Mangla, Advocate

H. No. 477, Sector-12, Panchkula

[anshul.mangla16@gmail.com](mailto:anshul.mangla16@gmail.com)

82830-97167

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

O.A.No. 791 of 2024

Ajit Pal Singh

**Applicant**

Versus

State of Haryana and others

**Respondents**

**AFFIDAVIT**

I, Kulwinder Singh S/o Sh. Tarlochan Singh R/o House No. 62, Sector 15, HUDA, Jagadhri, Distt. Yamunanagar (Haryana), do hereby solemnly affirm and state as under:

1. That the deponent is the proprietor of respondent No. 10 and is competent to file the accompanying reply on behalf of respondent No. 10.
2. That the contents of the accompanying reply are true and correct to the best of the knowledge of the deponent and have been drafted by the Counsel on the instructions of the deponent and nothing material has been concealed therefrom.



**DEPONENT**

**VERIFICATION**

Verified at \_\_\_\_\_ on this the \_\_\_\_ day of \_\_\_\_\_, 2024 that the contents of the above stated affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

**ATTESTED**

June 25/9/2024  
**AMIK SINGH WASU**  
B.A. (Honours) M.A. LL.B  
Advocate & Notary  
Distt. Court Jagadhri-Yamuna Nagar

**DEPONENT**



## Annexure R-10/1

Director General, Mines and Geology Department Haryana  
30-Bays Building, Sector-17, Chandigarh.

**Registered****From**

The Director General,  
Mines & Geology Department, Haryana  
30 Bays building, Sector-17,  
Chandigarh.

**To**

Sh. Kulvinder Singh S/o Sh. Trilochan Singh,  
Prop. of M/s P. S. Buildtech, 34-Vishal Nagar,  
Yamuna Nagar-135001.

Memo No. DMG/HY/Cont/Jathlana Block/YNR B 12/2015/10070  
Dated Chandigarh, the 30.11.2015

**Subject:**

Acceptance of the highest bid/ in respect of Sand minor mineral mines of "Jathlana Block/YNR B 12" having Tentative Area of 101.27 hectares in the district Yamuna Nagar, offered in e- auction held on 05- 06.11.2015 and issue of Letter of Intent (LoI) - regarding.

You participated in the in the e- auction held on 05.11.2015 and 06.11.2015 on the State Government web portal <https://haryanaeprocurement.gov.in> after accepting the terms and conditions of the auction notice DMG/HY/e Auction/YNR/2015/8241 dated 30.09.2015 in order to obtain mining contracts of minor mineral mines/block of the district Yamuna Nagar. You offered the highest bid of Rs. 09,34,50,000/- [Rs. Nine Crore thirty four lakhs fifty thousand only] per annum, against the Reserve Price of Rs. 09,34,00,000/- per annum, for obtaining the Mining Contract of Minor Mineral block namely 'Jathlana Block/YNR B 12' for extraction of Sand having tentative area of 101.27 hectares. The details of the khasra numbers of the tentative area under above said Mining Block is attached as Annexure 'A'.

2. You are hereby informed that the State Government has accepted the highest bid of Rs. 09,34,50,000/- [Rs. Nine Crore thirty four lakhs fifty thousand only] per annum offered by you in respect of the above said minor mineral block of 'Jathlana Block/YNR B 12' under the provisions of the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals & Prevention of Illegal Mining Rules-2012 (State Rules). Accordingly, you have become the successful bidder in respect of 'Jathlana Block/YNR B 12' of the district Yamuna Nagar.

3. The State Government having accepted the aforementioned highest bid offered by you, the Department is pleased to issue this Letter of Intent (LoI) in your favour in respect of the Mining Block/area namely 'Jathlana Block/YNR B 12' subject to the following terms and conditions:

**Director General, Mines and Geology Department Haryana  
30-Bays Building, Sector-17, Chandigarh.**

- (i) The period of contract shall be 10 years and the same shall commence with effect from the date of grant of environmental clearance by competent authority or on expiry of a period of 12 months from the date of this communication of acceptance of highest bid/ issuance of "Letter of Intent", whichever is earlier;
- (ii) You may note that the detail of the area of the mining blocks is tentative and was notified "on as is where is basis" (refer condition no. 4 of the notice). In case of any inadvertent mistake, if any, the same would be rectified/ corrected before execution of the agreement (refer condition no. 3 of the notice);
- (iii) No request regarding reduction in bid amount on account of reduction in land/area of the Mining block, including due to change in description of khasra numbers/location etc. at any stage will be entertained on any ground including loss/reduction of area for mining on account of compliance of applicable laws/restrictions. Needless to state that this also includes the changes, if any, as per condition no. 3 of auction notice.
- (iv) The amount of the highest successful bid i.e. Rs. 09,34,50,000/- [Rs. Nine Crore thirty four lakhs fifty thousand only] per annum shall be the "Annual Contract Money" payable by you as the contractor in the manner prescribed in the contract agreement to be executed on form MC-1 appended to State Rules;
- (v) The above said annual contract money shall be increased at the rate of 25% on completion of each block of three years. Accordingly, the year-wise amount of the annual contract money shall be as per details given below:

Sr. No.	Year of the Contract Period	Annual contract Money
1	First Year	Rs. 09,34,50,000/-
2	Second Year	Rs. 09,34,50,000/-
3	Third Year	Rs. 09,34,50,000/-
4	Fourth Year	Rs. 11,68,12,500/-
5	Fifth Year	Rs. 11,68,12,500/-
6	Sixth Year	Rs. 11,68,12,500/-
7	Seventh Year	Rs. 14,60,15,625/-
8	Eighth Year	Rs. 14,60,15,625/-
9	Ninth Year	Rs. 14,60,15,625/-
10	Tenth Year	Rs. 18,25,19,535/-

- (vi) As per the terms and conditions of the grant, you are liable to deposit Rs. 02,33,62,500/- i.e. equal to 25% of the annual bid amount as "security deposit" out of which you have already deposited an amount of Rs. 93,45,000/- (Rs. Ninty three lakh forty five thousand only) i.e. equal to 10% of the annual bid

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amount as 'initial bid security' after the conclusion of e-auction. The balance amount of Rs. 01,40,17,500/- of the bid security i.e. 15% of the annual bid amount alongwith one month's advance contract money shall be deposited before commencement of the mining operations or before expiry of the period of 12 months, whichever is earlier;

- (vii) You shall execute an Agreement Deed in Form MC-I appended to the Haryana Minor Mineral Concession, Stocking, Transportation of Mineral & Prevention of Illegal Mining Rules-2012 (the State Rules 2012) within a period of 90 days from the date of issuance of this communication/ grant of Lol;
- (viii) It may be pointed out that as per existing applicable rates the contract agreement had to be executed on **Non Judicial Stamp papers worth Rs.37,54,100/- (Rs. Thirty Seven lakh fifty four thousand one hundred only)**. However, you are aware that M/s Om Minerals, one of the Lol holders (who participated in the auctions held in December 2013) has filed a CWP No.7991 of 2014, before the Hon'ble Punjab & Haryana High Court. Further a few other similarly situated Lol holders have also filed separate CWP's before the Hon'ble Punjab and Haryana High Court challenging demand/ levy of Stamp Duty on execution of 'Contract Agreement'. The said matter is still pending for adjudication. Accordingly, the present auction was conducted subject to outcome of said cases. **Therefore, the charging of stamp duty for the execution of contract agreement shall be as per final outcome of the said CWP's.**
- (ix) The Contract Agreement would also be required to be got Registered on payment of the applicable Registration fee;
- (x) In case you fail to execute the Agreement Deed within the prescribed period of 90 days, this Lol shall be deemed to have been revoked and the amount of initial bid security deposited at the time of auction shall be forfeited. Further, the balance amount of 15% towards the bid security, amounting to Rs. 01,40,17,500/- being the 15% of the annual bid amount, shall be recovered as arrears of land revenue and, you, as the Lol holder/ defaulter, shall be debarred from participation in any future auctions for a period of 5 years;
- (xi) You shall also furnish a solvent surety for a sum equal to the amount of the annual bid for execution of the Agreement. In case the surety offered by the contractor(s) during the subsistence of the contract is not found solvent, the

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contractor(s) shall offer another solvent surety and a supplementary deed shall be executed to this effect;

- (xii) After execution of Agreement, either before commencement of the mining operation or before expiry of the period of 12 months from the date of issuance of this Lol, whichever is earlier, in case of failure to deposit the balance 15% amount towards security [as required under clause (v) above] the acceptance of bid/issuance of Lol/execution of agreement shall be deemed to have been revoked and 10% amount deposited towards as initial bid security at the time of auction shall stand forfeited. Further, un-paid 15% amount towards security shall be recovered as arrears of land revenue and you shall be debarred from participation in any subsequent bids for a period of 5 years;
- (xiii) You shall be liable to deposit the contract money in advance at monthly intervals as per provisions of Contract Agreement i.e. from the date of commencement of the contract Agreement;
- (xiv) You shall also deposit/ pay an additional amount equal to 10% of the due contract money along with the monthly installments towards the 'Mines and Minerals Development, Restoration and Rehabilitation Fund'.
- (xv) You shall also be liable to pay advance income tax as per provisions of Section 206(c) of income tax act in addition to contract money, payable as per terms and conditions of contract agreement.
- (xvi) On enhancement of the contract money with the expiry of every three years period, you shall deposit the balance amount of security so as to upscale the security amount equal to 25% of the revised annual contract money as applicable for one year with respect to the next block of three years. No interest, whatsoever, shall be payable on the security amount deposited under the prescribed security head of the government;
- (xvii) You shall prepare a Mining Plan along with the Mine Closure Plan (Progressive & Final) as per chapter 10 of the State Rules for the "Mining Block" and shall not commence mining operations in any area except in accordance with such Mining Plan duly approved by an officer authorised by the Director, mines & Geology, in this behalf.
- (xviii) Further, the actual mining will be allowed to be commenced only after prior Environmental Clearance is obtained by you as the Lol holder/mining contractor

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for the Mining Block from the Competent Authority as permitted by the competent Authority required under EIA notification dated 14/9/2006, as amended from time to time by the MoE&F, GoI and guidelines/ circulars issued in this behalf;

- (xix) The Mining contractor to whom mining rights have been granted through this contract would also be liable to pay the following to the landowners to undertake mining operations:
- (a) Annual rent in respect of the land area blocked under the concession but not being operated, and
  - (b) Rent plus compensation in respect of the area used for actual mining operations.
- (xx) The amount of annual rent and the compensation shall be settled mutually between the landowner and the mining contractor. In case of non-settlement of the rent and compensation, the same shall be decided by the District Collector concerned in accordance with the provisions contained in Chapter 9 of the "Haryana Minor Mineral Concession, Stocking, and Transportation of Minerals and Prevention of Illegal Mining Rules, 2012";
- (xxi) The total mineral excavated and stacked by the concession holder within the area granted on mining contract shall not exceed two times of the average monthly production as per approved Mining Plan at any point of time;
- (xxii) The Mining Contractor shall not stock any mineral outside the concession area granted on mining contract, without obtaining a valid license as per provisions contained in Chapter 14 of the State Rules;
- (xxiii) The contractor shall not carry out any mining operations in any reserved/ protected forest or any area prohibited by any law in force in India, or prohibited by any authority without obtaining prior permission in writing from such authority or officer authorized in this behalf. In case of refusal of permission by such authority or officer authorized in this behalf, contractor(s) shall not be entitled to claim any relief in payment of contract money on this account;
- (xxiv) Following are the general/ special conditions applicable for excavation of minor mineral(s) from river beds in order to ensure safety of river-beds, structures and the adjoining areas:

Director General, Mines and Geology Department Haryana  
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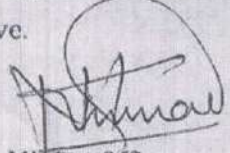
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- (a) No mining would be permissible in a river-bed up to a distance of five times of the span of a bridge structure on up-stream side and ten times the span of such bridge structure on down-stream side, subject to a minimum of 250 meters on the up-stream side and 500 meters on the down-stream side;
  - (b) There shall be maintained an un-mined block of 50 meters width after every block of 1000 meters over which mining is undertaken or at such distance as may be directed by the Director or any officer authorised by him;
  - (c) The maximum depth of mining in the river-bed shall not exceed three meters from the un-mined bed level at any point in time with proper bench formation;
  - (d) Mining shall be restricted within the central 3/4th width of the river/ rivulet;
  - (e) No mining shall be permissible in an area up to a width of 500 meters from the active edges of embankments in case of river Yamuna, 250 meters in case of Tangri, Markanda and Ghaggar and 100 meters on either side of all other rivers/ rivulets. (This clause is applicable for mining outside river bed area);
  - (f) Any other condition(s), as may be required by the Irrigation Department of the state from time to time for river-bed mining in consultation with the Mines & Geology Department, may be made applicable to the mining operations in river-beds.
- (xxv) A safety margin of two meters (2m) shall be maintained above the ground water table while undertaking mining and no mining operations shall be permissible below this level unless a specific permission is obtained from the competent authority in this behalf. Further, the depth of excavation of mineral shall not exceed nine meters (9m) at any point of time. (This clause is applicable for mining outside river bed area);
- (xxvi) The contractor shall not undertake any mining operations in the area granted on mining contract without obtaining requisite permission from the competent authority as required for undertaking mining operations under relevant laws;

**Director General, Mines and Geology Department Haryana  
30-Bays Building, Sector-17, Chandigarh.**

(xxvii) The contractor shall be under obligation to carry out mining in accordance with all other provisions as applicable under the Mines Act, 1952, Mines and Minerals (Development and Regulation) Act, 1957, Indian Explosives Act, 1884, Forest (Conservation) Act, 1980 and Environment (Protection) Act, 1986 and the rules made thereunder, Wild Life (Protection) Act, 1972, Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981;

4. Accordingly, for the time being you are advised to submit the Draft Contract Agreement on Form MC-I (in Five copies) appended to the State Rules-2012, on plain papers along with other requisite documents including a solvent surety(s) for a sum equal to the amount of the annual bid for execution of the agreement, within a period of 90 days from the date of issue of this bid acceptance letter and the LoI. You should also furnish an affidavit to the effect that you will immediately deposit the requisite stamp duty as per out of the related Court cases as stated under para 3(viii) above.

  
Mining Officer,  
for Director General Mines & Geology,  
Haryana.

Endst.No. DMG/HY/Cont/Jathlana Block/YNR B 12/2015/

Dated:

A copy is forwarded to the following for information and necessary action please:-

1. The Chairman, Haryana State Pollution Control Board, Panchkula.
2. The Deputy Commissioner, Yamuna Nagar.
3. The Mining Officer, Mines & Geology Department, Yamuna Nagar.

- 5/ -  
Mining Officer,  
for Director General Mines & Geology,  
Haryana.

## Annexure R-10/2

## FORM MC-1

{See rule 22 (3) and 26(1)}

## (Model Form for execution of mining contract)

This indenture made on this 26<sup>th</sup> day of July.....2016 between the Governor of Haryana acting through **Sh. Arun Kumar Gupta, IAS, Director General, Mines and Geology, Haryana** (hereinafter referred to as the "State Government" which expression shall where the context so admits, include the successors and assigns) of the one part;

And

**Sh. Kulvinder Singh S/o Sh. Trilochan Singh (Proprietor of the firm)** carrying on business under the firm name and style of **M/s P. S. Buildtech**, registered under Indian Partnership Act 1932, and having its registered office at '**34-Vishal Nagar, Yamuna Nagar**' (New Correspondence Address **Sh. Kulvinder Singh S/o Sh. Trilochan Singh, Proprietor of P. S. Buildtech, H. No. 18, Tyagi Garden, District Yamuna Nagar**) (hereinafter referred to as the "Contractor" which expression shall where the context so admits include all partner of the said firm, their representatives, heirs, executors/ Administrators and permitted assigns) of the other part.

Whereas the "Contractor" has offered the highest bid of **Rs. 09,34,50,000/-** [Rs. Nine crore thirty four lacs fifty thousand only] in the e-auction held on dated 05/06.11.2015 for obtaining a mining contract for "**Jathlana Block/YNR B-12**" in respect of the lands hereinafter described in clause 2 and such bid had been accepted by the State Government or any officer authorized by it in this behalf and the contractor has deposited with the Government, a sum of **Rs. 93,45,000/-** (Rs. Ninety three lacs forty five thousand only) as initial bid security (**10% of the annual bid amount**) and **Smt. Seema Rani W/o Sh. Nand Lal, R/o 764, Basant Nagar, Jagadhari, Yamuna Nagar** and **Sh. Chander Pal S/o Sh. Rirwa Ram, VPO Dadupur Head, Tehsil Jagadhari, district Yamuna Nagar** (referred to as the 'surety' which expression shall where the context so admits, include his heirs, executors, administrators, representatives) has been offered as solvent surety for the aforesaid amount, and whereas the contractor is in possession of a Income Tax Clearance Certificate.

P.S. BUILDTECH

*[Signature]*  
Prop.

(As Surety)

*[Signature]*

(As Surety)  
Seema Rani

*[Signature]*  
Director General,  
Mines and Geology Haryana

Now, therefore, this deed witnesses and the parties hereby agree as follows: —

**Liberties and privileges to be exercised and enjoyed by the Contractor.**

The following liberties, powers and privileges may be exercised and enjoyed by the contractor subject to the other provisions of contract:—

(1) In consideration of the contract money, covenants and agreements hereinafter contained and on the part of the Contractor to be paid, observed and performed the Government hereby grants and demises unto the contractor all those mines/beds/veins/seams of 'Sand' (hereinafter referred to as the said minor minerals,) situated, lying and being in or under the lands which are referred to in clause (b) together with the liberties, powers and privileges to be executed or enjoyed in connection herewith which are hereinafter mentioned in Part-I subject to the restrictions and conditions as to exercise and enjoyment of such liberties, and privileges which are hereinafter mentioned in Part- II and subject to other provisions of this contract.

(2) All the tract of land situated at villages 'Jathlana' in District Yamuna Nagar bearing Khasra Nos. 103//11, 19, 20, 21, 22, 104//7min, 8min, 9min, 10min, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21/1, 21/2, 22, 23. 105//6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25/1, 25/2. 106//13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 11, 12, 123//1 to 15, 16, 17, 18, 19, 20, 21, 22, 23. 124//1, 2, 3, 4/1, 4/2, 4/3, 5/1, 5/2, 5/3, 6/1, 6/2, 7, 8, 9/1/1, 9/1/2, 9/2, 9/3, 10, 11, 12/1, 12/2, 12/3, 13, 14, 15, 19, 20, 21. 125//1, 2, 3, 9/1, 9/2, 10, 11, 20. 107//14min, 15min, 16, 17, 18, 19min, 20min, 21, 22, 23, 24, 25. 108//25min. 121//5min, 6, 7min, 14min, 13min, 15, 16, 17, 18min, 23min, 24, 25. 122//1 to 23, 24, 25. 126//1, 2, 3, 4, 8, 9, 10, 11, 12, 21, 20. 127//3 to 8, 2min, 9min, 12min, 19min, 13, 14, 15, 16, 17, 18, 19, 25. 137//16, 17, 18, 23, 24, 25. 138//2, 3 to 8, 9, 12, 13, 14, 15, 16. 139//1, 2min, 8min, 9, 10, 11, 12, 20. 136//21min and in village Dhakwala in district Yamuna Nagar bearing Khasra Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19/1, 19/2, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 min, 44, 45, 46, 47, 48 min, 49 min, 50, 51, 52, 53, 54 min, 55 min, 56 min, 221, 222 min, 223 min, 224 min, 225 min, 226, 227, 228, 229, 230, 231, 232, 233/1, 233/2, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244,

P.S. BUILDTECH

*[Signature]*  
Prop.

(As Surety)

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(As Surety)  
Seema Rani

*[Signature]*  
Director General,  
Mines and Geology Haryana

245, 246, 247, 249 min, 251 min, 252, 253 min, 254 min, 340 min, 341, 342min, 343 min, 344, 345, 346, 347, 348, 349, 350, 351 min, 352 min containing total an area **101.27 hectares** or thereabouts delineated on the plan hereto annexed as annexed and bounded as follows:

On the North by - **Marupur**  
 On the South by - **Bagwat**  
 On the East by - **Ramgarh**  
 On the West by - **Kartarpur.**

and (hereinafter referred to as the 'said lands' or the 'Contracted area')

(3) The period of contractor shall be **10 (Ten)** years which shall be reckoned from the date of grant of environmental clearance by the Competent Authority as required under EIA notification dated 14.09.2006 as amended time to time by the MoEF, Gol or on expiry of a period of 12 month from the date of acceptance of highest bid/issuance of Letter of Intent (LoI) issued vide memo No. DMG/HY/Cont/Jathlana Block/YNR B-12/2015/10070 dated 30.11.2015 whichever is earlier."

#### Part-I

#### Liberties and privileges to be exercised and enjoyed by the Contractor

The following liberties and privileges may be exercised and enjoyed by the contractor subject to the other provision of contract:-

#### 1. To enter upon land and search for win, work :

Liberty at all times during the term hereby demised to enter upon the said lands and to search for mineral, bore, dig, drill for win, work, dress, process, convert, carry away and dispose of the said minor mineral(s).

#### 2. To sink, drive and make pit, shafts and inclines :

Liberty to sink, drive, make, maintain and use in the said land and pits, shafts, inclines, drifts, levels, waterways, airways and other

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Seema Rani

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Director General,  
Mines and Geology Haryana  
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works and to use, maintain, deepen or extend any existing works of the like nature in the said lands.

**3. To bring and use machinery, equipment:**

Liberty to erect, construct, maintain and use on or under the said lands any engine, machinery, plan, dressing floors, furnaces, coke ovens, brick kilns, workshop, store houses, bungalows, godowns, shed and other buildings and other works and conveniences of the like nature on or under the said lands.

**4. To use water from streams :**

Liberty but subject to the rights of any existing or future contractor and with the written permission of the Collector concerned to appropriate and use water from any streams, water course, springs or other source in or upon the said lands and to divert, step up or dam any such stream or water-course and collect or impound any such water and to make, construct and maintain any watercourse, cultivated land, village buildings or watering places for livestock of a reasonable supply of water as before accustomed nor in any way to foul or pollute any streams or springs : provided that the contractor/contractors shall not interfere with navigation in any navigable stream nor shall divert such stream without the previous written permission of the Government.

**5. To fell undergrowth and utilize timber and trees :**

Liberty to clear undergrowth and brush wood. Contractor shall not fell any trees or timber standing or found on the said lands without obtaining prior permission in writing from the collector of the District or the Chief Conservator of Forests in case of Forest areas as the case may be. In case such permission is granted, he shall pay in advance, the price of the trees/timber to be felled to the said Officer at the rates, fixed by him.

**6. To get building and roads material :**

Liberty to quarry and get stones, gravel and other building and road materials and ordinary clay and to use and employ the same and to manufacture such clay into bricks or tiles and to use such bricks, tiles but not to sell any such material, bricks, tiles.

P.S. BUILDTECH

*Seema Rami*  
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(As Surety)  
*Chandani*

(As Surety)  
*Seema Rami*

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Director General,  
Mines and Geology Haryana  
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**7. To use land for stacking purpose :**

Liberty to use a sufficient part of the surface of the said lands for the purpose of stocking, storing or depositing therein any produce of the mines including over burden/waste material and works carried on and tools, equipment and other materials needed for mining operations.

**8. To install fuel pumps or stations for Diesel or Petrol for self use:**

Liberty to use a sufficient part of the land for installing fuel pumps or stations for diesel or petrol for self use /consumption required for mining operations in the contract area, subject to permission of the competent authority.

**9. To construct magazine for explosive and storage sheds:**

Liberty to construct magazine for storage of explosive and storage sheds for explosive related substances with permission from licensing authority.

**10. Liberty to seek permission for diversion of public roads, overhead electric lines:**

Liberty to request to the competent authority for diversion of public road over head electric lines passing through the concession area at the expenses of lessee to ensure scientific and systematic mining.

**Part-II**

**Restrictions as to the Exercise of the Liberties by the contractor**

The liberties and privileges granted under Part- I are subject to the following restrictions and subject to other provisions of this contract :-

**1. No mining operations within the limit of public works:**

**P.S. BUILDTECH**

*[Signature]* The contractor shall not carry on, or allow to be carried on any mining operations:-

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(As Surety)

*[Signature]*

(As Surety)  
*Seema Rani*

*[Signature]*  
Director General,  
Mines and Geology Haryana  
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- (i) within a distance of 50 metres from the outer periphery of the defined limits of any village *abadi*, National Highway, State Highway, major District Roads (MDR) and Other District Roads (ODRs) where such excavation does not require use of explosives, unless specifically relaxed and permitted by the competent authority; or
- (iii) within a distance of 250 metres from the outer periphery of the defined limits of any village *abadi*, National Highway, State Highway, major District Roads (MDR) and Other District Roads (ODRs) where use of explosives is required, unless specifically relaxed and permitted by the competent authority or any specific dispensation is obtained from the Director, Mines Safety; or
- (vi) within a distance of at least 10 metres from any other public roads; or
- (v) within a distance of 75 metres from any railway line or bridge except under and in accordance with the written permission of the railway administration concerned. The Railway Administration or the Government may in granting such permission, impose such conditions as it may deem fit.

**Explanation :** - For the purpose of this clause the expression Railway Administration shall have the same meanings as it is defined by sub section (4) of section 3 of the Indian Railway Act, 1890:

Provided that where the continuance of any mining operations in any area, in the opinion of the Government is likely to endanger the safety of any National or State Highway, road, bridge, drainage, reservoir, tank, canal or other public works, or public or private buildings or in the public interest or in the interest of environment/ecology of the area, the Government may determine the contract after giving 60 days notice to the contractor in this behalf and the contract shall stand terminated on the date mentioned in the notice.

P.S. BUILDTECH

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(As Surety)  
Seema Rani

*[Signature]*  
Director General,  
Mines and Geology Haryana

## 2. Working in Sand Zones:

That the contractor in respect of sand zones, shall restrict the quarrying operations to maximum four villages of the zone at any point of time during the subsistence of the contract. The contractor shall have a right to change the site at any time during the subsistence of the contract on settlement of compensation with the land owners of new site of the zone from where he intend to extract sand but ceiling of maximum four villages shall be adhered to strictly and such change of site shall be intimated to the Director or any officer authorised by him in this behalf.

## 3. Special conditions for river bed mining:

In case of river bed mining /excavation of minor mineral(s), in order to ensure safety of riverbeds, structures and the adjoining areas, the following special conditions shall be abide by the contractor:-

- (a) no mining would be permissible in a river-bed up to a distance of five times of the span of a bridge on up-stream side and ten times the span of such bridge on down-stream side, subject to a minimum of 250 metres on the up-stream side and 500 metres on the downstream side;
- (b) there shall be maintained an un-mined block of 50 metres width after every block of 1000 metres over which mining is undertaken or at such distance as may be directed by the Director or any officer authorised by him;
- (c) the maximum depth of mining in the river-bed shall not exceed three metres measured from the un-mined bed level at any point in time with proper bench formation;
- (d) mining shall be restricted within the central 3/4th width of the river/rivulet.
- (e) no mining shall be permissible in an area up to a width of 500 metres from the active edges of embankments in case of rivers Yamuna, 250 metres in case of Tangri, Markanda and Ghaggar and 100 metres on either side of all other rivers/ rivulets;
- (f) any other condition(s), as may be required by the Irrigation Department of the State from time to time for river-bed mining in consultation with the Mines & Geology Department, may be made applicable to the mining operations in river-

P.S. BUILDINGS

*[Signature]*  
Prop.

(As Surety)  
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(As Surety)  
Seema Kani

*[Signature]*  
Director General,  
Mines and Geology Haryana  
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**4. Notice for surface operation in land not already in use :**

Before using for surface operations any land which has not already been used for such operation, the contractor shall give notice in advance to the Collector of the district, the Director and the Officer-in-Charge District Yamuna Nagar in writing along with copy of permission to undertake mining specifying the situation and the extend of the land proposed to be so used and the purpose for which the same is required and the said land shall not be so used, if objection is issued by the Collector.

**5. Not to use the land for other purposes:**

The contractor shall not cultivate or use the land for any other purpose other than those specified in the contract-deed.

**6. Disposal of mineral(s) only on issuance of Mineral Transit Pass to the vehicles having Mineral Transit Permit:**

The holder of mining contract shall not sell/diposed off any mineral or mineral products from the concession area without a Mineral Transit Pass and shall sell/diposed of the mineral to such vehicle which holds Mineral Transit Permit issued under the provision of the Rules.

**7. Stacking of mineral(s) inside contract hold area:**

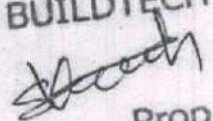
The contractor shall not stock the mineral(s) excavated inside the contract hold area at the designated site more than twice the quantity of the average monthly production as per approved mining plan/ scheme.

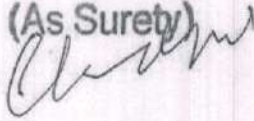
**8. Stacking of mineral(s) outside contract hold area:**

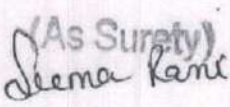
The contractor shall not stock any minor mineral(s) granted under the contract, outside the contract hold area without obtaining Mineral Dealer licence as per provisions of the Rules.

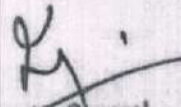
**9. Stacking and storage of incidentally extracted major minerals:**

In case contractor, while extracting minor mineral given on contract, incidentally extracts any major mineral not given on

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contract, the same shall be the property of the Government and contractor shall be under an obligation to stack and store it and maintain its proper record in accordance with the direction of the Director or any officer authorised by him who shall also be competent to prescribe the procedure for its disposal.

**10. Penalties in case of non-compliance of clause (9) :**

In case it is detected that contractor has disposed off incidentally extracted major mineral referred to in clause 9 above or in sub rule (20) of rule 56, in whole or part there of or failed to maintain the record of stored mineral, he shall be liable to penalties under the Act and also premature determination of mining contract in terms of sub rule (1) of Rule 59 of the said rules.

**11. Restrictions of mining operations above Ground Water Table:**

A safety margin of two meters shall be maintained above the ground water table while undertaking mining and no mining operations shall be permissible below this level unless a specific permission is obtained from the competent authority in this behalf.

**12. Restrictions of surface operations:**

No mining operations shall be undertaken in any area prohibited by any authority or by the orders of any Court.

**13. No mining operations without requisite clearance:**

The contractor shall not undertake any mining operations in the area granted on mining contract without obtaining requisite clearance from the competent authority as required for undertaking mining operations.

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## Part - III

## Covenants of the contract

The contractor hereby covenant with the Government as follows:-

## 1. Surface rent:

The contractor shall pay for the surface area occupied by him, surface rent at the rate as per the provisions contains in Chapter 9 of The Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012.

## 2. Security deposit :

(a) In case of mining contract granted through competitive bid/ auction under rule 22 :—

25% of the annual bid amount/rate of contract money. The security amount to be deposited as per following :—

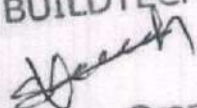
(i) 10% as initial bid security at the time of auction; and

(ii) 15% of the annual bid amount before commencement of mining operations or before the expiry of period allowed, which shall not be more than 12 months, whichever is earlier :

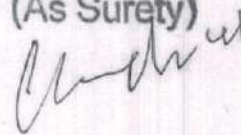
Provided on enhancement of the contract money after expiry of every three year period of contract the contractor shall deposit the balance amount of security so as to up-scale the security amount equal to 25% of the revised annual contract money as applicable for one year with respect to next block of three years.

## 3. Mode of payment of contract money and surface rent:

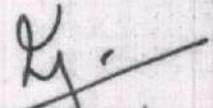
(a) The contractor shall deposit one advance installment of contract money before commencement of mining operations or before the expiry of period allowed, which shall not be more than 12 months, whichever is earlier along with 15% of the balance-security amount as per clause 2 above.

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- (b) The contractor, during the subsistence of the contract, shall pay in advance to the Government the installments of the contract money in respect of the said land given to him on mining contract as per following schedule:-

Serial number	Value of Annual contract money	Periodicity of payment
1	2	3
(i)	Up to Rs. 10.00 lakhs.	Lump-sum in advance after adjustment of the amount Deposited along with the security amount.
(ii)	Above Rs.10.00 lakhs and upto Rs. 50.00 lakhs.	In four quarterly installments in advance on the 1st of April, 1st of June, 1st of September and 1st of December of the year.
(iii)	Above Rs. 50.00 lakhs.	In monthly installments in advance.

**Note:** The amount of one advance installment deposited at the time of commencement of the mining operations or within time allowed for the same shall be adjusted in a manner that the subsequent installments are payable for a full calendar month/quarter/year, as the case may be.

#### 4. Amount to be deposited on account of Fund

Where the contractor is operating the area, he shall also pay an additional amount, equal to 10% of the due contract money, whichever is more along with amount of installments on account of dead rent or royalty, towards the Fund.

#### 5. Interest on delayed payments.

In case of any default in payment of the installments of contract money/ contribution to the Fund on the due date(s), the amount would be payable along with interest at the following rates:

Serial Number	Period of delay	Rate of Interest applicable
(i)	If paid within a period of 7 days from the due	A grace period of up to 7 days is allowed without any interest

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Serial Number	Period of delay	Rate of Interest applicable
	date	
(ii)	If paid after 7 days but up to 30 days of the due date	15% on the amount of default for the period of default including the grace period;
(iii)	If paid after 30 days but within 60 days of the due date	18% on the amount of default for the period of default including the grace period;
(iv)	Delay beyond 60 days of the due date	It would amount to a 'breach', invite action for termination of the contract and the entire outstanding amount would be recoverable along with interest calculated @ 21% for the entire period of default.

#### 6. Working of newly discovered minerals :

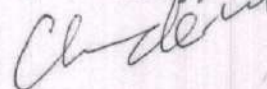
If any minor mineral, not specified in the contract, is discovered in the contracted area, the contractor shall report the discovery without delay to the Government and shall not win or dispose of such minor mineral without obtaining a separate mineral concession therefore. If he fails to apply for such a mineral concession within 6 months from the discovery of the minor mineral, the Government or the authorised officer may give the mineral concession in respect of such mineral, to any other person:

Provided that the Director or an officer authorized in this behalf, on being satisfied that the availability of such minor mineral(s) is not of sufficient quantity and quality and no separate long term mineral concession is required for the newly discovered minor minerals(s), may allow the contractor by issuing separate permit in Form 'PIM2' for the disposal of specific quantity of such newly discovered minor mineral(s) on payment of advance royalty at the rates prescribed in the First Schedule and other amounts as specified under sub rule (2) of Rule 35 of the said rules, for the period not exceeding thirty days at one time. The royalty payable on the newly discovered minor mineral(s) shall be in addition to the contract money for the mineral already granted on contract :

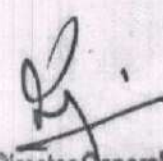
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Provided further that in case contractor further apply for disposal of such mineral(s), and the Director or any other officer authorized by him is satisfied that such minor mineral(s) is still available in the area, he may further grant subsequent permission(s):

Provided further that the grant of such permit may be refused for reasons to be recorded in writing.

**7. To commence mining operations within 180 days and carry them on properly:**

Unless the Government for sufficient cause allows otherwise, the contractor shall commence mining operations 180 days from the date of execution of the contract and shall thereafter conduct such operations in a proper, skilful and workman like manner.

**Explanation:-** For the purpose of this clause, mining operations shall include the erection of machinery laying of a tramway or construction of a road in connection with the working of the mine.

**8. To erect and maintain boundary pillars :**

The contractor shall at his own expenses, erect and at all times maintain and keep in good repairs boundary marks and pillars according to the plan annexed to the contract. Each of the pillars should be numbered and every pillar shall have GPS reading.

**9. Accounts:**

The contractor shall keep correct accounts showing the quantity and other particulars of all minerals obtained from the mines and the number of persons employed therein and a complete plan of the mine and shall allow any officer authorised by the Government or the Central Government in that behalf to examine at any time any accounts and records maintained by him, and shall furnish to the Government or the Central Government with such information and returns as it may require.

**10. To allow facilities to other lessees etc. :**

The lessee shall allow existing and future contractor of any land which is comprised in or adjoins or is reached by the land, held by the lessee, reasonable facilities for access thereto.

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**11. To allow entry to officers :**

The contractor shall allow any officer authorised by the Government and the Central Government to enter upon any building, excavation or land comprised in the contract for the purpose of inspecting the mines.

**12. Returns : -The contractor shall :—**

(a) submit a return in form 'MMP1' by the 7th of every month to the Director and also to other officer (s) specified in that form giving the total quantity of minor mineral(s) raised and dispatched from the contracted area in the preceding calendar month and its value ;

(b) also furnish a statement giving information in Form 'MMP2' by the 15th April every year to the Director and to other Officer(s), specified in that form regarding quantity and value of minor mineral obtained during last financial year, average number of regular labourers employed (men and women separately) number of accidents, compensation paid and number of days worked separately.

**13. To strengthen and support the mines:**

The contractor shall strengthen and support to the satisfaction of the Railway Administration or the State Government, as the case may be any part of the mine which in its opinion requires such, strengthening or support for the safety of any railway, bridge, national highway, reservoirs, canal, road or any other public work or building.

**14. Notice for use of explosives, etc :**

The contractor shall immediately give notice in writing in Form 'IMSE1' to the following:

1. The Controller General, Indian Bureau of Mines, Government of India, Nagpur;
2. The Chief Inspector to Mines, Govt. of India, Dhanbad;
3. The Director, Mines Safety, Govt. of India, Gaziabad;
4. The Regional Controller of Mines, Indian Bureau of Mines, Dehradun;
5. The Director; Mines and Geology, Haryana
6. The District Magistrate of the District concerned; and

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7. The Assistant Mining Engineer/Mining Officer of the District concerned as soon as:

- (a) The working in the mines extends below superjacent ground; or
- (b) The depth of any open cast excavation measured from its highest to the lowest point reaches six metres; or
- (c) The number of persons employed on any day is more than 50; or
- (d) Any explosives are used.

**15. Maintenance of Sanitary conditions:**

The Contractor shall maintain sanitary conditions in the area held by him under the contract.

**16. To pay compensation for damage and indemnify the Government:**

The contractor shall make and pay such reasonable satisfaction and compensation for all damage, injury or disturbance which may be done by him in exercise of the powers granted by the contract and shall indemnify the Government against all claims which may be made by third parties in respect of such damage, injury or disturbance.

**17. Application of all Acts, Rules and Regulations to this contract :**

The contractor shall abide by the provisions of Mines Act, 1952, Inter-state Migrant Workmen (Regulation and Employment and conditions of service) Act, 1979 and the rules and regulations framed there under and also the provisions of other labour laws both Central and State as are applicable to the workmen engaged in the mines and quarries relating to the provisions of drinking water, rest shelters, dwelling houses, latrines and first-aid and medical facilities in particular and other safety and welfare provisions in general, to the satisfaction of the competent authorities under the aforesaid Acts, Rules and Regulations and also to the satisfaction of the District Magistrate concerned. In case of non compliance of any of the provisions of the enactments as aforesaid, the Director may terminate the mining contract by giving one month's notice with forfeiture of security deposited or :

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Provided that the contractor shall carry out mining operations in accordance with all other provisions as applicable for undertaking mining including the provisions of Forest (Conservation) Act, 1980 and Environment (Protection) Act, 1986 and the rules made there under.

**18. To report accident :**

The contractor shall without delay report to the Deputy Commissioner of the district concerned and the Director or any other officer authorised by him, any accident which may occur at or in the contract area.

**19. Delivery of possession of land and mines on the surrender or sooner determination of the contract :**

At the end or sooner determination or surrender of the contract, the contractor shall deliver up the said lands and all mines (if any dug there) in a proper and workable State, save in respect of any working as to which the Government might have sanctioned abandonment.

**20. To provide electronic weighing machine:**

The contractor shall provide and at all times keep at or near the pit-head at which the said mineral shall be brought to bank a properly constructed and efficient weighing machine and shall weigh or caused to be weighed thereon all the said minor minerals from time to time brought to bank, sold, exported and converted products, and shall at the close of each day cause the total weights, ascertained by such means of the said minor minerals, ores, products, raised, sold, exported and converted during the previous twenty four hours to be entered in the aforesaid books of accounts. The contractor shall permit the Government at all times during the said term to employ any persons to be present at the weighing of the said minor minerals, as aforesaid and to keep accounts thereof and to check the accounts kept by him. The contractor shall give 15 days previous notice in writing to the Officer-in-Charge **District Yamuna Nagar** of every such measuring or weighing in order that he or some officer on his behalf may be present thereat.

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**21. To secure pits shafts not fill them up :**

The contractor shall well and properly secure pits and shafts and will not without permission in writing, will fully close, fill up or close any mine or shaft.

**22. Not to enter upon or to commence operations in the reserved or protected Forest:**

The contractor shall not enter upon or commence any mining operations in any reserved or protected forest comprised in the contracted area except after previously obtaining permission in writing of the Chief Conservator of Forests, Haryana.

**23. To respect water rights and not injure adjoining property:**

The contractor shall not injure or cause to deteriorate any source of water, power or water supply and shall not in any other way render any spring or stream or water unfit to be used or to do anything to injure adjoining land, villages or houses.

**24. Stocks lying at the end of the contract: -**

(a) The contractor on expiry of the contract period (successful completion of the contract) shall remove already extracted all of the mineral from the premises of the quarry within a period of seven days. In case any quantity of the already extracted mineral, in the said land is left undisposed off and is not removed within seven days from the date of expiry of the period of contract the same shall be deemed to be the property of the Government who may dispose it off in any manner it may like without pay anything thereof to the contractor.

(b) The contractor on the termination or sooner determination of the contract shall not remove extracted mineral from the premises of the contracted areas. All extracted minerals in the said lands left over un-disposed after the termination or determination of contract shall be deemed to be property of the Government who may dispose it off in any manner it may like without pay anything thereof to the contractor.

**25. Payment of taxes:**

The contractor shall duly and regularly pay to the appropriate authority all taxes, cesses and local dues in respect of the contracted area, said minor minerals or the working of the mines.

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**26. Payment of additional amount for reclamation/ restoration:**

wherever mineral concession are granted for any newly discovered mineral, the contractor shall also deposit/pay additional amount equal to 10% of the amount of royalty/contract money/permit money as the case may be, along with the payment of royalty or permit fee for such mineral, whichever is more, by the 7th of every month, in a joint account to be operated with the officer incharge concerned to ensure the compliance of the Reclamation & Restoration works. This additional amount shall be refunded after satisfactory Reclamation/ Restoration of the area after mining in accordance with the Mine Closure Plan :

Provided that in case the contractor fails to reclaim/ restore the area as per mining plan to the satisfactions of the Government, the amount deposited in the joint account shall be forfeited and used for the restoration of the area by the department :

Provided further that in case no rehabilitation position of the mine comes during the tenure of the mining contract, the amount so deposited shall be kept by the Government in the mining area development fund for future use as and when the mine reaches to a stage requiring restoration and rehabilitation.

**27. Assign sublet or transfers of the contract:**

The contractor shall not assign, sublet or transfer the contract to any person without obtaining prior permission in writing from the Government.

**28. Fencing of working place:**

If a working place is found to be unsafe all persons shall be withdrawn by the contractor immediately from the dangerous area and all access to such working place except for the purpose of removing the danger or saving life shall be prevented by securely fencing the full width of all entrances to the place, at his own cost.

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**29. Fencing of excavation after termination or sooner determination of the contract:**

The contractor on termination or sooner determination of the contract shall at his own cost, suitably fence the excavations for safety as instructed by the Director or the Assistant Mining Engineer/ Assistant Geologist/ Mining Office concerned.

**30. Felling of trees:**

The contractor shall not fell or cut any tree, standing on the land wherein the quarry is located without obtaining prior permission in writing from the Collector of the District concerned or Chief Conservator of Forests, Haryana, in respect of Forest areas, as the case may be and paying its price fixed by him.

**31. Security deposit shall carry no interest:**

The security deposited by the contractor shall not carry any interest.

**32. Government not responsible for loss to contractor:**

The Government shall not be responsible for any kind of loss to the contractor.

**Part-IV**

**Rights of the State Government**

**1. The Government may Suspend/terminate/Cancel the contract:**

The Government shall have the right to prematurely terminate the contract

- (a) If the contract money or royalty or surface rent or any other amount due to the Government are not paid;
- (b) if any of the terms and conditions of the contract agreement or conditions of grant or permission to undertake mining by any other statutory authority/Competent authority is violated;

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- (c) if any of the provisions of these rules and other laws both Central and State as are applicable to mines and minerals, are not complied with:

Provided that no orders of suspension/termination of the contract shall be passed by the Director or an officer authorised by him without giving reasonable opportunity to show cause and following the procedure prescribed in the Rules :

Provided that in case of default in payment of Government dues such as contract money/royalty, dead rent or any other dues payable under these presents, the contract may be terminated by the Director or any officer authorised by him without affording hearing to the contractor after serving upon a notice to make good the payment within thirty days :

Provided further that the authorised officer may also at any time after issuance of the notice for default on account of nonpayment of dues, enter upon the said premises and detain all or any of the mineral or movable property therein and may carry away, detain or order the sale of the property so detained, or so much of it as will suffice for the satisfaction of the contract money or rent or royalty or both dues and all costs and expenses occasioned by the non-payment thereof.

## 2. Determination of contract in public interest:

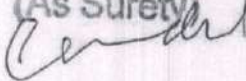
The Government may by giving six months prior notice in writing determine the contract if the Government consider that the minor mineral under the contract is required for establishing an Industry beneficial to the public:

Provided that in the State of National Emergency or war, the contract may be determined without giving such notice.

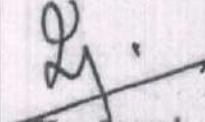
## 3. Right of pre-emption :

The Government shall from time to time and at all times during the terms of contract have the right (to be exercised by notice in writing to the contractor) of pre-emption of the said mineral(s) and all products thereof lying in or upon the said lands hereby demised or elsewhere under the control of the contractor and the contractor shall deliver all minerals or products thereof to the

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Government at current market rates in such quantities and in the manner at the place specified in the notice exercising the said right.

**4. Penalty for not allowing entry to officers:**

If the contractor or his transferee or assignee does not allow any entry or inspection under clause 9 of part-III, the Government may cancel the contract and forfeit in whole or in part the security deposit paid by the contractor under sub rule (2) of Rule 22, as the case may be of the Rules.

**5. Compensation and acquisition of land of third parties thereof:**

In case the occupier(s) or owner(s) of the said land refuses his/ their consent to the exercise of the rights and powers reserved to the Government and demised to the contractor under these presents, the contractor shall report the matter to the Assistant Mining Engineer/ Assistant Geologist/ Mining Officer who shall request the Collector of the district concerned to direct the occupier(s) or owner(s) to allow the contractor to enter the said lands and to carry out such operations as may be necessary for working the mine, on payment in advance of such compensation to the occupier or owner by the contractor, as may be fixed by the Collector under the Land Acquisition Act, 1894.

**6. Suspension of mining operations:**

The Director may order to suspend the mining operations after serving a notice to the contractor, in case, the following violations are noticed:-

- (a) unsafe and unscientific mining;
- (b) non operations of weighbridge;
- (c) non providing of safety appliances to the workers;
- (d) non payment of compensation to the surface owners;
- (e) non submissions of monthly returns;

In case of violations of the aforesaid conditions and also any other terms and conditions of the agreement deed and the provisions of the rules, the Director may give a notice to the contractor to remedy the violations within a period of 15 days from the date of issue of the notice. In case, the violations pointed out through notice, are not remedied within the stipulated period of 15 days, the Director

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may after affording an opportunity of being heard to the contractor, order the suspension of the mining operations till such time, the defaults/ defected are removed by the lessee within the time frame (within a maximum period of six months) granted by the Director. During the period of suspension of mining operations, the contractor will be allowed only to undertake rectification work for removal of the defects and shall not dispose off the mineral. During the suspension period, the contractor shall be under the obligation to deposit the amount of the dead rent on the due dates.

On satisfactory removal of the defects, the Director may revoke the suspension orders with or without any modification. Non removal of the defects/ defaults during the suspension period and within the time allowed by the Director, shall lead to premature termination of contractor.

**Part-V  
General**

**1. Cancellation:**

The contract shall be liable to be cancelled by the Director if the contractor cease to work the mine for a continued period of 180 days without obtaining written sanction of the Government.

**2. Notices:**

Every notice by these presents required to be given to the contractor shall be given in writing to such person resident on the said lands as the contractor may appoint for the purpose of receiving such notices and if there shall have been no such appointment then every such notice shall be sent to the contractor by registered post addressed to the contractor at the address recorded in this contract or at such other address in India as the contractor may from time to time in writing to the Government designate for the receipt of notices and every such service shall be deemed to be proper and valid service upon the contractor and shall not be questioned or challenged by him.

**3. Recovery of Government dues as arrears of land revenue:**

Without prejudice to any other mode of recovery authorised by any provision of this contract or by any law, all amounts, falling due hereunder against the contractor may be recovered as arrears of land revenue under the law in force for such recovery.

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4. Forfeiture of property left more than three months after expiry or determination of contract:

The contractor should remove his property lying on the said lands within three months after the expiry or sooner determination of the contract or after the date from which any surrender by the contractor of the said lands under rule 25 of the rules becomes effective, as the case may be, the property left after the aforesaid period of three months shall become the property of the Government and may be sold or disposed of in such manner as the Government shall deem fit without liability to pay any compensation therefore, to the contractor.

5. Security and forfeiture thereof:

(a) the Director may forfeit the whole or any part of the amount deposited as security under this contract, in case the contractor commits a breach of any covenants to be performed by the contractor under the contract.

(b) Whenever the said security deposit or any part thereof or any further sum hereafter deposited with the Government in replenishment thereof is forfeited under sub clause (a) or applied by the Government under the contract (which the Government is hereby authorised to do) the contractor shall immediately deposit the deficient amount thereof to bring the amount in deposit with the Government up to the requisite amount of security at that point of time of contract.

(c) The rights conferred to the Director by clause (a) shall be without prejudice to the rights conferred on the Government by any other provision of this contract or by any law.

(d) On such date as the Director may decide within twelve calendar months after the determination of this contract or refusal of any renewal thereof, the amount of security deposit paid in respect of this contract in case is the same is otherwise not forfeited or is not required to be detained for any other purposes mentioned in this contract shall be refunded to the contractor. No interest shall run on the security deposit.

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**6. Survey and demarcation of the area :**

When a mining contract is granted by the Government arrangement shall be made, if necessary, at the expense of the contractor, for the survey and demarcation of the area granted under the contract. The contractor shall have to bear actual expenses of the staff deputed for the work. Actual expenses will include travelling allowances, daily allowances and salary of staff plus 10 percent as instrument charges.

**7. Surrender of a mining contract by the contractor :**

The Government may accept the request of the contractor for surrender of a contract or part thereof in cases where it is established that it has not been found feasible to operate the contract grant for whatsoever reasons subject to the condition that the contractor :

- (i) has been regular in furnishing the production returns as required in terms of the contract agreement;
- (ii) has been taking the requisite steps for the progressive mine closure plan as per the conditions of the contract grant;
- (iii) is not in default of payment of any dues of the Government as on the date of making such application and undertakes to pay all such dues till the date of expiry of the notice period either in cash in advance or by way of adjustment of the security or both :

Provided that in case the contractor makes an application for surrender of part area of the contract, it shall not result in any prorated reduction of the contract money and the rate of contract money payable and applicable for the entire area at the time of such application shall remain intact.

**8. Penalty for repeated breaches:**

In case of repeated breaches of covenants and agreements by the contractor for which notice has been given by the Director or officer authorised in this behalf in accordance with sub-rule (1) of rule 73 and /or sub rule(1) of rule 74 on earlier occasions, the Government without giving any further notice, may impose such penalty not exceeding twice the amount of security deposited.

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9. Obtaining Sale Tax number:

The contractor shall get himself registered with the commercial Taxes Department of Haryana State and shall obtain the Sales Tax number.

10. Overriding effect:

Unless otherwise specifically provided, it is agreed that this deed shall be governed by the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and the rules made thereunder. The provisions of the Act and the rules shall prevail over the terms and conditions of the agreement.

**P.S. BUILDTECH**

*[Handwritten Signature]*

Prop.

Signature of the Contractor:-

(M/s P. S. Buildtech)  
(Auth Signatory)

Witness :-

1. Nand Lal  
(NAND LAL)  
# 764, Basant Nagar  
Jagadhri YNR

2. Subhaga Dubey  
(SOBHAGA DUBEY) P.O. VIKL BHARALI  
P.O. Raj Sultanpur Distt Ambedkar  
Signature of surety: Noida UP.  
Witness:-

(As Surety)  
1. Seema Rani  
(SEEMA RANI)  
764, Basant Nagar  
Jagadhri (Yamunanagar).

*[Handwritten Signature]*

Director General,  
Mines and Geology Haryana

For and on behalf of the Governor  
of Haryana.

Witness :-

*[Handwritten Signature]*  
1. (MUKESH CHAND, Asmtl.)  
DGM & G Hry.

*[Handwritten Signature]*  
2. (RANI PARKASH, Clerk)  
to DGM Hry.

(As Surety)

2. Chander Pal  
(CHANDER PAL)  
P.O. VIKL Daduwa Head  
Teh. Jagadhri YNR

## Annexure R-10/3

## Annexure 4

Registered Post.

From

The Director General,  
Mines and Geology, Haryana,  
30 Bays Building, Sector-17, Chandigarh.

✓  
To

Sh. Kulvinder Singh S/o Trilochan Singh  
(Prop of M/s P.S.Buildtech)  
34-Vishal Nagar, Yamunanagar-135001.

Memo No. DMG/HY/MP/Jathlana Block/YNR B-12/2015/ 3110  
Dated Chandigarh, the 10-6-2016

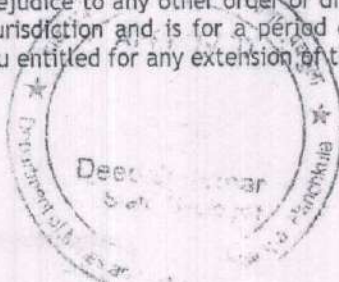
**Subject:** Submission of Mining Plan including Progressive Mine Closure Plan for Boulder, Gravel and Sand Mine for Jathlana Block/YNR B-12, District Yamunanagar, comprising an area of 101.27 hectares - M/s P.S.Buildtech, Yamunanagar.

-----  
Reference your letter dated 06.06.2016 on the above noted subject.

2. Vide letter under reference, the Mining Plan along with Progressive Mine Closure Plan in respect of an area of 101.27 hectares of land in village Jathlana Block /YNR B-12, district Yamunanagar was submitted for approval.

3. In exercise of the powers conferred by Sub Rule 4A of Rule 22 of the Mineral Concession Rules 1960 read with the State Government order No. 1/7/103-21BII-96 dated 25.2.2003, I hereby approve the above said Mining Plan along with Progressive Mine Closure Plan in respect of Boulder, Gravel and Sand Minor Minerals over an area of 101.27 hectares of land situated in village Jathlana of district Yamunanagar. This approval is subject to the following conditions:-

- (i) That this Mining Plan and Progressive Mine Closure Plan is approved without prejudice to any other laws applicable to the mine/area from time to time whether made by the Central Government or State Government or any other authority;
- (ii) That this approval of the "Mining Plan alongwith Progressive Mine Closure Plan" of Mining does not in any way imply the approval of the State Government in terms of any other provisions of the Mines and Minerals (Development & Regulation) Act, 1957 or Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 or any other law including Forest (Conservation) Act, 1980 and Environment Protection Act, 1986 and rules framed there under;
- (iii) That this "Mining Plan along with Progressive Mine Closure Plan" is being approved on the basis of data provided by you. In case, at any point of time any ambiguity in the same is found, the approval will be revoked with suspension of the mining operations and will be allowed to resume operation only after modification/rectification of the same, if so required.
- (iv) That this "Mining Plan along with Progressive Mine Closure Plan" is approved without prejudice to any other order or direction from any court of any competent jurisdiction and is for a period of five years only and shall not be make you entitled for any extension of the lease period;



- (V) That all the norms and provisions as envisaged in the Mining Plan would be adhered to during the working of mine; and
- (VI) That the Financial Assurance of Rs. 11,35,050/- (Rs. Eleven lac thirty five thousand fifty only) as required under the provisions of Rule 71(6) of "Haryana Minor Mineral Concession, Stocking, Transportation of Minerals & Prevention of Illegal Mining Rules, 2012, shall be furnished within a period of 60 days or before start of mining operations, whichever is earlier.

3. Further, as per condition no. (xviii) of the Lol dated 30.11.2015, the actual mining will be allowed to be commenced only after Prior Environmental Clearance from the Competent Authority as required under EIA notification dated 14/09/2006, as amended from time to time by the MoE&F, Gol and guidelines/ circulars issued in this behalf.

Encl: Mining Plan & Progressive  
Mine Closure Plan (2 copies)

*Pw*  
State Mining Engineer,  
for Director General, Mines and Geology,  
Haryana.

Registered Post  
Endst. No. DMG/HY/MP/Jathlana Block/YNR B-12/2015/

Dated:

A copy along with a copy of the duly approved Mining Plan and Progressive Mine Closure Plan is forwarded to the Director Mines Safety, Room No. 201-203, 2<sup>nd</sup> Floor, B-Block, CGO Complex-II, Hapur Road, Ghaziabad for information and necessary action.

Encl: Mining Plan & Progressive  
Mine Closure Plan

*Sd*  
State Mining Engineer,  
for Director General, Mines and Geology,  
Haryana.

Registered Post  
Endst. No. DMG/HY/MP/Jathlana Block/YNR B-12/2015/

Dated:

A copy along with a copy of the duly approved Mining Plan and Progressive Mine Closure Plan is forwarded to the Mining Officer, Mines and Geology Department, Yamunanagar for information and necessary action.

Encl: Mining Plan & Progressive  
Mine Closure Plan

*Sd*  
State Mining Engineer,  
for Director General, Mines and Geology,  
Haryana.

Endst. No. DMG/HY/MP/Jathlana Block/YNR B-12/2015/

Dated:

A copy is forwarded to Shri S.N. Sharma, House No. 282, Sector 11-D, Faridabad - 121 001 (Haryana) w.r.t. his letter dated 06.06.2016 for information and necessary action.



*Sd*  
State Mining Engineer,  
for Director General, Mines and Geology,  
Haryana.

## Annexure R-10/4

By Speed Post/Online

No. J-11015/05/2016-IA.II (M)  
 Government of India  
 Ministry of Environment, Forest and Climate Change  
 Impact Assessment Division

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Indira Paryavaran Bhavan,  
 Vayu Wing, 3<sup>rd</sup> Floor,  
 Aliganj, Jorbagh Road,  
 New Delhi-110 003

Dated: 17<sup>th</sup> March, 2017

To,

**M/s P.S. Buildtech**  
 34-Vishal Nagar,  
 Yamuna Nagar-135001,  
 Haryana.

Email: p.sbuildtech007@gmail.com

**Sub.: Sand Minor Mineral Project of Sh. Kulvinder Singh S/o Sh. Trilochan Singh M/s P.S. Buildtech, located at Village Jathlanaand Dhakwala, Tehsil – Radaur, District – Yamuna Nagar, Haryana for production capacity of 36 Lakh TPA of sand minor mineral in ML area of 101.27hectars - Environmental Clearance regarding.**

Sir,

This has reference to your online application for the above mentioned proposal for production capacity of **36 Lakh TPA (ROM)** of **Sand Mine** in the mine lease area of **101.27 ha**. The mine lease area is located at Village- **Jathlanaand Dhakwala, Tehsil – Radaur, District – Yamuna Nagar, Haryana**. The project land is situated in riverbed of two villages Jathlana and Dhakwala in the coordinates are as follows: Pillar -A: N 30° 00' 30" E 77° 14' 46"; Pillar -B: N 30° 00' 34" E77° 14' 58"; Pillar- C: N 30° 00' 34" E77° 15' 11" Pillar – D: N 30° 00' 36" E77° 15' 11"; Pillar -E: N 30° 00' 36" E77° 15' 23.5"; Pillar -F: N 30° 00' 35.5" E77° 15' 23.5"; Pillar- G: N 30° 00' 35.5" E77° 15' 33"; Pillar- H: N 30° 00' 24" E77° 15' 56"; Pillar- I: N 30° 00' 20" E77° 16' 00"; Pillar- J: N 30° 00' 12" E77° 15' 54"; Pillar- K: N 30° 00' 19" E77° 15' 13.5"; Pillar- L: N 30° 00' 19" E77° 15' 02"; Pillar- M: N 30° 00' 20" E77° 14' 59"; Pillar- N: N 29° 59' 48" E77° 14' 39"; Pillar- O: N 29° 59' 51" E77° 14' 37"; Pillar- P: N 30° 00' 00" E77° 14' 37.5"; Pillar- Q: N 30° 00' 11" E77° 14' 43.5"; Pillar- R: N 30° 00' 15" E77° 14' 42". Respectively on survey of India Topo sheet No- H43L8, H43L12, H43R1 and H43L4.

2. The proposal was considered in EAC meeting held on January 20- 22, 2016 to determine the Term of Reference for undertaking detail EIA Study. ToR was issued by MoEF & CC vide letter No J-11015/5/2016-IA. II(M) dated 08.02.2016 The Proponent submitted the EIA/ EMP Report online to Ministry for seeking Environmental Clearance after conducting Public Hearing.

3. The proposal was placed in the EAC meeting held during July 21-22, 2016 wherein the Committee deliberated at length the information submitted by PP and

deferred the Proposal for want of following information: (i) The replenishment study shall be done and report shall be submitted. (ii) The evacuation gates w.r.t. haulage road and detailed traffic analysis shall be submitted. (iii) The Disaster Management Plan of the area shall be submitted. (iv) The Transportation plan and Plantation programme is to be revised with budgetary provisions.

4. The Project Proponent submitted the information online therefore the proposal was considered in the EAC meeting held during 19-20 September 2016. The Committee deliberated at length the information submitted by PP and deferred the Proposal for want of following information: (i) The scientific replenishment study shall be done and report shall be submitted. (ii) The evacuation gates w.r.t. haulage road and detailed traffic analysis shall be submitted. (iii) The Disaster Management Plan of the area shall be submitted. (iv) The Transportation plan and Plantation programme is to be revised with budgetary provisions.

5. The Project Proponent submitted the information online therefore the proposal was considered during the EAC meeting held during 15-16 December 2016. Based on the information furnished and discussion held, the Committee noted that there were other contiguous mining projects of similar mineral upstream and downstream. The Committee was of the opinion that 20% of the capacity be reduced as replenishment will be affected because of three contiguous projects. After deliberation the committee recommended the EC for the reduced capacity of 36 Lakh TPA. The Committee also noted that in case of LoI, there were CWP's pending in the Hon'ble High Court of Punjab and Haryana and recommended the EC based on the current status of the said CWP's

6. The copy of LOI is issued by Department of Mines & Geology, Govt. Of Haryana vide Letter no. DMG/HY/Cont./Jathlana Block /YNR B-12/2015/10070 dated 30.11.2015. Life of mine is 10 years. The Mine plan was approved by Department of Mines and Geology, Haryana vide letter no. DMG/HY/MP/Jathlana Block/YNR B-12/2015/3110 dated 10.06.2016. The proposed project is for mining of Sand by open cast semi-mechanized at Yamuna river Tehsil-Radaur and Distt-Yamuna Nagar, Haryana with proposed production capacity of 45,00,000 TPA of Sand. The total geological reserve is 60,76,200 Metric Tons and total mineable reserve is 45,40,200 Metric Tons. Mine lease area will be worked in blocks and the ultimate depth will be 3 m. The replenishment with respect to the production capacity was analysed as per the Dandy-Bolton's equation. Sand will be transported by trucks of 25 Tons capacity and 200 dumpers will be deployed for transportation of minerals. Total water requirement for the project is 70 KLD. Total man power requirement for the project is 120.

7. It was reported by the Project Proponent that no National Parks/Wildlife Sanctuaries/Biosphere Reserves/Wildlife Corridors/Tiger/Elephant Reserves are located within 10 km radius of the proposed Mining Lease boundary. There are one Protected Forests within 10 km radius study area. The conservation plan for Schedule-I species, Pavo cristatus, Herpestes edwardii and Macaca mulatta was also submitted. Baseline data was collected for the winter season (December to February, 2016). All the parameters of monitoring data i.e. Air, Water, Soil and Noise were found within permissible limit. The public hearing was held on 24.05.2016 at Jathlana, Yamuna Nagar, Haryana. The public hearing was presided over by Shri S.S. Phulia, Deputy Commissioner, Yamunanagar. This project will enhance the opportunities of employment for the local villagers. It is proposed to

plant 1000 Nos. per annum of native species along with some fruit bearing and medicinal trees during the mining plan period.

8. The Project Proponent reported that the public hearing was held on 24.05.2016 at Jathlana, Yamuna Nagar, Haryana. The public hearing was presided over by Shri S.S. Phulia, Deputy Commissioner, Yamunanagar. This project will enhance the opportunities of employment for the local villagers. It is proposed to plant 1000 Nos. per annum of native species along with some fruit bearing and medicinal trees during the mining plan period.

9. The project cost is 12 Crore and a budget of Rs. 30.00 Lakhs for Environmental Social Responsibility, budget for conservation of biodiversity is Rs. 9.10 Lakhs, budget of Rs. 15.00 Lakhs for Occupational Health and Safety and budget of Rs. 36.00 Lakhs for EMP will be incurred by Project Proponent to address all social, physical, ecological and environmental issues. There is no court case against this project, however there is a court case in the matter of M/s Om minerals v/s State of Haryana and others [CWP No. 7991 of 2014], wherein the petitioner had challenged the demand/levy of stamp duty on execution of (Contract Agreement). The State Government (Dept. of Mines and Geology) has issued LoI subject to the outcome of this case. The above mentioned case is still pending before Hon'ble Punjab and Haryana High Court for adjudication. It was reported that the Project Proponent has not filed any court case against any department neither he is a party in this case. minor

10. The Ministry of Environment, Forest and Climate Change has examined the proposal in accordance with the Environmental Impact Assessment Notification, 2006 and hereby accords the environmental clearance under the provisions thereof to the above mentioned proposal of **Sh. Kulvinder Singh S/o Sh. Trilochan Singh M/s P.S. Buildtech**, located at **near Village- Jathlana and Dhakwala, Tehsil - Radaur, District - Yamuna Nagar, Haryana** for production capacity of 36 Lakh TPA(ROM) of Sand minor mineral in ML area of 101.27hectars subject to compliance of the followings terms and conditions and environmental safeguards mentioned below:

#### A. Specific conditions

- (i) Environmental clearance is granted subject to final outcome of **Hon'ble Supreme Court of India, Hon'ble High Court of West Bengal, Hon'ble NGT and any other Court of Law**, if any, as may be applicable to this project.
- (ii) This Environmental Clearance is subject to obtaining requisite NBWL Clearance from the Standing Committee of National Board for Wildlife, if any, as applicable for this Mining project.
- (iii) The Project Proponent shall obtain Consent to Operate from the State Pollution Control Board, West Bengal and effectively implement all the conditions stipulated therein.
- (iv) Project Proponent has made the replenishment study and total replenished quantity of sand available each year within the leasehold of ECL for mining purpose will be 1.65 million m<sup>3</sup> of sand whereas the extraction is 1.5 million m<sup>3</sup> of sand. Project Proponent shall decrease / stop the mining of sand, in

case the replenishment is lower than the approved rate of production, till the replenishment is completed.

- (v) Project Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical checkup and once in six months and necessary medical care/preventive measures under taken accordingly. Recommendations of National Institute for Labour for ensuring good occupational environment for mine workers would also be adopted.
- (vi) Project Proponent shall appoint a Monitoring Committee to monitor the replenishment study, traffic management, levels of production, River Bank erosion and maintenance of Road etc.
- (vii) Transport of minerals shall be done either by dedicated road or it should be ensured that the trucks/dumpers carrying the mineral should not be allowed to pass through the villages.
- (viii) Project Proponent shall ensure that the road may not be damaged due to transportation of the mineral and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and density.
- (ix) Implementation of Action Plan on the issues raised during the Public Hearing. The Proponent shall complete all the tasks as per the Action Plan submitted with the budgetary provisions during the Public Hearing.
- (x) The pollution due to transportation load on the environment will be effectively controlled & water sprinkling will also be done regularly. Vehicles with PUC only will be allowed to ply. The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Project should obtain 'PUC' certificate for all the vehicles from authorized pollution testing centre; Washing of all transport vehicle should be done inside the mining lease.
- (xi) No mining shall be done within a distance of 7.5 meters from the periphery of agricultural fields if any.
- (xii) Permanent pillars has to be constructed to demarcate width of extraction of ROM leaving 25% of River width from the bank with depth of 1.5m below the ground and 1.2 m above the ground to observe its stability.
- (xiii) The Project Proponent shall also take all precautionary measures during mining operation for conservation and protection of endangered flora/fauna, if any, spotted in the study area.
- (xiv) The illumination and sound at night at project site, disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. Project Proponent must ensure that the biological clock of the villages is not disturbed; by orienting the floodlights/ masks away from the villagers and keeping the noise levels well within the prescribed limits for day light/night hours.
- (xv) Transportation of the minerals by road passing through the village shall not be allowed. A 'bypass' road should be constructed (say, leaving a gap of at

least 200 meters) for the purpose of transportation of the minerals so that the impact of sound, dust and accidents could be mitigated. The Project Proponent shall bear the cost towards the widening and strengthening of existing public road network in case the same is proposed to be used for the Project. No road movement should be allowed on existing village road network without appropriately increasing the carrying capacity of such roads.

- (xvi) At least 2.5% of the total cost of the project shall be earmarked towards the Enterprise Social Commitment (ESC) based on local needs and action plan with financial and physical breakup/details shall be prepared and submitted to the Ministry's Regional Office Dehradun. Implementation of such program shall be ensured accordingly in a time bound manner.
- (xvii) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- (xviii) A Final Mine Closure Plan along with details of Corpus Fund shall be submitted to the Ministry of Environment, Forest and Climate Change 5 years in advance of final mine closure for approval.

**B: Special Conditions:**

The Ministry of Environment, Forest and Climate has constituted a Committee to formulate the "Guidelines for Sustainable Sand Mining in the Country". The Guidelines, inter-alia, included the following recommendations. The Project Proponent shall implement the following special conditions so as to mitigate the environment impact of mining activities:-

Impact Category	S. No	Environmental Conditions
Stakeholder Engagement	1	In the case of private land not owned by the lease holder an affidavit should be obtained regarding consent of the concerned land owner (s) for carrying out the mining operation.
	2	Stakeholder awareness and ability to raise concerns and getting it to be addressed.
	3	Implementation of Action Plan on the issues raised during the Public Hearing. The Proponent shall complete all the tasks as

		per the Action Plan submitted with the budgetary provisions during the Public Hearing.
	4	Having valid lease and all the permits is very much needed.
	5	To establish a Monitoring Committee including Local Panchayat, to check on traffic due to transportation and submit an annual report on the same.
	6	The directions given by the Hon'ble Supreme Court of India vide order dated 27.02.2012 in Deepak Kumar case [SLP(C) Nos. 19628-19629 of 2009] and order dated 05.08.2013 of the Hon'ble National Green Tribunal in application No. 171/2013 may be strictly followed.
	7	All the provisions made and restrictions imposed as covered in the Minor Mineral Rule, shall be complied with, particularly regarding Environment Management Practices and its fund management and Payment of compensation to the land owners.
<b>Sustainable Mining Practices</b>	8	District level Survey Report should be prepared and area suitable for mining and area prohibited for mining be identified.
	9	The depth of mining in Riverbed shall not exceed one meter or water level whichever is less, provided that where the Joint Inspection Committee certifies about excessive deposit or over accumulation of mineral in certain reaches requiring channelization, it can go up to 3 meters on defined reaches of the River.
	10	No River sand mining be allowed in rainy season.
	11	To submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity / production levels shall be decreased / stopped accordingly till the replenishment is completed.
	12	Ultimate working depth shall be maximum up to 2m from Riverbed level and not less than one meter from the water

		level of the River channel whichever is reached earlier. In hilly terrain this depth be preferably restricted to one meter.
	13	In River flood plain mining a buffer of 3 meter to be left from the River bank for mining.
	14	In mining from agricultural field a buffer of 3 meter to be left from the adjacent field.
	15	Mining shall be done in layers of 1 meter depth to avoid ponding effect and after first layer is excavated, the process will be repeated for the next layers.
	16	To maintain safety and stability of Riverbanks i.e. 3 meter or 10% of the width of the River whichever is more will be left intact as no mining zone.
	17	No stream should be diverted for the purpose of sand mining. No natural water course and/ or water resources are obstructed due to mining operations.
	18	No blasting shall be resorted to in River mining and without permission at any other place.
	19	Depending upon the location, thickness of sand, deposition, agricultural land/Riverbed, the method of mining may be manual, semi-mechanized or mechanized; however, manual method of mining shall be preferred over any other method.
<b>Identification and Preparation of Mining Site</b>	20	Mining should be done only in area / stretch identified in the District Level Survey Report suitable for mining and so certified by the Sub-Divisional Level Committee after site visit.
	21	Mining should begin only after pucca pillar marking the boundary of lease area is erected at the cost of the lease holder after certification by the mining official and its geo coordinates are made available to the District Level Committee.
	22	The top soil in case of surface land mining shall be stored temporarily in an earmarked site and concurrently used for

		land reclamation.
<b>Monitoring the Mining of Mineral and its Transportation</b>	23	The EC holder shall keep a correct account of quantity of mineral mined out, dispatched from the mine, mode of transport, registration number of vehicle, person in-charge of vehicle and mine plan. This should be produced before officers of Central Government and State for inspection.
	24	For each mining lease site the access should be controlled in a way that vehicles carrying mineral from that area are tracked and accounted for.
	25	The State / District Level Environment Committee should use technology like Bar Coding, Information and Communications Technology (ICT), Web based and ICT enabled services, mobile SMS App etc. to account for weight of mineral being taken out of the lease area and the number of trucks moving out with the mineral.
	26	There should be regular monitoring of the mining activities in the State to ensure effective compliance of stipulated EC conditions and of the provisions under the Minor Mineral Concessions Rules framed by the State Government.
<b>Noise Management</b>	27	Noise arising out of mining and processing shall be abated and controlled at source to keep within permissible limit.
	28	Restricted working hours. Sand mining operation has to be carried out between 6 am to 7 pm.
<b>Air Pollution and Dust Management</b>	29	The pollution due to transportation load on the environment will be effectively controlled and water sprinkling will also be done regularly.
	30	Air Pollution due to dust, exhaust emission or fumes during mining and processing phase should be controlled and kept in permissible limits specified under environmental laws.
	31	The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Wheel washing facility should be

		installed and used.
<b>Management of Visual Impact</b>	32	The mining operations are to be done in a systematic manner so that the operations shall create a major visual impact on the site.
<b>Bio-Diversity Protection</b>	33	Restoration of flora affected by mining should be done immediately. Twice the number of trees destroyed by mining to be planted preferably of Indigenous species. Each EC holder should plant and maintain for lease period at least 5 trees per hectare in area near lease.
	34	No mining lease shall be granted in the forest area without forest clearance in accordance with the provisions of the Forest Conservation Act, 1980 and the rules made thereunder.
	35	Protection of turtle and bird habitats shall be ensured.
	36	No felling of tree near quarry is allowed. For mining lease within 10km of the National Park / Sanctuary or in Eco-Sensitive Zone of the Protected Area, recommendation of Standing Committee of National Board of Wild Life (NBWL) have to be obtained as per the Hon'ble Supreme Court order in I.A. No. 460 of 2004.
	37	Spring sources should not be affected due to mining activities. Necessary Protection measures are to be incorporated.
<b>Management of Instability and Erosion</b>	38	Removal, stacking and utilization of top soil in mining are should be ensured. Where top soil cannot be used concurrently, it shall be stored separately for future use keeping in view that the bacterial organism should not die and should be spread nearby area.
	39	The EC should stipulate conditions for adequate steps to check soil erosion and control debris flow etc. by constructing engineering structures

	40	Use of oversize material to control erosion and movement of sediments
	41	No overhangs shall be allowed to be formed due to mining and mining shall not be allowed in area where subsidence of rocks is likely to occur due to steep angle of slope.
	42	No extraction of stone / boulder / sand in landslide prone areas.
	43	Controlled clearance of riparian vegetation to be undertaken
<b>Waste Management</b>	44	Site clearance and tidiness is very much needed to have less visual impact of mining.
	45	Dumping of waste shall be done in earmarked places as approved in Mining Plan.
	46	Rubbish burial shall not be done in the Rivers.
<b>Pollution Prevention</b>	47	The EC holder shall take all possible precautions for the protection of environment and control of pollution.
	48	Effluent discharge should be kept to the minimum and it should meet the standards prescribed.
<b>Protection of Infrastructure</b>	49	Mining shall not be undertaken in a mining lease located in 200-500 meter of bridge, 200 meter upstream and downstream of water supply / irrigation scheme, 100 meters from the edge of National Highway and railway line, 50 meters from a reservoir, canal or building, 25 meter from the edge of State Highway and 10 meters from the edge of other roads except on special exemption by the Sub-Divisional level Joint Inspection Committee.
	50	For carrying out mining in proximity to any bridge or embankment, appropriate safety zone (not less than 200 meters) should be worked out on case to case basis, taking into account the structural parameters, location aspects and flow rate, and no mining should be carried out in the safety zone so worked out.

	51	Mining activities shall not be done for mine lease where mining can cause danger to site of flood protection works, places of cultural, religious, historical, and archeological importance.
<b>Enhancement of Road Safety</b>	52	Vehicles used for transportation of sand are to be permitted only with fitness and PUC Certificates.
	53	Junction at takeoff point of approach road with main road be properly developed with proper width and geometry required for safe movement of traffic by concession holder at his own cost.
	54	Project Proponent shall ensure that the road may not be damaged due to transportation of the mineral; and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and density.
	55	No stacking allowed on road side along National Highways.
<b>Closure and Reclamation of Mined Out Area</b>	56	The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
	57	Restoration, reclamation and rehabilitation in cluster should be done systematically and jointly by each EC holder in that cluster. This should be appropriately reflected as EC condition in each EC in cluster.
	58	Site specific plan with eco-restoration should be in place and implemented.
<b>Health and Safety</b>	59	Health and safety of workers should be taken care of.
	60	Transport of mineral will not be done through villages / habitations.
	61	The Project Proponent shall make arrangement for drinking water, first aid facility (along with species specific anti-venom provisioning) in case of emergency for the workers.
	62	Project Proponent shall implement the Disaster Management Plan if the mine lease area is located in Seismic Zone-IV.

		Project Proponent shall appoint a Committee to have a check over any disaster to warn workers well before for the safety of the workers. Emergency helpline number will be displayed at all levels.
	63	Project Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical examination of the workers engaged in the Project and records maintained; also, Occupational health check-ups for workers having some ailments like BP, diabetes, habitual smokers, etc. shall be undertaken once in six months and necessary remedial/preventive measures taken accordingly. Recommendations of National Institute for Labour for ensuring good occupational environment for mine workers would also be adopted.
<b>Monitoring the Impact of Mining</b>	64	The Project Proponent shall report monitoring data on replenishment, traffic management, levels of production, River Bank erosion and maintenance of Road etc.
<b>Mineral Conservation</b>	65	Use of alternate material such as M-sand in place of natural River sand shall be encouraged in order to reduce stress on natural eco-system.

### C: PROCEDURE FOR MONITORING OF SAND MINING

The Project Proponent shall implement the procedure for monitoring of sand mining or river bed mining as per the **Amendments in EIA Notification, 2006 vide SO No. 141 (E) dated 15.01.2016.**

Project Proponent must ensure that the security features of Transport Permission viz. (a) Printed on Indian Bank Association (IBA) approved Magnetic Ink Character Recognition Code (MICR) paper; (c) Unique Barcode; (d) Unique Quick Response Code (QR); (e) Fugitive Ink Background; (f) Invisible Ink Mark; (g) Void Pantograph; (h) Watermark.

- (i) Project Proponent must ensure that the CCTV camera, Personal Computer (PC), Internet Connection, Power Back up, access control of mine lease site; and arrangement for weight or approximation of weight of mined out mineral

on basis of volume of the trailer of vehicle used at mine lease site are available.

- (ii) Project Proponent must ensure the Scanning of Transport Permit or Receipt and Uploading on Server.
- (iii) The State Mines and Geology Department should print the Transport Permits / Receipt with security features enumerated at Paragraph (i) above and issue them to the mine lease holder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferably with pre-fixed quantity, so the total quantity gets determined for the receipts issued. When the Transport Permit or Receipt barcode gets scanned and invoice is generated, that particular barcode gets used and its validity time is recorded on the server. So all the details of transporting of mined out material can be captured on the server and the Transport Permit or Receipt cannot be reused.
- (iv) The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to check the validity of Transport Permit or Receipt by scanning them using website, Android Application and SMS.
- (v) In case the Vehicle breakdown, the validity of Transport Permit or Receipt shall be extended by sending SMS by driver in specific format to report breakdown of vehicle. The server will register this information and register the breakdown. The State can also establish a call centre, which can register breakdowns of such vehicles and extend the validity period. The subsequent restart of the vehicle also should be similarly reported to the server / call centre.
- (vi) The route of vehicle from source to destination shall be tracked through the system using check points, Radio-frequency Identification (RFID) Tags, and Global Positioning System (GPS) tracking.
- (vii) The system shall enable the Authorities to develop periodic report on different parameters like daily lifting report, vehicle log/ history, lifting against allocation, and total lifting. The system can be used to generate auto mails/SMS. This will enable the District Collector / Magistrate to get all the relevant details and will enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle should be tracked.

**D. General conditions**

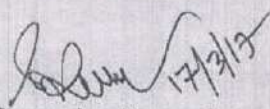
- (i) No change in mining technology and scope of working should be made without prior approval of the Ministry of Environment, Forest and Climate Change.
- (ii) No change in the calendar plan including excavation, quantum of mineral and waste should be made.
- (iii) The Project Proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of surface water and ground water for the project.
- (iv) Regular monitoring of ground water table to be carried out at the upstream and depth of water available in the dug well is to be measured. Monitoring to be done by establishing a network of existing wells and constructing new piezometers.
- (v) Monitoring of Ambient Air Quality to be carried out based on the 2009 Notification, as amended from time to time by the Central Pollution Control Board. Water sprinkling should be increased at places loading and unloading points & transfer point to reduce fugitive emissions.
- (vi) The upliftment of scheduled caste/scheduled tribe population, specific programmes have been taken in to consideration specially with respect to education, health care, livelihood generation, infrastructure development & promotion of sports & culture for SC/ST population and that these will be intensified in future.
- (vii) Plantation shall be raised in a 7.5m wide green belt in the safety zone around the mining lease, backfilled and reclaimed area, around water body, along the roads etc. by planting the native species in consultation with the local DFO/Agriculture Department. The density of the trees should be around 2500 plants per ha. Greenbelt shall be developed all along the mine lease area in a phased manner and shall be completed within first five years.
- (viii) Dimension of the retaining wall at the toe of over burden dumps and OB benches within the mine to check run-off and siltation shall be based on the rain fall data.
- (ix) Effective safeguard measures such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of  $PM_{10}$  and  $PM_{2.5}$  such as haul road, loading and unloading point and transfer

- points. It shall be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
- (x) Regular monitoring of the flow rate of the springs and perennial nallahs flowing in and around the mine lease shall be carried out and records maintained. Regular monitoring of water quality upstream and downstream of water bodies shall be carried out and record of monitoring data should be maintained and submitted to the Ministry of Environment, Forest & Climate Change, its Regional Office, Bhubaneswar, Central Groundwater Authority, Regional Director, Central Ground Water Board, State Pollution Control Board and Central Pollution Control Board.
- (xi) Regular monitoring of ground water level and quality shall be carried out in and around the mine lease by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring shall be carried out four times in a year – pre- monsoon (April-May), monsoon (August), post-monsoon (November) and winter (January) and the data thus collected may be sent regularly to Ministry of Environment, Forest & Climate Change and its Regional Office, Bhubaneswar, Central Ground Water Authority and Regional Director, Central Ground Water Board.
- (xii) The critical parameters such as  $PM_{10}$  (size less than 10 micro meter),  $PM_{2.5}$  (size less than 2.5 micro meter),  $NO_x$  and  $SO_x$  in the ambient air within the impact zone, peak particle velocity at 300m distance or within the nearest habitation, whichever is closer shall be monitored periodically. Further, quality of discharged water shall also be monitored [(TDS, DO, PH and Total Suspended Solids (TSS)]. The monitored data shall be uploaded on the website of the company as well as displayed on a display board at the project site at a suitable location near the main gate of the Company in public domain. The circular No. J-20012/1/2006-1A.II (M) dated 27.05.2009 issued by Ministry of Environment, Forest & Climate Change, which is available on the website of the Ministry [www.envfor.nic.in](http://www.envfor.nic.in) shall also be referred in this regard for its compliance.
- (xiii) Four ambient air quality-monitoring stations should be established in the core zone as well as in the buffer zone for  $PM_{10}$ ,  $PM_{2.5}$ ,  $SO_2$  &  $NO_x$  monitoring. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board. Data on ambient air quality should be regularly submitted to the Ministry including its Regional office located at Bhubaneswar

and the State Pollution Control Board/Central Pollution Control Board once in six months.

- (xiv) Fugitive dust emissions from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
- (xv) Measures should be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. should be provided with ear plugs / muffs.
- (xvi) Industrial waste water (workshop and waste water from the mine) should be properly collected, treated so as to conform to the standards prescribed under GSR 422 (E) dated 19<sup>th</sup> May, 1993 and 31<sup>st</sup> December, 1993 or as amended from time to time. Oil and grease trap should be installed before discharge of workshop effluents.
- (xvii) Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- (xviii) A separate environmental management cell with suitable qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
- (xix) The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Ministry and its Regional Office located at Bhubaneswar.
- (xx) The Project authorities should inform to the Regional Office located at Bhubaneswar regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
- (xxi) The Project Proponent shall submit six monthly report on the status of the implementation of the stipulated environmental safeguards to the Ministry of Environment, Forest and Climate Change, its Regional Office, Bhubaneswar, Central Pollution Control Board and State Pollution Control Board.
- (xxii) The Regional Office of this Ministry located at Bhubaneswar shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information / monitoring reports.

- (xxiii) A copy of clearance letter will be marked to concerned Panchayat / local NGO, if any, from whom suggestion / representation has been received while processing the proposal.
- (xxiv) State Pollution Control Board should display a copy of the clearance letter at the Regional office, District Industry Centre and Collector's office/ Tehsildar's Office for 30 days.
- (xxv) The project authorities should advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the Ministry of Environment, Forest & Climate Change at <http://envfor.nic.in> and a copy of the same should be forwarded to the Regional Office of this Ministry located Bhubaneswar.
11. The Ministry or any other Competent Authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
12. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.
13. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court of West Bengal and any other Court of Law relating to the subject matter.
14. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

  
 (Surendra Kumar)  
 Director (S)

Copy to:-

- 1). **The Secretary**, Ministry of Mines, Government of India Shastri Bhawan, New Delhi.

Environmental Clearance to M/s Sh. Kulvinder Singh S/o Sh. Trilochan Singh M/s P.S. Buildtech

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## Annexure R-10/5

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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(ii)]

**MINISTRY OF ENVIRONMENT AND FORESTS  
NOTIFICATION**

New Delhi, the 14th September, 2006

S.O. 1533(E).—Whereas, a draft notification under Sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India<sup>1</sup>, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy as approved by the Union Cabinet on 18th May, 2006 and the procedure specified in the notification, by the Central Government or the State or Union Territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union Territory Administration concerned under Sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1324(H), dated the 15th September, 2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15<sup>th</sup> September, 2005;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27<sup>th</sup> January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

<sup>1</sup>Includes the territorial waters

2. **Requirements of prior Environmental Clearance (EC):-** The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;

(iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

**3. State Level Environment Impact Assessment Authority:-** (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section-3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member - Secretary to be nominated by the State Government or the Union territory Administration concerned.

- (2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.
- (3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.
- (4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.
- (5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.
- (6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).
- (7) All decisions of the SEIAA shall be unanimous and taken in a meeting.

**4. Categorization of projects and activities:-**

- (i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.
- (ii) All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;
- (iii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, will require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project;

### 5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every month.

- (a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;
- (b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;
- (c) The EAC and SEAC shall be reconstituted after every three years;
- (d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;
- (e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

### 6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

### 7. Stages in the Prior Environmental Clearance (EC) Process for New Projects:-

7(i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:-

- Stage (1) Screening (Only for Category 'B' projects and activities)
- Stage (2) Scoping
- Stage (3) Public Consultation
- Stage (4) Appraisal

#### 1. Stage (1) - Screening:

In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity

requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project . The projects requiring an Environmental Impact Assessment report shall be termed Category 'B1' and remaining projects shall be termed Category 'B2' and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

## II. Stage (2) - Scoping:

(i) "Scoping": refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form 1/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan.

(ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form 1. In the case of Category A Hydroelectric projects Item 1(c) (i) of the Schedule the Terms of Reference shall be conveyed along with the clearance for pre-construction activities .If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form 1, the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA studies. The approved Terms of Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

(iii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

## III. Stage (3) - Public Consultation:

(i) "Public Consultation" refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category 'A' and Category B1 projects or activities shall undertake Public Consultation, except the following:-

- (a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).

- (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
  - (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
  - (d) all Building /Construction projects/Area Development projects and Townships (item 8).
  - (e) all Category 'B2' projects and activities.
  - (f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.
- (ii) The Public Consultation shall ordinarily have two components comprising of:-
- (a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;
  - (b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.
- (iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five ) of a request to the effect from the applicant.
- (iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days..
- (v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.
- (vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form , within seven days of the receipt of a written request for arranging the public hearing . Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use

other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

(vii) After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

#### IV. Stage (4) - Appraisal:

(i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form I and Form IA as applicable, any other relevant validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iii) The appraisal of an application shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form I and Form IA, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days. The prescribed procedure for appraisal is given in Appendix V;

#### 7(ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product-mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence.

necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

#### 8. Grant or Rejection of Prior Environmental Clearance (EC):

- (i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.
- (ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.
- (iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.
- (iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.
- (v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.
- (vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

**9. Validity of Environmental Clearance (EC):**

The "Validity of Environmental Clearance" is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant - within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

**10. Post Environmental Clearance Monitoring:**

(i) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1<sup>st</sup> June and 1<sup>st</sup> December of each calendar year.

(ii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the concerned regulatory authority. The latest such compliance report shall also be displayed on the web site of the concerned regulatory authority.

**11. Transferability of Environmental Clearance (EC):**

A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written "no objection" by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

**12. Operation of EIA Notification, 1994, till disposal of pending cases:**

From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S.O.60 (E) dated 27<sup>th</sup> January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule I, or continue operation of some or all provisions of the said notification, for a period not exceeding one year from the date of issue of this notification.

## SCHEDULE

(See paragraph 2 and 7)

## LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)
I(a)	Mining of minerals	<p>≥ 50 ha. of mining lease area</p> <p>Asbestos mining irrespective of mining area</p>	<50 ha ≥ 5 ha .of mining lease area.	<p>General Condition shall apply</p> <p><u>Note</u> Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
I(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<p><u>Note</u> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
I(c)	River Valley projects	<p>(i) ≥ 50 MW hydroelectric power generation;</p> <p>(ii) ≥ 10,000 ha. of culturable command area</p>	<p>(i) &lt; 50 MW ≥ 25 MW hydroelectric power generation;</p> <p>(ii) &lt; 10,000 ha. of culturable command area</p>	General Condition shall apply
I(d)	Thermal Power Plants	<p>≥ 500 MW (coal/lignite/naphtha &amp; gas based);</p> <p>≥ 50 MW (Pet coke diesel and all other fuels -)</p>	<p>&lt; 500 MW (coal/lignite/naphtha &amp; gas based);</p> <p>&lt;50 MW ≥ 5MW (Pet coke ,diesel and all other fuels )</p>	General Condition shall apply

[भाग II—खण्ड 3(ii)].

भारत का राजपत्र : असाधारण

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(1)	(2)	(3)	(4)	(5)
1(e)	Nuclear power projects and processing of nuclear fuel	All projects		
2		<b>Primary Processing</b>		
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	< 1 million ton/annum throughput of coal	General Condition shall apply  (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.1 million ton/annum mineral throughput	< 0.1 million ton/annum mineral throughput	General Condition shall apply  (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)

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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—Sec. 3(ii)]

3				
Materials Production				
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	<p>a) Primary metallurgical industry</p> <p>All projects</p> <p>b) Sponge iron manufacturing <math>\geq 200</math>TPD</p> <p>c) Secondary metallurgical processing industry</p> <p>All toxic and heavy metal producing units <math>&gt; 20,000</math> tonnes/annum</p>	<p>Sponge iron manufacturing <math>&lt; 200</math>TPD</p> <p>Secondary metallurgical processing industry</p> <p>i.) All toxic and heavy metal producing units <math>&lt; 20,000</math> tonnes/annum</p> <p>ii.) All other non-toxic secondary metallurgical processing industries <math>&gt; 5000</math> tonnes/annum</p>	General Condition shall apply for Sponge iron manufacturing
3(b)	Cement plants	$\geq 1.0$ million tonnes/annum production capacity	$< 1.0$ million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply

[भाग II—खण्ड 3(ii)]

भारत का राजपत्र : असाधारण

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4				
Materials Processing				
(1)	(2)	(3)	(4)	(5)
4(a)	Petroleum refining industry	All projects	-	-
4(b)	Coke oven plants	≥2,50,000 tonnes/annum	<2,50,000 & ≥25,000 tonnes/annum	-
4(c)	Asbestos milling and asbestos based products	All projects	-	-
4(d)	Chlor-alkali industry	≥300 TPD production capacity or a unit located outside the notified industrial area/estate	<300 TPD production capacity and located within a notified industrial area/estate	Specific Condition shall apply  No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification
4(e)	Soda ash Industry	All projects	-	-
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units outside the industrial area	All new or expansion of projects located within a notified industrial area/estate	Specific condition shall apply
5				
Manufacturing/Fabrication				
5(a)	Chemical fertilizers	All projects	-	-
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-

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THE GAZETTE OF INDIA: EXTRAORDINARY

[PART II—SEC. 3(ii)]

(1)	(2)	(3)	(4)	(5)
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects	-	-
5(d)	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
5(g)	Distilleries	(i) All Molasses based distilleries  (ii) All Cane juice/ non-molasses based distilleries $\geq 30$ KLD	All Cane juice/non-molasses based distilleries  <30 KLD	General Condition shall apply
5(h)	Integrated paint industry	-	All projects	General Condition shall apply

[भाग II—खण्ड 3(ii)]

भारत का राजपत्र : असाधारण

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(1)	(2)	(3)	(4)	(5)
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and Pulp& Paper manufacturing industry -	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry	-	≥ 5000 tcd cane crushing capacity	General Condition shall apply
5(k)	Induction/arc furnaces/cupola furnaces 5TPH or more	-	All projects	General Condition shall apply
6		Service Sectors		
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks /sanctuaries/coral reefs /ecologically sensitive areas including LNG Terminal	All projects -		

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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(ii)]

(1)	(2)	(3)	(4)	(5)
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7		<b>Physical Infrastructure including Environmental Services</b>		
7(a)	Air ports	All projects	-	-
7(b)	All ship breaking yards including ship breaking units	All projects	-	-
7(c)	Industrial estates/parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area.  Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	-Industrial estates housing at least one Category B industry and area <500 ha.  Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	Special condition shall apply  Note: Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply

[भाग II—खण्ड 3(ii)]

भारत का राजपत्र : असाधारण

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(1)	(2)	(3)	(4)	(5)
7(e)	Ports, Harbours	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	General Condition shall apply
7(f)	Highways	i) New National High ways; and  ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	i) New State High ways; and  ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.	General Condition shall apply
7(g)	Aerial ropeways		All projects	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply

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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—Sec. 3(f)]

(1)	(2)	(3)	(4)	(5)
8		<b>Building /Construction projects/Area Development projects and Townships</b>		
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area )
8(b)	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	**All projects under Item 8(b) shall be appraised as Category B1

**Note:-****General Condition (GC):**

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

**Specific Condition (SC):**

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre -defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

[No. J-11013/56/2004-IA-II(I)]  
R. CHANDRAMOHAN, Jt. Secy.

**APPENDIX I**

(See paragraph - 6)

**FORM I****(I) Basic Information**

Name of the Project:

Location / site alternatives under consideration:

Size of the Project: \*

Expected cost of the project:

## Annexure R-10/6

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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(ii)]

“(ii) क्षेत्र विकास परियोजनाओं और नगर क्षेत्र [मद 8(ख)], की दशा में विधिमान्य अवधि केवल ऐसे क्रियाकलापों तक सीमित होगा जहां तक किसी विकासकर्ता के रूप में आवेदक का उत्तरदायित्व है :

परंतु यह भी कि विधिमान्यता की यह अवधि संबंधित विनियामक प्राधिकरण द्वारा सात वर्ष की अधिकतम अवधि तक बढ़ाया जा सकेगा परंतु यह तब जबकि कोई आवेदन आवेदक द्वारा विनियामक प्राधिकरण को संनिर्माण परियोजनाओं या क्रियाकलापों (अनुसूची की मद 8) अद्यतन प्रारूप I और अनुपूरक प्रारूप 1क सहित विधिमान्य अवधि के भीतर विनियामक अवधि के भीतर किया जाता है :

परंतु यह भी कि विनियामक प्राधिकरण यथास्थित विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति इसके विस्तार की मंजूरी के लिए परामर्श भी कर सकेगा ।

(क) ईसी की विधिमान्य अवधि के पश्चात् एक मास के भीतर ऐसे मामलों के लिए विलंब को संबंधित विशेषज्ञ आंकलन समिति (ईएसी) या राज्य स्तर आंकलन समिति (एसईएसी) और उनकी सिफारिशों के आधार पर यथास्थिति संयुक्त सचिव पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय या सदस्य सचिव एसईआईएए के स्तर पर माफ किया जाएगा;

(ख) ईसी की विधिमान्य अवधि के पश्चात् एक माह से अधिक परंतु ऐसी विधिमान्य अवधि के पश्चात् तीन मास से अन्यून है तो ईएसी या एसईएसी की सिफारिशों के आधार पर यथास्थिति पर्यावरण, वन और जलवायु परिवर्तन प्रभारी मंत्री या अध्यक्ष के अनुमोदन से विलंब माफ किया जाएगा :

परंतु यह कि विलंब की माफी के लिए विस्तार हेतु कोई आवेदन ईसी की 90 दिन की विधिमान्य अवधि के पश्चात् मंजूर नहीं किया जाएगा ।”।

[फा. सं. जे-11013/12/2013-आईए-II(1)(भाग)]

मनोज कुमार सिंह, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3 उपखंड (ii) में अधिसूचना संख्यांक का. आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित की गई थी और तत्पश्चात् उसको निम्नलिखित द्वारा संशोधित किया गया का.आ. 1737(अ), तारीख 11 अक्टूबर, 2007 ; का.आ. 3067(अ), तारीख 1 दिसंबर, 2009 ; का.आ. 695(अ), तारीख 4 अप्रैल, 2011 ; का.आ. 2896(अ), तारीख 13 दिसंबर, 2012 ; का.आ. 674(अ), तारीख 13 मार्च, 2013 ; का.आ. 2559(अ), तारीख 22 अगस्त, 2013 ; का.आ. 2731(अ), तारीख 9 सितंबर, 2013 ; का.आ. 562(अ), तारीख 26 फरवरी, 2014 ; का.आ. 637 (अ), तारीख 28 फरवरी, 2014 का.आ. 1599(अ), तारीख 25 जून, 2014; का.आ. 2601(अ), तारीख 7 अक्टूबर, 2014; और का.आ. 3252(अ), तारीख 22 दिसंबर, 2014 ।

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**

**NOTIFICATION**

New Delhi, the 29th April, 2015

**S.O. 1141(E).**—In exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986(29 of 1986) read with sub-rule(4) of rule 5 of the Environment(Protection) Rules, 1986, the Central Government hereby makes the following further amendments to the notification of the Government of India, in the erstwhile Ministry of Environment and Forests number S.O. 1533(E), dated the 14th September, 2006 after having dispensed with the requirement of notice under clause(a) of sub-rule(3) of rule 5 of the said rule, in public interest, namely:—

In the said notification,—

(i) Paragraph 9 relating to validity to Environment Clearance (EC) shall be re-numbered as paragraph (i) thereof;

(ii) in paragraph (i) as so numbered,-

(a) for, the words “and five years in the case of all other projects and activities”, the words “and seven years in the case of all other projects and activities” shall be substituted;

(b) for the portion beginning with the words “However, in the case of Area Development projects and Townships” and ending with the words “consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.” The following shall be substituted, namely:-

“(ii) In the case of Area Development projects and Townships [item 8 (b), the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer:

Provided that this period of validity may be extended by the regulatory authority concerned by a maximum period of seven years if an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form I, and Supplementary Form IA, for Construction projects or activities (item 8 of the Schedule):

Provided further that the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee, as the case may be, for grant of such extension.

(iii) Where the application for extension under sub-paragraph (ii) has been filed-

(a) within one month after the validity period of EC, such cases shall be referred to concerned Expert Appraisal Committee (EAC) or State Level Expert Appraisal committee (SEAC) and based on their recommendations, the delay shall be condoned at the level of the Joint Secretary in the Ministry of Environment, Forest and Climate Change or Member Secretary, SEIAA, as the case may be;

(b) more than one month after the validity period of EC but less than three months after such validity period, then, based on the recommendations of the EAC or the SEAC, the delay shall be condoned with the approval of the Minister in charge of Environment Forest and Climate Change or Chairman, as the case may be:

Provided that no condonation for delay shall be granted for any application for extension filed 90 days after the validity period of EC.”

[F. No. J-11013/12/2013-IA-II (I) (part)]

MANOJ KUMAR SINGH, Jt. Secy.

**Note:** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section(ii) *vide* notification number S.O. 1533(E), dated the 14th September, 2006 and amended *vide* S.O.1737(E) dated the 11th October, 2007, S.O. 3067(E) dated the 1st December, 2009, S.O. 695(E) dated the 4th April, 2011, S.O.2896(E) dated the 13th December, 2012 , S.O.674(E) dated the 13th March, 2013, S.O. 2559(E) dated the 22nd August, 2013, S.O. 2731(E) dated the 9th September, 2013, S.O. 562(E) dated the 26th February, 2014 , S.O. 637(E) dated the 28th February, 2014, S.O. 1599(E) dated the 25th June, 2014, S.O. 2601 (E) dated 7th October, 2014 and S.O. 3252(E) dated 22nd December, 2014.

## Annexure R-10/7

[भाग II-खण्ड 3(ii)]

भारत का राजपत्र : असाधारण

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तारीख 22 दिसंबर, 2014, का.आ. 382(अ), तारीख 3 फरवरी, 2015, का.आ. 811(अ), तारीख 23 मार्च, 2015, का.आ. 996(अ), तारीख 10 अप्रैल, 2015, का.आ. 1142(अ), तारीख 17 अप्रैल, 2015, का.आ. 1141(अ), तारीख 29 अप्रैल, 2015, का.आ. 1834(अ), तारीख 6 जुलाई, 2015, का.आ. 2571(अ), तारीख 31 अगस्त, 2015, का.आ. 2572(अ), तारीख 14 सितंबर, 2015, का.आ. 141(अ), तारीख 15 जनवरी, 2016 और का.आ. 648(अ), तारीख 3 मार्च, 2016 द्वारा संशोधित किए गए थे।

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**

**NOTIFICATION**

New Delhi, the 14th September, 2016

**S.O. 2944(E).**— In exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment(Protection) Act, 1986 (29 of 1986) read with sub-rule(4) of rule 5 of the Environment(Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause(a) of sub-rule(3) of rule 5 of the said rule, in public interest, hereby makes the following further amendments in the notification of the Government of India, in the erstwhile Ministry of Environment and Forests number S.O.1533(E), dated the 14th September, 2006 namely:-

In the said notification, for paragraph, 9 relating to Validity to Environment Clearance (EC), the following paragraph shall be substituted, namely:-

**“9.Validity of Environmental Clearance (EC):**

(i) The “Validity of Environmental Clearance” is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub-paragraph (iii) of paragraph 8, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects [item 1(c) of the Schedule], project life as estimated by the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and seven years in the case of all other projects and activities.

(ii) In the case of Area Development projects and Townships [item 8(b)], the validity period of seven years shall be limited only to such activities as may be the responsibility of the applicant as a developer:

Provided that this period of validity with respect to sub-paragraphs (i) and (ii) above may be extended by the regulatory authority concerned by a maximum period of three years if an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form I, and Supplementary Form IA, for Construction projects or activities (item 8 of the Schedule):

Provided further that the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee, as the case may be, for grant of such extension.

(iii) Where the application for extension under sub-paragraphs (i) and (ii) above has been filed-

(a) within thirty days after the validity period of Environmental Clearance, such cases shall be referred to concerned Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee and based on their recommendations, the delay shall be condoned at the level of the Joint Secretary in the Ministry of Environment, Forest and Climate Change or Member Secretary, State Level Expert Appraisal Committee or Member Secretary, District Level Expert Appraisal Committee, as the case may be;

- (b) more than thirty days after the validity period of Environmental Clearance but less than ninety days after such validity period, then, based on the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee, the delay shall be condoned with the approval of the Minister in charge of Environment, Forest and Climate Change or Chairman, as the case may be :

Provided that no condonation for delay shall be granted for any application for extension filed beyond ninety days after the validity period of Environmental Clearance.”.

[F. No. 22-27/2015-IA-III]  
MANOJ KUMAR SINGH, Jt Secy.

**Note:** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section(ii) vide notification number S.O. 1533(E), dated the 14<sup>th</sup> September, 2006 and amended vide S.O.1737(E) dated the 11<sup>th</sup> October, 2007, S.O. 3067(E) dated the 1<sup>st</sup> December, 2009, S.O.695(E) dated the 4<sup>th</sup> April, 2011, S.O.2896(E) dated the 13<sup>th</sup> December, 2012, S.O.674(E) dated the 13<sup>th</sup> March, 2013, S.O.2204(E) dated the 19<sup>th</sup> July, 2013, S.O.2555(E) dated the 21<sup>st</sup> August, 2013, S.O.2559(E) dated the 22<sup>nd</sup> August, 2013, S.O. 2731(E) dated the 9<sup>th</sup> September, 2013, S.O. 562(E) dated the 26<sup>th</sup> February, 2014, S.O.637(E) dated the 28<sup>th</sup> February, 2014, S.O.1599(E) dated the 25<sup>th</sup> June, 2014, S.O. 2601 (E) dated 7<sup>th</sup> October, 2014, S.O. 2600 (E) dated 9<sup>th</sup> October, 2014, S.O. 3252(E) dated 22<sup>nd</sup> December, 2014, S.O. 382 (E) dated 3<sup>rd</sup> February, 2015, S.O. 811(E) dated 23<sup>rd</sup> March, 2015, S.O. 996 (E) dated 10<sup>th</sup> April, 2015, S.O. 1142 (E) dated 17<sup>th</sup> April, 2015, S.O. 1141 (E) dated 29<sup>th</sup> April, 2015, S.O.1834 (E) dated the 6<sup>th</sup> July, 2015, S.O.2571 (E) dated the 31<sup>st</sup> August, 2015, S.O.2572 (E) dated the 14<sup>th</sup> September, 2015, S.O.141 (E) dated the 15<sup>th</sup> January, 2016 and S.O.648 (E) dated the 3<sup>rd</sup> March, 2016.

रजिस्ट्री सं. डी.एल.- 33004/99

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# भारत का राजपत्र

## The Gazette of India

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असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित  
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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली 12 अप्रैल, 2022

का.आ. 1807(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा (3) की उपधारा 2 के खंड (v) और उपधारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, तत्कालीन पर्यावरण एवं वन मंत्रालय में, परियोजनाओं के कतिपय प्रवर्गों के लिए पूर्व पर्यावरण अनापत्ति आज्ञापक बनाते हुए, संख्यांक का.आ. 1553(अ), तारीख 14 सितंबर, 2006 द्वारा पर्यावरण समाघात निर्धारण अधिसूचना, 2006 (जिसे इसमें इसके पश्चात उक्त अधिसूचना कहा गया है) प्रकाशित किया है;

और, पूर्व अनुभवों के आधार पर, यह उल्लेखनीय है कि नाभिकीय शक्ति परियोजनाओं और जल शक्ति परियोजनाओं को पूरा होने की अवधि विभिन्न मुद्दों जैसे भौगोलिक आश्चर्य, वन मंजूरी में देरी, भूमि अर्जन, स्थानीय मुद्दों, पुनर्वास और पुनःव्यवस्थापन आदि के कारण परियोजना पूरी होने में अधिक समय लगता है, जो प्रायः परियोजना प्रस्तावक के नियंत्रण से बाहर होता है और इस संदर्भ में, केन्द्रीय सरकार को ऐसी परियोजनाओं के लिए पर्यावरण मंजूरी (ईसी) की वैधता बढ़ाना आवश्यक हो जाता है;

और, अन्य परियोजनाएं भी, ऐसी परियोजनाओं के कार्यान्वयन से संबंधित पर्यावरणीय मुद्दों सहित स्थानीय मामलों को संबोधित करने के लिए लगे समय पर विचार करने के लिए, केन्द्रीय सरकार यदि वह आवश्यक समझे ऐसे पर्यावरणीय मंजूरी की वैधता की सीमा को बढ़ा सकती है

और, खान और खनिज (विकास और विनियमन) अधिनियम, 1957 (1957 का 67) के उपबंधों के अनुसार, खान और खनिज (विकास और विनियमन) संशोधन अधिनियम 2015, के प्रारंभ की तारीख से ही, सभी खनिज पट्टे पचास वर्षों की अवधि के लिए दिए जा रहे हैं, और तदनुसार, केन्द्रीय सरकार खनन के पर्यावरण मंजूरी की वैधता को, संरेखित करना

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(1)

आवश्यक समझती है जो वर्तमान में उपयुक्त पर्यावरणी सुरक्षा और पुनर्विलोकन के अधीन अधिकतम तीस वर्षों की अवधि तक अनुज्ञेय है।

अतः अब, केन्द्रीय सरकार, पर्यावरण (सुरक्षा) नियम, 1986 को नियम 5 के उपनियम (4) के साथ पठित पर्यावरण (सुरक्षा) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (2) के खंड (v) और उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, लोकहित में उक्त नियमों के नियम 5 के उपनियम (3) के खंड (क) के अधीन सूचना की अपेक्षा की अभिमुक्ति के पश्चात् भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना का और संशोधन संख्यांक का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा करती है, अर्थात् :-

(i) पैरा 9 में,

(क) उपपैरा (i) और (ii) के स्थान पर निम्नलिखित उपपैरा रखा जाएगा, अर्थात् :-

(i) "पर्यावरणीय मंजूरी की वैधता" से वह अवधि अभिप्रेत है, जिसमें पूर्व पर्यावरणीय मंजूरी विनियामक प्राधिकारी द्वारा स्वीकृत है, या आवेदक द्वारा पैरा 8 के उपपैरा (iii) के अधीन स्वीकृत किया गया माना जा सकता है, की सुरुवात परियोजना या गतिविधियों द्वारा उत्पादन प्रचालन ; या अनुसूची के मद 8 से संबंधित निर्माण परियोजनाओं के मामले में सभी निर्माण प्रचालनों को पूरा करना है, जिसमें पूर्व पर्यावरणीय मंजूरी के लिए आवेदन संदर्भित है :

परंतु खनन परियोजनाओं या गतिविधियों के मामलों में वैधता खनन पट्टे के निष्पादन की तारीख से दिए जाएंगे।

(ii) किसी विद्यमान या नई परियोजना या क्रियाकलाप के लिए दी गई पूर्व पर्यावरणीय मंजूरी उस अवधि के लिए वैध होगी, जो-

(क) नदी घाटी परियोजनाओं या क्रियाकलापों के मामले में तेरह वर्ष [अनुसूची का मद 1(ग)]; (ख) परमाणु ऊर्जा परियोजनाओं या क्रियाकलापों और परमाणु ईंधन के प्रसंस्करण के मामले में पंद्रह वर्ष [अनुसूची का मद 1(ड)];

(ग) खंड (क) और (ख) में निर्दिष्ट खनन परियोजनाओं और नदी घाटी परियोजनाओं और परमाणु ऊर्जा परियोजनाओं के सिवाए अन्य सभी परियोजनाओं और क्रियाकलापों के मामले में दस वर्ष।

(iii) क्षेत्र विकास परियोजनाओं और टाउनशिप [मद 8(ख)] के मामले में, दस वर्ष की वैधता अवधि केवल ऐसी क्रियाकलापों तक सीमित होगी जो विकासकर्ता के रूप में आवेदक का उत्तरदायित्व हो सकता है:

परंतु यह कि इस उप-पैरा और उप-पैरा (ii) में सूचीबद्ध परियोजनाओं और क्रियाकलापों के संबंध में पर्यावरण मंजूरी की वैधता की अवधि को नदी घाटी परियोजनाओं के मामले में, संबंधित विनियामक प्राधिकरण द्वारा वैध पर्यावरण मंजूरी के संबंध में अधिकतम दो वर्ष की अवधि द्वारा, परमाणु ऊर्जा परियोजनाओं और परमाणु ईंधन के प्रसंस्करण के मामले में पांच वर्ष और अन्य सभी परियोजनाओं के मामले में एक वर्ष के लिए बढ़ाया जा सकता है, यदि आवेदन विद्यमान पर्यावरण मंजूरी की वैधता अवधि के भीतर आवेदक द्वारा विनियामक प्राधिकरण के लिए अधिकथित प्रोफार्मा में किया जाता है:

परंतु यह और कि विनियामक प्राधिकरण ऐसे विस्तार के अनुदान से पहले संबंधित विशेषज्ञ मूल्यांकन समिति से भी परामर्श कर सकता है।

(iv) खनन परियोजनाओं के लिए दी गई पूर्व पर्यावरण मंजूरी, समय-समय पर, अधिकतम तीस वर्ष, जो भी पहले हो, के अधीन, सक्षम प्राधिकारी द्वारा अनुमोदित और नवीनीकृत खनन योजना में निर्धारित परियोजना जीवन के लिए मान्य होगी:

परंतु इस उप-पैरा में सम्मिलित परियोजनाओं या क्रियाकलापों के संबंध में पर्यावरण मंजूरी की वैधता की अवधि को अगले बीस वर्षों के लिए, तीस वर्षों से आगे बढ़ाया जा सकता है, इस शर्त के अधीन कि विद्यमान पर्यावरण मंजूरी में अधिकथित विद्यमान पर्यावरण सुरक्षा उपायों की पर्याप्तता की जांच, तीस वर्ष की पर्यावरणीय मंजूरी की अधिकतम वैधता अवधि के भीतर परियोजना प्रस्तावक से अधिकथित प्रोफार्मा में ऐसे आवेदन की प्राप्ति पर संबंधित विशेषज्ञ मूल्यांकन

समिति द्वारा हर पांच वर्ष बाद और तत्पश्चात विस्तारित पर्यावरण मंजूरी, जैसा आवश्यक समझा जाए, परियोजना प्रस्तावक से अधिकथित प्रोफार्मा में ऐसे आवेदन की वैधता अवधि के भीतर प्राप्त होने पर पर्यावरण प्रबंधन योजना में ऐसे अतिरिक्त पर्यावरण सुरक्षा उपायों को शामिल करने के लिए हर पांच वर्ष में, खनन पट्टे की वैधता या खनन जीवन की समाप्ति या पचास वर्ष, जो भी पहले हो, तक की जाएगी।";

(ख) "(iii) जहां उप-पैरा (i) और (ii) के अधीन विस्तार के लिए आवेदन फाइल किया गया है" को छक, अंक और शब्दों के लिए, निम्नलिखित रखा जाएगा, अर्थात्: -

"(v) जहां उप-पैरा (ii), (iii) और (iv) के अधीन विस्तार के लिए आवेदन अधिकथित प्रोफार्मा में फाइल किया गया है"।

[फा. सं. आईए 3-22/10/2022-आईए. III]

तन्मय कुमार, अपर सचिव,

टिप्पण: मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II खंड 3, उप-खंड (ii), संख्या का.आ. 1533(अ), तारीख 14 सितंबर, 2006 में प्रकाशित की गई थी और अधिसूचना संख्या का.आ. 2859(अ), तारीख 16 जुलाई, 2021 के अधीन अंतिम बार संशोधित किया गया था।

## MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

### NOTIFICATION

New Delhi, the 12th April, 2022

**S.O. 1807(E).**—WHEREAS, the Central Government in the erstwhile Ministry of Environment and Forests, in exercise of its powers under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 has published the Environment Impact Assessment Notification, 2006 (hereinafter referred to as the said notification), vide number S.O.1533 (E), dated the 14<sup>th</sup> September, 2006 for mandating prior environmental clearance for certain category of projects;

And whereas, based on the past experiences, it is noted that Nuclear Power Projects and Hydro Power Projects have high gestation period due to various issues such as geological surprises, delay in Forest Clearance, land acquisition, local issues, rehabilitation and resettlement, etc., which are often beyond the control of project proponent and in this context, the Central Government deems it necessary to extend the validity of Environmental Clearance (EC) for such projects;

And whereas, for other projects also, considering the time taken for addressing local concerns including environmental issues related to the implementation of such projects, the Central Government deems it necessary to extend the validity of such ECs;

And whereas, as per the provisions of Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), on and from the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, all mining leases are being granted for a period of fifty years, and accordingly, the Central Government deems it necessary to align the validity of mining ECs which is currently permissible up to a maximum duration of thirty years, subject to review and appropriate environmental safeguards;

Now therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules in public interest, hereby makes the following further amendments in the notification of the Government of India, in the erstwhile Ministry of Environment and Forests, number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006, namely:-

In the said notification,-

(i) in paragraph 9,-

(a) for sub paragraphs (i) and (ii), the following sub-paragraphs shall be substituted, namely:-

(i) The "Validity of Environmental Clearance" is meant the period from which a prior Environmental Clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub-paragraph (iii) of paragraph 8, to the start of production operations by the project or activity; or completion of all construction

operations in case of construction projects relating to item 8 of the Schedule, to which the application for prior environmental clearance refers:

Provided that in the case of mining projects or activities, the validity shall be counted from the date of execution of the mining lease.

(ii) The prior environmental clearance granted for an existing or new project or activity shall be valid for a period of-

(a) thirteen years in the case of River Valley projects or activities [item 1(c) of the Schedule];

(b) fifteen years in the case of Nuclear power projects or activities and processing of nuclear fuel [item 1(e) of the Schedule];

(c) ten years in the case of all other projects and activities other than the Mining projects and River Valley Projects and Nuclear power projects referred to in clauses (a) and (b).

(iii) In the case of Area Development projects and Townships [item 8(b)], the validity period of ten years shall be limited only to such activities as may be the responsibility of the applicant as a developer:

Provided that the period of validity of Environmental Clearance with respect to the Projects and Activities listed in this sub-paragraph and sub-paragraphs (ii) may be extended in respect of valid Environmental Clearance, by the regulatory authority concerned by a maximum period of two years in the case of River Valley projects, five years in the case of Nuclear power projects and processing of nuclear fuel and one year in the case of all other projects, if an application is made in the laid down proforma to the regulatory authority by the applicant within the validity period of the existing Environment Clearance:

Provided further that the regulatory authority may also consult the concerned Expert Appraisal Committee before grant of such extension.

(iv) The prior Environmental Clearance granted for mining projects shall be valid for the project life as laid down in the mining plan approved and renewed by competent authority, from time to time, subject to a maximum of thirty years, whichever is earlier:

Provided that the period of validity of Environmental Clearance with respect to projects or activities included in this sub-paragraph may be extended by another twenty years, beyond thirty years, subject to the condition that the adequacy of the existing environmental safeguards laid down in the existing Environmental Clearance shall be examined by concerned Expert Appraisal Committee every five years beyond thirty years, on receipt of such application in the laid down proforma from the Project Proponent within the maximum validity period of Environmental Clearance of thirty years, and subsequently on receipt of such application in the laid down proforma from the Project Proponent within the validity period of the extended Environment Clearance, every five years for incorporating such additional environment safeguards in the Environmental Management Plan, as may be deemed necessary, till the validity of the mining lease or end of life of mine or fifty years, whichever is earlier.”;

(b) for the brackets, figures and words “(iii) Where the application for extension under sub-paragraphs (i) and (ii) has been filed”, the following shall be substituted, namely:-

“(v) Where the application for extension under sub-paragraphs (ii), (iii) and (iv) has been filed in the laid down proforma”.

[F. No. IA3-22/10/2022-IA.III]

TANMAY KUMAR, Add. Secy.

**Note:-** The principal notification was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii), vide, number S.O. 1533(E), dated the 14<sup>th</sup> September, 2006 and was last amended, vide the notification number S.O. 2859(E), dated the 16<sup>th</sup> July, 2021.

## Annexure R-10/9

**F.No. 1A3-22/28/2022-1A.111 [E 181584]**  
**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**Impact Assessment Division**

\*\*\*

Indira Paryavaran Bhawan  
 3rd Floor, Vayu Wing, Jor Bagh Road  
 Ali Ganj, New Delhi-110003

Dated: 13<sup>th</sup> December, 2022

**OFFICE MEMORANDUM**

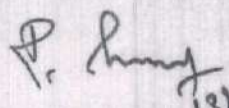
**Subject:** Clarification on the amendment to EIA Notification 2006 issued vide S.O. No. 1807(E) dated 12/04/2022 with regard to validity of Environment Clearance - regarding.

The Ministry of Environment, Forest and Climate Change (MoEF&CC) vide notification no. S.O. No. 1807(E) dated 12/04/2022 amended the provisions of EIA Notification, 2006 regarding validity of Environment Clearance as mentioned below:

Type of Project	Earlier EC validity (Years) (A)	Further extendable for (Years) (B)	Increased EC validity (Years) (C)	Further extendable for (Years) (D)
River Valley projects	10	3	13	2
Nuclear projects	7	3	15	5
Projects other than River Valley, Nuclear and Mining Projects	7	3	10	1
Mining Projects	30		30 (Subject to adequacy of EIA/EMP to be reviewed every 5 years after 30 Years)	20

2. The Ministry is in receipt of representations from different stakeholders seeking clarification on the validity of Environment Clearance for different developmental projects in pursuance to the aforementioned Notification. The matter has been examined and it is to clarify that the applicability of the Notification is as under:

- i. The validity of the Environmental Clearances, which had not expired as on the date of publication of Notification i.e. 12/04/2022, shall stand automatically extended to respective increased validity as mentioned at para no. 1 column (C) above:
- Provided that the period of validity of Environmental Clearance with respect to the type of Projects and Activities listed at Para 1 above may be extended in respect of valid Environmental Clearance, by the regulatory authority concerned, by a maximum period of years as indicated at Para No. 1 Column (D) above, if an application is made in the laid down proforma to the regulatory authority by the applicant as per the provisions of EIA Notification 2006:  
Provided further that the regulatory authority may also consult the concerned Expert Appraisal Committee before grant of such extension.*
- ii. The Environment Clearances for which the project proponents have submitted the application for extension of validity as per the provisions of the EIA Notification 2006 as on the date of publication of Notification i.e. 12/04/2022, shall stand automatically extended to respective increased validity as mentioned at Para no. 1 column (C) above.
3. This is issued with the approval of Competent Authority.

  
13/12/22  
(Sundar Ramanathan)  
Scientist 'E'

To

1. Chairman, Central Pollution Control Board (CPCB)
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
5. All the Officers of IA Division

**Copy for information to:**

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. Sr.PPS to Secretary (EF&CC)
4. Sr.PPS to AS (TK) / AS (NPG)
5. Sr.PPS to JS (SKB)
6. Website, MoEF&CC
7. Guard file.

## Annexure R-10/10

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[PART II—SEC. 3(ii)]

- 10 का.आ. 562(अ) तारीख 26 फ़रवरी 2014;
11. का.आ. 637(अ) तारीख 28 फ़रवरी 2014;
12. का.आ. 1599(अ) तारीख 25 जून 2014;
13. का.आ. 2601(अ) तारीख 7 अक्टूबर 2014;
14. का.आ. 2600(अ) तारीख 9 अक्टूबर 2014
15. का.आ. 3252(अ) तारीख 22 दिसम्बर 2014;
16. का.आ. 382(अ) तारीख 3 फरवरी, 2015;
17. का.आ. 811(अ) तारीख 23 मार्च, 2015;
18. का.आ. 996(अ) तारीख 10 अप्रैल 2015;
19. का.आ. 1142(अ) तारीख 17 अप्रैल 2015;
20. का.आ. 1141(अ) तारीख 29 अप्रैल 2015;
21. का.आ. 1834(अ) तारीख 6 जुलाई 2015;

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**  
**NOTIFICATION**

New Delhi, the 15th January, 2016

**S.O. 141(E).**—Whereas in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), a draft notification for making certain amendments in the Environment Impact Assessment Notification, 2006, issued *vide* number S.O. 1533(E), dated the 14<sup>th</sup> September 2006, was published under sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, *vide* number S.O. 2588(E), dated 22<sup>nd</sup> September, 2015, inviting objections and suggestions from all persons likely to be affected thereby, within a period of sixty days from the date of publication on which copies of Gazette containing the said notification were available to the public;

And whereas, copies of said notification were made available to the public on 22<sup>nd</sup> September 2015;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

And whereas, in pursuance to the order of Hon'ble Supreme Court dated the 27<sup>th</sup> February, 2012 in I.A. No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of Haryana and Others etc., prior environmental clearance has now become mandatory for mining of minor minerals irrespective of the area of mining lease;

And whereas, as a result of the above said Order of Hon'ble Supreme Court, the number of cases which are now required to obtain prior environmental clearance has increased substantially;

And whereas, the Hon'ble National Green Tribunal, *vide* its order dated the 13<sup>th</sup> January, 2015 in the matter regarding sand mining has directed for making a policy on environmental clearance for mining leases in cluster for minor minerals;

And whereas, the State Governments have represented for streamlining the process of environmental clearance for mining of minor mineral;

And whereas, the Ministry of Environment, Forest and Climate Change in consultation with State Governments has prepared Guidelines on Sustainable Sand Mining detailing the provisions on environmental clearance for cluster, creation of District Environment Impact Assessment Authority and proper monitoring of sand mining using information technology and information technology enabled services to track the mined out material from source to destination;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:-

**In the said notification,-**

(a) in paragraph 2, after the words "in the said Schedule", the following words shall be inserted, namely:-  
"and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category 'B2' for mining of minor minerals in the said Schedule";

(b) after paragraph 3, the following paragraph shall be inserted, namely:-

**"3 A. District Level Environment Impact Assessment Authority:-**

- (1) A District Level Environment Impact Assessment Authority hereinafter referred to as the DEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of four members including a Chairperson and a Member-Secretary.
- (2) The District Magistrate or District Collector shall be the Chairperson of the DEIAA.
- (3) The Sub-Divisional Magistrate or Sub-Divisional Officer of the district head quarter of the concerned district of the State shall be the Member-Secretary of the DEIAA.
- (4) The other two members of the DEIAA shall be the senior most Divisional Forest Officer and one expert. The expert shall be nominated by the Divisional Commissioner of the Division or Chief Conservator of Forest, as the case may be. The term and qualifications of the expert fulfilling the eligibility criteria are given in Appendix VII to this notification.
- (5) The members of the DEIAA who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert member.
- (6) The District Level Expert Appraisal Committee hereinafter referred to as the DEAC shall comprise of eleven members, including a Chairman and a Member-Secretary.
- (7) The senior most Executive Engineer, Irrigation Department in the district of respective State Governments or Union territory Administration shall be the Chairperson of the DEAC.
- (8) The Assistant Director or Deputy Director of the Department of Mines and Geology or District Mines Officer or Geologist of the district shall be the Member-Secretary of the DEAC in that order.
- (9) A representative of the State Pollution Control Board or Committee, senior most Sub-Divisional Officer (Forest) in the district, representative of Remote Sensing Department or Geology Department or State Ground Water Department, one occupational health expert or Medical Officer to be nominated by the District Magistrate or District Collector, Engineer from Zila Parishad, and three expert members to be nominated by the Divisional Commissioner or Chief Conservator of Forest, as the case may be, shall be the other members of the DEAC. The term and qualifications of the experts fulfilling the eligibility criteria are given in Appendix VII to this notification.
- (10) The members of the DEAC who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert members.
- (11) The District Magistrate or District Collector shall notify an agency to act as Secretariat for the DEIAA and the DEAC and shall provide all financial and logistic support for their statutory functions.
- (12) The DEIAA and DEAC shall exercise the powers and follow the procedure as specified in the said notification, as amended from time to time.
- (13) The DEAC shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case and if consensus cannot be reached, the view of the majority shall prevail. ";

(c) in paragraph 4, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-

"(iv) The 'B2' Category projects pertaining to mining of minor mineral of lease area less than or equal to five hectare shall require prior environmental clearance from DEIAA. The DEIAA shall base its decision on the recommendations of DEAC, as constituted for this notification." ;

(d) for paragraph 5, the following paragraph shall be substituted, namely:-

**"5. Screening, Scoping and Appraisal Committees:-**

The same Expert Appraisal Committees (EACs) at the Central Government, SEACs at the State or Union territory level and DEAC at the district level shall screen, scope and appraise projects or activity in category 'A', 'B1 and B2' and 'B2' projects for mining of minor minerals of lease area less than and equal to five hectare respectively. EAC, SEACs and DEACs shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union

territory Administration with identical composition. DEAC at the district level shall be constituted by the Central Government as per the composition given in paragraph 3 A.

(b) The Central Government may with the prior concurrence of the concerned State Governments or the Union territory Administration constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost.

(c) The EAC and SEAC shall be reconstituted after every three years.

(d) The authorised members of the EAC, SEACs and DEACs concerned, may inspect any site connected with the project or activity in respect of which the prior environmental clearance is sought for the purpose of screening or scoping or appraisal with prior notice of at least seven days to the project proponent who shall provide necessary facilities for the inspection.

(e) The EAC, SEACs and DEACs shall function on the principle of collective responsibility. The Chairperson shall endeavor to reach a consensus in each case and if consensus cannot be reached the view of the majority shall prevail.”;

(e) for paragraph 6, the following paragraph shall be substituted, namely:-

**“6. Application for Prior Environmental Clearance (EC):-**

An application seeking prior environmental clearance in all cases shall be made by the project proponent in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II after the identification of prospective site (s) for the project and/or activities to which the application relates; and in Form 1M for mining of minor minerals up to five hectare under Category ‘B2’ projects, as given in Appendix VIII, before commencing any construction activity, or preparation of land, or mining at the site by the project proponent. The project proponent shall furnish along with the application, a copy of the pre-feasibility project report, in addition to Form 1, Form 1A, and Form 1M; and in case of construction projects or activities (item 8 of the Schedule), a copy of the conceptual plan shall be provided instead of pre-feasibility report.”;

(f) in paragraph 7,-

(i) in sub-paragraph (i), under the heading “I. Stage (1)- Screening:”, the existing sub-paragraph shall be lettered as sub-paragraph “(A)” and after sub-paragraph as so lettered, the following sub-paragraph shall be inserted, namely:-  
“(B) The cases as specified in Appendix IX shall be exempted from prior environmental clearance.”;

(ii) after sub-paragraph 7 (ii), the following sub-paragraph shall be inserted, namely:-

**“7 (iii) Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals:**

(a) The prescribed procedure for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals is given in Appendix X.

(b) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;

(g) in paragraph 8,-

(i) for the letters and word “EAC or SEAC”, the words and letters “EAC or SEAC or DEAC” shall be substituted;

(ii) for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee” wherever they occur, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(h) in paragraph 9, in sub-paragraph (i),-

for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee”, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(i) in paragraph 10, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-

“(iv) The prescribed procedure for sand mining or river bed mining and monitoring is given in Appendix XII.”;

(j) in paragraph 11, -

for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee”, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(k) in the Schedule,-

(i) for item 1 (a) and the entries relating thereto, the following item and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
“1(a)	(i) Mining of minerals	≥50 ha of mining lease area in respect of non-coal mine lease  >150 ha of mining lease area in respect of coal mine lease  Asbestos mining	<50 ha of mining lease area in respect of non-coal mine lease  ≤150 ha of mining lease area in respect of coal mine lease	General Conditions shall apply except:  (i) for project or activity of mining of minor minerals of Category ‘B2’ (up to 25 ha of mining lease area);  (ii) River bed mining projects on account of inter-state boundary.

		irrespective of mining area		<p><b>Note:</b></p> <p>(1) Mineral prospecting is exempted. ”;</p> <p>(2) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;</p> <p>(3) The mining leases which have obtained environmental clearance under Environment Impact Assessment Notification, 1994 and Environment Impact Assessment Notification, 2006 shall not require fresh environmental clearance during renewal provided the project has valid and subsisting environmental clearance.</p>
(ii)	Slurry pipelines (coal lignite and other ores) passing through national parks or sanctuaries or coral reefs, ecologically sensitive areas.	All projects.		

(I) after Appendix VI, the following appendices shall be inserted, namely:-

“APPENDIX VII

(See paragraph 3 A)

**Qualifications and terms for the Experts in DEIAA and DEAC**

1. **Qualification:** The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA or M Sc Degree or (ii) in case of Engineering/ Technology/ Architectural discipline, 4 years formal training course together with prescribed practical training in the field leading to a B. Tech/ B.E./ B. Arch. Degree, or (iii) Other professional degree (e.g. MBA etc.) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/ article ship and pass examinations conducted by the concerned professional associations (e.g. Chartered Accountancy) or (v) a University degree, followed by two years of formal training in a University or Service Academy (e.g. MBA/MPA etc.). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.
2. **Expert:** A professional fulfilling the above eligibility criteria with at least 10 years of relevant experience in the field or with an advanced degree (e.g. Ph. D) in a concerned field with at least 5 years of relevant experience.
3. **Age:** Below 70 years. However, in the event of non-availability of paucity of experts in a given field, the maximum age of a member may be allowed up to 75 years.
4. **Fields:** Experts in Mining, Geology, Hydrology, Remote Sensing, Environment Quality, Environment Impact Assessment Process, Risk Assessment, Life Sciences, Marine Sciences, Forestry and Wildlife, Environmental Economics, Bio-diversity, and River Ecology.

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5. **Tenure:** The maximum tenure of expert members shall be for two terms of three years each.
6. The Expert Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

**APPENDIX VIII**  
(See paragraph 6)  
**FORM 1 M**

**APPLICATION FOR MINING OF MINOR MINERALS UNDER CATEGORY 'B2' FOR LESS THAN AND EQUAL TO FIVE HECTARE**

**(II) Basic Information**

- (viii) Name of the Mining Lease site:  
(ix) Location / site (GPS Co-ordinates):  
(x) Size of the Mining Lease (Hectare):  
(xi) Capacity of Mining Lease (TPA):  
(xii) Period of Mining Lease:  
(xiii) Expected cost of the Project:  
(xiv) Contact Information:

**Environmental Sensitivity**

Sl. No.	Areas	Distance in kilometer / Details
1.	Distance of project site from nearest rail or road bridge over the concerned River, Rivulet, Nallah etc.	
2.	Distance from infrastructural facilities Railway line National Highway State Highway Major District Road Any Other Road Electric transmission line pole or tower Canal or check dam or reservoirs or lake or ponds In-take for drinking water pump house Intake for Irrigation canal pumps	
3.	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	
4.	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	
5.	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	
6.	Inland, coastal, marine or underground waters	
7.	State, National boundaries	
8.	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	
9.	Defence installations	
10.	Densely populated or built-up area, distance from nearest human habitation	
11.	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)	
12.	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)	
13.	Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded)	
14.	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)	

15.	Is proposed mining site located over or near fissure / fracture for ground water recharge	
16.	Whether the proposal involves approval or clearance under the following Regulations or Acts, namely:- (a) The Forest (Conservation) Act, 1980; (b) The Wildlife (Protection) Act, 1972; (c) The Coastal Regulation Zone Notification, 2011. If yes, details of the same and their status to be given.	
17.	Forest land involved (hectares)	
18.	Whether there is any litigation pending against the project and/or land in which the project is propose to be set up? (a) Name of the Court (b) Case No. (c) Orders or directions of the Court, if any, and its relevance with the proposed project.	

(Signature of Project Proponent  
Along with name and address)

#### APPENDIX - IX

[See paragraph 7(i) (B)]

#### EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require prior environmental clearance, namely:-

1. Extraction of ordinary clay or sand, manually, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand, manually, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works like de-silting of village ponds or tanks, construction of village roads, ponds, bunds undertaken in Mahatama Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes, and community efforts.
6. Dredging and de-silting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of their maintenance, upkeep and disaster management.
7. Traditional occupational work of sand by Vanjara and Oads in Gujarat *vide* notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14<sup>th</sup> February, 1990 of the Government of Gujarat.
8. Digging of well for irrigation or drinking water.
9. Digging of foundation for buildings not requiring prior environmental clearance.
10. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nala, drain, water body. etc., to deal with any disaster or flood like situation upon orders of District Collector or District Magistrate.
11. Activities declared by State Government under legislations or rules as non-mining activity with concurrence of the Ministry of Environment, Forest and Climate Change, Government of India.

#### APPENDIX - X

[See paragraph 7 (iii) (a)]

#### PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

1. Introduction
2. Overview of Mining Activity in the District
3. The List of Mining Leases in the District with location, area and period of validity
4. Details of Royalty or Revenue received in last three years
5. Detail of Production of Sand or Bajari or minor mineral in last three years
6. Process of Deposition of Sediments in the rivers of the District
7. General Profile of the District
8. Land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.

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9. Physiography of the District  
 10. Rainfall: month-wise  
 11. Geology and Mineral Wealth

In addition to the above, the report shall contain the following:

- (a) District wise detail of river or stream and other sand source.  
 (b) District wise availability of sand or gravel or aggregate resources.  
 (c) District wise detail of existing mining leases of sand and aggregates.

A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

**Drainage system with description of main rivers**

S. No.	Name of the River	Area drained (Sq. Km)	% Area drained in the District

**Salient Features of Important Rivers and Streams:**

S. No.	Name of the River or Stream	Total Length in the District (in Km)	Place of origin	Altitude at Origin

Portion of the River or Stream Recommended for Mineral Concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

**Mineral Potential**

Boulder (MT)	Bajari (MT)	Sand (MT)	Total Mineable Mineral Potential (MT)

**Annual Deposition**


S. No.	River or Stream	Portion of the river or stream recommended for mineral concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)
Total for the District						

A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation department, State Pollution Control Board or Committee, Forest department, Geology or mining officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

**Methodology adopted for calculation of Mineral Potential:**

The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For example in some hill States mineral constituents like boulders, river born Bajri, sand up

to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

#### APPENDIX - XI

[See paragraph 7 (iii) (b)]

#### PROCEDURE FOR ENVIRONMENTAL CLEARANCE FOR MINING OF MINOR MINERALS INCLUDING CLUSTER

The following policy shall be followed for environmental clearance of mining of minor minerals including cluster situation:-

- (1). The data provided by the States (Sustainable Sand Mining Guidelines) shows that most of the mining leases for minor minerals are of lease area less than 5 hectare. It is also reported that in hill States getting a stretch in river with area more than 5 hectare is very uncommon. So the size of lease for minor minerals including river sand mining will be determined by the States as per their circumstances.
- (2). The mining of minor minerals is mostly in clusters. The Environment Impact Assessment or Environment Management Plan are required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The Environment Impact Assessment or Environment Management Plan shall be prepared by the State or State nominated Agency or group of project proponents in the Cluster or the project proponent in the cluster.
- (3). There shall be one public consultation for entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.
- (4). Environmental clearance shall be applied for and issued to the individual project proponent. The individual lease holders in cluster can use the same Environment Impact Assessment or Environment Management Plan for application for environmental clearance. The cluster Environment Impact Assessment or Environment Management Plan shall be updated as per need keeping in view any significant change.
- (5). The details of cluster Environment Impact Assessment or Environment Management Plan shall be reflected in each environmental clearance in that cluster and DEAC, SEAC, and EAC shall ensure that the mitigative measures emanating from the Environment Impact Assessment or Environment Management Plan study are fully reflected as environmental clearance conditions in the environmental clearance's of individual project proponents in that cluster.
- (6). A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area.
- (7). Form IM, Pre-Feasibility Report and mine plan for Category 'B2' projects for mining of minor minerals shall be prepared by the Registered Qualified Person or Accredited Consultants of Quality Council of India, National Accreditation Board for Education and Training. The Environment Impact Assessment or Environment Management Plan for Category 'A' and Category 'B1' projects shall be prepared by the accredited consultants of Quality Council of India, National Accreditation Board for Education and Training.
- (8). The SEIAAs shall have supervisory jurisdiction over the DEIAAs and decisions of DEIAA shall be reviewed by the SEIAA without prejudice to any provisions under any existing law.

#### Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals including cluster situation

Area of Lease (Hectare)	Category of Project	Requirement of EIA / EMP	Requirement of Public Hearing	Requirement of EC	Who can prepare EIA/ EMP	Who will apply for EC	Authority to appraise/ grant EC	Authority to monitor EC compliance
<b>EC Proposal of Sand Mining and other Minor Mineral Mining on the basis of individual mine lease</b>								
0 - 5ha	'B2'	Form -IM, PFR and Approved Mine Plan	No	Yes	Project Proponent	Project Proponent	DEAC/ DEIAA	DEIAA SEIAA SPCB CPCB MoEFCC Agency

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THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—SEC. 3(ii)]

> 5 ha and < 25 ha	'B2'	Form -I, PFR and Approved Mine Plan and EMP	No	Yes	Project Proponent	Project Proponent	SEAC / SEIAA	nominated by MoEFCC
≥ 25ha and < 50ha	'B1'	Yes	Yes	Yes	Project Proponent	Project Proponent	SEAC/ SEIAA	
≥ 50 ha	'A'	Yes	Yes	Yes	Project Proponent	Project Proponent	EAC/ MoEFCC	
<b>EC Proposal of Sand Mining and other Minor Mineral Mining in cluster situation</b>								
Cluster area of mine leases up to 5 ha	'B2'	Form -IM, PFR and Approved Mine Plan	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	DEIAA SEIAA SPCB CPCB MoEFCC Agency nominated by MoEFCC
Cluster area of Mine leases > 5 ha and < 25 ha with no individual lease > 5 ha	'B2'	Form -I, PFR and Approved Mine Plan and one EMP for all leases in the Cluster	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	
Cluster of mine leases of area ≥ 25 hectares with individual lease size < 50ha	'B1'	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	SEAC/ SEIAA	
Cluster of any size with any of the individual lease ≥ 50ha	'A'	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	EAC/ MoEFCC	

## APPENDIX - XII

[See paragraph 10 (iv)]

## PROCEDURE FOR MONITORING OF SAND MINING OR RIVER BED MINING

1. The security feature of Transport Permit shall be as under:

- Printed on Indian Banks' Association (IBA) approved Magnetic Ink Character Recognition (MICR) Code paper.
- Unique Barcode.
- Unique Quick Response (QR) code.
- Fugitive Ink Background.
- Invisible Ink Mark.
- Void Pantograph.
- Watermark.

2. Requirement at Mine Lease Site:

- Small Size Plot (Up to 5 hectare): Android Based Smart Phone.

- (b) Large Size Plots (More than 5 hectare): CCTV camera, Personal Computer (PC), Internet Connection, Power Back up.
- (c) Access control of mine lease site.
- (d) Arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used.

3. Scanning of Transport Permit or Receipt and Uploading on Server:

- (a) Website: Scanning of receipt on mining site can be done through barcode scanner and computer using the software;
- (b) Android Application: Scanning on mining site can be done using Android Application using smart phone. It will require internet availability on SIM card;
- (c) SMS: Transport Permit or Receipt shall be uploaded on server even by sending SMS through mobile. Once Transport Permit or Receipt get uploaded, an unique invoice code gets generated with its validity period.

4. Proposed working of the system:

The State Mining Department should print the Transport Permit or Receipt with security features enumerated at Paragraph 1 above and issue them to the mine lease holder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferably with pre-fixed quantity, so the total quantity gets determined for the receipts issued.

When the Transport Permit or Receipt barcode gets scanned and invoice is generated, that particular barcode gets used and its validity time is recorded on the server. So all the details of transporting of mined out material can be captured on the server and the Transport Permit or Receipt cannot be reused.

5. Checking On Route:

The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to check the validity of Transport Permit or Receipt by scanning them using website, Android Application and SMS.

6. Breakdown of Vehicle:

In case the Vehicle breakdown, the validity of Transport Permit or Receipt shall be extended by sending SMS by driver in specific format to report breakdown of vehicle. The server will register this information and register the breakdown. The State can also establish a call centre, which can register breakdowns of such vehicles and extend the validity period. The subsequent restart of the vehicle also should be similarly reported to the server or call centre.

7. Tracking of Vehicles:

The route of vehicle from source to destination can be tracked through the system using check points, RFID Tags, and GPS tracking.

8. Alerts or Report Generation and Action Review:

The system will enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation, and total lifting. The system can be used to generate auto mails or SMS. This will enable the District Collector or District Magistrate to get all the relevant details and shall enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle shall be tracked.

The monitoring of mined out mineral, environmental clearance conditions and enforcement of Environment Management Plan will be ensured by the DEIAA, SEIAA and the State Pollution Control Board or Committee. The monitoring arrangements envisaged above shall be put in place not later than three months. The monitoring of enforcement of environmental clearance conditions shall be done by the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change and the agency nominated by the Ministry for the purpose.”.

[No. Z-11013/98/2014-IA-II (M)]

MANOJ KUMAR SINGH, Jt. Secy.

**Note:** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended vide the following numbers :-

1. S.O. 1737 (E) dated the 11th October, 2007;
2. S.O. 3067 (E) dated the 1st December, 2009;
3. S.O. 695 (E) dated the 4th April, 2011;
4. S.O. 2896 (E) dated the 13th December, 2012;
5. S.O. 674 (E) dated the 13th March, 2013;
6. S.O. 2204 (E) dated the 19th July 2013;
7. S.O. 2555 (E) dated the 21st August, 2013;
8. S.O. 2559 (E) dated the 22nd August, 2013;
9. S.O. 2731 (E) dated the 9th September, 2013;
10. S.O. 562 (E) dated the 26th February, 2014;
11. S.O. 637 (E) dated the 28th February, 2014;
12. S.O. 1599 (E) dated the 25th June, 2014;
13. S.O. 2601 (E) dated the 7th October, 2014;
14. S.O. 2600 (E) dated the 9th October, 2014
15. S.O. 3252 (E) dated the 22nd December, 2014;
16. S.O. 382 (E) dated the 3rd. February, 2015;
17. S.O. 811 (E) dated the 23rd March, 2015;
18. S.O. 996 (E) dated the 10th April, 2015;
19. S.O. 1142 (E) dated the 17th April, 2015;
20. S.O. 1141 (E) dated the 29th April, 2015;
21. S.O. 1834 (E) dated the 6th July, 2015.

## Annexure R-10/11

[भाग II—खण्ड 3(ii)]

भारत का राजपत्र : असाधारण

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21. का.आ. 1142(अ), तारीख 17 अप्रैल, 2015 ;
22. का.आ. 1141(अ), तारीख 29 अप्रैल, 2015 ;
23. का.आ. 1834(अ), तारीख 6 जुलाई, 2015 ;
24. का.आ. 2571(अ), तारीख 31 अगस्त, 2015,
25. का.आ. 2572(अ), तारीख 14 सितंबर, 2015,
26. का.आ. 141(अ) 15 जनवरी, 2016,
27. का.आ. 648(अ) तारीख 3 मार्च, 2016 ;
28. का.आ. 2269(अ) तारीख 1 जुलाई, 2016 ;
29. का.आ. 2944(अ), तारीख 14 सितम्बर, 2016;
30. का.आ. 3518(अ), तारीख 23 नवंबर, 2016 ;
31. का.आ. 3999(अ), तारीख 9 दिसंबर, 2016;
32. का.आ. 4241(अ), तारीख 30 दिसम्बर, 2016; और
33. का.आ. 3611(अ), तारीख 25 जुलाई, 2018।

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE****NOTIFICATION**

New Delhi, the 14th August, 2018

**S.O. 3977(E).**— Whereas, by notification of the Government of India in the erstwhile Ministry of Environment and Forests vide number S.O.1533 (E), dated the 14th September, 2006 issued under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government directed that on and from the date of its publication, the required construction of new projects or activities or the expansion or modernisation of existing projects or activities listed in the Schedule to the said notification entailing capacity addition with change in process or technology or product mix shall be undertaken in any part of India only after prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified therein;

And whereas, the said Ministry has received requests, for delegation of more powers to State Environment Impact Assessment Authority (SEIAA) and District Environment Impact Assessment Authority (DEIAA) with respect to grant of Environment Clearances;

And whereas clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 provides that, whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

And whereas, a draft notification for making amendments in the Environment Impact Assessment Notification, 2006 in exercise of the powers conferred under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 was published, vide number S.O.3933 (E) dated the 18th December 2017, inviting objections and suggestions from all the persons likely to be affected thereby, within a period of sixty days from the date of publication of said notification in the Gazette of India;

And whereas, copies of the said notification were made available to the public on 18th December 2017;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the Environment Impact Assessment Notification, 2006 namely:-

In the said Notification, in the SCHEDULE, for item I(a), I(c), and the Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals including cluster situation in Appendix-XI and entries relating thereto, the following item and entries shall be substituted, namely:

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
I		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)
1 (a)	(i) Mining of minerals  (ii) Slurry pipelines (coal, lignite and other ores) passing through national parks / sanctuaries / coral reefs, ecologically sensitive areas.	> 100 ha. of mining lease area in respect of non-coal mine lease.  > 150 ha. of mining lease area in respect of coal mine lease  Asbestos mining irrespective of mining area.  All projects.	≤ 100 ha. of mining lease area in respect of non-coal mine lease.  ≤ 150 ha. of mining lease area in respect of coal mine lease.	General Conditions shall apply except: (i) for project or activity of mining of minor minerals of Category 'B2' (up to 25 ha of mining lease area); (ii) for project or activity of mining of minor minerals of Category 'B1' in case of cluster of mining lease area; and (iii) River bed mining projects on account of inter-state boundary.  Note:  (1) Mineral prospecting is exempted;  (2) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI;
1(c)	(i) River Valley projects  (ii) Irrigation projects	(i) ≥ 50 MW hydroelectric power generation;  (ii) ≥ 50,000 ha. of culturable command area	(i) ≥ 25 MW and < 50 MW hydroelectric power generation;  (ii) > 2000 ha. and < 50,000 ha. of culturable command area.	General Condition shall apply.  Note:- (i) Category 'B' river valley projects falling in more than one state shall be appraised at the central Government Level.  (ii) Change in irrigation technology having environmental benefits (eg. From flood irrigation to Drip irrigation etc.) by an existing project, leading to increase in Culturable Command Area but without increase in dam height and submergence, will not require amendment/ revision of EC.
			<b>Irrigation system</b>	<b>Requirement of EC</b>
			(a) Minor Irrigation system (≤ 2000 Ha)	Exempted
			(b) Medium irrigation system (> 2000 and < 10,000 ha.)	Required to prepare EMP and to be dealt at State Level (B <sub>2</sub> category).

[ भाग II-खण्ड 3(ii) ]

भारत का राजपत्र : असाधारण

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			(c) Major irrigation system (≥10,000 to < 50,000 ha.)	Required to prepare EIA/EMP and to be dealt at State Level (B <sub>1</sub> category).
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**Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals including cluster situation in Appendix-XI:**

Area of Lease (Hectare)	Category of Project	Requirement of EIA / EMP/ DSR	Requirement of Public Hearing	Requirement of EC	Who can prepare EIA/ EMP	Who will apply for EC	Authority to appraise/ grant EC	Authority to monitor EC compliance
<b>EC Proposal of Sand Mining and other Minor Mineral Mining on the basis of individual mine lease</b>								
0 - 5ha	'B2'	Form -1M, PFR, DSR and Approved Mine Plan	No	Yes	Project Proponent	Project Proponent	DEAC/ DEIAA	DEIAA SEIAA SPCB CPCB MoEFCC Agency nominated by MoEFCC
> 5 ha and < 25 ha	'B2'	Form -I, PFR, DSR and Approved Mine Plan and EMP	No	Yes	Project Proponent	Project Proponent	SEAC / SEIAA	
≥ 25ha and ≤ 100ha	'B1'	Form -I, PFR, DSR and Approved Mine Plan and EIA and EMP	Yes	Yes	Project Proponent	Project Proponent	SEAC / SEIAA	
> 100 ha	'A'	Form -I, PFR, DSR and Approved Mine Plan and EIA and EMP	Yes	Yes	Project Proponent	Project Proponent	EAC/ MoEFCC	
<b>EC Proposal of Sand Mining and other Minor Mineral Mining in cluster situation</b>								
Cluster area of mine leases up to 5 ha	'B2'	Form -1M, PFR, DSR and Approved Mine Plan	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	DEIAA SEIAA SPCB CPCB MoEFCC Agency nominated by MoEFCC
Cluster area of Mine leases > 5 ha and < 25 ha with no individual lease > 5 ha	'B2'	Form -I, PFR, DSR and Approved Mine Plan and one EMP for all leases in the Cluster	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	
Cluster area of Mine leases > 5 ha and < 25 ha with any individual lease > 5 ha	'B2'	Form -I, PFR, DSR and Approved Mine Plan and one EMP for all leases in the Cluster	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	SEAC/ SEIAA	

Cluster of mine leases of area $\geq 25$ hectares with individual lease size $\leq 100$ ha	'B1'	Form -I, PFR, DSR and Approved Mine Plan and one EIA/EMP for all leases in the Cluster	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	SEAC/SEIAA
Cluster of any size with any of the individual lease $> 100$ ha	'A'	Form -I, PFR, DSR and Approved Mine Plan and one EIA/EMP for all leases in the Cluster	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	EAC/MoEFCC

[F. No. 19-2/2013-IA.III (Pt.II)]

GYANESH BHARTI, Jt. Secy.

**Note:** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006 and subsequently amended *vide* the following numbers: -

1. S.O. 1949 (E) dated the 13<sup>th</sup> November, 2006
2. S.O. 1737 (E) dated the 11<sup>th</sup> October, 2007;
3. S.O. 3067 (E) dated the 1<sup>st</sup> December, 2009;
4. S.O. 695 (E) dated the 4<sup>th</sup> April, 2011;
5. S.O. 156 (E) dated the 25<sup>th</sup> January, 2012;
6. S.O. 2896 (E) dated the 13<sup>th</sup> December, 2012;
7. S.O. 674 (E) dated the 13<sup>th</sup> March, 2013;
8. S.O. 2204 (E) dated the 19<sup>th</sup> July 2013;
9. S.O. 2555 (E) dated the 21<sup>st</sup> August, 2013;
10. S.O. 2559 (E) dated the 22<sup>nd</sup> August, 2013;
11. S.O. 2731 (E) dated the 9<sup>th</sup> September, 2013;
12. S.O. 562 (E) dated the 26<sup>th</sup> February, 2014;
13. S.O. 637 (E) dated the 28<sup>th</sup> February, 2014;
14. S.O. 1599 (E) dated the 25<sup>th</sup> June, 2014;
15. S.O. 2601 (E) dated the 7<sup>th</sup> October, 2014;
16. S.O. 2600 (E) dated the 9<sup>th</sup> October, 2014
17. S.O. 3252 (E) dated the 22<sup>nd</sup> December, 2014;
18. S.O. 382 (E) dated the 3<sup>rd</sup> February, 2015;
19. S.O. 811 (E) dated the 23<sup>rd</sup> March, 2015;
20. S.O. 996 (E) dated the 10<sup>th</sup> April, 2015;
21. S.O. 1142 (E) dated the 17<sup>th</sup> April, 2015;
22. S.O. 1141 (E) dated the 29<sup>th</sup> April, 2015;
23. S.O. 1834 (E) dated the 6<sup>th</sup> July, 2015;
24. S.O. 2571 (E) dated the 31<sup>st</sup> August, 2015;
25. S.O. 2572 (E) dated the 14<sup>th</sup> September, 2015;
26. S.O. 141 (E) dated the 15<sup>th</sup> January, 2016;
27. S.O. 648 (E) dated the 3<sup>rd</sup> March, 2016;
28. S.O. 2269(E) dated the 1<sup>st</sup> July, 2016;
29. S.O. 2944(E) dated the 14<sup>th</sup> September, 2016;

30. S.O. 3518 (E) dated 23<sup>rd</sup> November 2016;
31. S.O. 3999 (E) dated the 9<sup>th</sup> December, 2016;
32. S.O. 4241(E) dated the 30<sup>th</sup> December, 2016; and
33. S.O. 3611(E) dated the 25<sup>th</sup> July, 2018.

**PS BUILDTECH**

Kothi number 62 Sector 15 Huda Jagadhri Yamunanagar, 135003  
Email-P.SBUILDTECH007@GMAIL.COM

GSTIN-06ATVPS7609H1ZY  
M-8397800000

To,  
Directorate of Mines and Geology,  
Panchkula,  
Haryana

**Subject: Submission of Draft Mining Scheme (with Review) under (Submitted Under Rule 70 (1) & 77(2) of Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 and Rule 17 of MCR 2016 in respect of minor mineral mines of "Boulder, Gravel and Sand" of "M/s. P.S. Buildtech" over an area of 101.27 ha. in Tehsil: Radaur, District: Yamunanagar, State Haryana of M/s. P.S. Buildtech**

Dear Sir,

Kindly find attached herewith draft Mining scheme & Progressive mine closure plan in respect of minor mineral mines of "Boulder, Gravel and Sand" of "M/s. P.S. Buildtech" over an area of 101.27 Ha. in Tehsil: Radaur, District: Yamunanagar, State Haryana of M/s. P.S. Buildtech submitted under Rule HMMCSM & PI-2012 and 17 of MCR 2016 has been prepared by Qualified Person. We are submitting herewith the draft Mining scheme & Progressive mine closure plan with a processing fee of Rs. 5,000/- in favour of Directorate of Mining Geology with two hard copies of texts and plates.

Two set of Hard copies are being submitted along with DD for your kind perusal please.

Regards,

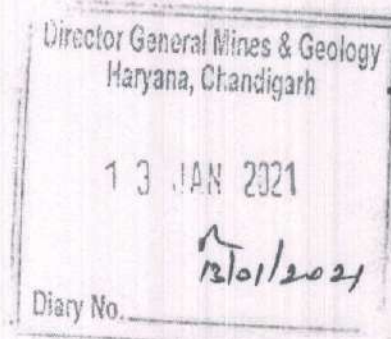
For M/s. P.S. Buildtech



(Authorized Signatory)

Encl: 1. A DD of Rs. 5,000/- against processing fee

2. Two Sets of Draft mining scheme with Text & Plates



Annexure R-10/13

GSTIN : 06ATVPS7609H1ZY



# P. S. BUILDTECH

CIVIL WORK, H. EARTH MOVING, FABRICATION, & AGGREGATE SUPPLIERS  
FOR HARYANA, PUNJAB, DELHI, U.P.



77330-02409  
83978-00000  
92155-21765  
94163-81313

To,  
Directorate of Mines and Geology,  
Panchkula,  
Haryana

Director Mines & Geology  
Haryana, Panchkula

Date

23/05/2023

25 MAY 2023

Subject: Submission of Draft Mining Scheme (with Review) under (Submitted Under Rule 70 (1) & 77(2) of Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 and Rule 17 of MCR 2016 in respect of minor mineral mines of "Boulder, Gravel and Sand" of "M/s. P.S. Buildtech" over an area of 101.27 ha. in Tehsil: Radaur, District: Yamunanagar, State Haryana of M/s. P.S. Buildtech.

Dear Sir,

Kindly find attached herewith draft Mining scheme & Progressive mine closure plan in respect of minor mineral mines of "Boulder, Gravel and Sand" of "M/s. P.S. Buildtech" over an area of 101.27 Ha. in Tehsil: Radaur, District: Yamunanagar, State Haryana of M/s. P.S. Buildtech submitted under Rule HMMCSTM & PI -2012 and 17 of MCR 2016 has been prepared by Qualified Person. We are submitting herewith the draft Mining scheme & Progressive mine closure plan for the same.

We would like to inform that we had already submitted Draft Mining scheme & Progressive mine closure plan in respect of minor mineral mines of "Boulder, Gravel and Sand" of "M/s. P.S. Buildtech" over an area of 101.27 Ha. in Tehsil: Radaur, District: Yamunanagar, State Haryana of M/s. P.S. Buildtech on dated 13.01.2021. Submission Receipt for the same has been enclosed as with this letter.

Now, again two set of Hard copies are being submitted for your kind perusal please.

Regards,

For M/s. P.S. Buildtech

(Authorized Signatory)

Encl: 1. Previous Submission Receipt.

## Annexure R-10/14

From

The Director,  
Mines & Geology, Haryana,  
DHL Square, Plot No. 9, Sector-22, Panchkula.

To

M/s P.S. Buldtech,  
Proprietor Sh. Kulvinder Singh  
34-Vishal Nagar, Yamunanagar, Haryana.

Memo No. DMG/HY/MP/Jathlana /YNR B-12/2023/ 4146  
Dated Panchkula the 21-07-23

Subject:

**Submission of Mining Scheme & Progressive Mine Closure Plan under Rule 70(1) of the State Rules, 2012 in respect of Jathlana block YNR B-12 sand Minor Minerals in District Yamunanagar over an area of 101.27 hectares of M/S P.S. Buldtech, Yamunanagar.**

2. You have submitted Mining Scheme along with Progressive Mine Closure Plan for Sand Minor Mineral for Jathlana block YNR B-12, comprising an area of 101.27 hectares for approval by you had been examined and following discrepancies have been found is as under.

Text:-

- i. Method of estimation of reserves Bulk density is taken as 2.00 MT/m<sup>3</sup>, documentation regarding this is required.
- ii. Method of estimation of Geological & Blocked reserves is wrong, needs to be correct.
- iii. Working days have been taken 300 days is wrong, needs to be check.
- iv. Replenishment study needs to be updated and average depth of Replenishment not given.
- v. Financial assurance not calculated as per State rules.

Plates:-

- i. Surface plan and other Plates are prepared on September - 2020, needs to be updated all plates.
- ii. Environment plan, Plate no-7 has not been prepared as per Guide lines.

3. Therefore, you are advised to send fair copy of "Mining Scheme including Progressive Mine Closure Plan" to this office, after making above necessary corrections so that same could be approved and send to them for necessary action.

*[Handwritten signature]*  
/c

State Geologist,  
for Director, Mines and Geology,  
Haryana

Endst No. DMG/HY/MP/Jathlana /YNR B-12/2023/ 4147

21.07.23

A copy is forwarded to M/s P.S. Buldtech, Proprietor Sh. Kulvinder Singh, R/o 34-Vishal Nagar, Yamunanagar, Haryana, for information.

*[Handwritten signature]*  
/c

State Geologist,  
for Director, Mines and Geology,  
Haryana

GSTIN : 06ATVPS7609H12Y



# P. S. BUILDTECH

CIVIL WORK, H, EARTH MOVING, FABRICATION, & AGGREGATE SUPPLIERS  
FOR HARYANA, PUNJAB, DELHI. U.P.



Date: 25.07.2023

To

The State Geologist  
Director of Mines & Geology  
Haryana

**Subject:** Rectification in the Draft Mining Plan submitted in respect of Jathlana YNR B-12 Sand Minor Mineral in District Yamunanagar over an area of 101.27 Ha. of M/s P.S. Buildtech Yamunanagar as per deficiencies pointed out vide Your Memo No. MG/HY/MP/Jathlana/YNR-B12/2023/4146 dt. 21/7/2023

Sir

In compliance of your mentioned letter, Kindly find enclosed herewith fair copies of Jathlana YNR B-12 Sand Minor Mineral in District Yamunanagar over an area of 101.27 Ha. of M/s P.S. Buildtech Yamunanagar after attending the modification suggested by your good self. Item wise compliance positions are as under.

S.NO	Deficiencies Pointed out	Compliance
1.	Method of estimation of reserves Bulk Density is taken as 2.00 MT/m <sup>3</sup> , documentation regarding this is required.	Document in support of Bulk density is enclosed as Annexure 16
2	Method of estimation of Geological & Blocked reserves is wrong, need to be correct.	Geological Reserve/resource is revised. Besides it, mineable reserve is also revised on the basis of replenishment study of 2020 as well 2022
3	Working days have been taken 300 days is wrong needs to be check.	Considering the monsoon season, 250 working days are now considered instead of 300.
4	Replenishment study needs to be	Updated Replenishment study is also enclosed as

5	Financial assurance not calculated as per State rules.	Financial Assurance Calculation is revised.
6	Surface plan and other Plates are prepared on September-2020, needs to be updated all plates.	Mining plan under reference pertains to five year block period of 2021-22 to 2025-26. Hence, was prepared on the basis of base map of 2020. However, regular replenishment studies are carried out which are based on Drone Survey carried out in the month of August 2022 & January 2023. Such updated plans are available in recent replenishment study (Annexure-15). This study is now integral part of the mining plan
7	Environmental Plan, Plate No-07 has not been prepared as per Guide Lines.	All surface features & type of land falling within 500 m radius of mining lease Area is shown in Additional Environment Plan Plate 7A

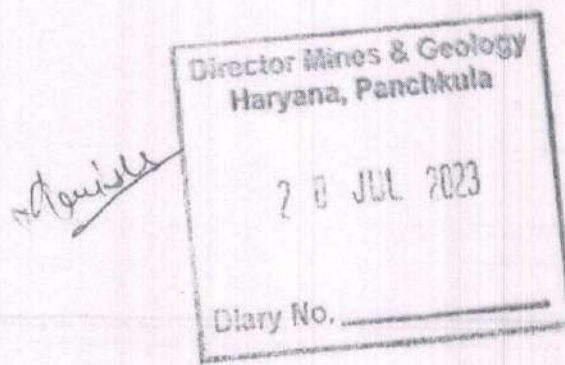
We would like to submit 6 copies of this EDS reply.

You are requested to kindly consider and provide the approval at the earliest.

Thanking you

Your's Faithfully

M/s P.S. Buildtech, 34-Vishal Nagar, Yamuna Nagar  
Jathlana YNR B-12 River sand



## Annexure R-10/15

From

M/s P.S. Buldtech,  
Properietor Sh. Kulvinder Singh  
34-Vishal Nagar, Yamunanagar, Haryana.

To

The Director,  
Mines & Geology, Haryana,  
DHL Square, Plot No. 9, Sector-22, Panchkula.

Subject:

The Mining Scheme and Progressive Mine closure Plan in respect of Sand mine  
Jatlana YNR B-12 M/s P.S Buldtech, District Yamunanagar, over an area of  
101.27hectares

Sir,

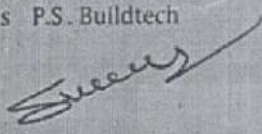
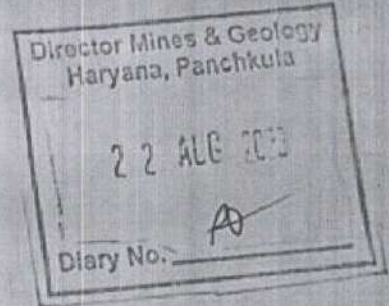
Please refer your letter No. DMG/HY/MP/Jatlana YNR b-12/2023/4633 dated 16-08-2023 on the subject cited above. The points raised by your good office have been taken care of and all the points have been duly addressed. We are therefore submitting Fair copies of Mining Scheme and Progressive Mine closure plan of Jatlana YNR B-12 sand Mine.

You are therefore requested to approve the same and send a copy of the approved Mining Scheme & Progressive Mie Closure Plan.

Thanking You

Sincerely Yours

M/s P.S. Buldtech

  
(Authorized Signatory)

## Annexure R-10/16

From

The Director,  
Mines & Geology, Haryana,  
DHL Square, Plot No.-9, Sector-22, Panchkula.

To

M/s P.S. Buildtech,  
Through Sh. Kulvinder Singh S/o Sh. Trilochan Singh,  
34-Vishal Nagar, Yamunanagar, Haryana.

Memo No. DMG/HY/MP/Jatlana Block YNR B-12/2023/ 4834  
Dated Panchkula, the 24.08.23

Subject:

Submission of Mining Scheme & Progressive Mine Closure Plan for Sand Mine (Minor Minerals) for Jatlana Block YNR B-12, District Yamunanagar comprising an area of 101.27 Hectares of M/s P.S. Buildtech, Yamunanagar (Haryana).

\*\*\*\*\*

Reference to your letter dated 16.08.2023 on the subject noted above.

2. Vide letter under reference, the Mining Scheme along with Progressive Mine Closure Plan in respect of an area of 101.27 hectares of land in village Jatlana & Dakhwala district Yamunanagar was submitted for approval.

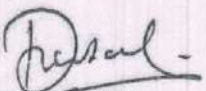
3. In exercise of the powers conferred by Rule 69 of the Haryana Minor Mineral Concession, Stoking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, I hereby approve the above said Mining Scheme along with Progressive Mine Closure Plan in respect of Sand Mine (Minor Minerals) over an area of 101.27 hectares of land situated in village Jatlana & Dakhwala of district Yamunanagar. This approval is subject to the following conditions:-

- (i) That this Mining Scheme and Progressive Mine Closure Plan is approved without prejudice to any other laws applicable to the mine/area from time to time whether made by the Central Government or State Government or any other authority.
- (ii) That this approval of the "Mining Scheme along with Progressive Mine Closure Plan" of Mining does not in any way imply the approval of the State Government in terms of any other provisions of the Mines and Minerals (Development & Regulation) Act, 1957 or Haryana Minor Mineral Concession, Stoking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 or any other law including Forest (Conservation) Act, 1980 and Environment Protection Act, 1986 and rules framed there under.
- (iii) That this "Mining Scheme along with Progressive Mine Closure Plan" is being approved on the basis of data provided by you. In case, at any point of time any ambiguity in the same is found, the approval will be revoked with suspension of the mining operations and will be allowed to resume operation only after modification/rectification of the same, if so required.

- (iv) That this "Mining Scheme along with Progressive Mine Closure Plan" is approved without prejudice to any other order or direction from any court of any competent jurisdiction and is for a period of Five years only and shall not be make you entitled for any extension of the lease period.
- (v) That all the norms and provisions as envisaged in the Mining Scheme would be adhered to, during the working of mine.
- (vi) That the Financial Assurance of Rs. 15,19,050/- (Rs. Fifteen lac Nineteen thousand and Fifty only) as required under the provisions of Rule 71(6) of "Haryana Minor Mineral Concession, Stocking, Transportation of Minerals & Prevention of Illegal Mining Rules, 2012, shall be furnished within a period of 60 days or before start of mining operations, whichever is earlier.

4. Further, as per condition, the actual mining will be allowed to be commenced only after Prior Environmental Clearance from the Competent Authority as required under EIA notification dated 14/9/2006, as amended from time to time by the MoE&F, GoI and guidelines/ circulars issued in this behalf.

Encl: Mining Scheme & Progressive Mine Closure Plan (2 copies)

  
State Geologist,  
for Director, Mines and Geology,  
Haryana.


Registered Post

Endst. No. DMG/HY/MP/Jatlana Block YNR B-12/2023/

Dated:

A copy along with a copy of the dully approved Mining Scheme and Progressive Mine Closure Plan is forwarded to the Director Mines Safety, Room No. 201-203, 2<sup>nd</sup> Floor, B-Block, CGO Complex-II, Hapur Road, Ghaziabad for information and necessary action.

Encl: Mining Scheme & Progressive Mine Closure Plan.

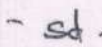
  
State Geologist,  
for Director, Mines and Geology,  
Haryana.

Endst. No.. DMG/HY/MP/Jatlana Block YNR B-12/2023/

Dated:

A copy along with a copy of the dully approved Mining Scheme and Progressive Mine Closure Plan is forwarded to the Mining officer, Mines and Geology Department, Yamunanagar for information and necessary action.

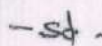
Encl: Mining Scheme & Progressive Mine Closure Plan.

  
State Geologist,  
for Director, Mines and Geology,  
Haryana.

Endst. No. DMG/HY/MP/Jatlana Block YNR B-12/2023/

Dated:

A copy is forwarded to Sh. Govind singh, D/88,Meera Marg,Bani park,Jaipur -302016 (Rajasthan) for information.

  
State Geologist  
for Director, Mines and Geology,  
Haryana.

## VAKALATNAMA

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,  
 Between: NEW DELHI

AJIT PAL SINGH Petitioner/Appellant

Vs

STATE OF HRY. & ORS. Respondent/ Defendant

I/WE M/s P.S. BUILDTECH THR. PROP. SH. KULWINDER SINGH  
S/O SH. TARLOCHAN SINGH do hereby appoint & retain:

**ANSHUL MANGLA, Advocate**

P/2238/2011

#477, SECTOR 12, PANCHKULA

M: 8283097167; anshul.mangla16@gmail.com

to be advocate for Resp. No. 10. in the said Suit / Appeal / Petition / Case / Reference / Revision / Execution. I / we authorize the Advocates to do any or all of the following on my / our behalf:

- to represent, act and appear for me / us;
- to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree of order passed therein;
- to sign, file, verify, present, and receive all types of documents including plaints, statements, pleadings, appeals, cross objections, petitions, applications, revision, withdrawal, compromise or affidavits;
- to withdraw or compromise or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case;
- to deposit, draw and receive money, cheques, cash and grant receipts thereof;
- to do all other acts and things which may be necessary or expedient, in the opinion of the Advocates, to be done.

I/We do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes. Signed on 20<sup>th</sup> Day of SEPT., 2024 by:

Anshul Mangla  
 {ANSHUL MANGLA} & {CHETNA GOYAL}  
 P/22382/2011 UK-542/2013  
 PH- 220642

Advocates

Kulwinder Singh  
 Client  
 (KULWINDER SINGH)



ANSHUL MANGLA &lt;anshul.mangla16@gmail.com&gt;

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**Reply on behalf of Respondent No. 10 in OA No. 791 of 2024**

1 message

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**ANSHUL MANGLA** <anshul.mangla16@gmail.com>  
To: rkhuranalegal@gmail.com, emailtogbk@gmail.com

Tue, Oct 1, 2024 at 7:21 PM

Respected sir

Please find attached herewith copy of reply on behalf of Respondent No. 10 i.e. M/s P.S. Buildtech in the captioned matter.

Regards

Anshul Mangla, Advocate

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 **Reply Ajit Pal Singh.pdf**  
24219K