

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

**ORIGINAL APPLICATION NO. 90 OF 2020**

**IN THE MATTER OF:**

PRAMOD

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS

...RESPONDENTS

**REPLY TO THE ORIGINAL APPLICATION NO. 90 OF 2020 ON  
BEHALF OF RESPONDENT NO. 9, M/S. STAR MINES**

**PAPER BOOK**

**[FOR INDEX: KINDLY SEE INSIDE]**

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**INDEX**

| <b>S. No.</b> | <b>PARTICULARS</b>  | <b>PAGE NOS.</b> |
|---------------|---|------------------|
| 1.            | REPLY TO THE ORIGINAL APPLICATION NO. 90 OF 2020 ON BEHALF OF RESPONDENT NO. 9, M/S. STAR MINES ALONGWITH SUPPORTING AFFIDAVIT.                                     | 1-19             |
| 2.            | <b><u>ANNEXURE R-1</u></b><br>A Copy of the E-Auction Notice dated 1.11.2019 issued by the Respondent No. 2, District Magistrate, Saharanpur.                       | 20-25            |
| 3.            | <b><u>ANNEXURE R-2</u></b><br>A Copy of the Letter of Intent dated 30.12.2019 issued to the Answering Respondent No. 9.   | 26-29            |
| 4.            | <b><u>ANNEXURE R-3</u></b><br>A Copy of the Impugned Cluster Certificate dated 12.03.2020 issued to the Answering Respondent.                                       | 30               |
| 5.            | <b><u>ANNEXURE R-4</u></b><br>A Translated Copy of the Joint Committee Report dated 13.07.2020 filed in the present Original Application.                           | 31-58            |
| 6.            | <b><u>ANNEXURE R-5</u></b><br>A Copy of the Environmental Clearance dated 26.03.2021 issued in favour of the answering Respondent No. 9.                            | 59-66            |
| 7.            | <b><u>ANNEXURE R-6</u></b><br>A Copy of the Order dated 10.05.2022 passed by this Hon'ble Tribunal in Appeal No. 15 of 2021 being ' <i>Pramod v. State of UP</i> '. | 67-85            |

|     |   |         |
|-----|---|---------|
| 8.  | <p><b><u>ANNEXURE R-7</u></b></p> <p>A Copy of the Judgment dated 06.05.2022 passed by this Hon'ble Tribunal, Principal Bench in the case titled '<i>Raj Kumar v. State of U.P.</i>', OA No. 140/2021.</p>                | 86-94   |
| 9.  | <p><b><u>ANNEXURE R-8</u></b></p> <p>A Copy of the Order dated 29.11.2022 passed by the Hon'ble Supreme Court in Civil Appeal No. 8035-8036 of 2022 titled '<i>State of U.P. &amp; Ors. v. Raj Kumar &amp; Anr.</i>'.</p> | 95-96   |
| 10. | <p><b><u>ANNEXURE R-9</u></b></p> <p>A Copy of the Order dated 08.05.2023 passed by this Hon'ble Tribunal in OA No. 268 of 2021 being '<i>Jahangir v State of Haryana</i>'.</p>   | 97-109  |
| 11. | <p><b><u>ANNEXURE R-10</u></b></p> <p>A Copy of the Order dated 8.12.2023 passed by the Hon'ble Supreme Court in Civil Appeal No. 5013 of 2022.</p>   | 110     |
| 12. | <p><b><u>ANNEXURE R-11</u></b></p> <p>A Copy of the relevant extracts of the SEAC, UP Minutes of the Meeting dated 08.01.2024.</p>  | 111-114 |
| 13. | <p><b><u>ANNEXURE R-12</u></b></p> <p>A Copy of the Order dated 7.05.2024 passed by this Hon'ble Tribunal in OA No. 389 of 2024 being '<i>Raj Kumar v State of UP</i>'.</p>   | 115-117 |
| 14. | <p><b><u>ANNEXURE R-13</u></b></p> <p>A Copy of the Order dated 2.09.2024 passed by the Hon'ble Supreme Court in Civil Appeal No. 1659 of 2022 being '<i>Satyender v State of Uttar Pradesh</i>'.</p>                     | 118-121 |

|     |   |         |
|-----|---|---------|
| 15. | <u><b>ANNEXURE R-14</b></u><br>A Copy of the CEC Report dated 27.09.2024 filed before the Hon'ble Supreme Court in Civil Appeal No. 5013 of 2022. | 122-175 |
| 16. | <b>PROOF OF SERVICE</b>   | 176     |

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**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,  
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**ORIGINAL APPLICATION NO. 90 OF 2020**

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PRAMOD

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**REPLY TO THE ORIGINAL APPLICATION NO. 90 OF 2020 ON  
BEHALF OF RESPONDENT NO. 9, M/S. STAR MINES**

TO,

THE HON'BLE CHAIRPERSON AND HIS COMPANION JUDGES  
OF THE LEARNED NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH, NEW DELHI

THE HUMBLE REPLY OF THE ANSWERING  
RESPONDENT HEREIN:

**MOST RESPECTFULLY SHOWETH:**

1. That the present Original Application has been filed seeking the following prayers:

*“a. Quash the District Survey Report prepared for District Saharanpur and direct the Respondents to conduct a fresh DSR for Saharanpur after conducting replenishment study and in terms of 2020 Guidelines, the 2016 Guidelines and the MOEF&CC Notification dt. 15.1.2016;*

*b. Set-aside the impugned notices dt. 1.11.2019 and 4.03.2020 pursuant to which several sand mining sites have been auctioned;*

*c. Stay all proceedings emanating from the impugned auction notices dt. 1.11.2019 and 4.03.2020 and specifically the allotment of mining leases during the pendency of the present Application;*

*d. Quash the environmental clearances dt. 27.05.2020 issued to the Respondent Nos. 7 & 8 in respect of river bed sand mining leases located at Villages Mayapur and Rehna, respectively;*

*e. Quash the cluster Certificate dt. 12.03.2020 issued to Respondent No. 9 in respect of river bed sand mining lease at Village Bartha Korsi, Saharanpur, Uttar Pradesh; and*

*f. Direct Respondents to not auction any river bed sand mining site without conducting replenishment study; and*

*g. Direct State to not auction mining sites located within 1 km of Kalesar National Park and Uttar Pradesh Elephant Reserve;*

*h. Direct State to auction river bed mining sites after strictly complying with the 2020 Guidelines....”*

2. This Hon’ble Tribunal vide Order dated 29.06.2020 constituted a Joint Committee comprising of District Magistrate, Saharanpur and SEIAA, UP and directed it to submit a factual Report.

3. That this Hon’ble Tribunal vide Order dated 6.04.2021 after examining the Joint Committee Report dated 13.07.2020, disposed of the present Original Application and directed as under:

*“7. Accordingly, we direct that replenishment study may now be got conducted by the State, in accordance with the earlier orders of this Tribunal within three months and further mining be*

*allowed consistent with the replenishment study. Till such study is carried out, mining may be suitably restricted. No mining be allowed upstream of Hathnikund Barrage in villages Mayapur and Rehna unless permissibility of such mining is found to be conducive to the environment and there is valid ground to ignore the opinion of the FRI.”*

4. That aggrieved by the Order dated 6.04.2021, Civil Appeal No. 2265 of 2021 was filed by the Respondent No. 10, Satyender and Civil Appeal No. 1659 of 2022 was filed by the Respondent No. 1, State of Uttar Pradesh before the Hon’ble Supreme Court wherein vide Order dated 2.09.2024 the matter was relegated back to this Hon’ble Tribunal with the below mentioned direction:

*“In view of the said affidavit, we are inclined to remit the matter to the National Green Tribunal, Principal Bench, New Delhi, for a fresh adjudication on merits. The said adjudication will take into account the aforesaid affidavit as well as the contentions and issues raised by the parties, including respondent no. 1, Pramod, who was the applicant before the NGT....*

*The NGT will specifically go into the question as to whether or not the mining leases are within the restricted area and, therefore, the mining would be barred/prohibited. The question of replenishment study will also be examined.”*

5. That the present reply is being filed by the answering Respondent in compliance of the Order dated 03.02.2025 passed by this Hon’ble Tribunal.
6. At the very outset the answering Respondent submits that the averments made in the present Original Application are

concocted, misleading, baseless and factually incorrect and are thus denied in *toto* except specifically admitted hereinafter.

### **BRIEF FACTS**

7. That the District Survey Report (*hereinafter referred to as 'DSR'*) for District Saharanpur was made in the year 2017, which expired in the year 2022.
8. That the Respondent No. 2, District Magistrate, Saharanpur issued the E-Auction Notice dated 1.11.2019 in respect of 6 Sand Ghats including Gata No. 1, Village Barthakorsi, Tehsil Behat, District Saharanpur, U.P (*hereinafter referred to as "the said mine"*) admeasuring 36.00 Hectares, for excavation/mining of about 7,56,000/- cubic meter per annum of sand, bajri and boulder.

A Copy of the impugned e-Auction Notice dated 1.11.2019 issued by the Respondent No. 2 District Magistrate, Saharanpur is annexed herewith as **ANNEXURE R-1 at pages 20 to 25** .

9. The answering Respondent being the highest bidder was issued a Letter of Intent dated 30.12.2019 in respect of Gata No. 1, Village Barthakorsi, Tehsil Behat, District Saharanpur, U.P admeasuring 36.00 Hectares, for excavation/mining of about 7,56,000/- cubic meter per annum of sand, bajri and boulder.

A Copy of the Letter of Intent dated 30.12.2019 issued to the Answering Respondent is annexed herewith as **ANNEXURE R-2 at pages 26 to 29**.

10. The Impugned Cluster Certificate dated 12.03.2020 was issued to the Answering Respondent stating that there is no other mining lease located within 500m of the said mine.

A Copy of the impugned Cluster Certificate dated 12.03.2020 issued to the Answering Respondent is annexed herewith as **ANNEXURE R-3 at pages 30 .**

11. The MOEF issued the Enforcement & Monitoring Guidelines for Sand Mining, 2020 (*hereinafter referred to as 'the EMGSM, 2020'*) *interalia* laying down guidelines for conducting a Replenishment study.
12. The present Original Application dated 14.06.2020 was filed by the Applicant herein seeking the abovementioned prayers. It is pertinent to mention that only prayers (c) & (e) pertain to the answering Respondent.
13. This Hon'ble Tribunal vide Order dated 29.06.2020 constituted a Joint Committee comprising of the District Magistrate, Saharanpur and SEIAA,UP to submit a Factual Taken Report.
14. The Joint Committee submitted its report in the present Original Application on 13.07.2020 with the following observations/ findings qua the Answering Respondent:
  - a. At the time of preparation of DSR, 2017 the EMGSM, 2020 were not in existence.

- b. The Mining lease of the answering Respondent is at a distance of 8.83 Km from the Kaleshar National Park.
- c. The answering Respondent's Mining lease is situated in downstream of the Hathnikund Barrage.
- d. There is no mining area situated in 500m of the answering Respondents mining lease. There is no mining lease sanctioned or operating within 5 km radius in the limits of the State of UP. In the State of Haryana, the closest mining lease is at a distance of 1.4 Km from the Answering Respondent's mining lease.
- e. No illegal mining took place during the lockdown since EC had not been granted from SEIAA.

**Note:** The Environmental clearance in respect of the said Mine was granted on 26.03.2021.

A Translated Copy of the Joint Committee Report dated 13.07.2020 filed in the present Original Application is annexed herewith as **ANNEXURE R-4 at pages 31 to 58 .**

- 15.** The SEAC/ SEIAA, UP after appraising the project and the EIA Study/EMP, issued an Environmental Clearance dated 26.03.2021 to the answering Respondent, M/s Star Mines. Subsequently a Mining lease was granted on 01.04.2021.

A Copy of the Environmental Clearance dated 26.03.2021 issued to the answering Respondent is annexed herewith as **ANNEXURE R-5 at pages 59 to 66 .**

16. That this Hon'ble Tribunal vide Order dated 6.04.2021 after examining the Joint Committee Report dated 13.07.2020, disposed of the present Original Application and directed as under:

*“7. Accordingly, we direct that replenishment study may now be got conducted by the State, in accordance with the earlier orders of this Tribunal within three months and further mining be allowed consistent with the replenishment study. Till such study is carried out, mining may be suitably restricted. No mining be allowed upstream of Hathnikund Barrage in villages Mayapur and Rehna unless permissibility of such mining is found to be conducive to the environment and there is valid ground to ignore the opinion of the FRI.”*

17. The Applicant herein filed Appeal No. 15/2021 titled '*Promod v. State of UP*' before this Hon'ble Tribunal challenging the EC dated 26.03.2021 issued in favour of the Answering Respondent herein *interalia* on the ground that the Cluster Certificate dated 12.03.2020 was incorrect. This Hon'ble Tribunal constituted a Joint Committee to submit its Report in the matter.

It is pertinent to mention that the filing of the present Original Application impugning the Cluster Certificate dated 26.03.2021 was suppressed and concealed by the Applicant in the Appeal No. 15/2021.

18. The Joint Committee submitted its Report dated 30.03.2022 in Appeal No. 15 of 2021 wherein it was observed that there are no operational mining leases within 500m of the lease boundary. The Findings of the Joint Committee are as under:

*“8.3.1. On the day of the visit, any operational mine was not sighted within a distance of 500 mts from the mine lease boundary.*

*8.3.2. It was also informed by the Mining Department that within a distance of 500 meters from the said mine lease boundary, neither any mine is operational nor any lease has been allotted in the State of Uttar Pradesh.*

*8.3.3. As per the details provided by Mining Department, ‘Bailgarh South Block/YNR B2’ is the nearest mine located in the Haryana state. The coordinates as mentioned in the EC of the mine are used to measure the distance of this mine from the boundary of the mine in question. The distance between two mines is measured to be around 1.4 KM.*

*8.3.4. Thus, at present no operational mine is located within a distance of 500 m from the mine in question”.*

- 19.** This Hon’ble Tribunal vide Order dated 10.05.2022 accepted the Joint Committee Report dated 30.03.2022, however wrongly held that Cluster Certificate dated 12.03.2020 was incorrect. Being aggrieved by the said Final Order dated 10.05.2022, M/s Star Mines filed Civil Appeal No. 5013 of 2022 which is pending adjudication before the Hon’ble Supreme Court.

A Copy of the Order dated 10.05.2022 passed by this Hon’ble Tribunal in Appeal No. 15 of 2021 being ‘*Pramod v. State of UP*’ is annexed herewith as **ANNEXURE R-6 at pages 67 to 85 .**

- 20.** This Hon’ble Tribunal in *Raj Kumar, v. State of U.P., OA No. 140/2021*, held that a Replenishment Study is mandatorily to be conducted prior to e-Auctions in future and also for all current leases; and the Tribunal directed such replenishment studies to be

expedited and completed in a time bound manner i.e. by 31<sup>st</sup> December 2022 for all Districts in U.P failing which no Mining shall be permitted.

The Hon'ble Supreme Court vide its Order dated 29.11.2022 dismissed the Civil Appeal No. 8035-8036 of 2022 filed by the State of UP being aggrieved by the abovementioned Judgment dated 6.05.2022, and clarified that the State authorities shall undertake Replenishment studies for both years i.e. year ending 31.12.2021 as well as the then current year ending 31.12.2022.

A Copy of the Judgment dated 06.05.2022 passed by this Hon'ble Tribunal, Principal Bench in the case titled '*Raj Kumar v. State of U.P.*', OA No. 140/2021 is annexed herewith as **ANNEXURE R-7 at pages 86 to 94.**

A Copy of the Order dated 29.11.2022 passed by the Hon'ble Supreme Court in Civil Appeal No. 8035-8036 of 2022 titled '*State of U.P. & Ors. v.Raj Kumar & Anr.*' is annexed herewith as **ANNEXURE R-8 at pages 95 to 96.**

- 21.** This Hon'ble Tribunal vide its Final Order dated 8.05.2023 in Original Application No. 268 of 2021 being '*Jahangir v State of Haryana*' directed M/s Star mines to conduct fresh replenishment study and only thereafter resume mining operations. *Apropos*, the Replenishment study (pre & Post Monsoon) for the year 2023 was duly conducted and furnished by M/s Star Mines.

A Copy of the Order dated 08.05.2023 passed by this Hon'ble Tribunal in Original Application No. 268 of 2021 being '*Jahangir*

*v State of Haryana* is annexed herewith as **ANNEXURE R-9** at pages 97 to 109 .

22. It is submitted that the Answering Respondent herein, M/s Star Mines has got regular Replenishment studies (*Pre & Post Monsoon*) conducted for the years 2021-2023, and have duly submitted the six-monthly Post Monitoring Compliance Reports with the UPPCB/SEIAA, UP in compliance of the conditions of the EC dated 26.03.2021 for the period January 2021-June 2021, July 2021-December 2021, January 2022-June 2022, July 2022-December 2022, January 2023-June 2023, July 2023-December 2023 and January 2024-June 2024 and July 2024-December 2024. That the Copies of the said Replenishment studies (pre and post monsoon from 2021-2024) and Six-Monthly Reports (Jan 2021 to December 2024) are not enclosed herein due to being overtly voluminous, running into more than 2500 pages. However, M/s Star Mines undertakes to furnish the PDF or physical copies of the same as and when directed by this Hon'ble Tribunal.
23. The Hon'ble Supreme Court in Civil Appeal No. 5013 of 2022 vide Order dated 8.12.2023, directed the Hon'ble Central Empowered Committee (*hereinafter referred to as "CEC"*) to inspect the mine area and file its inspection status report by 31.01.2024, time of which was extended subsequently by the Hon'ble Supreme Court vide its Order dated 12.02.2024. A Copy of the Order dated 8.12.2023 passed by the Hon'ble Supreme Court in Civil Appeal No. 5013 of 2022 is annexed herewith as **ANNEXURE R-10** at pages 110.

24. The SEAC, UP MOM dated 8.01.2024 in respect to M/s Star Mines records that *“Replenishment study for pre-post monsoon 2023 was conducted as per which the rate of replenishment was more than the quantity mentioned in EC/LOI”*.

A Copy of the relevant extracts of the SEAC, UP Minutes of the Meeting dated 08.01.2024 is annexed herewith as **ANNEXURE R-11 at pages 111 to 114.**

25. This Hon’ble Tribunal vide Order dated 7.05.2024 in Original Application No. 389 of 2024 being *‘Raj Kumar v State of UP’*, held that if the auction notices have already been acted upon and LOI’s have been issued to the successful bidders then the challenge to the auction notice will not survive without challenging the subsequent action of challenging the LOIs thus granted.

A Copy of the Order dated 7.05.2024 passed by this Hon’ble Tribunal in Original Application No. 389 of 2024 being *‘Raj Kumar v State of UP’* is annexed herewith as **ANNEXURE R-12 at pages 115 to 117.**

26. That a fresh DSR for District Saharanpur dated 13.01.2023 was issued by the District Administration, which has subsequently approved by SEIAA, UP vide its Minutes of Meeting dated 24.05.2024.
27. That aggrieved by the Order dated 6.04.2021, Civil Appeal No. 2265 of 2021 was filed by the Respondent No. 10, Satyender and

Civil Appeal No. 1659 of 2022 was filed by the Respondent No. 1, State of Uttar Pradesh before the Hon'ble Supreme Court wherein vide Order dated 02.09.2024 the matter was relegated back to this Hon'ble Tribunal with the below mentioned direction:

*“In view of the said affidavit, we are inclined to remit the matter to the National Green Tribunal, Principal Bench, New Delhi, for a fresh adjudication on merits. The said adjudication will take into account the aforesaid affidavit as well as the contentions and issues raised by the parties, including respondent no. 1, Pramod, who was the applicant before the NGT....”*

*The NGT will specifically go into the question as to whether or not the mining leases are within the restricted area and, therefore, the mining would be barred/prohibited. The question of replenishment study will also be examined.”*

A Copy of the Order dated 2.09.2024 passed by the Hon'ble Supreme Court in Civil Appeal No. 1659 of 2022 being '*Satyender v State of Uttar Pradesh*' is annexed herewith as **ANNEXURE R-13 at pages 118 to 121.**

- 28.** The Central Empowered Committee vide its Report dated 27.09.2024 after conducting a Site Inspection, submitted before the Hon'ble Supreme Court in Civil Appeal No. 5013 of 2022 *interalia* held that *“hence it can be concluded that NO mining was taking place within 500 meters of another existing mine and the Cluster Certificate dated 12.03.2020 was CORRECT.”*

A Copy of the CEC Report dated 27.09.2024 filed before the Hon'ble Supreme Court in Civil Appeal No. 5013 of 2022 is annexed herewith as **ANNEXURE R-14 at pages 122 to 175.**

29. This Hon'ble Tribunal vide Order dated 03.02.2025 directed the Respondents to file the response and complete the pleading in the present Original Application.

**PRELIMINARY SUBMISSIONS:**

THE ANSWERING RESPONDENT BEFORE GOING INTO THE MERITS,  
SEEKS TO RAISE THE FOLLOWING PRELIMINARY SUBMISSIONS:

**A. BARRED BY LIMITATION**

That the challenge to the E-auction Notice dated 1.11.2019 whereunder the Respondent No. 9 was issued the Mining lease dated 1.04.2021 is barred by limitation, in as much, as the present Original Application has been filed on 14.06.2020 i.e. after the statutory period of 6 months prescribed under Section 14 of the National Green Tribunal Act, 2010.

**SUPPRESSION/CONCEALMENT OF ORDER DATED 10.05.2022  
PASSED IN APPEAL NO. 15/2021**

That the Applicant herein filed Appeal No. 15 of 2021 titled '*Pramod v. State of UP*' before this Hon'ble Tribunal challenging the EC dated 26.03.2021 issued to the Answering Respondent herein *inter alia* on the ground that the Cluster Certificate dated 12.03.2020 was incorrect, a fact which has been deliberately suppressed and concealed before this Hon'ble Tribunal and the Hon'ble Supreme Court in Civil Appeal No. 2265 of 2021 & 1659 of 2022.

**SUBMISSION ON MERITS**

- I. The present Original Application has been filed seeking quashing of the Cluster Certificate dated 12.03.2020 issued to the Answering Respondent. It is submitted that the fact that the Cluster Certificate has been rightly issued to the answering Respondent herein is clear from the various Joint Committee Reports submitted before this Hon'ble Tribunal and by the CEC Report submitted before the Hon'ble Supreme Court qua the same mining lease.

*The observations of the various Committees qua the Cluster Certificate dated 12.03.2020 issued to the answering Respondent are as under:*

- a. The Joint Committee Report dated 13.07.2020 filed in the present Original Application states that there is no mining area situated in 500m of the answering Respondents mining lease. There is no mining lease sanctioned or operating within 5 km radius in the limits of the State of UP. In the State of Haryana, the closest mining lease is at a distance of 1.4 Km from the Answering Respondent's mining lease.
- b. The Joint Committee Report dated 30.03.2022 filed in Appeal No. 15 of 2021 states that *"It was also informed by the Mining Department that within a distance of 500 meters from the said mine lease boundary, neither any mine is*

*operational nor any lease has been allotted in the State of Uttar Pradesh.”*

- c. The CEC Report dated 27.09.2204 filed before the Hon’ble Supreme Court in Civil Appeal No. 5013 of 2022 states that *“hence it can be concluded that NO mining was taking place within 500 meters of another existing mine and the Cluster Certificate dated 12.03.2020 was CORRECT.”*
- II.** This Hon’ble Tribunal vide Order dated 10.05.2022 in Appeal No. 15 of 2021 has already decided the issue of the validity of the Cluster Certificate dated 12.03.2020 issued to the answering Respondent. The said Order dated 10.05.2022 has been challenged in Civil Appeal No. 5013 of 2022, which is pending adjudication before the Hon’ble Supreme Court.
- III.** It is submitted that the mining lease of the answering Respondent is situated downstream of the Hathnikund Barrage, a fact accepted by the Joint Committee Report dated 13.07.2020. Thus, mining is not prohibited in the Mining lease granted to the Answering Respondent.
- IV.** The challenge to the E-Auction Notice dated 1.11.2019 is barred by limitation in as much as the present Original Application has been filed on 14.06.2020 i.e. after the statutory period of 6 months prescribed under Section 14 of the National Green Tribunal Act, 2010. The Original Application nowhere discloses the cause of

action for challenging the E-Auction dated 1.11.2019 beyond the period of limitation prescribed under Section 14 of the NGT Act.

- V. The Applicant in the present Original Application has not challenged the subsequent LOI dated 30.12.2019 granted in favour of the Respondent No. 9 and thus even otherwise the present Original Application qua the answering Respondent ought to be dismissed. It is submitted that the said LOI was granted to the answering Respondent before filing of the present Original Application.

This Hon'ble Tribunal vide Order dated 7.05.2024 in Original Application No. 389 of 2024 being '*Raj Kumar v State of UP*', held that if the auction notices have already been acted upon and LOI's have been issued to the successful bidders then the challenge to the auction notice will not survive without challenging the subsequent action of challenging the LOIs thus granted.

- VI. The present Original Application has been additionally filed on the ground that no Replenishment Study has been conducted in terms of the MOEF Guidelines, 2020 before issuance of the DSR, 2017 & E-Auction Notice dated 1.11.2019. It is submitted that the impugned DSR was issued in the year 2017 i.e. much before the EMGSM, 2020 Guidelines came into force and thus the impugned DSR (now expired) and the e-auction Notice dated 1.11.2019 cannot be challenged on the grounds of non-compliance of the

Guidelines which were not in existence at the time when the impugned Auction Notice was issued.

- VII.** The Respondent No. 9 respectfully submits that the issue regarding Replenishment Study has already been decided qua the answering Respondent by this Hon'ble Tribunal in Original Application No. 268 of 2021 being '*Jahangir v State of Haryana*' wherein this Hon'ble Tribunal directed M/s Star Mines to conduct fresh replenishment study and only thereafter resume mining operations. *Apropos*, the Replenishment study (pre & Post Monsoon) for the year 2023 was duly conducted and furnished by M/s Star Mines.
- VIII.** That the Answering Respondent herein, M/s Star Mines has got regular Replenishment studies (*Pre & Post Monsoon*) conducted for the years 2021-2024, and have duly submitted the six-monthly Post Monitoring Compliance Reports with the UPPCB/SEIAA, UP in compliance of the conditions of the EC dated 26.03.2021 for the period January 2021-June 2021, July 2021-December 2021, January 2022-June 2022, July 2022-December 2022, January 2023-June 2023 and July 2023-December 2023, January 2024-June 2024 and July 2024-December 2024.

The SEAC, UP MOM dated 8.01.2024 in respect to M/s Star Mines specifically records that "*Replenishment study for pre-post monsoon 2023 was conducted as per which the rate of replenishment was more than the quantity mentioned in EC/LOI*".

It is submitted that the present Original Application is a well-orchestrated and motivated attempt at the behest of lease holders/ Stone crushers located in Village Belgarh, State of Haryana by making concocted, farfetched and repeated allegations against the Respondent No. 9, with the ulterior motive of suspending mining in the area of District Saharanpur, Uttar Pradesh

In light of the legal and factual submissions made above, the answering Respondent herein respectfully and humbly prays that the present Original Application be dismissed.

Filed by:



[VANSHDEEP DALMIA]

Advocate for the Answering Respondent No. 9

Place: New Delhi

Filed on: 31.03.2025

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

ORIGINAL APPLICATION NO. 90 OF 2020

IN THE MATTER OF:

PRAMOD

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS

...RESPONDENTS

AFFIDAVIT

I, Deepak Choudhary S/o Vedpal Singh R/o Gali No. 2, Dayal Colony, Hakikat Nagar, Saharanpur, Uttar Pradesh - 247001, do hereby solemnly affirm and declare as under:

1. That I am the Partner in Respondent No. 9 M/s Star Mines firm in the above Original Application and I am well conversant with the facts and circumstances of the case and competent to depose the present Affidavit.

That I have read and understood the contents of the accompanying Reply which has been drafted on my instructions and I say that the facts stated therein are true to my knowledge.

That the averments of facts stated herein above are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

For STAR MINES

DEPONENT Partner

VERIFICATION:-

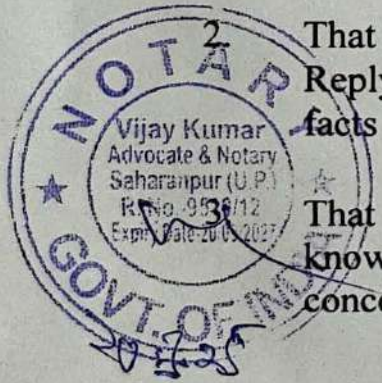
Verified at Saharanpur on this 20<sup>th</sup> day March 2025, that the contents of the present affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Identified by

For STAR MINES  
DEPONENT

S.No. 1296  
Sworn & Verified  
Before Me

VIJAY KUMAR  
NOTARY  
Saharanpur  
20/3/25



*[Handwritten signature]*  
Partner

*[Handwritten signature]*  
Partner

## ई-निविदा सह ई नीलामी आमन्त्रण हेतु सूचना

पत्रांक 1959/खनिज/2019-20

दिनांक:- 01/11 | , 2019

सर्वसाधारण को सूचित किया जाता है कि जनपद सहारनपुर में नदी तल में उपलब्ध बालू, बजरी, बोल्टर आदि (मिश्रित अवस्था में) के खनन क्षेत्रों को शासनादेश संख्या-1875/86-2017 दिनांक-14 अगस्त, 2017 में दिये गये निर्देशानुसार ई निविदा सह ई नीलामी प्रणाली के माध्यम से उ0प्र0 उपखनिज (परिहार) नियमावली-1963 के अध्याय-4 के अन्तर्गत खनन पट्टा पर स्वीकृत किये जाने हेतु निम्नवत् घोषित किया जाता है :-

## 1. क्षेत्र का विवरण :-

| क्र0 सं0 | उपखनिज का नाम      | नदी का नाम     | क्षेत्र का विवरण |                    |                           |                     | नियमावली-1963 के अनुसूची 1 के अनुसार रायल्टी दर (रु0 प्रति घनमीटर) | खनन योग्य आकलित उपखनिज का भण्डार (घन मी0 प्रतिवर्ष) | प्रथम वर्ष में आंकलित भण्डार की कुल रायल्टी रूपयों में। (कालम 9 में अंकित घन मी0 प्रतिवर्ष को कालम 8 में अंकित रायल्टी की दर से गुणा करने पर उपलब्ध सकल घनराशि) | अर्नेस्ट मनी (कालम 10 में अंकित सकल घनराशि का 25 प्रतिशत) |
|----------|--------------------|----------------|------------------|--------------------|---------------------------|---------------------|--|---|---|---|
|          |                    |                | तहसील            | ग्राम              | गाटा सं0/खण्ड सं0/जोन सं0 | क्षेत्रफल (हे0 में) |  |   |   |   |
| 1        | 2                  | 3              | 4                | 5                  | 6                         | 7                   | 8  | 9   | 10  | 11  |
| 01       | बालू, बजरी, बोल्टर | खौरवाली रॉ     | बेहट             | शेरपुर पेलो        | 378/2 व 379/2             | 7.00                | 110.00   | 1,97,500  | 2,17,25,000.00  | 54,31,250   |
| 02       | बालू, बजरी, बोल्टर | बादशाही बाग रॉ | बेहट             | मायापुर रूपपुर     | 14/1                      | 3.10                | 110.00   | 69,750  | 76,72,500.00  | 19,18,125   |
| 03       | बालू, बजरी, बोल्टर | बड़कला रॉ      | बेहट             | हैदरपुर हिन्दुवाला | 8/1, 19, 22               | 4.20                | 110.00   | 94,500  | 1,03,95,000.00  | 25,98,750   |
| 04       | बालू, बजरी, बोल्टर | गैसरा रॉ       | बेहट             | रहना               | 179/2                     | 3.75                | 110.00   | 67,500  | 74,25,000.00  | 18,56,250   |
| 05       | बालू, बजरी, बोल्टर | यमुना          | बेहट             | बरथा कोरसी         | 1                         | 36.00               | 110.00   | 7,56,000  | 8,31,60,000.00  | 2,07,90,000   |
| 06       | बालू, बजरी, बोल्टर | यमुना          | बेहट             | रहना               | 03 लाट नं0-3              | 8.05                | 110.00   | 1,38,462  | 1,52,30,820.00  | 38,07,705   |

## क्षेत्र का जियोक्वार्टिनेट्स

| क्र0 सं0 | ग्राम              | A                                | B                                | C                                | D                                | E                                | F                                | G                                | H                                |
|----------|--------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| 01       | शेरपुर पेलो        | N-30°16'22.11"<br>E-77°39'32.22" | N-30°16'20.66"<br>E-77°39'36.59" | N-30°16'6.24"<br>E-77°39'31.26"  | N-30°16'7.80"<br>E-77°39'26.92"  | -                                | -                                | -                                | -                                |
| 02       | मायापुर रूपपुर     | N-30°19'19.38"<br>E-77°38'25.06" | N-30°19'16.94"<br>E-77°38'30.39" | N-30°19'11.31"<br>E-77°38'27.63" | N-30°19'14.42"<br>E-77°38'21.92" | -                                | -                                | -                                | -                                |
| 03       | हैदरपुर हिन्दुवाला | N-30°15'20.64"<br>E-77°40'42.10" | N-30°15'20.54"<br>E-77°41'0.42"  | N-30°15'17.98"<br>E-77°41'1.84"  | N-30°15'17.71"<br>E-77°40'42.89" | -                                | -                                | -                                | -                                |
| 04       | रहना               | N-30°19'56.61"<br>E-77°36'32.69" | N-30°19'54.45"<br>E-77°36'35.03" | N-30°19'47.72"<br>E-77°36'20.40" | N-30°19'49.81"<br>E-77°36'18.31" | -                                | -                                | -                                | -                                |
| 05       | बरथा कोरसी         | N-30°14'0.94"<br>E-77°31'13.91"  | N-30°14'16.50"<br>E-77°31'24.43" | N-30°14'13.69"<br>E-77°31'31.19" | N-30°14'19.59"<br>E-77°31'37.85" | N-30°14'37.10"<br>E-77°31'40.80" | N-30°14'38.55"<br>E-77°31'37.33" | N-30°14'25.36"<br>E-77°31'30.21" | N-30°14'08.38"<br>E-77°31'03.33" |
| 06       | रहना               | N-30°21'36.45"<br>E-77°36'05.61" | N-30°21'29.62"<br>E-77°36'0.26"  | N-30°21'37.95"<br>E-77°35'50.38" | N-30°21'41.71"<br>E-77°36'02.50" | -                                | -                                | -                                | -                                |

- खनन पट्टा की अवधि 05 वर्ष के लिये स्वीकृत किये जायेंगे। पट्टे की अवधि की गणना खनन पट्टा विलेख निष्पादन की तिथि से की जायेगी।
- ई निविदा सह ई नीलामी की बिड/बोली उपखनिज की प्रति घन मीटर के लिए दी जायेगी, जो उ0प्र0 उपखनिज (परिहार) नियमावली-1963 के अनुसूची-1 में निर्धारित रायल्टी की दर से कम नहीं होगी। इससे भिन्न बिड/बोली दिये जाने पर बिड/बोली स्वीकार नहीं की जायेगी तथा प्री बिड अर्नेस्ट मनी जब्त कर ली जायेगी। प्राप्त उच्चतम बिड/बोली की दर (रूपया प्रति घन मी0) को क्षेत्र में आंकलित मात्रा (घन मी0) से गुणा कर प्रथम वर्ष की नीलामी की देय धनराशि आगणित की जायेगी, जिसे पट्टा के अनुवर्ती वर्षों में प्रत्येक वर्ष पिछले वर्ष की नीलामी की देय धनराशि पर 10 प्रतिशत की वृद्धि की जायेगी।
- ई निविदा सह ई नीलामी दो चरणों में होगी। प्रथम चरण में ई निविदा सम्पन्न की जायेगी जिसके दौरान सभी बिडर्स को एक बार ई-निविदा (e-tender) देने का मौका प्रदत्त होगा जो पुनरीक्षित (Revise) नहीं किया जा सकेगा। ई निविदा में प्राप्त उच्चतम निविदा को आधार मूल्य (Floor Price) मानते हुए द्वितीय चरण में ई-नीलामी कराया जायेगा, जिसके दौरान बिडर्स ई-नीलामी हेतु निर्धारित तिथि एवं अवधि में ई-बिड दे सकता है। ई-नीलामी के दौरान केवल उच्चतम बोली को ही प्रदर्शित किया जायेगा जिसको देखते हुए बिडर अपना बिड पुनरीक्षित कर बढ़ा सकते हैं।

5. किसी क्षेत्र के ई निविदा सह ई नीलामी हेतु बिडर्स को बिड में भाग लेने से पूर्व प्री बिड अर्नेस्ट मनी जमा करना अनिवार्य होगा, जिसकी गणना क्षेत्र में वार्षिक आंकलित खनन योग्य मात्रा एवं उपखनिज की रायल्टी दर से गुणा कर प्राप्त धनराशि का 25 प्रतिशत होगा।
6. एम0एस0 टी0सी0 लि0 (भारत सरकार का उपक्रम) को सेवा प्रदाता के रूप में चयनित किया गया है, जिसके द्वारा राज्य सरकार की ओर से नीलामी की कार्यवाही सम्पादित की जायेगी। ई-निविदा सह ई-नीलामी द्वारा परिहार पर देने की सम्पूर्ण प्रक्रिया ऑनलाईन एम0एस0टी0सी0 के पोर्टल [www.mstcecommerce.com](http://www.mstcecommerce.com) पर की जायेगी।
7. इच्छुक आवेदकों के लिए ऑनलाईन बिड/बोली हेतु Class III Signing type डिजिटल सिग्नेचर सर्टिफिकेट (DSC) होना आवश्यक है। एम एस टी सी के उपरोक्त पोर्टल पर जाकर अर्ह आवेदक अपने पंजीकरण की कार्यवाही पूर्ण करने के पश्चात ही ई-निविदा सह ई-नीलामी में भाग ले सकेंगे।
8. पंजीकृत आवेदक निर्धारित पोर्टल पर ऑनलाईन एक या एक से अधिक क्षेत्रों के लिए बिड में भाग ले सकेगा परन्तु उसे प्रत्येक क्षेत्र के लिए अलग अलग आवेदन शुल्क एवं प्रत्येक क्षेत्र हेतु निर्धारित अर्नेस्ट मनी जमा करना होगा। इच्छुक व्यक्ति/फर्म/कम्पनी (आवेदक) ई-निविदा सह ई-नीलामी में भाग लेने के लिए सरकार के पक्ष में ₹0-15,000 (₹0 पन्द्रह हजार) का आवेदन शुल्क एम0एस0टी0सी0 पेमेन्ट गेटवे के माध्यम से जमा करना होगा, जो अप्रतिदेय (Non refundable) होगा।
9. ई-निविदा सह ई-नीलामी में भाग लेने हेतु इच्छुक व्यक्ति / फर्म/ कम्पनी को एम0 एस0 टी0 सी0 में पंजीकरण करना अनिवार्य होगा। पंजीकरण हेतु व्यक्ति/फर्म/कम्पनी को ई-ऑक्शन पोर्टल [www.mstcecommerce.com](http://www.mstcecommerce.com) पर उपलब्ध आनलाईन फार्म भरना पड़ेगा जिसके दौरान बिडर्स अपने लिए स्वयं जनित यूजर आई0डी0 एवं पासवर्ड बनायेंगे। इस आनलाईन पंजीयन के उपरान्त बिडर्स को एम0एस0टी0सी0 द्वारा भेजा गया सूचना ई मेल प्राप्त होगा, जिसके पश्चात बिडर्स को आवश्यक अभिलेख स्कैन कर एम0एस0टी0सी0 को आनलाईन भेजना अनिवार्य होगा। साथ ही बिडर्स को वार्षिक पंजीकरण शुल्क जी.एस. टी सहित ₹0-2,360 (₹0 दो हजार तीन सौ साठ मात्र) एम0एस0टी0सी0 पेमेन्ट गेटवे के माध्यम से आनलाईन देय होगा। अनिवार्य अभिलेख एवं वार्षिक पंजीकरण शुल्क की प्राप्ति के पश्चात् ही बिडर्स का लॉगिन आई0डी0, पासवर्ड एवं एकाउन्ट एम0एस0टी0सी0 के निर्धारित पोर्टल पर चालू (Activate) होगा।
10. पंजीकरण हेतु बिडर्स द्वारा **स्वप्रमाणित** निम्न अभिलेख/प्रमाण पत्र स्कैन कर एम0एस0टी0सी0 के पोर्टल पर अपलोड करना अनिवार्य होगा-:
  - (1) आवेदक के आधार कार्ड की प्रति, फर्म की दशा में फर्म के भागीदारों के आधार कार्ड की प्रति तथा कम्पनी के मामले में कारपोरेट अफेयर्स मंत्रालय भारत सरकार द्वारा निर्गत कम्पनी के प्रबन्ध निदेशक का Director Identification Number (DIN) के प्रमाण-पत्र की प्रति।
  - (2) आवेदक का अद्यावधिक चरित्र प्रमाण पत्र, फर्म के मामले में भागीदारों के अद्यावधिक चरित्र प्रमाण पत्र की प्रति तथा कम्पनी के मामले में प्रबन्ध निदेशक का इस आशय का शपथ पत्र कि कम्पनी को किसी अपराधिक वाद में दण्डित नहीं किया गया है। चरित्र प्रमाण पत्र उस जिले के जिलाधिकारी द्वारा प्रदत्त होगा, जहाँ आवेदक स्थायी रूप से निवास करता हों।
  - (3) आवेदक का पैन कार्ड की प्रति, फर्म या कम्पनी के मामले में उसका पैन कार्ड एवं जी0एस0टी0 नं0 की प्रति।
  - (4) बैंक खाते का विवरण, जिससे ई निविदा सह ई नीलामी से सम्बन्धित समस्त वित्तीय हस्तान्तरण किया जायेगा, तथा बैंक का नाम, खाता संख्या आई0एफ0एस0सी0 कोड, तथा एक निरस्त चेक की प्रति।
  - (5) जिलाधिकारी अथवा प्राधिकृत अधिकारी द्वारा जारी किया गया खनन देय बकाया न होने का प्रमाण पत्र। जहाँ आवेदक राज्य के भीतर कोई खनिज परिहार धारित नहीं करता है वहाँ इस आशय का शपथ पत्र की प्रति।
  - (6) आवेदक को स्वयं का हैसियत प्रमाण पत्र अथवा हैसियत प्रमाण पत्र के साथ बैंक गारन्टी जो बोली की धनराशि के 25 प्रतिशत की कीमत से कम न हो, प्रस्तुत किया जाये।
11. एम0एस0टी0सी0 द्वारा केवल उन्ही व्यक्ति/फर्म/कम्पनी का पंजीकरण किया जायेगा जो उत्तर प्रदेश उपखनिज (परिहार) नियमावली-1963 के प्रावधानों के अन्तर्गत अर्ह हो। नियम-26 के अनुसार निम्नलिखित व्यक्ति/फर्म/कम्पनी ई-निविदा सह ई-नीलामी प्रक्रिया में भाग नहीं ले सकते हैं:-
  - (1) जो भारतीय राष्ट्रिक नहीं है।
  - (2) जिसके विरुद्ध खनिज देय बकाया है।
  - (3) जिसने उस जिले के जिलाधिकारी अथवा राज्य सरकार द्वारा प्राधिकृत अधिकारी जहां वह स्थायी स्प से निवास करता है से चरित्र प्रमाण पत्र प्राप्त नहीं कर लिया है। शर्त यह है कि उक्त चरित्र प्रमाण पत्र पुलिस सत्यापन के आधार पर दिया गया हो।
  - (4) जिसने अपने आधार कार्ड की प्रति प्रस्तुत न की हो।
  - (5) जिसका नाम काली सूची में दर्ज हो।
  - (6) फर्म/कम्पनी के मामले में जिसने पैनकार्ड तथा जी0एस0टी0 पंजीकरण प्रमाण पत्र प्रस्तुत न किया हो।
  - (7) आवेदक को स्वयं का हैसियत प्रमाण पत्र अथवा हैसियत प्रमाण पत्र के साथ बैंक गारन्टी जो बोली की धनराशि के 25 प्रतिशत की कीमत से कम न हो, प्रस्तुत किया जाये।
12. ऑनलाईन ई-निविदा डालने तथा ई-नीलामी बोलने की विधि का पूर्ण विवरण सेवा प्रदाता संस्था एम0एस0टी0सी0 के वेब पोर्टल [www.mstcecommerce.com](http://www.mstcecommerce.com) पर देखा जा सकता है।
13. ई-निविदा सह ई-नीलामी में भाग लेने के लिए इच्छुक व्यक्ति/फर्म/कम्पनी को प्रत्येक क्षेत्र के लिए पृथक-पृथक ₹0-15000 (₹0 पन्द्रह हजार मात्र) का शुल्क और अप्रतिदेय होगा तथा अर्नेस्ट मनी जो विज्ञप्ति में क्षेत्र के नाम सम्मुख अंकित हो, जमा किया जाना होगा।

14. सफल बोलीदाता/ निविदादाता को छोड़कर शेष बोलीदाता/निविदादाता द्वारा जमा बयानों की धनराशि (अर्नेस्ट मनी) यथावत उसी बैंक खाते में वापस कर दी जायेगी। आवेदक द्वारा पंजीकरण के समय दिए गए बैंक खाते में बदलाव मान्य नहीं किया जाएगा। विशेष परिस्थितियों में निदेशक भूतत्व एवं खनिकर्म निदेशालय के अनुमोदन उपरान्त बैंक खाते का बदलाव किया जा सकता है।
15. जहां किसी भी कारण से ई-निविदा सह ई-नीलामी की प्रक्रिया पूरी न हो वहां कम से कम 07 दिन की अल्प अवधि की नोटिस देने के पश्चात् पुनः ई-निविदा सह ई-नीलामी की जा सकती है।
16. अधिकतम दो खनन पट्टे या 50 हे० से अधिक क्षेत्र को उ०प्र० राज्य की किसी व्यक्ति/फर्म/कम्पनी के पक्ष में स्वीकृत नहीं किया जाएगा। यदि किन्हीं परिस्थितियों में एक व्यक्ति/फर्म/कम्पनी द्वारा अपने पक्ष में दो खनन पट्टा या 50 हे० से अधिक खनन पट्टे स्वीकृत करा दिया जाता है तो अन्त में स्वीकृत खनन पट्टा निरस्त कर पट्टा अन्तर्गत जमा सम्पूर्ण धनराशि जब्त कर ली जाएगी, तथा केवल प्रारम्भ के दो क्षेत्र अथवा 50 हे० के खनन पट्टे ही अनुमन्य होंगे। परन्तु यदि स्वयं अपने पक्ष में दो खनन पट्टे या 50 हे० से अधिक के खनन पट्टे हेतु जारी लेटर ऑफ इन्टेण्ट की सूचना देता है तो उक्त सीमा के अन्तर्गत कोई भी खनन पट्टा क्षेत्र के घयन का उसे अधिकार होगा तथा शेष क्षेत्र की जमा धनराशि पुष्टि के उपरान्त यथावत वापस कर दी जाएगी।
17. **ई- निविदा सह ई-नीलामी की प्रक्रिया :-**

(1) ई निविदा सह ई नीलामी दो चरणों में की जायेगी। प्रथम चरण में केवल ई निविदा विज्ञापन में निर्धारित तिथि एवं समय के अन्तर्गत डाली जायेगी। बिड/रायल्टी की दर प्रत्येक उपखनिज के लिए प्रति घनमीटर के लिए दी जायेगी जो सम्बन्धित उपखनिज के लिए नियमावली-1963 के अनुसूची-1 में उल्लिखित रायल्टी की दर से कम नहीं होगा। विज्ञप्ति के अनुसार क्षेत्रवार प्राप्त ई-नीलामी को एक साथ न खोलकर प्रथम-प्रथम खोला जाएगा। प्रत्येक क्षेत्र के प्रथम की नीलामी खोलने के तत्काल 02 घण्टे बाद द्वितीय चरण की ई-नीलामी की कार्यवाही प्राप्त की जाएगी।

(2) **प्रथम चरण की समाप्ति के उपरान्त निम्नानुसार प्रक्रिया अपनायी जायेगी:-**

(क) यदि प्रथम चरण में एक ही बिड प्राप्त होती है और उक्त बिड (ऑफर) में प्रतिघन मीटर दिया गया दर नियमावली-1963 के प्रथम अनुसूची में उस उपखनिज के लिए निर्धारित रायल्टी दर से 400 प्रतिशत से अधिक है तथा शेष शर्तें पूर्ण करता हो तो जिलाधिकारी द्वारा उस निविदादाता के पक्ष में लेटर आफ इन्टेण्ट जारी किया जायेगा।

(ख) यदि प्रथम चरण में केवल एक ही बिड प्राप्त होता है और उक्त बिड (ऑफर) में प्रति घनमीटर में दिया गया दर नियमावली-1963 के प्रथम अनुसूची में उस उपखनिज के लिए निर्धारित रायल्टी दर से अधिक परन्तु 400 प्रतिशत से कम है तो जिलाधिकारी क्षेत्र की भौगोलिक स्थिति, खनिज की उपलब्धता खनिज की गुणवत्ता, उपखनिज का बाजार मूल्य, उस क्षेत्र में से खनिज की मांग, क्षेत्र में अवैध खनन की सम्भावना राजस्व की प्राप्ति आदि पर विचार करते हुए स्वविवेक से एकल निविदादाता के पक्ष में लेटर आफ इन्टेण्ट जारी करने अथवा न करने के सम्बन्ध में निर्णय लेंगे।

(ग) यदि प्रथम चरण में एक से अधिक परन्तु पाँच या पाँच से कम बिड प्राप्त होता है तो सभी बिड कर्ता द्वितीय चरण की ई-नीलामी की प्रक्रिया में भाग लेने हेतु अर्ह होंगे तथा द्वितीय चरण के अधिकतम बोलीदाता के पक्ष में जिलाधिकारी द्वारा लेटर आफ इन्टेण्ट जारी किया जायेगा।

(घ) यदि पाँच से अधिक बिड/आफर प्राप्त होते हैं तब केवल पाँच सर्वाधिक निविदाकार ही द्वितीय चरण की ई नीलामी में भाग लेने हेतु अर्ह होंगे तथा द्वितीय चरण के अधिकतम बोलीदाता के पक्ष में ही जिलाधिकारी द्वारा लेटर आफ इन्टेण्ट जारी किया जायेगा।

(3) उपरोक्त प्रस्त-17 (2)(ग), (घ) के अनुसार प्रथम चरण के योग्य बोलीदाता द्वितीय चरण की नीलामी में भाग ले सकते हैं।

(4) द्वितीय चरण में ई नीलामी की प्रक्रिया की जायेगी। ई नीलामी की प्रक्रिया प्रथम चरण की अग्रसारित प्रक्रिया होगी, जिसमें प्रथम चरण में प्राप्त उच्चतम बिड/आफर द्वितीय चरण की ई नीलामी के लिए न्यूनतम बोली (Floor price) स्वतः निर्धारित हो जायेगी।

(5) द्वितीय चरण की नीलामी की प्रक्रिया में नीलामी की निर्धारित अवधि के भीतर इच्छुक एवं अर्ह व्यक्ति/फर्म/कम्पनी बोली में कई बार भाग ले सकता है। नीलामी की ऑनलाइन प्रक्रिया में स्क्रीन पर अधिकतम बोली प्रदर्शित होती रहेगी और प्रदर्शित बोली से अधिक बोली ऑनलाइन ही दिया जा सकता है।

(6) निर्धारित समय के पश्चात् बोली बन्द हो जायेगी और उसके उपरान्त कोई बोली नहीं दिया जा सकता है। बोली के अन्तिम समय में यदि कोई और बोली प्राप्त होती है तो नीलामी की बोली का समय स्वतः 05 मिनट के लिए बढ़ जायेगा। यह प्रक्रिया तब तक जारी रहेगी जब तक 05 मिनट के अन्तराल में कोई और बोली प्राप्त नहीं होती है।

(7) ई निविदा सह ई नीलामी की कालयोजना एवं अवधि निम्नानुसार सम्पादित की जायेगी :-

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| प्री बिड ई०एम०डी० एवं आवेदन शुल्क जमा करने की अन्तिम तिथि  | दिनांक 04.12.2019 साय 5:00 बजे तक  |
| प्रथम चरण ई निविदा (ई टेण्डर) की अवधि  | दिनांक 05.12.2019 पूर्वान्ह 10:00 बजे से 08.12.2019 साय 05:00 बजे तक   |
| प्रथम चरण में प्राप्त ई-निविदा (बिड) का खोला जाना एवं उसका मूल्यांकन साथ ही द्वितीय चरण में ई-नीलामी की अवधि | 1. <b>शेरपुर पेलो क्षेत्र हेतु</b><br>दिनांक 11.12.2019 को पूर्वान्ह 11:00 बजे ई-निविदा का खोला जाना<br>दिनांक 11.12.2019 को ई-नीलामी अपरान्ह 1:00 बजे से 3:00 बजे तक<br>2. <b>मायापुर रूपपुर क्षेत्र हेतु</b><br>दिनांक 11.12.2019 को पूर्वान्ह 12:30 बजे |

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|  | ई-निविदा का खोला जाना<br>दिनांक 11.12.2019 को ई-नीलामी अपरान्ह 2:30 बजे से 4:30 बजे तक   |
|  | <b>3. हैदरपुर हिन्दुवाला क्षेत्र हेतु</b><br>दिनांक 12.12.2019 को पूर्वान्ह 11:00 बजे<br>ई-निविदा का खोला जाना<br>दिनांक 12.12.2019 को ई-नीलामी अपरान्ह 1:00 बजे से 3:00 बजे तक    |
|  | <b>4. रहना गाटा संख्या 17/2 क्षेत्र हेतु</b><br>दिनांक 12.12.2019 को पूर्वान्ह 12:30 बजे<br>ई-निविदा का खोला जाना<br>दिनांक 12.12.2019 को ई-नीलामी अपरान्ह 2:30 बजे से 4:30 बजे तक |
|  | <b>5. बरथा कौरसी क्षेत्र हेतु</b><br>दिनांक 13.12.2019 को पूर्वान्ह 11:00 बजे<br>ई-निविदा का खोला जाना<br>दिनांक 13.12.2019 को ई-नीलामी अपरान्ह 1:00 बजे से 3:00 बजे तक            |
|  | <b>6. रहना लाट संख्या 3 क्षेत्र हेतु</b><br>दिनांक 13.12.2019 को पूर्वान्ह 12:30 बजे<br>ई-निविदा का खोला जाना<br>दिनांक 13.12.2019 को ई-नीलामी अपरान्ह 2:30 बजे से 4:30 बजे तक     |

(8) परिणाम की घोषणा एवं उसका प्रदर्शन :

क. प्रथम चरण की निविदा प्रक्रिया का परिणाम निविदाकार (Tenderer) के लॉगिन पर प्रदर्शित होगा। प्रथम चरण के निविदा प्रक्रिया के समापन के पश्चात् अधिकतम निविदा धनराशि (बिडिंग एमाउन्ट) प्रदर्शित की जायेगी। सभी निविदाकार द्वितीय चरण की बोली हेतु वे योग्य है अथवा नहीं को भी लॉगिन कर जान सकते है।

ख. एकल निविदा के मामले को छोड़कर शेष मामलों में द्वितीय चरण की नीलामी समाप्त होने के उपरान्त प्राप्त अधिकतम बोली उसके बोलीदाता का विवरण एम0एस0टी0सी0 के निर्धारित पोर्टल पर प्रदर्शित किया जायेगा।

18. पट्टे का दिया जाना :- नियमावली के नियम-28 के प्रावधानों के अनुसार ई-निविदा सह ई-नीलामी के मामले में उस बोली या प्रस्ताव को उपरोक्त प्रस्तर-17(2) में दिये गये प्रक्रिया के अनुसार जिलाधिकारी स्वीकार करेंगे जो उच्चतम हों। जिलाधिकारी द्वारा सफल एवं नियमानुसार अर्ह बोलीदाता/निविदादाता को उनके द्वारा प्रस्तुत मूल अभिलेख के सत्यापन के एक सप्ताह के अन्दर लेटर आफ इन्टेंट निर्गत किया जायेगा।
19. ई-नीलामी समाप्त होने के पश्चात् 03 कार्य दिवस के अन्दर सफल बोलीदाता को अपने मूल अभिलेख का सत्यापन उस जनपद के जिलाधिकारी जहाँ क्षेत्र स्थित है के द्वारा अथवा निदेशक, भूतत्व एवं खनिकर्म, निदेशालय के द्वारा कराना होगा। निदेशक द्वारा मूल अभिलेख के सत्यापन की स्थिति में अभिलेख-सत्यापन की आख्या ई-मेल के माध्यम से संबंधित जिलाधिकारी को प्रेषित की जायेगी। अभिलेख-सत्यापन के पश्चात् ही जिलाधिकारी द्वारा लेटर आफ इन्टेंट जारी किया जायेगा। सत्यापन में यदि कोई अभिलेख अथवा प्रमाण पत्र कूटरचित, असत्य अथवा गलत पाया जाता है तो लेटर आफ इन्टेंट जारी नहीं किया जायेगा तथा बयाने की धनराशि (अर्नेस्ट मनी) जब्त कर ली जायेगी।

20. लेटर आफ इन्टेंट में निम्न विवरण होंगे :-

(1) प्रथम वर्ष के लिए देय नीलामी धनराशि की गणना पट्टा क्षेत्र के लिए विज्ञापित में आकलित मात्रा घन मी0 को निविदा/नीलामी की दर रूपया घन प्रति मी0 से गुणा कर निकाली जायेगी। खनन पट्टा के अनुवर्ती वर्षों में प्रत्येक वर्ष पिछले वर्ष की नीलामी की देय धनराशि पर 10 प्रतिशत की वृद्धि की जायेगी।

(2) सफल बोलीदाता/निविदादाता, पट्टे की निर्बन्धनों और शर्तों का यथोचित पालन करने के लिए प्रतिभूति के रूप में प्रथम वर्ष के लिए बोली/निविदा की सकल धनराशि का 25 प्रतिशत और स्वामित्व की पहली किश्त के रूप में प्रथम वर्ष के लिए बोली/निविदा की सकल धनराशि का 20 प्रतिशत दो कार्यदिवसों के अन्दर जमा करेगा। बयाने की धनराशि (अर्नेस्ट मनी) प्रथम किश्त में समायोजित कर ली जायेगी।

(3) पट्टे के प्रथम वर्ष की शेष किश्तें एवं अनुवर्ती वर्षों में बोली/निविदा के आधार पर प्रथम वर्ष के लिए निर्धारित सकल धनराशि पर प्रत्येक वर्ष विगत वर्ष से 10 प्रतिशत वृद्धि के साथ नियमावली-1963 के पंचम अनुसूची के अनुसार जमा की जायेगी।

(4) पट्टाधारक नियम-17 के प्रावधानों के अनुसार क्षेत्र का सीमांकन करायेगा (जिसमें सीमा बिन्दुओं का जीओ को आर्डिनेट्स भी इंगित किया जायेगा) तथा नियम-35 के अनुसार सीमा-स्तम्भ लगायेगा एवं इसका अनुरक्षण करेगा।

(5) चयनित आवेदक नियम-34 के प्रावधानों के अर्न्तगत निर्धारित अवधि के अन्दर खनन योजना, माइन्स क्लोजर प्लान एवं भारत सरकार के वन एवं पर्यावरण मंत्रालय की अधिसूचना दिनांक-14.09.2006 सपटित अधिसूचना दिनांक 15.01.2016 तथा समय-समय पर यथा संशोधित उपबन्धों के अधीन पर्यावरण अनापत्ति प्राप्त कर उसे प्रस्तुत करेगा।

(6) प्रत्येक पट्टाधारक द्वारा नियम-34 के अनुसार क्षेत्र के भूमि-उद्धार और पुर्नवासन उपाय हेतु वित्तीय आश्वासन की धनराशि निर्धारित रीति से जमा करेगा।

(7) लेटर आफ इन्टेंट जारी होने के एक माह के अन्दर अनुमोदन हेतु देय प्रतिभूति एवं प्रथम किस्त की धनराशि जमा होने के प्रमाण सहित खनन योजना निदेशक, भूतत्व एवं खनिकर्म के समक्ष प्रस्तुत किया जायेगा तथा अनुमोदित खनन योजना प्राप्त होने के 1 माह के अन्दर सक्षम प्राधिकरण के समक्ष पर्यावरण स्वच्छता प्रमाण पत्र हेतु प्रस्ताव प्रस्तुत किया जाना अनिवार्य होगा अन्यथा नियम 59(1) के प्राविधानों के अन्तर्गत प्रस्तावक पर रुपये 10,000.00 प्रति दिन की शक्ति आरोपित की जायेगी।

(8) पर्यावरण अनापत्ति प्रमाण पत्र प्राप्ति के एक माह के भीतर पट्टा विलेख का निष्पादन कराकर खनन संक्रिया तत्काल प्रारम्भ की जानी होगी।

(9) नियम 34(4) के अन्तर्गत पर्यावरण की स्वीकृति की प्रक्रिया के दौरान अपेक्षित समयावधि में, सक्षम प्राधिकारी द्वारा लगायी गयी आपत्तियों का परियोजना प्रस्तावक द्वारा समाधान करना अनिवार्य होगा। नियम 34(4) के उल्लंघन की दशा में जिला मजिस्ट्रेट नियम 59(7) के अन्तर्गत जारी लेटर ऑफ इन्टेंट निरस्त किया जा सकता है।

(10) नियम 34(5) के अन्तर्गत पर्यावरण अनापत्ति प्रमाणपत्र निर्गत होने के उपरान्त एक माह के भीतर पट्टा विलेख का निष्पादन करना अनिवार्य होगा। नियम 34(5) के उल्लंघन की दशा में प्रस्तावक द्वारा जमा प्रथम किस्त एवं प्रतिभूमि धनराशि समपूहृत करते हुये जारी लेटर ऑफ इन्टेंट निरस्त किया जायेगा।

## 21. सफल बोलीदाता/निविदादाता द्वारा धनराशि जमा करने की रीति

(1) स्वीकृत पट्टे की अवधि 05 वर्ष होगी, परन्तु बोली/निविदा की धनराशि प्रथम वर्ष के लिए मानी जायेगी। प्रत्येक अनुवर्ती वर्ष में पिछले वर्ष से 10 प्रतिशत वृद्धि के साथ आगामी वर्ष में पट्टा धनराशि देय होगी। प्रथम वर्ष एवं अनुवर्ती वर्षों के लिए पट्टा-धनराशि-नियमावली-1963 के पंचम अनुसूची के अनुसार पट्टाधारक द्वारा जमा की जायेगी।

(2) आशय पत्र (लेटर आफ इन्टेंट) प्राप्त होने के उपरान्त सफल बोलीदाता/निविदादाता द्वारा 25 प्रतिशत प्रतिभूति जमा एवं 20 प्रतिशत प्रथम किस्त अर्थात् पट्टे के प्रथम वर्ष के लिए निर्धारित पट्टा धनराशि के 45 प्रतिशत के सतुल्य धनराशि (जिसमें प्री बिड अर्नेस्ट नी समायोजित हो) सम्बन्धित जनपद में भूतत्व एवं खनिकर्म विभाग में लेटर ऑफ इन्टेंट जारी होने के दो कार्य दिवसों के अन्दर जमा किया जाना होगा। प्री बिड अर्नेस्ट मनी की धनराशि एम0एस0टी0सी0 लि0 द्वारा सम्बन्धित जनपद के जिलाधिकारी को चेक/ड्राफ्ट के माध्यम से/आनलाईन हस्तान्तरित की जायेगी। यदि सफल बोलीदाता/निविदादाता उक्त धनराशि जमा करने में असफल होता है तो उसके द्वारा जमा अर्नेस्ट मनी जब्त कर ली जायेगी और उसके द्वारा इस सम्बन्ध में कोई शिकायत अथवा प्रत्यावेदन विचार योग्य नहीं होगा।

(3) प्रथम वर्ष के लिए शेष पट्टा धनराशि एवं आगामी वर्षों के लिए पट्टा धनराशि नियमावली में निर्धारित पंचम अनुसूची के अनुसार राज्य सरकार द्वारा समय पर निर्धारित प्रक्रिया के अनुसार पट्टाधारक द्वारा जमा की जायेगी। उक्त अनुसूची में नियत तिथि के अनुसार देय धनराशि जमा न करने की दशा में नियम-58 अनुसार देय धनराशि ब्याज सहित वसूल की जायेगी।

(4) पट्टाधारक द्वारा राज्य सरकार अथवा केन्द्र सरकार द्वारा समय समय पर निर्धारित कर एवं शुल्क यथा आयकर विभाग का टी0सी0एस0, जिला खनिज फाउण्डेशन(डी0एम0एफ0) आदि नियमानुसार जमा किया जायेगा।

## 22. शर्तें;

(1) ई निविदा सह ई निलामी में भाग लेने से पूर्व क्षेत्र में आंकलित उपखनिज की मात्रा एवं खनन स्थल के लिए पहुँच मार्ग आदि के सम्बन्ध में मौके का निरीक्षण कर बिडर स्वयं आश्वस्त हो ले। ई निविदा सह ई निलामी में भाग लेने के पश्चात् इस सम्बन्ध में किसी भी प्रकार का दावा स्वीकार नहीं किया जायेगा।

(2) पट्टाधारक पट्टे के अधीन दिये गये क्षेत्र के सर्वेक्षण और सीमांकन के समय सीमांकित मानचित्र पर खनन पट्टा क्षेत्र का कार्डिनेट्स अंकित करेगा तथा पट्टा विलेख निष्पादन करने के पूर्व पट्टाधारक अपने स्वयं के व्यय पर ऐसे सीमा चिन्ह को और खम्बे को लगायेगा जो पट्टा विलेख से संलग्न नक्शे में दर्शाये गये सीमांकन को इंगित करने के लिए आवश्यक होगा।

(3) पट्टा अभिलेख के निष्पादन के दिनांक से छः माह के भीतर खनन संक्रियायें प्रारम्भ करेगा और तत्पश्चात् जान बूझकर कोई स्थगन किये बिना ऐसी खनन संक्रियाओं का संचालन उचित और दक्षतापूर्ण रीति से कुशल कारीगर की भांति करेगा।

(4) पट्टा धारक नियम-35 के अनुसार वाहनों के प्रवेश व निकासी पर निगरानी के लिए स्वयं के व्यय पर 360 डिग्री कोण पर दृश्यता रिकार्डिंग के योग्य चार सी0सी0टी0वी0 कैमरा लगाने सहित चेक पोस्ट/गेट का निर्माण करेगा। पट्टाधारक उक्त चेक पोस्ट/गेट पर आर0एफ0आई0डी0 स्कैनर भी रखेगा, जिससे संबन्धित खनन पट्टा क्षेत्र से उपखनिजों के परिवहन हेतु प्रयुक्त प्रत्येक यान के सापेक्ष निर्गत किये गये ई-प्रपत्र एम0एम0-11 पर अंकित बार कोड का डाटा पढ़ने और सुरक्षित रखने की सुविधा होगी और उसका समुचित रूप से रख-रखाव करेगा एवं सदैव उसे चालू रूप में अनुरक्षित रखेगा। पट्टाधारक उक्त सी0सी0टी0वी0 कैमरे और आर0एफ0आई0डी0 स्कैनरों द्वारा की गयी समस्त रिकार्डिंग को कम से कम 30 दिनों तक सुरक्षित रखेगा और नियम-66 के उपबन्धों के अधीन प्राधिकृत अधिकारी के द्वारा रिकार्ड मांगे जाने पर उक्त रिकार्डिंग को उपलब्ध करायेगा।

(5) पट्टाधारक प्रत्येक वाहन को ई-एम0एम0-11 सही विवरण सहित जारी करेगा। प्रत्येक वाहनों को निर्गत ई-एम0एम0-11 पर जनित बार कोड को चेक गेट पर पढ़ने तथा दर्ज डाटा सेव करने के लिए आर0एफ0आई0डी0 स्कैनर लगायेगा तथा सदैव उसका अनुरक्षण करेगा और उन्हे सही एवं चालू दशा में रखेगा। उक्त का अनुपालन न करने की दशा में नियमावली-1963 के नियम-59 के अन्तर्गत शास्ति का भागीदार होगा।

(6) माननीय राष्ट्रीय हरित अधिकरण के आदेश दिनांक 05.09.2018 के अनुपालन में पट्टा धारक द्वारा खनन के निवासी स्थल पर तौल मशीन लगवाकर निदेशालय में स्थापित कमाण्ड सेन्टर में प्रयुक्त आर्टिफिशियल इन्टेलीजेन्स युक्त साफ्टवेयर में इण्टीग्रेट किया जायेगा। इन्टीग्रेटस में स्थित तौल मशीन में निम्न **Features** का होना आवश्यक है:-

- (1) The Waight bridge device should use the MQTT protocol to transiut data.
- (2) The Waight bridge device should transiut data over the internal to LOT inpraspuehase in cloud.
- (7) पट्टेदार 03 मीटर की गहराई अथवा जलस्तर में से जो कम हो, से अधिक गहराई में खनन संक्रियाये नहीं करेगा।
- (8) जिलाधिकारी द्वारा चिन्हित सुरक्ष क्षेत्र में खनन नहीं किया जायेगा।
- (9) नदी की जल धारा में सक्शन मशीन लिफ्टर आदि मशीनों द्वारा खनन कार्य नहीं किया जायेगा।
- (10) स्वीकृत क्षेत्र के अन्दर जहाँ परिवहन प्रपत्र निर्गत किया जायेगा, वहाँ पर खनिजों का विक्रय मूल्य प्रदर्शित करेगा।
- (11) यदि पट्टाधारक द्वारा नियमों व खनन पट्टा, पर्यावरण स्वच्छता प्रमाण पत्र, खनन योजना आदि की शर्तों का उल्लंघन किया जाता है तो पट्टेदार को अपना मामला बताने की युक्ति अवसर प्रदान करने के पश्चात् जिलाधिकारी अथवा राज्य सरकार द्वारा पट्टा समाप्त किया जा सकता है।
- (12) भारत सरकार द्वारा निर्धारित मानकों के अनुसार पट्टेधारक द्वारा खनिजों की लोडिंग की जायेगी।
- (13) नियमों एवं शर्तों के उल्लंघन के परिणामस्वरूप यदि कोई वाद अथवा अपराधिक प्रक्रिया योजित होती है तो इसकी सम्पूर्ण जिम्मेदारी पट्टाधारक की होगी एवं यदि इस सम्बन्ध में कोई व्यय होता है तो उसका वहन पट्टाधारक द्वारा किया जायेगा।
- (14) राज्य सरकार अथवा केन्द्र सरकार द्वारा यदि नियमों/अधिनियमों में कोई संशोधन होता है अथवा कोई शर्त अथवा विधि प्रख्यापित की जाती है तो वह पट्टाधारकों को मान्य होगा।
- (15) पट्टाधारक द्वारा पर्यावरण स्वच्छता प्रमाण पत्र कार्यालय में जमा कराने के उपरान्त अनुमति प्राप्त कर खनन कार्य आरम्भ किया जायेगा।
- (16) मा0 उच्च न्यायालय, मा0 राष्ट्रीय हरित अधिकरण अथवा मा0 सर्वोच्च न्यायालय द्वारा पारित आदेशों का पालन किया जायेगा।

(आलोक कुमार पाण्डेय)  
जिलाधिकारी,  
सहारनपुर।

पत्र संख्या एवं दिनांक उपरोक्तानुसार

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

1. प्रमुख सचिव भूतत्व एवं खनिकर्म, उ0प्र0 शासन लखनऊ।
2. आयुक्त सहारनपुर मण्डल, सहारनपुर।
3. निदेशक भूतत्व एवं खनिकर्म निदेशालय उ0प्र0 लखनऊ।
4. प्रभारी अधिकारी, क्षेत्रीय कार्यालय भूतत्व एवं खनिकर्म विभाग, गाजियाबाद।
4. शाखा प्रबन्धक, एम0एस0टी0.सी0 लि0 जी0-25/26 तेज प्लाजा 1 टी0एन0 सिंह रोड हजरतगंज, लखनऊ।
5. निदेशक सूचना उ0प्र0 लखनऊ।
6. जिला सूचना अधिकारी, सहारनपुर।

जिलाधिकारी,  
सहारनपुर।

\\TRUE COPY\\

कार्यालय जिलाधिकारी, सहारनपुर।  
(खनन अनुभाग)

पत्र संख्या- 3213 / खनन/2019-20

दिनांक- 30/12/2019

खनन पट्टा हेतु सहमति पत्र  
(Letter of Intent)

मेसर्स स्टार माइन्स  
पता सी-3, हकीकत नगर  
निकट ओल्ड सेल्स टैक्स आफिस,  
सहारनपुर  
पार्टनर श्री दीपक चौधरी

शासनादेश संख्या 2168/86-2019-57(स)/2017टी0सी0-1 लखनऊ दिनांक 09.10.2019 के द्वारा प्रदत्त में नदी तल में उपलब्ध उप खनिज बालू/मौरन/बजरी आदि के क्षेत्रों को ई-निविदा सह ई-नीलामी प्रणाली के माध्यम से पांच वर्ष की अवधि हेतु परिहार पर स्वीकृत किये जाने हेतु जनपद सहारनपुर के ग्राम बरथा कोरसी गाटा संख्या 1 क्षेत्रफल-36.00 हे० में 756000 घ०मी० बालू/बजरी/बोल्डर का खनन पट्टा स्वीकृत किये जाने हेतु विज्ञप्ति संख्या 1959/खनिज/2019-20 दिनांक 01.11.2019 एम०एस०टी०सी० के ई-ऑक्शन पोर्टल [www.mstcecommerce.com](http://www.mstcecommerce.com) पर उपलब्ध करते हुए ई-निविदा सह ई-नीलामी आमंत्रित की गयी थी। ई-निविदा सह ई-नीलामी की कार्यवाही के लिए सरकार द्वारा अधिकृत नोडल एजेंसी एम०एस०टी०सी० द्वारा निर्धारित समय अवधि के भीतर एम०एस०टी०सी० के ई-मेल पत्र दिनांक 16.12.2019 द्वारा अवगत कराया गया है कि-

| तहसील | नदी का नाम | ग्राम का नाम | गाटा संख्या | क्षेत्रफल(हे०मी०) |
|-------|------------|--------------|-------------|-------------------|
| सदर   | यमुना      | बरथा कोरसी   | 1           | 36 हे०            |

उपरोक्त में आपके द्वारा ई-नीलामी में अधिकतम ऑफर रु० 138/- प्रति घनमीटर दी गयी है। आपके द्वारा ग्राम बरथा कोरसी हेतु बालू/बजरी/बोल्डर की मात्रा 7,56,000 घनमीटर की कुल धनराशि रु० 10,43,28,000/- प्रथम वर्ष हेतु दी गयी है।

- 1- निर्बंधनों एवं शर्तों का पालन करने के लिए प्रतिभूति के प्रथम वर्ष के लिए बोली की सकल धनराशि का 25 प्रतिशत प्रतिभूति की धनराशि रु० 2,60,82,000/- तथा 20 प्रतिशत धनराशि रु० 2,08,65,600/- प्रथम वर्ष की पहली किस्त के रूप में दो कार्य दिवसों के अन्दर खनन कार्यालय में बैंक ड्राफ्ट के माध्यम से जमा कराया होगा। आफरदाता द्वारा पूर्व में जमा की विद् अर्नैस्ट मनी रु० 2,07,90,000/- को समायोजित करते हुए अवशेष धनराशि रु० 2,81,57,600/- जमा करना होगा। यदि लेटर ऑफ इन्टेन्ट जारी करने के दो कार्य दिवसों में अवशेष धनराशि जमा करने में आप असफल होते हो तो आप द्वारा जमा अर्नैस्ट मनी राज्य सरकार के पक्ष में जब्त कर ली जाएगी तथा आफरदाता द्वारा इस संबंध में प्रस्तुत कोई शिकायत अथवा प्रत्यावेदन पर विचार नहीं किया जायेगा।
- 2- उपखनिज का पट्टा पांच वर्ष हेतु जारी किया जायेगा। प्रथम वर्ष की धनराशि रु० 10,43,28,000/- तथा अनुवर्ती वर्षों में प्रत्येक वर्ष पिछले वर्ष की ई-नीलामी की देय धनराशि पर 10 प्रतिशत की वृद्धि करते हुए देय होगी।
- 3- प्रथम वर्ष के लिये शेष 80 प्रतिशत पट्टा धनराशि एवं आगामी वर्षों के लिए पट्टा धनराशि उ०प्र० उप खनिज परिहार नियमावली 1963 (यथा संशोधित) में निर्धारित पंचम अनुसूची के अनुसार राज्य सरकार समय समय पर निर्धारित प्रक्रिया के अनुसार देय होगी। देय किस्त की धनराशि जमा न करने की दशा में नियम 59 के अनुसार देय धनराशि पर विधमानुसार ब्याज सहित वसूल की जायेगी।
- 4- लेटर ऑफ इन्टेन्ट जारी होने के एक माह के अन्दर अनुमोदन हेतु खनन योजना निदेशक मूलतः एवं खनिकर्म निदेशालय, उ०प्र० लखनऊ के समक्ष प्रस्तुत किया जायेगा तथा अनुमोदित खनन

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- योजना प्राप्त होने के 15 दिन के अन्दर सक्षम प्राधिकरण के समक्ष पर्यावरण स्वच्छता प्रमाण पत्र हेतु प्रस्ताव प्रस्तुत किया जाना अनिवार्य होगा, अथवा नियम 59(1) के प्रावधानों के अन्तर्गत 10,000 प्रति दिन की शक्ति आरेपित किया जाएगा।
- 5- पट्टाधारक नियम 17 के प्रावधानों के अनुसार क्षेत्र का सीमांकन करायेगा।
  - 6- पर्यावरण अनापत्ति प्रमाण पत्र प्राप्ति के एक माह के भीतर पट्टा विलेख का निष्पादन कराकर खनन सक्रियता तत्काल प्रारम्भ की जानी होगी।
  - 7- नियम 34(4) के अन्तर्गत पर्यावरण की स्वीकृति की प्रक्रिया के दौरान अपेक्षित समयावधि में, सक्षम प्राधिकरण द्वारा जमा कराये गये अपत्तिपत्रों के परिशिष्टानुसार प्रस्तावक द्वारा समाधान करना अनिवार्य होगा। नियम 34(4) के उल्लंघन की दशा में जिला मजिस्ट्रेट, नियम 59(7) के अन्तर्गत जारी लेटर ऑफ इन्टेन्ट निरस्त किया जा सकता है।
  - 8- नियम 34(5) के अन्तर्गत पर्यावरण अनापत्ति प्रमाणपत्र निर्गत होने के उपरान्त एक माह के भीतर पट्टा विलेख का निष्पादन करना अनिवार्य होगा। नियम 34(5) के उल्लंघन की दशा में प्रस्तावक द्वारा जमा प्रथम किरत एवं प्रतिभूमि धनराशि समपूहृत करते हुये जारी लेटर ऑफ इन्टेन्ट निरस्त किया जायेगा।
  - 9- पट्टाधारक द्वारा नियम 35 के प्रावधानों के अन्तर्गत माइन्स ग्लोजर प्लान तथा भारत सरकार वन एवं पर्यावरण मंत्रालय की अधिसूचना दिनांक 14.09.2006 सपठित अधिसूचना दिनांक 15.01.2016 तथा समय समय पर यथा संशोधित उपबन्धों के अधीन पर्यावरण अनापत्ति प्राप्त कर प्रस्तुत करेंगे।
  - 10- पट्टाधारक द्वारा नियम 34 के अनुसार क्षेत्र के भूमि उच्चार एवं पुर्नवासन उपाय हेतु वित्तीय आश्वासन की धनराशि निर्धारित रीति से जमा करायेगा।
  - 11- पट्टाधारक द्वारा राज्य सरकार अथवा केंद्र सरकार द्वारा समय पर निर्धारित कर व शुल्क यथा आपत्कर का दर प्रतिशत टी0सी0एस0 (वर्तमानदर) एवं 10 प्रतिशत धनराशि जिला सहरनपुर खनिज फाउण्डेशन न्यास में नियमानुसार जमा करायेगा।
  - 12- पट्टाधारक पट्टे के अधीन दिये गये क्षेत्र के सर्वेक्षण और सीमांकन के समय सीमांकित मजबूत पर खनन पट्टा क्षेत्र का कॉर्डिनेट्स अंकित करेगा तथा पट्टा विलेख निष्पादन करने के पूर्व में पट्टाधारक अपने स्वयं के व्यय पर ऐसे सीमा चिन्ह को और खम्भे लगायेगा जो पट्टा विलेख से संलग्न नक्शे में दर्शाये गये सीमांकन को इंगित करने को आवश्यक होगा।
  - 13- पट्टा विलेख के निष्पादन के दिनांक छ माह के भीतर खनन सक्रियताये प्रारम्भ करेगा और तत्पश्चात् जानबुझकर कोई रथागन किये बिना ऐसी खनन सक्रियताओं का संचालन उचित और दक्षतापूर्ण कुशल कारिगर की भांति करेगा।
  - 14- पट्टाधारक नियम 35 के अनुसार बाहनों के प्रवेश व किसी पर निगरानी के लिए स्वयं के व्यय पर 360 डिग्री कोण पर दृश्यता रिकॉर्डिंग के योग्य चार आई0वी0आर0 सी0सी0टी0वी0 कैमरे लगाने सहित चैकपोस्ट/गेट का निर्माण करेगा। पट्टाधारक उक्त चैकपोस्ट/गेट पर आरएफआईडी स्कैनर भी रखेगा जिससे सम्बन्धित खनन पट्टा क्षेत्र से उपखनिजों के परिवहन हेतु प्रयुक्त प्रत्येक यान के सापेक्ष निर्गत किये गये ई-प्रपत्र एम0एम0-11 पर अंकित बार कोड का डाटा पढ़ने और सुरक्षित रखने की सुविधा होगी और उसका समुचित रूप से रख-रखाव करेगा एवं सदैव उसे चालू रूप से अनुरक्षित रखेगा। पट्टाधारक उक्त सीसीटीवी कैमरे और आरएफआईडी स्कैनरों द्वारा की गयी समस्त रिकॉर्डिंग को कम से कम तीस दिनों तक सुरक्षित रखेगा और नियम 66 के उपबन्धों के अधीन प्राधिकृत अधिकारी के द्वारा रिकॉर्डिंग मांगे जाने पर रिकार्ड को उपलब्ध करायेगा।
  - 15- पट्टाधारक प्रत्येक वाहन को ई-एम0एम0-11 सही विवरण सहित जारी करेगा, प्रत्येक वाहन को निर्गत ई-एम0एम0-11 जनित बार कोड को चैकगेट पर पढ़ने तथा दर्ज डाटा सेव करने के लिए आरएफआईडी स्कैनर लगायेगा तथा सदैव उसका अनुरक्षण करेगा और सही एवं चालू दशा में रखेगा। उक्त का अनुपालन न करने की दशा में नियमावली 1963 के नियम 59 के अन्तर्गत शास्ति का भागीदार होगा।
  - 16- माननीय राष्ट्रीय हरित अधिकरण के आदेश दिनांक 05.09.2016 के अनुपालन में पट्टा धारक द्वारा खदान के निकाली स्थल पर तौल मशीन लगावाकर निदेशालय में स्थापित कमाण्ड सेंटर में प्रयुक्त आर्टिफिशियल इन्टेलीजेन्स युक्त सॉफ्टवेयर में इन्टीग्रेट किया जायेगा। इन्टीग्रेट में स्थित तौल मशीन में निम्न Features का होना आवश्यक है:-

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- (1) The Weight bridge device should use the MQTT protocol to transmit data.  
 (2) The Weight bridge device should transmit data over the internet to IOT infrastructure in cloud.
- 17- पट्टाधारक तीन मीटर की गहराई अथवा जलस्तर में से जो कम हो से अधिक गहराई में खनन सक्रियताये नहीं करेगा।
- 18- जिलाधिकारी द्वारा चिन्हित सुरक्षा क्षेत्र में खनन नहीं किया जाएगा।
- 19- नदी की जल धारा में सक्शन लिफ्टर आदि मशीन द्वारा खनन कार्य नहीं किया जाएगा।
- 20- स्वीकृत क्षेत्र के अन्दर जहाँ धरिहवन प्रपत्र निर्गत किया जायेगा वहाँ पर खनिजों का विक्रय मूल्य प्रदर्शित किया जाएगा।
- 21- यदि पट्टाधारक द्वारा नियमों व खनन पट्टा पर्यावरण स्वच्छता प्रमाण पत्र, खनन योजना आदि की शर्तों का उल्लंघन किया जाता है तो पट्टेदार को अपना मामला बताने की युक्तियुक्त अवसर प्रदान करने के पश्चात जिलाधिकारियों अथवा राज्य सरकार द्वारा पट्टा समाप्त किया जा सकता है।
- 22- उ०प्र० एनखनिज परिहार नियमवली, 1953 के नियम 67 के अधीन भूमि को स्वामियों को प्रतिफल पाने का अधिकार होगा, जो भू-स्वामियों एवं पट्टेधारक के मध्य तय होगा।
- 23- पट्टा धारक द्वारा पर्यावरण स्वच्छता प्रमाण पत्र प्राप्त कर कार्यालय में जमा करने के उपरान्त ही अनुमति प्राप्त कर खनन प्रारम्भ किया जाएगा।
- 24- राज्य सरकार अथवा केन्द्र सरकार द्वारा यदि नियमों/अधिनियमों में कोई संशोधन होता है अथवा कोई शर्त अथवा विधि प्रख्यापित की जाती है तो वह पट्टाधारक को मान्य होगा।
- 25- माननीय उच्च न्यायालय, मा० राष्ट्रीय हरित अधिकरण अथवा माननीय सर्वोच्च न्यायालय द्वारा पारित आदेशों का पालन किया जायेगा।



संख्या व दिनांक उपरोक्तानुसार

प्रतिलिपि- 1-प्रमुख सचिव, भूतत्व एवं खनिकर्म शासन लखनऊ, को सादर सूचनार्थ।

2-निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र० खनिज भवन लखनऊ को सूचनार्थ।

4

जिलाधिकारी  
सहारनपुर

U.P.S. CHAUHAN  
 M.Sc. LL.B. F.A.E., E.I.A. Co-Ordinator  
 Mining & Environment Deptt. Govt. of U.P.  
 R.P.O. No. 135/2019  
 & R.P.O. No. 135/2019

कार्यालय जिलाधिकारी, सहारनपुर।  
(खनन अनुभाग)

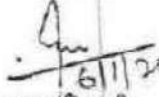
पत्र संख्या- 32384 / खनन/2019-20

दिनांक- 06/01/2020

खनन पट्टा हेतु सहमति पत्र (संशोधित)  
(Letter of Intent)

मेसर्स स्टार माइन्स  
पता सी-3, हकीकत नगर  
निकट ओल्ड सेल्स टैक्स आफिस,  
सहारनपुर  
पार्टनर श्री दीपक चौधरी

इस कार्यालय पत्र संख्या 3213/खनन/2019-20 दिनांक 30.12.2018 द्वारा आपको ग्राम बरधा कौरसी के गाटा संख्या 1 एकका 36.00 हेठ हेतु खनन पट्टा हेतु सहमति पत्र (Letter of Intent) जारी किया गया है, जिसमें तहसील का नाम सदर, लिपिकीय त्रुटिबश अंकित हो गया है, जिसके स्थान पर तहसील बेहद पढ़ा जाए। उक्त खनन पट्टा हेतु निर्गत सहमति पत्र दिनांक 30.12.2018 में दिये गये निर्बन्धन व शर्तें पूर्ववत् लागू रहेंगी।

  
6/1/20  
खान अधिकारी  
कृते जिलाधिकारी  
सहारनपुर

संख्या व दिनांक उपरोक्तानुसार  
प्रतिलिपि:-

1. प्रमुख सचिव भूतत्व एवं खनिकर्म शासन लखनऊ, को सादर सूचनार्थ।
2. निदेशक भूतत्व एवं खनिकर्म निदेशालय, उ०प्र० खनिज भवन लखनऊ को सूचनार्थ।

  
खान अधिकारी  
कृते जिलाधिकारी  
सहारनपुर

  
U.P.S. CHAUHAN  
M.Sc. LL.B. F.A.E., E.I.A. & E.M.  
Mining & Environment Deptt.  
R.P.O. CDW/165/2019  
& ROP/UPGOM/11/01/2019

Na Sin  
\\TRUE COPY\\

3676  
पत्रांक:- /खनिज /2020

दिनांक: 12 मार्च, 2020

क्लस्टर प्रमाण पत्र

प्रमाणित किया जाता है कि मै0 स्टार माइन्स पता सी-3, हकीकत नगर निकट ओल्ड सेल्स टेक्स ऑफिस सहारनपुर पार्टनर श्री दीपक चौधरी को पत्रांक:- 3238/खनिज/2019-2020, दिनांक- 06 जनवरी 2020 के माध्यम से गाटा संख्या- 1 ग्राम-बरथाकोरसी, तहसील-बेहट जनपद-सहारनपुर हेतु कुल रकबा 36.00 हे0 खनन क्षेत्र के सम्बन्ध में सहमति पत्र (एल0ओ0आई0) निर्गत किया गया है। ओ0ए0नं0- 186/2016 सतेन्द्र पाण्डे बनाम पर्यावरण वन, एवं जलवायु परिवर्तन, भारत सरकार व अन्य में मा0 राष्ट्रीय न्याधिकरण द्वारा पारित आदेश दिनांक 13.09.2018 एवं पर्यावरण, वन एवं जलवायु परिवर्तन, भारत सरकार द्वारा जारी ओ0एम0 नं0 L-11011/175/2018-IA-II(M) दिनांक 12.12.2018 के अनुसार प्रश्नगत खनन क्षेत्र की स्थिति निम्नवत् है:-

अ) प्रश्नगत क्षेत्र की परिधि से 500 मीटर की दूरी में, वर्तमान में, कोई खनन पट्टा स्वीकृत/संचालित नहीं है। सम्बन्धित प्रकण 0 से 05 हेक्टेयर तक है। अतः श्रेणी B-2 से आच्छादित होता है। (लागू नहीं)

अथवा

ब) प्रश्नगत क्षेत्र की परिधि से 500 मीटर की दूरी में, वर्तमान में, कोई खनन पट्टा स्वीकृत/संचालित नहीं है। सम्बन्धित प्रकरण 05 हेक्टेयर से अधिक है। अतः परियोजन श्रेणी बी0-1 से आच्छादित होता है।

अथवा

स) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र है:-

- 1) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0
- 2) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0

उक्त सभी खनन क्षेत्रों का कुल योग..... हे0 (05 हे0 से कम) है। अतः परियोजना श्रेणी बी-1 का क्लस्टर नहीं बनता है। सम्बन्धित प्रकरण श्रेणी बी-2 से आच्छादित होता है। (लागू नहीं)

अथवा

द) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में निम्नांकित खनन क्षेत्र है:-

- 1) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0
- 2) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0

उक्त सभी खनन क्षेत्रों का कुल योग..... हे0 (05 हे0 से अधिक) है। अतः परियोजना श्रेणी बी-1 का क्लस्टर नहीं बनता है। सम्बन्धित प्रकरण श्रेणी बी-2 से आच्छादित होता है। (लागू नहीं)

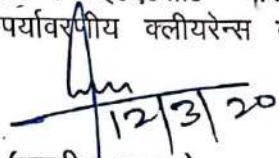
अथवा

ध) प्रश्नगत खनन क्षेत्र की परिधि से 500 मीटर की दूरी में 100 हे0 से अधिक निम्नांकित एकल खण्ड क्षेत्र है:-

- 1) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0
- 2) गाटा सं0-.....ग्राम.....खनन क्षेत्र..... हे0

सम्बन्धित प्रकरण श्रेणी ए से आच्छादित होता है। (लागू नहीं)

यह भी प्रमाणित किया जाता है कि उपरोक्त विवरण में ई0ए0सी0 भारत सरकार/एस0आई0आई0ए0ए0, यू0पी0/डी0ई0आई0ए0ए0 से निर्गत पूर्व-पर्यावरणीय क्लियरेन्स के गाटा/खण्ड संख्या में सम्मिलित कर लिया गया है।

  
(आशीष कुमार)  
खान अधिकारी  
सहारनपुर।

Ref. No. 193/NGT-90/2020

Dated 13<sup>th</sup> July, 2020

Sub: Compliance Report of Hon'ble NGT order dated 29.06.2020 passed in O.A. No. 90/2020 in the matter of Pramod Vs. State of Uttar Pradesh & Ors.

Sir,

In compliance to the order passed by the Hon'ble National Green Tribunal dated 29.06.2020 in O.A. No. 90 of 2020; Pramod Vs. State of Uttar Pradesh & Ors., the factual report furnished by the Joint Committee in the above mentioned matter is enclosed herewith and is being filed before this Hon'ble Tribunal on behalf of Member Secretary, SEIAA, U.P.

Yours sincerely,  
Sd/- Illegible  
(Devendra Singh)  
Dy. Director

Encl: As above.

Report pursuant to the order dated 29.06.2020 passed by Hon'ble National Green Tribunal, New Delhi in pending O.A. No. 90/2020 in Pramod Vs. State of U.P. & Ors.

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Pursuant to abovenoted Petition Hon'ble National Green Tribunal, New Delhi passed the following order on 29.06.2020:

Grievance in this application is inter-alia is against District Survey report for riverbed sand mining in District Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management Guidelines, 2020. The mining sites are within 1 k.m. from Kalesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF&CC order dated 08.08.2019. Mining is also in prohibited area being upstream of Hathnikund Barrage in Saharanpur. Cluster Impact Assessment has not been done as required. The sand mining has been continuing even during the locked down period.

We are of the view that a factual report needs to be called for in response to the above from a joint Committee comprising District Magistrate, Saharanpur and SEIAA, U.P. which may be furnished before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The Nodal Agency will be SEIAA, U.P. for coordination and compliance.

Pursuant to the order received Secretary, SEIAA vide his order No. 171/Enviro./SEIAA/90/2020 dated 03.07.2020 has nominated Shri Mairajuddin, Member, SEIAA, U.P. and District Magistrate, Saharanpur or the represented nominated by him has been nominated (Enclosure-1). District Magistrate, Saharanpur has nominated Additional District Magistrate, Finance and Revenue for this work. The aforesaid Committee on 08.07.2020 has made local inspection. During local inspection following facts came to the light.

#### Mayapur Roop Pur

Badsnahibag Rao of Village Mayapur Roop Pur mining lease is sanctioned in respect Plot No. 14/1 measuring 3.10 hectare, the site inspection of which has been done by the Members of the Committee the Geo Coordinates of mining lease area are A-N 30° 19' 21.41" E77 ° 38' 26.35" B-N 30° 19' 17.62" E77 ° 38' 30.56" C-N30° 19' 13.58" E77° 38' 25.07" D-N30° 19' 17.44" E77° 38' 20.78". No mining operation of any kind was found at site.

#### Rahna

In Village Rahna mining lease on Plot No. 179/2 measuring 3.75 hectares on Gaisra Rao River is sanctioned, site inspection of which has been done by the members of the Committee. Geo Coordinates of mining lease area A-N30° 19' 56.61" E77 ° 38' 32.69" B-N30° 19' 54.45" E77° 36' 35.03" C-N30° 19' 47.72" E77 ° 36' 20.40" D-N30° 19' 49.81" E77°

36' 18.31". No mining operation of any kind was found at site.

Rahna

In village Rahna Lot No. 3, Plot No. 3 measuring 8.05 hectare on Yamuna river, site inspection of which has been done by the members of the Committee, due to rise in water in river Yamuna it was not possible to reach the sanctioned mining area. No mining operation of any kind was found at site.

On 09.07.2020 the documents available in the office of Geology and Mining, Saharanpur Office were examined in reference to above. During examination following facts came to the light.

Mayapur Roop Pur (Plot no. 14/1 measuring 3.10 hectare) Badshahibag Rao River.

- As per Appendix 10 of notification dated 15.01.2016 issued by Ministry of Environment, Forest and Climate Change of Government of India, District Survey Report has been prepared and vide District Magistrate, Saharanpur's letter No. 3968/Mining/2017-18 dated 02.12.2017 the same was put on the notice Board of Collectorate and the website of the District inviting objections/suggestions and was in public domain for 21 days. (Enclosure-2).

- During the said prescribed period no objection/suggestion has been received. But due to error in District Survey Report regarding Plot No. vide office's letter No. 1960/DSR/Saharanpur (Mining)/2008 dated 26.10.2018 corrigendum has been issued. (Enclosure-3).
- Here it will be relevant to point out that regarding five new areas in Village Sherpur. Pelo, Mayapur, Roop Pur, Haldarpur Hinduwala, Rahna and Bartha Korsi, District Level Environment Impact Assessment Authority in its meeting on 04.09.2019 has decided to include these five areas and vide office's letter No. 1051/Mining/2019-20 dated 07.09.2019 the same was uploaded on the website of the district for 21 days for objections/suggestions. (Enclosure-4).
- After expiry of prescribed period of 21 days for objections, no objection/suggestion from any mode was received in Geology and Mining Office, Saharanpur.
- Pursuant to the Government Order No. 1875/86-2017 dated 14.08.2017 issued by Geology and Mining Directorate, the nominated executing agency (MSTC-Government of India undertaking) has issued public information for E-tender-cum-E-auction vide notification No. 1719/Mineral/2019-20 dated 16.09.2019 and

Notification No. 1959/Mineral/2019-20 dated 01.11.2019.

- In compliance of Government Order No. 1875/86-2017 dated 14.08.017, MSTC-Government of India Undertaking has made available the information regarding the highest bidder through email dated 16.12.2019. (Enclosure-5).
- After detailed consideration, Letter of Intent (LOI) was issued in favour of the higher bidder, Shri Rajesh Kumar, R/o. Garhi, Birbal Indri, District Karnal on 28.12.2019. Thereafter on receipt of E.C. vide letter No. 88/parya/SEIAA/5402/2019 dated 27.05.2020 of SEIAA and complying with all the formalities, mining lease was executed in favour of Shri Rajesh Kumar on 15.06.2020.

Report regarding the points raised before the Hon'ble National Green Tribunal.

| Sl. No. | Points  | Report   |
|---------|---|--|
| 1       | 2   | 3  |
| 1       | District Survey Report for river bed sand mining in District Saharanpur which is said to be without | In the mining area in question, as per Appendix 10 of notification dated 15.01.2016 of Ministry of |

|    |   |  |
|----|---|--|
|    | <p>conducting replenishment study as required under the Sand Mining Management Guidelines, 2020.</p>    | <p>Environment, Forest and Climate Change, Government of India, after getting the District Survey Report prepared, the same was made available for the general public vide letter No. 3968/Mining/2017-18 dated 02.12.2017 of District Magistrate, Saharanpur and as per the decision taken in the meeting of DEIAA dated 04.09.2019, 5 new areas were included wherein Mayapur Roop Pur was also included. At that time Enforcement &amp; Monitoring Guidelines for Sand Mining 2020 were not in existence.</p> |
| 2. | <p>The mining sites are within 1 K.M. from Kalesar National Park and U.P. Elephant Reserve which is</p> | <p>Vide letter No. 31/14-1 Saharanpur dated 02.07.2019 of Divisional Forest Officer, Shivalik Forest Division, No</p>  |

|    |   |   |
|----|---|---|
|    | prohibited as per MoEF & CC order dated 08.08.2019.                                   | Objection Certificate was issued for mining in mining area Sherpur Pelo, Mayapur Rooppur, Rahna, Haidarpur Hinduwala. In the aforesaid No Objection Certificate, village Mayapur Rooppur is at a distance of 1.20 K.M. from the reserved forest area from proposed site and 15.70 K.M. away from Kaleshar National Park. (Enclosure-6). |
| 3. | Mining is also in prohibited area being upstream of Hathnikund Barrage is Saharanpur. | Area of Plot No. 14/1 measuring 3.10 hectares, Mayapur Roop Pur in question falls on Badshahi Bagh Rao River which does not fall in Yamuna River or Hathnikund Barrage.   |
| 4. | Cluster Impact Assessment has not been done as required.                              | No other mining lease has been granted or operating within the radius of 500 meters of Mayapur Roop Pur area.   |

|    |   |   |
|----|---|---|
| 5: | The sand mining has been continuing even during the locked down period. | The mining lease of Mayapur Roop Pur is sanctioned for Sand, Morram, Boulder (in mixed form) in Badshahi Bagh Rao River wherein the mining work has not been done during lock down. After execution of lease deed on 15.06.2020, the mining work has started. |
|----|---|---|

Rahna (Plot No. 179/2 Measuring 3.75 Hectare) on Gaisra Rao River.

- As per Appendix 10 of notification dated 15.01.2016 issued by Ministry of Environment, Forest and Climate Change of Government of India, District Survey Report has been prepared and vide District Magistrate, Saharapur's letter No. 3968/Mining/2017-18 dated 02.12.2017 the same was put on the notice Board of Collectorate and the website of the District inviting objections/suggestions and was in public domain for 21 days. (Enclosure-2).
- During the said prescribed period no objection/suggestion has been received. But due to error in District Survey Report regarding Plot No. vide

office's letter No. 1960/DSR/Saharanpur (Mining)/2008 dated 26.10.2018 corrigendum has been issued. (Enclosure-3).

- Here it will be relevant to point out that regarding five new areas in Village Sherpur Pelo, Mayapur, Roop Pur, Haidarpur Hinduwala, Rahna and Bartha Korsi, District Level Environment Impact Assessment Authority in its meeting on 04.09.2019 has decided to include these five areas and vide office's letter No. 1051/Mining/2019-20 dated 07.09.2019 the same was uploaded on the website of the district for 21 days for objections/suggestions. (Enclosure-4).
- After expiry of prescribed period of 21 days for objections, no objection/suggestion from any mode was received in Geology and Mining Office, Saharanpur.
- Pursuant to the Government Order No. 1875/86-2017 dated 14.08.2017 issued by Geology and Mining Directorate, the nominated executing agency (MSTC-Government of India undertaking) has issued public information for E-tender-cum-E-auction vide notification No. 1719/Mineral/2019-20 dated 16.09.2019 and Notification No. 1959/Mineral/2019-20 dated 01.11.2019.

- In compliance of Government Order No. 1875/86-2017 dated 14.08.017, MSTC-Government of India Undertaking has made available the information regarding the highest bidder through email dated 16.12.2019. (Enclosure-5).
- After detailed consideration, Letter of Intent (LOI) was issued in favour of the higher bidder, Shri Sanjay Bahtiya, S/o. late Shri Anand Prakash Bhatiya, R/o. 1/472, Ramchandra Puri, Qutubsher, Saharanpur on 07.01.2020. Thereafter on receipt of E.C. vide letter No. 87/parya/SEIAA/5402/2019 dated 27.05.2020 of SEIAA and complying with all the formalities, mining lease was executed in favour of Shri Sanjay Bhatiya on 06.06.2020.

Report regarding the points raised before the Hon'ble National Green Tribunal.

| Sl. No. | Points   | Report  |
|---------|--|---|
| 1       | 2  | 3   |
| 1       | District Survey Report for river bed sand mining in District Saharanpur which is said to be without conducting replenishment study as required under the | In the mining area in question, as per Appendix 10 of notification dated 15.01.2016 of Ministry of Environment, Forest and Climate Change, Government of India, |

|    |   |   |
|----|---|---|
|    | <p>Sand Mining Management Guidelines, 2020.</p>   | <p>after getting the District Survey Report prepared, the same was made available for the general public vide letter No. 3968/Mining/2017-18 dated 02.12.2017 of District Magistrate, Saharanpur and as per the decision taken in the meeting of DEIAA dated 04.09.2019, 5 new areas were included wherein Mayapur Roop Pur was also included. At that time Enforcement &amp; Monitoring Guidelines for Sand Mining 2020 were not in existence.</p> |
| 2. | <p>The mining sites are within 1 K.M. from Kalesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF &amp; CC order dated 08.08.2019.</p> | <p>Vide letter No. 31/14-1 Saharanpur dated 02.07.2019 of Divisional Forest Officer, Shivalik Forest Division, No Objection Certificate was issued for mining in mining area Sherpur</p>  |

|    |   |   |
|----|---|---|
|    |   | Pelo, Mayapur Rooppur, Rahna, Haidarpur Hinduwala. In the aforesaid No Objection Certificate, village Rahana is at aerial distance of 2.80 K.M. from the reserved forest area from proposed site and 7.80 K.M. away from Kaleshar National Park. (Enclosure-6). |
| 3. | Mining is also in prohibited area being upstream of Hathnikumd Barrage is Saharanpur. | Area of Plot No. 179/2 measuring 3.75 hectares of Village Rahna falls Gairsa Rao River which does not fall in Yamuna River or Hathnikund Barrage.   |
| 4. | Cluster Impact Assessment has not been done as required.                              | No other mining lease has been granted or operating within the radius of 500 meters of Rahna village area.  |
| 5. | The sand mining has been continuing even during the locked down period.               | The mining lease of Rahna Pur is sanctioned for Sand, Morram, Boulder (in mixed form)   |

|  |  |  |
|--|--|--|
|  |  | in Gairsra Rao River wherein the mining work has not been done during lock down. After execution of lease deed on 06.06.2020, the mining work has started. |
|--|--|--|

Rahna (Lot No. 3 Plot No. 3 measuring 8.05 hectare)  
Yamuna River.

- As per Appendix 10 of notification dated 15.01.2016 issued by Ministry of Environment, Forest and Climate Change of Government of India, District Survey Report has been prepared and vide District Magistrate, Saharapur's letter No. 3968/Mining/2017-18 dated 02.12.2017 the same was put on the notice Board of Collectorate and the website of the District inviting objections/suggestions and was in public domain for 21 days. (Enclosure-2).
- During the said prescribed period no objection/suggestion has been received. But due to error in District Survey Report regarding Plot No. vide office's letter No. 1960/DSR/Saharanpur (Mining)/2008 dated 26.10.2018 corrigendum has been issued. (Enclosure-3).

- In spite of lapse prescribed period of 21 days, no objections/suggestions have been received by Geology and Mining Office, Saharnapur from any mode.
- Pursuant to the Government Order No. 1875/86-2017 dated 14.08.2017 issued by Geology and Mining Directorate, the nominated executing agency (MSTC-Government of India undertaking) has issued public information for E-tender-cum-E-auction vide notification No. 88/Mineral/2017-18 dated 20.01.2018.
- In compliance of Government Order No. 1875/86-2017 dated 14.08.2017, MSTC-Government of India Undertaking has made available the information regarding the highest bidder through email dated 09.03.2018. After detailed consideration, Letter of Intent (LOI) was issued in favour of the higher bidder vide Office's letter No. 423/Mineral/2017-18 dated 15.03.2018. Higher bidder Shri Rahul Pawar has obtained E.C. vide letter No. 481/Parya/SEAC-2494/2018 dated 22.11.2018 but due to non execution of lease deed, district Magistrate Saharanpur vide his office order No. 2623MP/E-auction/Saharanpur dated 08.02.2019 has cancelled the earlier sanctioned letter of intent.
- Pursuant to the Government Order No. 1875/86-2017 dated 14.08.2017 issued by Geology and Mining Directorate, the nominated executing agency (MSTC-

Government of India Undertaking) has issued public information for E-tender-cum-E-auction of Lot No. 3 again besides the other areas vide notification No. 1719/Mineral/2019-20 dated 16.09.2019 and notification No. 1959/Mineral/2019-20 dated 01.01.2019.

- In compliance of Government Order No. 1875/86-2017 dated 14.08.2017, MSTC-Government of India Undertaking has made available the information regarding the highest bidder through email dated 16.12.2019.
- After detailed consideration, Letter of Intent (LOI) was issued in favour of the higher bidder Shri Satendra Kumar, S/o. Shri Virendra Singh, R/o. Khaisa Nazafgarh, New Delhi on 23.01.2020. Thereafter, on receipt of Environment Clearance vide letter No. 134/Parya/SEAC/4294/18 dated 18.06.2020 of SEIAA and completing all the formalities, lease deed was executed in favour of Satendra Kumar on 20.06.2020.

Report regarding the points raised before the Hon'ble National Green Tribunal.

| Sl. No. | Points                                    | Report                                 |
|---------|---|--|
| 1       | 2   | 3                                      |
| 1       | District Survey Report for river bed sand | In the mining area in question, as per |

|    |  |  |
|----|--|--|
|    | <p>mining in District Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management Guidelines, 2020.</p> | <p>Appendix 10 of notification dated 15.01.2016 of Ministry of Environment, Forest and Climate Change, Government of India, after getting the District Survey Report prepared, the same was made available for the general public vide letter No. 3968/Mining/2017-18 dated 02.12.2017 of District Magistrate, Saharanpur and as per the decision taken in the meeting of DEIAA dated 04.09.2019, 5 new areas were included wherein Mayapur Roop Pur was also included. At that time Enforcement &amp; Monitoring Guidelines for Sand Mining 2020 were not in existence.</p> |
| 2. | <p>The mining sites are within 1 K.M. from</p>   | <p>In Para 1(2) of notification No. SO</p>   |

|    |   |   |
|----|---|---|
|    | <p>Kalesar National Park and U.P. Elephant Reserve which is prohibited as per MoEF &amp; CC order dated 08.08.2019.</p> | <p>1485(E) dated 22.04.2016 (Enclosure-7) of Ministry of Environment, Forest and Climate Change of Government of India, coordinates of Kaleshar National Park and Wild Life Sanctuary have been given and in Para 1.5, 31 village falling in eco sensitive zone are mentioned wherein Rahna or any other village of District Saharanpur is not mentioned.</p> |
| 3. | <p>Mining is also in prohibited area being upstream of Hathnikumd Barrage is Saharanpur.</p>                            | <p>Lot No. 3 Plot No. 3, Rahna falls on river Yamuna which is 5.12 Kilometers away from Hathnikund Barrage. Besides this, it is also to inform that Forest Research Institute, Dehradun has submitted its report in January, 2017 about ecological</p>  |

|  |  |   |
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|  |  | <p>damage assessment and eco-forest plan to Ministry of Environment and Forest wherein at Page 100 in Point 7, following recommendation has been made:</p> <p>“The river tract upstream of Hathnikund Barrage is important for wild life and birds due to its wetland character and habitat contiguity with Dalesar National Park in Haryana and Shivalik hill forests in Uttarakhand/Uttar Pradesh. Therefore, it is suggested to close it altogether from mining activities and develop it as a wildlife habitat.”</p> <p>In this regard it is to inform that on the aforesaid report</p> |
|--|--|---|

|    |   |   |
|----|---|---|
|    |   | submitted by Forest Research Institute to Ministry of Environment, Forest and Climate Change, no order has been received from any court or the Government level.  |
| 4. | Cluster Impact Assessment has not been done as required.                | No other mining lease has been granted or operating within the radius of 500 meters from Lot No. 3 of Rahna village.  |
| 5. | The sand mining has been continuing even during the locked down period. | The mining lease of Rahna on Yamuna River is sanctioned for Sand, Morram, Boulder (in mixed form) wherein the mining work has not been done during lock down. After execution of lease deed on 20.06.2020, the mining work has started. |

Basthakorsi (Plot No. 01 measuring 36.00 hectares) Yamuna River.

- As per Appendix 10 of notification dated 15.01.2016 issued by Ministry of Environment, Forest and Climate Change of Government of India, District Survey Report has been prepared and vide District Magistrate, Saharapur's letter No. 3968/Mining/2017-18 dated 02.12.2017 the same was put on the notice Board of Collectorate and the website of the District inviting objections/suggestions and was in public domain for 21 days. (Enclosure-2).
- During the said prescribed period no objection/suggestion has been received. But due to error in District Survey Report regarding Plot No. vide office's letter No. 1960/DSR/Saharanpur (Mining)/2008 dated 26.10.2018 corrigendum has been issued. (Enclosure-3).
- Here it will be relevant to point out that regarding five new areas in Village Sherpur Pelo, Mayapur, Roop Pur, Haidarpur Hinduwala, Rahna and Bartha Korsi, District Level Environment Impact Assessment Authority in its meeting on 04.09.2019 has decided to include these five areas and vide office's letter No. 1051/Mining/2019-20 dated 07.09.2019 the same was uploaded on the website of the district for 21 days for objections/suggestions. (Enclosure-4).
- After expiry of prescribed period of 21 days for objections, no objection/suggestion from any mode

was received in Geology and Mining Office, Saharanpur.

- Pursuant to the Government Order No. 1875/86-2017 dated 14.08.2017 issued by Geology and Mining Directorate, the nominated executing agency (MSTC-Government of India undertaking) has issued public information for E-tender-cum-E-auction vide notification No. 1719/Mineral/2019-20 dated 16.09.2019 and Notification No. 1959/Mineral/2019-20 dated 01.11.2019.
- In compliance of Government Order No. 1875/86-2017 dated 14.08.2017, MSTC-Government of India Undertaking has made available the information regarding the highest bidder through email dated 16.12.2019. (Enclosure-5).
- After detailed consideration, Letter of Intent (LOI) was issued in favour of the higher bidder, Shri Deepak Chaudhary, Proprietor, Star Mines, Hakikat Nagar, Saharanpur. Thereafter, E.C. is awaited.

| Sl. No. | Points   | Report  |
|---------|--|---|
| 1       | 2  | 3   |
| 1       | District Survey Report for river bed sand mining in District | In the mining area in question, as per Appendix 10 of |

|    |   |  |
|----|---|--|
|    | <p>Saharanpur which is said to be without conducting replenishment study as required under the Sand Mining Management Guidelines, 2020.</p> | <p>notification dated 15.01.2016 of Ministry of Environment, Forest and Climate Change, Government of India, after getting the District Survey Report prepared, the same was made available for the general public vide letter No. 3968/Mining/2017-18 dated 02.12.2017 of District Magistrate, Saharanpur and as per the decision taken in the meeting of DEIAA dated 04.09.2019, 5 new areas were included wherein Barthakorsi was also included. At that time Enforcement &amp; Monitoring Guidelines for Sand Mining 2020 were not in existence.</p> |
| 2. | <p>The mining sites are within 1 K.M. from Kalesar National Park and U.P. Elephant</p>  | <p>Vide letter No. 4299/14-1 Saharanpur dated 17.06.2019 of Divisional Director, Social</p>  |

|    |  |  |
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|    | Reserve which is prohibited as per MoEF & CC order dated 08.08.2019. | Forestry, Forest Division, No Objection Certificate was issued in respect of mining area Barthkorsi. In the aforesaid No Objection Certificate the GPS reading of proposed mining lease area in village Barthkorsi, Plot No. 1 are A-N30° 14' 37.1" E77° 31' 40.8". From G.P.S. reading the mining lease area is at a distance of 13.30 kilometers. Similarly, the G.P.S. of Kaleshar National Park A-N30° 18' 44.00" E77° 34' 26.9". As per G.P.S. reading the distance of National Park is about 8.83 kilometers from mining lease area. (Enclosure-86). |
| 3. | Mining is also in prohibited area being upstream of                  | Plot No. 01 measuring 36.00 hectare area of Barthkorsi in question   |

|    |  |   |
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|    | Hathnikund Barrage is Saharanpur.                        | falls in Yamuna River. It is situated in downstream of Hathnikund Barrage.  |
| 4. | Cluster Impact Assessment has not been done as required. | Barathakosi in which Letter of Intent has been issued in favour of highest bidder on 30.12.2019 (Enclosure-9) as per cluster certificate no other mining lease is sanctioned or operating in any other area within 5 meters radius within the limits of U.P. As far as the mining lease in the State of Haryana is concerned, in the District Survey Report of District Yamuna Nagar, Haryana geo-coordinates of Belgarh area are not mentioned. (Enclosure-10). In Yamuna Nagar within Belgarh the sanctioned mining area in Village |

|    |  |  |
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|    |  | <p>Belgarh South regarding which EC has been issued by State Environment Impact Assessment Authority of Haryana vide its letter SEA/HR/2016/475 dated 27.08.2016 (Enclosure-11) wherein three coordinates of the area has been given-A-N30° 13' 29.01" E77° 30' 34.59" B-N30° 13' 10.29" E77° 30' 24.22" C-N30° 12' 41.01' E77° 30' 17.97" the said area is about minimum 1.4 kilometers from sanctioned mining lease area Barthakorsi of District Saharanpur (Google Map Enclosure-12).</p> |
| 5. | <p>The sand mining has been continuing even during the locked down period.</p> | <p>The mining lease of Barthkorsi on Yamuna River is sanctioned for Sand, Morram, Boulder (in mixed form) wherein</p>  |

|  |  |  |
|--|--|--|
|  |  | no further action has been taken as EC was not received from SEIAA. Therefore, the question of doing any mining during lock down does not arise. |
|--|--|--|

Here, it also is to bring to the notice of Hon'ble Tribunal that the Petitioner has mentioned to prepare the District Survey Report in accordance with "Enforcement & Monitoring guidelines for Sand Mining" regarding which it is respectfully submitted that vide Government Order No. 865/86/2020-01(G)/2020 dated 12.06.2020, the State Government has directed all the District Magistrate and Director Geology and Mining Directorate, U.P., Lucknow for modification of District Survey Report as per "Enforcement & Monitoring guidelines for Sand Mining" 2020 (Enclosure-13). After issuance of the Government Order dated 12.06.2020, no action has been taken for E-tender-cum-E-auction in District Saharanpur. It is to submit to the knowledge of Hon'ble National Green Tribunal that two mining leases in Tehsil Sadar under recovered from river are sanctioned from 04.10.2019 to 03.10.2024 and in Tehsil Nakud in Village Dikkakalan from 16.11.2019 to 15.11.2014 wherein sand mining period has started from execution of lease deed. On 23.03.2020 lockdown has started in entire India due to which mining stopped

from 23.03.2020. During the period of lockdown no mining work has been done in District Saharanpur vide Government Order No. 5GI/88-2020-14 (general)/2020 dated 17.04.2020, directions have been issued to start mining with certain conditions (Enclosure-14). In compliance of the said order vide letter No. 3909/MP/mining clerk/2020 dated 05.05.2020 of the office of District Magistrate, mining has started with the conditions mentioned in the Government Orders (Enclosure-15).

Sd/- Illegible  
09.07.2020  
(Meraj Uddin)  
Nominated Member  
SEIAA

Sd/- Illegible  
09.07.2020  
(Vinod Kumar)  
Additional District Magistrate  
(Finance & Revenue) Nominated Member  
Through District Magistrate, Saharanpur

//ENGLISH TRANSLATION//

# State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

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

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

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

To,

Shri Deepak Chaudhari,  
C-3, Hakeekat Nagar, Near Old Tax Sales Office,  
Saharanpur, Behat, Saharanpur, U.P- 244701

ANNEXURE R-5

Ref. No. 843...../Parya/SEIAA/5989-5653/2020

Date: 26 March, 2021

Sub: Environmental Clearance for Proposed Sand/Bajari/Boulder Mining at Gata No.-1, Village- Barthakorsi, Tehsil- Behat ,District- Saharanpur, U.P. M/s Star Mines (Leased Area -36.00 Ha).

Dear Sir,

Please refer to your application/letter dated 03-05-2020, 29-05-2020, 15-10-2020, 25-11-2020, 04-12-2020, 11-12-2020, 19-02-2021 & 15-01-2021 addressed to the Secretary, SEAC, Directorate of Environment, U.P., Lucknow on the subject as above. The State Level Expert Appraisal Committee considered the matter in its meetings held on dated 09-12-2020 & 19-02-2021 and SEIAA meeting 10-03-2021.

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

1. The environmental clearance is sought for Sand/Bajari/Boulder Mining at Gata No.-1, Village- Barthakorsi, Tehsil- Behat ,District- Saharanpur, U.P. M/s Star Mines (Leased Area -36.00 Ha).
2. The terms of reference in the matter were issued by SEIAA, U.P. vide letter no. 157/Parya/SEAC/5653/2019 dated 30/06/2020.
3. The public hearing was organized on 19/10/2020. Final EIA report submitted by the project proponent on 25/11/2020.
4. Salient features of the project as submitted by the project proponent:

| 1. On Line Proposal No.                                    | SIA/UP/MIN 58603/2020  |               |          |           |  |              |               |
|--|--|---------------|----------|-----------|--|--------------|---------------|
| 2. File No. allotted by SEIAA, UP                          | 5989/5653  |               |          |           |  |              |               |
| 3. Name of Proponent                                       | M/s Star Mines Partner Sri Deepak Chaudhari  |               |          |           |  |              |               |
| 4. Full correspondence address of proponent and mobile no. | C-33, Hakikat Nagar, Near Old Sales Tax Office Saharanpur  |               |          |           |  |              |               |
| 5. Name of Project   | Area-36.00 Ha For Sand/Bajari/Boulder Mining at Gata No.-1, Village- Barthakorsi, Tehsil- Behat ,District- Saharanpur, U.P. M/s Star Mines   |               |          |           |  |              |               |
| 6. Project Location(Plot.Khsra/Gata No.)                   | Gata No.-1   |               |          |           |  |              |               |
| 7. Name of Village   | BarthaKorsi  |               |          |           |  |              |               |
| 8. Tehsil  | Behat  |               |          |           |  |              |               |
| 9. District  | Saharanpur   |               |          |           |  |              |               |
| 10. Name of River  | Yamuna River   |               |          |           |  |              |               |
| 11. Name of Minor Mineral                                  | Sand/Bajari/Boulder  |               |          |           |  |              |               |
| 12. Sanctioned Lease Area (in Ha.)                         | 36.00 Ha.  |               |          |           |  |              |               |
| 13. Max. & Min mRL within lease area                       | 304.0 mRL in & 297.0 mRL   |               |          |           |  |              |               |
| 14. Pillar Coordinates (Verified by DMO)                   |  |               |          |           |  |              |               |
|  | <table border="1"> <thead> <tr> <th>Point</th> <th>Latitude</th> <th>Longitude</th> </tr> </thead> <tbody> <tr> <td></td> <td>30°14'0.94"N</td> <td>77°31'13.91"N</td> </tr> </tbody> </table> | Point         | Latitude | Longitude |  | 30°14'0.94"N | 77°31'13.91"N |
| Point  | Latitude   | Longitude     |          |           |  |              |               |
|  | 30°14'0.94"N   | 77°31'13.91"N |          |           |  |              |               |



E.C. for Proposed Sand/Bajari/Boulder Mining at Gata No.-1, Village- Barthakorsi, Tehsil- Behat, District- Saharanpur, U.P. M/s Star Mines (Leased Area -36.00 Ha).

|     |                                 |  |                               |               |
|-----|---------------------------------|--|-------------------------------|---------------|
|     |                                 | B  | 30°14'16.50"N                 | 77°31'24.43"N |
|     |                                 | C  | 30°14'13.69"N                 | 77°31'31.19"N |
|     |                                 | D  | 30°14'19.59"N                 | 77°31'37.85"N |
|     |                                 | E  | 30°14'37.10"N                 | 77°31'40.80"N |
|     |                                 | F  | 30°14'39.19"N                 | 77°31'36.25"N |
|     |                                 | G  | 30°14'26.08"N                 | 77°31'29.05"N |
|     |                                 | H  | 30°14'9.19"N                  | 77°31'2.18"N  |
|     |                                 | Workable Area                                    |                               |               |
|     |                                 | Point  | Latitude                      | Longitude     |
|     |                                 | A  | 30°14'0.94"N                  | 77°31'13.91"N |
|     |                                 | B  | 30°14'16.50"N                 | 77°31'24.43"N |
|     |                                 | C  | 30°14'13.69"N                 | 77°31'31.19"N |
|     |                                 | D  | 30°14'19.59"N                 | 77°31'37.85"N |
|     |                                 | E  | 30°14'37.10"N                 | 77°31'40.80"N |
|     |                                 | F  | 30°14'39.19"N                 | 77°31'36.25"N |
|     |                                 | G  | 30°14'26.08"N                 | 77°31'29.05"N |
|     |                                 | G-1  | 30°14'19.61"N                 | 77°31'24.67"N |
|     |                                 | G-2  | 30°14'18.03"N                 | 77°31'18.83"N |
|     |                                 | G-3  | 30°14'14.79"N                 | 77°31'13.38"N |
|     |                                 | G-4  | 30°14'09.60"N                 | 77°31'8.74"N  |
|     |                                 | H-1  | 30°14'6.60"N                  | 77°31'5.65"N  |
|     |                                 | Non-Workable Area                                |                               |               |
|     |                                 | G  | 30°14'26.08"N                 | 77°31'29.05"N |
|     |                                 | G-1  | 30°14'19.61"N                 | 77°31'24.67"N |
|     |                                 | G-2  | 30°14'18.03"N                 | 77°31'18.83"N |
|     |                                 | G-3  | 30°14'14.79"N                 | 77°31'13.38"N |
|     |                                 | G-4  | 30°14'09.60"N                 | 77°31'8.74"N  |
|     |                                 | H-1  | 30°14'6.60"N                  | 77°31'5.65"N  |
|     |                                 | H  | 30°14'9.19"N                  | 77°31'2.18"N  |
| 15. | Total Geological Reserves       | 12,51,498m <sup>3</sup> /Annum                   |                               |               |
| 16. | Total Mineable Reserve          | 7,67,814m <sup>3</sup> /Annum                    |                               |               |
| 17. | Total Proposed Production inLOI | 7,56,000m <sup>3</sup> /Annum                    |                               |               |
| 18. | Proposed Production /year       | Year   | Production                    |               |
|     |                                 | 1 <sup>st</sup>                                  | 7,56,000m <sup>3</sup> /Annum |               |
|     |                                 | 2 <sup>nd</sup>                                  | 7,56,000m <sup>3</sup> /Annum |               |
|     |                                 | 3 <sup>rd</sup>                                  | 7,56,000m <sup>3</sup> /Annum |               |
|     |                                 | 4 <sup>th</sup>                                  | 7,56,000m <sup>3</sup> /Annum |               |
|     |                                 | 5 <sup>th</sup>                                  | 7,56,000m <sup>3</sup> /Annum |               |
|     |                                 | Total  | 37,80,000 m <sup>3</sup>      |               |
| 19. | Sanctioned Period of Mine lease | 5Years   |                               |               |
| 20. | Production of mine/day          | 3360m <sup>3</sup> /Day                          |                               |               |
| 21. | Method of Mining                | Open cast Manual / Semi Mechanized Mining Method |                               |               |
| 22. | No. of working days             | 225 Days   |                               |               |
| 23. | Working hours/day               | 8 Hours  |                               |               |
| 24. | No. of worker                   | 150 Worker                                       |                               |               |
| 25. | No. of vehicles movement/day    | 373Trucks / Day (Depending on market demand)     |                               |               |
| 26. | Type of Land                    | Govt. Land                                       |                               |               |



**E.C. for Proposed Sand/Bajari/Boulder Mining at Gata No.-1, Village- Barthakorsi, Tehsil- Behat ,District- Saharanpur, U.P. M/s Star Mines (Leased Area -36.00 Ha).**

|   |   |                         |
|---|---|-------------------------|
| 27. Ultimate of Depth of Mining   | 3.00 m  |                         |
| 28. Nearest metalled road from site                                       | 3.30Km  |                         |
| 29. Water Requirement   | PURPOSE   | REQUIREMENT (KLD)       |
|   | Drinking  | 1.50 KLD                |
|   | Suppression of dust   | 12.00 KLD               |
|   | Plantation  | 4.70 KLD                |
|   | Others (if any)   |                         |
|   | Total   | 18.20(18.00 approx KLD) |
| 30. Name of QCI Accredited Consultant with QCI No and period of validity. | Ind Tech House Consult QCI No.- NABET/EIA/1821/RA0098<br>Period of Validity- 31-01-2021 |                         |
| 31. Any litigation pending against the project or land in any court       | No  |                         |
| 32. Details of 500 m Cluster Map & Certificate verified by Mining Officer | Letter No-3676/ Khanij /2020 Date- 12.03.2020   |                         |
| 33. Details of Lease Area in approved DSR                                 | (Sr. No: 5)   |                         |
| 34. Proposed CER cost   | 2% of total project cost ieRs 2,66,000  |                         |
| 35. Proposed EMP cost   | 27.34 Lakhs   |                         |
| 36. Length and breadth of Haul Road                                       | 1000 mtr Length & 6m width haulage road   |                         |
| 37. No. of Trees to be Planted  | 1188 Trees  |                         |

5. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
6. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
7. There is no litigation pending in any court regarding this project.
8. The project proposal falls under category-1(a) of EIA Notification, 2006 (as amended).

Based on the recommendations of the State Level Expert Appraisal Committee meeting held on 09-12-2020 & 19-02-2021 on the above said project, the State Level Environment Impact Assessment Authority meetings held on 10-03-2021 has decided to grant the Environmental Clearance to the title project for collection of 7,56,000m<sup>3</sup> /Annum is proposed lease area 36.00 ha subject to effective implementation of the following General Conditions and specific conditions:

**General condition:**

1. This environmental clearance is subject to allotment of mining lease in favour of project proponent by District Administration/Mining Department.
2. Forest clearance shall be taken by the proponent as necessary under law.
3. Any addition of the mining area, change of Khasra numbers, enhancement of capacity, change in mining technology, modernization and scope of working shall again required prior environmental clearance as per EIA notification, 2006.
4. No change in the calendar plan including excavation, quantum of mineral and waste shall be made.
5. Mining will be carried out as per the approved mining plan. In case of any violation of mining plan, the Environmental Clearance given by SEIAA will stand cancelled.
6. Four ambient air quality monitoring stations shall be established in the core zone as well as in the buffer zone for RSPM, SPM, SO<sub>2</sub>, NO<sub>x</sub> 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. The monitored data for criteria pollutants shall be regularly up loaded on the company's website and also displayed at website.



7. Data on ambient air quality (RPM, SPM, SO<sub>2</sub>, NO<sub>x</sub>) should be regularly submitted to the Regional office, MoEF, Gol, Lucknow and the State Pollution Control Board / Central Pollution Control Board once in six months.
8. Ambient air quality at the boundary of the mine premises shall conform to the norms prescribed in MoEF notification no. GSR/826(E) dt. 16.11.09.
9. Fugitive dust emissions from all the sources shall be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points shall be provided and properly maintained.
10. Measures shall be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. shall be provided with ear plugs / muffs and health records of the workers shall be maintained.
11. 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 19th May, 1993 and 31st December, 1993 or as amended from time to time. Oil and grease trap shall be installed before discharge of workshop effluents.
12. Personnel working in areas shall be provided with protective respiratory devices like mask and they shall also be imparted adequate training and information on safety and health aspects.
13. Special measures shall be adopted to prevent the nearby settlements from the impacts of mining activities.
14. The transportation of the materials shall be limited to day hours time only.
15. Provision shall be made for the housing the labourers within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, 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.
16. A separate Environmental Management Cell with suitable qualified personnel shall be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
17. The Project Proponent shall inform to the Regional Office, MoEF, Gol, Lucknow and State Pollution Control Board regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
18. The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year wise expenditure shall be reported to the MoEF, Gol, Lucknow and State Pollution Control Board
19. The Regional Office, MoEF, Gol, Lucknow and State Pollution Control Board shall monitor compliance of the stipulated conditions. A complete set of documents including Environment Impact Assessment Report, Environmental Management Plan, Public hearing and other documents information should be given to Regional Office of the MoEF, Gol, Lucknow and State Pollution Control Board
20. A copy of the environmental clearance shall be submitted by the Project Proponent to the Heads of the Local Bodies, Panchayat and Municipal Bodies as applicable in the matter.
21. The Project Proponent shall advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Level Environment Impact Assessment Authority (SEIAA).
22. The Project Proponent has to submit half yearly compliance report of the stipulated prior environmental clearance terms and conditions in hard and soft copy to the SEIAA, U.P. on 1st June and 1st December of each calendar year.
23. The SEIAA may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
24. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.



**Specific Conditions:**

1. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
2. The project proponent shall obtain the forest clearance and permission of Central and State Government as per law under the provisions of Forest (conservation) Act, 1980 before the start of work.
3. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
4. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
5. At the time of operation, project proponent will comply with all the guidelines issued by Government of India/State Govt./District Administration related to Covid-19.
6. This environmental clearance does not create or verify any claim of applicant on the proposed site/activity.
7. In case it has been found that the E.C. obtained by providing incorrect information, submitting that the distance between the two adjoining mines is greater than 500mt. and area is less than 05ha, but factually the distance is less than 500 mt and the mine is located in cluster of area equal or more than 05ha, the E.C issued will stand revoked.
8. This environmental clearance shall be subject to valid lease in favour of project proponent for the proposed mining proposals. In case, the project proponent does not have a valid lease, this environmental clearance shall automatically become null and void.
9. The Environmental clearance will be co-terminus with the mining lease period/Mining Plan.
10. Explosive cannot be stored on the site.
11. A comprehensive EIA including mining areas within 15 K.M. to assess impact of the mining activity on the surrounding area shall be undertaken and report submitted to this Authority within one year.
12. No two pits shall be simultaneously worked i.e. before the first is exhausted and reclamation work completed, no mineral bearing area shall be worked.
13. After exhausting the first mine pit and before starting mining operations in the next pit, reclamation and plantation works in the exhausted pit shall be completed so as to ensure that reclamation, forest cover and vegetation are visible during the first year of mining operations in the next pit. This process will follow till the last pit is exhausted. Adequate rehabilitation of mined pit shall be completed before any new ore bearing area is worked for expansion.
14. Adequate buffer zone shall be maintained between two consecutive mineral bearing deposits.
15. Sprinkling of water on haul roads to control dust will be ensured by the project proponent.
16. Green belt development shall be carried out considering CPCB guidelines including selection of plant species and in consultation with the local DFO / Agriculture Department. Herbs and shrubs shall also form a part of afforestation programme besides tree plantation. The company shall involve local people for plantation programme. Details of year wise afforestation programme including rehabilitation of mined out area shall be submitted to the Regional Office, MoEF&CC, Gol, Lucknow every year.
17. Blast vibrations study shall be conducted and a observation report submitted to the Regional office, MoE&CC, Gol, Lucknow and UPPCB within six months. The report shall also include measures for prevention of blasting associated impact on nearby houses and agricultural fields.
18. Controlled blasting techniques with sequential blasting shall be adopted. The blasting shall be carried out in the day time only.
19. Appropriate arrangement for shelter and drinking water for the mining workers has to be ensured at the mining site.

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20. Maintenance of village roads used for transportation of minerals are to be done by the company regularly at its own expenses. The roads shall be black topped.
21. Rain water harvesting shall be undertaken to recharge the ground water source.
22. Status of implementation shall be submitted to the Regional Office, MoEF&CC, GoI, Lucknow and UP Pollution Control Board within six months and thereafter every year from the next consequent year.
23. Self environmental audit shall be conducted annually. Every three years third party environmental audit shall be carried out.
24. Measures for prevention and control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion shall be carried out with geo textile matting or other suitable material, and thick plantations of native trees and shrubs shall be carried out at the dump slopes. Dumps shall be protected by retaining walls.
25. Trenches / garland drains shall be constructed at foot of dumps and coco filters installed at regular intervals to arrest silt from being carried to water bodies. Adequate number of Check Dams and Gully Plugs shall be constructed across seasonal/perennial nallahs, if any flowing through the ML area and silts arrested. De- silting at regular intervals shall be carried out.
26. Garland drain of appropriate size, gradient and length shall be constructed for both mine pit and for waste dump and sump capacity shall be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity shall also provide adequate retention period to allow proper settling of silt material. Sedimentation pits shall be constructed at the corners of the garland drains and de- silted at regular intervals.
27. Ground and surface water, if any in and near the core zone (within 5.0 km of the lease) shall be regularly monitored for contamination and depletion due to mining activity and records maintained. The monitoring data shall be submitted to the Regional Office, MoEF, GoI, Lucknow and U.P. Pollution Control Board regularly. Further, monitoring points shall be located between the mine and drainage in the direction of flow of ground water shall be set up and records maintained.
28. Fugitive dust generation shall be controlled. Fugitive dust emission shall be regularly monitored at locations of nearest human habitation (including schools and other public amenities located nearest to sources of dust generation as applicable) and records submitted to the Regional Office, MoEF&CC, GoI, Lucknow and U.P. Pollution Control Board regularly.
29. Baseline data for ambient air quality shall be generated and maintained and RSPM level in ambient air in the nearby human habitation (villages) shall also be monitored along with other parameters.
30. Corporate Environmental Responsibility (CER) shall be by the project proponent and the details of the various heads of expenditure to be submitted as per the guidelines provided in the recent CER notification No. 22-65/2017-IA.III dated 01/05/2018. Work to be executed with installation of five hand pumps for drinking water, solar light in villages of streets, construction of two numbers of toilets at the primary school with name displayed and address and details of beneficiary and gram pradhan along with phone number, photographs should be submitted to Directorate as well as to the District magistrate / Chief Development officers.
31. Transportation of minerals shall be done by covering the trucks with tarpaulin or other suitable mechanism so that no spillage of mineral/dust takes place.
32. Occupational health and safety measures for the workers including identification of work related health hazards, training on malaria eradication, HIV, and health effects on exposure to mineral dust etc. shall be carried out. Periodic monitoring for exposure to respirable mineral dust on the workers shall be conducted and records maintained including health records of the workers. Awareness programme for workers on impact of mining on their health and precautionary measures like use of personal equipments etc. shall be carried out periodically. Review of impact of various health measures shall be conducted followed by follow up action wherever required.



33. The project proponent will ensure for providing employment to local people as per requirement, necessary protection measures around the mine pit and waste dump and garland drain around the mine pit and waste dump.
34. Top soil / solid waste shall be stacked properly with proper slope and adequate safeguards and shall be utilized for backfilling (wherever applicable) for reclamation and rehabilitation of mined out area. Top soil shall be separately stacked for utilization later for reclamation and shall not be stacked along with over burden.
35. Over burden (OB) shall be stacked at earmarked dump site(s) only and shall not be kept active for long period. The maximum height of the dump shall not exceed 20 m, each stage shall preferably be of maximum 10 m and overall slope of the dump shall not exceed 35°. The OB dump shall be backfilled. The OB dumps shall be scientifically vegetated with suitable native species to prevent erosion and surface run off.
36. Monitoring and management of rehabilitated areas shall continue until the vegetation becomes self sustaining. Compliance status shall be submitted to the Regional Office, Ministry of Environment & Forests, GoI, Lucknow and U.P. Pollution Control Board on six monthly basis.
37. Slope of the mining bench and ultimate pit limit shall be as per the mining scheme approved by Indian Bureau of Mines.
38. Permission for abstraction of ground water shall be taken from Central Ground Water Board. Regular monitoring of ground and surface water sources for level and quality shall be carried out 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 i.e. pre-monsoon (April-May), monsoon (August), post-monsoon (November) and winter (January) and the data thus collected shall be regularly sent to MoEF&CC, Central Ground Water Authority and Regional Director, Central Ground Water Board.
39. The waste water from the mine shall be treated to conform to the prescribed standards before discharging in to the natural stream. The discharged water from the Tailing Dam, if any shall be regularly monitored and report submitted to the Regional Office, Ministry of Environment & Forests, GoI, Lucknow, Central Pollution Control Board and the State Pollution Control Board.
40. Hydro geological study of the area shall be reviewed by the project proponent annually. In case adverse effect on ground water quality and quantity is observed mining shall be stopped and resumed only after mitigating steps to contain any adverse impact on ground water is implemented.
41. Vehicular emissions shall be kept under control and regularly monitored. Vehicles used for transportation of minerals and others shall have valid permissions as prescribed under Central Motor Vehicle Rules, 1989 and its amendments. The vehicles transporting minerals shall be covered with a tarpaulin or other suitable enclosures so that no dust particles / fine matters escape during the course of transportation. No overloading of minerals for transportation shall be committed. The trucks transporting minerals shall not pass through wild life sanctuary, if any in the study area.
42. Prior permission from the Competent Authority shall be obtained for extraction of ground water, if any.
43. A final mine closure plan, along with details of Corpus Fund, shall be submitted to the Regional office, Ministry of Environment & Forests, GoI, Lucknow and U.P. Pollution Control Board 5 years in advance of final mine closure for approval.
44. Project Proponent shall explore the possibility of using solar energy where ever possible.
45. Commitment towards CER has to be followed strictly.
46. Regular health check-up record of the mine workers has to be maintained at site in a proper register. It should be made available for inspection whenever asked.
47. Project Proponent has to strictly follow the direction/guidelines issued by MoEF&CC, CPCB and other Govt. Agencies from time to time.
48. The blasting will be done only after getting the permission from the Mining Department.



E.C. for Proposed Sand/Bajari/Boulder Mining at Gata No.-1, Village- Barthakorsi, Tehsil- Behat, District- Saharanpur, U.P. M/s Star Mines (Leased Area -36.00 Ha).

You shall also ensure that the proposed site is not a part of any no-development zone as required/prescribed/identified under law. In case of violation, this permission shall automatically deem to be cancelled. Also, in the event of any dispute on ownership or land use of the proposed site, this clearance shall automatically deem to be cancelled.

Any appeal against this EC 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.

The above stipulated conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along-with their amendments and rules made there under and also any other orders passed by the Hon'ble Courts of Law relating to the subject matter.

The project proponent will have to submit approved plans and proposals incorporating the conditions specified in the Environmental Clearance within 03 months of issuance of this clearance. The SEIAA/MoEF reserves the right to revoke the environmental clearance, if conditions stipulated are not implemented to the satisfaction of SEIAA/MoEF. SEIAA may impose additional environmental conditions or modify the existing ones, if necessary.

This is to request you to take further necessary action in matter as per provisions of Gazette Notification No. S.O. 1533(E) dated 14/09/2006, as amended and send regular compliance reports to the authority as prescribed in the aforesaid notification.



(Ashish Tiwari)  
Member Secretary, SEIAA

Ref. No...../Parya/SEIAA/5989-5653/2019 Dated: As above

**Copy for Information and necessary action to:**

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

(Ashish Tiwari)  
Member Secretary, SEIAA

## ANNEXURE R-6

Item No. 05

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Appeal No. 15/2021  
(I.A. No. 22/2022)

Pramod

Appellant

Versus

State of Uttar Pradesh &amp; Ors.

Respondent(s)

Date of hearing: 10.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Appellant: Mr. Ajit Sharma, Advocate

Respondent(s): Ms. Sunita Bhardwaj, Advocate for MoEF & CC  
Mr. Pradeep Misra & Mr. Daleep Dhyani Advocates for UPPCB  
Mr. Mukesh Verma, Advocate for the State of UP  
Ms. Priyanka Swami, Advocate for SEIAA, UP  
Mr. Neeraj Jain, Advocate for M/s Star Mines (PP)**ORDER**

1. This Appeal has been preferred against order of grant of Environmental Clearance (EC) by the SEIAA, UP vide order dated 26.03.2021 for proposed Sand/Bajari/Boulder Mining at Gata No.1, (Leased Area - 36.00 Ha) Village Barthakorsi, Tehsil Behat, District Saharanpur, U.P. in favour of M/s Star Mines.

2. Grounds for challenge in the appeal *inter-alia* include:

- grant of EC for area more than the area mentioned in the auctioned notice

- mining being allowed in-stream and by mechanized methods
- Cluster certificate dated 12.03.2020 being incorrect, ignoring that mining was already taken place within 500 mtrs. (even though across the river falling in Haryana)
- EC being granted without requisite replenishment study
- there being lack of due diligence ignoring that there are five FIRs for illegal mining against the Project Proponent
- public hearing has taken place 20 kms away from the site

It is also stated that the mining commenced without requisite consent from the State PCB and there is also illegal groundwater extraction, in violation of the EC conditions.

3. Vide order dated 09.06.2021, the Tribunal constituted a four-member joint Committee comprising of CPCB, State PCB, representative of the MoEF&CC and the District Magistrate, Saharanpur to verify facts and give a report to this Tribunal, with a copy of report to the PP for its response, if any. SEIAA, UP and the PP were also required to give their response to the appeal.

4. Accordingly, report of the joint Committee has been filed on 30.03.2022 to the effect that the PP did not have requisite consents till June, 2021 but its operation was continuing. It illegally extracted groundwater. Mining has been done illegally beyond permission. In December, 2021, consent has been granted. Relevant extract from the report are as follows:-

*“6. The findings of the committee are as given below,*

- 6.1. *The State Level Environment Impact Assessment Authority (SEIAA) has issued Environmental clearance (EC) on 26.03.2021 to the M/s Star Mines (Shri Deepak Chaudhari) for proposed Sand/Bajari/Boulder Mining at Gata No. 1 in Village Barthakorsi, Tehsil - Behat of Saharanpur District of Uttar Pradesh State.*
- 6.2. *As per the records,*
  - 6.2.1. *Notice for E-tendering along with E-Auction was issued by the mining department on 01.11.2019. The lease area of the mine in question is one of the areas among the six areas for which the said auction notice was issued.*
  - 6.2.2. *Letter of Intent (LoI) was issued by the district administration to the project proponent on 30.12.2019. The LoI was issued for 36 hectares mine lease area and for the period of 5 years.*
  - 6.2.3. *The cluster certificate has been issued by the Mining department on 12.03.2020, wherein it has been noted that no mine is operational or a lease has been issued in 500 m from the periphery of the proposed mine lease area.*
  - 6.2.4. *The public hearing for the project was conducted at the conference hall of Tehsil Behat on 19.10.2020.*
- 6.3. *The lessee had started mining after getting EC from SEIAA and permission from the Mining Department. During the visit, the project proponent's representative stated that sand excavation has been started on 04.04.2021, and mining work has been stopped on 30.06.2021.*
  - 6.3.1. *The permission for mining has been granted by the mining department on 01.04.2021.*
  - 6.3.2. *The mine proponent has sold the material till 30.06.2021. And it was informed that the mine was operated for 84 days, during which 3,77,748 m<sup>3</sup> Sand/Bajari/Boulder minerals have been excavated.*
  - 6.3.3. *The weighing bridge has been installed for weighing the amount of excavated material. The data generated through the weighing system is been submitted on the online portal.*
  - 6.3.4. *As per the information provided by the project proponent, the excavated material has been sold to the stone crushers for further processing. The material has been sold to 44 different parties.*

- 6.4. *The mining department inspected the mine twice during June 2021 to verify the content of the complaint received to the district administration. The mine was found to be operational during the first inspection on 07.06.2021 whereas during the second inspection on 19.06.2021 the mining work was found to be closed. As per these inspection reports, excavation is been done through the machines and the depth of the excavation is around 2.8 m.*
- 6.5. *The proponent has carried out mining operations without Consent from UPPCB. They have submitted the online application for seeking Consent from UPPCB on 17.06.2021. Based on it, the UPPCB has issued a show-cause Notice to the mine on 09.09.2021. The environmental Compensation of Rs. 7,70,000/- is also been proposed for the period of 77 days (01.04.2021-17.06.2021) at the rate of Rs. 10,000/- per day in accordance with the methodology developed by the CPCB.***
- 6.6. *During the field visit the committee observed the following*
- 6.6.1. *The mining operations were closed.*
- 6.6.2. *The mine is yet to obtain Consent under Air and Water Acts from UPPCB and NOC from CGWA.*
- 6.6.3. *They have installed a weighing bridge near their camp office and also installed CCTV cameras along with one PTZ camera.*
- 6.6.4. *A setup for recording the data from the weighing machine and transferring it through the online portal is available near the weighing bridge.*
- 6.6.5. *The portion of the Yamuna River in which the mine in question is located forms the boundary between the states of Uttar Pradesh and Haryana. Though the exact point of the state boundary was not accessible, the concerned officer of the district administration (i.e. Lekhpal) informed that the interstate boundary is approx 500 meters away from the mine lease area.*
- 6.6.6. *No operational mine was sighted within a 500-meter distance from the said mine lease boundaries.*
- 6.6.7. *During the visit only two poles (C&D) were found at the site. The geo-coordinates of these two poles were verified and found to be in order. It was further informed that the remaining pole had been washed out from the site.*

- 6.6.8. A DG set of 25 KVA was available near the camp office for power backup.
- 6.6.9. It was told that they have not installed any borewell and water requirement is being met by taking water tankers from nearby stone crushers. However, lending the use of water for industrial purposes is a violation of the rules.**
- 6.6.10 Though the representative of the proponent claimed that they have done the plantation but any such plantation was not visible in the area.**
- 6.6.11 As per the condition of EC, four Ambient Air Quality monitoring stations were supposed to be established in the core zone as well as a buffer zone. However, no such air quality station was found at the site.**
- 6.6.12 The roads leading to the mining site have been badly damaged. Stone crushers and the mine in question are the major industrial activities located in this area and heavy vehicular transport is the major cause of damage to public roads.**
7. In the EC issued to the mine proponent, they are permitted for the production of 7,56,000 m<sup>3</sup>/annum and 3360 m<sup>3</sup> per day.
- 7.1. As per the undertaking given by the mine proponent, around 3,77,748 m<sup>3</sup> of material have been excavated during the operational period.
- 7.2. It was also informed that out of 91 days (i.e. during 01.04.2021 – 30.06.2021), the mine production was kept closed for 7 days (during April 01-03, 2021, and June 20-23, 2021). Hence, mine production was carried out only for 84 days.
- 7.3. The project proponent has also provided daily production details. As per this data the quantity of daily production is varies between 11 m<sup>3</sup> to 9194 m<sup>3</sup>.
- 7.4. The proponent has excavated excess than the prescribed daily production limit (i.e., 3360 m<sup>3</sup>) during 62 operational days and excavated around 133062 m<sup>3</sup> excess quantity during those days.**
- 7.5. Thus, in total they have excavated around 1,33,062 m<sup>3</sup> excess material than the permitted quantity based on the daily limit.**
8. The grounds for challenging the EC issued by SEIAA are mentioned in the Hon'ble NGT order is as given below

8.1. *Grant of EC for area more than the area mentioned in the auction notice*

8.1.1. *The district mining office has issued notice for auction of 06 mine lease area on 01.11.2019. The mine area in question is listed at Sr No 5 in the tables given in Point No.1.*

8.1.2. *The mine lease area indicated in the notice is 36 hectares.*

8.1.3. *The SEIAA has issued TOR & EC to the proponent on 30.06.2020 & 26.03.2021 respectively.*

8.1.4. *The sanctioned lease area as per EC is also 36 hectares.*

8.1.5. *The geo-coordinates have been defined both in the auction notice issued by the mining department and EC issued by SEIAA.*

8.1.6. *All longitude mentioned in EC is attached with the abbreviation 'N', in place of desired abbreviation 'E'. This requires immediate correctness.*

8.1.7. *The geo-coordinates mentioned in EC defining mine lease boundary are alike for all points (i.e., Point A-H) with geo-coordinates mentioned in the Mining plan by Directorate of Geology and Mining dated 13.03.20202. However, the geo-coordinates mentioned in EC defining mine lease boundary are matching for five points (i.e., Point A-E) with geo-coordinates mentioned in the auction notice. However, geo-coordinates are not matching for three points (i.e., Point F-G). The above discrepancies are yet to be verified and needs to be corrected in sanctioned EC.*

8.1.8. *The geo-coordinates mentioned in EC defining mine lease boundary are matching for five points (i.e., Point A-E) with geo-coordinates mentioned in the auction notice. However, geo-coordinates are not matching for three points (i.e., Point F-G).*

8.1.9. *Thus, the geo-coordinate data mentioned in EC is not fully matching with the data mentioned in the auction notice. And it requires immediate attention for necessary correctness.*

8.2. *Mining being allowed in-stream and by mechanized methods*

8.2.1. *Open cast manual/semi-mechanized mining method is defined in the EC issued by SEIAA.*

8.2.2. *It was told by the proponent and the*

*Mining Inspector that heavy machinery has not been used in the excavation. Only Pokland machines have been used in mining.*

8.2.3. *The allotted mine area is plotted on the Google Earth software. As per the Google Earth image of November 2020, the allotted ease area (Pole A-H) spread across the stream of the River Yamuna.*

8.2.4. *Thus, the operation of the mining is semi-mechanized but the allotted lease area needs to be reviewed with reference to the river course to avoid instream mining.*

**8.3. Cluster certificate dated 12.03.2020 being incorrect, ignoring that mining was already taken place within 500 mtrs (Even though across the river falling in Haryana)**

8.3.1. *On the day of the visit, any operational mine was not sighted within a distance of 500 mts from the mine lease boundary.*

8.3.2. *It was also informed by the Mining Department that within a distance of 500 meters from the said mine lease boundary, neither any mine is operational nor any lease has been allotted in the State of Uttar Pradesh.*

8.3.3. *As per the details provided by Mining Department, 'Bailgarh South Block/YNR B2' is the nearest mine located in the Haryana state. The coordinates as mentioned in the EC of the mine are used to measure the distance of this mine from the boundary of the mine in question. The distance between two mines is measured to be around 1.4 KM.*

8.3.4. *Thus, at present no operational mine is located within a distance of 500 m from the mine in question.*

**8.4. EC being granted without requisite replenishment study**

8.4.1. *It is informed by the proponent that the replenishment study is in process and yet not completed.*

8.4.2. *The condition regarding replenishment study has not been mentioned in the EC issued by SEIAA.*

**8.5. There being lack of due diligence ignoring that there are five FIRs for illegal mining against the Project Proponent**

- 8.5.1. *As per the information provided by the district administration, no such FIR for illegal mining is filed or pending against the project proponent.*
- 8.6. *Public hearing has taken place 20 kms away from the site*
- 8.6.1. *The public hearing was conducted on 19.10.2020 in the Conference Hall of Tehsil Behat. The place of the public hearing held is at a distance of approx. 12 KM from the mining site.*
- 8.6.2. *However, the UP Government has issued an office order on 23.04.2018 which is related to the environmental clearance for the river bed mining project. In the said office order, permission has been given to hold a public hearing in the Tehsil office for river bed mines located in remote areas. The said public hearing was conducted using this clause of the office order.*
- 8.7. It is also stated that the mining has been commenced without requisite consent from the State PCB and there is also illegal groundwater extraction in violation of the EC conditions.**
- 8.7.1. The mine was operated without obtaining the CTE and CTO, which is a violation/ non-compliance under EPA Act, 1986. With respect to provisions of Water Act, 1974 and Air Act, 1981 the project proponent is required to obtain CTE and CTO for mining operation and should comply with the conditions of Environmental Clearance.**
- 8.7.2. UPPCB has issued a show cause Notice for the said violation and has also imposed Environmental Compensation of Rs. 7,77,000/-.**
- 8.7.3. The mine was operated without obtaining NOC from CGWA. It was informed that they have not installed any borewell in the area, and they are borrowing the water from the adjacent industries. However, such kind of borrowing water supply for industrial purposes is a violation of the law. However, such kind of borrowing water supply for industrial purposes is a violation under EPA Act, 1986. And both borrower and lender are liable to face legal action.**
9. *As the mining lease area is less than 50 Hectare, the project falls in the category 'B' as given in the schedule- List of projects*

or activities prior to EC, in the EIA Notification dated 14.09.2006.

- 9.1. As per the prescribed General Condition, 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 inter-State boundaries.
- 9.2. However, the said condition has been revised vide MoEF&CC Notification dated 14.08.2018. In this amendment the limit of mining lease area for consideration under Category- B project was extended to 100 hectares for non-coal mine lease. And it is also mentioned that the General Conditions shall apply except River bed mining projects on account of the inter-state boundary.
- 9.3. Considering this amendment in the Act, the said Project falls in the Category-B.

## **10. Environmental Compensation**

### **10.1. Compensation for Non-compliance**

**10.1.1. UPPCB has imposed environmental compensation or Rs 7,70,000/- for operating the mines without consent for 77 days (01.04.2021- 17.06.2021) at the rate of Rs. 10,000/- per day.**

**10.1.2. However, the mine was operated for 84 days, and hence, environmental compensation will be 8,40,000/-**

### **10.2. Penalty for unauthorized water usage**

**10.2.1 As the project proponent had informed that he is borrowing water from other industry/stone crusher, it is considered that he is accessing to illegal extraction of ground water.**

**10.2.2 Daily water requirement is mentioned as 18 KL in the EC issued by UPPCB.**

**10.2.3 In the guideline prepared by CPCB, a minimum penalty of Rs. 1,00,000 kept for mining in case of extraction of groundwater without permission.**

**10.2.4 Hence, the project proponent is liable to pay Rs. 1,00,000/- for accessing illegal water supply.**

### **10.3. Penalty for extraction of excess quantity materials**

**10.3.1** As explained at Sr No. 7 above, they have extracted 1,33,062 m<sup>3</sup> excess quantity than the permitted, based on the daily limit prescribed in the EC issued by SEIAA.

**10.3.2** For the calculation of environmental compensation, the risk factor is considered significant considering the impacts related to bed degradation, bank erosion, variation in flow energy, disturbance to flora & fauna, and inter-state boundary location.

**10.3.3** The market value is considered as Rs 400/- per m<sup>3</sup>

**10.3.4** Then the compensation will be  
 =  $D \times (1 + RF + DF)$   
 =  $1,33,062 \times 400 \times (1 + 0.3 + 0.75)$   
 = Rs. 10,91,10,840/-

**10.4.** Total Compensation and penalty will be  
 = 8,40,000 + 1,00,000 + 10,91,10,840  
 = Rs. 11,00,50,840/-

**11. Recommendations:** The nominated joint committee visited the site to verify the present scenario and based on the field observations/records made available the following is recommended

**11.1.** The mining operations should not allow to restarting till,

**11.1.1** Obtaining Valid consents (CTE and CTO) under Air Act, 1981 & Water Acts, 1974 from UPPCB.

**11.1.2** Obtaining NOC from CGWA for groundwater extraction.

**11.1.3** Obtaining Amended EC from SEIAA as per revised geo-coordinates.

**11.1.4** Conducting replenishment study and submission of the report

**11.2.** Clarification can be sought from SEIAA regarding the difference in the geo-coordinates mentioned in the EC and geo-coordinates mentioned in the auction notice. If required, SEIAA can be asked to amend the EC issued by them.

11.3. SEIAA can be asked to review the EC issued by them in order to ensure that the instream mining could not be allowed.

11.4. The mine proponent and stone crushers located in the area can be asked to construct the village roads in the area under the supervision of the district administration.

11.5. UPPCB can be asked to initiate action against the stone crusher who is lending the water supply to the mine in question. The proponent is liable to pay Rs. 11,00,50,840/- as a compensation and penalty for operating mine without consent from UPPCB, NOC from CGWA and carrying out excess excavation.”

5. Stand of the SEIAA, UP does not respond to the observations of the joint Committee report.

6. The stand of the PP is that there is no violation as the PP has been granted EC. In its reply, the PP has made following averments in response to the joint Committee report:-

**“D. OBJECTIONS TO JOINT COMMITTEE'S REPORT DATED 26. 10.2021;**

- I. As regards the report submitted in terms of the Hon'ble Tribunal's order dated 09.06.2021, the answering respondent, with immense reverence submits that one of the recommendations (amongst six other) made by committee was imposition of EC of about Rs. 11 Crore, which per-se is without any factual or legal basis, liable to be set-aside forthwith being based upon intrinsically frivolous ground,
- II. The very basis of recommendation of EC is inherently absurd and the same is impregnate of passing judicial scrutiny,
- III. The 'Project Proponent', was never afforded an opportunity to explain before this illogical recommendation was made behind its back in stark violation of principles of Natural Justice,
- IV. A bare reading of the recommendations make it abundantly clear that these have been made with a predisposed mindset just to nonsuit proponent and negate its rights emanating from his having been declared successful in e-auction,
- V. It is apparent that the recommendation has been made unfairly, - unjustly the same is undefendable and is causing tremendous loss in terms of time and money both, depletion of

opportunity since the lease has been granted by the State Government for a limited period and much time has been lost due to 'Covid' restrictions,

- VI. The Committee was in complete oblivion that the 'Environment Clearance' granted by SEIAA, in no manner puts any fetters over the 'Contractual Rights' or curtails it simply because it is bound by the terms of the Contract between the State Government on one hand and Lease-holder on other (contracting parties) which confers rights in favour of the respondent, after having received valuable consideration, for 7,56,000 cubic meter production per annum within 225 working days further 373 Trucks per day 'Depending on market demand'. The above clarifies that per day production is only by way of rough estimation and does not put cap on daily production. Secondly, it is matter of common knowledge that precious working days have been lost in current year due to 'Covid19' restrictions apart from non-operation of mining activity during Monsoon period. The natural corollary of the above is that the production per day has to be increased to meet the targeted production in one year. This explanation is in line with the scientific requirement of mining activity the prime most reason wherefor is prevention of '**Diluvium**' (superficial deposits formed by constant flow of water) of river-banks and may lead to disturbance of environmental and ecological balance; whereby large areas of human habitation would become dangerously prone to inundation from river waters,
- VII. That the per day production is directly correlated to 'market demand'; also stipulated in the EC itself, which inheres that he production may go up or down in accord with the market condition and not adhere to any particular set limit, as erroneously inferred by the committee,
- VIII. Further, the answering respondent craves leave of the Hon'ble Tribunal to present factual aspects relevant for this purpose, which are;
- a) As a matter of regulatory aspects, the R.Q.P ., QCI/NABET consultant, Project Proponent (Lease Holder), SEIAA/SEAC of UP, DGM-UP prepares/ considers conceptual proposals of 250 to 275 days production except monsoon period for RBM leases.
  - b) The conceptual proposal envisages environmental impacts happening due to annual production. As a matter of generic practice, they also report "Average Production per day" in their plans which basically is a "notional per day average value" of production.
  - c) The lease holder prepares EIA and conducts public hearing based on the maximum impact on environment for achieving annual production quantity sanctioned as per Letter of Intent (LoI). This EIA document is prepared so that

*lease holder commits that he has analyzed and regulated maximum environmental impacts on yearly production basis, which he shall never violate.*

- d) *Further, State Mining Department (UPMMCR policy) provides for Stock Licenses as per which, permission to excavate and stock of mineral is expected / permitted prior to monsoon season to ensure availability of minerals uninterruptedly.*
  - e) *The stocking of minerals requires substantial volume of excavations which is irrespective of average per day production clause.*
  - f) *The 'Behavioral Dispatches' & 'Prevalent Market Condition' compels that per day production is governed by several factors i.e. dependence on 'COVID-19' restrictions, availability of labour, demand of market (local sand/morrum mandi) and huge quantity of stock licenses before monsoon, issued by District Magistrate in exercise to UP Minerals (Prevention of illegal mining, transportation and storage) Rules , 2018.*
  - g) *Further, the River Bed Mining (RBM) mines does not operate on day to day basis and their per day production are totally dependent on the demanded quantities by local crushers.*
  - h) *Moreover, as state of UP has a policy of mineral stocking / storage before monsoon, it is but natural that leases cannot be stopped for 3 months in order to comply the norms of notional per day production clause. As doing do shall be non-behavioral and create a legal challenge for UP storage policy.*
- IX. *Because it is trite law "Actus Curiae Neminem Gravabit" and the principle has been applied by the Hon'ble Supreme Court with full vigour in letter and spirit impartially to all those who comes before it. The Hon'ble Supreme Court has elucidated the maxim in the case of **U.P. SRTC v. Imtiaz Hussain**, reported as **(2006) 1 sec 380** at page 383, in the following words;*

*"8. The basis of the provision under Section 152 of the Code is founded on the maxim "actus curiae neminem gravabit" i.e. an act of court shall prejudice no man. The maxim "is founded upon justice and good sense; and affords a safe and certain guide for the administration of the law", said Cresswell, J. in Freeman v. Tranah [12 CB 406 : 138 ER 964] (ER p. 967). An unintentional mistake of the court which may prejudice the cause of any party must*

*and alone could be rectified. In Master Construction Co. (P) Ltd. v. State of Orissa [(1966) 3 SCR 99 : AIR 1966 SC 1047] it was observed that the arithmetical mistake is a mistake of calculation, a clerical mistake is a mistake in writing or typing whereas an error arising out of or occurring from accidental slip or omission is an error due to careless mistake on the part of the court liable to be corrected. To illustrate this point it was said that in a case where the order contains something which is not mentioned in the decree, it would be a case of unintentional omission or mistake as the mistake or omission is attributable to the court which may say something or omit to say something which it did not intend to say or omit. No new arguments or re-arguments on merits can be entertained to facilitate such rectification of mistakes. The provision cannot be invoked to modify, alter or add to the terms of the original order or decree so as to, in effect, pass an effective judicial order after the judgment in the case.*

*9. The maxim of equity, namely, actus curiae neminem gravabit - an act of court shall prejudice no man, shall be applicable. This maxim is founded upon justice and good sense which serves a safe and certain guide for the administration of law. The other maxim is, lex non cogit ad impossibilia - the law does not compel a man to do what he cannot possibly perform. The law itself and its administration is understood to disclaim as it does in its general aphorisms, all intention of compelling impossibilities, and the administration of law must adopt that general exception in the consideration of particular cases. The applicability of the aforesaid maxims has been approved by this Court in Raj Kumar Dey v. Tarapada Dey [(1987) 4 SCC 398], Gursharan Singh V. New Delhi Municipal Committee [(1996) 2 sec 459] and Mohd. Gazi v. State of M.P. [(2000) 4 sec 342]. The principles as applicable to Section 152 CPC are clearly applicable to Section 6(6) of the U.P. Act. In the aforesaid background the Labour Court was not justified in modifying the award as was originally made. The High Court also had not considered this aspect and decided the writ petition filed by the present appellant on issues other than this vital issue."*

- 7. That the Petitioner most earnestly believes that this Hon'ble Tribunal would not be loath in correcting an unintentional wrong that has occasioned to the answering respondent, which, if not set right, will ruin them without there being any fault on their part and that the State would not be able to perform and*

*honour its obligation and commitments made to its citizen besides honouring a contract for which it has already received a gigantic consideration.*

8. *It is most respectfully submitted that no fault can be found with the environment clearance dated 26.03.2021 and that the State is contractually bound to honor its contract granted in accordance and after following established procedure and in so far as the frivolous allegations are concerned, the same are factually wrong as stated above.”*

7. We have heard learned counsel for the parties. It is clear from the report of the joint Committee (Para 6.5) that the mining operations were conducted without requisite consent. Show cause notice was given to the PP and compensation proposed. It is also seen from para 6.6.9 that claim of the PP is that water requirement was being met from tankers from nearby stone crushers but lending of use of water was violation of Rules. No plantations were visible. The PP has excavated excess mined material beyond the permitted quantity. Mining was taking place within 500 meters and cluster certificate dated 12.03.2020 was incorrect. The ground water extraction has taken place without requisite NOC from CGWA. These findings are not in any manner shown to be erroneous. We accept the report to the extent of the violations found.

8. However, we find the assessment of compensation for illegal extraction of ground water and for operation without requisite consents to be inadequate. The same need to be calculated with reference to the cost of remediation and financial capacity of the PP which has not been done. In this connection, reference is made to the order of the Tribunal dated 26.02.2021 in O.A. No. 360/2015, *National Green Tribunal Bar Association v. Virender Singh (State of Gujarat) & Ors.* Relevant part of the order is as follows:-

“1to9...xxx.....xxx.....xxx

10. Vide order dated 17.08.2020, the Tribunal considered the CPCB report dated 30.01.2020, in pursuance of earlier orders on scale of compensation to be recovered for violation of norms for mining on polluter pays principle and the matter was deferred for further consideration of such scale and further orders in the light of the EMGSM 2020. **On the issue of scale of compensation for violations, the Tribunal held that the same has to be calculated having regard to the polluter pays principle and not mere loss of royalty. This requires taking into account value of the illegally mined material and cost of restoration of the environment.** CPCB did the exercise by constituting an expert Committee. The Tribunal considered the report as follows:-

“8. The Committee considered two approaches:

- (I) **Approach 1: Direct Compensation based on the market value of extraction, adjusted for ecological damages.**
- (II) **Approach 2: Computing a Simplified NPV for ecological damages.**

9. In the first approach, the criteria adopted is:

- Exceedance Factor (EF).
- Risk Factor (RF).
- Deterrence Factor (DF).

10. Approach 1 is demonstrated by Table 1 as follows:

“

| <b>Table No. 01: Approach 1</b>                    |  |   |                                  |   |
|--|--|---|----------------------------------|---|
| <b>Permitted Quantity (in MT or m<sup>3</sup>)</b> | <b>Total Extraction (in MT or m<sup>3</sup>)</b> | <b>Excess Extraction (in MT or m<sup>3</sup>)</b> | <b>Exceedance in Extraction:</b> | <b>Compensation Charge (in Rs.)</b>   |
| X  | Y  | Z = Y-X   | Z/ X                             | D * (1+RF + DF)<br>Where D = Z x Market Value-of-the-material-per-MT-or-m <sup>3</sup>    |
|  |  |   |                                  | DF = 0.3 if Z/X = 0.11 to 0.40<br>DF = 0.6 if Z/X = 0.41 to 0.70<br>DF = 1 if Z/X >= 0.71 |
|  |  |   |                                  | RF = 0.25, 0.50, 0.75, 1.00 (as per table 2)  |

”

11. Approach 2 is demonstrated by following formula:

“Till such time as data and information for a comprehensive NPV is worked out in a site specific manner to account for all (or atleast the major) ecological damages, a simplified NPV, proxied on the market value of the illegally extracted amount may be computed. In this case the NPV approach would imply that **the total benefits from the activity of sand mining (as represented by the market value of the extracted amount) be deducted from the total ecological costs imposed by the activity.** In the absence of data on benefits

and costs separately, we recommend a modification of the formula as shown below:

Total Benefits(B) = Market Value of illegal extraction : D  
(refer Table 1)

Total Ecological Costs = Market Value Adjusted for risk factor: D \* RF (refer Table 1).

For present purposes, it is assumed that the Benefits would accrue only in the first year (in which the extraction of the illegally mined material takes place), while the ecological costs would continue to be felt over a period of time. NPV is to be calculated for a period of 5 years on the net value,  $\Sigma (C-B)$ , at a discount rate ranging from 8%-5%, varying in inverse with the risk factor. Thus, where the highest risk factor (say 1) is applicable, the discount rate applicable would be the lowest (say 5% in this case).”

12. Final recommendation is as follows:

“Thus, it is recommended that the annual net present value (NPV) of the amount arrived at after taking the difference between the costs and the benefits through the use of the above approach, maybe calculated for a period of 5 years at a discount rate of 5% for mining which is in a severe ecological damage risk zone. The rationale for levying this NPV is based on expert opinion that reversal and/or restoration of the ecological damages is usually not possible within a short period of time and rarely is it feasible to achieve 100% restoration, even if the sand deposition in the river basin is restored through flooding in subsequent years. The negative externalities of the mining activity are therefore to be accounted for in this manner. Ideally, the worth of all such damages, including costs of those which can be restored should be charged. **However, till data on site-specific assessments becomes available, this approach may be adopted in the interim.** In situations where the risk categorization charged. However, till data on site-specific assessments becomes available, this approach may be adopted in the interim. In situations where the risk categorisation is unavailable or pending calculation, the following Discount Rates may be considered:

| <b>Severity</b>    | Mild | Moderate | Significant | Severe |
|--------------------|------|----------|-------------|--------|
| <b>Risk Level</b>  | 1    | 2        | 3           | 4      |
| <b>Risk Factor</b> | 0.25 | 0.50     | 0.75        | 1.0    |
| <b>Discount</b>    | 8%   | 7%       | 6%          | 5%     |

11. Annexure-A appended to the report gives the calculation as follows:

**“Compensation Charge (Scenario II - explicit accounting of NPV)**

Market Value of Illegally Mined Material (D)

5000\*400 = 2000000/-

Annual Value of Foregone Ecological Values  $D*RF = 2000000/-$

- **Present Value of Foregone Ecological Values (@ 5% discount rate and over 5 years)**

$$PV = \sum_{t=1}^5 \frac{(D+RT)}{(1+r)^t}$$

$$= \frac{(2000000)}{(1+0.05)^1} + \frac{(2000000)}{(1+0.05)^2} + \frac{(2000000)}{(1+0.05)^3} + \frac{(2000000)}{(1+0.05)^4} + \frac{(2000000)}{(1+0.05)^5}$$

$$= \text{Rs. } 86,58,953/-$$

- *Net Present Value (after netting out market value of illegally mined material) - i.e., Total Compensation to be levied*

$$= NPV = PV - D$$

$$= \text{Rs. } 66,58,953/-$$

Compensation Charge in above case:

| <b>Approach 1<br/>(no explicit accounting of NPV)</b> | <b>Approach 2<br/>(explicit accounting of NPV)</b> |
|---|--|
| <b><math>D*(1+RF+DF)</math></b>                       | <b>@ 5% discount rate and over 5 years</b>         |
| Rs. 46,00,000/-                                       | Rs. 66,58,953/-                                    |

12. The Tribunal directed undertaking of scenario analysis, as suggested on behalf of the applicant and to furnish a further report accordingly. Further report dated 12.10.2020 has been filed by the CPCB reiterating its earlier report. **We propose to approve approach-2 in the report.** Apart from the above, a report dated 15.01.2021 has been filed by the Oversight Committee for the State of UP<sup>1</sup> to which reference will be made later.

xxx.....xxx.....xxx

17. Again, in Goa Foundation, supra (prs 74-76) it was observed that **mining was required to be regulated not only by the Mining department but also by the PCBs under the Water and Air Act and by the MoEF under the EP Act. It is made clear that the environment laws override other laws and any provision to the contrary in the Mines Act will not stay in the way of enforcing the environment norms. In this regard reference may also be made to report of the Ministry of Mines entitled "Sand Mining Framework" which will not stand in the way of modified mechanism in accordance with this order."**

9. Accordingly, the State PCB may appropriately enhance the compensation for illegal extraction of ground water and conducting

<sup>1</sup> constituted by this Tribunal to oversee compliance of environmental issues, on suggestions of the State Government.

mining without requisite consents within two months, following due process of law.

10. The assessed compensation may be deposited by the PP within two months with the State PCB to be kept in a separate account and utilized for restoration of environment by preparing a restoration plan by joint Committee of CPCB, State PCB and District Magistrate, Saharanpur. Restoration plan may include plantation, air quality monitoring system, restoration of roads. The Committee may also oversee the execution of the restoration plan, involving appropriate agencies.

The application is disposed of.

A copy of this order be forwarded to the CPCB, State PCB and District Magistrate, Saharanpur by e-mail for compliance.

In view of order in the main matter, I.A. No. 20/2022 also stands disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

May 10, 2022  
Appeal No. 15/2021  
(I.A. No. 22/2022)  
A

\\TRUE COPY\\

Item No. 03 &amp; 04

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 140/2021

(With report dated 31.03.2022)

Raj Kumar

Applicant

Versus

State of U.P. &amp; Ors.

Respondent(s)

**WITH**

Original Application No. 141/2021

Ramkaran Karn

Applicant

Versus

State of U.P. &amp; Ors.

Respondent(s)

Date of hearing: 06.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Vanshdeep Dalmia, Advocate

Respondent: Dr. Roshan Jacob, Secretary, Geology & Mining with Mr. Pradeep Misra,  
Advocate for the State of Uttar Pradesh & UP PCB**ORDER**

1. Grievance in these two identical applications is against illegal mining. In O.A. No. 140/2021, mining is in the submerged water area at Gata No. 28 (Part) and 29, Khand No. 1, village Kanwara, District Banda, UP by M/s Durge Trading Company and in O.A. No. 141/2021 it is in the submerged water area at Gata No. 2/4, 2/23, 2/24 and 2/28, Khand No. -4, village-Bendakhadar, District Banda, UP by Ashish Kumar Gautam,

S/o Suresh Kumar Gautam. Common stand in both the matters is that the mining is in violation of Sustainable Sand Mining Management Guidelines (SSMMG), 2016 and Enforcement and Monitoring Guidelines for Sand Mining (EMGSM), 2020 and binding orders of this Tribunal, including order dated 30.05.2017 in O.A. No. 78/2015 (CZ) reported in 2017 SCC OnLine NGT 1097, holding as follows: -

***“In the light of the above, we answer the question that has been referred to us that no river sand mining is permitted in the submerged area in accordance with the Sustainable Sand Mining Guidelines 2016 alternatively in so far as the issue whether it can be permitted in the submergence areas is concerned our answer to the same is that in submergence area which may be a wider area than the one actually submerged as a submergence area would encompass the full reservoir level of the river or the high flood level of the river recorded by in any case where the mineral is exposed and not in stream such sand mining in accordance with the Sand Mining Guidelines 2016 and the conditions imposed in the environmental clearance may be carried out.”***

2. Further order of this Tribunal relied upon by the applicants is order dated 26.02.2021 in O.A. No. 360/2015, NGT Bar Association v. Virender Singh (State of Gujarat) and other connected matters. Therein, on exhaustive review of the issues relating to sand mining, this Tribunal has issued directions, including the mechanism for enforcement of environmental norms, inter-alia as follows:-

*“1to26...xxx.....xxx.....xxx*

***27. We direct all the States/UTs to strictly follow the SSMG-2016 read with EMGSM-2020 reinforced by mechanism for preparation of DSRs (in terms of directions of this Tribunal dated 14.10.2020 in Pawan Kumar, supra and 04.11.2020 in Rupesh Pethe, supra), Environment Management Plans, replenishment studies, mine closure plans, grant of EC (in terms of direction dated 13.09.2018 in Satendra Pandey, supra), assessment and recovery of compensation (as per discussion in Para 25), seizure and release of vehicles involved in illegal mining (in terms of order dated 19.02.2020 in Mushtakeem, supra), other safeguards against violations, grievance redressal, accountability of the designated officers and periodical review at higher levels. As already noted,***

***EMGSM-2020 contemplates extensive use of digital technology, including remote sensing.***

***28. We further direct that periodic inspection be conducted by a five-members Committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Where CPCB regional office is not available, if MoEF&CC regional office is available, its Regional Officer will be included in the Committee. Where neither CPCB nor MoEF&CC regional office exists, Chairman, SEIAA will tie up with the nearest institution of repute such as IIT to nominate an expert for being included in the Committee. Such inspection must be conducted at least thrice for each lease i.e. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any. The reports of such inspections be acted upon and placed on website of the SEIAA. Every lessee, undertaking mining, must have an environment professional to facilitate sustainable mining in terms of the mining plan and environmental norms. This be overseen by the SEIAA. Environment Departments may also develop an appropriate mobile App for receiving and redressing the grievances against the sand mining, including connivance of the authorities and also a mechanism to fix accountability of the concerned officers. Recommendations of the Oversight Committee for the State of UP quoted earlier may be duly taken into account.***

***The mechanism must provide for review at the level of the Chief Secretary at least once in every quarter, in a meeting with all concerned Departments in the State. The Chief Secretary UP may ensure further action in the light of the report of the Oversight Committee.***

***Similarly, at National level, such review needs to be conducted atleast once in a year by the Secretary, Environment in coordination with the Secretaries Mining and Jalshakti Ministries the CPCB.”***

3. It is submitted that no steps are being taken by the State of UP for compliance of directions of this Tribunal.

4. Vide order dated 02.07.2021 on consideration of the matter, the Tribunal directed Additional Chief Secretary, Mining, UP to furnish a report about the compliance status including the status of DSR and replenishment studies for Banda District and also in-stream mining in submerged water and monitoring mechanism.

5. The matter was last considered on 08.03.2022 and finding that no response was being filed by the Additional Chief Secretary, Mining, Uttar Pradesh, the Tribunal directed personal appearance of the ACS, Mining by V.C. and also directed the District Magistrate and State PCB to file a factual report. If anything, adverse was noticed, the PP was to be put to notice of these proceedings.

6. In pursuance of above, the ACS, Mining, UP is present in person by V.C. and report has been filed by the District Officer, Banda on 31.03.2022 as follows:

“xxx .....xxx.....xxx

10. *That for Environmental impact assessment (E.I.A.) study ministry of environment and forest and climate change (MoEF&CC) has propounded Sustainable sand mining management guidelines 2016 and enforcement and monitoring guidelines for sand mining 2020. In compliance of this Guidelines Government of Uttar Pradesh has issued a Government order no 790(1)/86-2020 dated 01.06.2020. As per this Government order, Government of Uttar Pradesh has constituted a team of officials of Department of Geology and Mining, Revenue Department, Forest Department and Irrigation Department, who give recommendation for any new area to be included or any change in D.S.R.(District survey report). Till November 2022 a total of 296 areas has been added in District survey report (D.S.R.) in different districts of Uttar Pradesh.*

*That in district Banda after proper study of replacement of Sand/Morrum on the areas the District Survey Report' (herein after referred as DSR) was prepared and loaded on District Administration Portal and objection of the public domain were also invited and after considering the objection the DSR finalised by the committee constituted by the Government of Uttar Pradesh on 23.11.2017.*

11. *That in Compliance of Hon'ble NGT order dated 02.07.2021 OA no. 140/2021 Raj Kumar Versus State of UP and OA no. 141/2021 Ram Karan karn Versus State of UP, D.M Banda has authorised C.M.P.D.I (Central mine planing and Design Institute limited), a public sector enterprise of Government of India to do the replenishment study of rivers flowing in district Banda on dated 28.10.2021 C.M.P.D.I has started the replenishment study of rivers of banda district and the work is on progress. Its report will be soon provided to the hon'ble NGT.*

*The copy of the order of D.M Banda dated 11.10.2021 and consent letter of C.M.P.D.I dated 19.10.2021 being annexed herewith as Annexure No.1, to this compliance report.*

12. *That if the bid found to be highest and satisfactory per cubic metre then a letter of intent is issued in favour of such bidder and thereafter, the applicant should obtain approval on its mining plan and environmental clearance from the competent authority and thereafter the mining lease is executed in his favour.*
13. *That in the lease deed, the following terms are specifically mentioned:-*
  - i. *The mining operations are to be carried only up to the depth of 3 metres, or up to the water level, whichever is less;*
  - ii. *The safety zone should be worked out;*
  - iii. *The mining operations will be done in accordance with the scheme mentioned in the Mining Plan;*
  - iv. *The lessee will be bound to obey the terms and conditions of the environmental clearance;*
  - v. *The mining will be done after sun-rise till sun-set;*
  - vi. *In the monsoon season, no mining will be done;*
  - vii. *Heavy machinery and Suction Machines will not be used for excavation of the mineral;*
  - viii. *No temporary bridge or hinderance will be created in the flow of river water during the lease period;*
  - ix. *That the Central Government framed Sustainable Sand Mining Management Guidelines 2016 with object of managing un-controlled sand mining in India.*
14. *That the Ministry of Environment, Forests & Climate Change, Government of India also framed Enforcement and monitoring Guidelines for Sand Mining in January 2020.*
15. *That list of mining leases, granted in District Banda for excavation of sand & morrum, at present, is being annexed herewith as Annexure No.2, to this compliance report.*
16. *That at the time, total 17 mining leases are in operation in Banda district and they have proper environmental clearances, as well as the consent issued by UPPB Lucknow under the provisions of "Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention Control of Pollution) Act, 1981."*
17. *That in compliance of the order dated 26.02.2021, passed by this Hon'ble Tribunal in O.A. No.360 of 2015 (National Green Tribunal Bar Associations. Veerendra Singh (State of Gujarat & others), 5 members Committee has been constituted by the District Officer, Banda, vide office order No.2892/Khanij-30 Banda, dated 14.12.2021. In the said Monitoring Committee, the members as under:*

1. *Divisional Forest Officer, Banda Chairman*
2. *Mines Officer/Mines Inspector/ Surveyor, Mines Department, Banda Member*
3. *Executive Engineer, Irrigation & Water Resources department, Banda- Member*
4. *Concerned Tehsildar Member*
5. *Regional Officer, Pollution Control Board, Banda Member Secretary.*

*A copy of the said office order dated 14.12.2021 issued by the District Officer, Banda, is being annexed herewith as Annexure No.3, to this compliance report.*

18. *That the said Enforcement Committee is regularly watching the mining activities of 17 areas and if any lessee is found to violate the above mentioned terms and conditions, then after issuing the notice, necessary proceedings are initiated against him.*
- 19 *That in the Headquarters, Lucknow, as well as in the districts, Surveillance Systems have also been installed for prevention of over-loading of minerals, as well as without transit passes, and due to this so many electronic challans are automatically created and served on the lessees for recovery of Government dues of such mineral.*
20. *That this Hon'ble Tribunal has also directed for submission of the status report of the following sand, morrum areas*

| <b>S. No.</b> | <b>Area</b>  | <b>Status</b>   |
|---------------|--|---|
| a)            | <i>Khand No.1<br/>Village Kanwara, Banda<br/>M/s Durga Trading Co.</i>   | <i>mining activities are not being done by the lessee due to preparation of approach road</i>   |
| b)            | <i>Khand No.4<br/>Village Banda Khadar,<br/>District Banda<br/>Ashish Kumar Gautam,<br/>S/o Shri Suresh Kumar<br/>Gautam</i> | <i>matter is pending before the Hon'ble Supreme court. (Ravi kumar vs State of U.P. Dairy No. 3177/2022) No mining activities are being done.</i> ” |

7. A report has also been filed on 06.04.2022 by the Geology and Mining Department, UP which is by and large similar to the report of the District Officer, Banda referred to above.

8. We have heard learned Counsel for the Applicants and interacted with the ACS present in person by VC.

9. We find that replenishment study as required under the SSMG-2016 and EMGSM-2020 has not been undertaken prior to the auction in terms of para 5.1 of the EMGSM, 2020 which is reproduced below:

#### **“5.0 REPLENISHMENT STUDY**

*The need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessing sand extraction. Mining within or near riverbed has a direct impact on the stream's physical characteristics, such as channel geometry, bed elevation, substratum composition and stability, in-stream roughness of the bed, flow velocity, discharge capacity, sediment transport capacity, turbidity, temperature etc. Alteration or modification of the above attributes may cause an impact on the ecological equilibrium of the riverine regime, disturbance in channel configuration and flow-paths. This may also cause an adverse impact on instream biota and riparian habitats. It is assumed that the riparian habitat disturbance is minimum if the replenishment is equal to excavation for a given stretch. Therefore, to minimize the adverse impact arising out of sand mining in a given river stretch, it is imperative to have a study of replenishment of material during the defined period.*

#### **5.1 Generic Structure of Replenishment Study**

*Initially replenishment study requires four surveys. The first survey needs to be carried out in the month of April for recording the level of mining lease before the monsoon. The second survey is at the time of closing of mines for monsoon season. This survey will provide the quantity of the material excavated before the offset of monsoon. The third survey needs to be carried out after the monsoon to know the quantum of material deposited/replenished in the mining lease. The fourth survey at the end of March to know the quantity of material excavated during the financial year. For the subsequent years, there will be a requirement of only three surveys. The results of year-wise surveys help the state government to establish the replenishment rate of the river. **Based on the replenishment rate future auction may be planned.***

*The replenishment period may vary on nature of the channel and season of deposition arising due to variation in the flow. Such period and season may vary on the geographical and precipitation characteristic of the region and requires to be defined by the local agencies preferable with the help of the Central Water Commission and Indian Meteorological Department. The excavation will, therefore, be limited to estimated replenishment estimated with consideration of other regulatory provisions.”*

10. With regard to the allegation of instream mining in submerged water, it has been orally stated by the ACS that no such instream mining is permitted. However, in the reports filed before this Tribunal, no such statement has been made on behalf of the State.

11. Accordingly, the ACS, Mining, UP has fairly stated that replenishment study will be conducted prior to auctions in future and with regard to the current leases, ongoing replenishment study will be expedited. In the light thereof, the leases will be renewed, if necessary. Such studies for all Districts in UP will be completed by December 31, 2022 and for Banda by June 30, 2022. She has further stated that the allegation of instream mining will be verified and if found true, the same will be discontinued.

12. In view of above, let the Replenishment studies be completed by credible institutions, following due procedure, in accordance with para 5 of EMSG, 2020. Further, no mining be permitted till replenishment studies are completed beyond the schedule laid down above. The State may ensure that the Regulatory authorities are adequately equipped and capable to assess quantities of mined material. With regard to instream mining, it may be ensured that the machineries permitted or used otherwise comply with "Semi mechanised" mining operations in true sense. In all mining potential districts, environmental damage assessment be carried out and annual assessment reports placed in public domain on the websites of the Mining Department as well as the PCB. Compliance of SSMG, 2016 and EMGSM, 2020 and earlier directions of this Tribunal may be ensured by an effective monitoring mechanism.

The applications are disposed of accordingly.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

May 06, 2022  
Original Application No. 140/2021  
Original Application No. 141/2021  
DV

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

ANNEXURE R-8

CIVIL APPEAL NOS. 8035-8036 OF 2022

STATE OF UTTAR PRADESH & ORS. . . . . APPELLANTS

VERSUS

RAJ KUMAR & ANR. ETC. . . . . RESPONDENTS

O R D E R

While we do not find any good ground and reason to interfere with the impugned judgment, we clarify that the state authorities shall undertake the replenishment study for both years i.e., year ending 31.12.2021 as well as the current year (i.e., year ending 31.12.2022).

It is pointed out that the National Green Tribunal had granted time for undertaking the replenishment study for District Banda till 30.06.2022. The replenishment study for the said area is being conducted and the report would be submitted on or before 31.12.2022. We accept the said request, as it is stated that no mining/excavation is being conducted/undertaken in District Banda since 01.07.2022.

Recording the aforesaid, the appeals are disposed of.

Pending application(s), if any, shall stand disposed of.

.....J.  
(SANJIV KHANNA)

.....J.  
(M.M. SUNDRESH)

NEW DELHI;  
NOVEMBER 29, 2022.

ITEM NO.23

COURT NO.8

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SCivil Appeal No(s). 8035-8036/2022

STATE OF UTTAR PRADESH &amp; ORS.

Appellant(s)

VERSUS

RAJ KUMAR &amp; ANR.

Respondent(s)

(IA No.164158/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.164161/2022-STAY APPLICATION )

Date : 29-11-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s)

Ms. Garima Prasad Sr. Adv.  
Mr. Pradeep Misra, AOR  
Mr. Bhuwan Chandra, Adv.  
Mr. Manoj Kumar Sharma, Adv.  
Mr. Suraj Singh, Adv.

For Respondent(s)

Mr. Vanshdeep Dalmia, AOR  
Ms. Natasha Dalmia, Adv.  
Mr. Suchakshu Jain, Adv.  
Mr. Amit Upadhyay, Adv.UPON hearing the counsel, the Court made the following  
O R D E R

The appeals are disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)  
COURT MASTER (SH)(KAMLESH RAWAT)  
COURT MASTER (NSH)

(Singed order is placed on the file)

Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI****(BY HYBRID MODE)**

Original Application No. 268/2021

(With report dated 07.04.2023)

Jahangir

Applicant

Versus

State of Haryana

Respondent

Date of hearing: 08.05.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent(s): Mr. Pradeep Misra & Mr. Daleep Dhyani, Advocates for UPPCB  
Mr. Rahul Khurana, Advocate for State of Haryana & HSPCB  
Mr. Mukesh Verma, Advocate for Mining Department, State of UP  
Ms. Priyanka Swami, Advocate for SEIAA, UP  
Mr. Vanshdeep Dalmia & Ms. Anisha Jain, Advocates for M/s Star Mines

**ORDER****The Issue**

1. Grievance in this application is against unscientific and illegal mining by M/s Star Mines, Saharanpur, obstructing the flow of Yamuna River in Village Belgarh, U.P (it was later stated by the parties that the said village falls on the side of Haryana on the bank of Yamuna river). It is stated that fifteen Pokland machines are working day and night causing damage to the environment, including air pollution. Though lease for mining for the area in Saharanpur District in UP, the lessee is undertaking illegal mining in Village Belgarh in Haryana also.

**Procedural History**

2. Vide order dated 27.10.2021, a factual and action taken report was sought from a joint Committee of Haryana State PCB, UPPCB, SEIAA, UP, SEIAA, Haryana, District Magistrate, Yamuna Nagar and District Magistrate, Saharanpur, U.P. The joint Committee gave its report dated 26.05.2022 inter-alia to the effect that boundary of the State was not clearly demarcated so as to identify the site of illegal mining. Vide order dated 12.08.2022, the report was held to be unsatisfactory and incomplete. The Tribunal directed the Chief Secretaries of Haryana and UP to take remedial action, including action against erring officers in failing to give complete information and also to provide complete information. Notice was also issued to the Project Proponent (PP) - M/s Star Mines, Saharanpur.

3. In pursuance of above, response was filed by the PP and States of UP and Haryana. The applicant filed email dated 12.10.2022 reiterating the allegation of illegal mining. The Tribunal considered the matter vide order dated 25.1.2023. Stand of the parties was noted as follows:

**“Stand of PP**

4. The stand of PP is that it has not done any illegal mining and in any case action has already been taken against it in pursuance of earlier orders. Matter is also pending in appeals against orders of this Tribunal. Thus, present application is not maintainable. In any case, there is no violation for which any further order may be called for.

**Stand of State of UP**

5. Stand of State of UP in its report dated 12.9.2022 is that since consents have not been taken by the PP, there is no illegal mining

on UP side of Yamuna for which mining lease has been granted. Illegal mining is being reportedly done in Haryana. Relevant part of the report is reproduced below:-

*“4- Pursuant to directions of Hon’ble Tribunal, District Magistrate Saharanpur conducted enquiry and submitted a fresh report to the Government in this matter and as per this report, the facts of the matter are following:-*

- 1- The lease deed of five year mining was approved for mining of sand, gravel, boulder (in mixed condition) in Gata No.-1 area-36.00 hectare of M/s Star Mines Village-Bartha Korsi on 01.04.2021.*
- 2- In compliance with the order dated 28.10.2021 of Hon’ble National Green Authority, the mining on the said plot remained unoperational till 10.01.2022.*
- 3- The mining lease was unoperational till 09.01.2022 in compliance with the order dated 28.10.2021 of Hon’ble National Green Tribunal due to non-receipt of water/air consent from the UP Pollution Control Board.*
- 4- After the above date, Mining is being done by the lessee M/s Star Mines, Saharanpur within the limits of approved area of lease in U.P.*
- 5- Executive Engineer, Irrigation Construction Division, Saharanpur has been directed by letter dated 31.08.2022 to make available the inquiry report regarding the change in the flow of Yamuna river within a week.*
- 6- As per the report of the Tehsildar Chhachhrauli, Yamuna Nagar, Haryana. It seems that the Illegal mining seems to be taking place in the village Belgarh which is located in the State of Haryana. Village Belgarh and Village Koliwala, which are adjacent to the border of Haryana and Uttar Pradesh, currently have mining leases in operation and many stone crushers have been established in the said area. But no mining work has been done by M/s Star Mines outside its sanctioned area towards Belgarh. Belgarh falls in west direction and village Bartha Korsi falls in east direction.*
- 7- As far as the change in the flow of the river is concerned, no change in the flow of the river has been found during the on-site inspection, as per the individual report submitted by the team members consisting of officers of Uttar Pradesh. It was also informed by the local people that the river has been flowing at this place since many years.*

***Therefore, in view of the above, illegal mining in the area adjoining the border in the Uttar Pradesh has not been found nor has any fact been found that the district officials of the district Saharanpur are guilty for the same. This Action taken report is submitting after approval of Chief Secretary, Government of Uttar Pradesh.”***

**Stand of State of Haryana**

6. Mines and Geology Department, Haryana has filed its reply dated 21.01.2023 to the effect that due to excessive flow of the river, facts could not be verified. Illegal mining was reported at the border of Haryana and U.P. in the middle of river Yamuna. FIR for theft has been lodged. Action has been initiated against the IO for failing to take remedial actions. Relevant part of the report is reproduced below:-

- “5. That the Deputy Commissioner, Yamuna Nagar submitted his report dated 07 October 2022 wherein he has stated that fresh inspection of Khasra No. 19//20 and 20//13 was jointly conducted on 30 September 2022 by the Mining Department and the Revenue Department but due to excessive flow of water, the team could not reach the site in question as same was across the river. He has further stated that an FIR No. 163 dated 03 June 2021 was registered under section 379 of IPC and section 21(4) (A) of the Mines and Mineral Development & Regulations Act, 1957 at Police Station, Partap Nagar, Yamuna Nagar.
6. That the Department of Mines and Geology has informed that Khasra No. 19//20 and 20//13 where illegal mining was reported is just at the border of Haryana and U.P. and is in the middle of river Yamuna. On account of illegal mining identified in Khasra No. 19//20 and 201/13 of village Bailgarh, action was taken by registering an FIR No. 163 dated 03 June 2021 under section 379 of IPC and section 21(4) (A) of Mines and Mineral Development & Regulations Act, 1957 at Police Station Partap Nagar, Yamuna Nagar. The matter in said FIR is under investigation. Copy of FIR No. 163 dated 03 June 2021 is enclosed herewith as Annexure R/1.

***The area of these Khasra numbers is adjacent to the contract/leased area of the contractor***

*of Uttar Pradesh State, i.e., M/s Star Minerals. The google image showing distance between illegal mined site in question (Khasra No.19//20 and 20//13) and the contract area of M/s Star Minerals is 300 mtr. In the latest report dated 11 October 2022, the Deputy Commissioner, Yamuna Nagar, has reported that as per report dated 10 October 2022 of Superintendent of Police, Yamuna Nagar, an inquiry was conducted by DSP, Bilaspur regarding the said FIR No. 163 dated 03 June 2021. As per report of DSP, Bilaspur's (report No. 1090 dated 07 October 2022) disciplinary action has been recommended against the Investigation Officer of the case namely ASI Sh. Shamsher Singh No. 410, Yamuna Nagar for lapse in conducting due and proper investigation in the matter. Accordingly, a departmental inquiry has been marked to DSP, Radaur against the said ASI, Sh. Shamsher Singh No. 410. In addition, to expedite the investigation, a Special Investigation Team (SIT) comprising of DSP, Bilaspur and SHO, Pratap Nagar has been now constituted by the Superintendent of Police, Yamuna Nagar on 10.10.2022 (copy enclosed). The direction has been issued for expeditious investigation and taking the action to its logical & legal end.*

7. *That further as per report received from HSPCB vide letter dated 17 January 2023, no complaint had been received in the past regarding illegal mining in respect of Khasra No. 19//20 and 20//13 (where the illegal mining had happened as per the complaint) by M/s Star Minerals. It has also been reported that HSPCB had not granted CTE/CTO to any unit for doing mining in Khasra No. 191/20 and 20//13 situated at Village — Bailgarh, District - Yamuna Nagar. M/s Star Minerals has been allotted the mining quarry by the Mining Department of Government of Uttar Pradesh. **Illegal mining has been confirmed in Para No.3 of the Report of Joint Committee but it is also mentioned that due to the flow of water in the River, the quantum of mining undertaken could not be ascertained. Thus, it is difficult to assess the Environmental Compensation in the absence of quantum of mining.***

*To summarise, investigation in FIR No. 163 dated 03 June 2021 should have been taken to its logical end but it could not be done. On account of this lapse, a departmental inquiry is being conducted against the Inquiry Officer of the case, i.e., ASI, Sh. Shamsher Singh No. 410. Further, to expedite the investigation in the case, a Special Investigation Team (SIT) of DSP, Bilaspur and SHO, Pratap Nagar has been constituted*

*by the Superintendent of Police, Yamuna Nagar. The direction has been issued for expeditious investigation and taking the action to its logical end.”*

7. The Tribunal held that since mining was on inter state border, procedure laid down under Enforcing & Monitoring Guidelines for Sand Mining (EMGSM) issued by MoEF&CC in January, 2020 was required to be followed which had not been followed. The Tribunal constituted a ten Member joint Committee headed by an Officer of the rank of Joint Secretary, nominated by Secretary, Ministry of Jal Shakti, GoI, with four nominees each of Haryana and UP Governments - representing Irrigation Departments, Revenue Departments nominated by the District Magistrates Saharanpur and Yamunanagar, Member Secretaries of HSPCB and UPPCB and SEIAAs of two States and one nominee of IIT, Roorkee. The Committee was to undertake “visit to the site, get the area demarcated to ascertain the area where mining is allowed and where it is actually taking place and give a report within one month. Demarcation may specify the inter-state Borders. The Committee may also give its opinion whether and to what extent mining in the area is desirable without damage to the environment and if so, subject to what conditions. In this connection, the Committee may also consider Section 32 of the Water (Prevention and Control of Pollution) Act, 1974 and the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016. It may also be examined whether drone mapping and CCTV cameras can be helpful tools for monitoring and whether there should be State level Surveillance/monitoring team in view of difficulties faced by local level teams in such matters. The Committee will be at liberty to take assistance from any other Expert/Institution/Department/individual and interact with stakeholders in the area.”

**Consideration today and further order**

8. In pursuance of above, Committee has filed its report dated 07.04.2023 after undertaking visit to the site. **The Committee has found that as per Replenishment Study, quantity for mining could be 700626 m<sup>3</sup> with 1.95 meter height and expected life of mine could be 1.35 years. In fact, mining has already been done up to a depth of 3 meters for annual production of 756000 cubic meters and maximum period of 1.35 years is over. Thus, no further mining can be done without fresh appraisal as per law.** Relevant extracts from the report of the Committee are as follows:-

*“6.2 In the instant case, relevant facts are as below:-*

*(i) Replenishment Study of District Saharanpur was conducted, in the year 2022 as per provisions of Enforcement & Monitoring Guidelines for Sand Mining-2020. Pre monsoon and post monsoon Replenishment Study approved by District Level Committee was submitted to Mining Department, U.P. The said study also covered the mining area allotted to M/s Star Mines, village Bartha Korsi, Gata No.1, Behat, Saharanpur. **As per Replenishment Study report pre monsoon reserve quantity of RBM is 173732 m<sup>3</sup> and post monsoon reserve is 874358 m<sup>3</sup>, hence replenishment quantity is 700626 m<sup>3</sup>, 1.95 meter height and expected life of mine 1.35 years has been assessed** (Annexure A-14).*

*(ii) **M/s Star Mines, Gata No.1, Yamuna River, Village Bartha Korsi, Tehsil Behat, District Saharanpur, was permitted mining up to a depth of 3 meters for annual production of 756000 cubic meters.***

**6.3 Other measures being enforced to minimise environmental impact due to mining activities are as under:-**

*(i) As per Haryana Government Notification Dated 20<sup>th</sup> June, 2012 the maximum depth of mining in the river-bed shall not exceed three meters measured from the un-mined bed level at any point in time with proper bench formation.*

*(ii) As per the River Ganga (Rejuvenation protection and Management) Authorities Order, 2016, in River Yamuna*

minimum 10 cumecs of Ecological flow is being discharged for Hathnikund Barrage throughout the year and monitored strictly by the Irrigation & Water Resources Department, Govt of Haryana **(Annexure A-15)**.

- (iii) Demarcation of boundaries for regulating grant of sand mining lease
- (a) There are provisions for notifying the geo-coordinates of all boundary pillars of the mining.
- (b) In this area, UP Minor Mineral Regulations are being followed. As result of practice, now the mining areas are firstly demarcated and e-tenders are published with details of boundary pillars geo-coordinates.
- (iv) Environmental Compensation imposed on leasing of minor minerals in any area to cover the restoration cost of environment and to compensate the victims

There is a provision for execution of mining lease deed only after demarcation under rule-17 of the Mining lease Approval Rules, 1963. Compensations are imposed on observed faults as per provisions of UP Minor Minerals (Concession) Rules, 2021.

- (v) Mining in all blocks is under taken as per provisions of the EIA Notification, 2006, and the Sustainable Sand Mining Management Guidelines, 2016

As per Rule 35(4) of the UP Minor Minerals (Concession) Rules, 1963 and the ETA Notification, 2006, mining activity can be started only after obtaining Environment Clearance. According to the Sustainable Sand Management Guidelines, 2016 issued by MOEF&CC, riverine mining is restricted during the monsoon season. Thus, mining work is not permitted in the State during July-September of each year.

- (vi) No sand mining is permitted without due compliance of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 as well as regulations governing clearances by the State Ground Water Authority

Rule- 42(h)(1) of the UPMMCR, 1963 envisages that no mining in the river bed is permitted beyond a depth of 3 m or water level whichever is less. The conditions stipulated in the Environmental Clearances certificate issued by SEIAA, UP along with the permissions granted under the Air Act & the Water Act, and Ground Water NOC from State Ground Water Authority, are monitored regularly for strict compliance.

- 6.4 The Joint Committee finds the present mechanism robust for grant of Environmental Clearances to mining projects/activities by the concerned regulatory authorities notified by MoEF&CC from time to time followed by permissions under the Air Act, 1981 and the

Water Act, 1974 by the respective SPCBs, which collectively acknowledges all environmental concerns including the extent of mining to be allowed in the area. The Committee is of the view to continue with the same, subject to strict adherence to the Enforcement & Monitoring Guidelines for Sand Mining-2020 published by MoEF&CC, and also to reinforce the compliance monitoring of EC conditions.

6.5 As a general principle, mining of the material, which has been recently brought by the flowing river water and which is replenished every year; can only be permitted so that the hydrological regimes are maintained. The present practice is to identify such areas and permit mining as per the prevailing notifications.

**7. Whether drone mapping and CCTV cameras can be helpful tools for monitoring and whether there should be state level surveillance, monitoring team in view of difficulties faced by local level teams in such matters**

**7.1 Present monitoring mechanism in the State of Haryana**

(i) Presently, seven check posts have been installed throughout the major routes of district Yamuna Nagar to strictly monitor the transportation of illegally mined minerals. Officials of mining and police department check the e-way bill of each vehicle. Since September 2022, 255 (till Feb 28, 2023) Number of vehicles involved in illegal transportation and illegal mining have been caught in District Yamuna Nagar.

(ii) Further, independent teams of mining and police department also keep regular check on illegal mining through surprise visits either during day or night time. Regular monthly meeting of District Level Task force Committee headed by chairman cum Deputy Commissioner, Yamuna Nagar, is held to review the status of legal mines and illegal mining in district Yamuna Nagar. Last such meeting was held on 14.02.2023. The proceeding of the meeting are forwarded to the Director Mines & Geology, Haryana which are later reviewed in State Level Task Force Committee (SLTF) meeting held under the Chairmanship of Chief Secretary, Government of Haryana **(Annexure A-16)**.

**7.2 Present monitoring mechanism in the State of UP**

(i) Status of CCTV Cameras installation at mining points to verify the amount of sand extracted and materials transported

(a) Rule-36(2) of Uttar Pradesh Minor Mineral Regulations, 1963 provides that the mining lease holder whose mining lease area is more than 5 hectares, shall construct check-post/gate and install 4 CCTV cameras capable of recording at 360° visibility at his own expense for monitoring under the supervision of the D.M.

(b) *The same is also controlled by Central Command Surveillance Centre located in Head Quarters, Lucknow.*

(ii) *Status of regular patrolling by the Police to inspect mining operations*

*For effective control over illegal mining and transportation of minerals, local task force comprising of District Revenue Department, District Mining Department and Police level officers act as task force and constantly monitored.*

(iii) *Setting up of dedicated institutional mechanism for monitoring of conditions of Environmental Clearance as granted under EIA Notification, 2006 in respect of sand and gravel mining*

*Under the supervision of the DMs, the conditions of the Environmental Clearance Certificate are complied with by the PCBs/ Departmental officers.*

(iv) *Control of Mines and Transportation using latest technology*

(a) *The Department has established a Command Centre at the Directorate of Geology and Mines at Lucknow from where they operate the Integrated Mines Surveillance System for the entire State.*

(b) *Artificial Intelligence based Software and taking the help of Drones and Cloud Services for monitoring mining activity in the State are used for control of illegal acts by violators.*

(c) *Drone Video-graphy/coverage are done in sensitive districts.*

(d) *CCTV Cameras and check-gates and RED tags are used to monitor the movement of vehicles.*

(v) *Punishment of illegal Acts*

(a) *State has made a provision in the Rules to blacklist a person for up to 2 years if found guilty of illegal mining/illegal transportation.*

(b) *The Rules have been amended to allow storage of minerals only beyond 5 km radius from the river bed in order to prevent illegal mining from river bed under the excuse/name of storage.*

(c) *Vehicle Tracking System to check the misuse of Transport Pass and Overloading has been introduced and under full scale implementation.*

(d) *Any new areas identified are based on survey conducted according to Sustainable Mining Guidelines, Mineral Exploration and then included in the DSR.*

- (e) *Instead of Physical Mineral Dispatch Permits, electronic permits (called MM11) with security features have been introduced which are controlled by OTP validation from online servers.*
- (f) *In District Saharanpur i.e. Biharigarh, Shahjahanpur and Deoband Presently three Check Gates have been implemented to control illegal transportation. ISTP (Inter State transport Permits) have been implemented to validate the legality of cross border transportation.*
- (g) *From April, 2022 to 13<sup>th</sup> March, 2023, 410 vehicles involved in illegal transportation have been caught through UP mines digital support system electronic check gates and revenue collected from seized vehicle is 1,41,18,820/-*

| <b>S. No.</b> | <b>No: of vehicle seized Other than DSS electronic check gates</b> | <b>Revenue Collected from Vehicle seized other than DSS electronic check gates</b> | <b>Complaint/FIR</b> |
|---------------|--|--|----------------------|
| 1.            | 477  | 2,88,87,000/-  | 17                   |

- (h) *For control of illegal mining and transportation, District Task Force has been constituted comprising District Magistrate, SSP, DFO, SDM, C.O., RTO and Mines Officers (Annexure*
- (i) *Under the supervision of SDM, Behat and Circle Officer, Police, Behat, Saharanpur continuous monitoring of the illegal mining and regular action is being taken Four check post has been installed in Tehsil Behat and 01 Section PAC, Civil Police and Revenue officials are deputed on these check posts (Annexure A-18).*

**7.3 Monitoring through drones having high resolution cameras can definitely help in surveillance/monitoring. Registration Numbers of machinery/vehicles involved in illegal mining/illegal transportation of mineral can be easily traced by high resolution cameras along with the site. This activity can further be productive by installation of CCTV's in highly sensitive areas which are prone to illegal mining. The Drones and CCTV's are not only helpful to the mining department but would also be fruitful to the revenue department as well as police department & irrigation department."**

9. There are two aspects of the report. First is mining by the PP individually as per replenishment potential. Second is with regard to

measures to be followed for monitoring mining and vehicles for transportation.

10. We have heard learned Counsel for the appearing parties. There is no objection from any party to act upon the report. Accordingly, we accept the same.

11. We notice that as per mining lease dated 26.03.2021, mining was permitted for five years at the rate of quantity beyond replenishable material and without replenishable study against the Sand Mining Guidelines. As per EC the sanctioned lease area is 36 hectares, without any study whether mining could be allowed in area to that extent, having regard to the potential of replenishment of such area. Since the joint Committee has found that in excess of replenishable potential for mining, mining has already been completed, accepting the report, we prohibit further mining, without fresh appraisal as per law. Thus, further mining has to be discontinued. We have noted from the report that vide letter dated 14.11.2022, State PCB has levied compensation for the past violations for the period 04.04.2021 to 30.06.2021 for 84 days. This order will not prevent fixing accountability of the PP for past illegal mining, in accordance with law.

12. Second aspect is measures to be adopted for monitoring the vehicles and the mining. Recommendations in the report are accepted. The same be duly followed.

The application stand disposed of accordingly.

A copy of this order be forwarded to Secretary, Ministry of Jal Shakti, GoI, Chief Secretaries, Haryana and UP Governments, Member Secretaries of HSPCB and UPPCB, SEIAAs of Haryana and UP, IIT, Roorkee and

District Magistrates and SSPs, Saharanpur and Yamunanagar by e-mail  
for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 8, 2023  
Original Application No. 268/2021  
SN

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S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SCivil Appeal No. 5013/2022

M/S. STAR MINES

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH &amp; ORS.

Respondent(s)

(Office report for direction)

Date : 08-12-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Appellant(s)

Ms. Preetika Dwivedi, AOR  
Mr. Abhisek Mohanty, Adv.

For Respondent(s)

Mr. Ajit Sharma, AOR  
Mr. A. Renganath, Adv.  
Mr. Kanchan Kumar, Adv.UPON hearing the counsel the Court made the following  
O R D E R

It is stated that Rs.2,00,00,000 (rupees two crores only), as directed by this Court *vide* orders dated 11.11.2022 and 12.08.2022, have been deposited by the appellant - M/s. Star Mines.

The respondent nos. 2 to 9 have not entered appearance.

However, respondent no. 10 - Pramod has entered appearance.

Court notice will be issued to the unrepresented respondents.

Court notice will be served by all modes, including *dasti* and on the standing/nominated counsel for the unserved respondents.

In the meanwhile, the Central Empowered Committee will inspect the mining area with the appellant. The inspection/status report will be filed on or before 31.01.2024.

Re-list in the month of February 2024.

(DEEPAK GUGLANI)  
AR-cum-PS(R.S. NARAYANAN)  
ASSISTANT REGISTRAR

**Minutes of 822<sup>nd</sup> SEAC-1 Meeting Dated 08/01/2024**

The 822<sup>nd</sup> meeting of SEAC-1 was held in the Directorate of Environment, U.P. through dual-mode (physically/virtually) at 10:00 AM on 08/01/2024. Following members participated in the meeting:

- |    |                             |                             |
|----|-----------------------------|-----------------------------|
| 1. | Dr. Ratan Kar,              | Vice Chairman, SEAC-1       |
| 2. | Shri Om Prakash Srivastava, | Member, SEAC-1 (through VC) |
| 3. | Dr. Brij Bihari Awasthi,    | Member, SEAC-1              |
| 4. | Shri Umesh Chandra Sharma,  | Member, SEAC-1 (through VC) |
| 5. | Shri Ashish Tiwari,         | Member-Secretary, SEAC-1    |

The Chairman welcomed the members to the 822<sup>nd</sup> SEAC-1 meeting which was conducted via dual-mode (virtually/physically). Nodal Officer, SEAC-1 informed the committee that the agenda has been approved by the Member Secretary, SEAC-1/Director, Directorate of Environment.

**1. “Building Stone (Granite Khanda, Boulder, Bailast (Gitti))” Project at Gata No.- 2647, Village- Pahra, Tehsil- Mahoba, District- Mahoba, M/s R.R. Enterprises, Smt. Rukaiya Khan Area : 2.047 ha., 8519/7897/SIA/UP/MIN/453221/2023**

The consultant informed the committee that they are strictly following the rules, regulations and other instructions of QCI/NABET. A presentation was made by the project proponent along with their consultant M/s Paramarsh Servicing Environment and Development, Lucknow, U.P. Based on the documents submitted and presentation made by the project proponent along with the consultant, the following facts have emerged: -

- The environmental clearance is sought for Building Stone (Granite Khanda, Boulder, Bailast (Gitti)) Mining at Gata No.- 2647, Village- Pahra, Tehsil- Mahoba, District- Mahoba, U.P., M/s R.R. Enterprises, (Leased Area- 2.047 ha.).
- The Terms of Reference in the matter were issued by SEIAA, U.P vide Letter No. 163/Parya/SEIAA/7897/2023, dated: 07/07/2023.
- The Public Hearing was organized on 11/09/2023. Final EIA report submitted by the project proponent on 24/11/2023.
- Salient features of the project as submitted by the project proponent:

|     |   |   |                                |
|-----|---|---|--------------------------------|
| 1.  | On-line proposal No.                      | SIA/UP/MIN/453221/2023  |                                |
| 2.  | File No. allotted by SEIAA, UP            | 8519 / 7897   |                                |
| 3.  | Name of Proponent                         | R.R. Enterprises,<br>Prop.- Smt. Rukaiya Khan W/o Shri Riyazuddin             |                                |
| 4.  | Full correspondence address of proponent  | R/o- H.No. 02, Shama Vihar Colony, Sarojani Nagar,<br>District- Lucknow, U.P. |                                |
| 5.  | Name of Project                           | Building Stone (Granite Khanda, Boulder, Bailast (Gitti)) Mining Project      |                                |
| 6.  | Project location (Plot/ Khasra /Gata No.) | Gata No.- 2647  |                                |
| 7.  | Name of Village                           | Pahra   |                                |
| 8.  | Tehsil                                    | Mahoba  |                                |
| 9.  | District                                  | Mahoba  |                                |
| 10. | Name of Minor Mineral                     | Building Stone (Granite Khanda, Boulder, Bailast (Gitti))                     |                                |
| 11. | Sanctioned Lease Area (in Ha.)            | 2.047 ha.   |                                |
| 12. | Max.& Min mRL within lease area           | 188 mRL- 179 mRL  |                                |
| 13. | Pillar Coordinates (Verified by DMO)      | Pillars   | Latitude (N) Longitude (E)     |
|     |   | A   | 25° 20' 54.15"N 80°04' 19.60"E |
|     |   | B   | 25° 20' 54.43"N 80°04' 21.05"E |
|     |   | C   | 25° 20' 54.71"N 80°04' 21.05"E |
|     |   | D   | 25° 20' 54.95"N 80°04' 21.99"E |
|     |   | E   | 25° 20' 54.66"N 80°04' 22.08"E |

|     |  |   |
|-----|--|---|
|     | QCI No. and period of validity.                                  | (U.P). Certificate No. NABET/ EIA/ 1922/RA 0200 (Rev 01) and valid upto January 21 2024 |
| 25. | Any litigation pending against the project or land in any court. | No  |
| 26. | Detail of 500 m Cluster certificate verified by mining officer   | Letter 146/Khanij-M.M.C-30-Vividh (2023-24) Issued on 08/05/2023                        |
| 27. | Detail of Lease Area in approved DSR                             | DSR Amendment Letter No- 558/Khanij-M.M.C-30-Vividh (2023-24) dated 04.07.2023          |
| 28. | Proposed EMP cost  | Rs. 15,65,180/-   |
| 29. | Length and breadth of Haul Road                                  | 680 m length and 6 m width  |
| 30. | No. of Trees to be planted.                                      | 115   |
| 31. | Monitoring Period.   | 01/03/2023 to 31/05/2023 (Pre monsoon Season)   |

### **RESOLUTION AGAINST AGENDA NO. 15**

The committee has gone through the file and documents and opined that the reply submitted by the project proponent seems to be satisfactory and recommended to grant the terms of reference for the project proposal as above along with terms of reference as earlier prescribed in 800<sup>th</sup> SEAC meeting dated 17/10/2023.

### **16. Yamuna River Sand/ Bajari/ Boulder Mining Project at Khand No.-01, Village- Bartha Korsi, Tehsil- Behat, District- Saharanpur, Shri Deepak Chaudhari, M/s Star Mines, Area 36.00 Ha., 5989/SIA/UP/MIN/288880/2022**

The committee observed that the proposal for E.C. amendment was taken up in its 687<sup>th</sup> meeting dated 23/09/2022 in which the committee took following resolution –

*“The committee discussed the matter and it is requested to SEIAA that a letter should be sent to Directorate of Geology and Mining, Lucknow for verifying the facts and its maintainability along with the recommendation for amending the E.C. regarding per day production clause. The status of pending / disposed cases in Supreme Court /N.G.T. / Other civil Courts of the lease should also be provided along with proper recommendation. Mining department also provides the latest status of original application number 268/2021 - Jahangir versus state of Haryana is under consideration at the National Green Tribunal Delhi in which M/s Star Mines is also named.”*

The Project Proponent vide letter dated 05/10/2023 has submitted that reply annexing letter dated 02/02/2023 of District Magistrate, Saharanpur in which it has been recommended that per day production cannot be fixed in view of various factors:

इस संबंध में अवगत कराना है कि निदेशक, भूतत्व एवं खनिकम निदेशालय, उ०प्र०, के पत्र संख्या 1063/एम-प्रवर्तन सहारनपुर/2021 दिनांक 04.03.2022 का संदर्भ ग्रहण करने का कष्ट करें जिसके द्वारा पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार की अधिसूचना के अनुसार मानसून सत्र (जुलाई से सितम्बर) में खनन कार्य प्रतिबंधित होता है। कतिपय खनन पट्टों नदियों का जल स्तर बढ़ जाने अथवा मा० न्यायालय के आदेश व अन्य विधिक कारणों से खनन कार्य प्रतिबंधित रहने के दृष्टिगत अवशेष मात्रा को पट्टा वर्ष के अन्य माहों में समायोजित किया जाता है। उक्त के दृष्टिगत खनन पट्टों में एक समान दैनिक मात्रा का निर्धारण किया जाना सम्भव नहीं है।

उक्त के संबंध में यह भी अवगत कराना है कि जनपद सहारनपुर में RBM (बालू, बजरी, बोल्टर मिश्रित अवस्था में) एवं साधारण बालू उपखनिज के खनन पट्टे स्वीकृत हैं। प्रश्नगत खनन क्षेत्र RBM (बालू, बजरी, बोल्टर मिश्रित अवस्था में) उपखनिज का क्षेत्र है। जिसका विक्रय स्टोन केशरों की मांग के अनुरूप विक्रय किया जाता है। जिसका प्रोसेस स्टोन केशर द्वारा किये जाने के पश्चात ही बजार में बेचा जाता है। चूंकि RBM (बालू, बजरी, बोल्टर मिश्रित अवस्था में) उपखनिज कच्चा माल होने कारण सीधे बजार में नहीं बेचा जा सकता। जिस कारण पट्टाधारक स्टोन केशरों की मांग पर निर्भर होता है। प्रति दिन मात्रा का निर्धारण किये जाने हेतु उ० प्र० उपखनिज परिहार नियमावली के अन्तर्गत इस प्रकार का कोई प्राविधान प्रविधानित नहीं है।

उपरोक्त तथ्यों को दृष्टिगत प्रश्नगत प्रकरण में प्रतिदिन निकासी की मात्रा का निर्धारण किया जाना व्यावहारिक रूप से उचित प्रतीत नहीं हो रहा है।

अतः खनिज विकास एवं राजस्व हित में इसको लागू न किये जाने की संस्तुति की जाती है।

The committee discussed the matter in 819<sup>th</sup> SEAC-1 Meeting, Dated: 20-12-2023 and resolved that PP in the next SEAC-1 meeting shall submit point wise compliance of the Hon'ble NGT order on O.A. 268/2021 – Jahangir Vs. State of Haryana.

A presentation was made by the project proponent along with their consultant M/s Environmental Research and Analysis, Lucknow (U.P.) in the 822<sup>nd</sup> SEAC-1 Meeting, Dated: 08/01/2024 in which the point wise compliance of the Hon'ble NGT order on O.A. 268/2021 – Jahangir Vs. State of Haryana was submitted as under:-

| Point  | Compliance and Procedural History  |
|--|--|
| Issue raised by litigant Jahangir in O.A. 268/2021 – Jahangir vrs. State of Haryana.   | <ul style="list-style-type: none"> <li>• Grievance was against unscientific and illegal mining by M/s Star Mines, Saharanpur, obstructing the flow of Yamuna River in Village Belgarh, U.P (it was later stated by the parties that the said village falls on the side of Haryana on the bank of Yamuna river).</li> <li>• Fifteen Pokland machines are working day and night causing damage to the environment, including air pollution.</li> <li>• Though lease for mining for the area in Saharanpur District in U.P., the lessee is undertaking illegal mining in Village Belgarh in Haryana also.</li> </ul>  |
| Vide NGT order dated 27.10.2021, a factual and action taken report was sought from a joint Committee of Haryana State PCB, UPPCB, SEIAA, UP, SEIAA, Haryana, District Magistrate, Yamuna Nagar and District Magistrate, Saharanpur, U.P.   | <ul style="list-style-type: none"> <li>• The joint Committee gave its report dated 26.05.2022 to NGT that boundary of the State was not clearly demarcated so as to identify the site of illegal mining.</li> <li>• The NGT vide order dated 12.08.2022, observed that joint committee report was unsatisfactory and incomplete.</li> </ul>  |
| The NGT directed the Chief Secretaries of Haryana and UP to take remedial action, including action against erring officers in failing to give complete information and also to provide complete information. Notice was also issued notice to the Project Proponent (PP) - M/s Star Mines, Saharanpur. | <ul style="list-style-type: none"> <li>• <b>Response of PP M/s Star Mines</b> - The stand of PP was that it has not done any illegal mining.</li> <li>• <b>Response of State of U.P.</b> - State of U.P. in its report dated 12.9.2022 said that there is no illegal mining on U.P. side of Yamuna for which mining lease has been granted. Illegal mining is being reportedly done in Haryana.</li> <li>• <b>Response of State of Haryana</b> - Mines and Geology Department, Haryana filed its reply dated 21.01.2023 saying that due to excessive flow of the river, facts could not be verified. Illegal mining was reported at the border of Haryana and U.P. in the middle of river Yamuna.</li> </ul> |
| NGT was not satisfied due the contradiction of the statement given by both the State and constituted a ten Member joint Committee.<br><br>• Joint Secretary, nominated by  | <ul style="list-style-type: none"> <li>• Committee has filed its report dated 07.04.2023 after undertaking visit to the site.</li> <li>• <b>In the Report no issued regarding illegal mining was reported.</b></li> <li>• In line with SSMG-2016 and Enforcing &amp; Monitoring Guidelines for Sand Mining (EMGSM) issued by MoEF&amp;CC in January, 2020 the committee found that</li> </ul>  |

|   |  |
|---|--|
| <p>Secretary, Ministry of Jal Shakti, Govt. of India</p> <ul style="list-style-type: none"> <li>Four nominees each of Haryana and U.P. Governments from Irrigation Departments, Revenue Departments nominated by the District Magistrates Saharanpur and Yamunanagar.</li> <li>Member Secretaries of HSPCB and UPPCB and SEIAAs of two States One nominee of IIT, Roorkee.</li> </ul> | <p>replenishment study of the lease of M/s Star Mines was conducted in Year – 2022 and mining has already been done upto depth of 3 meters and no further mining can be done with fresh appraisal (i.e. New Replenishment Study of Year – 2023)</p> <ul style="list-style-type: none"> <li>The committee also recommended additional measures to minimise environmental impact like drone mapping and CCTV cameras as monitoring tools.</li> <li>Since NO OBJECTION was raised by in NGT the NGT accepted this report of JOINT COMMITTEE and DISPOSED THE CASE on 08/05/2023 with following directions to M/s Star Mines -</li> <li>Further Mining by M/s Star Mines to be discontinued as fresh appraisal of Deposits (Replenishment Study) was required.</li> <li>UPPCB to realise compensation from M/s Star Mines for not securing CTO in time.</li> </ul> |
| <p>Compliance of NGT Order dated 08/05/2023</p>   | <ul style="list-style-type: none"> <li>Operation of Mining Lease was stopped by DM Saharanpur on 24/05/2023 as per NGT final Orders.</li> <li>Fresh appraisal was done and lease was allowed further mining operations on 20/06/2023 as per DM Orders.</li> <li>Replenishment Study for pre &amp; post monsoon – 2023 was conducted as per which the rate of replenishment was more than the quantity mentioned in EC/LoI.</li> <li>The lease after proper replenishment was again started on 10/11/2023 and is operative as of date.</li> <li>An Amount of Rs 7.70 lacs was deposited in UPPCB as compensation after which CTO by UPPCB was issued which is valid till 31/12/2025</li> </ul>  |

#### **RESOLUTION AGAINST AGENDA NO. 16**

The committee discussed the matter in light of District Magistrate, Saharanpur letter dated 02/02/2023 and the point wise compliance of the Hon'ble NGT order on O.A. 268/2021 – Jahangir Vs. State of Haryana submitted by project proponent found it seems to be satisfactory. Hence, the committee recommended to omit the point no. 20 of the salient features in environmental clearance letter no. 843/Parya/SEIAA/5989-5653/2020, dated 26/03/2021. Rest all the contents mentioned in environmental clearance letter dated 26/03/2021 shall remain the same.

#### **17. Commercial Building Project “Paras Avenue” at Plot No: C3H1, Sec-129, Noida, District-Gautam Budhha Nagar, U.P., M/s Ambit Buildwell Private Limited., File No.7357/ Proposal No. SIA/UP/INFRA2/406665/2022**

The Secretariat informed the committee that the environmental clearance for the above project was issued by SEIAA, U.P. vide EC Identification no. EC23B038UP177929, dated 06/05/2023 in favour of M/s Ambit Buildwell Private Limited for the plot area 8,240 sqm and built up area 53,336.278 sqm.

## ANNEXURE R-12

Item No.14

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**Original Application No. 389/2024  
(IA No. 210/2024)

Raj Kumar

Applicant

Versus

State of Uttar Pradesh &amp; Ors.

Respondent(s)

Date of hearing: 07.05.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Sadapurna Mukherjee, Adv. for Applicant

Respondent: Ms. Priyanka Swami, Adv. for SEIAA, UP  
Mr. Amit Shukla, Adv. for UPPCB  
Mr. Thakur Sumit, Adv. for MoEF & CC  
Mr. Mukesh Verma, Adv. for Mining Department, State of UP**ORDER**

1. In this Original Application, the grievance of the applicant is against the steps taken by respondent no. 1 to 5 in respect of the mining lease without there being any District Survey Report in the State of UP. The plea is that the DSR was prepared in the year 2017 which expired in the year 2022 and thereafter, no replenishment study has been done, no fresh DSR has been prepared yet respondent authorities are proceeding with the auction of the mines.

2. When the matter was taken up on 23.04.2024, it was brought to the notice of the Counsel for the applicant that applicant had challenged 156 old tender notices which were already acted upon and the Counsel for the applicant had fairly submitted that she was not pressing the prayer clause 2 challenging those notices.

3. Now, I.A. No. 210/2024 has been filed by the applicant seeking clarification/modification of the order dated 23.04.2024 taking the plea that on 23.04.2024, Counsel for the applicant had given up the challenge to 44 e-auction/tender notices issued before 10.11.2021 and had not given up the challenge to remaining 112 e-auctions/tender notices issued after 10.11.2021. The breakup has been done on the basis of the date of judgment of the Hon'ble Supreme Court dated 10.11.2021 in the case of *State of Bihar & Ors. vs. Pawan Kumar & Ors., Civil Appeal No. 3661-3662 of 2020*.

4. On consideration of above submission, we find that statement made by the Counsel for the applicant on 23.04.2024, recorded in paragraph 2 of that order was very clear that she was not pressing the prayer clause 2 of the OA. That apart, we also notice that the challenge to the notices which were issued long back in the year 2020, 2021, 2022, 2023 has become time barred. In addition we also note that if the auction notices have already been acted upon and successful bidder has been selected/lease deed is issued to the successful bidder/LOI then the challenge to the auction notice itself may not survive without challenging the subsequent action. Hence, we are of the view that no case is made out for clarification/modification of the order dated 23.04.2024. I.A. No. 210/2024 is accordingly rejected.

5. The Tribunal by order dated 23.04.2024 had issued notice to the respondents and directed the applicant to serve the respondents and file affidavit of service. The affidavit of service filed by the applicant does not contain the proof of service.

6. From the perusal of the cause title, we find that none of the concerned District Magistrates have been impleaded. The grievance is in

respect of non-preparation of the DSR which is the responsibility of the District Magistrate of the concerned District. When it was pointed out to Learned Counsel for the applicant, she has submitted that she will implead the concerned District Magistrates. Hence, we permit Counsel for the applicant to implead the concerned District Magistrates in the OA within one week and serve them and file affidavit of service at least one week before the next date of hearing.

7. Learned Counsel for the respondents seeks four week's time to file the reply.

8. List on 20.08.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 07, 2024  
Original Application No. 389/2024  
(IA No. 210/2024)  
SN

SATYENDER . . . . . APPELLANT(S)

VERSUS

STATE OF UTTAR PRADESH & ORS. . . . . RESPONDENT(S)

WITH

O R D E R

CIVIL APPEAL NO. 2265 OF 2021

None appears for the appellant, Satyender.

The appeal is dismissed in default.

CIVIL APPEAL NO. 1659 OF 2022

Upon this Court's notice and direction, an affidavit has been filed by the Ministry of Environment, Forest and Climate Change.

In view of the said affidavit, we are inclined to remit the matter to the National Green Tribunal<sup>1</sup>, Principal Bench, New Delhi, for a fresh adjudication on merits. The said adjudication will take into account the aforesaid affidavit as well as the contentions and issues raised by the parties, including respondent no. 1, Pramod, who was the applicant before the NGT.

To cut short the delay, parties are directed to appear before the NGT on 14.10.2024, when the next date of hearing will be fixed.

1 "NGT", for short

All pleas, rights and contentions of the parties are left open.

The NGT will specifically go into the question as to whether or not the mining leases are within the restricted area and, therefore, the mining would be barred/prohibited. The question of replenishment study will also be examined.

The present appeal is disposed of in the above terms.

Pending application(s), if any, shall stand disposed of.

.....J.  
(SANJIV KHANNA)

.....J.  
(SANJAY KUMAR)

NEW DELHI;  
SEPTEMBER 02, 2024.

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL NO. 2265 OF 2021

SATYENDER ..... APPELLANT(S)

VERSUS

STATE OF UTTAR PRADESH &amp; ORS. .... RESPONDENT(S)

(IA No. 71629/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 71630/2021 - EXEMPTION FROM FILING O.T. and IA No. 71631/2021 - STAY APPLICATION)

WITH

C.A. No. 1659/2022 (XVII)

(IA No. 30802/2022 - APPLICATION FOR PERMISSION, IA No. 29173/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 30803/2022 - EXEMPTION FROM FILING O.T., IA No. 29175/2022 - EXEMPTION FROM FILING O.T. and IA No. 29176/2022 - STAY APPLICATION)

Date : 02-09-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE SANJAY KUMAR

For Appellant(s)

Ms. Shomila Bakshi, AOR

Ms. Garima Parshad, Sr. A.A.G./Sr. Adv.

Mr. Pradeep Misra, AOR

Mr. Daleep Dhyani, Adv.

Mr. Manoj Kumar Sharma, Adv.

For Respondent(s)

Ms. Garima Parshad, Sr. A.A.G./Sr. Adv.

Mr. Pradeep Misra, AOR

Mr. Daleep Dhyani, Adv.

Mr. Manoj Kumar Sharma, Adv.

Mr. Ajit Sharma, AOR

Mr. Kanchan Kumar Singh, Adv.

Mr. Akshat Sharma, Adv.

Mr. Amrit Pradhan, Adv.

Ms. Aishwarya Bhati, A.S.G. (N/P)

Mr. Gurmeet Singh Makker, AOR

Ms. Ruchi Kohli, Adv.

Ms. Swarupama Chaturvedi, Adv.

Mr. Amit Sharma-B, Adv.  
Mr. Annirudh Sharma-II, Adv.  
Mr. T.S. Sabarish, Adv.

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

CIVIL APPEAL NO. 2265 OF 2021

The appeal is dismissed in default, in terms of the signed order.

CIVIL APPEAL NO. 1659 OF 2022

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)  
AR-cum-PS

(R.S. NARAYANAN)  
ASSISTANT REGISTRAR  
(signed order is placed on the file)

**CENTRAL EMPOWERED COMMITTEE****(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA)**

II Floor, Chanakya Bhawan, Chanakyapuri, New Delhi – 21, Tel: 21610612, 21610613

Email [cecindia202@gmail.com](mailto:cecindia202@gmail.com), Website: [www.cecindia.nic.in](http://www.cecindia.nic.in)

F. No: 1-19/CEC/SC/2024-Pt. (66)

Dated: 27<sup>th</sup> September 2024

To

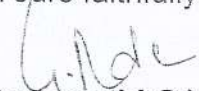
The Registrar  
Supreme Court of India  
New Delhi-110001  
(Attn: PIL Writ Section)

**SUB: CEC REPORT NO. 21 OF 2024 - CEC REPORT ON CIVIL APPEAL NO. 5013 OF 2022 FILED BY M/S. STAR MINES IS SEEKING PERMISSION OF THE HON'BLE SUPREME COURT TO ALLOW THE INSTANT APPEAL AGAINST THE FINAL JUDGMENT AND ORDER DATED 10.05.2022 IN APPEAL NO. 15 OF 2021 PASSED BY THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI**

Sir,

I am directed to inform you that Report No.21 of 2024 in Civil Appeal No. 5013 of 2022 of the Central Empowered Committee on the above subject is enclosed (Four copies). It is requested that the Report may please be placed before the Hon'ble Court for kind consideration.

Yours faithfully

  
(Banumathi G.)

Member Secretary

Copy to :

1. Mr. Harish N. Salve, Sr. Advocate & Amicus Curiae.
2. Mr. A.D.N. Rao, Sr. Advocate & Amicus Curiae.
3. Mr. Siddhartha Choudhary, Advocate & Amicus Curiae
4. Mr. K. Parameshwar, Sr. Advocate & Ld. Amicus Curiae
5. The Secretary, MOEFCC, New Delhi
6. The Chief Secretary, Government of Uttar Pradesh, Lucknow
7. The Principal Chief Conservator of Forests, Lucknow.
8. The Director, Department of Mines & Geology, UP
9. The Chairman, SEIAA, Uttar Pradesh
10. The Member Secretary, State Pollution Control Board, UP
11. Standing Counsel for the MoEFCC
12. Standing Counsel for the Uttar Pradesh
13. Applicants / Respondents through their Advocate on Record
13. All members of the CEC.

**CENTRAL EMPOWERED COMMITTEE**

**REPORT No. 21 of 2024**

**IN**

**Civil Appeal No. 5013 of 2022**

**Filed by:  
M/s. Star Mines**

**Dated: 27<sup>th</sup> September 2024**

| S.NO. | PARTICULARS  | PAGE NO. |
|-------|--|----------|
| 1.    | Report of the CEC  | 1-48     |
| 2.    | <b><u>ANNEXURE R-1</u></b><br>A copy of the order dated 10.5.2022 of the Hon'ble National Green Tribunal passed in Appeal No. 15 of 2021         | 49-67    |
| 3.    | <b><u>ANNEXURE R-2</u></b><br>The Record of Discussions of the CEC meeting held on 15.2.2024   | 68-73    |
| 4.    | <b><u>ANNEXURE R-3</u></b><br>Environment Clearance (EC) issued by the State Level Environment Impact Assessment Authority (SEIAA) on 26.03.2021 | 74-81    |
| 5.    | <b><u>ANNEXURE R-4</u></b><br>A copy of the letter dated 19.2.2024 of the Uttar Pradesh Pollution Control Board (UPPCB)                          | 82-109   |
| 6.    | <b><u>ANNEXURE R-5 (Colly.)</u></b><br>A copy of the MoEFCC's letter dated 24.4.2024 and a copy of the CPCB's letter dated 22.9.2023             | 110-117  |

|     |  |         |
|-----|--|---------|
| 7.  | <b><u>ANNEXURE R-6</u></b><br>A copy of the Factual submission of the M/s. Start Mines   | 118-177 |
| 8.  | <b><u>ANNEXURE R-7</u></b><br>A copy of the additional facts and documents submitted by M/s. Star Mines before the CEC                         | 178-206 |
| 9.  | <b><u>ANNEXURE R-8</u></b><br>A copy of the CEC's letter dated 30.4.2024 addressed to M/s. Star Mines  | 207-210 |
| 10. | <b><u>ANNEXURE R-9</u></b><br>A copy of the reply submitted by M/s. Star Mines on the query (c) raised by the CEC vide letter dated 30.4.2024  | 211-225 |
| 11. | <b><u>ANNEXURE R-10</u></b><br>A copy of the reply submitted by M/s. Star Mines on the query (d) raised by the CEC vide letter dated 30.4.2024 | 226-233 |
| 12. | <b><u>ANNEXURE R-11</u></b><br>A copy of the reply submitted by M/s. Star Mines on the query (f) raised by the CEC vide letter dated 30.4.2024 | 234-237 |
| 13. | <b><u>ANNEXURE R-12</u></b><br>A copy of the reply submitted by M/s. Star Mines on the query (i) raised by the CEC vide letter dated 30.4.2024 | 238     |

|     |   |         |
|-----|---|---------|
| 14. | <b><u>ANNEXURE R-13</u></b><br>A copy of the supplementary reply dated 11.7.2024 submitted by the Applicant   | 239     |
| 15. | <b><u>ANNEXURE R-14</u></b><br>A copy of the Record of discussions of the CEC meeting held on 3.9.2024  | 241-243 |
| 16. | <b><u>ANNEXURE R-15</u></b><br>A copy of the response of UP Pollution Control Board after holding the Public hearing in the office of the Behat Tehsil                | 244-246 |
| 17. | <b><u>ANNEXURE R-16</u></b><br>A copy of the compliance of the directions given by the CEC on 03.09.2024, the Applicant submitted his detailed response on 10.09.2024 | 247-269 |
| 18. | <b><u>ANNEXURE R-17</u></b><br>A copy of the Report dated 30.03.2022 of the Joint Committee   | 270-282 |
| 19. | <b><u>ANNEXURE R-18</u></b><br>A copy of the letter dated 22.09.2024 of the Uttar Pradesh Pollution Control Board   | 283-309 |
| 20. | <b><u>ANNEXURE R-19</u></b><br>A copy of the MoEFCC Notification dated 15.1.2016  | 310-322 |

|     |   |         |
|-----|---|---------|
|     | <b><u>ANNEXURE R-20</u></b>   |         |
| 21. | A copy of the Enforcement & Monitoring Guidelines for Sand Mining 2020 of MoEFCC                                  | 323-405 |
|     | <b><u>ANNEXURE R-21</u></b>   |         |
| 22. | A copy of the Cluster Certificate issued to M/s. Star Mines by the Mining Officer, Saharanpur on 12.03.2020       | 406-412 |
|     | <b><u>ANNEXURE R-22</u></b>   |         |
| 23. | A copy of the Form prescribed by MoEFCC for the application for grant of EC to M/s. Star Mines                    | 413-442 |
|     | <b><u>ANNEXURE R-23</u></b>   |         |
| 24. | A copy of the letter dated 04.03.2022 of the Director, Department of Mines and Geology, Government Uttar Pradesh. | 443     |
|     | <b><u>ANNEXURE R-24</u></b>   |         |
| 25. | A copy of the letter dated 2.2.2023 of the District Magistrate, Saharanpur  | 444     |
|     | <b><u>ANNEXURE R-25</u></b>   |         |
| 26. | The Compliance Report of conditions of EC during the period January 2021 to June 2021                             | 445-482 |

## CENTRAL EMPOWERED COMMITTEE

CEC REPORT ON CIVIL APPEAL NO. 5013 OF 2022 FILED BY M/S. STAR MINES IS SEEKING PERMISSION OF THE HON'BLE SUPREME COURT TO ALLOW THE INSTANT APPEAL AGAINST THE FINAL JUDGMENT AND ORDER DATED 10.05.2022 IN APPEAL NO. 15 OF 2021 PASSED BY THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

### BACKGROUND

1. The Appellant M/s Star Mines has filed Civil Appeal No. 5013 of 2022 against the final Judgment and Order dated 10.05.2022 passed by the National Green Tribunal Principal Bench, New Delhi in Appeal No. 15 of 2021. The prayer of the Appellant is as follows:

- (i) allow the instant appeal against final judgment and Order dated 10.05.2022 in Appeal No. 15/2021 passed by the Hon'ble National Green Tribunal Principal Bench, New Delhi; and
- (i) pass such further and other orders as may be deemed just and proper in the facts and circumstances of the case.

2. The Hon'ble Supreme Court of India has on 08.12.2023 passed the following order:

***“It is stated that Rs.2,00,00,000 (rupees two crores only), as directed by this Court vide orders dated 11.11.2022 and 12.08.2022, have been deposited by the appellant – M/s. Star Mines. The respondent nos. 2 to 9 have not entered appearance. However, respondent no. 10 - Pramod has entered appearance. Court notice will be issued to the unrepresented respondents. Court notice will be served by all modes, including dasti and on the standing/nominated counsel for the unserved respondents.***

***In the meanwhile, the Central Empowered Committee will inspect the mining area with the appellant. The inspection/status report will be filed on or before 31.01.2024.***

***Re-list in the month of February 2024.”***

3. The Appellant is aggrieved by an order dated 10.05.2022 passed by the National Green Tribunal Principal Bench, New Delhi in Appeal No.15 of 2021. By way of the impugned order just referred, the NGT imposed the penalty of Rs.11,00,50,840/- (Rs. Eleven Crores Fifty Thousand Eight Hundred and Forty) on the Appellant. The NGT has further directed the State Pollution Control Board to enhance the compensation.

4. The National Green Tribunal Principal Bench, New Delhi in Appeal No.15 of 2021 has *inter-alia* passed the following order on 10.05.2022:

*“7. We have heard learned counsel for the parties. It is clear from the report of the joint Committee (Para 6.5) that the mining operations were conducted without requisite consent. Show cause notice was given to the PP and compensation proposed. It is also seen from para 6.6.9 that claim of the PP is that water requirement was being met from tankers from nearby stone crushers but lending of use of water was violation of Rules. No plantations were visible. The PP has excavated excess mined material beyond the permitted quantity. Mining was taking place within 500 meters and cluster certificate dated 12.03.2020 was incorrect. The ground water extraction has taken place without requisite NOC from CGWA. These findings are not in any manner shown to be erroneous. We accept the report to the extent of the violations found.*

*8. However, we find the assessment of compensation for illegal extraction of ground water and for operation without requisite consents to be inadequate. The same need to be calculated with reference to the cost of remediation and financial capacity of the PP which has not been done. ....*

*9. Accordingly, the State PCB may appropriately enhance the compensation for illegal extraction of ground water and conducting mining without requisite consents within two months, following due process of law.*

*10. The assessed compensation may be deposited by the PP within two months with the State PCB to be kept in a separate account and utilized for restoration of environment by preparing a restoration plan by joint Committee of CPCB, State PCB and District Magistrate, Saharanpur. Restoration plan may include plantation, air*

*quality monitoring system, restoration of roads. The Committee may also oversee the execution of the restoration plan, involving appropriate agencies.*

*The application is disposed of.*

*A copy of this order be forwarded to the CPCB, State PCB and District Magistrate, Saharanpur by e-mail for compliance.*

*In view of order in the main matter, I.A. No. 20/2022 also stands disposed of."*

A copy of the aforesaid order dated 10.5.2022 of the Hon'ble National Green Tribunal passed in Appeal No.15 of 2021 is enclosed as **ANNEXURE R-1**.

5. The main grievance of the Appellant is:
  - a. Appellant has mentioned that there is no prescribed daily limit hence no excess mineral has been extracted. The Appellant has conducted sand mining from April 2021 to June 2021 as per the Environmental Clearance and the Mining Lease granted to the Appellant and the Appellant was permitted vide Letter No. 843/Parya/SEIAA/5989-5653/2020 dated 26.03.2021 for mining 7,56,000 m<sup>3</sup> per annum. The Appellant has excavated a total of 3,77,748 m<sup>3</sup>, which is less than the overall annual permitted quantity. Hence, prima-facie the Appellant doesn't appear to have indulged in any wrongful doing in terms of extraction of the allotted resource.

- b. The Application for prior environmental clearance and the Environment Impact Assessment Report both indicate that the water requirement of the project would be met from water sources in the nearby villages through tankers. The Environment Clearance was granted on such conditions. According to the Appellant, there is no illegal extraction of groundwater, and borrowing of water through tankers complies with the Environment Clearance and is not in violation thereof.
- c. The Appellant has mentioned that the Joint Committee Report has also concluded that there was no operational mine located within 500 m from the Appellant's mine hence the findings of the Hon'ble NGT on this aspect are contrary to the facts.

## **SUBMISSIONS AND DISCUSSIONS**

6. Pursuant to the above backdrop, the CEC convened a meeting on 15.02.2024 with M/s. Star Mines along with the relevant stakeholders/officials from various Departments of the State Governments of Uttar Pradesh and Haryana and Government of India. The Record of Discussions is placed as **ANNEXURE R-2**.

7. During the meeting, it was informed that the M/s. Star Mines is liable to pay Rs.11,00,50,840/- as compensation and penalty for operating the mine without consent from UP Pollution Control Board (UPPCB), NOC from Central Ground Water Authority (CGWA), and carrying out excess excavation of the prescribed daily quantity of the resource.

8. On behalf of M/s. Star Mines, it was informed that the objections raised by the Hon'ble NGT have been broadly complied with, and emphasized the following:

- i) The State Level Environment Impact Assessment Authority (SEIAA) had issued Environmental Clearance (EC) on 26.03.2021 (ANNEXURE R-3) to the M/s. Star Mines (Shri Deepak Chaudhari) for the proposed Sand/Bajri/Boulder Mining at Gata No. 1 in Village Barthakorsi, Tehsil - Behat of Saharanpur District of Uttar Pradesh.
- ii) The permission for mining was granted by the mining department on 01.04.2021. In the EC issued to the proponent, the project proponent was permitted for extraction of 7,56,000 cubic meters per annum and 3360 cubic meters per day.
- iii) The project proponent maintains that an approximate daily extraction on a notional basis was given in the proposal, to calculate, on an average, the total yearly quantity of

production of minerals and the number of vehicles per day depending on market conditions. According to Ld. Counsel of the Star Mines, the quantity of mineral is not necessarily required to be indicated in the Form I prescribed in the MoEFCC Notification dated 14.09.2006 (as amended) and is also not mentioned in the operative part of the Environmental Clearance.

- iv) The Proponent did not remove quantity beyond the total permitted amount of 7,56,000 cubic meters. The total quantity of minerals (Sand/Bajri/Boulder) removed during this time was 377748 cum, which is far less than the overall sanctioned quantity.
- v) The Proponent carried out the mining operation between 04.04.2021 to 30.06.2021. Thereafter, the same was suspended and recommenced only in January 2022. The Ld. Counsel on behalf of Star Mines also mentioned that mining work is generally not undertaken during the monsoon (July to September). He further argued that in some mining leases, the remaining quantity is adjusted in other months of the lease years in view of the increase in the water level of the rivers or due to the order of the Hon'ble Court and other miscellaneous reasons. Therefore, it may not be possible to fix a uniform daily quantity or amount of the resource to be harvested or extracted in the mining leases.

- vi) A replenishment study was conducted by M/s JBB Technocrat appointed by the Appellant. The replenishment study concluded that there was a replenishment of approximately 1797260 million tonnes of rived bed sand / bajri / boulder in 2021.
- vii) The Ld. Counsel emphasized that the Proponent got the consent under the Air (Prevention and Control of Pollution) Act, 1981 which is valid till 31/12/2025. Also got consent under the Water (Prevention and Control of Pollution) Act, 1974 which is valid till 31/12/2025.
- viii) Concerning the operation of the mine without obtaining NOC from CGWA, it was informed by the project proponent that he has not installed any borewell in the area, and they are borrowing water from the adjacent industries.
- ix) The project proponent also informed that the amendment in the EC regarding geo-coordinates was obtained from SEIAA vide letter dated 26.03.2021

9. The Original Applicant's counsel Mr. Ajit Sharma objected to the compliance status, especially the violation of the daily extraction limit and other compliances regarding the Cluster Certificate, Replenishment Study Report, mandated NOCs, etc.

10. After discussion, the representative from MOEFCC was asked to clarify the guidelines issued regarding CTE/CTO for mining operations and the Cluster Certificate requirement. The CEC also enquired if the procedure laid down under enforcing and monitoring guidelines for sand mining (EMGSM) issued by the MoEFCC in January 2020 is applicable in the present case and whether they were followed. The MoEFCC was requested to further inform if they have given any thought to notifying the River Regulation Zone (RRZ) on the pattern of the extant CRZ notification, 1991) as amended from time to time under the Environment Protection Act, 1986.

11. The SEIAA and State Pollution Control Board of Uttar Pradesh and Haryana were also asked to give their inputs in the present case without any further delay.

12. The SPCB of Uttar Pradesh provided the inputs along with the inputs of SEIAA, Uttar Pradesh on 19.02.2024. No response has been received till date from the State of Haryana. A copy of the letter dated 19.2.2024 of UPPCB is enclosed as **ANNEXURE R-4** to this Report

13. The MoEFCC vide its letter dated 24.04.2024 has replied that as per the Central Pollution Control Board letter dated 22.09.2023, sand/riverbed mining from the riverbed and its floodplains (excluding manual excavation) has been categorized as either red or orange and thus require CTE/CTO for running operations.

A copy of the letter of MoEFCC dated 24.4.2024 and a copy of the CPCB's letter dated 22.9.2023 are enclosed as **ANNEXURE R-5** **(Colly.)**.

14. Pursuant to the meeting taken by the CEC on 15.02.2024, the Applicant has submitted its factual submission before the CEC, which is enclosed as **ANNEXURE R-6** to this Report. Further, the Applicant has also submitted the additional facts and documents before the CEC, which are enclosed as **ANNEXURE R-7** to this Report.

15. A site visit of the mining area of M/s Star Mines at Village Barthakosi, Tehsil Behat, District Saharanpur was undertaken on 29.04.2024 by Shri Chandra Prakash Goyal, and Dr. JR Bhatt, Members of the Central Empowered Committee along with Dr Dinesh Chandra, District Magistrate of Saharanpur, Mr. Sagar Jam, Superintendent of Police, Mr. N. K. Janoo, Chief Conservator of

Forest, Mr. Subhash Singh Mining officer, Dr Yogender Kumar, Regional Officer, Uttar Pradesh Pollution Control Board, and other concerned officials of the Government of Uttar Pradesh. Shri Deepak Choudhary of M/s Star Mines and his consultant Shri Arun Awasthi were also present. The site inspection was followed by a joint meeting of all stakeholders.

16. The CEC vide its letter dated 30.04.2024 has asked the Applicant, M/s Star Mines to furnish the response to several queries that emerged after discussions held after the site inspection on 29.4.2024. A copy of the letter dated 30.4.2024 addressed to M/s. Star Mines is enclosed as **ANNEXURE R-8** to this Report.

17. The replies to the queries raised in the CEC's letter dated 30.4.2024 were provided by the applicant on 08.05.2024. The relevant parts are as follow:

- a) **QUERY:** Please provide a compliance report with respect to the fulfilment of each of the specific and general conditions stipulated in the Environmental Clearance dated 26.03.2021 for the case in question. This should also include the details of the website created to upload the requisite data.

**REPLY:** The compliance report for the Period of July-Dec-2023 has been submitted. The unit is in the process of purchasing a website domain in which the required documents shall be uploaded.

- b) **QUERY:** The EIA report states that manual/semi-mechanized methods for mining will be used while implementing the project. A document/state government order defining these terms in technical details is to be provided. For example, whether loader cum excavator is under the semi-mechanized category or not? Reference was made to *Mustakim vs State* in a particular NGT case, a copy of which be provided, along with an explanation as to how the same is relevant in the present case?

**REPLY:** It has been stated that:

- i) the method of mining in the Environment Clearance is an "Open Cast Manual / Semi Mechanised Method";
- ii) the Director, Geology & Mining State of UP, from an environmental point of view, on 21.06.2019 issued directions to all the District Magistrates of the State of Uttar Pradesh regarding the use of machines for minor mineral excavation/loading with the condition that excavators cum loading machines should not have Boom Length greater than 3 meters and Bucket Capacity exceeding 1 cubic meter;
- iii) regarding the use of loader cum excavator, the order of Hon'ble NGT dated 05.09.2018 in O.A. 44/2016 (Mushtakeem Vs. MoEF&CC and ors and other several connected matters) is enclosed;

3.1 In Serial No. 7 of the said order, the response filed by the State of U.P. is reproduced as under:-

*7. Further Affidavit was filed by the State of Uttar*

*Pradesh on 07.05.2016 on the issue of terms 'mechanized', 'semi mechanized' and 'manual mining'. It is explained that these terms are not defined. However, comprehensive mining plan prepared by Directorate of Geology in the State of Uttar Pradesh has defined the term semi mechanized mining to mean method of working where some operations are also undertaken manually. Therefore, the semi mechanized mining or mechanized mining is almost the same method of working. Sometime mechanized mining with light machines are also referred as semi-mechanized mining. The term semi mechanized mining is being used in general parlance where in the very same mining area, in a part area manual mining is also undertaken, along with mechanized mining. The manual mining is undertaken by conventional tools and operations with the labour. The mechanized mining is undertaken with the help of excavator-cum-loaders.*

3.2 In the Serial No. 10 of the said order, the steps required for regulating the sand mining is as under:

*"(i) Identification of river stretches and their demarcation for mining must be completed prior to mining for sustainable development. (ii) The river bed mining be allowed in dry stretches of sand aggradations manual in rivers with width up to 100 meters. (iii) The river bed mining be allowed in dry stretches of sand aggradations both manually and mechanized in rivers with width more than 100 meters. The excavators being used for river bed mining should be with bucket capacity of 1 cubic meter and maximum boom length of 3 meters."*

iv) the same is relevant in the present case because the method of mining in the Environmental Clearance dated 26.03.2021 of M/s Star Mines is an "Open cast Manual / Semi Mechanised Method". The width of the Yamuna River (computing the length of both side riparian zones) is more than 100 meters. The distance from Pillar A to Pillar H is more than 400 meters which is part of the riverbed. The applicant had used permissible machines within limits in dry stretches.

- c) **QUERY:** The groundwater extracted/required to be extracted is stated to be 18.20 MLD per day. However, the approved quantity is pegged at 10 MLD. A justification for this difference is provided by the Star Mines. Earlier, understandably, the groundwater requirements were fulfilled via borrowing. A document supporting this, along with reasoning, be provided by the M/s Star Mines.

**REPLY:** The reply is enclosed as ANNEXURE R-9 to this Report. It has been stated that:

- i) the requirement of groundwater anticipated while conducting EIA and EC was 18.20 KLD per day (this requirement included 1.50 KLD for drinking water, 12.00 KLD for suppression of dust, and 4.70 KLD for plantation);
- ii) the requirement analysis was done on the maximum impact assessment under ideal conditions;
- iii) the NOC of 18 KLD for groundwater abstraction was issued by the State Groundwater Department on 23.07.2022 for the period of 21.07.2022 till

20.07.2027 as per the details of the Environmental Clearance;

iv) calculation as embodied in the State Groundwater Department NOC;

- *The "rate of withdrawal" allowed is = 6 m<sup>3</sup>/hr*
- *The "Maximum Allowable Running Hours Per Day" = 3 hrs. / day*
- *So the extraction 6 m<sup>3</sup>/hr X 3 hrs. / day = 18 KLD per day.*
- *Hence the "Maximum Allowable Annual Extraction of Ground Water" (i.e. 18 KLD per day multiplied by 225 working days) = 4045 KL is approved in the NOC approval letter.*

v) before NOC the alternate source of water was through hired tankers which generated employment for local people. Agreements are attached as supporting documents.

d) **QUERY:** The Star Mines exceeded the per-day production limit of 336 cubic meters but claims to have remained within the annual permissible limit. An explanation be provided regarding this discrepancy. The project proponent clarified that this is due to the ground situation and environmental conditions which led to the fluctuations. He was asked to give his explanation in writing with supporting documents, if any.

**REPLY:** Detailed response is enclosed as **ANNEXURE R-10** to this Report.

i) M/s Star Mines while conducting EIA studies, as per the advice of consultant M/s Ind Tech House Consult understood that a concept plan in the EIA document has been prepared by the consultant

wherein his unit will be operated uniformly for 225 days (except monsoon period) with average per day production of 3360 m<sup>3</sup> with no change in calendar plan. The plan prepared at that time looked practical and fascinating, as it had provision for the maximum number of working days in a year.

- ii) The concept of provisioning average per day production with 225 working days also appeared as a good option at the time of proposal formulation as the project proponent felt that he could create a continuous employment base for direct and indirect employees/manpower, avoiding manpower attrition which generally happens in case of short-term needs. As a part of business anticipation, the project proponent envisaged that he would get a continuous and uniform demand from the local crushers.
- iii) After completion of EIA studies and securement of the Environmental Clearance, the project proponent got the sale deed executed on 01.03.2021, it was the time when the country experienced the second wave of the Covid-19 pandemic. The violation of the so called daily extraction limit has been alleged for the period of 01.04.2021 to 30.06.2021. It was the COVID-19 pandemic second wave period when markets were in the recovery phase, partial lockdowns were implemented and everyone was trying their best to cope up and bring back and make the markets functional again. The operations of the lease are B2B segment and the state mining department in 2020 issued directions for operations of mining lease under the Covid-19 pandemic situation as substantiated in Point - 8 of

the reply. The leaseholder at that point of time got fluctuating demands from the local stone crushers and accordingly supplied the extracted raw minerals to them. The leaseholder was under a legal obligation to pay monthly royalty instalments to the State Government based on which his per month quantity was allocated by an online portal governed by the state geology and mining department. The leaseholder was also under a legal and business obligation to consume the allocated quantity within the months' time, as the surplus remaining quantity is not permitted to be carried forward to the next month.

- iv) To logically substantiate the above submission, the project proponent is annexing details of per day produce for the contested period of 01.04.2021 to 30.06.2021 supplied to local crushers which includes details of crushers, quantity supplied, and distance from mining lease with maps. The point 7.3, of the Joint Committee Report dated 26.10.2021 (filed in the NGT Appeal 15/2021) supports the submission of the project proponent wherein it is observed that the quantity of daily production varies between 11 m<sup>3</sup> to 9194 m<sup>3</sup> in the period of 01.04.2021 to 30.06.2021.
- v) Herein the Project Proponent also submits that while operating the practical conditions of the Environmental Clearances dated 26.03.2021, he later on observed that the number of 225 days proposed by him at the time of conducting EIA is practically not available to him due to various internal and external factors. The factors are attributed to the availability of workers during the second wave of the Covid-19 pandemic, sudden discharge of water from upstream of the Hathnikund barrage leading to temporary

inundation of the lease, seizure of haulage routes by the district administration due to religious festivals/ like kawariya yatra, and even ongoing litigations against the project proponent.

- vi) The Project Proponent has provided data for the period of 01.04.2021 till 03.05.2024 regarding the number of days/periods when operations of M/s Star Mines were closed due to the above-mentioned reasons. The summary of financial year-wise closure days (except the monsoon period) is as under:-

| Financial Year     | No. of Available days (as per EC) | Closure Days (except monsoon period) | Net Available Days |
|--------------------|-----------------------------------|--------------------------------------|--------------------|
| 2021-22            | 225                               | 108                                  | 117                |
| 2022-23            | 225                               | 117                                  | 108                |
| 2023-24            | 225                               | 115                                  | 110                |
| 1.04.24 to 3.05.24 | 33                                | 29                                   | 04                 |
| <b>TOTAL</b>       | <b>708</b>                        | <b>369</b>                           | <b>339</b>         |

- vii) The project proponent thereafter applied for the amendment of E.C. on 16.08.2022. The above-mentioned issues were duly explained to SEIAA/SEAC. Based on the report of the District Magistrate Saharanpur and Director Geology & Mining and the presentation by the Project Proponent before SEAC, the SEAC on 08.01.2024 agreed to amend the conditions of the Environmental Clearances dated 26.03.2021 and recommended to omit the per day production clause mentioned in the point no. 20 of the salient features of this Environmental Clearance.

- e) **QUERY:** Data related to the demand of the mining produce along with supply distance during the contested period may please be furnished. The details of the consumption units along with produce supplied be also provided. Relevant orders, enabling to continue the mining works during the COVID-19 period, along with requisite circulars/DM order(s) may please be provided.

**REPLY:** The data related to the demand for the mining produce along with supply distance during the contested period and the details of the consumption units along with the produce supplied have been given in the Annexure. Relevant orders, enabling to continuation of the mining works during the Covid-19 period, along with requisite circulars/ order (s) of the District Magistrate: -

The following points are emphasized:

- (i) The Director, Geology & Mining Department vide letter dated 17.04.2020 issued directions is all the concerned District Magistrates of U.P. regarding operations of mining leases and mineral transportation ensuring safety measures under the COVID-19 situation.
  - (ii) The District Magistrate Saharanpur vide letter dated 05.05.2020 issued orders regarding the commencement of mining operations under the COVID-19 situation.
- f) **QUERY:** Public hearing was stated to have been conducted in the office of the Behat Tehsil. A document/CM/Circular to be provided to support if the public hearing can be conducted at Tehsil Headquarters?

**REPLY:** The reply is enclosed as ANNEXURE R-11 to this Report.

- i) The notice for conducting a public hearing at the headquarters was issued by the Regional Officer of the U.P. Pollution Control Board.
  - ii) The Principal Secretary, Uttar Pradesh on 23.04.2018 issued an office order regarding holding a public hearing in the tehsil headquarters.
  - iii) The objections raised in the public hearing were also addressed, as narrated in para 3 of the public hearing minutes.
- g) **QUERY:** The Current status of the 5 FIRs against the Patta owner is to be provided, along with supplementary documents.

**REPLY:** The reply is as follows:

- i) As per the best knowledge available with M/s Star Mines one FIR by Mr. Kaushal Kumar Sharma was registered against them and others on 21/09/2020 vide. FIR No. 0149 in Pratap Nagar police Station of district Yamuna Nagar, Haryana.
- ii) The officer/in-charge of Pratap Nagar police Station on 11.12.2020 submitted the Final Report before the court of Sub Divisional Judicial Magistrate Bilaspur recommending no involvement of M/s Star Mines in the said case.
- iii) Herein it is also important to submit that in the FIR and Final Report before the court of Sub Divisional Judicial Magistrate Bilaspur, it is clearly mentioned that the FIR complainant Mr. Kaushal Kumar

Sharma is the authorized person of Mubarakhpur Royalty Company which operates the mining lease in the nearby adjoining district of Yamuna Nagar and it is understood that the FIR was done with the malafide intentions so that M/s Star Mines could not operate the lease allocated to them in the vicinity district Saharanpur.

- h) **QUERY:** The EIA report mentions that permission of working of JCB will be taken from the appropriate authorities. A clarification related to this to be provided.

**REPLY:** The salient points are as follows:

- i) In the Schedule 2.8.5 (page-44) of the EIA report prepared by M/s Ind Tech House Consult on behalf of M/s Star Mines it is mentioned that JCB / Loader (Light Earth Movers) shall be required with prior permissions of the concerned authorities. Herein it is a kind submission of M/s Star Mines that JCB is a brand/company name which provides a range of machines. After execution of the lease deed while practically implementing the conditions of the Environmental Clearances, the M/s Star Mines observed that it has a requirement of deploying JCB brand 4X tyre mounted machines for collection of RBM (Sand/Bajri/Boulders) and approval of Environmental Clearances has a provision of Semi-Mechanised operations.
- ii) The requirement of obtaining permission from appropriate authorities such as DGMS (Director General Mines & Safety) could have arisen in case of deployment of HEMM Machines (Heavy Earth Moving Machinery), generally chain mounted machines, which were not the operational requirement of M/s Star Mines. Hence, no such permissions were either required and hence not taken.

iii) Further, the Section-40 (c) of the Uttar Pradesh Minor Mineral Concession Rule (47th Amendment) provides liberty, powers, and privileges to the lessee as per which "the lessee may quarry with the help of machine except in the stream of water, and may also use machine for loading and unloading as per the condition specified in the Environmental Clearances with prior approval of the District Magistrate the lessee may erect and construct on the land any machinery, plant, dressing, floors, furnaces, ....." which was well permitted as per the Clause-16 & Clause-3 of the sale deed providing rights to the leaseholder regarding usage of machines.

iv) The permission letter for operating the mine as per the terms & conditions of the executed sale deed was secured by M/s Star Mines on 01/04/2021.

i) **QUERY:** Documents supporting works done for rainwater harvesting, plantation of fruit-bearing trees, dust mitigation measures, etc. to be provided.

**REPLY:** The reply is enclosed as **ANNEXURE R-12** to this Report. It has been informed that Rs.12,86,948/- has been invested in the CSR activities since the operations of the lease. Rs.1,44,24,020/- have been utilized in the EMP activities since the operations of the lease. A total of 10,540 trees have been planted till date.

j) **QUERY:** Steps taken, if any, to involve local people in the project and/or generate local employment may please be submitted along with supporting documents.

**REPLY:** M/s Star Mines operating 36 ha. mining lease in the village of Bartha Korsi required manpower for the mineral loading, mineral unloading dumper, water tanker, site office operations like mineral dispatch permit passes, maintenance of CCTV/Wave bridge, and other facilities. The unit had employed domiciles of Bartha Korsi village and nearby villages namely Alauddinpur Bans, Raipur, Pachkua, Debkora, Aslampur Bartha, Sadholi Kadeem, Said Mohdpur Garh, Kasbagarh & Rasoolpur. A Certificate showing (direct/indirect) employment of 45 manpower in this regard was earlier issued by local Gram Pradhan on 23.12.2022 which is annexed as a supporting document (the details include name of manpower, father name, village Aadhar/PAN of each individual).

18. The Appellant has submitted its supplementary reply dated 11.07.2024 (**ANNEXURE R-13**) before the CEC and informed that it has a website now with domain name <https://www.starmines.co.in> and documents are being uploaded on it.

19. After examination of all the relevant documents submitted by the Applicant and others, another meeting was convened by the CEC on 03.09.2024. A copy of the Record of discussions is enclosed as **ANNEXURE R-14** to this Report.

20. The response of the Pollution Control Board of Uttar Pradesh about holding the Public hearing in the office of the Behat Tehsil is enclosed as **ANNEXURE R-15** to this Report.

21. In compliance of the directions given by the CEC on 03.09.2024, the Applicant submitted his detailed response on 10.09.2024. A copy of the same is enclosed as **ANNEXURE R-16** (without a copy of EC compliances for the period January to June 24) to this Report.

### **ANALYSIS AND OBSERVATIONS**

22. The District Survey Report, prepared by the District Magistrate (Mines Division) of Saharanpur, provides an assessment of the available mineral resources for extraction in Bartha Korsi village, Saharanpur. It indicates that a total of 7,56,000 cubic meters of minerals (Sand, Bajri, and Boulder) can be extracted from a proposed lease area of 36 hectares. Following this, a Tender Notification (No. 1969/Khanij/2019-20) dated November 1, 2019, was issued. This notification concerned Gata No. 1, which covers 36 hectares of land in Village Bartha Korsi, Tehsil Behat, Saharanpur. The tender called for the excavation/mining of the identified 7,56,000 cubic meters of materials, and it was announced through an E-tender-cum-E-auction

process, with the notice uploaded on the designated E-Auction portal. Based on the tender, a Letter of Intent (LoI) was issued for 36 hectares-mine lease area for 5 years by the District Administration to the Applicant on 30.12.2019. The State Government executed a lease deed in favour of the Applicant and riverbed sand mining commenced on 04.04.2021. The mining lease embodies that the Appellant was granted the lease for a total of 7,56,000 cubic meters of mining for five years for 36.00 hectares.

23. The Application for prior EC, along with the Environment Impact Assessment (EIA) report, was submitted by the applicant, M/s Star Mines. Following this, the State Level Environment Impact Assessment Authority (SEIAA) granted Environment Clearance (EC) on 26.03.2021, for the proposed Sand, Bajri, and Boulder mining project at Gata No. 1 in Village Bartha Korsi, Tehsil Behat, District Saharanpur, Uttar Pradesh. The operative part of the Environment Clearance (EC) issued by SEIAA would typically outline specific conditions or guidelines under which the mining activities must operate. A copy of Environment Clearance (EC) issued by SEIAA is enclosed as ANNEXURE R-3 to this Report.

24. The permission for mining was granted by the Mining Department on 01.04.2021. The Applicant had started the mining work on 04.04.2021 and mining work was stopped on 30.06.2021. Thus, the mine was operated for 84 days during which 3,77,748 m<sup>3</sup> Sand / Bajri / Boulder minerals were excavated.

25. An appeal was preferred before the Hon'ble NGT against the order of grant of Environment Clearance (EC) dated 26.03.2021 by the SEIAA, UP primarily on the following grounds:

- i. grant of EC for the area more than the area mentioned in the auctioned notice;
- ii. mining being allowed in-stream and by mechanized methods;
- iii. Cluster Certificate dated 12.03.2020 being incorrect, ignoring that mining had already taken place within 500 meters (even though across the river falling in Haryana);
- iv. EC being granted without requisite replenishment study;
- v. there is a lack of due diligence ignoring that there are five FIRs for illegal mining against the Project Proponent;
- vi. a public hearing has taken place 20 km away from the site;
- vii. the mining commenced without requisite consent from the State Pollution Control Board and
- viii. illegal groundwater extraction, in violation of the Environmental Clearances conditions.

26. The Hon'ble NGT constituted a Four-Member Joint Committee comprising the Central Pollution Control Board, the State Pollution Control Board, a representative of the MoEF&CC, and the District Magistrate, Saharanpur by an order dated 09.06.2021. The Joint Committee was tasked to verify facts and give a report to the Hon'ble Tribunal.

27. The Report of the Joint Committee was filed on 30.03.2022 and the relevant extracts from the report are as follows:

- i. Mining has been started on 04.04.2021 and stopped on 30.06.2021. Thus the mine was operated for 84 days during which 3,77,748 m<sup>3</sup> Sand/Bajri/Boulder minerals have been excavated.
- ii. The proponent has **carried out mining operations without Consent from UPPCB**. They submitted the online application for seeking Consent from UPPCB on 17.06.2021. Based on it, the UPPCB issued a show-cause Notice to the mine on 09.09.2021. The environmental Compensation of Rs. 7,70,000/- is also been proposed for 77 days (01.04.2021-17.06.2021) at the rate of Rs. 10,000/- per day in accordance with the methodology developed by the CPCB.
- iii. No borewell was installed and the **water requirement is being met by taking water tankers from nearby stone crushers**. However, such kind of borrowing water supply for industrial

purposes is a violation under EPA Act, 1986 and both borrower and lender are liable to face legal action.

- iv. Though the representative of the proponent claimed that they had done the plantation but any such **plantation was not visible in the area.**
- v. As per the condition of EC, four Ambient Air Quality monitoring stations were supposed to be established in the core zone as well as a buffer zone. However, **no such air quality station was found at the site.**
- vi. **The roads leading to the mining site have been badly damaged.** Stone crushers and the mine in question are the major industrial activities located in this area and heavy vehicular transport is the major cause of damage to public roads.
- vii. **The proponent has excavated excess than the prescribed daily production limit (i.e., 3360 m<sup>3</sup>) during 62 operational days and excavated around 133062 m<sup>3</sup> excess quantity during those days. Thus, in total, they have excavated around 1,33,062 m<sup>3</sup> excess material than the permitted quantity based on the daily limit.**
- viii. **Cluster certificate dated 12.03.2020 being incorrect, ignoring that mining was already taking place within 500 meters. (Even though across the river falling in Haryana)**

A copy of the Report of the Joint Committee is enclosed as

**ANNEXURE R-17** to this Report.

28. The Joint Committee also suggested the Environmental Compensation/penalty for non-compliance reported by it as follows:

- i. UPPCB has imposed environmental compensation or Rs.7,70,000/- for operation without CTO and CTE under the Air and Water Act for 77 days (01.04.2021- 17.06.2021) at the rate of Rs. 10,000/- per day. However, the mine was operated for 84 days, and hence, environmental compensation will be 8,40,000/-.
- ii. Penalty for unauthorized water usage as per the guideline prepared by CPCB, is a minimum Rs. 1,00,000/- for mining. Hence, the M/S Star Mines is liable to pay Rs. 1,00,000/- for accessing illegal water supply.
- iii. According to the findings of the Joint Committee, there was an over-extraction of 1,33,062 cubic meters of material beyond the permitted daily limit, as specified in the Environmental Clearance (EC) issued by the State Level Environment Impact Assessment Authority (SEIAA). For this, the compensation has been calculated as Rs. 10,91,10,840/-.
- iv. Total Compensation and penalty will be = 8,40,000 + 1,00,000 + 10,91,10,840 = Rs. 11,00,50,840/-.

29. The relevant part of the order dated 10.5.2022 of the Hon'ble NGT is as follows:

*"7. We have heard learned counsel for the parties. It is clear from the report of the joint Committee (Para 6.5) that the mining operations were conducted without requisite consent. Show cause notice was given to the PP and compensation proposed. It is also seen from para 6.6.9 that claim of the PP is that water requirement was being met from tankers from nearby stone crushers but lending of use of water was violation of Rules. No plantations were visible. The PP has excavated excess mined material beyond the permitted quantity. Mining was taking place within 500 meters and cluster certificate dated 12.03.2020 was incorrect. The ground water extraction has taken place without requisite NOC from CGWA. These findings are not in any manner shown to be erroneous. We accept the report to the extent of the violations found.*

*8. However, we find the assessment of compensation for illegal extraction of ground water and for operation without requisite consents to be inadequate. The same need to be calculated with reference to the cost of remediation and financial capacity of the PP which has not been done. In this connection, reference is made to the order of the Tribunal dated 26.02.2021 in O.A. No. 360/2015, National Green Tribunal Bar Association v. Virender Singh (State of Gujarat) & Ors. Relevant part of the order is as follows:- .....*

*9. Accordingly, the State PCB may appropriately enhance the compensation for illegal extraction of ground water and conducting mining without requisite consents within two months, following due process of law.*

10. The assessed compensation may be deposited by the PP within two months with the State PCB to be kept in a separate account and utilized for restoration of environment by preparing a restoration plan by joint Committee of CPCB, State PCB and District Magistrate, Saharanpur. Restoration plan may include plantation, air quality monitoring system, restoration of roads. The Committee may also oversee the execution of the restoration plan, involving appropriate agencies.

*The application is disposed of.”*

30. Based on the findings of the Joint Committee and the order dated 10.5.2022 of the Hon'ble NGT, the CEC felt that the following points become germane to the matter at hand and need to be examined in detail:

- A. Whether before the start of mining, CTO/CTE under the Air Act and Water Act, from UP Pollution Control Board were required or not?
- B. Whether mining was taking place within 500 meters of another existing mine and the Cluster Certificate dated 12.03.2020 was incorrect?
- C. Whether the groundwater extraction has taken place without requisite NOC from CGWA? If not then whether water was borrowed from other sources?
- D. Whether any daily limit has been prescribed for sand mining by any authority, and if yes, whether the leaseholder has excavated excess mined material beyond the permitted quantity?
- E. Whether all the conditions of the Environmental Clearances which inter alia included raising of plantation and installation of four Ambient Air Quality monitoring stations were complied with or not?

31. As mentioned in the preceding paras the CEC has given ample opportunity to the Applicant to present his case. The officers of the Pollution Control Board, UP, and Haryana, the Mining Officers of UP and Haryana, officers of the MoEFCC, the Chairperson of SEIAA of UP, the Director, Department of Mines, UP, and the Member Secretary, UPPCB were also heard by the CEC and their submissions taken on record. The CEC also undertook the site visit of the mining area in the presence of the Applicant, the District Magistrate of Saharanpur, Senior Officers of other relevant Departments, and the local public. Based on the findings of the site visits, documents provided by different Stakeholders, Acts, Rules and Regulations, and Guidelines the analysis of queries raised in para 30 is as follows:

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| <b>Point A</b>  | <b>Whether before the start of mining, CTO/CTE under the Air Act and Water Act from UP Pollution Control Board were required or not?</b>   |
| <b>Analysis</b> | (i) UP Pollution Control Board in their letter dated 19.02.2024 (ANNEXURE R-4) submitted at point (1) that the concerned unit (M/s. Star Mines, Gata No.-1, Yamuna River, Village Barthakorsi, Tehsil Behat, District Saharanpur) was required to obtain Consent to Establish/Consent to Operate (CTE/CTO) from U.P. Pollution Control Board for its mining operation under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 as mining has been listed in red category, which is evident from the directions issued by CPCB vide letter dated |

07.03.2016 and adopted by UPPCB vide letter dated 18.04.2016. In the relevant Annexure, they have used the category (s.no.35) '*Mining and ore beneficiation*' (page no. 93 of this report).

(ii) During the meeting held on 15.02.2024 the representative from MOEFCC was asked to clarify the guidelines issued regarding CTE/CTO for mining operations. MoEFCC vide their letter dated 24.04.2024 (ANNEXURE R-5) in point (xi) (page 112 of this report) clarified that as per the Central Pollution Control Board letter dated 22.09.2023 sand/riverbed mining from the river bed and its flood plains (excluding manual excavation) has been categorized as falling either in red or in orange category and thus require CTE/CTO for running operations. Hence, the submission of the MoEFCC and the UPPCB were not the same.

(iii) The CEC asked UPPCB to clarify this anomaly. In reply to this, the UP Pollution Control Board in their letter dated 22.09.2024 (ANNEXURE R-18) submitted that in the exercise of powers under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, Central Pollution Control Board has issued directions for harmonizing the categorization of various industries vide letter dated 07.03.2016 (page 284 of this report). Vide aforesaid letter '*Excavation of sand from the river bed (excluding manual excavation)*' (original s.no. 24) is covered under the orange category (Page 41, S. No. 1). Hence, Consent to Establish (CTE)/Consent to Operate (CTO) had to be taken under Air Act and Water Act. However, on reading this entry (Page 308 of this report) it is clear that its original category was 'O' i.e. Orange and now vide with this notification of

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|                   | <p>07.03.2016 it is to be categorised by the 'MoEFCC' which was ultimately done by notification dated 22.09.2023 as submitted by MoEFCC on 24.04.2024 and discussed in point (ii) above. Also, they mentioned entry no. 35 as applicable to this unit in their letter on 19.02.2024 and now mentioned entry no.24 as applicable in the extant case in the letter dated 22.09.2024.</p> <p>(iv) The CPCB has categorized 'excavation of sand from River bed/ Sand Mining activity' as an Industrial operation on 22.09.2023 by virtue of directions issued pursuant to the order passed by the Hon'ble Tribunal in OA No. 176 of 2022 titled 'Aman Chaudhary vs. UOI'. (Page 197 of this Report)</p> <p>(v) The Applicant has also apprised the CEC that Sand Mining does not require a CTO/ CTE under the Air Act and Water Act. Further in his additional submissions (ANNEXURE R-7), he has placed on record a copy of the Affidavit filed before Hon'ble NGT by the Director, Geology and Mining UP on 24.04.2023, in OA No. 393 of 2022. titled <i>Ashish Kumar Dwivedi vs. State of UP</i> (page no. 194 of this report) of the affidavit, the State has mentioned that:</p> <p><i>"That pursuant to remarks made in categorization of sector up till now no categorization has been made by MoEF&amp;CC for excavation of sand from the riverbed and therefore the sand mining is not covered under the categorization of industrial sector"</i>.</p> |
| <b>Conclusion</b> | <p>Hence it can be concluded that the applicant was NOT required to obtain Consent to Establish/Consent to Operate (CTE/CTO) from the U.P. Pollution Control Board under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 for carrying out mining operation between 04.04.2021 to 30.06.2021.</p>  |

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| Point B  | Whether mining was taking place within 500 meters of another existing mine and the Cluster Certificate dated 12.03.2020 was incorrect   |
| Analysis | <p>(i) As per '<u>Procedure for Environmental Clearance for Mining of Minor Minerals Including Cluster</u>' (Appendix XI of Ministry of Environment, Forest and Climate Change notification dated 15.01.2016) placed as <b>ANNEXURE R-19</b>, '<i>a cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area</i>'.</p> <p>(ii) The '<u>Procedure for Environmental Clearance for Mining of Minor Minerals Including Cluster</u>' also provides that the Environment Impact Assessment or Environment Management Plan is required to be prepared for the entire cluster to capture all the possible externalities. These reports shall capture the carrying capacity of the cluster, transportation, and related issues, replenishment and recharge issues, and 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. Moreover, there shall be one public consultation for the entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.</p> <p>(iii) Para 4.1.1 (k) of Enforcement &amp; Monitoring Guidelines for Sand Mining 2020 of MoEFCC (<b>ANNEXURE R-20</b>) reads as follows:</p> |

*“Cluster situation shall be examined. A cluster is formed when one mining lease of homogenous mineral is within 500 meters of the other mining lease. In order to reduce the cluster formation mining lease size should be defined in such a way that distance between any two clusters preferably should not be less than 2.5 Km. Mining lease should be defined in such a way that the total area of the mining leases in a cluster should not be more than 10 Ha.”*

In the extant case, the lease itself is 36 ha.

(iv) A Cluster Certificate was issued to the Appellant by the Mining Officer, Saharanpur on 12.03.2020 (**ANNEXURE R-21**)

(v) In Para 8.3 of the order of the Hon'ble NGT (page 55 of this report) following has been mentioned:

*8.3.1. On the day of the visit, any operational mine was **not sighted within a distance of 500 meters** from the mine lease boundary.*

*8.3.2. It was also **informed by the Mining Department that** within a distance of 500 meters from the said mine lease boundary, **neither any mine is operational nor any lease has been allotted in the State of Uttar Pradesh.***

*8.3.3. As per the details provided by the Mining Department, 'Bailgarh South Block/YNR B2' is the nearest mine located in the Haryana state. The coordinates as mentioned in the EC of the mine are used to measure the distance of this mine from the boundary of the mine in question. **The distance between two mines is measured to be around 1.4 KM.***

**8.3.4. Thus, at present no operational mine is located within a distance of 500 m from the mine in question.**

The Joint Committee has also concluded that no operational mine is located within a distance of 500 m from the mine in question.

(vi). Para 6.6.5 and 6.6.6 of Report of the Joint Committee (page 273 of this report) read as follows:

*6.6.5. The portion of the Yamuna River in which the mine in question is located forms the boundary between the states of Uttar Pradesh and Haryana. Though the exact point of the state boundary was not accessible, the concerned officer of the district administration (i.e. Lekhpal) informed that the interstate boundary is approx. 500 meters away from the mine lease area.*

*6.6.6. No operational mine was sighted within a 500-meter distance from the said mine lease boundaries.*

The Joint Committee has further mentioned:

*8.3.1. On the day of the visit, any operational mine was not sighted within a distance of 500 mts. from the mine lease boundary.*

*8.3.2. It was also informed by the Mining Department that within a distance of 500 meters from the said mine lease boundary, neither any mine is operational nor any lease has been allotted in the State of Uttar Pradesh.*

*8.3.3. As per the details provided by Mining Department "Bailgarh South Block / YNR B2" is the nearest mine located in the Haryana state.*

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|                   | <p><i>The coordinates as mentioned in the EC of the mine are used to measure the distance of this mine from the boundary of the mine in question. The distance between two mines is measured to be around 1.4 KM.</i></p> <p><i>8.3.4. Thus, at present no operational mine is located within a distance of 500 m from the mine in question.</i></p> <p>This has been quoted in the order of Hon'ble NGT also. Hence, the Joint Committee has not found any operational mine within a distance of 500 meters from the mine in question.</p> <p>(vii) Thus, during the site inspection no mine was found operational or closed within 500 meters from any of the coordinates of the mine in question.</p> |
| <b>Conclusion</b> | Hence it can be concluded that NO mining was taking place within 500 meters of another existing mine and the Cluster Certificate dated 12.03.2020 was CORRECT.   |
| <b>Point C</b>    | <b>Whether the groundwater extraction has taken place without the requisite NOC from CGWA? If not then whether water was borrowed from others?</b>   |
| <b>Analysis</b>   | (i) The Joint Committee in para 8.7.3 of its report has mentioned that the mine was operated without obtaining NOC from CGWA. It was informed that they have not installed any borewells in the area, and they are borrowing the water from the adjacent industries. However, such a kind of borrowing water supply for industrial purposes is a violation of the law. However, such a kind of borrowing water supply for industrial purposes is a violation under the EPA Act, 1986. And both borrower and lender are liable to face legal action.  |

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|                   | <p>(ii) The requirement of groundwater anticipated while conducting EIA and EC was 18.20 KLD per day (this requirement included 1.50 KLD for drinking water, 12.00 KLD for suppression of dust, and 4.70 KLD for plantation). The requirement analysis was done by the Applicant on the maximum impact assessment under ideal conditions. (ANNEXURE R-9)</p> <p>(iii) The NOC of 18 KLD for groundwater abstraction was issued by the State Ground Water Department on 23.07.2022 for the period of 21.07.2022 till 20.07.2027. Before this NOC, the alternate source of water was through hired tankers which, according to the Applicant, generated local employment of people. As per the Applicant, agreements were made with local people for this arrangement. Copies of such agreements and proof of payments to them have been attached by the applicant in ANNEXURE R-9.</p> <p>(iv) During the site visit this could not be verified. Moreover, agreements done with the so called suppliers were signed in April 2022 whereas the allegations of illegal use of groundwater are from April 2021 to June 2021. Also with the ledger accounts provided with ANNEXURE R-9, the payments shown to these so called vendors have been made on many later dates when the so called supply was taken from them. Hence the plea that an alternate source of water was through hired tankers cannot be accepted.</p> |
| <b>Conclusion</b> | The groundwater extraction has taken place without the requisite NOC from the competent authority.  |
| <b>Point D</b>    | <b>Whether any daily limit has been prescribed for sand mining by any authority, and if yes, whether the leaseholder has excavated excess mined material beyond the permitted quantity?</b>   |

**Analysis**

(i) The Joint Committee has mentioned that during the entire period of mining in 84 days the Applicant exceeded the daily limit on 62 days and thus there was an over-extraction of 1,33,062 m<sup>3</sup> of material beyond the permitted daily limit, as specified in the Environmental Clearance (EC) issued by the State Level Environment Impact Assessment Authority (SEIAA).

(ii) It has also been noted by the Joint Committee that out of 91 days (i.e. during 01.04.2021 – 30.06.2021), the mine production was kept closed for 7 days (during April 01-03, 2021, and June 20-23, 2021). Hence, mine production was carried out only for 84 days.

(iii) The process of granting EC starts with the Application filed in the prescribed Form before the Competent Authority. Nowhere in the Form, the Applicant is required to fill any daily limit. The Appellant has shown a Proposed Capacity of mine/day: 3360 m<sup>3</sup> in the Environment Impact Assessment Report of the Project.

(iv) The EC granted by State Level Environment Impact Assessment Authority, Uttar Pradesh to the Appellant for the said mine on 26.03.2021 mentions about 'Production of mine/day' in point no 20 under the heading 'Salient features of the project as submitted by the project proponent' and not its conditions either General or Specific. Hence no condition of any daily production limit has been imposed by State Level Environment Impact Assessment Authority, Uttar Pradesh while granting EC to the Appellant for this mine.

(v) The Form prescribed by MoEF&CC for the Application for grant of EC in the extant case

(ANNEXURE-22) has no column where any daily limit is to be entered by such Applicants.

(vi) The Director, Department of Mines and Geology, Government of Uttar Pradesh, on 03.09.2024 submitted a letter dated 04.03.2022 (ANNEXURE-23) (English translation is at Page 263 of this Report). The following has been clarified:

1. The daily quantity of mining is mentioned in certain applications submitted by the project proposer for obtaining an environmental clearance certificate of mining areas, but the quantum of annual mining is prescribed in the environmental clearance certificate issued to the applicants. It is worth mentioning that according to the Notification issued by the Ministry of Environment, Forest and Climate Change, Government of India, mining work is prohibited in the monsoon season (July to September). In some mining leases, the remaining quantity is adjusted in other months of the lease year in view of the increase in the water level of the rivers or due to the order of the Hon'ble Court and other miscellaneous reasons. In view of the above, **it is not possible to fix a uniform daily quantity in mining leases.**

2. Rule 28(2)(ii) of the Uttar Pradesh Minor Minerals (Concession) Rules 2021 provides that "the amount payable for the first year will be determined by multiplying mineral quantity mentioned in the environment clearance certificate with the rate obtained in the e-tender/e-auction". Dividing the annual dues under the mining lease into monthly instalments except the monsoon period, is determined

according to the Fifth Schedule under Rule 28(2)(4) of the Uttar Pradesh Minor Minerals (Concession) Rules 2021. **There is no provision to fix the daily quantity for mining in the Rules 2021.**

(vii) The District Survey Report of 04.09.2019, Tender Notification of 01.11.2019 issued prior to the tender being awarded to the Appellant, Letter of Intent dated 30.12.2019, approval of the Mining Plan 13.03.2020, Public Notice dated 16.09.2020, Mining lease dated 01.04.2021 mention only about the annual quantity to be mined as 7,56,000 m<sup>3</sup> per annum. **There is no mention of the daily prescribed quantity of extraction in any of these documents.**

(viii) The Member Secretary, UPPCB was called to the CEC on 15.02.2024, and vide letter dated 19.02.2024 (ANNEXURE R-4) it has been submitted that the project proponent himself proposed that the production of mine would be 3360 m<sup>3</sup> per day as per the point no. 20 of attached environment clearance Accordingly, the project proponent was granted Environment Clearance by SEIAA, UP on 26.03.2021 for collection/extraction of 7,56,000 m<sup>3</sup> per annum. The joint committee concluded that the proponent has excavated excess than the prescribed daily production limit (i.e. 3360 m<sup>3</sup>) during 62 operational days and excavated around 1,33,062 m<sup>3</sup> excess quantity during those days. Thus, in total, they have excavated around 1,33,062 m<sup>3</sup> of excess material than permitted. Here it is worth noting that nowhere in any of the conditions of the EC any daily limit has been prescribed. Hence calling it as prescribed daily limit is not correct.

(ix) The Director, Department of Mines and Geology, Government of Uttar Pradesh, on 03.09.2024 also submitted a letter No. 1407/86-2017-107/2017 dated 11.07.2017 regarding the provisions of EMM-11 forms for transport of minerals. The Director during discussions on 03.09.2024 mentioned that EMM-11 forms are issued electronically and no daily limit is considered for them. For this only the annual limit is sacrosanct and once the annual limit is reached no further EMM-11 can be issued to any miner. In this case, also EMM-11 has been regularly issued to the Appellant without considering any daily limit. Details of such EMM-11 issued during the period of inquiry are on page 261 of this Report.

(x) The District Magistrate of Saharanpur in his letter dated 02.02.2023 addressed to the Director, Environment (**ANNEXURE R-24**) has specifically mentioned that there is no provision for fixing daily limits of mining under the relevant rules.

(xi) The UP Minor Minerals Concession Rules 2021 make no provision for the quantity of daily extraction to be fixed. There is also no notification issued by the MoEF&CC prescribing that any daily quantity of minerals has to be extracted. Even in other mining projects that are evaluated by the Appraisal Committee of the Central Government, which include bigger mining projects having more environmental impact, the clearance is granted for minerals to be extracted on an annual basis without any prescribed daily limit.

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| <b>Conclusion</b> | No daily limit has been prescribed for sand mining in this case, by any authority, and thus the leaseholder cannot be said to have excavated excess mined material beyond the overall annually permitted quantity.   |
| <b>Point E</b>    | <b>Whether all the conditions of the EC which inter alia included raising of plantation and installation of four Ambient Air Quality monitoring stations complied with or not?</b>   |
| <b>Analysis</b>   | <p>(i) The Joint Committee has mentioned that conditions of the raising of plantation and installation of four Ambient Air Quality monitoring stations were not complied with by the Appellant.</p> <p>(ii) During the site visit it was found that some saplings had been planted but they looked as if the plantation were done only recently.</p> <p>(iii) The compliance report of conditions of EC during the period January 2021 to June 2021 (<b>ANNEXURE R-25</b>) was also analysed and the following was observed:</p> <ol style="list-style-type: none"> <li>1. The data has not been filled properly.</li> <li>2. In condition No. 6 monitored data for criteria pollutants shall be regularly uploaded on the company's Website and also displayed on the Website. The answer is vague and no Website was found to be operational.</li> <li>3. In conditions Nos. 12 and 13, answers are unrelated to the condition.</li> <li>4. In most of the conditions, it is simply mentioned "Noted" but no concrete action taken or action plan has been given.</li> </ol> |

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| <b>Conclusion</b> | The conditions of EC regarding the raising of plantation and installation of four Ambient Air Quality monitoring stations were not complied with in time. Compliance of many other conditions was also not entirely up to the mark. |
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## RECOMMENDATIONS

32. The Central Empowered Committee (CEC), through its interactions, has noted that some project proponents, including the Appellant, do not fully understand or appreciate these conditions. Their responses regarding how they intend to meet the environmental standards have been vague or superficial, which indicates a need for greater awareness and education. To address this issue, the CEC recommends that State Pollution Control Boards (SPCBs) take proactive steps to educate smaller enterprises about their obligations. This includes not only the legal ramifications of failing to comply with the EC conditions but also their ethical responsibilities towards environmental protection. By ensuring that businesses fully understand and implement EC requirements, authorities can foster better compliance, safeguard environmental standards, and mitigate the risk of penalties or legal action for non-compliance.

33. The Appellant has violated the following conditions of EC:
- a. **Groundwater Extraction without NOC:** The Appellant extracted groundwater without obtaining the required No Objection Certificate (NOC) from the competent authority, which is a clear legal violation.
  - b. **Non-compliance with certain key Environmental Clearance Conditions:** The Appellant failed to comply in time with the following critical conditions of the Environmental Clearance, such as:
    - o **Raising of plantations of indigenous trees:** This condition, meant to contribute to environmental restoration, was not fulfilled on time.
    - o **Installation of Ambient Air Quality Monitoring Stations:** Four stations were required but were not installed on time as mandated by the Environmental Clearance.

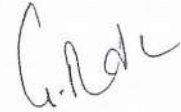
However, it is noted that the Appellant has subsequently installed the required four Ambient Air Quality Monitoring Stations and raised the plantation, albeit belatedly. Moreover, given the nature of mining operations, which involve the transportation of minerals using heavy trucks and machinery, it is recommended that the Appellant should also be directed to undertake periodic repair and maintenance of roads within at least one kilometer of every entry and exit point of

the mining area. This measure would mitigate the environmental and infrastructural impact of heavy traffic and ensure better compliance with environmental standards.

34. Considering all the relevant factors and based on the documents as analysed above, the CEC also submits that the Appellant shall not be held responsible for the following:

- i) For not obtaining Consent to Establish and Consent to Operate (CTE and CTO) from the U.P. Pollution Control Board under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, and Air (Prevention and Control of Pollution) Act, 1981 for carrying out mining operation between 04.04.2021 to 30.06.2021 as it was not required as per the extant rules.
- ii) For the excavation of excess mined material beyond the daily permitted quantity, as neither there is a provision prescribing any daily limit in such mining nor it was explicitly prescribed.
- iii) For not getting the EIA done as a "cluster", as the mine of the Appellant does not fall in a cluster.

This report has the approval of the Chairman and all Members of the CEC and is submitted for the kind consideration of this Hon'ble Court.



**(Banumathi G.)  
Member Secretary**

**Dated 27.9.2024**

*V. S. D.*  
**\\TRUE COPY\\**



176

Dalmia Law Office &lt;dalmialawoffices@gmail.com&gt;

**PROOF OF SERVICE****Service of Reply on behalf of Respondent no. 9 in OA no. 90 of 2020**

1 message

**Dalmia Law Office** <dalmialawoffices@gmail.com>

Mon, Mar 31, 2025 at 10:09 PM

To: Ajit Sharma <sharma.ajit@gmail.com>, dgmupexp@gmail.com, dmsah@nic.in, "saharanpurmo@gmail.com" <saharanpurmo@gmail.com>, secy-moef@nic.in, "nodalseiaaup@gmail.com" <nodalseiaaup@gmail.com>, Suhasini Sen <suhasini.sen@gmail.com>, priyanka swami <advpriyankaswami@gmail.com>



##Final - PRAMOD - REPLY - NGT - STAR

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Sir

Kindly find the enclosed reply filed on behalf of Respondent No 9 in the above captioned matter.

Regards

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