



उत्तर प्रदेश UTTAR PRADESH

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Atharva Construction Co.
Manoj Kumar
Proprietor

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before me by who is wner
identified by Mr.

Pankaj Agarwal Advocate
GOVERNMENT OF INDIA

क्र. 2543 दिनांक 21/11/2024

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स. नं. 10/2024-25
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI

Original Application No.286 of 2024

Abhishek Shukla S/O Sri Keshav Prasad Shukla, R/O Village Jara,
PS-Girwan, Tahsil Naraini, District-Banda.

.....Applicant

Versus

Atharva Construction Company,

Through its Proprietor Shrawan Kumar Singh

.....Respondent

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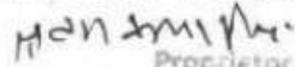
Dated : July, 2024


(SYED MOHD. FAZAL)
Advocate

(Enrollment No.U.P.03881/28)
Office cum residence C-207
GTB Nagar, Kareli,
Allahabad/Prayagraj UP 211016,
Mobile no.9889010500



Atharva Construction Co.


Proprietor

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

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Abhishek Shukla S/O Sri Keshav Prasad Shukla, R/O Village Jarar,
PS-Girwan, Tahsil Naraini, District-Banda.

.....Applicant

Versus

Athary Construction Company.

Through its Proprietor Shrawan Kumar SinghRespondent

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT in compliance to
the order dated 20 May, 2024 passed by this Hon'ble Tribunal.**

I, Shrawan Kumar Singh, S/o Late Vishnu Pal Singh, aged 46 years, Resident of Plot no.3 Ashutosh Housing Society, Rampuram, Phase-1, Dahali Sujanpur, Shyamnagar, Kanpur (UP), the deponent do hereby solemnly affirm and State on oath as under :-

1. That it is relevant to submit herein that vide order dated 26.04.2024 cost was imposed on the applicant for delay in filing of reply before this Hon'ble Tribunal and the matter was again posted on 20.05.2024 for further consideration.
2. That it is worthwhile the mention herein that on 26.04.2024 in five of the connected matter i.e. Original Application No.285/2024 (Abhishek Shukla Vs. M/s Ureca Mines and Mineral LLP and others), Original Application no.290/2024 (Abhishek Shukla Vs. Sulabh Saxena), Original Application No.295/2024 (Abhishek Shukla Vs. Kunwar Vinod Ram), Original Application No.297/2024 (Abhishek Shukla Vs. Maa Vindwasini Stone Works) and Original Application No.299/2024 (Abhishek Shukla Vs. M/s A.H.V.S. Ifra LLP and others) arising out of the lead consolidated matter i.e. Original Application no.422/2023 (Abhishek Shukla Vs. Safdar Ali and others) were finally disposed of with directions mentioned in the judgment and orders dated 26.04.2024.

It is worthwhile to mention herein that the matter of the applicant is identical to the above mentioned five cases and the applicant seeks parity of the order of the order dated 26.04.2024 passed in all the above five cases before this Hon'ble Court and the applicant prays that the present matter may also be disposed of in



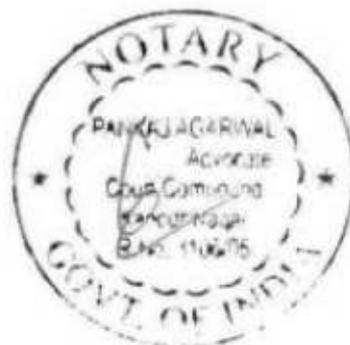
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H O N S M I A C
REGD. OFFICE

terms of the order mentioned therein. A true copy of the one of the order dated 26.04.2024 passed in one of the Original Application No.295/2024 (Abhishek Shukla Vs. Kunwar Vinod Ram) is being filed herewith and marked as **Annexure No.1** to this affidavit.

3. That in compliance of the order dated 20.05.2024; the applicant is bringing on record a copy of the Environment Impact Assessment Report (EIA) on record. A true copy of the final EIA Report is being filed herewith and marked as **Annexure No.2** to this affidavit.
4. That certain relevant facts regarding the mining operations of minor mineral by the answering respondent wherein the mining operations are being conducted by way of cutting of hills, certain necessary facts which are necessary for the queries regarding mining operations made by this Hon'ble Tribunal, is being brought before this Hon'ble Court as mentioned below:-
 - I. The mining activities of minor minerals in the leased area of the answering respondents are allowed in pursuant to the district survey report prepared by the mining department after getting joint inspection of forest department, irrigation department and other departments and only after district survey report was conducted then only, the present leased area was put to auction by way of advertisement.
 - II. The mining plan was prepared by the project proponent for scientific mining activities for conducting mining operations in a scientific manner which is subject to approval from Director General Mines and Safety Lucknow and after such approval is accorded to the applicant then only the lease deed was registered.
 - III. The leased area of the answering respondent is a pure waste land having undulating surface surrounded by barren land which has less vegetation of low economic value as such there is no loss to vegetation by the mining operations of the applicant.
 - IV. There is no eco sensitive zone and eco sensitive area within the 10 Kms of the leased area so there is no ecological loss from the mining operations of the answering respondent.
 - V. The Environmental Impact Assessment has been done in case of the answering respondent in which all adverse impact and there mitigation measures have been studied.

Atharva Construction Co.

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Proprietor



- VI. The reclamation of mined out land will be given due importance as a step for sound land resource management in the form of reclaimed land and water body. This activity will act as the natural rain water collection pond which will help to reduce the water crisis of the nearby area.
 - VII. Mining activity will help in the Nation building and developmental activities.
 - VIII. Stone mined out from the mine is being and continued to be used as boulders of different sizes for River Anti erosion, Dam construction, embankment works etc.
 - IX. After crushing into different sizes of aggregates from 6mm to 63mm, the product can be used in construction and road projects, infrastructure etc.
 - X. It is a major source of State Revue generation.
 - XI. Local people get employment from it.
5. That it is also relevant to submit herein that environmental clearance to the applicant was considered finally on 20.04.2022 in the 585th meeting of the State Level Environmental Impact Assessment Authority in pursuant to the recommendations by SEAC to grant the environmental clearance vide meeting dated 23.07.2021 of its 552nd SEAC meeting. A true copy of the minutes 585th meeting dated 20.04.2022 alongwith 552nd meeting of SEAC dated 23.07.2021 are collectively being filed herewith and marked as Annexure No.3 to this affidavit.

VERIFICATION:

I, the above named deponent do verify that the content of my above affidavit are true to the best of knowledge and belief and there is nothing concealed therefrom.

Verified at Banda on this day of July, 2024.

Deponent

Atharva
9/1/24
Proprietor



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Annexure No.1

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Item No. 17

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 295/2024

1. Abhishek Shukla,
S/o Keshav Prasad Shukla,
Resident of Village Jarar,
Police Station Girwas,
Tehsil Nareni, District Banda,
Uttar Pradesh.

...Applicant

Versus

1. M/S Kunwar Vinod Ram, Gata No. 332,
Khand No -01, Village Badokhar Khurd,
Tehsil Nareni, District Banda,
Uttar Pradesh.

2. State of Uttar Pradesh,
Through Chief Secretary, Government of Uttar Pradesh,
Secretariat, 5th Floor, Lucknow-226001,
Email: cs-up@nic.in.

**3. Principal Secretary, Environment, Forest and Climate Change
Department,**
State of Uttar Pradesh,
17, Rana Pratap Marg, Lucknow, (U.P.), 226001,
Email: pccf-up@nic.in.

4. Director, Directorate of Geology and Mining, Uttar Pradesh,
Khanij Bhawan 27/8, Raja Ram Mohan Rai Marg,
Lucknow-226001 Phone No. - 0522-2205904,
Email: dgmupexp@gmail.com.

5. Director General of Mines Safety,
Ministry of Labour and Employment, Dhanbad, Jharkhand,
Hirapur, Dhanbad, Jharkhand, 826001,
Email- dir.soma@dgms.gov.in.

6. Uttar Pradesh Pollution Control Board,
Through Member Secretary,
Vibhuti Khand, Gomti Nagar, Uttar Pradesh-221301,
Email: ms@uppecb.com.

7. District Magistrate, Banda
District Magistrate Office, Collectorate, Banda-210001 (UP),



Atharva Construction Co.
Proprietor

O.A. No. 295/2024

Abhishek Shukla Vs. Kunwar Vinod Ram & Ors.

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Email : dmban@nic.in.

...Respondents

Date of hearing: 26.04.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the applicant.

Respondents: Mr. Manoj Kumar, Advocate for respondent no.1-
Project Proponent-M/s. Kunwar Vinod Ram.
Mr. G. G. C. George and Ms. Barkha Singh, Advocates
for Respondents No.2, 3, 5 and 7.
Mr. Mukesh Verma, Advocate for Respondent No. 4.
Mr. Pradeep Mishra, Advocate for Respondent No.6.

Application is registered based on a letter petition received by Post

ORDER

1. Abhishek Shukla s/o Keshav Prasad Shukla resident of Village Jarar, Police Station Girwas, Tehsil Nareni, District Banda, Uttar Pradesh has sent the present letter petition which was treated and registered as Original Application No. 422/2023.

2. In the letter petition the applicant submitted that six mining leases have been allotted in two hills situated in the area of village Jarar. Five crushers have been established in Village Jarar and Chhaneha Purwa. Mining is being done by resorting to illegal blasting which has resulted in damage to the houses of villagers. The crushers are being operated day and night. The crushers do not have any boundary wall. There is no sprinkling of water during operation thereof. The crushers are causing dust and noise pollution due to which the residents are suffering from Asthma and other diseases. Illegal blasting has also affected old temples located on the hills. Illegal mining and blasting are also adversely affecting the wildlife in the area. The roads to the above said villages have been damaged by the overloaded vehicles used for

Atharva Construction Co.
M/s. M/s. M/s.
Proprietor



transportation of excavated minor minerals.

3. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as under:-

विषय: पहाड़ों में अवैध ब्लास्टिंग, मानक विपरीत चल रही क्रेसर से बरबाद हो रही फसलें, नष्ट हो रहा पर्यावरण, संकट में जनजीवन और जिम्मेदारों की अनदेखी के सम्बन्ध में।

महोदय,

बिन्दु-1 थाना गिरवाँ ग्राम जरर में स्थित दो पहाड़ों में लगभग 6 फुट स्वीकृत हैं जिनमें 6 इंच का होल करके ब्लास्टिंग की जाती है। जिससे पूरा गांव हिल जाता है, ब्लास्टिंग का कोई समय भी निर्धारित नहीं है गांव के कई घरों में दरारें भी आ गयी हैं। ब्लास्टिंग के दौरान पत्थर के टुकड़े लोगों के घरों और खेतों में गिरते हैं जिससे हर समय जान का खतरा बना रहता है। छोटे से पहाड़ में 5 फुटों का स्वीकृत किया जाना एक घनघोर लापरवाही है। पहाड़ समाप्त होने से पर्यावरण को व जीव जन्तुओं को भारी नुकसान हो रहा है।

बिन्दु-2 ग्राम जरर स्थित पहाड़ में पौराणिक शिव मंदिर है जिसमें प्रतिवर्ष बसंत पंचमी में मेला लगता है यहां बहुतायक संख्या में राष्ट्रीय पक्षी मोर विचरण करते हैं, हजारों लोगों की आस्था जुड़ी हुई है पर जब से अवैध ब्लास्टिंग आरंभ हुई है तब से सभी मोर गायब हैं और पहाड़ में रहने वाले बंदर, सांप व पक्षी भी नहीं बचे हैं। ब्लास्टिंग की वजह से पहाड़ में रहने वाले बंदर लोगों के घरों में घुस रहे हैं और नुकसान पहुंचा रहे हैं।

बिन्दु-3 ग्राम जरर व उसके मजरा छनिहापुरवा में 5 क्रेसर लगी हुई है किसी भी क्रेसर में बाउण्ड्रीवाल नहीं है, पानी नहीं छिड़का जाता है रात और दिन बराबर डस्ट उड़ती है, पत्थर की डस्ट से हजारों बीघा उपजाऊ जमीन स्थायी रूप से नष्ट होने की कगार पर है। वहीं ग्रामीण लोग सिलकोसिस और अस्थमा जैसी बीमारियों का शिकार हो रहे हैं। बगल में ही प्राइमरी विद्यालय है जहां बच्चों के स्वास्थ्य पर असर पड़ रहा है।

बिन्दु-4 ग्राम जरर मजरा छनिहा पुरवा, रधवापुरवा में उपजाऊ जमीन के बीच सभी क्रेसर लगी हुई हैं प्रशासन व संबंधित विभागों द्वारा आख मूंदकर व आफिस में बैठकर सर्वे करके अनुमति दी गयी है। किसान अपनी आखों के सामने फसलों को बरबाद होते देख रहा है रात दिन चलने वाली क्रेसरों से ध्वनि प्रदूषण हो रहा है ग्रामीण रात में सो नहीं पाते हैं।

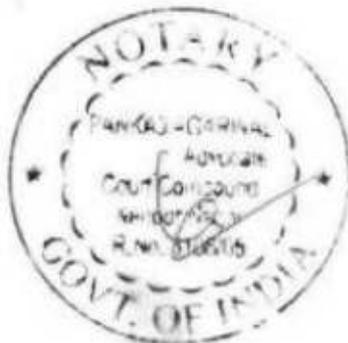
बिन्दु-5 ग्राम जरर मजरा छनिहापुरवा, रधवापुरवा के सभी रास्ते पूरी तरह से जर्जर हो चुके हैं ओवर लोड परिवहन से सड़के ध्वस्त हो चुकी हैं यहां से निकलने वाले ओवरलोड टुक धूल उड़ाते हैं जो खेतों में और लोगों के फेफड़ों में जमा होती है।

बिन्दु-6 ऐसी ही स्थिति गिरवाँ के पहाड़ों व क्रेसरों में भी है गिरवाँ स्थित गोशाला में गायें मर रही हैं और गिरवाँ स्थित पौराणिक मंदिर भूतेश्वर बाबा खतरे में है। गिरवाँ के ग्रामीण ब्लास्टिंग की वजह से मौत के साथे में जी रहे हैं।

बिन्दु-7 थाना गिरवाँ ग्राम पतरहा के पहाड़ में स्थित शिव मंदिर किशंगुर बाबा का प्रांगण दरक रहा है और यह पौराणिक मंदिर खतरे में है। पतरहा गांव में होने वाले अवैध ब्लास्ट से लोगों के घरों की छत दरक गयी है और लोग अपने घरों के आंगन व छतों में नहीं जा पाते हैं।

श्रीमान जी यदि गिरवाँ, पतरहा व जरर में अवैध ब्लास्टिंग मानक विहीन क्रेसर संचालन, ओवर लोड परिवहन नहीं रोका गया तो हजारों की संख्या में लोग

Atharva Construction Co.
Proprietor



पलायन कर जायेंगे, मीते होंगी और भयानक पर्यावरण असंतुलन पैदा होगा जिससे दैवीय आपदायें आयेंगी इसलिए जल्द ही कार्यवाही सुनिश्चित करें। उपरोक्त लिखे गये पत्र के संबंध में सभी साक्ष्य संलग्न हैं।”

4. This Tribunal took cognizance and vide order dated 01.08.2023 constituted a joint committee to verify the factual position and take appropriate remedial action in accordance with law and submit factual and action taken report. The relevant part of the order reads as under:-

“...3. Prima facie, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representative of Director, Geology and Mining, Uttar Pradesh, State PCB and District Magistrate, Banda and direct the same to meet within one week, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponents, verify the factual position and take appropriate remedial action by following due course of law and giving opportunity of being heard to the project proponents. The Committee shall also give factual status on compliance by the Project Proponents with EC and CTE/CTO conditions and shall also report about damage caused to the houses of villagers and environment due to illegal blasting and suggest remedial measures. The State PCB will be the nodal agency for coordination and compliance.

5. Factual and Action taken Report may be submitted within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF...”

5. In compliance of order dated 01.08.2023, report of the Joint Committee has been filed vide email dated 08.09.2023. The relevant part of the report is reproduced below:-

“Hon'ble National Green Tribunal, Principal Bench, New Delhi passed order on dated 01.08.2023 in the matter of

Ashava Construction Co.

M. D. N. Singh
Proprietor



O.A. No- 422/2023, Abhishek Shukla versus State of Uttar Pradesh and others. The operative part of the order is as follows: -

X X X X
2. In compliance of direction issued by Hon'ble National Green Tribunal following members have been nominated for the said Joint Committee by the concern departments regarding compliance of above Hon'ble National Green Tribunal order: -

Sr. No	Name	Designation	Member nominated by
1	Shri Umakant Tripathi	ADM(F/R), District - Banda	District Magistrate, Banda
2	Shri B. P. Yadav	Senior Mine Officer	Geology and Mining, Uttar Pradesh
4	Shri Rajendra Prasad	Regional Officer, U.P. Pollution Control Board,	UPPCB

3. Hon'ble NGT vide order dated 01.08.2023, the Joint Committee is directed to undertake visits the site and look into the grievances of the applicant, associate the applicant and representative of the concerned project proponents, verify the factual position and take appropriate remedial action by following due course of law and giving opportunity of being heard to the project proponents. It is also directed to Committee to give factual status on compliance by the Project Proponents with EC and CTE/CTO conditions and report about damage caused to the houses of villagers and environment due to illegal blasting and suggest remedial measures.

4. The nominated Joint Committee Members has carried out the field survey on 17.08.2023 and 18.08.2023. During the field visit/survey, the committee members interacted with the applicant, Mr. Abhishek Shukla and representative of the concerned project proponents of mining lessee and stone crusher.

5. As per information provided by Mining Officer, Banda, the following lease mining are allotted at hill of village- Jarar, Girawa and Pataraha, Tehsil- Naraini, District- Banda on identified place by applicant. Annexure-1. The issued date of Environmental Clearance (EC), Registered Lease Agreement (MM6), DGMS permission and Consent to Operate (CTO) to lease mining are given as below: -

Atharva Construction Co.

H/dn *[Signature]*
Proprietor



Sr No	Location of mining lease	Sanctions lease area and capacity	Date of EC issued by SEIAA	Lease Agreement date	Date of DGMS Permission	Date of CTO issued by UPPCB
1	2	3	4	5	6	7
1	Safdar Ali S/o Late Shri Farzand Ali, Gata No.-2450, Khanda No.-03, at Village-Jarar	Lease Area- 2.0 Hac. Capacity-20000 Cub. Mtr/ Year	05.10.2020	09.11.2020	27.04.2023	20.04.2023
2	Mumtaj Ali S/o Late Farzand Ali, Gata No.- 2450, Khanda No.- 05, Village-Jarar	Lease Area- 2.0 Hac. Capacity-20000 Cub. Mtr/ Year	05.10.2020	09.11.2020	01.06.2023	31.05.2023
3	EUREKA MINES AND MINERALS LLP, GATA No. 2451, KHAND No. 01, Village-Jarar	Lease Area- 2.5 Hac. Capacity-25000 Cub. Mtr/ Year	30.12.2021	05.01.2022	29.07.2022	06.11.2022
4	Aihary Construction company (Shri Shrawan Kumar Singh S/o Shri Vishnupal Singh), Gata No.-2451, Khand No.-02, at Village-Jarar	Lease Area- 1.21 Hac. Capacity-12100 Cub. Mtr/ Year	06.05.2022	22.07.2022	-	05.08.2023
5	SHIVARPAN TRADING COMPANY, Gata No. 2450, Khand No. 06, Vill. Jarar	Lease Area- 2.01 Hac. Capacity-20000 Cub. Mtr/ Year	05.06.2023	17.04.2023	-	15.07.2023
6	Jasmit Kaur Malhotra, Gata No - 1876, Khand no- 5, Village-Girwan	Lease Area- 1.21 Hac. Capacity- 12100 Cub. Mtr/ Year	23.06.2020	22.10.2020	11.04.2023	9.06.2022
7	SANGRAM SINGH, GATA No. 1876, KHAND No.- 01, Village-Girwan	Lease Area- 2.02 Hac. Capacity- 20200 Cub. Mtr/ Year	11.08.2022	09.11.2020	11.04.2022	16.12.2022

Atharva Construction Co.
 H/dn dmit Me
 Proprietor



8	Sulabh Saxena Gata No - 1876 (Khand No - 02), Village- Girwan	Lease Area- 0.8 Hac. Capacity- 8000 Cub. Mtr/ Year	08.11.2020	18.12.2020	11.06.2023	09.06.2022
9	Bajrang Road Lines (Shri Suresh Pratap Singh), Gata No - 1876, Khand No - 03, Village-	Lease Area- 1.41 Hac. Capacity- 14100 Cub. Mtr/ Year	14.12.2021	03.01.2022	-	03.06.2023
10	Bajrang Road Lines (Shri Suresh Pratap Singh), Gata No - 1876, Khand No - 04, Village- Girwan	Lease Area- 1.21 Hac. Capacity- 12100 Cub. Mtr/ Year	14.12.2021	03.01.2022	30.09.2022	03.06.2023
	BLUNDELKHA ND ROCKS, Gata No- 1876, (Khand No.09), Village- Girwan	Lease Area- 0.51 Hac. Capacity- 5000 Cub Mtr/Year	07.05.2022	08.07.2022	-	26.02.2023

X X X X
6. As per information provided by Mining Officer, Banda, mining lease mention in serial number - 1, 2, 3, 6, 7, 8 and 10 have obtained DGMS permission for blasting and rest lease mining have applied for DGMS permission.

As per information provided by Mining Officer, Banda based on MM11, out of 05 mining lease on hill of village- Jarar, 04 mining lease are operational and 01 mining lease (Shivarpan Trading Company, Gata No. 2450, Khand No. 06, Vill. Jarar) is not operational. Out of 07 mining lease on hill of village- Girwan, 06 mining lease are operational and 01 mining lease (Bundelkhand Rocks, Gata No-1876, Khand No- 07), Village- Girwan) is not operational. Out of 04 mining lease on hill of village-Badokhar Khurd (Pataraha), all mining lease are operational. The production reported based on the eMM11 is given on the basis of detail provided by Mining Officer, Banda at Annexure I.

7. During the committee visit, applicant raised his allegation that blasting is carried out any time with 4 inches holes, cracks made in home due to blasting, stone pieces fall in village and farmer field, damage village road and damage the wild animal and environment, damage the temple situated on hills of village - Jarar, Girwan and Badokhar Khurd (Pataraha). It is also informed by applicant that due to generating dust during operation of stone crusher in village- Jarar (Chhaneha Purwa, Raghvapurwa), the crops are damaged and dust suppression system is not operated.

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The committee interacted with the applicant & villagers and also visited the point of concerns raised in the application. It was observed by the committee during the site visit, details are given as below: -

7.1) The main habitation of village- Jarar is situated 135 meters away from the nearest allotted lease mining on hill of village- Jarar, but some houses are made near the allotted lease M/s Sajdar Ali S/o Late Shri Farzand Ali, Gata No -2450, Khand No.- 03, at Village-Jarar. Temple is situated 235 meters away from the allotted lease mining on other part of hill of village- Jarar.

7.2) The main habitation of village- Girwan is situated 175 meters away from the allotted lease (Bundelkhand Rocks, Gata No-1876, (Khand No.09, Village- Girwan), 36 meters away from the allotted lease (Sangram Singh, Gata no- 1876, Khand no. 01, Vill. Girwan), 139 meters-away from the allotted lease (Bajrang Road Lines, Gata No.- 1876, Khand No.- 03, Village- Girwan) and 90 meters away from the allotted lease (Bajrang Road Lines, Gata No.- 1876, Khand No.- 04, Village- Girwan) on hill of village- Girwan but some houses are made near the allotted lease M/s Sangram Singh, Gata no- 1876, Khand no. 01, Vill. Girwan, Bajrang Road Lines, Gata No.- 1876, Khand No.- 03, Village- Girwan.

Temple is situated 70 meters away from the allotted lease (Bundelkhand Rocks, Gata No-1876, Khand No.09, Village- Girwan). Temple is situated 53 meters away from the allotted lease mining (M/s Sangram Sigh, Gata No. 1876, Khand No. 01, Vill-Girwan) on other part of hill of village- Girwan. It is reported by Mine Officer, Banda that mining lease of M/s Sangram Sigh, Gata No. 1876, Khand No. 01, Girwan, Gata is allotted on same

hill part where temple is made but mining is not in operation.

7.3) Gaushala is situated 100 meters away from the allotted lease mining area on hill of village- Girwan.

7.4) The main habitation of village- Badokhar Khurd (Pataraha) is situated 75 meters away from the nearest allotted lease mining on hill of village- Badokhar Khurd (Pataraha), Temple is situated 100 meters away from allotted lease mining Kunwar Vinod Raja, Gata No. 332, Khand No -01, Vill. Badokhar Khurd on hill of village-Badokhar Khurd.

7.5) It was informed by the villagers to committee member during the visit that blasting work in lease area is done in any time with 4 inches holes by lessee and stone pieces are falling on his home and effected the animal and human being. But it was informed by lease holders that blasting is done in allowed time duration between 2.0 PM to 3.0 PM with one-inch holes and proper safety.

7.6) Crack in home could not been shown by applicant to committee members.

7.7) During the committee visit, stone pieces were not found in agriculture field and habitant area. The possibility of vibrations due the blasting at nearby houses of villagers and falling the stone pieces in nearby agriculture field and habitant area during blasting cannot be ruled out.

7.8) During the committee visit, Village Road was not found in

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good condition due to movement of heavy vehicles

7.9) Wild animal was not appeared on hill/ lease area during committee visit.

7.10) The agricultural lands are surrounded by most of these mining lease areas and the mining activities in such close vicinity can affect the crop yield in these areas. Similarly, the boulder stones can be thrown into these crops during the blasting operations for mining.

7.11) 05 stone crushers were identified in village- Jarar (Chhaneha Purwa, Raghwapurwa), out of 5 stone crushers 4 stone crushers were found in operation and one stone crusher was found under construction.

8. From the details given at the annexure-2, it reveals that Residential area is located 17 meters from M/s Sangram Singh, Gata no- 1876, Khand no. 01, Vill. Girwan and 11 meters from M/s Bajrang Road Lines, Gata No.- 1876, Khand No.- 03, Village- Girwan, remaining all the lease areas are located within 500 m from the nearest residential area. As per the lease is allotted beyond 50 m from habitant area.

9. The public road is passing through the said mining lease area.

10. One Pond/ Lake is located in adjacent the hill of Girwan.

11. During the committee visit, excavated deep pit was found on each mining lease area. It was informed by Mining Officer, Banda and Mining Lessee to committee members that mining has been done by previous mine lease holders before re allotment to present lessee on same place.

12. In compliance of direction issued by Hon'ble National Green Tribunal, observation of non-compliance of Environmental Clearance and CTE/CTO are given as below:-

12.1) 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

None of the mine have provided the details about the funds earmarked for environmental protection measures to UPPCB. It was informed by mining lessee that expenditure allotted in EMP head is being utilized in same purpose.

12.2) Sprinkling of water on haul roads to control dust will be ensured by the project proponent

During the visit, it is reported by lessee that arrangement for sprinkling of water through tanker on haul roads to control dust is done. Tanker was found on lease mining place.

12.3) 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 program besides tree plantation. The company shall involve local people for plantation program. Details of year wise afforestation program including rehabilitation of mined out area shall be submitted to the Regional Office, MoEF&CC, Gol, Lucknow every year.

The proposal for tree plantation and green belt development has

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been mentioned in the Environmental Management plans submitted by these mines. However, to date, no related activity has been initiated on the ground by any of the mines.

12.4) Appropriate arrangement for shelter and drinking water for the mining workers must be ensured at the mining site.

Arrangement for shelter and drinking water has been provided by lease mine.

12.5) 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.

None of the village road near these mining sites have been maintained and black topped by the proponents.

12.6) 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, Gol, 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.

Committee found one pond/lake is located within 5 KM from these mines. The monitoring of this pond/lake has not carried out by any of the mine.

12.7) 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, Gol, Lucknow and U.P. Pollution Control Board regularly. Monitoring report have not been submitted regularly to UPPCB. Some lessees have submitted compliance report and monitoring report presently.

12.8) 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- 65/2017-1A.111 dated 01/05/2018. Work to be executed with installation of five hand pumps of 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.

The details of the activities carried out by these mining projects under CSR/CER activities are found at ground during the visit. It was informed by the Mine Office, Banda that CSR/CER activities is being initiated with district administration and mining lessee.

12.9) 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.

During any visit of the committee, transportation was not found at the site. Hence, the status could not be verified. However, in general, it has been observed covering is not being used by most of vehicle during transportation.

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12.10) 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.

No such study has been carried out by these mines.

12.11) The following conditions are mentioned about blasting: -

12.11.1) Controlled blasting techniques with sequential blasting shall be adopted. The blasting shall be carried out in the day time only.

12.11.2) Blast vibrations study shall be conducted and an observation report submitted to the regional office, MoE&CC, Govt. Lucknow and UPPCB within six months. The report shall also include measures for prevention of blasting associated impact on nearby houses and agricultural fields.

12.11.3) The blasting will be done only after getting the permission, from the Mining Department.

The blast vibration study reports have not been submitted by any of the mine to UPPCB. And as informed by the mining department, some mines are not obtaining approval for blasting from them.

12.12) The condition of progressive mine with 6m bench has been mentioned in the Environment Clearance and mining lease document. However, on ground no such bench/progressive mining operations were found in any of the mining project lease area.

12.13) The lease allotment was done only based on environmental clearance. Although proponent had not obtained consent under the Water (Prevention & Control of Pollution), Act 1974 and Air (Prevention and Control of Pollution), Act 1981 before the start of mining operations however the all-project proponent have obtained the consent to Operate (CTO) in present.

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21. Finding and recommendations:

21.1) The mining department can be asked to restrict the mining activities in those mines wherein the required minimum distance criteria are not meeting. If mining is allowed on allotted near vicinity of habitant, habitant will be relocated to other specific place with consultation of nearby villagers/ civil society.

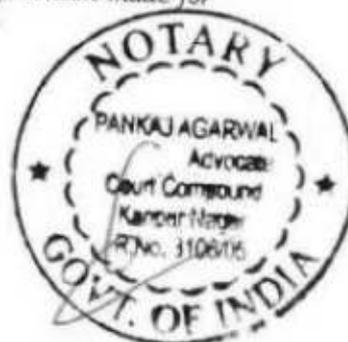
21.2) The mining department can be asked to restrict the mining activities in part of hill where temple is located. If mining is permitted at this place, the temple and habitant will be relocated to other specific place with consultation of nearby villagers/ civil society/priest of temple.

21.3) The mining department can be asked to restrict the mining activities through blasting in those mines who have not taken permission by DGMS for use the blasting and mechanical instrument/machine.

21.4) The mining department can be asked to provision made for construction the main village road by DMF fund.

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21.5) UPPCB can be asked to take necessary action against the stone crusher who have not operated the dust suppression system during the operation of stone crusher.

21.6) The project proponent can be asked to maintain the village road near these mining sites.

21.7) The project proponent can be asked for blasting will be done in allowed time duration with one-inch holes and proper safety arrangement after obtaining the valid permission of the DGMS and Department of Mines.

21.8) The project proponent of mining lease and stone crusher can be asked to strictly comply with the conditions prescribed in the Environmental Clearance/ consent/ mining lease allotment letter and submit the status to the concerned authorities regularly."

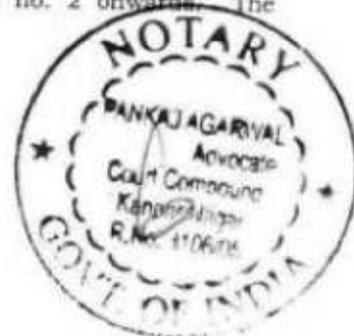
6. Vide order dated 03.10.2023 this Tribunal impleaded State of Uttar Pradesh through Chief Secretary, Government of Uttar Pradesh; Principal Secretary, Environment, Forest and Climate Change Department, State of Uttar Pradesh; Director, Directorate of Geology and Mining, Uttar Pradesh; Director General of Mines Safety, Directorate General of Mines Safety, Ministry of Labour and Employment, Dhanbad, Jharkhand; Uttar Pradesh State Pollution Control Board; District Magistrate, Banda and all the 21 (twenty one) project proponents and ordered issuance of notices to them with further directions that notices be served on respondents no. 6 to 27 through the District Magistrate, Banda.

7. Vide order dated 08.02.2024 cases against each of the Project Proponents were ordered to be separated and to be separately registered as original applications so that separate proceedings are conducted for considering the question of environmental violations, verifying compliance and taking remedial measures against each of the Project Proponents separately.

8. In order to avoid duplicacy of names in the cause titles of the cases so separated, it was directed that in cases so separated name of the Project Proponent be kept at serial no.1 while preparing the memo of parties and names of other respondents be mentioned at serial no. 2 onwards. The

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O.A. No. 295/2024 Abhishek Shukla Vs. Kunwar Vinod Ram & Ors.

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Registry was directed to prepare and attach memo of parties accordingly.

9. Accordingly, the cases have been separated and separate O.A. No. 295/2024 has been registered against Project Proponent- M/s Kunwar Vinod Ram.

10. Vide order dated 03.10.2023 the Director General, Mines Safety, Dhanbad, Jharkhand, Director, Geology and Mining, Uttar Pradesh and the District Magistrate, Banda were directed to look into the recommendations made by the Joint Committee in its report and take appropriate remedial steps and file action taken reports in this regard within one month.

11. Reports/responses have been filed by the Director General, Mines Safety (DGMS), Dhanbad vide email dated 01.11.2023; by District Magistrate, (DM), Banda vide email dated 21.11.2023 and by Uttar Pradesh Pollution Control Board (UPPCB) vide email dated 23.11.2023.

12. The relevant part of the report filed by DGMS, Dhanbad vide email dated 01.11.2023 is reproduced below:-

"Action Taken Report in compliance of Hon'ble National Green Tribunal order dated 03.10.2023 in the matter of Original Application No. 422/2023 Abhishek Shukla Vs State of Uttar Pradesh and Others

X X X X

III. Action Taken by the Directorate General of Mines Safety (DGMS)

1. The Directorate General of Mines Safety (DGMS) oversees the enforcement of the Mines Act, 1952 and the rules and regulations made therein in mines.

2. The mines/leases listed under Annexure-1 of the Joint Committee's Report are covered under the Mines Act, 1952; however, the stone crushers listed under Annexure-2 are not covered under it. Hence, the Action Taken Report by DGMS is restricted to Annexure-1 of the Joint Committee's Report. Further, as per para No. 4 of the Order passed on 03.10.2023 by the Hon'ble NGT read with the para no. 21.3 and 21.7 of the Joint Committee's Report, DGMS has been directed to take necessary

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actions and file action taken report.

3. The status of Action Taken by DGMS in respect of the mines/leases listed under Annexure-1 of the Joint Committee's Report is summarised in the table below:

Sl. No.	Name of Mine, Owner & its Location/Area	Date of Submission of Notice of opening	Status of Appointment/ Authorisation of Manager	Status of permissions granted		Remarks
				Use of HEMM without deep hole blasting	Use of HEMM with deep hole blasting	
13	Kunwar Vinod Gata No. 332, No. 01, Village Badokhar Khurd, Lease Area-1.61 Hec.	Submitted, but incomplete (surface plan of the mine not submitted and other deficiencies).	Foreman's appointment notice submitted, but without appointing mining mate.	Not Applied	Not Applied	Letter sent on 31.10.2023 to lessee, DM & DMO for stoppage of mine until compliance of the provisions mentioned.

4. The leaseholder of the mining leases mentioned at serial no. 4, 5, 11, 12, 13 and 15 of the above table had neither submitted the "Notice of Opening" of the mine, as required under Section 16 of the Mines Act, 1952 and Regulation 3 of the MMR 1961, nor appointed manager of the mine, as required under Section 17 of the Mines Act, 1952 and Regulation 34(1) of the MMR 1961. Letters were sent on 23 & 25.10.2023 to the District Magistrate and District Mining Officer of Banda district and the concerned lease holders for stoppage of all mining operations until compliance of the above provisions. However, subsequently the leaseholder at serial no. 5 has submitted Notice of Opening of the mine on 26.10.2023 with intended date of opening as 26.11.2023, enclosing therewith notice of appointment of foreman/manager, but online application for manager's authorisation is still pending. Letter has been sent to the lessee on 31.10.2023 directing him for online registration of mine (LIN & Mine Code generation) and submitting online application for manager's authorisation. Similarly, the leaseholder at serial no. 13 has submitted Notice of Opening of the mine on 25.10.2023 without surface plan and appointment of mining mate. Letter has been sent to the lessee (endorsing copy thereof to the District Magistrate and District Mining Officer of Banda district) on 31.10.2023 directing him to submit all relevant documents/details and thereafter to do online registration of mine and submit online application for manager's authorisation. He has also been directed to stop all mining operations until compliance of the above provisions.

5. The leaseholder of the mining lease mentioned at serial no. 2 of the above table has not appointed manager after resignation submitted by his previous manager on 19.06.2023. Letter has been sent to the concerned leaseholder endorsing copy thereof to the District Magistrate and District Mining Officer of Banda district

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for stoppage of all mining operation until compliance of the above provision.

6. The online application submitted by the mine owner at serial no. 10 in the above table for grant of Manager's Authorisation has been rejected on 23.10.2023 as the Mate's certificate which was submitted with the application was not valid. Letter has been sent to the mine owner endorsing copy thereof to the District Magistrate and District Mining Officer of Banda district for stoppage of mining operation until compliance of the above provision.

7. Based on the online applications made by the respective mine owners, the mining leases mentioned at serial no. 1, 6 and 7 of the above table have been granted permission under Regulation 106(2)(b) of the MMR 1961 for use of Heavy Earth Moving Machinery (HEMM) without deep hole blasting in their mines.

8. Online application was made by the owner of the mining lease mentioned at serial no. 3 of the table for granting permission under Regulation 106(2)(b) of the MMR 1961 for use of HEMM with deep hole blasting by using holes of diameter 100 mm; however, he has been granted permission for use of HEMM without deep hole blasting by using shot holes of depth not exceeding 3m and diameter not exceeding 100 mm.

9. Permission for deep hole blasting under Regulation 106(2)(b) and permission for use of SME/SMS/ANFO explosives under Regulation 155(1) & 162(5) of MMR, 1961 has not been granted in any of the mining leases mentioned at serial no. 1 to 16 of the above table.

10. Permission under Regulation 164(1B) of MMR, 1961 for blasting within danger zone of 300 m from any permanent building or structure of permanent nature, not belonging to the owner of the mine, by using more than 2 kg of aggregate maximum explosive charge in all holes fired at one time or more than 2 kg of maximum explosive charge in each hole where blasting is done with delay detonators or other means and that there is a delay of at least half a second between successive shots fired, has not been granted in any of the mining leases mentioned at serial no. 1 to 16 of the above table.

11. In the authorisations/letters for manager appointment issued to the owners of mining leases mentioned at serial no. 8, 9, 14 and 16 of the above table, the conditions for prohibiting use of HEMM & deep hole blasting, SME/SMS/ANFO explosives and explosives in excess of quantity mentioned under para 10 unless separate permission under Regulations 106(2)(b), 155(1) & 162(5) and 164(1B) respectively of MMR, 1961 is obtained have been clearly stipulated.

12. The above status of action taken is updated upto 31.10.2023."

13. The relevant part of the report filed by DM, Banda vide email dated 21.11.2023 is reproduced below:-

"माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा दिनांक 03.10.2023 को पारित

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 Proprietor



आदेश के अनुपालन में की गयी कार्यवाही का विवरण निम्नवत् है:-

1. माननीय एन०जी०टी० के आदेश के बिन्दु संख्या-3 के अनुपालन में क्रमांक 01 से 04 एवं 06 से 27 पर अंकित खनन पट्टा धारक/स्टोन क्रशर इकाई धारक को माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा दिनांक 03.10.2023 को पारित आदेश के अनुपालन में निर्धारित समयावधि में अपना पक्ष प्रस्तुत किये जाने हेतु पत्र कार्यालय जिलाधिकारी, बाँदा (खनिज अनुभाग) के पत्रांक 691/ खनिज-30, बाँदा दिनांक 19.10.2023 द्वारा प्रेषित किया गया है। पत्र की छायाप्रति संलग्न है।

2. माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा दिनांक 03.10.2023 को पारित आदेश के बिन्दु संख्या-4 के अनुपालन में संयुक्त जॉच कमेटी की निरीक्षण आख्या में दिये गये रिकमन्डेशन पर कार्यवाही किये जाने हेतु कार्यालय जिलाधिकारी, बाँदा (खनिज अनुभाग) के पत्रांक 690 / खनिज-30, बाँदा दिनांक 19.10.2023 द्वारा निम्नलिखित सदस्यों की कमेटी का गठन किया गया:-

1. उपजिलाधिकारी नरैनी।
2. क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियन्त्रण बोर्ड, बाँदा।
3. अधिशाषी अभियन्ता, लोक निर्माण विभाग, प्रान्तीय खण्ड- 2, बाँदा।
4. खान अधिकारी / खान निरीक्षक, बाँदा।

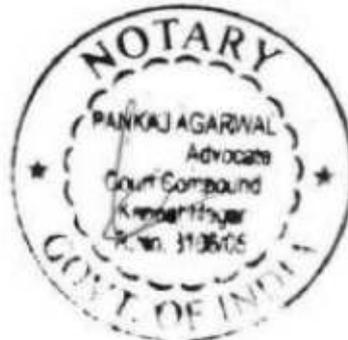
3- माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा दिनांक 03.10.2023 को पारित आदेश अनुपालनार्थ माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा दिनांक 01.08.2023 को पारित आदेश के अनुपालन में माननीय एन०जी०टी० में दाखिल संयुक्त जॉच कमेटी की निरीक्षण आख्या में दिये गये रिकमन्डेशन के काम में कार्यालय जिलाधिकारी, बाँदा (खनिज अनुभाग) के पत्रांक 690/खनिज-30, बाँदा दिनांक 19.10.2023 द्वारा गठित कमेटी द्वारा खनन स्थल का निरीक्षण दिनांक 17.11.2023 को किया गया।

4. माननीय एन०जी०टी० में दाखिल संयुक्त जॉच कमेटी की निरीक्षण आख्या में दिये गये रिकमन्डेशन के काम में बिन्दुवार कृत कार्यवाही का विवरण निम्नवत् है:-

क्रम सं०	संयुक्त जॉच कमेटी की निरीक्षण आख्या में दिये गये रिकमन्डेशन	अनुपालनार्थ कार्यवाही का विवरण
21.1	<i>The mining department can be asked to restrict the mining activities in those mines wherein the required minimum distance criteria are not meeting. If mining is allowed on allotted near vicinity of habitant, habitant will be relocated to other specific place with consultation of villagers/</i>	1. ग्राम-जरर, तहसील-नरैनी, जनपद-बाँदा स्थित पहाड़ी पर कुल 5 खनन पट्टों को खनन विभाग द्वारा माइनिंग लीस आवंटित की गयी है, जिसमें ग्राम-जरर की मुख्य आबादी मेसर्स सफदर अली पुत्र स्व० श्री फरजन्द अली, गाटा नं०-2450, खण्ड नं०-03 ग्राम-जरर, जनपद-बाँदा से 135 मी० की दूरी पर स्थित है परन्तु खनन पट्टे के समीप 05 कच्चे मकान निर्मित पाये गये, जिसे नियमानुसार विस्थापित किये जाने की कार्यवाही प्रचलित है। शेष अन्य 4 खनन पट्टों से मुख्य आबादी

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	<i>civil society.</i>	<p>50 मी० से अधिक दूरी पर स्थित है।</p> <p>2. ग्राम—गिरवा, तहसील-नरेनी, जनपद-बाँदा स्थित पहाड़ी पर कुल 7 खनन पट्टों को खनन विभाग द्वारा माइनिंग लीस आवंटित की गयी है, जिसमें ग्राम-गिरवा की आबादी मेसर्स संग्राम सिंह, गाटा नं०-1876, खण्ड नं०-01 ग्राम-गिरवा, जनपद- बाँदा से 36 मी० की दूरी पर स्थित है। मेसर्स बजरंग रोड लाइन (सुरेन्द्र प्रताप सिंह), गाटा नं०- 1876, खण्ड नं०- 03 ग्राम- गिरवा, जनपद- बाँदा से 15 मी० की दूरी पर स्थित है। वर्तमान में आबादी अधिक होने के दृष्टिगत आबादी को विस्थापित कराये जाने की कार्यवाही किया जाना उचित नहीं है। ऐसी स्थिति में शासन / निदेशालय से दिशा-निर्देश प्राप्त कर खनिज नियमावली में अनुमन्य आबादी की दूरी तक खनन पट्टे का क्षेत्रफल कम किये जाने की कार्यवाही किया जाना नियमानुसार उचित प्रतीत होता है। शेष अन्य 5 खनन पट्टों से मुख्य आबादी 50 मी० से अधिक दूरी पर स्थित है।</p> <p>3. ग्राम- बडोखर खुर्द, तहसील-नरेनी, जनपद- बाँदा स्थित पहाड़ी पर कुल 4 खनन पट्टों को खनन विभाग द्वारा माइनिंग लीस आवंटित की गयी है। सभी खनन पट्टे खनिज नियमावली में अनुमन्य आबादी की दूरी से अधिक दूरी पर स्थित है।</p>
21.2	<p><i>The mining department can be asked to restrict the mining activities in part of hill where temple is located. If mining is permitted at this place, the temple and habitant will be relocated to other specific place with consultation of nearby villagers/ civil society/priest of temple.</i></p>	<p>1. ग्राम- जरर, तहसील- नरेनी, जनपद- बाँदा स्थित पहाड़ी पर कुल 5 खनन पट्टों को खनन विभाग द्वारा माइनिंग लीस आवंटित की गयी है।</p> <p>ग्राम- जरर की पहाड़ी पर स्थित मंदिर से निकटतम खनन पट्टा मेसर्स सफदर अली पुत्र स्व० श्री फरजन्द अली, गाटा नं०- 2450, खण्ड नं०- 03 ग्राम- जरर, जनपद- बाँदा से 235 मी० की दूरी पर स्थित है। शेष अन्य 4 खनन पट्टे मंदिर से 340 मी० से अधिक की दूरी पर स्थित है।</p> <p>उपरोक्त सभी पट्टे मानक के अनुसार हे परन्तु ग्रामीण आस्था को देखते हुये मंदिर परिसर के आस-पास कोई नया खनन पट्टा दिया जाना उचित नहीं है।</p>

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		<p>2 ग्राम गिरवा, तहसील- नरैनी, जनपद- बाँदा स्थित पहाड़ी पर कुल 7 खनन पट्टों को खनन विभाग द्वारा माइनिंग लीस आवंटित की गयी है।</p> <p>ग्राम- गिरवा की पहाड़ी पर स्थित मंदिर से निकटतम खनन पट्टा मैसर्स संग्राम सिंह, गाटा नं०- 1876, खण्ड नं०- 01 ग्राम- गिरवा, जनपद- बाँदा से 85 मी० की दूरी पर स्थित है। शेष अन्य 6 खनन पट्टे मंदिर से 100 मी० से अधिक की दूरी पर स्थित है।</p> <p>उपरोक्त सभी पट्टे मानक के अनुसार है परन्तु ग्रामीण आस्था को देखते हुये मंदिर परिसर के आस-पास कोई नया खनन पट्टा दिया जाना उचित नहीं है।</p> <p>3. ग्राम- बडोखर खुर्द, तहसील नरैनी, जनपद- बाँदा स्थित पहाड़ी पर कुल 4 खनन पट्टों को खनन विभाग द्वारा माइनिंग लीस आवंटित की गयी है।</p> <p>ग्राम- बडोखर खुर्द की पहाड़ी पर स्थित मंदिर से निकटतम खनन पट्टा मैसर्स कुंवर विनोद राजा, गाटा नं०- 332, खण्ड नं०-01 ग्राम बडोखर खुर्द, जनपद- बाँदा से 100 मी० की दूरी पर स्थित है। शेष अन्य 6 खनन पट्टे भी मंदिर से 100 मी० से अधिक की दूरी पर स्थित है।</p> <p>उपरोक्त सभी पट्टे मानक के अनुसार है परन्तु ग्रामीण आस्था को देखते हुये मंदिर परिसर के आस-पास कोई नया खनन पट्टा दिया जाना उचित नहीं है।</p>
21.3	<p><i>The mining department can be asked to restrict the mining activities through blasting in those mines who have not taken permission by DGMS for use the blasting and mechanical instrument / machine.</i></p>	<p>डायरेक्टर जनरल माइन्स ऑफ़ सेप्टी, डायरेक्ट्रेट जनरल ऑफ़ माइन्स सेप्टी, मिनिट्री ऑफ़ लेबर एण्ड इम्प्लायमेंट, धनवाद, झारखण्ड से ब्लास्टिंग सम्बन्धी लाइसेन्स प्राप्त कर ब्लास्टिंग द्वारा खनन कार्य किये जाने हेतु नोटिस खनन विभाग बाँदा के पत्रांक-820 दिनांक 02.11.2023 समस्त पट्टा धारक को प्रेषित किया गया है।</p>

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21.4	The mining department can be asked to provision made for construction the main village road by DMF fund.	ग्राम- जरर स्थित लिक रोड का निर्माण डी०एम०एफ० फण्ड से कराये जाने हेतु मार्ग का सर्वेक्षण जांच की तिथि को समिति द्वारा किया गया एवं उसे बनाने हेतु प्रस्ताव तैयार किये जाने की कार्यवाही अधिशासी अभियन्ता, लोक निर्माण विभाग, ग्रान्तीय खण्ड- 2, बाँदा द्वारा किया जाना प्रक्रियाधीन है।	X	X	X	X
21.5	The project proponent can be asked to maintain the village road near these mining sites.	खनन स्थल के समीप के रोड को मेन्टेन किये जाने हेतु खनन विभाग बाँदा के पत्रांक-834 दिनांक 03.11.2023 द्वारा पत्र समस्त पट्टा धारक को प्रेषित किया गया है।				
21.7	The project proponent can be asked for blasting will be done in allowed time duration with one-inch holes and proper safety arrangement after obtaining the valid permission of the DGMS and Department of Mines.	डॉक्टर जनरल माइन्स ऑफ सेफ्टी, डॉक्टर जनरल ऑफ माइन्स सेफ्टी, मिनिट्री ऑफ लेवर एण्ड इम्प्लायमेंट, धनवाद, झारखण्ड द्वारा जारी परमीशन के अनुसार खनन हेतु ब्लास्टिंग का कार्य किये जाने तथा ब्लास्टिंग का कार्य निर्धारित समयावधि में किये जाने हेतु खनन विभाग बाँदा के पत्रांक-820 दिनांक 02.11.2023 द्वारा पत्र समस्त पट्टा धारक को प्रेषित किया गया है।				
21.8	The project proponent of mining lease and stone crusher can be asked to strictly comply with the conditions prescribed in the Environmental Clearance consent/ mining lease allotment letter and submit the status to the concerned authorities regularly.	राज्य स्तरीय पर्यावरणीय संघात निर्धारण प्राधिकरण, उ०प्र०, द्वारा जारी पर्यावरणीय स्वीकृति तथा उ०प्र० प्रदूषण नियंत्रण बोर्ड द्वारा जारी सहमति (जल एवं वायु) आदेश में अंकित शर्तों का अनुपालन किये जाने हेतु, उ०प्र० प्रदूषण नियन्त्रण बोर्ड, बाँदा के पत्र दिनांक 14.11.2023 द्वारा ग्राम- जरर, गिरवा एवं बडोखर खुर्द स्थित समस्त खनन पट्टा धारक को नोटिस प्रेषित किया गया है।	X	X	X	X

14. The relevant part of the report filed by UPSPCB vide email dated 23.11.2023 is reproduced below:-

"Uttar Pradesh Pollution Control Board response in compliance of order dated 03.10.2023 passed by Hon'ble

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 गिरीश मिश्रा
 Proprietor



National Green Tribunal, New Delhi in the matter of O.A. No-422/2023 Abhishek Shukla Vs State of Uttar Pradesh and Others

X X X X

4. That it is submitted that as per the Joint Committee report, 16 mining lease of Village- Jarar, Girwan and Badokhar Khurd, Tehsil- Naraini, District- Banda, were awarded after issuance of environmental clearance. During joint survey, these mining lease holders had not obtained consent to operate (CTO) under the Water (Prevention & Control of Pollution), Act 1974 and Air (Prevention and Control of Pollution), Act 1981 before the start of mining operation. But before submitting the Joint Committee Inspection report, all 16-mining lease holder had obtained the Consent to Operate (CTO). Notices are also issued to each Lease Holder to comply the conditions of Environmental Clearance and Consent to Operate (CTO) vide letter dated 14.11.2023. The copy of Notices dated 14.11.2023 are enclosed herewith and marked as Annexure- 3."

15. Vide order dated 24.11.2023 the Mining Department and the District Magistrate Banda were granted time to file reply and the mining lease holders were directed to cease and desist from carrying out any mining by way of blasting without obtaining requisite permission from DGMS, Dhanbad and in violation of environmental norms prescribing siting criteria.

16. Reports have been filed by DM, Banda vide email dated 04.12.2023 and by Mining Department, U.P. vide email dated 05.12.2023.

17. The relevant part of report filed by the DM, Banda vide email dated 04.12.023 reads as under:

विषय: मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० नं०-422/2023 अभिषेक शुक्ला बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 24.11.2023 के अनुपालन के सम्बन्ध में।

X X X X X
उक्त के सम्बन्ध में अनुपालन आख्या निम्नवत है :-

(1). 11 खनन पट्टाधारको, जिनके द्वारा खान सुरक्षा महानिदेशालय परिक्षेत्र वाराणसी से ब्लास्टिंग की अनुमति प्राप्त नहीं की गयी है, जिन्हे कार्यालय आदेश सं०-1046/खनिज-30, बांदा दिनांक 30.11.2023 (संलग्नक-05) द्वारा निर्देशित किया गया है कि खान सुरक्षा महानिदेशालय परिक्षेत्र वाराणसी से परमीशन प्राप्त किये बिना ब्लास्टिंग द्वारा खनन कार्य न

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Proprietor



किया जाय तथा मा० अधिकरण के आदेशो का अक्षरशः अनुपालन किया जाना सुनिश्चित किया जाय, जिनका विवरण निम्नवत है :-

क्रम सं०	पट्टाधारक का नाम व पता	तहसील	खण्ड क्षेत्र	गाटा संख्या	रकबा (हे० में)	पट्टा अर्जादि
1	2	3	4	5	6	7
1.	श्री मुमताज अली पुत्र स्व० श्री फरजन्द अली निवासी नु०-खूटी चौमहा, अलीगंज, शहर व जिला बांदा	नरैनी	जरर	2450 (खण्ड सं०-5)	2.00	09.11.2020 से 08.11.2030 तक
2.	मेसर्स अर्धव कोस्ट्रक्शन कम्पनी प्रो० श्री भवण कुमार सिंह पुत्र श्री विष्णुपाल सिंह निवासी प्लॉट नं०-03, आम्बुतोष हाउसिंग सोसायटी रामपुरम फेस-1, दहेली सुबानपुर, जिला कानपुर नगर पिनकोड-208013	नरैनी	जरर	2451 (खण्ड सं०-2)	1.21	22.07.2022 से 21.07.2032 तक
3.	मेसर्स शिवांगन ट्रेडिंग कम्पनी प्रो० श्री लवनेश सिंह पुत्र श्री 3. लोचन सिंह निवासी मु०-कालुकुआ, बबेरू रोड, तहसील व जिला बांदा	नरैनी	जरर	2450 (खण्ड सं०-06)	2.00	14.07.2023 से 13.07.2033 तक
4.	मे० सुलभ सक्सेना पहाड़ी पट्टेदार प्रो० श्री सुलभ सक्सेना पुत्र श्री सुरजसहाय सक्सेना निवासी मो० गांधीनगर महोबा, तहसील व जिला महोबा	नरैनी	गिरवा	1876 (खण्ड सं०-02)	0.80	18.12.2020 से 17.12.2030 तक
5.	श्री बजरंग रोड लाइन्स पार्टनर श्री सुरेश प्रताप सिंह पुत्र श्री तेज प्रताप सिंह निवासी ग्राम व पोस्ट-मऊ, 584, कटरा सालगंज, तहसील गौरीगंज, जिला अमेठी	नरैनी	गिरवा	1876 (खण्ड सं०-04)	1.21	03.01.2022 से 02.01.2032 तक
6.	मेसर्स बुन्देलखण्ड रॉक्स प्रो० श्रीमती दीपाली सिंह पत्नी श्री के०पी० सिंह निवासी-अर्धवाट, पैलेस, नयापुरा नैकाना, तहसील गिरवा व जिला महोबा	नरैनी	गिरवा	876 ((खण्ड सं०-09)	0.50	08.07.2022 से 07.07.2032 तक
7.	मेसर्स बुन्देलखण्ड रॉक्स प्रो० श्रीमती दीपाली सिंह पत्नी श्री के०पी० सिंह निवासी-अर्धवाट, पैलेस, नयापुरा नैकाना, तहसील व जिला महोबा	नरैनी	गिरवा	1876 (खण्ड सं०-07)	0.80	12.05.2023 से 11.05.2033 तक
8.	श्री कुँवर विनोद राजा पुत्र स्व० श्री रामकृपाल सिंह निवासी-एम०आई०जी०बी०, 74 बी०एस०एन०एल० टॉवर के	नरैनी	बडोला र खुर्द	332 (खण्ड सं०-01)	1.61	01.03.2021 से 28.02.2031 तक

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Proprietor



	पास, इंदिरा नगर, बांदा					
9.	मे० दिशा इन्टर प्राइजेज प्रो० श्रीमती सुधा सिंह पत्नी श्री सुनील सिंह निवासी-नोनिया मुहाल छात्री तालाब, शहर व जिला-बांदा।	नरैनी	बड़ोखर खुर्द	332 (खण्ड सं०-2)	1.61	05.11.2020 से 04.11.2030 तक
10.	मे० मां विद्यवासिनी स्टोन वर्क्स प्रो० श्री समीर सिंह पुत्र श्री फूल 10. सिंह निवासी मु०- सिविल लान्ड डी०एम० कालोनी, धाना कोतवाली नगर, जिला बांदा	नरैनी	बड़ोखर खुर्द	332 (खण्ड सं०-5)	0.40	04.01.2020 से 03.01.2030 तक
11.	श्री दीपक सिंह पुत्र श्री रामपाल सिंह निवासी अकबरपुर बांदा रोड, भरतकूप, तहसील कबी, जिला चित्रकूट	नरैनी	बड़ोखर खुर्द	332 (खण्ड सं०-03)	0.56	25.11.2020 से 24.11.2030 तक

(2). 02 खनन पट्टाधारको, जिनके द्वारा खान सुरक्षा महानिदेशालय परिक्षेत्र वाराणसी ब्लास्टिंग की अनुमति प्राप्त है, जिन्हें कार्यालय आदेश सं०-1048/खनिज-30, बांदा दिनांक 30.11.2023 (संलग्नक-06) द्वारा निर्देशित किया गया है कि प्राप्त परमीशन के अनुसार ब्लास्टिंग द्वारा खनन कार्य किया जाय तथा मा० अधिकरण के आदेशों का अक्षरशः अनुपालन किया जाना सुनिश्चित किया जाय, जिनका विवरण निम्नवत है :-

क्रम सं०	पट्टाधारक का नाम व पता	तहसील	खनन क्षेत्र	गाटा संख्या	रकबा (हे० में)	पट्टा अवधि
1	2	3	4	5	6	7
1	श्रीमती जसमीत कौर मल्होत्रा पत्नी श्री रसमीत सिंह मल्होत्रानिवासी-नेहरू वार्ड, अलका टाकीज के पास, तह० पिपरिया, जिला होशंगाबाद (म०प्र०)।	नरैनी	गिरवां	1876 (खण्ड सं०-5)	1.21	22.10.2020 से 21.10.2030 तक
2	मे० पुरेका माइन्स एण्ड मिन्स्ट्रस एल०एल०पी० पार्टनर श्री चन्द्रशेखर चौरसिया पुत्र श्री दीनदयाल चौरसिया निवासी-28, ब्रह्मपुरी कालोनी नियर जुगली क्रॉसिंग, फैजाबाद रोड, जिला नरैनी लखनऊ तथा श्री हिमांशु मीणा पुत्र श्री रामजीलाल मीणा निवासी नीदड, हर्मादा, जयपुर (राजस्थान)	नरैनी	जरर	2451 (खण्ड सं०-01)	2.50	05.01.2022 से 04.01.2032 तक

(3). 03 खनन पट्टाधारको के सम्बन्ध में कमेटी द्वारा प्रस्तुत आख्या दिनांक 17.11.2023 द्वारा उपरोक्त खनन पट्टा क्षेत्र को नजदीक स्थित आबादी के निकट पाया है। ऐसी स्थिति में

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कार्यालय आदेश सं०-1047/खनिज-30, बांदा दिनांक 30.11.2023 (संलग्नक-07) द्वारा उक्त खनन पट्टा क्षेत्र से खनन/परिवहन का कार्य मा० राष्ट्रीय अधिकरण, नई दिल्ली द्वारा पारित उपरोक्त आदेश दिनांक 24.11.2023 के अनुपालन में अग्रिम आदेशों तक प्रतिबन्धित किया गया है तथा निर्देशित किया जाता है कि अपने खनन क्षेत्र में खनन सक्रियताएँ प्रत्यक्ष अथवा अप्रत्यक्ष रूप से किसी भी दशा में न किया जाय एवं मा० अधिकरण के आदेशों का अक्षरशः अनुपालन किया जाना सुनिश्चित किया जाय, जिनका विवरण निम्नवत है :-

क्रम सं०	पट्टाधारक का नाम व पता	तहसील	खनन क्षेत्र	गाटा संख्या	रकबा (हे० मे०)	पट्टा अवधि
1	2	3	4	5	6	7
1	श्री सफदर अली पुत्र स्व० श्री फरजन्द अली निवासी मु०-खुटी चौराहा, अलीगंज, गहर व जिला बांदा	नरैनी	जरर	2450 (खण्ड सं०-3)	2.00	09.11.2020 से 08.11.2030 तक
2	श्री बजरंग रोड ताड़ना पार्टनर श्री सुरेश प्रताप सिंह पुत्र श्री तेज प्रताप सिंह निवासी ग्राम व पोस्ट-मऊ, 584, कटरा तातगंज, तहसील गौरीगंज, जिला अमेठी	नरैनी	गिरवा	1876 (खण्ड सं०-3)	1.41	03.01.2022 से 02.01.2032 तक
3	श्री सयाम सिंह पुत्र श्री जयवंत सिंह निवासी ग्राम-पहरा तहसील व जिला महोबा।	नरैनी	गिरवा	1876 (खण्ड सं०-1)	2.02	09.11.2020 से 08.11.2030 तक

अतः उपरोक्तानुसार अनुपालन आख्य प्रेषित है।

18. In the report filed by Uttar Pradesh Mining Department vide email dated 05.12.2023 reference has been made to letter dated 04.12.2023 relevant part of which is reproduced below:-

विषय:-ओ०ए० संख्या-422 वर्ष 2023 अभियेक शुक्ला बनाम उत्तर प्रदेश राज्य व अन्य में मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित आदेश दिनांक 03.10.2023 के सम्बन्ध में।

महोदय,

उपरोक्त विषयक रजिस्ट्रार, मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली को सम्बोधित तथा शासन व निदेशालय को पृष्ठांकित अपने पत्र संख्या-970/ खनिज-30 बांदा दिनांक 21.11.2023 का सन्दर्भ ग्रहण करें जिसके साथ ओ०ए० संख्या-422 वर्ष 2023 अभियेक शुक्ला बनाम उत्तर प्रदेश राज्य व अन्य में मा० राष्ट्रीय हरित

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Proprietor



अधिकरण, नई दिल्ली द्वारा पारित आदेश दिनांक 03.10.2023 के बिन्दु संख्या-4 के अनुपालन में आपके द्वारा गठित जनपद स्तरीय समिति द्वारा प्रस्तुत अनुपालन आख्या / कृत कार्रवाई रिपोर्ट (Action Taken Report) दिनांक 17.11.2023 प्रेषित किया गया है।

मा० राष्ट्रीय हरित अधिकरण के आदेश दिनांक 01.08.2023 द्वारा गठित संयुक्त समिति द्वारा प्रस्तुत आख्या में Finding and Recommendations से सम्बन्धित बिन्दु संख्या-21.1 के क्रम में जनपद स्तरीय समिति द्वारा प्रस्तुत उक्त अनुपालन आख्या/कृत कार्रवाई रिपोर्ट (Action Taken Report) दिनांक 17.11.2023 के बिन्दु संख्या-2 में उल्लेख किया गया है कि:-

"ग्राम-गिरवाँ, तहसील-नरेनी, जनपद-बाँदा स्थित पहाड़ी पर कुल 7 खनन पट्टों को खनन विभाग द्वारा माइनिंग लीज आवंटित की गयी है, जिसमें ग्राम गिरवाँ की आबादी मैसर्स संग्राम सिंह, गाटा नं०-1876, खण्ड नं०-01 ग्राम- गिरवाँ, जनपद-बाँदा से 36 मी० की दूरी पर स्थित है। मैसर्स बजरंग रोड लाइन (सुरेन्द्र प्रताप सिंह), गाटा नं०-1876, खण्ड नं०- 03 ग्राम गिरवाँ, जनपद- बाँदा से 15 मी० की दूरी पर स्थित है। वर्तमान में आबादी अधिक होने के दृष्टिगत आबादी को विस्थापित कराये जाने की कार्यवाही किया जाना उचित नहीं है। ऐसी स्थिति में शासन/निदेशालय से दिशा-निर्देश प्राप्त कर खनिज नियमावली में अनुमन्य आबादी की दूरी तक खनन पट्टे का क्षेत्रफल कम किये जाने की कार्यवाही किया जाना नियमानुसार उचित प्रतीत होता है। शेष अन्य 5 खनन पट्टों से मुख्य आबादी 50 मी० से अधिक दूरी पर स्थित है।"

इस सम्बन्ध में अवगत कराना है कि उ०प्र० उपखनिज (परिहार) नियमावली-2021 के Rule-42(e) में उल्लिखित प्राविधान निम्नवत् हैं:-

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

Provided that the distance in the case of a village road shall be 10 metres from the outer edge of the cutting. "

अतः उपरोक्त प्रकरण में नियमावली-2021 के उक्त Rule-42(e) में उल्लिखित प्राविधानों के अन्तर्गत आवश्यक कार्यवाही करने का कष्ट करें।"

19. Vide order dated 08.02.2024 DGMS was directed to file a complete up-to

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date status report regarding compliance by all the 16 mining leases within one month and the Director, Mining and Geology, Uttar Pradesh was directed to take appropriate steps for implementation of the recommendations made by the Joint Committee and cancellation of the leases granted in violation of the siting criteria prescribed in the rules and file action taken report within one month. The Director, Mining and Geology, Uttar Pradesh was also directed to ensure that mining leases violative of siting norms and also mining leases not having requisite permissions for blasting be closed and the concerned mining lessees be not allowed to carry out any mining in the same till further orders.

20. The relevant part of the report filed by DM, Banda vide email dated 13.03.2024 is reproduced below:-

विषय : मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० नं०-422/2023 अभिषेक शुक्ला बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 08.02.2024 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० नं०-422 / 2023 अभिषेक शुक्ला बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 08.02.2024 का मुख्य अंश निम्नवत है :-

मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित उपरोक्त आदेश दिनांक 08.02.2024 के क्रम में अनुपालन आख्या बिन्दुवार निम्नवत है :-

1. उपरोक्त वाद में मा० न्यायाधिकरण द्वारा पारित आदेश दिनांक 24.11.2023 के क्रम में 03 खनन पट्टाधारको के सम्बन्ध में गठित कमेटी द्वारा प्रस्तुत आख्या दिनांक 17.11.2023 के दृष्टिगत उपरोक्त खनन पट्टा क्षेत्र को नजदीक स्थित आबादी के निकट पाये जाने के कारण **कार्यालय आदेश सं०-1047 / खनिज-30, बाँदा दिनांक 30.11.2023 (संलग्नक-01)** द्वारा उक्त खनन पट्टा क्षेत्रों से खनन / परिवहन का कार्य अग्रिम आदेशों तक प्रतिबन्धित किया गया।

2. उपरोक्त वाद में मा० न्यायाधिकरण द्वारा पारित आदेश दिनांक 03.10.2023 के क्रम में निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०, लखनऊ के पत्र सं०-1461/एम०-एन०जी०टी० वाद/2023 दिनांक 04.12.2023 (**संलग्नक-02**) द्वारा प्रश्रुत प्रकरण में उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियम-42 (e) में उल्लिखित प्राविधानों के अन्तर्गत कार्यवाही किये जाने के निर्देश दिये गये, जिसके क्रम में कार्यालय आदेश सं०-245/ खनिज-30, बाँदा दिनांक 30.01.2024 द्वारा

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Proprietor



कमेटी का गठन करते हुये प्रकरण की संयुक्त जांच कर आख्या उपलब्ध कराने हेतु निर्देशित किया गया। उक्त के क्रम में गठित कमेटी द्वारा उपरोक्त खनन पट्टा क्षेत्रों की जांच दिनांक 20.02.2024 को की गयी तथा संयुक्त जांच आख्या सं0-572/खनिज-30, बाँदा दिनांक 23.02.2024 प्रस्तुत किया गया, जिसमें प्रश्रगत खनन पट्टा क्षेत्रों हेतु आबादी से निकट 50 मीटर क्षेत्र में आ रहे रकबा को छोड़कर शेष रकबा भूक्षेत्र पर खनन / परिवहन किये जाने हेतु आख्या प्रस्तुत की गयी।

3. उपरोक्त समस्त तथ्यों को दृष्टिगत रखते हुये कार्यालय आदेश सं0-1047/खनिज-30 बाँदा दिनांक 30.11.2023 द्वारा उक्त 03 खनन पट्टा क्षेत्रों पर खनन / परिवहन हेतु लगे प्रतिबन्ध को हटाते हुये कार्यालय आदेश सं0-768/खनिज-30 बाँदा दिनांक 11.03.2024 (संलग्नक-03), कार्यालय आदेश सं0-769/खनिज-30 बाँदा दिनांक 11.03.2024 (संलग्नक-04) व कार्यालय आदेश सं0-770/खनिज-30 बाँदा दिनांक 11.03.2024 (संलग्नक-05) द्वारा प्रश्रगत खनन क्षेत्रों हेतु आबादी से निकट 50 मीटर क्षेत्र में आ रहे रकबा को छोड़कर / प्रतिबन्धित करते हुये शेष रकबा भूक्षेत्र पर संशोधित जियोकोआर्डिनेट्स के अनुसार खनन / परिवहन कार्य करने की अनुमति प्रदान की गयी।
अतः उपरोक्तानुसार अनुपालन आख्या प्रेषित है।"

21. The relevant part of the report filed by DGMS, Dhanbad vide email dated 14.03.2024 is reproduced below:-

"Updated Action Taken Report on behalf of Director General of Mines Safety, in compliance of order dated 03.10.2023, 15.01.2024 and 08.02.2024 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 422/2023 Abhishek Shukla Vs State of Uttar Pradesh and Others

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III. Action Taken by the Directorate General of Mines Safety (DGMS)

1. The Directorate General of Mines Safety (DGMS) oversees the enforcement of the Mines Act, 1952 and the rules and regulations made therein in mines.
2. As per para No. 4 of the Order passed on 03.10.2023 by the Hon'ble NGT read with the para no. 21.3 and 21.7 of the Joint Committee's Report, DGMS has been directed to take necessary actions and file action taken report. The mines/leases listed under **Annexure-1** of the Joint Committee's Report are covered under the Mines Act, 1952; however, the stone crushers listed under **Annexure-2** are not covered under it. Hence, this Action Taken Report by DGMS is restricted to the mines/leases listed under **Annexure-1** of the Joint Committee's Report.
3. The status of Action Taken by DGMS in respect of the mines/leases listed under Annexure-1 of the Joint Committee's Report is summarised in **Annexure-A** enclosed herewith.
4. No permission for deep hole blasting under Regulation 106(2)(b); or for use of SME/SMS/ANFO explosives under Regulation 155(1) & 162(5); or for blasting within danger zone from permanent surface structures (as mentioned in para 4(iii) of

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section II above) under Regulation 164(1B) of MMR, 1961 have been granted to any of the mines mentioned at serial no. 1 to 16 of the table in **Annexure-A**.

5. The above status of action taken is updated upto 11.03.2024.

Annexure - A

Summary of the Status of Action Taken by DGMS in Respect of the Mines/Leases Listed under Annexure-1 of the Joint Committee's Report:

Sl. No.	Name of Mine, Owner & its Location/Area	Date of Submission of Notice of opening	Status of Appointment/ Authorization of Manager	Use of HEMM* without deep hole blasting	Use of HEMM* with deep hole blasting	Remarks	Action Taken Report (ATR)
13	Kunwar Vinod Raja, Gola No. 332, Chand No. 01, Village - Badakhari, Jurd, Lease Area-1.62 Hec.	23.10.2023	Appointed, Authorization issued on 18.12.2023	Granted on 06.02.2024	Not applied by the management for permission	N-115m Hume ns and House E-73m Hume ns and House S-100m Temple W-140m 11EY BT Line NE-100m Hume ns and House and 250m Temple SW-180m Hume ns and House NW-210m Hume ns and House	Notice issued under Section 224(1) of Mines Act, 1952 vide this Directorate letter No. 3094/2013. 30/03/2013. 38/2024 बॉट 553, दिनांक 07.03.2024 (Annexure-27) Reg. 106(2)(a)(i) of MMR, 1961. The side of the spencast on west side was not properly benched, shaped and secured by the previous lessee holder to prevent dangers due to fall of sides. The height of bench on west side was found about 15m, which is more than the stipulated bench height of 6m. Violation letter issued under MMR, 1961, Mines Rules, 1953 & Mines Vocational Training Rules, 1966 vide this Directorate letter No. 3094/2013. 30/03/2013. 38/2024 बॉट 553, दिनांक 07.03.2024 (Annexure-28) a) Reg. 106(2)(b) of MMR, 1961. Impressions were observed that the mine was being worked with use of Heavy Earth Moving Machines (excavators and tippers) without obtaining permission from this Directorate. No HESBF shall be used in the mine without obtaining permission from this Directorate. b) Reg. 111(2) of MMR, 1961. Excavation was found extended within 7.5m of the lease boundary of the mine on north and south of the mine. All such excavations shall be immediately stopped. c) Reg. 115(3)(a) of MMR, 1961. The

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						<p>approaches to the use of the west side high bench was not adequately fitted to prevent inadvertent entry of any person or machinery to avoid dangers due to fall of rocks.</p> <p>4i) Sec. 164 (1)(b) of MMR, 1961: Haulages and houses not belonging to the owner of the mine were found situated at about 130m, 100m, 200m and 240m away from the north, east, south and north-west boundaries of the mine respectively within the blasting danger zone of 300m. A temple was found situated at about 170m away from the south boundary of the mine. A 11 KV HT power transmission line was situated at about 283m away from the west boundary of the mine. No blasting shall be conducted in the mine within danger zone of 300 m from any permanent surface structures not belonging to the owner without obtaining permission under Regulation 174i (1)(b), except with the limited aggregate maximum charge in all holes fired at one time not in excess of 2 kg or if the blasting is done with delay detonators or other means and that there is a delay of at least half a second between successive shots fired, maximum charge of two kilograms can be used in each hole.</p> <p>Provided that irrespective of the amount of explosives used, no blasting shall be done at any place in the mine which is within 50 m from any such permanent surface structures.</p> <p>4j) Rule 296 of the Mines Rules, 1955: Persons employed in the mine were not undergone initial or periodical medical examination.</p> <p>5) Rule 6 of MSTR, 1961: Persons employed in the mine were not imparted vocational training.</p>
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22. Respondent no. 1 has filed replies vide emails dated 29.11.2023 and 16.04.2024. The relevant part of the reply filed vide email dated 16.04.2024 is reproduced below:-

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***REPLY AFFIDAVIT ON BEHALF OF PROJECT PROPONENT**

X X X X
 2. That the Project Proponent had obtained the approval on the mining plan from the Director, Geology & Mining U.P. Lucknow and thereafter obtained the environmental clearance from State Level Environment Impact Assessment Authority, Uttar Pradesh Lucknow (hereinafter called as 'SEIAA) and thereafter the mining lease deed was executed on 01-03-2021 by the District Officer, Banda in favour of the Project Proponent and deed was registered on 15-03-2021 in the office of the Sub Registrar Naraini Distt. Banda.

The copy of the said EC dated 15-01-2021 and copy of CTO dated 28-02-2023 are being annexed herewith as Annexure No.1 and Annexure No.2 respectively.

3. That by way of present letter petition the applicant complaining about illegal mining blasting and crushing in violation of environmental norms in villages Jarar, Chhaneha Purwa, Raghua Purwa, Girwan. Patraha Tehsil Naraini, District Banda.

4. That the applicant vide complaint dated 12-03-2023 has also submitted that six mining leases have been allotted in two hills in the area situate of village Jarar and five crushers have been established in Village Jarar and Chhaneha Purwa and mining is being done by resorting to illegal blasting which has resulted in damage to the houses of villagers, the applicant further alleged that the crushers are being operated day and night and the crushers do not have any boundary wall. There is no sprinkling of water during operation thereof. The crushers are causing dust and noise pollution due to which the residents are suffering from 'Asthma' and other diseases. Illegal blasting has also affected old temples located on the hills. Illegal mining and blasting are also adversely affecting the wildlife in the area. The roads to the above said villages have been damaged by the over loaded vehicles used for transportation of excavated minor minerals.

5. That on the application dated 12-03-2023, submitted by the applicant, this Hon'ble Tribunal vide order dated 01-08-2023 constituted a joint committee comprising of representative of Director, Geology & Mining U.P. Pollution Control Board, Lucknow, District Magistrate, Banda to verify the factual position and take appropriate remedial action and factual and JCV action taken report may be submitted within one month by e-mail before this Hon'ble Tribunal.

6. That in compliance of order dated 01-08-2023 the joint committee visited the site from 17-08-2023 to 18-08-2023 and vide his joint inspection report 30-08-2023 following recommendation have been made

21.1) The mining department can be asked to restrict the mining activities in those mines wherein the required minimum distance criteria are not meeting. If mining is allowed on allotted near vicinity of habitant, habitant will be relocated to other specific place with consultation of nearby villagers/ civil society.

21.2) The mining department can be asked to restrict the mining activities in part of hill where temple is located. If mining is permitted at this place, the temple and habitant will be relocated to other specific place with consultation of nearby villagers/ civil

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society/priest of temple.

21.3) The mining department can be asked to restrict the mining activities through blasting in those mines who have not taken permission by DGMS for use blasting and mechanical instrument/machine.

21.4) The mining department can be asked to restrict the provision made for construction the main village road by DMF fund.

21.5) UPPCB can be asked to take necessary action against the stone crusher who have not operated the dust suppression system during the operation of stone crusher.

21.6) The Project proponent can be asked to maintain the village road near these mining sites.

21.7) The Project proponent can be asked for blasting will be done in allowed time duration with one-inch holes and proper safety arrangement after obtaining the valid permission of the DGMS and Department of Mines.

21.8) The Project proponent of mining lease and stone crusher can be asked to strictly comply with the conditions prescribed in the Environmental Clearance/ consent/mining lease allotment letter and submit the status to the concerned authorities regularly."

7. That in the case of Special Leave Petition (c) No.-19628-19629 of 2009, Deepak Kumar etc Vs. State of Haryana and other etc the Hon'ble Supreme Court vide order dated 27-02-2012 was pleased to pass following direction :-

"19. We in the meanwhile, order that leases of minor mineral including their renewal for an area of less than five hectors be granted by the States/Union Territories only getting environmental clearance from MOEF."

In compliance of the aforesaid direction dated 27-02-2012 given by the Hon'ble Supreme Court, the Project Proponent after getting approval of the Director, Geology 85 Mining U.P. Lucknow on the mining plan, applied for environmental clearance before SEIAA, and EC was granted by the SEIAA after conducting Public hearing vide letter No.-631/Parya/SEIAA/ 6033-5062/2020 dated 15-01-2021 in favour of the Project Proponent.

8. That after execution of lease deed the Project Proponent also obtained consolidated consent to operate the mines under section-25 of the water (Prevention 85 Control of Pollution) Act 1974 and section-21 of the Air (Prevention & Control of Pollution) Act 1981 vide letter dated 28-02-2023 from Uttar Pradesh Pollution Control Board Lucknow which already annexed herewith as ANNEXURE No.2 to this reply affidavit.

9. That the Project Proponent is conducted mining operation under the super vision of Mines Foreman shri Vikash Singh, appointed by the DGMS Regional Office, Varansi vide order dated 18-12-2023.

The copy of the said order dated 18-12-2023, issued by DGMS is being annexed herewith as ANNEXURE No.3 to this reply.

10. That the Director, DGMS Regional Office, Varansi submitted its report dated 01-02-2024 with mentioning therein that permissions for conducting blasting in mines are required to be obtained from DGMS under the MMR 1961 in the following special circumstances

(i) Permission for conducting deep hole blasting (blasting

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with holes more than 3 m in depth), as required under Regulation 106(2)(b) of the MMR 1961.

(ii) Permission for using explosives in non-cartridge form or for using more than one type of explosives (other than fuse or detonator) in the same hole (for example use of ANFO, SMS, SME along with cast booster), as required under Regulation 155(1) and 162(5) of the MMR 1961; and

(iii) Permission for blasting within danger zone of 300 m from permanent building or structure of permanent nature, not belonging to the owner of the mine, by using more than 2 kg of aggregate maximum explosive charge in all holes fired at one time or more than 2 kg of maximum explosive charge in each hole where blasting is done with delay detonators or other means and that there is a delay of at least half a second between successive shots fired, as required under Regulation 164(1B). However, if the shortest distance from the place of firing to any part of such building or structure is less than 50 meters, prior permission for blasting is required to be obtained under Regulation 164(1B) of the MMR 1961 irrespective of the amount of the charge used.

For blasting in mine under circumstances other than the above, no permission is required to be obtained from DGMS under the MMR 1961 and the blasting may be carried out in the mine by observing the precautions as prescribed under the provisions of Regulations 153-170 and other provisions of the MMR 1961.

In view of above it is evident that there are no requirement for obtaining permission for blasting from DGMS if blasting is done less than 3 m depth hole which is doing by the Project Proponent.

11. That DGMS Regional Office Varansi vide order dated 06-02-2024 also granted permission for deployment of Heavy Earth Moving Machineries (HEMM) to the project proponent.

The copy of said order dated 06-02-2024 is being Annexed as Annexure No.4 to this reply.

12. That DGMS Regional office Varansi vide notice dated 07-03-2024 informed the project proponent that:-

(1) The side of the opencast on west side was not properly benched, sloped and secured by the previous lease holder to prevent danger due to fall of sides. The height of top bench on west side was found about 38m, which is more than the stipulated bench height of 6 m Hereby give you Notice to rectify the aforesaid contravention within 3 months from the date of issue of this letter i.e. on or before 06-06-2024.

Work of removal of dangers shall be subject to the following conditions being strictly complied with -

a) Benches of height not more than 6 m and breadth thereof not less than the height shall be formed by working from top downward only.

b) No person shall be engaged at the quarry floor or at the bottom of the high wall, or on ledges made in the high walls.

c) Work of removing the dangers, shall be done in the mine under personal supervision of a duly qualified manager and the same shall be kept suspended whenever the manager is absent for any reason whatsoever.

d) All approaches to the bottom of high wall sides and also the top edges of such highwalls shall be kept securely and effectively

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fenced so as to prevent any inadvertent entry of persons.

13. That the project proponent is excavating the mineral in accordance with the terms and condition of the E.O and consolidated consent issued under Section-25 of the water (Prevention & Control of Pollution) Act 1974 and Section-21 of the Air (Prevention & central of Pollution) Act 1981 and DGMS itself mentioned that sloped and secured by the previous lease holder and the project proponent is obeying the directions of DGMS. It is further submitted that the project proponent has already file reply/compliance report dated 09-04-2024.

The reply/compliance report dated 09-04-2024 is being annexed as ANNEXURE No.5 to this reply affidavit.

14. That the committee interacted with the applicant & villagers and also visited the point of concerns raised in the application. It was observed by the committee during the site visit, details are given as below

7.1) The main habitation of village-Jarar is situated 135 meters away from the nearest allotted lease mining on hill of village-Jarar, but some houses are made near the allotted lease M/s Safdar Ali S/o Late Shri Farzand Ali, Gata No.-2450, Khand No.-03, at Village-Jarar. Temple is situated 235 meters away from the allotted lease mining on other part of hill of village-Jarar.

7.2) The main habitation of village-Girwan is situated 175 meters away from the allotted lease Bundelkhand Rocks, Gata No.-1876, (Khand No.09, Village-girwan), 36 meters away from the allotted lease (Sangram Singh, Gata No.1876, Khand No. 01, Vill-Girwan), 139 meters away from the allotted lease (Bajrang Road Lines, Gata No.-1876, Khand No.-03, Village-Girwan) and 90 meters away from the allotted lease (Bajrang Road Lines, Gata No.-1876, Khand No.-04, Village-girwan) on hill of village-Girwan but some houses are made near the allotted lease M/s Sangram Singh, Gata No.-1876, Khand Mo.-01, Vill. Girwan, Bajrang Road Lines, Gata No.-1876, Khand No.-03, Village-Girwan. Temple is situated 70 meters away from the allotted lease (Bundelkhand Rocks, Gata No.-1876, Khand No.-09, Village-Girwan). Temple is situated 53 meters away from the allotted lease mining (M/s Sangram Singh, Gata No.-1876, Khand No.-01, Village-Girwan) on other part of hill of village-Girwan. It is reported by Mine Officer, Banda that mining lease of M/s Sangram Singh, Gata No.-1876, Khand No.-01, Vill-Girwan, Gata is allotted on same hill part where temple is made but mining is not in operation.

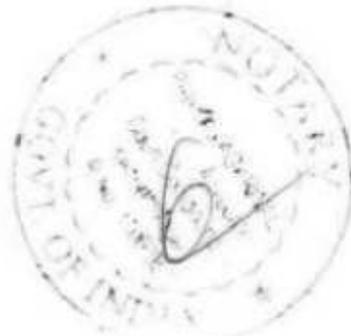
7.3) Gaushala is situated 100 meters away from the allotted lease mining area on hill of village-Girwan.

7.4) The main habitation of village-Badokhar Khurd (Pataraha) is situated 75 meters away from the nearest allotted lease mining on hill of village-Badokhar Khurd (Pataraha), Temple is situated 100 meters away from allotted lease mining Kuwar Vinod Raja, Gata No.-332, Khand No.-01, Vill. Badokhar Khurd on hill of village Badokhar Khurd.

7.5) It was informed by the villagers to committee member during the visit that blasting work in lease area is done in any time with 4 inches holes by lessee and stone pieces are falling on his home and effected the animal and human being. But it was informed by lease holders that blasting is done in allowed time duration

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between 2.0 PM to 3.0 PM with one-inch holes and proper safety.
7.6) Crack in home could not been shown by applicant to committee members.

7.7) During the committee visit, stone pieces were not found in agriculture field and habitant area. The possibility of vibrations due the blasting at nearby houses of villagers and falling the stone pieces in nearby agriculture field and habitant area during blasting cannot be ruled out.

7.8) During the committee visit, village Road was not found in good condition due to movement of heavy vehicles.

7.9) Wild animal was not appeared on hill/lease area during committee visit.

7.10) The Agricultural lands are surrounded by most of these mining lease areas and the mining activities in such close vicinity can affect the crop yield in these areas. Similarly, the boulder stones can be thrown into these crop during the blasting operations for mining.

7.11) 05 stone crushers were identified in village-Jarar (Chhaneha Purwa, Raghwapurwa), out of 5 stone crushers 4 stone crushers were found in operation and one stone crusher was found under construction."

15. That from the perusal of the recommendations of the joint committee it is undisputed fact that 75 meter is far from habitation of village Badokhar Khurd (Pataraha) and Temple is situated 100 meter away from allotted lease area of the deponent. It is also pertain to mention here that the provision of rule 42(e) of the Uttar Pradesh Minor Minerals (Concession) Rules 2021 is permitted to the lessee to do the mining operation out of distance of 50 meters from any public pleasure ground and the lease of the deponent is situate to much far distance from habitation of Village Badokhar Khurd (Pataraha) and all norms are being followed by the deponent and there are no complaint regarding working of the project proponent and deponent also submitted compliance report to the Uttar Pradesh Pollution Control Board Lucknow on 25-08-2023.

16. That in view of aforesaid averment there is no violation which require interference of this Hon'ble Tribunal against the deponent as per reports submitted before this Hon'ble Tribunal by the joint committee."

23. None has appeared for the applicant in the course of hearing of the Original Application.
24. We have heard learned counsels for the respondents and also gone through the material on record carefully.
25. Banda District in Uttar Pradesh is part of Vindhyan Plateau having irregular uplands with outcrops of rocks intermingling with low lands. The

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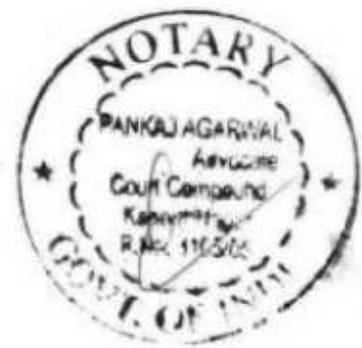
Baghein River traverse the District from South-West to North-East, Ken in the east and Yamuna to the North. The District is poor in ground water and also does not possess major lakes. The District is rich in Minerals and the leased areas of villages Badokhar Khurd form moderate to high slopes, stony topography, isolated small hills which is waste/barren land. The area is dominated by boulders and in situ outcrops of Bundelkhand Granite. The Barren hills and undulated terrains are devoid of soil cover and represent only morrum on the top of the deposit with no vegetation. The agricultural land is limited due to topography of the area and about 50% is unirrigated. The industries and other avenues of employments /livelihoods are lacking in the area. The Ministry of Panchayati Raj, Government of India has named District Banda as one of the 250 most Backward Districts out of 640 Districts of the country and District Banda is covered under Backward Regions Grants Fund Programme (BRGF). It is, therefore, of utmost importance that scientific mining continues in the leased areas in accordance with environmental norms.

26. Respondent No.1 the Project Proponent was granted environmental clearance by State Environment Impact Assessment Authority, Uttar Pradesh, Lucknow (SEIAA) vide letter dated 15.01.2021. Mining lease deed in favour of the Respondent No.1 the Project Proponent was executed by the District Officer, Banda on 01.03.2021. Respondent no. 1-Project Proponent obtained consolidated consent from UPSPCB under the provisions of Section-25 of the water (Prevention and Control of Pollution) Act, 1974 and Section-21 of the Air (Prevention and central of Pollution) Act, 1981 vide letter dated 28.02.2023.

27. Operation of mine, other than a coal or an oil mine (from opening to closure) is regulated by the Metalliferous Mines Regulations (MMR), 1961 made under the Mines Act, 1952. Before commencement of mining operations in any allotted mining lease the owner, agent or manager of the mine is required to

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submit "Notice of Opening" of the mine at least 30 days to DGMS, as required under Section 16 of the Mines Act, 1952 and Regulation 3 of the MMR 1961 and the owner or agent of the mine has to appoint a person possessing the prescribed qualifications as "Manager" of the mine as required under Section 17 of the Mines Act, 1952 and Regulation 34(1) of the MMR 1961.

28. Permissions for conducting blasting in mines are required to be obtained from DGMS under the MMR 1961 in the following special circumstances:

- (i) Permission for conducting deep hole blasting (blasting with holes more than 3 m in depth), as required under Regulation 106(2)(b) of the MMR 1961;
- (ii) Permission for using explosives in non-cartridge form or for using more than one type of explosives (other than fuse or detonator) in the same hole (for example use of ANFO, SMS, SME along with cast booster), as required under Regulation 155(1) and 162(5) of the MMR 1961; and
- (iii) Permission for blasting within danger zone of 300 m from any permanent building or structure of permanent nature, not belonging to the owner of the mine, by using more than 2 kg of aggregate maximum explosive charge in all holes fired at one time or more than 2 kg of maximum explosive charge in each hole where blasting is done with delay detonators or other means and that there is a delay of at least half a second between successive shots fired, as required under Regulation 164(1B) of the MMR 1961.

29. For blasting in mine under circumstances other than the above, no permission is required to be obtained from DGMS under the MMR 1961 and the blasting may be carried out in the mine by observing the precautions as prescribed under the provisions of Regulations 153-170 and other provisions of the MMR 1961.

30. Permission for using Heavy Earth Moving Machinery (HEMM) in the mine

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is required to be obtained from DGMS under Regulation 106(2)(b) of the MMR 1961.

31. In his reply respondent no. 1-Project Proponent has submitted that DGMS Regional Office, Varanasi vide order dated 06.02.2024 granted permission for use of HEMM without deep hole blasting.

32. As per DGMS report filed vide email dated 14.03.2024 respondent no.1 Project Proponent appointed Mines Foreman and authorization was issued on 18.12.2023.

33. Respondent no.1 Project Proponent is conducting mining operation under the supervision of Sri Vikash Singh, Mines Foreman appointed by the DGMS Regional Office, Varanasi vide order dated 18.12.2023. It is not disputed by DGMS that there is no requirement for obtaining permission for blasting from DGMS as blasting is being done by less than 3 m depth hole by the Project Proponent.

34. The lease of respondent no.1-Project Proponent is at the distance of more than 75 meters from habitation of Village Badokar Khurd (Pataraha) and 100 meters from Temple and does not violate the siting criteria.

35. No objections have been filed by the applicant or respondent no. 1-Project Proponent against the reports filed by the Joint Committee and by DGMS. We accept the reports filed by the Joint Committee and DGMS and direct that the findings and recommendations contained in these reports be duly complied with by the Project Proponent, Department of Mines and Geology and UPSPCB in time bound manner.

36. In the present case the violations noticed and recommendations made by

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the Joint Committee in its report and compliance report filed regarding the remedial measures taken/to be taken by respondent no.1 Project Proponent are required to be examined/considered for issuance of appropriate directions.

CER Activities

37. Condition was imposed that 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- 65/2017-1A.111 dated 01/05/2018. Work to be executed with installation of five hand pumps of 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.

38. In its report the Joint Committee has submitted that the details of the activities carried out by these mining projects under CSR/CER activities are found at ground during the visit and that it was informed by the Mine Office, Banda that CSR/CER activities are being initiated with district administration and mining lessees but the details of the activities and expenses incurred were not given in the report. In its report the Joint Committee has mentioned that Respondent No.1 did not provide the details about the funds earmarked for environmental protection measures and expenses incurred by it to UPSPCB.

39. We are of considered view that the CSR/CER activities implemented/being implemented by respondents no. 1 should be oriented to social and environmental management goals and CER activities should be carried in the vicinity of the project and surrounding areas with active participation of the Gram Panchayats of the affected/neighbouring villages and

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the District Environment Committee and the budget earmarked for CER activities should be meaningfully utilized for restoration/protection and improvement of environment.

40. The Project Proponent should comply with the Corporate Social Responsibility (CSR) and Environmental Management Programme (EMP) stipulated by UP SEIAA while granting EC to the Project Proponent in letter and spirit. The CSR/EMP cost estimated/allocated in the EC of SEIAA should be invested/incurred for Environmental Management, Nature Conservation and Community Development activities in Banda District in the area where Mining activities are taking place and such activities related to Environmental Management, Nature Conservation and Community Development required to be undertaken/implemented in the field may include afforestation programme with native tree species to be undertaken and Soil and Water Conservation works to be implemented in the area.

41. Compliance report with details regarding afforestation and rehabilitation of mined out area shall be submitted to the Regional Office, MoEF & CC, GoI, Lucknow and UPSPCB within three months and periodically thereafter as mandated by EC/CTO conditions.

Green Belt

42. Condition was imposed that 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 program besides tree plantation. Respondent no.1 shall involve local people for plantation program. Details of year wise afforestation program including rehabilitation of mined out area shall be submitted to the Regional Office, MoEF&CC, GoI, Lucknow every year.

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43. The proposal for tree plantation and green belt development is stated to have been mentioned in the Environmental Management plans submitted by the mining lease holders.

44. In its report the Joint Committee observed that to date, no related activity has been initiated on the ground by respondent No. 1.

45. Respondent no.1 is directed to carry-out development of green belt during forth coming monsoon season as per EC/consent conditions considering CPCB guidelines including the guidelines regarding selection of plant species in consultation with local DFO/Agriculture Department and also by involving local people in the plantation program. Compliance report with details regarding afforestation and rehabilitation of mined out area shall be submitted to the Regional Office, MoEF & CC, Gol, Lucknow and UPSPCB within three months and every year thereafter.

Maintenance of roads

46. Condition was imposed that maintenance of village roads used for transportation of minerals is to be done by the project proponents regularly at their own expenses and the roads shall be black topped.

47. In its report the Joint Committee has mentioned that none of the village road near these mining sites has been maintained and black topped by the proponents. In its report the Joint Committee has recommended that the Mining Department be asked to make provision for construction of the main village road from District Mineral Fund (DMF).

48. The main village road can be ordered to be constructed by meeting the expenses from DMF but the haul roads and roads to the mining leases have to

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be maintained and blacktop by the mining lease holders including respondent no. 1.

49. In his report filed vide email dated 21.11.2023 District Magistrate, Banda has mentioned that Executive Engineer, PWD, Provincial Division-II, Banda was in the process of preparing the detailed project report and that letter no. 834 dated 03.11.2023 has been written to the mining lease holders to maintain the haul roads to the mining sites.

50. The respondents no. 2 to 4 and 7 are directed to take requisite measures for construction of main village road from DMF within six months.

51. The respondent no. 1 is directed to blacktop and maintain road to its mining lease site at its own expenses and to blacktop and maintain haul road shared by other mining lease holders by sharing the expenses with them. Respondent no.1 is directed to ensure that the road to lease and haul road is blacktopped within four months.

52. Compliance report be submitted by respondent No.1 in this regard to the Regional Office, MoEF & CC, Gol, Lucknow and UPSPCB within six months.

Monitoring of ground and surface water and Hydro geological study of the area

53. Condition was imposed that 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, Gol, 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. Hydro geological study of

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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.

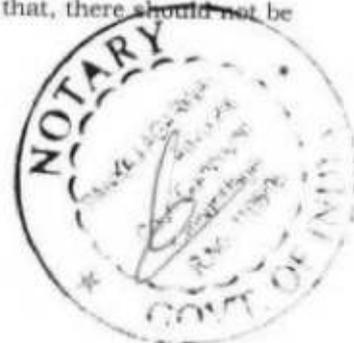
54. The Joint Committee found that one pond/lake is located within 5 KM from the mines. In its report the Joint Committee has mentioned that monitoring of the pond/lake has not been carried out by respondent no.1 and other mining lease holders and that no Hydro geological study of the area has been carried out by these mines.

55. Respondent no. 1 is directed to comply with EC condition regarding Monitoring of ground and surface water and Hydro geological study of the area.

56. Compliance report be submitted by respondent No.1 in this regard to the Regional Office, MoEF & CC, Gol, Lucknow and UPSPCB within six months.

57. The lease areas form moderate to high slopes, stony topography and isolated small hills known as Wasteland/Barren land. The water table in the hillocks are deep and does not include seasonal perennial drainage. In spite of this, mining drainage need to be implemented to ensure that it does not carry particulate materials generated from mining to natural streams /waterbody or agricultural land. According to the report of Ground Water Department dated 19.10.2022, the Peizometer for measuring ground water level has been installed only in the plain area of Jarar village. The hillocks located at high altitude, where mining will be undertaken have ground water in deep aquifer in view of altitude, topography and geo-hydrology of the hills. Though the water table is deep on the hillocks where mining is undertaken, monitoring of ground water on regular internals as precautionary measure needs to be ensured also by Ground Water Department of U.P. Government so that, there should not be

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any adverse impact/ interception of ground water during mining operation.

Control of dust pollution

58. Condition was imposed that 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 UPSPCB regularly.
59. In its report the Joint Committee has mentioned that monitoring reports have not been submitted regularly by mining lease holders to UPSPCB. Some mining lessees are stated to have submitted compliance report and monitoring report 'presently' but copies of the same have not been attached with the report of the Joint Committee. Ambient Air Quality Monitoring was not done by the Joint Committee by drawing samples and getting the same analyzed.
60. Respondent no. 1 is directed to ensure that effective safeguard measures for prevention of dust generation and suppression are carried out in areas prone to air pollution such as haul road, loading and unloading point and ensure that the Fugitive dust emissions from all sources are regularly controlled by installation of required equipment/machineries and preventive maintenance and that air pollution level conform to the standards prescribed by the MoEF & CC/Central Pollution Control Board.
61. Compliance report be submitted by respondent No.1 in this regard to the Regional Office, MoEF & CC, GoI, Lucknow and UPSPCB within three months and periodically thereafter as mandated by EC/CTO conditions.

Transportation through covered vehicles.

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62. Condition was imposed that 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.

63. During its visit the Joint Committee could not verify compliance with the condition but has made general observation that covering is not being used by most of the vehicles during transportation.

64. Respondent no. 1 is directed to ensure that 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.

65. Compliance status be mentioned by respondent No.1 in this regard in report to be submitted to the Regional Office, MoEF & CC, Gol, Lucknow and UPSPCB within three months and periodically thereafter as mandated by EC/CTO conditions.

Blasting operations

66. In its report the Joint Committee has observed that the blast vibration study reports have not been submitted by any of the mine lease holders to UPSPCB. The condition of progressive mine with 6m bench has been mentioned in the Environment Clearance and mining lease document. However, on ground no such bench/progressive mining operations were found in any of the mining project lease area.

67. DGMS, Regional Office, Varanasi had issued violation letter dated 07.03.2024 to respondent no. 1 as mentioned in report filed vide email dated 14.03.2024.



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O.A. No. 295/2024 Abhishek Shukla Vs. Kunwar Vinod Ram & Ors.

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68. Respondent no. 1 had sent reply dated 09.04.2024 undertaking to construct a strong berm to restrict entry to the area ensuring that no work is conducted without proper safety precautions and working on proper benching, sloping and securing the benches of the mine to prevent any potential dangers from falling sides. Respondent no. 1 also mentioned excavations pointed out to be old working. Respondent no. 1 further stated that it has engaged services of the professional surveyor who is assisted in accurately demarcating the danger zone from any structure not belonging to the mining owner. Respondent no. 1 has also stated in its reply that it has prepared a list of workmen who require the initial/periodical medical examination and finding a qualified doctor to complete the medical examination and sought 45 days time for this purpose. In its reply respondent no. 1 also mentioned that it is in the process of arranging vocational training for its workmen.

69. Respondent no. 1 is directed to get its workmen medically examined and provide requisite vocational training to them as undertaken.

70. Blasting in the mine be undertaken only by suitable/permmissible explosives with due permission/approval of Chief Controller of Explosive and after following all necessary rules, regulations and procedure required for the purpose. All the precautions suggested in MMR 1961 must be strictly adhered to.

71. Respondent no. 1 is directed to ensure that blasting is carried out by giving advance intimation to residents of the locality and blowing siren and the requisite precautionary measures are also undertaken to prevent any untoward incident in the Mining Leases and surrounding areas close to the habitation.

72. Compliance report be submitted by respondent No.1 in this regard to the Regional Office, MoEF & CC, GoI, Lucknow, UPSPCB and DGMS periodically

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thereafter as mandated by EC/CTO/Blasting Permission conditions.

73. Keeping in view the ground realities and to ensure Sustainable Mining Operations, livelihoods and ecologically Sustainable Development in the area, we also direct the concerned Departments/Instrumentalities of the State to ensure that the Mining operations are carried out strictly in the sanctioned leased areas demarcated/earmarked with boundary pillars by Revenue & Mining Department as per geo coordinates mentioned at the time of sanctioning of lease by using GPS and to strengthen, Mechanism for monitoring/securing compliance with EC/CTO/Blasting permission conditions. The Director, Geology and Mining Uttar Pradesh is also directed to ensure installation of weighment bridge by the mining lease holders and compliance with guidelines issued by MOEF&CC and CPCB.

74. The present original application is disposed of with the directions as mentioned above leaving the parties to bear their own costs.

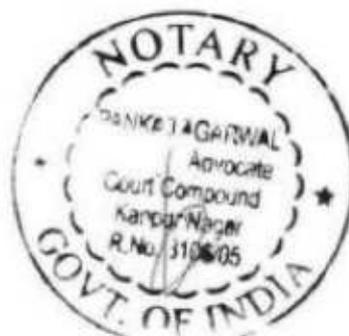
75. A copy of this order be forwarded by email to the Member Secretary, Uttar Pradesh State Pollution Control Board, Directorate, Mining and Geology, Uttar Pradesh, Director Mines and Safety, Varanasi Division and respondent no.1-Project Proponent for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April, 26th, 2024
Ag

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Hitesh Kumar
Proprietor



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M. H. M. M. M.
Proprietor



Annexure No.2

**FINAL ENVIRONMENTAL IMPACT
ASSESSMENT**

&

**ENVIRONMENT MANAGEMENT
PLAN**

FOR

**BUILDING STONE (KHANDA, GITTI &
BOULDERS) MINE (1.21 HA)**

OF

M/S ATHARV CONSTRUCTION COMPANY

PROP.- SHRI SHRAVAN KUMAR SINGH

S/O SHRI VISHNUPAL SINGH,

AT GATA NO. - 2451 (KHAND NO.-02),

VILLAGE- JARAR, TEHSIL- NARAINI,

DISTRICT-BANDA, U.P.

PREPARED BY:

PARAMARSH

(Servicing Environment and Development)

(Accredited by QCI / NABET)

ADDRESS

**M.S.-1/10 Sector A, Sitapur Road Yojna, Aliganj,
Lucknow-226024, Uttar Pradesh**

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21/10 Sector A
Proprietor



ENVIRONMENT
IMPACT ASSESSMENT
REPORT

Atharva Construction Co.

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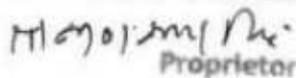
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GATA NO.- 2451 (KHAND NO.-02), VILL.- JARAR, TEHSIL-NARAINI,
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I.	COPY OF TOR
II.	MINING PLAN WITH PROGRESSIVE MINE CLOSURE PLAN
III.	COPY OF LETTER OF INTENT
IV.	500 MT. CLUSTER CERTIFICATE ISSUED BY MINING OFFICER
V.	PUBLIC HEARING MINUTES
VI	FORM-2



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ABBREVIATIONS

EIA	Environmental Impact Assessment
EMP	Environment Management Plan
MoEF	Ministry of Environment and Forest
TOR	Term of Reference
EAC	Expert Appraisal Committee
SEAC	State Expert Appraisal Committee
SPCB	State Pollution Control Board
CPCB	Central Pollution Control Board
NOC	No Objection Certificate
bgl	Below Ground Level
GLC	Ground Level Concentration
NH	National Highway
SH	State Highway
dB	Decibel
Leq	Equivalent Noise Level
Ha	Hectare
UNFC	United Nations Framework Classification
HFL	High Flood Level
LFL	Low Flood Level
KLD	Kilo litre Per Day
Tcum	Tons Per Cubic Meter
Km	Kilo Meter
RL	River Level
EPA	The Environment Protection Act
Ham	Hectare Meter
BOD	Biochemical Oxygen Demand
DO	Dissolved Oxygen
COD	Chemical Oxygen Demand
PM	Particulate Matter
AAQ	Ambient Air Quality
TPA	Tonnes Per Annum
R & R	Rehabilitation & Resettlement
CER	Corporate Environment Responsibility
VWG	Village Working Group
EMC	Environmental Management Cell
DIC	Department of Industries and Commerce
RBM	River Bed Material
NGO	Non Governmental Organisation
PCU	Passenger Car Unit
LOS	Level of Service
PUC	Pollution Under Control
NABET	National Accreditation Board for Education and Training
QCI	Quality Council of India
OSHA	Occupational Safety and Health Administration

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CHAPTER -1:
INTRODUCTION

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1. INTRODUCTION

1.1 Preamble

Environmental Impact Assessment (EIA) is the management tool to ensure the sustainable development and it is a process, used to identify the environmental, social and economic impacts of a project prior to decision-making. It is a decision making tool, which guides the decision makers in taking appropriate decisions for any project. EIA systematically examines both beneficial and adverse consequences of the project and ensures that these impacts are taken into account during the project designing. It also reduces conflicts by promoting community participation, information, decision makers, and helps in developing the base for environmentally sound project. The Ministry of Environment and Forests, Govt. of India, through its EIA notification No. SO1533 (E) of Sept. 14th 2006 and its subsequent amendments later under the Environment Protection Act, 1986, classified the projects under two categories - A (more than 100 ha) and B (>5 ha but <100 ha) for mining sector. Category-A projects (including expansion and modernization of existing projects) require Environmental Clearance from Central Government (Ministry of Environment and Forests, Govt. of India, New Delhi) while category - B projects are considered by State Level Environmental Impact Assessment Authority (SEIAA), constituted by MoEF, New Delhi. If in case, any category "B" project attracts the "general condition" given in the EIA notification, it shall be treated as category "A" and will be considered at MOEF, New Delhi.

The proposed project is categorized under category "B" Activity 1(a) (Open cast mining of minerals, mining lease area <05 hectare) as the lease area is 1.21 ha. However the GOI order dated 12th Dec. 2018 states that any mining area less than 5 ha. making a cluster of above 5.0 ha within 500 mt. radius the project will be treated as B-1.

In order to assess the likely impacts arising out of the project, the Environmental Impact Assessment (EIA) study is undertaken, which will be followed by preparation of a detailed Environmental Management Plan (EMP) to minimize those adverse impacts.

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Mdn Anil Me.
Proprietor



1.2 Identification of Project Proponent

The project is being proposed by M/s Atharv Construction Company, Prop:- Shri Shравan Kumar Singh S/o Shri Vishnupal Singh has been progressing forward not only in its financial aspect but also has taken a big leap in the direction of diversification of its activities. The basic details are being furnished herewith.

1.3 Details of Mining Activity

Applicant, M/s Atharv Construction Company, Prop:- Shri Shравan Kumar Singh S/o Shri Vishnupal Singh, R/o- 133, A.N.- 1144, Bhawanipur Nagar Daheli Sujampur, Distt.- Kanpur, (U.P.) has been given the consent for an area of 1.21 Ha. for extraction of 12100 m³/year Building Stone (Khanda, Gitti & Boulders), in Gata No.- 2451, (Khand No.-02), Village- Jarar, Tehsil- Naraini, District- Banda, U.P. vide letter no. 824/khanij-30, Banda, dated 08 Jne 2019 for a period of Ten Years (Annexure -I)

Mine Plan and Progressive Mine Closure Plan: Approved Mining Plan of proposed mining lease area was submitted to the Director General of Mines and Geology Department, Uttar Pradesh and they have approved the mining plan vide letter no. 660/M. Plan/ 2016, dated 29-07-2019 (Copy enclosed as Annexure-III).

1.4 Brief Description of Project

The proposed project is to mine minor mineral Building Stone (Khanda, Gitti & Boulders) and the estimated project cost is Rs 62.50 Lac. The proponent has applied for mining lease over an area of 1.21 Hectare at Gata No. - 2451 (Khand No.-02), Village- Jarar, Tehsil- Naraini, District- Banda, U.P.

The lease area is 1.21 Hect. with mineable reserve of 133168 m³ out of which approx. 12100 m³ 32670 Tonnes Per Annum will be mined out, making the life of mine approx. 11 Years (approx.) at the same rate of production.

Atharv Construction Co.

A. D. Singh
Proprietor

1.5 Project Nature, Size & Location:**Nature**

The proposed project is Building Stone (Khanda, Gitti & Boulders) mining project.

Size

It has been proposed to collect approximately 12100 m³ 32670 Tonnes Per Annum of Building Stone (Khanda, Gitti & Boulders) annually over an area of 1.21 Hectare.

Location

The mining area is located at Gata No. - 2451 (Khand No.-02), Village- Jarar, Tehsil- Naraini, District- Banda, Uttar Pradesh. The mining lease / proposed project area falls in Survey of India Toposheet No. 63C/07. The mine lease area is located between:

Latitude	25° 18' 53.85" to 25° 18' 59.20"
Longitude	80° 21' 50.47" to 80° 21' 55.45"
Nearest Railway Station	Khurhand Railway Station - 13.0 km* (NE) direction. *Aerial Distance in Approximation
Nearest Airport	Khajuraho Airport - 71.0 km* (SW) direction. *Aerial Distance in Approximation
Nearest Highway	NH 76 - 11 Km NE direction.

1.6 Project Importance

The economy of India is the eleventh largest in the world by nominal GDP and the third largest by purchasing power capacity. The primary reason for the economic growth can be attributed to the growth in infrastructure. Infrastructure growth is directly proportional to the availability of raw materials such as brick, stone, cement and sand etc. with the growing infrastructural requirement of the India, the demand of raw materials have increased geometrically. In Banda district of Uttar Pradesh, a number of stone mines are there. There is abundance of stone buried in the area hence; it has become a major source of raw material for construction industries. Raw material for the infrastructure development is at high demand in the U.P. & northern India. In Banda district of Uttar Pradesh, numbers of stone mines are there. There is abundance of stone buried in the area; it had become a major raw material for the infrastructure development and is at high demand in the north-west U.P. The mineral-rich colors, and the hardness & density, makes it useful for many applications. The proposed mining project will fulfill its end uses in buildings and construction, paving, monuments and many other exterior projects. Polished slabs and tiles are used in countertops, flooring, retaining walls and landscaping around a center fountain / pond, staircase and many

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other design elements (residential and commercial applications).

The project directly generates the employment for the local people and indirectly for the others. Also the marketing of the product generates the employment for peoples. By this project, approximately 33 persons employed directly on project site.

1.7 Terms of Reference

The scope of the study includes a detailed characterization of the environment in an area of 10 Km. radius of the Mine Lease Area for various environmental parameters like Air, Water, Noise, and Land, Biological and Socio-economic aspects.

The State Level Environment Impact Assessment Authority (SEIAA) for mining projects considered the project during its meeting. Based on the information contained in the documents submitted and the presentation made, the SEAC-Uttar Pradesh prescribed the Terms of Reference (TOR) vide Letter no. : 422/Parya/SEAC/5017/2019 dated 27th November, 2019 is attached as Annexure-1. The points have been raised by the SEAC-Uttar Pradesh in the TOR and its compliance are as under:-

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GATA NO.- 2451 (KHAND NO.-02), VILL.- JARAR, TEHSIL-NARAINI,
DISTRICT- BANDA

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Table 1.1: Point-wise compliance of prescribed ToR

	TOR POINT	COMPLIANCE OF TOR
1.	All Pages of technical documents/ EIA/ EMP etc. should be signed by the consultant and project proponent both.	Shall be complied.
2.	Copy of all the analysis reports signed by analyst approved by NABL or MoEF & CC shall be annexed with the EIA report and original analysis reports should be presented at the time of presentation.	Baseline data has been collected by NABL/MoEF Accredited lab of study area within 10 Km radius of the project site was collected during One (Non Monsoon) season (Mar.- May, 2019). Detail discussed in Section-3.
3.	MOU signed between the project proponent and the consultant should be submitted.	Shall be complied.
4.	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 and submit along with EIA.	Shall be complied.
5.	The lease area its address and production per annum should match with as mentioned in DSR and LoI. In case there is any difference clarification/ amendment letter from competent authority shall be submitted along with EIA. EIA and public hearing shall be conducted as per the lease area as address and production per annum mentioned in DSR and LoI.	The land documents depicting the correct address and lease area. The copy of DSR, LoI and EIA report matches properly. The relevant documents are attached as annexure III.
6.	Project proponent should bring KML file at the time of EIA presentation.	KML file has already been submitted along with EIA report. KML file will also be presented at EIA presentation.
7.	Year-wise production details since 1994 should be given, clearly stating the highest production achieved in any one	Not Applicable. As the proposed area has been freshly allotted for Ten years Letter of Intent

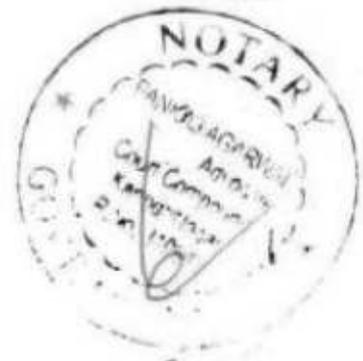
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	year prior to 1994. It may also be categorically informed whether there had been any increase in production after the EIA notification 1994 came into force, w.r.t. the highest production achieved prior to 1994.	(LOI) for ten years granted from the office of District Magistrate Banda (Mining Section) vide letter no 824/khanij-30, Banda, dated 8th June, 2019.
8.	A copy of document in support of fact that the proponent is the rightful lessee of the mine should be given.	Applicant, M/s Atharv Construction Company, Prop.- Shri Shreavan Kumar Singh , has been granted the consent from the office of District Magistrate Banda (Mining Section) vide letter no. 824/khanij-30, Banda, dated 8th June, 2019 for an area of 1.21 ha. for the extraction of minor mineral Building Stone (Khanda, Gitti & Boulder) in Village- Jarar, Gata No.- 2451 (Khand No.- 02), Tehsil- Naraini, District- Banda, U.P. for a period of Ten years (Annexure -D)
9.	All documents including approved mine plan, EIA and public hearing should be compatible with one another in terms of the mine lease area, production level, waste generation and its management and mining technology etc. and should be in the name of the lessee.	All the concerned documents are in the name of lessee. Mine plan is prepared by RQP. All the documents are compatible with one another in terms of the mine lease area, production levels, waste generation and its management and mining technology. Lessee Name: Shri Shreavan Kumar Singh S/o Shri Vishnupal Singh Mine Lease Area: 1.21 ha. Proposed Capacity: 12100 cubic meter per annum.
10.	All corner coordinates of the mine lease area, superimposed on a High Resolution imagery toposheet, topographic sheet,	The lease area is clearly superimposed over the toposheet and the land use- land cover has been build and indicated

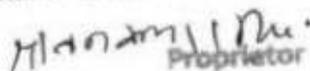
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	Geomorphology and Geology of the area should be provided. Such an imagery of the proposed area should be provided. Such an imagery of the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).	in chapter-3 has clearly the geomorphological features & other ecological features within core and buffer zone of 10 km.
11.	Information should be provided in Survey of India Toposheet in 1:50,000 scale indicating geological map of the area, geomorphology of land forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.	Site has been shown over the toposheet clearly indicating the area and other water bodies, stream and rivers. Geomorphology and land forms has been shown in the landuse - landcover map of 10 km buffer zone.
12.	Details about the land proposed of mining activities should be given with information as to whether mining conforms to the land use policy of the state; land diversion for mining should have approval from State land use board or the concerned authority.	Applicant, Shri Shrawan Kumar Singh has been granted the consent from the office of District Magistrate Banda (Mining Section) vide letter no. 824/khanij-30, Banda, dated 8th June, 2019 for an area of 1.21 ha. for the extraction of minor mineral Granite (Khanda, Gitti & Boulder) in Village- Jarar, Gata No.- 2451 (Khand No.- 02), Tehsil- Naraini, District- Banda, U.P. for a period of Ten years. Lessee Name: Shri Shrawan Kumar Singh S/o Shri Vishnupal Singh Mine Lease Area: 1.21 ha. Proposed Capacity: 12100 cubic meter per annum.
18.	It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt	Detailed Environment Policy stating SOPs in case of any violations/deviation of the environment or forest norms given in

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	<p>out in the EIA report with description of prescribed operating process/ procedures to bring into focus any infringement/ deviation/ violation of the environmental or forest norms/ conditions? The hierarchical system Administrative order of the company to deal with the environmental issues and for ensuring compliance with the EC conditions and details of this system may be given.</p> <p>The system of reporting of non-compliances /violations of environmental norms to the Board of Directors of the company and/or shareholders or stakeholders at large, may also be detailed in the EIA Reports.</p>	<p>Chapter 6.</p>
<p>14.</p>	<p>Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of opencast mining, blasting study etc. should be detailed. The proposed safeguard measures in each case should also be provided.</p>	<p>Buffer zone/ Non mineable area of 7.50 mt. around the project site which is 0.4095 ha. left out as per mining norms.</p> <p>i) Helmets to all workers will be provided.</p> <p>ii) Disposable respirators, will be provided to all those working in dusty area where dust concentration is very height.</p> <p>iii) One pair of safety shoes will be provided to all the workers.</p> <p>iv) Safety belts will be provided to all those working at height.</p> <p>v) Warning boards & working hours shall be displaced at conspicuous places.</p> <p>vi) Mines Manager will be employed for the supervision of mining operation.</p> <p>vii) The mining area shall be properly fenced to avoid any inadvertent entry of any live stock.</p>

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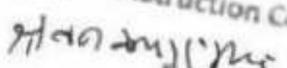
		During opencast working, all the precautions are to be observed as per Reg-106 of MMR, 1961 for safety and security.
15.	The study area will comprise of 10 km zone around the mine lease from the lease periphery and the data contained in the EIA such as waste generation etc should be for the life of the mine/ lease period.	The study area comprises of 10.0 km zone around the mine lease periphery as shown in the study area Map is given in Figure 3.1 of Chapter 3 . No solid waste will be generated. No municipal waste other than domestic sewage shall be generated. Mobile toilets and dustbin will be made available at the mine site. Letter of Intent from the office of District Magistrate Chitarkoot (Mining Section) vide letter no. 824/khanij-30, Banda, dated 8th June, 2019 for a period of Ten years.
16.	Certificate from Mining Officer that there is no other mining area exit within 500 m periphery.	Certificate issued by Mining Officer attached as Annexure IV .
17.	CER cost to be calculated for individual lease.	Proposed Corporate Environment Responsibility (CER) Cost is mentioned in Chapter 7 .
18.	An intimation regarding conducting the monitoring to be sent to concerned District Magistrate/ State Pollution Control Board Office/ SEIAA.	Intimation has been sent to the concerned departments regarding conducting the monitoring.
19.	The lab conducting the analysis should be authenticated and registered.	Baseline data has been collected by NABL/MoEF Accredited lab of study area within 10 Km radius of the project site was collected during One (Non Monsoon) season (March- May, 2019). Detail discussed in Section-3.
20.	Public hearing to be conducted as per EIA	The public hearing points will be

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	Notification,2006	discussed in Chapter 7 of Final EIA report.
21.	A copy of document in support of fact that the proponent is the rightful lessee of the mine should be given.	Applicant, M/s Atharva Construction Company. Shri Shrevan Kumar Singh S/o Shri Vishnupal Singh , has been granted the consent from the office of District Magistrate Banda (Mining Section) vide letter no. 824/khanij-30, Banda, dated 8th June, 2019 for a period of Ten years for an area of 1.21 ha. for the extraction of minor mineral Granite (Khanda, Gitti & Boulder) in Village Jarar, Gata No.- 2451 (Khand No.- 02), Tehsil- Naraini, District- Banda, U.P. (Annexure -D)
22.	Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary and national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of mine lease area should be prepared to encompass pre-operational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.	Map delineating all the features such as Agricultural Land, water bodies and other features present within 10 km radius has been prepared and given in Figure 3.1 of Chapter 3 . Land use classification of 10 Km radius study area around the mine site, is given in Section 3.1.3 of Chapter 3 . Impact of change of land use has been given in Section 4.1 of Chapter 4 , along with the mitigation measures.
23.	Details of the land for any Over Burden Dumps outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any should be given.	As stated earlier, there is no overburden on the Granite (Khanda, Gitti & Boulder) deposit as all the ROM shall be used in making aggregate. Mining has been proposed for the exploitation of Granite (Khanda, Gitti & Boulder) therefore, waste, sub grade mineral rejects shall not be generated during the course of

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		mining. The mining lease area is Government land and as per the Socio-Economic Survey, There is no Project Affected Person (PAP) by the proposed mining activities. Hence, no R&R Plan is envisaged; as there is no displacement of people from their respective areas.
24.	A certificate from the Competent Authority in the State Forest Department should be provided, conforming the involvement of forest land, if any, in the project area. In the event of any contrary claim by the Project Proponent regarding the status of forests, the site may be inspected by the State Forest Department along the Regional Office of the ministry to ascertain the status of the forests, based on which the Certificate in this regard as mentioned above be issued. In all such cases, It would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.	The area is free from forest land and there is no forest land nearby the project area where as NOC from Forest Department has also been obtained before advertisement of area for e-tendering.
25.	Status of forestry clearance for the broken up area and virgin forest land involved in the project including deposition of net present value (NPV) and compensatory afforestation (CA) should be indicated. A copy of the forestry clearance should also be furnished.	No forest clearance is needed for the proposed site. The site is free from forest. There is no forest cover in 10 km radius of the project site.
26.	Implementation status of recognition of forest rights under the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	Not applicable as there is no tribal population present in core of buffer zone of 10 km.

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	should be indicated.	
27.	The vegetation in the RF / PF areas in the study area, with necessary details, should be given.	There is no forest cover within 10km buffer zone still the details of flora around the site is discussed in Chapter-3.
28.	A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and detailed furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.	Not applicable No forest area is present within the 10 km buffer zone.
29.	Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/ Elephant Reserves (existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated supported by a location map duly authenticated by Chief Wildlife Warden necessary clearance, if any, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.	No National Parks, Sanctuaries, Biosphere Reserves Wildlife Corridors, Tiger/ Elephant Reserves are falling within 10 Km of the study area. The location map is shown in Figure 21 . NOC from Forest Department has also been obtained.
30.	A detailed biological study for the study area (core zone and buffer zone (10 km radius of the periphery of the mine lease) shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly	A detailed biological study (of 10 Km radius study area) was conducted by Ecology and Biodiversity Expert and the details are incorporated in the EIA/EMP Report. Detailed study for biological environment is carried out and detail of flora and fauna in core and buffer

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	indicating the Schedule of the fauna present. In case of any scheduled- I fauna found in the study area, the necessary plan along with budgetary provisions for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.	zone is given in Chapter 8 under Point 8.6 Biological Environment.
31.	Proximity to Areas declared as 'Critically Polluted' or the Project areas likely to come under the 'Aravali Range', (attracting court restrictions for mining operations), should also be indicated and where so required, clearance certifications from the prescribed Authorities, Such as the SPCB or State Mining Department should be secured and furnished to the effect that the proposed mining activities could be considered.	The proposed area of Granite (Khanda, Gitti & Boulder) of the district Banda which is far away from Aravali Range. No Critically Polluted area is coming within the 10 km radius.
32.	Similarly, for coastal Projects, A CRZ map duly authenticated by one of the authorized agencies demarcating LTL, HTL, CRZ area, location of the mine lease w.r.t. CRZ, coastal features such as mangroves, if any, should be furnished. (Note: The Mining Projects falling under CRZ would also need to obtain approval of the concerned Coastal Zone Management Authority.)	Not applicable. As the proposed project is for River bed sand mining which is not a coastal project.
33.	R & R plan /compensation details for the Project Affected People (PAP) should be furnished. While preparing the R & R plan, the relevant State/ National	The mining lease area is Government land and as per the Socio-Economic Survey, There is no Project Affected Person (PAP) by the proposed mining

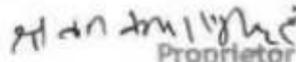
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	<p>Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs / STs and other weaker sections need based sample survey, family wise, should be undertaken to assess their requirement and action programmes prepared accordingly integrating the sectoral programmes of line departments of the State Governments. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio economic aspects should be discussed in the Report.</p>	<p>activities. Hence, no R&R Plan is envisaged; as there is no displacement of people from their respective areas.</p>
<p>34. One season (Non Monsoon) [i.e. March- May (Summer Season); October to December (Post Monsoon Season); December to February (Winter Season)] primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil & flora & fauna shall be collected and the AAQ and other data so compiled presented data-wise in the EIA & EMP report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view of the pre-dominant downwind direction and location of sensitive receptors.</p> <p>There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction. The mineralogical composition of PM₁₀</p>	<p>Primary baseline data has been generated for a period of summer season (March 2019 - May 2019). The results of the same have been incorporated in the tabular form in Chapter 8.</p> <p>Monitoring location map incorporated in Chapter no. 8, Figure no. 8.5.</p> <p>Monitoring locations are decided considering the pre-dominant wind direction. Free Silica is analysed in Air Quality Parameters.</p>	

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	particularly for free silica should be given.	
35.	Air quality modeling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicle for transportation of mineral. The details of the dispersion model used and input parameters used for modeling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any and the habitation. The wind roses showing pre-dominant wind direction may also be indicated on the map.	Air quality modeling was carried out and impact of Air quality has been incorporated in the EIA/EMP report. Max. Predicted cumulative ground level concentration (GLC) of PM ₁₀ , SO ₂ , NO _x . The predominant over all wind patterns for the study period is from West to East direction as per Wind rose diagram Figure 3.9
36.	The water requirement for the project, its availability and source to be furnished. A detailed water balance should also be provided. Fresh water requirement for the project should be indicated.	Water requirement in this project site is 2.35 KLD. Water will be taken from existing water sources from nearby villages or tanker supplier. The details are incorporated in the EIA/EMP report. Total Water Requirement= 2.35 KLD Dust Suppression = 1.80 KLD Plantation= 0.15 KLD Domestic Purpose= 0.40 KLD
37.	Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the project should be provided.	The total water requirement will be met through nearby existing borewells/private tankers. Water will be purchased from nearby sources, so clearance for drawl of water is not required.
38.	Description of water conservation measures proposed to be adopted in the project should be given.	Details of Mitigation measures for protecting the water quality of River Ken are given in Chapter 2 .

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39.	Details of rainwater harvesting proposed, if any, in the project should be provided.	In the end of the conceptual period bottom bench of 145 mRL shall be left open to percolate water to recharge local water table.
40.	Impact of the project on the water quality both surface and groundwater should be assessed and necessary safeguard measures, if any required should be provided.	<p>Surface Water</p> <p>No permanent infrastructure will be developed. The proposed granite (minor mineral) mining will not be done in rainy days hence there will not be any adverse impact on nearby surface water.</p> <p>Ground Water</p> <p>The ground water quality will not be changed because mining activity will not intersect the ground water table as it is restricted to 157.0m AMSL in plan period which does not intersect the ground water table. Impact of the project on the water quality and its mitigation measures has been incorporated in the EIA/EMP report.</p>
41.	Based on actual monitored data, it may clearly be shown whether working will intersect groundwater.	Groundwater will not be disturbed by the mining activities of the proposed project. The maximum working depth of mining will be 157.0 m bgl in plan period.
42.	Necessary data and documentation in this regard may be provided. In case the working will intersect groundwater table, a detailed hydro geological study should be undertaken and report furnished. The report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from	Groundwater will not be disturbed by the mining activities of the proposed project. The maximum working depth of mining will be 157.0 m bgl in plan period. So mining depth will not intersect the ground water table. Hence permission is not required from CGWA. Water requirement will be met by

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	Central Ground Water Authority for working below ground water and for pumping of groundwater should also be obtained and copy furnished.	tanker supply therefore permission from Central Ground Water Authority for pumping of groundwater is not required.
43.	Details of any stream/ seasonal or otherwise, passing through lease area and modification/ diversion proposed, if any, and the impact of the same on the hydrology should be brought out.	The proposed project is for the "Granite (Gitti, Khanda, Boulder) Mine" Project. No diversion or modification of water channel is proposed or expected due to mining activities from the proposed project.
44.	Information on site elevation, working depth, ground water table etc. Should be provided both in AMSL and bgl. A schematic diagram may also be provided for the same.	Site Elevation: Highest 180.0 m AMSL Lowest: 150.0 m AMSL Ultimate depth 157.0 m AMSL (7.0 m above Ground Level) Ground water depth at project site: 85.0 m AMSL. (57.0 m bgl)
45.	A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.	The details of proposed plantation is given in Chapter 6 at 6.2

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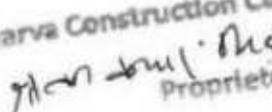
46.	Impact on local transport infrastructure due to the project should be indicated. Projected increase in truck traffic as a result of the project in the present road network (including those outside the project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct impact of Transportation study as per Indian Road Congress Guidelines.	Due to the operation of proposed project the increased traffic will be easily sustained by the existing roads. The kachcha road will be made and maintained motorable. A separate budget of Rs. 2.0 Lac will be kept to maintain the road. Excavated material will be carried to NH 76 via unnamed connecting road. These may be reinforced to facilitate easy and smooth moving heavy duty trucks. Traffic analysis is given in Section 4.10 of Chapter 4.
47.	Details of the onsite shelter and facilities to be provided to the mine workers should be included in EIA Report.	As the site is barren rocky Govt. land. No housing facility will be provided at the site. The site services like temporary rest shelter, first aid box, and drinking water facilities will be provided to workers at the mine site.
48.	Conceptual post mining land use and Reclamation and Rehabilitation of mined out areas (with plans and with adequate number of sections) should be given in the EIA Report.	By the end of conceptual period 169-145mRL shall be mine out by the end of conceptual period. Whereas, bottom bench of 145mRL shall be left open to percolate water to recharge local water table.
49.	Occupational health impacts of project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific Occupational health mitigation	There are no adverse impacts of the proposed activities on human health. All safety measures prescribed under mining laws will be followed. Regular health checkups will be conducted at site. Budgetary provision has been given in EMP in Chapter 9 of Section 9.2. The

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	measures with required facilities proposed in the mining area may be detailed.	Details of Occupational health impacts have been discussed in Chapter 6 of Section 6.8.
50.	Public health implications of the project and related activities for the population in the impact zone should be systematically evolved and the proposed remedial measures should be detailed along with budgetary allocations.	The proposed site is away from the nearest habitat and there is not adverse health impact over the local people is anticipated, even though periodically health check-up camp will be organized under the CSR activity.
51.	Measures of socio economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.	Measures of socio-economic significance and influence to the local community provided by lessee during the project duration is mentioned in Chapter 10 of Section 10.11
52.	Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural land and grazing land, if any, occupational health impacts beside other impacts specific to the proposed projects.	Environmental management plan to mitigate the environmental impacts which inter-alia included the impacts of change of land use, loss of agricultural and grazing land, is discussed and given in Chapter 9 of Section 9.3.
53.	Public hearing points raised and commitment of the project proponent on the same along with the time bound action plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.	The public hearing points will be discussed in Chapter 7 of Final EIA report.
54.	Details of litigation pending against the project, if any, with direction / order passed by any Court of Law against the	There is no litigation pending against this project.

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FINAL EIA REPORT FOR BUILDING STONE (KHANDA, GITTI BOULDERS)
MINE

	project should be given.	
55.	The cost of the project (capital cost and recurring cost) as well as the cost towards implementation of EMP should clearly be spelt out.	Proposed detailed recurring & non-recurring cost for the project is discussed in Chapter 2 . Budgetary provision has been given in EMP in Chapter 9 of Section 9.4 .
56.	A Disaster Management Plan shall be prepared and included in the EIA/ EMP Report.	There is no such risk due to this mining activity because the nearest river Ken - 4.30 Km (West) away from the lease area. Risk Assessment and Disaster Management Plan are discussed in Chapter 7 of Section 7.2 .
57.	Benefits of the project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.	The proposed project is beneficial for availability of building material, green belt will develop, and employment generation and construction material will be available. The project benefits have been discussed in details in Chapter 8 .
58.	The company must have system of reporting of non-compliance /violations of environmental norms to the Board of Directors of the company and/or shareholders or stakeholders at large. This reporting mechanism should be detailed EIA reports.	The same has been discussed in Chapter 6 .
59.	Consultant should bring raw data at the time of presentation.	Shall be Complied
60.	In surface water quality aquatic study of phytoplankton and zooplankton.	The detailed description of aquatic study is given Section-III.
61.	The baseline data should be signed by NABL/MoEF&CC accredited analyst.	The baseline data is signed by accredited lab.
62.	The meteorological data should be site specific.	Primary data has been collected at site also. The meteorological data is

PARAMARSH (SERVICING ENVIRONMENT & DEVELOPMNT

CHAPTER-

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MINE

		elaborated in section-3.
63.	Details of kachcha haul road to be made motorable. Plan should be Submitted.	The unmetalled road is of 0.30 km will be maintained motorable A separate Budget of Rs. 2.0 Lac will be allotted for that.
64.	Details of the infrastructure facilities to be provided for the mine workers should be included in the EIA report.	No such infrastructure facility is proposed as local labour will be employed for the project.
65.	Besides the above, the below mentioned general points are also to be followed-	
a.	Executive Summary of the EIA/EMP Report	Attached with EIA report as Chapter 10.
b.	All documents to be properly referenced with index and continuous page numbering.	Complied
c.	Where data are presented in the report especially in the tables, the period in the data was collected and the sources should be indicated.	Complied
d.	Project Proponent shall enclose all the analysis/testing report of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing report should be available during appraisal of the project.	Complied
e.	Where the documents provided are in a language other than English, an English translation should be provided.	Complied
f.	The Questionnaire for environment appraisal of mining projects as devised earlier by the ministry shall also be filled and submitted.	Complied
g.	While preparing the EIA report, the instruction for the proponents and instruction for the consultant issue by MoEF vide O.M. No. J-11013/41/2006-	Complied

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Proprietor

GATA NO.- 2451 (KHAND NO.-02), VILL.- JARAR, TEHSIL-NARAINI,
DISTRICT- BANDA

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FINAL EIA REPORT FOR BUILDING STONE (KHANDA, GITTI BOULDER'S)
MINE

	IA.II(D) dated 4th August, 2009, which are available on the website of the ministry should be followed.	
h.	Changes, if any made in the basic scope and the project parameter (as submitted in Form-1 and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reason for such changes and permission should be sought, as the TOR may also have to be altered. Post public hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. Process) will entail conduct the PH again with the revised documents.	All the details furnished in Form-1, PFR is same as EIA report. No revised document is required.
i.	As per the circular No. J-11011/618/2010-IA.II(D) dated 30.05.2012, certified report of the status of compliance of the condition stipulated in the environment clearance for the existing operations of the projects, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.	Not Applicable This is freshly allotted mine site and is not existing operation.
j.	The EIA report should also include: Surface Plan of the area including contours of main topographic features, drainage and mining area. Geological Map and section Section of the mining pit and external dumps, if any clearly showing the land features of the adjoining area.	The complete mining plan along with all the plates has also been submitted along with EIA report to the Directorate.

PARAMARSH (SERVICING ENVIRONMENT & DEVELOPMENT

CHAPTER

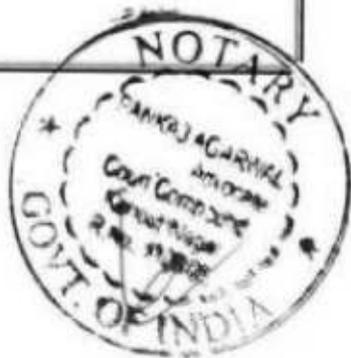
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Manoj Kumar
Proprietor



CHAPTER 2:
PROJECT
DESCRIPTION

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2. PROJECT DESCRIPTION

2.1 General

The proposed project is for opencast mining of Building Stone (Khanda, Gitti & Boulders) by semi-mechanized means with drilling and blasting. The project will include of mining of Building Stone (Khanda, Gitti & Boulders). The Project aims to augment supply of Building Stone (Khanda, Gitti & Boulders) for its customers. The mine lease area falls in Gata No.- 2451 (Khand No.-02), Village- Jarar, Tehsil- Naraini, District- Banda. Banda- 19.0 km (NW) of lease.

2.2 Brief description of the project

The proposed project is for Building Stone (Khanda, Gitti & Boulders) production from 12100 m³ or 32670 MT / annum by open cast semi-mechanized method. The lease area is 1.21 ha which comprises totally of Govt. waste land. The total geological reserves are 1047816 m³ or 2829103 MT and mineable reserves are 133168 m³ or 359554 MT. The expected life of the mine is 11 Years (approx.).

2.2.1 Location details

The mine is situated near in Gata No.- 2451 (Khand No.-02), village Jarar, Tehsil- Naraini of Banda District (U.P.). Banda to Naraini . Lease area is connected by Banda - Naraini State Highway by metalled road. Paigamberpur is 18 Km then south -west turn after crossing canal for 4.0Km & 300m un- metalled road leads to the area.. Location of the mine lease area is given in Figure 2-1. The geographical location of the lease area is as under:-

Pillars	Latitude (N)	Longitude (E)
A	25° 18' 53.85"	80° 21' 52.35"
B	25° 18' 54.74"	80° 21' 51.33"
C	25° 18' 55.52"	80° 21' 51.85"
D	25° 18' 57.50"	80° 21' 49.47"
E	25° 18' 59.20"	80° 21' 50.47"
F	25° 18' 57.38"	80° 21' 53.23"
G	25° 18' 58.88"	80° 21' 54.43"
H	25° 18' 58.02"	80° 21' 55.45"

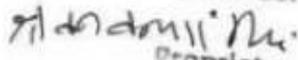
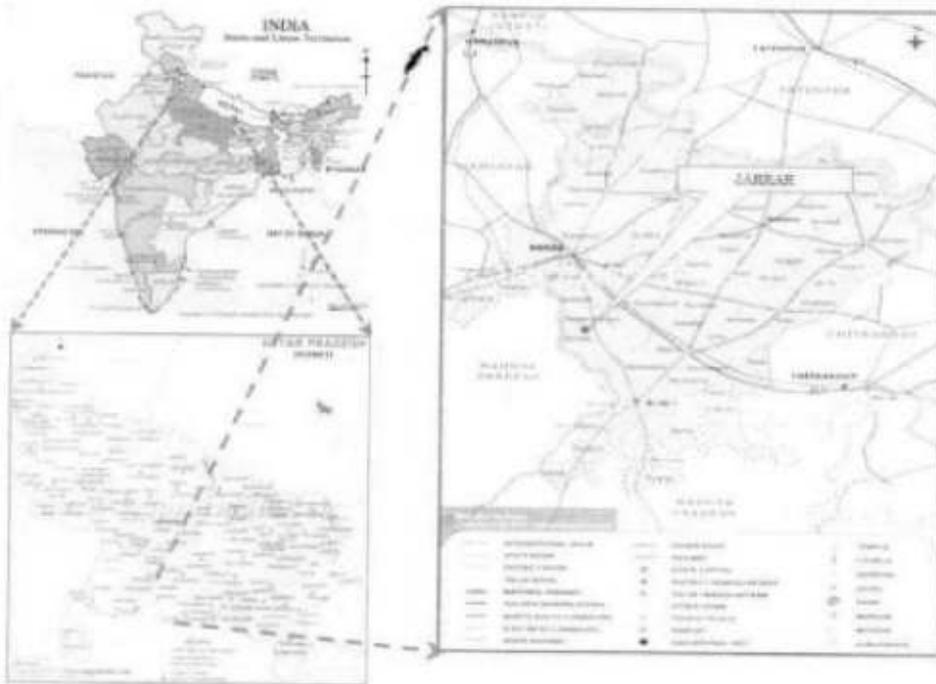
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Figure 2- 1: Location of mine site



2.2.2. Leasehold Area

The lease area is a government wasteland which falls under the revenue limit of Jarar village. There is no reserve forest or protected forestland within the lease area. There is no village or hutment within the lease area. Existing land use pattern is given in Table 2-1.

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BOULDERS) MINE

Table 2- 1 Present land use pattern of the lease area

Particulars	Jarar 1.21 Ha Mine		
	Area (Ha)		
	Preoperational phase	Operational Phase (after 5 Years)	Post Mining (Conceptual phase) at the end of Mine Life
Mining and Existing pits	0.140	0.561	1.128
Waste dumps	Nil	Nil	Nil
Road	0.036	Nil	0.058
Infrastructure facilities	Nil	Nil	Nil
Afforestation	-	0.14 (outside the mine along the road)	0.615 (outside the mine along the road)
Balance undisturbed land	1.016	0.649	0.082
Total	1.21	1.21	1.21

2.3 GEOLOGY

Geography, Topography & Physiography

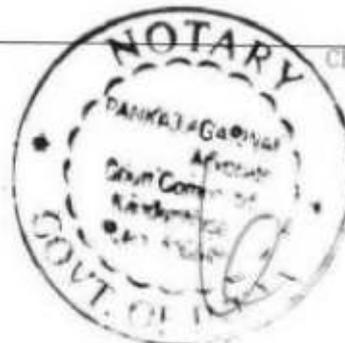
The area lies in Survey of India's Topo sheet No. 63C/07 in village Jarar. The conspicuous feature of topography of the area is elliptically isolated hills with gentler to sudden steep slope. The area is dominated by boulders and in situ outcrops of Bundelkhand Granite. The general slope of lease area is from west to east.

The conspicuous feature of topography of the area is elliptically isolated hills with gentler to sudden steep slope. The area is dominated by boulders and in situ outcrops of Bundelkhand granite. The existing land use and break-up of the lease area is given in Table 2-2:

Table 2- 2 Area Break-up of Mining Lease

Particulars of Mining Activity	Present Site Landuse in Ha.
Mining and Existing pits	Nil
Waste dumps	Nil
Road	Nil
Infrastructure facilities	Nil
Afforestation	Nil
Balance undisturbed land	1.21
Total	1.21

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2.3.1 Regional Geology

The regional stratigraphic sequence is given in Table 2-3

Table 2- 3 Regional Stratigraphic Sequence

The general succession of the area is as follows:

Semri Series	Chitrakoot Region Trihan Lime stone Gluconitic Sand Stone	Sone vally Region Rohatas Stage Khenjua Stage Porcellinite Stage
	Pellite Lime Stone Grey sand Stone	Basal Stage
General succession after S.N. Singh & O.P Paul		
Upper vindhyan	Kaimur Series	Upper Kaimur Lower kaimur
		Sand stone Vijaygarh shale, Upper Quartzite Quartzite & Shale
Lower Vindhyan	Semri Series	Chitrkoot Formation
		Trihan Lime stone Members Muradpur Members Gluconitic Sand Stone Kamtanath Members
-----UNCONFORMITY-----		
ARCHEANS	GRANITE WITH XENOLITHS OF AMPHIBOLITES	

2.3.2 Local geology

In geological sequence the granitic exposures of village Jarar is correlated with Kamtanath formation of Banda formation of Bundelkhand Group of rocks which is un-conformably rest over Archeans formation and well exposed around Kamtanath hills, Bharatkoop & Rauli kalyanpur of Banda district in U.P under thin layer of semi-weathered Granite with soil/ morram and boulders up to 5-6m. and further solid compact Granite exposures persist in deep. The Granite in isolated hilly exposure has no soil cover except 1m thick semi-weathered Granite cover over the main exposure. The exposure in running pits trending NW-SE are of dark grey in colour, coarse to medium grained showing porphyritic texture. The following join sets have been measure in Granite.

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FINAL EIA REPORT FOR BUILDING STONE (KHANDA, GITTI
BOULDERS) MINE**2.4 Proposed rate of production and expected life of mine**

The proposed rate of production for the next five years as per the approved mine plan is given as under:

Table 2- 4 Proposed rate of production in Cubic meter per Annum

Year Production	First Year	Second Year	Third Year	Fourth Year	Fifth Year
Building Stone (Khanda, Gitti & Boulders)	12100	12100	12100	12100	12100

As per the latest mining plan, approved by the Directorate of Geology & Mines, U.P. (DGM),

Table 2- 5 Estimation of Mine life

S.No.	Particulars	Details
1.	Total mineable reserves of Building Stone (Khanda, Gitti & Boulders)	133168 cubic meter
2.	Total production in next five year	60500 cubic meter
3.	Remaining reserves at the end of lease period	72668 cubic meter
4.	Rate of production per year	12100 cubic meter
5.	Life of mine at the end of five year period	6 years years
6.	Total life of mine	11 Years (approx.)

2.5 Mining**2.5.1 Details of Mining process-**

Mining shall be done by opencast semi-mechanized means confined within ultimate pit limit demarcated. Road, habitation etc. will require diversion from mining area for the safety of workings. Details of the area are as follows:

60500 M³ OR 163350 MT quantities of khanda, gitti, boulders shall be exploited by for the period of five years at the rate of 12100 m³ OR 32670 MT/Year & mining pit shall reach up to 157mRl in five years plan. Therefore five years development composite plan and & conceptual plan have been made separately. The geometry of pit as on date & at the end of plan period & at the end of conceptual period is given below in table no.2.6.

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BOULDERS) MINE

Table 2- 6 Geometry Of Pit As On Date & At The End Of Plan Period & At The End Of Conceptual Period

Period	Pit No	Pit dimension (average in m.)	Shape	Area Broken in ha.
As on date	Pit-1 Pit-2	55m X 25m X 3m 20m X 10m X 2m	Irregular	0.14
At the end of plan period		102m x 55 m x 12m	Spindle shape	0.561
At the end of conceptual Period		120m x 94 m x 24m	T shape	1.128

- a) **Plan period:** - Whole the lease area within 7.5m barrier shall be developed in one pit by bench formation during plan periods & dimension of pit will be 102m x 55 m x 12m. The depth of the pit will be confined to 157mRL. The height & width of benches shall be kept 6.0 m. slope of faces shall be kept 60°, with over all pit slope of 45°. 60500 m³ OR 163350 Building Stone (Khanda, Gitti & Boulders) shall be generated during plan period at the rate of 12100 m³ OR 32670 MT/Year . The minor mineral exists within the entire lease area shall be used in making aggregate, therefore generation of waste shall be nil.
- b) **Conceptual plan:** During conceptual period, Whole the lease area within 7.5m barrier shall be developed in one pit by bench formation during plan periods & dimension of pit will be 120m x 94 m x 24m. The depth of the pit will be confined to 145 mRL. The height & width of benches shall be kept 6.0 m. slope of faces shall be kept 60°, with over all pit slope of 45°. 133168 m³ or 359554 M.T Building Stone (Khanda, Gitti & Boulders) shall be generated during conceptual period at the rate of 12100 m³ OR 32670 MT/Year. The minor mineral exists within the entire lease area shall be used in making aggregate, therefore generation of waste shall be nil.

2.5.2 Anticipated life of mine

Total mineable reserves as on date are of the tune of 133168 m³ or 359554 M.T., with proposed rate of production of 12100 m³ OR 32670 MT/Year of khanda, gitti, boulders per annum .The expected life of mine with above proposed target comes out approximately 11 Years (approx.).

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FINAL EIA REPORT FOR BUILDING STONE (KHANDA, GITTI
BOULDERS) MINE**2.6 Extent of mechanization**

The requirement of mining equipment is calculated at its maximum production capacity as below-

Table 2- 7 Mining Machinery Details

S. No.	Machinery	Quantity
1.	Wagon drill	1
2.	Compressor	1
3.	Excavator	1
4.	Tippers	2

2.7 Employment Potential

The local labours shall be engaged for sizing of Granite (Khanda, Gitti & Boulders) and loading and handling of mineral in mining area, besides, watch and ward and plantation activity with proper maintenance. On assumption that one man on and average can size 2 to 3 tonnes of material per man day. The total manpower required for material handling and loading works out to 33. Beside this, proponent Shall engage skilled and managerial staff to meet the statutory requirement under MMR 1961 and MCDR 1988. At present, the mine is not functional. The following skilled / unskilled and semi-skilled workers besides managerial and administrative staff shall be employed at the time of re-opening of mine.

Table 2- 8: Manpower Details

1.	First Class Mines Manager	:	1
2.	Machanical Engineer(Part Time)	:	1
3.	Mines mate / Blaster	:	1
Skilled:			
	Excavator Diver	:	1
	Dumper Drivers	:	2
	Drillers	:	1
	Supervisor	:	2
	Office Assistant/Dispatch Supervisor	:	2
Semiskilled:			
	Time Keeper	:	2
	Compressor operator	:	1
	Drill operator/helper	:	1
Un-skilled:			
	Piece rated workers	:	18
Total:			33

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Mdn Jom (Mha)
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FINAL EIA REPORT FOR BUILDING STONE (KHANDA, GITTI
BOULDERS) MINE**2.7.1 Mineral Beneficiation**

Except manual / semi-semi-mechanized sizing and sorting of the Building Stone (Khanda, Gitti & Boulders), no other processing is proposed for the Granite (Khanda, Gitti & Boulders) at the mine.

2.8 Site Facility**2.8.1 Mines Office**

Mine office and rest room will be provided at a center area of Jarar lease. Specifically the following facilities will be provided to mine workers at the mines' office and in conformance with the Mines Rules, 1952:

- Canteen cum Rest room
- Toilet
- First Aid

2.8.2 Rest Shelter

Rest shelters along with first-aid station, complying with relevant provisions of Mines Rules will be provided at mine.

2.8.3 Blasting Shelter

A portable blasting shelter will be provided for the mine employees to take shelter during blasting operations. Blasting operations will be usually carried out during lunch hours.

2.9 Utilities required**2.9.1 Power Supply**

The mine will work in day shift only, so lighting arrangement will not be required.

2.9.2 Workshop and Stores

No major additional facilities will be required to be installed.

The following site services will be provided:

i)	Office	1
ii)	Drinking water shed	2
iii)	Rest shelter	2
iv)	First Aid Centre	1
v)	Store	1
vi)	Blaster Shelter	2

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2.10 Disposal of Waste

Mining faces shall be opened from top to downward. It will be advance from north-west to south-east directions & orientation benches shall be in same direction. Approach road shall be produced to each mining faces for transportation of mineral. High faces of pre-existing deep pits shall be protected by leaving in-situ embankment (1m thick) during working towards steep slope.

No waste shall be generated during plan period therefore, no proposed has been for its separate staking

2.11 Mine Drainage

a) Likely depth of water table based on observations from nearby wells and water bodies:

One dug well is situated at north-west of lease area along road side. The top ground level of the surface is 150 mRL & water table encountered in the well and the expected depth of water table in the region is about 85 mRL.

b) Working expected to be 1m above the ground level during plan period. During plan period, the mine working will be confined up to 157 mRL. Water table will not be intersected by the mining operations.

c) Quantity and quality of water likely to be encountered, the pumping arrangement and places where the mine water is finally proposed to be discharged.

The mining operations will be limited in the upper levels & the lowest bench will be formed at 157 mRL at Plan & 145 mRL at conceptual period, hence water table will be not be encountered by mining activities during plan as well as in conceptual period.

2.12 Water & wastewater management

2.12.1 Water Supply & Sanitation

The Jarar mine plans to abstract water from nearby privately owner dug well located near Jarar mine lease area.

2.12.2 Water Source & Requirement

The projected water requirements for the mine site are likely to be in the range of 2.35 KLD. The major areas of water consumption are dust suppression (1.80 KLD), for domestic purposes (0.40 KLD) and green belt development (0.15 KLD). Most of the water consumption proposed will be for dust suppression. It is to be noted that due to mechanical nature of mining in this lease the water requirement for the dust suppression will be optimal.

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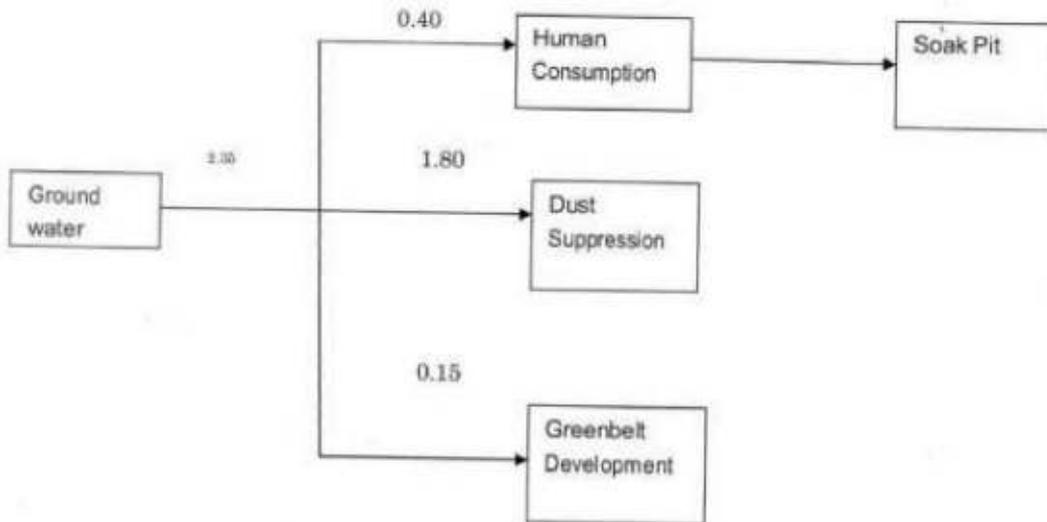


FINAL EIA REPORT FOR BUILDING STONE (KHANDA, GITI
BOULDERS) MINE

Sprinkling will be done by using truck mounted sprinkler system.

The detailed water balance is shown Figure 2-2.

Figure 2- 2: Water Balance Diagram (KLD)



2.12.3 Waste water generation & disposal

There will be no wastewater generation from Granite (Khanda, Gitti & Boulders) mining activities; however, marginal quantities of domestic wastewater will be generated, which will be disposed in soak pits.

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CHAPTER 3:
DESCRIPTION OF
ENVIRONMENT

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3.0 DESCRIPTION OF ENVIRONMENT

3.1 Introduction

This chapter presents a regional background to the baseline data at the very onset, which will help in better appreciation of micro-level field data, generated on several environmental and ecological attributes of the study area. The baseline status of the project environment is described section wise for better understanding of the broad spectrum conditions. The main objectives of describing the environment, which may be potentially affected, are (i) to assess present environmental quality and the environmental impacts and (ii) to identify environmentally significant factors that could preclude Mine development. This chapter discuss about the present scenario of the study area with reference to the prominent environmental attributes. The study area covers 10 Km radius of the mine lease area. Baseline data has been collected out during the Winter Season by NABL Accredited Lab in accordance with the Guidelines for EIA issued by the Ministry of Environment Forests and Climate Change, Govt. of India and CPCB, New Delhi.

The baseline environment quality represents the background environmental scenario of various environmental components such as Land, Water, Air, Noise, Biological and Socio-economic status of the study area. Field monitoring studies to evaluate the base line status of the project site were carried out covering March 2019 to May 2019 with CPCB guidelines. Environmental data has been collected with reference to proposed mine for:

- Land
- Water
- Air
- Noise
- Biological
- Socio-economic status

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