

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 442 OF 2022

IN THE MATTER OF:

Juned Ayubi.

.....Applicant

Versus

State of Uttarakhand & Ors.

... Respondent

REPORT BY WAY OF AFFIDAVIT ON BEHALF OF RESPONDENT-
GARHWAL MANDAL VIKAS NIGAM MANDAL NIGAM LIMITED,
UTTARAKHAND IN COMPLIANCE OF DIRECTIONS PASSED BY
THIS HON'BLE TRIBUNAL IN THE ABOVEMENTIONED MATTER

P A P E R - B O O K

I N D E X

<u>Srl.</u>	<u>Particulars</u>	<u>Pages</u>
1.	Report by way of Affidavit on behalf of Respondent -Garhwal Mandal Vikas Nigam Limited in compliance of directions passed by this Hon'ble Tribunal	171-181
2.	<u>ANNEXURE R-1</u> : A true copy of the order dated 06.01.2023 passed by this Hon'ble Tribunal.	182-188
3.	<u>ANNEXURE R-2</u> : A true photocopy of Notification dated 14.9.2006	189-197
4.	<u>ANNEXURE R-3</u> : A true photocopy of Notification dated 1.7.2016	198-199
5.	<u>ANNEXURE R-4</u> : A true photocopy of Letter 17.8.2016	200-213
6.	Vakalat nqm9	214 Filed by:



[RAHUL VERMA]

Advocate for Respondent /
Garhwal Mandal Vikas Nigam Limited
137, Tower No.10, Supreme Enclave,
Mayur Vihar Phase-I, Delhi-110091 Mobile No. 9717706032
Email- advrahulverma9999@gmail.com

171

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 442 OF 2022

IN THE MATTER OF:

Juned Ayubi.

.....Applicant

Versus

State of Uttarakhand & Ors.

... Respondents

REPORT BY WAY OF AFFIDAVIT ON BEHALF OF
RESPONDENT- GARHWAL MANDAL VIKAS NIGAM MANDAL
NIGAM LIMITED, UTTARAKHAND IN COMPLIANCE OF
DIRECTIONS PASSED BY THIS HON'BLE TRIBUNAL IN THE
ABOVEMENTIONED MATTER



I, Mr B. S. Dany S/o Shri Late S. S. Dany aged about 56

years, presently posted as Coordinator, Garhwal Mandal
Vikas Nigam Limited, Uttarakhand, 74/1, Rajpur Road, Dehradun
Uttarakhand- 248001, do hereby solemnly affirm on oath and state
as under:

1. That in my abovementioned official capacity, I am acquainted with the facts and circumstances of the present matter, and I am fully competent and duly authorised to file present Report by way of Affidavit on behalf of Respondent- Garhwal mandal Vikas Nigam Limited.

That this Hon'ble Tribunal vide earlier its order dated 18.07.2022 and passed the following order/ directions:

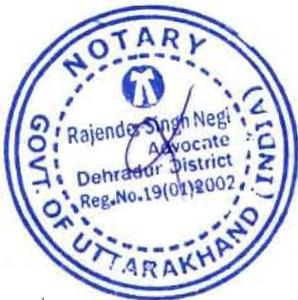
“

3. We have considered the matter and we are of the view that the averments made in the application require urgent verification of the facts and immediate remedial action on the basis thereof by the concerned Statutory Authorities. Accordingly, we constitute a Joint Committee comprising of Regional Office, MoEF & CC at Dehradun, SEIAA, Director, Department of Geology and Mines, Government of Uttarakhand, State PCB and District Magistrate, Dehradun. The State PCB will be the Nodal agency for coordination and compliance.

4. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicant as mentioned in detail in the application, verify the factual position and take remedial action by following due process of law. Factual and action taken report may be furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List the matter for further consideration on 13.10.2022

A copy of this order, along with a copy of the application and documents attached therewith, be forwarded to the Regional Office, MoEF & CC at Dehradun, SEIAA, Director, Department of Geology and Mines, Government of



Uttarakhand, State PCB and District Magistrate, Dehradun by e-mail for compliance. “

2. That this Hon'ble Tribunal vide its order dated 06.01.2023 was pleased to pass following directions:-

“

2. According to the applicant, EC has been transferred by Garwahl Mandal Vikas Nigam without following the laid down procedure. MoU dated 01.02.2021 has been executed in favor of the PP without change of name of PP on the EC. Part of the mining area is in Himachal Pradesh where Uttarakhand Authority cannot grant permission for mining. Since mining is involved in a cluster, procedure for cluster EC is required to be followed which has not been done. EC dated 17.08.2016 has expired as more than five years have passed. Single EC has been granted for two mines which is not permissible. No joint DSR has been prepared for mining near interstate boundary, as required.

3. Tribunal noted that a similar matter i.e. O.A. No. 442/2022, Junaid Ayubi vs. State of Uttarakhand filed by the same applicant on same issue already pending before the Tribunal. Consequently, Tribunal found it necessary to have the response of PP, Geology and Mining Department of Uttarakhand as well as Garwahl Mandal Vikas Nigam for which two months' time was granted and applicant was directed to serve papers on the said authorities and this matter was directed to be listed with O.A. No. 442/2022.



4. In O.A. No. 442/2022, we find that the matter was examined on 19.07.2022 on a letter petition and Tribunal constituted a Committee comprising Regional Office, MoEF&CC at Dehradun, SEIAA Uttarakhand, Director, Department of Geology and Mines, Government of Uttarakhand, State PCB and District Magistrate, Dehradun was constituted and State PCB was made nodal agency. The factual and action taken report was directed to be submitted within two months.

5. A report has been submitted in O.A. No. 442/2022 by the joint Committee along with the letter dated 31.08.2022.

6. The observations of the joint Committee includes reference to an A.O. No. 179/2021 which is said to be an arbitration Appeal in which an order was passed on 20.09.2021 which is reproduced in the record of the Committee. The learned Counsel appearing for State PCB however could not dispute that the issue of illegal mining and damage to environment and compensation etc. is not involved in the matter pending before High Court.

7. With regard to the issue in O.A. No. 442/2022, the report of Committee is reproduced as under:

X x x x x x x x



8. The amount of Rs. 1,05,83,296 claim to have been recovered by the Revenue Department does not reflect the cost of the entire mineral illegally mined by the Proponent and there is nothing on record to show that for illegal mining and damage caused to the environment, any action has been taken by the State PCB with regard to assessment of Environment Compensation, lodging of FIR for committing crime by the Proponent and other steps.

9. Further, no response has been received from Garwahl Mandal Vikas Nigam, Geology and Mining Department, Uttarakhand and Project Proponent in the present case.

10. We find that version of Proponent is necessary to be obtained for the purpose of deciding this matter.”



11. Pursuant to this Tribunal's order dated 27.09.2022, an affidavit of service has been filed by the Proponent on 17.10.2022. The affidavit verified on 14.10.2022 states that the papers of the O.A. have been sent to PP, Geology and Mining Department, Uttarakhand and Garwahl Mandal Vikas Nigam by speed-post but tracking record or service of notices upon the said authorities is not on record.

12. In the circumstances, we find it appropriate to issue notice along with copy of the petition by e-mail to Respondent Nos. 2, 5

and 6 who may file their response within one week to the Original Application as also objections, if any, to the report filed in connected O.A. No. 442/2022.

13. List for further consideration on 12.01.2023.”

A copy of the order dated 06.01.2023 is annexed hereto and marked as ANNEXURE R-1.

3. That it is respectfully submitted that in compliance of the directions passed by this Hon'ble Tribunal the following facts and relevant material for kind consideration of this Hon'ble Tribunal are as follows;

I. That it is most respectfully submitted that the work-order of 123 Hec. of Lot No.21/1 for mining of minerals, Sand, Bajri and Boulder (Minor Minerals) on the river bed of river Yamuna, (Revenue Dakpathar, Nawabgarh, Mandi Gangbhewa and Bhimawala, Tehsil Vikas Nagar, District Dehradun, Uttarakhand) within the specified khasra nos. of Vikasnagar Tehsil allotted by the Uttarakhand Govt. the same has been examined by the MOEF &CC in every



177

for clearance

regards before granting/sectioning the EC in favor of GMVN which was given on the basis of tender to Mr. Mukesh Joshi and the lease is operating under Garhwal Mandal Vikas Nigam Limited, Project proponent is Garhwal Mandal Vikas Nigam Limited, and Mukesh Joshi is only the agency working under supervision of Garhwal Mandal Vikas Nigam Limited with whom Garhwal Mandal Vikas Nigam Limited had signed Memo of Understanding (for short 'MoU), and he is abide and bound by MoU, that he will not violate any condition laid down in Environment Clearance (for short 'EC'), which was granted to Garhwal Mandal Vikas Nigam Limited by Ministry of Environment, Forest and Climate Changes, Government of India (for short MoEF&CC).



- II. That the Environment Clearance for the same is in the name of Garhwal Mandal Vikas Nigam Limited, and the mining lease has been handed over under MoU between Garhwal Mandal Vikas Nigam Limited and Lease-holder to comply with the various conditions, as per mining policy of State of Uttarakhand and supervision of the same is being

done by Garhwal Mandal Vikas Nigam Limited. The allotted mining site is situated in tehsil Vikasnagar, District Dehradun, Uttarakhand. The Environment Clearance for said area was granted after having joint survey proceedings of the site in question, and site in question was decided after complying with all the formalities, after, the lease for mining was allotted by the District Administration in favour of Garhwal Mandal Vikas Nigam Limited.

- III. That it is respectfully submitted that the Environment Clearance was granted for Lot No.21/1 which was applied to Ministry of Environment, Forest & Climate Changes, Government of India on 20-21st March, 2016 after taking approval in Agenda hearing meeting, and the said E.C. was granted by the Ministry of Environment, Forest & Climate Changes, Government of India, vide Environment Clearance dated 17.8.2016 for mining of minerals, Sand, Bajri and Boulder (Minor Minerals), the Notification to define the conditions & further desired clarification for cluster formation was issued on 1.7.2016, it is further



submitted that in the point No.09 of S.O. 1533 (E), as per Notification dated 14.09.2006 of Ministry of Environment, Forest & Climate Changes, Government of India, the period of Environment Clearance is for 30 years.

Copies of Notification dated 14.9.2006, Notification dated 1.7.2016 and Letter dated 17.8.2016 are annexed hereto and marked as ANNEXURE R-2, R-3 and R-4 respectively.

- IV. That it is pertinent to mention herein that two leases i.e. 21/1 (Yamuna) and 21/3 (Yamuna) two separate environment clearances had been accorded. The procedure of preparing DSR for both leases for mining of minerals, Sand, Bajri and Boulder (Minor Minerals) has been prepared by the District Administration, Dehradun, Uttarakhand which is mentioned in the Appendix ten of Notification dated 15.01.2016 of Ministry of Environment, Forest & Climate Changes, Govt. of India. The mining activities are monitored on the district level, in view of Point No.1 of above appendix, and the details of revenue received from production of mining of minerals, Sand, Bajri and Boulder (Minor Minerals) has been mentioned



between last 3-4 years according to point No.4-5 of above appendix. Therefore, according to rules, the preparation of district survey report (DSR) was possible after 3 years.

V. It is relevant to mention herein that all the relevant and material facts were discussed, after having an Agenda hearing of MoEF & CC dated 20-21 March, 2021, accordingly the environmental clearance was applied and all the mining lease were allotted by the Government of Uttarakhand in view of guidelines of Ministry of Environment, Forest & Climate Changes, Govt. of India.

VI. It is pertinent to mention herein that Garhwal Mandal Vikas Nigam Limited is a State Government Corporation, and is an instrumentality of State, and Garhwal Mandal Vikas Nigam Limited is not a private project proponent, and is generating revenue for the welfare of State, and the revenue is going in State fund.

4. That the present Report by way of Affidavit in compliance of direction passed by this Hon'ble Tribunal is being filed kind



181

perusal of this Hon'ble Tribunal.

Rm
DEPONENT

VERIFICATION

I, the deponent above named do hereby verify and say that the contents of my above report by way of affidavit are true and correct to my knowledge based on record, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

Verified by me at *D. Anu*, Uttarakhand on this *25/1* day of January, 2023.



Rm
DEPONENT

Filed through:

Sr. NO. (38/2023)

This affidavit is sworn before me by
Shri. B.S. Danu
who is identified by Shri.
at Dehradun,

1/1/2023
(Rajender Singh Negi)
Advocate & Notary, Dehradun

Rahul Verma
[RAHUL VERMA]

Advocate for the Respondent /
Garhwal Mandal Vikas Nigam Limited
137, Tower No.10, Supreme Enclave,
Mayur Vihar Phase-I, Delhi-110091
Mobile No. 9717706032

Email- *advrshulverma9999@gmail.com*

182

ANNEXURE R-1

Item Nos. 02 & 03

Court No. 2

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

Original Application No. 692/2022
(I.A. No. 228/2022)

Junaid Ayubi

Applicant

Versus

State of Uttarakhand & Ors.

Respondent(s)

WITH

Original Application No. 442/2022

Junaid Ayubi

Applicant

Versus

State of Uttarakhand

Respondent

Date of hearing: 06.01.2023

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

Applicant: Mr. A. Renganath, Advocate for Mr. Ajit Sharma, Advocate

Respondent: Mr. Rahul Verma, AAG for the State of Uttarakhand
Mr. Mukesh Verma, Advocate for UKPCB

ORDER

1. Grievance in this application is against river bed mining of sand, bajri and boulder at Lot No. 21/1 at villages Dakpathar, Nawabgarh, Mandi Gangbhewa & Bhimawala, Tehsil Vikasnagar, District Dehradun, Uttarakhand which is a large site admeasuring approx. 123 hectares located on the river bed of River Yamuna. Mining is by the project

proponent (PP), Mukesh Joshi Proprietor, M/s Uttara Awas Yojna, 744 Mauja Chalan Pargana Parwadoon Dst. Dehradun, Uttarakhand.

2. According to the applicant, EC has been transferred by Garwahl Mandal Vikas Nigam without following the laid down procedure. MoU dated 01.02.2021 has been executed in favor of the PP without change of name of PP on the EC. Part of the mining area is in Himachal Pradesh where Uttarakhand Authority cannot grant permission for mining. Since mining is involved in a cluster, procedure for cluster EC is required to be followed which has not been done. EC dated 17.08.2016 has expired as more than five years have passed. Single EC has been granted for two mines which is not permissible. No joint DSR has been prepared for mining near inter-state boundary, as required.

3. Tribunal noted that a similar matter i.e. O.A. No. 442/2022, Junaid Ayubi vs. State of Uttarakhand filed by the same applicant on same issue already pending before the Tribunal. Consequently, Tribunal found it necessary to have the response of PP, Geology and Mining Department of Uttarakhand as well as Garwahl Mandal Vikas Nigam for which two months' time was granted and applicant was directed to serve papers on the said authorities and this matter was directed to be listed with O.A. No. 442/2022.

4. In O.A. No. 442/2022, we find that the matter was examined on 19.07.2022 on a letter petition and Tribunal constituted a Committee comprising Regional Office, MoEF&CC at Dehradun, SEIAA Uttarakhand, Director, Department of Geology and Mines, Government of Uttarakhand, State PCB and District Magistrate, Dehradun was constituted and State PCB was made nodal agency. The factual and action taken report was directed to be submitted within two months.

5. A report has been submitted in O.A. No. 442/2022 by the joint Committee along with the letter dated 31.08.2022.
6. The observations of the joint Committee includes reference to an A.O. No. 179/2021 which is said to be an arbitration Appeal in which an order was passed on 20.09.2021 which is reproduced in the record of the Committee. The learned Counsel appearing for State PCB however could not dispute that the issue of illegal mining and damage to environment and compensation etc. is not involved in the matter pending before High Court.
7. With regard to the issue in O.A. No. 442/2022, the report of Committee is reproduced as under:-

"शासन के उपरोक्त कार्यालय ज्ञाप दिनांक 30 नवम्बर, 2021 के क्रम में गठित समिति द्वारा शासन को उपलब्ध करायी गयी *Factual Report* के उपरान्त शासन के कार्यालय ज्ञाप संख्या 2477/ VII-A-1/2021-108व/2016 दिनांक 06 जनवरी, 2022 के विन्दु संख्या 8(ii) में यमुना नदी में दो राज्यों के मध्य सीमा विवाद के दृष्टिगत नदी के मध्य से 15 मीटर का वफर जोन घोषित किये करते हुए तदनुसार प्रतिबन्धित क्षेत्रफल को कम किये जाने पर 68.364 है० के स्थान पर 58.614 है० क्षेत्रफल में उपखनिज की वार्षिक मात्रा कुल 5,14,428.64 टन निर्धारित की गयी है। (संलग्नक-1)

मा० राष्ट्रीय हरित अधिकरण में आदेश दिनांक 19.07.2022 के निम्नवत् अंश *The applicant has submitted that mining rights for mining in Revenue areas of Garhwal were exclusive given to Garhwal Mandal Vikas Nigam (GMVN). State Government issued LOI dated 23.01.2013 to GMVN for getting Environment Impact Assessment of 83 lots, including lot no. 21/3 (10.350 Hect) falling in Yamuna River, in District Dehradun conducted. Subsequently, lot no. 21/3 was modified on 10.04.2016 as per survey dated 14.09.2012 which was found it for mining. Thereafter, in the year 2013 application for environment clearance was submitted. On 03.03.2015 mining plan of lot no. 21/3 comprising Khasra No. 1, 2K and 618 in Village Dhakrani and Khasra No.-1 in village Mandi Gangbhewa measuring 68.364 Hectares was approved. The same was consented to by MoEF&CC on 07.09.2016. When longitudes and latitudes mentioned in the consent was marked on google earth one point was falling in Khasra No.-971 of Vill-Dhakrani in Uttarakhand and other point was falling in village Manwar Dewra in Himanchal Pradesh with 20 percent area falling in Uttarakhand and 80 percent area falling in Himanchal Pradesh के क्रम में तथा निम्नानुसार है*

पर्यावरणीय स्वीकृति में वर्णित *latitude व longitude* राजस्व लॉट क्षेत्रफल यमुना नदी में 30°27'14.17"N to 30°26'43.02" N व 77°42'1.06" E to 77°40'57.88 E जो कि *Survey of India* की *Toposheet No. 53F 11* व *GPS location google earth* पर इंगित करने पर उपरोक्त *Latitude व Longitude* उत्तराखण्ड के परिक्षेत्र के 200 मीटर अन्दर पाये गये। (संलग्नक - 2)

निरीक्षण दिनांक को खनन क्षेत्र के अधिकांश भाग में नदी के प्रवाह होने के कारण खनन क्षेत्र लगभग समतल पाया गया, जिसके स्थल फोटोग्राफ संलग्न है। (संलग्नक - 3)

शिकायतकर्ता द्वारा 971 में अवैध खनन किये जाने सम्बन्धी शिकायत के क्रम में राजस्व विभाग द्वारा बताया गया कि जी०एम०वी०एन० को स्वीकृत खनन लॉट के खसरा संख्या नं०-1 व 2 व खसरा नं०-618 उक्त खनन लॉट संख्या-618 से लगता हुआ खसरा संख्या-936, जो कि नदी से लगता हुआ है उक्त खसरों की लम्बाई 1400 मीटर

से (लगभग) व उक्त खसरा संख्या नम्बर से लगता हुआ खसरा नम्बर- 971, जिसकी लम्बाई राजस्व खसरे के अनुसार 600 मीटर लगभग में है। (संलग्नक - 4)

अवैध खनन पर नियंत्रण हेतु राजस्व एवं खनन विभाग द्वारा नियमित रूप से कार्यवाहियों की जाती है तथा दिनांक 01.10.2021 से दिनांक 31.08.2022 तक तहसील विकासनगर क्षेत्रान्तर्गत अवैध खनिजों के परिवहन के सम्बन्ध में की गयी कार्यवाही एवं अवैध खनन परिवहन के प्रकरणों में अधिरोपित / वसूली की गयी धनराशि का विवरण उपजिलाधिकारी विकासनगर के कार्यालय से प्राप्त सूचना के अनुसार निम्नवत् है : (संलग्नक-5)

क्र.स.	अवैध खनन परिवहन से सम्बंधित प्रकरणों की कुल संख्या	राजस्व प्राप्ति (रु. में)
01	338	1,05,83,296.00

पर्यावरणीय अनुमति की शर्तों की अनुपालन आख्या सम्बन्धी रिपोर्ट गढ़वाल मण्डल विकास निगम द्वारा क्षेत्रीय कार्यालय पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार को खनन कार्य प्रारम्भ होने के उपरान्त जमा की गयी है। सम्बन्धित कार्यालय द्वारा शर्तों की अनुपालन में ईगित कमियों का निराकरण किये जाने सम्बन्धी पत्र गढ़वाल मण्डल विकास निगम को प्रेषित किया गया है (संलग्नक—6)

गढ़वाल मण्डल विकास निगम लि0 74 / 1 राजपुर रोड देहरादून के कार्यदेश पत्रांक संख्या 784 / दस / चार-यमुना 21 / 3 (2020-25) दिनांक 02 फरवरी, 2021 द्वारा तहसील विकासनगर क्षेत्रान्तर्गत राजस्व लॉट यमुना 21 / 3 खसरा संख्या 2 क, 618, 1 कुल क्षेत्रफल 68. 364 है0 वार्षिक निविदित मात्रा 600000 टन पर ई-निविदा के माध्यम से सफल बोलीदाता / उच्च बोलीदात श्री विनोद नेगी निवासी ग्राम मयाली पो० मयाली जनपद रुद्रप्रयाग को आवंटित किया, गया।

निदेशक भूतत्व एवं खनिकर्म इकाई उद्योग निदेशालय उत्तराखण्ड भोपालपानी देहरादून के कार्यालय ज्ञाप संख्या 2677 दिनांक 19 जनवरी, 2021, कार्यालय जिलाधिकारी देहरादून के कार्यालय पत्र संख्या 73/खनिज- अनु0 / 21 दिनांक 03 फरवरी, 2021 एवं गढ़वाल मण्डल विकास निगम लि0 के पत्रांक संख्या 790 / दस / चार-यमुना 21/3 (2020-25) दिनांक 03 फरवरी, 2021 के क्रम में खनन लॉट का ई- रचना पोर्टल पर दिनांक 03.02.2021 को खनिजों के परिवहन हेतु पंजीकरण किया गया।

ई - रचना पोर्टल पर खनिजों के परिवहन हेतु निगम के पक्ष में तहसील विकासनगर क ग्राम - ढकरानी मण्डी गंगभेवा क्षेत्रान्तर्गत स्वीकृत राजस्व लॉट संख्या-21 / 3 पंजीकरण किये जाने के उपरान्त पट्टाधारक द्वारा ई-रचना पोर्टल के अनुसार वर्ष 2020-21 एवं 2021-22 में स्वीकृत मात्रा के सापेक्ष निकासी की गयी उपखनिज की मात्रा विवरण निम्नवत् है :- (संलग्नक-7)

क्र. स.	वर्ष	ई-रचना पोर्टल पर खनिजों के परिवहन हेतु पंजीकरण किये जाने के उपरान्त स्वीकृत मात्रा के सापेक्ष निकासी की गयी उपखनिज की मात्रा (टन में)
01	2020-21 (03.02.2021 से 02.02.2022)	73,190
02	2021-22 (03.02.2021 से 26.08.2022) (निरीक्षण दिनांक तक)	85,335

English Translation by Tribunal

"The Committee formed in order of the above office memorandum dated November 30, 2021, point No.8(ii) of factual report 2477/ VII-A-1 / 2021 108/2010 dated January 06, 2022, the Government by declaring a buffer zone of 15 meters from the middle of the river in view of the border dispute between the two states in Yamuna river, accordingly reducing the restricted area from 68.364 ha instead of

58.614 hector, the total annual amount of minerals in the area is 5, 14,428.64 tones has been fixed. (Annexure-1)

The following extracts from the order dated 19.07.2022 in Hon'ble National Green Tribunal, the applicant has submitted that mining rights for mining in Revenue areas of Garhwal were exclusive given to Garhwal Mandal Vikas Nigam (GMVN). State Government issued LOI dated 23.01.2013 to GMVN for getting Environment Impact Assessment of 83 lots, including lot no. 21/3 (10.350 Hect) falling in Yamuna River, in District Dehradun conducted. Subsequently, lot no. 21/3 was modified on 10.04.2016 as per survey dated 14.09.2012 which was found it for mining. Thereafter, in the year 2013 application for environment clearance was submitted. On 03.03.2015 mining plan of lot no. 21/3 comprising Khasra No. 1, 2K and 618 in Village Dhakrani and Khasra No.-1 in village Mandi Gangbhewa measuring 68.364 Hectares was approved. The same was consented to by MoEF&CC on 07.09.2016. When longitudes and latitudes mentioned in the consent was marked on google earth one point was falling in Khasra No.-971 of Vill-Dhakrani in Uttarakhand and other point was falling in village Manwar Dewra in Himanchal Pradesh with 20 percent area falling in Uttarakhand and 80 percent area falling in Himanchal Pradesh in order of and as follows:-

Latitude and Longitude Revenue Lot Area mentioned in Environmental Approval 30°27'14.17 N to 30°26'43.02"N and 77°42'1.06 E to 77°40'57.88"E of Survey of India's Toposheet No. 53F 11 and 11 on pointing the GPS location on google earth, the above Latitude and Longitude were found within 200 meters of the area of Uttarakhand (Annexure - 2).

On the date of inspection due to flow of river in most of the mining area, the mining area was found to be almost flat, the site photograph of which is attached. (Annexure-3)

Regarding the illegal mining done by the complainant in 971, it was told by the Revenue Department that G.M.V.N approved mining lot Khasra No. 0-1 and 2 and Khasra No.-618, the said mining lot number 618 is adjacent Khasra No. 936, which is adjacent to the river, the length of the said khasra is 1400 meters (approximately) and the khasra number-971 adjacent to the said khasra number, whose length according to the revenue measles is 600 meters approximately (Annexure -4)

Actions are taken regularly by the Revenue and Mining Department to control illegal mining and from 01.10:2021 to 31.08.2022 action taken in connection with transportation of illegal minerals under Tehsil Vikas Nagar area and the details of the recovered amount imposed in cases of illegal mining transport, as per the information received from the office of Deputy Collector, Vikas Nagar, are as follows (Annexure-5)

Sr. No	Cases related to illegal mining transportation	Revenue Receipt (in Rs.)
01	338	1,05,83,296.00

The report regarding the compliance of the conditions of environmental permission has been submitted by the Garhwal Mandal Vikas Nigam to the regional office of the Ministry of Environment, Forest and Climate Change, Government of India, after the start of the mining work. A letter has been sent to the Garhwal Mandal Vikas Nigam regarding the redressal of the shortcomings pointed out by the concerned office in compliance with the conditions (No-6)

Garhwal Mandal Vikas Nigam Ltd. 74/1 Rajpur Road, Dehradun by work order letter number 784/10/4-Yamuna 21/3 (2020-25) dated February 02, 2021 Revenue Lot Yamuna 21/3 Khasra No. 2k, 618 1 The total area of 68.364 hactor was allotted to the successful bidder / high bidder Mr. Vinod Negi, resident of Village Mayali Po. Mayali District Rudraprayag through e-tender at the annual tendered quantity of 600000 tonnes.

Office of Director Geology and Mining Unit Directorate of Industries Uttarakhand Bhopalpani Dehradun 's Memorandum No. 2677 dated January 19, 2021 Office of the District Magistrate Dehradun Office letter no. 73/ Mineral-Sr. / 21 dated February 03, 2021 and Garhwal Mandal Vikas Nigam Ltd.'s letter no. 790 / ten / four-Yamuna 21/3 (2020-25) dated February 03, 2021 regarding mining lot Registration for transportation of minerals was done on 03.02.2021 on e-Ravanna portal.

According to the e-Ravanna portal, after registering the approved revenue lot number-21/3 under Tehsil Vikasnagar village-Ukrani Mandi Gangbheva area in favor of the Corporation for transportation of minerals on e-Ravanna portal, according to the e-Ravanna portal for the years 2020-21 and 2021-22 the details of the quantity of sub minerals extracted in relation to the quantity in it are as follows (Annexure-7).

Sr. No	Year	After registering for transportation of minerals on E-Ravana portal, the quantity of minor minerals removed in relation to the approved quantity
01	2020-21 (03.02.2021 to 02.02.2022)	73,190
02	2021-22 (03.02.2022 to 26.08.2022 up to inspection date)	85,335

8. The amount of Rs. 1,05,83,296 claim to have been recovered by the Revenue Department does not reflect the cost of the entire mineral illegally mined by the Proponent and there is nothing on record to show that for illegal mining and damage caused to the environment, any action has been taken by the State PCB with regard to assessment of Environment Compensation, lodging of FIR for committing crime by the Proponent and other steps.

9. Further, no response has been received from Garwahl Mandal Vikas Nigam, Geology and Mining Department, Uttarakhand and Project Proponent in the present case.

10. We find that version of Proponent is necessary to be obtained for the purpose of deciding this matter.

11. Pursuant to this Tribunal's order dated 27.09.2022, an affidavit of service has been filed by the Proponent on 17.10.2022. The affidavit verified on 14.10.2022 states that the papers of the O.A. have been sent to PP, Geology and Mining Department, Uttarakhand and Garwahl Mandal Vikas Nigam by speed-post but tracking record or service of notices upon the said authorities is not on record.

12. In the circumstances, we find it appropriate to issue notice along with copy of the petition by e-mail to Respondent Nos. 2, 5 and 6 who may file their response within one week to the Original Application as also objections, if any, to the report filed in connected O.A. No. 442/2022.

13. List for further consideration on 12.01.2023.

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

January 06, 2023
Original Application No. 692/2022
(I.A. No. 228/2022)
SN


11 TRUE COPY 11

(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)
MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi 14th September, 2006

Notification

S.O. 1533 Whereas, a draft notification under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India¹, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy as approved by the Union Cabinet on 18th May, 2006 and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September, 2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

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

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

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

¹Includes the territorial waters

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

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

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

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

4. Categorization of projects and activities:-

- (i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.

(ii) All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;

(iii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, *will* require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project;

5. Screening, Scoping and Appraisal Committees:-

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

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

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

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

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

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

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

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

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

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

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

I. Stage (1) - Screening:

In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form.1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project. The projects requiring an Environmental Impact Assessment report shall be termed Category 'B1' and remaining projects shall be termed Category 'B2' and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

II. Stage (2) - Scoping:

(i) "Scoping": refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form1/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan.

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

Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

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

III. Stage (3) - Public Consultation:

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

- (a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).
- (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
- (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
- (d) all Building /Construction projects/Area Development projects and Townships (item 8).
- (e) all Category 'B2' projects and activities.
- (f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.

(ii) The Public Consultation shall ordinarily have two components comprising of:-

- (a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;
- (b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.

(iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five) of a request to the effect from the applicant.

(iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period

irectly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days,.

(v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.

(vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form , within seven days of the receipt of a written request for arranging the public hearing . Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

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

IV. Stage (4) - Appraisal:

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

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant

related information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

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

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

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

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

(i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.

(ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the

196

applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.

(v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.

(vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

9. Validity of Environmental Clearance (EC):

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

10. Post Environmental Clearance Monitoring:

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

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

197

11. Transferability of Environmental Clearance (EC):

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

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

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

[No. J-11013/56/2004-IA-II (I)]

(R.CHANDRAMOHAN)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA

11TRU/COPY11

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 1st July, 2016

S.O. 2269(E).—Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O. 1533 (E), dated the 14th September, 2006 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) (hereinafter referred to as the said notification) directions has been given on environmental clearance for minor minerals and environment clearance for leases in cluster;

And whereas, the provision of cluster in the said notification is causing practical difficulty in the State of Rajasthan, where a large number of small size (15×30 sq. mt or 30×60 sq. mt) leases and quarry licenses are operational for many years. A large number of such leases have been granted years before, and have been further fragmented with family partitions. These mines are located adjacent to each other leaving no space between two leases, which make it difficult to prepare and implement Environment Management Plan for individual leases;

And whereas, many of the lessees who applied for environmental clearance for individual leases, but by classification of cluster in the said notification are being included in B1 category and has to be processed at the State level, whereas the work of appraisal and environmental clearance for small leases is assigned to the district level authority;

And whereas, in view of the sudden unemployment of a large number of persons in the State of Rajasthan due to closure of mines, the Central Government hereby amends the said notification by exempting public notice inviting objections and suggestions from persons likely to be affected thereby under clause (a) of sub-rule (3) of rule 5 of the Environment Protection Rules, 1986, in public interest;

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

In the said notification,-

- (a) in the Schedule, in item 1(a), in column (5), entry (ii) shall be renumbered as entry (iii) and before entry (ii) as so renumbered, the following entry shall be inserted, namely:-

“(ii) for project or activity of mining of minor minerals of Category ‘B1’ in case of cluster of mining lease area.”;

- (b) in Appendix XI,-

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

“(6) A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area which shall be applicable to the mine leases or quarry licenses granted on and after 9th September, 2013.”;

- (ii) after the Table relating to “Schematic Presentation of Requirements on Environment Clearance of Minor Minerals including cluster situation” and before Appendix XII, the following Note shall be inserted at the end, namely:-



"**Note** .- (1) In the State of Rajasthan, for mining of minor minerals, in situation of a large number of leases or quarry licenses of very small size (up to one hectare each) in contiguous area, the Mines and Geology Department of the State Government shall,

- (A) define the size of cluster as per local situation for effective formulation and implementation of mine plan and Environment Management Plan;
- (B) prepare mine plan and an Environment Management Plan for the cluster;
- (C) prepare a Regional Mine Plan and Regional Environment Management Plan including all the clusters in that contiguity.
- (D) provide for mobilisation of funds from the Project Proponents in predetermined proportion for implementation of cluster and Regional Environment Management Plan.

(2) The District Mineral Fund can also be used to augment the fund for implementation of Environment Management Plans.

(3) The Environment Management Plan shall be prepared and presented within ninety days from the date of publication of this notification in the Official Gazette for environment clearance granted on or after 15th January, 2016 to any lease in that cluster. The recommendation of the State Expert Appraisal Committee and approval of the State Environment Impact Assessment Authority shall be granted within sixty days of presentation of the Environment Management Plan.

(4) The implementation of the Environment Management Plan shall begin within six months from the date of publication of this notification in the Official Gazette. The Environment Management Plan shall be monitored at the interval of six months by the concerned State Environment Impact Assessment Authority.

(5) The leases not operative for three years or more and leases which have got environmental clearance as on 15th January, 2016 shall not be counted for calculating the area of cluster, but shall be included in the Environment Management Plan and the Regional Environmental Management Plan."

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

MANOJ KUMAR SINGH, Jr. Secy.

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

1. S.O. 1949 (E), dated the 13th November, 2006;
2. S.O. 1737 (E), dated the 11th October, 2007;
3. S.O. 3067 (E), dated the 1st December, 2009;
4. S.O. 695 (E), dated the 4th April, 2011;
5. S.O. 156 (E), dated the 25th January, 2012;
6. S.O. 2896 (E), dated the 13th December, 2012;
7. S.O. 674 (E), dated the 13th March, 2013;
8. S.O. 2204 (E), dated the 19th July 2013;



TRUE COPY
This document is a true copy of the original
Shri. MR. B. S. Dany
Identified by
at Dehradun.
(Rajender Singh Negi)
Advocate & Notary, Dehradun.



200 P.S.
ANNEXURE R-4

Speed Post/Online

No. J-11015/130/2013-IA.II (M)

Government of India

Ministry of Environment, Forest and Climate Change

Impact Assessment Division

Indira Paryavaran Bhavan,
Aliganj, Jor Bagh Road
New Delhi-110 003

Dated: 17th August, 2016

To,

M/s Garhwal Mandal Vikas Nigam (GMVN) Limited,
74-/1, Rajpur Road,
Dehradun, Uttarakhand,
Pin-248 001

Tel. 0135-2740896, 2746817, Fax: 0135-2746847
Email- gmvn@gmvnl.com / gmvn@sancharnet.in

Sub.: Mining of Mineral Sand Bajri and Boulder (Minor Mineral) from River Yamuna Lot No-21/1 with proposed production capacity of 8,00,000 TPA (ROM) by M/s Garhwal Mandal Vikas Nigam Ltd., located Uttarakhand at Village: Dakpathar, Nawabgarh, Mandi Gangbhewa & Bhimawala Tehsil: Vikasnagar & District: Dehradun, Uttarakhand (MLA:123.19ha)-Environmental Clearance regarding.

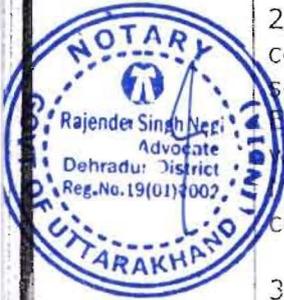
Reference: Online Application IA/UK/MIN/18550/2013.

Sir,

This has reference to your online application for the above mentioned proposal for mining of Sand, Bajri and Boulder (Minor Mineral) with proposed production capacity of 8,00,000 TPA (ROM) of Sand, Bajri and Boulder in the mine lease area of 123.19ha. The mine is located at Village: Dakpathar, Nawabgarh, Mandi Gangbhewa & Bhimawala, Tehsil: Vikasnagar, Dehradun, Uttarakhand. The Project is located in two Blocks i.e. Block A and Block B. The Latitudes and Longitudes of the mine lease area lies in Yamuna River bed (Block A) 30°29'31.67"N to 30°28'36.98"N and 77°46'43.99"E to 77°44'50.28"E & (Block B) 30°28'22.76"N to 30°28'12.43"N and 77°43'49.89"E to 77°43'17.89"E on Survey of India toposheet numbers 53F11. & 53F15 (Site), 53F14, 53F10. The Project is located in Seismic zone-IV.

2. The Ministry had prescribed TOR on 22.08.2013. The Proponent after conducting Public Hearing on 10.07.2014 submitted the EIA/EMP report online for seeking environmental clearance. The proposal of EC was appraised before the Expert Appraisal Committee (EAC) in its Meeting held during March 21-22, 2016 wherein the Committee recommended the proposal for Environmental Clearance for mining of Mineral Sand, Bajri and Boulder (Minor Mineral) with proposed production capacity of 8,00,000 TPA (ROM).

3. The mine lease area is 123.19 ha which is on Yamuna River. Project Proponent reported that no forest land is involved. Letter of Intent (LoI) for grant of mining lease for minor mineral Sand, Bajri and Boulder over an area of 123.19 ha has been granted by Department of Geology and Mining, Directorate of Industry Dehradun, vide letter no. 569/Bhu.P/ani/2012-13 dated 23rd January, 2013 for the



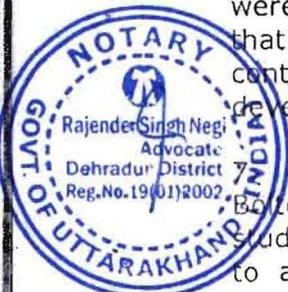
period of 5 year. The Mining Plan has been approved by the Department of Geology and Mining, Directorate of Industry Dehradun, vide letter no. 2200, dated 03.03.2015.

4. Method of Mining will be opencast manual. Excavation will be carried out up to a maximum depth of 1.5 meters from surface of deposit and not less than one meter from the ground water level of the River Channel whichever is reached earlier. The site elevation is 421 - 426 m AMSL. The Ground water depth is 2.52 m bgl in pre monsoon season and 2.29 m bgl in post-monsoon season. The total water requirement is 7.0 KLD including water demand for domestic purpose, dust suppression and plantation development which shall be met by tanker supply, NOC from Gram Panchayat has been obtained in this regard. Project Proponent reported that mining will be done leaving a safety distance from the banks i.e. 15% of the width of the River from both the banks. Mining will be done only during day time and completely stop in monsoon season. No mining will be done in the zone of 100m on either side of the structure/bridge. Project Proponent reported that there will be construction of ramps, temporary rest shelters during operational phase and these will be removed at the time of mine closure. Mineral will be transported by road. Project Proponent has made the Traffic Analysis survey and reported that 356 numbers of trucks will be deployed per day (10 tones capacity each). The total PCUs estimated is 2136 PCUs per day. The level of service (LOS) will change from "A to B". Project Proponent reported that roads will be repaired regularly and maintained in good condition. A Supervisor will be appointed to regulate the traffic movement near site.

5. Proponent reported that the project lies in Doon Valley Aasan Wetland Conservation Reserve lies at a distance of 4.5 km in SW direction and the Simbalbara Wildlife Sanctuary lies at a distance of 8.5 km in W direction. Project Proponent has informed that the application for NBWL Clearance has been submitted which is under approval. Further, the Project Proponent reported that there is no Schedule I species in the study area however schedule II species has been found, accordingly, the species specific conservation plan has been prepared which is under the process of approval by the Chief Wildlife Warden, Uttarakhand. The baseline data was generated for the period during October, 2013 to December 2013. All the parameters for water and air quality were within permissible limits. Project Proponent reported that no R&R is applicable for this Project as the mine lease area lies entirely on the River bed and there is no establishment on the site.

6. The Public Hearing for the proposed project was conducted on 10th July, 2014 at 11.00 a.m. at Rajkiya Purva Madhyamik Vidhyalaya, Enfield Grant, Vikasnagar, Dehradun, Uttarakhand: The Public Hearing was presided over by Shri Pratap Singh Shah, ADM, Dehradun, Uttarakhand. The issues raised during the Public Hearing were also considered and discussed during the meeting, which inter-alia, included that priority to local people in employment, effective implementation of measures to control dust pollution, water conservation measures, social and other village development activities and not to harm nearby fields.

Project Proponent has made Replenishment Study analysis based on Dandy Bolton's Replenishment Model and also mentioned that a proposal of replenishment study is under consideration which is to be carried out by FRI Dehradun. According to approved mine plan, the Total Reserve is 10558364.8 m³ for 5 years and mineable reserve is 40,00,000 for 5 years. The Committee deliberated the issues on Replenishment rate and is of the view that Project Proponent shall decrease/stop the mining of Mineral Sand Bajri and Boulder in case the replenishment of minerals is



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

8. The total cost of the project is Rs. 40.55 Lakhs. Project Proponent has earmarked the Environmental Management Plan (EMP) cost @ Rs. 7.0 lakhs towards capital cost and Rs. 16.43 lakhs per annum towards recurring cost. Project Proponent reported that there is no court case/ litigation pending against the project.

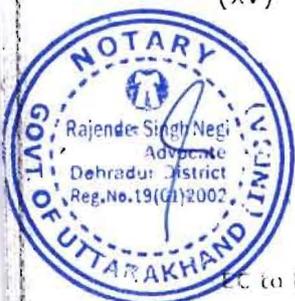
9. The Ministry of Environment, Forest and Climate Change has examined the proposal in accordance with the Environmental Impact Assessment Notification (EIA), 2006 and further amendments thereto and hereby accords the Environmental Clearance under the provisions thereof to the above mentioned proposal of **M/s Garhwal Mandal Vikas Nigam Ltd. for Mining of Mineral Sand Bajri and Boulder (Minor Mineral) from River Yamuna Lot No-21/1 with proposed production capacity of 8,00,000 TPA (ROM) in the mine lease area of 123.19ha, located at Village: Dakpathar, Nawabgarh, Mandi Gangbhewa & Bhimawala Tehsil: Vikasnagar & District: Dehradun, Uttarakhand** subject to compliance of the followings terms and conditions and environmental safeguards mentioned below:-

A. Specific conditions

- (i) Environmental clearance is granted subject to final outcome of **Hon'ble Supreme Court of India, Hon'ble High Court of Uttarakhand, Hon'ble NGT and any other Court of Law**, if any, as may be applicable to this project.
- (ii) **The Simbalbara Wildlife Sanctuary lies at a distance of 8.5 km in W direction. This Environmental Clearance is subject to obtaining requisite NBWL Clearance from the Standing Committee of National Board for Wildlife as applicable for this Mining project.**
- (iii) The Project Proponent shall obtain Consent to Operate from the State Pollution Control Board, Uttarakhand and effectively implement all the conditions stipulated therein.
- (iv) **Project Proponent shall decrease / stop the mining of Sand, Bajri and Boulder, in case the replenishment is lower than the approved rate of production, till the replenishment is completed.**
- (v) Project Proponent shall appoint a Monitoring Committee to monitor the replenishment study, traffic management, levels of production, River Bank erosion and maintenance of Road etc.
- (vi) Excavation will be carried out up to a maximum depth of **1.5 meter from surface of sand deposit and 1 meter above** from the water level of the River channel whichever is reached earlier.
- (vii) Project Proponent shall implement the Disaster Management Plan as the mine lease area is located in Seismic Zone-IV. Project Proponent shall appoint a Committee to have a check over any disaster to warn workers well before for the safety of the workers. Emergency helpline number will be displayed at all levels.



- (viii) Project Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical examination of the workers engaged in the Project and records maintained; also, Occupational health check-ups for workers having some ailments like BP, diabetes, habitual smokers, etc. shall be undertaken once in six months and necessary remedial/preventive measures taken accordingly. Recommendations of National Institute for Labour for ensuring good occupational environment for mine workers would also be adopted; All the old age people of the surrounding villages may be provided medical facilities.
- (ix) The number of trips of the trucks shall not exceed the estimated quantity of **356 trucks (10 tonnes capacity) trips per day**. Transport of minerals shall be done either by dedicated road or it should be ensured that the trucks/dumpers carrying the mineral should not be allowed to pass through the villages. The Project Proponent shall ensure that the road may not be damaged due to transportation of the mineral; and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and density.
- (x) Implementation of Action Plan on the issues raised during the Public Hearing. The Proponent shall complete all the tasks as per the Action Plan submitted with the budgetary provisions during the Public Hearing.
- (xi) The pollution due to transportation load on the environment will be effectively controlled & water sprinkling will also be done regularly. Vehicles with PUC only will be allowed to ply. The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Project should obtain 'PUC' certificate for all the vehicles from authorized pollution testing centre.
- (xii) Washing of all transport vehicle should be done inside the mining lease. Permanent pillars has to be constructed to demarcate width of extraction of ROM leaving 25% of River width from the bank with depth of 1.5m below the ground and 1.2 m above the ground to observe its stability.
- (xiii) The Project Proponent shall also take all precautionary measures during mining operation for conservation and protection of endangered flora/fauna, if any, spotted in the study area.
- (xiv) The illumination and sound at night at project site, disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. Project Proponent must ensure that the biological clock of the villages is not disturbed; by orienting the floodlights/ masks away from the villagers and keeping the noise levels well within the prescribed limits for day light/night hours.
- (xv) Transportation of the minerals by road passing through the village shall not be allowed. A 'bypass' road should be constructed (say, leaving a gap of at least 200 meters) for the purpose of transportation of the minerals so that the impact of sound, dust and accidents could be mitigated. The Project Proponent shall bear the cost towards the widening and strengthening of existing public road network in case the same is proposed to be used for the Project. No road



movement should be allowed on existing village road network without appropriately increasing the carrying capacity of such roads.

- (xvi) As per the Company Act, the CSR cost should be 2 % of average net profit of last three years. Hence CSR expenses should be as per the Company Act/Rule for the Socio Economic Development of the neighborhood Habitats which could be planned and executed by the Project Proponent more systematically based on the 'Need based door to door survey' by established Social Institutes/Workers. The report shall be submitted to the Ministry of Environment, Forest and Climate Change and its Regional Office located at Dehradun on six monthly basis.
- (xvii) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- (xviii) A Final Mine Closure Plan along with details of Corpus Fund shall be submitted to the Ministry of Environment, Forest and Climate Change 5 years in advance of final mine closure for approval.

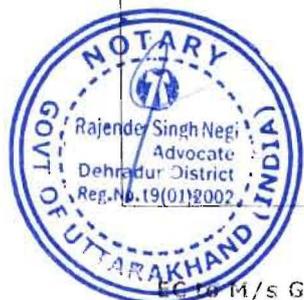
B: Special Conditions:

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

Impact Category	S. No	Environmental Conditions
Stakeholder Engagement	1	In the case of private land not owned by the lease holder an affidavit should be obtained regarding consent of the concerned land owner (s) for carrying out the mining operation.
	2	Stakeholder awareness and ability to raise concerns and getting it to be addressed.
	3	Implementation of Action Plan on the issues raised during the Public Hearing. The Proponent shall complete all the tasks as per the Action Plan submitted with the budgetary provisions during the Public Hearing.
	4	Having valid lease and all the permits is very much needed.
	5	To establish a Monitoring Committee including Local Panchayat, to check on traffic due to transportation and submit an annual report on the same.
	6	The directions given by the Hon'ble Supreme Court of India vide order dated 27.02.2012 in Deepak Kumar case [SLP(C) Nos. 19628-19629 of 2009] and order dated 05.08.2013 of the Hon'ble National Green Tribunal in application No. 171/2013 may be strictly followed.
	7	All the provisions made and restrictions imposed as covered in the Minor Mineral Rule, shall be complied with, particularly



		regarding Environment Management Practices and its fund management and Payment of compensation to the land owners.	
Sustainable Mining Practices	8	District level Survey Report should be prepared and area suitable for mining and area prohibited for mining be identified.	
	9	The depth of mining in Riverbed shall not exceed one meter or water level whichever is less, provided that where the Joint Inspection Committee certifies about excessive deposit or over accumulation of mineral in certain reaches requiring channelization, it can go up to 3 meters on defined reaches of the River.	
	10	No River sand mining be allowed in rainy season.	
	11	To submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity / production levels shall be decreased / stopped accordingly till the replenishment is completed.	
	12	Ultimate working depth shall be up to 1.5 m from Riverbed level and not less than one meter from the water level of the River channel whichever is reached earlier. In hilly terrain this depth be preferably restricted to one meter.	
	13	In River flood plain mining a buffer of 3 meter to be left from the River bank for mining.	
	14	In mining from agricultural field a buffer of 3 meter to be left from the adjacent field.	
	15	Mining shall be done in layers of 1 meter depth to avoid ponding effect and after first layer is excavated, the process will be repeated for the next layers.	
	16	To maintain safety and stability of Riverbanks i.e. 3 meter or 10% of the width of the River whichever is more will be left intact as no mining zone.	
	17	No stream should be diverted for the purpose of sand mining. No natural water course and/ or water resources are obstructed due to mining operations.	
	18	No blasting shall be resorted to in River mining and without permission at any other place.	
	19	Depending upon the location, thickness of sand, deposition, agricultural land/Riverbed, the method of mining may be manual, semi-mechanized or mechanized; however, manual method of mining shall be preferred over any other method.	
	Identification and Preparation of Mining Site	20	Mining should be done only in area / stretch identified in the District Level Survey Report suitable for mining and so certified by the Sub-Divisional Level Committee after site visit.
		21	Mining should begin only after pucca pillar marking the boundary of lease area is erected at the cost of the lease holder after certification by the mining official and its geo coordinates are made available to the District Level Committee.
		22	The top soil in case of surface land mining shall be stored temporarily in an earmarked site and concurrently used for land reclamation.



Monitoring the Mining of Mineral and its Transportation	23	The EC holder shall keep a correct account of quantity of mineral mined out, dispatched from the mine, mode of transport, registration number of vehicle, person in-charge of vehicle and mine plan. This should be produced before officers of Central Government and State for inspection.
	24	For each mining lease site the access should be controlled in a way that vehicles carrying mineral from that area are tracked and accounted for.
	25	The State / District Level Environment Committee should use technology like Bar Coding, Information and Communications Technology (ICT), Web based and ICT enabled services, mobile SMS App etc. to account for weight of mineral being taken out of the lease area and the number of trucks moving out with the mineral.
	26	There should be regular monitoring of the mining activities in the State to ensure effective compliance of stipulated EC conditions and of the provisions under the Minor Mineral Concessions Rules framed by the State Government.
Noise Management	27	Noise arising out of mining and processing shall be abated and controlled at source to keep within permissible limit.
	28	Restricted working hours. Sand mining operation has to be carried out between 6 am to 7 pm.
Air Pollution and Dust Management	29	The pollution due to transportation load on the environment will be effectively controlled and water sprinkling will also be done regularly.
	30	Air Pollution due to dust, exhaust emission or fumes during mining and processing phase should be controlled and kept in permissible limits specified under environmental laws.
	31	The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded. Wheel washing facility should be installed and used.
Management of Visual Impact	32	The mining operations are to be done in a systematic manner so that the operations shall create a major visual impact on the site.
Bio-Diversity Protection	33	Restoration of flora affected by mining should be done immediately. Twice the number of trees destroyed by mining to be planted preferably of indigenous species. Each EC holder should plant and maintain for lease period at least 5 trees per hectare in area near lease.
	34	No mining lease shall be granted in the forest area without forest clearance in accordance with the provisions of the Forest Conservation Act, 1980 and the rules made thereunder.
	35	Protection of turtle and bird habitats shall be ensured.
	36	No felling of tree near quarry is allowed. For mining lease within 10km of the National Park / Sanctuary or in Eco-Sensitive Zone of the Protected Area, recommendation of Standing Committee of National Board of Wild Life (NBWL) have to be obtained as per the Hon'ble Supreme Court order in I.A. No. 460 of 2004.
	37	Spring sources should not be affected due to mining activities. Necessary Protection measures are to be



		incorporated.
Management of Instability and Erosion	38	Removal, stacking and utilization of top soil in mining are should be ensured. Where top soil cannot be used concurrently, it shall be stored separately for future use keeping in view that the bacterial organism should not die and should be spread nearby area.
	39	The EC should stipulate conditions for adequate steps to check soil erosion and control debris flow etc. by constructing engineering structures
	40	Use of oversize material to control erosion and movement of sediments
	41	No overhangs shall be allowed to be formed due to mining and mining shall not be allowed in area where subsidence of rocks is likely to occur due to steep angle of slope.
	42	No extraction of stone / boulder / sand in landslide prone areas.
	43	Controlled clearance of riparian vegetation to be undertaken
Waste Management	44	Site clearance and tidiness is very much needed to have less visual impact of mining.
	45	Dumping of waste shall be done in earmarked places as approved in Mining Plan.
	46	Rubbish burial shall not be done in the Rivers.
Pollution Prevention	47	The EC holder shall take all possible precautions for the protection of environment and control of pollution.
	48	Effluent discharge should be kept to the minimum and it should meet the standards prescribed.
Protection of Infrastructure	49	Mining shall not be undertaken in a mining lease located in 200-500 meter of bridge, 200 meter upstream and downstream of water supply / irrigation scheme, 100 meters from the edge of National Highway and railway line, 50 meters from a reservoir, canal or building, 25 meter from the edge of State Highway and 10 meters from the edge of other roads except on special exemption by the Sub-Divisional level Joint Inspection Committee.
	50	For carrying out mining in proximity to any bridge or embankment, appropriate safety zone (not less than 200 meters) should be worked out on case to case basis, taking into account the structural parameters, location aspects and flow rate, and no mining should be carried out in the safety zone so worked out.
	51	Mining activities shall not be done for mine lease where mining can cause danger to site of flood protection works, places of cultural, religious, historical, and archeological importance.
Enhancement of Road Safety	52	Vehicles used for transportation of sand are to be permitted only with fitness and PUC Certificates.
	53	Junction at takeoff point of approach road with main road be properly developed with proper width and geometry required for safe movement of traffic by concession holder at his own cost.
	54	Project Proponent shall ensure that the road may not be damaged due to transportation of the mineral; and transport of minerals will be as per IRC Guidelines with respect to



		complying with traffic congestion and density.
	55	No stacking allowed on road side along National Highways.
Closure and Reclamation of Mined Out Area	56	The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes this work before abandonment of mine.
	57	Restoration, reclamation and rehabilitation in cluster should be done systematically and jointly by each EC holder in that cluster. This should be appropriately reflected as EC condition in each EC in cluster.
	58	Site specific plan with eco-restoration should be in place and implemented.
Health and Safety	59	Health and safety of workers should be taken care of.
	60	Transport of mineral will not be done through villages / habitations.
	61	The Project Proponent shall make arrangement for drinking water, first aid facility (along with species specific anti-venom provisioning) in case of emergency for the workers.
	62	Project Proponent shall implement the Disaster Management Plan if the mine lease area is located in Seismic Zone-IV. Project Proponent shall appoint a Committee to have a check over any disaster to warn workers well before for the safety of the workers. Emergency helpline number will be displayed at all levels.
	63	Project Proponent shall appoint an Occupational Health Specialist for Regular and Periodical medical examination of the workers engaged in the Project and records maintained; also, Occupational health check-ups for workers having some ailments like BP, diabetes, habitual smokers, etc. shall be undertaken once in six months and necessary remedial/preventive measures taken accordingly. Recommendations of National Institute for Labour for ensuring good occupational environment for mine workers would also be adopted.
Monitoring the Impact of Mining	64	The Project Proponent shall report monitoring data on replenishment, traffic management, levels of production, River Bank erosion and maintenance of Road etc.
Mineral Conservation	65	Use of alternate material such as M-sand in place of natural River sand shall be encouraged in order to reduce stress on natural eco-system.

C: PROCEDURE FOR MONITORING OF SAND MINING

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

- (i) Project Proponent must ensure that the security features of Transport Permission viz. (a) Printed on Indian Bank Association (IBA) approved Magnetic Ink Character Recognition Code (MICR) paper; (c) Unique Barcode; (d) Unique Quick Response Code (QR); (e) Fugitive Ink Background; (f) Invisible Ink Mark; (g) Void Pantograph; (h) Watermark.
- (ii) Project Proponent must ensure that the CCTV camera, Personal Computer (PC), Internet Connection, Power Back up, access control of mine lease site; and



arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used at mine lease site are available.

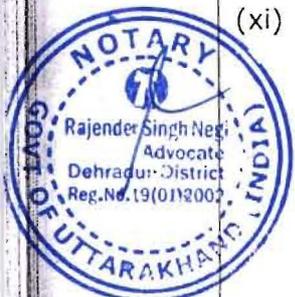
- (iii) **Project Proponent** must ensure the Scanning of Transport Permit or Receipt and **Uploading** on Server.
- (iv) **The State Mines and Geology Department** should print the Transport Permits / **Receipt** with security features enumerated at Paragraph (i) above and issue them to the mine lease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

D. General conditions

- (i) No change in mining technology and scope of working should be made without prior approval of the Ministry of Environment, Forest and Climate Change.
- No change in the calendar plan including excavation, quantum of mineral and waste should be made.
- The Project Proponent shall obtain necessary prior permission of the competent authorities for drawl of requisite quantity of surface water and ground water for the project.



- (iv) Regular monitoring of ground water table to be carried out at the upstream and depth of water available in the dug well is to be measured. Monitoring to be done by establishing a network of existing wells and constructing new piezometers.
- (v) Monitoring of Ambient Air Quality to be carried out based on the 2009 Notification, as amended from time to time by the Central Pollution Control Board. Water sprinkling should be increased at places loading and unloading points & transfer point to reduce fugitive emissions.
- (vi) The upliftment of scheduled caste/scheduled tribe population, specific programmes have been taken in to consideration specially with respect to education, health care, livelihood generation, infrastructure development & promotion of sports & culture for SC/ST population and that these will be intensified in future.
- (vii) Plantation shall be raised in a 7.5m wide green belt in the safety zone around the mining lease, backfilled and reclaimed area, around water body, along the roads etc. by planting the native species in consultation with the local DFO/Agriculture Department. The density of the trees should be around 2500 plants per ha. Greenbelt shall be developed all along the mine lease area in a phased manner and shall be completed within first five years.
- (viii) Dimension of the retaining wall at the toe of over burden dumps and OB benches within the mine to check run-off and siltation shall be based on the rain fall data.
- (ix) Effective safeguard measures such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of PM_{10} and $PM_{2.5}$ such as haul road, loading and unloading point and transfer points. It shall be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
- (x) Regular monitoring of the flow rate of the springs and perennial nallahs flowing in and around the mine lease shall be carried out and records maintained. Regular monitoring of water quality upstream and downstream of water bodies shall be carried out and record of monitoring data should be maintained and submitted to the Ministry of Environment, Forest & Climate Change, its Regional Office, Dehradun, Central Groundwater Authority, Regional Director, Central Ground Water Board, State Pollution Control Board and Central Pollution Control Board.
- (xi) Regular monitoring of ground water level and quality shall be carried out in and around the mine lease by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring shall be carried out four times in a year - pre- monsoon (April-May), monsoon (August), post-monsoon (November) and winter (January) and the data thus collected may be sent regularly to Ministry of Environment, Forest & Climate Change and its Regional Office, Dehradun, Central Ground Water Authority and Regional Director, Central Ground Water Board.
- (xii) The critical parameters such as PM_{10} (size less than 10 micro meter), $PM_{2.5}$ (size less than 2.5 micro meter), NO_x and SO_x in the ambient air within the impact zone, peak particle velocity at 300m distance or within the nearest



- habitation, whichever is closer shall be monitored periodically. Further, quality of discharged water shall also be monitored [(TDS, DO, PH and Total Suspended Solids (TSS)]. The monitored data shall be uploaded on the website of the company as well as displayed on a display board at the project site at a suitable location near the main gate of the Company in public domain. The circular No. J-20012/1/2006-IA.II (M) dated 27.05.2009 issued by Ministry of Environment, Forest & Climate Change, which is available on the website of the Ministry www.envfor.nic.in shall also be referred in this regard for its compliance.
- (xiii) Four ambient air quality-monitoring stations should be established in the core zone as well as in the buffer zone for PM₁₀, PM_{2.5}, SO₂ & NO_x monitoring. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board. Data on ambient air quality should be regularly submitted to the Ministry including its Regional office located at Dehradun and the State Pollution Control Board/Central Pollution Control Board once in six months.
- (xiv) Fugitive dust emissions from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
- (xv) Measures should be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. should be provided with ear plugs / muffs.
- (xvi) Industrial waste water (workshop and waste water from the mine) should be properly collected, treated so as to conform to the standards prescribed under GSR 422 (E) dated 19th May, 1993 and 31st December, 1993 or as amended from time to time. Oil and grease trap should be installed before discharge of workshop effluents.
- (xvii) Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- (xviii) A separate environmental management cell with suitable qualified personnel should be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
- (xix) The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Ministry and its Regional Office located at Dehradun.
- (xx) The Project authorities should inform to the Regional Office located at Dehradun regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.
- (xxi) The Project Proponent shall submit six monthly report on the status of the implementation of the stipulated environmental safeguards to the Ministry of



Environment, Forest and Climate Change, its Regional Office, Dehradun, Central Pollution Control Board and State Pollution Control Board.

- (xxii) The Regional Office of this Ministry located at Dehradun shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information / monitoring reports.
- (xxiii) A copy of clearance letter will be marked to concerned Panchayat / local NGO, if any, from whom suggestion / representation has been received while processing the proposal.
- (xxiv) State Pollution Control Board should display a copy of the clearance letter at the Regional office, District Industry Centre and Collector's office/ Tehsildar's Office for 30 days.
- (xxv) The project authorities should advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the Ministry of Environment, Forest & Climate Change at <http://envfor.nic.in> and a copy of the same should be forwarded to the Regional Office of this Ministry located Dehradun.

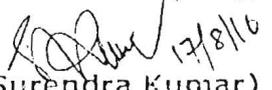
10. The Ministry or any other Competent Authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.

11. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.

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

13. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 6 of the National Green Tribunal Act, 2010.

Yours faithfully,


(Surendra Kumar)
Director (S)

Copy to:

1. **The Secretary**, Ministry of Mines, Government of India, Shastri Bhawan, New Delhi.
2. **The Secretary**, Department of Mines & Geology, Government of Uttarakhand, Secretariat, Dehradun.



3. **The Secretary**, Department of Environment, Government of Uttarakhand, Secretariat, Dehradun.
4. **The Secretary**, Department of Forest, Government of Uttarakhand, Dehradun, Uttarakhand.
5. **The Chief Wildlife Warden**, Government of Uttarakhand, Secretariat, Dehradun.
6. **The Principal Chief Conservator of Forests (C)**, Ministry of Environment, Forest and Climate Change, Regional Office (NCZ), Pearson Road, P.O. New Forest, Forest Research Institute (FRI) campus, Dehradun - 248006.
7. **The Chairman**, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
8. **The Chairman**, Uttarakhand Environment Protection & Pollution Control Board, E-115, Nehru Colony, Hardwar Road, Dehradun, Uttarakhand.
9. **The Member Secretary**, Central Ground Water Authority, A-2, W3, Curzon Road Barracks, K.G. Marg, New Delhi-110001.
10. **The Executive Engineer**, Department of Irrigation, Government of Uttarakhand, Dehradun.
11. **The Chief Wildlife Warden** of State Government of Uttarakhand, Dehradun.
12. **The District Collector**, District Dehradun, State of Uttarakhand.
13. **Guard File.**
14. **PS to IGF(FC), MoEFCC.**
15. **PS to IGF(WL), MoEFCC.**
16. **MoEFCC website.**

(Surendra Kumar)
Director (S)



This affidavit is sworn before me by
Shri. Mr. B. S. Dany
Who is identified by Shri.
at Dehradun.

(Rajender Singh Negi)
Advocate & Notary, Dehradun

IN THE MATTER OF:

Juned Ayubi

.....Applicant

Versus

State of Uttarakhand & Ors.

... Respondents

VAKALATNAMA

We, undersigned the General Manager, Garhwal Mandal Vikas Nigam Limited- Respondent in the above application do hereby appoint and retain: Shri Rahul Verma Advocate, Supreme Court of India, New Delhi to act and appear for me/ us in the above Petition and on our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same of any decree order passed there in including proceeding in taxation and application for Review, to file and obtain return of documents, and to deposit and receive money on our behalf in the said application and in applications of Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority. I/We agree to pay all the fees etc. as per law.

Dated this 11th day of January of 2013

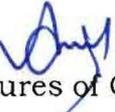
Certified, Satisfied & Accepted

Signatures of Clients


[RAHUL VERMA]

Advocate,
137, Supreme Enclave,
Mayur Vihar Phase-I,
Delhi-110091
Phone: 09717706032

GARHWAL MANDAL VIKAS
NIGAM LIMITED- RESPONDENT


(महाप्रबन्धक)
खनन अनुभाग

MEMO OF APPEARANCE

TO,
THE REGISTRAR,
National Green Tribunal,
Principal Bench, New Delhi.

Sir,

Kindly enter my appearance on behalf of the abovementioned Respondent in the above matter.

Yours faithfully,

Filed on:- 27-01-2023

[RAHUL VERMA]
ADVOCATE FOR THE RESPONDENT/
GARHWAL MANDAL VIKAS NIGAM LIMITED