

**From,**

District Magistrate,  
Jalaun.

**To,**

**Hon'ble National Green Tribunal (NGT),**  
Principal Bench, New Delhi.  
(Court No. 01)

Ref No. **603** /OSD-Jalaun

Date:- **12** December, 2023

**Sub: Joint Committee Report in Compliance of Hon'ble National Green Tribunal (NGT) Order dated 04.10.2023 in Original Application No. 556/2023 - Arun Tiwari Versus State of Uttar Pradesh.**

**Dear Sir,**

With reference to the above cited subject, I would like to state that as per the directives laid out in the Hon'ble National Green Tribunal's order dated 04.10.2023 in the matter of Original Application No. 556/2023 – Arun Tiwari Versus State of Uttar Pradesh, a joint committee inquire the issue after a site visit on 17.11.2023. The Joint Committee, comprised of the Additional District Magistrate (Finance and Revenue), Project Director from the National Highway Authority, P.I.U. Jhansi, Regional Officer from the Pollution Control Board Jhansi, Executive Engineer from the Provincial Division of Public Works Department Orai, and the Regional Transport Officer of District Jalaun, diligently recorded the factual situation as per the Hon'ble National Green Tribunal's directives and has submitted a joint report on 11.12.2023.

The comprehensive factual status report with annexures and other details on the various issues raised by the petitioner in Original Application No. 556/2023 is sent alongwith this letter for the perusal of Hon'ble National Green Tribunal.

*Regards*

*Rajesh Kumar Pandey*  
(Rajesh Kumar Pandey)  
District Magistrate  
District-Jalaun

## कार्यालय जिलाधिकारी, जालौन।

पत्रांक 599 / खनिज-एम0एम0सी0-30

दिनांक:- 11 दिसम्बर, 2023

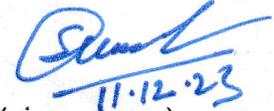
जिलाधिकारी,  
जालौन।

महोदय,

कृपया अपने कार्यालय पत्र संख्या 77/ओ0एस0डी0 दिनांक 02 नवम्बर, 2023 का संदर्भ ग्रहण करने का कष्ट करें जिसके माध्यम से मा0 राष्ट्रीय हरित अधिकरण में योजित ऑरिजनल एप्लीकेशन नं0 556/2023 में पारित आदेश दिनांक 04.10.2023 में दिये गये निर्देश के क्रम में याची द्वारा किये गये कथन, कि कार्यदायी संस्था द्वारा मिट्टी का अवैध खनन स्वीकृत मात्रा से अधिक कराया गया है, की स्थलीय जांच हेतु समिति गठित करते हुए स्थल निरीक्षण कर आख्या चाही गयी है।

उपरोक्त आदेश के अनुपालन में गठित समिति की स्थलीय निरीक्षण आख्या संलग्न कर सादर प्रेषित है।

संलग्नक:-यथोपरि।



(संजय कुमार)

अपर जिलाधिकारी (वि0/रा0)  
जालौन।

# Joint Inspection Report of the Committee

5

Submitted in Reference to

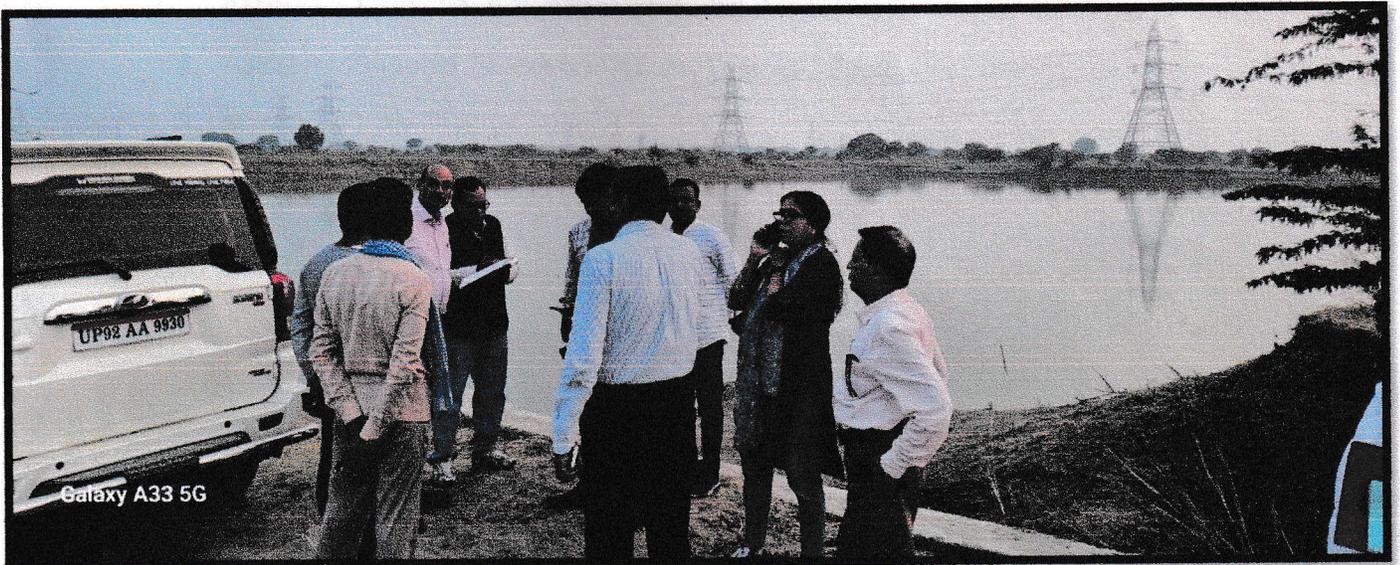
Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi

order dated 04-10-2023 in the Matter of Original Application No. 556/2023 (By  
V.C)

Arun Tiwari

Versus

State of Uttar Pradesh



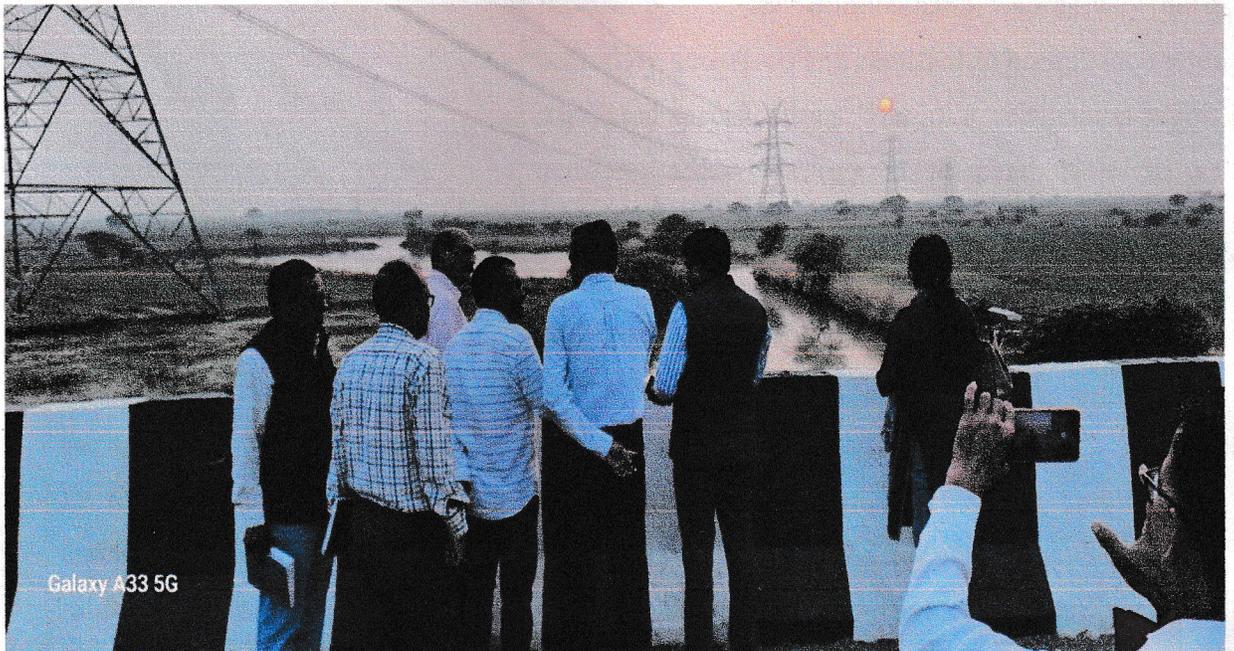
## Members of the committee

1. Additional District Magistrate, (Finance and Revenue), District-Jalaun
2. Executive Engineer, Provincial Division, Public Works Department Orai
3. Project Director, National Highway Authority of India, P.I.U. Jhansi
4. Regional Officer, Pollution Control Board, Jhansi
5. Mining Officer, Jalaun
6. Assistant Regional Transport Officer, District Jalaun

## Joint Inspection Report of the Committee

In compliance of the Hon'ble National Green Tribunal (NGT) Principal Bench, New Delhi, order dated 04.10.2023, in the matter of original application No. 556/2023, Arun Tiwari Versus State of Uttar Pradesh, the committee visited the site i.e. Bundelkhand Expressway, Package-04, District- Jalaun on 17.11.2023 at 03:00 pm and a joint site inspection, of the soil taken from ponds/farms in District-Jalaun, for the construction of Bundelkhand Expressway was conducted by the following officials to record the factual situation:

1. Additional District Magistrate, (Finance and Revenue), District-Jalaun.
2. Project Director, National Highway Authority, P.U. Jhansi.
3. Regional Officer, Pollution Control Board, Jhansi.
4. Executive Engineer, Provincial Division, Public Works Department Orai.
5. Assistant Regional Transport Officer, District Jalaun.
6. Mining Officer District Jalaun.



**As per the order of Hon'ble NGT:**

***“The Joint Committee will find out on the spot the extent of illegal mining, if any, done by the Project proponent and also the damage to the environment caused in that process and will also suggest the preventive and remedial measures.”***

**Factual Status with Respect to Issues Raised by Petitioner in Petition O.A. 556/2023**

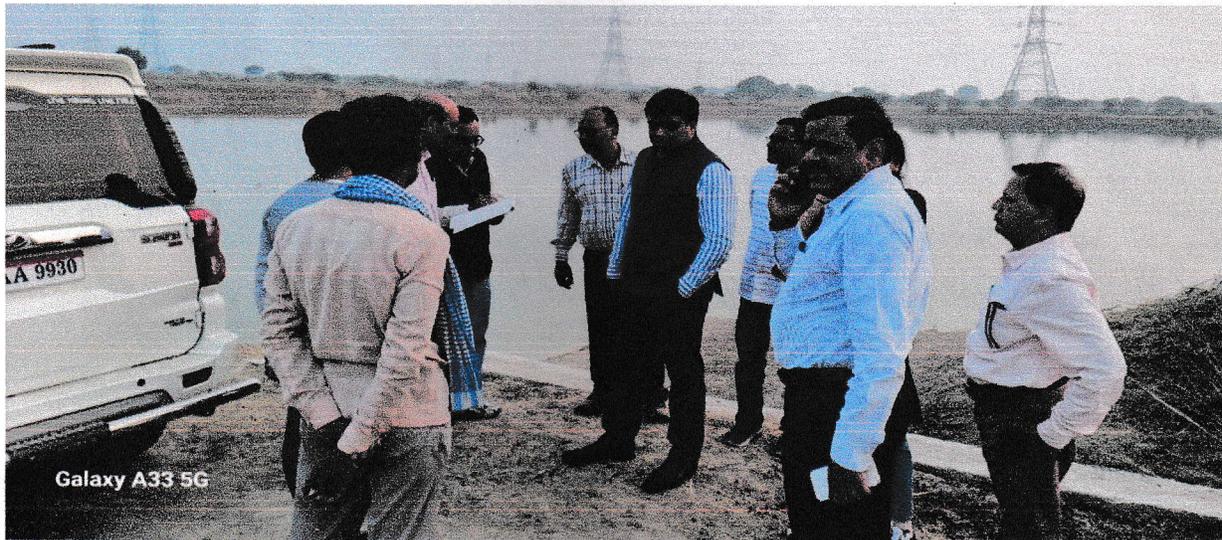
7

S.N.	Issues Raised	Factual Status
1	The allegation is that in the course of construction of Bundelkhand Expressway project, the illegal mining of soil upto 10-15 mtrs. Depth from the farmer's land is being done by the project proponent M/s Gawar Construction Limited in collusion with the officers of UPEIDA.	After on-site verification by the committee, it was confirmed that all mining activities have been carried out in accordance with the approved depth specified in the mining permission and as per the affidavit provided by the landowner, as documented in <b>Annexure-1</b> .
2	It is alleged that on account of this illegal activity, the road has been damaged at several places.	After site visit and joint verification by the committee, including PWD officials, M/s Gawar Construction Limited, and UPEIDA officials, it was confirmed that all road damages resulting from the construction of the Bundelkhand Expressway have been duly addressed and rectified in compliance with stipulated specifications. The joint verification report detailing these findings is attached herewith as <b>Annexure-2</b> .
3	Further allegation is that for the said project, the mining is going on since February 2020 whereas the application seeking permission for mining has been made in 2021 and that on account of illegal deep mining, hundreds of cattle's have died and the damage to the environment has been caused.	After investigation of documents, it's confirmed that all mining activities since 2020 have been conducted with proper permissions from the mining department, as evidenced by the attached <b>Annexure-3</b> . Regular environmental assessments, enclosed as <b>Annexure-4</b> , reveal no evidence of environmental damage or adverse effects. There is no evidence to suggest death of hundreds of cattle's due to the project.
4	As against the permission for mining upto 2 mtrs. Depth, the mining has been carried out by the project proponent in the agricultural field from 20 to 55 feet deep and illegal mining from the agricultural field of many	All mining conducted by the project proponent has adhered to the guidelines, as explicitly outlined and accepted by the respective landowners. Affirmed by the attached <b>Annexure-1</b> , where the landowner's affidavit explicitly supports the mining activity, specifying the depth required solely for pond construction purposes. Further, there is no evidence

*[Handwritten signatures and initials in blue ink at the bottom of the page]*

agriculturalists has been done without even seeking the permission.

of unauthorized deep mining or infringement upon agricultural fields without permission.



#### **Additional Field Observations of Joint Committee:**

1. The ponds made from the soil sourced from Gram-bhua, Gram Kaitheri, and Gram Kabilpura in Orai Jalaun, for constructing the embankment of the Bundelkhand Expressway, were observed.
2. Bundelkhand is a drought-prone area. Good sources for water conservation have been constructed using the soil extracted from ponds.
3. The regeneration of ponds has increased the area's capacity for water conservation.
4. During inspection it was observed that farmers were irrigating their farmlands from the aforementioned water-conserving ponds.
5. Farmers irrigating the fields during visit told that due to the presence of rocks at a depth of approximately 6-7 meters in this area, it is generally not feasible to conduct irrigation by regular boring methods and construction of ponds has enhanced the irrigation facilities in the area .
6. There is no possibility of livestock drowning in any way at these locations because they are far away from human settlements.
7. The rejuvenation and construction of ponds in this manner have enhanced the area's ability to collect rainwater, thereby improving the environment and augmenting the availability of water for irrigation purposes.
8. No evidence of any environmental damage caused by mining during project construction was evident.

*[Signature]*

*[Signature]* Rubina

*[Signature]*  
*[Signature]*



### Conclusion:

Considering the above status, documents and observation made by Joint Committee during inspection, Joint Committee concluded as follows:

1. The project proponent, has not conducted any illegal mining during the construction of the Bundelkhand Expressway project, as alleged by the petitioner.
2. The damaged roads have been repaired to their original condition in accordance with the specifications, and this restoration has been verified and approved by P.W.D. officials.
3. It is evident from the mining permissions that all mining activities were duly approved and signed by the Mining Officer of Orai, Jalaun.
4. There is no evidence of deep mining beyond the approved limit on the site, hence no question of subsequent cattle deaths.
5. No agricultural fields have been excavated without the permission of the landowners, and all mining activities have been conducted within the specified depth.
6. The committee would like to draw your attention to a circular issued by the Ministry of Road Transport & Highways, numbered RW/NH-34066/09/2017-S&R(B), dated 31st August 2017. The subject of this circular pertained to the 'Digging of ponds/Nalas/water bodies/rivers and utilization of soil thereof for projects of water conservation in the drought-affected areas of the country.' The circular emphasized the utilization of soil from ponds, check dams, and water bodies in drought-prone

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

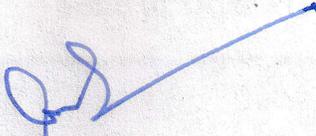
*[Handwritten signature]*

*[Handwritten signature]*

regions, to meet the soil requirements for construction works of national highways. This approach was proposed for multiple benefits. It was envisioned that gram panchayats/farmers would benefit from the creation of ponds/water bodies on their land without incurring costs, aiding in the restoration of such water bodies. Simultaneously, construction agencies would obtain embankment material for their road-building and expansion projects, effectively reducing project costs. Please refer **Annexure-5**.

7. Upon thorough on-site investigation, the Joint Committee meticulously examined for any signs of unauthorized mining by the Project Proponent and evaluated potential environmental impacts. The conclusive report affirms that no instances of illegal mining were identified, and no evidence of environmental damage was found during the comprehensive assessment conducted by the Committee.

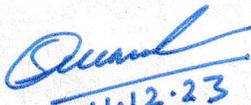
  
Assistant Regional  
Transport Officer, District  
Jalaun

  
Executive Engineer, Provincial  
Division, Public Works  
Department Orai

  
Regional Officer, Pollution  
Control Board, Jhansi

  
Project Director, National  
Highway Authority, P.U.  
Jhansi

  
Mining Officer  
District-Jalaun

  
11.12.23  
Additional District Magistrate,  
(Finance and Revenue),  
District-Jalaun