

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 356 OF 2022

IN THE MATTER OF:

Babu Lal & Ors.

...Applicant

VERSUS

State of Rajasthan

...Respondents

INDEX

S. No.	Particulars	Page Nos.
1.	Report in compliance of order dated 06.09.2022 on behalf of the Rajasthan State Pollution Control Board (RSPCB).	
2.	ANNEXURE – 1 Final Mine Closure Plan & its compliance has not been furnished as the mining lease still possess mineral reserve & is valid upto 2061	
3.	ANNEXURE – 2 State Boards's official visited the mining lease area on dated 04.10.2023 & has reported observations	

RAJASTHAN STATE POLLUTION CONTROL BOARD

Through its Counsel



Nishant Awana
Advocate

A-320, 1st Floor, Defence Colony, New Delhi-110024
Ph- 011-35550654, +91-7838760760

nishantawana@outlook.com

Date: 05.12.2024

Place: Delhi

Report

Submitted in Reference to

Hon'ble National Green Tribunal , Principal Bench,

order dated 06.09.2022 in the Matter of

Original Application No. 356/2022

Babu Lal & Ors.

Versus

State of Rajasthan

In compliance of the Hon'ble National Green Tribunal (NGT) Principal Bench, New Delhi, order dated 06/09/2022, in the matter of Original Application No. 356/2022, Babu Lal Sahu & Ors. versus State of Rajasthan. Statutory/contractual provisions governing mining leases were verified by Mining Engineer, Ajmer on dated 19.09.2023 .

As per the report provided by Mining Engineer, Department of Mines & Geology, Ajmer vide letter dated 20/09/2023, observations during visit are as under :-

1. Mining lease of Smt. Khushbu Sen, Mining Lease No. 44/2009, Area- 4.1242 Hectares., Mineral- Quartz & Feldspar located at village Nizampura, Tehsil Nasirabad, District Ajmer is having two mining pits.
2. Presently , no mining activity is being carried out .
3. As per the available records, mining lease of ML No. 44/2009 is valid upto 19/09/2061. Since, Mineral reserves are available in the mining lease area as per the approved mining plan, thus, reclamation has not been done in the mining lease.
4. As per records, validity of mining lease is 50 years from the date of mining lease registration. Accordingly, Mining lease validity is upto 19/06/2061 (from 20/06/2011) for M/s Smt. Khushbu Sain, Mining Lease No. 44/2009, located at village Nizampura, Tehsil Nasirabad, District Ajmer.

Dy.

5. Mining Engineer, Ajmer has issued a warning letter dated 12.07.2022 to the lease holder for not dumping of overburden on designated site.
6. Final Mine Closure Plan & its compliance has not been furnished as the mining lease still possess mineral reserves & is valid upto 2061. (Annexure-I)
7. State Board's official visited the mining lease area on dated 04/10/2023 & has reported following observations:- (Annexure-II)
 - a. Mine was non operative during inspection.
 - b. No plantation was observed within lease area. Only local shrubs were observed in mining lease area. Approx. 20 nos. of small saplings were observed in khatedari land near lease area.
 - c. Small heaps of overburden were observed within lease area.
 - d. Two nos. of mining pit size about 70'x40' & 100'x40' were observed in lease area & both mining pit was found accumulated with water.

Conclusions:-

1. M/s Smt. Khushbu Sen, Mining Lease No. 44/2009, Area- 4.1242 Hectares., Mineral- Quartz & Feldspar located at village Nizampura, Tehsil Nasirabad, District Ajmer is a valid mining lease area with mineral reserves.
2. Reclamation is not possible, because of the mineral reserves and mine may be operative for excavation of the same in future.
3. Final Mine Closure Plan & its compliances have not been submitted as the mining lease validity is upto 19.09.2061.

Deepak Tanwar

Deepak Tanwar
Regional Officer
RSPCB, Kishangarh

Dr. Bharti Dixit

Dr. Bharti Dixit
District Collector & District Magistrate
Ajmer

कमांक: खअ/अज/ख.प. 44/2009/न।०

दिनांक:- 29/09/2023

प्रेषिति :-

क्षेत्रीय अधिकारी,
राजस्थान राज्य प्रदुषण नियंत्रण बोर्ड,
किशनगढ़, जिला अजमेर।

ANNEXURE- I..

विषय:- Compliance in the matter of Babulal & Ors. V/s State of Rajasthan
in OA No. 356/2022.

प्रसंग:- आपका पत्र कमांक 2826 दिनांक 06.09.2023 के कम में।

महोदय,

उपरोक्त विषयान्तर्गत श्रीमती खुशबू सेन पुत्र श्री चम्पालाल सेन, निवासी-ई-65, चन्द्र नगर, ब्यावर रोड़, जिला अजमेर के पक्ष में प्रभावी खनन पट्टा संख्या 44/2009 वास्ते खनिज क्वार्टर, फैंसपार क्षेत्रफल 4.1242 हैक्टेयर निकट ग्राम निजामपुरा, तहसील नसीराबाद, जिला अजमेर के संबंध में प्रासंगिक पत्र से रिपोर्ट चाही गई है। जिसके कम में कार्यालय के तकनीकी स्टाफ द्वारा दिनांक 19.09.2023 को प्रस्तुत की गई निरीक्षण रिपोर्ट व कार्यालय रिकॉर्ड अनुसार रिपोर्ट निम्नानुसार है:-

1. उक्त खनन पट्टा क्षेत्र में 02 खनन पिट्टे लगे पाये गये तथा खनन कार्य कुछ समय से बंद पाया गया।
2. कार्यालय रिकॉर्ड अनुसार उक्त खनन पट्टे की अवधि दिनांक 19.09.2061 तक है। उक्त खनन पट्टे की अनुमोदित खनन योजना अनुसार खनन पट्टा क्षेत्र में खनिज के भण्डार उपलब्ध है। अतः खनन पट्टे में reclamation नहीं किया गया है।
3. कार्यालय रिकॉर्ड अनुसार उक्त खनन पट्टे की अवधि खनन पट्टा पंजीयन दिनांक 20.09.2011 से 50 वर्ष (अर्थात दिनांक 19.09.2061) तक है। खनन पट्टे का मलबा अनुमोदित खनन योजना के तहत निर्धारित स्थान पर नहीं डाले जाने के कारण पट्टेधारी को इस कार्यालय के पत्रांक 291 दिनांक 12.07.2022 को चेतना पत्र जारी किया गया है।
4. चूंकि कार्यालय रिकॉर्ड अनुसार उक्त खनन पट्टे की अवधि दिनांक 19.09.2061 तक है। अतः पट्टेधारी द्वारा Final Mine Closure Plan व पालना रिपोर्ट प्रस्तुत नहीं की गई है।

अतः रिपोर्ट वास्ते अग्रिम आवश्यक कार्यवाही हेतु प्रेषित है।


(जयप्रकाश गोदारा)
खनि अभियन्ता
अजमेर

ANNEXURE- II



REGIONAL OFFICE

RAJASTHAN STATE POLLUTION CONTROL BOARD
SPL-2, 5th Phase, RIICO Ind. Area, Kishangarh, Dist-Ajmer

**Factual Report**

M/s Khshbu Sain D/o Champa La Sain

M.L. No. 44/09, Area 4.1242 Hectare, Near Village Nizampura, Tehsil Nasirabad, Dist. Ajmer

Lease valid upto 19.09.2041

EC issued by DEIAA/Ajm/M-Sectt/2016-17/91 dated 27.07.2016

The aforesaid mine was inspected by the undersigned official on dated 04.10.2023 in the presence of Sh. Raju Gurjar regarding factual report in compliance of order 06.09.2023 passed in Original Application No. 356/2022 Babu Lal & Ors. Applicants Versus State of Rajasthan Respondent.

During visit following facts were observed :-

1. Mine was non-operational during inspection.
2. No plantation was observed within lease area. Only local shrubs were observed in mining lease area. 20 Nos. of small saplings were observed in khatedari land near lease area.

No information was given by representative regarding plantation by lessee in nearby villages.

3. Small heaps of overburden were observed within lease area.
4. Two nos. of mining pit (size about 70'x40', 100'x40') were observed in lease area. Rain water was filled in both mining pit.

Narendra Kumar
JEE, RSPCB Kishanagrh

C/s

Deepak Tanwar
EE & Regional Officer, Kishangarh











