



उत्तर प्रदेश 276 दूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या: H 97226 / सी-3 / NGT . 32 3 / 2023

दिनांक: 10/07/2023

To,
The Registrar,
The National Green Tribunal,
Principal Bench,
New Delhi
E-mail- judicial-ngt@gov.in

Sub: Report of The Joint Committee and Action Taken Report (ATR) in compliance of the order dated-13.03.2023 passed by Hon'ble National Green Tribunal, New Delhi in Original Application No. 188 of 2023 Gaurav Kumar Versus State of Uttar Pradesh & Ors.

Sir,

That in compliance of the order dated- 13.03.2023 passed by the Hon'ble National Green Tribunal, New Delhi in Original Application No. 188 of 2023 Gaurav Kumar Versus State of Uttar Pradesh & Ors. In compliance of the above order a Joint Committee constituted by CPCB, Delhi dated 11.04.2023. The inspection of Joint Committee conduct on dated-23.05.2023. The status report of the same is annexed.

The Action Taken Report is annexed herewith and forwarded to you with the request that the same may be placed before the Hon'ble Tribunal.

Enclosure- As above

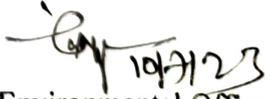
Yours Sincerely


(Ghanshyam)

Chief Environmental Officer,
Circle-3

Copy to:

1. Shri Pradeep Mishra, Advocate on Record, Hon'ble Supreme Court/ NGT, New Delhi for necessary action please.
2. Law Officer-1, U.P. Pollution Control Board, Lucknow for information and necessary action please.
3. Regional Officer, U.P. Pollution Control Board, Saharanpur for information and necessary action.


Chief Environmental Officer,
Circle-3



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REPORT

PLACED BEFORE HON'BLE NATIONAL GREEN TRIBUNAL

(NGT), NEW DELHI

O.A. NO. 188 of 2023

IN THE MATTER OF

GAURAV KUMAR APPLICANT

VESUS

STATE OF UTTAR PRADESH & ORS.

RESPONDENT

Joint Committee

(CPCB, UPPCB & District Magistrate, Saharanpur, U.P.)

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FACTUAL REPORT OF MINING IN SAHARANPUR
IN THE MATTER OF
GAURAV KUMAR VS STATE OF UTTAR PRADESH & ORS.
(O. A. No. 188 of 2023)

A. Background:

Hon'ble NGT, Principal Bench, New Delhi has passed order on dated 13.03.2023 in the matter of Gaurav Kumar Vs State of UP &Ors. (O. A. No. 188 of 2023) for factual report on auction for published proposing mining of sand, bajari and boulder in mixed condition from 14 places without preparing final District Survey Report (DSR) and without undertaken any replenishment study. The relevant portion of the order is as below: -

".....4. In our view, a substantial question relating to environment for implementation of Scheduled enactments under NGT Act, 2010 has arisen. However, before taking any further action in the matter, we find it appropriate to obtain a factual report, for the purpose whereof, we constitute a Joint Committee comprising CPCB, State PCB and District Magistrate, Saharanpur who shall visit the site, collect relevant information and submit a factual report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR supported PDF and not in the form of Image PDF.

5. State PCB will be the nodal agency for coordination and compliance.

6. List for further consideration on 17.05.2023."

Copy of reference NGT order is annexed as **Annexure-1**.

B. Constitution of Committee:

In compliance of referred NGT order, following member were nominated by the concern department:

1. Shri Rajneesh Kumar Mishr, ADM (F/R), Saharanpur (Representative of District Magistrate, Saharanpur)
2. Shri Runa Oraon, Sc.'D', CPCB, Regional Directorate, Lucknow (Representative of CPCB)

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3. Dr. D.C. Pandey, Regional Officer, U.P. Pollution Control Board, Saharanpur
(Representative of UPPCB)

In compliance of Hon'ble NGT order, meeting of committee is carried out on May 09, 2023 through Video Conferencing (VC). Following officials were present during meeting:

1. Sh. Rajnish Kumar Mishr, ADM (F/R), Saharanpur
2. Sh. Runa Oraon, Sc.'D', CPCB, Regional Directorate, Lucknow
3. Sh. D.C. Pandey, Regional Officer, UPPCB, Saharanpur
4. Sh. Naveen Kumar Das, Joint Director/Mining Officer, Saharanpur

Minutes of the meeting is annexed as **annexure-2**. During meeting, it is informed by the mining officer, no mining activity has been started. However, it is decided to visit all proposed sites by the committee by end of May, 2023. It is also informed that updated DSR has been prepared and Replenishment study has been completed. Committee ask to provide all details of proposed mining activity published through auction.

C. Observation:

As per details provided and information provided by mining officer, the observation of the committee is summarized as below:

1. District Magistrate, Saharanpur has published e-auction notice on 13.02.2023 for inviting bids/Tenders of vacate mining lease of 14 places in Saharanpur Through MSTC (Under the administrative Control of Ministry of Steel, Government of India). Letter of Intent (LOI) has been issued to 11 (eleven) bidders.
2. Hon'ble NGT vide its order dated 06.05.2022 in the matter of Raj Kumar Vs State of UP and Ors.(140 of 2021) passed following order for mining activity in UP:
"11. Accordingly, the ACS, Mining, UP has fairly stated that replenishment study will be conducted prior to auctions in future and with regard to the current leases, ongoing replenishment study will be expedited. In the light thereof, the leases will be renewed, if necessary. Such studies for all Districts in UP will be completed by December 31, 2022 and for Banda by June 30, 2022. She has

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further stated that the allegation of instream mining will be verified and if found true, the same will be discontinued.

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

Copy of reference NGT order is annexed as **Annexure-3**.

3. Further, Hon'ble NGT vide its order dated 30.05.2022 in the matter of Daljeet Singh Vs State of UP and Ors.(OA No. 403 of 2022) passed following order for mining activity in Saharanpur:

"In the meanwhile no lease shall be granted and also no mining shall be commenced in any of the mining sites in District Saharanpur, Uttar Pradesh before completion of replenishment study, updation of DSR and grant of environmental clearance/CTE/CTO on the basis thereof in accordance with SSMG, 2016 and EMGSM, 2020."

Copy of reference NGT order is annexed as **Annexure-4**.

4. District Magistrate, Saharanpur has constituted Seven (07) members Sub Divisional Committee for carrying out replenishment study of Saharanpur District for pre and post monsoon. The committee with the help of M/s Greens India Consulting Pvt. Ltd.,Vaishali. Ghaziabad (UP). Replenishment study was conducted during June and July, 2022 for pre-monsoon and December, 2022 for

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post-monsoon. Copy of report of Sub Divisional Committee regarding replenishment study is annexed as **annexure no. 5**.

5. Further, Hon'ble NGT vide its order dated 25-01-2023 in the matter of Daljeet Singh Vs State of UP and Ors.(403 of 2022):-

"Reply has been filed by the Mining Department, U.P to the effect that replenishment study had been conducted prior to the Draft Survey Report for Saharanpur River Bed Mining 2022. The DSR is at draft stage and is yet to be finalized. In view of above, no further order is necessary. The application is disposed of. All IAs also stand disposed of."

Copy of reference NGT order is annexed as **Annexure-6**.

6. It is also informed by Mining Officer, Saharanpur that updated District Survey Report (DSR) has been prepared and forwarded to Spl. Secretary, Geology and Mining Department, Uttar Pradesh Govt. and Director, Geology and Mining Department, Uttar Pradesh on 18.01.2023 and 01.02.2023 for approval. Copy of letter is annexed as **Annexure no. 7 & 8** respectively.
7. It is also informed that Updated DSR report was uploaded on Saharanpur District administration website (NIC) on 13.01.2023. Updated DSR was also E-mailed /Speed post to District Administration Yamuna Nagar for public comments. Objection received from Gaurav Kumar, Daljeet Singh and Sumit Rana is replied by mining department. Copy of objections and reply by mining department is annexed as **Annexure no. 9 & 10** respectively.
8. Govt. of Uttar Pradesh has constituted a committee for review of DSR report vide order dated 01.06.2022(copy of order is annexed as **annexure-11**). The committee comprises of following members:

1	Chief Mines Officer, Directorate of Geology & Mining U.P.	Head
2	Joint Director, Directorate of Geology & Mining U.P.	Member
3	Nominee of the department of Revenue	Member
4	Nominee By the Directorate of Environment U.P.	Member
5	Nominee By Forest Department, U.P.	Member

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6	Nominee By Irrigation and Water Resource Department, U.P.	Member
7	Mr. Moinuddin, Geologist, Directorate of Geology & Mining U.P.	Member
8	Mr. Shashank Sharma, Assistant Geologist, Directorate of Geology & Mining U.P.	Member

9. Director, Geology and Mining Department, Uttar Pradesh vide its letter dated 27.03.2023 approved Updated DSR report with revision and inclusion. Copy of approval letter is annexed as **annexure no. 12.**

D. Visit of the committee:

Visit of committee of 14 (fourteen) mining sites were carried out on 23.05. 2023. During visit, mining officer, Saharanpur was also present. Observation based on visit is as below:

1. All proposed mining sites has been auctioned for RBM (River Bed Mineral). Eleven sites are located on River Yamuna and remaining three sites are located on perineal rivers.
2. River Yamuna passing through Saharanpur is state boundary of Uttar Pradesh and Haryana.
3. Details of each mining sites are as below:

S. No.	Tehsil	Village	Gata No.	Area (in Hectare)	Name of Mineral RBM (Sand, Gravel, Boulder in mixed state)	Updated Status
1.	Behat	Akrabpur Baans Aa.	1	17.90	RBM	LOI issue
2.	Behat	Arraji Jevdi Ahtmal and Massodpur Garh Ahtmal	1 and 1	13.80	RBM	LOI issue
3.	Behat	Shahzadpur Baans	1	13.00	RBM	LOI issue
4.	Behat	Allaudinpur Baans Ahtmal	1/1	9.580	RBM	LOI issue

[Handwritten signatures and marks]

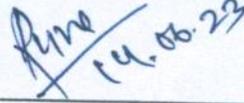
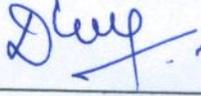
5.	Behat	Mahmoodpur Nagli Ahtmal	1	15.70	RBM	LOI issue
6.	Behat	Shahpur Baans Ahtmal	1/1	15.60	RBM	LOI issue
7.	Behat	Abutalibpur Garh Ahtmal	1	37.00	RBM	LOI issue
8.	Behat	Nityanandpur Ahtmal and Said Mohammadpur Ahtmal	1 and 1 Ma	17.70	RBM	LOI issue
9.	Behat	Sherpur Pelo	403, 404/1, 405, 406/1, 416/2, 421/1, 422/2, 423/2, 424/2, 429, 431	6.475	RBM	LOI issue
10.	Behat	Kaluvala Paharipur	119/1, 120/1, 192/1, 193/1, 125/4	14.90	RBM	LOI issue
11.	Behat	Nunyari Ahtmal Khand- II	1/1/1	23.20	RBM	LOI not issued
12.	Behat	Aslampur Bartha	1/1 Ma	36.60	RBM	LOI not issued
13.	Behat	Rasoolpur urf Rasuli	1/1	34.00	RBM	LOI issue
14.	Behat	Aslampur Bartha Khand-2	1/1 Ma	28.16	RBM	LOI not issued

4. During visit, no mining activity was observed in all proposed sites.
5. It is also observed that eight proposed mining sites are in cluster.

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E. Conclusion/Recommendation:

It is evident from above, Updated DSR report and replenishment Study report of Saharanpur has been prepared and approved by Govt. of UP. Mining permission is yet to be granted for all proposed places. It is also recommended that Mining activity should not be started till obtaining necessary approval from all concern departments such as Environmental Clearance (EC), NOC from Ground Water Department, CTE & CTO from SPCB etc..

S. No	Member	Signature
1.	Shri Rajneesh Kumar Mishr, ADM (F/R), Saharanpur.	
2.	Shri Runa Oraon, Sc. 'D', CPCB, Regional Directorate, Lucknow.	 14.06.23
3.	Dr. D.C. Pandey, Regional Officer, U.P. Pollution Control Board, Saharanpur.	

Item No. 03

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**Original Application No. 188/2023
(I.A. No. 76/2023)

Gaurav Kumar

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 13.03.2023

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

Applicant: Mr. Ajit Sharma, Advocate

ORDER

1. Heard learned Counsel for the applicant. This Original Application has been registered under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010'), stating that auction notices dated 13.02.2022 and 26.07.2022 (Annexure A-8 to the Original Application) have been published proposing mining of sand, bajari and boulder in mixed condition from 14 places without preparing final District Survey Report (DSR) and without undertaken any replenishment study.

2. Our attention is drawn to Enforcement & Monitoring Guidelines for Sand Mining published in January, 2020, at page 86 wherein para 4.1.1(a) reads as under:-

"a) District Survey Report for sand mining shall be prepared before the auction/e-auction/grant of the mining lease/Letter of Intent

(LoI) by Mining department or department dealing the mining activity in respective states."

3. It is said that there is restriction even in respect to auction or e-auction or mining activities without preparing DSR for sand mining.
4. In our view, a substantial question relating to environment for implementation of Scheduled enactments under NGT Act, 2010 has arisen. However, before taking any further action in the matter, we find it appropriate to obtain a factual report, for the purpose whereof, we constitute a Joint Committee comprising CPCB, State PCB and District Magistrate, Saharanpur who shall visit the site, collect relevant information and submit a factual report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR supported PDF and not in the form of Image PDF.
5. State PCB will be the nodal agency for coordination and compliance.
6. List for further consideration on 17.05.2023.
7. A copy of this order along with a copy of complaint be forwarded to CPCB, State PCB and District Magistrate, Saharanpur by email for compliance.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 13, 2023
O.A. No. 188/2013 (I.A. No. 76/2023)
AVT

Minutes of Meeting held on dated 09.05.2023 , 12:00 PM onwards through Video Conferencing regarding Hon'ble NGT OA No 188/2023 Gaurav Kumar Vs State of U.P. & Others

Hon'ble NGT has passed order dated 13.03.2023 in the matter of NGT OA No 188 /2023 Gaurav Kumar Vs State of U.P. & Others. The relevant para is quoted as below :-

".....4. In our view, a substantial question relating to environment for implementation of Scheduled enactments under NGT Act, 2010 has arisen. However, before taking any further action in the matter, we find it appropriate to obtain a factual report, for the purpose whereof, we constitute a Joint Committee comprising CPCB, State PCB and District Magistrate, Saharanpur who shall visit the site, collect relevant information and submit a factual report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR supported PDF and not in the form of Image PDF.

A meeting of the members of Joint Committee was held on 09.05.2023 through Video Conferencing. The meeting is attended by following Members/Officers :-

1. Shri Rajneesh Kumar Mishr, ADM (F/R) , Saharanpur.
2. Shri Runa Oraon, Sc.'D', CPCB, Regional Directorate, Lucknow.
3. Shri N.K. Das, Joint Director, Mining Department, Saharanpur, Uttar Pradesh.
4. Dr. D.C. Pandey, Regional Officer, U.P. Pollution Control Board, Saharanpur.

Following is the record of discussion:-

1. Dr. D.C. Pandey, Regional Officer, U.P. Pollution Control Board, Saharanpur has welcomed to the participants and placed the order of Hon'ble NGT OA No 188 /2023 before the Members/Officers and invited their views.
2. Shri Runa Oraon, Sc.'D', CPCB, Regional Directorate, Lucknow has enquired the background and present status of the Mining Auctions of 14 sites questioned in the OA No 188/2023 .
3. Shri N.K. Das, Joint Director, Mining Department, Saharanpur has informed that all the procedures followed as per guidelines the details of the Mining Auctions from the publications of auction to the present status is in record. He informed that DSR and replenishment study of the mining sites has been completed and is on record. The objection raised by complainant has been resolved. The mining activities is not started yet as the process of allotment is under progress.
4. Shri Rajneesh Kumar Mishr ADM (F/R) , Saharanpur has ensured that all the details of the mining allotment will be provided by the Mining Department.

The committee asked to provide all the details of proposed mining activities published through auctions by mining department. The Committee is in the view that as the mining activities has not started and allotment process of auction is yet to be completed, hence the site visit is to be proposed later on.

Meeting ended with the votes of thanks to all the participants.

Dup
11/21/823
Dr. D. C. Pandey
Regional Officer
U.P. Pollution Control Board
Saharanpur

Item No. 03 & 04

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 140/2021

(With report dated 31.03.2022)

Raj Kumar

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

WITH

Original Application No. 141/2021

Ramkaran Karn

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

Date of hearing: 06.05.2022

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

Applicant: Mr. Vanshdeep Dalmia, Advocate

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

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

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

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

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

"1to26...xxx.....xxx.....xxx

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“5.0 REPLENISHMENT STUDY

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

5.1 Generic Structure of Replenishment Study

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

Based on the replenishment rate future auction may be planned.

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

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

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

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

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The applications are disposed of accordingly.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

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

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Item No.1

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

Original Application No. 403/2022
(I.A. No.133/2022)
(By Video Conferencing)

Daljeet Singh

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondents

Date of hearing: 30.05.2022

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

Applicant: Mr. Ajit Sharma & Mr. Mayank Aggarwal, Advocates

ORDER

1. The applicant has filed present applicant under Section 14 read with Section 18 of the National Green Tribunal Act, 2010 seeking following reliefs:

- a. Issue directions to the State of Uttar Pradesh to conduct a replenishment Study of all rivers in District Saharanpur, U.P. and prepare a fresh District Survey Report in compliance with the EMGSM 2020 after duly considering the results of the Replenishment Study;
- b. Quash and set-aside the District Survey Report for District Saharanpur prepared in 2017 in violation of the MoEF Notification dt.15.01.2016, the SSMG 2016 and other applicable laws;
- c. Issue directions quashing and declaring the amended District Survey Report, 2021 dt. 03.12.2021 and all consequent actions for auction and/or grant of mining leases in District Saharanpur, U.P. as illegal, arbitrary, null and void being issued in violation of EMGSM 2020, MoEF Notification dt 15.01.2016, SSMG 2016 and other applicable laws and mandatory guidelines; and/or
- d. Issue an ex-parte ad-interim stay on the amended District Survey Report, 2021 dt. 03.12.2021;

e. Direct and restrain the State of Uttar Pradesh from auction and/or grant of mining leases in District Saharanpur, U.P. and further restrain the Respondents from granting mining leases in pursuance of the impugned District Survey Report during the pendency of the present Original Application; and/or

f. Direct Respondents to pay the costs of the present Application to the Applicant; and

g. Pass any other order that this Hon'ble Tribunal may deem fit."

2. The applicant has submitted that DSR 2021 has been issued by District Magistrate, Saharanpur on 03.12.2021 for mining of minor mineral RBM in District Saharanpur, Uttar Pradesh. Hon'ble Supreme Court vide order dated 10.11.2021 passed in Civil Appeal No. 3661-3662 titled as State of Bihar Vs. Pawan Kumar reiterated the need and importance of DSR and directed strict adherence to the procedure and parameters laid down in EMGSM, 2020 for preparation of the DSR. The impugned DSR 2021 has been issued without complying with mandatory requirement of conducting replenishment study by the State Government. The respondent has issued tender for conducting of replenishment study in District Saharanpur on 01.01.2022. The impugned DSR is liable to be set aside also because the mining area is inter-district Yamuna Nagar and Saharanpur and inter-state Haryana and Uttar Pradesh and DSR 2021 has been prepared without complying with the procedure provided under point no. 9.03 of EMGSM, 2020. No mining lease can be granted in District Saharanpur, Uttar Pradesh in pursuance of impugned DSR 2021 before completion of replenishment study and updation of DSR.

3. We have heard learned Counsel for the applicant and gone through the relevant record.

4. The averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010 and illegality of the proposed action of the respondents.

5. Let notices be issued to respondents requiring them to file replies specifically responding to all material averments made in the application within two months.

6. The applicant is directed to take requisite steps for service of notices on the respondents and file affidavit regarding the same by email at judicial-ngt@gov.in within seven days.

7. List for further consideration on 26.08.2022.

8. In the meanwhile no lease shall be granted and also no mining shall be commenced in any of the mining sites in District Saharanpur, Uttar Pradesh before completion of replenishment study, updation of DSR and grant of environmental clearance/CTE/CTO on the basis thereof in accordance with SSMG, 2016 and EMGSM, 2020.

9. A copy of this order along with copy of application and documents sent therewith be sent to respondents no. 3, 4, 6, 8, 9 and 10.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

May 30, 2022
O.A. No. 403/2022
AG

SUB-DIVISIONAL COMMITTEE - SAHARANPUR
SUMMARY OF PRE-MONSOON REPLENISHMENT STUDY REPORT
- YEAR - 2022 -

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PRE-MONSOON - 2022 BASELINE DATA SUMMARY

Sl. No.	Operative / Nonoperative	Teshil	Minor Mineral	River	Village	Gata/Khand/Zone	Area (in Ha.)	DRONE DSM Record				WORKING Life of Mine As per DRONE Reserve	DGPS Syrvy Record			DRONE / DGPS Variation
								Max Elevation	Min Elevation / Zero Level	Elevation Difference	DRONE REPORT - Reserve		Max. MrL	Min - MrL / Zero Level	Elevation Difference	
1	Operative	Behat	R.B.M.	Balshahibugh Rao	Mayapur Rooppur	Gata No. 147	3.100	394.662	388.980	5.682	92993	2.50				
2	Operative	Behat	R.B.M.	Yamuna	Bartha Kori	Gata No. - 1	36.900	302.492	292.200	10.292	173732	0.27	394.659	388.981	5.678	0.004
3	Operative	Behat	R.B.M.	Halkala Ra	Haidarpur Hindwala	Khand No. - Gata No. - 81, 19 & 22	4.200	327.000	368.000	9.000	143893	2.86	302.505	292.122	10.383	-0.091
4	Operative	Behat	R.B.M.	Khurwali Ra.	Sherpur Pefon	Gata No. - 178.2 & 579.2	7.000	355.000	349.000	6.000	206037	2.45	377.009	368.020	8.989	0.011
5	Operative	Behat	R.B.M.	Yamuna	Nuniyari Aehatmal	Gata No. - 1, 11, 11a, 18	24.200	294.000	284.000	10.000	607311	1.39	355.100	349.130	5.970	0.030
6	Operative	Behat	R.B.M.	Yamuna	Rehna	Khand No. - Gata no. - 03, 1, 11, No. - 03	8.050	356.665	345.100	11.565	195089	2.02	294.001	284.001	10.000	0.000
7	Operative	Behat	R.B.M.	Gaifara Rao	Rahena	Gata No. 179.2	3.730	357.739	351.120	6.619	111795	2.48	356.665	345.100	11.565	0.066
8	Operative	Nukur	Sand	Yamuna	Dhikkan Kalan	Gata No. - 839, 841 to 856, 858, 859, 860, 861, 863, 864, 865, 866, 867, 871, 872, 888, 889, 406, 407	52.630	276.669	261.100	15.569	26767	0.03	357.739	351.120	6.619	0.000
9	Nonoperative	Behat	R.B.M.	Khurwali Ra	Sherpur Pefon	403, 404, 405, 406, 411, 416, 2, 4, 11, 422, 2, 423, 2, 424, 2, 429 and 431	6.475	375.859	360.100	15.759	229913	2.96	275.918	261.233	14.685	0.884
10	Nonoperative	Behat	R.B.M.	Kaluwala	Kaluwala Panadipur	119, 1, 12, 11, 192, 1, 193, 1, 125, 4	14.900	385.520	358.833	26.687	359485	2.01				
11	Nonoperative	Behat	R.B.M.	Yamuna	Akbarpur Bans Aehatmal	1	17.900	319.090	307.100	11.990	248739	0.77	375.859	360.100	15.759	0.006
12	Nonoperative	Behat	R.B.M.	Yamuna	Arazi Jevadi Ahatmal and Masoodpur Garh Aehatmal	1 and 1	13.800	313.546	302.000	11.546	412595	-1.66	385.520	358.833	26.687	0.000
13	Nonoperative	Behat	R.B.M.	Yamuna	Shehjadpur Bans Aehatmal	1	13.000	316.605	301.990	8.615	383857	1.64	318.393	306.423	11.970	0.020
14	Nonoperative	Behat	R.B.M.	Yamuna	Alauddinpur Bans Aehatmal	1	9.580	311.562	303.990	7.572	145022	0.84	313.262	302.082	11.181	0.365
15	Nonoperative	Behat	R.B.M.	Yamuna	Mehmoodpur Nanghi Aehatmal	1	15.700	319.060	303.100	15.960	528439	1.87	310.021	302.023	7.998	0.617
16	Nonoperative	Behat	R.B.M.	Yamuna	Shahpur Bans Aehatmal	1	13.600	320.461	306.980	13.481	351470	1.25	311.866	304.255	7.611	-0.039
17	Nonoperative	Behat	R.B.M.	Yamuna	Nityanandpur Aehatmal and Said-mohamadpur Aehatmal	1 and 1a	17.700	311.392	296.859	14.533	593005	1.86	318.878	303.341	15.537	0.423
18	Nonoperative	Behat	R.B.M.	Yamuna	Abutahpur Garh Aehatmal	1	37.000	307.806	298.200	9.606	1217817	1.83	320.279	306.999	13.280	0.201
19	Nonoperative	Behat	R.B.M.	Yamuna	Nuniyari Aehatmal - Khand Second	111	23.200	288.593	281.874	6.719	519716	1.24	310.985	297.011	13.974	0.559
20	Nonoperative	Behat	R.B.M.	Yamuna	Aslampur Bartha - First	111M	36.600	306.747	292.100	14.647	1250795	1.90	307.227	298.123	9.104	0.502
21	Nonoperative	Behat	R.B.M.	Yamuna	Rasoolpur Uri Rasooli	111	14.000	295.824	286.830	8.985	897564	1.47	288.322	282.002	6.320	0.399
22	Nonoperative	Behat	R.B.M.	Yamuna	Aslampur Bartha - Second	111M	28.160	300.106	288.120	11.986	726618	1.43	306.999	292.025	14.974	-0.327
Total Study Area (in ha.)							422.635									

* all outcrop/elevated contours offset upto 1 meter above the Min recorded elevation to record Net Reserves

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सहायक निदेशक (वि.सं.)
 सहायक निदेशक (वि.सं.)

ANNEXURE-5

POST-MONSOON REPLENISHMENT STUDY RESULTS
TABLE No. - PM/001

PRE-MONSOON - 2022 RESULT

POST MONSOON RESULT

Sl.	Operative / Nonoperative	Teshil	Minor Mineral	River	Village	Gata/Khand/Zon	Area (in Ha.)	Max Elevation	Min Elevation / Zero Level	Elevation Difference	DRONE REPORT - Reserve	POST MONSOON RESULT				Replenished Quantity		Expected Life of Mine (in Years)
												Max Elevation	Min Elevation / Zero Level	Elevation Difference	DRONE REPORT - Reserve	Replenishment	Avg. New Height	
1	Nonoperative	Behat	R.B.M.	Khurwali Ra	Sherpur Peon	403 , 404/1 , 405 , 406/1 , 416/2 , 421/1 , 422/2 , 423/2 , 424/2 , 429 and 431	6.475	375.859	360.100	15.759	229913	377.840	360.109	17.731	296339	66426	1.03	
2	Nonoperative	Behat	R.B.M.	Kaluwala	Kaluwala Pahadipur	119/1 , 120/1 , 192/1 , 193/1 , 125/4	14.900	385.520	358.833	26.687	359485	385.730	359.12	26.610	489924	130439	0.88	
3	Nonoperative	Behat	R.B.M.	Yamuna	Akbarpur Bans Achatmal	1	17.900	319.090	307.100	11.990	248739	319.057	308.100	10.957	734189	485450	2.71	
4	Nonoperative	Behat	R.B.M.	Yamuna	Arazi Jevadi Ahatmal and Masoodpur Garh Achatmal	1 and 1	13.800	313.546	302.000	11.546	412595	319.036	302.818	16.218	532136	119541	0.87	
5	Nonoperative	Behat	R.B.M.	Yamuna	Shehadpur Bans Achatmal	1	13.000	310.605	301.990	8.615	383857	312.585	302.563	10.022	572385	188528	1.45	
6	Nonoperative	Behat	R.B.M.	Yamuna	Alaoudpur Bans Achatmal	1/1	9.580	311.562	303.990	7.572	145022	312.715	303.99	8.725	480573	335551	3.50	
7	Nonoperative	Behat	R.B.M.	Yamuna	Mehmoodpur Nangli Achatmal	1	15.700	319.060	303.100	15.960	528459	319.259	303.237	16.022	709508	181049	1.15	
8	Nonoperative	Behat	R.B.M.	Yamuna	Shahpur Bans Achatmal	1/1	15.600	320.461	306.980	13.481	351410	324.442	306.286	15.156	495837	144427	0.93	
9	Nonoperative	Behat	R.B.M.	Yamuna	Nityanodpur Achatmal and Said-mohamadpur Achatmal	1 and 1ma	17.700	311.392	296.859	14.533	593005	311.403	297.159	14.244	921464	328459	1.86	
10	Nonoperative	Behat	R.B.M.	Yamuna	Abutahpur Garh Achatmal	1	37.000	307.806	298.200	9.606	1217817	308.291	297.116	11.175	2201614	983797	2.66	
11	Nonoperative	Behat	R.B.M.	Yamuna	Nuniyari Athmal - Khand Second	1/1/1	23.200	288.593	281.874	6.719	519716	290.173	281.874	8.299	745130	225414	0.97	
12	Nonoperative	Behat	R.B.M.	Yamuna	Aslampur Bartha - First	1/1 M	36.600	306.747	292.100	14.647	1250795	309.568	292.056	17.512	1665116	414321	1.13	
13	Nonoperative	Behat	R.B.M.	Yamuna	Rasoolpur Urf Rasooli	1	34.000	295.824	286.839	8.985	897564	298.059	286.839	11.220	1262495	364931	1.07	
14	Nonoperative	Behat	R.B.M.	Yamuna	Aslampur Bartha - Second	1/1 M	28.160	300.106	288.120	11.986	726618	300.668	289.023	11.645	952019	225401	0.80	
1	Operative	Behat	R.B.M.	Budshahibagh Rao	Miyapur Rooppur	Gata No. 14/1	3.100	394.662	388.980	5.682	92993	395.331	389.971	5.360	99888	6895	0.22	
2	Operative	Behat	R.B.M.	Yamuna	Bartha Korsi	Gata No. - 1	36.000	302.492	292.200	10.292	173732	303.601	292.200	11.401	874358	700626	1.95	
3	Operative	Behat	R.B.M.	Badkalin Ra	Haidarpur Hindwala	Khand No / Gata No - 8/1 , 19 & 22	4.200	377.000	368.000	9.000	143893	377.100	367.496	9.884	158576	14683	0.35	
4	Operative	Behat	R.B.M.	Khurwali Ra	Sherpur Peon	Gata No. - 378/2 & 379/2	7.000	355.000	349.000	6.000	206037	355.444	349.38	6.064	218664	12627	0.18	
5	Operative	Behat	R.B.M.	Yamuna	Nuniyari Achatmal	Gata No. - 1/1/1 Last 38	24.290	294.000	284.000	10.000	607313	296.203	284.652	11.551	966952	359639	1.48	
6	Operative	Behat	R.B.M.	Yamuna	Rehna	Khand No / Gata no - 03 , Lot No - 03	8.050	356.665	345.100	11.565	195089	358.505	345.816	12.749	266664	71575	0.89	
7	Operative	Behat	R.B.M.	Gaisara Rao	Rahena	Gata No. 179/2	3.750	357.739	351.120	6.619	111795	357.431	351.681	5.750	119047	7252	0.19	
8	Operative	Nukur	Sand	Yamuna	Dhikan Kalan	Gata No. - 839 , 841 to 856 , 858 , 859 , 860 , 861 , 863 , 864 , 865 , 866 , 867 , 871 , 872 , 888 , 889 , 406 , 407	52.630	276.669	261.100	15.569	26767	278.005	261.100	16.905	782116	755349	1.44	

Total Study Area (in ha.) 422.635

* all outcrop/elevated contours of set upto 1 meter above the Min recorded elevation to record Net Reserves

सहायक निदेशक,
सांख्यिक, नवनिर्देश प्रभाग, सहायनगर,
(सदरम)

अधिकारी अभियंता,
सिंचाई विभाग खण्ड, सहायनगर,
(सदरम)

अधिकारी अभियंता,
जिला सिंचाई विभाग, सहायनगर,
(सदरम)

श्रीय अफिकरि,
उप-प्र-प्रदूषण नियंत्रण बोर्ड,
सहायनगर,
(सदरम)

अधिकारी,
सहायनगर,
(सदरम)

अपर-सहायक-अधिकारी,
सिंचाई, सहायनगर,
(सदरम)

जिलाधिकारी, सहायनगर

Item No. 07

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI****(By Hybrid Mode)**

Original Application No. 403/2022
(I.A. No. 133/2022, I.A. No. 13/2023 &
I.A. No. 19/2023)

Daljeet Singh

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 25.01.2023

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

Applicant: Mr. Ajit Sharma, Advocate for Applicant

Respondent(s):
Mr. Mukesh Verma, Advocate for the Mining Department, State of
UP
Ms. Priyanka Swami, Advocate for SEIAA, UP**ORDER**

1. Grievance in this application is against submission of District Survey Report dated 03.12.2021 by the District Magistrate, Saharanpur to the Director, Geology and Mines, U.P. Main ground against the said report is that it has been submitted without replenishment study of the river in terms of Enforcement & Monitoring Guidelines for Sand Mining, 2020 (EMSGM, 2020).

2. Vide order dated 30.05.2022, notice was issued and interim injunction was granted against grant of any mining lease before completing replenishment study.

3. Reply has been filed by the Mining Department, U.P to the effect that replenishment study had been conducted prior to the Draft Survey Report for Saharanpur River Bed Mining 2022. The DSR is at draft stage and is yet to be finalized.

4. In view of above, no further order is necessary.

The application is disposed of. All IAs also stand disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

January 25, 2023
Original Application No. 403/2022
(I.A. No. 133/2022, I.A. No. 13/2023 &
I.A. No. 19/2023)
AB

प्रेषक,

जिलाधिकारी,
सहारनपुर।

सेवा में,

विशेष सचिव,
भूतत्व एवं खनिकर्म विभाग,
उत्तर प्रदेश शासन,
लखनऊ।

निदेशक,
भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०
खनिज भवन,
लखनऊ।

पत्रांक: 1689 ख०अनु० / Replenishment Study / Updated DSR / 2022-23

दिनांक: 18/01/2023

विषय: जनपद सहारनपुर में बालू, बजरी, बोल्टर (मिश्रित अवस्था में), RBM के उपलब्ध खनन क्षेत्रों हेतु पुनः पूर्ति अध्ययन (Replenishment Study Report) पूर्ण कराये जाने के उपरान्त UPDATED DSR SEIAA, U.P से कार्यान्वयन सुनिश्चित कराये जाने के संबंध में।

महोदय,

कृपया उपरोक्त विषयक अवगत कराना है कि मा० राष्ट्रीय न्याय हरितकरण नई दिल्ली में योजित ओ० ए० संख्या 403/2022 दलजीत सिंह बनाम उत्तर प्रदेश राज्य व अन्य में दिनांक 30.05.2022 पारित आदेश जिसमें निम्न आदेश पारित किये गये हैं:-

"In the meanwhile no lease shall be granted and also no mining shall be commenced in any of the mining sites in District Saharanpur, Uttar Pradesh before completion of replenishment study, updation of DSR and grant of environmental clearance/CTE/CTO on the basis thereof in accordance with SSMG, 2016 and EMGSM, 2020."

मा० राष्ट्रीय न्याय हरितकरण नई दिल्ली में योजित ओ० ए० संख्या 403/2022 दलजीत सिंह बनाम उत्तर प्रदेश राज्य व अन्य में पारित आदेश के अनुपालन में जनपद सहारनपुर में स्थित नदियों के पुनः पूर्ति अध्ययन (Replenishment Study) के प्री मानसून (Pre-Monsoon) एवं (Post Monsoon) माह दिसम्बर में सब-डिविजनाल कमेटी (Sub Divisional Committee) द्वारा मैसर्स ग्रीनसिडिंडिया कन्सल्टिंग प्रा० लि० पता-608-611, लेवल 5 शोपरिक्स मॉल, सैक्टर-5 वैशाली गाजियाबाद को क्षेत्र में कार्य करने हेतु उपकरण एवं स्टाफ की सहायता से Enforcement & Monitoring Guidelines for Sand Mining- 2020 के दिशा-निर्देशों के अनुसार विभिन्न कारकों को ध्यान में रखते हुये आँकड़ों को एकत्र कर पुनः पूर्ति अध्ययन रिपोर्ट पूर्ण कर ली गई है।

उपरोक्त आदेश के अनुक्रम में श्री प्रदीप मिश्रा, एडवोकेट आन रिकार्ड, मा० सर्वोच्च न्यायालय, के पत्र दिनांक 12.01.2023 द्वारा निर्देशित किया गया है कि (UPDATED DSR) जिला सर्वेक्षण की सूचना आम जनमानस से आपत्ति/सुझाव प्राप्त किये जाने हेतु नियमानुसार पब्लिक डोमेन हेतु जिले की वेबसाइट पर (NIC) पर 21 दिनों के लिये अपलोड किया जाना आवश्यक है। साथ ही मा० सर्वोच्च न्यायालय में योजित अपील संख्या 3881-62/2020 स्टेट ऑफ बिहार बनाम प्रयन कुमार में दिनांक 10.11.2021 पारित आदेश निम्न प्रकार है:-

"After the draft DSRs are prepared, the District Magistrate of the concerned District shall forward the same for examination and evaluation by the SEAC.

The same shall be examined by the SEAC within a period of 6 weeks and its report shall be forwarded to the SEIAA within the aforesaid period of 6 weeks from the receipt of it. The SEIAA will thereafter consider the grant of approval to such DSRs within a period of 6 weeks from the receipt thereon;

(ii) Needless to state that while preparing DSRs and the appraisal thereof by SEAC and SEIAA, it should be ensured that a strict adherence to the procedure and parameters laid down in the policy of January 2020 should be followed."

अतः अनुरोध है कि जनपद सहारनपुर में बालू, बजरी, बोल्टर (मिश्रित अवस्था में), RBM के उपलब्ध खनन क्षेत्रों हेतु पुनः पूर्ति अध्ययन आख्या (Replenishment Study Report) तथा (UPDATED DSR) का अवलोकन तथा निरीक्षण करवाने के उपरान्त SEIAA, UP द्वारा इसका कार्यान्वयन सुनिश्चित कराने का कष्ट करे।

संलग्नक: उपरोक्तानुसार।

भवदीय,

(अखिलेश सिंह)
जिलाधिकारी,
सहारनपुर।

प्रेषक,

जिलाधिकारी,
सहारनपुर।

सेवा में,

निदेशक,
भूतत्व एवं खनिकर्म विभाग,
उत्तर प्रदेश शासन,
लखनऊ।

पत्रांक: 1770 ख0अनु0 / Replenishment Study / Updated DSR / 2022-23

दिनांक: 01/02/2023

विषय: जनपद सहारनपुर में बालू, बजरी, बोल्टर (मिश्रित अवस्था में), RBM के उपलब्ध खनन क्षेत्रों हेतु पुनः पूर्ति अध्ययन (Replenishment Study Report) पूर्ण कराये जाने के उपरान्त UPDATED DSR की अग्रिम कार्यवाही करने के संबंध में।

महोदय,

कृपया उपरोक्त विषयक अवगत कराना है कि मा0 राष्ट्रीय न्याय हरितकरण नई दिल्ली में योजित ओ0 ए0 संख्या 403/2022 दलजीत सिंह बनाम उत्तर प्रदेश राज्य व अन्य में दिनांक 30.05.2022 पारित आदेश जिसमें निम्न आदेश पारित किये गये हैं:-

"In the meanwhile no lease shall be granted and also no mining shall be commenced in any of the mining sites in District Saharanpur, Uttar Pradesh before completion of replenishment study, updation of DSR and grant of environmental clearance/CTE/CTO on the basis thereof in accordance with SSMG, 2016 and EMGSM, 2020."

मा0 राष्ट्रीय न्याय हरितकरण नई दिल्ली में योजित ओ0 ए0 संख्या 403/2022 दलजीत सिंह बनाम उत्तर प्रदेश राज्य व अन्य में पारित आदेश के अनुपालन में जनपद सहारनपुर में स्थित नदियों के पुनः पूर्ति अध्ययन (Replenishment Study) के प्री मानसून (Pre-Monsoon) एवं (Post Monsoon) माह दिसम्बर में सब- डिविजनल कमेटी (Sub Divisional Committee) द्वारा मैसर्स ग्रीनसडइण्डिया कन्सल्टिंग प्रा0 लि0 पता- 608-611, लेवल 5 शोपरिक्स मॉल, सेक्टर-5 वैशाली गाजियाबाद को क्षेत्र में कार्य करने हेतु उपकरण एवं स्टाफ की सहायता से Enforcement & Monitoring Guidelines for Sand Mining- 2020 के दिशा-निर्देशों के अनुसार विभिन्न कारकों को ध्यान में रखते हुये ऑकड़ों को एकत्र कर पुनः पूर्ति अध्ययन रिपोर्ट पूर्ण कर ली गई है।

उपरोक्त आदेश के अनुक्रम में श्री प्रदीप मिश्रा, एडवोकेट आन रिकार्ड, मा0 सर्वोच्च न्यायालय, के पत्र दिनांक 12.01.2023 द्वारा निर्देशित किया गया है कि (UPDATED DSR) जिला सर्वेक्षण की सूचना आम जनमानस से आपत्ति/सुझाव प्राप्त किये जाने हेतु नियमानुसार पब्लिक खोमेन हेतु जिले की वेबसाइट पर (NIC) पर 21 दिनों के लिये अपलोड किया जाना आवश्यक है। साथ ही मा0 सर्वोच्च न्यायालय में योजित अपील संख्या 3661-62/2020 स्टेट आफ बिहार बनाम प्रवत कुमार में दिनांक 10.11.2021 पारित आदेश निम्न प्रकार है:-

"After the draft DSRs are prepared, the District Magistrate of the concerned District shall forward the same for examination and evaluation by the SEAC.

The same shall be examined by the SEAC within a period of 6 weeks and its report shall be forwarded to the SEIAA within the aforesaid period of 6 weeks from the receipt of it. The SEIAA will thereafter consider the grant of approval to such DSRs within a period of 6 weeks from the receipt thereof;

(ii) Needless to state that while preparing DSRs and the appraisal thereof by SEAC and SEIAA, it should be ensured that a strict adherence to the procedure and parameters laid down in the policy of January 2020 should be followed."

अतः अनुरोध है कि जनपद सहारनपुर में बालू, बजरी, बोल्टर (मिश्रित अवस्था में), RBM के उपलब्ध खनन क्षेत्रों हेतु पुनः पूर्ति अध्ययन आख्या (Replenishment Study Report) तथा (UPDATED DSR) का अवलोकन तथा निरीक्षण करने के उपरान्त आवश्यक कार्यवाही करने का कष्ट करें।
संलग्नक: उपरोक्तानुसार।

भवदीय,

(अखिलेश सिंह)
जिलाधिकारी,
सहारनपुर।

प्रतिलिपि:

- विशेष सचिव, भूतत्व एवं खनिकर्म विभाग, उत्तर प्रदेश शासन, लखनऊ को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

जिलाधिकारी,
सहारनपुर।

कार्यालय जिलाधिकारी, सहारनपुर
(खनन अनुभाग)

पत्रांक: 1667/ख0अनु0/जिला0 सर्वे0 रिपोर्ट/2022-23

दिनांक: 13 जनवरी, 2023

जिला सूचना विज्ञान अधिकारी,
सहारनपुर।

जनपद सहारनपुर में नदी तल में उपलब्ध उपखनिज RBM (वालू, बजरी, बोल्टर आदि मिश्रित अवस्था में) के 22 उपलब्ध क्षेत्रों को मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ0 ए0 संख्या 403/2022 दलजीत सिंह बनाम उत्तर प्रदेश राज्य व अन्य में दिनांक 30.05.2022 को निम्न आदेश पारित हुये हैं:-

"In the meanwhile no lease shall be granted and also no mining shall be commenced in any of the mining sites in District Saharanpur, Uttar Pradesh before completion of replenishment study, updation of DSR and grant of environmental clearance/CTE/CTO on the basis thereof in accordance with SSMG, 2016 and EMGSM, 2020."

उक्त आदेश के अनुपालन जनपद सहारनपुर स्थित नदियों के Replenishment Study हेतु उपलब्ध उपखनिज के 22 क्षेत्रों पूनः पूर्ति अध्ययन (Replenishment Study) हेतु NGT/MoEF&CC/EIA अधिसूचना द्वारा निर्धारित मानदण्डों और दिशा निर्देशा के अनुसार निर्धारित अवधि तक Pre-Monsoon and Post monsoon की रिपोर्ट माह दिसम्बर में पूर्ण कर ली गई है।

इस संबंध में श्री ब्रदीप मिश्रा, एडवोकेट आन रिकार्ड, मा0 सर्वोच्च न्यायालय के पत्र दिनांक 12.01.2023 द्वारा निर्देशित किया गया है कि (UPDATE D S R) जिला सर्वेक्षण की सूचना आम जनमानस से आपत्ति/सूझाव प्राप्त किये जाने हेतु नियमानुसार पब्लिक डोमेन हेतु जिले की वेबसाईट पर (NIC) पर भी अपलोड किया जाना आवश्यक है।

अतः (UPDATE D S R) जिला सर्वेक्षण रिपोर्ट की सूचना को आम सूचना को आम जन मानस से आपत्ति/सूझाव प्राप्त किये जाने हेतु नियमानुसार पब्लिक डोमेन हेतु जिले की वेबसाईट पर 21 दिन के लिये (NIC) पर अपलोड करना सुनिश्चित करें।

अपर जिलाधिकारी (वि0/रा0)
सहारनपुर।

प्रतिलिपि:

1. निदेशक, भूतत्व एवं खनिकर्म निदेशालय खनिज भवन लखनऊ को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
2. प्रभारी अधिकारी, क्षेत्रीय कार्यालय भूतत्व एवं खनिकर्म विभाग, गाजियाबाद।
3. जिलाधिकारी सहारनपुर को सादर सूचनार्थ।

अपर जिलाधिकारी (वि0/रा0)
सहारनपुर।

प्रेषक,

जिलाधिकारी,
सहारनपुर।

सेवा में,

उपायुक्त / जिलाधिकारी
यमुना नगर हरियाणा।

पत्रांक: 1769ख0अनु0 / Replenishment Study / Updated DSR / 2022-23

दिनांक: 01/02/2023

विषय: जनपद सहारनपुर में बालू, बजरी, बोल्टर (मिश्रित अवस्था में), RBM के उपलब्ध खनन क्षेत्रों हेतु पुनः पूर्ति अध्ययन (Replenishment Study Report) पूर्ण कराये जाने के उपरान्त UPDATED DSR को अपने डिस्ट्रिक्ट पोर्टल पर आम जन मानस से आपत्ति/सुझाव प्राप्त किये जाने के संबंध में।

महोदय,

कृपया उपरोक्त विषयक मा0 राष्ट्रीय न्याय हरितकरण नई दिल्ली में योजित ओ0 ए0 संख्या 403/2022 दलजीत सिंह बनाम उत्तर प्रदेश राज्य व अन्य में दिनांक 30.05.2022 पारित आदेश जिसमें निम्न आदेश पारित किये गये हैं:-

"In the meanwhile no lease shall be granted and also no mining shall be commenced in any of the mining sites in District Saharanpur, Uttar Pradesh before completion of replenishment study, updation of DSR and grant of environmental clearance/CTE/CTO on the basis thereof in accordance with SSMG, 2016 and EMGSM, 2020."

उक्त आदेश के अनुपालन में जनपद सहारनपुर में स्थित नदियों के Replenishment Study हेतु उपलब्ध उपखनिज बालू, बजरी, बोल्टर (मिश्रित अवस्था में), RBM की निकासी हेतु रेत खनन प्रबंधन दिशा निर्देश-2016 और एमओईएफएंडसीसी द्वारा प्रकाशित रेत खनन-2020 के लिए प्रवर्तन और निगरानी दिशा निर्देशों के अन्तर्गत क्षेत्रों की पुनः पूर्ति अध्ययन (Replenishment Study) किये जाने के निर्देशों के अनुपालन में दिनांक 26.12.2022 को पूर्ण कर ली गई जिसके उपरान्त (UPDATED D S R) जिला सर्वेक्षण की सूचना आम जन मानस के अवलोकन हेतु पब्लिक डोमेन हेतु जिले की वेबसाइट पर भी अपलोड किया जाना आवश्यक है।

अतः अनुरोध है कि (UPDATED D S R) जिला सर्वेक्षण की सूचना आम जन मानस हेतु जिले की वेबसाइट पर भी अपलोड करने का कष्ट करें।

संलग्नक: उपरोक्तानुसार।

भवदीय,

अपर जिलाधिकारी (वि0/रा0)
सहारनपुर।

उत्तर प्रदेश शासन,
भूतत्व एवं खनिकर्म अनुभाग,
संख्या- /86-2020-01(सा0)/2020
लखनऊ दिनांक 01 जून, 2020

कार्यालय ज्ञाप

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा बालू के सुव्यवस्थित खनन सम्बन्धी प्रक्रिया के सम्बन्ध में जनवरी 2020, में "Enforcement & Monitoring guidelines for Sand Mining" गाईडलाइन्स निर्गत की गई है। उक्त गाईडलाइन्स के प्रस्तर 4.1.1(a) के अनुसार खनन क्षेत्रों की नीलामी/ई-नीलामी/खनन पट्टे की स्वीकृति/आशय पत्र निर्गत करने से पूर्व राज्य सरकार द्वारा जिला सर्वेक्षण रिपोर्ट (DSR) तैयार किया जाना है। अतः उक्त व्यवस्था के अन्तर्गत भारत सरकार द्वारा पर्यावरण प्रभाव आकलन (Environmental Impact Assessment) अधिसूचना/आदेश जारी होने तक जनपदों से प्राप्त जिला सर्वेक्षण रिपोर्ट में क्षेत्रों के प्रस्तावित संशोधन/संयोजन के लम्बित प्रस्तावों तथा नये प्रस्तावों के परीक्षण हेतु एतद्वारा निम्नवत तकनीकी समिति गठित की जाती है :-

1	मुख्य खान अधिकारी, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०	
2	संयुक्त निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०	अध्यक्ष
3	अध्यक्ष, राजस्व परिषद, उ०प्र० द्वारा नामित अधिकारी	सदस्य
4	निदेशक, पर्यावरण निदेशालय, उ०प्र० द्वारा नामित अधिकारी	सदस्य
5	प्रधान मुख्य वन संरक्षक, वन विभाग उ०प्र० द्वारा नामित अधिकारी	सदस्य
6	प्रमुख अभियन्ता एवं विभागाध्यक्ष, सिंचाई एवं जल संसाधन विभाग, उ०प्र० द्वारा नामित अधिकारी	सदस्य
7	श्री मोईनुद्दीन, भूवैज्ञानिक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०	सदस्य सचिव
8	श्री शशांक शर्मा, सहायक भूवैज्ञानिक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०	सदस्य

2. उक्त गाईडलाइन्स के अन्तर्गत जनपदों से प्राप्त प्रस्तावों का तकनीकी आधार पर परीक्षण कर, समिति द्वारा संस्तुति सहित शासन को सन्दर्भित किया जायेगा।

डॉ० रोशन जैकब
सचिव।

संख्या- 790 (1)/86-2020-तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. अपर मुख्य सचिव, राजस्व विभाग/प्रमुख सचिव, वन पर्यावरण एवं जलवायु परिवर्तन विभाग/प्रमुख सचिव, सिंचाई एवं जल संसाधन विभाग उ०प्र० शासन।
2. अध्यक्ष राजस्व परिषद/निदेशक, पर्यावरण निदेशालय/प्रधान मुख्य वन संरक्षक, वन विभाग/प्रमुख अभियन्ता एवं विभागाध्यक्ष, सिंचाई एवं जल संसाधन विभाग, उ०प्र० को इस आशय से प्रेषित कि उक्त समिति में प्रकरण से अभिज्ञ अधिकारी को प्राथमिकता के

- आधार पर नामित करते हुये निदेशक, भूतत्व एवं खनिकर्म को अवगत कराने का
करें, ताकि समिति की बैठक यथाशीघ्र आहूत की जा सके।
3. निदेशक, भूतत्व एवं खनिकर्म, उत्तर प्रदेश, लखनऊ को उनके पत्र सं0-1883/ए
228/2017(खनन नीति)(IV) दिनांक 20.02.2020 के सन्दर्भ में।
 4. समिति के समस्त सदस्यगण (द्वारा निदेशक, भूतत्व एवं खनिकर्म, उ0प्र0 लखनऊ)।
 5. गार्ड फाईल।

आज्ञा से,


(हृदय नारायण सिंह यादव)
अनु सचिव।

प्रेषक,

निदेशक

भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०,
"खनिज भवन", लखनऊ।

सेवा में,

जिलाधिकारी
सहारनपुर।

पत्र सं० 1935/एम०228/2017 (खनन नीति)-डी०एस०आर० दिनांक: 27 मार्च, 2023

विषय:-जिला सर्वेक्षण रिपोर्ट में संशोधन/संयोजन के सम्बन्ध में।

महोदय,

कृपया अवगत कराना है कि पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा बालू/मौरम के सुव्यवस्थित खनन सम्बन्धी प्रक्रिया के सम्बन्ध में जनवरी, 2020 में "Enforcement & Monitoring guidelines for sand Mining" की गाइडलाइन्स निर्गत की गयी है। उक्त गाइड लाइन के प्रस्तर-4.1.1(a) के अनुसार खनन क्षेत्रों की नीलामी/ ई-नीलामी/खनन पट्टे की स्वीकृति/आशय पत्र निर्गत करने के पूर्व राज्य सरकार द्वारा जिला सर्वेक्षण रिपोर्ट तैयार किया जाना है। उक्त व्यवस्था के अन्तर्गत भारत सरकार द्वारा पर्यावरण प्रभाव आंकलन अधिसूचना/आदेश निर्गत होने तक जनपदों से प्राप्त जिला सर्वेक्षण रिपोर्ट में क्षेत्रों के प्रस्तावित संशोधन/संयोजन के लम्बित प्रस्तावों तथा नये प्रस्तावों का परीक्षण किये जाने हेतु भूतत्व एवं खनिकर्म विभाग, उत्तर प्रदेश शासन, लखनऊ के कार्यालय ज्ञाप सं० 790(1)/86-2020, दिनांक 01 जून, 2020 यथासंशोधित दिनांक 09 सितम्बर, 2021 के द्वारा अपर निदेशक, भूतत्व एवं खनिकर्म विभाग की अध्यक्षता में तकनीकी विशेषज्ञ समिति का गठन किया गया।

2. मा० राष्ट्रीय न्याय हरितकरण, नई दिल्ली में योजित ओ०ए० सं०-403/2022 दलजीत सिंह बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 30.05.2022 के क्रम में जिलाधिकारी सहारनपुर के पत्र सं०-1770, दिनांक 01.02.2023 के साथ जनपद स्तर पर Replenishment Study के आधार पर तैयार की गयी आख्या के क्रम में जनपद में उपलब्ध 22 खनन क्षेत्रों को जिला सर्वेक्षण रिपोर्ट में संयोजित/संशोधित किये जाने की अपेक्षा की गयी है।
3. तकनीकी समिति की बैठक दिनांक 10.03.2023 में जनपद सहारनपुर, से 22 प्राप्त प्रस्तावों का परीक्षण किया गया। समिति के समक्ष प्रस्तुत प्रस्तावों का विवरण निम्न तालिकानुसार है:-

क्रम सं०	तहसील	ग्राम का नाम	खण्ड सं०/ गाटा सं०	क्षेत्रफल (हेक्टेयर में)
1.	बेहट	अकबरपुरबांस अहतमाल	1	17.900

2.	बेहट	आराजीजेवड़ी अहतमाल व मसूदपुरगढ़ अहतमाल	1 व 1	13.800
3.	बेहट	शहजादपुरबांस	1	13.000
4.	बेहट	अलाउद्दीनपुर बांस अहतमाल	1/1	9.580
5.	बेहट	महमूदपुरनगली अहतमाल	1	15.700
6.	बेहट	शाहपुरबांस अहतमाल	1/1	15.600
7.	बेहट	अबुतालिबपुर गढ़ अहतमाल	1	37.000
8.	बेहट	नित्यानन्दपुर अहतमाल व सैदमोहम्मदपुर गढ़ अहतमाल	1 व 1 म	17.700
9.	बेहट	शेरपुरपेलो	403, 404/1, 405, 406/1, 416/2, 421/1, 422/2, 423/2, 424/2, 429, 431	6.475
10.	बेहट	कालूवाला पहाड़ीपुर	119/1, 120/1, 192/1, 193/1, 125/4	14.900
11.	बेहट	रसूलपुर उर्फ रसूली	1/1	34.000
12.	बेहट	असलमपुर बरथा खण्ड-1	1/1म	36.600
13.	बेहट	असलमपुर बरथा खण्ड-11	1/1म	28.160
14.	बेहट	नुनियारी अहतमाल	1/1/1	पूर्व में 23.00 हे० संसोधित 19. 000 हे०
15.	बेहट	मायापुर रूपपुर	14/1	3.100
16.	बेहट	बरथा कोसी	1	36.000
17.	बेहट	हैदरपुर हिन्दवाला	खण्ड नं०/ गाटा सं०- 8/1, 19 एवं 22	4.200
18.	बेहट	शेखपुर पिलोन	378/2 एवं 379/2	7.000
19.	बेहट	नुनियारी अहतमाल	1/1/1 लाट-38	24.290
20.	बेहट	रेहना	खण्ड नं०/ गाटा नं०-	8.050

			03, लाट-03	
21.	बेहट	राहेना	179/2	3.750
22.	नुकुर	दिवकन कलां	839, 841 से 856, 858, 859, 860, 861, 863, 864, 865, 866, 867, 871, 872, 888, 889, 406, 407	52.63

4. जिलाधिकारी सहारनपुर द्वारा प्रेषित संयुक्त निरीक्षण आख्या (राजस्व आख्या), वन अनापत्ति, सिंचाई विभाग की आख्या एवं Replenishment Study को राज्य स्तर पर गठित विशेष तकनीकी समिति की बैठक दिनांक 10.03.2023 में परीक्षण किया गया और पाया गया कि तालिका के क्रमांक-1 से 10 पर अंकित खनन 10 क्षेत्रों के सम्बन्ध में जिलाधिकारी सहारनपुर के पत्र सं0-715/खनन अनुभाग/2021-2022, दिनांक 20.12.2021 के द्वारा प्रेषित प्रस्ताव के क्रम में राज्य स्तर पर गठित तकनीकी समिति की बैठक दिनांक 27.12.2021 की संस्तुति के क्रम में शासकीय पत्र सं0-1676/86-2021-01(सा0)/2020 दिनांक 03.01.2022 के द्वारा अनुमोदन प्रदान किया जा चुका है। (छायाप्रति संलग्न)
5. उक्त तालिका के क्रम सं0-11 से 13 पर अंकित खनन 03 क्षेत्रों हेतु जिलाधिकारी सहारनपुर के पत्र सं0-421/खनन अनुभाग/2022-2023 दिनांक 15.07.2022 सपठित पत्र सं0 641/खनन अनुभाग/2022-2023, दिनांक 30.08.2022 के द्वारा प्रेषित प्रस्ताव पर तकनीकी समिति की बैठक दिनांक 01.11.2022 की संस्तुतियों के क्रम में शासकीय पत्र सं0-1347/86-2022-01(सा0)/2020 दिनांक 18.11.2022 के द्वारा अनुमोदन प्रदान किया गया। (छायाप्रति संलग्न)
6. जनपद सहारनपुर से प्राप्त 22 प्रस्तावों के साथ अधिशासी अभियन्ता सिंचाई खण्ड सहारनपुर के पत्र सं0-309, दिनांक 25.02.2023 के साथ खनन क्षेत्रों से सम्बन्धित संलग्न सूची के अनुसार उपरोक्त तालिका के क्रम सं0-17 पर अंकित क्षेत्र हैदरपुर हिन्दवाला की तटबन्ध से दूरी मानक अनुरूप नहीं पाये जाने, तालिका के क्रम सं0-19 पर अंकित क्षेत्र नुनियारी अहतमाल, तहसील बेहट गाटा सं0-1/1/1 लाट सं0-38 एवं क्रम सं0-20 पर अंकित क्षेत्र रेहना, तहसील बेहट गाटा नं0-3, लाट नं0-3 पर अंकित क्षेत्रों के अक्षांश-देशान्तर Replenishment Study में उल्लिखित अक्षांश-देशान्तर से भिन्नता होने के कारण इन्हें जिला सर्वेक्षण रिपोर्ट में संयोजित किये जाने हेतु निदेशालय स्तर पर अपर निदेशक, भूतत्व एवं खनिकर्म की अध्यक्षता में गठित तकनीकी विशेष समिति की बैठक दिनांक 10.03.2023 में संस्तुति नहीं की गई।
7. अपर निदेशक, भूतत्व एवं खनिकर्म की अध्यक्षता में गठित तकनीकी विशेष समिति की बैठक दिनांक 10.03.2023 में की गई संस्तुति के क्रम में भूतत्व एवं खनिकर्म विभाग, उ0प्र0 शासन के शासकीय पत्र सं0-1026/86-2023-01(सा0)/2020 दिनांक 27.03.2023 के द्वारा उपरोक्त तालिका के क्रम सं0-1 व 9 पर अंकित 02 क्षेत्र में आंशिक संशोधन तथा क्रम सं0-14, 15, 16, 18, 21 व 22 पर अंकित 06 क्षेत्रों को जनपद

सहारनपुर के जिला सर्वेक्षण रिपोर्ट में संयोजित किये जाने की सहमति प्रदान की गई है।

अतः जिलाधिकारी, सहारनपुर द्वारा replenishment study के आधार पर 22 क्षेत्रों को जिला सर्वेक्षण रिपोर्ट में संशोधित/संयोजित किये जाने सम्बन्धी प्रेषित प्रस्ताव में से क्रम सं०-01 से 13 पर अंकित क्षेत्र पूर्व से ही जिला सर्वेक्षण रिपोर्ट में संयोजित हैं, जिसमें क्रम सं०-1 व 9 पर अंकित क्षेत्र में आंशिक संशोधन के साथ ही क्रम सं०-17, 19 व 20 को छोड़कर शेष 06 क्षेत्र क्रमशः 14, 15, 16, 18, 21 व 22 को सम्मिलित करते हुये 19 क्षेत्र एक साथ जिला सर्वेक्षण रिपोर्ट में संयोजित हो जायेंगे।
संलग्नक-यथोपरि।

भवदीय,

(डा० रीशन जैकब)
निदेशक।

पत्र सं० /एम०२२८/२०१७ (खनन नीति)-डी०एस०आर० तददिनांक
प्रतिलिपि-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. प्रमुख सचिव, राजस्व परिषद, उ०प्र० शासन लखनऊ।
2. सचिव, भूतत्व एवं खनिकर्म, उ०प्र० शासन।
3. निदेशक, पर्यावरण निदेशालय, उ०प्र०, गोमती नगर, लखनऊ।
4. प्रधान मुख्य वन संरक्षक, वन विभाग, उ०प्र०, लखनऊ।
5. प्रमुख अभियन्ता एवं विभागाध्यक्ष, सिंचाई एवं जल संसाधन विभाग, उ०प्र०, लखनऊ।
6. तकनीकी समिति के सदस्यगण।

(डा० रीशन जैकब)
निदेशक।

प्रेषक.

निदेशक,
भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०,
"खनिज भवन", लखनऊ।

सेवा में,

1. श्री अजय कुमार श्रीवास्तव, विशेष कार्याधिकारी, राजस्व परिषद, उ०प्र०, लखनऊ।
2. श्री एम०के० वर्मा, अधिशासी अभियन्ता, अनुसन्धान एवं नियोजन यूनिट-8, सिंचाई विभाग, उ०प्र०, लखनऊ।
3. श्री हरिलाल चौरसिया उप प्रभागीय वनाधिकारी, लखनऊ, अवध वन प्रभाग लखनऊ, 21/475 इन्दिरा नगर, लखनऊ।
4. श्रीमती श्रुति शुक्ला, उप निदेशक, पर्यावरण निदेशालय, गोमती नगर, उ०प्र०, लखनऊ।
5. श्री जय प्रकाश, संयुक्त निदेशक, भूतत्व एवं खनिकर्म निदेशालय, सदस्य,
6. श्री सत्यनारायण पटेल, भूवैज्ञानिक, भूतत्व एवं खनिकर्म निदेशालय, सदस्य
7. श्री राम प्रवेश सिंह, भूवैज्ञानिक, भूतत्व एवं खनिकर्म निदेशालय, सदस्य सचिव,

पत्र सं०: —/एम०-228/2017-खनन नीति (v)

दिनांक 08-1-22-2023

विषय:-जिला सर्वेक्षण रिपोर्ट के संशोधन/संयोजन के सम्बन्ध में।

महोदय,

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा उपखनिज के सुव्यवस्थित खनन सम्बन्धी प्रक्रिया के सम्बन्ध में जनवरी 2020, में "Enforcement & Monitoring guidelines for Sand Mining" निर्गत किया गया है। उक्त गाइडलाइन्स के प्रस्तर 4.1.1 (a) के अनुसार भारत सरकार से पर्यावरण प्रभाव आंकलन (Environment Impact Assessment) अधिसूचना/आदेश जारी होने तक खनन क्षेत्रों के सम्बन्ध में राज्य सरकार स्तर से जिला सर्वेक्षण रिपोर्ट तैयार किया जाना अपेक्षित है। तदनुसार जनपदों से जिला सर्वेक्षण रिपोर्ट में क्षेत्रों के संशोधन/संयोजन सम्बन्धी प्राप्त प्रस्तावों का परीक्षण करने हेतु शासन के भूतत्व एवं खनिकर्म अनुभाग के कार्यालय ज्ञाप संख्या-1153(1)86-2021 दिनांक 09 सितम्बर, 2021 के द्वारा जिला सर्वेक्षण तकनीकी समिति का गठन किया गया है, जिसमें आप सदस्य के रूप में नामित हैं।

जनपद सहारनपुर (संशोधन/संयोजन हेतु) से उपखनिज साधारण बालू/मोरम व आर०बी०एम० के प्राप्त प्रस्तावों का परीक्षण कर अपनी संस्तुति प्रदान किये जाने के सम्बन्ध में तकनीकी समिति की बैठक दिनांक 10 मार्च, 2023 को भूतत्व एवं खनिकर्म निदेशालय, लखनऊ में अपराह्न 12.00 बजे आहूत की गयी है।

अतः पत्र इस आशय के साथ प्रेषित है कि नियत दिनांक एवं समय पर बैठक में प्रतिभाग करने का कष्ट करें।

भवदीय

(विपिन कुमार जैन)
अपर निदेशक

पत्र सं० 1829/एम०-228/2017-खनन नीति (v) तददिनांक

प्रतिलिपि- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. आयुक्त एवं सचिव, राजस्व परिषद, उ० प्र०, अनुभाग-5, लखनऊ।
2. सचिव, भूतत्व एवं खनिकर्म, उत्तर प्रदेश शासन, लखनऊ।
3. प्रभागीय वनाधिकारी, अवध वन प्रभाग, प्रभागीय भवन, 21/475 इन्दिरा नगर, लखनऊ।
4. तकनीकी समिति के समस्त सदस्यों को अनुपालनार्थ।
5. खान अधिकारी, सहारनपुर को इस निर्देश के साथ कि नियत तिथि एवं समय पर समस्त मूल अभिलेखों के साथ उपस्थित होना सुनिश्चित करें अन्यथा सम्बन्धित जनपद के क्षेत्र का डी०एस०आर० बैठक में सम्मिलित नहीं किया जायेगा।

(विपिन कुमार जैन)
अपर निदेशक

Photographs of Mines

AkrabpurBaans



ArrajivevdiAhtmal and MassodpurGarhAhtmal



ShahzadpurBaans



AlludinpurBaansAhtmal



MahmoodpurNagliAhtmal



Shahpur BaansAhtmal



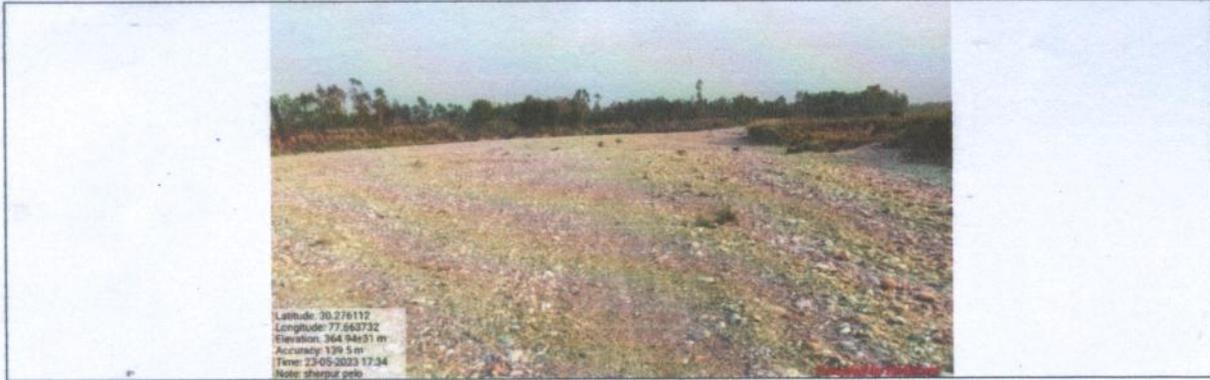
AbutalibpurGarhAhtmal



NityanandpurAhtmal and Said Mohammadpur Ahtmal



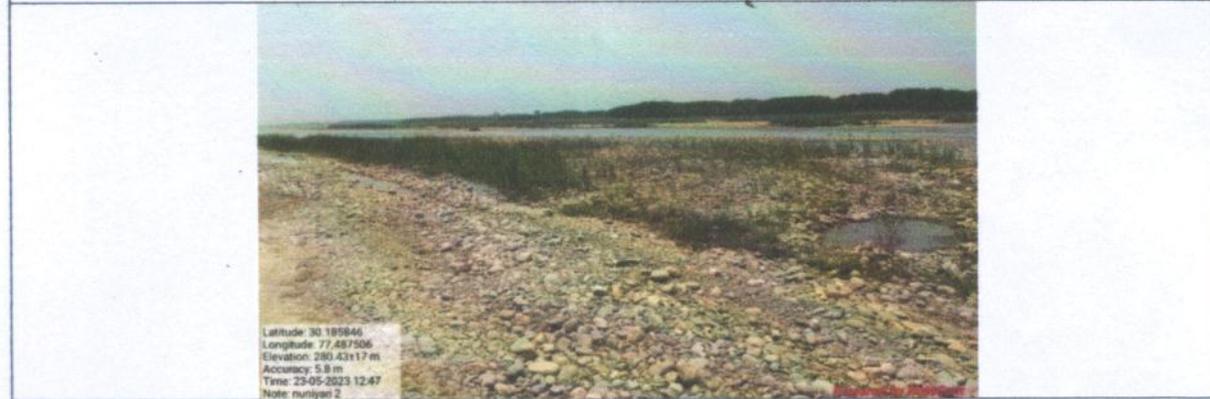
SherpurPelo



KaluvalaPaharipur



NunyarAhtmal Khand- II



Aslampur Bartha



RasoolpurfRasuli



Aslampur Bartha Khand-2

