

**From,**

District Magistrate,  
Jalaun.

**To,**

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

Ref No. **330** /OSD-Jalaun

Date:- **12** February , 2024

**Sub: Response in Compliance of Hon'ble National Green Tribunal (NGT) Order dated 15.12.2023 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 Hon'ble National Green Tribunal's in the order dated 15.12.2023 in the matter of Original Application No. 556/2023 – Arun Tiwari Versus State of Uttar Pradesh , has directed to implead District Magistrate Jalaun as respondent.

In pursuance of the Hon'ble National Green Tribunal order dated 15.12.2023, the response with annexures and other details in Original Application No. 556/2023 is filed here in alongwith this letter for the perusal of Hon'ble National Green Tribunal.

Regards.

  
(Rajesh Kumar Pandey)  
District Magistrate  
District-Jalaun

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

**Original Application No. 556/2023**

**IN THE MATTER OF:**

**Arun Tiwari**

**.....Applicant**

**Versus**

**State of Uttar Pradesh**

**.....Respondent**

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**RESPONDENT**

**THROUGH**

**Place:**

**Date:**

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI

Original Application No. 556/2023

IN THE MATTER OF:

Arun Tiwari

.....Applicant

Versus

State of Uttar Pradesh

.....Respondent

STATUS REPORT IN COMPLIANCE OF THE ORDER DATED 15.12.2023  
PASSED BY HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH.

MOST RESPECTFULLY SHOWETH:

1. That the above captioned matter is pending before this Hon'ble Tribunal and the next date of hearing is 26.02.2024.
2. The concerns/allegations levelled against the Respondent majorly revolve around following issues:
  - a. It is alleged that in the course of construction of Bundelkhand Expressway Project, illegal mining of soil upto 10-15 mtrs. depth from the farmer's land is being done by Project Proponent-M/s Gawar Construction Limited in collusion with officers of UPEIDA.
  - b. It is further alleged that on account of this illegal activity, road has been damaged at several places.
  - c. It also alleged that for said project, mining is going on since February 2020, whereas application seeking permission for mining has been made in 2021. It is also alleged that on account of illegal deep mining, hundreds of cattle have died and damage to environment has been caused.
  - d. It further alleged that the permission for mining upto 2 mtrs. depth, mining has been carried out by Project Proponent in agricultural field from 20 to 55 feet deep and illegal mining from agricultural field of many agriculturalists has been done without even seeking permission.

*[Handwritten signature]*  
14/02/2024

3. That vide order dated 04.10.2023, the Hon'ble Tribunal constituted a joint committee comprising of Member Secretary, UPPCB, Representative of Ministry of Road Transport and Highways, Government of India, concerned Executive Engineer of Public Works Department of State of Uttar Pradesh and the District Magistrate, District Jalaun, which was required to submit a factual report. In pursuance to the said order, inspection was done on 17.11.2023 and the report was prepared and submitted before this Hon'ble Tribunal.
4. That on the last date of hearing i.e., 15.12.2023, a factual report dated 12.12.2023 was filed by District Magistrate, Jalaun detailing the factual status, observations and conclusions. The contents of the same may be read as part and parcel of the present report and the same is not repeated herein for the sake of brevity.
5. That vide order dated 15.12.2023, the Hon'ble Tribunal after assessing the factual report dated 12.12.2023 observed that,
 

*"We find it difficult to accept the report, in as much as, on one hand it is said that mining activities, were duly approved and signed by mining officers but it is not stated that mining activities were carried out consistent with environmental laws and norms and nothing has been said with regard to compliance of environmental laws."*
6. In pursuance to the said order and concerns pointed out by the Hon'ble Tribunal, the present report is being filed highlighting the environmental impact of the mining activities, based on the factual report dated 12.12.2023.

### Concern No. 1

Whether in the course of construction of Bundelkhand Expressway Project, an illegal mining of soil upto 10-15 mtrs. depth from the farmer's land is being done by Project Proponent-M/s Gawar Construction Limited?

### Status

After on-site verification by the committee, it was observed that Project Proponent had obtained the requisite permission for soil mining from Mining Officer, District Magistrate Office, Jalaun Place Orai.

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12/04/24.

The copy of the relevant permissions are a part of the Factual Report and are placed in Annexure-I at pages 40, 44, 47 and in Annexure-III at pages 55, 57, 59, 61, 63, 65, 67, 69 of the Factual Report.

It was also observed that the Project Proponent had obtained No Objection Certificate from respective land owners as well, to conduct the mining. The copy of these NOCs were inspected and the same are available as Annexure- I at pages 18, 19, 21, 22, 27-30, 32-39, 41, 43, 46, 48-50 and in Annexure-III at pages 147-162 of the Factual Report.

**Concern No. 2**

Whether the road has been damaged at several places, if yes then has it been repaired?

**Status**

After site visit and joint verification by the committee, including PWD officials, M/s Gawar Construction Limited, and UPEIDA officials, it was found that the road damaged due to the construction of the Bundelkhand Expressway have been duly addressed and rectified in compliance with stipulated specifications.

The verification report detailing these findings is attached as **Annexure-II** in the Factual Report. As per the said report, total 6 link road were damaged and has been repaired. The details of the road is mentioned hereunder:

| S.N. | Name of Road                        | Total Length (Km) | Damaged Length which has been repaired |
|------|-------------------------------------|-------------------|--|
| 1    | Jaisari kala link road              | 2.500             | 1.800                                  |
| 2    | Timron link road                    | 0.800             | 0.400                                  |
| 3    | Bhua Kapasi link road               | 2.500             | 0.400                                  |
| 4    | Kapasi to shahpura link road        | 1.200             | 1.200                                  |
| 5    | Orai Konch road to Baraha link road | 3.000             | 1.100                                  |
| 6    | Somai Hardoi Gujar road             | 8.800             | 8.000                                  |
| 7    | Total                               | 18.850            | 12.900                                 |

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**Concern No. 3**

Whether 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 have died and the damage to the environment has been caused?

**Status**

After investigation of documents, it was observed that the mining activities since 2020 have been conducted by Project Proponent with the permissions of soil mining from Mining Officer, District Magistrate Office, Jalaun Place Orai. No evidence of livestock drowning was found due to mining activities as the mining locations are far away from human settlements.

The copy of permissions are part of the Factual Report and are placed in Annexure in Annexure-I at pages 40, 44, 47 and in Annexure-III at pages 55, 57, 59, 61, 63, 65, 67, 69 of the Factual Report.

**Concern No. 4**

Whether the permission for mining upto 2 mtrs. depth, mining has been carried out by Project Proponent in agricultural field from 20 to 55 feet deep and illegal mining from agricultural field of many agriculturalists has been done without even seeking permission?

**Status**

Environment Clearance of borrow area is excepted vide MoEFCC notification S.O 1224 (E) dated 28-03-2020, appendix IX (point-6 "extraction or sourcing of borrowing of ordinary earth for the linear projects such as roads, pipelines, etc. thereafter subsequent office order of State Govt. Letter no. 446/81-7-2020-39 (parya)/2014 T0C0-1, dated 01-05-2020.

The committee observed that the mining conducted by the project proponent has adhered to the guidelines. It was further observed that the respective landowners have given No Objection Certificate on affidavit which is part of the Factual Report and placed as Annexure-I at pages 18, 19, 21, 22, 27-30, 32-39, 41, 43, 46, 48-50.

**Impact on environment**

It was observed that the Project Proponent had followed the procedure for excavation or transport of material in compliance with environmental requirements as per MoEFCC (OM No.

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12/04/2021

LI10011/47/2011-IA(M) dated 24 June, 2013 and recommended practice specified in IRC:SP:10-1961 and IRC:SP:108-2015, Annexure-4.

Project Proponent had submitted report on quarterly environmental monitoring of stipulated environmental conditions/ safeguards in the environmental clearance (March, 2020 and June, 2020). It was observed that the Project Proponent had prepared the said report after auditing by an independent testing body named Noida Testing Laboratories. The copy of the said report is part of the Factual Report and placed as Annexure-IV at pages 71-126.

The testing and analyses were done after assessing the below mentioned factors to assess the specific environmental parameters:

1. Ambient noise monitoring
2. Ambient air quality monitoring
  - a. HM Plant Hardoi Gujjar Village, Ch. 182+450
  - b. HM Plant Near Kimron Village, Ch. 169+715
  - c. Batching Plant Near Dakor Village Ch. 164+330
3. Ground water quality monitoring
4. Soil quality monitoring

#### **Ambient noise observation**

After assessment of the lab test reports with respect to ambient noise monitoring, it was observed that noise level was within the permissible limits of 75 dB(A) during day time and 70 dB(A) during the night time.

#### **Ambient air quality monitoring**

The air quality monitoring was done in HM Plant Hardoi Gujjar Village, Ch. 182+450, HM Plant Near Kimron Village, Ch. 169+715, Batching Plant Near Dakor Village Ch. 164+330.

After the assessment of the lab test reports with respect to ambient air quality monitoring, it was observed that on all occasions of testing, the test results were within the permissible limits provided under the Environment Protection Act. The same is available as Annexure-IV.

#### **Ground water quality monitoring**

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After the assessment of the lab test reports with respect to ground water quality monitoring, it was observed that the test results met all the requirements and parameters to ensure that ground water level was not depleted beyond the permissible limits.

### Soil quality monitoring

After the assessment of the lab test reports with respect to soil quality monitoring, the inspection suggests that there is no severe cause of concern.

It is observed that **the ponds made from the soil sourced from Gram-bhua, Gram Kaitheri, and Gram Kabilpura in Orai Jalaun, for the construction of the embankment of the Bundelkhand Expressway.**

### **Environmental Cost Benefit Analysis:**

It is observed that since Bundelkhand is a drought-prone area, good sources for water conservation have been constructed using the soil extracted from the ponds and this has further increased the area's capacity for water conservation.

It was also observed that farmers were irrigating their farmlands from the aforementioned water-conserving ponds.

Storage and reuse of runoff water will leads to water conservation subsequently will be benefited for ground water recharge/rainwater harvesting.

### Conclusion

1. It appears that the Project Proponent, has not conducted illegal mining during the construction of the Bundelkhand Expressway project, as there are no evident defaults on the part of the Project Proponent. The mining activities were duly approved and signed by the Mining Officer Orai, Jalaun.
2. It is observed that the damaged roads have been repaired and this restoration has been verified and approved by P.W.D. officials.
3. There is no evidence of deep mining beyond the approved limit on the site, no agricultural fields have been excavated without the permission of the landowners, and all mining activities have been conducted within the permissible depth.
4. That 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 non-

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presence of illegal mining and as per an independent party report, there is no environmental damage that was found.

Place:

Jalain

Date:

12.02.2024

THROUGH

  
RESPONDENT

(राजेश कुमार फणदेश)

जिला मजिस्ट्रेट, जालीन