

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 592 OF 2024**

IN THE MATTER OF:

NEWS ITEM TITLED "SONBHADRA: FILO MEIN SIMTA
UPPCB KA VAYU PRADYUSHAN NIYANTRAN, JAANE POORA
MAMLA" APPEARING IN NEWSTRACK.COM DATED
24.03.2024

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Dated: 24.09.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 592 OF 2024**

IN THE MATTER OF:

NEWS ITEM TITLED "SONBHADRA: FILO MEIN SIMTA UPPCB KA VAYU PRADYUSHAN NIYANTRAN, JAANE POORA MAMLA" APPEARING IN NEWSTRACK.COM DATED 24.03.2024

**RESPONSE TO THE ORIGINAL APPLICATION ON BEHALF
OF RESPONDENT NO. 8 WITH AFFIDAVIT**

MOST RESPECTFULLY SHOWETH:

1. That the present Response to the Original Application is being filed on behalf of Respondent No. 8, namely Mr. Ajay Kumar Singh, who is the partner of M/s Sri Ram Associates, in favour of whom a mining lease has been granted, through e-tender cum auction, over Block No. 4, measuring 4 Hectares and situated in Khasra No. 7536 Ga Mi in Village Billi Markundi, Tehsil Obra, District Sonbhadra.
2. That after obtaining the Environmental Clearance on 03.06.2022, the mining lease of M/s Sri Ram Associates was registered on 09.06.2022, with the term of the mining

lease being ten years. The permission from Directorate General of Mines Safety was granted to M/s Sri Ram Associates on 16.08.2022. Subsequently, the Consolidated Consent to Operate and Authorization [CCA] under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 was granted by the UPPCB in favour of M/s Sri Ram Associates on 18.11.2022, with the duration of the CCA being from 18.11.2022 to 31.12.2026, whereafter mining operations were commenced over the lease area.

A true copy of Environmental Clearance dated 03.06.2022, granted in favour of M/s Sri Ram Associates, is annexed herewith and marked as **ANNEXURE-1**

A true copy of mining lease granted in favour of M/s Sri Ram Associates is annexed herewith and marked as **ANNEXURE-2**

A true copy of permission dated 16.08.2022, issued in favour of M/s Sri Ram Associates by the DGMS, is annexed herewith and marked as **ANNEXURE-3**

A true copy of the CCA dated 18.11.2022, granted in favour of M/s Sri Ram Associates by the UPPCB, is annexed

herewith and marked as **ANNEXURE-4**

3. That in the year 2022, an Original Application, the same being Original Application No. 176 of 2022 titled Aman Chaudhary vs Union of India & Ors., pertaining to illegal mining in District Kanpur, was instituted before this Hon'ble Tribunal, with directions being passed from time to time in the matter by this Hon'ble Tribunal. Vide orders dated 30.05.2023 and 17.10.2023 passed in O.A. No. 176 of 2022, this Hon'ble Tribunal had issued directions to the concerned departments to ensure that no mining is permitted throughout the country without a Consent to Establish/Consent to Operate having been obtained by the mining leaseholder.

A true copy of order dated 30.05.2023 passed by this Hon'ble Tribunal in Original Application No. 176 of 2022 is annexed herewith and marked as **ANNEXURE-5**

A true copy of order dated 17.10.2023 passed by this Hon'ble Tribunal in Original Application No. 176 of 2022 is annexed herewith and marked as **ANNEXURE-6**

4. That acting in purported compliance of the orders passed by this Hon'ble Tribunal in O.A. No. 176 of 2022, the UPPCB

conducted an exercise to identify the mining leases operating without a CTO in the State of Uttar Pradesh. However, in the case of M/s Sri Ram Associates, the UPPCB has committed a manifest error and caused grave prejudice to the leaseholder. A letter dated 10.01.2024 was received from UPPCB by Respondent No. 8, the partner of M/s Sri Ram Associates, wherein UPPCB, without conducting proper verification of its records, directed for closure of the mining lease granted over Block No. 4, Khasra No. 7536 Ga Mi, on the ground that the said lease was operating without a CTO. The letter dated 10.01.2024 issued by UPPCB also made a reference to some Show Cause Notice dated 20.10.2023 issued to Respondent No. 8, which was in fact never received by Respondent No. 8.

A true copy of letter dated 10.01.2024 issued by the UPPCB to Respondent No. 8 is annexed herewith and marked as **ANNEXURE-7** (

5. That the Respondent No. 8, acting on behalf of M/s Sri Ram Associates, submitted a response dated 12.02.2024 to the UPPCB in response to the letter dated 10.01.2024, indicating to it that M/s Sri Ram Associates has been operating with a valid CCA and has undertaken its mining operations only after obtaining the same. A copy of the CCA granted by the UPPCB was attached by the Respondent No. 8 along with the reply dated 12.02.2024. Post the

submission of the response, an assurance was given to Respondent No. 8 by the officials of UPPCB at Regional Office, Sonbhadra that the records will be verified and corrective action will be taken in case the stand of Respondent No. 8 is found to be factually incorrect. Thereafter, no further action was taken by the UPPCB and no further communication was received by Respondent No. 8 in respect of UPPCB's letter dated 10.01.2024, which led the Respondent No. 8 to believe that UPPCB has finally traced its records and realised that M/s Sri Ram Associates has got a valid and subsisting CTO in relation to its mining lease.

A true copy of response dated 12.02.2024, submitted by the Respondent No. 8 to UPPCB, is annexed herewith and marked as **ANNEXURE-8**

6. That however, to the utter shock and dismay of Respondent No. 8, a copy of the same letter dated 10.01.2024 was found pasted on the premises of M/s Sri Ram Associates, presumably by UPPCB, in the first week of July, 2024. The Respondent No. 8, upon seeing the letter, immediately sent a letter dated 04.07.2024 to the UPPCB, reiterating its submission that the letter dated 10.07.2024, issued by UPPCB, proceeds on a baseless premise and that M/s Sri Ram Associates had obtained a CTO much before the order dated 17.10.2023 was passed by this Hon'ble Tribunal. The

Respondent No. 8 was again assured that the letter may have been pasted by mistake and that the UPPCB will verify the records at its end and take appropriate action. Since the mining on the lease of Respondent No. 8 was in any case suspended due to the rainy season and the pits in the lease area being filled with water, with mining slated to resume only sometime in October, Respondent No. 8 did not press the matter further, assuming that UPPCB will act diligently and in accordance with law and take corrective action well before the mining resumes post the rainy season.

A true copy of letter dated 04.07.2024, addressed by the Respondent No. 8 to the UPPCB, is annexed herewith and marked as **ANNEXURE-9**

7. That recently, on 10.09.2024, a notice was received from this Hon'ble Tribunal in the present Original Application, indicating that the factum of issuance of closure order against M/s Sri Ram Associates [through its partner Respondent No. 8] has been placed before this Hon'ble Tribunal by UPPCB and certain orders in relation thereto are proposed to be passed by this Hon'ble Tribunal, before which this Hon'ble Tribunal has deemed it fit to issue notice to the concerned mining leaseholders, including Respondent No. 8. The Respondent No. 8 has also been sent a letter dated 09.09.2024 [received on 12.09.2024] by Senior Mines Officer, Sonbhadra, directing that the mining operations in the lease of M/s Sriram Associates shall

remain suspended in compliance of orders passed by this Hon'ble Tribunal in the present Original Application and in O.A. No. 176 of 2022.

8. That on receiving the notice from this Hon'ble Tribunal, the Respondent No. 8 realised that UPPCB has still not taken corrective action promised by it and seems to have not intimated the correct factual position to various authorities, including this Hon'ble Tribunal. The Respondent No. 8 is being subjected to unnecessary harassment and inconvenience due to the complete non-application of mind on the part of UPPCB and its steadfast refusal to verify its records and take corrective action. Despite being repeatedly informed about the correct factual position, UPPCB has failed to update its records and issue formal orders with regard to the erroneous orders/communications issued by it in relation to the mining lease of the undersigned.
9. That in order to enable UPPCB to take corrective action and to once again apprise UPPCB and the other authorities of the erroneous manner in which proceedings have been initiated in relation to the lease of M/s Sri Ram Associates, the Respondent No. 8 addressed letters to the Regional Officer, UPPCB, Sonbhadra, District Magistrate, Sonbhadra and Senior Mines Officer, Sonbhadra on 13.09.2024, placing all aspects related to the matter before them, along with the relevant documents.

A copy of letter dated 13.09.2024, addressed by Respondent No. 8 to various authorities in District Sonbhadra, is annexed and marked as **ANNEXURE-10**

10. That in the above circumstances, the present Response is being filed by Respondent No. 8 to bring the correct factual position before this Hon'ble Tribunal and highlight the manner in which UPPCB is failing to discharge its responsibilities and statutory duties in a proper manner. It is respectfully prayed that the present Response may kindly be taken on record and UPPCB may be directed by this Hon'ble Tribunal to immediately conduct verification of its records and take steps to forthwith withdraw the erroneous orders/ communications issued by it in relation to the mining lease of M/s Sri Ram Associates.


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[UTKARSH SHARMA] [SHARAD CHAUHAN]

ADVOCATES

**139, SETALVAD BLOCK, LAWYERS' CHAMBERS,
SUPREME COURT, NEW DELHI-110001.**

PLACE: NEW DELHI

DATE: 24.09.2024

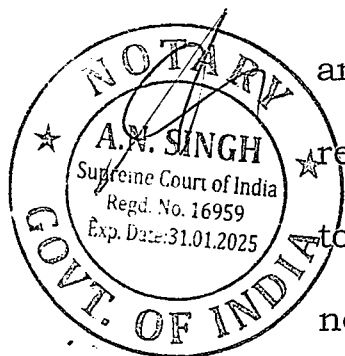
BEFORE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, SITTING AT NEW DELHI****ORIGINAL APPLICATION NO.592 OF 2024****IN THE MATTER OF :**

News Item titled "Sonbhadra : File me simta UPPCB ka vayu pradushan niyantran Jaane pura Mamla" appearing in newstrack.com dated 24.03.2024

AFFIDAVIT

I, Ajay Kumar Singh, aged about 65 years, S/o Late Shri. Omkar Nath Singh, R/o 18/88, Ayappa Mandir, Sector-08, Tehsil Obra, P.S Obra, District Sonbhadra, Uttar Pradesh-231219, Partner M/s Shri Ram Associates, presently at New Delhi, do hereby solemnly affirm and state as under:

1. That I am Respondent No. 08 in the above mentioned Original Application and I am fully conversant with the facts and circumstances of the case and is competent to swear this affidavit.
2. That I have read and understood the contents of the Reply, hence swearing the present affidavit.
3. I state that the contents of the above Reply which has been drafted under my instructions and the contents are true and correct to the best of my knowledge and belief and the record available with my office, and the same is read over to me in my vernacular and no part of it is false and nothing material have been concealed therefrom..



ANNEXURE-01

ENVIRONMENTAL
CLEARANCE

Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment
Authority(SEIAA), Uttar Pradesh)

To,

The Proprietor
M/S SHRI RAM ASSOCIATES
H.no-18/188,Ayappa Temple, sector-18, P.S.- Obera, District- Sonbhadra
-231219

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity
under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC)
in respect of project submitted to the SEIAA vide proposal number
SIA/UP/MIN/69557/2021 dated 07 May 2022. The particulars of the environmental
clearance granted to the project are as below.

1. EC Identification No.	EC22B001UP187607
2. File No.	6711
3. Project Type	New
4. Category	B1
5. Project/Activity including Schedule No.	1(a) Mining of minerals
6. Name of Project	BilliMarkundi Building Stone Gitty/Boulders Dolostone Mining Project Khand
7. Name of Company/Organization	M/S SHRI RAM ASSOCIATES
8. Location of Project	Uttar Pradesh
9. TOR Date	07 Jan 2022

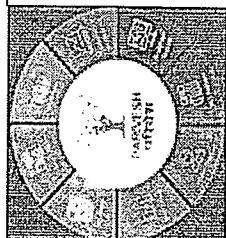
The project details along with terms and conditions are appended herewith from page
no 2 onwards.

Date: 03/06/2022

(e-signed)
Member Secretary
Member Secretary
SEIAA - (Uttar Pradesh)

*Note: A valid environmental clearance shall be one that has EC identification
number & E-Sign generated from PARIVESH. Please quote identification
number in all future correspondence.*

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State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.
Vineet Khand-1, Gomti Nagar, Lucknow- 226010
E-Mail- doeuplko@yahoo.com, seiaaup@yahoo.com
Phone no- 0522-2300541

Reference- MoEFCC Proposal no- SIA/UP/MIN/69557/2021 & SEIAA, U.P File no-6711

Sub: Environmental Clearance is sought for Building Stone Gitty/Boulders Dolostone Mining Project (Khand-4), Village: Billi Markundi, Tehsil- Obra, District- Sonbhadra, State-Uttar Pradesh. (Leased Area 4.00 ha.).

Dear Sir,

This is with reference to your application / letter dated 29-11-2021, 15-12-2021, 07-05-2022 & 09-05-2022 on above mentioned subject. The matter was considered by SEAC in meeting held on 10-05-2022 and SEIAA in meeting held on 20-05-2022.

A presentation was made by the project proponent along with their consultant M/s P & M Solution to SEAC on 10-05-2022.

Project Details Informed by the Project Proponent and their Consultant

The project proponent, through the documents and presentation gave following details about their project –

1. The environmental clearance is sought for Building Stone Gitty/Boulders Dolostone Mining Project (Khand-4), Village: Billi Markundi, Tehsil- Obra, District- Sonbhadra, State-Uttar Pradesh. Proponent- M/s Shri Ram Associates, (Leased Area 4.00 ha.).
2. The terms of reference in the matter were issued by SEIAA, U.P. vide letter no. 435/Parya/SEIAA/6711/2021, dated 07/01/2021.
3. The public hearing was organized on 12/04/2022 at Prathmik Vidyalay Billi Markundi Tehsil - Obra, District- Sonbhadra, U.P. Final EIA report submitted by the project proponent on 07/05/2022.
4. Salient features of the project as submitted by the project proponent:

1. On-line proposal No.	SIA/UP/MIN/69557/2021		
2. File No. allotted by SEIAA, UP	6711		
3. Name of Proponent	M/s Shri Ram Associates and Partner Shri Ajay Kumar Singh		
4. Full correspondence address of proponent and mobile no.	M/s Shri Ram Associates Dala Chadhai, Dala, District-Sonbhadra Partner- Shri Ajay Kumar Singh S/o Sri Omkar Nath Singh, Address – H.no. 18/188, Ayappa Temple, Sector- 18, P.S.-Obra, District- Sonbhadra, Uttar Pradesh.		
5. Name of Project	Building Stone Gitty/Boulders Dolostone Mining Project (Khand-4)		
6. Project location (Plot/Khasra/Gata No.)	7536 Ga.Mi.		
7. Name of Village	Billi Markundi		
8. Tehsil	Obra		
9. District	District Sonbhadra, Uttar Pradesh		
10. Name of Minor Mineral	Building Stone Gitty/Boulders Dolostone		
11. Sanctioned Lease Area (in Ha.)	4.00 hectare.		
12. Max. & Min mrl within lease area	192 mRL & 183 mRL		
13. Pillar Coordinates (Verified by DMO)	Pillars	Latitude (N)	Longitude (E)

	A	24°27'35.48"N	83°02'13.15"E
	B	24°27'43.37"N	83°02'18.08"E
	C	24°27'41.50"N	83°02'20.37"E
	D	24°27'41.30"N	83°02'24.64"E
	E	24°27'35.54"N	83°02'19.45"E
	F	24°27'34.98"N	83°02'18.47"E
	G	24°27'35.58"N	83°02'16.99"E
	H	24°27'35.16"N	83°02'15.30"E
14. Total Geological Reserves	2975601 cum		
15. Total Mineable Reserves in LOI	1341553 cum		
16. Total Proposed Production (in five year)	6,40,000 cum (1st Year to 5th Year)		
17. Proposed Production/year	1,28,000 cum/annum or 3,20,000 TPA		
18. Sanctioned Period of Mine lease	10 years		
19. Production of mine/day	426.66 cum/day		
20. Method of Mining	Opencast semi-mechanized Method		
21. No. of working days	300		
22. Working hours/day	8		
23. No. Of workers	40		
24. No. Of vehicles movement/day	54		
25. Type of Land	Waste Land		
26. Ultimate Depth of Mining	upto 166 mRL		
27. Nearest metalled road from site	SH-5A		
28. Water Requirement	PURPOSE	REQUIREMENT (KLD)	
	Drinking	0.71 KLD	
	Suppression of dust	1.8 KLD	
	Plantation	20 KLD	
	Others (if any)	0.0 KLD	
	Total	22.20 KLD	
29. Name of QCI Accredited Consultant with QCI No and period of validity.	P & M Solution Certificate No: NABET/EIA/1922/IA0053 Validity=10-12-2022		
30. Any litigation pending against the project or land in any court.	No		
31. Details of 500 m Cluster Map & certificate issued by Mining Officer	Letter No. 3251/Khanij/2021 dated 30-09-2021		
32. Details of Lease Area in approved DSR	Attached		
33. Proposed CSR cost	RS- 1,60,000 /-		
34. Proposed EMP cost	Rs-24,25,000 (Capital cost) Rs-15,60,000 (Recurring cost)		
35. Length and breadth of Haul Road	300 m, 6 m		
36. No. of Trees to be Planted	About 4000 trees will be planted along both sides of roads and civic amenities in consultation with the local authorities.		

5. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
6. This project does not attract any of the general conditions applicable on mining projects specified in EIA Notification 14/09/2006.
7. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
8. There is no litigation pending in any court regarding this project.
9. The project proposal falls under category-1(a) of EIA Notification, 2006 (as amended).

Based on the recommendations of the State Level Expert Appraisal Committee (SEAC) Meeting (SEAC) held on 10-05-2022 the State Level Environment Impact Assessment Authority (SEIAA) in its Meeting dated 20-05-2022 decided to grant the Environmental Clearance to the title project for collection of 1,28,000 cum/annum of lease area of 4.00 ha subject to effective implementation of the following General Conditions and specific conditions:-

General Conditions:

1. This environmental clearance is subject to allotment of mining lease in favour of project proponent by District Administration/Mining Department.
2. Forest clearance shall be taken by the proponent as necessary under the law.
3. Any addition of the mining area, change of Khasra numbers, enhancement of capacity, change in mining technology, modernization, and scope of working shall again require prior environmental clearance as per EIA notification, 2006.
4. No change in the calendar plan including excavation, the quantum of mineral and waste shall be made.
5. Mining will be carried out as per the approved mining plan. In case of any violation of the mining plan, the Environmental Clearance given by SEIAA will stand cancelled.
6. Four ambient air quality monitoring stations shall be established in the core zone as well as in the buffer zone for RSPM, SPM, SO₂, NO_x monitoring. The location of the stations should be decided based on the meteorological data, topographical features, and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board. The monitored data for criteria pollutants shall be regularly uploaded on the company's website and also displayed on the website.
7. Data on ambient air quality (RPM, SPM, SO₂, NO_x) should be regularly submitted to the Integrated Regional Office, MoEF&CC, Gol, Lucknow and the State Pollution Control Board / Central Pollution Control Board once in six months.
8. Ambient air quality at the boundary of the mine premises shall conform to the norms prescribed in MoEF notification no. GSR/826(E) dated 16.11.09.
9. Fugitive dust emissions from all the sources shall be controlled regularly. Water spraying arrangement on haul roads, loading and unloading, and at transfer points shall be provided and properly maintained.
10. Measures shall be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc. shall be provided with earplugs/muffs and health records of the workers shall be maintained.
11. Industrial wastewater (workshop and wastewater from the mine) should be properly collected, treated to conform to the standards prescribed under GSR 422 (E) dated 19th May 1993 and 31st December 1993 or as amended from time to time. Oil and grease traps shall be installed before the discharge of workshop effluents.
12. Personnel working in areas shall be provided with protective respiratory devices like masks and they shall also be imparted adequate training and information on safety and health aspects.
13. Special measures shall be adopted to prevent the nearby settlements from the impacts of mining activities.
14. The transportation of the materials shall be limited to the day hours' time only.
15. Provision shall be made for housing the laborers within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, safe drinking water, medical health care, crèche, etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
16. A separate Environmental Management Cell with suitably qualified personnel shall be setup under the control of a Senior Executive, who will report directly to the Head of the Organization.
17. The Project Proponent shall inform the Integrated Regional Office, MoEF&CC, Gol, Lucknow and State Pollution Control Board regarding the date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.

18. The funds earmarked for environmental protection measures shall be kept in a separate account and shall not be diverted for other purposes. The year-wise expenditure shall be reported to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and State Pollution Control Board
19. The Integrated Regional Office, MoEF&CC, GoI, Lucknow and State Pollution Control Board shall monitor compliance with the stipulated conditions. A complete set of documents including Environment Impact Assessment Report, Environmental Management Plan, Public hearing, and other documents information should be given to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and State Pollution Control Board
20. A copy of the environmental clearance shall be submitted by the Project Proponent to the Heads of the Local Bodies, Panchayat, and Municipal Bodies as applicable in the matter.
21. The Project Proponent shall advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Level Environment Impact Assessment Authority (SEIAA).
22. The Project Proponent has to submit a regular half-yearly compliance report of the stipulated prior environmental clearance terms and conditions in hard and soft copy to the SEIAA, U.P. on 1st June and 1st December of each calendar year.
23. The SEIAA may alter/modify the above conditions or stipulate any further condition in the interest of environmental protection.
24. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.

Specific Conditions:

1. Validity period of this EC is 5 year from the date of issue as the Lol has been issued for a period of 5 year or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
5. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
6. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 4,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate

- notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
9. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 20 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
 10. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
 11. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
 12. Project Proponent / Consultant has given an affidavit that the project area doesn't fall within the boundary of Critically Polluted Area (CPA). If the affidavit given by PP / Consultant is found to be false then EC will be cancelled and legal actions will be initiated against them. Further, mining should not commence without obtaining certificate from DM, Sonbhadra that area doesn't attract CPA and a copy of the same should be submitted to SEIAA.
 13. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.
 14. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
 15. Large number of mining projects are ongoing as well as new mining leases are coming up in the district. A reference be sent to DGM and MS, SPCB for preparing mitigation plan for controlling air pollution in the district especially in mining areas.
 16. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.
 17. The Environmental clearance will be co-terminus with the mining lease period/mining plan whichever is less.
 18. The project proponent shall install solar light in their site office.
 19. During the submission of 6 monthly compliance reports, the project proponent should make sure that the periodically taken site photographs should also be annexed along with the compliance report.
 20. Preference should be given to indigenous local species as per the consultation of the local district Forest Officer.
 21. The maximum height of the bench should be 06 meters and the width of the bench should be at least twice the height of the bench as per the mine plan approval letter by DGM, U.P
 22. In case the blasting is proposed during a mining operation, the project proponent needs to assess its impact on the displacement of human beings/wild animals/birds/other species, and the suitable measures proposed and taken for their rehabilitation and resettlement need to be clearly described in first 6 monthly compliance report.
 23. The project proponent shall submit a final mine closure plan/Exit protocol for rehabilitation of mined-out land to match its surrounding land use 3years before the closure of the mine to SEIAA, UP and Department of Mines and Geology, UP for approval. The project proponent shall ensure the implementation of the approved plan under the supervision of the Dept. of Mines and Geology.

24. The project proponent shall plan and implement collection drain and siltation basins of adequate size to arrest the silt and sediment flow from the quarry area. The surface runoff rainwater harvesting and other water conservation measures on a long-term basis are to be taken in consultation with the Central/State Groundwater Board. The water so collected should be utilized for watering the haulage area, roads, and green belt development, etc.
25. The project proponent shall take all suitable measures to prevent pollution of groundwater and nearby water bodies in consultation with the State Pollution Control Board and consent to operate (if applicable) should be obtained from the State Pollution Control Board before the start of production from the mine.
26. Link Road from the quarry site to the main road shall be constructed as an all-weather road with blacktopping and maintained by the project proponent.
27. Vehicular emissions should be kept under control and regularly monitored. Suitable measures shall be taken for proper maintenance of vehicles used in a quarry operation and transportation.
28. The project proponent should explore the possibilities of rainwater harvesting.
29. At the time of operation, the project proponent will comply with all the guidelines issued by the Government of India/State Govt./District Administration related to Covid-19.
30. This environmental clearance does not create or verify any claim of the applicant on the proposed site/activity.
31. In case it has been found that the E.C. obtained by providing incorrect information, submitting that the distance between the two adjoining mines is greater than 500mt. and the area is less than 05ha, but factually the distance is less than 500 mt, and the mine is located in the cluster of area equal to or more than 05ha, the E.C issued will stand revoked.
32. This environmental clearance shall be subject to a valid lease in favor of the project proponent for the proposed mining proposals. In case, the project proponent does not have a valid lease, this environmental clearance shall automatically become null and void.
33. The Environmental clearance will be co-terminus with the mining lease period/Mining Plan whichever is less. The Mining plan approved by the Dept. of Mines and Geology shall be strictly implemented and shall not be operated beyond the validity period.
34. Explosive cannot be stored on the site. The Project proponent shall take approval from Chief Controller of Explosive, if applicable for use or storage of explosive or any such materials.
35. A comprehensive EIA including mining areas within 15 K.M. to assess the impact of the mining activity on the surrounding area shall be undertaken and a report submitted to this Authority within one year.
36. No two pits shall be simultaneously worked i.e. before the first is exhausted and reclamation work completed, no mineral bearing area shall be worked.
37. After exhausting the first mine pit and before starting mining operations in the next pit, reclamation and plantation work in the exhausted pit shall be completed to ensure that reclamation, forest cover, and vegetation are visible during the first year of mining operations in the next pit. This process will follow till the last pit is exhausted. Adequate rehabilitation of mined pit shall be completed before any new ore-bearing area is worked for expansion.
38. An adequate buffer zone shall be maintained between two consecutive mineral-bearing deposits.
39. The sprinkling of water on haul roads to control dust will be ensured by the project proponent.
40. Green belt development shall be carried out considering CPCB guidelines including the selection of plant species and in consultation with the local DFO / Agriculture Department. Herbs and shrubs shall also form a part of the afforestation programme besides tree plantation. The company shall involve local people in the plantation programme. Details of year-wise afforestation programme including rehabilitation of mined-out area shall be submitted to the Integrated Regional Office, MoEF&CC, Gol, Lucknow every year.
41. Blast vibrations study shall be conducted and an observation report submitted to the Integrated Regional Office, MoEF&CC, Gol, Lucknow and UPPCB within six months. The report shall also include measures for the prevention of blasting associated impact on nearby houses and agricultural fields.

42. Controlled blasting techniques with sequential blasting shall be adopted. The blasting shall be carried out in the daytime only. The project proponent shall ensure prevention of displacement of human beings/wild animals/birds etc. and in case any such displacement is caused due to blasting/mining operation by any chance the project proponent shall take suitable measures for their rehabilitation and resettlement.
43. Appropriate arrangement for shelter and drinking water for the mining workers has to be ensured at the mining site.
44. Maintenance of village roads used for transportation of minerals is to be done by the company regularly at its own expenses. The link roads from mining area to main road shall be constructed as all-weather road with black topping and maintained by the project proponent.
45. The surface runoff rain water harvesting/rain water recharge and water conservation measures will be taken by project proponent in consultation with central /State ground water Board .The project proponent shall plan and implement collection drain and siltation basins of adequate size to arrest the silt and sediment flows from the mining area. The supernatant of the siltation basin and rain water harvested water shall be utilized for watering the haulage area, roads and green belt development etc. '
46. Status of implementation shall be submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and UP Pollution Control Board within six months and thereafter every year from the next consequent year.
47. The self-environmental audit shall be conducted annually. Every three years third-party environmental audit shall be carried out.
48. Measures for prevention and control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion shall be carried out with geotextile matting or other suitable material, and thick plantations of native trees and shrubs shall be carried out at the dump slopes. Dumps shall be protected by retaining walls.
49. Trenches/garland drains shall be constructed at foot of dumps and coco filters installed at regular intervals to arrest silt from being carried to water bodies. An adequate number of Check Dams and Gully Plugs shall be constructed across seasonal/perennial nallahs if any flowing through the ML area and silts arrested. De silting at regular intervals shall be carried out.
50. Garland drain of appropriate size, gradient, and length shall be constructed for both mine pit and waste dump and sump capacity shall be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity shall also provide an adequate retention period to allow proper settling of silt material. Sedimentation pits shall be constructed at the corners of the garland drains and de silted at regular intervals.
51. Ground and surface water, if any in and near the core zone (within 5.0 km of the lease) shall be regularly monitored for contamination and depletion due to mining activity and records maintained. The monitoring data shall be submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and U.P. Pollution Control Board regularly. Further, monitoring points shall be located between the mine, and drainage in the direction of flow of groundwater shall be set up and records maintained.
52. Fugitive dust generation shall be controlled. Fugitive dust emission shall be regularly monitored at locations of nearest human habitation (including schools and other public amenities located nearest to sources of dust generation as applicable) and records submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and U.P. Pollution Control Board regularly.
53. Baseline data for ambient air quality shall be generated and maintained and RSPM level in ambient air in the nearby human habitation (villages) shall also be monitored along with other parameters.
54. Corporate Environmental Responsibility (CER) shall be by the project proponent and the details of the various heads of expenditure are to be submitted as per the guidelines provided in the recent CER notification No. 22-65/2017-IA.III dated 01/05/2018. Work to be executed with the installation of five hand pumps for drinking water, solar light in villages of streets, construction of two numbers of toilets at the primary school with name displayed and address and details of the

- beneficiary and gram Pradhan along with phone number, photographs should be submitted to Directorate as well as to the District Magistrate / Chief Development officers.
55. Transportation of minerals shall be done by covering the trucks with tarpaulin or other suitable mechanisms so that no spillage of mineral/dust takes place.
 56. Occupational health and safety measures for the workers including identification of work-related health hazards, training on malaria eradication, HIV, and health effects on exposure to mineral dust, etc. shall be carried out. Periodic monitoring for exposure to respirable mineral dust on the workers shall be conducted and records maintained including the health records of the workers. Awareness programmes for workers on the impact of mining on their health and precautionary measures like the use of personal protective equipment etc. shall be carried out periodically. A review of the impact of various health measures shall be conducted followed by follow-up action wherever required.
 57. The project proponent will ensure for employing local people as per requirement, necessary protection measures around the mine pit and waste dump, and garland drain around the mine pit and waste dump.
 58. Topsoil / solid waste shall be stacked properly with proper slope and adequate safeguards and shall be utilized for backfilling (wherever applicable) for reclamation and rehabilitation of the mined-out area. Topsoil shall be separately stacked for utilization later for reclamation and shall not be stacked along with overburden.
 59. Overburden (OB) shall be stacked at the earmarked dump site(s) only and shall not be kept active for long period. The maximum height of the dump shall not exceed 20 m, each stage shall preferably be of a maximum of 10 m and the overall slope of the dump shall not exceed 35°. The OB dump shall be backfilled. The OB dumps shall be scientifically vegetated with suitable native species to prevent erosion and surface runoff.
 60. Monitoring and management of rehabilitated areas shall continue until the vegetation becomes self-sustaining. Compliance status shall be submitted to the Regional Office, Ministry of Environment & Forests, Gol, Lucknow, and U.P. Pollution Control Board on a six-monthly basis.
 61. The slope of the mining bench and ultimate pit limit shall be as per the mining scheme approved by the Indian Bureau of Mines.
 62. Permission for the abstraction of groundwater shall be taken from Central Ground Water Board. Regular monitoring of ground and surface water sources for level and quality shall be carried out by establishing a network of existing wells and constructing new piezometers during the mining operation. The monitoring shall be carried out four times in a year i.e., premonsoon (April/May), monsoon (August), post-monsoon (November), and winter (January), and the data thus collected shall be regularly sent to MoEF&CC, Central Ground Water Authority, and Regional Director, Central Ground Water Board.
 63. The wastewater from the mine shall be treated to conform to the prescribed standards before discharging into the natural stream. The discharged water from the Tailing Dam, if any shall be regularly monitored and report submitted to the Integrated Regional Office, MoEF&CC, Gol, Lucknow, Central Pollution Control Board, and the State Pollution Control Board.
 64. Hydrogeological study of the area shall be reviewed by the project proponent annually. In case the adverse effect on groundwater quality and quantity is observed mining shall be stopped and resumed only after mitigating steps to contain any adverse impact on groundwater is implemented.
 65. Vehicular emissions shall be kept under control and regularly monitored. Vehicles used for transportation of minerals and others shall have valid permissions as prescribed under Central Motor Vehicle Rules, 1989 and its amendments. The vehicles transporting minerals shall be covered with a tarpaulin or other suitable enclosures so that no dust particles / fine matters escape during the period of transportation. No overloading of minerals for transportation shall be committed. The trucks transporting minerals shall not pass through the wildlife sanctuary if any in the study area.
 66. Prior permission from the Competent Authority shall be obtained for the extraction of groundwater if any.

67. A final mine closure plan, along with details of Corpus Fund, shall be submitted to the Integrated Regional Office, MoEF&CC, GoI, Lucknow and U.P. Pollution Control Board 5 years in advance of final mine closure for approval.
68. Project Proponent shall explore the possibility of using solar energy where ever possible.
69. Commitment towards CER has to be followed strictly.
70. Regular health checkup record of the mineworkers has to be maintained at the site in a proper register. It should be made available for inspection whenever asked.
71. Project Proponent has to strictly follow the direction/guidelines issued by MoEF&CC, CPCB, and other Govt. Agencies from time to time.
72. The blasting will be done only after getting permission from the Mining Department.

You shall also ensure that the proposed site is not a part of any no-development zone as required/prescribed/identified under law. In case of violation, this permission shall automatically deem to be cancelled. Also, in the event of any dispute on ownership or land use of the proposed site, this clearance shall automatically deem to be cancelled.

Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

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

The project proponent will have to submit approved plans and proposals incorporating the conditions specified in the Environmental Clearance within 03 months of issuance of this clearance. The SEIAA/MoEF reserves the right to revoke the environmental clearance, if conditions stipulated are not implemented to the satisfaction of SEIAA/MoEF. SEIAA may impose additional environmental conditions or modify the existing ones, if necessary.

This is to request you to take further necessary action in matter as per provisions of Gazette Notification No. S.O. 1533(E) dated 14/09/2006, as amended and send regular compliance reports to the authority as prescribed in the aforesaid notification.

Copy, through email, for information and necessary action to –

1. The Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, Lucknow (email – soenvups@rediffmail.com)
2. Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, 3rd Floor, Prithvi-Block, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003 (email – sudheer.ch@gov.in)
3. Deputy Director General of Forests (C), Integrated Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow – 226020 (email – roc.lko-mef@nic.in)
4. Director, Geology & Mining, Uttar Pradesh, Khanij Bhawan 27/8, Raja Ram Mohan Rai Marg, Lucknow-226001 (email - dgmupexp@gmail.com)
5. District Magistrate, Sonbhadra, Uttar Pradesh.
6. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email – ms@uppcb.com)
7. Copy to Web Master for uploading on PARIVESH Portal.
8. Copy for Guard File.

(Ajay Kumar Sharma)

Member Secretary, SEIAA

Digitally signed by Member Secretary
Member Secretary
Date: 6/3/2022 6:45:28 PM
Page 10 of 10

ANNEXURE-02



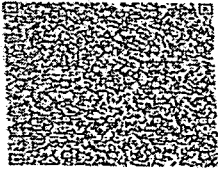
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Government of Uttar Pradesh



Certificate No	IN-UP/11064048004045U
Certificate Issued Date	07-Jun-2022 00:01 PM
Account Reference	SHCIL (FI) upshcil01/ROBERTSGANJ/UP/SNS
Unique Doc. Reference	SUBIN-UP/UPSHCIL0114929025361828U
Purchased by	SHREERAM ASSOCIATES PARTNER AJAY KUMAR SINGH
Description of Document	Article 35 Lease
Property Description	ARAZI NO-7536-GA.MI (KHAND 4), AREA-4.000 HECTARE, VII. L. BILLI MARKUNDI, TEHSIL-OBRA, DISTT SONBHADRA
Consideration Price (Rs.)	
First Party	DIST MAGISTRATE SONBHADRA BEHALF OF GOVERNOR OF UP
Second Party	SHREERAM ASSOCIATES PARTNER AJAY KUMAR SINGH
Stamp Duty Paid By	SHREERAM ASSOCIATES PARTNER AJAY KUMAR SINGH
Stamp Duty Amount(Rs.)	1,99,16,800 (One Crore Ninety Nine Lakh Sixteen Thousand Eight Hundred only)



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प्रपत्र-एम.एम. 6
(नियम 29)

खनन के लिए ई-निविदा सह ई-नीलाम पट्टे का प्रपत्र
यह अनुबन्ध आज बुधवार दिनांक 09/06/2022 को उत्तर प्रदेश के राज्यपाल (जिन्हें
.....2....

M/s. Shree Ram Associates

ज्येष्ठ खान अधिकारी
सोनभद्र

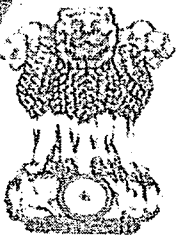
उपर जिलाधिकारी (वि०/उ०)
प्रपत्र अधिकारी (खनन)
सोनभद्र

गिलाधिकारी

सोनभद्र
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भारत गणराज्य

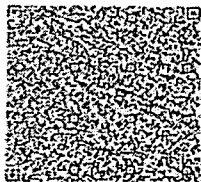
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Government of Uttar Pradesh

Uttar Pradesh
 State Government
 State Seal
 A. P. J. Subramanyam
 Chief Justice
 Supreme Court
 New Delhi
 110021

* Stamp

Certificate No : IN-UP11704085855423U
 Certificate Issued Date : 00-Jun-2022 10:58 AM
 Account Reference : NEWIMPACC (SV) up14757204/ ROBERTSGANJ SADARY UP-SNB
 Unique Doc Reference : SUBIN-UPUP1475720415227202311991U
 Purchased by : SHREERAM ASSOCIATES PARTNER AJAY KUMAR SINGH
 Description of Document : Article 35 Lease
 Property Description : ARAZI NO 7536 GA,MI (KHAND-4) AREA-1 000 HECTARE VILL BILLI MARKUNDI TEHSIL OBRA DIST T SONEBHADRA
 Consideration Price (Rs.) :
 First Party : DIST MAGISTRATE SONBHADRA BEHALF OF GOVERNOR OF UP
 Second Party : SHREERAM ASSOCIATES PARTNER AJAY KUMAR SINGH
 Stamp Duty Paid By : SHREERAM ASSOCIATES PARTNER AJAY KUMAR SINGH
 Stamp Duty Amount(Rs.) : 100
 (One Hundred only)



(2)

आगे "राज्य सरकार" कहा गया है, जिस पदावधि के अन्तर्गत, यदि सन्दर्भ से ऐसा ग्राह्य हो, उत्तराधिकारी तथा अभिहस्ताकिती भी समझे जायेंगे), और

एक पक्ष

M/s. Shree Ram Associates

Partner

ज्येष्ठ ज्ञान अधिकारी
 सोनभद्र

अपर जिलाधिकारी (वि०/रा०)
 जन्तरी अधिकारी (अनिस)
 सोनभद्र

3
 जिलाधिकारी
 सोनभद्र

Secretary A.P.J.

आवेदन सं: 20220100500*111

पट्टा अनुबंध प्रिसेष

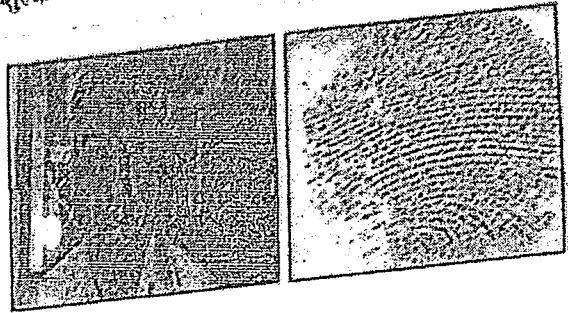
वर्ष: 2022

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श्री मेठश्रीराम एसोसिएट्स-अजय
पुत्र श्री स्व0 ओंकारनाथ सिंह
व्यवसाय व्यापार
मिठासी 18/188, अवध्या मन्दिर सेक्टर-8 ओबरा-सोनभद्र



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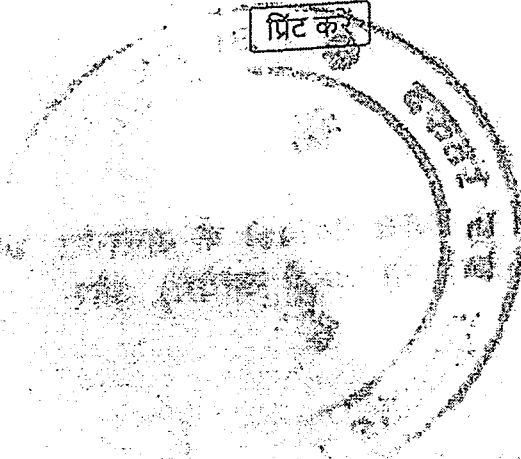
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नीरज कुमार पाण्डेय
उप निबंधक : सदर

सोनभद्र
14/06/2022

सिद्धार्थ सिंह
निबंधक लिपिक
14/06/2022

प्रिंट करे



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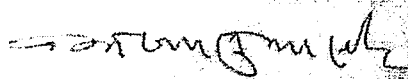
मे० श्रीराम एसोसिएट्स पता—डाला चढ़ाई, डाला, सोनभद्र पार्टनर—श्री अजय कुमार सिंह पुत्र स्व० ओंकारनाथ सिंह निवासी—18/188, अयप्पा मन्दिर, सेक्टर—8, ओबरा, थाना ओबरा, सोनभद्र मो० नं०—9161981056 ई०मेल आईडी msshrecoramassociates@gmail.com (जिसे आगे "पट्टेदार" कहा गया है, जिस पदावधि के अन्तर्गत, यदि सन्दर्भ से ऐसा ग्राह्य हो उसके दायार, निष्पादक, प्रशासक तथा प्रतिनिधि भी समझे जायेंगे)


दूसरा पक्ष उत्तर प्रदेश उपखनिज (परिहार) नियमावली, 2021 (जिसे आगे "उक्त नियमावली" कहा गया है) के अनुसार किये गये ई—निविदा सह ई—नीलामी में पट्टेदार को वार्षिक खनन योग्य गिट्टी/बोल्डर (डोलो स्टोन) मात्रा 1,28,000 घन मी० (एक लाख अठ्ठाइस हजार मात्र) मात्रा के खनन एवं परिवहन के लिए रू० 389/- (रूपये तीन सौ नवासी मात्र) प्रति घन मी० की दर से प्रथम वर्ष हेतु निर्धारित नीलामी पट्टा की सकल धनराशि रू० 4,97,92,000/- (रूपये चार करोड़ सन्तानबे लाख बानबे हजार मात्र) एवं इसी दर पर अनुवर्ती/आगामी वर्षों हेतु ई—निविदा सह ई—नीलामी पट्टा की धनराशि निर्धारित करने के आधार पर राज्य सरकार द्वारा खनन पट्टे के लिए दस वर्ष के निमित्त एतद्धीन निम्नलिखित अनुसूची के भाग—1 में वर्णित भूमि के सम्बन्ध में 4.000 हेक्टेयर के लिए स्वीकार कर लिया गया है और उसने प्रतिभूति स्वरूप प्रथम वर्ष की कुल धनराशि का पच्चीस प्रतिशत रू० 1,24,48,000/- (रूपये एक करोड़ चौबीस लाख अड़तालिस हजार मात्र) की धनराशि चालान संख्या—IG00042 दिनांक 16.09.2021 द्वारा राज्य सरकार के पास जमा कर दी है।


उक्त क्षेत्र से गिट्टी/बोल्डर (डोलो स्टोन) का खनन व परिवहन करने हेतु निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र० खनिज भवन, लखनऊ के पत्र संख्या—2021/11/1/90489 दिनांक 11.11.2021 द्वारा अनुमोदित खनन योजना प्राप्त है। State Level Environment Impact Assessment Authority (SELAA), लखनऊ के EC Identification No. EC22B001UP187607 File No. 67/11 दिनांक 03.06.2022 द्वारा प्रश्नगत क्षेत्र हेतु पर्यावरणीय अज्ञापति प्राप्त है।

....4....

M/s. Shree Ram Associates


Partner


ज्येष्ठ खान अधिकारी
सोनभद्र


उपर निदेशकारी (वि०/उ०)
प्रभारी अधिकारी (खनिज)
सोनभद्र


जिला अधिकारी
सोनभद्र

वर्ष: 2022

वही सं० :

रजिस्ट्रेशन सं० 5859

निष्पादन लेखपत्र वाच सुनने व शमकणी मजगुन व प्राप्ता धनराशि रु प्रदीखानुसार उक्त पददा घाता।

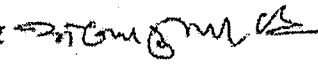
हस बात मे मंजूर हो जाने पर कि तुम लेखपत्र का निष्पादन श्री जिलाधिकारी, पुष श्री ने अपने मत के अधिकार से किया है इसलिए उनकी उपस्थिति और हस्ताक्षरों की आवश्यकता नहीं है और लेखपत्र रजिस्ट्रीकरण के लिए स्वीकार किया गया।

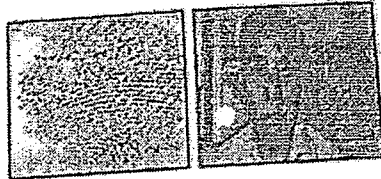


पददा गृहीता: 1

श्री मे०श्रीराम एसो०पार्टनर-अजय, पुत्र श्री स्व० ओंकारनाथ सिंह

निवासी: 18/188, अयप्पा मन्दिर सेक्टर-8 ओबरा-सोनभद्र

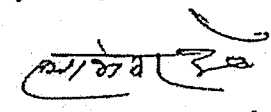
व्यवसाय: व्यापार 



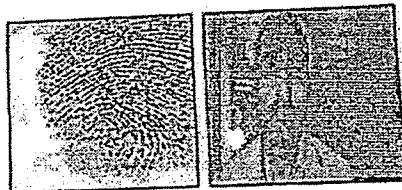
ने निष्पादन स्वीकार किया। जिनकी पहचान पहचानकर्ता: 1

श्री रमाशंकर दूबे, पुत्र श्री सुरेन्द्रनाथ दूबे

निवासी: कमहारी ब्रम्हनगर तह०रा०गंज-सोनभद्र

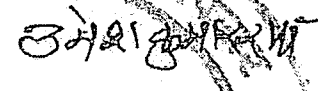
व्यवसाय: व्यापार 

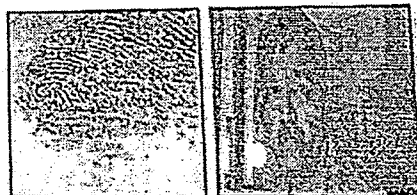
पहचानकर्ता: 2



श्री उमेश कुमार राय, पुत्र श्री वंशीधर राय

निवासी: बिल्ली पोखरा ओबरा-सोनभद्र

व्यवसाय: व्यापार 



रजिस्ट्रीकरण अधिकारी के हस्ताक्षर


नीरज कुमार पाण्डेय

उप निबंधक: सदर

सोनभद्र

14/06/2022


सिद्धार्थ सिंह

निबंधक लिपिक: सोनभद्र

14/06/2022

ने की। प्रत्यक्षतः भद्र साक्षियों के निशान अंगुठे नियमानुसार लिए गए हैं।

टिप्पणी:

प्रिंट करे

(4)

यह इसका साथ है कि इस उपस्थापन-पत्र और निम्नलिखित अनुसूची द्वारा रक्षित और उसमें दिए गये पट्टेदार की ओर से भुगतान किए जाने वाले, पालन तथा सम्पादन किए जाने वाले स्वाधिस्यों, प्रसंविदाओं तथा अनुबन्धों के प्रतिफल में राज्य सरकार एतद्वारा पट्टेदार को निम्नलिखित प्रदान और पट्टान्तरित करता है।

गिट्टी / बोल्टर (डोलो स्टोन) (जिन्हे आगे और अभिविष्ट अनुसूची में "उक्त" "खनिज" कहा गया है), की समस्त खान, तल्प (beds), संदर सीम्स (veins seams) जो एतदधीन अनुसूची के भाग-1 में अभिविष्ट भूमि में या उसके नीचे स्थित हो, के साथ, जिसके सम्बन्ध में उन प्रतिबन्धों तथा शर्तों के अधीन रहते हुए प्रयोग या उपयोग किया जायेगा जो ऐसी स्वतंत्रताओं, अधिकारों तथा विशेषाधिकारों का प्रयोग तथा उपयोग करने के बारे में हों सिवाय इसके और इसमें से आरक्षित उक्त नियमावली में उल्लिखित स्वतंत्रताओं, अधिकार तथा विशेषाधिकार राज्य सरकार में पट्टान्तरित हो जायेंगे। दिनांक ०१/०६/२०२२ से दिनांक ०६/०६/२०३२ तक १० वर्ष की आगामी अवधि के लिए पट्टेदार को एतद्वारा दिए गए और पदान्तरित ऐसे भू-गृहादि धारण करना, जिनसे खनिज निकलने लगे और राज्य सरकार को एतदधीन अनुसूची के भाग-२ में उल्लिखित नीलामी धनराशि का भुगतान उसमें निर्दिष्ट भिन्न-भिन्न समयों पर होने लगे, किन्तु प्रतिबन्ध यह है कि ऐसा उक्त भाग के उपबन्धों के अधीन हो और पट्टेदार एतद्वारा राज्य सरकार के साथ प्रसंविदा करता है, और राज्य सरकार एतद्वारा पट्टेदार के साथ प्रसंविदा करती है, जैसा कि उक्त नियमावली में अभिव्यक्त है और एतद्वारा इसके साथ दिए गए पक्षों के बीच परस्पर सहमत हुआ है और जैसा कि एतदधीन अनुसूची के भाग-३ में अभिव्यक्त है।

....5....

M/s. Shree Ram Associates

Partner

ज्येष्ठ खान अधिकारी
सौ. न. च. च.

अपर जिलाधिकारी (वि०/रा०)
प्रसंविदा अधिकारी (खनिज)
सौ. र. च.

जिलाधिकारी
सौ. न. च. च.

(5)

(ऊपर अभिविष्ट अनुसूची)

भाग-1

श्रीराम खानन पदटे का क्षेत्र

पदटे का स्थान और क्षेत्र : यह समस्त भू-खण्ड, जो जनपद-सोनमद्र में तहसील-ओदरा अन्तर्गत ग्राम-बिल्ली मारकुण्डी के आराजी संख्या-7536 ग मि० (खण्ड-4) रकबा-4.000 हेक्टेयर, जो यहां संलग्न नक्शे में चिन्हित है और उसे लाल स्याही से रंजित (coloured) किया गया है और जिसकी सीमायें निम्नलिखित हैं -

उत्तर: आराजी संख्या-7450, 7456, 7461, 7449 व अन्य।
दक्षिण: आराजी संख्या-7536 का शेष भाग।
पूरुब: आराजी संख्या-7536 का शेष भाग।
पश्चिम: आराजी संख्या-7536 में खण्ड सं०-3

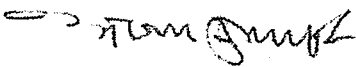
क्षेत्र का अक्षांश व देशान्तर निम्नवत् है:-


अक्षांश (Latitude) व देशान्तर (Longitude)			
'N' Pillar		'E' Pillar	
A	24°27' 35.48"N	A	83°02' 13.15"E
B	24°27' 43.37"N	B	83°02' 18.08"E
C	24°27' 41.50"N	C	83°02' 20.37"E
D	24°27' 41.30"N	D	83°02' 24.64"E
E	24°27' 35.54"N	E	83°02' 19.45"E
F	24°27' 34.98"N	F	83°02' 18.47"E
G	24°27' 35.58"N	G	83°02' 16.99"E
H	24°27' 35.16"N	H	83°02' 15.30"E

और जिसे एतद्वारा "उक्त भू-खण्ड" कहा गया है।

....6.

M/s. Shree Ram Associates


Partner


ज्येष्ठ खान अधिकारी
सोनमद्र


अपर जिलाधिकारी (वि०/य०)
खण्ड-4, सोनमद्र (सोनमद्र)
सोनमद्र


जिलाधिकारी
सोनमद्र

(6)

भाग-2

जमा की जाने वाली ई-निविदा सह ई-नीलामी की धनराशि (नियम-27(3))

स्वामित्व की धनराशि : (1) पट्टेदार, इस पट्टे की अवधि में राज्य सरकार को पट्टे पर दिए गये क्षेत्र में उसके द्वारा हटाये गये गिट्टी/बोल्डर (डोलो स्टोन) (उपखनिज) के सम्बन्ध में निम्नलिखित नीलामी धनराशि का भुगतान करेगा :-

वर्ष	प्रथम किरात (12%) व देय तिथि	द्वितीय किरात (8%) व देय तिथि	तृतीय किरात (8%) व देय तिथि	चतुर्थ किरात (8%) व देय तिथि	पंचम किरात (8%) व देय तिथि	षष्ठम किरात (8%) व देय तिथि	सातम किरात (8%) व देय तिथि	अष्टम किरात (8%) व देय तिथि	नवम किरात (8%) व देय तिथि	दशम किरात (8%) व देय तिथि	ग्यारहवीं किरात (8%) व देय तिथि	बारहवीं किरात (8%) व देय तिथि	कुल धनराशि (रुपये में)
प्रथम वर्ष	59,75,040 जमा 01.07.2022	39,83,360 01.07.2022	24,89,600 जमा 14,83,760 देय 01.08.2022	39,83,360 01.08.2023	39,83,360 01.10.2022	39,83,360 01.11.2022	39,83,360 01.12.2022	39,83,360 01.01.2023	39,83,360 01.02.2023	39,83,360 01.03.2023	39,83,360 01.04.2023	39,83,360 01.05.2023	4,97,92,000
द्वितीय वर्ष	59,75,040 01.06.2023	39,83,360 01.07.2023	39,83,360 01.08.2023	39,83,360 01.09.2023	39,83,360 01.10.2023	39,83,360 01.11.2023	39,83,360 01.12.2023	39,83,360 01.01.2024	39,83,360 01.02.2024	39,83,360 01.03.2024	39,83,360 01.04.2024	39,83,360 01.05.2024	4,97,92,000
तृतीय वर्ष	59,75,040 01.06.2024	39,83,360 01.07.2024	39,83,360 01.08.2024	39,83,360 01.09.2024	39,83,360 01.10.2024	39,83,360 01.11.2024	39,83,360 01.12.2024	39,83,360 01.01.2025	39,83,360 01.02.2025	39,83,360 01.03.2025	39,83,360 01.04.2025	39,83,360 01.05.2025	4,97,92,000
चतुर्थ वर्ष	59,75,040 01.06.2025	39,83,360 01.07.2025	39,83,360 01.08.2025	39,83,360 01.09.2025	39,83,360 01.10.2025	39,83,360 01.11.2025	39,83,360 01.12.2025	39,83,360 01.01.2026	39,83,360 01.02.2026	39,83,360 01.03.2026	39,83,360 01.04.2026	39,83,360 01.05.2026	4,97,92,000
पंचम वर्ष	59,75,040 01.06.2026	39,83,360 01.07.2026	39,83,360 01.08.2026	39,83,360 01.09.2026	39,83,360 01.10.2026	39,83,360 01.11.2026	39,83,360 01.12.2026	39,83,360 01.01.2027	39,83,360 01.02.2027	39,83,360 01.03.2027	39,83,360 01.04.2027	39,83,360 01.05.2027	4,97,92,000
षष्ठम वर्ष	59,75,040 01.06.2027	39,83,360 01.07.2027	39,83,360 01.08.2027	39,83,360 01.09.2027	39,83,360 01.10.2027	39,83,360 01.11.2027	39,83,360 01.12.2027	39,83,360 01.01.2028	39,83,360 01.02.2028	39,83,360 01.03.2028	39,83,360 01.04.2028	39,83,360 01.05.2028	4,97,92,000
सातम वर्ष	59,75,040 01.06.2028	39,83,360 01.07.2028	39,83,360 01.08.2028	39,83,360 01.09.2028	39,83,360 01.10.2028	39,83,360 01.11.2028	39,83,360 01.12.2028	39,83,360 01.01.2029	39,83,360 01.02.2029	39,83,360 01.03.2029	39,83,360 01.04.2029	39,83,360 01.05.2029	4,97,92,000
अष्टम वर्ष	59,75,040 01.06.2029	39,83,360 01.07.2029	39,83,360 01.08.2029	39,83,360 01.09.2029	39,83,360 01.10.2029	39,83,360 01.11.2029	39,83,360 01.12.2029	39,83,360 01.01.2030	39,83,360 01.02.2030	39,83,360 01.03.2030	39,83,360 01.04.2030	39,83,360 01.05.2030	4,97,92,000
नवम वर्ष	59,75,040 01.06.2030	39,83,360 01.07.2030	39,83,360 01.08.2030	39,83,360 01.09.2030	39,83,360 01.10.2030	39,83,360 01.11.2030	39,83,360 01.12.2030	39,83,360 01.01.2031	39,83,360 01.02.2031	39,83,360 01.03.2031	39,83,360 01.04.2031	39,83,360 01.05.2031	4,97,92,000
दशम वर्ष	59,75,040 01.06.2031	39,83,360 01.07.2031	39,83,360 01.08.2031	39,83,360 01.09.2031	39,83,360 01.10.2031	39,83,360 01.11.2031	39,83,360 01.12.2031	39,83,360 01.01.2032	39,83,360 01.02.2032	39,83,360 01.03.2032	39,83,360 01.04.2032	39,83,360 01.05.2032	4,97,92,000
सम्पूर्ण योग:-												49,79,20,000	

स्वामित्व कटौती आदि से मुक्त होगा : (2) इस भाग में उल्लिखित स्वामित्व की किस्तों का भुगतान बिना किसी कटौती के राज्य सरकार को जनपद-सोनभद्र के सरकारी कोषागार में जमा किया जायेगा तथा चालान की एक प्रति जिलाधिकारी को भेजी जायेगी।
स्वामित्वों का समय पर भुगतान न किया जाये तो कार्यवाही की प्रक्रिया : (3) यदि इस उपस्थापन-पत्र (presents) की शर्तों और प्रतिबन्धों के अधीन राज्य सरकार को देय

....7....

M/s. Shree Ram Associates
Partner

ज्येष्ठ सान अधिकारी
सोनभद्र

अपर जिलाधिकारी (वि०/प०)
सोनभद्र

जिलाधिकारी
सोनभद्र

(7)

स्वामित्व की किसी किस्त का भुगतान पट्टेदार द्वारा नियत समय के भीतर न किया जाये तो उसे ऐसे अधिकारी के, जिसे राज्य सरकार सामान्य या विशिष्ट आज्ञा द्वारा निर्दिष्ट करे, प्रमाण-पत्र पर उसी शीति से वसूल की जा सकती है जैसे मालगुजारी का वक़ाया।

भाग-3

सामान्य सुपबन्ध

(1) नियमों प्रसविदाओं और शर्तों को भंग करने पर पट्टा समाप्त किया जा सकता है—यदि पट्टेदार उत्तर प्रदेश उपखनिज (परिहार) नियमावली, 2021 के किसी नियम या इस पट्टे की किसी प्रसविदा तथा किसी शर्त को भंग करे तो राज्य सरकार पट्टा समाप्त कर सकती है और प्रतिभूति जमा पूर्णतः या अंशतः जफ़्त कर सकती है, किन्तु प्रतिबन्ध यह है कि पट्टा समाप्त किये जाने के पूर्व पट्टेदार को उक्त शर्त भंग करने का स्पष्टीकरण देने के लिए यथोचित अवसर दिया जायेगा।

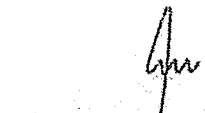
(2) पट्टेदार पट्टे की समाप्ति पर अपनी सम्पत्तियों को हटायेगा— पट्टेदार इस उपस्थापन-पत्र के आधार पर देय स्वामित्व का पहले भुगतान और उन्मोचन कर चुकने पर उक्त अवधि की समाप्ति पर या उसकी शीघ्रतर समाप्ति पर या तत्पश्चात् तीन कलेण्डर मास के भीतर (जब तक कि पट्टा इस भाग के खण्ड-1 के अधीन समाप्त न कर दिया जाए) और उस दशा में किसी समय ऐसी समाप्ति के कम से कम एक कलेण्डर मास में और अधिक से अधिक तीन कलेण्डर मास में अपने लाभ के लिए ऐसे सभी या किसी इंजन, मशीन, संयंत्र, भवन, संरचनायें और अन्य निर्माण कार्य और अस्थाई आवास स्थानों (conveniences) को उखाड़ सकता है और हटा सकता है, जो उक्त भूमि में या उस पर पट्टेदार द्वारा रखे गये हों।


(3) पट्टे की समाप्ति के पश्चात् तीन मास से अधिक समय तक छोड़ी गयी सम्पत्ति की जब्ती— यदि उक्त अवधि की समाप्ति या उसके शीघ्रतर समाप्ति के प्रभावी होने के पश्चात् तीन कलेण्डर मास के अन्त में उक्त भूमि या उस पर कोई इंजन, मशीन, संयंत्र, भवन, संरचनायें तथा अन्य निर्माण कार्य, परिनिर्माण और अस्थाई आवास स्थान या अन्य सम्पत्ति रहे तो उनके सम्बन्ध में, यदि वे ऐसे लिखित नोटिस देने के पश्चात् जिसमें जिलाधिकारी द्वारा पट्टेदार से उन्हें हटाने की अपेक्षा की गई हो एक कलेण्डर मास के भीतर पट्टेदार द्वारा न उठाये जायें, तो यह समझा जाएगा कि वे राज्य सरकार की

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M/s. Shree Ram Associates


Partner


ज्येष्ठ द्वायन अधिकारी
सोबन्ध


आपराजिलाधिकारी (वि०/स०)
सोबन्ध अधिकारी (सोबन्ध)
सोबन्ध


जिलाधिकारी
सोबन्ध

(8)

सम्पत्ति हो गई और किसी प्रतिकर का भुगतान किए बिना या उसके सम्बन्ध में पट्टेदार को कोई हिसाब दिए बिना उनकी बिक्री या निस्तारण ऐसी रीति से किया जा सकता है जो राज्य सरकार उचित समझे।

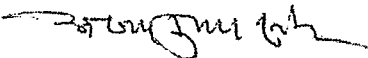
(4) नोटिस :- इस उपस्थापन-पत्र द्वारा पट्टेदार को दिए जाने के लिए अपेक्षित प्रत्येक नोटिस उक्त भूमि पर रहने वाले ऐसे व्यक्तियों को लिखित रूप से दिया जाएगा, जिसे पट्टेदार ऐसे नोटिस प्राप्त करने के प्रयोजन के लिए नियुक्त करे, और यदि इस प्रकार कोई नियुक्ति न की गयी हो तो ऐसी प्रत्येक नोटिस पट्टेदार को रजिस्टर्ड डाक द्वारा इस पट्टे में उसके अभिलिखित पते पर या भारत में ऐसे पते पर भेजा जाएगा जिसे पट्टेदार समय-समय पर लिखित रूप में राज्य सरकार को नोटिसों को प्राप्त करने के लिए दे और प्रत्येक ऐसी तामील पट्टेदार पर उचित तथा वैध तामील समझी जाएगी और उसके सम्बन्ध में उसके द्वारा न तो आपत्ति की जाएगी और न उसे उपाहृत (challenged) किया जाएगा।


अतिरिक्त शर्त:-


1. वन अनापत्ति प्रमाण पत्र, अनुमोदित खनन योजना संख्या-2021/11/1/90489 दिनांक 11.11.2021 तथा State Level Environment Impact Assessment Authority (SEIAA), लखनऊ के EC Identification No. EC22B001UP187607 File No. 6711 दिनांक 03.06.2022 में उल्लिखित सभी शर्तों का अनुपालन करना अनिवार्य होगा।
2. पट्टेदार पट्टा विलेख के निष्पादन के दिनांक से छः माह के भीतर खनन संक्रियाएं प्रारम्भ करेगा और तत्पश्चात् जान बूझकर कोई स्थगन किये बिना ऐसी खनन संक्रियाओं का संचालन उचित और दक्षतापूर्ण रीति से कुशल कारीगर की भाँति करेगा।
3. उत्तर प्रदेश उपखनिज (परिहार) नियमावली, 2021 के अध्याय-5 में उल्लिखित सभी शर्तों का अनुपालन करना अनिवार्य होगा।
4. गिट्टी/बोल्डर (डोलो स्टोन) (उपखनिज) का परिवहन प्रपत्र ई-एम0एम0-11 के माध्यम से किया जायेगा।
5. पट्टेदार उक्त नियमावली, 2021 के नियम-75 के तहत पूर्ववर्ती त्रैमास के सम्बन्ध में प्रत्येक जुलाई, अक्टूबर, जनवरी और अप्रैल के द्वितीय सप्ताह के अन्त तक

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M/s. Shree Ram Associates


Partner


ज्योति शर्मा/अधिकारी
सौनभद्र


अपर जिलाधिकारी (वि०/रा०)/
महरी जिलाधिकारी (अनियं)
सौनभद्र


जिलाधिकारी
सौनभद्र

(9)

प्रपत्र एम0एम0-12 में जिलाधिकारी और निदेशक के क्षेत्रीय कार्यालय को त्रैमासिक विवरणी प्रस्तुत करेगा। विनिर्दिष्ट समय के भीतर त्रैमासिक विवरणी प्रस्तुत करने में विफल होने पर रु0 2,000/- का शास्ति का भागी होगा।

6. पट्टाधारक द्वारा जमा की जाने वाली प्रत्येक धनराशि सापेक्ष नियमानुसार 2 प्रतिशत के समतुल्य धनराशि आयकर (टी0सी0एफ0) के मद में एवं 10 प्रतिशत के समतुल्य धनराशि जिला खनिज फाउण्डेशन ग्रास (डी0एम0एफ0), सौनमद्र के मद में तथा अन्य कर जो नियमानुसार देय होगा, जमा करेगा।
7. पट्टाधारक स्वयं के व्यय पर ऐसे सीमा चिन्ह को और खाशे को तथा पट्टे से सम्बन्धित सूचना बोर्ड परिनिर्मित करेगा और सदैव अनुरक्षित करेगा और अच्छी स्थिति रखेगा, जो पट्टाविलेख से संलग्न नक्शों में दर्शाये गये सीमांकन को इंगित करने के लिए आवश्यक हो।
8. उक्त नियमावली, 2021 के नियम-44 में उपबन्धित की गयी किसी शर्त को भंग करने पर पट्टेदार रु0 50,000/- की शास्ति उद्ग्रहित किये जाने हेतु दायी होगा। शास्ति की उक्त धनराशि जमा करने में विफल होने पर पट्टे के सापेक्ष जमा की गयी प्रतिभूति धनराशि से कटौती कर ली जायेगी।
9. उक्त नियमावली, 2021 के नियम-35 के उपबन्धों के अनुसार अनुमोदित खनन योजना और स्वच्छता प्रमाण पत्र में उल्लिखित निबन्धनों एवं शर्तों का उल्लंघन करते हुए खनन कार्य किया जाता हुआ पाये जाने पर प्रत्येक चूक पर पट्टेदार रु0 50,000/- की दर से ऐसी शास्ति के लिए दायी होगा जिसकी वसूली जिला मजिस्ट्रेट द्वारा की जायेगी।
10. उक्त नियमावली, 2021 के नियम-36 के अनुसार पट्टाधारक, जिनका खनन पट्टा क्षेत्र 05 हे0 से अधिक है, परिवहन के निगरानी के लिए स्वयं के व्यय पर 360 डिग्री दृश्यता रिकार्डिंग के योग्य चार सी0सी0 टी0वी0 कैमरा लगाने सहित एक चेक पोस्ट/गेट का निर्माण करेगा। पट्टाधारक उक्त चेक पोस्ट/गेट पर आर0एफ0आई0डी0 स्कैनर भी रखेगा, जिससे पट्टाकृत क्षेत्र से खनिजों के परिवहन हेतु प्रयुक्त प्रत्येक वाहन के सापेक्ष निर्गत किये गये प्रपत्र ई-एम0एम0-11 पर अंकित बार कोड का डाटा पढ़ा जा सके, और उसका

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M/s. Shree Ram Associates

Partner

ज्येष्ठ ज्ञान अधिकारी
सौनमद्रअपर जिलाधिकारी (वि०/प०)
अपराजित (खनिज)
सौनमद्रजिलाधिकारी
सौनमद्र


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समुचित रूप से रख-रखाव करेगा एवं सदैव उसे चालू रूप में अनुरक्षित रखेगा। पट्टाधारक उक्त सभी सी0सी0टी0वी0 कैमरे और आर0एफ0आई0डी0 स्कैनरो द्वारा की गयी समस्त रिकार्डिंग को कम से कम 30 दिन तक रखेगा और नियम-66 के उपबन्धों के अधीन यथा उपबन्धित प्राधिकृत अधिकारी के समक्ष उक्त रिकार्डिंग उपलब्ध करायेगा। इसका उल्लंघन करते हुए पाये जाने पर पट्टाधारक प्रत्येक चूक के लिए प्रतिदिन रू0 25,000/- की दर से शास्ति उद्ग्रहित की जायेगी। ऐसी उद्ग्रहित शास्ति को जमा न करने पर चूक की दशा में उक्त धनराशि की कटौती प्रतिभूति की धनराशि से की जायेगी।


11. नियमावली के प्राविधानों एवं कतिपय शर्तों का उल्लंघन पाये जाने पर उक्त नियमावली, 2021 के नियम-60 के अनुसार पट्टाधारक शास्ति का भागी होगा।
12. खनिजों के परिवहन हेतु जहां ई-एम0एम0-11 जारी किया जायेगा वहां पट्टेदार उपखनिज के विक्रय मूल्य की दर को प्रदर्शित करेगा। यदि राज्य सरकार की राय में अधिकतम विक्रय मूल्य की दर नियत की जानी हो तो राज्य सरकार द्वारा पट्टाधारक को इनके लिए निर्देशित किया जा सकता है।
13. पट्टेदार स्वयं के व्यय पर उपखनिज की निकासी हेतु आवश्यक पहुँच मार्ग का निर्माण करेगा।
14. अनुमोदित अवधि में किये गये खनन कार्य के निरीक्षण के उपरान्त यदि खनन योजना में संशोधन हेतु आदेश दिये जाते हैं, तब संशोधित खनन योजना प्रस्तुत करने का पूर्ण उत्तरदायित्व पट्टेदार का होगा।
15. आबद्ध नियोजित श्रमिकों को सुरक्षात्मक उपकरण प्रदान करने तथा सुरक्षित खनन कार्य करने हेतु सभी आवश्यक सावधानियां बरतने का दायित्व पट्टेदार का होगा।
16. खनन कार्य अनुमोदित खनन योजना में विहित प्रक्रिया के अनुसार किया जायेगा।
17. खनन के दौरान व्यक्तिगत अथवा सार्वजनिक सम्पत्ति के क्षति की दशा में क्षतिपूर्ति की जिम्मेदारी पट्टेदार की होगी।
18. पट्टेदार उत्पादन/निकासी से सम्बन्धित अभिलेख खनन क्षेत्र पर रखेगा, जिसे जिलाधिकारी अथवा भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0, लखनऊ के अधिकारियों द्वारा निरीक्षण हेतु मांगे जाने पर प्रस्तुत करेगा।

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M/s. Shree Ram Associates


ज्योति खान अधिकारी
सौनध


अपर जिलाधिकारी (वि0/स0)
अधिकारी (अन्य)
सौनध


जिलाधिकारी
सौनध

Partner

(11)

19. खनन श्रमिकों के प्राथमिक चिकित्सा हेतु खनन क्षेत्र पर First Aid Box रखना अनिवार्य होगा तथा उसके लिए शौचालय आदि का समुचित प्रबन्ध करेगा।
20. खदान से उप खनिजों के परिवहन करने वाले मार्ग पर पर्यावरण सुरक्षा का समुचित उपाय किया जायेगा।
21. पट्टेदार स्वीकृत पट्टा क्षेत्र के अन्दर खनन कार्य करेगा। स्वीकृत पट्टा क्षेत्र के बाहर खनन कार्य किया जाता हुआ पाये जाने पर पट्टेदार के विरुद्ध उक्त नियमावली, 2021 तथा खान एवं खनिज (विकास एवं विनियमन) अधिनियम, 1957 में उल्लिखित प्राविधानों के अधीन वैधानिक कार्यवाही की जायेगी।
22. पट्टेदार द्वारा नियमावली, 2021 व खान एवं खनिज (विकास एवं विनियमन) अधिनियम, 1957 के यथासंशोधित नियमों/धाराओं में उल्लिखित प्राविधानों तथा समय-समय पर जारी शासनादेशों एवं मा0 न्यायालयों द्वारा पारित आदेशों का अनुपालन किया जाना अनिवार्य होगा।
23. वन भूमि अथवा वन स्वरूप भूमि एवं वन स्वरूप भूमि की बाहरी सीमा से 100 मीटर की परिधि के अन्दर कोई खनन कार्य नहीं किया जायेगा।
24. नियमावली, 2021 के किसी नियम या इस पट्टे की किसी प्रसंविदा अथवा किसी शर्त को भंग करने की दशा में राज्य सरकार प्रतिभूति को पूर्णतः अथवा अंशतः जब्त कर सकती है। अन्यथा की स्थिति में पट्टे के अंतिम किस्त में समायोजित की जायेगी।
25. खनन पट्टे के अभ्यर्पण की दशा में पट्टाधारक को राज्य सरकार या अनुवर्ती प्रस्तावक के पक्ष में सम्बन्धित क्षेत्र के लिये प्राप्त पर्यावरण अनापत्ति प्रमाण पत्र के अन्तरण हेतु शपथ पत्र प्रस्तुत किया जायेगा।
26. खनन/परिवहन में जन-धन की हानि की समस्त जिम्मेदारी पट्टेदार की होगी।
27. खदान में निकासी स्थल पर तौल मशीन लगवाकर निदेशालय में स्थापित कमाण्ड सेन्टर में प्रयुक्त आर्टिफिशियल इन्टेलीजेन्ट युक्त सॉफ्टवेयर से इन्टीग्रेट के तौल मशीन में निम्न Features का होना अनिवार्य है:-
 - 1- The Weight bridge device should use the MQTT protocol to transmit data.
 - 2- The Weight bridge device should transmit data over the internet to IOT infrastructure in cloud.

....12...

M/s. Shree Ram Associates

ज्येष्ठ खान अधिकारी
सोनभद्र

अपर जिलाधिकारी (वि०/ए०)
प्रभारी उपखाने (खनन)
सोनभद्र

जिलाधिकारी
सोनभद्र


Partner


(12)


28. पट्टेदार स्वयं के व्यय पर उपखनिज की निकासी हेतु आवश्यक पहुँच मार्ग का निर्माण करेगा।
29. नियमों एवं शर्तों के उल्लंघन के परिणाम स्वरूप यदि कोई वाद अथवा आपराधिक कार्यवाही योजित होती है तो इसकी सम्पूर्ण जिम्मेदारी पट्टेदार की होगी एवं यदि इस सम्बन्ध में कोई व्यय होता है तो उसका वहन पट्टेदार द्वारा स्वयं किया जायेगा।
30. पट्टेदार जिलाधिकारी, सोनभद्र द्वारा चिन्हित सुरक्षा क्षेत्रों में खनन नहीं करेगा।
31. पट्टेदार द्वारा मा० उच्च न्यायालय, मा० राष्ट्रीय हरित अधिकरण अथवा मा० सर्वोच्च न्यायालय द्वारा पारित आदेशों का पालन सदैव किया जायेगा।


(5) **स्टाम्प शुल्क :-** स्टाम्प शुल्क के प्रयोजन के लिए पट्टान्तरित भूमि से प्रत्याशित स्वामित्व कुल 10 वर्ष की धनराशि 49,79,20,000/- (उन्चास करोड़ रूपये उन्चासी हजार बीस हजार मात्र) पर सहायक महानिरीक्षक निबन्धन के पत्र संख्या-195/स०म०नि०-सोन०/2022 दिनांक 06.06.2022 के अनुसार रू० 1,99,16,800/- (रूपये एक करोड़ निन्यानबे लाख सोलह हजार आठ सौ मात्र) का स्टाम्प है। प्रतिभूति की धनराशि खनन पट्टा के अन्तिम वर्ष की किश्तों में समायोजित की जायेगी। उक्त के अतिरिक्त जमा प्रतिभूति पर रू० 100/- का स्टाम्प अलग से देय है।

....13...

M/s. Shree Ram Associates

 Partner

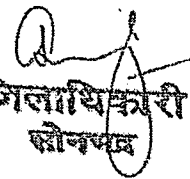

 ज्योत्सु खान अधिकारी
 सोनभद्र



 ज्योत्सु खान अधिकारी (वि०/स०)
 प्रभारी अधिकारी (खनिज)
 सोनभद्र



 जिलाधिकारी
 सोनभद्र


(13)

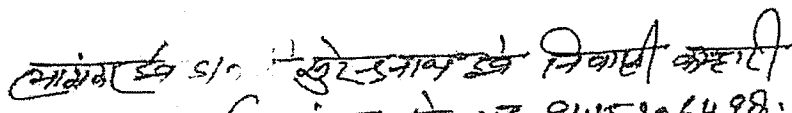
इसके साक्ष्य के रूप में उपस्थापन पत्र एतदधीन आयी हुई रीति से उपर उल्लिखित दिन और वर्ष को निष्पादित किया गया है।
उत्तर प्रदेश के राज्यपाल के लिए और उनकी ओर से—
की उपस्थिति में जिलाधिकारी, सोनभद्र द्वारा हस्ताक्षरित:—


1. 
जिलाधिकारी
सोनभद्र

2. 
अपर जिलाधिकारी (वि०/स०),
प्रथम जिलाधिकारी (चलित)
सोनभद्र

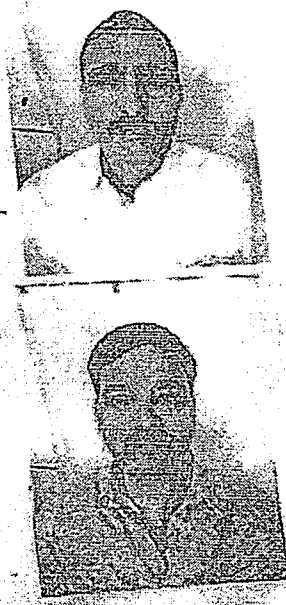
3. श्री मनोना कुमारी (वरिष्ठ लिपिक) 
की उपस्थिति में पट्टेदार द्वारा हस्ताक्षरित :-


ज्येष्ठ जिला अधिकारी
सोनभद्र

1. 
प्रहसनगर राबर्टलगाँव सोनभद्र 9415306498.

M/s. Shree Ram Associates

Partner

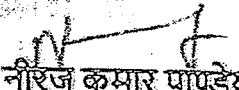
2. उमेश कुमार शर्मा स/ वंशीवास-स/म
श्री श्री वि.पी. पोस्टल इन्फोर्मेशन सेंटर
9415332266

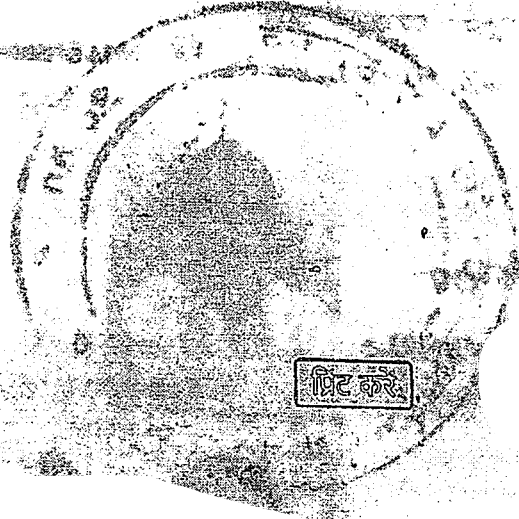


आवेदन सं०: 202201005007111

बही संख्या 1 जिल्द संख्या 7127 के पृष्ठ 1 से 26 तक क्रमांक
5859 पर दिनांक 14/06/2022 को रजिस्ट्रीकृत किया गया।

रजिस्ट्रीकरण अधिकारी के हस्ताक्षर


नीरज कुमार पाण्डेय
उप निबंधक : सदर
सोनभद्र
14/06/2022





ईमेल/हाक द्वारा

ईमेल: dgmsvaranasi@gmail.com

दूरभाषसं०: 0542-2284911

75
आज़ादी
अमृत महोत्सव

भारत सरकार/Government of India

श्रम एवं रोजगार मंत्रालय/Ministry of Labour & Employment

खान सुरक्षा महानिदेशालय/Directorate General of Mines Safety

कार्यालयपता: S-2/639-36, बरूणा विहार कॉलोनी, सेंट्रल जेल रोड, वाराणसी, उत्तर प्रदेश - 221002.



संख्या:S 29025/वा०क्षे०(उ०अं०)/199/2022/सोनभद्र/ 1337

वाराणसी, दिनांक 16.08.2022

प्रेषक,

खान सुरक्षा निदेशक

वाराणसी क्षेत्र, वाराणसी।

सेवा में,

मेसर्स श्रीराम एसोसिएट्स,

पार्टनर-श्री अजय कुमार सिंह, पुत्र स्व० आंकारनाथ सिंह,

निवासी: 18/188, अयप्पा मन्दिर, सेक्टर-8,

ओबरा, थाना-ओबरा, जनपद-सोनभद्र-231219(उत्तर प्रदेश)।

विषय: जनपद-सोनभद्र, तहसील-ओबरा अन्तर्गत ग्राम-बिल्ली मारकुण्डी के आराजी संख्या 7536 ग मि० (खण्ड-4), रकबा-4.000 हेक्टेयर के पत्थर (डोलो स्टोन) खदान में इस निदेशालय के आवश्यक शर्तों के साथ खनन संक्रियाएं प्रारम्भ किये जाने के संबंध में।

संदर्भ:1. आपके दिनांक 28.06.2022 द्वारा प्रस्तुत उक्त खदान के 'Notice of Opening' के संबंध में।

2. इस निदेशालय के पत्र संख्या S 29025/वा०क्षे०(उ०अं०)/199/2022/सोनभद्र/1236, दिनांक 29.07.2022।

3. आपके पत्र संख्या 'शून्य', दिनांक 01.08.2022 एवं पत्र संख्या 'शून्य', दिनांक 12.08.2022 द्वारा प्रस्तुत पत्रके संबंध में।

महोदय,

उपरोक्त पर लेख है कि आपके द्वारा दिनांक 28.06.2022 के फॉर्म-1 में उक्त खदान खोलने की सूचना इस निदेशालय में प्रेषित की गयी थी, जिसके साथ खदान का नक्शा (DRG. NO. SBR/MS/SUR/596/2022, Date of Survey 19.06.2022) एवं अन्य दस्तावेज/कागजात भी संलग्न था।

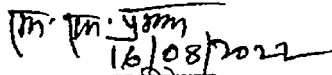
इस निदेशालय द्वारा उक्त नक्शा के अवलोकन के पश्चात् पाया गया कि डेंजर जोन के अंतर्गत खदान लीज बाउन्ड्री से लगभग 30 मीटर की न्यूनतम दूरी पर घनी आबादी वाले बड़ी संख्या में आवासीय क्षेत्र, लगभग 170 मीटर की न्यूनतम दूरी पर SH-5 राजकीय राजमार्ग एवं कुछ अन्य संरचनाएं खदान के डेंजर जोन के अन्दर हैं। इस संबंध में अद्योहस्ताक्षरी एवं श्री के० जीवन कुमार, खान सुरक्षा उपनिदेशक, वाराणसी क्षेत्र द्वारा आपके उक्त खदान का दिनांक 27.07.2022 को निरीक्षण भी किया गया, जिसके पश्चात खदान में संभावित ब्लास्टिंग से किसी व्यक्ति या संरचनाओं को कोई नुकसान न पहुँचे इस ध्येय से जिलाधिकारी, जिला-सोनभद्र से उक्त खदान के लीज के पुनर्सीमांकन पर विचार करने हेतु पत्राचार किया गया था और साथ ही आपको निर्देशित किया गया था कि इस संबंध में निर्णय आने तक खदान में किसी भी प्रकार के खनन कार्य का प्रारम्भ न करें।

उपरोक्त के संदर्भ में आपसे पत्र सं० 'शून्य', दिनांक 01.08.2022 एवं तत्पश्चात खदान का संशोधित नक्शा DRG. NO. SBR/MS/SUR/596A/2022, Date of Survey 19.06.2022 (जो कि सर्वेयर, मैनेजर एवं खदान मालिक द्वारा दिनांक 10.08.2022 को हस्ताक्षरित है) संलग्न करते हुए पत्र सं० 'शून्य', दिनांक 12.08.2022 इस निदेशालय में प्राप्त हुए। पत्र के साथ संलग्नित नक्शा के अनुसार आपने खनन पट्टे के उत्तर-पूर्व दिशा में स्थित उपरोक्त स्थायी संरचनाओं के निकटतम 0.475 हेक्टेयर क्षेत्र को प्रस्तावित mine boundary के बाहर रखते हुए व बस्ती एवं आबादी से लगभग 110 मीटर तथा राजकीय राजमार्ग से लगभग 240 मीटर की न्यूनतम दूरी बनाए रखते हुए कुल स्वीकृत 4 हेक्टेयर में से 3.525 हेक्टेयर पर ही सुरक्षित एवं सुव्यवस्थित तरीके से खनन कार्य करने के प्रस्ताव के साथ सहमति देने हेतु निवेदन किया गया है।

आपके उक्त पत्र एवं संलग्नित संशोधित नक्शे पर विचार करते हुए इस निदेशालय को आपके बिल्ली मारकुण्डी पत्थर खदान, आराजी संख्या 7536 ग मि० (खण्ड-4), के रकबा-4.000 हेक्टेयर में से 3.525 हेक्टेयर पर निम्नलिखित शर्तों के सख्त अनुपालन के साथ खनन कार्य प्रारम्भ करने में आपत्ति नहीं होगी -

- 1 **No mining operation shall be carried out outside the area A-B-C-C1-C2-D1-E-F-G-H-A as shown on the plan no. SBR/MS/SUR/596A/2022, Date of Survey 19.06.2022(Signed on 10.08.2022).**
- 2 No blasting shall be conducted in the mine within danger zone of 300m from any permanent surface structures not belonging to the owner except with the limited aggregate maximum charge in all holes fired at one time not in excess of 2 kilograms or if the blasting is done with delay detonators or other means and that there is a delay of at least half a second between successive shots fired, maximum charge of two kilograms can be used in each hole. Provided that irrespective of the amount of explosives used, no blasting shall be done at any place in the mine which is within 100 m of any permanent surface structure not belonging to the owner.
- 3 Before shots are charged, stemmed or fired, it shall be ensured that all persons within a radius of 300m from the place of firing have taken proper shelter. Sufficient warning by siren or other means shall also be given over the entire danger zone. Competent persons shall be deputed for guarding particularly in habitation area.
- 4 Persons shall be posted in either direction at the two extreme points of public roads which fall within the danger zone to prevent persons/vehicles from approaching the shots/entering the danger zone. Shots shall not be fired till the persons posted intimate clearance of traffic to the blaster.
- 5 All provisions of the Mines Act, 1952, Metalliferous Mines Regulations (MMR), 1961 and the rules made under the act shall be strictly complied with;
- 6 All mining operations in the mine shall be kept stopped during absence of the manager from mine on account of leave or otherwise;
- 7 No heavy earth moving machinery (HEMM) or deep hole blasting shall be used in the mine without obtaining permission under Regulation 106(2)(b) of MMR, 1961, and
- 8 No blasting shall be carried out in the mine except by a blaster duly appointed for the purpose by the owner as required under Regulation 160(2) of MMR, 1961.

पत्र आपके सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

भव दी य

 खान सुरक्षा निदेशक
 वाराणसी क्षेत्र, वाराणसी।

ANNEXURE-04**Uttar Pradesh Pollution Control Board**

Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.in, Website: www.uppcb.com

167477/UPPCB/Sonebhadra(UPPCBRO)/CTO/both/SONBHADRA/2022

Date: 18/11/2022

To,

M/s

SHRI RAM ASSOCIATES(DOLOSTONE MINING PROJECT KHAND-4)

ARAZI NO. 7536 GA. MI. KHAND-4, AREA-4.0 HECTARE, VILL. BILLI MARKUNDI, TEH. OBRA, DISTRICT-SONBHADRA(U.P.)-231219

**Application Id-
18233833**

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981

CCA is hereby granted to **SHRI RAM ASSOCIATES(DOLOSTONE MINING PROJECT KHAND-4)** located at **ARAZI NO. 7536 GA. MI. KHAND-4, AREA-4.0 HECTARE, VILL. BILLI MARKUNDI, TEH. OBRA, DISTRICT-SONBHADRA(U.P.)-231219.** subject to the provisions of the Water Act, Air Act and the orders that may be made further and subject to following terms and conditions :-

1. This CCA **SHRI RAM ASSOCIATES(DOLOSTONE MINING PROJECT KHAND-4)** granted for the period from **18/11/2022 to 31/12/2026** and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Building Stone Gitti/Boulder Dolostone	128000	Cubic Meters/Year

2. **Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-**

(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	1.0 KLD	Septic Tank	Soak Pit

(ii) **Trade Effluent Treatment and Disposal :-**The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
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(iv) **Sewage Treatment and Disposal :-** The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be

stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
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3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	Dust emission during manual mining, transportation and loading/unloading of Building Stone Gitti/Boulder Dolostone.			Particulate Matter	water sprinkling system and Green Belt for controlling dust emission.

Emission Quality Standards

S No.	Stack no	Parameters	Standards
1		Particulate Matter	Ambient Air Standard as per E(P) Act 1986.

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

- (i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.
 - (ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.
5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.
6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will result in legal action under the aforesaid Acts and Rules.
7. In compliance to the G.O 1011/81-7-2021-09 (Writ)/2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.
8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point

12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

Specific Conditions:-

1. This consent is valid for production of Building Stone Gitti/Boulder Dolostone -128,000 Cu Meter/Year by opencast and semi mechanized mining in 4.0 hectare leased area at ARAZI NO. 7536 GA. MI. KHAND-4, VILL. BILLI MARKUNDI, TEH. OBRA, DISTRICT-SONBHADRA.
2. Mining unit shall comply with the conditions of Environmental Clearance issued by State Level Environment Impact Assessment Authority (SEIAA) vide EC identification no. EC22B001UP187607 dated 03.06.2022 and submit its compliance report to UPPCB.
3. If the lease agreement expires prior to 31-12-2026, then the validity of this CTO shall stand expired simultaneously with the expiry of mining lease.
4. Unit shall develop and maintain green belt as per the conditions of Environmental Clearance.
5. Unit shall not withdrawal ground water for any industrial activity without obtaining necessary permission from UPGWA.
6. The domestic effluent shall be treated through septic tank/soak pit or provide mobile toilet facility. Industry shall maintain ZLD.
7. Unit shall make water sprinkling arrangement through Tankers for dust suppression at different sources of dust emission during mining, transportation, loading and unloading of Building Stone Gitti/Boulder Dolostone.
8. Unit should operate and maintain installed water sprinkler system effectively and continuously to achieve the standards prescribed under E(P) Rules, 1986.
9. Unit shall submit Ambient air monitoring reports of NABL accredited laboratory on quarterly basis to the Board.
10. All trucks, tractors used in transportation of Building Stone Gitti/Boulder Dolostone shall be covered by canvas sheet to prevent dust emission.
11. Water will be sprayed after loading activity (if Building Stone Gitti/Boulder Dolostone collected could be dry condition)
12. The dust suppression measures like water spraying will be done on the haul roads and working areas.
13. Industry should comply with the provisions of Hazardous and Other waste (Management & Trans boundary Movement) Rules 2016.
14. Solid waste should be disposed in such manner, so that no water, air and soil pollution takes place.
15. Industry shall abide by directions given by Hon'ble Court, MoEF&CC, Central Pollution Control Board and UPPCB for protection and safe guard of environment from time to time.
16. Consent fees if revised, shall be payable by industry from the date of its applicability.
17. Industry shall comply with the relevant provisions of Environmental Laws.
18. If closure order is issued by CPCB or UPPCB against the unit, then CTO issued earlier will remain suspended during the closure period and after ensuring the compliance and after revocation of closure order, the CTO will automatically be effective with additional conditions mentioned in the closure revocation order.

RAJENDR Digitally signed by
A SINGH RAJENDRA SINGH
 Date: 2022.11.18
 13:32:39 +05'30'
Chief Environmental Officer (circle-2)

Copy to:

Regional Officer, UPPCB, Sonbhadra with direction to send the compliance report of CTO conditions on quarterly basis.

ANNEXURE-05

Item No. 3

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.176/2022

I.A No. 39/2023, I.A No. 40/2023 and I.A No. 592/2023

Aman Chaudhary

...Applicant

Versus

Union of India & Ors.

....Respondents

Date of hearing: 30.05.2023

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

Applicant: None for the applicant.

Respondents: Mr. Somesh Chandra Jha and Ms. Aanya Shrotriya, Advocates for Respondent No. 1 with Dr. S. Kerketta, Scientist G and Mr. Pankaj Verma, Scientist E, MoEF & CC.

Ms. Pushpila Bisht, Ms. Pallavi Pratap and Mr. Akshay Singh, Advocates for Respondent No. 2.

Mr. Saurabh Balwani, Advocate for Respondent No. 3 with Mohmad Nizamuddin, Scientist F and Ms. Sonia, CPCB.

Mr. Pradeep Misra, Advocate for Respondent No. 4 with Mr. Ajay Kumar Sharma, Member Secretary, UPPCB.

Mr. Mukesh Verma, Advocate for Respondent No. 6 with Dr. Roshan Jacob, Director, Geology and Mining Department, U.P., Mr. Vipin Kumar Jain, Additional Director, Geology and Mining Department, U.P.

Mr. Vishak G., District Magistrate, Kanpur (through VC)

Mr. Raj Panjwani, Amicus Curiae.

None for respondent no. 5.

Application under Sections 14, 15 and 18 (1) of the National Green Tribunal Act, 2010.**ORDER**

1. Grievances in the application are regarding illegal sand mining in the region of Kanpur and Unnao by Mr. Nagendra Singh (Respondent no.

2). The applicant also submitted that even an unauthorized bridge was constructed in the middle of the River Ganga by the Project Proponent due to which the river got divided into two Streams.

2. This Tribunal constituted a Joint Committee vide order dated 07.03.2022 which submitted its report vide email dated 10.08.2022. In its report Joint Committee *inter alia* recorded following observations and findings:

“Report of Joint Inspection team in compliance to Hon’ble NGT Order dated 07.03.2022 in the Original Application No. 176 of 2022 in the matter Aman Chaudhary Vs. Union of India and Others.

X X X X
13. In the EC issued by SEIAA, several conditions are imposed. The compliance of some (sic of) the major conditions are as given below-

- The proponent was to establish ambient air quality monitoring stations to monitor the ambient air during the mining operations. The proponent was also to submit monitoring reports of ambient air quality/water & waste water/flora & fauna, six monthly compliance report, annual environmental statement and detailed replenishment study report to SIA/PCB/district administration.
- No such data/compliance reports are submitted by the project proponent.
- The proponent was to carry out various Corporate Social Responsibility (CSR) activities including community development & income generating programs, maintenance of village road, free distribution of smoke less chulha, etc.
- No such data/compliance reports are submitted by the project proponent.
- The project proponent has to develop green cover belt in an area equivalent to 20% of the total leased area either on river bank or along road side.
- No such efforts are been made by the proponent.

X X X X
Findings of the visit:-

- River bed mining lease is sanctioned at Vill-Katari Sunaudha, Tahsil-Bilhaur, District-Kanpur Nagar. The Committee found the issues raised in the Hon’ble NGT order are matter of concerns w.r.t. construction of temporary bridge at mining site. During inspection no such temporary bridge was found in the mining lease area.
- According to Google Earth timeline map of dated 25.03.2018 & 18.04.2019, no such temporary bridge was observed.
- During inspection approach road was found at the mining lease site in the main stream area of River, which obstruct the flow of the River.
- Project proponent has not taken any significant measures for environmental safeguard and also not made any efforts/initiatives for conducting activities under CSR.

- *Compliance of conditions of Environmental Clearance issued by SEIAA are not found.*

Hence, the Committee is in view that the lease holder may be directed to comply the conditions of Environmental Clearance and mining deed. Environmental compensation may be imposed for violation of various Norms and degradation of surrounding environment."

3. The matter was heard on different dates and in the course of hearing serious environmental violations were noticed including the factual position that the Project Proponent had not obtained CTE/CTO from UPPCB and therefore UPPCB had issued show cause notice for imposition of environmental compensation of Rs. 4,29,37,500/- to the Project Proponent.
4. This Tribunal, vide Order dated 29.09.2022, made the following observations with consequential directions as under :-

*"We find that the report of District Mines Officer, Kanpur Nagar referred to in the reply of the Director, Directorate of Geology and Mining, Government of Uttar Pradesh that **"the approach road is within the lease boundary. That approach road is three hundred meters away from the active channel of the river."** is contradictory to the report of the Joint Committee that **"During inspection approach road was found at the mining lease site in the main stream area of River, which obstruct the flow of the River."** Further, in its report the Joint Committee has mentioned that **"Project proponent has not taken any significant measures for environmental safeguard and also not made any efforts/initiatives for conducting activities under CSR."** and that **"Compliance of conditions of Environmental Clearance issued by SEIAA are not found"** and recommended that **"the lease holder may be directed to comply the conditions of Environmental Clearance and mining deed."** but in its reply the Director, Directorate of Geology and Mining, Government of Uttar Pradesh has merely mentioned that **"Mines Officer, Kanpur Nagar vide Letter dated 29.06.2022 has issued notice to the proponent in this regard"** and what further action has been taken on said notice is not mentioned in the reply which was **filed on 13.09.2022**. We have noticed that **"Mining lease deed was registered on 07.04.2018 for the period up to dt. 06.04.2023"** and out of five years lease period more than four years period has already expired without requisite compliance with environmental compliance conditions and without obtaining CTO from UPPCB. No doubt, UPPCB has imposed environmental compensation amounting to Rs.4,29,37,500/- on respondent No.6 the Project Proponent for not obtaining consent to operate from UPPCB under the Water (Prevention and Control of Pollution) Act, 1974 and Air*

(Prevention and Control of Pollution) Act, 1981 before commencement of mining but the same has been imposed after initiation of the present proceedings and such imposition appears to be without issuing any notice and giving opportunity of being heard to respondent No.6 the Project Proponent. Detailed guidelines have been laid down in **Sustainable Sand Mining Management Guidelines 2016** and **Enforcement & Monitoring Guidelines for Sand Mining 2020** issued by MoEF & CC and specific directions have also been issued by this Tribunal in **OA No. 360/2015 National Green Tribunal Bar Association Vs. Virender Singh** for operationalization of monitoring/supervisory/review mechanism and periodical audits/inspections/returns/reports for ensuring compliance with **environmental clearance** and **consent to operate conditions** and environmental norms, which prima facie, appear to have been flouted by the Director, Directorate of Geology and Mining, Government of Uttar Pradesh and UPPCB in the present case. However, before making any further observations in the matter we consider it appropriate to give them opportunity to file detailed replies and to direct them to give their account of measures taken by them for compliance with the guidelines issued by MOEF & CC and directions given by this Tribunal. In its reply the Director, Directorate of Geology and Mining, Government of Uttar Pradesh shall specifically mention as to (i) whether copy of environmental clearance/mining lease agreement was sent to UPPCB, if yes when and if no, why the same was not sent? (ii) whether any periodical returns were submitted by the project proponent, any audit/periodical inspection was made by designated third party/departmental agency regarding compliance with **environmental clearance** and **consent to operate conditions** and environmental norms by the project proponent, if yes produce copies of the same if not the reasons for the same? (iii) whether the project proponent was entitled to and could commence mining before grant of CTO by UPPCB if not why the project proponent was allowed to commence such mining without CTO from UPPCB and (iv) whether any notice for non compliance with **environmental clearance/consent to operate**/environmental norms was issued to the project proponent before initiation of the present proceedings and what action was taken against the project proponent on the basis thereof. In its reply the UPPCB shall specifically mention as to (i) whether copy of environmental clearance/ mining lease agreement was sent to UPPCB, if yes when and if no, whether any reference was made for obtaining the same? (ii) whether UPPCB conducted any inspection regarding mining in the mining site in question to ascertain compliance of environmental clearance conditions/obtaining of CTO before initiation of the present proceedings, if yes what action was taken on the basis thereof and if no, what are the reasons for the same? and in how many cases copies of environmental clearance/ mining lease agreement was not sent to UPPCB during the last five years and in how many cases mining was commenced without obtaining CTO from UPPCB. Reply/response by the Director, Directorate of Geology and Mining, Government of Uttar Pradesh be filed by within two months by e-mail at judicial-ngt@gov.in preferably in the form of

searchable PDF/OCR Support PDF and not in the form of Image PDF."

5. In compliance thereof affidavits have been filed by Dr. Roshan Jacob, Director, Geology and Mining Department, U.P. and Mr. Ajay Sharma, Member Secretary, UPPCB vide emails dated 21.04.2023.
6. The relevant part of the affidavit filed by Dr. Roshan Jacob, Director, Geology and Mining Department, U.P. is reproduced as under:-

"AFFIDAVIT OF COMPLIANCE

X X X X

3. That in compliance of above direction of this Hon'ble Tribunal, it is submitted that in Chapter - 4 of U.P. Minor Mineral (Concession) Rules 2021 (previously Rule 1963) the lease deed of normal sand mining area, plot no.2m rakba 10.50 hectare of village Katri Sunada, Tehsil Billaur situated at the bank of Ganga River of the district was executed in favor of lease holder M/s Vaishnavi Enterprises Proprietor Nagendra Singh R/o 113 MIG-2, Mahabali Puram, Kalyanpur, Kanpur Nagar on 07.04.2018 for the period of 05 years from 07.04.2018 to 06.04.2023. Now the lease has been expired.

4. Point no. (i) - Whether copy of environmental clearance /mining lease agreement was sent to UPPCB, if yes when and if no, why the same was not sent?

With reference to above point, it is submitted that the copy of environmental clearance certificate issued by State Environment Impact Assessment Authority (SEIAA) in favor of project proponent/lease holder vide letter no.174/environment/SEAC/4026/20 1 7 dated 12.02.2018 was forwarded to 07 persons/authorities, in which through S.No. 04 same was forwarded to Member Secretary, U.P. Pollution Control Board, Environment Bhawan, Vibhuti Khand, Lucknow. It is also pertinent to mention that a copy of environmental clearance certificate is available on Parivesh Portal which is in public domain. After issuance of environmental clearance certificate, it is considered that the lease deed will be executed and mining operation will start. Therefore, sending a copy of lease deed separately to UPPCB will be duplication of the same.

Considering this, it is not customary to send the copy of deed to UPPCB.

5. Point no.(ii) - Whether any periodical returns were submitted by the project proponent, any audit/periodical inspection was made by designated third party/departmental agency regarding compliance with environmental clearance and consent to operate conditions and environmental norms by the project proponent, if yes produce copies of the same if not the

reasons for the same?

In compliance of above direction of this Hon'ble Tribunal it is submitted that the lease holder /project proponent has not filed any periodical returns and in compliance of conditions of environment, the project proponent has not got any audit /periodical inspection done from any third party /departmental agency. It is mentioned in letter no.NGT-509/81-7-2022 dated 05.01.2023 of Secretary, Environment, Forest and Climate Change Section-7, U.P. Lucknow that the relevant part of the order dated 26.02.2021 passed by this Hon'ble Tribunal in O.A. no.360/2015 titled as National Green Tribunal Bar Association Vs. Virendra Singh (State of Gujarat &Ors.) is as follows:-

"....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 within 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 environmental 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 mechanism to fix accountability of the concerned officers. Recommendations of the Oversight Committee for the State of U.P. quoted earlier may be duly taken into account..."

It is pertinent to mention here that site has been inspected from time to time for compliance of conditions of lease deed and UPMCR, 2021 by the lease holder M/s Vaishnavi Enterprises Proprietor Nagendra Singh for the ordinary sand mining area village Katari Sunadha Plot no.2Miarea 10.50 hectare of Tehsil Bilhaur.

It is respectfully submitted that due to non-installation of CCTV Camera in mining area and violation of Rule 59(3),a

penalty of Rs.25,000.00 has been imposed vide notice dated 05.09.2019 against the Lease holder.

Sub Divisional Magistrate Bilhaur inspected the site on 07.12.2020, a passage of height same as water level was removed and an FIR was registered in concerned police station against unknown persons.

Vide letter no.446/ST-Misc./20 dated 12.12.2020 of Sub Divisional Magistrate, Bilhaur it was informed that the above lease holder has done illegal mining and transportation of ordinary sand of about 54219 cubic mtr. from plot no.01m of area 5.4219 hectare outside the approved mining area. With reference to above, a notice was issued on 22.12.2020 and direction was given to place its case within 15 days.

Director, Directorate of Geology and Mining, Lucknow inspected the area on 11.01.2021 and henceforth constituted a team for correct demarcation of boundary pillar of mining area and for detailed survey of the mined-out quantity. The Joint inspection team ratified the Sub Divisional Magistrate Billaour report dated 12.12.2020. In light of above the lease holder was again issued a notice on 03.02.2021 to deposit total amount of Rs.2,39,06,360.00 in Govt. Treasury within 15 days in lieu of illegal mining and transportation. Against above notice the lease holder filed Revision No.48(R)/SM/2021 to the Govt. which was dismissed by the Govt. on 09.08.2021. Thereafter, the lease holder filed Writ Petition No.18966/2021 in Hon'ble High Court of Allahabad Lucknow Bench. In compliance of order dated 22.09.2021 passed by Hon'ble High Court, permission was given to lease holder for mining and transportation of ordinary sand. Writ Petition No. 18966 of 2021 is pending before the High Court.

It is respectfully submitted that again in pursuance of joint inspection report dated 05.12.2021 notice dated 09.12.2021, a fine of Rs.72,500.00 was imposed on lease holder due to constructing passage /road without permission.

On the basis of inspection by DM. Kanpur Nagar on 31.05.2022 and report dated 21.06.2022 of inspection team constituted by DM, a notice dated 10.08.2022 was issued to the lease holder for depositing total amount of Rs. 11,55,837.00.

Thus periodical inspection of the lease has been constantly done by the District Administration, Kanpur and Director, Geology and Mining, Govt. Of Uttar Pradesh.

6. Point no.(iii) -Whether the project proponent was entitled to and could commence mining before of CTO by UPPCB if not why the project proponent was allowed to commence such mining without CTO from UPPCB?

In pursuance to this, it is humbly submitted that

- i. For harmonization of Classification of Industries under Red/Orange/Green/White Categories CPCB vide letter dated 19.08.2015 forwarded a copy of draft document on revised concept of categorization of industrial sectors to all SPCBs, PCCs and concerned ministries. CPCB further issued modified directions to revise/prepare categories of industrial sector in Red, Orange, Green and White as per final report to all SPCBs/PCCs on 07.03.2016.
- ii. That is further worthwhile to mention here that in compliance to the directions issued by CPCB, UPPCB in its meeting dated 29.03.2016 adopted the same categorizations of industries and issued letter dated 18.04.2016 to all concerned controlling officers of the UPPCB and Regional officers of the UPPCB to comply the same. A true copy of the letter dated 18.04.2016 is being annexed herewith as Annexure No-1.
- iii. That there are two additional notes in the list of Industrial Sectors mentioned in the final report and Note (ii) is being quoted as below;

Sl.No.	Origin at Sl. No.	Industry Sector	Original Category	Remarks
1	24	Excavation of sand from the River Bed (excluding manual excavation)	O	Since such type of activities cause ecological disturbances the instructions issued by the Government from time to time be followed to be categorized by MoEF & CC.

iii. That at Serial No. 1 which was originally at Sl.No 24 regarding excavation of Sand from the riverbed (excluding manual excavation), it has been mentioned in remark column that such type of activities cause ecological disturbances, the instructions issued by the Government (MoEF&CC) from time be followed. So, excavation of Sand from the riverbed (excluding manual excavation) has to be categorized by MoEF&CC separately.

iv. That pursuant to remarks made in categorization of sector up till now no categorization has been made by the MoEF&CC for excavation of sand from the riverbed therefore the sand mining is not covered under the categorization of the industrial Sector. It is also submitted that as per the MOEF&CC, EIA notification 2006, EC has been obtained in this particular case and also in cases of Sand Mining across the state.

v. Under the provisions of Water Act 1974 and Air Act 1981, industries, which causes underground/surface water and Air pollution, requires CTE /CTO from concerning SPCB. But in the case of Sand Mining no fugitive emissions are released. It is to be mentioned that neither permanent structure of any kind is erected during the mining operations of Sand/Morrum situated in the river bed nor heavy machinery are used in the mining operations. In the said mining operations, neither anything is added to the water nor is anything released, so water or air does not get polluted.

8. Point no. (iv) — Whether any notice for non-compliance with environmental clearance /consent to operate /environmental norms was issued to the project proponent before initiation of the present proceedings and what action was taken against the project proponent on the basis thereof?

In compliance Regular inspection was done by district authorities for compliance of the UPMMCR 2021 and the conditions of the lease deed. Notices were issued to project proponent when any irregularities were found during inspection, details are mentioned in point no. 06.

As per the facts mentioned in point no. 07, there is no requirement to obtain CTO.”

7. The relevant part of the affidavit filed by Mr. Ajay Sharma, Member Secretary, UPPCB is reproduced as under:-

“Affidavit on behalf of Member Secretary, UPPCB in pursuance to the order dated 29.09.2022 and 17.03.2023 passed by the Hon’ble National Green Tribunal

X X X X

3. That it is pertinent to mention here that the CPCB under the powers conferred under Section 18(1)(b) of the Water Act, 1974

and the Air Act, 1981 has issued direction dated 07.03.2016 regarding Harmonization of classification of Industrial Sectors under Red/Orange/Green/White categories. The directions dated 07.03.2016 are annexed here with as Annexure No-1 to this affidavit.

4. That it is further worthwhile to mention here that in compliance to the directions issued by Central Pollution Control Board, were adopted by the UP Pollution Control Board in its 96th Board meeting dated 29.03.2016 and direction dated 18.04.2016 were issued to all concerned officers of the Board. A true copy of the letter dated 18.04.2016 is being annexed herewith and marked as Annexure No.-2 to this affidavit.

5. That in the final List issued by CPCB on 07.03.2016 of Orange Category of Industrial Sectors the following comment regarding "Excavation of sand from the river bed" has been mentioned.

"There are specific remarks in respect of some of the industrial sectors. These sectors are either merged with other relevant sectors or deleted due to duplication /vague category. The details are as follows:-

SL No.	Origin at SL No.	Industry Sector	Original Category	Remarks
1	24	Excavation of sand from the River Bed (excluding manual excavation)		Since such type of activities cause ecological disturbances, the instructions issued by the Government from time to time be followed. To be categorized by MoEF&CC

6. That pursuant to above remarks made in categorization of sector, until now no clarification of MoEF&CC regarding categorization of 'Excavation of sand from the river bed', has been received from CPCB. In compliance of the Hon'ble NGT order dated 17.03.2023 in aforesaid case the details as desired by Hon'ble NGT regarding the status of issuance of CTO/CTE, Environmental Clearance (EC) by SEIAA and action against defaulter units etc. are being annexed herewith and marked as Annexure no.-3 to this affidavit.

8. In view of the submissions made by Dr. Roshan Jacob, Director,

Geology and Mining Department, U.P. and Mr. Ajay Sharma, Member Secretary, UPPCB in their affidavits, this Tribunal vide order dated 26.04.2023 directed respondent no. 1-MoEF & CC and respondent no. 3-CPCB to file their detailed response about requirement of consent/NoC from UPPCB for the excavation of sand from the river bed (excluding manual excavation), since such activities are having ecological impacts on or before 18.05.2023.

9. In compliance thereof respondent no. 1-MoEF & CC has filed affidavit vide email dated 18.05.2023 and respondent No.3-CPCB has filed affidavit vide email dated 18.05.2023.

10. Relevant part of the affidavit filed by respondent no. 1-MoEF is reproduced below:

"It is humbly submitted that, the Environmental Clearance (EC) granted to the project/activity is strictly under the provisions of the Environmental Impact Assessment (EIA) Notification, 2006 and its amendments issued from time to time. It does not tantamount/ construe to approvals/ consent/ permissions etc. required to be obtained or standards/conditions to be followed under any other Acts/ Rules/ Subordinate legislation, etc., as may be applicable to the project. Further, the requirement of consent/ No objection Certificate (NOC) are issued by the respective State Pollution Control Board (SPCBs) as per provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. 5. That, the State Pollution Control Board is the Nodal Authority in the State for dealing with the cases related to pollution or environment management coming under the purview of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981. 6. It is submitted that the present reply may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate Order(s)/Direction(s) as deemed fit and proper under the facts and circumstances of the present case. Further, the other ancillary issues raised in the application under reply do not pertain to the answering respondent."

11. Relevant part of the affidavit filed by the CPCB is reproduced below:-

"2. That it is humbly submitted that the applicable law as well as relevant procedural requirement for any project proponent for the purposes of the excavation of sand from the river bed are are provided below for perusal:

The Procedural requirement as laid down under the Central Acts of Water and Air Act along with EIA notification

i. Clause 25 of the Water Act 1974 relates to Consent of SPCB

"25. Restrictions on new outlets and new discharges -

(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board -

- (a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or***
(b) bring into use any new or altered outlet for the discharge of sewage; or
(c) begin to make any new discharge of sewage:"

Definitions

"2 (g) "sewage effluent" means effluent from any sewerage system or sewage disposal works and includes sullage from open drains; "

"2 (k) "trade effluent" includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any industry, operation or process, or treatment and disposal system, other than domestic sewage"

ii. Clause in Air Act 1981 related to Consent of SPCB

"21. Restrictions on use of certain industrial plants -

(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area

Definitions

"2(k) "industrial plant" means any plant used for any industrial or trade purposes and emitting any air pollutant into the atmosphere; "

iii. Clause in EIA Notification 2006 related to Environment Clearance (EC)

The EIA Notification 2006 is issued under Section 3(2)(v) of Environment (Protection) Act 1986 which is related to restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards and under Section 5 of Environment (Protection) Rules 1986 which is related to prohibitions and restrictions on the location of

industries and the carrying on processes and operations in different areas. The said notification prescribe as below:

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

(i) All new projects or activities listed in the Schedule to this notification;

(ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;

(iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range."

Projects / activities have been categorised into Category A and Category B in the Schedule.

iv. Categorisation of projects/activities by CPCB

CPCB has provided a uniform categorisation criteria of industries into Red, Orange, Green and White categories to SPCBs vide directions dated **07.03.20216**. The said criteria suggested different validly periods for consent as below:

"5. SPCBs/PCCs may issue consent to the industries:

- Red category of industries for 5 years.
- Orange category of industries for 10 years.
- Green category of industries for 15 years.
- No necessity of consent for non-polluting industries."

The Copy of the Directions dated 07.03.2016 is annexed herewith as Annexure

R-1.

3. That it is humbly submitted that the U.P. Mining and Geology Department and U.P. Pollution Control Board both have mentioned in their responses before Hon'ble NGT-PB in the present case that "Excavation of sand from river bed (excluding normal excavation)" has not been assigned Category under the above mentioned uniform categorisation by CPCB in 2016 because such type of activities cause ecological disturbances.

4. In this regard it is submitted that Central Government has already covered the mining of river bed material under Schedule of the EIA Notification 2006. In consideration of this,

the SPCBs themselves can categorise this activity for the purpose of deciding validly of the consent as already directed by CPCB for categorisation of any left out sector in the directions dated 07.03.2016. In the case of U.P., CPCB has informed U.P. Geology and Mining Department and UPPCB by a recent letter dated 24.03.2023 also that SPCB may categorise any left out sector by following the criteria / methodology prepared by CPCB. The Copy of the same is annexed herewith as Annexure R-2.

5. That it is further pertinent to note that the MOEF has already formulated the Sustainable Sand management guidelines 2016 & 2020 which primarily focuses on the management of Sand mining in India as well as the fact that section 23 C of the MMDDRR Act, 1957 further grant the relevant state government to make rules & policy to prevent any illegal mining, transportation and storage of minerals including sand. The Enforcement and monitoring guidelines for Sand Mining dated January 2020 contains specific guidelines for process and procedural requirements for approvals for the project proponents.

The Copy of the Enforcement and monitoring guidelines for Sand Mining dated January 2020 is annexed herewith as Annexure R-3.

6. The Hon'ble Supreme Court in its Judgment dated the 27.02.2012 in I.A. No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of Haryana and Others etc. made prior environment clearance mandatory for mining of minor minerals irrespective of the area of mining lease. On 24.12.2013, the MoEF issued an OM which mandates that "EC will be valid for the lease period subjected to a ceiling of 5 years". Thereafter, in 2016 the MOEF issued the Sustainable Sand Mining Management Guidelines, 2016 (hereinafter referred to as SMMG, 2016), inter alia, with an endeavor to ensure that sand and gravel mining is done in an environmentally sustainable and socially responsible manner, and to further ensure the conservation of river equilibrium and its natural environment by protection and restoration of the ecological system. The same was again updated in 2020 and the same made it a sine qua non that EC is valid only for a period of 5 years, after which the same has to be renewed only with prior permission of the nodal agencies.

7. It is humbly submitted that continuation of sand mining in the absence of environmental clearances obtained by the Project Proponent contravenes the various decisions passed by the Hon'ble Supreme Court in its Judgment dated the 27th February 2012 in I.A. No.12- 13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of Haryana and Others etc. and various directions of this Hon'ble Tribunal in order dated 13th January, 2015 in the case of Himmat Singh Shekhawat v. State of Rajasthan and Ors., 2015 ALL (I) NGT Reporter (1) (Delhi) 44, National Green Tribunal Bar Association Vs Ministry of Environment and Forest & Ors. in Original Application No. 364

Of 2015 and Order dated 04.09.2018 in O.A. 173/2018 in the matter of Sudarsan Das vs. State of West Bengal & Ors and MoEF & CC guidelines for Sustainable Sand Mining Management Guidelines 2016 & 2020 for scientific and sustainable sand mining in the Country.

8. That in view of the facts indicated in earlier paras it is respectfully prayed that necessary directions be passed and the Respondent No.3 confirms that it shall abide by any order or direction, passed by this Hon'ble Tribunal."

12. Reply was filed by the Respondent no. 2- the project proponent vide email dated 01.02.2023. In his reply Respondent no. 2- the project proponent has made vague and general averments regarding carrying out of mining by him in accordance with environmental clearance granted to him while denying allegations regarding illegal mining and construction of temporary bridge. In his reply Respondent no. 2 has not specifically replied and given any specific response with respect to the findings of the Joint Committee regarding violations of conditions of environmental clearance and mining lease deed and has also not mentioned anything regarding requirement of obtaining CTE/CTO from UPPCB and also show cause notice dated 02.12.2022 for imposition of environmental compensation issued to him by Chief Environment Officer, Circle-2, U.P. Pollution Control Board Lucknow.

13. We have learned Counsel for the respondents and learned Amicus Curiae on the question of requirement of CTE/CTO from SPCBs/PCCs for Excavation of sand form the River Bed (excluding manual excavation) and gone through the relevant material.

14. In the directions issued by CPCB in June 2012 in the context of categorization of industries as Red, Orange & Green, mining and ore beneficiation were included at serial no. 35 of Table G-2:Final List of Red category of Industrial Sectors. Respondent no. 3-CPCB vide letter dated 19.08.2015 forwarded a copy of draft document on revised concept of categorization of industrial sectors to all SPCBs/PCCs and concerned

Ministries for harmonization of classification of industries under Red, Orange, Green and white categories in which "excavation of the sand from the river bed (excluding manual excavation)" was mentioned at serial no. 24. Based on the revised criteria, Respondent no. 3-CPCB evolved the 'Final Report on Revised Categorization of Industrial Sectors under Red/Orange/Green/White' with number of industries in Red, Orange, Green and newly introduced White categories in the above said final list being 60, 83, 63 and 36 respectively. Accordingly, the earlier Directions issued in June 2012 in the context of categorisation of industries as Red, Orange & Green were withdrawn and modified directions were issued vide letter no. B-29012/ESS(CPA)/2015-16 dated 07.03.2016.

15. Even though in the draft list of Orange category of industries "excavation of the sand from the river bed (excluding manual excavation)" was mentioned at serial no. 24 but the CPCB did not finalize said categorization and made the remarks "since such type of activities cause ecological disturbances, the instructions issued by the Government from time to time be followed" and left the industrial sector for being categorized by MoEF & CC.

16. No categorization has been done by MoEF & CC so far. On the other hand, in the affidavit filed on behalf of respondent no. 1-MoEF & CC, it has been mentioned that the State PCB is the nodal authority for dealing with the cases related to pollution or environment management coming under the purview of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. In the response filed on behalf of respondent no. 3-CPCB, it has been submitted that the Central Government has already covered the mining of river bed material under Schedule of the EIA Notification 2006. In consideration of this, the SPCBs/PCCs themselves can categorise this

activity for the purpose of deciding validly of the consent as already directed by CPCB for categorisation of any left out sector in the directions dated 07.03.2016.

17. It may also be observed here that vide above referred letter no. B-29012/ESS(CPA)/2015-16 dated 07.03.2016 following 'Directions' were issued for compliance by all SPCBs and PCCs :

“1. That the SPCBs and PCCs shall adopt the Revised Criteria of categorization of industrial sectors as detailed in table nos. F1, F2, F3 and F4 and Revised Lists of Red, Orange, Green and White categories of industrial sectors, presented at table no. G2, G3, G4 and G5 respectively, in the 'Final Report' as attached herewith immediately.

2. That all pending applications for consideration of 'Consent to Establish' and 'Consent to Operate' and future such applications shall be processed as per revised criteria.

3. That the SPCBs and PCCs will provide the list of industries identified in each category existing in the State which have been considered for grant of consents. SPCBs/PCCs will forward the list of such industries before 31.05.2016 and the same will be uploaded on the websites of respective SPCB/ PCC.

4. That the 'Revised Lists of Red, Orange, Green and White category of industrial sectors' shall be used by the SPCBs and PCCs for Consent Management and inventorization of industries under Red, Orange, Green and White categories. Siting of industries shall be only in conforming areas. SPCBs / PCCs shall evolve sector specific plans for control of pollution and industrial surveillance for verifying compliance.

5. That the SPCBs and PCCs shall revise / prepare the inventory of Red, Orange, Green and White categories of industries operating in their jurisdiction based on the revised criteria specified in the Final Report and submit the same to CPCB within 90 days i.e., before 30.05.2016 in hard copy as well as soft copy.

6. That the listed category of industries or those identified later-on under different categories shall not be linked to sanction of loan /finance or bank proceedings.

7. That any further addition of any new or left-over industrial sector and their categorization which is not listed in the revised list of Red, Orange, Green and White industrial sectors, shall be done at the level of concerned SPCB /PCC following revised criteria & guidelines as detailed in the attached document and no concurrence of CPCB shall normally be required. It is further clarified that while categorizing the

industries, fractional numbers shall be rounded off to nearest integer."

18. In the response filed on behalf of respondent no. 3-CPCB, it has also been mentioned that in the case of State of U.P., CPCB has informed U.P. Geology and Mining Department and UPPCB by a recent letter dated 24.03.2023 also that SPCB may categorise any left out sector by following the criteria / methodology prepared by CPCB.

19. Even after receipt of the above said letter no categorization has been done by UPPCB so far. The attendant facts and circumstance show that despite the Union of India and the States being under Constitutional obligation under Article 48A of the Constitution of India to protect and improve the environment, their executive agencies/instrumentalities have slept over the issues/concerns raised and have therefore allowed confusion and contradictions to prevail, suffered massive violations of environmental laws, ignored the dangers involved and brushed aside the questions of their accountability.

20. We find that the respective stands taken by Department of Geology and Mining and UPPCB have resulted into utter confusion leading to contradictory practices in the State of Uttar Pradesh regarding enforcement of the regime of environmental norms including mandatory requirement of obtaining of CTE/CTO from UPPCB. The UPPCB is indulging in contradictory practices. On the one hand UPPCB is claiming that there is no mandatory requirement of CTE/CTO from UPPCB for river bed sand mining and on the other hand UPPCB is issuing show cause notices and passing orders for imposition of environmental compensation for not obtaining CTE/CTO from UPPCB.

21. In O.A No. 485/2022 titled as Gautam Sharma Vs. State of U.P. and Others pending before this Tribunal, UPPCB has taken the stand in its reply that CPCB has issued a letter dated 02.02.2017 regarding

mechanism to be followed for granting Consent to Operate (CTO) under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, for certain category of industries and that as per said letter the projects which have obtained Environmental Clearance (EC) from SEIAA and installed requisite pollution control system, may be issued Consent to Operate (CTO) directly.

22. In O.A No. 160/2022 titled as Om Pal and others Vs. State of U.P. and others pending before this Tribunal the Project Proponent filed Civil Appeal No. 8872/2022 before Hon'ble Supreme Court against restraint order passed by this Tribunal by asserting compliance with the environmental norms on the basis of the Joint Committee reports and in view of the directions of the Hon'ble Supreme Court, this Tribunal vacated the restraint order on 08.12.2022 and directed the Project Proponent to file compliance status report and the Director, Geology and Mining Department, U.P. and UPPCB to file joint report after verifying the same. In the Joint Report filed by the Director, Geology and Mining Department, U.P. and UPPCB vide email dated 24.03.2023 the Project Proponent is stated to be non-compliant inter alia on the ground that the Project Proponent obtained CTO from the UPPCB on 05.01.2023 and condition no. 8 of the EC was violated as mining was started before obtaining CTO.

23. The Extent of such contradictory practices is revealed by the table in annexure III appended to the affidavit filed by the Member Secretary, UPPCB vide email dated 21.04.2023 which is reproduced as under.

“Consolidated Status of Mining Leases in UP

- *Total Number of Mining Leases (As per the information received by concerned Regional officer from the District Mining Officer) : 1232*
- *Total No. of CTO Granted to Mining Leases : 444*
- *Total No. of CTO Rejected of Mining Leases : 18*
- *Total No. of CTO pending of Mining Leases : 62*

- *Total No. of Mining Leases which have not applied for CTO : 708*
- *Total Number of Cases Carrying Out Mining without Grant of CTO by UPPCB : 577*
- *Total No. of E.C. issued by SEIAA to Mining Leases : 1232*
- *Total Number of Cases in which Environmental Compensation has been Imposed on Mining Units : 18"*
- *Total Number of Cases in which Show Cause for Environmental Compensation has been issued on Mining Units: 639*
- *Total Amount of Environmental Compensation has been Imposed on Mining Units : Rs. 35,92,30,032 /-*
- *Total Number of Cases in which Environmental Compensation has been Recovered/Realized from Mining Units : 04*
- *Total Amount of Environmental Compensation that has been Recovered/Realized from Mining Units: Rs. 71,90,000 /-*
- *Total Number of Cases in which Recovery of Environmental Compensation is Pending from Mining Units : 14"*

24. UPPCB cannot be allowed to create confusion and take such contradictory stands and indulge in such legally untenable contradictory practices, when the legal position is clear and unambiguous. We do not find any reason for such confusion and any scope for contradictory practices and divergent views in applicability of environmental laws, directions given by Hon'ble Supreme Court and this Tribunal and guidelines issued by MOEF&CC and CPCB.

Directions Given by Hon'ble Supreme Court.

25. The Department of Mines and Geology, Government of Haryana issued an auction notice dated 3.6.2011 proposing to auction the extraction of minor mineral boulder, gravel and sand quarries of an area not exceeding 4.5 hectares in each case in the District of Panchkula, auction notices dated 8.8.2011 in the District of Panchkula, Ambala and Yamuna Nagar exceeding 5 hectares and above, quarrying minor mineral, road metal and masonry stone mines in the District of Bhiwani, stone, sand mines in the District of Mohindergarh, slate stone mines in the District of Rewari, and also in the Districts of Kurukshetra, Karnal, Faridabad and Palwal, with certain restrictions for quarrying in

the river beds of Yamuna, Tangri, Markanda, Ghaggar, Krishnavati River basin, Dohan River basin etc. The validity of the auction notices was challenged before Hon'ble Supreme Court, apart from the complaint of illegal mining going on in the State of Rajasthan and Uttar Pradesh in **I.A. No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009**, in the matter of **Deepak Kumar etc. Vs. State of Haryana and Others** etc. In its order dated 27.02.2012 Hon'ble Supreme Court noticed the adverse impact of sand mining on river ecology and aquatic life and observed as under:-

"7. We have no materials before us to come to the conclusion that the removal of minor mineral boulder, gravel, sand quarries etc. covered by the auction notices dated 3.6.2011 and 8.8.2011, in the places notified therein and also in the river beds of Yamuna, Ghaggar, Tangri, Markanda, Krishnavati river basin, Dohan river basin etc. would not cause environmental degradation or threat to the biodiversity, destroy riverine vegetation, cause erosion, pollute water sources etc. Sand mining on either side of the rivers, upstream and in-stream, is one of the causes for environmental degradation and also a threat to the biodiversity. Over the years, India's rivers and Riparian ecology have been badly affected by the alarming rate of unrestricted sand mining which damage the ecosystem of rivers and the safety of bridges, weakening of river beds, destruction of natural habitats of organisms living on the river beds, affects fish breeding and migration, spells disaster for the conservation of many bird species, increases saline water in the rivers etc. Extraction of alluvial material from within or near a streambed has a direct impact on the stream's physical habitat characteristics. These characteristics include bed elevation, substrate composition and stability, in-stream roughness elements, depth, velocity, turbidity, sediment transport, stream discharge and temperature. Altering these habitat characteristics can have deleterious impacts on both in-stream biota and the associated riparian habitat. The demand for sand continues to increase day by day as building and construction of new infrastructures and expansion of existing ones is continuous thereby placing immense pressure on the supply of the sand resource and hence mining activities are going on legally and illegally without any restrictions. Lack of proper planning and sand management cause disturbance of marine ecosystem and also upset the ability of natural marine processes to replenish the sand.

8. We are expressing our deep concern since we are faced with a situation where the auction notices dated 3.6.2011 and 8.8.2011 have permitted quarrying mining and removal of sand from in-stream and upstream of several rivers, which may have serious environmental impact on ephemeral, seasonal and

perennial rivers and river beds and sand extraction may have an adverse effect on bio-diversity as well. Further it may also lead to bed degradation and sedimentation having a negative effect on the aquatic life. Rivers mentioned in the auction notices are on the foothills of the fragile Shivalik hills. Shivalik hills are the source of rivers like Ghaggar, Tangri, Markanda etc. River Ghaggar is a seasonal river which rises up in the outer Himalayas between Yamuna and Satluj and enters Haryana near Pinjore, District Panchkula, which passes through Ambala and Hissar and reaches Bikaner in Rajasthan. River Markanda is also a seasonal river like Ghaggar, which also originates from the lower Shivalik hills and enters Haryana near Ambala. During monsoon, this stream swells up into a raging torrent, notorious for its devastating power, as also, river Yamuna."

26. In the above mentioned case Hon'ble Supreme Court, while directing all the States, Union Territories, MoEF and the Ministry of Mines to give effect to the recommendations made by MoEF in its report of March 2010 and the model guidelines framed by the Ministry of Mines, made prior environment clearance mandatory for mining of minor minerals irrespective of the area of mining lease. The Relevant part of the order is reproduced as under:-

"14. We are of the view that all State Governments/Union Territories have to give due weight to the above mentioned recommendations of the MoEF which are made in consultation with all the State Governments and Union Territories. Model Rules of 2010 issued by the Ministry of Mines are very vital from the environmental, ecological and biodiversity point of view and therefore the State Governments have to frame proper rules in accordance with the recommendations, under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957.

15. Quarrying of river sand, it is true, is an important economic activity in the country with river sand forming a crucial raw material for the infrastructural development and for the construction industry but excessive in-stream sand and gravel mining causes the degradation of rivers. Instream mining lowers the stream bottom of rivers which may lead to bank erosion. Depletion of sand in the streambed and along coastal areas causes the deepening of rivers which may result in destruction of aquatic and riparian habitats as well. Extraction of alluvial material as already mentioned from within or near a streambed has a direct impact on the stream's physical habitat characteristics.

16. We are of the considered view that it is highly necessary to have an effective framework of mining plan which will take care

of all environmental issues and also evolve a long term rational and sustainable use of natural resource base and also the bio assessment protocol. Sand mining, it may be noted, may have an adverse effect on biodiversity as loss of habitat caused by sand mining will effect various species, flora and fauna and it may also destabilize the soil structure of river banks and often leaves isolated islands. We find that, taking note of those technical, scientific and environmental matters, MoEF, Government of India, issued various recommendations in March 2010 followed by the Model Rules, 2010 framed by the Ministry of Mines which have to be given effect to, inculcating the spirit of Article 48A, Article 51A(g) read with Article 21. of the Constitution.

17. The State of Haryana and various other States have not so far implemented the above recommendations of the MoEF or the guidelines issued by the Ministry of Mines before issuing auction notices granting short term permits by way of auction of minor mineral boulders, gravel, sand etc., in the river beds and elsewhere of less than 5 hectares. We, therefore, direct to all the States, Union Territories, MoEF and the Ministry of Mines to give effect to the recommendations made by MoEF in its report of March 2010 and the model guidelines framed by the Ministry of Mines, within a period of six months from today and submit their compliance reports.

18. Central Government also should take steps to bring into force the Minor Minerals Conservation and Development Rules 2010 at the earliest. State Governments and UTs also should take immediate steps to frame necessary rules under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 taking into consideration the recommendations of MoEF in its Report of March 2010 and model guidelines framed by the Ministry of Mines, Govt. of India. Communicate the copy of this order to the MoEF, Secretary, Ministry of Mines, New Delhi, Ministry of Water Resources, Central Government Water Authority, the Chief Secretaries of the respective States and Union Territories, who would circulate this order to the concerned Departments.

19. We, in the meanwhile, order that leases of minor mineral including their renewal for an area of less than five hectares be granted by the States/Union Territories only after getting environmental clearance from the MoEF."

Proactive Role of Pollution Control Board/Committees for protection of Environment.

27. In **Goa Foundation v. Union of India (SC)- 2014(6) SCC 590**

Hon'ble Supreme Court emphasized the powers and role of Pollution

Control Board and observed as under:-

"72. The Goa State Pollution Control Board has immense

powers under the Water (Prevention & Control of Pollution) Act, 1974 (for short 'the 1974 Act') to prevent pollution of water. Section 33A of the 1974 Act which confers on the State Pollution Control Board the power to give directions is quoted here in below:

"33A. Power to give directions - Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation. For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct (a)the closure, prohibition or regulation of any industry, operation or process; or (b)the stoppage or regulation of supply of electricity, water or any other service."

73. Similarly, the Air(Prevention and Control of Pollution) Act, 1981(for short 'the 1981 Act') confers immense powers on the State Pollution Control Board to prevent air pollution. Section 31A of the 1981 Act which confers powers on the State Pollution Control Board to give directions is quoted here in below:

"31A. Power to give directions. Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation. For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct (a)the closure, prohibition or regulation of any industry, operation or process; or (b)the stoppage or regulation of supply of electricity, water or any other service."

74. It will be clear from the aforesaid provisions of Section 33A of the 1974 Act and Section 31A of the 1981 Act that the Goa State Pollution Control Board had powers to issue any direction including the power to close, prohibit or regulate mining operations or even to stop or regulate supply of electricity, water or any other service with a view to prevent water pollution or air pollution. Yet, from the report of the Expert Committee as well as the reports of ISM, Dhanbad and NEERI, it is clear that iron ore production in Goa has led to massive negative impacts on all ecosystems leading to enhanced air, water and soil pollution affecting quality of life across Goa. The Goa State Pollution Control Board in its note filed in Writ Petition (C) No.435 of 2012, however, states:

"Details of monitoring of water quality (with regards to mining leases) from 2007 to 2012 - The Board conducts inspections during the monsoon and other seasons also to verify the discharge of surface runoff/discharge from the pit outside the mining lease and also collects samples for analyzing in the Board Laboratory. Wherever the parameters exceed the prescribed limits necessary directions are issued to the mining

units to take remedial measures for controlling the waste water being discharged into the water bodies/fields without treatment. Directions are also issued to provide settling ponds, arrestor walls, filter beds so as to ensure that no untreated waste water is discharged into the water bodies/fields.

Details of monitoring of air quality (with regards to mining leases) from 2007 to 2012 - The Board is presently carrying out the periodic monitoring of Air Quality in pre-selected areas throughout the State to comply with one of the mandates of the Central Pollution Control Board (CPCB) under National Ambient Monitoring Programme (NAMP) at 16 stations."

75. We do not agree with Mr. Arvind Datar, learned senior counsel for the Goa State Pollution Control Board, that sincere efforts were made by the Pollution Control Board to monitor the water quality and air quality in the mining areas. Rather, it appears that the Goa State Pollution Control Board, though conferred with immense statutory powers, has failed to discharge its statutory functions and duties. We hope that in future the Goa State Pollution Control Board exercises strict vigil and monitors the water quality and air quality in accordance with the provisions of the two Acts and if necessary, exercises the powers conferred on it to close down mining operation of a lessee, if the lessee does not conform to the air emission and water discharge standards while carrying on mining operations and does not take other preventive measures as directed by the State Pollution Control Board.

28. Central Government has already covered the mining of river bed material under "Mining of Minerals" at serial no. 1 (a) in the Schedule of the EIA Notification 2006. The MOEF&CC issued the "Sustainable Sand Mining Management Guidelines" in 2016 and "Enforcement & Monitoring Guidelines for Sand Mining-2020 in 2020, inter-alia, with an endeavor to ensure that sand and gravel mining is done in an environmentally sustainable and socially responsible manner, and to further ensure the conservation of river equilibrium and its natural environment by protection and restoration of the ecological system. CPCB has provided a uniform categorisation criteria of industries into Red, Orange, Green and White categories to SPCBs/PCCs vide directions dated 07.03.20216 with different validly periods of consent of 5, 10 and 15 years for Red, Orange and Green categories. It was specifically mentioned therein that there shall be no necessity of obtaining the Consent to Operate for White category of industries and an intimation to concerned SPCB /PCC shall

suffice.

29. In 2012 categorization of industries by CPCB "mining and ore beneficiation" were mentioned at serial number 49 in Table 7.3: List of Red Category of Industries. Modification thereof was proposed by including "excavation of the sand from the river bed (excluding manual excavation)' in the draft list of orange category of the industrial sectors but the same was not finalized by the CPCB which aborted the proposed modification with the remarks that since such type of activities cause ecological disturbances the instructions issued by the Government from time to time be followed and to be categorized by the MoEF & CC". In 2016 final categorisation of industries issued by CPCB vide letter dated 07.03.2016 "mining and ore beneficiation" is mentioned at serial number 35 in Table G2: Final List of Red Category of Industrial Sectors which will continue to prevail with "excavation of the sand from the river bed (excluding manual excavation)' as part of the same. Since the CPCB did not convert the same to any other Orange, Green or White category and merely remarked that MOEF&CC may categorize "excavation of the sand from the river bed (excluding manual excavation)', categorization of "Mining and Ore beneficiation" as red category industry by CPCB will continue to prevail regarding excavation of the sand from the river bed (excluding manual excavation)" till any modification is made by MOEF&CC by making any such categorization. Consequently, "excavation of the sand from the river bed (excluding manual excavation)" cannot be even considered to be left over category.

30. Even otherwise, even if the same be held to be left over category due to the reason that CPCB did not finalize draft categorization of Excavation of sand form the River Bed (excluding manual excavation) in orange category, the remarks made by (CPCB "since such type of activities cause ecological disturbances, the instructions issued by the

Government from time to time be followed. To be categorized by MoEF&CC"), did not bar UPPCB from categorizing the same, which is also now the stand of both MOEF&CC and CPCB. UPPCB has not done so even on receipt of letter dated 24.03.2023 from CPCB. However, it is pertinent to observe even in the absence of any such categorization, when it is acknowledged, (as also observed by the Hon'ble Supreme Court) that excavation of the sand from the river bed (excluding manual excavation) may cause ecological degradation/disturbances, as also observed by the Hon'ble Supreme Court, the excavation of the sand from the river bed (excluding manual excavation) cannot be treated, by any stretch of imagination to fall in the **White category of Industrial Sectors** and in which ever of the other three categories **Red, Orange or Green** the same is considered to fall as per the revised criteria, obtaining of consent from SPCBs/PCCs will be mandatory in all eventualities.

31. In any case, even CPCB, while leaving categorization to MOEF&CC, also recommended that due to excavation of sand form the River Bed (excluding manual excavation) causing ecological disturbances, the instructions issued by the Government from time to time be followed. MOEF&CC while granting EC for sand mining from river bed is imposing condition requiring the Project Proponent to obtain consent from concerned SPCB.

32. Reference in this regard may be made to O.A No. 581/2022 titled as Vikas Kumar Vs. State of Haryana and Others pending before this Tribunal. In para no. 11 part A Specific Conditions clause (iv) of EC F.No.-J-11015\112\2015-IA-II (M) dated 28.01.2016 granted by MoEF & CC for Mining of Sand (Minor Mineral) in the Mines of "Jainpur-2 Sand Unit" 44 hectares mainly laying on the bed of river Yamuna (34.40 Ha) and partly outside river bed (10.0 Ha) with production capacity of 16 lakh TPA Sand (Minor Mineral) by M/s Yodha Mines and Minerals

may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms. Section 2(a) of the Air (Prevention of Control of Pollution) Act, 1981 defines air pollutant to mean any solid, liquid or gaseous substance including noise present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment and Section 2(b) of the above said Act defines air pollution to mean the presence in the atmosphere of any air pollutant. Sections 24 and 25 of the Water (Prevention and Control of Pollution) Act, 1974 and Sections 21 and 22 of the Air (Prevention of Control of Pollution) Act, 1981 have to be interpreted in view of the above said definitions. It is now universally acknowledged that excavation of minor mineral may disturb or change the underlying soil characteristics of the river bed/catchment/basin; may disturb the velocity and flow pattern (discharge) of the river water and may also adversely affect river morphology/ecology, the ground water regime and habitat of wild fauna in the river bed significantly. The river bed sand mining involves causing of air pollution due to generation of dust during excavation of dry sand and also fugitive emissions from the heavy vehicles used for transportation of the mined material. Such river bed sand mining requires setting up of temporary habitation camps for accommodating the labour employed for mining and also utilization of river/ground water for human consumption and sprinkling to control dust pollution. Discharge of waste water from temporary human habitation camps and mobile toilets may pollute the river water. Transportation of such river bed sand mining material also requires construction of road/pathways. In cases where heavy quantity of sand mining is permitted from the river

bed, deployment of large number of heavy vehicles for transportation of sand also results in fugitive emissions and dust generation thereby affecting the residents of neighbouring villages. Consequently, the stand taken by Dr. Roshan Jacob, Director, Geology and Mining Department, U.P. that river sand mining does not cause air and water pollution is factually and scientifically wrong.

36. Further, the stand taken by the Director, Geology and Mining Department, U.P., that sand mining from river bed does not cause Water and Air Pollution ignores condition no. 8 imposed in the EC granted in favor of the Project Proponent that "all necessary statutory clearances shall be obtained before start of mining operations. If this condition is violated, the clearance shall be automatically deemed to have been cancelled". Condition No.2 of the EC provided that forest clearance shall be taken by the proponent as necessary under law. Condition No.36 of the EC provided that environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority, if applicable to this project. Condition no. 8 of the EC essentially refers to requirement of consent under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. No reference was ever made by the Director, Geology and Mining Department, U.P. to SEIAA, U.P. to clarify that consent under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 were not required and some other statutory clearances were required to be obtained before commencement of the mining. The stand taken by the Director, Geology and Mining Department, U.P. that CTE/CTO from UPPCB was not mandatory/ necessary is illogical and illegal in view of the prevailing Environmental Acts/Rules.

37. It is also pertinent to observe that even in the present case

X X X X
 27. Waste water, from temporary habitation campus be property collected & treated before discharging into water bodies the treated effluent should conform to the standards prescribed by MoEF/CPCB.

X X X X
 29. Special Measures shall be adopted to protect the nearby settlements from the impacts of mining activities. Maintenance of village roads through which transportation of minor minerals is to be undertaken, shall be carried-out by the project proponent regularly at his own expenses.

X X X X
 32. Under corporate social responsibility a sum of 5% of the total project cost or total income whichever is higher is to be earmarked for total lease period. Its budget is to be separately maintained. CSR component shall be prepared based on need of local habitant. Income generating measures which can help in upliftment of poor section of society, consistent with the traditional skills of the people shall be identified. The programme can include activities such as development of fodder farm, fruit bearing orchards, free distribution of smokeless Chula etc.

X X X X
 34. The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Ministry of Environment and Forests and its Regional Office located at Lucknow, SEIAA, U.P and UPPCB.

35. Action plan with respect to suggestion/improvement and recommendations made and agreed during Public Hearing shall be submitted to the District mines Officer, concern Regional Officer of UPPCB and SEIAA within 02 months.

X X X X
 40. Appropriate mitigative measures shall be taken to prevent pollution of the river in consultation with the State Pollution Control Board. It shall be ensured that there is no leakage of oil and grease in the river from the vehicles used for transportation.

X X X X
 45. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Regional Office of the Ministry of Environment and Forests, Lucknow by e-mail.

Specific Condition

X X X X
 14. Total Project Cost has been submitted as Rs. 81.0 lac. A

CSR plan with minimum 5% work to be executed with installation of five hand pumps for drinking water, solar light in villages of streets, construction of two numbers of toilets at the primary school with name displayed and address and details of beneficiary and gram pradhan along with phone number, photographs should be submitted to Directorate as well as to the District magistrate / Chief Development officers, Kanpur nagar, U.P.

X X X X
26. The mining work will be open-cast and manual/semi mechanized (subject to order of Hon'ble NGT/Hon'ble Courts (s)). No drilling/blasting should be involved at any stage.

X X X X
29. The project proponent shall adhere to mining in conformity to plan submitted for the mine lease conditions and the Rules prescribed in this regard clearly showing the no work zone in the mine lease i.e. the distance from the bank of river to be left un-worked (Non mining area), distance from the bridges etc. It shall be ensured that no mining shall be carried out during the monsoon season.

X X X X
32. The critical parameters such as PM10, PM2.5, SO2 and NOx in the ambient air within the impact zone shall be monitored periodically. Further, quality of discharged water if any shall also be monitored HMS, DO, pH, Fecal Coliform and Total Suspended Solids (TSS).

X X X X
42. Digital processing of the entire lease area in the district using remote sensing technique should be done regularly once in three years for monitoring the change of river course by Directorate of Geology and Mining, Govt of Uttar Pradesh. The record of such study to be maintained and report be submitted to Regional office of MoEF, SEIAA, U.P. and UPPCB.

X X X X
44. State Pollution Control Board shall display a copy of the clearance letter at the Regional office, District Industry Centre and Collectors office/Tehsildar's Office for 30 days.

45. The project authorities shall advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the SEIAA at <http://www.seiaaup.in> and a copy of the same shall be forwarded to the Regional Office of the Ministry located in Lucknow, CPCB, State PCB."

38. These conditions envisaged proper consultation by the Project Proponent with UPPCB before commencement and during continuance of sand mining and also periodical monitoring by UPPCB. For this purpose

sending of copy of lease deed by the concerned District Magistrate to UPPCB was essentially required. Since the Project Proponent was legally bound to obtain CTE/CTO from UPPCB before commencement of mining, the District Magistrate and the District Mining Officer were legally bound not to allow commencement of mining before grant of consent by UPPCB. However, in the present case, the Project Proponent was allowed to carry out mining without such statutory consent throughout the five year term of the lease which has expired in April, 2023.

39. It may be observed that in the present case there are serious violations of the SSMG 2016 and EMGSM 2020 and EC conditions by the Project Proponent. In the affidavit of the Director, Geology and Mining Department, U.P. it is admitted that the lease holder /project proponent has not filed any periodical returns and the project proponent has not got any audit /periodical inspection done from any third party /departmental agency. In its report the Joint Committee had also mentioned non-compliance of EC conditions by the project proponent. Even there was non-compliance with SSMG 2016 and EMGSM 2020 by the project proponent in the present case. The Project Proponent did not install CCTV Camera in mining area for which merely penalty of Rs.25,000/-was imposed without verifying whether CCTV camera was subsequently installed. In the present case the Project Proponent is alleged to have indulged in illegal mining and transported ordinary sand about 54219 cubic mtrs. from plot no.01m of area 5.4219 hectare outside the approved mining area. Efforts have been made to project the same as incident of wrong demarcation and action regarding such illegal mining was not taken regarding the same as per EMGSM 2020 and directions of this Tribunal in OA 360 of 2015 titled as National Green Tribunal Bar Association Vs. Virender Singh (State of Gujarat). The facts and circumstances of the present case reveal serious violations of

environmental laws/norms by the Respondent no. 2-project proponent and serious derelictions of duty by concerned officers of the Department of Geology and Mining, U.P. and UPPCB.

Illegal Mining has to be dealt with sternly by visiting the same with all consequences without any leniency.

40. Section 21(1) of the MMDR Act provides that whoever contravenes the provisions of sub-section (1) or sub-section (1A) of section 4 shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to five lakh rupees per hectare of the area. Section 21 (6) of the MMDR Act empowers the police to investigate offence punishable under Section 21 of the MMDR Act by providing that notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence under sub-section (1) shall be cognizable.

41. In **Lalita Kumari vs. Govt. of U.P. (SC) : 2013(4) R.C.R.(Criminal) 979 : 399 :2014(2) SCC 1** Hon'ble Supreme Court held that registration of FIR is mandatory under Section 154 of the Code of Criminal Procedure, 1973, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation and if the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

42. In **State of NCT of Delhi vs. Sanjay, (2014) 9 SCC 772**, Hon'ble Supreme Court considered the question whether the provisions contained in Sections 21, 22 and other sections of MMDR Act operate as bar against prosecution of a person who has been charged with allegations which constitute offences under Section 379/114 and other provisions of the Indian Penal Code, 1860 (the IPC). In other words,

whether the provisions of MMDR Act explicitly or impliedly excludes the provisions of the IPC when the act of an accused is an offence both under the IPC and under the provisions of the MMDR Act. Since conflicting views had been taken by Gujarat High Court, Delhi High Court, Kerala High Court, Calcutta High Court, Madras High Court and Jharkhand High Court, Hon'ble Supreme Court proceeded to settle the question and on detailed analysis of the relevant statutory provisions and judicial precedents, Hon'ble Supreme Court observed as under:-

"69. Considering the principles of interpretation and the wordings used in Section 22, in our considered opinion, the provision is not a complete and absolute bar for taking action by the police for illegal and dishonestly committing theft of minerals including sand from the river bed. The Court shall take judicial notice of the fact that over the years rivers in India have been affected by the alarming rate of unrestricted sand mining which is damaging the eco-system of the rivers and safety of bridges. It also weakens river beds, fish breeding and destroys the natural habitat of many organisms. If these illegal activities are not stopped by the State and the police authorities of the State, it will cause serious repercussions as mentioned hereinabove. It will not only change the river hydrology but also will deplete the ground water levels.

70. There cannot be any dispute with regard to restrictions imposed under the MMDR Act and remedy provided therein. In any case, where there is a mining activity by any person in contravention of the provisions of Section 4 and other sections of the Act, the officer empowered and authorised under the Act shall exercise all the powers including making a complaint before the jurisdictional magistrate. It is also not in dispute that the Magistrate shall in such cases take cognizance on the basis of the complaint filed before it by a duly authorised officer. In case of breach and violation of Section 4 and other provisions of the Act, the police officer cannot insist Magistrate for taking cognizance under the Act on the basis of the record submitted by the police alleging contravention of the said Act. In other words, the prohibition contained in Section 22 of the Act against prosecution of a person except on a complaint made by the officer is attracted only when such person sought to be prosecuted for contravention of Section 4 of the Act and not for any act or omission which constitute an offence under Indian Penal Code.

71. However, there may be situation where a person without any lease or licence or any authority enters into river and extracts sands, gravels and other minerals and remove or transport those minerals in a clandestine manner with an intent to remove dishonestly those minerals from the possession of the

State, is liable to be punished for committing such offence under Sections 378 and 379 of the Indian Penal Code.

72. From a close reading of the provisions of MMDR Act and the offence defined under Section 378, I.P.C., it is manifest that the ingredients constituting the offence are different. The contravention of terms and conditions of mining lease or doing mining activity in violation of Section 4 of the Act is an offence punishable under Section 21 of the MMDR Act, whereas dishonestly removing sand, gravels and other minerals from the river, which is the property of the State, out of State's possession without the consent, constitute an offence of theft. Hence, merely because initiation of proceeding for commission of an offence under the MMDR Act on the basis of complaint cannot and shall not debar the police from taking action against persons for committing theft of sand and minerals in the manner mentioned above by exercising power under the Code of Criminal Procedure and submit a report before the Magistrate for taking cognizance against such person. In other words, in a case where there is a theft of sand and gravels from the Government land, the police can register a case, investigate the same and submit a final report under Section 173, Cr.P.C. before a Magistrate having jurisdiction for the purpose of taking cognizance as provided in section 190 (1)(d) of the Code of Criminal Procedure.

73. After giving our thoughtful consideration in the matter, in the light of relevant provisions of the Act vis-a-vis the Code of Criminal Procedure and the Indian Penal Code, we are of the definite opinion that the ingredients constituting the offence under the MMDR Act and the ingredients of dishonestly removing sand and gravel from the river beds without consent, which is the property of the State, is a distinct offence under the IPC. Hence, for the commission of offence under Section 378 Cr.P.C., on receipt of the police report, the Magistrate having jurisdiction can take cognizance of the said offence without awaiting the receipt of complaint that may be filed by the authorised officer for taking cognizance in respect of violation of various provisions of the MMRD Act. Consequently the contrary view taken by the different High Courts cannot be sustained in law and, therefore, overruled....."

43. In Jayant vs. State of Madhya Pradesh(SC) : Law Finder Doc Id

1776867 Hon'ble Supreme Court observed as under :-

"After giving our thoughtful consideration in the matter, in the light of the relevant provisions of the MMDR Act and the Rules made thereunder vis a vis the Code of Criminal Procedure and the Penal Code, and the law laid down by this Court in the cases referred to hereinabove and for the reasons stated hereinabove, our conclusions are as under:

i) that the learned Magistrate can in exercise of powers under Section 156(3) of the Code order/direct

the concerned Incharge/ SHO of the police station to lodge/register crime case/FIR even for the offences under the MMDR Act and the Rules made thereunder and at this stage the bar under Section 22 of the MMDR Act shall not be attracted;

ii) the bar under Section 22 of the MMDR Act shall be attracted only when the learned Magistrate takes cognizance of the offences under the MMDR Act and Rules made thereunder and orders issuance of process/summons for the offences under the MMDR Act and Rules made thereunder;

iii) for commission of the offence under the IPC, on receipt of the police report, the Magistrate having jurisdiction can take cognizance of the said offence without awaiting the receipt of complaint that may be filed by the authorised officer for taking cognizance in respect of violation of various provisions of the MMDR Act and Rules made thereunder; and

iv) that in respect of violation of various provisions of the MMDR Act and the Rules made thereunder, when a Magistrate passes an order under Section 156(3) of the Code and directs the concerned Incharge/ SHO of the police station to register/lodge the crime case/FIR in respect of the violation of various provisions of the Act and Rules made thereunder and thereafter after investigation the concerned Incharge of the police station/investigating officer submits a report, the same can be sent to the concerned Magistrate as well as to the concerned authorised officer as mentioned in Section 22 of the MMDR Act and thereafter the concerned authorised officer may file the complaint before the learned Magistrate along with the report submitted by the concerned investigating officer and thereafter it will be open for the learned Magistrate to take cognizance after following due procedure, issue process/summons in respect of the violations of the various provisions of the MMDR Act and Rules made thereunder and at that stage it can be said that cognizance has been taken by the learned Magistrate.

v) in a case where the violator is permitted to compound the offences on payment of penalty as per sub-section 1 of Section 23A, considering subsection 2 of Section 23A of the MMDR Act, there shall not be any proceedings or further proceedings against the offender in respect of the offences punishable under the MMDR Act or any rule made thereunder so compounded. However, the bar under subsection 2 of Section 23A shall not affect any proceedings for the offences under the IPC, such as, Sections 379 and 414 IPC and the same shall be proceeded with further."

44. The settled position of law which emerges is that in a case where

there is a theft of sand and gravels from the river bed, the police can register a case, investigate the same and submit a final report under Section 173 of the Cr.P.C. before a Magistrate having jurisdiction for the purpose of taking cognizance as provided in section 190 (1)(d) of the Cr.P.C. It may be observed here that the Parliament has made offence punishable under Section 21 of the MMDR Act cognizable only for the purpose to enable the Police to register FIR and investigate the same. Arrest and custodial interrogation of the offenders may be mandatorily required in cases of illegal mining and/or illegal transportation of illegally mined minor mineral for ascertaining the place of illegal mining, seizure of the mined mineral, tools, equipment, vehicles used and other persons involved in the commission of the offences. No doubt the Mining Officer is authorized to file complaint under Section 22 of the MMDR Act but due to having no power to arrest and interrogate the offenders, the Mining Officer may not be able to collect the factual information and legal evidence to fasten criminal liability to the accused complained against. For the commission of offence punishable under Section 379 of the IPC, on receipt of the police report, the Magistrate having jurisdiction can take cognizance of the said offence without awaiting the receipt of complaint that may be filed by the authorised officer for taking cognizance in respect of violation of various provisions of the MMDR Act. For the commission of offence under Section 21 of the MMDR Act the Magistrate having jurisdiction can take cognizance of the said offence on the basis of complaint that may be filed by the authorized officer in respect of violation of various provisions of the MMDR Act along with the report under Section 173 (2) of the Cr.P.C. filed by the Police.

45. In EMGSM 2020 detailed guidelines have been incorporated for effectively dealing with cases of illegal mining and guidance has been provided for taking action against illegal excavation and transport. The

relevant of the same reads as under:-

"9.6 Actions against illegal excavation and transport

Solapur district administration in Maharashtra had adopted a multi-pronged strategy to penalize the persons involved in illegal excavation and transport which resulted in a significant increase in revenue earned by the state. Following rules and procedures as mentioned in these guidelines will add to the costs of PP. Those involved in illegal activities are not required to bear these costs and this will make their supply in the market cheaper (though illegal). This will put the players running their business by following rules and procedures laid down by the government to disadvantage as far as the selling price is considered. Therefore, it is necessary to come down heavily on those involved in illegal excavation/transport, so that there is no incentive for players to abide by the rules.

The following action may be taken to achieve this deterrence against illegal business:

1. *The action should be taken under all legal options available simultaneously. Thus, after identifying the case of illegal excavation, storage and/or transport of minor minerals (including sand), fine should be levied as per the land revenue laws/code(s) of the state. In addition, FIR should be lodged in the police station under relevant sections of law including sec 379 IPC. In addition, action under the Motor Vehicle Act, 1989 and relevant rules should initiate to cancel/suspend the driving license of the driver and permit of the vehicle. Further, action should be initiated under provisions in the Income Tax Act, 1961 for unaccounted income and under the Central Goods and Services Act, 2017 for non- payment of GST. (Earlier this was done under the state act pertaining to Value Added Tax/Sales Tax). Habitual offenders should also be taken up under local state laws for externment and/or preventive action. It is clarified that as per law, it is possible to take all actions under various laws simultaneously for one offence. What is prohibited in law is an action under the same law for the same act more than once.*

2. *The action should be taken against all persons responsible. Often, there is a tendency to penalize only the drivers of the vehicles. The mafia of illegal mining and transport is much bigger and drivers are only one part of the system. It is necessary to identify all those involved in the offence. It is usually not possible to reach the place of excavation without creating a motorable pathway up to the same through land which may be private land. Such role of such landowners needs to be looked into for each offence and proceeded against simultaneously. Further, the role of vehicle owners needs to be probed. Role of the person who allowed his land to be used for illegal excavation and storage should also be examined. Lastly, the person who purchases such sand should also be probed. The legal proceedings stated*

above needs to be initiated against all of these together. An attempt should be made to fix the financial responsibility in joint and several ways so that recovery is easier.

3. There may be discretion available in law about the extent of the penalty to be levied. If such discretion is very wide, then it is advisable that guidelines may be laid down to reduce such discretion in law for levying penalties. For example, in Maharashtra, Land Revenue Code, fine of any amount of penalty up to thrice the value of the sand can be levied. Solapur district administration had instructed Tahsildars and SDMs not to use discretion and levy the fine of three times the value. Availability of discretion makes junior level functionaries susceptible to pressures and it may also lead to corrupt practices.

4. It is emphasized that actions, as stated above, are most important to ensure that the IT-based system works. If these exemplary actions are not taken against everyone, it shall create a strong disincentive to those involved in legal excavation and transportation. For IT-based (or any other) legal system to work, it is necessary to ensure that illegal system stops working altogether."

46. In OA 360 of 2015 titled as National Green Tribunal Bar Association Vs. Virender Singh (State of Gujarat) this Tribunal in its order dated 26.02.2021 emphasized the measures to deal with the menace of illegal mining. The closing paragraphs containing the directions are reproduced below:-

"Enforcement of Monitoring Mechanism and review by the Chief Secretary at State level and Secretary MoEF&CC at National level

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.

Publication of Annual Reports

29. We further direct all the States/UTs to publish their annual reports on the subject and such annual reports may be furnished to MoEF&CC by 30th April every year giving status till 31st March. First such report as on 31.03.2022 may be filed with the MoEF&CC by all the States/UTs on or before 30.04.2022. The report may also be simultaneously posted on the website of the Environment Department of the States/UTs. Based on such reports, MoEF&CC may consider supplementing its Guidelines from time to time. The MoEF&CC may prepare a consolidated report considering the reports from the States/UTs and publish its own report on the subject, preferably by 31st May every year.

Interaction at National Level

30. We direct the Secretary MoEF to convene a meeting in coordination with the CPCB and Mining and Jalshakti Ministries of Central Government and such other experts/individuals at National level and representatives of States within three months for interaction on the subject which may be followed by such meetings being convened by the Chief Secretaries in all States in next three months. Holding of such

meetings will provide clarity on enforcement strategies and help protection of environment."

Failure to comply with award, order, decision of this Tribunal constitutes an offence.

47. Section 25 of the National Green Tribunal Act, 2010 provides that an award or order or decision of the Tribunal under the above said act shall be executable by this Tribunal as a decree of a civil court and for this purpose this Tribunal shall have all the powers of a civil court. Sections 37 to 40 and Order 21 and Rules 37 to 40 of the Code of Civil Procedure, 1908 empowers the Civil Court to execute its decree by arrest and detention of the Judgment debtor in the civil prison. This Tribunal is also empowered by these statutory provisions to execute its award/order/decision by arrest and detention of the defaulters in civil prison besides other coercive methods.

48. Section 26 of the National Green Tribunal Act, 2010 visits the failure to comply with orders of this Tribunal with penal consequences and the same reads as under: -

"26 Penalty for failure to comply with orders of Tribunal.

- (1) Whoever, fails to comply with any order or award or decision of the Tribunal under this Act, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten crore rupees, or with both and in case the failure or contravention continues, with additional fine which may extend to twenty-five thousand rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention: Provided that in case a company fails to comply with any order or award or a decision of the Tribunal under this Act, such company shall be punishable with fine which may extend to twenty-five crore rupees, and in case the failure or contravention continues, with additional fine which may extend to one lakh rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under this Act shall be deemed to be non-cognizable within the meaning of the said Code"

49. It may also be observed here that the Parliament while enacting the

National Green Tribunal Act, 2010 contemplated the situations where the failure to comply with any order/award/decision of this Tribunal may be by a Department of the Government and in such an eventuality made provision in Section 28 of the National Green Tribunal Act, 2010 for punishment of the Head of the Department which reads as under:-

“28 Offences by Government Department. - (1) *Where any Department of the Government fails to comply with any order or award or decision of the Tribunal under this Act, the Head of the Department shall be deemed to be guilty of such failure and shall be liable to be proceeded against for having committed an offence under this Act and punished accordingly; Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.*

(2) *Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.*

50. However, the offence punishable under Section 26 of the National Green Tribunal Act, 2010 has been made non-cognizable and Section 30 of the National Green Tribunal Act, 2010 which provides for cognizance of offences reads as under:-

“30 Cognizance of offences. - (1) *No court shall take cognizance of any offence under this Act except on a complaint made by-*

(a) *the Central Government or any authority or officer authorised in this behalf by that Government; or*

(b) *any person who has given notice of not less than sixty days in such manner as may be prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.*

(2) *No court inferior to that of a Metropolitan Magistrate or, a Judicial Magistrate of the first class shall try any offence punishable under this Act.”*

51. On a cursory reading of the provisions of Section 30 of the National

Green Tribunal Act, 2010 one may gather the impression that in cases where this Tribunal passes order/award/decision by taking cognizance *suo motu* without there being any complainant the matter of prosecution of defaulters has been left entirely to the Central Government or authority/officers authorised by the Central Government but even in such cases this Tribunal can order prosecution of the defaulters and on an analogy to clause (b) of Section 30 of the National Green Tribunal Act, 2010, copy of order served on the concerned Authority/Officers authorised by the Central Government shall be liable to be treated as notice for filing of such complaint and in case of failure to file complaint against the defaulters within sixty days, the Registrar of this Tribunal will be entitled to file such complaints against the defaulters in view of clause (b) of Section 30 of the National Green Tribunal Act, 2010.

52. Even though the serious violations revealed by the affidavits filed in the present case warrant an order for prosecution of the concerned officers, but instead of having recourse to said remedy we consider it appropriate to impress and direct upon the concerned Officers/Authorities to take requisite action for protection and improvement of the environment. However, we also consider it appropriate to forewarn that in case such state of affairs of non-compliance with environments laws/norms continues, we shall be constrained to order prosecution of the concerned Officers besides the concerned Project Proponent and also to execute order/award/decision of this Tribunal by arrest and detention of the defaulting Officers.

53. In view of above discussion, CPCB and MoEF & CC are directed to look into the matter of categorization of Excavation of sand from the River Bed (excluding manual excavation) in red or orange category and issue appropriate Notification clarifying categorization thereof as red or orange category within a period of two months from the date of receipt of

a copy of this order. Till issuance of such Notification, river sand mining shall continue to be treated to fall in red category. However in whichever category- red or orange excavation of sand from the River Bed (excluding manual excavation) is so notified to fall, it shall be mandatory for all the Project Proponents to obtain CTE/CTOs from concerned SPCB/PCC and with effect from 01.09.2023 no river sand mining will be allowed to continue to operate in the entire India without obtaining consents from concerned SPCB/PCC and all the concerned Directors, Geology and Mining Department, the District Magistrates and the Commissioners/Superintendents of Police of the concerned Districts shall ensure that no such mining is continued/operative without obtaining CTE/CTO from concerned SPCB/PCC. MOEF&CC is also directed to issue appropriate guidelines/OM within a period of two months from the date of receipt of a copy of this order for ensuring that the requirement of obtaining CTE/CTO from concerned SPCB/PCC is uniformly made applicable to all the river bed sand mining projects throughout India.

54. Affidavit in this regard be filed by respondent no. 1-MoEF & CC on or before 15.09.2023 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.

55. Cases have come to the notice of this Tribunal in which short term permits for sand mining in river bed/agricultural land have been issued by the District Magistrate in the State of U.P. without environmental clearance by SEIAA in violation of direction given by the Hon'ble Supreme Court in Deepak Kumar's case (Supra) and this Tribunal and therefore the Director, Geology and Mining Department, Uttar Pradesh is directed to ensure no such short term permits are issued without EC and strict compliance with statutory provisions, SSMG, 2016 and EMGSM, 2020,

Environment Protection Act, 2016 environmental clearance/consent conditions and directions given by the Hon'ble Supreme Court and this Tribunal is made by all the Project Proponents and to take action against all the Project Proponents who have not complied with the same. The UPPCB is directed to periodically inspect all mining lease sites in the State of Uttar Pradesh and monitor mining activities for verifying status regarding compliance with statutory provisions, SSMG-2016, EMGSM-2020, Environment Act, 2016 and directions given by Hon'ble Supreme Court and this Tribunal and take appropriate remedial action.

56. The Director, Geology and Mining Department, U.P. and UPPCB is also directed to take appropriate action against Respondent No. 2 – the Project Proponent for violation of SSMG, 2016, EMGSM, 2020 and environmental clearance conditions.

57. The Director, Geology and Mining Department, U.P. and Member Secretary, UPPCB are also directed to file Compliance Reports regarding compliance with above referred aspects/directions as well as status report regarding action taken against the Project Proponent on or before 15.09.2023 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.

58. UPPCB has filed interim application no. 592/2023 stating that UPPCB is unable to pay the honorarium and expenses to the amicus curie from the concerned fund and the same may be directed to be spent from environmental compensation fund.

59. We have heard the learned counsel and gone through the relevant record.

60. The case involves the questions relating to environment arising out of the implementation of the enactments specified in Schedule I of the National Green Tribunal Act, 2010 in the State of Uttar Pradesh. Vide order dated 26.04.2023, Mr. Raj Panjwani, Senior Advocate was

appointed as *amicus curie* to assist this Tribunal in just and fair adjudication of environmental questions involved in the case. In the facts and circumstances of the case we consider it to be appropriate that honorarium and expenses payable to the *amicus curie* be paid out of environmental compensation deposited with UPPCB as such appointment of *amicus curie* is meant to serve ultimately the cause of protection of environment.

61. In view of the above, **interim application no. 592/2023 is disposed of** with the direction that honorarium and expenses be paid to the *amicus curie* by UPPCB out of amount/funds of environmental compensation deposited with UPPCB.

62. List for further consideration on 25.09.2023.

63. A copy of this order be forwarded by email to the applicant and learned Amicus Curiae for information and to the Secretary, MoEF & CC, Chief Secretary, Government of Uttar Pradesh, Member Secretary, CPCB, Member Secretary, UPPCB, Director, Geology and Mining Department, Uttar Pradesh and District Magistrate, Kanpur Nagar for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 30, 2023

AG

ANNEXURE-06

Item No. 2

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.176/2022

I.A No. 39/2023, I.A No. 40/2023

Aman Chaudhary

...Applicant

Versus

Union of India & Ors.

...Respondents

Date of hearing: 17.10.2023

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

Applicant: None.

Respondents: Mr. Somesh Chandra Jha and Mr. Amartya A. Sharau,
Advocates for Respondent No. 1.
Ms. Pushpila Bisht, Ms. Pallavi Pratap and Ms. Muskan
Jain, Advocates for Respondent No. 2.
Mr. Saurabh Balwani, Advocate for Respondent No. 3.
Mr. Pradeep Misra, Advocate for Respondent No. 4
with Mr. Ajay Kumar Sharma, Member Secretary, UPPCB
(through VC).
Mr. Mukesh Verma, Advocate for Respondent No. 6.
Mr. Raj Panjwani, Amicus Curiae.
None for respondent no. 5.

**Application under Sections 14, 15 and 18 (1) of the National Green
Tribunal Act, 2010.****ORDER**

1. Vide order dated 30.05.2023 this Tribunal directed CPCB and MoEF & CC to look into the matter of categorization of Excavation of sand from the River Bed (excluding manual excavation) in red or orange category and issue appropriate Notification clarifying categorization thereof as red or orange category within a period of two months from the date of receipt of a copy of the order. This Tribunal also held that in whichever category- red or orange

excavation of sand from the River Bed (excluding manual excavation) is so notified to fall, it shall be mandatory for all the Project Proponents to obtain CTE/CTOs from concerned SPCB/PCC and with effect from 01.09.2023 no river sand mining will be allowed to continue to operate in the entire India without obtaining consents from concerned SPCB/PCC and all the concerned Directors, Geology and Mining Department, the District Magistrates and the Commissioners /Superintendents of Police of the concerned Districts shall ensure that no such mining is continued/operative without obtaining CTE/CTO from concerned SPCB/PCC. MOEF&CC was also directed to issue appropriate guidelines/OM within a period of two months from the date of receipt of a copy of this order for ensuring that the requirement of obtaining CTE/CTO from concerned SPCB/PCC is uniformly made applicable to all the river bed sand mining projects throughout India. Respondent no. 1-MoEF & CC was directed to file affidavit in this regard on or before 15.09.2023.

2. In compliance of order dated 30.05.2023 additional affidavit has been filed by respondent no.1-Union of India (MoEF & CC) vide email dated 05.10.2023. The relevant part of additional affidavit filed by respondent no.1-Union of India (MoEF & CC) reads as under

"Additional Affidavit on behalf of the Ministry of Environment, Forest and Climate Change (Respondent no.1).

X X X X
 3. It is submitted that the Central Pollution Control Board has earlier issued directions to all the State Pollution Control Board(s)/Pollution Control Committee (s) u/s 18(1)(6) of the Air and Water Act on 07.03.2016, regarding 'Harmonization of classification of industrial sectors under Red/Orange/Green/White categories', wherein CPCB has categorized 242 industrial sectors into red, orange, green & white categories and directed all SPCBs/PCCs for its adoption and implementation.

4. In compliance to the order dated 30.05.2023 passed by the

Hon'ble Tribunal, Central Pollution Control Board vide letter dated 22.09.2023 has further, Categorized 'Sand/riverbed material mining from riverbed and its flood plains (excluding manual excavation)'. The CPCB has also directed the SPCBs/PCCs to adopt and implement the same and submit the action taken report within 15 days. A copy of the letter dated 22.09.2023 is marked and annexed herewith as annexure-R1/1."

3. In its additional affidavit, respondent no.1-MoEF & CC has not mentioned regarding issuance of O.M. by it as directed by order dated 30.05.2023 and respondent no. 1-MoEF & CC is directed to file additional affidavit regarding compliance in respect of issuance of O.M. in terms of order dated 30.05.2023. Additional affidavit by respondent no. 1-MoEF & CC be filed within one month 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.

4. Respondent no. 3-CPCB is directed to compile information on the basis of action taken reports received from the SPCBs/PCCs in response to its letter dated 22.09.2023 and file compiled status report within one month 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. Vide order dated 30.05.2023, the Director, Geology and Mining Department, Uttar Pradesh was directed to ensure that no short term permits are issued without EC and strict compliance with statutory provisions, SSMG, 2016 and EMGSM, 2020, Environment Protection Act, 2016 environmental clearance/consent conditions and directions given by the Hon'ble Supreme Court and this Tribunal is made by all the Project Proponents and to take action against all the Project Proponents who have not complied with the same. The UPPCB was directed to periodically inspect all mining lease sites in the State of Uttar Pradesh and monitor mining

activities for verifying status regarding compliance with statutory provisions, SSMG-2016, EMGSM2020, Environment Act, 2016 and directions given by Hon'ble Supreme Court and this Tribunal and take appropriate remedial action. The Director, Geology and Mining Department, U.P. and UPPCB were also directed to take appropriate action against Respondent No. 2 – the Project Proponent for violation of SSMG, 2016, EMGSM, 2020 and environmental clearance conditions. The Director, Geology and Mining Department, U.P. and Member Secretary, UPPCB were also directed to file Compliance Reports regarding compliance with above referred aspects/directions as well as status report regarding action taken against the Project Proponent on or before 15.09.2023.

6. Action taken report has been filed by UPPCB vide email dated 14.10.2023. The relevant part of the action taken report reads as under:-

“Compliance Report along with Action Taken Against Respondent No. 2 on behalf of UPPCB in compliance to the order dated 30.05.2023 passed by the Hon'ble NGT, New Delhi in Original Application No. 176 of 2022 In Re: Aman Chaudhary Vs. Union of India and Others

X X X X

> Action Taken Against Respondent No. 2

1. That in compliance to the directions passed by the Hon'ble NGT, it is submitted that UPPCB has imposed Environmental Compensation amounting Rs. 4,29,37,500/- vide letter dated 02.09.2022 for carrying out the mining activities for 1145 days without obtaining Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

2. That the aforesaid levy of Environmental Compensation was opposed by the Project Proponent by filing Writ Petition No. 6812 of 2022 before the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow and Hon'ble High Court vide order dated 30.09.2022 set aside the order of imposition of Environmental Compensation due to not affording opportunity of hearing to the Project Proponent prior to imposition of Environmental Compensation.

3. That thereafter, in compliance to the order passed by the Hon'ble High Court, UPPCB has issued show cause notice dated 02.12.2022 thereby calling upon the Project Proponent for

imposition of compensation of Rs. 4,29,37,500/- due to mining without obtaining Consent to Operate from the answering Respondent and Show cause notice was received by the Project Proponent on 21.12.2022.

4. That in response to the aforesaid show cause notice UPPCB has received a reply dated 03.01.2023 from Project Proponent. After reviewing the reply and recommendation of Regional Officer, Kanpur Nagar, Environmental Compensation of Rs. 4,29,37,500/- has been imposed against the unit on 30.01.2023.

5. That it is submitted that SEIAA, U.P. vide letter no. 174/Parya/SEAC/4026/2017 dated 12.08.2018 has issued Environmental Clearance to M/s Vaishnavi Enterprises Proprietor Shri Nagendra Singh R/o 113 MIG-2, Mahabalipuram, Kalyanpur, Kanpur Nagar for ordinary sand mining of 2,10,000 Cubic meter/year at Gata No. 2Mi, Village-Katari, Sunaudha, Tehsil-Bilhaur, Kanpur Nagar in 10.5 hectare Lease Area, for the period of 5 years. Regional Officer, U.P. Pollution Control Board, Kanpur Nagar vide his letter dated 22.09.2023 has informed that as per the letter dated 11.04.2023 sent by District Mining Officer, Kanpur Nagar, the mining activity has been restricted on 20.12.2022 and at present no mining activity is being done at Gata No. 2Mi, Village-Katari, Sunaudha, Tehsil-Bilhaur, Kanpur Nagar.

> In compliance of the Hon'ble NGT order dated 30.05.2023 in aforesaid case the details as desired by Hon'ble NGT regarding the status of Mining Leases and action against defaulter units etc. is being annexed herewith and marked as Annexure No-1 to this report."

7. Consolidated status of mining leases in U.P. (As per UPPCB records) in the matter of O.A No. 176/2022 title as Aman Chaudhary Vs. State of U.P. & Ors. reads as under:-

"Consolidated status of mining leases in UP (As per UPPCB records) in the matter of O.A No. 176/2022 title as Aman Chaudhary Vs. State of UP & Ors.

- > Total Number of Mining Leases (As per the information received by concerned Regional officer from the District Mining Officer) : 1232
- > Total No. of CTO Granted to Mining Leases : 445
- > Total No. of CTO Rejected of Mining Leases : 30
- > Total No. of CTO pending of Mining Leases : 02
- > Total No. of Mining Leases which have not applied for CTO : 755
- > Total Number of Cases Carrying Out Mining without Grant of CTO by UPPCB : 550
- > Total No. of E.C. issued by SEIAA to Mining Leases : 1232
- > Total Number of Cases in which Environmental Compensation has been Imposed on Mining Units : 623;

- *Total Number of Cases in which Show Cause for Environmental Compensation has been revoked on Mining Units: 29*
- *Total Amount of Environmental Compensation has been Imposed on Mining Units : Rs. 831734132.00 /-*
- *Total Number of Cases in which Environmental Compensation has been Recovered/Realized from Mining Units : 05*
- *Total Amount of Environmental Compensation that has been Recovered/Realized from Mining Units: Rs. 5370000/-*
- *Total Number of Cases in which Recovery of Environmental Compensation is Pending from Mining Units : 618 (in Which 10 Units have taken stay from Hon'ble Supreme Court)."*

8. A perusal of the above quoted consolidated status statement shows that UPPCB has adopted self-contradictory approach as UPPCB has not issued show cause notices to all the mining lease holders who have not obtained CTE/CTO from UPPCB and has not imposed environmental compensation in all cases, has not issued closure orders and has not taken effective proceedings for realization of environmental compensation imposed which remains unrealized except the amount of Rs. 53,70,000/- which has been realized but even the amount realized remains unutilized for restoration of environment.

9. UPPCB is directed to verify the status of all the mining lease holders in the State of Uttar Pradesh and file additional status report mentioning the compliance status of all the mining lease holders before this Tribunal 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 and to upload the same on its website within one month from the date of receipt of a copy of this order.

10. In its reply UPPCB has mentioned that UPPCB has imposed Environmental Compensation amounting Rs. 4,29,37,500/- vide letter dated 02.09.2022 for carrying out the mining activities for 1145 days without

obtaining Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

11. Learned Counsel for respondent no. 2 seeks time to file reply/response.

12. Reply/response by respondent no. 2 be filed within one month 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.

13. Written request for adjournment has been filed on behalf of the Director Geology and Mining Department, Uttar Pradesh and in view of the reasons mentioned therein request for adjournment is allowed.

14. The Director Geology and Mining Department, Uttar Pradesh is directed to file compliance report regarding compliance with aspects as directed in order dated 30.05.2023 within one month 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.

15. The Director Geology and Mining Department, Uttar Pradesh, the District Magistrates and the Superintendent of Police in the State of Uttar Pradesh are directed to ensure that no mining is allowed to commence or continue without obtaining of CTE/CTO from UPPCB as the case may be which fact has to be verified by them with reference to the information uploaded by UPPCB on its website from time to time.

16. List for further consideration on 12.12.2023.

17. A copy of this order be sent to the Secretary, MoEF & CC, the Member Secretary, CPCB, the Chief Secretary, Government of Uttar Pradesh, the

Director General of Police, Uttar Pradesh, the Director, Geology and Mining Department, Uttar Pradesh and the Member Secretary, UPPCB by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 17, 2023

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उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड UTTAR PRADESH POLLUTION CONTROL BOARD

Ref. No: H05469 / सी-2 / एन.जी.टी.-08 / सी.टी.ओ. / 2024

Dated: 10-01-2024

Shri Ajay Kumar Singh S/o Late Shri Onkar Nath Singh, R/o-18/183, Ayappa Temple, Sector-1, Obra, Tehsil-Obra, Distt-Sonbhadra (U.P.), Proposed for "Billi Markundi Building Stone Gitty/Boulders Dolostone Mining Project (Khand-4)" at Gate no./ Arazi No. 7536 Ga. Mi, near Village - Billi Markundi, Taluka: Obra, District: Sonbhadra, Uttar Pradesh, Area - 4.0 ha

यह कि Shri Ajay Kumar Singh S/o Late Shri Onkar Nath Singh, R/o-18/183, Ayappa Temple, Sector-1, Obra, Tehsil-Obra, Distt-Sonbhadra (U.P.), Proposed for "Billi Markundi Building Stone Gitty/Boulders Dolostone Mining Project (Khand-4)" at Gate no./ Arazi No. 7536 Ga. Mi, near Village - Billi Markundi, Taluka: Obra, District: Sonbhadra, Uttar Pradesh, Area - 4.0 ha जिसे आगे इकाई कहा जायेगा। उपरोक्त वर्णित स्थल पर इकाई द्वारा खनन का कार्य किया जाता है। जिसके लिये राज्य बोर्ड से जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-25 एवं वायु प्रदूषण निवारण तथा नियंत्रण अधिनियम, 1981 की धारा-21 के अन्तर्गत सी.टी.ई./सी.टी.ओ. प्राप्त किया जाना अनिवार्य है।

यह कि माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ०ए० संख्या 176/2022 अनन घोषरी बनाम यूनियन ऑफ इण्डिया एवं अन्य में पारित आदेश दिनांक 17.10.2023 के सुसंगत अंश निम्नवत् है-

— 15 The Director Geology and Mining Department, Uttar Pradesh, the District Magistrates and the Superintendent of Police in the State of Uttar Pradesh are directed to ensure that no mining is allowed to commence or continue without obtaining of CTE/CTO from UPPCB as the case may be which fact has to be verified by them with reference to the information uploaded by UPPCB on its website from time to time. —

यह कि मा० एन.जी.टी. द्वारा पारित उपरोक्त आदेश के अनुपालन में राज्य बोर्ड के पत्र दिनांक 20.10.2023 के माध्यम से आपके खनन पट्टे के विरुद्ध वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा-31ए के अन्तर्गत कारण बताओ नोटिस निर्गत किया गया था। उक्त संदर्भित कारण बताओ नोटिस दिनांक 20.10.2023 में दी गयी अवधि व्यतीत हो जाने के उपरान्त भी इकाई द्वारा उक्त संदर्भित कारण बताओ नोटिस का कोई प्रतिउत्तर नहीं दिया गया और न ही राज्य बोर्ड से जल एवं वायु अधिनियम के अन्तर्गत सी.टी.ई./सी.टी.ओ. प्राप्त किये जाने के संबंध में निवेश मित्र पोर्टल पर आवेदन किया गया है। इकाई का उक्त कृत्य जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-25 एवं वायु प्रदूषण निवारण तथा नियंत्रण अधिनियम, 1981 की धारा-21 का उल्लंघन है। उक्त के दृष्टिगत जनहित एवं जन स्वास्थ्य को ध्यान में रखते हुये यह आवश्यक है कि आपकी इकाई के संचालन को रोका जाये।

अतः उपरोक्त वर्णित तथ्यों के परिप्रेक्ष्य में वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा-31ए के अन्तर्गत प्राप्त शक्तियों का प्रयोग करते हुये सक्षम अधिकारी के अनुमोदनोपरान्त आपकी इकाई के विरुद्ध निम्न बन्दी आदेश निर्गत किये जाते हैं-

1. आपकी इकाई के समस्त उत्पादन/संचालन प्रक्रिया को तत्काल प्रभाव से बन्द किया जाता है।
2. सक्षम अधिकारियों से यह अपेक्षा की जाती है कि यह आपकी इकाई को मिलने वाली खनन अनुज्ञा/पट्टा तथा पर्यावरणीय स्वीकृति को तत्काल प्रभाव से निरस्त कर दें।

सक्षम अधिकारों के अनुमोदनोपरान्त पत्र निर्गमन हेतु अधिकृत।

मुख्य पर्यावरण अधिकारी
(पृष्ठ-2)

प्रतिलिपि: निम्नलिखित को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. निदेशक, भू-तत्व एवं खनिकर्म निदेशालय, उत्तर प्रदेश, खनिज भवन, लखनऊ।
2. सक्षम सचिव, राज्य पर्यावरण प्रभाव आकलन प्राधिकरण, पर्यावरण निदेशालय, विनित खण्ड, गोमती नगर, लखनऊ।
3. जिलाधिकारी, सोनभद्र।
4. पुलिस अधीक्षक/वरिष्ठ पुलिस अधीक्षक/पुलिस आयुक्त सोनभद्र।
5. जिला खान अधिकारी, सोनभद्र।
6. मुख्य पर्यावरण अधिकारी, नोडल आई.टी., उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
7. क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, सोनभद्र।

मुख्य पर्यावरण अधिकारी
(पृष्ठ-2)

ANNEXURE-08

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-2)
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड,
लखनऊ, उत्तर प्रदेश।

प्रेषक,

मे० श्रीराम एसोसिएट्स,
पार्टनर श्री अजय कुमार सिंह पुत्र स्व० ओंकारनाथ सिंह,
निवासी 18/188, अयप्पा मन्दिर, सेक्टर 8
तहसील ओबरा, थाना ओबरा, जनपद-सोनभद्र 231219 (उ०प्र०)।
मो०नं०-6392014712

विषय- सन्दर्भ संख्या H05469/सी०-2/एन०जी०टी०-66/बंदी आदेश/
2024 दिनांक 10.01.2024 के सम्बन्ध में।

महादेय

कृपया अपने कार्यालय के विषयान्तर्गत उल्लिखित आदेश पत्र का सन्दर्भ ग्रहण करने की कृपा करें। उक्त नोटिस पत्र में उल्लेख है कि प्रार्थी फर्म मे० श्रीराम एसोसिएट्स, पा० अजय कुमार सिंह, पता-डाला चढ़ाई, डाला, तहसील ओबरा, जनपद-सोनभद्र के पक्ष में, जनपद-सोनभद्र के तहसील-ओबरा स्थित ग्राम-बिल्ली मारकुण्डी के आराजी संख्या-7536ग मि०, खण्ड-4 रकबा-4.00 हेक्टेयर क्षेत्र पर उपखनिज डोलो स्टोन (गिट्टी/बोल्डर) के स्वीकृत 10 वर्षीय नीलाम खनन पट्टे में उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड से सहमति जल/वायु प्राप्त किये बिना ही खनन कार्य किया जा रहा है, जो कि प्रदूषण निवारण तथा नियंत्रण अधिनियम, 1974 की धारा-25 एवं वायु प्रदूषण निवारण तथा नियंत्रण अधिनियम, 1981 की धारा-21 का उल्लंघन है। उक्त के परिणामस्वरूप प्रार्थी के इकाई के समस्त उत्पादन/संचालन प्रक्रिया को तत्काल प्रभाव प्रभाव से बन्द किये जाने की संस्तुती की गयी है।

उक्त के सम्बन्ध में श्रीमान् जी को सादर सूचित करना है कि प्रार्थी फर्म को उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड से सहमति जल/वायु सन्दर्भ संख्या 167477 /UPPCB/Sonebhadra(UPPCBRO)CTO/both/SONBHADRA/ 2022 Date 18/11/2022 (संलग्न) से प्राप्त है। प्रार्थी की ईकाई द्वारा उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड से सहमति जल/वायु प्राप्त करने के पश्चात् ही खनन कार्य किया जा रहा है।

अतः श्रीमान् जी से निवेदन है कि प्रश्नगत नोटिस पत्र सन्दर्भ संख्या H05469/सी0-2/एन0जी0टी0-66/बंदी आदेश/2024 दिनांक 10.01.2024 को उक्त के आलोक में निक्षेपित करने की कृपा करें। धन्यवाद!

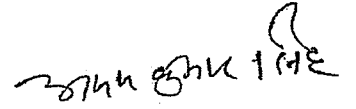
दिनांक- 12/04/2024

संलग्नक- यथोपरि।

प्रतिलिपि - निम्नलिखित को सूचनार्थ प्रेषित।

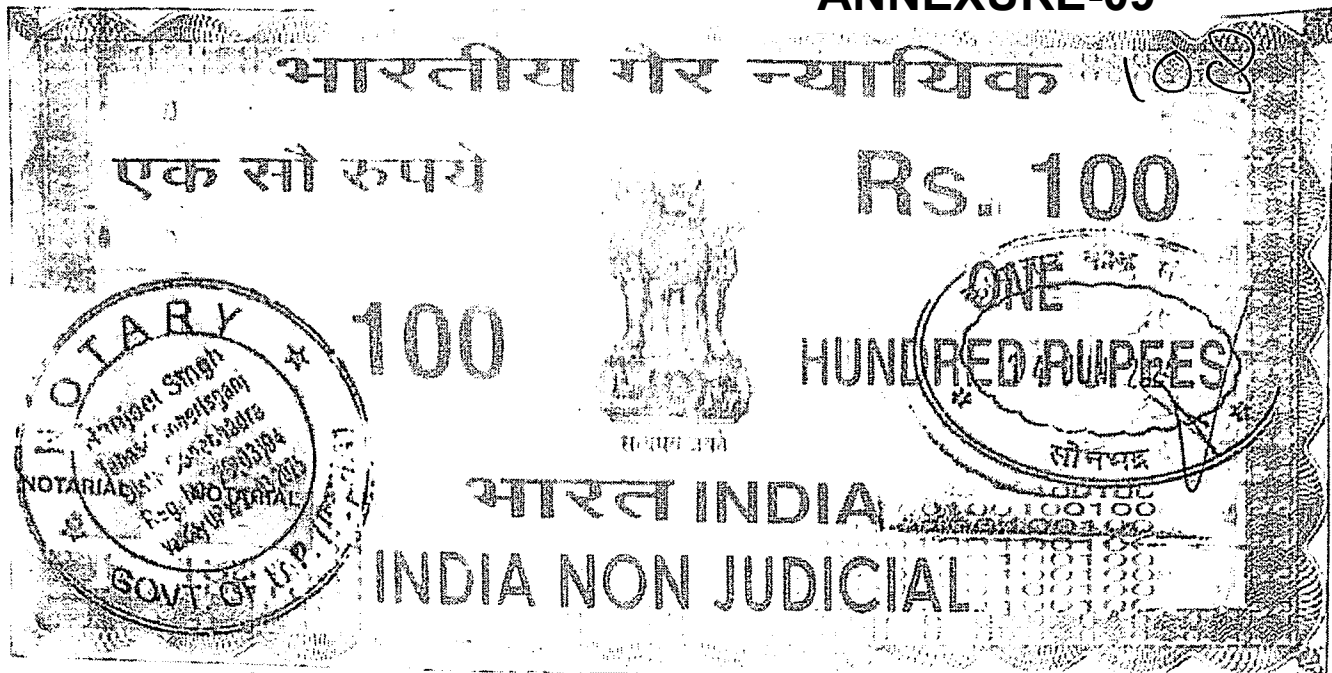
1. निदेशक भूतत्व एवं खनिकर्म निदेशालय, उत्तर प्रदेश खनिज भवन, लखनऊ।
2. सदस्य सचिव, राज्य पर्यावरण प्रभाव आंकलन प्राधिकरण, पर्यावरण निदेशालय, विनित खण्ड, गोमती नगर लखनऊ।
3. जिलाधिकारी महोदय, सोनभद्र।
4. पुलिस अधिक्षक/वरिष्ठ पुलिस अधिक्षक/पुलिस आयुक्त सोनभद्र।
5. जिला खान अधिकारी, सोनभद्र।
6. मुख्य पर्यावरण अधिकारी, नोडल आई0टी0 उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ।
7. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, सोनभद्र।

भवदीय



(अजय कुमार सिंह)

पा0 मे0 श्रीराम एसोसिएट्स,
निवासी 18/188, अयप्पा मन्दिर, सेक्टर 8
तहसील ओबरा, थाना ओबरा,
जनपद-सोनभद्र 231219 (उ0प्र0)।
मो0नं0-6392014712



उत्तर प्रदेश UTTAR PRADESH
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GT 012073

Ranjeet Singh
 Notary, Sonbhadra

शपथ-पत्र
 सगंध
 क्षेत्रीय अधिकारी महोदय
 उ०प्र० प्रदूषण नियंत्रण बोर्ड, सोनभद्र।

विषय:- बंदी आदेश दिनांक-10.01.2024 निरस्त किये जाने के संबंध में।

मैं अजय कुमार सिंह पुत्र स्व० ओंकारनाथ सिंह निवासी 18/188, अयप्पा मन्दिर, सेक्टर-8, ओबरा (उ०प्र०) का निवासी हूँ। मैं मेसर्स श्रीराम एसोसिएट्स (डोलो स्टोन माइनिंग प्रोजेक्ट खण्ड-4), आराजी नं० 7536 ग मि., रकबा-4.0 हेक्टेयर, ग्राम-बिल्ली मारकुण्डी, तहसील-ओबरा, जनपद सोनभद्र का पार्टनर हूँ। उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ के संदर्भ संख्या-एच०५४६९/सी-२/एन०जी०टी०-६६/बंदी आदेश/२०२४ दिनांक-१०.०१.२०२४ द्वारा माइनिंग प्रोजेक्ट को बंदी आदेश निर्गत किया गया है। निर्गत बंदी आदेश में कहा गया है कि राज्य बोर्ड से जल(प्रदूषण निवारण तथा नियंत्रण) अधिनियम, १९७४ की धारा-२५ एवं वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, १९८१ की धारा-२१ के अन्तर्गत सी०टी०ई०/सी०टी०ओ० प्राप्त किया जाना अनिवार्य है।

यह कि मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ०ए० संख्या-१७६/२०२२ अमन चौधरी बनाम यूनियन ऑफ इण्डिया एवं अन्य में पारित आदेश दिनांक-१७.१०.२०२३ के सुसंगत अंश निम्नवत है:-

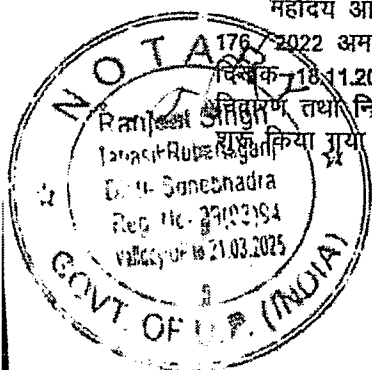
".....15 The Director Geology and Mining Department, Uttar Pradesh, the District Magistrates and the Superintendent of Police in the State of Uttar Pradesh are directed to ensure that no mining is allowed to commence or continue without obtaining off CTE/CTO from UPPCB as the case may be which fact has to be verified by them with reference to the information uploaded by UPPCB on its website from time to time....."

मा० एन०जी०टी० द्वारा पारित उपरोक्त आदेश के अनुपालन में जल(प्रदूषण निवारण तथा नियंत्रण) अधिनियम, १९७४ की धारा-२५ एवं वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, १९८१ की धारा-२१ के अन्तर्गत सी०टी०ओ० प्राप्त किये जाने हेतु निवेश मित्र पोर्टल पर निर्धारित आरम्भिक/नवीनीकरण सहमति शुल्क सहित आवेदन प्रेषित किया गया था। उक्त के अनुक्रम में राज्य बोर्ड के ऑनलाइन संदर्भ संख्या-१६७४७७/UPPCB/ Sonbhadra (UPPCBRO)/CTO/ both/ SONBHADRA/2022 दिनांक-१८.११.२०२२ द्वारा सहमति आदेश जल एवं वायु वर्ष, ३१.१२.२०२६ तक निर्गत किया गया है।

महोदय आपको अवगत कराना है कि मा० एन०जी०टी०, नई दिल्ली में विचाराधीन ओ०ए० संख्या-१७६/२०२२ अमन चौधरी बनाम यूनियन ऑफ इण्डिया एवं अन्य में पारित आदेश दिनांक-१७.१०.२०२३ के पूर्व ही दिनांक-१८.११.२०२२ को जल(प्रदूषण निवारण तथा नियंत्रण) अधिनियम, १९७४ की धारा-२५ एवं वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, १९८१ की धारा-२१ के अन्तर्गत सी०टी०ओ० प्राप्त करने के उपरान्त खनन कार्य शुरु किया गया है (सी०टी०ओ० की प्रति संलग्न)।

कमश:.....२/.....पर

31/11/2024
 [Signature]



(2)

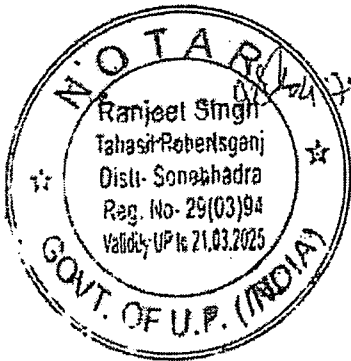
उक्त के दृष्टिगत खनन कार्य प्रतिबन्धित किया जाना औचित्यहीन है। अतः आपसे निवेदन है कि उद्योग को जारी बंदी आदेश दिनांक-10.01.2024 को निरस्त करने की कृपा करें।
मेरे द्वारा उपरोक्त पर दी गयी सूचनाये पूरे होशोहवाश में दी गयी है तथा इसमें कोई तथ्य छिपाया नहीं गया है। ईश्वर मेरी मदद करें।

दिनांक-04.07.2024

ह0 शपथग्राही
अजय कुमार सिंह
(अजय कुमार सिंह)
मे0 श्री राम एसोसिएट्स(डोलो स्टोन माइनिंग प्रोजेक्ट)
खण्ड-4, आराजी नं0 7536 ग मि, रकबा-4.0 हेक्टेयर
सोनभद्र

- प्रतिलिपि:-1. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0, खनिज भवन, लखनऊ।
2. सदस्य-सचिव महोदय, राज्य पर्यावरण प्रभाव आंकलन प्राधिकरण, पर्यावरण निदेशालय, विनीत खण्ड, गोमती नगर, लखनऊ।
3. जिलाधिकारी महोदय, सोनभद्र।
4. पुलिस अधीक्षक/वरिष्ठ पुलिस अधीक्षक/ पुलिस आयुक्त सोनभद्र।
5. जिला खान अधिकारी, नॉडल आई.टी., उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ

(अजय कुमार सिंह)



ANNEXURE-10

To,

Dated: 13.09.2024

The District Magistrate,
District Sonbhadra,
State of Uttar Pradesh.

Subject: Resumption of Mining Operations in Block-4, Khand 7536 Ga Mi, Village Billi Markundi, Tehsil Obra, District Sonbhadra.

Reference: (i) Letter No. H05469/C-2/NGT-66/Closure Order/2024 dated 10.01.2024

(ii) Letter dated 12.02.2024 addressed by undersigned to Chief Environmental Engineer (Circle-2), UPPCB, Lucknow, with a copy to District Magistrate, District Sonbhadra

(iii) Letter dated 04.07.2024 addressed by undersigned to Chief Environmental Engineer (Circle-2), UPPCB, Lucknow, with a copy to District Magistrate, District Sonbhadra

(iv) Original Application No. 592/2024 titled News Item titled "Sonbhadra: Filo Mein Simta UPPCB Ka Vayu Pradyushan Niyamtran, Jaane Poora Mamla" appearing in newstrack.com dated 24.03.2024

(v) Letter No. 1430/Khanij/2024 dated 09.09.2024, issued by Senior Mines Office, Sonbhadra to M/s Sriram Associates

Respected Sir,

- i. The undersigned is the partner of M/s Sriram Associates, in whose favour a mining lease for dolostone mining was granted in respect of Block-4, Khand 7536 Ga Mi, Village Billi Markundi, Tehsil Obra, District Sonbhadra, measuring 4.00 Hectares, with the Lease Agreement being executed on 09.06.2022 and the Environmental Clearance being granted on 03.06.2022. The Consolidated Consent to Operate and Authorization [CCA], under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981, in relation to

the mining lease was issued in favour of M/s Sriram Associates on 18.11.2022, with the duration of the CCA being from 18.11.2022 to 31.12.2026.

2. Vide orders dated 30.05.2023 and 17.10.2023 passed in Original Application No. 176 of 2022, titled Aman Chaudhary vs Union of India & Ors, the Hon'ble National Green Tribunal [NGT] had issued directions to the concerned departments to ensure that no mining is permitted throughout the country without a Consent to Establish/Consent to Operate having been obtained by the mining leaseholder. The said directions have been reiterated by the Hon'ble NGT in several other cases, including in Original Application no. 592/2024, mentioned above in reference (iv), and Original Application no. 393/2022, titled Ashish Kumar Dwivedi vs State of U.P. & Ors.
3. Acting in compliance with the above orders, the UPPCB, in terms of the directions passed by the Hon'ble NGT, conducted an exercise to identify the mining leases operating without a CTO in the State of Uttar Pradesh. However, in the case of M/s Sriram Associates, in the name of purported compliance with the orders of the Hon'ble NGT, the UPPCB has committed a manifest error and caused grave prejudice.
4. Despite M/s Sriram Enterprises having a valid and subsisting CCA, the UPPCB issued a baseless order dated 27.09.2023, directing the undersigned to deposit Environmental Compensation to the tune of Rs. 7,40,000/- for the period from 18.04.2023 to 30.06.2023, for allegedly operating its lease without a CTO. The said letter also made a reference to a Show Cause Notice dated 18.04.2023 issued to the undersigned, which in fact was never received by the undersigned. The undersigned submitted a reply dated 03.11.2023 to the UPPCB in response to the letter dated 27.09.2023, indicating to it that in relation to the mining lease granted over Block-4, Khasra No. 7536 Ga Mi, M/s Sriram Enterprises has been operating with a valid CCA at all times and has

not undertaken any mining without having a CTO. A copy of the CCA granted by the UPPCB was also attached by the undersigned along with its reply dated 03.11.2023.


5. Subsequently, acting with complete non-application of mind, a letter dated 10.01.2024 was received from UPPCB by the undersigned, wherein UPPCB, this time purportedly acting in compliance of order dated 17.10.2023 passed by the Hon'ble NGT in Original Application No. 176 of 2022, directed for closure of the mining lease of the undersigned, again on the ground that the Applicant was operating its lease without a CTO. The letter dated 10.01.2024 issued by UPPCB also made a reference to some Show Cause Notice dated 20.10.2023 issued to the undersigned, which was never received by the undersigned.
6. The undersigned submitted a response dated 12.02.2024 to the UPPCB in response to the letter dated 10.01.2024, again indicating to it that M/s Sriram Associates has been operating with a valid CCA and has undertaken its mining operations only after obtaining the same. A copy of the CCA granted by the UPPCB was again attached by the undersigned along with the reply dated 12.02.2024. Thereafter, no further action was taken by the UPPCB and no further communication was received by the undersigned in respect of UPPCB's letter dated 10.01.2024, which led the undersigned to believe that UPPCB has finally traced its records and realised that M/s Sriram Associates has got a valid and subsisting CTO in relation to its mining lease.
7. However, towards the start of July, 2024, a copy of the same letter dated 10.01.2024 was found pasted on the premises of M/s Sriram Associates, presumably by UPPCB. The undersigned immediately sent a letter dated 04.07.2024, reiterating its submission that the letter dated 10.01.2024, issued by UPPCB, proceeds on a baseless premise and that M/s Sriram Associates had obtained a CTO on 18.11.2022 itself. The

undersigned was thereafter assured that the records shall be checked and the order shall be withdrawn in case some error is found on the part of UPPCB.

8. Recently, on 10.09.2024, a notice was received from the Hon'ble NGT in Original Application No. 592/2024, indicating that the factum of issuance of closure order against M/s Sri Ram Associates [through the undersigned] has been placed before the Hon'ble NGT by UPPCB and certain orders in relation thereto are proposed to be passed by the Hon'ble NGT, before which the Hon'ble NGT has deemed it fit to issue notice to the concerned mining leaseholders, including the undersigned. The undersigned has also been sent a letter dated 09.09.2024 [received in 12.09.2024] by Senior Mines Officer, Sonbhadra, directing that the mining operations in the lease of M/s Sriram Associates shall remain suspended in compliance of orders passed by the Hon'ble NGT in Original Application Nos. 592/2024 and 176 of 2022.
9. The above narration clearly demonstrates that the undersigned is being subjected to unnecessary harassment and inconvenience due to the complete non-application of mind on the part of UPPCB and its steadfast refusal to take corrective action and apprise the various authorities, including the Hon'ble NGT, with the correct facts in relation to the mining lease of the undersigned. Despite being repeatedly informed about the correct factual position, UPPCB has failed to update its records and issue formal orders with regard to the erroneous orders/communications issued by it in relation to the mining lease of the undersigned.
10. In these circumstances, it is kindly requested that your good self may direct the concerned officers of UPPCB to inform your good self about the correct factual position and on the basis of the same, your good self may direct for withdrawal of the patently erroneous

orders/communications issued by the mining department of District Sonbhadra in relation to the mining lease of the undersigned, so that the mining operations on the lease of the undersigned can be resumed at the earliest.

Thanking You.



Yours Sincerely,

[AJAY KUMAR SINGH]
PARTNER
M/S SRIRAM ASSOCIATES
BLOCK-4, KHASRA NO. 7536 GA MI
SONBHADRA.

Enclosures:

1. Copy of Consolidated Consent to Operate and Authorization dated 18.11.2022
2. Copy of Letter dated 27.09.2023, sent by UPPCB.
3. Copy of response dated 03.11.2023, sent by M/s Sriram Associates to UPPCB
4. Copy of letter dated 10.01.2024, sent by UPPCB
5. Copy of response dated 12.02.2024, sent by M/s Sriram Associates to UPPCB
6. Copy of letter dated 04.07.2024, sent by M/s Sriram Associates to UPPCB

Copy to following:

- 1) Senior Mines Officer, Sonbhadra
- 2) Regional Officer, UPPCB, District Sonbhadra



Uttar Pradesh Pollution Control Board

Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone 0522-2720828,2720831, Fax 0522-2720764, Email info@uppcb.in, Website www.uppcb.com

167477/UPPCB/Sonebhadra(UPPCBRO)/CTO/both/SONBHADRA/2022

Date: 18/11/2022

To,

M/s

SHRI RAM ASSOCIATES(DOLOSTONE MINING PROJECT KHAND-4)

ARAZI NO. 7536 GA. MI. KHAND-4, AREA-4.0 HECTARE, VILL. BILLI MARKUNDI, TEH. OBRA, DISTRICT-SONBHADRA(U.P.)-231219

Application Id-
18233833

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981

CCA is hereby granted to **SHRI RAM ASSOCIATES(DOLOSTONE MINING PROJECT KHAND-4)** located at **ARAZI NO. 7536 GA. MI. KHAND-4, AREA-4.0 HECTARE, VILL. BILLI MARKUNDI, TEH. OBRA, DISTRICT-SONBHADRA(U.P.)-231219.** subject to the provisions of the **Water Act, Air Act** and the orders that may be made further and subject to following terms and conditions :-

1. This CCA **SHRI RAM ASSOCIATES(DOLOSTONE MINING PROJECT KHAND-4)** **granted for the period from 18/11/2022 to 31/12/2026** and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Building Stone Gitti/Boulder Dolostone	128000	Cubic Meters/Year

2. **Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-**

(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	1.0 KLD	Septic Tank	Soak Pit

(ii) **Trade Effluent Treatment and Disposal :-**The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
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(iv) **Sewage Treatment and Disposal :-** The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be

stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
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3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	Dust emission during manual mining, transportation and loading/unloading of Building Stone Gitti/Boulder Dolostone.			Particulate Matter	water sprinkling system and Green Belt for controlling dust emission.

Emission Quality Standards

S No.	Stack no	Parameters	Standards
1		Particulate Matter	Ambient Air Standard as per E(P) Act 1986.

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

- (i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.
 - (ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.
5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.
6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will result in legal action under the aforesaid Acts and Rules.
7. In compliance to the G.O 1011/81-7-2021-09 (Writ)/2016 dated 13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upeep.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.
8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points. Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point

12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

Specific Conditions:-

1. This consent is valid for production of Building Stone Gitti/Boulder Dolostone -128,000 Cu Meter/Year by opencast and semi mechanized mining in 4.0 hectare leased area at ARAZI NO. 7536 GA. MI. KHAND-4, VILL. BILLI MARKUNDI, TEH. OBRA, DISTRICT-SONBHADRA.
2. Mining unit shall comply with the conditions of Environmental Clearance issued by State Level Environment Impact Assessment Authority (SEIAA) vide EC identification no. EC identification no. EC22B001UP187607 dated 03.06.2022 and submit its compliance report to UPPCB.
3. If the lease agreement expires prior to 31-12-2026, then the validity of this CTO shall stand expired simultaneously with the expiry of mining lease.
4. Unit shall develop and maintain green belt as per the conditions of Environmental Clearance.
5. Unit shall not withdrawal ground water for any industrial activity without obtaining necessary permission from UPGWA.
6. The domestic effluent shall be treated through septic tank/soak pit or provide mobile toilet facility. Industry shall maintain ZLD.
7. Unit shall make water sprinkling arrangement through Tankers for dust suppression at different sources of dust emission during mining, transportation, loading and unloading of Building Stone Gitti/Boulder Dolostone.
8. Unit should operate and maintain installed water sprinkler system effectively and continuously to achieve the standards prescribed under E(P) Rules, 1986.
9. Unit shall submit Ambient air monitoring reports of NABL accredited laboratory on quarterly basis to the Board.
10. All trucks, tractors used in transportation of Building Stone Gitti/Boulder Dolostone shall be covered by canvas sheet to prevent dust emission.
11. Water will be sprayed after loading activity (if Building Stone Gitti/Boulder Dolostone collected could be dry condition)
12. The dust suppression measures like water spraying will be done on the haul roads and working areas.
13. Industry should comply with the provisions of Hazardous and Other waste (Management & Trans boundary Movement) Rules 2016.
14. Solid waste should be disposed in such manner, so that no water, air and soil pollution takes place.
15. Industry shall abide by directions given by Hon'ble Court, MoEF&CC, Central Pollution Control Board and UPPCB for protection and safe guard of environment from time to time.
16. Consent fees if revised, shall be payable by industry from the date of its applicability.
17. Industry shall comply with the relevant provisions of Environmental Laws.
18. If closure order is issued by CPCB or UPPCB against the unit, then CTO issued earlier will remain suspended during the closure period and after ensuring the compliance and after revocation of closure order, the CTO will automatically be effective with additional conditions mentioned in the closure revocation order.

RAJENDR Digitally signed by
A SINGH RAJENDRA SINGH
 Date: 2022.11.18
 13:32:39 +05'30'
Chief Environmental Officer (circle-2)

Copy to:

Regional Officer, UPPCB, Sonbhadra with direction to send the compliance report of CTO conditions on quarterly basis.

RAJENDR
A SINGH
Chief Environmental Officer (circle-2)

Digitally signed by
RAJENDRA SINGH
Date: 2022.11.18
13:32:53 +05'30'

192

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

दर्भ सं०
Ref. No H01319/C-2/NGT-66/OA No- 393/2022/23

दिनांक
Date 27-09-2023

सेवा में,

M/S Shri Ajay Kumar Singh S/o Late Shri Onkar Nath Singh, R/o-18/188, Ayappa Temple, Sector-8. Obra, Tehsil-Obra, Distt-Sonbhadra (U.P), Proposed for "Billi Markundi Building Stone Gitty/Boulders Dolostone Mining Project (Khand-4)" at Gata no./ Arazi No. 753

विषय: खनन पट्टे के विरुद्ध राज्य बोर्ड से सहमति जल/वायु प्राप्त किये बिना खनन कार्य किये जाने के कारण पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के सम्बन्ध में।

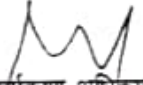
महोदय,

कृपया उपरोक्त विषयक बोर्ड मुख्यालय के पत्र दिनांक 18.04.2023 का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 संख्या-393/2022 आशीष कुमार द्विवेदी बनाम स्टेट ऑफ यू0पी0 व अन्य में पारित आदेश दिनांक 01.03.2023 के अनुपालन में खनन इकाई द्वारा राज्य बोर्ड से सहमति जल/वायु प्राप्त किये बिना ही खनन कार्य किये जाने के कारण राज्य बोर्ड के पत्र दिनांक 18.04.2023 द्वारा आपकी खनन इकाई के विरुद्ध रू0 10,000/- प्रतिदिन की दर से पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस जारी किया गया था। उक्त कारण बताओ नोटिस के संबंध में खनन इकाई से कोई संतोषजनक प्रतिउत्तर प्राप्त नहीं हुआ है।

क्षेत्रीय अधिकारी, से प्राप्त रिपोर्ट के अनुसार खनन इकाई द्वारा राज्य बोर्ड से सहमति जल/वायु प्राप्त किये बिना संचालन किये जाने के दृष्टिगत दिनांक 18.04.2023 से दिनांक 30.06.2023 तक 74 उल्लंघन दिवस हेतु रू0 10,000/- प्रतिदिन की दर से कुल रू0 740000.00 की पर्यावरणीय क्षतिपूर्ति आंकलित होती है।


उपरोक्तानुसार सक्षम स्तर से अनुमोदनोपरान्त आपकी खनन इकाई पर रू0 740000.00 पर्यावरणीय क्षतिपूर्ति के रूप में अधिरोपित किया जाता है तथा निर्देशित किया जाता है कि पर्यावरणीय क्षतिपूर्ति की धनराशि को उ0प्र0 प्रदूषण नियंत्रण बोर्ड के, यूनियन बैंक ऑफ इण्डिया, विभव खण्ड, गोमती नगर, लखनऊ स्थित बैंक के खाता संख्या-701502010002104 आई0एफ0एस0 कोड-UBIN0570150 में एक सप्ताह के अन्दर जमा कर, जमा की गयी धनराशि का साक्ष्य क्षेत्रीय कार्यालय एवं बोर्ड मुख्यालय में प्रस्तुत करना सुनिश्चित करें। अन्यथा की स्थिति में पर्यावरणीय क्षतिपूर्ति की वसूली हेतु भू-राजस्व की भांति वसूली की कार्यवाही की जायेगी, जिसका सम्पूर्ण उत्तरदायित्व उद्योग स्वामी का स्वयं का होगा।

सक्षम अधिकारी के अनुमति से निर्गत।


मुख्य पर्यावरण अधिकारी (वृत्त-2)

प्रतिलिपि :-

1. जिलाधिकारी, सोनभद्र को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
2. क्षेत्रीय अधिकारी उ0प्र0 प्रदूषण नियंत्रण बोर्ड, सोनभद्र को इस निर्देश के साथ कि उद्योग से पर्यावरणीय क्षतिपूर्ति की धनराशि निर्धारित समयवाधि में प्राप्त न होने की स्थिति में भू-राजस्व की भांति वसूली की कार्यवाही हेतु प्रस्ताव जिलाधिकारी के समक्ष प्रस्तुत किये जाने की कार्यवाही सुनिश्चित की जायें।
3. लेखाधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ को इस आशय से कि पर्यावरणीय क्षतिपूर्ति नद में प्राप्त धनराशि का विवरण वृत्त को उपलब्ध कराने का कष्ट करें।


मुख्य पर्यावरण अधिकारी (वृत्त-2)

प्रेषक,

मे० श्रीराम एसोसिएट्स,
पार्टनर श्री अजय कुमार सिंह पुत्र स्व० आंकारनाथ सिंह,
निवासी 18/188, अयप्पा मन्दिर, सेक्टर 8
तहसील ओबरा, थाना ओबरा, जनपद-सोनभद्र 231219 (उ०प्र०)।
मो०नं०-6392014712

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-2)
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
टी०सी०-12वी, विभूति खण्ड,
गोमती नगर, लखनऊ-226010

विषय:-

खनन पट्टे के विरुद्ध राज्य बोर्ड से सहमति जल/वायु प्राप्त किये बिना खनन कार्य किये जाने के कारण पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के सम्बन्ध में (Ref. No H01319 / C-2 / NGT-66 / OA No-393 / 2022/23 Date 27-09-2023)

महादेय,

कृपया अपने कार्यालय के उपरोक्त विषयक सह विषयान्तर्गत उल्लिखित नोटिस पत्र जो जिलाधिकारी महोदय, सोनभद्र तथा क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, सोनभद्र एवं लेखाधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड लखनऊ को पृष्ठांकित है का सन्दर्भ ग्रहण करने की कृपा करें। उक्त नोटिस पत्र के माध्यम से, प्रार्थी फर्म मे० श्रीराम एसोसिएट्स, पा० अजय कुमार सिंह, पता-डाला चढ़ाई, डाला, तहसील ओबरा, जनपद-सोनभद्र के पक्ष में, जनपद-सोनभद्र के तहसील-ओबरा स्थित ग्राम-बिल्ली मारकुण्डी के आराजी संख्या-7536ग मि०, खण्ड-4 रकबा-4.00 हेक्टेयर क्षेत्र पर उपखनिज डोलो स्टोन (गिट्टी/बोल्डर) के स्वीकृत खनन पट्टे में उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड से सहमति जल/वायु प्राप्त किये बिना ही खनन ईकाइ द्वारा खनन कार्य किये जाने के सम्बन्ध में राज्य बोर्ड के पत्र दिनांक 18.04.2023 का संतोषजनक प्रतिउत्तर प्रस्तुत न करने के कारण सहमति जल/वायु प्राप्त किये बिना 18.04.2023 से दिनांक 30.06.2023 तक 74 उल्लंघन दिवस हेतु रू० 10,000/- प्रतिदिन की दर से कुल रू 7,40,000/- की क्षतिपूर्ति आंकलित कर अधिरोपित किया गया है।

उक्त के सम्बन्ध में श्रीमान् जी को सादर सूचित करना है कि प्रार्थी फर्म को उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड से सहमति जल/वायु सन्दर्भ संख्या 167477/UPPCB / Sonebhadra(UPPCBRO) / CTO /both / SONBHADRA / 2022 Date: 18/11/2022 (संलग्न) से प्राप्त है। प्रार्थी के खनन ईकाइ द्वारा सहमति जल/वायु प्राप्त किये बिना कोई खनन कार्य नहीं किया गया है।

अतः श्रीमान् जी से निवेदन है कि प्रश्नगत नोटिस पत्र Ref. No H01319 / C-2 / NGT-66 / OA No- 393 / 2022/ 23 Date 27-09-2023 को उक्त के आलोक में निक्षेपित करने की कृपा करें। धन्यवाद!

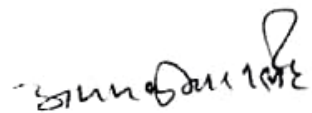
दिनांक- 03/11/2023

संलग्नक- यथोपरि।

प्रतिलिपि - नोटिस पत्र Ref. No H01319 / C-2 / NGT-66 / OA No- 393 / 2022/ 23 Date 27-09-2023 के अनुक्रम में, निम्नलिखित को सादर सूचनार्थ प्रेषित।

1. जिलाधिकारी महोदय, सोनभद्र।
2. क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, सोनभद्र।
3. लेखाधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड लखनऊ।

भवदीय



(अजय कुमार सिंह)

पा० मे० श्रीराम एसोसिएट्स,
निवासी 18/188, अयप्पा मन्दिर, सेक्टर 8
तहसील ओबरा, थाना ओबरा,
जनपद-सोनभद्र 231219 (उ०प्र०)।
मो०नं०-6392014712

817652701IN INR:82857657677

Counter No:1,06/11/2020,14:54
To:ENVIRONMENT OFF(ESR,LYD)
PIN:226010, Coats Nagar 50
From:SHRIFAM ASSOCIATE ,DBPA
Mts:Close,REG-17.0
Amt:21.86(Cash)Txn:4.86
Check on www.indiapost.gov.in
Toll 1992666888 (Wear Masks, Stay Safe)

817652702IN INR:82857657680

Counter No:1,06/11/2020,14:54
To:ENVIRONMENT OFF(ESR,LYD)
PIN:226010, Coats Nagar 50
From:SHRIFAM ASSOCIATE ,DBPA
Mts:Close,REG-17.0
Amt:21.86(Cash)Txn:4.86
Check on www.indiapost.gov.in
Toll 1992666888 (Wear Masks, Stay Safe)

817652703IN INR:82857657683

RL CHOPAN 50 271275
Counter No:1,06/11/2020,14:54
To:ACCOUNT OFF(ES,LYD)
PIN:226010, Coats Nagar 50
From:SHRIFAM ASSOCIATE ,DBPA
Mts:Close,REG-17.0
Amt:21.86(Cash)Txn:4.86

817652704IN INR:82857657697

Counter No:1,06/11/2020,14:54
To:ENVIRONMENT OFF(ESR,LYD)
PIN:226010, Coats Nagar 50
From:SHRIFAM ASSOCIATE ,DBPA
Mts:Close,REG-17.0
Amt:21.86(Cash)Txn:4.86
Check on www.indiapost.gov.in
Toll 1992666888 (Wear Masks, Stay Safe)

817652705IN INR:82857657700

Counter No:1,06/11/2020,14:54
To:ENVIRONMENT OFF(ESR,LYD)
PIN:226010, Coats Nagar 50
From:SHRIFAM ASSOCIATE ,DBPA
Mts:Close,REG-17.0
Amt:21.86(Cash)Txn:4.86
Check on www.indiapost.gov.in
Toll 1992666888 (Wear Masks, Stay Safe)

817652706IN INR:82857657703

RL CHOPAN 50 271275
Counter No:1,06/11/2020,14:54
To:ACCOUNT OFF(ES,LYD)
PIN:226010, Coats Nagar 50
From:SHRIFAM ASSOCIATE ,DBPA
Mts:Close,REG-17.0
Amt:21.86(Cash)Txn:4.86



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड UTTAR PRADESH POLLUTION CONTROL BOARD

Dated: 10-01-2024

R. No. 1105489 सी-2 एम्प्लॉयमेंट-88/सी आरएन/2024

Shri Ajay Kumar Singh Vs Late Shri Onkar Nath Singh, R/o-18/188, Ayappa Temple, Sector-8, Obra, Tehsil-Obra, Distt-Sonbhadra (U.P.) Proposed for "Billi Markundi Building Stone Gully/Boulders Dolostone Mining Project (Khand-4)" at Gata no/ Arazi No. 7536 Ga. Mi. near Village - Billi Markundi, Taluka: Obra, District: Sonbhadra, Uttar Pradesh, Area - 4.0 ha

एह कि Shri Ajay Kumar Singh Vs Late Shri Onkar Nath Singh, R/o-18/188, Ayappa Temple, Sector-8 Obra, Tehsil-Obra, Distt-Sonbhadra (U.P.) Proposed for "Billi Markundi Building Stone Gully/Boulders Dolostone Mining Project (Khand-4)" at Gata no/ Arazi No. 7536 Ga. Mi. near Village - Billi Markundi, Taluka: Obra, District: Sonbhadra, Uttar Pradesh, Area - 4.0 ha जिसे आपे इकाई कहा जायेगा। उपरोक्त वर्णित स्थल पर इकाई द्वारा खनन का कार्य किया जाता है। जिसके लिए राज्य बोर्ड से जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-25 एवं वायु प्रदूषण निवारण तथा नियंत्रण अधिनियम, 1981 की धारा-21 के अन्तर्गत सी.टी.ई./सी.टी.ओ प्राप्त किया जाना अनिवार्य है।

एह कि माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली में विचारणीय ओपीओ संख्या 176/2022 अर्जन गौरी बनाम इन्डियन ऑफ इन्डिया एवं अन्य में पारित आदेश दिनांक 17/10/2023 के मुसमत अंश निम्नवत है -
"The Director Geology and Mining Department, Uttar Pradesh, the District Magistrates and the Superintendent of Police in the State of Uttar Pradesh are directed to ensure that no mining is allowed to commence or continue without obtaining of CTE/CIO from UPPCB as the case may be which fact has to be verified by them with reference to the information uploaded by UPPCB on its website from time to time -"

एह कि नो एन.टी.टी द्वारा पारित उपरोक्त आदेश के अनुपालन में राज्य बोर्ड के पत्र दिनांक 20/10/2023 के माध्यम से आपके खनन पट्टे के विरुद्ध वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा-31ए के अन्तर्गत कारण बताओ नोटिस निर्गत किया गया था। उक्त सदरित कारण बताओ नोटिस दिनांक 20/10/2023 में दी गयी अवधि व्यतीत हो जाने के उपरान्त भी इकाई द्वारा उक्त संदर्भित कारण बताओ नोटिस का कोई प्रतिउत्तर नहीं दिया गया और न ही राज्य बोर्ड से जल एवं वायु अधिनियम के अन्तर्गत सी.टी.ई./सी.टी.ओ प्राप्त किये जाने के संबंध में निवेश निग्र पोटल पर आवेदन किया गया है। इकाई का उक्त कृत्य जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-25 एवं वायु प्रदूषण निवारण तथा नियंत्रण अधिनियम, 1981 की धारा-21 का उल्लंघन है। उक्त के दृष्टिगत जनहित एवं जन स्वास्थ्य को ध्यान में रखते हुये यह आवश्यक है कि आपकी इकाई के संचालन को रोका जाये।

अतः उपरोक्त वर्णित तथ्यों के परिप्रेक्ष्य में वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा-31ए के अन्तर्गत प्राप्त शक्तियों का प्रयोग करते हुये सक्षम अधिकारी के अनुमोदनोपरान्त आपकी इकाई के विरुद्ध निम्न बन्दी आदेश निर्गत किये जाते हैं -

1. आपकी इकाई के समस्त उत्पादन/संचालन प्रक्रिया को तत्काल प्रभाव से बन्द किया जाता है।
2. सक्षम अधिकारियों से यह अपेक्षा की जाती है कि वह आपकी इकाई को मिलने वाली खनन अनुज्ञा/पट्टा तथा पर्यावरणीय स्वीकृति को तत्काल प्रभाव से निरस्त कर दें।

सक्षम अधिकारी के अनुमोदनोपरान्त पत्र निर्गमन हेतु अधिकृत।

मुख्य पर्यावरण अधिकारी
(पृष्ठ-2)

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. निदेशक, मू-तत्व एवं खनिकर्म निदेशालय, उत्तर प्रदेश, खनिज भवन, लखनऊ।
2. सहायक सचिव, राज्य पर्यावरण प्रभाव आंकलन प्राधिकरण, पर्यावरण निदेशालय, विनित खण्ड, गोमती नगर, लखनऊ।
3. जिलाधिकारी, सोनभद्र।
4. पुलिस अधीक्षक/वरिष्ठ पुलिस अधीक्षक/पुलिस आयुक्त सोनभद्र।
5. जिला खान अधिकारी, सोनभद्र।
6. मुख्य पर्यावरण अधिकारी, नोडल आई.टी., ओपीओ प्रदूषण नियंत्रण बोर्ड, लखनऊ।
7. क्षेत्रीय अधिकारी, ओपीओ प्रदूषण नियंत्रण बोर्ड, सोनभद्र।

मुख्य पर्यावरण अधिकारी
(पृष्ठ-2)

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-2)
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड,
लखनऊ, उत्तर प्रदेश।

प्रेषक,

मे० श्रीराम एसोसिएट्स,
पार्टनर श्री अजय कुमार सिंह पुत्र स्व० ओंकारनाथ सिंह,
निवासी 18/188, अयप्पा मन्दिर, सेक्टर 8
तहसील ओबरा, थाना ओबरा, जनपद-सोनभद्र 231219 (उ०प्र०)।
मो०नं०-6392014712

विषय- सन्दर्भ संख्या H05469/सी०-2/एन०जी०टी०-66/बंदी आदेश/
2024 दिनांक 10.01.2024 के सम्बन्ध में।

महादेय

कृपया अपने कार्यालय के विषयान्तर्गत उल्लिखित आदेश पत्र का सन्दर्भ ग्रहण करने की कृपा करें। उक्त नोटिस पत्र में उल्लेख है कि प्रार्थी फर्म मे० श्रीराम एसोसिएट्स, पा० अजय कुमार सिंह, पता-डाला चढ़ाई, डाला, तहसील ओबरा, जनपद-सोनभद्र के पक्ष में, जनपद-सोनभद्र के तहसील-ओबरा स्थित ग्राम-बिल्ली मारकुण्डी के आराजी संख्या-7536ग मि०, खण्ड-4 रकबा-4.00 हेक्टेयर क्षेत्र पर उपखनिज डोलो स्टोन (गिट्टी/बोल्डर) के स्वीकृत 10 वर्षीय नीलाम खनन पट्टे में उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड से सहमति जल/वायु प्राप्त किये बिना ही खनन कार्य किया जा रहा है, जो कि प्रदूषण निवारण तथा नियंत्रण अधिनियम, 1974 की धारा-25 एवं वायु प्रदूषण निवारण तथा नियंत्रण अधिनियम, 1981 की धारा-21 का उल्लंघन है। उक्त के परिणामस्वरूप प्रार्थी के इकाई के समस्त उत्पादन/संचालन प्रक्रिया को तत्काल प्रभाव प्रभाव से बन्द किये जाने की संस्तुती की गयी है।

उक्त के सम्बन्ध में श्रीमान् जी को सादर सूचित करना है कि प्रार्थी फर्म को उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड से सहमति जल/वायु सन्दर्भ संख्या 167477 /UPPCB/Sonebhadra(UPPCBRO)CTO/both/SONBHADRA/ 2022 Date 18/11/2022 (संलग्न) से प्राप्त है। प्रार्थी की ईकाई द्वारा उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड से सहमति जल/वायु प्राप्त करने के पश्चात् ही खनन कार्य किया जा रहा है।

अतः श्रीमान् जी से निवेदन है कि प्रश्नगत नोटिस पत्र सन्दर्भ संख्या H05469/सी0-2/एन0जी0टी0-66/बंदी आदेश/2024 दिनांक 10.01.2024 को उक्त के आलोक में निक्षेपित करने की कृपा करें। धन्यवाद!

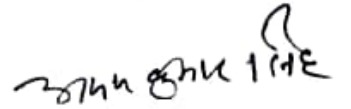
दिनांक- 12/02/2024

संलग्नक- यथोपरि।

प्रतिलिपि - निम्नलिखित को सूचनार्थ प्रेषित।

1. निदेशक भूतत्व एवं खनिकर्म निदेशालय, उत्तर प्रदेश खनिज भवन, लखनऊ।
2. सदस्य सचिव, राज्य पर्यावरण प्रभाव आंकलन प्राधिकरण, पर्यावरण निदेशालय, विनित खण्ड, गोमती नगर लखनऊ।
3. जिलाधिकारी महोदय, सोनभद्र।
4. पुलिस अधिक्षक/वरिष्ठ पुलिस अधिक्षक/पुलिस आयुक्त सोनभद्र।
5. जिला खान अधिकारी, सोनभद्र।
6. मुख्य पर्यावरण अधिकारी, नोडल आई0टी0 उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ।
7. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, सोनभद्र।

भवदीय



(अजय कुमार सिंह)

पा0 मे0 श्रीराम एसोसिएट्स,
निवासी 18/188, अयप्पा मन्दिर, सेक्टर 8
तहसील ओबरा, थाना ओबरा,
जनपद-सोनभद्र 231219 (उ0प्र0)।
मो0नं0-6392014712

R071632998IN IVR:828571632998
 RL CHOPAN SO (231205)
 Counter No:1.12/02/2024.14:30
 To:THE DR.ROBERTSON
 PIN:231216, Robertson HD
 From:AJAY KUMAR SINGH,OBRA
 Wt:360ms,REG=17.0
 Amt:31.86(Cash)Tax:4.86
 (Track on www.indiapost.gov.in)
 Dial 18002666668 (Wear Masks, Stay Safe)



R0716330105IN IVR:8285716330105
 RL CHOPAN SO (231205)
 Counter No:1.12/02/2024.14:30
 To:MUJUMYA PARTHA,LUCKNOW
 PIN:226010, Goati Nagar SO
 From:AJAY KUMAR SINGH,OBRA
 Wt:360ms,REG=17.0
 Amt:31.86(Cash)Tax:4.86
 (Track on www.indiapost.gov.in)
 Dial 18002666668 (Wear Masks, Stay Safe)



R0716330990IN IVR:8285716329990
 RL CHOPAN SO (231205)
 Counter No:1.12/02/2024.14:30
 To:SADASHYA SACHIV,LUCKNOW
 PIN:226010, Goati Nagar SO
 From:AJAY KUMAR SINGH,OBRA
 Wt:360ms,REG=17.0
 Amt:31.86(Cash)Tax:4.86
 (Track on www.indiapost.gov.in)
 Dial 18002666668 (Wear Masks, Stay Safe)



R0716330114IN IVR:8285716330114
 RL CHOPAN SO (231205)
 Counter No:1.12/02/2024.14:30
 To:THE SP.ROBERTSON
 PIN:231216, Robertson HD
 From:AJAY KUMAR SINGH,OBRA
 Wt:360ms,REG=17.0
 Amt:31.86(Cash)Tax:4.86
 (Track on www.indiapost.gov.in)
 Dial 18002666668 (Wear Masks, Stay Safe)



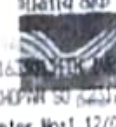
R0716330009IN IVR:8285716330009
 RL CHOPAN SO (231205)
 Counter No:1.12/02/2024.14:30
 To:MUJUMYA PARTHA,LUCKNOW
 Goati Nagar SO
 From:AJAY KUMAR SINGH,OBRA
 Wt:360ms,REG=17.0
 Amt:31.86(Cash)Tax:4.86
www.indiapost.gov.in



Dial 18002666668 (Wear Masks, Stay Safe)
 भारतीय डाक
 R0716330114IN IVR:8285716330114
 RL CHOPAN SO (231205)
 Counter No:1.12/02/2024
 To:THE SP.ROBERTSON
 PIN:231216, Robertson HD
 From:AJAY KUMAR SINGH,OBRA
 Wt:360ms,REG=17.0
 Amt:31.86(Cash)Tax:4.86
 (Track on www.indiapost.gov.in)



Dial 18002666668 (Wear Masks, Stay Safe)
 भारतीय डाक
 R0716330114IN IVR:8285716330114
 RL CHOPAN SO (231205)
 Counter No:1.12/02/2024
 To:KHEMETRIYA ADHIVAR
 PIN:231216, Robertson HD
 From:AJAY KUMAR SINGH,OBRA
 Wt:360ms,REG=17.0
 Amt:31.86(Cash)Tax:4.86
 (Track on www.indiapost.gov.in)
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 R0716330114IN IVR:8285716330114
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 From:AJAY KUMAR SINGH,OBRA
 Wt:360ms,REG=17.0
 Amt:31.86(Cash)Tax:4.86
 (Track on www.indiapost.gov.in)



भारतीय गैर न्यायिक

एक सौ रुपये

Rs. 100



100



HUNDRED RUPEES

सोनभद्र

भारत INDIA

INDIA NON JUDICIAL

2 उत्तर प्रदेश UTTAR PRADESH

GT 012073

Ranjeet Singh
Notary - Sonbhadraशपथ-पत्र
समक्ष
क्षेत्रीय अधिकारी महोदय
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, सोनभद्र।विषय-बंदी आदेश दिनांक-10.01.2024 निरस्त किये जाने के संबंध में।

मैं अजय कुमार सिंह पुत्र स्व० ओंकारनाथ सिंह निवासी 18/188, अयप्पा मन्दिर, सेक्टर-8, ओबरा (उत्तर प्रदेश) का निवासी हूँ। मैं मेसर्स श्रीराम एसोसिएट्स (जोली स्टोन माइनिंग प्रोजेक्ट खण्ड-4), आराजी नं० 7536 ग मि., रकबा-4.0 हेक्टेयर, ग्राम-बिल्ली मारकुण्डी, तहसील-ओबरा, जनपद सोनभद्र का पार्टनर हूँ। उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, लखनऊ के संदर्भ संख्या-एच05469/सी-2/एन0जी0टी0-86/बंदी आदेश/2024 दिनांक-10.01.2024 द्वारा माइनिंग प्रोजेक्ट को बंदी आदेश निर्गत किया गया है। निर्गत बंदी आदेश में कहा गया है कि राज्य बोर्ड से जल(प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-25 एवं वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा-21 के अन्तर्गत सी0टी0ई0/सी0टी0ओ0 प्राप्त किया जाना अनिवार्य है।

यह कि मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ0ए0 संख्या-176/2022 अमन चौधरी बनाम यूनिन ऑफ इण्डिया एवं अन्य में पारित आदेश दिनांक-17.10.2023 के सुसंगत अंश निम्नवत है:-

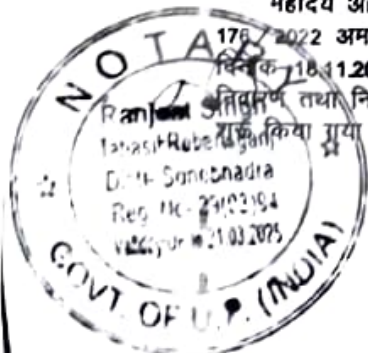
".....15 The Director Geology and Mining Department, Uttar Pradesh, the District Magistrates and the Superintendent of Police in the State of Uttar Pradesh are directed to ensure that no mining is allowed to commence or continue without obtaining off CTE/CTO from UPPCB as the case may be which fact has to be verified by them with reference to the information uploaded by UPPCB on its website from time to time....."

मा० एन0जी0टी0 द्वारा पारित उपरोक्त आदेश के अनुपालन में जल(प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-25 एवं वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा-21 के अन्तर्गत सी0टी0ओ0 प्राप्त किये जाने हेतु निवेश मित्र पोर्टल पर निर्धारित आरम्भिक/नवीनीकरण सहमति शुल्क सहित आवेदन प्रेषित किया गया था। उक्त के अनुक्रम में राज्य बोर्ड के ऑनलाइन संदर्भ संख्या-167477/UPPCB/ Sonbhadra (UPPCBRO)/CTO/ both/ SONBHADRA/2022 दिनांक-18.11.2022 द्वारा सहमति आदेश जल एवं वायु वर्ष, 31.12.2026 तक निर्गत किया गया है।

महोदय आपको अवगत कराना है कि मा० एन0जी0टी0, नई दिल्ली में विचाराधीन ओ0ए0 संख्या-176/2022 176/2022 अमन चौधरी बनाम यूनिन ऑफ इण्डिया एवं अन्य में पारित आदेश दिनांक-17.10.2023 के पूर्व ही दिनांक-18.11.2022 को जल(प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-25 एवं वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा-21 के अन्तर्गत सी0टी0ओ0 प्राप्त करने के उपरान्त खनन कार्य शुरू किया गया है (सी0टी0ओ0 की प्रति संलग्न)।

कमरा:.....2/.....पर

31/11/2024
[Signature]



Handwritten text in Hindi, including the words "महाराज" and "राज्य".

महाराज राज्य

04-7-24

Handwritten notes and signatures, including the name "Ajay Kumar".



3019

(2)

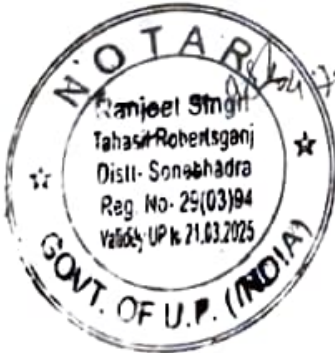
उक्त के दृष्टिगत खनन कार्य प्रतिबन्धित किया जाना औचित्यहीन है। अतः आपसे निवेदन है कि उद्योग को जारी बंदी आदेश दिनांक-10.01.2024 को निरस्त करने की कृपा करें।
मेरे द्वारा उपरोक्त पर दी गयी सूचनाये पूरे होशोंहवाश में दी गयी है तथा इसमें कोई तथ्य छिपाया नहीं गया है। ईश्वर मेरी मदद करें।

दिनांक-04.07.2024

ह0 शंभुप्राही
अजय कुमार सिंह 10/7/24
(अजय कुमार सिंह)
मे0 श्री राम एसोसिएट्स(डोलो स्टोन माइनिंग प्रोजेक्ट)
खण्ड-4, आराजी नं0 7536 ग मि, रकबा-4.0 हेक्टेयर
सोनमद

- प्रतिलिपि:-1. निदेशक, भूतत्त्व एवं खनिकर्म निदेशालय, उ0प्र0, खनिज भवन, लखनऊ।
2. सदस्य-सचिव महोदय, राज्य पर्यावरण प्रभाव आंकलन प्राधिकरण, पर्यावरण निदेशालय, विनीत खण्ड, गोमती नगर, लखनऊ।
3. जिलाधिकारी महोदय, सोनमद।
4. पुलिस अधीक्षक/परिचय पुलिस अधीक्षक/ पुलिस आयुक्त सोनमद।
5. जिला खान अधिकारी, नोडल आई.टी., उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ

(अजय कुमार सिंह)



<Dial 18002666868> <Wear Masks, Stay Safe> भारतीय डाक Del: PO



RU766401581IN IVR:8285766401581

RL CHOPAN SO <231205>

Counter No:1,14/09/2024,12:59

To:ZILA DHIKARI,RBJ

PIN:231216, Robertsganj HO

From:AJAY KUMAR SINGH,OBRA

Wt:100gms,REG=17.0

Amt:49.56,Tax:7.56,Amt.Paid:50.00(Cash)

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks, Stay Safe> भारतीय डाक Del: PO



RU766401697IN IVR:8285766401697

RL CHOPAN SO <231205>

Counter No:1,14/09/2024,12:59

To:JYESHTHA KHAN ADHIKARI,RBJ

PIN:231216, Robertsganj HO

From:AJAY KUMAR SINGH,OBRA

Wt:100gms,REG=17.0

Amt:49.56,Tax:7.56,Amt.Paid:50.00(Cash)

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks, Stay Safe> भारतीय डाक Del: PO



RU766401706IN IVR:8285766401706

RL CHOPAN SO <231205>

Counter No:1,14/09/2024,12:59

To:KSHETRIYA ADHIKARI,UFPCCB

PIN:231216, Robertsganj HO

From:AJAY KUMAR SINGH,OBRA

Wt:100gms,REG=17.0

Amt:49.56,Tax:7.56,Amt.Paid:50.00(Cash)

<Track on www.indiapost.gov.in>

RU7664
Counter

Amt:49.
,REG=17

From:CH
From: H
To: Hub

RU7664
Counter

Amt:49.
,REG=17

From:CH
From: H
To: Hub

RU7664
Counter

Amt:49.
,REG=17

From:CH
From: H
To: Hub

VAKALATNAMA
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

ORIGINAL APPLICATION NO. 592 OF 2024

IN Re :-

News Item titled "Sonbhadra फाइल ों में सिमटा UPPCB का वायु प्रदूषण सियंत्रण, जािंे पूरा मामला" appearing in newstrack.com dated 24.03.2024

KNOW ALL to whom these present shall come that I/We **AJAY KUMAR SINGH**

the abovenamed **RESPONDENT NO. 08**, do hereby appoint

UTKARSH SHARMA, SHARAD CHAUHAN
ADVOCATE-ON-RECORD
CHAMBER NO. 203, M.C SETALVAD CHAMBERS BLOCK,
SUPREME COURT OF INDIA, NEW DELHI
8510052778
UP/8316A/2014

(herein after called the advocates) to be my/our Advocate in the above-noted case authorize them :-

- To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.
- To sign file verify and present pleadings, appeals cross-objections or petitions for executions review revision withdrawal compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.
- To fill and take back documents to admit and/or deny the documents of opposite party.
- To withdraw or compromise the said case or submit to arbitration any differences or disputes in any manner relating to the said case.
- To take execution proceedings.
- The deposit draw and receive money cheques, cash and grant receipts hereof and to do what may be necessary to be done for the progress and in the course of the prosecution of the case.
- To appoint and instruct any other Legal Practitioner authorizing him to exercise the powers conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney.



And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate as my/our own acts, as if done by me/us to all intents and purpose.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate of his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fees is paid. I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more that 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these present the contents of which have been understood by me/us on this.....23rd..... Day September of2024

Accepted subject to terms of fees.

ADVOCATE

Sharad Chauhan

Utkarsh Sharma

आजय कुमार सिंह

CLIENT

SHARAD CHAUHAN
Advocate-on-Record
Supreme Court of India
Chamber: 203, Setalvad Block, Bhagwan Das Road
Supreme Court of India
New Delhi-110001
Mob.. 8510052778