

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 109 of 2024

IN THE MATTER OF:

Akash DubeyApplicant
Versus
Union of India and ors.Respondents

Response on behalf of Respondent No.-4, State Environment
Impact Assessment Authority, in compliance to the order dated
29.01.2024 passed by the Hon'ble Tribunal

Sir,

The Respondent No.-4, State Environment Impact Assessment Authority, hereinafter referred as SEIAA, most respectfully stated as under;

1. That vide its order dated 29.01.2024 this Hon'ble Tribunal has passed the following directions;

.....

5. *Let notice be issued to the respondents for filing their response atleast one week before the next date of hearing.*

Mr. Ashish Madaan, Advocate has accepted notice on behalf of Respondent No. 10 and has prayed for time to file response. Applicant is directed to serve the other



respondents and file affidavit of service atleast one week before the next date of hearing.

6. The joint Committee constituted by SEAC will submit a copy of the report before the Tribunal, in addition to submission of report before the SEAIAA/SEAC, on or before the next date of hearing by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.....

2. That in pursuance to the order, quoted above, the joint committee has visited and inspected the site in question on 15.12.2023. The copy of the Joint Committee report which was signed only by 02 of the 03 members namely Shri Umesh Gupta, RO UPPCB, Sonbhadra and Prof. Jaswant Singh, Member, SEAC, UP on 02.01.2024, is being annexed herewith as **Annexure No.-1** to this response.

3. That it is further necessary to state here that a letter dated 02.03.2024 sent by the Senior Mining Officer, Sonbhadra as mentioned in SEAC-2 Minutes of the Meeting dated 12.03.2024 is also being annexed herewith as **Annexure No.-2** to this response.

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4. That further the above report was discussed in SEAC-2 meeting dated 12.03.2024 in which the SEAC-2 opined that SEIAA may submit the site visit report before this Hon'ble Tribunal. The copy of the Minutes of Meeting dated 12.03.2024 is being annexed herewith as **Annexure No.-3** to this response.

5. That furthermore the SEIAA in its meeting dated 14.03.2024 agreed to submit the site visit report before this Hon'ble Tribunal. The copy of the Minutes of Meeting dated 14.03.2024 is being annexed herewith as **Annexure No.-4** to this response.

Therefore, the response of the Respondent No.-4, State Environment Impact Assessment Authority, is being filed before this Hon'ble Tribunal for perusal and kind consideration.

Dated 21.3.24

Yours' Sincerely


(Sanjeev Kumar Singh)
Member Secretary,
SEIAA, U.P.



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क्षेत्रीय कार्यालय,
REGIONAL OFFICE,
उ०प्र० प्रदूषण नियंत्रण बोर्ड
U.P. POLLUTION CONTROL BOARD
सोनभद्र
SONBHADRA



संदर्भ संख्या:-

Ref.No.: G 0233/PH-1501/SBD/2023/2024

दिनांक:-

Date: 05.03.2024

To,

Chief Environmental Officer (Circle-2),
U.P. Pollution Control Board,
Lucknow,

Sub:- Submission of factual report in the matter of "Morrum Mining" on the river bed of Sone River at Arazi No. 15 Cha, Khand No. 02, Village-Bhagwa, Tehsil-Obra, District Sonbhadra.

Sir,

Kindly refer to above noted subject, the State Level Expert Appraisal Committee (SEAC) has decided to get the actual position of the lease area through a site visit and recommended to constitute a joint committee of Prof. Jaswant Singh, Member SEAC, RO, UPPCB, Sonbhadra & Mining Officer, Sonbhadra to inspect the mining site and provide factual report to SEAC to take necessary action in this matter. For complying, The Sub Director/Nodal SEIAA directed for same vide reference no- 666/Parya./8280-7891/2023 Dated-22.11.2023. In compliance of above direction, the joint committee conducted the field visit. The Joint Committee report with photographs is being filed herewith as annexure-1.

It's opinion may be consider in this matter that Geological survey should be done to find out the sand in the inner layer of soil of concern lease area.

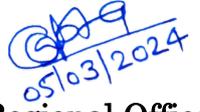
Encl.: As above.

Yours faithfully,

(U.K. Gupta)
Regional Officer
Sonbhadra.

Endt. No. & date as above.

Copy to:- Member Secretary Sir, U.P. Pollution Control Board, Lucknow for kind information & necessary action please.


05/03/2024
Regional Officer
Sonbhadra.

"Morrum Mining" on the riverbed of Sone River at Arazi No.- 15 च , Khand No. 02, Village- Bhagwa, Tehsil- Obra, District- Sonbhadra, Uttar Pradesh, Area 12.146 ha. ,8280/ 7891 /SIA /UP/MIN/445239/ 2023.

The project site was inspected on 15-12-2023 by the joint committee in compliance of the decision taken by SEAC/SEIAA. The following members of the committee were present at the time of inspection: -

1. Prof. Jaswant Singh, Member SEAC-2
2. Sh. Umesh Gupta, Regional Officer, Sonbhadra, UPPCB
3. Sh. R B Singh, Mining Officer, Sonbhadra.

At the time of on-site inspection, Mr. Dheeraj Singh (Mb. 9198140009) and others were also present as representative of project proponent. The following decision was taken by SEAC in its 798th meeting dated 13/10/2023 for the project.

A complaint dated 11/10/2023 of Akash Dubey, (Environmental Activist) S/o Shri Mahendra Kumar, Ara Kalan, Arahkala, Allahabad, U.P.-221508 received against the forgery committed by Rudra Mining Company in obtaining the environmental clearance for extraction at "Morrum Mining" on the riverbed of Sone River at Arazi No.- 15 च, Khand No. 02, Village- Bhagwa, Tehsil- Obra, District- Sonbhadra, Uttar Pradesh. Complaint stated that area in question i.e. Arazi No.- 15 च, Khand No. 02, Village- Bhagwa, Tehsil- Obra, District- Sonbhadra, Uttar Pradesh is a plain land where in there is no deposition of morrum. In this regard complainant has also enclosed photograph of lease area.

The committee observed that in the video of drone survey presented by the project proponent/consultant that soil/plain land with flora & fauna is visible. The committee opined that in this situation it would be appropriate to get actual position of the lease area through a site visit. Hence, the committee recommended to constitute a joint committee of Prof. Jaswant Singh, Member SEAC, RO, UPPCB, Sonbhadra & Mining Officer, Sonbhadra to inspect the mining site and provide factual report to SEAC to take necessary action in the matter.

Further the following decision was taken by SEIAA in its 774th meeting dated 07-11-2023:-

SEIAA noted that according to KML mining is being carried out. SEIAA agreed with the recommendation of SEAC to constitute a joint committee of Prof. Jaswant Singh Member SEAC, RO UPPCB Sonbhadra and Mining Officer Sonbhadra to inspect the mining site and provide factual report to SEAC to take necessary action in the matter. The Joint committee must submit the report within 15 days.

In compliance of above the Site visit was conducted by joint committee on 15/12/2023. The observation of the committee as per the site visit is as under: -

SEL

GBA

1. At the time of site visit it was observed that the mining lease is plain/soil land with flora in which, agriculture was being done by local farmers. (Photographs of the farming attached).
2. The lease is located in the outer reach of the rear end of river bank, due to which there is very low possibility of the occurrence of mineral deposit during floods in future and makes it unsustainable from mining point of view.
3. There are water bodies in the lease area at the time of inspection, hence no mineral can be excavated from the water bodies/submerged area. No mineable mineral (morum) was observed in the lease area at the time of physical inspection.

Enclosure: - Photographs with coordinates.

(RB Singh)
Mining Officer, Sonbhadra


(Umesh Gupta)
Regional Officer, UPPCB Sonbhadra


(Prof. Jaswant Singh)
Member, SEAC

Photographs of all pillar's and lease area M/s Morrur Mining" on the river bed of Sone River at Arazi No. 15 Cha, Khand No. 02, Village-Bhagwa, Tehsil-Obra, District Sonbhadra.



PILLAR-A



PILLAR-B



PILLAR-C

Photographs of all pillar's and lease area M/s Morrur Mining" on the river bed of Sone River at Arazi No. 15 Cha, Khand No. 02, Village-Bhagwa, Tehsil-Obra, District Sonbhadra.



PILLAR-D



LEASE AREA



LEASE AREA

प्रेषक,

ज्येष्ठ खान अधिकारी,
सोनभद्र।

सेवा में,

सदस्य सचिव,
राज्य स्तरीय पर्यावरण समाघात
निर्धारण प्राधिकरण,
लखनऊ

पत्रांक- 2955/खनिज/2023-24

दिनांक 02/03/2024

विषय- SEIAA की बैठक के मिनट्स संख्या-774 दिनांक 07.11.2023 के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषय के सम्बन्ध में अवगत कराना है कि SEIAA की बैठक के मिनट्स संख्या-774 दिनांक 07.11.2023 के बिन्दु संख्या-9 में उल्लिखित क्षेत्र जनपद-सोनभद्र की तहसील ओबरा अन्तर्गत ग्राम-भगवां के आराजी संख्या-15च रकबा-12.146 हे0 के सम्बन्ध में तथ्यात्मक आख्या उपलब्ध कराने की अपेक्षा की गयी है।

उक्त के सम्बन्ध में अवगत कराना है कि जनपद-सोनभद्र के तहसील-ओबरा स्थित ग्राम-भगवां के आराजी संख्या-15च (खण्ड-2) रकबा-12.146 हे0 क्षेत्र पर मोरम का खनन पट्टा हेतु मे0 रूद्र माइनिंग एण्ड कम्पनी पता ग्राम-देवगढ़ पोस्ट-शिवद्वार, घोरावल, द्वारा-श्री भूपेन्द्र प्रताप सिंह पुत्र राम प्रताप सिंह निवासी देवगढ़, शिवद्वार, पोस्ट-घोरावल, जनपद-सोनभद्र के पक्ष में कार्यालय के पत्र संख्या-4026/खनिज/2023 दिनांक 16.02.2023 द्वारा आशय पत्र निर्गत किया गया है। प्रश्नगत क्षेत्र का निरीक्षण दिनांक 02.03.2024 को संयुक्त रूप से किया गया, जिसमें पाया गया कि:-

1. उक्त क्षेत्र राजस्व अभिलेखों में नदी के नाम दर्ज, राज्य सरकार की भूमि है।
2. उक्त क्षेत्र सोन नदी की डाउन स्ट्रीम के दांयी ओर स्थित है, जिस पर वर्षा काल में नदी द्वारा पहाड़ी क्षरण के फलस्वरूप बहाकर लायी गयी मोरम प्रचुर मात्रा में निक्षेपित है।
3. उक्त स्थल का निरीक्षण करने पर मौके पर जियो-कोआर्डिनेट दिनांक युक्त फोटो ग्राफ लिये गये, जो आख्या के साथ संलग्नक 01 व 02 है।

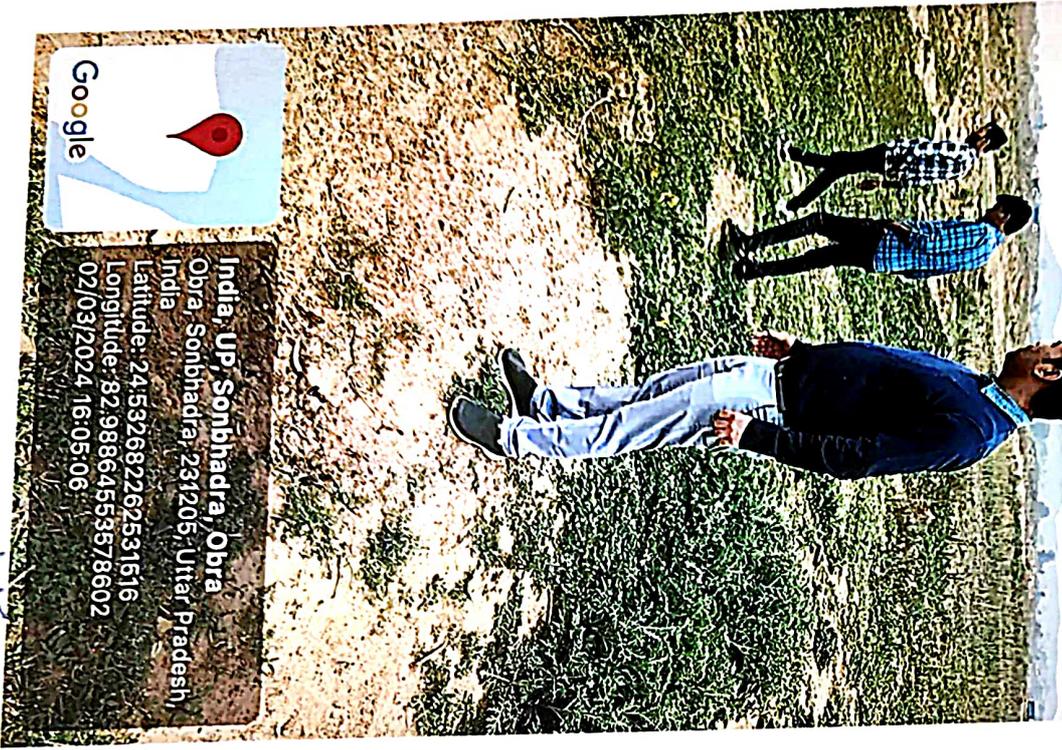
आख्या अग्रिम कार्यवाही हेतु सादर प्रेषित है।

संलग्नक:- यथोपरि।

भवदीय

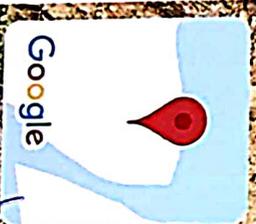

02/3/2024
(शैलेन्द्र सिंह)

ज्येष्ठ खान अधिकारी,
सोनभद्र।



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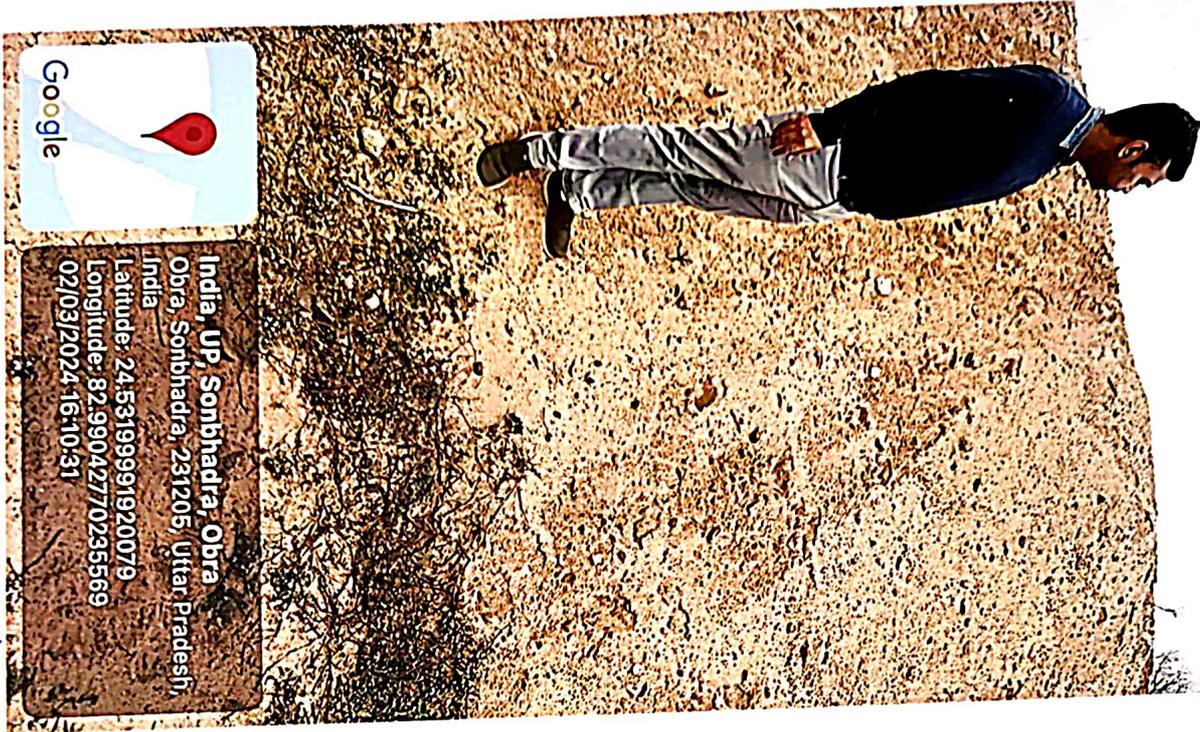
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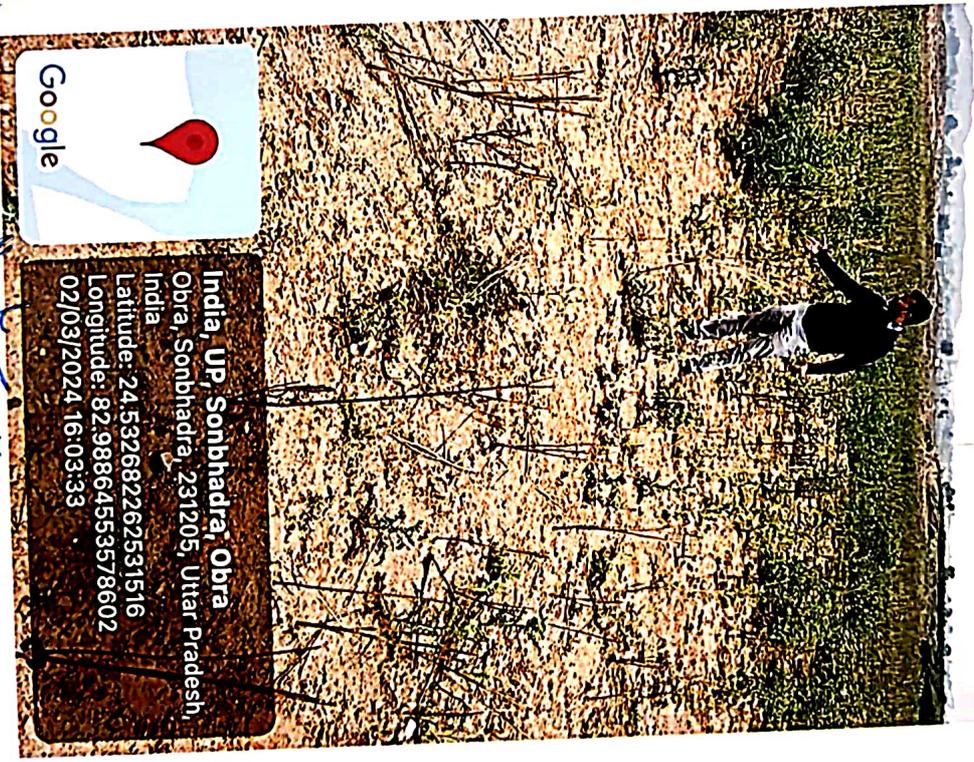
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Shikha
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Noush
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Shikha
 02/03/2024

खाता विवरण (अप्रमाणित प्रति)

ग्राम का नाम : भावा	पराना : (ओगरी)	तहसील : ओबरा	जनपद : सोनभद्र	फसली वर्ष : 1420-1425 (01 जुलाई, 2012 से 30 जून, 2018)	भाग : 1	खाला संख्या : 00017
खातेदार का नाम / पिता पति संरक्षक का नाम / निवास स्थान	खसरा संख्या	क्षेत्रफल (हे.)	आदेश	टिप्पणी		
श्रेणी 6-1 / अकृषिक भूमि - जलमयन भूमि ।						
नदी // नि. ग्राम						
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	20क	0.1520				
	21क	16.4430				
योग	7	102.0220				

कृपया उक्त खसरे की प्रस्थिति (भूखंड (गाटा) के वाद ग्रस्त/विक्रय/भू-नक्शा/नामांतरण बही) हेतु खसरा संख्या पर बिलिक करें

Disclaimer: उक्त ऑनलाइन मात्र अवलोकनार्थ है, उक्त विवरण अप्रतन है, तहसील कम्प्यूटर केन्द्र एम.सी.एस.सी.एल.केन्द्र से उद्घरण की प्रमाणित प्रति प्राप्त की जा सकती है।

Above content is for information. The information provided online is updated and no physical visit is required. For Certified copy, apply through e-district portal/CSC/Tehsil Computer Centre.

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02/3/2024

16. Sand Mining Project From Govt. land on Bed of River Yamuna at Khasra No.- 1515, Village- Gadaun, Tehsil- Sadar, District- Firozabad, Shri Vishal Pachauri, Area – 2.76 ha., 8534/SIA/UP/MIN/453672/2023

The Secretariat informed the committee that the matter was earlier discussed in 821th SEAC meeting dated 29/12/2023 and recommended to grant the environmental clearance for the project proposal along with general and specific conditions. Subsequently, the matter was listed in 800th SEIAA meeting dated 27/02/2024 wherein:

“SEIAA noted that SEAC has recommended to grant EC to the above project. SEIAA gone through file and documents and found that documents related to DSR have not been uploaded/mentioned in salient feature. Hence SEIAA opined to refer back the project to SEAC.”

As per the above decision of SEIAA, the matter was listed in 845th SEAC meeting dated 12/03/2024. The committee discussed the matter and directed the project proponent to submit the reply of queries raised by SEIAA.

17. नगर पालिका परिषद सिकन्दराराऊ, जलपद— हाथरस में राज्य सैक्टर कार्यक्रम के (पेयजल व्यवस्था) योजना के अन्तर्गत स्वीकृत हुये कार्यों के कराये जाने हेतु पर्यावरणीय क्लेरिफिकेशन के सम्बन्ध में।

RESOLUTION AGAINST AGENDA NO. 17

The committee has gone through the Executive Engineer, Nagar Palika Parishad Sikandrarau, Hathras letter dated 13/12/2023 and observed that the activity in the proposed proposal does not comes under the EIA Notification, 2006 (as amended). Hence, the SEIAA may take final decision in the matter.

18. नगर पालिका परिषद हाथरस, जनपद— हाथरस में राज्य कार्यक्रम के (सीवेरेज एवं जल निकासी) योजना के अन्तर्गत स्वीकृत हुये कार्यों के कराये जाने हेतु पर्यावरणीय क्लेरिफिकेशन के सम्बन्ध में।

RESOLUTION AGAINST AGENDA NO. 18

The committee has gone through the Executive Engineer, Nagar Palika Parishad, Hathras letter dated 29/12/2023 and observed that the activity in the proposed proposal does not comes under the EIA Notification, 2006 (as amended). Hence, the SEIAA may take final decision in the matter.

19. नगर पालिका परिषद, कासगंज में राज्य सैक्टर कार्यक्रम के (सीरेज एवं जल निकासी) योजना के अन्तर्गत स्वीकृत हुये कार्यों के कराये जाने हेतु पर्यावरणीय क्लेरिफिकेशन के सम्बन्ध में।

RESOLUTION AGAINST AGENDA NO. 19

The committee has gone through the Executive Engineer, Nagar Palika Parishad, Kasganj letter dated 15/02/2024 and observed that the activity in the proposed proposal does not comes under the EIA Notification, 2006 (as amended). Hence, the SEIAA may take final decision in the matter.

20. Discussion on Hon’ble NGT, New Delhi Order, dated 29.01.2024 in Original Application No. 109/2024 Akash Dubey Versus Union of India & Ors.

The Secretariat informed the committee that a Original Application No. 109/2024 Akash Dubey Vs. Union of India & Ors. has filed in Hon’ble National Green Tribunal, New Delhi and Hon’ble NGT has passed an order dated 29/01/2024 in the matter. The operating part of order is as follows:

“... ”

1. *In this original application, Applicant has raised the issue that he had preferred a complaint on 11.10.2023 before Department of Environment, Uttar Pradesh raising the grievance that Respondent No. 10 – Project Proponent had committed act of forgery in filing its Form I for Environmental Clearance (EC) for extraction at “Morrum Mining” on the river bed of Sone River at Arazi No. 15 Cha, Khand No. 02, Village Bhagwa, Tehsil-Obra, District Sonbhadra, Uttar Pradesh whereas there is no morrum in that area.*
2. *Learned Counsel appearing for the Applicant, during the course of argument, has referred to Form I at page 41 filled up by Respondent No. 10 and referred to the minutes of meeting of the State Level Expert Appraisal Committee (SEAC) dated 13.10.2023 whereby on the complaint of the Applicant, SEAC had noted that the video of drone survey revealed that there was soil/plain land with flora and fauna. Therefore, the SEAC had constituted a joint Committee of Professor Jaswant Singh, Member, SEAC, RO, UPPCB, Sonbhadra and Mining Officer, Sonbhadra to inspect the site to provide factual report to the SEAC for necessary action. He has also referred to the minutes of meeting of State Level Environment Impact Assessment Authority (SEIAA), UP held on 07.11.2023, wherein SEIAA had agreed that with the recommendation of SEAC to constitute a joint Committee for inspection of site and provide factual report with further direction that the joint Committee must submit the report within 15 days.*
3. *Learned Counsel for Applicant submits that the joint Committee has not submitted the report till now, though the joint Committee had visited the site on 15.12.2023. He submits that since there is no morrum existed on the site, therefore, the joint Committee is being pressurized to submit incorrect factual report and this fact is also reflected in some of the correspondences between the officers which are not in possession of the Applicant. He has also submitted that the modus operandi adopted by the Project Proponent, in collusion with the officers, is that the site is given for mining where no mineral exists and in the garb of that the mining is being carried out at some other places.*
4. *The OA raises substantial issue relating to compliance of the environmental norms.*
5. *Let notice be issued to the respondents for filing their response atleast one week before the next date of hearing. Mr. Ashish Madaan, Advocate has accepted notice on behalf of Respondent No. 10 and has prayed for time to file response. Applicant is directed to serve the other respondents and file affidavit of service atleast one week before the next date of hearing.*
6. *The joint Committee constituted by SEAC will submit a copy of the report before the Tribunal, in addition to submission of report before the SEIAA/SEAC, on or before the next date of hearing by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

The Secretariat also informed the committee that the aforesaid compliant letter put up in 798th SEAC-2 meeting dated 13/10/2023 and following decisions have been taken:

“A complaint dated 11/10/2023 of Akash Dubey, (Environmental Activist) S/o Shri Mahendra Kumar, Ara Kalan, Arahkala, Allahabad, U.P.-221508 received against the forgery committed by Rudra Mining Company in obtaining the environmental clearance for extraction at “Morrum Mining” on the riverbed of Sone River at Arazi No.- 15 च , Khand No. 02, Village- Bhagwa, Tehsil- Obra, District- Sonbhadra, Uttar Pradesh. Complaint stated that area in question i.e. Arazi No.- 15 च , Khand No. 02, Village- Bhagwa, Tehsil- Obra, District- Sonbhadra, Uttar Pradesh is a plain land where in there is no deposition of morrum. In this regard complainant has also enclosed photograph of lease area.

The committee observed that in the video of drone survey presented by the project proponent/consultant that soil/plain land with flora & fauna is visible. The committee opined that in this situation it would be appropriate to get actual position of the lease area through a site visit. Hence, the committee recommended to constitute a joint committee of Prof. Jaswant Singh, Member SEAC, RO, UPPCB, Sonebhadra & Mining Officer, Sonebhadra to inspect the mining site and provide factual report to SEAC to take necessary action in the matter.”

Subsequently, the matter was listed in 774th SEIAA meeting dated 07/11/2023 and the SEIAA agreed with recommendation of SEAC. The Nodal Officer, SEIAA requested to Member Secretary, UP Pollution Control Board, Lucknow vide letter no. 666/Parya/8280-7891/2023, dated 22/11/2023 to provide the report in view of decision taken in SEIAA/SEAC meeting and the copy of this letter has also endorsed to Member of Joint Committee. The joint committee report is still awaited.

The committee has gone through the order dated 29/01/2024 passed by Hon'ble NGT in Original Application No. 109/2024 Akash Dubey Vs. Union of India & Ors. and opined that the SEIAA may send a reminder letter to Member Secretary, UPPCB to submit the joint committee report in view of Hon'ble NGT order.

The above recommendation of SEAC, the matter was discussed in 798th SEIAA meeting dated 22/02/2024 wherein:

"SEIAA noted that committee was constituted by SEAC which has been approved by SEIAA. Now SEAC may ask report from UPPCB and submit it to SEIAA."

Senior Mining Officer, Sonbhadra sent a report vide letter no. 2955/Khanij/2023-24 dated 02/03/2024 in its individual capacity and mentioned is as follows:

"...उक्त के सम्बन्ध में अवगत कराना है कि जनपद-सोनभद्र के तहसील-ओबरा स्थित ग्राम-भगवां के आराजी संख्या-15च (खण्ड-2) रकबा 12.146 हे० क्षेत्र पर मोरम का खनन पट्टा हेतु मे० रुद्र माइनिंग एण्ड कम्पनी पता ग्राम-देवगढ़ पोस्ट- शिवद्वार, घोरावल, द्वारा -श्री भूपेन्द्र प्रताप सिंह पुत्र राम प्रताप सिंह निवासी देवगढ़ शिवद्वार, पोस्ट-घोरावल, जनपद -सोनभद्र के पक्ष में कार्यालय के पत्र संख्या-4026/खनिज/2023 दिनांक 16.03.2023 द्वारा आशय पत्र निर्गत किया गया है। प्रश्नगत क्षेत्र का निरीक्षण दिनांक 02.03.2024 को संयुक्त रूप से किया गया, जिसमें पाया गया कि:-

1. उक्त क्षेत्र राजस्व अभिलेखों में नदी के नाम दर्ज, राज्य सरकार की भूमि है।
2. उक्त क्षेत्र सोन नदी की डाउन स्ट्रीम के दांयी ओर स्थित है, जिस पर वर्षा काल में नदी द्वारा पहाड़ी क्षरण के फलस्वरूप बहाकर लायी गयी मोरम प्रचुर मात्रा में निक्षेपित है।
3. उक्त स्थल को निरीक्षण करने पर मौके पर जियो-कोआर्डिनेट दिनांक युक्त फोटो ग्राफ लिये गये, जो आख्या के साथ संलग्न 01 व 02 है।"

The joint committee constituted by SEAC and approved by SEIAA provided the factual report through Regional Officer, UPPCB, Sonbhadra vide letter no. G 0233/PH-1501/SBD/2023/2024, dated 05/03/2024. The joint committee in its report mentioned is as follows:

"The project site was inspected on 15-12-2023 by the joint committee in compliance of the decision taken by SEAC/SEIAA. The following members of the committee were present at the time of inspection: -

1. Prof. Jaswant Singh, Member SEAC-2
2. Sh. Umesh Gupta, Regional Officer, Sonbhadra, UPPCB
3. Sh. R B Singh, Mining Officer, Sonbhadra

At the time of on-site inspection, Mr. Dheeraj Singh (Mb. 9198140009) and others were also present as representative of project proponent. The following decision was taken by SEAC in its 798th meeting dated 13/10/2023 for the project.

A complaint dated 11/10/2023 of Akash Dubey, (Environmental Activist) So Shri Mahendra Kumar, Ara Kalan, Arakhala, Allahabad. UP-221508 received against the jorgery committed by Rudra Mining Company in obtaining the environmental clearance for extraction at "Morrum

Mining" on the riverbed of Sone River at Arazi No.- 15 , Khand No. 02, Village- Bhagwa, Tehsil-Obra, District- Sonbhadra, Utar Pradesh. Complaint stated that area in question i.e. Arazi No.- 15 T, Khand No. 02, Village- Bhagwa, Tehsil Obra, District- Sonbhadra, Uttar Pradesh is a plain land where in there is no deposition of morrum. In this regard complainant has also enclosed photograph of lease area.

The committee observed that in the video of drone survey presented by the project proponent/consultant that soil plain land with flora & fauna is visible. The committee opined that in this situation it would be appropriate to get actual position of the lease area through a site visit. Hence, the committee recommended to constitute a joint committee of Prof: Jaswant Singh, Member SEAC,RO, UPPCB, Sonebhadra & Mining Officer, Sonebhadra to inspect the mining site and provide factual report to SEAC to take necessary action in the matter.

Further the following decision was taken by SEIAA in its 774th meeting dated 07-1\2023:-

SEIAA noted that according to KML mining is being carried out. SEIAA agreed with the recommendation of SEAC to constitute a joint committee of Prof. Jaswant Singh, Member SEAC, RO UPPCB, Sonebhadra and Mining Officer Sonebhadra to inspect the mining site and provide factual report to SEAC to take necessary action in the matter. The Joint committee must submit the report within 15 days.

In compliance of above the Site visit was conducted by joint committee on 15/12/2023. The observation of the committee as per the site visit is as under:

- 1. At the time of site visit it was observed that the mining lease is plain/soil land with flora in which, agriculture was being done by local farmers. (Photographs of the farming attached).*
- 2. The lease is located in the outer reach of the rear end of river bank, due to which there is very low possibility of the occurrence of mineral deposit during floods in future and makes it unsustainable from mining point of view.*
- 3. There are water bodies in the lease area at the time of inspection, hence no mineral can be excavated from the water bodies/submerged area. No mineable mineral (morrum) was observed in the lease area at the time of physical inspection."*

In compliance of above Hon'ble NGT order dated 29/01/2024 passed in O.A. No. 109/2024 Akash Dubey Vs. Union of India & Ors., the SEAC-2 opined that SEIAA may submit the site visit report before Hon'ble NGT.

Prof. Jaswant Singh)
Member

(Dr. Amrit Lal Halidar)
Member

(Dr. Dineshwar Prasad Singh)
Member

(Tanzar Ullah Khan)
Member

(Dr. Shiv Om Singh)
Member

(Dr. Harikesh Bahadur Singh)
Chairman

(Ashish Tiwari)
Member-Secretary

Nodal, SEAC-2

MoM prepared by Secretariat in consultation with
Chairman & Members on the basis of decisions
taken by SEAC-2 during the meeting.

18. नगर पालिका परिषद हाथरस, जनपद- हाथरस में राज्य कार्यक्रम के (सीवरेज एवं जल निकासी) योजना के अन्तर्गत स्वीकृत हुये कार्यों के कराये जाने हेतु पर्यावरणीय क्लेरिफिकेन्स के सम्बन्ध में।

SEIAA noted the comments of SEAC that the proposed proposal does not comes under the EIA Notification, 2006 (as amended). Hence SEIAA opined that the project proponent may proceed as per norms stipulated in EIA Notification, 2006 (as amended).

19. नगर पालिका परिषद, कासगंज में राज्य सैक्टर कार्यक्रम के (सीरेज एवं जल निकासी) योजना के अन्तर्गत स्वीकृत हुये कार्यों के कराये जाने हेतु पर्यावरणीय क्लेरिफिकेन्स के सम्बन्ध में।

SEIAA noted the comments of SEAC that the proposed proposal does not comes under the EIA Notification, 2006 (as amended). Hence SEIAA opined that the project proponent may proceed as per norms stipulated in EIA Notification, 2006 (as amended).

20. Discussion on Hon'ble NGT, New Delhi Order, dated 29.01.2024 in Original Application No. 109/2024 Akash Dubey Versus Union of India & Ors.

SEIAA agreed with the recommendation of SEAC to submit the site visit report before Hon'ble NGT in O.A. No. 109/2024 Akash Dubey vs. Union of India & Ors.

Agenda-B- Letter/Reply

1. Proposed of Building Stone (Sandstone) mine at Khasra/Gata no.- 497 & 198 , Village- Chakjata Sonpur, Tehsil- Chunar, District- Mirzapur, U.P., by Usha Devi, Area of 2.424 ha. File no- 8304-7262.

SEIAA noted that the above project was taken in its 800th meeting in which SEIAA opined that the project proponent shall upload the KML file. The project proponent has submitted a letter dated 12.03.2024 stating that KML file in Pen drive has been submitted.

The issue was deliberated upon in depth and SEIAA noted that the DSRs were being updated by Geology and Mining Department Uttar Pradesh before 4/12/2023 on the basis of extant notifications and guidelines and leases had been auctioned and proposals for EC had been uploaded on Parivesh portal. These proposals have also been appraised and recommended for grant of EC by SEAC. As per para 8(ii) of EIA notification 2006 -The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. Hence in light of all these facts EC is being granted to the title proposal.

SEIAA opined to accept the recommendation of SEAC and grant EC to the said project along with all the general and specific conditions as suggested by SEAC taking into consideration discussion held in SEIAA meeting no. 597 dated 05.05.2022 regarding reply of SEAC-1 and SEAC-2 for compliance/action taken on TOR/Public hearing, adding following specific conditions:-

1. Validity period of this EC is 5 years from the date of issue as the Lol has been issued for a period of 5 years 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 with.
3. Approved explosives and proper technique should only be used for blasting, to avoid loud sound and cracks in nearby buildings.
4. 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