

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION 09 OF 2025**

IN THE MATTER OF:

VINAY SHRIVASTAV

...APPLICANTS

VERSUS

STATE OF UTTAR PRADESH.

...RESPONDENTS

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Through

Date: 10.04.2025

Place: New Delhi



PRIYANKA SWAMI
ADVOCATE

STANDING COUNSEL FOR SEIAA UTTAR PRADESH

F-13, JANGPURA, NEW DELHI 110014

[E-mail: advpriyankaswami@gmail.com](mailto:advpriyankaswami@gmail.com)

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AFFIDAVIT

I, **VIDHYOTMA BHARTI**, aged about 49 years W/o. Dr G.L. Nigam . is presently posted as **ASSISTANT DIRECTOR, REGIONAL OFFICE, NOIDA, DIRECTORATE OF ENVIRONMENTAL, UP.** having an office at **E-12/1, NOIDA, UTTAR PARDESH.** Presently at New Delhi.

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit on behalf of **Member Secretary, SEIAA** before this Tribunal after due Departmental authorization.
2. That the accompanying supplementary affidavit has been drafted by our counsel as per official record in compliance to the order dated **02.04.2025** passed by the Hon'ble Tribunal.



3. That it is to pertinent to mention that seiaa and seac in its joint meeting **06.03.2025** Acknowledging the critical importance of Replenishment Studies and non - compliance of assurance given by Geology and Mining Department, State Uttar Pradesh and concerned District Authorities, SEIAA/SEAC, after thorough discussions, has decided to keep all previously approved DSR in abeyance until compliance with this requirement is ensured. Accordingly, it was decided to issue a formal communication to the Directorate of Geology and Mining, Uttar Pradesh, informing them of the decision regarding putting all DSRs in abeyance until submission of replenishment study for each DSR. Further, SEIAA directed that copies of the communication be sent to the Chief Secretary, Government of Uttar Pradesh; the Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh; the Principal Secretary/Secretary, Department of Geology and Mining, Government of Uttar Pradesh and Director of Geology and Mining for their information and necessary action. It was also decided that suitable instructions shall be sent to the counsel of SEIAA to apprise Hon' ble NGT accordingly. Copy of the minutes of meeting is being annexed herewith as ANNEXURE-1.
4. That further, the said minutes of meeting dated have been approved by its members through the Trail Mail. Copy of the Trail Mail is being annexed herewith as ANNEXURE-2.
5. That in accordance with the above minutes of meeting the previously approved DSR is kept in abeyance until compliance with requirement mentioned. Copy of the DSR kept in abeyance is being annexed herewith as ANNEXURE-3.



6. That further it is pertinent to note that the ACS, Mining and Geology for state of Uttar Pradesh gave the undertaking for conducting the replenishment study in *OA No.140/2021* case titled as *Raj Kumar Vs. State of Uttar Pradesh*. Copy of the order dated 06.05.2022 is being annexed herewith as ANNEXURE-4.
7. That the specific conditions imposed by the SEIAA while granting approval to the District Survey Reports (DSRs) of District Hamirpur and District Jalaun, and further mandated the submission of a replenishment study which would form the basis for the preparation of the respective DSRs, and further directed that the said study be uploaded on the District Mining Portal vide Minutes of meeting dated 27.03.2025. Copy of the Minutes of meeting Dated 27.03.2025. along with the trail mail is annexed herewith as ANNEXURE-5 (Colly).
8. The DSRs, prepared in compliance with their respective conditions as recorded in the minutes of the SEIAA meetings, have since been reinstated upon the removal of their abeyance. A copy of the relevant conditions, along with the list of DSRs to which they were made applicable, and which have now been reinstated, is annexed herewith as ANNEXURE-6(Colly).
9. That the contents of the accompanying supplementary affidavit are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.





V. Stenti

DEPONENT

VERIFICATION

Verified on solemn affirmation at New Delhi on this 10 APR 2025 day of 2025,
 that the contents of the foregoing affidavit are true and correct to the best of my
 knowledge and no part of it is false and nothing material has been concealed
 therefrom

V. Stenti

DEPONENT

*D/4476/10
 I identified the deponent who
 has signed in my presence
 Adv. Priyanka Swain*

ATTESTED
 NOTARY PUBLIC
 (INDIA)

10 APR 2025

Joint Meeting Minutes of State Level Environment Impact Assessment Authority, U.P. (876th SEIAA Meeting) & State Level Expert Appraisal Committee-1&2, U.P. held on 06/03/2025

The joint meeting of the State Level Environment Impact Assessment Authority, U.P. & State Level Expert Appraisal Committee-1 & 2, U.P. was held in Directorate of Environment, U.P. through hybrid mode (physical and virtual) at 12:30 PM on 06/03/2025. The following were present in the meeting: -

1.	Mrs. Mamta Sanjeev Dubey,	Chairman, SEIAA
2.	Shri Rajive Kumar,	Chairman, SEAC-1
3.	Dr. Harikesh Bahadur Singh,	Chairman, SEAC-2
4.	Shri Sushant Sharma	Member Secretary, SEAC (1 & 2)
5.	Shri Ajay Kumar Sharma,	Member Secretary, SEIAA
6.	Shri Paras Nath,	Member, SEIAA
7.	Shri Om Prakash Srivastava,	Member, SEAC-1
8.	Dr. Brij Bihari Awasthi,	Member, SEAC-1
9.	Dr. Ratan Kar,	Member, SEAC-1
10.	Shri Umesh Chand Sharma,	Member, SEAC-1
11.	Shri Tanzar Ullah Khan,	Member, SEAC-2
12.	Dr. Dineshwar Prasad Singh,	Member, SEAC-2
13.	Prof. Jaswant Singh,	Member, SEAC-2
14.	Dr. Shiv Om Singh,	Member, SEAC-2

Member Secretary, SEAC welcomed all the three Chairmen, Member Secretary, SEIAA and all the Members of SEIAA/SEACs.

A joint meeting of the State Environment Impact Assessment Authority (SEIAA) and the State Expert Appraisal Committee (SEAC) 1 & 2 was convened. SEIAA took note of the Order of the Hon'ble National Green Tribunal (NGT) regarding the appraisal of District Survey Reports (DSRs) and the necessity of conducting Replenishment Studies for sustainable sand mining. The following points emerged after discussion:

1. The responsibility for conducting mineral prospecting, identifying mining areas, determining royalty, and overseeing auction procedures completely rests with the Directorate of Mines and Geology, Uttar Pradesh, and the respective District Administrations. SEIAA/SEAC has no role in policy-making, formulation of Mines and Mineral Rules, determination of royalty, or auction of mining leases.
2. SEIAA is a three member authority. Owing to large number of cases Uttar Pradesh has 02 appraisal committees (SEAC 1& 2) having a total of 15 members in all. All these members are either retired government servants or academicians drawn from different walks of life. Neither SEIAA nor SEAC is a permanent body. Only the member secretaries are serving government officials. SEIAA does not have an independent secretariat or any kind of resources to carry out either any study or conduct any field inspections. SEIAA depends on Directorate of Mines and Geology, Uttar Pradesh which has technical expertise to ensure sustainable mineral development for any information/study related to mining and on UPPCB/ District Administration for field verification or for seeking any factual report. According to the official website of the Directorate of Mines and Geology, Uttar Pradesh, the department has experts specializing in Geology, Geophysics, Mining, Drilling, and Chemistry related to minerals.



Joint Meeting Minutes of State Level Environment Impact Assessment Authority, U.P. & State Level Expert Appraisal Committee-1&2, U.P. held on 06/03/2025

3. For purposes of bringing uniformity and streamlining the procedure for submission of DSRs, a Standard Operating Procedure (SOP) was earlier formulated in a joint meeting of SEIAA, SEAC and representative of Directorate of Mines and Geology, Uttar Pradesh. It was made clear to Directorate of Mines and Geology, Uttar Pradesh that sustainable Sand Mining guidelines 2020 have to be followed completely while preparing the DSRs. It was also made clear that this SOP was solely to enhance procedural efficiency and does not supersede the provisions outlined in the Sustainable Sand Mining Management Guideline-2020, which remain the fundamental basis for the preparation and appraisal of DSRs.
4. As per Standard Operating Procedure (SOP), the DSRs were to be prepared by district authority and thereafter these DSRs were to be vetted by the Directorate of Mines and Geology before their submission to SEIAA/SEAC for appraisal/ approval.
5. The DSRs carried the certificate from Director, Directorate of Mines and Geology, certifying that these were prepared and examined as per the provisions of Sustainable Sand Mining Management Guideline-2020, MoEF&CC notification dated 15-01-2016 and 25-07-2018 as well as Enforcement and Monitoring Guidelines for Sand Mining-2020. Thus, Directorate of Mines and Geology certified that the complete procedure as laid down for preparation of DSRs was followed.
6. While appraising the DSRs, SEIAA/SEAC considered the information, assurances and commitments provided by the Directorate of Mines and Geology and respective District Administrations. SEIAA/SEAC consistently asked Directorate of Mines and Geology to upload the replenishment studies on the district websites, web portal of mining department and also to submit it to SEIAA. SEIAA/SEAC, while considering the approval of DSRs, acted in good faith, balancing the interests of sustainable development, environmental protection, and local livelihoods. It is pertinent to mention here that the Directorate of Mines and Geology is an important government department, and is the technical authority for all issues related to mining of minor minerals in the state. SEIAA had no reason to doubt the veracity of the information provided by the Directorate of Mines and Geology or doubt the commitment repeatedly given by the mining department regarding the replenishment studies. At the same time constantly asking mining department to submit the replenishment studies to SEIAA and mining department continuously committed to provide the studies but never provided these studies.
7. SEIAA/SEAC understands that the submission of Replenishment Study reports is an essential requirement for preparation of DSRs in sand mining projects. It has repeatedly directed the Mining Department to furnish the necessary replenishment studies. Despite sustained efforts and ongoing communication, the required information has not been received from the Mining Department till date.
8. Acknowledging the critical importance of Replenishment Studies and non – compliance of assurance given by Geology and Mining Department, State Uttar Pradesh and concerned District Authorities. **SEIAA/SEAC, after thorough discussions, has decided to keep all previously approved DSRs in abeyance until compliance with this requirement is ensured.**

Accordingly, it has been decided to issue a formal communication to the Directorate of Geology and Mining, Uttar Pradesh, informing them of the decision regarding putting all DSRs in

The bottom of the page contains several handwritten signatures and initials in black ink. From left to right, there is a small symbol resembling a hash or number 7, followed by a large, stylized signature, a signature that appears to be 'G. Singh', another signature, a signature that looks like 'A', and finally a signature that looks like 'U.P.'.

Joint Meeting Minutes of State Level Environment Impact Assessment Authority, U.P. & State Level Expert Appraisal Committee-1&2, U.P. held on 06/03/2025

abeyance until submission of replenishment study for each DSR. Further, SEIAA directs that copies of this communication be sent to the Chief Secretary, Government of Uttar Pradesh; the Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh; the Principal Secretary/Secretary, Department of Geology and Mining, Government of Uttar Pradesh and Director of Geology and Mining for their information and necessary action. It was also decided that suitable instructions shall be sent to the counsel of SEIAA to apprise Hon'ble NGT accordingly.


(Mamta Sanjeev Dubey)
Chairman, SEIAA

(Paras Nath)
Member, SEIAA


(Ajay Kumar Sharma)
Member Secretary, SEIAA

(Rajive Kumar)
Chairman, SEAC-1

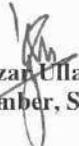
(Dr. Harikesh Bahadur Singh)
Chairman, SEAC-2

(Om Prakash Srivastava)
Member, SEAC-1

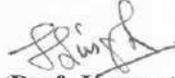
(Dr. Brij Bihari Awasthi)
Member, SEAC-1

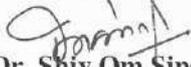
(Dr. Ratan Kar)
Member, SEAC-1

(Umesh Chand Sharma)
Member, SEAC-1


(Tazan Ullah Khan)
Member, SEAC-2

(Dr. Dineshwar Prasad Singh)
Member, SEAC-2


(Prof. Jaswant Singh)
Member, SEAC-2


(Dr. Shiv Om Singh)
Member, SEAC-2

(Sushant Sharma, IFS)
Member-Secretary,
SEAC- 1 & 2


Acting Nodal Officer, SEIAA, UP
MoM prepared by Secretariat in consultation with
Chairman & Members on the basis of decisions
taken by SEIAA, SEAC-1 & 2 during the meeting.


Nodal Officer, SEAC-1&2
MoM prepared by Secretariat in consultation with
Chairman & Members on the basis of decisions
taken by SEIAA, SEAC-1 & 2 during the meeting.

3/10/25, 1:16 PM

Yahoo Mail - Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

From: Harikesh Bahadur Singh (hbs1@rediffmail.com)

To: seiaaup@yahoo.com

Date: Monday 10 March, 2025 at 01:02 pm IST

Minutes approved.
Regards,

Dr. H.B. Singh FNAAS, FPSI, FICN, FISMPP, FBRS, FSPRB, FISNS, FSSCE, FRASSA Chairman, State Level Expert Appraisal Committee Uttar Pradesh-2 Chairman, ICAR-NSF Nanotechnology in Agriculture Guest Editor, Current Genomics, Bentham Science Executive Editor: Medicinal Plants Former Distinguished Professor, Department of Biotechnology GLA University, Mathura-281406, Uttar Pradesh, India Formerly Professor & Head Department of Mycology & Plant Pathology, Institute of Agricultural Sciences, Banaras Hindu University, Varanasi-221005, India Phone No. 0522-4015987 Mob. 9415355571 RES: 13/21, Vikas Nagar, Lucknow-226022 Alternate E-mail: somvanshi.rf@gmail.com Citation: 18588 h-index 73 i 10 index- 250 <http://scholar.google.co.in/citations?user=mhDg-v0AAAAJ&hl=en> http://www.researchgate.net/profile/Harikesh_Singh4

From: seiaaup@yahoo.com

Sent: Mon, 10 Mar 2025 13:00:50

To: "Dr. Brij Bihari Awasthi" <awasthmemberseac1@gmail.com>, "Dr. Dineshwar Prasad Singh" <dineshwar.amita@gmail.com>, "Dr. Ratan Kar" <ratankar@yahoo.com>, "Dr. Shiv Om Singh" <shivomsingh101@gmail.com>, Shri Om Prakash Srivastava <er.opsri@gmail.com>, Shri Parasnath <memberseiaaup2021@gmail.com>, Shri Rajive Kumar <chairman.seac1@gmail.com>, Shri Tanzar Ullah Khan <tukhan1959@gmail.com>, Shri Umesh Chand Sharma <umeshsharma2014.us@gmail.com>, Harikesh Bahadur Singh <hbs1@rediffmail.com>, Jaswant Singh <drjsingh1@gmail.com>, "sharmaajay09@yahoo.com" <sharmaajay09@yahoo.com>, Chairmanseiaa <chairmanupseiaa@gmail.com>, Rajive Kumar <rajivekumar1983@gmail.com>

Subject: Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

Respected Sir/Ma'am,

Please find enclosed herewith joint meeting minutes of SEIAA & SEACs dated 06/03/2025 after including the correction of Chairman, SEIAA, UP for your approval. This is also informed you that the joint minutes has already been approved by Chairman, SEIAA, therefore you are requested to provide your approval on the joint meeting minutes.

On Thursday 6 March, 2025 at 06:30:41 pm IST, SEIAA Uttar Pradesh <seiaaup@yahoo.com> wrote:

Respected Sir/Ma'am,

Please find enclosed herewith draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025 to provide your comments/approval till 05:00 PM on 07/03/2025. If your comments/approval on the draft minutes are not received by 5 PM tomorrow, the draft minutes will be considered deemed approved.

regards,
Directorate of Environment,
Vineet Khand, Gomti Nagar, Lucknow

3/10/25, 2:58 PM

Yahoo Mail - Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

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From: Dr. B.B Awasthi (awasthimemberseac1@gmail.com)

To: seiaaup@yahoo.com

Cc: dineshwar.amita@gmail.com; ratankar@yahoo.com; shivomsingh101@gmail.com; er.opsri@gmail.com; memberseiaaup2021@gmail.com; chairman.seac1@gmail.com; tukhan1959@gmail.com; umeshsharma2014.us@gmail.com; hbs1@rediffmail.com; drjsingh1@gmail.com; sharmaajay09@yahoo.com; chairmanupseiaa@gmail.com; rajvivekumar1983@gmail.com

Date: Monday 10 March, 2025 at 01:23 pm IST

Dear sir

I have gone through the MoM dt 6.03.2025 n I approve the same on my end.

With regards

Dr BB Awasthi

Member SEAC 1

On Mon, 10 Mar 2025 at 1:00 PM, SEIAA Uttar Pradesh <seiaaup@yahoo.com> wrote:

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From: Rajive Kumar (chairman.seac1@gmail.com)

To: awasthimemberseac1@gmail.com

Cc: seiaaup@yahoo.com; dineshwar.amita@gmail.com; ratankar@yahoo.com; shivomsingh101@gmail.com; er.opsri@gmail.com; memberseiaaup2021@gmail.com; tukhan1959@gmail.com; umeshsharma2014.us@gmail.com; hbs1@rediffmail.com; drjsingh1@gmail.com; sharmaajay09@yahoo.com; chairmanupseiaa@gmail.com; rajivekumar1983@gmail.com

Date: Monday 10 March, 2025 at 02:29 pm IST

The minutes corrected and approved by Chairman SEIAA are ok from my side.

Regards

Rajive Kumar

On Mon, Mar 10, 2025 at 1:23 PM Dr. B.B Awasthi <awasthimemberseac1@gmail.com> wrote:

Dear sir

I have gone through the MoM dt 6.03.2025 n I approve the same on my end.

With regards

Dr BB Awasthi

Member SEAC 1

On Mon, 10 Mar 2025 at 1:00 PM, SEIAA Uttar Pradesh <seiaaup@yahoo.com> wrote:

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regards,

Directorate of Environment,

Vineet Khand, Gomti Nagar, Lucknow

4/1/25, 8:02 PM

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Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

From: paras nath (memberseiaaup2021@gmail.com)

To: chairman.seac1@gmail.com

Cc: awasthmemberseac1@gmail.com; seiaaup@yahoo.com; dineshwar.amita@gmail.com; ratankar@yahoo.com; shivomsingh101@gmail.com; er.opsri@gmail.com; tukhan1959@gmail.com; umeshsharma2014.us@gmail.com; hbs1@rediffmail.com; drjsingh1@gmail.com; sharmaajay09@yahoo.com; chairmanupseiaa@gmail.com; rajivekumar1983@gmail.com

Date: Monday 10 March, 2025 at 03:01 pm IST

Sustainable Sand Mining Management Guideline is of the year 2016 instead of 2020. Please correct it. Rest of the minutes is OK with me.

With regards

On Mon, 10 Mar, 2025, 14:29 Rajive Kumar, <chairman.seac1@gmail.com> wrote:

The minutes corrected and approved by Chairman SEIAA are ok from my side.

Regards

Rajive Kumar

On Mon, Mar 10, 2025 at 1:23 PM Dr. B.B Awasthi <awasthmemberseac1@gmail.com> wrote:

Dear sir

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With regards

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Directorate of Environment,

Vineet Khand, Gomti Nagar, Lucknow

4/1/25, 8:02 PM

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Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

From: Dr Dineshwar Prasad Singh (dineshwar.amita@gmail.com)

To: ratankar@yahoo.com

Cc: awasthimemberseac1@gmail.com; shivomsingh101@gmail.com; er.opsri@gmail.com; memberseiaaup2021@gmail.com; chairman.seac1@gmail.com; tukhan1959@gmail.com; umeshsharma2014.us@gmail.com; hbs1@rediffmail.com; drjsingh1@gmail.com; sharmaajay09@yahoo.com; chairmanupseiaa@gmail.com; rajivekumar1983@gmail.com; seiaaup@yahoo.com

Date: Tuesday 18 March, 2025 at 06:44 am IST

Dear sir

The MOM dated 6.3.2025 of joint meeting looks OK from my end ,hence recommended for approval.
With best wishes

Dr Dineshwar Prasad Singh
Member,SEAC 2

On Tue, Mar 11, 2025, 12:11 PM Ratan Kar <ratankar@yahoo.com> wrote:

Dear Sir,

I have gone through the joint meeting minutes of SEIAA & SEACs dated 06/03/2025 and approve the same.

Just one minor observation: at a number of places in the report, DGM has been inadvertently mentioned as "Directorate / Department of Mines and Geology." It may be corrected as - "Directorate of Geology and Mining."

regards,
Ratan Kar

On Monday 10 March, 2025 at 01:00:52 pm IST, SEIAA Uttar Pradesh <seiaaup@yahoo.com> wrote:

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regards,
Directorate of Environment,
Vineet Khand, Gomti Nagar, Lucknow

4/1/25, 8:03 PM

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From: Ratan Kar (ratankar@yahoo.com)

To: awasthimemberseac1@gmail.com; dineshwar.amita@gmail.com; shivomsingh101@gmail.com; er.opsri@gmail.com; memberseiaaup2021@gmail.com; chairman.seac1@gmail.com; tukhan1959@gmail.com; umeshsharma2014.us@gmail.com; hbs1@rediffmail.com; drjsingh1@gmail.com; sharmaajay09@yahoo.com; chairmanupseiaa@gmail.com; rajivekumar1983@gmail.com; seiaaup@yahoo.com

Date: Tuesday 11 March, 2025 at 12:11 pm IST

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regards,
Directorate of Environment,
Vineet Khand, Gomti Nagar, Lucknow

List of DSR kept in-abeyance

Sr. No.	District Name	Sand Morrum
1.	Jalaun	✓
2.	Saharanpur	✓
3.	Agra	✓
4.	Ambedkar Nagar	✓
5.	Ayodhya	✓
6.	Baghat	✓
7.	Behraich	✓
8.	Ballia	✓
9.	Barabanki	✓
10.	Deoria	✓
11.	Banda	✓
12.	Jhansi	✓
13.	Sambhal	✓
14.	Shamli	✓
15.	Fatehpur	✓
16.	Ghazipur	✓
17.	Gonda	✓
18.	Hamirpur	✓
19.	Kanpur Dehat	✓
20.	Lakhimpur Kheri	✓
21.	Mirzapur	✓
22.	Prayagraj	✓
23.	Raibareli	✓
24.	Sant Kabir Nagar	✓
25.	Shahjahanpur	✓
26.	Shravasti	✓
27.	Auraiya	✓
28.	Farrukhabad	✓

29.	Firozabad	✓
30.	Mathura	✓
31.	Bareilly	✓
32.	Ghaziabad	✓
33.	Bulandshahar	✓
34.	Sonebhadra	✓
35.	Chitrakoot	✓
36.	Kannauj	✓
37.	Kanpur Nagar	✓
38.	Etawah	✓
39.	Lalitpur	✓
40.	Mahoba	✓
41.	Basti	✓
42.	Bijnor	✓
43.	Kaushambi	✓
44.	Siddharthnagar	✓

Item No. 03 & 04

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 140/2021

(With report dated 31.03.2022)

Raj Kumar

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

WITH

Original Application No. 141/2021

Ramkaran Karn

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

Date of hearing: 06.05.2022

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

Applicant: Mr. Vanshdeep Dalmia, Advocate

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

ORDER

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

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

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

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

“1to26...xxx.....xxx.....xxx

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“5.0 REPLENISHMENT STUDY

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

5.1 Generic Structure of Replenishment Study

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

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

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

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

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

The applications are disposed of accordingly.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

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

Joint Meeting Minutes of State Level Environment Impact Assessment Authority, U.P. & State Level Expert Appraisal Committee-1&2, U.P. held on 27/03/2025

The joint meeting of the State Level Environment Impact Assessment Authority, U.P. & State Level Expert Appraisal Committee-1 & 2, U.P. was held in Directorate of Environment, U.P. through hybrid mode (physical and virtual) on 27/03/2025. The following were present in the meeting: -

- | | | |
|-----|-----------------------------|--------------------------------|
| 1. | Mrs. Mamta Sanjeev Dubey, | Chairman, SEIAA |
| 2. | Shri Rajive Kumar, | Chairman, SEAC-1 |
| 3. | Dr. Harikesh Bahadur Singh, | Chairman, SEAC-2 |
| 4. | Shri Sushant Sharma, IFS | Member Secretary, SEAC (1 & 2) |
| 5. | Shri Ajay Kumar Sharma, | Member Secretary, SEIAA |
| 6. | Shri Paras Nath, | Member, SEIAA |
| 7. | Shri Om Prakash Srivastava, | Member, SEAC-1 |
| 8. | Dr. Brij Bihari Awasthi, | Member, SEAC-1 |
| 9. | Dr. Ratan Kar, | Member, SEAC-1 |
| 10. | Shri Umesh Chand Sharma, | Member, SEAC-1 |
| 11. | Dr. Ajai Mishra, | Member, SEAC-1 |
| 12. | Shri Tanzar Ullah Khan, | Member, SEAC-2 |
| 13. | Dr. Dineshwar Prasad Singh, | Member, SEAC-2 |
| 14. | Prof. Jaswant Singh, | Member, SEAC-2 |
| 15. | Dr. Shiv Om Singh, | Member, SEAC-2 |
| 16. | Dr. Amrit Lal Haldhar, | Member, SEAC-2 |

A joint meeting of the State Environment Impact Assessment Authority (SEIAA) and the State Expert Appraisal Committee (SEAC) 1 & 2 was convened on 06.03.2025. SEIAA/SEAC noted that while approving the DSR the condition “Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.” was imposed. Since this condition was not complied with by any District so SEIAA/SEAC had taken the decision on 06.03.2025 to keep the DSR and process of appraisal and grant of EC on hold. A meeting was called on 27.03.2025 to discuss the situation and take the final call as some Districts have submitted the study to SEIAA as well as uploaded this study on the District website. The SEIAA/SEAC in joint meeting decided that as more Districts upload their studies on District website and submit to SEIAA the process for appraisal/grant of EC will be resumed for respective District.

Joint Meeting Minutes of State Level Environment Impact Assessment Authority, U.P. & State Level Expert Appraisal Committee-1&2, U.P. held on 06/03/2025

The members were however of the view that the District Magistrate will furnish a certificate that the study (dated.....) for mineral calculation on which DSR is based has been uploaded on District website and shall remain in the public domain during currency of this DSR.

(Mamta Sanjeev Dubey)
Chairman, SEIAA

(Paras Nath)
Member, SEIAA

(Ajay Kumar Sharma)
Member Secretary, SEIAA

(Rajive Kumar)
Chairman, SEAC-1

(Dr. Harikesh Bahadur Singh)
Chairman, SEAC-2

(Om Prakash Srivastava)
Member, SEAC-1

(Dr. Brij Bihari Awasthi)
Member, SEAC-1

(Dr. Ratan Kar)
Member, SEAC-1

(Umesh Chand Sharma)
Member, SEAC-1

(Dr. Ajai Mishra)
Member, SEAC-1

(Dr. Dineshwar Prasad Singh)
Member, SEAC-2

(Prof. Jaswant Singh)
Member, SEAC-2

(Dr. Shiv Om Singh)
Member, SEAC-2

(Tanzar Ullah Khan)
Member, SEAC-2

(Dr. Amrit Lal Haldhar)
Member, SEAC-2

(Sushant Sharma, IFS)
Member-Secretary,
SEAC- 1 & 2

Nodal Officer, SEIAA, UP

MoM prepared by Secretariat in consultation with Chairman & Members on the basis of decisions taken by SEIAA, SEAC-1 & 2 during the meeting.

Nodal Officer, SEAC-1&2

MoM prepared by Secretariat in consultation with Chairman & Members on the basis of decisions taken by SEIAA, SEAC-1 & 2 during the meeting.

Replenishment study received

Sr. No.	District	Uploaded in Website
1.	Banda	Uploaded in NIC Website Banda
2.	Hamirpur	Uploaded in NIC Website Hamirpur
3.	Basti	Uploaded in NIC Website Basti
4.	Shamli	Uploaded in NIC Website Shamli
5.	Jalaun	Uploaded in NIC Website Jalaun
6.	Ghaziabad	Uploaded in NIC Website Jalaun