

**BEFORE THE HON'BLE NATIONAL GREEN TRIBINAL
PRINCIPAL BENCH AT NEW DELHI**

IN REF:

ORIGINAL APPLICATION NO. 235 OF 2022

IN THE MATTER OF :

Ramsrikha Sudeshwari Social welfare Foundation

.....Applicant

Versus

State of Uttar Pradesh and other

.....Respondents

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Place : Mahoba

Dated : September, 2023

(MANOJ KUMAR)

Advocate

Counsel for Respondent No.6

E.No. UP1502/78, COP No. 193761

GF-1, Shubh Apartment 489/211

Vivekanandpuri, Faijabad Road,

Lucknow-226007

Email-manojkumar.dgm@gmail.com

Note : Mr. Satya Prakash Singh Senior Advocate will appear on behalf of Respondent No. 6

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इस दस्तावेज / शपथ पत्र के साथ
10/ का उत्तर सत्यान है



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

SUPPLEMENTARY COUNTER AFFIDAVIT

IN REF:

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I, Smt. Shabira khatoon, aged about 70 years wife of Late Sri Shoeb Ahmad, Religion- Islam, Qualification- literate Occupation - Stone crushing, the deponent do hereby solemnly affirm and states on oath as under :-

- 1- That the deponent is at present resident of Mohalla- Vivek Nagar, Town-Kabrai, District- Mahoba (U,P,), and as such she is fully conversant with the facts and circumstances of the case.
- 2- That this Hon'ble Tribunal Vide order dated 08-05-2023 has observed that in the present case environmental clearance dated 01.12.2018 was granted by District Environment Impact Assessment Authority (DEIAA) Mahoba in favour of respondent no. 6. In view of Judgement of the Hon'ble Supreme Court in Deepak Kumar Vs. State of Haryana & Ors. (2012), 4 SCC 629



and order dated 13.09.2018 passed by this Tribunal in O.A. No. 186 of 2016 titled as Satendra Pandey Vs. MoEF & CC & Anr. question of validity of environmental clearance granted by DEIAA and permissibility of mining on the basis thereof also arises in the present case. Therefore, the matter is ordered to be relisted for further hearing.

- 3- That the deponent had already applied for environmental clearance (EC) before the State Level Environmental Impact Assessment Authority, Uttar Pradesh (SEIAA) and the State Level Environmental Impact Assessment Authority, UP (SEIAA) was pleased to issue environmental clearance (EC) in favour of the deponent vide its letter dated- 09-08-2023.

A copy of the environmental clearance (EC) dated 09-08-2023 is being annexed herewith as **ANNEXURE No. SCA-1** to this affidavit.

- 4- That the District Officer Mahoba vide order no- 2929/M.M.C.-30 dated 25-01-2023 also imposed the penalty of Rs. 12,25,760.00 upon the deponent on 756 Cubic Meter, illegally mined from the out side area to the leased hold area, then the deponent against the order dated 25-01-2023 passed by the District Officer Mahoba filed the Appeal No. 147 of 2023, in the Court of the Commissioner Chitrakutdham, Division, Banda and the Commissioner vide Judgment and order 13 April 2023 set aside the order dated 25-01-2023 passed by the District Officer Mahoba and these are no allegation of illegal mining of upon the Deponent.

The true translated copy of the Said order date 13 April 2023 is being annexed herewith as **ANNEXURE No. SCA-2** to the this affidavit.



5- That in View of above it is evident that the question for consideration regarding grant of Environmental Clearance by District Environment Impact Assessment Authority (DEIAA) become infructuous and came to the end as well as the allegation of illegal mining of 756 cubic meter also set aside by the Commissioner Chitrakutdham Division, Banda.

سابقہ شاہد
DEPONENT

Place : Mahoba

Dated 01 September, 2023

VERIFICATION

I, the above named deponent do hereby verify that the contents of paragraphs no. 1 to 5 of this affidavit are true to the best of my knowledge, and I have not suppressed any material fact.

Verified at Mahoba on this ...01..... day of September 2023

SR. NO
4033/2023

Deponent has signed before me.

سابقہ شاہد
DEPONENT

IDENTIFICATION

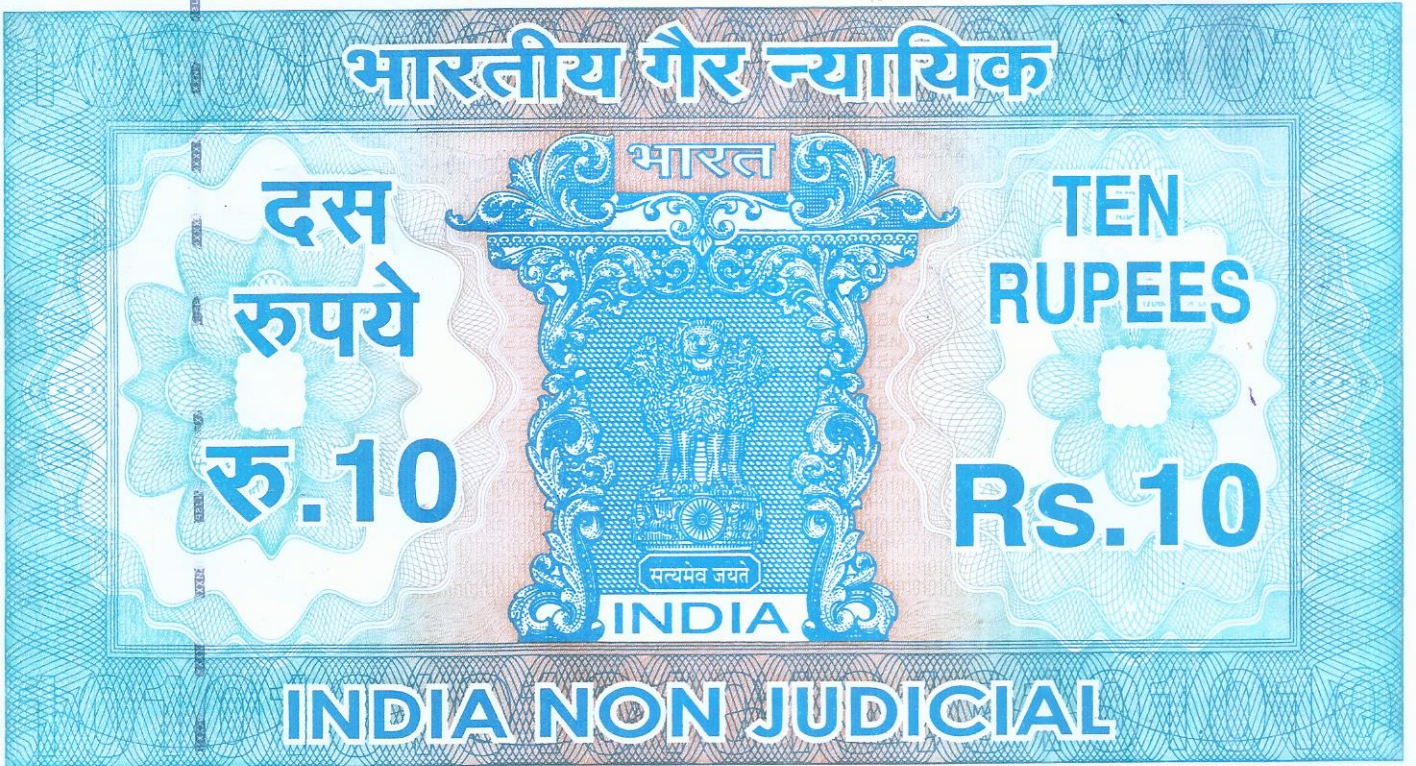
Madhusudan Das Chaurasia
Advocate/Notary
Mahoba (U.P.) Enrollment No.-403/79

01.9.2023



Affidavit/Document sworn/put up before me by
Sri/Smt. *Shabira Khatun W/o Shaeb Ahmad*
S/o,W/o.-----R/o.-----
Tah.-----The
contents of affidavit were read over and explained to her and she admitted to him/her that the contents are true. Self

Madhusudan Das
Advocate/Notary, Mahoba
Roll No. 403/198
Validity upto 24.09.2026
01.9.2023



उत्तर प्रदेश UTTAR PRADESH

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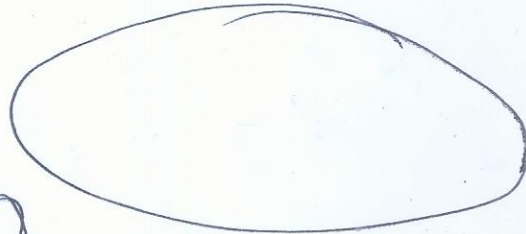
Before The Hon'ble National Green Tribunal,
Principal Bench, New Delhi.

संलग्नक

SR. No.
4003/2023



[Signature]
 NOTARY
 MAHOBA
 REC. NO. 52(04)98
 01.9.2023



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 -1
SABRA KHATOON
KDA Colony, Lalmau, Ganga Vihar, Shiwans Tenray, Kanpur Nagar -
208010

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/430827/2023 dated 25 May 2023. The particulars of the environmental
clearance granted to the project are as below.

- | | |
|---|--|
| 1. EC Identification No. | EC23B001UP138257 |
| 2. File No. | 7933 |
| 3. Project Type | New |
| 4. Category | B |
| 5. Project/Activity including
Schedule No. | 1(a) Mining of minerals |
| 6. Name of Project | "Building stone (Khanda, Gitti, Boulders)"
Project at Gata No.-482, Village-
Singhanpur Baghari, Tehsil- Sadar,
District- Mahoba, U.P. (Leased Area :
2.024 ha.) Lessee- Sabra Khatoon W/o
Late Shoeb Ahmad |
| 7. Name of Company/Organization | SABRA KHATOON |
| 8. Location of Project | UTTAR PRADESH |
| 9. TOR Date | N/A |

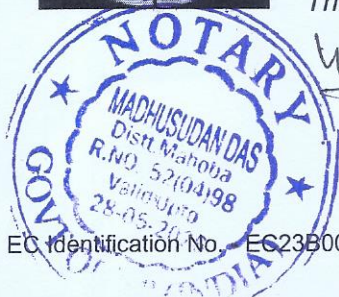
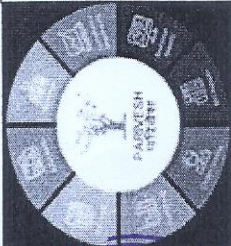
The project details along with terms and conditions are appended herewith from page
no 2 onwards.

Date: 09/08/2023

(e-signed)
Ajay Kumar Sharma
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/430827/2023 & SEIAA, U.P File no-7933

Sub: Environmental Clearance for Proposed Building stone (Khanda, Gitti, Boulders)" Project at Gata No.-482, Village- Singhanpur Baghari, Tehsil- Sadar, District- Mahoba, U.P. (Leased Area : 2.024 ha.)

Dear Sir,

This is with reference to your application / letter dated 25-05-2023 & 09-06-2023 above mentioned subject. The matter was considered by 763st SEAC in meeting held on 13-06-2023 and 746th SEIAA in meeting held on 30-06-2023.

A presentation was made by the project proponent along with their consultant M/s Paramarsh Servicing Environment and Development, Lucknow, U.P to SEAC on 13-06-2023.

Project Details Informed by the Project Proponent and their Consultant

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

- The environmental clearance is sought for "Building stone (Khanda, Gitti, Boulders)" Project at Gata No.-482, Village- Singhanpur Baghari, Tehsil- Sadar, District- Mahoba, U.P. (Leased Area : 2.024 ha.) Sabra Khatoon W/o Late Shoaib Ahmad
- Salient features of the project as submitted by the project proponent:

1.	On-line proposal No.	SIA/UP/MIN/430827/2023		
2.	File No. allotted by SEIAA, UP	7933		
3.	Name of Proponent	Sabra Khatoon W/o Late Shoaib Ahmad		
4.	Full correspondence address of proponent	R/o- Vivek Nagar, Kabrai, Teh. & Distt. Mahoba U.P.		
5.	Name of Project	Building Stone (Granite Khanda, Boulder, Bailast (Gitti)) Mining Project		
6.	Project location (Plot/ Khasra /Gata No.)	Gata No.- 482		
7.	Name of Village	Singhanpur Baghari		
8.	Tehsil	Mahoba		
9.	District	Mahoba		
10.	Name of Minor Mineral	Building Stone (Granite Khanda, Boulder, Bailast (Gitti))		
11.	Sanctioned Lease Area (in Ha.)	2.024 ha.		
12.	Max.& Min mRL within lease area	152 mRL-128 mRL		
13.	Pillar Coordinates (Verified by DMO)	Pillars	Latitude (N)	Longitude (E)
		A	25° 29'- 20.88"N	79° 56'- 23.81"E
		B	25° 29'- 20.99"N	79° 56'- 26.53"E
		C	25° 29'- 19.81"N	79° 56'- 28.76"E
		D	25° 29'- 17.77"N	79° 56'- 27.97"E
		E	25° 29'- 16.73"N	79° 56'- 23.50"E
		F	25° 29'- 17.74"N	79° 56'- 21.73"E
14.	Total Geological Reserves	972876 m ³		



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15.	Total Mineable Reserves	319052 m ³	
16.	Total Proposed Production (in five year)	101200 m ³	
17.	Proposed Production / year	20240 m ³	
18.	Sanctioned Period of Mine lease	10 Years	
19.	Method of Mining	Opencast Semi-Mechanized	
20.	No.Of workers	35 (approx.)	
21.	Type of Land	Govt. revenue land	
22.	Ultimate Depth of Mining	14 meter (average)	
23.	Nearest metalled road from site	300m	
24.	Water Requirement	PURPOSE	REQUIREMENT (KLD)
		Drinking & Others	0.40
		Suppression of dust	1.80
		Plantation	1.00
		Total	3.20
25.	Name of QCI Accredited Consultant with QCI No and period of validity.	M/s Paramarsh Servicing Environment and Development, Lucknow, U.P. QCI/NABET/EIA/2124/RA0224, Validity- 01/05/2024	
26.	Any litigation pending against the project or land in any court	No	
27.	Details of 500 m Cluster certificate Verified by Mining Officer	DMO (Khanan Anubhag) Mahoba vide Letter No. 228/MMC-30/2023-24, Dated- 17.05.2023	
28.	Details of Lease Area in approved DSR	Page No.- 87, S.No.- 86	
29.	Proposed CER cost	1.35 Lakh	
30.	Proposed EMP cost	EMP in First Year - 11.45 Lakh EMP (Recurring Years) – 7.00 Lakh	
31.	Length and breadth of Haul Road.	Length- 300m, Width- more than 6.0 m	
32.	No. of Trees to be Planted	1000	

- 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.
- This project does not attract any of the general conditions applicable on mining projects specified in EIA Notification 14/09/2006.
- 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.
- There is no litigation pending in any court regarding this project.
- The project proposal falls under category-1(a) of EIA Notification, 2006 (as amended).

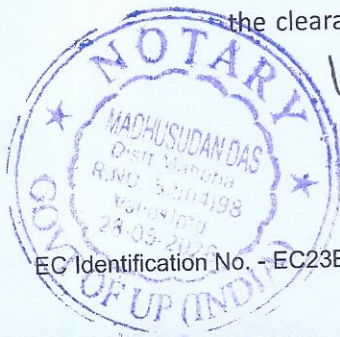
Based on the recommendations of the State Level Expert Appraisal Committee Meeting (SEAC) held on 13-06-2023 the State Level Environment Impact Assessment Authority (SEIAA) in its Meeting held 30-06-2023 and decided to grant the Environmental Clearance to the title project for collection of 20240 cum/year for lease area of 2.024 ha subject to effective implementation of the following General Conditions and specific conditions:-

General condition:

- This environmental clearance is subject to allotment of mining lease in favour of project proponent by District Administration/Mining Department.
- Forest clearance shall be taken by the proponent as necessary under the law.
- 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, Gol, Lucknow and State Pollution Control Board
19. The Integrated Regional Office, MoEF&CC, Gol, 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, Gol, 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



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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:

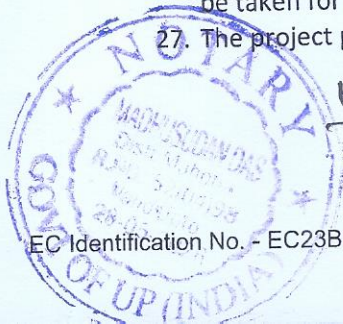
1. If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate.
2. 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.
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 3000 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 15 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



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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, Gol, Lucknow.
12. 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.
13. 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.
14. 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.
15. 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.
16. Project proponent has committed to plant 1000 number of trees/hectare. The project proponent/consultant if desires may approach to concerned District Forest Authority to plant 1000 trees/ha on a land available to the Forest Department. The project proponent will deposit the required amount for this entire plantation work (including its maintenance and security) to the Forest Department.
17. The project proponent shall install solar light in their site office.
18. 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.
19. Preference should be given to indigenous local species as per the consultation of the local district Forest Officer.
20. 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
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. The project proponent should explore the possibilities of rainwater harvesting.

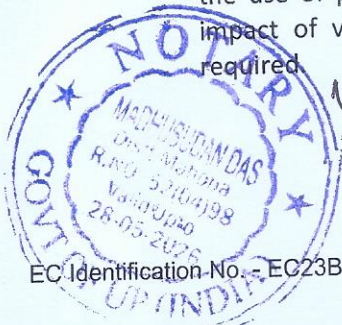


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28. Agreement/ Consent between project proponent and competent authority/ landowner for haulage road from lease site to link road.
29. Latest technology (water sprinklers/ tankers) to be adopted for mitigating dust at source points in lease area and haulage road during operational activity/vehicular movement.
30. As per the proposed plan, plantation with area specific plant species, number of plants to be Planted and report of green belt development to be submitted to the concerning department.
31. 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.
32. This environmental clearance does not create or verify any claim of the applicant on the proposed site/activity.
33. 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 05 ha, but factually the distance is less than 500 mt, and the mine is located in the cluster of area equal to or more than 05 ha, the E.C issued will stand revoked.
34. 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.
35. 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.
36. 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.
37. 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.
38. 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.
39. 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.
40. An adequate buffer zone shall be maintained between two consecutive mineral-bearing deposits.
41. The sprinkling of water on haul roads to control dust will be ensured by the project proponent.
42. 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, GoI, Lucknow every year.
43. Blast vibrations study shall be conducted and an observation report submitted to the Integrated Regional Office, MoEF&CC, GoI, 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.
44. 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.
45. Appropriate arrangement for shelter and drinking water for the mining workers has to be ensured at the mining site.
46. 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.



47. 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.
48. Status of implementation shall be submitted to the Integrated Regional Office, MoEF&CC, Gol, Lucknow and UP Pollution Control Board within six months and thereafter every year from the next consequent year.
49. The self-environmental audit shall be conducted annually. Every three years third-party environmental audit shall be carried out.
50. 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.
51. 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.
52. 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.
53. 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, Gol, 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.
54. 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, Gol, Lucknow and U.P. Pollution Control Board regularly.
55. 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.
56. 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.
57. 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.
58. 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.



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59. 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.
60. 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.
61. 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.
62. 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, GoI, Lucknow, and U.P. Pollution Control Board on a six-monthly basis.
63. The slope of the mining bench and ultimate pit limit shall be as per the mining scheme approved by the Indian Bureau of Mines.
64. 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.
65. 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, GoI, Lucknow, Central Pollution Control Board, and the State Pollution Control Board.
66. 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.
67. 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.
68. Prior permission from the Competent Authority shall be obtained for the extraction of groundwater if any.
69. 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.
70. Project Proponent shall explore the possibility of using solar energy where ever possible.
71. Commitment towards CER has to be followed strictly.
72. 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.
73. Project Proponent has to strictly follow the direction/guidelines issued by MoEF&CC, CPCB, and other Govt. Agencies from time to time.
74. 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



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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. Additional Chief Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, Lucknow (email – psforest2015@gmail.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), Integ rated 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. District Magistrate, Mahoba.
5. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email – ms@uppcb.com)
6. Copy to Web Master for uploading on PARIVESH Portal.
7. Copy for Guard File.

(Ajay Kumar Sharma)
Member Secretary, SEIAA



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ANNEXURE SCA-2**ORDER LETTER**

Court of the Commissioner,

Division – Chitrakutdham, Janpad, Tehsil

Appeal No.147/2003

Computerised Suit No.C02307000000147

Smt. Shabra Khatoon, Vs. State of U.P

(Under Section 79, Act – U.P.Minar-minerals

(concession) Rules.2021)

ORDER

The present appeal has been filed by Smt. Sabra Khatoon w/o L/Suheb Ahmad against the order No.2929/MMC-30 dated 25.01.2023 of District Officer, Mahoba with the statement that it has been mentioned by the committee constituted by the then Commissioner, Chitrakutdham, Mandal Banda, in a clear way in the joint report, the lease area marked by Revenue Department is not situated at its correct place and the situation of the area not similar there are several variations. So, till the time situation of area is not marked in an undisputed way, till then merely on the basis of imagination, any person



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cannot be considered accused of mining outside the area. By ignoring the above fact, the order in question has been passed by District Officer.

It has been stated regarding the above by Ld. Counsel for appellant that in the mining lease sanctioned in his favour, cultivation was done by farmer Shri Sukhdev Singh S/o Shri Rajkishor Singh and standing crop was found at the spot from which it is clear that the farmers have encroached upon the lease area sanctioned in favour of leaseholder. In point no.7 of Joint Report, it has been mentioned that in the Map of Revenue Department and in the map of sanctioned mining lease, there is difference of 8 mtr in both the maps. So, which map is correct of the geography? When this situation is not clear, then it is not justifiable to carrying out illegal mining by leaseholders by taking the ground of pits made out previously. It is also not clear as to by whom these pits have been made. Above charge has been levied on leaseholder merely on the basis of imagination. From the Joint Enquiry Report, it is not verified anywhere that illegal mining of 756 Cu.Mtr. boulder was done by leaseholder out of sanctioned area. From the mining area of leaseholders, path has been made out for movement by villagers in an unauthorised way and 140 Mtr. long and 4 Mtr. wide



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areas is being used. Even then leasehold has been making payment of entire revenue amount. On the basis of above enquiry, clarification has been submitted by Leaseholder on 05.01.2022 and it has been mentioned therein that on 5.01.2022 an amount of Rs.12,25,760 has been deposited through Chalan and it has been requested that above deposited amount may be adjusted in next instalment . Even then, the department, without considering on the above clarification of Leaseholder, his clarification has been dismissed and directions have been given to him for depositing Rs.12,25,760.00. In this way all allegations levelled on Leaseholder are imaginary and not verified from evidences. So, request has been made for accepting appeal submitted by appellant.

By refuting the above arguments, it has been stated by Special Government Counsel Revenue that regarding the illegal mining being done outside the approved area of leaseholder, by constituting a four members committee under the chairmanship of Additional District Officer (F/R Banda by the then Commissioner, Chitrakutdham with the direction were issued for enquiry/measurement. It has been mentioned in above Enquiry Report that transportation of illegal mining of 750 cub. Mtr.



mud/stone by leaseholder outside the sanctioned area regarding which by issuing notice to leaseholder on dated 03.01.2022, penalty of Rs.12,25,760.00 has been charged against him. Clarification was submitted by Leaseholder which was not found satisfactory. In the last, request has been made for dismissing the appeal.

After hearing the arguments of Ld. Counsels and on going through and examining evidences available in order sheet of lower office, the following facts were found:

1. The mining lease of Khanda/Gitti/boulder in an area of 2.024 Hectare in Gata No.482 of village Sidharpur Badhari situated in Hellsil of Janpad Mahoba in favour of appellent has been approved for a period of 10 years. On above Khasra No.482, the mining lease was operating from the year 1985 in favour of Shri Suab ahamad. Directions were issued by the then Commissioner on 20.12.2021 regarding the illegal mining and directions were issued for making available the enquiry report. It has been mentioned in Enquiry Report that during enquiry the distance of Pillar-D to E in mining area, upto a distance of 36 Mtr. in East-south direction outside the lease area pits in triangle



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shape of boulder mining were found and measurement of then was carried out which is 756 Cub.Mtr. It has not been mentioned anywhere in enquiry report as to by whom the above pits have been made?

2. In the enquiry/measurement of Revenue Department, the distance between the Koop (well) situate in Khasra No.481 and Khasra No.476 is 1750 Kadi (350Mtr.) whereas on which map the lease has been sanctioned in that the distance between the well situated in Khasra No.481 to Koop situated in Khasra No.476 is 358 Mtr. In this way there is distance of 80 Mtr. between Map of Revenue department and map of approved mining lease area. Here it is necessary to clarify that limitation of area is not exhibited on map in a correct way. So, till the time situation of sanctioned area is not mentioned in map correctly, then it would not be possible to evaluate the correct situation outside the approved area. In this way, it is confirmed from above that illegal mining has been shown on leasehold on the basis of prediction.

3. In enquiry report, it has been mentioned that the point no.A, B & C situated towards north

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side of mining lease area, a passer way has been made by villagers for their movement from which it become clear in itself that in less area the mining work is being operated by leaseholder than determined/sanctioned. On this basis also it seems that illegal mining charge has been levelled merely on the basis of possibility.

It has been mentioned in the joint enquiry report dated 22.12.2021 of District Officer, Mahoba and Police Superintendant Mahoba that mining work is being done by leasehold in the approved area in which obstacle is being created by local people with the objective of getting undue advantage.

From above analysis, I am of this opinion that the order in question has been passed on the basis of illegal mining of 756 cub.mtr. which is being stated outside the sanctioned area found on the basis of enquiry dated 03.01.2022 by Additional District Officer, whereas it has been appraised in a clear way in the joint enquiry report dated 22.12.2021 of District Officer and Police Superintendant that the mining work is being done by leaseholder in the sanctioned area. There seems to be variation in



both above enquiries and the charge of illegal mining levelled on leaseholder, is not found proved. On this basis, there is weight in the appeal of appellant which is fit for accepting.

So, appeal is accepted. The order in question of District Officer, Mahoba dated 25.01.2023 is set aside. The file of labour court along with copy of the this order, may to be returned back.

The file after necessary action should be kept in the office.

Dated 13, April, 2023

Sd/-
(R.P.Singh)
Commissioner

The order announced by me in the open court under my signature.

Dated 13th April, 2023

True Copy Translated.

Sd/-
(R.P.Singh)
Commissioner

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