

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

Original Application No. 719/2023

News Item titled "**Mafiayo ko kisi ka dar nahi is jile me beroktok ho raha avaidh khanan**" appearing in Hindustan dated 22.11.2023.

Date of hearing: 23.02.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)

**ORDER**

1. In this Original Application issue involved relates to large scale illegal mining of sand and natural soil and consequential damage caused to the environment in District Ambedkar Nagar and particularly at Ajmeri Badshahpur, Vargi Nizampur, Ismailpur Beldaha, Faridpur Tappa Haveli, Isauri Nasirpur Bhalu Ghats.

2. The Tribunal, considering the issue involved in the matter, vide order dated 18.12.2023 had constituted the Joint Committee and directed the Committee to visit the site, collect relevant information and submit the report before the Tribunal.

3. The Joint Committee has submitted the report on 19.02.2024 disclosing that mining activity has been carried out by the lease holders at different places without obtaining the CTO and CTE. The details enclosed in the report are as under:

*"C. All above mining sites are located on River Ghaghra/Saryu. Salient observation as per NGT order, recommendation/conclusion based on site inspection and available records are summarized as under:*

**1. Village- Majha Ismailpur Beldaha, Tehsil-Tanda, District-Ambedkar Nagar**

- 1.1. *The lease is located at Gata No. 4 kha and having total area of 3.421 hectares. The mining area is situated on River Ghaghra/Saryu.*
- 1.2. *During inspection, mining operation was not observed at the site. It was informed by Mining Department that mining operation is closed since 19.12.2018 due to non-submission of royalty. At site, local villagers also informed to joint committee that no mining activity had been carried out since more than 05 years.*
- 1.3. *The mining lease was granted to Sh. Gaurav Singh, S/o-Vindhyachal Singh, Village - Dulhupur, Tehsil-Jalalpur, District-Ambedkar Nagar as per auction notice dated 04.09.2017.*
- 1.4. *Letter of Intent (LoI) was issued by the District Administration to the Project Proponent on 28.10.2017. The LoI was issued for 3.421 hectares mine lease area for the period of 5 years. As per auction notice, the estimated quantity of ordinary sand was 82104 cubic meter per annum.*
- 1.5. *The Project Proponent had obtained Environmental Clearance (EC) from District Level Environment Impact Assessment Authority (DEIAA) on 16.01.2018. Copy of EC is annexed as Annexure No. -3.*
- 1.6. *The lease deed was signed between PP and District Administration for excavation of sand on 24.01.2018 and mining was started on 24.01.2018.*
- 1.7. *As per portal of Directorate of Geology and Mining, Uttar Pradesh, total 70989 cubic meter ordinary sand has been excavated by project proponent since mining started against permitted quantity of 82104 cubic meter (as per deed).*
- 1.8. *The mining activity was carried out without obtaining CTE and CTO from UPPCB.*

**2. Village- Ajmeri Badshahpur, Tehsil-Tanda, District-Ambedkar Nagar**

- 2.1. *The lease is located at Gata No. 830 mi, 831 mi, 832 mi and having total area of 5.50 hectares. The mining area is situated on River Ghaghra/Saryu.*
- 2.2. *During inspection, it was observed that mining operation has not been carried out. It is informed by Mining Department that mining operation is closed since 29.06.2020 due to non-submission of royalty. Local villagers also informed, that no mining activity is being carried out since more than 03 years.*
- 2.3. *The mining lease was granted to Sh. Shiv Prasad Chaudhary, S/o-Shri Rampher, Village-Jaipurwa, Gandhi Nagar, District-Ambedkar Nagar as per auction notice dated 22.05.2018.*
- 2.4. *Letter of Intent (LoI) was issued by the District Administration to the Project Proponent on 19.06.2018. The LoI was issued for 5.50 hectares mining lease area for the period of 5 years. As per auction notice, the estimated quantity of ordinary sand is 93500 cubic meter per annum.*

- 2.5. *The Project Proponent has obtained Environmental Clearance (EC) from State Level Environment Impact Assessment Authority (SEIAA) on 18.12.2018. Copy of EC is annexed as Annexure No. -4.*
- 2.6. *The lease deed was signed between PP and District Administration for excavation of sand on 03.01.2019 and mining had been started on 03.01.2019.*
- 2.7. *As per portal of Directorate of Geology and Mining, Uttar Pradesh, total 40059 cubic meter ordinary sand has been excavated by project proponent since mining started against permitted quantity of 93500 cubic meter (as per deed).*
- 2.8. *The mining activity was carried out without obtaining CTE and CTO from UPPCB.*

### **3. Village-Majha Vargi Nizampur, Tehsil-Tanda, District-Ambedkar Nagar**

- 3.1. *The lease is located at Gata No. 24 mi and having total area of 5.05 hectares. The mining area is situated on River Ghaghra/Saryu.*
- 3.2. *During inspection, it was observed that mining operation has not been carried out. It is informed by mining department that mining operation is closed since 22.07.2021 due to non-submission of royalty. Local villagers also informed, that no mining activity is carried out since more than 02 years.*
- 3.3. *The mining lease was granted to Sh. Rambahadur, S/o-Vishesar, Village-Chaubeypur, Chakrasoolpur, Nawabganj, Tehsil-Tarabganj, District-Ambedkar Nagar as per e-auction notice dated 04.09.2017.*
- 3.4. *Letter of Intent (LoI) was issued by the District Administration to the Project Proponent on 08.11.2017. The LoI was issued for 5.05 hectares mine lease area for the period of 5 years. As per auction notice, the estimated quantity of ordinary sand is 1,21,200 cubic meter per annum.*
- 3.5. *The Project Proponent has obtained Environmental Clearance (EC) from State Level Environment Impact Assessment Authority (SEIAA) on 23.01.2018. Copy of EC is annexed as Annexure No. -5.*
- 3.6. *The lease deed has been signed between PP and District Administration for excavation of sand on 27.01.2018 and mining has been started on 27.01.2018.*
- 3.7. *As per portal of Directorate of Geology and Mining, Uttar Pradesh, total 265036 cubic meter ordinary sand has been excavated by project proponent since mining started as against permitted quantity of 484800 cubic meter (as per deed).*
- 3.8. *The mining activity was carried out without obtaining CTO from UPPCB.*

### **4. Village-Isauri Nasirpur, Tehsil-Aalapur, District-Ambedkar Nagar**

- 4.1. *The lease is located at Gata No. 01 mi and having total area of 7.5 hectares. The mining area is situated on River Ghaghra/Saryu.*
- 4.2. *Earlier, the mining lease for ordinary sand was granted to Sh. Ajay Kumar, S/o-Jaiprakash, Village-Ishwar Nagar, Iltefganj, Tehsil-Tanda, District-Ambedkar Nagar as per e-auction notice dated 27.02.2018 for 05 years and 7.5 hectares. LOI was issued on 24.04.2018 for 112500 cubic meter.*
- 4.3. *EC was granted to the PP on 26.10.2018 and the lease deed has been signed between PP and District Administration for excavation of sand on 19.12. 2018. The District Administration has closed mining activity on 29.06.2020 due to non-submission of royalty. As per portal of Directorate of Geology and Mining, Uttar Pradesh, total 52743 cubic meter ordinary sand has been excavated by project proponent since mining started as against permitted quantity of 225000 cubic meter (as per deed).*
- 4.4. *The earlier mining activity was carried out without obtaining CTE and CTO from UPPCB.*
- 4.5. *During inspection, the mining project was found in operational phase. The present mining lease is granted to M/s Jaiswal Rice Dal and Oil Mill, Proprietor- Ramji Jaiswal, Marwatia Bansi Road, Basti as per e-auction notice dated 09.05.2022.*
- 4.6. *Letter of Intent (LoI) was issued by the District Administration to the Project Proponent on 11.07.2022. The LoI was issued for 7.5 hectares mine lease area for the period of 5 years. As per auction notice, the estimated quantity of ordinary sand is 75,000 cubic meter per annum.*
- 4.7. *The Project Proponent (PP) has obtained Environmental Clearance (EC) from State Level Environment Impact Assessment Authority (SEIAA) on 20.11.2023. Copy of EC is annexed as Annexure No. -6.*
- 4.8. *The lease deed has been signed between PP and District Administration for excavation of sand on 16.01.2024 and mining has been started on 16.01.2024.*
- 4.9. *As per portal of Directorate of Geology and Mining, Uttar Pradesh, total 3379 cubic meter (till 09.02.2024) ordinary sand has been excavated by project proponent since mining started as against permitted quantity of 75,000 cubic meter*
- 4.10. *During inspection, it was observed that the PP has not provided proper pillar around the mining area. The PP has installed one PTZ camera and 03 camera. During inspection, one camera was not properly operated.*
- 4.11. *The PP has provided motorable road for transportation of ordinary sand. The PP has not carried out sprinkling of water on road for dust suppression.*
- 4.12. *The CTO has been granted by UPPCB on 01.01. 2024, which is valid from 30.11.2023 to 31.12.2025. Copy of CTO is annexed as Annexure No. -7.*

**5. Village- Majha Faridpur Tappa IHaveli, Telisil-Aalapur, District-Ambedkar Nagar**

- 5.1. *The lease is located at Gata No. 1 mi and having total area of 10.5 hectares. The mining area is situated on River Ghaghra/Saryu.*
- 5.2. *During inspection, mining operation was not observed. It is informed by mining department that mining operation is closed since 30.12.2020. Local villagers also informed that no mining activity has been carried out since more than 03 years.*
- 5.3. *The mining lease was earlier granted to Sh. Ashish Kumar Jaiswal, S/o-Late Vashisth Kumar, Village-Rudhauri, District-Basti as per e-auction notice dated 27.02.2018.*
- 5.4. *Letter of Intent (Lol) was issued by the District Administration to the Project Proponent on 24.04.2018. The Lol was issued for 10.5 hectares mine lease area for the period of 5 years. As per auction notice, the estimated quantity of ordinary sand was 157500 cubic meter per annum.*
- 5.5. *The Project Proponent has obtained Environmental Clearance (EC) from State Level Environment Impact Assessment Authority (SEIAA) on 26.10.2018. Copy of EC is annexed as **Annexure No. -8**.*
- 5.6. *The lease deed has been signed between PP and District Administration for excavation of sand on 14.11.2018 and mining has been started on 14.11.2018.*
- 5.7. *As per portal of Directorate of Geology and Mining, Uttar Pradesh, total 124473 cubic meter ordinary sand has been excavated by project proponent since mining started as against permitted quantity of 472500 cubic meter (as per deed).*
- 5.8. *District Administration has closed mining activity on 30.12.2020 due to non-submission of royalty.*
- 5.9. *The mining activity was carried out without obtaining CTO from UPPCB.*
- 5.10. *After closing of previous mining lease, E -auction notice has been issued again by District Administration on 09.05.2022 for 10.5 hectares with estimated ordinary sand quantity of 100000 cubic meter per annum.*
- 5.11. *The LOI has been issued to Sh. Bablu, S/o-Sitaram, Village-Ragadganj, Kataria Yaqubpur, Tehsil-Akbarpur, District-Ambedkar Nagar. It is informed that EC has been applied in SEIAA, which is yet to be granted. Hence, mining is yet to be started.”*

4. Though the lease holders have carried out the mining without obtaining CTO and excavated excess quantity of sand against permitted quantity, but the report does not reflect any action by the UPPCB against the violators.

5. Learned Counsel for the UPPCB, seek a weeks' time to file the report indicating the action taken by the UPPCB against those who had carried out mining without obtaining CTO. In that report, the UPPCB will also disclose as to how the lease holder, (the details of whom are disclosed in paragraph 4.5) have been permitted mining after expiry of DSR issued in 2017.

6. The Committee has also made the following recommendations:

***“E. Conclusion/Recommendations:***

*It is evident from the above observation, the mining activity as mentioned in Hon'ble National Green Tribunal order at following locations is presently not carried out:*

- i. Village- Majha Ismailpur Beldaha, Tehsil-Tanda, District-Ambedkar Nagar*
- ii. Village- Ajmeri Badshahpur, Tehsil-Tanda, District-Ambedkar Nagar*
- iii. Village-Majha Vargi Nizampur, Tehsil-Tanda, District-Ambedkar Nagar*
- iv. Village- Majha Faridpur Tappa Haveli, Tehsil-Aalapur, District-Ambedkar Nagar*

*Mining activity was observed only at Village-Isauri Nasirpur, Tehsil-Aalapur, District-Ambedkar Nagar with valid permission from District Administration, SEIAA and UPPCB. During inspection of above sand mining area no illegal mining activity was found. Old mining lease was granted based on DSR Report, 2017. It is also informed by Mining Officer, updation of DSR is under progress.*

*The following recommendations is made by the committee:*

- a) The District Administration should not publish any auction notice till the District Survey Report (DSR) is prepared as per SSMG and MoEF & CC, Govt. of India guidelines.*
- b) The existing operational mining lease should comply with all condition stipulated in EC and CTO. Camera installed should be properly functional.*
- c) District Administration should instruct to project proponent to install proper concrete pillar on the corner of existing operational mining lease area.*
- d) The existing operational mining lease should carry out replenishment study as per guideline.*
- e) District Administration should develop proper mechanism for stopping illegal mining such as installing check post, surveillance system etc.*

*f) District Administration should not allow to operate both the brick kiln until they obtain CTO from the SPCB."*

7. Learned Counsel appearing for UPPCB submits that he has no objection if the above recommendations are implemented, hence the concerned authorities are directed to ensure that the above recommendations are duly complied with by the concerned district authorities as also the mining lease holders before publication of auction notice.

8. List the matter on 6<sup>th</sup> May, 2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

February 23, 2024.  
O.A No. 719/2023  
HB