

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

**Execution Application No. 12/2022**

*In*

**Original Application No. 107/2021**

***Suresh Kumar***

**.....Applicant**

**Versus**

***State of Uttar Pradesh***

**.....Respondent (s)**

***The Status Report of the of the***

*Khand No 20/7 Village Tikapur Tehsil Maudaha District Hamirpur (UP)*

**To,**

**The Hon'ble Chairperson,  
And other the Hon'ble Members,  
Of the Hon'ble Tribunal,**

The humble compliance report of the order dated 11.05.2022 passed by this Hon'ble Tribunal, in the above mentioned execution application, are being submitted as under :-

1. That this Hon'ble Tribunal, vide order dated 11.05.2022 passed in the above mentioned applications, was pleased to



direct as under :-

- "2. According to the applicant, even though in-stream mining is going on and the same has been pointed out to the Chief Secretary, U.P and District Magistrate, Hamirpur, no action is being taken.

*In view of above, let the District Magistrate, Hamirpur file a status report in the matter within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF*

*List again on 25.07.2020.*

*A copy of this order be forwarded to the District Magistrate, Hamirpur by email for compliance.*

*The Applicant may serve a set of papers on the District Magistrate, Hamirpur with a copy of this order and file affidavit of service within one week."*

2. That in compliance of above mentioned order dated 11.05.2022 passed by this Hon'ble Tribunal, it is submitted that an area namely Block no 20/7 measuring 24.291 Hectars situate at village- Tikapur, tehsil-Maudaha, district Hamirpur for annual estimated quantity 3,88,608 cubic meter sand & morrum was granted by E-tender cum E-auction process in favaur of M/S Ambey Suppliers Private Limited, W-21, First flor, Rajori Garden, New Delhi on mining lease with effect from 19.10.2020 for a period of 5 (Five) Years and the mining operation was done between the period 19.10.2020 to 31.12.2021 by the lessee. The set of papers has not been served by the applicant till date.

3. That M/S Ambey Suppliers Private Limited has not deposited the amount of monthly installment for the months October 2021 to April 2022 of the annual lease amount i.e. Rs 6,81,81,280/- (Rupees six crore eighty one Lac eighty one thousand two hundred eighty) only and Rs 1,20,24,702/- (Rupees One crore twenty lac twenty four thousand Seven hundred two) only as contribution of the *District Mineral Foundation Trust* and Rs 20,45,440/- (Rupees Twenty lac forty five thousand four hundred forty) only as TCS, hence notices were served upon the lessee vide letter no 1508/khanij-MMC-Tees-Vividh (2021-22) dated 15.12.2021 and letter no 1967/khanij-MMC-Tees-Vividh (2021-22) dated 28.02.2022.





4. That the provision of rule 59 of the Uttar Pradesh Minor Minerals (Concession) Rules 2021 (here in after called as said Rules 2021) run as under :-

***"59-Consequences of non-payment of royalty rent or other dues:***

*(1) The State Government or any officer authorised by it in this behalf may terminate the mining lease after serving a notice on the lessee to pay within thirty days of the receipt of the notice any amount due or dead rent under the lease including the royalty due to the State Government if it was not paid within fifteen days next after the date fixed for such payment. This right shall be in addition to and without prejudice to the right of the State Government to realise such dues from the lessee as arrears of land revenue.*

*(2) Without prejudice to the provisions of these rules, simple interest at the rate of 18 percent per annum may be charged on any rent, royalty, demarcation fee and any other dues under these rules, due to the State Government after the expiry of the period of notice under sub-rule (1)."*

5. That after laps of allowed time M/S Ambey Suppliers Private Limited neither deposit amount of arrears nor submitted any explanation regarding arrears in the office of District Officer Hamirpur hence the mining lease has been terminated vide order no 39/khanij-MMC-Tees-Vividh (2021-22) dated 12.04.2022 and recovery certificate has been issued in accordance with law to recover total amount of Rs 5,21,74,934/- (Rupees five crore twenty one lac seventy four thousand nine hundred thirty four) only after adjusting the amount of security of Rs. 3,09,91,488/- (Rupees three crore nine lac ninety one thousand four hundred eighty eight) only from M/S Ambey Suppliers Private Limited.

6. That for the purpose of regulating the mines of sand and morrum in accordance with *Sustainable Sand Mining Management Guidelines 2016*, a five members committee has been constituted by the District officer Hamirpur with the object to monitor such mines in accordance with the provision





of the *Enforcement & monitoring Guidelines For Sand Mining 2020* vide office order no 1475/khanij-MMC-Tees-Vividh (2021-22) dated 10.12.2021. The members of the aforesaid committee are as under :-

|  |          |
|--|----------|
| 1. Senior Mines Officer, Hamirpur  | Chairman |
| 2. Assistant Engineer nominated by Executive Engineer<br>Irrigation Department | Member   |
| 3. Naib Tehsildar nominated by the Tehsildar                                   | Member   |
| 4. Mines Inspector, Hamirpur   | Member   |
| 5. Surveyor, Mines Office, Hamirpur.   | Member   |

7. That the aforesaid five members committee visited the aforesaid site of mines on 18.05.2022 and submitted its report dated 18.05.2022 on the same day before the District Officer Hamirpur with the assertion that in so many places on the lease hold area, dumps of black earth along with mixture of sand & morrum has been created by the ex- lease holder and due to this reason deep places have been submerged with the water.

8. That the aforesaid five members committee vide report dated 18.05.2022 further recommended that the ex-lessee has already deposited Rs 9,00,000/- (Rupees nine lac) as Security for the purpose of protective, reclamation and rehabilitation measures as envisaged in the approved mine closure scheme as given in the mining plan in respect of which financial assurance was given, has not been or will not be carried out in accordance with the *mine closure scheme*.

9. That the sub rule (9) of rule 35 of the said Rules 2021 further provides that the District Officer or the Officer authorized by the State Government in this behalf shall give the lessee a written notice of his intention to issue the orders for forfeiting the sum assured at least thirty days prior to the date of the order to be issued.

10. That the sub rule (10) of rule 35 of the said Rules 2021 further provides that within the thirty days of the receipt of notice referred in sub-rule (9), if no satisfactory reply has been received in writing from the lessee, the district officer of the officer authorized by the State Government in this behalf, as the case may be, shall pass an order for forfeiting the security





amount and a copy of such order shall be endorsed to the State Government.

11. That the sub rule (11) of rule 35 of the said Rules 2021 further provides that upon the issuance of order by the district officer or the officer authorized by the State Government in this behalf, the State Government may realize any letter of credit or bond or any other security, guarantee provided or obtained as financial assurance for the purpose of performance of protective reclamation, rehabilitation measures and shall carry out those measures, or appoint an agent to do so.

12. That in the light of the aforesaid statutory provisions, vide letter no 245/khanij-MMC-Tees-vividh (2020-23) dated 20.05.2022 a notice has been served upon the M/S Ambey Suppliers Private Limited to fully implement the mine closure scheme otherwise the money of financial assurance Rs 9,00,000/- (Rupees Nine lac) will be forfeited for implementation of mine closure scheme by using such forfeited amount.

13. That after lapsing of 30 days time from the date of issuance of notice dated 20.05.2022 the amount of financial assurance could be forfeited.

14. That after forfeiture of such amount fo Rs 9,00,000/- (Rupees Nine lac) could do the necessary work for the purpose of performance of protective, reclamation rehabilitation measures and shall carry out these measures or appoint and agent to do so.

15. That in view of above it is submitted that status of area in question is at this time vacant and necessary action is being done for implementation of mine closure scheme as soon as possible and this status report is being filed in compliance of the order dated 11.05.2022 passed by the Hon'ble Tribunal in the above mentioned applications.

Place- Hamirpur

Dated 30 May 2022



20.5.22

**(Dr. Chandra Bhushan)**  
**District officer,**  
**Hamirpur**