



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड 332
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ सं०

Ref. No.

H-96017 / सी-2 / NGT - 07/23

दिनांक

Date 19.06.23

To,

The Registrar,
Hon'ble National Green Tribunal,
Copernicus Marg, New Delhi.
E-mail - judicial-ngt@gov.in

Subject: Submission of Joint Committee report in compliance of directions issued by Hon'ble NGT vide order dated 19.04.2023 in O.A. No. 284/2023 (I.A. No. 270/2023) Anuj Singh Vs State of Uttar Pradesh.

Sir,

In compliance of Hon'ble NGT order dated 19.04.2023 in the matter of O.A. No. 284/2023 (I.A. No. 270/2023) Anuj Singh Vs State of Uttar Pradesh, the Joint Committee report is being filed herewith.

It is requested that the aforesaid Joint Committee Report may be presented before the Hon'ble Tribunal for kind consideration.

Encl: As above.

Yours faithfully,

Chief Environmental Officer
Circle-2

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JOINT INSPECTION REPORT IN REFERANCE TO HON'BLE NGT ORDER IN THE MATTER OF ORIGINAL APPLICATION NO-284/2023 (I.A. No. 270/2023), ANUJ SINGH VERSUS STATE OF U.P.

1. Background

Hon'ble National Green Tribunal, Principal Bench, New Delhi passed order on dated 19.04.2023 in O.A. No- 284/2023 (I.A. No. 270/2023), the matter of Anuj Singh versus State of U.P. and others. The operative part of the order is as follows: -

"...5. In view of above, we find it necessary to require a joint Committee of SEIAA, UP, State PCB and District Magistrate, Banda to verify factual position and take remedial action, following due process of law. State PCB will be the nodal agency for coordination and compliance. An action taken report may be filed within two months 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. Copy of the report may also be provided to the Project Proponent for their comments, if any, before the next date. The report may inter alia specify extent of permissible mining with reference to Replenishment Study/DSR and the post mining environment restoration plan.

List for further consideration on 19.07.2023.

A copy of this order be forwarded to SEIAA, UP, State PCB and District Magistrate, Banda by e-mail for compliance.

The applicant may serve a set of papers on SEIAA, UP, State PCB and District Magistrate, Banda and respondents 8 and 9 and file affidavit of service within one week.

I.A. No. 270/2023 for interim relief cannot be entertained at this stage and will stand disposed of."

2. In compliance of direction issued by Hon'ble National Green Tribunal following members have been nominated in Joint Committee by the concern departments and order has been issued by District Magistrate Banda vide letter dated 17.5.2023 regarding compliance of above Hon'ble National Green Tribunal order: -

Sr. No	Name	Designation	Member nominated by
1	Shri Vikas Yadav	Sub Divisional Magistrate, Pailani, District - Banda	District Magistrate, Banda
2	Shri Arjun Kumar	Mines Officer, District - Banda	
3	Shri (Prof) Jaswant Singh	Member SEAAC-2,	SEIAA, U.P.
4	Shri Rajendra Prasad	Regional Officer, U.P. Pollution Control Board, Banda	UPPCB

3. The nominated Joint Committee member carried out field visit around mining place Gata No- 176Mi, 172Ga, 182, 187, Village- Amlorkhadar, Tehsil- Pailani, District- Banda (Vipul Tyagi) and mining place Gata No-100, Khand No- 3, Village-Khapatih, Tehsil- Pailani, District- Banda (J.S. Enterprises) as mentioned in O.A. no- 284/2023 on dated 26.05.2023. The aforesaid lease hold area is in the river- Ken in District – Banda.

The aforesaid lease hold area Gata No- 176Mi, 172Ga, 182, 187, Village- Amlorkhadar, Tehsil- Pailani, District- Banda was not found operational and lease hold area Gata No-100, Khand No- 3, Village-Khapatih, Tehsil- Pailani, District- Banda was found operational at the time of committee visit.

4. Lease hold area Gata No- 176Mi, 172Ga, 182, 187, Village- Amlorkhadar, Tehsil- Pailani, District- Banda on River Ken is allotted to lessee Shri Vipul Tyagi S/o Shri Ravindra Kant Tyagi, R/o H. No.- 319, Noor Nagar Sihani, Tehsil and District- Gaziabad, U.P. via registered lease agreement for 5 years from dated 13.05.2021 to 12.05.2026.

Lease hold area Gata No- 100, Khand No- 3, Village-Khapatih, Tehsil- Pailani, District- Banda on River Ken is allotted to lessee M/s J.S. Enterprises, Partner Shri Balvinder Singh S/o Sri Satyapal Singh R/o H.No-

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96/A, Nakora (128), District- Sirsa, Haryana via registered lease agreement for 5 years from dated 16.04.2021 to 15.04.2026.

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The details of permission issued by concern department given is below: -

Address of lease	Co-ordinate of Lease area of mentioned in Environmental Clearance	Sanction Detail of lease
Gata No-176Mi, 172Ga, 182, 187, Village-Amlorkhadar, Tehsil-Pailani, District-Banda	(A) 25°44'59.76" N, 80°21'29.63" E (B) 25°44'56.90" N, 80°21'30.33" E (B1) 25°44'14.58" N, 80°20'59.54" E (B2) 25°44'13.76" N, 80°21'00.41" E (B3) 25°44'08.39" N, 80°21'00.29" E (B4) 25°44'07.72" N, 80°21'00.62" E (B5) 25°44'00.42" N, 80°21'00.67" E (B6) 25°44'00.07" N, 80°21'00.31" E (C) 25°43'37.67" N, 80°21'13.05" E (D) 25°43'36.87" N, 80°21'12.33" E	1. Letter of intent issued vide letter dated 22.10.2018. 2. Letter of cluster issued vide letter dated 29.01.2019. 3. Letter of mining plan issued vide letter dated 01.03.2019. 4. Environmental Clearance by SEIAA issued vide letter dated 28.01.2020. 5. Lease Area- 25.29 hectare, Mineable Area- 25.29 hectare, Mineable Capacity- 505800 Cub. Meter/Annum (2023 Cub. Meter/day) 6. Lease Deed Execution issued vide letter dated 13.05.2021. 7. Sanction tenure of lease mining – 5 years 8. CTO issued by UPPCB vide letter dated 24.10.2020 (from 23.10.2020 to 31.12.2024) 9. Total mineable quantity after replenishment study report year 2022 - 291518 Cub. Meter.
Gata No-100, Khand No- 3, Village-Khapatih, Tehsil-Pailani, District-Banda	(A) 24°40'36.12" N, 80°22'06.06" E (B) 24°40'32.64" N, 80°21'40.40" E (C) 24°40'27.83" N, 80°21'39.12" E (D) 24°40'28.47" N, 80°22'09.08" E	1. Letter of intent issued vide letter dated 07.05.2018. 2. Letter of cluster issued vide letter dated 31.07.2019. 3. Letter of mining plan issued vide letter dated 31.10.2018. 4. Environmental Clearance by SEIAA issued vide letter dated 03.03.2021. 5. Lease Area- 16.00 hectare, Mineable Area- 16.00 hectare, Mineable Capacity- 320000 Cub. Meter/Annum (1422 Cub. Meter/day)

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		6. Lease Deed Execution issued vide letter dated 16.04.2021. 7. Sanction tenure of lease mining – 5 years 8. CTO issued by UPPCB vide letter dated 18.04.2023 (from 18.04.2023 to 31.12.2025) 9. Mineable quantity in replenishment study report year 2022- 239932 Cub. Meter.
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5. The quantity of excavated mineral in year 2022-2023 against quantity mentioned in replenishment study report year 2022 as per information provided by Mine Officer, Banda is given as below **Annexure-1:-**

Lease area	Resources available at pre-Monsoon (in cubic meter)	Quantity replenished (in cubic meter)	Total resource available (in cubic meter)	Mined mineral quantity between 01.07.2022 to 26.05.2023 (in cubic meter)
Gata No- 176Mi, 172Ga, 182, 187, Village- Amlorkhadar, Tehsil- Pailani, District- Banda	166332	125186	291518	0
Gata No- 100, Khand No- 3, Village- Khapatiha, Tehsil- Pailani, District- Banda	194044	45888	239932	4290

6. It is submitted regarding allegation of mining is being carried out in submerged area water area, extent of mining has been allowed to the extent

of entire available mineral including replenished mineral whereas permissible mining is only to the extent of 60% in context of SSMG 2016 and EMGSM 2020 at lease hold area Gata No- 176Mi, 172Ga, 182, 187 and Gata No- 100, Khand No- 3 in river Ken, it was found during the visit of committee that mining work had been done within allotted co-ordinate. Mining work had not been found in the stream of river. Obstruction in the stream of river was not found.

According to the details of mined material provided by Mine Office, Banda, the quantity of mined material is less than the total mineral quantity with available mineral before pre- monsoon and replenished mineral quantity in year 2022. **Annexure-1**

7. In compliance of direction issued by Hon'ble National Green Tribunal, observation of non-compliance of provision mentioned in SSMG 2016 and EMGSM 2020 are given as below: -

7.1) Issue related to allotment of mineral against replenished mineral quantity.

7.1.1) As per the provision of EMGSM 2020 of Ministry of Environment, Forest and Climate Change January 2020, River bed sand mining shall be restricted within the central 3/4th width of the river/rivulet or 7.5 meters (inward) from river banks but up to 10% of the width of the river, as the case may be and decided by regulatory authority while granting environmental clearance in consultation with irrigation department. Regulating authority while regulating the zone of river bed mining shall ensure that the objective to minimize the effects of riverbank erosion and consequential channel migration are achieved to the extent possible. In general, the area for removal of minerals shall not exceed 60% of the mine

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lease area, and any deviation or relaxation in this regard shall be adequately supported by the scientific report

- 7.1.2) In the letter issued by Mine Office, Banda, as per quantity mentioned in replenishment study report year 2022, the letter issued to lessee Shri Vipul Tyagi S/o Shri Ravindra Kant Tyagi, R/o H. No.- 319, Noor Nagar Sihani, Tehsil and District- Gaziabad, U.P of lease hold area Gata No- 176Mi, 172Ga, 182, 187 Village- Amlorkhadar, Tehsil- Pailani, District- Banda for mining the total mineral quantity 291518 cubic meter vide letter no- 490/ Mineral- 30, Banda dated- 25th January 2023 and letter issued to lessee M/s J.S. Enterprises, Partner Shri Balvinder Singh S/o Sri Satyapal Singh R/o H.No- 96/A, Nakora(128), District- Sirsa, Haryana of lease hold area Gata No- 100, Khand No- 3, Village-Khapatiha, Tehsil- Pailani, District- Banda for mining the mineral total quantity 239932 cubic meter vide letter no- 500/ khanij- 30, Banda dated- 27th January 2023.
- 7.1.3) According to detail of mined material provided by Mine Office, Banda, the quantity of mined material is less than the total mineral quantity with available mineral before pre- monsoon and replenished mineral quantity in year 2022.
- 7.1.4) The co-ordinate of lease hold area is nearby the river bank and it was found that mining work has been done leaving the 7.5 meter distance of river bank. Whereas the mining work has been restricted within the central 3/4th width of the river/rivulet or 7.5 meters (inward) from river banks through the various guidelines.

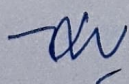
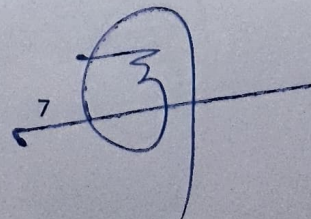
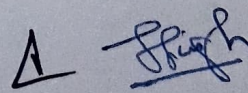
7.2) Issue related to in- stream mining

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- 7.2.1) The lease area (sanctioned and allotted) is situated partly in the river stream section. Whereas the in-stream mining is prohibited through the various guidelines.
- 7.2.2) It has been informed by the Mines Officer Banda that as per lease deed agreement, lessee were instructed not to conduct excavation in the active river stream.
- 7.2.3) During visit of committee, Mining work is being found nearby the stream of river. It was observed that mining work had not been done in the river stream. Obstruction in the stream of the river was not found.

7.3) Issue related to use of heavy machinery

- 7.3.1) During visit of committee, excavated depth of mining was found within permitted depth 3.0 meter.
- 7.3.2) *The use of excavator has not been allowed under semi mechanized condition in the EC issued to project.*
- 7.3.3) The use of excavator is permitted by the Director, Mining Department, UP vide letter dated 21.06.2019 which was issued in accordance with honorable NGT order in the matter of OA No. 44/2016. However, the condition of EC and said letter regarding use of excavator for the mining activities is contradictory to each other.
- 7.3.4) During visit of committee, restricted machinery was not found for mining activity at mining place. The machinery (Excavator cum loading machine boom length size 3.0 meter and bucket capacity less than one cubic meter) was found for mining activities at mining place.

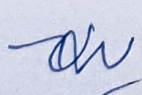
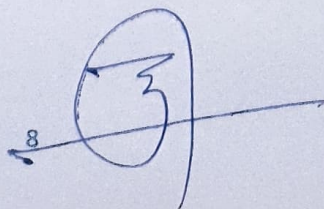
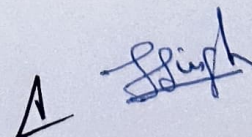
  

7.4) Issue related to illegal mining.

- 7.4.1) During visit of committee, mining work was not being found in lease hold area Gata No- 176Mi, 172Ga, 182, 187 Village- Amlorkhadar, Tehsil- Pailani, District- Banda. It was informed by MO, Banda that aforesaid mining lease is not in operation due to non-payment of royalty installment in season 2022-2023.
- 7.4.2) During the visit of committee, mining work was being done in lease hold area Gata No- 100, Khand No- 3, Village-Khapatih, Tehsil- Pailani, District- Banda. It was observed that mining work was found to be done in allotted Co- ordinate of lease area. It was informed by MO, Banda that aforesaid mining lease has started the mining from 27.04.2023 in season 2022-2023.
- 7.4.3) *As per the provision of EMGSM 2020 of Ministry of Environment, Forest and Climate Change January 2020, In general, the area for removal of minerals shall not exceed 60% of the mine lease area, and any deviation or relaxation in this regard shall be adequately supported by the scientific report*

8. Post mining environment restoration plan.

- 8.1) Due to mining season, mining closer activity was not carried out during visit of committee.
- 8.2) *The green cover development/tree planation is to be done in an area equivalent to 20% of total lease area either on river bank or along road side (Avenue Plantation)* However, no such planned plantation has been observed along the approach road sides.
- 8.3) Regarding environmental Audit, environmental statement etc. are also not been strictly complied with.


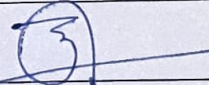
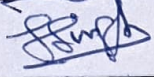
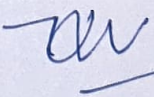
  

9. Conclusion

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Considering the observations as listed above the following measure are suggested

- 9.1) Mining lease near river bank should not be allotted to avoid the mining in restricted area of river banks.
- 9.2) The mine area across/ within the river course should not be allotted to avoid the in stream mining.
- 9.3) Strict vigilance and stringent action are required to be taken for stopping the illegal mining.
- 9.4) The mine work should be allowed as per the provision of EMGSM 2020 of Ministry of Environment, Forest and Climate Change January 2020 and mining plan submitted by Lessee.
- 9.5) Post mining environmental restoration activity should be completed after closing the mining before start monsoon season.

Joint Committee Members	Designation	Signature
Shri Vikas Yadav	Sub Divisional Magistrate, Pailani, District - Banda	
Shri Arjun Kumar	Mines Officer, District - Banda	
Shri (Prof) Jaswant Singh	Member SEAAC-2,	
Shri Rajendra Prasad	Regional Officer, U.P. Pollution Control Board, Banda	



Latitude: 25.675602
Longitude: 80.365652
Elevation: 90.93±3 m
Accuracy: 4.0 m
Time: 26-05-2023 13:46
Note: 100 of 3 khaptha Kala Pailani banda

Gata No- 100, Khand No- 3, Village-Khapatiha, Tehsil- Pailani, District- Banda (J.S. Enterprises)



Latitude: 25.675614
Longitude: 80.365681
Elevation: 99.67±3 m
Accuracy: 3.7 m
Time: 26-05-2023 14:18
Note: 100 of 3 khaptha Kala Pailani banda

Gata No- 100, Khand No- 3, Village-Khapatiha, Tehsil- Pailani, District- Banda (J.S. Enterprises)

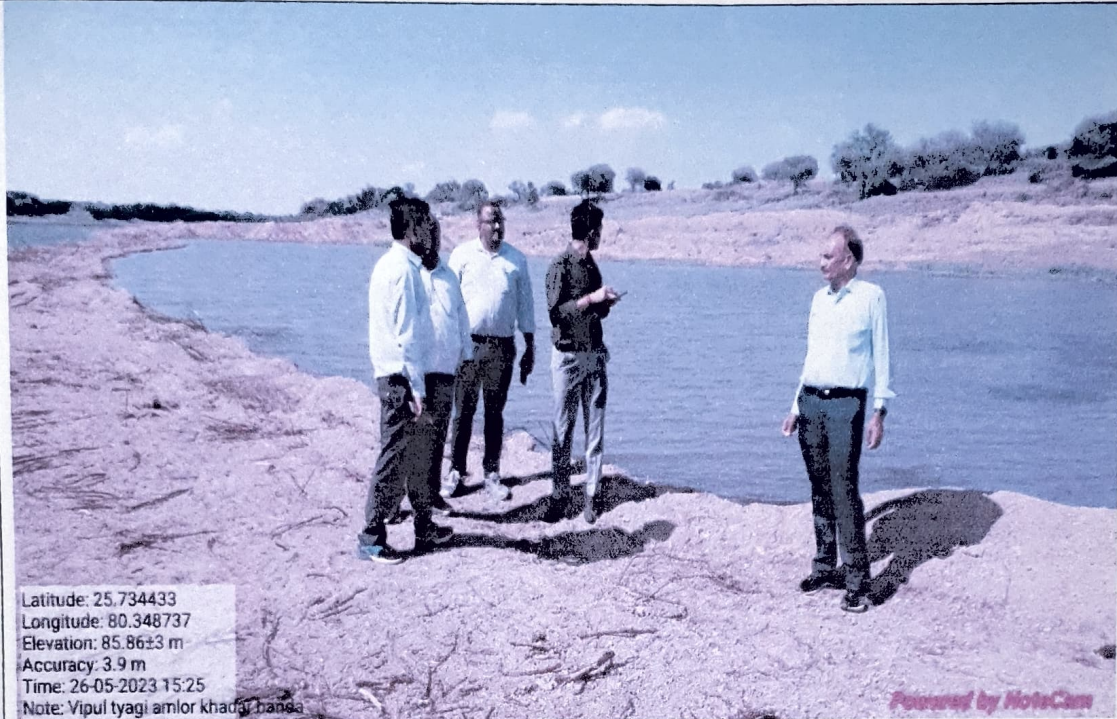
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Gata No- 176Mi, 172Ga, 182, 187, Village- Amlorkhadar, Tehsil- Pailani, District- Banda (Vipul Tyagi)



Gata No- 176Mi, 172Ga, 182, 187, Village- Amlorkhadar, Tehsil- Pailani, District- Banda (Vipul Tyagi)

Handwritten signatures and initials in blue ink:

- Initials: *VR*
- Signature: *[Large stylized signature]*
- Signature: *[Signature with a triangle symbol]*

कार्यालय जिलाधिकारी, बाँदा।
(खनिज अनुभाग)

पत्रांक : 195 / खनिज-30, बाँदा

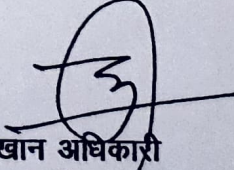
दिनांक : जून 16, 2023

क्षेत्रीय अधिकारी,
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
बाँदा।

मा० राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली में योजित ओ०ए० नं०-284/2023 अनुज सिंह बनाम उ०प्र० राज्य में मा० न्यायाधिकरण द्वारा पारित आदेश दिनांक 19.04.2023 के अनुक्रम में तहसील पैलानी स्थित ग्राम-अमलोरखादर व खपटिहाकलां में स्वीकृत खनन पट्टे में वर्तमान सत्र में निर्गत ई०एम०एम०-11 का विवरण निम्नवत है :-

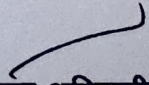
क्र०सं०	पट्टाधारक का नाम	खनन क्षेत्र का विवरण	वर्तमान सत्र से जांच की तिथि तक निर्गत ई०एम०एम०-11 की मात्रा	अभ्युक्ति
1	2	3	4	5
1.	श्री विपुल त्यागी पुत्र श्री रविन्द्रकान्त त्यागी	अमलोरखादर, तह० पैलानी, गाटा सं०-176मि, 172ग, 182, 187 रकबा 25.29 हे०	शून्य	किश्त की धनराशि जमा न करने के कारण खनन कार्य बंद है।
2.	जे०एस० इण्टर प्राईजेज	खपटिहा कलां, तह० पैलानी, गाटा सं०-100 का भाग (खण्ड सं०-03) रकबा 16.00 हे०	4290	-

वांछित सूचना आवश्यक कार्यवाही हेतु प्रेषित है।


खान अधिकारी
बाँदा।

पत्रांक व दिनांक तदैव।

प्रतिलिपि : जिलाधिकारी महोदया, बाँदा की सेवा में सादर सूचनार्थ प्रेषित।


खान अधिकारी
बाँदा।