

From:

**Member Secretary,
SEIAA UP,
Lucknow, Uttar Pradesh.**

To,

**The Registrar,
Hon'ble National Green Tribunal,
Copernicus Marg, New Delhi.**

Ref. No. 64 /NGT-327/2021

Dated: 20 April, 2022


Subject: Joint committee Report in compliance of Hon'ble NGT order dated 14.12.2021 passed in OA No. 327/2021 in the matter of Rajjan Versus State of U.P. & Ors

Sir,

In compliance to the orders passed by this Hon'ble Tribunal dated 14.12.2021 in OA No. 327/2021 in the matter of Rajjan Versus State of U.P. & Ors., the joint committee report in the above mentioned matter is enclosed herewith and is being filed before this Hon'ble Tribunal.

Encl: As above.(Total pages-14)

Yours Sincerely,


(Shruti Shukla)
Dy. Director

Joint Committee Report in reference to Hon'ble NGT order in the
matter of Original Application No. 327/2021 (I.A. No. 219/2021)
Rajjan Applicant Vs State of U.P. & Ors.

1. Hon'ble NGT has passed the Order dated 14.12.2021 in Original Application No. 327/2021 (I.A. 219/2021) Rajjan Applicant Vs State of U.P. & Ors., the operative part of the order is as follows: -

".....1. Grievance in this application is that cluster EIA procedure was required to be followed before grant of EC in the present case, having regard to the location of the sites, for which impugned EC has been granted in favour of respondents no. 7 to 10-M/s. Limelight Dealers Pvt. Ltd., M/s. Pragyasan Business Pvt. Ltd., M/s. Alok Mishra and M/s. Anantadrishti Multiventures LLP.

2. Issue notice to SEIAA, UP and respondents no. 7 to 10 for their response.

3. Apart from response of the said respondents, we also require an independent report in the matter from a joint Committee of MoEF&CC, CPCB and SEIAA, UP. SEIAA, UP will be the nodal agency for coordination and compliance.

4. Response and such report may be filed within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF and also upload the same on website of CPCB simultaneously so that the concerned parties can access the same for further course of action....."

2. For the compliance of Hon'ble NGT directives following members have been nominated by the concerned departments

- a. Dr. A K Gupta, Scientist-E, Integrated Regional Office (CZ), MoEF&CC,

Lucknow;



- b. Shri Rajendra D Patil, Scientist-D, CPCB RD-Lucknow; and
- c. Dr. Ajai Mishra, Member SEAC-1UP, Nominated by SEIAA

3. The Committee conducted virtual meetings on 25.01.2022 and 10.03.2022. During the meeting various issues discussed in reference to above NGT case including the procedure being adopted by SEIAA/SEAC UP for appraisal and grant of Environmental Clearance (EC).

3.1. The geo-referenced co-ordinates as provided by mining department have been considered without any physical or digital verification.

3.2. The cluster certificate issued by the Mining Department has also been considered without any cross verification, and the Mining Departments mostly indicates operational mine (if any) in the surrounding for issuing the cluster certificate. As such the mine areas which are under consideration of EC for which the cluster certificate has been issued by them is not indicated in the cluster certificate.

3.3. However, in the 'Enforcement & Monitoring Guidelines for Sand Mining' issued by Ministry of Environment, Forest and Climate Change in January, 2020 it has been recommended that '*The State Expert Appraisal Committee (SEAC) under SEIAA, consisting of experts from renowned fields such as Mines, Environment, Sociology etc. shall conduct a site inspection of the proposed sand quarry site and after intense scrutiny, may recommend the proposal to SEIAA for approval.*'



3.4. Thus, the recommendation of 'Enforcement & Monitoring Guidelines for Sand Mining' is not been considered by SEIAA & SEAC while issuing the EC.

4. The committee visited the site on 16.03.2022 to verify the actual status. The District Administration, mining department and UPPCB were also requested to depute concerned officials for the said inspections. Accordingly, SDM Shri N P Maurya, Mining Officer Shri Rajesh Kumar and Shri Ra, monitoring assistant Jas Prasad from UPPCB were also present during the visit to give the relevant inputs.

5. The Committee also calculated the lease area based on the latitude and longitude mentioned in the EC and compared it with the lease area mentioned in the EC. The details of the mining projects in question are as given in Table- 1

6. Issues related to EC issued to the project proponents

6.1. Total permitted mining lease area of these four projects is 113.75 Hectare.

6.2. As explained at point No 3, the ECs has been appraised by SEIAA/SEAC considering the Cluster certificates issued by the mining department.

6.3. The cluster certificates issued are stating that no mine has been situated within the 500 m from the proposed site. The said cluster certificates have been issued erroneously by the mining department due to which



the decision taken by SEIAA based on the said cluster certificate has been erroneous.

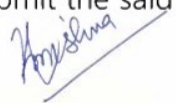
6.4. All the allotted mine lease areas are adjoining to each other. Mine M/s. Limelight Dealers Pvt. Ltd shares its boundary with M/s. Alok Mishra mine on South and M/s. Pragyasan Business Pvt. Ltd. on North. The M/s. Anantadrishti Multiventures LLP is located only at 24 m in North of M/s. Pragyasan Business Pvt. Ltd. The concerned Google Earth image is attached at *Annexure – I*.

6.5. Thus, the required 500 m distance between the mine lease area is not available and thus EC issued to individual mine instead of considering the case of cluster mine is not in accordance with the provisions of the EIA Notification, 2006.

6.6. Significant difference has been observed in total lease area mentioned in EC, geo-coordinates mentioned in EC, Lease Area mentioned in lease agreement and actual allotted area, as per KML provided by Mining Department.

6.7. Even the lease boundary of M/s Alok Mishra is overlapping with the lease boundary of M/s Limelight Dealers.

7. The details of the replenishment study are not provided. It is understood that the EC has been issued without any replenishment study and the project proponents have been asked to submit the said study within the 2



years. The replenishment rate has not been considered in any mechanism at present scenario.

8. The substantial portions of permitted mine lease areas are found in submerged condition under the active stream of the river. The condition of active river stream observed during third week of March 2022 is expected to prevail even during the upcoming summer season. It has been informed by the mining officer that some of the lease areas have been restricted during physical allotment at site considering these conditions. In such cases the operational lease area of mine is less than the area mentioned in the EC. (Details mentioned in the *Table- 1*).
9. Several ponds have been observed in each mine area. It has been informed that the water from the surroundings has percolated in the excavated pits forced to form these kinds of ponds.
10. The first mine from the north direction, i.e., M/s. Anantadrishti Multiventures LLP mine falls in the portion of the river where sand bars have formed due to riverine migration/ lateral shift/ meandering, due to which the river water streams seen around both the sides of the mining area resulting in the higher rate of seepage during the excavation.
11. Several heaps have been observed throughout the mining lease areas. It has been informed that the quality of the sand in the upper strata is of poor quality which is not generally saleable in the market. The overburden material is removed and kept aside for extraction of sand of better quality.



If these heaps remain during the rainy season, then there is every possibility for obstruction for river water stream which would result in the change in the river course.

12. The members of the committee visited the allotted corners of each lease area to record the latitude and longitude of these points. It has been observed that most of the demarcation poles were not at the designated demarcated place. The pillar points are not matching with the co-ordinates mentioned in the EC.
13. As per the information from UPPCB, M/s. Pragyasan Business Pvt. Ltd. has yet not obtained Consents under Air and Water Acts. The mine has been in production since 06.02.2021 without obtaining consents. The proponent is liable to pay applicable Environmental Compensation. However, the UPPCB has not initiated any action against the defaulter mine under Water and Air Act.
14. All the mine projects have installed DG Set without permission from UPPCB. Similarly, they have installed multiple bore wells but not obtained desired NOC from CGWA/SGWA. Compliance of these conditions are also anticipated by above mentioned projects through the Consents issued by UPPCB.
15. All the mine proponents were supposed to submit Geo-hydrological study report within six months to confirm the quality and level of ground water. However, no such report has been submitted by the proponents.



16. Committee observed that all lessee have separate road from active mine pits to weigh bridge which are passing through the same village.
17. Following are some of the additional non-compliance of the EC and Consent conditions
- 17.1. Not having indicative Hoardings/boards at site.
 - 17.2. Not having facilities for water sprinkling on haul road to control dust emission.
 - 17.3. Non-operational PTZ cameras in some of the mines.
 - 17.4. Not having wastewater treatment facilities in temporary habitation campus.
 - 17.5. Vehicle used for transportation could not produce PUC certificates during the visit.
 - 17.6. Committee noticed that M/s Alok Mishra, and M/s Pragyasan Business Pvt. Ltd., having the light arrangement which reflected that the mining operations could also be conducted during the night hours.
 - 17.7. Committee noticed that, no green belt has developed so far.
18. Project proponents have been supposed to submit the EC Compliance report on every six months to respective integrated Regional Office of MOEF&CC, SEIAA, concerned RO UPPCB and District Mining Officer. However, as per records of integrated Regional Office of MOEF&CC, no such reports have been received so far.
19. The mining department and project proponents have been requested to provide actual daily production details to verify the status of production

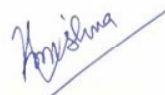


with reference to the quantity permitted as per the EC issued by SEIAA. However, this data has not been provided till the date by them.


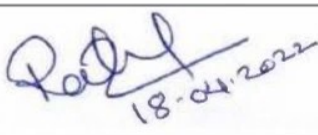

20. **Findings of the committee:** In view of the facts and observations referred above, it is evident that the environmental clearance have been issued based on the erroneous cluster certificates given by the mining department. As of now SEIAA has no mechanism to cross verify the data provided by mining department. Similarly, the compliance of the various conditions of EC and consent have neither been strictly ensured nor been verified by the concerned departments. Due to these lacunae several environmental, technical and administrative issues have been piling up in the matter.

21. Recommendations of the Committee

- 21.1. SEIAA, UP can be asked to strictly review the environmental clearance issued by them to said project proponents in accordance with the provisions of EIA Notification, 2006 and its subsequent amendments.
- 21.2. The mining department shall develop SOP for issuing cluster certificates in future to eliminate such kind of erroneous certifications.
- 21.3. Department of Environment can be asked to develop mechanism for cross verification of the data provided by Mining Department.
- 21.4. SEIAA, UP shall consider the findings of the replenishment study and district survey before issuing the EC pertaining to river bed mining cases.
- 21.5. The concerned departments can be asked to verify the compliances with respect to



- 21.5.1. Status of replenishment study
- 21.5.2. Amount of portion of lease area lying in the active river stream
- 21.5.3. Amount of portion of lease area lying in submerged conditions
- 21.5.4. Status of permissions taken from UPPCB for DG sets
- 21.5.5. Status of NOC from CGWA/SGWA in compliance to the EC condition
- 21.5.6. Status of green belt developed by project proponent
- 21.5.7. Status of compliance of EC and consent conditions in totality.
- 21.6. As the daily production and other related data required for calculation of Environmental Compensation was not made available to the committee, the UPPCB and mining department shall issue notices and impose requisite Environmental Compensation as per the Guidelines issued by CPCB for the non-compliance of consent conditions and daily production limit prescribed in the EC.

Committee member	Signature
Dr. A K Gupta, Sci-E Integrated Regional Office (CZ), MoEF&CC Lucknow	
Shri Rajendra D Patil, Sci – D CPCB Regional Directorate, Lucknow	
Dr. Ajai Mishra, Member SEAC-1UP, Nominated by SEIAA	
Date: 18.04.2022	

Additional views of Committee Member, SEAC-1, UP nominated by SEIAA
on point no. 3.4 of the report

The State Level Environment Appraisal Committee (SEAC) has been constituted under the EIA Notification, 2006 for recommending the issuance of EC by SEIAA. The Members of committee conduct the meetings for issuing the EC for the various category-B projects according to the EIA Notification, 2006 and paid a very nominal honorarium for the purposes.

Moreover, Chairman/ members of SEIAA/SEAC are part time and are not full-time serving officer to the Government. They are either serving or retired government officials/ scientists/ academicians.

Therefore, it is not feasible to survey the sites of each and every project which laid down for the recommendation of EC.

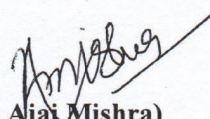

(Dr. Ajai Mishra)
Member, SEAC-1
Nominated by SEIAA

TABLE - 1

A. M/s Anantadrishti Multiventures LLP, Sn. A – 1 Adhawal

B. M/s Alok Mishra, Adhawal Composite – 1

C. M/s Limelight Dealers, Adhawal A- 5

D. M/s Pragyasan Business Pvt. Ltd., Adhawal Composite - 2

Projects	A	B	C	D
Lease Area (in Ha) as per EC	15.00	30.00	23.75	45.00
Lease Area (in Ha) based on Geo-coordinates mentioned in EC	13.60	34.00	29.80	45.00
Lease Area (in Ha) based on Geo-coordinates mentioned in lease agreement	14.70	29.20	23.40	44.60
Allotted area (in Ha), as per KML provided by Mining Department	14.70	29.80	22.30	45.00
Area (in Ha) submerged in active river stream	07.14	04.31	00.00	00.25
Date of lease advertisement by Mining Department	17.06.2019	18.05.2020	27.03.2018	29.07.2020
LOI issued by Mining Department	09.08.2019	27.06.2020	04.05.2018	31.08.2020
Cluster Certificate by Mining Department issued on	21.10.2019 25.01.2020	21.12.2020 14.07.2020	15.05.2018 26.07.2018	03.09.2020 30.09.2020
Date of public hearing	03.07.2020	21.12.2020	07.06.2019	20.12.2020
EC Granted Date	04.09.2020	15.01.2021	27.05.2021	15.01.2021
Consent (CTO) issuing Date	31.12.2020	02.06.2021	07.11.2021	Not obtained
Production starting date	02.11.2020	06.02.2021	16.11.2021	06.02.2021

Google Image Date:07/05/2021

Gross Area: 13.60 ha.
Water area-7.14 ha

C) 25 50.134 N 80 28.913 E
D) 25 49.903 N 80 28.522 E
A) 25 49.067 N 80 28.645 E
B) 25 49.968 N 80 28.956 E

ANNEXURE I
(A) Ref. No-292

Gross Area: 45.00 ha.
Water area-0.25 ha

A) 25 49.758 N 80 28.648 E
C-1) 25 49.717 N 80 28.275 E
A-1) 25 49.593 N 80 28.457 E

(D) Ref. No-646

Gross Area: 34.00 ha
Water area-4.31ha.

C) 25 49.400 N 80 27.943 E
C) 25 49.403 N 80 28.015 E
B) 25 49.338 N 80 28.334 E
D) 25 49.193 N 80 28.090 E
A) 25 49.160 N 80 28.353 E
A) 25 49.155 N 80 28.573 E

(B) Ref. No-28

Area: 29.80 ha

B) 25 48.799 N 80 28.410 E
C) 25 48.687 N 80 28.285 E

(C) Ref. No-668



Fig. 1. Mining Area



Fig. 2. Mining Area in Stream



Fig. 3. Damaged Pillars



Fig. 4. Damaged Pillars



Fig. 5. Ponding in Mining Area



Fig. 6. OB Heaps in Mining Area



Fig. 7. OB Heaps in Mining Area



Fig. 8. Ponding between OB Heaps in Mining Area

Photographs taken during site visit



Fig. 9. Visits at Weigh Bridge



Fig. 10. Shelters for Workers



Fig. 11. Bore well for fresh water



Fig. 12. Bore well for fresh water



Fig. 13. DG Sets for Electric supply



Fig. 14. DG Sets for Electric supply