

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

Original Application No.422/2023
(IA No 413/2024)

Abhishek Shukla		Applicant
	Versus	
Safdar Ali		Respondent

WITH

Original Application No.284/2024

Abhishek Shukla		Applicant
	Versus	
Mumtaj Ali		Respondent

WITH

Original Application No.286/2024

Abhishek Shukla		Applicant
	Versus	
Athary Construction Company		Respondent

WITH

Original Application No.287/2024

Abhishek Shukla		Applicant
	Versus	
Shivarpan Trading Company		Respondent

WITH

Original Application No.288/2024

Abhishek Shukla		Applicant
	Versus	
Jasmit Kaur Malhotra		Respondent

WITH

Original Application No.289/2024

Abhishek Shukla		Applicant
	Versus	
Sangram Singh		Respondent

WITH

Original Application No.291/2024

Abhishek Shukla		Applicant
	Versus	
Bajrang Road Lines through Shri Suresh Pratap Singh		Respondent

WITH

Original Application No.292/2024

Abhishek Shukla		Applicant
	Versus	
Bajrang Road Lines through Shri Suresh Pratap Singh		Respondent

WITH

Original Application No.293/2024

Abhishek Shukla		Applicant
	Versus	
Bundelkhand Rocks		Respondent

WITH

Original Application No.294/2024

Abhishek Shukla		Applicant
	Versus	
Bundelkhand Rocks		Respondent

WITH

Original Application No.296/2024

Abhishek Shukla		Applicant
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Versus

Disha Enterprises

Respondent

WITH

Original Application No.298/2024

Abhishek Shukla

Applicant

Versus

Deepak Singh

Respondent

Date of hearing: 02.09.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Mr. Gi. Gi. C. George for State of U.P. and DGMS
Mr. Mukesh Verma and Ms. Vatsala Tripathi, Advocates for Director
Mining (through VC)
Mr. Pradeep Misra, Advocate for UPPCB
Mr. S.G. Hasnain Senior Advocate with Ms. Deeksha L. Kakar, Mr. Syed
Mohd. Fazal, Mr. Rashneet Singh and Ms. Latika Bajaj Advocates for the
Project Proponents (in Item No. 11, 12, 13, 14, 21 and 22)
Mr. Manoj Kumar, Advocate for the Project Proponent (in Item No. 15)
Ms. Deeksha L. Kakkar and Mr. Rashneet Singh, Advocates for Project
Proponent (in Item No. 16, 17 and 18)
Mr. Yashovarman Advocate for Project Proponent (in Item No. 19 & 20)
(through VC)

ORDER

1. This Original Application No. 422/2024 was registered in exercise of *suo-moto* jurisdiction in view of law laid down by Supreme Court in ***Municipal Corporation of Greater Mumbai vs. Ankita Sinha and Others, (2022) 13 SCC 401*** on a letter petition dated 12.03.2023 sent by Abhishek Shukla, s/o of Kesar Prasad Shukla, resident of Village Jarar, PS Girwan, Tehsil Naraini, District Banda complaining about illegal mining and blasting of two hills which is causing cracks in the houses of the local inhabitants. It is said that there are six mining leases sanctioned in Village Jarar which are causing damage to houses of villagers endangering their life and property besides damaging environment. In village Jarar and

Chhaneha Purwa, there are five stone crushers, which are also being operated in violation of environmental norms and conditions. Crushers are being operated day and night; have no boundary wall; no arrangement for sprinkling of water during operation; causing dust and noise pollution and thereby causing various respiratory diseases and ailments to local residents.

2. Complainant has also said that illegal blasting and mining activities is also affecting old temples located on hills and also wildlife in the area. Roads leading to villages are being damaged by overloaded vehicles used for transportation of excavated mines and minerals.

3. Tribunal took cognizance of the matter on 01.08.2023 and found itself *prima-facie* satisfied that a substantial question relating to environment has arisen out of the implementation of enactments specified in Schedule I of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**'). However, it also found appropriate to verify the facts and for the purpose, constituted a joint Committee comprising Director, Geology and Mining, Uttar Pradesh; Uttar Pradesh Pollution Control Board (hereinafter referred to as '**UPPCB**') and District Magistrate, Banda. Committee was required to submit its report within one month.

4. Pursuant to said order dated 01.08.2023, the Joint Committee submitted report dated 08.09.2023. The report said that 16 mining leases were executed at Hill of Village Jarar, Girawa and Pataraha, Tehsil-Naraini, District Banda. All the mining leases had Environmental Clearance (hereinafter referred to as '**EC**') granted by State Environment Impact Assessment Authority, Uttar Pradesh (hereinafter referred to as '**SEIAA, UP**') and also Consent to Operate (hereinafter referred to as '**CTO**') from UPPCB. However, permission of Director General, Mines for blasting was obtained by seven lease holders and other did not have any such

permission. Report also said that there are five mining leases on hill of village Jarar, out of which four were operational and one (Shivarpan Trading Company, Gata No. 2450, Khand-06, Village Jarar) was not operational. Similarly, seven mining leases were granted on hill at Village Girwan, out of which six were operational and one mining lease (Bundelkhand Rocks, Gata No. 1876, Khand No. 07, Village Girwan) was not operational. In village Pataraha (Badokhar Khurd), 04 mining leases were granted to operate on the hills and all were operational.

5. In respect of allegation of cracks in residences, report stated that no such cracks in a residence could be shown by applicant to Committee Members.

6. The details of mining leases, observations, findings and recommendations made by joint Committee are reproduced as under:-

Sr N O_	Location of mining lease	Sanctions lease area and capacity	Date of EC issued by SEIAA	Lease Agreement date	Date of DGMS Permission	Date of CTO issued by UPPCB
1	2	3	4	5	6	7
1	Safdar Ali S/o Late Shri Farzand Ali, Gata No. 2450, Khand No. 03, at Village – Jarar,	Lease Area- 2.0 Hac. Capacity- 20000 Cub. Mtr/ Year	05.10.2020	09.11.2020	27.04.2023	20.04.2023
2	Mumtaj Ali S/o LateFarzand Ali, Gata No. 2450, Khand No. 05, Village - Jarar	Lease Area- 2.0 Hac. Capacity- 20000 Cub. Mtr/ Year	05.10.2020	09.11.2020	01.06.2023	31.05.2023
3	EUREKA MINES AND MINERALS LLP, GATA No. 2451, Khand No. 01, Village- Jarar	Lease Area- 2.5 Hac. Capacity- 25000 Cub. Mtr/ Year	30.12.2021	05.01.2022	29.07.2022	06.11.2022

4	Atharv Construction (Shri Sharvan Kumar Singh S/o Shri Vishnupal Singh) Gata No. 2451, Khand No. 02 at Village - Jarar	Lease Area - 1.21 Hac. Capacity- 12100 Cub. Mtr/ Year	06.05.2022	22.07.2022	-	05.08.2023
5	SHIVARPAN TRADING COMPANY, Gata No. 2450, Khand No. 06, Vill. - Jarar	Lease Area- 2.0 Hac. Capacity- 20000 Cub. Mtr/ Year	05.06.2023	17.04.2023		15.07.2023
6	Jasmeet Kaur Malhotra, Gata No. 1876, Khand No. 5, Village - Girwan,	Lease Area- 1.21 Hac. Capacity- 12100 Cub. Mtr/ Year	23.06.2020	22.10.2020	11.04.2023	9.06.2022
7	SANGRAM SINGH, GATA No. 1876, KHAND No. 01, Village - Girwan, Hec.	Lease Area- 2.02 Hac. Capacity- 20200 Cub. Mtr/ Year	11.08.2022	09.11.2020	11.04.2022	16.12.2022
8	Sulabh Saxena, Gata No. 1876, (Khand No. 02), Village - Girwan,	Lease Area 0.8 Hac. Capacity- 8000 Cub. Mtr/ Year	08.11.2020	18.12.2020	11.06.2023	09.06.2022
9	Bajrang Road Lines, (Shri Suresh Pratap Singh), Gata No. 1876, Khand No. 03, Village - Girwan,	Lease Area- 1.41 Hac. Capacity- 14100 Cub. Mtr/ Year	14.12.2021	03.01.2022	-	03.06.2023
10	Bajrang Road Lines, (Shri Suresh Pratap Singh), Gata No. 1876, Khand No. 04, Village - Girwan,	Lease Area- 1.21 Hac. Capacity- 12100 Cub. Mtir/ Year	14.12.2021	03.01.2022	30.09.2022	03.06.2023
11	BUNDELKHAN D ROCKS, Gata No. 1876, (Khand No. 09), Village - Girwan,	Lease Area- 0.5 Hac. Capacity- 5000 Cub. Mtr/ Year	07.05.2022	08.07.2022	-	26.02.2023

12	BUNDELKHAN D ROCKS, Gata No. 1876, (Khand No. 07), Village - Girwan	Lease Area 0.8 1 Hac. Capacity- 8000 Cub. Mtr/ Year	28.04.2023	12.05.2023		22.06.2023
13	KUNWAR VINOD RAJA, Gata No. 332, Khand No. 01, Village - Badokhar Khurd,	Lease Area- 1.61 Hac. Capacity- 16100 Cub. Mtr/ Year	15.01.2021	01.03.2021		28.02.2023
14	DISHA ENTERPRISES, GATA No. 332, Khand No. 02, Village - Badokhar Khurd	Lease Area- 1.61 Hac. Capacity- 16100 Cub. Mtr/ Year	05.10.2020	05.11.2020		26.03.2023
15	Maa Vindhyawasini Stone Work, (Shri Sameer Singh S/o Shri Phool Singh), Gata No. 332, Khand No. 05, Village - Badokhar Khurd,	Lease Area- 1.21 Hac. Capacity- 12100 Cub. Mtr/ Year	19.01.2020	04.01.2020		29.08.2023
16	Deepak Singh S/o Shri Ram Pal Singh, Gata No. 332, Khand No. 03, Village - Badokhar Khurd,	Lease Area- 0.56 Hac. Capacity- 5600 Cub. Mtri Year	15.10.2020	25.11.2020		10.05.2023

7. Report was considered by Tribunal on 03.10.2023 and in the light of observations and findings recorded in joint Committee report, Tribunal impleaded following 27 parties as respondents:

“2. In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of;

- (1) State of Uttarakhand through Chief Secretary, Government of Uttar Pradesh,*
- (2) Principal Secretary, Environment, Forest and Climate Change Department, State of Uttar Pradesh,*
- (3) Director, Directorate of Geology and Mining, Uttar Pradesh,*

- (4) Director General of Mines Safety, Directorate General of Mines Safety, Ministry of Labour and Employment, Dhanbad, Jharkhand
- (5) State PCB,
- (6) District Magistrate, Banda,
- (7) Safdar Ali S/o Late Shri Farzand Ali, Gata No.-2450, Khanda No.- 03, at Village- Jarar,
- (8) Mumtaj Ali S/o Late Farzand Ali, Gala No.- 2450, Khanda No.- 05, Village-Jarar,
- (9) Eureka Mines And Minerals Llp, Gata No. 2451, Khand No. 01; Village-Jarar,
- (10) Athary Construction company (Shri Shravan Kumar Singh S/o Shri Vishnupal Singh), Gala No.-2451. Khand No.-02, at Village-Jarar,
- (11) Shivarpan Trading Company, Gata No. 2450, Khand No. 06, Village- Jarar,
- (12) Jasmit Kaur Malhotra, Gala no - 1876, Khand no- 5, Village-Girwan,
- (13) Sangram Singh, Gata No. 1876, Khand No.- 01, Village- Girwan,
- (14) Sulabh Saxena Gata No.- 1876 (Khanda No.- 02), Village- Girwan,
- (15) Bajrang Road Lines (Shri Suresh Pratap Singh), Gata No.- 1876, Khand No.- 03, Village- Girawan,
- (16) Bajrang Road Lines (Shri Suresh Pratap Singh), Gata No.- 1876, Khand No.- 04, Village- Girawan,
- (17) Bundelkha Nd Rocks, Gala No- 1876, (Khand No.09), Village-Girwan,
- (18) Bundelkha Nd Rocks, Gala No-1876, (Khand No.07), Village Girwan,
- (19) Kunwar Vinod Ram, Gata No. 332. Khand No -01, Village Badokhar Khurd,
- (20) Disha Enterprises, Gata No. 332, Khand No. 02, Village Badokhar Khurd
- (21) Maa Vindhyawasini Stone Work (Shri Sameer Singh S/o Shri Phool Singh), Gata No.-332, Khanda No.- 05, Village- Badokhar Khurd,
- (22) Deepak Singh S/o Shri Ram Pal Singh, Gata No.-332. Khand No.- 03, Village- Badokhar Khurd,
- (23) A.H.V.S. IFRA L.L.P. Gata No. 1166, Vill-Jarar, Tahsil- Naraini, Banda,
- (24) Associated Ventures Gata No. 1172, 1179 and 1180, Vill-Jarar, Naraini, Banda,
- (25) Peer Baba Granite Gata No. 1798, Vill- Jarar, Naraini, Banda,
- (26) Neelkanth Granite Gata No. 1382, Vill-Jarar, Naraini, Banda and
- (27) Indus Stone Crusher Pvt. Ltd. Gata No. 1794, VIII- Jarar, Tahsi INaraini, Banda, who stand impleaded as respondents No. 1 to 27.

The Registry is directed to prepare and attach memo of parties to the application. Respondent no. 5-UPPCB is already appearing before this Tribunal through Counsel. Registry is directed to issue notices to

respondents no. 1 to 4 and 6 to 27 requiring them to file their reply/response within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. Notices were issued to respondents except respondent 5 i.e. UPPCB which was already represented through Counsel. Respondents were granted time to file their responses.

9. Pursuant to order dated 03.10.2023, an action taken report dated 01.11.2023 has been filed by Directorate General Mines and Safety (hereinafter referred to as ‘**DGMS**’), Dhanbad. After referring certain provisions of Mines Act, 1952 and Metalliferous Mines Regulations, 1961 (hereinafter referred to as ‘**MM Regulations 1961**’), DGMS has given status of 16 mining lease holders in respect of permission granted/applied as under:

Sl. No.	Name of Mine, Owner & its Location/Area	Date of Submission of Notice of opening	Status of Appointment/ Authorisation of Manager	Status of permissions granted		Remarks
				Use of HEMM without deep hole blasting	Use of HEMM with deep hole blasting	
1	Safdar Ali S/o Late Shri Farzand Ali, Gata No. 2450, Khand No. 03, at Village – Jarar, Lease Area-2.0 Hec.	18.01.2023	Appointed (2 nd Class), Letter issued on 27.04.2023	Granted on 07.07.2023	Not Applied	
2	Mumtaj Ali S/o Late Shri Farzand Ali, Gata No. 2450, Khand No. 05, Village - Jarar, Lease Area-2.0 Hec.	18.01.2023	Not Appointed (Previous manager resigned on 19.06.2023)	Not Applied	Not Applied	Letter sent on 13.07.2023 to Lessee, DM & DMO for stoppage of mine

3	Eureka Mines and Minerals LLP, Gata No. 2451, Khand No. 01, Village- Jarar, Lease Area-2.5 Hec.	29.01.2022	Appointed, Authorisation issued on 20.10.2023	Granted on 09.10.2023	Not Granted	Applied for use of HEMM with deep hole blasting with 100 mm dia holes, but permission granted for use of HEMM without deep hole blasting by using shot holes not exceeding 3 m in depth & 100mm in dia.
4	Atharv Construction (Shri Sharvan Kumar Singh S/o Shri Vishnupal Singh) Gata No. 2451, Khand No. 02 at Village - Jarar, Lease Area-1.21 Hec	Not Submitted	Not Appointed	Not Applied	Not Applied	Letter sent on 23 & 25.10.2023 to Lessee, DM & DMO for stoppage of the mine
5	Shivarpan Trading Company, Gata No. 2450, Khand No. 06 at Vill. - Jarar, Lease Area 2.0 Hec.	Submitted on 26.10.2023 with intended date of opening - 26.11.2023.	Notice of Appointment received, but online application from lessee for manager's authorisation is pending.	Not Applied	Not Applied	Letter sent to lessee for online registration of mine (LIN & Mine Code generation) and making online application for manager's authorisation.
6	Jasmeet Kaur Malhotra, Gata No. 1876, Khand No. 5, Village - Girwan, Lease Area-1.21 Hec.	30.04.2022	Appointed, Authorisation issued on 11.04.2023	Granted on 30.11.2022	Not Applied	
7	Sangram Singh, Gata No. 1876, Khand No. 01, Village - Girwan, Lease Area-2.02 Hec.	25.10.2021	Appointed, Authorisation issued on 29.03.2023	Granted on 19.04.2022	Not Applied	
8	Sulabh Saxena, Gata No. 1876, Khand No. 02, Village - Girwan, Lease Area-0.8 Hec	30.04.2022	Appointed, Authorisation issued on 11.06.2023	Not Applied	Not Applied	
9	Bajrang Road Lines, (Shri Suresh Pratap Singh), Gata No. 1876, Khand No. 03, Village - Girwan, Lease Area 1.41 Hec.	24.05.2022	Appointed, Authorisation issued on 23.10.2023	Not Applied	Not Applied	

10	Bajrang Road Lines, (Shri Suresh Pratap Singh), Gata No. 1876, Khand No. 04, Village - Girwan, Lease Area 1.21 Hec.	24.05.2022	Applied for authorisation, but application rejected for invalid Mate's certificate with	Not Applied	Not Applied	Letter sent on 25.10.2023 to Lessee, DM & DMO for stoppage of mine
11	Bundelkhand Rocks, Gata No. 1876, Khand No. 09, Village - Girwan, Lease Area-0.5 Hec.	Not Submitted	Not Appointed	Not Applied	Not Applied	Letter sent on 23 & 25.10.2023 to Lessee, DM & DMO for stoppage of mine
12	Bundelkhand Rocks, Gata No. 1876, Khand No. 07, Village - Girwan, Lease Area-0.8 Hec.	Not Submitted	Not Appointed	Not Applied	Not Applied	Letter sent on 23 & 25.10.2023 to Lessee, DM & DMO for stoppage of mine
13	Kunwar Vinod Raja, Gata No. 332, Khand No. 01, Village - Badokhar Khurd, Lease Area-1.61 Hec.	Submitted, but incomplete (surface plan of the mine not submitted and other deficiencies).	Foreman's appointment notice submitted, but without appointing mining mate.	Not Applied	Not Applied	Letter sent on 31.10.2023 to lessee, DM & DMO for stoppage of mine until compliance of the provisions mentioned.
14	Disha Enterprises, Gata No. 332, Khand No. 02, Village - Badokhar Khurd, Lease Area-1.61 Hec.	06.10.2023	Appointed, Authorisation issued on 23.10.2023	Not Applied	Not Applied	
15	Maa Vindhyawasini Stone Work, (Shri Sameer Singh S/o Shri Phool Singh), Gata No. 332, Khand No. 05, Village - Badokhar Khurd, Lease Area-1.21 Hec.	Not Submitted	Not Appointed	Not Applied	Not Applied	Letter sent on 23 & 25.10.2023 to Lessee, DM & DMO for stoppage of mine
16	Deepak Singh S/o Shri Ram Pal Singh, Gata No. 332, Khand No. 03, Village - Badokhar Khurd, Lease Area-0.56 Hec	06.10.2023	Appointed (2nd class), Letter issued on 23.10.2023	Not Applied	Not Applied	

10. Further comments of DGMS in its report are as under:

“4. The leaseholder of the mining leases mentioned at serial no. 4, 5, 11, 12, 13 and 15 of the above table had neither submitted the “Notice of Opening” of the mine, as required under Section 16 of the Mines Act, 1952 and Regulation 3 of the MMR 1961, nor appointed manager of the mine, as required under Section 17 of the Mines Act, 1952 and Regulation 34(1) of the MMR 1961. Letters were sent on 23 & 25.10.2023 to the District Magistrate and District Mining Officer of Banda district and the concerned lease holders for stoppage of all mining operations until compliance of the above provisions. However, subsequently the leaseholder at serial no. 5 has submitted Notice of Opening of the mine on 26.10.2023 with intended date of opening as 26.11.2023, enclosing therewith notice of appointment of foreman/ manager, but online application for manager’s authorisation is still pending. Letter has been sent to the lessee on 31.10.2023 directing him for online registration of mine (LIN & Mine Code generation) and submitting online application for manager’s authorisation. Similarly, the leaseholder at serial no. 13 has submitted Notice of Opening of the mine on 25.10.2023 without surface plan and appointment of mining mate. Letter has been sent to the lessee (endorsing copy thereof to the District Magistrate and District Mining Officer of Banda district) on 31.10.2023 directing him to submit all relevant documents/ details and thereafter to do online registration of mine and submit online application for manager’s authorisation. He has also been directed to stop all mining operations until compliance of the above provisions.

5. The leaseholder of the mining lease mentioned at serial no. 2 of the above table has not appointed manager after resignation submitted by his previous manager on 19.06.2023. Letter has been sent to the concerned leaseholder endorsing copy thereof to the District Magistrate and District Mining Officer of Banda district for stoppage of all mining operation until compliance of the above provision.

6. The online application submitted by the mine owner at serial no. 10 in the above table for grant of Manager’s Authorisation has been **rejected** on 23.10.2023 as the Mate’s certificate which was submitted with the application was not valid. Letter has been sent to the mine owner endorsing copy thereof to the District Magistrate and District Mining Officer of Banda district for stoppage of mining operation until compliance of the above provision.

7. Based on the online applications made by the respective mine owners, the mining leases mentioned at serial no. 1, 6 and 7 of the above table have been granted permission under Regulation 106(2)(b) of the MMR 1961 for use of Heavy Earth Moving Machinery (HEMM) without deep hole blasting in their mines.

8. Online application was made by the owner of the mining lease mentioned at serial no. 3 of the table for granting permission under Regulation 106(2)(b) of the MMR 1961 for use of HEMM with deep hole blasting by using holes of diameter 100 mm; however, he has been granted permission for use of HEMM without deep hole blasting by using shot holes of depth not exceeding 3m and diameter not exceeding 100 mm.

9. *Permission for deep hole blasting under Regulation 106(2)(b) and permission for use of SME/SMS/ANFO explosives under Regulation 155(1) & 162(5) of MMR, 1961 has not been granted in any of the mining leases mentioned at serial no. 1 to 16 of the above table.*

10. *Permission under Regulation 164(1B) of MMR, 1961 for blasting within danger zone of 300 m from any permanent building or structure of permanent nature, not belonging to the owner of the mine, by using more than 2 kg of aggregate maximum explosive charge in all holes fired at one time or more than 2 kg of maximum explosive charge in each hole where blasting is done with delay detonators or other means and that there is a delay of at least half a second between successive shots fired, has not been granted in any of the mining leases mentioned at serial no. 1 to 16 of the above table.*

11. *In the authorisations/letters for manager appointment issued to the owners of mining leases mentioned at serial no. 8, 9, 14 and 16 of the above table, the conditions for prohibiting use of HEMM & deep hole blasting, SME/SMS/ANFO explosives and explosives in excess of quantity mentioned under para 10 unless separate permission under Regulations 106(2)(b), 155(1) & 162(5) and 164(1B) respectively of MMR, 1961 is obtained have been clearly stipulated.*

12. *The above status of action taken is updated upto 31.10.2023.”*

11. District Magistrate, Banda has also submitted its comments vide letter dated 21.11.2023 wherein virtually findings and observations made in joint Committee report have been repeated/reiterated.

12. UPPCB has submitted its response dated 23.11.2023 stating that 16 mining leases of Village Jarar, Girwan and Badokhar Khurd (Pataraha), were awarded after issuance of EC by SEIAA, UP. During joint survey, on the date of inspection, these mining lease holders were found without any CTO under Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as '**Water Act, 1974**') and Air, (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as '**Air Act, 1981**') before start of mining operations. However, before submission of joint Committee inspection report, all 16 lease holders had obtained CTO. Notices were issued to these mining lease holders on 14.11.2023 by

Regional Officer, UPPCB, Banda to comply with conditions of CTO under Water Act, 1974 and Air Act, 1981. List of mining leases and location of mines is given in Annexure-3 to said response, which reads as under:-

List of Mining Lease Holders of mentioned place in O.A. No. 422/ 2023, Abhishek ShuklaVs State of U.P. and Others		
Sr. No.	Name and address of Lease holders	Location of mining place
1	2	3
1.	Shri Safdar Ali S/o Late Shri Farzand Ali, R/oMuhalla-Khunti Chauraha,Aliganj, City & District-Banda, U.P.	Safdar Ali S/o Late Shri Farzand Ali, Gata No.-2450, Khanda No.- 03, at Village-Jarar, Tehsil-Naraini, District-Banda, U.P.,
2.	Shri Mumtaj Ali S/o Late Farzand Ali, R/o-Muhalla-Khunti Chauraha,Aliganj, City &District- Banda, U.P.	Mumtaj Ali S/o Late Farzand Ali, Gata No.-2450, Khanda No.- 05, Village-Jarar, Tehsil-Naraini, District Banda, U.P.,
3.	SHRICHANDRA SHEKHAR CHAURASUYA, R/o BRAHMPURI COLONY, JUGLI CROSSING, FAIZABAD ROAD, LUCKNOW	EUREKA MINES AND MINERALS LLP, GATA No. 2451, KHAND No. 01(AREA 2.5 Hac), Vill. JARAR, NARAINI, BANDA, 210129
4.	Shri Shravan Kumar Singh S/o Shri Vishnupal Singh, R/o- 133, A.N.- 1144, Bhawanipur Nagar Daheli Sujanpur, District-Kanpur, U.P.,	Athary Construction company (Shri Shravan Kumar Singh S/o Shri Vishnupal Singh), Gala No.-2451, Khand No.-02, at Village- Jarar, Tehsil-Naraini, District-Banda, U.P.
5.	Lawlesh Singh S/o Lochan Singh, R/o Kalukua Baberu Road, Bnada	SHIVARPAN TRADING COMPANY, Gala No. 2450, Khand No. 06, Vill. Jarar, Teh. Naraini, BANDA, 210129
6.	SMT JASMIT ICAUR MALHOTRA, R/o- Ward No. 13, Nehru Ward, near Alka Talkies, The- Pipariya, District-Hoshangabad	Jasmit Kaur Malhotra, Gata no - 1876, Khand no- 5, Village-Girwan, Naraini, Banda
7.	SHRI SANGRAM SINGH, VILL- PAHRA, ICHAJURIHA, MAHOB	SANGRAM SINGH, GATA No. 1876, KHAND No. 01, Vill. GIRWA, Teh. NARAINI, BANDA, 210129
8.	Shri Sulabh Saxena, R/o- Mohalla-Gandhi Nagar, Tehsil & District- Banda, U.P.	Sulabh Saxena Gala No.-1876 (Khanda No.- 02), at Village- Girwan, Tehsil-Naraini, District- Banda,
9.	Shri Suresh Pratap Singh, R/o- Village & Post Mau, 584 Katra Lalganj, Tehsil-Gauriganj, District- Amethi, U.P.,	Bajrang Road Lines (Shri Suresh Pratap Singh), Gala No.- 1876, Khand No: 03, Village- Girawan, Naraini, District- Banda,U.P.,
10.	Shri Suresh Pratap Singh, R/o- Village & Post Mau, 584 Katra Lalganj, Tehsil-Gauriganj, District- Amethi, U.P., M/s Bajrang Road Lines	Bajrang Road Lines (Shri Suresh Pratap Singh), Gala No.- 1876, Khand No.- 04, Village- Girawan, Naraini, District- Banda,
11.	SMT DEEPALI SINGH, 334, Ashirwad Palace, Nayapurn, Nalkana, Mahoba	BUNDELKHAND ROCKS, Gata No- 1876, (Khand No.09), Village-

		<i>Girwan, Tehsil-Naraini, District-Banda, U.P.- 210001</i>
12.	<i>SMT DEEPALI SINGH, 334, Ashirwad Palace, Nayapurn, Nalkana, Mahoba</i>	<i>BUNDELKHAND ROCKS, Gata No-1876, (Khand No.07), Village Girwan, Tehsil-Naraini, District-Banda, U.P.,-210001</i>
13.	<i>SHRI KUNWAR VINOD RAJA, M.I.G-B74, INDIRA NAGAR, Banda</i>	<i>KUNWAR VINOD RAJA, Gala No. 332, Khand No -01, Vill. Badokhar Khurd, TehsilNaraini, BANDA, 210129</i>
14.	<i>SUDHA SINGH, 526K, NONIYA MUHAL, CHHABI TALAB, KATARA, BANDA</i>	<i>DISHA ENTERPRISES, GATA No. 332, KHAND No. 02, Vill. Barokhar Khurd, Teh. Naraini, BANDA, 210129</i>
15.	<i>Shri Sameer Singh S/o Shri Phool Singh, R/o- Civil Line D.M. Colony, Thana- Kotwali 05, Nagar, District-Banda, U.P., M/s Maa Vindhyawasini Stone Work,</i>	<i>Maa Vindhyawasini Stone Work (Shri Sameer Singh S/o Shri Phool Singh), Gala No.-332, Khand No.- Village-Badokhar Khurd, Tehsil- Naraini, District- Banda, U.P., Leased Area - 0.40 ha</i>
16.	<i>Shri Deepak Singh S/o Shri Ram Pal Singh, R/o- Akbarpur Banda Road, Bharatkoop, Tehsil- Karwi, District-Chitralcoot, U.P.</i>	<i>Deepak Singh S/o Shri Ram Pal Singh, Gata No.-332, Khand No.- 03, Village-Badokhar Khurd, Tehsil- Naraini, District- Banda, U.P.</i>

13. Response of UPPCB further said that during inspection by officials of Regional Office, UPPCB, dust suppression system i.e. water spraying facility on jaw crusher, cone and main conveyor, in each operational stone crushers were found operational. As per ambient air monitoring report, pollution parameters, PM₁₀ was found within prescribed standards. Response also said that five stone crushers were identified in Village Jarar, out of which four i.e. M/s AHVS Infra LLP, Gata No. 1166; M/s Associated Ventures, Gata No. 1172, 1179 and 1180; M/s Peer Bana Granite, Gata No. 1798 and M/s Neelkanth Granite, Gata No. 1382 were found operational and one stone crusher M/s Indus Stone Crusher Pvt. Limited, Gata No. 1794 was found under construction. Metal sheet made boundary walls were also made on each operational stone crushers and all stone crushers were found established beyond 500 meters distance from habitant area.

14. The above responses were considered by Tribunal on 24.11.2023 and noticing that some mining lease holders did not have any permission of blasting from DGMS, Dhanbad, Tribunal restrained such mining lease holders from operating. District Magistrate, Superintendent of Police and District Mining Officer, Banda were directed to take effective steps for compliance of above injunctive order passed by Tribunal.

15. Some of the private respondents i.e., respondents 9, 12, 14, 19 and 27 filed their responses dated 29.11.2023 separately; respondents 24 filed its reply dated 02.12.2023; and respondent 21 filed its reply dated 04.12.2023. The replies are mostly common.

16. We may refer to one such reply dated 28.11.2023 filed by respondent 9 which states that in compliance of Tribunal's order dated 01.08.2023, Joint Committee visited site on 17-18.08.2023 and submitted inspection report dated 30.08.2023 making following recommendations: -

"21.1) The mining department can be asked to restrict the mining activities in those mines wherein the required minimum distance criteria are not meeting. If mining is allowed on allotted near vicinity of habitant, habitant will be relocated to other specific place with consultation of nearby villagers/ civil society.

21.2) The mining department can be asked to restrict the mining activities in part of hill where temple is located. If mining is permitted at this place, the temple and habitant will be relocated to other specific place with consultation of nearby villagers/ civil society/ priest of temple.

21.3) The mining department can be asked to restrict the mining activities through blasting in those mines who have not taken permission by DGMS for use blasting and mechanical instrument/machine.

21.4) The mining department can be asked to restrict the provision made for construction the main village road by DMF fund.

21.5) UPPCB can be asked to take necessary action against the stone crusher who have not operated the dust suppression system during the operation of stone crusher.

21.6) The Project proponent can be asked to maintain the village road near these mining sites.

- 21.7) *The Project proponent can be asked for blasting will be done in allowed time duration with one-inch holes and proper safety arrangement after obtaining the valid permission of the DGMS and Department of Mines.*
- 21.8) *The Project proponent of mining lease and stone crusher can be asked to strictly comply with the conditions prescribed in the Environmental Clearance/ consent/ mining lease allotment letter and submit the status to the concerned authorities regularly."*

17. Respondent 9 had permission under Regulation 106 (2) (6) of MMR, 1961 for deployment of heavy earth moving machineries dealing in blasting from DGMS, Varanasi vide letter dated 09.10.2023 and also obtained CTO from UPPCB on 09.11.2022. With regard to siting of mining area, it is said that mining operations are at a distance of about 50 meters from any public place and near about 500 meters from habitation of village Jarar and 550 meters from temple.

18. In regard to other respondents, who have submitted reply as noted above, date of obtaining permission from DGMS and CTO are given as under:-

Sr. No.	Respondent No.	Date of Permission from DGMS	Date of obtaining CTO
1.	Respondent 12	30.11.2022	09.06.2022
2.	Respondent 14	11.06.2023	09.06.2022
3.	Respondent 19		
4.	Respondent 27		
5.	Respondent 24		
6.	Respondent 21		

19. With regard to compliance of Tribunal’s order dated 24.11.2023, whereby mining lease holders having no permission of blasting from DGMS were stopped from operating, District Magistrate submitted its compliance report dated 03.12.2023 as under:

”)1.(11 खनन पट्टाधारको, जिनके द्वारा खान सुरक्षा महानिदेशालय परिक्षेत्र वाराणसी से ब्लास्टिंग की अनुमति प्राप्त नहीं की गयी है, जिन्हे **कार्यालय आदेश सं०-1046/खनिज-30, बांदा दिनांक 30.11. 2023(संलग्नक-05(** द्वारा निर्देशित किया गया है कि खान सुरक्षा महानिदेशालय परिक्षेत्र वाराणसी से परमीशन प्राप्त किये बिना ब्लास्टिंग द्वारा खनन कार्य न किया जाय तथा मा० अधिकरण के आदेशो का अक्षरशः अनुपालन किया जाना सुनिश्चित किया जाय, जिनका विवरण निम्नवत है -:

क्र० सं०	पट्टाधारक का नाम व पता	तहसील	खनन क्षेत्र	गाटा संख्या	रकबा (में हे०)	पट्टा अवधि
1	2	3	4	5	6	7
1.	श्री मुमताज अली पुत्र स्व० श्री फरजन्द अली निवात्ती मु०खूँटी - चौराहा, अलीगंज, शहर व जिला बांदा	नरैनी	जरर	2450 (खण्ड सं०-5(	2.00	09.11. से 2020 08.11. 2030 तक
2.	मेसर्स अथर्व कांस्ट्रक्शन कम्पनी प्रो० श्री श्रवण कुमार सिंह पुत्र श्री विष्णुपाल सिंह निवासीप्लाट - नं०-03, आशुतोष हाउसिंग सोसायटी रामपुरम फेस-1, दहेली सुजानपुर, जिला कानपुर नगर पिनकोड-208013	नरैनी	जरर	2451 (खण्ड सं०-02)	1.21	22.07. से 2022 21.07. 2032 तक
3.	मेसर्स शिर्वापन ट्रेडिंग कम्पनी प्रो० श्री लवलेश सिंह पुत्र श्री लोचन सिंह निवासी मु०-कालूकुआं, बबेरू रोड, तहसील व जिला बांदा	नरैनी	जरर	2450 (खण्ड सं०-06(	2.00	14.07. से 2023 13.07. 2033 तक
4.	मे० सुलभ सक्सेना पहाड़ी पट्टेदार प्रो० श्री सुलभ सक्सेना पुत्र श्री सूरजसहाय सक्सेना निवासी मो०गांधीनगर महोबा-, तहसील व जिला महोबा	नरैनी	गिरवां	1876 गिरवां खण्ड) सं०-02)	0.80	18.12. से 2020 17.12. 2030 तक
5.	श्री बजरंग रोड लाइन्स पार्टनर श्री सुरेश प्रताप सिंह पुत्र श्री तेज प्रताप सिंह निवासी ग्राम व पोस्ट-मऊ, 584, कटरा लालगंज, तहसील गौरीगंज, जिला अमेठी	नरैनी	गिरवां	1876 (खण्ड सं०-04(	1.21	03.01. से 2022 02.01. 2032 तक
6.	मेसर्स बुन्देलखण्ड रॉक्स प्रो० श्रीमती दीपाली सिंह पत्नी श्री के०पी० सिंह निवासीआर्शीवाद - पैलेस, नयापुरा नैकाना, तहसील व जिला महोबा	नरैनी	गिरवां	1876 (खण्ड सं०-09(	0.50	08.07. से 2022 07.07. 2032 तक
7.	मेसर्स बुन्देलखण्ड रॉक्स प्रो० श्रीमती दीपाली सिंह पत्नी श्री के०पी० सिंह निवासीआर्शीवाद -	नरैनी	गिरवां	1876 (खण्ड सं०-07)	0.80	12.05. से 2023 11.05. 2033 तक

	पैलेस, नयापुरा नैकाना, तहसील व जिला महोबा					
8.	श्री कुँवर विनोद राजा पुत्र स्व० श्री रामकृपाल सिंह निवासी - एम०आई०जी०बी०, 74 टॉवर के पास बी०एस०एन०एल०, इंदिरा नगर, बांदा	नरैनी	बड़ोखर खुर्द	332 (खण्ड सं०-01)	1.61	01.03. से 2021 28.02. 2031 तक
9.	मे० दिशा इन्टर प्राइजेज प्रो० श्रीमती सुधा सिंह पत्नी श्री सुनील सिंह निवासीनोनिया मुहाल - छाबी तालाब, शहर व जिला- बांदा	नरैनी	बड़ोखर खुर्द	332 (खण्ड सं०-2)	1.61	05.11. से 2020 04.11. 2030 तक
10.	मे० मां विध्यवासिनी स्टोन वर्क्स प्रो० श्री समीर सिंह पुत्र श्री फूल सिंह निवासी मु०सिविल लाइन - कालोनी डी०एम०, थाना कोतवाली नगर, जिला बांदा	नरैनी	बड़ोखर खुर्द	332 (खण्ड सं०-5)	0.40	04.01. से 2020 03.01. 2030 तक
11.	श्री दीपक सिंह पुत्र श्री रामपाल सिंह निवासी अकबरपुर बांदा रोड, भरतकूप तहसील कर्वी, जिला चित्रकूट	नरैनी	बड़ोखर खुर्द	332 (खण्ड सं०-03)	0.56	25.11. से 2020 24.11. 2030 तक

English Translation by Tribunal:

(1). 11 Mining lease holders, who have not obtained permission for blasting from Directorate General of Mines Safety, Varanasi Zone, have been directed by Office Order No.-1046/ Mineral-30, Banda dated 30.11.2023 (Annexure-05) that mining work should not be done by blasting without obtaining permission from Directorate General of Mines Safety, Varanasi Zone and the orders of the Hon'ble Tribunal should be strictly complied with, the details of which are as follows-

Sl. No.	Name and address of the lessee	Tehsil	Mining area	Gata number	Area (in hectares)	lease period
1	Shri Mumtaz Ali S/o late Shri Farzand Ali resident of Mo.-Khunti Chauraha, Aliganj, City and District Banda	Naraini	Jarar	2450 (Voll. no. 5)	2.00	From 09.11.2020 to 08.11.2030
2	M/s Atharva Construction Company Pro. Shri Shravan Kumar Singh S/oShri	Naraini	Jarar	2451 (Voll. no. 2)	1.21	From 22.07.2022

	Vishnupal Singh Resident- Plot No.-03, Ashutosh Housing Society Rampuram Phase-1, Daheli Sujanpur, District Kanpur Nagar Pincode- 208013					to 21.07.2032
3	M/s Shirvapan Trading Company Pro. Shri Lovelesh Singh S/o Shri Lochan Singh resident of Mo.- Kalukuan, Baberu Road, Tehsil and District Banda	Naraini	Jarar	2450 (Voll. no. 6)	2.00	From 14.07.2023 to 13.07.2023
4	Mr. Sulabh Saxena Pahari Pattedar Prof. Shri Sulabh Saxena S/o Shri Surajsahaya Saxena resident of Mo. - Gandhinagar Mahoba, Tehsil and District Mahoba	Naraini	Girwan	1876 (Voll. no. 2)	.80	From 18.12.2020 to 17.12.2030
5	Shri Bajrang Road Lines Partner Shri Suresh Pratap Singh S/o Shri Tej Pratap Singh resident of Village and Post- Mau, 584, Katra Lalganj, Tehsil Gauriganj, District Amethi	Naraini	Girwan	1876 (Voll. no. 4)	1.21	From 03.01.2022 to 02.01.2032
6	M/s Bundelkhand Rocks Prof. Mrs. Deepali Singh wife of Mr. K.P. Singh resident- Ashirwad Palace, Nayapura Naikana, Tehsil and District Mahoba	Naraini	Girwan	1876 (Voll. no. 9)	0.50	08.07.2022 to 07.07.2032
7	M/s Bundelkhand Rocks Prof. Mrs. Deepali Singh wife of Mr.K.P. Singh Resident- Ashirwad Palace, Nayapura Naikana, Tehsil and District Mahoba	Naraini	Girwan	1876 (Voll. no. 7)	0.80	12.05.2023 to 11.05.2023

8	Shri Kunwar Vinod Raja S/o Late Shri Ramkripal Pal Singh Resident- M.I.G.B., Near 74 BSNL Tower, Indira Nagar, Banda	Naraini	Barokhar Khurd	332 (Voll. no. 1)	1.61	01.03.2021 to 28.02.2031
9	M/s Disha Enterprises Prof. Mrs. Sudha Singh wife of Mr. Sunil Singh resident-Noniya Mohalla Chhabhi Talab, City and District- Banda.	Naraini	Barokhar Khurd	332 (Voll. no. 2)	1.61	05.11.2020 to 04.11.2030
10	M/s Maa Vindhyavasini Stone Works Pro. Shri Sameer Singh S/o Shri Phool Singh resident of Civil Line DM Colony, Police Station Kotwali Nagar, District Banda	Naraini	Barokhar Khurd	332 (Voll. no. 5)	0.40	04.01.2020 to 03.01.2030
11	Shri Deepak Singh S/o Shri Rampal Singh resident- Akbarpur Banda Road, Bhartikup, Tehsil Karvi, District Chitrakoot	Naraini	Barokhar Khurd	332 (Voll. no. 3)	0.56	25.11.2020 to 24.11.2030

20. In respect of two mining lease holders, District Magistrate said that they had permission of DGMS and were allowed to continue mining operation as per permission and their details are as under:-

2) 02 खनन पट्टाधारको, जिनके द्वारा खान सुरक्षा महानिदेशालय परिक्षेत्र वाराणसी ब्लास्टिंग की अनुमति प्राप्त है, जिन्हे **कार्यालय आदेश सं०-1048-खनिज/30, बांदा दिनांक 30.11. 2023(संलग्नक-06)** द्वारा निर्देशित किया गया है कि प्राप्त परमीशन के अनुसार ब्लास्टिंग द्वारा खनन कार्य किया जाय तथा मा० अधिकरण के आदेशों का अक्षरशः अनुपालन किया जाना सुनिश्चित किया जाय, जिनका विवरण निम्नवत है :-

क्र० सं०	पट्टाधारक का नाम व पता	तहसील	खनन क्षेत्र	गाटा संख्या	रकबा (में हे०)	पट्टा अवधि
1	2	3	4	5	6	7
1.	श्रीमती जसमीत कौर मल्होत्रा पत्नी श्री रसमीत सिंह मल्होत्रा निवासी नेहरू वार्ड-, अलका	नरैनी	गिरवां	1876 (खण्ड सं०-5)	1.21	22.10. से 2020 21.10. 2030 तक

	टाकीज के पास, तह० पिपरिया, जिला होशंगाबाद म०प्र०))।					
2.	मे० यूरेका माइन्स एण्ड मिनेरल्स एल०एल०पी० पार्टनर श्री चन्द्रशेखर चौरसिया पुत्र श्री दीनदयाल चौरसिया निवासी-28, ब्रम्हपुरी कालौनी नियर जुगली क्रासिंग, फैजाबाद रोड, जिला लखनऊ तथा श्री हिमांशु मीणा पुत्र श्री रामजीलाल मीणा निवासीनीदड-, हर्मादा, जयपुर राजस्थ)ान(	नरैनी	जरर	2451 (खण्ड सं०-01(	2.50	05.01. से 2022 04.01. 2032 तक

English Translation by Tribunal:

(2). 02 Mining lease holders, who have obtained permission for blasting from Directorate General of Mine Safety, Varanasi Zone. They have been directed by office order No.-1048/Mineral-30, Banda dated 30.11.2023 (Annexure-06) that mining work should be done by blasting as per the permission received and the orders of the Hon'ble Tribunal should be strictly followed, the details of which are as follows:-

Sl. No.	Name and address of the lessee	Tehsil	Mining area	Gata number	Area (in hectares)	lease period
1	Mrs. Jasmeet Kaur Malhotra wife of Mr. Rasmeet Singh Malhotra, Resident of Nehru Ward, Near Alka Talkies, Tehsil Pipariya, District Hoshangabad (M.P.).	Naraini	Girwan	1876 (Voll. no. 5)	1.21	22.10.2020 to 21.10.2030
2	M/s Eureka Mines & Minerals LLP Partners Shri Chandrashekhar Chaurasia S/oShri Deendayal Chaurasia resident-28, Brahmpuri Colony Near Jugli Crossing, Faizabad Road, District Lucknow and Shri Himanshu Meena S/o Shri Ramji Lal Meena resident-Neindad, Harmada, Jaipur (Rajasthan)	Naraini	Jarar	2451 (Voll. no. 1)	2.50	05.01.2022 to 04.01.2032

21. In respect of three mining holders, who did not satisfy siting criteria, District Magistrate submitted its compliance report as under:-

3. (03 खनन पट्टाधारको के सम्बन्ध में कमेटी द्वारा प्रस्तुत आख्या दिनांक 17.11. 2023 द्वारा उपरोक्त खनन पट्टा क्षेत्र को नजदीक स्थित आबादी के निकट पाया है। ऐसी स्थिति में **कार्यालय आदेश सं0-1047/खनिज-30, बांदा दिनांक 30.11. 2023(संलग्नक-07)** द्वारा उक्त खनन पट्टा क्षेत्र से खननराष्ट्रीय अधिकरण परिवहन का कार्य मा०, नई दिल्ली द्वारा पारित उपरोक्त आदेश दिनांक 24.11.के अनुपालन में अग्रिम आदेशो तक 2023 प्रतिबन्धित किया गया है तथा निर्देशित किया जाता है कि अपने खनन क्षेत्र में खनन संक्रियायें प्रत्यक्ष अथवा अप्रत्यक्ष रूप से किसी भी दशा में न किया जाय एवं मा० अधिकरण के आदेशो का अक्षरशः अनुपालन किया जाना सुनिश्चित किया जाय, जिनका विवरण निम्नवत है :-

क्र० सं०	पट्टाधारक का नाम व पता	तहसील	खनन क्षेत्र	गाटा संख्या	रकबा (में हे०)	पट्टा अवधि
1	2	3	4	5	6	7
1.	श्री सफदर अली पुत्र स्व० श्री फरजन्द अली निवासी मु०खूँटी - चौराहा, अलीगंज, शहर व जिला बांदा	नरैनी	जरर	2450 (खण्ड सं०-3(	2.00	09.11. से 2020 08.11. 2030 तक
2.	श्री बजरंग रोड लाइन्स पार्टनर श्री सुरेश प्रताप सिंह पुत्र श्री तेज प्रताप सिंह निवासी ग्राम व पोस्ट- मऊ, 584, कटरा लालगंज, तहसील गौरीगंज, जिला अमेठी	नरैनी	गिरवां	1876 (खण्ड सं०-03(	1.41	03.01. से 2022 02.01. 2032 तक
3.	श्री संग्राम सिंह पुत्र श्री जयवन्त सिंह निवासी ग्रामपहरा तहसील - व जिला महोबा।	नरैनी	गिरवां	1876 (खण्ड सं०-1(	2.02	09.11. से 2020 08.11. 2030 तक

English Translation by Tribunal:

(3). In respect of 03 mining lease holders, the above mining lease area has been found to be near the nearby population in the report submitted by the committee dated 17.11.2023. In this situation, mining/transportation work from the said mining lease area has been prohibited till further orders vide office order No. 1047/ Mineral-30, Banda dated 30.11.2023 (Annexure-07) in compliance with the above order dated 24.11.2023 passed by Hon'ble National Tribunal, New Delhi, And it is directed that mining operations should not be carried out directly or indirectly in its mining area under any circumstances and the orders of Hon'ble Tribunal should be strictly complied with, the details of which are as follows:

Sl. No.	Name and address of the lessee	Tehsil	Mining area	Gata number	Area (in hectares)	lease period
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1	Shri Safdar Ali S/o late Shri Farzand Ali resident of Mo.-Khunti Chauraha, Aliganj, City and District Banda	Naraini	Jarar	2450 (Voll. no. 3)	2.00	09.11.2020 to 08.11.2030
2	Shri Bajrang Road Lines Partner Shri Suresh Pratap Singh S/o Shri Tej Pratap Singh resident of Village and Post- Mau, 584, Katra Lalganj, Tehsil Gauriganj, District Amethi	Naraini	Girwan	1876 (Voll. no. 3)	1.41	03.01.2022 to 02.01.2032
3	Shri Sangram Singh S/o Shri Jaywant Singh resident of village Pahara tehsil and district Mahoba.	Naraini	Girwan	1876 (Voll. no. 1)	2.02	09.11.2020 to 08.11.2030

22. Mining Department also submitted compliance report dated 05.12.2023 giving point-wise compliance in respect to observations made by joint Committee, as under:-

“4. माननीय एन०जी०टी० में दाखिल संयुक्त जाँच कमेटी की निरीक्षण आख्या में दिये गये रिकमन्डेशन के क्रम में बिन्दुवार कृत कार्यवाही का विवरण निम्नवत् है:-

क्रम सं०	संयुक्त जाँच कमेटी की निरीक्षण आख्या में दिये गये रिकमन्डेशन	अनुपालनार्थ कार्यवाही का विवरण
21.1		1.ग्राम जरर, तहसील-नरैनी, जनपद बाँदा स्थित-पहाड़ी पर कुल खनन 5पट्टों को खनन विभाग द्वारा माइनिंग लीस आवंटित की गयी है, जिसमें ग्रामजरर - की मुख्य आबादी मैसर्स सफदरअली पुत्र स्व० श्री फरजन्द अली, गाटा नं०-2450, खण्ड नं०--ग्राम 03 जरर, जनपद की दूरी पर स्थित है मी० 135 बाँदा से-परन्तु खनन पट्टे के समीप कच्चे मकान निर्मित 05 पाये गये, जिसे नियमानुसार विस्थापित किये जाने की कार्यवाही प्रचलित है। शेष अन्य खनन पट्टों से 4मुख्य आबादी 50 मी० से अधिक दूरी पर स्थित है।

		2. ग्राम- गिरवां ,तहसीलनरैनी-, जनपदबाँदा स्थित - खनन पट्टो को खनन विभाग द्वारा 7 पहाड़ी पर कुल माइनिंग लीस आवंटित की गयी है, जिसमें ग्रामगिरवां - की आबादी मैसर्स संग्राम सिंह, गाटा नं0-1876, खण्ड नं0- ग्राम 01गिरवां, जनपदकी दूरी मी० 36 बाँदा से - सुरेन्द्र प्रताप) पर स्थित है। मैसर्स बजरंग रोड लाइन (सिंह, गाटा नं० -1876, खण्ड नं० -03 ग्राम गिरवां, जनपदकी दूरी पर स्थित है। वर्तमान मी0 15 बाँदा से - में आबादी अधिक होने के दृष्टिगत आबादी को विस्थापित कराये जाने की कार्यवाही किया जाना उचित नहीं है। ऐसी स्थिति में शासन -निदेशालय से दिशा / निर्देश प्राप्त कर खनिज नियमावली में अनुमन्य आबादी की दूरी तक खनन पट्टे का क्षेत्रफल कम किये जाने की कार्यवाही किया जाना नियमानुसार उचित प्रतीत होता है। शेष अन्य खनन पट्टों से मुख् 5य आबादी से मी० 50 अधिक दूरी पर स्थित है। ग्राम बडोखर खुर्द .3, तहसील नरैनी, जनपद -3 बाँदा स्थित पहाड़ी पर कुल खनन पट्टो को खनन विभाग 4 द्वारा माइनिंग लीस आवंटित की गयी है। सभी खनन पट्टे खनिज नियमावली में अनुमन्य आबादी की दूरी से अधिक दूरी पर स्थित है।
21.2		1. ग्रामजरर -, तहसीलनरैनी -, जनपदबाँदा स्थित - खनन पट्टो को खनन विभाग द्वारा 5 पहाड़ी पर कुल माइनिंग लीस आवंटित की गयी है। ग्रामजरर की पहाड़ी पर स्थित मंदिर से निकटतम - श्री फरजन्द खनन पट्टा मैसर्स सफदर अली पुत्र स्व० अली, गाटा नं0- 2450, खण्ड नं0-ग 03्राम जरर, जनपद बाँदा से की दूरी पर स्थित है। शेष मी० 235 से अधिक की दूरी मी० 340 खनन पट्टे मंदिर से 4 अन्य पर स्थित है। उपरोक्त सभी पट्टे मानक के अनुसार है परन्तु ग्रामीण आस्था को देखते हुये मंदिर परिसर के आसपास कोई - नया खनन पट्टा दिया जाना उचित नहीं है। 2. ग्रामगिरवां-, तहसीलनरैनी-, जनपद -बाँदा स्थित पहाड़ी पर कुल खनन पट्टो को खनन विभाग द्वारा 7 माइनिंग लीस आवंटित की गयी है।

		ग्रामगिरवां की पहाड़ी पर स्थित मंदिर से निकटतम - खनन पट्टा मैसर्स संग्राम सिंह, गाटा नं०- 1876, खण्ड नं०- गिरवां -ग्राम 01, जनपद -बाँदा से की मी० 85 100 खनन पट्टे मंदिर से 6 दूरी पर स्थित है। शेष अन्य से अधिक की दूरी पर स्थित है। मी० उपरोक्त सभी पट्टे मानक के अनुसार है परन्तु ग्रामीण आस्था को देखते हुये मंदिर परिसर के आसपास कोई - नया खनन पट्टा दिया जाना उचित नहीं है। 3. ग्रामबडोखर - खुर्द, तहसील नरैनी, जनपदबाँदा - खनन पट्टो को खनन विभाग 4 स्थित पहाड़ी पर कुल द्वारा माइनिंग लीस आवंटित की गयी है। ग्रामबडोखर खुर्द की पहाड़ी पर स्थित मंदिर से - निकटतम खनन पट्टा मैसर्स कुँवर विनोद राजा, गाटा नं०- 332, खण्ड नं० -01 ग्रामबडोखर खुर्द -, जनपद - 6 मी की दूरी पर स्थित है। शेष अन्य 100 बाँदा से से अधिक की दूरी पर मी० 100 खनन पट्टे भी मंदिर से स्थित है। उपरोक्त सभी पट्टे मानक के अनुसार है परन्तु ग्रामीण आस्था को देखते हुये मंदिर परिसर के आसपास कोई - नया खनन पट्टा दिया जाना उचित नहीं है।
21.3		डारेक्टर जनरल माइन्स ऑफ सेफ्टी, डारेक्ट्रेट जनरल ऑफ माइन्स सेफ्टी, मिनिट्री ऑफ लेबर एण्ड इम्प्लायमेंट, धनबाद, झारखण्ड से ब्लास्टिंग सम्बन्धी लाइसेन्स प्राप्त कर ब्लास्टिंग द्वारा खनन कार्य किये जाने हेतु नोटिस खनन विभाग बाँदा के पत्रांक-820 दिनांक 02.11.समस्त पट्टा धारक को प्रेषित 2023 किया गया है।
21.4		ग्राम जरर स्थित लिंक रोड का निर्माण डी०एम०एफ० - फण्ड से कराये जाने हेतु मार्ग का सर्वेक्षण जांच की तिथि को समिति द्वारा किया गया एवं उसे बनाने हेतु प्रस्ताव तैयार किये जाने की कार्यवाही अधिशाषी अभियन्ता, लोक निर्माण विभाग, प्रान्तीय खण्ड -2, बाँदा द्वारा किया जाना प्रक्रियाधीन है।
21.5		ग्रामजरर -, तहसीलनरैनी -, जनपद -बाँदा में कुल 04 स्टोनक्रशर इकाई मैसर्स ए०एस०बी०एस इन्फ्रा) 1066 गाटा नं० एल०एल०पी०, ग्रामजरर -, मैसर्स एसोसिएट वेन्चर्स गाटा नं०1180, 1179, 1172 0, ग्राम - जरर, मैसर्स पीर बाबा ग्रेनाइट गाटा नं० 1798, ग्राम - जरर एवं मैसर्स नीलकंठ ग्रेनाइट गाटा नं०1382, ग्राम - जिनके द्वारा इकाई के स्थापनार्थ एवं .संचालित है (जरर

		प्रदूषण नियन्त्रण बोर्ड से अनापत्ति संचालनार्थ उ०प्र० जल एवं) प्रमाण पत्र एवं सहमति वायुप्राप्त किया गया (है। स्टोनक्रशर इकाईयों में संचालन के दौरान उड़ने वाली प्रक्रिया जनित डस्ट की रोकथाम हेतु जॉ क्रशर, कोन एवं मैन कन्वेयर पर वाटर स्प्रेयिंग फैसिलिटी की व्यवस्था स्थापित है। वाइब्रेटिंग स्क्रीन एवं कन्वेयर को कवर किया गया है। मेटलशीट की बाउन्ड्री वाल स्थापित की गयी है। डस्ट सप्रेसन हेतु स्थापित पनी छिड़काव की व्यवस्था कार्यरत पायी गयी। मैसर्स इण्डस स्टोन क्रशर प्राइवेट लिमिटेड गाटा नं० 1794, ग्राम जरर, तहसीलनरैनी -, जनपद बाँदा स्टोन -क्रशर निर्माणाधीन है, जिसके द्वारा इकाई के स्थापनार्थ उ०प्र० प्रदूषण नियन्त्रण बोर्ड से अनापत्ति प्रमाण पत्र प्राप्त किया गया है। इकाई को डस्ट सप्रेसन व्यवस्था का नियमित संचालन किये जाने तथा सहमति आदेश में अंकित शर्तों का अनुपालन किये जाने हेतु, उ०प्र० प्रदूषण नियन्त्रण बोर्ड के पत्र क्रमशः दिनांक 23.08. एवं 2023दिनांक द्वारा नोटिस प्रेषित किया गया। 14.11.2023
21.6		खनन स्थल के समीप के रोड को मैनटेन किये जाने। हेतु खनन विभाग बाँदा के पत्रांक-834 दिनांक 03.11.द्वारा पत्र समस्त पट्टा धारक को प्रेषित 2023 किया गया है।
21.7		डारेक्टर जनरल माइन्स ऑफ सेफ्टी, डारेक्ट्रेट जनरल ऑफ माइन्स सेफ्टी, मिनिट्री ऑफ लेबर एण्ड इम्प्लायमेंट, धनबाद, झारखण्ड द्वारा जारी परमीशन के अनुसार खनन हेतु ब्लास्टिंग का कार्य किये जाने तथा ब्लास्टिंग का कार्य निर्धारित समयावधि में किए जाने हेतु नोटिस खनन विभाग बाँदा के पत्रांक-820 दिनांक 02.11.2023 द्वारा पत्र समस्त पट्टा धारक को प्रेषित किया गया है।
21.8		डस्ट सप्रेसन व्यवस्था का नियमित संचालन किये जाने तथा सहमति आदेश में अंकित शर्तों का अनुपालन किये जाने हेतु, उ०प्र० प्रदूषण नियन्त्रण बोर्ड, बाँदा के पत्र क्रमशः दिनांक 23.08.11 14 एवं दिनांक 2023. 2023 - जरर स्थित समस्त -द्वारा ग्राम04 नग संचालित स्टोन क्रशर इकाई को नोटिस प्रेषित किया गया है। राज्य स्तरीय पर्यावरणीय संघात निर्धारण प्राधिकरण, उ०प्र०, द्वारा जारी पर्यावरणीय स्वीकृति तथा उ०प्र० प्रदूषण नियंत्रण बोर्ड द्वारा जारी सहमति (जल एवं वायु) आदेश में अंकित शर्तों का अनुपालन किये जाने हेतु,

		उ०प्र० प्रदूषण नियन्त्रण बोर्ड, बाँदा के पत्र दिनांक 14.11.जरर -द्वारा ग्राम 2023, गिरवाँ एवं बडोखर खुर्द स्थित समस्त खनन पट्टा धारक को नोटिस प्रेषित किया गया है।
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English Translation by Tribunal:

4- The detailed point-wise action taken in accordance with their commendations given in the inspection report of the Joint Committee submitted to the Hon’ble NGT are as follows:-

Sl. No.	Recommendations given in the inspection report of the Joint Committee	Details of action taken for compliance
21.1	The mining department can be asked to restrict the mining activities in those mines where in the required minimum distance criteria are not meeting. If mining is allowed on allotted near vicinity of habitant, habitant will be relocated to other specific place with consultation of nearby villagers/ civil society.	1.A total of 6 mining leases have been allotted by the Mining Department on the hill situated in Village Jarar, Tehsil-Naraini, District-Banda. In which the main population of Village Jarar is situated at a distance of 135 meter from M/s Safdar Ali S/o late Shri Farzand Ali, Gata No.-2450, Block No.-03, Village Jarar, District-Banda, but 05 kutcha houses were found built near the mining lease, the process of displacing which is underway as per rules. The main population is located at a distance of more than 50 metres from the remaining 4 mining leases. 2. Mining lease has been allotted by the Mining Department to a total of 7 mining leases on the hill situated in Village-Girwan, Tehsil-Naraini, District-Banda, in which the population of Village-Girwan is situated at a distance of 36 meters from M/s Sangram Singh, Gata No.-1876, Block No.-01, Village Girwan, District-Banda. M/s Bajrang Road Line (Surendra Pratap Singh), Gata No.- 1876, Block No.- 03, Village Girwan, District-Banda is situated at a distance of 15 meters from the village. In view of the present high population, it is not

		<i>appropriate to take action to displace the population. In such a situation, it seems appropriate as per the rules to take action to reduce the area of the mining lease to the distance of the population allowed in the Mineral Rules after obtaining guidelines from the Government/Directorate.</i> <i>The remaining 5 mining leases are located at a distance of more than 50 meters from the main population.</i> <i>3. Mining lease has been allotted by the Mining Department to a total of 4 mining leases on the hill located in village Badokhar Khurd, Tehsil Naraini, District-Banda. All the mining leases are located at a distance greater than the permissible population distance in the Mineral Rules.</i>
21.2	<i>The mining department can be asked to restrict the mining activities in part of hill where temple is located. If mining is permitted at this place, the temple and habitant will be relocated to other specific place with consultation of nearby villagers/ civil society/priest of temple.</i>	<i>1. Mining lease has been allotted to a total of 5 mining leases by the Mining Department on the hill located at Village-Jarar, Tehsil- Naraini, District- Banda.</i> <i>The nearest mining lease from the temple situated on the hill of village Jarar is situated at a distance of 235 meters from M/s Safdar Ali S/o late Shri Farjand Ali, Gata No.- 2450, Block No.- 03, Village Jarar, District- Banda. The remaining 4 mining leases are located at a distance of more than 340meters from the temple.</i> <i>All the above leases are as per the standards but considering the rural faith, it is not appropriate to give any new mining lease around the temple complex.</i> <i>2. Mining lease has been allotted to a total of 7 mining plots by the Mining Department on the hill situated in Village-Girwan, Tehsil- Naraini, District- Banda.</i> <i>The nearest mining lease from the temple situated on the hill of village-Girwan is situated at a distance of 85meters from M/s Sangram Singh, Gata No.- 1876, Block No.- 01, Village-Girwan, District-Banda. The remaining 8 mining leases</i>

		are located at a distance of more than 100 meters from the temple. All the above leases are allotted in accordance with rules but considering the rural faith, it is not appropriate to give any new mining lease around the temple complex. 3. Mining lease has been allotted by the Mining Department to a total of 4 mining leases on the hill located in Village Badokhar Khurd, Tehsil- Naraini, District- Banda. The nearest mining lease from the temple situated on the hill of village Badokhar Khurd is located at a distance of 100meters from M/s Kunwar Vinod Raja, Gata No. 332, Block No. 01, Village Badokhar Khurd, District - Banda. The remaining 6 mining leases are also located at a distance of more than 100meters from the temple. All the above leases are allotted in accordance with rules but considering the rural faith, it is not appropriate to give any new mining lease around the temple complex.
21.3	The mining department can be asked to restrict the mining activities through blasting in those mines who have not taken permission by DGMS for use the blasting and mechanical instrument/machine.	Director General Mines of Safety, Directorate, Mining by blasting after obtaining blasting license from General of Mines Safety, Ministry of Labor and Employment, Dhanbad, Jharkhand. Notice for carrying out the work has been sent to all lease holders vide letter no. 820 dated 02.11.2023 of the Mining Department, Banda.
21.4	The mining department can be asked to provision made for construction the main village road by DMF fund.	For the construction of the link road by DMF fund located in village-Jarar, the road was surveyed and the process of preparing the proposal for its construction is under process by the Executive Engineer, Public Works Department, Provincial Section-2, Banda.

21.5	<i>UPPCB can be asked to take necessary action against the stone crusher who have not operated the dust suppression system during the operation of stone crusher.</i>	<i>A total of 04 stone crusher units (M/s ASBS Infra LLP Gata No. 1066, Village Jarar, M/s Associate Ventures Gata No. 1172, 1179, 1180, Village Jarar, M/s Peer Baba Granite Gata No. 1798, Village Jarar and M/s Neelkanth Granite Gata No. 1382, Village Jarar) are operating in village Jarar, which have obtained No Objection Certificate and Consent (Water and Air) from UP Pollution Control Board for establishment and operation of the unit. Water spraying facility has been installed on Jaw crusher, cone and main conveyor to prevent dust generated during operation in stone crusher units. Vibrating screen and conveyor have been covered. Boundary wall of metal sheet has been installed. Water spraying system installed for dust suppression was found to be working. M/s Indus Stone Crusher Private Limited, Gata No. 1794, Village- Jarar, Tehsil- Naraini, District- Banda Stone Crusher is under construction, for which No Objection Certificate has been obtained from UP Pollution Control Board for setting up the unit. The unit has to regularly maintain dust suppression system.</i> <i>For carrying out the operations and complying with the conditions mentioned in the consent order, notice has been sent by the Uttar Pradesh Pollution Control Board vide letters dated 23.08.2023 and dated 14.11.2023 respectively.</i>
21.6	<i>The project proponent can be asked to maintain the village road near these mining sites.</i>	<i>A letter has been issued to all the lease holders by the Mining Department, Banda, vide letter no.-834 dated 03.11.2023 for maintaining the road near the mining site.</i>
21.7	<i>The project proponent can be asked for blasting will be done in allowed time duration with one-inch holes and proper safety arrangement after</i>	<i>As per the permission issued by Director General of Mines Safety, Directorate General of Mines Safety, Ministry of Labour and Employment, Dhanbad, Jharkhand, a letter has been issued to all the lease holders by Mining Department Banda vide letter no.-821dated</i>

	<i>obtaining the valid permission of the DGMS and Department of Mines.</i>	<i>02.11.2023 for carrying out blasting work for mining and to carry out the blasting work within the stipulated time period.</i>
21.8	<i>The project proponent of mining lease and stone crusher can be asked to strictly comply with the conditions prescribed in the Environmental Clearance/ consent/ mining lease allotment letter and submit the status to the concerned authorities regularly.</i>	<i>Notice has been issued by Uttar Pradesh Pollution Control Board, Banda vide letters dated 23.08.2023 and dated 14.11.2023 respectively to all the 04 nos. of stone crusher units located in village-Jarar for regular operation of dust suppression system and compliance of the conditions mentioned in the consent order.</i> <i>In order to comply with the conditions mentioned in the environmental clearance issued by the State Level Environmental Impact Assessment Authority, Uttar Pradesh, and the consent (water and air) order issued by the Uttar Pradesh Pollution Control Board, a notice has been issued to all the mining lease holders located in village Jarar, Girwa and Badokhar Khurd vide the letter dated 14.11.2023.</i>

23. Thereafter, respondents 7, 13, 15, 16, 25, 11, 20, 8 and 26 filed their separate replies dated 07.12.2023 which are also similar in terms of the stand taken by other respondents mentioned above. Respondent 23 filed its reply dated 05.01.2024, respondent 17 and 18 filed their replies separately dated 11.01.2024 wherein also similar stand has been taken.

24. Respondents 13, 15, 16 filed certain documents vide their separate replies dated 07.02.2024 and respondents 10 and 22 filed their replies dated 07.02.2024.

25. Vide order dated 08.02.2024, Tribunal found that since number of Project Proponents are large i.e. from respondent 7 to 27, therefore, for convenience, it would be appropriate if separate Original Applications are

registered in respect of each of project Proponent and directed Registry to proceed accordingly.

26. Pursuant thereto, **OA 284/2024** in respect to Mumtaj Ali; **OA 286/2024** in respect to Athary Construction Company; **OA 287/2024** in respect to Shivarpan Trading Company; **OA 288/2024** in respect to Jasmit Kaur Malhotra; **OA 289/2024** in respect to Sangram Singh; **OA 291/2024** in respect to Bajrang Road Lines through Shri Suresh Pratap Singh; **OA 292/2024** in respect to Bajrang Road Lines through Shri Suresh Pratap Singh; **OA 293/2024** in respect to Bundelkhand Rocks; **OA 294/2024** in respect to Bundelkhand Rocks; **OA 296/2024** in respect to Disha Enterprises and **OA 298/2024** in respect to Deepak Singh have been registered separately.

27. DGMS was also required to take steps for implementation of recommendations made by Joint Committee and wherever the leases have been granted in violation of siting criteria prescribed under Rules, to take action in accordance with law.

28. District Magistrate submitted its compliance Report dated 13.03.2024 stating that three mining leases which have been found not consistent with siting criteria, their operations have also been stopped. Details of said mining leases given by District Magistrate in its report at page 1175 are as under:-

प्रश्नगत प्रकरण से सम्बन्धित तहसील नरैनी स्थित ग्रामगिरवां -म जरर व बड़ोखर खुर्द में और उपखनिज गिट्टी पत्थर /के स्वीकृत -:संचालित खनन पट्टों का विवरण निम्नवत है /

क्र० सं०	पट्टाधारक का नाम व पता	तहसील	खनन क्षेत्र	गाटा संख्या	रकबा (में हे०)	पट्टा अवधि
1	2	3	4	5	6	7

1.	श्री सफदर अली पुत्र स्व० श्री फरजन्द अली निवासी मु०-खूँटी चौराहा, अलीगंज, शहर व जिला बांदा	नरैनी	जरर	2450 (खण्ड सं०-3)	2.00	09.11.2020 से 08.11.2030
2.	श्री बजरंग रोड लाइन्स पार्टनर श्री सुरेश प्रताप सिंह पुत्र श्री तेज प्रताप सिंह निवासी ग्राम व पोस्टमऊ-, 584, कटरा लालगंज, तहसील गौरीगंज, जिला अमेठी	नरैनी	गिरवां	1876 (खण्ड सं०-03)	1.41	03.01.2022 से 02.01.2032
3.	श्री संग्राम सिंह पुत्र श्री जयवन्त सिंह निवासी ग्राम-पहरा तहसील व जिला महोबा।	नरैनी	गिरवां	1876 (खण्ड सं०-1)	2.02	09.11.2020 से 08.11.2030

English Translation by Tribunal:

“The details of approved/operated mining leases of sub-mineral ballast/ stone in villages Girwan, Jarar and Badokhar Khurd situated in Tehsil Naraini related to the matter in question are as follows:-

Sl. No.	Name and address of the lessee	Tehsil	Mining area	Gata number	Area (in hectares)	lease period
1	Shri Safdar Ali S/olate Shri Farzand Ali resident of KhuntiChauraha, Aliganj, city and District Banda	Naraini	Girwan	2450 (Volume No. 1)	2.00	09.11.2020 to 08.11.2030
2	Shri Bajrang Road Lines Partner Shri Suresh Pratap Singh S/oShri Tej Pratap Singh resident of Village and Post- Mau, 584, KatraLalganj, Tehsil Gauriganj, District Amethi	Naraini	Girwan	1876 (Volume No. 1)	1.41	03.01.2022 to 02.01.2032
3	Shri Sangram Singh S/oShri Jaywant Singh resident of village Pahara tehsil and District Mahoba.	Naraini	Girwan	1876 (Volume No. 1)	2.02	09.11.2020 to 08.11.2030

29. DGMS, Dhanbad also filed a Compliance Report dated 14.03.2024, giving a list of following 16 mining leases which were covered under Mines Act, 1952, (mentioned in Annexure-1 to the said report), stating that no permission for deep hole blasting under Regulation 106 (2) (b) or for use of SME/SMS/ANFO Explosives under Regulation 155 (1) and 162 (5) or for blasting within danger zone from permanent surface structure (as mentioned in para 4 (iii) of Section II above) under Regulation 164 (1B) of MM Regulations 1961 have been granted to any of the mines mentioned at Serial No. 1 to 16 of the table at Annexure-A and these 16 mines are as under:-

Sl. No.	Name of Mine, Owner & its Location/Area
1	Safdar Ali S/o Late Shri Farzand Ali, Gata No. 2450, Khand No. 03, at Village – Jarar, Lease Area-2.0 Hec.
2	Mumtaj Ali S/o LateShri Farzand Ali, Gata No. 2450, Khand No. 05, Village - Jarar, Lease Area-2.0 Hec.
3	Eureka Mines and Minerals LLP, Gata No. 2451, Khand No. 01, Village-Jarar, Lease Area-2.5 Hec.
4	Atharv Construction (Shri Sharvan Kumar Singh S/o Shri Vishnupal Singh) Gata No. 2451, Khand No. 02 at Village - Jarar, Lease Area-1.21 Hec
5	Shivarpan Trading Company, Gata No. 2450, Khand No. 06 at Vill. - Jarar, Lease Area2.0 Hec.
6	Jasmeet Kaur Malhotra, Gata No. 1876, Khand No. 5, Village - Girwan, Lease Area-1.21 Hec.
7	Sangram Singh, Gata No. 1876, Khand No. 01, Village - Girwan, Lease Area-2.02 Hec.
8	Sulabh Saxena, Gata No. 1876, Khand No. 02, Village - Girwan, Lease Area-0.8 Hec
9	Bajrang Road Lines, (Shri Suresh Pratap Singh), Gata No. 1876, Khand No. 03, Village - Girwan, Lease Area1.41 Hec.
10	Bajrang Road Lines, (Shri Suresh Pratap Singh), Gata No. 1876, Khand No. 04, Village - Girwan, Lease Area1.21 Hec.
11	Bundelkhand Rocks, Gata No. 1876, Khand No. 09, Village - Girwan, Lease Area-0.5 Hec.
12	Bundelkhand Rocks, Gata No. 1876, Khand No. 07, Village - Girwan, Lease Area-0.8 Hec.
13	Kunwar Vinod Raja, Gata No. 332, Khand No. 01, Village - Badokhar Khurd, Lease Area-1.61 Hec.

14	<i>Disha Enterprises, Gata No. 332, Khand No. 02, Village - Badokhar Khurd, Lease Area-1.61 Hec.</i>
15	<i>Maa Vindhyawasini Stone Work, (Shri Sameer Singh S/o Shri Phool Singh), Gata No. 332, Khand No. 05, Village - Badokhar Khurd, Lease Area-1.21 Hec.</i>
16	<i>Deepak Singh S/o Shri Ram Pal Singh, Gata No. 332, Khand No. 03, Village - Badokhar Khurd, Lease Area-0.56 Hec.</i>

30. On 20.05.2024, Tribunal considered the matter in detail and observed whether EC was granted after examining, whether mining has to be carried out by cutting hills and what would be the impact of cutting of hills on environment. Tribunal constituted a joint Committee comprising Ministry of Environment, Forest and Climate Changes, UPPCB, Central Pollution Control Board and a representative of Wadia Institute of Geology, Dehradun to study for the purpose of mining, cutting of hills which may result in ultimate extinction of hills and whether such mining should be allowed and would it not affect the environment and ecology permanently and detrimental to the ecology.

31. Joint Committee submitted report on 31.07.2024 but we found that the basic question required to be enquired by it was not touched and therefore, by order dated 02.08.2024, Tribunal required it to submit its report on question formulated in order dated 20.05.2024.

32. Pursuant thereto, Committee has now submitted supplementary report making its observations and recommendations/suggestions as under:

“Observations:

- It has been observed that the hills of the Banda district, where the said 12 mining areas are situated, are isolated in nature and take their form in a low-range mount, with an average elevation of ~90 meters. The area has basement rock, which is intrusive igneous, mostly made up of coarse-grained granite and feebly foliated gneisses. The previous studies have estimated, that the rocks*

might have exhumed through the mid-crustal depth at a time older than 3.6 Ga age.

- At the outcrop scale, it has been observed that the rocks of the hills are naturally fractured in both the horizontal and vertical manner and form dense cross-cutting structures. The hill exposures also display prominent thick and thin networking of quartz veins. In places, physical weathering on the rock and iron leaching effect is seen to weaken the rock's strength, which causes the rocks to crumble quickly with a small impact.*
- It has been closely observed on the side hill cut sections, the mining is taking place through the side stripping using uncontrolled blasting and in a rampant manner. These phenomena are evident by seeing the high-impacted radial cracks on the freshly exposed surface of the hills and often noticed through the broken edges of the granite chunks and blocks, which are found in excess in and around the open pits.*
- The mentioned techniques of the mining in the hills, have the potential to slide head toppling and have shade negative impact on the surroundings, this has adverse effects and enhances the extinction and razing of the residual hills at a much faster and quicker rate.*
- It has also been noticed that a few of the Banda hills are mined by the 'Strip mining' procedure i.e. removing the hills from the top. This top-stripping approach not only destroys the landscape but also defaces the beauty of the hill. Besides, it generates a large amount of particulate matter-dust at the source, which impacts and disturbs the villagers and nearby human settlements, School etc. during the mining operation.*
- Intensive mining in hillock areas has been done through blasting etc. may certainly impose significant environmental, social, and economic impacts. Large-scale hillock cutting due to mining etc. leads to deforestation and habitat fragmentation, causing a significant loss of biodiversity. Hills and slopes often host unique ecosystems and species adapted to these environments. Cutting can destroy habitats, leading to a decline in local flora and fauna, and disrupting the delicate balance of ecosystems; Erosion and sediment runoff from hill cutting due to mining can degrade water quality in nearby rivers and lakes, affecting aquatic life and potentially impacting human water supplies.*
- Hills often influence local weather patterns and microclimates. Removing them can alter temperature and precipitation patterns, which can have cascading effects on the local environment. Deforestation reduces carbon sequestration capacity, while the release of greenhouse gases from construction machinery and vehicles further adds to the problem.*
- Removing vegetation and altering the natural slope can destabilize the soil, increasing the risk of erosion and landslides. This can lead to the loss of fertile topsoil and the degradation of land.*

- *To carry out mining a lot of activities are associated like infrastructure development, blasting, clearance of land area, transportation of excavated materials requires vehicular movements/machines, deforestation, etc., which consume significant energy and due to these activities, air, water and noise pollution are generated.*
- *If the mining activities rigorous continued without compliance of the prescribed conditions of EC, CTO and other rules imposed by local administration/ mining departments, it will cause air pollution or the contamination of groundwater and surface water also, that can have adverse impact on environment and ecology. If the mining activities rigorous continued hills will be extinct.*

Recommendations/ Suggestions:

- *The practice of hill cutting as per the topography of the area, particularly those, which are isolated and residual as in Banda hills, it is pertinent to state that the immediate adaptation of controlled mining under the strict guidelines, may supplied by the concerned departments, and recommends practicing the slow and safe hill mining in this Banda area, could help protect the green cover, slower the pace of deforestation, control erosion, decreases the water logging, serene the hill conservation and safeguard its biodiversity.*
- *Strict compliance and regular vigilance should be done by the concerned departments to fulfil the prescribed conditions of EC, CTO, and other rules imposed by local administration/ mining departments to protect the environment and ecology.”*

33. Further, in order dated 02.08.2024, Tribunal observed that in **OA 422/2023**, relating to Safdar Ali; **OA 289/2024**, relating to Sangram Singh; and **OA 291/2024** relating to Bajrang Road Lines through Suresh Pratap Singh, mining lease area was reduced by mining authorities. Tribunal noticed that alteration of conditions may require fresh/revised EC under Environment Impact Assessment Notification dated 14.09.2006 and therefore, these three mine lease holders were restrained from operating their mining leases till fresh EC/revised EC is obtained from the competent authority.

34. In this regard, IA No. 413/2024 has been filed by Safdar Ali in **OA 422/2023** stating that under Para 7 (ii) of Environment Impact Assessment Notification of 2006 (hereinafter referred to as ‘**EIA, 2006**’) as amended vide Notification dated 11.04.2022, no fresh EC is required to be

obtained since, there is no change in production capacity and no increase in pollution load and hence, a request has been made to modify Tribunal's order dated 02.08.2024 in so far as it has restrained Safdar Ali from operating its mining lease without any fresh/revised EC due to change in area of mining lease i.e. reduction.

35. It is not in dispute that in above three Original Applications, area of mining leases has been reduced to the extent, area was contravening siting criteria and now mining leases area is confined to the extent it is beyond prohibited limits of habitation etc.

36. Considering the issue raised in *I.A. No. 413/2024* filed by respondent 7 in **OA 422/2023**, we find that alleged Notification dated 11.04.2022 mentioned in para 3 of the IA filed as Annexure-2 is not a Notification but an Office Memorandum issued by MoEF&CC wherein para 2 of EIA, 2006 has been reproduced as under:-

"2. Para 7(ii) of EIA Notification 2006, inter-alia provides that:

- a. Projects seeking prior EC for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance was granted [with increase in lease area or production capacity in mining projects) shall be considered by the concerned Expert Appraisal Committee for SEAC, as the case may be to decide whether Environment Impact Assessment and public consultations need to be carried out for grant of EC.*
- b. Expansion of existing projects [listed in item numbers 2, 3, 4 and 5 of the Schedule having Prior Environmental Clearance] with no increase in pollution load shall be exempt from the requirement of prior EC (derived on the basis of such prior EC).*
- c. Any change in configuration of the plant or activity from the EC conditions during execution of the project, shall not require prior EC, if there is no change in production capacity and there is no increase in pollution load."*

37. Further, it appears that para 7 (ii) (a) (b) (c) reproduced in the OM dated 11.04.2022 is not correctly quoted in the said OM in as much as para 7 (ii) initially was substituted by SO 3518 (E) dated 23.11.2016.

Subsequently in Clause (a), certain phrase was inserted by SO 980 (E) dated 02.03.2021 and Clauses (b) & (c) were substituted and an explanation was inserted by SO 980 (E) dated 02.03.2021. The amended para 7 (ii) of EIA 2006 reads as under:

“¹[7(ii). Prior Environmental Clearance (EC) Process for Expansion or Modernization or Change of product mix in Existing Projects:

(a) All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of Environment Impact Assessment and public consultations and the application shall be appraised accordingly for grant of environmental clearance, ²[in respect of projects or activities other than falling in clause (b) and (c)];

³[(b) Existing projects (having Prior Environmental Clearance) with no increase in pollution load: Any increase in production capacity in respect of processing or production or manufacturing sectors (listed against item numbers 2,3, 4 and 5 in the Schedule to this notification) with or without any change in (i) raw material-mix or (ii) product-mix or (iii) quantities within products or (iv) number of products including new products falling in the same category or (v) configuration of the plant or process or operations in existing area or in areas contiguous to the existing area (for which prior environmental clearance has been granted) shall be exempt from the requirement of Prior Environmental Clearance provided that there is no increase in pollution load (derived on the basis of such Prior Environmental Clearance):

Provided that such exemption shall be applicable only consequent to-

A. the project proponent furnishing information regarding such changes along with no increase in pollution load certificate,

from the environmental auditor or reputed institutions empanelled by the State Pollution Control Board or Union Territory Pollution Control Committee or Central Pollution Control Board or Ministry of Environment, Forest and Climate Change, as per the procedure laid down in Appendix- XIII, on PARIVESH portal as well as to the concerned State Pollution Control Board or Union Territory Pollution Control Committee.

Note: *If on verification, the State Pollution Control Board or Union Territory Pollution Control Committee, as the case may be, after giving the project proponent the opportunity of being heard, holds that such change or expansion or modernisation results in increase in pollution load, the exemption claimed under this clause shall not be valid and it shall be deemed that the project proponent was always liable to obtain prior environmental clearance, in respect of such change or expansion or modernisation, as per the clause (a) and the provisions of Environment (Protection) Act, 1986 shall apply accordingly,*

- B. *installation and implementation of Online Continuous Monitoring System (OCMS) with at least 95% uptime, connected to the servers of the Central Pollution Control Board and State Pollution Control Board or Union Territory Pollution Control Committee concerned to report the quantity and quality, of emission and discharges:*

Provided further that the provisions of this clause shall not be applicable if such change or increase results in change in category of project or activity from Category B2 to either Category 'A' or Category 'B1'

- (c) *Any change in configuration of the plant or activity from the environmental clearance conditions during execution of the project after detailed engineering, in respect of projects or activities, falling in any item of the Schedule to this notification, shall not require prior environmental clearance, if there is no change in production capacity and there is no increase in pollution load subject to furnishing particulars of such changes on PARIVESH portal in the format as may be provided by the Government from time to time, before implementing such changes whereupon a system generated acknowledgement will be issued by the concerned Regulatory Authority.*

Explanation:- *For the purpose of this sub-paragraph, "Pollution load" shall be determined on the basis of multiplication of quantity and concentration of different components and parameters (as provided or referred in the Prior Environment Clearance or the Environment Impact Assessment Report (EIA) and Environment Management Plan based on which such Prior Environment Clearance has been granted), in respect of emissions, effluents or discharge. solid, industrial hazardous waste and such other parameters notified under the Environment (Protection) Rules, 1986 as amended from time to time.]”*

38. Clause (c) of Para 7 (ii) of EIA 2006 now provides that any change in configuration of the plant or activity from EC conditions during execution of project after detailed engineering in respect of projects or activities, falling in any item of Schedule to EIA 2006, **shall not require prior EC if there is no change in production capacity and there is no increase in pollution load subject to furnishing particulars of such changes on PARIVESH portal in the format as may be provided by the Government from time to time, before implementing such changes whereupon a system generated acknowledgment will be issued by the concerned Regulatory Authority.** The explanation provides as to how pollution load shall be determined.

39. Shri S.G. Hasnain, Learned Senior Advocate appearing for Project Proponent contended that even if the amended provision vide Notification dated 02.03.2021 is taken into consideration, it contains two conditions and both have to be satisfied for requiring a prior EC, otherwise exemption in Clause (c) shall apply:

- i. If there is no change in production capacity
- ii. There is no increase in pollution load.

40. It is submitted that due to reduction in mining lease, it may not be doubted that there may be change in the production capacity but it will not result in increase in pollution load since the area of mining lease has been reduced and therefore, exemption in Clause (c) shall stand attracted and proponent is not required to obtain prior EC due to any change in configuration of plant etc. since both the above conditions are not satisfied.

41. We find force in his submission. A careful reading of para 7 (ii) (c) in our view, makes it clear that in order to attract the said provision, both

conditions must be satisfied and if only one condition is attracted, the requirement of prior EC cannot be enforced.

42. Learned Counsel appearing for Project Proponent in **OAs 289/2024** and **291/2024** stated that though they have not filed any separate IA for modification of interim order, but the arguments advanced by Shri S.G. Hasnain Senior Advocate are being adopted by her also in respect of the said two project Proponents who also stand in the same position.

43. In view thereof, we are clearly of the view that due to change i.e. reduction in lease area, it may not be said that Project Proponent would require any fresh/revised prior EC under EIA 2006 in view of provision contained in para 7 (ii) (c) of EIA 2006 and we hold accordingly.

44. Now coming to other aspects of the matter, from record it appears that some project Proponents did not have CTO on the date of inspection made by joint Committee on 17-18.08.2023 and that being so, such Project Proponents were operating mining leases or commenced operation of mining leases without having CTO and in violation of environmental Statutes i.e. Water Act, 1974 and Air Act, 1981. Detailed facts which were relevant for assessment/computation of environmental compensation are not available on record. Therefore, in the facts and circumstances of matters, we direct UPPCB to take steps for assessment and computation of Environmental Compensation in respect of above past violation of environmental laws on the part of such Project proponent who commenced mining operations without CTO after collecting relevant information, giving opportunity of hearing to all concerned parties and thereafter, it shall pass appropriate orders in accordance with law.

45. The above exercise shall be completed within three months from today.

46. UPPCB shall also ensure that DGMS, Dhanbad has clarified nature of blasting permission and use of explosive not granted to 16 mining lease holders and therefore, Project Proponent/mining holders if do not possess requisite category of permission from DGMS, Dhanbad or Varanasi, such processes are not adopted or practiced in carrying out mining activities.

47. A Compliance Report shall be submitted by UPPCB in respect of above directions by 15.12.2024 with Registrar General of this Tribunal 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. If any further order is required, Registrar General may place the matter before the Bench concerned.

48. With the above directions/observations, all the above Original Applications are disposed of.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

September 02, 2024
Original Application No. 422/2023
and other connected matters
SN