

In the matter

Original Application No. 208/2019

Sandeep Kumar Singh

Vs

State of UP & Ors.

Inspection Report

In compliance to the Hon'ble NGT order

dated 14th February 2019

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A. In furtherance to the Order of the Hon'ble Tribunal dated 14.02.2019 in O.A. 208 of 2019 titled *Sandeep Kumar Singh vs. State of UP & Others*, a joint team constituted with the following members visited to Banda for verification of relevant documents & sites on 11th February 2019.

1. Sri Meraj Uddin, Member, SEAC, UP.
2. Sri Sanjay Kumar, Scientist C, CPCB, Lucknow
3. Sri Vijay Kumar Mishra, Regional Officer, UPPCB, Banda

B. The scope of the work assigned to the Joint Committee as per the Order dated 14.02.2019 was:-

(i) About illegal sand mining in rivers Kane, Yamuna, Bangey etc. in Banda district, Uttar Pradesh.

(ii) About the allegedly done mining activities without the Environmental Clearance by splitting the lease area to avoid the regulatory regime. 50 hectares area has been split upto less than 25 hectares.

C. Visit Details & Observation

The team contacted Mr. Shailendra Singh, Mines Officer in the Office of District Magistrate (Mines section), Banda. The committee asked him to produce the following documents before the committee.

1. Number of lease area declared vacant as per district survey report of all three rivers namely Kane, Bangey and Yamuna.
2. List of operative mines along with respective ECs.

3. Justification for splitting above 50 Hectare areas into small area.

After going through the study of above produce documents committee is following view

- (i) 73 leased area were published in DSR. LOI has been issued to 67 leased area (**Annexure I**), 3 leased area are cancelled. LOI has not been issued for remaining 3 lease area. River-wise operational lease area details are as follows (**Annexure-II**).

SI No.	Name of the River	Number of Lease	Status of EC
1	Ken	21	Issued
2	Bangey	6	Issued
3	Yamuna	2	Issued

- (ii) About splitting of lease following observations are noticed after the study of GO number 1875/86-2017-57(Sa)/2017 TC-I dated 14 August 2017 (**Annexure III**), order of District Magistrate Banda letter number 1318/ Khanij- 30, Banda dated 18 August 2017 (**Annexure-IV**), Joint inspection report of Mine officer Banda, Tehsildar Banda, SDM Banda and ADM Banda (Finance/Revenue) (**Annexure-V**).

- a) Khand are made in accordance with para 1 and 6 of the above-mentioned GO.
- b) Above committee is framed according to the above-mentioned GO.
- c) It seems that splitting of the area is recommended by the committee as per GO to facilitate mining in the scientific manner and to obtain high commercial rates for the land. For example,

land sites splitted are mentioned in page 20, 23 and 25 of the inspection reports of the committee constituted by the DM.


(iii) Random site inspection

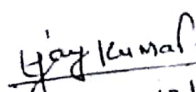
Following two lease areas were inspected randomly by the committee:

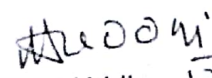
- 1) Maa Kaali tyres in Kanwara, River Kane which was not operational during visit because of non-availability of EC.
- 2) Prakash Infraventure Pvt. Ltd. In Kanwara, River Kane was found operational during visit. No violation was noticed at on time and date.

(iv) During visit, a certificate is provided by Mines Officer, Banda declaring that complete closure of mining activities in the leased area for which EC is pending. (**Annexure VI**)

In light of the 73 numbers of mining site and limitation of time for the detailed physical verification of each site it is humble submission that more time should be provided for detailed physical verification of these sites if Hon'ble court feels necessary.


12-3-2019
Vijay Kumar Mishra
Regional Officer, UPPCB, Banda


Sanjay Kumar, 12/3/19
Scientist C, CPCB, Lucknow


Meraj Uddin 12/3/19
Member, SEAC, UP

Date: 12th March 2019

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