

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE BENCH, BHOPAL  
(Through Video Conferencing)**

Original Application No. 75/2019(CZ)  
(I.A. No. 114/2019)

Vijay Singh Rajput

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 12.07.2021

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Brajesh Pandey

For Respondent(s):

Mr. Nimisha Nayak, Adv.  
(On behalf of Mr. Sachin K. Verma, Adv.)  
Ms. Parul Bhadoria, Adv.  
Mr. Yadvendra yadav, Adv.

**ORDER**

1. The issue of illegal mining by Respondent No. 6, on the basis of mining lease on dated 07.02.2017 vide Registration No. MP33712017A1053265 of land bearing Khasra No. 291, 292 area measuring 1.10 Hector, situated at Village Ratanpur Tehsil Shahgarh, Sagar, M.P. has been raised in this Application. It is alleged that Respondent No. 6 has also taken the mining lease dated 18.10.2017 vide Registration No. MP33712017A589730 of land bearing Khasra No. 182, 183, 184, 191,194 & 201 area measuring 1.18 hector, Tahsil Shahegarh, Ujnethi, Village Panchayat, Sagar, M.P.
2. The Respondent No. 06 is destroying the adjoining private lands including the land of applicant and his son and the family members bearing Khasra No. 104,105, 203 and 236 and seasonally drains on Khasra Nos. 99 and 100 and restraining the natural flow of the drains and Barsati Nala. Due to illegal mining of the Respondent, the entire ecological system, natural flow of drains/river and environmental

atmosphere have been affected and the complainant has moved several applications and complaint before the Competent Authorities. The Authorities failed to exercise their power and failed to stop the illegal mining, thus the present application.

3. The application was taken up first by this Tribunal on 07.01.2020 and the notice was issued to the District Collector or District Mining Officer, Sagar with the direction to submit a factual and action taken report on the issue.
4. The matter was again taken up on 17.03.2020 at this Tribunal observed as follows:-

*“Despite of service having been effected on respondent no.2, District Collector, Sagar and respondent no.5, District Mining Officer on 07.01.2020. No one had appeared on the last date of hearing i.e. 27.02.2020. We had also directed to submit a report in respect of mining in the area in question which has also not been filed so far.*

*In the aforesaid circumstances, we had directed the respondent no.5, District Mining Officer to appear before the Tribunal. He has appeared without his Counsel. Moreover, no report in respect of the mining area in question has been filed till date. A copy of the order dated 27.02.2020 was also sent through email to the District Collector, Sagar, MP.*

*Therefore, we deem it proper to impose a cost of Rs. 5000/- to respondent no.5, District Mining Officer for not filing the report and the same shall be deposited with NGT Bar Association, Bhopal within a week from today.*

*List these matters on 16<sup>th</sup> April, 2020.”*

5. The matter was again taken up on 24.06.2020 and after considering the report of the Collector, the Tribunal observed as follows :-

*“In this case a compliance report has been filed on behalf of District Collector, District Sagar and the same has been supported by an affidavit filed by Ram Kishan Kaithal, mentioned as Mining Officer, who is also said to be the District Mining Officer.*

A perusal of the report reveals as under:-

*“2. The Hon’ble Tribunal order dated 07/01/2020 directed the District Collector to file a report in respect of the mining area in question. In pursuance to the directions passed by the Hon’ble Tribunal the District Collector District Sagar (M.P.) instructed the District Mining branch to demarcate the mining area and also to submit an inspection report of the mining area in question, the Mining Inspector District Mining Branch Sagar along with Revenue Inspector Shahgarh, Halka Patwari, of Villagbe Ujnethi, Police of police Station Veneka and Village Kotwar inspected the mining site of Project Proponent Durgesh Singh Lodhi and further also demarcated the mining area bearing Khasra no. 2 182, 183,184, 191,194 & 201 admeasuring an area of 1.18 ha and found that the project proponent has carried out illegal mining outside the sanctioned area upon khasra number 182 & 183 and according to the pit size illegally excavated black flagstone the penalty amount was quantified by the District Mining Branch Sagar, the joint inspection team of Revenue and Mining Department prepared panchnama, and registered a case U/s 247(7) of MPLRC for illegal excavation and further have proposed a penalty of Rs. 6,75,00,000/-(In words, Rupees Six Crores Seventy Five Lakhs Only) the case is still pending for adjudication before the SDO(R) Circle Banda, District Sagar (M.P.)”*

A show cause notice was then issued to project proponent (illegal miner) on 24.02.2020 under Rule 30(19) of the M.P. Minor Mineral Rules, 1996. Subsequently, the District Collector (Mines), District Sagar had cancelled the lease vide order dated 16.03.2002.

Similarly, in respect of khasra no. 291 and 292 steps were taken with regard to inspection etc., and show notice was given on 24.02.2020.

In view of the unsatisfactory reply dated 13.03.2020 filed by the miner, the lease was cancelled vide order dated 16.03.2020 under Sub Rule 26 of Rule 30 of the M.P. Minor Mineral Rules, 1996.

It has also been proposed in the aforesaid compliance report that because of illegal excavation a penalty of Rs. 6,75,00,000/- be imposed on the miner and the same is pending adjudication before SDO(R), Circle Banda, District Sagar.

The Mining Officer present before us today namely Ram Kishan Kaithal was unable to give the details of the said proceedings, status and the next date of hearing.

It is a matter of surprise that despite of the proceedings having taken place under the relevant law and aforesaid penalty was proposed but no serious steps had been taken on behalf of Mining Department, in the adjudication proceedings before SDO(R) Circle Banda.

Therefore, we direct Collector, District Sagar to remain present, through video conferencing, on the next date of hearing with full details and also the reason as to why the proceedings before the SDO have not properly taken up by the Department since February/March, 2020.

A copy of this order be sent to Collector, District Sagar through email forthwith.

List the matter on 30<sup>th</sup> June, 2020.”

6. Considering the report of the Collector and no action taken by the State Authorities and the Local Administration. The matter was taken up on 23.09.2020 and this Tribunal observed as follows:-

- “i. There is illegal mining in plot no. 182 and 183 and no permission has been granted by the authority concerned.*
- ii. The officers of the mining department, inspected and found that there is illegal mining in khasra nos. 182 and 183 and calculated an amount of Rs. 6,75,00,000/- (six crores and 2 seventy five lakhs only) as revenue to be deposited to the relevant account.*

iii. *The Collector vide his letter dated 24.02.2020 communicated the polluter Sh. Durgesh Lodhi S/o Sh. Brijmohan Lodhi to deposit an amount of Rs. 4 lakhs which is revenue (bhatak) which was calculated in accordance with the Rule 30(1) of the M.P. Minor and Mineral Rules, 1996.*

iv. *The relevant income tax, revenue of mining and above calculated two amounts have not been deposited and in reply thereof the polluter has submitted that his ID is not available, thus, he is not able to submit the records.”*

*“2. Without commenting on anything, on the basis of the report submitted by the Collector, we direct the Collector, District Sagar to submit an affidavit with regard to compliance of the above facts and reports and recovery of the revenue which was required to be deposited as to whether that has been deposited or not. The collector shall also appear and attend the proceedings of the Tribunal on the next date through video conferencing.”*

7. An affidavit filed by the Collector, in compliance of the order dated 23.09.2020 reveals as follows:-

“2. The report dated 04.02.2020 of the Mining Inspector, Sagar a case of illegal mining of 6,750 cubic meters of black flat stone was registered against Durgesh Lodhi and a penalty of Rs. 6,75,00,000/- (Rupees Six Crores Seventy Five Lakh Only) was proposed.

3. The Sub Divisional Magistrate Banda, District Sagar disposed the above Case No. 39/A-67/19-20 vide order dated 10.08.2020 and dismissed the case in the absence of documentary or oral evidence. The copy of order dated 10.08.2020 is filed herewith.

4. The SDM, Banda failed to appreciate the sufficient 4 documentary and oral evidence of Mining Inspector, Revenue Inspector etc. presented before it hence aggrieved against this order decision to file an appeal before the competent court of the Additional Commissioner, Sagar Division, Sagar was taken and accordingly an appeal has been filed on 25.09.2020.

5. Thus the matter of revenue recovery of the proposed penalty of Rs. 6,75,00,000/- (Rupees Six Crores Seventy Five Lakh Only)

U/s 247(7) of the Madhya Pradesh Land Revenue Code 1959, is under adjudication.

6. In the matter of recovery of deterrent revenue Rs. 4,00,000/- (Rupees Four Lakh Only) with interest @24% on the mining lease amounting to Rs. 4,72,000/- (Rupees Four Lakh Seventy Two Thousand Only) Revenue Recovery Certificate, dated 01.10.2020 has already been issued under my signatures copy of which is also enclosed.”

And the Tribunal directed as follows :-

“3. After perusal of factual and action taken report submitted by the district authorities and further compliance report submitted by the Collector Mining, we are of the view that there is a report of illegal mining in the area mentioned in the factual and action taken report and there is illegal mining of 6,750 cubic meters of black flat stone. Thus, it is necessary to proceed to recover the environmental compensation. Accordingly, we direct as follows:-

- i. Central Pollution Control Board is directed to send or constitute a committee of two Regional Officers who may visit at the site or on the basis of the report submitted by the Collector and on the basis of area of the illegal mining, calculate the environmental compensation and submit a report within fortnight.
- ii. Collector Sagar is directed to submit a progress and further action taken on the matter mentioned at para 6 of the affidavit filed as mentioned today and the action taken for recovery of the revenue amounting to Rs. 4,72,000/- and submit a report within fortnight.

4. List it on 29.10.2020.”

8. In compliance thereof, the CPCB had submitted the report with a fact that the Member of the Committee consisting Regional Officer, CPCB, Bhopal and Chief Chemist, Regional Office, Sagar, Bhopal visited the site, inspected it and submitted the report, as follows:-

“The committee visited the site of illegal mining on 14.10.2020 along with the Sh Gangale, Mining inspector & patwari of the area. The committee observed the illegal mining in the Khasra no. 182 & 183 was carried out near the natural/rainy drain at the following GPS co-ordinates

- i. 24.104004°, 78.901094°
- ii. 24.103877°, 78.900995°
- iii. 24.104365°, 78.900584°
- iv. 24.104490°, 78.900685°

The Google map of the illegal mining is enclosed. The illegal mined overburden was found dumped inside the natural/rainy drain that restricted the natural flow.

#### **1. Methodology adopted for calculating the Environmental Compensation on illegal mining of the black flag stone**

The committee was in the opinion to calculate the environmental compensation based on the earlier report of Collector Office (Mining Department), Sagar dated 04.02.2020. The report has reported the quantity of the illegal mine area, its volume and market value.

- i. The volume of illegal mining of black flag stone is **6750** M<sup>3</sup> in the length of 90m, width of 15m and 5m depth.
- ii. The market value of per M<sup>3</sup> black flag stone: **Rs. 2500/-**
- iii. The total market value of 6750 M<sup>3</sup> illegal mined black flag stone: **Rs. 16875000** (Rupees One Crores Sixty Eight Lakh Seventy Five Thousand Only) in plot no. 182 and 183 for which no permission was granted by the authority concerned.
- iv. The proposed penalty under M.P. Land Revenue Code 1956 (as amended) Rule 247 (7) was calculated as 4 times of the Market value of the mineral : **Rs. 67500000/-**

#### **The committee referred following orders for calculating the EC w.r.t. Net Present Value (Market value), ecological service cost and restoration:**

- i. Hon'ble Apex Court in Writ Petition (Civil) No. 114 of 2014 in the matter of Common cause Vs. Union of India and Others dated 02.08.2017, Paragraph 184 of the said judgment as under:-

*“We make it clear that the material extracted either without*

*Environmental Clearance or without an FC or Both would attract the provisions of Section 21 (5) of the Mines and Minerals Development Rules Act and 100 % of the price of illegally or unlawfully mined mineral must be compressed by the mining lease holder”.*

Accordingly, the Net Present Value (market value) of total illegal black flagstone of **Rs. 1, 68, 75000/-** was considered.

- ii. Para 31 of the Hon’ble National Green Tribunal Principal Bench order dated 04.01.2019 in OA No. 110 (THC)/2012 titled as “Threat to life arising out of coal mining in South Garo Hills District Vs. State of Meghalaya & Ors.” Read as follows-

*“Paying capacity and the amount which may act as deterrent to prevent further damage is also well recognised. Net Present Value of the ecological services foregone and cost of damage to environment and pristine ecology, the cost of illegal mined material, and the cost of mitigation and restoration are also relevant factors. The committee may go into aspects to determine the final figure.”*

- iii. The Hon’ble Tribunal in its order dated 25.03.2015 in O.A. 73 of 2014 has ordered as follows:

*“No one has been thought of restoration of the area in question to break to some extent if not completely Restoration of ecology and environment in question serious steps are required to be taken for cleaning polluted water bodies and ensure that no further pollution is caused by this activity and activity which would be permitted to be carried on finally including transportation of coal. On the basis of polluter pays principle”. We direct that the state government shall in addition to the royalty payable to it shall also collect 10% on the market value of coal for every consignment.”*

Thus, the compensation recoverable is quantified as under:

- a) Net Present Value of the illegal mining material:  
**Rs. 1,68,75000/-**
- b) Cost of the ecological services foregone and the cost of mitigation and restoration was taken as 10% of the Market value of the illegal mine material (Based on the Hon’ble NGT

order dated 25.03.2015 in O.A, 73 of 2014) = **Rs. 1,68,7500/-**

- c) The proposed penalty under M.P. Land Revenue Code, 1956 (as amended) rule 247 (7) was calculated as 4 times of the Market value of the mineral **Rs. 6,75,000,00/-**

### **Recommendation**

Interim compensation on illegal mining of black flag stone may be imposed based on the Net Present Value (Market Value) i.e. **Rs. 1,68,75,000/-**; Cost of the ecological services foregone and the cost of mitigation and restoration i.e. Rs. 1,68,7500/- and the proposed penalty under M.P. Land Revenue Code, 1956 (as amended) rule 247 (7) i.e. **Rs. 6,75,000,00/-**.

9. Learned Counsel appearing for the CPCB had submitted that the action which are required to be taken by the State Authorities with regard to the vehicles involved in the illegal mining had been discussed and directed in Original Application No. 360 of 2015 vide order dated 26.02.2021, as follows : –

### ***Seizure and Release of vehicles involved in illegal mining***

“8. Another issue bearing on the enforcement mechanism is the action against the vehicles used in illegal sand mining. Seizure of such vehicles is required and release of seized vehicles lightly defeats the purpose of the coercive measures. Since the vehicles are in a way weapon of offence, the same cannot be dealt with in the manner disputed property is dealt with under section 451 Cr.PC. by releasing the same in favour of the ostensible owner by taking an entrustment/indemnity bond/*sapurdginama*. In *Sujit Kumar Rana*, (2004) 4 SCC 129 and order dated 26.03.2019 in Cr. A. 524/2019, State of Madhya Pradesh v. Uday Singh, it was held that special procedure for seizure and release of such vehicles prevails over the procedure under Section 451 Cr.P.C. This Tribunal earlier directed, in the case of illegal mining in Meghalaya that such vehicles should be released only on the payment of 50% of the showroom value. The same was affirmed by the Hon’ble Supreme Court in *2019 (8) SCC 177*. Similar order was passed by the Tribunal on 10.01.2019 in O.A. No. 670/2018, *Atul Chouhan v. State of U.P.*, which stands affirmed by the

Hon'ble Supreme Court vide order dated 07.05.2019 in C.A. No. 1590/2019. **Thus, the procedure under Cr.P.C. for release of vehicles on *superdari* without stringent conditions would not apply in respect of action taken for enforcement of Sustainable Guidelines issued under the Environment (Protection) Act, 1986 (EP Act) and for enforcement of orders of this Tribunal under Section 15 of the National Green Tribunal Act, 2010 (NGT Act).** However, having regard to the difficulty expressed by the State that requirement to pay 50% of the showroom value of the vehicle was resulting in vehicles not being released at all, the earlier order was modified on 19.02.2020 to the effect that following scale of amount be recovered for release of the seized vehicles:-

<b>Sr. No.</b>	<b>Category of Vehicle</b>	<b>Penalty Amount</b>
1	<i>Vehicles / Equipments / Excavators with showroom value more than Rs. 25 lacs and less than 5 years old.</i>	Rs. 4 lacs
2	<i>Vehicles / Equipments / Excavators with showroom value more than Rs. 25 lacs and more than 5 years but less than 10 years old.</i>	Rs. 3 lacs
3	<i>For the remaining Vehicles older than 10 years/Equipments/ Excavators which are otherwise legally permissible to be operated and not covered by Serial No. 1 and 2.</i>	Rs. 2 lacs
<p><b>Note – I:</b> <i>On repetition of the offence by the same vehicle/ equipment, Order dated 05.04.2019 will be applicable.</i></p> <p><b>Note – II:</b> <i>The option of release may be available for a period of one month from the date of seizure and thereafter, the vehicles may be confiscated and auctioned.</i></p>		

“9. Following further directions were issued :-

**“6. The State may issue an appropriate Office Order/Rule to the above effect and publish the same. Needless to say that any private contract between a financier and a debtor cannot affect the States’ sovereign power to protect the environment and take incidental coercive measure for enforcement of rule of law. Lien of the State will override any private interest. The above compensation regime will be over and above any existing Rules or provisions. The amount collected**

**may be remitted to the State PCBs/PCCs for being utilized for restoration of the environment.**

7. *The above course of action will be permissible to all the States at their option.*”

10. The parameter with regard to the compensation has also been discussed in the above original application in para 10, 11 and 12, which is quoted below :-

**Scale of compensation for violations on polluter pays principle**

“10. Vide order dated 17.08.2020, the Tribunal considered the CPCB report dated 30.01.2020, in pursuance of earlier orders on scale of compensation to be recovered for violation of norms for mining on polluter pays principle and the matter was deferred for further consideration of such scale and further orders in the light of the EMGSM 2020.

**On the issue of scale of compensation for violations, the Tribunal held that the same has to be calculated having regard to the polluter pays principle and not mere loss of royalty. This requires taking into account value of the illegally mined material and cost of restoration of the environment.** CPCB did the exercise by constituting an expert Committee. The Tribunal considered the report as follows:-

“8. *The Committee considered two approaches:*

- (I) **Approach 1: Direct Compensation based on the market value of extraction, adjusted for ecological damages.**
- (II) **Approach 2: Computing a Simplified NPV for ecological damages.**

9. *In the first approach, the criteria adopted is:*

- *Exceedance Factor (EF).*
- *Risk Factor (RF).*
- *Deterrence Factor (DF).*

10. *Approach 1 is demonstrated by Table 1 as follows:*

Table No. 01: Approach 1				
Permitted Quantity (in MT or m <sup>3</sup> )	Total Extraction (in MT or m <sup>3</sup> )	Excess Extraction (in MT or m <sup>3</sup> )	Exceedance in Extraction:	Compensation Charge (in Rs.)
X	Y	Z = Y-X	Z/ X	$D * (1+RF + DF)$ Where D = Z x Market Value-of- the-material-per-MT-or-m <sup>3</sup>
				DF = 0.3 if Z/X = 0.11 to 0.40 DF = 0.6 if Z/X = 0.41 to 0.70 DF = 1 if Z/X >= 0.71
				RF = 0.25, 0.50, 0.75, 1.00 (as per table 2)

“11. Approach 2 is demonstrated by following formula:

“Till such time as data and information for a comprehensive NPV is worked out in a site specific manner to account for all (or atleast the major) ecological damages, a simplified NPV, proxied on the market value of the illegally extracted amount may be computed. In this case the NPV approach would imply that **the total benefits from the activity of sand mining (as represented by the market value of the extracted amount) be deducted from the total ecological costs** imposed by the activity. In the absence of data on benefits and costs separately, we recommend a modification of the formula as shown below:

Total Benefits(B) = Market Value of illegal extraction : D (refer Table 1)

Total Ecological Costs = Market Value Adjusted for risk factor:  
D \*RF (refer Table1).

For present purposes, it is assumed that the Benefits would accrue only in the first year (in which the extraction of the illegally mined material takes place), while the ecological costs would continue to be felt over a period of time. NPV is to be calculated for a period of 5 years on the net value,  $\Sigma (C-B)$ , at a discount rate ranging from **8%-5%**, varying in inverse with the risk factor. Thus, where the highest risk factor (say 1) is applicable, the discount rate applicable would be the lowest (say 5% in this case).”

“12. Final recommendation is as follows:

“Thus, it is recommended that the annual net present value (NPV) of the amount arrived at after taking the difference between the costs and the benefits through the use of the above approach, maybe calculated for a period of 5 years at a discount rate of 5% for mining which is in a severe ecological damage risk zone. The rationale for levying this NPV is based on expert opinion that reversal and/or restoration of the ecological damages is usually not possible within a short period of time and rarely is it feasible to achieve 100% restoration, even if the sand deposition in the

river basin is restored through flooding in subsequent years. The negative externalities of the mining activity are therefore to be accounted for in this manner. Ideally, the worth of all such damages, including costs of those which can be restored should be charged. **However, till data on site-specific assessments becomes available, this approach may be adopted in the interim.** In situations where the risk categorization charged. However, till data on site-specific assessments becomes available, this approach may be adopted in the interim. In situations where the risk categorisation is unavailable or pending calculation, the following Discount Rates may be considered:

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1.0
Discount	8%	7%	6%	5%

“11. Annexure-A appended to the report gives the calculation as follows:

**“Compensation Charge (Scenario II - explicit accounting of NPV)**

Market Value of Illegally Mined Material (D) 5000\*400 = 2000000/-  
 Annual Value of Foregone Ecological Values D\*RF = 2000000/-

- **Present Value of Foregone Ecological Values (@ 5% discount rate and over 5 years)**

$$\begin{aligned}
 PV &= \sum_{t=1}^5 \frac{(D+RT)}{(1+r)^t} \\
 &= \frac{\sum(2000000)}{(1+0.05)^1} + \frac{(2000000)}{(1+0.05)^2} + \frac{(2000000)}{(1+0.05)^3} + \frac{(2000000)}{(1+0.05)^4} + \frac{2000000}{(1+0.05)^5} \\
 &= \text{Rs. } 86,58,953/-
 \end{aligned}$$

- *Net Present Value (after netting out market value of illegally mined material) - i.e., Total Compensation to be levied*

$$\begin{aligned}
 &= NPV = PV - D \\
 &= \text{Rs. } 66,58,953/-
 \end{aligned}$$

Compensation Charge in above case:

Approach 1 (no explicit accounting of NPV)	Approach 2 (explicit accounting of NPV)
$D*(1+RF+DF)$	@ 5% discount rate and over 5 years
Rs. 46,00,000/-	Rs. 66,58,953/-

“12 The Tribunal directed undertaking of scenario analysis, as suggested on behalf of the applicant and to furnish a further report accordingly. Further report dated 12.10.2020 has been filed by the CPCB reiterating its earlier report. We propose to approve approach-2 in the report. Apart from the above, a report dated 15.01.2021 has been filed by the Oversight Committee for the State of UP3 to which reference will be made later”.

11. The monitoring mechanism and directions which are issued in Original Application mentioned above is also relevant to quote, which is quoted below :-

*“27. We direct all the States/UTs to strictly follow the SSMG-2016 read with EMGSM-2020 reinforced by mechanism for preparation of DSRs (in terms of directions of this Tribunal dated 14.10.2020 in Pawan Kumar, supra and 04.11.2020 in Rupesh Pethe, supra), Environment Management Plans, replenishment studies, mine closure plans, grant of EC (in terms of direction dated 13.09.2018 in Satendra Pandey, supra), assessment and recovery of compensation (as per discussion in Para 25), seizure and release of vehicles involved in illegal mining (in terms of order dated 19.02.2020 in Mushtakeem, supra), other safeguards against violations, grievance redressal, accountability of the designated officers and periodical review at higher levels. As already noted, EMGSM-2020 contemplates extensive use of digital technology, including remote sensing.”*

*“28. We further direct that periodic inspection be conducted by a five-members Committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Where CPCB regional office is not available, if MoEF&CC regional office is available, its Regional Officer will be included in the Committee.*

*Where neither CPCB nor MoEF&CC regional office exists, Chairman, SEIAA will tie up with the nearest institution of repute such as IIT to nominate an expert for being included in the Committee. Such inspection must be conducted at least*

*thrice for each lease i.e. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any. The reports of such inspections be acted upon and placed on website of the SEIAA. Every lessee, undertaking mining, must have an environment professional to facilitate sustainable mining in terms of the mining plan and environmental norms. This be overseen by the SEIAA. Environment Departments may also develop an appropriate mobile App for receiving and redressing the grievances against the sand mining, including connivance of the authorities and also a mechanism to fix accountability of the concerned officers. Recommendations of the Oversight Committee for the State of UP quoted earlier may be duly taken into account.*

*The mechanism must provide for review at the level of the Chief Secretary at least once in every quarter, in a meeting with all concerned Departments in the State. The Chief Secretary UP may ensure further action in the light of the report of the Oversight Committee.*

*Similarly, at National level, such review needs to be conducted atleast once in a year by the Secretary, Environment in coordination with the Secretaries Mining and Jalshakti Ministries the CPCB.*

#### *Publication of Annual Reports*

*“29. We further direct all the States/UTs to publish their annual reports on the subject and such annual reports may be furnished to MoEF&CC by 30th April every year giving status till 31<sup>st</sup> March. First such report as on 31.03.2022 may be filed with the MoEF&CC by all he States/UTs on or before 30.04.2022. The report may also be simultaneously posted on the website of the Environment Department of the States/UTs. Based on such reports, MoEF&CC may consider supplementing its Guidelines from time to time. The MoEF&CC may prepare a consolidated report considering the reports from the States/UTs and publish its own report on the subject, preferably by 31<sup>st</sup> May every year.*

#### *Interaction at National Level*

*“30. We direct the Secretary MoEF to convene a meeting in*

*coordination with the CPCB and Mining and Jalshakti Ministries of Central Government and such other experts/individuals at National level and representatives of States within three months for inter- action on the subject which may be followed by such meetings being convened by the Chief Secretaries in all States in next three months. Holding of such meetings will provide clarity on enforcement strategies and help protection of environment.*

12. Accordingly we are of the view that the State Authorities, Collector concerned, State Pollution Control Board may be directed to take necessary steps to stop illegal mining and to recover the environmental compensation according to law. Accordingly, we direct as follows :-

(i) Collector concerned is directed to take necessary action to control the illegal mining and to ensure that there should be no illegal mining within the area and in case any illegal mining is found to be operated by anyone, necessary legal action must be taken, according to law.

(ii) State Pollution Control Board is directed to realize the environmental compensation, as submitted by the Joint Committee, according to law. The action taken report must be submitted within 30 days by email at [ngtczbbho-mp@gov.in](mailto:ngtczbbho-mp@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The amount so recovered, may be credited to the account to State Pollution Control Board and may be expended for the environmental improvements.

13. The Original Application **75/2019(CZ)** and I.A. No. **114/2019** stands **disposed of** accordingly.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

July 12<sup>th</sup> 2021  
O.A. No. 75/2019(CZ)  
with (I.A. No. 114/2019)  
PN