

Minutes of the 927th Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 05-12-2025

The meeting of 927th State Level Environment Impact Assessment Authority, UP (SEIAA) was held online on 05.12.2025 the Directorate of Environment. The following were present in the meeting: -

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|-----------------------|------------------------------|
| 1. Shri Anupam Gupta | Chairman, SEIAA, U.P |
| 2. Shri Amit Chandra | Member, SEIAA, U.P |
| 3. Shri Manish Mittal | Member Secretary, SEIAA, U.P |

“Morrum Mining” on the riverbed of Sone River at Arazi No.- 15 च , Khand No.- 02, Village- Bhagwa, Tehsil- Obra, District- Sonbhadra, Uttar Pradesh, Area 12.146 ha., M/s Rudra Mining 8280/7891/SIA/UP/MIN/445239/2023.

1. SEIAA noted that in its 919th meeting dated 10.11.2025 SEIAA considered the recommendation of SEAC to grant Environmental Clearance (EC) to said project and also considered order dated 03.11.2025 passed by Hon’ble NGT in O.A. no. 547 of 2025 Akhilesh Kumar Vs State of UP & Ors. The operative part of said order is as follows:

“...9. Meanwhile, SEIAA, UP will duly consider the above objections/allegation of the applicant before issuing the EC, if the same has not been issued till now.”

SEIAA opined to defer the matter in the light of above order of Hon’ble NGT.

2. In compliance of above said order dated 03.11.2025, the applicant Shri Akhilesh Kumar was informed by the office of SEIAA vide its letter no. 765/parya/8280/2025 dated 17.11.2025 and e-mail dated 17.11.2025 and given opportunity of personal hearing before SEIAA on 24.11.2025. The date was rescheduled to 25.11.2025 due to unavoidable circumstances and the applicant was informed vide e-mail dated 22.11.2025. Advocate Gaurav Kumar Bansal on behalf of applicant along with the applicant Akhilesh Kumar were present online before SEIAA on 25.11.2025. The major contentions submitted are as follows:
 1. SEAC in its meeting held on 19.05.2025 did not recommend the inclusion of Arazi No. 15 च in the DSR and consciously refrained from expressing any affirmative opinion and instead directed that the matter be referred to the Directorate of Geology and Mining (DGM) for comments.
 2. Inclusion of the disputed Arazi No. 15 च is unsustainable as it is unsupported by any geological study, DGM opinion, mineral quantification or scientific verification.
 3. Unilateral signing of the minutes by the Member Secretary without signatures or recorded approval of the Chairperson or member.
 4. Deviation of SEIAA from the consistent findings of earlier committees, including the Hon’ble NGT-appointed joint committee.

5. The applicant further submitted that on the same issue two other OA's are also pending for adjudication before the Hon'ble NGT- OA no. 1102 of 2024 and 84 of 2025.

The applicant submitted prayer as reproduced below:

- a) Quash and set aside the decision of the State Environment Impact Assessment Authority (SEIAA), Uttar Pradesh, dated 17.12.2024, whereby the committee of Mining officer, Sonbhadra, representative of Sonbhadra (not below of the rank of ADM) and the soil scientist belonging to the agricultural university has been constituted to address the question of mineral availability at Arazi no. 15 cha, Khand no. 02, Village Bhagwa, Tehsil-Obra, District Sonbhadra, Uttar Pradesh.
 - b) Issue appropriate directions to Union Environment Ministry to establish a clear, binding and proper mechanism to reconcile the disputes between State Environment Impact Assessment Authority (SEIAA) and State Expert Appraisal Committee (SEAC) in the preparation and appraisal of District Survey Reports (DSRs).
 - c) Direct that the evaluation of the area in question be conducted by an independent and unbiased expert committee, preferably comprising professionals from the Indian Institute of Technology, Roorkee, and the Indian Bureau of Mines, with members having no prior involvement in the preparation or approval of the District Survey Reports (DSRs).
 - d) Direct the Respondents to ensure compliance with the Hon'ble Supreme Court's order dated 10.11.2021, Sustainable Sand Mining Guidelines, 2016, and the Enforcement and Monitoring Guidelines for Sand Mining, 2020, particularly with respect to the use of scientific and latest modern technologies and methods during the preparation of DSR.
 - e) Pass such other and further orders as this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case to protect the environment and uphold and principles of natural justices.
3. As principal of natural justice, Representative of M/s Rudra Mining was also informed by the office of SEIAA vide its letter no 764/parya/8280/2025 dated 17.11.2025 and e-mail dated 17.11.2025 and given opportunity of personal hearing before SEIAA on 24.11.2025 to present their side. The date was rescheduled to 25.11.2025 due to unavoidable circumstances and the applicant was informed vide e-mail dated 22.11.2025. The representative of M/s Rudra Mining were represented by advocate Ayush Mishra and Shri Dharendra Kumar Singh presented following points before authority:-
 - a) The Project Proponent has complied with every statutory requirement, including a scientifically conducted soil and mineral assessment by a duly constituted Committee comprising the Soil Scientist of BHU, the Mining Officer and the ADM, which conclusively establishes 95.72% morrum presence in the subject mine area. This report stands unchallenged and has attained finality in law.
 - b) The Applicant has deliberately suppressed material facts, twisted the record of proceedings, and attempted to mislead the Hon'ble NGT and SEIAA by withholding crucial documents including the Joint Committee Report which is fatal to his case.

- c) SEAC, being only a recommendatory body, clearly found no procedural or substantive flaw in the Joint Committee Report nor in the proposed inclusion of the land in the DSR, and having merely sought additional clarity, still forwarded the matter to SEIAA for final determination.

4. Deliberation:-

- I. SEIAA noted that ToR was granted to M/s Rudra Mining Arazi No.- 15 च , Khand No.- 02, Village- Bhagwa, Tehsil- Obra, District- Sonbhadra, Uttar Pradesh, Area 12.146 ha., on 15.06.2023.
- II. A complaint dated 11/10/2023 of Akash Dubey, (Environmental Activist) S/o Shri Mahendra Kumar, Ara Kalan, Arahkala, Allahabad. UP-221508 was discussed in its 778th SEAC meeting dated 13.10.2023 against the forgery committed by Rudra Mining Company in obtaining the environmental clearance. Complaint stated that area in question is a plain land where in there is no deposition of morrum. The SEAC recommended to constitute a joint committee comprising of Prof. Jaswant Singh Member, SEAC, Mining Officer, Sonbhadra and Regional Officer, UPPCB Sonbhadra to inspect the mining site and provide factual report to SEAC to take necessary action.
- III. SEIAA agreed with the above recommendation of SEAC to constitute a joint committee.
- IV. OA No. 109 of 2024 Akash Dubey vs. UOI & ors. was filed in Hon'ble NGT:-
"...The prayer made by the Applicant in the OA is as under:-
 - a. Direct Respondents and in particular SEIAA, UP to decide the complaint of the applicant within time as issued by this Hon'ble Court.
 - b. Direct the Respondents and in particular SEIAA-UP to finalize the issue regarding grant of Environmental Clearance to project proponent only after deciding the complaint raised by the applicant.
 - c. Direct Respondents to frame Regulatory mechanism for timely disposal of the complaints/representation highlighting issues regarding non implementation Green Laws of the Land.
 - d. Pass any such other or further order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case."
- V. Hon'ble NGT, in its order dated 29.01.2024 in OA 109 of 2024, took note of the fact that Joint Committee was constituted by SEAC/SEIAA and Hon'ble Tribunal directed for submission of the report of said Joint Committee. That the report of above said Joint Committee dated 15.03.2024, was filed before Hon'ble Tribunal. The Joint Committee which included representative from SEIAA (Prof. Jaswant Singh Member, SEAC), Mining Officer, Sonbhadra and Regional Officer, Sonbhadra formed by SEAC/SEIAA, submitted a report dated 15.03.2024 in Original Application No. 109 of 2024 which explicitly states that: -
"
...
 - a) *At the time of site visit it was observed that the mining lease is plain/soil land with flora in which, agriculture was being done by local farmers.*
 - b) *The lease is located in the outer reach of the rear end of river bank, due to which there is very low possibility of the occurrence of mineral deposit during floods in future and makes it unsustainable from mining point of view.*

- c) *There are water bodies in the lease area at the time of inspection, hence no mineral can be excavated from the water bodies/submerged area. No mineable mineral (morrum) was observed in the lease area at the time of physical inspection."*

The above report of joint committee is signed by RO, UPPCB and Member SEAC whereas the DMO submitted his report vide letter no. 2955/khanij/2023-24 dated 02.03.2024 in which it is mentioned that:

"....

1. *उक्त क्षेत्र राजस्व अभिलेखों में नदी के नाम दर्ज, राज्य सरकार की भूमि है।*
2. *उक्त क्षेत्र सोन नदी की डाउन स्ट्रीम के दांयी ओर स्थित है, जिस पर वर्षा काल में नदी द्वारा पहाड़ी क्षरण के फलस्वरूप बहाकर लायी गयी मोरम प्रचुर मात्रा में निक्षेपित है।"*

- VI. Hon'ble NGT vide its order dated 01.04.2024 in OA no. 109 of 2024, constituted a joint committee comprising of representative of MS, CPCB and Adviser/JS in-charge of EIA Mining (Non-Coal) MoEF&CC. The operative part is as follow:

"...6. Having regard to the above position, we deem it proper at this stage to constitute a Joint Committee comprising of representative of Member Secretary, CPCB and Adviser/JS in-charge of EIA Mining (Non-Coal) MoEF&CC.

...8. Joint Committee will visit the site and ascertain the correct position on the spot and also the truthfulness of the allegations of modus operandi adopted by State officials/Project Proponent to carry out illegal mining on the basis of lease in respect of the area where no mineral exists..."

- VII. The joint committee in its report dated 05.07.2024 has commented as: -

"...

1. *As per revenue records of Govt. of Uttar Pradesh, the land in question is not agricultural land. The lease area is non-agricultural government land. A copy BHULEKH record account no. 00017 of Govt. of Uttar Pradesh record is enclosed.*
2. *No agriculture crops were observed in lease area during the site visit.*
3. *As per District Survey Report (DSR) amendment letter dated 01.04.2021 and Letter of Intent (LOI) dated 16.02.2023 provided by state department official, mineral is available in the lease area. As per this document, the geological reserve is 364380 cubic meters, and the minable reserve is 218628 cubic meters in the lease area of 12.146 ha. A copy of Letter of Intent (LOI) dated 16.02.2023 and District Survey Report (DSR) amendment letter dated 1.04.2021 are enclosed.*
4. *It was observed that there is a water pond near the river which is formed by mining carried out illegally in the past. A part of this water body overlaps a small part of the lease area.*
5. *It was observed that the mining lease area is plain land on right bank of Son River. The exposed cross sections at the edges of water pond indicated that sand/morrums is available in the lease area below a layer of earth of variable thickness.*

The joint committee recommends that a grid-based survey of the lease area regarding sand morrum reserve in the lease area may be carried out by Project Proponent through a reputed expert institute and reviewed by SEIAA, Uttar Pradesh, to provide grid wise details about layers of earth and sand morrum. The red line level ie the level below which mining not to be carried

out may also be fixed by the survey to enable proper estimation of annual replenishment and permissible mining in subsequent years."

- VIII. Hon'ble NGT in OA no. 109 of 2024 took note of the report dated 08.07.2024 of joint committee constituted by Hon'ble NGT and issued direction for additional report as reproduced below:
- "... 3. The Joint Committee has submitted the report dated 05.07.2024. The Joint Committee has found a water pond near the riverbed formed by illegal mining. The report does not disclose the extent of illegal mining which has been done or the size of the water pond which could be indicative of extent of illegal mining.*
- 4. Learned Counsel for the MoEF&CC submits that the requisite details of the extent of illegal mining found on the spot will be disclosed by filing a supplementary report within four weeks..."*
- IX. The additional report of the Joint Committee in compliance to Hon'ble NGT order dated 08.07.2024 in O.A No. 109/2024 was submitted on 27.09.2024 and the recommendations in report is as follow: -
- a) *MOEFCC has issued the new guidelines. "Enforcement & Monitoring for Sand Mining" (EMGSM-2020) supplemental to the existing guidelines i.e. Sustainable Sand Management Guidelines 2016 (SSMG-2016), which focuses on the effective monitoring of the sand mining, from the identification of sand mineral sources to its dispatch and end-use by consumers and the general public. Further, EMGSM-2020 & SSMG-2016 shall be read and implemented in sync with each other. Sand mining Guidelines 2016 and Enforcement & Monitoring Guidelines for Sand Mining 2020, will further help in systematic and environment friendly sand mining throughout the country.*
- b) *Observations of Joint Committee indicate that illegal mining is a serious concern in the flood zone of the river stretch inspected, which require close monitoring and stricter enforcement by the district level officers. State authorities may consider enforcing prohibitory orders against possession of boats that can be used for illegal mining from river bed and taking other necessary measures to protect river bed and river flood zone from illegal mining.*
- c) *State authorities may consider carrying out satellite imagery-based study and ground verification surveys of the entire area of sand mining potential at the site, through an expert institute every year to monitor illegal mining in the river flood zone. Ground verification survey may include measuring Reduced Levels (RLs) of the areas where sand mining is prevalent."*
- X. Hon'ble NGT in its order dated 25.11.2024 in O.A. no. 109 of 2024 directed as follows:
- "...Hence, we dispose of the OA permitting the applicant to place before the SEIAA, UP the reports of the Joint Committee on which he is placing reliance. The SEIAA, UP will duly consider the said reports at the before issuance of EC..."*
- XI. SEIAA in its 864th meeting on 17.12.2024 deliberated as follow:-
- "...that the reports dated 15.03.2024, 05.07.2024 and 27.09.2024 do not address the question of mineral availability at the site. Hence SEIAA agreed to*

refer the matter to DM, Sonbhadra to get it examined by a committee of- Mining Officer Sonbhadra, a representative of DM, Sonbhadra, not below the rank of ADM, and a soil scientist belonging to a reputed agriculture university of State or the Center. The Committee was tasked with examining the area based on ocular as well as soil profile examination and photographs and videos were to be attached with the report. The report was to be submitted within three weeks. SEIAA should be apprised of the action taken. Based on CPCB report suitable action should be taken to stop illegal mining in the area and the people involved in illegal mining should be prosecuted as per the relevant laws."

XII. SEIAA in its 872th meeting dated 28.02.2024 observed as follow:-

"The District Magistrate, Sonbhadra, via Letter No. 2301/Khanij/2025 dated 13-01-2025, constituted a committee comprising:

- 1. A nominated Soil Scientist from the Registrar, BHU Varanasi,*
- 2. ADM (F/R), Sonbhadra, and*
- 3. Senior Mining Officers, Sonbhadra.*

SEIAA has reviewed the report of the committee and observed that the geo-coordinates of the lease area inspected have not been mentioned in the report. In light of the above, SEIAA is of the opinion that a letter should be sent to the District Magistrate, Sonbhadra, directing him to ensure that the geo-coordinates of the lease area are clearly mentioned in the report of the committee constituted vide its order dated 13.01.2025."

XIII. SEIAA in its 884th meeting dated 02.04.2025 observed as follow: -

"DM Sonbhadra vide letter no. 2818/khanij/2025 dated 26.03.2025 has submitted the report of joint committee. Hence SEIAA opined that to refer the report to SEAC for examination and recommendation."

XIV. SEIAA in its 904th meeting dated 31.05.2025 observed as follow: -

"SEIAA noted that the above project was taken in its 884th meeting in which SEIAA opined that letter no. 2818/khanij/2025 dated 26.03.2025 of DM Sonbhadra shall be referred to SEAC for examination and recommendation. SEAC in its joint meeting dated 19.05.2025 discussed the matter in depth and opined that the report of the committee constituted by the State Environment Impact Assessment Authority must be sent to the Directorate of Geology and Mining, Lucknow for comments in light of Supreme Court order dated 10.11.2021 passed in Civil Appeal no. 3661-3662 of 2020 the state of Bihar and others Vs. Pawan Kumar and others.

SEIAA noted that DM, Sonbhadra vide letter no. 2508//khanij/DSR-Morrurum/2024-25 dated 15.02.2025 has submitted the report done by Surveyor, Mining Department, Sonbhadra, Senior Mining Officers, Sonbhadra. The report states that:

नियत तिथि दिनांक 03.02.2025 को (1)- प्रो० जनार्दन यादव, मृदा एवं कृषि रसायन विभाग, बी०एच०यू०, वाराणसी (2)- अपर जिलाधिकारी (वि०/रा०) सोनभद्र, (3)- ज्येष्ठ खान अधिकारी सोनभद्र व (4) सर्वेक्षक खनिज विभाग सोनभद्र द्वारा संयुक्त रूप से क्षेत्र की जाँच की गयी। जाँचोपरान्त प्रो० जनार्दन, मृदा एवं कृषि रसायन विभाग द्वारा अपने पत्र सं०- Agrichem./2024-25/L/ दिनांक 05.02.2025 द्वारा उपरोक्त क्षेत्र जनपद-सोनभद्र की तहसील-ओबरा स्थित ग्राम-भगवा के आराजी संख्या- 15च (खण्ड-2) रकबा- 12. 146 हे० हे० हेतु लिये गये सैम्पल का वैज्ञानिक परीक्षण कर आख्या प्रस्तुत की गयी है, जिसमें

उल्लिखित है कि "जनपद के तहसील-ओबरा में स्थित ग्राम-भगवां के आराजी सं०-15च (खण्ड-2) रकबा- 12.146 हे० में बालू/मोरम का सर्वेक्षण दिनांक 03.02.2025 को किया गया। पूरे रकबे में लगभग 3 से 4 मीटर गहराई के 5 गड्ढे खोदवा कर बालू/मोरम का सेम्पल किया गया तथा इन सेम्पल का परीक्षण मृदा विज्ञान एवं कृषि रसायन विभाग में हाइड्रोमीटर विधि (हिन्ना एट०आल० 1980) से बालू, सिल्ट और क्ले की प्रतिशत मात्रा ज्ञात किया गया। पांचो सेम्पल में बालू/मोरम 95.70 से 95.74 प्रतिशत पाया गया तथा औसत रूप से बालू/मोरम 95.72 प्रतिशत तथा सिल्ट+क्ले 4.28 प्रतिशत था। इस डाटा से यह साबित होता है कि उक्त रकबा कृषि के लिये अनुपयुक्त है, क्योंकि इसमें बालू की मात्रा बहुत अधिक है।

According to above report 95.72% of sand/morrum is present and land is not fit for agriculture. Hence SEIAA opined that this report which is based on soil profile study as well as chemical analysis clearly shows that there is mineable mineral available in the mine under consideration. SEAC has recommended for inclusion of this area in DSR. Hence SEIAA agreed to include this area in the DSR of Sonbhadra."

- XV. The decision of SEIAA in its 904th dated 31.05.2025 was communicated to DM, Sonbhadra vide letter dated 09.06.2025 to include Arazi No. 15 च in the DSR.
- XVI. SEAC-2, in its 955th meeting dated 29.09.2025 considered the application for EC after considering the whole process of inclusion of the said area in the DSR. That in the minutes of 955th meeting of SEAC-2, the recommendation related to EC of M/s Rudra Mining & Company, Arazi no. 15 च, Khand no. 2 Village- Bhagwa, Tehsil- Obra, District- Sonbhadra, Uttar Pradesh is reproduced as below:-
"The committee discussed the matter and recommended grant of environmental clearance for the proposal as above along with standard environmental clearance conditions prescribed by MoEF&CC, Govt. of India. The committee also stipulated following specific conditions."
- XVII. SEIAA also considered the status of directions passed by Hon'ble Tribunal in other cases of same area:
- a) OA No. 1102 of 2024 Akhilesh Kumar versus Union of India & Ors.:
That in this matter the, the plea of the applicant is related to report dated 02.01.2024 joint Committee regarding Arazi No.- 15 च, Khand No. 02, Village-Bhagwa, Tehsil- Obra, District- Sonbhadra.
That Hon'ble Tribunal has already considered the report in the matter of OA 109 of 2024 and constituted a committee comprising of representatives Member Secretary, CPCB and Advisor/JS in-charge of EIA Mining (Non-Coal) MoEF&CC Govt. of India. That Hon'ble Tribunal also laid down the mandate for Joint committee as " visit the site and ascertain the correct position on the spot and also the truthfulness of the allegations of modus operandi adopted by State officials/Project Proponent to carry out illegal mining on the basis of lease in respect of the area where no mineral exists."
- b) OA No. 84 of 2025 Akhilesh Kumar versus State of Uttar Pradesh & Ors.:
That In this Original Application the Applicant has questioned the decision of the State Environment Impact Assessment Authority (SEIAA), UP dated 17.12.2024 in respect of the mining activities at Arazi No. 15 Cha,

Khand No. 02, village Bhagwa, Tehsil – Obra, District Sonbhadra, Uttar Pradesh.

That the applicant further states that issue was considered in OA 109/2024 by the Tribunal on 01.04.2024 when the Tribunal had appointed a Joint Committee which had submitted the report dated 15.07.2024 recommending the Grid base survey of the leased area.

That the applicant has submitted that the Tribunal by order dated 25.11.2024 had disposed of the OA 109/2024 permitting the Applicant to place before the SEIAA, UP of the report of the Joint Committee which he was relying upon and had directed SEIAA, UP to consider the said report before the issuance of EC.

That the applicant has submitted that that in spite of the above recommendations of the SEAC and the order of the Tribunal, SEIAA and in its meeting dated 17.12.2024 had formed its own joint Committee and directed the Joint Committee to examine the area based on ocular as well as soil profile examination and submit the report.

SEIAA observed that the matter raised in OA 84 of 2025 has already been considered by Hon'ble Tribunal in OA 109 of 2024 and that SEIAA has been directed to consider the said report of Joint Committee constituted by Hon'ble Tribunal before the issuance of EC.

c) OA 547 of 2025 Akhilesh Kumar versus Union of India & Ors:

In this Original Application (OA), applicant has challenged the minutes of the meeting of SEIAA, UP dated 31.05.2025 on the ground that in the said meeting SEIAA, UP has erroneously recorded that SEAC had recommended disputed lease area Gata No. 15 Cha, Khand no.02, Village Bhagwa, Tehsil Obra, District Sonbhadra whereas there was no such recommendation by SEAC in respect of this piece of land.

SEIAA observed that the matter raised in OA 547 of 2025 has already been considered by Hon'ble Tribunal in OA 109 of 2024 and that SEIAA has been directed to consider the said report of Joint Committee constituted by Hon'ble Tribunal before the issuance of EC.

- XVIII. SEIAA considered the issue raised by the advocate Shri Gaurav Kumar Bansal related to reconciliation of the disputes between SEIAA and SEAC in the preparation and appraisal of DSR. SEIAA noted that the issue is addressed under the provisions of EIA notification, 2006 (as amended) of MoEF&CC, Govt. of India.
- XIX. SEIAA considered the issue raised by advocate Shri Gaurav Kumar Bansal related to unilateral signing of the minutes by the Member Secretary without signatures or recorded approval of the Chairperson or member. SEIAA perused the documents and found that Chairman and Member, SEIAA have also given their approval online.
- XX. SEIAA also considered the issue raised by advocate Shri Gaurav Kumar Bansal that SEAC in its meeting held on 19.05.2025 did not recommend the inclusion of Arazi No. 15 च in the DSR and consciously refrained from expressing any affirmative opinion and instead directed that the matter be referred to the Directorate of Geology and Mining (DGM) for comments. SEIAA noted that annexure 7 of CPCB joint committee report submitted to Hon'ble NGT has annexed the letter dated 04.04.2021 of DGM addressed to DM, Sonbhadra wherein the gata in question has been shown with mineral deposit and

geological reserve along with the quantity. Further DSR-2024, prepared by Sub Divisional Committee (SDC), under the Chairmanship of District Magistrate, Sonbhadra, was submitted to SEIAA vide letter dated 22.11.2024 of Director, Directorate of Geology and Mining which also include the said gata. That the letter dated 22.11.2024 stated as follow:-

“...उक्त के क्रम में शासन द्वारा गठित तकनीकी समिति एवं निदेशालय स्तर पर गठित समिति द्वारा जनपद सोनभद्र के झापट डी0एस0आर0 का परीक्षण किया गया। परीक्षण में प्रस्ताव, Sustainable Sand Mining Guidelines, 2016 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की अधिसूचना दिनांक 15-01-2016 एवं दिनांक 25-07-2018, Enforcement and Monitoring Guidelines for Sand Mining, 2020 and SEIAA/SEAC द्वारा जारी SOP के अनुरूप पाया गया।”

- XXI. SEIAA also noted the fact that representatives of DGM have inspected the site twice as member of two different joint committee's and confirmed the presence of sand on site under consideration.

5. Conclusion:

- a) SEIAA adhered to the principle of natural justice during the process of appraisal and consideration of the matter under consideration.
- b) That the complaint dated 11.10.2023 was duly considered by SEAC and a Joint Committee was constituted to examine the contents as per law. The report of Joint Committee, constituted by SEAC/SEIAA, was duly taken on record by Hon'ble NGT in the matter of OA 109/2024. That Hon'ble Tribunal in its order dated 01.04.2024 recorded observations with regard to the report of Joint Committee as reproduced below:

“Considering the said issue, Tribunal by order dated 29.01.2024 directed the Joint Committee constituted by SEAC to submit a copy of the report before the Tribunal and in compliance, thereof, report dated 15.03.2024 has been submitted by RO, UPPCB, Sonbhadra. It has been pointed out that in that Joint Committee report, Mining Officer has not signed.”

- c) That the DMO submitted his report vide letter no. 2955/khanij/2023-24 dated 02.03.2024 in which it is mentioned that:

“....

- i. उक्त क्षेत्र राजस्व अभिलेखों में नदी के नाम दर्ज, राज्य सरकार की भूमि है।
- ii. उक्त क्षेत्र सोन नदी की डाउन स्ट्रीम के दांयी ओर स्थित है, जिस पर वर्षा काल में नदी द्वारा पहाड़ी क्षरण के फलस्वरूप बहाकर लायी गयी मोरम प्रचुर मात्रा में निक्षेपित है।”

- d) That Hon'ble Tribunal, in its order dated 01.04.2024, in OA 109/2024 constituted a Joint Committee, comprising of representatives of Member Secretary, CPCB and Advisor/JS in-charge of EIA Mining (Non-Coal) MoEF&CC Govt. of India. That Hon'ble Tribunal also laid down the mandate for Joint committee as mentioned in the order:-

“Visit the site and ascertain the correct position on the spot and also the truthfulness of the allegations of modus operandi adopted by State officials/Project Proponent to carry out illegal mining on the basis of lease in respect of the area where no mineral exists.”

- e) That the Joint Committee, constituted by Hon'ble Tribunal submitted its report dated 05.07.2024 and an additional report dated 27.09.2024. That in the report of Joint Committee, constituted by Hon'ble Tribunal, it is mentioned that as per revenue records of Govt. of Uttar Pradesh, the land in

question is not agricultural land, No agriculture crops were observed in lease area and that as per District Survey Report (DSR) amendment letter dated 01.04.2021 and Letter of Intent (LOI) dated 16.02.2023, mineral is available in the lease area, the geological reserve is 364380 cubic meters, and the minable reserve is 218628 cubic meters in the lease area of 12.146 ha. That the Joint Committee further recommended grid-based survey of the lease area regarding sand morrum reserve in the lease area.

- f) That Hon'ble NGT in its order dated 25.11.2024 in O.A. no. 109 of 2024 directed SEIAA, UP to consider the said reports before issuance of EC.
- g) That in compliance of the recommendations made by the Joint Committee, constituted by Hon'ble NGT, SEIAA referred the matter to DM Sonbhadra to get examined mineral availability at the site by a committee of - Mining Officer Sonbhadra, a representative of DM, Sonbhadra, not below the rank of ADM, and a soil scientist belonging to a reputed agriculture university of State or the Center
- h) That the said committee including an expert Soil Scientist from BHU Varanasi, constituted by District Magistrate Sonbhadra reported presence of 95.72% of sand/morrum and that the land is not fit for agriculture.
- i) SEIAA, following due process of law, referred the report of Joint Committee constituted by District Magistrate Sonbhadra to SEAC for appraisal of the matter.
- j) SEIAA in its 904th meeting dated 31.05.2025 took note of deliberations in SEAC joint meeting dated 19.05.2025 wherein SEAC appraised the matter and recommended to send the report of committee constituted by SEIAA to Directorate of Geology and Mining, Lucknow.

Hon'ble NGT in its order dated 25.11.2024 in O.A. no. 109 of 2024 directed SEIAA, UP to consider the reports of Joint Committee, constituted by Hon'ble Tribunal, before issuance of EC. In compliance of directions of Hon'ble Tribunal, SEIAA has taken on record the report of Joint Committee constituted by Hon'ble Tribunal wherein the committee observed no agriculture crops in the said lease area, availability of geological reserve 364380 cubic meters and minable reserve 218628 cubic meters in the lease area of 12.146 ha in accordance with DSR amendment letter dated 01.04.2021 and Letter of Intent (LOI) dated 16.02.2023.

That SEIAA also considered the report of Committee constituted by SEIAA and DM Sonbhadra. That the said committee confirmed presence of 95.72% of sand/morrum and that the land is not fit for agriculture.

That in view of above cited reports and SEAC deliberations, SEIAA examined the matter and took a decision with due diligence to include this area of Arazi No.- 15 च , Khand No.- 02, Village- Bhagwa, Tehsil- Obra, District- Sonbhadra, Uttar Pradesh, Area 12.146 ha in the DSR of Sonbhadra.

- k) SEAC-2, in its 955th meeting dated 29.09.2025 considered the application for EC. of M/s Rudra Mining & Company, Arazi no. 15 च, Khand no. 2 Village- Bhagwa, Tehsil- Obra, District- Sonbhadra, Uttar Pradesh recommended grant of environmental clearance for the proposal as reproduced below:-

"The committee discussed the matter and recommended grant of environmental clearance for the proposal as above along with standard environmental clearance conditions prescribed by MoEF&CC, Govt. of India."

- 1) In view of the facts that Arazi no. 15 च, Khand no. 2 Village- Bhagwa, Tehsil- Obra, District- Sonbhadra, Uttar Pradesh has been included in the DSR, the joint committee constituted by Hon'ble NGT as well as another joint committee constituted by SEIAA and DM, Sonbhadra have confirmed presence of sand on the proposed site for mining and the facts that Hon'ble NGT has directed SEIAA to consider the report of its joint committee prior to taking decision on EC, hence SEIAA took into consideration all above cited contents and also the fact that SEAC-2 has recommended for grant of EC.

6. Decision

Hence SEIAA agreed with the recommendation of SEAC-2 and opined to grant EC along with all the general and specific conditions as suggested by SEAC adding following specific conditions:

1. Top soil removed during excavation shall be preserved and reused.
2. The project proponent shall comply all orders/directions/guidelines/OM of the Hon'ble Supreme Court, Hon'ble National Green Tribunal (NGT), Hon'ble High Court, Govt. of India and Govt. of UP. The project proponent shall obtain all the necessary permissions/ approvals from the concerned Govt. Departments/ Authorities/Organizations.
3. The lease is for five years therefore replenishment study is necessary for continuing mining in next year and every subsequent year till the lease period, the study so conducted shall be uploaded on the website of district. Project Proponent and District Mining Officer shall ensure that if mineable quantity mentioned in LOI is amended as per replenishment study, a report verified by DM and DGM shall be submitted to SEIAA and suitable amendment if needed, shall be done in EC. If after replenishment study, mineable quantity assessed is more than the quantity mentioned in EC then mining shall be restricted to the one mentioned in EC and if mineable quantity assessed is less than the quantity mentioned in EC then mining will be restricted to quantity assessed in replenishment study till EC is amended. Under no circumstances mining shall be more than the quantity mentioned in EC or assessed as per replenishment study.
4. Directions/suggestions given during public hearing and commitment made by the project proponent on these should be strictly complied with.
5. DSR formulation is done by a sub-committee formed at District level and representative of Forest Department is a member in this sub-committee, so it is expected that they examine the issue of distance of forest area from the mining lease as well as distance of protected area from the mining lease. Hence, a certificate signed by an officer not below the rank of ACF shall be submitted before signing lease deed that no forest land is involved in mining or as a route for mineral transportation and does not lie with-in any Protected area, National Park, Sanctuary and ESZ. If forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Van Sanrakshan evam Samvardhan Adhinyam, 2023 and submit before the start of work.
6. The mining lease holders shall ensure to comply with mine reclamation plan as submitted.
7. Stream will not be diverted to form inactive channel for mining.

8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. Also, the coordinates of area earmarked for plantation should be clearly spelt out. Survival of plants should be as per GoUP norms.
9. Plantation of saplings shall be carried out in earmarked area as part of tree plantation campaign “Ek Ped Ma Ke Naam” and the details of the same shall be uploaded in the Meri LiFE Portal (<https://merilife.nic.in>) as per OM no. F.No.IA3-22/3/2024-IA.III (E-241594) dated 24.07.2024.
10. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
11. The project proponent shall ensure that water bodies do not get polluted due to mining activity. Water conservation, ground water recharging shall be undertaken as part of CER activities.
12. Department of Geology and Mines, Government of Uttar Pradesh and/or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
13. The project proponent shall install rooftop solar plant in one school in the vicinity of project area and construct toilets especially in girls’ school as part of CER activity.
14. Since large number of mining projects are ongoing as well as new mining leases are coming up in the district, CAQM shall be installed in consultation with UPPCB.
15. Project Proponent shall submit the Six-monthly Compliance on the Environment Clearance condition prescribed in the Prior Environment Clearance letter as per MoEF&CC OM F.no- IAS-22/01/2022-IA-III (E-172624) Dated 14-06-2022.
16. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.
17. Next year the project proponent shall submit online replenishment study report along with 06 monthly compliance report.
18. In case of violation of any EC conditions, this EC is liable to be cancelled based on report/recommendation of DM/IRO/UPPCB.

(Shri Anupam Gupta)
Chairman
SEIAA

(Shri Manish Mittal)
Member-Secretary
SEIAA

(Shri Amit Chandra)
Member
SEIAA