

STATE OF UTTAR PRADESH AND OTHERS VERSUS GAURAV KUMAR AND OTHERS

Supreme Court Mandates Strict Compliance: Valid DSR Crucial For Sand Mining Clearances

In a pivotal judgment delivered on February 12, 2025, the Supreme Court of India reinforced the mandatory requirement of a valid District Survey Report (DSR) as a prerequisite for granting environmental clearances for sand mining operations. Dismissing appeals from the State of Uttar Pradesh and other private entities, the Court upheld an earlier decision by the National Green Tribunal (NGT) to quash an e-auction notice for sand mining in Saharanpur, due to the absence of a valid DSR.

CASE BACKGROUND

The matter dates back to February 13, 2023 when an e-auction notice was issued by the District Magistrate, Saharanpur, inviting bids for the extraction of sand, gravel, and boulders from the riverbeds, under the U.P. Sub Mineral (Remedy) Rules, 2021. Challenging this notice before the NGT, a resident of Haryana cited Sections 14 and 18 of the NGT Act, 2010. The central argument against the e-auction was that it was fundamentally illegal due to the absence of a valid District Survey Report (DSR) for Saharanpur District at the time of the auction. The previous DSR for the district had expired in 2022, and although efforts had been made to renew it, only a draft version was available by January 13, 2023, a month before the e-auction notice was issued.

During its proceedings, the NGT constituted a Joint Committee, verifying that Letters of Interest (LOIs) had been issued for 14 riverbed mining sites, due to the e-auction. Even though a new DSR was later sanctioned by the State Expert Appraisal Committee (SEAC) and State Environment Impact Assessment Authority (SEIAA) in May 2024, the NGT had already quashed the auction. Its decision highlighted that the auction violated the legal requirements stipulated in the 2006 EIA Notification (as amended in 2006 and 2018), the Enforcement and Monitoring Guidelines for Sand Mining, 2020, and the Supreme Court's ruling in *State of Bihar v. Pawan Kumar*.

The State of Uttar Pradesh and two LOI interest holders (M/s Vedanta Associates and Nutressaorganics India Pvt. Ltd), dissatisfied with the NGT's ruling, filed three separate Civil Appeals before the Supreme Court.

SUBMISSIONS OF COUNSEL

Counsel for the Respondent (Original Applicant before NGT) asserted that the e-auction notice was void *ab initio*, due to the lack of a valid DSR at the time. It was contended that a mere draft of the DSR was legally insufficient to form the basis for recommendations by the DEAC (District Level Appraisal Committee) or for DEIAA (District Level Environment Impact Assessment Authority) to grant environmental clearances, especially for "B2 category" minor mineral mining projects. Conducting the auction in the absence of a finalized DSR violated the established environmental regulations and judicial precedents. It also emphasized the severe ecological degradation due to unregulated sand extraction.

Counsel for the Appellants (State of U.P. and LOI Holders) Though specific arguments are not available, their decision to appeal against the NGT's decision indicates that they asserted the legality of the e-auction. It can be reasonably inferred that the draft DSR, in the process of legalization, was a sufficient basis for initiating the e-auction. Or that the approval of the DSR by the SEAC and SEIAA corrected any initial procedural flaw

LEGAL AND JUDICIAL INTERPRETATION

The Supreme Court's judgment is rooted in the legal framework governing mining and environment protection.

Constitutional Provisions: The Constitution gives the State and Central governments the power to manage mines and mineral development in India. The Central government under Entry 54 of the Union List and the State government under Entry 23 of the State List, have the authority to create laws in this area. This means they share the power to legislate, but the Central government can intervene and take control if the situation requires.

Environmental Legislation and Notifications

The **Environment Protection Act, 1986 (EPA)**, is the primary law for safeguarding the environment. It gives the central government the power to take necessary action and improve environmental quality (Section 3) and to issue orders that must be followed (Section 5)

The **Environmental Impact Assessment (EIA) Notifications** have, over the years, progressively shaped how projects are approved:

- The **1994 EIA Notification** was the first to make environmental clearance mandatory for certain industrial and development projects, including mining.
- The **2006 EIA Notification (with amendments)** further classified projects into two categories – ‘A’ and ‘B’ based on their potential impact. It also laid out a detailed four-step process for getting environmental clearance: **Screening, Scoping, Public Consultation, and Appraisal**.
- The 2016 EIA Notification introduced certain riverbed and sand mining procedures, specifically for sand mining, influenced by important court rulings. This notification led to the creation of local environmental bodies such as the **District Level Environment Impact Assessment Authority (DEIAA)** and the **District Expert Appraisal Committee (DEAC)**. A sub-category “B2” was also created for smaller mining projects (minor minerals in lease areas up to 5 hectares), for which the DSR was mandatory.

JUDICIAL PRECEDENTS:

Key judgments by the Supreme Court, as in the case **Deepak Kumar v. State of Haryana and State of Bihar v. Pawan Kumar (2022)**, significantly shaped the environmental regulations related to sand mining. In **Deepak Kumar v. State of Haryana**, the Court laid down the fundamental principle that even small-scale sand mining operations require comprehensive environmental impact studies. This ruling stressed the importance of assessing the cumulative effect of multiple mining blocks, recognizing that their collective impact on the environment can be substantial.

This stance was reinforced in **State of Bihar v. Pawan Kumar (2022)** wherein the judges declared that the DSR has to be a mandatory condition for obtaining environmental clearance for sand mining. They stressed that a mere "draft DSR is virtually a non-existing DSR" in the context of environmental clearance applications. This means that any application submitted without a valid and complete DSR is considered incomplete and cannot be processed for environmental clearance.

SUPREME COURT'S JUDGMENT

After evaluating the submissions from all parties and the evidence, The Supreme Court agreed with the reasoning and conclusions reached by the NGT. The Court reaffirmed its commitment to enforcing sand mining laws and regulations. It emphasized a zero-tolerance approach towards unauthorized activities, making it clear that strict adherence to these regulations is non-negotiable.

The detailed reasons of the Court affirmed the following crucial points:

- **DSR's Importance:** A District Survey Report is an important document and serves as the foundation for decision-making concerning sand mining.
- **Procedural Compliance:** The preparation of a DSR has to strictly follow the guidelines as per Appendix X, in conjunction with Para 7(iii)(a) of the EIA Notification.
- **Validity as Prerequisite:** Only a valid DSR qualifies as basis for an application for environmental clearance. A draft is legally invalid for this purpose.
- **Basis for Appraisal:** Reports and project appraisals conducted by the District Environment Impact Assessment Authority (DEIAA) and District Expert Appraisal Committee (DEAC) must be based on a valid and existing District Survey Report (DSR).
- **DEIAA & DEAC's Legal Obligation:** The District Environment Impact Assessment Authority (DEIAA) and the District Expert Appraisal Committee (DEAC) are legally bound to prepare and update the District Survey Report (DSR) **every five years**. This crucial responsibility demands that they maintain a thorough and up-to-date record of the district's environmental conditions, including the ecological balance and inherent fragilities.

The Court recognized that ecological conditions are always changing, which is why a five-year validity period was necessary for DSRs as a precautionary measure. This ruling emphasized that following regulations was not just a formality but fundamental to ensuring environmental protection, development and sustainability in the field of mineral extraction. For legal professionals, this decision highlights the necessity of having a valid DSR as the first step in any sand mining project.