

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1126 OF 2024

IN THE MATTER OF:

VEER SINGH & ANR. ...APPLICANTS

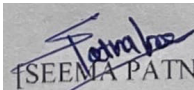
VERSUS

UNION OF INDIA & ORS. ...RESPONDENTS

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Through :


[SEEMA PATNAHA]
Advocate

Ms. Seema patnaha &
Mr. Navdeep singh,
Counsel for the respondent no. 11-14
Chamber no. 102, a. K. Sen block,
Bhagwan das road,
Supreme court, new delhi
Contact no.: 9717299476
Email: seemapatnaha@gmail.com

Dated:- 03.05.2025

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REPLY TO THE ORIGINAL APPLICATION ON BEHALF OF
RESPONDENT NO.11-14

MOST RESPECTFULLY SHOWETH:

PRELIMINARY SUBMISSIONS:

1. That the Applicant has approached this Hon'ble Tribunal in the present application, alleging that the Answering Respondent is causing environmental degradation of the Betwa river in Gata No. 321 Ga Ta, Village – Salempur, Tahsil – Moth, District Jhansi, Uttar Pradesh) by constructing a bridge over Betwa river. The Applicant further alleges that the Answering Respondent is constructing a bridge over the said river in order to obstruct the flow of the river stream to facilitate easy removal of sand/ morrum and violating the terms and conditions of Environmental Clearance.
2. That the Answering Respondent has been arrayed as Respondent no. 11-14 (hereinafter referred as “**Project Proponent or (PP)**”) in the above-noted Original Application.

3. That, at the very outset, it is submitted that all the averments made in the Present Application by the Applicants are without any merit and baseless and therefore Project Proponent (PP) denies and disputes each and every statement, contention and/or submission contained in the present application which is contrary to and/or inconsistent with what is stated herein below and/or the records of the case, and unless specifically admitted herein, the same shall be deemed to have been denied in seriatim. No part of the application filed by the Applicants can be construed as being admitted merely on the ground of non-traverse.
4. That the Hon'ble Tribunal vide the order dated 23.10.2024 directed to constitute a Joint Committee to visit the site and ascertain the truthfulness of the allegations made in the present application, the extent of the violation, if any, by the project proponent or any other person and direct them to suggest remedial measures. The relevant extract reads as follows: -

.....13. Having regard to the seriousness of the allegation, we also deem it proper to constitute a Joint Committee comprising of representatives of the Member Secretary, CPCB and RO MoEF&CC, Lucknow. RO MoEF&CC, Lucknow will act as a coordinating agency in this two member joint committee. The joint committee will visit the site and ascertain the truthfulness of the allegations made in the OA, the extent of the violation, if any, by respondent nos. 11 to 14 or any other person and suggest remedial measures and submit the report before the Tribunal within eight weeks.

14. A copy of this order be forwarded to Members of the joint committee by email for compliance.

5. That, in view of the aforesaid order dated 23.10.2024, a two-member joint committee was constituted. The Joint Committee has carried out the

inspection of the site in question on 10.12.2024 along with a few officials. After the inspection, the joint committee has requested some information from the officials, and accordingly, the District Mining Department, Jhansi, has submitted the requisite information vide letter dated 08.01.2025. The Inspection Committee during the visit has observed that the mining was not in operation, and no mining machinery/equipment was found at the site. Further, the Committee has noted that no pillar was found in the lease area and all mining lease area was submerged in the river water. Further, the mining lease has been again auctioned on 24.07.2024, and a Letter of Intent was granted on 24.08.2024 to the PSA Contractor LLP. That, without prejudice to the submissions made hereinabove, the Applicant has approached this Hon'ble Tribunal only on 20.09.2024 i.e. after the lease has been granted to a new project proponent.

6. That, based on their inspection and the information provided by the officials, the Joint Committee has made several observations regarding the various allegations raised by the Applicant and the same are reproduced below:

*i. **Para 1 of Hon'ble NGT Order:** The applicant has alleged that EC was granted to respondent no. 14 by SEIAA on 06.01.2021 for sand/morrum mining in Betwa river basin.*

***Observation:** In this context, it is humbly submitted that Environmental Clearance (EC) has been granted to M/s Subh Construction [Prop. Smt. Shashi Devi, W/o Shri Virendra Kumar, Resident—House No. 168/19, Noniya Mohal, District- Banda] for sand mining by State Level Environment Impact Assessment Authority (SEIAA), Uttar Pradesh on 06.01.2021.*

*ii. **Para 2 of Hon'ble NGT Order:** The Applicant has alleged that private respondents are using heavy machinery, including pokland excavators, dozers, and sand gravel pumps, they are also violating the Sand Mining Management Guidelines and TOR/EC and they*

have constructed a bridge to obstruct the natural flow of Betwa River to facilitate the illegal sand mining and are carrying out the illegal mining round the clock.

***Observation:** During the visit, there was no mining machinery and no mining operation/activities were found on the site. District Mining Officer has reported that the mining lease in the name of M/s Subh Construction has been cancelled.*

*iii. **Para 3 of Hon’ble NGT Order:** The Applicant has alleged that illegal mining is being done beneath the permanent bridge across the river affecting the strength of the bridge and necessary conditions of installation of CCTV cameras, weighbridge is being flagrantly violated.*

***Observation:** During the visit, there was no mining machinery/equipment’s were found and the mining was not operationalat the site. District Mining Officer has reported that the mining lease in the name of M/s Subh Construction has been cancelled.*

*iv. **Para 4 of Hon’ble NGT Order:** It is also the allegation of the applicant that on account of falling in the pits created by private respondents due to illegal mining in the river-bed, two villagers had drawn.*

***Observation:** The District Mining Department, Jhansi vide letter dated 08.01.2025(Annexure-2), inter-alia, informed that the incident took place on occasion of Holi (09.03.2023) and two villagers were died due to excess water depth in the river.*

*v. **Para 5 of Hon’ble NGT Order:** The applicant has referred to paragraph 3.1 of the OA wherein the following violations by respondents/project proponents have been alleged:*

Terms and Conditions TOR/EC/Lease Agreement	Violations	Observation of the Joint Committee during inspection
The lease for mining in the agreement was for	Whereas the Leaseholder has been mining till the depth of 40 feet and even further	During visit, mining lease area was submerged in river water. Hence, depth of

the depth of 2 meters only.	Which has created many pits in the leased area deeper than 40 feet. In one such pit two persons of the village died by drowning onhoU evening dated-----	mining lease area could not be measured.
Lease was granted for mining up to 50,000 m ³ per year according to the initial agreement, TOR and EC.	Whereas the leaseholder has been mining 50,000 m ³ every month which can be seen through the daily vehicle movement report (Annexure A) of the Respondent Proprietor which has the details of over loaded trucks (FIR Annexure A-7) exceeding the number of permissible vehicles for transportation on daily basis.	As per details provided by mining department, Jhansi, the project proponent has carried out mining in violation of Uttar Pradesh Minor Minerals (Concession) Rules, 2021. Accordingly, District Mining Department had imposed the penalty.
The leaseholder had not sought permission for any storage area according to the Form IA submitted by them for clearance.	Whereas the leaseholder has made an illegal storage by the highway where they have been storing sand/morrum everyday without any permit, which is very dangerous for the environment because the sand dust keeps moving in the air around the village area which has polluted the air quality.	Mining was suspended by the District Mining Department. Hence, storage of sand/morrum was also not observed in nearby area. During the visit no sand/morrum mining was operational.

No dredging and use of mechanical mining was permitted for the mining. According to the Form- IA no permission was sought also for mechanical machinery for the mining.	Whereas, the Respondent has been using heavy machinery for dredging the sand in the leased area such as poklald, sand gravel machines. Which is against the conditions of TOR and EC.	Since the Mining was suspended by the District Mining Department. Hence, use of heavy machinery for dredging the sand in the leased area such as poklald, sand gravel machines was not observed.
As per the initial lease agreement zero level mining was permitted in the leased area.	Whereas the Leaseholder has been violating that condition by going deeper in the riverbed and mining by dredging it.	During visit, mining area was observed submerged in river water. Hence, measurement of depth of mining area could not possible.
As per the Conditions of TOR only 8 hours of mining was permitted during the day. No mining work was to be done at night time. Use of night lights was also not permitted.	Whereas, the Respondent /Leaseholder has violated the conditions by mining 24*7, using lights at night time.	During the visit the mining operation was suspended by the District Mining Department, However District Mining Department of Jhansi may substantiate the fact with regard to duration of mining hours.
A maximum of 25 vehicles were permitted for the transportation of the sand/morrum in a day, which also had to be covered by	Whereas the Respondent / Leaseholder has been violating these terms by using vehicles 2-3 times more than the permissible number.	During the visit the mining operation was suspended by the District Mining Department, However District Mining Department of Jhansi

tarpaulin to prevent the sand dust from flying around through the drive-away route		may substantiate the fact with regard to number of vehicles used during the mining operation.
As per the lease agreement the total area for mining in the leased gata no. 321ga of the riverbed along the Betwa river was only for 10 ha.	Whereas, the leaseholder has been mining in over more than 50 ha of the area.	During the visit the mining operation was suspended by the District Mining Department, However District Mining Department of Jhansi reported in several inspections regarding the mining activity beyond the permitted lease area.
As per the terms of the TOR mining had to be done 50 meters away from the bridge.	Whereas the leaseholder has been mining just below the bridge which is damaging the bridge and it can collapse at any time.	During visit, mining area was observed submerged in the river water.
No parking permission was sought in Form IA as it was made clear by the Respondent no. 11 in the form that there will be no storage unit so a parking area would not be needed.	Whereas the Leaseholder has been using public property as storage/parking area for sand/morrum violating the conditions of the lease agreement.	Mining was suspended by the mining department and no vehicles/machinery was observed during the visit of the day.
It was clear by the conditions of TOR issued by the Respondent No. 3	Whereas the Respondents 11-13 have been violating the condition by diverting	Mining was suspended by the mining department. During visit, mining

that there shall not be any diversion of the river flow while mining in the leased area.	the river flow. The respondents had made sand dunes in the riverbed and diverted the river flow manipulating the natural flow of the river for their personal gains.	area was observed submerged in river water.
It was clear by the conditions of TOR and lease agreement that no construction by the leaseholder will be done in the leased area at any point of time.	Whereas the Leaseholder has made a pipa bridge for the transportation to get further inside the river in order to mine more sand/morrum violating the terms and conditions of the TOR and lease agreement.	Mining was suspended by the mining department. During visit, no pipa bridge has been observed.
The EC given for mining to the leaseholder by the Respondent No. 2 clearly directs the leaseholder for plantation of 400 plants.	Whereas no plantation has been done on behalf of the Leaseholder in compliance of the direction of the EC.	During the Site visit the representative of the District Mining Department, Jhansi and Regional Office, UPPCB, Jhansi informed that the PP has not carried out plantation of 400 trees as per the condition of EC.

7. That the Joint Committee in its report dated 24.01.2025 denied all the allegations of the Applicant and recommended against the Project Proponent, only to recover the penalty imposed on the Project Proponent. The Joint Committee has further directed UPPCB to take necessary actions against the Project Proponent for carrying the mining activity without obtaining CCA till 04.02.2024. The relevant extract of the report reads as follows:

8. *Recommendations:*

Based upon the above observations and site inspection, the recommendations of the Joint Committee are as below:

- 1. Mining Department should ensure recovery of penalty imposed on the project proponent and ensure necessary action as per law against the PP for violation of Uttar Pradesh Minor Minerals (Concession) Rules, 2021 and Sustainable Sand Mining Management Guidelines, 2016, as amended in 2020.*
- 2. UPPCB should take necessary actions against the PP for mining activity without obtaining CCA till 04.02.2024*

....

9. The Project proponent has filed an appeal before the Commissioner, Jhansi, U.P., against the order number 293/30MMC/2024-25 dated 19-6-2024 passed by the District Magistrate Jhansi (Mineral Section). The appeal of the PP was allowed, and permission was granted to the PP to operate the mining lease on depositing the amount of Rs. 2,01.48.480/- along with instalment interest by the PP within 15 working days. To comply with these directions, the PP had filed an affidavit dated 18.02.2025 before the Commissioner, Jhansi. Moreover, the District Magistrate, Jhansi, was directed to ensure that further action is taken after hearing the Project Proponent's side regarding the amount due on the PP. A copy of the order dated 20.02.2025 passed by the Commissioner Jhansi, U.P. in Case Number 1671/2024 titled *Shubh Construction, Proprietor Sashi Devi Vs. U.P. State* is annexed herewith and marked as **Annexure R.1**

10. That the applicant has filed the instant Original Application with a sole objective of deliberately mislead this Hon'ble Tribunal to believe that the Project Proponent (PP) has been indulged in illegal sand/Morrum (Minor Mineral) mining operations since 2021, is in gross violation of the objectives outlined in the Sand Mining Management Guidelines and TOR/EC, constructed a "Bridge" to obstruct the natural flow of the Betwa River, facilitating illegal sand mining in the middle of the river. It is further alleged that the Project Proponent (PP) carried out round-the-clock mining operations, including activities beneath the permanent bridge across the river, using mechanical equipment such as heavy machinery, including Pokland excavators, Dozers and sand and gravel pumps. However, it is humbly submitted that the same is blatantly false and an attempt to misguide this Hon'ble Tribunal.
11. It is submitted that there are two types of processes involved in obtaining the minerals, i.e. Mining Operation and Quarrying. It is submitted that in mining operations, sub-minerals attached to the earth are obtained by digging them out, whereas in quarrying one needs to just collect and obtain the sub-minerals collected on the earth's surface without involving in any digging process and the same is required to be loaded in the vehicles and transported for use. Hence, the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, are not applicable in the mining lease under which sand/gravel is obtained through a quarrying process in the approved area. It is humbly submitted that the Project Proponent herein has undertaken mining through the quarrying process.

12. That, in Clause (f) of Section 2 of the Air (Prevention and Control of Pollution) Act, 1981, Board means the Central Board or any State Board. Further, subject to the provision of section 21 of the Act, 1981, no person shall establish or operate any '*industrial plant*' in any air pollution control area without the prior consent of the State Board. However, it is pertinent to note that obtaining a mining lease and carrying out mining operations as per the conditions of the mining lease is a legal action and does not fall under the ambit of '*industrial plant*'. Therefore, from the date of commencement of the Act 1981, till 2020, no lessee has been compelled to obtain Consolidated Consent to Operate (CTO) and Consolidated Consent and Authorisation (CCA). Further, no environmental compensation has been imposed on any lessee. Similarly, the provision of the Water (Prevention and Control of Pollution) Act, 1974, is also not applicable to a mining lease. Hence, as per the terms and conditions of LOI, obtaining CTO and CCA under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, is not a condition precedent.

13. That, at the time of grant of the LOI and awarding mining lease to the Project Proponent, it was not directed to obtain CTO and CCA under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 as the said condition. Moreover, the same was not mentioned in the environment clearance (EC) issued by the State Level Environment Impact Assessment Authority (SEIAA), Uttar Pradesh on 06.01.2021 to the PP, nor in the LOI and the Mining lease deed or permission for mining and transport of minerals. Further, the Uttar Pradesh Pollution Control Board has also not issued any directions to obtain any Consolidated consent under the Water

(Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 for mining lease before and on the date of awarding mining lease to the PP. It is also pertinent to note that as soon as the instructions for obtaining CTO and CCA were received, the PP obtained the same on 05.02.2024 (valid from 05.02.2024 to 31.12.2028).

14. That the Project Proponent has planted the required plantation of 400 trees in compliance with EC conditions; however, due to certain factors, if some of the plants have not been able to survive, then it is wrong to allege that the Project Proponent has not complied with the conditions stipulated in the Environment Clearance. It is humbly submitted that the said Plantation was done, thereafter, the ADM (Judicial), Jhansi vide letter dated 23.07.2024 revoked the mining lease of Project Proponent and also blacklisted the PP for the period 2 years. It is humbly submitted that the plantation undertaken by the Project Proponent has been damaged due to various factors beyond the control of the Project Proponent. However, without prejudice to the submissions made hereinabove, the Project Proponent undertakes to plant more trees and ensure preservation of the planted trees. Copy of the payment receipts for the plantation of 400 trees, as per the condition of EC, dated 28.07.2022, 31.07.2022, 30.07.2021, 01.08.2021, 25.07.2023, and 28.07.2023, are annexed herewith and marked as **Annexure R.2 (Colly)**.

BRIEF FACTS OF THE CASE:

15. That, before submitting a para-wise objection to this Original Application, the applicant seeks leave of this Hon'ble Tribunal to submit relevant facts for the adjudication of this present Original Application.

16. That the notice for e-tendering along with e-auction for the areas of sand / moram lying in the bed of rivers flowing in the district Jhansi was issued by the District Magistrate, Jhansi on 26.11.2019, inviting the interested and eligible bidders. The Project Proponent also participated in the bidding process and was successful.

17. That, thereafter, the mining department has granted a mining lease in favour of M/s Subh Construction (R-11), Prop. Smt. Shashi Devi (R-14), W/o Shri Virendra Kumar (R-12). The Letter of Intent (LoI) was issued by the District Administration to the Project Proponent (PP) on 28.01.2020. The LoI was issued for 10.00 hectares for 5 years from the date of execution of the mining lease deed. With the Permission of an annual mineral production of 50,000 cubic meters from the mining area in Gata No. 321c, Village Salemapur, Tehsil Moth, District Jhansi for Rs. 952.00 (Rupees Nine Hundred and Fifty-Two Only) per cubic meter through (MSTC). The amount for the first year is Rs 4,76,00,000.00 (Four Crores Seventy-Six lakhs Only) with the subsequent increase of 10 % in the following years.

18. That the Project Proponent (PP) as per the terms and condition of the LOI applied for the Environmental Clearance (EC) vide letter dated 08.02.2020, 21.02.2020, 2.10.2020, 21.11.2020 and 21.12.2020, and the same was granted for sand mining by State Level Environment Impact Assessment Authority (SEIAA), Uttar Pradesh on 06.01.2021. The relevant text in LOI for EC, reads as follows:

“4. Within one month of the issuance of the Letter of Intent, it is mandatory to present the mining plan for approval before the Director, Geology and Mining, Uttar Pradesh, Lucknow, and within 15 days of receiving the approved mining plan, it is mandatory to submit a

proposal for the Environmental Clearance Certificate before the competent authority. Otherwise, a penalty of Rs.10,000.00 per day will be imposed on you under the provisions of Rule 59 (1) of the Rules, 1963. According to the provisions of Rule 17 of the Uttar Pradesh Minor Minerals (Prevention) Rules, 1963.”

19. That, after obtaining the Environmental Clearance, the mining lease deed was executed in favour of the Project Proponent by District Magistrate, Jhansi (Mining Department) on 07.01.2021 for the period of Five (05) Years. Thereafter, the Project Proponent has obtained valid transport permits of sand/morrum firstly on 20.01.2021 and lastly on 31.03.2024.
20. That the Project Proponent has been carrying out mining in accordance with the conditions of the lease deed and environmental clearance. As and when directed, the Project Proponent also obtained CTO and CCA under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 on 05.02.2024 (valid from 05.02.2024 to 31.12.2028).
21. That the Project Proponent has planted the required plantation in compliance with EC conditions, but some of the plants have not been able to survive due to various factors beyond the control of the Project Proponent. Thus, it is wrong to allege that the Project Proponent has not deliberately complied with the directions of the EC.
22. That the Director, Directorate of Geology & Mining, UP vide letter dated 13.02.2024 has requested DM, Jhansi to take appropriate action against the Project Proponent on the alleged illegal mining reported by the inspection report dated 11.01.2024 of the Joint Committee constituted by the Directorate of Geology & Mining, UP. Accordingly, the DM, Jhansi had

issued a show cause notice dated 03.04.2024 to the Project Proponent on alleged violation of the conditions stipulated in the lease. The DM Jhansi, had also directed the Project Proponent to deposit the sum of Rs. 40,99,380/-imposed and also submit the clarification/explanation against the violation carried by the Project Proponent within 15 days. The notice further stated that in case there is a failure, the action shall be initiated against the PP in light of the provision laid down in Rule-61(1) of the Uttar Pradesh Minor Minerals (Concession) Rules, 2021.

23. That the office of District Magistrate Jhansi (Mineral Section) vide order number 293/30MMC/2024-25 dated 19.06.2024 revoked/cancelled the mining lease of PP and also blacklisted the PP for the period 2 years. The same has been undertaken in view of the letter dated 13.02.2024 of the Director, Directorate of Geology & Mining, UP and the notice dated 03.04.2024 issued by the District Magistrate, Jhansi.
24. That the District Mining Department, Jhansi again auctioned the concerned mining lease on 24.07.2024, and the Letter of Intent (LOI) was granted on 24.08.2024 to the PSA Contractor LLP, Partner Sh. Pankaj Singh, S/o-Sh. Kisan Pal Singh, Plot No. 618, Modern Apartment, Sector-15, VTC Rohini, Dist.-North -West Delhi.
25. That, a notice dated 13.08.2024 was issued by ADM (Judicial), Jhansi regarding the deposition of the penalty of Rs 1,66,71,452/- imposed upon the PP for the violation of Uttar Pradesh Minor Minerals (Concession) Rules, 2021. The District Mining Department, Jhansi vide letter dated 08.01.2025, *inter-alia*, informed that the levelled penalty was not submitted by the Project Proponent and recovery of penalty through revenue is under process.

26. That the Project Proponent has filed an appeal against the order number 293/30MMC/2024-25 dated 19.06.2024 of the office of District Magistrate Jhansi (Mineral Section) before the Commissioner Jhansi, U.P. The appeal of the Project Proponent was allowed, and permission was granted to the PP to operate the mining lease on depositing the amount of Rs. 2,01,48,480/- along with instalment interest by the PP within 15 working days. In order to comply with these directions, the PP had filed an affidavit dated 18.02.2025 before the Commissioner, Jhansi. Moreover, the District Magistrate, Jhansi, was directed to ensure further action to be taken after hearing the Project Proponent's side regarding the amount due on the PP.

PARAWISE REPLY:

27. That the contents of Paragraph No. 1, save as are a matter of record and facts, are wrong and hence are denied. The Answering Respondent/ Project Proponent seeks liberty to rely upon the submissions made hereinabove.
- A. That the contents of Paragraph A do not pertain to the Answering Respondent, hence need no reply.
- B. That the contents of Paragraph No. B are a matter of record and needs no reply.
- C. That the contents of Paragraph No. C are denied for the want of proof and knowledge. However, it is humbly submitted that the present application has preferred to extort unlawful gains from the Project Proponent.

D. That the contents of Paragraph Nos. D and E are wrong and hence denied in light of the submissions made hereinabove. Further, the Joint Committee report also specifies that no mining operations were conducted. Further, the authorities have already issued an LOI in favour of the new project proponent before the filing of the present application. Further, the averments of the Applicant are baseless as the Applicant has not placed any proof/ document/ evidence on record to support the allegation..

28. That with respect to the contents of Paragraph No. 2, the submissions on behalf of the Project Proponent are as follows:

A. That the contents of para no. A are denied for the want of proof and knowledge. Further, the averments of the Applicant are baseless as the Applicant has not placed any proof/ document/ evidence on record to support the allegation.

B. That the contents of para nos. B and C are a matter of record and need no reply at this stage.

C. That the contents of para no. D, are a matter of record and need no reply. However, with respect to the allegations raised by the Applicant, it is humbly submitted that the averments of the Applicant are baseless as the Applicant has not placed any proof/ document/ evidence on record to support the allegation.

D. That the contents of para nos. E to I need no separate reply in light of the submissions made hereinabove.

E. That the contents of para no. J, are wrong and hence are denied. It is humbly submitted that the averments are completely baseless

as the applicant has not placed any proof/ document/ evidence on record to support the allegation. Further, the Joint Committee report and the Newspaper relied upon by the Applicant do not mention that the unfortunate incident had happened because of the mining activities.

- F. That the contents of para no. K are denied in light of the submissions made hereinabove. It is further submitted that the Project Proponent has submitted the penalty of the amount Rs. 5,25,000/- vide Challan dated 13.04.2023, the same has been noted by the Joint Committee in its report.
- G. That the contents of para no. L are wrong and hence denied. It is humbly submitted that the averments are baseless as the Applicant has not placed any proof/ document/ evidence on record to support the allegation.
- H. That the contents of Paragraph No. M are wrong and hence denied in light of the submissions made hereinabove. The averments made in the present application are baseless as the applicant has not placed any proof/ document/ evidence on record to support the allegation. The Joint Committee in its Report stated that during the visit, the mining operation was suspended by the District Mining Department. Further, the District Mining Department of Jhansi may substantiate the fact with regard to the number of vehicles used during the mining operation.
- I. That the contents of para no. N are wrong and hence denied in light of the submissions made hereinabove. The averments made by the Applicant are baseless as the Applicant has not placed any proof/

document/ evidence on record to support the allegation. The Joint Committee in its Report stated that during the visit, there was no mining machinery and no mining operation/activities were found on the site. The District Mining Officer has reported that the mining lease in the name of M/s Subh Construction has been cancelled and the mining activities have been suspended by the District Mining Department. Hence, there is no use of heavy machinery for dredging the sand in the leased area, such as pokland, sand gravel machines, as alleged by the Applicant herein. Also, the photographs annexed do not depict and support the abovementioned allegations as it does not specifically point out that Answering Respondent was using such heavy machines. Moreover, the newspaper articles highlight the use of submarines by leaseholders and do not specifically mention the Respondents' names (instead, @Pg. No. 138 it is mentioned that one M/s Shiva Construction has done illegal mining at Devari Ghat). There is not even an iota of evidence to prove the installation and usage of such machines as mentioned above.

Further, the Applicant has alleged that the Respondents are mining day and night in the leased area, whereas the permit for the mining was only during daytime for 8 hours, and the Answering Respondent has illegally constructed living quarters for the workers which is also not permitted by Respondent No. 2 in the EC and TOR. These allegations of the Applicant are completely wrong, devoid of merit and hence denied. It is also pertinent to note that the averments of the Applicant are baseless because the Applicant has not placed any proof/ document/ evidence on record to support the allegation. Also, the photographs are annexed @ Pg.

No. 128 – 134 do not depict or support the abovementioned allegations. Further, the Joint Committee in its Report stated that during the visit, the mining operation was suspended by the District Mining Department, However, it is humbly submitted that the District Mining Department of Jhansi may substantiate the fact with respect to the duration of mining hours.

The Applicant has also averred that the Respondent Nos. 11 to 14 have diverted the water flow of the river by making a temporary sand path in the middle of the river for transportation of the illegal sand/morrum, and the same is a clear violation of the TOR conditions. However, the said allegation is devoid of merits and hence denied. The Applicant has not placed any proof/ document/ evidence on record to support the allegation. Also, the photographs annexed [@ Pg. No. 128 – 134] do not depict or support the abovementioned allegations. Also, the newspaper articles [@ Pg. No. 135 – 138] do not mention the Project Proponent's name. Lastly, the Joint Committee in its Report stated that Mining was suspended by the mining department and during the visit of the inspection committee, it was observed that the mining area was submerged in river water.

The Applicant has also alleged that Respondent No. 11 is using the storage unit allotted to Respondent No. 12 situated at Gursarai-Punch State Highway in Khasra No. 110 by Respondent No. 8 for illegal products from the mining in the leased area. The product being mined over the permissible quantity is being transported to the storage unit of Respondent No. 12 via pathway under the

bridge of the State Highway skipping the CCTV installed by the Leaseholder at Punch-Gursarai Highway.

The allegations raised by the Applicant are wrong and hence denied in light of the submissions made hereinabove. The averments of the Applicant are baseless as the Applicant has not placed any proof/ document/ evidence on record to support the allegation. It is also pertinent to note that the applicant has wrongly alleged that there has been a violation of the Uttar Pradesh Minor Mineral (Concession) Rules, 1963, as the said provision nowhere specifies the distance at which the installation has to be made. In any event, CCTV cameras were installed at a distance of approximately 500 metres from the proposed mining area. Further, the Joint Committee in its Report stated that during the visit, there was no mining machinery/equipment's were found and the mining was not operational at the site. District Mining Officer has reported that the mining lease in the name of M/s Subh Construction has been cancelled.

- J. That the contents of para no. O are wrong and hence are denied. It is humbly submitted that the Project Proponent has been carrying out mining in accordance with the conditions of the lease deed, environmental clearance, and CTO & CCA under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981. Further, the Answering Respondent seeks liberty to rely upon the submissions made hereinabove.

- K. That the contents of para no. P are wrong and denied in light of the submissions made hereinabove. The averments made by the Applicant are completely baseless because the Applicant has not placed any proof/ document/ evidence on record to support the allegation. The Applicant has wrongly alleged that the Project Proponent is a 'sand mining mafia'. Further, the Joint Committee in its Report stated that during the visit, has specifically stated that the mining lease area was submerged in river water. Hence, the depth of the mining lease area could not be measured.
- L. That the contents of para no. Q are wrong and denied in light of the preliminary submissions made hereinabove. It is humbly submitted that the Project Proponent has been carrying out mining in accordance with the conditions of the lease deed, environmental clearance, CTO and CCA under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 on 05.02.2024.

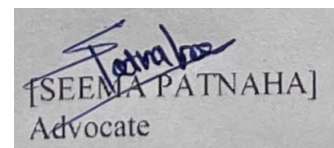
REPLY TO THE GROUNDS:

29. With respect to the grounds raised in the present application, the submissions on behalf of the Answering Respondent are as follows:
- a. The contents of Ground No. 1 are wrong and hence denied. It is humbly submitted that the Joint Committee, in its report, has specifically dealt with all the allegations raised in the present application. The Answering Respondent seeks liberty to rely upon the observations made in para 5 of the Joint Committee report.
 - b. That the contents of Ground Nos. 2 – 13 are wrong and denied in light of the submissions made hereinabove. It is humbly submitted that the Applicant has referred to the various judicial precedents, however, the same do not apply to the Answering

Respondent. It is humbly reiterated that the Answering Respondent, while mining the said area, has followed all due procedures and norms. Further, the Answering Respondent has time and again paid penalty as and when directed by the concerned authorities.

30. That, with respect to contents of Paragraph No. 4, it is humbly submitted that it is humbly submitted that there is no continuous cause of action in the instant case. It is humbly reiterated that the mining lease of the Answering Respondent already stands cancelled, and further, it is evident from the report that mining activities stand suspended as on the date.
31. That, in view of these glaring facts, the Project Proponent humbly submits that the claim of the Applicant cannot be sustained and deserves to be dismissed outright with exemplary costs.
32. That, for the foregoing reasons, none of the prayers/reliefs prayed by the applicant deserve to be granted. It is the respectful submission of the Project Proponent that the present application filed before this Hon'ble Tribunal deserves to be dismissed with exemplary costs. Further, the Hon'ble Tribunal may pass such orders as may be deemed fit and proper in the present circumstances and facts of the case.

Through



Ms. Seema patnaha &

Mr. Navdeep singh,

Counsel for the respondent no. 11-14

Chamber no. 102, a. K. Sen block,

Bhagwan das road,

Supreme court, new delhi

Dated : 03.05.2025

contact no.: 9717299476

Place : New Delhi

email: seemapatnaha@gmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1126 OF 2024

IN THE MATTER OF:

VEER SINGH & ANR.

...APPLICANTS

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

AFFIDAVIT

I, Smt. Shashi Devi, proprietor of M/s Subh Construction, W/o Shri Virendra Kumar, aged about 52 years, R/o H. No. 168/ 19, Noniya Mohal, District Banda, UP 210001, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the Respondent No. 14 and a proprietor of Respondent No. 11 in the above case and as such being conversant with the facts and circumstances of the case, I am competent to depose this affidavit.
2. That the accompanying Reply has been drafted under my instructions. I have read the same and the contents thereof are true and correct to my knowledge and nothing stated therein is false or incorrect.
3. I state that the contents of the Reply have been read over and explained to me in vernacular language and I have understood the meaning thereof and the contents of the Reply are true and correct to my knowledge and nothing stated therein is false or incorrect.



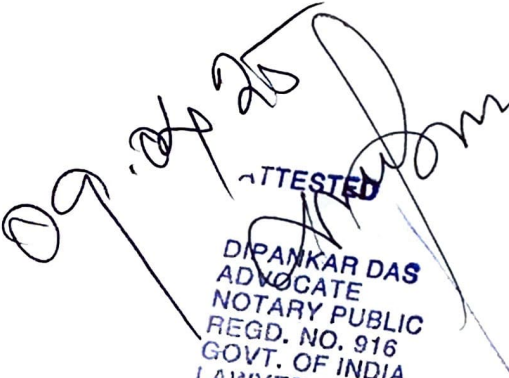

DEPONENT


VERIFICATION:

I, the abovenamed deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and nothing material has been concealed or wrongly stated therein.

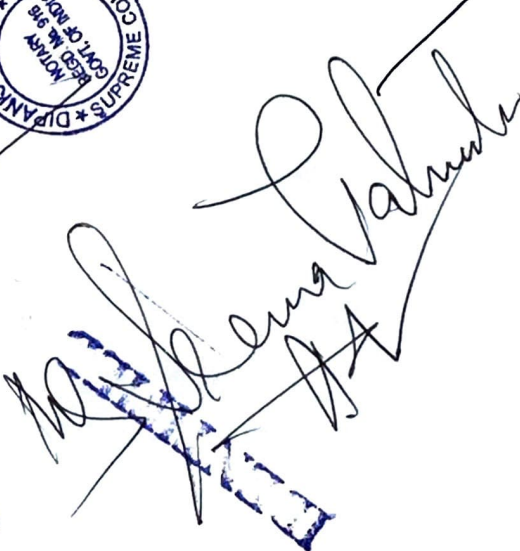
Verified at New Delhi on this 09th day of April, 2025


DEPONENT


09.04.25


NOTARY PUBLIC
DIPANKAR DAS
COURT N. DELHI
REGD. NO. 916
GOVT. OF INDIA
LAWYERS CHAMBER
SUPREME COURT OF INDIA
NEW DELHI

ATTESTED
DIPANKAR DAS
ADVOCATE
NOTARY PUBLIC
REGD. NO. 916
GOVT. OF INDIA
LAWYERS CHAMBER
SUPREME COURT OF INDIA
NEW DELHI


DIPANKAR DAS

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1126 OF 2024

IN THE MATTER OF:

VEER SINGH & ANR.

...APPLICANTS

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

AFFIDAVIT

I, Shri Virendra Kumar, S/o Lakshmi Narayan Shastri, aged about 53 years, R/o H. No. 168/ 19, Noniya Mohal, District Banda, UP 210001, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the Respondent No. 12 in the above case and as such being conversant with the facts and circumstances of the case, I am competent to depose this affidavit.
2. That the accompanying Reply has been drafted under my instructions. I have read the same and the contents thereof are true and correct to my knowledge and nothing stated therein is false or incorrect.
3. I state that the contents of the Reply have been read over and explained to me in vernacular language and I have understood the meaning thereof and the contents of the Reply are true and correct to my knowledge and nothing stated therein is false or incorrect.





DEPONENT

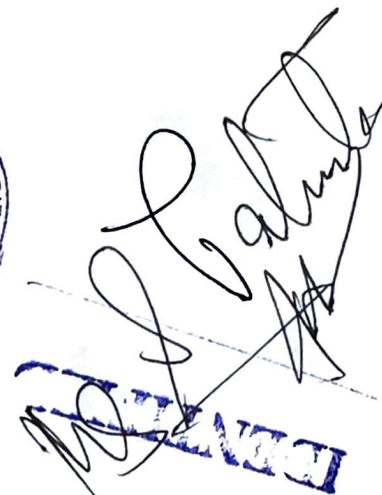
VERIFICATION:

I, the abovenamed deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and nothing material has been concealed or wrongly stated therein.

Verified at New Delhi on this 09th day of April, 2025.


DEPONENT


TESTED
DIPANKAR DAS
ADVOCATE
NOTARY PUBLIC
REGD. NO. 916
GOVT. OF INDIA
LAWYERS CHAMBER
SUPREME COURT OF INDIA
NEW DELHI


09.04.25

348
**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1126 OF 2024**

IN THE MATTER OF:

VEER SINGH & ANR.

...APPLICANTS

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

AFFIDAVIT

I, Shri Sanjeev Kumar, S/o Shri Rakesh Kumar, aged about 43 years, R/o Village Bharosa, District Jhansi, U.P. 284303, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the Respondent No. 13 in the above case and as such being conversant with the facts and circumstances of the case, I am competent to depose this affidavit.
2. That the accompanying Reply has been drafted under my instructions. I have read the same and the contents thereof are true and correct to my knowledge and nothing stated therein is false or incorrect.
3. I state that the contents of the Reply have been read over and explained to me in vernacular language and I have understood the meaning thereof and the contents of the Reply are true and correct to my knowledge and nothing stated therein is false or incorrect.



सिद्धांत कुमार
DEPONENT

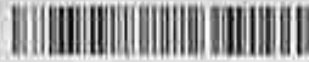
VERIFICATION:

I, the abovenamed deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and nothing material has been concealed or wrongly stated therein.

Verified at New Delhi on this 09th day of April, 2025

सिद्धांत कुमार
DEPONENT

Printed at: 20-02-2025 05:11 PM



आदेश पत्रक

न्यायालय : आयुक्त
मण्डल : झांसी, जनपद : तहसील :
वाद संख्या : 1671/2024
कंप्यूटरीकृत वाद संख्या : C202406000001671
मै० शुभ कन्सट्रक्शन प्रो० शशिदेवी बनाम यू०पी० स्टेट
अंतर्गत धारा:- 79, अधिनियम :- 30 प्र० उपखनिज परिहार नियमावली, 2021

आदेश

यह अपील, कार्यालय जिलाधिकारी झांसी (खनिज अनुभाग) के आदेश पत्रक संख्या 293/30एम०एम०सी०/2024-25 दिनांक 19-8-2024 के विरुद्ध प्रस्तुत की गयी है, जिसके अन्तर्गत जनपद झांसी की तहसील मोठ के ग्राम सलेमापुर स्थित आराजी संख्या 321ग में 10.00 हेक्टेयर नदी तल क्षेत्र पर प्रतिवर्ष 50000.00 घनमीटर बालू/मोरम का खनन व परिवहन करने हेतु उ०प्र० उपखनिज (परिहार) नियमावली-2021 के अध्याय-4 के अन्तर्गत ई-निविदा सह ई-नीलामी प्रणाली के माध्यम से 05 वर्ष (दिनांक 16-1-2021 से 15-1-2026 तक) की अवधि हेतु मेसर्स शुभ कन्सट्रक्शन प्रो० श्रीमती शशि देवी पत्नी श्री वीरेन्द्र कुमार निवासी-168/19 नोनिया मोहाल, कटरा जनपद बांदा के पक्ष में स्वीकृत खनन पट्टा, को निरस्त किया गया है तथा अपीलकर्ता को दो वर्ष की अवधि के लिए काली सूची में में डाला गया है एवं अपीलकर्ता शेष धनराशि रु. 1,48,69,052/- खनिज राजकोष में जमा किये जाने के निर्देश दिये गये हैं।

2- मैंने उभय पक्षों के विद्वान अधिवक्तागण की बहस को सुना तथा पत्रावली पर उपलब्ध अभिलेखों का गली-भांति अध्ययन किया।

3- अपीलकर्ता के विद्वान अधिवक्ता द्वारा प्रस्तुत अपील में नोटरीयुक्त शपथपत्र दिनांक 18-2-2025 प्रस्तुत किया गया है जिसमें उल्लिखित किया गया है कि अपीलकर्ता को यदि खनन पट्टा संचालित करने की अनुमति प्रदान की जाती है तो वह आदेश में अंकित बकाया किस्त की धनराशि ब्याज सहित रुपये 2,01,48,480/- जमा करने के लिए तैयार है। साथ ही डी०एम०एफ०, टी०सी०एस० की राशि नियमानुसार नोटिस प्राप्ति के उपरान्त जमा की जायेगी, परन्तु अधिक मात्रा में खनन एवं अभिकथित अवैध खनन पर जिलाधिकारी के समक्ष अपना पक्ष रखने के उपरान्त जिलाधिकारी द्वारा आदेश पारित करने के उपरान्त निर्णय लिया जाये। शपथपत्र के समर्थन में नजीर के रूप में निगरानी संख्या-03(आर)/जी०एण्ड एम०/(यू०पी०)/2025 चन्दपल सिंह बनाम जिलाधिकारी, झांसी में उ०प्र० शासन द्वारा पारित आदेश दिनांक 22-1-2025 को प्रस्तुत किया गया तथा निगरानी संख्या-02(आर)/जी०एण्ड एम०/(यू०पी०)/2024 रॉयल नेचुरल स्टोन प्रा०लि० बनाम जिलाधिकारी महोबा में पारित आदेश दिनांक 28-11-2024 में उद्धरित विधि व्यवस्था को प्रस्तुत गया। अपीलकर्ता को काली सूची में



आदेश पत्रक

न्यायालय : आयुक्त
मण्डल : झांसी, जनपद : तहसील :
वाद संख्या : 1671/2024
कंप्यूटरीकृत वाद संख्या : C202406000001671
मै० शुभ कस्टमेशन प्रो० शाशिदेवी बनाम यु०पी० स्टेट
अंतर्गत धारा:- 79, अधिनियम :- 30 प्र० उपखनिज परिहार नियमावली, 2021

(2)

डालने के सम्बंध में विद्वान अधिवक्ता ने यह तर्क दिया कि तत्सम्बंध में अपीलकर्ता का कोई कारण नोटिस निर्गत नहीं किया गया है और ना ही उसका पक्ष सुना गया है। जबकि विधि अनुरूप नोटिस निर्गत किये बिना अर्थात् नोटिस में उल्लिखित तथ्यों से अधिक आदेश पारित नहीं किया जायेगा। विद्वान अधिवक्ता ने अपने उक्त कथन के समर्थन में मा० उच्च न्यायालय, इलाहाबाद द्वारा रिट-सी संख्या 31059/2023 रामलला बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 21-11-2023 में प्रतिपादित विधिक व्यवस्था को प्रस्तुत किया गया। विद्वान अधिवक्ता का यह भी तर्क है कि अपीलकर्ता गम्भीर बीमारी से ग्रस्त होने के कारण नोटिस के सम्बंध में अपना पक्ष जिलाधिकारी, झांसी के समक्ष नहीं रख सका है। जैसा कि जिलाधिकारी झांसी के विवादित आदेश में उल्लिखित किया गया है कि अबतक पट्टा धारक ने कार्यालय में कोई प्रत्युत्तर प्रस्तुत नहीं किया गया है। इससे स्पष्ट है कि अपीलकर्ता के पक्षों बिना सुने एकपक्षीय रूप से आदेश पारित किया गया है। इसलिए अपीलकर्ता को बिना नोटिस निर्गत किये एवं बिना सूचना दिये उसे काली सूची में नहीं डाला जा सकता है। अन्त में विद्वान अधिवक्ता द्वारा अपीलकर्ता द्वारा प्रस्तुत शपथपत्र में क्रम में अपील स्वीकार किये जाने एवं जिलाधिकारी झांसी का आदेश दिनांक 19-6-2024 निरस्त किये जाने पर बल दिया गया।

4- विपक्षी की ओर से विद्वान जिला शासकीय अधिवक्ता(राजस्व) झांसी के द्वारा यह तर्क प्रस्तुत किये गये कि जिलाधिकारी द्वारा पारित आदेश दिनांक 19-6-2024 विधि अनुरूप है जो यथावत रखने योग्य है। अपीलकर्ता ने खनन पट्टा की शर्तों का उल्लंघन किया गया है तथा समय से किस्त जमा नहीं की गयी। जांच में अपीलकर्ता द्वारा अवैध खनन किया जाना पाया गया है। इस प्रकार अपीलकर्ता द्वारा की गयी अनियमितताओं के दृष्टिगत अवर न्यायालय का आदेश सही है जो यथावत रखने योग्य है। अपीलकर्ता को समय-समय पर नोटिस निर्गत किये गये हैं परन्तु अपीलकर्ता ने जानबूझकर अवर न्यायालय में अपना लिखित उत्तर प्रस्तुत नहीं किया है। अन्त में विद्वान अधिवक्ता द्वारा प्रश्नगत आदेश यथावत रखने एवं अपील निरस्त किये जाने पर बल दिया गया।



आदेश पत्रक

न्यायालय : आयुक्त
मण्डल : झांसी, जनपद : तहसील :
वाद संख्या : 1671/2024
कंप्यूटरीकृत वाद संख्या : C2024060000001671
मे० शुभ कंसद्रवशन प्र० शाशिवंदी बनाम यू०पी० स्टेट
अंतर्गत धारा:- 79, अधिनियम :- 30 प्र० उपखनिज परिहार नियमावली, 2021

(3)

5- अवर न्यायालय की पत्रावली पर उपलब्ध अभिलेखों से यह विदित है कि अपीलकर्ता मेसर्स शुभ कंसद्रवशन प्र० श्रीमती शशि देवी को ग्राम सलेमापुर स्थित आराजी संख्या 321ग में 10.00 हेक्टेयर बालू/मोरम का खनन व परिवहन करने हेतु खनन पट्टा अवधि दिनांक 16-1-2021 से दिनांक 15-1-2026 तक स्वीकृत हुआ है। उक्त खनन पट्टा की जिलाधिकारी झांसी द्वारा आदेश दिनांक 19-6-2024 के अन्तर्गत इस आधार पर निरस्त किया गया कि अपीलकर्ता द्वारा आदेश में उल्लिखित किस्त ब्याज सहित, डी०एम०एफ़० ब्याज सहित, टी०सी०एस० की धनराशि को समय से जमा नहीं किया गया। इसके अतिरिक्त निदेशालय की गठित टीम द्वारा जांच में पायी गयी अनियमितताओं के सम्बंध में आरोपित शास्ति को जमा नहीं किया गया एवं दिनांक 30-3-2024 को की गयी जांच के क्रम में अपीलकर्ता को निर्गत नोटिस दिनांक 03-4-2024 में अंकित शास्ति धनराशि को अपीलकर्ता द्वारा समय से जमा नहीं किया गया है। जिलाधिकारी, झांसी द्वारा पारित उक्त आदेश में अपीलकर्ता को दो वर्ष के लिए ब्लैक लिस्ट भी किया गया है।

6- अपीलकर्ता द्वारा अपील प्रस्तुत किये जाने के बाद अपीलीय स्तर पर दिनांक 18-2-2025 को शपथपत्र प्रस्तुत करते हुए निम्नानुसार कथन कहे हैं -

(1) अपीलकर्ता/शपथकर्ता को यदि खनन पट्टा संचालित करने की अनुमति प्रदान की जाती है, तब बकाया किस्त की धनराशि ब्याज सहित रु. 2,01,48,460/- जमा करने हेतु सहमत है। शपथकर्ता बकाया धनराशि जमा कर पट्टा की बची हुई अवधि हेतु यदि खनन कार्य की अनुमति दी जाती है, तब शपथकर्ता पूर्ण शर्तों के अधीन कार्य करने को तैयार है। शपथकर्ता को पक्ष में स्वच्छता प्रमाण-पत्र भी प्राप्त है जिससे किसी प्रकार का विलम्ब नहीं होगा। अन्य खनन पट्टा की स्वीकृति में समस्त औपचारिकताएं पूर्ण करने में एक वर्ष से अधिक का समय भी लगता है।

(2) यह कि डी०एम०एफ़० टी०सी०एस० की राशि नियमानुसार नोटिस प्राप्ति के उपरान्त जमा की जायेगी, परन्तु अधिक मात्रा में खनन एवं अभिकथित अवैध खनन पर जिलाधिकारी के समक्ष अपना पक्ष रखने के उपरान्त उनके द्वारा आदेश पारित करने के उपरान्त निर्णय लिया जाये।

(3) अपीलकर्ता/शपथकर्ता ने अपने उक्त कथनों के समर्थन में निगरानी संख्या-03(आर)/जी०एफ़० एम०/(यू०पी०)/2025 चन्द्रपाल सिंह बनाम जिलाधिकारी झांसी में



आदेश पत्रक

न्यायालय : आयुक्त
मण्डल : झांसी जनपद : तहसील :
वाद संख्या :- 1671/2024
कंप्यूटरीकृत वाद संख्या :- C202406000001671
मै० शुभ कस्टमेशन प्रो० शशिदेवी बनाम यू०पी० स्टेट
अंतर्गत धारा:- 79, अधिनियम :- 30 प्र० उपखनिज परिहार नियमावली, 2021

(4)

उ०प्र० शासन द्वारा पारित आदेश दिनांक 22-1-2025 को प्रस्तुत किया गया तथा निगरानी संख्या-92(आर)/जी०एण्ड एम०/(यू०पी०)/2024 रॉयल नेचुरल स्टोन प्रा०लि० बनाम जिलाधिकारी महोबा में पारित आदेश दिनांक 28-11-2024 में उद्धरित विधि व्यवस्था को प्रस्तुत किया गया है।

प्रश्नगत प्रकरण में अपीलकर्ता के खनन पट्टा की अवधि दिनांक 16-1-2021 से दिनांक 15-1-2026 तक है जिसके अनुसार अपीलकर्ता के खनन पट्टा की अवधि (दिनांक 15-1-2026 तक) शेष है। शेष अवधि में अपीलकर्ता/पट्टाधारक खनन पट्टा के संचालन की अनुमति दिये जाने पर धनराशि को जमा करने को तैयार है जिसके सम्बंध में उसके द्वारा शपथपत्र प्रस्तुत किया गया है। ज्ञातव्य है कि प्रश्नगत खनन क्षेत्र के सम्बंध में पुनः विज्ञप्ति जारी करने, लेटर ऑफ इंटेन्ट जारी करने, खनन योजना का अनुमोदन करने, पर्यावरण स्वच्छता प्रमाण पत्र प्राप्त कर खनन सक्रियता शुरू करने में लम्बा समय लगने की सम्भावना है, तबतक प्रश्नगत क्षेत्र रिक्त रहेगा, इसलिए खनन पट्टा की शेष अवधि दिनांक 15-1-2026 तक अपीलकर्ता से शपथपत्र अनुसार धनराशि जमा कराकर खनन पट्टा संचालन की अनुमति प्रदान किया जाना राजस्व हित में उचित प्रतीत होता है। जैसा कि उ०प्र० शासन भूतत्व एवं खनिकर्म विभाग द्वारा राजस्व हित में निगरानी संख्या-03(आर)/जी०एण्ड एम०/(यू०पी०)/2025 में पारित आदेश दिनांक 22-1-2025 एवं निगरानी संख्या-92(आर)/जी०एण्ड एम०/(यू०पी०)/2024 रॉयल नेचुरल स्टोन प्रा०लि० बनाम जिलाधिकारी महोबा में पारित आदेश दिनांक 28-11-2024 के अन्तर्गत पट्टाधारक से अधिशेषित धनराशि जमा कराकर राजस्व खनन पट्टा संचालन की अनुमति दी गयी है।

जहाँ तक अपीलकर्ता को ब्लेक लिस्ट किये जाने का सम्बंध है, इस सम्बंध में अपीलकर्ता का तर्क है कि उसे ब्लेक लिस्ट किये जाने के सम्बंध में कोई कारण बताओ नोटिस नहीं दिया गया है इस सम्बंध में अपीलकर्ता के विद्वान अधिवक्ता द्वारा मा० उच्च न्यायालय, इलाहाबाद द्वारा रिट-सी संख्या 31059/2023 समलला बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 21-11-2023 में प्रतिपादित विधिक व्यवस्था की ओर ध्यान आकृष्ट कराया है जिसमें मा० उच्च न्यायालय द्वारा यह अवधारित किया है कि कारण बताओ नोटिस में उल्लिखित तथ्यों से अनधिक आधारों पर आदेश पारित नहीं किया जायेगा। प्रश्नगत प्रकरण में भी




आदेश पत्रक

न्यायालय : आयुक्त
मण्डल : झांसी, जनपद : तहसील :
वाद संख्या :- 1671/2024
कंप्यूटरीकृत वाद संख्या :- C202406000001671
मै० शुभ कस्टमर प्रो० शशिदेवी बनाम यु०पी० स्टेट
अंतर्गत धारा :- 79, अधिनियम :- 30 प्र० उपखनिज परिहार नियमावली, 2021

(5)

अपीलकर्ता को black listed किये जाने बावत कोई नोटिस नहीं दिया गया है और ना ही उसका पक्ष सुना गया है। उपरोक्त के दृष्टिगत व राजस्व हित में जिलाधिकारी, झांसी के प्ररनगत आदेश दिनांक 19-6-2024 में हस्तक्षेप किये जाने का औचित्य प्रतीत होता है तथा यह अपील स्वीकार किये जाने योग्य है।

उपरोक्त विवेचना के आधार पर अपील स्वीकार की जाती है। जिलाधिकारी, झांसी का आदेश दिनांक 19-6-2024 निरस्त करते हुए अपीलकर्ता/पट्टाधारक द्वारा शपथपत्र अनुसार किश्त ब्याज सहित धनराशि 2,01,48,480/- रुपये 15 कार्य दिवस में जमा किये जाने पर खनन पट्टा संचालन की अनुमति प्रदान की जाती है। जिलाधिकारी, झांसी को निर्देशित किया जाता है कि अपीलकर्ता/पट्टाधारक पर अन्य मदों में बकाया धनराशि के सम्बंध में अपीलकर्ता का पक्ष सुनकर अग्रेतर कार्यवाही करना सुनिश्चित करें। इस आदेश की प्रति सहित अवर न्यायालय की पत्रावली वापस भेजी जाय। बाद आवश्यक कार्यवाही इस न्यायालय की पत्रावली दाखिल दफ्तर हो।


(बिमल कुमार दुबे) 30/2/25
आयुक्त,
झांसी मण्डल, झांसी



ॐ

॥ कैश मीमो/बिल ॥

ॐ

Mo.-73792710
945293442

जय भील वीधशाला

फल, फूल, देशी, कलमी, शोभाकर, छायाकार पौधे के थोक एवं फुटकर विक्रेता

पानी की टंकी के पास, झाँसी-मऊरानीपुर रोड, बरुआसागर



9451549952

9415456247

क्रमांक

292

दिनांक 28/7/21

नाम

श्री. सुभाष कुमार झा

पता

सा.म.सा.पु. धादप. पू.प. रो.प.प. के.प.



31-7-2021

ग.क.

प.प.

क्रमांक	पौधे का नाम	मात्रा	दर	रु०	कीमत	प०
1)	अभुन के पौधे उफुट बैजिवाले	90	80 रु० प्रति फीट	7200	=	80
2)	पुछे लिपिवाले उफुट बैज	105	70 रु० प्रति फीट	7350	=	60
3)	नीम देसी उफुट बैजिवाले	85	95 रु० प्रति फीट	8075	=	200
4)	जामुन उफुट बैजिवाले	85	125 रु० प्रति फीट	10625	=	00
योग				33250	=	00

भूल-चूक लेना देना।

सा.म.सा.पु. धादप. पू.प. रो.प.प. के.प.
28/7/21

AP Pastor



Pastor Construction

Govt. Contractor & Suppliers

Vakil Colony, Near Dr. Badal Clinic, Gumnawara, Medical, Jhansi-284128 (U.P.)

Ref.

Date 31-7-2022

सलेम फुट वार वर पेड लागने हेतु गडगा 15
 चुयारी पेड 65 रुपाई तथा सिचई मा कार्य
 गाडे 365 x 175 रु वर से 63875 रु

63875 रु

AP Pastor

दि 31-7-2022



ॐ

॥ केश मीमो/बिल ॥

ॐ

Mo.-7379270716
9452934420

जय भीले पौधशाला



फल, फूल, देशी, कलमी, शोभाकर, छायाकार पौधे के थोक एवं फुटकर विक्रेता
पानी की टंकी के पास, झांसी-मऊरानीपुर रोड, बरुआसागर

क्रमांक 285

दिनांक 30/7/21.....

नाम मेठ शुभा कलकशान कम्पनी बौद्धा
पता सफेमापुर धार पर वृक्षा रोपण हेतु

क्रमांक	पौधे का नाम	मात्रा	दर	रु०	कीमत	पै०
①	चिल बिल	80 पौधे	96 = 00	7680 = 00		
②	इमली	96 पौधे	78 = 00	4680 = 00		
③	नीम	85 पौधे	90 = 00	7650 = 00		
		लीज फुल अच्छा				
	योग	=		20,010 = 00		

न-चूक लेना देना।

09AMYPP7848P2ZF



945149952
9415456247

Pastor Construction

Govt. Contractor & Suppliers

Vakil Colony, Near Dr. Badal Clinic, Gumnawara, Medical, Jhansi-284128 (U.P.)

Ref.

Date 1-8-2021

सलेमापुर चार पर पेड लगाने हेतु गडजों 05
बुझाई लगावई शब सिचाई का कार्य

245 गडडा X 150 रु नि दर से 36750 रु

36750 रु

AD Pastor



जय भोले पौधशाला



फल, फूल, शोभाकार, जंगली, कलमी, छायादार, पौधे के थोक व फुटकर विक्रेता ।

पता-पानी की टंकी के पास झाँसी-मऊरानीपुर रोड

बलुआसागर (झाँसी) उ.प्र.

क्रमांक. 296

दिनांक 25/1/23

ग्राहक का नाम..... श्री. शुभ १०-३५२० कामकाई खाता

पता..... २११ भापुर हट धमा रोपण हट

क्र.	पौधे का नाम	मात्रा	दर	रुपये	पैसे
1)	सिंहजन उफुर ऊपर पानि	100 पौधे	105 रु पर	10500=00	
2)	अजिन के पौधो	100 पौधे	85 रु	8500=00	
3)	जामुन के पौधे	90 पौधे	130 रु पर	11700=00	
कुल योग-				30700=00	

● भूल-चूक लेनी-देनी

हस्ताक्षर- जय भोले पौधशाला (मालिक)

M/S. AKASH ENTERPRISES**Govt. Supplier**

Address - 171, Vaidhraj, Jhansi

Sl. No.

Date : 28-7-2023

सलीमापुर चाठ पर वर्ष 2023 के गड्डों कि
खुदाई पेड लगवाई शब उसी सिचरि के नब हेतु
गड्डा से 290 x 185 फिट से 53650 रु

53650 रु

8/5



Advocate Seema Patnaha <seemapatnaha@gmail.com>

Reply in the O.A. 1126 of 2024 on behalf of Respondent no. 11-14

Advocate Seema Patnaha <seemapatnaha@gmail.com>

Sun, 4 May at 11:43 AM

To: <dmham@nic.in>, <mscb.cpcb@nic.in>, <ms@uppcb.in>, <nodalseiaaup@gmail.com>, <spmba-up@nic.in>,

Advocate Seema Patnaha <seemapatnaha@gmail.com>

Respected Sir/Madam

Namaskar,

I am sending a copy of the reply
in the O.A. 1126 of 2024,
on behalf of Respondent no. 11-14 please find the attachment.
Reply on behalf of Respondent no. 11-14.pdf