

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

**EXECUTION APPLICATION NO. 03/2025  
IN  
ORIGINAL APPLICATION NO. 05/2025/EZ  
(Under Section 25 of the National Green Tribunal Act, 2010)**

**IN THE MATTER OF:**

ATANU BORTHAKUR

...APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

**INDEX**

<b>Sl. No</b>	<b>Particulars</b>	<b>Page Nos.</b>
1.	Synopsis	1-3
2.	List of Dates	4
3.	Execution Application No. of 2025 in Original Application No. 05 of 2025 on behalf of the Applicant along with Affidavit	5-13
4.	<b>Annexure A-1:</b> A true copy of the order dated 17.01.2025 in O.A. No. 05/2015	14-20
5.	<b>Annexure A-2:</b> A true copy of email dated 21.01.2025 and 22.01.2025	21-24
6.	<b>Annexure A-3:</b> A true copy of photographs	25-39
7.	Proof of Service	40

**Filed by:**

*Ashish choudhury*

*Akash Agarwal*

**Ashish Choudhury and Akash Agarwal**

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Date: 13.02.2025

Place: Kolkata

### SYNOPSIS

The present execution application is being filed under Section 25 of the National Green Tribunal Act, 2010 to seek execution of paragraph 13 of the order dated 17.01.2025 passed by this Hon'ble Tribunal in Original Application No.05/2025/EZ ("OA") to the extent that this Hon'ble Tribunal was pleased to stay all the mining activities from being carried out in the District of Udalguri in the absence of any District Survey Report. Paragraph 13 of the order dated 17.01.2025 states as follows:

*"We direct the District Commissioner Udalguri District, Assam to ensure that if District Survey Report (D.S.R.) has not been approved by the SEIAA, Assam for Udalguri District, all mining activities within the district shall remain stayed."*

The Applicant had filed the present OA before this Hon'ble Tribunal, *inter alia*, seeking restraint over the unlawful mining activity being carried out in the District of Udalguri, State of Assam, without finalisation of the District Survey Report which has been made mandatory by various notifications and guidelines issued by Respondent No.1 from time to time, as well as judicial precedents set by this Hon'ble Tribunal and the Hon'ble Supreme Court of India.

The Application was listed before this Hon'ble Tribunal on 17.01.2025, wherein this Hon'ble Tribunal passed an order *inter alia* directing that:-

*"13. We direct the District Commissioner Udalguri District, Assam to ensure that if District Survey Report (D.S.R.) has not been approved by the SEIAA, Assam for Udalguri District, all mining activities within the district shall remain stayed.*

... ..

*21. Considering the allegations made in the Original Application, we deem it appropriate to constitute a Fact Finding Committee comprising of the following members:- i) Senior Scientist, Assam State Pollution Control*

Board; ii) District Commissioner, Udalguri District, Assam or his Representative not below the rank of Additional District Magistrate (A.D.M.); and iii) Director of Geology and Mining, Environment and Forest Department, Government of Assam or his Representative Officer.

22. The Committee shall visit the site in question and submit its Report on affidavit within three weeks with regard to the allegations made in the Original Application, particularly with reference to the document filed at page 590 of the paperbook, which, at Item 4, 6, 8 and 10, pertaining to District Udalguri, Assam, shows the status of sand mines under the heading 'Status' as 'Running'.

23. The District Commissioner, Udalguri District, Assam shall be the Nodal office for all logistic purposes and for filing the Fact finding Report on affidavit.

24. The Committee shall also examine whether any mining is being carried on in the District Udalguri other than by the Respondent Nos.8, 9, 10 and 11. If any further illegal mining is found, the Committee shall identify the violator, make appropriate recommendations and action to be taken in this regard.”

As per the Applicant's knowledge and information, and as per photographs obtained by the Applicant subsequent to the order dated 17.01.2025, the Hon'ble Tribunal's order has not yet been implemented and complied with, to the extent that mining activities in the Udalguri District continues unabated and the Respondent No.7 has not taken any steps, till date, to ensure that mining activities in the Udalguri district are stayed in the absence of a validly approved DSR.

Despite the specific directions issued by this Hon'ble Tribunal, the same has not been complied with and the continued inaction on the part of the Respondents, particularly the failure to stay the illegal mining activities demonstrates blatant disregard for the Tribunal's orders.

The Applicant has been able to gather evidence, including photographs, clearly showing the mining activities being carried on even after passing of the said order within the district of Udalguri.

Hence the present Execution Application.

**LIST OF DATES**

<b>Date</b>	<b>Particulars</b>
17.01.2025	Order passed by this Hon'ble Tribunal in the present OA wherein this Hon'ble Tribunal inter alia was pleased to direct stay of all mining activities in the District of Udalguri in the absence of any District Survey Report.
20.01.2025	Order dated 17.01.2025 was uploaded at the portal of this Hon'ble Tribunal.
21.01.2025 & 22.01.2025	The Applicant through their Advocates issued an email intimating the Respondent No. 1-7 regarding the order dated 17.01.2025 passed by this Hon'ble Tribunal and further requested the Respondent No. 1-7 to comply with the direction contained in the said order.
24.01.2025, 28.01.2025, 29.01.2025 & 31.01.2025	Photographs showing that illegal mining activities being carried out in the District of Udalguri despite passing of the order dated 17.01.2025.
	Hence the present application

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA**

**EXECUTION APPLICATION NO.     /2025  
IN  
ORIGINAL APPLICATION NO. 05/2025  
(Under Section 25 of the National Green Tribunal Act, 2010)**

**IN THE MATTER OF:**

ATANU BORTHAKUR ...APPLICANT

VERSUS

UNION OF INDIA & ORS ...RESPONDENTS

**IN THE MATTER OF:**

**Atanu Borthakur**

S/o Late Mukti Nath Borthakur  
Residing at Bylane No. 4(A), House No. 11,  
Gandhibasti, Near L.P. Schook  
Guwahati-781003

**...APPLICANT**

VERSUS

**Union of India**

Through its Secretary,  
Ministry of Environment, Forest and Climate  
Change (MOEFCC)  
Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi – 110 003  
Email: [secy-moef@nic.in](mailto:secy-moef@nic.in)

**...RESPONDENT NO. 1**

**State of Assam**

Through its Chief Secretary  
Block A, Assam Secretariat,  
Dispur, Guwahati-781006  
Email: [cs-assam@nic.in](mailto:cs-assam@nic.in)

**...RESPONDENT NO. 2**

**Principal Chief Conservator of Forest &  
Head of Forest Force (PCCF & HOFF)**

Environment and Forest Department,  
Government of Assam,  
Aranya Bhawan, Panjabri, Guwahati,  
Kamrup (Metropolitan) – 781037  
Email: [hoff-assam@gov.in](mailto:hoff-assam@gov.in)

**...RESPONDENT NO. 3**

**Assam State Pollution Control Board**

Through its Chairman,  
Environment and Forest Department,  
Bamunimaidam, Guwahati-21, Assam  
Email: [chairman@pcbassam.org](mailto:chairman@pcbassam.org)

...RESPONDENT NO. 4

**The State Environment Impact Assessment Authority (SEIAA)**

Through its Chairman,  
Ministry of Environment, Forest and Climate  
Change (MOEFCC), Government of India,  
Bamunimaidam, Guwahati-21, Assam  
Email: [chmn-seiaa-as@gov.in](mailto:chmn-seiaa-as@gov.in)

...RESPONDENT NO. 5

**Directorate of Geology and Mining**

Through its Director,  
Environment and Forest Department,  
Government of Assam,  
Kahilipara, Guwahati- 781019, Assam  
Email: [dgmassam@gmail.com](mailto:dgmassam@gmail.com)

...RESPONDENT NO. 6

**District Commissioner, Udalguri**

DC Office, Udalguri, Assam, 784509  
Email.: [dc-udalguri@nic.in](mailto:dc-udalguri@nic.in)

...RESPONDENT NO. 7

**Gilard Basumatary,**

Vill. Bikrampur, P.O. Bengtol,  
Dist. Chirang, BTAD, Assam-783394

...RESPONDENT NO. 8

**Apurba Kumar Saharia,**

Vill:- Bhebarghat, P.O.- Mangaldoi,  
P.S.- Mangaldoi, Dist.Darrang, Assam-784125

...RESPONDENT NO. 9

**Hiraj Narzary,**

Vill.: Amlaiguri, P.O. Ajoydhyapur,  
Dist. Udalguri, BTAD, Assam-784509

...RESPONDENT NO.10

**Gopinath Basumatary,**

Vill. Batabari, P.O. Paschim Patala,  
Distrct- Udalguri, (BTAD), Assam- 784510

...RESPONDENT NO.11

**APPLICATION UNDER SECTION 25 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010 SEEKING EXECUTION OF THE ORDER DATED 17.01.2025**

To,

The Hon'ble Chairperson and his Companion Members of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata

The humble application on behalf of  
the Applicant abovenamed

**MOST RESPECTFULLY SHOWETH:**

1. The Applicant had filed the present application being Original Application No. 05/2025/EZ, *inter alia*, seeking directions against the Respondents to take immediate steps to stop mining activities being carried out and to prevent any mining activity from being carried out in the District of Udalguri, State of Assam without there being a valid District Survey Report, which has been made mandatory by various notifications, guidelines issued by Respondent No.1 from time to time and judicial precedents passed by this Hon'ble Tribunal and the Hon'ble Supreme Court of India. The Applicant further sought directions for setting aside and quashing the mining leases and/or mining contracts and/or mining permits and/or mining concessionaire granted by the Respondent Nos. 1 to 7 illegally and unlawfully in favour of the Respondent Nos. 8 to 11 and several third parties.
2. The above-mentioned Original Application was listed before this Hon'ble Tribunal, wherein this Hon'ble Tribunal after taking into account the submissions made vide order dated 17.01.2025 was pleased to pass *inter alia* the following directions:

*"2. The Applicant in this Original Application has alleged that illegal mining of sand, gravel, stone and other minerals is being carried on in the District Udalguri, State of Assam and there is no District Survey Report ('DSR' for short) for the same till date.*

**13. We direct the District Commissioner Udalguri District, Assam to ensure that if District Survey Report (D.S.R.) has not been approved by the SEIAA, Assam for Udalguri District, all mining activities within the district shall remain stayed.**

... ..

21. Considering the allegations made in the Original Application, we deem it appropriate to constitute a Fact Finding Committee comprising of the following members:-

- i) Senior Scientist, Assam State Pollution Control Board;
- ii) District Commissioner, Udalguri District, Assam or his Representative not below the rank of Additional District Magistrate (A.D.M.); and
- iii) Director of Geology and Mining, Environment and Forest Department, Government of Assam or his Representative Officer.

22. The Committee shall visit the site in question and submit its Report on affidavit within three weeks with regard to the allegations made in the Original Application, particularly with reference to the document filed at page 590 of the paperbook, which, at Item 4, 6, 8 and 10, pertaining to District Udalguri, Assam, shows the status of sand mines under the heading 'Status' as 'Running'.

23. The District Commissioner, Udalguri District, Assam shall be the Nodal office for all logistic purposes and for filing the Fact finding Report on affidavit.

24. The Committee shall also examine whether any mining is being carried on in the District Udalguri other than by the Respondent Nos.8, 9, 10 and 11. If any further illegal mining is found, the Committee shall identify the violator, make appropriate recommendations and action to be taken in this regard."

A true copy of the order dated 17.01.2025 in O.A. No. 05/2015/EZ is annexed and marked as "**Annexure A-1**".

3. The order dated 17.01.2025 was uploaded at the portal of this Hon'ble Tribunal only on 20.01.2025. Immediately upon uploading of the order, the Applicant through his Advocates issued an email dated 21.01.2025 to the Advocates of Respondent Nos. 2 to 7 and to Respondent No.1 enclosing copies of the OA and the order dated 17.01.2025 and

intimating them regarding the directions passed by this Hon'ble Tribunal by and under the order dated 17.01.2025 for their compliance. The Applicant through his advocates on 22.01.2025 also served the OA and the order dated 17.01.2025 upon the Respondent No. 7, i.e., District Commissioner, Udalguri directly at his official email ID to inform the Respondent No. 7 of the order and to enable immediate compliance with the order.

Copies of emails dated 21.01.2025 and 22.01.2025 are annexed and marked as "**Annexure A-2**".

4. Thus, all the Respondents, particularly the Respondent Nos. 2 to 4 and 6 to 7, were well aware of the order dated 17.01.2025 and had full knowledge of the contents and compliances required to be carried out as per the order dated 17.01.2025 passed by this Hon'ble Tribunal.
5. However, despite the Applicant's representations and reminders to the Respondent Nos. 2 to 4 and 6 to 7 to ensure compliance of the order dated 17.01.2025, no action has been taken by them against the violators. The Respondents No. 2 to 4 and 6 to 7 have failed to take the necessary steps to implement the directions passed by this Hon'ble Tribunal, thereby allowing illegal mining activities to continue unabated. It is submitted that such inaction amounts to willful disobedience and non-compliance of the Tribunal's order, warranting strict enforcement measures.
6. It is submitted that as per the Applicant's knowledge and information, the Hon'ble Tribunal's order dated 17.01.2025 has not yet been implemented and complied with, to the extent that mining in Udalguri district unlawfully and illegally continues unabated and the Respondent No.7 has not taken any steps, till date, to ensure that mining activities [in the absence of a validly approved DSR by the SEIAA, Assam for Udalguri District] in the district are stayed.
7. Despite the specific directions given by this Hon'ble Tribunal on January 17, 2025, the illegal mining activities in the district continue unabated.

The Applicant has been able to gather evidence, including photographs, clearly showing the ongoing mining activities after passing of the said order within the district of Udalguri. The photographs obtained the Applicant of ongoing mining activity are of the following dates: 24.01.2025, 28.01.2025, 29.01.2025 and 31.01.2025.

A true copy of photographs is annexed and marked as **“Annexure A-3”**.

8. In fact, the Applicant has also filed an application being I.A. No.16 of 2025 seeking directions for addition of senior officers from the Regional Office of Ministry of Environment, Forest & Climate Change and the Central Pollution Control Board as members in the fact-finding committee constituted under paragraph 21 of the order dated 17.01.2025. The said application is pending adjudication.
9. It is also pertinent to mention that paragraphs 21, 22, 23 and 24 of the order dated 17.01.2025 remain non-complied with as on the date of filing of the present application, inasmuch there has not been any site visit by the committee till date. However, since the Applicant has filed a separate application, being IA No. 16 of 2025, seeking addition of members to the said committee, the present application is not seeking execution of paragraphs 21 to 24 of the order and is confined to seeking execution of paragraph 13 of the order dated 17.01.2025.
10. In light of the fact that despite specific order passed by this Hon'ble Tribunal restraining mining activities from being carried out in the District of Udalguri and directing Respondent No. 7 to ensure that mining activities in the District of Udalguri remain stayed, and despite the Respondents having full knowledge of the order, no steps have been taken in compliance of the order dated 17.01.2025 to stop illegal mining and thus the present application is being filed seeking execution of paragraph 13 of the order dated 17.01.2025 to the extent it had been directed to stay all the mining activities being carried out in the District of Udalguri.

11. It is submitted that the strict and immediate enforcement of the order dated 17.01.2025 is of utmost importance as each day of illegal mining has severe, drastic, irreversible and long lasting effect on the environment. Its consequences are broad and affect various aspects of ecosystems, biodiversity and the well being of local communities. In furtherance of execution of paragraph 13 of the order, the Applicant is seeking that Respondent No. 7 be personally present before the Hon'ble Tribunal to explain the reasons for non-compliance.
12. This Hon'ble Tribunal, Eastern Bench at Kolkata has jurisdiction to entertain this instant execution application as it arises out of non-compliance of order of this Hon'ble Tribunal, namely O.A. 05/2025/EZ dated 17.01.2025.
13. The present execution Application is being filed under section 25 of the National Green Tribunal Act, 2010 which grant this Hon'ble Tribunal powers of a civil court in matters of execution.
14. This present execution Application is filed within the period of limitation.
15. This application is made bonafide and in the interest of justice.
16. The Applicant has a strong prima facie case in its favour and will suffer irreparable harm and injury if the present application is not allowed.
17. No prejudice will be caused to the Respondents if the present application is allowed.

#### **PRAYER**

In view of the aforementioned facts and circumstances, the Applicant humbly prays that this Hon'ble Tribunal may be pleased to:

- a. Direct the Respondent No.7 to immediately comply with and implement paragraph 13 of the Hon'ble Tribunal's order dated 17.01.2025 in OA No. 05/2025/EZ to the extent it had been directed all mining activities in the District of Udalguri shall remain stayed;

- b. Direct the Respondents to take immediate steps to stop all illegal mining activities in the absence of validly approved District Survey Report by SEIAA, Assam for Udalguri District.
- c. As an ad-interim measure, direct Respondent No. 7 to be personally present before the Hon'ble Tribunal to explain the reasons for non-compliance with paragraph 13 of the order dated 17.01.2025.
- d. Pass any such other order(s) as may be deemed fit and proper in the interest of justice and environmental protection

**Filed by:**

*Ashish choudhury*

*Akash Agarwal*

**Ashish Choudhury and Akash Agarwal**  
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8B, Mathura Road, Jangpura B,  
New Delhi-110014,  
Mob: 8095957280  
Email: ashishchoudhuryadv@gmail.com

Date: 13.02.2025

Place: Kolkata

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA

E.A. NO. /2025

IN

ORIGINAL APPLICATION NO. 05/2025



IN THE MATTER OF :

ATANU BORTHAKUR

...APPLICANT

VERSUS

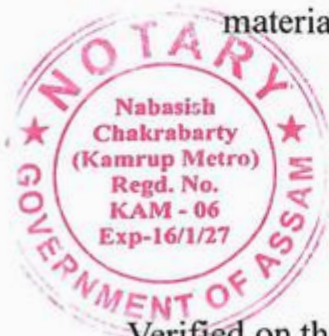
UNION OF INDIA & ORS

...RESPONDENTS

**AFFIDAVIT**

I, Atanu Borthakur, S/o Late Mukti Nath Borthakur, R/o Gandhibasti, Near Guwahati- 781003, aged about 51 years do hereby solemnly affirm and state on oath as under:

1. That I am Applicant in the captioned matter and as such fully conversant with facts and circumstances of the case and competent to swear this Affidavit.
2. That I have gone through the contents of the above Application that has been drafted by my counsel under my instructions and the contents of the same are true and correct to best of my knowledge and belief and nothing material have been concealed from this Hon'ble Tribunal



*Atanu Borthakur*  
DEPONENT

**VERIFICATION**

Verified on this 7<sup>th</sup> day of February 2025 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed.

*10/02/25, Guwahati..*  
*Kanhaiya Gupta,*  
*Advocate, Guwahati.*

*Atanu Borthakur*  
DEPONENT

07 FEB 2025

*Atanu*  
**NABASISH CHAKRABARTY**  
NOTARY Govt. of Assam  
Regd. No. KAM - 06  
Panbazer, Guwahati - 781001

Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.05/2025/EZ

Atanu Borthakur

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 17.01.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Anand Verma, Adv. a/w  
Mr. Ashish Choudhury, Adv. and  
Mr. Akash Agarwal, Adv. (in Virtual Mode)

**ORDER**

1. Heard Mr. Anand Verma assisted by Mr. Ashish Choudhury and Mr. Akash Agarwal, learned Counsel appearing (in Virtual Mode) on behalf of the Applicant.
2. The Applicant in this Original Application has alleged that illegal mining of sand, gravel, stone and other minerals is being carried on in the District Udalguri, State of Assam and there is no District Survey Report ('DSR' for short) for the same till date.
3. It is alleged that there is no District Survey Report in the District Udalguri, State of Assam and no mining activity is permissible in the absence of a valid D.S.R. which is duly considered by the State Level Expert Appraisal Committee (SEAC) and recommended and duly approved by the State Level Environment Impact Assessment Authority ('SEIAA' for short).
4. It is alleged that from the portal of the Government of Assam, Mines and Minerals, Directorate of Geology and Mining, the Applicant has obtained information and details of approved mining plan as on 2021 which shows that the Respondent No.8 has been granted

lease to mine sand gravel from Tarajuli Sand Gravel Mahal (Dhansiri river), District Udalguri, BTAD, Assam for a period of five years commencing from 07.10.2021 for an area of 4.80 hectares. It is also alleged that the Respondent No.9 has been granted mining lease to mine sand from Lower Dhansiri S/S-Mahal-B, Dist. Udalguri, B.T.C. Assam for a period of seven years commencing from 23.02.2018 for an area of 4.00 hectares. It is further alleged that the Respondent No.9 has also been granted mining lease to mine sand from Lower Dhansiri S/S-Mahal-B, Mining Permit Area, District Udalguri, B.T.C. for a period of seven years commencing from 24.05.2018 for an area of 3.68 hectares. It is also alleged that the Respondent No.10 has been granted mining lease to mine sand/gravel from Bhorala Boulder Sand/Gravel Mahal No.2, District Udalguri, BTAD, Assam for a period of seven years commencing from 31.07.2018 for an area of 4.60 hectares.

5. The allegation of the Applicant further is that the Respondent No.11 has been granted mining lease to mine stone and earth from Samrang Newly Gravel & Earth Mahal Mining Permit Area, District Udalguri, BTAD, Assam for a period of seven years commencing from 16.05.2018 for an area of 3.21 hectares.
6. The Applicant has also referred to the directions issued by the Tribunal in Original Application No.86/2024/EZ (*Pradeep Singh Shekhawat -Vs.- Union of India*) wherein the Tribunal has held that District Survey Report is mandatory for mining of minor minerals.
7. The documents on record at page 590 of the paper book at Item No.4, 6, 8 and 10 which pertains to the District Udalguri, State of Assam shows under the heading 'Status (Working/Closed)' as **"Running"**.

8. Further, the document at page 1057 of the paper book shows that for the district of Udalguri at Item No.19, 23, 24, 27, 28, 30, 46 and 58, Consent to Operate (CTOs) has already been issued.
9. Mr. Anand Verma, learned Counsel for the Applicant has referred to the document at page 578, 'Annexure A-13' of the paper book to show that the District Survey Report (D.S.R.) of Udalguri District (for sand or riverbed mining) is a draft Report and the same has not been approved by the State Environment Impact Assessment Authority (SEIAA), Assam.
10. This Court in Original Application No.86/2024/EZ (*Pradeep Singh Shekhawat -Vs.- Union of India*) has already stayed mining activities within the State of Assam where District Survey Report (D.S.R.) has not been approved by the State Environment Impact Assessment Authority (SEIAA), Assam.
11. In Original Application No.84/2023/EZ *Abani Kumar Sahu -Vs- State of Odisha*, this Tribunal in para 36 and 37 has held as under :-

**36.** *"We, therefore, dispose of this Original Application with a direction that no sand mining shall be carried out in the Rayanramchandrapur Sand Source along the Subarnarekha River in the absence of a District Survey Report in District Balasore duly approved by SEIAA, Odisha.*

**37.** *The SEIAA, Odisha, shall take necessary action to pass order for revocation of the Environmental Clearance granted by it illegally in favour of Respondent No.8 forthwith. It is further directed that in case sand mining operation is still being carried out in Rayanramchandrapur sand quarry in question, the SEIAA, Odisha, shall also take steps to ensure that such sand mining operation is ceased forthwith. It is also provided that our order hereinabove shall not come in the way of the Respondents*

*initiating criminal proceedings against the Respondent No.8 if any, as per law.”*

12. Further, while deciding Appeal No.18/2023/EZ *Haripada Manna -Vs- State of Odisha*, this Tribunal in para 18 and 19, has held as under :-

**18.** *“With regard to Replenishment Study, para 5.0 of the Enforcement and Monitoring Guidelines for Sand Mining, January, 2020, issued by the Ministry of Environment, Forests and Climate Change, enjoins that the need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessive sand extraction. Para 5.0 of the Guidelines, 2020, reads as under:-*

*“.....XXX.....XXX.....XXX.....*

**5.0 REPLENISHMENT STUDY**

*The need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessing sand extraction. Mining within or near riverbed has a direct impact on the stream’s physical characteristics, such as channel geometry, bed elevation, substratum composition and stability, instream roughness of the bed, flow velocity, discharge capacity, sediment transport capacity, turbidity, temperature etc. Alteration or modification of the above attributes may cause an impact on the ecological equilibrium of the riverine regime, disturbance in channel configuration and flow-paths. This may also cause an adverse impact on instream biota and riparian habitats. It is assumed that the riparian habitat disturbance is minimum if the replenishment is equal to excavation for a given stretch. Therefore, to minimize the adverse impact arising out of sand mining in a given river stretch, it is imperative to have a study of replenishment of material during the defined period.”*

**19.** *In the present case, in view of the letter of the Collector & District Magistrate, Balasore, dated 30.05.2024, since no Replenishment*

*Study has been carried out in the District-Balasore, the impugned order of approval of the District Survey Report vide impugned order dated 26.04.2023 is liable for revocation and cannot be acted upon. In the absence of Replenishment Study in the District Balasore, duly considered by State Expert Appraisal Committee and approved by SEIAA, Odisha, no sand mining can be carried out in the stretch of the Subarnarekha river passing through the District Balasore. We accordingly allow the present Appeal and quash the impugned order dated 26.04.2023.”*

13. We direct the District Commissioner Udalguri District, Assam to ensure that if District Survey Report (D.S.R.) has not been approved by the SEIAA, Assam for Udalguri District, all mining activities within the district shall remain stayed.
14. Matter requires consideration.
15. Issue notice to the Respondents, returnable within four weeks.
16. Ms. Malabika Roy Dey, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos.2, 3, 6 and 7, State Respondents, Government of Assam.
17. Mr. Shayamvar Deb, learned Counsel who is present in Court, states that he has instructions to represent the Assam State Pollution Control Board. Learned Counsel accepts notice on behalf of the Respondent Nos.4, Assam State Pollution Control Board.
18. Ms. Amrita Pandey, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.5, State Environment Impact Assessment Authority (SEIAA), Assam.
19. Issue notice to the Respondent Nos.1, 8, 9, 10 and 11, returnable within four weeks.

20. All the Respondents shall file their counter affidavits within four weeks.
21. Considering the allegations made in the Original Application, we deem it appropriate to constitute a Fact Finding Committee comprising of the following members:-
  - i) Senior Scientist, Assam State Pollution Control Board;
  - ii) District Commissioner, Udalguri District, Assam or his Representative not below the rank of Additional District Magistrate (A.D.M.); and
  - iii) Director of Geology and Mining, Environment and Forest Department, Government of Assam or his Representative Officer.
22. The Committee shall visit the site in question and submit its Report on affidavit within three weeks with regard to the allegations made in the Original Application, particularly with reference to the document filed at page 590 of the paperbook, which, at Item 4, 6, 8 and 10, pertaining to District Udalguri, Assam, shows the status of sand mines under the heading '**Status**' as '**Running**'.
23. The District Commissioner, Udalguri District, Assam shall be the Nodal office for all logistic purposes and for filing the Fact finding Report on affidavit.
24. The Committee shall also examine whether any mining is being carried on in the District Udalguri other than by the Respondent Nos.8, 9, 10 and 11. If any further illegal mining is found, the Committee shall identify the violator, make appropriate recommendations and action to be taken in this regard.
25. All the Respondents shall file their counter affidavits within four weeks.

26. Mr. Anand Verma, learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Ms. Malabika Roy Dey, Mr. Shayamvar Deb and Ms. Amrita Pandey, Counsel for the Respondents, within 24 hours.
27. **List on 18.02.2025.**

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Afroz Ahmad, EM**

January 17, 2025,  
Original Application No.05/2025/EZ  
SKB

**Annexure A-2****21**

Ashish Choudhury &lt;ashishcnouanuryaav@gmail.com&gt;

**In the matter titled as "Atanu Borthakur vs. Union of India" bearing O.A. 05/2025.**

Ashish Choudhury &lt;ashishchoudhuryadv@gmail.com&gt;

Tue, Jan 21, 2025 at 10:36 AM

To: Amrita Pandey &lt;amritalegal@gmail.com&gt;, shayamvar\_deb@hotmail.com, mrdey@rediffmail.com

Cc: Abhishek Arora &lt;aroraabhishek0207@gmail.com&gt;, Anand Kamal &lt;anand050598@gmail.com&gt;, akash agarwal &lt;akash.agarwal70@gmail.com&gt;


Bcc: guddu kumar &lt;guddu90kumar@gmail.com&gt;

Dear Sir/Ma'am,

In terms of para 26 of the order dated 17.01.2025 passed by the Hon'ble NGT in the captioned matter, please find attached copy of the Original Application along with all the documents which shall be deemed as effectively served upon your goodself.

 vol.i .pdf vol II.pdf

Regards,  
Ashish Choudhury  
Advocate on Record  
Supreme Court of India  
8 B Mathura Road, Jangpura B,  
Suite 1A, Basement,  
New Delhi- 110014

 Order dated 17.01.2025.pdf  
170K

## Compliance of Hon'ble NGT Order dated 17.01.2025 in O.A. 05/2025 – Atanu Borthakur vs. Union of India

Ashish Choudhury <ashishchoudhuryadv@gmail.com>

Tue, Jan 21, 2025 at 10:41 AM

To: secy-moef@nic.in, cs-assam@nic.in, hoff-assam@gov.in, chairman@pcbassam.org, "dgmassam@gmail.com" <dgmassam@gmail.com>, dc-udalguri@nic.in

Cc: mrdey@rediffmail.com, Amrita Pandey <amritalegal@gmail.com>, shayamvar\_deb@hotmail.com, Abhishek Arora <aroraabhishek0207@gmail.com>, Anand Kamal <anand050598@gmail.com>, akash agarwal <akash.agarwal70@gmail.com>

Dear Sir/Ma'am,

This is to inform you that the matter titled *Atanu Borthakur vs. Union of India* (O.A. 05/2025) was listed before the Hon'ble National Green Tribunal, East Zone Bench, on 17.01.2025. The Hon'ble Bench directed the District Commissioner, Udalguri District, Assam, to ensure that if the District Survey Report (D.S.R.) for Udalguri District has not been approved by the SEIAA, Assam, all mining activities within the district shall remain stayed.

Further, the Hon'ble NGT constituted a fact-finding committee comprising the following members:

1. Senior Scientist, Assam State Pollution Control Board;
2. District Commissioner, Udalguri District, Assam, or his representative not below the rank of Additional District Magistrate (A.D.M.); and
3. Director of Geology and Mining, Environment and Forest Department, Government of Assam, or his representative officer.

You are kindly requested to ensure compliance with the directions passed by the Hon'ble NGT in the order dated 17.01.2025.

Please find attached the Hon'ble NGT's Order dated 17.01.2025 for your reference. Also, find attached a copy of the Original Application alongwith all the documents therein.

Should you require any further clarification, please feel free to reach out.

Regards,  
**Ashish Choudhury**  
Advocate on Record  
Supreme Court of India  
8 B Mathura Road, Jangpura B,  
Suite 1A, Basement,  
New Delhi- 110014

 vol II.pdf

 vol.i .pdf

 order dated 17.01.2025.pdf  
170K

## In the matter of Atanu Borthakur vs. Union of India (Original Application No. 05/2025/EZ)

Ashish Choudhury <ashishchoudhuryadv@gmail.com>

Wed, Jan 22, 2025 at 2:52 PM

To: dc-udalguri@nic.in

Cc: laxmi.kutum@assam.gov.in, shaque.acs@assam.gov.in, abhi.rajkhwa61@assam.gov.in, devikranti.1991@assam.gov.in, pragyajyoti.laskar@assam.gov.in, ananyadutta.2023@assam.gov.in

Bcc: Anand Varma <anandcvarma@gmail.com>, Anand Kamal <anand050598@gmail.com>, Abhishek Arora <aroraabhishek0207@gmail.com>, akash agarwal <akash.agarwal70@gmail.com>

Sir,



This is to inform you that the matter titled *Atanu Borthakur vs. Union of India (Original Application No. 05/2025/EZ)* was listed before the Hon'ble National Green Tribunal, East Zone Bench on January 17, 2025 wherein the Hon'ble Tribunal was pleased to issue notice and directed the Respondents to file the counter affidavit within 4 weeks.

The Hon'ble Tribunal *inter alia* gave the following directions:-

"2. The Applicant in this Original Application has alleged that illegal mining of sand, gravel, stone and other minerals is being carried on in the District Udalguri, State of Assam and there is no District Survey Report ('DSR' for short) for the same till date.

13. We direct the District Commissioner Udalguri District, Assam to ensure that if District Survey Report (D.S.R.) has not been approved by the SEIAA, Assam for Udalguri District, all mining activities within the district shall remain stayed.

21. Considering the allegations made in the Original Application, we deem it appropriate to constitute a Fact Finding Committee comprising of the following members:-

i) Senior Scientist, Assam State Pollution Control Board;

ii) District Commissioner, Udalguri District, Assam or his Representative not below the rank of Additional District Magistrate (A.D.M.); and

iii) Director of Geology and Mining, Environment and Forest Department, Government of Assam or his Representative Officer.

22. The Committee shall visit the site in question and submit its Report on affidavit within three weeks with regard to the allegations made in the Original Application, particularly with reference to the document filed at page 590 of the paperbook, which, at Item 4, 6, 8 and 10, pertaining to District Udalguri, Assam, shows the status of sand mines under the heading 'Status' as 'Running'.

23. The District Commissioner, Udalguri District, Assam shall be the Nodal office for all logistic purposes and for filing the Fact finding Report on affidavit.

24. The Committee shall also examine whether any mining is being carried on in the District Udalguri other than by the Respondent Nos.8, 9, 10 and 11. If any further illegal mining is found, the Committee shall identify the violator, make appropriate recommendations and action to be taken in this regard.

25. All the Respondents shall file their counter affidavits within four weeks."

In light of the above, you are hereby requested to act strictly in compliance of the order dated January 17, 2025. In case of any non-compliance of the order dated January 17, 2025, the Applicant will be constrained to initiate appropriate proceedings including contempt of the order dated January 17, 2025. 24

Please find enclosed a copy of the Original Application alongwith all the documents and a copy of the Order dated January 17, 2025.

Please treat this matter with utmost priority.

**Regards**

**Ashish Choudhury**

**Advocate on Record**


**Supreme Court of India**

**8 B Mathura Road, Jangpura B,**


**Suite 1A, Basement,**

**New Delhi- 110014**

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 **Order dated 17.01.2025.pdf**  
170K




 **GPS Map Camera**



Paneri Chah Bagicha, Assam, India  
Qw73+xr, Paneri Chah Bagicha, Assam 784523, India  
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24/01/25 06:06 AM GMT +05:30




Google

 **GPS Map Camera**

Bhoteachang, Assam, India  
Qwq4+8mj, Mb Road, Bhoteachang, Assam 784523, India  
Lat 26.788267° Long 91.905497°  
24/01/25 06:06 AM GMT +05:30




 **GPS Map Camera**

Hattigarh, Assam, India  
Qwgg+j57, Hattigarh, Khairajangal, Assam 784524, India  
Lat 26.77644° Long 91.925268°  
28/01/25 08:11 AM GMT +05:30





 **GPS Map Camera**



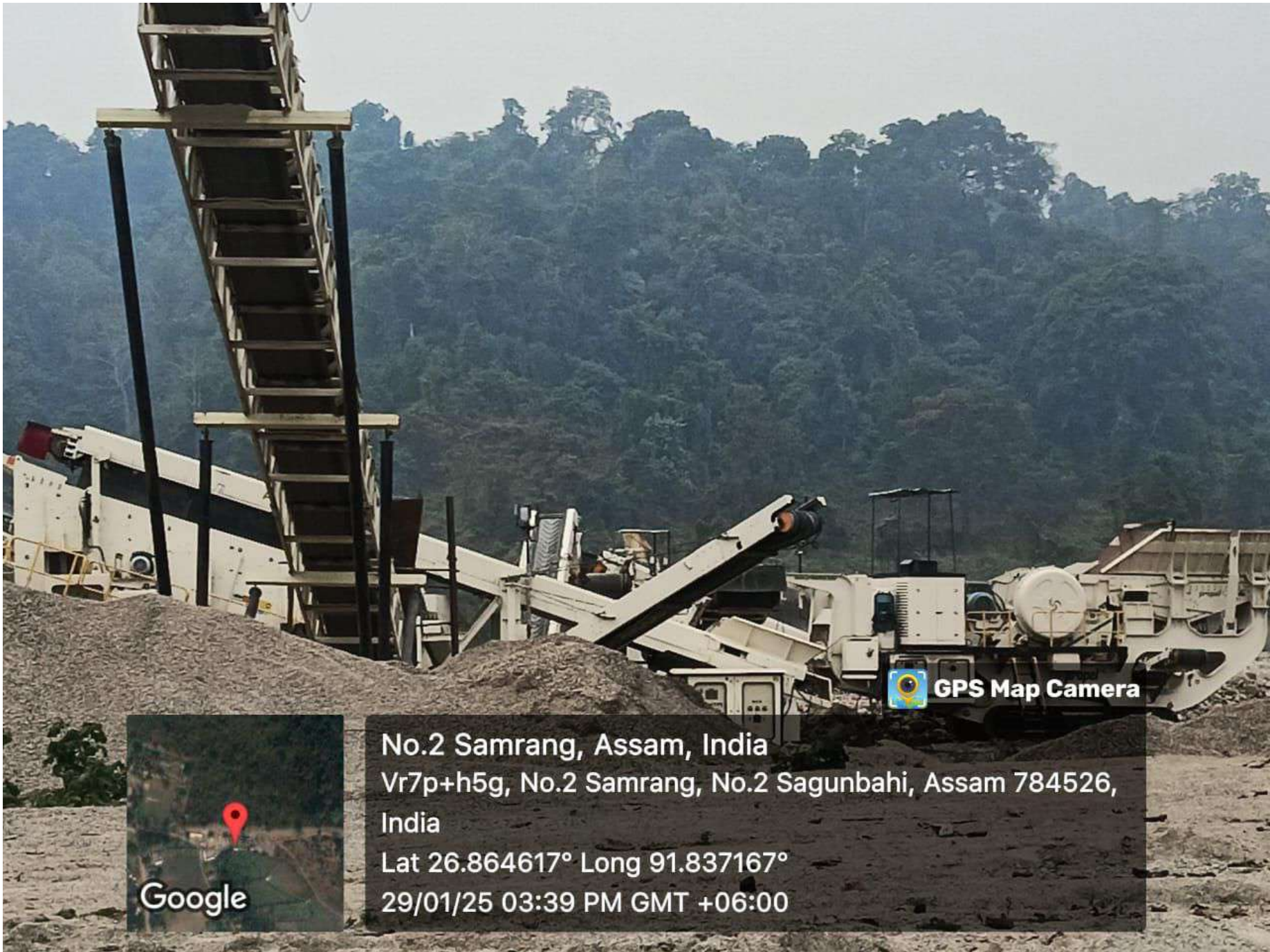
Hattigarh, Assam, India  
Qwgg+j57, Hattigarh, Khairajangal, Assam 784524, India  
Lat 26.77644° Long 91.925268°  
28/01/25 08:29 AM GMT +05:30



 **GPS Map Camera**



Hattigarh, Assam, India  
Qwgg+j57, Hattigarh, Khairajangal, Assam 784524, India  
Lat 26.77644° Long 91.925268°  
28/01/25 08:15 AM GMT +05:30




 GPS Map Camera



Google

No.2 Samrang, Assam, India  
Vr7p+h5g, No.2 Samrang, No.2 Sagunbahi, Assam 784526,  
India  
Lat 26.864617° Long 91.837167°  
29/01/25 03:39 PM GMT +06:00



 **GPS Map Camera**



No.2 Samrang, Assam, India  
Vr7p+h5g, No.2 Samrang, No.2 Sagunbahi, Assam 784526,  
India  
Lat 26.864617° Long 91.837167°  
29/01/25 03:39 PM GMT +06:00



 **GPS Map Camera**



No.2 Samrang, Assam, India  
Vr7p+h5g, No.2 Samrang, No.2 Sagunbahi, Assam 784526,  
India  
Lat 26.864617° Long 91.837167°  
29/01/25 03:40 PM GMT +06:00



GPS Map Camera

No.2 Dhansiri Khuti, Assam, India  
Q55w+pp, No.2 Dhansiri Khuti, Assam 784508, India  
Lat 26.760196° Long 92.196021°  
29/01/25 03:39 PM GMT +05:30

Google





 **GPS Map Camera**



**Nonaipara Basti, Assam, India**  
**Vr4h+wg, Nonaipara Basti, Assam 784526,**  
**India**  
**Lat 26.857301° Long 91.831226°**  
**29/01/25 02:42 PM GMT +05:30**



 **GPS Map Camera**

No.2 Sagunbahi, Assam, India  
Vr7m+pjf, No.2 Sagunbahi, Assam 784523,  
India

Lat 26.864277° Long 91.831268°

29/01/25 03:20 PM GMT +06:00



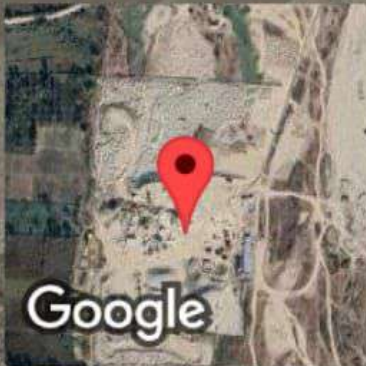
Google



 **GPS Map Camera**



No.2 Sagunbahi, Assam, India  
Vr7m+pjf, No.2 Sagunbahi, Assam 784523,  
India  
Lat 26.864429° Long 91.831317°  
29/01/25 03:19 PM GMT +06:00



**Khairajangal, Assam, India**  
**Qwc7+cpj, Khairajangal, Assam 784523, India**  
**Lat 26.771631° Long 91.914645°**  
**31/01/2025 11:01 AM GMT +05:30**



**Khairajangal, Assam, India**  
**Qwc7+cpj, Khairajangal, Assam 784523, India**  
**Lat 26.771753° Long 91.914865°**  
**31/01/2025 11:00 AM GMT +05:30**



# Proof of Service

Ashish Choudhury &lt;ashishchoudhuryadv@gmail.com&gt;

40

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## In the matter of Atanu Borthakur vs. Union of India (Original Application No. 05/2025/EZ)

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**Ashish Choudhury** <ashishchoudhuryadv@gmail.com>

Fri, Feb 14, 2025 at 10:47 AM

To: dc-udalguri@nic.in, laxmi.kutum@assam.gov.in, shaque.acs@assam.gov.in, abhi.rajkhowa61@assam.gov.in, devikranti.1991@assam.gov.in, pragyajyoti.laskar@assam.gov.in, ananyadutta.2023@assam.gov.in, secy-moef@nic.in, cs-assam@nic.in, hoff-assam@gov.in, chairman@pcbassam.org, "dgmassam@gmail.com" <dgmassam@gmail.com>, mrdey@rediffmail.com, Amrita Pandey <amritalegal@gmail.com>, shayamvar\_deb@hotmail.com  
Cc: akash agarwal <akash.agarwal70@gmail.com>, Abhishek Arora <aroraabhishek0207@gmail.com>

Dear Sir/Ma'am,

PFA the copy of the Execution Application being filed by the Applicant in the subject-captioned matter.

Kindly, treat this email as sufficient proof of service.

**Regards,**

**Ashish Choudhury**

**Advocate on Record**

**Supreme Court of India**

**8 B Mathura Road, Jangpura B,**

**Suite 1A, Basement,**

**New Delhi- 110014**

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 **Execution Application.pdf**  
4934K