

SL No. 49/25



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

ORIGINAL APPLICATION No. 17/ 2025/EZ

In The Matter of:

Dharmender Chaudhary & Ors.

... Applicants

Versus

State of Bihar & Ors.

... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NUMBER 05.

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Filed by

Krishnendu Bera

Krishnendu Bera
Advocate

For Respondent Number 05.

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1 22 MAY 2025

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

ORIGINAL APPLICATION No. 17/ 2025/EZ



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... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT
NUMBER 05, M/S TRANSDAMODAR MINING PVT. LTD.

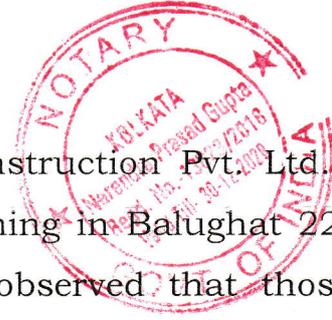
I, Uday Singh, Son of Late Narayan Singh, aged about years, by faith- Hindu, by occupation-business, and residing at Village- Khemda Barun, District- Aurangabad, Pin- 824112, do hereby solemnly affirm and submit as follows:-

1. That, by virtue of solemn order dated 25.03.2025 passed by the Hon'ble National Green Tribunal the respondent no. 5 has been impleaded as party respondent in the instant original application and accordingly notice issued notice. I am well acquainted with the facts and circumstances of the case and competent to sign, swear and affirm this counter affidavit.
2. That this affidavit is filed in obedience to the Solemn Order dated 25.03.2025, passed by the Hon'ble National Green Tribunal,

22 MAY 2025

X

Singh (M/s Upendra Nikhil High-Tech Construction Pvt. Ltd.). Moreover allegation in respect of illegal mining in Balughat 22, 23, 24, the Joint Committee specifically observed that those Balughats are non operational.



6. Therefore from the report filed by the Joint Committee the respondent no. 5 is not carrying on any mining activities over the Balughat as alleged by the applicant and further more from the said Joint Committee report it also appears that no evidence of illegal mining activities was observed at the alleged locations. It is also on the face of record that there is no traces of mining activities under or near the Bridges and the mining activities carried out by the lawful excavator are approximately 1.5 km away from the bridges.
7. It is pertinent to mention here that on earlier occasion in similar allegation one Ranjit Chaudhary also moved before this Hon'ble National Green Tribunal being O.A 189 of 2024 in which the respondent no. 5 herein was also party respondent. In the said original application report was filed by the Constituted Committee vide order dated 30.09.2024 wherein the said Committee also not found any discrepancy against the instant respondent therein. It is stated that only to harass the respondent no. 5 one after another original applications are moved alleging similar allegations.

Copy of the said Committee report in O.A 189 of 2024 is annexed hereto and marked with the letter 'A' to this affidavit.

8. It is therefore most respectfully submitted that question of illegal sand mining causing obstruction to the smooth operation of Khemda and Barun Balughat endangering Railway Bridge/road bridges which are parts of the National Highway over Sone River, does not arise and morefully the respondent no. 5 is not carrying on any mining operations.
9. It is therefore most respectfully submitted that the instant original application arisen on the basis of letter petition submitted by the applicant has no legal stand to substantiate the alleged allegations and therefore the same is liable to be dismissed with costs.
10. That it is therefore humbly prayed that Hon'ble Tribunal may pass such order/orders as it deems fit and proper for the ends of justice.

Identified by me

Krishmendu Bose

Advocate

Zein Ahmed

Deponent

L.T.I.(s)/Signatures(s) of the
Execut-ys attested by me on Identification

NARENDRA PRASAD GUPTA, NOTARY
Advocate, HIGH COURT, KOLKATA
Regd. No.-13823/2018, Govt. India



X



VERIFICATION

I, Uday Singh, Son of Late Narayan Singh, the deponent within named state that this affidavit is verified at Kolkata by the deponent above named on this the 22 day of May, 2025 and say that the contents of this affidavit made in paragraph nos. 1 to 7 are true to my knowledge and rest are my respectful submission before this Hon'ble Tribunal.

Identified by me

Uday Singh
Deponent

Krishmendu Bora

Advocate



22 MAY 2025

Annexure-A

✶

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O.A. NO. 189 OF 2024/EZ

IN THE MATTER OF

RANJIT CHAUDHARYAPPLICANT

VS

STATE OF BIHARRESPONDENT

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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

O.A. NO. 189 OF 2024/EZ

IN THE MATTER OF

RANJIT CHAUDHARYAPPLICANT

VS

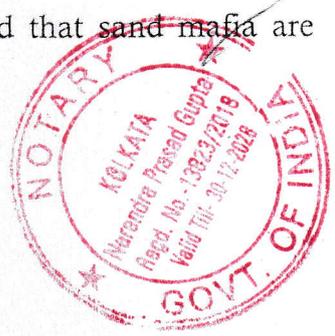
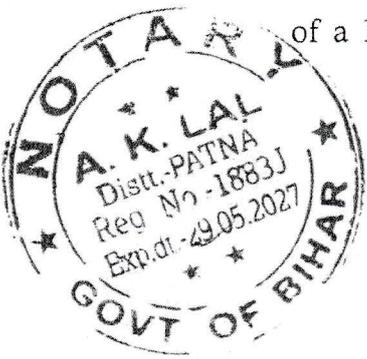
STATE OF BIHARRESPONDENT

REPORT OF THE COMMITTEE CONSTITUTED VIDE ORDER
DATED 30.09.2024.

I Abhimanyu Singh, aged about 32 years, Son of Mr. Ranjan Kumar Singh, residing at Sardar Patel Colony, P.O. – Sadaquat Ashram, P.S.- Digha, District- Patna-800010, do hereby solemnly affirm and state as follows: -

1. That I am posted as Law Officer in Bihar State Pollution Control Board and as such I am well aware of the facts and circumstances of the present matter. I am competent and duly authorized to file the report of the committee on affidavit.
2. That the instant original application has been registered on the basis of a letter petition wherein it has been alleged that sand mafia are

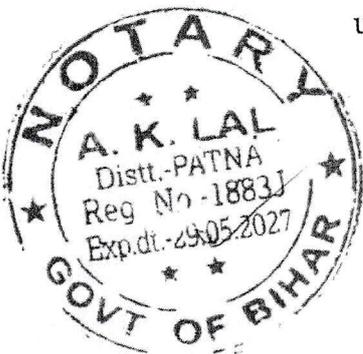
Abhimanyu Singh who is identified by Advocate. ... solemnly affirmed as J declared contents of his affidavit apart from this nothing stamp/cover etc etc. 1/5 3 Sub rule 4 ... 16





illegally excavating sand from river sone and sand is being extracted from Ghat No. 4, 9 and 21 on the Sone River.

3. That the instant matter was heard on 30.09.2024, when this Hon'ble Tribunal was pleased to constitute a committee comprising of Senior Scientist, BSPCB; District Mining Officer and District Magistrate to visit the site in question and verify the factual position.
4. That the committee fixed 16.11.2024 as dated for inspection. The committee inspected the three ghats (Ghat no. 4, 9, and 21) against which allegation has been levelled by the petitioner. The findings of the committee are hereunder: -
 - i. **Ghat No. 04:-** Ghat No. 04 has been leased to M/S OM Enterprises, Proprietor- Sri Rangesh Kumar Gautam, the said ghat is located in Village- Shamshernagar, P.O.- Shamshernagar, P.S.- Daudnagar, District- Aurangabad. For the said ghat Environmental Clearance has been obtained by the agency from SEIAA vide E.C. identification no. EC23B001BR199782, dated 13.07.2023. Consent to Operate has also been issued in favor of the agency by the BSPCB, both under the Air Act and Water Act, dated 11.10.2023.





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The committee did not observe any illegal sand mining at the Ghat, the excavation is done through JCBs (semi-automatic equipment). The sand mining activity is being carried out up to the water level of the river. The distance between the Sand Ghat no. 04 and the Railway Bridge, Barun is 31 Km. A weigh bridge has been installed for the purpose of weighing the loaded vehicles and in case of over weight the excess sand is removed and then carried by another vehicle. The sand is stored at designated secondary loading point, from where it is transferred to another vehicle for sale.

The said ghat is having an area of 86.85 hectare and two pillar were erected by the agency for demarcating the area, the agency informed that in the rainy season the pillars erected by them was drowned and due to rise in water level the sand mining was not being carried out in the said ghat. The agency ensured that the pillars will be erected again before starting the mining activity.

- ii. **Ghat no. 09:-** Ghat No. 09 has been leased to M/S Gautam Filling Centre, Proprietor- Ms Babita sinha, the said ghat is located in Village- Tejpura, P.O.- Tejpura, P.S.- Obera, District- Aurangabad. For the said ghat Environmental Clearance has been obtained by the agency from SEIAA vide E.C.



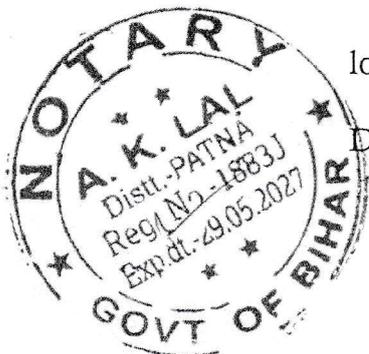


identification no. EC23B001BR184379, dated 28.08.2023. Consent to Operate has also been issued in favor of the agency by the BSPCB, both under the Air Act and Water Act, dated 12.10.2023.

The committee did not observe any illegal sand mining at the Ghat, the excavation is done through JCBs (semi-automatic equipment). The sand mining activity is being carried out up to the water level of the river. A weigh bridge has been installed for the purpose of weighing the loaded vehicles and in case of overweight the excess sand is removed and then carried by another vehicle. The sand is stored at designated secondary loading point, from where it is transferred to another vehicle for sale.

The said ghat is having an area of 94.88 hectare and two pillar were erected by the agency for demarcating the area, the agency informed that in the rainy season the pillars erected by them was drowned, however new pillars has been erected by them recently.

- iii. **Ghat No. 21:-** Ghat No. 21 has been leased to M/S Gautam Filling Centre, Proprietor- Ms Babita Sinha, the said ghat is located in Village- Shamshernagar, P.O.- Shamshernagar, P.S.- Daudnagar, District- Aurangabad. For the said ghat



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A copy of the report of the committee is annexed and marked as Annexure-1.

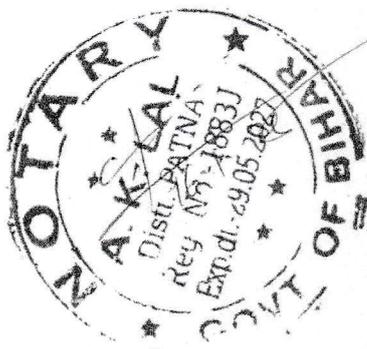
- 5. That from the above findings of the committee it may be noted that illegal sand mining is not being carried at the Ghats as alleged by the Applicant and all the three ghats are carrying sand mining after obtaining prior EC from SEIAA and Consent from BSPSCB.
- 6. That I have read the contents of the progress report and have understood the same and nothing material has been concealed

Identify the deponent's signature, L.T. who has signed in my presence
Surender Prakash

A Singh
 16.1.25
 DEPONENT.

VERIFICATION

Verified at Patna on 16th day of January, 2025, that the averments made in the present affidavit are true and correct to the best of my knowledge and information derived from records of the matter and Annexures are true copy of the original, no part of it is false and nothing material has been concealed therefrom.



A Singh
 16.1.25
 DEPONENT



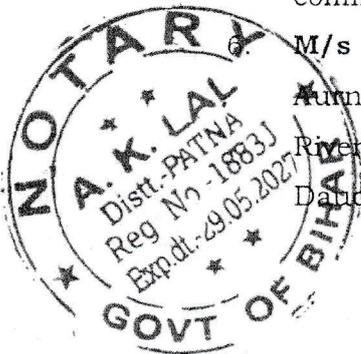
**INSPECTION REPORT (FACT FINDING REPORT) OF
JOINT COMMITTEE, CONSTITUTED IN THE MATTER OF
THE HON'BLE NGT CASE NO. O.A. NO. 189/2024/EZ, RANJIT
CHAUDHARY V/S THE STATE OF BIHAR & OTHERS;
ORDER DATED- 30.09.2024.**

1. The Hon'ble NGT, Eastern Zone Bench, Kolkata, took cognizance on the complaint of Sri Ranjit Chaudhary resident of Nagar Panchayat-Barun, District- Aurangabad, Bihar and passed its order dated 30.09.2024 in the matter of No. O.A. 189/2024/EZ, directing the constitution of a fact finding Committee to enquire into the allegations comprising of following members:-
 - (i) Senior Scientist, Bihar State Pollution Control Board,
 - (ii) District Mining Officer or his representative,
 - (iii) District Magistrate or his representative of Senior rank not below the rank of Additional District Magistrate (ADM),

And, directed that the committee shall visit the site in question and submit a Fact Finding Report with regard to the allegations made in the Original Application.

2. The Bihar State Pollution Control Board nominated Sri Arun Kumar, the Board Analyst and Sri Manoranjan Kumar Singh, the Regional Officer, Gaya vide its Letter No. 2434 dated: 24.10.2024
3. The Mining Officer, Aurangabad was participated in the Joint Inspection.
4. The District Magistrate, Aurangabad nominated Sri Lalit Bhushan Ranjan, Additional District Magistrate, Aurangabad.
5. The Additional District Magistrate, Aurangabad has fixed the date of inspection on 16.11.2024 with the consensus of the members of joint committee.

M/s Om Engerprises, Prop.- Sri Rangesh Kumar Gautam, at Aurnagnabad Sone River Balu Ghat No.- 4, Sand Ghat on Sone River at Mauza/Vill.- Shamshernagar, P.O.- Shamshernagar, P.S. Daudnagar, District- Aurnagabad.

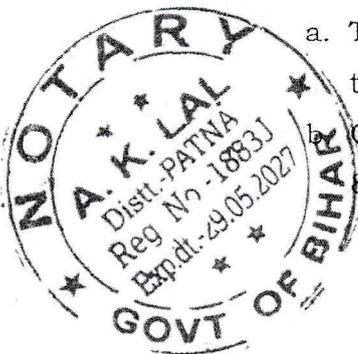


- (i) The members of the Joint Committee was met at the site of Balu Ghat No. 4, Barun Aurnagbad at about 10:30. a.m. on 24.11.2024 and as per the direction, inspected the Balu Ghat Site No. 4, Barun, Aurhagabad. The Joint Committee also verify the issues raised by the complainant and compliances of Consent to Operate (Emission), Consent to Operate (Discharge) and Conditions of Environmental Clearance issued by the Bihar State Pollution Control Board and State Environment Impact Assessment Authority (SEIAA), Bihar.
- (ii) Sri Uday Kumar Singh and Sri Munna Shar representatives of Sri Rangesh Kumar Gautam along with the other officers of the balu ghat were present during the visit of the Joint Committee.
- (iii) An Environmental Clearance has been granted by the State Environment Impact Assessment Authority (SEIAA), Bihar vide its E.C. identification No.- EC23B001BR199782, File No.- SIA/1(a)2053/2022 dated: 13.07.2023
- (iv) The Bihar State Pollution Control Board has granted Consent to Establish (NOC) vide letter no.: 1773 dated: 14.09.2023 ; Emission Consent Order vide letter no.: 2057 dated: 11.10.2023 and Discharge Consent Order vide letter no.: 2058 dated: 11.10.2023 to M/s Om Engerprises, Prop.- Sri Rangesh Kumar Gautam, at Ward No.- 9 Near Church Daudnagar, Dist.- Aurangabad to operate his sand mining activity at Aurnagnabad Sone Ghat No.- 4, Sand Ghat on Sone River of Dist.- Aurangabad for the Area of 86.85 hectare, situated at Mauza- Shamshernagar, Vill.- Shamshernagar, P.O.- Shamshernagar, P.S. Daudnagar, District- Aurnagabad.

(v) **Observations of the Committee:**

- a. The illegal sand mining was not observed in nearby area of the authorized mining lease area.

b. Geo Coordinate Pillar Sl. No. - 1 (25°05'12.36"N, 84°26'33.11"E) and Pillar Sl. No.- 2 (25°05'33.84"N,





84°26'43.95"E) were found at its designated place. The pillar was not observed at nearby GPS location (25°05'48.40"N, 84°25'52.89"E). The representatives stated that during the rainy season the pillars were drowned away by water current. They also stated that the water of Sone River has subsided a couple of week and mining activity is not started at this location. They assured that the pillar will be grafted before start of the mining activity. No mining activity was observed in that location.

- c. The excavation of sand was being carried out by the J.C.Bs (a Semi-Automatic Equipment).
- d. The sand mining activities were carried out up to the water level of the river.
- e. Balu Ghat No. 4 is located at GPS Location 25° 5'25.27"N, 84°26'31.27"E. The distance between the Balu Ghat No. 4 and Railway Birdge, Barun is about 31 Km (measure on Google Map).
- f. They have installed Weigh Bridge on the way for weighing the loaded vehicles. The extra sand was unloaded from the vehicle and stored near by the bridge, which is removed from time to time through other vehicles.
- g. They have stored sand at the designated Secondary Loading Point, from where it is transfer to another vehicle for sale.

7. **M/s Gautam Filling Centrer (Sand Mining Project)**, Prop.- Ms Babita Sinha, D/o Sri Krishna Prasad Vill.- Khemda, P.O.+ P.S.- Barun, at Aurnagnabad having Sone River Balu Ghat No.- 09 on Sone River at Mauza/Vill.- Tejpura, P.O.- Tejpura, P.S. Obera, District- Aurnagabad.

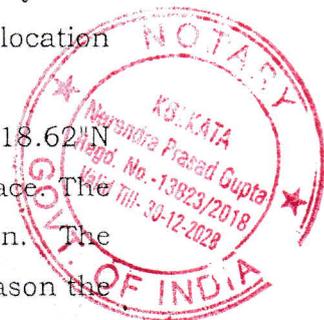
- (i) The members of the Joint Committee was arrived at the site of **Sone River Balu Ghat No. 09**, Obera, Aurnagbad at about 01.00 p.m. on 24.11.2024 and as per the direction, inspected the Balu Ghat Site No. 9, Obera, Aurnagabad. The Joint Committee also verify the issues raised by the complainant and



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compliances of Consent to Operate (Emission), Consent to Operate (Discharge) and Conditions of Environmental Clearance issued by the Bihar State Pollution Control Board and State Environment Impact Assessment Authority (SEIAA), Bihar.

- (ii) Sri Ranjan Kumar representative of the Ms Babita Sinha along with the other officers of the Balu Ghat were present during the visit of the Joint Committee.
- (iii) An Environmental Clearance has been granted by the State Environment Impact Assessment Authority (SEIAA), Bihar vide its E.C. identification No.- EC23B001BR184379, File No.- SIA/1(a)2089/2022 dated: 28.08.2023.
- (iv) The Bihar State Pollution Control Board has granted Consent to Establish (NOC) vide letter no.: 1940 dated: 27.09.2023 ; Emission Consent Order vide letter no.: 2061 dated: 12.10.2023 and Discharge Consent Order vide letter no.: 2062 dated: 12.10.2023 to Ms Babita Sinha, D/o Sri Krishna Prasad Vill.- Khemda, P.O.+ P.S.- Barun, at Aurnagnabad having Sone River Balu Ghat No.- 09 on Sone River at for the Area of 94.88 hectfare, situated at Mauza/Vill.- Tejpura, P.O.- Tejpura, P.S. Obera, District- Aurnagabad.
- (v) **Observations of the Committee:**
- The illegal sand mining was not observed nearby area of the authorized mining area at about the GPS location 24.89934, 84.210835.
 - Geo Coordinate Pillar Sl. No. - 1 (25°01'18.62"N 84°19'33.62"E) was found at its designated place. The pillar was newly grafted at this location. The representatives stated that during the rainy season the pillars were drowned away by water current so it is grafted a couple of day before. Mining activity was observed in that location.



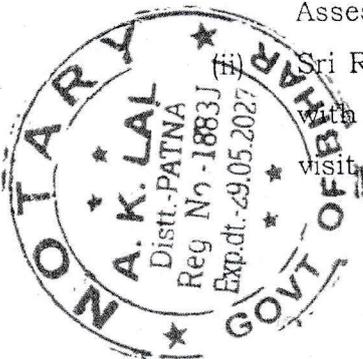
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- c. The excavation of sand was being carried out by the J.C.Bs (a Semi Automatic Equipment).
- d. The sand mining activities were carried out up to the water level of the river.
- e. Balu Ghat No. 9 is located at GPS Location 25°01'1.26"N, 84°19'31.28"E. The distance between the boundary of the ghat and Railway Birdge is about 17 Km (measure on Google Map).
- f. They have installed Weigh Bridge on the way for weighing the loaded vehicles. The extra sand was unloaded from the vehicle and stored near by the bridge, which is removed from time to time through other vehicles.
- g. They have stored sand at the designated Secondary Loading Point, from where it is transfer to another vehicle for sale.

8. **M/s Gautam Filling Centrer (Sand Mining Project)**, Prop.- Ms Babita Sinha, D/o Sri Krishna Prasad Vill.- Khemda, P.O.+ P.S.- Barun, at Aurnagnabad having Sone River Balu Ghat No.- 21 on Sone River at Mauza/Vill.+P.O.+P.S. Gothauli, Block- Barun, District- Aurnagabad.

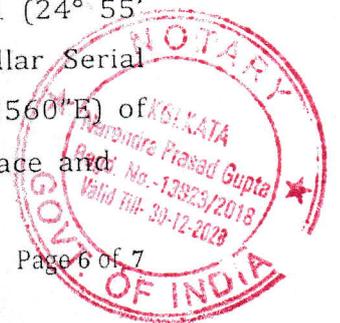
- (i) The members of the Joint Committee was arrived at the site of **Sone River Balu Ghat No. 21**, Obera, Aurnagbad at about 11.00 a.m. on 16.11.2024 and as per the direction, inspected the Balu Ghat Site No. 21, Barun, Aurhagabad. The Joint Committee also verify the issues raised by the complainant and compliances of Consent to Operate (Emission), Consent to Operate (Discharge) and Conditions of Environmental Clearance issued by the Bihar State Pollution Control Board and State Environment Impact Assessment Authority (SEIAA), Bihar.

Sri Ranjan Kumar representative of the Ms Babita Sinha along with the other officers of the Balu Ghat were present during the visit of the Joint Committee.





- (iii) An Environmental Clearance has been granted by the State Environment Impact Assessment Authority (SEIAA), Bihar vide its E.C. identification No.- EC23B001BR192726, File No.- SIA/1(a)2052/2022 dated: 13.07.2023.
- (iv) The Bihar State Pollution Control Board has granted Consent orders to Ms Babita Sinha, D/o Sri Krishna Prasad Vill.- Khemda, P.O.+ P.S.- Barun, at Aurnagnabad having Sone River Balu Ghat No.- 09 on Sone River at for the Area of 87.92 hectare, situated at Mauza/ Vill.+P.O.+P.S. Gothauli, Block- Barun, District- Aurnagabad.
- Establish Consent Order (NOC) vide letter no.: 1774 dated: 14.09.2023
 - Emission Consent Order vide letter no.: 2065 dated: 12.10.2023
 - Discharge Consent Order vide letter no.: 2066 dated: 12.10.2023.
- (v) **Observations of the Committee:-**
- Traces of illegal mining were not observed anywhere outside authorized mining area i.e, area granted under lease.
 - Heavy vehicles were passing through underpass of the two parallel railway bridges (between Pillar No. 45 and 46), and two parallel road bridges (P-49 and P-50). Presently, kaccha road is away from the pillars.
 - Geo Coordinate Pillar Serial number.- 1 (24° 55' 49.1520" N, 84° 14' 31.0560"E) and Pillar Serial number.-4 (24° 55' 17.1480"N, 84° 14' 4.3560"E) of sand ghat -21 were not at it's designated place and

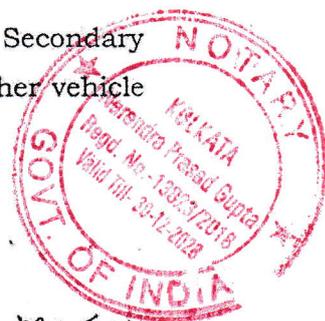


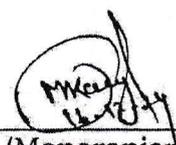
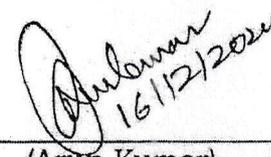
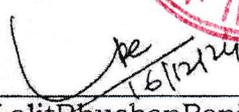
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shifted to the GPS Location 24.92123483°, 84.242973° & 24.929983°, 84.2243227° respectively. The representatives stated that during the rainy season the pillars were drowned away by water current. They have installed new pillar but due to unavailability of the GPS instrument it can't be fixed at its original location. However, mining activity was observed in its own mining area.

- d. The excavation of sand was being carried out by the J.C.Bs (a Semi Automatic Equipment).
- e. The sand mining activities were carried out up to the water level of the river.
- f. BaluGhat No. 4 is located at GPS Location 24.92123483°, 84.242973°. The distance between the boundary of the ghat and Railway Birdge is about 4 Km (measure on Google Map). The sand loaded vehicles are plying within the boundary of Sone river and passing through underpass of the above mentioned four bridges.
- g. They have installed weigh bridge on the way for weighing the loaded vehicles. The extra sand was unloaded from the vehicle and stored near by the bridge, which is removed from time to time through other vehicles.
- h. They have stored sand at the designated Secondary Loading Point, from where it is transfer to another vehicle for sale.



 District Mining Officer, Aurnagabad	 (Manoranjan Kumar Singh) Regional Officer, BSPCB, Gaya	 (Arun Kumar) Board Analyst, BSPCB, Patna	 (Lalit Bhushan Ranjan) Additional District Magistrate, Aurangabad
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BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH, KOLKATA,
WEST BENGAL

O.A. No. 17/2025/**EZ**

In the matter of :

Dharmender Chaudhary & Ors.

...Applicants

-Versus-

State of Bihar & Ors.

....Respondents.



COUNTER AFFIDAVIT ON BEHALF
OF RESPONDENT NO. 05

KRISHNENDU BERA
Advocate, High Court, Calcutta
Email : krishnendubera87@gmail.com
Mob : 9804470595