

S.L No. 137

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

EASTERN ZONE BENCH, KOLKATA

Original Application No. 110 of 2025/EZ

In the matter of:

Reetlal Kumar Yadav &

Ors.

...Applicants

Versus

State of Jharkhand & Ors.

...Respondents

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08 JAN 2026

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**EXCEPTIONS TO THE FACT-FINDING COMMITTEE REPORT filed
by respondent no. 5 & 7 on behalf of the RESPONDENT NO.10**

I, Sanjay Kumar Roy, son of Shri Tapan Kumar Roy, aged about 40 years, residing at 124, Dudhimati, Kodarma - 825 410, do hereby solemnly affirm and state on oath as follows:

1. That I am the authorized signatory and the constituted attorney of the Respondent No. 10 in the present Original Application. I am, therefore, well acquainted with the facts and circumstances of the present case and am competent to swear this affidavit.
2. That I have gone through the Counter Affidavit filed on behalf of Respondent Nos. 5 & 7 and the purported "Fact Finding Committee Report" dated 25.09.2025 annexed thereto as Annexure-F.



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3. That I categorically deny and take strong exception to the inferences, observations, and conclusions drawn in the said report, particularly those alleging illegal mining outside the leased area (Plot No.1819) and implying any violation or environmental damage attributable to my mining operations.
4. That the answering respondent commenced mining operations at the leased site after having all the permissions. The allegations and the committee's findings to such effect is denied.
5. That upon being served with the show cause notice and the subsequent demand letter from the District Mining Officer (Respondent No.7) alleging violation and imposing a fine of Rs. **Rs. 7,98,224/-**, the answering respondent immediately and consistently protested the same **vide the letter dated 09.06.2025**, wherein the answering respondent objected to the allegations as baseless and without proper investigation. Copy of the letter dated 9.6.2025 is annexed hereto and marked with letter R10/1.
6. That further to the objections, and in order to avoid any coercive action and demonstrate bona fide compliance under protest, the answering respondent deposited a sum of **Rs. 3,99,112/-** with the concerned department **on 10.08.2025**. This deposit was made explicitly **under protest and without prejudice** to the legal rights and contentions of the answering respondent, as is evident from the letter dated 11.8.2025 and the challan and accompanying communication. The deposit is **not an**



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admission of guilt or violation but a compelled action to forestall further punitive steps while pursuing legal remedy. Copy of the letter dated 11.8.2025 and the challan is annexed hereto and marked with Letter R10/2.

7. That the very act of depositing the amount under protest and the prior written objection dated 09.06.2025 clearly establishes that the demand and the allegation of illegal mining are **contested and disputed** by the answering respondent. The authorities' inclusion of this demand and deposit in their affidavit is presented in a manner that suggests a concluded breach, which is misleading, without stating the fact about the deposit being made under protest.
8. That the answering respondent is in the active process of challenging the impugned inaction on the part of the District Mining Officer before the Hon'ble High Court by way of a Writ Application. The said writ petition is being finalised and shall be filed imminently to seek necessary orders and for according hearing by the authorities in connection with the impugned order which is arbitrary, non-est, and issued without following principles of natural justice. The answering respondent craves leave to file a supplementary affidavit to place on record the writ application, once the same is filed.
9. That the Fact Finding Committee's report appears to have been prepared without giving me a proper opportunity of hearing or



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considering my detailed objections and explanations submitted earlier.

10. That the committee's report, therefore, suffers from a fundamental factual error and the report should not be relied upon by this Hon'ble Tribunal for any adverse finding against the answering respondent.
11. That in light of the above, I pray that this Hon'ble Tribunal may not place any reliance on the said Fact Finding Committee Report (Annexure-F) insofar as it makes any adverse observation against the Respondent No.10, and may kindly note that the allegations of illegal mining and the consequent fine are actively disputed and under legal challenge.
12. That I respectfully crave leave of this Hon'ble Tribunal to file an additional affidavit or documents as may be required during the course of the proceedings.
13. That the statements made in paragraph nos. 1 to 11 hereinabove are true and correct to my personal knowledge and belief, and no part of it is false or misleading and the rest thereof are my humble submissions before this Hon'ble Tribunal.

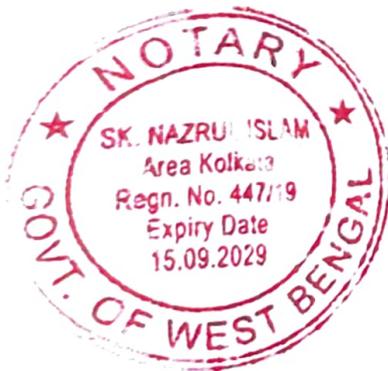
Sanjay Ks Roy
DEPONENT

Identified by me

Ausita Pandey

Advocate

F/747/2009



Solemly Affirmed and
Declared before me on the
Identification of the Advocate

Notary

SK. Nazrul Islam
Notary, Govt. of W.B.
Govt. No. 447/19
City Civil Court, Calcutta

08 JAN 2026

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VERIFICATION

Verified at Kolkata on this 9th day of ~~December~~ ^{January}, 2025, that the contents of the above affidavit are true and correct to my knowledge, no part of it is false, and nothing material has been concealed therefrom.

Sanjay ho Roy
DEPONENT

Identified by me

Anurita Pandey
Advocate

F/747/2009

18.



VERIFICATION

~~I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 10 of this affidavit are true and correct to my knowledge, no part of it is false, and nothing material has been concealed therefrom.~~

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