

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

**Original Application No. 96 of 2026**

**(Under Section 14, read with Section 18 of the National Green  
Tribunal Act, 2010)**

**IN THE MATTER OF  
Krishna Prasad Singh**

**...Applicant**

**Versus**

**The Union of India and Others**

**...Respondents**

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Date:28.04.2026



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Enrl:D-10931/2025

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**APPLICATION UNDER SECTION 19(1) OF THE NATIONAL  
GREEN TRIBUNAL ACT, 2010 SEEKING STAY OF THE  
OPERATION ON THE ILLEGAL MINING CONDUCTED AT  
GHAT BLOCK NO- 18 OVER MORHAR RIVER,  
SONBARSA, DISTRICT GAYA JI (GAYA MORHAR- 05)  
TILL FINAL ADJUDICATION OF THE PRESENT  
APPLICATION**

**MOST RESPECTFULLY SHEWETH:**

1. That the accompanying application has been preferred by the applicant under Section 14, read with Section 18 of the National Green Tribunal Act, 2010 being aggrieved by the action of respondent authority/ SEIAA by providing environmental clearance for conducting mining at the site thus disturbing the flow of river and creating flood like situation in the nearby villages. Thus which is not in compliance with the notification dated 14.09.2006, 15.01.2016 and 14.08.2018, along with



Sustainable Sand Mining Management Guidelines, 2016 apart from Enforcement and Management Guidelines, 2020 apart from the DSR prepared for the district of Gaya ji.

2. That the applicant craves kind leave of this Hon'ble Tribunal to refer to and rely on the contents of the accompanying application filed under Section 14, read with Section 18 of the National Green Tribunal Act, 2010 and contents of the same is not been repeated for the sake of brevity.
3. That the applicant for the purposes of the present application relies upon the grounds mentioned in accompanying Original Application apart from the following:
  - a. The guidelines laid down by the Hon'ble Apex Court in the case of Deepak Kumar & others v. The State of Haryana & Ors, since reported in (2012) 4 SCC 629.
  - b. The first step towards settlement of a mining area would be preparation of District Survey Report (DSR) which would actually calculate the mineral potential which the State can settle, considering other aspects like environmental sustainability, infrastructure to transport mined out minerals and other ancillary practice. The second step is to prepare a mining plan for the area which is specified in terms of the DSR meaning thereby District Survey Report for settlement and conditions thereof, and the third step is grant of environmental clearance by the MoEF/ SEIAA, as the case may be, depending upon the area leased out, wherein terms and conditions are imposed for mining minor minerals. The project proponent for the settlee/lessee is mandatorily required to conduct mining in accordance with the terms and conditions laid down in the environmental clearance, which is based upon mining plan submitted, which in turn is based upon the District Survey



Report. Thus, the entire modality of settlement/lease of minor mineral area is supposed to be regulated in such a manner that there is minimum damage to the environment and different socio-economic aspects is duly taken care of, which in the present case is totally missing.

- c. The applicant thereby submits that lately the river post monsoon season i.e. July to September, the river is still overflowing due to inundation as the river bed has become uneven due to excessive mining. Hence the river is overflowing which is not in consonance with the District Survey Report prepared for the district of Gayaji.
  - d. It is relevant to mention here that the Regulations, 2016 now stands replaced by Enforcement & Monitoring Guidelines for Sand Mining, 2020 as issued by the Ministry of Environment, Forest & Climate Change. In the Guidelines, 2020 the MoEF has tried to elaborate and clarify the mining activity, taking aid of judicial pronouncements by the Hon'ble NGT, as well as the Hon'ble High Courts and the Hon'ble Supreme Court.
  - e. That from the DSR of Gayaji, it is apparent that the method of mining and condition in which mining in the river bed areas shall be allowed has elaborately been dealt. It is relevant to mention herein that photographs that the applicant herein has submitted as Annexure P-4 to this main application provides different scenario than to the report submitted in the DSR.
4. That the Applicant further submits that due to inundation in the river Morhar, the flood like situation has created havoc in the nearby villages. Considering the hindrance in the free flow of the river stream which is even running through the Sand Block No. 18, is not fit for settlement. Thus the state and respondent SEIAA must not allow mining activity on the afore-said Sand Ghat unless

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the environmental audit report is submitted and river retains it's regular flow.

5. That the Applicant has a good prima facie case in its favour and balance of convenience is also in his favour.
6. That the applicant shall suffer irreparable loss and injury, if the present application is not allowed, on the other hand no loss or harm would be caused to the respondents.
7. That the present application has been filed for bonafide reasons mentioned above and in the interest of justice.

### **PRAYER**

In the light of the aforesaid it is most humbly prayed that this Hon'ble Tribunal may graciously be pleased to pass ad-interim order:

- (a) Injuncting the respondents and the project proponents to not act upon the any environmental clearance provided to the respondent no. 7 for conducting mining activity over the Sand Block No. 18 of Morhar River, Mauza Sonbarsa, District Gayaji till final adjudication of the present application.
- (b) Restraining the respondent MoEF/ SEIAA from issuing any further environmental clearance for the shortcomings as stated in the present application.
- (c) Restraining the respondents from enforcing or permitting any mining until the same is in compliance with the notification dated 14.09.2006, 15.01.2016 and 14.08.2018, Sustainable Sand Mining Management Guidelines, 2016, apart from Enforcement & Management Guidelines for Sand Mining, 2020.

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- (d) To pass such other order or orders as this Hon'ble Tribunal may deem fit and proper.

Through

Date: 28.04.2026



Vipul Joshi  
Counsel for the Petitioner  
N29A, Jangpura Extension New  
Delhi-110014  
Enrl:D-10931/2025

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SITTING AT KOLKATA  
(Eastern Zone)**

Appeal No. .... of 2026

(Memorandum of Appeal under Section 18, read with Section  
..... of the National Green Tribunal Act, 2010)

Krishna Prasad Singh ..... Applicant/Appellant.

*Versus*

The Union of India & ors.

..... Respondents.

**AFFIDAVIT**

I, Krishna Prasad Singh aged about 58 years, son of Jugeshwar Prasad Yadav, resident of Village Surhni Gaya, P.S. Paraiya, District Gaya, Bihar do hereby solemnly affirm and declare as under:

1. That the deponent is appelland and is well conversant with the facts of the accompanying memorandum of appeal and is competent to depose the present affidavit.
2. That the accompanying memorandum of appeal has been drafted by my Counsel under my instructions and the same has been read to me, understood and found to be correct.
3. That the accompanying appeal may be read as part and parcel of the present affidavit as the contents of the same have not been repeated herein to avoid repetition.



**VERIFICATION**

Verified at Delhi on this .....day of January, 2026 that the contents of my above affidavit are true and correct to the best of my knowledge and nothing material has been concealed.

✓ *सिद्धांत फारुख सिंह*  
DEPONENT  
*सिद्धांत*  
*सुख कवहरी*  
*पुस्तक- 10*