

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

I.A. NO. 59 OF 2026

IN

ORIGINAL APPLICATION NO. 123 OF 2026

IN THE MATTER OF:

SANJEEV KUMAR BHARTI

...APPLICANT

VERSUS

STATE OF BIHAR & ORS

...RESPONDENTS

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Place: Kolkata

Filed on:12.05.2026

**BEFORE THE NATIONAL GREEN TRIBUNAL,
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...APPLICANT

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...RESPONDENTS

APPLICATION ON BEHALF OF THE APPLICANT SEEKING

INTERIM RELIEF

TO,

THE HON'BLE CHAIRPERSON
AND HIS COMPANION MEMBERS
OF THE NATIONAL GREEN TRIBUNAL

THE HUMBLE ORIGINAL APPLICATION OF
THE APPLICANT HEREIN:

MOST RESPECTFULLY SHOWETH:

1. The present Application is being filed under Section 14 and 15 of the National Green Tribunal Act, 2010 raising a serious *Substantial Question relating to the Environment*, by challenging the District Survey Report **[IMPUGNED DSR]** for District Jamui, Bihar. The present OA further challenges the Impugned E-Auction Notice dated 02.04.2026 **[IMPUGNED AUCTION NOTICE]** issued by the Respondent No. 2 Department of Mining and Geology.
2. That the detailed facts and circumstances leading to the filing of the present Application have been set out in detail in the body of the Application and the same are not being repeated herein for the sake of

brevity and to avoid prolixity. The Applicant craves leave of this Hon'ble Tribunal to refer to and rely upon the averments and submissions made in the body of the Original Application and the same may be read as part and parcel of the present Application also.

3. That the Impugned DSR has been prepared by the Sub-Divisional Committee, Jamui without a Replenishment Study, without adherence to the Enforcement & Monitoring Guidelines for Sand Mining, 2020 [EMGSM, 2020] issued by the MOEF, and approved by the expert body SEIAA, Bihar in a hurried, casual, arbitrary and perfunctory manner, without application of mind, without having been appraised and/or recommended by SEAC, Bihar in complete contravention of the procedure laid down in EIA, 2006.
4. That the Impugned DSR of District Jamui suffers from the following laxities and irregularities:
 - i. The Impugned DSR has been prepared and approved by the SEIAA, Bihar without the DSR being appraised or recommended by SEAC, Bihar after the public consultation, which is clear from a bare perusal SEIAA MOM dated 20.05.2022.
 - ii. The Impugned DSR has been approved by SEIAA, Bihar without a Replenishment Study which is clear from the SEIAA MOM dated 20.05.2022 and the Impugned DSR itself in contravention of the Judgment passed by the Hon'ble Supreme Court in *Raja Muzaffar Bhat*.
 - iii. The Impugned DSR is not prepared in terms of Clause 4.1.1, 4.3, 5.0 etc of the EMGSM, 2020 which is demonstrated in the Table mentioned in the Synopsis to the OA.

- iv. The 7 out of 48 sand ghats that have been proposed in the Impugned DSR are within 1 Km of Wild Life Sanctuary and Protected Forest Area in contravention of the Order dated 26.04.2023 passed by the Hon'ble Supreme Court in '*In re: T.N. Godavarman Thirumulpad*'.
5. That the Impugned Auction Notice dated 2.04.2026 has been issued without a Replenishment Study. That out of the 9 blocks being auctioned under the Impugned Auction Notice, one of ghats include a large Mining lease area of 42.2 hectare i.e. the Block- 9, Mauz Manjhagaya, Block Khaira (as per the DSR itself) is within 0.3 km of a notified Wildlife Sanctuary and thus ought to be quashed on this ground alone.
6. That the Impugned DSR itself stipulates that the maximum depth of permissible Mining shall be upto 1m only. It is submitted that since the maximum permissible mining is restricted to a depth 1m, the same must necessarily be done manually, as 1m depth mining cannot accommodate the use of mechanized/ semi-mechanized methods of mining in as much as the bucket size of JCB excavator would invariably excavate the mineral below the 1m depth, which would invariably attract the risk of excessive mining beyond permissible limits causing detriment and severe damage to the riverine environment.
7. That mining upto a depth of 01m ought to be conducted by manual method only:
 - i. The SSMG, 2016 states that "*Depending upon the location, thickness of sand, deposition, agricultural land/Riverbed, the method of mining may be manual, semi-mechanized or mechanized; however, manual method of mining shall be preferred over any other method.*"

- ii. A Joint Committee Report dated 10.06.2021 in OA No. 194 of 2020 (SZ) titled as ‘*Sarvabhoun Bagali v. State of Karnataka*’ while discussing the impact on environment on account of use of semi-mechanized machinery for the purpose of sand mining recommended that “Mining up to one- meter should be by manual only.” That the said Report of the Joint Committee Report was accepted by this Hon’ble Tribunal vide its Judgment dated 15.09.2022 in OA No. 194 of 2020 (SZ).
 - iii. SEAC, Bihar and SEIAA, Bihar have granted EC’s for sand ghats situated on the River Kiul in the neighbouring District Lakhisirai with an additional condition of only manual mining to be conducted upto a depth of 01m.
 - iv. The Respondent No. 2 Mines & Geology Department vide letter dated 7.12.2023 has itself clarified to SEIAA, Bihar that SEIAA should consider giving EC with the permission of manual operation in other cases of Sand Mining upto 01 meter depth.
8. That the Applicant has a strong *prima facie* case in its favour, and irreparable injury and loss to the Environment would be caused if illegal and excessive mining is allowed to continue and contaminate the ground water. The balance of convenience is in favour of the environment.
 9. That the Application is made *bonafide* and in the interest of justice.

PRAYER

In view of the above facts and circumstances and reasons stated above, it is humbly prayed that this Hon’ble Tribunal may be pleased to:

- a) Pass an Order staying the Impugned Auction Notices dated 02.04.2026 issued by the Respondent No. 2, Department of Mining and Geology, till the pendency of the present OA; and
- b) Alternatively, pass an Order staying auction of Block- 9, Mauz Manjhagaya, Block Khaira admeasurinA 42.2 ha under the Impugned Auction Notices dated 02.04.2026;
- c) Pass an Order directing the Respondents to ensure that Mining, if any is not undertaken by using heavy/ semi mechanized machinery but by manual method only, in District Jamui; and
- d) Pass an Order directing an inspection to be conducted by an independent Committee comprising of Central Pollution Control Board, Bihar Pollution Control Board and MOEF to inspect the existing mining sites and furnish a Report on usage of heavy / Semi Mechanized machinery during sand mining operations in District Jamui; and
- e) Pass any other Orders as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case;

**AND FOR THIS ACT OF KINDNESS THE APPLICANT AS IN DUTY
BOUND SHALL EVER PRAY**

FILED BY:

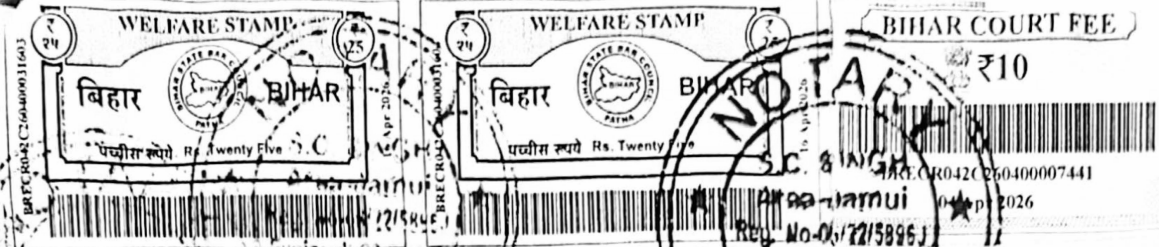
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Place: Kolkata

Filed on:12.05.2026



DIST BAF ASSOCIATION
JAMUI
B.M.R.F.
ESTD-1884
S.N. B-89008
RS-25/-

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VERSUS
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AFFIDAVIT

I, Sanjeev Kumar Bharti S/o Brahamdev Ydaav, R/o Tola Banjama, Sahiya, Jamui, Jhajha, Bihar - 811308, do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the above Original Application and I am well conversant with the facts and circumstances of the case and competent to depose the present Affidavit.
2. That I have read and understood the contents of the accompanying application(s) which has been drafted on my instructions and I say that the facts stated therein are true to my knowledge.
3. That the Annexures/Documents are true copies of their respective original.
4. That the averments of facts stated herein above are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

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28/04/26

Aadhar No 3222 0526 6234

संजीव कुमार भारती
DEPONENT

VERIFICATION:-

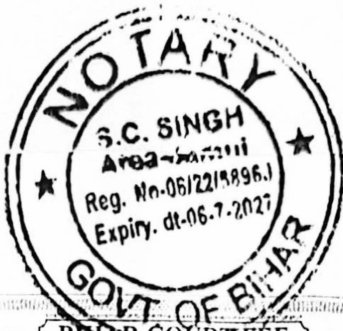
Verified at JAMUI on this 28 day April 2026, that the contents of the present affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Subhash Chandra Singh
NOTARY (A.D.V.)
Civil Court, Jamui

संजीव कुमार भारती
DEPONENT

Sri/Smt. Sanjeev Kumar Bharti
is identified by Sri/Smt. Advocate
Solemnly affirmed and
declared before me.

Subhash Chandra Singh
Adv.
28/4/26



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