

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL

FINANCE CENTRE, 3RD FLOOR, NEW TOWN

(Under Section 18 (1) read with Sections 14 and 15 of the

National Green Tribunal Act, 2010)

Original Application No. 07/2026/EZ

Gaurav Singh

.....APPLICANT**VERSUS**

Fairmine Carbons Pvt. Ltd. and Ors.

.....RESPONDENTS**REJOINDER OF COUNTER AFFIDAVIT FILED BY DEPUTY****COMMISSIONER (RESPONDENT No. 6), PALAMAU.****INDEX**

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REJOINDER OF COUNTER AFFIDAVIT FILED BY DEPUTY

COMMISSIONER (RESPONDENT No. 6), PALAMAU.

I, **Gaurav Singh**, Son of Late Sripati Singh, Resident of Village-Belwatika, P.O. & P.S.-Daltonganj, District-Palamau, do hereby solemnly affirm and state as follows: -

‡

1. That I am applicant in the present original application and as such I am well acquainted with the present case



2. That I have read the contents filed on behalf of the respondent no. 6 Deputy Commissioner and understood the same fully.
3. That the counter affidavit filed by the respondent no. 6 is malicious, vexatious, sketchy, misleading, evasive and an attempt to dilute the serious environmental violations raised in the Original Application. The same is based on incomplete inspection, selective findings and lack of independent scientific assessment and further the respondents have not brought on record the proper facts of the case.
4. That at the outset, it is stated that the averments made in the counter affidavit are denied, save and except those specifically admitted hereinafter.
5. That in reply to the statement made in para 1 to 3 of the counter affidavit are formal in nature and hence need no specific reply. However, it is denied that the deponent has placed full and correct facts before this Hon'ble Tribunal.
6. That in reply to the statement made in para 4(a) and (b) of the counter affidavit are admitted that the present Original Application has been filed seeking directions regarding environmental violations. However, the



Respondent has deliberately failed to address the core issue of continuous ecological damage to Sadabah River, which is the primary grievance of the Applicant.

7. That in reply to the statements made in para 4 (c) to (e) of the counter affidavit, the same provides so-called "joint inspection" dated 19.02.2026 is neither independent nor comprehensive, the inspection team included officials employed under Fairmine Carbon Pvt. Ltd and Central Coal Fields Ltd. (CCL), thereby compromising impartiality and violating the principle of natural justice. No independent environmental expert or scientific body was involved in the inspection. The inspection was conducted in a limited manner, defeating its purpose. Further, from bare perusal of inspection report, it is apparent that the same is mainly related to brick kilns, for which the photographs are being annexed, however, so far as Sadabah River is concerned, the said enquiry has only stated that neither any over burden dump was found nor illegal mining was done in the river. But it is completely silent on the issue of the discharge of untreated water in the river and the violation of the 15-meter safety barrier.



8. That in the application filed by the applicant, he has brought geo-tagged photographs through annexures with the exact location data (GPS-coordinates) embedded in them where it is clearly visible that the OB has been dumped in the river and mining operations are being carried out in the river violating the 15 meters safety barrier. The Sadabah Rivers flows through the mining lease area of Farimine Carbons Pvt. Ltd. in both villages Pandwa and Rajhara. In village Pandwa the river Plot no. is 1067 and in village Rajhara the river Plot no. is 1683, and mining operations are being carried out as well as OB is dumped in the parts of the river adjacent to plot no. 1079 of village Pandwa and adjacent to plot no. 1678 of the village Rajhara. But the said inquiry is been made without considering these facts and accordingly the inspection report annexed as Annexure-A is liable to be rejected as biased and incomplete. Moreover, Plot No. 1067 of Village Pandwa and Plot no. 1683 of Village Rajhara, of the Sadabah river is Gair Majruha khas land of the state government but Respondent no. 1 has done mining and created OB Dump in these plots without



getting the same transferred from the Government of Jharkhand.

9. That here it is also relevant to mention that from Annexure-B of the present counter affidavit, it is clear that the Deputy Commissioner, Palamu vide the said letter has directed the Circle Officer, Pandwa and Nawabazar as well as Area Officer, Palamu, JSPCB to make necessary inspection and if irregularity is found then take immediate action to stop such irregularities and submit action taken report but instead of waiting for the said report of Circle Officer, Pandwa and Nawabazar and Area Officer, Palamu, JSPCB , surprisingly the D.M.O., vide an ante-dated letter dated 12.02.2026 has constituted a committee consisting of employees of Respondent no. 1 and deleted respondent no. 2, who submitted their report on 19.02.2026.

10. That in reply to the statements made in para 4(f) to (g) of the counter affidavit, the communications exchanged with project authorities are self-serving and cannot be relied upon. The responses of private respondents (Fairmines Carbons Pvt. Ltd. and CCL) are interested statements and not independent evidence. No action has been taken



despite serious allegations, which shows administrative inaction and connivance.

11. That in reply to the statement made in para 4-h of the counter affidavit, it is stated that that the applicant has never raised the issue of Mines safety rather the applicant has raised the concern about the environment degradation and as such the statement made in this paragraph is irrelevant.

12. That in reply to the statement made in para- 4 (i) of the counter affidavit, it is stated that the encroachment of the river bed and mining over the same can be ascertained even by naked eye and for that no technical expertise is required and this Hon'ble Tribunal is having enough power to constitute a committee for technical experts for verifying the concerns raised by the applicant in the present Original Application and as such the statement made in this paragraph is denied.

13. That in reply to the statement made in para - 4 (j) of the counter affidavit, it is stated that the ratio of the Judgments cited is not appliable in the present case, further the applicant has approached the competent authority by filing the representations raising grave



concern with regard to the environmental issues raised in the present original application, however, when no proper action has been taken, the applicant is constrained to move this Hon'ble Tribunal and as such the present paragraphs is answered.

14. That in reply to the statement made in para – 5 of the counter affidavit is denied, further it is stated that the answering respondents are not acting within the bounds of their statutory mandates, further in connivance with the Fairmines Carbons Limited, they are allowing them to encroach upon the Sadabah river against the environment clearance granted.

15. That in reply to the statement made in para – 6 of the counter affidavit requires no comment.

16. That in reply to the statement made in para-7 of the counter affidavit, further it is stated that as the company has encroached and mines in Sadabah River against the mandates of environment clearance, which clearly provides that they will strictly maintain 15 meter safety barrier till their diversion plan is not approved by competent authority, but they are doing mining in the river without any such permission causing great



ecological and environmental concerns/issues arising therefrom.

17. That this petition is being filed bonafide and in the interest of justice.

18. That the petitioner craves leave of this Hon'ble tribunal to file an additional/ supplementary counter affidavit, if required.

19. That I have gone through the contents of the instant counter affidavit and understood the same.

20. That the statements made in paragraphs 1-7, 10-12, 15-19 are true to my knowledge and those made in paragraphs 8, 9, 13 & 14 are true to my information derived from the relevant records of the case which I believe to be true and rests are by way of humble submission before this Hon'ble Tribunal.



VERIFICATION

I, **Gaurav Singh**, S/o Late Shripati Singh, aged about 34 years, resident of Belwatika, Memorial Hall Road, P.O. & P.S. Daltonganj, District Palamu, Jharkhand- 822101, do hereby verify that the contents of the accompanying Rejoinder are true and correct to my personal knowledge and based on information received from authentic record, which I believe to be true.

Nothing material has been concealed therefrom.

Verified at Daltonganj on this 02 day of April 2026.

Gaurav Singh
Deponent



Identified by:

Advocate

S.K. Sharan
Advocate
Daltonganj
Enrol/No - 127/2007

✘

Book No. 70 SL. No. 7917
Date 02/04/2026



102/1169340

AFFIDAVIT

I, Gaurav Singh, S/o Late Shripati Singh, aged about 34 years, resident of Belwatika, Memorial Hall Road, P.O. & P.S. Daltonganj, District Palamu, Jharkhand- 822101, do hereby solemnly affirm and state as follows:

1. That I am the Applicant in the accompanying Rejoinder and being fully acquainted with the facts and circumstances of the case, I am competent to swear this affidavit.
2. That the content of the Rejoinder has been prepared under my instructions, and the same has been read over and explained to me in a language known to me. I state that the facts stated therein are true and correct to my personal knowledge, information, and belief.
3. That I do verify that contents of paragraphs 1-7, 10-12, 15-17 are true to my knowledge and paragraphs 8, 9, 13, 14 are true to my information derived from the relevant records of the case which I believe to be true.
4. That the present Rejoinder is being filed bona fide and in the interest of justice.

I further state that nothing material has been concealed from this Hon'ble Tribunal.



Verified at Daltonganj on this 02 day of April, 2026.

THE DEPONENT Mr. Gaurav Singh
 who identifies by Sr. Dhanraj Kumar
 Advocate who appeared
 before me and swear on oath that the
 contents of Affidavit
 this Affidavit
 are true & correct to the best of his/her
 knowledge information & belief

Gaurav Singh
02/04/2026
S. K. Sharan
Notary Palamu

Gaurav Singh
Deponent
(Gaurav Singh)

