

**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 FAIRMINE

CARBONS PVT. LTD. (RESPONDENT NO. 1)

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CARBONS PVT LTD.**

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 facts and
circumstances of the present case.

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2. That I have read the contents filed on behalf of the respondent no. 1, Fairmine Carbons Pvt. Ltd. and understood the same fully.
3. That the counter affidavit filed by Respondent no. 1 is misleading, self-serving and contrary to the actual environmental conditions prevailing at the site. Therefore, save and except what is specifically admitted herein, all statements made in the Counter Affidavit are denied.

PARA-WISE REPLY

4. That the contents of paragraph no. 1 are denied. The original application has been filed bona fide and in the larger public interest for the protection of the Sadabah River and the surrounding ecology. The allegations regarding ulterior motive and abuse of process are false and, as such, denied.



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5. That the contents of paragraph no. 2 are denied. The contention that the Original Application is barred by limitation is wholly misconceived. The applicant has approached the hon'ble tribunal for environmental dispute and environmental compensation under Section 14 and 15 respectively which is clear from the prayer made in the Original Application. When the cause of action was established, the applicant approached the Hon'ble tribunal filing OA within 6 months from the first date of cause of action of such dispute. Further, the applicant has approached the tribunal for environmental compensation, and restoration of environmental condition of Sadabah river. As per Section 15(3) which provides limitation of five years from the date on which the cause for such compensation or relief first arose.



6. That the contents of paragraphs 3 to 5 are denied, further it is asserted that the Applicant had repeatedly

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approached the authorities through representations and complaints, which shows the fact that applicant was proactive in approaching and informing the relevant authorities about the environmental damage. Further, the Letter No. 370, dated 13.02.2026 issued by the Deputy Commissioner, Palamau directing inspection and stoppage of illegal activities establish that the grievances raised by the Applicant are genuine and based upon material available on record. On 19.02.2026, a so-called "Joint Inspection" was conducted in collusion of Respondent no. 1 with District Mining Officers. The respondent no.1 was itself part of inspection team making it totally biased and violative of principle of natural justice. The same biased report was silent on various grave issues such as discharge of untreated water in the river, and violation of the 15 meter safety barrier, however, it is apparent from the photographs



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annexed by the applicant that the continued violation is perceivable from naked eyes of any prudent man.

7. That the contents of paragraphs 6 to 10 are denied, further it is stated that none of the conditions prescribed under the EC is being complied by the respondent rather the same is being violated and the compliance reports referred therein is nothing, but paper work and as such the issue involved in the present proceedings concerns actual environmental consequences and therefore requires independent verification.

8. That the contents of paragraph 11(a) are matters of record to the extent of vesting of the coal mine. However, the same does not authorize violation of environmental safeguards. Vesting of the coal block does not confer immunity against violations affecting the river and surrounding ecology.



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9. That the contents of paragraph 11(b) are matters of record. However, the submission of a self-serving compliance report does not reflect the actual condition of the environment as seen by any reasonable person. The respondent no.1 have shown recent photographs to prove compliance, however, it was made just for formality and clicked from such angle and focused on favorable area of respondent no.1.

10. That the contents of paragraph 11(c) regarding only treated water is discharged into the river is denied. The treatment of mine water from potassium and alum is not sufficient. Since, the process requires sedimentation



pond and appropriate time for particle to settle down while further requiring the treatment to lime to ensure the pH balance is maintained before being discharged.

The issue requires independent scientific verification.

The Applicant reiterates the allegations made in the

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Original Application and submits that unilateral laboratory reports cannot be treated as conclusive proof.

Recent photographs of the alleged site are being annexed hereto showing that no treatment is being done by the respondents are being annexed herewith and marked as **ANNEXURE-A (SERIES)** to this rejoinder.

11. That the contents of paragraph 11(d) regarding maintenance of safety barrier of more than 15 meters is denied. No independent inspection conducted by Circle Office is conducted, DGPS coordinates or joint measurement has been placed on record. Therefore, the said claim requires verification through a competent committee.



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12. That the contents of paragraph 11(e) are denied.

Commencement of mining operations on 19.01.2025 does not extinguish the continuing environmental consequences complained of in the Original Application.

13. That the contents of paragraph 11(f) are denied, further

it is asserted that apart from violating conditions of the EC, the respondent no. 1 is also doing mining either without taking consent of the raiyats and by use of force utilizing their land without paying any compensation and in violation of provisions as contained in Section – 49 of C.N.T. Act as well as section – 24 A of M.M.D.R act and Rule-72 of Mineral Concessions Rules and as the applicant has also objected the same, and for the said violations, the concerned raiyats have also approached the authorities as well as the Hon'ble High Court with regard to the same, the respondent no. 1 is attempting to divert the attention of this Hon'ble Tribunal from the



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serious issues of environmental degradation by making personal allegations against the Applicant. The mentioning of FIR is misleading and such allegations are wholly irrelevant to the issues involved and to arm twist the applicant in the present proceedings and are specifically denied. The present Original Application has been filed bona fide and in public interest for protection of the Sadabah River and surrounding environment. Further, respondent no. 1 craves to establish personal enmity only to divert the Hon'ble Tribunal from the serious environmental threats that are present and visible in the site by any prudent person. The allegations regarding extortion, ulterior motive and false implication are baseless and are intended only to prejudice the proceedings.



14. That the contents of paragraph 11(g), (h) and (i) are denied. The Respondent No. 1 has relied upon self-

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generated compliance reports and laboratory analyses.

Such reports are unilateral in nature and cannot override ground realities. The Respondent cannot be permitted to become a judge of its own cause. The Applicant reiterates that the matter requires impartial assessment by an independent body.

15. That the contents of paragraph 12 are denied. The application is neither misconceived nor devoid of merit. The complaints made by the Applicant have been corroborated by official communications and directions issued by competent authorities.

16. That the contents of paragraph 13 save and except matters of record are denied.

17. That the contents of paragraph 14 is denied, further the statement made in paragraph – 1 is reasserted by the applicant, further it is stated that since the company has commenced the mining operation, they are indulging



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themselves in all sorts of nefarious activities and in that bid, they are also forcefully occupying the raiyati land of several villagers and the applicant being the social worker and a public spirited person is being approached by the villagers with their grievances in which the applicant helped them in redressing their grievances before the Government as well as constitutional authorities, which is infuriating the respondents and therefore, frivolous allegations are being made against the applicant, whereas, only efforts of the applicant is that the respondent no. 1 should carry the mining operation following the law and without harming the ecological balance of the area and as such the F.I.R. lodged is also a frivolous one [REDACTED]. The timing of F.I.R. is also after filing of the present OA that clearly shows that the Respondent no. 1 was trying to curtail and derail the



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applicant from focusing on these environmental issues.

Further, the said F.I.R is also filed against raiyats of land on which Respondent no.1 have encroached as they also approached the hon'ble High Court of Jharkhand for said encroachment.

18. That the contents of paragraph 15 are denied. The reliance placed upon Annexures G, H and I is misplaced. The monitoring reports of Sabz Care Environment Consultancy Pvt. Ltd. are unilateral reports procured at the instance of Respondent No.1 and cannot substitute independent investigation. The photographs showing covered coal stocks and covered tippers do not establish absence of pollution or compliance with all environmental safeguards.



19. That the contents of paragraph 16 are denied. The claim that mining activities are being carried out maintaining a barrier of more than 15 meters is disputed. The existence

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of permission from the Water Resources Department does not establish that mining activities have not adversely affected the Sadabah River. The reliance placed upon Annexure J is misplaced as photographs of garland drains and settling ponds merely depict certain structures and do not establish their effectiveness. Annexure K, namely the CGWA permission, pertains to extraction of groundwater and does not answer the allegations concerning river pollution. Annexure-L consisting of hydrogeological and EIA reports are pre-operational documents and cannot establish present compliance. Moreover, the photographs submitted and the work done to show compliance is done only after filing of the present petition before this Hon'ble Court and despite the same, the respondents are just to hush up the matter is showing certain structure, which has



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nothing to do with the water quality and its treatment properly as per the EC norms.

20. That the contents of paragraph 17 are denied. The reports of the Integrated Regional Office and the action taken report submitted by Respondent No.1 do not conclusively establish absence of pollution. The reliance upon Annexure M showing water sprinkling and covered conveyor belts only indicates existence of certain machines, there is nothing to show that they are operational and is adequate and effective enough to deal with environmental hazards. The reliance upon Annexure-O containing DGMS correspondence is misplaced. DGMS inspection with regard to blasting cannot conclusively determine issues concerning river pollution, ecological degradation and environmental impact. Further, absence of show cause notice or violation report cannot be treated as proof of compliance.
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21. That the contents of paragraph 18 are matters of record.
22. The contents of paragraph 19 are denied. The Applicant has placed sufficient materials warranting examination by this Hon'ble Tribunal. The Deputy Commissioner, Palamau had themselves considered the matter serious enough to warrant intervention and stoppage of illegal activities. Therefore, the allegations made by Respondent No.1 are unsustainable.

Photocopy of the letter dated 13.02.2026 issued by the Deputy Commissioner, Pandwa is being annexed herewith and marked as **ANNEXURE-^B** to this rejoinder.



23. That the contents of paragraph 20 are denied. The photographs relied upon by the Applicant are corroborative material and cannot be rejected merely

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because Respondent No.1 disputes them. The actual environmental condition requires independent field verification.

24. That the contents of paragraph 21 are denied. The objection regarding limitation is misconceived and deserves rejection. The respondents are trying to show applicant's understanding to differentiate between "First Cause of Action" and "Continuous Cause of Action". However, the Respondent No.1 has erroneously proceeded on the assumption that the cause of action arose only on 19.01.2025, being the date of commencement of mining operations. The said contention is contrary to the nature of the grievances raised in the present Original Application. The Applicant has not challenged the commencement of mining operations. The present Original Application has been instituted in respect of continuing and recurring



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environmental consequences arising out of the activities of Respondent No.1, including degradation of the Sadabah River, discharge of mine water, dust pollution and continuing non-compliance with environmental safeguards. The applicant has approached all the relevant authorities and has been proactive to bring notice of graving environmental issues. Further, even if the contentions of the respondent no. 1 are being accepted, meaning thereby, the respondent no. 1 admits that they are violative the EC conditions and causing degradation of Sadabah River and dust pollution since 19.01.2025.



25. That the contents of paragraph 22 are denied. The Original Application is maintainable and raises substantial questions relating to environment and protection of the Sadabah River.

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26. That the contents of paragraphs 23 and 24 save and except matters of record, the contents are denied.

27. The Applicant reiterates that the environmental condition at the site has progressively deteriorated and that the damage caused to the Sadabah River and surrounding ecosystem requires urgent examination by an independent expert body. It is necessary that an independent Joint Committee comprising the concerned authorities be constituted to conduct a environmental site inspection and ascertain:

a. Whether untreated mine water is being discharged into the Sadabah River;

b. Whether Potassium and Alum are sufficient to treat discharged water from mines;

c. Whether mining activities are being carried out in violation of Environmental Clearance conditions;



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- d. Whether the 15 meters mandatory safety barrier has been maintained;
- e. Whether the river ecosystem has suffered degradation;
- f. Whether any remedial measures are required in the interest of environmental protection.

28. That it is humbly submitted that the Respondent No.1 has failed to explain Letter No.370, dated 13.02.2026 issued by the Deputy Commissioner, Palamau directing immediate stoppage of illegal activities. The said documents show grievances raised by the Applicant and demonstrate the need for a detailed examination through an independent Joint Committee.



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

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

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

32. That the statements made in paragraphs

1-7, 11-15, 18-20, 23, ²⁵27-29 are true to my

knowledge and those made in paragraphs

✓ 8-10, 16, 21-22, 24, 26 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.



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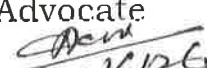
VERIFICATION

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.

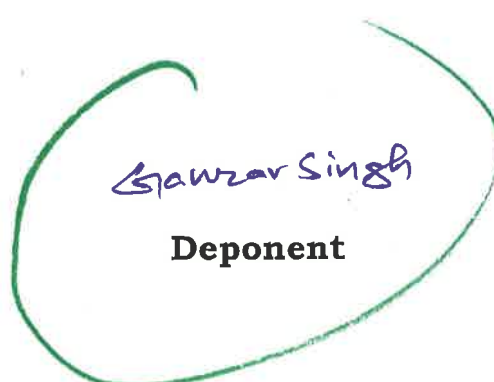
Nothing material has been concealed therefrom.

Verified at Daltonganj on this 27th day of June 2026.

Identified by:


Advocate

27/6/26




Gaurav Singh

Deponent

AFFIDAVIT

I, **Gaurav Singh**, Son of 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, 11-15, 18-20, 23, 25, 27-29} are true to my knowledge and paragraphs ^{8-10, 16, 21-22, 24, 26} 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 27th day of June, 2026.

Identified
of Signature
27/6/26

Gaurav Singh
Deponent
(Gaurav Singh)

Attested the Signature /
of on the basis of Information
of Sri. Advocate

MADAN MOHAN SINGH
Notary Public
Daltonganj, Palamu



Book No. 48
Serial No. 70
Dated: 27/6/26

Book No. 70 Serial No. 1558
Dated 27-06-2024

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2/16/26



Attested the Signature A
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of Srl. Advocate

MADAN MOHAN SINGH
Notary Public
Bellefleur, Paramaribo



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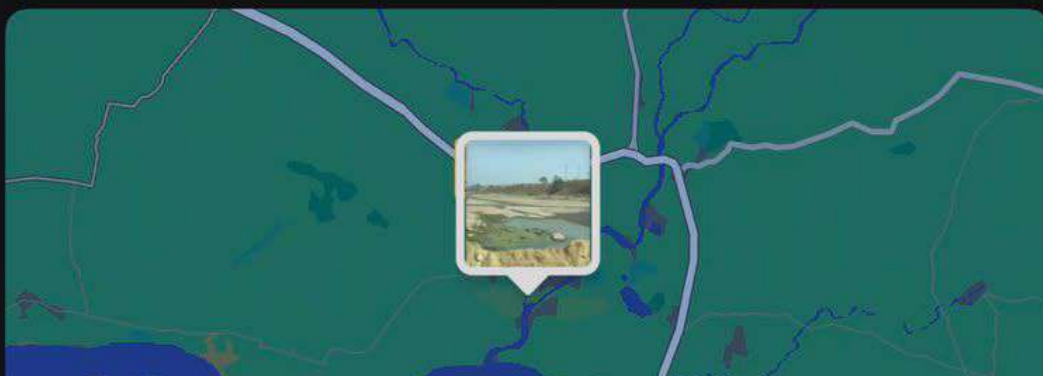
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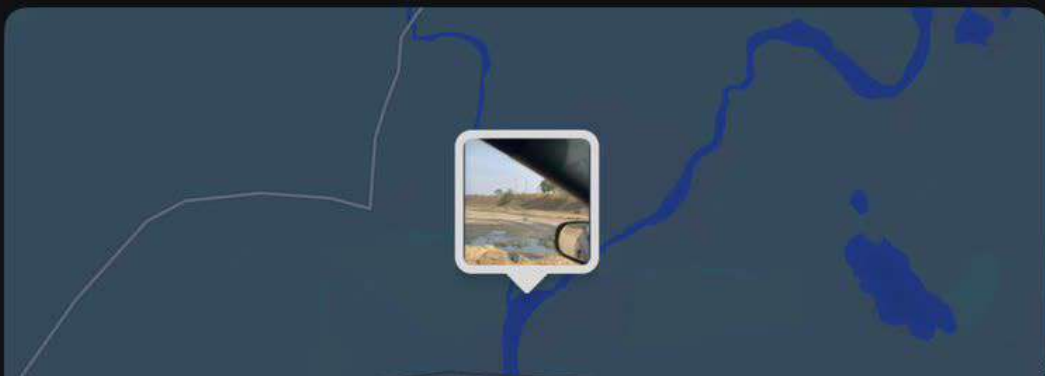
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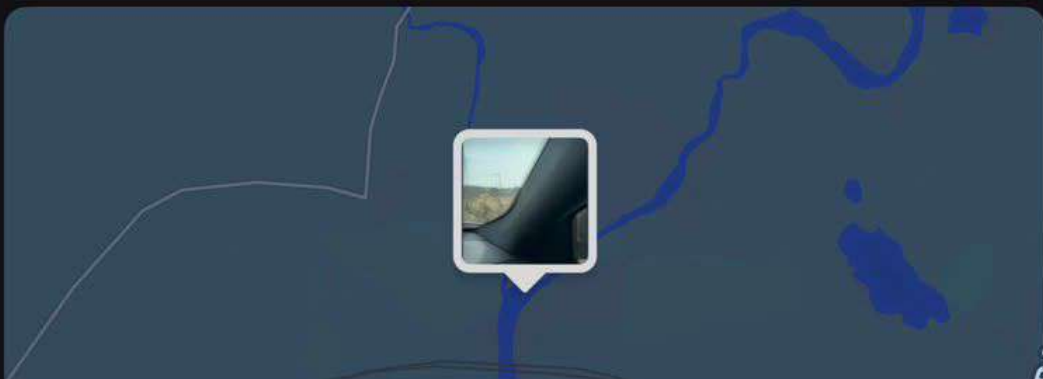
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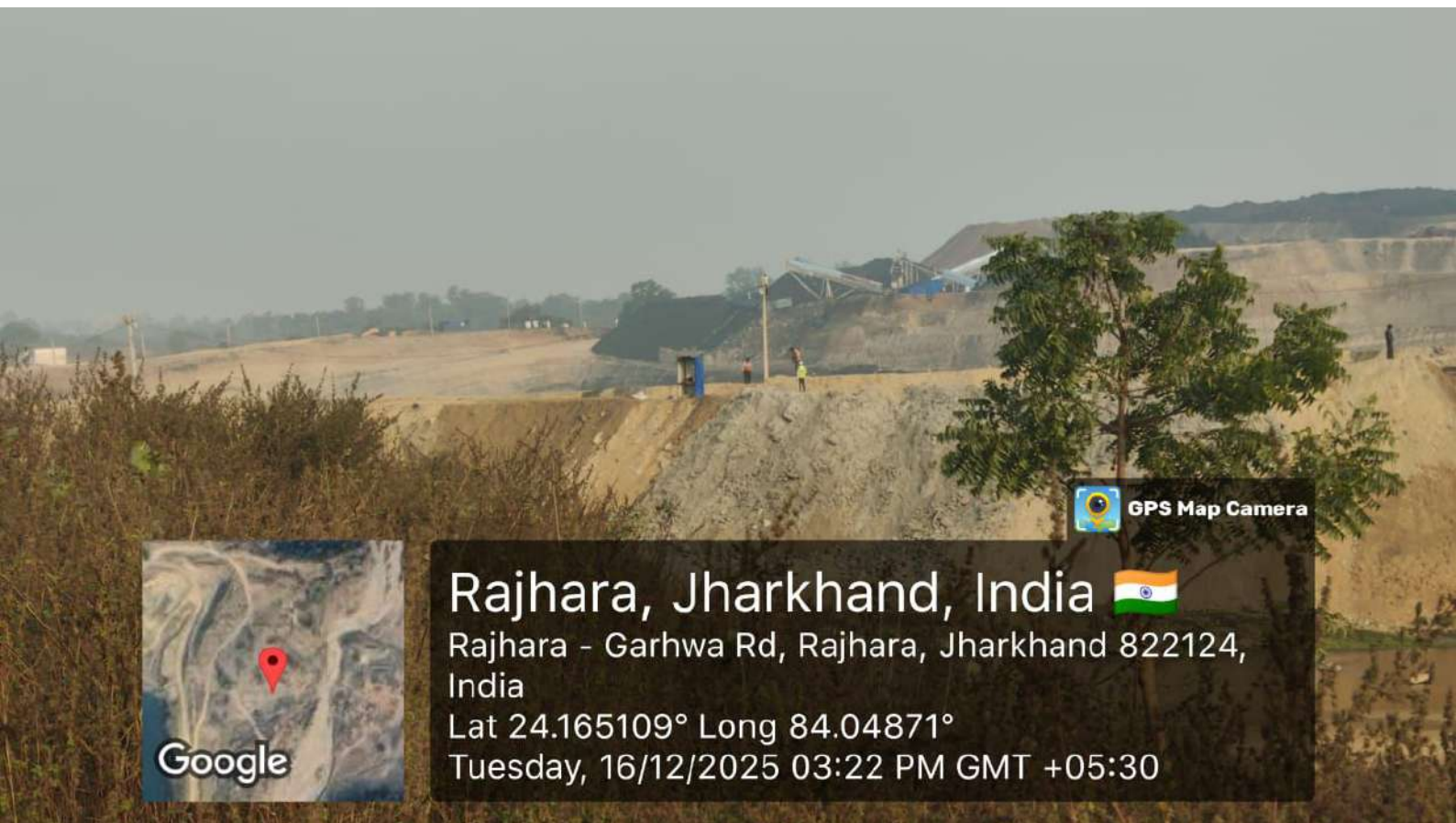
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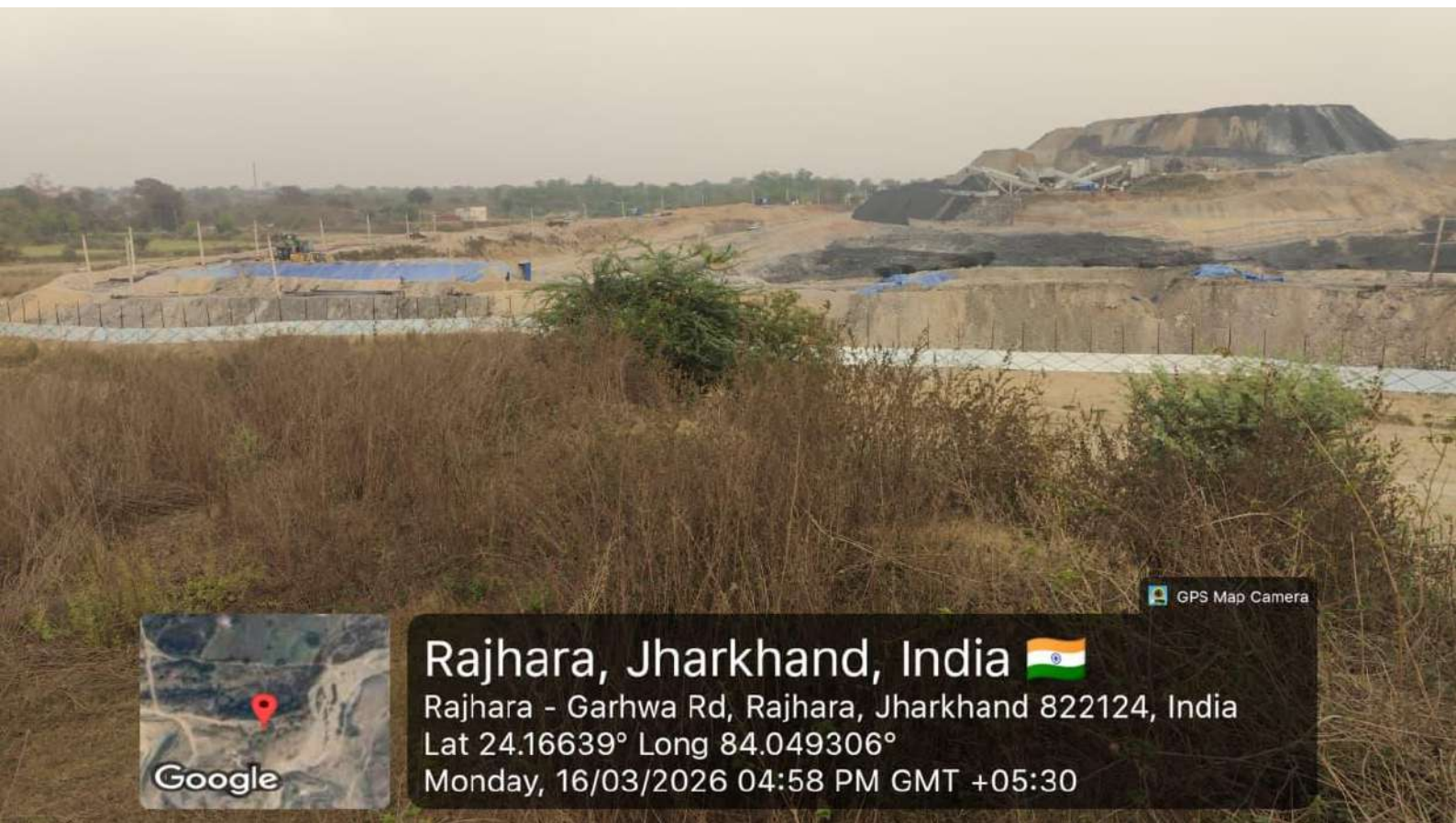


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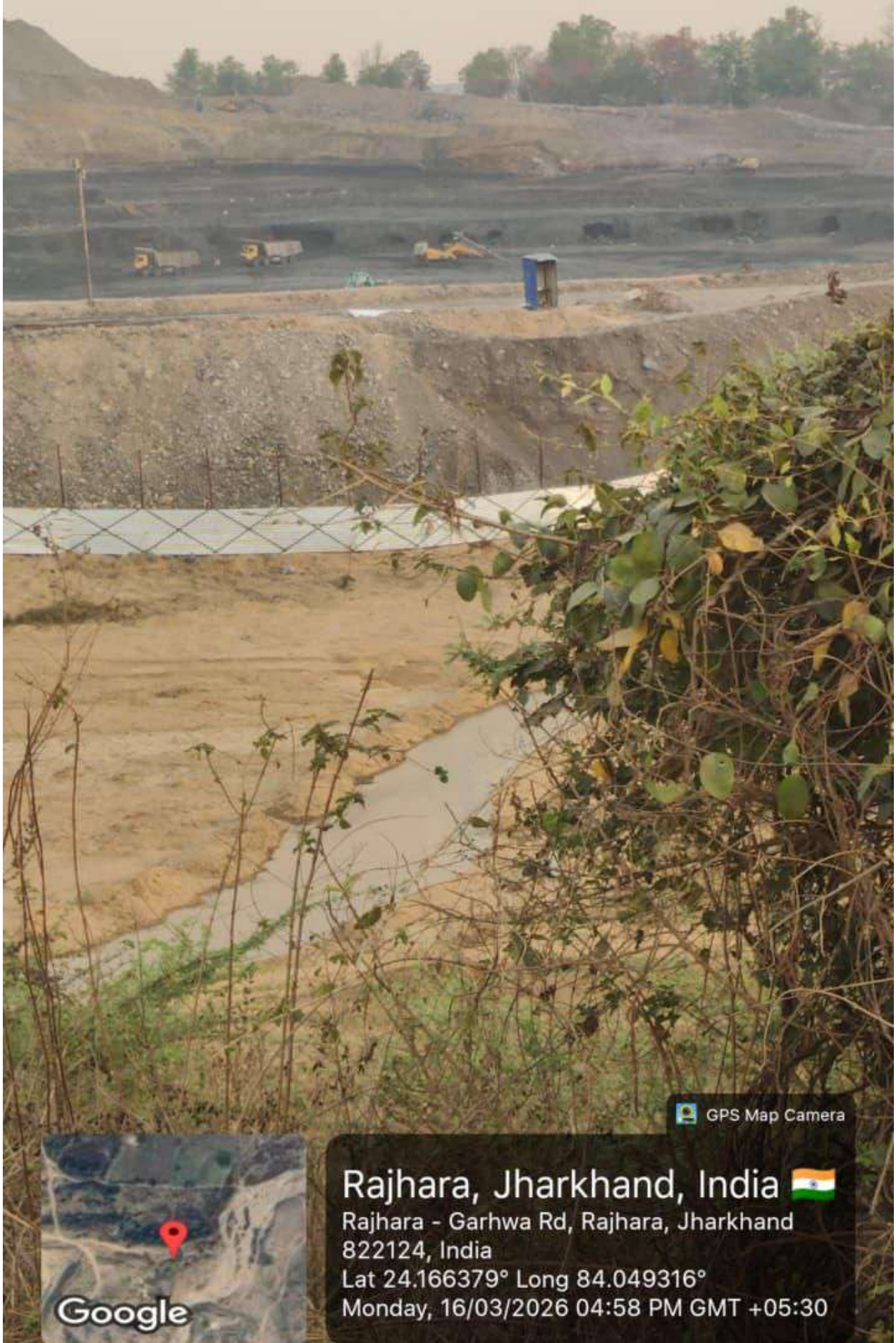
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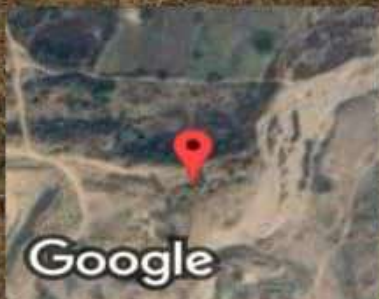
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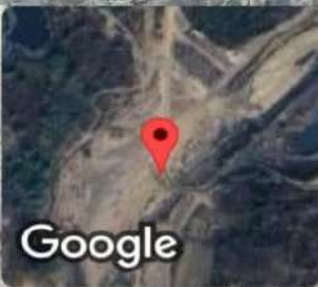
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GPS Map Camera

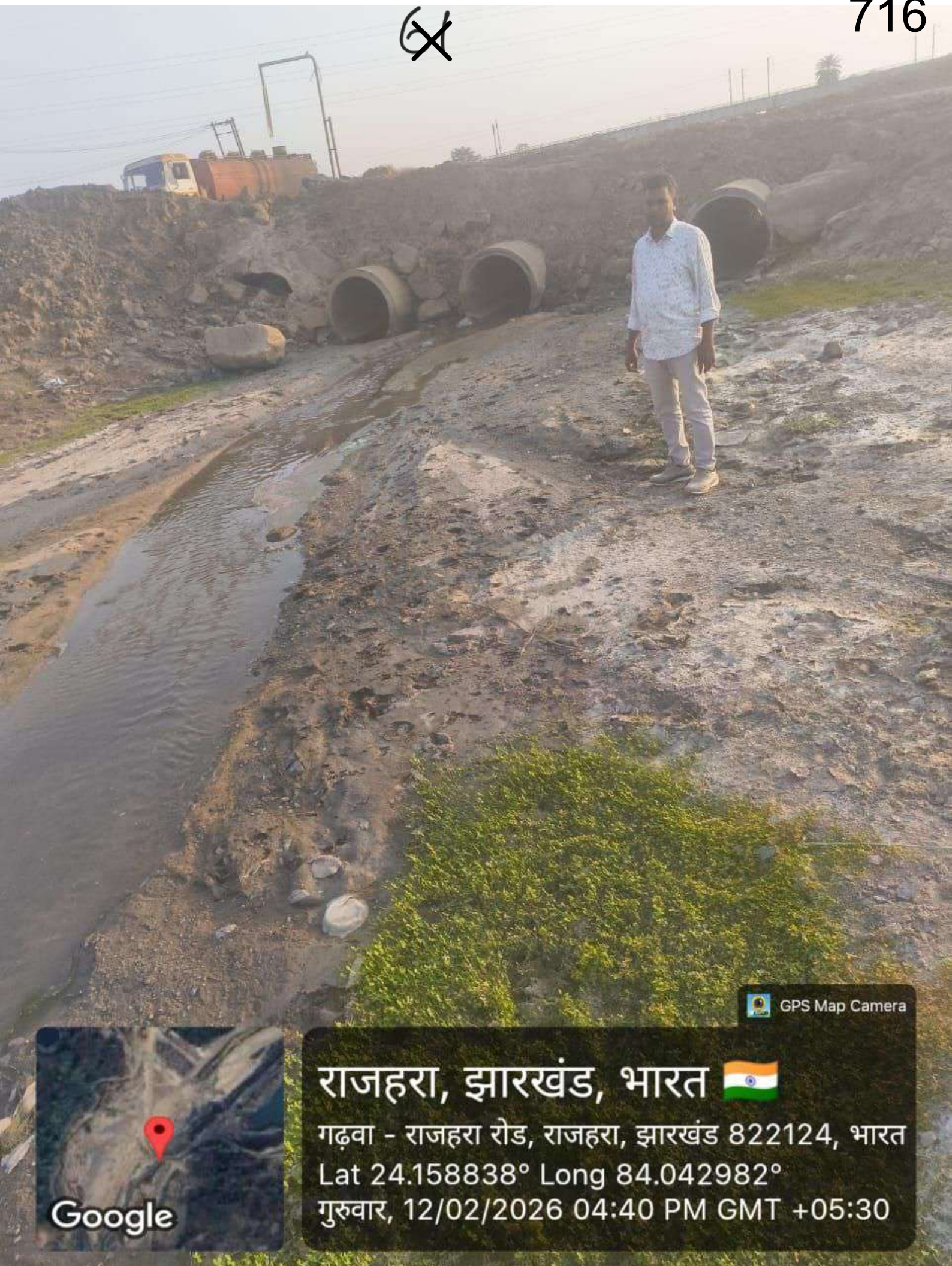


राजहरा, झारखंड, भारत 🇮🇳

गढ़वा - राजहरा रोड, राजहरा, झारखंड 822124, भारत

Lat 24.159027° Long 84.042801°

गुरुवार, 12/02/2026 04:43 PM GMT +05:30



GPS Map Camera

राजहरा, झारखंड, भारत 

गढ़वा - राजहरा रोड, राजहरा, झारखंड 822124, भारत

Lat 24.158838° Long 84.042982°

गुरुवार, 12/02/2026 04:40 PM GMT +05:30



Google

67

717



Latitude: 24.166804
Longitude: 84.053738
Elevation: 207.68±8.93 m
Accuracy: 4.808 m
Time: 03-26-2026 13:22
Note: कार्बन माइंस राजहरा पड़वा

Powered by NoteCam

63

ANNEXURE - 718



कार्यालय, उपायुक्त -सह- जिला दण्डाधिकारी, पलामू, मेदिनीनगर।

पत्रांक.....370...../एम०,

(खनन शाखा)

दिनांक 13-02-2026

प्रेषित,

- Mines Agent/Project officer,
सेन्ट्रल कोलफील्ड लिमिटेड,
राजहारा कोलियरी, पण्डवा, पलामू
अंचल-पण्डवा, मौजा राजहारा, रकबा 736.36 हेक्टेयर।
- Rajiv Kumar Singh, Director
FAIRMINE CARBONS PVT LTD,
401 Fourth Floor, Crosswindz Building,
Court Road, Ranchi- 834001, Jharkhand
अंचल- पड़वा एवं नावा बाजार, रकबा 116.80 हे०।

विषय :- माननीय हरित न्यायाधिकरण, कोलकाता बेंच में दायर O.A No- 7/2026/EZ में वादी द्वारा उठाये गये बिन्दुओं पर प्रतिवेदन उपलब्ध कराने के संबंध में।

प्रसंग :- माननीय हरित न्यायाधिकरण, कोलकाता द्वारा पारित आदेश दिनांक 20.01.2026

उपर्युक्त विषयक एवं प्रासंगिक न्यायादेश के आलोक में सूचित करना है कि श्री गौरव सिंह द्वारा माननीय हरित न्यायाधिकरण, कोलकाता में O.A No- 7/2026/EZ दायर करते हुए आपके विरुद्ध कई गंभीर आरोप लगाया गया है। जिसमें आपके द्वारा सदाबह नदी में ओभरबर्डन डम्प, नदी में खदान के अपशिष्ट को बहाये जाने की बात कही गयी है।

अतः निदेश दिया जाता है कि अनुमोदित खनन योजना का अनुपालन करते हुए पत्र प्राप्ति के तीन दिनों के अंदर O.A No- 7/2026/EZ में उल्लेखित बिन्दुओं पर आप अपना पक्ष प्रस्तुत करें। साथ ही साथ निदेशित किया जाता है कि उपरोक्त अनियमितताओं पर तत्काल रोक लगाना सुनिश्चित करें।

कृपया इसे अतिआवश्यक समझ जाय।

अनुलग्नक :- यथोक्त।

विश्वासभाजन

उपायुक्त,
पलामू

ज्ञापांक.....370...../एम०, दिनांक.....13-02-2026

प्रतिलिपि :- अंचल अधिकारी, पण्डवा/नावा बाजार को सूचनार्थ प्रेषित। निदेश दिया जाता है कि जांच के क्रम में उपरोक्त उल्लेखित अनियमितता पाये जाने पर तत्काल रोक लगाना सुनिश्चित करें।

प्रतिलिपि :- क्षेत्रीय पदाधिकारी, पलामू, झा0800प्र0नि0प0 को सूचनार्थ प्रेषित। निदेश दिया जाता है कि मामले की जांचकर जांच के क्रम में उपरोक्त उल्लेखित अनियमितता पाये जाने पर तत्काल रोक लगाते हुए कार्रवाई प्रतिवेदन उपलब्ध कराना सुनिश्चित करेंगे।

उपायुक्त,
पलामू



Jeet Sinha <jeetsinha018@gmail.com>

Rejoinder of Counter Affidavit by Applicant

1 message

Jeet Sinha <jeetsinha018@gmail.com>

Sat, Jun 27, 2026 at 4:11 PM

To: fairmincarbons@gmail.com, secy-moef@nic.in, dc-pal@nic.in, sp-palamu@jhpolic.gov.in, info@jseiaa.org,

Aishwarya Rajyashree <advaish.hc@gmail.com>

Cc: Gaurav Singh <gauravsingh11091990@gmail.com>

Dear Sir/Madam,

Please find the rejoinder attached for the counter affidavit filed by Respondent no. 1.

Regards,
Mr. Jeet,
Advocate for Applicant.



Rejoinder of CA by Applicant_260627_152400.pdf
6205K