

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA

I.A. NO. 16 /2025

IN

ORIGINAL APPLICATION NO. 05/2025

IN THE MATTER OF :

ATANU BORTHAKUR

...APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

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Date: 28.01.2025  
Place: Kolkata

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA

I.A. NO. /2025

IN

ORIGINAL APPLICATION NO. 05/2025

IN THE MATTER OF :

ATANU BORTHAKUR ...APPLICANT

VERSUS

UNION OF INDIA & ORS ...RESPONDENTS

**APPLICATION FOR DIRECTIONS**

**MOST RESPECTFULLY SHOWETH:**

1. The instant application is preferred by the applicant herein seeking this Hon'ble Tribunal's directions for addition of officers of the Ministry of Environment, Forest & Climate Change (MoEF&CC) and the Central Pollution Control Board (CPCB) as members to the Fact-Finding Committee constituted vide order dated 17.01.2025 by this Hon'ble Tribunal in the present Original Application.
2. That the above mentioned Original Application was filed by the applicant herein *inter alia* to seek directions upon the Respondents to take immediate steps to stop any mining activity being carried out and to prevent any mining activity from being carried out in the District of Udalguri, State of Assam without there being a District Survey Report which has been made mandatory by various notifications, guidelines issued by Respondent No.1 from time to time and judicial precedents passed by this Hon'ble Tribunal and the Hon'ble Supreme Court of India. The Original Application further

seeks directions for setting aside and quashing the mining leases and/or mining contracts and/or mining permits and/or mining concessionaire granted by the Respondent Nos. 1 to 7 illegally and unlawfully in favour of several third parties in transgression and violation of the provisions of the Environmental Impact Assessment dated September 14, 2006 ('EIA, 2006') as amended by the Respondent No. 1, by and under the Notification dated January 15, 2016 along with the decisions passed by the Hon'ble Supreme Court, this Hon'ble Tribunal, as well as the Sustainable Sand Mining Management Guidelines, 2016 ('SSMMG, 2016') and Enforcement & Monitoring Guidelines for Sand Mining, 2020 ('EMGSM, 2020') issued by the Respondent No. 1.

3. The above-mentioned Original Application was listed before this Hon'ble Tribunal, wherein this Hon'ble Tribunal after taking into account the submissions made vide order dated 17.01.2025 was pleased to pass *inter alia* the following directions:

*"2. The Applicant in this Original Application has alleged that illegal mining of sand, gravel, stone and other minerals is being carried on in the District Udalguri, State of Assam and there is no District Survey Report ('DSR' for short) for the same till date.*

*13. We direct the District Commissioner Udalguri District, Assam to ensure that if District Survey Report (D.S.R.) has not been approved by the SEIAA, Assam for Udalguri District, all mining activities within the district shall remain stayed.*

... ..

*21. Considering the allegations made in the Original Application, we deem it appropriate to constitute a Fact Finding Committee comprising of the following members:-*

*i) Senior Scientist, Assam State Pollution Control Board;*

*ii) District Commissioner, Udalguri District, Assam or his Representative not below the rank of Additional District Magistrate (A.D.M.); and*

*iii) Director of Geology and Mining, Environment and Forest Department, Government of Assam or his Representative Officer.*

*22. The Committee shall visit the site in question and submit its Report on affidavit within three weeks with regard to the allegations made in the Original Application, particularly with reference to the document filed at page 590 of the paperbook, which, at Item 4, 6, 8 and 10, pertaining to District Udalguri, Assam, shows the status of sand mines under the heading 'Status' as 'Running'.*

*23. The District Commissioner, Udalguri District, Assam shall be the Nodal office for all logistic purposes and for filing the Fact finding Report on affidavit.*

*24. The Committee shall also examine whether any mining is being carried on in the District Udalguri other than by the Respondent Nos.8, 9, 10 and 11. If any further illegal mining is found, the Committee shall identify the violator, make appropriate recommendations and action to be taken in this regard."*

A true copy of the order dated 17.01.2025 in O.A. No. 05/2025 is annexed and marked as "Annexure A-1"

4. It is submitted that that the Fact-Finding Committee constituted by this Hon'ble Tribunal vide order dated 17.01.2025 is primarily tasked to ascertain and submit its report in relation to if any mining is being carried out in the District of Udalguri without there being a District Survey Report in place, specifically in relation to the mines shown as 'Running' in the Draft District Survey Report. The Committee has also been tasked to examine whether any mining is being carried on in the District of Udalguri other than by the Respondent Nos. 8, 9, 10 and 11. The Committee is also

required to examine if any further illegal mining is found, the Committee shall identify the violator, make appropriate recommendations and action to be taken in this regard.

5. As per the Applicant's knowledge and information, the Hon'ble Tribunal's order dated 17.01.2025 has not yet been implemented and complied with, to the extent that illegal mining in the district continues unabated and the District Commissioner, Udalguri District, has not taken any steps, till date, to ensure that mining activities in the district are immediately stopped and restrained in the absence of a validly approved DSR. The Fact Finding Committee contemplated in para 21 of the order dated 17.01.2025 is also yet to be constituted, and visit the site in question.
6. The Applicant thus apprehends that the authorities of the ASPCB and the State Government, who are well aware of the continuing illegal mining in the district, have either turned a blind eye to such illegal mining operations, or even worse, are in collusion with those carrying on such illegal mining operations.
7. It is for this reason that the Applicant is constrained to approach this Hon'ble Tribunal to seek appropriate directions for the addition of senior officers of the MoEFCC and CPCB to the Fact Finding Committee constituted by the Hon'ble Tribunal vide para 21 of the order dated 17.01.2025. It is submitted that the inclusion of officers of the MoEFCC and CPCB is an order commonly passed by this Hon'ble Tribunal in matters where the constitution of a fact-finding committee is necessary. It is further submitted that the inclusion of the said officers of the MoEFCC and CPCB will not be to the prejudice of any person, and will only aid and

add objectivity to the fact finding exercise contemplated in the order dated 17.01.2025.

8. It is submitted that in a fact-finding committee related to environmental issues, the Ministry of Environment and Forest (MoEF) plays a crucial role by providing expert knowledge on environmental regulations, policies, and scientific data, acting as a key source of information to investigate and assess the environmental impacts of a particular project or situation, and ensuring that the committee's findings align with established environmental standards and legal frameworks.
9. This Hon'ble Tribunal has, through its various judgments, also empowered the Central Pollution Control Board to lay down the methodology to assess and recover compensation for damage to the environment and utilize such amount in terms of an action plan for protection of the environment. In various cases, the MoEF has collaborated with other government departments like the Central Pollution Control Board (CPCB) to provide a comprehensive analysis.
10. In light of the aforesaid and taking into account the crucial role played by the representatives of MOEF&CC and CPCB, it is of utmost importance to have officials of MOEF&CC and CPCB inducted into the fact-finding committee as constituted by this Hon'ble Tribunal vide order dated 17.01.2025 in order to get a full, comprehensive and effective insight to the issue at hand alongwith recommendations and actions to resolve the same.
11. In fact, this Hon'ble Tribunal has time and again in various matters made representatives of MOEF and CPCB part of the fact-finding committee in order to get an effective solution to the issue at hand. In fact, in another

matter being *Jitul Deka v. Union of India & Ors.* O.A. No. 48/2019 (EZ) in relation to illegal mining being carried out, the Principal Bench of this Hon'ble Tribunal was pleased to add Senior Scientist/ Engineer from the regional office of the MOEF & CC as member of the fact-finding committee in addition to the members already existing.

Furthermore, the Principal Bench of this Hon'ble Tribunal in the Original Application No. 275/2024, constituted a Joint Committee comprising of Regional Officer, MoEF & CC, Lucknow and representative of the Member Secretary, Central Pollution Control Board. Regional Officer, MoEF & CC to carry spot inspection to ascertain truthfulness of the allegations made and ascertain the status of illegal mining within the concerned district.

A true copy of the order dated 30.08.2019 passed in I.A. No. 38/2019 in O.A. No. 48/2019 (EZ) is annexed and marked as “Annexure A-2”

A true copy of order dated 01.04.2024 passed in Original Application No. 275/2024 is annexed and marked as “Annexure A-3”

12. It is submitted that if MoEF&CC and CPCB are not included in the committee constituted, the investigation may suffer from several critical shortcomings and an incomplete or incorrect picture being placed before this Hon'ble Tribunal. The absence of expert evaluation on environmental degradation could result in an incomplete assessment of the ecological harm caused by illegal mining in the Udalguri District.
13. It is submitted that insufficient regulatory oversight may allow violators to escape accountability, undermining efforts to curb unlawful mining activities.

14. That the present application is bona fide and made in the interest of justice.

15. That the Applicant has a strong prima facie case in its favour and will suffer irreparable harm and injury if the present application is not allowed.

16. No prejudice will be caused to the Respondents if the present application is allowed.

#### PRAYER

The Applicant, therefore, most respectfully prays that this Hon'ble Tribunal may be pleased to:

- a. Pass appropriate orders/directions for the addition of senior officers from the Regional Office of Ministry of Environment, Forest & Climate Change (MoEF&CC) and the Central Pollution Control Board (CPCB) as members in the Fact-Finding Committee constituted vide para 21 of the order dated 17.01.2025.
- b. Pass such further orders as may be deemed fit and proper in the interest of environmental justice.

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

Filed by:

*Ashish Choudhury*  
Ashish Choudhury and Akash Agarwal  
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Date: 28.01.2025  
Place: Kolkata

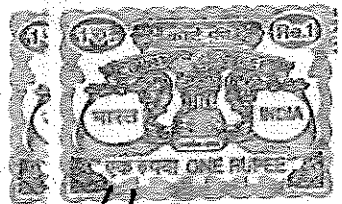
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Date.. 2.6. JAN.. 2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH KOLKATA

I.A. NO. /2025

IN

ORIGINAL APPLICATION NO. 05/2025



IN THE MATTER OF :

ATANU BORTHAKUR

...APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

AFFIDAVIT

I, Atanu Borthakur, S/o Late Mukti Nath Borthakur, R/o Gandhibasti, Near Guwahati- 781003, aged about 51 years do hereby solemnly affirm and state on oath as under:

1. That I am Applicant in the captioned matter and as such fully conversant with facts and circumstances of the case and competent to swear this Affidavit.

2. That I have gone through the contents of the above Application that has been drafted by my counsel under my instructions and the contents of the same are true and correct to best of my knowledge and belief and nothing material have been concealed from this Hon'ble Tribunal



*Atanu Borthakur*  
DEPONENT

VERIFICATION

Verified on this 26<sup>th</sup> day of Jan 2025 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed.

Identified By  
*[Signature]*  
Advocate/Advocate Clerk  
Enrl. No... 832/23

*[Signature]*  
Sangita Sahu  
NOTARY  
Kamrup (M), Guwahati  
Regd. No.- KM-32

Solemnly affirm by *[Signature]*  
executant who is identified by *[Signature]*  
Advocate  
of 26<sup>th</sup> day Jan 2025  
Sangita Sahu  
NOTARY  
Kamrup (M), Guwahati

Item No.01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.05/2025/EZ

Atanu Borthakur

Applicant(s)

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 17.01.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Anand Verma, Adv. a/w  
Mr. Ashish Choudhury, Adv. and  
Mr. Akash Agarwal, Adv. (in Virtual Mode)

**ORDER**

1. Heard Mr. Anand Verma assisted by Mr. Ashish Choudhury and Mr. Akash Agarwal, learned Counsel appearing (in Virtual Mode) on behalf of the Applicant.
2. The Applicant in this Original Application has alleged that illegal mining of sand, gravel, stone and other minerals is being carried on in the District Udalguri, State of Assam and there is no District Survey Report ('DSR' for short) for the same till date.
3. It is alleged that there is no District Survey Report in the District Udalguri, State of Assam and no mining activity is permissible in the absence of a valid D.S.R. which is duly considered by the State Level Expert Appraisal Committee (SEAC) and recommended and duly approved by the State Level Environment Impact Assessment Authority ('SEIAA' for short).
4. It is alleged that from the portal of the Government of Assam, Mines and Minerals, Directorate of Geology and Mining, the Applicant has obtained information and details of approved mining plan as on 2021 which shows that the Respondent No.8 has been granted

lease to mine sand gravel from Tarajuli Sand Gravel Mahal (Dhansiri river), District Udalguri, BTAD, Assam for a period of five years commencing from 07.10.2021 for an area of 4.80 hectares. It is also alleged that the Respondent No.9 has been granted mining lease to mine sand from Lower Dhansiri S/S-Mahal-B, Dist. Udalguri, B.T.C. Assam for a period of seven years commencing from 23.02.2018 for an area of 4.00 hectares. It is further alleged that the Respondent No.9 has also been granted mining lease to mine sand from Lower Dhansiri S/S-Mahal-B, Mining Permit Area, District Udalguri, B.T.C. for a period of seven years commencing from 24.05.2018 for an area of 3.68 hectares. It is also alleged that the Respondent No.10 has been granted mining lease to mine sand/gravel from Bhorala Boulder Sand/Gravel Mahal No.2, District Udalguri, BTAD, Assam for a period of seven years commencing from 31.07.2018 for an area of 4.60 hectares.

5. The allegation of the Applicant further is that the Respondent No.11 has been granted mining lease to mine stone and earth from Samrang Newly Gravel & Earth Mahal Mining Permit Area, District Udalguri, BTAD, Assam for a period of seven years commencing from 16.05.2018 for an area of 3.21 hectares.
6. The Applicant has also referred to the directions issued by the Tribunal in Original Application No.86/2024/EZ (*Pradeep Singh Shekhawat -Vs.- Union of India*) wherein the Tribunal has held that District Survey Report is mandatory for mining of minor minerals.
7. The documents on record at page 590 of the paper book at Item No.4, 6, 8 and 10 which pertains to the District Udalguri, State of Assam shows under the heading 'Status (Working/Closed)' as **"Running"**.

8. Further, the document at page 1057 of the paper book shows that for the district of Udalguri at Item No.19, 23, 24, 27, 28, 30, 46 and 58, Consent to Operate (CTOs) has already been issued.
9. Mr. Anand Verma, learned Counsel for the Applicant has referred to the document at page 578, 'Annexure A-13' of the paper book to show that the District Survey Report (D.S.R.) of Udalguri District (for sand or riverbed mining) is a draft Report and the same has not been approved by the State Environment Impact Assessment Authority (SEIAA), Assam.
10. This Court in Original Application No.86/2024/EZ (*Pradeep Singh Shekhawat -Vs.- Union of India*) has already stayed mining activities within the State of Assam where District Survey Report (D.S.R.) has not been approved by the State Environment Impact Assessment Authority (SEIAA), Assam.
11. In Original Application No.84/2023/EZ *Abani Kumar Sahu -Vs- State of Odisha*, this Tribunal in para 36 and 37 has held as under :-

*36. "We, therefore, dispose of this Original Application with a direction that no sand mining shall be carried out in the Rayanramchandrapur Sand Source along the Subarnarekha River in the absence of a District Survey Report in District Balasore duly approved by SEIAA, Odisha.*

*37. The SEIAA, Odisha, shall take necessary action to pass order for revocation of the Environmental Clearance granted by it illegally in favour of Respondent No.8 forthwith. It is further directed that in case sand mining operation is still being carried out in Rayanramchandrapur sand quarry in question, the SEIAA, Odisha, shall also take steps to ensure that such sand mining operation is ceased forthwith. It is also provided that our order hereinabove shall not come in the way of the Respondents*

*initiating criminal proceedings against the Respondent No.8 if any, as per law.”*

12. Further, while deciding Appeal No.18/2023/EZ Haripada Manna -Vs- State of Odisha, this Tribunal in para 18 and 19, has held as under :-

18. *“With regard to Replenishment Study, para 5.0 of the Enforcement and Monitoring Guidelines for Sand Mining, January, 2020, issued by the Ministry of Environment, Forests and Climate Change, enjoins that the need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessive sand extraction. Para 5.0 of the Guidelines, 2020, reads as under:-*

*“ .....xxx.....xxx.....xxx.....*

**5.0 REPLENISHMENT STUDY**

*The need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessing sand extraction. Mining within or near riverbed has a direct impact on the stream’s physical characteristics, such as channel geometry, bed elevation, substratum composition and stability, instream roughness of the bed, flow velocity, discharge capacity, sediment transport capacity, turbidity, temperature etc. Alteration or modification of the above attributes may cause an impact on the ecological equilibrium of the riverine regime, disturbance in channel configuration and flow-paths. This may also cause an adverse impact on instream biota and riparian habitats. It is assumed that the riparian habitat disturbance is minimum if the replenishment is equal to excavation for a given stretch. Therefore, to minimize the adverse impact arising out of sand mining in a given river stretch, it is imperative to have a study of replenishment of material during the defined period.”*

19. *In the present case, in view of the letter of the Collector & District Magistrate, Balasore, dated 30.05.2024, since no Replenishment*

*Study has been carried out in the District-Balasore, the impugned order of approval of the District Survey Report vide impugned order dated 26.04.2023 is liable for revocation and cannot be acted upon. In the absence of Replenishment Study in the District Balasore, duly considered by State Expert Appraisal Committee and approved by SEIAA, Odisha, no sand mining can be carried out in the stretch of the Subarnarekha river passing through the District Balasore. We accordingly allow the present Appeal and quash the impugned order dated 26.04.2023."*

13. We direct the District Commissioner Udalguri District, Assam to ensure that if District Survey Report (D.S.R.) has not been approved by the SEIAA, Assam for Udalguri District, all mining activities within the district shall remain stayed.
14. Matter requires consideration.
15. Issue notice to the Respondents, returnable within four weeks.
16. Ms. Malabika Roy Dey, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos.2, 3, 6 and 7, State Respondents, Government of Assam.
17. Mr. Shayamvar Deb, learned Counsel who is present in Court, states that he has instructions to represent the Assam State Pollution Control Board. Learned Counsel accepts notice on behalf of the Respondent Nos.4, Assam State Pollution Control Board.
18. Ms. Amrita Pandey, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.5, State Environment Impact Assessment Authority (SEIAA), Assam.
19. Issue notice to the Respondent Nos.1, 8, 9, 10 and 11, returnable within four weeks.

20. All the Respondents shall file their counter affidavits within four weeks.
21. Considering the allegations made in the Original Application, we deem it appropriate to constitute a Fact Finding Committee comprising of the following members:-
  - i) Senior Scientist, Assam State Pollution Control Board;
  - ii) District Commissioner, Udalguri District, Assam or his Representative not below the rank of Additional District Magistrate (A.D.M.); and
  - iii) Director of Geology and Mining, Environment and Forest Department, Government of Assam or his Representative Officer.
22. The Committee shall visit the site in question and submit its Report on affidavit within three weeks with regard to the allegations made in the Original Application, particularly with reference to the document filed at page 590 of the paperbook, which, at Item 4, 6, 8 and 10, pertaining to District Udalguri, Assam, shows the status of sand mines under the heading '**Status**' as '**Running**'.
23. The District Commissioner, Udalguri District, Assam shall be the Nodal office for all logistic purposes and for filing the Fact finding Report on affidavit.
24. The Committee shall also examine whether any mining is being carried on in the District Udalguri other than by the Respondent Nos.8, 9, 10 and 11. If any further illegal mining is found, the Committee shall identify the violator, make appropriate recommendations and action to be taken in this regard.
25. All the Respondents shall file their counter affidavits within four weeks.

26. Mr. Anand Verma, learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Ms. Malabika Roy Dey, Mr. Shayamvar Deb and Ms. Amrita Pandey, Counsel for the Respondents, within 24 hours.
27. **List on 18.02.2025.**

.....  
**B. Amit Sthalekar, JM**

.....  
**Dr. Afroz Ahmad, EM**

January 17, 2025,  
Original Application No.05/2025/EZ  
SKB

## ANNEXURE- A2

Upon mentioning

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

I.A. No. 38/2019

IN

Original Application No. 48/2019 (EZ)

Jitul Deka

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 30.08.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s): Mr. Salik Shafique and Mr. Vibhav Misra  
Advocates for Mr. Sanjay Upadhyay,  
Advocate

For Respondent (s): None

**ORDER**

1. By this I.A. the Applicant prays for addition of the Central Pollution Control Board (CPCB) and the Regional Office of the Ministry of Environment Forest and Climate Change (MoEF&CC) as members in the Committee constituted by order dated 26.08.2019.
2. Upon consideration of the facts and circumstances and the submissions of the learned counsel for the Applicant, we are of the view that it would be sufficient to add a Senior Scientist/Engineer from the Regional Office of the MoEF&CC (North Eastern Region) as a member of the Committee in addition to the ones already referred to

order dated 26.08.2019. The Committee thus reconstituted would be as follows:

- (i) The Deputy Commissioner, Nongpoh, Ri-Bhoi District.
- (ii) The Divisional Mining Officer, Department of Mining and Geology, Government of Meghalaya.
- (iii) The Divisional Forest Officer, Nongpoh, Ri-Bhoi District.
- (iv) The State Pollution Control Board.
- (v) Senior Scientist/Engineer from the Regional Office of the MoEF&CC (North Eastern Region).

The State Pollution Control Board shall be the nodal agency for co-ordinating and for providing logistic support.

3. Copy of this order be transmitted to the Regional Office of the MoEF&CC (North Eastern Region), Shillong, Meghalaya along with a complete set of papers.
4. We grant liberty to the Applicant to furnish those to the newly added Member.
5. With the above directions, the I.A. No. 38/2019 stands disposed off.

S.P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

30<sup>th</sup> August, 2019  
I.A. No. 38/2019 in O.A. 48/2019 (EZ)  
avt

Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 275/2024

News item titled "Kausambi mei NGT ke niyamo ko undekha kar ho raha avaidh khaman, baalu mafiyoo ne Yamuna nadi ki dhaara mai bana diya raasta" appearing in Circle Samachar dated 13.02.2024

Date of hearing: 01.04.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Amit Shukla, Adv. for R - 1  
Mr. Daleep Dhyani, Adv. for R - 2 (Through VC)  
Mr. Mukesh Verma, Adv. for R - 3

**ORDER**

1. This Original Application is registered *suo-motu* on the basis of the news item titled "Kausambi mei NGT ke niyamo ko undekha kar ho raha avaidh khaman, baalu mafiyoo ne Yamuna nadi ki dhaara mai bana diya raasta" appearing in Circle Samachar dated 13.02.2024. The news item relates to alleged illegal sand mining at Simri Ghat in Pipri Police Station area of Kaushambi district in Uttar Pradesh. As per the news item the sand mafia is illegally extracting sand and has created a passage in the mainstream of Yamuna River by using the JCB and that the video of illegal sand mining from the river is viral in the social media. The news report states that the illegal sand mining is going on by stopping the flow of River Yamuna and by using JCB and Pokland machine.

2. The news item raises substantial issue relating to compliance of environmental norms.

3. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

4. Hence, we implead the following as respondents in the matter:

- (i) Uttar Pradesh Pollution Control Board, through its Member Secretary
- (ii) District Magistrate, Kaushambi
- (iii) Mining Officer, Kaushambi

5. Above all the three respondents are represented through the Counsel therefore, no separate notice is necessary to them.

6. District Magistrate, Kaushambi has sent a letter dated 28.03.2024 to the Registrar of the NGT enclosing therewith certain documents. Referring to those documents learned counsel for the District Magistrate submits that during inspection no illegal mining in the area concerned has been found and the mining in Village Semari/Manjhiyari is being done as per the mining lease. He has submitted that the District Magistrate Mr. Rajesh Kumar Rai has instructed him to say that no illegal sand mining is going on in District Kaushambi. The District Magistrate Mr. Rajesh Kumar Rai is directed to file an affidavit stating in clear terms the status of illegal mining within District Kaushambi within two weeks from today by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

7. We make it clear that if the statement made by the counsel for the District Magistrate or affidavit filed by the District Magistrate is found to be false then the District Magistrate will be exposing himself to the appropriate action in accordance with law.

8. In the circumstance of the case, we also deem it proper to constitute a Joint Committee comprising of Regional Officer, MoEF & CC, Lucknow and representative of the Member Secretary, Central Pollution Control Board. Regional Officer, MoEF & CC will act as the coordinating agency. The Joint Committee will carry out the spot inspection and ascertain the truthfulness of the allegations made in the newspaper report especially the photographs which are shown in the report depicting illegal mining in the middle of the riverbed. The committee will also ascertain the status of illegal mining within the District Kaushambi and submit the report before the Tribunal at least one week before the next date of hearing by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

9. List on 08.07.2024

10. A copy of this order, along with a copy of the petition, be forwarded to the Regional Officer, MoEF & CC, Lucknow and Member Secretary, Central Pollution Control Board by e-mail for compliance

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

April 01, 2024  
Original Application No. 275/2024  
AS.

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**In the matter of Atanu Borthakur vs. Union of India (Original Application No. 05/2025/EZ)**

1 message

**Ashish Choudhury** <ashishchoudhuryadv@gmail.com>

Tue, Jan 28, 2025 at 7:05 PM

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Dear Sir/Ma'am,

PFA the copy of "application for directions" being filed by the Applicant in the subject-captioned matter.

Kindly, treat this email as sufficient proof of service.

**Regards,****Ashish Choudhury****Advocate on Record****Supreme Court of India****8 B Mathura Road, Jangpura B,****Suite 1A, Basement,****New Delhi- 110014**

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