

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.75/2025

IN THE MATTER OF:

Akhilesh Kumar

...Applicant

Versus

State of Uttar Pradesh & Ors.

...Respondent (s)

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नितिन गायल / NITIN GOYAL
उप विस्फोटक नियंत्रक / Dy. Controller of Explosives
पेसो, आगरा / PESO, Agra
भारत सरकार / Govt. of India



03.01.2025 of the licence bearing licence no. E/CC/UP/38/4(E83226) issued by the respondent no. 3	
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Respondent No. 3

Filed by

Through

New Delhi

Dated: 07-02-2026

GIGI.C. GEORGE**Advocate****Standing Counsel (UOI)****NATIONAL GREEN TRIBUNAL**Email: gigicgeorge.adv42@yahoo.in

M-9810625315

नेतिन गोयल / NITIN GOYAL
 उप विस्फोटक नियंत्रक / Dy. Controller of Explosives
 पेसो, आगरा / PESO, Agra
 भारत सरकार / Govt. of India



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IN THE MATTER OF:

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(s)

2nd REPLY BY WAY OF COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3 i.e. JOINT CHIEF CONTROLLER OF EXPLOSIVES, PESO, AGRAIt Most Respectfully Showeth:-

1. That the present 2nd reply is being filed by Respondent No. 3 **Joint Chief Controller Of Explosives** through the Deputy Controller of Explosives, O/o Joint Chief Controller Of Explosives, Petroleum & Explosives Safety Organization(PESO), A-Wing, 2nd Floor Kendralaya, 63/4, Sanjay Place, Agra Uttar Pradesh - 282002, Govt. of India, who is duly authorized and competent to file the present reply on behalf of the answering respondent no. 3.
2. That I am, in my aforementioned official capacity, well conversant with the facts and circumstances of the present case, based on the records and documents available with the department. As such, I am competent and authorized to swear and file the present reply affidavit on behalf of the Respondent No. 3 i.e. Joint Chief Controller of Explosives, PESO, Agra (hereinafter referred to as "answering respondent").



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 भारत सरकार / Govt. of India

3. That the present Original Application has been filed before this Hon'ble National Tribunal alleging environmental pollution and violation of statutory environmental norms by Respondent No. 5 – M/s Jai Maa Chandrika Enterprises, District Mahoba, Uttar Pradesh, in contravention of the Environment (Protection) Act, 1986 and allied laws. The Applicant alleges that after expiry of the mining lease over Gatta/Araji No. 576, Village Leta, granted for 10 years w.e.f. 24.05.2001, the Respondent continued illegal mining activities and unauthorized use of Ammonium Nitrate/Ammonium Nitrate Fuel Oil (ANFO) site mix explosives. The applicant seeks appropriate directions against the Project Proponent and regulatory authorities for enforcement of environmental laws and prevention of alleged environmental damage.

PARA-WISE REPLY

4. That it is respectfully submitted that the alleged illegal use of Ammonium Nitrate by Respondent No. 5 came to the knowledge of this respondent only upon inspection of the premises by an officer of this office on 30.04.2024. Before this, no information or material was available with Respondent No. 3 indicating any misuse or illegal diversion of Ammonium Nitrate by Respondent No. 5.
5. That the License No. E/CC/UP/38/4 (E83226) in Form LE-1 under the Explosive Rules, 2008, for manufacture of Ammonium Nitrate Fuel Oil (ANFO), was granted by this department in favour of Respondent No. 5 on 15.06.2016 for the premises situated at Gata No. 576, Village Leta, District Mahoba, on the basis of No Objection Certificate no. 397 dated 08.09.2015 issued by the Directorate General of Mines Safety (DGMS), Gwalior Region. The copy of the said NOC is annexed as Annexure-A. Furthermore, this department does not regulate mining leases/mining activities, which fall within the jurisdiction of the concerned department of the State Government and DGMS. The explosive license was issued


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 भारत सरकार / Govt. of India

strictly on the basis of the NOC granted by DGMS. There is no provision under the Explosives Rules, 2008 requiring submission or verification of mining lease documents at the time of grant or renewal of license for manufacture and use of Ammonium Nitrate Fuel Oil (ANFO) explosives in mines. No records pertaining to the validity of mining lease between 22.05.2011 to 01.11.2021 were available with this department and also not required under Explosives Rules, 2008. Further, at the time of renewal of the license on 01.11.2021, Respondent No. 5 submitted entire documents as mandated under Rule 112 of the Explosives Rules, 2008, and no adverse information regarding non-existence or invalidity of mining lease was brought to the notice of this department by the Applicant or any other authority.

6. That it respectfully submitted that an inspection of the licensed premises covered under License No. A/CC/UP/P3/2 (A1418) was conducted on 30.03.2024 by an officer from this office. During the inspection, it was observed that Ammonium Nitrate had been used for mines other than the authorized premises. Consequently, a Show Cause Notice dated 03.04.2024 was issued to the licensee. The copy of the Show Cause Notice is annexed as Annexure-B. Upon receipt of compliance and explanation from Respondent No. 5, the Show Cause Notice was revoked vide letter dated 13.06.2024, with a strict warning to the licensee to ensure that Ammonium Nitrate to be used strictly for the attached ANFO premises only. A copy of the revocation letter is annexed as Annexure-C.

7. That it is further submitted that the department received a communication bearing Letter No. Nideshak/Ghaziabad Shetra/Mahoba dated 25.11.2024 from Directorate General of Mines Safety (DGMS), Ghaziabad, informing about the cancellation of NOC No. 397 dated 08.09.2015 issued in respect of Gata No. 576, Village Leta, District Mahoba. The

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भारत सरकार / Govt. of India

copy of the said letter is annexed as Annexure-D. In consequence thereof, Respondent No. 3 cancelled License No. E/CC/UP/38/4 (E83226) vide order dated 03.01.2025, in exercise of powers under Rule 118(1)(iii) of the Explosives Rules, 2008. The copy of the said order is annexed as Annexure-E.

8. That in view of the above submissions, it is respectfully prayed that this Hon'ble Tribunal may be pleased to take the present 2nd reply affidavit on record, and pass such further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.



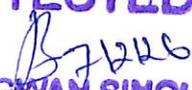
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 भारत सरकार / Govt. of India

DEPONENT

Verification

I, NITIN GOYAL, do hereby verify on 7 February 2026 at New Delhi the contents of the above paragraphs which are true to my own knowledge and/or are in the nature of legal submissions which I believe to be true and no material has been suppressed herewith.



ATTESTED

BHAGWAN SINGH
CENTRAL NOTARY
GAZETTED OFFICER
R. NO. 50904/25



DEPONENT
 नितिन गोयल / NITIN GOYAL
 उप विस्फोटक नियंत्रक / Dy. Controller of Explosives
 पेसो, आगरा / PESO, Agra
 भारत सरकार / Govt. of India

Part-2
Format of no objection certificate
(See Rules 102 and 103)

Subject: No objection certificate under the Explosives Rules, 2008

No. 397.....

Date 08.09.15.

With reference to the application in Form AE - 12 dated 27.07.2015 submitted by Smt Suchha Kurnari and in pursuance of rules 102 and 103 of the Explosives Rules, 2008, there is no objection for granting licence under the Explosives Rules, 2008 to Shri/M/s. Smt Suchha Kurnari, Rajendar Nagar for the following purpose, kinds and quantities of explosives in the premises at Survey No./Gat No./Khasra No. 576, Village Leta, Taluka Kulpahar, District Mahabha State, U.P. as shown in the site plan duly endorsed and enclosed herewith.

1. Purpose (Note: Please write only one purpose corresponding to one Article No. as stated in Table of purposes and authority in Part I of Schedule IV annexed to the Explosives Rules, 2008):

To extract of Masonary Stone for Rd. Construction.

2. Kinds and quantities of explosives:

Name of Explosives Class Div. Quantity

(a) ANFO Class-II Div - Qty 1 Tonnes

(b)

27.09.15
08.09.2015

Signature of the no objection authority with his office seal
(District Magistrate or Directorate General of Mines Safety)

निदेशक, सुरक्षा
भारत सरकार
खालियर क्षेत्र, खालियर

Note: The following particulars have been verified/considered while issuing this No Objection Certificate.

- The antecedents of the applicant (in case of individual or proprietary firm) /partners (in case of partnership company) or directors (in case of limited company) or office bearers in case of society or association and also occupier of the premises.
- The lawful possession of the site by the applicant.
- Interest of public.
- Requirement of explosives for use in mines or quarries (possessed by the applicant) or in the area proposed by the licensee have been considered
- Genuineness of purpose

Notes:—

- Genuineness of purpose means relating to manufacture - whether there is need for manufacture of the explosives for lawful constructive use in the area or state or country or for export purpose.
- verification of antecedents and lawful position of site by applicant as stated in serial Nos. 1 and 2 are not applicable in case of no objection certificate granted by Directorate General of Mines Safety.



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पेसो, आगरा / PESO, Agra
भारत सरकार / Govt. of India

22

Ammonite-4

MINISTRY OF COMMERCE & INDUSTRY
PETROLEUM AND EXPLOSIVES SAFETY ORGANISATION (PESO)
 (Formerly Department of Explosives)
 63/4, A-Wing, IInd floor
 Kendralaya (CGO Complex), Sanjay Place Agra 282002
 Tele: 2523244 Fax: 2527436
 Email: jtceagra@explosives.gov.in

No: A/CC/UP/P3/2(A1418)

Dated : 03/04/2024

To,
 M/s Jai Maa Chandrika Enterprises Prop. Smt. Sudha Kumari,
 Rajendra Nagar, Post - Karbai, Karbai
 Distt. MAHOBA, State. Uttar Pradesh, Pincode-210424

Subject: Storage of Ammonium Nitrate from store house or tanks situated at Survey No. : 552 & 553/1,
 Village/Town. Leta, Tehsil - Kulpahar, Distt. MAHOBA, State. Uttar Pradesh Licence No.
 A/CC/UP/P3/2(A1418) granted in Form P-3 of Ammonium Nitrate Rule, 2012 - Show Cause Notice
 regarding.

Sir,

Reference No nil dated 03/04/2024.

The following violations were observed by an officer during the inspection of the site of the subject licence on
 30/03/2024.

The premises was inspected on 30/03/2024 for verification of the monthly returns details. The subject licence was
 granted to use the ammonium nitrate to dedicated and attached ANFO licensed premises only but on verification of
 monthly returns, it was found that you have used A/N licensed premises to supply of ammonium nitrate to other
 unauthorised mines on daily basis. This not only constitutes violation of face of licence but also poses highly degerous
 to public property.

In view of the above, you are advised to please show cause within 21 days from the date of this notice why the
 subject licence should not be revoked/suspended.

In case if you wish to represent your case in person you may do so within the stipulated period by fixing prior
 appointment.

"In case, if you intent to represent in person to the Licensing Authority, you may do so within the stipulated period,
 with prior appointment."

Receipt of this letter may please be acknowledged.

Enclosures :

Yours faithfully,

Dr. Dasharath Laxman Kamble
 Controller of Explosives
 For Joint Chief Controller of Explosives
 Central Circle office, Agra

नितिन गौयल / NITIN GOYAL
 अप विस्फोटक नियंत्रक / Dy. Controller of Explosives
 एसो, आगरा / PESO, Agra
 भारत सरकार / Govt. of India



GOVERNMENT OF INDIA
 MINISTRY OF COMMERCE & INDUSTRY
 PETROLEUM AND EXPLOSIVES SAFETY ORGANISATION (PESO)
 (Formerly Department of Explosives)
 63/4, A-Wing, 11nd floor
 Kendralaya (CGO Complex), Sanjay Place Agra 282002
 Tele: 2523244 Fax: 2527436
 Email: jitceagra@explosives.gov.in

No: A/CC/UP/P3/2(A1418)

Dated : 13/06/2024

To,
 M/s Jai Maa Chandrika Enterprises Prop. Smt. Sudha Kumari,
 Rajendra Nagar, Post - Karbal, Karbal
 Distt. MAHOBA, State. Uttar Pradesh, Pincode-210424

Subject: Storage of Ammonium Nitrate from store house or tanks situated at Survey No. : 552 & 553/1,
 Village/Town. Leta, Tehsil - Kulpahar, Distt. MAHOBA, State. Uttar Pradesh Licence No.
 A/CC/UP/P3/2(A1418) granted in Form P-3 of Ammonium Nitrate Rule, 2012 - Revocation of
 Orders regarding.

Sir,

Reference No 122788 dated 05/06/2024.

On verification of returns of Ammonium Nitrate storage, it was revealed that usage of A/N from the subject licence was used without using the mixing shed situated at Sy 1509. In this time, this office is accepting your excuse and strictly warned you to follow the conditions of licence and ammonium nitrate rules, 2012 and usage of ammonium nitrate only at attached ANFO licensed premises.

In view of above the suspension/cancellation imposed by this office Order no. A/CC/UP/P3/2(A1418) dated 03/04/2024 is hereby revoked.

You may continue the License to Possess for sale or use of Ammonium Nitrate from a store house of Storage of Ammonium Nitrate complying the conditions of the licence and provisions of Explosives Act 1884 and Ammonium Nitrate Rules, 2012.

Receipt of this letter may please be acknowledged.

Enclosures :

Yours faithfully,

Dr. Dasharath Laxman Kamble
 Controller of Explosives
 For Joint Chief Controller of Explosives
 Central Circle office, Agra

Copy Forwarded to:

1. District Magistrate, MAHOBA, Uttar Pradesh for further necessary action.
2. Superintendent of Police, MAHOBA, Uttar Pradesh for further necessary action.

For Joint Chief Controller of Explosives
 Central Circle office, Agra

(For more information regarding status, fees and other details, please visit our web site <http://peso.gov.in>)

नितिन गोयल / NITIN GOYAL
 उप विस्फोटक नियंत्रक / Dy. Controller of Explosives
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 भारत सरकार / Govt. of India



भारत सरकार / Government of India

श्रम एवं रोजगार मंत्रालय / Ministry of Labour & Employment
खान सुरक्षामहानिदेशालय / Directorate General of Mines Safety
गाजियाबाद क्षेत्र / Ghaziabad Region, Ghaziabad



Telephone (office): 0120 2711597, website: www.dgms.gov.in, email: gzbregion.dgms@gmail.com
कमरा संख्या- 101 - 102, प्रथम तल, बी.ब्लॉक, सी.जी.ओ. कॉम्प्लेक्स-II, हापुड़ रोड, गाजियाबाद- 201002

पत्र संख्या: निदेशक/गाजियाबाद क्षेत्र/महोबा/ 1542

गाजियाबाद, दिनांक- 11/11/2024
25/11/2024

पेषक:

खान सुरक्षा निदेशक,
गाजियाबाद क्षेत्र, गाजियाबाद

सेवा में,
श्रीमती सुधा कुमारी,
प्रो: मेसर्स जय मॉ चंद्रिका इण्टरप्राइजेज
निवासी- राजेंद्रनगर, कवरई
थाना कवरई, जिला महोबा (उत्तर प्रदेश)-210424.

विषय: ए.एन.एफ.ओ. मिक्सिंग शेड हेतु जारी अनापति प्रमाण पत्र (NOC) को विस्फोटक नियम, 2008 के नियम 115(1)(ए) के अनुसार निरस्त करने के संबंध में।

महोदय,

उपरोक्त विषय के संबंध में इस निदेशालय के ग्वालियर क्षेत्रीय कार्यालय द्वारा आराजी संख्या-576, गाँव लेटा, तहसील कुलपहाड़, जिला महोबा (उत्तर प्रदेश) में ए.एन.एफ.ओ. मिक्सिंग शेड हेतु दिए गए अनापति प्रमाण पत्र (NOC) संख्या:397 दिनांक 08.09.2015 को कृपया संदर्भित करें। इस अनापति प्रमाण पत्र में यह स्पष्ट किया गया था कि मेसर्स जय मॉ चंद्रिका इण्टरप्राइजेज, प्रोपराइटर श्रीमती सुधा कुमारी द्वारा ए.एन.एफ.ओ. का उपयोग केवल लेटा स्टोन खान (गाँव संख्या-576) याम लेटा, तहसील कुलपहाड़ जिला महोबा (उत्तर प्रदेश) में किया जाएगा।

खान अधिकारी, महोबा ने अपने पत्रांक 828/एम.एम.सी-30-खनिज/2024-25, दिनांक 27.08.2024 द्वारा इस निदेशालय को सूचित किया है कि जनपद महोबा की तहसील कुलपहाड़ स्थित याम-लेटा के गाँव संख्या- 576, रकबा 4.50 एकड़ क्षेत्र में श्रीमती सुधा कुमारी के पक्ष में जारी इमारती पत्थर, खण्डा/गिट्टी/बोल्डर का खनन पट्टा 10 वर्ष की अवधि (24.05.2001 से 23.05.2011) हेतु जारी किया गया है।

उपरोक्त के मध्येनजर लेटा स्टोन खान (गाँव संख्या- 576) श्रीमती सुधा कुमारी याम लेटा, तहसील कुलपहाड़ जिला महोबा (उत्तर प्रदेश) का खनन पट्टा दिनांक 23.05.2011 को समाप्त हो गया है।

अतः आपके पक्ष में गाँव लेटा के गाँव संख्या- 576 में ए.एन.एफ.ओ. मिक्सिंग शेड हेतु इस निदेशालय द्वारा जारी किए गए अनापति प्रमाण पत्र संख्या:397, दिनांक 08.09.2015 को तत्काल प्रभाव से निरस्त किया जाता है।



[Handwritten signature]

नितिन गोयल / NITIN GOYAL
उप विस्फोटक नियंत्रक / Dy. Controller of Explosives
पेसो, आगरा / PESO, Agra
भारत सरकार / Govt. of India

भवदीय

ह/-

खान सुरक्षा निदेशक
गाजियाबाद क्षेत्र, गाजियाबाद



GOVERNMENT OF INDIA
 MINISTRY OF COMMERCE & INDUSTRY
 PETROLEUM AND EXPLOSIVES SAFETY ORGANISATION (PESO)
 (Formerly Department of Explosives)
 63/4, A-Wing, IInd floor
 Kendralaya (CGO Complex), Sanjay Place Agra 282002
 Tele: 2523244 Fax: 2527436
 Email: jtceagra@explosives.gov.in

No: E/CC/UP/38/4 (E83226)

Dated : 03/01/2025

To,

M/s. Jai Maa Chandrika Enterprises Proprietor Smt. Sudha Kumari,
 Rajendra Nagar, Kabrai, Mahoba, Kabrai
 Distt. MAHOBA, State. Uttar Pradesh, Pincode-210427

07 JAN 2025

- Subject: Manufacturing ANFO from ANFO shed situated at Survey No. : 576, Village/Town. Leta Tehsil- Kulpahar, Distt. MAHOBA, State. Uttar Pradesh Licence No. E/CC/UP/38/4 (E83226) granted in Form LE-1 of Explosives Rules, 2008 - Cancellation regarding.

Sir,

Reference No mahoba dated 11/11/2024.

The following violations were observed by an officer during the inspection of the site of the subject licence on 07/11/2024.

A letter No. Nideshak/Ghaziabad Shetra/Mahoba dated 11/2024, has received from the Directorate General of Mines Safety, Ghaziabad regarding cancellation of license M/s. Jai Maa Chandrika Enterprises, Dist. Mahoba, UP (E83226).

In view of above you are intimated that the subject licence granted to you is hereby cancelled as per the provisions of Rule 118(1)(III) of the Explosives Rules, 2008.

Please comply the order and follow the procedure under Rule 119 of the Explosives Rules, 2008 regarding the disposal of the explosives in your possession.

Please follow the procedure under Rule 121 for appeal.

Receipt of this letter may please be acknowledged.

Enclosures :



Yours faithfully,

Dr. Dasharath Lakman Kamble
 Controller of Explosives
 For Joint Chief Controller of Explosives
 Central Circle office. Agra

Copy

<http://10.0.50.11/IntExp/CNCoveringLetter.asp?LetterGeneratedYN=Y&Opt=1&officer...> 03-01-2025

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 उप विस्फोटक नियंत्रक / Dy. Controller of Explosives
 पेसो, आगरा / PESO, Agra
 भारत सरकार / Govt. of India