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**IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI AT NEW DELHI**

APPEAL NO. 45 OF 2025

IN THE MATTER OF: -

Vipin Kumar Saxena

...APPELLANT

Versus

SEIAA UP & Ors.

...RESPONDENTS

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Through

Vipin
Appellant

VK Shukla

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New Delhi

Date: .02.2026

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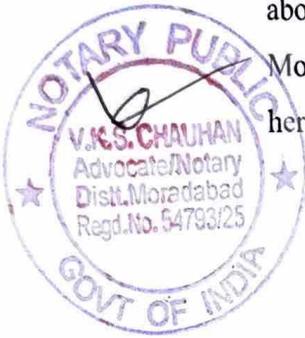
Versus

SEIAA UP & Ors. ...RESPONDENTS

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE
APPELLANT**

I, Vipin Kumar Saxena S/o Shri Om Prakash Saxena, aged about 53 years R/o HIG-A/135, Aashiyan Prtham, District Moradabad, Uttar Pradesh - 244001, presently at New Delhi, do hereby solemnly affirm and state as under:

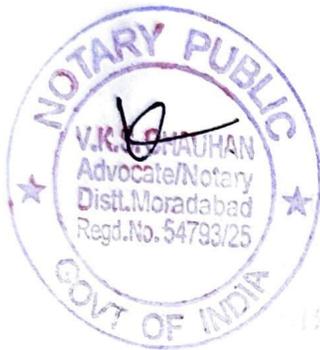
1. That, I am the appellant in the present case and as such I am well conversant with the facts and circumstances of the case and am competent to swear this affidavit.
2. That the present Additional Affidavit is being filed to bring on record a glaring instance of unequal, arbitrary and discriminatory treatment adopted by Respondent-SEIAA, Uttar Pradesh, in matters of restoration of Environmental Clearance (EC), which goes to the root of fairness, parity and non-arbitrariness in environmental governance.
3. That in the case of Project Proponent Chandrapal Singh, whose mining lease is located in the same mining belt and merely a few kilometers from the Appellant's lease area, this Hon'ble Tribunal, in O.A. No. 742 of 2024 (Madan Sen vs. State of U.P. & Ors.), vide order dated 23.09.2024, has



recorded grave and substantiated findings of environmental violations, as evident from the record, inter alia, as follows:

- a) In Paragraph 8 of the said order, it is specifically noticed that the Project Proponent had undertaken **instream mining operations** and illegally extracted **336 cubic meters of sand**, which constitutes a serious violation of environmental safeguards;
 - b) The Project Proponent failed to furnish mandatory video recording evidencing lawful mining operations, thereby obstructing regulatory verification and transparency;
 - c) Consequent thereto, the **District Magistrate, Jhansi**, cancelled the mining lease vide order dated 12.08.2024;
 - d) The Project Proponent was **blacklisted for a period of two years**, a substantial environmental penalty was imposed, and the Pollution Control Board kept the Consent to Operate (CTO) in abeyance;
4. That despite these grave findings and punitive actions recorded in official proceedings, it is noted in Paragraph 13 of the said order that Respondent-UP SEIAA did not initiate any action for violation of EC conditions, reflecting regulatory inaction in the face of proven environmental degradation.

However, despite recorded findings of illegal mining, environmental degradation, cancellation of lease, blacklisting and imposition of heavy penalties, Respondent-



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UP SEIAA, vide order dated 31.12.2025, proceeded to restore the Environmental Clearance in favour of Chandrapal Singh. This restoration was granted in a case involving proven illegal mining and punitive findings by competent authorities.

Whereas, in the present case of the Appellant, no finding whatsoever of illegal mining has ever been recorded by any statutory authority. The differential treatment is therefore not merely a matter of administrative discretion but constitutes a glaring instance of arbitrariness, irrational classification and hostile discrimination.

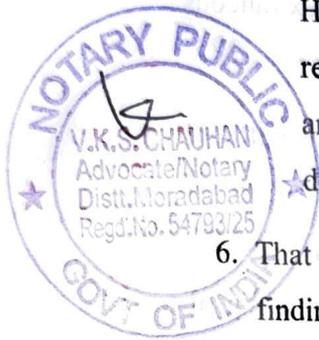
A copy of the restoration order dated 31.12.2025 passed by UP SEIAA restoring the EC in favour of Chandrapal Singh is annexed herewith as **ANNEXURE: A/15**.

5. In stark and irreconcilable contrast, in the case of the present Appellant, Vipin Kumar Saxena, the factual matrix stands entirely different and significantly stronger:
 - a) Neither the Joint Committee Report dated 08.08.2024 nor any statutory authority has recorded any finding of illegal mining, environmental degradation, instream mining or excess excavation against the Appellant.
 - b) The Joint Committee expressly found no instance of illegal mining and pointed out only procedural/technical non-compliances of EC conditions, all of which were curable and did not involve any environmental damage.



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- c) The Appellant, acting bona fide, filed a detailed compliance affidavit dated 24.10.2024 (running into 400+ pages) followed by an additional affidavit dated 23.11.2024, addressing each observation point-wise with supporting documents.
- d) Respondent–SEIAA itself sought time before this Hon’ble Tribunal to examine the compliance and file its reply in I.A. No. 535 of 2024, but thereafter failed to file any response and proceeded without considering or dealing with the compliance material on record.



6. That despite the above, and despite the absence of any finding of illegal mining, Respondent–SEIAA:
- a. Failed to consider or even advert to the Appellant’s detailed compliance affidavits;
 - b. Did not file any reply to I.A. No. 535 of 2024 despite seeking time from this Hon’ble Tribunal;
 - c. Proceeded to cancel the Environmental Clearance vide order dated 22.12.2024;
 - d. Thereafter, dismissed the restoration applications vide order dated 15.05.2025, again without examining the compliance already on record.
7. That the differential treatment meted out to the Appellant vis-à-vis Chandrapal Singh is wholly arbitrary, irrational and violative of Article 14 of the Constitution of India. A Project Proponent facing proven allegations of illegal mining has been granted restoration, whereas the Appellant,

against whom no illegality of illegal mining, whatsoever is alleged, has been denied restoration despite full compliance.

8. That such hostile discrimination demolishes the credibility of the regulatory process and converts environmental regulation into an instrument of arbitrary punishment rather than reasoned governance. Environmental law cannot be applied selectively or unequally based on extraneous considerations.
9. That it is further submitted that the Appellant has suffered and continues to suffer acute financial distress solely on account of the non-restoration of the Environmental Clearance, despite there being no allegation or finding of illegal mining against him. Acting bona fide and on the legitimate expectation arising from a validly granted EC, the Appellant invested his entire personal and financial resources into the project. He mortgaged his residential house and mobilised substantial finances, including term loans aggregating to approximately ₹3 crores, an overdraft facility of ₹80 lakhs, a friendly loan of ₹2 crores, and a security deposit of ₹2.20 crores deposited with the Government.
10. That these financial liabilities continue to accrue interest at approximately 9% per annum, while mining operations remain completely stalled solely due to suspension/cancellation of the EC. The Appellant is thus burdened with mounting debt without any operational revenue.

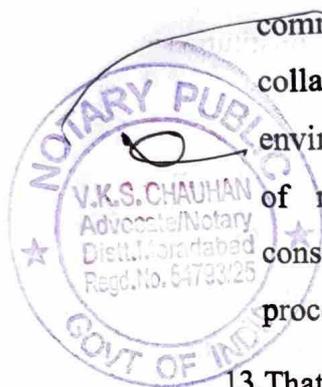


11. That apart from financial borrowings, heavy mining machinery and equipment procured for the project now remain idle and depreciating; lease rentals, maintenance expenses and statutory dues continue unabated. Skilled and unskilled workers who were dependent on the project for their livelihood have lost employment, and the entire operational infrastructure stands paralysed.

12. That the Appellant is, therefore, not merely facing commercial loss, but is being pushed towards financial collapse and loss of livelihood, without any finding of environmental illegality against him. The continuing denial of restoration has resulted in disproportionate civil consequences, far beyond the nature of the alleged procedural non-compliances.

13. That parity, consistency and fairness are integral to environmental decision-making, and once Respondent-SEIAA has restored ECs even in cases involving grave illegal mining, it cannot lawfully deny restoration to the Appellant whose case stands on a far stronger factual and legal footing.

14. That the present Additional Affidavit is therefore essential for a just, complete and effective adjudication of the appeal on merits, and for preventing miscarriage of justice arising from arbitrary and unequal application of environmental norms.



In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

a) Take the present Additional Affidavit on record as forming an integral part of the pleadings in the appeal;

b) Consider and examine the discriminatory, arbitrary and unequal conduct of Respondent-SEIAA, as specifically pleaded herein, while adjudicating the appeal on merits, particularly in the context of parity, proportionality and Article 14 of the Constitution of India;

c) Pending final adjudication of the appeal, grant interim protection to the Appellant by directing restoration of the Environmental Clearance, or in the alternative, restrain the Respondents from taking any coercive or prejudicial action against the Appellant, so as to preserve the subject-matter of the appeal and prevent irreparable harm.

d) Pass any such further order which this Hon'ble Tribunal may deem fit and proper in the interest of justice.

[Signature]
DEPONENT

VERIFICATION:

I, the deponent above named do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge derived from the records and nothing relevant has been concealed therefrom. Verified at
February, 2026.

on this day of
[Signature]
DEPONENT



*Vipin Kumar Saxena
V.K. shukla*

[Signature]
V.K.S. CHAUHAN
Advocate / 11/10/2026
Regd. No. 54759/2014

... before me by Shri/Smt./Km. ...
... who is identified by Shri/Smt./Km. ...
... Advocate of ...
... satisfied my self after examination the depo-
... that he/she understood the contents of the
... affidavit and the same has been read over and
... explained by me. Not. / Rs. ...

Directorate of Environment, U.P.

Vineet Khand-1, Gomti Nagar, Lucknow - 226 010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

To,

Shri Chandra Pal Singh,
Krishna Nagar Colony, Khera Gadiyagaon,
Tehsil & District- Jhansi, U.P.

Ref. No.....65...../Parya/SEIAA/7335-6342/2020

Date: 31 December, 2025

Sub: Restoration of of Environmental Clearance for Proposed Sand/Morrum Mining at Betwa River Bed at Gata No. 314, Khand- 01, Village: Manikpura, Tehsil: Moth, District: Jhansi, Area: 4.75 Ha, File No. 7335/6342

Dear Sir,

SEIAA after detailed deliberation in its meeting dated 03.12.2025 observed that "the matter is related to reinstate the cancelled EC of the applicant Shri Chandra Pal Singh, R/o Krishna Nagar Colony, Khera Gadiyagaon, Tehsil & District Jhansi, U.P. In compliance of order 07-10-2025 of Hon'ble High Court, Allahabad, Lucknow bench via Writ-C No. 7251 of 2025 Chandra Pal Singh vs. Union of India & Ors. SEIAA reviewed the matter on 02-12-2025 giving opportunity to the project proponent and personal hearing. The detail of matter of is as follows:

1. DM, Jhansi cancelled the lease on 12.08.2024 of Shri Chandra Pal Singh regarding Sand/Morrum Mining at Betwa River Bed at Gata No. 314, Khand- 01, Village: Manikpura, Tehsil: Moth, District: Jhansi, Area: 4.75 Ha.
2. Hon'ble NGT in OA no. 742 of 2024 Madan Sen S/o Late Jagdish Prasad Vs State of UP & Ors. passed an order dated 23.09.2024, operative part of which is as follows:

... "8. The aforesaid chart indicates that Respondent No. 5 had carried out instream mining and had also committed illegality in respect of 336 cubic meters of sand. Respondent No. 5 had failed to supply the proper video recording of the concerned period, therefore, the District Magistrate, Jhansi vide order dated 12.08.2024 has cancelled the lease deed of the mining area. The reply further reflects that Respondent No. 5 has also been blacklisted for two years and the penalty has been imposed vide orders dated 10.01.2024, 25.04.2024 and 04.05.2024. In view of this, UPPCB has kept in abeyance the CTO issued to the project proponent till the further orders.

...13. It is also noticed that SEIAA, UP has not initiated any action against Respondent No. 5 for violation of the EC conditions. Hence, the SEIAA, UP will also examine the issue of violation of EC conditions by Respondent No. 5 and take appropriate expeditious action in accordance with the law."...

3. The District Magistrate's order dated 12.08.2024 regarding cancellation of the mining lease had been set aside by the Commissioner, Jhansi, through order dated 24.10.2024 in Appeal No. 1076/2024 and directed the District Magistrate as reproduced below: -

"...उपरोक्त विवेचना के आधार पर अपील स्वीकार की जाती है। जिलाधिकारी, झांसी द्वारा पारित आदेश दिनांक 12-08-2024 निरस्त करते हुए प्रकरण जिलाधिकारी, झांसी को इस निर्देश के साथ प्रतिप्रेषित किया जाता है कि अपीलकर्ता/पट्टाधारक को युक्तियुक्त अवसर प्रदान करते हुए उ०प्र० उपखनिज (परिहार) नियमावली 2021 के नियमों के आलोक में गुण-दोष का आदेश पारित करना सुनिश्चित करें।"

4. SEIAA further noted that in compliance with the order of the Commissioner, Jhansi, dated 24.10.2024, the District Magistrate, Jhansi, vide order dated 12.12.2024 after granting a personal hearing and examining the representation submitted by the Project Proponent, reaffirmed the earlier cancellation order dated 12.08.2024.

5. The Project Proponent further filed **694** Statutory Revision before the State Government, registered as Statutory Revision No. 03(R)/G&M/2025 titled 'Chandra Pal Singh vs. District Magistrate, Jhansi'. The State Government, vide its order dated 27.01.2025, passed the following order:

"...उपरोक्त के दृष्टिगत राजस्व हित में एवं जिलाधिकारी द्वारा पारित आदेश दिनांक 12-12-2024 में त्रुटि के दृष्टिगत जिलाधिकारी, झांसी द्वारा पारित आदेश दिनांक 12-12-2024 निरस्त किया जाता है, तथा निगरानीकर्ता को निर्देशित किया जाता है कि जिलाधिकारी, झांसी द्वारा अधिरोपित धनराशि 10 कार्य दिवस में जमा कराना सुनिश्चित करें। जिलाधिकारी, झांसी को यह भी निर्देशित किया जाता है कि जी०एम०एफ०(जिला खनिज फाउण्डेशन न्यास) के मद में देय धनराशि को सुचारु रूप से पुनः त्रुटिहित गणना कराये तथा निगरानीकर्ता पर अन्य देय धनराशि जमा कराकर पट्टा संचालन शुरू कराना सुनिश्चित करें। यदि निगरानीकर्ता अधिरोपित धनराशि/शास्ति समयान्तर्गत जमा नहीं करता है तो जिलाधिकारी, झांसी यथोचित निर्णय लेने हेतु स्वतंत्र होंगे।

तदनुसार विषयगत निगरानी निस्तारित की जाती है। सभी संबंधित को सूचित किया जाय। वाद आवश्यक कार्यवाही हेतु पत्रावली दाखिल दफ्तर हो।"

6. The project proponent additionally submitted that an affidavit dated 25.01.2025 had been filed before the State Government in the said statutory revision, stating that:-

"The revisionist / deponent is willing to operate the mining lease in question hence without admitting the liability imposed revisionist is deposit the aforesaid amount mentioned and demanded in the impugned order dated 12-12-2024 within 15 days with condition that after depositing the aforesaid amount impugned order dated 12-12-2024 may deemed to be quashed and mining lease of the revisionist may be treated to be restored with permission to start the mining operation with immediate effect"

7. The applicant deposited the amount of penalty imposed on applicant and started running the mining lease in the month of February, 2025.
8. SEIAA in its 884th meeting dated 02-04-2025 recorded the decision in the present case as follows-

OA no. 742 of 2024 Madan Sen S/o Late Jagdish Prasad Vs State of UP & Ors. order dated 23.09.2024.

"SEIAA gone through the order dated 23.09.2024 passed in OA no. 742 of 2024 Madan Sen S/o Late Jagdish Prasad Vs State of UP & Ors. Operative part of which is as follows:-

"...8. The aforesaid chart indicates that Respondent No. 5 had carried out instream mining and had also committed illegality in respect of 336 cubic meters of sand. Respondent No. 5 had failed to supply the proper video recording of the concerned period, therefore, the District Magistrate, Jhansi vide order dated 12.08.2024 has cancelled the lease deed of the mining area. The reply further reflects that Respondent No. 5 has also been blacklisted for two years and the penalty has been imposed vide orders dated 10.01.2024, 25.04.2024 and 04.05.2024. In view of this, UPPCB has kept in abeyance the CTO issued to the project proponent till the further orders.

13. It is also noticed that SEIAA, UP has not initiated any action against Respondent No. 5 for violation of the EC conditions. Hence, the SEIAA, UP will also examine the issue of violation of EC conditions by Respondent No. 5 and take appropriate expeditious action in accordance with the law."...

Since District Magistrate, Jhansi has cancelled the lease deed of the mine vide order no. 512/30MMC/2024-25 dated 12.08.2024. Hence EC is also null and void in view of cancelled lease deed and is cancelled effective 12/08/2024."

9. SEIAA further took note of the letter of ADM Jhansi dated 01-05-2025, the relevant portion of the letter is reproduced as follows:-

"...उक्त निगरानी संख्या-03(आर)/जी०एण्ड०एम० (यू०पी०)/2025 में उत्तर प्रदेश शासन, भूतत्व एवं खनिकर्म विभाग लखनऊ के आदेश संख्या-365/एस०एस०एम०/2025 दिनांक: 27-01-2025 के माध्यम से आदेश पारित किया गया था, जिसके अनुपालन में जिलाधिकारी महोदय, द्वारा कार्यालय के पत्र संख्या- 1133/30एम०एम०सी०/2024-25 दिनांक: 31-01-2025 द्वारा उपरोक्त खनन पट्टा को बहाल कर दिया गया। तदनुसार अवगत होने का कष्ट करें।"

10. SEIAA further noted that the project proponent approached the Hon'ble High Court, Allahabad, Lucknow bench via Writ-C No. 7251 of 2025 Chandra Pal Singh vs. Union of India

& Ors. in which the Hon'ble court has passed an order dated 07-10-2025. The operative part of the order is as below:

"...In our view, this matter may be disposed of, keeping in mind the above observations made, by quashing and setting aside the impugned order and directing the authority concerned to grant an opportunity of hearing to the petitioner, and thereafter, pass a reasoned order in accordance with law. The entire procedure of passing the reasoned order should be completed within a period of eight weeks from date...."

11. The applicant submitted representation to SEIAA dated 30.10.2025 and 31.10.2025 annexing order of Hon'ble High Court in Writ-C no. 7251 of 2025 dated 07.10.2025 and requested to reinstate the cancelled EC by SEIAA.
12. In compliance of above Hon'ble court order dated 07-10-2025 and applicants letter dated 30.10.2025 and 31.10.2025, SEIAA issued letter No. 788/Parya/SEIAA/7335/2025 dated 26.11.2025, directing the project proponent to appear before the Authority on 02.12.2025. Accordingly, Shri Akhil Pratap Singh, authorized representative of Shri Chandra Pal Singh, along with Advocate Shri Rahul Srivastava, appeared and presented the sequence of proceedings on 02.12.2025. The applicant informed during the hearing that, in compliance of the order dated 27-01-2025 passed by the State Government under Statutory Revision No. 03(R)/G&M/2025, the entire amount of penalty imposed by DM has been deposited.
13. In compliance of order 07-10-2025 of Hon'ble High Court, Allahabad, Lucknow bench via Writ-C No. 7251 of 2025 Chandra Pal Singh vs. Union of India & Ors. SEIAA reviewed the matter giving opportunity to the project proponent and personal hearing on 02-12-2025. After due deliberation, SEIAA took note of the fact that DM, Jhansi had cancelled the lease of applicant twice and on both the occasions the cancellation order of DM has been set aside by Commissioner and subsequently by Govt. of UP as detailed in the foregoing paragraph. ADM, Jhansi vide letter dated 01.05.2025 has confirmed that the validity of mining lease has been re-instated. The project proponent has confirmed deposition of total amount of penalty imposed by DM, Jhansi.
14. SEIAA opined that the EC issued vide EC Identification No. EC23B001UP176919 dated 28.04.2023 be reinstated with all the conditions imposed in EC dated 28.04.2023 and the following conditions:-
 - a) The order to reinstate EC by SEIAA is subjected to any orders of the Hon'ble Supreme Court, Hon'ble High Court or Hon'ble NGT, and with the condition of strict adherence to all EC conditions & stipulations, including the mandatory submission of six-monthly compliance reports.
 - b) The mining operation shall be carried out in strict compliance of all the relevant Acts, Rules and regulations, orders of Govt. of India, Govt. of UP, Sustainable Sand Mining Guidelines, 2016, and the Enforcement and Monitoring Guidelines for Sand Mining, 2020 and conditions of EC.
 - c) In case of any violation of acts/rules/guidelines in future deterrent action shall be taken, against the project proponent as per the provisions of law.
 - d) Unit shall ensure operation with maintenance of the PTZ camera with due connectivity to the command center of the Mining Department. It shall be ensured and supervised by Mining Department.
 - e) DM, Jhansi, RO, UPPCB and Mining Department shall conduct regular inspection to prevent illegal mining and ensure compliance of all conditions of environment clearance including EMP and CER.
 - f) Project proponent shall commence operation only after deposition of penalty levied by any authority.
 - g) All six monthly compliance report should be uploaded timely by project proponent."

Hence environmental clearance Identification No. EC23B001UP176919 dated 28.04.2023 is being restored.

Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

This is for your kind information and necessary action under the provision of EIA notification 2006 (as amended)

(Manish Mittal (IFS))
Member Secretary, SEIAA

Copy, through email, for information and necessary action to –

1. Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, Lucknow (email – psforest2015@gmail.com)
2. Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, 3rd Floor, Prithvi-Block, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003 (email – sudheer.ch@gov.in)
3. Deputy Director General of Forests (C), Integrated Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector “H”, Aliganj, Lucknow – 226020 (email – rocz.lko-mef@nic.in)
4. District Magistrate, Jhansi.
5. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email – ms@uppcb.in)
6. Copy to Web Master for uploading on PARIVESH Portal.
7. Copy for Guard File.

(Manish Mittal (IFS))
Member Secretary, SEIAA

Manish Mittal

TRUE COPY