

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1003/2024**

IN THE MATTER OF:

MR ASHOK KUMAR AND ANR.

...APPLICANT(s)

VERSUS

STATE OF U.P.

...RESPONDENT(s)

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773

THROUGH COUNSEL

A handwritten signature in black ink, appearing to read 'Bpsjadon', enclosed in a circular scribble with a long horizontal line extending to the right.

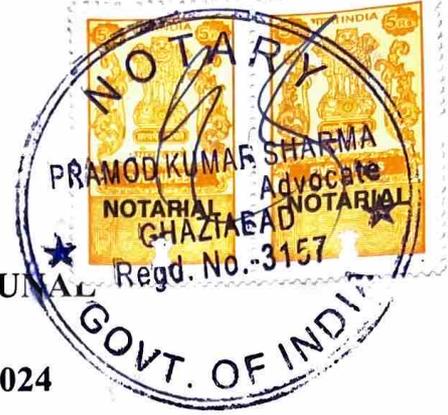
BHANWAR PAL SINGH JADON
COUNSEL FOR THE DM, GHAZIABAD

EMAIL- bhanwar09jadon@gmail.com

PHONE NO.- 6375115224

DATE: 07.04.2025

PLACE: GHAZIABAD



BEFORE THE NATIONAL GREEN TRIBUNAL
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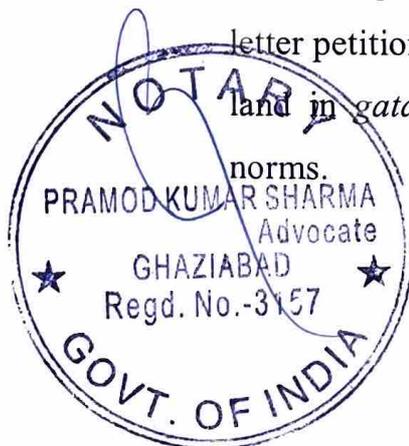
STATE OF U.P.

...RESPONDENT(s)

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE DISTRICT
MAGISTRATE, GHAZIABAD IN COMPLIANCE OF ORDER DATED
14.02.2025 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

I, Deepak Meena aged about 39 years, S/o R.C. Meena posted as District Magistrate, Ghaziabad, U.P. do hereby solemnly affirm and state as under:

1. That I, the Deponent in the above captioned matter am fully conversant with the facts of the case and am competent and authorized to swear the present Reply.
2. That the present Original Application addresses the complaint made via letter petition about the mining by M/s. New Panter Security Gard Service in land in gata numbers mentioned in the letter petition in violation of the



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3. That it is submitted that the Deponent issued demand letter dated 28.12.2024 against the Project Proponent, M/s New Panther Security Guard Services, through its proprietor Mr. Bani Singh, for unauthorized extraction of sand beyond the mining lease area in Village Pachayara, *Khand-2*, Tehsil Loni, District Ghaziabad. Therefore, in violation of the lease and illegal extraction of sand amounting to a total quantity of 840 cubic meters, as per the inspection carried out on 03.05.2024 by the Mining Officer, Ghaziabad, a penalty amount of Rs. 8,27,600/- was imposed (along with 18% annual interest calculated from 04.05.2024). The bifurcation of the recovery amount is as follows:

- i. Royalty: ₹54,600/-
- ii. Mineral Value: ₹2,73,000/-
- iii. Penalty (Shaman Shulk): ₹5,00,000/-
- iv. Total Outstanding Amount: ₹8,27,600/- (Rupees Eight Lakh Twenty-Seven Thousand Six Hundred Only)
- v. Annual Interest: 18% from 04.05.2024 onwards

A copy of demand notice dated 28.12.2024 is annexed herewith and marked as **ANNEXURE-1**.

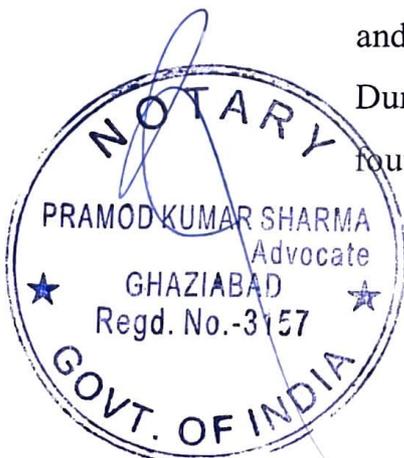
4. That in compliance of the demand notice issued by the Deponent, the Project Proponent paid the amount of Rs. 9,51,740/- (including interest) through Challan dated 13.02.2025.

A copy of Challan dated 13.02.2025 is annexed herewith and marked as **ANNEXURE-2**.



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5. That with regards to investigation in the complaints about the illegal mining, a three member joint committee was constituted by the Deponent comprising of the SDM, Loni; Mining Officer, Ghaziabad; and Senior Surveyor, Regional Office, Ghaziabad.
6. That the joint committee conducted the inspection dated 20.01.2025, the observations made by the joint committee are as follows:
- i. During the inspection, all boundary pillars of the approved sand mining lease area were found to be intact and in place.
 - ii. In compliance with the conditions of the Environmental Clearance Certificate, trees were found to be planted within the leased area. Waste disposal bins were provided, and arrangements for water sprinkling at the mining site were also observed.
 - iii. CCTV cameras were installed and operational at the approved sand mining lease area in accordance with the prescribed norms. Additionally, a weighbridge was found to be functional on-site.
 - iv. The lessee was found conducting mining operations strictly within the demarcated lease area.
 - v. In compliance with the terms of the executed lease deed, a board displaying the sale price of ordinary sand was installed at the mining site.
 - vi. No signs of illegal mining were observed during the inspection.
 - vii. Previous inspections of the leased area were conducted on 17.10.2024 and 24.11.2024, following the conclusion of the monsoon season. During these inspections, a major portion of the mining lease area was found to be submerged under water, and as a result, no mining



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operations were being carried out at that time. Subsequently, after depositing the outstanding lease instalment and following the reduction in the water level, the lessee resumed mining operations on 07.01.2025. However, a partial portion of the lease area is still submerged under water.

- viii. The lessee was issued strict directions to ensure that no mining activities are carried out in the river's watercourse under any circumstances and to strictly confine mining operations within the demarcated lease area. Furthermore, the lessee was directed to prevent overloading and ensure that no mineral is transported without a valid E-MM-11 permit.

That vide letter dated 28.01.2025 the inspection report was duly sent to the Deponent by the Mining Officer, Ghaziabad.

A copy of letter dated 28.01.2025 and the inspection report dated 21.01.2025 is annexed herewith and marked as ANNEXURE-3.

7. That the Hon'ble Tribunal vide order dated 14.02.2025 directed the Deponent to submit the current factual position with reference to the CDs provided by the Applicant. Furthermore, the Deponent was directed to restrain the Project Proponent from carrying out any further mining and ensure that no illegal mining takes place. The operative part of the aforementioned order is stated below:

"...7. The applicants have sent two video CDs alongwith their letter petition the applicant has also enclosed photographs showing construction of Bandh and instream mining.



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8. We have seen the video CDs which show that the Project Proponent had constructed Bandh in river Yamuna obstructing flow of water and had also carried out instream mining which amounts to utter violation of environmental norms for mining.

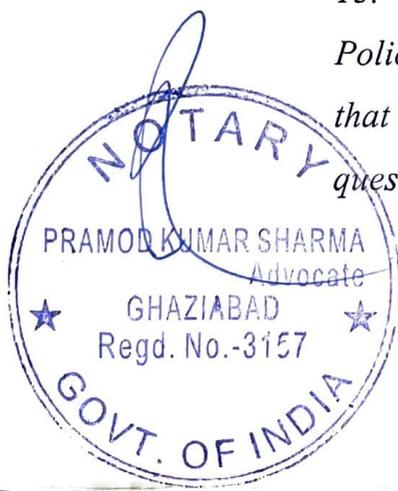
9. Learned Counsels for respondents no. 3, 4, 5 and 6 have submitted that copies of the video CDs have not been provided to them and they cannot respond to the same in the absence thereof.

10. Copies of the video CDs may be provided to respondents no. 3, 4, 5 and 6 on furnishing of empty pen-drive and the data in the video CDs sent by the applicants with the letter petition may be thereafter copied and made available to respondents no. 3, 4, 5 and 6 and also other respondents as the case may be.

11. Respondents no. 3, 4, 5 and 6 are directed to file additional responses with reference to the factual position shown in the video CDs.

12. In view of the serious violation of environmental norms as depicted by the video CDs sent by the applicants with the letter petition and provision of Section 20 of the National Green Tribunal Act, 2010 mandating this Tribunal to apply the precautionary principle and in exercise of powers under Section 19 (4) (j) of the National Green Tribunal Act, 2010, respondents no. 5 and 6 are restrained from carrying out any further mining in the mining lease sites in question till further orders of this Tribunal to the contrary.

13. The District Magistrate, Ghaziabad and the Commissioner of Police Ghaziabad are directed to take all requisite steps for ensuring that no illegal mining takes place in the mining lease sites in question..."



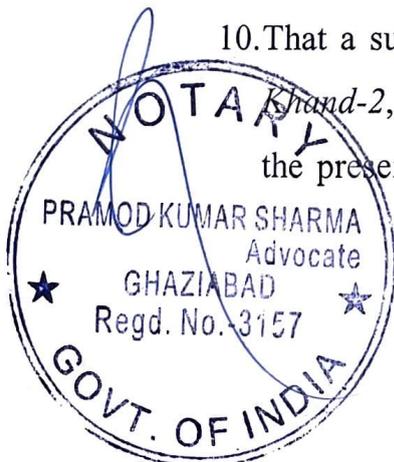
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8. That in compliance of the directions issued by the Hon'ble Tribunal, Order dated 25.02.2025 was issued to the Project Proponent prohibiting the sand mining at the lease site located in Village Pachayara, *Khand-2*, Tehsil Loni with immediate effect, until further orders. Accordingly, the Project Proponent was directed not to carry out any mining activities within the aforesaid mining lease area. Any mining activity conducted in violation of this directive shall be deemed a contempt of court, and legal proceedings shall be initiated against them.

A copy of order dated 25.02.2025 issued by the Deponent is annexed herewith and marked as **ANNEXURE-4**.

9. That with regard to the CDs submitted by the Applicant along with their letter petition dated 23.12.2023, which have been relied upon by the Applicant, it is observed that the videos contained in the CDs, as well as the letter petition, through showing of a newspaper, indicate that the recordings of the alleged illegal mining activities were made on 23.04.2023 and 20.12.2023, respectively. It is to be noted that the dates mentioned by the Applicant cannot be relied upon with surety as the video can be recorded any day after the dates mentioned in the newspaper shown in the video. Furthermore, it is germane to mention that the aforementioned recordings do not indicate the geo- coordinates (latitude and longitude) of the site shown in the CDs.

10. That a surprise inspection of the sand mining lease area, Village Pachayara *Khand-2*, was conducted on 29.03.2025 by the Mining Office, Ghaziabad in the presence of the Senior Surveyor, Regional Office, Ghaziabad to verify



03 APR 2025

the current status of the mining site in compliance of order dated 14.02.2025 passed by this Hon'ble Tribunal. The site in question was inspected thoroughly by the officials to ascertain the compliance with directions issued by the Tribunal and examine if any mining activities or illegal mining activities have been carried out by the lessee.

A copy of the inspection report and photographs are annexed herewith and marked as **ANNEXURE-5**.

11. That during the above- mentioned inspection it was observed that in the sand mining lease area of Village Pachayra *Khand-2*, in compliance with the order dated 14.02.2025 of the Hon'ble Tribunal, no mining activities were found to be carried out by the lessee. During the inspection, no *Bandh* in River Yamuna, obstructing flow of water, was seen constructed in the river stream within the sand lease area of Village Pachayra *Khand-2*, nor were any new signs of mining observed. Due to the absence of above-mentioned details regarding the area shown in the CDs presented by the applicant before the Hon'ble Tribunal, it was not possible to verify the said video in question.

12. Hence, the present reply is being filed for the kind consideration and perusal of this Hon'ble Tribunal.

13. That I state that everything stated above has been stated by me in my official capacity on and derived from the official records and I state that nothing material has been concealed therefrom.



03 APR 2025

DEPONENT

VERIFICATION

03 APR 2025

Verified at Ghaziabad on this ___ day of _____, 2025,
that the contents of the above affidavit from paragraphs 1 to 13 are believed
to be true and correct to the best of my knowledge and belief. No part of it is
false and nothing material has been concealed therefrom.


DEPONENT

03 APR 2025



ATTESTED

S. No. 01 Dated. 03/04/2025
Certified that Documents/Affidavit of Shri..
Identified by Shri.....


03/04/2025
PRAMOD KUMAR SHARMA
Regd. No. 3157, Govt. of India
Notary Public, Ghaziabad

Deepak Meena
Stoff. A.C. Meena
District Magistrate.
Ghaziabad (v.p.)

03 APR 2025

पत्र सं०:- 17/ /ख०अनु०/आर०सी०/गाजि०/22-23

दिनांक: 28/12/2024

वसूली मांग पत्र

सेवा में,

जिलाधिकारी,
अलीगढ़।

महोदय

कृपया अवगत कराना है कि मै० न्यू पेन्थर सिक्वोरिटी गार्ड सर्विस प्रो० श्री बनी सिंह निवासी- सालासर काम्पलैक्स, 306, शंकर विहार कालोनी, कुरैशी, अलीगढ़ के पक्ष में ग्राम पचायरा खण्ड-2 तहसील लोनी गाटा सं० 303मि०, 313मि०, 290मि०, 301मि०, 303, 304मि०, 314मि०, 297मि०, 298मि०, 302मि०, 311मि०, 312मि०, 313मि०, 314मि० रकबा 8.512 हे० खनन योग्य मात्रा 177737 घ०मी० वार्षिक का बालू खनन पट्टा 05 वर्ष की अवधि (दिनांक 12.11.2021 से 11.11.2026 तक) के लिये स्वीकृत एवं निष्पादित है।

पट्टाधारक श्री बनी सिंह द्वारा अपने सीमांकित क्षेत्र से बाहर जाकर अवैध साधारण बालू खनन मात्रा 840 घ०मी० की रायल्टी रू० 54,600/-, खनिज मूल्य रू० 2,73,000/- एवं शमन शुल्क रू० 5,00,000/-, कुल धनराशि रू० 8,27,600/- को 18 प्रतिशत वार्षिक ब्याज के साथ भू-राजस्व के रूप में वसूल किये जाने के आदेश दिये गये हैं। न्यू पेन्थर सिक्वोरिटी गार्ड सर्विस प्रो० श्री बनी सिंह जनपद अलीगढ़ की निवासी है तथा इनकी चल अचल सम्पत्ति आपके क्षेत्रान्तर्गत आती है।

अतः मै० न्यू पेन्थर सिक्वोरिटी गार्ड सर्विस प्रो० श्री बनी सिंह निवासी- सालासर काम्पलैक्स, 306, शंकर विहार कालोनी, कुरैशी, अलीगढ़ से अपने सीमांकित क्षेत्र से बाहर जाकर अवैध साधारण बालू खनन मात्रा 840 घ०मी० की रायल्टी रू० 54,600/-, खनिज मूल्य रू० 2,73,000/- एवं शमन शुल्क रू० 5,00,000/-, कुल धनराशि रू० 8,27,600/- को 18 प्रतिशत वार्षिक ब्याज के साथ (ब्याज की गणना दिनांक 04.05.2024 से की जायेगी) वसूली कराते हुये जिलाधिकारी गाजियाबाद के पक्ष में बैंक ड्राफ्ट तैयार कर उपलब्ध कराने का कष्ट करें।

28/12/24

अपरजिलाधिकारी (वि०/रा०)
गाजियाबाद।

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CHALLAN**(अलौह खनन तथा धातु कर्म उद्योग, उ०प्र०)****Government of Uttar Pradesh**

Uttar Pradesh Treasury Form-209(1) - Challan for Depositing Money

[To be submitted through Net-Payment]

Challan No.: AKV250005375	Challan Date: 13/02/2025
Assessment Year: 2024-2025	Tax Period: ANNUAL
Name of the Bank:	
Unique Id:	
Depositor Name:	New Panther Security Guard Services
Depositor Address:	Bani Singh Pachayara Khand 2 Loni Ghaziabad

Head	Description	Serial No.	Amount (in Rs.)
085300800010000	अन्य प्राप्तियां	4	951740.00
	Totals of the above heads	--	951740.00

A SUM OF Rs. 951740.00 AGAINST THE HEADS MENTIONED ABOVE --[THROUGH NET-PAYMENT TRANSACTION]-- ON HAS BEEN DEPOSITED BY THE DEPOSITOR.

(Depositor Remarks->Illegal Mining Pachayara Khand 2)

THE BANK REFERENCE NO. RECEIVED AFTER THE TRANSACTION IS : CPAEUPVBC9, Scroll Date:-13/02/2025

प्रेषक,

खान अधिकारी,
गाजियाबाद।

सेवा में,

जिलाधिकारी,
गाजियाबाद।

पत्र सं०:- 248 / ख०अनु०-गाजि० / 24-25

दिनांक: 28/01/ 2025

विषय:- जनपद गाजियाबाद में स्वीकृत बालू खनन पट्टे की जांच के सम्बंध में।

महोदय,

कृपया उपरोक्त विषयक कार्यालय ज्ञाप सं० 227/ख०अनु०-गाजि०/24-25 दिनांक 15.01.2025 का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा जनपद गाजियाबाद में स्वीकृत बालू खनन पट्टा ग्राम पचायरा खण्ड-2, गाटा सं० 303मि०, 313मि०, 290मि०, 301मि०, 303, 304मि०, 314मि०, 297मि०, 298मि०, 302मि०, 311मि०, 312मि०, 313मि०, 314मि० रकबा 8.512 है०, जो दिनांक 12.11.2021 से 11.11.2026 तक मै० न्यू पेन्थर सिक्योरिटी गार्ड सर्विस प्रो० श्री बनी सिंह के पक्ष में स्वीकृत बालू खनन पट्टे पर नियम विरुद्ध खनन किये जाने की निरन्तर प्राप्त हो रही शिकायतों के दृष्टिगत बालू खनन पट्टे की जांच किये जाने हेतु गठित 03 सदस्यीय समिति को उक्त क्षेत्र की जांच कर आख्या उपलब्ध कराने के निर्देश दिये गये थे।

उपरोक्त निर्देशों के क्रम में दिनांक 20.01.2025 को बालू खनन पट्टा क्षेत्र ग्राम पचायरा (खण्ड-2) का संयुक्त रूप से स्थलीय निरीक्षण किया गया। संयुक्त जांच आख्या दिनांक 21.01.2025 की छायाप्रति इस पत्र के साथ संलग्न कर महोदय की सेवा में सादर अवलोकनार्थ प्रेषित है।

संलग्नक:- यथोपरि।

भवदीय,

(सौरभ चतुर्वेदी)
खान अधिकारी,
गाजियाबाद।

संयुक्त जांच आख्या

कार्यालय ज्ञाप संख्या 227/ख0अनु0-गाजि0/24-25 दिनांक 15.01.2025 द्वारा ग्राम पचायरा खण्ड-2, गाटा सं0 303मि0, 313मि0, 290मि0, 301मि0, 303, 304मि0, 314मि0, 297मि0, 298मि0, 302मि0, 311मि0, 312मि0, 313मि0, 314मि0 रकबा 8.512 है0, जो दिनांक 12.11.2021 से 11.11.2026 तक मै0 न्यू पेन्थर सिक्वोरिटी गार्ड सर्विस प्रो0 श्री बनी सिंह के पक्ष में स्वीकृत बालू खनन पट्टे पर नियम विरुद्ध खनन किये जाने की निरन्तर प्राप्त हो रही शिकायतों के दृष्टिगत बालू खनन पट्टे की जांच किये जाने हेतु गठित 03 सदस्यीय समिति को उक्त क्षेत्र की जांच कर आख्या उपलब्ध कराने के निर्देश दिये गये हैं, जिसके क्रम में 03 सदस्यीय समिति उपजिलाधिकारी लोनी, खान अधिकारी, गाजियाबाद व वरिष्ठ सर्वेक्षक, क्षेत्रीय कार्यालय गाजियाबाद द्वारा बालू खनन पट्टा ग्राम पचायरा खण्ड-2 का स्थलीय निरीक्षण दिनांक 20.01.2025 को किया गया। बिन्दुवार निरीक्षण आख्या निम्नवत् है :-

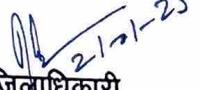
1. निरीक्षण के दौरान स्वीकृत बालू खनन पट्टा क्षेत्र में सभी पिलर यथा स्थान लगे हुए पाये गये।
2. पट्टाधारक के पक्ष में स्वीकृत पर्यावरण स्वच्छता प्रमाण पत्र की शर्तों के अन्तर्गत जांच के दौरान पौधे लगे पाये गये तथा अपशिष्टों के निस्तारण के लिये कुड़ेदान भी रखे गये हैं, साथ ही खनन स्थल पर जल छिड़काव करने की व्यवस्था भी की गयी है।
3. जांच के दौरान स्वीकृत बालू खनन पट्टा क्षेत्र में नियमानुसार सी0सी0टी0वी0 कैमरे लगे पाये गये, जो मौके पर संचालित हैं तथा वे-ब्रिज भी कार्यरत पाया गया।
4. निरीक्षण के दौरान पट्टाधारक द्वारा अपने सीमांकित क्षेत्र के अन्दर ही खनन कार्य किया जाना पाया गया।
5. पट्टाधारक द्वारा निष्पादित पट्टा विलेख की शर्तानुसार खनन स्थल पर साधारण बालू का विक्रय मूल्य प्रदर्शित करते हुये बोर्ड लगाया गया है।
6. निरीक्षण के दौरान मौके पर किसी प्रकार के अवैध खनन के चिन्ह परिलक्षित नहीं हुए।
7. वर्षा ऋतु काल समाप्त होने के उपरान्त उक्त क्षेत्र की जांच दिनांक 17.10.2024 व दिनांक 24.11.2024 को की गयी थी, जिसमें प्रश्नगत बालू खनन पट्टा क्षेत्र का अधिकांश भाग जलमग्न होने के कारण पट्टा संचालित होता नहीं पाया गया था। पट्टाधारक द्वारा देय बकाया किश्त को जमा करने एवं जल स्तर कम हो जाने के उपरान्त दिनांक 07.01.2025 से खनन कार्य आरम्भ किया गया है, परन्तु वर्तमान में अभी भी पट्टा क्षेत्र का आंशिक भाग जल मग्न है।

निरीक्षण के दौरान पट्टाधारक को सख्त निर्देश दिये गये कि किसी भी दशा में नदी की जलधारा में खनन कार्य न किया जाये तथा नियमानुसार सीमांकित क्षेत्र के अन्दर ही खनन कार्य किया जाये। साथ ही पट्टाधारक को ओवरलोडिंग एवं बिना ई-एम0एम0-11 के उपखनिज का परिवहन न किया जाये, के सम्बंध में भी निर्देशित किया गया। (निरीक्षण के दौरान मौके पर लिये गये फोटोग्राफ्स अवलोकनार्थ संलग्न हैं।)

अतः उपरोक्त जांच आख्या सेवा में सादर प्रेषित है।


वरिष्ठ सर्वेक्षक
क्षेत्रीय कार्यालय
गाजियाबाद।


खान अधिकारी
गाजियाबाद।

312/ST-SDM Loni

21/01-25
उपजिलाधिकारी
लोनी।
उपजिलाधिकारी
लोनी

पत्र सं० :- 287 /ख०अनु०-गाजि०/24-25

दिनांक: 25/02/ 2025

आदेश

न्यू पैन्थर सिक्योरिटी गार्ड सर्विस
(पट्टाधारक ग्राम पचायरा खण्ड-2)
प्रो० श्री बनी सिंह निवासी- सालासर काम्पलैक्स,
306, शंकर विहार कालोनी कुरैशी, अलीगढ़।

विषय:- मा० न्यायालय एन०जी०टी० में योजित याचिका सं० OA No. 1003/2024 Mr. Ashok Kumar and Anr. Versus State of U.P. & Ors. में पारित आदेश दिनांक 14.02.2025 के अनुपालन के संबंध में।

उपरोक्त विषयक अवगत कराना है कि आपके पक्ष में जनपद गाजियाबाद के तहसील लोनी अन्तर्गत ग्राम पचायरा खण्ड-2 गाटा सं० 303मि०, 313मि०, 290मि०, 301मि०, 303, 304मि०, 314मि०, 297मि०, 298मि०, 302मि०, 311मि०, 312मि०, 313मि०, 314मि० रकबा 8.512 हे० में दिनांक 12.11.2021 से 11.11.2026 तक 05 वर्ष की अवधि के लिये स्वीकृत एवं निष्पादित किया गया था।

आपके पक्ष में स्वीकृत उक्त खनन पट्टा के सम्बंध में मा० न्यायालय एन०जी०टी० में याचिका सं० OA No. 1003/2024 Mr. Ashok Kumar and Anr. Versus State of U.P. & Ors. योजित की गयी है, जिसमें मा० न्यायालय एन०जी०टी०, नई दिल्ली द्वारा आदेश दिनांक 14.02.2025 (छायाप्रति संलग्न), जो कार्यालय में दिनांक 25.02.2025 को प्राप्त हुआ है, के बिन्दू सं० 12 में निम्नवत् आदेश पारित किया गया है:-

12. In view of the serious violation of environmental norms as depicted by the video CDs sent by the applicants with the letter petition and provision of Section 20 of the National Green Tribunal Act, 2010 mandating this Tribunal to apply the precautionary principle and in exercise of powers under Section 19 (4) (j) of the National Green Tribunal Act, 2010, respondents no. 5 and 6 are restrained from carrying out any further mining in the mining lease sites in question till further orders of this Tribunal to the contrary.

उपरोक्तानुसार मा० न्यायालय के आदेश दिनांक 14.02.2025 द्वारा आपके पक्ष में स्वीकृत एवं निष्पादित बालू खनन पट्टा क्षेत्र ग्राम पचायरा खण्ड-2, तहसील लोनी में बालू खनन कार्य को प्रतिबंधित कर दिया गया है।

अतः मा० न्यायालय एन०जी०टी०, नई दिल्ली द्वारा पारित आदेश दिनांक 14.02.2025 के क्रम में आपके पक्ष में स्वीकृत उपखनिज बालू के खनन पट्टा क्षेत्र तहसील लोनी अन्तर्गत ग्राम पचायरा खण्ड-2 गाटा सं० 303मि०, 313मि०, 290मि०, 301मि०, 303, 304मि०, 314मि०, 297मि०, 298मि०, 302मि०, 311मि०, 312मि०, 313मि०, 314मि० रकबा 8.512 हे० में खनन कार्य को अग्रिम आदेशों तक के लिये तत्काल प्रभाव से प्रतिबंधित किया जाता है तथा

आपको निर्देशित किया जाता है कि उक्त खनन पट्टा क्षेत्र में किसी प्रकार का खनन कार्य न किया जाये। यदि आपके खनन पट्टा क्षेत्र में कोई भी खनन संक्रिया होती पायी जाती है, तो उसे मा0 न्यायालय के आदेशों की अवमानना मानते हुये आपके विरुद्ध वैधानिक कार्यवाही की जायेगी, जिसके लिये आप स्वयं उत्तरदायी होंगे।

संलग्नक:- यथोक्त।

जिलाधिकारी
गाजियाबाद।

पत्र सं0 एवं दिनांक उपरोक्तानुसार।

प्रतिलिपि :- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. सचिव, भूतत्व एवं खनिकर्म विभाग, उत्तर प्रदेश शासन, लखनऊ।
2. आयुक्त, मेरठ मण्डल, मेरठ।
3. पुलिस आयुक्त, गाजियाबाद।
4. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0, लखनऊ।
5. रजिस्ट्रार, मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली।
6. अपरजिलाधिकारी (वि0/रा0), गाजियाबाद।
7. पुलिस उप आयुक्त (ग्रामीण), गाजियाबाद।
8. उपजिलाधिकारी लोनी।
9. सहायक पुलिस आयुक्त, लोनी।
10. खान अधिकारी, गाजियाबाद।
11. थानाध्यक्ष, लोनी/द्रोनिका सिटी।

जिलाधिकारी
गाजियाबाद।

Item No.02

Court No. 2

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

Original Application No.1003/2024

Mr. Ashok Kumar and Anr.

Applicants

Versus

State of U.P & Ors.

Respondents

Date of hearing: 14.02.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the applicant.

Respondents: Mr. Bhanwar Pal Singh Jadon, Mr. Harshwardhan Singh Rajawat, Ms. Gargi Chaturvedi and Ms. Anjali Sharma, Advocates for DM Ghaziabad and UPPCB.
Mr. S P Singh Senior Advocate with Ms. Shannu Bhagel Advocate for project proponent.
Mr. Raj Kumar, Advocate for CPCB (through VC).

ORDER

1. The applicant-Ashok Kumar and Karan Singh sent letter petition dated 23.12.2023 complaining about mining by M/s. New Panter Security Gard Service in land in gata numbers mentioned in the letter petition in violation of the norms.
2. The above said letter petition has been treated and registered as original application for exercise of suo moto jurisdiction.
3. Vide order dated 04.11.2024 this Tribunal constituted a Joint Committee to collect the relevant information and submit its report.
4. Report dated 04.12.2024 was filed by CPCB vide email dated 04.12.2024. The Joint Committee did not make any observation regarding the averments made in the complaint as mining activity had been

discontinued since 30.06.2024 and was not resumed till date of its visit on 30.11.2024. In its report the Joint Committee made observation that illegal mining made by the Project Proponent regarding which notice dated 09.05.2024 had been issued by ADM, Ghaziabad. The Joint Committee made prospective recommendations in the report.

5. In the course of hearing response dated 09.01.2025 has been filed by DM, Ghaziabad and responses dated 09.01.2025 and 13.02.2025 have been filed by UPPCB. In its response UPPCB has mentioned about issuance of show cause notice dated 24.12.2024 for imposition of environmental compensation of Rs. 6,51,645/- and making of recommendation vide letter dated 11.02.2025 to CEO, Circle I, UPPCB regarding imposition of UPPCB on respondents no. 5 and 6.

6. Respondents no. 5 and 6 have filed affidavit dated 27.01.2025 denying the averments regarding mining in violation of environmental norms/illegal mining made in the original application.

7. The applicants have sent two video CDs alongwith their letter petition the applicant has also enclosed photographs showing construction of Bandh and instream mining.

8. We have seen the video CDs which show that the Project Proponent had constructed Bandh in river Yamuna obstructing flow of water and had also carried out instream mining which amounts to utter violation of environmental norms for mining.

9. Learned Counsels for respondents no. 3, 4, 5 and 6 have submitted that copies of the video CDs have not been provided to them and they cannot respond to the same in the absence thereof.

10. Copies of the video CDs may be provided to respondents no. 3, 4, 5 and 6 on furnishing of empty pen-drive and the data in the video CDs sent by the applicants with the letter petition may be thereafter copied and made available to respondents no. 3, 4, 5 and 6 and also other respondents as the case may be.

11. Respondents no. 3, 4, 5 and 6 are directed to file additional responses with reference to the factual position shown in the video CDs.

12. In view of the serious violation of environmental norms as depicted by the video CDs sent by the applicants with the letter petition and provision of Section 20 of the National Green Tribunal Act, 2010 mandating this Tribunal to apply the precautionary principle and in exercise of powers under Section 19 (4) (j) of the National Green Tribunal Act, 2010, respondents no. 5 and 6 are restrained from carrying out any further mining in the mining lease sites in question till further orders of this Tribunal to the contrary.

13. The District Magistrate, Ghaziabad and the Commissioner of Police Ghaziabad are directed to take all requisite steps for ensuring that no illegal mining takes place in the mining lease sites in question.

14. List on 07.03.2025 for further consideration.

15. A copy of this order be sent to The District Magistrate, Ghaziabad and the Commissioner of Police Ghaziabad by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 14th, 2025
O.A. No.1003/2024
M

प्रेषक,

ज्येष्ठ खान अधिकारी,
गाजियाबाद।

सेवा में,

जिलाधिकारी,
गाजियाबाद।

पत्र सं०:- 347 / ख०अनु०-गाजि० / 24-25

दिनांक: 29/03/2025

विषय:- जनपद गाजियाबाद में स्वीकृत बालू खनन पट्टे की जांच के सम्बंध में।

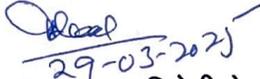
महोदय,

मा० न्यायालय एन०जी०टी०, नई दिल्ली में योजित याचिका सं० OA No. 1003/2024 Mr. Ashok Kumar and Anr. Versus State of U.P. & Ors. में पारित आदेश दिनांक 14.02.2025 का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा जनपद गाजियाबाद में स्वीकृत बालू खनन पट्टा ग्राम पचायरा खण्ड-2, गाटा सं० 303मि०, 313मि०, 290मि०, 301मि०, 303, 304मि०, 314मि०, 297मि०, 298मि०, 302मि०, 311मि०, 312मि०, 313मि०, 314मि० रकबा 8.512 है०, जो दिनांक 12.11.2021 से 11.11.2026 तक मै० न्यू पेन्थर सिक्योरिटी गार्ड सर्विस प्रो० श्री बनी सिंह के पक्ष में स्वीकृत है के विरुद्ध प्रस्तुत वीडियो सी.डी के जांच के आदेश दिए गए थे।

उपरोक्त आदेश के क्रम में दिनांक 29.03.2025 को बालू खनन पट्टा क्षेत्र ग्राम पचायरा (खण्ड-2) का स्थलीय निरीक्षण किया गया, जांच आख्या दिनांक 29.03.2025 इस पत्र के साथ संलग्न कर महोदय की सेवा में सादर अवलोकनार्थ प्रेषित है।

संलग्नक:- यथोपरि।

भवदीय,

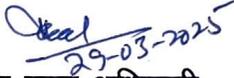

29-03-2025
(जनार्दन प्रसाद द्विवेदी)
ज्येष्ठ खान अधिकारी,
गाजियाबाद।

जांच आख्या

मा0 न्यायालय एन0जी0टी0, नई दिल्ली में योजित याचिका सं0 OA No. 1003/2024 Mr. Ashok Kumar and Anr. Versus State of U.P. & Ors. में पारित आदेश दिनांक 14.02.2025 के अनुपालन में दिनांक 29.03.2025 को वरिष्ठ सर्वेक्षक, क्षेत्रीय कार्यालय गाजियाबाद के साथ बालू खनन पट्टा क्षेत्र ग्राम पचायरा (खण्ड-2) का औचक निरीक्षण किया गया।

निरीक्षण के दौरान बालू खनन क्षेत्र ग्राम पचायरा खण्ड-2 में मा0 न्यायालय एन0जी0टी0, नई दिल्ली के आदेश दिनांक 14.02.2025 के अनुपालन में खनन कार्य पूर्णतः बंद पाया गया। निरीक्षण के दौरान बालू पट्टा क्षेत्र ग्राम पचायरा (खण्ड-2) में नदी की धारा में किसी प्रकार का बांध बना नहीं देखा गया न ही खनन किये जाने के कोई नये चिन्ह परिलक्षित हुए। आवेदक श्री अशोक कुमार द्वारा मा0 एन0जी0टी0 में प्रस्तुत विडियों में दिखाये गये क्षेत्र का विवरण न होने तथा समय व दिनांक न होने के कारण प्रश्नगत विडियों की पुष्टि किया जाना सम्भव नहीं है।

मौके पर लिये गये फोटोग्राफ्स सहित आख्या सेवा में सादर प्रेषित हैं।


29-03-2025
ज्येष्ठ खान अधिकारी
गाजियाबाद।

793



Panchayara, Uttar Pradesh, India

Unnamed Road, Tehari Dawlatpur,
Panchayara, Uttar Pradesh 201102,
India



Lat 28.803883° Long 77.205148°
29/03/25 04:21:57 PM

794



Panchayara, Uttar Pradesh, India

Unnamed Road, Tehari Dawlatpur,
Panchayara, Uttar Pradesh 201102,
India



Lat 28.803837° Long 77.205154°
29/03/25 04:21:48 PM

795



Google

Panchayara, Uttar Pradesh, India

Unnamed Road, Tehari Dawlatpur,
Panchayara, Uttar Pradesh 201102,
India



Lat 28.803821° Long 77.205133°

29/03/25 04:21:45 PM

796



Panchayara, Uttar Pradesh, India

**Unnamed Road, Tehari Dawlatpur,
Panchayara, Uttar Pradesh 201102, India**

Lat 28.803705° Long 77.205035°

29/03/25 04:20:52 PM

