

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

ADDITIONAL OBJECTION / REPLY

IN

ORIGINAL APPLICATION NO. 203 OF 2021

IN THE MATTER OF:

DEVIDAS KHATRI

.... PETITIONER

Versus

UNION OF INDIA &Ors.

... RESPONDENTS

IN THE MATTER OF

M/s. Chawla Silica Sand Trading Company,
Janwa Silica Sand Mine,
Office at A1, Enkanki Kunj,
Prayagraj-211001, (U.P.)

-----Project Proponent

P A P E R B O O K

VOL -III (A)

Additional Objection/ Reply on behalf of M/s. Chawla Silica
Sand Trading Company of Janwa Silica Sand Mining of Village
Janwa, Tehsil Bara, District Prayagraj (Allahabad)



**[M.L. LAHOTY]
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Place: New Delhi

Dated: March 19, 2024

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INDEX

S.No	Particulars	Pages
1.	Additional Objection/ Reply to the report dated 17.01.2024 on behalf of M/s Chawla Silica Sand Trading Company regarding mining lease at Village Janwa, Tehsil Bara, District Prayagraj(Allahabad).	1-8

2. Proof of service

9

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M/s. Chawla Silica Sand Trading Company,
Office at A1, Enkanki Kunj,
Prayagraj-211001 (U.P.)

-----Project Proponent

ADDITIONAL OBJECTION/ REPLY TO THE JOINT
COMMITTEE / REPORT DT. 17.01.2024 ON BEHALF
OF M/S CHAWLA SILICA SAND TRADING COMPANY
REGARDING MINING LEASE AT JANWA VILLAGE,
TEHSIL BARA, DISTRICT PRAYAGRAJ (ALLAHABAD).

I, Bharat Bhushan Chawla, son of Shri Darshan Lal
Chawla, aged about 58 years, Resident at A-1, Ekanki
Kunj, Muir Road, Prayagraj (U.P.) do hereby solemnly
affirm on oath as under:

That the deponent has read over the contents of the report
dated 17.01.2024 filed by Respondents in the above noted
OA alongwith its Annexures and is in position to reply to
the same.

Bharat Chawla



2. That at the very outset it is stated that the contents of the report dated 17.01.2024, unless specifically admitted herein, are denied in their entirety. The contents of report dated 17.01.2024 are incorrect and not admitted. The Project Proponent (hereinafter referred to as "the PP") craves indulgence to refer and rely upon statement made in reply dated 02.11.2023 to the earlier report dated 23.02.2023.
3. That before giving reply to the report dated 17.01.2024 it needs to be emphasized that pursuant to order dated 01.09.2023 passed by the Hon'ble Tribunal in O.A. No.203 of 2021, the Joint Committee submitted its Report along with covering letter dated 17.01.2024 (hereinafter referred to as "the Report dated 17.01.2024"). By the said Report, the Joint Committee reiterated the earlier report dated 23.02.2023 and yet again it has made vague averments without any substance that Mining Lease holders are not complying in totality with the proposals as envisaged in the approved Mining Plan. For the sake of brevity, the same submissions are not being repeated.



Needless to say, that there was no period of mining without approved Mining Plan, requisite EC, valid CTO. It is stated that the PP has developed green belt in safety zone and mining is being undertaken in a scientific manner as

Bharat Chawla

per approved mining plan. The PP has deployed qualified technical persons in the mining so as to ensure systematic and scientific mining of silica sand. In post compliance of the EC and CTO, the PP routinely delivered Half - Yearly Compliance Reports to the Regional Office of UPPCB and MoEF & CC. The annual compliance report was also delivered.

4. That it needs to be emphasized that the sanction annual production capacity of Janwa Mine is 26160 TPA. The production of silica sand mineral during last five years covering the period from 2018-19 to 2022-23 shown in Table 2 are as follows:

Name of Mine	2018-19	2019-20	2020-21	2021-22	2022-23
Janwa	23973	24441	21018	24951	26160

5. That in the earlier Report dated 23.02.2023, the Joint Committee erroneously vouched that during 2018-19, 2019-20 and 2020-21 excess production of 19464 MT silica sand was found in Janwa mine. The Joint Committee's report dated 23.02.2023 that the PP had extracted excess quantity of silica sand during 2018-19, 2019-20 and 2020-21 deserves to be rejected. Consequently, proposed compensation for excess production of silica sand mineral against sanction annual production capacity during 2018-

B. Karan Chawla



19, 2019-20 and 2020-21 is based on unreasonable conjectures and deserves to be rejected by the Hon'ble Tribunal.

6. That in the earlier Report dated 23.02.2023, the Joint Committee vouched illegal production of silica sand as 19135 MT in Janwa mine during 2017-18. The Joint Committee treated the CTO dated 12.04.2016 as CTO for washing plant, instead of Janwa mine. In the course of proceedings, the UPPCB vide a letter dated 22.02.2023 addressed to the PP clarifying that the PP applied CTO for mining, but CTO dated 12.04.2016 had been issued for washing plant. UPPCB corrected the mistake in CTO dated 12.04.2016 and, therefore, there is no reason to treat the production of silica sand during 2017-18 as illegal.

7. That similarly, in the CTO dated 07.05.2018, the UPPCB had inadvertently mentioned '17000 Ton/Year' instead of '26160 Ton/Year'. Thereafter, a corrigendum dated 16.03.2023 was issued by the UPPCB whereby the word '17000 Ton/Year' has been corrected by the word '26160 Ton/Year' in the CTO dated 07.05.2018. Thus, there was no mining illegal mining during 2018-19. Considering this aspect of the matter, the Joint Committee did not make any observation against the Janwa mine in report dated 17.01.2024 (See Page 938, Annexure C). Consequently,

Bharat Chawla



proposed compensation for illegal production of silica sand mineral during 2017-18 deserves to be rejected by the Hon'ble Tribunal.

8. That the Joint Committee in its report dated 17.01.2024 observed that Mining Lease holders are not complying in totality with the proposals as per approved mining plan. The said allegation merits outright rejection for reason that while considering the modified mining plan, the Competent Authority has not notified any violation by the PP. However, Janwa mine has been running sustainably with compliance of environmental norms and adequate environment safeguards.



That the Joint Committee heavily relied upon the earlier report dated 23.02.2023 and reiterated the major non-compliances by the Lease holders. For the sake of brevity, the submissions made in reply dated 02.11.2023 are not repeated. However, it is important to highlight that in Paragraph 18, 35, 50, 62, 63 and 69 of the reply dated 02.11.2023 the PP has carried out the plantation along the boundary of Janwa mine pertaining to the safety zone. It is stated that the PP has developed safety zone plantations as well as Green Belt and further that the PP has undertaken systematic mining in a scientific manner as per

Bharat Chawla

approved mining plan. [See Ann. R 17, Pg. 156 - 159, Vol. III]

10. That the PP has deployed qualified technical persons in the mining so as to ensure systematic and scientific mining of silica sand. For brevity, it is stated that the deployment of qualified technical persons has been explained in paragraphs 41 and 60 of the reply dated 02.11.2023 but it may be briefly stated that the PP has deployed qualified Second-Class Manager, Mine Foreman and Mining Mate and the above deployed persons become so eligible after going through proper training and being given Certificate to that effect contained in Annexure 13 to the reply dated 02.11.2023. [See Ann. R 14, Pg. 133 - 140, Vol. III]



11. That so far as CTO is concerned, it is stated that the PP has already submitted its objection/ reply dated 02.11.2023. The PP seeks to rely upon the same in entirety and the present reply is being filed in compliance of order dt. 19.01.2024 and to specify that the PP strictly observes the requisite EC, valid CTO, nor excess mining as against approved Mining Plan. In post compliance of the EC and CTO, the PP routinely delivered Half - Yearly Compliance Reports to the Regional Office of UPPCB and MoEF & CC. The annual compliance report was also delivered.

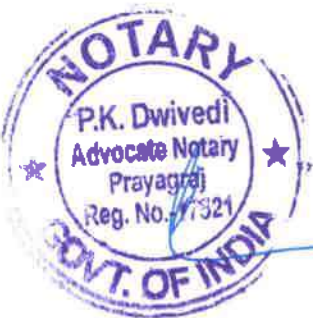
Bharat Chawla

12. That so far as abandoned mine pits are concerned, it is submitted that the lease site of the PP is surrounded by the expired mining leases and, the alleged deep pits are not found in the mining area of the PP. It is most respectfully submitted that a detailed reply in this behalf has already been given in paragraphs 6, 49 and 68 of the objection/ reply dated 02.11.2023 and the same is not required to be repeated.

13. That it needs to be emphasized that the environment compliances primarily consist of grant of (i) EC; (ii) Post EC compliances; (iii) grant of CTO; and (iv) Post CTO compliances and so on. In compliance of the EC, the PP routinely delivered Half - Yearly Environmental Compliance Reports to the Regional Office of UPPCB and MoEF & CC. In light of the aforesaid reply, it is submitted that the reports based on conjecture is completely absurd and far-fetched and the reports ought not to be accepted and deserves to be rejected.

14. That every single vague allegation against the PP not only lacks any substance, but also that Respondent themselves are guilty of the same. Respondents have sought to mislead the Hon'ble Tribunal in regards to the excess and illegal production; by adducing incorrect data and

Bhagat Chawla



incomplete information which they failed to produce before the Joint Committee.

- 15. That for the facts and circumstances stated herein above, it is expedient in the interest of justice that this Hon'ble Tribunal may kindly be pleased to take this Additional Objection / Reply on record and dismiss the captioned O.A.

Bharat Chawla
DEPONENT



VERIFICATION

I, the deponent above named, do hereby verify that the contents of my above affidavit are true and correct to the best of my knowledge and belief and legal advice believed to be true by me. I state that nothing material has been concealed therefrom.

Verified at _____ on this _____ day of March, 2024.

Bharat Chawla
DEPONENT

Identified by _____
Advocate to be his/her affidavit
are true and correct which is here to
verified and attested.

P.K. Dwivedi
P. K. Dwivedi
Advocate Notary
Govt. of India

IDENTIFIED BY
Sampat Yadav
ADVOCATE PRAYAGRAJ

9-3-2024

NGT - OA NO. 203 OF 2021 - Additional Objection on behalf of M/s. Chawla Silica Sand Trading Company

From: madan lahoty (ml_lahoty@yahoo.co.in)

To: pradeepmisra@yahoo.com; mscb.cpcb@nic.in; csup@nic.in; secy-moef@nic.in; ms@uppcb.com; dmall@nic.in; dgmupexp@gmail.com; janhithealthup@gmail.com

Date: Thursday, 14 March, 2024 at 03:19 pm IST

Please find enclosed herewith Additional Objection on behalf of M/s Chawla Silica Sand Trading Company for Lakhnauti & Janwa Silica Sand Mine Sites.

Thanks and regards,
For M L Lahoty



ADDITIONAL OBJECTION LAKHNAUTI.pdf

9.8MB



ADDITIONAL OBJECTION JANWA.pdf

908kB