

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

**ORIGINAL APPLICATION NO. 481 OF 2023**

**IN THE MATTER OF:**

BALBIR SANDHU & ORS

...APPLICANTS

VERSUS

STATE OF UP & ORS

...RESPONDENTS

**INDEX**

<b>S.NO</b>	<b>PARTICULARS</b>	<b>PAGE</b>
1.	Affidavit on behalf of Respondent No. 12 in compliance of the Order dated 04.12.2024 passed by this Hon'ble Tribunal.	1-4
2.	<b><u>ANNEXURE A-1</u></b> A True Translated Copy of the Short-Term Permit dated 31.05.2024 issued to the Deponent herein by the District Magistrate, Saharanpur.	5-8
3.	Proof of Service	9

FILED BY:



**[VANSHDEEP DALMIA]**

COUNSEL FOR RESPONDENT NO. 12

206, Jor Bagh, New Delhi-110003

Email id: [vanshdeepdalmia@gmail.com](mailto:vanshdeepdalmia@gmail.com)

M. No. 9810077085

Filed on: 13.12.2023

Place: New Delhi

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

ORIGINAL APPLICATION NO. 481 OF 2023

**IN THE MATTER OF:**

BALBIR SANDHU & ORS

...APPLICANTS

VERSUS

STATE OF UP & ORS

...RESPONDENTS

**AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 12 IN  
COMPLIANCE OF ORDER DATED 04.12.2024 PASSED BY THIS  
HON'BLE TRIBUNAL**

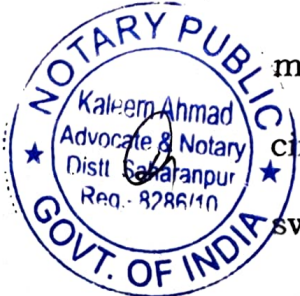
I, Salim Son of Shri. Jahur Resident of Village Majhar, Tehsil Sadar, District Saharanpur, Uttar Pradesh, do hereby solemnly affirm and declare as under:

1. That I am the Respondent No. 12 in the above-captioned matter and am well conversant with the facts and circumstances of the instant case, and am competent to swear this present Affidavit.

2. That the Deponent has read and understood the contents of the present affidavit.

3. That the Deponent herein filed I.A. No. 92 of 2024 seeking impleadment in the present matter and I.A. No. 93 of 2024 seeking the aforementioned directions:

सलीम



"a) Permit the Applicant Salim to conduct the operations for 'Removal of Sand deposits on agricultural field after flood' without requiring an Environmental Clearance in terms of the EIA, 2006 (Appendix IX) and SSMG, 2016 issued by the MOEF&CC and the decision dated 12.02.2024 of the SEIAA, UP by permitting removal of the Mineral above the surface level (without any digging) by manual method only; and

b) Permit the Applicant Salim to conduct the operations for 'Removal of Sand deposits on agricultural field after flood' without requiring a CTO/CTE from the UPPCB, in terms of the Circular/ Notification dated 22.09.2023 issued by the CPCB by permitting removal of the Mineral above the surface level (without any digging) by manual method only; and

c) Alternatively, without prejudice to the above, direct the SEAC/ SEIAA, UP and UPPCB to process the Application(s) of the Applicant seeking EC and CTO/CTE at the earliest, in a time bound manner of 3 months, to enable the Applicant to resume agricultural/farming activities at the earliest; and

d) Pass such further or other Orders as this Hon'ble Court may deem fit and proper."



That this Hon'ble Tribunal vide Order dated 20.03.2024 was pleased to allow I.A. No. 92 of 2024 and impleaded the Deponent herein as Respondent No. 12.

5. That this Hon'ble Tribunal vide its further Order dated 24.04.2024 modified the Orders dated 4.08.2023 (wrongly mentioned in the Order dated 24.04.2023 as 7.11.2023) and held as under:

27/11/24

"45. However, till such time the validity of exemption of short term permits for removal of sand deposited on agricultural land by flood from prior environmental clearance is adjudicated upon, we consider it to be appropriate that order dated 07.11.2023 regarding requirement of EC for the same be modified and Order dated 07.11.2023 is modified accordingly to that extent in respect of "removal of sand deposit on agricultural fields by farmer" which will not require "prior environmental clearance" till further orders to the contrary".

6. That pursuant to the Order dated 24.04.2024, the Deponent herein (along with many others in the State of UP), was issued a Short-Term Permit dated 31.05.2024 by the District Magistrate, Saharanpur for the removal of 69,000 cubic meter of Sand in respect of his agricultural land situated at Gata/Khasra No. 1/20, 1/21, 1/22M, 1/23, 15, 15M and measuring 3.45 hectares located in District Saharanpur Village Manjhar.



- A True Translated Copy of the Short-Term Permit dated 31.05.2024 issued to the Deponent herein by the District Magistrate, Saharanpur is enclosed herein and marked as **ANNEXURE A-1** at pages 5 to 8.

7. That pursuant to the Short Term Permit dated 31.05.2024, the Deponent herein has removed the sand from his agricultural field which was deposited due to floods. During such removal, the deponent had adhered to all

21/11/24

Environmental safeguards/ remedial measures as imposed on him by the District Magistrate.

8. That the present Affidavit is being filed in furtherance of the Order dated 4.12.2024.

*Handwritten signature in blue ink*

**DEPONENT**

**VERIFICATION:-**

Verified at Saharanpur on this 13 day December 2024, that the contents of the present affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.



**IDENTIFIED BY**

*Handwritten signature in blue ink*

**KALEEM AHMAD**  
Advocate  
Reg. No.-10533/C  
Ch.-63, Civil Court, Saharanpur  
Mob.-9359206230

*Handwritten signature in blue ink*

**DEPONENT**

This affidavit is made before me today  
to my office  
By *Saharanpur Saharanpur*  
*Kaleem Ahmad*  
The contents of the affidavit have been  
explained to me and I have read the same  
to the deponent and he has acknowledged  
the contents of the same.  
Date: *13/12/2024*

*13/12/2024*

OFFICE DISTRICT MAGISTRATE, SAHARANPUR

Annexure A-1

MINING-DEPARTMENT

MINING LICENSE FOR REMOVAL OF MINERALS DEPOSITED DUE TO

FLOOD ON BHUMIDHARI AGRICULTURAL LAND (RULE 52)

UNDER RULE 52

**Mining Mitra**

No. - NOC/KB/2023/3/29/199438

Dated: 31-05-2024

Applicant and Duration		
Name of Licensee	SALIM	Address of Licensee:  Vill Manjhar Tehsil & Dist Saharanpur 247231
Period of Permission	Period 31-05-2024 to 27-11-2024	

Description of Mineral	
Licensed Mineral	Licensed Quantity
Sand or Bajri or Boulder RBM	69000.00 Cubic Meter

Location of land used for Bhumidhari/Agricultural land (Rule 52)				
District	Tehsil	Village/City	Khasra No	Area (Hectare)
Saharanpur	Saharanpur	Manjhar	1/20,1/21, 1/22M, 1/23, 15, 15M	3.4500

It will be mandatory for the applicant to comply with the conditions given in Annexure-1

1. The applicant will carry out mining work in the mining area by themselves.
2. The applicant will not transfer mining-related rights to any other person.
3. The permit holder shall extract minerals in such a manner that no road, public pathway, building, well, public land surface, public property, or trees are obstructed or damaged.
4. The mining permit shall be deemed terminated upon the expiration of its validity period or upon the extraction of the permitted quantity, whichever occurs first.
5. After the expiration of the mining permit's validity, no claim regarding the refund of the deposited amount by the applicant shall be considered.
6. The permit holder shall remove the sand, gravel, and boulders accumulated on the surface of the applied site as per the approved mining plan.
7. The permit holder shall indemnify the state government against any third-party claims and shall resolve such claims promptly upon their arising.
8. The permit holder shall maintain all records related to the permit and allow the authorized representative to inspect such records.
9. The permit holder shall install CCTV cameras at the site for effective control of overloading and shall securely maintain the recordings.
10. The transportation of minor minerals shall be carried out only through e-MM-11.
11. The demarcation of the area shall be carried out as per the rules by the Revenue Department and the Mining Department.
12. If any other minor mineral is extracted during the excavation of the permitted mineral, immediate intimation must be given to the District Magistrate's office, and the royalty for the other mineral shall be assessed, which the applicant will have to pay as additional royalty.
13. The permit holder shall deposit the royalty, DMFT, TCS and other payable amounts in advance as per the rules.
14. The permit holder shall comply with the directions issued from time to time by the Hon'ble Courts and the National Green Tribunal (NGT).
15. Keeping environmental protection in view, the river flow shall not be affected.
16. The applicant shall commence mining operations only after complying with the interim orders passed by the Hon'ble National Green Tribunal, New Delhi, in O.A. No. 176/2022 dated 30.05.2023, O.A. No. 481/2023 dated 04.08.2023, and O.A. No. 176/2022 dated 17.10.2023
17. In compliance with the order dated 04.08.2023 passed by the Hon'ble National Green Tribunal, New Delhi, in O.A. No. 481/2023 (Balbir Sandhu and others vs. State of Uttar Pradesh and others), letters have been sent from this office under letter no. 2014/Kh. Anu. /Agricultural Land/2023-24 dated 03.10.2023 and letter no. 2183/Kh. Anu./Agricultural Land/2023-24 dated 26.10.2023 to seek guidance from the Directorate level, which is yet to be received. Upon receiving guidance from the Directorate level, the applicant shall be obliged to comply with the conditions outlined in the guidance.
18. The applicant shall commence mining operations only after obtaining the Environmental Clearance Certificate/Consent to Operate (C.T.O.)/Consent to Establish (C.T.E.) as per the interim (final) orders of the Hon'ble Court.
19. The above-mentioned orders/consent letter shall be issued subject to the rules of the Hon'ble Court and the government.



# 2997

## कार्यालय जिलाधिकारी, Saharanpur

(खनन-अनुभाग)

भूमिधरी कृषिकीय भूमि (नियम ५२) पर बाढ़ के कारण जमा उपखनिजों को हटाने के लिए खनन हेतु अनुज्ञप्ति नियम ५२ के अंतर्गत

7



संख्या: NOC/KB/2023/3/29/199438

दिनांक: 31-05-2024

### आवेदक एवं अवधि

अनुज्ञप्तिधारी का नाम	SALIM	अनुज्ञप्तिधारी का पता	VILL MANJHAR TEH AND DISTT SAHARANPUR 247231
अनुज्ञा की अवधि	अवधि 31-05-2024 से 27-11-2024 तक		

### उपखनिज का विवरण

अनुज्ञप्ति उपखनिज	अनुज्ञप्ति मात्रा
Sand or Bajri or Boulder RBM	69000.00 घन मी०

### भूमिधरी/ कृषिकीय भूमि (नियम ५२) हेतु उपयोग होने वाली भूमि की अवस्थिति

जनपद	तहसील	ग्राम/नगर	खसरा संख्या	क्षेत्रफल (हेक्टेयर)
Saharanpur	Saharanpur	MANJHAR	1/20, 1/21, 1/22M, 1/23, 15, 15M	3.4500

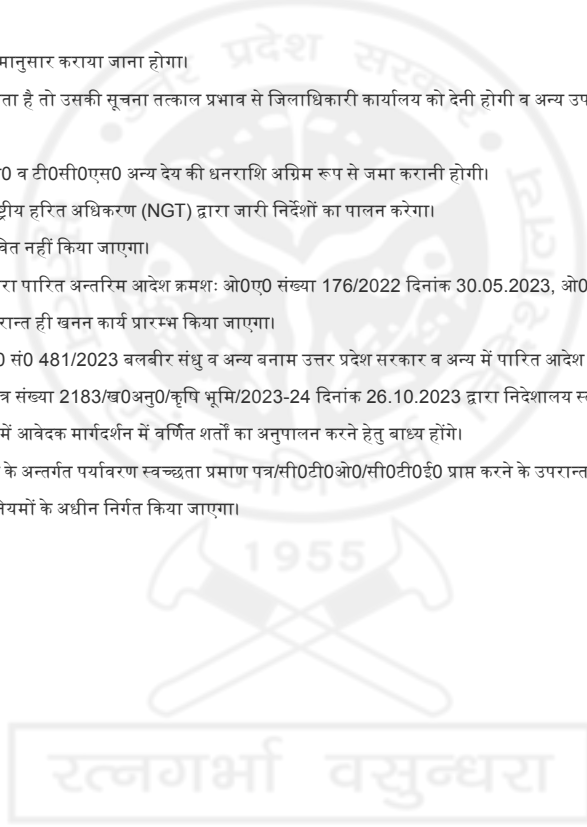
आवेदक द्वारा अनुलग्नक-1 की शर्तों का अनुपालन किया जाना अनिवार्य होगा।



रत्नगर्भा वसुन्धरा



1. आवेदक स्वयं खनन क्षेत्र में खनन कार्य करेगा।
2. आवेदक किसी अन्य व्यक्ति खनन संबंधी अधिकार हस्तान्तरित नहीं करेगा।
3. अनुज्ञापत्रधारक ऐसी रीति से खनिज निकालेगा जिससे कोई सड़क, सार्वजनिक मार्ग, भवन, भू-गुहादि, सार्वजनिक भू-स्थल या सार्वजनिक सम्पत्ति तथा वृक्षों पर कोई बाधा न पड़े, या उसे क्षति न पहुंचे।
4. खनन अनुज्ञापत्र की अवधि समाप्त होने अथवा अनुज्ञात मात्रा लब्ध करने में से, जो भी पहले घटित हो खनन अनुज्ञापत्र समाप्त समझा जायेगा।
5. खनन अनुज्ञापत्र की अवधि समाप्त होने के उपरान्त आवेदक द्वारा जमा धनराशि की वापसी संबंधी कोई भी दावा विचारणीय नहीं होगा।
6. अनुज्ञापत्रधारक द्वारा आवेदित स्थल से ऊपरी सतह पर जमा बालू, बजरी, बोल्टर को अनुमोदित खनन योजना के अनुसार हटाया जायेगा।
7. अनुज्ञापत्रधारक, राज्य सरकार को किसी तीसरे पक्ष के दावे की क्षतिपूर्ति करता रहेगा और इस प्रकार के दावे को उसके उत्पन्न होते ही स्वयं निश्चित करेगा।
8. अनुज्ञापत्रधारक अनुज्ञा से सम्बन्धित सभी अभिलेखों का लेखा जोखा रखेगा और एतदर्थ प्रतिनियुक्ति प्राधिकारी को ऐसे लेखों का निरीक्षण करने की अनुमति देगा।
9. अनुज्ञापत्रधारक द्वारा ओवर लोडिंग पर प्रभावी नियंत्रण हेतु निकासी स्थल पर सी0सी0टी0वी0 कैमरा लगायेगा तथा कैमरे की रिकॉर्डिंग सुरक्षित रखेगा।
10. उपखनिज का परिवहन ई-एमएम-11 पर ही किया जायेगा।
11. क्षेत्र का सीमांकन राजस्व विभाग एवं खनन विभाग द्वारा नियमानुसार कराया जाना होगा।
12. यदि उपखनिज की निकासी करते समय अन्य उपखनिज निकलता है तो उसकी सूचना तत्काल प्रभाव से जिलाधिकारी कार्यालय को देनी होगी व अन्य उपखनिज की रायल्टी का आंकलन किया जायेगा जो आवेदक को अतिरिक्त रायल्टी के रूप में देना होगा।
13. अनुज्ञापत्रधारक द्वारा नियमानुसार रायल्टी, डी0एम0एफ0टी0 व टी0सी0एस0 अन्य देय की धनराशि अग्रिम रूप से जमा करानी होगी।
14. अनुज्ञापत्रधारक समय-समय पर माननीय न्यायालयों तथा राष्ट्रीय हरित अधिकरण (NGT) द्वारा जारी निर्देशों का पालन करेगा।
15. पर्यावरण सुरक्षा को दृष्टिगत रखते हुये नदी की धारा को प्रभावित नहीं किया जाएगा।
16. आवेदक द्वारा माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित अन्तरिम आदेश क्रमशः ओ0ए0 संख्या 176/2022 दिनांक 30.05.2023, ओ0ए0 संख्या 481/2023 दिनांक 04.08.2023 व ओ0ए0 संख्या 176/2022 दिनांक 17.10.2023 का अनुपालन करने के उपरान्त ही खनन कार्य प्रारम्भ किया जाएगा।
17. माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली में जोजित ओ0ए0 सं0 481/2023 बलबीर संधु व अन्य बनाम उत्तर प्रदेश सरकार व अन्य में पारित आदेश दिनांक 04.08.2023 के क्रम में कार्यालय के पत्र संख्या 2014/ख0अनु0/कृषि भूमि/2023-24 दिनांक 03.10.2023 तथा पत्र संख्या 2183/ख0अनु0/कृषि भूमि/2023-24 दिनांक 26.10.2023 द्वारा निदेशालय स्तर से मार्गदर्शन प्राप्त करने हेतु पत्र प्रेषित किये गये हैं, जो अभी तक अप्राप्त है। निदेशालय स्तर से मार्गदर्शन प्राप्त होने की दशा में आवेदक मार्गदर्शन में वर्णित शर्तों का अनुपालन करने हेतु बाध्य होंगे।
18. आवेदक द्वारा माननीय न्यायालय के अन्तरिम (अन्तिम) आदेश के अन्तर्गत पर्यावरण स्वच्छता प्रमाण पत्र/सी0टी0ओ0/सी0टी0ई0 प्राप्त करने के उपरान्त ही खनन कार्य प्रारम्भ किया जाएगा।
19. उपरोक्त आदेश/सहमति पत्र माननीय न्यायालय व शासन के नियमों के अधीन निर्गत किया जाएगा।



**2999**

Dalmia Law Office &lt;dalmialawoffices@gmail.com&gt;

---

**OA No. 481/2023 Balbir Sandhu vs state of UP**

1 message

**Dalmia Law Office** <dalmialawoffices@gmail.com>

Fri, Dec 13, 2024 at 4:32 PM

To: bhanwar jadon <bhanwar09jadon@gmail.com>, rkhuranalegal@gmail.com, Suhasini Sen <suhasini.sen@gmail.com>, danubeconsulting@gmail.com, ccb.cpcb@nic.in, pradeepmisra@yahoo.com, suhasini@rschambers.net, kunal arya <kunalarya16111989@gmail.com>

Ma'am

Kindly find the attachment Affidavit in OA No. 481 of 2023 titled 'Balbir Sandhu v State of UP' as required by you.

Regards

Chambers of Vanshdeep Dalmia  
Advocate on Record  
O: 206, Jor Bagh, New Delhi-110003  
M: +91-9810077085

---

 **Final Balbir Sandhu - Salim Affidavit 1312202.pdf**  
3767K