

IN THE NATIONAL GREEN TRIBUNAL AT NEW DELHI  
IN APPEAL No. 19 of 2022

JUNAID AYUBI & ANR

..... Appellants

Versus


STATE OF HARYANA & ORS.

..... Respondents

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Place: Panchkula  
Date: 31.08.2022

  
Member Secretary  
SEIAA, Haryana

IN THE NATIONAL GREEN TRIBUNAL AT NEW DELHI  
IN APPEAL No. 19 of 2022

JUNAID AYUBI & ANR ..... Appellants

Versus

STATE OF HARYANA & ORS. .... Respondents

Reply by way of Affidavit of Pardeep Kumar, I.A.S., Member Secretary, State Environment Impact Assessment Authority, Haryana

I, do hereby solemnly affirm and declare as under:

1. That deponent is fully conversant with the facts and circumstances of the case and duly authorized to file affidavit in the present appeal.

2. That the appellant has filed present appeal praying therein the following:-

(a) Quashing and setting aside Environment Clearance dated 29.01.2022 issued to Respondent No. 5; i.e., M/s Balaji Infra;

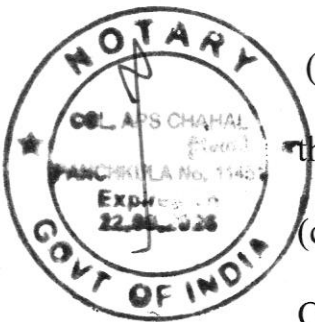
(b) Staying the operation of the Environment Clearance dated 29.01.2022 during the pendency of the present Appeal;

(c) Quashing and setting aside the Consent to Establish (CTE) and Consent to Operate (CTO) dated 07.02.2022 and 21.02.2022, respectively, issued on the basis of the Environment Clearance dated 29.01.2022;

(d) Staying the CTE and CTO dated 07.02.2022 and 21.02.2022, respectively, issued on the basis of the Environmental Clearance dated 29.01.2022;

(e) Directing the official respondents to conduct a replenishment study of District Yamuna Nagar in accordance with chapter 5 of the Enforcement & Monitoring Guidelines for Sand Mining, 2020 and

(f) Passing any other order that this Hon'ble Tribunal may deem fit.



01 SEP 2022

*[Handwritten signature]*

3. That this Hon'ble Tribunal was pleased to issue the following directions vide its order dated 24.05.2022:-

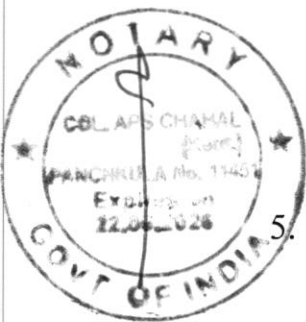
*"...8. In view of above, grant of EC without prior replenishment study is prima facie illegal. Instream mining is also not permissible. Source of water availability was also required to be looked into. Thus, the impugned EC may be liable to be quashed without prejudice to fresh EC being granted, after replenishment study, excluding the area falling within the river stream and taking other precautions.*

*9. Issue notice. The PP is already represented. Notice may be issued to the SEIAA, Haryana for its response, if any, within one month..."*

4. That meanwhile, in compliance of the directions of Hon'ble Tribunal, State Environment Impact Assessment Authority (SEIAA) issued the directions vide letter dated 05.07.2022 to the Project Proponent to produce the copy of replenishment study and approved Mining Plan to SEIAA before 11th July 2022, failing which, the proceedings shall be concluded, including the withdrawal of EC granted on 29.01.2022 (Copy of the directions dated 05.07.2022 is annexed at **Annexure R/1**).

5. That, further taking into account of the uniformity in all future projects, SEIAA has also issued an advisory vide letter dated 08.07.2022 wherein the existing checklist of documents to be submitted for mining projects, for obtaining Environmental Clearance from SEIAA, Haryana, has been amended to include the Replenishment Study report also (The copy of the same is annexed as **Annexure R/2**).

6. That, in the meantime, respondent No. 05 i.e. M/s Balaji Infra approached Hon'ble Supreme Court and filed Civil Appeal No. 5194 of 2022 against the orders passed by this Hon'ble Tribunal as well as against the Show-cause



01 SEP 2022

*[Handwritten signature]*

Notice vide which proceedings has been initiated by State Environment Impact Assessment Authority (SEIAA).

7. That, Hon'ble Supreme Court of India vide order dated 22.08.2022 (The copy of the same is annexed as **Annexure R/3**) was pleased to pass the following directions:


“.....

***In the meantime, proceedings pursuant to the impugned order initiated by the State are stayed.***”

In the light of the submissions made above and consideration the fact that SEIAA has been restricted by Hon'ble S.C. from taking any adverse action against M/s Balaji Infra, Hon'ble NGT is requested to kindly take the present Affidavit on record in the interest of justice.

Place: Panchkula  
Date: 31.08.2022




  
Member Secretary  
SEIAA, Haryana

**Verification:**

01 SEP 2022

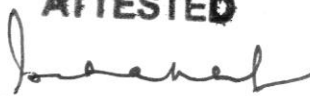
Verified that the contents of para No. 1 to 7 are true and correct to my knowledge and information arrived from the official records and nothing has been concealed therein.

Place: Panchkula  
Date: 31.08.2022

  
Member Secretary  
SEIAA, Haryana

01 SEP 2022

**ATTESTED**

  
APS CHAHAL No. 11451  
NOTARY, PANCHKULA

Urgent  
Immediate attention  
Time Bound

State Environment Impact Assessment Authority, Haryana,  
Bays No.55-58, Prayatan Bhawan, Sector-2 Panchkula.

Telephone No. 0172-2565232  
E-mail Id : [seiaa-21.env@hry.gov.in](mailto:seiaa-21.env@hry.gov.in)

Memo No: SEIAA/HR/2022/1125

Date: 05/07/2022

To

M/s Balaji Infra  
# 4/42, Punjabi Bagh, West  
New Delhi-110026  
Email Id: [balajiinfra.jairampurjgir@gmail.com](mailto:balajiinfra.jairampurjgir@gmail.com)  
[veerbhanwadhwa@gmail.com](mailto:veerbhanwadhwa@gmail.com)

Subject: Show-Cause Notice regarding Environment Clearance granted for Minor Minerals mining at Jairampur Block YNR/B-6 (ML area- 33.85 Ha.) village Jairampur Jagir, Tehsil-Jagadhari, District- Yamuna Nagar, Haryana.

Whereas, the Project Proponent i.e. M/s Balaji Infra was granted Environment Clearance for Minor Mineral mining of Boulder, Gravel and Sand for period of one year vide EC Identification No. EC22B000HR164436 dated 29.01.2022.

Whereas, an appeal vide *Appeal No. 19 of 2022 titled as Junaid Ayubi & Anr. Vs. State of Haryana & Ors.* has been filed before Hon'ble NGT, alleging therein that Environment Clearance has been erroneously granted without conducting Replenishment Study of the mining site. Hon'ble NGT was pleased, vide order dated 24.05.2022, to make the following observations:

“.....”

*In view of above, grant of EC without prior replenishment study is prima facie illegal. In-stream mining is also not permissible. Source of water availability was also required to be looked into. Thus, the impugned EC may be liable to be quashed without prejudice to fresh EC is being granted, after replenishment study, excluding the area falling within the river stream and taking other precautions.*

.....”

Whereas Enforcement & Monitoring Guidelines for Sand mining issued by Ministry of Environment, Forest and Climate Change in January 2020, requires replenishment study for grant of Environment Clearance for sand mining projects activities.

In view of the above, you are hereby afforded an opportunity to appear alongwith copy of replenishment study and approved Mining Plan relevant to the present case at 11:00 AM on 11.07.2022 before the Authority in the office of State Environment Impact Assessment Authority, Haryana at Panchkula.

In case of failure to appear/ non-submission of Replenishment Plan / Mining Plan by the Project Proponent as directed, proceedings shall be concluded /finalized (including withdrawal of EC dated 29.01.2022) on the basis of record and details as available on the file within the ambit of law and relevant rules.

S. Jaiswal  
5/7/22  
Member Secretary,  
SEIAA, Haryana

State Environment Impact Assessment Authority, Haryana,  
Bays No.55-58, Prayatan Bhawan, Sector-2 Panchkula.

Telephone No. 0172-2565232  
E-mail ID: seiaa-21.env@hry.gov.in

Memo No: SEIAA/HR/2022/1128

Dated: 08/07/2022

ADVISORY

The existing checklist with regard to Mining Project for obtaining Environment Clearance pertaining to Item No. 10 which was approved and issued by SEIAA, Haryana vide Order Endst. No. SEIAA/HR/2022/478-481 dated 17.03.2022 is hereby modified as under:

*Item No. 10: The copy of approved Mining Plan including Replenishment Study and other specific conditions as mentioned in the Enforcement & Monitoring Guidelines for Sand Mining issued by the Ministry of Environment, Forest & Climate Change during January, 2020.*

Dated: 06<sup>th</sup> July, 2022  
Place: Panchkula

Sameer Pal Srow, IAS (Retd.)  
Chairman, SEIAA, Haryana

Endst. No. SEIAA/HR/2022/1129-1131

Dated: 08/07/22

A copy of above alongwith copy of modified approved check-list (Mining Projects) is forwarded to following for information and necessary action, please.

1. All Members of SEIAA/SEAC Haryana.
2. Sh. Hrishikesh Pandey, Application Support Engineer, NIC Delhi with a request to upload the Advisory on PARIVESH Portal.
3. All concerned Project Consultants through e-mail.

J. Lalayalal  
06/07/22  
Member Secretary,  
SEIAA, Haryana

o/c

ITEM NO.11

COURT NO.4

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5194/2022

M/S BALAJI INFRA

Appellant(s)

VERSUS

JUNAID AYUBI & ORS.

Respondent(s)

( IA No.111163/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.111164/2022-EX-PARTE STAY and IA No.111165/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES )

Date : 22-08-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Appellant(s) Mr. Nidesh Gupta, Sr. Adv.  
Mr. Vaibhav Niti, AOR  
Mr. Anshul Mangla, Adv.  
Ms. Madhavi Agrawal, Adv.  
Ms. Pallavi Singh, Adv.

For Respondent(s) Mr. Anil Grover, Sr. AAG  
Mr. Rahul Khurana, Adv.  
Mr. Satish Kumar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Applications seeking exemption from filing C/C of the impugned judgment and permission to file additional documents/facts/annexures are allowed.

Learned counsel for the appellant contends that the mine in question has not been mined since 2010 and thus unless mining takes place there cannot be a replenishment study. He further submits that on account of observations made in paragraph 9 of the impugned order even show cause notice has been issued for cancellation by

Signature Not Verified

Digitally signed by  
RASHMI D.  
Date: 2022.08.24  
16:12:48 IST  
Reason: —

SEIAA, Haryana.

Issue notice, which is accepted by learned counsel for respondent Nos. 3 to 6.

Respondent Nos.7 to 9 are stated to be not required to be served as they were partners with the petitioner and have no lis antagonistic towards the petitioner. Application was filed only by respondent Nos.1 & 2.

In the meantime, proceedings pursuant to the impugned order initiated by the State are stayed.

List on 30<sup>th</sup> September, 2022.

(RASHMI DHYANI PANT)  
COURT MASTER

(POONAM VAID)  
COURT MASTER