

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH AT NEW DELHI****ORIGINAL APPLICATION NO. 614 OF 2025****IN THE MATTER OF:**

ASHISH SAGAR DIXIT & ORS.

...APPLICANTS

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

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Through




RAHUL CHOUDHARY SHREEPURNA DASGUPTA

ADVOCATES

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PLACE: NEW DELHI

DATE: 24.02.2026

141
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 614 OF 2025



IN THE MATTER OF:

ASHISH SAGAR DIXIT & ORS.

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**ADDITIONAL AFFIDAVIT ON BEHALF OF APPLICANT NO. 2 POINTING OUT
CONTINUOUS VIOLATION OF NORMS BY RESPONDENT NO. 5**

I, Usha Nishad, aged about 36 years, D/o Late Shri Ramcharan Nishad, Village Sandi, Mazra Amaan Dera, Police Station- Pailani, Banda, Uttar Pradesh-210129, do hereby solemnly affirm and declare as under:

1. That I am the Applicant No. 2 in the above-titled Original Application and am conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the above titled Original Application was filed raising activity of illegal sand mining undertaken by New Eureka Mines (Respondent No. 5/ Project Proponent) on the bank of River Ken at Village – Sandi Khadar, Tehsil- Pailani District- Banda, U.P. Vide order dated 3.12.2025, this Hon'ble Tribunal was pleased to issue notice in the above-titled Original Application and directed the formation of a Joint Committee to visit the site and submit a report before this Hon'ble Tribunal.
3. It is submitted that during the time of filing the application, and listing for admission, the mining in the concerned area had been stopped due to restrictions from monsoon season. However, after the above-mentioned notice issued by



this Hon'ble Tribunal, the mining activity resumed in December, 2025 and the Project Proponent continued with the illegal mining activity in violation of the EC conditions dated 8.10.2024, Sustainable Sand Mining Guidelines, 2016 which is damaging the environment and agricultural fields. The Applicant submits the following:

a. In-stream mining with the help of help of heavy machinery and formation of ramp used for transportation:

- i. That the Project Proponent, Respondent No. 5 has resumed in-stream mining in River Ken. The in-stream mining is prohibited under the Environment Clearance conditions and Sand Mining Guidelines. The continued in-stream mining is destroying the river and its ecology. The Applicant has taken photographs on 15.12.2025 of the in-stream mining being undertaken by the Project Proponent with the help of heavy machinery. The Project Proponent has also formed a ramp on the water channel to transport sand on trucks. The construction of ramp is not only illegal but has obstructed the flow of the river

A copy of the photographs showing in-stream mining as taken on 15.12.2025 is annexed herewith as **ANNEXURE A-1.**

- ii. It is submitted that the Project Proponent seems to be aware of the visit of the Joint Committee formed by this Hon'ble Tribunal on 18.02.2026, and thereby the Applicant observed that the Project Proponent had started filling up the pits formed from the illegal sand mining and also started dismantling the temporary ramp formed in the middle of the river to transport sand to remove any evidence of the illegal sand mining activity.



iii. The ramp dismantled on 18.02.2026 has been reconstructed and

Respondent is using it for transportation of sand by use of heavy vehicles.

A copy of the photographs dated 17.02.2026 and 18.02.2026 showing filling up of pits is annexed herewith as **ANNEXURE A-2.**

A copy of the comparative photographs showing usage of ramp as on 5.02.2026 and dismantling and removal of the ramp on 18.02.2026 is annexed herewith as **ANNEXURE A-3.**

A copy of the photographs showing ramp in use dated 21.02.2026 is annexed herewith as **ANNEXURE A-4.**

b. Continued Use of Heavy Machinery in Violation of Environmental Clearance:

That the Project Proponent has been mining sand using heavy machinery such as poclain machine which is not permissible as per the EC conditions.

The Respondent No. 5 is continuously using heavy machinery. The Applicant is submitting photographs of the usage of heavy machinery which is not permissible under the concerned EC dated 8.10.2024. It is observed that Respondent No. 5 is continuously using heavy machinery for sand mining operations within the area. The Applicant has documented this ongoing use of heavy equipment by submitting photographs as evidence. This practice is expressly prohibited under the Environmental Clearance (EC) conditions dated 8.10.2024. The use of heavy machinery not only contravenes the stipulated guidelines but also poses a significant threat to the ecological balance of the river and its surroundings. The photographs provided by the Applicant clearly depict the unauthorized deployment of such equipment,



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underscoring the disregard for the EC conditions by the Project Proponent, after they resumed mining activities in December, 2025.

A copy of the photographs submitted by the Applicant showing usage of heavy machinery as on 28.01.2026 is annexed herewith as **ANNEXURE A-5.**

c. Mining beyond the lease area:

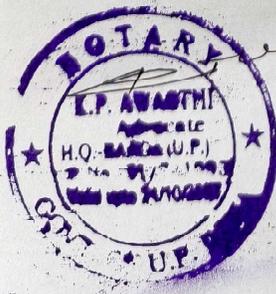
That the Project Proponent has mined sand outside the lease area as defined in the Mining Plan. The Project Proponent has mined sand close to the agricultural field of the residents of Village Sandi Khadar.

A copy of the photographs showing mining of sand close to the agricultural field as on 28.01.2026 is annexed herewith as **ANNEXURE A-6.**

4. That due to such alarming rate with which the Project Proponent has undertaken sand mining, the Applicants had been complaining about the sand mining activity causing destruction in the area. In response to that, the Additional Commissioner (II), Commissioner Office, Chitrakoot Mandal, Banda sent a letter dated 29.12.2025 to the Respondent No. 3 requesting to investigate the issue and submit a report. However, no further action was taken as per the knowledge of the Applicants.

A copy of the letter dated 29.12.2025 issued by the Additional Commissioner (II), Commissioner Office, Chitrakoot Mandal, Banda is annexed herewith as **ANNEXURE A-7.**

5. That when observing no further action being taken, the Applicant No. 1 submitted a representation dated 19.01.2026 to the Joint Committee formed by this Hon'ble Tribunal including Respondent No. 3 informing about the illegal sand mining activity being undertaken by the Project Proponent. Thereafter, a letter



was issued on 23.01.2026 by the Commissioner, Chitrakoot Mandal, Banda to the Mining Officer, Banda wherein it was requested to officer to investigate the issue and submit a report.

A copy of the complaint sent by the Applicant No. 1 to the Joint Committee authorities dated 19.01.2026 is annexed herewith as **ANNEXURE A-8.**

A copy of the letter dated 23.01.2026 issued by the Commissioner of Chitrakoot Mandal, Banda to the Mining Officer, Banda is annexed herewith as **ANNEXURE A-9.**

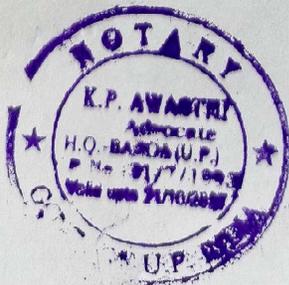
- 6. That the above-mentioned Additional Affidavit is to bring on record the continuous violation of the norms by Respondent No. 5 and complete inaction by the Respondent authorities in enforcing compliance. It is further submitted that even at the time of swearing of this affidavit the mining is continuing in the same manner and no action by the authorities has been taken till date.
- 7. That the contents of the above-mentioned Additional Affidavit are true and correct and nothing material has been concealed therefrom.

अभिहित
DEPONENT

VERIFICATION

Verified on this 23 day of 02, 2026 at Banda that the contents of the present Affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

अभिहित
DEPONENT



श्रीव. उषा निशंकदास
वसु विगत 23/02/26
31/105/
SWORN
BEFORE ME
[Signature]
K.P. AWASTHI
NOTARY PUBLIC
23/02/2026

ANNEXURE A-1

Photograph showing in-stream mining in River Ken as taken on 15.12.2025:



ANNEXURE A-2

Photographs showing the filling up of pits and leveling of land arising from the sand mining activity as taken on 17.02.2026 and 18.02.2026:

17.02.2026:



18.02.2026:



ANNEXURE A-3

Following are the comparative photographs showing usage of ramp/pathway on 28.01.2026 and 5.02.2026 and dismantling and removal of ramp on 18.02.2026:

EXISTENCE AND OPERATION OF THE RAMP/PATHWAY:

a. Photograph of ramp/pathway in the middle of River Ken as taken on 28.01.2026:



b. Photograph of ramp/pathway in the middle of River Ken as taken from the Applicant No. 1's Twitter account on 5.02.2026:



REMOVAL OF RAMP/PATHWAY BEFORE JOINT COMMITTEE VISIT:

- c. Photograph of ramp/pathway removal as taken by Applicant No. 2 on 18.02.2026 right before the Joint Committee visit:



ANNEXURE A-4

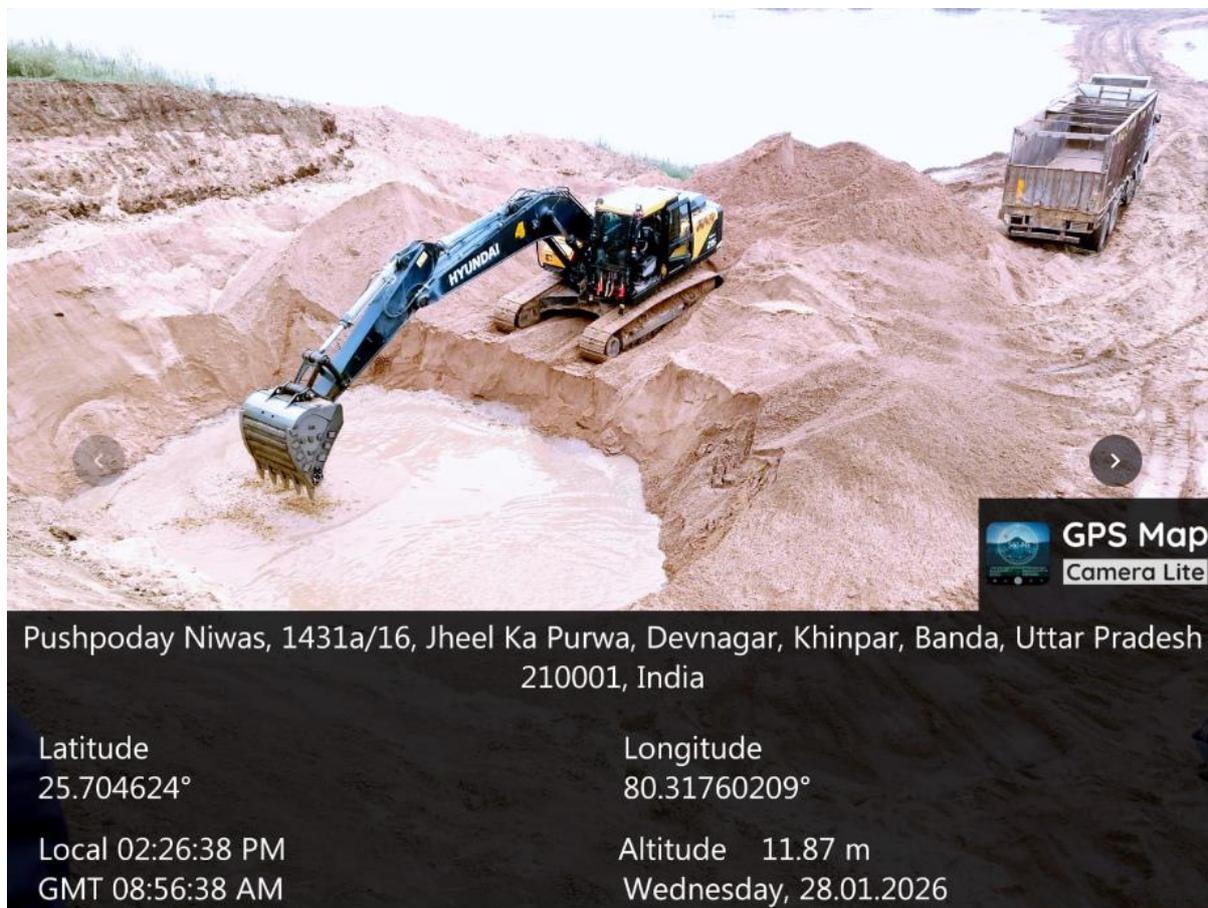
Following photographs dated 21.02.2026 show usage of ramp/pathway constructed by the Project Proponent after Joint Committee visit on 18.02.2026:





ANNEXURE A-5

Photographs showing usage of heavy machinery as on 28.01.2026:



ANNEXURE A-6

Photograph showing mining of sand taking a portion of the agricultural field located near village Sandi Khadar on the bank of River Ken:



कार्यालय आयुक्त, चित्रकूटधाम मण्डल, बांदा

पत्रांक:- 1775 / शि0-सहा0 / 2025

दिनांक- 29 दिसम्बर, 2025

जिलाधिकारी,
बांदा।

महोदया,

प्रार्थिया श्रीमती ऊषा निषाद व अन्य, ग्राम सांडी, मजरा अमान डेरा, तहसील पैलानी, बांदा द्वारा प्रस्तुत प्रार्थना पत्र दिनांक-29.12.2025 मूलरूप में संलग्न कर भेजा जा रहा है। प्रार्थना पत्र मुख्य रूप से ग्राम सांडी खण्ड 77 तथा खपटिंहा कला 56/2 से अवैध खनन नदी की जलधारा से किये जाने व ग्राम सांडी के किसानों की निजी भूमि से लाल मौरम की निकासी किये जाने के सम्बन्ध में है।

अतः कृपया अनुरोध है कि प्रार्थना पत्र में उल्लिखित तथ्यों की जाँच कर नियमानुसार आवश्यक कार्यवाही कराकर आख्या 05 दिवस में उपलब्ध कराने का कष्ट करें, जिससे वस्तुस्थिति से आयुक्त महोदय को अवगत कराया जा सके।

संलग्नक:-यथोक्त।

(भगवान शरण)

अपर आयुक्त (द्वितीय)

To,

1. Member Secretary, CPCB
Postal Address: Parivesh Bhawan, East Arjun Nagar, Delhi-110032
E-mail: mscb.cpcb@nic.in
2. Member Secretary, UPPCB
Building No.TC - 12 V,
VibhutiKhand, Gomti Nagar, Lucknow (U.P.)
E-mail: ms@uppcb.com, Tel: 562 3556249
3. District Magistrate smt J. Ribha,Banda,UP : 210001
4. Ministry of Env., Forest and Climate Change,
Regional Office (CZ), Kendriya Bhawan,
5th Floor, Sector "H" Aliganj,
Lucknow – 226020
Ph. No. :0522-2324025, 2323850, 2763559
Fax No.:0522-2326696, 2324025
Email: rocz.lko-mef@nic.in

विषय: एनजीटी (राष्ट्रीय हरित अधिकरण) से आदेशित याचिका संख्या ओ.ए. नंबर 614/2025 एवं ग्राम सांडी तहसील पैलानी जिला बांदा निवासी महिला किसान ऊषा निषाद / अन्य द्वारा दिनांक 29 दिसम्बर 2025 को मंडल आयुक्त चित्रकूट धाम बांदा को दिए प्रार्थना पत्र के संदर्भ में निवेदित शिकायत पत्र।

महोदय/ महोदया,

आपको उपरोक्त विषयक सादर अवगत कराना है कि संलग्न प्रार्थना पत्र एवं संबंधित ग्राम सांडी तहसील पैलानी जिला बांदा में लगातार चल रहे अवैध खनन की रोकथाम को उक्त ग्राम के निवासियों/ किसानों ने दिनांक 29 दिसम्बर 2025 को एक प्रार्थना पत्र दिया था। इसमें माननीय राष्ट्रीय हरित अधिकरण (एनजीटी) से पारित आदेश दिनांक 3 दिसम्बर 2025 के संलग्न आदेश अनुसार याचिकाकर्ता किसान ऊषा निषाद व अन्य किसानों ने चित्रकूट मंडल आयुक्त श्री अजीत कुमार से ग्राम सांडी तहसील पैलानी में केन नदी और किसानों की निजी भूमि में अवैध खनन रोकने हेतु प्रार्थना पत्र दिया था। निवेदन है इन किसानों एवं शिकायत कर्ताओं ने एनजीटी के आदेश के क्रम में बुंदेलखंड के जिला बांदा में ग्राम सांडी के अतिरिक्त संचालित मौजूदा 15 लाल मौरम की खदानों में प्रतिबंधित अर्थ मूविंग पोकलैंड और जेसीबी मशीनों से अवैध खनन को विस्तार से लिखा था।

जिस पर श्रीमान मंडल आयुक्त अजीत कुमार जी ने अपर आयुक्त श्री भगवंत शरण को कार्यवाही हेतु निर्देशित किया था। जिस क्रम में अपर आयुक्त जी ने कार्यालय आयुक्त चित्रकूट धाम मंडल, बांदा के पत्रांक संख्या 1775/शि.सहा./2025 दिनांक 29 दिसम्बर 2025 को संलग्न पत्र के अनुसार जिलाधिकारी बांदा को कार्यवाही हेतु लिखा था। साथ ही किसानों व याचिका कर्ता ऊषा निषाद के शिकायत पत्र जांच कराकर 5 दिवस में आख्या मांगी गई थी। उल्लेखनीय है कि अपर आयुक्त के निर्देशित कार्यवाही पत्र पर जिलाधिकारी बांदा श्रीमती जे. रीभा के स्तर से किसी प्रकार की न्यायसंगत

कार्यवाही एवं स्थलीय निरीक्षण नहीं किया गया है। वहीं बेलगाम खनन ठेकेदार हिमांशु मीणा की फर्म न्यू यूरेका माइंस एंड मिनरल्स प्राइवेट लिमिटेड द्वारा ग्राम सांडी बांगर के खंड 77 आदि पर दिनरात सूर्यास्त के बाद भी केन नदी की जलधारा एवं किसानों की निजी भूमि में बिना मर्जी अवैध खनन किया जाता है। एक अन्य किसान व याचिका कर्ता रामसेवक पुत्र स्वर्गीय महावीर निवासी करिंदा डेरा, ग्राम सांडी के आईजीआरएस पोर्टल शिकायत संदर्भ संख्या 40017025025420 एवं इसी गांव की बुजुर्ग महिला विधवा मुंगिया पत्नी स्वर्गीय चुनुबाद निवासी करिंदा डेरा की आईजीआरएस शिकायत संख्या 40017025025421 पर एसडीएम पैलानी श्री अंकित वर्मा व तहसीलदार राधेश्याम ने हल्के के लेखपाल मनोज कुमार से घर बैठे बिना मौका मुआयना किए ही जांच रिपोर्ट जनसुनवाई पोर्टल पर प्रस्तुत की है। लेखपाल मनोज कुमार ने किसान रामसेवक व मुंगिया से बयान भी नहीं लिया है।

खनन पट्टेधारक हिमांशु मीणा व इनके सहयोगी मानू सिंह, हबीब अपने फर्म के मूल मालिक मध्यप्रदेश के होशंगाबाद (पिपरिया) निवासी रसमीत मल्होत्रा की कृपा से ताबड़तोड़ अवैध खनन कराकर नदी क्षेत्र के पर्यावरण, जैवविविधता को खतरे में डाल रहे हैं। वहीं यूपी उप खनिज परिहार नियमावली के 47 वें संशोधन की उपधारा 41 ज व लीज एग्रीमेंट की शर्तों व खनिज न्यास फाउंडेशन के दिशानिर्देश की भी चौतरफा घोर अवमानना कर रहे हैं। यह पर्यावरण, किसानों और जलसंकट की संभावनाओं के मद्देनजर महत्वपूर्ण है।

विडम्बना है कि इस काले कारोबार में जिला प्रशासन को गुमराह करने का सुनियोजित कार्य खनिज अधिकारी राजरंजन व खान निरीक्षक राजीव गुप्ता खुलकर देते हैं। बांदा में अवैध खनन का संगठित अपराध पूरी सरकारी मिशनरी एवं मीडिया को मैनेज करके होता है। श्रीमान जी आपको प्रार्थीगण हाल की कुछ तस्वीरों के साथ यह प्रार्थना पत्र सूचनार्थ प्रेषित कर रहे हैं। जिससे न्यायोचित कार्यवाही मुनासिब हो सके। कृपया एनजीटी द्वारा गठित संयुक्त /ज्वाइंट कमेटी के बांदा आगमन व स्थलीय भ्रमण जांच तिथि से भी याचिका कर्ताओं को अवगत कराने की कृपा करें। ताकि मौके पर हम लोग उक्त मामले का ग्राउंड मूल्यांकन व कार्यवाही कराने में तथ्यात्मक सहयोग कर सकें।

सादर.....

संलग्नक उपरोक्त अनुसार

आशीष सागर दीक्षित

प्रार्थी याचिका कर्ता :

Munish 19/01/2026

आशीष सागर दीक्षित व ऊषा
निषाद / ग्रामीण किसान

पता : वनविभाग कार्यालय के
पास सिविल लाइन बांदा, यूपी

पिनकोड 210001

मोबाइल नंबर 6387482216,

9621287464

ऊषा निषाद

Banda HO 210001
 EU554527638IN, IVR No1: 6985554527638
 19-01-2026 13:19:29, Counter No. 1,
 To: MINISTRY OF ENVIRONMENT
 LKO, LUCKNOW, 226001
 From: ASHISH SAGAR DIXIT
 BANDA, BANDA, 210001
 Base Amt: 59.00
 Wt: 70gms (Phy.)
 P.Mode: Cash
 POD: No, www.indiapost.gov.in



Banda HO 210001
 EU554527641IN, IVR No1: 6985554527641
 19-01-2026 13:20:10, Counter No. 1,
 To: MEMBER SECRETARY UPPEC
 LKO, LUCKNOW, 226001
 From: ASHISH SAGAR DIXIT
 BANDA, BANDA, 210001
 Base Amt: 59.00
 Wt: 70gms (Phy.)
 P.Mode: Cash
 POD: No, www.indiapost.gov.in



Banda HO 210001
 EU554527655IN, IVR No1: 6985554527655
 19-01-2026 13:20:54, Counter No. 1,
 To: MEMBER SECRETARY CPCE
 NEW DELHI, CHARHARA, 110055
 From: ASHISH SAGAR DIXIT
 BANDA, BANDA, 210001
 Base Amt: 59.00
 Wt: 70gms (Phy.)
 P.Mode: Cash
 POD: No, www.indiapost.gov.in



Banda HO 210001
 EU554527669IN, IVR No1: 6985554527669
 19-01-2026 13:21:35, Counter No. 1,
 To: IAS SIR
 BANDA, BANDA, 210001
 From: ASHISH SAGAR DIXIT
 BANDA, BANDA, 210001
 Base Amt: 24.00
 Wt: 70gms (Phy.)
 P.Mode: Cash
 POD: No, www.indiapost.gov.in



कार्यालय आयुक्त, चित्रकूटधाम मण्डल, बांदा

पत्रांक:-1911 / शि0-सहा0 / 2026

दिनांक-१३-जनवरी, 2026

खान अधिकारी,
बांदा।

प्रार्थीगण श्री आशीष सागर दीक्षित व ऊषा निषाद, नि0 वनविभाग कार्यालय के पास, सिविल लाइन बांदा द्वारा प्रस्तुत प्रार्थना पत्र दिनांक-19.01.2026 मूलरूप में संलग्न कर भेजी जा रही है।

अतः निर्देशित किया जाता है कि प्रार्थना पत्र में उल्लिखित तथ्यों का मौके पर स्थलीय निरीक्षण करते हुए अपनी सुस्पष्ट विस्तृत आख्या 07 दिवस के अन्दर उपलब्ध कराना सुनिश्चित करें।

संलग्नक:-यथोक्त।

(अजीत कुमार)
आयुक्त



160

Litigation . <litigation@dclawchambers.com>

Additional Affidavit on behalf of the Applicant in OA No. 614 of 2025 Ashish Sagar Dixit & ors. Versus. State of Uttar Pradesh and Ors.

1 message

Litigation . <litigation@dclawchambers.com>

Tue, Feb 24, 2026 at 10:59 AM

To: priyanka swami <advpriyankaswami@gmail.com>, seiaaup@yahoo.com, ms@uppcb.com, eurekaew1001@gmail.com

Cc: Shreepurna Dasgupta <shreepurnadasgupta@proton.me>

Dear Sir/madam,

Please find attached-Additional Affidavit on behalf of the Applicant in OA No. 614 of 2025 Ashish Sagar Dixit & ors. Versus. State of Uttar Pradesh and Ors.

Thanks & Regards
Counsel for the Applicant

2 attachments **Stay application.pdf**
1229K **Additional Affidavit on behalf of the Applicant.pdf**
18290K