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

IN

ORIGINAL APPLICATION NO. 1220/2024

IN THE MATTER OF:

YADRAM SINGH

.....APPLICANT.

Versus

SEIAA UP & ORS

.....RESPONDENT(S)

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FILED THROUGH

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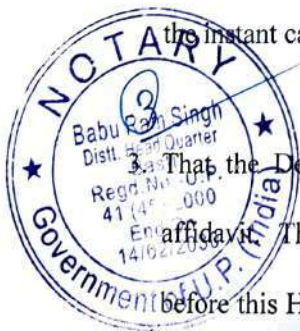
ADDITIONAL AFFIDAVIT OF DISTRICT MAGISTRATE- BASTI, IN
RESPONSE TO THE WRITTEN NOTES SUBMITTED BY THE
APPLICANT BEFORE THIS HON'BLE TRIBUNAL

The Respondent No. 7 herein states as under:

MOST RESPECTFULLY SHOWETH:

I, Krittika Jyotsna aged about 40 years, W/o Rahul Pandey posted as District Magistrate – District Basti, the deponent, do hereby solemnly state and affirm as under:-

1. That I am the above-mentioned answering Respondent No. 7 and is duly competent to file the present affidavit.
2. That the Deponent is well conversant with the facts and the circumstance of the instant case and is competent to swear this affidavit.



3. That the Deponent has read and understood the contents of the present affidavit. The averments made in the Written Notes, filed by the Applicant before this Hon'ble Tribunal, which are not specifically admitted hereunder, must be considered to have been denied by the Deponent.

Handwritten signature

4. That the deponent had filed her reply to the Original Application, by way of an Affidavit, on 09.05.2025

5. That a perusal of Appendix-X of the Notifications issued by the Ministry of Environment, Forest and Climate Change (MoEF & CC), Government of India, dated January 2016 and July 2018, unequivocally demonstrates the following:

- The District Survey Report (DSR), conceived as a planning and regulatory instrument for the identification of mining leases, determination of excavable mineral volume, assessment of environmental sensitivity, prospective planning, and scientific management of riverbed sand mining, was formally introduced vide Government of India Notification dated 15 January 2016. Its necessity, objectives, and methodological framework stand elaborately prescribed in the *Sand Mining Management Guidelines, 2016*.
- The significance of the DSR was subsequently reaffirmed in the MoEF & CC Notification of July 2018 and further emphasized in the *Enforcement and Monitoring Guidelines for Sand Mining, 2020*, specifically at Point No. 4.1.1 (Pages 13–20), thereby underscoring its

mandatory and foundational role in the regulatory regime governing sand mining operations.

That notably, the Govt. of India Notification of 2016 (Appendix-X) states the purpose of DSR as follows: -

“The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following: Identification of areas of aggradations or deposition where mining can be



allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area."

7. That a perusal of the aforesaid objectives, whether examined *per se* or read conjointly with the *Sand Mining Management Guidelines, 2016* and the *Enforcement and Monitoring Guidelines for Sand Mining, 2020*, unequivocally establishes that the processes of lease identification and quantity assessment are mandated to be undertaken **individually and distinctly for each proposed mining lease.**

8. That the issue concerning the adequacy and sustainability of mineable material within a particular lease area stands comprehensively addressed under the heading "*Methodology adopted for calculation of mineral potential*" in the Appendix-X of the Notification. The concluding paragraph of Appendix-X categorically stipulates that "*the District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.*" Accordingly, the statutory framework itself fortifies the position that the District Survey Report constitutes a foundational and indispensable instrument in the process of environmental assessment.

9. That the *Enforcement and Monitoring Guidelines for Sand Mining, 2020* distinctly demarcate two separate and independent chapters, namely, **Section 4.1.1 (Pages 13 to 20)** dealing with the *Preparation of District Survey Report* and **Section 5 (Pages 27 to 33)** dealing with *Replenishment Study*. It is pertinent to note that within the portion pertaining to DSR, the term



"replenishment" appears seven times; however, the phrase "*Replenishment Study*" does not find mention even once. Conversely, Section 5, which exclusively concerns the Replenishment Study, contains **no reference whatsoever** to the District Survey Report. In such circumstances, there exists no statutory, regulatory, or textual basis for the Applicant's assertion that a Replenishment Study constitutes an integral component of the DSR. Such a contention is not only misconceived but also wholly unsustainable, bordering on the implausible.

10. That a bare perusal of the foregoing facts and the relevant statutory framework makes it abundantly clear that **neither the Notification nor the applicable guidelines**, in any of their material provisions, mandate that the *Annual Replenishment Report*, first conceptualised and discussed independently in the *Monitoring Guidelines for Sand Mining, 2020*, forms part of or is to be incorporated into the District Survey Report. Any such interpretation sought to be projected by the Applicant is contrary to the express scheme of law and is liable to be rejected.

11. That this interpretation is further fortified by the inherent logic of the statutory scheme, in as much as the District Survey Report is required to be prepared and updated only once every five years, whereas the

Replenishment Study is conceived as an **annual exercise**, intended to periodically assess and inform the calculation of mineable mineral quantity for each individual lease during every mining season. The distinct periodicity and purpose of the two documents themselves militate against any presumption that the Replenishment Study forms part of the DSR.



12. That it is pertinent to underscore that even the *Enforcement and Monitoring Guidelines for Sand Mining, 2020* (EMGSM-2020), under Section 4.1.1 titled "*Preparation of District Survey Report*" (Pages 13–20), do not, at any stage, mandate that the Annual Replenishment Report be incorporated as a constituent part of the District Survey Report. Replenishment, by its very nature, is a **continuous and annual exercise**, intended— as already demonstrated hereinabove— to guide and regulate the volume of sustainable mining permissible at each individual lease for every mining season. While the DSR is to be prepared on a quinquennial basis, the last comprehensively assessed and scientifically validated mineral volume should form the baseline for determining the mineable quantity recorded therein. Such baseline is thereafter required to be reviewed and recalibrated each year on the strength of annual Replenishment Studies undertaken for that purpose.

13. That it is further relevant to note that the Replenishment Study, as delineated under Chapter 5.0 (Pages 27–33) of the EMGSM-2020, is an exercise that may be undertaken through various permissible methodologies, as detailed in Clauses 5.2, 5.2.1, 5.2.2, and 5.2.3. Such methodologies include empirical techniques such as topographical surveys, DGPS-based surveys, and pit profiling through time-sequenced measurements. Additionally, Replenishment Studies may also be conducted through secondary or remote-sensing methods, including aerial surveys, satellite imagery, drone-based assessments, and other technologically advanced tools. The selection of methodology—as well as the frequency and temporal sequencing of such studies—must necessarily be determined in accordance with local geographical, topographical, and anthropogenic considerations, including terrain gradient, site accessibility, and the degree of inundation or seasonal



flooding prevalent in the concerned mining area. Therefore the applicants effort to Prescribe one Solitary method is to misinform prejudice the court.

14. That with reference to the allegation of the applicant that mineable mineral has been calculated indiscriminately and mechanically at 3 m depth without any basis of replenishment assessment is incorrect and false. In the District Basti, different leases have been assessed under hydro-geological considerations and excavation depth vary as given in enclosed table.

District	Depth of Mining	No of leases
Basti	3.0 m	3 leases
	2.0 m -3.0 m	3 leases
	2.0 m	1 lease
	1.0m-2.0m	3 leases

Source: DSR of Basti District

15. That with reference to the allegation of the Applicant that leases of identical area have been assigned identical mineable reserves, it is respectfully submitted that such uniformity is neither irregular nor illegal. It is a matter of **public policy** that the Mining Department maintains consistency in the application of parameters, criteria, and yardsticks, unless there exists a compelling and scientifically justified reason for deviation. In the present case, upon evaluation of the mineral potential, leases of the same size have been allotted similar excavation volumes, which is fully in consonance with established norms and regulatory fairness.

16. That with respect to the allegation of the Applicant that the total quantity reflected in the DSR exceeds the total quantity in the Replenishment Study (as asserted with reference to Basti District), it is submitted that such an



allegation is wholly **misconceived and frivolous**. In District Basti concerned, the mineable quantity recorded in the DSR and the corresponding Replenishment Study is identical. The Applicant appears to have misinterpreted the data by comparing quantities expressed in **tonnage** (Pages 90, Annexure-II) with quantities expressed in **cubic metres**, which naturally results in a variation owing to the standard conversion factor of approximately 1.67 between the two units.

17. That with reference to the allegation that the dimensions and mineral potential of rivers have been taken from the 2017 DSR, it is respectfully submitted that the **fundamental river morphology**, including river length and, ordinarily, river width, does not undergo substantive change within a period of seven years, barring extreme geomorphological events. Hence, reliance upon earlier recorded river dimensions—where unchanged, is neither improper nor inconsistent with scientific principles or administrative practice.

18. That with reference to the allegation of the Applicant that the DSR omits mention of pre- or post-replenishment studies, it is reiterated that **no legal or regulatory mandate** requires such data to be incorporated in the DSR. As per the Notifications of 2016 and 2018, as well as the *SSMG-2016*, the excavable mineral potential assessed at the time of finalization of the DSR is

to be recorded lease-wise. This constitutes the foundational baseline for all

subsequent comparative assessments undertaken through the annual

Replenishment Studies. The Applicant's claim is therefore devoid of merit

and is liable to be rejected.



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19. That the DSR is to be prepared for five years and that the Replenishment Studies are to be conducted annually (twice pre and post monsoon).

20. That with reference to the allegation that site visits and Replenishment Studies were conducted only for select leases—viz., 3 out of 10 sand areas in Basti, it is submitted that the said accusation is factually incorrect and stems from a careless and incomplete examination of the relevant records. A Replenishment Study can be undertaken **only for those leases where excavation was carried out in the preceding mining season**. For non-operational leases, an assessment of mineable potential has been duly conducted in accordance with the EIA Notification. Accordingly, the Replenishment Studies comprise two distinct sets of data: (i) mineral potential assessments for non-operational leases, and (ii) detailed zone-wise mineral availability and replenishment analysis for leases that were recently operational. All leases were duly inspected. In this context, Banda had 16 operational leases, where as Basti had 3 operational leases and Shamli had 4 operational leases. Zone-wise replenishment analysis has been presented for these operational areas, while scientific mineral potential assessments have been conducted for the remaining leases. Thus in the District of Banda, at the relevant time 2023-24 only 16 mines were operational and the remaining

mining leases were neither given nor any operations took place, as such excavation of mines did not take place. Hence Replenishment Studies were conducted for only 16 leases.

That with reference to the allegation that replenishment Study effective from December 2024 was considered after approval of the DSR for Basti District.

It is respectfully submitted that District Survey Report (DSR) was prepared during the period from December 2023 to May 2024 and, upon its completion, was submitted to the State Environment Impact Assessment



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Authority (SEIAA) in May 2024. The said DSR, which incorporated the baseline data of the pre-monsoon 2024 replenishment studies, was duly examined and approved by the SEIAA in August 2024.

22. That with reference to the allegation that site visits were conducted during September-October 2024 (allegedly during monsoon) for Basti, it is submitted that although the site visits were indeed carried out in October, the insinuation of impropriety is **wholly unfounded**. The Highest Flood Level (HFL) in Basti was recorded on 17.09.2024. Field conditions began stabilizing thereafter, and the site assessments were conducted only once the water has receded. It is further clarified that the monsoon period, as per the Irrigation Department, Government of Uttar Pradesh, extends from **16 June to 15 September**. Therefore, the site visits were post monsoon and entirely proper. It is reiterated that the Replenishment Study is an **ongoing and independent exercise**, which does not form part of the DSR, even though SEIAA and SEAC rightly consider such studies during the appraisal process.

23. That in response to Point No. 8, it is respectfully submitted that the Applicant is attempting to portray procedural delays as grave administrative lapses, whereas in reality, the district administration of the three Districts have been engaged in the systematic collation and harmonization of diverse datasets to bring the mining process within the prescribed policy framework.

The present phase constitutes a **transitional administrative stage**, aimed at strengthening sustainable sand-mining governance. Any procedural variations must be viewed in this context and do not constitute actionable lapses or violations.



24. That the contention of the Applicant that the Replenishment Study was not conducted by any credible Central or State Institution or Agency is wholly

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untenable and deserves outright rejection. The **Sub-Divisional Committee (SDC)**, which is the statutory body entrusted with this function, comprises senior officials drawn from multiple specialised departments and State agencies, all of whom possess the requisite technical expertise, institutional competence, and field experience to undertake Replenishment Studies as well as to prepare the District Survey Report (DSR) in accordance with law. It is rather surprising that the applicant is raising the issue, which the Hon'ble Supreme Court in the matter of Pawan Kumar vs. State of Bihar has already laid down that the work of DSR is to be undertaken by the SDC who can take the assistance from any credible agency as also mentioned in te earlier affidavit, filed by the deponent. The SDC hired the agency for only seeking technical assistance, pursuant to the Government Order dated 17.05.2023.

25. That it is further submitted that the **EIA Notification dated 25.07.2018** explicitly delineates the structure and contents of the DSR and prescribes that surveys shall be carried out by the DEIAA with the assistance of the **Geology Department, Irrigation Department, Forest Department, Public Works Department, Ground Water Board, Remote Sensing Department, Mining Department, *inter alia***, within the district.

26. That additionally, the **Standard Operating Procedure (SOP)** issued by the SEIAA unequivocally stipulates that it shall be the responsibility of the **Sub-Divisional Committee / hired agency** to (i) collect primary and secondary data, (ii) draft the DSR along with Annexures I to VII, and (iii) make necessary presentations before SEAC/SEIAA and the Directorate of Geology & Mining (DGM). Accordingly, the DSR prepared in the present case is in complete consonance with the statutory framework, procedural



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mandates, and guidelines issued by the competent authorities, leaving no room for the unfounded aspersions cast by the Applicant.

27. That it is respectfully submitted that the contention of the applicant, alleging that certain areas advertised as part of the District Survey Report (DSR) are wholly or partially inundated with water, is misconceived and is not accepted in the manner asserted. It is pertinent to note that mining leases located in riverine or semi-riverine regions are naturally susceptible to seasonal inundation during the monsoon period. Such accumulation of water is a transient and recurring geographical phenomenon, and the water invariably recedes upon cessation of the monsoon. A temporary flooding of the lease area cannot, by any stretch, constitute a valid ground to allege either non-conduct of the replenishment study or to contend that the said area is unfit for mining operations.

28. That it is pertinent to submit that the entire process pertaining to the preparation of the Replenishment Study and the District Survey Reports (DSR) of Basti has been undertaken strictly in consonance with the provisions of the EIA Notifications issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC), the Sustainable Sand Mining Guidelines, 2016 (SSMG-2016), the Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM-2020), as well as the binding

directions issued by this Hon'ble Tribunal.



29. That it is respectfully submitted that the District Survey Report (DSR) is prepared for a tenure of five years, and the data incorporated therein is generic in nature, intended to provide an indicative assessment of the approximate mineral availability within a mining lease area over the said period. In contradistinction thereto, the replenishment study is conducted on

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an annual basis and is designed to determine the precise quantum of mineral replenished during each year.

30. That the annual replenishment study constitutes a mandatory standard condition for all sand mining operations, as prescribed under the Sustainable Sand Mining Guidelines, 2016 (SSMG-2016) and the environmental clearance conditions. For the ready reference of this Hon'ble Tribunal, the relevant standard condition is reproduced herein below:

"To submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity/production levels shall be decreased/stopped accordingly till the replenishment is completed."

31. That it is further submitted that even at the stage of granting approval to the Final District Survey Report, the replenishment studies for the previous years were duly examined and taken into consideration by the Competent Authority (SEIAA, UP).

32. That in view of the foregoing submissions, it is most respectfully asserted that the preparation of the District Survey Report for Banda, Basti and Banda District, as well as the conduct of the replenishment studies, has been undertaken strictly in accordance with the EIA Notifications issued by the MoEF & CC, the Sustainable Sand Mining Management Guidelines, 2016, the Enforcement and Monitoring Guidelines for Sand Mining, 2020, and the directions of this Hon'ble Tribunal. All allegations levelled by the applicant are misconceived, factually untenable, and contrary to the statutory scheme governing sand mining. The competent authorities have duly adhered to the



prescribed procedure, ensured scientific assessment, and undertaken requisite scrutiny at every stage. It is, therefore, humbly prayed that the unfounded objections raised by the applicant be rejected, and the actions of the respondent authorities be affirmed as being lawful, justified, and in consonance with the applicable regulatory framework.

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DEPONENT

VERIFICATION

Verified at...Basti....., on 11.01.2026, that the contents of the paras 1 to of this affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed therefrom.

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DEPONENT



WITNESSED & VERIFIED
BEFORE ME
[Signature]
Babu Ram Singh
Advocate & Notary (H.Q.)
District Basti-U.P. (India)
Reg No. U.P. 41 (45) 200



INDIA NON JUDICIAL
2176
Government of Uttar Pradesh



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e-Stamp

Signature
AOC Name: Ganesh Kumar Gaud
AOC No: Up14481204
Office: District Court Bahadurgarh
District: Meerut
Reference No: 130 Tehsil And Dist: Bahadurgarh
Mobile No: 73982138522

Certificate No.	: IN-UP43661893471342Y
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Account Reference	: NEWIMPACC (SV)/ up14481204/ BASTI SADAR/ UP-BST
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Purchased by	: ZILA ADHIKARI BASTI
Description of Document	: Article 4 Affidavit
Property Description	: Not Applicable
Consideration Price (Rs.)	:
First Party	: ZILA ADHIKARI BASTI
Second Party	: Not Applicable
Stamp Duty Paid By	: ZILA ADHIKARI BASTI
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



VERIFIED
AFFIDAVIT ATTACHED

Notary Seal:

Notary Seal: Babu Ram Singh, Distt. Head Quarter Basti, Regd. No. -U.P. 41 (45) 2000, End On 14/02/2030, Government of U.P. (India).
Notarizing using e-Stamp Mobile App of State Govt. of U.P. (India) is available on the website: www.up.gov.in