

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**  
**Original Application No. 1108 of 2024**

**In the matter of:**

Ram Kumar Shukl

...Applicant

Versus

State of Uttar Pradesh

...Respondents

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**Place -Delhi**

**Filed by**

**Date-20.05.2025**



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**ADDITIONAL REPLY/RESPONSE ON BEHALF OF THE RESPONDENT****No. 6/ M/S. TARA ENTERPRISES BY ITS PROPRIETOR****CHANDERJEET KUSHWAHA**

1. That on Compliance of this Hon'ble Court Order dated 25.03.2025, Answering Respondent has filed detailed Reply with Annexing all relevant Document as well Pen Drive of the CCTV footage of the PTZ Camera/s installed in the mining lease area for the last 15 days.
2. That, this Hon'ble Court on Last dated 28.04.2025 has directed to the Answering Respondent to File Additional response as Affidavit of the Respondent was not Filed with that Reply.
3. That Answering Respondent/PP again for the sake of Repetition said that During Earlier inspection, whatever illegal mining, machine marks etc. were found on the banks of river Yamuna in village Naudiya, Amiliya which is about

One Kilometer away from the Approved Mining Area of Answering Respondent(PP). Answering Respondent has nothing to do with this illegal mining because it was difficult to carry out any operation (mining etc.) due to water logging in the river bed on the access road to the mining area, it was impossible to reach the mining site without a boat, mining work was not started by PP till the movement of vehicles in the mining area could be smooth, due to which the mine was closed. It is also informed to this Hon'ble Court that probably people of villages Audhan, Durgapur etc. located in district Kaushambi, Tehsil Chayal, which are located to the north of the river bed, People of these villages often go to visit Masurian Mata Temple in village Naudiya and Amiliya using tractors etc. to reach the boat in the main stream of the river for darshan.

4. That, the boundary pillars installed earlier in the approved area get destroyed due to flood in the river during the monsoon season (months of July, August, September 2024). It is relevant to mention here that before starting the mining operation again, boundary pillars are installed according to the fixed geocoordinates. Mining operation had not started till the date of inspection, hence the boundary pillars were not installed at that time. Now before starting the mining operation, the boundary pillars were Installed/ located by PP and mining operation has been started in leased area only since 07.01.2025. It is also relevant to

mention that digital Processing of Entire leased area has been conducted and Display Board was also installed with all relevant information.

5. It is very relevant to mention here again that PP was not aware that mining cannot be done without obtaining CTO and neither was any restriction given to PP by the Mining Department in this regard, hence, in the absence of information, after the lease deed was executed on 14.11.2023, PP started mining operation seven days later on 21.11.2023. In this, no illegal action was taken by PP to intentionally damage the environment. PP received the CTO of the above mining area on 12.12.2023. This was the only occasion when PP has violated any Norms

In reference to the above, it is respectfully submitted that a notice bearing number N-24604/C-2/Air-728/25 was issued by the Uttar Pradesh Pollution Control Board (UPPCB) on 24.02.2025, imposing an environmental compensation for a period of 28 days, i.e., from 14.11.2023 to 12.12.2023, upon the Project Proponent.

It is pertinent to submit that PP commenced mining operations only on 21.11.2023, which was seven (7) days after the execution of the lease deed dated 14.11.2023. Despite this, said notice erroneously imposes a penalty for the entire 28-day period, thereby including seven (7) days during which no mining activity was undertaken by the PP.

Accordingly, the imposition of environmental compensation for the period prior to 21.11.2023 is factually incorrect and unjustified, and a formal objection has been submitted by the PP before the UPPCB seeking rectification of the same. Furthermore, it is brought to the kind attention of this Hon'ble Court that due to inadvertence and lack of requisite information, mining operations were carried out in the subject area without obtaining the requisite Consent to Operate (CTO). Upon realization, the PP is ready and Willing to deposited a fine of ₹2,10,000/- calculated at the rate of ₹10,000/- per day for the said period of non-compliance, in good faith and without prejudice to its rights.

6. That on the Last Hearing on 28.04.2025 this Hon'ble Court has Directed to the Answering Respondent to Installed the 360. Degree PTZ Camera. Answering Respondent has asked to the Vendor of the PTZ Camera to Installed the same but till date it has not been installed as those Cameras were not available with vendor. Answering Respondent Undertake to Installed those Camera/s as soon as it is available to the Vendor.
7. That answering Respondent is taking the Water From the Water Tank of local Vendor for Using the water in Plants and Trees. PP is also taking Drinking Water from the Local Vendor for drinking Purpose.

8. That answering Respondent is saying that he is not violating any environmental laws and also not violating any Terms and Conditions Imposed by the Mining Department/EC Conditions. PP is not using any heavy machines for mining, they are using Semi Mechanised Machines. It is also said that PP is not involved of any Illegal Mining as the answering Respondent has already Explained in Earlier Paras of this response.
9. That the Answering Respondent respectfully submits that the present application is liable to be dismissed, as the Applicant is allegedly engaged in the business of sand mining and trade, either directly or through affiliated entities. This material fact has been wilfully suppressed by the Applicant from this Hon'ble Court. Notably, on the previous date of hearing, i.e., 25.03.2025, when specifically queried by this Hon'ble Court regarding his occupation, the Applicant misrepresented himself as a farmer and social worker. However, the Applicant is reportedly involved in multiple cases pertaining to illegal mining and unauthorized sand trading. These facts, once substantiated, cast serious doubt on the bona fides of the Applicant and indicate a mala fide intent behind the filing of the present Letter Petition.
10. That, the answering respondent craves leave of the Hon'ble Tribunal to file additional reply, if required or asked by this Hon'ble Court, in future.

11. That, in light of the above submissions, it is respectfully submitted that, this answering Respondent No.6, shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in this Original Application.
  
12. In view of the facts and circumstances stated above, it is respectfully prayed by the Answering Respondent that this Hon'ble Tribunal may be pleased to Disposed the present application as not maintainable and/or as an abuse of the process of law; or Pass any other order(s) as deemed fit and proper in the interest of justice.

Drawn and Filed By



AJAY SINGH, Advocate

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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Original Application No. 1108 of 2024

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Ram Kumar Shukl . . . Applicant

Vs.

State of Uttar Pradesh & Othrs .....Respondents

**AFFIDAVIT**

I,Chanderjeet Kushawaha,S/o Shri Mithai Lal Kushwaha,Katka Jhunshi, Jhunshi Allahabad,Uttar Pradesh-211019., Presently do hereby solemnly affirm and declare as under:

1. That I am Owner of M/s. Tara Enterprises/ Respondent No.6 of the aforesaid mentioned Case and I am fully conversant with the facts & circumstances of accompanying Response/Reply, hence competent to swear this affidavit.
2. That I have read over and Understand the drafted Additional Reply/Response by my Advocate. I have understood the contents therein which are true to best of my knowledge and belief.
3. Annexures are true copies of their respective originals.

*Chanderjeet*  
DEPONENT

**VERIFICATION**

That the contents of the above affidavit are true and correct to the best of my knowledge and belief nothing material has been concealed therefrom.

Verified at Prayagraj on this 15 day of...05... 2025.

This document is/are stored before me of ... 15/05/2025 ... AM/PM Place at Allahabad the document is/are identified by shri..... Advocate the Contents of the document has been explained to the deponent was admit the to be correct And the documents is attested

*Chanderjeet*  
DEPONENT

*R. G. Ojha*  
Ramesh Ganendra Ojha  
Advocate Notary  
State Head Quarters  
15/05/2025

*R. G. Ojha*  
Advocate Notary  
15/05/2025

