

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, AT NEW DELHI
ORIGINAL APPLICATION NO. 1262/2024

IN THE MATTER OF:

SHANKAR LAL LAKHADE & OTHERS

..... APPLICANTS

VERSUS

STATE OF MADHYA PRADESH & OTHERS

..... RESPONDENTS

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PLACE *Bhopal*

DATED 17.01.2026

*S. Khan*

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ADDITIONAL REPLY ON BEHALF OF RESPONDENT NO.9-M/S

RAJESH PATHAK TO THE ADDITIONAL REPLIES FILED BY THE

RESPONDENTS.

It is most respectfully showeth that:

1. The instant Original Application No. 1262 of 2024 has been instituted pursuant to a letter petition dated 15.06.2024 submitted by Shri Shankar Lal Lakhade along with several other residents of Village Chicholi, Tehsil Kharlanji, District Balaghat, State of Madhya Pradesh, raising grievances in respect of alleged illegal mining activities being carried out in river Bawanthadi. This Hon'ble Tribunal, in exercise of its suo motu jurisdiction, vide order dated 20.11.2024, was pleased to constitute a Joint

Committee comprising the District Magistrate, Balaghat, Madhya Pradesh State Pollution Control Board, Central Pollution Control Board, and the Integrated Regional Office of the Ministry of Environment, Forest and Climate Change, Bhopal with a mandate to undertake a site inspection, collect all relevant material particulars, and submit a comprehensive factual report within a period of one month.

2. The above-constituted committee submitted its report dated 23.12.2024.

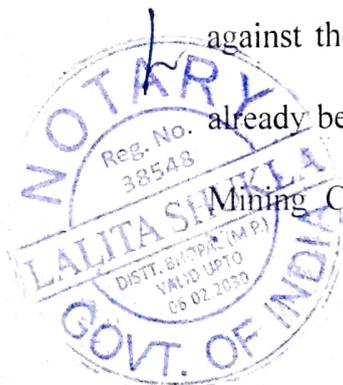
It is respectfully submitted that the Joint Committee submitted its report and observations, thereafter response were filed by the Respondent. However, certain replies were filed by the other Respondent No. 2,3 and 4 and in view of the reply received by the answering respondent from Respondent No. 2,3 and 4, the answering respondent craves leave of this Hon'ble tribunal to file the present additional reply without prejudice to the previous reply.

3. It is respectfully submitted that Respondent No. 9, M/s Rajesh Pathak (**hereinafter R/9**), was impleaded as a party pursuant to the order dated 14.02.2025, subsequent to the submission of the Joint Committee's report on 23.12.2024. It is pertinent to note that neither the said report nor the responses filed by the other respondents contain any allegations, observations, or recommendations against R/9. In absence of any imputation implies that no liability, responsibility, or obligation can be fastened upon Respondent No. 9. Accordingly, the implement of



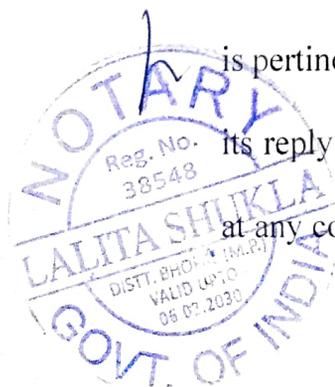
Respondent No. 9, in the facts and circumstances of the present case, cannot give rise to any adverse consequence or accountability in law.

4. The observations recorded by the Joint Committee are fundamentally flawed in as much as they are premised upon demarcations measured through Google Earth Software. Such methodology is neither recognized nor sanctioned under the applicable statutory framework. Rule 5(1) of the Madhya Pradesh Sand (Mining, Transportation, Storage and Trading) Rules, 2019, categorically mandates that the demarcation of sand quarries shall be undertaken on the basis of a Differential Global Positioning System (hereinafter referred to as "DGPS Survey"). The reliance placed upon Google Earth Software, instead of a DGPS Survey, is therefore contrary to the express provisions of law and renders the findings of the Joint Committee legally unsustainable.
5. That the Joint Committee, in its report, has relied upon Google Earth Software to record its observations and has specifically noted that the illegal mining by the Mine Developer-cum-Operator (MDO) do not correspond with the mine lease area as delineated in the approved Mining Plan and Environmental Clearance since the year 2021. The entire allegations and observation made in the Joint Committee Report is against the then MDO M/s R.G. Associates against which actions have already been initiated, the same has been affirmed by the R-3/M.P. State Mining Corporation through their affidavit dated 14.10.2025. On the



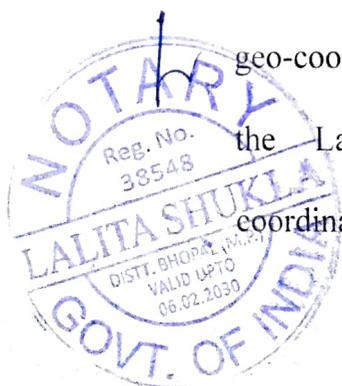
basis of such findings, the Committee has further recommended that, owing to gross negligence on the part of the project proponent, namely M/s Madhya Pradesh State Mining Corporation Ltd. and the MDO, sand excavation has been carried out beyond the demarcated lease boundary and the Department of Mining & Geology must urgently recheck the geographical coordinates of the mine lease retrospectively since 2021.

6. It is most humbly submitted that categorical admissions made by Respondent No. 2, Respondent No. 3, and Respondent No. 4 in their respective affidavits it is established that the reliance placed by the Joint Committee upon Google Earth Software is misplaced and legally untenable. The official records, including the mining plans, environmental clearances, DGPS surveys, and digitized maps of the Land Records Department, consistently demonstrate that the Chicholi sand mine lease area lies entirely within the State of Madhya Pradesh and that no mining activity has been carried out beyond the inter-state boundary adjoining Maharashtra. Accordingly, the observations and recommendations of the Joint Committee premised upon Google Earth imagery are contradicted by authoritative evidence and cannot form the basis for imputing negligence or liability upon the project proponents. It is pertinent to mention herein that the R/6- MP Pollution Control Board in its reply dated 18.03.2025 has submitted that it would be better to arrive at any conclusion only after clear demarcation of mining lease boundaries



by the State Mining Corporation and the Collectorate (Mining), Balaghat, using non- satellite-based methods, such as theodolite surveying, as exclusive reliance on third-party applications may lead to inaccuracies. This step is essential to verify whether any excavation has occurred beyond the actual approved lease area and to identify any discrepancies between the GPS coordinates provided in the Environmental Clearance (EC) and those recorded during the inspection of the mining lease area.

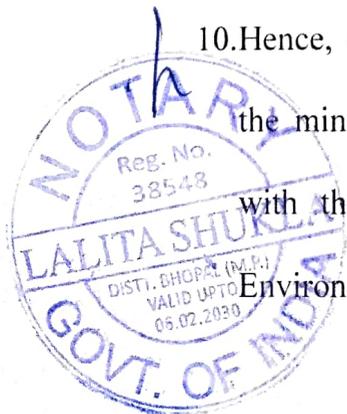
7. In response to the aforesaid observations, Respondent No. 2, Director, Mining and Geology, Government of Madhya Pradesh, in its affidavit dated 10.10.2025, has categorically stated that a clerical error had crept into the Joint Committee Report, wherein the longitude of Pillar No. C was incorrectly recorded and did not correspond to the actual geo-coordinates reflected in the approved mining plan. The Director has further admitted that from the year 2021 onwards, the geographical coordinates of the mining site have consistently remained identical across the mining plans, the environmental clearance, and the District Survey Report (DSR) pertaining to the Chicholi sand mine. It has also been affirmed that the reliability of coordinates depicted on Google Earth cannot be established, and that the allotment of the mines was based upon geo-coordinate maps of the village obtained from the official website of the Land Records Department (<https://mpbhulekh.gov.in>). The coordinates as reflected in the DGPS survey and the mining plan were



plotted and found to be substantially identical to the location allotted. It has further been admitted that while Google Earth imagery may suggest that certain parts of the Chicholi mine fall within the State of Maharashtra, the digitized maps of the Land Records Department, as well as the DGPS survey, conclusively establish that the mine lease area lies entirely within the State of Madhya Pradesh.

8. Similarly, Respondent No. 4, the District Magistrate, in its affidavit dated 10.10.2025, has submitted that the coordinates reflected on Google Earth cannot be treated as a reliable source for determining precise geographical positions. It has been clarified that, as per the mining plan and the DGPS survey, the allotted mine lease area is situated wholly within the territorial jurisdiction of the State of Madhya Pradesh.
9. Respondent No. 3, M.P. State Mining Corporation, in its affidavit dated 14.10.2025, has also admitted that no sand mining activity has been undertaken at or beyond the inter-state boundary adjoining the State of Maharashtra. Moreover, there is nothing in the Joint Commission Report or any response by the concerned authority wherein the allegations have been imputed upon the R/9.

10. Hence, it is respectfully submitted that any suggestion to the effect that the mine pillars erected at the specified geo□location are inconsistent with the coordinates delineated in the approved Mining Plan and Environmental Clearance, or that the lease boundary extends into the



State of Maharashtra, is wholly untenable. Likewise, it would be erroneous to infer that Respondent No. 9, M/s Rajesh Pathak, has erected mine pillars outside the sanctioned lease area or that any excavation of sand has been undertaken by Respondent No. 9 at an illegal site. Such imputations are unsupported by the record and stand contradicted by the mining plan, environmental clearance, and DGPS survey, all of which confirm compliance with the demarcated lease boundaries within the State of Madhya Pradesh. It is further submitted that the notice was issued because the R/9 was one of the miner however, no FIR or any action has been initiated or reported against the R/9.

11. It is pertinent to mention herein that the Joint Committee in its Report has observed that the sand mining contract was awarded by MP State Mining Corporation Ltd to M/s Rajesh Pathak (Contractor) from 30.5.2020 to 30.6.2023 for a total of 65 mine leases of a total 324.697 Ha area of Balaghat District for a quantity of 15 lac cubic meter. After successful of first term M/S Rajesh Pathak applied for a new tender for the term from 01.11.2023-31.10.2026 for 65 mines 15 LCM.

12. As there was massive illegal mining as pointed out by the Sarpanch, R/9 also sent several representation for taking action against the illegal mining and as no legal action was taken against the illegal miners R/9 was forced to move an application dated 30.12.2023 to surrender the contract, wherein previously filed complaints were referred for which

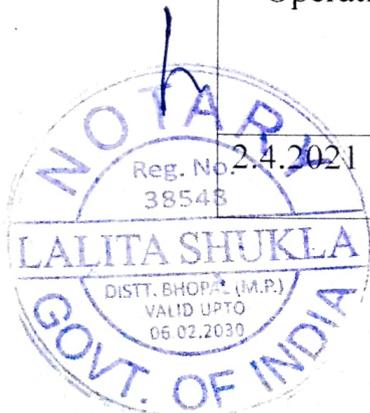


huge losses were suffered by the R/9 which finally culminated on 02.04.24. Thereafter, R/9 was not mining in the allotted lease area. Subsequently, MP State Mine Corporation Ltd, through e-tender selected successful bidder M/s Shri Ramesh Prasad Dubey and Shri Girish Pathak (M/s R G Associates Consortium) and agreement was executed for period of 02.05.2024 to 01.05.2027 by the corporation for mining in 65 sand mines for annual mining of 15 lacs m³ sand for 291.755 hectares.

13.It is most humbly submitted that during the time of inspection the Respondent No.9 was not mining nor in possession in the area that is in question nor there was any mining contract in force between the Respondent No.9 with MP State Mining Corp Lt. Moreover, the MDO M/s Rajesh Pathak surrendered the allotted mine leases vide application dated 30.12.2023 under r. 16 of the M.P. State Mining Rules, 2019 in view of selected bidder M/s R.G. Associates.

14.It is further submitted that Respondent No.9 never did any mining beyond the area allotted and the Production capacity as per EC. A detail of mining activity is mentioned herein below which is noted in the Joint Committee Report:

Operational period	Mined Quantity (in Cubic meter)	Production capacity as per EC (in Cubic meter)
2.4.2021 to 31.03.2022	50250	94810

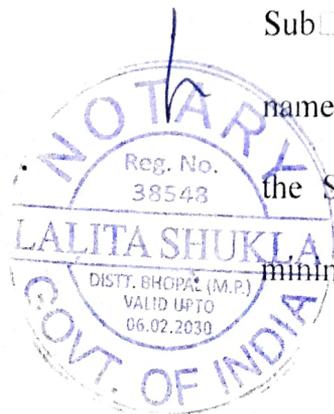


1.4.2022 to 31.03.2023	94807	94810
1.4.2023 to 30.6.2023	94808	94810
1.11.2023 to 31.3.2024	58517	59880

15. From the above observation of the Joint Committee Report, it is evident that the Respondent No.9 only mined the area and quantity within the allotted limits as per the EC, hence no illegality is committed by the Respondent No.9.

16. It is most respectfully submitted that during the inspection conducted on 13.12.2024 by the Joint Committee, R/9 was neither the MDO nor in possession of the lease area hence there cannot be any allegation of illegal mining outside the boundaries of the allotted lease By R-9. In view of the said observation, and in the absence of any evidence of mining operations carried out by Respondent No. 9 beyond the demarcated lease area, there arises no occasion to impute any allegation of illegal mining against Respondent No. 9.

17. It is further submitted that the Sarpanch of Village Chicholi showed a complaint to the Joint Committee, which was forwarded to the Sub-Divisional Magistrate on 09.01.2024. The complaint specifically named Raja Lillaare and certain other persons described as miners from the State of Maharashtra, alleging criminal tendencies and unlawful mining activities by those individuals. The similar allegations were



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narrated and raised by R/9 in our surrender application, which was the principle reason for surrendering the mining lease.

It is, therefore, respectfully prayed that this Hon'ble Tribunal may be pleased to declare the Joint Committee Report dated 23.12.2024 insofar as it relies on Google Earth demarcations to be legally untenable and not acted upon; and hold that no liability or adverse consequence be fastened upon Respondent No. 9, M/s Rajesh Pathak, and that no purpose will be served by continuing litigation against Respondent No. 9.

PLACE BHOPAL

S. Khan
SHOEB H KHAN

DATED 17.01.2026

ADVOCATE



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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL
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..... RESPONDENTS

AFFIDAVIT

I, Rajesh Pathak, proprietor of M/s Rajesh Pathak aged about 62 R/o Ward no.15 Bhaihar Road Balaghat, do hereby solemnly affirm on oath and state as under:

1. I am R.9 and authorised to file the present additional reply and am well acquainted with the facts and circumstances of the case.
2. I am well conversant with the facts and circumstances of the present additional reply as per the records available.
3. The present additional reply is drafted by my counsel under my instructions and the same is read to me in vernacular and the contents therein are true and correct.
4. The present affidavit is filed in support of the present additional reply.



राजेश प 63
DEPONENT

VERIFICATION:

Verified at Bhopal on this day 17/01/26, that the content of above-mentioned affidavit are true to my knowledge and nothing has been concealed therefrom and no part thereof is false.

शरीर १७५

Deponent

Identified by me
Name.. Ghanashyam Sahu
Address.. 106 Gupta Center
Signature.. [Signature]

SWORN BEFORE ME
THE WITHIN NAMED

[Signature]
LALITA SHUKLA
NOTARY & ADVOCATE
BHOPAL (M.P.) INDIA

Sr. No. 884/226
Date 17/01/26



Reply of Respondent no. 09 in OA 1262 2024

ADV RACHIT <rachitadv1@gmail.com> 10:56 PM (0 minutes ago)
to advmeghakarnwal@gmail.com



Dear Ma'am,

Please find the annexed copy of the additional reply/response filed on behalf of Respondent in the above captioned krte titled as Shankar Lal Lakhade & Ors. versus State of Madhya Pradesh & Ors.

Regards,
Rachit Soni
From the office of
Shoeb Hasan Khan
Standing counsel of Rajasthan
NGT Rajasthan

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2 of 110

Reply in OA 1262/2024 On behalf of Respondent no. 09 Inbox x



ADV RACHIT <rachitadv1@gmail.com> 10:42 PM (7 minutes ago) to bobde.rukhmini@gmail.com, adv.shalabh.gupta@gmail.com, vga@vgalegal.com, raghav@sreeol

Dear Ma'am/Sir,
Please find the annexed copy of the additional reply/response filed on behalf of Respondent no.09 in the above captioned matter title as Shankar Lal Lakhade & Ors. Versus State of Madhya Pradesh & Ors.

Regards,
Rachit Soni, Adv
from the office of
Shoeb Hasan Khan, Advocate

One attachment • Scanned by Gmail Add to Drive

