

BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.37/2020 (WZ)

BOOK NO : 3125
PAGE NO : 9125
SR. NO. : 70125
DATE : 20/2/25

IN THE MATTER OF: -

Sayed Mohammed UsmanApplicant
Versus

MANLAGAURI P.MAKWANA
NOTARY
GOVT. OF INDIA

Union of India & Ors.Respondents

20 FEB 2025

AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENTS NO. 4 INDIAN BUREAU OF
MINES (IBM).

I, Pushpender Gaur, aged about 56 years, presently working as Regional Controller of Mines in the Indian Bureau of Mines (hereinafter referred to as "IBM"), at Gandhinagar, Gujrat do hereby, in my official capacity, solemnly affirm and state on oath as under-

(Signature)
20/2/25



That, I am acquainted with the facts and circumstances of the instant Original Application and duly competent to swear the present affidavit on behalf of the Indian Bureau of Mines based on the official records maintained therein.

- (2) That I am the authorized representative of Respondent No. 4, the Indian Bureau of Mines (IBM), and I am duly authorized to file this affidavit on behalf of the said Respondent.
- (3) I say and submit that Respondents No. 1 to 10 are Govt. authorities & respondents No. 11 to 16 are Gujarat State Private Industries of stone crusher/quarry holders. Gross intentional violations of illegal mining of stone quarry/black trap mine lies with State Govt. as per section 23C of Mines and Minerals

(Signature)
25/12/20



(Development and Regulation) Act, 1957 (No. 67 of 1957), i.e. Powers for curbing the illegal mining vests with the State Government. Further black trap mineral is a minor mineral & lies with State Government & is being regulated under State Minor Mineral Rules.

- (4) In respect of respondent No.4, i.e. Indian Bureau of Mines, it is most humbly submitted that the Review of Mining Plan along with Progressive Mine closure plan is being approved by the respondent No. 4 in exercise of the power conferred by the clause (b) of sub-section (2) of section 5 of Mines and Minerals (Regulation and Development) Act, 1957 only for the leases of major minerals.
- (5) That the matter of illegal mining pertains to the State Government. The office of the Respondent 4 is not having any

(Signature)
20/1/21



jurisdiction/purview of minor minerals i.e. black trap mineral in the present case. Matter of damages caused by illegal mining and environmental compensation measures pertains to the State Government.

- (6) That an affidavit in the above terms is being filed on behalf of the Indian Bureau of Mines before the Hon'ble National Green Tribunal (NGT), Pune, as per the directions issued by the Tribunal.
- (7) That, therefore, it is humbly requested that the name of Respondent No. 4, i.e., the Indian Bureau of Mines, be deleted from the matter, as no cause of action has arisen against Respondent No. 4. Furthermore, it does not have any jurisdiction to provide any relief concerning the issues raised by the applicant.

(Signature)
20/1/20



(8) That the contents of the above affidavit are true to the best of my knowledge, information, and belief, and I believe the same to be true.

Gandhinagar

Date: 20/02/2025

Res. No. 4

(Signature)
20/2/2025

(Pushpender Gaur)

Regional Controller of Mines

Indian Bureau of Mines

**SOLEMNLY AFFIRMED
BEFORE ME**

(Signature)

**MANGLAGAURI P. MAKWANA
NOTARY
GOVT. OF INDIA**

20 FEB 2025

IDENTIFIED BY ME

ADVOCATE

Name :

Sanad No G.



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VERIFICATION

I, the above-named Deponent, do hereby verify that the contents of the above affidavit are true and correct to my knowledge as per the records of the answering respondents. No part of it is false and nothing material has been concealed there from. Verified at Gandhinagar, Gujrat on this day of ..20.. February, 2025.

DEPONENT



(Pushpender Gaur)
20/2/2025

(Pushpender Gaur)

Regional Controller of Mines

Indian Bureau of Mines