

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 756 OF 2023

IN THE MATTER OF:-
SACHIN TYAGI .

.....APPLICANT

VERSUS

RITESH SHARMA & ANR.

....RESPONDENTS

INDEX

SL. NO.	PARTICULARS	PAGES
1.	Affidavit on Behalf Of Uttar Pradesh Pollution Control Board	1-4
2.	<u>ANNEXURE-1</u> Copy of the order dated 28.10.2025	5-6

NEW DELHI
DATED: 24.01.2026



(PRADEEP MISRA & DALEEP DHYANI)

Counsel for U.P. Pollution Control Board
138, New Lawyers Chamber,
Supreme Court of India,
New Delhi-110001
(M.) 9810252518

Email: pradeepmisra@yahoo.com

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

ORIGINAL APPLICATION NO. 756/2023

IN THE MATTER OF:
SACHIN TYAGI

...APPLICANT

VERSUS

RITESH SHARMA & ANR.

...RESPONDENT(S)

AFFIDAVIT ON BEHALF OF UTTAR PRADESH POLLUTION
CONTROL BOARD

I, Rajendra Prasad, S/o. late Shri Vishnu Ram, aged about 58 years, Regional Officer, Uttar Pradesh Pollution Control Board, Meerut, U.P. do hereby solemnly affirm and declare as under:

1. That I in the abovenoted capacity, am well conversant with the facts and records of the present case, hence am competent to swear this affidavit.
2. That the abovenoted matter came up for hearing on 31.10.2025 when this Hon'ble Tribunal pleased to pass the following order:

"1. Tribunal by order dated 07.08.2025 had directed respondent no.3- UPPCB to calculate the Environmental Compensation (EC) on the basis of the extent of illegal sand mining reflected in the report of the joint committee and file the said calculation.

th

2. UPPCB has filed the report dated 18.09.2025 and Counsel appearing for UPPCB referring to the annexure-1 (page 345) has submitted that calculation is contained in that annexure. He has not disputed that calculation has been done on the basis of the volume of the mineral extracted instead of weight.

3. Learned Counsel appearing for UPPCB seeks time to examine the relevant mining rules concerning the levy of penalty and also examine as to why calculation on the basis of the weight of illegally extracted mineral cannot be done.



4. Learned Counsel appearing for respondent no.5 has submitted that Writ Petition No. 9939/2025 was filed by respondent no.5 wherein High Court of Allahabad Bench at Lucknow by order dated 10.10.2025 had given liberty to respondent no.5 to file reply to the show cause notice and directed the authority to give an opportunity of hearing and pass an order. A copy of Writ Petition has been placed on record on page no. 423 but from that Writ Petition he could not point out that pendency of these proceedings before the Tribunal were disclosed to the High Court.

5. Be that as it may, since Tribunal is now considering the issue of calculation of EC, therefore, respondent

A handwritten signature in blue ink, consisting of stylized initials.

no.3 is directed to file a fresh report keeping in view the observation made above within four weeks.

6. List on 29.01.2026.”

3. That it is respectfully submitted that there are no rules in the State of U.P. like Uttarakhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2021 prevailing in the State of Uttarakhand. Because of Rules this Hon'ble Tribunal in O.A. No. 538 of 2022; Swarn Singh Vs. State of Uttarakhand & Ors. vide order dated 28.10.2025 has directed to file the calculation of environmental compensation as per weight and not as per volume. Copy of the order dated 28.10.2025 passed by this Hon'ble Tribunal in O.A. No. 538 of 2022; Swarn Singh Vs. State of Uttarakhand & Ors. is being enclosed herewith and marked as Annexure-1.

4. That in the State of U.P. the sand/morrum is sold on basis and in the joint inspection report illegal mining has been shown on volume basis, therefore, the U.P. Pollution Control Board in respect of illegal mining of about 578 cubic meters has applied Approach 2 which as been upheld by this Hon'ble Tribunal and assessed the Environmental Compensation.

5. That it is respectfully submitted that as the market rate of sand is as per volume and the extracted quantity has been shown by the joint committee in volume, hence EC is



an

calculate on the basis of volume and not by weight as there is no statutory rules like in Uttarakhand.

The above facts are being placed for kind consideration of this Hon'ble Tribunal.


DEPONENT

VERIFICATION

I, the abovenamed deponent do hereby verify that the contents of above affidavit are true to my knowledge. No part of the same is false and nothing material has been concealed therefrom.

VERIFIED ON THIS THE 22 DAY OF JANUARY, 2026 AT MEERUT, U.P.




DEPONENT

~~ATTESTED NOTARY
M. GIRI
Advocate, Meerut
Reg. No. - 3222/05~~
22/1/26

Item No. 06

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 538/2022

Swarn Singh

Versus

Applicant

State of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 28.10.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: None

Respondent: Ms. Anjali Rajput, Advs. for the State of Uttarakhand (Through VC)
Mr. Mukesh Verma & Ms. Vatsala Tripathi, Advs. for UKPCB
Mr. Vivek Gupta, Mr. Ankit Verma & Mr. Govind Gupta, Advs. for R - 8 &
9 (Through VC)
Mr. Anand Varma, Mr. Anand Bhushan & Mr. Polavarapu Sai Charan,
Advs. for R - 10**ORDER**

1. In this Original Application (OA), Tribunal is considering the allegation of illegal mining by private respondents.
2. Tribunal in the proceedings dated 24.07.2025 had taken note of the imposition of Environmental Compensation (EC) upon private respondents as reflected in the action taken report dated 13.06.2025 filed by Uttarakhand Pollution Control Board (UKPCB) and had directed the UKPCB to place on record full details along with supporting material in respect of calculation of the EC against respondents no. 8 to 11.
3. In compliance of the above direction, action taken report dated 27.10.2025 has been filed by UKPCB disclosing the formula which has been applied and calculation of EC on the basis of the said formula. The calculation of EC has been disclosed in annexure A, page 313 onwards. A perusal, thereof, reveals that parameters filled in the formula relates to volume instead of weight.



4. Learned Counsel for UKPCB has submitted that calculation has been done on the basis of the facts and figures disclosed in the calculation of penalty by the authorities of the State. Rules namely Uttarakhand Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2021 have been placed on record by the State as annexure -A (page 161) along with affidavit dated 06.05.2023. Rule 5 of rule 14 provides for imposition of penalty based on quantity of illegally mined mineral.
5. The State has also placed on record the calculation of penalty on page 99 but that calculation also refers to volume instead of weight.
6. Hence, Counsel for the State is directed to file affidavit of the competent authority clarifying this position and disclosing the calculation of penalty based on weight in accordance with the rules referred above.
7. UKPCB is also directed to clarify the position in respect of calculation of EC.
8. Let same be filed within four weeks.
9. Learned Counsel appearing for private respondents has also sought four weeks' time to file objections to the action taken report of the UKPCB dated 27.10.2025. Prayer is allowed.
10. List on 22.01.2026.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

October 28, 2025
Original Application No. 538/2022
JG.

ATTESTED NOTARY
N. K. SURI 22/1/2026
Advocate, Meerut
Reg. No.-3222/05