

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, AT NEW DELHI
ORIGINAL APPLICATION NO. 186 OF 2026**

IN THE MATTER OF:

Kapil and Ors.

...Applicants

Versus

State of U.P. & Ors.

...Respondents

N.D.O.H – 26.5.2026

I N D E X

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Place : New Delhi
Filed on: 22.5.2026

Filed by:-



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AFFIDAVIT ON BEHALF OF APPLICANTS

I, Kapil S/o Baleshwar R/o Village Nathla, District- Baghpat - (250619) the above named Applicant, do hereby solemnly affirm and declare as under:-

1. I am the Applicant in the above captioned O.A. and as such well conversant with the facts and circumstances of the case and competent to swear this affidavit and I am authorized to swear the same on behalf of the other Applicants and myself.
2. I Say that this Hon'ble Tribunal passed the order dated 6.5.2026 in the present matter directing Superintendent of the Police, Baghpat is ordered to direct concerned SHO to register FIR regarding alleged incident of illegal mining and to conduct investigation. However admittedly no investigation was initiated and no FIR is registered till date despite the order of this Hon'ble Court which is as follows:-

“22. The facts of present case are similar as the video clips produced in the present case also show legally permissible river stream mining. In view of the above, the Superintendent of the Police, Baghpat is ordered to direct concerned SHO to register FIR regarding alleged incident of illegal mining and to conduct investigation expeditiously and to file his own affidavit providing complete information with respect to the registered owners and drivers of the vehicles involved in illegal river stream mining and names, parentage and addresses of all the accused persons involved in illegal river stream mining regarding action taken in this regard.

24. The District Magistrate, Baghpat and the Superintendent of Police, Baghpat to take all necessary measures for ensuring that no illegal mining/river stream mining takes place in District Baghpat.”

True copy of order dated 6.5.2026 passed in O.A. No. 186 of 2026 is marked and annexed as **ANNEXURE A-1(Pg. Nos. 5 to 9)**.

3. I say that even passing the order of this Hon'ble Tribunal dated 24.3.2026 to stop the illegal mining and directed District Magistrate to ensure that no illegal mining is done by the Respondent No. 9 however no action is taken by the District Magistrate, Baghpat to stop illegal mining.
4. I say that even after the order dated 6.5.2026 passed by this Hon'ble Court to register FIR against the registered owners and drivers of the vehicles involved in illegal river stream mining and to take all necessary measures for ensuring that no illegal mining/river stream mining takes place in District Baghpat but Respondent authorities are not complying the order of this Hon'ble Court as rampant illegal mining activity is still being carried out by Respondent No. 9 in main stream of River Yamuna by heavy machinery such as JCB and poclain machines.
5. I say that in collusion of District Magistrate, Baghpat and other Respondent Authorities with Project Proponent under the garb of District Administration illegal mining is being carried out day and night by in the main stream of the river Yamuna by stopping the natural flow of water and mining outside the lease area in violation of Environment Clearance dated 17.1.2026 with the help heavy excavators like poclain which are mining outside the lease area by deep mining and even some machine are mining by going inside the main stream of the river among others, thereby causing heavy loss to the riverine biodiversity, as well as the farmlands of the Applicants and other farmers/villagers and also creating other hazards and losses to the nearby residents of the village Naithla, Baghpat. True copy of the photographs with geolocation and video with geolocation of illegal mining with pendrive (video link:https://drive.google.com/drive/folders/1Crrlj4j4GPVnHM7HOql1SmtD_NNcUh?usp=sharing) along with the the certificate under section 63 of BSA, 2023 is marked and annexed as **ANNEXURE A-2 (Pg. Nos. 10 to 13)**.

6. I say that Respondent authority has no control over the illegal mining which is evident from the acts of Respondent No. 9 as even after passing the order of this Hon'ble Court Project Proponent in collusion of Respondent Authorities.
7. I say that in such circumstances immediate closure mining activities carried on by Respondent No. 9 at Gata No. ½ Village – Naithala Khadar, Tehsil Baghpat, District Baghpat, Uttar Pradesh be stayed as it is out of control of Respondent Authority.
8. I say that this Hon'ble Tribunal may pass the order for inquiry on authorities and Joint Committee formed by NGT to stop illegal mining which is been carried activity being done by Respondent No. 9 at Gata No. ½, Village – Naithala Khadar, Tehsil Baghpat, District Baghpat, Uttar Pradesh;

Place : New Delhi
Filed on: 22.5.2026

Drawn and Filed by:-



VISHAL SINGH
Advocate for the Applicants
Chamber No. 124, Ist Floor, D Block,
Supreme Court Additional Building, New Delhi- 110001
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BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, AT NEW DELHI
I.A. No. _____ of 2026
IN
ORIGINAL APPLICATION NO. 186 OF 2026

IN THE MATTER OF:

Kapil and Ors.

...Applicants

Versus

State of U.P. & Ors.

...Respondents

AFFIDAVIT

I, Kapil S/o Baleshwar R/o Village Nathla, District – Baghpat – (250619) the above named Applicant, presently at New Delhi do hereby solemnly affirm and declare as under :-

1. That I am the Applicant in the above captioned O.A. and as such well conversant with the facts and circumstances of the case and competent to swear this affidavit and I am authorized to swear the same on behalf of the other Applicants and myself.
2. The contents of the accompanying Application for permission to file additional document are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. I say that the annexures in Application are true and copies of their respective originals.

Kapil
DEPONENT

VERIFICATION:-

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

Verified at New Delhi on the day of 21st May, 2026.

ATTESTED

MAMTA SHRIVASTAVA
 Notary Delhi R-16954
 Government of India
 Supreme Court of India Complex, New Delhi
 Mobile No.- 8800872864
 Register P.G. S.I. No.

Kapil
DEPONENT

ATTESTED

**NOTARY PUBLIC
 (DELHI INDIA)**

Identify the deponent/Executant who has signed in the presence



21 MAY 2026

10

Item No. 06

Court No. 2

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

Original Application No. 186/2026
(IA No 319/2026, IA No 320/2026 & IA No 361/2026)

Kapil & Ors.

Applicants

Versus

State of Uttar Pradesh & Ors.

Respondents

Date of hearing: 06.05.2026

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicants: Mr. Vishal Singh, Advocate for the Applicant.

Respondents: Mr. Mukesh Verma and Ms. Vatsala Tripathi, Advocates for respondents no. 1 to 5 (Through VC).
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for respondent no. 6 (Through VC).
Ms. Priyanka Swami and Ms. Dippt Anubhuti, Advocates for respondent no. 7.
Mr. Rahul Khurana and Mr. Hasil Jain, Advocates for respondent no. 9.
None for respondent no. 8.

ORDER

1. The applicants have filed the present Original Application (O.A.) under Section 14 read with Section 15 and Section 18 of the National Green Tribunal Act, 2010 with prayer for cancellation of environmental clearance, imposition of environmental compensation and prohibition of use of mechanized and semi mechanized machinery for river bed mining.

2. The applicants have made allegations that Respondent No. 9-M/s Gaurav Builders is carrying out large scale illegal mining in the river Yamuna at Village Naithala Khadar.

3. Vide order dated 24.03.2026, this Tribunal ordered issuance of notices to the respondents and also constituted a Joint Committee with direction to ascertain the extent of sand mining, and compliance with EC

conditions by Respondent No. 9 and in case of violation to suggest remedial and punitive action.

4. In compliance thereof report dated 30.04.2026 of the Joint Committee has been filed with its observations and recommendations.

5. Action taken report dated 30.04.2026 in the vernacular has been filed by respondent no. 2 - District Magistrate, Baghpat.

6. Response dated 04.05.2026 has been filed on behalf of Respondent No. 6- UPPCB with prayer for direction to Respondent No. 9- M/s. Gaurav Builders to deposit environmental compensation of Rs. 31,27,417/- with UPPCB.

7. Reply dated 04.05.2026 has been filed by Respondent No. 9-M/s. Gaurav Builders denying the allegation regarding illegal mining by it.

8. A written request for adjournment has been made by learned Counsel for Respondent No. 9 for grant of four weeks' time to examine and file responses to the UPPCB response dated 04.05.2026, Joint Committee report dated 30.04.2026 uploaded on website on 02.05.2026 and action taken report filed by District Magistrate uploaded on website on 02.05.2026.

9. I.A. No. 319/2026 dated 19.04.2026 has been filed by the applicants seeking direction for closure of mining activities by Respondent No. 9 at Gata No. ½ Village – Naithala Khadar, Tehsil Baghpat, District Baghpat, Uttar Pradesh with I.A. No. 320/2026 for urgent listing of I.A. No. 319/2026.

10. I.A. No. 320/2026 for urgent listing of I.A. No. 319/2026 has become infructuous and I.A. No. 320/2026 is disposed of accordingly.

11. Notice of I.A. No. 319/2026 is ordered to be issued to the respondents for filing of their replies to the same at least one day before the next date of hearing fixed.

12. I.A. No. 361/2026 dated 04.05.2026 has been filed by the applicants seeking permission to place on record the subsequent fact and additional documents as mentioned in paragraph 2 thereof.

13. Notice of I.A. No. 361/2026 is also ordered to be issued to the respondents for filing of their replies to the same at least one day before the next date of hearing fixed.

14. In the course of hearing learned Counsel for the applicant has submitted that Respondent No. 9 is illegally carrying out mining in the river stream and in support of this claim learned Counsel for the applicant has referred to the pen drive filed by the applicant before this Tribunal.

15. We have seen the video clips in the pen drive in the presence of the learned Counsel for the parties and the video clips show carrying out of river stream mining which is not legally permissible.

16. Learned Counsel for Respondent no. 9 has disputed the authenticity of the pen drive on the ground that copy thereof has not been supplied to Respondent No. 9 and certificate under Section 65 B of the Evidence Act, 1872 is not appended to the same.

17. Learned Counsel for Respondent no. 9 has also denied involvement of Respondent No. 9 in incident of river stream mining and seeks time to file response of Respondent No. 9 in this regard.

18. The authenticity/genuineness of the pen drive can be ascertained in due course of time by production of the original/reference to FSL but the video clips produced by the applicant cannot be lightly brushed aside

particularly so when this Tribunal is not bound by the rules of evidence contained in the Indian Evidence Act, 1872/the Bharatiya Sakshya Adhinyam, 2023.

19. The Registry is directed to supply copy of the video clips in the pen drive filed by the applicant to the Respondents on submission of blank pen drives for this purpose.

20. The District Magistrate, Baghpat and District Mining Officer, Baghpat are directed to file their own affidavits in response to the video clips which show illegal river stream mining with specific reply as to whether the geo-coordinates given in the video clips fall within mining lease area leased out to Respondent No. 9.

21. Vide order dated 29.01.2026 passed in O.A. No. 724/2023 titled Bittu Vs. State of U.P. & Ors. this Tribunal had with reference to observations made by Hon'ble Supreme Court in State of NCT of Delhi vs. Sanjay, (2014) 9 SCC 772, Jayant vs. State of Madhya Pradesh(SC) : Law Finder Doc Id # 1776867 and Lalita Kumari vs. Govt. of U.P. (SC) : 2013(4) R.C.R.(Criminal) 979 : 399 :2014(2) SCC 1 and the relevant provisions referred to/reproduced in para number 28 to 35 thereof ordered the Commissioner of Police, Ghaziabad to direct SHO of the concerned police station to register FIR regarding incident of legally impermissible river stream mining.

22. The facts of present case are similar as the video clips produced in the present case also show legally permissible river stream mining. In view of the above, the Superintendent of the Police, Baghpat is ordered to direct concerned SHO to register FIR regarding alleged incident of illegal mining and to conduct investigation expeditiously and to file his own affidavit providing complete information with respect to the registered owners and

drivers of the vehicles involved in illegal river stream mining and names, parentage and addresses of all the accused persons involved in illegal river stream mining regarding action taken in this regard.

23. Respondent No. 9 is also given opportunity to file his response with respect to the video clips and photographs placed on record by the applicant and response by Respondent No. 9 may be filed at least one day before the next date of hearing fixed.

24. The District Magistrate, Baghpat and the Superintendent of Police, Baghpat to take all necessary measures for ensuring that no illegal mining/river stream mining takes place in District Baghpat.

25. List on 26.05.2026 for further consideration.

26. A copy of this order may be sent to the District Magistrate, Baghpat, the Superintendent of Police, Baghpat and the District Mining Officer, Baghpat by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

May 06, 2026
Original Application No. 186/2026
(IA No 319/2026, IA No 320/2026 & IA No 361/2026)
dv



"TRUE COPY"

ANNEXURE: P-2







[Handwritten signature]

“TRUE COPY”

CERTIFICATE UNDER SECTION 63 OF BSA, 2023

I, Atul Son of Rameshwar, resident of Village Nethla, Gaupur, Baghpat, Uttar Pradesh do hereby certify:

1. That I am the owner/user of mobile phone bearing make/model V2130 and Sr. No. 1397552562001MR.
2. That the said mobile phone was under my lawful control during the relevant period.
3. That a video recording dated 5.5.2026 and 20.5.2026 is recorded by me and stored in the said mobile phone was copied/transferred to a pen drive marked ANNEXURE: P-2.
4. That the computer/mobile device used for storing and transferring the data was functioning properly.
5. That the copied video file is a true and accurate reproduction of the original electronic record without any alteration or tampering.
6. I certify the above in terms of Section 63 of the BNS, 2023

Date: 22.5.2026

Place: Baghpat

Signature: 

Affidavit dated 22.5.2026 on behalf of Applicants in O.A No. 186 of 2026

vishal singh <advvishalsingh98@gmail.com>

Fri, May 22, 2026 at 7:40 PM

To: priyanka swami <advpriyankaswami@gmail.com>, Mukesh Verma <mvermadv@gmail.com>, rkhuranalegal@gmail.com, gauravbuilder469@gmail.com, pradeepmisra@yahoo.com, csup@nic.in, spbpt-up@nic.in, dmbag@nic.in, bagpatmo@gmail.com, ms@uppcb.in, doeuplko@yahoo.com, director@iirs.gov.in

Dear

Mr. Mukesh Verma,
Mr. Pradeep Misra,
Ms. Priyanka Swami,
Mr. Rahul Khurana,

Please find attached the Affidavit dated May 22, 2026, filed on behalf of the Applicants in O.A. No. 186 of 2026.

Additionally, the video link for Annexure P-2 can be accessed here: https://drive.google.com/drive/folders/1Crrlj4j4GPAvnHM7HOql1SmtD__NNcUh?usp=sharing

Regards,

Vishal Singh Adv,
Advocates for the Applicants
Mob. No. 9990774369

 **Affidavit dated 22.5.2026.pdf**
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