

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

**ORIGINAL APPLICATION NO. 78 OF 2026**

**IN THE MATTER OF:**

**VIRAJ GURUNG**

**.... APPLICANT**

**VERSUS**

**STATE OF UP & ORS.**

**.... RESPONDENTS**

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**NEW DELHI**

**DATED: 01.04.2026**



**(PRADEEP MISRA & DALEEP DHYANI)**

Counsel for U.P. Pollution Control Board

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Supreme Court of India,

New Delhi-110001

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

ORIGINAL APPLICATION NO. 78 of 2026

IN THE MATTER OF:

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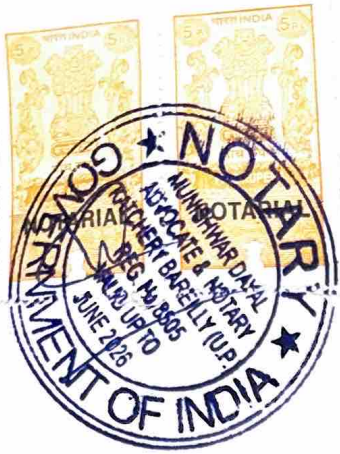
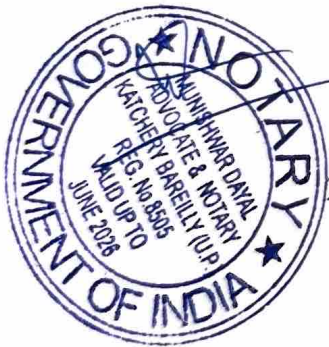
State of U. P. & Ors.

...Respondent(s)

RESPONSE ON BEHALF OF THE RESPONDENT NO.-2,  
UTTAR PRADESH POLLUTION CONTROL BOARD.

I, Chandresh Kumar aged about 40 years S/o Harish Chandra, presently posted as Regional Officer Uttar Pradesh Pollution Control Board (hereinafter referred to as UPPCB), Bareilly do hereby solemnly affirm and state on oath as under:

1. That I the deponent in official capacity mentioned above, am acquainted with the facts and circumstances of the case and as such I am competent and authorized to swear this affidavit.
2. That the present Original Application has been registered on the basis of a communication received from station Headquarters, Shahjahanpur, raising grievance regarding severe erosion caused by River Khaunaut along its west bank running along the defence land located at village Mau khalsa. The Applicant alleged that on account of the heavy rains and illegal sand mining, the erosion is speedily encroaching upon the boundary of the defence land.



3. That the present original application was taken up by this Hon'ble National Green Tribunal, Principal Bench, New Delhi (hereinafter referred to as Hon'ble Tribunal) on 09.02.2026 and upon considering the present grievance this Hon'ble Tribunal was pleased to pass the following directions;

"...4. Considering the issue raised in the OA, we implead following as respondents: 1. District Magistrate, Shahjahanpur, UP. 2. Member Secretary, Uttar Pradesh Pollution Control Board. 3. RO, MoEF&CC, Lucknow. 4. Member Secretary, Central Pollution Control Board.

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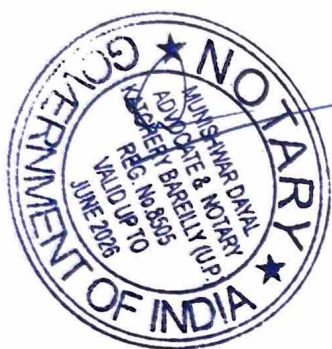
5.

6.

Registry is directed to issue notice to the other respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing through e-filing. If any respondent directly files the reply without routing it through his advocate, then the said respondent will remain virtually present to assist the Tribunal.

7.

Considering the nature of allegation made in the OA and also taking note of the fact that the defence land is involved, to ascertain the correct position, we appoint a Joint Committee comprising of the representative of the Member Secretary, CPCB, Member Secretary, UPPCB and District Magistrate, Shahjahanpur, wherein the District Magistrate, Shahjahanpur will act as the nodal agency. The Joint Committee will visit the site, ascertain the correctness of the allegation, find out the extent of illegal sand mining in the area concerned and also identify the persons responsible for such illegal sand mining and suggest appropriate remedial and punitive action. Let this exercise be completed by the Joint Committee within a period of eight weeks and status/action taken report be filed before the Tribunal immediately thereafter..."



4. That, in compliance to the<sup>3</sup>direction passed by this Hon'ble Tribunal vide its order dated 09.02.2026, and in pursuance to the letter dated 18.02.2026 issued by the District Magistrate Shahjahanpur, a site visit has been undertaken by the constituted joint committee under the chairmanship of Additional District Magistrate (F/R) in association with the nominated member from Central Pollution Control Board (CPCB) and UPPCB and carried out the inspection on 17.03.2026 in presence of applicant LT Col Shri Viraj Gurung. During the course of inspection, the District Mining Officer, Assistant Engineer, Sharda Division, Irrigation and Water Resource Department and concerned Revenue personal were also present at the site.

A true copy of the joint committee report alongwith the photographs of site is being annexed herewith and marked as **Annexure R2/1**.

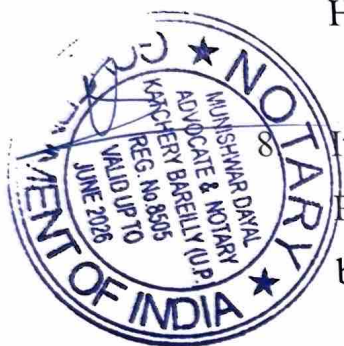
5. That during the course of site inspection, the joint committee has observed as under;
- The site, in question, is located near defence land on the bank of River Khannaut in District-Shahjahanpur, having geo-coordinates about Latitude 27.9172990 and Longitude 79.945926.
  - No sand mining lease has been approved by the District Administration near the site in question.
  - During the onsite inspection, no signs of illegal sand mining or active mining activity were found, nor found any mining was occurring, the River Khannaut flows at an inclination of approximately 70-80 degrees at the location,



and during the rainy season, the rivers natural tend to meander along their banks with in their river course.

6. That in the light of above it is most respectfully submitted that the River Khannaut itself has caused erosion at this site due to its meandering during the rainy season, however, no erosion is currently occurring at this site.

7. That the present affidavit is being submitted before this Hon'ble Tribunal for kind perusal and consideration.



It is most respectfully submitted that this Answering Respondents shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in instant original application.

I state that everything stated above has been stated by me in my official capacity on and derived from the official records and I state that nothing material has concealed therefrom.

DEPONENT

**VERIFICATION**

Verified at Bareilly on this the 30/3/26 day of March, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Certified By Shri/Smt. Chandresh Kumar  
Identified By Shri Sowned.....  
And Confirmed The Contents of Affidavit in My  
Presence At Bareilly Dated..... 30/3/26  
And Further I Understood The Contents

DEPONENT

MUNISHWAR DAYAL  
Advocate & Notary  
Kachery Bareilly (U.P)

## जिलाधिकारी

शाहजहाँपुर।

महोदय,

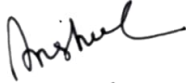
कृपया कार्यालय जिलाधिकारी, शाहजहाँपुर के आदेश संख्या:-3119/वि0का0अधि0-जि0अधि0-शाह0/2026 दिनांक:-18, फरवरी, 2026 के द्वारा मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओरिजनल एप्लीकेशन संख्या:-78/2026 विराज गुरुंग बनाम स्टेट ऑफ उत्तर प्रदेश में पारित आदेश दिनांक:-09.02.2026 के अनुपालन में जिलाधिकारी महोदय, शाहजहाँपुर द्वारा अपर जिलाधिकारी (वि0/रा0), की अध्यक्षता में केन्द्र प्रदूषण नियन्त्रण बोर्ड, नई दिल्ली एवं उत्तर प्रदेश प्रदूषण नियन्त्रण बोर्ड, से नामित सदस्य की समिति का गठन करते हुए जॉच आख्या प्रस्तुत किये जाने के निर्देश निर्गत किये गये हैं।

उक्त के क्रम में अवगत कराना है कि मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओरिजनल एप्लीकेशन संख्या:- 78/2026 विराज गुरुंग बनाम स्टेट ऑफ उत्तर प्रदेश में पारित आदेश दिनांक:-09.02.2026 में यह उल्लिखित है कि वादी विराज गुरुंग द्वारा मुख्यतः यह शिकायत की गई है कि जनपद शाहजहाँपुर के ग्राम मऊ खालसा से लगी हुई डिफेंस की जमीन के पास से खन्नौत नदी बह रही है में **Lat 27.9172990, Long 79.945926°** के पास भारी वर्षा एवं अवैध रेत खनन से डिफेंस की भूमि पर बनी वाउन्ड्री की ओर मिट्टी कटान बढ़ता जा रहा है। जिसकी जॉच एवं सुरक्षात्मक उपाय हेतु मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली के आदेश दिनांक:-09.02.2026 के द्वारा एक संयुक्त समिति का गठन किये जाने एवं जॉच आख्या उपलब्ध कराये जाने के आदेश जारी किये गये हैं।

मा0 राष्ट्रीय हरित अधिकरण के आदेश दिनांक 09.02.2026 एवं जिलाधिकारी महोदय के आदेश दिनांक:-18.02.2026 के क्रम में प्रश्नगत प्रकरण की जॉच गठित समिति द्वारा अपर जिलाधिकारी (वि0/रा0) महोदय की अध्यक्षता में दिनांक:-17.03.2026 को केन्द्रीय प्रदूषण नियंत्रण बोर्ड लखनऊ की ओर से नामित सदस्य, श्री संदीप राय, वैज्ञानिक-ई, एवं उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, बरेली से सहायक पर्यावरण अभियन्ता श्री अशुल शर्मा, द्वारा जॉच की गई निरीक्षण के दौरान श्री दिनेश कुमार, जिला खान अधिकारी, श्री राजेश कुमार सहायक अभियन्ता, शारदा खण्ड, सिचाई एवं जल संसाधन विभाग, शाहजहाँपुर तथा सम्बन्धित राजस्व कर्मी उपस्थित रहें। जॉच दौरान वादी LT Col श्री विराज गुरुंग भी उपस्थित रहें। स्थलीय निरीक्षण के दौरान निम्नवत् तथ्य पाये गये हैं:-

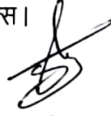
- 1- प्रश्नगत स्थल जनपद शाहजहाँपुर में खन्नौत नदी के किनारे डिफेंस की भूमि के समीप स्थित हैं, जिसका जी0पी0एस0 कोआर्डिनेट **Lat 27.9172990, Long 79.945926°** हैं।
- 2- प्रश्नगत स्थल के पास जिला प्रशासन द्वारा रेत खनन का कोई पट्टा स्वीकृत नहीं किया गया है।
- 3- स्थलीय निरीक्षण के दौरान मौके पर रेत खनन के कोई चिन्ह नहीं पाये गये और न ही कोई खनन होता पाया गया। प्रश्नगत स्थल के किनारे खन्नौत नदी लगभग 70-80 डिग्री पर प्रवाहित हो रही है, बरसात के समय नदियों का प्राकृतिक स्वाभाव अपने रिवरकोर्स के अन्दर किनारों पर मेन्डरिंग करने का होता है। अतः खन्नौत नदी द्वारा ही इस स्थल पर वर्षाकाल के समय अपने रिवरकोर्स में मेन्डरिंग करने के कारण कटान किया गया है, परन्तु वर्तमान में इस स्थल पर कोई कटान नहीं हो रहा है।

संलग्न:-स्थलीय निरीक्षण के दौरान लिए गये फोटोग्राफ्स।



(अशुल शर्मा)

सहायक पर्यावरण अभियन्ता  
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड  
बरेली।



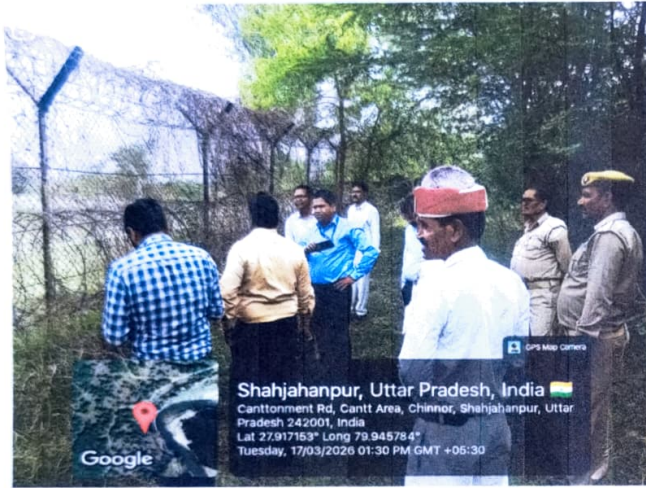
(श्री संदीप राय)

वैज्ञानिक-ई,  
केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
लखनऊ।

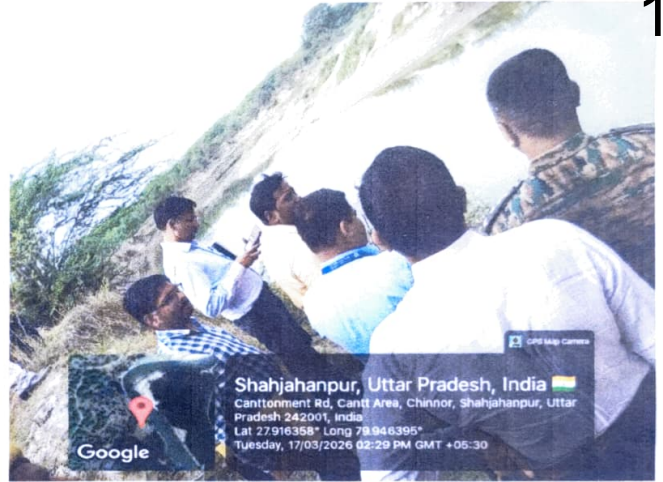


(अरविन्द कुमार)

अपर जिलाधिकारी (वि0/रा0)  
शाहजहाँपुर।







## BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Appeal/OA NO. OA No.78 of 2026

In re:

**Viraj Gurung**Plaintiff /Appellants/  
Petitioner/ComplainantVERSUS  
**State of UP. & ors**Defendant/Respondent/  
Accused

KNOW ALL to whom these present shall come that I/We  
Anuj Kumar chaubey the above named Law officer  
do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above  
noted case & authorize :-

**Mr.Pradeep Misra, Mr. Daleep Dhyani, Advocates,  
138, New Lawyers Chamber, Supreme Court of India,  
New Delhi, Ph. :011-23070011, Mob. 9810252518, 9811070721**

To act, appear and plead in the above-noted case in this Court or in any other Court in which  
the same may be tried or heard and also in the appellate Court including High Court subject to  
payment of fees separately for each Court by me/ us.

To sign, file verify and present pleadings, appeals cross objections or petitions for execution  
review, revision, withdrawal, compromise or other petitions or affidavits or other documents  
as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes  
that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all  
other acts and things which may be necessary to be done for the progress and in the course of  
the prosecution of the said case.

To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power  
and authority hereby conferred upon the Advocate whenever he may think it to do so and to  
sign the Power of Attorney on my/our behalf.

AND I/We the undersigned do hereby agree to ratify and confirm all acts done by the  
Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents  
and purposes.

AND I/We undertake that I / we or my /our duly authorized agent would appear in the Court  
on all hearings and will inform the Advocates for appearance when the case is called.

AND I /we undersigned do hereby agree not to hold the advocate or his substitute responsible  
for the result of the said case. The adjournment costs whenever ordered by the Court shall be  
of the Advocate which he shall receive and retain himself.

AND I /we the undersigned do hereby agree that in the event of the whole or part of the fee  
agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw  
from the prosecution of the said case until the same is paid up. The fee settled is only for the  
above case and above Court. I/We hereby agree that once the fee is paid, I/we will not be  
entitled for the refund of the same in any case whatsoever. If the case lasts for more than three  
years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for  
every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents  
of which have been understood by me/us on this 30 day of 03 2026

Ac (subject to the terms of fees.

(PRADEEP MISRA)(DALEEP DHYANI)  
Advocate Advocate (D/435/01)

Client  
**Anuj Kumar Chaubey**  
Law Officer-I  
U.P. Pollution Control Board  
Lucknow

