

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

O.A. No. 974 OF 2024

IN THE MATTER OF: -

Jitendra Nishad

...Applicant

Versus

State of U.P. & Others

...Respondents

NDOH – 22.01.2026

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Uttar Pradesh Pollution Control Board

Through



AMIT SHUKLA

Advocate for the UPPCB

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Place: New Delhi

Date: 09.01.2026

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

ORIGINAL APPLICATION NO. 974/2024

IN THE MATTER OF:

JITENDRA NISHAD

...APPLICANT

VERSUS

STATE OF U.P. & ORS.

...RESPONDENTS

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3 UTTAR
PRADESH POLLUTION CONTROL BOARD

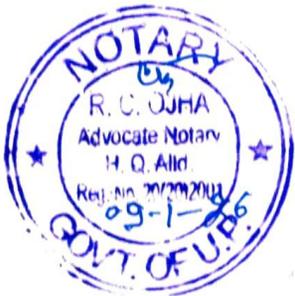


I, Vijay aged about 47 years, S/o Sri P. Ram presently posted as Regional Officer, Uttar Pradesh Pollution Control Board (hereinafter UPPCB), Prayagraj do hereby solemnly affirm and state as under:

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 this Hon'ble Tribunal vide its order dated 12.11.2025 was pleased to pass the following direction:

"12. UPPCB and Director, Mining and Geology, Lucknow are directed to inspect the mining lease sites in question and look into the complaints made by the applicant and also the videos, if any, submitted by the applicant and verify status regarding compliance with EC/CTO conditions and environmental norms by respondents no. 09, 10 and 11 respectively within 15 days and submit report in this regard to this Tribunal. In the eventuality of respondents no. 09 and 10 being compliant with EC/CTO conditions and environmental norms, respondents no. 09 and 10 may be



allowed to commence mining. In the eventuality of grant of CTO to respondent no. 11 by UPPCB and also compliance of EC/CTO conditions and environmental norms by respondent no. 11, respondent no. 11 may also be allowed to commence mining."

- 3. That in compliance to the direction passed by this Hon'ble Tribunal, a joint inspection of the three mining sites in question was conducted by Additional Director (Geology and Mining), Mining Officer (Mining Department) and Regional Officer, UPPCB on 03.12.2025.
- 4. That the detailed Inspection Report is annexed herewith and marked as **Annexure U/1** and Pen Drive of the Drone Recording is annexed herewith and marked as **Annexure U/2**.



DEPONENT

VERIFICATION

Verified at Prayagraj on this the 9th day of January, 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.

DEPONENT

The documents has been read before me
 on Vijaya 9-1-26 A.M./P.M.
 at Allahabad the document is /are
 identified by shri Sudh
 Advocate. The Content of the Documents
 has been explained to the Excuted which wa
 antit the to be Correct.
 and the Documents is Attested. [Signature]

[Signature]
 Kamesh Chandra Ojha
 Advocate Notary 09-1-26
 str. Head Quarter Alid

Sig-201
[Signature]
 R. C. Ojha
 Advocate Notary
 Distt. Head Quarter
 Allahabad 09-1-26



क्षेत्रीय कार्यालय, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
REGIONAL OFFICE, U.P. POLLUTION CONTROL BOARD

आवास विकास परिषद कालोनी, सेक्टर-10, योजना संख्या-3, झूंसी, प्रयागराज- 211019

Email-roprayagraj@uppcb.in

पत्रांक G01131 / O.A.No. 974/2024/2026

दिनांक 05/01/2026

सेवा में,

ई-मेल द्वारा

मुख्य पर्यावरण अधिकारी (वृत्त-2),
उ0प्र0 प्रदूषण नियंत्रण बोर्ड,
लखनऊ।

विषय:-मा0 राष्ट्रीय हरित अधिकरण में योजित ओ0ए0 संख्या 974/2024 (आई0ए0 नं0 609/2024, आई0ए0 नं0 611/2024, आई0ए0 613/2024) "जीतेन्द्र निषाद बनाम उत्तर प्रदेश राज्य" में पारित आदेश दिनांक 12.11.2025 के अनुपालन के सम्बन्ध में। महोदय,

कृपया उपरोक्त मा0 राष्ट्रीय हरित अधिकरण द्वारा ओ0ए0 संख्या 974/2024 (आई0ए0 नं0 609/2024, आई0ए0 नं0 611/2024, आई0ए0 613/2024) "जीतेन्द्र निषाद बनाम उत्तर प्रदेश राज्य" में पारित आदेश दिनांक 12.11.2025 का संदर्भ ग्रहण करने का कष्ट करें। पारित आदेश के मुख्य अंश निम्नवत् है:-

- UPPCB and Director, Mining and Geology, Lucknow are directed to inspect the mining lease sites in question and look into the complaints made by the applicant and also the videos, if any, submitted by the applicant and verify status regarding compliance with EC/CTO conditions and environmental norms by respondents no. 09, 10 and 11 respectively within 15 days and submit report in this regard to this Tribunal. In the eventuality of respondents no. 09 and 10 being compliant with EC/CTO conditions and environmental norms, respondents no. 09 and 10 may be allowed to commence mining. In the eventuality of grant of CTO to respondent no. 11 by UPPCB and also compliance of EC/CTO conditions and environmental norms by respondent no. 11, respondent no. 11 may also be allowed to commence mining.
- I.A. Nos. 609/2024, I.A. No. 611/2024 and I.A. No. 613/2024 are allowed and Interim order dated 04.11.2024 is modified accordingly.
- UPPCB and Director, Mining and Geology are directed to file their reports within one month. In their reports, UPPCB and Director, Mining and Geology shall specifically mention all requisite details regarding compliance with EC/CTO conditions and environmental norms with drone videos regarding such compliance.

उक्त के अनुपालन में दिनांक 03.12.2025 को अपर निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0 प्र0 सरकार लखनऊ, ज्येष्ठ खान अधिकारी, खनन विभाग, प्रयागराज, क्षेत्रीय अधिकारी (अतिरिक्त प्रभाग), उ0 प्र0 प्रदूषण नियंत्रण बोर्ड, प्रयागराज एवं अवर अभियंता, उ0 प्र0 प्रदूषण नियंत्रण बोर्ड, प्रयागराज द्वारा संयुक्त रूप से प्रतिवादी सं0-09 श्री रविशंकर शुक्ला पुत्र श्री परमानंद शुक्ला, निवासी ग्राम- सरायकंजी अलियास मियापुर थाना-लाइन बाजार, जनपद-जौनपुर के पक्ष में स्वीकृत यमुना नदी के खण्ड-16, ग्राम-मडौका, मीरखपुर, महेवा पट्टी पश्चिम, ब्लाक-चाका, तहसील-करछना, जनपद-प्रयागराज (क्षे0-8.00 हेक्टेअर), प्रतिवादी सं0-10 श्री सुरेन्द्र कुमार पुत्र स्व0 शिवमूर्ति भारतीय ग्राम-बेरुई, पोस्ट-गारापुर, थरवई, तहसील-फूलपुर, जनपद-प्रयागराज के पक्ष में स्वीकृत यमुना नदी के खण्ड नं0-14 ग्राम-बसवार, ब्लाक-चाका, तहसील-करछना, जनपद-प्रयागराज (क्षे0-4.69 हेक्टेअर) एवं प्रतिवादी सं0-11 श्री रतन कुमार निषाद पुत्र स्व0 लल्लू लाल निवासी 6/41 नई झूंसी बाजार, थाना-झूंसी, तहसील-फूलपुर, जनपद-प्रयागराज के पक्ष में स्वीकृत यमुना नदी के खण्ड नं0-21 ग्राम-आदमपुर (मदारीपुर से सदियापुर), ब्लाक-भगवतपुर, तहसील-सदर, जनपद-प्रयागराज (क्षे0-5.00 हेक्टेअर) का स्थलीय निरीक्षण/सर्वेक्षण का कार्य किया गया। पत्र के साथ संयुक्त जांच आख्या एवं फोटोग्राफ्स एवं ड्रोन से लिये गये वीडियो क्लिप संलग्नकर आपके अवलोकनार्थ एवं आवश्यक कार्यवाही हेतु सादर प्रेषित की जा रही है।
संलग्नक:-यथोपरि।

भवदीय


(विजय)

क्षेत्रीय अधिकारी

प्रतिलिपि:-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

- विधि अधिकारी-प्रथम (प्रभारी विधि अनुभाग), उ0 प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ।
- श्री अमित शुक्ला, बोर्ड काउंसिल (एन0जी0टी0), ई-मेल- amit.shukla@lexweb.in, ग्रेटर नोयडा।


क्षेत्रीय अधिकारी

Joint committee report in compliance of the order dt. 12.11.2025 passed by Hon'ble National Green Tribunal, New Delhi in the matter of Original Application No. 974/2024 (I.A No. 609/2024, I.A No. 611/2024, I.A No. 613/2024), Jitendra Nishad Versus State of U.P. & Ors.

Hon'ble National Green Tribunal, New Delhi has passed order dt. 12.11.2025 in the matter of Original Application No. 974/2024 (I.A No. 609/2024, I.A No. 611/2024, I.A No. 613/2024), Jitendra Nishad Versus State of U.P. & Ors. The relevent portion of the order is as below :-

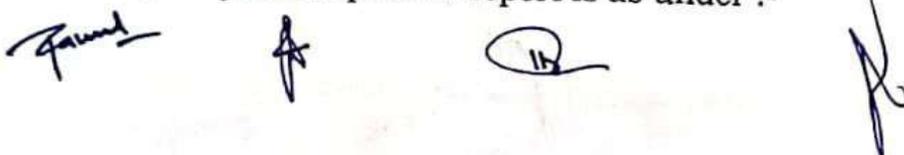
".....12. UPPCB and Director, Mining and Geology, Lucknow are directed to inspect the mining lease sites in question and look into the complaints made by the applicant and also the videos, if any, submitted by the applicant and verify status regarding compliance with EC/CTO conditions and environmental norms by respondents no. 09, 10 and 11 respectively within 15 days and submit report in this regard to this Tribunal. In the eventuality of respondents no. 09 and 10 being compliant with EC/CTO conditions and environmental norms, respondents no. 09 and 10 may be allowed to commence mining. In the eventuality of grant of CTO to respondent no. 11 by UPPCB and also compliance of EC/CTO conditions and environmental norms by respondent no. 11, respondent no. 11 may also be allowed to commence mining.

13. I.A. Nos. 609/2024, I.A. No. 611/2024 and I.A. No. 613/2024 are allowed and Interim order dated 04.11.2024 is modified accordingly.

14. UPPCB and Director, Mining and Geology are directed to file their reports within one month. In their reports, UPPCB and Director, Mining and Geology shall specifically mention all requisite details regarding compliance with EC/CTO conditions and environmental norms with drone videos regarding such compliance..."

Director, Mining and Geology, Lucknow vide letter no. 1780/M.-NGT Vad Prayagraj/2025, dt. 19.11.2025 has nominated Mr. Arun Kumar, Additional Director, Head Office, Lucknow for the inspection of the said 03 mining sites, of Prayagraj.

The joint inspection of the said 03 mining sites, of District Prayagraj has been conducted by Additional Director (Geology & Mining Department), Head Office, Lucknow, alongwith the Mining Officer, Mining Department, Prayagraj, Regional Officer, U.P. Pollution Control Board, Prayagraj and Junior Engineer, U.P. Pollution Control Board, Prayagraj on dated 03.12.2025; the joint inspection report is as under :-



JOINT INSPECTION REPORT

During the course of inspection of Mining areas in question, the Joint team asked the senior mines officer Prayagraj about the complaints made by the applicants and also the videos as mentioned in point No. 9 and 12 of the order dated 12.11.2025. The Senior Mining Officer Prayagraj confirmed that any complaint or videos had not been provided by the applicants as mentioned in the point No. 9 and 12 of the order dated 12.11.2025 of Hon'ble N.G.T. A copy of the Letter dated 03.12.2025 of senior mines officer Prayagraj is annexed here with as annexure No.1

During the course of inspection of mining areas videography has been carried out with the help of drone camera. Copy of video made is attached herewith in pan drive.

Respondent No.-09, Shri Ravi Shankar Shukla S/o Shri Parmanand Shukla, R/o Village-Saraikanji alias Miyapur, Thana-Line Bazar, Disrtict-Jaunpur. Sand mining from river bed Yamuna at **Khand No. 16**, Village-Madauka, Mirakhpur, Mahewa Patti Paschim, Block-Chaka, Tehsil-Karchhana, District-Prayagraj (Rakba 8.00 hect.). The Sand mining site was jointly inspected by Shri Arun Kumar, Additional Director, Directorate of Geology and Mining, Government of Uttar Pradesh, Lucknow, Shri Rohit Singh Regional Officer (Additional Charge) Regional Office, Uttar Pradesh Pollution Control Board, Prayagraj & Shri Rahul Kumar, Junior Engineer, U.P. Pollution Control Board, Prayagraj on dated 03.12.2025, Shri Vipin Pandey representative of the Project Proponent was present during inspection. UPPCB vide letter dated 17.01.2025 has imposed Environmental Compensation Rs. 5,320,000.00 against the project proponent.

During the inspection, the observations are made as following:-

1. During site inspection of mining area, no mining activity was being carried out.
2. Four nos. of pillers were found installed in the mining site area.
3. The weighbridge was found installed, about 600 meters from the mining lease area. The weighbridge was electronic based.
4. General conditions no. 45 and Specific conditions no. 6 & 16 of Environmental Clearance Regarding plantation was not being fully complied by project proponent. Approx 90 saplings were found planted near the haulage road and weighbridge area.
5. One water tanker was found kept near site office at weighbridge for water sprinkling. It was informed that the arrangement of water supply for water sprinkling through tanker. The arrangement for water supply would be made during operation of mining activities.

6. 02, CCTV camera was found installed near site office at weighbridge. The CCTV Camera was not in working condition.



7. Specific conditions no. 20 of Environmental clearance Regarding construction of Link Road from the quarry site to the main road was not being fully complied by project proponent. During the inspection unpaved road connecting the quarry to the main road was found.
8. 01, PTZ camera was found installed at the mining site area.
9. 02 Nos. of mobile toilets was found made near mining site office.
10. Septic tank/soak pit arrangement was found installed for disposal of domestic sewage along with the staff/worker quarters.
11. First aid arrangements were not found at the mining project site office.
12. An India Marka-II Hand Pump was found installed near mining site.
13. As the mining site was not in operation neither any vehicle nor any record for the same was available at the site. It was informed during operation of mining activities the vehicle uses will be made on contract basis.
14. As the mining site was not in operation labour register was not available at this site during inspection. It was informed that as the mining activity is not operative; presently the labours are not enrolled.
15. At the time of inspection Hoarding/display board was found near site office.

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16. Project Proponent has obtained Consent to Operate (CTO) under air/water act form UPPCB.
17. At the time of joint inspection mining lease area was not submerged in River water.

Respondent No.-10, Shri Surendra Kumar S/o Late Shri Shiv Murti Bhartia R/o Village-Berui, Post-Garapur Tharwai, Tehsil-Phoolpur, District-Prayagraj. Sand mining from river bed Yamuna at **Khand No. 14, Village-Baswar, Block-Chaka Tehsil-Karchhana, District-Prayagraj (Rakba 4.69 hect.).** The Sand mining site was jointly inspected by Shri Arun Kumar, Additional Director, Directorate of Geology and Mining, Government of Uttar Pradesh, Lucknow, Shri Rohit Singh Regional Officer (Additional Charge), Uttar Pradesh Pollution Control Board, Prayagraj and Shri Rahul Kumar, Junior Engineer, U.P. Pollution Control Board, Prayagraj on dated 03.12.2025, Shri Surendra Kumar Project Proponent was present during inspection. UPPCB vide letter dated 17.01.2025 has imposed Environmental Compensation Rs. 1,050,000.00 against the project proponent.

During the inspection, the observations are made as following:-

1. During site inspection of mining area, no mining activity was being carried out.
2. Four nos. of pillars were found installed in the mining site area.
3. The weighbridge was found installed, about 400 meters from the mining lease area.



4. General conditions no. 45 and Specific conditions no. 8&42 of Environmental Clearance Regarding plantation was not being fully complied by project proponent. Approx 120 saplings were found

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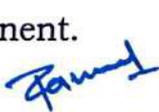
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- planted near the mining site office, haulage road and weighbridge area.
5. One water tanker was found kept at the mining site for water sprinkling. It was informed that the arrangement of water supply for water sprinkling through tanker is being carried out by submersible water pump. Status of permission from UPGWD could not be placed at the time of inspection.
 6. 06, CCTV camera was found installed near site office at weighbridge. The CCTV cameras found operational.
 7. 01, PTZ camera was found installed at the mining site area.
 8. 02 Nos. of toilets was found made near mining site office.
 9. Septic tank/soak pit arrangement was found installed for disposal of domestic sewage along with the staff/worker quarters.
 10. First aid arrangements were found at the mining project site office.
 11. A submersible water pump was found installed near mining site office for clean water supply.
 12. As the mining site was not in operation neither any vehicle nor any record for the same was available at the site. It was informed during operation of mining activities the vehicle uses will be made on contract basis.
 13. As the mining site was not in operation labour register was not available at this site during inspection. It was informed that as the mining activity is not operative; presently the labours are not enrolled.
 14. At the time of inspection Hoarding/display board was found near site office.
 15. Project Proponent has obtained Consent to Operate (CTO) under air/water act form UPPCB.
 16. At the time of joint inspection mining leased area was partially submerged in River water.

Respondent No.-11 Shri Ratan Kumar Nishad S/o Late Shri LalluLal R/o 6/41, NaiJhunsi Bazar, Thana-Jhunsi, Tehsil-Phoolpur, District-Prayagraj. Sand mining from river bed Yamuna at **Khand No. 21**, Village-Adampur (Madaripur to Sadiyapur), Block-Bhagwatpur, Tehsil-Sadar, District-Prayagraj (rakba5.00hect.). The Sand mining site was jointly inspected by Shri Arun Kumar, Additional Director, Directorate of Geology and Mining, Government of Uttar Pradesh, Lucknow and Shri Rohit Singh Regional Officer (Additional Charge), Regional Office Uttar Pradesh Pollution Control Board, Prayagraj on dated 03.12.2025, Shri Kaushal Kumar representative of the Project Proponent was present during inspection. UPPCB vide letter dated 17.01.2025 has imposed Environmental Compensation Rs. 4743750.00 against the project proponent.






During the inspection, the observations are made as following:-

1. During site inspection of mining area, no mining activity was being carried out.
2. No pillars were found installed in the mining site area.
3. The weighbridge was found to be installed, about 6.0 km. from the mining lease area. The weighbridge was electronic based.
4. General conditions no. 45 and Specific conditions no. 6 & 16 of Environmental Clearance Regarding plantation was found not complied by project proponent.
5. No mechanism/arrangement for dust suppression has been made.
6. 02, CCTV camera were found installed at weighbridge. the CCTV Cameras were not in working condition.



7. PTZ camera was not found installed at the mining site area.
8. No arrangement for toilets found during joint inspection.
9. First aid arrangements were not found at the mining project site office.
10. An India Marka-II Hand Pump was found installed at mining site office for clean water supply.
11. As the mining site was not in operation neither any vehicle nor any record for the same was available at the site. It was informed during operation of mining activities the vehicle uses will be made on contract basis.
12. As the mining site was not in operation labour register was not available at this site during inspection. It was informed that as the mining activity is not operative; presently the labours are not enrolled.

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13. The Project Proponent has applied for Consent to operate (CTO) from UPPCB.
14. At the time of inspection Hoarding/display board was found near site office and near weighbridge.
15. At the time of joint inspection mining lease area was not submerged in River water.
16. Specific conditions no. 20 of Environmental clearance Regarding construction of Link Road from the quarry site to the main road was not complied by project proponent.

As no mining activity was being carried out by the Project Proponents in all 3 cases, all the conditions of EC/CTO could not be verified, however the detailed inspection of mining sites of the project proponent have attempted to cover the status of compliances of the conditions of Environmental Clearance & Consent to Operate.

Conclusion-As per inspection respondent No.9 & 10 will be complied with the conditions of EC/CTO only after removal of short comings found during inspection. However, respondent No.11 found non-complying with the conditions of EC.



(Rahul Kumar)
Junior Engineer
U.P. Pollution Control
Board, Prayagraj



(Rohit Singh)
Regional Officer,
(Add. Charge)
U.P. Pollution Control
Board, Prayagraj



(K.K. Roy)
Senior Mining Officer
Mining Department,
Prayagraj



(Arun Kumar)
Additional Director
Directorate of Geology and
Mining, Government of
Uttar Pradesh,
Lucknow

खण्ड संख्या-21, ग्राम-आदमपुर (मदारीपुर से सदियापुर), ब्लॉक-भगवतपुर, तहसील-सदर, जनपद-प्रयागराज में निरीक्षण के समय लिये गये फोटोग्राफ्स



खण्ड संख्या-16, ग्राम-मड़ौका, मीरखपुर, महेवा, पश्चिम पट्टी, तहसील-करछना, जनपद-प्रयागराज में निरीक्षण के समय लिये गये फोटोग्राफ्स



खण्ड संख्या-14, ग्राम-बसवार, ब्लाक-चाका, तहसील-करछना, जनपद-प्रयागराज में निरीक्षण के समय लिये गये फोटोग्राफ्स



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

IN THE MATTER OF:
JITENDRA NISHAD

O.A. NO. - 974/2024

Vs.

STATE OF U.P. & OCS.

- ANNEXURE U/2
PEN-DRIVE OF DRONE RECORDING

UPPCB
THROUGH

AMIT SHUKLA
Adv.
9999933220