

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

BRIEF NOTES OF ARGUMENTS BY

MR. ATMARAM N.S. NADKARNI

SENIOR ADVOCATE FOR STATE OF U.P.

Original Application No. 1345/2024 (IA No 624/2024, IA No. 625/2024)

WITH

Original Application No. 119/2025 (IA No 189/2025)

WITH

Original Application No. 134/2025

WITH

Original Application No. 247/2025

WITH

Original Application No. 427/2025

<u>S. NO.</u>	<u>APPLICANTS' ALLEGATION/ ISSUE RAISED BY THE APPLICANTS</u>	<u>RESPONDENT'S REPLY</u> (DM- SAHARANPUR) (STATE OF UP)	<u>SUPPORTING RECORD/PAGE NO/ LEGAL POSITION</u>
1.	No River Audit has been conducted.	The expression "River Audit" is not prescribed under the applicable Guidelines. The terminology is used in the State of Kerala owing to the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. What is material is compliance with the scientific requirements	Kerala State Act, 2001; SSMG-2016; EMGSM-2020.

		prescribed under the Guidelines, all of which have been duly undertaken	
2.	DSR has been prepared without scientific study.	The DSR is founded upon a comprehensive Replenishment Study involving field surveys, sediment analysis, hydrological assessment, cross-sectional mapping, ecosystem evaluation and scientific quantification of riverbed material.	Replenishment Study for period of Year 2022 was conducted for 22 leases and produced in Volumes I–VI. (original records produced and shown before this Hon’ble Tribunal) Given are the Top Right internal pages Starting from Page-1 till Page-950. For Example one lease identified in Village Sherpur Pelo having area of 6.475 ha. starting from Page 2 till Page 13 covering study details of Study Area Map, Survey Sheet, Drainage Map, Pre & Post monsoon Elevation Table and Mapping of Elevations recorded in Pre and Post Monsoon, Drone Contour , DSM , Ortho and Mineral Exposure Maps etc.
3.	Hydrological characteristics were not considered.	Drainage systems, drainage basins, topography, soil type, bedrock characteristics, climatic conditions, vegetation, sediment transport and river morphology were comprehensively studied.	Replenishment Study; SSMG-2016; EMGSM-2020. DM Affidavit dated 11.09.2025 in O.A. 119/2025 – Mursleen @ Page 401

4.	Sand availability was not scientifically assessed.	Mining areas were geo-tagged and subjected to DGPS and drone-based surveys to assess availability and potential of sand and gravel resources.	<p>DGPS Data; Drone Survey Records.</p> <p>Replenishment Study for period of Year 2022 was conducted for 22 leases produced in Volumes I–VI. (original records produced and shown before this Hon’ble Tribunal) and subsequently e-filed on 30.05.2026 in OA No. 1345/2024 (Anees Ali Vrs. State of U.P.) Individual Lease wise Drone and DGPS survey data Given at the Top Right internal pages Starting from 1 till 950.</p>
5.	Quantity mineable material arbitrary.	Quantification was undertaken through scientific methodologies involving contour mapping, elevation profiling, deposition analysis and safe extraction assessment.	<p>Volumes II–VI of Replenishment Study.</p> <p>Replenishment Study for period of Year 2022 was conducted for 22 leases produced in Volumes I–VI. (original records produced and shown before this Hon’ble Tribunal). Individual Lease elevation, changes in profile, deposition mapping survey and data Given. Refer Top Right internal pages</p>

			<p>Starting from 1 till 950.</p> <p>For Example one lease identified in Village Sherpur Pelo having area of 6.475 ha. starting from Page 2 till Page 13 covering study details of Study Area Map, Survey Sheet, Drainage Map, Pre & Post monsoon Elevation Table and Mapping of Elevations recorded in Pre and Post Monsoon, Drone Contour , DSM , Ortho and Mineral Exposure Maps etc.</p>
6.	No scientific basis exists for extraction limits.	Safe extraction limits were determined after consideration of replenishment rates, sediment deposition and river morphology in accordance with MoEF&CC Guidelines.	<p>SSMG-2016; EMGSM-2020.</p> <p>Replenishment States and Deposition Assessed – O.A. 1345/2024 Anees Ali @Page 330</p> <p>Safe Extraction limits then determined on the basis of Replenishment Results - (Annexure-II) in O.A. 1345/2024 Anees Ali @Page 333-336</p>
7.	Replenishment Study is incomplete.	The Replenishment Study comprises six volumes containing raw scientific data, maps, photographs, contour maps, DSM maps, DGPS outputs	DM Affidavit dated 11.09.2025 in O.A. 119/2025 - Mursleen

		<p>and drone survey records. The Replenishment Study Report of Year 2022 is complete in all aspects and is in conformity with the EMGSM-2020 Guidelines.</p>	<p>(Replenishment Study Report-2022 Volume-I & IV) @Page 389-507 &</p> <p>Additional Document e-filed on 30.05.2026 - @Pages-1-950 (Replenishment Study Report-2022 Volume-II , III,V & VI)</p> <p>For Example one lease identified in Village Sherpur Pelo having area of 6.475 ha. starting from Page 2 till Page 13 covering study details of raw scientific data, maps, photographs, contour maps, DSM maps, DGPS outputs and drone survey records.</p>
8.	<p>Supporting data is unavailable.</p>	<p>Original records of the Replenishment Study of Year 2022 was produced before this Hon'ble Tribunal on 29.05.2026.</p>	<p>Original departmental records.</p> <p>DM Affidavit dated 11.09.2025 in O.A. 119/2025 - Mursleen (Replenishment Study Report-2022 Volume-I & IV) @Page 389-507 &</p>

			Additional Document e-filed on 30.05.2026 - @Page-1-950 (Replenishment Study Report-2022 Volume-II , III,V & VI)
9.	DSR does not conform to statutory requirements.	The DSR has been prepared strictly in accordance with the statutory EIA Notification dated 15.01.2016.	Prescribed format as per EIA Notification dated 15.01.2016 was dully followed. @Pages 114-116 of O.A. 1345/2024 - Anees Ali
10.	DSR structure is deficient.	The DSR complies with Appendix X of the EIA Notification dated 15.01.2016, which prescribes the format and mandatory requirements.	Prescribed format as per EIA Notification dated 15.01.2016 was dully followed. Pages @297-298 of O.A. 1345/2024 - Anees Ali
11.	Mining zones have not been properly identified.	Mining lease areas are specifically identified and notified in the DSR.	@Pages 304-306 of O.A. 1345/2024 - Anees Ali
12.	No-Go areas have not been delineated.	All areas outside identified lease areas constitute No-Go Areas as mining cannot be undertaken without a valid lease under the MMDR Act, 1957.	Lease areas are identified and auctioned in accordance with the provisions of the MMDR Act, 1957 and U.P. Minor Mineral Concession Rules-2021.
13.	DSR is not based on current replenishment data.	The DSR is based upon pre-monsoon and post-monsoon Replenishment Studies conducted during 2022.	DSR prepared on the basis of Replenishment Study conducted in Year 2022.

			<p>Original departmental record placed before this Hon'ble Tribunal.</p> <p>DM Affidavit dated 11.09.2025 in O.A. 119/2025 - Mursleen (Replenishment Study Report-2022 Volume-I & IV) @Pages 389-507 &</p> <p>Additional Document e-filed on 30.05.2026 - @Pages-1-950 (Replenishment Study Report-2022 Volume-II , III,V & VI)</p>
14.	Replenishment reserves were not periodically assessed.	Replenishment reserves for post-monsoon 2022, 2023 and 2024 were assessed and recorded.	DM Affidavit dated 06.05.2025 in OA 119/2025 - Mursaleen, Paragraph 14.
15.	No competent authority conducted the study.	A duly constituted Sub-Divisional Committee was constituted on 02.05.2022 which undertook the assessment exercise.	DM Affidavit dated 22.08.2025 in O.A. Ameer Khan, Paragraphs -9. Page – 1068 (Annexure No. SA 5 @Page 1391)
16.	Entire river stretch was not surveyed.	Detailed surveys were conducted covering the entire river stretch within District Saharanpur.	DM Affidavit dated 11.09.2025 filed on O.A.119/2025 – Ameer Khan @Pages 433-454
17.	Sources of M-Sand have not been identified.	Sources of M-Sand have been specifically identified and disclosed.	Annexure-1 (sources of M-Sand), Anees Ali OA 1345/2024 @ Page 332

18.	River Yamuna characteristics have been ignored.	The geomorphological and hydrological profile of River Yamuna has been specifically considered in the replenishment study of Year 2022.	DM Affidavit dated 11.09.2025 in OA 119/2025 Mursaleen Petition - Replenishment Study Records @Pages 407-416
19.	Barrage influence has not been considered.	Discharge from Hathni Kund Barrage and its impact on river flow and sediment transport have been expressly considered.	DM Affidavit dated 11.09.2025 in OA 119/2025 Mursaleen Petition @Page 406
20.	Rainfall analysis is inadequate.	Rainfall data for 2009–2018 as well as historical data for the period 1951–2000 have been analysed.	DM Affidavit dated 11.09.2025 in OA 119/2025 Mursaleen Petition @Pages 405–406.
21.	Only IMD data is relevant for replenishment.	Replenishment assessment depends upon multiple hydrological variables, including barrage discharge, upstream river inflows, sediment transport and catchment characteristics, and not merely rainfall figures.	DM Affidavit dated 11.09.2025 in OA 119/2025 Mursaleen Petition @Pages 399-407
22.	IMD data contradicts replenishment findings.	Apparent discrepancies in isolated rainfall figures do not invalidate the comprehensive hydrological assessment undertaken.	IMD Rainfall 2024 Records, Pages 57 and 78 (External Document shown before this Hon'ble Tribunal)
23.	Replenishment rates are unsupported.	Replenishment rates for all lease areas have been scientifically calculated and are supported by underlying data available in original records.	@Page 324 in Ameer Khan OA 427/2025
24.	Mining leases have been located within active river channels.	The relevant stretch of River Yamuna is a braided river system where channels naturally shift and re-form.	DM Affidavit dated 11.09.2025 in O.A. 119/2025 – Mursaleen @Page 416
25.	Lease location is improper.	Lease demarcation in braided river systems necessarily accommodates	Aneel Ali OA 1345/2025 - EMGSM-

		natural channel migration and is finalized through the Mining Plan.	2020, Clause 4.3(g) – @Page – 179
26.	Braided river principles have not been followed.	Clause 4.3(g) specifically recognises and encourages consideration of braided river segments.	Aneel Ali OA 1345/2025 - EMGSM-2020, Clause 4.3(g) @Page – 179
27.	Replenishment Study was not considered by SEAC.	SEAC expressly considered the replenishment studies of 2022 and 2023 during appraisal proceedings.	Ameel Khan in O.A. 427/2925 SEAC Minutes @ Pages 284-288.
28.	DSR appraisal was mechanical.	Presentations were made before SEAC by the Mining Officer and Directorate of Geology & Mining and all relevant documents were considered.	Ameel Khan in O.A. 427/2925 SEAC Minutes @Pages @284-288.
29.	Excessive mining quantities have been permitted.	Extraction is restricted to 60% of the assessed mineable reserve in accordance with applicable Guidelines.	Mursaleen O.A. 119/2025 – Annexure-II of DSR @Pages 298–299.
30.	Permitted quantities exceed replenishment.	The approved extraction quantities are substantially below the permissible ceiling and are based on scientific reserve assessment.	Mursaleen O.A. 119/2025 @Page 299, Illustrated was Serial No. 11 and other lease records.
31.	One-fourth and three-fourth river-width criteria have not been followed.	Such criteria cannot be rigidly applied to braided river systems due to natural channel migration.	DM Affidavit dated 11.09.2025 in O.A. 119/2025 – Mursleen. (River Morphology Assessment done) - @Pages 414-416
32.	Distance criteria of 7.5 metres have been violated.	Site-specific issues are examined and regulated at the stage of approval of the Mining Plan and Environmental Clearance.	Aneel Ali O.A. 1345/2024 - Clause 4.3(r), EMGSM-2020. @Page – 181
33.	Satellite imagery has not been utilised.	Google Earth imagery, satellite imagery, DGPS surveys and drone surveys form an integral part of the study.	Additional Document e-filed on 30.05.2026 (Replenishment

			Study Report-2022 Volume II Records Volume II; Internal @Pages 457 onwards
34.	Lease-wise mapping is absent.	Lease-wise base maps, DGPS records, drone survey records and pictorial investigations are available.	Additional Document e-filed on 30.05.2026 (Replenishment Study Report-2022 Volume II Records – Please refer page numbers mentioned in Upper Right corner @Page No. 1 – 310
35.	Cluster mining is impermissible.	Appendix XI of the statutory Notification dated 15.01.2016 specifically contemplates clusters of mines.	Notification dated 15.01.2016 - Appendix XI. O.A. 1345/2024 - Anees Ali @Page 117
36.	Cluster assessment violates Guidelines.	The statutory Notification governs the field and expressly permits cluster-based environmental appraisal.	Notification dated 15.01.2016 - Appendix XI. O.A. 1345/2024 - Anees Ali - @Page 117
37.	Mining is proposed near and bridges and highways.	No major bridge or highway exists within the relevant mining areas.	Site Inspection and DSR Records. Supplementary Affidavit of DM Saharanpur dated 13.04.2026 filed in O.A. 573/2025 - Ameer Khan. @Pages 1372-1390 & @Pages 1343-1346

38.	Restrictions relating to bridges/highways have been violated.	Clause 4.3(h) applies at the stage of Mining Plan approval and not at the stage of DSR preparation.	Aneel Ali O.A. 1345/2024 - Clause 4.3(h), EMGSM-2020. @Page – 179
39.	Mining Plan requirements have not been followed.	Mining Plan approval is a subsequent statutory stage after issuance of Letter of Intent and before commencement of mining operations.	MMDR Framework and U.P. Minor Mineral Concession Rules – 2021.
40.	Mining quantity should be restricted only to replenishment rate.	The applicable framework permits extraction up to 60% of the assessed mineable reserve subject to regulatory safeguards.	Aneel Ali O.A. 1345/2024 - Clause 4.3(r), EMGSM-2020. @Page – 181
41.	Lease areas were identified without departmental clearances.	NOCs were obtained from the Irrigation Department and Forest Department before identification of lease areas.	Departmental NOCs Obtained. Supplementary Affidavit of DM Saharanpur dated 13.04.2026 filed in O.A. 427/2025 – Aneel Khan @Pages 1372-1381 (Joint Inspection Report) & @Page 1382-1390 (NOC from Forest and Irrigation Department)
42.	Transportation routes are not defined in the DSR.	The contention is factually incorrect. Transportation routes have been specifically identified and incorporated in the DSR.	Annexure-VI @Pages 333–335, Aneel Khan OA 427/2025

43.	Movement of vehicles has not been regulated.	Transportation routes for trucks, tippers and tractors have been duly identified as required under the Guidelines.	Annexure-VI @Pages 333-335, Ameer Khan OA 427/2025
44.	DSR suffers from procedural irregularity.	The DSR is supported by scientific study, statutory compliances, departmental approvals, replenishment assessments and regulatory scrutiny by SEAC/SEIAA.	Entire DSR Record along with Data and Replenishment Study placed before SEAC/SEIAA Proceedings which were approved after due examination and appraisal.
45.	Overall challenge to validity of DSR.	The challenge is devoid of merit as the DSR has been prepared in conformity with the statutory Notification dated 15.01.2016, SSMG-2016, EMGSM-2020 and all applicable regulatory requirements.	Ameer Khan OA 427/2025- Notification dated 15.01.2016; SSMG-2016; EMGSM-2020. @Pages 79 – 129 @Pages 143-225
46.	DSR is contrary to statutory framework.	The DSR has been prepared strictly in accordance with the statutory Notification dated 15.01.2016 issued under the Environment (Protection) Act, 1986.	MoEF Notification dated 15.01.2016, Ameer Khan OA. @Pages 79-89 (Statutory Notification prevails and governs the field.)
47.	Guidelines have not been followed in letter and spirit.	The Petitioners seek to elevate Guidelines above the statutory notification. The Guidelines are supplementary and cannot override the statutory framework.	MoEF Notification dated 15.01.2016, Ameer Khan OA. @Pages 79-89 (Challenge based merely upon alleged deviation from a guideline cannot invalidate a DSR prepared under statutory authority.)
48.	No actual environmental	Detailed scientific surveys, replenishment studies and	Entire DSR 2022; Replenishment Study Volumes I-VI

	assessment exists.	hydrological assessments have been undertaken.	10th Chapter on Environmental Observations & Enforcement Monitoring Mechanism specifically notified by SDC in Replenishment Study Report-2022, Volume-IV. DM Reply dated 13.04.2025 in OA Ameer Khan @Pages1565 (No environmental prejudice is demonstrated)
49.	Official studies cannot be relied upon.	Replenishment Study, DSR, SEAC deliberations and District Committee findings are official acts undertaken by competent authorities.	(Presumption of regularity attaches to official acts)
50.	Petitioners' allegations should prevail over departmental findings.	Petitioners have not produced any contrary scientific study, hydrological report, sediment transport study or expert evidence.	No rebuttal scientific material on record. (Burden of proof remains undischarged)
51.	Absence of "River Audit" invalidates the DSR.	Substance of the exercise has been undertaken; only the nomenclature differs.	Entire Replenishment Study Record. (Substance prevails over form.)
52.	Preparation of DSR permits mining operations.	DSR merely identifies potential mining areas. Mining can commence only after lease grant, Mining Plan approval, Environmental Clearance and statutory permissions.	MMDR Act; EC Framework. (Challenge proceeds on an incorrect legal premise.)

53.	Environmental safeguards are absent.	Multiple layers of scrutiny exist through SEAC, SEIAA, Mining Department, Forest Department and Irrigation Department.	<p>SEAC Minutes; NOCs.</p> <p>(Regulatory safeguards continue even after DSR preparation.)</p> <p>10th Chapter on Environmental Observations & Enforcement Monitoring Mechanism specifically notified by SDC in Replenishment Study Report-2022, Volume-IV.</p> <p>DM Reply dated 13.04.2025 in OA Ameer Khan 427/2025 @Pages1565</p> <p>Departmental NOCs Obtained. @Pages 1372-1381 (Joint Inspection Report) & Pages 1382-1390 (NOC from Forest and Irrigation Department)</p>
54.	Objections regarding river width, active	Such site-specific issues are addressed at the stage of Mining	EMGSM-2020; Mining Plan Process.

	channel and mining method should be examined at DSR stage.	Plan approval and Environmental Clearance.	(Objections are premature) DM Reply dated 13.04.2025 in OA Ameer Khan 427/2025, Mining Plan Process @Pages 1280 - 1285
55.	Lease demarcation in braided channels is impermissible.	The Yamuna stretch is a braided river system and the Guidelines themselves recognize mining in braided channels.	DM Additional Affidavit dated 11.09.2025 in Mursaleen OA @Page 416 Anees Ali OA 1345/2020 @Page 179 ; Point (g) EMGSM-2020. (Petitioners' objection is contrary to the Guidelines themselves)
56.	Fixed coordinates must be maintained.	Braided rivers naturally migrate and re-form. Dynamic lease demarcation is a scientific necessity.	Braided Channel Assessment. DM Additional Affidavit dated 11.09.2025 in Mursaleen OA @Page 416 Anees Ali OA Petition 1345/2020 @Page 179 ; Point (g) EMGSM-2020. (Static channel assumptions are scientifically unsustainable.)

57.	Minor procedural irregularities vitiate the DSR.	Assuming any procedural lapse, the official records demonstrates overwhelming compliance with all substantive requirements.	Entire DSR and Replenishment Study. (Doctrine of substantial compliance applies)
58.	Mining is environmentally destructive per se.	The DSR facilitates regulated and sustainable extraction based upon replenishment assessment and scientific limits.	Replenishment Study; DSR. (Consistent with Sustainable Development and Precautionary Principle)
59.	SEAC did not consider replenishment studies.	SEAC/SEIAA specifically considered the replenishment studies of 2022 and 2023 during appraisal proceedings and based on findings subsequently approved DSR of 2022 on 07.06.2024.	@Page 878 Annexure 5 (Approval to the DSR by Member Secretary SEIAA) SEIAA Reply dated 11.11.2025 filed in OA No. 119/2025 with OA No. 134/2025 (Expert body applied its mind to the material placed before it)
60.	Annual production quantities are excessive.	Lease-wise quantities are substantially below the permissible ceiling of 60% of assessed reserves.	Ameel Khan OA Petition 427/2025 @Pages 298–300 (Demonstrates a conservative and environmentally cautious approach)
61.	Transportation routes are absent.	Transportation routes are specifically identified and incorporated in the DSR.	Ameel Khan OA 427/2025 @Pages 333–335. (Allegation is factually incorrect.)

62.	Replenishment assessment ignores historical rainfall data.	Rainfall data from 1951–2000 and 2009–2018 has been considered together with barrage discharge and hydrological factors.	DM Affidavit dated 11.09.2025 in Mursaleen OA - 119/2025 @Pages 405–406. (Replenishment assessment is comprehensive and scientifically robust)
63.	Hathni Kund Barrage impact has not been assessed.	The impact of regulated discharge from Hathni Kund Barrage has been specifically considered.	DM Affidavit dated 11.09.2025 in Mursaleen OA - 119/2025 @Page 406. (Scientific assessment incorporates anthropogenic influences on river flow.)
64.	DSR should be quashed.	The DSR is supported by statutory compliance, scientific studies, replenishment assessments, expert scrutiny and departmental approvals.	No case of arbitrariness, perversity, mala fide exercise of power or statutory violation is made out.
65.	Applicants seek to elevate Guidelines above the statutory framework	<ul style="list-style-type: none"> • The statutory Notification dated 15.01.2016 issued under the Environment (Protection) Act, 1986 has binding statutory force. The Sustainable Sand Mining Management Guidelines, 2016 and Enforcement & Monitoring Guidelines for Sand Mining, 2020 are intended to supplement and facilitate implementation of the statutory regime and cannot be interpreted in a manner that overrides or supplants the statutory notification itself. • Any challenge founded solely upon an alleged deviation from a non-mandatory procedural aspect 	

		<p>of the Guidelines, without demonstrating violation of the statutory notification, is legally unsustainable.</p> <ul style="list-style-type: none"> • The applicants have failed to demonstrate any procedural irregularity in the DSR as well as in the Replenishment Studies and that the approval granted by SEIAA UP was granted after due application of mind, considering the relevant scientific data. • Therefore in the light of aforementioned facts and circumstances, the Original Applications are devoid of merits and are liable to be dismissed, by this Hon'ble Tribunal.
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- That It is respectfully submitted that the contentions advanced on behalf of the Applicants proceed on a complete misconception of the applicable legal framework and stem from a manifest misreading of both the statutory notification and the relevant guidelines governing the field.
- At the outset, it is submitted that the statutory notification dated 15.01.2016 occupies the field and constitutes the governing legal framework for the preparation and approval of the District Survey Report (DSR). Being a statutory instrument, the said notification necessarily prevails over any executive guideline or procedural document. Consequently, the validity and sufficiency of the DSR are required to be tested primarily on the touchstone of the requirements prescribed under the notification itself.
- It is further submitted that the structure, format and contents of the District Survey Report in question have been prepared strictly in conformity with the framework prescribed under the notification

dated 15.01.2016. The Applicants have failed to demonstrate any deviation whatsoever from the statutory format or any mandatory requirement prescribed therein.

- The Applicants have also failed to appreciate the true scope and purpose of the Sustainable Sand Mining Management Guidelines and the Enforcement and Monitoring Guidelines. The said guidelines are not confined merely to the preparation of the District Survey Report. Rather, they provide a broader framework governing the assessment, management, replenishment studies, monitoring and sustainable extraction of minor minerals. Therefore, the guidelines are required to be read holistically and not in isolation with reference to a single document, namely, the DSR.
- In this regard, it is pertinent to note that the guidelines specifically contemplate the undertaking of replenishment studies twice every year, namely, during the pre-monsoon and post-monsoon periods. In the present case, the said requirement has been duly complied with in District Saharanpur. Prior to the preparation of the District Survey Report, a comprehensive pre-monsoon Replenishment Study (RS) was undertaken in accordance with the prescribed methodology.
- It is further submitted that the preparation of a replenishment study necessarily involves a detailed examination of the river system within the district, including hydrological characteristics, geomorphological features, sediment availability, natural and geographical conditions, mining leases, river stretches and other

relevant environmental parameters. Such an exercise was, in fact, undertaken in the present case.

- The Replenishment Study prepared for District Saharanpur comprises six comprehensive volumes supported by extensive scientific data, hydrological assessments, natural and geographical analyses, identification of lease areas and a complete profile of the river systems within the district. The replenishment figures and mineral availability assessments derived therefrom form the very foundation for the subsequent preparation of the District Survey Report.
- It is, therefore, erroneous for the Applicants to contend that every study, survey, data set and technical assessment forming part of the Replenishment Study must again be reproduced verbatim in the District Survey Report. Such an interpretation is neither contemplated by the statutory notification nor supported by the guidelines. Once the requisite studies have been conducted and incorporated in the Replenishment Study, the District Survey Report is required to be prepared in accordance with the structure prescribed under the notification while drawing upon the data, findings and conclusions emerging from the Replenishment Study.
- The figures relating to replenishment, mineral availability and mineral assessment constitute an integral and inseparable part of the District Survey Report. Accordingly, the DSR has been prepared on the basis of the scientific data, material and findings collected during the replenishment studies. The supporting documents, raw data and technical analyses naturally form part of the

Replenishment Study and related records and are not required to be mechanically reproduced within the body of the DSR itself.

- It is further submitted that when the District Survey Report is placed before the State Environment Impact Assessment Authority (SEIAA) and the State Expert Appraisal Committee (SEAC) for consideration and approval, the matter is not examined in isolation. Detailed presentations are made by the District Mining Officer and officers of the Directorate of Geology and Mining, supported by the underlying technical records, studies and relevant documentation. The appraisal process involves active interaction, clarification and examination of the supporting material.
- In fact, as demonstrated during the course of arguments, the Replenishment Study was specifically referred to and taken into consideration by the SEAC while examining the proposal. Thus, the contention that the approving authorities proceeded without reference to the underlying scientific material is wholly unfounded and contrary to the record.
- Lastly, it is submitted that neither the SEAC nor the SEIAA is expected, under law, to render an elaborate or verbose judgment akin to a judicial pronouncement. The requirement is that the competent authorities apply their mind to the material placed before them and arrive at a reasoned decision. The law does not mandate a detailed reproduction of every document, study, data set or technical consideration examined during the appraisal process. The validity of the decision must be judged on the existence of due

consideration and application of mind and not on the length or verbosity of the order passed by the expert bodies.

- It is further submitted that the exercise of assessing mineral availability, replenishment potential, river morphology, hydrological characteristics and sustainable extraction limits is a highly specialized and technical exercise, which is necessarily undertaken by qualified experts possessing domain knowledge and technical expertise in the fields of geology, hydrology, mining and environmental sciences. The conclusions arrived at through such assessments are founded upon scientific methodologies, field investigations, technical studies and empirical data.
- It is a settled principle of law that courts and tribunals ordinarily accord due deference to the opinions and recommendations of duly constituted expert bodies in matters involving technical and scientific evaluation. In this regard, reliance may be placed upon the judgment of the Hon'ble Supreme Court in the case concerning the Central Vista Project, wherein the Hon'ble Court reiterated that in matters requiring specialized technical expertise, a significant degree of latitude and due regard must be accorded to the assessment and conclusions of expert bodies, unless the same are demonstrated to be arbitrary, perverse, mala fide or contrary to any statutory mandate.
- In the present case, the Applicants have failed to establish any perversity, illegality, mala fides or violation of any mandatory statutory provision in the preparation of the Replenishment Study, the District Survey Report or the appraisal undertaken by the SEAC

and SEIAA. The challenge raised by the Applicants is founded largely upon a subjective interpretation of the guidelines and an erroneous assumption that the entirety of the technical material underlying the Replenishment Study was required to be reproduced verbatim within the District Survey Report itself.

- Once it is demonstrated that the statutory notification dated 15.01.2016 has been duly complied with, that the requisite replenishment studies were undertaken, that the District Survey Report has been prepared on the basis of the scientific data and findings emerging from such studies, and that the proposal has been duly examined by the competent expert authorities, no ground survives for interference by this Hon'ble Tribunal.
- In view of the foregoing facts and circumstances, the challenge mounted to the District Survey Report is wholly misconceived, devoid of merit and unsustainable in law. The same is liable to be rejected, and the objections raised by the Applicants deserve to be dismissed accordingly.