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

OA No. 1220 of 2024

**IN THE MATTER OF:**

Yadram Singh

...Applicant

VERSUS

State Level Environment Impact Assessment

Authority, Uttar Pradesh & Ors.

... Respondents

**COMMON REJOINDER ON BEHALF OF APPLICANT TO  
THE ADDITIONAL AFFIDAVITS FILED BY DM BANDA,  
SHAMLI & BASTI**

**AADITYA THORAT**  
Counsel for Applicant

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
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Original Application No. 1220 of 2024

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Dated: 22.02.2026

New Delhi



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**COMMON REJOINDER ON BEHALF OF APPLICANT TO  
AFFIDAVITS FILED BY RESPONDENTS DM BANDA, SHAMLI &  
BASTI DATED 12.01.2026**

**MOST RESPECTFULLY SUBMITTED:**

1. The present Original Application (“OA”) challenges the minutes of the 828th meeting of the State Level Environment Impact Assessment Authority (SEIAA), UP held on 01.08.2024 whereby the District Survey Report (DSR) for Districts Banda, Basti and Shamli have been approved.
  
2. The Applicant hereby seeks to file the present Common Rejoinder to the Additional Affidavits filed by the Respondents, DM Banda, Shamli and Basti on 12.01.2026, in response to the Written Note and Note on Submissions submitted by the Applicant during the final hearing held on  
A Copy of the Written Note and Note on Submissions submitted by the Applicant is enclosed herein and marked as **ANNEXURE R/1 at pages 23 to 25**.

3. At the very outset, the Applicant herein denies the contents of the Additional Affidavits filed by DM Banda, Basti and Shamli in *toto*, unless specifically admitted herein. The Applicant seeks to place reliance on the contents of the OA and the Written Note/ Note on Submission, which may be treated to be a part and parcel of the present Rejoinder, as the content thereof are not repeated for the sake of brevity.

**PRELIMINARY SUBMISSIONS:**

4. The Applicant herein challenged the said DSRs *interalia* on the following grounds:
- i. The DSRs for all the three Districts have been prepared without conducting a Replenishment study which is a mandatory condition precedent and the foundational basis on which a DSR ought to be prepared, as per the Judgment passed by the Hon'ble Supreme Court in *UT of J&K v. Raja Muzafar Bhat*, CA No. 8055 of 2022 and the MOEF Sand Mining Guidelines, 2016 and 2020;
  - ii. The Quantity of Mineable minerals available in the Mining leases as per the said DSR have been calculated mechanically by multiplying the length and breadth of the Mining lease area till 3m permissible depth and is not based on an actual scientific study;
  - iii. The Replenishment studies relied upon by the DMs/ Mining Department were ostensibly undertaken after the DSRs were approved by the State bodies. Ergo, the Replenishment studies admittedly were not undertaken in respect of all the Mining leases as per the said Study document itself;
  - iv. The approved mineable quantity in the DSR is the total quantity available as per the Replenishment study relied upon by the

Respondents. Such approved quantity is permitted without applying the 60% rule or Replenished rate of the River as required under the EMGSM, 2020;

- v. Even otherwise, the Replenishment study if any was never placed before the Expert bodies, and the same is evident from the SEIAA MOM dated 1.08.2024, SEIAA letter(s) dated 7.08.2024 and the Affidavit filed by the DMs for the three districts, respectively;
  - vi. The DSRs have been approved by the Expert bodies without application of mind by adopting a '*cut copy paste*' procedure as is clear from the MOM dt. 1.08.2024 of the SEIAA, UP;
5. The Applicant submits that the entire exercise of approving the three DSRs without conducting and/or assessing the Replenishment study is strictly in violation of prevailing environmental laws and in complete disregard of the various orders and judgements of the Hon'ble Supreme Court and this Hon'ble Tribunal. A perusal of the multiple pleadings/ stands taken by District Magistrate Banda, Basti and Shamli, and by the SEIAA, UP is an inference signalling towards grave environmental issue which is raised by the present OA. Every effort to legalise the DSR passed without following due process of law is reflected from the pleadings made by the Respondents.
6. The List of Dates and Events clearly demonstrate the non-presence of a Replenishment study report at the time of approving the DSR on 01.08.2024 for each District.

**DISTRICT BANDA**

<b>Date</b>	<b>Particular</b>
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18.04.2024- 30.04.2024 <b>@1391</b>	Site inspection was carried out by the Sub-Divisional Committee in District Banda.
<b>July – September 2024</b>	During this period (Monsoon Season) no mining activity is carried out/ mining sites are closed as per Appendix: Table 9 of the SSMG, 2016 and mining sites are replenished with mineral carried by the river stream.
03.07.2024	The DM, Banda submitted the draft DSR to Dept. of mining where 110 mining sites were proposed and it was informed that there are a total of 16 active mining leases in the District.
18.07.2024 <b>@745</b>	SEAC-1 and SEAC-2, UP after detailed deliberation recommended to approve the DSR of District Banda. Pertinently, the Replenishment study, 2024 and/or pre- or post-monsoon figures were not available with the SEAC while approving the DSR.
01.08.2024 <b>@26/ 28</b>	SEIAA in its online meeting approved the DSR of Banda, with a condition to upload the replenishment study on the basis of which mineral availability is assessed on the website of District and Mining Department and also be submitted to SEIAA along with methodology adopted for study and other details.
07.08.2024 <b>@29-30/ 31- 33</b>	SEIAA vide its letter informed Director, Mining and Geology dept., UP regarding the above-mentioned conditional approval and also informed that units of quantity used in DSR is not uniform.
17.08.2024	Allegedly, a Draft Supplementary DSR was sent by DM Banda to SEIAA, UP.

10.09.2024	The SEAC MOM dt. 10.09.2024 directed the Mining department/ DM to combine the Supp DSR with the earlier approved DSR.
3.12.2024 & 17.12.2024	The draft DSR (combined earlier DSR and Supp DSR) was purportedly approved by the SEAC and SEIAA vide the MOM dt. 3.12.2024 and 17.12.2024 respectively. Pertinently, the Replenishment study, 2024 and/or pre-or post-monsoon figures were not available with the SEAC while approving the DSR.
22.03.2025 @1380	Replenishment Study uploaded on the District Administration Website
22.03.2025 @1380	Replenishment Study submitted to SEIAA when SEIAA sought RS of all mining leases. It is inferred from the letter that RS of few mining sites was given earlier.

**DISTRICT BASTI**

<b>Date</b>	<b>Particular</b>
15.02.2024 @1291	Sub-Divisional Committee was constituted by the DM Basti
31.05.2024 @1292	DSR Basti was submitted by DM Basti to Dept. of Mining.
19.07.2024 @745	SEAC-1 and SEAC-2, UP after detailed deliberation recommended to approve the DSR of District Basti with perusing any Replenishment study, let alone the Replenishment study, 2024 on the basis of which the DSR is purportedly stated to have been prepared.

01.08.2024 <b>@26-27</b>	SEIAA in its online meeting approved the DSR of Basti, with a condition to upload the replenishment study on the basis of which mineral availability is assessed on the website of District and Mining Department and also be submitted to SEIAA along with methodology adopted for study and other details.
07.08.2024 <b>@31-32</b>	SEIAA vide its letter informed Director, Mining and Geology dept., UP regarding the above-mentioned conditional approval of DSR.
September- October 2024 <b>@1209</b>	Site Visit conducted by the Sub Divisional Committee in September-October, 2024 to take the pre-monsoon data for 4 out of the 10 mining leases.
8.08.2024 <b>@1296</b>	Replenishment Study uploaded on the District Administration Website
11.03.2025 <b>@1296</b>	Replenishment Study submitted to SEIAA, UP

**DISTRICT SHAMLI**

<b>Date</b>	<b>Particular</b>
15.02.2024 <b>@1324</b>	Sub-Divisional Committee was constituted by the DM Shamli
10.06.2024 <b>@1325</b>	DSR Shamli was submitted by DM Shamli to Dept. of Mining.
19.07.2024 <b>@745</b>	SEAC-1 and SEAC-2, UP after detailed deliberation recommended to approve the DSR of District Basti. Pertinently, the Replenishment study, 2024 and/or pre- or post-monsoon figures were not available with the SEAC while approving the DSR.

01.08.2024 <b>@26-27</b>	SEIAA in its online meeting approved the DSR of Shamli, inter-alia, to upload the replenishment study on the basis of which mineral availability is assessed on the website of District and Mining Department and also be submitted to SEIAA along with methodology adopted for study and other details.
07.08.2024 <b>@33-34</b>	SEIAA vide its letter informed Director, Mining and Geology dept., UP regarding the above-mentioned conditional approval of DSR.
September- October 2024 <b>@1261</b>	Site Visit conducted by the Sub Divisional Committee in September-October, 2024 to take the pre-monsoon data for 4 out of the 8 mining leases.
6.03.2025 <b>@1329</b>	Replenishment Study uploaded on the District Administration Website
6.03.2025 <b>@1330</b>	Replenishment Study submitted to SEIAA, UP

7. It is apparent from the above Table, the Minutes of 828<sup>th</sup> meeting of the SEIAA-UP dated 1.08.2024 and further letter dated 07.08.2024, that while the SEAC/SEIAA-UP were approving the DSR, Replenishment Study was not made available to the Expert bodies. Apropos, the pre/post-monsoon study could not have been submitted to SEAC/SEIAA in the month of June /July when the DSRs was sent by the respective DMs to the Mining Department/ Expert bodies, as at such time the monsoon season (July-September) was yet to begin/ active.
8. Further, for District Shamli and Basti it is apparently clear from the Replenishment study produced by the SEIAA UP in its affidavit dated

07.05.2025, which provides that certain sites were visited during Sept-Oct 2024 viz., after approval of DSR. (Relevant running page Nos. are **1209 and 1261**) and that the RS was effective from December, 2024.

9. The Replenishment Study filed by SEIAA-UP in its Affidavit dated 07.05.2025 does not mention any such date of site visit for District Banda, however:
  - (i) The DSR Banda 2024, submitted to SEAC on 18.07.2024 and approved by SEIAA on 01.08.2024, contained post-monsoon replenishment study figures and geological reserve quantities that matched at unit level with the Replenishment Study, 2024—which could only be finalized after the monsoon period in October, 2024.
  - (ii) It is impossible for a DSR approved on pre-monsoon to contain post-monsoon figures, when it is an admitted fact that all DSRs were submitted to Department of Mining prior to the commencement of the monsoon. Even the Suppl. DSR was submitted during the subsistence of the Monsoon period and could not have taken into consideration the post monsoon figures which could not have been made available at such time.
  
10. The SEAC/SEIAA, UP approved the DSR during the ongoing monsoon season, whereas Replenishment Study figures can only be obtained after the monsoon ends. A fortiori, the DSR was approved without conducting any genuine Replenishment Study, and a subsequent Replenishment study was subsequently filed merely to match the quantities already stated in the pre-monsoon DSR. Even otherwise, it is an admitted position that the Replenishment study was done only in respect of 16 out of 113 Mining areas, an aspect if

considered in isolation, renders the entire exercise of preparation of the DSR as faulty and legally unsustainable.

11. In the Affidavits filed by the District Magistrate for the three district, all unanimously divert from their previous affidavits submitted before this Hon'ble Tribunal. Common change of stand can be depicted in a comparative table below:

<b>First Affidavit (filed in May/June 2025)</b>	<b>Additional Affidavit (filed on 12.01.2026)</b>
<p>10. Appendix X of the 15.01.2016 and 25.07.2018 notification emphasizes the importance of DSR. It states the main objectives of the DSR are to ensure:</p> <p>(i) Identification of areas of aggradations or deposition where mining can be allowed;</p> <p>(ii) identification of areas of erosion</p> <p>(iii) proximity to infrastructural structures and installations where mining should be prohibited;</p> <p><b>(iv) Calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.</b></p>	<p>10. ... In such circumstances, there exists no statutory, regulatory, or textual basis for Applicant's assertion that a Replenishment Study constitutes an integral component of the DSR. Such a contention is not only misconceived but also wholly unsustainable bordering on the implausible.</p>
<p>13. That it is reiterated that this set of data are independent and can only be analysed and presented in the DSR after necessarily conducting survey of the following:</p> <p>i. Adequate mineral volume availability</p>	<p>11. That a bare perusal of the foregoing facts and the relevant statutory framework makes it abundantly clear that neither the Notification nor the applicable guidelines, in any of their material provisions, mandate that Annual Replenishment Report, first conceptualised and discussed</p>

ii. Distance of lease from different infrastructural features.	independently in Monitoring Guidelines for Sand Mining, 2020,
iii. <b>Resource estimation/replenishment potential</b>	forms part of or is to be incorporated into the District Survey Report.
iv. The probability or possibility of cluster formation.	

12. The averments in supplementary Affidavits submitted by the District Magistrate for three districts shall not only be not taken on record as they are diverging from the their own earlier affidavits, but shall also ought to be rejected on the face of it being in contrast with the environmental law and the decision of Hon'ble Supreme Court in **State (UT of J&K) v. Raja Muzaffar Bhat**, reported in **2025 SCC OnLine SC 1789**, which, while observing the importance of replenishment study has held that:

*“32. Without a proper study of the existing position of the riverbed and its sustainability for further sand mining, grant of environmental clearances would be detrimental for the ecology. It has therefore been held that a detailed study leading to a preparation of the replenishment report is an integral part of the DSR. If the DSR becomes the foundation for consideration of an application for environmental clearance, then it is compelling to ensure replenishment studies are undertaken in advance and the report forms an integral part of the DSR.*

*33. In view of the existing legal regime that mandates preparation of replenishment report in a scientific manner and such a report forming an integral part of the District Survey Report, we hold that a District Survey Report without a proper replenishment study is equally untenable.”*

The Hon'ble Court further held that the SEIAA, J&K had compromised with regulatory integrity by granting EC and further held that:

*“37. It is unfortunate that J&K EIAA compromised with regulatory integrity by granting the environment clearances (EC) on the basis of a **DSR without a replenishment report**. The compromise sought to be achieved by permitting the project proponent to go ahead with a “restricted mining depth of maximum 1 meter and bulk density of 2.0 for production of the mineral and supplying it to maximum production of 34800 mt in view of non-availability of replenishment data” is unacceptable. **The illegality committed by the J&K EAC in so recommending is accentuated with the J&K EIAA in granting EC. This is how regulatory failure occurs.**”*

13. Therefore, in light of the aforesaid observations and facts, it is evident that the Impugned DSRs which have got seal of approval from the Expert bodies, have not been prepared as per the procedure established by law. The conduct of SEIAA and District Administration is also improper and clearly shows that DSR was prepared and appraised in violation of environmental norms.

**PARA WISE REPLY TO THE AFFIDAVIT FILED BY  
DISTRICT MAGISTRATE BANDA**

14. The contents of paragraph 1 to 4 need no reply.
15. The contents of paragraph 5 are wrong and misleading, hence denied. The DM Banda has itself annexed the same DSR that was filed by the Applicant along with the Additional Affidavit filed on 12.01.2026. The applicant shall rejoin on the purported latest version of DSR which the DM is relying upon in the subsequent paragraphs of this para wise reply. It is pertinent to mention that the copy of the DSR enclosed with the present OA is the only DSR available on the website of the Mining Department as well as the Expert bodies, and the Supp

DSR has for the first time been mentioned in the Additional Affidavit dated 12.01.2026. The details of the Supp DSR is conspicuously absent in the previous Affidavits filed by the Respondent State Authorities.

16. The contents of paragraph 6-9 need no reply as they accede to the fact that the main objective of the preparation of DSR is to ensure, *inter-alia*, calculation of annual rate of replenishment; and calculation of such quantities is done by replenishment study.
17. The contents of paragraph 10 and 11 are mis-conceived, erroneous and show how in the same affidavit DM Banda has changed its stance by firstly stating that calculation of annual rate of replenishment is part of DSR and then by stating that “*there exists no statutory, regulatory, or textual basis for Applicant’s assertion that a Replenishment Study constitutes an integral component of the DSR*”. This contradictory stand establishes the misplaced application and understanding of environmental law, and binding precedents issued by Hon’ble Supreme Court of India and this Hon’ble Tribunal.

The Respondent fails to read the 2020 Guideline as a whole and also fails to understand Chapter IV i.e., **4.0 REQUIREMENTS FOR MONITORING & ENFORCEMENT**, which states that:

*iv) There is no practice for regular replenishment study to ascertain the rate of depositing, plan and section needs to be prepared based on the restrictions provided in letter of intent and provisions of Sustainable Sand Mining Management Guidelines 2016.*

18. The 2020 guideline supplement 2016 guidelines, which unequivocally provides that:

*“The preparation of District Survery Report is an important initial step. The Processes under the Guidelines:*

...  
*(b) Calculation of annual rate of replenishment and allowing time for replenishment after mining in area.”*

Therefore, a conjoint reading of the Guidelines, Notifications and the law laid down by Hon’ble Supreme Court in the recent case of *Muzaffar Bhat* makes Replenishment Study an indispensable part of DSR.

19. The contents of paragraph 12 are wrong and denied. On one hand the Respondent relies on the Notification which provides validity of the DSR for 5 years but at the same time conveniently overlooks the portion of the Notification/ MOEF Guidelines in conformity with which the DSR is to be prepared. The Contents of this Para show the lack of basic understanding by the Respondent regarding the substantive procedure for preparation of a DSR.
  
20. The contents of paragraph 13 are misconceived and enunciate a wrong understanding of the EMGSM, 2020. It is not denied that replenishment is an annual exercise, but Respondents assert no reason as to why replenishment study of previous cycle was not provided to the SEIAA while the DSR of District Banda was being considered for approval. This itself shows that the contradictory understanding of the Respondent, whereas on one hand he understands that conducting a Replenishment Study is a continuous and annual exercise, however at the same time considers the Replenishment Study as a useless formality by incorporating predetermined LOI quantities in the DSR. It is submitted that a Replenishment study is the only comprehensive

and scientific basis for determining not only the mineable quantity but also the Replenishment rate of the river which is a *sine qua non* for preparation of a DSR.

21. The contents of paragraph 14 are wrong and denied. The procedure and mechanism as to how a Replenishment study is to be conducted is delineated in Clause 5 of the EMGSM, 2020. The submission that the Applicant prescribes a method to conduct Replenishment Study is speculative and wholly unfounded.

22. The contents of paragraph 15 and 16 are wrong and denied. The mineable reserves are assigned according to the LOI quantities and/or by mechanically calculating the available quantity by multiplying the length and breadth of the Lease area upto 3 m. The Mineable quantity ought to be calculated on the basis of the Replenishment study only. The submission that identical mineable reserves being permitted in similar lease areas is irrelevant, in as much as, the illegality does not pertain to the permitted quantity only, rather on the basis of which the mineable reserves have been assessed.

It is submitted that the Replenishment study and the DSR portrays that the total available quantity in Leases of a Similar area is the 'same' which is impossible for obvious reasons.

Furthermore the pre-monsoon and post monsoon quantities on being added up to the same mineable reserves for mines with similar lease areas, *A fortiori* shows that the said figures are bogus and incorrect since, *firstly* the Replenishment study precedes the Post Monsoon timeline and hence such post monsoon figures could not have existed, *Secondly* it is impossible for pre and post monsoon figures on being

added to be the same as the quantity calculated on the basis of the mechanical mathematical formula (lxbx3m) submitted above.

23. The contents of paragraph 17 and 18 are wrong and denied. The Respondent has attempted to mould Applicant's contention by bringing argument of quantity as per metric tonne. It is submitted that the reply of Respondent is evasive and fails to address the moot question as to how a DSR submitted in pre monsoon period predict available mineable reserve quantity that can be only ascertained after a post monsoon replenishment study **@internal page 51 of the DSR Banda vis-à-vis @1097 of Replenishment Study**. Therefore, either the DSR is prepared by fixing quantities without any replenishment study or the replenishment study is null and void as it only ratifies the pre-determined mineable quantities. Be that as it may, the submission of the Respondent that the permissible Mineable quantity in the DSR and the total quantity mentioned in the Replenishment Study is the same, itself shows breach of the 60% rule and/or that the permissible minable quantities are not based on the Replenished rate of the River.

A Comparative Chart showing the total available quantity mentioned in the DSR and the Replenishment Study is enclosed herein and marked as **ANNEXURE R/2 at pages 26 to 27**.

24. The contents of paragraph 19-20 warrant no reply and is a matter of record. However, it is pertinent to mention that the Respondent admits that geomorphological events lead to change in river length, width, morphology and seven years is long duration for such changes to have taken place. The Respondent does not show any data to establish that such geomorphological events did not happen.

It is submitted that it is common for Rivers to change their channel which results in change of length, width and course. The entire purpose of a DSR which is prepared once in 5 years is to undertake a fresh exercise by scientifically assessing the mineral potential and the dimensions of the Rivers. Permitting the Respondents/ SDC to place reliance on the details of the earlier DSR would frustrate the entire purpose of preparing / updating the DSR every 5 years.

25. The contents of paragraph 21-22 are wrong and denied. The contents of pre-liminary submissions and para wise replies are re-iterated herein for the sake of brevity.
26. The contents of paragraph 23 are wrong and denied. It is submitted that Replenishment studies are to be undertaken for all Mining areas, irrespective of whether excavation has been carried out in the previous season or not. Replenishment of mineral is not entirely dependent on whether excavation has taken place or not, and the Applicant seeks to refer and rely on the contents of the DSR and the Replenishment Study to show the same at the time of hearing.

Be that as it may, the submission of the Applicant that Replenishment Study was undertaken only in respect of 16 mines and not all the 113 Mining leases as required by law is an admission which warrants quashing of the DSR on this ground alone. Even otherwise the said submission gives impetus to the contention of the Applicant that the figures of the pre and post monsoon quantities mentioned in the Replenishment Study are concocted, incorrect and mechanically introduced to justify the figures in the DSR.

27. The contents of paragraph 24 are false and misleading. The Respondent submits that the DSR was prepared during the period December 2023 to May 2024 by incorporating the pre-monsoon of 2024. This, the Applicant submits is an exercise in impossibility since the pre-monsoon data for the 16 mining leases could only have been taken in June, i.e., at the commencement of the monsoon season.
28. The contents of paragraph 25 are false and vehemently denied. It is submitted that the existence of the Supplementary DSR itself is suspicious, in as much as, neither the SEIAA nor the DM in their multiple Affidavits filed before this Hon'ble Tribunal in the present OA failed to refer to the said Supplementary DSR. Ergo, the said Supplementary DSR was never uploaded on the District Website (only on 6.02.2026 for the first time) and ostensibly seems to be a made up document to plug the loopholes and rectify certain errors, fallacies and inaccuracies pointed out by the Applicant during the Final hearing held on 08.12.2025.

The Applicant submits that the conditional approval of the DSR in August 2024, the SEIAA, UP out of 110 areas in DSR, withheld 8 lease and kept 2 in abeyance. While the Respondent states that DSR was revised, it is submitted that no revision took place as only new identified leases were added and submitted to Dept. of Mining and Geology which accordingly sent the supplementary DSR to SEAC-1 and 2. The SEAC-1 and 2 in its meeting dated 10.09.2024 categorically stated that the DSR approved by SEIAA in August 2024 and the proposed Supplementary DSR should be combined and bound in one document for the case of consideration and taking reference.

The Applicant herein has filed IA No. 96 of 2026 praying for not taking on record the Supp DSR. The Applicant seeks to refer and rely on the contents of the said IA for the purposes of replying to the present para for the sake of brevity.

A perusal of the SEIAA, UP 864<sup>th</sup> Minutes of Meeting dated 17.12.2024 whereby the supplementary DSR was allegedly approved, the SEIAA reiterated the conditional approval that:

*“11. Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.”*

Additionally, the Applicant submits that No Public hearing was conducted as mandated under the MOEF Sand Mining Guidelines and the EIA, 2006 in respect to the Supp DSR. On this ground alone the said Supp DSR in *toto* ought to be quashed.

29. This further proves that the submission of the DM that at the time of appraisal of the Suppl. DSR the Replenishment Study was with the Expert bodies, is misplaced and wrong. It is evident that even in December 2024, the SEIAA/SEAC did not had benefit of Replenishment Study of 2024.
30. That no new DSR with any updated records has been submitted by the SDC Banda, and only 13 new leases have been added by the supplementary DSR. Respondent's stand that SEIAA had benefit of post monsoon Replenishment Studies is made to cover up the illegal approach adopted by SDC Banda and SEIAA/SEAC UP in approving the DSR of Banda in August 2024. SEIAA/SEAC cannot consider the replenishment study of pre and post monsoon 2024 when DSR itself

was already prepared without any replenishment study. Ergo, the Supp DSR was submitted by the SDC before the end of the monsoon period.

31. The Applicant submits that it is obvious that the DSR was prepared and submitted without a Replenishment Study. After filing of the present OA, the Replenishment Study was prepared, and then in guise of supplementary DSR the same Replenishment Study is being now belatedly being used to justify the DSR prepared in June 2024. This procedural irregularity ought to be discarded by this Hon'ble Tribunal with impunity.
32. The contents of paragraph 26-29 warrant no reply and are a matter of record.
33. The contents of paragraph 30 warrant no reply as the contents of the said para are unfounded. The Applicant has not challenged the DSR on the grounds as averred.
34. The contents of paragraph 31 are wrong, misleading and denied. The respondents have not prepared the DSR and Replenishment Study by following the due process of law. Further, SEIAA/SEAC being an expert regulatory body, have completely erred in performing their duties.
35. The contents of paragraph 32 warrant no reply except to the fact that DSR is not a generic study and the data provided in DSR has to be accurate as the same is relied for next 5 years.

36. The contents of paragraph 33 are evasive in nature which shows how the Respondents who shall be committed to public trust doctrine are shedding away their crucial duty of protecting the environment.
37. The contents of paragraph 34-35 warrant no reply. The contents of preliminary submissions and para wise replies are re-iterated herein for the sake of brevity.
38. In light of the aforesaid submissions, the Applicant prays that the DSR for District Banda, Basti and Shamli be quashed, and the Respondents be directed to undertake a fresh exercise for preparation and/or appraisal of DSR after conducting a Replenishment study in accordance with law.

Dated: 22.02.2026

New Delhi



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

Original Application No. 1220/2024

**IN THE MATTER OF:**

Yadaram Singh

... **Applicant**

**VERSUS**

State Level Environment Impact Assessment Authority, Uttar  
Pradesh & Others

... **Respondents**

**AFFIDAVIT**

I, Yadaram Singh s/o Makkhan Singh, aged about 57 years, R/o House No 83, Village Galibpur, Atrauli, District- Aligarh, Uttar Pradesh-202134, do hereby solemnly affirm on oath as under (presently in New Delhi):

1. That I am the applicant in the instant Original Application and fully conversant with the facts of this case and hence, competent to swear on this Affidavit.
2. That the accompanying application/rejoinder has been drafted by my counsel under my instructions.
3. That I have read and understood the contents of the accompanying application which has been drawn at my instance and I say that the statements stated therein are true and correct to my personal knowledge and as derived from the records of the case, and are believed to be true.
4. That the annexures accompanying the present application are true copies of their respective originals.



  
**DEPONENT**

Identify the deponent who has signed/Put T.T in my presence

06 FEB 2026

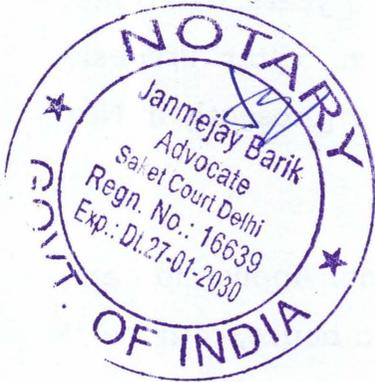
**VERIFICATION**

I, Yadaram Singh, do hereby verify that the contents of Para 1 to 4 made in this Affidavit are true to the best of my personal knowledge and belief, derived from the advice obtained from my counsel.

Signed and verified on this Day of February, 2026 at (Delhi)

06 FEB 2026

  
**DEPONENT**



**ATTESTED**  
  
**NOTARY PUBLIC INDIA**



	PARTICULARS	BANDA	BASTI	SHAMLI
1.	SUB DIVISIONAL COMMITTEE	29.02.2024 [ @1360 ]	15.02.2024 [ @1291 ]	15.02.2024 [ @1324 ]
2.	SEAC MOM	18.07.2024	19.07.2024	19.07.2024
3.	SEIAA MOM	<b>DT. 1.08.2024 [ @26-28 ]</b> DSR's mechanically approved by SEIAA, UP with same conditions and <u>without a Replenishment Study</u> , using a 'cut copy paste' procedure. <b>Note:</b> Refer to BDA v. Sudhakar, 2020 (15) SCC 63 (Para 88,89, 92, 96 @ 244 & 246, Addl Docs by Applicant)		
4.	LETTER FROM SEIAA, UP TO MINING DEP	<b>DT. 07.08.2024 [ @29-34 ]</b> Letter by SEIAA directing the Director, Geology to submit to SEIAA the Replenishment Study on the basis of which Mineral availability has been assessed in the DSR along with the Methodology adopted for such study.		
5.	IMPUGNED DSRs	<b>[ @1-628 – Final DSR Banda ]</b> <ul style="list-style-type: none"> <li>• 109 leases</li> <li>• Mineable mineral calculated by considering 3m depth. [ @487 ] – Not based on RS (Lease having Same Area have ditto same mineable reserve calculated)</li> <li>• Dimensions and mineral potential of rivers taken from 2017 DSR [ @85 ]</li> <li>• No mention of Pre or Post Replenishment study in DSR</li> </ul>	<b>[ @783-889 ] - 10 leases</b> <ul style="list-style-type: none"> <li>• Mineable mineral mechanically calculated by considering 3m depth &amp; not on basis of any Replenishment study.</li> <li>• Total Quantity in DSR is more than the Total Quantity in the RS. [ @879 &amp; 1209 ]</li> <li>• No mention of Pre or Post Monsoon Replenishment study in DSR</li> </ul>	<b>[ @890-977 ] - 8 leases</b> <ul style="list-style-type: none"> <li>• Mineable mineral calculated by considering 3m depth [ Admitted @968 ]</li> <li>• No mention of Post Monsoon Study in DSR. (Only Pre Monsoon).</li> <li>• Total Quantity permitted for Mining. (violation of 60% requirement)</li> <li>• Total Quantity in DSR and RS different. [ @961 &amp; 1261 ]</li> </ul>
6.	REPLENISHMENT STUDIES  <b>Refer to:</b> - Appendix X, EIA [ @40 ] - SSMG, 2016 [ @37 ] - EMGSM, 2020 [ @46 ] - Anuj Singh v. St of UP @ 83 ] - UT J&K v. Raza Bhat [ Para 29, 32, 33 ] - SC judg dt. 22.08.2025.	<b>[ @1048-1164 ]</b> <ul style="list-style-type: none"> <li>• Site visit conducted for only 16/109 Sand Ghats [ @1095-1096 ]</li> <li>• RS in 2023 &amp; 2024 – Quantity calculated on 3m depth only. [ @1088, 1097 ]</li> <li>• Replenishment Data of 2024 – after the approval of DSR [ @1097-1109 ]</li> <li>• Post Monsoon Study in RS given mechanically (60% of Total Quantity post monsoon figure same as Quantity calculated in DSR on 3m depth basis)</li> </ul>	<b>[ @1165-1220 ] – Year 2024</b> <ul style="list-style-type: none"> <li>• RS for 4 out of 10 Leases only. [ @1209 ]</li> <li>• Replenishment study effective from December 2024 i.e. after Approval of DSR [ @ 1166 ] – based on 2022-2023 study.</li> <li>• Site Visit in September- Oct, 2024 (During Monsoon) i.e. after appraisal by SEAC [ @1209 ]</li> <li>• Total Quantity in RS less than Total Quantity in DSR [ @879 &amp; 1209 ]</li> <li>• No Pre-Post RS data available.</li> </ul>	<b>[ @1221-1275 ] – Year 2024</b> <ul style="list-style-type: none"> <li>• RS for 4 out of 8 Leases only. [ @1261 ]</li> <li>• Site Visit in September- Oct, 2024 (During Monsoon) i.e. after appraisal by SEAC [ @1261 ]</li> <li>• Pre-Monsoon Study only for 4 leases. No Post Monsoon.</li> <li>• Total Quantity different in Replenishment study and DSR [ @1261, 961 ]</li> </ul>
7.	SEIAA REPLY [ @1037-1281 ]	<ul style="list-style-type: none"> <li>• SEIAA itself states that only after verifying the RS and satisfying itself that Study has been done and uploaded on the website, that it grants approval of DSR. Otherwise the DSR is remanded for rectification with an condition that RS shall form basis of the DSR. [ @1042 ]</li> <li>• SEAC/SEIAA UP SOP dt. 2.02.2024 mandates enclosure of both Seasonal RS with the DSR. [ @1042 ]</li> <li>• DSRs were kept in abeyance but reinstated thereafter [ @1044 ]</li> </ul>		
8.	DM AFFIDAVITS	<b>[ @1350-1396 ]</b> <ul style="list-style-type: none"> <li>• Replenishment Table [ @ 1362-1377 ]</li> <li>• RS uploaded on website on 22.03.2025 [ @1380 ]</li> <li>• RS submitted to SEIAA on 22.03.2025 [ @1380 ]</li> </ul>	<b>[ @1282-1312 ]</b> <ul style="list-style-type: none"> <li>• RS uploaded on website on 8.08.2024 [ @1296 ] i.e after the DSR was approved.</li> <li>• RS submitted to SEIAA on 11.03.2025 [ @1296 ]</li> </ul>	<b>[ @1313-1349 ]</b> <ul style="list-style-type: none"> <li>• Replenishment Table [ @ 1326 – Not all Leases ]</li> <li>• RS uploaded on website on 6.03.2025 [ @1329 ]</li> <li>• RS submitted to SEIAA on 06.03.2025 [ @1330 ]</li> </ul>

NOTE ON SUBMISSIONS

**A. DSR'S OF BANDA, BASTI AND SHAMLI PREPARED WITHOUT A REPLENISHMENT STUDY**

- i. As per Appendix X, EIA 2006 [[@40](#)] the main object of a DSR is to identify mining and non-mining areas on various scientific parameters including the annual rate of replenishment.
- ii. As per SSMG, 2016 [[@37-39](#)] calculation of annual rate of replenishment is an integral part of the DSR.
- iii. SC in *State of Bihar v Pawan Kumar*, (2022) 2 SCC 348 held that strict adherence to EMGSM, 2020 should be followed while preparing DSR. [[Para16.2@1036](#)]
- iv. SC in *UT of J&K v Raja Muzzafar Bhatt*, Civil Appeal No. 8055 of 2022 held that a DSR without a proper replenishment study is untenable and absence of replenishment study renders a DSR fundamentally defective. [[Para 29,32,33](#)]
- v. SEIAA itself states that only after verifying the Replenishment Study and satisfying itself that Study has been done and uploaded on the website, that it grants approval of DSR. Otherwise the DSR is remanded for rectification with a condition that RS shall form basis of the DSR. [[@1042](#)]
- vi. SEAC/SEIAA UP SOP dt. 2.02.2024 mandates enclosure of both Seasonal Replenishment Study with the DSR, which has not been done. [[@1042](#)]
- vii. DSRs of entire UP wherein replenishment studies were absent were kept in abeyance vide SEAC and SEIAA Joint MOM dt. 6.03.2025 but reinstated thereafter [[@1044](#)]
- viii. The DSR's have been prepared without a Replenishment Study is evident from the DSR's itself:

BANDA [ <a href="#">@1-628</a> ]	BASTI [ <a href="#">@783-889</a> ]	SHAMLI [ <a href="#">@890-977</a> ]
Mineable Minerals calculated by considering 3m depth [ <a href="#">@487</a> ]	Mineable Minerals calculated by considering 3m depth	Mineable Minerals calculated by considering 3m depth [ <a href="#">admitted@968</a> ]
Lease having same area have ditto same mineable reserve calculated		
Dimensions and mineral potential of rivers taken from 2017 DSR [ <a href="#">@85</a> ]		
No mention of pre or post Replenishment Study in DSR	No mention of pre or post Replenishment Study in DSR	No mention of post Replenishment Study in DSR [only pre monsoon]

**B. REPLENISHMENT STUDY NOT BEFORE THE EXPERT BODIES WHILE APPROVING THE IMPUGNED DSR'S**

- i. DSR's have been mechanically approved by the SEIAA, UP with the same conditions and without a Replenishment Study, using a 'cut copy paste' procedure as is clear from the SEIAA MOM dt. 1.08.2024 [[@26-28](#)] which states that "Replenishment Study on the basis of which the mineral availability is assessed should be uploaded on the websites of District and Mining Department and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc of study points"
- ii. Letter by SEIAA dt. 7.08.2024 [[@29-34](#)] directing Director, Geology to submit Replenishment Study to SEIAA on the basis of which mineral availability has been assessed.
- iii. Replenishment Study of Banda, Basti and Shamli submitted to SEIAA and uploaded on the District Administration Website after the approval of the DSR

	BANDA	BASTI	SHAMLI
<b>DATE OF APPROVAL [DSR]</b>	1.08.2024 [ <b>@26-28]</b>	1.08.2024 [ <b>@26-28]</b>	1.08.2024 [ <b>@26-28]</b>
<b>DATE OF UPLOADING WEBSITE</b>	22.03.2025 [ <b>@1380]</b>	8.08.2024 [ <b>@1296]</b>	6.03.2025 [ <b>@1329]</b>
<b>DATE OF SUBMISSION TO SEIAA</b>	22.03.2025 [ <b>@1380]</b>	11.03.2025 [ <b>@1296]</b>	6.03.2025 [ <b>@1330]</b>

- iv. Refer to *BDA v Sudhakar, (2020) 15 SCC 63* (Para 88, 89, 92 & 96, @1025-1028) – Scope of powers of EAC/SEAC – decision must be based on reasons and the authority must behave as an Expert.

**C. IMPUGNED DSR'S NOT IN CONSONANCE WITH THE REPLENISHMENT STUDIES SUBMITTED BY SEIAA/ DM**

- i. As per EMGSM, 2020 [**@46]** the excavation quantity has to be equal to the replenished rate.
- ii. NGT in *Anuj Singh v State of UP* – Quantity of Minerals directed to be mined will not exceed the quantity under replenishment study [**@83]**
- iii. A comparison of the Replenishment Studies and the impugned DSR's reveals the following discrepancies in both:

BANDA [ <b>@1048-1164]</b>	BASTI [ <b>@1165-1220]</b> – Year 2024	SHAMLI [ <b>@1221-1275]</b> – Year 2024
<ul style="list-style-type: none"> <li>Site visit conducted for only 16/109 Sand Ghats [<b>@1095-1096]</b></li> <li>RS in 2023 &amp; 2024 – Quantity calculated on 3m depth only. [<b>@1088, 1097]</b></li> <li>Replenishment Data of 2024 – after the approval of DSR [<b>@1097-1109]</b></li> <li>Post Monsoon Study in RS given mechanically (60% of Total Quantity post monsoon figure same as Quantity calculated in DSR on 3m depth basis)</li> </ul>	<ul style="list-style-type: none"> <li>RS for 4 out of 10 Leases only. [<b>@1209]</b></li> <li>Replenishment study effective from December 2024 i.e. after Approval of DSR [<b>@ 1166]</b> – based on 2022-2023 study.</li> <li>Site Visit in September- Oct, 2024 (During Monsoon) i.e. after appraisal by SEAC [<b>@1209]</b></li> <li>Total Quantity in RS less than Total Quantity in DSR [<b>@879 &amp; 1209]</b></li> <li>No Pre-Post RS data available.</li> </ul>	<ul style="list-style-type: none"> <li>RS for 4 out of 8 Leases only. [<b>@1261]</b></li> <li>Site Visit in September- Oct, 2024 (During Monsoon) i.e. after appraisal by SEAC [<b>@1261]</b></li> <li>Pre-Monsoon Study only for 4 leases. No Post Monsoon.</li> <li>Total Quantity different in RS and DSR [<b>@1261, 961]</b></li> </ul>

**COMPARATIVE CHART SHOWING THE TOTAL AVAILABLE QUANTITY MENTIONED IN  
THE DSR AND THE REPLENISHMENT STUDY**

**DISTRICT BASTI**

<b>S.NO.</b>	<b>LEASE DETAILS</b>	<b>AREA [IN HA]</b>	<b>QUANTITY AS PER DSR [IN CUM]</b>	<b>QUANTITY AS PER REPLENISHMENT STUDY [IN CUM]</b>
1.	Village-Majha Sitarampur, Tehsil- Harraiya, District- Basti Gata No.- 109 / 7	10.125	4,89,375 <i>[@878]</i>	2,94,703 <i>[@1209]</i>
2.	Village- Bardiya Lohar, Tehsil- Harraiya, District- Basti Gata No.- 413 Da / 1 Mi, 413 Mi, 412 Da Mi, 413 Ka/53	4.340	1,44,667	93,899 <i>[@1209]</i>
3.	Village- Mahuapar Khurd K-1, Tehsil- Sadar, District- Basti Gata No.- 391ka / 67 K-1	10	2,29,166	
4.	Village- Majha khurd Tehsil- Sadar, District- Basti Gata No.- 1164/94	15.4	4,62,000	
5.	Village- Aaraji Duhi Musinne Pure Chetan Tehsil- Harraiya, District- Basti Gata No.- 02 mi	10	3,00,000	
6.	Majha Khurd Gata No. 1164Ja, 1164/12 Ka Mi, 1164/54Ka	1.42	71,000 <i>[@879]</i>	
7.	Majha Khurd Gata No.1164/33Ka, 1164Ka/51	1.29	64,500	
8.	Majha Kala Gata No. 553	2.06	85,833	
9.	Majha Kala Gata No. 1456 Mi	1.02	51,000	23,706 <i>[@1209]</i>
10.	Devariya Urf Tangaria Babu (Mahuli Pashim) Gata No. 568 Ka/63	1.09	51,167	23,198 <i>[@1210]</i>

DISTRICT SHAMLI

S.NO.	LEASE DETAILS	AREA [IN HA]	QUANTITY AS PER DSR [IN CUM]	QUANTITY AS PER REPLENISHMENT STUDY [IN CUM]
1.	Village – Mandawar Tehsil – Kairana District – Shamli Gata No. 621MA, 622MA/4	20.34	3,05,100 [ <i>@961</i> ]	3,25,025 [ <i>@1262</i> ]
2.	Village – Mandawar Tehsil – Kairana District – Shamli Gata No. 621MA, 622MA/3	20.34	3,05,100	3,11,318
3.	Village – Nanglarai Ahatmal Tehsil – Kairana District – Shamli Gata No. 19,20, 21, 23, 24, 57, 58, 59, 61, 62, 63, 67, 68 KHA, 69 MA, 70, 71, 72 GHA, 73 GHA, 75, 82GA, 83, 84, 314GHA, 315 KHA, 86, 87, 88, 306, 310, 311, 312, 313, 314KA, 317, 321, 322/39	24.92	5,31,660	5,63,205
4.	Village – Kalri Tehsil – Kairana District – Shamli Gata No. 202, 203 & 201	2.2145	59,775	
5.	Village – Nai Nagla Manglora Jadid Tehsil – Unn District – Shamli Gata No. 108/1	9.01	2,43,525	
6.	Village – Bidauli Tehsil – Unn District – Shamli Gata No. 228	20.469	4,60,553	3,88,652 [ <i>@1263</i> ]
7.	Village – Issapur Khurgun Tehsil – Kairana District – Shamli Gata No. 553, 554	3.96	1,42,560	
8.	Village – Issapur Khurgun Tehsil – Kairana District – Shamli Gata No. 671, 674	4.213	1,51,560	



Aaditya Thorat &lt;thorataadi10@gmail.com&gt;

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**Advance Service of Rejoinder OA 1220 of 2024 'Yadaram Singh vs. SEIAA, UP & ors.'**

1 message

**Aaditya Thorat** <thorataadi10@gmail.com>

Sun, Feb 22, 2026 at 8:06 PM

To: ankit.scngtup@gmail.com, priyanka swami &lt;advpriyankaswami@gmail.com&gt;, director@dgmup.org, csup@nic.in, secy-moef@nic.in, doeuplko@yahoo.com

Respected sir/ma'am,

Please find attached below, a copy of Rejoinder in the above captioned matter.

Regards,

Aaditya Thorat

Advocate for Applicant

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 **Rejoinder\_OA 1220 of 2024, 'Yadram vs. SEIAA and ors.'**.pdf  
3315K