

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION NO. 1356 OF 2024****IN THE MATTER OF:****BABLU****...APPLICANTS****VERSUS****STATE OF UTTAR PRADESH & ORS****...RESPONDENTS****INDEX**

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THROUGH**Date:** 01.12.2025**Place:** New Delhi**PRIYANKA SWAMI**

ADVOCATE

STANDING COUNSEL FOR UTTAR PRADESH

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION NO. 1356 OF 2024****IN THE MATTER OF:****BABLU****...APPLICANTS****VERSUS****STATE OF UTTAR PRADESH & ORS****...RESPONDENTS****COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3,
MEMBER SECRETARY, SEIAA, UP****MOST RESPECTFULLY SHOWETH:**

1. It is respectfully submitted that the answering Respondent denies each and every statement, contention, submission, allegation and/or averment made by the Applicant in the complaint, to the extent the same is contrary to, inconsistent with, or not specifically dealt with in the present reply or not borne out from the official records. It is specifically and unequivocally stated that any

statement, submission or averment made by the Applicant which does not find concurrence with the facts submitted herein is denied in toto unless expressly admitted hereinafter. It is further submitted that mere omission to specifically deny any averment shall not be construed as an admission on the part of the answering Respondent, and no adverse inference ought to be drawn on that basis.

- 2.** That all project proposals received by SEIAA, Uttar Pradesh, seeking Prior Environmental Clearance are processed in accordance with the provisions of the EIA Notification, 2006, as amended from time to time.
- 3.** That it is most respectfully submitted that in matters concerning illegal mining, the primary responsibility for prevention, control, and enforcement lies with the District Administration and the Department of Geology and Mining. The role of the State Environment Impact Assessment Authority (SEIAA) is confined to examination and grant of Environmental Clearances strictly in compliance with applicable environmental norms.
- 4.** That SEIAA has examined the subject proposal keeping paramount the larger public interest and protection of natural resources, including rivers, from an environmental perspective. The mandate

of SEIAA is not extraction or mine-centric, but guided by environmental sustainability and socio-economic balance, ensuring that local livelihoods are not adversely impacted.

5. That SEIAA, Uttar Pradesh, is a statutory authority constituted under the EIA Notification, 2006, entrusted with the mandate of appraisal and grant of Environmental Clearances in respect of proposals falling within its jurisdiction. Its function is limited to assessment of potential environmental impact at the pre-clearance stage and ensuring compliance with the law at the time of granting ECs. The Office Memorandum dated 29.06.2010, issued by MoEF&CC, clearly specifies that post-clearance monitoring, enforcement of compliance and regulatory inspections fall within the jurisdiction of the Regional Offices of the Ministry. SEIAA, U.P. operates strictly within its statutory jurisdiction and provides necessary assistance to the concerned regulatory authorities as and when required. **A copy of the Office Memorandum dated 29.06.2010 is annexed herewith and marked as *Annexure-R/1*.**

6. That SEIAA, U.P. does not possess any institutional mechanism for post-clearance regulatory monitoring or enforcement after issuance of ECs, the said function being assigned to MoEF&CC and its

Regional Office. Notwithstanding this, SEIAA has been extending cooperation and has taken proactive measures within its mandate, including issuance of show cause notices to project proponents in cases where non-compliance has been reported, and referring such instances to the competent regulatory authorities. SEIAA, U.P. remains committed to upholding environmental law and assures this Hon'ble Tribunal of its full cooperation in safeguarding environmental interests.

Reply on Merits

- 1.** That an online application dated 20.01.2025 was submitted by the Project Proponent vide Proposal No. SIA/UP/MIN/489581/2025 seeking grant of Environmental Clearance for Khanda-Boulder/ Gitti (Dolostone) Mine at Gata Nos. 5471, 5472 ka., 5424, 5425, 5426, 5427 ka., 5428, 5429, admeasuring 2.02 ha. situated at Village Billi Markundi, Tehsil Obra, District Sonbhadra, Uttar Pradesh, in the name of Shri Arun Kumar.
- 2.** That the proposal was considered in the 917th SEAC-2 meeting held on 25.04.2025 wherein the Committee, after deliberation, recommended grant of Environmental Clearance to the project along with standard EC conditions prescribed by MoEF&CC,

Government of India, in addition to specific conditions stipulated by the Committee.

- 3.** That thereafter, the matter was placed before SEIAA in its 890th Meeting held on 25.04.2025, wherein SEIAA resolved to accept the recommendation of SEAC and grant EC to the project, along with all general and specific conditions recommended by SEAC, taking into account the deliberations recorded in SEIAA Meeting No. 597 dated 05.05.2022 regarding action taken on ToR/Public Hearing. In addition, SEIAA imposed the following specific conditions:

- a)** Validity of this EC is 30.05.2026 as per the validity of the lease period.
- b)** If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as

per the law shall be initiated against the authority issuing the cluster certificate.

- c)** Only approved explosives and proper technique should only be used for blasting, to avoid loud sound and cracks in nearby buildings.
- d)** During DSR formulation a sub-committee is formed at District level and representative of Forest Department is a member in this sub-committee, so it is expected that they examine the issue of distance of forest area from the mining lease as well as distance of protected area from the mining lease. Hence, A certificate signed by an officer not below the rank of ACF shall be submitted along with the EIA that the project does not lie with-in any protected area, National park, sanctuary and ESZ and no forest land is involved and if forest land is involved the project proponent shall obtain the forest clearance and permission of Central and State Government as per law under the provisions of Van Sanrakshan evam Samvardhan Adhinyam, 2023 and submit along with EIA.
- e)** Mine reclamation plan should be prepared for using the mine void for productive use in consultation with local administration and gram-panchayat.

- f)** Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area and around adjacent village/habitation. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
- g)** The mining lease holders shall ensure to comply with mine reclamation plan as submitted.
- h)** If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate legally valid water sources and permission from the competent authority shall be obtained to use it.
- i)** Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or district plantation committee, for planting at least 3,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area and will make provision for maintenance for 5 years.

- j)** Also, the coordinates of area earmarked for plantation should be clearly spelt out and polygon should be attached and submitted within a month. Plantation of saplings shall be carried out in earmarked area as part of tree plantation campaign "Ek Ped Ma Ke Naam" and the details of the same shall be uploaded in the Meri LiFE Portal (<https://merilife.nic.in>) as per OM no. F.No.IA3-22/3/2024-IA.III (E-241594) dated 24.07.2024. 3.11. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
- k)** The project proponent shall ensure that water bodies do not get polluted due to mining activity.
- l)** Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.

- m)** Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
- n)** The project proponent shall install rooftop solar plant in one school in the vicinity of project area and construct toilets especially in girls' school as part of CER activity.
- o)** Since large number of mining projects are ongoing as well as new mining leases are coming up in the district, CAAQMS shall be installed in consultation with UPPCB.
- p)** Project Proponent shall submit the Six-monthly Compliance on the Environment Clearance condition prescribed in the Prior Environment Clearance letter as per MoEF&CC OM F.no- IAS-22/01/2022-IA-III (E-172624) Dated 14-06-2022.
- q)** If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.
- r)** This EC shall be subject to any order from any court/tribunal or any guidelines issued by MOEFCC. \

s) In case of violation of any EC conditions, this EC is liable to be cancelled based on report/recommendation of DM/IRO/UPPCB.

4. That during preparation of the minutes of the meeting, a complaint dated 06.05.2025 submitted by one Shri Bablu Kumar titled "*Urgent Intervention Required - Improper Environmental Clearance Granted to Mining Proposal (SIA/UP/MIN/489581/2025 File No.9617) Despite Ongoing NGT Case, Invalid DSR and Multiple Documented Violations*" was received via email.
5. That subsequently, SEIAA raised a query on the PARIVESH Portal on 20.05.2025 stating that EC had been granted in the meeting dated 25.04.2025, however during the process of finalisation of minutes, the aforementioned complaint was received. It was noted that the complaint referred to an ongoing NGT Case No. 1356 of 2024, filed on 30.11.2024, wherein a Joint Committee Report dated 31.01.2025 had recorded multiple violations. It was further noted that the Project Proponent had falsely stated in the EC application that no litigation was pending. In view thereof, SEIAA recorded that the matter being sub judice, the EC granted be treated as cancelled, and directed that a communication be sent to the Director,

Environment, seeking clarification regarding the lapse and a notice be issued to the Project Proponent seeking explanation for furnishing misleading information.

6. That in response to the said query, the Project Proponent, vide communication uploaded on the PARIVESH Portal, sought withdrawal of the proposal stating that the application had been uploaded incorrectly. An unsigned letter dated 04.06.2025 titled "Request for Withdrawal..." was uploaded by the Project Proponent. **A copy of the said unsigned letter is annexed herewith and marked as *Annexure R-2*.**

7. That the answering Respondent submits that it remains fully bound by the directions of this Hon'ble Tribunal and shall ensure strict adherence to any further orders or directions that may be passed in the matter

Date: 01.12.2025
Place: New Delhi

THROUGH



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

ORIGINAL APPLICATION NO.1356 OF 2024

IN MATTER OF :-

BABLU

APPLICANT

VERSUS

STATE OF U.P. & ORS

RESPONDENTS

AFFIDAVIT

I, **ANURAG YADAV**, aged about 49 years s/o P.N Singh presently posted as Deputy Director, Directorate of Environment, Lucknow, Uttar Pradesh, having its office at Vineet Khand-1, Gomti Nagar, Lucknow, presently at New Delhi do hereby solemnly affirm and State on oath as under:

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit on behalf of **Member Secretary, SEIAA** before this tribunal.
2. That the accompanying additional Reply has been drafted by our counsel upon my instructions.
3. That the contents of the accompanying additional Reply are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.
4. That the Deponent will continue to extend his full cooperation and shall abide by any further directions that the Hon'ble Tribunal may issue.



[Handwritten Signature]

DEPONENT

VERIFICATION

Verified on solemn affirmation at 01 DEC 2025 is Dec day of 01 DEC 2025 2025,

that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

[Handwritten Signature]

DEPONENT

*I identified By
Adv Priyanka Swami
D/4476/10.
I identified the deponent who
has signed in my presence*



ATTESTED

**NOTARY PUBLIC
(INDIA)**

01 DEC 2025

By Speed Post

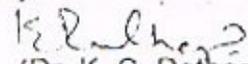
J-11013/5/2009-IA,II
 Govt. of India
 Ministry of Environment and Forests
 IA Division

Paryavaran Bhawan,
 CGO Complex, Lodhi Road,
 New Delhi-110 003.
 29th June 2010

Office Memorandum

1. The Regional offices of Ministry of Environment and Forests have been entrusted with the responsibility of monitoring compliance status of the conditions stipulated while according environment clearance to various developmental projects under the EIA and CRZ Notifications. For the purpose, the officers from the Regional offices have been undertaking visits to the projects and based on the observations made during the visit, the monitoring reports are submitted to the Ministry of Environment and Forests.
2. It has been observed that the monitoring reports are often submitted very late, even in cases of serious violations, thereby, prejudicing effective action against the units found non compliant to the environment clearance conditions and defeating the very purpose of monitoring.
3. In view of the above, it has been decided that the Regional offices will, henceforth, send the monitoring reports to monitoring cell of IA division within one month of monitoring of project/ unit in respect of these projects which have been found in gross violation of environment clearance conditions. However, in all other cases, a simple statement indicating name of units monitored along with summary statement of observations made during monitoring may be sent every month for all other projects monitored in the previous month.

This issues with the approval of the Competent Authority.


 (Dr. K. C. Rathore)
 Scientist "F"

To

1. The Chief Conservator of Forests, Ministry of Env & Forests, Regional Office (East), A/3, Chandrasekharpur, **Bhubaneswar** 751023 Orissa.
2. The Chief Conservator of Forests, Ministry of Env. & Forests, Regional Office (South), Kendriya Sadan, 4th floor, E & F wings, 17th Main Road, Koramangala "B" **Bangalore-560034**
3. The Chief Conservator of Forests, Ministry of Env. & Forests, Regional Office (WZ), Kendriya Paryavaran Bhawan, E-5, Arera Colony, Link Road-3, Ravishankar Nagar, **Bhopal** 462016, M.P.
4. The Chief Conservator of Forests, Ministry of Env. & Forests, Regional Office (NEZ) Uplands Road, Laitumkhrah, **Shillong** 793003, Meghalaya
5. The Chief Conservator of Forests, Ministry of Env. & Forests, Regional Office (CZ), Kendriya Bhawan, 5th floor, Sector "H", Aligunj, **Lucknow** 226020 U.P.
6. The Chief Conservator of Forests, Ministry of Env. & Forests, Regional Office (NZ), Bays No. 24-25, Sector 31A, Dakshin Marg, **Chandigarh** 16th

To,
The Chairman, SEAC-2/ The Member Secretary
Directorate of Environment, Uttar Pradesh,
Dr. Bhimrao Ambedkar Paryavaran Parisar,
Vineet Khand-1, Gomti Nagar,
Lucknow (UP) 226010

Date:04.06.2025

**Subject: Request for Withdrawal of Khanda-Boulder/ Gitti (Dolostone) Mine at Gata No 5471, 5472 ka., 5424, 5425, 5426, 5427 ka., 5428, 5429, area 2.02 ha in Village- Billi Markundi, Tehsil- Obra, District- Sonbhadra, Uttar Pradesh of Shri Arun Kumar- Uploaded Incorrectly on PARIVESH Portal.
File No. 9617, Proposal- SIA/UP/MIN/489581/2025**

Respected Sir/Madam,

I am writing to formally request the withdrawal of the mining proposal submitted on the PARIVESH portal for abovementioned mining project. This proposal was presented once before the SEAC, during which certain queries were raised, particularly concerning the status of a related matter before the Hon'ble National Green Tribunal (NGT). Upon review, it has been found that the proposal was uploaded incorrectly and certain procedural and factual aspects were not appropriately addressed at the time of submission. In light of these issues, we respectfully request that the proposal be withdrawn from further consideration and treated as cancelled in the official records of SEIAA and the PARIVESH portal. We sincerely apologize for any inconvenience caused.

We request your kind cooperation and acknowledgment of this withdrawal.

Thanking you

Yours sincerely,

ARUN KUMAR