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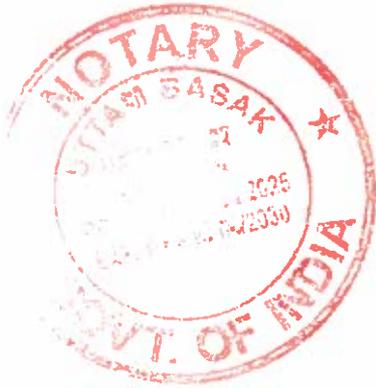
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN  
ZONE BENCH, AT KOLKATA**

Appeal No. 03/2025/EZ

(I.A. No. 35/2025/EZ & I.A. No. 36/2025/EZ)



IN THE MATTER OF:

Ras Mohan Thakur

...Appellant

Versus

State Expert Appraisal Committee  
(SEAC), Bihar & Ors.

...Respondents

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Date: 09/02/2026

Place: Kolkata.

Filed by:

*Surendra Kumar*  
Mr. Surendra Kumar  
Advocate,

M: 9433361866;

E: surendra\_kr15@rediffmail.com

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN  
ZONE BENCH, AT KOLKATA**

Appeal No. 03/2025/EZ

(I.A. No. 35/2025/EZ & I.A. No. 36/2025/EZ)



IN THE MATTER OF:

Ras Mohan Thakur

...Appellant

Versus

State Expert Appraisal Committee  
(SEAC), Bihar & Ors.

...Respondents

**COUNTER AFFIDAVIT ON BEHALF OF DISTRICT MAGISTRATE,**

**BANKA**

I, BALVANT KUMAR, son of RAM NARAYAN MEHTA, aged about 30 years, working as Mineral Development officer, Banka, District Magistrate, Banka, having office at Collectorate, Banka, Bihar, presently halting at 7C, K. S. R. Road, 2<sup>nd</sup> Floor, Room No. 206, Kolkata 700 001, do hereby solemnly affirm and state as under:

1. That I have made myself acquainted with the facts and circumstances of the Appeal filed by the applicant and I have thoroughly gone through all the documents pertaining to the subject matter of this instant case and I am <sup>authorized by Competent authority</sup> competent to file the instant Affidavit before this Hon'ble Tribunal.
2. That the respondent herein has been advised to deal with only those contentions which are relevant and material for effective and proper adjudication of the issues involved in the instant case and save and

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except what are matters of record and save what are expressly admitted by me hereinafter I emphatically deny each and every contention as made/raised in the said application as if the same are expressly denied by me in seriatim and specifically traversed.

3. That the present Counter Affidavit is being filed in response to the Appeal No. 03/2025/EZ filed by the Appellant challenging the grant of Environment Clearance (EC) for Sand Ghat Cheer Unit-II involving Sand Blocks 3, 4 & 5 on the Cheer River in Banka district.
4. I submit that the said Appeal does not warrant any redress or merit and is liable to be dismissed for the following reasons:

a. The said application taken out at the instance of the petitioner is not maintainable since the same is an afterthought and misconceived application.

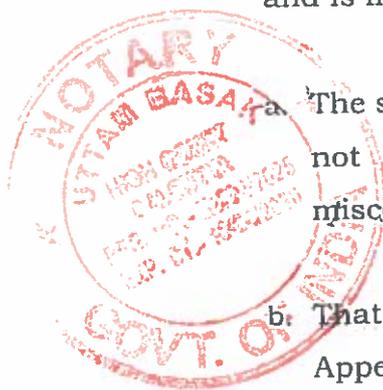
b. That the Appellant has no locus standi to maintain the present Appeal. The Appellant has failed to demonstrate any specific injury or violation of his legal rights arising from the grant of Environmental Clearance to the project in question.

c. That the Appellant appears to be acting at the behest of vested interests who wish to prevent lawful sand mining operations after the grant of Environmental Clearance. There is a clear tendency and pattern wherein certain project proponents, after obtaining Environmental Clearance, are using third parties as appellants to get the EC quashed to avoid their mining obligations.

d. That in response to the contentions raised by the Appellant, it is submitted as follows:

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(i) Environmental Clearance (EC) was duly granted by State Environment Impact Assessment Authority (SEIAA), Bihar, Patna on 17.01.2025 for Sand Ghat Cheer Unit-II involving Sand Blocks 3, 4 & 5 on the Cheer River in the Banka district over an area of 67 hectares.

(ii) The said EC was granted strictly in accordance with the EIA Notification and Office Memoranda (OMs) issued from time to time by the Ministry of Environment, Forest and Climate Change (MoEF&CC).

5. That the appraisal of the project was conducted in a comprehensive and detailed manner with the following safeguards:
- (a) EIA study report was duly prepared and submitted;
  - (b) Public Hearing was conducted in accordance with law;
  - (c) The appraisal was based on detailed examination of Letter of Intent (LoI), Mining Plan and other foundational documents;
  - (d) All environmental parameters were duly considered before grant of EC.
6. That the detailed appraisal process leading to grant of EC is equally applicable for cluster situations such as the present case. The three mineable blocks (Blocks 3, 4 & 5) have been appropriately treated as a single Sand Ghat Unit for purposes of environmental assessment and clearance.
7. That the contention that separate EC was required for each block is legally untenable and contrary to established practice. It is submitted that:

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- (a) EC can be lawfully granted for the entire District or for cluster of blocks;
- (b) In the past, MoEF&CC had granted EC for the entire Nawada District in the State of Bihar for Category A sand mining projects;
- (c) The clustering of Blocks 3, 4 & 5 as a single Sand Ghat Unit (Cheer Unit-2) was done for valid reasons of administrative efficiency, sustainable sand mining and better environmental oversight;
- (d) The formation of single Sand Ghat comprising three mineable blocks was duly approved by the Nine Member District Level Committee.

**Copy of the Nine Member District Level Committee proceedings annexed herewith as Annexure-A.**

8. That the District Survey Report (DSR) was duly prepared and approved by SEIAA, Bihar, Patna in strict accordance with the orders of the Hon'ble Supreme Court of India to ensure compliance with the Enforcement and Monitoring Guidelines for Sand Mining (EMGSM), 2020.
9. That all environmental safeguards, mining limits, and sustainable mining practices as mandated under the EMGSM Guidelines, 2020 have been duly incorporated in the project design and Environmental Clearance conditions.
10. That contrary to the allegations of the Appellant, it is submitted that:

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- (a) There has been no mining of sand in the area in question since 01.07.2023 as reported by the Mineral Development Officer, Banka vide letter no. 797/M dated 24.07.2024;
- (b) Since 01.07.2023, two full rainy seasons have passed during which natural replenishment of sand has occurred in the Cheer River;
- (c) Any contention regarding lack of replenishment is factually incorrect and opposed to the ground realities.

11. That for the first time in the Cheer River, the proposed mining is spread over five blocks covering a total area of 93 hectares, whereas prior to this, mining was confined only to a very small area of 17.39 hectares in the Cheer River.
12. That the mining operations in the past were conducted on a very limited scale and have been completely stopped since 01.07.2023. This prolonged period of non-mining has resulted in sufficient natural replenishment of sand deposits due to monsoon flows and riverine processes.
13. That there is sufficient replenishment of sand in the river due to natural processes during the rainy seasons, and the river system has had adequate time to recover since the cessation of mining activities on 01.07.2023.
14. That the e-auction and tender related aspects are duly regulated under specific orders of the Hon'ble Supreme Court of India, and all procedures have been followed in accordance with law.

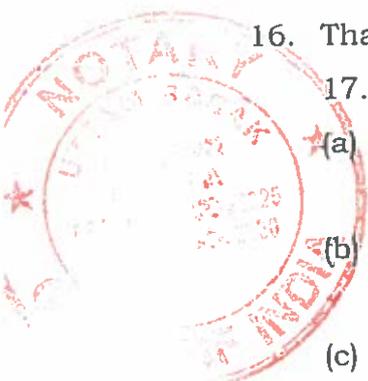
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15. That during any intervening period, mining operations, if any, were permitted strictly under the orders of the Hon'ble Supreme Court of India and were conducted within the legal framework prescribed by the Hon'ble Court.

16. That SEIAA, Bihar granted the Environmental Clearance on 17.01.2025 after thorough examination of:

- 
- (a) Documents uploaded on the SEIAA portal by the project proponent;
- (b) Various environmental parameters including impact on water quality, air quality, biodiversity, and local ecology;
- (c) Mining plan and sustainable extraction methodology;
- (d) Environmental Management Plan and mitigation measures;
- (e) Public consultation feedback and objections.

17. That all statutory requirements under the EIA Notification, 2006 (as amended) and relevant Office Memoranda have been duly complied with before grant of Environmental Clearance.

18. I respectfully further submit that the appellant is not entitled to any relief and none of the prayers are maintainable in the eye of law and should not be granted in favor of the appellant. I further reserve my right to make proper submissions at the time of hearing.

19. The respondent states and submits that the said application is harrasive, vexatious, speculative, malafide, abuse of process of law and based on suppression of material facts and misleading, as such, liable to be dismissed in seriatim with exemplary costs.

20. The statements made in paragraphs 1 to 19 are true to my knowledge, those made in paragraph 7 are true to my information

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derived from records which I verily believe to be true and the rest are my respectful submissions before this Hon'ble Court.

Prepared in my Office

*Balwant Kumar*

Deponent

*Surendrasekar*  
Advocate

BEFORE ME

NOTARY PUBLIC



Signature Attested on  
Identification of Advocate

*Uttam Basak*

UTTAM BASAK  
B.Com (H) LL.M  
Notary  
High Court, Calcutta  
Regd No. 52294/25  
Exp. Date- 16.04.30

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~~X~~VERIFICATION

Verified at Kolkata by the deponent above named on this the 9<sup>th</sup> day of February, 2026, and say that the contents of this affidavit made in paragraph nos. 1 to 20 are true to my knowledge, those made in paragraph no. 7 are information derived from records which I verily believe to be true and the rest are my respectful submissions before this Hon'ble Tribunal.

*Rabirant Kumar*  
DEPONENT



अशुल कुमार, भाओपीओ  
रामाहर्ता, बाँका

**समाहरणालय, बाँका।**  
**(खनन शाखा)**

बाँका जिलान्तर्गत SEIAA, बिहार पटना द्वारा अनुमोदित जिला सर्वेक्षण प्रतिवेदन (DSR) में प्रस्तावित बालूघाटों का आगामी पाँच वर्षों के लिए बन्दोबस्ती के उद्देश्य से बालूघाटों को बन्दोबस्ती इकाईयों में विभाजित करने एवं सुरक्षित जमा राशि का निर्धारण हेतु गठित जिला स्तरीय समिति की दिनांक- 07.10.2022 को सम्पन्न बैठक का कार्यवाही प्रतिवेदन।

निदेशक, खान एवं भूतत्व विभाग, बिहार, पटना का पत्रांक- 4421/एम०, पटना, दिनांक- 01.09.2022, पत्रांक- 2997/एम०, पटना, दिनांक 27.06.2022 एवं SEIAA, बिहार, पटना के पत्रांक- 399, दिनांक- 29.09.2022 के आलोक में बाँका जिला के लिए SEIAA, बिहार, पटना द्वारा अनुमोदित जिला सर्वेक्षण प्रतिवेदन (DSR) में प्रस्तावित बालूघाटों का आगामी पाँच वर्षों के लिए बंदोबस्ती ई-नीलामी से कराने हेतु प्रथम वर्ष के लिए सुरक्षित जमा राशि का निर्धारण जिला सर्वेक्षण प्रतिवेदन में आंकलित खनन योग्य बालू की मात्रा को स्वामिस्व दर से गुणा कर निर्धारित करने की स्वीकृति विभागीय अधिसूचना संख्या-4360/एम० दिनांक- 30.08.2022 द्वारा दी गई है। साथ ही विभागीय अधिसूचना संख्या-4352/एम०, दिनांक 30.08.2022 द्वारा बिहार खनिज (समानुदान अवैध खनन परिवहन एवं भंडारण निवारण) नियमावली, 2019 के नियम 51 (1) (ख) के साथ सहपठित अनुसूची-III का में संशोधन करते हुए पाँच नदियों यथा सोन, किउल, फल्गु चानन एवं मोरहर में उपलब्ध बालू के लिए स्वामिस्व दर में बढ़ोतरी करते हुए 150 रू० प्रति घन मीटर निर्धारित की गई है। अन्य शेष नदियों में उपलब्ध बालू के लिए स्वामिस्व दर यथावत 75 रू० प्रति घन मीटर है।

EXP. DT. बाँका जिलान्तर्गत अवस्थित नदियों में निर्माण कार्य एवं भराई हेतु पीला बालू उपलब्ध है। बाँका जिला के लिए अनुमोदित जिला सर्वेक्षण प्रतिवेदन (DSR) में कुल छः नदियों यथा- चान्दन, बडुआ, ओढनी, कुरार, चीर एवं सुखनियों नदियों में बालू खनन आगामी पाँच वर्षों के लिए प्रस्तावित है। जिला सर्वेक्षण प्रतिवेदन (DSR) में प्रस्तावित कुल 30 बालूघाटों को कुल 17 (सतरह) बंदोबस्ती इकाईयों में विभाजित किया गया है। बंदोबस्ती इकाई का निर्धारण के क्रम में पर्यावरणीय पहलुओं, Sustainable Mining के आयामों, रोजगार सृजन, सहभागिता एवं गुणवत्ता पूर्ण बालू की सुगम उपलब्धता का विशेष ध्यान रखा गया है।

प्रस्तावित कुल 30 बालूघाटों यथा कुल 17 बंदोबस्ती इकाईयों का कुल रकवा 748.96 हेक्टेयर तथा खनन योग्य बालू की कुल मात्रा 1,08,94,920 घन मीटर है। चांदन नदी के बालू का रॉयल्टी दर (150 रुपया प्रति घन मीटर) एवं अन्य नदियों के बालू का रॉयल्टी दर (75 रुपया प्रति घन मीटर) निर्धारित है। इस प्रकार ई-नीलामी द्वारा बालूघाटों की आगामी 5 वर्षों की बंदोबस्ती हेतु प्रथम वर्ष का सुरक्षित जमा राशि 1,24,62,84,000/- रू० (एक अरब चौबीस करोड बासठ लाख चौरासी हजार रुपया) होता है।

बिहार बालू खनन नीति, 2019, बिहार खनिज (समानुदान, अवैध खनन, परिवहन एवं भंडारण निवारण) नियमावली, 2019 (यथा संशोधित) एवं खान एवं भूतत्व विभाग, बिहार, पटना द्वारा प्राप्त दिशा-निदेश के आलोक में SEIAA, बिहार, पटना द्वारा अनुमोदित (एवं यथा संशोधित पत्रांक- 399, दिनांक- 29.09.2022) जिला सर्वेक्षण प्रतिवेदन (DSR) में सन्निहित कुल 30 बालूघाटों (सूची संलग्न) को कुल 17 बंदोबस्ती इकाईयों (Sand Ghat Settlement Units) में विभाजित करते हुए ई-नीलामी हेतु सुरक्षित जमा राशि का निर्धारण बंदोबस्ती इकाईवार जिला स्तरीय समिति द्वारा निम्नवत किया जाता है :-

**Sand Ghats Settlement for 5 Years, District- Banka, Year 2022**

**List of Proposed Sand Ghats & their Reserve Price as per Approved DSR 2022**

Sand Ghat Settlement Unit	Mining Block	River	Area (in Ha)	Mineable Reserve (in Cubic meter) as per approved DSR 2022	Royalty Rate (INR/Cubic meter)	Reserve Price (in INR)
Banka Chanan 1	Block 1	Chanan	35	630000	150	94500000
Banka Chanan 2	Block 2	Chanan	30	540000	150	81000000
Banka Chanan 3	Block 3	Chanan	27	486000	150	72900000

Banka Chanan 4	Block 4	Chanan	31	558000	150	83700000
Banka Chanan 5	Block 5	Chanan	50	900000	150	135000000
Banka Chanan 6	Block 6	Chanan	34	612000	150	91800000
Banka Chanan 7	Block 7	Chanan	55.9	1006200	150	150930000
Banka Chanan 8	Block 8	Chanan	22	396000	150	59400000
Banka Chanan 9	Block 9	Chanan	33	594000	150	89100000
<b>Chanan River, Total Settlement Units: 9</b>			<b>317.9</b>	<b>5722200</b>	<b>150</b>	<b>858330000</b>

Sand Ghat Settlement Unit	Mining Block	River	Area (in Ha)	Mineable Reserve (in Cubic meter) as per approved DSR 2022	Royalty Rate (INR/Cubic meter)	Reserve Price (in INR)
Badua Unit 1	Block 2	Badua	42	504000	75	37800000
Badua Unit 2	Block 3	Badua	40	480000	75	36000000
	Block 4	Badua	40	480000	75	36000000
<b>Total Badua Unit 2</b>			<b>80</b>	<b>960000</b>	<b>75</b>	<b>72000000</b>
Badua Unit 3	Block 1	Badua	27	324000	75	24300000
<b>Badua River, Total Settlement Units: 3</b>			<b>149</b>	<b>1788000</b>	<b>75</b>	<b>134100000</b>

Sand Ghat Settlement Unit	Mining Block	River	Area (in Ha)	Mineable Reserve (in Cubic meter) as per approved DSR 2022	Royalty Rate (INR/Cubic meter)	Reserve Price (in INR)
Odhni Unit	Block 1	Odhni	15	180000	75	13500000
	Block 2	Odhni	25.5	306000	75	22950000
	Block 3	Odhni	28.8	345600	75	25920000
	Block 4	Odhni	7.1	85200	75	6390000
<b>Odhni River, Total Settlement Unit: 1</b>			<b>76.4</b>	<b>916800</b>	<b>75</b>	<b>68760000</b>

Sand Ghat Settlement Unit	Mining Block	River	Area (in Ha)	Mineable Reserve (in Cubic meter) as per approved DSR 2022	Royalty Rate (INR/Cubic meter)	Reserve Price (in INR)
Kurur Unit	Block 1	Kurur	13.7	164400	75	12330000
	Block 2	Kurur	18.5	222000	75	16650000
	Block 3	Kurur	9.16	109920	75	8244000
<b>Kurur River, Total Settlement Unit: 1</b>			<b>41.36</b>	<b>496320</b>	<b>75</b>	<b>37224000</b>

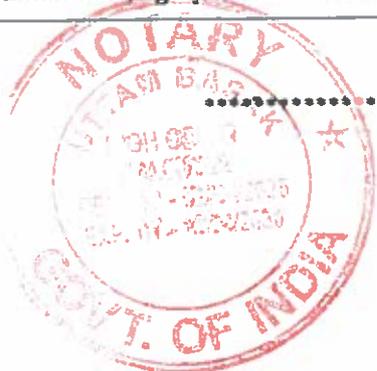
Sand Ghat Settlement Unit	Mining Block	River	Area (in Ha)	Mineable Reserve (in Cubic meter) as per approved DSR 2022	Royalty Rate (INR/Cubic meter)	Reserve Price (in INR)
Chir Unit 1	Block 1	Chir	18	216000	75	16200000
	Block 2	Chir	8	96000	75	7200000
<b>Total Chir Unit 1</b>			<b>26</b>	<b>312000</b>	<b>75</b>	<b>23400000</b>
Chir Unit 2	Block 3	Chir	24	288000	75	21600000
	Block 4	Chir	21	252000	75	18900000
	Block 5	Chir	22	264000	75	19800000
<b>Total Chir Unit 2</b>			<b>67</b>	<b>804000</b>	<b>75</b>	<b>60300000</b>
<b>Chir River, Total Settlement Units: 2</b>			<b>93</b>	<b>1116000</b>	<b>75</b>	<b>83700000</b>

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Sand Ghat Settlement Unit	Mining Block	River	Area (in Ha)	Mineable Reserve (in Cubic meter) as per approved DSR 2022	Royalty Rate (INR/Cubic meter)	Reserve Price (in INR)
Sukhaniya Unit	Block 1	Sukhaniya	11.9	142800	75	10710000
	Block 2	Sukhaniya	13.7	164400	75	12330000
	Block 3	Sukhaniya	11.8	141600	75	10620000
	Block 4	Sukhaniya	13.9	166800	75	12510000
	Block 5	Sukhaniya	20	240000	75	18000000
Sukhaniya River, Total Settlement Unit: 1			71.3	855600	75	64170000

Summary Table	
Total No of Sand Ghat Settlement Units	17
Total Settlement Area (in Ha)	748.96
Total Mineable Quantity of Sand (in Cubic meter)	1,08,94,920
Royalty Rate of Sand for Chanan River (in INR/Cubic meter)	150
Royalty Rate of Sand for Other Rivers (in INR/Cubic meter)	75
Total Reserve Price (in INR) for First Year fixed for e-auction of Sand Ghats (For 5 Year Settlement Period): One Hundred Twenty Four Crore Sixty Two Lakhs and Eighty Four Thousand Rupees Only/-	124,62,84,000

सघन्यवाद बैठक की कार्यवाही सम्पन्न हुई।



ह0/-  
समाहर्ता,  
बाँका

ज्ञापांक:- 1453./एम0, दिनांक:- 07/10/2022

- प्रतिलिपि :- समिति के सभी सदस्यों को सूचनार्थ प्रेषित।  
 प्रतिलिपि :- सहायक निदेशक, खान एवं भूतत्व विभाग, अंचल कार्यालय, भागलपुर को सूचनार्थ प्रेषित।  
 प्रतिलिपि :- निदेशक, खान एवं भूतत्व विभाग, बिहार, पटना को सादर सूचनार्थ एवं अनुमोदनार्थ प्रेषित।  
 प्रतिलिपि :- अपर मुख्य सचिव, खान एवं भूतत्व विभाग, बिहार, पटना को सादर सूचनार्थ।

7.10.22  
समाहर्ता,  
बाँका

Sand Ghat Settlement Unit	Mining Block	River	Area (in Ha)	Mineable Reserve (in Cubic meter) as per approved DSR 2022	Royalty Rate (INR/Cubic meter)	Reserve Price (in INR)
Sukhaniya Unit	Block 1	Sukhaniya	11.9	142800	75	10710000
	Block 2	Sukhaniya	13.7	164400	75	12330000
	Block 3	Sukhaniya	11.8	141600	75	10620000
	Block 4	Sukhaniya	13.9	166800	75	12510000
	Block 5	Sukhaniya	20	240000	75	18000000
Sukhaniya River, Total Settlement Unit: 1			71.3	855600	75	64170000

### Summary Table

Total No of Sand Ghat Settlement Units	17
Total Settlement Area (in Ha)	748.96
Total Mineable Quantity of Sand (in Cubic meter)	1,08,94,920
Royalty Rate of Sand for Chanan River (in INR/Cubic meter)	150
Royalty Rate of Sand for Other Rivers (in INR/Cubic meter)	75
Total Reserve Price (in INR) for First Year fixed for e-auction of Sand Ghats (For 5 Year Settlement Period): One Hundred Twenty Four Crore Sixty Two Lakhs and Eighty Four Thousand Rupees Only/-	124,62,84,000

सधन्यवाद बैठक की कार्यवाही सम्पन्न हुई।

*Kumar*  
07/10/22  
खनिज विकास पदाधिकारी  
बॉका

*7/10/22*  
उप समाहर्ता,  
जिला नजारत शाखा, बॉका

*7/10/22*  
वन प्रमण्डल पदाधिकारी,  
बॉका

*7/10/22*  
महाप्रबंधक,  
जिला उद्योग केन्द्र, बॉका

*7/10/22*  
वाणिज्यकर उपायुक्त,  
भागलपुर

*7/10/22*  
अपर समाहर्ता,  
बॉका

*7/10/22*  
कृषि लेखा पदाधिकारी,  
बॉका

*7/10/22*  
अनुमण्डल पदाधिकारी,  
बॉका

*7.10.22*  
समाहर्ता,  
बॉका

ज्ञापांक:- 1753/एम0. दिनांक:- 07/10/2022

- प्रतिलिपि :- समिति के सभी सदस्यों को सूचनार्थ प्रेषित।  
 प्रतिलिपि :- सहायक निदेशक, खान एवं भूतत्व विभाग, अंचल कार्यालय, भागलपुर को सूचनार्थ प्रेषित।  
 प्रतिलिपि :- निदेशक, खान एवं भूतत्व विभाग, बिहार, पटना को सादर सूचनार्थ एवं अनुमोदनार्थ प्रेषित।  
 प्रतिलिपि :- अपर मुख्य सचिव, खान एवं भूतत्व विभाग, बिहार, पटना को सादर सूचनार्थ।

*Kumar*  
07/10/22  
खनिज विकास पदाधिकारी,  
बॉका

*7/10/22*  
अपर समाहर्ता,  
बॉका

*7.10.22*  
समाहर्ता,  
बॉका