

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**  
ORIGINAL APPLICATION NO. 579 OF 2024  
WITH  
ORIGINAL APPLICATION NO. 580 OF 2024

Yasveer Singh

...Applicant

***-Versus-***

State of Uttar Pradesh &amp; Ors.

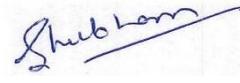
...Respondent(s)

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Date: 03.12.2025  
Place: New Delhi

**DRAWN & FILED BY:**

A handwritten signature in blue ink that reads "Shubham" with a horizontal line underneath it.

Shubham Upadhyay, Surya Gupta & Anukriti Bajpai

Advocates for Respondent No. 8

29, LGF, Presidential Estate

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

ORIGINAL APPLICATION NO. 579 OF 2024

WITH

ORIGINAL APPLICATION NO. 580 OF 2024

Yasveer Singh

...Applicant

*-Versus-*

State of Uttar Pradesh & Ors.

...Respondent(s)

**OBJECTIONS ON BEHALF OF RESPONDENT NO. 8, ROYAL  
CONSTRUCTION COMPANY TO THE JOINT COMMITTEE REPORT  
DATED 20.01.2025.**

**MOST RESPECTFULLY SHEWETH:**

1. That the present Original Application has been filed by the Applicants, raising several baseless and unfounded allegations of illegal mining being undertaken by the Respondent No. 8, Royal Construction Company (hereinafter “answering Respondent”) outside the sanctioned mining lease area. In particular, it has been alleged that the answering Respondent has carried out mining in violation of the conditions of the Environment Clearance dated 23.11.2023 and by using heavy machinery such as excavators and scoopers stopping the natural flow of water which is in violation of Section 24(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974. It is pertinent to note that the said allegations are not supported by any documentary evidences.
2. That at the outset, the answering Respondent submits that it is a law-abiding company which has undertaken the mining activities in accordance to the law after procuring permissions/clearances as per environmental norms.
3. That on 20.12.2024, this Hon’ble Tribunal constituted a Joint Committee comprising of the District Magistrate, Baghpat and Uttar Pradesh Pollution Control Board (UPPCB).

4. That in pursuance thereof, the Joint Committee submitted its report on 20.01.2025. The report mentioned about the stay on the mining operations of the answering Respondent in view of the directions passed in O.A. No. 1190 of 2024, vide order dated 10.12.2024 by this Hon'ble Tribunal. The sites at Kotana Khadar (Gata No. 706, leased area 12.245 ha, Village Kotana, District Baghpat, Uttar Pradesh) and Chhaprauli Khadar, District Baghpat, Uttar Pradesh) was inspected on 07.01.2025 and during inspection no signs of illegal mining found to have occurred outside the sanctioned lease area.
5. That the Joint Committee Report dated 20.01.2025 also noted that the above mining leases were regularly inspected, and during the inspections some deviations were found in mining limits for which the fine of Rs. 10,29,720/- (for Kotana Khadar) and Rs. 14,27,377 (for Chhaprauli Khadar) have been imposed by the Competent Authority, which have been duly paid by the answering Respondent. Further, the report also notes that during the inspections it was found that the answering Respondent has carried out the dust mitigation measures with respect to the mining operations. It is submitted that apart from the deviations found in mining limits there is no major finding with regard to illegal mining by the answering Respondent.
6. That on 31.01.2025, this Hon'ble Tribunal, took into account the findings in the Joint Committee Report dated 20.01.2025, and issued notice to the Respondents with a direction to file the objections to the report of the Joint Committee.
7. That in the meanwhile, another Joint Committee Report dated 01.04.2025 regarding the inspection of the mining lease area of the answering Respondent was filed in another O.A. No. 756 of 2023., *Sachin Tyagi v Ritesh Kumar & Ors*, in which answering Respondent is also one of the Respondent. The Joint Committee visited the lease area of the answering Respondent and apart from

minor non compliances, the answering Respondent was found to be operating the mining leases with all the requisite permissions following all the environmental norms and conditions. The Joint Committee has also observed that from 25.10.2023 to 12.12.2024 the sand mining was well within the sanctioned mining limits during both the years.

8. That the Joint Committee report dated 01.04.2025 also have one interesting observation about the illegal sand mining on 18.06.2024 which states that there were illegal mining activities outside the leased mining area in the state of Uttar Pradesh and the vehicles used the lease area of answering Respondent to access the illegally mined area, however no mining activities were observed within the leased mining area of the answering Respondent. It is pertinent to mention here that previously there was an issue about the jurisdiction (whether it is in State of Haryana or State of Uttar Pradesh) where the illegal mining was occurring. The Joint Committee asked the Mining Officer, Baghpat to provide data on the total quantity of sand mined on 18.06.2024 by the answering Respondent, and as per the information provided by the Mining Officer, 578 cubic mts. of sand was mined on 18.06.2024 by the answering Respondent. Based on this information only an allegation of illegal mining was imputed on the answering respondent. It is humbly submitted that if the answering Respondent had done any illegal mining, then he may not had uploaded the quantity of sand mined on the mining portal. Thus, the findings of the Joint Committee in O.A. No. 756 of 2023., *Sachin Tyagi v Ritesh Kumar & Ors*, qua the answering Respondent are inconclusive and merely based on presumption. It is also pertinent to note that on one hand the Joint Committee report observed that from 25.10.2023 to 12.12.2024 the sand mining was well within sanctioned limits and on other it was imputing the allegation of illegal mining on the answering Respondent without any cogent evidence. A true

copy of the Joint Committee Report dated 01.04.2025 filed in O.A. No. 756 of 2023., *Sachin Tyagi v Ritesh Kumar & Ors*, is annexed and marker herewith as **ANNEXURE R/1**.

9. That Uttar Pradesh Pollution Control Board (UPPCB) in its Reply dated 07.05.2025 filed in the present OA has informed this Hon'ble Tribunal that two Show Cause Notices for imposition of environmental compensation of Rs. 17,55,891/- and Rs. 6,81,710/- dated 25.04.2025 and 18.03.2025 respectively was issued to the answering Respondent for alleged illegal mining at village Chhaprauli Khadar and Kotana Khadar at Tehsil Baraut, District Baghpat, respectively, in pursuance of the directions issued by this Hon'ble Tribunal. The true copy of Show Cause Notice dated 18.03.2025 and 25.04.2025 is marked and annexed as **ANNEXURE R/2**.

10. That subsequently, on 02.05.2025, another Show Cause Notice was issued in view of the observations of the Joint Committee Report dated 01.04.2025 filed in O.A. No. 756 of 2023 for imposition of environmental compensation of Rs. 7,61,265/- for illegal mining of 578 cubic mts. allegedly done by the answering Respondent on 18.06.2024 as noted in the Joint Committee in its Report dated 01.04.2025. The true copy of Show Cause Notice dated 02.05.2025 is marked and annexed as **ANNEXURE R/3**.

11. That on 17.09.2025 the answering Respondent submitted that the Environmental Clearance granted to the Respondent No. 8 had been set aside by this Hon'ble Tribunal vide Order dated 06.08.2025 in the matter of the "*Ajayveer Singh vs State of U.P. & Ors.*" in O.A. No. 1190 of 2024. The Hon'ble Tribunal has directed to place on record the Judgment dated 06.08.2025 and the same has been annexed in the Reply dated 03.12.2025 filed by the answering Respondent.

12. That the answering Respondent filed Writ-C No. 9939 of 2025 (M/s Royal Construction Co. Thru. vs State of U.P. Thru Pr Secy. Deptt. of Geology and Mining) impugning the Show Cause Notices dated 18.03.2025 and 02.05.2025 for being violative of the Principles of Natural Justice. In particular, it was submitted that before issuing the impugned notices, the Respondent Board failed to undertake any proper inspection of the mining site and merely relied upon the Joint Inspection Reports.

13. That further, no inspection report was provided to the answering Respondent, and the notices did not mention the specific environmental damage caused to the answering Respondent. Accordingly, it was prayed that the total environment compensation of Rs. 31,98,866/- (Rs. 24,37,6011- vide Show Cause notice dated 18.03.2025 and Rs. 7,61,265/- vide Show Cause Notice dated 02.05.2025) imposed is arbitrary and erroneous. A direction was further sought that the said notices may be acted upon and be quashed. A true copy of the Writ-C No. 9939 of 2025 (M/s Royal Construction Co. Thru. vs State of U.P. Thru Pr. Secy. Dept. of Geology and Mining) is annexed herewith as **ANNEXURE R/4.**

14. That on 10.10.2025, the Hon'ble High Court disposed of the writ petition while granting an opportunity to the answering Respondent to file a Reply to the Show Cause Notice dated 18.03.2025 before the authorities and to provide an opportunity of hearing to the answering Respondent. Relevant excerpt from the Order dated 10.10.2025 is as below: -

*“2. This is a writ petition under Article 226 of the Constitution of India wherein the writ petitioner has assailed the show cause notice dated 18.03.2025 issued by the respondent no.4.*

*3. We are of the view that the writ petition may be disposed of with liberty to the petitioner to file his reply before the authorities concerned, and once the reply is filed within a period of three weeks from the date, the authorities concerned is directed to provide an opportunity of hearing to the petitioner and thereafter pass a reasoned order in accordance with law. ”*

A true Copy of the order dated 10.10.2025 of the Hon’ble Allahabad High Court disposing of the Writ Petition is annexed and marked herewith as **ANNEXURE R/5**.

**15.** That as the said Order solely referred to the Show Cause Notice dated 18.03.2025, whereas the answering Respondent had also assailed notice 02.05.2025, an Application No. I.A./2/2025 for the correction of the Order dated 10.10.2025 was filed before the Hon’ble Court. That on 16.10.2025, the Hon’ble Court allowed the application and allowed correction in the Order dated 10.10.2025 to the extent that - in the second paragraph of the order dated 10.10.2025, the words "and show cause notice dated 02.05.2025" shall be added and read after the words ‘dated 18.03.2025’. A true copy of the Order dated 16.10.2025 of the Hon’ble Allahabad High Court allowing the application for correction of Order dated 10.10.2025 is annexed and marked herewith as **ANNEXURE R/6**.

**16.** That further, the Joint Committee has evidently pointed out in the Joint Committee Report that there was no mining outside the approved area of the answering Respondent nor was mere apprehension expressed by the authorities on illegal mining taking

place by the answering Respondent. That in the case of M/s Radhika Constructions through its proprietor Mr. Rakesh Tiwari v State of U.P through Secretary of Department of Geology and Mines & Anr, the Hon'ble High Court of Allahabad observed that:

*“It is in the aforesaid facts and circumstances that this Court is of the view that the allegations against the petitioner for illegal mining could not be clearly established, and merely stating that a large quantity of the minerals have been extracted by them would not ipso facto prove that the petitioner had been involved in illegal mining. It is the duty of the State to obtain and produce credible evidence in support of the allegations to bring home the charges. The arguments in this regard have force, specially relying on the judgment of this Court in the case of Ranveer Singh Vs. State of U.P. and others, 2017 (1) ADJ 240”*

17. That reliance may also be placed upon the judgment in the Hon'ble Supreme Court in Ranveer Singh v State of U.P., 2017(1) ADJ 240, where the Hon'ble Court held that:

*“33. Once the liability was to be fastened on the shoulder of the petitioner, then it was the obligation of the State to prove by way of credible evidence available that it was the petitioner, who has indulged in illegal mining and in the said*

*direction, apart from issuing show-cause notice, all the evidence that was sought to be relied upon, i.e., the incumbents who have carried out the search and survey and the incumbents who have come forward to depose against the petitioner their names ought to have been disclosed and they ought to have been produced to support the case of the State that petitioner, in fact, has indulged in illegal mining. Not only this, as a part of process, the petitioner was entitled to have reasonable opportunity of defending himself by questioning the veracity of evidence produced against him and by adducing his own evidence, if any. Decision maker is bound to act fairly, as under the scheme of things provided for the determination made by him will entail civil consequences, as qua the person charged with illegal mining, on charges being proved, financial liability would be shouldered and in contra situation, the State would be at loss.”*

18. That regarding the imposition of Environment Compensation the Hon'ble High Court of Allahabad in “*Suez India Pvt. Ltd. vs. UPPCB WRIT-C No. 4816 of 2024*” has held that the Pollution Control Board has no power to impose environment compensation upon any person of industry and it can merely file an application before the NGT under Section 15 read with Section 18 of the NGT Act for issuance of a direction to the person concerned for payment of compensation.

19. That further the Hon'ble Supreme Court in "*Delhi Pollution Control Committee vs. Lodhi Property Co. Ltd. Civil Appeal No. 757-760 of 2013 with Civil Appeal No. 1977-2011/2013*" has upheld the power of the Pollution Control Board to direct the payment of environment damages but such a power cannot be exercised in an arbitrary manner and exercise of such a power must be infused with transparency. The Hon'ble Supreme Court has further directed that the power to impose or collect restitutionary or compensatory damages as an ex-ante measure under Sections 33A and 31A of Water and Air Acts shall be enforced only after detailing the principle and procedure incorporating basic Principles of Natural Justice in the subordinate legislation.
20. That it is humbly submitted that no illegal mining has been done by the answering Respondent and if any deviations observed in the mining limits by the Competent Authorities, the fine amount for the same have been deposited by the answering Respondent on time.
21. That it is submitted that the answering Respondent is committed to adhering with the directions and Orders passed by this Hon'ble Tribunal and to complying with all the environmental norms. In view of the above-mentioned submissions and as per the Doctrine of Proportionality as observed by the Hon'ble Supreme Court in catena of judgements, the OA may be disposed of.

Date: 03.12.2025  
Place: New Delhi

**DRAWN & FILED BY:**



Shubham Upadhyay, Surya Gupta & Anukriti Bajpai  
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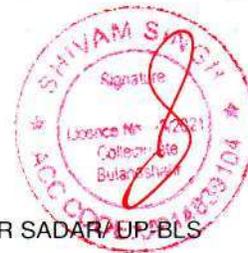
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Government of Uttar Pradesh



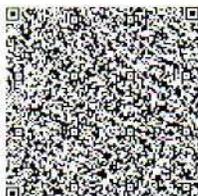
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 Account Reference : NEWIMPACC (SV)/ up14839104/ BULANDSHAHR SADAR/UP/BLS  
 Unique Doc. Reference : SUBIN-UPUP1483910447416933898895X  
 Purchased by : DAYACHAND BARGOTI SO LATE SHRI HARSWARUP  
 Description of Document : Article 4 Affidavit  
 Property Description : Not Applicable  
 Consideration Price (Rs.) :  
 First Party : DAYACHAND BARGOTI SO LATE SHRI HARSWARUP  
 Second Party : Not Applicable  
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*Dayachand*

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**IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 579/2024  
WITH  
ORIGINAL APPLICATION NO. 580/2024**

**IN THE MATTER OF:**

Yasveer Singh & Ors. ....Appellant (s)  
-Versus-  
State of Uttar Pradesh & Ors. ....Respondent (s)

**AFFIDAVIT**

I, Mr. Dayachand Bargoti, son of Late Shri Harswarup, aged about 53 years, R/o House No. 5, New Break Point Restaurant, Near Bhoor Chauraha, Yamunapuram, Bulandshahr, Uttar Pradesh – 203001, am the sole proprietor of Royal Construction Company and the authorized signatory do hereby solemnly affirm and declare as under:

1. That I am fully conversant with the facts and circumstances of the case and duly authorized to swear this affidavit

That I have read the accompanying Objections and have understood the same and the same have been drawn by my advocate under my instructions and the contents of the same are true and correct to my knowledge and no part of it is false and no material has been concealed therefrom.

3. That the annexures annexed to the Objections are true copies of their respective originals.

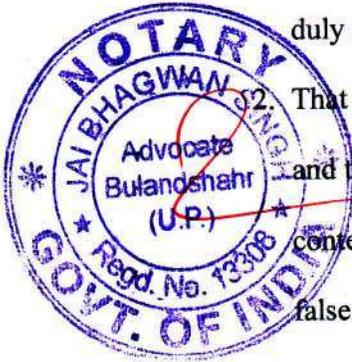
*Dayachand*  
**DEPONENT**

**VERIFICATION:**

Verified at *Bulandshahr* on this *02<sup>nd</sup>* day of *Dec*....., 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

**ATTESTED**  
JAI BHAGWAN SINGH  
Notary (Public)  
Bulandshahr (U.P.)  
*2/12/25*

*Dayachand*  
**DEPONENT**





भारत सरकार  
Government of India  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest & Climate Change  
क्षेत्रीय कार्यालय, लखनऊ  
Regional Office, Lucknow



केन्द्रीय भवन, ग्यारवां तल, सेक्टर एच, अलीगंज, लखनऊ-226024  
Kendriya Bhawan, 11<sup>th</sup> Floor, Sector H, Aliganj, Lucknow-226024, Phone No : 0522-2326696  
Email : roc.lko-mef@nic.in, gaimoefroko@gmail.com

File No. XXI/ENV/NGT/CC/178/2025/01

Dated: 01.04.2025

**BY-EMAIL**

To,

**The Registrar General,  
Principal Bench,  
Hon'ble National Green Tribunal,  
Copernicus Marg,  
New Delhi-110001  
Email: [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)**

**Subject: Submission of Joint Committee Report in O.A. No. 756 of 2023,  
Sachin Tyagi Vs Ritesh Sharma & Anr.**

Sir,

In compliance of the direction dated 10.12.2024 passed by this Hon'ble National Green Tribunal in O.A. No. 756/2023, Sachin Tyagi Vs Ritesh Sharma & Anr.

I am directed to enclose hereby the Joint Committee Report with a request to put up before Hon'ble Tribunal for kind perusal and consideration

**Encl: As above**

Yours Sincerely

(Dr. A.K.Gupta)  
Scientist 'E'

Copy to:

1. **Dr. Narender Sharma, Regional Director/Scientist 'F', CPCB, RD, Chandigarh. Email: [narendersharma.cpcb@gov.in](mailto:narendersharma.cpcb@gov.in)**
2. **Dr. K Muthamizh Selvan, Scientist 'E', MoEF&CC, RO, Chandigarh. Email: [ronz.chd-mef@nic.in](mailto:ronz.chd-mef@nic.in)**
3. **Dr. Krisnendu Mondal, Scientist 'D', MoEF&CC, New Delhi. Email: [krisnendu.mondal@gov.in](mailto:krisnendu.mondal@gov.in)**

**JOINT COMMITTEE REPORT IN THE MATTER OF**

Original Application No. 756/2023

Titled as

Sachin Tyagi Vs Ritesh Sharma & Anr.

**1. Background:**

Hon'ble NGT, Principal Bench, New Delhi was pleased to pass the order dated 10.12.2024 in the matter of Original Application No. 756/2023 titled as Sachin Tyagi Vs Ritesh Sharma & Anr. and direct to visit the site in question specifically the sites disclosed in the photographs enclosed along with objections of Applicant and the area where the lease has been granted to the Respondent No. 5.

Relevant paras of the Hon'ble NGT order are as below: -

**Para 04:** *“In the aforesaid background, it is now required to be ascertained based on the disclosure made in the objections by the Applicant and the photographs enclosed therewith as to who has carried out the illegal midstream sand mining by using heavy machines and to what extent the Respondent No. 5 is responsible for the same.”*

**Para 05:** *“The Applicant has pointed out that such illegal midstream sand mining by using heavy machines is still going on between Baghpat and Panipat. Hence, we constitute a fresh Committee comprising of the representative of MoEF&CC, representative Member Secretary, CPCB and RO, MoEF&CC Chandigarh and Lucknow. The RO, MoEF&CC, Lucknow will act as the Coordinating Agency. The Committee will visit the site in question specifically the sites disclosed in the photographs enclosed along with objections of Applicant and the area where the lease has been granted to the Respondent No. 5.*

**Para 06:** *“The Committee will ascertain the extent of illegal sand mining being done in that area and the persons responsible for the same and extent of illegal sand mining, if any, done by the Respondent No. 5 and will submit the report before the Tribunal within 8 weeks.....” (A copy of the order of Hon'ble NGT is annexed as Annexure No A)*

In compliance with said order, , the Following members were nominated from their respective departments:

- Dr. Narender Sharma, Regional Director/Scientist 'F', CPCB, RD, Chandigarh.

- Dr. K Muthamizh Selvan, Scientist 'E' MoEF&CC, RO, Chandigarh.
- Dr. Krisnendu Mondal, Scientist 'D', MoEF&CC, New Delhi
- Dr. A.K. Gupta, Scientist 'E', MoEF&CC, RO, Lucknow.

## 2. Meeting to comply with the Hon'ble Tribunal Order

A meeting was convened through hybrid mode by RO, MOEF&CC, Lucknow (i.e., Coordinating Agency) to discuss the matter and the modalities of the Site Inspection. **(A copy of the minutes of the meeting (MoM) is annexed as Annexure No. B)**

## 3. Inspection of Joint Committee:

A joint inspection of the site was carried out on 21.02.2025 by the joint committee. Dr. K Muthamizh Selvan, Scientist 'E' MoEF&CC, RO, Chandigarh could not participate in the site inspection. The following officials were also present for assisting the joint committee during the site visit:

- Shri Yogesh Kumar Sharma, Assistant Environmental Manager, UPPCB-RO, Meerut
- Shri Anuj Kumar, Mining Inspector, Baghpat
- Shri Monu, Lekhpal, Baghpat Chaprauli

### 3.1 Observations of the joint committee during visit to the Sites disclosed in the Photographs enclosed, along with objections raised by the applicant to ascertain the extent of illegal sand mining in that area and the persons responsible for the same:

- i. The applicant had enclosed the following nine photographs along with objections, which were taken between May 13, 2024, and June 1, 2024.09 **(Annexure-C):**
  - a) Photograph 01: Latitude: 29.223476°; Longitude: 77.134177° dated 13/05/2024;
  - b) Photograph 02: Latitude: 29.223463°; Longitude: 77.134308° dated 13/05/2024
  - c) Photograph 03: Latitude: 29.22538°; Longitude: 77.133904° dated 24/05/2024
  - d) Photograph 04: Latitude: 29.225897°; Longitude: 77.133675° dated 24/05/2024

- e) Photograph 05: Latitude: 29.225904°; Longitude: 77.133666° dated 24/05/2024
  - f) Photograph 06: Latitude: 29.22589°; Longitude: 77.133676° dated 24/05/2024
  - g) Photograph 07: Latitude: 29.225878°; Longitude: 77.133674° dated 24/05/2024
  - h) Photograph 08: Latitude: 29.221657°; Longitude: 77.134653° dated 01/06/2024
  - i) Photograph 09: Latitude: 29.223669°; Longitude: 77.13424° dated 01/06/2024
- ii. The Joint Committee visited all the above sites on 21/02/2025.
  - iii. It has been observed that all the above locations fall under the State of Haryana.
  - iv. No mining activities (legal or illegal) were going on at these locations at the time Joint Committee's visit.
  - v. *The extent of illegal mining done, if any, in the past, as shown in the photographs enclosed by the applicant can be assessed and ascertained through 3 D satellite imagery by involving Haryana Space Application Centre (HARSAC), as the area under reference in the photographs enclosed by the applicant falls under the state of Haryana.*

**3.2. Observation of the joint committee during visit to the site where the lease has been granted to the Respondent No. 5 (M/s Royal Construction Co :**

- As per the record, environmental clearance (EC) has been obtained by **Respondent No. 5** via EC identification no. EC23B001UP110342 dated 7.10.2023 to M/s Royal Construction Co/370737, Devi Pura 2, Bulandshahar-203001 Prop. Shri Dayachand Bargoti, gram Chaprauli Khadar, tehsil Baraut, district Baghpat, for sand mining in Gata no. 01/2, with an area of 9.5700 ha. **(A copy of EC is annexed as Annexure D)**
- The mining plan of Respondent No. 5 has also been approved, as per letter no. 2023/1/29/177038 dated 01.02.2023 for 60 months and excavation of 240000.00 cum/year to M/s Royal Construction Co/370737, Devi Pura 2, Bulandshahar-203001 Prop. Shri Dayachand Bargoti, gram Chaprauli Khadar,

tehsil Baraut, district Baghpat, for sand mining in Gata no. 01/2, with an area of 9.5700 ha. **(A copy of the mining plan approval is annexed as Annexure E)**

- Respondent No. 5 obtained consent to operate from the Uttar Pradesh Control Board vide letter no. 197311/UPPCB/Meerut (UPPCBRO)/CTO/both/Baghpat/2023 dated 29.11.2023, which is valid from 29.11.2023 to 31.12.2027 for 240000 cubic meter/year sand mining. **(A Copy of CTO Annexed as Annexure F)**
- Replenishment study (for pre-monsoon and post-monsoon period) was conducted by Central Mine Planning & Design Institute Limited, CMPDI (A Mini Ratna Company), 30.12.2022. Summary of DGPS survey stated that the highest sand Replenishment occurred in river Yamuna in kotana Khadar mine with 194050 Cum and lowest sand Replenishment occurred in river Yamuna in Sankround mine with 70431 Cum. **(A Copy of the Replenishment study annexed as Annexure G)**
- The Joint Committee observed that no mining activity was going in lease area on the day of Inspection. It was informed that the mining work has been stopped since 12.12.2024.
- The joint committee observed that boundary pillars were found intact, except 02 pillars were submerged in the river/washed away and not visible.
- The Joint committee observed that some portion of the leased land area is being used by local farmers for the cropping of seasonal crops, Mustard and wheat,
- Respondent No. 5 has established a weighing bridge along with the office, around 2 km from the lease boundary.
- At the project office site, two acoustic-type DG were found installed with proper stack height,
- Respondent No. 5 has installed a PTZ camera near the weighbridge, which was found in working condition during inspection.
- Respondent No. 5 has commissioned one bore well near the office/weight bridge area, which was found working with valid permission.
- Respondent No. 5 has deployed two tractor-mounted water sprinkling systems at the site office.
- Respondent No. 5 has provided a first aid facility in the site office.
- PP has planted approximately 30-40 plants near the office area (weighbridge area) of the project,

- Respondent No. 5 has not yet made an all-weather road from the site office to the main road.
- Respondent No. 5 has not yet installed a solar-mediated lighting system in the site office.
- Respondent No. 5 has not conducted an Environmental audit so far,
- Respondent No. 5 has not submitted a six-monthly compliance report regularly,
- Respondent No. 5 has not yet submitted the expenditure incurred under CSR to the concerned authority.
- As per the EC condition, “Project proponent has committed to plant 1000 trees/hectare...” No such effort has been noticed near the lease area and the site office.
- Sand mining from 25.10.2023 to 12.12.2024 well within the sanctioned limit during both the years (2023 and 2024). (Annexure H)
- During the discussion with local officers and others, it has been found that the river Yamuna has shifted toward the District Panipat (State Haryana). Various village lands of the district Baghpat (State Uttar Pradesh) have been shifted to the District Panipat (State Haryana) due to shifting of the path of the river Yamuna. Various meetings have also been convened by both districts' officers on village land issues.

### 3.2.1 Findings of the Joint Committee regarding the extent of illegal sand mining, if any, done by Respondent No. 5, M/s Royal Construction Co:

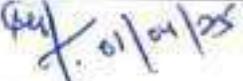
The Joint Committee adopted following approach to ascertain the extent of illegal sand mining, if any, done by Respondent No. 5, M/s Royal Construction Co:

- a. The joint committee tried to obtain free satellite images of the area for the period corresponding to the dates mentioned in the photographs submitted by the applicant by plotting the coordinates of the leased mining area on the Google Earth platform and accessing open-source satellite images from Airbus (EU) for the year 2014 for the mining lease of M/s Royal Construction Co. *The Joint Committee was able to access a satellite image dated 18/06/2024 (Annexure-3 I), which depicts illegal mining activities outside the leased mining area in the state of Uttar Pradesh. The image also revealed multiple trucks and earth-moving machinery, along with vehicles using the leased area of M/s Royal Construction Co. to access the illegally mined*

*area. However, no mining activities were observed within the leased mining area of M/s Royal Construction Co.*

- b. However, to ascertain the individual or company responsible for illegal mining outside the lease area as explained above, the Joint Committee asked the Mining Officer, Baghpat, to provide data on the total quantity of sand mined on 18/06/2024 by M/s Royal Construction Co, the date for which the Committee accessed satellite imagery. ***According to the information provided by the Mining Officer, Baghpat, 578 cubic meters of sand on 18/06/2024 (Annexure- J).***
- c. ***Since no mining activity was observed within the leased area of M/s Royal Construction Co. in the satellite image, it indicates that the company may have illegally mined the material from outside its designated lease area, as visible in the image.***
- d. Further, the Joint Committee requested the Mining Officer, Baghpat, *to provide details of illegal mining cases reported to or by the Mining Department within a 2 km radius of M/s Royal Construction Co.'s mining lease area in the past, along with information on the individuals responsible for the illegal mining reported, if any.* As per details provided by the Mining Officer, Baghpat (**Annexure- K**), M/s Royal Construction was found involved in;
- i. Illegal extraction of 210 cubic meters of sand outside its lease area on 01/04/2024.*
  - ii. Illegal extraction of sand below the water level on 06/04/2024.*
  - iii. Illegal extraction of 1142.25 cubic meters of sand outside its lease area on 03/06/2024.*
- e. In view of the above, ***the involvement of M/s Royal Construction Co, in illegal mining cannot be ruled out.*** About the extent of illegal mining, based on the data available with the Joint Committee for the period ***from 01/04/2024 to 18/06/2024, it indicates that M/s Royal Construction Co. has mined at least 1930.25 cubic meters of sand illegally.*** The extent of illegal mining by respondent No. 5, M/s Royal Construction Co., beyond the above period may be assessed by involving the Uttar Pradesh Remote Sensing Centre by accessing and interpreting historical 3D satellite images.
-

<b>List of Annexures:</b>		
<b>Ann. No.</b>	<b>Content</b>	<b>Pages</b>
A.	Copy of the Hon'ble NGT Order	4
B.	Copy of Minutes of Meeting (MoM) of the Joint Committee	3
C.	Objections filed by the application along with Photographs of the site disclosed.	23
D.	Copy of Environmental Clearance (EC) granted to M/s Royal Construction Co.	11
E.	Copy of approved Mining Plan of M/s Royal Construction Co.	2
F.	Copy of Consent to Operate granted to M/s Royal Construction Co. by Uttar Pradesh Pollution Control Board.	6
G.	Copy of Replenishment Study	36
H.	Production Details of Respondent No. 5 M/s Royal Construction Co. for 2023 and 2024	1
I.	A copy of the free satellite image accessed by the Joint Committee	2
J	Production report of Respondent No. 5 M/s Royal Construction Co for 18.6.2024, as provided by the Mining Deptt	2
K	Report of Mining Officer regarding illegal mining activities of Respondent No. 5 M/s Royal Construction Co.	9
L	Photograph taken by the Joint Committee during Joint inspection	6

	Name of the Committee member	Signature
1.	Dr Krishnendu Mondal Scientist D, MoEF & CC, New Delhi	
2.	Dr. K Muthamizh Selvan, Scientist 'E' MoEF & CC , Regional Office, Chandigarh	Absent
3.	Dr. A.K. Gupta, Scientist, E MoEF & CC Regional Office, Lucknow.	
4.	Dr. Narender Sharma, Scientist F CPCB, Regional Directorate, Chandigarh	
Dated: 28.03.2025		

**-TRUE COPY-**



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड  
UTTAR PRADESH POLLUTION CONTROL BOARD

BIP 234-3-25  
(B)

संदर्भ संख्या: 125826/सी-3/अ.ल.३.३.१/२०२५

दिनांक: 12/3/2025

सेवा में,

मै० रायल कंस्ट्रक्शन कंपनी,  
द्वारा ग्राम छपरौली खादर, तहसील बड़ौत जनपद बागपत  
एवं कोताना खादर, तहसील बड़ौत  
जनपद बागपत।

प्रंजीकृत

**ANNEXURE R/2(Colly)**

विषय:- पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस के संबंध में।

महोदय,

कृपया मा० राष्ट्रीय हरित अधिकरण, दिल्ली, में योजित ओ०ए० संख्या-579/2024 एवं 580/2024 यशवीर सिंह बनाम उ०प्र०राज्य व अन्य में पारित आदेश दिनांक-31/01/2025 का संदर्भ ग्रहण करने का कष्ट करे, जिसके के सुसंगत अंश निम्नवत हैं-

" 3. Learned Counsel for the CPCB has informed that for sand mining in the area, some heavy machinery was also used and he also informed that Respondent No.-8 had done illegal mining in some areas. He submitted that now the Pollution Control Board will impose the cost. We fail to understand what kind of cost the Pollution Control Board will impose and under which provision. He has submitted that for using heavy machinery, the cost will be imposed. The Member Secretary, UP PCB, is directed to appear virtually and explain under which provision the cost will be imposed upon the Project Proponent for doing illegal mining"

क्षेत्रीय अधिकारी मेरठ की आख्या दिनांक 25.02.2025 के अनुसार मा० एनजीटी द्वारा गठित समिति द्वारा दिनांक-07/01/2025 को स्थल निरीक्षण किया गया एवं समिति की आख्या मा०एनजीटी में दाखिल की गयी है। अग्रेतर खनन विभाग, बागपत द्वारा अपने ईमेल दिनांक-11/02/2025 एवं 14/02/2025 के माध्यम से छपरौली खादर एवं कोताना खादर में खनन विभाग द्वारा किये गये निरीक्षण में पाये गये उल्लंघन एवं तत्कालीन में अधिरोपित शास्ति का विवरण इस कार्यालय को उपलब्ध कराया गया है, जो कि निम्नवत है-

ग्राम छपरौली खादर-			
क्रमांक	उल्लंघनकारी तिथि	illegal/excess खनन	खनन विभाग द्वारा अधिरोपित शास्ति
1	01/04/2024	210 m <sup>3</sup>	281900/-
2	06/04/2024	जल स्तर से नीचे खनन चिन्ह पाये जाने पर	500000/-
3	03/06/2024	1142.25 m <sup>3</sup>	645477.5/-

Co  
B  
24/3

टी.सी. 12 वी, विभूति खण्ड, गोमती नगर,  
लखनऊ . 226 010

यात्रा मि 41  
31-3-2025  
24600012

T.C.-12 V, Vibhuti Khand, Gomti Nagar,  
Lucknow - 226 010

ग्राम कोताना खादर-			
1	11/02/2024	173 m <sup>3</sup>	67470/- एवं 25000/-
2	22/04/2024	जल स्तर से नीचे खनन चिन्ह पाये जाने पर	550000/-
3	06/05/2024	352 m <sup>3</sup>	387250/-

खनन विभाग से प्राप्त सूचना के अनुसार मै० रायल कंस्ट्रक्शन कंपनी द्वारा ग्राम छपरौली खादर, तहसील बड़ौत जनपद बागपत में स्वीकृत पट्टा क्षेत्र के बाहर (1142.25 + 210 = 1352.25) घनमीटर अवैध/excess खनन किया गया है (संलग्नक-1)। इसी प्रकार उक्त परियोजना प्रस्तावक द्वारा ग्राम कोताना खादर तहसील बड़ौत जनपद बागपत में स्वीकृत पट्टा क्षेत्र में एवं इसके बाहर कुल (173 + 352 = 525) घनमीटर अवैध/excess खनन किया गया है एवं इस हेतु पर्यावरणीय स्वीकृति तथा राज्य बोर्ड से सहमति प्राप्त नहीं की गयी है (संलग्नक-2)।

खनन पट्टा इकाई मै० रायल कंस्ट्रक्शन कंपनी द्वारा ग्राम छपरौली खादर, तहसील बड़ौत एवं ग्राम कोताना खादर तहसील बड़ौत जनपद बागपत में किये गये खनन के विरुद्ध मा०एनजीटी में माईनिंग से संबंधित एक अन्य वाद ओ०ए० संख्या-360/2015 नेशनल ग्रीन ट्रिब्यूनल बार एसोसियेशन बनाम वीरेन्द्र सिंह(गुजरात) में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा प्रस्तुत मेथेडोलाजी दिनांक-29/01/2020 एवं तत्कम में पर्यावरणीय संरक्षण अधिनियम, 1986 की धारा-5 के अंतर्गत जारी निर्देश दिनांक-11/06/2021 के आधार पर बिना राज्य बोर्ड से सहमति प्राप्त किये एवं बिना पर्यावरणीय स्वीकृति प्राप्त किये गये खनन के सम्बन्ध में इकाई के विरुद्ध छट्ट के आधार पर पर्यावरणीय क्षतिपूर्ति की गणना निम्नवत् है :-

1. मै० रायल कंस्ट्रक्शन कंपनी, ग्राम छपरौली खादर, तहसील बड़ौत जनपद बागपत की गणना-

खनन विभाग के शासनादेश के अनुसार खनन की दर (65 रुपये प्रतिघन मीटर x 5=325 रु०) के आधार पर खनिमुख मूल्य (Pit mouth value) = 1352.25x65x5=439481.25/= एवं रायल्टी रु० 1352.25x65=87896.25/= सहित कुल मार्केट वैल्यू धनराशि 527377.5/-आंकलित होता है।

**Approach 2: Computing a Simplified NPV(Net Present Value) for ecological damages.**

In this approach, the criteria adopted is:

Total Benefits (B) = Market Value of illegal extraction: D

Total Ecological Costs = Market Value Adjusted for risk factor: D\*RF

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor(RF)	0.25	0.50	0.75	1.0
Discount(r)	8%	7%	6%	5%

16

$$=204750 \times 1(RF = 1.0; \text{Severe as being illegal})$$

$$=204750/-$$

$$PV = \sum_{t=1}^5 \frac{(D+RF)}{(1+r)^t}$$

$$= \frac{(204750)}{(1+0.05)^1} + \frac{(204750)}{(1+0.05)^2} + \frac{(204750)}{(1+0.05)^3} + \frac{(204750)}{(1+0.05)^4} + \frac{(204750)}{(1+0.05)^5}$$

$$= 195000+185714.28+176870.74+168448.33+160426.98/=$$

$$= 886460.33/=$$

Net Present value(NPV)=PV-D

$$= 886460.33- 204750$$

$$= 681710.33/=$$

Compensation Charge in above case:

<b>Approach 2 (explicit accounting of NPV)</b>
@ 5% discount rate and over 5 years
Rs. 681710.33/=
Rs 681710/=(say)

उपरोक्त तथ्यों के दृष्टिगत क्षेत्रीय अधिकारी मेरठ द्वारा अपने पत्र दिनांक 25.02.2025 के द्वारा मै0 रायल कंस्ट्रक्शन कंपनी, द्वारा श्री दयाचन्द बरगौती पुत्र हरस्वरूप, मकान नंबर-5, नई ब्रेक प्वाइंट रेस्टोरेंट भूरा चौराहा के पास यमुनापुरम, बुलंदशहर-203001 के विरुद्ध एप्रोच-2 के आधार पर ग्राम छपरौली खादर तहसील बड़ौत जनपद बागपत पर रू0 1755891/= (रू0 सत्रह लाख पचपन हजार आठ सौ इक्यानवे रूपये मात्र) एवं ग्राम कोताना खादर तहसील बड़ौत जनपद बागपत पर रू0 6,81,710/=(रू0 छह लाख इक्यासी हजार सात सौ दस रूपये मात्र) पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की संस्तुति की गयी है।

क्षेत्रीय अधिकारी मेरठ के पत्रांक-1165/जी/ ओ0ए0-579/2024 यशवीर सिंह/बीपीटी/2025 दिनांक-17/02/2025 द्वारा द्वारा जिला खान अधिकारी, बागपत को जल स्तर से नीचे खनन चिन्ह पाये जाने के संबंध में स्पष्ट सूचना प्रेषित करने हेतु पत्र प्रेषित किया गया (संलग्नक-3)। इस संबंध में खनन विभाग के पत्रांक-47/खनन अनु0-बागपत/2025 दिनांक-20/02/2025 के माध्यम से अवगत कराया गया कि मै0 रायल कंस्ट्रक्शन कंपनी द्वारा ग्राम कोताना खादर में जल स्तर से नीचे खनन पर दिनांक-22/04/2024 को रूपये 5,50,000/- की शास्ति एवं ग्राम छपरौली खादर में जल स्तर से नीचे खनन के चिन्ह पाये जाने पर दिनांक-06/04/2024 को रूपये 500000/- की शास्ति खनन विभाग द्वारा अधिरोपित की गयी है एवं अवगत कराया गया है कि उक्त खनन की गहराई पर्यावरण मंजूरी में निहित गहराई के अधीन थी एवं पट्टेदार के द्वारा स्वीकृत क्षेत्र में ही खनन किया जा रहा था(संलग्नक-4)।

$$\begin{aligned} \text{Market value of illegally mined materials } D &= Z \times \text{market value of the material per MT or m}^3 \\ &= 1352.25 \times 65 \times 6 \\ D &= 527377.5/- \end{aligned}$$

$$\begin{aligned} \text{Present value of foregone Ecological values @ 5\% discount rate and over 5 years} \\ &= D \times RF \\ &= 527377.5 \times 1 \text{ (RF = 1.0; Severe as being illegal)} \\ &= 527377.5/- \end{aligned}$$

$$\begin{aligned} PV &= \sum_{t=1}^5 \frac{(D \cdot RF)}{(1+r)^t} \\ &= \frac{527377.5}{(1+0.05)^1} + \frac{527377.5}{(1+0.05)^2} + \frac{527377.5}{(1+0.05)^3} + \frac{527377.5}{(1+0.05)^4} + \frac{527377.5}{(1+0.05)^5} \\ &= 502264.28 + 478346.93 + 455568.51 + 433874.77 + 413214.07 = \\ &= 2283268.56/= \end{aligned}$$

$$\begin{aligned} \text{Net Present value (NPV)} &= PV - D \\ &= 2283268.56 - 527377.5/- \\ &= 1755890.75/= \end{aligned}$$

Compensation Charge in above case:

<b>Approach 2 (explicit accounting of NPV)</b>
@ 5% discount rate and over 5 years
Rs. 1755890.75/=
Rs 1755891/= (say)

2. मै० रायल कंस्ट्रक्शन कंपनी, ग्राम कोताना खादर, तहसील बड़ौत जनपद बागपत की गणना—

खनन विभाग के शासनादेश के अनुसार खनन की दर (65रूपये प्रतिघन मीटर x 5=325 रु०) के आधार पर खनिमुख मूल्य (Pit mouth value) = 525x65x5=1,70,625/= एवं रायल्टी रु० 525x65=34,125/= सहित कुल मार्केट वैल्यू धनराशि 2,04,750/- आंकलित होता है।

Approach 2: Computing a Simplified NPV (Net Present Value) for ecological damages.

In this approach, the criteria adopted is:

Total Benefits (B) = Market Value of illegal extraction: D

Total Ecological Costs = Market Value Adjusted for risk factor: D\*RF

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor (RF)	0.25	0.50	0.75	1.0
Discount (r)	8%	7%	6%	5%

$$\begin{aligned} \text{Market value of illegally mined materials } D &= Z \times \text{market value of the material per MT or m}^3 \\ &= 525 \times 65 \times 6 \\ D &= 2,04,750/- \end{aligned}$$

$$\begin{aligned} \text{Present value of foregone Ecological values @ 5\% discount rate and over 5 years} \\ &= D \times RF \end{aligned}$$

*Handwritten signature*

क्षेत्रीय अधिकारी मेरठ द्वारा प्रेषित आख्या एवं संस्तुति दिनांक 25.02.2025 के अनुपालन में राक्षम अधिकारी से प्राप्त अनुमति के उपरान्त उद्योग मै0 रायल कंस्ट्रक्शन कंपनी द्वारा ग्राम छपरौली खादर में किये गये अवैध खनन के विरुद्ध रूपये 17,55,891/= (रु0 सत्रह लाख पचपन हजार आठ सौ इक्यानवे रूपये मात्र) एवं मै0 रायल कंस्ट्रक्शन कंपनी द्वारा ग्राम कोताना खादर में किये गये अवैध खनन की विरुद्ध रूपये 6,81,710/=(रु0 छह लाख इक्यासी हजार सात सौ दस रूपये मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने से पूर्व निम्न कारण बताओ नोटिस जारी किया जाता है।

"यह कि क्यो न मै0 रायल कंस्ट्रक्शन कंपनी, द्वारा श्री दयाचन्द बरगौती पुत्र हरस्वरूप, मकान नंबर-5, नई ब्रेक प्वाइंट रेस्टोरेंट भूर चौराहा के पास यमुनापुरम, बुलंदशहर-203001 के विरुद्ध अवैध खनन किये जाने एवं पर्यावरणीय स्वीकृति में निहित शर्तों के उल्लंघन किये जाने के कारण उपर्युक्त गणना अनुसार ग्राम छपरौली खादर तहसील बड़ौत जनपद बागपत पर रु0 1755891/= (रु0 सत्रह लाख पचपन हजार आठ सौ इक्यानवे रूपये मात्र) एवं ग्राम कोताना खादर तहसील बड़ौत जनपद बागपत पर रु0 6,81,710/=(रु0 छह लाख इक्यासी हजार सात सौ दस रूपये मात्र) पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुए नियमानुसार अग्रिम कार्यवाही प्रारम्भ कर दी जाए।

उपरोक्त पर अपना पक्ष/प्रत्युत्तर/स्पष्टीकरण 07 दिन के अन्दर राज्य बोर्ड को प्रेषित किया जाना सुनिश्चित करे अन्यथा मै0 रायल कंस्ट्रक्शन कंपनी, द्वारा श्री दयाचन्द बरगौती पुत्र हरस्वरूप, मकान नंबर-5, नई ब्रेक प्वाइंट रेस्टोरेंट भूर चौराहा के पास यमुनापुरम, बुलंदशहर-203001 के विरुद्ध ग्राम छपरौली खादर तहसील बड़ौत जनपद बागपत पर रु0 1755891/= (रु0 सत्रह लाख पचपन हजार आठ सौ इक्यानवे रूपये मात्र) एवं ग्राम कोताना खादर तहसील बड़ौत जनपद बागपत पर रु0 6,81,710/=(रु0 छह लाख इक्यासी हजार सात सौ दस रूपये मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुए नियमानुसार अग्रिम कार्यवाही प्रारम्भ कर दी जाएगी, जिसका सम्पूर्ण उत्तरदायित्व स्वयं आपका होगा।

सक्षम अधिकारी के द्वारा पत्र निर्गमन हेतु अधिकृत।

पर्यावरण अभियन्ता,  
प्रभारी वृत्त-3

प्रतिलिपि:-

1. मुख्य विधि अधिकारी, (प्र), उ.प्र. प्रदूषण नियंत्रण बोर्ड, लखनऊ को सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित।
2. क्षेत्रीय अधिकारी, उ.प्र. प्रदूषण नियंत्रण बोर्ड, मेरठ को इस निर्देश के साथ प्रेषित कि उक्त कारण बताओ नोटिस को अपने स्तर से भी उद्योग को प्राप्त कराते हुए 15 दिवस में अपनी आख्या स्पष्ट संस्तुति सहित प्रेषित किया जाना सुनिश्चित करें।

  
पर्यावरण अभियन्ता,  
प्रभारी वृत्त-3



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड  
UTTAR PRADESH POLLUTION CONTROL BOARD

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संदर्भ संख्या 127414 / सी-3/जल-784/मेरठ/25

दिनांक 25-4-25

सेवा में,

पंजीकृत

मै0 रायल कंस्ट्रक्शन कंपनी,  
द्वारा ग्राम छपरौली खादर, तहसील बड़ौत जनपद बागपत  
एवं कोताना खादर, तहसील बड़ौत  
जनपद बागपत। 7306 265603

विषय: पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के संबंध में।

महोदय,

उपरोक्त विषयक बोर्ड के पत्र संख्या एच 25826/सी/3/जल-784/मेरठ/2025 दिनांक 18.03.2025 का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा परियोजना के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किए जाने के संबंध में कारण बताओ नोटिस जारी किया गया है। मा0 राष्ट्रीय हरित अधिकरण, दिल्ली, में योजित ओ0ए0 संख्या-579/2024 एवं 580/2024 यशवीर सिंह बनाम उ0प्र0राज्य व अन्य में पारित आदेश दिनांक-31/01/2025 के द्वारा गठित समिति द्वारा दिनांक-07/01/2025 को किये गये स्थल निरीक्षण एवं खनन विभाग, बागपत द्वारा अपने ईमेल दिनांक-11/02/2025 एवं 14/02/2025 के माध्यम से छपरौली खादर एवं कोताना खादर में खनन विभाग द्वारा किये गये निरीक्षण में पाये गये उल्लंघन एवं मा0एनजीटी में माईनिंग से संबंधित एक अन्य वाद ओ0ए0 संख्या-360/2015 नेशनल ग्रीन ट्रिब्यूनल बार एसोसियेशन बनाम वीरेन्द्र सिंह(गुजरात) में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा प्रस्तुत मेथेडोलाजी दिनांक-29/01/2020 एवं तत्कम में पर्यावरणीय संरक्षण अधिनियम, 1986 की धारा-5 के अंतर्गत जारी निर्देश दिनांक-11/06/2021 के आधार पर बिना राज्य बोर्ड से सहमति प्राप्त किये एवं बिना पर्यावरणीय स्वीकृति प्राप्त किये गये खनन के सम्बन्ध में इकाई मै0 रायल कंस्ट्रक्शन कंपनी, द्वारा श्री दयाचन्द बरगौती पुत्र हरस्वरूप, मकान नंबर-5, नई ब्रेक प्वाइंट रेस्टोरेंट भूरा चौराहा के पास यमुनापुरम, बुलंदशहर-203001 के विरुद्ध ग्राम छपरौली, खादर, तहसील बड़ौत जनपद बागपत में किये गये अवैध खनन के दृष्टिगत रू0 1755891/= (रू0 सत्रह लाख पचपन हजार आठ सौ इक्यानवे रूपये मात्र) एवं ग्राम छपरौली खादर, तहसील बड़ौत जनपद बागपत में किये गये अवैध खनन के दृष्टिगत रू0 6,81,710/= (रू0 छह लाख इक्यासी हजार सात सौ दस रूपये मात्र) की पर्यावरणीय क्षतिपूर्ति आंकलित करते हुये कारण बताओ नोटिस जारी किया गया है।

उक्त के अनुक्रम में क्षेत्रीय कार्यालय, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, मेरठ के पत्र संख्या 73/सी/आर0सी0सी0/बागपत/2025 दिनांक 22.04.2025 द्वारा अवगत कराया गया है कि परियोजना प्रस्तावक द्वारा अपने पत्र दिनांक 04.04.2025 जोकि ई-मेल के माध्यम से प्राप्त है, के माध्यम से कारण बताओ नोटिस का प्रतिउत्तर/स्पष्टीकरण प्रस्तुत किया गया है तथा आख्यानसार परियोजनाओं की स्थिति पूर्ववत है। क्षेत्रीय अधिकारी द्वारा पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की संस्तुति की गयी है।

क्रमशः.....2

अतः उपरोक्त के दृष्टिगत सक्षम स्तर से अनुमोदनोपरान्त बोर्ड के पत्र संख्या एच 25826/सी/3/जल-784/मेरठ/2025 दिनांक 18.03.2025 द्वारा मै0 रायल कंस्ट्रक्शन कंपनी, द्वारा श्री दयाचन्द बरगौती पुत्र हरस्वरूप, मकान नंबर-5, नई ब्रेक प्वाइंट रेस्टोरेंट भूर चौराहा के पास यमुनापुरम, बुलंदशहर-203001 के विरुद्ध ग्राम छपरौली खादर, तहसील बड़ौत जनपद बागपत में किये गये अवैध खनन के दृष्टिगत रू0 1755891/= (रू0 सत्रह लाख पचपन हजार आठ सौ इक्यानवे रूपये मात्र) एवं ग्राम छपरौली खादर, तहसील बड़ौत जनपद बागपत में किये गये अवैध खनन के दृष्टिगत रू0 6,81,710/= (रू0 छह लाख इक्यासी हजार सात सौ दस रूपये मात्र) की पर्यावरणीय क्षतिपूर्ति आंकलित करते हुये जारी कारण बताओ नोटिस की पुष्टि की जाती है तथा निर्देशित किया जाता है कि उपरोक्तानुसार अधिरोपित पर्यावरणीय क्षतिपूर्ति की धनराशि रू0 1755891/= (रू0 सत्रह लाख पचपन हजार आठ सौ इक्यानवे रूपये मात्र) एवं ग्राम छपरौली खादर, तहसील बड़ौत जनपद बागपत में किये गये अवैध खनन के दृष्टिगत रू0 6,81,710/= (रू0 छह लाख इक्यासी हजार सात सौ दस रूपये मात्र) कुल धनराशि रूपये 24,37,601/- (चौबीस लाख सैंतीस हजार छः सौ एक) को विलम्बतम् 15 दिवस में निम्नलिखित Payment Gateway एवं विवरण के माध्यम से जमा किया जाना सुनिश्चित किया जाये:-

Payment Gateway- <https://erp.eshiksa.net/DirectFeesv3/Uppcb>

Nature of Pollution- Air Pollution

EC imposed in compliance- UPPCB Order

उक्त जमा की गयी धनराशि का साक्ष्य क्षेत्रीय कार्यालय, मेरठ एवं बोर्ड मुख्यालय, लखनऊ को भी प्रेषित करना सुनिश्चित करें।

सक्षम अधिकारी के द्वारा पत्र निर्गमन हेतु अधिकृत।

*Pleee*

पर्यावरण अभियन्ता, प्रभारी वृत्त-3

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. जिलाधिकारी मेरठ।
2. मुख्य विधि-अधिकारी, प्रभारी, उ.प्र. प्रदूषण नियंत्रण बोर्ड, लखनऊ।
3. जिला खनन अधिकारी, जनपद- मेरठ।
4. क्षेत्रीय अधिकारी, उ.प्र. प्रदूषण नियंत्रण बोर्ड मेरठ को इस निर्देश के साथ प्रेषित कि इकाई पर अधिरोपित पर्यावरणीय क्षतिपूर्ति की वसूली हेतु आवश्यक कार्यवाही किया जाना सुनिश्चित करें।

*Pleee*

पर्यावरण अभियन्ता, प्रभारी वृत्त-3

*over*



# उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

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UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या: 127724 / सी-3 / जल 2831 मेरठ / 2025

दिनांक: 2/5/2025

सेवा में,

मै0 रायल कंस्ट्रक्शन कंपनी,  
ग्राम छपरौली खादर, तहसील बड़ौत  
जनपद बागपत। 7306265603

पंजीकृत

**ANNEXURE R/3**

विषय:- पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस के संबंध में।

महोदय,

कृपया मा0 राष्ट्रीय हरित अधिकरण, दिल्ली, में योजित योजित ओ0ए0 संख्या-756/2023 सचिन त्यागी बनाम रितेश शर्मा व अन्य में पारित आदेश दिनांक-19/12/2024 के पैरा नं0-5 में निम्नवत निर्देश निर्गत हैं-

" 5. The Applicant has pointed out that such illegal midstream sand mining by using heavy machines is still going on between Baghpat and Panipat. Hence, we constitute a fresh Committee comprising of the representative of MoEF&CC, representative Member Secretary, CPCB and RO, MoEF&CC Chandigarh and Lucknow. The RO, MoEF&CC, Lucknow will act as the Coordinating Agency. The Committee will visit the site in question specifically the sites disclosed in the photographs enclosed along with objections of Applicant and the area where the lease has been granted to the Respondent No. 5. "

क्षेत्रीय अधिकारी मेरठ की आख्या दिनांक 26.04.2025 के अनुसार मा0 एनजीटी द्वारा गठित समिति द्वारा गठित समिति द्वारा रिपोर्ट दिनांक-01/04/2025 मा0एनजीटी में दाखिल की गयी है। प्रस्तुत रिपोर्ट के पैरा नं0-3.2.1 (a) एवं (c) में निम्नवत उल्लिखित किया गया है-

a. The joint committee tried to obtain free satellite images of the area for the period corresponding to the dates mentioned in the photographs submitted by the applicant by plotting the coordinates of the leased mining area on the Google Earth platform and accessing open-source satellite images from Airbus (EU) for the year 2014 for the mining lease of M/s Royal Construction Co. The Joint Committee was able to access a satellite image dated 18/06/2024 (Annexure-3 I), which depicts illegal mining activities outside the leased mining area in the state of Uttar Pradesh. The image also revealed multiple trucks and earth-moving machinery, along with vehicles using the leased area of M/s Royal Construction Co. to access the illegally mined area. However, no mining activities were observed within the leased mining area of M/s Royal Construction Co.

c. Since no mining activity was observed within the leased area of M/s Royal Construction Co. in the satellite image, it indicates that the company may have illegally mined the material from outside its designated lease area, as visible in the image.

उक्त से स्पष्ट है कि इकाई द्वारा दिनांक-18/06/2024 को स्वीकृत खनन क्षेत्र के बाहर खनन कार्य किया गया है। समिति के अनुसार upmines.upsdc.gov.in के अवलोकन से दिनांक-18/06/2024 को इकाई द्वारा कुल 578 घनमीटर साधारण बालू का अवैध खनन/परिवहन किया गया है।

अग्रेतर खनन विभाग, बागपत द्वारा अपने ईमेल दिनांक-25/04/2025 के माध्यम से छपरौली खादर में खनन विभाग द्वारा किये गये निरीक्षण में पाये गये उल्लंघन एवं तत्कालीन में अधिरोपित शास्ति का विवरण इस कार्यालय को उपलब्ध कराया गया है, जो कि निम्नवत है:-

टी.सी. 12 वी, विभूति खण्ड, गोमती नगर,  
लखनऊ . 226 010

T.C.-12 V, Vibhuti Khand, Gomti Nagar,  
Lucknow - 226 010

ग्राम छपरौली खादर-			
क्रमांक	उल्लंघनकारी तिथि	illegal/excess खनन	खनन विभाग द्वारा अधिरोपित शास्ति
1	18/06/2024	578 m <sup>3</sup>	4,25,420/-

खनन विभाग से प्राप्त सूचना के अनुसार मै0 रायल कंस्ट्रक्शन कंपनी द्वारा ग्राम छपरौली खादर, तहसील बड़ौत जनपद बागपत में स्वीकृत पट्टा क्षेत्र के बाहर 578 घनमीटर अवैध/excess खनन किया गया है एवं इस हेतु पर्यावरणीय स्वीकृति तथा राज्य बोर्ड से सहमति प्राप्त नहीं की गयी है। खनन पट्टा इकाई मै0 रायल कंस्ट्रक्शन कंपनी द्वारा ग्राम छपरौली खादर, तहसील बड़ौत जनपद बागपत में किये गये खनन के विरुद्ध मा0एनजीटी में माईनिंग से संबंधित एक अन्य वाद ओ0ए0 संख्या-360/2015 नेशनल ग्रीन ट्रिब्यूनल बार एसोसियेशन बनाम वीरेन्द्र सिंह(गुजरात) में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा प्रस्तुत मेथेडोलाजी दिनांक-29/01/2020 एवं तत्कम में पर्यावरणीय संरक्षण अधिनियम, 1986 की धारा-5 के अंतर्गत जारी निर्देश दिनांक-11/06/2021 के आधार पर बिना राज्य बोर्ड से सहमति प्राप्त किये एवं बिना पर्यावरणीय स्वीकृति प्राप्त किये गये खनन के सम्बन्ध में इकाई के विरुद्ध NPV के आधार पर पर्यावरणीय क्षतिपूर्ति की गणना निम्नवत् है :-

1. मै0 रायल कंस्ट्रक्शन कंपनी, ग्राम छपरौली खादर, तहसील बड़ौत जनपद बागपत के संबंध में पर्यावरणीय क्षतिपूर्ति की गणना-

खनन विभाग के शासनादेश के अनुसार खनन की दर (65रूपये प्रतिघन मीटर x 5=325 रू0) के आधार पर खनिमुख मूल्य (Pit mouth value) = 578x65x5=187850/= एवं रायल्टी रू0 578x65=37570/= सहित कुल मार्केट वैल्यू धनराशि 225720/-आंकलित होता है।

Approach 2: Computing a Simplified NPV(Net Present Value) for ecological damages.

In this approach, the criteria adopted is:

Total Benefits (B) = Market Value of illegal extraction: D

Total Ecological Costs = Market Value Adjusted for risk factor: D\*RF

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor(RF)	0.25	0.50	0.75	1.0
Discount(r)	8%	7%	6%	5%

Market value of illegally mined materials  $D=Z \times \text{market value of the material per MT or m}^3$   
 $= 578 \times 65 \times 6$

$$D = 225420/-$$

Present value of foregone Ecological values @ 5% discount rate and over 5 years

$$= D \times RF$$

$$= 225420 \times 1 (RF = 1.0; \text{Severe as being illegal})$$

$$= 225420/-$$

$$PV = \sum_{t=1}^5 \frac{(D \cdot RF)}{(1+r)^t}$$

$$= \sum \frac{(225420)}{(1+0.05)^1} + \frac{(225420)}{(1+0.05)^2} + \frac{(225420)}{(1+0.05)^3} + \frac{(225420)}{(1+0.05)^4} + \frac{(225420)}{(1+0.05)^5}$$

$$= 225420.05 + 204462.58 + 194726.27 + 185453.59 + 176622.46 / = = 986684.95 / =$$

Net Present value(NPV)=PV-D

$$= 986684.95 - 225420/-$$

$$= 761264.95 / =$$

Compensation Charge in above case:

<b>Approach 2 (explicit accounting of NPV)</b>
@ 5% discount rate and over 5 years
Rs.761264.95 /=
Rs 761265/= (say)

उपरोक्त तथ्यों के दृष्टिगत क्षेत्रीय अधिकारी मेरठ द्वारा अपने पत्र दिनांक 26.04.2025 के द्वारा मै० रायल कंस्ट्रक्शन कंपनी, द्वारा श्री दयाचन्द बरगौती पुत्र हरस्वरूप, मकान नंबर-5, नई ब्रेक प्वाइंट रेस्टोरेंट भूराहा के पास यमुनापुरम, बुलंदशहर-203001 के विरुद्ध एप्रोच-2 के आधार पर ग्राम छपरौली खादर तहसील बड़ौत जनपद बागपत पर रू० 761265/= (रू० सात लाख इकसठ हजार दो सौ पैंसठ रुपये मात्र) पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की संस्तुति की गयी है।

क्षेत्रीय अधिकारी मेरठ द्वारा प्रेषित आख्या एवं संस्तुति के अनुपालन में सक्षम अधिकारी से प्राप्त अनुमति के उपरान्त उद्योग के विरुद्ध रुपये 761265/= (रू० सात लाख इकसठ हजार दो सौ पैंसठ रुपये मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने से पूर्व निम्न कारण बताओ नोटिस जारी किया जाता है।

"यह कि क्यो न मै० रायल कंस्ट्रक्शन कंपनी, ग्राम छपरौली खादर, तहसील बड़ौत जनपद बागपत के विरुद्ध अवैध खनन किये जाने, पर्यावरणीय स्वीकृति में निहित शर्तों के उल्लंघन किये जाने उपर्युक्त गणना अनुसार रुपये 761265/= (रू० सात लाख इकसठ हजार दो सौ पैंसठ रुपये मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुए नियमानुसार अग्रिम कार्यवाही प्रारम्भ कर दी जाए।

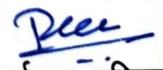
उपरोक्त पर अपना पक्ष/प्रत्युत्तर/स्पष्टीकरण 15 दिन के अन्दर राज्य बोर्ड को प्रेषित किया जाना सुनिश्चित करे अन्यथा मै० रायल कंस्ट्रक्शन कंपनी, ग्राम छपरौली खादर, तहसील बड़ौत जनपद बागपत के विरुद्ध रुपये 761265/= (रू० सात लाख इकसठ हजार दो सौ पैंसठ रुपये मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुए नियमानुसार अग्रिम कार्यवाही प्रारम्भ कर दी जाएगी, जिसका सम्पूर्ण उत्तरदायित्व स्वयं आपका होगा।

सक्षम अधिकारी के द्वारा पत्र निर्गमन हेतु अधिकृत।

  
पर्यावरण अभियन्ता,  
प्रमारी वृत्त-3

प्रतिलिपि:-

1. मुख्य विधि अधिकारी, (प्र), उ.प्र. प्रदूषण नियंत्रण बोर्ड, लखनऊ को सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित।
2. क्षेत्रीय अधिकारी, उ.प्र. प्रदूषण नियंत्रण बोर्ड, मेरठ को इस निर्देश के साथ प्रेषित कि उक्त कारण बताओ नोटिस को अपने स्तर से भी उद्योग को प्राप्त कराते हुए 15 दिवस में अपनी आख्या स्पष्ट संस्तुति सहित प्रेषित किया जाना सुनिश्चित करें।

  
पर्यावरण अभियन्ता,  
प्रमारी वृत्त-3

o/c ✓

**IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
SITTING AT LUCKNOW**

**Writ C No.            of 2025**

**M/s ROYAL CONSTRUCTION CO.**, through its Proprietor Mr. Dayachand Badgoti

**Registered Office at:-** Devi Pura 2, Bulandshahar, U.P. – 203001

**Present Office at: -** Gata No. 706, Village Kotana Khadar, Tehsil- Baraut, District- Baghpat- 250611

**.....PETITIONER.**

**VERSUS**

1. **STATE OF UTTAR PRADESH**, Through Secretary, Department of Geology and Mining, Civil Secretariate, Lucknow, U.P.
2. **UTTAR PRADESH POLLUTION CONTROL BOARD**, through its Chairman, T.C. Vibhuti Khand, Gomti Nagar, Lucknow- 226010.
3. **MEMBER SECRETARY, UTTAR PRADESH POLLUTION CONTROL BOARD**, T.C. Vibhuti Khand, Gomti Nagar, Lucknow- 226010.
4. **CHIEF ENVIRONMENT OFFICER, UTTAR PRADESH POLLUTION CONTROL BOARD**, T.C. Vibhuti Khand, Gomti Nagar, Lucknow- 226010.
5. **DISTRICT MAGISTRATE BAGHPAT**, District- Baghpat, Uttar Pradesh- 250609

**.....RESPONDENTS.**

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF**

**INDIA**

**To,**

**The Hon'ble Chief Justice and his other Hon'ble Companion Judges of this Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow.**

The above-named Petitioner most respectfully begs to submit as under: -

1. That this is the first petition being filed by the petitioner on facts and circumstances narrated hereinafter and no other petition has been filed by the

petitioner on the same subject matter before the Hon'ble Court at Lucknow or at Allahabad.

2. That the petitioner further declares that no caveat notice has been served upon him before filing the present petition from the respondents.
3. That the impugned Show Cause Notices have been issued by the O.P. No. 4, at Lucknow, therefore the cause of action has arisen before this Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow.
4. That by means of the present writ petition, the Petitioner, begs to invoke the extra ordinary jurisdiction of this Hon'ble Court, under Article 226 of the Constitution of India and seeks indulgence of this Hon'ble Court to issue a writ, order or direction, in the nature of Certiorari, quashing the impugned Show Cause Notice dated 18.03.2025, bearing Reference No. H25826/C-3/Jal 7841Meerut/2025, received on 31.03.2025, and the subsequent Show Cause Notice dated 02.05.2025, bearing Reference No. H27724/C-3/Jal7571Meerut/2025, received on 15.05.2025, both issued by Opposite Party No. 4.

By the aforesaid impugned notices, the Petitioner has been called upon to show cause as to why Environmental Compensation (EC) to the sum of ₹24,37,601/- (Rupees Twenty-Four Lakhs Thirty-Seven Thousand Six Hundred One only), comprising ₹17,55,891/- (Rupees Seventeen Lakhs Fifty-Five Thousand Eight Hundred Ninety-One only) in respect of alleged illegal mining in Village Chaprauli Khadar, Tehsil Badaut, District Bagpat, and ₹6,81,710/- (Rupees Six Lakhs Eighty-One Thousand Seven Hundred Ten only) in respect of alleged illegal mining in Village Kotana Khadar, Tehsil

Badaut, District Bagpat, together with an additional sum of ₹7,61,265/- (Rupees Seven Lakhs Sixty-One Thousand Two Hundred Sixty-Five only) for alleged illegal mining in Village Chaprauli Khadar, Tehsil Badaut, District Bagpat, aggregating in all to ₹31,98,866/- (Rupees Thirty-One Lakhs Ninety-Eight Thousand Eight Hundred Sixty-Six only), ought not to be levied upon it.

The impugned Show Cause Notices are wholly unsustainable in law, being vitiated by *legal malice* and issued without jurisdiction, with a premeditated and preconceived determination to saddle the Petitioner with liability, without due and proper consideration of the factual or legal matrix. Furthermore, the said notices stand issued in patent violation of the principles of natural justice, inasmuch as they have been framed dehors the statutory scheme and in contravention of the mandatory procedural safeguards envisaged under the subordinate legislation governing the field. True copies of the Show Cause Notice dated 18.03.2025 and 02.05.2025 are collectively being annexed as **Annexure No. 1** to this writ petition.

5. That further by means of the present writ petition, the Petitioner, begs to invoke the extra ordinary jurisdiction of this Hon'ble Court, under Article 226 of the Constitution of India and seeks indulgence of this Hon'ble Court to issue a writ, order or direction, in the nature of Mandamus, commanding the O.P. No. 4 not to proceed further in pursuance of the Show Cause Notices dated 18.03.2025 and 02.05.2025 issued by the O.P. No. 4.
6. That the brief facts giving rise to the instant writ petition are stated hereinafter.

7. That the principal object for which the company was established is to provide services pertaining to civil construction, property management, and related allied services to both individuals and corporate entities. Over the years, the Petitioner has built a comprehensive track record of timely and efficient service delivery, underpinned by a proactive approach to client satisfaction. All personnel associated with the company, comprising the proprietors, managerial staff, office executives, project managers, and field workers are collectively committed to the diligent and successful execution of assigned tasks.
8. That the office of the District Magistrate, Baghpat (Mining), issued a Notice dated 09.11.2022, bearing Letter No. 213/E-Tender cum E-Auction/Release-Balu-2022-23, whereby tenders were invited for grant of mining rights in respect of “available areas of ordinary sand in the river bed of Village Chaprauli Khadar and Village Kotana Khadar, Tehsil Baraut, District Baghpat, for a period of five years,” through the *e-tender-cum-e-auction* system, in terms of Chapter IV of the Uttar Pradesh Minor Minerals (Concession) Rules, 2021. A copy of notice dated 09.11.2022 is being annexed as **Annexure No. 2** to this writ petition.
9. That subsequently another amended notice dated 18.11.2022 was issued by the Office of the District Magistrate Bagpat (Mining) wherein the date of Second Phase of E Auction was amended from 24.12.2022 to 23.12.2022. A copy of the amended notice dated 18.11.2022 is being annexed as **Annexure No. 3** to this writ petition.
10. That subsequently, the Petitioner was declared as successful bidder in the aforesaid bid, having quoted an amount of ₹102/- (Rupees One Hundred and

Two only) per cubic meter. Accordingly, in respect of Chaprauli Khadar, the total bid for 2,40,000 cubic meters amounted to ₹2,44,80,000/- (Rupees Two Crores Forty-Four Lakhs Eighty Thousand only) for the first year, which was duly sanctioned and conferred upon the Petitioner vide *Letter of Intent* dated 31.12.2022. A copy of the Letter of Intent dated 31.12.2022 for Village Chaprauli is being annexed as **Annexure No. 4** to this writ petition.

11. That likewise, the Petitioner was also awarded the bid in respect of Village Kotana Khadar, wherein the Petitioner had quoted a rate of ₹135/- (Rupees One Hundred Thirty-Five only) per cubic meter for 2,75,500 cubic meters, aggregating to a sum of ₹3,71,32,500/- (Rupees Three Crores Seventy-One Lakhs Thirty-Two Thousand Five Hundred only) for the first year, which was duly sanctioned in favour of the Petitioner vide *Letter of Intent* dated 01.02.2023. A copy of the Letter of Intent dated 01.02.2023 for Village Kotana Khadar is being annexed as **Annexure No. 5** to this writ petition.

12. That the Ordinary Sand Mining Lease in respect of Village Chaprauli was granted to the Petitioner for a period of five years, wherein the amount payable for the first year was fixed at ₹2,44,80,000/- (Rupees Two Crores Forty-Four Lakhs Eighty Thousand only). For each subsequent year, the payable amount was stipulated to increase by 10% annually over the preceding year's e-auction amount, in accordance with Schedule V of the Uttar Pradesh Minor Minerals (Concession) Rules, 2021.

Similarly, the Ordinary Sand Mining Lease in respect of Village Kotana was also granted to the Petitioner, wherein the amount payable for the first year was determined at ₹3,71,92,500/- (Rupees Three Crores Seventy-One Lakhs Ninety-Two Thousand Five Hundred only), with a corresponding increase of

10% per annum over the preceding year's e-auction amount for the subsequent years, in terms of Schedule V of the aforesaid Rules.

13. That it is pertinent to mention that within a period of 1 month from the date of issuance of the Letter of Intent, the Petitioner had to submit the mining plan for approval before the Director, Geology and Mining, Government of Uttar Pradesh. Further within one month of obtaining the approved mining plan, the Petitioner had to submit a proposal for grant of Environmental Clearance Certificate before the competent authority.

14. That it is also germane to mention that it was incumbent on the Petitioner in accordance with the terms of the Letter of Intent, to obtain Environmental Clearance under Rule 35 in conformity with the provisions of the approved plan, the Notifications of the Ministry of Environment and Forests, Government of India, dated 14.09.2006 and 15.01.2016 (as amended from time to time). Thereafter, the Petitioner was to execute the mining lease deed within one month and secure Consent to Operate (CTO) from the competent authority, whereupon mining operations shall commence forthwith.

15. That in compliance with the aforesaid requirements, the Petitioner duly obtained all requisite clearances and permissions from the competent authorities within the stipulated period, in respect of both the villages, namely, Kotana and Chaprauli. A copy of all the clearances and approvals, obtained by the Petitioner for the commencement of the excavation of Ordinary Sand in both the villages are collectively being annexed as **Annexure No. 6** to this writ petition.

16. That it is crucial to mention that the Petitioner had duly obtained the Consent to Establish under the provisions of Water (Prevention and Control of Pollution) Act, 1974 as amended and Air (Prevention and Control of Pollution) Act, 1981 as amended, for mining of Ordinary Sand for 2,40,000 Cubic Meter on 10.05.2023 for village Chaprauli, for a period of 5 years i.e. from 07.05.2023 to 06.05.2028 and similarly the Petitioner had duly obtained the Consent to Establish under the provisions of Water (Prevention and Control of Pollution) Act, 1974 as amended and Air (Prevention and Control of Pollution) Act, 1981 as amended, for mining of Ordinary Sand for 2,75,500 Cubic Meter on 14.12.2023 for Village Kotana for a period of 5 years from 14.12.2023 to 13.12.2028. A copy of Consent To Establish valid for a period of 5 years for both the villages dated 10.05.2023 and 14.12.2023 are collectively being annexed as **Annexure No. 7** to this writ petition.

17. That further, the Petitioner has also obtained a Consolidated Consent to Operate and Authorization under Section 25 of the Water (Prevention & Control of Pollution) Act 1974 and Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 for a period from 29.11.2023 to 31.12.2027 for Ordinary Sand Mining for a quantity of 2,40,000 Cubic Meters for Village Chaprauli and similarly for village Kotana for a period from 20.12.2023 to 31.12.2028, for Ordinary Sand Mining for a quantity of 2,75,500 Cubic Meter on 20.12.2023. A copy of the Consolidated Consent & Authorisation Letters dated 29.11.2023 and 20.12.2023 are collectively being annexed as **Annexure No. 8** to this writ petition.

18. That subsequently, the Petitioner executed a registered *Lease Deed* with the State Government on 25.10.2023 for a period of five years in respect of Village Chaprauli, for mining of Ordinary Sand for a quantity of 2,40,000

cubic meters. Likewise, the Petitioner executed a registered *Lease Deed* in respect of Village Kotana on 12.01.2024 for a period of five years, for mining of Ordinary Sand for a quantity of 2,75,500 cubic meters. A copy of the registered lease deed dated 25.10.2023 and 12.01.2024 are collectively being annexed as **Annexure No. 9** to this writ petition.

19. That after obtaining all requisite permissions and consents, the Petitioner continued mining of Ordinary Sand for a continuous period of two years in both the villages, without any interference, objection, or claim of liability of any kind being raised by Opposite Party No. 4.

20. That it was only on 18.03.2025 that Opposite Party No. 4 issued a Show Cause Notice to the Petitioner, bearing Reference No. H25826/C-3/Jal 7841Meerut/2025, received on 31.03.2025, whereby the Petitioner was required to show cause as to why Environmental Compensation (EC) aggregating to ₹24,37,601/- (Rupees Twenty-Four Lakhs Thirty-Seven Thousand Six Hundred One only), comprising ₹17,55,891/- (Rupees Seventeen Lakhs Fifty-Five Thousand Eight Hundred Ninety-One only) in respect of alleged illegal mining in Village Chaprauli Khadar, Tehsil Badaut, District Bagpat, and ₹6,81,710/- (Rupees Six Lakhs Eighty-One Thousand Seven Hundred Ten only) in respect of alleged illegal mining in Village Kotana Khadar, Tehsil Badaut, District Bagpat, should not be levied against the Petitioner. A copy of the Show Cause Notice dated 18.03.2025 is already annexed as Annexure No. 1 to this writ petition.

21. That It is pertinent to note that the Show Cause Notice dated 18.03.2025 has been issued in respect of alleged illegal or excess mining of Ordinary Sand, as follows:

- In Village Chaprauli Khadar: 210 cubic meters on 01.04.2024; mining below the water level on 06.04.2024; and 1,142.25 cubic meters on 03.06.2024.
- In Village Kotana Khadar: 173 cubic meters on 11.02.2024; mining below the water level on 22.04.2024; and 352 cubic meters on 06.05.2024.

22. That subsequently, another Show Cause Notice dated 02.05.2025, bearing Reference No. H27724/C-3/Jal7571Meerut/2025, received on 15.05.2025, was issued by Opposite Party No. 4, whereby the Petitioner was called upon to show cause as to why Environmental Compensation (EC) amounting to ₹7,61,265/- (Rupees Seven Lakhs Sixty-One Thousand Two Hundred Sixty-Five only), in respect of alleged illegal mining in Village Chaprauli Khadar, Tehsil Badaut, District Bagpat, should not be levied against the Petitioner. A copy of the Show Cause Notice dated 02.05.2025 is already annexed as Annexure No. 1 to this writ petition.

23. That the Show Cause Notice dated 02.05.2025 has been issued by the O.P. No. 4 for alleged illegal/ excess mining of Ordinary Sand of 578 Cubic Meter on 18.06.2024.

24. That at the outset, it is respectfully submitted that the contentions set forth in the impugned Show Cause Notices are wholly misconceived, inasmuch as the mining activities in question have been carried out strictly in accordance with valid permits issued under the Mines and Minerals (Development and Regulation) Act, 1957, read with the Uttar Pradesh Minor Minerals (Concession) Rules, 2021, after compliance with all requisite formalities and

upon due inspection and recommendation by the competent revenue authorities. The Petitioner had, prior to commencement of mining operations, obtained all necessary authorizations, including the Consent to Operate as well as the Consolidated Consent & Authorization. In view thereof, the allegations made by Opposite Party No. 4, to the effect that the Petitioner has engaged in illegal mining, are wholly devoid of legal merit and, therefore, the impugned Show Cause Notices are liable to be quashed as unsustainable in law.

25. That the Petitioner has been served with the impugned Show Cause Notices with a manifestly pre-determined mindset, purportedly to levy Environmental Compensation amounting to a staggering sum of ₹31,98,866/- (Rupees Thirty-One Lakhs Ninety-Eight Thousand Eight Hundred Sixty-Six only) on the ground of alleged illegal mining in excess of sanctioned quantities. The aforesaid action, as reflected in the impugned notices, is arbitrary, wholly devoid of any reasonable justification, suffers from non-application of mind, and is, therefore, liable to be declared illegal, being in clear violation of the principles of natural justice and settled legal tenets.

26. That Opposite Party No. 4 has erred in law in issuing the Show Cause Notices dated 18.03.2025 and 02.05.2025, inasmuch as it has failed to demonstrate in either notice what specific environmental damage or harm has allegedly been caused by the Petitioner due to the purported illegal or excess mining of Ordinary Sand, or that such harm was so imminent as to necessitate the issuance of the said notices.

27. That Opposite Party No. 4, acting arbitrarily and hastily, has overreached the powers conferred upon it under the Water (Prevention and Control of

Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, by purportedly exercising authority without transparency. The O.P. No. 4 has failed to undertake any proper inspection of the mining sites, and in the absence of any inspection report provided to the Petitioner, has erroneously declared that the Petitioner allegedly engaged in mining in excess of sanctioned quantities, thereby acting beyond its lawful jurisdiction.

28. That Opposite Party No. 4 has further erred in law by failing to disclose the methodology or procedure adopted to reach the conclusion that the Petitioner carried out illegal or excess mining in Village Chaprauli and Village Kotana. The impugned Show Cause Notices are thus vitiated by a lack of transparency and procedural clarity, as they fail to elucidate the basis upon which the alleged excess mining was determined, rendering the same arbitrary, illegal, and liable to be quashed.

29. That even assuming, for the sake of argument, that Opposite Party No. 4 is vested with the power to impose Environmental Compensation under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, such power cannot be exercised in an arbitrary manner or in violation of the principles of natural justice. In the present case, Opposite Party No. 4 has failed to disclose or establish the procedure and methodology employed to determine the alleged illegal or excess mining. In the absence of any such transparent procedure, the impugned Show Cause Notices are manifestly vitiated by both jurisdictional and procedural infirmities and are, therefore, liable to be set aside and quashed.

30. That the Petitioner respectfully submits that, in good faith and with a view to resolving the matter amicably, he visited the office of Opposite Party No. 4 on multiple occasions. During these visits, the Petitioner was repeatedly assured by the officials of Opposite Party No. 4 that no coercive action would be taken pursuant to the impugned Show Cause Notices. Notwithstanding such assurances, the Opposite Party No. 4 has neither recalled nor withdrawn the said notices. It is respectfully submitted that the impugned Show Cause Notices, having been issued without jurisdictional competence, are manifestly arbitrary, illegal, and unsustainable in law, and are, therefore, liable to be quashed by this Hon'ble Court.

31. That it is submitted that the issuance of the impugned Show Cause Notices carries serious civil consequences, as their natural effect is the initiation of coercive proceedings, including the levy of Environmental Compensation, potentially culminating in the issuance of a recovery certificate. Such a certificate, if issued, would enable the recovery of the alleged Environmental Compensation from the Petitioner as arrears of land revenue, thereby subjecting the Petitioner to severe financial and reputational prejudice, despite the manifest illegality and unsustainability of the proceedings.

32. That a perusal of the Show Cause Notice dated 18.03.2025 reveals that the same has been issued purportedly in furtherance of observations made by the Hon'ble National Green Tribunal in OA No. 579 of 2024 and OA No. 580 of 2024, titled *Yashveer Singh vs. State of U.P. & Ors.*, vide order dated 31.01.2025, wherein the Central Pollution Control Board had informed that in relation to sand mining in the area, certain heavy machinery was employed and that Respondent No. 8 therein had allegedly carried out illegal mining in some areas, and further submitted that the Pollution Control Board would

impose the requisite cost. Pursuant thereto, the Hon'ble National Green Tribunal sought instructions from the Uttar Pradesh Pollution Control Board regarding the nature of costs to be imposed and the provisions of law under which the same would be levied, **which has till date not been answered.** A copy of orders passed by the Hon'ble National Green Tribunal in OA 579 of 2024 are collectively being annexed as **Annexure No. 10** to this writ petition.

33. That it is pertinent to emphasize that the directions of the Hon'ble National Green Tribunal pertained exclusively to the use of heavy machinery, whereas the present Show Cause Notice has been issued in respect of alleged illegal or excess mining of Ordinary Sand. The Petitioner has not been provided with any inspection report or supporting material forming the basis of the impugned notice. This constitutes a grave violation of the principles of natural justice and renders the notice legally unsustainable. Further, the matter addressed in the order dated 31.01.2025 falls entirely outside its scope and, therefore, cannot be relied upon by Opposite Party No. 4 in issuing the Show Cause Notice dated 18.03.2025.

34. That it is, therefore, evident that Opposite Party No. 4 has issued the impugned Show Cause Notices under the pretext of complying with the observations of the Hon'ble National Green Tribunal, with a predetermined intention to levy Environmental Compensation upon the Petitioner for alleged illegal or excess mining. Notably, Opposite Party No. 4 has failed to specify the methodology or procedure employed to arrive at the conclusion that the Petitioner engaged in such illegal or excess mining of Ordinary Sand, rendering the very foundation of the proposed imposition legally untenable and liable to be quashed.

35. That the Hon'ble Apex Court in *Siemens Ltd. vs. State of Maharashtra* (2006) 12 SCC 33, has dealt in length with the issue in hand and carved out exceptions wherein the High Court under Article 226 can entertain a writ against a show cause notice, the same is being reiterated herein: -

*"Although ordinarily a writ court may not exercise its discretionary jurisdiction in entertaining a writ petition questioning a notice to show cause unless the same inter alia appears to have been without jurisdiction as has been held by this Court in some decisions including State of Uttar Pradesh v. Brahm Datt Sharma and Anr. AIR 1987 SC 943, Special Director and Another v. Mohd. Ghulam Ghouse and Another, (2004) 3 SCC 440 and Union of India and Another v. Kunisetty Satyanarayana, 2006 (12) SCALE 262], but the question herein has to be considered from a different angle, viz, when a notice is issued with pre-meditation, a writ petition would be maintainable. In such an event, even if the courts directs the statutory authority to hear the matter afresh, ordinarily such hearing would not yield any fruitful purpose [See K.I. Shephard and Others v. Union of India and Others (1987) 4 SCC 431: AIR 1988 SC 686]. It is evident in the instant case that the respondent has clearly made up its mind. It explicitly said so both in the counter affidavit as also in its purported show cause.*

36. That the aforementioned principle has also been followed by this Court in V.C. Banaras Hindu University and Ors. v. Shrikant, MANU/SC/8170/2006, stating that: -

*"The Vice Chancellor appears to have made up his mind to impose the punishment of dismissal on the Respondent herein. A post decisional hearing given by the High Court was illusory in this case.*

37. That it is respectfully submitted that, while the 'Polluter Pays' principle forms an integral part of environmental jurisprudence under Article 21 of the Constitution of India, its implementation must strictly conform to the statutory procedures prescribed under law. In this regard, the Hon'ble Supreme Court, in Delhi Pollution Control Committee vs. Lodhi Property Co. Ltd., Civil Appeal Nos. 757-760 of 2013, has categorically held that the power to impose or collect restitutionary or compensatory damages, or to require the furnishing of bank guarantees as an ex-ante measure under Sections 33A and 31A of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, can be exercised only in accordance with the principles and procedures incorporated in the subordinate legislation, incorporating the basic tenets of natural justice. A verbatim language of the observations made by the Hon'ble Apex Court are being reproduced herein: -

***“ 35. To ensure that the Boards impose restitutionary and the compensatory environmental damages in a fair transparent, nonarbitrary manner, with procedural certainty, necessary subordinate legislation in the form of rules and regulations must be notified. This shall include methods by which environmental damage is determined, and the consequent quantum of damages are assessed. They may also incorporate certain basic principles of natural justice for fairness in action. At present environmental damages are being levied by the Boards on the basis of certain guidelines issued by the Central Pollution Control Board in its document “General framework for imposing environmental damage compensation” issue in December, 2022. These guidelines seem to have been issued pursuant to the directions of the NGT. It is important that these guidelines are reviewed thoroughly and***

*issued in the form of Rules and Regulations. This will enable declaration of a law that applies and ensures its recognition and easy implementation.*

*36. These Rules must also create enabling framework for citizens to file complaints about environmental damage. Public participation in environmental protection has assumed great importance with climate change threatening to drastically disrupt our way of living. Boards, being the first line of defence against polluting activities, must provide easy accessibility and encourage public participation in their function and decision making.*

*37. While we have reversed the decision of the High Court on the principle of law and hold that the environmental regulators, the Pollution Control Boards, can impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an ex-ante measure towards potential environmental damage in exercise of powers under Sections 33A and 31A of the Water and Air Acts, we issue the following consequential directions.*

*38. In view of the fact that the show cause notices in these cases relate to the year 2006 and those show cause notices were set aside by the Single as well as by the Division Benches of the High Court, we are of the opinion that no purpose will be served in reviving the said show cause notices at this point of time. In the facts and circumstances of the case while we allow the appeal on*

*the principle of law there shall not be any consequential direction for reviving the show cause notices which have been set-aside concurrently by the Single as well as by the Division Bench of the High Court. If certain amounts have been collected on the basis of the said show cause notices they shall be returned by DPCC within a period of six weeks from the date of this*

*order, and if amounts are not deposited or collected the appellant, DPCC shall not take any further action.*

*39. For the reasons stated above:*

*(a) we allow these appeals and set aside the judgement and order dated 23.01.2012, passed by the Division Bench of the High Court of Delhi to the extent of declaration of law but direct that the show cause notices that have been set aside by the High Court shall not be revived.*

*(b) we direct that the Pollution Control Boards can impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an ex-ante measure towards potential environmental damage in exercise of powers under Sections 33A and 31A of the Water and Air Acts.*

*(c) it is further directed that the power to impose or collect restitutionary or compensatory damages or the requirement to furnish bank guarantees as an ex-ante measure under Sections 33A and 31A of the Water and Air Acts shall be enforced only after detailing the principle and procedure incorporating basic principles of natural justice in the subordinate legislation.”*

38. That at the outset, it is respectfully submitted that Opposite Party No. 4 lacks any authority or jurisdiction to issue the impugned Show Cause Notices, even under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, or the Air (Prevention and Control of Pollution) Act, 1981, in the absence of a proper procedure and a transparent framework for the imposition of Environmental Compensation on the Petitioner. In this regard, the Hon'ble Supreme Court, in *Delhi Pollution Control Committee vs. Lodhi Property Co. Ltd.*, Civil Appeal Nos. 757–760 of 2013 (supra), has categorically directed

that no Environmental Compensation under Sections 33A and 31A of the Water and Air Acts shall be imposed except in accordance with principles and procedures laid down in the subordinate legislation, incorporating the basic tenets of natural justice.

39. That in view of the foregoing, it is submitted that the impugned Show Cause Notices, having been issued without jurisdiction, are a nullity in the eyes of law, and Opposite Party No. 4 cannot proceed or take any action thereunder.

40. That the imposition of Environmental Compensation aggregating ₹31,98,866/- without establishing any actual environmental harm is disproportionate and arbitrary, and violates the principles of reasonableness as enshrined under Articles 14 and 21 of the Constitution of India. The levy must correspond to actual damage or measurable environmental impact, which has not been demonstrated by Opposite Party No. 4.

41. That even under the subordinate legislation or powers conferred under the Water and Air Acts, the Petitioner has been denied a proper opportunity to make a meaningful representation. The Show Cause Notices do not provide the factual or technical basis for the alleged excess mining, thereby violating the fundamental requirement of *audi alteram partem*.

42. That the Petitioner, having complied with all statutory requirements, obtained necessary permits, and operated lawfully for two years without objection, has a legitimate expectation that no punitive action would be initiated arbitrarily. Issuing the impugned notices violates this doctrine and amounts to an abuse of statutory power.

43. That the Show Cause Notices relate to alleged acts that were conducted during periods when all permissions were valid and lawful. The notices seek to impose Environmental Compensation retrospectively, which is legally impermissible unless expressly authorized by statute.
44. That under the relevant environmental laws, imposition of Environmental Compensation requires consultation with State Revenue authorities or technical experts. The notices do not indicate any such consultation, rendering the action procedurally flawed.
45. That having left with no other efficacious alternative remedy, the Petitioners is invoking the extra-ordinary jurisdiction of this Hon'ble Court enshrined under Article 226 of the Constitution of India, on the following amongst other grounds.

### **GROUND**

- A. **Because**, the impugned Show Cause Notices dated 18.03.2025 and 02.05.2025 have been issued by Opposite Party No. 4 without any statutory or legal jurisdiction.
- B. **Because**, the issuance of such notices, in the absence of a transparent procedure or adherence to the principles prescribed under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, renders the same wholly illegal and liable to be quashed.
- C. **Because**, the Petitioner has not been provided with any inspection report, supporting material, or reasoning forming the basis of the alleged illegal or

excess mining, which constitutes a breach of the principle of *audi alteram partem*, and the impugned notices are thus violative of the fundamental principles of natural justice.

- D. **Because**, the Show Cause Notices appear to have been issued with a pre-determined and preconceived intention to levy Environmental Compensation against the Petitioner, notwithstanding lawful compliance with all permits, leases, and statutory obligations. Such action is arbitrary, mala fide, and liable to be set aside.
- E. **Because**, the Opposite Party No. 4 has failed to demonstrate any rational basis for the alleged excess mining, including methodology, measurements, or cumulative environmental impact.
- F. **Because**, the computation of Environmental Compensation aggregating ₹31,98,866/- is disproportionate and arbitrary, thereby rendering the impugned notices unsustainable in law.
- G. **Because**, the issuance of the Show Cause Notices under the guise of compliance with the Hon'ble National Green Tribunal's order dated 31.01.2025 is wholly erroneous.
- H. **Because**, the Hon'ble National Green Tribunal's observations pertained solely to the use of heavy machinery, whereas the notices relate to alleged illegal/excess mining of Ordinary Sand, which is entirely outside the scope of the order.
- I. **Because**, even assuming power exists to levy Environmental Compensation under Sections 33A and 31A of the Water and Air Acts, Opposite Party No. 4

has failed to comply with the procedural safeguards mandated therein, including disclosure of methodology, evidence, and reasoned assessment of environmental damage.

- J. **Because**, the ‘Polluter Pays’ principle since is recognized under Article 21 of the Constitution, its enforcement must strictly follow statutory procedures and principles of natural justice, in as much as the impugned notices seek to impose Environmental Compensation without establishing any actual environmental harm, making the action legally untenable.
- K. **Because**, the Petitioner, having obtained all requisite permits, consents, and authorizations, and having lawfully conducted mining for two years without objection, had a legitimate expectation that no punitive action would be initiated, therefore issuing the impugned notices violates this principle and constitutes an abuse of power.
- L. **Because**, the impugned notices seek to impose Environmental Compensation retroactively for activities conducted during periods of lawful authorization, therefore such retroactive imposition, without statutory sanction, is illegal and violates the principles of fairness, proportionality, and reasonableness.
- M. **Because**, the Opposite Party No. 4 has not conducted any proper inspection or produced any technical verification to substantiate the alleged illegal mining, nor has it demonstrated adherence to any recognized methodology, which renders the notices arbitrary, procedurally flawed, and liable to be quashed.
- N. **Because**, the Hon’ble Supreme Court, in *Delhi Pollution Control Committee vs. Lodhi Property Co. Ltd.*, Civil Appeal Nos. 757–760 of 2013, has held that

the power to impose or collect restitutionary or compensatory damages, or to require the furnishing of bank guarantees as an ex-ante measure under Sections 33A and 31A of the Water and Air Acts, can only be exercised in accordance with the principles and procedures incorporated in the subordinate legislation, incorporating the basic tenets of natural justice.

- O. **Because**, given the absence of jurisdiction, procedural safeguards, inspection reports, and adherence to natural justice, the impugned Show Cause Notices are nullities in the eyes of law, and no action can lawfully be taken thereunder.

### PRAYER

Wherefore, it is most respectfully prayed that this Hon'ble Court, may graciously be pleased to: -

- a. To issue a writ, order or direction, in the nature of Certiorari, quashing the impugned Show Cause Notice dated 18.03.2025, bearing Reference No. H25826/C-3/Jal 7841Meerut/2025, received on 31.03.2025, and the subsequent Show Cause Notice dated 02.05.2025, bearing Reference No. H27724/C-3/Jal7571Meerut/2025, received on 15.05.2025, both issued by Opposite Party No. 4., collectively annexed as **Annexure No. 1** to the writ petition, whereby Environmental Compensation (EC) has been arbitrarily levied to the tune of ₹24,37,601/- (Rupees Twenty-Four Lakhs Thirty-Seven Thousand Six Hundred One only) and ₹7,61,265/- (Rupees Seven Lakhs Sixty-One Thousand Two Hundred Sixty-Five only), respectively, aggregating to a sum of ₹31,98,866/- (Rupees Thirty-One Lakhs Ninety-Eight Thousand Eight Hundred Sixty-Six only);

- b. To issue a writ, order or direction, in the nature of Mandamus, commanding the O.P. No. 2 to O.P. No. 4, not to proceed further in pursuance of the Show Cause Notices dated 18.03.2025 and 02.05.2025 issued by the O.P. No. 4;
- c. To issue a writ, order or direction, in the nature of Mandamus, commanding the O.P. No. 4 to consider and decide afresh the representation to be submitted by the Petitioner in response to the impugned Show Cause Notices, in accordance with the principles and directions laid down by the Hon'ble Supreme Court in *Delhi Pollution Control Committee vs. Lodhi Property Co. Ltd.*, Civil Appeal Nos. 757-760 of 2013.
- d. Issue any other appropriate writ, order or direction, which this Hon'ble Court may deem just and necessary in the circumstances of the case; and
- e. To allow the writ petition with cost.

Lucknow

Dated: -

**SURYANSH NARULA**

Advocate

Reg No:- UP/9433/2022

A.o.R. No.:- B/S2819

Mob: 8858899961

**Counsel for the Petitioner**

**IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
SITTING AT LUCKNOW**

**Writ C No.            of 2025**

**M/s ROYAL CONSTRUCTION CO.**, through its Proprietor Mr. Dayachand Badgoti

**Registered Office at:-** Devi Pura 2, Bulandshahar, U.P. – 203001

**Present Office at: -** Gata No. 706, Village Kotana Khadar, Tehsil- Baraut, District- Baghpat- 250611

**.....PETITIONER.**

**VERSUS**

1. **STATE OF UTTAR PRADESH**, Through Secretary, Department of Geology and Mining, Civil Secretariate, Lucknow, U.P.
2. **UTTAR PRADESH POLLUTION CONTROL BOARD**, through its Chairman, T.C. Vibhuti Khand, Gomti Nagar, Lucknow- 226010.
3. **MEMBER SECRETARY, UTTAR PRADESH POLLUTION CONTROL BOARD**, T.C. Vibhuti Khand, Gomti Nagar, Lucknow- 226010.
4. **CHIEF ENVIRONMENT OFFICER, UTTAR PRADESH POLLUTION CONTROL BOARD**, T.C. Vibhuti Khand, Gomti Nagar, Lucknow- 226010.
5. **DISTRICT MAGISTRATE BAGHPAT**, District- Baghpat, Uttar Pradesh- 250609

**.....RESPONDENTS.**

**APPLICATION FOR AD-INTERIM RELIEF**

The Applicant/ Petitioner most respectfully beg to submit as hereunder: -

For the facts and reasons stated in the accompanying petition, duly supported with an affidavit, it is expedient and necessary in the interest of justice that the operation and implementation of the two impugned Show Cause Notices dated 18.03.2025, bearing Reference No. H25826/C-3/Jal 7841Meerut/2025, received on 31.03.2025, and the subsequent Show Cause Notice dated 02.05.2025, bearing Reference No. H27724/C-3/Jal7571Meerut/2025, received on 15.05.2025, issued by Opposite Party No. 4, may kindly be stayed, during the pendency of the writ petition, otherwise the petitioner shall suffer an irreparable loss and injury which cannot be made good in any event.

Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to stay the operation and implementation of the two impugned Show Cause Notices dated 18.03.2025, bearing Reference No. H25826/C-3/Jal 7841Meerut/2025, received on 31.03.2025, and the subsequent Show Cause Notice dated 02.05.2025, bearing Reference No. H27724/C-3/Jal7571Meerut/2025, received on 15.05.2025, issued by Opposite Party No. 4, in the interest of justice; and an ad- interim order to the said effect may also be passed.

Lucknow

Dated: -

**SURYANSH NARULA**

Advocate

Reg No:- UP/9433/2022

A.o.R. No.:- B/S2819

Mob: 8858899961

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**IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
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STATE OF UTTAR PRADESH & Ors.

**....RESPONDENTS.**

**LIST OF DATES & EVENTS**

<b>DATES</b>	<b>EVENTS</b>
09.11.2022	The office of the District Magistrate, Bagpat (Mining), floated a tender by issuing a notice (Letter No. 213/E-Tender cum E-Auction/Release-Balu-2022-23) inviting bids for mining of ordinary sand in the river beds of Village Chaprauli Khadar and Kotana Khadar, Tehsil Baraut, District Bagpat, for a period of 5 years through e-tender cum e-auction system under Chapter 4 of the U.P. Minor Minerals (Concession) Rules, 2021.
31.12.2022	Petitioner was awarded the bid for Village Chaprauli Khadar, having quoted Rs. 102/- per cubic meter for 2,40,000 cubic meters, amounting to ₹2,44,80,000/- for the first year. Letter of Intent issued in favor of the Petitioner.
01.02.2023	Petitioner was awarded the bid for Village Kotana Khadar, having quoted Rs. 135/- per cubic meter for 2,75,500 cubic meters, amounting to ₹3,71,32,500/- for the first year. Letter of Intent issued in favor of the Petitioner.
25.10.2023	Petitioner entered into a registered lease deed with the State Government for Village Chaprauli Khadar for mining of 2,40,000 cubic meters of ordinary sand for a period of 5 years.
12.01.2024	Petitioner entered into a registered lease deed with the State Government for Village Kotana for mining of 2,75,500 cubic meters of ordinary sand for a period of 5 years.
01.04.2024	Alleged illegal/excess mining of ordinary sand of 210 cubic meters in Village Chaprauli Khadar (basis for Show Cause Notice dated 18.03.2025).
06.04.2024	Alleged mining mark found below water level in Village Chaprauli Khadar (basis for Show Cause Notice dated 18.03.2025).
11.02.2024	Alleged illegal/excess mining of 173 cubic meters in Village Kotana Khadar (basis for Show Cause Notice dated 18.03.2025).
22.04.2024	Alleged mining mark found below water level in Village Kotana Khadar (basis for Show Cause Notice dated 18.03.2025).

06.05.2024	Alleged illegal/excess mining of 352 cubic meters in Village Kotana Khadar (basis for Show Cause Notice dated 18.03.2025).
03.06.2024	Alleged illegal/excess mining of 1,142.25 cubic meters in Village Chaprauli Khadar (basis for Show Cause Notice dated 18.03.2025).
18.06.2024	Alleged illegal/excess mining of 578 cubic meters in Village Chaprauli Khadar (basis for Show Cause Notice dated 02.05.2025).
18.03.2025	Opposite Party No. 4 issued Show Cause Notice (Ref. No. H25826/C-3/Jal 7841Meerut/2025) received by Petitioner on 31.03.2025, demanding Environmental Compensation of Rs. 24,37,601/- for alleged illegal/excess mining in Villages Chaprauli and Kotana.
02.05.2025	Opposite Party No. 4 issued Show Cause Notice (Ref. No. H27724/C-3/Jal7571Meerut/2025) received on 15.05.2025, demanding Environmental Compensation of Rs. 7,61,265/- for alleged illegal/excess mining in Village Chaprauli Khadar.
-	The imposition of Environmental Compensation aggregating ₹31,98,866/- without establishing any actual environmental harm is disproportionate and arbitrary, and violates the principles of reasonableness as enshrined under Articles 14 and 21 of the Constitution of India. The levy must correspond to actual damage or measurable environmental impact, which has not been demonstrated by Opposite Party No. 4.
	<b>HENCE THIS PETITION</b>

Lucknow

Dated: -

**SURYANSH NARULA**

Advocate

Reg No:- UP/9433/2022

A.o.R. No.: - B/S2819

Mob: 8858899961

**Counsel for the Petitioner**

**IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
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**Writ C No.            of 2025**

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**.....PETITIONER.**

**VERSUS**

STATE OF UTTAR PRADESH & Ors.

**....RESPONDENTS.**

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Lucknow

Dated: -

**SURYANSH NARULA**

Advocate

Reg No:- UP/9433/2022

A.o.R. No.:- B/S2819

Mob: 8858899961

**Counsel for the Petitioner**

**IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
SITTING AT LUCKNOW**

**Writ C No.            of 2025**

**M/s ROYAL CONSTRUCTION CO.**, through its Proprietor Mr. Dayachand Badgoti

**Registered Office at:-** Devi Pura 2, Bulandshahar, U.P. – 203001

**Present Office at: -** Gata No. 706, Village Kotana Khadar, Tehsil- Baraut, District- Baghpat- 250611

**.....PETITIONER.**

**VERSUS**

1. **STATE OF UTTAR PRADESH**, Through Secretary, Department of Geology and Mining, Civil Secretariate, Lucknow, U.P.
2. **UTTAR PRADESH POLLUTION CONTROL BOARD**, through its Chairman, T.C. Vibhuti Khand, Gomti Nagar, Lucknow- 226010.
3. **MEMBER SECRETARY, UTTAR PRADESH POLLUTION CONTROL BOARD**, T.C. Vibhuti Khand, Gomti Nagar, Lucknow- 226010.
4. **CHIEF ENVIRONMENT OFFICER, UTTAR PRADESH POLLUTION CONTROL BOARD**, T.C. Vibhuti Khand, Gomti Nagar, Lucknow- 226010.
5. **DISTRICT MAGISTRATE BAGHPAT**, District- Baghpat, Uttar Pradesh- 250609

**.....RESPONDENTS.**

**AFFIDAVIT**

I, Ritik Mahur, aged about 24 years, S/o Kishan Pratap, R/o Dhameda Adda Nayagaon, PO Naya Gain District- Bulandshahr, Qualification- ....., Occupation- Employee, the deponent, do hereby solemnly affirm on oath and state as under:

1. That the deponent is the authorized person, duly authorized by the Petitioner in the above captioned writ petition, and he is fully conversant with the facts deposed to hereunder. A copy of authorization certificate is being attached along with the present writ petition.
  
2. That the contents of paragraphs no..... and.....of the accompanying Petition are true to my personal knowledge and belief, while those of paragraphs no. ....are believed to be true by me on the basis of information gathered from records and paragraphs no..... are based on legal advice.
  
3. That Annexures no. 1 to of the accompanying Petition are true photocopies of their respective originals, which are found to be true and compared by the deponent.

LUCKNOW

DATED:-

**DEPONENT**

**VERIFICATION**

I, the above-named deponent, do hereby verify that the contents of paragraphs 1 to 3 of this Affidavit are true to my personal knowledge and belief. No part of it is false and nothing material has been concealed. So, help me God.

LUCKNOW

DATED:-

**DEPONENT**

**IDENTIFICATION**

I, Suryansh Narula, Advocate having chamber at 1/192, Vinamra Khand, Gomti Nagar, Lucknow- 226010, declare that I am satisfied on the grounds stated below that the person making this affidavit and alleging himself to be Sanjay Kumar, the deponent is that very person.

**GROUND:**

Identity proof shown to me by Ritik Mahur also annexed as Annexure No. A to this affidavit.

Person identifying the deponent

Solemnly affirmed before me by the deponent Ritik Mahur on .....,  
, 2025 at        a.m. / p.m. who has been identified by Sri Suryansh Narula,  
Advocate, High Court, Lucknow. I have satisfied myself by examining the  
deponent that he understands the contents of this affidavit, which have been  
read over and explained to him by me.

**IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,  
SITTING AT LUCKNOW**

**Writ C No.            of 2025**

M/s ROYAL CONSTRUCTION CO.

**.....PETITIONER.**

**VERSUS**

STATE OF UTTAR PRADESH & Ors.

**....RESPONDENTS.**

**ANNEXURE NO.**

**-TRUE COPY-**



2025:AHC-LKO:62658-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**WRIT - C No. - 9939 of 2025**

M/S Royal Construction Co.Thru.Proprietor  
Mr.Dayachand Badgoti

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Deptt. Of Geology And  
Mining Lko. U.P. And 4 Others

.....Respondent(s)

---

Counsel for Petitioner(s) : Suryansh Narula  
Counsel for Respondent(s) : C.S.C., Ashok Kumar Verma

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**Court No. - 3**

**HON'BLE SHEKHAR B. SARAF, J.  
HON'BLE PRASHANT KUMAR, J.**

1. Heard learned counsel for the parties.
2. This is a writ petition under Article 226 of the Constitution of India wherein the writ petitioner has assailed the show cause notice dated 18.03.2025 issued by the respondent no.4.
3. We are of the view that the writ petition may be disposed of with liberty to the petitioner to file his reply before the authorities concerned and once the reply is filed within a period of three weeks from the date, the authorities concerned is directed to provide an opportunity of hearing to the petitioner and thereafter pass a reasoned order in accordance with law.
4. Accordingly, the writ petition is **disposed of**.

**(Prashant Kumar,J.) (Shekhar B. Saraf,J.)**

**October 10, 2025**

Anupam S/-

**-TRUE COPY-**

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ANNEXURE R/6<sup>67</sup>

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**WRIT - C No. - 9939 of 2025**

M/S Royal Construction Co.Thru.Proprietor  
Mr.Dayachand Badgoti

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Deptt. Of Geology And  
Mining Lko. U.P. And 4 Others

.....Respondent(s)

---

Counsel for Petitioner(s) : Suryansh Narula  
Counsel for Respondent(s) : C.S.C., Ashok Kumar Verma

---

**Court No. - 3**

**HON'BLE SHEKHAR B. SARAF, J.  
HON'BLE PRASHANT KUMAR, J.**

***Order on Application No.IA/2/2025***

1. This is an application for correction in the order dated 10.10.2025 passed by this Court.
2. Heard learned counsel for the parties.
3. We have perused the affidavit accompanying the correction application and find that sufficient cause has been made out.
4. Accordingly, the correction application is **allowed** to the extent that in the second paragraph of the order dated 10.10.2025 the words "**and show cause notice dated 02.05.2025**" shall be added and read after the words '**dated 18.03.2025**'.
4. This order shall be jointly read with order dated 10.10.2025 (supra).
6. Office is directed to issue a certified copy of the order accordingly.

**October 16, 2025**

Saurabh Yadav/-

**(Prashant Kumar,J.) (Shekhar B. Saraf,J.)**

**-TRUE COPY-**

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**Advance Service of objections on behalf of R-8 in OA No. 579/2024 with OA No. 580/2024.**

1 message

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**ELDF** <eldflegal@gmail.com>

Wed, Dec 3, 2025 at 2:14 PM

To: "advkpandey78@gmail.com" <advkpandey78@gmail.com>, priyanka swami <advpriyankaswami@gmail.com>, pradeepmisra@yahoo.com, daleepdhayani@yahoo.co.in, Mukesh Verma <mvermadv@gmail.com>, Anukriti Bajpai <anukriti@eldfindia.com>, Surya Gupta <surya@eldfindia.com>, Shubham Upadhyay <Shubham@eldfindia.com>, Anivarth VO <avoanivarth@gmail.com>

Dear All,

Dear All,

Please find attached the copy of Objections filed on behalf of R-8 in the above mentioned case.

Thanks

Shubham Upadhyay

Advocate for Respondent No. 8

+91 7054770000

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 **OBJECTIONS TO JC.pdf**  
16087K