

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

ORIGINAL APPLICATION NO. 799 OF 2023

IN THE MATTER OF:

Ritisha Gond

...Applicant

Versus

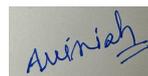
Union of India & Ors.

...Respondents

INDEX

Sl No.	Particulars	Pages
1.	OBJECTION/REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 16 (OMAX MINERALS PRIVATE LIMITED) TO THE INTERIM APPLICATION/REPORT FILED BY THE UTTAR PRADESH POLLUTION CONTROL BOARD (UPPCB) DATED 11.12.2024 & NOTICE DATED 05.06.2024 ISSUED BY DGMS	1-9
2.	ANNEXURE R-1 (COLLY) A COPY OF THE EMAIL CORRESPONDENCE OF THE COMPLIANCE REPORT.	10-11
3.	ANNEXURE R-2 A COPY OF THE REPLY DATED 06.10.2025 SUBMITTED TO THE UPPCB.	12-13
4.	ANNEXURE R-3 A COPY OF THE SAID DGMS COMPLIANCE REPLY DATED 13.01.2025.	14

ADVOCATES FOR THE RESPONDENT NO.16



ASHISH CHAUBEY/AVINISH KR. SAURABH

MOB NO.- 7838296401

EMAIL- ASHISH.CHAUBEY03@GMAIL.COM

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

ORIGINAL APPLICATION NO. 799 OF 2023

IN THE MATTER OF:

RITISHA GOND

...Applicant

Versus

UNION OF INDIA & ORS.

...Respondents

**OBJECTION/REPLY AFFIDAVIT ON BEHALF OF RESPONDENT
NO. 16 (OMAX MINERALS PRIVATE LIMITED) TO THE
INTERIM APPLICATION/REPORT FILED BY THE UTTAR
PRADESH POLLUTION CONTROL BOARD (UPPCB) DATED
11.12.2024 & NOTICE DATED 05.06.2024 ISSUED BY DGMS**

I, Sachin Agrawal, S/o Shri Shyam Sunder Agrawal, Director/authorized representative of Omax Minerals Private Limited, R/o House No. 62, Transport Nagar Korba, Chhattisgarh, Pin- 495677 do hereby solemnly affirm and state as under:

MOST RESPECTFULLY SHOWETH:

1. That I am the Director of Respondent No. 16, Omax Minerals Private Limited, duly authorized to file the present Objection/Reply Affidavit and hence competent to swear this affidavit. I am well acquainted with the facts and circumstances of the case and am competent to depose to the same.

2. That the present Objection/Reply Affidavit is being filed on behalf of the answering Respondent in response to the Interim Application/Report dated 11.12.2024 filed by the Uttar Pradesh Pollution Control Board (hereinafter referred to as "UPPCB"), and Notice dated 05.06.2024/12.12.2024 issued By DGMS wherein certain observations and remarks have been made regarding the mining operations of this answering Respondent.
3. That the answering Respondent is a duly authorized mining lease holder of Arazi No. 4478Chha, Village – Billi Markundi, Tehsil – Obra, District – Sonbhadra, admeasuring 2.20 hectares for Dolo Stone mining, in accordance with the valid Environmental Clearance (EC) granted by the State Level Environment Impact Assessment Authority (SEIAA), Uttar Pradesh, vide EC Identification No. EC22B00189507 dated 01.07.2022, and the Consent to Operate (CTO) issued by the Uttar Pradesh Pollution Control Board vide Ref. No. 163904/UPPCB/Sonbhadra(UPPCBRO)/CTO/Both/SONBH ADRA/2022 dated 27.09.2022, which remains valid up to 31.12.2026.
4. At the outset, the contents of the said Application/Report, to the extent inconsistent with the record or not admitted herein, are specifically denied. The answering Respondent submits that it has been fully complying with all environmental norms, directions, and consent conditions as stipulated under the Air (Prevention and Control of Pollution)

Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974, and other applicable environmental regulations.

Primary Objections/Submissions:

5. The answering Respondent most respectfully submits that it has been filing its Compliance Reports in a timely manner as required under the relevant rules and directions of SEIAA and UPPCB.
6. The answering Respondent reiterates that it has been operating strictly within the parameters prescribed under the law and has adopted all necessary measures for environmental protection and pollution control, including installation of requisite control systems and regular environmental monitoring.
7. The answering Respondent remains willing to furnish any clarification, document, or compliance detail that this Hon'ble Tribunal or the UPPCB may require for verification or record.
8. That as per the records, the answering Respondent has obtained Environmental Clearance vide Identification No. EC22B00189507 dated 01.07.2022 for a sanctioned period of 20 years, and the same has been duly reflected in the Joint Committee Report.
9. That the answering Respondent had obtained CTO from the UPPCB vide Ref. No. 163904/UPPCB/Sonbhadra(UPPCBRO)/CTO/Both/SONBH ADRA/2022 dated 27.09.2022, which is valid up to

31.12.2026. As per the CTO, the annual production capacity of Dolo Stone is 70,400 cubic meters by open cast and semi-mechanized method.

10. That the Divisional Forest Officer, Sonbhadra, vide reference No. 2030/Sonbhadra/10/Writ dated 10.05.2024, (@ page 273) categorically stated that the mining lease area is located more than 100 meters from the boundary of the reserved forest area and that no forest offence is registered against the leaseholder, nor has there been any damage to flora or fauna due to the said lease operations.
11. That the project proponent has been fully complying with all the conditions stipulated in the Consent to Operate (CTO) issued by the UPPCB. All requisite compliance reports up to September 2025 have been duly submitted within the prescribed timelines through email to the Regional Office of UPPCB.

A copy of the said email correspondence and compliance report is annexed herewith as **Annexure R-1 'Colly'** at pages_____.

12. That the observation in the inspection report dated 29.11.2024 stating that the mining lease was “non-operational for one month” is incorrect and misconceived. The mining operations were temporarily closed from 16.11.2024 to 15.12.2024 due to certain correctional and maintenance activities, including internal rectifications and compliance alignment, and not due to any violation or non-compliance. Therefore, during the inspection on dated

29.11.2024 the inspection team found it closed. The short closure period for such corrective work cannot be construed as non-operation.

13. That the allegation regarding the absence of water sprinkling mechanism is baseless and factually incorrect. The answering Respondent has a water tanker and sprinkling system within the lease area which remains operational during active mining operations to control dust emissions. Since mining activity was temporarily halted at the time of inspection, the sprinkling system was not in use, which may have been incorrectly interpreted as absence.
14. It is correctly noted that the display board of the mining lease is established. The fencing around the lease periphery is present and is being progressively strengthened in accordance with the approved mining plan and environmental management plan.
15. That adequate plantation has been carried out around the lease boundary and in non-mining zones. Additional tiers of plantation are undertaken every monsoon season as part of the progressive reclamation and green belt development program under the EC conditions.
16. That the septic tank for domestic effluent has been properly constructed and is in functional condition, in compliance with the EC and CTO requirements.
17. That the observation regarding non-visible coordinate pillars is denied. The lease boundary pillars have been duly erected at all DGPS coordinates. Minor maintenance issues, if any,

due to erosion or natural wear, are periodically attended to and do not constitute any breach of compliance.

18. That the show cause notice dated 11.12.2024 under Section 31-A of the Air (Prevention and Control of Pollution) Act, 1981, as referred to in the report @ page 756, was never received by the answering Respondent through any official communication channel. However, upon coming to know of the said notice being placed before this Hon'ble Tribunal, the answering Respondent, in good faith, submitted a detailed reply to UPPCB on 06.10.2025, explaining full compliance with EC and CTO conditions.

It is pertinent to mention here that the said show-cause notice issued by UPPCB is dated 11.12.2024 and the reply filed before this Hon'ble Tribunal by UPPCB is also on the same date which shows that the notice was issued in a hurry for the sake of filing the inspection report/reply. The notice issued is baseless and factually incorrect because the answering respondent is in compliance with all regulations and no violation has been made on their part.

A copy of the said reply dated 06.10.2025 is annexed herewith as **Annexure R-2** at pages **12-13**.

REPLY TO THE NOTICE DATED 05.06.2024 BY DGMS:

19. That the Directorate General of Mines Safety (DGMS), Varanasi Region, had issued an inspection notice dated 05.06.2024 in respect of the answering Respondent's mining lease situated at Arazi No. 5593Ka (Khand-8), Village Billi Markundi, Tehsil Obra, District Sonbhadra, pointing out

certain observations related to mine working and blasting operations. The said notice did not allege any grave violation but sought clarification on compliance with safety distances and blasting regulations under the Mines Metalliferous Regulations, 1961. The said inspection notice has also been filed before this Hon'ble Tribunal by the DGMS dated 10.12.2024. (@ Page 654)

20. The answering Respondent submits that the said notice dated 05.06.2024 sent by DGMS was not received by them and therefore DGMS sent a reminder letter dated 12.12.2024 and a reply to the same was filed by the Respondent dated 16.12.2024.
21. The answering Respondent respectfully submits that in the Compliance Reply furnished dated 16.12.2024 to the Director of Mines Safety (DGMS), Varanasi Region, in reference to DGMS inspection dated 05.06.2024/12.12.2024 at the said mining site, the Respondent has confirmed that:
 - The mine works was carried out withing 300 meters of danger zone, and 100 meters taking care of all parameters like maximum charge per delay, fly rock etc.
 - Blasting operations were conducted strictly within safety limits prescribed under Regulations 164 and 164(1B) of the Mines Metalliferous Regulations, 1961, ensuring use of controlled explosives (not exceeding 2 kg per hole) and with delay detonators;
 - All safety measures and statutory precautions during blasting have been duly observed.

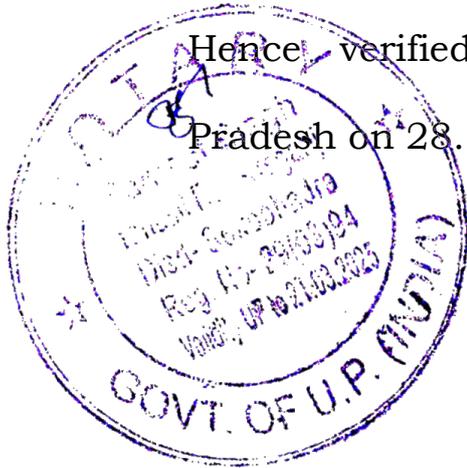
A copy of the said DGMS compliance reply dated 16.12.2024 is annexed herewith as **Annexure R-3** at page **14**.

In view of the above, it is most respectfully submitted that the observations made in the report of UPPCB and DGMS in their respective notices are factually incorrect and misconceived. The answering Respondent has been in full compliance with all environmental, statutory, and consent conditions, and there exists no violation or ground warranting any adverse action or imposition of environmental compensation. It is, therefore, most respectfully prayed that this Hon'ble Tribunal may kindly take the present reply on record and be pleased to dismiss the allegations contained in the report dated 11.12.2024 and the inspection Notice dated 05.06.2024 against the answering Respondent, in the interest of justice and equity.

Verification

I, Sachin Agrawal, S/o Sri Shyam Sunder Agrawal, resident of House No. 62, Transport Nagar Korba, Chhattisgarh, Pin-495677, proprietor Omax Minerals Private Limited, HIG 07 Sector 2, Shankar Nagar, Raipur Chhattisgarh, do hereby solemnly affirm and declare that the content of the above counter affidavit in paragraphs No. are true and correct to the best of my knowledge and belief gathered on the basis of records available with me.

Hence verified at Robertsganj, Sonbhadra, Uttar Pradesh on 28.10.2025



Deponent
Sachin Agrawal



928

Compliance Report <compliance1234@gmail.com>

Compliance of the stipulated Conditions in the Consolidated CTO Letter No., 163904/UPPCB/Sonebhadra(UPPCBRO)/CTO/both/Sonebhadra/2022, Dated: 27/09/2022 of M/s Omax Minerals Pvt. Ltd. (Dolo Stone), located at Arazi no. 4478 CHHA, Lease area-2.20ha, Village-Billi Markundi, Tehsil-Obra, District-Sonebhadra, UP. (Application ID:17723528)

1 message

Compliance & Replenishment Report <compliance1234@gmail.com>

Thu, Aug 7, 2025 at 8:45 AM

To: rosonbhadra@uppcb.in

To
The Regional Officer,
Pollution Control Board,
Sonebhadra

Subject: Compliance of the stipulated Conditions in the Consolidated CTO Letter No., 163904/UPPCB/Sonebhadra(UPPCBRO)/CTO/both/Sonebhadra/2022, Dated: 27/09/2022 of M/s Omax Minerals Pvt. Ltd. (Dolo Stone), located at Arazi no. 4478 CHHA, Lease area-2.20ha, Village-Billi Markundi, Tehsil-Obra, District-Sonebhadra, UP. (Application ID: 17723528)

Dear Sir,

This has reference to the CTO Letter No. **163904/UPPCB/Sonebhadra (UPPCBRO)/CTO/both/Sonebhadra/2022, Dated: 27/09/2022**, Issued by Pollution Control Board, Lucknow, Uttar Pradesh. I have been submitting the quarterly compliance Report. In view of above, I am submitting a copy of the following information/ documents for your kind perusal:

Session: June, 2025

Thanking you,

Yours Sincerely,

M/s Omax Minerals Pvt. Ltd. (Dolostone),

**cto compliance june 2025 omaxe.pdf**

2615K



929

Compliance Report <compliance1234@gmail.com>

Compliance of the stipulated Conditions in the Consolidated CTO Letter No., 163904/UPPCB/Sonebhadra(UPPCBRO)/CTO/both/Sonebhadra/2022, Dated: 27/09/2022 of M/s Omax Minerals Pvt. Ltd. (Dolo Stone), located at Arazi no. 4478 CHHA, Lease area-2.20ha, Village-Billi Markundi, Tehsil-Obra, District-Sonebhadra, UP. (Application ID:17723528)

1 message

Compliance & Replenishment Report <compliance1234@gmail.com>

Mon, Oct 13, 2025 at 12:49 PM

To: rosonbhadra@uppcb.in

To
The Regional Officer,
Pollution Control Board,
Sonebhadra

Subject: Compliance of the stipulated Conditions in the Consolidated CTO Letter No., 163904/UPPCB/Sonebhadra(UPPCBRO)/CTO/both/Sonebhadra/2022, Dated: 27/09/2022 of M/s Omax Minerals Pvt. Ltd. (Dolo Stone), located at Arazi no. 4478 CHHA, Lease area-2.20ha, Village-Billi Markundi, Tehsil-Obra, District-Sonebhadra, UP. (Application ID: 17723528)

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This has reference to the CTO Letter No. **163904/UPPCB/Sonebhadra (UPPCBRO)/CTO/both/Sonebhadra/2022, Dated: 27/09/2022**, Issued by Pollution Control Board, Lucknow, Uttar Pradesh. I have been submitting the quarterly compliance Report. In view of above, I am submitting a copy of the following information/ documents for your kind perusal:

Session: September, 2025

Thanking you,

Yours Sincerely,

M/s Omax Minerals Pvt. Ltd. (Dolostone),

 **omax september 25 comp.pdf**
2613K

OMAX MINERALS PVT. LTD.**DEALS IN ALL TYPES OF MINERALS & ORES**

CIN - U10100CT2011PTC000050



सेवा में,

दिनांक: 06/10/2025

श्रीमान मुख्य पर्यावरण अधिकारी (वृत्त - 2),
उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ ।

परियोजना का नाम : मेसर्स ओमेक्स मिनिरल्स प्रा०लि० (डोलो स्टोन खनन परियोजना), आराजी नम्बर-4478छ,
(क्षेत्रफल-2.20 हेक्टेयर), ग्राम-बिल्ली-मारकुण्डी, तहसील-ओबरा, जनपद-सोनभद्र ।

संदर्भ: पत्र संख्या H20991/ सी-2/ वायु -574/का० ब० नो०/24 दिनांक: 11/12/2024

महोदय,

उपरोक्त पत्र संख्या H20991/ सी-2/ वायु -574/का० ब० नो०/24 दिनांक: 11/12/2024 प्रार्थी को अभी तक किसी भी माध्यम से प्राप्त नहीं हुआ है एवं इसके बारे में प्रार्थी को कोई भी जानकारी नहीं थी । माननीय राष्ट्रीय हरित न्यायाधिकरण में योजित ओ०ए० 799/ 2023 रितिशा गोंड बनाम यूनियन ऑफ इंडिया व अन्य में दिनांक 07/08/2025 को यह तथ्य प्रकाश में आया कि उपरोक्त पत्र प्रार्थी को प्रेषित किया गया है किन्तु उपरोक्त पत्र प्रार्थी को प्राप्त नहीं हुआ है। माननीय न्यायालय के समक्ष प्रार्थी को पत्र प्राप्त कराने एवं स्पष्टीकरण प्रस्तुत करने हेतु निवेदन किया गया जिसमें माननीय न्यायालय द्वारा उक्त निवेदन स्वीकार करते हुए अगली तिथि 07/11/2025 को नियत की गई । काफी समय प्रतीक्षा करने के पश्चात भी प्रार्थी को उपरोक्त पत्र नहीं प्राप्त हुआ । अतः सूचना के आधार के तहत ये पत्र प्रार्थी द्वारा प्राप्त किया गया है एवं उक्त के क्रम में अपना स्पष्टीकरण प्रस्तुत किया जा रहा है ।

- (1) प्रार्थी आपको सूचित करना चाहता है कि प्रार्थी की खदान अपरिहार्य कारणों से एवं सुधारात्मक कार्य हेतु 16/11/2024 से 15/12/2024 तक एक माह के लिए बंद पड़ी थी । इसीलिये दिनांक 29/11/2024 को निरीक्षण के समय जांच टीम द्वारा माइनिंग परियोजना का संचालन अस्थायी रूप से बंद पाया गया ।
- (2) प्रार्थी की खदान पर डस्ट सप्रेसन हेतु पानी के छिड़काव की व्यवस्था वाटर टैंकर द्वारा की गयी है परन्तु निरीक्षण के समय खदान बंद होने के कारण वाटर टैंकर का उपयोग उक्त समय पर नहीं किया जा रहा था ।
- (3) परियोजना द्वारा राज्य प्रदूषण नियंत्रण बोर्ड से जारी सहमति (जल एवं वायु) की शर्तों का अनुपालन पूर्णतयः किया जा रहा है एवं उक्त के क्रम में अनुपालन आख्या (कंप्लायंस रिपोर्ट) समय समय पर प्रेषित की जा चुकी है जिसमें परियोजना शुरू होने से सितंबर 2025 तक के सभी कंप्लायंस रिपोर्ट प्रार्थी के पास उपलब्ध हैं ।
- (4) उक्त परियोजना में आसपास के ही मजदूर कार्य करते हैं जिनके लिए पोर्टेबल टॉयलेट की सुविधा उपलब्ध है । उक्त परियोजना स्थल पर इसके अलावा किसी भी तरह का घरेलु बहिर्भाव नहीं हो रहा है । नगरपालिका ठोस अपशिष्ट के निस्तारण के लिए डस्टबिन की सुविधा है और ठोस अपशिष्ट निस्तारण के रूल्स व रेगुलेशन के अनुसार उनका निस्तारण किया जाता है ।

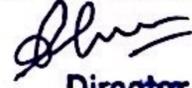
OMAX MINERALS PVT. LTD.**DEALS IN ALL TYPES OF MINERALS & ORES**

CIN - U10100CT2011PTC000050



प्रार्थी द्वारा सदैव नियमानुसार कार्य किया जाता रहा है एवं राज्य प्रदूषण नियंत्रण बोर्ड द्वारा निर्गत सहमति (जल एवं वायु) में अधिरोपित शर्तों का पूर्णतयः अनुपालन किया जाता रहा है। अतः श्रीमान जी से विनम्र निवेदन है कि उक्त तथ्यों एवं परिस्थितियों के दृष्टिगत :

- (1) परियोजना मेसर्स ओमेक्स मिनिरल्स प्रा०लि० (डोलो स्टोन खनन परियोजना), आराजी नम्बर-4478छ, (क्षेत्रफल-2.20 हेक्टेयर), ग्राम-बिल्ली-मारकुण्डी, तहसील-ओबरा, जनपद-सोनभद्र की संचालन प्रक्रिया को बंद न किया जाय।
- (2) परियोजना की औद्योगिक इकाई को मिलने वाली विद्युत आपूर्ति एवं जल आपूर्ति का विच्छेदन न किया जाय एवं अन्य सुविधाओं को भी बंद न किया जाय।
- (3) परियोजना द्वारा राज्य प्रदूषण नियंत्रण बोर्ड से जारी सहमति (जल एवं वायु) की समस्त शर्तों का अनुपालन पूर्णतयः किया गया है एवं किसी भी शर्त का उल्लंघन नहीं किया गया है। अतः श्रीमान जी से निवेदन है कि परियोजना के विरुद्ध उल्लंघन अवधि हेतु केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी गाइडलाइन के अनुसार ₹ 10,000 प्रतिदिन की दर से पर्यावरणीय क्षतिपूर्ति अधिरोपित न की जाय।

प्रार्थी
Omax Minerals Pvt. Ltd.

Director

सचिन अग्रवाल

निदेशक - मेसर्स ओमेक्स मिनिरल्स प्रा०लि०

प्रतिलिपि : श्रीमान क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, सोनभद्र।

Robertsganj HO 231216
EU571585220IN, IVR No. 16
06/10/2025 11:01:11, Counter No. 1
To: CHTRIA ADHIKARI
SBR, SONBHADRA, 231216
From: O MAX MINERAL PR
OBAR, SONBHADR, 231219
Base Amt: 19.00
Wt: 20 (Actual)
P. Mode: Cash
POD: No, www.indiapost.gov.

Robertsganj h. 8002666663
EU571585180IN, IVR No. 1
06/10/2025 11:02:13, Counter No. 1
To: MURKY PAR ADHIKARI
LUCKNOW, LUCKNOW, 226010
From: O MAX MINERAL PR
OBAR, SONBHADR, 231219
Base Amt: 47.00
Wt: 20 (Actual)
P. Mode: Cash
POD: No, www.indiapost.gov.in India Post

932

To,
The Director of Mines Safety,
Varanasi Region, Varanasi

Subject: Violations pointed out by Shri Rajiv Krishna Kuma, Director of Mines Safety, Varanasi Region, Varanasi, during their inspection on 06/05/2024 at Billi Markundi Stone Mine, Gata No. 4478 Chha, Area 2,200 Hect., (LIN: 2473043317) of Shri Sachin Kumar Agrawal, Village- Billi- Markundi, Tehsil- Obra, District- Sonebhadra (Uttar Pradesh).

Reference: - Letter No. S29018/V.R.(N.Z.)/ 203/2024/1551, dated 12.12.2024

Respected Sir,

We would like to acknowledge the receipt of your letter regarding the above-captioned subject. We have thoroughly reviewed the violations that was pointed out and would like to provide you with reply/compliance on the matter: -

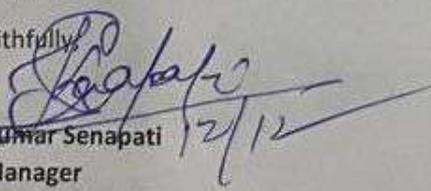
S. No.	Violation	Compliance Status
1.0	<p>Reg. 164 (1B) of MMR, 1961: Huts and houses, offices, crushing plants and railway line Chopan-Singrauli not belonging to the owner of the mine were found existed within blasting danger zone of 300m.</p> <p>No blasting shall be conducted in the mine within danger zone of 300 m from any permanent surface structures not belonging to the owner without obtaining permission under Regulation 164(1B)(a), except with the limited aggregate maximum charge in all holes fired at one time not in excess of 2 kg or if the blasting is done with delay detonators or other means and that there is a delay of at least half a second between successive shots fired, maximum charge of two kilograms can be used in each hole. However irrespective of such precautions, no blasting shall be conducted in the mine within 100m of any surface structure not belonging to the owner.</p>	<p>We carry out blasting within danger zone of 300mtrs and 100mtrs taking care of all parameters like maximum charge per delay, fly rock etc. We are strictly following the DGMS guidelines as the blasting is done with delay detonators, there is a delay of at least half a second between successive shots fired, maximum charge of 2 kilograms is used in each hole.</p> <p>Furthermore, we would like to emphasize that we remain fully committed to complying with all regulations and guidelines set forth under Regulation 164(1B) of the MMR 1961.</p>

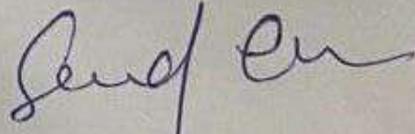
Submitted the same for your kind perusal and order.

Thank you for your attention to this matter. We remain committed to upholding the highest standards of compliance within our organization and look forward to your guidance.

Thanking you,

Yours faithfully,


Tapan Kumar Senapati
Mines Manager
Omax Minerals Pvt Ltd.
Billi-Markundi Stone Mine
District-Sonebhadra(Uttar Pradesh)

O/c 
16/12/2024