

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

ORIGINAL APPLICATION NO. 52 OF 2024

IN THE MATTER OF

Mahesh Puri

...Applicant

Versus

State of Punjab & Ors.

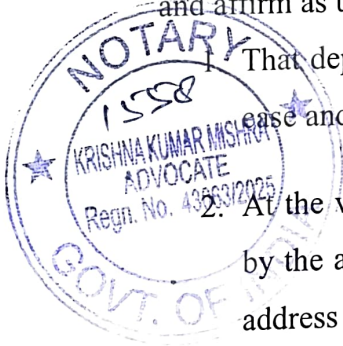
...Respondent(s)

OBJECTION ON BEHALF OF APPLICANTS TO REPLY FILED BY
THE RESPONDENTS BY WAY OF AFFIDAVIT

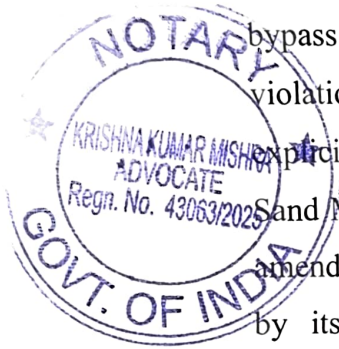
I, Mahesh Puri S/o Sh. Rampal Puri, aged about 36 years R/o Vill PA Bhallan
Tehsil-Nangal District-Ropar, presently at New Delhi, do hereby solemnly state
and affirm as under: -

That deponent is well conversant with the facts and circumstances of the
case and duly authorized to swear and affirm this affidavit.

2. At the very outset, it is most respectfully submitted that the replies filed
by the answering Respondents are evasive, self-contradictory, and fail to
address the core environmental, legal, and scientific issues raised by the
Applicants. The Respondents have attempted to create an illusion of
compliance by referring to procedural formalities, while deliberately
overlooking the substantive violations of environmental laws, binding
judicial precedents, and statutory guidelines governing sand mining and
preparation of District Survey Reports (DSRs). The present rejoinder is
therefore necessitated to place the correct facts and legal position before
this Hon'ble Tribunal.

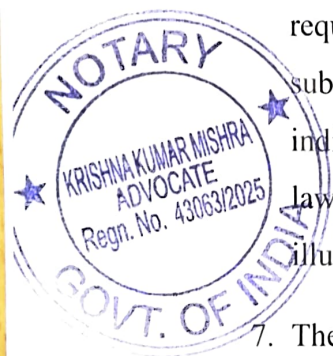


3. It is submitted that the stand taken by the District Mining Officer, Rupnagar, that the amendments to the DSR were “minor” and “clerical in nature” is wholly misleading and untenable in law. The so-called amendments admittedly involve changes in river lengths, geographical data, and other foundational parameters of the DSR. Such parameters form the very basis of determining mining capacity, environmental impact, and sustainability thresholds. Therefore, any change, even if portrayed as “minor,” directly affects environmental decision-making and cannot be exempted from mandatory public consultation. The attempt to bypass public participation on the pretext of clerical corrections is a clear violation of the principles of transparency, public trust doctrine, and the explicit mandate under the Enforcement & Monitoring Guidelines for Sand Mining, 2020. The Respondents themselves have admitted that the amendments were not placed for public hearing prior to approval, which by itself vitiates the entire process and renders the DSR legally unsustainable.



4. The contention of the Respondents that no prejudice has been caused since no mining leases were granted pursuant to the amended DSR is equally misconceived. Environmental jurisprudence, as consistently upheld by the Hon’ble Supreme Court, is based on the “precautionary principle” and not on post-facto justification. The illegality in the process of preparation and approval of DSR cannot be cured merely by stating that no immediate prejudice has occurred. The very act of approving a flawed and non-compliant DSR creates a framework for future illegal mining and ecological degradation, which this Hon’ble Tribunal is duty-bound to prevent at the threshold.

5. It is submitted that a farcical public hearing was conducted on 18.08.2025 at the district headquarters and it was thoroughly rejected by the people present.
6. It is further submitted that the Respondents' claim of having conducted adequate public consultation is factually incorrect and unsupported by credible material. The mere uploading of a draft DSR on a website or issuance of newspaper notices, without ensuring effective dissemination, accessibility, and meaningful participation, does not satisfy the requirement of public consultation in letter and spirit. The absence of any substantial objections or feedback, as claimed by the Respondents, rather indicates lack of awareness and ineffective outreach, not compliance. The law mandates informed and participatory consultation, not a symbolic or illusory exercise.
7. The Applicants most respectfully submit that the Respondents have failed to address the grave deficiencies in the DSR, including incorrect and inconsistent data relating to river systems, forest areas, district geography, and mining zones. The Respondents' bald assertion that the data has been verified from official sources cannot override the documentary evidence placed on record by the Applicants demonstrating factual inaccuracies and inconsistencies. The preparation of DSR by an agency whose credibility has been seriously questioned, including allegations of fraudulent qualifications, further undermines the integrity and reliability of the entire exercise. The Respondents have conspicuously avoided giving any categorical response to these serious allegations, which amounts to an implied admission.
8. It is further most respectfully submitted that the specific averments made by the District Mining Officer, Rupnagar, under the heading of public

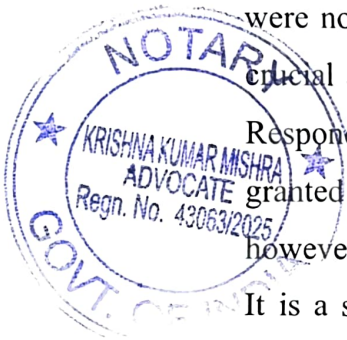


consultation and preparation of the District Survey Report (DSR), are not only misleading but also reveal a clear attempt to justify a fundamentally flawed and legally untenable process. The Respondent has sought to portray a picture of due compliance by selectively referring to certain procedural steps; however, a closer scrutiny of the contents of the reply itself demonstrates glaring inconsistencies, contradictions, and admissions of non-compliance.

9. That the admission by the Respondent that the amendments to the DSR were not placed for public hearing prior to approval by the SEIAA is a crucial and determinative fact which goes to the root of the matter. The Respondent has attempted to dilute this illegality by stating that time was granted by this Hon'ble Tribunal to formulate remedial measures; however, such subsequent developments cannot cure the initial illegality.

It is a settled position in environmental law that mandatory procedural requirements, particularly those involving public participation, cannot be bypassed and later rectified through post-facto measures. The very purpose of public consultation is to enable stakeholders to participate before a decision is taken, and not after the decision has already been made. Therefore, the approval of amendments without prior public consultation is ex facie illegal and liable to be set aside.

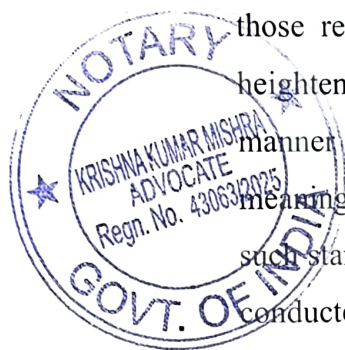
10. That the Respondent's reliance on the provisions of the Enforcement & Monitoring Guidelines, 2020 to justify its actions is also misconceived. While the Guidelines indeed mandate preparation of DSR and public consultation, the Respondent has failed to demonstrate actual and effective compliance with these provisions. The mere reproduction of the Guidelines in the reply cannot substitute for proof of adherence. There is no material placed on record to show that the draft DSR was meaningfully accessible to affected stakeholders, that adequate time and



opportunity were provided for objections, or that such objections were duly considered in a transparent and reasoned manner. The absence of any detailed record of objections received, deliberations conducted, or reasons for acceptance or rejection of public inputs clearly indicates that the consultation process, if any, was only superficial and illusory.

11. It is further submitted that the Respondent's claim regarding publication of notices and uploading of the draft DSR on the district portal does not satisfy the legal requirement of "informed public consultation." In a matter involving environmental impact on local communities, particularly those residing in rural and riverine areas, the authorities are under a heightened obligation to ensure that information is disseminated in a manner that is accessible, understandable, and capable of eliciting meaningful participation. The Respondent has failed to demonstrate that such standards were met. There is no indication that public hearings were conducted at accessible locations, that vernacular languages were used effectively, or that local communities were adequately informed about the implications of the DSR.

12. That the Respondent has further stated that a NABET-accredited consultant was engaged for preparation of the DSR and that scientific methods such as satellite imagery and DGPS surveys were used. However, this assertion is bald and unsupported by verifiable data. The Applicants have already raised serious concerns regarding the credibility and qualifications of the agency engaged, which have not been specifically rebutted. Accreditation alone does not guarantee the accuracy or integrity of the work carried out, particularly when the output, i.e., the DSR, is demonstrably riddled with factual errors and inconsistencies. The Respondent has failed to place on record the raw data, methodology

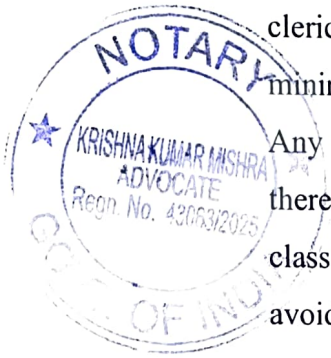


reports, or independent verification of the surveys allegedly conducted, thereby casting serious doubt on the authenticity of the entire exercise.

13. That the explanation offered by the Respondent that the amendments were merely clerical and did not alter the substantive content of the DSR is also untenable. Changes in parameters such as river length, area, and other geographical indicators cannot be dismissed as typographical or clerical in nature. These parameters directly influence the assessment of mining potential, environmental impact, and sustainability thresholds. Any alteration in such data necessarily has substantive implications and therefore mandates fresh public consultation and scrutiny. The attempt to classify such changes as minor is clearly an afterthought aimed at avoiding legal consequences.

14. That the Respondent's assertion that no prejudice has been caused due to non-placement of amendments in the public domain is also legally flawed. Environmental harm is not always immediate or visible; rather, it is often cumulative and irreversible. The absence of immediate prejudice to any individual cannot justify violation of statutory safeguards designed to protect the environment and public interest at large. The law recognizes the environment as a common resource, and any procedural lapse affecting its protection constitutes a serious illegality irrespective of demonstrable individual harm.

15. It is also pertinent to highlight that the Respondent has taken contradictory stands in its reply. On one hand, it is claimed that proper public consultation was carried out during the preparation of the original DSR; on the other hand, it is admitted that subsequent amendments required remedial measures and fresh consultation. This inconsistency itself indicates that the original process was not as robust or compliant as

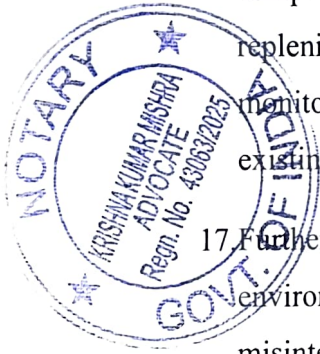


sought to be portrayed. Moreover, the fact that the amended DSR has been kept non-operational pending public comments further reinforces the Applicants' contention that prior approval without such consultation was improper.

16. That the Respondent has also referred to the establishment of a monitoring centre with advanced technology such as satellite and drone surveillance. While such measures may be commendable in principle, they do not address the fundamental illegality in the preparation and approval of the DSR. Technological monitoring cannot substitute for compliance with statutory requirements such as environmental clearance, replenishment studies, and public consultation. The emphasis on future monitoring mechanisms appears to be an attempt to divert attention from existing violations.

17. Further, the Respondent's submission that certain aspects such as environmental audits fall outside the scope of the DSR is a clear misinterpretation of the regulatory framework. The DSR is the foundational document that informs all subsequent decisions regarding mining operations, including environmental safeguards and monitoring protocols. Excluding critical components such as environmental audits from its scope defeats the very purpose of preparing a comprehensive and sustainable mining plan.

18. That the reliance placed by the Respondent on the absence of mining leases granted under the amended DSR is also misplaced. The legality of the DSR must be assessed independently of subsequent actions. An illegal or flawed DSR cannot be validated merely because it has not yet been operationalized. The potential for future misuse and environmental harm remains inherent in such a document, and therefore it must

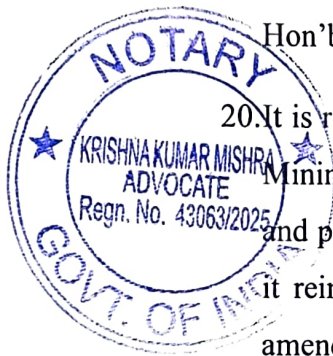


withstand strict legal scrutiny at the stage of its preparation and approval itself.

19. Lastly, the scheduling of a subsequent public hearing and placement of amendments in the public domain, as stated by the Respondent, clearly indicates an implicit acknowledgment of prior non-compliance. However, such post-facto corrective steps cannot legitimize an otherwise invalid process. The Respondent cannot be permitted to benefit from its own procedural lapses by seeking to regularize them after intervention by this Hon'ble Tribunal.

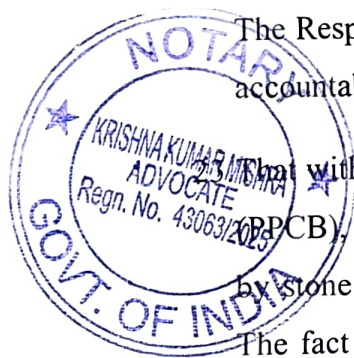
20. It is respectfully and humbly reiterated that the reply filed by the District Mining Officer, Rupnagar, fails to satisfactorily address the substantive and procedural violations pointed out by the Applicants. On the contrary, it reinforces the Applicants' case that the DSR has been prepared and amended in a manner that is arbitrary, non-transparent, and contrary to established environmental norms and legal principles, thereby warranting strict judicial intervention by this Hon'ble Tribunal.

21. It is also pertinent to submit that the Respondents' reliance on studies conducted by IIT Ropar does not cure the fundamental illegality in the DSR. Firstly, the scope of such studies is limited and does not cover comprehensive replenishment assessment as mandated under the 2020 Guidelines. Secondly, replenishment studies, to be legally valid, must be continuous, seasonally representative, and based on multi-year scientific data including bathymetric surveys, sediment transport analysis, and hydrological modeling. The Respondents have failed to place on record any such comprehensive study. Mere reference to isolated reports cannot substitute the mandatory requirement of scientific and periodic replenishment assessment.



22. That the Applicants further submit that the Respondents have attempted to dilute the issue of environmental audits by stating that such audits fall outside the scope of DSR. This contention is legally untenable. The DSR is not an isolated document but forms the foundation of the entire mining regime, including environmental safeguards, monitoring mechanisms, and compliance requirements. The absence of mandatory environmental audits and river audits, as required under the Sustainable Sand Mining Management Guidelines, 2016 and Enforcement & Monitoring Guidelines, 2020, directly impacts the credibility and legality of the DSR.

The Respondents cannot compartmentalize statutory obligations to evade accountability.



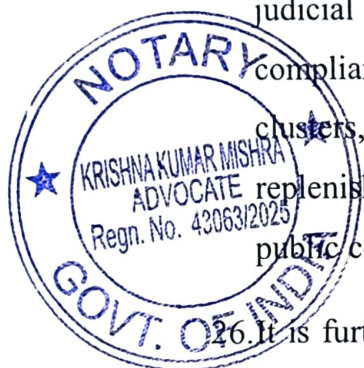
That with regard to the reply filed by the Punjab Pollution Control Board (PPCB), it is submitted that the admission of large-scale non-compliance by stone crushers unequivocally establishes systemic regulatory failure.

The fact that a significant number of units are operating in violation of environmental norms, without adequate pollution control measures, clearly demonstrates that the existing monitoring and enforcement mechanisms are ineffective and inadequate. The issuance of notices or advisories, without stringent enforcement action, cannot be construed as compliance with statutory obligations. Such passive regulatory approach has resulted in continued environmental degradation and poses a serious threat to public health and ecology.

24. Similarly, the reply of SEIAA Punjab, which merely states that certain "gaps and shortcomings" were identified and rectified, is vague, non-specific, and devoid of substantive details. There is no clarity as to the nature of such gaps, the methodology adopted for their rectification, or whether the revised data was subjected to independent verification or public scrutiny. The process described by SEIAA lacks transparency and

fails to inspire confidence. The Applicants submit that mere internal review and approval cannot replace the mandatory requirement of scientific validation and public participation.

25. That the Applicants most respectfully submit that the cumulative effect of the replies filed by the Respondents clearly establishes that the DSR in question has been prepared and approved in a mechanical, arbitrary, and non-transparent manner, in blatant violation of statutory guidelines and judicial mandates. The Respondents have failed to demonstrate compliance with essential requirements such as prohibition of mining clusters, mandatory prior environmental clearance, scientific replenishment studies, environmental and river audits, and effective public consultation.



26. It is further submitted that the so-called remedial measures proposed by the Respondents are nothing but an afterthought to cure an otherwise illegal process. Post-facto publication of amendments and scheduling of public hearings cannot validate an approval already granted in violation of law. The law does not permit retrospective compliance in matters involving environmental safeguards, where prior assessment and precaution are fundamental requirements.

27. In light of the above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to reject the contentions raised by the Respondents as being devoid of merit, uphold the objections raised by the Applicants, and pass appropriate directions to ensure strict compliance with environmental laws, including quashing of the impugned DSRs, prohibition of illegal mining activities, and constitution of an independent mechanism for preparation of scientifically sound and legally compliant

DSRs in the interest of environmental protection and sustainable development.

28. That the present Reply by way of affidavit may kindly be taken on record and into consideration, and the Hon'ble Tribunal may pass appropriate order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.

29. That the Answering Respondent seeks leave to make additional submissions, if required, during the course of the proceedings as and when directed by this Hon'ble Tribunal.



M
Wri
DEPONENT

Verification

15 APR 2026

Verified at New Delhi on ___ April 2026 that the contents of the above reply affidavit are derived from the official records and personal knowledge and are correct and true to the best of my knowledge and belief. Nothing material has been concealed therefrom.

M
Wri
DEPONENT

*I identify the Deponent who has
Signed / put T.I. in my presence*

Solemnly affirmed before me
Readover & Explained to the Deponent
who has signed before me.

KK Mishra

KRISHNA KUMAR MISHRA
NOTARY PUBLIC (DELHI)
GOVT. OF INDIA

15 APR 2026