

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

ORIGINAL APPLICATION NO. 427 OF 2025

IN THE MATTER OF:

AMEEL KHAN

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS

...RESPONDENTS

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**REJOINDER ON BEHALF OF THE APPLICANT TO THE
AFFIDAVIT DATED 11.11.2025 AND SUPPLEMENTARY
AFFIDAVIT DATED 13.04.2026 FILED BY THE RESPONDENT
NO. 3 DISTRICT MAGISTRATE, SAHARANPUR**

TO,

THE HON'BLE CHAIRPERSON AND HIS
COMPANION JUDGES OF THE NATIONAL
GREEN TRIBUNAL.

THE HUMBLE REJOINDER OF
THE APPLICANT HEREIN

MOST RESPECTULLY SHOWETH:

1. That the present Original Application (hereinafter referred to as the “*OA*”) is pending adjudication before this Hon’ble Tribunal.
2. That the present OA has been filed challenging the (a) Impugned District Survey Report for District Saharanpur, (b) Impugned E-Auction Notices dated 28.02.2025, 26.05.2025, 5.06.2025 and 7.08.2025 issued by the Respondent No. 3 District Magistrate,

Saharanpur, and (c) the subsequent Letter of Intents (LOIs) issued in favour of the Respondent Nos. 7 to 17.

3. That this Hon'ble Tribunal vide Order dated 16.04.2026 granted liberty to the Applicant herein to file the present Rejoinder.
4. At the very outset the Applicant submits that the averments made in the Affidavit dated 11.11.2025 and Supplementary Affidavit dated 13.04.2026 filed by the Respondent No. 3 DM, Saharanpur are concocted, misleading, baseless and factually incorrect and are thus denied in *toto* except specifically admitted hereinafter.
5. It is submitted that the Respondent No. 11, 14, 15, 16 and 17 in their respective Replies dated 9.12.2025 and 20.02.2026 have admitted that the Sub-Divisional Committee for the preparation of the Impugned DSR was constituted on 5.01.2023. Ergo, from the said fact it is clear that the Sub Divisional Committee prepared the DSR within 5 working days, in as much as, it is clear from the Record that the DSR was uploaded for public hearing on 13.01.2023.

It is submitted that when the said fact was pointed out by the Counsel for the Applicant during the hearing dated 23.03.2026, the Respondent No. 3 District Magistrate as an afterthought filed the

Supplementary Affidavit dated 13.04.2026 taking a completely contradictory and factually incorrect stand and stating that the Sub Divisional Committee was constituted on 2.05.2022 for the preparation of DSR and to conduct Replenishment Study.

It is pertinent to mention that a bare perusal of the letter dated 2.05.2022 itself states that the said Sub Divisional Committee was formed only for the purposes of conducting the Replenishment Study in Saharanpur.

6. It is further submitted that it has been the continuous stand of the District Magistrate, Saharanpur in all its Affidavits that the Sub Divisional Committee dated 2.05.2022 was constituted only for conducting Replenishment Study.

DM REPLY DATED 6.05.2025 IN OA 119 OF 2025

“11 ...a Sub- Divisional Committee (SDC) was constituted by the deponent on 2.05.2022 to conduct Replenishment Study for preparation of DSR ”

DM REPLY DATED 11.11.2025 IN THE PRESENT OA

“22 ...a Sub- Divisional Committee (SDC) was constituted by the deponent on 2.05.2022 to conduct Replenishment Study for preparation of DSR ”

BRIEF FACTS:

7. The Brief facts and circumstances, relevant for the purposes of the present Rejoinder and to enable this Hon’ble Tribunal to effectively and efficaciously adjudicate the present matter, are as under:

RELEVANT LIST OF DATES:

DATE	PARTICULARS
2.05.2022	The District Magistrate, Saharanpur vide Order dated 2.05.2022 constituted a Sub-Divisional Committee for conducting Replenishment Study in District Saharanpur.
05.01.2023	A Sub-Divisional Committee was constituted for preparation of the DSR, Saharanpur.
13.01.2023	A Draft DSR was prepared by the Sub-Divisional Committee within 5 working days and uploaded on district portal for a period of 21 days on 13.01.2023 seeking public objections.
18.01.2023	The Impugned DSR was submitted to Special Secretary, Geology and Mining and Director, Geology and Mining Department State of UP.
18.12.2023	The DSR was submitted to SEAC/SEIAA, UP vide letter dated 18.12.2023.
02.02.2024	The SEIAA and SEAC, UP held a Joint Meeting on 2.02.2024 and adopted a detailed Standard Operating Procedure (SOP) regarding preparation of DSR for Sand mining or R.B.M which was formulated and made effective with immediate effect throughout the State of UP.
3.05.2024	The Impugned DSR for Saharanpur was appraised and approved by the SEAC-1 and SEAC-2 UP vide its Joint Meeting on 3.05.2024, for a period of 3 years.
24.05.2024	The Impugned DSR was subsequently approved by the SEIAA, UP in its Meeting dated 24.05.2024.
1.11.2024	That the Replenishment Study of 2024 was uploaded on District Website.
6.03.2025	That the SEAC, UP and SEIAA, UP in its meeting dated 06.03.2025, admitted that certain DSR's for the State of

	<p>UP have been approved without a copy of the replenishment studies being submitted to the SEAC/SEIAA UP, and decided to keep all the previously approved DSR's in the State of UP (including that of District Saharanpur) in abeyance until the replenishment studies are conducted/submitted to SEIAA.</p> <p>That the said Minutes along with the list of DSR's kept in abeyance have been filed by SEIAA, UP in its Affidavit dated 10.04.2025 in OA No. 9 of 2025.</p> <p>A Copy of the Affidavit dated 10.04.2025 filed by SEIAA, UP in OA No. 9 of 2025 is enclosed herewith as Annexure R-1 [at page 26 to 53].</p>
9.04.2025	That Replenishment Study of 2023 and 2024 were submitted by District Administration to SEIAA, UP for the first time.

SUBMISSION ON MERITS

8. That in furtherance of the abovementioned facts and circumstances, the Applicant seeks to place its Rejoinder on the grounds and issues raised in the Affidavits and make the following submissions on merits

A. CHALLENGE TO THE IMPUGNED DSR FOR DISTRICT SAHARANPUR

I. REPLENISHMENT STUDY, 2022 ON THE BASIS OF WHICH DSR IS PREPARED - NOT CONSIDERED BY SEAC/SEIAA WHILE APPROVING DSR

9. The Hon'ble Supreme Court vide its Judgment dated 22.08.2025 in '*UT of J&K Versus Raja Muzaffar Bhat*' while highlighting the

need and importance of a Replenishment study has held that the absence of a Replenishment Study renders a DSR fundamentally defective.

The Relevant paras of the Judgment dated 22.08.2025 are as under:

“29. From the foregoing analysis, it is apparent that in light of Guidelines, 2016 and the Guidelines, 2020, the absence of a replenishment study renders a DSR fundamentally defective. These guidelines categorically require that any assessment of mineable mineral quantity must be premised on scientific estimation of replenishment rates, failing which the DSR lacks the foundational data necessary to determine sustainable extraction limits.

32. Without a proper study of the existing position of the riverbed and its sustainability for further sand mining, grant of environmental clearances would be detrimental for the ecology. It has therefore been held that a detailed study leading to a preparation of the replenishment report is an integral part of the DSR. If the DSR becomes the foundation for consideration of an application for environmental clearance, then it is compelling to ensure replenishment studies are undertaken in advance and the report forms an integral part of the DSR.

33. In view of the existing legal regime that mandates preparation of replenishment report in a scientific manner and such a report forming an integral part of the District Survey Report, we hold that a District Survey Report without a proper replenishment study is equally untenable”

A Copy of the Judgment dated 22.08.2025 passed by the Hon’ble Supreme Court in *State (UT of J&K) v. Raja Muzaffar Bhat, 2025 SCC OnLine SC 1789* is enclosed herein and marked as **Annexure R-2 [at page 54 to 75]**.

10. The Hon'ble Supreme Court in the recent Judgment of *Gaurav Kumar, 2025 SCC OnLine SC 1069* reiterated that DSR is a document of seminal importance and the procedure prescribed under the EIA, 2006 (Appendix X) is to be meticulously followed. The Appendix X, EIA 2006 clearly states that the DSR has to be prepared after considering and calculating the annual rate of replenishment.
11. It is submitted that Impugned DSR was admittedly prepared on the basis of the 2022 Replenishment Study, as indicated in the DSR itself, which was approved by SEAC, UP on 3.05.2024 and SEIAA, UP on 24.05.2024 without considering or perusing the contents of the said 2022 Replenishment Study, which is evident from – **(a)** SEAC MOM dated 3.05.2024 and, **(b)** SEAC and SEIAA MOM dated 6.03.2025.

A perusal of the above clearly shows that the Mining Department did not furnish Replenishment studies to SEAC/SEIAA and the Impugned DSR was approved by the Expert bodies without considering or verifying the Replenishment study which forms the foundational and integral basis in preparation of a DSR. Pertinently, the DM vide its Supplementary Affidavit dated

13.04.2026 admits that the Replenishment Studies of 2022, 2023 and 2024 were uploaded on the District Administration website in compliance of SEIAA MOM dated 24.05.2024, i.e. after the approval of the Impugned DSR.

12. That that SEIAA, UP vide its Reply dated 4.12.2025 in OA No. 119 of 2025 states that DGM is vested with the technical competence and manpower necessary for preparation and technical evaluation and that the SEAC/SEIAA refers every draft DSR to DGM for expert comments and vetting as in integral part of its SOP. This in the Applicant's submission, is an admission of the complete abrogation by the Expert Bodies of its responsibility and duty to evaluate and appraise in terms of the EIA, 2006 and the trust bestowed by the Hon'ble Supreme Court and this Hon'ble Tribunal vide its respective directions in the case of *Pawan Kumar*. A Copy of the Reply dated 4.12.2025 filed by SEIAA, UP in OA No. 119 of 2025 is enclosed herein and marked as **Annexure R-3** [at page 76 to 96 .

II. LATEST AVAILABLE REPLENISHMENT STUDY OF THE YEAR 2023 NOT CONSIDERED OR PERUSED BY THE SEAC/SEIAA WHILE APPROVING THE IMPUGNED DSR IN MAY, 2024

13. Admittedly, the Impugned DSR for District Saharanpur was prepared on the basis of the Replenishment Study, 2022. The Impugned DSR was thereafter submitted to SEAC/SEIAA, UP for approval in January, 2024 and appraised in May, 2024. However, at the time of appraisal of the DSR in May, 2024 by the SEAC/SEIAA, the Replenishment Study of 2023 had been conducted and was very much available, however for reasons best known to the Respondents was not submitted to, or considered and/or perused by the Expert bodies.
14. The fact that the Replenishment Study for the year 2023 was never placed before the SEAC/SEIAA and thus not considered is clear from (a) SEAC MOM dated 3.05.2024; (b) SEAC/SEIAA MOM dated 6.03.2025 and; (c) Letter dated 9.04.2025 by the Respondent No. 3, whereby the Replenishment study of 2023 was for the first time submitted to the SEAC/SEIAA, UP.
15. That DM, Saharanpur vide its Supplementary Affidavit dated 13.04.2026 erroneously states that the letter dated 9.04.2025 was part of a normal administrative exercise and does not indicate first time submission of the 2023 Replenishment Study. However, in the very next line the DM states that on oral directions of SEIAA, UP

the 2023 and 2024 Replenishment Studies were submitted to SEIAA,UP thereby contradicting its own stand.

16. It is submitted that the SEAC/SEIAA in May 2024 ought to have considered the Replenishment Study for the year 2023, and appraised the DSR on the basis of the said Replenishment Study since it was the most recent available study and would have revealed the correct and latest available mineable quantities on the date of appraisal by the Expert body. The non-consideration of such latest Replenishment Study is a fundamental error being inconsistent with the object and purpose of preparing a DSR, in as much as, a Replenishment study is the foundational and scientific basis on which a DSR is prepared and the mineable quantities are decided.
17. It is further submitted that a bare perusal of the Satellite Imagery Maps enclosed with the Replenishment Study of 2023 reveal that all the 22 Mining lease Areas identified in the DSR are either wholly or partly submerged under water and thus *per se* impermissible for conducting mining activity. The SEAC/SEIAA having not perused the Replenishment Study for the year 2023, blindly approved the Impugned DSR without being aware of the

Mining lease areas being sub-merged, an important aspect which renders the proposed mining in such Mining lease areas as *per se* illegal.

18. It is submitted that the State Authorities i.e. Respondent No 3, DM, Saharanpur and Respondent No. 6, SEIAA, UP have been taking contradictory stands *qua* the issue of Replenishment Study which was considered while approving the Impugned DSR.

S.No.	PARTICULARS	OBSERVATIONS
1.	DM Affidavit dated 6.05.2025 in OA No. 119/2025	<i>“30. That the mineral development is a continuous and dynamic process, the data collected in the year 2022 was utilized by the Sub-Divisional Committee (SD) for further assessment. In addition, comprehensive field visits of riverbeds were conducted in 2023 and 2024, during which replenishment was observed in certain areas. The mineral potential of these replenished areas was duly evaluated and incorporated into the revised District Survey Report (DSR) 2024”</i>
2.	DM Affidavit dated 11.11.2025 in the present OA	<i>“23. That the DSR for District Saharanpur was submitted to SEAC/SEIAA vide letter dated 18.1.2023 which had the details of pre and post monsoon replenishment study of the year 2022... 24. ...While SEAC evaluation of DSR, Physical copies of Replenishment Study Report-2022 in Six (06) Volumes was shown as part of evaluation, and depicted in presentation.”</i>
3.	DM Supplementary Affidavit dated	<i>“35. That the District Survey Report (DSR) of 2022 was prepared on the basis of</i>

	13.04.2026 in the present OA	<i>Replenishment Studies conducted prior to and up to the year 2022...</i> <i>36. That as a matter of record, when the SEIAA accorded final approval to the DSR for the period 2022-2027 on 7.06.2024, it had before it the Replenishment Study reports for the years 2022-2023....”</i>
4.	SEIAA, UP Affidavit dated 11.11.2025 in OA No. 119 of 2025	<i>“14. That in compliance, the District Magistrate in coordination with DGM conducted replenishment studies for pre- and post-monsoon periods of 2023. These reports were uploaded on the official District Mining Portal and incorporated in the DSR”.</i>

A Copy of the Affidavit dated 6.05.2025 filed by the DM, Saharanpur in OA No. 119 of 2025 is enclosed herein and marked as **Annexure R-4 [at page 97 to 112]**.

A Copy of the Affidavit dated 11.11.2025 filed by SEIAA, UP in OA No. 119 of 2025 is enclosed herein and marked as **Annexure R-5 [at page 113 to 122]**.

III. THE IMPUGNED DSR IS NOT IN CONSONANCE WITH APPENDIX X OF THE EIA, 2006 AND THE SOP DATED 2.02.2024

19. The Impugned DSR has been prepared without following Appendix X to the EIA, 2006 & the SOP dated 2.02.2024 which requires the structure of the DSR to contain 16 items/ chapters. However, the Impugned DSR only contains the first 11 items and

omits items 12-16 which essentially deal with the portions of the River where mining is permissible/ sustainable/ Recommended.

It is pertinent to mention that the DM, Saharanpur vide its Affidavit dated 11.11.2025 states that for Item 12-15, the 2022 Replenishment Study has been prepared and can be referred to for compliance of EMGSM,2020. The said submission is neither here not there, as the DSR ought to have incorporated such details as per the SOP itself, and/ or furthermore that the Replenishment Study of 2022 was never even otherwise never placed before the SEAC/SEIAA.

20. The specific requirement under the SOP dated 2.02.2024 that *“proposed lease should clearly identify and mark the mineable deposits on satellite image/drone image”* is completely absent in the Impugned DSR, in as much as no Google maps/satellite images have been annexed to the said DSR *atol*.

That the DM, Saharanpur vide its Affidavit dated 11.11.2025 states that Proposed leases have been clearly marked on satellite images. In the Replenishment Study 2022 which contains mapping of leases in toposheet etc, however the fact that the Impugned DSR is approved bereft of this mandatory requirement is not denied.

21. Notably, the Impugned DSR for Saharanpur was prepared in January 2023 i.e. before the SEAC/SEIAA formulated the SOP on 2.02.2024 on the basis on which the DSR was to be prepared in the State of UP, thus creating a situation of '*cart before the horse*'.
22. That on a combined conspectus of the above facts, it is clear that the SEAC/SEIAA approved the DSR in a hurried, casual and perfunctory manner without application of mind. The Hon'ble Supreme Court in *Bengaluru Development Authority v Sudhakar Hegde & Ors*, (2020) 15 SCC 63 held that the fundamental duty of SEAC and SEIAA is application of mind to the materials presented to it as mandated under the EIA, 2006 Notification, which is not done in the present case.

IV. IMPUGNED DSR PREPARED WITHOUT COMPLYING WITH EMGSM, 2020

23. The Hon'ble Supreme Court vide its Judgment dated 10.11.2021 in '*State of Bihar v Pawan Kumar*', (2022) 2 SCC 348 stipulated the procedure for preparation of a DSR as per the MOEF Notification dated 15.01.2016 and directed that the EMGSM, 2020 issued by the MOEF be strictly adhered to while preparing District Survey Report, which is as under:

“16.2 Needless to state that while preparing DSRs and the appraisal thereof by SEAC and SEIAA, it should be ensured that a strict adherence to the procedure and parameters laid down in the policy of January 2020 should be followed”.

Impugned DSR is not prepared in terms of the EMGSM, 2020, including Clauses 4.1.1, 4.3, 5.0 thereof, which is illustrated below:

S. No.	EMGSM, 2020	VIOLATION
1.	4.1.1(b) requires a detailed River survey/ audit to identify the source of River bed material.	<p>No such River survey/ Audit has been done. The Impugned DSR is silent on this aspect.</p> <p>Note: Chapters 12-16 in DSR are absent in DSR and Replenishment Study, 2022.</p> <p>DM in its Affidavit dated 11.11.2025 has stated that River Audit is a part of 2022 Replenishment Study.</p>
2.	4.1.1 (c) & (g) mandates identification of No Mining Zones.	<p>No such ‘No Mining Zones’ have been identified anywhere in the Impugned DSR.</p> <p>DM in its Affidavit dated 11.11.2025 has stated that if any issues are observed after the commencement of mining operations, such areas is restricted and declared as ‘no mining zones’.</p>
3.	4.1.1 (e) requires a survey of entire river bed identifying 3/4 th of the River to be identified on a map and the remaining 1/4 th to be kept as ‘No Mining Zone’.	<p>The entire River bed has been included in the DSR, without leaving the 1/4th area/ 7.5 m. and the same is evident from the Google Maps attached to the Replenishment study of 2023 and @ 410-434</p>

	4.3 (r) & (m) requires mining being restricted to 3/4 th or 7.5 m.	Note: The DSR does not contain any Google Maps Satellite Imagery despite the same being mandatorily required under the SOP dt. 2.02.2024. NO REPLY BY RESPONDENTS
4.	4.1.1 (k) Distance between any two clusters should not be less than 2.5 Km & the total area of the mining leases in a cluster should not be more than 10 Ha.	As per Appendix III to the DSR, 15 out of 22 Mining leases are in 3 Clusters. <u>All</u> the 3 Clusters are far in excess of the 10ha limit. <u>One Cluster is of 241 ha.</u> NO REPLY BY RESPONDENTS
5.	4.3(h) prohibits extraction of Sand & gravel within 1 km from a major bridges and highways on both sides.	The Impugned DSR is silent on any such study having been conducted. No REPLY BY RESPONDENTS
6.	4.3 (r) requires that the area for removal of minerals shall not exceed 60% of the mine lease area.	To circumvent this mandatory limitation of 60%, <u>submerged water areas</u> have been included within the Mining leases areas, and the same is evident from the Google earth images enclosed with the Replenishment study of 2023 & 2024 DM in its Affidavit dated 11.11.2025 has stated that is the legal obligation of leasee owner to work in dry river bed. After commencement of mining, no mining zone is declared.
7.	4.0, 4.1, 5.0, 5.1 requires the excavation to be restricted to the replenishment rate of the river.	The approved Mineable quantities under the Impugned DSR & Auction Notices are in excess of the Replenished rate of mineral as per the Replenishment Study, 2022, 2023 and 2024.

		NO REPLY BY RESPONDENTS
8.	9.3 requires Districts/ States where the River is the District/State boundary, the draft DSR to be put up for public consultation in both districts and a combined Task force is to be constituted.	<p>The Yamuna River bifurcates District Saharanpur, UP and District Yamunanagar, Haryana and the River is the State boundary between the two states. Mining Leases in Saharanpur and Yamunanagar are within 500 meters of each other and form a cluster.</p> <p>The Impugned DSR was not put up for Public comments in District Yamunanagar, Haryana.</p> <p>DM in its Reply in OA No. 1345/2024 states that DSR for Saharanpur was ‘intimated and communicated to the district administration of border district administration Yamunanagar of Haryana.</p>

B. CHALLENGE TO THE IMPUGNED AUCTION NOTICES DATED 28.02.2025, 26.05.2025 , 5.06.2025 & 7.08.2025

I. IMPUGNED AUCTION NOTICES BASED ON AN INVALID, LEGALLY UNTENABLE REPLENISHMENT STUDY, 2024 BEING CONDUCTED BY A NON-CREDIBLE CENTRAL/ STATE INSTITUTE & CONTRARY TO THE EMGSM, 2020

24. The 2024 Replenishment Study for Saharanpur, admittedly was conducted by the Sub Divisional Committee for District Saharanpur and not by a credible Central or State institute in dissonance of the following:

(a) This Hon'ble Tribunals Order dated 6.05.2022 passed in *Raj Kumar* [OA No. 140/2021] wherein it directed that Replenishment Studies have to be conducted by a credible institution prior to future Auctions

(b) SEIAA, UP vide MOM(s) dt. 1.08.2024 & 25.10.2024 in respect of 17 Districts in the State of UP directed that Replenishment Study has to be conducted annually by a reputed Central or State Government Institute.

25. It is pertinent to mention that DM in its Affidavit dated 11.11.2025 has stated that 2022 Replenishment Study has been conducted by the Sub Divisional Committee and only technical assistance has been sought from M/s Green India. Further SEIAA, UP vide its Reply dated 11.11.2025 in OA 119 of 2025 has stated that the DM in coordination with the DGM has conducted the 2023 Replenishment Study.
26. It is submitted that the Replenishment Study does not contain any details as required under Clause 5.2.4 of the EMGSM, 2020 which are mandatorily required and a fundamental aspect of a Replenishment Study. Moreover, no consultation was done with

the Central Water Commission and/or Indian Meteorological Department as required under Clause 5.1.

II. IMPUGNED AUCTION NOTICES CONTRARY TO THE REPLENISHMENT STUDY, 2024 – PERMITS MINING ABOVE THE REPLENISHED RATE

27. Under the Impugned E-Auction Notices dated 28.02.2025, 26.05.2025, 5.06.2025 and 7.08.2025, sixteen (16) areas were sought to be auctioned wherein certain mineable quantities are mentioned. That Letter of Intents [LOIs] have been issued in respect of 13 Sand Ghats and the quantities auctioned in all of them are more than the replenished rate as provided under the Replenishment Study of 2024, which is in complete derogation of the Orders passed by this Hon'ble Tribunal in *Anuj Singh* and *Balbir Sandhu* and the SSMG, 2016/ EMGSM, 2020.

A Copy of the comparative table depicting the quantities in the Impugned Auction Notices and the Replenishment Studies of 2023 and 2024 is enclosed herein and marked as **Annexure R-6 [at page 123]**.

28. It is relevant to mention that the Replenishment Study of 2024 itself records that “*a replenishment study, particularly in the context of sand mining, aims to assess the rate at which sand is naturally*

replenished in a river or stream, ensuring that extraction doesn't exceed the river's capacity to naturally replenish itself, thereby preventing ecological damage”.

29. The Hon'ble Supreme Court in the recent case of ***Gaurav Kumar v. State of UP*** observed that “*the rate at which we are mining sand, for whatsoever purposes, is much higher than the replenishment rate. This imbalance between consumption and natural replenishment is what becomes the cause of worry...*”
30. This Hon'ble Tribunal vide its Judgment dated 19.07.2023 in OA No. 284 of 2023 being ***Anuj Singh v. State of UP***, after appreciating the above provisions in the SSMG, 2016 & EMGSM, 2020, directed the State of UP (Mining department) to ‘*ensure that quantity of minerals directed to be mined will not exceed the quantity under replenishment study*’.
31. This Hon'ble Tribunal vide its recent Judgment dated 22.04.2025 passed in OA No. 532 of 2023 being ***Balbir Sandhu v Union of India*** directed that “*Quantity of minerals directed to be mined should not exceed the quantity under replenishment study and should be limited to auctioned as well as sustainably permissible quantity.*”

III. IMPUGNED AUCTION NOTICES PERMITS MINING IN SUBMERGED WATER AREA WHICH IS PER SE ILLEGAL

32. That a perusal of the Google Earth images enclosed with the Replenishment Study, 2023 and 2024 ostensibly reveals that most of the Mining lease Areas are wholly or substantially submerged under water.
33. This Hon'ble Tribunal, Central Zone Bench, Bhopal vide its judgment dated 30.05.2017 in the case of *Medha Patkar* after relying on the SSMG, 2016 issued by the MOEF held that 'no river sand mining can be carried out in any area notwithstanding the same being part of the leased area in case it is 'submerged', or lies within the submerged area'.
34. It is submitted that submerged water mining is *per se* prohibited under the SSMG, 2016 & EMGSM, 2020 wherein a *No mining Zone* of 1/4th or 7.5 m has to be mandatorily left from the River bank. Permitting Mining to be undertaken in such submerged water areas would invariably have an adverse and deleterious impact of the riverine environment, and contravene and impede the precautionary principle and thus be legally unsustainable and

unwarranted, as cautioned by the Hon'ble Supreme Court in *Deepak Kumar*.

35. The Applicant submits that including submerged water areas within the Mining leases is to circumvent Clause 4.3(r) of the EMGSM, 2020 whereby only 60% of the minerals in the Mining lease area is permitted to be extracted. Ergo, by including the submerged water areas, the total mining area is being artificially increased to thereby permit more than 60% of the total minable reversed which is other prohibited.

It is pertinent to mention that DM in its Affidavit dated 11.11.2025 admits that only 60% of the quantity of the minor mineral can be permitted for mining.

IV. IMPUGNED AUCTION NOTICES PERMIT MINING BEYOND THE VALIDITY / DURATION OF THE DSR

36. That without prejudice to the aforesaid submissions, the Applicant submits that the Impugned Auction Notices are wrongly issued for a period of 5 years whereas, the DSR itself was approved w.e.f. 24.05.2024 for a period of 3 years. As per the SEAC MOM dated 3.05.2024 the validity of Mining leases were co-terminus with the validity period of the DSR. The relevant extract is as under:

“The joint committee after detailed deliberation recommended to approve the District Survey Report (DSR) of District Saharanpur along with following conditions:

3. If any new lease is identified its validity will be co-terminus with the validity period of current DSR and Sub Divisional Committee will follow the entire procedure every time on the basis of existing DSR”

37. It is respectfully submitted that the DM vide its Affidavit dated 13.04.2026 has without reference to the SEAC MOM dated 3.05.2024 has stated that the validity and operation of a DSR cannot always be co-terminous with the tenure of individual mining leases or EC.
38. Apropos, the Impugned Auction Notices could not have been issued for a duration beyond the validity period of the DSR. Furthermore, the DSR itself mentions the ‘*expected life of mine*’ that varies from 0.83 years to 3.81 years. Thus, even otherwise, permitting mining for a period of 5 years is completely illegal, arbitrary and unsustainable in law, nullifying the very purpose of preparation of the DSR.

It is humbly prayed that in light of the abovementioned facts and circumstances it shall be the interest of justice if the present OA is allowed in terms of the prayers thereof.

FILED BY:

V D

[VANSHDEEP DALMIA]
COUNSEL FOR THE APPLICANT
206, Jor Bagh, New Delhi-110003
M. No. 9810077085
Email id: vanshdeepdalmia@gmail.com

Place: New Delhi
Filed on: 16.05.2026

1739



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, DELHI
ORIGINAL APPLICATION NO. 427 OF 2025**

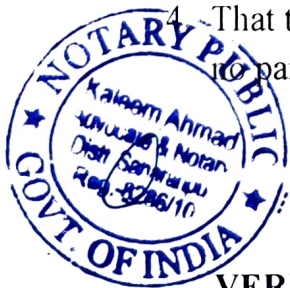
IN THE MATTER OF:

AMEEL KHAN ...APPLICANT
STATE OF UP & ORS ...RESPONDENTS
VERSUS

AFFIDAVIT

I, Ameel Khan aged about 42 years S/o Saddik Khan R/o Makan No 93, Kalsiya Road, Saharanpur, Saharanpur, Uttar Pradesh - 247129, do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the above Original Application and I am well conversant with the facts and circumstances of the case and competent to depose the present Affidavit.
2. That I have read and understood the contents of the accompanying Rejoinder which has been drafted on my instructions and I say that the facts stated therein are true to my knowledge.
3. That the Annexures/Documents are true copies of their respective original.
4. That the averments of facts stated herein above are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.



मो. ज़ोमिर खाँ
DEPONENT

VERIFICATION:-

Verified at _____ on this ____ day May 2026, that the contents of the present affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

8/05/26
ATTESTED
Reg. No. 5286/16
KALEEM AHMAL
Advocate & Notary
Civil Court Saharanpur

IDENTIFIED BY

KALEEM AHMAL
Advocate
Reg. No.-10533/01
Ch.-63, Civil Court, Saharanpur
Mob.-9359206100

मो. ज़ोमिर खाँ
DEPONENT

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION 09 OF 2025**

IN THE MATTER OF:

VINAY SHRIVASTAV

...APPLICANTS

VERSUS

STATE OF UTTAR PRADESH.

...RESPONDENTS

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5	COPY OF THE ORDER DATED 06.05.2022 ANNEXURE 4	17-25
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Through

Date: 10.04.2025

Place: New Delhi



PRIYANKA SWAMI
ADVOCATE

STANDING COUNSEL FOR SEIAA UTTAR PRADESH

F-13, JANGPURA, NEW DELHI 110014

[E-mail: advpriyankaswami@gmail.com](mailto:advpriyankaswami@gmail.com)

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION 09 OF 2025**

IN THE MATTER OF:

VINAY SHRIVASTAV

...APPLICANTS

VERSUS

STATE OF UTTAR PRADESH

...RESPONDENTS

AFFIDAVIT

I, VIDHYOTMA BHARTI, aged about 49 years W/o. Dr G.L. Nigam . is presently posted as ASSISTANT DIRECTOR, REGIONAL OFFICE, NOIDA, DIRECTORATE OF ENVIRONMENTAL, UP. having an office at E-12/1, NOIDA, UTTAR PARDESH. Presently at New Delhi.

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit on behalf of **Member Secretary, SEIAA** before this Tribunal after due Departmental authorization.
2. That the accompanying supplementary affidavit has been drafted by our counsel as per official record in compliance to the order dated **02.04.2025** passed by the Hon'ble Tribunal.



3. That it is to pertinent to mention that seiaa and seac in its joint meeting **06.03.2025** Acknowledging the critical importance of Replenishment Studies and non - compliance of assurance given by Geology and Mining Department, State Uttar Pradesh and concerned District Authorities, SEIAA/SEAC, after thorough discussions, has decided to keep all previously approved DSR in abeyance until compliance with this requirement is ensured. Accordingly, it was decided to issue a formal communication to the Directorate of Geology and Mining, Uttar Pradesh, informing them of the decision regarding putting all DSRs in abeyance until submission of replenishment study for each DSR. Further, SEIAA directed that copies of the communication be sent to the Chief Secretary, Government of Uttar Pradesh; the Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh; the Principal Secretary/Secretary, Department of Geology and Mining, Government of Uttar Pradesh and Director of Geology and Mining for their information and necessary action. It was also decided that suitable instructions shall be sent to the counsel of SEIAA to apprise Hon' ble NGT accordingly. Copy of the minutes of meeting is being annexed herewith as ANNEXURE-1.
4. That further, the said minutes of meeting dated have been approved by its members through the Trail Mail. Copy of the Trail Mail is being annexed herewith as ANNEXURE-2.
5. That in accordance with the above minutes of meeting the previously approved DSR is kept in abeyance until compliance with requirement mentioned. Copy of the DSR kept in abeyance is being annexed herewith as ANNEXURE-3.



6. That further it is pertinent to note that the ACS, Mining and Geology for state of Uttar Pradesh gave the undertaking for conducting the replenishment study in *OA No.140/2021* case titled as *Raj Kumar Vs. State of Uttar Pradesh*. Copy of the order dated 06.05.2022 is being annexed herewith as **ANNEXURE-4.**
7. That the specific conditions imposed by the SEIAA while granting approval to the District Survey Reports (DSRs) of District Hamirpur and District Jalaun, and further mandated the submission of a replenishment study which would form the basis for the preparation of the respective DSRs, and further directed that the said study be uploaded on the District Mining Portal vide **Minutes of meeting dated 27.03.2025.** Copy of the Minutes of meeting Dated 27.03.2025. along with the trail mail is annexed herewith as **ANNEXURE-5 (Colly).**
8. The DSRs, prepared in compliance with their respective conditions as recorded in the minutes of the SEIAA meetings, have since been reinstated upon the removal of their abeyance. A copy of the relevant conditions, along with the list of DSRs to which they were made applicable, and which have now been reinstated, is annexed herewith as **ANNEXURE-6(Colly).**
9. That the contents of the accompanying supplementary affidavit are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.





V. Bhatti

DEPONENT

VERIFICATION

Verified on solemn affirmation at New Delhi on this 10 APR 2025 day of 2025,
 that the contents of the foregoing affidavit are true and correct to the best of my
 knowledge and no part of it is false and nothing material has been concealed
 therefrom

V. Bhatti

DEPONENT

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

ATTESTED
NOTARY PUBLIC
(INDIA)

10 APR 2025

Joint Meeting Minutes of State Level Environment Impact Assessment Authority, U.P. (876th SEIAA Meeting) & State Level Expert Appraisal Committee-1&2, U.P. held on 06/03/2025

The joint meeting of the State Level Environment Impact Assessment Authority, U.P. & State Level Expert Appraisal Committee-1 & 2, U.P. was held in Directorate of Environment, U.P. through hybrid mode (physical and virtual) at 12:30 PM on 06/03/2025. The following were present in the meeting: -

1.	Mrs. Mamta Sanjeev Dubey,	Chairman, SEIAA
2.	Shri Rajive Kumar,	Chairman, SEAC-1
3.	Dr. Harikesh Bahadur Singh,	Chairman, SEAC-2
4.	Shri Sushant Sharma	Member Secretary, SEAC (1 & 2)
5.	Shri Ajay Kumar Sharma,	Member Secretary, SEIAA
6.	Shri Paras Nath,	Member, SEIAA
7.	Shri Om Prakash Srivastava,	Member, SEAC-1
8.	Dr. Brij Bihari Awasthi,	Member, SEAC-1
9.	Dr. Ratan Kar,	Member, SEAC-1
10.	Shri Umesh Chand Sharma,	Member, SEAC-1
11.	Shri Tanzar Ullah Khan,	Member, SEAC-2
12.	Dr. Dineshwar Prasad Singh,	Member, SEAC-2
13.	Prof. Jaswant Singh,	Member, SEAC-2
14.	Dr. Shiv Om Singh,	Member, SEAC-2

Member Secretary, SEAC welcomed all the three Chairmen, Member Secretary, SEIAA and all the Members of SEIAA/SEACs.

A joint meeting of the State Environment Impact Assessment Authority (SEIAA) and the State Expert Appraisal Committee (SEAC) 1 & 2 was convened. SEIAA took note of the Order of the Hon'ble National Green Tribunal (NGT) regarding the appraisal of District Survey Reports (DSRs) and the necessity of conducting Replenishment Studies for sustainable sand mining. The following points emerged after discussion:

1. The responsibility for conducting mineral prospecting, identifying mining areas, determining royalty, and overseeing auction procedures completely rests with the Directorate of Mines and Geology, Uttar Pradesh, and the respective District Administrations. SEIAA/SEAC has no role in policy-making, formulation of Mines and Mineral Rules, determination of royalty, or auction of mining leases.
2. SEIAA is a three member authority. Owing to large number of cases Uttar Pradesh has 02 appraisal committees (SEAC 1& 2) having a total of 15 members in all. All these members are either retired government servants or academicians drawn from different walks of life. Neither SEIAA nor SEAC is a permanent body. Only the member secretaries are serving government officials. SEIAA does not have an independent secretariat or any kind of resources to carry out either any study or conduct any field inspections. SEIAA depends on Directorate of Mines and Geology, Uttar Pradesh which has technical expertise to ensure sustainable mineral development for any information/study related to mining and on UPPCB/ District Administration for field verification or for seeking any factual report. According to the official website of the Directorate of Mines and Geology, Uttar Pradesh, the department has experts specializing in Geology, Geophysics, Mining, Drilling, and Chemistry related to minerals.

[Handwritten signatures and initials]

Joint Meeting Minutes of State Level Environment Impact Assessment Authority, U.P. & State Level Expert Appraisal Committee-1&2, U.P. held on 06/03/2025


3. For purposes of bringing uniformity and streamlining the procedure for submission of DSRs, a Standard Operating Procedure (SOP) was earlier formulated in a joint meeting of SEIAA, SEAC and representative of Directorate of Mines and Geology, Uttar Pradesh. It was made clear to Directorate of Mines and Geology, Uttar Pradesh that sustainable Sand Mining guidelines 2020 have to be followed completely while preparing the DSRs. It was also made clear that this SOP was solely to enhance procedural efficiency and does not supersede the provisions outlined in the Sustainable Sand Mining Management Guideline-2020, which remain the fundamental basis for the preparation and appraisal of DSRs.
4. As per Standard Operating Procedure (SOP), the DSRs were to be prepared by district authority and thereafter these DSRs were to be vetted by the Directorate of Mines and Geology before their submission to SEIAA/SEAC for appraisal/ approval.
5. The DSRs carried the certificate from Director, Directorate of Mines and Geology, certifying that these were prepared and examined as per the provisions of Sustainable Sand Mining Management Guideline-2020, MoEF&CC notification dated 15-01-2016 and 25-07-2018 as well as Enforcement and Monitoring Guidelines for Sand Mining-2020. Thus, Directorate of Mines and Geology certified that the complete procedure as laid down for preparation of DSRs was followed.
6. While appraising the DSRs, SEIAA/SEAC considered the information, assurances and commitments provided by the Directorate of Mines and Geology and respective District Administrations. SEIAA/SEAC consistently asked Directorate of Mines and Geology to upload the replenishment studies on the district websites, web portal of mining department and also to submit it to SEIAA. SEIAA/SEAC, while considering the approval of DSRs, acted in good faith, balancing the interests of sustainable development, environmental protection, and local livelihoods. It is pertinent to mention here that the Directorate of Mines and Geology is an important government department, and is the technical authority for all issues related to mining of minor minerals in the state. SEIAA had no reason to doubt the veracity of the information provided by the Directorate of Mines and Geology or doubt the commitment repeatedly given by the mining department regarding the replenishment studies. At the same time constantly asking mining department to submit the replenishment studies to SEIAA and mining department continuously committed to provide the studies but never provided these studies.
7. SEIAA/SEAC understands that the submission of Replenishment Study reports is an essential requirement for preparation of DSRs in sand mining projects. It has repeatedly directed the Mining Department to furnish the necessary replenishment studies. Despite sustained efforts and ongoing communication, the required information has not been received from the Mining Department till date.
8. Acknowledging the critical importance of Replenishment Studies and non – compliance of assurance given by Geology and Mining Department, State Uttar Pradesh and concerned District Authorities. **SEIAA/SEAC, after thorough discussions, has decided to keep all previously approved DSRs in abeyance until compliance with this requirement is ensured.**

Accordingly, it has been decided to issue a formal communication to the Directorate of Geology and Mining, Uttar Pradesh, informing them of the decision regarding putting all DSRs in


Handwritten signatures and initials at the bottom of the page, including a large 'X' mark, a signature that appears to be 'G. Singh', and other illegible marks.

Joint Meeting Minutes of State Level Environment Impact Assessment Authority, U.P. & State Level Expert Appraisal Committee-1&2, U.P. held on 06/03/2025

abeyance until submission of replenishment study for each DSR. Further, SEIAA directs that copies of this communication be sent to the Chief Secretary, Government of Uttar Pradesh; the Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh; the Principal Secretary/Secretary, Department of Geology and Mining, Government of Uttar Pradesh and Director of Geology and Mining for their information and necessary action. It was also decided that suitable instructions shall be sent to the counsel of SEIAA to apprise Hon'ble NGT accordingly.


(Mamta Sanjeer Dubey)
Chairman, SEIAA

(Paras Nath)
Member, SEIAA


(Ajay Kumar Sharma)
Member Secretary, SEIAA

(Rajive Kumar)
Chairman, SEAC-1

(Dr. Harikesh Bahadur Singh)
Chairman, SEAC-2

(Om Prakash Srivastava)
Member, SEAC-1

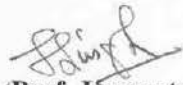
(Dr. Brij Bihari Awasthi)
Member, SEAC-1

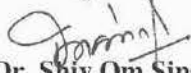
(Dr. Ratan Kar)
Member, SEAC-1

(Umesh Chand Sharma)
Member, SEAC-1


(Tazari Ullah Khan)
Member, SEAC-2


(Dr. Dineshwar Prasad Singh)
Member, SEAC-2


(Prof. Jaswant Singh)
Member, SEAC-2


(Dr. Shiv Om Singh)
Member, SEAC-2

(Sushant Sharma, IFS)
Member-Secretary,
SEAC- 1 & 2


Acting Nodal Officer, SEIAA, UP
MoM prepared by Secretariat in consultation with
Chairman & Members on the basis of decisions
taken by SEIAA, SEAC-1 & 2 during the meeting.


Nodal Officer, SEAC-1&2
MoM prepared by Secretariat in consultation with
Chairman & Members on the basis of decisions
taken by SEIAA, SEAC-1 & 2 during the meeting.

3/10/25, 1:16 PM

Yahoo Mail - Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

From: Harikesh Bahadur Singh (hbs1@rediffmail.com)

To: seiaaup@yahoo.com

Date: Monday 10 March, 2025 at 01:02 pm IST

Minutes approved.
Regards,

Dr. H.B. Singh FNAAS, FPSI, FICN, FISMPP, FBRs, FSPRB, FISNS, FSSCE, FRASSA Chairman, State Level Expert Appraisal Committee Uttar Pradesh-2 Chairman, ICAR-NSF Nanotechnology in Agriculture Guest Editor, Current Genomics, Bentham Science Executive Editor: Medicinal Plants Former Distinguished Professor, Department of Biotechnology GLA University, Mathura-281406, Uttar Pradesh, India Formerly Professor & Head Department of Mycology & Plant Pathology, Institute of Agricultural Sciences, Banaras Hindu University, Varanasi-221005, India Phone No. 0522-4015987 Mob. 9415355571 RES: 13/21, Vikas Nagar, Lucknow-226022 Alternate E-mail: somvanshi.rf@gmail.com Citation: 18588 h-index 73 i 10 index- 250 <http://scholar.google.co.in/citations?user=mhDg-v0AAAAJ&hl=en> http://www.researchgate.net/profile/Harikesh_Singh4

From: seiaaup@yahoo.com

Sent: Mon, 10 Mar 2025 13:00:50

To: "Dr. Brij Bihari Awasthi" <awasthimemberseac1@gmail.com>, "Dr. Dineshwar Prasad Singh" <dineshwar.amita@gmail.com>, "Dr. Ratan Kar" <ratankar@yahoo.com>, "Dr. Shiv Om Singh" <shivomsingh101@gmail.com>, Shri Om Prakash Srivastava <er.opsri@gmail.com>, Shri Parasnath <memberseiaaup2021@gmail.com>, Shri Rajive Kumar <chairman.seac1@gmail.com>, Shri Tanzar Ullah Khan <tukhan1959@gmail.com>, Shri Umesh Chand Sharma <umeshsharma2014.us@gmail.com>, Harikesh Bahadur Singh <hbs1@rediffmail.com>, Jaswant Singh <drjsingh1@gmail.com>, "sharmaajay09@yahoo.com" <sharmaajay09@yahoo.com>, Chairmanseiaa <chairmanupseiaa@gmail.com>, Rajive Kumar <rajivekumar1983@gmail.com>

Subject: Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

Respected Sir/Ma'am,

Please find enclosed herewith joint meeting minutes of SEIAA & SEACs dated 06/03/2025 after including the correction of Chairman, SEIAA, UP for your approval. This is also informed you that the joint minutes has already been approved by Chairman, SEIAA, therefore you are requested to provide your approval on the joint meeting minutes.

On Thursday 6 March, 2025 at 06:30:41 pm IST, SEIAA Uttar Pradesh <seiaaup@yahoo.com> wrote:

Respected Sir/Ma'am,

Please find enclosed herewith draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025 to provide your comments/approval till 05:00 PM on 07/03/2025. If your comments/approval on the draft minutes are not received by 5 PM tomorrow, the draft minutes will be considered deemed approved.

regards,
Directorate of Environment,
Vineet Khand, Gomti Nagar, Lucknow

3/10/25, 2:58 PM

Yahoo Mail - Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

From: Dr. B.B Awasthi (awasthimemberseac1@gmail.com)

To: seiaaup@yahoo.com

Cc: dineshwar.amita@gmail.com; ratankar@yahoo.com; shivomsingh101@gmail.com; er.opsri@gmail.com; memberseiaaup2021@gmail.com; chairman.seac1@gmail.com; tukhan1959@gmail.com; umeshsharma2014.us@gmail.com; hbs1@rediffmail.com; drjsingh1@gmail.com; sharmaajay09@yahoo.com; chairmanupseiaa@gmail.com; rajivekumar1983@gmail.com

Date: Monday 10 March, 2025 at 01:23 pm IST

Dear sir

I have gone through the MoM dt 6.03.2025 n I approve the same on my end.

With regards

Dr BB Awasthi

Member SEAC 1

On Mon, 10 Mar 2025 at 1:00 PM, SEIAA Uttar Pradesh <seiaaup@yahoo.com> wrote:

Respected Sir/Ma'am,

Please find enclosed herewith joint meeting minutes of SEIAA & SEACs dated 06/03/2025 after including the correction of Chairman, SEIAA, UP for your approval. This is also informed you that the joint minutes has already been approved by Chairman, SEIAA, therefore you are requested to provide your approval on the joint meeting minutes.

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regards,

Directorate of Environment,

Vineet Khand, Gomti Nagar, Lucknow

3/10/25, 2:58 PM

Yahoo Mail - Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

From: Rajive Kumar (chairman.seac1@gmail.com)

To: awasthimemberseac1@gmail.com

Cc: seiaaup@yahoo.com; dineshwar.amita@gmail.com; ratankar@yahoo.com; shivomsingh101@gmail.com; er.opsri@gmail.com; memberseiaaup2021@gmail.com; tukhan1959@gmail.com; umeshsharma2014.us@gmail.com; hbs1@rediffmail.com; drjsingh1@gmail.com; sharmaajay09@yahoo.com; chairmanupseiaa@gmail.com; rajivekumar1983@gmail.com

Date: Monday 10 March, 2025 at 02:29 pm IST

The minutes corrected and approved by Chairman SEIAA are ok from my side.

Regards

Rajive Kumar

On Mon, Mar 10, 2025 at 1:23 PM Dr. B.B Awasthi <awasthimemberseac1@gmail.com> wrote:

Dear sir

I have gone through the MoM dt 6.03.2025 n I approve the same on my end.

With regards

Dr BB Awasthi

Member SEAC 1

On Mon, 10 Mar 2025 at 1:00 PM, SEIAA Uttar Pradesh <seiaaup@yahoo.com> wrote:

Respected Sir/Ma'am,

Please find enclosed herewith joint meeting minutes of SEIAA & SEACs dated 06/03/2025 after including the correction of Chairman, SEIAA, UP for your approval. This is also informed you that the joint minutes has already been approved by Chairman, SEIAA, therefore you are requested to provide your approval on the joint meeting minutes.

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regards,

Directorate of Environment,

Vineet Khand, Gomti Nagar, Lucknow

4/1/25, 8:02 PM

Yahoo Mail - Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

From: paras nath (memberseiaaup2021@gmail.com)

To: chairman.seac1@gmail.com

Cc: awasthimemberseac1@gmail.com; seiaaup@yahoo.com; dineshwar.amita@gmail.com; ratankar@yahoo.com; shivomsingh101@gmail.com; er.opsri@gmail.com; tukhan1959@gmail.com; umeshsharma2014.us@gmail.com; hbs1@rediffmail.com; drjsingh1@gmail.com; sharmaajay09@yahoo.com; chairmanupseiaa@gmail.com; rajivekumar1983@gmail.com

Date: Monday 10 March, 2025 at 03:01 pm IST

Sustainable Sand Mining Management Guideline is of the year 2016 instead of 2020. Please correct it. Rest of the minutes is OK with me.

With regards

On Mon, 10 Mar, 2025, 14:29 Rajive Kumar, <chairman.seac1@gmail.com> wrote:

The minutes corrected and approved by Chairman SEIAA are ok from my side.

Regards

Rajive Kumar

On Mon, Mar 10, 2025 at 1:23 PM Dr. B.B Awasthi <awasthimemberseac1@gmail.com> wrote:

Dear sir

I have gone through the MoM dt 6.03.2025 n I approve the same on my end.

With regards

Dr BB Awasthi

Member SEAC 1

On Mon, 10 Mar 2025 at 1:00 PM, SEIAA Uttar Pradesh <seiaaup@yahoo.com> wrote:

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Please find enclosed herewith joint meeting minutes of SEIAA & SEACs dated 06/03/2025 after including the correction of Chairman, SEIAA, UP for your approval. This is also informed you that the joint minutes has already been approved by Chairman, SEIAA, therefore you are requested to provide your approval on the joint meeting minutes.

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Respected Sir/Ma'am,

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regards,

Directorate of Environment,

Vineet Khand, Gomti Nagar, Lucknow

4/1/25, 8:02 PM

Yahoo Mail - Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

From: Dr Dineshwar Prasad Singh (dineshwar.amita@gmail.com)

To: ratankar@yahoo.com

Cc: awasthimemberseac1@gmail.com; shivomsingh101@gmail.com; er.opsri@gmail.com; memberseiaaup2021@gmail.com; chairman.seac1@gmail.com; tukhan1959@gmail.com; umeshsharma2014.us@gmail.com; hbs1@rediffmail.com; drjsingh1@gmail.com; sharmaajay09@yahoo.com; chairmanupseiaa@gmail.com; rajivekumar1983@gmail.com; seiaaup@yahoo.com

Date: Tuesday 18 March, 2025 at 06:44 am IST

Dear sir

The MOM dated 6.3.2025 of joint meeting looks OK from my end ,hence recommended for approval.
With best wishes

Dr Dineshwar Prasad Singh
Member,SEAC 2

On Tue, Mar 11, 2025, 12:11 PM Ratan Kar <ratankar@yahoo.com> wrote:

Dear Sir,

I have gone through the joint meeting minutes of SEIAA & SEACs dated 06/03/2025 and approve the same.

Just one minor observation: at a number of places in the report, DGM has been inadvertently mentioned as "Directorate / Department of Mines and Geology." It may be corrected as - "Directorate of Geology and Mining."

regards,
Ratan Kar

On Monday 10 March, 2025 at 01:00:52 pm IST, SEIAA Uttar Pradesh <seiaaup@yahoo.com> wrote:

Respected Sir/Ma'am,

Please find enclosed herewith joint meeting minutes of SEIAA & SEACs dated 06/03/2025 after including the correction of Chairman, SEIAA, UP for your approval. This is also informed you that the joint minutes has already been approved by Chairman, SEIAA, therefore you are requested to provide your approval on the joint meeting minutes.

On Thursday 6 March, 2025 at 06:30:41 pm IST, SEIAA Uttar Pradesh <seiaaup@yahoo.com> wrote:

Respected Sir/Ma'am,

Please find enclosed herewith draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025 to provide your comments/approval till 05:00 PM on 07/03/2025. If your comments/approval on the draft minutes are not received by 5 PM tomorrow, the draft minutes will be considered deemed approved.

regards,
Directorate of Environment,
Vineet Khand, Gomti Nagar, Lucknow

4/1/25, 8:03 PM

Yahoo Mail - Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

Re: Draft minutes of joint meeting of SEIAA/SEACs dated 06/03/2025

From: Ratan Kar (ratankar@yahoo.com)

To: awasthimemberseac1@gmail.com; dineshwar.amita@gmail.com; shivomsingh101@gmail.com; er.opsri@gmail.com; memberseiaaup2021@gmail.com; chairman.seac1@gmail.com; tukhan1959@gmail.com; umeshsharma2014.us@gmail.com; hbs1@rediffmail.com; drjsingh1@gmail.com; sharmaajay09@yahoo.com; chairmanupseiaa@gmail.com; rajivekumar1983@gmail.com; seiaaup@yahoo.com

Date: Tuesday 11 March, 2025 at 12:11 pm IST

Dear Sir,

I have gone through the joint meeting minutes of SEIAA & SEACs dated 06/03/2025 and approve the same.

Just one minor observation: at a number of places in the report, DGM has been inadvertently mentioned as "Directorate / Department of Mines and Geology." It may be corrected as - "Directorate of Geology and Mining."

regards,
Ratan Kar

On Monday 10 March, 2025 at 01:00:52 pm IST, SEIAA Uttar Pradesh <seiaaup@yahoo.com> wrote:

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regards,
Directorate of Environment,
Vineet Khand, Gomti Nagar, Lucknow

List of DSR kept in-abeyance

Sr. No.	District Name	Sand Morrum
1.	Jalaun	✓
2.	Saharanpur	✓
3.	Agra	✓
4.	Ambedkar Nagar	✓
5.	Ayodhya	✓
6.	Baghat	✓
7.	Behraich	✓
8.	Ballia	✓
9.	Barabanki	✓
10.	Deoria	✓
11.	Banda	✓
12.	Jhansi	✓
13.	Sambhal	✓
14.	Shamli	✓
15.	Fatehpur	✓
16.	Ghazipur	✓
17.	Gonda	✓
18.	Hamirpur	✓
19.	Kanpur Dehat	✓
20.	Lakhimpur Kheri	✓
21.	Mirzapur	✓
22.	Prayagraj	✓
23.	Raibareli	✓
24.	Sant Kabir Nagar	✓
25.	Shahjahanpur	✓
26.	Shravasti	✓
27.	Auraiya	✓
28.	Farrukhabad	✓

29.	Firozabad	✓
30.	Mathura	✓
31.	Bareilly	✓
32.	Ghaziabad	✓
33.	Bulandshahar	✓
34.	Sonebhadra	✓
35.	Chitrakoot	✓
36.	Kannauj	✓
37.	Kanpur Nagar	✓
38.	Etawah	✓
39.	Lalitpur	✓
40.	Mahoba	✓
41.	Basti	✓
42.	Bijnor	✓
43.	Kaushambi	✓
44.	Siddharthnagar	✓

Item No. 03 & 04

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 140/2021

(With report dated 31.03.2022)

Raj Kumar

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

WITH

Original Application No. 141/2021

Ramkaran Karn

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

Date of hearing: 06.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Vanshdeep Dalmia, Advocate

Respondent: Dr. Roshan Jacob, Secretary, Geology & Mining with Mr. Pradeep Misra,
Advocate for the State of Uttar Pradesh & UPPCB**ORDER**

1. Grievance in these two identical applications is against illegal mining. In O.A. No. 140/2021, mining is in the submerged water area at Gata No. 28 (Part) and 29, Khand No. 1, village Kanwara, District Banda, UP by M/s Durge Trading Company and in O.A. No. 141/2021 it is in the submerged water area at Gata No. 2/4, 2/23, 2/24 and 2/28, Khand No. -4, village-Bendakhadar, District Banda, UP by Ashish Kumar Gautam,

S/o Suresh Kumar Gautam. Common stand in both the matters is that the mining is in violation of Sustainable Sand Mining Management Guidelines (SSMMG), 2016 and Enforcement and Monitoring Guidelines for Sand Mining (EMGSM), 2020 and binding orders of this Tribunal, including order dated 30.05.2017 in O.A. No. 78/2015 (CZ) reported in 2017 SCC OnLine NGT 1097, holding as follows: -

“In the light of the above, we answer the question that has been referred to us that no river sand mining is permitted in the submerged area in accordance with the Sustainable Sand Mining Guidelines 2016 alternatively in so far as the issue whether it can be permitted in the submergence areas is concerned our answer to the same is that in submergence area which may be a wider area than the one actually submerged as a submergence area would encompass the full reservoir level of the river or the high flood level of the river recorded by in any case where the mineral is exposed and not in stream such sand mining in accordance with the Sand Mining Guidelines 2016 and the conditions imposed in the environmental clearance may be carried out.”

2. Further order of this Tribunal relied upon by the applicants is order dated 26.02.2021 in O.A. No. 360/2015, NGT Bar Association v. Virender Singh (State of Gujarat) and other connected matters. Therein, on exhaustive review of the issues relating to sand mining, this Tribunal has issued directions, including the mechanism for enforcement of environmental norms, inter-alia as follows:-

“1to26..xxx.....xxx.....xxx

27. We direct all the States/UTs to strictly follow the SSMG-2016 read with EMGSM-2020 reinforced by mechanism for preparation of DSRs (in terms of directions of this Tribunal dated 14.10.2020 in Pawan Kumar, supra and 04.11.2020 in Rupesh Pethe, supra), Environment Management Plans, replenishment studies, mine closure plans, grant of EC (in terms of direction dated 13.09.2018 in Satendra Pandey, supra), assessment and recovery of compensation (as per discussion in Para 25), seizure and release of vehicles involved in illegal mining (in terms of order dated 19.02.2020 in Mushtakeem, supra), other safeguards against violations, grievance redressal, accountability of the designated officers and periodical review at higher levels. As already noted,

EMGSM-2020 contemplates extensive use of digital technology, including remote sensing.

28. We further direct that periodic inspection be conducted by a five-members Committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Where CPCB regional office is not available, if MoEF&CC regional office is available, its Regional Officer will be included in the Committee. Where neither CPCB nor MoEF&CC regional office exists, Chairman, SEIAA will tie up with the nearest institution of repute such as IIT to nominate an expert for being included in the Committee. Such inspection must be conducted at least thrice for each lease i.e. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any. The reports of such inspections be acted upon and placed on website of the SEIAA. Every lessee, undertaking mining, must have an environment professional to facilitate sustainable mining in terms of the mining plan and environmental norms. This be overseen by the SEIAA. Environment Departments may also develop an appropriate mobile App for receiving and redressing the grievances against the sand mining, including connivance of the authorities and also a mechanism to fix accountability of the concerned officers. Recommendations of the Oversight Committee for the State of UP quoted earlier may be duly taken into account.

The mechanism must provide for review at the level of the Chief Secretary at least once in every quarter, in a meeting with all concerned Departments in the State. The Chief Secretary UP may ensure further action in the light of the report of the Oversight Committee.

Similarly, at National level, such review needs to be conducted atleast once in a year by the Secretary, Environment in coordination with the Secretaries Mining and Jalshakti Ministries the CPCB.”

3. It is submitted that no steps are being taken by the State of UP for compliance of directions of this Tribunal.

4. Vide order dated 02.07.2021 on consideration of the matter, the Tribunal directed Additional Chief Secretary, Mining, UP to furnish a report about the compliance status including the status of DSR and replenishment studies for Banda District and also in-stream mining in submerged water and monitoring mechanism.

5. The matter was last considered on 08.03.2022 and finding that no response was being filed by the Additional Chief Secretary, Mining, Uttar Pradesh, the Tribunal directed personal appearance of the ACS, Mining by V.C. and also directed the District Magistrate and State PCB to file a factual report. If anything, adverse was noticed, the PP was to be put to notice of these proceedings.

6. In pursuance of above, the ACS, Mining, UP is present in person by V.C. and report has been filed by the District Officer, Banda on 31.03.2022 as follows:

“xxxxxx.....xxx
 10. *That for Environmental impact assessment (E.I.A.) study ministry of environment and forest and climate change (MoEF&CC) has propounded Sustainable sand mining management guidelines 2016 and enforcement and monitoring guidelines for sand mining 2020. In compliance of this Guidelines Government of Uttar Pradesh has issued a Government order no 790(1)/86-2020 dated 01.06.2020. As per this Government order, Government of Uttar Pradesh has constituted a team of officials of Department of Geology and Mining, Revenue Department, Forest Department and Irrigation Department, who give recommendation for any new area to be included or any change in D.S.R.(District survey report). Till November 2022 a total of 296 areas has been added in District survey report (D.S.R.) in different districts of Uttar Pradesh.*

That in district Banda after proper study of replacement of Sand/Morrum on the areas the District Survey Report' (herein after referred as DSR) was prepared and loaded on District Administration Portal and objection of the public domain were also invited and after considering the objection the DSR finalised by the committee constituted by the Government of Uttar Pradesh on 23.11.2017.

11. *That in Compliance of Hon'ble NGT order dated 02.07.2021 OA no. 140/2021 Raj Kumar Versus State of UP and OA no. 141/2021 Ram Karan karn Versus State of UP, D.M Banda has authorised C.M.P.D.I (Central mine planing and Design Institute limited), a public sector enterprise of Government of India to do the replenishment study of rivers flowing in district Banda on dated 28.10.2021 C.M.P.D.I has started the replenishment study of rivers of banda district and the work is on progress. Its report will be soon provided to the hon'ble NGT.*

The copy of the order of D.M Banda dated 11.10.2021 and consent letter of C.M.P.D.I dated 19.10.2021 being annexed herewith as Annexure No.1, to this compliance report.

12. *That if the bid found to be highest and satisfactory per cubic metre then a letter of intent is issued in favour of such bidder and thereafter, the applicant should obtain approval on its mining plan and environmental clearance from the competent authority and thereafter the mining lease is executed in his favour.*
13. *That in the lease deed, the following terms are specifically mentioned:-*
 - i. *The mining operations are to be carried only up to the depth of 3 metres, or up to the water level, whichever is less;*
 - ii. *The safety zone should be worked out;*
 - iii. *The mining operations will be done in accordance with the scheme mentioned in the Mining Plan;*
 - iv. *The lessee will be bound to obey the terms and conditions of the environmental clearance;*
 - v. *The mining will be done after sun-rise till sun-set;*
 - vi. *In the monsoon season, no mining will be done;*
 - vii. *Heavy machinery and Suction Machines will not be used for excavation of the mineral;*
 - viii. *No temporary bridge or hinderance will be created in the flow of river water during the lease period;*
 - ix. *That the Central Government framed Sustainable Sand Mining Management Guidelines 2016 with object of managing un-controlled sand mining in India.*
14. *That the Ministry of Environment, Forests & Climate Change, Government of India also framed Enforcement and monitoring Guidelines for Sand Mining in January 2020.*
15. *That list of mining leases, granted in District Banda for excavation of sand & morrum, at present, is being annexed herewith as Annexure No.2, to this compliance report.*
16. *That at the time, total 17 mining leases are in operation in Banda district and they have proper environmental clearances, as well as the consent issued by UPPB Lucknow under the provisions of "Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention Control of Pollution) Act, 1981."*
17. *That in compliance of the order dated 26.02.2021, passed by this Hon'ble Tribunal in O.A. No.360 of 2015 (National Green Tribunal Bar Associations. Veerendra Singh (State of Gujarat & others), 5 members Committee has been constituted by the District Officer, Banda, vide office order No.2892/Khanij-30 Banda, dated 14.12.2021. In the said Monitoring Committee, the members as under:*

1. *Divisional Forest Officer, Banda Chairman*
2. *Mines Officer/Mines Inspector/ Surveyor, Mines Department, Banda Member*
3. *Executive Engineer, Irrigation & Water Resources department, Banda- Member*
4. *Concerned Tehsildar Member*
5. *Regional Officer, Pollution Control Board, Banda Member Secretary.*

A copy of the said office order dated 14.12.2021 issued by the District Officer, Banda, is being annexed herewith as Annexure No.3, to this compliance report.

18. *That the said Enforcement Committee is regularly watching the mining activities of 17 areas and if any lessee is found to violate the above mentioned terms and conditions, then after issuing the notice, necessary proceedings are initiated against him.*
- 19 *That in the Headquarters, Lucknow, as well as in the districts, Surveillance Systems have also been installed for prevention of over-loading of minerals, as well as without transit passes, and due to this so many electronic challans are automatically created and served on the lessees for recovery of Government dues of such mineral.*
20. *That this Hon'ble Tribunal has also directed for submission of the status report of the following sand, morrum areas*

S. No.	Area	Status
a)	<i>Khand No.1 Village Kanwara, Banda M/s Durga Trading Co.</i>	<i>mining activities are not being done by the lessee due to preparation of approach road</i>
b)	<i>Khand No.4 Village Banda Khadar, District Banda Ashish Kumar Gautam, S/o Shri Suresh Kumar Gautam</i>	<i>matter is pending before the Hon'ble Supreme court. (Ravi kumar vs State of U.P. Dairy No. 3177/2022) No mining activities are being done.</i>

7. A report has also been filed on 06.04.2022 by the Geology and Mining Department, UP which is by and large similar to the report of the District Officer, Banda referred to above.

8. We have heard learned Counsel for the Applicants and interacted with the ACS present in person by VC.

9. We find that replenishment study as required under the SSMG-2016 and EMGSM-2020 has not been undertaken prior to the auction in terms of para 5.1 of the EMGSM, 2020 which is reproduced below:

“5.0 REPLENISHMENT STUDY

The need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessing sand extraction. Mining within or near riverbed has a direct impact on the stream's physical characteristics, such as channel geometry, bed elevation, substratum composition and stability, in-stream roughness of the bed, flow velocity, discharge capacity, sediment transport capacity, turbidity, temperature etc. Alteration or modification of the above attributes may cause an impact on the ecological equilibrium of the riverine regime, disturbance in channel configuration and flow-paths. This may also cause an adverse impact on instream biota and riparian habitats. It is assumed that the riparian habitat disturbance is minimum if the replenishment is equal to excavation for a given stretch. Therefore, to minimize the adverse impact arising out of sand mining in a given river stretch, it is imperative to have a study of replenishment of material during the defined period.

5.1 Generic Structure of Replenishment Study

*Initially replenishment study requires four surveys. The first survey needs to be carried out in the month of April for recording the level of mining lease before the monsoon. The second survey is at the time of closing of mines for monsoon season. This survey will provide the quantity of the material excavated before the offset of monsoon. The third survey needs to be carried out after the monsoon to know the quantum of material deposited/replenished in the mining lease. The fourth survey at the end of March to know the quantity of material excavated during the financial year. For the subsequent years, there will be a requirement of only three surveys. The results of year-wise surveys help the state government to establish the replenishment rate of the river. **Based on the replenishment rate future auction may be planned.***

The replenishment period may vary on nature of the channel and season of deposition arising due to variation in the flow. Such period and season may vary on the geographical and precipitation characteristic of the region and requires to be defined by the local agencies preferable with the help of the Central Water Commission and Indian Meteorological Department. The excavation will, therefore, be limited to estimated replenishment estimated with consideration of other regulatory provisions.”

10. With regard to the allegation of instream mining in submerged water, it has been orally stated by the ACS that no such instream mining is permitted. However, in the reports filed before this Tribunal, no such statement has been made on behalf of the State.

11. Accordingly, the ACS, Mining, UP has fairly stated that replenishment study will be conducted prior to auctions in future and with regard to the current leases, ongoing replenishment study will be expedited. In the light thereof, the leases will be renewed, if necessary. Such studies for all Districts in UP will be completed by December 31, 2022 and for Banda by June 30, 2022. She has further stated that the allegation of instream mining will be verified and if found true, the same will be discontinued.

12. In view of above, let the Replenishment studies be completed by credible institutions, following due procedure, in accordance with para 5 of EMSG, 2020. Further, no mining be permitted till replenishment studies are completed beyond the schedule laid down above. The State may ensure that the Regulatory authorities are adequately equipped and capable to assess quantities of mined material. With regard to instream mining, it may be ensured that the machineries permitted or used otherwise comply with "Semi mechanised" mining operations in true sense. In all mining potential districts, environmental damage assessment be carried out and annual assessment reports placed in public domain on the websites of the Mining Department as well as the PCB. Compliance of SSMG, 2016 and EMGSM, 2020 and earlier directions of this Tribunal may be ensured by an effective monitoring mechanism.

The applications are disposed of accordingly.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

May 06, 2022
Original Application No. 140/2021
Original Application No. 141/2021
DV

Joint Meeting Minutes of State Level Environment Impact Assessment Authority, U.P. & State Level Expert Appraisal Committee-1&2, U.P. held on 27/03/2025

The joint meeting of the State Level Environment Impact Assessment Authority, U.P. & State Level Expert Appraisal Committee-1 & 2, U.P. was held in Directorate of Environment, U.P. through hybrid mode (physical and virtual) on 27/03/2025. The following were present in the meeting: -

- | | | |
|-----|-----------------------------|---------------------------------|
| 1. | Mrs. Mamta Sanjeev Dubey, | Chairman, SEIAA |
| 2. | Shri Rajive Kumar, | Chairman, SEAC-1 |
| 3. | Dr. Harikesh Bahadur Singh, | Chairman, SEAC-2 |
| 4. | Shri Sushant Sharma, IFS | Member Secretary, SEAC (1 & 2) |
| 5. | Shri Ajay Kumar Sharma, | Member Secretary, SEIAA |
| 6. | Shri Paras Nath, | Member, SEIAA |
| 7. | Shri Om Prakash Srivastava, | Member, SEAC-1 |
| 8. | Dr. Brij Bihari Awasthi, | Member, SEAC-1 |
| 9. | Dr. Ratan Kar, | Member, SEAC-1 |
| 10. | Shri Umesh Chand Sharma, | Member, SEAC-1 |
| 11. | Dr. Ajai Mishra, | Member, SEAC-1 |
| 12. | Shri Tanzar Ullah Khan, | Member, SEAC-2 |
| 13. | Dr. Dineshwar Prasad Singh, | Member, SEAC-2 |
| 14. | Prof. Jaswant Singh, | Member, SEAC-2 |
| 15. | Dr. Shiv Om Singh, | Member, SEAC-2 |
| 16. | Dr. Amrit Lal Haldhar, | Member, SEAC-2 |

A joint meeting of the State Environment Impact Assessment Authority (SEIAA) and the State Expert Appraisal Committee (SEAC) 1 & 2 was convened on 06.03.2025. SEIAA/SEAC noted that while approving the DSR the condition "Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points." was imposed. Since this condition was not complied with by any District so SEIAA/SEAC had taken the decision on 06.03.2025 to keep the DSR and process of appraisal and grant of EC on hold. A meeting was called on 27.03.2025 to discuss the situation and take the final call as some Districts have submitted the study to SEIAA as well as uploaded this study on the District website. The SEIAA/SEAC in joint meeting decided that as more Districts upload their studies on District website and submit to SEIAA the process for appraisal/grant of EC will be resumed for respective District.

Joint Meeting Minutes of State Level Environment Impact Assessment Authority, U.P. & State Level Expert Appraisal Committee-1&2, U.P. held on 06/03/2025

The members were however of the view that the District Magistrate will furnish a certificate that the study (dated.....) for mineral calculation on which DSR is based has been uploaded on District website and shall remain in the public domain during currency of this DSR.

(Mamta Sanjeev Dubey)
Chairman, SEIAA

(Paras Nath)
Member, SEIAA

(Ajay Kumar Sharma)
Member Secretary, SEIAA

(Rajive Kumar)
Chairman, SEAC-1

(Dr. Harikesh Bahadur Singh)
Chairman, SEAC-2

(Om Prakash Srivastava)
Member, SEAC-1

(Dr. Brij Bihari Awasthi)
Member, SEAC-1

(Dr. Ratan Kar)
Member, SEAC-1

(Umesh Chand Sharma)
Member, SEAC-1

(Dr. Ajai Mishra)
Member, SEAC-1

(Dr. Dineshwar Prasad Singh)
Member, SEAC-2

(Prof. Jaswant Singh)
Member, SEAC-2

(Dr. Shiv Om Singh)
Member, SEAC-2

(Tanzar Ullah Khan)
Member, SEAC-2

(Dr. Amrit Lal Haldhar)
Member, SEAC-2

(Sushant Sharma, IFS)
Member-Secretary,
SEAC- 1 & 2

Nodal Officer, SEIAA, UP

MoM prepared by Secretariat in consultation with Chairman & Members on the basis of decisions taken by SEIAA, SEAC-1 & 2 during the meeting.

Nodal Officer, SEAC-1&2

MoM prepared by Secretariat in consultation with Chairman & Members on the basis of decisions taken by SEIAA, SEAC-1 & 2 during the meeting.

1767
Replenishment study received

53

ANNEXURE 6

Sr. No.	District	Uploaded in Website
1.	Banda	Uploaded in NIC Website Banda
2.	Hamirpur	Uploaded in NIC Website Hamirpur
3.	Basti	Uploaded in NIC Website Basti
4.	Shamli	Uploaded in NIC Website Shamli
5.	Jalaun	Uploaded in NIC Website Jalaun
6.	Ghaziabad	Uploaded in NIC Website Jalaun

१७६७
\\TRUE COPY\\

2025 SCC OnLine SC 1789

In the Supreme Court of India
(BEFORE P.S. NARASIMHA AND A.S. CHANDURKAR, JJ.)

Civil Appeal No. 8055 of 2022

Union Territory of J&K (Previously State of Jammu &
Kashmir) and Another ... Appellant(s);

Versus

Raja Muzaffar Bhat and Others ... Respondent(s).

With

Civil Appeal No. 68 of 2023

With

Civil Appeal No. of 2025

@ Diary No(s). 1007 of 2025

Civil Appeal No. 8055 of 2022, Civil Appeal No. 68 of 2023 and
Civil Appeal No. of 2025 @ Diary No(s). 1007 of 2025

Decided on August 22, 2025

Advocates who appeared in this case :

Mr. Utsav Singh Bains, Adv., Mr. Akash Yadav, Adv. Mr. Yusuf, AOR,
Mr. Narender Hooda, Sr. Adv., Mr. Shiv Bhatnagar, Adv., Ms. Pallvi
Hooda, Adv., Ms. Kavya Manuja, Adv., Ms. Tannu, Adv., Ms. Seema
Sindhu, Adv., Mr. Gaurav, Adv., Dr. Surender Singh Hooda, AOR, Mr.
Yuvraj Nandal, Adv., Mr. G. M. Kawoosa, Adv. and Mr. Pashupathi Nath
Razdan, AOR, for the Appellant(s);

Ms. Anitha Shenoy, Sr. Adv., Ms. Srishti Agnihotri, AOR, Ms. Itisha
Awasthi, Adv., Ms. Sanjana Grace Thomas, Adv., Ms. Sadhana
Madhavan, Adv. and Ms. Kavana Rao, Adv., for the Respondent(s).

JUDGMENT

Contents

1. Introduction of the issue:
2. Factual Background:
3. The Legal and Regulatory Regime:
4. The Environment (Protection) Act:
5. EIA Notifications 1994:
6. The Environment Impact Assessment Notification, 2006:
7. Decision of this Court in *Deepak Kumar v. State of Haryana*:
8. Environment Impact Assessment Notification, 2016:
 - A. Establishment of District Level Environment Impact
Assessment Authority (DEIAA) & District Expert Appraisal

Committee (DEAC) under Para 3A:

- B. New category called Category B2 for sandmining in districts was introduced through para 4(iv):
- C. Preparation of District Survey Report (DSR) Introduced through Para 7(iii):
- D. Procedure for preparation of DSR introduced through Appendix X:
- E. Challenge to the Notification 2016 the direction of NGT in Satendra Pandey's case:

9. The Sand Mining Guidelines and the Focus on Replenishment Study:

- A. Sustainable Sand Mining Management Guidelines, 2016:
- B. Enforcement and Monitoring Guidelines for Sand Mining, 2020:

10. Need for replenishment study:

11. Application of law to the facts of the present case

1. *Introduction of the issue:*

1. In *State of UP v. Gaurav Kumar*¹, we have declared that a valid and subsisting District Survey Report² is mandatory for grant of environmental clearance³ for sand mining. We have also annulled certain environmental clearances, even though recommended by District Expert Appraisal Committee⁴ and granted by District Level Environment Impact Assessment Authority⁵, on the basis that a 'draft DSR' is untenable⁶ in law. In this appeal we take a step further. District Survey Reports are prepared under para 7(iii) of EIA notification dated 15.01.2016⁷ following the mandatory procedure laid down in Appendix X read with Sustainable Sand Mining Management Guidelines, 2016⁸ and Enforcement and Monitoring Guidelines for Sand Mining, 2020⁹. The purpose and objective of preparing such District Survey Report is to scientifically locate the place for sand mining after *calculation of annual rate of replenishment for allowing mining in the area*.

2. Just as forest conservation requires assessment of tree growth rate before permitting timber harvesting to ensure that felling of trees does not exceed tree growth, a replenishment study enables us to take an informed decision as to whether sand mining can be permitted without degrading the rivers' natural balance. Importance of *replenishment study* is explained in the Sand Mining Guidelines 2020 as follows:

"The need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessive sand extraction. Mining within or near riverbed has a direct impact on the

*stream's physical characteristics, such as channel geometry, bed elevation, substratum composition and stability, in-stream roughness of the bed, flow velocity, discharge capacity, sediment transport capacity, turbidity, temperature etc. Alteration or modification of the above attributes may cause an impact on the ecological equilibrium of the riverine regime, disturbance in channel configuration and flow-paths. This may also cause an adverse impact on in-stream biota and riparian habitats. It is assumed that the riparian habitat disturbance is minimum if the replenishment is equal to excavation for a given stretch. Therefore, to minimize the adverse impact arising out of sand mining in a given river stretch, it is imperative to have a study of replenishment of material during the defined period.*¹⁰

3. It is, therefore, compelling to hold that a DSR is valid and tenable only when a proper *replenishment study* is conducted.

2. *Factual Background:*

4. The facts germane to the issue, and necessary for disposal of these appeals are as follows: The project proponent submitted three proposals for undertaking mining activities in (i) Block 1, Driegam Bridge Downstream, Shaliganga Nallah Bed Mining Project, (ii) Block-2 Banderpora Upstream, Shaliganga Nallah Bed Mining Project and (iii) Block 4, Panzam Bridge to Trumbi Bridge (Lalgam) Downstream. The J&K UT Expert Appraisal Committee ("J&K UT EAC" hereinafter) in its 81st meeting dated 03.01.2022 discussed the said proposals and rejected the same, particularly on grounds that the proposed area of extraction is already over-exploited and is depleted due to heavy illegal mining. It also noted that the DSR prepared for the concerned district was not formulated as per guidelines as the same needs revision for including replenishment data.

5. In the meanwhile, the project proponent received '*Fit for Mining Certificate*' for Blocks 1, 2 and 4 from the Geology and Mining Department on 05.02.2022.

6. Following certification of mining department, the project proponent submitted its second proposal. Having considered the said proposal in its 87th meeting on 02.03.2022, the J&K UT EAC recommended the project for grant of EC. While recommending grant of EC, the J&K UT EAC clearly recorded and reiterated that DSR is not being formulated as per the guidelines.

7. Accepting the recommendations of the EAC, the State Environment Impact Assessment Authority¹¹ granted EC to the project proponent on 19.04.2022. While granting the EC, SEIAA restricted the depth of mining to maximum of 1 meter in view of "*non-availability of replenishment data*" in the DSR.

8. *Challenge to the grant of EC:* Aggrieved by the issuance of EC dated 19.04.2022, *person interested in environment*, respondent no. 1 filed an appeal before the National Green Tribunal¹² primarily impugning the grant of EC on the grounds that;

- i. The Environmental Clearances dated 19.04.2022 were granted without taking into account the grounds on which the previous proposals of the project proponent were rejected and continued to grant Environmental Clearances without due consideration of the same;*
- ii. Violation of Rule 4(iv) of Jammu and Kashmir Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016 which prohibits any minor mineral concession being granted within a distance of 25 meters of any embankment;*
- iii. The Environmental Clearances have been granted despite the District Survey Report not being prepared in line with the Guidelines, as noted by JKEAC;*
- iv. Violations of conditions of the Environmental Clearances dated 19.04.2022 by the project proponent who undertook certain activities strictly prohibited under the Environmental Clearance."*

(emphasis supplied)

9. The Tribunal, vide the order impugned before us allowed the appeal and set aside the EC dated 19.04.2022 finding it to be violative of environmental norms. Thus, the present appeals.

3. The Legal and Regulatory Regime:

10. The significance of mining for economic development, particularly in relation to industries involved in infrastructure development, energy, cement etc has long been recognised. In exercise of its legislative competence, Parliament enacted the Mines and Minerals (Development and Regulation) Act, 1957¹³, for development and regulation of mines and minerals in the country. This legislation is, however, not concerned with safeguarding environmental interests. For that purpose, we have the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986, as well as policy measures such as the National Mineral Policies of 2008 and 2019.

4. The Environment (Protection) Act:

11. The Environment (Protection) Act, 1986 is a comprehensive legislation enacted with the object of protecting and improving the environment. Under Sections 3 and 5 of the Act, the Central Government is empowered to take all such measures as may be necessary for the purpose of preventing, controlling and abating

environmental pollution.

5. *EIA Notifications 1994:*

12. In exercise of the powers conferred under Sections 3 and 5, MoEF&CC issued the Environment Impact Assessment (EIA) Notification, 1994¹⁴, which marked a significant shift in environmental governance by making prior environmental clearance mandatory for specified categories of industrial and development projects, including mining. The Notification laid down a procedural framework for assessing the likely environmental impact of proposed projects, mandating submission of detailed information, public consultation, and mitigation plans. Schedule I to the Notification listed 29 categories of projects requiring prior approval, with Item 20 expressly covering mining activities. Thus, the legislative intent was clear; no mining activity, whether new, expanded, or modernised could proceed without rigorous environmental scrutiny and express prior clearance from the competent authority.

6. *The Environment Impact Assessment Notification, 2006:*

13. The regulatory framework underwent further consolidation with the issuance of the EIA Notification dated 14.09.2006¹⁵. The 2006 Notification introduced a more elaborate, decentralised, and categorised approach to environmental appraisal. It classified projects into Category A and Category B, based on their potential environmental impact and scale, with Category A projects requiring clearance at the Central level and Category B projects at the State level, through the SEIAA. Para 2 of the 2006 Notification reads as under;

*2. Requirements of prior Environmental Clearance (EC):—
The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:*

- (i) All new projects or activities listed in the Schedule to this notification;*
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;*
- (iii) Any change in product - mix in an existing manufacturing*

unit included in Schedule beyond the specified range.

14. Para 5, 6 and 7 gives a detailed procedure for grant of prior EC. Further, Para 8 talks about the final stage of grant or rejection of prior EC. Para 9 deals with the tenure and validity of an EC while Para 10 provides for post grant monitoring. The Appendix III enumerates the generic structure of an EIA application and its essentials. Over the course of years, this EIA Notification, 2006 underwent various amendments further strengthening the EC norms and laying down of detailed procedure thereto.

7. *Decision of this Court in Deepak Kumar v. State of Haryana:*

15. While the statutory framework under the Environment (Protection) Act, 1986 and the EIA Notification of 2006 laid down the procedural architecture for environmental clearance, judicial intervention became necessary to address persisting regulatory lapses, particularly in the context of sand mining. A seminal instance of such intervention is found in *Deepak Kumar v. State of Haryana*¹⁶, wherein the Supreme Court examined the legality of mining leases granted in the State of Haryana without prior environmental appraisal. This Court deprecated the practice of issuing auction notices for minor mineral extraction without first conducting scientific studies to assess the environmental impact. Emphasising the need for a precautionary approach, the Court underscored that no mining activity, however minor, could be permitted without an environmental clearance based on a proper *replenishment study* and sustainable extraction limits. This decision reaffirmed the necessity of grounding regulatory approvals in scientific analysis, and has since served as a judicial benchmark in ensuring that mining activities are aligned with environmental safeguards. This Court held as under:

"8..... Sand mining on either side of the rivers, upstream and instream, is one of the causes for environmental degradation and also a threat to the biodiversity. Over the years, India's rivers and riparian ecology have been badly affected by the alarming rate of unrestricted sand mining which damage the ecosystem of rivers and the safety of bridges, weakening of riverbeds, destruction of natural habitats of organisms living on the riverbeds, affects fish breeding and migration, spells disaster for the conservation of many bird species, increases saline water in the rivers, etc.

9. Extraction of alluvial material from within or near a streambed has a direct impact on the stream's physical habitat characteristics. These characteristics include bed elevation, substrate composition and stability, instream roughness elements, depth, velocity, turbidity, sediment transport, stream discharge and temperature. Altering these habitat characteristics can have deleterious impacts

on both instream biota and the associated riparian habitat. The demand for sand continues to increase day by day as building and construction of new infrastructures and expansion of existing ones is continuous thereby placing immense pressure on the supply of the sand resource and hence mining activities are going on legally and illegally without any restrictions. Lack of proper planning and sand management cause disturbance of marine ecosystem and also upset the ability of natural marine processes to replenish the sand.

10. We are expressing our deep concern since we are faced with a situation where the auction notices dated 3-6-2011 and 8-8-2011 have permitted quarrying, mining and removal of sand from instream and upstream of several rivers, which may have serious environmental impact on ephemeral, seasonal and perennial rivers and riverbeds and sand extraction may have an adverse effect on biodiversity as well. Further, it may also lead to bed degradation and sedimentation having a negative effect on the aquatic life. The rivers mentioned in the auction notices are on the foothills of the fragile Shivalik Hills. Shivalik Hills are the source of rivers like Ghaggar, Tangri, Markanda, etc. River Ghaggar is a seasonal river which rises up in the outer Himalayas between Yamuna and Satluj and enters Haryana near Pinjore, District Panchkula, which passes through Ambala and Hissar and reaches Bikaner in Rajasthan. River Markanda is also a seasonal river like Ghaggar, which also originates from the lower Shivalik Hills and enters Haryana near Ambala. During monsoon, this stream swells up into a raging torrent, notorious for its devastating power, as also, River Yamuna.

11. We find that it is without conducting any study on the possible environmental impact on/in the riverbeds and elsewhere the auction notices have been issued. We are of the considered view that when we are faced with a situation where extraction of alluvial material within or near a riverbed has an impact on the river's physical habitat characteristics, like river stability, flood risk, environmental degradation, loss of habitat, decline in biodiversity, it is not an answer to say that the extraction is in blocks of less than 5 ha, separated by 1 km, because their collective impact may be significant, hence the necessity of a proper environmental assessment plan.

* * *

25. Quarrying of river sand, it is true, is an important economic activity in the country with river sand forming a crucial raw material for the infrastructural development and for the construction industry but excessive instream sand and gravel mining causes the degradation of rivers. Instream mining lowers the stream bottom of rivers which may lead to bank erosion. Depletion of sand in the

streambed and along coastal areas causes the deepening of rivers which may result in destruction of aquatic and riparian habitats as well. Extraction of alluvial material as already mentioned from within or near a streambed has a direct impact on the stream's physical habitat characteristics.

26. We are of the considered view that it is highly necessary to have an effective framework of mining plan which will take care of all environmental issues and also evolve a long-term rational and sustainable use of natural resource base and also the bio-assessment protocol. Sand mining, it may be noted, may have an adverse effect on biodiversity as loss of habitat caused by sand mining will affect various species, flora and fauna and it may also destabilise the soil structure of river banks and often leaves isolated islands. We find that, taking note of those technical, scientific and environmental matters, MoEF, Government of India, issued various recommendations in March 2010 followed by the Model Rules, 2010 framed by the Ministry of Mines which have to be given effect to, inculcating the spirit of Article 48-A and Article 51-A(g) read with Article 21 of the Constitution."

(emphasis supplied)

8. *Environment Impact Assessment Notification, 2016:*

16. The observations made by this Court in *Deepak Kumar* (supra) laid down the jurisprudential foundation for requiring scientific scrutiny, particularly through District Survey Reports (DSRs) before permitting sand mining even at the local level. Recognising the ecological fragility of riverbeds and the unchecked nature of minor mineral extraction, the Central Government, in response to the said judgment, amended the EIA Notification of 2006 on 15.01.2016, to introduce a distinct regulatory framework for riverbed and sand mining. These amendments introduced specific procedures for cluster-based assessments and made *replenishment studies* integral to the clearance process. The preamble to the amended Notification is instructive and enables us to understand the purpose, scope, and statutory contours of the DSR, which now forms the central point of scrutiny in the present case. The preamble is as follows:

"And whereas, in pursuance to the order of Hon'ble Supreme Court dated the 27th February, 2012 in I.A. No. 12-13 of 2011 in Special Leave Petition (C) No. 19628-19629 of 2009, in the matter of Deepak Kumar v. State of Haryana, prior environmental clearance has now become mandatory for mining of minor minerals irrespective of the area of mining lease;

And whereas, as a result of the above said Order of Hon'ble Supreme Court, the number of cases which are now required to

obtain prior environmental clearance has increased substantially;

And whereas, the Hon'ble National Green Tribunal, vide its order dated the 13th January, 2015 in the matter regarding sand mining has directed for making a policy on environmental clearance for mining leases in cluster for minor minerals;

And whereas, the State Governments have represented for streamlining the process of environmental clearance for mining of minor mineral;

And whereas, the Ministry of Environment, Forest and Climate Change in consultation with State Governments has prepared Guidelines on Sustainable Sand Mining detailing the provisions on environmental clearance for cluster, creation of District Environment Impact Assessment Authority and proper monitoring of sand mining using information technology and information technology enabled services to track the mined out material from source to destination;

Now, therefore, in exercise of the powers conferred by subsection (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:—

In the said notification, -

(a) in paragraph 2, after the words "in the said Schedule", the following words shall be inserted, namely:— "and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category 'B2' for mining of minor minerals in the said Schedule";

(b) after paragraph 3, the following paragraph shall be inserted..."

A. Establishment of District Level Environment Impact Assessment Authority (DEIAA) & District Expert Appraisal Committee (DEAC) under Para 3A:

17. As is evident from the above extracted portion of the preamble to the EIA Notification 2016, two bodies namely, the DEIAA and DEAC have been established by inserting Para 3A to the EIA Notification, 2006 for grant of EC to a newly introduced category (by amending para 2), called category B2.

B. New category called Category B2 for sandmining in districts was introduced through para 4(iv):

18. Paragraph 4 of the EIA notification 2006 relating to categorization of projects and activities was also amended and category B2 falling within the jurisdiction of the DEIAA, acting on the decision and recommendation of DEAC is introduced.

C. Preparation of District Survey Report (DSR) Introduced through Para

7(iii):

19. Para 7 of the EIA Notification 2006 is of utmost importance as it relates to the process of EC for new projects which comprises of four stages namely, screening, scoping, public consultation and appraisal respectively. Para 7(ii) relates to process for expansion or modernisation or change of project mix in existing projects. It is in this paragraph relating to the process of EC in the EIA Notification 2006 that further amendment was made introducing sub-para (iii). Introduction of para 7(iii) for the first time contemplated, preparation of DSR for sand mining or river bed mining and mining of other minor minerals. Para 7(iii) now reads as under;

"7. Stages in the Prior Environmental Clearance (EC) Process for New Projects

(i)

(ii) ...

(iii) Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals:

(a) The prescribed procedure for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals is given in Appendix X.

(b) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI."

D. Procedure for preparation of DSR introduced through Appendix X:

20. Procedure for preparation of the above referred DSR under para 7(iii) is laid down in great detail in Appendix X to the notification. Appendix X, apart from laying down the detailed procedure, also declares that the, *"District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years."* Appendix X is as follows;

"PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

1. Introduction

2. Overview of Mining Activity in the District

3. *The List of Mining Leases in the Dis*

- period of validity*
- 4. *Details of Royalty or Revenue received in last three years*
- 5. *Detail of Production of Sand or Bajari or minor mineral in last three years*
- 6. *Process of Deposition of Sediments in the rivers of the District*
- 7. *General Profile of the District*
- 8. *Land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.*
- 9. *Physiography of the District*
- 10. *Rainfall: month-wise*
- 11. *Geology and Mineral Wealth*

In addition to the above, the report shall contain the following:

- (a) *District wise detail of river or stream and other sand source.*
- (b) *District wise availability of sand or gravel or aggregate resources.*
- (c) *District wise detail of existing mining leases of sand and aggregates.*

A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

Drainage system with description of main rivers

Methodology adopted for calculation of mineral potential

The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For example in some hill States mineral constituents like boulders, river born Bajri, sand up to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report shall form the basis for application for

environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years."

(emphasis supplied)

21. The 2016 amendment also introduces Appendix XI in the context of preparation of DSR for sandmining or river bed mining of other minor minerals. The amendment also prescribes distinct procedure for EC for mining of minor minerals including cluster situation.

E. Challenge to the Notification 2016 the direction of NGT in Satendra Pandey's case:

22. Environmental concerns were expressed that the amendments brought about by the EIA notification 2016 did not translate into action the mandate of this Court's decision in *Deepak Kumar* (Supra). These concerns were considered by the NGT in *Satendra Pandey v. MoEFCC*¹⁷ wherein the following directions were issued.

"22. For all these reasons, we direct that the procedure laid down in the impugned Notification be brought in consonance and in accord with the directions passed in the case of Deepak Kumar (supra) by (i) providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling under Category B-2 at par with Category B-1 by SEAC/SIEAA as well as for cluster situation wherever it is not provided; (ii) Form-1M be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SEIAA instead of DEAC/DEIAA; (iii) if a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance; (iv) EIA and/or EMP be prepared for the entire cluster in terms of recommendation 5 (supra) of the Guidelines for the purpose of recommendations 6, 7 and 8 thereof; (v) revise the procedure to also incorporate procedure with respect to annual rate of replenishment and time frame for replenishment after mining closure in an area; (vi) the MoEF & CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining."

9. The Sand Mining Guidelines and the Focus on Replenishment Study:

23. At this juncture, reference must be made to the Sustainable Sand Mining Management Guidelines 2016 and Enforcement and Monitoring Guidelines for Sand Mining 2020. They constitute binding directives for regulatory authorities, and their due observance is indispensable for safeguarding ecology and public interest.

A. Sustainable Sand Mining Management Guidelines, 2016:

24. The 2016 guidelines are based on the principle that unregulated sand mining is unsustainable and must be controlled. Compliance with existing and future laws is mandatory rather than optional. Leaseholders should be allowed to self-regulate, provided they demonstrate adherence to legal requirements. However, if self-regulation proves ineffective, stricter enforcement and monitoring will be necessary, with penalties imposed in accordance with the law. Additionally, environmental protection and public well-being must be prioritized, ensuring that natural resources are utilized responsibly to contribute positively and sustainably to the economy. The prime objective of the said Guidelines is to ensure that sand mining is done in an environmentally sustainable and socially responsible manner. The purpose and object of the guidelines is declared as under:

"Sustainable Development is built on three pillars - environmental, social and economic. Sustainable development cannot be achieved if the environment is protected but poverty is prevalent in a significant part of the population. Similarly, sustainable development cannot be achieved through inappropriate economic growth, if it undermines the environment in which people and businesses exists. These Guidelines support that fundamental concept, promoting environmental protection, limiting negative physiological, hydrological and social impacts under pinning sustainable economic growth.

Sand and gravel have long been used as aggregate for construction of roads and building. Today, the demand for these materials continues to rise. In India, the main sources of sand are river flood plain, coastal sand, paleo channel sand, and sand from agricultural fields.

River sand mining is a common practice as habitation concentrates along the rivers and the mining locations are preferred near the markets or along the transportation route, for reducing the transportation cost. River sand mining can damage private and public properties as well as aquatic habitats. Excessive removal of sand may significantly distort the natural equilibrium of a stream channel.

Removing sediment from the active channel bed in river interrupt the continuity of sediment transport through the river system, disrupting the sediment mass balance in the river downstream and induces channel adjustments (usually incision) extending considerable distances (commonly one kilometer or more) beyond the extraction site.

The magnitude of the impact basically depends on the magnitudes of the extraction relative to bed load sediment supply and transport through the reach. Implementation of the principles

and processes outlined in this Guidelines will limit the negative externalities of sand and gravel mining.”

25. Explaining the method and manner by which sustainable sand and gravel mining are to be undertaken, the guidelines provide that:

The broad principle on which any sustainable sand mining Guidelines/policy can be based is that river/natural resources must be utilized for the benefit of the present and future generation, so river resources should be prudently managed and developed. The preparation of District Survey Report is an important initial step.

The Processes under the Guidelines:

- (a) Identification of areas of aggradation/deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited. Use of satellite imagery for identifying areas of sand deposit and quantity be done.*
- (b) Calculation of annual rate of replenishment and allowing time for replenishment after mining in area.*
- (c) Identifying ways of scientific and systematic mining.*
- (d) Identifying measures for protection of environment and ecology.*
- (e) Determining measures for protection of bank erosion.*
- (f) A bench mark (BM) with respect to mean sea level (MSL) should be made essential to in mining channel reaches (MCR). Below which no mining shall be allowed.*
- (g) Identifying steps for conservation of mineral.*
- (h) Permanent gauging facilities (for discharge and sediment both) should be made compulsory for the sites having excessive mining in consultation with Central Water Commission or any competent State Agency.*
- (i) Implementing safeguards for checking illegal and indiscrete mining.*

Following the above processes, to begin with it is important to prepare a survey document mapping the status of sand sources in a district. This survey should be conducted and report be prepared for each district. Though it is an acceptable fact that rivers cut across districts and States and every river is an ecosystem in itself. But, keeping in view the fact that the district is the most established unit of administration at which this kind of survey, planning and monitoring can be ensured effectively, it is proposed that every district will prepare this document taking the river stretch in that district as an ecological unit and inventorising other sources of sand in the district.

(emphasis supplied)

26. As per the 2016 Guidelines, the preparation of DSR is essential for (i) identification of areas of aggradation/deposition where mining can be allowed, (ii) calculation of annual rate of replenishment, (iii) identifying ways of scientific and systematic mining, (iv) implementing safeguards in place to ensure the mining carried out is sustainable. The scope of the DSR should include detailed information for each district, covering rivers, streams, and other sand sources, along with the availability of sand, gravel, and aggregate resources. It must also provide data on existing mining leases for these materials. Additionally, the classification of mining areas should distinguish between sections of rivers, streams, and other sources that are suitable for sand and aggregate extraction and those where such activities are strictly prohibited. It is further provided that such survey document shall be prepared in the district based on direct and indirect benefits of mining and identification of the potential threats to the river/stream beds in the district.

B. Enforcement and Monitoring Guidelines for Sand Mining, 2020:

27. While the 2016 guidelines focus on management of sand mining in the country, it was felt that there is a compelling need to provide guidelines for effective enforcement and also prescribe regulatory method for monitoring. With this objective, the Enforcement and Monitoring Guidelines for Sand Mining 2020 were issued. In paragraph 4, the 2020 guidelines provide the method of identification of possible sand mining source and preparation of the DSR and highlight that "*Preparation of District Survey Report is a very important step and sustainable sand mining in any part of the country will depends on the quality of District Survey Report.*"

"4.1.1 Preparation of District Survey Report.

Sustainable Sand Mining Guidelines, 2016" issued by MoEF&CC requires preparation of District Survey Report (DSR), which is an important initial step before grant of mining lease/LoI. The guidelines emphasize detailed procedure to be followed for the purpose of identification of areas of aggradation/deposition where mining can be allowed and identification of areas of erosion and proximity to infrastructural structures and installation where mining should be prohibited. Calculation of annual rate of replenishment, allowing time for replenishment after mining, identification of ways of scientific and systematic mining; identifying measures for protection of environment and ecology and determining measures for protection of bank erosion, benchmark (BM) with respect to mean Sea Level (MSL) should be made essential in mining channel reaches (MCR) below which no mining shall be allowed."

28. The 2020 Guidelines lay special emphasis on the necessity to

undertake replenishment study. It is provided thereunder that;

" 5.0 REPLENISHMENT STUDY

The need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessing sand extraction. Mining within or near riverbed has a direct impact on the stream's physical characteristics, such as channel geometry, bed elevation, substratum composition and stability, in-stream roughness of the bed, flow velocity, discharge capacity, sediment transport capacity, turbidity, temperature etc. Alteration or modification of the above attributes may cause an impact on the ecological equilibrium of the riverine regime, disturbance in channel configuration and flow-paths. This may also cause an adverse impact on in-stream biota and riparian habitats. It is assumed that the riparian habitat disturbance is minimum if the replenishment is equal to excavation for a given stretch. Therefore, to minimize the adverse impact arising out of sand mining in a given river stretch, it is imperative to have a study of replenishment of material during the defined period.

5.1 Generic Structure of Replenishment Study

Initially replenishment study requires four surveys. The first survey needs to be carried out in the month of April for recording the level of mining lease before the monsoon. The second survey is at the time of closing of mines for monsoon season. This survey will provide the quantity of the material excavated before the offset of monsoon. The third survey needs to be carried out after the monsoon to know the quantum of material deposited/replenished in the mining lease. The fourth survey at the end of March to know the quantity of material excavated during the financial year. For the subsequent years, there will be a requirement of only three surveys. The results of year-wise surveys help the state government to establish the replenishment rate of the river. Based on the replenishment rate future auction may be planned.

The replenishment period may vary on nature of the channel and season of deposition arising due to variation in the flow. Such period and season may vary on the geographical and precipitation characteristic of the region and requires to be defined by the local agencies preferable with the help of the Central Water Commission and Indian Meteorological Department. The excavation will, therefore, be limited to estimated replenishment estimated with consideration of other regulatory provisions.

5.2. Methodology for Replenishment Study

5.2.1 Physical Survey of the field by the conventional method

5.2.2 Use of UAV/Drone and other image data processing techniques

5.2.3 Accuracy Assessment of Aerial Data

5.2.4 Replenishment study shall have the details of

- *List of instruments*
- *List of software*
- *Establishment of Benchmark by putting No. of pillar points and various Ground Control Points (GCP) at the site.*
- *Ground Control Points (GCP) Collection: - Various GCPs were observed by using DGPS for Permanent Benchmarks and for control points.*
- *The summary of the elevation data from each section's profile based on the post-monsoon the survey should have mentioned in the table form.*
- *The detail of post-monsoon survey data in the tabular form shall be*
- *The detailed comparison of both pre-monsoon and post-monsoon elevation data shall be attached*
- *Cross-sectional depiction of deposition and erosion for each section in pre and post-deposition season shall be given supported by relevant field study data and plan."*

10. Need for replenishment study:

29. From the foregoing analysis, it is apparent that in light of Guidelines, 2016 and the Guidelines, 2020, the absence of a replenishment study renders a DSR fundamentally defective. These guidelines categorically require that any assessment of mineable mineral quantity must be premised on scientific estimation of replenishment rates, failing which the DSR lacks the foundational data necessary to determine sustainable extraction limits.

30. Over the past two decades, environmental statutory and regulatory law in India has undergone significant evolution, particularly in response to the challenges posed by unregulated and unsustainable sand mining. Recognizing the adverse ecological impacts of such activities, successive legal and policy frameworks have progressively tightened the requirements for environmental compliance. In order to appreciate the present controversy, it was necessary to retrace the legal trajectory. Recently, this Court has discussed, in detail, the legal regime surrounding the preparation, nature, scope and importance of DSR in *Gaurav Kumar* (supra). However, the focal point for present discussion is the value that must be appended to *replenishment study* before EC is granted to mining operations.

31. Demand for construction-grade sand is growing at a tremendous rate and it is said that the world is expected to run out of this resource

by 2050. Construction-grade sand, can be found in aquatic environments, such as rivers and is a provisioning ecosystem service. Even under controlled circumstances, the practice of extracting sand from the riverbed and banks impacts the environment. In the physical environment, the primary effects are riverbed widening and lowering. In the biological environment, the overarching effect is a reduced biodiversity and stretches from the aquatic and shoreline flora and fauna to the whole floodplain area.¹⁸ Due to easy access, river sand and gravel have been used extensively in construction projects. Depending on the mining operation method as well as morphologic and hydraulic characteristics of the river, sand mining may cause bed and bank erosion or other negative consequences for the river eco-system. It is, therefore, necessary to conduct appropriate studies, including that of replenishment to explore sustainable and cost-effective methods for river mining.¹⁹

32. Without a proper study of the existing position of the riverbed and its sustainability for further sand mining, grant of environmental clearances would be detrimental for the ecology. It has therefore been held that a detailed study leading to a preparation of the *replenishment report* is an integral part of the DSR. If the DSR becomes the foundation for consideration of an application for environmental clearance, then it is compelling to ensure replenishment studies are undertaken in advance and the report forms an integral part of the DSR.

33. In view of the existing legal regime that mandates preparation of *replenishment report* in a scientific manner and such a report forming an integral part of the District Survey Report, we hold that a District Survey Report without a proper replenishment study is equally untenable.

11. Application of law to the facts of the present case.

34. We will now consider the facts of the present case in light of the existing legal regime as applicable to sand mining. The Union Territory of Jammu & Kashmir, Department of Geology and Mining is said to have prepared the DSR of all the districts during the year 2017-2018 as per the MoEF&CC notification. The National Highway Authority of India awarded a contract to the project proponent on 30.03.2021 for construction of a 4-lane bypass/ring road around Srinagar City. By its letter dated 07.05.2021, it directed the department to grant permission for mining at the identified sites to the project proponent to enable it to undertake the project. The Government also directed the project proponent to apply for permission under Rule 91 of the J&K Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016. The Government reserved the four

mineral blocks for the project proponent to excavate, develop and utilise the mineral. The project proponent in turn applied for environment clearances (EC) for extraction of sand and gravel in the 3 blocks.

35. The Jammu & Kashmir Expert Appraisal Committee by its order dated 03.01.2022 initially rejected the proposal for environmental clearance (EC). However, when the project proponent received *fit for mining* certificate from the department on 05.02.2022, the project proponent re-applied for grant of environmental clearance and the same was granted by J&K Expert Appraisal Committee by its order dated 02.03.2022. The committee specifically recorded that the District Survey Report is not formulated as per guidelines and therefore it needs revision for including the *replenishment data*. In our opinion, the J&K EAC committed a serious error in proceeding further with the DSR once it realised that it is not formulated as per the MoEF&CC Notification 2016 and 2016 and 2020 Sand Mining Guidelines and also when the *replenishment data* is not complete. Further, the half-hearted approach adopted by the J&K EAC is evident from its final recommendation for grant of EC with *validity of only three years from the date of commencement of the mining operations duly certified by the District Mineral Officer concerned with intimation to the JKEIAA and JKPCB in view of non-availability of replenishment data*.

36. The J&K Environment Impact Assessment Authority granted the environment clearance on 19.04.2022. The environment clearance was made subject to the following conditions.

"The Environment clearance is subject to Revision of mining plan in terms of Section 4.3(r) of Enforcement Monitoring Guidelines for Sand Mining-2020, issued by Ministry of Environment, Forests and Climate Change where-under the area of removal of minerals shall not exceed 60% of the mine lease area and any deviation or relaxation in this regard shall be adequately supported by the scientific report. Mining depth be restricted to max. 1m in aggregate and bulk density of 2.0 be adopted for calculating mineral production subject to maximum production of 34800MT, in view non-availability of replenishment data in the DSRs."

37. It is unfortunate that J&K EIAA compromised with regulatory integrity by granting the environment clearances (EC) on the basis of a DSR without a *replenishment report*. The compromise sought to be achieved by permitting the project proponent to go ahead with a *"restricted mining depth of maximum 1 meter and bulk density of 2.0 for production of the mineral and supplying it to maximum production of 34800 mt in view of non-availability of replenishment data"* is unacceptable. The illegality committed by the J&K EAC in so recommending is accentuated with the J&K EIAA in granting EC. This is

how regulatory failure occurs.

38. We have already indicated that the respondent no. 1 challenged the grant of environment clearance before the NGT. By the order impugned before us, the NGT allowed the appeal. We are in complete agreement with the following findings of the NGT:

"159. Learned Counsel appearing for PP also argued that mining activities only upto one meter depth was allowed and it takes care of absence of DSR and replenishment study but when questioned, could not show any provision where under if mining for one meter depth is allowed, in such a case requirement of preparation of DSR or replenishment study can be dispensed with. In fact, under EIA 2006 as amended by notifications dated 15.01.2016 and 25.07.2018, there is no exception in respect of preparation of DSR and the same thing has been reiterated in SSMG-2016 and EMGSM-2020.

160. Non-preparation of DSR as per guidelines and absence of replenishment study is a fact which has not been disputed before us by Learned Counsel appearing for PP. Stand taken by respondent 1 and 4 in the written reply submitted before us also does not show anything otherwise."

39. In view of the above discussion, we have no hesitation in upholding the decision of the NGT and dismissing the civil appeals of the UT of J&K, the NHAI and also that of the project proponent.

40. This takes us to issue no. 3, which relates to the allegation that project proponent has violated the J&K Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016. The Tribunal came to the conclusion that there is no evidence of such violation. As there is no cross appeal, this issue need not detain us any further.

41. Insofar as issues 4 and 5 are concerned, the allegation is that the project proponent has used heavy machines like JCB etc. for excavation. It is alleged by respondent no. 1, a person interested in environment conservation, that the activity is in violation of condition no. 53 of the EC. The condition is as follows:

"53. Mining shall be done manually minimally supported by semi-mechanized methods. Heavy machinery like JCBs, Excavators/L&T hydraulic excavators etc. should not be allowed. Emphasis should be given to employment of locally available labour force to address the socio-economic concerns of the locals."

42. The Tribunal came to the conclusion that there is in fact a violation and therefore directed J&K Pollution Control Board to take appropriate action. There is no need for us to interfere with this direction. The J&K Pollution Control Board will take its decision after

giving the project proponent an opportunity of placing its case before it.

43. We are informed by Mr. Narender Hooda, learned senior counsel appearing on behalf of the project proponent that the project itself is complete and as such there is no further requirement of environment clearance. In this view of the matter, no further orders are necessary.

44. In view of the above, the appeals filed on behalf of the Union Territory of J&K, NHA and the project proponent are dismissed. The parties shall bear their own costs.

¹ 2025 SCC OnLine SC 1069.

² Hereinafter, "DSR".

³ Hereinafter, "EC".

⁴ Hereinafter, "DEAC".

⁵ Hereinafter, "DEIAA".

⁶ *State of UP v. Gaurav Kumar*, 2025 SCC OnLine SC 1069.

⁷ Issued under Environment (Protection) Act, 1986.

⁸ Hereinafter, Sand Mining Guidelines, 2016.

⁹ Hereinafter Sand Mining Guidelines, 2020.

¹⁰ Guidelines formulated under Section 23C of MMDR Act, 1957.

¹¹ Hereinafter, "SEIAA".

¹² Hereinafter, "Tribunal".

¹³ Hereinafter, "MMDR Act".

¹⁴ Hereinafter, "1994 Notification".

¹⁵ Hereinafter, "2006 Notification".

¹⁶ (2012) 4 SCC 629. Hereinafter, "*Deepak Kumar*".

¹⁷ 2018 SCC OnLine NGT 2388.

¹⁸ E.S. Rentier, L.H. Cammeraat, *The Environmental Impacts of River Sand Mining*, Science of the Total Environment, Vol. 838, Part I, 2022.

¹⁹ Hamed Haghaziar, *et al* - Evaluation of infilling and replenishment of river sand mining pits,

Environmental Earth Sciences, Vol. 79 (14), 2020.

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 119/2025
(IA No. 189/2025)**

IN THE MATTER OF:

MURSLEEN	VERSUS	APPLICANT
STATE OF UTTAR PRADESH & ORS.		RESPONDENT(S)
WITH		
ORIGINAL APPLICATION NO. 134/2025 (IA NO. 239/2025)		
ARIF KHAN & ORS.	VERSUS	APPLICANT(S)
STATE OF UTTAR PRADESH & ORS.		RESPONDENT(S)
WITH		
ORIGINAL APPLICATION NO. 247/2025		
KAPIL CHAUHAN	VERSUS	APPLICANT(S)
STATE OF UTTAR PRADESH & ORS.		RESPONDENT(S)
WITH		
ORIGINAL APPLICATION NO. 427/2025 (I.A. NO.573/2025)		
AMEEL KHAN	VERSUS	APPLICANT(S)
STATE OF UTTAR PRADESH & ORS.		RESPONDENT(S)

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Date:04/12/2025

THROUGH



Place: New Delhi

**Priyanka swami
Advocate
Standing Counsel For State of U.P
F-13, Jangpura, New Delhi 110014**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 119/2025
(IA No. 189/2025)**

IN THE MATTER OF:

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**STATE OF UTTAR PRADESH &
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APPLICANT(S)

VERSUS

**STATE OF UTTAR PRADESH &
ORS.**

RESPONDENT(S)

REPLY ON BEHALF OF SEIAA U.P

MOST RESPECTFULLY SHOWETH:

1. That the District Survey Report as a planning and regulatory tool was introduced by the Govt. of India Notification of 15th January 2016 (Appendix-X). The Govt. of India Notification of 2016 (Appendix-X) states the purpose of DSR as; *"The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:*

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area."

The concluding paragraph of Appendix-X clearly states *"The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years"*.

A copy of Appendix X of the MoEF&CC Notification dated 15.01.2016 is annexed herewith as *Annexure-P/1*.

2. That Annexure X of the amended Notification dated 25.07.2018 lays down the procedure for preparation of the District Survey Report (DSR) and its approval. The prescribed procedure requires preparation of DSR at district level including mineral and its replenishment potential by constituting a Sub-Divisional Committee (SDC) under concerned District Magistrate. **A copy of Appendix X of the MoEF&CC Notification dated 25.07.2018 is annexed herewith as *Annexure-P/2*.**

3. That the Member Secretary, SEIAA, sought clarification from the MoEF&CC, and the said clarification dated 04.12.2023 reiterates the requirements stipulated under the Sustainable Sand Mining Guidelines (SSMG), 2016 and Enforcement and Monitoring Guidelines for sand mining (EMGSM) 2020 for the DSR-approval process. These guidelines categorically mandate that a replenishment study be conducted and that the data generated therefrom be incorporated for assessing mineral availability in the DSR which is to be updated once in 5 years. That the calculation of Replenishment is based on annual rate which determines annual

volume of sustainable permissible mining potential at each individual lease. That in strict compliance with these guidelines, the SEIAA has duly appraised the DSR, including mineral-availability data derived from the replenishment study as mandated under SSMG 2016 and EMGSM 2020 and its subsequent approval. **A copy of the MoEF&CC, Government of India letter dated 04.12.2023 is annexed herewith as *Annexure P/3*.**

4. That the Standard Operating Procedures (SOPs) framed by SEIAA, SEAC in consultation with Department of Mining pursuant to the MoEF&CC letter dated 04.12.2023, and in conformity with SSMG 2016 and 2020, are premised upon mineral-availability data assessed by the district administration, duly considering the latest applicable guidelines and notifications. **A copy of the SOP is annexed herewith as *Annexure P/4*.**

5. That the SEIAA and SEAC are mandated for the appraisal and approval as per the provisions of EIA notification 2006. The Directorate of Geology and Mining (DGM), being the statutory authority, is vested with the technical competence and manpower necessary for preparation and technical evaluation.

6. That as a matter of legal and procedural prudence, the SEIAA/SEAC refers every Draft DSR to the DGM, Lucknow, for expert comments and vetting as an integral part of its SOP.

7. That the DSR of District Saharanpur was considered and minutes of the Joint Meeting of SEAC -1 and SEAC-2, U.P. held on 03/05/2024 records the following comments/observation/deliberation as follows:

The Director, Geology & Mining has provided his comments and suggestions vide letter no. 85/DSR, dated 19/04/2024 and mentioned as follows:"

"....उत्तरप्रदेशशासनद्वारागठिततकनीकीसमितिएवंनिदेशालयस्तरपरगठितसमितिद्वाराजनपदसहारनपुरद्वाराप्रस्तुतड्राफ्टडी0एस0आर0

कापरीक्षणकियागया।परीक्षणमेंप्रस्तावSustainable Sand Mining Management Guideline-2016,

पर्यावरणवनएवंजलवायुपरिवर्तनमंत्रालयकीअधिसूचनादिनांक15-01-2016

एवंदिनांक25-4-2018 Enforcement and Monitoring Guidelines for Sand Mining -2020 एवंSEIAA/SEAC द्वाराजारीSOP केअनुरूपपायागया...."

..... Joint meeting of SEAC-1 & SEAC-2 was convened on 03/05/2024 for evaluation/appraisal of DSR of District-Saharanpur. Based on the documents submitted, a presentation on DSR Saharanpur for minor mineral River Bed Material - RBM (Sand/Bajri/Boulder) / Sand Mining-2022 was made by Shri Subhash Singh, District Mining Officer-Saharanpur along with Senior Officials of D.G.M. –UP.

Para wise response and compliance as per the "Standard Operating Procedure" formulated by the Joint committee of SEAC/SEIAA was presented before the SEAC-1&2. On the basis of documents and presentation the following facts have emerged:-

1. The initial District Survey Report of District-Saharanpur having 37 areas was prepared in Year– 2017 in line with the MoEF Notification dated 15-Jan-2016.
2. Thereafter the updated DSR of District-Saharanpur was prepared by Sub-Divisional Committee of District-Saharanpur in Year-2022 and total 22 areas have been proposed.
3. It was informed that out of 22 areas in the updated DSR, NOC for 01 area (Village – Rahena, Lot No-3, area 8.050 ha.) has not been provided by Forest Department. Accordingly, the revised DSR Saharanpur now has total 21 Areas. Lease wise area, gata/khand

no., proposed minable quantity, geo-coordinates are proposed in Annexure-1 to Annexure-7 of proposed DSR.

4. As per the information provided vide District Magistrate, Saharanpur letter no. 3154/kha anu/DSR/2023-24, dated 28/03/2024 the DSR was uploaded in public domain for more than 30 days and 03 complaints were received in this period and 01 PIL was filed by the complainant. The details of complaint and its disposal is narrated as under:-

SL.NO	Complaint/PIL details	Details of reply/disposal
1	<i>Shri Daljeet Singh of Yamunanagar Haryana vide letter dated 18.01.2022 submitted 20 points complaint letter on issues related to revision of DSR in 5 years, wrong process of e-tender, non compliance of Hon'ble Supreme Court order in Deepak Kumars Vs State of</i>	<i>The District Magistrate vide letter no. 2016/Kha Anu/Shikayat-DSR2022-2023 dated 27/02/2023 responded point wise reply and compliances to Shri Daljeet Singh of Yamunanagar Haryana as per the comments provided by Sub-</i>

	<p><i>Haryana, separate DSR for each minor mineral required, non-compliance of formats, non-compliance of Hon'ble Supreme Court order in The State of Bihar Vs Pawan Kumar, Cluster Analysis, requirement of replenishment studies and stake holding of DSR with adjoining district in case of inter-state/inter-district boundaries.</i></p>	<p><i>Divisional Committee and disposed the complaint.</i></p>
2	<p><i>Shri Gaurav Kumar of Yamunanagar Haryana vide letter dated 25.01.2022 submitted 19 points complaint letter and the issues were identical as mentioned in Sl. No.1</i></p>	<p><i>The District Magistrate vide letter no. 2017/Kha Anu/Shikayat-DSR2022-2023 dated 27/02/2023 responded point wise reply and compliances to Shri Gaurav Kumar of Yamunanagar Haryana</i></p>

		<i>as per the comments provided by Sub-Divisional Committee and disposed the complaint.</i>
<i>3</i>	<i>Shri Sumit Singh Rana of Yamunanagar Haryana submitted 14 points complaint letter and the issues were identical as mentioned in Sl. No.1. Apart from this various NGT orders specific to DSR and Sand Mining were cited in the complaint letter.</i>	<i>The District Magistrate vide letter no. 2064/Kha Anu/Shikayat-DSR2022-2023 dated 03/03/2023 responded point wise reply and compliances to Shri Gaurav Kumar of Yamunanagar Haryana and disposed the complaint.</i>
<i>4</i>	<i>Civil Writ PIL no. 595/2023 Sumit Singh Rana Vs State of U.P and Ors.</i>	<i>The Hon'ble High Court vide order date 28/03/2023 dismissed the petition of Shri Sumit Singh Rana.</i>

		<p><i>The operative para of the same is as under:-</i></p> <p><i>"At this stage, in this circumstances , interference claimed under Article 226 of the Constitution of India is declined. Present petition is accordingly dismissed, leaving it open to the petitioner to approach National Green Tribunal"</i></p>
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5. *The Updated DSR of District-Saharanpur has been also examined by the Director, Directorate of Geology & Mining, U.P.*
6. *Lease wise NOC from Forest and Irrigation Department for 21 areas has been obtained for existing and proposed leases.*

SEAC Deliberation:

1. SEAC asked about the current scenario/status of the leases as DSR was updated in year-2022?

- *District Mining Officer, Saharanpur vide letter dated 03/05/2024 informed the DSR of district Saharanpur was prepared in year-2022 after conducting replenishment studies in which the reserves were calculated on the basis of replenishment in the post-monsoon – 2022 scenario. Lease wise replenishment studies were also conducted in year – 2023 which depicts that the rate of replenishment is good in the area. Geologically the area is part of shivalik region and there is no significant change in the formation of leases. The leases are getting over replenished and requires removal of deposits to maintain channel of river. The maximum leases are fresh for which LoI has been issued to project proponents who are in the process of securing E.C.*

..

..

5. SEAC asked on the method adopted for verification of mineral deposits which are recommended in DSR?

- a. *District Mining Officer Saharanpur informed that pre and post monsoon replenishment studies were conducted by*

Sub-Divisional committee prior preparing DSR. The studies included physical survey, DGPS survey and Drone based survey in pre and post monsoon periods. Accordingly lease wise recommendation reports were made as compliances.

..

..

7. SEAC asked about the further mineral development in district Saharanpur?

a. Shri Deveshwar Kain, Senior Assistant, Mining Office, Saharanpur informed that three new areas has been identified in the district which has mineral potential. The SEAC informed that Sub-Divisional Committee has to follow the entire procedure every time, in case any new lease is identified, as per SOP issued by SEIAA/SEAC.

The joint committee after detailed deliberation recommended to approve the District Survey Report (DSR) of District-Saharanpur along with following conditions:

1. *The period of validity of Revised DSR Saharanpur-2022 shall be for the remaining balance period of 03 years from the date of its approval.*
2. *The submitted DSR has 22 areas. NOC for 01 area (Village – Rahena, Lot No-3, area 8.050 ha.) has not been provided by Forest Department. Accordingly, approval of only 21 areas (except Village – Rahena, Lot No-3, area 8.050 ha.) is recommended in the revised DSR Saharanpur.*
3. *If any new lease is identified, its validity will be co-terminous with the validity period of current DSR and Sub-Divisional Committee will follow the entire procedure every time on the basis of existing DSR.*
4. *After approval of DSR from SEIAA, the District Administration shall upload the DSR in public domain along with Lease Wise Digital Maps showing the status of deposits and pillar wise coordinates of existing and proposed areas.*
- ..
- ..
5. *The District Administration shall periodically conduct audits of operative mine leases using drone based survey and take*

corrective measures in case of adverse observations and a quarterly report on this shall be send to SEIAA as compliance.

- 8.** State Level Environment Impact Assessment Authority, UP (SEIAA) in its 814th meeting dated 24.05.2024 records the following comments/observation/deliberation as follows: -

SEIAA agreed with the recommendation of SEAC to approve the District Survey Report (DSR) of District- Saharanpur along with following conditions:-

- 1. Mining Department, UP is advised to develop a mechanism for issuing online LoI.*
- 2. As per MoEFCC notification S. O. 141(E) dated 15.01.2016- The District Survey Report shall be prepared for each minor mineral in the district separately. Hence, DSR for each minor mineral should be submitted separately.*
- 3. The study for mineral availability and its finding should be uploaded on District website.*
- 4. SEIAA noted that in draft DSR unit of quantity is not similar, like under list of potential mining lease (existing and proposed) rivers and cluster and contiguous detail, total excavation is given in*

MT/Year whereas in final list of cluster geological reserve is given in cubic meter, hence a clarification must be submitted and it should be same as given in LoI.

That the SEIAA/SEAC duly examined the draft DSR demonstrating due diligence in the process of assessment, with the entire rationale transparently recorded in the official minutes.

9. That the above deliberations elucidate that SEIAA & SEAC duly examined the draft DSR as per the SOP prepared on the basis of Appendix-X of the EIA Notification and EMGS, 2020 and SSMG 2016, demonstrating due diligence in the process of assessment, with the entire rationale transparently recorded in the official minutes.

10. That the SEIAA/SEAC, as a measure exceeding minimum legal requirements, and in the larger public interest as well as to enhance transparency, imposed an additional condition requiring that all replenishment studies be uploaded in the public domain on the respective district portal, as a supplement to the DSR. **Copy of the letter No. 159/parya/DSR/Saharanpur/2024, dated 07.06.2024, is annexed herewith as Annexure P/5.**

- 11.** That the answering Respondent remains at the disposal of this Hon'ble Tribunal and undertakes to ensure due and strict compliance with any further orders, directions, or clarifications that may be issued in the present matter

Date: 04/12/2025

THROUGH



Place: New Delhi

Priyanka swami

Advocate

Standing Counsel For State of U.P

F-13, Jangpura, New Delhi 110014

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 119/ 2025
(IA No. 189/2025)**

IN THE MATTER OF:

MURSLEEN **APPLICANT**
VERSUS
STATE OF UTTAR PRADESH & **RESPONDENT(S)**
ORS.

WITH
ORIGINAL APPLICATION NO. 134/2025
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ARIF KHAN & ORS. **APPLICANT(S)**
VERSUS
STATE OF UTTAR PRADESH & **RESPONDENT(S)**
ORS.

WITH
ORIGINAL APPLICATION NO. 247/2025
KAPIL CHAUHAN **APPLICANT(S)**
VERSUS
STATE OF UTTAR PRADESH & **RESPONDENT(S)**
ORS.

WITH
ORIGINAL APPLICATION NO. 427/2025 (I.A. NO.573/2025)

AMEEL KHAN**APPLICANT(S)****VERSUS****STATE OF UTTAR PRADESH &
ORS.****RESPONDENT(S)****AFFIDAVIT**

1. I, VIDHYOTMA BHARTI, aged about 49 years w/o Dr. G.L. Nigam is presently posted as Assistant Director, Regional Office, Noida, Directorate of Environment, U.P., having an office at E-12/1, Noida, U.P., presently at New Delhi, do hereby solemnly affirm and declare as under: -
2. 1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit on behalf of Member Secretary, SEIAA before this Tribunal.
3. That the accompanying reply has been drafted by our counsel upon my instructions.
4. That the contents of the accompanying reply are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.
5. That the Deponent will continue to extend her full cooperation and shall abide by any further directions that the Hon'ble Tribunal may issue.



V. Shashi

DEPONENT

VERIFICATION

New Delhi

Verified on solemn affirmation at New Delhi on this 09th day of December 2025 that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been Concealed therefrom.

09th DEC 2025



V. Shashi

DEPONENT

*Identified by
Priyanka Swami
ID No. 110.*
**I identified the deponent who
has signed in my presence**

ATTESTED

**NOTARY PUBLIC
(INDIA)**

09 DEC 2025

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

ORIGINAL APPLICATION NO. 119/2025

IN THE MATTER OF:

MURSLEEN

.... APPLICANT

VS

STATE OF U.P. & ORS.

.... RESPONDENTS

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4.	<u>Annexure R-3: (Colly)-</u> A copy of first page of the Replenishment Study for year 2022, 2023 and 2024 conducted and endorsed by the Sub Divisional committee.	

5.	<u>Annexure R-4: -</u> A copy of letter dated 09.04.2025	
6.	<u>Annexure R-5</u> A copy of order dated 25.01.2023 passed by this Hon'ble Tribunal in the Original Application 403/2022 titled as Daljeet Singh v/s State of Uttar Pradesh	
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FILED THROUGH

Ankit Verma

(ANKIT VERMA)

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A-15 FF, NIZAMUDDIN EAST, NEW DELHI- 110013

MOB :- 09990804440

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Dated: - 06.05.2025

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

IN

ORIGINAL APPLICATION NO. 119/2025



IN THE MATTER OF:

MURSLEEN

.... APPLICANT

STATE OF U.P. & ORS.

.... RESPONDENTS

**AFFIDAVIT OF DISTRICT MAGISTRATE SAHARANPUR IN
COMPLIANCE OF ORDER DATED 24.03.2025 PASSED BY
THIS HON'BLE TRIBUNAL**

The Respondent No. 4 herein states as under:

MOST RESPECTFULLY SHOWETH:

I, Manish Bansal aged about 35 years, S/o Ram Avtar Bansal, presently posted as District Magistrate - Saharanpur, the department, do hereby solemnly state and affirm as under:-



That I am the above-mentioned authorized officer of answering Respondent No. 4 and is duly competent to file the present affidavit. That the Deponent is well conversant with the facts and the circumstance of the instant case and is competent to swear this affidavit.

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2. That the Deponent has read and understood the contents of the present affidavit. The averments made in the Original Application, which are not specifically admitted hereunder, must be considered to have been denied by the Deponent.

3. That the Deponent is posted as District Magistrate- Saharanpur, since 26.06.2024 and is swearing this affidavit in his official capacity.

4. That this Hon'ble Tribunal vide its order dated 24.03.2025 was pleased to issue the following directions: -

".....5. Issue notice to the respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing through e-filing. If any respondent directly files the reply without routing it through his advocate, then the said respondent will remain virtually present to assist the Tribunal. The Applicant is directed to serve the respondents and file affidavit of service atleast one week before the next date of hearing.

6. Applicant is permitted to serve respondents by dasti, in addition to the usual mode of service.

7. In the meanwhile, any action taken in pursuance of the impugned auction notice dated 28.02.2025



(Annexure A-16) will be subject to the outcome of the present OA.

8. List on 07.05.2025."

A copy of the order dated 24.03.2025 passed by this Hon'ble Tribunal is annexed herewith and marked as **Annexure R-1**.

5. That the present response is being filed in respectful compliance of the order dated 24.03.2025 passed by this Hon'ble Tribunal, in this present Original Application.

6. That the present Original Application has been filed by the Applicant herein praying for following reliefs: -

a. **Pass an Order quashing and setting aside the Impugned E-Auction Notice dated 28.02.2025 issued by the District Magistrate, Saharanpur;**

Pass an Order directing the Respondents to conduct a Replenishment study for District Saharanpur by a credible institution in terms of the MOEF Sand Mining Guidelines, 2020;

c. **Pass any other orders as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case."**



[Handwritten signature]

7. That in an Identical Original Application No. 134 of 2025, titled as Arif Khan & Ors. vs. State of U.P. & Ors., this Hon'ble Tribunal vide its order dated 03.04.2025 was pleased to observe that similar issue (E-Auction Notice dated 28.02.2025 issued by the District Magistrate, Saharanpur have been challenged) is involved in the present Original Application, therefore, it directed the Original Application No. 134 of 2025 be listed along with the instant Original Application.

8. That since both the matters are identical in nature, therefore the deponent craves leave of this Hon'ble Tribunal to file the response on behalf of District Saharanpur and the State Government, in the instant Original Application which may also be treated as a response of the deponent in OA No. 134 of 2025.

9. That at the outset it is pertinent to submit that the aforesaid Original Applications filed by the applicants seeking quashing of the auction notice dated 28.02.2025, is predicated upon baseless, misleading and erroneous assertions. The Original Applications filed by the Applicants is devoid of merit, not maintainable in law, thus liable to be dismissed.

10. That the Hon'ble Supreme Court vide its judgment dated 10.11.2021 in *Pawan Kumar*, modified the procedure



for preparation of DSR and directed the same be prepared by a Sub-Divisional Committee.

11. That in compliance with the Enforcement & Monitoring Guidelines for Sand Mining-2020, the Sustainable Sand Mining Management Guidelines 2016, and the notifications issued on 15.01.2016 and 25.07.2018, as well as the order passed by the Hon'ble Supreme Court, a Sub-Divisional Committee (SDC) was constituted by the deponent on 02.05.2022 to conduct Replenishment Study for preparation of DSR. A copy of formation of the Sub Divisional Committee is annexed herewith and marked as **Annexure R-2.**

12. That the Sub-Divisional Committee includes the following members: Additional District Magistrate (Revenue/Administration) of Saharanpur, Sub-Divisional Magistrate, DFO (Shivalik Range, Saharanpur) from the Forest Department, Executive Engineer from the Irrigation Department, Executive Engineer from the PWD Department, Regional Officer from the Pollution Control Department, and Mining Officer from the Mining Department, Saharanpur.



13. That the updated DSR which was duly prepared by the Sub Divisional Committee was forwarded on 18.01.2023 to the Special Secretary Geology and Mining and Director, Geology and Mining Department State of UP.

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14. That in the year 2022, a total of twenty two mining areas in District Saharanpur was subjected to Replenishment Study. In year 2023 and 2024 the study was again conducted for all mining areas. The replenishment volumes recorded in the reports for year 2022, 2023 and 2024 vary from each other, the details of which are as follows: -

S. No.	Area Description	Replenishment Study of 2022 (in Cubic Meters) Total Reserve in post monsoon	Replenishment Study of 2023 (in Cubic Meters) Total Reserve in post monsoon	Replenishment Study of 2024 (in Cubic Meters) Total Reserve in post monsoon
1.	Kalpur pelon	296339	401345	459565
2.	Kaluwala Paharipur	489924	789462	960738
3.	Akbarpur bans aht.	734189	1079562	1365910
4.	Arazi Zebri Aht and Masoodpur garh aht.	532136	783256	1013660
5.	Allauddeenpur bans aht.	480573	670337	832252
6.	Mahmoodpur nagli aht.	709508	993570	1258875
7.	Shahpur bans aht.	495837	787742	1058426
8.	Nityananpur aht and Said mohammadpur garh aht.	921464	1271960	1551650
9.	Abutalibpur garh	2201614	2914910	3372175



	aht.			
10.	Nunyari aht-II	745130	1120250	1445100
11.	Aslampur Bartha-II	952019	1472860	1841776
12.	Rasoolpur urf Rasooli	1262495	1893480	2392890

15. That the committee constituted by the Government has examined the District Survey Report (DSR) for twenty two mining areas of District Saharanpur. The report has been found to be in accordance with the Standard Operating Procedure (SOP) dated 02.02.2024 issued by SEAC/SEIAA, which has been formulated under the Sustainable Sand Mining Management Guidelines, 2016, the notifications of the Ministry of Environment, Forest and Climate Change dated 15.01.2016, and 25.07.2018, as well as within the scope and ambit of Enforcement & Monitoring Guidelines for Sand Mining, 2020. The said SOP issued by the SEAC/SEIAA, was subsequently submitted to the Directorate vide letter dated 07.02.2024. The Directorate, in turn, forwarded the SOP to all District Magistrates for necessary action vide a letter dated 12.02.2024.



16. That the for carrying out replenishment study of minor minerals available in District Saharanpur for pre- and post-monsoon season in year 2022 only technical assistance was sought from M/s Green India consulting Pvt. Ltd, Vaishali,

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Ghaziabad UP. The Replenishment Study for year 2022 was duly conducted by the Sub Divisional Committee only. A copy of first page of the Replenishment Study for year 2022, 2023 and 2024 conducted and endorsed by the Sub Divisional committee is annexed herewith and marked as the **Annexure R-3(Colly)**

17. That a comprehensive Replenishment Study for District-Saharanpur, for the year 2024 was conducted by the Sub-Divisional Committee, and the report was uploaded on the NIC website (www.saharanpur.nic.in). The Replenishment Study Report was submitted by the District Administration Saharanpur to State Environment Impact Assessment Authority, U.P. (SEIAA) on 09.04.2025. A copy of letter dated 09.04.2025 is annexed herewith and marked as



Annexure R-4

18. That the District Survey Report (DSR), prepared by the Sub-Divisional Committee (SDC), was duly uploaded on the official portal of District Saharanpur for a period of 30 days to invite public objections and suggestions. However, during the aforesaid period, few objections and suggestions were received which were resolved as per rules after informing the concerned.

19. That to examine the proposals received from Districts regarding modifications or incorporations in the District

Survey Reports, an interdepartmental committee was also constituted at the Directorate level. This committee comprised of officials from the Revenue Department, Environment/Pollution Department, Forest Department, Irrigation Department, and Mining Departments of the State Government.

20. That it is pertinent to mention that this Hon'ble Tribunal in the matter of Daljeet Singh v/s State of Uttar Pradesh (OA No.403/2022) in its order dated 25.01.2023 had categorically observed that ***the Replenishment Study had been conducted prior to the Draft Survey Report for Saharanpur River Bed Mining 2022. The DSR is at draft stage and is yet to be finalised.*** A copy of order dated 25.01.2023 passed by this Hon'ble Tribunal in the Original application 403/2022 titled as Daljeet Singh v/s State of Uttar Pradesh is annexed herewith and marked as **Annexure R-5.**



21. That it is imperative to mention that the mining areas cannot remain unoccupied for a prolonged period due to inter-District stake holding, as it increases the risk of illegal mining activities. Accordingly, the E-tender cum E-Auction dated 28.02.2025 for mining of 12 RBM areas in District Saharanpur, was issued by the deponent subsequent to the approval of the District Survey Report (D.S.R.) by State

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Environment Impact Assessment Authority (SEIAA) on 24.05.2024.

22. That in the E-Tender-cum-E-Auction Notice dated 28.02.2025, 12 vacant new sand areas were advertised wherein, five Letter of Intent (LOI) has been issued to the Intending Lease holders. A copy of five Letter of Intent issued to the Intending Lease Holders is annexed herewith and marked as **Annexure R-6**.

23. That the issuance of Letter of Intent (LOI) is the primary stage for awarding mining leases. The project proponent is not permitted to commence any mining operations until approved mining plan and environment clearance is submitted by him.



24. That it is submitted that the mining of the entire total geological reserve available in any allotted area cannot be permitted. In accordance with the provisions of the Enforcement & Monitoring Guidelines for Sand Mining-2020 and the Sustainable Sand Mining Management Guidelines - 2016, only 60% of the total quantity of the minor mineral can be permitted for mining. Furthermore, It is also informed that, following the Replenishment Study (2022) conducted in the allotted areas after the year 2021, and due to the non-operation of mining activities till the present time, the mineable reserve in these allotted areas has not changed.

Nevertheless, the department has ensured that the Replenishment Study is conducted by the Sub-Divisional Committee every year.

25. That furthermore, the committee has thoroughly evaluated the environmental and ecological impact of mining activities within the identified areas, ensuring compliance with sustainable mining practices and adherence to environmental conservation norms. Special attention has been given to the replenishment capacity of sand mining sites, which have been advertised, so as to maintain ecological balance and mitigate adverse effects on the riverine ecosystem.

26. That it is imperative to note that prior to the commencement of any mining operations, the allotment of a lease is subject to rigorous regulatory scrutiny and mandatory clearances, including the approval of a Mining Plan, Environmental Impact Assessment (EIA), Public Hearing, Environmental Clearance (EC), and Consent to Operate (CTO).

27. That the District Survey Report (DSR) has been duly approved, and pursuant to its implementation, the advertisement dated 28.02.2025 has been issued in accordance with the law. There exists no illegality or procedural infirmity in the process. Furthermore, the State



Government is vested with the authority to auction mining leases under Rule 23(1) of the Uttar Pradesh Minor Mineral (Concession) Rules, 2021 (UPMMCR-2021).

28. That the District Survey Report (DSR) 2024 for Saharanpur has been meticulously prepared by the competent authority through a duly authorized committee, following a comprehensive replenishment study, which includes the incorporation of precise geo-coordinates. Consequently, the DSR of District Saharanpur is in strict conformity with the provisions of the Sustainable Sand Mining Management Guidelines, 2016 (SSMMG), the Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM-2020) and the Environment (Protection) Act, 1986, and is not violative of any of these statutory mandates in any manner.



29. That it is pertinent to mention that the Sub-Divisional Committee (SDC) members conducted on-site inspections for each location proposed in the District Survey Report (DSR) and subsequently submitted their field verification report. The geo-coordinates of the mining areas were meticulously verified against the revenue records and Khasra maps, ensuring accuracy and compliance. Accordingly, the verified geo-coordinates of all designated mining areas have been duly incorporated into the DSR.

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30. That the mineral development is a continuous and dynamic process, the data collected in the year 2022 was utilized by the Sub-Divisional Committee (SDC) for further assessment. In addition, comprehensive field visits of riverbeds were conducted in 2023 and 2024, during which replenishment was observed in certain areas. The mineral potential of these replenished areas was duly evaluated and incorporated into the revised District Survey Report (DSR) 2024.

31. That in District - Saharanpur, it is strictly ensured that leaseholders timely conduct and submit pre-monsoon and post-monsoon replenishment study reports. These reports form the basis for determining the operational feasibility of the leases in the subsequent mining season. Accordingly, the details of operative leases that have completed the replenishment process is duly recorded and monitored.



32. That furthermore, it is noteworthy that a Replenishment Study for all mining areas in District Saharanpur was conducted and completed by the State Data Centre (SDC) in the year 2023. The geo-coordinates of all mining areas have been explicitly recorded in the DSR.

33. That the deponent herein undertakes before this Hon'ble Tribunal that the District Administration Saharanpur

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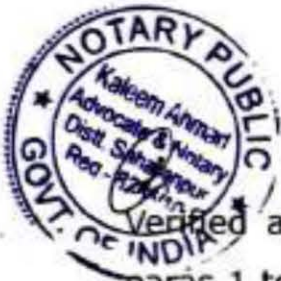
shall ensure that all necessary environment and statutory compliances are completed before actual commencement of mining operations by the Intending Lease Holders.

34. That the deponent most respectfully submits before this Hon'ble Tribunal that he is duty bound to ensure the compliance of the orders passed by this Hon'ble Tribunal and the sand mining guidelines issued by the MoEF, with respect to sand mining activities.

Signature

DEPONENT

VERIFICATION



Verified at Saharanpur, on 05.05.2025 that the contents of the paras 1 to of this affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed therefrom.

IDENTIFIED BY

KALEEM AHMAD
Advocate
Reg. No.-10533/01
Ch.-63, Civil Court, SRE
Mob.-9359206239

Signature

DEPONENT

5/5/2025
This affidavit is made before me and I
to and before me on 05.05.2025
by the deponent Kaleem Ahmad
The contents of the affidavit have been
read out to the deponent who admit
to the contents of the affidavit.
Saharanpur
5/5/2025
Kaleem Ahmad
Advocate & Notary

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 119/2025⁵
(IA No. 189/2025)**

IN THE MATTER OF:

MURSLEEN

APPLICANT

VERSUS

**STATE OF UTTAR
PRADESH & ORS.**

RESPONDENT(S)

WITH

**ORIGINAL APPLICATION NO. 134/2025
(IA NO. 239/2025)**

ARIF KHAN & ORS.

APPLICANT(S)

VERSUS

**STATE OF UTTAR
PRADESH & ORS.**

RESPONDENT(S)

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Date:11/11/2025

THROUGH

Priyanka

Place: New Delhi

**Priyanka swami
Advocate
Standing Counsel For State of U.P
F-13, Jangpura, New Delhi
110014**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
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PRADESH & ORS.**

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REPLY ON BEHALF OF SEIAA U.P

MOST RESPECTFULLY SHOWETH:

- 1.** That the present reply is being filed on behalf of the State Environment Impact Assessment Authority, Uttar Pradesh (hereinafter referred to as "SEIAA, UP") in compliance with the Order dated 07.05.2025 passed by this Hon'ble Tribunal in the above-captioned Original Applications.
- 2.** The Applicant in O.A. No. 119/2025 has challenged the e-Auction notice dated 28.02.2025 on the ground that no Replenishment Study was conducted and no valid DSR (District Survey Report) approved by SEIAA exists.
- 3.** That As per Para 4 of the Hon'ble Tribunal's order dated 07.05.2025, SEIAA, UP was directed to disclose if the revised District Survey Report (DSR) of District Saharanpur has been approved by SEIAA. The following factual narrative is submitted to confirm such compliance.
- 4.** That the Ministry of Environment and Forest (MoEF&CC), Government of India issued Notification dated 14.09.2006 mandating Prior Environmental Clearance (EC) for all new and expansion projects beyond threshold limits.
- 5.** That category 'B' projects, including mining leases, fall under the jurisdiction of SEIAA, subject to evaluation and recommendation by SEAC (State Expert Appraisal Committee).

6. That SEIAA and SEAC for Uttar Pradesh were constituted vide Notification S.O. 2276(E) dated 11.06.2021 and reconstituted via Notification S.O. 3921(E) dated 26.08.2025. The Directorate of Environment functions as the Secretariat for both.
7. That the EIA Notification, 2006 (as amended) did not explicitly mandate SEIAA's approval of DSRs. In light of conflicting interpretations, a formal clarification was sought by Directorate of Geology & Mining, UP from MoEF&CC via letter dated 16.11.2023. **True copy of Letter dated 16.11.2023 from Directorate of Geology & Mining to MoEF&CC is attached herewith and marked as Annexure-A/1**
8. That MoEF&CC, through its clarification letter dated 04.12.2023, confirmed that all DSRs must be prepared in consonance with Sustainable Sand Management Guidelines, 2016 and Enforcement & Monitoring Guidelines, 2020. Furthermore, such DSRs must be appraised by SEAC and approved by SEIAA. **True copy of MoEF&CC Clarification Letter dated 04.12.2023 is attached herewith and marked as Annexure-A/2.**
9. That a joint meeting of SEIAA and SEAC held on 02.02.2024 resolved to formulate a Standard Operating Procedure (SOP) for the preparation and approval of DSRs across Uttar Pradesh. The SOP

confirmed that DSRs must be prepared by District-level committees and approved by SEIAA based on SEAC's recommendation. **True copy of Minutes of Joint Meeting of SEIAA and SEAC dated 02.02.2024 (SOP) is attached herewith and marked as Annexure-A/3**

- 10.** The revised DSR for District Saharanpur was submitted by the District Magistrate and placed before the SEAC in its joint meeting held on 03.05.2024. After presentation and evaluation, SEAC recommended its approval. **True copy of Minutes of Joint SEAC Meeting dated 03.05.2024 approving Saharanpur DSR is attached herewith and marked as Annexure-A/4**
- 11.** In the 814th SEIAA meeting held on 24.05.2024, SEIAA accepted the recommendation and formally approved the DSR for District Saharanpur.
- 12.** A communication to this effect was issued by the Member Secretary, SEIAA, to the Director, Directorate of Geology & Mining, U.P., via letter no. 159/Parya./DSR/Saharanpur/2024 dated 07.06.2024. **True copy of Letter from SEIAA to DGM dated 07.06.2024 confirming DSR approval is attached herewith and marked as Annexure-A/5**

13. That as per Para 4.1.1(a) of the Enforcement & Monitoring Guidelines for Sand Mining, 2020, a replenishment study is required prior to issuance of mining lease or LoI.
14. That in compliance, the District Magistrate in coordination with DGM conducted replenishment studies for pre- and post-monsoon periods of 2023. These reports were uploaded on the official District Mining Portal and incorporated in the DSR. **True copies of Replenishment Study Reports submitted by District Magistrate Saharanpur is attached herewith and marked as Annexure-A/6**
15. That the revised DSR for District Saharanpur has been duly prepared by the competent district-level committee, appraised by SEAC, and approved by SEIAA, U.P., fulfilling the requirement set forth by MoEF&CC and reinforced by the Hon'ble NGT in its Order dated 07.05.2025.
16. The replenishment study has been conducted and is part of the DSR, and the process followed was in accordance with the Sustainable Sand Mining Guidelines, 2016, and EMGSM, 2020.
17. That the answering Respondent remains at the disposal of this Hon'ble Tribunal and undertakes to ensure due and strict

compliance with any further orders, directions, or clarifications that may be issued in the present matter.

Date: 11/11/2025

THROUGH

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

Place: New Delhi

**Priyanka swami
Advocate
Standing Counsel For State of U.P
F-13, Jangpura, New Delhi 110014**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 119/2025
(IA No. 189/2025)**

IN THE MATTER OF:

MURSLEEN

APPLICANT

VERSUS

**STATE OF UTTAR
PRADESH & ORS.**

RESPONDENT(S)

AFFIDAVIT

I, Vidhyotma Bharti, aged about 49 years, W/o Dr. G.L. Nigam, presently posted as Assistant Director, Regional Office, Noida, Directorate of Environment, U.P., having an office at E-12/1, Noida, U.P., presently at New Delhi do hereby solemnly affirm and State on oath as under:

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



5. That the deponent has been duly authorised by member secretary SEIAA, UP to file this present affidavit

[Signature]

DEPONENT

*up/su/11/2014
I identified the deponent who
has signed in my presence*

VERIFICATION

Verified on solemn affirmation at New Delhi on this 12 day of NOV 2025,
that the contents of the foregoing affidavit are true and correct to the best of my
knowledge and no part of it is false and nothing material has been concealed
therefrom.

ATTESTED

**NOTARY PUBLIC
(INDIA)**

[Signature]

DEPONENT



12 NOV 2025

[Signature]

**PANSHU CHANDRA
UP5411/14**

*I identified the deponent who
has signed in my presence*

TABULAR CHART

S. No.	DETAILS OF SAND GHAT	QUANTITY SOUGHT TO BE AUCTIONED (IN M ³) [AS PER DSR@298-300]	REPLENISHED QUANTITY AS PER 2022 REPLENISHMENT STUDY [@325-326]	REPLENISHED QUANTITY AS PER 2024 REPLENISHMENT STUDY [@537-538]
IMPUGNED AUCTION NOTICE DATED 28.02.2025 /@346-350/				
1.	403,404/1,405,406/1,416/2,421 /1,422/2,423/2, Sherpur Pello, Behat [Respondent No. 7]	77,700	66,426	58,275
2.	119/1, 120/1, 192/1, 193/1, 225/1, Kaluvala Paharipur, Behat [Respondent No. 8]	1,78,800	1,30,439	1,71,350
3.	1, Akbarbarpur Bans [Respondent No. 9]	3,22,200	4,85,450	2,86,400
4.	1/1, Arazi Zevari [Respondent No. 10]	2,48,400	1,19,541	2,30,460
5.	1/1, Shahpur Bans [Respondent No. 11]	2,80,800	14,427	2,70,660
6.	1 & 1M, Nityanandpur Aht, Behat [Respondent No. 12]	3,18,600	3,28,459	2,79,660
7.	1, Abutalibpur Garh, Behat [Respondent No. 13]	6,66,000	9,83,797	4,57,320
8.	1/1/1, Nuniari Aht [Respondent No. 9]	3,42,200	2,25,414	3,24,900
9.	1/1M, Aslampur Bartha [Respondent No. 14]	5,06,880	2,25,401	3,68,896
10.	1/1, Raulpur Urf Rasuli, Behat [Respondent No. 15]	6,12,000	3,64,931	4,99,460
IMPUGNED AUCTION NOTICE DATED 26.05.2025 /@714-715/				
11.	1/1, Shahpur Bans [Respondent No. 11]	2,80,800	14,427	2,70,660
12.	1, Mahmoodpur [Respondent No. 16]	2,82,600	1,81,049	2,65,330
IMPUGNED AUCTION NOTICE DATED 05.06.2025 /718-719/				
13.	1/1M, Aslampur Bartha [Respondent No. 17]	6,58,800	4,14,321	5,52,660
IMPUGNED AUCTION NOTICE DATED 07.08.2025 /@721-722/				
14.	1, Shahzadpur Bans	2,34,000	1,88,528	2,16,840

1838 1838



Dalmia Law Office <dalmialawoffices@gmail.com>

Rejoinder on behalf of the Applicant in OA No. 427 of 2025 in 'Ameel Khan v State of UP'

Dalmia Law Office <dalmialawoffices@gmail.com>

Sun, 17 May at 2:57 PM

To: ankit.scngtup@gmail.com <ankit.scngtup@gmail.com>, priyanka swami <advpriyankaswami@gmail.com>, <pushpilabisht11@rediffmail.com>, <pallavipratap@hotmail.com>, <avinashtyagi1@yahoo.com>

Sir

Kindly find the attached Rejoinder filed on behalf of the Applicant in the abovcaptioned matter.

Regards

Chambers of Vanshdeep Dalmia
Advocate on Record
O: 206, Jor Bagh, New Delhi-110003
M: +91-9810077085
Ameel khan rejoinder.pdf