

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL  
BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 599 OF 2024

IN THE MATTER OF:

SURINDER SINGH MANHAS .....APPLICANT

Versus

U.T. OF JAMMU & KASHMIR & OTHERS .... RESPONDENTS

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PLACE - PATHANKOT  
FILED ON : 17.11.2025

  
APPLICANT  
THROUGH COUNSEL  
MRS. MENA TARNAICH,  
ADVOCATE FOR APPLICANTS  
DISTRICT COURTS PATHANKOT

  
Act

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**REJOINDER BY THE APPLICANT TO THE COUNTER AFFIDAVIT OF  
RESPONDENT NO.9**

I, Surinder Singh Manhas aged about 54 years S/o Sh. Karnail Singh r/o Village Dheera tehsil & dist Pathankot do hereby solemnly affirm and declare as under :

**Preliminary objections to the Preliminary Submissions of Respondent no-9.**

1. That Himani Chaudhary w/o Bhanu Pratap Singh has no locus standee to file any counter affidavit in the present OA as she is not the party to the petition .
2. That the respondent no.9 Bhanu Pratap Singh to settle the score with the applicants for filling the Petition before Hon'ble Tribunal against him has murdered Applicant no.1 Mayank Mahajan on 17.05.2025 & an a FIR No-86 u/s 103(1), 109, 3(5), 249, 61(2)BNS 25/30-54-59 Arms Act is registered in Police Station Division no.2 Pathankot, District Pathankot Punjab against Bhanu Pratap Singh & other 5 persons as accused.
3. That the applicants has raised substantial question of law highlighting that EC was issued to the private respondent no. 9 for a land bearing Khasra No. 254/1998 owned by Anchal Singh & Others measuring 9.98 hectares situated at village Taraf Tajwal, dist Kathua without any replenishment study & violating all the mandatory provisions.
4. That the respondent no.9 by illegal means & in connivance with the other respondents did illegal mining on a public property i.e. Gair Mumkin Dariya which is a water source for which no mining permission could have been permitted further the respondent no.9 along with the mining lease was allowed



- to run the Stone crusher M/s Om Sai Screener in the same land by issuing CTO.
5. That as per the Annual Report On Sand Mining / River Bed Mining Jammu & Kashmir 2021-22 ANNEXURE NO.A- 17 OF OA "The detail of Sanctioned E-auctioned Minor Mineral Blocks, Jammu Province" is given in its Annexure - I page no.22 , and at page no. 38- 40 the detail is given for District Kathua according to which at Sr. no 18. Bhanu Pratap Singh from 9.98 Hectares Production of 122928 as per EC (Mt) was obtained and the Production Dispatch During 2021-22 (Mt ) was 90711.97. That the private party Bhanu Pratap Singh who is also running a Stone Crusher in the name of M/s Om Sai Stone Crusher is using heavy machines like JCBs, Pocklane machines and cranes for illegal mining , destroying the ' Gair Mumkin Dariya '.
  6. That respondent no. 1,2,4 & 7 in their reply at para no. 2 has stated that the respondents has imposed penalty of Rs. 34,74,350/- on M/s OM Sai Screener & has also enclosed copies of Notice dated 11.09.2019 Annexure XVII appended with its reply Which clearly shows that the respondent no.9 is involved in illegal mining .
  7. That illegal Mining by violating all the Statutory provisions of law is on rise in District Kathua with the collusiveness of the Respondents with each other and the mining mafia and the same is proved from the letter no. 28-B/INT/CIV/PHQ/2021/3134 With Subject -Mining Mafia at Kathua sent From the office of Director General Of Police J & K and addressed to The Chief Secretary (UT) of Jammu & Kashmir ANNEXURE NO. A- 23 in which The Director General Of Police J & K has clearly mentioned that District Mining Officers are hand in glove with the mining contractors , the important part of the said letter is reproduced as under-
 

" I am directed to submit that as per the report sought from the SSP Kathua Shri. Bodh Raj , District mining officer Kathua is directly & indirectly hand in glove with the mining contractor particularly with one Bhanu Pratap Singh S/o Pyar Singh r/o Tarda (Mehtabpur) Kathua and has managed his transfer in district Kathua for the third time. More over a computer operator , namely Monty and Subdeep Kumar chowkidar in DM office Kathua has nexus with mining Mafia proxy agents and are working as District mining officer Kathua. It is worthwhile to mention here that during the current year , 101 vehicles have been siezed by district police Kathua for illegal mining.

Submitted for further course of action please."



8. That the Respondent no.9 has not filed any document mentioned in Annexures 1 to Annexure -10 in its reply to support his reply.

**Rejoinder to Objection as to Maintainability Para no. 12 to 14-**

- i. That the case Laws referred in the objection is not relevant to the matter in OA .
- ii. That there are sufficient material on record showing the violation of Environmental norms by the Respondent no.9 in collision with the other respondents who are hand in glove & has staked all the mandatory norms for safeguarding the Environment & thereby causing huge irreparable loss to the Environment at Large.

**Rejoinder to Para no- 15 to 17.**

- i. That as per the averments made by the Respondent no.9 that Mining activity is lawfully permissible in Sersani, Bedi , Madhopur & Pathankot & mining activity outside these notified zone is impermissible then the respondent has miserably failed to explain that how he obtained permission from the Authorities to do any mining activity in Village Taraf Tazwal , dist – Kathua.
- ii. That the respondent has illegally done mining in the River Bed area which is public property i.e. Gair Mumkin Dariya which is a water source for which no mining permission could have been permitted without any replenishment study & by violating all the mandatory provisions. Further the respondent no.9 along with the mining lease was allowed to run the Stone crusher M/s Om Sai Screener in the same land by issuing CTO.

**Rejoinder to Para wise Reply filed by the respondent no-9 to Para no. 1 to 17**

That the contents of the OA & Rejoinder filed by the Applicant to the reply of Respondent no 1 to 8 be considered & read as the rejoinder to the reply/Counter Affidavit of Respondent no.9 to avoid the repetitions.



**Rejoinder to Para no- 4 to 6**

- i. That reply filed to para no 4 to 6 is incorrect & denied in total .
- ii. The respondent no.9 Bhanu Pratap Singh , was issued Environmental Clearance by Jammu & Kashmir Environmental Impact Assessment Authority

(J&K EIAA), under proposal no. SIA/JK/MIN/51825/2020 dated 16.07.2021 (Annexure 16 of the OA) for River Bed Material Mine located at Village Taraf Tajwal Tehsil & district Kathua over an area of 9.98 Ha. That it is surprising how the respondent no.5 'After examining /Scrutinizing the documents as stated in its reply in para no.1 respondent no.2 recommended the proposal No. SIA/JK/MIN/51825/2020 of Respondent no.9 to JKEAC for its appraisal" JKEIAA without any replenishment data /report issued Environmental clearance to the respondent no.9 .

- iii. As per EC , it is stated therein that Letter of Intent was issued by the Geology & Mining Department J&K Government vide letter dated 03.09.2019." During the appraisal it was observed that replenishment data were not available in the DSR. ...." It was stated by the Geology & the mining Department that the replenishment studies shall be carried out regularly during the currency of the mining operation in all the blocks including the private block & submit the replenishment report to JKEIAA."
- iv. That JKEAC recommended the case to the JKEIAA for grant of EC to the said project, subject to certain condition & accordingly EC was issued to the PP (R-9) vide JKEIAA/2020/232/1813-27 dated 16.07.2021,
- v. That in the issues related to the replenishment studies on Sand/Bajri mining projects, the committee of EAC is of the view that ' in such states like Uttarakhand, Uttar Pradesh, Himachal Pradesh, Jammu & Kashmir, Haryana & Bihar the replenishment study is not required at the time of EC application & PP Shall submit the replenishment study after 02 years of the grant of EC" but the Annexure –C mentioned in the reply of respondent no.5 is the issues related to the replenishment studies on Sand mining projects & not that of RBM as in the case of respondent no.9.
- vi. In para no.2 of the reply of respondent no.5 states that the Geology & Mining department submitted the Replenishment report but the same was not recommended by the JKEAC in its 105<sup>th</sup> meeting on 21-01-2023.

Annexure –D of the same reply of Respondent no.5 it is stated that the JKEIAA rejected the Replenishment report with the direction to the Geology & Mining Department to resubmit the report but the Annexure –D of the reply of R-5 , in the matter of Respondent no.9 has mentioned that ' **No replenishment data has been provided against the private lease measuring of 9.98 Ha of Bhanu Pratap Singh at Taraf Tajwal in River Ravi**'. So, it is very much clear that rejection of alleged replenishment report does not apply to the matter of



Respondent no.9 Bhanu Pratap Singh where no replenishment data was provided moreover till date no replenishment date /report for the mining site of Respondent no.9 Bhanu Pratap Singh is available with the respondents. That the respondent no.9 has adopted a clever techniques & is misinterpreting the replenishment report dated 05.01.2023 to mislead the Hon'ble Tribunal.

**Rejoinder to Para no 7 to 10**

- i. That reply filed to para no 7 to 10 is incorrect & denied in total
- ii. That the private respondent no.9 made an application for the mining lease before the respondent no.2 , the verification of title was sought from the Deputy Commissioner & the title verification letter no. DCK/SQ/2019-20/901 dated 10.08.2019 Annexure -9 of the OA clearly defines the proprietary of the land with Anchal Singh & Others with kind of soil as 'Gair Mumkin Dariya' , further the title verification discloses that Bhanu Pratap Singh has obtained the possession of land measuring 203 Kanal 19 Marla under Khasra no. 2254/1938 at village Taraf Tajwal from 12 different Lease deeds . The said Title verification, no where discloses the purpose of the lease deed or nor discloses whether the lease deeds were a registered document or specifically allowed the respondent no.9 to apply for the mining lease in his name to extract the RBM from Khasra no. 2254/1938. The title verification also do not disclose the names of other co-sharers in the said Khasra no. 2254/1938. That more importantly the title verification clearly mentions the land as 'Gair Mumkin Dariya' .
- iii. The respondent no.9 Bhanu Pratap Singh, was issued Environmental Clearance by Jammu & Kashmir Environmental Impact Assessment Authority (J&K EIAA), under proposal no. SIA/JK/MIN/51825/2020 dated 16.07.2021 (Annexure 16 of the OA) for River Bed Material Mine located at Village Taraf Tajwal Tehsil & district Kathua over an area of 9.98 Ha 'Gair Mumkin Dariya.' As per EC , it is stated therein that Letter of Intent was issued by the Geology & Mining Department J&K Government vide letter dated 09.2019." EC was issued to the private respondent no. 9 for a land bearing Khasra no.2254/1998 owned by Anchal Singh & Others measuring 9.98 Hectares situated at village Taraf Tajwal, dist Kathua without any replenishment study.



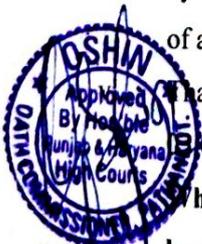
iv. That in the case of Respondent no.9 no Committees for identification of minor mineral blocks was formed nor the land under Respondent no.9 was put to open auction after approval from the competent authority, which clearly points out the collusiveness of the respondents with respondent no.9 in illegal mining in district Kathua. The copy of the Act is Annexure AA-1 already filed with the rejoinder to reply of Respondent no-5. That JKEAC also did not made any objection on this point & on the assurance of respondent no.5 as stated in its reply in para no.1 JKEIAA without any replenishment data /report issued Environmental clearance to the respondent no.9 .

**Rejoinder to Para no 11 to 13**

- i. That reply filed to para no 11 to 13 is incorrect & denied in total
- ii. That the respondent no. 1, 2, 4 & 7 in the reply at para no. 2 has stated that they have imposed staggering penalties on the different Stone crushers which were involved in illegal mining . That in Sr. no 17 of the table the penalty imposed on respondent no.9 M/s Om Sai Screener is Rs. 34,74,350 /- & at Sr no. 10 & 18 penalty imposed on M/S Jai Rajputana, Ravi River Taraf Tazwal is Rs. 2,59,21,188/- Rs. 5.59.456/- respectively total of which comes to Rs . 26480644/- ( Two Crore Sixty Four Lac Eighty Thousand Six Hundred Forty Four only) . That the answering respondent has also annexed copies of Notice dated 07.09.2019 Annexure X & notice dated 11.09.2019 as Annexure XVIII with its reply. That the respondent in para no. 4 has also stated that the respondent no.10 M/S New Rajputana Stone Crusher at Village Taraf Tazwal Kathua has obtained CTO from J&K State Pollution Control Board which is valid upto October 2025. That the respondent has also enclosed copy of CTO Annexure XIX, the said CTO is from 09-08-2024 to October 2025 i.e. the CTO was obtained by the respondent no.10 in collision with the other respondents during the pendency of the Original Application under lis which was filed on ..... . But the respondent no where in their reply has mentioned about the recovery of the said penalty nor they have produced any R-Notice or Receipt of recovery of the said amount from the respondent no.10. That surprisingly without recovery of the penalty amount the respondents during the pendency of the petition under reply issued CTO (Annexure XIX) valid from 09-08-2024 to October 2025.



- iii. That respondent no. 1,2,4 & 7 in their reply at para no. 2 has stated that the respondents has imposed penalty of Rs. 34,74,350/- on M/s OM Sai Screener & has also enclosed copies of Notice dated 11.09.2019 Annexure XVII appended with its reply. But the respondent no where in their reply has mentioned about the recovery of the said penalty nor they have produced any R-Notice or Receipt of recovery of the said amount from the respondent no.9 .
- iv. That surprisingly without recovery of the penalty the respondent no.9 was issued Environmental clearance dated 16.07.2021 contrary to the Standard Condition no. iii. Of EC - ' Mining operation shall not be commenced till the entire compensation levied, if any , for illegal mining paid by the project proponent ' .
- v. That the applicant here again wants to bring in the notice of the Hon'ble Tribunal letter no. 28-B/INT/CIV/PHQ/2021/3134 With Subject -Mining Mafia at Kathua sent From the office of Director General Of Police J & K and addressed to The Chief Secretary (UT) of Jammu & Kashmir ANNEXURE NO. A- 22 of OA in which The Director General Of Police J & K has clearly mentioned that District Mining Officers are hand in glove with the mining contractors , the important part of the said letter is reproduced as under- " I am directed to submit that as per the report sought from the SSP Kathua Shri. Bodh Raj , District mining officer Kathua is directly & indirectly hand in glove with the mining contractor particularly with one Bhanu Pratap Singh S/o Pyar Singh r/o Tarda (Mehtabpur) Kathua and has managed his transfer in district Kathua for the third time. More over a computer operator , namely Monty and Kuldeep Kumar chowkidar in DM office Kathua has nexus with mining Mafia /royalty agents and are working as District mining officer Kathua. It is worthwhile to mention here that during the current year, 101 vehicles have been seized by district police Kathua for illegal mining. Submitted for further course of action please."



That the Letter of Intent Annexure A-10 of OA which was issued on 09.2019 & in its 2<sup>nd</sup> last para of LoI is reproduced as under - 'Whereas you have applied for the grant of mining lease over property land where the mineral does not vest in the Government /State Land wherein the mining lease is to be granted as per the (2) proviso of Rule 27 of 'The Jammu & Kashmir Minor Mineral Concession Storage ,

**Transportation of Minerals & Prevention of illegal Mining Rules 2016**'. But in the case of Respondent no.9 as per (2) proviso of Rule 27 of 'The Jammu & Kashmir Minor Mineral Concession Storage, Transportation of Minerals & Prevention of illegal Mining Rules 2016 no Committees for identification of minor mineral blocks was formed nor the land under Respondent no.9 was put to open auction after approval from the competent authority, which clearly points out the collusiveness of the respondents with respondent no.9 in illegal mining in district Kathua. The copy of the Act already filed as Annexure AA-1

- vii. That clause X - of the EC clearly makes it mandatory to obtain necessary prior permission of the competent authorities for drawl of requisite quantity of surface water & from CGWA for withdrawal of ground water for the project but no such permission was ever obtained from CGWA by respondent no.9. That Air quality monitoring & preservation, Water quality monitoring & preservations safeguards as described in clause a & b in EC & other safeguards was also not followed by respondent no.9 .
- viii. That in clause 10 of EC it has been clearly stated that - ' An inspection Committee comprising of Additional Dy. Commissioner, District Mineral Officer , representative of PCB, Executive engineer Irrigation & Flood control department .....certify at the end of each monsoon ,that sufficient replenishment of the shall not adversely affect the hydrological & ecological settings in the area" but in the matter of respondent no.9 no Replenishment study of the mining site has taken place till date.
- ix. That the respondent no.1 in its report has stated that no mining activity is being found carrying in the Mining site of Respondent no. 9 & to prove there averment the respondent no.1 has also produced photographs . That the petitioner has already brought on file the Google Earth Map for the Mining Site of Respondent no.9 appended as Annexure AA-3 To AA- 7 for April 2021, October 2021, May 2022, March 2024 & March 2025 where the excessive extraction of minerals by illegal mining can clearly be seen . That as per the averment of the report of respondent no.1 the PO of respondent no.9 has expired on 17.07.2024 & after that there is no mining activity but in Annexure AA-8 the photograph taken by the petitioner from his mobile with Longitude & latitude it can clearly be seen that there is activity of illegal mining with the help of heavy Pock lane machines on the mining site of respondent no.9 & the Google Earth Map



of March 2025 Annexure AA-7 clearly shows the large scale of excavation & over exploitation due to illegal mining activity even after the expiry of the CTO.

**Rejoinder to the Reply to Grounds of the OA Para no A to M**

- i. That reply filed to para no A to M is incorrect & denied in total That the Respondent no.9 is confused & has given vague replies . That in one place Respondent no.9 states that he is doing mining after obtaining EC & on the other hand , states that it is not engaged in mining or extraction & is only engaged in processing unit, which utilizes raw material purchased from suppliers . But has failed to produce any proof of alleged purchases or electricity bills of the plant etc. That the Respondent no.9 by filling affidavit has stated that he has never undertaken any mining operations then why he obtained EC for 9.98 Hec of land of which he obtained possession from Anchal Singh & Others. So, reply to para no.B is also misconvienced.
- ii. That as per the Annual Report On Sand Mining / River Bed Mining Jammu & Kashmir 2021-22 ANNEXURE NO.A- 17 OF OA "The detail of Sanctioned E-auctioned Minor Mineral Blocks, Jammu Province" is given in its Annexure - I page no.22 , and at page no. 38- 40 the detail is given for District Kathua according to which at Sr. no 18. Bhanu Pratap Singh from 9.98 Hectares Production of 122928 as per EC (Mt) was obtained and the Production Dispatch During 2021-22 (Mt ) was 90711.97. That the private party Bhanu Pratap Singh who is also running a Stone Crusher in the name of M/s Om Sai Stone Crusher is using heavy machines like JCBs, Pocklane machines and cranes for illegal mining , destroying the ' Gair Mumkin Dariya '.
- iii. That respondent no. 1,2,4 & 7 in their reply at para no. 2 has stated that the respondents has imposed penalty of Rs. 34,74,350/- on M/s OM Sai Screener has also enclosed copies of Notice dated 11.09.2019 Annexure XVII appended with its reply Which clearly shows that the respondent no.9 is involved in illegal mining .



That the present Petition was filed by the applicants highlighting the inaction of respondent no.1 to 9 in implementing & following the mandatory provisions of law thereby promoting illegal mining by the private respondents no. 9 to 12.

- v. That the applicants had raised substantial question of law highlighting that EC was issued to the private respondent no. 9 for a land bearing Khasra no.2254/1998 owned by Anchal Singh & Others measuring 9.98 hectares situated at village Taraf Tajwal , dist Kathua without any replenishment study
- vi. That the mining was allowed on a public property i.e. Gair Mumkin Dariya which is a water source for which no mining permission could have been permitted further the respondent no.9 along with the mining lease was allowed to run the Stone crusher M/s Om Sai Screener in the same land by issuing CTO.
- vii. That in furtherance of notice issued by the Hon'ble Tribunal, Respondent no.1 filed its report & reply was also filed by the respondent no. 1,2,4,5,7& 8 & R-9 which all are more or less similar as if prepared by consulting each other.

Therefore, in view of above detailed facts mentioned in the rejoinder & the OA the reply filed by s Respondents is liable to be rejected.

*[Signature]*  
Deponent

Verification on 17.11.2025 at Pathankot that the contents of the present application are true and correct and nothing has been concealed therefrom.

*[Signature]*  
Deponent



8377

..... Certified that above affidavit was declared on Oath before me on.....  
At Pathankot by Sh./Smt.....  
S/W/D/o Sh.....  
who is personally known to me or is identified by Sh/Smt.....  
who is personally known to me, read & explained to me deponent.

EN. No. PH/1454/2019

OSHIN  
Oath Commissioner

*[Signature]*  
17/11/25