

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

(Under Section 14 read with Section 15 of the National Green
Tribunal Act, 2010)

ORIGINAL APPLICATION NO. 99 OF 2025

IN THE MATTER OF:

Sovran Singh

... Applicant

Versus

State of Uttar Pradesh & Ors.

... Respondents

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Date:09.02.2026

New Delhi

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REJOINDER TO THE REPLY FILED BY THE
RESPONDENT NO. 6 UP SEIAA

MOST RESPECTFULLY SHOWETH:

1. The contents of para 1 do not call for any comments. However, it is submitted that the stand of UP SEIAA that the restoration/grant of EC is a consequence of renewal of mining lease is absolutely against the environmental law norms, as the environmental aspect should not be dependent upon administrative grant of mining lease but it should be viewed independently on its own based on the conduct of the party who has committed gross violations of the environmental conditions.
2. The contents of Para 2, 3, 4, 5, 6, 7, 8 do not call for any comments being matter of record.
 - a. However, it is submitted that Environmental Clearance cannot survive established, repeated and aggravated illegal river bed mining. It is an admitted and repeatedly recorded fact that the District Magistrate, Jhansi found large-scale illegal river bed mining on multiple occasions, including mining up to



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an excessive depth of 80–100 feet, use of heavy machinery and lifters in the main river stream, repeated deployment of suction machines, recovery of prohibited machines, deliberate misplacement of boundary pillars, and imposition of cumulative penalty of about ₹55 lakhs, culminating in cancellation of the mining lease.

- b. These findings on facts were never set aside by any competent fact-finding appellate authority and, after remand, were reaffirmed upon fresh hearing. In the face of such grave, repeated and admitted environmental violations, the very substratum of Environmental Clearance stands destroyed, and any restoration thereof is per se illegal, arbitrary and contrary to the precautionary principle governing river bed mining.
- c. Mechanical restoration of EC based on an ultra-vires administrative order amounts to abdication of statutory duty. Instead of pursuing the statutory appeal before the Commissioner, the lease holder deliberately indulged in forum shopping by approaching the Special Secretary, Geology & Mining Department, who has neither jurisdiction under the EIA Notification, 2006 nor authority to condone environmental violations or override factual findings recorded by the District Magistrate.



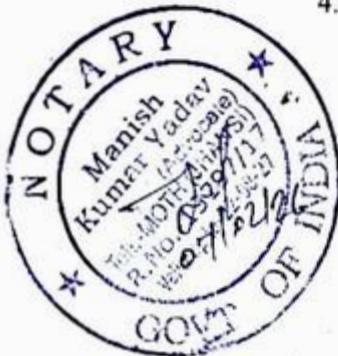
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d. Blind reliance by UP-SEIAA on such an administrative order, without any independent environmental appraisal, damage assessment or consideration of past violations, amounts to a complete abdication of statutory duty. An Environmental Clearance restored in this manner is vitiated by non-application of mind and is null, void and unsustainable in law.

3. That the contents of para 9 and 10 as stated are wrong hence denied.

It is submitted that the affidavit dated 25.01.2025 filed by the Project Proponent during the pendency of the statutory revision has no legal sanctity and confers no enforceable right. A unilateral offer to deposit the demanded amount "without admitting liability" coupled with a self-serving condition that the impugned order "may be deemed to be quashed" and the mining lease "treated to be restored" is wholly unknown to law. No statutory order can be nullified, nor can a cancelled mining lease or Environmental Clearance be revived, merely on the basis of a conditional undertaking or affidavit, in the absence of a competent judicial or statutory order. UP-SEIAA's reliance on such an affidavit, in substitution of a valid adjudication and independent environmental appraisal, is legally untenable and reflects non-application of mind.

4. That the contents of para 11 and 12 as stated are wrong hence denied.



- a. It is submitted that, while it is correct that the Environmental Clearance (EC) cannot operate independently once the mining lease is cancelled, the error in SEIAA's reasoning lies in treating the EC as having become automatically and permanently extinguished solely on account of lease cancellation, without examining the nature, gravity and consequences of the environmental violations which led to such cancellation.
 - b. The EC in the present case did not merely lapse due to a technical cessation of the lease, but stood vitiated by repeated, serious and established illegal river bed mining, for which heavy penalties were imposed and machinery seized. Such violations strike at the root of the EC itself and cannot be wiped out or cured by any subsequent administrative restoration of the lease.
 - c. Therefore, SEIAA's later attempt to revive or restore the EC, after having acknowledged that it stood null and void due to cancellation rooted in environmental illegality, is self-contradictory, ignores the underlying environmental damage, and is contrary to the EIA Notification, 2006, which mandates fresh appraisal and consideration of past violations before any grant or revival of EC.
5. That the contents of paragraphs 13 to 17, as stated, are incorrect and are therefore specifically denied.

It is submitted that the aforesaid writ petition was filed by the Project Proponent by deliberately concealing the



material fact that the present Original Application had already been filed on 14.02.2025 and that the issues relating to large-scale illegal mining and its grave environmental consequences were actively under consideration before this Hon'ble Tribunal. It is pertinent to note that, till date, the Project Proponent has not even filed a reply in the present OA; however, by suppressing the pendency of these proceedings, the writ petition was instituted before the Hon'ble High Court.

Be that as it may, the order of the Hon'ble High Court merely directed that the Project Proponent be afforded an opportunity of hearing by UP-SEIAA and did not, in any manner, direct grant or restoration of Environmental Clearance. Consequently, grant/restoration of EC by UP-SEIAA solely on the basis of the Hon'ble High Court's order dated 07.10.2025 is wholly misconceived and unsustainable. UP-SEIAA was statutorily bound to take an independent, reasoned decision in accordance with the EIA Notification, 2006, uninfluenced by any administrative observations regarding deposit of penalty.

The restoration of Environmental Clearance by UP-SEIAA on 02.12.2025, in complete disregard of the admitted and serious past environmental violations, is contrary to environmental law, suffers from non-application of mind, and is liable to be set aside. That the contents of para 18 as stated are wrong hence denied. It is wrong to suggest that EC has been granted after thorough inspection on the contrary it is a totally non application of mind.



be null and void upon cancellation of the lease. Mere grant of an opportunity of hearing or mechanical reference to statutory compliance cannot cure established environmental illegality. The impugned restoration of EC, therefore, reflects post-facto rationalisation rather than regulatory diligence, and is vitiated by non-application of mind and disregard of environmental law.

शोषन 16/26

APPLICANT

THROUGH

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Date 09.02.2026
New Delhi



Serial No. *477/26* Date *07/02/26*

Certified that the foregoing statement sworn before me this day at *noth*

by Shri/Smt./Ku. *Souman Singh & Myan Singh*

to whom the contents of this affidavit have been read over and explained and who is identified by Shri. *Jagdeep Singh*

Received the legal fee Rs.

Manish Kumar Yadav

Notary (Govt. of India) Teh. *MSTH* (G.A./S)

07/02/26

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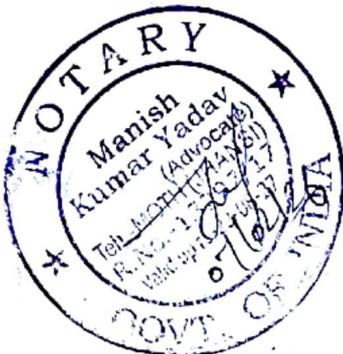
AFFIDAVIT

I, Sovran Singh, Aged about 35 years, S/o Gyan Singh R/o Targuwan, Lalitpur, Uttar Pradesh – 284126, do hereby solemnly affirm and states as under:

1. That the deponent is applicant in the above-mentioned matter and as such he is well conversant with the facts and circumstances of the present case.
2. That the deponent has gone through the contents of the accompanying rejoinder to the reply filed by respondent No. 6. The same has been drafted as per my instructions. The contents of the same are true and correct to the best of my knowledge and nothing material has been concealed there from.

DEPONENT

Sovran Singh



VERIFICATION

I, the deponent above named do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge derived from the records and nothing relevant has been concealed therefrom. Verified at Jhansi on this 07 day of January 2026.

DEPONENT

सोमनाथ सिंह



Certificate No. 478/K/6 Date 07/02/26
Certified that the foregoing statement
sworn before me this day at Jhansi
by Shri/Smt./Ms. Soman Singh & Nyam Singh
to whom the contents of this affidavit have
been read over and explained and who
is identified by Shri. Jayash
Received the legal fee Rs.

Manish Kumar Yadav
ADVOCATE
Notary (Govt. of India) Teh. MOTI (JHANSI)
07/02/26