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

I.A. NO. 601 OF 2025

IN

APPEAL NO. 45 OF 2025

IN THE MATTER OF:

Vipin Kumar Saxena

...Applicant

Versus

SEIAA & Anr.

...Respondents

AND

IN THE MATTER OF:

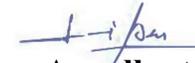
Naveen Kumar

...Impleadment/Intervention

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Through


Appellant



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New Delhi

Date: 15.09.2025

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
I.A. NO. 442 OF 2025
IN
APPEAL NO. 45 OF 2025**

IN THE MATTER OF:

Vipin Kumar Saxena

...Appellant

Versus

SEIAA & Anr.

...Respondents

**REJOINDER TO THE REPLY FILED BY RESPONDENT
NO. 1 (UP SEIAA)**

MOST RESPECTFULLY SHOWETH:

1. That the preset matter is pending adjudication and is listed before this Hon'ble Court on 12.11.2025.
2. That the appellant has gone through the contents of reply filed by UP SEIAA and have understood the contents thereof. At the outset the appellant deny each and every averment made in the reply filed by UP SEIAA unless specifically admitted.

PRELIMINARY SUBMISSIONS :

1. It is most respectfully submitted that the Reply filed by Respondent No. 1 (UP SEIAA) is wholly evasive, superficial, and devoid of any substantive response to the detailed grounds raised by the Appellant in the Appeal. Instead of dealing with the specific contentions, SEIAA has merely sought to rely upon an alleged reply dated 21.01.2025 said to have been filed in O.A. No. 08/2025 and has requested that the same be treated as its reply in the

present proceedings. At the very outset, it is submitted that, firstly, no such reply dated 21.01.2025 was ever filed by SEIAA in the said O.A., and secondly, even otherwise, the said document does not form part of the record of the present statutory appeal. The attempt of SEIAA to import non-existent or extraneous material into these proceedings is wholly misconceived, legally untenable, and demonstrates a complete non-application of mind as well as an abdication of its duty to file a specific and reasoned reply to the Appeal on merits.

2. It is respectfully submitted that by not traversing the detailed grounds urged in the Appeal, the Respondent has effectively admitted those grounds, and consequently the Appeal deserves to be allowed.

NON-REBUTTAL OF CORE GROUNDS :

3. **Non-consideration of Detailed Compliance Report:**
The Appellant had filed a comprehensive compliance affidavit dated 23.11.2024, running into more than 400 pages, demonstrating rectification of all deficiencies noted in the Joint Committee report. A copy of this compliance report was admittedly served on SEIAA. However, in the impugned rejection order dated 15.05.2025, there is no whisper of any consideration of the said compliance. In its present Reply also, SEIAA has not denied this fact, nor has it shown that the compliance record was examined. This amounts to an admission that the compliance submissions were ignored, rendering the order arbitrary and non-speaking

4. **Service at Wrong Address:** The Appeal specifically demonstrated that all adverse communications (show cause notice dated 27.06.2024, EC abeyance dated 21.11.2024, cancellation letter dated 22.12.2024, rejection order dated 15.05.2025) were dispatched to the wrong address (MIG A/135 instead of HIG A/153), despite the correct address being consistently recorded in the lease deed, inspection reports, and restoration applications. SEIAA in its Reply has not denied this; instead it has sought to justify its action by relying on the “address for correspondence” column in the online portal application of 2020

This justification collapses for the following reasons;

- a) Subsequent official records and lease deed corrected and reaffirmed the correct address.
 - b) SEIAA had constructive and actual notice of the correct address from multiple sources, yet deliberately ignored it.
 - c) Once restoration applications clearly carried the correct address, reliance on an outdated portal entry is mala fide.
5. **Absence of a Formal Cancellation Order:** The Appeal pointed out that no formal cancellation order dated 12.12.2024 exists; only minutes of the meeting were recorded, and the only letter dated 22.12.2024 was returned undelivered. This serious infirmity has not been rebutted in SEIAA’s Reply, amounting to admission that the cancellation was procedurally illegal.

6. **No Personal Hearing Granted:** The ground that restoration applications dated 19.12.2024 and 07.01.2025 were rejected without affording any personal hearing or conducting site verification has not been specifically denied. Instead, SEIAA has taken shelter under earlier pleadings in the OA, which again is no answer. Thus, this ground stands admitted.
7. **No Finding of Illegal Mining:** The Joint Committee Report dated 08.08.2024 did not record any instance of illegal mining, but only minor lapses (fencing, plantation, drains, etc.), which were later rectified. This crucial point has not been controverted by SEIAA.
8. It is most respectfully submitted that the Appellant had submitted a detailed compliance report dated 23.11.2024, duly supported by photographs, documentary proof, and third-party material evidencing rectification of the minor deficiencies noted in the Joint Committee report.

However, due to the considerable lapse of time since then, coupled with intervening seasonal rains, flooding, plantation growth, soil erosion, and natural geographical changes in the riverbed, it is no longer possible to physically verify on site the actual compliance measures undertaken at that time. For example, works relating to garland drains, barbed wire fencing, plantation, and sedimentation structures are inherently subject to deterioration or alteration with the passage of monsoon cycles.

This situation is entirely attributable to the delay and inaction of SEIAA in considering the Appellant's restoration

applications, and therefore the Appellant cannot be prejudiced for circumstances beyond his control.

9. That it is further submitted that there was never any allegation of illegal mining against the Appellant, and the Joint Committee itself did not record any such finding. In these circumstances, SEIAA is duty bound to restore the Environmental Clearance and cannot saddle the Appellant with the consequences of its own delay in conducting inspection or verification. The compliance already demonstrated through contemporaneous records must therefore be accepted as conclusive evidence of rectification at the relevant point of time.

LEGAL SUBMISSIONS :

8. By failing to rebut the Appellant's reliance on binding legal principles laid down in *Lafarge Umiam Mining Co. Ltd. v. Union of India* (2011) 7 SCC 338, *Sterlite Industries v. Union of India* (Appeal No. 25/2013, NGT), and *Vikrant Tongad v. Union of India* (2019) 4 SCC 747, SEIAA has effectively admitted that the impugned orders violate the doctrine of proportionality, natural justice, and statutory safeguards.
9. The reliance by SEIAA on the Tribunal's earlier order in OA No. 08/2025 is misplaced. That OA was limited to disposal of restoration applications, and by the time the order was passed, SEIAA had already rejected the restoration applications on 15.05.2025. The scope of the present statutory Appeal under Section 16 is entirely different and requires an independent adjudication on merits.

10. **That** in view of the above facts, it is clear that:

- a) None of the principal grounds raised in the Appeal have been rebutted.
- b) SEIAA's Reply is evasive and amounts to non-traversal, thereby admitting the Appellant's contentions.
- c) The impugned orders dated 22.12.2024 and 15.05.2025 are arbitrary, non-speaking, violative of principles of natural justice, and legally unsustainable.

In light of the above submissions, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- a. Allow the present Appeal and quash/set aside the impugned orders dated 22.12.2024 and 15.05.2025 passed by SEIAA, U.P.;
- b. Direct SEIAA to reconsider the Appellant's restoration applications afresh after granting personal hearing, verifying compliance, and passing a reasoned order;
- c. Pass such other order(s) as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.

Through


Appellant

VK Shukla

Advocate for the Appellant
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New Delhi

Date: 15.09.2025

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
I.A. NO. 442 OF 2025
IN
APPEAL NO. 45 OF 2025



IN THE MATTER OF:

Vipin Kumar Saena ... Applicant/ Appellant

Versus

SEIAA & Anr. ... Respondents

AFFIDAVIT

I, Vipin Kumar Saxena S/o Shri Om Prakash Saxena, aged about 53 years R/o HIG-A/135, Aashiyan Prtham, District Moradabad, Uttar Pradesh - 244001, presently at New Delhi, do hereby solemnly affirm and state as under:



1. That, I am the appellant in the present case and as such I am well conversant with the facts and circumstances of the case and am competent to swear this affidavit.

2. That I have gone through the contents of the accompanying rejoinder. The same has been drafted as per my instructions, the contents of which are true and correct to the best of my knowledge and belief derived from the records in vernacular language.

[Signature]
DEPONENT

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 _____ on this _____ day of September, 2025

[Signature]
DEPONENT

Solemnly affirmed before me by Sri/Smt. _____ deponent who is identified sri/smt./Km. _____ Clerk of sri/smt./Km. _____ Advocate on _____ I have satisfied my self after examining the deponent that he / she understood the contents of the affidavit and the same has been read over and explained by me Recd. Rs. _____ as fees Sl. No. _____

Ranesh Kumar Bhartiya
Advocate/Notary
Regd. No. 9431/12
Dist. Moradabad

Vipin Kumar Saxena
15/09/2025

**PROOF OF SERVICE**

V.K. Shukla <madhavnassociates@gmail.com>

Appeal No. 45 of 2025 titled as "Vipin Kumar Saxena Vs. SEIAA & Anr."

1 message

V.K. Shukla <madhavnassociates@gmail.com>
To: priyanka swami <advpriyankaswami@gmail.com>

Fri, Sep 19, 2025 at 8:26 PM

Ms. Priyanka Swami
Adv for UP SEIAA

Ma'am,
PFA copy of rejoinder to your reply filed on behalf of UP SEIAA in the abovesaid appeal.
Regards

V.K. SHUKLA
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 **Rejoinder Final 190925.pdf**
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