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

OA 561 OF 2025

IN THE MATTER OF:

Rohit Singh and Ors. .....Applicant

Versus

State of Himachal Pradesh and Ors. ...Respondent

INDEX

Petitioner
Through Counsel
Saurabh Ahluwalia
Advocate

Dated: 06.04.2026
New Delhi

NOTARY GOVT. OF (INDIA)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH AT NEW DELHI

APPEAL 82 OF 2025

IN THE MATTER OF:

Rohit Singh and Ors. .....Applicant

Versus

State of Himachal Pradesh and Ors. ...Respondent

REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT IN RESPONSE TO REPLY FILED BY RESPONDENT 1, 2, 4

MOST RESPECTFULLY SHOWETH:

I, Rohit Singh, son of Sh. K.P. Singh, aged about 40 years, resident of 96, Basant Vihar, Near Rakkar Colony, District Una, Himachal Pradesh – 174303, do hereby solemnly affirm and declare as follows:

1. That I am the Applicant in the present Original Application and am thoroughly conversant with the facts and circumstances of the case.
2. That the present rejoinder is being filed in response to the reply filed by Respondent No. 1, 2 and 4 to the Original Application.
3. That at the very outset, the Applicant categorically denies each averment made in the reply of Respondent No. 1, 2 and 4, except those that are matters of record and/or are explicitly admitted herein. It is clarified that there shall be no admission on the part of the Applicant for want of specific denial and/or traverse.
4. That all detailed submissions made by the Applicant in the Original Application may be read as part and parcel of the present rejoinder and are not being reiterated herein for the sake of brevity.

NOTARY Chander Kanta Thakur Sub. Divn. UNA Regd. No. 260 Valid Up-to 06/06/2026 GOVT. OF H.P. (INDIA)

5. That the Applicant submits this rejoinder in firm dispute of the contentions raised by **Respondent Nos. 1, 2, and 4**. It is respectfully submitted that their joint reply is marked by a **procedural narration** of the history of mining rules and the broad geomorphology of river systems but fails to address the substantive objections raised by the Applicant. The reply does not engage with the core issues of **verbatim copy-pasting of 8-year-old data**, the **absence of mandatory replenishment studies** using modern technology, the **omission of carrying capacity assessments** for fragile hill slopes, or the **procedural sham** of public consultation conducted after the DSR was already approved.
6. That the reply further seeks to dismiss the Applicant's concerns as **"superficial," "misleading," or "conjectural"**, despite the fact that **rampant illegal mining**, **unscientific hill-cutting exceeding 100 feet**, and **systematic forest destruction** have already been documented and brought to the notice of the authorities through drone evidence and field complaints. The Applicant submits that such dismissals demonstrate an **abdication of statutory responsibility** by the State.
7. That the Applicant therefore files this rejoinder to place on record the **manifest deficiencies** and **legal untenable nature** of Respondent Nos. 1, 2, and 4's reply and to seek appropriate directions from this Hon'ble Tribunal to prevent **irreversible ecological collapse** in District Una.

PRELIMNARY SUBMISSIONS AND OBJECTIONS:

1. **THE REPLY IS SILENT ON THE HIMACHAL PRADESH LAND PRESERVATION ACT, 1978 AND THE STATUTORY ORDER DATED 10.09.2002, WHICH CONSTITUTE A COMPLETE LEGAL BAR TO THE MINING OPERATIONS ENVISAGED IN DSR UNA 2024:** That the Applicant respectfully submits that the Reply filed by Respondents No. 1, 2 and 4 is conspicuously silent on the Himachal

NOTARY Chander Kanta Thakur Sub. Divn. Una Regd. No. 260 Valid upto 06/06/2026 GOVT. OF H.P.

Pradesh Land Preservation Act, 1978 ("HPLPA") and the binding statutory Order dated 10.09.2002 issued under Section 4 of the said Act. The Respondents' Reply, does not contain even a passing reference to this statute or the subsisting prohibitory order, despite the fact that the DSR Una 2024 directly concerns mining operations in areas expressly covered by the HPLPA. The DSR itself is equally silent on this statutory framework. This omission is not accidental; it reflects an inability on the part of the Respondents to reconcile the DSR with an existing statutory prohibition that continues to operate until the year 2032. True copy of the notification no. NO. FFE-B-A (3)4/99 Dated Shimla-2, the 10th September, 2002 is annexed as **Annexure A/1**.

That the statutory Order dated 10.09.2002, issued by the Government of Himachal Pradesh (Department of Forests) in exercise of powers under Section 4 of the HPLPA, imposes a thirty-year prohibition on quarrying of stone or burning of lime in all private lands situated within the Tehsils of Amb, Bangana and Una (now includes Haroli). These areas were originally notified under Section 3 of the HPLPA vide Notification dated 30.05.1979. Under Section 4(b) of the Act, quarrying or lime-burning is expressly prohibited at any location where such activity was not ordinarily carried on prior to the issuance of the Section 3 notification. This statutory bar is absolute unless the State Government specifically determines, on evidence, that quarrying was historically carried out at the concerned site.

That the Respondents themselves admit in their Reply that ninety mining leases are presently operating in District Una, of which forty-nine are located in Haroli Sub-Division alone, including thirty-five hill-slope leases. It is further admitted that these leases are situated on private land. Private land in the Tehsils of Amb, Bangana, Haroli and Una falls squarely within the territorial scope of the 10.09.2002 HPLPA Order. Thus, by the Respondents' own showing, the overwhelming majority of existing mining

NOTARY Chander Kanta Thakur Sub. Distt. Una Regd. No. 260 Valid Upto 06/04/2026 GOVT. OF H.P. (INDIA)

leases fall within an area where quarrying is statutorily prohibited unless it can be demonstrated that quarrying existed at those precise locations prior to 30.05.1979.

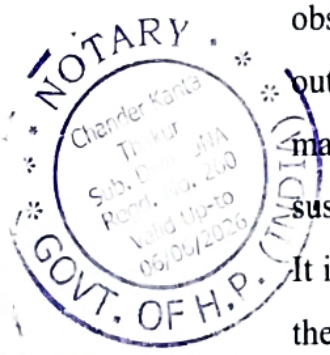
That despite this, the Respondents have not placed on record any material to show that the present hill-slope or private-land quarrying sites were locations where quarrying was "ordinarily carried on" prior to 1979. No exemption or relaxation under the HPLPA has been obtained. There is no indication that HPSEIAA was informed of the subsisting HPLPA restrictions before approving the DSR. There is also no evidence that the State Government has ever undertaken the mandatory statutory determination required under Section 4(b) of the Act before permitting mining leases in these notified areas. The Respondents' Reply is entirely silent on these foundational legal requirements.

That the complete omission of the HPLPA and the 2002 Order from both the DSR and the Respondents' Reply amounts to an implicit admission that the Respondents have no lawful justification for permitting mining operations in an area where a statutory prohibition continues to operate until 2032. A DSR that ignores an existing statutory bar cannot be said to have been prepared "in accordance with law" as mandated under the EIA Notification, 2006 and EMGSM 2020. The Respondents' silence on this issue is fatal to the validity of the DSR and to the legality of all mining leases granted on its basis.

2. **HP SEIAA APPROVAL DOES NOT CURE OR VALIDATE A FUNDAMENTALLY DEFICIENT DSR:** The Applicant respectfully submits that the principal defence advanced by Respondents No. 1, 2 and 4 is that the District Survey Report, Una (2024) stands "approved by HPSEIAA after completion of all codal formalities under the EIA Notification and EMGSM 2020." This assertion is repeated across several paragraphs of their Reply as though administrative approval by HPSEIAA

were sufficient to place the DSR beyond judicial scrutiny. Such a proposition is legally untenable. HPSEIAA is a regulatory authority whose mandate is to apply the requirements of the EIA Notification S.O. 3611(E) 2018 and EMGSM 2020 to the document placed before it. The very question before this Hon'ble Tribunal is whether the DSR, as approved, actually complies with those statutory requirements. Administrative approval cannot convert a methodologically deficient document into a legally valid one, nor can it preclude this Tribunal from examining the adequacy of the DSR. Judicial review exists precisely to test the legality and sufficiency of administrative action.

The Hon'ble Supreme Court, in *M/s Pristine Hotels and Resorts Pvt. Ltd. v. State of Himachal Pradesh* (SLP (C) No. 19426 of 2025), has recently underscored the fragile ecological condition of Himachal Pradesh and the urgent need for scientifically sound environmental planning. The Supreme Court has observed that unregulated construction, hydropower tunnelling, deforestation, unscientific hill-cutting, and illegal mining have cumulatively destabilised the State's terrain, leading to repeated natural disasters. The Court has categorically held that "revenue cannot be earned at the cost of environment and ecology" and that the State must adopt a scientifically robust approach to environmental regulation. These observations reinforce the Applicant's submission that a DSR prepared on outdated data, incomplete methodology, or without adherence to mandatory scientific protocols cannot form the basis for environmentally sustainable mining.



It is further submitted that HPSEIAA's approval marks the beginning, not the culmination, of regulatory scrutiny. Section 14 of the National Green Tribunal Act, 2010 vests this Hon'ble Tribunal with jurisdiction to adjudicate upon substantial questions relating to the environment, including the legality and adequacy of environmental planning documents

such as DSRs. The adequacy of the DSR—being the district-level environmental planning instrument for all mining activity—is quintessentially a matter within the jurisdiction of this Tribunal. The Respondents' attempt to elevate HPSEIAA's administrative approval into a shield against judicial examination is contrary to settled principles of environmental governance and undermines the very purpose of this Tribunal's statutory mandate.

3. **NON-FILING OF COMMENTS DURING THE 21-DAY CONSULTATION PERIOD DOES NOT BAR THE PRESENT PROCEEDINGS OR DIVEST THIS TRIBUNAL OF JURISDICTION:** Applicant submits that the Respondents' attempt to discredit the present proceedings on the ground that no comments were filed during the 21-day public consultation period is wholly misconceived in law. Section 14 of the National Green Tribunal Act, 2010 is a self-contained jurisdictional provision which empowers this Hon'ble Tribunal to adjudicate upon any substantial question relating to the environment, including the enforcement of legal rights arising under environmental statutes. Neither the NGT Act, nor the EIA Notification, 2006, nor the EIA Notification S.O. 3611(E) 2018, nor EMGSM 2020 prescribes participation in the DSR consultation process as a condition precedent for invoking the Tribunal's jurisdiction. The right to approach this Tribunal flows from statute, not from participation in an administrative consultation exercise.

It is further submitted that the DSR is a highly technical document running into more than ninety pages, dealing with geology, hydrology, mineral potential, environmental constraints, and regulatory frameworks for an entire district. The fact that the Applicant did not submit comments within a short administrative window cannot be construed as a waiver of statutory rights or as an endorsement of the DSR's contents. Public consultation is

intended to supplement, not substitute, statutory compliance. The adequacy, legality, and scientific validity of the DSR remain open to judicial scrutiny irrespective of whether any individual citizen participated in the consultation process. The Respondents' attempt to convert an administrative consultation mechanism into a jurisdictional bar is contrary to the scheme of the NGT Act and undermines the very purpose for which this Tribunal was constituted.

The Applicant also submits that the evolution of environmental awareness or engagement over time cannot be held against any citizen. The fact that the Applicant did not examine the DSR at the time of its publication does not preclude him from challenging its legality once its deficiencies came to light. Environmental rights are continuing rights, and environmental harm is a continuing wrong. A citizen's right to seek judicial review of an environmentally significant document cannot be extinguished merely because he did not participate in a brief administrative consultation window. The Respondents' contention is therefore untenable and deserves to be rejected.

4. **THE RESPONDENTS' OWN REPLY DISCLOSES SYSTEMATIC ENFORCEMENT FAILURE:** The Applicant respectfully submits that the Respondents' Reply itself contains material admissions demonstrating the systemic failure of the regulatory framework governing mining operations in District Una. In their Reply, the Respondents acknowledge that a stone crusher was found operating in violation of mandatory safety and environmental norms, including excessive bench and face height, inadequate safety buffer, and improper dumping. The Respondents further state that a show-cause notice was issued, electricity supply was disconnected, and the unit was permitted to resume operations conditionally. Upon re-inspection in June 2025, the same violations were found to persist, leading to a second suspension and disconnection of

NOTARY Chander Kanta Thakur Distt. Una (HP) Regd. No. 200 Valid Upto 06/06/2026 GOVT. OF H.P. (INDIA)

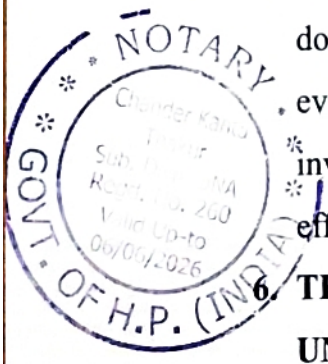
electricity. This sequence of events reveals a pattern of non-compliance in which a chronic violator was allowed to resume operations despite having failed to rectify the very violations for which it had been penalised.

Such a regulatory trajectory cannot be described as effective enforcement. A framework that allows an operator to continue functioning after repeated violations, repeated suspensions, and repeated opportunities for compliance—without any lasting corrective outcome—does not reflect a robust environmental governance system. Rather, it exposes a structural weakness in which enforcement actions are episodic, reactive, and ultimately ineffective in securing compliance. The Respondents' own admissions therefore undermine their claim of effective regulation and reinforce the Applicant's contention that the DSR, the regulatory architecture, and the enforcement mechanisms collectively fail to safeguard the fragile ecology of District Una.

5. **THE POLICE INQUIRY REPORT RELIED UPON BY THE RESPONDENTS, UNDERMINES THEIR OWN CASE:** The Applicant respectfully submits that Annexure R-8, the police inquiry report dated 09.07.2025 filed by Respondents No. 1, 2 and 4, in fact weakens rather than supports their defence. The Respondents rely on this report to suggest that a late-night visit by police officials to the Bathu-Bathedri Khad on 03/04.05.2025 revealed no illegal mining. However, the contents of the report themselves disclose circumstances that expose the inadequacy of enforcement and the inability of the authorities to detect or prevent illegal extraction. The report candidly records that individuals involved in mining activities routinely monitor police movements through their own informants stationed around the police station, enabling them to evade detection whenever enforcement teams are mobilised. This is an official admission, in a document filed by the State itself, that illegal mining operators maintain an organised intelligence network specifically designed

to defeat enforcement operations. In such a situation, the absence of illegal mining during a single late-night visit cannot be treated as evidence of compliance; it merely reflects the success of violators in anticipating and avoiding police presence.

The report further concludes by recommending that a joint investigation of all crushers in the Tahliwal Police Station area be conducted by the Mining Department, Forest Department, Industries Department and the Police. Such a recommendation would be wholly unnecessary if the regulatory framework were functioning effectively or if the Respondents' claim of routine compliance were accurate. The police officer's own assessment that a coordinated, multi-departmental investigation is required indicates that violations are likely to be widespread and that the situation on the ground is far from satisfactory. It is also significant that the report is based on a single visit at 11:00 PM by two officials on a government motorcycle, undertaken after the report itself acknowledges that mining operators may have received advance intelligence of police movement. A "no mining found" conclusion drawn from such a limited and compromised inspection cannot be elevated into a clean chit for ongoing operations in the area. The Respondents' reliance on this report is therefore misplaced, and the document, on its face, reveals systemic enforcement failure, organised evasion by illegal operators, and the need for comprehensive investigation—facts that directly contradict the Respondents' narrative of effective regulation.



6. **THE RESPONDENTS' RELIANCE ON 2017 DATA IS UNSUSTAINABLE; THE HIGH COURT'S OWN JUDICIAL FINDINGS CONTRADICT THE CLAIM OF "QUASI-STABLE GEOMORPHOLOGY:** The Applicant respectfully submits that the Respondents' attempt to justify the use of 2017 satellite imagery and topo-sheets in the DSR 2024 by invoking the concept of "quasi-stable

geomorphic features" is wholly untenable. The Respondents suggest that Himalayan Shivalik channels remain broadly stable over time and that, therefore, reliance on seven-year-old data is scientifically acceptable. This contention is directly contradicted by the factual record placed before the Hon'ble High Court of Himachal Pradesh in CWPIL No. 2 of 2025 (Raj Sharma v. State of HP). Pursuant to directions of the High Court, the Secretary, District Legal Services Authority, Una—a judicial officer—conducted a site inspection of the Humm Khad in the Bathu-Bathri region. The inspection report, reproduced in the judgment, records excavation to depths of approximately 20 to 30 metres at several locations, despite the legally permissible depth being only 2 to 3 metres. Such extreme excavation is not a natural geomorphological evolution; it is a man-made alteration caused by illegal extraction at depths many times the statutory limit.

Excavation of this magnitude fundamentally alters the terrain, shifts the thalweg, disrupts drainage morphology, and permanently removes sediment supply from the affected sections of the khad. None of these changes would be visible in a 2017 satellite image or topo-sheet. The Respondents' reliance on the theory of quasi-stable geomorphology is therefore misplaced, as the theory applies to natural river systems, not to riverbeds that have been illegally and extensively mined. The High Court's judgment itself records that deep mining, artificial dams, excessive excavation, and unscientific extraction have drastically altered the physical character of the Humm Khad. These judicially recorded findings render the Respondents' defence scientifically and legally unsustainable.

The Respondents' further attempt to rely on the vacation of the interim stay dated 25.08.2025 to discredit the DLSA findings is equally misconceived. The stay was vacated solely on the ground that dredging work had been awarded through a competitive process and that delay would affect

monsoon-related public safety. The High Court did not reject, contradict, or doubt the DLSA Secretary's measurements. The factual finding of 20–30 metre excavation remains on the judicial record and continues to stand independently of the interim order. The Respondents' effort to treat the vacation of the stay as a repudiation of the inspection report is a mischaracterisation of the legal effect of that order. The Respondents' reliance on outdated 2017 data, in the face of court-recorded evidence of massive terrain alteration, exposes the DSR's methodological inadequacy and renders their defence untenable.

7. **HILL-SLOPE CARRYING CAPACITY CANNOT BE SHIFTED TO INDIVIDUAL MINING PLANS; THIS DEFEATS THE PURPOSE OF APPENDIX X:** The Applicant respectfully submits that the Respondents' contention that hill-slope carrying capacity is not required to be assessed at the DSR stage, and may instead be left entirely to individual Mining Plans prepared by Recognised Qualified Persons (RQPs), is fundamentally contrary to the structure and purpose of Appendix X of the EIA Notification S.O. 3611(E) 2018. Appendix X mandates the preparation of a District Survey Report separately for riverbed minerals and for hill minerals, precisely because the DSR is intended to function as the district-level environmental planning document that establishes the cumulative carrying capacity for all minor mineral extraction within the district. The DSR is required to assess geological conditions, slope stability, environmental constraints, and the overall extractable potential of the district as a whole. It is only within this district-level ceiling that individual Mining Plans are meant to operate. If the DSR omits the assessment of cumulative hill-slope carrying capacity and relegates the entire exercise to individual Mining Plans, it ceases to perform the very function for which Appendix X requires its preparation.

The Respondents' position effectively reduces the DSR to a descriptive document that merely lists existing leases and geological features, while leaving the substantive assessment of environmental limits to lease-by-lease Mining Plans. Such an approach is structurally flawed. Mining Plans are prepared independently by different RQPs, for different lessees, at different times, and without any mechanism for cross-referencing or aggregating their impacts. They are inherently site-specific documents and cannot substitute for a district-level cumulative assessment. When thirty-five hill-slope leases operate simultaneously in the Haroli Sub-Division, all drawing from the same Shivalik conglomerate formation that feeds downstream rivers and stream systems, the absence of a district-level stability and carrying-capacity assessment means that no outer limit exists to constrain aggregate extraction. This creates a regulatory vacuum in which cumulative impacts—on slope stability, sediment supply, hydrology, and downstream flood risk—remain unassessed and unmanaged.

The Respondents' attempt to defer the entire question of hill-slope carrying capacity to individual Mining Plans therefore defeats the purpose of Appendix X, undermines the integrity of the DSR process, and renders the DSR incapable of functioning as the foundational environmental planning document for the district. A DSR that does not assess cumulative hill-slope carrying capacity is incomplete in law and methodology, and cannot serve as the basis for environmentally sustainable mining in District Una.

NOTARY GOVT. OF H.P. (INDIA) Chander Kanta Thakur Sub. Distt. Una (HP) Regd. No. 200 Valid Up-to 06/06/2026

8. **THE TEST-PIT METHODOLOGY USED IN THE DSR DOES NOT SATISFY EMGSM 2020 AND CANNOT SUBSTITUTE FOR THE MANDATORY SCIENTIFIC PROTOCOL:** The Applicant respectfully submits that the Respondents' reliance on "test pits of standard dimensions (1m × 1m × 1m)" as the basis for determining annual replenishment is wholly inconsistent with the methodology prescribed under the

Enforcement and Monitoring Guidelines for Sand Mining (EMGSM) 2020. The Respondents assert that this rudimentary test-pit approach satisfies paragraphs 5.0, 5.1 and 5.2 of EMGSM 2020. This assertion is incorrect. **EMGSM 2020 expressly mandates that replenishment studies must be based on DGPS-based surveys of the entire mining block, supported by drone or UAV-based aerial photography to generate accurate digital elevation models. These baseline datasets are then required to be analysed using established sediment-transport equations, including the Ackers–White formula, to compute sustainable annual extraction limits.** A one-cubic-metre pit dug at a few "representative" locations cannot generate any of the quantitative inputs required for such computation, nor can it capture channel morphology, sediment gradation, flow hydraulics, or spatial variability across the riverbed.

The test-pit method is inherently incapable of producing a scientifically defensible replenishment estimate. It extrapolates the behaviour of a single micro-location to an entire river system, ignoring the fact that sediment deposition varies dramatically across point bars, mid-channel bars, thalweg zones, and bank margins. EMGSM 2020 was introduced precisely to eliminate such outdated and unscientific practices, which had led to over-extraction and riverbed degradation across multiple States. By relying on test pits instead of DGPS and drone-based surveys, the DSR fails to comply with the mandatory scientific protocol and produces replenishment figures that are neither accurate nor legally sustainable. The Respondents' attempt to portray this method as compliant with EMGSM 2020 is therefore untenable and further demonstrates the methodological inadequacy of the DSR.

PARAWISE REPLY TO THE PRELIMINARY SUBMISSIONS OF THE RESPONDENT NO. 1,2 & 4

9. **Reply to Preliminary Para 1:** It is specifically denied that the present Original Application is misconceived or filed for extraneous reasons. The District Survey Report is the foundational planning document for all minor mineral mining in District Una, and its legal and scientific adequacy directly determines the environmental consequences of every mining lease granted in the district. The Hon'ble Supreme Court, in Union Territory of J&K vs. Raja Muzzaffar Bhat (Civil Appeal No. 8055 of 2022), has categorically held that the DSR is not a procedural formality but the scientific and legal bedrock upon which all mineral concession decisions rest. The challenge raised in this Application goes to the core of the DSR's methodological soundness, statutory compliance, and environmental validity. These issues constitute substantial questions relating to the environment and fall squarely within the jurisdiction of this Hon'ble Tribunal under Section 14 of the National Green Tribunal Act, 2010. The Respondents' attempt to characterise the Application as extraneous is therefore unfounded and deserves to be rejected.

10. **Reply to Preliminary Para 3:** It is submitted that the regulatory framework under the Mines and Minerals (Development and Regulation) Act, 1957 and the Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 is not disputed as a general proposition. However, this framework operates alongside and subject to the EIA Notification S.O. 3611(E) 2018, the Enforcement and Monitoring Guidelines for Sand Mining, 2020, the Himachal Pradesh Land Preservation Act, 1978, and the statutory orders issued thereunder. The validity and adequacy of the District Survey Report must therefore be assessed against the entire body of applicable

NOTARY GOVT. OF H.P. (INDIA)

environmental law, not merely the MMDR Act and the 2015 Rules. The Respondents' attempt to treat the MMDR framework as a complete answer to the Applicant's challenge is legally untenable.

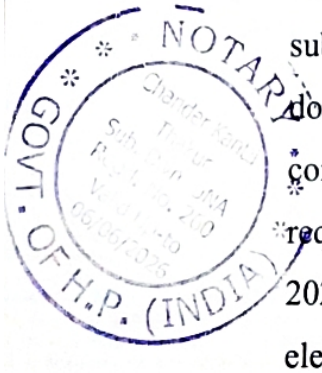
It is further submitted that the Respondents' contention that no MMDR violations have been shown is factually incorrect. The Applicant has placed on record multiple complaints supported by drone footage, photographs, and field observations, which were forwarded to the authorities. In several instances, the Respondents' own inspection reports acknowledge violations of bench height, safety buffer, dumping norms, and depth restrictions. The responsibility to detect, investigate, and act upon violations of the MMDR Act and the 2015 Rules lies squarely with the regulatory authorities, not with a private citizen. The Applicant is not required to prove MMDR violations as a condition for challenging the legality of the DSR. The burden of ensuring compliance with the MMDR Act rests with the Respondents, and their own records demonstrate that violations have occurred. The Respondents cannot shift this statutory responsibility onto the Applicant or use the absence of citizen-level enforcement as a defence to the methodological deficiencies of the DSR.

11. **Reply to Preliminary Para 4:** The history of DSR preparation in HP from 2004 onwards is noted. The Applicant does not challenge the State's power or obligation to prepare DSRs. The challenge is specifically to the methodology adopted in DSR 2024 and its failure to comply with Appendix X of EIA Notification S.O. 3611(E) 2018 and EMGSM 2020.

12. **Reply to Preliminary Para 5:** It is submitted that the Respondents' reliance on Appendix X of the EIA Notification S.O. 3611(E) 2018 is misplaced. While the Respondents themselves reproduce the eleven-element structure mandated for a District Survey Report for riverbed and sand mining, the DSR 2024 for District Una does not contain these mandatory components in the form, sequence, or detail prescribed by

Appendix X. Appendix X is not a descriptive guideline; it is a statutory template with specific headings, sub-headings, and data tables that must appear in every DSR. A comparison of the Respondents' own description of the Appendix X structure with the contents of the DSR 2024 reveals that several mandatory columns and sections have been omitted entirely. These omissions are not minor formatting defects but substantive violations that render the DSR non-compliant.

Appendix X requires, inter alia, detailed information on the drainage system, river profile, area drained, percentage of area drained in the district, altitude at origin, geomorphological characteristics, mineral potential calculation based on field investigation, replenishment assessment, cluster and contiguous cluster identification, transportation route mapping, and public hearing outcomes. The DSR 2024 does not contain the prescribed tables for area drained, percentage area drained, catchment characteristics, or altitude at origin. It does not contain the mandatory cluster and contiguous cluster tables in the formats provided in Annexures II, III, IV, V, VI and VII of EMGSM 2020. It does not contain the mandatory transportation route table required under sub-para (n) of para 4.1.1. It does not contain the mandatory list of potential mining sites prepared by the sub-committee after field verification, as required under sub-para (o). It does not contain the mandatory public hearing summary, stakeholder comments, or the sub-committee's consideration of those comments, as required under sub-para (p). These omissions demonstrate that the DSR 2024 has not been prepared in accordance with the statutory eleven-element structure of Appendix X.



Further, Appendix X requires that mineral potential be calculated using current field data, updated geomorphological assessment, and scientifically validated replenishment studies. Instead, the DSR 2024 relies on seven-year-old satellite imagery, arbitrary percentage ranges for mineral

composition, and a uniform one-metre reserve depth assumption. The Respondents' assertion that the DSR complies with Appendix X is therefore incorrect. The DSR fails to meet the replenishment methodology requirement, as it substitutes DGPS-based and drone-based surveys with one-metre test pits. It fails to assess hill-slope carrying capacity at the district level, despite Appendix X requiring a cumulative assessment of mineral potential. It fails to map transportation routes, despite this being a mandatory column in the Appendix X structure. It fails to incorporate the statutory bar under the Himachal Pradesh Land Preservation Act, 1978, which directly affects the availability of private land for mining. It fails to conduct any cumulative impact assessment, despite Appendix X requiring a district-level environmental planning document.

The Respondents' own reproduction of the Appendix X structure therefore highlights the non-compliance of the DSR 2024. The statutory template requires a structured, data-driven, multi-element document. The DSR 2024 is missing several of these mandatory elements, and where elements appear, they are incomplete, outdated, or based on arbitrary assumptions. The DSR 2024 is therefore not a valid Appendix X-compliant District Survey Report and cannot form the basis for any mining lease or environmental clearance in District Una.

NOTARY Chander Kanta Thakur Sub. Divn. JWA Regd. No. 200 Valid Upto 06/06/2025 GOVT. OF H.P. (INDIA)

13. **Reply to Preliminary Para 6:** The allegation that the present Application is "extraneous" merely because the Applicants did not submit comments during the 21-day consultation period is denied. As already submitted in Preliminary Objection III, participation in an administrative consultation window is not a jurisdictional prerequisite for invoking the powers of this Hon'ble Tribunal under Section 14 of the National Green Tribunal Act, 2010. The right to approach this Tribunal is a statutory right grounded in the existence of a substantial question relating to the environment and cannot be curtailed or diluted by non-participation in a short administrative

comment period. The Respondents' attempt to convert a citizen's non-submission of comments into a bar against judicial scrutiny is an impermissible effort to elevate an administrative procedure above statutory environmental adjudication.

It is further submitted that the Respondents' own Reply acknowledges that the DSR was uploaded on 07.09.2024 and comments were invited for 21 days. A citizen's failure to respond within this narrow window cannot be construed as acquiescence to the DSR's contents, nor can it be used to impugn the bona fides of the Applicants. The DSR is a technical document exceeding ninety pages, involving geology, hydrology, geomorphology, mineral potential, and environmental constraints. Expecting any member of the public to analyse such a document comprehensively within 21 days—without access to field data, without access to DGPS or drone surveys, and without institutional support—is unrealistic and contrary to the participatory spirit of environmental governance.

More importantly, the Respondents' own records, including inspection reports, drone-based complaints, and police inquiry reports, reveal multiple violations of the MMDR Act and the 2015 Rules. The statutory duty to detect, prevent, and act upon such violations lies with the regulatory authorities, not with private citizens. The Applicants are not required to demonstrate prior participation in an administrative consultation to raise statutory and scientific deficiencies in the DSR. The Respondents' attempt to characterise the Application as "extraneous" on this basis is therefore unfounded, misconceived, and contrary to the scheme of the NGT Act.

NOTARY GOVT. OF H.P. (INDIA) Chander Kanta Thakur Distt. Una Regd. No. 200 Valid upto 05/03/2025

14. Reply to Preliminary Para 7: It is submitted that the Respondents' reliance on DSR Page 60, which describes the Joint Inspection Committee (JIC) process, in fact reinforces the Applicant's case rather than answering it. The DSR itself states that "micro-level, site-specific study of the area comprising the probable and provable mineral reserve deposition at the

particular site is again conducted before the grant of mining lease." This is an express admission from within the DSR that it does not undertake any site-specific assessment at the DSR stage. The DSR positions itself as a purely macro-level document that defers all substantive scientific evaluation to subsequent stages such as JIC inspection and Mining Plan preparation.

However, Appendix X of the EIA Notification S.O. 3611(E) 2018 requires far more from a District Survey Report than a broad overview. Appendix X mandates that the DSR must itself contain the district-level scientific assessment of mineral potential, geomorphology, drainage characteristics, environmental constraints, cluster identification, transportation routes, and cumulative carrying capacity. These elements are not optional; they are the statutory backbone of the DSR. The DSR cannot lawfully shift these responsibilities to the JIC, which is a lease-specific verification mechanism and not a substitute for district-level environmental planning.

The Respondents' own reliance on the JIC description therefore confirms the deficiency of the DSR 2024. A DSR that merely narrates the existence of later processes, without performing the mandatory Appendix X assessments at the district level, fails to meet the statutory purpose for which a DSR is required. The DSR cannot be reduced to a procedural preface that postpones all scientific scrutiny to later stages. Appendix X requires the DSR to be the foundational scientific document; the Respondents' argument demonstrates that the DSR 2024 does not fulfil this role.

15. **Reply to Preliminary Para 8:** It is submitted that the Respondents' own characterisation of the DSR as a "broad study" is self-defeating and undermines their defence and is in **contempt of the Hon'ble Supreme Court Judgement *State of UP v. Gaurav Kumar* (2025) where in the Hon'ble Supreme Court held in unambiguous terms that the DSR is a**

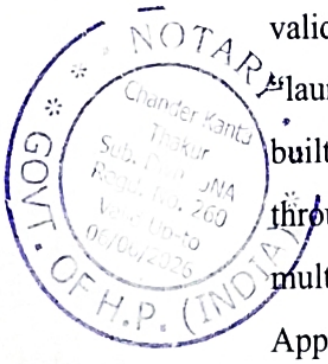
document of "seminal importance," that its preparation must involve "meticulous adherence" to prescribed guidelines, and that it must be "fully compliant" before any auction or Environmental Clearance can proceed. If the DSR is merely a broad, high-level overview, it cannot legally or scientifically serve as the foundational document for the grant of nearly ninety mining leases in District Una. The EIA Notification S.O. 3611(E) 2018 prescribes the DSR as the primary district-level environmental planning instrument precisely because it is required to provide more than a general description. Appendix X mandates that the DSR must contain empirically validated assessments of mineral potential, geomorphology, drainage characteristics, environmental constraints, cluster identification, transportation routes, and cumulative carrying capacity. These are not optional elements; they are the statutory basis upon which all subsequent mining decisions must rest.

A document that the Respondents themselves describe as "broad" cannot satisfy these statutory requirements. A "broad study" based on seven-year-old satellite imagery, arbitrary percentage ranges for mineral composition, and one-metre test pits cannot form the evidentiary foundation for industrial-scale extraction across ninety lease sites. The Respondents' admission confirms the Applicant's case: the DSR 2024 does not perform the scientific and regulatory functions required under Appendix X and EMGSM 2020. A DSR that lacks district-level carrying capacity assessment, updated geomorphological data, replenishment studies, and transportation route analysis cannot be treated as a lawful basis for granting or renewing mining leases. The Respondents' own description therefore reinforces the Applicant's submission that the DSR 2024 is deficient in law and methodology.

16. **Reply to Preliminary Para 10:** It is submitted that the Respondents' description of the multi-stage approval process—Letter of Intent, Joint

Inspection Committee verification, Mining Plan preparation, and Environmental Clearance—does not answer the Applicant's case. The Applicant does not dispute the existence of this sequence. The submission is that Stage 1, namely the District Survey Report, is the irreplaceable statutory foundation upon which all subsequent stages rest. The DSR is the only stage at which a district-level cumulative assessment of mineral potential, geomorphology, drainage characteristics, environmental constraints, and carrying capacity is undertaken. If this foundational assessment is deficient, outdated, or non-compliant with Appendix X and EMGSM 2020, then every subsequent stage operates without a lawful or scientifically valid baseline.

The Joint Inspection Committee at Stage 2 conducts only site-specific verification and cannot substitute for a district-level cumulative assessment. The Mining Plan at Stage 3 is prepared by an RQP for a single lease and is inherently incapable of assessing cumulative impacts across the district. The Environmental Clearance at Stage 4 is based on the Mining Plan and presupposes that the DSR has already provided a scientifically valid district-level framework. None of these later stages can cure or "launder" the foundational deficiency in the DSR. A chain of approvals built upon an invalid DSR cannot acquire legality merely by passing through multiple procedural steps. The Respondents' reliance on the multi-stage process therefore reinforces, rather than negates, the Applicant's submission that the DSR 2024 is the critical point of failure.



17. **Reply to Preliminary Para 11**: It is submitted that the Respondents' reliance on individual Mining Plans, each addressing a five-year extraction schedule for a single lease, does not answer the Applicant's core contention. Mining Plans are inherently site-specific documents prepared by Recognised Qualified Persons for individual lessees. They do not, and cannot, perform the statutory function of assessing cumulative extraction

across the district. Under the EIA Notification and Appendix X, the District Survey Report is the only stage at which a district-level annual extraction ceiling is to be determined, based on scientifically validated replenishment studies and carrying-capacity assessments. This district-level ceiling is the outer limit within which all individual leases must collectively operate. However, the Respondents' framework contains no mechanism by which aggregate extraction from all leases is tracked against the DSR's cumulative ceiling. Each Mining Plan proceeds independently, without reference to other leases, without reference to district-level limits, and without any regulatory oversight ensuring that the sum total of extraction remains within sustainable thresholds. This structural gap is precisely what the Applicant seeks this Hon'ble Tribunal to address. A system that relies exclusively on individual Mining Plans, without a functioning district-level cumulative cap, cannot ensure sustainable extraction and defeats the purpose of the DSR as the foundational environmental planning document. The Respondents' submission therefore reinforces the Applicant's case that the DSR 2024 is deficient and that the regulatory architecture lacks the cumulative safeguards mandated by law.

18. **Reply to Preliminary Para 12:** It is submitted that the Respondents' reference to Form G, Form W and X, royalty payments, and electricity-consumption monitoring does not address the Applicant's case. These mechanisms are transactional, lease-level compliance tools. They record what an individual lessee extracts, transports, or pays. They do not perform the statutory function of ensuring that the *aggregate* extraction across the district remains within the annual ceiling prescribed by the District Survey Report. Form G is filed lease-by-lease; it is not designed to, and does not, aggregate extraction across all leases. Electricity-consumption monitoring is a proxy for activity at a single

crusher; it does not track cumulative district-wide extraction. Royalty receipts reflect declared extraction, not sustainable extraction.

The Respondents have not pointed to any institutional mechanism—either in the DSR, the 2015 Rules, or their own administrative practice—by which the total extraction from all ninety mining leases in District Una is compiled, compared, and capped against the DSR's annual permissible extraction limit. In the absence of such a mechanism, the district-level ceiling mandated by Appendix X and EMGSM 2020 becomes meaningless. A ceiling that is never monitored is no ceiling at all. This structural gap is not a minor administrative lapse; it is a fundamental regulatory failure that defeats the very purpose of preparing a DSR. The Applicant's case is precisely that the Respondents' framework lacks any cumulative oversight, allowing aggregate extraction to exceed sustainable limits even if each individual lessee appears compliant on paper. The Respondents' reliance on transactional forms therefore reinforces, rather than negates, the Applicant's submission that the DSR 2024 is scientifically and institutionally inadequate.

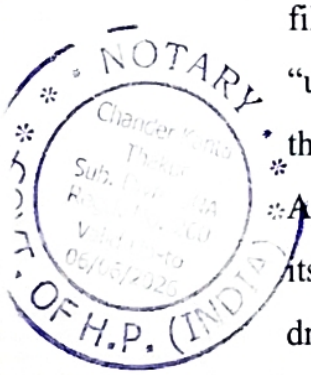
19. **Reply to Preliminary Para 13:** It is submitted that the Respondents' assertion that inspections are regularly conducted and action is taken is contradicted by their own admissions on record. First, in Reply Para 11(a), the Respondents acknowledge that a stone crusher was suspended twice and yet continues to remain non-compliant. A regulatory regime in which repeated suspensions fail to secure compliance is not evidence of effective enforcement; it is evidence of systemic failure. Second, Annexure R-8, the police inquiry report filed by the Respondents themselves, records that illegal mining operators maintain informant networks around police stations to track enforcement movements and evade detection. This is an official admission that enforcement operations are routinely compromised and that illegal operators anticipate and neutralize inspection efforts. Third,

Annexure R-8 concludes by recommending a joint multi-departmental inspection of all crushers in the Tahliwal Police Station area. This recommendation would be unnecessary if comprehensive inspections had already been conducted. The fact that such a recommendation arises from within the Respondents' own documents demonstrates that no district-wide, coordinated inspection has yet taken place despite the scale of violations alleged.

These admissions collectively undermine the Respondents' claim of effective monitoring. They reveal a pattern of fragmented, reactive, and easily circumvented enforcement, rather than a structured, district-level compliance mechanism. The Respondents cannot rely on isolated or ineffective inspections to claim regulatory sufficiency when their own documents show that illegal mining persists, enforcement is compromised, and comprehensive inspections have not been undertaken. The Applicant's case is that the DSR 2024 is built upon an enforcement architecture that is demonstrably inadequate, and the Respondents' own Reply confirms this.

PARA-WISE REPLY TO PARA-WISE REPLY

20. Reply to Para 1: The Respondents' allegation that the Applicants have filed the present Original Application on "incorrect facts" or with an "ulterior motive" is denied in its entirety. The contents of paras 1 and 2 of the OA are matters of record and have been correctly stated. The Application is founded on statutory documents, including the DSR 2024 itself, EMGSM 2020, Appendix X of the EIA Notification, satellite and drone-based evidence, and inspection reports issued by the Respondents' own departments. These materials demonstrate that the challenge is grounded in verifiable statutory and scientific deficiencies, not conjecture. The allegation of "ulterior motive" is further contradicted by the counter-affidavit filed by the Ministry of Environment, Forest and Climate



Change (MoEF&CC) in OA No. 561 of 2025 (Rohit Singh v. State of Himachal Pradesh), wherein the Ministry has expressly affirmed that District Survey Reports must strictly comply with Appendix X and EMGSM 2020, and that replenishment studies, carrying-capacity assessments, and updated geomorphological surveys are mandatory prerequisites. The Ministry's affidavit supports the Applicant's position that a DSR lacking these components is legally untenable. Thus, the Union Government's own stand reinforces the bona fides of the present Application.

A bare allegation of motive cannot override the Applicants' statutory right to approach this Hon'ble Tribunal under Section 14 of the NGT Act, 2010. The Respondents' attempt to dismiss the Application by imputing motive is therefore misconceived, unsupported by record, and contradicted by the position of MoEF&CC itself.

PARA-WISE REBUTTAL TO THE REPLY TO BRIEF FACTS OF THE CASE

21. **Reply to Para 1:** The Respondents' assertion that the Applicants have not demonstrated any violation of the MMDR Act or the 2015 Rules is incorrect and contradicted by their own record. The Respondents' Reply itself contains multiple admissions of regulatory failure, including repeated non-compliance by stone crushers even after suspension, police reports acknowledging that illegal mining operators use informant networks to evade enforcement, and recommendations for joint multi-departmental inspections—recommendations that would be unnecessary if enforcement were genuinely effective. These admissions directly refute the Respondents' claim that no violations exist or that enforcement is adequate. The Respondents' further claim that the DSR 2024 has been prepared "in accordance with" SSMG 2016, EMGSM 2020, and the EIA Notification is

equally untenable. Compliance with these instruments is not a matter of broad narrative description; it requires strict adherence to the mandatory scientific and procedural components prescribed in Appendix X and Para 5 of EMGSM 2020. The DSR 2024 contains none of the required DGPS-based surveys, drone/UAV mapping, replenishment computations, hydrological datasets, catchment yield calculations, or carrying-capacity assessments. Instead, it relies on one-metre test pits and seven-year-old data—methods expressly rejected by EMGSM 2020. The Respondents' assertion of compliance is therefore a bare claim unsupported by the contents of the DSR itself.

The Respondents' attempt to justify the 85–90% verbatim reproduction of the 2017 DSR by invoking "quasi-stable geomorphology" is misplaced. Appendix X does not permit a DSR to be reused or lightly updated on the assumption that rivers do not change. The statutory requirement is for a fresh, data-driven, district-level assessment every five years, incorporating updated geomorphological surveys, replenishment studies, and environmental constraints. Even if river alignments remain broadly stable, sediment deposition, erosion patterns, extraction pressures, cluster configurations, and cumulative impacts do not. The Respondents' argument ignores the fact that the DSR is not merely a geomorphology document—it is an environmental planning instrument that must reflect current extraction realities, updated field data, and cumulative impacts. A DSR cannot lawfully be reproduced from a seven-year-old template.

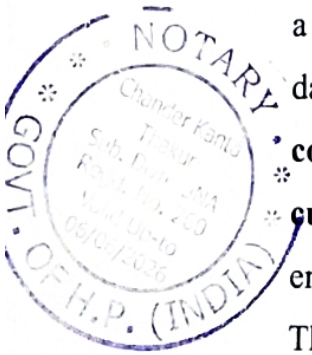
Finally, the Respondents' reliance on notifications empowering officers to seize illegally transported minerals does not cure the structural deficiencies in the DSR. Enforcement powers cannot substitute for the mandatory scientific foundation that the DSR must provide. The Applicants' challenge is not to the existence of enforcement powers but to the absence of a valid, scientifically prepared DSR that sets the district-level extraction ceiling

against which enforcement must operate. Without such a baseline, enforcement becomes directionless and incapable of ensuring sustainable extraction.

For these reasons, the Respondents' contentions in the cited paragraphs are incorrect, unsupported by the record, and contradicted by their own admissions. The deficiencies in the DSR 2024 remain unaddressed and go to the root of its legality.

22. **Reply to Para 4:** That the Respondents' preceding pages merely reproduce Appendix X headings and general policy text. None of those citations demonstrate that the DSR 2024 actually *applies* the mandatory scientific methodology. Listing the structure of Appendix X is not compliance with Appendix X. The issue is not what Appendix X contains — the issue is that the DSR 2024 does **not contain the required DGPS surveys, replenishment measurements, hydrological datasets, catchment yield calculations, or carrying-capacity assessments.** The Respondents' reply does not point to a single page of the DSR where these mandatory datasets exist.

Their geomorphology argument is equally irrelevant. Appendix X requires a **fresh 5-year scientific assessment**, not a justification for reusing 2017 data. **Stability of river alignment does not exempt a district from conducting replenishment studies, updated sediment analysis, or cumulative impact assessment.** The Respondents' reply avoids this point entirely.



Their claim that "no MMDR violations were shown" is contradicted by their own Annexure R-8 and their own admission that a crusher remained non-compliant even after repeated suspension. The Respondents' own documents show violations; the Applicants are not required to prove them again.

Their reliance on the 21-day comment period is legally irrelevant. Participation in administrative consultation is not a condition precedent to invoking Section 14 jurisdiction.

23. **Reply to para 4(a):** The Respondents' reliance on the fact that the DSR calculates reserves at 1.00 metre and then permits the mineral potential to be "increased twice or thrice" defeats their own case. A district-wide multiplication of a 1m baseline, without any fresh field data, is not mineral potential estimation under Appendix X or EMGSM 2020. Multiplying a 1m figure by two or three is not a replenishment study, not a DGPS-based depth assessment, not a sediment transport calculation, and not a recognised scientific methodology. It is simply an administrative inflation of reserves. Rule 34(iv) of the HP Minor Minerals Rules 2015 allows excavation up to 2m, and up to 3m only where the JIC certifies excessive deposition at a specific site. If the DSR has already multiplied the 1m reserve by "twice or thrice," the DSR pre-determines the outcome of the JIC's site-specific assessment, rendering the statutory JIC verification meaningless. The Respondents' own argument therefore confirms that the DSR 2024 does not compute mineral potential; it applies a blanket multiplier unrelated to field conditions, contrary to Appendix X, EMGSM 2020, and Rule 34(iv).

24. **Reply to Para 4(b):** The Respondents' claim that the percentage ranges for boulders, bajri, sand and silt are based on "site-specific field observations" is unsustainable. A band of 20–45% for boulders or 15–35% for bajri is not a site-specific measurement; it is a district-wide generalisation so wide that the upper bound is more than double the lower bound. Such ranges could apply to any khad in Una without distinction. Mineral potential at a specific extraction site cannot be computed on the basis of a broad percentage band; it requires a definite composition value derived from actual sampling at that site. The use of wide, undifferentiated ranges confirms that the DSR is

operating at a macro-level and not performing the rigorous, location-specific assessment mandated by Appendix X. Far from proving scientific sampling, the ranges demonstrate the absence of the granular field data required for lawful mineral potential computation.

25. **Reply to Para 4(c):** The Respondents' reliance on Survey of India topo-sheets as "authoritative and legally recognised base maps" does not answer the Applicant's contention. The issue is not the legal status of topo-sheets but their suitability for reflecting present-day terrain conditions in areas subjected to intensive extraction. The DLSA Secretary's inspection report in CWPIL 2/2025 recorded excavation pits of 20–30 metres in the Bathu-Bathri stretch of Humm Khad — deep, landscape-altering depressions created after 2017. Such changes cannot appear on a topo-sheet last updated years earlier. Survey of India sheets are updated infrequently and cannot capture terrain modifications caused by large-scale illegal mining. Using outdated topo-sheets as the foundational map for a DSR that purports to compute current mineral potential is therefore methodologically inadequate and fails to meet the requirement of a contemporaneous, field-verified assessment under Appendix X and EMGSM 2020.

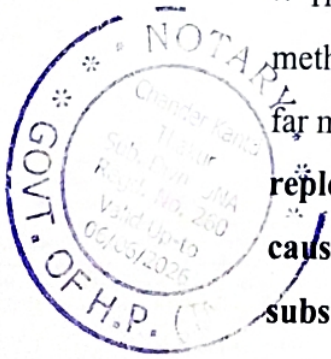
26. **Reply to Para 4(d):** The Respondents' admission that clay and silt data is deferred to the Mining Plan stage directly supports the Applicant's contention. Appendix X, particularly Element 5 for hill minerals, requires assessment of overburden and geological characteristics at the DSR stage itself. Clay and silt constitute the overburden matrix that determines the proportion of extractable mineral to waste at any site. If this ratio is unknown at the DSR level, the DSR cannot compute mineral potential with any accuracy. Deferring this essential geological parameter to individual Mining Plans means that the DSR's district-wide extraction figures are calculated without knowing how much of the material is actually

NOTARY GOVT. OF H.P. (INDIA) Chander Kanta Thakur Sub. Divn. Jubbal Regd. No. 260 Valid Up-to 06/06/2026

recoverable mineral and how much is waste. A DSR that omits the waste-to-mineral ratio is therefore not a mineral potential assessment but an incomplete approximation, and its aggregate extraction figures cannot be relied upon for district-level planning as required under Appendix X and EMGSM 2020.

27. **Reply to Para 4(e):** The Respondents' reference to drainage and hydrological data at DSR Pages 43–58 and Page 92 does not address the Applicant's objection. The issue is not the presence of some hydrological text but the fact that the data relied upon is drawn from 2017 or earlier sources and is presented at a broad district scale rather than at the individual khad or stream level required for replenishment assessment. Appendix X and EMGSM 2020 mandate **contemporaneous, site-specific hydrological analysis supported by DGPS surveys, drone or UAV imagery, and sediment transport modelling such as the Ackers–White equation**. None of these methodologies appear in the DSR. A DSR cannot compute mineral potential or annual replenishment using outdated, regional-level hydrology. The existence of generic hydrological descriptions therefore does not cure the methodological deficiency; it only underscores that the DSR lacks the scientific foundation required by law.

28. **Reply to Para 5:** The Respondents' admission that the DSR relies on 1m × 1m × 1m test pits only underscores the fundamental defect in their methodology, because EMGSM 2020 prescribes a completely different and far more rigorous replenishment study framework. **Para 5.0 explains that replenishment assessment is essential to prevent ecological disturbance caused by mining, as extraction alters channel geometry, bed elevation, substratum stability, flow velocity, discharge capacity, sediment transport, turbidity and temperature. Para 5.1 mandates four surveys in the first year — pre-monsoon, pre-closure, post-monsoon and end-of-year — to establish actual excavation and replenishment**



volumes, and three surveys in subsequent years. Para 5.2 then sets out a detailed scientific methodology requiring analytical modelling of bedload transport using empirical sediment transport equations such as the Ackers–White model; computation of catchment yield using Strange's monsoon runoff curves; estimation of peak flood discharge using Dickens, Jarvis and Rational formulas at 25-, 50- and 100-year return periods; and simulation modelling based on pre- and post-monsoon field data. The Guidelines require DGPS-based topographic surveys of the entire mining block, with 10m × 10m elevation grids, cross-sections spaced no more than 10 metres apart, permanent ground control points, bench plates or reference pillars, and graphical depiction of erosion and deposition for each cross-section. They further require drone/UAV-based orthorectified imagery, interior and exterior orientation using RPCs and DGPS-collected GCPs, aero-triangulation, digital terrain model extraction, and accuracy assessment by comparing drone-derived elevations with DGPS ground-truthing at multiple locations. Bulk density sampling must be carried out at a density of one sample per 900 sq. metres, taken only from deposition zones, and all pre- and post-monsoon elevation data must be tabulated, compared and used to compute net replenishment volumes. <u>None of these mandatory components appear anywhere in DSR Una 2024.</u> Instead, the DSR substitutes this entire multi-layered hydrological, geomorphological and topographical methodology with a single 1m test pit and a "volumetric difference" measurement at one micro-location, which cannot represent replenishment across an entire khad whose deposition varies with channel morphology, discharge velocity, sediment load, upstream catchment behaviour and bank erosion. The DSR's own figures further expose the unreliability of its approach: it states that average annual deposition in Una

streams is 4–10 cm, yet simultaneously claims deposition of 2–3 metres at selected point bars — a twenty- to thirty-fold discrepancy that indicates selective reporting of outlier micro-locations to justify inflated extraction allowances. If the true average replenishment is 4–10 cm, sustainable extraction is only a fraction of what the DSR's "twice or thrice" multiplier authorises. The Respondents' assertion that the DSR complies with Para 5.0–5.2 is therefore contradicted by the Guidelines themselves, and the replenishment calculation in the DSR is internally inconsistent, scientifically indefensible and non-compliant with Appendix X and EMGSM 2020.

29. **Reply to para 6:** The Respondents' defence that hill-slope carrying capacity is assessed only at the Mining Plan stage is untenable because the simultaneous operation of thirty-five hill-slope leases in Haroli Sub-Division, as admitted by the Respondents themselves, represents cumulative extraction from the same Shivalik conglomerate formation that forms the hillsides feeding all Una river catchments. These slopes are the primary sediment source for every downstream khad, and their degradation directly alters the carrying capacity, flood behaviour and sediment balance of the entire river system. The Respondents' own description of the Shivalik Range as comprising conglomerate-rich sandstone, pebbly sandstone, conglomerates, bajri and clay bands confirms that these are young, unconsolidated and highly erodible formations — among the most fragile in the Himalayan system — and intensive extraction from thirty-five leases operating simultaneously on such slopes cannot be justified without a district-level cumulative stability assessment, which Appendix X requires at the DSR stage. The selective photographs in Annexure R-9, showing isolated "cultivated areas" after lease expiry, do not constitute systematic monitoring of all exhausted sites and cannot substitute for a pre-extraction cumulative carrying-capacity assessment.

Showcased post-extraction images from a few locations cannot cure the absence of a district-wide geological stability evaluation, and the Respondents' reliance on individual Mining Plans only confirms that the DSR has failed to perform the very function it is legally required to perform — assessing cumulative impacts before permitting extraction.

30. **Reply to Para 7:** The Respondents' reliance on EMGSM 2020 Para 4.1.1(n) to argue that transport route assessment occurs only at the JIC or EC stage misses the core point: even if individual route specification is finalised at the JIC stage, the DSR, as the district-level planning instrument, must assess the cumulative transport load that ninety mining leases will impose on Una's road network, the capacity of existing roads to handle this volume, and the environmental and public-health impacts of such vehicular movement on dust levels, air quality and road safety in the habitations through which minerals are transported. The DSR is completely silent on these district-level impacts. The Satluj Stone Crusher case (Khasra 6399, Mauza Lalhri), where the JIC recommended a crusher despite the associated mining lease being eleven kilometres away and dependent on a two-kilometre village road, illustrates the precise anomaly that a district-level transport assessment would have prevented; the absence of such assessment in the DSR allows approvals that are logistically unsound and environmentally risky. The District Administration's own prohibitory order dated 21.11.2025 under Section 163 BNSS, restricting mineral transportation to designated routes and banning movement before 6:00 AM and after 5:00 PM, further demonstrates that unregulated transport has been a persistent and serious problem requiring extraordinary executive intervention. If JIC-stage route specification were adequate, such an emergency order would not have been necessary. The Respondents' argument therefore confirms the Applicant's case: the DSR has failed to perform its statutory role of assessing

NOTARY
Chander Kanta Thakur
Sub. Divn. UNA
Regd. No. 260
Valid Up-to 06/06/2026
GOVT. OF H.P. (INDIA)

cumulative transport impacts at the district level, and reliance on JIC-stage route identification cannot cure this foundational omission.

It is further submitted that the Respondents' assertion that all mining operations are on private land with landowner and Gram Panchayat consent does not address — and cannot cure — the legal deficiencies in the DSR. Landowner consent and Gram Panchayat no-objection are instruments of land-use permission under private law; they are not substitutes for, and operate independently of, the statutory environmental assessment framework under the Environment (Protection) Act 1986, the EIA Notification S.O. 3611(E) 2018, and EMGSM 2020. The Hon'ble Supreme Court in State of UP v. Gaurav Kumar (Civil Appeal No. 14170 of 2024, decided 08.05.2025) **(Annexure A/2)** has unequivocally held that "a valid and a subsisting DSR alone can be the basis for an application for grant of EC." The Court's formulation contains no exception for private land operations; the requirement of a legally compliant DSR applies regardless of land ownership status. Moreover, the Respondents' own admission that 90 mining leases are operating on private land in District Una, including 49 in Haroli Sub-Division, brings these operations squarely within the ambit of the HP Land Preservation Act 1978 ("HPLPA") and the Order dated 10.09.2002 issued thereunder by the HP Government, which imposes restrictions on land disturbance — including quarrying — in the Shivalik catchment areas within Tehsils Amb, Bangana and Una, valid until 2032. Section 4(b) of HPLPA 1978 prohibits quarrying on private land in notified areas unless it was being ordinarily conducted prior to 30.05.1979 or a specific exemption has been obtained. The Respondents have nowhere in their Reply: (i) shown that the quarrying operations authorised under DSR 2024 at the relevant private land khasras were being ordinarily conducted prior to 30.05.1979; (ii) demonstrated that any exemption from HPLPA was obtained for these operations; or (iii) shown that HPSEIAA was

informed of the HPLPA restriction before approving the DSR and issuing the Letter of Intent. Accordingly, the Respondents' reliance on private landowner consent and GP no-objection as a basis for environmental validity is misconceived. These instruments speak to tenure and local non-opposition; they say nothing about whether the aggregate environmental burden of 90 simultaneously operating leases on fragile Shivalik slopes and riverbeds in a single district has been lawfully and scientifically assessed.

It is additionally submitted that the Respondents' averment that public hearing for each individual EC application is conducted by HPPCB does not discharge the obligation of district-level environmental scrutiny that the DSR is mandated to embody. The DSR is the foundational planning document that must be prepared, published and subjected to public consultation before any application for EC can be made or any Letter of Intent can be issued. The individual public hearing at the EC stage is a downstream process that presupposes a valid, compliant DSR as its basis. The Hon'ble Supreme Court in State of UP v. Gaurav Kumar (supra) has expressly held that "a draft DSR is untenable for grant of an EC" — confirming that EC-stage processes, including public hearings, cannot remedy a deficient or legally invalid DSR. In the present case, DSR Una 2024 was uploaded for public comment for a period of only 21 days. This is the entirety of public participation at the DSR stage. Individual EC public hearings conducted by HPPCB occur lease by lease, focusing only on the site-specific impacts of a single application; they do not and cannot consider the cumulative impact of all 90 leases operating simultaneously on Una's hydrology, air quality, road infrastructure or seismic stability. Haroli Sub-Division, where 49 of the 90 leases are concentrated, falls within Earthquake Zone IV (high damage risk zone), as confirmed by the HP High Court in its judgment dated 27.02.2026 in CWPIL 02/2025 (2026:HHC:4959). DSR Una 2024 contains no seismic risk assessment and

NOTARY Chander Kanta Thakur Sub. Distt. UNA Regd. No. 260 Valid Upto 02/09/2026 GOVT. OF H.P. (INDIA)

no analysis of the cumulative impact of deep excavation — reaching, as confirmed by the DLSA Secretary's field measurements, depths of approximately 30 metres at certain locations — on slope stability and seismic vulnerability in this Zone IV area. No individual EC-stage public hearing, however diligently conducted, can address this absence of district-level cumulative seismic and geomorphological assessment at the DSR stage. The Respondents' reliance on individual EC public hearings therefore misses the structural requirement of the law: the DSR must be valid and compliant before the EC process begins, and its validity cannot be outsourced to or cured by downstream individual hearings.

31. **Reply to Para 8:** The Respondents' contention that Una's rivers have flowed in substantially the same alignment for hundreds of years and that no catastrophic geological event justifies fresh survey data beyond 2017 satellite imagery and topo-sheets is denied and is specifically replied to as follows.

The "quasi-stable geomorphic features" argument is premised on the rivers being subjected only to natural forces. The Bathu-Bathri area of Humm Khad has been subjected to organised illegal extraction at depths of 20–30 metres — up to fifteen times the permitted depth of 1–3 metres under Rule 34(iv) of the HP Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules 2015 — as confirmed by the DLSA Secretary's own field measurements and the findings of the Hon'ble HP High Court in CWPIL 02/2025 (2026:HHC:4959). Extraction of this magnitude is not a natural geomorphological process; it is a man-made catastrophic alteration of river morphology. The quasi-stable geomorphology theory, even if valid in principle, applies to rivers under natural flow regimes — it cannot be invoked to justify the use of pre-disturbance data to authorise continued extraction in a channel that has been irreversibly altered by organised human activity.

The Hon'ble Supreme Court has expressly repudiated the premise underlying the Respondents' "stable geomorphology" argument in its order dated 28.07.2025 in SLP(C) No. 19426/2025 (M/S Pristine Hotels and Resorts Pvt. Ltd. v. State of Himachal Pradesh & Anr., Annexure A11), wherein it has categorically held: *"It is not right to blame only nature for the disaster in Himachal Pradesh. Humans, not nature, are responsible for phenomenon such as continuous land sliding of mountains and soil, land-slides on roads, collapsing of houses and buildings, subsidence of road etc."* (Para 11). The Court further held that mining of stone, sand and gravel *"destabilizes the terrain, raises the risk of erosion, and can even impact the structural integrity of neighbouring roads and structures"* and that *"natural watercourses are obstructed or diverted... this not only alters the local hydrology but also makes the terrain more vulnerable to landslides and flash floods"* (Paras 17, 21). The Court additionally noted that climate change is causing rising temperatures, shifting snowfall patterns, glacial retreat and an increase in the frequency and intensity of extreme weather events — all of which directly alter the sediment dynamics and morphology of HP's rivers (Para 16). Critically, the Supreme Court converted this matter into a Writ Petition in larger public interest specifically on the issues of ecology and environmental conditions prevailing in HP (Para 27), and expressed that *"revenue cannot be earned at the cost of environment and ecology"* (Para 24). These are authoritative judicial findings by the Supreme Court of India that HP's rivers and terrain are not geomorphologically stable but are actively being destabilised by human activity, including mining, and by climate change. The Respondents cannot simultaneously urge before this Tribunal that HP's rivers are quasi-stable and unchanged while the Supreme Court is monitoring the State's ecological degradation as a public interest matter.

The Respondents' own reliance on EMGSM 2020 for their compliance claims further undermines their position on this point. EMGSM 2020 mandates preparation of a fresh DSR every five years precisely because river morphology, sediment dynamics and replenishment rates change over time. The DSR 2024 uses satellite imagery from 2017 — seven years old at the time of its preparation — which is itself in violation of the five-year data currency requirement of the very Guidelines the Respondents claim to have followed. The selection of outdated data is not a matter of scientific choice but of administrative convenience, and it cannot be dressed up as reliance on "quasi-stable geomorphic features."

As regards the allegation that DSR 2024 is 85–90% a verbatim reproduction of the preceding DSR, R1/R2/R4 have offered no specific denial. This allegation was expressly acknowledged by MoEF&CC in its Counter-Affidavit Para 4, which characterised the DSR as demonstrating *"complete non-application of mind and failure to account for significant environmental, geomorphological, and hydrological changes over the last several years."* If R1/R2/R4 dispute the verbatim reproduction allegation, the Applicant undertakes to produce a side-by-side comparison of DSR 2024 with the preceding DSR for this Tribunal's examination at hearing. The Respondents' silence on this specific allegation in their Reply is itself an admission of its accuracy.

32. **Reply to Para 9:** The Respondents' averment that all stone crushers operate on private land with no mining lease on forest land, and that the siting criteria notification dated 29.06.2021 (Annexure R-7, HP Notification No. STE-E(5)-9/2018) is being followed, is denied and is specifically replied to as follows.

33. The assertion that siting criteria are being followed across all 90 lease sites is a bare assertion unsupported by any systematic compliance documentation. The siting notification imposes distance-based conditions

from forest areas, water bodies, irrigation schemes, schools, residential habitations and highways. R1/R2/R4 have not produced a single site-wise compliance certificate, siting survey report or independent verification showing that each of the 90 leases meets every prescribed distance condition. The Applicant places on record three documented instances — arising from the State's own official records — which demonstrate that the siting notification is not being applied uniformly and that serious structural violations exist in the very sub-division that contains the highest concentration of leases.

34. **First: Satluj Stone Crusher — 11 km distance and absence of notified transport route.** The Site Appraisal Report for M/s Satluj Stone Crusher & Screening Plant (Shri Dhian Singh, Khasra No. 6399, Mauza Lalhri, Tehsil Haroli), prepared by a ten-member JIC chaired by the SDO (Civil) Haroli on 22.06.2023, expressly records in Para D: *"The lease (mining leases over Khasra No. 1718, 1719, 1722, 1724 & 1726 measuring 02-31-03 Hectares, Mauza Bathri Bella, Tehsil Haroli) is located at a distance of 11Km from the site applied for the establishment of the stone crusher unit."* Rule 76 of the HP Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules 2015 prescribes the maximum permissible distance between a stone crusher unit and its linked mining lease. An 11-kilometre distance — across private land with no notified transport route, via a 2-kilometre village road — is a prima facie violation of Rule 76 on the face of the State's own JIC record. The Site Appraisal itself acknowledges that "vehicles may pass through private as well as Govt. Land" and that "the project proponent shall make necessary arrangements between landowners" — which is an admission that no approved transport route exists. Despite recording all this, the same JIC gave a Final Recommendation that "the site is fulfilling all the sitting parameters" — a conclusion directly contradicted by the body of its own

NOTARY Chander Kanta Thakur GOVT. OF H.P. (INDIA)

report. The transit pass data for Permit No. 38655 (Satluj Stone Crusher), forming part of the Applicant's record, further shows 118 consignments of 35-60 MT each dispatched to contractors including H.G. Infra Engg Pvt. Ltd., Saraswati Traders, Vanraja Construction Limited and CEGIAL India Limited — raising serious questions about whether the linked mining lease area at Bathri Bella can account for the total mineral volume transported.

Second: Dharampur Crushers in OA 666/2024 — cluster situation bypassed. The Environmental Clearance of Respondent No. 11 in OA 666/2024 (pending before this Tribunal) contains a material admission: an adjoining mining lease of Sh. Udham Singh (Khasra No. 5451/1, measuring 4.8390 hectares) lay within 500 metres of the respondent's lease at the time of EC appraisal, creating a combined cluster of **7.77 hectares** — well above the 5-hectare threshold under Appendix XI of the EIA Notification 2006, which mandates a site-specific EIA and EMP for all individual or cluster mining operations exceeding 5 hectares. The EC itself acknowledged the cluster situation, recording that *"whenever the other mining lease of Sh. Udham Singh is granted approval for operation, the proponents shall undertake a joint public hearing as per provisions laid for mining projects having area greater than 5 hectares"* — thereby confirming that SEIAA itself recognised the existence of a cluster at the time of appraisal. Instead of applying mandatory cluster-level EIA requirements at that stage, SEIAA treated the adjoining lease as "non-operational" and proceeded to grant a Category B2 clearance — ordinarily reserved for projects below 5 hectares. Cluster formation under Appendix XI is determined by the **spatial proximity of mining lease boundaries**, not by the operational status of a neighbouring lease; there is no provision in the EIA Notification permitting regulatory authorities to defer cluster obligations until an adjoining lease commences operations. This constitutes a colourable exercise of power that enabled a 7.77-hectare

cluster to be processed as a 2.93-hectare standalone project, bypassing mandatory EIA, EMP, replenishment study and public consultation. The Applicant's IA filed in OA 666/2024 places on record geo-tagged drone evidence showing that the crushers in the Dharampur–Ghaluwal stretch — seven units within approximately four kilometres — are established in prime agricultural land with irrigation schemes as close as 140–270 metres, in direct violation of the mandatory 500-metre distance norm applicable to irrigation schemes under the siting notification.

Third: Mahadev Stone Crusher — invalid Gram Panchayat NOC and deferred revenue verification. The Joint Inspection Report of Mahadev Stone Crusher (Annexure A/10 of the Applicant's IA in OA 666/2024, at page 60) records that the Mining Officer **deferred verification** of discrepancies between reported extraction volumes and electricity consumption at the time of inspection. The GP NOC relied upon for the Mahadev Stone Crusher's approval was invalid. A GP NOC that is defective on its face or obtained in violation of applicable procedure cannot serve as the foundational consent instrument for a mining lease, and a Mining Officer who defers verification of revenue evasion at inspection cannot be said to have conducted a compliance assessment at all.

These three documented instances — each arising from the State's own official records or from proceedings before this Tribunal — demonstrate that the siting notification is not a self-executing protection; it is a paper condition that JICs apply selectively and inconsistently. The Respondents' claim that all 90 operators comply with Annexure R-7 conditions therefore stands unverified and is specifically disputed. If the siting notification were being followed uniformly and rigorously, the State would have no difficulty producing site-wise compliance certifications for all 90 leases. Its failure to do so speaks for itself. The three documented instances cited above — a JIC recommending a crusher 11 kilometres from its linked lease

with no notified transport route, a 7.77-hectare cluster processed as a 2.93-hectare standalone project by SEIAA's own admission, and a stone crusher operating on a defective GP NOC with the Mining Officer deferring revenue verification on the face of the inspection record — are not aberrations; they are symptoms of a systemic failure in the appraisal and monitoring framework that governs all 90 leases. Each of these instances was formally processed, officially signed, and passed through the same JIC and SEIAA machinery that the Respondents now hold out as compliant. In these circumstances, the Applicant respectfully submits that this Hon'ble Tribunal ought to direct constitution of a Special Expert Committee to conduct a forensic environmental audit of the grant of Environmental Clearances to all 90 mining leases operating in District Una, with particular focus on Haroli Sub-Division, examining: (i) compliance with Rule 76 of the HP Minor Minerals Rules 2015 regarding distance between crusher and linked mining lease; (ii) cluster formation under Appendix XI of the EIA Notification 2006 for all leases within 500 metres of each other; (iii) validity of GP NOCs relied upon at the JIC stage; (iv) compliance with the siting distance norms under Notification No. STE-E(5)-9/2018 dated 29.06.2021 for each unit; and (v) cross-verification of transit pass volumes against DSR-permitted extraction ceilings for each linked mining lease area. No lesser inquiry will adequately address the scale of regulatory failure that the existing record — including R1/R2/R4's own Reply — has placed before this Tribunal.

35. **Reply to Para 10:** The blanket denial in Reply Para 10 is noted. The contents of OA Para 14 are reiterated and maintained in their entirety.

36. **Reply to Para 11(a):** The sequence of events narrated by R1/R2/R4 in Reply Para 11(a) is itself the Applicant's case. By their own account: a violation was found; a show cause notice was issued; electricity was disconnected; the proponent claimed rectification; the lease was

conditionally revoked; a re-inspection in June 2025 found that the violations had still not been satisfactorily rectified; and the lease was re-suspended with electricity disconnected a second time. This is the documented regulatory biography of a chronic violator who persisted in non-compliance even after receiving a formal notice, a first enforcement action, and a conditional second chance. The Respondents present this sequence as evidence that the regulatory framework is functioning. The Applicant submits that it demonstrates precisely the opposite: a framework that allows violations to persist through multiple enforcement cycles, each followed by a notice, a conditional restoration, and renewed non-compliance, without decisive or irreversible consequence. The question this Tribunal is invited to ask is not whether enforcement action was eventually taken — it was — but whether a system that repeatedly grants second and third chances to chronic violators constitutes an adequate environmental safeguard for 90 mining leases operating simultaneously in a fragile Shivalik catchment area.

37. **Reply to Para 11(b):** The averment in Reply Para 11(b) that no illegal mining was found in Humm Khad is specifically and in detail denied. The following submissions are made.

- The Annexure R-8 report is a police inquiry conducted by a single officer — ASI Shamsher Deen, IO, PS Tahliwal — on a single night pursuant to a complaint. Critically, the report itself acknowledges that mining operators deploy informants around police stations to monitor police movements. A nighttime inspection preceded by probable advance intelligence warning to the operators cannot be treated as conclusive evidence that no illegal mining is occurring. The inquiry officer's own finding of "no mining found" on the night of 03/04.05.2025 near Shiv Shakti Stone Crusher neither disproves the existence of systematic violations nor constitutes a comprehensive investigation of extraction depths or volumes.

Against Annexure R-8, the Applicant places on record the DLSA Secretary Una's inspection report conducted pursuant to the judicial directions of the Division Bench of the HP High Court in CWPIL 02/2025 (Hon'ble Chief Justice Gurmeet Singh Sandhwalia and Hon'ble Justice Ranjan Sharma). This is not a police report; it is court-directed evidence by an officer of the court acting under judicial mandate. That report confirmed that in the Bathu-Bathri area of Humm Khad, excavation of 20 to 30 metres had taken place in some areas — up to fifteen times the permitted depth of 1–3 metres. A single nighttime police inspection, however diligently conducted, cannot override the findings of a court-directed officer's inspection of the same site.

The HP High Court in CWPIL 02/2025 **(Annexure A/3)** further recorded a judicial observation that "prima facie depth of mining in this area is more than the authorized limit — even though proper mining licenses have been granted for it, the rule is not being followed." This is a finding by the competent Division Bench of the HP High Court that rule violations were occurring in the very area that DSR Una 2024 covers. This is not the Applicant's allegation — it is the High Court's own assessment, on record. R1/R2/R4 further argue that the interim stay in CWPIL 02/2025 was vacated on 23.12.2025 via CMP 985/2025. The vacation of an interim stay is a procedural order passed in the context of a specific application — in this case, to permit emergency dredging following the 11.08.2024 flash flood that killed three child labourers in the Bathu-Bathri Industrial Area. The HC vacated the stay in public interest specifically to enable dredging to prevent repeat flooding — not to adjudicate on whether extraction violations had occurred. The vacation order does not vacate the DLSA Secretary's factual findings. It does not constitute a judicial finding that no violations occurred. The DLSA report stands as court-documented

NOTARY
Chander Kanta Thakur
Sub. Divn. UNA
Regd. No. 260
Valid Up to 05/06/2026
GOVT. OF H.P. (INDIA)

evidence of 20–30 metre excavation and is available to this Tribunal as evidence.

The General Diary entries of Tahliwal Police Station (GD 031 dated 03.05.2025 at 11:13 PM and GD 002 dated 04.05.2025 at 01:03 AM), which form part of Annexure R-8 itself, record that police were sent to Shiv Shakti Stone Crusher and returned finding nothing. The Applicant submits that Shiv Shakti Stone Crusher is the establishment operating in Humm Khad whose operations were the subject of the DLSA Secretary's court-directed inspection. The failure to find anything on a single night visit — after the report's own acknowledgment that operators use informant networks — does not disprove ongoing violations documented by a court-appointed officer.

Finally, the Respondents rely on GD 023 to note that the Applicant declined to attend the police station and said he would send a written response. The Applicant is an individual operating under documented physical threat from the mining interests in District Una, who has nonetheless appeared in person before this Tribunal. For R1/R2/R4 to suggest that the Applicant's reluctance to attend a police station — where mining operators maintain informant networks by R-8's own admission — undermines the credibility of his complaint is disingenuous in the extreme.

38. Reply to Para 11(c) – (f): The averments in Reply Para 11(c)–(f) are denied. R1/R2/R4's admission that ninety mining leases operate in District Una, with forty-nine concentrated in Haroli Sub-Division, is a significant concession. Yet no authority in their framework has aggregated the annual extraction volumes from all ninety leases and compared that aggregate with the DSR's district-wide extraction ceiling. If such an exercise has been undertaken and demonstrates compliance, the Respondents should produce those figures; their silence in the Reply is conspicuous. Their reliance on Annexure R-9 photographs as evidence of "reclamation and stabilization"

is equally misplaced. These images are selective and anecdotal, not the product of any systematic environmental monitoring. A credible reclamation programme would evaluate, at every exhausted site, soil fertility, vegetation cover, erosion rates, groundwater behaviour and hydrological reintegration. Displaying a few photogenic post-mining patches cannot substitute for district-wide scientific monitoring. The Applicant also disputes the characterisation of the Bulk Drug Park earthwork as "purely developmental" and exempt from mining law. Bajri, boulders and stone are minor minerals under the MMDR Act 1957, and their removal—irrespective of project purpose—requires a valid mining lease under Section 4 of the Act read with the HP Minor Minerals (Concession) Rules 2015. No sectoral label, pharmaceutical or otherwise, creates an exemption. If minor minerals were removed from the Bulk Drug Park site without a lease or Short-Term Permit and without royalty, that removal constitutes illegal mining under the MMDR Act and the HP Rules 2015.

39. **Reply to Para 11(g):** The transit pass system (Form W & X) tracks only the outbound movement of crushed material from crusher to buyer. It does not verify whether the raw mineral input was extracted within the permissible limits of the linked mining lease, whether the crusher is receiving material from unauthorised sources, or whether the total volume dispatched aligns with the DSR-set extraction ceiling for the relevant lease area. The transit pass shows where the crushed aggregate goes; it cannot prove that the source material was lawfully extracted. The five checkposts at Bathri, Mehatpur, Polian, Gagret and Pandoga may monitor vehicle movement, but the District Administration's own prohibitory order dated 21.11.2025 under Section 163 BNSS—filed by R1/R2/R4 themselves as Annexure R-10—is an admission that the existing monitoring framework was inadequate. A prohibitory order restricting night transport and

designating specific routes would not have been necessary if the ordinary transit-pass and checkpost system were functioning effectively. Annexure R-10 is therefore the State's own concession that routine enforcement was failing. The transit-pass data for Satluj Stone Crusher (Permit No. 38655), forming part of the Applicant's record, shows 118 or more consignments of 35–60 MT each dispatched to contractors including H.G. Infra Engg Pvt. Ltd., Saraswati Traders, Vanraja Construction Ltd. and CEGIAL India Ltd. Cross-verifying this outbound volume against the DSR's permissible extraction ceiling for the linked mining lease at Mauza Bathri Bella—a 2-31-03 hectare riverbed lease on the Swan River—would reveal whether the volumes are consistent with lawful extraction. That cross-verification is precisely the kind of forensic analysis the existing system does not perform and which this Tribunal is respectfully invited to direct. The Applicant further submits that the Respondents' statements on this issue, when read alongside the transit-pass data and the admitted absence of district-level extraction aggregation, amount to material misrepresentation.

40. **Reply to Para 12:** R1/R2/R4 argument that the Applicant's estimate of 500–1000 trucks per day is a "mere assumption" is untenable. The figure is capable of precise verification from the District Administration's own Form W & X transit-pass database and the records of the five check posts relied upon by R1/R2/R4. In fact, because the Respondents themselves rely on crusher electricity-consumption (at approximately ₹5 per unit) as a proxy for production, the only meaningful way to test whether the Applicant's estimate is correct is through a **forensic audit correlating Form W/X data, checkpost logs, and crusher electricity-usage records**. Without producing these audits, the Respondents cannot dismiss the Applicant's field-based estimate as "assumption." The burden of producing government-held records in a public-interest environmental matter lies with the State, and R1/R2/R4's failure to produce the checkpost data and

electricity-usage audits to refute the Applicant's observation is itself significant. The Applicant therefore submits that the scale of extraction and transport — including illegal mining — **cannot be uncovered without an independent forensic audit by a committee appointed by this Tribunal.**

41. **Reply to Para 13:** The pendency of OA No. 52 of 2025 (Navjot Singh Sidhu v. State of Punjab) before this Tribunal is not a competing proceeding — it is evidence of the cross-boundary dimension of the mineral extraction crisis in the HP-Punjab border region. The present OA and OA 52/2025 are complementary: Una's mining cluster on the HP side is the upstream extraction point for the construction material supply chain that Punjab's sand-and-aggregate market draws from. The regulatory failures documented in the present OA — an inadequate DSR, unverified siting compliance, no cumulative impact assessment, 500–1000 trucks daily — have direct cross-border consequences that OA 52/2025 is addressing from the receiving end. Far from undermining the present OA, the existence of parallel proceedings before this same Tribunal reinforces the Applicant's submission that the regulatory framework governing minor mineral extraction in the HP-Punjab border sub-divisions requires comprehensive judicial examination.

42. **Reply to Para 14:** The explanation that the concentration of 49 leases in Haroli Sub-Division is attributable to geological mineral potential and private land availability does not withstand scrutiny.

If the concentration is truly explained by geology, R1/R2/R4 should be able to produce the geological reserve computation for Haroli Sub-Division showing that the DSR's mineral potential figures are sufficient to sustain 49 simultaneously operating leases without cumulative depletion of the sub-division's sediment system. No such sub-division-level computation appears in the DSR 2024 or in the Reply. The DSR's replenishment figures are district-wide averages — they do not disaggregate Haroli's carrying

capacity from the rest of District Una, let alone demonstrate that 49 leases in one sub-division are within that disaggregated carrying capacity.

More fundamentally, the four factors cited by R1/R2/R4 as determining lease distribution — geological potential, private land availability, environmental safeguards compliance and JIC feasibility — are assessed lease-by-lease at the individual application stage. None of these factors, as assessed at individual lease level, produces a cumulative judgment about whether the aggregate of 49 leases in Haroli exceeds the sub-division's extractive capacity. The Hon'ble Supreme Court in Deepak Kumar v. State of Haryana (2012) 4 SCC 629 expressly held that the cumulative impact of minor mineral leases on a river system must be assessed before permitting extraction — a principle reaffirmed in State of UP v. Gaurav Kumar (CA 14170/2024). The individual-lease justification offered by R1/R2/R4 is precisely the approach that these Supreme Court decisions have rejected.

Haroli Sub-Division borders Punjab — a state with its own mining restrictions and substantially larger construction material demand from a growing urban economy. The concentration of stone crushers specifically in the border sub-divisions of Haroli and Gagret, as mapped in DSR Para 16 itself, cannot be explained by geology alone. The same Shivalik conglomerate and bajri formations exist in the non-border sub-divisions of Una — Bangana, Amb, Una — yet those sub-divisions do not carry anything approaching Haroli's lease density. The geographic explanation offered by R1/R2/R4 is incomplete; the market explanation — proximity to the Punjab border and its construction material demand — must also be addressed and was not.

43. **Reply to Para 15:** The Respondents' concession in Reply Para 15 that "from Google Earth images, it cannot be ascertained whether the vehicle is carrying out legal or illegal material" is precisely the Applicant's submission. The Applicant has never claimed that Google Earth imagery

alone can distinguish legal from illegal extraction. The point of the OA is that the existing monitoring framework — transit passes, checkposts, periodic JIC inspections — is insufficient to make that distinction in real time across ninety leases spread over an entire district. R1/R2/R4's concession that Google Earth cannot resolve the question of legality simply confirms that the question requires a more rigorous, technology-enabled monitoring regime: satellite-based change detection at defined intervals, DGPS-based boundary verification, drone surveillance and real-time transit tracking cross-referenced against lease-wise extraction ceilings. In this context, the District Collector's 2025 order mandating GPS installation in every registered mineral-transport vehicle becomes directly relevant. The Respondents should therefore place on record the status report of that GPS-tracking system, its operational coverage, its data-integration with Form W/X and checkpost logs, and its actual enforcement efficiency. Without this information, the Tribunal cannot assess whether the State's own technology-based monitoring system is functional or merely notional. The Respondents' concession thus strengthens — rather than weakens — the Applicant's prayer for a technology-driven monitoring architecture.

44. Reply to Para 16: R1/ R2/ R4 submit that the ECIR and summoning order against mining official Lakhwinder Singh were quashed by the HP High Court in CRMMO 922/2024 vide judgment dated 03.01.2025 in Dr. Lakhwinder Singh v. Directorate of Enforcement. This submission conflates criminal law exoneration with administrative and environmental accountability and is replied to as follows.

A quashing order in CRMMO proceedings under Section 528 BNSS is a criminal law remedy that examines whether the ECIR and summoning order meet the threshold for continuation of PMLA prosecution. The HP High Court's quashing was an assessment of the legal sufficiency of the criminal proceedings — it is not, and cannot be read as, a finding that the

official performed his statutory duties under the Mines Act, MMDR Act, HP Rules 2015 and EIA Notification, or that no mining violations occurred in District Una during his tenure.

Administrative accountability of a public official for failure to enforce mining laws operates on an entirely separate legal track from criminal prosecution. An official may be entirely exonerated in a PMLA prosecution and simultaneously have failed to discharge his regulatory duties — the two assessments apply different standards, different evidence thresholds and different legal consequences. The quashing of CRMMO 922/2024 therefore has no bearing on the question before this Tribunal, which is whether DSR Una 2024 is legally compliant and whether the regulatory framework governing 90 mining leases meets the standards prescribed by the EIA Notification and EMGSM 2020.

The Respondents' reliance on the Deputy Solicitor General's statement that "no fault can be found with the aforesaid contentions" is particularly misconceived. That statement was made in the context of the legal contentions advanced in the CRMMO petition about the maintainability of the criminal proceedings — it is a submission about criminal law procedure, not a judicial finding on environmental compliance. Most significantly, the HP High Court in its final judgment dated 27.02.2026 in CWPIL 02/2025 (2026:HHC:4959) — decided after the CRMMO quashing — has recorded that the Mining Officer of District Una was impleaded as an accused in the PMLA matter but was allowed to continue his official duties, and the Court has made extensive findings about systematic violations, illegal excavation depths of 20–30 metres, the failure of enforcement machinery, and the deaths of three child labourers in the flash flood of 11.08.2024. The CWPIL 02/2025 judgment therefore represents the most recent and authoritative judicial assessment of the regulatory situation in District Una — and it is profoundly at odds with the

picture of compliance that R1/R2/R4 seek to present through CRMMO 922/2024.

PARA-WISE REPLY TO THE LIMITATION

The Respondents' limitation objection collapses at the threshold because the Applicant is not seeking to quash the DSR 2024 as a standalone administrative act but is challenging the ongoing environmental consequences of its illegal preparation, its non-compliance with EMGSM 2020, and the continuing grant and operation of ninety mining leases on its basis. Under Section 14 and 15 of the NGT Act, limitation does not run against a *continuing cause of action* arising from a *continuing environmental wrong*. The DSR 2024 is not a one-time event that ended on 30.09.2024; it is the operative foundation for ongoing extraction, ongoing transportation, ongoing slope destabilisation, ongoing riverbed degradation and ongoing violations of the Environment (Protection) Act 1986. Every day that mining continues under an invalid DSR, a fresh cause of action arises. The Supreme Court in *Pristine Hotels* (28.07.2025) has already held that Himachal Pradesh is facing escalating environmental catastrophes, that human activity is destabilising slopes, obstructing natural watercourses and increasing landslides, and that "revenue cannot be earned at the cost of environment and ecology." When the highest court of the country has declared the State to be in an active ecological emergency, the Respondents cannot be heard to say that the Applicant should have waited silently for limitation to expire while ninety leases continued to operate on the basis of an invalid DSR. The limitation plea also fails because the Applicant's challenge is directed at (i) the *continuing non-compliance* with EMGSM 2020, (ii) the *continuing failure* to conduct replenishment studies, seismic assessments and cumulative impact analysis, (iii) the *continuing extraction* far beyond permissible limits, and (iv) the *continuing environmental damage* caused by illegal mining, all of which fall squarely within the Tribunal's jurisdiction irrespective of the date of the DSR's publication. The NGT Act does

not bar scrutiny of an ongoing environmental wrong merely because the administrative document enabling that wrong was issued more than six months earlier. The Respondents' own admissions — that Google Earth cannot detect illegality, that transit passes cannot verify lawful extraction, that GPS-based monitoring ordered by the DC in 2025 has not been shown to be functional, and that no aggregation of district-wide extraction has been performed — demonstrate that the environmental harm is not historical but ongoing. A limitation defence cannot be used as a shield to protect a continuing violation of environmental law. The objection is therefore misconceived and liable to be rejected at the outset.

In view of the above submissions, it is respectfully reiterated that the issues raised in this Original Application concern ongoing statutory violations, continuing environmental harm, and systemic regulatory failures that cannot be insulated by technical objections or incomplete disclosures. The Applicant has placed before this Tribunal a coherent, evidence-based case demonstrating that the DSR-based mining regime in District Una is operating without the scientific, legal and technological safeguards mandated by law. The Respondents' own admissions reinforce the need for independent verification and corrective intervention. The Applicant therefore prays that this Hon'ble Tribunal may be pleased to grant the reliefs sought, in the interest of environmental protection, public safety and lawful governance.

DEPONENT

VERIFICATION:

I, Rohit Singh, Aged about 40 years, S/O Sh. K.P. Singh, 96 Basant Vihar, Near Rakkar Colony, Una, Himachal Pradesh, do hereby verify that the contents of this application as stated are true and correct to the best of my knowledge and belief and no part of it has is false and nothing material has been concealed there from.

06.04.2026
New Delhi

DEPONENT

rtified that this ...Aff...
s presented for execution by Rohit Singh
S/o. Sh. K.P. Singh ...residens
of village..... Basant Vihar
and ... Rakkar Colony
or who is per... ATTESTED
at serial..... Una ...at
time..... 6/4/(Pla 2026 NOTARY

1530

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 561 OF 2025

IN THE MATTER OF:

Rohit Singh and Ors. ...Applicant(s)

Versus

State of Himachal Pradesh and Ors. ...Respondent(s)

AFFIDAVIT

I, Rohit Singh, aged 40 years, S/O Sh. K.P. Singh, 96 Vasant Bihar, Near Rakkar Colony, Una, HP-174303 do hereby solemnly affirm and states as below:

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. 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.
3. That the annexure annexed to the accompanying Rejoinder are true copy of their respective original.

Rohit Singh
DEPONENT

VERFICATION

I, the deponent 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 there from.

Rohit Singh
DEPONENT

Dated: 06.04.2026

rtified that this Aff.
s presented for ...
S/o. Sh. K.P. Singh Rohit Singh
...
and ... Vasant Vihar
... who is ... Near Rakkar
at serial ... Colony
time ... (Place ... 6/4/26

ATTESTED
NOTARY

Annexure A/1

(Authoritative English text of this Department Order No. FFE-B-A(3)4/99 dated 10th September, 2002 as required under clause (3) of article 348 of the Constitution of India)

NO. FFE-B-A(3)4/99 Dated Shimla-2, the 10th September, 2002.

ORDER

WHEREAS Notifications No. 15-4/71-SF dated the 19th January,1979 in respect of Solan district, 3rd February,1979 in respect of Chamba & Bilaspur districts, 6th February, 1979 in respect of Sirmour, Shimla, Hamirpur and Mandi Districts, 3rd May 1979 in respect of Kullu district, 30th May, 1979 in respect of Una and Kangra districts and 27th August, 1980 in respect of Kinnaur district o Himachal Pradesh respectively issued by the State Government in pursuance of the provisions of Section 3 of the Himachal Pradesh Land Preservation Act, 1978 directing therein that the areas shown in the Scheduled to each of them were either subject to erosion or were likely to become subjected to erosion and to provide for the conservation of the sub-soil water and for prevention of erosion on the said areas and new specified in the Scheduled appended to this order;

AND whereas the State Government is satisfied that after due enquiry under section 7 of the said Act that regulations, restrictions, prohibitions and directions contained in this order are necessary for the purpose of giving effect to the provisions of the Act supra;

NOW, therefore, in exercise of the powers conferred by section 4 of the said Act, the Governor, Himachal Pradesh is pleased to temporarily regulate, restrict, prohibit throughout the areas in Himachal Pradesh (Except the areas falling within the limits of Municipal Corporation, Municipal Councils, Nagar Panchayats and Cantonment Boards) as specified in Schedule appended to this order, the following acts for a period of 30 years from the publication of this order in the Rajpatra, Himachal Pradesh, namely :-

1. The cutting of trees or timber and removal thereof in such areas shall be prohibited:

Provided that there will no restrictions on the number of trees to be felled for purposes of bonafide domestic uses of fodder and fuel:

Provided further that the owners may for their bonafide domestic and agricultural use fell three trees of coniferous (except chil trees) and in case of chil and other trees five trees each year without permission and upto ten trees with the written permission of the Range Officer concerned and more than ten trees with written permission of the Divisional Forest Officer concerned. In case of bamboos there shall be no restrictions on number to be felled for bonafide domestic purposes or for use in their own cottage industries.

Provided further that the trees for sale shall be felled in accordance with the ten Years felling progamme which shall be framed by the Officers of the Forest Department and approved by the State Government and the trees shall be felled after obtaining the permission of the following authorities, namely:-

(a) for *Khair*, bamboos & other miscellaneous broad leaves species :-

No. of trees	Competent authority of grant Permission to fell the trees.
(1)	(2)
-upto 200 trees in a year	Divisional Forest Officer concerned.
-above 200 trees in a year	Concerned Conservator of Forests.

(b) for all other species.

-upto 50 trees in a year	:	concerned Divisional Forest Officer.
-upto 100 trees in a year	:	concerned Conservator of Forests.
-upto 200 trees in a year	:	Principal Chief Conservator of Forests, Himachal Pradesh.
-above 200 trees in a year:		Himachal Pradesh Government.

Provided further that any person felling the trees either for domestic or agricultural use or for sale shall be required to plant at least three trees for one tree felled. In case, however, a fruit orchard is planted in such area, it shall be planted according to the norms laid down by the Horticulture Department, Himachal Pradesh for complete stocking of the area.

2. After the permission to fell the trees is given by competent authority under para 1 of this order, the Divisional Forest Officer concerned shall issue felling order;

Provided that the felling of bamboos shall be regulated according to three years felling programme, which shall be framed by the officers of the Forest Department and approved by the State Government and that the permission for felling of bamboos for sale shall be granted by the Divisional Forest Officer concerned in accordance with 3 years felling programme.

3. The forest produce passing out of the areas permitted for felling of trees may be checked by any Forest Officer and no forest produce shall be extracted by any person without obtaining an export pass obtained from the Divisional Forest Officer concerned.

4 The authority competent to grant permission for felling of tree may, while granting permission, impose such conditions as it may deem necessary in the interest of forest conservancy and to avoid misuse of the forest produce so extracted.

5. Notwithstanding anything to the contrary contained in the foregoing paragraphs, the State Government may, be general or special order, allow the cutting or removal of any trees or class of trees subject to such condition as it may deem fit to impose, wherever it is expedient to do so in the public interest i.e. for the purpose of;

(a) grant of Nautor land; or
(b) consolidation of holding; or
(c) dry/fallen trees.

6. In case the trees are not felled within the prescribed year, the Principal Chief Conservator of Forests may extend the period upto one year in the following circumstances:-

(i) where the process of demarcation of land and marking of trees have been completed during the prescribed year of felling and felling orders stand issued by the Divisional Forest Officer concerned, but felling of trees has not been done or has been done partly; and

(ii) where the process of demarcation of land and marking of trees has been completed during the prescribed year of felling but felling orders have not been issued.

Explanation: "Prescribed year" means the financial year in which trees are to be felled in respect of the particular area in accordance with ten years felling programme approved by the State Government.

7. In all other cases other than those mentioned in sub-para (i) and (ii) of para 6 of this order, the competent authority to grant permission to fell the trees may allow felling of trees, irrespective of approved ten years felling programme of the concerned area, in the following circumstances, namely:-

(i) where trees have fallen or have dried due to natural calamities, disease or insect attack etc. and their retention may result in loss of value;

(ii) where the land holdings in a particular revenue estates are under consolidation operations, the year following the one in which these operations have been concluded shall be treated as prescribed year of felling;

(iii) where Government/private land has been acquired or leased or purchased or transferred for a public purpose such as creation of infrastructure facilities

or laying of irrigation and water supply lines or transmission lines or any other conveying systems or setting up to industries, hydro-power projects, tourism resorts or educational institutions or any other facilities which are in the public interest, and

(iv) where the Government of India's approval for diversion of the forest land for non-forest land for non-forest purposes has been received

8. In all cases (other than those mentioned in para 6 & 7 of this order), where demarcation of land and marking of trees have not been done during the prescribed year in accordance with the approved ten years felling programme, permission to demarcate the land, marking and felling of trees may be granted beyond prescribed year of felling by the;

(i) the Principal Chief Conservator of Forests upto one year; and
(ii) State Government upto two years subject to their being satisfied that sufficient reasons exist for granting such permission.

9. Where the permission has been granted under para-8 of this order, the Divisional Forest Officer concerned after demarcation of land and marking of trees shall issue felling order accordingly;

10. Application for demarcation of the land form which felling is proposed to be done may be filed before the Divisional Forest Officer concerned one year in advance from the prescribed year of felling and the Divisional Forest Officer concerned may process the case for demarcation of land.

11. In no case advance felling of trees shall be permitted before the prescribed year as fixed in the approved ten years felling programme;

12. In order to complete the felling and extraction of trees from private areas within the prescribed year of felling and not to seek frequent extensions, extension fee shall be levied on the balance number of trees/volume to be felled in the following rates:-

1. Scheduled species	Rs. 100/- per cubic meters. (standing volume)
2. Khair.	Rs. 30/- per meter Girth (MG)
3. Broad leaves species	Rs. 10/- per cubic meter.

SCHEDULE

Sr.	District.	Notification No. & date under Section 3	Tehsil	Village.
(1)	(2)	(3)	(4)	(5)
1.	Solan	No. 15-4/71-SF 19th January,1979	1. Solan 2. Kandaghat 3. Arki 4. Nalagarh 5. Kasauli	Whole of private areas in these Tehsils.
2.	Chamba	No. 15-4/71-SF 3rd February, 1979	1. Chamba 2. Churah 3. Dalhousie 4. Pangi 5. Bharmour 6. Salooni 7. Bhatiyat	Whole of private areas in these Tehsils.
3.	Bilaspur	No.15-4/71-SF 3rd February, 1979	1. Ghumarwin 2. Bilaspur 3. Jhandutta	Whole of private areas in these Tehsils.
4.	Sirmour	No. 15-4/71-SF 6th February, 1979.	1. Nahan 2. Paonta 3. Sangrah 4. Rajgarh 5. Shillai 6. Pachhad	Whole of private areas in these Tehsils.

5.	Shimla	No. 15-4/71-SF 6th February, 1979	1. Shimla (Urban) 2. Shimla (Rural) 3. Suni 4. Theog 5. Kumarsain 6. Rampur 7. Chopal 8. Kotkhai 9. Jubbal 10. Rohru 11. Chirgaon 12. DodraKawar	Whole of private areas in these Tehsils.
6.	Hamirpur	No. 15-4/71-SF 6th February, 1979	1. Hamirpur 2. Barsar 3. Nadaun 4. Bhoranj 5. Sujanpur Tihra	Whole of private areas in these Tehsils.
7.	Mandi	No. 15-4/71-SF 6th February, 1979	1. Mandi (Sadar) 2. Sundernagar 3. Jogindernagar 4. Sarkaghat 5. Karsog 6. Thunag 7. Chachiot (Gohar) 8. Paddar 9. Ladbharol	Whole of private areas in these Tehsils.
8.	Kullu	No.15-4/71-SF 3rd May,1979	1. Kullu 2. Banjar 3. Manali 4. Nirmand	Whole of private areas in these Tehsils.
9.	Una	No. 15-4/71-SF 30th May, 1979	1. Amb 2. Bangana 3. Una	Whole of private areas in these Tehsils.
10.	Kangra	No. 15-4/71-SF 30th May, 1979	1. Kangra 2. Dharamshala 3. Dehra 4. Nurpur 5. Jawali 6. Indora 7. Jaisinghpur 8. Palampur 9. Baijnath 10. Baroh 11. JaswanKotla 12. Shahpur 13. Khundian 14. Fatehpur	Whole of private areas in these Tehsils.
11.	Kinnaur	No. 15-4/71-SF 27th August, 1980	1. Kalpa 2. Nichar 3. Moorang 4. Pooh 5. Sangla	Whole of private areas in these Tehsils.

This supersedes this Department Orders No. 15-4/71-SF dated 13th March,1979, 27th August and 25th February, 1981 published in the Rajpatra, Himachal Pradesh (Extraordinary) dated 28th April, 1979, 13th September, 1980 and 12th March, 1981 respectively and all subsequent amendments made thereto.

By order

(Avay Shukla),
Principal Secretary (Forests) to the
Government of Himachal Pradesh.

Annexure A/2

2025 INSC 650

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 14170 OF 2024

STATE OF UTTAR PRADESH & ANR. ...APPELLANT(S)

VERSUS

GAURAV KUMAR & ORS. ...RESPONDENT(S)

WITH

CIVIL APPEAL NO. 14933 OF 2024

WITH

CIVIL APPEAL NO. 14000 OF 2024

J U D G M E N T

PAMIDIGHANTAM SRI NARASIMHA, J.

Table Of Contents

1. ***Affirmation:*** We unequivocally uphold the law and the regulations governing sand mining, demanding zero tolerance for unauthorized activities, strict adherence to these regulations is non-negotiable.

1.1. Unregulated sandmining disrupts riverine ecosystems, alters natural flow patterns, and leads to erosion and habitat loss.

Aquatic biodiversity suffers as spawning grounds are destroyed and water quality deteriorates. The destabilisation of riverbanks increases flooding, risking human life and animal habitat alike. Moreover, the illicit sand trade often operates under the shadow of organised crime, undermining the rule of law and weakening governance structures. Therefore, absolute standards with get tough policies, strict enforcement and quick accountability are compelling for effective regulatory control.

1.2. We have upheld the decision of National Green Tribunal[1] quashing e-auction notice dated 13.02.2023 issued by the State Government for sand mining and the consequent grant of Letters of Interest (LOIs) in favour of successful bidders on the ground that the auction was conducted in the absence of a valid, final and a subsisting District Survey Report (DSR). We have also held that a *Draft* DSR is not tenable. A draft DSR can never be the basis for a recommendation by the District Level Expert Appraisal Committee (DEAC) and for the District Level Environment Impact Assessment Authority (DEIAA) for B2 category projects pertaining to mining of

[1] Hereinafter, "NGT".

minor minerals lease area less than or equal to five hectares to grant environment clearance.

2. ***Facts:*** District Magistrate, Saharanpur issued notice inviting e-tenders on 13.02.2023 for sand gravel, boulders, etc. available in the riverbed in Saharanpur district under the U.P. Sub Mineral (Remedy) Rules, 2021. Questioning the legality and validity of the e-auction notice, respondent no. 1, a resident of Haryana approached the National Green Tribunal by filing an original application invoking section 14 and 18 of the National Green Tribunal Act contending that the e-auction notice is illegal as there was no District Survey Report (DSR) as on that date. It was his contention that the last DSR for the Saharanpur district of 2017 expired in the year 2022. Thereafter, steps were taken to prepare a DSR for the succeeding 5 years for Saharanpur district, but only a draft DRS was ready by 13.01.2023. However, even before its finalization, the impugned e-auction notice was issued by District Magistrate, Saharanpur on 13.02.2023 which according to the respondent no. 1 is illegal and unsustainable in law.

3. ***Proceedings before the NGT leading to Civil Appeals & Submissions***: NGT vide order dated 13.03.2023 constituted a Joint Committee comprising of Central Pollution Control Board

(CPCB), State Pollution Control Board (UPPCB) and District Magistrate, Saharanpur (D.M.) to collect relevant information and submit a factual report. The Joint Committee submitted its report on 10.07.2023 indicating that pursuant to the e-auction notice dated 13.02.2023 Letters of Interest (LOI) were issued with respect to 14 sites for river bed mining. Accordingly, the NGT impleaded the parties holding LOIs as party respondents to the original application.

3.1. Pending further proceedings before the NGT, the State Expert Appraisal Committee (SEAC) considered the draft DSR and accorded its approval on 03.05.2024 and then, the State Environment Impact Assessment Authority (SEIAA) granted its approval to the fresh DSR in its 814th meeting on 24.05.2024.

3.2. However, in view of the fact that the last subsisting DSR issued in 2017 expired after five years, i.e. by 2022 and that only a draft DSR dated 13.01.2023 was subsisting when the impugned e-auction notice dated 13.02.2023 was issued, the NGT quashed the auction on the ground that it is in violation of the legal mandate under the 2006 EIA Notification, as amended in 2006, 2018 and

also the Enforcement and Monitoring Guidelines for Sand Mining, 2020 and decision of this Court in *State of Bihar v. Pawan Kumar*[2].

3.3. Questioning the legality and validity of the judgment of the NGT, 3 appeals are filed before us. The first Civil Appeal No. 14170 of 2024 is by the State of U.P., represented by Ld. ASG Aishwarya Bhati, assisted by Mr. Vishnu Shankar Jain. In the other Civil Appeal No. 14933 of 2024 and Civil Appeal No. 14000 of 2024 by M/s Vedanta Associates and Nutressaorganics India Pvt. Ltd., LOI holders, we have also heard Mr. Ranjit Kumar, Sr. Advocate, ably assisted by Mr. Vanshdeep Dalmia and also Mr. S.P. Singh, Sr. Advocate respectively.

3.4. Having considered submissions of the Ld. Counsels for the appellants in detail and having examined the relevant documents and material on record we had agreed with the reasoning and the conclusions drawn by the NGT and therefore proceeded to dismiss the civil appeals[3]. By way of this judgment, we supply detailed reasons for our decision.

4. ***Sandmining and its impact on Environment:*** Sand holds significant ecological and environmental value. Coastal dunes,

[2] (2022) 3 SCC 102. Hereinafter, "*Pawan Kumar*".
[3] By order dated 12.02.2025.

river, and seabeds act as natural buffers against storms, floods, and rising sea levels, thereby enhancing climate resilience. Sand also supports vital ecosystems by providing habitat for numerous plant and animal species, including microorganisms crucial to nutrient cycling and water purification. Its role in maintaining the structural integrity of freshwater and marine systems underscores its contribution to biodiversity and environmental sustainability. As such, the stewardship of sand resources is not only an economic imperative but also an ecological necessity.

4.1. As per a study[4] undertaken by the United Nations Environment Programme (UNEP), approximately 50 billion tonnes of aggregate sand and gravel are reportedly removed globally each year. With the rapid increase in global population and urbanization, the demand for sand continues to rise at an unprecedented rate.[5] Consequently, it has become the most extracted mineral on the planet, with billions of tons being mined annually from riverbeds, lakes, coastlines, and deltas.

[4] UNEP (2019). Sand and sustainability: Finding new solutions for environmental governance of global sand resources : synthesis for policy makers. United Nations Environment Programme, Nairobi.
[5] Yi Han, *et al.*, 'Ecological impacts of unsustainable sand mining: urgent lessons learned from a critically endangered freshwater cetacean', Proceedings of the Royal Society, 2023.

4.2. 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.[6] The geological processes that produce sand—like the weathering of rocks and the movement of sediments through rivers cannot match the rate at which we're extracting sand from nature. Further, human interventions, such as damming rivers or diverting their natural courses block the natural downstream flow of sediment. As a result, sand fails to reach the places where it would normally accumulate, the river deltas and coastal areas. Beaches are wearing away faster than natural forces can restore them, and riverbeds are being emptied more quickly than upstream erosion can replenish them.[7]

4.3. The need for development, and the concerns to preserve ecology stands at crossroads when it comes to the issue of sand mining. The urgent need is to raise awareness that while sand is a crucial resource for economic and industrial development, it also

[6] Marco Hernandez, Simon Scarr & Katy Daigle, *The Messy Business of Sand Mining Explained*, REUTERS (Feb. 18, 2021),
[7] E.S. Rentier & L.H. Cammeraat, The environmental impacts of river sand mining, Science of The Total Environment, Volume 838, Part 1, 2022,

plays a vital role in climate resilience and preserving healthy ecosystems.

4.4. While a complete ban on sand mining would certainly restore ecology and preserve environment, we all know that such a measure is impractical. Way ahead is sustainable development with effective regulation. While development may be necessity for societal progress, it must be pursued with a balanced approach that prioritizes environmental conservation.[8] It is imperative for regulatory authorities to design an effective and an efficient regulatory regime and implement it by maintaining absolute standards and strict enforcement[9].

5. ***Legal Framework***: We will now refer to the legal framework concerning mining and its regulation in India. The mining sector forms the backbone of key industries such as steel, cement,

[8] Naveen Kumar, *Sand Mining in India – Grain of Despair: Failure of Regulatory Machinery*, 2023 SCC OnLine Blog OpEd 44.

[9] *At the same time, while only so much can come from the regulatory side, we must also endeavor to explore alternatives to sand mining. Researchers from the University of Geneva (UNIGE) and the Sustainable Minerals Institute at the University of Queensland (UQ) have identified a sustainable alternative to natural sand, termed "ore-sand".[9] Derived from mineral processing waste, ore-sand offers a dual solution to two pressing global challenges: the growing demand for sand and the massive accumulation of mining waste, which currently amounts to 30–60 billion tonnes annually. By repurposing what was once considered discarded material, ore-sand not only reduces environmental pressure on natural ecosystems but also promotes a circular economy. According to experts like UNIGE's Pascal Peduzzi and UQ's Daniel Franks, this innovation can significantly cut down on mine tailings while providing a responsible, scalable sand resource. If adopted widely, ore-sand could help shift the global construction industry toward more sustainable and environmentally conscious practices.*

petroleum, petrochemicals, fertilizers, power generation and of course, for erection of civil infrastructure. Government of India Act, 1935 placed the subject of "mines" and "development of minerals" under the control of Central Legislature and Provincial Legislature vide Entry 36, List I and Entry 23, List II. However, there was no dedicated legislation to deal with issues of mining. With the advent of the Constitution, Entry 54 of List I[10] and Entry 23 List II[11] became the source of legislative competence to enact laws developing and regulating mining. Parliament enacted the Mines and Minerals (Regulation and Development) Act, 1957.[12] Section 2[13] of MMRD Act is the declaration that it is expedient in the public interest that the Union should take under its control regulation of mines and development of minerals as indicated in Schedule I. However, the scope of this enactment was limited to development and regulation of mines and minerals, with no special emphasis on the environmental concerns. Hence, recourse has to be made to the environmental legislations such as the Water Act, 1974, Air

[10] 54 (List I): Regulation of mines and minerals development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.
[11] 23 (List II) Regulation of mines and minerals development subject to the provisions of List I with respect to regulation and development under the control of the Union.
[12] Act No. 67 of 1957. Hereinafter, "MMRD Act".
[13] Section 2. Declaration as to expediency of Union Control.—It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation of mines and the development of minerals to the extent hereinafter provided.

Act, 1981 and the Environment Protection Act, 1986, and policies such as the National Mineral Policy, 2008, followed by the National Mineral Policy, 2019.

6. ***Environment Protection Act, 1986***: The Environment Protection Act, 1986[14], is an overarching legislation governing the field of environment protection. The object of the 1986 Act is to "*provide for the protection and improvement of environment and for matters connected there with*". Section 3[15] enable the Central Government to take such measures as are deemed or necessary for the purpose of protecting and improving the quality of the environment and also preserving, controlling and abating

[14] Act No. 29 of 1986. Hereinafter, "1986 Act".

[15] ***3. Power Of Central Government To Take Measures To Protect And Improve Environment.-***
(1) Subject to the provisions of this Act, the Central Government, shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing controlling and abating environmental pollution.
(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include measures with respect to all or any of the following matters, namely:--
.....
(3) The Central Government may, if it considers it necessary or expedient so to do for the purpose of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.

environmental pollution. Section 5[16] gives the Central Government the power to issue directions.

7. ***EIA Notifications*****:** In exercise of powers under section 3(2)(v) read with the Environment Protection Rules, 1986, the Ministry of Environment, Forest and Climate Change (MoEFCC) issued an important notification, popularly referred to as the EIA Notification 1994.

8. ***EIA Notification, 1994*****:** The EIA Notification was a landmark regulation that made environmental clearance mandatory for certain industrial and developmental projects, including mining. It introduced a structured process for assessing the potential environmental consequences of proposed projects before granting approval. It was stipulated that the expansion or modernization of any activity, where such expansion would result in an increase in the existing pollution load or the establishment of a new project listed under Schedule I of the said Notification, shall not be undertaken in any part of India without obtaining prior

[16] ***5. Power To Give Directions****.- Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may , in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.*
Explanation--For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—
(a) the closure, prohibition or regulation of any industry, operation or process; or
(b) stoppage or regulation of the supply of electricity or water or any other service.

Environmental Clearance (EC) from the Central Government, in accordance with the procedure prescribed therein. This regulatory required project proponents to conduct an Environmental Impact Assessment (EIA), obtain public feedback, and implement mitigating measures to minimize environmental damage. It established a structured procedure for the grant of EC to ensure that industrial and developmental projects adhere to environmental safeguards. As per Para 2 of the Notification, any individual or entity intending to undertake a new project, or seeking expansion or modernization of an existing industry or project, as specified in Schedule I, was required to submit an application to the Secretary, MoEFCC.

8.1 Schedule I of the Notification enumerated 29 categories of projects that necessitated prior EC. Notably, Item 20 pertained specifically to mining projects, thereby bringing such activities under the purview of environmental regulation. This provision underscored the legislative intent to subject mining operations to rigorous environmental scrutiny, ensuring that mineral extraction did not proceed without due assessment of its impact on our ecology. Para 2 provided that in respect of mining projects, amongst others, the project proponent shall intimate the

Government of the location site, and it may grant clearance after conducting necessary investigation and survey.

9. ***EIA Notification, 2006***: Twelve years after the EIA Notification 1994, MoEFCC issued the present notification EIA Notification, 2006[17]. 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."*

9.1 Projects under the 2006 Notification were categorized into Category 'A' and Category 'B' based on spatial extent of potential impact on human health and natural and manmade resources. For projects included under Category A, EC from Central Government

[17] Hereinafter, "2006 Notification".

is mandated. As far as projects categorized under Category B are concerned, the EC shall be obtained from a new body created, the State Environmental Impact Assessment Authority, SEIAA. Further, Paras 5, 6 and 7 gives a detailed procedure for grant of prior EC. The same are extracted below for ready reference:

> "***5. Screening, Scoping and Appraisal Committees:***
>
> *The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every' month.*
>
> *(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;*
>
> *(b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitutes one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;*
>
> *(c) The EAC and SEAC shall be reconstituted after every three years;*
>
> *(d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessity facilities for the inspection;*
>
> *(e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.*
>
> ***6. Application for Prior Environmental Clearance (EC):***
>
> *An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and*

Supplementary Form 1 A if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/ or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1 A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

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

7(i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:

- *Stage (1) Screening (Only for Category 'B' projects and activities)*
- *Stage (2) Scoping*
- *Stage (3) Public Consultation*
- *Stage (4) Appraisal*

……"

9.2 Under Para 8, the appropriate authority can either grant or reject prior EC. Para 9 deals with the tenure and validity of an EC and Para 10 provides for post grant monitoring. The Appendix III enumerates the generic structure of an EIA application and its essentials.

9.3 Over the years, amendments were brought about in this EIA Notification, 2006 for the purpose of strengthening the EC norms and laying down further procedures for close scrutiny. For the present purpose, we are not concerned with other details, except to indicate herein the background in which amendments leading

to requirement of District Survey Report, with which we are concerned, are incorporated in the notification. The starting point for this can be said to be the decision of this Court in *Deepak Kumar v. State of Haryana*[18].

10. ***Deepak Kumar v. State of Haryana****:* Validity of certain mining leases granting permission for sand mining in violation of environment norms in the State of Haryana came up for consideration before this Court. Deprecating the practice of issuing auction notice without conducting necessary studies to analyse the impact such mining will have on the ecology, this Court held;

> "*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*

[18] (2012) 4 SCC 629. Hereinafter, "*Deepak Kumar*".

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)

10.1 The above quoted observations became the jurisprudential basis for evaluating the DSR for gauging the impact assessment of sand-mining on the ecology and the environment in general even at the district level.

11. ***EIA Notification 2016:*** Following the decision of this Court in *Deepak Kumar (supra)* the Government amended the EIA Notification 2006 to introduce special procedure with respect to river bed mining, sand mining and mining of minor minerals. The preamble of this notification is important even for considering the nature, scope and ambit of the DSR which has fallen for our consideration. The relevant portion of the preamble is as under;

> *"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 etc. Vs. State of Haryana and Others etc., 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 sub-section (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…"

12. ***Establishment of District Level Environment Impact Assessment Authority (DEIAA) & District Expert Appraisal Committee (DEAC) under Para 3A***: 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. The amended Para 3A establishing DEIAA and DEAC, is extracted herein below for ready reference;

> *"**3A. District Level Environment Impact Assessment Authority**:*
>
> *(I) A District Level Environment Impact Assessment Authority hereinafter referred to as the DEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of four members including a Chairperson and a Member-Secretary.*
>
> *(2) The District Magistrate or District Collector shall be the Chairperson of the DEIAA.*
>
> *(3) The Sub-Divisional Magistrate or Sub-Divisional Officer of the district head quarter of the concerned district of the State shall be the Member-Secretary of the DEIAA.*
>
> *(4) The other two members of the DEIAA shall be the senior most Divisional Forest Officer and one expert. The expert shall be nominated by the Divisional Commissioner of the Division or Chief Conservator of Forest, as the case may be. The term and qualifications of the expert fulfilling the eligibility criteria are given in Appendix VII to this notification.*
>
> *(5) The members of the DEIAA who are serving officers of the concerned State Government or the Union territory Administration shall be ex-officio members except the expert member.*
>
> *(6) The District Level Expert Appraisal Committee hereinafter referred to as the DEAC shall comprise of eleven members, including a Chairman and a Member-Secretary.*
>
> *(7} The senior most Executive Engineer, Irrigation Department in the district of respective State Governments or Union territory Administration shall be the Chairperson of the DEAC.*
>
> *(8) The Assistant Director or Deputy Director of the Department of Mines and Geology or District Mines Officer or Geologist of the district shall be the Member-Secretary of the DEAC in that order.*

(9) A representative of the State Pollution Control Board or Committee, senior most Sub-Divisional Officer (Forest) in the district, representative of Remote Sensing Department or Geology Department or State Ground Water Department, one occupational health expert or Medical Officer to be nominated by the District Magistrate or District Collector, Engineer from Zila Parishad, and three expert members to be nominated by the Divisional Commissioner or Chief Conservator of Forest, as the case may be, shall be the other members of the DEAC. The term and qualifications of the experts fulfilling the eligibility criteria are given in Appendix VII to this notification.

10) The members of the DEAC who are serving officers of the concerned State Government or the Union territory Administration shall be ex-officio members except the expert members.

(11) The District Magistrate or District Collector shall notify an agency to act as Secretariat for the DEIAA and the DEAC and shall provide all financial and logistic support for their statutory functions.

(12) The DEIAA and DEAC shall exercise the powers and follow the procedure as specified in the said notification, as amended from time to time.

(13) The DEAC shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case and if consensus cannot be reached, the view of the majority shall prevail.";

13. ***New category called Category B2 for sandmining in districts was introduced through para 4(iv)*****:** 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. Relevant portion of para 4(iv) is as under;

> *"**4. Categorization of projects and activities**:*
>
> *(i)*
>
> *(ii)*
>
> *(iii)*
>
> *(iv) The 'B2' Category projects pertaining to mining of minor mineral of lease area less than or equal to five hectare shall require prior environmental clearance from DEIAA. The DELAA shall base its decision on the recommendations of DEAC, as constituted for this notification."*

14. ***Preparation of District Survey Report Introduced through Para 7(iii)*:** Para 7 of the EIA Notification 2006 has already been reproduced. It relates to the process before grant of EC. While 7(i) related to process 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 very paragraph that the amendment introduces para 7(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) 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."

15. ***Procedure for preparation of DSR introduced through Appendix X*:** 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 District with location, area and 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 land 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 calculating 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)

16. ***Challenge to the Notification 2016 the direction of NGT in Satendra Pandey's case***: 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*[19] 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

[19] 2018 SCC OnLine NGT 2388.

Value of Ecological Services forgone because of illegal or unscientific mining."

17. ***EIA Notification for prescribing procedure for preparation of DSR of minor minerals other than sandmining and river bed mining***: A further amendment was introduced to the EIA Notification, 2006 as amendment by the EIA Notification 2016 for the purpose of prescribing a separate procedure for preparing DSR for minor minerals other than sand mining and river bed mining through notification dated 25.07.2018. This amendment introduces Part II to Appendix X which reads as under;

II. PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT OF MINOR MINERALS OTHER THAN SAND MINING OR RIVER BED MINING

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 for minor minerals other than sand mining or River bed mining shall be as per structure mentioned below:

FORMAT FOR PREPARATION OF DISTRICT SURVEY REPORT FOR MINOR MINERALS OTHER THAN SAND MINING OR RIVER BED MINING

1) Introduction

2) overview of Mining Activity in the District;

3) general profile of the district;

4) geology of the district;

5) drainage of irrigation pattern;

6) land utilization pattern in the district: forest, agricultural, horticultural, mining etc;

7) surface water and ground water scenario of the district;

8) rainfall of the district and climatic condition;

9) details of the mining leases in the district…….

10) details of royalty or revenue received in last three years;

11) details of production of minor minerals in last three years;

12) mineral map of the district;

13) list of Letter of Intent (LOI) Holders in the district along with its validity….

14) total mineral reserve available in the District.

15) quality/grade of mineral available in the District;

16) use of mineral;

17) demand and Supply of the Mineral in the last three years;

18) mining leases marked on the map of the district;

19)details of the area of where there is a cluster of mining leases viz. number of mining leases, location (latitude and longitude);

20) details of Eco-sensitive Area, if any, in the District;

21) impact on the Environment (Air, Water, Noise, Soil, Flora & Fauna, land use, agriculture, forest etc.) due to mining activity;

22) remedial Measures to mitigate the impact of mining on the Environment;

23) reclamation of Mined out area (best practice already implemented in the district, requirement as per roles and regulation, proposed reclamation plan);

24) risk Assessment & Disaster Management Plan;

25) details of the Occupational Health issues in the District. (Last five-year data of number of patients of Silicosis & Tuberculosis is also needs to be submitted);

26) plantation and Green Belt development in respect of leases already granted in the District;

27) any other information.

18. ***Enforcement and Monitoring Guidelines for Sand Mining, 2020*:** It is important to mention at this stage the MoEFCC has also issued the Sustainable Sand Mining Management Guidelines, 2016[20] and the Enforcement and Monitoring Guidelines for Sand Mining, 2020[21]. The 2020 Guidelines does not replace the 2016 Guidelines, rather, they both supplement and complement each other.

18.1 Building on the 2016 Guidelines, MoEFCC came with the 2020 Guidelines. One of the key objectives with which the said guidelines were framed was to regulate the sand and gravel mining in the country. Para 4.1.1 deals with preparation of DSR. It is recognized therein 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.*" A detailed procedure is given in para 4.1.1, the relevant portion of which is extracted as under;

> "*a) District Survey Report for sand mining shall be prepared before the auction/e-auction/grant of the mining lease/Letter of Intent (LoI) by Mining department or department dealing the mining activity in respective states.*
>
> *b) The first step is to develop the inventory of the River Bed Material and Other sand sources in the District. In order to make the inventory of River Bed Material, a detailed survey of the*

[20] Hereinafter, "2016 Guidelines".
[21] Hereinafter, "2020 Guidelines".

district needs to be carried out, to identify the source of River Bed Material and alternative source of sand (M-Sand). The source will include rivers, de-siltation of reservoir/dams, Patta lands/Khatedari Land, M-sand etc.

…….

c) District Survey Report is to be prepared in such a way that it not only identifies the mineral-bearing area but also define the mining and no mining zones considering various environmental and social factors.

d) Identification of the source of Sand & M-Sand……

e) Defining the sources of Sand/M-Sand in the district is the next step for identification of the potential area of deposition/aggradation wherein mining lease could be granted……

* * *

p) Public consultation-The Comments of the various stakeholders may be sought on the list of mining lease to be auctioned. The State Government shall give an advertisement in the local and national newspaper for seeking comments of the general public on the list of mining lease included in the DSR. The DSR should be placed in the public domain for at least one month from the date of publication of the advertisement for obtaining comments of the general public. The comments so received shall be placed before the sub-divisional committee for active consideration. The final list of sand mining areas [leases to be granted on riverbed & Patta land/Khatedari land, desiltation location (ponds/lakes/dams), M-Sand Plants (alternate source of sand)] after the public hearing needs to be defined in the final DSR in the format as per Annexure-V. The details regarding cluster and contiguous cluster needs to be provided in Annexure-VI. The details of the transportation need to be provided in Annexure-VII."

19. ***Decision of this Court in State of Bihar v. Pawan Kumar***[22]*:* Considering the mandatory requirement of preparation of DSR, which shall form the basis for grant of EC for sand mining

[22] (2022) 2 SCC 348. Hereinafter, "*Pawan Kumar*".

in any districts, this Court specifically directed appraisal by SEIAA and SEAC 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.*

19.1 Further, noting the existence of the *Enforcement and Monitoring Guidelines for Sand Mining, 2020*, the Court directed as under;

> "*12. It could thus be seen that in accordance with the 2020 Guidelines, the DSR is required to be prepared before the auction/e-auction/grant of mining lease by Mining Department or Department dealing with mining activity in the respective States. It is further provided that the potential site for mining having its impact on the forest, protected area, habitation and bridges should be avoided. For this, a Sub-Divisional Committee is required to be formed which, after the site visit, is required to decide regarding the suitability of the sites for mining. The Sub-Divisional Committee is further required to record its reasons for selecting the mining lease in the patta land. Various details are required to be given in the annexures appended to the said policy.*
>
> *13. It is further to be noted that Appendix X of the Notification dated 15-1-2016, issued by MoEF and CC also provides for composition of the Sub-Divisional Committee:*
>
> *"A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geology or Mining Officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof."*
>
> *14. It is to be noted that with the advent of modern technology, various technological gadgets like drones and satellite imaging, etc. can be used for identification of the potential sites and preparation of the DSR and also to check misuse and unauthorised mining.*"
>
> (emphasis supplied).

19.2 We have also noted that the NGT has been taking a consistent stand about the mandatory requirement of a DSR being a condition precedent to carry mining activity. [23] Further, the decision of the NGT that DSR should be the basis for an application for grant of an EC and that an application without DSR is incomplete cannot be processed or proceeded further is correct in law.[24] We may add that a 'draft DSR' is virtually a non-existing DSR for purpose of grant of environmental clearance.

20. ***Conclusion:*** Having considered the regulatory regime introduced from time to time, increasing the width as well as the depth of scrutiny before granting an environmental clearance for sand mining, we are of the opinion that there is a mandatory requirement of preparation of a DSR. The DSR shall form the basis for application of environmental clearance. It shall also be the basis for preparation of reports and also appraisal of the projects. Another important facet of DSR is that it shall be prepared for all the districts and the draft is to be placed in the public domain. There is a requirement for keeping a copy of DSR in Collectorate. It must also be posted on the district's website for 21 days. After

[23] *Anjani Kumar v. State of U.P.*, 2017 SCC OnLine NGT 979.
[24] *Raza Muzaffar Bhat v. SEIAA, J&K*, Appeal No. 24/2022, NGT, Principal Bench.

comments are received, they shall be considered and if found correct, they will be incorporated in the final report. The final DSR will then be finalized within 6 months by the DEIAA. The lifetime of the report is five years. After five years the existing DSR will not be tenable and a new DSR will have to be prepared and finalized. The purpose and object of prescribing a lifetime of five years for subsistence of a DSR is for the reason that the position of ecology and the environment is rapidly changing and the position that exists five years back, may not subsist for later days. It is true that it might have changed even before the expiry of five years but a reasonable estimate, to work as a benchmark is a policy consideration. May be a precautionary principle, it is not only legal and valid but is also mandatory. It must be enforced strictly and with all vigor.

21. We conclude by holding that:

(i). A District Survey Report is a document of seminal importance as it enables informed decision making.

(ii). Preparation of a DSR as per the procedure prescribed for its preparation under Appendix X, read with para 7(iii)(a), is required to be followed meticulously.

(iii). A valid and a subsisting DSR alone can be the basis for an application for grant of EC. A draft DSR is untenable for grant of an EC.

(iv). Preparation of reports and appraisal of projects by DEIAA and DEAC shall be on the basis of a valid and a subsisting DSR.

(v). DEIAA and DEAC are recognized as the authorities fastened with the statutory duty of preparing the DSR every five years and this duty compels them to have a comprehensive and a real time perspective of the environment position of the district including its eco-sensitivity and other fragilities.

22. For the reasons stated above, we reiterate our decision of dismissing these civil appeals against the judgment and order passed by the NGT holding that the e-auction notice dated 13.02.2023 is illegal and contrary to law.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[MANOJ MISRA]

NEW DELHI;
MAY 08, 2025

Annexure A/3

2026:HHC:4959

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPIL No. 02 of 2025
Reserved on 23.12.2025
Pronounced on:27.02.2026

Raj Sharma **.....Petitioner**

Versus

The State of HP and others **…..Respondents**

Coram:

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
The Hon’ble Mr. Justice Jiya Lal Bhardwaj, Judge.

Whether approved for reporting?

For the petitioner: Mr. Vinod Chauhan, Advocate.

For the respondents: Mr. Anup Rattan, Advocate General with Mr. Gobind Korla, Additional Advocate General for respondents No. 1 to 9-State.

Mr. Dhiraj Thakur respondent No. 10.

Mr. Shrawan Dogra, Senior Advocate with Mr. Rishi Tandon, Advocate, for respondents No. 11 to 28.

G.S. Sandhawalia, Chief Justice.

The present Public Interest Litigation has been filed as *pro bono publico,* by the petitioner highlighting the issue of mining activities being carried out in the Humm-Khad region of Bathu Batheri area of District Una H.P, resulting into various consequences and damages to the environment as well as the health.

2. The petitioner is stated to be an environmental activist, who has been writing to the authorities for stopping the illegal mining and always works in public interest. It is submitted that in case this Court comes to the conclusion to dismiss the Public Interest petition with cost, in that eventuality, the petitioner would be ready to bear the cost.

3. The petitioner is stated to have made various representations to the competent authorities regarding stopping of the illegal Mining in the Humm Khad situated in District Una in Sub-Division Haroli but no action there upon has been taken and illegal Mining is continuously being carried out by the lease holders of that area under the eyes of the Mining authorities as well as other Government Machinery.

4. It is further pleaded that the unwarranted excavation and rampant illegal mining in unscientific way is being done in the Sub Division Haroli, District Una (H.P) by way of using heavy machinery such as JCB, Poclain, which is disturbing the earth's ecosystem leading to lose soil, reducing water level, flash floods, mud flow and deaths in the said region. It is further submitted that 19 mining leases have been granted in a small area falling in the Sub Division Haroli, District Una (H.P) which are adjacent to the Himachal Punjab Border. This region comes under EQ Zone-IV which is a high damage risk zone (Red Zone) and known as silent feature area as per the Geological report and mining activities in these regions which lead to flash floods, mud flow, landslides and earthquakes. It

is further submitted that there are many leases where there is no public road and the activities of mining are being carried out through a privately managed machinery which is not permissible as per law as there would be no control of the authorities as there is no departmental Check Post and unaccounted material would be transported by the lessee which is going to happen in the present case. One of the mining lease holders namely, M/S Lakhwinder Stone Crusher, is stated to be having 3 Mining leases in the Sub Division Haroli, District Una (H.P) and is the biggest illegal mining operator in the said region. The said lease holder is carrying out illegal mining activities in an unscientific way and by using heavy machineries such as JCB, Poclain etc., which is completely impermissible. Hundreds of trucks and tippers are being loaded and transported every day from these mining lease areas. The petitioner has appended copy of satellite photos as well as photographs (Annexure P-1-Colly), which shows that Heavy Machineries are being used for the illegal Mining and that the deep mining in river bed and illegal mining beyond the prescribed limit has been done in the Hill slope. There is no permission to the lessee of the area to do the mining with heavy machinery, still the unscientific mining is being carried out by the mining Mafias.

5. It is further averred that the Enforcement Directorate (E.D) has registered an F.I.R against some Stone Crusher owners, wherein owners have been found to be involved in the offence of cheating and causing

fraudulent and wrongful loss to the State Exchequer thereby, fraudulently acquiring wrongful gain to themselves through Illegal Mining in District Una of Himachal Pradesh. The Enforcement Directorate (E.D) has provisionally attached assets valued at Rs. 2.98 Crore under the provision of Prevention of Money Laundering Act, 2002, belonging to one of the lease holders, who had deliberately and dishonestly concealed the actual production in its statutory returns required to be filed under the H.P. Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining Transportation and Storage Rules), 2015, which shows that there is illegal mining in the area under the eyes of the respondent authorities and a large number of amount of tax as well as the revenue of the State Government has been evaded by the lessees of the area. Even the Mining Officer of District Una had been impleaded as accused in that matter, still the same officer has been allowed to perform his duties as Mining Officer in the same district, wherein under his control lacs of rupees have been swindled which otherwise was the public money and required to be added in the revenue of the State. The Enforcement Directorate (E.D) has conducted a comprehensive examination of all the areas on which mining was conducted by various lease holders in District Una (H.P) to determine the extent of illegal Mining. The expert report by the expert team has highlighted instances of excessive and illegal sand mining, much more than the recorded volume documented in the records of the State Government.

The respondents have not cancelled the leases of various Stone Crushers who have indulged in the illegal Mining rather they have been allowed to excavate the material beyond the prescribed limit of 1 to 3 meters in depth in case of river bed mining and 5 meters in case of Hill slope mining. Thus, there is illegal mining being carried out in the Humm Khad of the Una District where about 20 mtrs. deep and more than 20 mtrs. in hillside, the mining material has been excavated by the Mining Mafia, even from the area beyond their lease. The petitioner has also annexed the fact finding report on the illegal mining and flash flood of 11.08.2024 as **Annexure P-3.**

6. The petitioner has highlighted one mechanical mining lease granted by the Mining Officer, District Una in the year 1985 to M/S Himachal Chemical and Silicate Works in Village Bathu Sub Division Haroli, District Una on Humm Khad. Per contra, in the report of official record of the State, which was also shown during assembly, there is not even a single permission granted in the State for the mechanical mining. Therefore, M/S Himachal Chemical and Silicate Works are continuously carrying out rampant illegal mining in unscientific way since 1985, irrespective of the duration of their lease. M/S Himachal Chemical also has 3 stone crushers in the same region. The permission to use JCB and Poclain has not been justified. Moreover the Government of H.P has formulated various policies as well as issued the notifications to stop the illegal mining, but still mining mafias are indulging in illegal mining activities. The copy

of the Notification/office Memorandum issued by the Government in 2013, 2020, 2022 and in 2024 whereby certain Guidelines have been formulated to stop the illegal mining, has also been appended as **(Annexure P-4-Colly).** It is further submitted that in the policy of the 2013, there was a provision for Non-grant of mining lease on the border area which has been removed from the subsequent notifications of the State. However, despite that the lessees have been granted various leases near to the border areas.

7. M/S Om Stone, AAR EES stone Crusher Village Kuthar Beet, Tehsil Haroli, District Una (HP) is also stated to be using heavy machinery for the mining purposes. Moreover, they have also uploaded their pictures on their official page of OM Stone crusher on Facebook while doing illegal mining which shows that they have no fear from the government machinery especially the mining department further more then prescribed limit for the mining has been crossed and in haphazard manner the mining activities are being carried out by these lessees. It is further submitted that though the pollution control board has prescribed the red industries in the District Una **(Annexure P-5)** still the norms which are required to be followed by these red industries have not been followed.

8. The Government had suspended the lessees of the mining mafias but the same is stated to be an eye wash as the crushing units of these lessees have not been ordered to stop and they are still working and are crushing the material procured from the illegal mining. The petitioner

has also mentioned the law laid down by the Hon'ble Supreme Court in *Goa Foundation v. M/s Sesa Sterlite Ltd.*, whereby a penalty of 100% of the value of the illegally extracted minerals has been imposed on the mining company. It is further submitted that since there is illegal mining in the Humm Khad as such the Government has also suspended the mining lease of the 5 lessees in the same region which could be verified from the Red Category Industries **(Annexure P-6).** It is further submitted that due to rampant illegal mining in unscientific way, flash floods are happening in the region frequently. The main reason for causing floods is the deep digging in the mining lease areas and unauthorized sanction of illegal mining in Humm Khad and nearby stone crushers.

9. It is stated that these lease holders not only do illegal mining in the leased out areas granted to them but also on the public as well as private land on which these have no authority or permission to carry out mining activities. These lease holders have reached to such an extent that they reached the Oil pipes of the Indian Oil Corporation Limited (IOCL) which are present very deep in the soil. Moreover, the use of heavy machinery within 500 meters of buried pipeline is not advisable for the safety of pipeline and due to these illegal mining activities, there is a continuous threat to public safety as leakage in oil pipelines may happen and huge blast and fire can occur.

10. It is further submitted that there are various WhatsApp. groups of the mining mafias and their partners and all the strategies with regard to the illegal mining is being discussed and planned on those groups. The strategies to manage the black money being earned from the illegal mining is also being planned on those groups. Thus, it is apparent that mining mafias have control over the government machinery which is required to be decimated.

11. It is further averred that the Joint Director of Industries Department had also reported that there was illegal mining of approximately 100 feet in depth in the said region and artificial dams are built to tackle the flood as the soil has loosened. During rainy season, the water flows rapidly, resulting into breaking of these artificial dams causing flood in the region as well as in the Industrial Area. The Sub Division Soil Conservation Officer had also reported that during spot visit it was found that Garshankar Nangal Road is a hotspot of mining activities. Due to rampant mining, the level of Nullah has gone 100-150 feet down from its original level. Further, Flash flood has occurred in the Bathu- Bathri region and the industries are being shut down and their daily operations are being affected due to unscientific and illegal mining even the agricultural and irrigation of land have also been affected. The Divisional Magistrate, Haroli had also forwarded a letter to the Joint Director, Industries stating therein that the temporary/artificial dam like structure is due to very deep

excavation for mining. Moreover, the Tehsildar, Haroli in his report dated 17.08.2024 (Annexure P-9) had held that without any mining lease, illegal mining has taken place in the said region in form of deep mines. It is further submitted that three child labourers had died during the flash flood in the region as per the postmortem report of the Regional Hospital Una, District Una. The lease holders are stated to be not even paying any royalty on the said mining activities. The electricity bills of these lease holders are usually very high which clearly shows that they are involved in the illegal activities in the said region.

12. It is pleaded that Haroli Block Association of Industries also gave representation to Joint Director, Industries that illegal mining and excessive digging causing outflow of water in Humm Khad are taking place. The continuous illegal mining under the eyes of the administration smacks of *mala-fides* and appears to be managed, and while granting the permission to such lessees who are having no public accesses shows that there is hanky panky in the matter and in hurried manner just to throw away the public money of the state which would come in the shape of royalties to the government has been consigned to the mining mafias.

13. Notice of this petition was issued on 09.01.2025 and report of the Secretary, District Legal Services Authority, Una was called for. On 25.08.2025, on the basis of the report of the Secretary, District Legal Services Authority, Una, and keeping in view the heavy rain as such in the

State of Himachal Pradesh and the fact that mining is not permissible beyond 2-3 meters, we had suspended the mining operation in Humm Khad, in District Una.

14. On 23.12.2025, when the matter was being finally heard, CMP No. 985 of 2025 came to be filed. This Court on the said date itself disposed of the said application and the order on main matter (PIL) was reserved. The said order reads as under:

> *"CMP No. 985 of 2025.*
> *Arguments heard.*
> *2. Since the issue was raised initially regarding mining activities being carried out in the Humm-Khad region of BathuBatheri area of District Una, notice was issued way back on 09.01.2025 and the report had been called.*
> *3. An application was filed by 18 number of stone crushers, who were government licensees/lease holders to be impleaded as party, which was allowed on 03.04.2025. It was also directed that Secretary, District Legal Services Authority, Una, would inspect the site vide order dated 07.07.2025 and on 25.08.2025, it was directed that since heavy rain was taking place in the State and the mining is not permissible beyond 2-3 meters in depth, the same should be suspended.*
> *4. On the reply being filed by the Deputy Commissioner, Una, justification was given that dredging was taking place during monsoon and accordingly, we directed the Chief Secretary to file an affidavit whether such a line of action is permissible on 01.09.2025, while continuing the interim order.*
> *5. Necessary affidavit was filed and counter was also thereafter filed, while direction had been given on 02.12.2025, as we had prima facie found that auction was only 55% of the material, which the State has justified as per the opinion of the expert. The relevant files have also been produced including the original one regarding the auction proceedings which have taken place for the purpose of dredging and allotment as such to the joint venture in the auction held on 02.08.2025 in pursuance to auction notice dated 24.07.2025 (Annexure R1/7), who were awarded the work of dredging and excavating material as per approved auction process on 13.08.2025 (Annexure R-7/4).*
> *6. We have seen the original record and heard arguments at considerable length. It has transpired that against the reserve*

price of Rs. 5,91,71,600/-, the joint venture has been awarded the contract dredging as such for Rs. 6,45,00,000/- (Rs. Six crores forty five lacs) and they have also deposited a sum of Rs.53,75,000/- (Rs. Fifty three lacs seventy five thousand) as a first installment and Rs.25,00,000/- (Rs. Twenty Five Lacs) as security deposit in the form of FD and necessary directions have been issued as such to the joint venture M/s Himachal Chemical & Silicate Works-II and M/s Mohunta Mining and Manufacturing Company Pvt. Ltd.

7. In such circumstances, we are of the considered opinion that continuing the interim order at this stage would result in irreparable loss and injury to the allottees as such. We are prima facie of the opinion that due process has been followed and the dredging process has to be done in a period of 12 months and, therefore, time is the essence of the contract as such, and if the interim order is allowed to continue, it would cause the work as such to spill over into the month of July, which is the onset of the next monsoon season, therefore, the purpose of dredging as such of the khad, would be adversely affected and the general public would be the loser.

8. Accordingly, we vacate the stay in public interest, which was operating against the State and the allottees, as such.

CWPIL No. 2 of 2025.

9. Arguments heard. Judgment reserved."

Stand of the respondents in terms of the affidavit filed.

15. Respondents No.1, 2, 7, 8 & 9-Geologist Zone-II, Geological Wing, Department of Industries, Shimla-1, in its reply stated that the mining activities are regulated by the Mines and Minerals (Development and Regulation) Act, 1957 and the Rules framed there under i.e. the Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining Transportation and Storage) Rules, 2015 (hereinafter referred to as "Rules, 2015"). The minerals i.e. sand, stone & bajri is an open wealth of the respondent-State and in order to use the said minerals legally for the construction activities, the respondent-Department i.e. Industries Department grants the mineral concessions i.e. mining

lease/mining contract/any other permission as per the provision contained in "Rules, 2015" to the eligible applicants and before grant of mining lease, the applied mining lease area is duly inspected by a committee constituted under the concerned Sub-Divisional Officer. Moreover, it is also mandatory for the project proponent to obtain environment clearance from the State Environment Impact Assessment Authority and get the mining plan approved from the Competent Authority. The respondent-Department has granted total 41 numbers of mining leases in the Sub-Divisional Haroli of District Una, Himachal Pradesh, out of which, 25 mining leases are functional and 16 mining leases are non-functional. A list of 41 mining lease holders/mining licensee is enclosed as **Annexure R-I.**

16. The illegal mining activities have been reduced to a larger extent in the absence of mineral concessions in the said area. The field agencies of respondent-Department have many times found the local tractor owners to be involved in illegal mining activities. The petitioner has nowhere stated that the mining lease holders have violated any provision of MMDR Act, 1957 and Rules framed thereunder referred to above. It has been pleaded that the present petition is not maintainable against the replying respondents.

17. It is averred that earlier two similar nature of petitions i.e. CWP No.2077 of 2017 titled as ***Amrik Singh & others Vs. State of Himachal Pradesh & others*** and CWPIL No.43 of 2023 titled as ***Dalip***

Singh & another Vs. State of Himachal Pradesh & others were disposed of by this Court vide judgments dated 22.06.2022 and 11.11.2024 respectively **(Annexure R-2 colly)** and action would be taken against the offender as per "Rules, 2015", if anyone including lease holders, is found to be indulging in illegal mining, transportation & storage of minor minerals in Sub Division Haroli, District Una, Himachal Pradesh. The fact that the petitioner had not made any representation to the respondent-Department i.e. Industries Department and the allegations are stated to be general in nature and without any statutory base and the Director of Industries had issued 20 permissions for use of JCB/loader over the mining lease areas falling in the river bed and 12 permissions for use of excavator over the hill slope mining lease area, strictly as per the "Rule, 2015" has been highlighted. The five (5) number of check posts/weigh bridges have been established, out of which three (3) number of check posts namely Bathri, Pollian & Pandoga have been established in the Haroli Sub Division of District Una, Himachal Pradesh. The rivers were having lot of minor minerals due to which the river bed level gets high and if this mineral was not removed time to time by granting mineral concessions, then, it would become a flood like situation. The respondent-Department i.e. Industries Department had granted six (6) number of mining leases for use of excavators over the private land (Hill slope) in favour of M/s Lakhwinder Singh for feeding the Stone Crusher & Screening plant Unit-I, II & III

situated in Sub Division Haroli, District Una, Himachal Pradesh and respondent-Department has not granted mining lease over the river bed in his favour.

18. Reliance was also placed upon the order passed on 03.01.2025 **(Annexure R-4)** in CRMMO No.922 of 2024 titled ***Dr. Lakhwinder Singh Vs. Directorate of Enforcement & another,*** wherein ECIR dated 20.06.2022, prosecution complaint dated 11.03.2024 and summoning order dated 05.04.2024 issued in the matter of ***State Vs. Lakhwinder Singh*** in case bearing No.1/24 before the Special Court (PMLA) Dharamshala were quashed and accordingly, the file had been consigned.

19. Reference was made to the flash flood which had occurred on 11.08.2024 in Village Bathri, Bathu-Bathri Industrial Area, Tehsil Haroli District Una, Himachal Pradesh and the enquiry report as such made by the Inter-Departmental Committee regarding the dredging action as such which was required from the HPPWD Bridge to the confluence of Humm Khad with Swan River to a width of 50-60 meter.

20. Reference was also made to the order dated 22.01.2025 **(Annexure R-6),** whereby a Committee as such was constituted to assist the concerned department in completing the codal formalities of the process (including assessing the quantum of material deposit) due to the flash flood which had occurred on 11.08.2024 and that there was no direction regarding

the mining lease holders carrying out the mining activities over the mining lease areas as per the provisions of Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 and the fact that deep digging in the Humm Khad channel was the main cause of flood was absolutely incorrect and strongly denied. The rainfall of 135mm had been recorded in the area and exceeded 100 millimeters in an hour and could be categorized as a cloudburst, when intense rainfall happens over a small area resulting in flood-like situations. The Mining Officer has reported that upto 100 meters each side of the oil pipeline has been declared as no mining zone. Reference was made to the inquiry report dated 11.08.2024 **(Annexure P-3),** wherein it has been mentioned that the flash flood incident as such had occurred in Bathu-Bathri Industrial Area, Village Bathri, Tehsil Haroli, District Una, Himachal Pradesh.

21. Respondents No.11 to 28 had filed an application bearing CMP No.5856 of 2025 titled ***Raj Sharma Vs. State of Himachal Pradesh and Others*** for being impleaded as private respondents on the ground that they had permit/license/lease holder of the area concerned. The said application was allowed on 03.04.2025 and the respondents had been given two weeks' time for filing the reply. The respondents had filed the reply, wherein it has been mentioned that in the past recent incident the petitioner had attempted to black mail the replying respondents on the basis of some

forged photographs and documents and the petitioner had demanded Rs.1.50 Crores (Rs. One Crore Fifty Lakhs) from the replying respondents as extortion money and further threatened that in case the replying respondents refused or fails to pay the extortion money to the petitioner, he would get action taken against them. The replying respondents had filed a complaint against the petitioner on 12.08.2024 to the Vigilance and Anti Corruption Bureau, Una and after investigation and being satisfied that the petitioner was blackmailing the replying respondents, the Police Station Una (State Vigilance & Anti Corruption Bureau) had registered an FIR No.0004 dated 14.08.2024 **(Annexure R-11/1)** under Section 308 (2) of the Bharatiya Nyaya Sanhita, 2023.

22. The issue of the vulnerability of the pipelines of the Indian Oil Corporation Ltd., was highlighted that the said Corporation was not impleaded as a necessary party. The private respondents were carrying out the mining activities as per the "Rules, 2015" and necessary compliance of 'W' forms as well as 'X' forms for the transportation of the raw and finished material, subject to the deposit of royalty, rent and taxes have been done. It is further pleaded that the petitioner intentionally did not array any mining concession holder as party and respondents No.14 to 16 are running stone crusher Unit-I, Unit-II & Unit-II to process the major material i.e. Silica boulder and its by products which are in the form of minor minerals. The allegations have been made against private respondents No.26 and 27

in the petition with ulterior motive without impleading them as necessary party and the petitioner had been nabbed red handed while taking extortion money from the replying respondents.

23. Respondent No.10-Himachal Pradesh State Pollution Control Board took the plea that no instance of violation of Water Act, 1974 or Air Act, 1981 was observed and the mining activities are regulated under the Mines and Minerals (Development and Regulation) Act 1957 by the Industries Department. M/s Lakhwinder Singh Stone Crusher and Screening Plant as such had consent to operate and accordingly, reference was made to the various ambient air quality monitoring in cluster area of lease and analysis results were found within limits.

24. Initially, since, we had ordered that the depth of the mining area seems to be beyond the permissible limit as per the photographs and the replies had to be filed on the said issue and we directed the Secretary, District Legal Services Authority, Una, Himachal Pradesh to inspect the site in Humm Khad, Sub-Division Haroli, District Una, Himachal Pradesh and submit a report. The necessary report found that the upper surface of Khad was measured and found to be 6 meters in depth and a further descent was undertaken to measure the lower portion, which was recorded as 7 meters measurement taken from the bank of the Khad. The various point at this location was found to be approximately 30 meters (07 meters + 23 meters) and another point near the Indian Oil Pipeline with the Humm Khad area,

the depth was measured at 14.40 meters. The necessary photographs as such have been attached.

25. Resultantly, we suspended the mining in Humm Khad, District Una vide order dated 25.08.2025 and due to which the reply had been filed by the Deputy Commissioner, Una that the mining activities had been suspended w.e.f. 01.07.2025 to 15.09.2025, in view of the rainy seasons, the measuring of the height as such from the left bank of the Humm Khad was approximately 19 kilometers and the elevation difference was 194 meters. The flash flood as such had occurred on 11.08.2024 and the Committee being appointed had given the enquiry report as such which is enclosed as **Annexure R-7/4** that the water course requires removal of the sediments (dredging) of the khad immediately so that water is drained instantly without rise in the water levels and the restricted water course requires widening especially upstream side of the bridge. The immediate flood protection works e.g. Gabion wall crate works are required in the reaches of the Bathri (Humm Khad) where the flood water have caused measure damages especially in the reaches.

26. Vide order dated 22.07.2025, passed by the DDMA-cum-District Magistrate, Una, Himachal Pradesh, the Government had been requested vide letter dated 04.07.2025 to convey the approval for conducting the auction and disposal of 55% usable excavated minerals to the tune of approximately 7,39,645 metric ton. The Government conveyed

its approval vide letter dated 16.07.2025 **(Annexure R-7/6)** and also authorized the Deputy Commissioner-cum-Chairman of District Disaster Management Authority District Una to constitute a committee for conducting the auction of said quantum of mineral in a time bound manner. The auction of the said material with the reserve price of Rs.5,91,71,600/- was conducted on 02.08.2025 by a committee constituted under the Chairmanship of Additional District Magistrate Una and highest bid of Rs.6,45,00,000/- was offered by the bidders and the same stands accepted by the committee. Further, as per the terms & conditions of auction, the said highest bidder has deposited an amount of Rs.53,75,000/- as the first instalment of Up-Front Premium and also deposited the security amount of Rs.25,00,000/- in the form of fixed deposit in favour of the Mining Officer, Una, Himachal Pradesh. The dredging process was conducted in accordance with the drawings and methodology supplied by the Executive Engineer, HPPWD Haroli and the dredging was going on at RD 2610 to 3150 and the depth of the said marked dredging areas was to be increased between about 5 to 15 meters from the actual river bed of Humm Khad.

27. Vide order dated 01.09.2025, we had directed the Chief Secretary to the Government of Himachal Pradesh to file an affidavit as to whether the dredging can be permitted during the monsoon season or not, while continuing the interim order. Resultantly, the Chief Secretary to the Government of Himachal Pradesh had filed an affidavit dated 14.10.2025

stating that the catchment area of Humm Khad was 45.3 square meter and there is an elevation difference of 194 meters and the Khad was reducing the width and had tapered down to 19 meters. The incident was apparently triggered by continuous heavy rain fall in the entire catchment area in a shot span of time which resulted in rapid huge water accumulation flowing at a very high speed and the flood water abruptly increased in height and its velocity increased leading to large scale devastation at Bathu-Bathri industrial area.

28. Thereafter, the opinion was sought from the Government approved Consultant namely NKM Research and those opinion as such was referred to the Sub-Divisional Magistrate Haroli, District Una, Himachal Pradesh vide letter dated 12.05.2025 **(Annexure R-1/4 colly).** Vide letter dated 19.05.2025, the quantification of dredging material for Humm Khad was received from Executive Engineer, HPPWD, Haroli was referred to and thereafter the necessary permission had been sought from the Government as such.

29. Reference was made to the order dated 22.07.2025 **(Annexure R-I/6),** whereby the quantum of the minerals as such had been fixed for auction on 02.08.2025. The necessary auction notice dated 24.07.2025 was attached as **Annexure R-I/7** on account of the fact that the highest bid of Rs.6,45,00,000/- was received jointly by respondents No.14 and 28 which stood accepted and the auction proceedings were appended as

Annexure R-1/8. The formal letter in favour of the bidders dated 13.08.2025 was appended as **Annexure R-1/9**, wherein it has been mentioned that the dredging activities were suspended in the Humm Khad, as per the order dated 01.09.2025. It was justified that the mining activities are always carried out over the river bed surface towards inwardly and the measured height had not been attributed to the mining activities.

30. The original record had been called for vide order dated 16.12.2025 and after perusing the record, we had found that the auction proceedings as such had taken place as per the auction notice dated 24.07.2025 and accordingly, the work had been awarded.

31. As per the rejoinder to the reply filed by respondents No.11 to 28 regarding the FIR in question, it is stated that the FIR was planned one rather he was roped in the drugs case also by the mining mafias and there is the evidence with the petitioner to that effect that the FIR is false and planned one. The justification had made for the non-impleadment of the Indian Oil Corporation (IOC) and that there was an illegal mining as such, while referring to the order passed in CWPIL No.12 of 2021 **(Annexure P-12)** and reliance was placed upon the report of District Legal Services Authority (DLSA).

32. The lodging of the FIR was controverted on the ground that on 13.06.2024, the petitioner had been attacked by some sponsored person by the illegal Mining Association and it had been also apprised to the Police

Station Mehatpur that they have threatened lodging of an FIR under NDPS against the petitioner. The copy of the complaint has been attached as **Annexure P-15.**

33. The affidavit had also been filed by the Deputy Commissioner on 08.12.2025 stating that the dredging process would be completed within the period of twelve (12) months and dredging process had to be conducted in accordance with the drawings and methodology recommended by the Government approved consultant i.e. NKM Research & Development in its report dated 12.05.2025 for the marked dredging area falling in Humm Khad.

34. It is in such circumstances, it has been argued both by the respondents-State through its learned Advocate General and the private respondents that there is no cause as such for petition to continue which is a Public Interest Litigation in view of the element as such of extortion by the petitioner and the fact that the petitioner was involved in the criminal case.

35. Counsel for the petitioner on the other hand has submitted that the quantification of minerals was not properly done and the auction was only for 55% and under the auction proceedings as such the private respondents would be enriched at the cost of the respondents-State.

Reasons for dismissal and non-interference:-

36. As noticed, we have examined the record as such and the original proceedings also. We had noticed that the auction proceedings

apparently had been carried out on the basis of the permission sought from the State Government after getting a report as such from the expert agencies. We have also perused the report of the expert agencies, which specifically has mentioned that the quantity of the material which has to be excavated for the purposes of dredging and also for the mining aspect. The public notice as such was that the permission granted on 16.07.2025 was for conducting the auction and disposal of 55% useable excavated minerals and therefore, it would be clear from the report also that there were three dredging sites as such and the total amount was quantified by the agency on the basis of which the permission was taken from the State. The quantifying of grand total of 1344809 metric ton at three sites and only 55% usable excavated minerals to the tune of approximately 7,39,645 metric ton was to be auctioned which finds mention thereafter also in the order dated 22.07.2025 **(Annexure R-I/6).** The auction proceedings as such also would go on to show that the bidder had asked for more time to complete the dredging process from 12 months to 18 months but the Committee had only agreed to the shortest span of 12 months which was also, keeping in view the fact that the report as such dated 12.05.2025 would go on to show that the periodical dredging had to be done after the rainy season. The Chief Secretary to the Government of Himachal Pradesh had also justified the manner in which the proceedings had been conducted by filing his personal affidavit and highlighted as such the flash-flood which had taken place and

the peculiarity as such of the area in question, keeping in view the steep incline as such and the run-off which has led to the situation in question which is sought to be rectified by doing the dredging as such and permission to pick up minerals as such so that future situation does not arise on account of the fact that the large amount of material has come down on account of the flash-flood.

37. It is settled principle that in the Public Interest Litigation, if there is a slight personal interest shown, the writ petition would not be taken up on merits as such and the conduct of the petitioner has already been highlighted as such regarding lodging of an FIR, which has now to be contested on the ground that he has been falsely implicated. Without going into the said aspect and the fact that the matter is yet to be adjudicated and is under investigation and further trial and if the charge-sheet is filed and if the investigating agency finds that the offences are made out it may not be proper for this Court to comment upon the veracity of the FIR at this stage. It is the case of the petitioner as such of false implication but it is not within the ambit of this Court to decide the issue at this stage. Since, the FIR had been lodged at initial stage on 14.08.2024 as such, before approaching this Court, in such circumstances, keeping in view the overall picture as such there seems to be no apparent illegality or irregularity in the auction proceedings which have been held. The dredging had been carried out in accordance with the procedure prescribed under wide publicity and we do

not find any plausible reasons as such to continue with the present Public Interest Litigation as even necessary directions have also been issued as it has been admitted in the reply also by the Deputy Commissioner that there would be no mining activities as such to be carried out around the pipeline of the Indian Oil Corporation (IOC) and the Concessionaire's have been had to cover the pipelines exposed.

38. It has also come on record that mining has not been carried out in the close vicinity as such of the Indian Oil Corporation (IOC), the dredging of the Indian Oil Pipeline and even as per the report, the same had to be done downstream for the said pipeline and even the order dated 22.01.2025 **(Annexure R-7/5)** provided that the dredging was to be done downstream over the said Indian Oil Pipeline. It is also to be noticed that the said Corporation was never impleaded as party and there is nothing to show that any grievance as such that the pipeline has been adversely affected. Once the respondents have taken the necessary precaution in accordance with law, we do not find any plausible reasons to carry on with Public Interest Litigation. It has already been noticed that the dredging is time bound and sensitive issues as such and further continuing the stay would adversely affect the area in question.

39. In such circumstances, we had vacated the stay, while reserving the order. The expert as such had given the following suggestions in its report dated 12.05.2025 which read as under:-

"1) Do not allow the entire run off of flood water to reach the industries setup in water course of Hum khad by retaining a major portion of flood water in sumps/checks after dredging.

2) Maintain a gradual slope throughout the HUM khad by dredging and make creeks so that the flood water moves along a predesignated course with reduceable velocity.

3) Widening of the Hum khad to enable it to store more flood water but with special care that a safe distance maintained from the current embankments and a proper slope at embankments is maintained to avoid erosion.

The creek act like as check dam (in cutting) which will be barrier, built across a stream or channel to slow down water flow …… is to reduce soil erosion increase groundwater recharge, and improve water management, particularly in areas with high soil erosion or where water conservation in crucial.

Objectives of this barrier (in cutting):

1. ***Soil Erosion Control:*** *slowing down water velocity, Barriers reduce the erosive power of flowing water, preventing soil loss.*
2. ***Groundwater Recharge:*** *The slowed water flow allows for more water to percolate into the ground, increasing the groundwater table.*
3. ***Water Harvesting:*** *Barriers can help collect and store runoff rainwater, making it available for irrigation, livestock, or other uses.*
4. ***Sediment Control:*** *By reducing water speed, Barriers allow sediments to settle out of water, preventing them from being transported downstream.*
5. ***Improved Water Quality:*** *Reduced water flow and sediment transport can lead to improved water quality in receiving water bodies.*
6. ***Habitat Creating:*** *Barriers can create microhabitats for wildlife and support the growth of riparian vegetation.*

Applications of Barrier (in cutting):

1. ***Agriculture:*** *Barriers can provide water for irrigation, especially in dryland framing.*
2. ***Watershed Management:*** *They plan a crucial role in managing runoff, reducing erosion, and improving water infiltration.*
3. ***Environmental Restoration:*** *Barriers can help restore degraded watersheds and improve ecological health.*
4. ***Water Resource Management:*** *They can be used to improve water availability and reduce the impact of floods.*

> 5. ***Long-Term Impact:*** *Barriers can have a lasting positive impact on water availability, soil health, and biodiversity.*
>
> ***Limitations after full sedimentation in this barrier:***
>
> ***Sedimentation:*** *Over the time, the barrier can become filled with sediment then periodical dredging must be done after every rainy season."*

40. In such circumstances, the State should continue to take action to ensure that all necessary precautions be done and the suggestions made by the experts as such shall be continued to be implemented as apparently the issue of ground-water recharge, water harvesting and watershed management are the important issues in the said area, as the ground-water is a necessary issue as the water level is continuously dropping on account of blatant over drawing of the natural resources by all concerned, which the State has to keep in mind.

41. Resultanlty, we dismiss the present Public Interest Litigation, keeping in view the above said reasons. All the pending miscellaneous, application(s), if any, shall also stand disposed off accordingly.

42. The original record retained by us be returned to the learned Advocate General against a proper receipt.

(G.S. Sandhawalia)
Chief Justice

(Jiya Lal Bhardwaj)
Judge

27th February, 2026
(C.M. Thakur/Munish Thakur)