

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

APPEAL NO. 45 OF 2025

IN THE MATTER OF:

Vipin Kumar Saxena

...Applicant

Versus

SEIAA & Anr.

...Respondents

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Through


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Date: 09.04.2026

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

APPEAL NO. 45 OF 2025

IN THE MATTER OF: -

Vipin Kumar Saxena ... APPELLANT

Versus

SEIAA, U.P. & Anr. ... RESPONDENTS

**REJOINDER TO THE REPLY FILED BY RESPONDENT
NO. 2 (DISTRICT MAGISTRATE, JHANSI)**

MOST RESPECTFULLY SHOWETH:

A. That, at the outset, save and except what are matters of record, the Appellant denies each and every averment made in the reply filed by Respondent No. 2, which are incorrect, misleading, based on conjectures and suppression of material facts. The reply filed by Respondent No. 2 deserves to be rejected.

PRELIMINARY SUBMISSIONS

B. That at the outset, it is submitted that the stand taken by Respondent No.2 is wholly arbitrary, self-contradictory and contrary to the settled legal position governing sub-judice subject matter.

C. The most material fact deliberately ignored by Respondent No.2 is that the Appellant has already made substantial investments exceeding Rs. 8 Crores in the mining project including statutory payments, infrastructure development, loans from financial institutions and security deposits furnished with the Mining Department, all of which continue to remain locked with the Government authorities. The

Appellant has also deposited advance lease amount, stamp duty, registration charges, infrastructure costs, weighbridge installation, environmental compliance expenditure and other project investments, as detailed in the stay application already on record.

It is further submitted that:

- a. The Environmental Clearance cancellation order dated 22.12.2024 and restoration rejection order dated 15.05.2025 are under challenge in the present Appeal;
 - b. The mining lease cancellation order dated 12.12.2024 passed by District Magistrate, Jhansi is separately under challenge before the State Government in Revision No. 63 of 2025;
 - c. The present Appeal itself stands restored by the Hon'ble Supreme Court and is presently pending adjudication on merits before this Hon'ble Tribunal;
 - d. The subject mining area therefore continues to remain under judicial consideration and is sub-judice before competent forums.
- D.** In such circumstances, Respondent No.2 could not have declared the mining area as vacant nor initiated steps for re-tendering or facilitating grant of mining rights in favour of any third party. Such action amounts to frustrating the subject matter of the present appeal and creating irreversible third-party rights during pendency of judicial proceedings.
- E.** It is further submitted that once substantial financial investments of the Appellant remain locked with the Government and both EC cancellation and lease cancellation are under challenge, the authorities were required to maintain

status quo instead of proceeding to treat the site as vacant. The action of Respondent No.2 in declaring the site vacant and proceeding for re-allocation is therefore arbitrary, unjustified and liable to be rejected.

- F.** The conduct of Respondent No.2 clearly demonstrates an attempt to overreach the pending proceedings before this Hon'ble Tribunal and to render the present appeal infructuous by permitting third party rights in respect of the very same mining area.

Therefore, the reply filed by Respondent No.2 deserves to be rejected at the threshold.

PARA-WISE REPLY

Para 1

No comments are required, the same being introductory in nature.

Para 2

It is submitted that, in fact, vide order dated 23.02.2026, there was no direction issued by this Hon'ble Tribunal requiring the District Magistrate, Jhansi to file any compliance. Hence, the averments made in this paragraph are misconceived and incorrect.

Para 3

- a)** That, the contents of this paragraph appear to be in response to I.A. No. 190/2026, wherein the Appellant has sought stay of the public hearing dated 30.03.2026. It is submitted that vide order dated 02.04.2026 this Hon'ble Tribunal has directed the respondents to ensure that no mining operation commences by

any third party on the area under consideration in this appeal till the next date of hearing i.e. 17.04.2026.

- b) It is submitted that the stand taken by Respondent No.2 is self-contradictory. On one hand, Respondent No.2 has stated that the proposed public hearing stood stayed, while in another paragraph of the same reply (Para 14), Respondent No.2 has stated that the public hearing dated 30.03.2026 has already been conducted. Both the stands cannot co-exist.
- c) The contradictory averments clearly show that Respondent No.2 has taken inconsistent positions before this Hon'ble Tribunal and the same renders the reply unreliable. In any case, the order dated 02.04.2026 only restrains commencement of mining by any third party and does not confer any right upon Respondent No.2 to proceed further during pendency of the present appeal.

Para 4 & 5

No comments are required being matters of record.

Repeated Para 3 (Which is actually Para 6)

No comments are required being matter of record.

Repeated Para 4-5 (Which are actually Para 7-8)

- a) At the outset, it is submitted that the Joint Committee inspection report is dated **08.08.2024**, which has wrongly been written as 16.08.2024 in the reply.
- b) It is submitted that the alleged non-compliance of general conditions was related to EC issued by SEIAA, U.P., for which the Appellant had already filed a **detailed compliance affidavit dated 24.10.2024 at Pg. 155 along with IA No. 535**

of 2024 dated 24.10.2024 seeking direction to SEIAA to verify the compliance on ground.

- c) The said IA was listed on 13.11.2024, when SEIAA and DM Jhansi sought one week time to file reply. However, on the next date i.e. 13.12.2024, SEIAA made a false statement before this Hon'ble Tribunal that EC has been cancelled vide order dated 12.12.2024. Based on the said statement, on 13.12.2024, this Hon'ble Tribunal disposed of the OA itself and consequently no order could be passed in IA 535 for verifying the compliance affidavit.
- d) However, the actual EC cancellation communication relied upon by SEIAA is dated **22.12.2024**, which itself was never served. The detailed compliance affidavit was duly served upon DM Jhansi and all concerned respondents including PCB.
- e) Further, on 12.11.2024 when RO, UPPCB referred to PCB report dated 30.09.2024 and 27.09.2024 and revoked CTO dated 05.03.2023 and directed immediate stoppage of operations and disconnection of electricity supply, on that day there was already a detailed **400 pages compliance affidavit** on record which was duly served upon all respondents.
- f) However, all such actions were taken without verification of compliance, thus the same are arbitrary and liable to be rejected.

Repeated Para 6-7 (Which are actually Para 9-10)

It is submitted that when the matter was placed before the competent authority on 22.11.2024, the detailed compliance affidavit dated 24.10.2024 was already on record, which was never

considered by the respondents. The entire action has therefore been taken ignoring the compliance placed on record.

Repeated Para 8-9 (Which are actually Para 11-12)

- a) It is the specific case of the Appellant that after **30.06.2024 no mining operation took place** at the site and the Mining Department had stopped issuance of e-transit passes and made the portal ineffective.
- b) The stoppage of mining is also evident from the Joint Inspection Report itself at **Pg. 48 Para C(iv)** which records that **no mining was noticed at the site**.
- c) Thus, there is no question of any mining on 05.12.2024. Neither DM Jhansi nor any authority has filed any photograph, video or material to show that any material was transported.
- d) So far as FIR dated 06.12.2024 is concerned, the police has already filed **Final Report dated 26.12.2024**, wherein at **internal page 6** it is recorded that no evidence/CD has been filed.
- e) Despite this, immediately after registration of FIR, the mining lease of the appellant was cancelled by DM Jhansi on 12.12.2024, whereas on 26.12.2024 the police itself submitted final report holding that no criminal case is made out.
- f) This itself shows that a false FIR was registered only to create ground for cancellation of mining lease. Copy of Final Report dated 26.12.2024 is annexed as **ANNEXURE A/16**.

Repeated Para 10-11 (Which are actually Para 13-14)

- a) The allegation of illegal mining is totally incorrect and devoid of any proof. DM Jhansi has not filed, except bald averments,

any evidence before this Hon'ble Tribunal or before Ld. CJM Jhansi to prima facie show illegal mining.

- b) It is totally arbitrary that DM Jhansi cancelled mining lease on 12.12.2024 on alleged violation of EC conditions while ignoring; (1) Compliance affidavit dated 24.10.2024 (400 pages), **Pg.155**; (2) IA No. 535 of 2024; (3) Additional affidavit dated 23.11.2024; (4) Joint Committee inspection report; (5) stoppage of mining.
- c) Therefore, the order dated 12.12.2024 cancelling mining lease and imposing penalty, which is still pending before Ld. CJM Court Jhansi and blacklisting etc., was totally illegal and arbitrary, particularly when the said order itself records that the security deposits of crores of rupees are still lying deposited.

Repeated Para 12-13 (Which are actually Para 15-16)

No comments required being matter of record.

Repeated Para 14 (Which is actually Para 17)

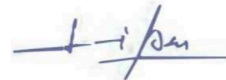
- a) The order dated 12.12.2024 passed by DM Jhansi is already under challenge before Special Secretary, Department of Geology and Mining U.P. in **Revision No. 63 of 2025 dated 03.06.2025**.
- b) The security deposit etc. is still lying deposited and the present appeal for restoration of EC and setting aside EC cancellation dated 22.12.2024 / 15.05.2025 is pending adjudication.
- c) Despite pendency of revision and present appeal, DM Jhansi declared the mining area vacant and re-advertised the same. Copy of Revision annexed as **ANNEXURE A/17**.

- d) In the said revision, vide orders dated 01.07.2025 and 13.08.2025, Special Secretary directed DM Jhansi to submit report so that revision may be decided at earliest. However till date DM Jhansi has not filed reply/report. These facts have been deliberately concealed. Copy of letter dated 01.07.2025 written by Spl. Sect. to DM, annexed as **ANNEXURE A/18**.
- e) Once DM Jhansi was aware about challenge to EC and challenge to its own order dated 12.12.2024, and stake of more than Rs. 9 crores of appellant lying deposited, action of retendering the same site and issuing LOI is arbitrary and contemptuous.
- f) This Hon'ble Tribunal has rightly passed interim order dated 02.04.2026 ensuring that no mining operation is allowed to any third party.

Repeated Para 15-16 (Which are actually Para 18-19)

- a) From the aforesaid facts, it is clear that there is no illegal mining by the appellant. FIR filed by DM Jhansi has been closed and Final Report filed by police.
- b) DM Jhansi has also concealed; (1) filing of Final Report; (2) pendency of Revision No. 63 of 2025; (3) compliance affidavit dated 24.10.2024; (4) stoppage of mining.
- c) Therefore, both EC cancellation orders dated 22.12.2024 /15.05.2025 and lease cancellation order dated 12.12.2024 were passed ignoring compliance affidavit dated 24.10.2024.
- d) In view of the above, the reply filed by DM Jhansi is false, misconceived, motivated and based on suppression of material facts and has no bearing on merits of present appeal.

It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to; (a) Reject the reply filed by Respondent No.2; (b) Hold that allegations of illegal mining are unsupported; (c) Take note of suppression of material facts by Respondent No.2; (d) Pass any other order deemed fit in interest of justice.



Appellant

Through



VK Shukla

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Email: vkslawoffices@gmail.com

New Delhi

Date: 09.04.2026

**IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI AT NEW DELHI**

* (Under Section 16 of the National Green Tribunal Act, 2010)

APPEAL NO. 45 OF 2025

IN THE MATTER OF: -

Vipin Kumar Saxena

... APPELLANT

Versus

SEIAA, U.P. & Anr.

...RESPONDENTS

AFFIDAVIT



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

1. That I am the appellant in the present case and as such I am well conversant with the facts and circumstances of the case and am competent to swear this affidavit.
2. That I have gone through the contents of accompanying rejoinder. The same has been drafted as per my instructions, the contents of which are true and correct to the best of my knowledge and belief derived from the records in vernacular language.
3. That the annexures annexed to the present rejoinder are true copies of their respective original.

DEPONENT

VERIFICATION:

Verified at Moradabad on this 09 day of April, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and not part of it is false and nothing material has been concealed therefrom.



[Handwritten Signature]

DEPONENT

solemnly affirmed before me by Haroon Kumar Saxena
deponent who is identified sn/smt./Km.....
Clerk of sn/smt./Km... ..Advocate on.....
I have satisfied my self after examining the deponent that he/she understood the contents of the affidavit and the same has been read over and explained by me Recd Rs. as fees
SI No.

SHAIENDRA SINGH
Recd Rs. 9-4-26

FINAL FORM/ REPORT

अंतिम फार्म/रिपोर्ट

(Under Section 193 B.N.S.S.)

(धारा 193 बी एन एस एस के अन्तर्गत)

IN THE COURT OF : cjm jhansi (के न्यायालय में)

1. District/Unit (जिला/इकाई): झांसी

P.S. (थाना): ककरवई

Year(वर्ष): 2024

FIR No.(प्र.सू.रि.सं.):0098

Date(दिनांक): 06/12/2024

2. Final Report / Charge Sheet No.(अंतिम रिपोर्ट/आरोप पत्र संख्या.): 01

3. Date(दिनांक): 26/12/2024

4. S.No.	Acts(अधिनियम)	Sections(धाराएँ)
1	खान एवं खनिज (विकास का	4
2	खान एवं खनिज (विकास का	21

5. Type of Final Form/Report अंतिम पत्र
(अंतिम फार्म/रिपोर्ट का प्रकार):

6. If FR Unoccurred

(यदि अंतिम रिपोर्ट अघटित):

7. If Charge sheet

मूल

(यदि आरोप पत्र दाखिल किया):

N.C.R.B (एन.सी.आर.बी)

I.I.F.-V (एकीकृत जाँच फार्म -V)

8. Name of I.O. at the time of charge sheet ADESH KUMAR

(आरोप पत्र दाखिल करते समय जाँच अधिकारी का नाम):

Rank (पद): SI (Sub-Inspector)

No. (सं.):982028580

9. (a) (क) Name of complainant / informant (शिकायतकर्ता/इतिला देने वाले का नाम):

अतुल दूबे

(b)(ख) Father's/Husband's Name (पिता/पति का नाम) :

10. Details of Properties/Articles/Documents recovered/seized during investigation and relied upon:

(जाँच के दौरान बरामद/जब्त सम्पत्ति/वस्तु/दस्तावेज का विवरण जिन्हें आधार बनाया गया हो):

S. No	Property Description	Estimated Value (in Rs.)	Police Station Property Register No.	From whom/ where revered or seized	Disposal

11. Particulars of accused persons charge-sheeted (आरोप पत्र दाखिल अभियुक्तों का विवरण):

12. Particulars of accused persons - not charge sheeted (suspect)

(आरोप पत्र दाखिल न किए गए (संदिग्ध) अभियुक्तों का विवरण):

S. No. (क्रं.सं.): 1

(i) Name विपिन कुमार सक्सेना
(नाम):Whether verified हाँ
(क्या सत्यापित है?):

(ii) Father 's Name (पिता का ओम प्रकाश सक्सेना

(iii) Date/Year of birth (जन्मतिथि/वर्ष): 1984

(iv) Sex (लिंग): पुरुष

(v) Nationality (राष्ट्रीयता): भारत

(vi) Passport No. (पासपोर्ट सं.):

Date of Issue (जारी करने की तिथि):

Place of Issue (जारी करने का स्थान):

(vii) Religion (धर्म):

(viii) Whether SC/ST/OBC (अनु.जाति/अनु.जनजाति/अन्य पिछड़े वर्ग):

(ix) Occupation

(x) Address(पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address(पता)
1	वर्तमान पता	एमआईजी A/135, आशियाना प्रथम , मुरादाबाद, उत्तर प्रदेश, भारत
2	स्थायी पता	एमआईजी A/135, आशियाना प्रथम , मुरादाबाद, उत्तर प्रदेश, भारत

Whether verified(क्या सत्यापित है?): हाँ

(xi) Suspicion approved नहीं
(संदेह अनुमोदित):

(xii) Status of the accused (suspect) गिरफ्तार नहीं
(अभियुक्त (संदिग्ध) की स्थिति):

(xiii) Under Acts & Sections(अधिनियम एवं धाराएँ):

(xiv) Any Special remarks including reasons for not charge sheeting

(आरोपपत्र दाखिल न करने के कारण सहित कोई विशेष

अभ्युक्ति): इस अधिनियम के धारा 22 के अनुसार उक्त अभियोग न तो पंजीकृत हो सकता है और नही इसकी विवेचना की जा सकती है उक्त अभियोग की धारा परिवाद होने के कारण

S. No.(क्र.सं.): 2

(i) Name अन्य अज्ञात अभियुक्त
(नाम):

Whether verified हाँ
(क्या सत्यापित है?):

(ii) Father 's Name (पिता का अज्ञात

(iii) Date/Year of birth(जन्मतिथि/वर्ष): 1984

(iv) **Sex (लिंग):** अज्ञात

(v) **Nationality (राष्ट्रीयता):** भारत

(vi) **Passport No.(पासपोर्ट सं.):**

Date of Issue (जारी करने की तिथि):

Place of Issue(जारी करने का स्थान):

(vii) **Religion (धर्म):**

(viii) **Whether SC/ST/OBC (अनु.जाति/अनु. जनजाति/अन्य पिछड़े वर्ग):**

(ix) **Occupation**

(x) **Address(पता):**

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address(पता)
1	वर्तमान पता	अज्ञात , ककरवई, झांसी, उत्तर प्रदेश, भारत
2	स्थायी पता	अज्ञात , ककरवई, झांसी, उत्तर प्रदेश, भारत

Whether verified(क्या सत्यापित है?): हाँ

(xi) **Suspicion approved** नहीं
(संदेह अनुमोदित):

(xii) **Status of the accused (suspect)** गिरफ्तार नहीं
(अभियुक्त (संदिग्ध) की स्थिति):

(xiii) **Under Acts & Sections(अधिनियम एवं धाराएँ):**

(xiv) **Any Special remarks including reasons for not charge sheeting**

(आरोपपत्र दाखिल न करने के कारण सहित कोई विशेष

अभ्युक्ति): इस अधिनियम के धारा 22 के अनुसार उक्त अभियोग न तो पंजीकृत हो सकता है और नही इसकी विवेचना की जा सकती है उक्त अभियोग की धारा परिवाद होने के कारण

13. Particulars of witnesses to be examined(पूछताछ किए जाने वाले गवाहों का विवरण):

S. No .	Name/ Mob No	Father's/ Husband's name	Date/ Year of birth	Occupation	Address	Type of evidence to be tendered
(क्र. सं.)	(नाम/ मो० नं०)	(पिता/पति का नाम)	(जन्म तिथि /वर्ष)	(व्यवसाय)	(पता)	(प्रस्तुत किए जाने वाले साक्ष्य का प्रकार)
1	अतुल दूबे / 7979950700		1992		वर्तमान पता: खनिज विभाग झाँसी ,,झाँसी,उत्तर प्रदेश,भारत स्थायी पता: दूबे निवास, कुमारदूबी ,,धनबाद,झारखंड, 828203,भारत	शिकायतकर्ता

14.If FR is false (F.R. false), indicate action taken or proposed to be taken u/s 182/211 I.P.C / 217/248 B.N.S :

(यदि अन्तिम रिपोर्ट झूठी है तो भा.द.सं. की धारा 182/211 / 217/248 बी एन एस के अन्तर्गत की गई अथवा प्रस्तावित कार्रवाई का विवरण):

15.Result of Laboratory analysis (प्रयोगशाला में किए गए विश्लेषण का परिणाम):

16. Brief facts of the case (मामले से संबंधित संक्षिप्त तथ्य):

अन्तिम रिपोर्ट (एफआर 05/24 दिनांक 26.12.24)..... श्रीमान जी, थाना स्थानीय पर दिनांक 06.12.2024 को आपके द्वारा मु०अ०सं० 98/2024 धारा 4/21 खान एवं खनिज(विकास का विनियमन) अधिनियम 1957 बनाम विपिन कुमार सक्सेना पुत्र ओम प्रकाश सक्सेना निवासी एमआईजीA/135,आशियाना प्रथम तहसील व जिला मुरादाबाद(पट्टाधारक) व अन्य अज्ञात के विरुद्ध पंजीकृत कराया गया। जिसकी विवेचना उ०नि० श्री अजय कुमार यादव थाना ककरवई जनपद झाँसी द्वारा सम्पादित की जा रही थी किन्तु उ०नि० श्री अजय कुमार यादव का स्थानान्तरण थाना ककरवई से थाना मोठ हो जाने के कारण उक्त अभियोग की विवेचना मुझ उ०नि० आदेश कुमार राना को हस्व आदेश श्रीमान प्रभारी निरीक्षक महोदय के दिनांक 23.12.2024 सुपुर्द हुयी है। खान एवं खनिज अधिनियम में वर्णित प्रावधानों व धाराओं का अवलोकन किया गया तो जात हुआ कि धारा 22 में स्पष्ट रूप से अंकित है कि.....कोई न्यायालय इस अधिनियम या तदधीन बनाए गए किन्ही नियमों के अधीन दंडनीय किसी अपराध का संज्ञान, केन्द्रीय सरकार या राज्य सरकार द्वारा इस निमित्त प्राधिकृत व्यक्ति द्वारा किये गए लिखित परिवाद पर ही करेगा,अन्यथा नहीं। इस अधिनियम के धारा 22 के अनुसार उक्त अभियोग न तो पंजीकृत हो सकता है और नहीं इसकी विवेचना की जा सकती है,उक्त प्रकरण मे अग्रिम विधिक कार्यवाही के लिये संयुक्त निदेशक अभियोजन जनपद झाँसी को विधिक राय प्रदान करने हेतु रिपोर्ट प्रेषित की गयी थी। संयुक्त निदेशक अभियोजन जनपद झाँसी द्वारा इस सम्बन्ध में विधिक राय प्रदान किया गया जिसकी नकल हस्व जैल है..... कार्यालय संयुक्त निदेशक अभियोजन ,झाँसी पत्रांक: झाँसीजेडीअभि०36वि०अभि०(अन्य प्रकार)

/2324/3055 दिनांक 18 दिसम्बर,2024 क्षेत्राधिकारी गरौठा जनपद झाँसी । विषय थाना ककरवई पर पंजीकृत मु0अ0सं0 98/2024 धारा 4/21 खान एवं खनिज(विकास का विनियमन) अधिनियम 1957 के सहबन पंजीकृत होने के सम्बन्ध में विधिक राय दिये जाने के सम्बन्ध में । उक्त सन्दर्भ में मेरे द्वारा उपरोक्त प्रपत्रों का सम्यक रूप से परिशीलन एवं अवलोकन किया गया है । प्रभारी निरीक्षक थाना ककरवई द्वारा अपने पत्र दिनांक 12.12.2024 के माध्यम से अवगत कराया गया कि थाना ककरवई में दिनांक 06.12.2024 को मुकदमा वादी श्री अतुल दूबे खनिज निरीक्षक जनपद झाँसी द्वारा मु0अ0सं0 98/2024 धारा 4/21 खान एवं खनिज(विकास का विनियमन) अधिनियम 1957 बनाम विपिन कुमार सक्सेना पुत्र ओम प्रकाश सक्सेना निवासी एमआईजीA/135,आशियाना प्रथम तहसील व जिला मुरादाबाद(पट्टाधारक) व अन्य अज्ञात के विरुद्ध पंजीकृत कराया गया है । जबकि खान एवं खनिज अधिनियम की धारा 22 में स्पष्ट रूप से अंकित है कि.....कोई न्यायालय इस अधिनियम या तदधीन बनाए गए किन्हीं नियमों के अधीन दंडनीय किसी अपराध का संज्ञान, केन्द्रीय सरकार या राज्य सरकार द्वारा इस निमित्त प्राधिकृत व्यक्ति द्वारा किये गए लिखित परिवाद पर ही करेगा,अन्यथा नहीं । इस अधिनियम के धारा 22 के अनुसार उक्त अभियोग न तो पंजीकृत हो सकता है उक्त अभियोग में अभी तक एक भी सीडी किता नहीं की गयी है, जिसमें विधिक अभिमत चाहा गया है । अतः मेरी राय में उक्त प्रकरण में सम्बन्धित विवेचक द्वारा गुणदोष के आधार पर यथोचित कार्यवाही किया जाना समीचीन प्रतीत होता है । एसडी अंग्रेजी अपठनीय 18/12/24 प्र0 संयुक्त निदेशक अभियोजन ,झाँसी । अतः खान एवं खनिज अधिनियम की धारा 22 में निहित प्राविधानों व संयुक्त निदेशक अभियोजन द्वारा प्रदान किये गये विधिक अभिमत के अनुसार पाया गया कि उक्त अभियोग न तो पंजीकृत हो सकता है और न ही इसकी विवेचना सम्पादित की जा सकती है । अतः उक्त अभियोग की विवेचना समाप्त किया जाता है । इस सम्बन्ध में मुकदमा वादी श्री अतुल दूबे खनिज निरीक्षक जनपद झाँसी को एक प्रति इस आशय की प्रेषित की गयी है कि इस सम्बन्ध में सम्बन्धित माननीय न्यायालय में परिवाद दायर कर वैधानिक कार्यवाही करें । इस सम्बन्ध में थाना हाजा के रो0आम नम्बर 14 समय 10.47 बजे दिनांक 26.12.2024 को तस्करा दर्ज किया गया है ।

17.Refer Notice served नहीं
(जारी किए नोटिस):

Date(दिनांक):

(Acknowledgement to be placed)(पावती नत्थी करें):

18.Despatched on(प्रेषण की तिथि): 26/12/2024

19.No. of enclosures(संलग्नको की संख्या): 3

20.List of enclosures : As annexed (संलग्नको की सूची):

IIF1.pdf, IIF2.pdf, vidhik ray_compressed.pdf

21. Name and address of the accused, who have not been challaned, whether caught or not: (नाम और पता अभियुक्त , जो चालान नहीं किये गए हैं।चाहे पकड़े गए हो या नहीं पकड़े गए हों):

21क.Suspected accused name, address and age / संदिग्ध अभियुक्त का नाम , पता और आयु :

21ख.The absconding accused name, address and age / फरार अभियुक्त का नाम ,पता और आयु :

22. Names and addresses of the accused, who have been challaned (अभियुक्तों के नाम पते जिनका चालन किया गया हो) :

22क.Name, address and age of the accused on bail (जमानत या जाती मुचलके पर अभियुक्त का नाम,पता और आयु) :

22ख.Mafarur accused name, address and age /मफरुरअभियुक्त का नाम , पता और आयु :

23.Case property (including weapons) with details of where and when they were recovered and the details of recovering officer and also whether they were sent to the magistrate or not.(माल (हथियार सहित) जो पाये गये हो इस विवरण के साथ कि कहाँ और कब पकड़ा गया और किसने पकड़ा और वह मजिस्ट्रेट के पास भेजा गया या नहीं।) :

24. Result of trial (मुकदमे का परिणाम) :

25. Complete Punishment (पूर्ण सजाएँ) :

25क.Date (दिनांक) :

25ख.Place (स्थान) :

25ग.Punishment (सज़ा) :

Forwarded by Officer in charge

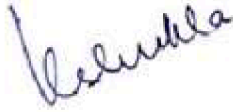
(प्रभारी अधिकारी द्वारा अग्रेषित)

Name (नाम): Vinay Kumar sahu**Rank (पद):** I (Inspector)**PNO/CUG No.** 930630373

पीएनओ/सीयूजी सं:

**Signature of Investigating Officer submitting
final report/charge sheet**(अंतिम रिपोर्ट/आरोप पत्र दायर करने वाले जाँच
अधिकारी के हस्ताक्षर)**Name (नाम):** ADESH KUMAR**Rank (पद):** SI (Sub-Inspector)**PNO/CUG No.** 982028580

पीएनओ/सीयूजी सं:

**TRUE COPY**

BEFORE THE SPECIAL SECRETARY, DEPARTMENT OF
GEOLOGY AND MINES, CIVIL SECRETARIAT, LUCKNOW

REVISION NO. 63 OF 2025

(Under Rule 80 of U.P. Minor Mineral (Concession) Rules,
2021)

(District: Jhansi)

1. **Name and address of individual(s) firm or company applying:**

Sri Vipin Kumar Saxena S/o Sri Om Prakash Saxena, R/o
MIG – A/135, Aashiyana Pratham, Tehsil and District –
Moradabad U.P. Village Daulatpur, Tehsil Sadar, District
Moradabad.

.....Revisionist

2. **Profession of individual(s) firm or company:**

Business

3. **Number and date of order of the officer, against which the appeal/ revision is filed (copy attached)**

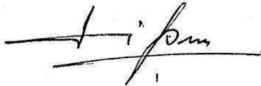
The present revision is directed against the Order no.
960/30 MMC/2024-25 dated 12.12.2024 served upon the
revisionist by WhatsApp on 05.04.2025

4. **Name of the mineral or minerals for which the appeal/revision is filed:**

Sand/Morrum

5. **Details of Land**

District	Tehsil	Village	Gata No.	Total Area



					claimed (ha.)
Jhansi	Garaut ha,	Ghamra nd	Gata 1419 Khand 01	No. Kh, No.	24

6. **Whether application fee of Rs.2500/- has been deposited in the manner prescribed in Rule 81 of the Village U.P. Minor Mineral Concession Rules, 2021**

Fee of Rs.2500/- has been paid by treasury challans.

7. **Whether, the application has been filed within 60 days or 90 days the date of communication of order passed by the Officer**

Yes, within time of communication of order.

8. **Name and complete address of the party/parties impleaded, if any.**

Sri Vipin Kumar Saxena S/o Sri Om Prakash Saxena, R/o MIG - A/135, Aashiyana Pratham, Tehsil and District - Moradabad U.P. Village Daulatpur, Tehsil Sadar, District Moradabad.

.....Revisionist

Versus

1. District Magistrate, Jhansi
2. Mines Officer, Jhansi



..... Respondents

9. **Number of copies of petition attached (The number of extra copies should be attached for each impleaded party/parties)**

1+3 copies as per the number of impleaded parties are attached.

10. **Grounds of Revision**

A. Brief Facts

1. That an advertisement was issued on 26.11.2019 inviting application for grant of mining lease by way of e-tender-cum-e-auction for areas mentioned therein. True copy of advertisement dated 26.11.2019 is filed herewith as **Annexure No. 1**.
2. That the revisionist duly participated in the e-tender-cum-e-auction in respect of Gata No. 1419 Kha, Khand – 01, ad-measuring 24 hectare situate in Village – Dhamnaut, Tehsil – Garautha, District Jhansi and the revisionist being highest bidder was issued the Letter of Intent on 28.01.2020.
3. That thereafter revisionist submitted the mining plan and applied for environmental clearance which was issued in favour of the revisionist on 18.11.2022. True copy of



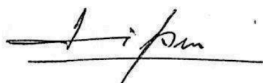
Environmental Clearance dated 18.11.2022 is filed herewith as **Annexure No. 2**

4. That after the issuance of the environmental clearance, lease deed was executed in favour of revisionist on 11.01.2023 for a period of 5 years upto 10.01.2028 in respect of area Gata No. 1419 Kha Khand No.01, ad-measuring 24 hectare situate in Village – Dhamnaut, Tehsil – Garautha, District Jhansi. True copy of Lease Deed dated 11.01.2023 is filed herewith as **Annexure No. 3**
5. That after the execution of the lease deed, the revisionist commenced its mining operation, however an Original Application No. 440/2023 was filed before the Hon'ble National Greens Tribunal, Principal Bench, New Delhi by one Navin Kumar which was registered as O.A. No. 440/2023. The O.A. filed by Navin Kumar was disposed of by the Hon'ble National Greens Tribunal by its order dated 04.07.2023 stating that there exists no challenge by way of appeal to the environmental clearance granted in favour of the revisionist. True copy of order dated 04.07.2023 passed in O.A. No. 440/2023 is filed herewith as **Annexure No. 4**
6. That against the said order, a Civil Appeal No. 6492/2023 was filed by Navin Kumar before the Hon'ble Supreme Court in which on 12.02.2024, the Hon'ble Supreme Court set aside the order and restored back the original



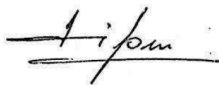
application. True copy of the order dated 12.02.2024 passed by Hon'ble Supreme Court in Civil Appeal No. 6492/2023 is filed herewith as **Annexure No. 5.**

7. That thereafter the Hon'ble National Greens Tribunal restored the original application on 18.03.2024 and a joint inspection committee was constituted in respect of violation of the environmental clearance.
8. That vide order dated 28.08.2024, the Hon'ble National Greens Tribunal directed the SEIAA, UP and UPPCB to act in accordance with law and since the project proponent i.e. the revisionist had submitted that he was not carrying out mining and he will not carry out mining even after the monsoon season as the matter is sub-judice before the Hon'ble National Greens Tribunal. True copy of the order dated 28.08.2024 passed by Hon'ble National Greens Tribunal in O.A. No. 440/2023 is filed herewith as **Annexure No. 6.**
9. That thereafter on 21.11.2024, the SEIAA, UP in its minutes of meeting dated 21.11.2024 kept the environmental clearance granted in favour of revisionist in abeyance. True copy of minutes of meeting dated 21.11.2024 is filed herewith as **Annexure No. 7.**
10. That on 13.12.2024 when the matter was heard by the Hon'ble National Greens Tribunal, it was informed to the Hon'ble National Greens Tribunal that the SEIAA, UP has vide order dated 12.12.2024 canceled the environmental



clearance of the revisionist. True copy of minutes of meeting dated 12.12.2024 is filed herewith as **Annexure No. 8.**

11. That as such the Hon'ble National Greens Tribunal vide order dated 13.12.2024 dismissed the O.A. as nothing survive therein. True copy of order dated 13.12.2024 is filed herewith as **Annexure No. 9.**
12. That this order was communicated to the revisionist vide order dated 22.12.2024. True copy of order dated 22.12.2024 is filed herewith as **Annexure No. 10.**
13. That in the meantime, the CTO issued in favour of revisionist was also revoked vide order dated 10.10.2024 as communicated by the Regional Officer, U.P. Pollution Control Board, Regional Office, Jhansi vide letter dated 12.11.2024. True copy of order dated 10.10.2024 is filed herewith as **Annexure No. 11.**
14. That thereafter on 22.11.2024 a letter was sent by the Office of the respondent no. 1 to make compliances of the order dated 12.11.2024. True copy of letter dated 22.11.2024 is filed herewith as **Annexure No. 12.**
15. That after issuance of the letter dated 22.11.2024, no further communication was made with the revisionist and no letter was received from the Office of respondent no. 1 by the revisionist.
16. That the revisionist has now been served with an bearing no. 960/30 MMC/2024-25 dated 12.12



order has been received by the revisionist on WhatsApp sent to the revisionist on 08.04.2025. True copy of order dated 12.12.2024 received on WhatsApp on 05.04.2025 is filed herewith as **Annexure No. 13.**

17. That a perusal of the impugned order would show that the same has been marked to following:-

प्रतिलिपि:- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1-प्रमुख सचिव, भूतत्व एवं खनिकर्म विभाग, उ०प्र० शासन, लखनऊ।

2-निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०, खनिज भवन, लखनऊ।

3-वरिष्ठ पुलिस अधीक्षक, झाँसी।

4-अपर जिलाधिकारी (न्यायिक), झाँसी।

5-उपजिलाधिकारी/क्षेत्राधिकारी, गरौठा।

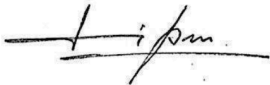
6- श्री विपिन कुमार सक्सेना पुत्र श्री ओम प्रकाश सक्सेना निवासी- एच० आई०जी०-ए/135, आशियाना प्रथम, तहसील व जिला- मुरादाबाद।

However, neither the letter number nor date or marking is mentioned.

18. That the revisionist has also sought information through RTI regarding dispatch of the order that whether the order has been served to the revisionist but no reply has been received. True copy of the RTI application is filed herewith as **Annexure No. 14.**

Hi/om

19. That to the best of the knowledge of the revisionist the same has not been dispatched to any of the said till 05.04.2025.
20. That further the perusal of the said order shows that an inspection was carried out by the joint team of the Mines Department on 05.12.2024 in which 5140 cubic meter of mineral sand/morrum was found to be mined and transported for which Mines Officer, Jhansi had registered a first information report in Thana Katarganj.
21. That the impugned order states that despite show cause notice, an order staying the mining yet mining was done for 5140 cubic meter for which F.I.R. was registered, in view of the same on account of violation of terms and conditions of the lease deed, the lease is being canceled as well as charge of illegal mining of Rs. 51,26,000/- is being imposed and as per the Rule 61(6)(2) of the Uttar Pradesh Minor Minerals (Concession) Rules, 2021, the revisionist is being blacklisted for a period of two years.
22. That as far as the security and outstanding dues are concerned, a separate order would be issued.
23. That the impugned order has been passed in violation of principles of natural justice.
24. That the impugned order imposing the charge of illegal mining is not preceded by any show cause notice
25. That as far as the registration of the FIR is concerned, it is submitted that FIR being not maintainable has already




been cancelled by the concerned police station. True copy of the order of cancelling the FIR is filed herewith as

Annexure No. 15.

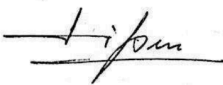
26. That as per the Rule 61(2) of Uttar Pradesh Minor Minerals (Concession) Rules, 2021 prior to imposition of illegal mining or cancellation of mining lease a show cause notice is mandatory to be served upon the lessee which in the present case has not been done.
27. That it has further been submitted that prior to an order of blacklisting being passed, it is mandatory that a show cause notice indicating blacklist a person has to be issued as required under Rule 61(2) of Uttar Pradesh Minor Minerals (Concession) Rules, 2021.
28. That it is further submitted that in order for lease to be terminated an order under Rule 59(1) of Uttar Pradesh Minor Minerals (Concession) Rules, 2021 has been to issued which in the present case has not been done and without determination of the lease as provided under Rule 59(1) of Uttar Pradesh Minor Minerals (Concession) Rules, 2021 no black-listing order can be passed.
29. That as per the law laid down by Hon'ble the High Court in the case of Ajay Raj Dwivedi (Supra), no order of black-listing can be issue without affording opportunity of hearing.
30. That the Hon'ble High Court of Lucknow in the case of *Ajay Raj Dwivedi versus State of U.P. and 3 others* (Writ



C No. 13569 of 2019) vide its order dated 19.02.2020 has held "From perusal of the record it is clear that before passing the impugned order no opportunity of hearing was given to the petitioner. It is also clear from perusal of the record that notices were issued by the Senior Mines Officer but the impugned order was passed by the respondent no.2, i.e. District Magistrate Chitrakoot. Apart from the same, it is also clear that although nothing is contained in the show cause notice regarding factum of blacklisting of the petitioner or forfeiting the security amount but while passing the order impugned, the petitioner was also blacklisted for a period of two years and the security amount deposited by him was also forfeited." Further the court directed "We, accordingly, quash the impugned order dated 02.03.2019 passed by respondent no2.-District Magistrate, Chitrakoot and allow the present writ petition. We further clarify that in case the respondents do choose to initiate fresh proceedings against the petitioner, we leave it open to them to do so subject to the observation that the proceedings if initiated shall be undertaken in accordance with law and the observations appearing herein above after affording opportunity of personal hearing to the petitioner." True copy of the judgment and order dated 19.02.2020 is filed herewith as **Annexure No. 16.**



31. That in the present case neither while imposing the charge of illegal mining a show cause notice has been issued neither a show cause notice prior to cancelling the lease nor while black-listing, a show cause notice has been issued, hence the entire order has been passed in violation of principle of natural justice and cannot be legally sustained.
32. That the Hon'ble High Court in the case of *Ranveer Singh versus State of Uttar Pradesh and others* reported in 2017 (1) ADJ 240 (DB) has held "Once the liability was fastened on the shoulder of petitioner, then it was the obligation of the State to prove by way of credible evidence that it was the petitioner, who has indulged in illegal mining and in the said direction, apart from issuing show cause notice, all the evidence that was sought to be relied upon i.e. the incumbents who have carried the search and survey and the incumbents who have come forward to depose against the petitioner, their names ought to have been disclosed and they ought to have been produced to support the case of State that petitioner in-fact has indulged in illegal mining. Not only this as a part of process, petitioner was entitled to have reasonable opportunity of defending himself by questioning the veracity of evidence produced against him and by adducing his own defence evidence, if any. Decision maker is bound to act fairly, as under the



scheme of things provided for, the determination made by him will entail civil consequences, as qua the person charged with illegal mining on charges being proved financial liability would be shouldered and in contra situation, the State would be at loss." True copy of the judgment and order dated 16.12.2016 is filed herewith as

Annexure No. 17.

33. That it is further submitted that the respondent no. 1 has imposed penalty of Rs. 5,00,000/- (Rupees Five Lacs) vide the impugned order which is in violation of Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957 as the respondent no. 1 has no power to impose the penalty.
34. That Section 21(5) of the Minor Minerals (Development and Regulation) is reproduced herein under:
- "21. Penalties.*
- (5) Whenever any person raise, without any lawful authority, any, mineral from any land, the State Government may recover from such person the mineral so raised, or where such mineral has already been disposed of, the price thereof, and may also recover from such person rent, royalty or tax as the case may be, for the period during which the land was occupied by such person without any lawful authority."*
35. That further it is pertinent to mention here that the Hon'ble High Court of Lucknow in the case of M/s



Pushpdeep Infrastructure versus State of Uttar Pradesh and others vide order dated 29.09.2022 has held "It is an undisputed fact that under Section 21(5) of the Act 1957 the penalty can be imposed as well as the recovery charges can be levied for mineral which has already been disposed of without any lawful authority, but this power is vested with the State Government and not with the Collector/District Magistrate. Section 21(5) of the Act 1957 is very clear and there is no ambiguity about it. For convenience Section 21(5) of the Act 1957 is quoted herein below:

(5) Whenever any person raise, without any lawful authority, any, mineral from any land, the State Government may recover from such person the mineral so raised, or where such mineral has already been disposed of, the price thereof, and may also recover from such person rent, royalty or tax as the case may be, for the period during which the land was occupied by such person without any lawful authority. 6[(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence under sub-section (1) shall be cognizable."

It was further held by this Hon'ble Court that "The power of the State Government under Section 21(5) of the Act 1957 has not been delegated to the Collector and the document enclosed as CA-4 to the counter affidavit relied



by the State Government is not for the delegation of power to the Collector/District Magistrate to exercise the power under Section 21(5) of the Act 1957. It is a notification which empowers all the District Magistrate to issue the recovery certificate to recover the amount as arrears of land revenue. It is not imposing or levying charges.

In view of the discussion made hereinabove, the impugned order dated 04.12.2015 has been passed by the District Magistrate on nothing, is not sustainable in the eyes of law and is liable to be quashed.

Accordingly, the writ petition is allowed. The order dated 4.12.2015 passed by the Collector and the consequential recovery certificate dated 8.12.2015 issued by the Additional District Magistrate, Gautambudh Nagar and the revisional order dated 9.4.2019 are hereby quashed."

True copy of the judgment and order dated 29.09.2022 passed by the Hon'ble High Court is filed herewith as

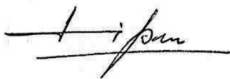
Annexure No. 18.

36. That the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench in the case of **M/s. Sheshnath Enterprises ad another versus State of Uttar Pradesh and others** in **WRIT C No. 876 of 2025** vide its order dated 04.02.2025 stayed the order passed by the District Magistrate imposing penalty as the State was unable to provide the notification under which the District



Magistrate has been delegated the power to impose penalty. True copy of the order dated 04.02.2025 is filed herewith as Annexure No. 19.

37. That is further submitted that after 30th June, 2024, no mining activity has been carried out by the lessee i.e. revisionist hence the entire charges are fabricated.
38. That the extent of fabrication is very much apparent from the fact that the order impugned is stated to be passed on 12.12.2024 with an order no. 960/30 MMC/2024-25 whereas the order is said to be issued in the year 2024 for which the indication should be 2023-24 as is apparent from the earlier letter dated 22.11.2024.
39. That none communication of the order despite the endorsement being made to all the officials, the said order has not been communicated till 5th April, 2025 is also indicated of the fact that the same has been issued after ante dating the same.
40. That the revisionist has been communicated the order by the person whom he had authorized for the purpose of correction of coordinates and for legally following upon his case for the same before the department. The said order has been served to him on 05.04.2025 whereas he in collusion with the officials after ante dated the receiving to 30.12.2024 this cause to show that the entire proceedings have been carried out with mala fide intention of respondent No. 2.



of illegal mining or cancellation of mining lease a show cause notice is mandatory to be served upon the lessee which in the present case has not been done.

- e. Because prior to an order of blacklisting being passed, it is mandatory that a show cause notice indicating blacklist a person has to be issued as required under Rule 61(2) of Uttar Pradesh Minor Minerals (Concession) Rules, 2021.
- f. Because in order for lease to be terminated an order under Rule 59(1) of Uttar Pradesh Minor Minerals (Concession) Rules, 2021 has been to issued which in the present case has not been done and without determination of the lease as provided under Rule 59(1) of Uttar Pradesh Minor Minerals (Concession) Rules, 2021 no black-listing order can be passed.
- g. Because as per the law laid down by Hon'ble the High Court in the case of Ajay Raj Dwivedi (Supra), no order of black-listing can be issue without affording opportunity of hearing.
- h. Because in the present case neither while imposing the charge of illegal mining a show cause notice has been issued neither a show cause notice prior to cancelling the lease nor while black-listing, a show cause notice has been issued, hence the entire order has been passed in violation of principle of natural justice and cannot be legally sustained.

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- i. Because the respondent no. 1 has imposed penalty of Rs. 5,00,000/- (Rupees Five Lacs) vide the impugned order which is in violation of Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957 as the respondent no. 1 has no power to impose the penalty.
- j. Because after 30th June, 2024, no mining activity has been carried out by the lessee i.e. revisionist hence the entire charges are fabricated.
- k. Because the extent of fabrication is very much apparent from the fact that the order impugned is stated to be passed on 12.12.2024 with an order no. 960/30 MMC/2024-25 whereas the order is said to be issued in the year 2024 for which the indication should be 2023-24 as is apparent from the earlier letter dated 22.11.2024.
- l. Because no communication of the order despite the endorsement being made to all the officials, the said order has not been communicated till 5th April, 2025 is also indicated of the fact that the same has been issued after ante dating the same.
- m. Because the revisionist has been communicated the order by the person whom he had authorized for the purpose of correction of coordinates and for legally following upon his case for the same before the department. The said order has been served to him on

f. B. B. B.

05.04.2025 whereas he in collusion with the officials after ante dated the receiving to 30.12.2024 this cause to show that the entire proceedings have been carried out with mala fide intention of respondent No. 2.

n. Because the order itself is cryptic as it cancelled the lease and shows that the determination of the dues etc. would be done which again shows none application of mind.

o. Because the revisionist has learnt that an advertisement has been issued for grant of an area others and it is on the issuance of this advertisement that the order has been communicated to the revisionist.

p. Because the impugned order is completely illegal, wrong and arbitrary.

q. Because the action of the respondent no. 1 is illegal, arbitrary and legally unsustainable.

PRAYER

The revisionist is praying for the following relief:-

- (i) To quash the Order no. 960/30 MMC/2024-25 dated 12.12.2024 served upon the revisionist by WhatsApp on 05.04.2025, as contained in Annexure No. 13 to the revision.
- (ii) To quash the advertisement dated 17.04.2025 issued for grant of the area being Gata No. 1419 Kha, Khand – 01, ad-measuring 24 hectare situate in Village – Dhamnaut, Tehsil –




Garautha, District Jhansi, as contained in Annexure No. 20 to the revision.

- (iii) Any other order as deem fit and proper in the circumstances of the case may kindly be also passed.

If the appeal/revision application has been filed by the holder of power of attorney to be attached.

N.A.

Lucknow
Dated 24/1/2025

Revisionist
Through

(Pushpila Bisht)
Advocate
Counsel for the Revisionist


TRUE COPY

21-2578/125/0217/2025
16.07.25-07-2025

प्रेषक,
विशेष सचिव,
भूतत्व एवं खनिकर्म विभाग,
उ०प्र०शासन,
लखनऊ।

सेवा में,
जिलाधिकारी,
झोंसी।

संख्या- /एस०एस०एम०/2025

दिनांक-

विषय-निगरानी संख्या- 63 (R)/G&M(UP)/2025 (विपिन कुमार सक्सेना बनाम जिलाधिकारी, झोंसी में ग्राह्यता हेतु आख्या उपलब्ध कराने के संबंध में।

महोदय,

कृपया निगरानी संख्या- 63 (R)/G&M(UP)/2025 (विपिन कुमार सक्सेना बनाम जिलाधिकारी, झोंसी) में ग्राह्यता स्तर पर सुनवाई विचाराधीन है, जिसमें निम्न बिन्दुओं पर सुनवाई हेतु स्थिति स्पष्ट करने/आख्या उपलब्ध कराया जाना आवश्यक है, जो निम्नवत है:-

1. प्रश्नगत निगरानी में जिलाधिकारी, झोंसी द्वारा दिनांक 12.12.2024 को आदेश पारित किया गया। उक्त आदेश निगरानीकर्ता द्वारा व्हाट्सएप पर दिनांक 05.04.2025 को प्राप्त होना बताया गया है। उक्त निगरानी के अवलोकन से स्पष्ट है कि निगरानी हेतु संलग्न एमएम-13 के 03 नम्बर पर 'Date of Order of the officer, against which the appeal/ revision is filed' में दिनांक 12.12.2024 अंकित किया गया है। वहीं दूसरी ओर संलग्न निगरानी प्रार्थना पत्र दिनांक 03.06.2025 के अंत में जिलाधिकारी के आदेश दिनांक 12.12.2024, निगरानीकर्ता को दिनांक 05.04.2025 को व्हाट्सएप पर प्राप्त होना बताया गया है। उपरोक्त तथ्यों के संदर्भ में उ०प्र० उपखनिज(परिहार) नियमावली-2021 के नियम-80 के अंतर्गत पुनरीक्षण प्रार्थना पत्र जिलाधिकारी के आदेश दिनांक 12.12.2024 के आदेश की संसूचना के दिनांक से 90 दिन के अंदर प्रस्तुत किये जाने का प्राविधान है। अतः यह स्पष्ट करें कि प्रश्नगत निगरानी प्रकरण निगरानीकर्ता को ससमय प्राप्त हुआ है अथवा नहीं एवं निगरानी किस प्रकार नियमानुसार ग्राह्य करने योग्य है?

अतः आपसे अपेक्षित है कि 07 कार्यदिवस में स्वहस्ताक्षरित आख्या निगरानी प्राधिकारी के कार्यालय में उपलब्ध कराना सुनिश्चित करें ताकि प्रकरण को ससमय निस्तारित किया जा सके। प्रश्नगत निगरानी में सुनवाई की अग्रिम तिथि 16.07.2025 नियत की गयी है।

(अरुण कुमार)
विशेष सचिव,

प्रतिलिपि-

1. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०।
2. जिला खान अधिकारी, झांसी को इस निर्देश के साथ प्रेषित कि निर्धारित अवधि तक आख्या उपलब्ध कराना सुनिश्चित करें।
3. श्री विपिन कुमार सक्सेना पुत्र श्री ओम प्रकाश सक्सेना, निवासी-एच०आई०जी०-ए/135, आशियाना प्रथम, तहसील व जिला-गुरादाबाद।
4. गार्ड फाइल।

(अरुण कुमार)
विशेष सचिव,

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

1 message

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

Thu, Apr 9, 2026 at 8:18 PM

Ms. Priyanka Swami
Adv for the Respondents

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

V.K. SHUKLA
Advocate for the appellant
Madhav & Associates B-69 | Lajpat Nagar-1 |
New Delhi-110024 | Tele: 011-45558066
E-mail: vkslawoffices@gmail.com | Mob.: +91 8800131234 |

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 **Rejoinder to DM.pdf**
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