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

ORIGINAL APPLICATION NO. 203 OF 2025

IN THE MATTER OF:

RAM MILAN .... APPLICANT

VERSUS

STATE OF U.P. & ORS. ...RESPONDENTS

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DATED: - 11.08.2025

FILED THROUGH

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REPLY AFFIDAVIT OF ADDITIONAL DISTRICT MAGISTRATE (Finance and Revenue) JALAUN [ON BEHALF OF DISTRICT MAGISTRATE JALAUN RESPONDENT N0. 6] IN COMPLIANCE OF THE ORDER DATED 27.05.2025 PASSED BY THIS HON'BLE TRIBUNAL

The Respondent No. 6 herein states as under: -

MOST RESPECTFULLY SHOWETH: -

I, Sanjay Kumar aged about 46 years, S/o Late Manna Ram presently posted as Additional District Magistrate (Finance and Revenue) Jalaun, the deponent,on behalf of District Magistrate Jalaun, do hereby solemnly state and affirm as under:-

1. That I am the above-mentioned authorized officer on behalf of answering Respondent No. 6 and who has duly authorized the deponent to file the instant reply affidavit. That the Deponent is well conversant with the facts and the circumstances of the instant case and is competent to swear this affidavit.

2. That the Deponent has read and understood the contents of the present reply affidavit. The averments made in the Original Application, which are not specifically admitted hereunder, must be considered to have been denied by the Deponent.

3. That the contents of the present reply affidavit have been drafted by my counsel on my instructions and the contents of the same are true to my knowledge and nothing material has been concealed therefrom.

4. That the Deponent is posted as Additional District Magistrate (Finance and Revenue) Jalaun, since 09.07.2023 and is swearing this affidavit in his official capacity.

5. That this Hon'ble Tribunal, vide its order dated 27.05.2025 was pleased to issue the following directions: -

   "……..5. *In view of the environmental questions involved in the case, wealso consider it appropriate that a Joint Committee be constituted toverify the factual position and suggest appropriate remedial action.Accordingly, we constitute a Joint Committee comprising of officers dulyauthorized by Member Secretary, Central Pollution Control Board(CPCB), Member Secretary, Uttar Pradesh Pollution Control Board(UPPCB), Director, Mining and Geology Department, Uttar Pradesh,District Magistrate, Jhansi; District Magistrate, Jalaun; DistrictMagistrate, Hamirpur and District Magistrate, Banda and direct thesame to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative ofthe concerned project proponents, verify the factual position and suggestappropriate remedial action. The UPPCB will be the nodal agency forcoordination and compliance.*

   6. Report of the Joint Committee may be filed by UPPCB within two months……."

6. That the present reply is being filed in respectful compliance of the order dated 27.05.2025 passed by this Hon'ble Tribunal.

7. That in compliance of the order dated 27.05.2025, passed by this Hon'ble Tribunal it is submitted that an inspection was conducted on 01.07.2025 by the members of the Joint Committee. The complainant, Shri Ram Milan, son of Shri Virendra Kumar, resident of Muskara, District Hamirpur, Uttar Pradesh, was also present at the site wherein he submitted following declaration at the time of inspection: -

   "*I have no grievance against the Mining Departments of District Jalaun and District Jhansi. However, I have objections regarding the operation of poclain machines and the resulting pits in the mining areas of Village Beri, Block No. 10/6, Village Chandeet, Block No. 21/1, and Village*

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IchhauraJitkari, Block Nos. 25/17, 25/18, and 25/21, in District Hamirpur. Apart from the aforesaid, I have no other complaint"

8. That in the present application,the relevant part of the letter petition enumerating grievances of the applicant is translated and reproduced as follows: -

   "That, with utmost respect, it is submitted that the Applicant, being an environmental enthusiast, has been diligently acting to prevent ecological degradation caused by indiscriminate excavation of riverbeds. The Applicant is a resident of Village Muskara, District Hamirpur (U.P.), PIN-210506, holding Aadhaar No. 507795407568. The Betwa River flows from District Jalaun through to Hamirpur, ultimately merging with the Yamuna River at Hamirpur. Similarly, the Ken River also merges with the Yamuna River. Districts Jhansi, Jalaun, Hamirpur, and Banda are widely known across the State for sand/morrum mining and transportation.

   Currently, mining leases are granted through the e-tender-cum-e-auction system, wherein bidders from outside the local area offer exorbitant bids to acquire mining rights. Owing to the high bid amounts, leaseholders, in their pursuit to recover costs and secure profits, do not hesitate to indulge in illegal mining and transportation activities. Consequently, such illegal practices lead to environmental imbalance due to unwarranted interference with the adjoining areas of the leased mining zones and riverbeds. Local residents, upon witnessing the deteriorating condition of rivers, are deeply distressed and apprehensive about the adverse consequences in the future."

9. That in this context, it is further pertinent to note that as per the statutory provisions, the mining of sand is not permitted prior to sunrise or after sunset. The use of heavy machinery for mining operations is expressly prohibited under the mining rules. Furthermore, excavation beyond the groundwater level or deeper than three (03) metres, whichever occurs first, is not permissible. It is also a statutory obligation to ensure regular sprinkling of water in and around the mining sites in order to maintain environmental balance.

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10. That it is noteworthy that newspaper reports published indicates instances of illegal mining in various locations, including 5,170 cubic metres of sand extracted from Block No. 21/1 of Village Chandauth in Tehsil Sarila, District

Hamirpur; 10,500 cubic metres from Block No. 25/17 by the leaseholder of Block No. 25/18 in Village IchhauraJitkari; 2,166.50 cubic metres from Block No. 3 of the Pathari Sand Mine in District Banda; 2,991.25 cubic metres from Block No. 1 of Village Marouli; 3,503 cubic metres from the Ganja Sand Mine; 1,651 cubic metres from Village Marouli Khurd; 1,101.50 cubic metres from Village Khapatiya Kala; and 2,332 cubic metres from Block No. 5 of Village Marouli Khadar which is in District Banda

11. That the aforesaid newspaper report makes abundantly clear that no illegal mining of minor minerals/ transportation has taken place in District Jalaun.

12. That it is a well-established principle that sub-minerals are essential for sustainable development; however, efforts must be made to ensure that mining operations cause minimal harm to the environment. Irregular and illegal mining activities carried out during nighttime, coupled with the movement of overloaded vehicles, are causing irreversible damage to the environment.

13. That with regard to District Jalaun, the mining operations over the riverbeds are regulated and managed under the provisions of the Uttar Pradesh Minor Minerals Concession Rules, 2021, and as per the DSR (District Survey Report) approved by the SEIAA. For effective control of illegal mining/transportation, a Task Force has been constituted in the District. Upon receiving information regarding illegal mining or transportation, the Task Force promptly takes cognizance of the matter and initiates action in accordance with the rules. No instances of unwarranted interference with the adjacent areas of the mining zones or river channels, causing ecological imbalance, have been reported.

14. That in District Jalaun, mining activities are carried out strictly between sunrise and sunset. No instance of mining prior to sunrise or after sunset has been reported. The leaseholders in District Jalaun undertake water sprinkling on the transportation routes and in adjacent areas of the mining zones to maintain environmental balance.

15. That since the mining areas are situated within the riverbed, proper internet connectivity is often not available, due to which the leaseholders establish

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offices in the nearby villages for the issuance of Form E-MM-11. A weighing machine is installed at the said E-MM-11 office for issuing forms for the permissible quantity of minerals. Therefore, the issuance of E-MM-11 after sunset is related solely to the transportation of minerals and not to mining activities.

16. That it is further submitted that the District Task Force is regularly engaged in enforcement activities. During the current financial year 2025-26, up to the month of June 2025, a total of 964 cases have been identified, resulting in the recovery of ₹486.43 lacs, which has been duly deposited in the State Treasury. Simultaneously, necessary legal action has been initiated in cases of illegal mining. Moreover, three check-gates have been established in the District for effective control over illegal transportation, and the process for establishing two additional check-gates is currently underway, which is expected to further strengthen monitoring of illegal transportation activities. During the joint inspection conducted on 01.07.2025, the complainant himself stated that he has no grievance against the mining leases or the Mining Departments of Districts Jalaun, which clearly indicates that effective control over illegal mining/transportation is being maintained in District Jalaun.

17. That furthermore, it is pertinent to note that the Environmental Clearance Certificate issued for mining lease areas specifies that:

"The mining work shall be open-cast and manual/semi-mechanized (subject to orders). Heavy machinery such as excavators, scoopers, etc., shall not be employed for mining purposes. No drilling/blasting shall be involved at any stage."

18. That in District Jalaun, mining activities are undertaken strictly through open-cast or semi-mechanized methods (using manually operated machines) in accordance with the conditions of the Environmental Clearance Certificate and Rule 41(g) of the 2021 Rules. The Environmental Clearance Certificate issued by the State Environmental Impact Assessment Authority (SEIAA), Lucknow, categorically states that mining operations shall only be conducted during daytime hours.

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19. That it is further submitted that during the day, sand is excavated from the mining sites, loaded into transportation vehicles, and stationed near the weighbridges. A portion of the minerals is also stored at the lease area. Subsequently, during the night, the pre-excavated minerals are loaded onto transportation vehicles in the permissible quantity as per the transport permits and dispatched to the designated destinations. It is also pertinent to note that heavy vehicles are generally prohibited from entering villages, towns, and cities during the daytime. Consequently, the time limit prescribed for the destination in the transportation passes/E-MM-11 forms often expires, leading to challans being issued by the enforcement teams and check-gates set up in various Districts for illegal transportation/overloading. This results in vehicle owners and mineral transporters preferring to carry out transportation primarily during nighttime, which explains the generation of transportation passes/E-MM-11 during night hours. However, it is clarified that no mining activity is carried out during nighttime.

20. That the Task Force constituted in the District continuously monitors all mining lease areas to ensure that no mining activities are undertaken within the river channel and to prevent any form of illegal mining. In the event of any violation, strict legal action is initiated against the concerned parties in accordance with the rules.

21. That it is also submitted that, in order to maintain strict vigilance over illegal mining and transportation, periodic inspections of all approved mining areas are conducted by the District Task Force and departmental officers. In cases where irregularities are found, appropriate legal action is promptly taken. Further, to prevent illegal mining/transportation, Task Forces have been constituted both at the District and Tehsil levels, which are continuously carrying out enforcement operations.

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22. That for real-time monitoring of vehicles passing through the approved/operational mining areas of the District, weighbridges and CCTV cameras have been installed, integrated with the Central Command Centre at the Directorate. PTZ cameras, boundary pillars, and geo-fencing systems have also been deployed in the operational mining zones. Additionally, to

ensure effective control over illegal mining and transportation, three AI-based unmanned check-gates equipped with modern cameras and RFID scanners have been set up at Gayanbharti Jholupur more Kalpi, Bundelkhand Expressway Dakor Cut, and Bangara Cut. These check-gates are integrated with the Central Command Centre located at the Directorate of Geology and Mining, Lucknow. Through these check-gates, vehicles engaged in illegal mineral transportation are automatically identified, and notices are issued accordingly.

23. That the deponent most humbly submits before this Hon' ble Tribunal that the District Administration is very conscious and vigilant about illegal sand mining/transportation in the alleged areas. The State Government undertakes before this Hon' ble Tribunal that it will leave no stone unturned in ensuring that prompt and strict penal action in accordance with law is taken against the persons involved in illegal sand mining/transportation in District- Jalaun.

24. That further the deponent most respectfully submits before this Hon'ble Tribunal that he is duty bound to ensure the compliance of the orders passed by this Hon'ble Tribunal in letter and spirit.

25. That in light of the aforementioned facts and circumstances, it is most respectfully prayed before this Hon'ble Tribunal, that the instant reply affidavit filed by additional district magistrate (finance and revenue) jalaun [on behalf of district magistrate jalaun respondent N0. 6] taken on record, in the interest of justice

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DEPONENT

VERIFICATION

Verified at ....Orai..... on ....01/08/2025.... That the contents of the Paras 1 to ....25.... of this affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed therefrom.

Sworn this day at Orai by Sri Sanjay Kumar S/o Late Manna Ram as addressee in this document who is identified by Sri Additional District Magistrate Finance and Revenue Jalaun who is personally know to me. I have received my fees.

S. N. TIWARI
Notary, Orai (Jalaun)
01/8/25

DEPONENT

Indian Union Driving Licence
Issued by Uttar Pradesh

UP44 20040009906

Issue Date	Validity (NT)	Validity(TR)*
17-12-2024	21-12-2034	

Holder's Signature

Date of First Issue 20-12-2004

Name: SANJAY KUMAR

Date of Birth: 27-11-1978 Blood Group: A+ VE Organ Donor: N

Son/Daughter/Wife of: MANNA RAM

Address:
810 SUSHIL NAGAR
ORAI,JALAUN,UP 285001

ATTESTED
S. N. TIWARI
Notary, Orai (Jalaun)
R.No.-49(19) 2000
21/8/25

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No: UP44 20040009906 UPDL00014506883

Invalid Carriage (Regn Numbers)*

Hazardous Validity* Hill Validity*

Form 7 Rule 16(2)

Class of Vehicle	Code	Issued By	Date of Issue	Vehicle Category	Badge Number*	Badge Issued Date*	Badge Issued By*
[illegible]	MCWG	UP44	22-12-2004	NT			
[illegible]	LMV	UP44	22-12-2004	NT			
[illegible]							
[illegible]							
MVSD							

Emergency Contact Number

Licensing Authority
UP44 [illegible]