

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 117 OF 2026**

IN THE MATTER OF:

Daljeet Singh

...APPLICANT

VERSUS

State of Punjab & Ors

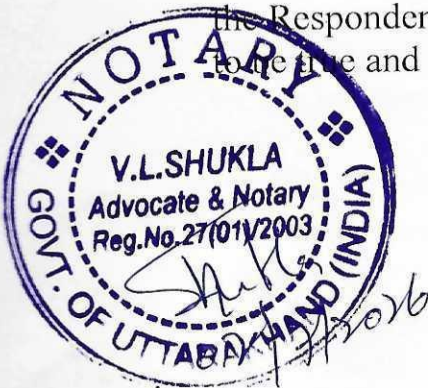
...RESPONDENTS

**REPLY BY WAY OF AFFIDAVIT ON BEHALF OF RESPONDENT NO.
10, MINISTRY OF MINES, GOVERNMENT OF INDIA**

MOST RESPECTFULLY SHOWETH:

I, Rajesh Kumar Das, aged about 49 years working as Deputy Controller of Mines and In-charge, Indian Bureau of Mines having Office at Regional Office Dehradun-248001, do hereby solemnly affirm and state on oath as under:-

1. That I am competent to swear the present reply by way of affidavit on behalf of Respondent No. 10, i.e., Ministry of Mines, and am well acquainted with the facts and circumstances of the present case based on official records
2. That I have perused the content of the above captioned O.A. and I am duly authorised to depose by way of the present affidavit.
3. That I have read and understood the contents of the Original Application No. 117 of 2026 filed by the Applicant, and I am filing this Counter Affidavit in response thereto. The submissions made hereinafter are based on the information derived from the official records maintained by the Respondent No. 10 in the ordinary course of business, which I believe to be true and correct.

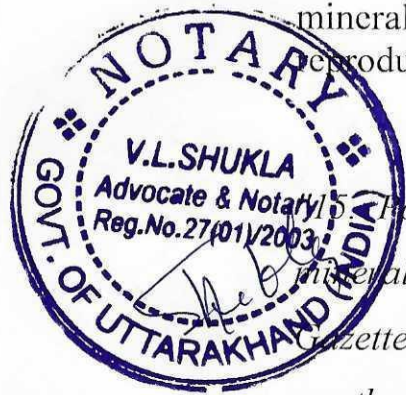



 डॉ राजेश कुमार दास / Dr Rajesh Kumar Das
 उप खान नियंत्रक / Deputy Controller of Mines
 कार्यालय प्रभारी / Officer In-Charge
 भारतीय खान ब्यूरो देहरादून / Indian Bureau of Mines Dehradun



PRELIMINARY SUBMISSIONS

4. That the Respondent No. 10 has been unnecessarily and improperly impleaded in the present proceedings. The Original Application, which challenges the auction notice dated 17.10.2025 for desilting of rivers in the State of Punjab, raises issues that are exclusively within the legislative and administrative domain of the State Government of Punjab and the Ministry of Environment, Forest and Climate Change. The Respondent No. 10 has no role, jurisdiction, or concern with the subject matter of the present application.
5. That the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as "the MMDR Act, 1957") is the principal legislation governing the development and regulation of mines and minerals in India. The said Act creates a clear and unambiguous demarcation of powers between the Central Government and the State Governments with respect to the regulation of minerals.
6. That, as per the constitutional and statutory scheme, the regulation of "minor minerals" falls under the exclusive legislative and administrative jurisdiction of the respective State Governments. Section 15(1) of the MMDR Act, 1957, unequivocally empowers the State Governments to make rules for regulating the grant of quarry leases, mining leases, or other mineral concessions in respect of minor minerals. The said section is reproduced hereunder for ready reference:



Power of State Governments to make rules in respect of minor minerals.-(1) The State Government may, by notification in the Official Gazette, make rules for regulating the grant of quarry leases, mining leases or other mineral concessions in respect of minor minerals and for purposes connected therewith."

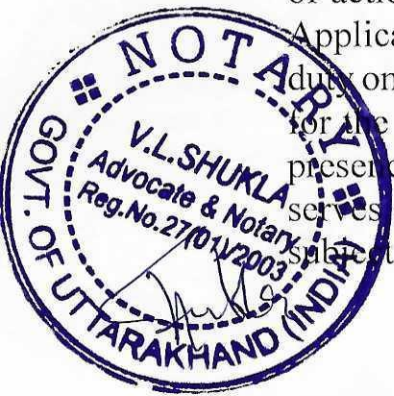
7. That the mineral extracted through the process of desilting, as challenged in the present application, is a "minor mineral". Consequently, the entire process, including the issuance of the auction notice, grant of permissions, monitoring of activities, and enforcement of regulations, falls squarely within the purview of the State of Punjab (Respondent Nos. 1, 2, 3, 5, 6, 7 & 8).
8. That furthermore, Section 23C of the MMDR Act, 1957, empowers the State Governments to frame rules to prevent illegal mining, transportation, and storage of minerals. The State of Punjab, in the exercise of its powers,

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has enacted specific laws and policies, including the Punjab Regulation of Crusher Units, Stockists and Retailers Act, 2025, and the Punjab State Minor Mineral Policy, 2025, to govern such activities within its territory. The Respondent No. 10 has no administrative or supervisory role in the implementation or enforcement of these state-specific regulations.

9. That the primary grievance of the Applicant pertains to the alleged requirement of prior Environmental Clearance for the desilting activities, which are claimed to be for commercial purposes. This issue falls exclusively within the jurisdiction of the Respondent No. 11 and the Respondent No. 4, under the provisions of the Environment (Protection) Act, 1986, and the Environmental Impact Assessment (EIA) Notification, 2006, issued thereunder. The Respondent No. 10 is not the nodal agency for the grant or monitoring of Environmental Clearances.

10. That the impleadment of the Respondent No. 10 is a clear case of misjoinder of parties. The Original Application fails to disclose any cause of action, whether direct or indirect, against the Respondent No. 10. The Applicant has not pleaded any specific act, omission, or breach of statutory duty on the part of the Ministry of Mines that would necessitate its presence for the complete and effective adjudication of the dispute. The continued presence of the Respondent No. 10 in these proceedings is vexatious and serves only to burden a Central Ministry that has no jurisdiction over the subject matter, thereby wasting precious judicial time and public resources.



REPLY ON MERITS

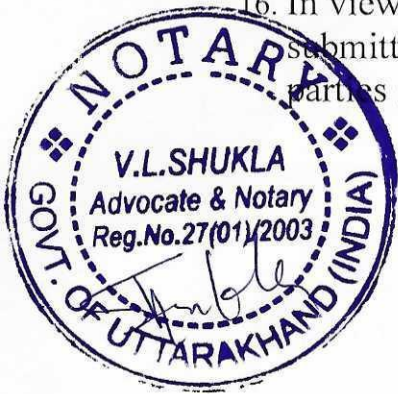
11. That the contents of the Original Application have not been provided to the Respondent No. 10. However, based on the notice dated 27.02.2026 and the order dated 17.02.2026 passed by this Hon'ble Tribunal, the Respondent No. 10 submits without prejudice to the preliminary submissions.
12. That with respect to the challenge to the auction notice dated 17.10.2025 issued by the Executive Engineer/Mansa Drainage Division, Government of Punjab Water Resources Department, it is submitted that the Respondent No. 10 has no role in the issuance, review, or cancellation of such notices.

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This is a matter entirely within the administrative control of the concerned authorities of the State of Punjab.

13. That with respect to the allegations that the desilting work is for commercial purposes and requires prior Environmental Clearance, it is reiterated that this issue pertains to the Respondent No. 11 and the Respondent No. 4. The Respondent No. 10 has no statutory mandate to opine on, grant, or enforce Environmental Clearances.
14. That the Respondent No. 10 has no direct regulatory or administrative role in the grant of permissions, monitoring of desilting activities, the tender/allotment process, or any enforcement actions concerning such activities within the State of Punjab. These functions are exclusively vested with the State Government and its designated authorities.
15. That, in light of the clear statutory framework under the MMDR Act, 1957, and the Environment (Protection) Act, 1986, the Respondent No. 10 is neither a necessary nor a proper party to the present litigation. The reliefs sought by the Applicant are directed against the State of Punjab and its instrumentalities, as well as the environmental regulatory authorities. No relief has been, or can be, sought against the Respondent No. 10.
16. In view of the facts and circumstance stated hereinabove it is respectfully submitted to delete the name of the Respondent No.10 from the array of parties in the present Original application.




Deponent

Verification

Verified at Regional Office, Indian Bureau of Mines, Dehradun, that the contents of the above affidavit are true and correct to the best of my knowledge and belief and derived from the official records.


Identified by

CAO. 641/2026
This affidavit is sworn before me by
Shri. Rajesh Kumar Das
who is identified by Shri. B.K. Beddy
at Dehradun on 02/7/2026


Smt. Vijay Laxmi Shukla
Advocate & Notary, D. Dur


Deponent

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