

PRINCIPAL BENCH BEFORE THE NATIONAL GREEN
TRIBUNAL, NEW DELHI

ORIGINAL APPLICATION NO. 403 OF 2022

IN THE MATTER OF:
DALJEET SINGH

.....APPLICANT

VERSUS

STATE OF U.P. & ORS.

..... RESPONDENTS

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New Delhi:
Dated: 18.01.2023

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BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 403 OF 2022

IN THE MATTER OF:
DALJEET SINGH

.....APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.RESPONDENTS

REPLY ON BEHALF OF RESPONDENT NOS. 1, 2, 5
TO 8 AND 12.

I, Naveen Kumar Das, S/o. Shri Anil Kumar Das, aged about 53 years, Joint Director, Directorate of Geology and Mining presently posted as Mines Officer, Saharanpur, U.P. at present at New Delhi do hereby solemnly affirm and declare as under:

1. That I in the abovenoted capacity am well conversant with the facts and record of the present case, hence am competent to swear this affidavit.
2. That I have read the original application as well as annexures enclosed therewith and have understood the same fully.



That at the outset of this affidavit, I deny each and every averment of facts made in the said original application save and except those which are admitted by me hereinafter specifically.

4. That the Applicant has made the following prayers in the abovenoted Original Application:

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"a. Issue directions to the State of Uttar Pradesh to conduct a Replenishment Study of all rivers in District Saharanpur, U.P. and prepare a fresh District Survey Report in compliance with the EMGSM 2020 after duly considering the results of the Replenishment Study; and

b. Quash and set-aside the District Survey Report for District Saharanpur prepared in 2017 in violation of the MoEF Notification dt. 15.01.2016, the SSMG 2016 and other applicable laws; and

c. Issue directions quashing and declaring the amended District Survey Report, 2021 dt. 03.12.2021 and all consequential actions for auction and/or grant of mining leases in District Saharanpur, U.P. as illegal, arbitrary, null and void being issued in violation of EMGSM, 2020, MoEF Notification dt. 15.01.2016, SSMG 2016 and other applicable laws and mandatory guidelines; and/or

d. Issue an ex-parte ad-interim stay on the amended District Survey Report 2021 dt. 03.12.2021;

e. Direct and restrain the State of Uttar Pradesh from auction and/or grant of mining leases in District Saharanpur, U.P. and further restrain the Respondents from granting mining leases in pursuance of the impugned District Survey Report during the pendency of the present Original Application; and/or

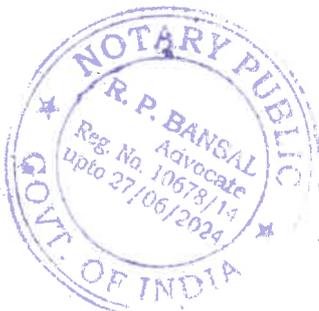


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f. Direct Respondents to pay the costs of the present Application to the Applicant; and

g. Pass any other order that this Hon'ble Tribunal may deem fit.”

5. That the State Government has got replenishment study made in accordance with EMGSM, 2000 guidelines and the other law applicable and thereafter a draft District Survey Report for Saharanpur River Bed Mining 2022 has been prepared. The same will be uploaded in the public domain and after considering any objection/any suggestion the same will be finalized in accordance with EMGSM, 2000 guidelines and other applicable laws.
6. That in view of draft District Survey Report, 2022 nothing survives in the present Petition and the same is liable to be closed.
7. That the Applicant is a resident of State of Haryana and is filing various Petitions before this Hon'ble Tribunal against the mining done in the District of Saharanpur, Uttar Pradesh so that mining in Saharanpur is stopped and its benefit be gained by the lease holders of the State of Haryana. Against any mining lease in the State of Haryana no Petition has been filed by the Applicant.



PARAWISE REPLY:

- A. That the contents of Para A are matter of record.

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B. That in reply to the contents of Para B it is submitted that the Applicant has not given as to what business he is carrying in District Yamuna Nagar and how he is aggrieved by the DSR for the District Saharanpur. As per the law settled by Hon'ble Supreme Court the Applicant has to disclose all the relevant particulars to maintain the Application.

C. That in reply to the contents of Para C it is submitted that after replenishment study draft survey report, 2022 for District Saharanpur has been prepared and the same will be finalized in accordance with law and all steps will be taken as per law including 2020 guidelines. It is further submitted that the mining areas are entirely within the boundary of State of Uttar Pradesh.

D. That the contents of Para D are wrong, hence denied. It is submitted that earlier District Survey Report was put in public domain for 21 days, however, the Applicant has not submitted any objection.

FACTUAL BACKGROUND

1. That the contents of Para 1 refers to the decision of Hon'ble Supreme Court in Deepak Kumar's case, hence need comments. The replying Respondent craves leave to refer the said judgment at the time of hearing.

2-3. That the contents of Paras 2 and 3 being matter of record need no comments.

4. That the contents of Para 4 are wrong hence denied. It is submitted that while preparing the DSR 2017 guidelines have been followed.



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5. That the contents of Para 5 are matter of record and nothing contrary to record is admitted.

6. That in reply to the contents of Para 6 it is submitted that as the District Environment Impact Assessment Authority has decided to include five more areas in the DSR, hence the same was amended.

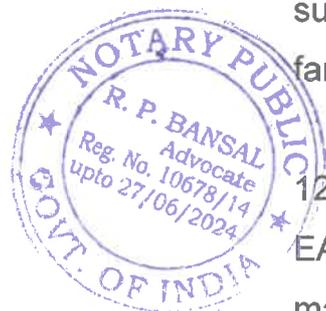
7. That the contents of Para 7 are matter of record and nothing contrary to record is admitted. -

8-9. That the contents of Paras 8 and 9 are regarding the decision of this Hon'ble Supreme Court, hence need no comments.

10. That in reply to the contents of Para 10 it is submitted that DSR was prepared in accordance with law, however, replenishment could not be made at that time and the same was submitted by the project proponent. This is the reason the State Government undertook to get replenishment study made and thereafter draft DSR was made which will be finalized in accordance with law.

11. That in reply to the contents of Para 11 it is submitted that the suggestions as made by the Applicant have been considered as far as possible.

12. That the contents of Para 12 are based on the meeting of EAC dated 25-27.05.2011, hence need no comments being matter of record. However, the replying Respondents crave leave to place the same at the time of hearing.



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13. That the contents of Para 13 are matter of record and nothing contrary to record is admitted. However, it is submitted that now replenishment study as directed by this Hon'ble Tribunal and provided under law have been done and draft DSR, 2022 have been prepared which will be finalized in accordance with law.

14-15. That the contents of Paras 14 and 15 are matter of record.

16. That the contents of Para 16 are wrong, hence denied. It is submitted that the term of SEIAA has expired, hence the State Government has constituted a technical committee to consider the proposals for amended in DSR.

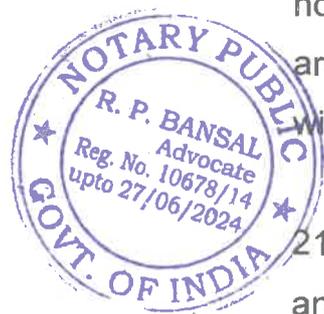
17. That the contents of Para 17 are matter of record.

18. That the contents of Para 18 are wrong, hence denied. It is submitted that 21 days' time as required has been given.

19. That the contents of Para 19 are not correct. The applicant is placing wrong interpretation of Clause 9.3 of EMGSM, 2020.

20. That the contents of Para 20 are wrong, hence denied. It is submitted that amended DSR was issued 03.12.2021 and public notice was issued on 31.12.2021, hence the contents of this Para are wrong. It is further submitted that the said auction notice was withdrawn by the State Government.

21-22. That the contents of Paras 21 and 22 are matter of record and nothing contrary to record is admitted.



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23. That the contents of Para 23 are denied for want of knowledge.

24. That the contents of Para 24 need no reply.

25-58. That the grounds of challenge being arguments in nature and the same will be replied at the time of hearing.

59. That the contents of Para 59 need no reply.

60. That the contents of Para 60 are wrong, hence denied. It is submitted that the Applicant has filed various petitions in respect of mining in District Saharanpur by seeking one relief or the other, hence on this ground alone the present Petition is liable to be dismissed.

61. That the prayer Clause is wrong, hence denied. The Applicant is not entitled for any relief.

In view of aforesaid facts and circumstances the present Application is liable to be dismissed.

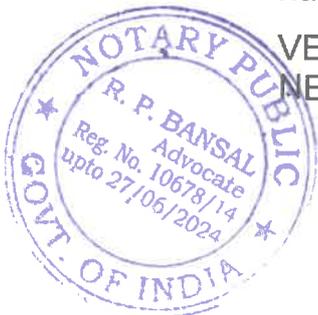
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identified by

DEPONENT

VERIFICATION:

I, the deponent abovenamed, do hereby verify that the contents of above reply are true and correct to my knowledge derived from official record. No part of the same is false and nothing material has been concealed therefrom.

VERIFIED ON THIS THE 12TH DAY OF JANUARY, 2023 AT NEW DELHI.



ATTESTED

Notary Public, Delhi
(As Presented)

DEPONENT

12/01/2023

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Original Application No. 403 of 2022; Daljeet Singh Vs. State of U.P. & Ors.

From: Pradeep Misra (pradeepmisra@yahoo.com)

To: advpriyankaswami@gmail.com; sharma.ajit@gmail.com

Date: Wednesday, January 18, 2023 at 05:32 PM GMT+5:30

Sir/Madam,

Please find the attached copy of Reply on behalf of Respondents Nos. 1, 2, 5 to 8 and 12.

With Regards,

(PRADEEP MISRA)



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