

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION NO. 427/2025**IN THE MATTER OF:

AMEEL KHAN

...APPLICANT

Versus

STATE OF UTTAR PRADESH & ORS.

.... RESPONDENTS

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REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.

12/ERA CONTROL SYSTEMS PVT. LIMITED

MOST RESPECTFULLY SHOWETH:

I, Rahmit Singh, S/o Sh. Shiv Mohan Singh, aged about 59 years, is director in Respondent No. 12/ Era Control Systems Pvt. Limited, do hereby solemnly affirm and state as under:

1. That I have read a copy of the petition and have understood the contents of the same. The answering Respondent was added as a party respondent vide order dated 12/09/2025 passed by this Hon'ble Court.
2. That, at the outset save and except those which are matter of record, all averments and submissions made by the Applicant are disputed and denied by the answering Respondent as if traversed seriatim unless specifically admitted herein and therefore no part of the reply should be deemed to be admitted for want of specific denial. However, before furnishing a paragraph-wise reply to the petition, the answering Respondent craves leave to make the preliminary submissions.

Preliminary Submissions:

1. It is humbly submitted that pursuant to the areas were notified for granting mining concession through open auction which was scheduled to be conducted. That the answering respondent's bid for Sand Mining Unit having total area of ha area was accepted and Letter of Intent was issued. Pursuant to the issuance of the Letter of Intent a mining contract agreement was executed between the petitioner and the respondent in the Form MC1. It would be pertinent to mention here that the answering respondent has been granted this mining concession by the petitioner which has been fixed as the annual lease money to be paid by the petitioner in advanced monthly installments. That in due course, the answering respondent also obtained Consent to Operate and Consent to Establish under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.
2. At the outset, it is humbly submitted that the answering Respondent is an environmentally conscious, law-abiding citizen and had in bona fide applied for all clearances in accordance with law before starting the project.
3. That the perusal of the Letter of Intent would reveal that the total area for which the mining concession was granted to the answering respondent was composite block. The Environment Clearance has been granted for it.
4. That the answering respondent upon obtaining all the regulatory clearances, paid the requisite mining fee and is awaiting to commence mining as per law.
5. That furthermore, it is noteworthy that the instant petition is misleading this Hon'ble Court as a Replenishment Study for all

mining areas in District Saharanpur was conducted and completed by the State Data Centre (SDC) in the year 2023.

6. That the District Survey Report (DSR) of Saharanpur has been duly approved, by SEIAA, UP which is in accordance with the law. There exists no illegality or procedural infirmity in the process. Furthermore, the State Government is vested with the authority to auction mining leases under Rule 23(1) of the Uttar Pradesh Minor Mineral (Concession) Rules, 2021 (UPMMCR-2021). That the Hon'ble Supreme Court in its judgment dated 8th May 2025 passed in the matter of State of Uttar Pradesh & Anr. Vs. Gaurav Kumar & Ors. Civil Appeal No. 14170 Of 2024 has also emphasised that the five-year validity period for a District Survey Report (DSR) is justified on environmental grounds, noting that ecological conditions are subject to rapid change, and a report older than five years may no longer represent the prevailing realities.
7. That a perusal of the mining plan of the contracted area prepared in terms of applicable Rules and approved by the authorized officer respectively would show that the answering respondent has been permitted to do mining as permitted under approved mining plan as well as under Environment Clearance granted by the competent authority.
8. That the State Government has issued the impugned auction notices after undergoing Replenishment Study as prescribed under law and the Applicant through the instant petition has been trying to infringe answering respondent's fundamental right to earn their livelihood as enshrined under Article 19 (1) (g) of the Constitution of India.
9. It is humbly submitted that government contracts and leases as the instant one for consideration before this Hon'ble Court like other contracts are governed by the Indian Contract Act. As per the



contract agreement the answering respondent was legitimately expected to be allowed to undertake mining activities in the area granted in the contract agreement as well as the permitted mode of mining on payment of annual contract money. It is a settled principle of law that the principle of legitimate expectations are applicable in cases of contracts, distribution of largess by the Government and in somewhat similar situations and it provides that a person can have a legitimate expectation of being treated in a certain fashion even though he doesn't have a legal right to receive the same. This Hon'ble Court has through various judicial precedents laid down circumstances which may lead to the formation of legitimate expectations as declared by this Hon'ble Court include circumstances where there was some explicit promise or representation made by the administrative body, where such a promise was clear and unambiguous and where there is existence of a consistent practice in the past which the person can reasonably expect to operate in the same way.

10. That the present Petition is misconceived, premature and devoid of merit. The Petitioner has failed to demonstrate any specific environmental damage or prejudice caused by issuance of the impugned E-Auction Notice dated 28.02.2025.
11. That the present petition fails to show a sufficient cause of action as mentioned under Section 14 of the NGT Act as mere issuance of an E-Auction Notice does not amount to commencement of mining activity and in the instant case the answering Respondent being a law abiding citizen has already obtained prior Environmental Clearance (EC), Consent to Operate, approved Mining Plan, and compliance with statutory safeguards which puts adequate checks and balances on the mining operations, and controls- environmental degradation.



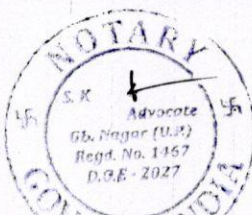
12. That the Applicant has challenged the Impugned E-Auction Notice dated 28.02.2025 issued by Respondent No. 4, District Magistrate, Saharanpur to E-Auction 12 Sand Blocks in District Saharanpur, UP, without conducting any Replenishment study in the year 2024 as required under the MOEF Sand Mining Guidelines, 2016 & 2020. It is settled law that policy decisions regarding auction of mineral blocks fall within executive domain and the courts should only interfere when there is patent illegality or demonstrated environmental harm which is in the instant petition the Applicant has failed to show.

PARAWISE REPLY:

- 1) The contents of paragraph nos. 1 and 2 of the Application merit no response.
- 2) The contents of paragraph no 3 of the Application are vehemently denied as baseless and devoid of merit. The Applicant has tried misleading this Hon'ble Court by stating that E-Auction Notice dated 28.02.2025 was issued by Respondent no. 4 without conducting any Replenishment study in the year 2024 as required under the MOEF Sand Mining Guidelines, 2016 & 2020.
- 3) The contents of paragraph nos. 4 and 5 of the Application merit no response.
- 4) The contents of paragraph no 6 (i) to (xix) of the Application merit no response to the extent the same are matter of record and the rest are vehemently denied as baseless and devoid of merit.

Reply to Grounds

That with respect to the contents of the grounds are summarily refuted, further the contents of the preceding paragraphs of preliminary submissions are reiterated and not repeated for the sake of brevity. The Applicant has not come before this Hon'ble Court with

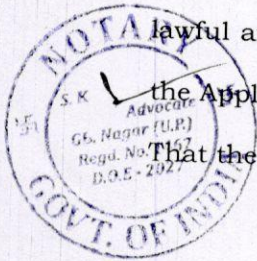


clean hands and has been misleading this Hon'ble Court on both facts and law. That with respect to the contents of the corresponding para it is humbly submitted that the Petitioner has abused the process of law and hence the petitioner is not entitled to any relief whatsoever.

That in view of the submissions made above, it is most respectfully prayed that this Hon'ble Court may be pleased to reject the prayer and dismiss the instant petition in favour of the answering respondent as the Impugned E-Auction Notice dated 28.02.2025 is

lawful and in compliance with applicable statutory framework and the Application is speculative and premature.

That the present affidavit is bonafide and in the interest of justice.



Era Control Systems Pvt. Ltd.

DEPONENT

Director

VERIFICATION

Verified at New Delhi, on this the 07 day of April, 2026 that the contents of my above affidavit are true and correct, based on the records maintained by the answering respondent and that no part of it is false and nothing material has been concealed therefrom.

Era Control Systems Pvt. Ltd.

DEPONENT

Director

DRAWN ON:

FILED ON:

(FILED BY)

Advocate for the Respondent

ATTESTED

[Handwritten signature]