

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

ORIGINAL APPLICATION NO.75 OF 2025

Sh.Akhilesh Kumar

----- Applicant

Versus

State of U.P. & Ors.

----- Respondents

REPLY ON BEHALF OF RESPONDENT NO.3/JOINT CHIEF CONTROLLER OF
EXPLOSIVES, CENTER CIRCLE, AGRA

I Nitin Goyal S/o. Sh. Ashok Goyal Aged 39 years working as Deputy Controller of Explosives , PESO office at Agra do hereby solemnly affirm and declare as under:-

1. That I am working as Deputy Controller of Explosives and authorize to sign on behalf of respondent no. 5 i.e. Joint chief controller of explosives, PESO, Agra and well versed with the facts of the case and competent to swear this reply affidavit.
2. That the PESO is a nodal agency for regulating safety of hazardous substances such as explosives, compressed gas and petroleum.
3. That the PESO issues licence to manufacture ANFO to various entities as per provisions of Explosives Rule,2008(as amended)
4. That the District Mahoba, Uttar Pradesh comes under the region of Joint Chief Controller of Explosives, PESO, Agra.
5. That the Licence to Manufacturing ANFO was granted in Form LE-1 to M/s. Jai Maa Chandrika Enterprises Proprietor Smt. Sudha Kumari at Survey No. : 576 Vill. Leta Tehsil- Kulpahar Distt Mahoba vide docket no. E/CC/UP/38/4(E83226) based on the NOC issued by the DGMS. Further, this

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नितिन गोयल / NITIN GOYAL
उप विस्फोटक नियंत्रक / Dy. Controller of Explosive
पेसो, आगरा / PESO, Agra
भारत सरकार / Govt. of India



R.31
30/8/25



licence was renewed on 01.11.2021 for a period from 01.04.2021 to 31.03.2026(5 years). Copy of the NOC issued by DGMS is annexed as Annexure-A and Licence renewed by PESO is annexed as Annexure-B.

As per Explosive Rule, 2008 , Rule no. 112 which is quoted below:-

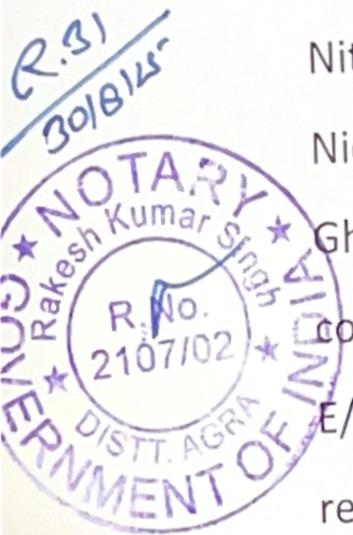
112. Renewal of licence—(1) Every licence except the licences granted for a specific period not exceeding one year, shall be renewable for a maximum period of five financial years ending on the 31st March.

(2) Every application under sub-rule (1) for renewal of the licence shall be accompanied by the following

documents, namely :—

- (a) application in Form RE- 1;
- (b) the original licence;
- (c) prescribed renewal fee.

6. That there is no provision of obtaining the lease copy of the mine agreement while renewal of licence. Further, this office received no complaint about illegal mining activities by M/s. Jai Maa Chandrika Enterprises before the renewal of this licence on 01.11.2021. This office noted during inspection on 30.03.2024 that, licensee has used Ammonium Nitrate to unauthorized mines. Further, this office has received a letter no. Nideshak/GhaziabadShetra/Mahoba dated 25.11.2024 from DGMS, Ghaziabad regarding cancellation of NOC issued by DGMS and consequently, this office has cancelled the licence no. E/CC/UP/38/4(E83226) vide order dated 03.01.2025. Copy of the letter received from DGMS, Ghaziabad is annexed as Annexure-C. Copy of the letter of cancellation of PESO licence is annexed as Annexure-D.



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नितिन गोयल / NITIN GOYAL
उप विस्फोटक नियंत्रक / Dy. Controller of Explosive
पेसो, आगरा / PESO, Agra
भारत सरकार / Govt. of India



- 7. That the present original application is not maintainable against the answering respondent as the relief sought by the applicant is already satisfied as the licence no. E/CC/UP/38/4(E83226) is already cancelled by this office vide order dated 03.01.2025.
- 8. That the answering respondent will file additional reply affidavit if required or as and when directed by this Hon'ble Tribunal.

Nitin

Deponent

Verification

Verified at

Agra

on

29th

the

day

August

2025 that the

contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Nitin

Deponent



Nitin Goyal & Ashok Goyal
Extradited S. Srin.

The Deponent who solemnly affirms
on oath Identified by...
on This Day... 30-8-25
Received Rs ... 30

Rakesh Kumar Singh
30/8/25
SINGH

नितिन गोयल / NITIN GOYAL
उप विस्फोटक नियंत्रक / Dy. Controller of Explosive
पेसो, आगरा / PESO, Agra
भारत सरकार / Govt. of India

Part-2
Format of no objection certificate
(See Rules 102 and 103)

Subject: No objection certificate under the Explosives Rules, 2008

No. 397.....

Date 08.09.15

With reference to the application in Form AE - 12 dated ..2.07.2015 submitted by Smt Suchha Kumari and in pursuance of rules 102 and 103 of the Explosives Rules, 2008, there is no objection for granting licence under the Explosives Rules, 2008 to Shri/M/s Smt Suchha Kumari address Rajendar Nagar for the following purpose, kinds and quantities Of explosives in the premises at Survey No./Gat No./Khasra No. 576 Village Leta Taluka Kulp District Mahaba State as shown in the site plan duly endorsed and enclosed herewith.

1. Purpose (Note: Please write only one purpose corresponding to one Article No. as stated in Table of purposes and authority in Part I of Schedule IV annexed to the Explosives Rules, 2008):

To extract of Masonary Stone for Rd. Construction.

2. Kinds and quantities of explosives:

Name of Explosives Class Div. Quantity

(a) ANFO Class II Div - Qty 1 Tonnes

(b) —

By. EMDA
08.09.2015

Signature of the no objection certificate issuing authority with his office seal
(District Magistrate or Directorate General of Mines Safety)

निदेशक जन सुरक्षा
भारत सरकार
ग्वालियर क्षेत्र, ग्वालियर

Note: The following particulars have been verified/considered while issuing this No Objection Certificate.

(a) The antecedents of the applicant (in case of individual or proprietary firm) /partners (in case of partnership company) or directors (in case of limited company) or office bearers in case of society or association and also occupier of the premises.

(b) The lawful possession of the site by the applicant.

(c) Interest of public.

(d) Requirement of explosives for use in mines or quarries (possessed by the applicant) or in the area proposed by the licensee have been considered

(e) Genuineness of purpose

Notes:—

(1) Genuineness of purpose means relating to manufacture - whether there is need for manufacture of the explosives for lawful constructive use in the area or state or country or for export purpose.

(2) Verification of antecedents and lawful position of site by applicant as stated in serial Nos. 1 and 2 are not applicable in case of no objection certificate granted by Directorate General of Mines Safety.

नितिन गोयल / NITIN GOYAL
उप विस्फोटक नियंत्रक / Dy. Controller of Explosive
पेसो, अग्रा / PESO, Agra
भारत सरकार / Govt. of India



(विस्फोटक नियम, 2008 की अनुसूची 4 के 1(घ) देखिए।)
(See article 1(d) of Schedule IV of Explosives Rules, 2008)

(घ) एक समय में 200 किलोग्राम से अधिक स्थल पर ए एन एफ ओ. विस्फोटक के विनिर्माण के लिए अनुज्ञप्ति
Licence to manufacture : (d) ANFO explosives not exceeding 200 kilogrammes at any one time.

अनुज्ञप्ति सं. (Licence No.): E/CC/UP/38/4(E83226)
वार्षिक फीस रूपए (Annual Fee Rs). 1200/-

1. Licence is hereby granted to

M/s. Jai Maa Chandrika Enterprises Proprietor Smt. Sudha Kumari (अधिभोगी / Occupier : Smt. Sudha Kumari), Rajendra Nagar, Kabrai, Mahoba, Town/Village - Kabrai, District-MAHOBA, State-Uttar Pradesh, Pincode - 210427

Space for photograph of the licensee or occupier with signature

को अनुज्ञप्ति अनुदत्त की जाती है।

2. अनुज्ञप्तिधारी की प्रास्थिति | Status of licensee : Proprietorship Firm

3. अनुज्ञप्ति निम्नलिखित

प्रयोजनों के लिए

विधिमान्य है।

Licence is valid only for the following purpose.

Manufacture of -

ANFO - के विनिर्माण के लिए।

4. अनुज्ञप्ति विस्फोटकों के निम्नलिखित किस्मों, प्रकार और मात्रा के लिए विधिमान्य है।

Licence is valid for the following kinds and quantity of explosives: -- (क) (a)

क्र Sr. No.	नाम और विवरण Name and Description	वर्ग और प्रभाग Class & Division	उप-प्रभाग Sub-division	मात्रा किसी एक समय में Quantity at any one time
1.	ANFO	2,0	0	200 Kg

5. निम्नलिखित रेखाचित्र (रेखाचित्रों) से अनुज्ञप्त परिसर की पुष्टि होती है।

The licensed premises shall conform to the following drawing(s):

रेखाचित्र क्र. (Drawing No.) E/CC/UP/38/4(E83226)

दिनांक (Dated) 15/06/2016

6. अनुज्ञप्ति परिसर निम्नलिखित पते पर स्थित हैं। The licensed premises are situated at following address:

Survey No. 576, ग्राम (Town/Village): Leta Tehsil- Kulpahar, पुलिस थाना (Police Station): Panwadi

जिला (District)	MAHOBA	राज्य (State)	Uttar Pradesh	पिनकोड (Pincode)	210426
दूरभाष (Phone)		ई. मेल (E-Mail)		फैक्स (Fax)	

7. अनुज्ञप्ति परिसर में निम्नलिखित सुविधाएं अंतर्विष्ट हैं।

The licensed premises consist of following facilities.

as per attached drawing

8. अनुज्ञप्ति समय - समय पर यथासंशोधित विस्फोटक अधिनियम, 1884 और उनके अधीन विरचित विस्फोटक नियम, 2004 के उपबंधों, शर्तों और अतिरिक्त शर्तों और निम्नलिखित उपाबंधों के अधीन रहते हुए अनुदत्त की जाती है।

The licence is granted subject to the provision of Explosives Act 1884 as amended from time to time and the Explosives Rules, 2008 framed there under and the conditions, additional conditions and the following Annexures.

- उपर्युक्त क्रम सं. 5 में यथा कथित रेखाचित्र (स्थान, सन्निर्माण संबंधी और अन्य विवरण दर्शित करते हुए)।
Drawings (showing site, constructional and other details) as stated in serial No. 5 above.
- अनुज्ञप्ति प्राधिकारी द्वारा हस्ताक्षरित इस अनुज्ञप्ति की शर्तों और अतिरिक्त शर्तों।
Conditions and Additional Conditions of this licence signed by the licensing authority.
- परिशिष्ट | Annexure

9. यह अनुज्ञप्ति तारीख 31 मार्च 2021 तक विधिमान्य रहेगी। This licence shall remain valid till 31st day of March 2021.

यह अनुज्ञप्ति, अधिनियम या उसके अधीन विरचित नियमों या अनुसूची V के भाग 4 के प्रति निर्दिष्ट सेट Set III के अधीन तथा उपवर्णित इस अनुज्ञप्ति की शर्तों का अधिक्रमण करने या यदि अनुज्ञप्त परिसर योजना या उससे संलग्न उपबंध में दर्शित विवरण के अनुरूप नहीं पाए जाने पर निलंबित या प्रतिसंहत की जा सकती है, जहां वह लागू हो।

This licence is liable to be suspended or revoked for any violation of the Act or Rules framed there under or the conditions of this licence as set forth under set Set III, wherever applicable, referred to in Part 4 of Schedule V or if the licensed premises are not found conforming to the description shown in the plans and Annexure attached hereto.

तारीख | The Date - 15/06/2016

Sd/-
संयुक्त मुख्य विस्फोटक नियंत्रक | Joint Chief Controller of Explosives
Central Circle office, Agra

Transfers :

- Change in Licensee Name/Address/Status dated : 14/07/2016

नवीनीकरण के पृष्ठांकन के लिए स्थान
Space for Endorsement of Renewal

नवीकरण की तारीख Date of Renewal	समाप्ति की तारीख Date of Expiry	अनुज्ञापन प्राधिकारी के हस्ताक्षर और स्टाम्प Signature of licensing authority and stamp
01/11/2021	31/03/2025	संयुक्त मुख्य विस्फोटक नियंत्रक, मध्यांचल, आगरा Jt. Chief Controller of Explosives, Central Circle, Agra

कानूनी चेतावनी : विस्फोटकों को गलत ढंग से चलाने या उनका दुरुपयोग विधि के अधीन गंभीर दांडिक अपराध होगा।
Statutory Warning : Mishandling and misuse of explosives shall constitute serious criminal offence under the-law.

Note :- This is system generated document does not require physical signature. Applicant may take printout for their records.

नितिन गोयल / NITIN GOYAL
उप विस्फोटक नियंत्रक / Dy. Controller of Explosive
पेसो, आगरा / PESO, Agra
भारत सरकार / Govt. of India





भारतसरकार/ Government of India

श्रमएवंरोजगारमंत्रालय/ Ministry of Labour & Employment
खानसुरक्षामहानिदेशालय/ Directorate General of Mines Safety
गाजियाबादक्षेत्र, गाजियाबाद/ Ghaziabad Region, Ghaziabad



Telephone (office): 0120 2711597, website: www.dgms.gov.in, email: gzbregion.dgms@gmail.com

कमरा संख्या- 101 - 102, प्रथम तल, बी.ब्लॉक, सी.जी.ओ. कॉम्प्लेक्स-II, हापुड़ रोड, गाजियाबाद- 201002

गाजियाबाद, दिनांक: /11/2024

पत्र संख्या:निदेशक/गाजियाबाद क्षेत्र/महोबा/

प्रेषक:

खान सुरक्षा निदेशक,
गाजियाबादक्षेत्र, गाजियाबाद

12047
13/11/2024

E 83226
A 1418

सेवा में,

श्रीमती सुधा कुमारी,
प्रो: मेसर्स जय माँ चंद्रिका इण्टरप्राइजेज
निवासी- राजेंद्रनगर, कबरई
थाना कबरई, जिला महोबा (उत्तर प्रदेश)-210424,

विषय: ए.एन.एफ.ओ. मिक्सिंग शेड हेतु जारी अनापति प्रमाण पत्र (NOC) को विस्फोटक नियम, 2008 के नियम 115(1)(ए) के अनुसार निरस्त करने के संबंध में।

महोदय,

उपरोक्त विषय के संबंध में इस निदेशालय के ग्वालियर क्षेत्रीय कार्यालय द्वारा आराजी संख्या-576, गाँव लेटा, तहसील कुलपहाड, जिला महोबा (उत्तर प्रदेश) में ए.एन.एफ.ओ. मिक्सिंग शेड हेतु दिए गए अनापति प्रमाण पत्र (NOC) संख्या:397 दिनांक 08.09.2015 को कृपया संदर्भित करें। इस अनापति प्रमाण पत्र में यह स्पष्ट किया गया था कि मेसर्स जय माँ चंद्रिका इण्टरप्राइजेज, प्रोपराइटर श्रीमती सुधा कुमारी द्वारा ए.एन.एफ.ओ. का उपयोग केवल लेटा स्टोन खान (गाटा संख्या-576) ग्राम लेटा, तहसील कुलपहाड जिला महोबा (उत्तर प्रदेश) में किया जाएगा।

खान अधिकारी, महोबा ने अपने पत्रांक 828/एम.एम.सी-30-खनिज/2024-25, दिनांक 27.08.2024 द्वारा इस निदेशालय को सूचित किया है कि जनपद महोबा की तहसील कुलपहाड स्थित ग्राम-लेटा के गाटा संख्या- 576, रकबा 4.50 एकड़ क्षेत्र में श्रीमती सुधा कुमारी के पक्ष में जारी इमारती पत्थर, खण्डा/गिट्टी/बोल्डर का खनन पट्टा 10 वर्ष की अवधि (24.05.2001 से 23.05.2011) हेतु जारी किया गया है।

उपरोक्त के मध्येनजर लेटा स्टोन खान (गाटा संख्या- 576) श्रीमती सुधा कुमारी ग्राम लेटा, तहसील कुलपहाड जिला महोबा (उत्तर प्रदेश) का खनन पट्टा दिनांक 23.05.2011 को समाप्त हो गया है।

अतः आपके पक्ष में गाँव लेटा के गाटा संख्या- 576 में ए.एन.एफ.ओ. मिक्सिंग शेड हेतु इस निदेशालय द्वारा जारी किए गए अनापति प्रमाण पत्र संख्या.397, दिनांक 08.09.2015 को तत्काल प्रभाव से निरस्त किया जाता है।

SMN

का.मंत्रालय संयुक्त मुख्य विस्फोटक नियंत्रक
O/o Jt. Chief Controller of Explosives
महोबा/अग्रा/Central Circle, Agra
20 NOV 2024
वे.एम./C.C. No.
महोबा, अग्रा



भवदीय

ह/-

खान सुरक्षा निदेशक
गाजियाबाद क्षेत्र, गाजियाबाद

11416
12/11/2024

नितिन गोयल / NITIN GOYAL

उप विस्फोटक नियंत्रक / Dy. Controller of Explosive
पेसो, आगरा / PESO, Agra
भारत सरकार / Govt. of India

जापन पत्र संख्या:निदेशक/गाजियाबाद क्षेत्र/महोबा/ 1543
प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु।

गाजियाबाद, दिनांक 25/11/2024

1. The Controller of Explosives (for Joint Chief Controller of Explosives, Central Circle Petroleum & Explosives Safety Organisation(PESO), Formely- Department of Explosives, 63/4, A-Wing, II floor, Kendralaya (CGO Complex), Sanjay Palace, Agra (UP)- 282002. Mail Id : jtceagra@explosive.gov.in

2. District Magistrate Mahoba-210427, Mail Id: dmmab@nic.in

Handwritten signature

नितिन गोयल / NITIN GOYAL

उप विस्फोटक नियंत्रक / Dy. Controller of Explosive

पेसो, आगरा / PESO, Agra

भारत सरकार / Govt. of India

Handwritten signature
खान सुरक्षा निदेशक
गाजियाबाद क्षेत्र, गाजियाबाद



GOVERNMENT OF INDIA
 MINISTRY OF COMMERCE & INDUSTRY
 PETROLEUM AND EXPLOSIVES SAFETY ORGANISATION (PESO)
 (Formerly Department of Explosives)
 63/4, A-Wing, 11nd floor
 Kendralaya (CGO Complex), Sanjay Place Agra 282002
 Tele: 2523244 Fax: 2527436
 Email: jtceagra@explosives.gov.in

No E/CC/UP/38/4(E83226)

Dated : 03/01/2025

To,
 M/s. Jai Maa Chandrika Enterprises Proprietor Smt. Sudha Kumari,
 Rajendra Nagar, Kabrai, Mahoba, Kabrai
 Distt. MAHOBA, State. Uttar Pradesh, Pincode-210427

Subject: Manufacturing ANFO from ANFO shed situated at Survey No. : 576, Village/Town. Leta Tehsil- Kulpahar, Distt. MAHOBA, State. Uttar Pradesh Licence No. E/CC/UP/38/4(E83226) granted in Form LE-1 of Explosives Rules, 2008 - Cancellation regarding.

Sir,

Reference No mahoba dated 11/11/2024.

The following violations were observed by an officer during the inspection of the site of the subject licence on 07/11/2024.

A letter No. Nideshak/Ghaziabad Shetra/Mahoba dated 11/2024, has received from the Directorate General of Mines Safety, Ghaziabad regarding cancellation of license M/s. Jai Maa Chandrika Enterprises, Dist. Mahoba, UP (E83226).

In view of above you are intimated that the subject licence granted to you is hereby cancelled as per the provisions of Rule 118(1)(III) of the Explosives Rules, 2008.

Please comply the order and follow the procedure under Rule 119 of the Explosives Rules, 2008 regarding the disposal of the explosives in your possession.

Please follow the procedure under Rule 121 for appeal.

Receipt of this letter may please be acknowledged.

Enclosures :

Yours faithfully,

Dr. Dasharath Laxman Kamble
 Controller of Explosives
 For Joint Chief Controller of Explosives
 Central Circle office, Agra

Copy Forwarded to:

1. District Magistrate, MAHOBA, Uttar Pradesh for further necessary action.
2. Superintendent of Police, MAHOBA, Uttar Pradesh for further necessary action.

For Joint Chief Controller of Explosives
 Central Circle office, Agra

[For more information regarding status, fees and other details, please visit our web site <http://peso.gov.in>]


 नितिन गोयल / NITIN GOYAL
 उप विस्फोटक नियंत्रक / Dy. Controller of Explosive
 पेसो, आगरा / PESO, Agra
 भारत सरकार / Govt. of India





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GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
PETROLEUM AND EXPLOSIVES SAFETY ORGANISATION (PESO)
(Formerly Department of Explosives)
63/4, A-Wing, IInd floor
Kendralaya (CGO Complex), Sanjay Place Agra 282002
Tele: 2523244 Fax: 2527436
Email: jtceagra@explosives.gov.in

No: E/CC/UP/38/4(E83226)

Dated : 03/01/2025

ORDER

In exercise of the powers conferred under Section 6E (3) of the Explosive Act, 1884, read with Rule 118 (1)(III) of the Explosives Rules, 2008, License No. E/CC/UP/38/4(E83226) granted in Form LE-1 under Explosives Rules, 2008 to M/s. Jai Maa Chandrika Enterprises Proprietor Smt. Sudha Kumari (Occupier : Smt. Sudha Kumari), Rajendra Nagar, Kabrai, Mahoba, Distt. MAHOBA, State. Uttar Pradesh, Pincode-210427 for Manufacturing ANFO from their ANFO ANFO shed situated at Survey No.:576, Leta Tehsil- Kulpahar, MAHOBA, Uttar Pradesh is hereby cancelled with immediate effect.

Dr. Dasharath Laxman Kamble
Controller of Explosives
For Joint Chief Controller of Explosives
Central Circle office, Agra


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