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**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 49 OF 2024**

IN THE MATTER OF:

Anand Kumar Singh

...APPLICANT

VERSUS

Ministry of Environment, Forests & Climate Change & Ors

...RESPONDENT

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THROUGH

Date: 15/07/2025

Place: New Delhi



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**REPLY ON BEHALF OF RESPONDNET 4 & 5, MEMBER SECRETARY,
SEIAA, SEAC UTTAR PRADESH ALONG WITH SUPPORTING
AFFIDAVIT.**

That the answering Respondent deny each and every statement, contention, submission, allegation, and/or averment made by the Appellant in the complaint, which is contrary to or inconsistent with the present reply or the records of the case. It is categorically stated that all such statements, submissions, or averments made by the Appellant that are inconsistent with what is submitted in this reply are denied in totality, except those which are specifically and expressly admitted hereinafter. Furthermore, it is submitted that any omission to deny any of the averments made by the Appellant should not be construed as an admission on the part of the answering Respondents, and no adverse inference should be drawn from such omissions.

1. That it is respectfully submitted that the averments made in para 1 to 4 in present petition by the applicant are matter of record, hence, the answering respondent states no comments.

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2. That it is respectfully submitted that the averments made in para 5 are denied. It is pertinent to mention here that the statement is not accepted. The leases are auctioned by the District Administration, and the Letter of Intent (LOI) is issued by the District Magistrate. Proper Environmental Impact Assessment (EIA) studies are conducted for these projects. These studies are submitted to the State Environment Impact Assessment Authority (SEIAA) and are thoroughly appraised by the State Expert Appraisal Committee (SEAC). The Environmental Clearance (EC) is granted strictly in accordance with the prescribed rules and regulations.

3. That it is respectfully submitted that the averments made in para 6 are denied. It is pertinent to mention here that the statement is not accepted. That with respect to mining clusters, certificates are issued by the District Magistrate, explicitly stating whether a particular mine falls within a cluster or not.

4. That it is respectfully submitted that the averments made in para 7 & 8 are denied. It is pertinent to mention here that the statement is not accepted. That at the time of issuing the Environmental Clearance (EC), SEIAA imposes the condition that *“If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions.*

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If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate.”

5. That it is respectfully submitted that the averments made in para 9 and 10 of the present petition states that Environmental Clearances are issued after following the laid down procedures.
6. It is pertinent to mention here that the District Magistrate issued a cluster certificate on 15-06-2023, clearly stating that the mines fall within a cluster. The Letter of Intent (LOI) was issued by the District Magistrate on 14-06-2023. The leases within the cluster may be auctioned at different times, and different mines within the cluster are allotted to separate leaseholders. Each leaseholder engages their own NABL-accredited consultant to conduct the Environmental Impact Assessment (EIA) and prepare the Environmental Management Plan (EMP). Therefore, the primary responsibility for conducting the cluster EIA and preparing the cluster EMP rests with the respective District Administration or the Directorate of Geology and Mines, Uttar Pradesh.
7. It is most respectfully submitted that with regard to illegal mining, the primary responsibility for its control rests with the District Administration. The State Environment Impact Assessment Authority (SEIAA) is responsible only for ensuring that Environmental Clearances (EC) are granted in strict compliance with all applicable rules and regulations.

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8. That It is respectfully submitted that the averments made in para 13 to 15 in present petition by the applicant are matter of record, hence, the answering respondent states no comments.
9. It is pertinent to mention here that an individual leaseholder cannot be assigned the responsibility of conducting the cluster Environmental Impact Assessment (EIA). That responsibility primarily lies with the authority responsible for mineral development and the formulation of rules for regulating mining activities within the state.
10. That It is respectfully submitted that the averments made in para 17 in present petition by the applicant are matter of record, hence, the answering respondent states no comments.
11. It is pertinent to mention here that an individual leaseholder cannot be compelled to conduct the cluster Environmental Impact Assessment (EIA), as it is primarily the responsibility of the auctioning authority.
12. That It is respectfully submitted that the averments made in para 19 to 25 in present petition by the applicant are matter of record, hence, the answering respondent states no comments.
13. It is most respectfully submitted that the SEIAA and SEAC are fully aware of the requirement for conducting a cluster Environmental Impact Assessment (EIA). However, individual leaseholders cannot be made to suffer or compelled to conduct the cluster EIA, as this responsibility lies with the concerned authority. The Sustainable Sand Mining Guidelines (SSMG), 2016, issued by the Ministry of Environment, Forest & Climate

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Change (MoEF&CC), have been duly circulated to all state governments, and the relevant authorities are well aware of their provisions.

14. That It is respectfully submitted that the averments made in para 27 to 30 in present petition by the applicant are matter of record, hence, the answering respondent states no comments.
15. It is most respectfully submitted that the cluster certificate is issued by the office of District Magistrate and signed by the Mining Officer Banda.
16. That It is respectfully submitted that the averments made in para 32 in present petition by the applicant are matter of record, hence, the answering respondent states no comments.
17. It is pertinent to mention here that the responsibility for issuing cluster certificates and ensuring inter-district coordination, wherever inter-district clusters are formed, lies with the Directorate of Geology and Mining, Uttar Pradesh (DGM, UP). In the absence of such an exercise, individual leaseholders cannot be made to suffer. Keeping this in consideration, Environmental Clearance (EC) was granted while emphasizing the requirement for conducting a cluster Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP).
18. It is pertinent to mention here that there was never any intent to violate any law; however, individual leaseholders cannot be made to suffer.

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19. That It is respectfully submitted that the averments made in para 36 in present petition by the applicant are matter of record, hence, the answering respondent states no comments.
20. That It is respectfully submitted that there was never any intent to violate any law; however, individual leaseholders cannot be made to suffer
21. It is pertinent to mention here that the significance of scientific studies is well recognized; however, the responsibility for conducting these studies must be clearly defined. Expecting an individual leaseholder or a group of leaseholders to undertake such studies can be challenging. Therefore, it is more appropriate for the concerned authorities to carry out these studies. However, in the absence of a cluster Environmental Impact Assessment (EIA), individual leaseholders should not be made to suffer.
22. It is most respectfully submitted that there was never any intent to violate any law; however, individual leaseholders cannot be made to suffer.
23. Its most respectfully submitted that cluster EIA/EMP can be properly implemented if and only if, it is conducted by an authority having jurisdiction over the area.
24. That the contents of the para 42 of the original application is denied. That it is pertinent to mention here that letter has not been communicated to SEIAA.

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- 25.**It is pertinent mention here that the auction is done by DM and the mining area is also identified and fixed by the DM. If any structure is within the mining area, then district administration must have had reasons for auctioning this mine. It is pertinent to mention here that district level officer of irrigation department is also a member of subcommittee responsible for the preparation of DSR. It is not possible for SEIAA which is just a 03 member body, having no infrastructure or field level staff to verify the ground truths.
- 26.**It is most respectfully submitted that a averment made in para 44 of the present petition is a condition requiring the conduct of Cluster Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) was imposed while granting Environmental Clearance (EC). However, since leases are auctioned at different times, an individual leaseholder cannot be held responsible for conducting the Cluster EIA/EMP for all leases within the cluster.
- 27.**It is pertinent mention here that the removal of sand is not solely a mining-related activity but also plays a crucial role in maintaining river flow, provided it is carried out in a sustainable manner.
- 28.**It is most respectfully submitted that SEIAA has evaluated the case while prioritizing the best interests of society and natural resources (rivers) from an environmental perspective. SEIAA's approach is not mine-centric but rather environmental and social, ensuring that local livelihoods are not adversely affected and that environmental sustainability is maintained under the prevailing circumstances.

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- 29.** That It is respectfully submitted that the averments made in para 47 to 48 in present petition by the applicant are matter of record, hence, the answering respondent states no comments.
- 30.** It is most respectfully submitted that SEIAA has evaluated the case while prioritizing the best interests of society and natural resources (rivers) from an environmental perspective. SEIAA's approach is not mine-centric but rather environmental and social, ensuring that local livelihoods are not adversely affected and that environmental sustainability is maintained under the prevailing circumstances.
- 31.** That It is respectfully submitted that the averments made in para 50 are denied. It is pertinent to mention here that the statement is not accepted. That while the cluster EIA/EMP is not been done, EIA/EMP has been done for individual mines as per the laid down procedures. While it is true that cluster EIA/EMP will give a broader picture, the individual EIA/EMP also takes care of ambient environmental issues.
- 32.** That the contents of Para 51 is denied for want of strict proof. That it is submitted that the statement is purely conjectural and cannot be commented upon in the absence of any relevant supporting data.
- 33.** It is humbly submitted that there was neither any intent on the part of SEIAA/SEAC nor any willful negligence in granting Environmental Clearance (EC) based on individual Environmental Impact Assessment

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(EIA) and Environmental Management Plan (EMP). However, an individual leaseholder or a group of leaseholders cannot be expected to prepare a proper Cluster EIA/EMP, as mining leases may or may not be auctioned at the same time. This responsibility lies with the concerned authorities, and in the absence of such a Cluster EIA/EMP, individual leaseholders should not be made to suffer.

34. The Respondent respectfully submits that they remain at the disposal of this Hon'ble Tribunal and shall abide by and ensure strict compliance with any further orders or directions that may be passed in the matter.

THROUGH

Date: 15/07/2025

Place: New Delhi

PRIYANKA SWAMI
ADVOCATE

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AFFIDAVIT

I, VIDHYOTMA BHARTI, aged about 49 years W/o. Dr G.L. Nigam, is presently posted as ASSISTANT DIRECTOR, REGIONAL OFFICE, NOIDA, DIRECTORATE OF ENVIRONMENTAL, UP having an office at E-12/1, NOIDA, UTTAR PARDESH. Presently at New Delhi do hereby solemnly affirm and state as under:

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit before this Tribunal.
2. That the accompanying Reply has been drafted by our counsel upon the official records
3. That the contents of the accompanying Reply are true and correct, and the Knowledge has been derived from official records and nothing material has been concealed therefrom.



V Shanti

DEPONENT



VERIFICATION

Verified on solemn affirmation at New Delhi on this 15 JUL 2025 day of 2025,

that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

D/6004/22
I identified the deponent who has signed in my presence

V Shanti

DEPONENT

ATTESTED
NOTARY PUBLIC
(INDIA)

15 JUL 2025