

612
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Original Application No. 09 of 2025

Vinay Shrivastav

...Petitioner

Versus

State of Uttar Pradesh & Ors.

...Respondent(s)

Index

Sr. No.	Particulars	Page No.
1.	Reply on behalf of the Respondent No. 06, Central Pollution Control Board (CPCB) in compliance of Hon'ble NGT order dated 21.01.2025 in Original Application No. 09/2025.	
2.	ANNEXURE-I A copy of Notice in OA No. 09/2025	
3.	ANNEXURE-II A copy of the order dated 21.01.2025 in Original Application No. 09/2025	

Srinivas Vishven

Filed by: Adv. Srinivas Vishven

On behalf of Central Pollution Control Board

Place: Delhi

Date: 03.03.2025

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

Original Application No. 09 of 2025

Vinay Shrivastav

...Petitioner

Versus

State of Uttar Pradesh & Ors.

...Respondent(s)

REPLY ON BEHALF OF RESPONDENT NO. 6 CENTRAL
POLLUTION CONTROL BOARD

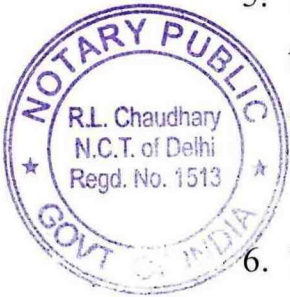
1. The Hon'ble National Green Tribunal (hereinafter referred to as "Hon'ble NGT"), vide its order dated 21.01.2025, directed the issuance of notices to the respondents in the present OA, requiring them to submit their response to the OA. A copy of the said notice is annexed herewith as **Annexure-I**. Thereby, the reply is made in succeeding paragraphs.
2. That at the outset, the answering respondent denies all claims, contentions, allegations and averments against answering respondent CPCB in the above OA contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial, save any averment which has been expressly admitted hereinafter.



3. That the answering Respondent, Central Pollution Control Board (hereinafter referred to as "CPCB"), is a statutory body constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "Water Act"). The CPCB performs functions under the provisions of the Water Act, the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "Air Act"), and the Environment (Protection) Act, 1986 (hereinafter referred to as "EP Act").
4. That the instant Original Application (hereinafter referred to as "OA") No. 9/2025 titled Vinay Shrivastav Versus State of Uttar Pradesh & Ors. has been filed by the applicant related to District Survey Report of Hamirpur District of Uttar Pradesh.

Para-wise Reply

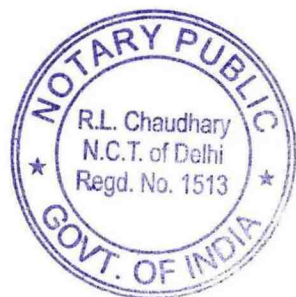
5. That no comments are offered by the answering respondent herein over the averments made in Paragraphs 1 to 3 of the application being introductory in nature.
6. That the averments made in Paragraphs 4.a to 4.d of the application relate to the queries raised by the applicant regarding the preparation of the District Survey Report in accordance with the Sustainable Sand Mining Management Guidelines, 2016, and the Enforcement and Monitoring Guidelines for Sand Mining, 2020 issued by MoEF&CC. The answering respondent respectfully submits that the said averments are duly addressed in the subsequent paragraphs of this affidavit.



7. That the averments made in Paragraph 5 of the application pertain to the jurisdiction of the Hon'ble National Green Tribunal. As the said averments are related to matter of law, hence need no comments from the answering respondent.

8. That the averments made in Paragraphs 6(i) to (iv) of the application relate to the Sustainable Sand Mining Management Guidelines (hereinafter referred as SSMMG), 2016, and the Enforcement and Monitoring Guidelines for Sand Mining (hereinafter referred as EMGSM), 2020, as issued by the Ministry of Environment, Forest and Climate Change (hereinafter referred as MoEF&CC). In this regard, it is respectfully submitted that Chapter 13 of the SSMMG, 2016, delineates the structure and essential components of the District Survey Report (DSR), outlining the methodology for its preparation. Additionally, Chapter 4.1 of the EMGSM, 2020, provides a detailed framework for the preparation of the District Survey Report. These two guidelines SSMMG-2016 and EMGSM-2020 shall be read and implemented in sync with each other. Further, it is respectfully submitted that the said guideline (EMGSM 2020) govern the preparation of the District Survey Report by Mining department or department dealing the mining activity in respective states and provide a comprehensive framework for sustainable sand mining practices.

9. That the averments made in Paragraphs 6(v) and 6(vii) to 6(xii) of the application pertain to the Standard Operating Procedure (hereinafter referred as SOP) formulated by the Uttar Pradesh State Environment Impact Assessment Authority (hereinafter referred as UP SEIAA) for



the preparation and modification of the District Survey Report for sand mining, as well as the deliberations undertaken in the meetings of the UP SEIAA/State Expert Appraisal Committee (hereinafter referred as SEAC) concerning the District Survey Report of District Hamirpur, Uttar Pradesh. It is respectfully submitted that the said matters fall within the domain of the concerned State Authorities, and therefore, the answering respondent submits that appropriate state respondents may response on these issues.

10. That the averments made in Paragraph 6(vi) of the application pertain to the rivers located in District Hamirpur, Uttar Pradesh. As these are matters of record, hence need no comments from the answering respondent.
11. That the averments made in Paragraphs 6(xiii) to 6(xvi) of the application pertain to the e-tender-cum-e-auction process and the Final District Survey Report, 2024, for mining activities conducted by the District Administration, Hamirpur, Uttar Pradesh. It is respectfully submitted that these matters fall within the purview of the concerned State Authorities, therefore, appropriate state respondents may response on these issues.
12. That the averments made in Paragraphs 7 and 8 of the application pertain to the process of preparation, approval, and implementation of the Final District Survey Report, 2024, by the District Administration, Hamirpur, without incorporating a replenishment study and geo-coordinates. It is respectfully submitted that the answering respondent



has no comments to offer on these aspects, as the issues raised therein are subject to the consideration and determination of this Hon'ble Tribunal.

13. That no comments are offered by the answering respondent herein over the averments made in Paragraphs 9 and 10.
14. The no comments are offered by the answering respondent herein over the averments made in Paragraphs A to J in Grounds of the application as the same pertain to the grounds raised by the applicant, which are matters to be adjudicated by this Hon'ble Tribunal.
15. The no comments are offered by the answering respondent herein over the averments made in Paragraphs (a) to (f) of the prayer clauses in the application as they pertain to matters for adjudication by this Hon'ble Tribunal.
16. **Salient Legal Provisions on Mining**

(A) Mines and Minerals (Development & Regulation), Act, 1957: That under the Mines and Minerals (Development & Regulation), Act, 1957 (hereinafter called as "MMDR Act, 1957"), the States are empowered to make the rules for regulating the grant of prospecting licenses or mining leases in respect of minor minerals and making rules for preventing illegal mining, transportation and storage of minerals.

(B) Environment Impact Assessment Notification 2006: That the Central Government has made it mandatory to obtain



Environmental Clearance for mining of minor minerals including sand mining. MoEF&CC published EIA Notification 2006 regarding Environmental Clearance to be obtained by mine owner for mining activities, which includes Environment Impact Assessment/Environment Management Plan Reports.

(C) Guidelines for Sustainable Mining and Enforcement & Monitoring of Sand Mining: That the MoEF&CC released "Sustainable Sand Mining Management Guidelines 2016" to promote scientific mining of sand and encourage environmental friendly management practices. For enforcement of the regulatory provisions related to river sand mining for effective monitoring and ensuring sustainable sand mining, MoEF&CC has released "Enforcement and Monitoring Guidelines for Sand Mining" in January 2020. The copy of guidelines (SSMMG 2016 and EMGSM 2020) is enclosed as Annexure - I & II.

17. That, the answering respondent no. 6 craves leave of the Hon'ble Tribunal to file additional reply, if required, in future.
18. That, in the light of the above submissions, it is respectfully submitted that this Answering Respondent, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Court in the instant OA.




(Prasoon Gargava)

Scientist 'F'

Central Pollution Control Board

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

Original Application No. 09 of 2025

Vinay Shrivastav

...Petitioner

Versus

State of Uttar Pradesh & Ors.

...Respondent(s)

AFFIDAVIT

I, **Prasoon Gargava** in the capacity of Scientist 'F', having office at the Delhi, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 6 in the above matter, do hereby solemnly affirm, declare on oath and state as under: -

1. That I, the deponent herein, am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.

2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.

3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same



are read over and explained to me and are not repeated herein for the sake of brevity.

P. Gargan
DEPONENT

VERIFICATION

03 MAR 2025

Verified at Delhi on this day of _____ 2025 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis- stated.



ATTESTED
Rant
NOTARY PUBLIC
GOVT. OF INDIA
03 MAR 2025

P. Gargan
DEPONENT

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No. 9/2025

(I.A. No. 32/2025 & I.A. No. 37/2025)

Vinay Shrivastav Vs State of U.P. & Ors.

To

1. **State Expert Appraisal Committee**
Directorate of Environment,
Vibhuti Khand, Gomti Nagar, Lucknow, U.P.-226010
Email: chairman.seac1@gmail.com ...Respondent No. 3
2. **State Environment Impact Assessment Authority**
State of U.P.
Vineet Khand-1, Gomti Nagar, Lucknow-226010
Email: seiaaup@yahoo.com ...Respondent No. 4
3. **Central Pollution Control Board**
Through its Member Secretary
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
+91-11-43102030
Email: mscb.cpcb@nic.in ...Respondent No. 6
4. **Ministry of Environment, Forest and Climate Change**
Integrated Regional Office,
Kendriya Bhawan, 5th floor, Sector 'H', Aliganj,
Lucknow, U.P.-226020
Email: roc.lko-mef@nic.in ...Respondent No. 7
5. **Director Geology and Mining, UP, Lucknow**
Directorate of Geology and Mining, Khanij Bhawan,
27/8, Ram Mohan Rai Marg, Lucknow – 226001
Email: director@dgmup.org/ dgmupexp@gmail.com ...Respondent No. 8
6. **District Magistrate, Hamirpur**
Collectorate, Hamirpur, Uttar Pradesh 210301
Email: dmham@nic.in ...Respondent No. 9

NOTICE

Whereas the above titled Application was listed before the Hon'ble Tribunal on 21.01.2025 (copy of order, application & petition are enclosed), when the Tribunal inter-alia passed the following order (reproduced relevant extracts only):-

"4. Issue notice on OA and IA No. 32/2025 and IA No. 37/2025 to the respondents.

5. Mr. Ankit Verma, Advocate accepts notice on behalf of Respondents No. 1, 2 and 5. Let a copy of the OA along with annexures be supplied by Counsel for the Applicant to Counsel for Respondents No. 1, 2 and 5 within three days. It will be open to Respondents No. 1, 2 and 5 to file their response within four weeks.

6. The applicant is directed to serve other respondents and file the affidavit of service at least one week before the next date of hearing.

7. The respondents are directed to file their response by way of affidavit disclosing if the replenishment study was done at the stage of preparation of DSR 2024 for Hamirpur District.

8. Learned Counsel for the Applicant also seeks leave to implead Director, Geology and concerned District Magistrate. The prayer is allowed. Let the cause title be amended and fresh memo of parties be prepared and the additional respondents be also served.

9. List on 05.03.2025."

2. Now, take further notice that the above matter will be listed for further consideration before the Hon'ble Tribunal on 05.03.2025, at **Faridkot House, Copernicus Marg, New Delhi-110001** through physical hearing (with hybrid option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed, and file reply/response, as per directions of the Hon'ble Tribunal vide Order dated 21.01.2025.

3. Take further notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.

4. Given under my hand and the seal of this Hon'ble Tribunal, on this 05th February, 2025

Note: (For Orders, Cause Lists & other information, please visit our website www.greentribunal.gov.in)

Consultant (Judicial), NGT



Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 09/2025
(I.A. Nos. 37/2025 & 32/2025)

Vinay Shrivastav

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 21.01.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Gaurav Kumar Bansal, Ms. Nandita Bansal & Ms. Chandrika Upadhyaya, Advs.

Respondent: Mr. Ankit Verma, Adv. for the State of UP

ORDER

1. In this original application, Applicant has challenged the District Survey Report (DSR) for District Hamirpur prepared in 2024 mainly on the ground that it has been prepared without conducting the replenishment study.

2. Counsel for the Applicant referring to the meeting of SEIAA, UP held on 25.10.2024 has submitted that the minutes suggest that no replenishment study was done. Referring to the Sustainable Sand and Gravel Mining Guidelines and also the 2020 Enforcement and Monitoring Guidelines for Sand Mining, he submitted that before the preparation of the DSR, replenishment study is mandatory. In this regard, he has also relied upon the Notification dated 15.01.2016 issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) and has referred to Appendix-X (page 153) requiring replenishment study for the preparation

of the DSR. He has stated that in the DSR 2024, it is nowhere mentioned that the replenishment study was done.

3. The OA raises substantial issues relating to compliance of environmental norms.

4. Issue notice on OA and IA No. 32/2025 and IA No. 37/2025 to the respondents.

5. Mr. Ankit Verma, Advocate accepts notice on behalf of Respondents No. 1, 2 and 5. Let a copy of the OA along with annexures be supplied by Counsel for the Applicant to Counsel for Respondents No. 1, 2 and 5 within three days. It will be open to Respondents No. 1, 2 and 5 to file their response within four weeks.

6. The applicant is directed to serve other respondents and file the affidavit of service at least one week before the next date of hearing.

7. The respondents are directed to file their response by way of affidavit disclosing if the replenishment study was done at the stage of preparation of DSR 2024 for Hamirpur District.

8. Learned Counsel for the Applicant also seeks leave to implead Director, Geology and concerned District Magistrate. The prayer is allowed. Let the cause title be amended and fresh memo of parties be prepared and the additional respondents be also served.

9. List on 05.03.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

January 21, 2025
Original Application No. 09/2025
(I.A. Nos. 37/2025 & 32/2025)
dv..