

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH NEW DELHI

O.A. NO. 959 OF 2024

IN THE MATTER OF: -

Lav Mishra

..... Applicant

VERUS

State of U.P & Ors.

..... Respondent

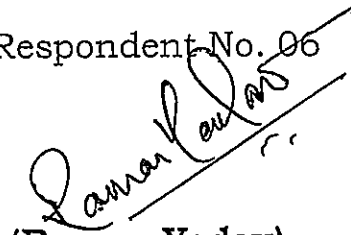
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Through

Date: 17/01/25

Respondent No. 06



(Raman Yadav)

Chamber No. 203, M.C. Setalvad
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REPLY ON BEHALF OF RESPONDENT NO. 06

PRELIMINARY SUBMISSION:

1. The Respondent No. 06 craves liberty of this Hon'ble Court to place on record the preliminary submissions.
2. It is most respectfully submitted that the present reply is filed on behalf of the Respondent No.06 in response to the letter petition filed by the Petitioner, Luv Mishra, alleging illegal sand mining and violations of environmental clearance conditions by M/s R.B. Enterprises, Respondent No. 06 herein.
3. It is most respectfully submitted that the claims made by the Petitioner, which include allegations of the use of heavy machinery for sand extraction, transportation of sand in open trucks, and breaches of environmental safeguards, are not only

wholly unfounded but also devoid of any substantiated evidence or credible basis. The assertions appear to be speculative, exaggerated, and fail to reflect the factual and legal position pertaining to the operations of M/s R.B. Enterprises. Further, it is submitted that at no point were the alleged activities conducted in a manner contrary to the prescribed legal norms or environmental standards. The Respondents have adhered to all requisite conditions of the Environmental Clearance (EC) and regulatory mandates.

4. It is most respectfully submitted that R.B. Enterprises has operated under a valid mining lease granted for the extraction of sand and morrum, covering a total area of 50 hectares, for the period from 07.05.2022 to 06.05.2027. The lease was obtained with all requisite statutory approvals in place. These include the Environmental Clearance granted by the State Level Environmental Impact Assessment Authority, Uttar Pradesh, on 02.05.2022 (EC Identification No. EC22B001UP163690), as well as a valid Consent to Operate (Water and Air) issued by the Uttar Pradesh Pollution Control Board on 16.02.2023, which remains effective until 31.12.2024. The operations have thus been conducted in strict compliance with the prescribed regulatory framework. A true copy of the mining lease granted to Respondent No. 06 and environment clearance granted by the State Level Environment Impact Assessment Authority, Uttar Pradesh is annexed herewith and marked as **Annexure- CA 1** and **Annexure CA-2** respectively.

5. It is most respectfully submitted that the Respondent No. 06, the Lessee herein, has acted diligently to comply with the prescribed conditions under the Uttar Pradesh Minor Minerals (Concession) Rules, 2021, and the terms of the Environmental measures to mitigate environmental impact and ensure sustainable operations. Notably, trees have been planted in and around the mining lease area to contribute to ecological balance and minimize the environmental footprint. Furthermore, CCTV cameras have been installed at strategic locations to ensure effective monitoring of mining activities and to uphold transparency in operations.

6. It is humbly submitted that the District Magistrate, Fatehpur, through his letter No. 1054/Mines/Kha. Pa./Urali/2024 dated 11.07.2024, imposed a penalty of ₹2,43,40,743/- (Rupees Two Crores Forty-Three Lakhs Forty Thousand Seven Hundred Forty-Three only) on Respondent No. 06, the lessee, M/s R.B. Enterprises. The penalty was levied for alleged violations of the Uttar Pradesh Minor Mineral (Concession) Rules, 2021, including claims of unauthorized sand mining and transportation, as well as breaches of regulatory compliance.

7. Furthermore, through the same letter, the mining lease granted to Respondent No. 06, M/s R.B. Enterprises, was cancelled by the District Magistrate on grounds of purported infractions of

statutory provisions and environmental safeguards. The Respondent respectfully submits that these actions were taken despite ongoing efforts by the lessee to comply with prescribed conditions and adhere to legal and environmental standards, including measures such as the plantation of trees and installation of CCTV cameras at the site to ensure compliance and transparency.

8. That the lessee, Respondent No. 06 herein, M/s R.B. Enterprises, challenged the order dated 11.07.2024 issued by the District Magistrate, Fatehpur so far as It relates to demand of DMF amount, by filing Writ Petition Civil No. 26843 of 2024, titled *M/s R.B. Enterprises versus State of U.P. & Ors.*, before the Hon'ble High Court of Judicature at Allahabad. The Hon'ble High Court, vide its order dated 20.08.2024, disposed of the writ petition in terms of its earlier decision dated 17.05.2023, passed in a similar matter bearing Writ Petition Civil No. 16647 of 2020. A true copy of the orders dated 20.08.2024 and 17.05.2023, passed by the Hon'ble High Court of Allahabad, has been annexed as **Annexure-R1** to the affidavit filed by the District Magistrate, Fatehpur, Respondent No. 04 herein.

9. It is most respectfully submitted that the present Original Application has been registered under section 14 and section 15 of the National Green Tribunal Act, 2010 In exercise of suo moto jurisdiction in view of the law laid down by the Supreme Court

in Municipal Corporation of Greater Mumbai versus Ankit Sinha (2022) 13 SCC 401, on a letter petition dated 21.11.2023 received from the Petitioner herein.

10. It is submitted that this Hon'ble Court on considering the allegation as stated in the letter petition filed by the Petitioner was of the view that the issue involves the substantial question relating to the Environment and enactment of Schedule 1 of NGT Act, 2010 and therefore constituted a Joint Committee comprising District Magistrate, Fatehpur and Uttar Pradesh Pollution Control Board.
11. It is most respectfully submitted that the Joint Committee conducted an inspection of the mining site on 16.10.2024. During the inspection, it was observed that the mining site was dry and levelled. Additionally, the course and flow of the river were examined, and it was found that there had been no disturbance to the river's natural course or flow, which remained unchanged from its state prior to the monsoon season.
12. Thereafter, a writ petition, numbered Writ C-30668 of 2024 and titled *M/s R.B. Enterprises vs. State of U.P. & Ors.*, was filed by the lessee, Respondent No. 6 herein, before the Hon'ble High

Court of Judicature at Allahabad, challenging the cancellation of the mining lease. During the proceedings, the Hon'ble High Court directed the Learned Standing Counsel to obtain instructions on the issues raised by Respondent No. 6. The matter remains *sub judice* before the Hon'ble High Court. A true copy of the orders passed by the Hon'ble High Court of Allahabad in Writ C No. 30668 of 2024, titled "*M/s R.B. Enterprises versus State of U.P. & Ors.*," has been annexed as **Annexure-R2** to the affidavit filed by Respondent No. 4, the District Magistrate, Fatehpur.

13. That since no stay, was granted by the Hon'ble Allahabad High Court in Writ Petition Civil No. 26843 of 2024, therefore the District Magistrate issued a recovery certificate dated 08.11.2024 against Respondent No. 06 to recover the penalty amount which was imposed vide Letter No. 1054/ Mines/ Kha. Pa./Urauli/ 2024, dated 11.07.2024 issued by the District Magistrate. A true copy of the Recovery Certificate dated 08.11.2024 issued against Respondent No. 06 has been annexed as **Annexure R3** in the affidavit filed by the District Magistrate, Respondent No. 04 herein.

14. It is humbly submitted that the matter is currently *sub judice* before the Hon'ble High Court of Judicature at Allahabad, where the legality of the cancellation of the mining lease is already under judicial scrutiny.

Respondent No 06



(Raman Yadav)

Through

Chamber No. 203, M.C. Setalvad

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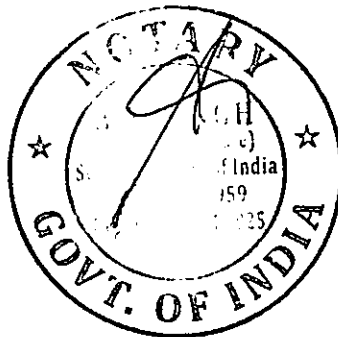
State of U.P & Ors.

..... Respondent

AFFIDAVIT

I, Birendra Singh aged about 47 years S/o Ram Kishore Singh, R/o Shastri Nagar, Atarra Chungi Chauki, Dist. Banda, Uttar Pradesh- 210001 presently at New Delhi, do hereby solemnly affirm and state on oath as under:

1. That I am Respondent No. 06 in the present petition and a partner of M/s R.B. Enterprises. I am well-versed with the facts and circumstances of the case and fully competent to swear this affidavit.
2. That I have gone through the contents of the response, and I have fully understood the same. I say that the averments made therein are all true and correct to the best of my knowledge and belief.



S. Birendra Singh
DEPONENT

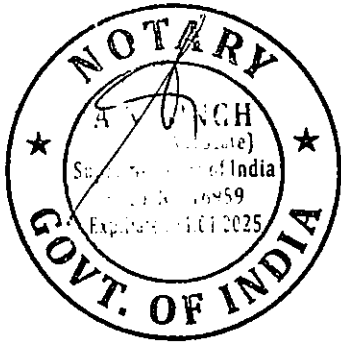
VERIFICATION:

17 JAN 2025

I, the deponent do hereby verify that averments made in the affidavit are true and correct to the best of my knowledge and belief. No part of It is false and nothing material has been concealed therefrom.

[Signature]
DEPONENT

[Signature]
I identify the deponent who has Signed/Put T.I. in my presence



[Signature]
ATTESTED
A.N. Singh/Adv
Notary Public
Govt. of India, New Delhi
17 JAN 2025

Certified that The Above Named Deponent, ID. No. Satyajit Identified And Verified By SH./Smt. Satyajit Narayan Yadav Solemnly Affirmed Before Me, Reg. Sr. No. 1008. The Content of The Affidavit Which Have Been Read & Explained To Me Are True And Correct.

[Signature]
Notary

17 JAN 2025