

**BEFORE THE NATIONAL GREEN TRIBUNAL CENTRAL
ZONE BENCH, NEW BHOPAL**

Original Application No. 193/2022

IN THE MATTER OF:

Rajjan Pandey

...Applicant

Versus

State of Uttar Pradesh & Ors

...Respondents

I N D E X

NDOH- 11.01.2023

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Place: New Delhi
Dated: 09.02.2023

THROUGH



**GIGI C. GOERGE
ADVOCATE
FOR RESPONDENT No. 7
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
O.A. NO.193 OF 2022**

Rajjan Pandey

---Petitioner

Versus

State of Uttar Pradesh & Ors.

... Respondents

**AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO.7 MINISTRY OF MINES,
UNION OF INDIA**

I, Dheeraj Kumar S/o Late Bhola Prasad, Aged about 39 years, presently working as Deputy Secretary in Ministry of Mines, Government of India, Office at Shastri Bhawan, New Delhi do hereby solemnly affirm and declare as under:

1. I state that I am authorized in my official capacity to swear and depose to the present affidavit on behalf of answering Respondent and as such, I am fully conversant with the facts and the circumstances arising in O.A No. 193/2022 based on the records of the case.
2. That the answering Respondent has been arrayed merely as a proforma party, with no relief whatsoever claimed/ or sought against

the answering Respondent. Likewise, the petitioner does not make any reference/ allegation against the answering Respondent of any kind.

3. That the Ministry of Mines administers the Mines and Minerals (Development and Regulation) Act, 1957 [**MMDR Act**] and the rules made there under. Section 3 (e) of the MMDR Act, 1957 defines "minor mineral" as follows:

"3(e). "minor minerals" means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, and any other mineral which the Central Government may, by notification in the Official Gazette, declare to be a minor mineral."

4. That As per section 15 (1) of the MMDR Act, State Government are empowered to make rules for regulating the **grant of quarry leases**, mining leases or other mineral concessions in respect of minor minerals and for purposes connected therewith.
5. That as per Section 23C of the MMDR Act, 1957, the State Governments are empowered to frame rules to prevent illegal mining and the State Government may, by notification in the Official Gazette, make such rules for preventing illegal mining, transportation and storage of minerals (both major minerals and minor mineral) and for purposes connected therewith. Control of illegal mining, therefore, comes under the legislative and administrative jurisdiction of State Government.

6. That the issues raised by the petitioner is totally under the domain of the State Government and none of the provisions of MMDR Act, 1957 and rules framed there under have been challenged nor any prayer made against Ministry of Mines.
7. That in view of the above averments, it is humbly submitted that the answering Respondent No. 7 has no role to play in the current issue, and is only a proforma party.

Prayer

In view of the above averments, it is humbly submitted that the answering Respondent No. 7, not being a necessary party, may kindly be deleted from the array of parties.


धीरज कुमार / DHEERAJ KUMAR DEPONENT
उप सचिव / Deputy Secretary
खान मंत्रालय / Ministry of Mines
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

VERIFICATION

Verified at New Delhi on this 9th day of February, 2023, that the contents of the above Affidavit are true and correct to my knowledge, and no part of it is false. Likewise, nothing material has been concealed there from.


धीरज कुमार / DHEERAJ KUMAR DEPONENT
उप सचिव / Deputy Secretary
खान मंत्रालय / Ministry of Mines
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi