

N.D.H.:08.08.2025

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

ORIGINAL APPLICATION NO. 167 OF 2025

IN THE MATTER OF:

BHAIYAN PRASAD

..... APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT

FOREST & CLIMATE CHANDGE & OTHERS

..... RESPONDENTS

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Place: New Delhi

Date: 07.08.2025

Filed by:-



(GAURAV AGARWAL)

Advocate for Respondent No.08
Anandeshwar Chemtech Pvt. Ltd.

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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PRASAD VERSUS

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& ORS.

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REPLY ON BEHALF OF THE RESPONDENT NO. 8,
ANANDESHWAR CHEMTECH PVT LTD.

MOST RESPECTFULLY SHOWETH:

1. That the instant Original Application is pending before this Hon'ble Tribunal wherein the Applicant has challenged the DSR for District Banda prepared in year 2024 on the ground that it has been prepared without conducting the replenishment study.
2. That the Applicant herein has sought a relief of quashing and setting aside the (i) District Survey Report 2024 for District Banda, U.P., (ii) advertisement bearing letter no. 2751/Khanji-30 Banda 08.08.2024 for e-tender cum e-auction of mining lease, (iii) letter of intent no. 2855/Khanji-30 Banda Dated 28.08.2024 and (iv) to restrain them from auctioning the area for sand mining or granting the mining lease.
3. That the answering Respondent is a holder of LOI for one lease Gata No. 332/17, Part of 333/7, 431/333/1, Tehsil Banda, Vill. Marauli Khadar, District Banda, Khand No. 06 area 23 hct. The LOIs for the aforesaid leases was issued to the answering Respondent on 28.08.2024 and consequently, it has also deposited the requisite amount of advance royalty.

8. That the original Application is based on incorrect, false and misleading facts. The Applicant herein has sought relief from the Hon'ble Tribunal, primarily against the DSR for year 2024 alleging that it was prepared without the replenishment study. The other relief sought are merely consequential to the main prayer.
9. That the SEIAA has filed its reply in the connected matter OA No. 1220 of 2024 on 07.05.2025 wherein from page 1048 to 1163 the replenishment study for the district Banda is submitted. Hence, in light of the reply filed by the state respondents the issue regarding the replenishment study before preparing the DSR 2024 does not survives.
10. That the affidavit dated 14.06.2025 filed by the District Magistrate, Banda is the OA No. 1220 of 2024 clearly mentions that the Sub Division Committee has made assessment of 135 leases in the year 2022-23 and, thereafter, of 113 leases in 2023-24. The lease granted to the answering Respondent forms part of the said replenishment study at serial no. 19.
11. That the said affidavit of DM Banda clearly mentions that “*a comprehensive Replenishment Study for District- Banda, for the year 2024 was conducted by the Sub- Divisional Committee, and the report was uploaded on the NIC website (www.banda.nic.in) on 22.03.2025 The Replenishment Study Report was submitted by the District Administration Banda to State Environment Impact Assessment Authority, U.P. (SEIAA) on 22.03.2025.*”

12. That the once SEIAA placed the copy of the report of replenishment study with its affidavit dated it evidents and belies the contention of the applicant that no replemishment study was conducted before the preparation of the DSR 2024.
13. That the leases provided in the replenishment report coincides with the leases referred to in the DSR 2024. Hence, there is no illegality in the publication of the impugned e-tender cum e-auction notices as well as consequential process of auction and grant of LOI.
14. That the grievance of the Applicant pertaining to the absence of replenishment study prior to preparation and approval of the DSR 2024 does not remains survives in light of the above submitted facts. There has been no violation of the SSGM 2016 or EMGSM 2020 guidelines in preparation of the DSR 2024 by the State as evident from their replies/affidavits on record. Hence, the challenge to the e-tender notice or the auction proceedings is without any legal basis and unsustainable.
14. That it is lastly submitted that there has been no grant of the mining lease as yet by the State as the tender process is a very initial stage and at present LOI has been granted. The execution of mining lease will take place only after the grant of the EC to the answering Respondent, which is likely to take sometime. Meanwhile, before the execution of the mining lease a fresh yearly replenishment study pre and post monsoon will be carried out for the year 2025. Hence, the permitted mineable quantity will depend upon the said study. Thus, the present original application seeking a relief against

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the grant of mining lease to the answering Respondent is premature.

15. That in the light of the reply/objections made in the preceeding paragraphs of this affidavit, the Original Application of the Applicant deserves to be dismissed without any relief.

Anandeshwar Chemtech Pvt. Ltd.
(Respondent No. 8)

Through



(GAURAV AGARWAL)

Advocate for Respondent No. 8

GRV LEGAL

Advocates and Legal Consultants

O-703, Aditya Mega City,

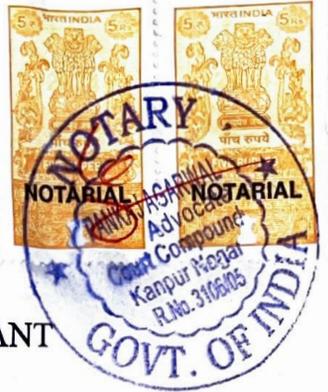
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IN THE MATTER OF :

BHAIYAN PRASAD

.....APPLICANT

VERSUS

STATE OF U.P. & ORS.

.....RESPONDENTS

AFFIDAVIT

I, ANAND KUMAR GUPTA, aged about 55 years, Son of Shri Late Laxmi Narayan Gupta, R/o Maharajpur, Kanpur Nagar, District Kanpur, Uttar Pradesh- 209402, do hereby state on solemn affirmation as under:-

1. That the deponent is the Director of the Respondent in the present Original Application as such I am well conversant with the facts and circumstances of the present case and hence, competent to swear this affidavit.

That I have gone through the accompanying Reply from para 1 to 15 and day that the contents thereof are true and correct to the best of my knowledge and belief and I believe the same to be true.

Solemnly affirmed on this 6th day of Aug, 2025 at Kanpur, U.P.

(Signature)

DEPONENT

VERIFICATION :

Verified at Kanpur,U.P. on this 6th day of August, 2025 that the contents of my above affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

(Signature)

DEPONENT

Certified that this documents is presented before me today by Shri... Anand Kumar Gupta who is identified by Sri... Pankaj Agarwal verified per identification. Hence Attested Pankaj Agarwal (Advocate) Notary Public, Govt. of India

7-8-25



Reply on behalf R-8 in O.A. No.167 of 2025

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Date 2025-08-07 01:06

 3 REPLY R-8.pdf(~891 KB)

Sir/Mam,
Please find attached Reply affidavit Respondent No.08 in O.A. No.167 of 2025 Bhaiyan Prasad vs. Ministry of Environment Forest and Climate Change and Others.

Regards:
Nitesh Kumar
Clerk to
Mr. Gaurav Agarwal Adv.
for Respondent No.08
(M) 9958982328