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BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH AT NEW
DELIHI

IA NO. 585 OF 2025

IN

ORIGINAL APPLICATION NO. 995 OF 2019

In the matter of:

Chander Singh

...Applicant

Versus

Union Of India & Ors.

...Complainant

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Dated 24.11.2025



Adv Anjali Rajput
Counsel for State of Uttarakhand

BEFORE THE NATIONAL GREEN TRIBUNAL , PRINCIPAL BENCH
AT NEW DELHI
IA NO. 585 OF 2025

IN

ORIGINAL APPLICATION NO. 995 OF 2019

IN THE MATTER OF:

CHANDER SINGH

..APPLICANT

VERSUS

UNION OF INDIA & ORS

..RESPONDENTS

**RESPONSE AFFIDAVIT ON BEHALF OF DISTRICT MAGISTRATE,
PITHORAGARH TO IA NO 585 OF 2025 IN COMPLIANCE OF THE
ORDER DATED: 10.10.2025.**

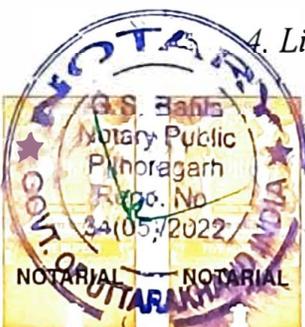
MOST RESPECTFULLY SHOWETH:

That I, Yogendra Singh aged about 39 years s/o Sh. Darshan Lal is posted as Additional District Magistrate Pithoragarh currently holding in charge District Magistrate Pithoragarh, Uttarakhand, do hereby solemnly affirm on oath and state as under:

1. That I am well conversant with the facts and circumstances of the present case, I am fully competent to file present response affidavit to the IA bearing no 585/2025 applicant herein.
2. That the Original Application no. 995 of 2019 was last listed for hearing on 10.10.2025 and the Hon'ble Tribunal was pleased to issue notice on the IA filed by the Respondent no.4:-

Verified on last page. "3. Learned Counsel appearing for the District Magistrate, Pithoragarh seeks two weeks' time to file reply to IA No. 585/2025.

4. List on 25.11.2025."



Copy of the Order dated 10.10.2025 is annexed as ANNEXURE A

PRELIMINARY SUBMISSIONS:

3. That the Hon'ble Tribunal vide order dated 16.09.2020 on the basis of report of Joint Committee dated 10.09.2020 in OA no 995/2019, passed the following order:

"3. Accordingly, report dated 10.09.2020 has been filed by the CPCB to the effect that further detailed examination is necessary for determining the quantum of damage. It is also recommended that some immediate measures be taken to prevent further damage as follows:

"5.5.1. Not to allow mining operations till complying prescribed environmental Norms/ recommendations of the committee here under.

5.5.2. To carry out geo-referenced drone survey of the lease area and its surrounding affected area due to spillage of material from mine and submit the output in appropriate format for further analysis and preparation of remedial plans.

4. We see no reason why the above recommendations be not followed. Accordingly, the above recommendations be acted upon."

That pursuant to the Hon'ble Tribunal's order dated 16.09.2025, in the present OA mining operations in the lease area were suspended and are suspended till today. Copy of the order dated 04.07.2020 is annexed herewith as Annexure B.

4. That the answering respondent has through previous affidavits placed on record compliance by Applicant herein/project proponent, of measures suggested by joint committee constituted by this Hon'ble Tribunal which is recorded in the order 16.09.2020. It is Submitted herein that a committee comprising of



Sub Divisional Magistrate, Didihat as, District Mining Officer, Geology and Mining Department, Pithoragarh, Forest Officer, Pithoragarh, Executive Engineer, Irrigation Division, Pithoragarh and Regional Officer, Uttarakhand Pollution Control Board, Regional Office Haldwani, was constituted vide order number-1784/30-Mining/2022-23 dated 06.06.2023 and as per the recommendations of the joint committee's Report dated 15.07.2023, the following compliances have been found to be complied by the Respondent/Project Proponent:

5.5.1. That mining operations were closed in the leased area from July 2020. A security wall has been constructed, and trees of various local species have been planted on sloping terrain outside the lease area to protect the surrounding area from environmental damage due to mining operations.

5.5.2 A geo-referenced drone survey has been conducted by project proponent and a protective wall is constructed to prevent debris/muck from falling onto the sloping terrain resulting from mining operations.

5.5.3 That the debris was found on the slope to the east of the leased area and a retaining wall to prevent debris from falling has been constructed by the project proponent.

5.5.4 The project proponent had earlier submitted an affidavit/ undertaking that any debris/muck generated from future mining activities would be contained within the lease area. That project proponent has presently provided a notarized affidavit undertaking that the muck/debris generated from future mining operations will be disposed within the leased area.

5.5.5 That an action plan has been submitted by project proponent for disposal of debris/muck which had earlier fallen outside the leased area.

That the status of the compliances is as follows.



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i. That debris/muck fallen outside the area of mining lease on the east side towards the temple and on slope towards NH 30 Charan dev on west side, has been shifted inside the leased area.

ii. Debris/muck fallen on step slop which cannot be shifted in the leased area, terraced fields have been constructed by the project proponent to secure it at that site and the plants of various local species have been planted. During the inspection, planted trees were found to be of self-sustaining age and 2-3 ft height. The land on which the debris is stored has been taken on lease for a period of 30 years by project proponent and Shri Kishan Bhandari. That a notarized no objection affidavit in favor of project proponent by Shri Kishan Bhandari has also been submitted.

iii. That some debris/muck fallen on the slope has been shifted within the lease area and remaining debris/muck which can not be shifted has been secured at site itself, as mentioned above in points no i & ii. That further due to the geographical conditions of the site it is not possible to take any other measure.

5.5.6 That to prevent debris/muck from falling into the river, project proponent has constructed protective walls on the sloping terrain and ponds under the guidance of the Public Works Department, Pithoragarh. That at present no debris/muck is falling in the Dundu River, flowing in downhill direction of mining area.

5.5.7 At the time of Inspection, the security wall was not found at the lowest bench in the leased area, project proponent informed that



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construction of the safety wall is not possible without use of the machines (JCB/Pokland) and since the mining operations have been stayed by the orders of the Hon'ble National Green Tribunal and the District Magistrate the task of constructing the wall did not take place. That upon permissions to resume mining operations and use of machines, he said safety wall will be constructed.

5.5.8 That the footpath and irrigation canal which were affected/closed due to the debris fallen from previous mining operations, towards the slope has been repaired by the project proponent. During inspection the road and irrigation canal were found to be in working condition.

Copy of the report dated 15.07.2023 has already been placed on record as Annexure E in reply affidavit filed by answering respondent to Review application no 03 of 2025.

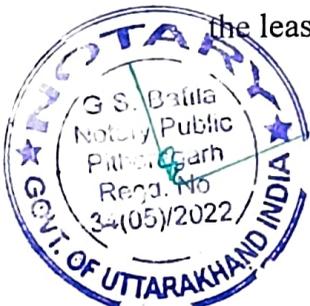
5. As per the permission granted by the Hon'ble Supreme court vide order dated 27.02.2024 in Civil Appeal No. (5) 2003-2004/2022 applicant herein/project proponent was permitted to construct safety wall under the supervision of the Additional District Magistrate, Pithoragarh. That in compliance of the above directions Additional District Magistrate, Pithoragarh, Revenue Inspector, Kanalichhina and representative of applicant herein /project proponent inspected the leased site and the construction work of the security wall was found to be complete on 05.04.2024.
6. It is also submitted herein District Mining Officer, Pithoragarh, along with the officers of the Revenue Department, conducted a site inspection of the lease area of project proponent on 22.04.2025 and following observations were made in the report:
 - i. At the time of inspection, the security wall was found constructed on the lowest bench which was constructed with the help of JCB/Pockand



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within the lease area (Length 90 m X average width is 0.95 m X height is 2.31m)

- ii. That a joint inspection of the approved lease area of magnesite mineral by Revenue Department and Department of Geology and Mining was conducted on 10.02.2025 to check compliance suggestion number 7.10.2.2 to 7.10.2.4 of the joint committee constituted by the order dated 16.09.2020 by this Hon'ble bench.
- iii. That in the line of request letter by project proponent, expected mineral mined from the permitted area during year 2010-11 to 2019-20 required by Hon'ble Tribunal is: 173134.39 tones of magnesite and 15102.93 tones of dolomite, total of 1,88,237.414 metric tons of mineral production has been proposed during the mining operation from the leased area as per the mining plan approved by IBM. That 1,08,563.014 tons of magnesite and 7,880.016 tons of dolomite, a total 188,443.03 tons of magnesite/dolomite mineral has been extracted from the leased area.
- iv. That overburden/waste material and rubble mixed stones obtained during mining operation have been dumped by review applicant in slope of Teli village to the north of the pit and terraced fields have been constructed. That on spot inspection of the steep terrain total 1200 cubic meter of rubble has been dumped (length 60 m X width 20m X height 1 m). That a security wall has been constructed by using 1148. 79 cubic meter by project proponent with the waste stones lying within the lease area.
- v. That a total of 10625 cubic meter (length_ 85m X width 25m X average height 5m) of waste has been dumped on approved dumping site. That as per this, the lease holder has obtained total of 12,973.79 cubic meters or 23,352.822 tons of waste material/debris during mining operations from the leased area which is 12.39% of the excavated magnesite/dolomite.



vi. Inspection of the plantation work done by the review applicant in the was done and trees of various local species were found been planted and were in proper condition within the lease area.

Copy of the report dated 22.04.2025 has already been placed on record as Annexure G in reply affidavit filed by answering respondent to Review application no 03 of 2025.

PARAWISE REPLY:

7. Reply to PARA no 1. That the contents of this para are not denied and are matter of record.
8. Reply to PARA no 2 & 3. That in reply to these para tt is submitted that in view of pendency of present OA, pending before this Hon'ble tribunal it was not appropriate for the deponent to take any decision on the representations made by the project proponent/ applicant and it is appropriate for this Hon'ble Tribunal to pass appropriate orders on the present application filed by applicant. That the deponent will abide by any direction(s) passed by this Hon'ble Tribunal on the application filed by the project proponent/applicant and it is further submitted that when the mining lease was granted to the project proponent/applicant, same was granted in accordance with law.
9. Reply to PARA no 4. That detailed reply to the averments in this para has been made in preliminary submissions. It is also submitted that the relevant reports dated 15.07.2023 and 22.04.2025 have already been placed on record through previous affidavits and not being annexed again to obviate redundancy.
10. Reply to PARA no 5. In reply to this para it is submitted that that the answering respondent has placed on record the status of the compliances by the project proponent.



11. Reply to PARA no 6 & 7. It is respectfully submitted herein that deponent has ascertained and have been reported that, letter dated 17.05.2025 bearing no 214/Bhu. Kha.Ni.VI. Pitho/mukhuakhani/Magnesite-jach/2025-26 by District mining officer, addressed to the Director, Mining and Geology Department, Government of Uttarakhand stating that a total of 10247.03 ton of already mined mineral is lying at the site, out of this 2148.28 ton of mineral was lying at the site before extending lease of the project proponent and for which the royalty Rs. 281425 has already been paid vide chalan NO. 07 Dated 25-08-2020 as per rules. That royalty for remaining already mined 8098.75 ton mineral lying at the site has not been deposited.
12. Reply to PARA no 8. This Para needs no reply from deponent.
13. Reply to PARA no 9 & 10 . It is respectfully submitted herein that that the deponent will abide by any direction(s) passed by this Hon'ble Tribunal on the application filed by the project proponent/applicant
14. Reply to PARA no 11. This Para needs no reply from deponent.
15. That in view of the aforesaid submissions, it is respectfully prayed that the Hon'ble Tribunal may be please to pass order as deem fit in the circumstances of the present case and the undersigned will dutifully abide by any directions passed by the Hon'ble Tribunal in this regard.


DEPONENT



VERIFICATION:

Verified at 3-398 Mon this 19/11/25 that the contents of the above affidavit are true and correct to my knowledge and no part of it is false therein and nothing has been concealed therefrom.


DEPONENT



19/11/25
GANGA SINGH BAFILA
Advocate
Notary Public
Distt Pithoragarh (U.K.) India
Regd. No. 34(05)/2022

Solemnly Affirmed before me to day
At.....3-398 AM/PM
by.....Yogendra Singh A.D.M
the deponent is identified by
Sri/Km/Smt.....Smt
I have satisfied my self by examining
that he/she understand the contents
of this affidavit/ Document.

Item Nos. 28&29

Court No. 1

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

Original Application No. 995/2019
(IA No 585/2025, IA No 662/2019, IA No 663/2019)

WITH

IA No. 429/2025
In
Review Application No. 3/2025
In
Original Application No. 995/2019

Chander Singh

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 10.10.2025

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

Respondents: Mr. Rahul Khurana & Mr. Hasil Jain, Advs. for R - 4
Mr. Ravinder Gupta, Adv. for MoEF & CC (Through VC)
Mr. Mukesh Kumar, Adv. for CPCB
Mr. Mukesh Verma & Ms. Vatsala Tripathi, Adv. for UKPCB
Ms. Anjali Rajput, Adv. for the State of Uttarakhand
Mr. Rishesh Sikarwar, Adv. in I.A. No. 429/2025

ORDER

1. Learned Counsel for the Applicant in IA No. 429/2025 submits that since the Review Application itself has been disposed of in which the IA was filed. Therefore, the IA has become infructuous. He submits that he will be filing an intervention application in the main matter.
2. In view of the above, the IA No. 429/2025 filed in Review Application No. 3/2025 is dismissed as infructuous.
3. Learned Counsel appearing for the District Magistrate, Pithoragarh seeks two weeks' time to file reply to IA No. 585/2025.

4. List on 25.11.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

October 10, 2025
Original Application No. 995/2019
(IA No 585/2025, IA No 662/2019, IA No 663/2019)
with IA No. 429/2025
In Review Application No. 3/2025
In Original Application No. 995/2019
dv

Item No. 06

Court No. 1

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

(By Video Conferencing)

Original Application No. 995/2019

(With report dated 10.09.2020)

Chander Singh

Versus

Applicant(s)

Union of India & Ors.

Respondent(s)

Date of hearing: 16.09.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Mr. Gaurav Singh, Advocate

Respondent(s): Mr. Mukesh Kumar, Advocate for CPCB

ORDER

1. A joint report was sought from the SEIAA, Dehradun, District Magistrate, Pithoragarh, Uttarakhand State PCB and representative of the Indian Bureau of Mines and Ministry of Mines, Government of India, with reference to the allegation that mine of dolomite was illegally being operated by N.B Minerals Corporation Ltd., Haldwani, District Nainital at Village Dundu, Tehsil Didihat, Distt. Pithoragarh, Uttarakhand.

2. The matter was thereafter considered on 24.02.2020 in the light of report dated 27.01.2020 to the effect that there was violation of environmental norms, including in disposal of the muck. The Tribunal observed:

*“3. In view of the above acknowledged violations, **remedial action needs to be taken to recover compensation by following due process of law. Apart from recovering compensation, remediation of the area is also necessary for***

restoration of the environment. It is necessary to prepare a remediation plan for the purpose.

4. In order to carry out remediation as well as to assess compensation, we constitute a joint Committee comprising the CPCB, Indian School of Mines, Dhanbad, Bihar, Indian Bureau of Mines, Ministry of Mines, Government of India, New Delhi and SEIAA, Uttarakhand, Dehradun. The CPCB will be the nodal agency for coordination and compliance. The report may be filed before the next date by email at judicial-ngt@gov.in. Further action may be completed within three months.

5. A copy of this order be sent to the CPCB, Indian School of Mines, Dhanbad, Bihar, Indian Bureau of Mines, Ministry of Mines, Government of India, New Delhi and SEIAA, Uttarakhand, Dehradun by email for compliance.”

3. Accordingly, report dated 10.09.2020 has been filed by the CPCB to the effect that further detailed examination is necessary for determining the quantum of damage. It is also recommended that some immediate measures be taken to prevent further damage as follows:

“5.5.1. Not to allow mining operations till complying prescribed environmental Norms/ guidelines/ recommendations of the committee hereunder.

5.5.2. To carry out geo-referenced drone survey of the lease area and its surrounding affected area due to spillage of material from mine and submit the output in appropriate format for further analysis and preparation of remedial plans.

5.5.3. Take all appropriate immediate actions to arrest/trap the material from rolling down/flowing away outside lease area by gravity or rain or otherwise.

5.5.4. Give undertaking that waste material/muck will not be dumped outside the mining lease area in future.

5.5.5. Prepare a time bound action plan to take all appropriate actions to address the impact of waste lying outside the lease;

- i) shift the outside dumped/ rolled/ flown/ washed material/ muck to a suitable safe and secure place within mining lease area and stabilize it.*
- ii) in case of area where such material is not safe to handle such portion shall be appropriately terraced, compacted, reclaimed by plantation of local species and ensure its watch and ward till the plantation achieved self-sustained age and height.*
- iii) Any other appropriate method for restoration /reclamation etc.*

5.5.6. To construct robust obstruction structures (such as toe walls, parapet walls) silting ponds etc. under the guidance of district administration, ensure that muck mixed slurry water of rain does not enter into the Dundu stream.

5.5.7. To develop a natural obstruction and/or construct retaining walls at the end of lowest/bottom most bench of the mine so that waste material/muck does not roll down/spillover downwards along the hillock to outside mining lease.

5.5.8. To submit the action plan for repairing the irrigation water channels and village roads blocked by spillover of muck, if any.

4. We see no reason why the above recommendations be not followed. Accordingly, the above recommendations be acted upon. We grant the time sought by the Committee for completing its task and the report may now be submitted within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The Committee may also ensure that EC conditions are duly complied with.

List for further consideration on 22.01.2021.

IA 662/2019 for interim relief and IA 663/2019 for exemption from filing clear copy of annexures stand disposed of.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 16, 2020
Original Application No. 995/2019
(I.A. No.662/2019 & I.A. No.663/2019)
DV