

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SITTING AT NEW DELHI

MEMORANDUM OF APPLICATION

(Under Sec. 14 and 15 of the National Green Tribunal Act,
2010)

ORIGINAL APPLICATION NO. 13 OF 2025

IN THE MATTER OF:

Radheshyam

...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT, FORESTS

AND CLIMATE CHANGE AND OTHERS

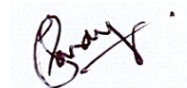
... RESPONDENTS

PAPER BOOK

**RESPONSE ON BEHALF OF AMICUS CURIAE TO THE
REPLY DATD 26.03.2025 FILED BY RESPONDENT NO. 4**

Compilation – I

(FOR INDEX KINDLY SEE INSIDE)



TANAY

ADVOCATE

AMICUS CURIAE

Enrol No. UP/50/2021

Phone: +91-8765456321

Email: tanaytewari0309@gmail.com

Address: 21/131/1, Sector-21, Indira Nagar, Near
Sherwood Academy, Lucknow, U.P.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SITTING AT NEW DELHI
MEMORANDUM OF APPLICATION**
(Under Sec. 14 and 15 of the National Green Tribunal Act, 2010)
ORIGINAL APPLICATION NO. 13 OF 2025

IN THE MATTER OF:

Radheshyam

...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT, FORESTS
AND CLIMATE CHANGE AND OTHERS

... RESPONDENTS

INDEX

<u>Sl.No.</u>	<u>Particulars</u>	<u>Pages</u>
1.	RESPONSE ON BEHALF OF AMICUS CURIAE TO THE REPLY DATD 26.03.2025 FILED BY RESPONDENT NO. 4.	1-21
2.	Annexure R-1: True copy of the order dated 22.01.2025.	22-23
3.	Annexure R-2: True copy of the order dated 20.02.2025 passed by respondent no. 6.	24-25
4.	Annexure R-3: True copy of the order dated 15.04.2025 passed by this Hon'ble Tribunal.	26-27
5.	Annexure R-4: True copy of the order dated 27.05.2026 passed by the Hon'ble Tribunal.	28-60
6.	Proof of service.	61



Place: New Delhi
Date: 01.07.2026

TANAY
ADVOCATE
AMICUS CURIAE

Enrol No. UP/50/2021
Phone: +91-8765456321

Email: tanaytewari0309@gmail.com

Address: 21/131/1, Sector-21, Indira Nagar, Near Sherwood
Academy, Lucknow, U.P.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SITTING AT NEW DELHI

MEMORANDUM OF APPLICATION

(Under Sec. 14 and 15 of the National Green Tribunal Act,
2010)

ORIGINAL APPLICATION NO. 13 OF 2025

IN THE MATTER OF:

Radheshyam

...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT, FORESTS

AND CLIMATE CHANGE AND OTHERS

... RESPONDENTS

**RESPONSE ON BEHALF OF AMICUS CURIAE TO THE
REPLY DATD 26.03.2025 FILED BY RESPONDENT NO. 4**

MOST RESPECTFULLY SHOWETH:

The amicus curiae above named most respectfully
showeth as under:-

1. That the instant original application was filed
challenging the District Survey Report dated

05.06.2024 in respect of District Jalaun and the consequential advertisement dated 16.11.2024 issued by respondent no. 3 for auctioning the sand mining area and the memorandum dated 27.12.2024 issued by respondent no. 6.

2. That the matter was heard on 22.01.2025 and this Hon'ble Tribunal vide its order dated 22.01.2025 was pleased to pass the following order:

“2. Submission of learned counsel for the applicant is that before preparation of the DSR for district Jalaun in 2024, no replenishment study has been done. He has further submitted that in Annexure – 5 of the DSR, which is a final list of potential mining lease (existing and proposed) in respect of Simirya, Tehsil Orai, Betwa, the existing lease 866/144 is in the midstream of the river and the said area has been included in the impugned auction notice also. Referring to the satellite image (Annexure – 8) page 313, he has submitted that the area marked as green is in the midstream. He has further submitted that the district Jalaun shares the

boundary with district Hamirpur, therefore, in terms of clause 9.3 of Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM, 2 2020) the input from district Hamirpur was required to be taken for the preparation of DSR, which has not been taken.

3. We find that the DSR of District Hamirpur is under challenge in OA No. 09/2025 on somewhat similar grounds wherein the notice has been issued.

4. Issue notice in O.A as also in I.A. No. 31/2025 which is an application for stay. Mr. Ankit Verma, learned counsel accepts notice on behalf of Respondent nos. 2, 3, 6 and 7 and seeks four weeks' time to file the reply. Counsel for the applicant is directed to supply complete set of O.A and I.A with annexure to the counsel for the Respondent nos. 2, 3, 6 & 7 within three days. Applicant is directed to serve the other respondents and file the affidavit of service at least one week before the next hearing date.

5. I.A. No. 30/2025 has been filed by applicant seeking exemption from filing english translation. On due consideration, the I.A. No. 30/2025 is allowed.

6. The applicant has also made a prayer for grant of interim relief at this stage. Considering the plea and the material that has been placed on record and also the fact that midstream sand mining cannot be permitted, we direct the respondents to ensure that no auction of the midstream river area for sand mining is done till the next date of hearing.

7. List on 05.03.2025.”

True copy of the order dated 22.01.2025 is filed herewith as **Annexure No. R-1.**

3. That in pursuance of the impugned advertisement a Letter of Intent dated 22.01.2025 was issued by the respondent no. 6 i.e. District Magistrate, Jalaun which was subsequently set aside vide its order dated 20.02.2025. True copy of the order dated 20.02.2025 passed by respondent no. 6 is filed herewith as **Annexure No. R-2.**

4. That subsequently the applicant in the present case sought withdrawal and this Hon'ble Tribunal vide its order dated 15.04.2025 permit the applicant to withdraw from the instant Original Application and further appointed the undersigned as Amicus Curiae to assist the Tribunal in the matter. True copy of the order dated 15.04.2025 passed by this Hon'ble Tribunal is filed herewith as **Annexure No. R-3**.
5. That it is pertinent to mention here that since the issue regarding the auction of the area at Gata No. 866/144 situate in Village Simirya, Tehsil Orai, District Jalaun admeasuring 17.50 has been not settled, the remaining contentions which survive are as follows:
 - (i) While preparing the DSR, the respondents have not complied/satisfied the Clause 9.3 of EMGSM 2020 as per which District Jalaun and Hamirpur were jointly required to prepare the DSR by considering such environmentally damaging inputs/issues and jointly prepared DSR was supposed to be put in public domain for

consultation in both the district respectively. Clause 9.3 of the EMGSM 2020 is reproduced herein under for your kind perusal:

“9.3 Monitoring of Mining near Inter-district or inter-state boundary There are situations where bifurcated river becomes district boundaries or state boundaries in such situation it is difficult to assess the mining potential, or to have close monitoring and enforcement of the regulatory provision. Such challenges have been identified and dealt with in SSMG-2016. However, in the absence of any standardized procedure, the monitoring has not been effectively practiced. This has been highlighted by the High Power Committee constituted by NGT in the matter pertaining to illegal mining.

The districts/state sharing the boundary shall constitute the combined task force for monitoring of mined materials, mining activity and also should actively participate in the preparation of

DSR by providing appropriate inputs. In such cases, the draft DSR so prepared shall be put up for public consultation in both the districts through respective district administration website.”

- (ii) The District Survey Report for Jalaun has been prepared without any replenishment study and if mining operations will be allowed without proper replenishment study it will only result in environmental degradation and loss as joint survey report of lease is not alternative to the legal requirement of replenishment studies which require analysis and data of two monsoon periods, as laid down by this Hon'ble Tribunal in O.A. No. 140/2021 (*Raj Kumar versus State of Uttar Pradesh and others*) and O.A. No. 141/2021 (*Ramkaran Karn versus State of Uttar Pradesh and others*).

- 6. That the SEIAA has also attached the copy of the Minutes of Joint Meeting of SEAC-1 and SEAC-2 held

on 04.04.2024. A perusal of the Minutes of Meeting shows SEAC Deliberation which starts from Page 662 Intent Page 71 in which 7 questions/queries have been raised which are as follows:

- (i) SEAC Asked about the address of issue in DSR related to existence of crocodile in river bed of Jalaun?
- (ii) SEAC asked about the status of utilization of DMF Funds?
- (iii) SEAC asked about the measures taken to control illegal mining impacting environment?
- (iv) SEAC asked about the status of compliance of Environmental Clearance conditions imposed on lease holders?
- (v) SEAC asked on the method adopted for verification of mineral deposits which are recommended in DSR?
- (vi) SEAC asked about the status of lease wise latest maps using LIDAR technology?

(vii) SEAC asked that how is sustainable mining ensured in district?

7. That a perusal of the above queries shows that there was no discussion on the replenishment study report in the entire minutes of meeting which raises a question that whether the replenishment study was actually before the SEIAA and SEAC for appraisal.
8. That further a one page Letter dated 25.05.2024 (*attached as Annexure No. 7 in the reply*) was issued by Member Secretary, SEIAA stating that DSR has been approved with additional condition that “*Quantity of mineral available as per Replenishment study should be uploaded annually.*”
9. That no material has been shows by the SEIAA to shows that whether the replenishment study 2023 was before the SEIAA and SEAC for appraisal prior to approval of DSR Jalaun.
10. That SEIAA has attached the Replenishment Study Report for the year 2023 in its reply as Annexure No. 8.

11. The a perusal of the replenishment study shows DGPS Survey Site Photographs which starts from Page 718. Not a single photograph have latitude-longitudes or date and time to show when and where the photographs were taken. It is further submitted that from Page 670 to 687 only the literature on replenishment study has been mentioned and thereafter statistical data of the leases and pre and post monsoon data has been mentioned.
12. That it is pertinent to mention here that most of the areas mentioned in the DSR Jalaun are shown to be in the river stream. Some of the areas are mentioned herein under for your kind perusal:
 - (a) Kalpi Chirpura 104 Khand - 1 & 2 (Page 291)
 - (b) Kalpi Himanpura 240 Khand - 1 to 5 (Page 292)
 - (c) Kalpi Kyotara 267, 268 Khand - 1 to 3 (Page 295)
 - (d) Kalpi Taribulda 36/1 Khand – 1 (Page 300)
 - (e) Orai Bandhauri 2556, 2557, 2558, 2559, 2563 Khand No. 1 to 5a (Page 301)
 - (f) Orai Dadari 2093 Khand - 1 (Page 302)

(g) Orai Kharka Khand – 1 to 3 and 2257 Khand – 6
(Page 304)

(h) Orai Muhanan 1782, 1783 Khand No. 1 to 3 (Page 306)

(i) Orai Sikarivyas 1991/2, 1193/916 Khand – 1,3, 4
(Page No. 308)

(j) Orai Simiriya 864/320, 865/320 (Page 309)

13. That the relevance of replenishment study prior to approval of DSR has been categorically settled by the Hon'ble Supreme Court in the case of ***Union Territory of J&K (previously State of Jammu & Kashmir) versus Raja Muzaffar Bhat and others*** in ***Civil Appeal No. 8055 of 2022***. The Hon'ble Supreme Court vide its judgment and order dated 22.08.2025 has categorically held the following:

“29. From the foregoing analysis, it is apparent that in light of Guidelines, 2016 and the Guidelines, 2020, the absence of a replenishment study renders a DSR fundamentally defective. These guidelines categorically require that any assessment of mineable

mineral quantity must be premised on scientific estimation of replenishment rates, failing which the DSR lacks the foundational data necessary to determine sustainable extraction limits.

30. Over the past two decades, environmental statutory and regulatory law in India has undergone significant evolution, particularly in response to the challenges posed by unregulated and unsustainable sand mining. Recognizing the adverse ecological impacts of such activities, successive legal and policy frameworks have progressively tightened the requirements for environmental compliance. In order to appreciate the present controversy, it was necessary to retrace the legal trajectory. Recently, this Court has discussed, in detail, the legal regime surrounding the preparation, nature, scope and importance of DSR in Gaurav Kumar (supra). However, the focal point for present discussion is the value that must be appended to replenishment study before EC is granted to mining operations.

31. *Demand for construction-grade sand is growing at a tremendous rate and it is said that the world is expected to run out of this resource by 2050. Construction-grade sand, can be found in aquatic environments, such as rivers and is a provisioning ecosystem service. Even under controlled circumstances, the practice of extracting sand from the riverbed and banks impacts the environment. In the physical environment, the primary effects are riverbed widening and lowering. In the biological environment, the overarching effect is a reduced biodiversity and stretches from the aquatic and shoreline flora and fauna to the whole floodplain area. Due to easy access, river sand and gravel have been used extensively in construction projects. Depending on the mining operation method as well as morphologic and hydraulic characteristics of the river, sand mining may cause bed and bank erosion or other negative consequences for the river eco-system. It is, therefore, necessary to conduct appropriate studies, including*

that of replenishment to explore sustainable and cost-effective methods for river mining.

32. Without a proper study of the existing position of the riverbed and its sustainability for further sand mining, grant of environmental clearances would be detrimental for the ecology. It has therefore been held that a detailed study leading to a preparation of the replenishment report is an integral part of the DSR. If the DSR becomes the foundation for consideration of an application for environmental clearance, then it is compelling to ensure replenishment studies are undertaken in advance and the report forms an integral part of the DSR.

33. In view of the existing legal regime that mandates preparation of replenishment report in a scientific manner and such a report forming an integral part of the District Survey Report, we hold that a District Survey Report without a proper replenishment study is equally untenable.”

14. That meanwhile this Hon'ble Tribunal in the case of ***Vinay Shrivastav versus State of Uttar Pradesh and others (Original Application No. 9/2025)*** with ***Amit Kumar Yadav versus State of Uttar Pradesh and others (Original Application No. 100/2025)*** vide its order dated 27.05.2026 have disposed the Original Applications in view of the below mentioned observations:

“46. Thus, it is clear that though the SEIAA has considered some of the contents of the replenishment study which were incorporated in the DSR while approving the DSR for District Hamirpur but no replenishment study was placed before SEIAA. SEIAA, UP did not have the advantage of going through the entire replenishment study report of the District Hamirpur.

47. Since the replenishment study forms the basis of a valid DSR, therefore, it is necessary for SEAC and SEIAA to cross check and appraise the disclosure

made in the DSR in the light of the details contained in the replenishment study.

48. In this regard the stand of Counsel for the State and SEIAA, UP is that the EIA Notification and Sustainable Sand Mining Guidelines of 2016 and 2020 as also SOP do not provide for placing the replenishment study before the SEIAA and even otherwise the judgment of the Hon'ble Supreme Court in the matter of Union Territory of Jammu & Kashmir (supra) is dated 22.08.2025, whereas the DSR for District Hamirpur was already approved by SEIAA on 25.10.2024.

49. Once it is settled that proper replenishment study is pre-requisite for a valid and tenable DSR and that a detailed study leading to preparation of the replenishment report is an integral part of the DSR, it is mandatory to ensure that replenishment study is done in advance and report forms an integral part of the DSR. It is necessary for the purpose of having full transparency to upload the replenishment study while

putting the draft DSR in public domain so that full particulars on the basis of which the DSR was prepared are available to the potential objector to raise objection to the draft DSR.

50. The District Survey Report is held to be a document of seminal importance. Therefore, it should be thoroughly examined by the SEAC and SEIAA after due deliberation and proper application of mind. The DSR cannot be approved by SEAC or SEIAA hurriedly in a mechanical manner.

51. In the present matter, though it has been stated before the Tribunal that the relevant contents of the replenishment study were placed before the SEIAA, but it is apparent that the full replenishment study of District Hamirpur was not placed before SEIAA, UP. Therefore, we are of the view that SEAC and SEIAA, UP should re-appraise the impugned DSR after deliberating upon the replenishment study report. We do not deem it proper to set aside the impugned DSR on the ground of not placing the replenishment study

before the SEAC and SEIAA at the time of approval of DSR, as it has been pointed out that the relevant contents of the replenishment study were placed before SEIAA and the judgment of the Hon'ble Supreme Court in the matter of Raja Muzaffar Bhat (supra) holding that the replenishment study forms an integral part of the DSR is subsequent to the approval of the impugned DSR by SEAC and SEIAA, UP."

It was further held as follows:

"53. The SEAC and SEIAA, UP while reappraising the DSR will duly examine if mining has been permitted in the impugned DSR from any submerged area of the river and will also ensure that only 60% of the total available quantity/replenished quantity is allowed to be extracted and that the clauses 4.1.1(b), 4.1.1(c) and (g), 4.1.1(e), 4.3(m), 4.1.1(j), 4.6, 4.1.1(k), 4.1.1(n), 4.3(f), 4.3(h) and 4.3(r) of the EMGSM-2020 are duly complied and are not violated.

54. Let the above exercise of re-appraisal of the DSR after duly examining the replenishment study be

preferably completed by SEAC and SEIAA, UP within two weeks from the date of receipt of this order. The sustainability of impugned NIT and further action on the basis of the impugned NIT will depend upon the final outcome of the re-appraisal of the DSR of District Hamirpur by SEAC and SEIAA, UP in compliance of the above directions.

55. We do not find any merit in the argument of the Counsel for the Applicants that since the SSMG-2016 and EMGSM-2020 have not been specifically mentioned in the DSR, therefore, the DSR is bad in law. If the said guidelines are duly complied with, mere non-mentioning of the guidelines in the DSR will not make it defective.

56. The O.A's are accordingly disposed of. All the pending I.A's, if any, also stand disposed of."

True copy of the order dated 27.05.2026 passed by the Hon'ble Tribunal is filed herewith as **Annexure No.**

R-4.

15. That it is pertinent to mention here that since the issue has been settled by this Hon'ble Court's order in the above mentioned case, it is most respectfully submitted that in view of the points raised in the present Original Application and instant response, directions may be issued to SEIAA, U.P. to reappraise the Replenishment Study afresh and submit a detailed report before this Hon'ble Tribunal and only after fresh, reasoned appraisal issue any auction notices in pursuance of the District Survey Report Jalaun.

It is also requested that since the Jalaun and Hamirpur share their border though River Betwa, a joint study should also be carried out by both the districts in respect of such areas which are adjoining each other and a detailed report for the same should be submitted before the SEIAA, U.P. for appraisal.

It is also requested that all the compliances should be in consonance with the SSMG-2016, EMGSM-2020, EIA Notifications and the orders and directions of this Hon'ble Tribunal and the Hon'ble Supreme Court.

In view of these glaring facts, it is the respectful submission of the Amicus Curiae, that re-appraisal of the DSR after duly examining the replenishment study be done by SEAC and SEIAA, UP and further till the said process is complete any action in pursuance of the impugned NIT or any other NIT in the District will depend upon the final outcome of the re-appraisal of the DSR of District Jalaun by SEAC and SEIAA, UP.



Place: New Delhi
Date: 01.07.2026

TANAY
ADVOCATE
AMICUS CURIAE
Enrol No. UP/50/2021
Phone: +91-8765456321
Email: tanaytewari0309@gmail.com
Address: 21/131/1, Sector-21, Indira Nagar, Near
Sherwood Academy, Lucknow, U.P.

Item No. 02

Court No. 1

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

Original Application No. 13/2025
(I.A. No. 30/2025 & I.A. No. 31/2025)

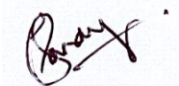
Radheshyam		Applicant
	Versus	
Ministry of Environment, Forests and Climate Change & Ors.		Respondent(s)
Date of hearing: 22.01.2025		

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
 HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Tanay Tewari, Advocate
Respondent: Mr. Ankit Verma, Advocate for R – 2, 3, 6 & 7

ORDER

1. In this original application, applicant has challenged the District Survey Report (DSR) dated 05.06.2024 in respect of district Jalaun. He has also challenged the advertisement dated 16.11.2024 issued by the Respondent No. 3 for auctioning the sand mining area and the Memorandum dated 27.12.2024 issued by the Respondent No. 6.
2. Submission of learned counsel for the applicant is that before preparation of the DSR for district Jalaun in 2024, no replenishment study has been done. He has further submitted that in Annexure – 5 of the DSR, which is a final list of potential mining lease (existing and proposed) in respect of Simirya, Tehsil Orai, Betwa, the existing lease 866/144 is in the midstream of the river and the said area has been included in the impugned auction notice also. Referring to the satellite image (Annexure – 8) page 313, he has submitted that the area marked as green is in the midstream. He has further submitted that the district Jalaun shares the boundary with district Hamirpur, therefore, in terms of clause 9.3 of Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM,



2020) the input from district Hamirpur was required to be taken for the preparation of DSR, which has not been taken.

3. We find that the DSR of District Hamirpur is under challenge in OA No. 09/2025 on somewhat similar grounds wherein the notice has been issued.

4. Issue notice in O.A as also in I.A. No. 31/2025 which is an application for stay. Mr. Ankit Verma, learned counsel accepts notice on behalf of Respondent nos. 2, 3, 6 and 7 and seeks four weeks' time to file the reply. Counsel for the applicant is directed to supply complete set of O.A and I.A with annexure to the counsel for the Respondent nos. 2, 3, 6 & 7 within three days. Applicant is directed to serve the other respondents and file the affidavit of service at least one week before the next hearing date.

5. I.A. No. 30/2025 has been filed by applicant seeking exemption from filing english translation. On due consideration, the I.A. No. 30/2025 is allowed.

6. The applicant has also made a prayer for grant of interim relief at this stage. Considering the plea and the material that has been placed on record and also the fact that midstream sand mining cannot be permitted, we direct the respondents to ensure that no auction of the midstream river area for sand mining is done till the next date of hearing.

7. List on 05.03.2025.

Prakash Shrivastava, CP

Dr. Afroz Ahmad, EM

January 22, 2025
Original Application No. 13/2025
(I.A. No. 30/2025 & I.A. No. 31/2025)
AS..

कार्यालय जिलाधिकारी, जालौन

(खनन अनुभाग)

पत्र सं० 2293/खनिज-एमएमसी-30

दिनांक: 21 फरवरी 2025

आदेश

भूतत्त्व एवं खनिकर्म विभाग उ०प्र० शासन के शासनादेश संख्या 1875/86-2017-57(सा)/2017 टी०सी०-1 दिनांक 14.08.2017 एवं शासनादेश सं० 2168/86-2019-57(सा)/2017 दिनांक 09.10.2019 के द्वारा प्रदेश में नदी तल में उपलब्ध उपखनिज बालू/मौरम आदि के रिकवा क्षेत्रों को उत्तर प्रदेश उप खनिज (परिहार) नियमावली 1963 के अध्याय-4 के अन्तर्गत ई-निविदा, सह ई-नीलामी के माध्यम से 05 वर्षीय खनन पट्टा स्वीकृत किये जाने हेतु जनपद जालौन तहसील उरई के ग्राम सिमिरिया नदी बेतवा के गाटा संख्या- 866/144 क्षेत्रफल 17.500 हे० की विज्ञापित संख्या-1899/खनिज-एम०एम०सी०-तीस (2022-23) दिनांक 16.11.2024 जारी कर दैनिक समाचार पत्रों में प्रकाशित कराते हुये शासन द्वारा नामित नोडल संस्था एम०एस०टी०सी० के पोर्टल पर अपलोड कर ई-निविदा आमंत्रित की गयी थी ।

नामित नोडल संस्था एम०एस०टी०सी० द्वारा दिनांक 19.12.2024 से 24.12.2024 तक ई-टेंडर एवं दिनांक 26.12.2024 को 12.00 बजे से 02.00 बजे निर्धारित अवधि में एम०एस०टी०सी० की गाइड लाइन के अनुसार ई-नीलामी करायी गयी। शासनादेश दिनांक 14.08.2017 एवं 09.10.2019 में दिये गये निर्देशानुसार प्रश्नगत क्षेत्र की ई-निविदा में मे० आध्या ट्रेडर्स प्रो० श्रीमती वर्षा प्रजापति पत्नी श्री संजय कुमार प्रजापति निवासी 2716/बी-2 स्वामीपुरम कालोनी थाना कोतवाली व जिला झांसी उ०प्र० द्वारा सर्वोच्च दर रू० 1709/- (रू० एक हजार सात सौ नौ) प्रति घन मीटर प्रस्तुत की गयी। एम०एस०टी०सी० द्वारा मे० आध्या ट्रेडर्स द्वारा प्रस्तुत दर को सर्वोच्च होने संबंधी आख्या दिनांक 20.01.2025 को ई-मेल के माध्यम से प्रेषित की है, जिसके परिपेक्ष्य में मे० आध्या ट्रेडर्स प्रो० श्रीमती वर्षा प्रजापति के पक्ष में बालू/मौरम क्षेत्र तहसील जालौन के ग्राम सिमिरिया नदी बेतवा के गाटा संख्या-866/144 क्षेत्रफल 17.500 हे० में लेटर ऑफ़ इण्टेंट (आशय पत्र) पत्र सं० 2194/खनिज-एमएमसी-30(ई-टेंडर/2024) दिनांक 22.01.2025 निर्गत किया गया है। प्रश्नगत क्षेत्र हेतु प्रस्तुत सर्वोच्च ई-नीलामी दर रू० 1709-00 प्रति घनमीटर प्रस्तुत की गयी है जिसे खनन योग्य वार्षिक मात्रा 262500 घनमीटर से गुणा किये जाने पर रायल्टी के मद में कुल सकल धनराशि रू० 44,86,12,500-00 (रू० चवालीस करोड़ छियासी लाख बारह हजार पांच सौ) प्रथम वर्ष की धनराशि में से खनन पट्टे के निर्बंधों एवं शर्तों का यथोचित पालन करने के लिये प्रतिभूति के रूप में (सकल धनराशि का 25 प्रतिशत) रू० 11,21,53,125-00 तथा स्वामित्व (पट्टा धनराशि) की प्रथम किस्त (सकल धनराशि का 20 प्रतिशत) रू० 8,97,22,500-00 में से अर्नेष्ट मनी के रूप में जमा धनराशि रू० 98,43,750-00 को समायोजित करते हुये कुल रू० 19,20,31,875-00 (रू० उन्नीस करोड़ बीस लाख इक्कतीस हजार आठ सौ पचहत्तर) को एम०एस०टी०सी० के ई-पेमेण्ट गेटवे के माध्यम से लेटर ऑफ़ इण्टेंट जारी होने के दिनांक से 02 कार्य दिवसों के अन्तर्गत जमा करने हेतु निर्देशित किया गया है। उक्त लेटर ऑफ़ इण्टेंट दिनांक 22.01.2025 को पंजीकृत डाक/ई-मेल के माध्यम से मे० आध्या ट्रेडर्स प्रो० वर्षा प्रजापति को प्रेषित की गयी है। मे० आध्या ट्रेडर्स द्वारा संदर्भित लेटर ऑफ़ इण्टेंट में दिये गये निर्देशों के अनुपालन में प्रश्नगत क्षेत्र के लिये देय वार्षिक स्वामित्व की धनराशि की देय धनराशि रू० 19,20,31,875-00 जमा नहीं की गयी है। मे० आध्या ट्रेडर्स को कार्यालय पत्र सं० 2275/खनिज-एमएमसी-30 दिनांक 15.02.2025 पंजीकृत डाक/ई-मेल के माध्यम से प्रेषित करने हेतु निर्देशित किया गया कि संदर्भित आशय पत्र दिनांक 22.01.2025 में इंगित धनराशि रू० 19,20,31,875-00 नोटिस प्राप्त के तीन दिवस के अन्दर जमा करने अन्यथा की स्थिति में उक्त आशय पत्र दिनांक 22.01.2025 में दी गयी शर्तों एवं उ०प्र० उपखनिज परिहार नियमावली 2021 में दिये गये प्राक्खानों के अन्तर्गत आशय पत्र निरस्त करते हुये जमा अर्नेष्ट मनी की धनराशि राज्य पक्ष में जब्त किये जाने की कार्यवाही की जायेगी, जिसका सम्पूर्ण उत्तरदायित्व आपका होगा। मे० आध्या ट्रेडर्स प्रो० श्रीमती वर्षा प्रजापति पत्नी श्री संजय कुमार प्रजापति निवासी 2716/बी-2 स्वामीपुरम कालोनी थाना कोतवाली व जिला झांसी उ०प्र० द्वारा उक्त नोटिस सं० 2275 दिनांक 15.02.2025 के क्रम में प्रार्थना पत्र दिनांक 20.02.2025 प्रेषित करते हुये अवगत कराया गया कि उसे प्रश्नगत बालू/मौरम खनन क्षेत्र में पट्टा हेतु आशय पत्र दिनांक 22.01.2025 निर्गत करने हुये अर्नेष्ट मनी को समायोजित करते हुये रू० 19,20,31,875-00 जमा करने के लिये निर्देशित किया गया। संज्ञान में आख्या है कि प्रश्नगत क्षेत्र के विज्ञापन के संबंध में मा० एन०जी०टी० नई दिल्ली में ओरिजनल एप्लीकेशन 13/2025 राधे श्याम बनाम वन पर्यावरण एवं जलवायु परिवर्तन मंत्रालय दायर की गयी है उक्त स्थिति में प्रार्थी आशय



Ranaj

21/02/2025

पत्र दिनांक 22.01.2025 में देय धनराशि ₹0 19,20,31,875-00 जमा करने में असमर्थ है। उक्त को दृष्टिगत रखते हुये नियमानुसार कार्यवाही करने का अनुरोध किया गया है। सर्वोच्च बोलीदाता आध्या ट्रेडर्स का उक्त कृत्य शासनादेश दिनांक 14.08.2017 व 08.10.2019 एंव विज्ञापित दिनांक 07.06.2024 में उल्लिखित शर्तों/निर्बंधनों के विरुद्ध है।

शासनादेश सं0 2168/86-2019-57(सामा0)/2019 दिनांक 08.10.2021 के प्रस्तर सं0-19(2) में वर्णित है कि "आशय पत्र (लेटर आफ इन्टेन्ट)प्राप्त होने के उपरान्त सफल बोलीदाता/निविदादाता द्वारा 25 प्रतिशत प्रतिभूति जमा एवं 20 प्रतिशत प्रथम किस्त अर्थात पट्टे के प्रथम वर्ष के लिए निर्धारित पट्टा धनराशि के 45 प्रतिशत के समतुल्य धनराशि (जिसमें प्री बिड अर्नेस्ट मनी समायोजित हो)सम्बन्धित जनपद में भूतत्व एवं खनिकर्म विभाग में लेटर आफ इन्टेन्ट जारी होने के दो कार्य दिवसों के अन्दर जमा किया जाना होगा।प्री बिड अर्नेस्ट मनी की धनराशि एम0एस0टी0सी0 लि0 द्वारा संबंधित जनपद के जिलाधिकारी को चेक/ड्राफ्ट के माध्यम से /आनलाईन हस्तान्तरित की जायेगी।यदि सफल बोलीदाता/निविदादाता उक्त धनराशि जमा करने में असफल होता है तो उसके द्वारा जमा अर्नेस्ट मनी जब्त कर ली जायेगी और उसके द्वारा इस सम्बन्ध में कोई शिकायत अथवा प्रत्यावेदन विचार योग्य नहीं होगा।

शासनादेश दिनांक 08.10.2019 के उक्त प्रस्तर को विज्ञापित दिनांक 07.06.2024 की शर्त संख्या-21(2) में भी उल्लिखित किया गया है।

अतः मे0 आध्या ट्रेडर्स प्रो0 श्रीमती वर्ष प्रजापति पत्नी श्री संजय कुमार प्रजापति निवासी 2716/बी-2 स्वामीपुरम कालोनी थाना कोतवाली व जिला झांसी उ0प्र0 द्वारा प्रस्तुत प्रत्यावेदन दिनांक 20.02.2025 निस्तापित करते हुये बालू/मौरम क्षेत्र सिमिरिया तहसील उरई गाटा सं0 866/144 रकबा 17.500 हे0 में ई-निविदा सह ई-नीलामी में प्रस्तुत सर्वोच्च ई- निविदा दर ₹0 1709-00 (₹0 एक हजार सात सौ नौ) प्रति घन मीटर की दर के कम में निर्गत आशय पत्र सं0 2194/खनिज-एमएमसी-30(ई-टेंडर/2024) दिनांक 22.01.2025 को एतद्वारा निरस्त करते हुये उनके द्वारा इस क्षेत्र के लिये जमा की गयी अर्नेस्ट मनी ₹0 98,43,750-00 (अठ्ठावन लाख तितालीस हजार सात सौ पचास मात्र) राज्य सरकार के पक्ष में जब्त की जाती है। उक्त बालू/मौरम खनन क्षेत्र को ई-निविदा सह ई-नीलामी के माध्यम से परिहार पर दिये जाने हेतु रिक्त घोषित किया जाता है।

आदेश की एक प्रति संबंधित को रजिस्टर्ड डाक/ई-मेल के माध्यम से प्रेषित की जाये।

(राजेश कुमार पाण्डेय)
जिलाधिकारी,जालौन।

पत्र संख्या- /तददिनांक।

प्रतिलिपि- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. सचिव, भूतत्व एवं खनिकर्म विभाग उ0प्र0 शासन लखनऊ।
2. आयुक्त, झांसी मण्डल, झांसी।
3. निदेशक, भूतत्व एवं खनिकर्म उ0प्र0 लखनऊ।
4. प्रभारी अधिकारी, भूतत्व एवं खनिकर्म विभाग, क्षेत्रीय कार्यालय झांसी।
5. शाखा प्रबंधक, एम0एस0टी0सी0 लि0, जी-25/26 तेज प्लाजा,1 टी.एन. सिंह रोड हजरतगंज लखनऊ को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
6. खान अधिकारी जालौन स्थान उरई को अनुपानार्थ।
7. मे0 आध्या ट्रेडर्स प्रो0 श्रीमती वर्ष प्रजापति पत्नी श्री संजय कुमार प्रजापति निवासी 2716/बी-2 स्वामीपुरम कालोनी थाना कोतवाली व जिला झांसी उ0प्र0 को सूचनार्थ।



(राजेश कुमार पाण्डेय)
जिलाधिकारी,जालौन।

Item No. 08

Court No. 1

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

Original Application No. 13/2025
(IA No 264/2025, IA No 233/2025, IA No 31/2025)

Radheshyam Applicant

Versus

Ministry of Environment Respondent(s)
Forest and Climate Change & Ors.

Date of hearing: 15.04.2025

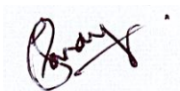
**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Amicus Curiae: Mr. Tanay Tewari, Adv. (Amicus Curiae)

Respondent: Mr. Ashish Pandey & Mr. Pushkar Dwivedi, Advs. in I.A. 264/2025
Mr. K.M. Natraj, ASG with Mr. Vinod Shahi, AAG and Mr. Ankit Verma,
Adv. for the State of UP
Ms. Priyanka Swami, Adv. for SEIAA, UP
Mr. Narender Pal Singh, Adv. for MoEF & CC (Through VC)
Mr. Gaurav Agarwal & Ms. Ria Pandey, Advs. for Mr. Pramod Kumar
Singh

ORDER

1. IA No. 264/2025 has been filed by the Applicant seeking withdrawal of the OA on the ground that he had not authorized or signed the said petition nor instructed any person to file the same on his behalf. Learned Counsel who was originally appearing for the Applicant has disputed it and has submitted that he was authorized to file this OA.
2. Be that as it may, since the Applicant is not interested to continue with the OA, we permit the Applicant to withdraw from this OA. To that extent, IA No. 264/2025 is allowed.
3. Having regard to issued involved in the OA it is taken up *suo motu*.



4. Mr. Tanay Tewari, Advocate is appointed as Amicus Curiae to assist the Tribunal in the matter.

5. IA No. 233/2025 has been filed by one Pramod Kumar Singh seeking impleaded as the additional respondent. On due consideration, the IA No. 233/2025 is allowed.

6. Learned Amicus Curiae has submitted that he will supply a copy of the OA to Counsel for the newly added respondent.

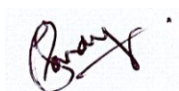
7. Counsel for newly added Respondent seeks four weeks to file reply affidavit.

8. List on 14.08.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

April 15, 2025
Original Application No. 13/2025
(IA No 264/2025, IA No 233/2025, IA No 31/2025)
dv..



Item No. 42 & 43

Court No. 1

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

Original Application No. 9/2025
(IA No 32/2025, IA No 37/2025)

Vinay Shrivastav

Applicant

Versus

State of Uttar Pradesh Through Chief Secretary

Respondent(s)

WITH

Original Application No. 100/2025

Amit Kumar Yadav

Applicant

Versus

State of Uttar Pradesh

Respondent(s)

Date of hearing: 27.05.2026

Uploaded on: 09.06.2026

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Gaurav Kumar Bansal, Ms. Nandita Bansal & Ms. Chandrika Upadhyay, Advs. for Applicant in OA 09/2025
Mr. Vanshdeep Dalmia, Ms. Anisha Jain, Ms. Shambhavi Singh & Ms. Perna Cheema, Advs. for Applicant in OA 100/2025

Respondents: Mr. Pinaki Misra, Senior Advocate, Mr. Vinod Shahi, AAG and Mr. Ankit Verma, Adv. for the State of UP
Mr. Ardhendumauli Kumar Prasad, Senior Advocate with Ms. Priyanka Swami, Ms. Dippt Anubhuti, Meghna Singhal, Mr. Siddhdhanth Kumar & Mr. Abhishek Khare, Advs. for SEIAA & SEAC, UP
Mr. Narender Pal Singh, Adv. for MoEF & CC in OA 09/2025
Mr. Srinivas Vishven, Adv. for CPCB in OA 09/2025 (Through VC)
Mr. Utkarsh Sharma & Mr. Ashish Pandey, Adv. for R - 12, 28 & 30 in OA 09/2025
Ms. Deeksha L. Kakar, Mr. Rashneet Singh & Ms. Sana Parveen, Advs. for R - 13 in OA 09/2025
Mr. Gaurav Agarwal, Mr. Anushrestha Pratap Singh & Mr. Arijeet Sarkar, Advs. R - 11, 13, 14, 15, 19, 20 & 22 to 24 in OA 09/2025 (Through VC)
Ms. Megha Karnwal, Mr. Muktesh Bajpai & Ms. Awanitika, Advs. for R - 10 & 26 in OA 09/2025
Mr. Sumit Kumar Sharma, Adv. for R - 16 in OA 09/2025 (Through VC)

ORDER

1. This order will govern the disposal of the OA No. 09/2025 and OA No. 100/2025 as the issue involved in both the original applications is the same on similar fact situation.

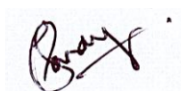
2. In these original applications the Applicants have challenged the District Survey Report (DSR) of District Hamirpur, Uttar Pradesh prepared in 2024.

3. In OA No. 09/2025, the Applicant has also challenged advertisement letter dated 09.11.2024 issued by the District Magistrate, Hamirpur inviting bids for sand mining from the riverbed in Janpath, Hamirpur.

4. The Applicants have also prayed for a direction to the State of Uttar Pradesh to conduct the replenishment study of rivers in District Hamirpur and prepare a fresh DSR complying with the provisions of the Sustainable Sand Mining and Management Guidelines, 2016 (SSMG-2016) and Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM-2020).

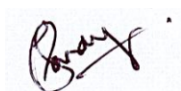
5. The plea of the Applicants is that the DSR for District Hamirpur was prepared earlier in 2017 which expired in 2022 on completing its five years validity. Thereafter, the updated DSR of District Hamirpur was prepared by the Sub-Divisional Committee of District Hamirpur in the year 2024. In the Joint Meeting of SEAC-1 and SEAC-2 held on 10.10.2024, the DSR of District Hamirpur was recommended to SEIAA, UP for approval. The SEIAA, UP in its 849th meeting held on 25.10.2024 had approved the DSR of District Hamirpur with certain conditions. The Applicant alleges that the impugned DSR for District Hamirpur 2024 has not been prepared by following the SSMG-2016 and EMGSM-2020.

6. The Tribunal by the order dated 21.01.2025 had issued notice to the respondents who have filed their reply. By this order, the respondents were also directed to disclose if replenishment study was done at the Stage of preparation of DSR 2024 for District Hamirpur.



7. The submission of learned Counsel for the Applicant is that the replenishment study was not done and was not placed before the SEIAA, UP at the stage of approval of the impugned DSR, therefore, SEIAA, UP has approved the DSR without application of mind. In support of such a submission, learned Counsel for the Applicant has relied upon the letter of the District Magistrate dated 11.03.2025 forwarding a copy of the replenishment study to the Member Secretary, SEAC, UP. He has submitted that for the first time, the replenishment study was placed before the SEAC on 11.03.2025 when the DSR was already approved. His submission is that the paper work of preparation of the replenishment study has been done after the approval of the impugned DSR and the data mentioned in the impugned DSR has been taken as it is in the replenishment study. In support of such a submission, he has also referred to the minutes of the joint meeting of SEIAA, UP and SEAC-1 and SEAC-2 held on 06.03.2025 by which the approved DSRs were kept in abeyance for not submitting the replenishment study. He has referred to the list of DSRs which were kept in abeyance which includes the DSR for District Hamirpur also.

8. As against this, the submission of learned Senior Counsel for SEIAA, UP is that the replenishment study was done in the year 2023 and its data was duly considered by SEIAA and SEAC while approving the impugned DSR. He has further referred to the methodology which was followed in preparing the DSR and has submitted that the replenished volume is taken into account. He has also relied upon the Standard Operating Procedure (SOP) issued by the Joint Committee of SEAC, SEIAA and DGM, UP and has submitted that the said SOP has been duly and completely followed while approving the impugned DSR. He has further submitted that there is presumption of correctness of the procedure which is followed by SEAC and SEIAA. Learned Senior Counsel for SEIAA, UP has also submitted that



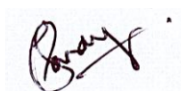
the replenishment study need not be the part of the DSR but it is only the replenishment data which is required to be considered by SEAC and SEIAA.

9. Learned Senior Counsel for the State of UP has also supported the submission made by Counsel for the SEIAA and has submitted that an official act is always presumed to be correct. Therefore, there can be no presumption that the replenishment study was not considered by the SEAC and SEIAA while approving the DSR.

10. We have heard learned Counsel for the parties and perused the record.

Need for regulating the sand mining:

11. Sand and gravel are important construction material used in developmental and infrastructural activities. River is an important source of sand and gravel with the increasing construction, development and infrastructural activities. There is a proportionate increase in the demand for sand and gravel, but unregulated extraction of sand and gravel from the river bodies adversely affect the river ecology and environment. It is a recognized fact that removing sediments from the active channel bed in river interrupt the continuity of sediment transported through the river system, disrupt the sediment mass balance in the river downstream and induces channel adjustments extending considerable distances beyond the extraction site. It is also a recognized fact that excessive and disproportionate mining of sand and gravels from the riverbed is threatening the environment eco-system. Hence, there is a need for proper scientific assessment of the available mineable quantity of sand, gravel and aggregates and adoption of best practices and stringent measures to ensure regulated mining of such material only upto the permissible limit. Hon'ble Supreme Court in the matter of ***State of Uttar Pradesh & Anr.***



vs. Gaurav Kumar & Ors., reported in **2025 SCC OnLine SC 1069** has held:

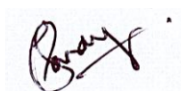
“1.1. *Unregulated sandmining disrupts riverine ecosystems, alters natural flow patterns, and leads to erosion and habitat loss. Aquatic biodiversity suffers as spawning grounds are destroyed and water quality deteriorates. The destabilisation of riverbanks increases flooding, risking human life and animal habitat alike. Moreover, the illicit sand trade often operates under the shadow of organised crime, undermining the rule of law and weakening governance structures. Therefore, absolute standards with get tough policies, strict enforcement and quick accountability are compelling for effective regulatory control.*”

Regulatory Regime for Sand Mining:

12. The Central Government had issued the Notification dated 14.09.2006 under the provisions of the Environment (Protection) Act, 1986 providing for the requirement of prior environmental clearance in respect of the project and activities covered by the said notification. The schedule to the notification requires the EIA of miner minerals.

13. Hon’ble Supreme Court in the matter of **Deepak Kumar & Ors. vs. State of Haryana & Ors.**, reported in **(2012) 4 SCC 629** had considered the issue of environmental degradation and threat to biodiversity on account of the sand mining and extraction of alluvial material. In this regard, the Hon’ble Supreme court had observed in the matter of *Deepak Kumar* (supra) as under:

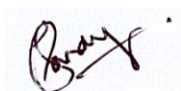
“9. *Extraction of alluvial material from within or near a streambed has a direct impact on the stream's physical habitat characteristics. These characteristics include bed elevation, substrate composition and stability, instream roughness elements, depth, velocity, turbidity, sediment transport, stream discharge and temperature. Altering these habitat characteristics can have deleterious impacts on both instream biota and the associated riparian habitat. The demand for sand continues to increase day by day as building and construction of new infrastructures and expansion of existing ones is continuous thereby placing immense pressure on the supply of the sand resource and hence mining activities are going on legally and illegally without any restrictions. Lack of proper planning and sand management cause disturbance of marine ecosystem and also upset the ability of natural marine processes to replenish the sand.*”



14. The Hon'ble Supreme Court had noted that river sand mining was an important economic activity, but excessive instream mining causes degradation of river. Accordingly, the Hon'ble Supreme Court had expressed the need for effective framework for mining plan and framing of model guidelines by observing as under:

- “25. Quarrying of river sand, it is true, is an important economic activity in the country with river sand forming a crucial raw material for the infrastructural development and for the construction industry but excessive instream sand and gravel mining causes the degradation of rivers. Instream mining lowers the stream bottom of rivers which may lead to bank erosion. Depletion of sand in the streambed and along coastal areas causes the deepening of rivers which may result in destruction of aquatic and riparian habitats as well. Extraction of alluvial material as already mentioned from within or near a streambed has a direct impact on the stream's physical habitat characteristics.*
- 26. We are of the considered view that it is highly necessary to have an effective framework of mining plan which will take care of all environmental issues and also evolve a long-term rational and sustainable use of natural resource base and also the bio-assessment protocol. Sand mining, it may be noted, may have an adverse effect on biodiversity as loss of habitat caused by sand mining will affect various species, flora and fauna and it may also destabilise the soil structure of river banks and often leaves isolated islands. We find that, taking note of those technical, scientific and environmental matters, MoEF, Government of India, issued various recommendations in March 2010 followed by the Model Rules, 2010 framed by the Ministry of Mines which have to be given effect to, inculcating the spirit of Article 48-A and Article 51-A(g) read with Article 21 of the Constitution.*
- 27. The State of Haryana and various other States have not so far implemented the above recommendations of MoEF or the guidelines issued by the Ministry of Mines before issuing auction notices granting short-term permits by way of auction of minor minerals boulders, gravel, sand, etc., in the riverbeds and elsewhere of less than 5 ha. We, therefore, direct all the States. Union Territories, MoEF and the Ministry of Mines to give effect to the recommendations made by MoEF in its Report of March 2010 and the model guidelines framed by the Ministry of Mines, within a period of six months from today and submit their compliance reports.”*

15. The Hon'ble Supreme Court in the above judgment had further directed to grant environmental clearance only after EC for the lease of miner minerals for an area of less than 5 hectares by directing as under:



“29. We, in the meanwhile, order that leases of minor minerals including their renewal for an area of less than five hectares be granted by the States/Union Territories only after getting environmental clearance from MoEF. Ordered accordingly.”

16. Considering the judgment of the Hon’ble Supreme Court in the matter of *Deepak Kumar* (supra) and also the judgment of the Tribunal in this regard, the MoEF&CC vide Notification dated 15.01.2016 had amended the EIA Notification, 2006 and had incorporated Clause-7(iii) relating to preparation of the District Survey Report by providing as under:

“7 (iii) Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals:

- (a) The prescribed procedure for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals is given in Appendix X.*
- (b) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;*

17. By this amendment, Appendix X relating to the procedure for preparation of District Survey Report to the following effect was incorporated:

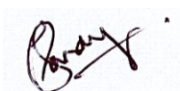
APPENDIX - X
[See paragraph 7 (iii) (a)]
PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

- 1. Introduction*
- 2. Overview of Mining Activity in the District*
- 3 The List of Mining Leases in the District with location, area and period of validity*
- 4. Details of Royalty or Revenue received in last three years*
- 5. Detail of Production of Sand or Bajari or minor mineral in last three years*
- 6. Process of Deposition of Sediments in the rivers of the District*
- 7. General Profile of the District*



- 8. Land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.
- 9. Physiography of the District
- 10. Rainfall: month-wise
- 11. Geology and Mineral Wealth

In addition to the above, the report shall contain the following:

- (a) District wise detail of river or stream and other sand source.
- (b) District wise availability of sand or gravel or aggregate resources.
- (c) District wise detail of existing mining leases of sand and aggregates.

A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

Drainage system with description of main rivers

S. No.	Name of the River	Area drained (Sq. Km)	% Area drained in the District

Salient Features of Important Rivers and Streams:

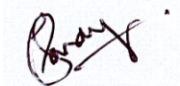
S. No.	Name of the River or Stream	Total Length in the District (in Km)	Place of origin	Altitude at Origin

Portion of the River or Stream Recommended for Mineral Concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

Mineral Potential

Boulder (MT)	Bajari (MT)	Sand (MT)	Total Mineable Mineral Potential (MT)

Annual Deposition



S. No.	River or Stream	Portion of the river or stream recommended for mineral concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)
Total for the District						

A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation department, State Pollution Control Board or Committee, Forest department, Geology or mining officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

Methodology adopted for calculation of Mineral Potential:

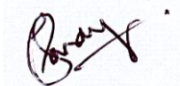
The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For example in some hill States mineral constituents like boulders, river born Bajri, sand up to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district’s website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.”

Sustainable Sand Mining and Management Guidelines, 2016:

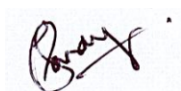
18. The MoEF&CC thereafter had framed the Sustainable Sand Mining and Management Guidelines, 2016 (SSMG-2016). The SSMG-2016 under the heading “Need for Policy Guidelines” mentions that the mining aggregates has reached to the level threatening the environment and ecosystem besides also reaching a level of scarcity that would threaten the



economy. Therefore, the need for sand & aggregate mining and quarrying only after sound scientific assessment and adopting best practices to limit the impact on the environment has been expressed. These guidelines record that uncontrolled sand mining is not sustainable. It also mentions that mining within or near riverbed has a direct impact on stream's physical characteristics, such as channel geometry, bed elevation, substratum composition and stability, in-stream roughness of the bed, flow velocity, discharge capacity, sediment transport capacity, turbidity, temperature, etc. The alteration or modification of these attributes may cause hazardous impact on ecological equilibrium of riverine regime and may also cause adverse impact on in-stream biota and riparian habitats and may also result in changes in channel configuration and flow-paths. The SSMG-2016 records the effects of the sand and gravel mining as under:

“The effects of sand and gravel mining are as follows:

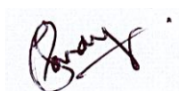
- a) Extraction of bed material in excess of replenishment by transport from upstream causes the bed to lower (degrade) upstream and downstream of the site of removal.*
- b) In-stream habitat is impacted by increase in river gradient, suspended load, sediment transport and sediment deposition. Excessive sediment deposition for replenishment increases turbidity which prevents penetration of light required for photosynthesis and reduces food availability of aquatic fauna.*
- c) Riparian habitat including vegetative cover on and adjacent to the river banks it controls erosion, provide nutrient inputs into the stream and prevents intrusion of pollutants in the stream through runoff. Bank erosion and change of morphology of the river can destroy the riparian vegetative cover.*
- d) Bed degradation are responsible for channel shifting, causing loss of properties and degradation of landscape, it can also undermine bridge supports, pipe lines or other structures.*
- e) Degradation may change the morphology of the river bed, which constitutes one aspect of the aquatic habitat.*
- f) Degradation can deplete the entire depth of gravelly bed material, exposing other substrates that may underlie the gravel, which could in turn affect the quality of aquatic habitat. Lowering of ground water table in the flood plain because of lowering of riverbed level as well as river water level takes place because of extraction and draining out of excessive ground water from the adjacent areas. So, if a floodplain aquifer drains*



to the stream, groundwater levels can be lowered as a result of bed degradation.

- g) Lowering of the water table can destroy riparian vegetation.*
- h) Excessive pumping of ground water in the process of mining in abandoned channels depletes ground water causing scarcity of irrigation and drinking water. In extreme cases it may create ground fissures and subsidence in adjacent areas.*
- i) Flooding is reduced as bed elevations and flood heights decrease, reducing hazard for human occupancy of floodplains and the possibility of damage to engineering works.*
- j) The supply of overbank sediments to floodplains is reduced as flood heights decrease.*
- k) An un-scientific and unregulated sand and gravel mining tends to increase channel bank scouring and erosion. This causes a large degree of meandering of rivers and sometimes it could be in kms.*
- l) Rapid bed degradation may induce bank collapse and erosion by increasing the heights of banks.*
- m) Polluting ground water by reducing the thickness of the filter material especially if mining is taking place at top of recharge fissures.*
- n) Choking of sand layer which acts as filter for ingress of ground water from river by dumping of finer material, compaction of filter zone due to movement of heavy vehicles. It also reduces the permeability and porosity of the filter material.*
- o) Removal of gravel from bars may cause downstream bars to erode if they subsequently receive less bed material than is carried downstream from them by fluvial transport.*
- p) Ecological effects on bird nesting, fish migration, angling, etc.*
- q) Indiscrete mining activities lead to increased concentration of suspended sediment in the river which in turn causes siltation of water resources projects.*
- r) Un-scientific and unregulated sand and gravel mining leads to the severe health hazards like air quality degradation and dust fog.*
- s) Direct destruction from heavy equipment operation; discharges from equipment and refueling.*
- t) Biosecurity and pest risks.*
- u) Impacts on coastal processes.*

The other deleterious impacts of indiscrete mining include



Loss of riparian habitat resulting from direct removal of vegetation along the stream bank to facilitate the use of a dragline or through the process of lowering the water table, bank undercutting, and channel incision. The physical composition and stability of substrates are altered as a result of instream mining and most of these physical effects may exacerbate sediment entrainment in the channel.

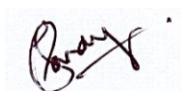
Furthermore, the process of in-stream mining and gravel washing produces fine sediments under all flow conditions, resulting in a deposition of fine sediment in riffles as well as other habitats at low discharge. Excess sediment is considered the greatest pollutant in waters and constitutes one of the major environmental factors in the degradation of stream fisheries.

However, in-stream mining may contribute additional sediment to downstream reaches due to the disruption of substrate stability. Once sediment enters the stream, it is best to let natural geomorphological and hydrological processes reach a dynamic equilibrium, rather than further exacerbating the situation by additional disturbance.”

19. Thus, scientific and regulated mining is the need of the hour to protect the river ecology and environment.

Enforcement and Monitoring Guidelines for Sand Mining 2020:

20. Taking note of the judgment of the Hon'ble Supreme Court in the matter of *Deepak Kumar* (supra) and the orders of the Tribunal dated 04.09.2018 in OA No. 173/2018 in the matter of *Sudarsan Das v. State of West Bengal & Ors.*, order dated 05.09.2018 in OA No. 44/2016 in the matter of *Mushtakeem Vs. MoEF & CC & Ors.*, order dated 10.09.2018 in OA No. 304/2015 in the matter of *Jai Singh & Anr. Vs. Union of India Ors.* and order dated 05.04.2019 in OA No. 360/2015 in the matter of *National Green Tribunal Bar Association & Anr. vs. Union of India & Ors.*, the MoEF&CC has framed the Enforcement and Monitoring Guidelines for Sand Mining in January 2020 (EMGSM-2020). These guidelines do not substitute SSMG-2016, but these guidelines supplement the existing guidelines. Therefore, they are being read and implemented in sync with each other. The EMGSM-2020 provide that in case any ambiguity or variation between the provision of both these document, the provisions made in the 2020 Guidelines will prevail. The EMGSM-2020 contains the guidelines for preparation of the District Survey Report. It in clear terms



provides that the District Survey Report for sand mining will be prepared before auction/e-auction/grant of the mining lease/Letter of Intent (LoI) by Mining department or department dealing the mining activity in respective States. It gives detailed guidelines for preparation of the DSR. The EMGSM-2020 contains the provision relating to the replenishment study, which are extracted as under:

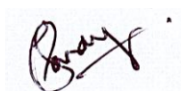
“5.0 REPLENISHMENT STUDY

The need for replenishment study for river bed sand is required in order to nullify the adverse impacts arising due to excessing sand extraction. Mining within or near riverbed has a direct impact on the stream's physical characteristics, such as channel geometry, bed elevation, substratum composition and stability, in-stream roughness of the bed, flow velocity, discharge capacity, sediment transport capacity, turbidity, temperature etc. Alteration or modification of the above attributes may cause an impact on the ecological equilibrium of the riverine regime, disturbance in channel configuration and flow-paths. This may also cause an adverse impact on instream biota and riparian habitats. It is assumed that the riparian habitat disturbance is minimum if the replenishment is equal to excavation for a given stretch. Therefore, to minimize the adverse impact arising out of sand mining in a given river stretch, it is imperative to have a study of replenishment of material during the defined period.

5.1 Generic Structure of Replenishment Study

Initially replenishment study requires four surveys. The first survey needs to be carried out in the month of April for recording the level of mining lease before the monsoon. The second survey is at the time of closing of mines for monsoon season. This survey will provide the quantity of the material excavated before the offset of monsoon. The third survey needs to be carried out after the monsoon to know the quantum of material deposited/replenished in the mining lease. The fourth survey at the end of March to know the quantity of material excavated during the financial year. For the subsequent years, there will be a requirement of only three surveys. The results of year-wise surveys help the state government to establish the replenishment rate of the river. Based on the replenishment rate future auction may be planned.

The replenishment period may vary on nature of the channel and season of deposition arising due to variation in the flow. Such period and season may vary on the geographical and precipitation characteristic of the region and requires to be defined by the local agencies preferable with the help of the Central Water Commission and Indian Meteorological Department. The excavation will, therefore, be limited to estimated replenishment estimated with consideration of other regulatory provisions.”

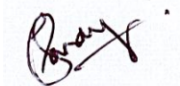


21. It also provides for methodology for replenishment study in detail, including physical survey of the field by the conventional method, use of UAV/Drone and other image data processing techniques, accuracy assessment of Aerial Data and the details which the replenishment study should have. It also provides the enforcement mechanism.

Standard Operating Procedure issued by SEAC, SEIAA and DGM, UP

22. In the present case, for their own convenience, the Joint Committee of SEAC, SEIAA and DGM, UP had issued the Standard Operating Procedure (SOP) for preparation/modification of DSRs for sand mining or RBM by District Level Sub-Divisional Committee and its appraisal/approval by SEAC/SEIAA, UP. The said SOP provides the following procedure for preparation of DSR by respective districts of Uttar Pradesh:

<i>“Procedure for Preparation of DSR by respective District of Uttar Pradesh</i>		
<i>SL. No / Step</i>	<i>Details</i>	<i>Action Required</i>
1	<i>Formation of Sub-Divisional Committee (SDC) in the district by District Magistrate comprising Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee. Forest Department, Geological or Mining Officer. Reference-Para 14(i) of the Hon'ble Supreme Court Judgement delivered in Civil Appeal-3661-3662 of 2020 in the matter of State of Bihar and Others Vs. Pawan Kumar and Others Etc.</i>	<i>D.M. shall issue an Memorandum Office regarding nomination and formation of Sub-Divisional committee in the district.</i>
2	<i>Preparation of DSR - DSR which is a technical document shall be prepared in line with the MoEF&CC Notification, dated 15/01/20216. dated 25-July-2018 and ESMMG 2020. The contents of DRAFT DSR shall be as under:-</i> Contents of Report:- <i>1. Introduction</i> <i>2. Overview of Mining Activity in the District (brief history of old working, pre-existing and proposed mining activities).</i> <i>3. List of Mining Leases in the District with location, area and period of validity.</i> <i>4. Details of Royalty or Revenue received in last three years.</i> <i>5. Detail of Production of Sand/Morrum/RBM or other minor mineral in last three years.</i> <i>6. Process of deposition of sediments in the Rivers of the District (River Geometry).</i> <i>7. General Profile of the District.</i>	<i>The sub-divisional committee (SDC) will prepare the draft DSR. If required the SDC may take help/assistance of QCI/NABET Consultants, DGM Approved Exploration Agencies as per Government Order ref. no 1659/86-2023 dated 17-May-2023 issued by Secretary Geology & Mining.</i> <i>Additionally, the SDC may also take help/assistance of renowned academic institutions/</i>



8. Land utilization Pattern in the district: Forest. Agriculture, Horticulture, Mining etc. 9. Physiography of the District. 10. Rainfall: month-wise. 11. Geology and Mineral Wealth. 12. The report shall also contain:- - District wise detail of river or stream and other sand source; - District wise availability of sand or gravel or aggregate resources; - District wise detail of existing mining leases of sand and aggregates. 13. Drainage system with description of main rivers - Name of the river. - Area drained (sq. km) - Percentage area drained in the District. 14. Salient Features of Important Rivers and Streams:- - Name of the river or stream. - Total length in the district. (in Km.) - Place of origin. - Altitude at origin. - Portion of the river or stream recommended for mineral concession. - Length of area recommended for mineral concession. (in Kms) - Average width of area recommended for mineral concession (in meters) - Area recommended for mineral concession (in square meter) - Mineable mineral potential (in metric tonne) (60% of total mineral potential) 15. Mineral Potential:- - Boulder (MT) - Bajari (MT) - Sand (MT) - Total Mineable Mineral Potential (MT) 16. Annual Deposition:- - River or Stream. - Portion of the river or stream recommended for mineral concession. - Length of area recommended for mineral concession.(in Kms) - Average width of area recommended for mineral concession (in meters) - Area recommended for mineral concession (in square meter) - Mineable mineral potential (in metric tonne) (60% of total mineral potential) - Total for the District - After this Annexure-I to Annexure-IV shall also be prepared as per the format provided in Enforcement & Monitoring Guidelines for Sand Mining-2020, which will be enclosed as annexure to the Draft DSR (Reference-Page-64 to 67 of EMGSM-2020).	Universities having domain expertise in Environment/ Geology and Mining. - It will be the responsibility of SDC/hired agency to collect primary and secondary data, DSR drafting with Annexure-1 to Annexure-VII and conduct presentation before SEAC/ SEIAA and DGM. - Whenever a new lease is identified for adding in the DSR, the SDC/hired agency will follow the entire procedure every time on the basis of existing DSR. The validity of amended or modified DSR will be upto the validity of the original DSR. - The SDC/hired agency will update the data in the revised DSR with reference to the primary DSR. Special focus on collection of latest data will be done w.r.t. land use pattern, rainfall, IMD data, river geometry, updated geology (if any), water table, population data etc. as such parameters generally change in every 5 years. - The source of secondary data used in DSR should have proper citation reference and in case primary data has been collected, then the name and details of experts involved in collection and synthesis and interpretation of data will be mentioned in the DSR. - It should be specifically ensured that DSR is the district specific environmental document in which all the environmental and safety parameters as
--	---

	- Lease wise NOC will be taken from Irrigation and Forest Department and Deposit Verification/Estimation reports shall also be prepared by SDC. - The proposed lease should clearly identify and mark the mineable deposit on satellite image/drone image. - The mineable resource is to be calculated based on field investigation, geology of the catchment area, site conditions locations, depth of mineral availability and other geomorphic features. The mineable resource should be 50 to 60% of the total resource available.	per the guidelines and notifications should be covered and reflected in the DSR document. For this a district specific mineral resource map shall be prepared in which the drainage patterns of rivers along with explored mineral resources shall be reflected.
3	Once the Draft DSR and Annexure 1 to IV is prepared, then all the SDC members evaluate and approve it, which will be uploaded in the District Website for 30 days for public comments/objections as well as DM/ADM/MO office. For this the notification should be issued by District Authority about draft DSR for suggestions/comments /objections from public in minimum two newspapers having wide circulation. Date of uploading and last date of receiving suggestions/comments/objections should be clearly mentioned in the notification. (Reference - EMGSM-2020, Para 4.1.1 (clause-O & P: Page-19)	For this a letter to the District Information Office will be issued for uploading the draft DSR in District Website for 30 days.
4	The Draft DSR shall be withdrawn from District Website after 30 days and SDC Members shall conduct a joint meeting to mitigate/resolve the public comments/objections received, if any. (Reference - EMGSM-2020, Para 4.1.1 (clause - p: Page-19) In case no objection/comments are received then Mining Officer will issue a Certificate that no comments/objections have been received in the period of uploading.	For this a joint meeting of SDC Members is required for final draft DSR examination / evaluation.
5	Thereafter, the draft DSR shall be finalized including Annexure-1 to Annexure-VII which will be signed by all SDC Members and then forwarded to D.M. for perusal and approval.	For this a recommendation of SDC Members is required who will finalize the draft DSR and forward it to the D.M.
6	- The DM shall forward the proposed DSR to SEAC for examination and approval. - The Member Secretary/Nodal Officer will forward it to DGM, U.P. for comments and suggestions. The SEAC will evaluate after getting the comments and suggestions of DGM. U.P. - The SEAC may invite a representative of DGM, U.P. to assist SEAC in appraisal of the draft DSR. - The SEAC will evaluate and recommend for approval of the draft DSR on the basis of SDC recommendations as well as DGM, U.P. comments/suggestions.	- The DM of respective district shall send the draft DSR, along with following documents Following shall be the Annexures of the DM letter:- 1. Primary DSR which requires addition/modification. 2. Draft Modified/ Revised DSR Document. 3. Annexure-1 to VII. 4. Lease wise NOC from Irrigation and Forest Department.

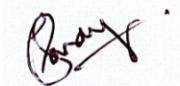
	• The SEIAA may approve the draft DSR on the basis of recommendations of SEAC. Reference (Para 141 & ii) of the Hon'ble Supreme Court Judgement delivered in Civil Appeal-3661-3662 of 2020 in the matter of State of Bihar and Others Vs. Pawan Kumar and Others Etc.)	5. Revenue report and resource evaluation/ reserve estimation. 6. Notification regarding the constitution of the SDC. 7. Minutes of the SDC about draft DSR 8. Office order for uploading the draft DSR in the district website for a period of 30 days along with newspaper notification. 9. Minutes of the SDC recommending draft DSR.
7	• The SEAC shall examine the draft DSR within a period of 6 weeks and its report shall be forwarded to SEIAA. • The SEIAA on receipt of SEAC recommendation report shall consider the grant of approval of DSR within a period of 6 weeks. Reference (Para 14(1 & ii) of the Hon'ble Supreme Court Judgement delivered in Civil Appeal-3661-3662 of 2020 in the matter of State of Bihar and Others Vs. Pawan Kumar and Others etc.)	The DSR being a public document after approval shall be signed with seal (in each page of DSR) by the competent authority of SEIAA and will be uploaded in the respective district portal within a week.

Relevant Judicial Pronouncements

23. The Hon’ble Supreme Court in the matter of **State of Bihar & Ors. vs. Pawan Kumar & Ors.**, reported in **(2022) 2 SCC 348** has considered the issue of preparation of DSR through private consultants and has also taken note of the 2016 amendment in the EIA Notification and EMGSM-2020. The Hon’ble Supreme Court has emphasized the need for formation of the Sub-Divisional Committee for preparing the DSR and has expressed that when the EMGSM-2020, SSMG-2016 and amendment to EIA notification provide for constitution of Sub-Divisional Committee of the officials of the State, there is no necessity of preparing the DSR through private consultants. The Hon’ble Supreme Court in this regard has held that:

“xxxxxx.....xxx

12. It could thus be seen that in accordance with the 2020 Guidelines, the DSR is required to be prepared before the auction/e-auction/grant of mining lease by Mining Department or Department dealing with mining activity in the respective States. It is further provided that the potential site for mining having its impact on the forest, protected area, habitation and bridges



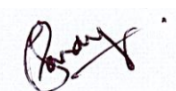
should be avoided. For this, a Sub-Divisional Committee is required to be formed which, after the site visit, is required to decide regarding the suitability of the sites for mining. The Sub-Divisional Committee is further required to record its reasons for selecting the mining lease in the patta land. Various details are required to be given in the annexures appended to the said policy.

13. It is further to be noted that Appendix X of the Notification dated 15-1-2016, issued by MoEF and CC also provides for composition of the Sub-Divisional Committee:

"A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geology or Mining Officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof."

14. It is to be noted that with the advent of modern technology, various technological gadgets like drones and satellite imaging, etc. can be used for identification of the potential sites and preparation of the DSR and also to check misuse and unauthorised mining.
15. We further find that when the 2020 Guidelines as well as the notification issued by MoEF and CC of 2016 itself provide for constitution of Sub-Divisional Committees comprising of the officers of the State Government from various Departments for identification of the potential sites for mining. there would be no necessity of the DSRs being prepared through private consultants as directed by the Tribunal in the impugned order. The Sub-Divisional Committee consists of various officers from Revenue Department, Irrigation Department, State Pollution Control Board, Forest Department and Geology and Mining Department of the State Government. They are better equipped to visit the sites and prepare the draft DSR for the district concerned. Apart from that, preparation of DSR through private consultants would also unnecessarily burden the public exchequer. We are therefore of the view that the direction in that regard issued by the Tribunal requires to be modified. We are further of the considered view that until the DSRs are finalised and granted approval by SEAC and SEIAA, it is appropriate that certain necessary arrangements are permitted so that the State can continue with legal mining activities. This apart from preventing illegal mining activities, would also ensure that the public exchequer is not deprived of its share in legalised mining.
16. We therefore find it appropriate to substitute the directions issued by the Tribunal vide judgment and order dated 14-10-2020¹, with the following directions:

- 16.1. The exercise of preparation of DSR for the purpose of mining in the State of Bihar in all the districts shall be undertaken afresh. The draft DSRs shall be prepared by the Sub-Divisional Committees consisting of the Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geological or Mining Officer. The same shall be prepared by undertaking site visits and also by using modern technology. The said draft DSRs shall be prepared within



a period of 6 weeks from the date of this order. After the draft DSRs are prepared, the District Magistrate of the district concerned shall forward the same for examination and evaluation by SEAC. The same shall be examined by SEAC within a period of 6 weeks and its report shall be forwarded to SEIAA within the aforesaid period of 6 weeks from the receipt of it. SEIAA will thereafter consider the grant of approval to such DSRs within a period of 6 weeks from the receipt thereon.

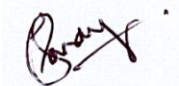
- 16.2. Needless to state that while preparing DSRs and the appraisal thereof by SEAC and SEIAA, it should be ensured that a strict adherence to the procedure and parameters laid down in the policy of January 2020 should be followed.
- 16.3. Until further orders, we permit the State Government to carry on mining activities through Bihar State Mining Corporation for which it may employ the services of the contractors. However, while doing so, the State Government shall ensure that all environmental concerns are taken care of and no damage is caused to the environment.”

24. In the matter of **Union Territory of Jammu & Kashmir & Anr. vs. Raja Muzaffar Bhat & Ors.**, reported in **2025 SCC OnLine SC 1789**, the Hon’ble Supreme Court has considered the need for replenishment study and had held that:

“xxxxxx.....xxx
3. It is, therefore, compelling to hold that a DSR is valid and tenable only when a proper replenishment study is conducted.”

25. The Hon’ble Supreme Court in this case has considered in detail its 2016 amendment, SSMG-2016, EMGSM-2020 and while expressing the need for replenishment study for a valid DSR has held that:

“xxxxxx.....xxx
26. As per the 2016 Guidelines, the preparation of DSR is essential for (i) identification of areas of aggradation/deposition where mining can be allowed, (ii) calculation of annual rate of replenishment, (iii) identifying ways of scientific and systematic mining, (iv) implementing safeguards in place to ensure the mining carried out is sustainable. The scope of the DSR should include detailed information for each district, covering rivers, streams, and other sand sources, along with the availability of sand, gravel, and aggregate resources. It must also provide data on existing mining leases for these materials. Additionally, the classification of mining areas should distinguish between sections of rivers, streams, and other sources that are suitable for sand and aggregate extraction and those where such activities are strictly prohibited. It is further provided that such survey document shall be prepared in the district based on direct



and indirect benefits of mining and identification of the potential threats to the river/ stream beds in the district.

26. In the above order, Hon'ble Supreme Court expressing the need for replenishment study before grant of environmental clearance had also observed that:

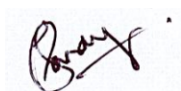
"xxxxxx.....xxx"

30. *Over the past two decades, environmental statutory and regulatory law in India has undergone significant evolution, particularly in response to the challenges posed by unregulated and unsustainable sand mining. Recognizing the adverse ecological impacts of such activities, successive legal and policy frameworks have progressively tightened the requirements for environmental compliance. In order to appreciate the present controversy, it was necessary to retrace the legal trajectory. Recently, this Court has discussed, in detail, the legal regime surrounding the preparation, nature, scope and importance of DSR in Gaurav Kumar (supra). However, the focal point for present discussion is the value that must be appended to replenishment study before EC is granted to mining operations.*

31. *Demand for construction-grade sand is growing at a tremendous rate and it is said that the world is expected to run out of this resource by 2050. Construction-grade sand, can be found in aquatic environments, such as rivers and is a provisioning ecosystem service. Even under controlled circumstances, the practice of extracting sand from the riverbed and banks impacts the environment. In the physical environment, the primary effects are riverbed widening and lowering. In the biological environment, the overarching effect is a reduced biodiversity and stretches from the aquatic and shoreline flora and fauna to the whole floodplain area. Due to easy access, river sand and gravel have been used extensively in construction projects. Depending on the mining operation method as well as morphologic and hydraulic characteristics of the river, sand mining may cause bed and bank erosion or other negative consequences for the river ecosystem. It is, therefore, necessary to conduct appropriate studies, including that of replenishment to explore sustainable and cost-effective methods for river mining.*

32. *Without a proper study of the existing position of the riverbed and its sustainability for further sand mining, grant of environmental clearances would be detrimental for the ecology. It has therefore been held that a detailed study leading to a preparation of the replenishment report is an integral part of the DSR. If the DSR becomes the foundation for consideration of an application for environmental clearance, then it is compelling to ensure replenishment studies are undertaken in advance and the report forms an integral part of the DSR.*

33. *In view of the existing legal regime that mandates preparation of replenishment report in a scientific manner and such a report forming an integral part of the District Survey Report, we hold that a District Survey Report without a proper replenishment study is equally untenable."*

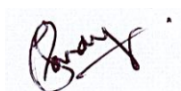


27. The Hon'ble Supreme Court in the matter of **State of Uttar Pradesh vs. Gaurav Kumar**, reported in **2025 SCC Online SC 1069** has declared that valid and subsisting DSR is mandatory for grant of environmental clearance for sand mining by observing as under:

“20. Conclusion: Having considered the regulatory regime introduced from time to time, increasing the width as well as the depth of scrutiny before granting an environmental clearance for sand mining, we are of the opinion that there is a mandatory requirement of preparation of a DSR. The DSR shall form the basis for application of environmental clearance. It shall also be the basis for preparation of reports and also appraisal of the projects. Another important facet of DSR is that it shall be prepared for all the districts and the draft is to be placed in the public domain. There is a requirement for keeping a copy of DSR in Collectorate. It must also be posted on the district's website for 21 days. After comments are received, they shall be considered and if found correct, they will be incorporated in the final report. The final DSR will then be finalized within 6 months by the DEIAA. The lifetime of the report is five years. After five years the existing DSR will not be tenable and a new DSR will have to be prepared and finalized. The purpose and object of prescribing a lifetime of five years for subsistence of a DSR is for the reason that the position of ecology and the environment is rapidly changing and the position that exists five years back, may not subsist for later days. It is true that it might have changed even before the expiry of five years but a reasonable estimate, to work as a benchmark is a policy consideration. May be a precautionary principle, it is not only legal and valid but is also mandatory. It must be enforced strictly and with all vigor.

21. We conclude by holding that:

- (i). A District Survey Report is a document of seminal importance as it enables informed decision making.
- (ii). Preparation of a DSR as per the procedure prescribed for its preparation under Appendix X, read with para 7(iii)(a), is required to be followed meticulously.
- (iii). A valid and a subsisting DSR alone can be the basis for an application for grant of EC. A draft DSR is untenable for grant of an EC.
- (iv). Preparation of reports and appraisal of projects by DEIAA and DEAC shall be on the basis of a valid and a subsisting DSR.
- (v). DEIAA and DEAC are recognized as the authorities fastened with the statutory duty of preparing the DSR every five years and this duty compels them to have a comprehensive and a real time perspective of the environment position of the district including its eco-sensitivity and other fragilities.”



28. Thus, it is settled that preparation of DSR is essential and mandatory for granting lease for sand mining in a district and for preparation of the DSR, replenishment study is essential.

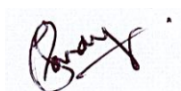
Submissions and Findings

29. A preliminary objection has been raised by Counsel for the Respondent – State relates to the locus of the Applicant. The Applicant in OA No. 09/2025 has disclosed that he is the resident of Hamirpur. In OA No. 100/2025, the Applicant is resident of Indira Nagar, Lucknow. He is stated to be an advocate by profession with special interest and expertise in environmental law and policy. The Applicant is challenging District Survey Report of Hamirpur and if the said district survey report for sand mining is not prepared as per the applicable rules, regulations, guidelines and norms then the residents of the district are likely to be affected. That apart, the Tribunal in OA No. 532/2023 in the matter of *Balbir Sandhu vs. Union of India & Ors.* dated 22.04.2025 while considering the similar objection relating to the locus while questioning the mining plan of a different district has held that:

“36. Admittedly, the applicant is not a resident of District Ambala and not being a person residing in the vicinity of the mining lease sites cannot be said to be personally affected in any manner by the approval of the mining plans of respondent no. 8-M/s. R M Mines and Infra Pvt. Ltd., respondent no. 9- M/s SCP Commodities and respondent no. 10-M/s. Reliable Mining Corporation by respondents no. 5.

37. However, this Tribunal cannot lose sight of the fact that right to life includes within its sweep right to clean and healthy environment which cannot be denied and has to be protected and implemented in the fullest measure by the State and all the instrumentalities of the State and also by the Project Proponents. The Applicant has raised substantial questions relating to environment while pleading serious violations of the MOEF&CC Notifications dated 15.01.2016 and 25.07.2018 and SSMG-2016 and EMSMG-2020 in Public Interest. In view of settled law governing Public Interest Litigation and enforcement of fundamental rights, the applicant must be held to have locus standi.

38. Even otherwise, it is now well settled that this Tribunal can take cognizance of questions relating to environment arising out of implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010 suo motu as held by Hon'ble



*Supreme Court in **Municipal Corporation of Greater Mumbai v. Ankita Sinha (2021) SCC Online SC 897: Law Finder Doc Id # 1890858: 2021 AIR (Supreme Court) 5147** and can adjudicate upon the questions involved in the present case.*

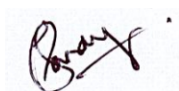
39. Consequently, the present original application is not liable to be dismissed on the ground of the applicant not having locus standi to file the present original application and the present original application being not maintainable.”

30. Similar view has been taken by the Tribunal in the order dated 08.10.2025 passed in OA No. 820/2022 in the matter of *Naveen Kumar vs. Union of India*, while considering the objection of malafide and ulterior motive in filing the OA. The considering the issue which is involved in the OA, we are of the view that it would not be proper to dismiss the OA on the ground of locus.

31. On merit the main argument advanced by Counsel for the Applicants is that the DSR was not prepared on the basis of the replenishment study and that the replenishment study was done subsequently and it was not placed before the SEAC/SEIAA while approving the DSR.

32. The Hon’ble Supreme Court in the matter of ***Union Territory of Jammu & Kashmir & Anr. vs. Raja Muzaffar Bhat & Ors.*** has already settled that a detailed study leading to preparation of the replenishment report is an integral part of the DSR and it is compelling to ensure that the replenishment studies are undertaken in advance and the report forms an integral part of the DSR. It has also been settled that the DSR without a proper replenishment study is untenable.

33. The replenishment study report of RBM of mining areas of District Hamirpur, UP (pre-monsoon and post monsoon survey) 2023 has been placed on record alongwith the reply affidavit of Member Secretary, SEIAA and SEAC, UP dated 24.03.2025. It is a detailed report running in 89 pages. It has been signed by the members of the Committee involved in preparation of the replenishment study report, but this report does not



contain any date. The communication of District Magistrate, Hamirpur states that replenishment study report was prepared on 03.11.2023.

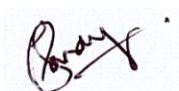
34. The District Survey Report, District Hamirpur 2024 Annexure A1/8 has been placed on record duly signed by the members of the Committee involved in the preparation of the DSR. This DSR was signed by the members of the Committee on 25.08.2024. In this DSR there is no mention of replenishment study report.

35. The joint meeting of SEAC-1 and SEAC-2, U.P. was held on 10.10.2024 (page 257) wherein the agenda item no. 6 was "Evaluation/Appraisal of District Survey Report of District Hamirpur". This Joint Committee had recommended approval of the DSR with the following observations:

"The joint committee has gone through the reply of queries submitted by the DGM and found the reply seems to be satisfactory. The joint committee also noted that the points raised in complaint letter review by the Mining Department and found that the issues mentioned in point no.1, it is informed that due to typographical error in page no. 12 area mentioned as (Existing-1095.528 ha, Proposed-1399.604 ha) instead of (Existing-2331.632 ha, Proposed-163.5 ha) which was rectified and mentioned in final DSR. All the other points mentioned in compliant letter are irrelevant.

In view of above, the joint committee after detailed deliberation recommended to approve the District Survey Report (DSR) of District-Hamirpur along with following conditions:

- 1. The District Survey Report (DSR) shall be updated once in five years as mentioned in MoEF&CC, Govt. of India Notification No. S.O. 141(E), dated 15/01/2016, as per laid down procedure, under intimation to SEIAA.*
- 2. It was informed that there are 119 mining lease areas are proposed in the final DSR.*
- 3. If any new lease is identified, Sub-Divisional Committee will follow the entire procedure every time on the basis of existing DSR.*
- 4. After approval of DSR from SEIAA, the District Administration shall upload the DSR in public domain along with Lease Wise Digital Maps showing the status of deposits and pillar wise coordinates of existing and proposed areas.*
- 5. The District Administration shall utilize the District Mineral Foundation Funds as per notification no. 866/86-2017-*



132/2016 dated 15/05/2017 issued by Department of Geology and Mining, Government of U.P. or any modification in it by competent authority.

6. *DMF fund should also be utilized for the environmental protection, development and maintenance of haulage road.*
7. *The lease shall periodically conduct audits of operative mine leases and take corrective measures as per the directions of District Administration in case of adverse observations and, a yearly report on this shall be sent to SEIAA as compliance."*

36. So far as the consideration of the DSR by SEAC is concerned, the supplementary affidavit of District Magistrate, Hamirpur dated 07.04.2026 in OA No. 100/2025 discloses as under:

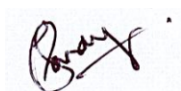
"6. That in the meeting of the State Expert Appraisal Committee (SEAC) held on 10.10.2024, the proposed District Survey Report (DSR) pertaining to District Hamirpur was duly considered and, upon completion of requisite investigations and thorough scrutiny of all relevant records and documents, was recommended for approval in accordance with the applicable statutory framework and governing guidelines."

37. The SEIAA, UP in its 849th meeting held on 25.10.2024 had considered the district survey report of District Hamirpur and had agreed with the recommendation of the SEAC. The DSR was approved with the condition that the replenishment study report should be uploaded on the website of District Mining Department of UP and submitted to SEIAA, UP alongwith the methodology adopted for study and details like geo-coordinates etc. of study points. The SEIAA had also directed for mentioning of geo-coordinates of each lease in the DSR and its submission to SEIAA online. The relevant extract of the meeting of SEIAA approving the DSR of District Hamirpur are as under:

"District Survey Report of Hamirpur.

SEIAA agreed with the recommendation of SEAC to approve the District Survey Report (DSR) of District- Hamirpur along with following conditions:-

1. ***Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points.***

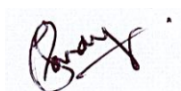


2. *The District shall prepare a schedule for conducting replenishment study annually. This study should be done by a reputed Central or State Govt. institute and should be uploaded on the websites of district, Geology and Mining Department and submitted to SEIAA on its website. Quantity mined and auctioned shall be strictly based on replenishment study. District administration as well as Mining Department will follow all norms and procedure to ensure no illegal mining takes place.*
3. *Mining Department shall be responsible for demarcating the leases where-ever needed after the monsoon.*
4. *Details of social and environmental preservation work done like name of the villages, health care facility, School etc. under DMF should be uploaded on district website and submitted to SEIAA.*
5. ***Geo-coordinates of each lease should be mentioned in the DSR and submitted to SEIAA online.***
6. *Clusters should be clearly marked on district map and submitted to SEIAA within a months.”*

38. From the above minutes, it is clear that the replenishment study report was not placed before SEIAA, UP at the stage of approval of the DSR.

39. The joint meeting of SEIAA and SEAC-1 and 2, U.P. was held on 06.03.2025 wherein all the previously approved DSRs were kept in abeyance for not submitting the replenishment studies to SEIAA inspite of asking consistently. The relevant extract of the minutes of the joint meeting dated 06.03.2025 are as under:

“6. While appraising the DSRS, SELAA/SEAC considered the information, assurances and commitments provided by the Directorate of Mines and Geology and respective District Administrations. SEIAA/SEAC consistently asked Directorate of Mines and Geology to upload the replenishment studies on the district websites, web portal of mining department and also to submit it to SEIAA. SEIAA/SEAC, while considering the approval of DSRs, acted in good faith, balancing the interests of sustainable development, environmental protection, and local livelihoods. It is pertinent to mention here that the Directorate of Mines and Geology is an important government department, and is the technical authority for all issues related to mining of minor minerals in the state. SEIAA had no reason to doubt the veracity of the information provided by the Directorate of Mines and Geology or doubt the commitment repeatedly given by the mining department regarding the replenishment studies. At the same time constantly asking mining department to submit the replenishment studies to SEIAA and mining department continuously committed to provide the studies but never provided these studies.



SDC Replacement Study Report -03.11.2023
SDC Replacement Study Report -03.11.2023
SDC Replacement Study Report -03.11.2023
SDC Replacement Study Report -03.11.2023

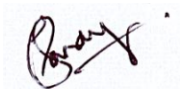
41. The above communication makes it clear that the replenishment study report was prepared on 03.11.2023 and was submitted to the SEIAA for the first time on 11.03.2025, whereas the SEIAA, UP had approved the DSR for District Hamirpur much earlier on 25.10.2024. Thus, it is apparent that when SEAC and SEIAA had approved the DSR for District Hamirpur the replenishment study report was not submitted to them.

42. Subsequently, the joint meeting of SEIAA and SEAC-1 and 2, Uttar Pradesh was held on 27.03.2025 wherein the earlier decision in the meeting dated 06.03.2025 was reconsidered and it was noted that some districts had subsequently submitted the study to SEIAA as well as uploaded it in the district's website, therefore, it was decided that the process for grant of environmental clearance will be resumed for the respective districts who upload the studies on the website and submit to SEIAA. The relevant extracts of joint meeting dated 27.03.2025 are as follows:

“Joint Meeting Minutes of State Level Environment Impact Assessment Authority, U.P. & State Level Expert Appraisal Committee-1&2, U.P. held on 27/03/2025

The joint meeting of the State Level Environment Impact Assessment Authority, U.P. & State Level Expert Appraisal Committee-1 & 2, U.P. was held in Directorate of Environment, U.P. through hybrid mode (physical and virtual) on 27/03/2025. The following were present in the meeting: -

- 1. Mrs. Mamta Sanjeev Dubey, Chairman, SEIAA
- 2. Shri Rajive Kumar, Chairman, SEAC-1
- 3. Dr. Harikesh Bahadur Singh, Chairman, SEAC-2
- 4. Shri Sushant Sharma, IFS Member Secretary, SEAC (1 & 2)
- 5. Shri Ajay Kumar Sharma, Member Secretary, SEIAA
- 6. Shri Paras Nath, Member, SEIAA
- 7. Shri Om Prakash Srivastava, Member, SEAC-1
- 8. Dr. Brij Bihari Awasthi, Member, SEAC-1
- 9. Dr. Ratan Kar, Member, SEAC-1
- 10. Shri Umesh Chand Sharma, Member, SEAC-1
- 11. Dr. Ajai Mishra, Member, SEAC-1
- 12. Shri Tanzar Ullah Khan, Member, SEAC-2
- 13. Dr. Dineshwar Prasad Singh, Member, SEAC-2
- 14. Prof. Jaswant Singh, Member, SEAC-2



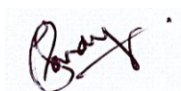
15. Dr. Shiv Om Singh, Member, SEAC-2
16. Dr. Amrit Lal Haldhar, Member, SEAC-2

A joint meeting of the State Environment Impact Assessment Authority (SEIAA) and the State Expert Appraisal Committee (SEAC) 1 & 2 was convened on 06.03.2025. SEIAA/SEAC noted that while approving the DSR the condition "Replenishment study on the basis of which the mineral availability is assessed should be uploaded on websites of District and Mining Department Uttar Pradesh and submitted to SEIAA along with methodology adopted for study and details like geo-coordinates etc. of study points." was imposed. Since this condition was not complied with by any District so SEIAA/SEAC had taken the decision on 06.03.2025 to keep the DSR and process of appraisal and grant of EC on hold. A meeting was called on 27.03.2025 to discuss the situation and take the final call as some Districts have submitted the study to SEIAA as well as uploaded this study on the District website. The SEIAA/SEAC in joint meeting decided that as more Districts upload their studies on District website and submit to SEIAA the process for appraisal/grant of EC will be resumed for respective District.

The members were however of the view that the District Magistrate will furnish a certificate that the study (dated.....) for mineral calculation on which DSR is based has been uploaded on District website and shall remain in the public domain during currency of this DSR."

43. The above minutes of meeting reflect that on submission/uploading of study report the process of appraisal/grant of EC is permitted to be resumed for respective district. The above minutes of meeting though indicate that the replenishment study of District Hamirpur was subsequently placed before the SEIAA, but it is not reflected that the SEIAA, UP has re-appraised the impugned DSR of District Hamirpur on receipt of the replenishments study.

44. In this regard, the justification of the State of UP is that the replenishment study report was prepared much prior to the preparation of the DSR and all the data and details from the replenishment study report were incorporated while preparing the DSR 2024 of District Hamirpur and the SEAC and SEIAA had duly considered the said data of replenishment study which was incorporated in the DSR. The stand of District Magistrate, Hamirpur in the supplementary reply affidavit dated 07.04.2026 filed in OA No. 100/2025 is as follows:



- “17. That it is further submitted that the Replenishment Study Report-2023 has been prepared in due compliance with the guidelines stipulated under the Sustainable Sand Mining Guidelines, 2016 (SSMG-2016) and the Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM-2020), on the basis of empirical data collected during the said surveys.
18. That on the strength of the aforesaid Replenishment Study Report-2023, and after due examination and scrutiny by a duly constituted committee at the Government level, the District Survey Report (DSR)-2024 was prepared. It is pertinent to submit that the said committee comprised domain experts from the Department of Geology and Mining, Revenue Department, Irrigation Department, Forest Department, and Environment Department. Upon such scrutiny, the SEAC, in its meeting dated 10.10.2024, took a considered decision to approve the DSR-2024 in accordance with the applicable rules and guidelines.
19. That merely because the Replenishment Study Report-2023 was not specifically called for or requisitioned at a particular stage does not, in any manner, imply or suggest that the DSR-2024 was prepared in the absence thereof. On the contrary, the Sub-Divisional Committee (DSC) undertook field inspections of all the mining areas and, after duly collecting and analyzing the data emanating from the Replenishment Study Report-2023, prepared the DSR-2024 in strict adherence to the prescribed Standard Operating Procedure (SOP).
20. That it is further submitted that the duly approved DSR-2024 was uploaded on the official NIC portal of District Hamirpur on 12.12.2024 and has been placed in the public domain for a period of five years. Similarly, the Replenishment Study Report-2023 was also uploaded on the said portal on 11.03.2025, thereby ensuring transparency and public accessibility.”
45. The Member Secretary, SEIAA, UP in his affidavit dated 24.03.2025 filed in OA No. 09/2025 had stated as under:

- “11. That in respect of District Hamirpur, the DSR was placed before the Joint Meeting of SEAC-1 & SEAC-2 on 10.10.2024, and after detailed deliberations, the Joint Committee recommended its approval. A copy of the concerned Minutes of Meeting dated 10.10.2024 is being filed herewith and marked as Annexure No. 04.
12. That subsequently, the SEIAA, in its 849th Meeting dated 25.10.2024, examined the recommendations of SEAC and ratified the DSR for District Hamirpur. The Member Secretary, SEIAA, Uttar Pradesh, communicated this approval to the Director, Directorate of Geology & Mining, U.P., vide Letter No. 733/Parya./Samanya/2023 dated 08.11.2024. A copy of the letter dated 08.11.2024 is being filed herewith and marked as Annexure No. 05.”

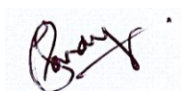
46. Thus, it is clear that though the SEIAA has considered some of the contents of the replenishment study which were incorporated in the DSR while approving the DSR for District Hamirpur but no replenishment study was placed before SEIAA. SEIAA, UP did not have the advantage of going through the entire replenishment study report of the District Hamirpur.

47. Since the replenishment study forms the basis of a valid DSR, therefore, it is necessary for SEAC and SEIAA to cross check and appraise the disclosure made in the DSR in the light of the details contained in the replenishment study.

48. In this regard the stand of Counsel for the State and SEIAA, UP is that the EIA Notification and Sustainable Sand Mining Guidelines of 2016 and 2020 as also SOP do not provide for placing the replenishment study before the SEIAA and even otherwise the judgment of the Hon'ble Supreme Court in the matter of ***Union Territory of Jammu & Kashmir (supra)*** is dated 22.08.2025, whereas the DSR for District Hamirpur was already approved by SEIAA on 25.10.2024.

49. Once it is settled that proper replenishment study is pre-requisite for a valid and tenable DSR and that a detailed study leading to preparation of the replenishment report is an integral part of the DSR, it is mandatory to ensure that replenishment study is done in advance and report forms an integral part of the DSR. It is necessary for the purpose of having full transparency to upload the replenishment study while putting the draft DSR in public domain so that full particulars on the basis of which the DSR was prepared are available to the potential objector to raise objection to the draft DSR.

50. The District Survey Report is held to be a document of seminal importance. Therefore, it should be thoroughly examined by the SEAC and

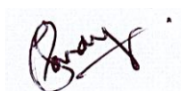


SEIAA after due deliberation and proper application of mind. The DSR cannot be approved by SEAC or SEIAA hurriedly in a mechanical manner.

51. In the present matter, though it has been stated before the Tribunal that the relevant contents of the replenishment study were placed before the SEIAA, but it is apparent that the full replenishment study of District Hamirpur was not placed before SEIAA, UP. Therefore, we are of the view that SEAC and SEIAA, UP should re-appraise the impugned DSR after deliberating upon the replenishment study report. We do not deem it proper to set aside the impugned DSR on the ground of not placing the replenishment study before the SEAC and SEIAA at the time of approval of DSR, as it has been pointed out that the relevant contents of the replenishment study were placed before SEIAA and the judgment of the Hon'ble Supreme Court in the matter of *Raja Muzaffar Bhat* (supra) holding that the replenishment study forms an integral part of the DSR is subsequent to the approval of the impugned DSR by SEAC and SEIAA, UP.

52. The Applicants in these original applications have also raised an objection that the replenishment study report refers to the 'Actual Rainfall of 2024', whereas the report was prepared in 2023. Though in this regard an explanation in respect of inadvertent error of mentioning the years in the report of "Ground Water Level Bulletin, Uttar Pradesh, May 2024" has been furnished in the affidavit of the District Magistrate, Hamirpur dated 25.05.2026 filed in OA No. 100/2025, but at the stage of reappraisal of the DSR this aspect can also be looked into by SEAC and SEIAA, UP.

53. The SEAC and SEIAA, UP while reappraising the DSR will duly examine if mining has been permitted in the impugned DSR from any submerged area of the river and will also ensure that only 60% of the total available quantity/replenished quantity is allowed to be extracted and that the clauses 4.1.1(b), 4.1.1(c) and (g), 4.1.1(e), 4.3(m), 4.1.1(j), 4.6, 4.1.1(k),



4.1.1(n), 4.3(f), 4.3(h) and 4.3(r) of the EMGSM-2020 are duly complied and are not violated.

54. Let the above exercise of re-appraisal of the DSR after duly examining the replenishment study be preferably completed by SEAC and SEIAA, UP within two weeks from the date of receipt of this order. The sustainability of impugned NIT and further action on the basis of the impugned NIT will depend upon the final outcome of the re-appraisal of the DSR of District Hamirpur by SEAC and SEIAA, UP in compliance of the above directions.

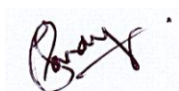
55. We do not find any merit in the argument of the Counsel for the Applicants that since the SSMG-2016 and EMGSM-2020 have not been specifically mentioned in the DSR, therefore, the DSR is bad in law. If the said guidelines are duly complied with, mere non-mentioning of the guidelines in the DSR will not make it defective.

56. The O.A's are accordingly disposed of. All the pending I.A's, if any, also stand disposed of.

Prakash Shrivastava, CP

Dr. Afroz Ahmad, EM

May 27, 2026
OA No. 09/2025 & OA No. 100/2025
dv





Response from Amicus Curiae in O.A. No. 13 of 2025

1 message

Tanay <advtanay0309@gmail.com> Thu, 2 Jul, 2026 at 10:00 am
To: ankit.scngtup@gmail.com, priyanka swami <advpriyankaswami@gmail.com>, gaurav@grvlegal.in
Response Amicus SEIAA Radheyshyam 01 07 2026.pdf

 **Response Amicus SEIAA Radheyshyam 01 07 2026.pdf**
3.1 MB